



The New Zealand Society on Large Dams

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Operational Policy and Regulatory Services
Sector Capability Branch
Department of Building and Housing
P O Box 10-729
WELLINGTON

Attention: Robert Allen

Dear Robert

Dam Safety Scheme: Specification of Dams to be Classified Discussion Document

October 2010

On behalf of the New Zealand Society of Large Dams (NZSOLD), I am writing to present our Society's comments on the latest Department Discussion Document concerning the specification of dams to be classified.

In our current Dam Safety Guidelines NZSOLD has taken a risk based approach to determining the potential risk to downstream populations and the environment. While the guidelines recognise that the hazard to downstream population and the environment is less for smaller dams and some guidance is provided on the height and volume of a structure in assessing a dam's potential impact classification, the guidelines avoid specifying any fixed threshold.

From its inception the inclusion of a minimum threshold for dams covered by the scheme was to provide a practical lower bound and avoid unnecessary compliance costs. NZSOLD supports this philosophy.

The DBH Discussion Document 2010 proposed raising the original threshold to reduce compliance costs while acknowledging that there were structures that would fall below the threshold that would pose an unacceptable risk to a downstream population and the environment. To address this situation the proposal gave discretion to the Regional Authorities, and therefore placed a responsibility on them,

for identifying and requiring classification of any dams in this unacceptable risk category. From subsequent discussions it became clear that the exercise of this discretion would lead to a precautionary approach by Regional Authorities which had the potential to negate any foreseeable cost savings.

After considering the current proposal and consulting our members we would like to submit the following comments for consideration.

- The proposal is confusing and difficult to interpret and understand. We have had responses and discussions with a number of experienced professionals when preparing their submissions and there were many different interpretations for deriving the proposed thresholds.
- The trigger levels (more than 50 residential houses) and overall wording for classification raise many issues when assessing the population at risk and appear too high. It is quite likely that owners will require professional advice to interpret whether they are influenced by a "Designated Area" thus negating potential cost savings.
- The proposal still places a significant discretion with Regional Authorities to assess any structures under the proposed threshold that may pose a risk to the downstream population and environment. As indicated in recent discussions we consider that this will lead to a precautionary approach by regional authorities which may negate any potential cost savings.

While NZSOLD supports the DBH objectives we cannot support the current proposal because it is confusing and difficult to interpret, does not properly account for the risks posed to downstream population and the environment, and it is difficult to see how the proposed cost savings will be realised.

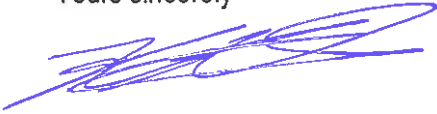
NZSOLD supports a simple lower bound threshold for the Dam Safety Scheme to provide a simplified cut off in application of the Scheme. However until a dam inventory has been completed (an original requirement of the Building Act Dam Safety Scheme), there is no reliable database on which to determine a threshold where the residual risk is as low as reasonably practicable. If reliable figures are used, we believe a lower bound threshold acceptable to most parties can be set

An alternative to the DBH approach that NZSOLD recommends is:

1. Remove the definition of a large dam from the Act and reference this definition as defined in the Regulations.
2. Complete the dam inventory as required by the Building Act Dam Safety Scheme.
3. Before the Dam Safety Scheme comes into effect in 2012, set in the Regulations a simple lower bound threshold where the residual risk posed by structures below this threshold is minimal.
 - The parameters for defining such a threshold must be simple, clear and easy to interpret.
 - Until such time as this is set the working limits should remain 3m depth and 20,000m³ volume.
4. The discretion and contingent liabilities of Regional Authorities be limited to dams above the clearly defined thresholds.

Thank you for the opportunity for NZSOLD to contribute comment on the Department's proposals. We appreciate that it is difficult to balance all the viewpoints of stakeholders in these matters.

Yours sincerely



Ken Roberts
Chairman New Zealand Society of Large Dams