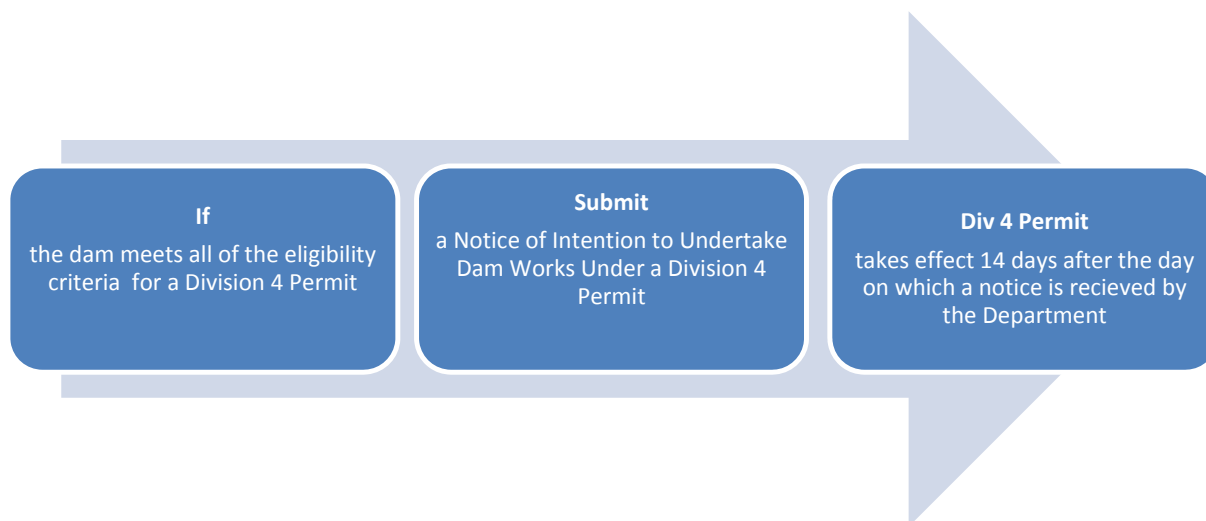


# Guideline: Obtaining a Division 4 Dam Works Permit

## How do I obtain a Division 4 Permit to construct, modify, repair or remove a dam?

Dam works that meet specified criteria<sup>1</sup> may be undertaken without an application.

A person must not undertake dam works under the authority of a Division 4 permit unless the person has first given written notice to the Minister of their intention to commence dam works.



## How do I give notice to the Minister of my intention to undertake dam works under a Division 4 Permit?

A Notice of Intention to Undertake Dam Works under a Division 4 Permit is available at: <http://dipwe.tas.gov.au/water/water-management-forms>

A fee applies. Refer to the guide 'Dam Works Fee Summary'.

## How may I investigate whether my proposed dam works meet the eligibility criteria for a Division 4 Permit?

To investigate whether the proposed dam works meet the matters specified in section 159 of the *Water Management Act 1999*, it will be necessary for you or your consultant to:

- (a) obtain a full copy of title for the land on which dam works/inundation are proposed to determine, for example, the owner of the land, or whether the land is subject to a conservation covenant, or whether the land is subject to an agreement under Part 5 of the *Land Use Planning and Approvals Act 1993*.

---

<sup>1</sup> The **specified eligibility criteria** are described in the guide 'Under What Authority May I Construct, Modify, Repair or Re a Dam' and set out in section 159 of the *Water Management Act 1999*, and the *Water Management (Division 3 Declared Works) Order 2015*.

- (b) consider mapped information available on LISTmap, to determine, for example, if the proposed dam works/inundation would be located on a watercourse<sup>2</sup>, or at the site of a recorded threatened species, or at a site containing saline soils.
- (c) undertake a site survey if necessary to determine whether the dam would meet the eligibility criteria for a Division 4 Permit. For example, to determine whether the dam works would take a threatened species.
- (d) determine whether the dam works/ inundation site is listed on the Tasmanian Heritage Register at <http://www.heritage.tas.gov.au/thr.html>
- (e) undertake a Consequence Category Assessment, in accordance with the requirements of the *Water Management (Safety of Dams) Regulations 2015*, to determine whether the dam works are declared works that require a Division 3 Permit.

***What if I am unsure whether, or know that, the proposed dam works are ineligible for a Division 4 Permit?***

If a person is unsure about their eligibility for a Division 4 permit, or is certain that the proposed dam works are ineligible for a Division 4 permit, they may apply for a Division 3 permit. An application form for a Division 3 permit is available at: <http://dpiwwe.tas.gov.au/water/water-management-forms>

The onus is on the person intending to undertake dam works under a Division 4 permit to ascertain whether the proposed dam meets the criteria for a Division 4 permit.

The Department will undertake an annual audit of dam works undertaken under a Division 4 permit.

***Is land owner consent required to obtain a Division 4 Permit?***

A person submitting a Notice of Intention to Undertake Dam Works under a Division 4 Permit, who is not the owner of the land upon which dam works are to be undertaken and/or which will be inundated at the maximum flood level of the proposed dam, must also submit a landowner consent form. An approved form is available at: <http://dpiwwe.tas.gov.au/water/water-management-forms>

***Who may complete the required Consequence Category Assessment?***

A person who has Class 2 competence under the *Water Management (Safety of Dams) Regulations 2015*.

***Who is the ‘dam owner’ and what are their legal obligations?***

In the case of a dam under construction, the dam owner is –

- the permit holder under which the dam is being constructed; and

---

<sup>2</sup> watercourse means a river, creek or other natural stream of water (whether modified or not) flowing in a defined channel, or between banks, notwithstanding that the flow may be intermittent or seasonal or the banks not clearly or sharply defined, and includes –

- (a) a dam that collects water flowing in any such stream; and
  - (b) a lake through which water flows; and
  - (c) a channel into which the water of any such stream has been diverted; and
  - (d) part of any such stream; and
  - (da) the floodplain of any such stream –
- but does not include –
- (e) a channel declared by the regulations to be excluded from this definition; or
  - (f) a drain or drainage depression in the contours on the land which only serves to relieve upper land of excess water in times of major precipitation

- any person who owns the land on which dam works in relation to the dam are being, or are to be, undertaken.

In the case of a dam, the dam owner is –

- the person who owns the dam; or
- any person who owns land that may be covered by water when the dam is at maximum operating level (other than because of flood discharge) or, if there is a controlled spillway in relation to the dam, when water is at the spillway crest level.

A dam owner is responsible for the dam and its safety in accordance with the requirements of *Water Management Act 1999*. If a person is found guilty of an offence under the *Water Management Act 1999* the Minister may require:

- the person who is or was the permit holder; or
- the owner of the relevant dam or an authorised operator of the dam; or
- the owner or occupier of land on which the dam or dam works is situated or undertaken.

to take a specified action, whether or not the person so required to take action is the person who is found guilty of the offence.