



Report 11.19
Date 31 January 2011
File ENV/10/08/01

Committee Council
Author Paula Hammond, Sustainability Coordinator

Review of the Dangerous Dams Policy

1. Purpose

To seek approval to release the Proposed Dangerous Dams Policy and the Summary of Information for public consultation in accordance with the Building Act 2004.

2. Significance of the decision

The Building Act 2004 (the Act) specifies that the policy must be adopted in accordance with the special consultative procedure in section 83 of the Local Government Act 2002.

3. Background

The Act gave Regional Authorities (Regional Councils and Unitary Authorities) responsibilities pertaining to large dams¹. As well as requiring building consents, codes of compliance etc, the Act introduced a dam safety regime that applies to existing dams and new dams, once commissioned.

One of the provisions of the dam safety scheme required Regional Authorities to develop a Dangerous Dam policy and review the policy at intervals of not more than five years. Greater Wellington adopted the initial dangerous dam policy in October 2006. It is therefore time to review the policy.

Amendments to the Act in 2008 introduced two additional categories of dam; earthquake-prone and flood-prone. Section 161 of the Act also requires Greater Wellington to develop a policy on these categories of dam in conjunction with the dangerous dam policy.

¹ A large dam is defined as a dam that retains 3 or more metres depth, and holds 20 000 or more cubic metres volume of water or other fluid.

The Act requires the policies to state:

- The approach the regional authority will take in performing its functions
- The regional authority's priorities in performing those functions, and
- How the policy will apply to heritage dams.

The Proposed Dangerous Dams Policy 2011 (Statement of Proposal) is attached as **Attachment 1**.

4. Comment

When the initial dangerous dams policy was developed in 2006, the requirements of the Act were relatively new and regulations prescribing the standards and criteria for the dam safety scheme were still being formulated. The 2006 policy was drafted in a broad manner to take account of the standards and criteria that would eventually be set in regulation.

The 2011 proposed policy has the same intent as the 2006 policy in that it aims to minimise potential risk to people and property and it provides information on how dams will be assessed and what action will be taken.

4.1 Definitions and regulations

The Act defines a dam as dangerous if it is a high or medium potential impact dam (as defined by regulations); and

a) is likely to fail –

- i) in the ordinary course of events; or
- ii) in a moderate earthquake (as defined by regulations); or
- iii) in a moderate flood (as defined by regulations).

An earthquake-prone dam and a flood prone dam are also high or medium potential impact dam (as defined by regulations); and

b) is likely to fail –

- i) in an earthquake threshold event(as defined by regulations); or
- ii) in a flood threshold event(as defined by regulations);.

Regulations defining a high and medium potential impact dams have been developed. However, there are still no regulations prescribing the standards and criteria for moderate earthquake, moderate flood, an earthquake threshold event or a flood threshold event.

In July 2012, regulations come into force requiring large dam owners to undertake an assessment of the potential impact of their dam. If the dam is a medium or high potential impact dam the dam owner must develop a dam

safety assurance programme and send Greater Wellington an annual dam compliance certificate.

4.2 Policy approach taken

The proposed policy takes a more proactive approach to identifying dangerous, earthquake-prone or flood-prone dams than the 2006 policy. In identifying dams of concern, the policy proposes to investigate dams:

- That have not complied with the requirement to supply a complying annual compliance certificate, or
- Where complaints have been received, or
- Where through other related work (such as undertaking compliance work), Greater Wellington becomes concerned about a dam.

Where a dam has been identified as potentially dangerous, earthquake-prone or flood-prone, further investigations will be undertaken by Greater Wellington in conjunction with the dam owner to establish whether the dam meets the dangerous, earthquake-prone or flood-prone criteria.

If a dam is deemed to be dangerous, earthquake-prone or flood-prone Greater Wellington (with the dam owner) will take action to reduce or remove the danger. The range of actions proposed varies depending on the risk and potential impact should the dam fail.

At each stage of the process, the proposed policy allows dam owners to dispute Greater Wellington's assessment of the dam and provide information to Greater Wellington that may influence the assessment.

Greater Wellington also has the ability to recover costs for inspection work under the policy.

5. Communication

The required special consultative procedure on the review of the Dangerous Dams Policy will be run in conjunction with consultation on the Proposed Annual Plan 2011/12.

- The Statement of Proposal will be included in the Proposed Annual Plan 2011/12.
- A Summary of Information (**Attachment 2**) will be included in the summary of the Proposed Annual Plan 2011/12, which is distributed to all households in the region.
- The submission period will run concurrently with the Proposed Annual Plan 2011/12 between 23 March and 26 April 2011.

The full Statement of Proposal will be sent to all large dam owners in the Wellington Region as well as interest groups such as Federated Farmers,

Historic Places Trust, New Zealand Society on Large Dams and Horticulture
NZ.

6. Recommendations

That the Council:

1. ***Receives the report.***
2. ***Approves the Statement of Proposal and the Summary of Information.***

Report prepared by:

Report approved by:

Paula Hammond
Sustainability Coordinator

Nigel Corry
General Manager,
Environment Management
Group

Attachment 1: Proposed Dangerous Dams Policy 2011

Attachment 2: Summary of information - Greater Wellington Regional Council's Proposed Dangerous Dam Policy (including earthquake-prone and flood-prone dams)