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6 August 2019

Dam Safety Consultation 2019
Building System Performance
Ministry of Business, Innovation and Employment
15 Stout Street
PO Box 1473
Wellington 6140

By email: DamSafety@mbie.govt.nz

Dear Matthew and Reuben

RE: Dam Safety Consultation

The Independent Electricity Generators Association Incorporated (IEGA) welcomes the opportunity to make this submission on the proposal to put in place dam safety regulations as envisaged by the Building Act.¹

The IEGA supports a national framework for dam safety. In the absence of regulations our members have operated to industry best practice as detailed in the dam safety guidelines by the NZ Society of Large Dams (NZSOLD) developed under a self-regulatory model.²

The IEGA agrees with the risk based approach to dam safety management. Our principal concern about the framework embodied in the proposed regulations is reliance on a decentralised or regional approach (based on local government institutions) to achieving compliance. The proposal is for the relevant regional authority to:

- approve or refuse Dam Safety Assurance Programme developed by the dam owner; and
- each develop dam safety policies for dangerous dams, earthquake prone dams and flood-prone dams.

The IEGA is concerned to ensure a consistent framework applies across New Zealand. Some regional authorities have a concentration of dams in their area (for example, numerous hydro generation dams along the Waitaki and Waikato Rivers) and would naturally be applying the same approach across these dams. IEGA members with hydro generation dams are dispersed through New Zealand and may be the only dam in a regional authority's area that creates a need for this regional authority to

¹ The Steering Committee has signed off this submission on behalf of members

² We note the NZSOLD guidelines create a higher standard than required in legislation and plan to work with NZSOLD to ensure their guidelines are consistent with the eventual regulations

become an expert in dam safety.

The IEGA suggests that the expertise to review the Potential Impact Classification (PIC) of a dam or a Dam Safety Assurance Programme (DSAP), and certify that it is being followed, lies with the Recognised Engineer. If a regional council challenged a PIC or a DSAP developed by a dam owner and signed off by the Recognised Engineer, it would be challenging the qualifications of the Recognised Engineer.

Recognised Engineers are likely to be working with dam owners across New Zealand which should assist with creating a consistent and effective regulatory regime.

The IEGA suggests a centralised approach to developing consistent, nationally applied dam safety policies for dangerous, earthquake-prone and flood-prone dams. It is unclear why there should be the risk of different policies for the same type of dam in different locations as a result of relying on regional councils to prepare these policies.


The resource management regulatory framework recognises the benefits of requiring a consistent approach by regional councils by allowing central government to issue National Environmental Standards or National Directions. It is our understanding that the Building Act does not enable the same type of guidance to achieve a consistent approach. Hence, we favour a single, national expert team (which could be procured) to develop dam safety policies. In our view, this centralisation would have major efficiency benefits for dam owners as well as regional authorities compared with the current proposal.

The IEGA is also concerned about the 12 month implementation timeframe for two reasons:

- The proposed qualification requirements of the registered engineer includes significant specific competency in relation to dams. We are cautious about the availability of these types of engineers to support compliance within the proposed timeframes (and the impact on the cost of this work if legally imposed timeframes creates a shortage of suitable engineering resource).
- The proposed 12 months includes the time involved for a regional authority to develop the expertise to assess and approve/refuse a Dam Safety Assurance Programme – from a zero base in some cases. In our view, our proposal for a national expert team for this approve / refuse step would help with reducing the time required to achieve compliance (and could prioritise processing the Programmes for highest risk dams).

The IEGA would welcome the opportunity to discuss this submission with you.

Yours sincerely



Warren McNabb
Chair