

Dams Policy Hearings Subcommittee

Open Minutes

Commencing:	Wednesday 14 August 2024, 9.30 am
Venue:	Council Chambers, Regional House, 1 Elizabeth Street, Tauranga
Chairperson:	Cr Ron Scott
Deputy Chairperson:	Cr Kat Macmillan
Members:	Cr Jane Nees Cr Stuart Crosby
In Attendance:	Fiona McTavish - Chief Executive; Namouta Poutasi - General Manager, Strategy and Science; Stephen Lamb - Natural Resources Policy Manager; Reece Irving - Senior Regulatory Project Officer; Kathy Thiel-Lardon - Environmental Engineering Team Leader; Arsalan Karim - Planner and Merinda Pansegrouw - Committee Advisor.

General Manager, Strategy and Science, Namouta Poutasi opened the meeting and chaired proceedings until the Chairperson for the Dams Policy Hearings Subcommittee had been elected.

1. Karakia

Karakia provided by Namouta Poutasi - General Manager, Strategy and Science.

2. Items not on the Agenda

None

3. Order of Business

Item 6.1, Appointment of Dams Policy Hearings Subcommittee Chair and Deputy Chair, was considered as the first item on the agenda, followed by item 3, Order of Business.

4. Declaration of Conflicts of Interest

None declared.

5. Reports

Decisions Required

5.1 Appointment of Dams Policy Hearings Subcommittee Chair and Deputy Chair

Presented by: Namouta Poutasi – General Manager, Strategy and Science.

Resolved

That the Dams Policy Hearings Subcommittee:

- 1 Receives the report, Appointment of Dams Policy Hearings Subcommittee Chair and Deputy Chair;**

**Nees/Macmillan
CARRIED**

- 2 Confirms System B as its voting system to elect a Chairperson and a Deputy Chairperson as set out in Clause 25, Schedule 7 of the Local Government Act 2002;**

**Nees/Crosby
CARRIED**

Namouta Poutasi called for nominations for the position of Chairperson for the Dams Policy Hearings Subcommittee. Councillor Jane Nees nominated Councillor Ron Scott; Councillor Stuart Crosby seconded the nomination. As only one nomination was received for the role of Chairperson.

- 3 Appoints Councillor Ron Scott as Chairperson of the Dams Policy Hearings Subcommittee;**

**Nees/Crosby
CARRIED**

Namouta Poutasi – General Manager, Strategy and Science **vacated** the chair and the newly elected Chair, Councillor Ron Scott **assumed** the chair.

Chair Ron Scott called for nominations for the position of Deputy Chairperson for the Dams Policy Hearings Subcommittee. Councillor Jane Nees nominated Councillor Kat Macmillan; Councillor Stuart Crosby seconded the nomination. As only one nomination was received for the role of Deputy Chairperson.

- 4 Appoints Councillor Kat Macmillan as Deputy Chairperson of the Dams Policy Hearings Subcommittee.**

**Nees/Crosby
CARRIED**

5.2 Report to the Hearings Subcommittee: Policy on Dangerous Dams, Earthquake-prone Dams and Flood-prone Dams

*Tabled Document 1 - Factsheet for Hearings Subcommittee - 14 August 2024:
Objective ID A4743187 [⇒](#)*

*Presentation Dangerous Dams Policy 2024 - Deliberations on Submissions - 14
August 2024: Objective ID A4743186 [⇨](#)*

Presented by: Stephen Lamb - Natural Resources Policy Manager; Arsalan Karim - Planner; Reece Irving - Senior Regulatory Project Officer and Kathy Thiel-Lardon - Environmental Engineering Team Leader.

Key Points – Staff:

- Summarised the process followed to date to consult on the draft policy for dangerous, earthquake-prone and flood-prone dams (as required by Section 161 of the Building Act 2004 (under which the Building (Dam Safety) Regulations 2022 sat
- Highlighted the drivers for change
- Tabled an analysis of comparison between existing policy (2006) and draft policy (2024) (Refer Tabled Item 1)
- Timeline/key dates applicable until implementation/commencement date of the policy - 26 September 2024
- Overview of the impact of the new regulations
- Summary of submissions received:
 - 2 submissions received - covering 6 submission points
 - Neither submitters wished to be heard
 - Both submissions were supportive of the proposed draft policy but had some concerns which had been addressed in the draft
- Staff outlined submissions by Federated Farmers and Tauranga City Council
- Recommended changes to the draft Policy
 - Change from Priority Matrix to Risk Based approach proposed in response to Tauranga City Council submission
- Summarised next steps and communications with Submitters.

In Response to Questions:

- In March 2024 Central Government had clarified the size/volumes of dams to be captured by the Building Dam Safety Regulations 2022.
- In May 2024 Central Government had advised that previous advice regarding having 18 months to develop the policy no longer applied. Consequently, timeframes needed to revert to three months, hence the tight timeframe to develop the policy; Bay of Plenty Regional Council (Toi Moana) was at the same stage of policy development as most other Regional Councils
- Confirmed that Toi Moana staff attended regular ongoing Dam Steering Committee meetings alongside the Ministry of Business, Innovation and Employment (MBIE); MBIE was aware of policy development processes/timelines at various councils. (Toi Moana would be the fourth Council to adopt its policy)
- Current delegation to Waikato Regional Council to undertake all dam consenting processes would continue under the new proposed policy
- Responsibility for compliance inspections undertaken by Toi Moana staff members would be updated/warranted to include Building (Dam Safety) Regulations 2022/Building Act 2004 requirements
- There are no dangerous dams identified in the Bay of Plenty.
- In terms of dam safety, Toi Moana would respond under section 154 to 160 of Building Act 2004 in case no agreement was reached, or the action plan was not implemented by the dam owner

- In instances of a dangerous dam/urgent priority classification, Toi Moana would respond immediately in case there was immediate risk of dam failure/loss of life, property, infrastructure, and damage to the environment
- Confirmed that all relevant requirements determined by the Resource Management Act 1991/Building (Dam Safety) Regulations 2022 had been linked into the development of the proposed Dam Policy
- Had addressed the concerns raised about Toi Moana's communication approach with stakeholders downstream from dangerous or earthquake-prone/flood-prone dams:
 - Although communication with downstream communities was the responsibility of the dam owner, Toi Moana would take action and work with the relevant dam owner/civil defence to determine the appropriate approach/type of information to be made available to communities; it would be on a case-to-case basis
 - Toi Moana's communication would be clear/cautious to avoid raising public alarm
- In terms of providing "an easy read version" of the policy, all current information pieces on the Toi Moana Participate website which provided a summarised version of the draft policy, explaining responsibilities and highlighting changes, would continue to be available for the public as guidelines
- Confirmed that the ability to make minor corrections to the draft policy if required (e.g. grammatical changes), could be delegated to the General Manager of Strategy and Science
- Direct communications had been sent to all 73 owners of consented dams whose details were available and maintained in the register of consented dams in the region
- Confirmed that with the assistance of a desktop study, supported by a visual aerial photography study, Toi Moana had identified potential dams in its region and was in the process of assessing these to ensure structures were compliant/being classified.

Key Points - Members:

- Noted with concern the lack of resources available nationwide to assist with dam classification (limited total of 19 Certified/Recognised Dam Safety Engineers)
- Supported that Toi Moana be involved with an appropriate communication strategy to support downstream communities when notifying communities downstream of the dangerous or earthquake-prone/flood-prone dams would be required
- Supported that the commencement date of the policy shall be 27 September 2024.*

Key Points - Staff:

- All dam owners needed to check if their dams were 'classifiable' and were required to submit a Dam Classification Certificate on or before 13 August 2024. However, a grace period of one month had been allowed for owners to become engaged in the process/make contact with a certified engineer to have their dams assessed. The recommendation was that after that period, if the dam owner was clearly not engaging with the process, options for enforcement would be considered

**Added for the purpose of comprehensiveness after circulation of the minutes on 27/8/2024*

- An anomaly that was identified under the new regulations included a number of roadways/railways which would now be seen as dams as they have been built up; although there was not water impounded permanently, in events of heavy rainfall, embankments could potentially impound water
- Roading engineers were aware that roadways/railways have been captured inadvertently by the new legislation and would be looking far more closely at how they could construct/design new roading to avoid being captured by this.

10:30am - The meeting **adjourned**.

10:50am - The meeting **reconvened**.

Deliberations - Members:

Reviewed summary of submissions/Staff recommendations with the following comments:

- Tauranga City Council through Tonkin + Taylor (pages 21 - 22)
 - **Supported staff recommendations in column 5**
- Federated Farmers (pages 22 - 23)
 - Suggested referencing guidelines available via Waikato Regional Council's website
 - Encouraged staff to efficiently approach administrative processing to ensure cost awareness/fit-for-purpose costs
 - **Supported staff recommendations in column 5**
- Noted that the staff recommendations would be shared with individual submitters once formally adopted.
- Commented on the Draft Policy on Dangerous Dams, Earthquake-Prone Dams and Flood-Prone Dams 2024 and recommended that the General Manager of Strategy and Science be delegated to make the following minor corrections:
 - Page 36 - Section 4.2, "Working with dam owners" - second paragraph:
 - Recommended that the word "**suggests**" be replaced with "**outlines**"
 - Page 37 - Section 4.2.1 "Identification of Classifiable Dams" - third paragraph:
 - *"for the purpose of identifying the person responsible for such dam"* be changed to *"for the purpose of identifying the person/s responsible for such dam"*.

Resolved

That the Dams Policy Hearings Subcommittee:

- 1 Receives the report, Report to the Hearings Subcommittee: Policy on Dangerous Dams, Earthquake-prone Dams and Flood-prone Dams;**
- 2 Considers all submissions received pursuant to section 83 of the Local Government Act 2002;**
- 3 Recommends Strategy and Policy Committee to adopt the proposed draft of the "Policy on Dangerous Dams, Earthquake-prone Dams and Flood-prone Dams 2024" (replacing the existing Dangerous Dams Policy 2006), subject to amendments identified by the Hearings Subcommittee during deliberations held on 14th August 2024;**

- 4 **Delegates to the General Manager of Strategy and Science the ability to make minor corrections if required (e.g. grammatical).**

**Nees/Macmillan
CARRIED**

11:00 am - the meeting closed.

CONFIRMED

Chair, Dams Policy Hearings Subcommittee
Cr Ron Scott