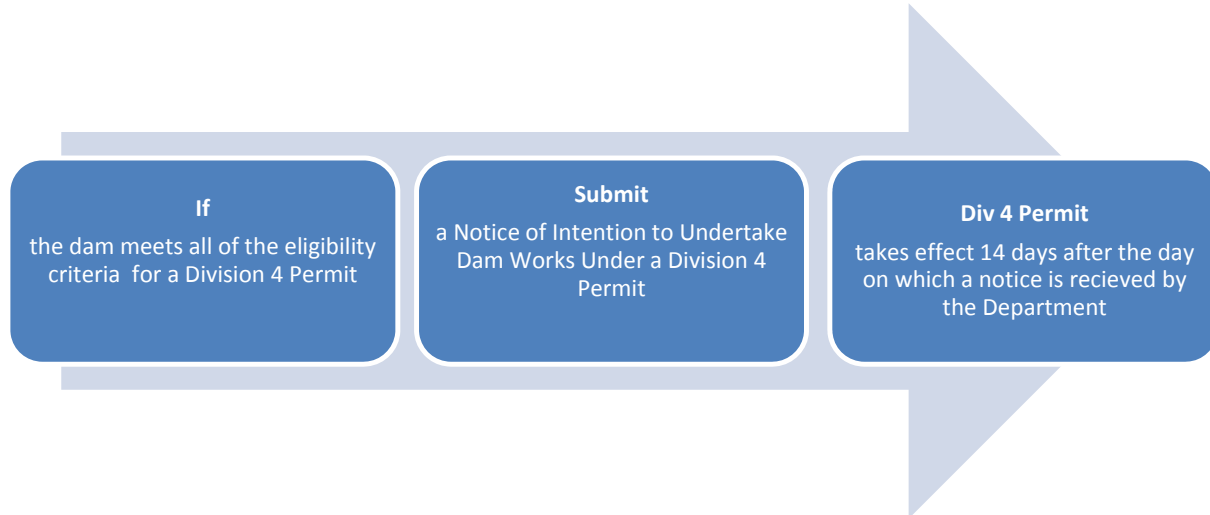


Guideline: Obtaining a Division 4 Dam Works Permit

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

Dam works that meet specified criteria¹ 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://dpiwwe.tas.gov.au/Documents/Approved%20form_Notice%20of%20intent%20to%20undertake%20dam%20works%20under%20a%20Division%204%20permit.pdf

A fee applies. See the fees summary guide available at

http://dpiwwe.tas.gov.au/Documents/Guide_Dam%20Works%20Fee%20Summary.pdf

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*.

¹ 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 watercourse², 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/Documents/Approved%20form_Application%20to%20undertake%20dam%20works%20under%20a%20Division%203%20Permit_constructing%20a%20new%20dam.pdf

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/Documents/Approved%20form_Landowner%20consent%20to%20proposed%20dam%20works%20and%20or%20any%20inundation%20under%20a%20Division%204%20permit.pdf

Who may complete the required Consequence Category Assessment?

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

² 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

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
- 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.