



KEEPING OUR DAMS SAFE – PROPOSED AMENDMENTS TO THE BUILDING (DAM SAFETY) REGULATIONS 2008

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A handwritten signature in black ink, appearing to read "Andrew Curtis", with a long horizontal stroke extending to the right.

Andrew Curtis, (CE Irrigation NZ)

Introduction

1. IrrigationNZ (INZ) is a national body that promotes excellence in irrigation. INZ represents the interests of over 3,600 irrigators (irrigation schemes and individual irrigators) totaling over 350,000ha of irrigation (approximately 50% of NZ's irrigated area). It also represents the interests of the majority of irrigation service providers (over 140 researchers, suppliers, designers installers and consultants).
2. INZ has many irrigation scheme and individual irrigator members who could potentially be impacted by the 'Proposed Amendments to the Building (Dam Safety) Regulations 2008'. INZ's focus is on the development and implementation of an outcome that addresses risk to human life in a cost-effective manner both for the individual and for the general rate payer.
3. All INZ members businesses are founded on secure, reliable and affordable access to a water supply for irrigation. Without this the considerable flow on benefits to regional economies, particularly in eastern regions, would be severely impacted. The national economy would also be significantly impacted upon given that NZ is predominantly an agricultural export based economy and irrigation accounts for approximately 20% of this.
4. INZ actively engages with its members on planning issues, proactively facilitating a wider understanding of the relevant issues and solutions by all. This submission has been developed predominantly in consultation with INZ irrigation scheme and individual irrigator members.

General Comment

5. INZ has recently been involved in a collaborative discussion with Federated Farmers and Regional Council's to help resolve the issues between us. The following submission outlines the agreement reached between the parties. The Ministry should note for its future reference, if a collaborative process had been enabled three years ago much wasted time, resource and thus cost could have been avoided.
6. In partnership with Federated Farmers and Regional Council's, INZ requests a meeting with the relevant officials to outline the agreed position below and also determine the pathway forward.

Submission

7. INZ has maintained throughout this process, that a NZ Dam Safety program must not impose unnecessary cost on irrigators. There are numerous challenges currently facing irrigators, particularly in the nutrient management space. For the majority these will require considerable investment in the very near future. Increasing the compliance burden upon irrigators without due reason is therefore counterproductive to environmental and economic growth objectives. However INZ also recognises the public's safety is paramount and that confidence in a NZ dam safety scheme is an important aspect of future irrigation development.
8. In summary INZ's position is 'Small dams that pose a risk to human life, are near to urban centres for example, need to be captured and managed by a NZ dam safety scheme, however, small dams that pose minimal risk, off-stream with controlled intakes or in remote hill country for examples, need to have a no-cost mechanism for their exclusion.
9. The following outlines the recently agreed position between RC's, Federated Farmers and INZ. It provides a sound way to move the current process forward. It's basis is the Ministry discussion document:
 - a. The Classifiable Dam definition should remain at 8m and 20,000m³, and 4m and 100,000m³.
 - b. The Referable Dam definition should remain at 4m or 20,000m³
 - c. The Designated Area category needs to be refined:
 - i. INZ finds the inclusion of 'populated area' ambiguous. Better defining the parameters around 'risk to human life', i.e. where people live or work, is essential.
 - ii. As per the definition a downstream distance should be used to assess this. INZ understands the distance is primarily a function of dam height and volume, and a 1km distance is probably sufficient for most referable dam scenarios. However for larger referable dams it may need to be increased.
 - iii. Points i. & ii. are best depicted in the regulations through a simple matrix – similar to the Potential Impact Class assessment for example.

INZ suggest the further development of the Designated Area definition is undertaken through the recently formed collaborative partnership, with the addition of ministry officials and dam engineer risk advice.

- d. The process needs to change to reflect the following. The onus would be placed on the land owner to first undertake a self-assessment of their dam(s) and then follow the course of action below:
 - i. does it fall within the classifiable dam definition
YES/NO (if YES refer dam to the relevant authority)
 - ii. does it fall within the referable dam definition
YES/NO (if YES refer to designated area definition)
 - iii. does it trigger the designated area definition
YES/NO (if YES refer dam to the relevant authority)

This process will avoid unnecessary compliance cost for the dam owner and importantly it also removes future liability from Council's if an owner decides not undertake the process.

- e. For referred dams the Council will then determine whether they need to be classified. Importantly there needs to be consistency developed between regional authorities responsible for dam safety. INZ has identified there is currently considerable variation in process and thus cost – this was highlighted through the differences in cost outlined by the regional authorities involved. This is illogical as dam safety assessment is a mechanistic process.

INZ Submission Ends