

31 July 2002

Peter Mulvihill
Chairman
New Zealand Society on Large Dams
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Dear Peter

Thank you for your letter of 22 June 2002 in which you offered the Society's support for the establishment by the Department of Internal Affairs of a properly maintained dam register for New Zealand.

We agree with the Society's view that a properly maintained register would have much value. During the recent consultative process undertaken by the Department, it became clear that for some dams, the ownership details in the current register were outdated, and at least one dam owner questioned his dam's current impact classification. More importantly of course is the potential for downstream development to render an impact classification obsolete, which points to a need for the register to be reviewed and updated on a reasonably regular basis.

As to a possible role for the Department of Internal Affairs, we are funded to provide policy advice to Ministers on the operation of the Building Act 1991, rather than performing operational roles under the Act. One of our policy proposals arising from the recent consultation process is that the Building Industry Authority should be responsible for maintaining the register.

With respect to the current review of dam safety, I can advise that we found the recent consultative process both thought provoking and informative. As a result the policy proposals contained in the consultative document were reviewed, and a number of changes made. The principal changes proposed to the policy approach outlined in the consultation paper are as follows:

- Empowering Regional Councils to perform a "two stage" process with respect to ensuring the safety of existing dams:
 - Stage one to involve Regional Councils undertaking an audit of dams in their jurisdictions with a view to establishing whether the owners have a satisfactory impact classification for the dam and a satisfactory safety programme. In the event that both prove satisfactory, the Regional Council takes no further action until the next review period.

- Stage two powers can be invoked in the event that the Regional Council comes to a final view (ie after discussions with the dam owner) that either or both the dam impact classification or the owner's safety programme is inappropriate. This would involve the Regional Council specifying both the dam impact classification and a suitable dam safety programme.
- Empowering the Building Industry Authority to perform roles relating to education on dam safety, maintenance of a dam safety register, and dispute resolution. (The proposal to provide the Authority with an ability to specify a default dam safety guidelines has been withdrawn in response to submissions that such guidelines would be insufficiently flexible, and that satisfactory guidelines already exist in the form of those issued by NZSOLD.)

The proposed two-stage Regional Council process recognises that a number of dam owners already have more than satisfactory dam safety programmes in place, and that it would be counter-productive to require both them and Regional Councils to incur further significant compliance and regulatory costs. A diagrammatic summary of the process is attached.

I should emphasise that these changes have not yet been the subject of consultation with other Government agencies. Nor have Ministers considered them. In the event that Ministers agree to the proposals, work will commence on their inclusion in a Building Amendment Bill. Opportunities to make submissions on the Bill will arise during the select committee stage of its progress through Parliament.

If Ministers agree to the proposals, I anticipate that work on the Building Amendment Bill will continue to generate policy and design issues, and I hope that we can continue to meet and exchange views to assist with their resolution.

Yours sincerely



Michael Osmond
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Policy Group

Dam Safety - Regional Council Processes



