

Review of the Dam Safety Regulatory Scheme from NZSOLD 110610

NZSOLD Comment

NZSOLD is pleased that progress is being made and the recommendations would appear to be reasonable and sensible. The Society awaits the details of the actual changes that will be made.

The start date for the application of the Regulations is delayed until the 1 July 2012.

Summary

New Zealand has about 1,150 large dams that, until now, have not been subject to a formal system of dam monitoring, inspection and maintenance.

The Building Act provides for a Dam Safety Scheme with the intention of ensuring that from 1 July 2010 all large dams are regularly monitored, and that any associated risks to people and property from their failure are minimised.

The reasons that a Dam Safety Scheme is needed are:

- New Zealand is following behind international trends in dam safety. Dam safety schemes are in place in most developed countries and have been for some time.
- New Zealand has a number of “legacy” dams that are not being adequately inspected or monitored properly. A dam safety scheme will address this issue.
- The risk profile posed by dams can change during the dam’s life e.g. land uses changes above and below the dam
- Unlike many structures dams can pose a threat to people other than the owner. It is therefore prudent to have a public policy response in place to address this threat.

The scheme only applies to large dams, defined by the Act as dams that are capable of holding a reservoir of 20,000m³ or more (about the size of eight Olympic-sized swimming pools) and of retaining three or more metres’ depth of water or other fluid. They include dams that only rarely hold and retain these amounts and depths of water or other fluid. The scheme applies to flood control dams but excludes stopbanks.

Smaller dams are not affected by the dam safety scheme, although they still need to comply with the Building Act 2004 in terms of meeting the Building Code standards, etc.

Purpose of the Review

Following expressions of concern about some aspects of the Dam Safety Scheme by affected parties, the Department of Building and Housing commissioned a review to provide “an independent and well informed view” on whether or not the Dam Safety regulatory scheme is ‘fit for purpose’ before it takes effect on 1 July 2010.

The Dam Safety Scheme Review was required to be completed by 15 April 2010 and was conducted by engineer and project management specialist Bruce McLean.

Outcome of the Review

The Review found that a Dam Safety Scheme is needed but there are a number of changes that could be made to enhance the Scheme’s effectiveness and efficiency and reduce compliance costs. The Review made ten key recommendations for change and fifteen others. The 10 key recommendations are outlined below.

1. That a Dam Safety Scheme is needed in New Zealand.
2. That the Dam Safety Scheme in its current form needs modifying to improve its efficiency and effectiveness and to reduce compliance costs.

3. That the definition of large dams be changed (for the purposes of the Scheme) to include dams having the capacity to hold a reservoir of 50,000m³ or more and to be at least eight metres high.
4. That dam height is defined as the vertical distance from the top (crest) of the dam measured:
 - in the case of a dam across a stream, from the natural bed of the stream at the lowest downstream outside limit of the dam, or
 - in the case of a dam that is not across a stream, from the lowest elevation at the outside limit of the dam.
5. That the body responsible for administering the Scheme have the power to issue a notice requiring classification of any dam, regardless of whether the dam meets the dam criteria. Any such notice will only be issued if there is reason to believe the dam may put persons at risk.
6. That the start date for the Scheme be delayed sufficiently to allow any legislative changes arising from this Review to be passed, to allow sufficient publicity to be communicated to dam owners and other stakeholders and to allow the Scheme to be properly implemented.
7. That a new body responsible for administering and monitoring the Scheme on a nation-wide basis be established within central government and that the new body is named to clearly identify its role (such as the "Dam Safety Authority").
8. That a communications plan be developed to communicate with dam owners and other stakeholders including publicising the requirements under the Act and providing suitable support material.
9. That a Recognised Engineer be able to review the existing dam safety approach in place for dam owners with a portfolio of dams and certify that it meets the criteria and standards as set out in section 8 of the regulations.
10. That legislation as it applies to dams (including resource consent and building consent legislation) be reviewed as a whole in order to provide effective, clear legislation that reduces compliance costs and provides consistent implementation across the sector.

The full Dam Safety Review report is available [here](#) [PDF, 33 pages].

In a Ministerial Press Release on 10 June 2010, Building and Construction Minister Maurice Williamson said that the Department of Building and Housing is working on amending the proposed dam safety scheme to ensure it is more effective and efficient. "The current proposed safety regime is overly costly and complex and has the potential to force owners of small farm dams in remote areas to follow the same processes as owners of big hydro-electric dams," and that "Following an independent review of the proposed scheme earlier this year, we are now planning to revise it to ensure dams that pose a higher risk and therefore need specific safety plans are more clearly identified." Mr Williamson also said the dam safety scheme was due to come into force on 1 July 2010 but has been delayed until amendments can be made and dam owners fully informed.

See the full Documentation

The Terms of Reference, The Report and the Ministers Press Release can be viewed on <http://www.beehive.govt.nz/release/more+efficient+dam+safety+scheme+way>