

Te Kaupapa Here o ngā Pāpuni Mōrearea Dangerous Dams Policy 2024



Kei te panoni mātou i tā mātou kaupapa here o ngā pāpuni e mōrearea ana, e raru ana i te rū-whenua, e raru ana hoki i te waipuke

We're changing our policy for dangerous, earthquake-prone and flood-prone dams

E ahatia ana? What's happening?

Bay of Plenty Regional Council is required to update its existing policy on dangerous, earthquake-prone and flood-prone dams (currently titled Dangerous Dams Policy) to align with new dam safety regulations that have been set by central government.

This has been done to increase the resilience and safety of Aotearoa / New Zealand's dams, protecting people, property and the environment from the potential impacts of dam failures.

This policy update means that if you own a dangerous, earthquake-prone and / or flood-prone dam of a certain height and volume, you will need to put in place safety plans and undertake regular dam inspections to help reduce the risk of failure.

Only **classifiable dams** are impacted by this policy update.

He aha te pāpuni whakarōpū? What is a classifiable dam?

A classifiable dam is defined as:

- 4m or more in height and
- Stores 20,000m³ or more in volume of water or other fluid.

Any future change to this definition of a classifiable dam by central government will respectively apply to this policy.

He aha ngā pāpuni e mōrearea ana, e raru ana i te rū-whenua, e raru ana hoki i te waipuke?

What are dangerous, earthquake-prone and flood-prone dams?

The Building Act 2004 defines these as follows:

Dangerous Dam:

A high potential or medium potential impact dam; and is likely to fail:

- In the ordinary course of events; or
- In a moderate earthquake (as defined in the Regulations); or
- In a moderate flood (as defined in the Regulations).

Earthquake-prone Dam:

A dam is an earthquake-prone dam for the purposes of the Act, if the dam:

- Is a high potential impact dam or a medium potential impact dam; and
- Is likely to fail in an earthquake threshold event (as defined in the Regulations)

Flood-prone Dam:

A dam is flood-prone dam if the dam:

- Is a high potential impact dam or a medium potential impact dam; and
- Is likely to fail in a threshold event (as defined in the Regulations).

He aha mātou e mahi nei i tēnei?

Why are we doing this?

Section 161 of the Building Act 2004 (under which the Building (Dam Safety) Regulations 2022 sit) requires all regional councils to adopt a policy for dangerous, earthquake-prone and flood-prone dams.

This policy sets out the regulatory framework that informs dam owners and Regional Council of their legislative and regulatory responsibilities.

The policy was first adopted by Regional Council in 2007 and has four key sections:

Section 1:

The policy background, principles, and commencement.

Section 2:

The legislative and regulatory framework this policy is based upon that explains how Regional Council and dam owners will perform their responsibilities.

Section 3:

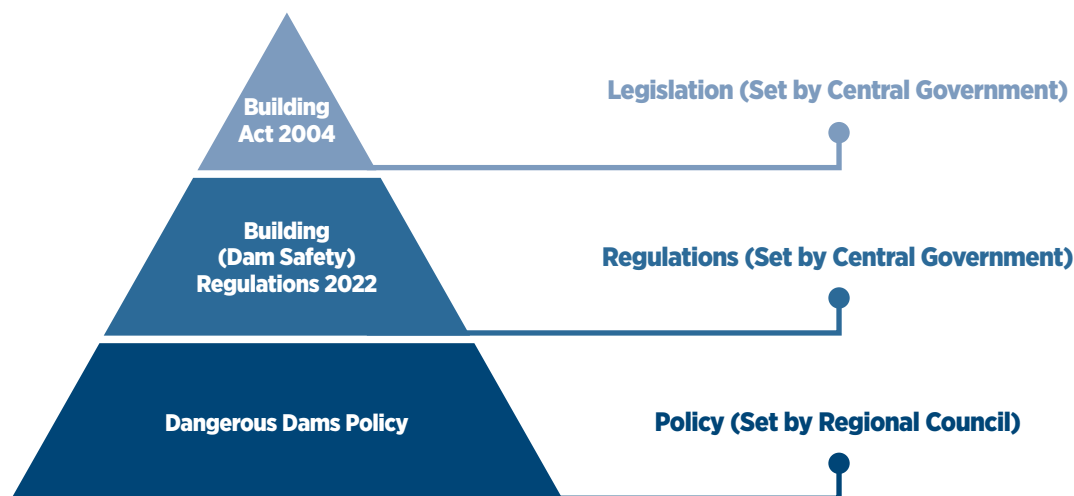
Regional Council priorities when performing its legislative and regulatory functions under the policy.

The focus of the policy is to always prioritise safety, following a risk-based approach. Regional Council must also protect the health and wellbeing of the environment, and have regard to cultural and heritage values when undertaking its functions.

Section 4:

Application of the policy to heritage dams.

Regional Council must facilitate the preservation of significant heritage values if a dangerous dam is also a heritage dam.



He aha e panoni ana? What's changing?

Under the new regulations (which will take effect through Regional Council's policy update), dam owners of dangerous, earthquake-prone and / or flood-prone dams are required to determine if they own a classifiable dam.

If you have a classifiable dam, you will then be required to:

- Undertake a Potential Impact Classification (PIC) on your dam.
- Have the PIC certified and audited by a Recognised Engineer.
- Lodge the PIC with Bay of Plenty Regional Council.
- If the PIC assesses your dam as Medium Potential Impact or High Potential Impact, you will need to develop and / or update the Dam Safety Assurance Programme for your dam according to section 10-18 of the regulations.
- Provide the Bay of Plenty Regional Council with the Dam Safety Assurance Program Certificate by engaging a Recognised Engineer.

Please note:

- Regional Council does not classify dams or prepare a PIC. This is the role of the dam owner and their Recognised Engineer.
- The qualification and competencies of the Recognised Engineer to certify and audit the PIC is different from the qualification and competencies of the Recognised Engineer to certify and audit the Dam Safety Assurance Programme. Please see section 22 and 23 of the regulations.

He aha e kore e kōrerotia ana i te kaupapa here? What's not covered in the policy?

The policy does not classify dams. The policy also does not cover consenting matters under the Resource Management Act 1991 or Building Act 2004.

Tukua tō kōrero Have your say

The draft Dangerous Dam Policy is open for submissions from 26 June to 29 July 2024.

Submissions should relate to the contents of the policy. Regional Council is not able to change anything in the Act or Regulations.

Once submissions are closed, we will hold public hearings, where Regional Council will consider submissions received and make decisions on any amendments to the policy as a result.

All submitters will be notified of Council's decisions.

Submission Period
26 June to 29 July 2024

Hearings and deliberations
14 and 15 August 2024

**Recommendations to Strategy
and Policy committee**
17 September 2024

**Adopted policy available to public
via Regional Council website**
26 September 2024

Anyone can make a submission on the draft policy:

- You can make an online submission via our Participate page:
participate.boprc.govt.nz/dams
- You can email your submission to
dams@boprc.govt.nz
- You can post your written submission to
Bay of Plenty Regional Council,
PO Box 364,
Whakatāne 3158,
New Zealand

Some helpful information about submissions:

- As part of your submission, please tell us if you would like to attend a public hearing to speak in support of your submission, including if you wish to use New Zealand Sign Language or speak in te reo Māori.
- If you don't wish to speak, your submission will be provided to a Hearings Subcommittee for consideration.
- Please provide your contact details so we can notify you of the hearing date and arrange a time for you to speak (if you choose to). This will also enable Regional Council to inform you of its decisions on the policy following the hearing.
- Please be aware that all submissions will be made publicly available on Regional Council's website.

Ngā mōhiohio anō Find out more:

Phone: **0800 884 880**

Email: **dams@boprc.govt.nz**

Visit: **boprc.govt.nz/dangerous-dams-policy**

