

Submission

Environment Canterbury Draft Policy on Dangerous dams, earthquake-prone dams and flood-prone dams 2024

PREPARED BY: Ashburton District Council SUBMITTED TO: Environment Canterbury
PO Box 94 PO Box 345
ASHBURTON CHRISTCHURCH 8140
mayor@adc.govt.nz mailroom@ecan.govt.nz

1.0 Introduction

1. Ashburton District Council welcomes the opportunity to submit on Environment Canterbury's Draft Policy on Dangerous dams, earthquake-prone dams and flood-prone dams 2024.
2. We acknowledge the policy is intended to state the approach and priorities the Regional Council will take in performing its functions in relation to dangerous dams, earthquake-prone dams and flood-prone dams in the Canterbury region, and how the policy will apply to heritage dams.
3. We note that the policy updates the existing 2006 policy to reflect the new framework for managing the safety of dams post-construction established in the Building (Dam Safety) Regulations 2022 (the Regulations), that took effect in May 2024. We note that Environment Canterbury is progressing its own responsibilities relating to the regulations.
4. We make the following observations on the draft policy as it stands.

2.0 Principles

5. We note the principles refer to Dam owners having primary responsibility for *“identifying, monitoring and reporting on dangerous, earthquake-prone and flood-prone dams and for reducing or removing the risk of harm to people, property and the environment in a timely and effective manner”*. This reflects the requirements of the Dam Safety Regulations and Building Act.
6. While we acknowledge the Act sets this out as the Dam owners' responsibility, we do question whether Environment Canterbury should have a more proactive role in ensuring this occurs, and ensuring the wider safety of the community from dams that may pose a risk, aside from its required regulatory functions under the Act.
7. The risk is that dam owners rely upon the fact that an existing large dam has been consented to assess its safety or choose not to meet their obligations under the Act and regulations. Given past experiences in the district relating to dams, we think it prudent that Environment Canterbury consider a more proactive monitoring role, apart from just monitoring during emergency events.

2.0 Responsibilities of Territorial Authorities

8. The policy refers to some functions that appear to be territorial authority (TA) functions, such as property file updates and LIM reporting. We consider that where these requirements exist, it is important that there is clarity about the responsibility for this function. For example, the inclusion of flood mitigation requirements and our duties to disclose this information as part of a LIM.
9. It is also critical that any information held by Environment Canterbury aligns with information held by the TA and is clearly and consistently communicated to the TA where it is our responsibility. We request that this is made clear in the policy.
10. We suggest that information on Dam safety, including flow paths and other relevant information is held on layers held and administered by the Regional Council and that these be publicly accessible in the same way that coastal and other hazards are held. This means that the responsible authority holds the information and can ensure that it is up to date. This in turn would avoid the risk of a TA holding outdated or incorrect information.

3.0 Communications


11. The policy refers to circumstances where the Council will work with dam owners where dangerous, earthquake prone or flood-prone dams are identified (i.e. 4.2, 4.3).
12. We are aware of at least ten dams in the Ashburton District which met the criteria under the Regulations of four metres high and holding at least 20,000 cubic metres of water or other fluid.
13. We acknowledge that Environment Canterbury is responsible to work with the dam owners to develop action plans and monitor the risk. We note the shared responsibilities of all Canterbury TAs for emergency management and the protection of life and property. For those reasons, we believe it is critical that Environment Canterbury ensures that TAs are kept fully informed of circumstances where a dam may place local communities at risk.
14. It also applies where critical infrastructure (e.g. wastewater treatment plants, electricity infrastructure) might be placed at risk by a dam failure, leading to significant impact on local communities.
15. We request that key agencies are also clearly communicated with for these circumstances and that this is clarified either through the policy, or through other arrangements as appropriate.

4.0 Environment Canterbury resourcing

16. We note a Dams policy has been in place since 2006, and this review has been triggered by the change to the Dam Safety Regulations in 2022.
17. We note that Environment Canterbury is accountable for ensuring that it has sufficient resourcing to:

- ensure that large dams are appropriately consented, inspected and code compliance certificates issued; and
- enforce and monitor the requirements of the policy; and
- ensure full awareness of the risks posed by dams identified as dangerous, earthquake-prone or flood-prone; and
- liaise with agencies, TAs and communities affected in a timely and effective manner.

We do not wish to speak to our submission.



NEIL BROWN
Mayor



HAMISH RIACH
Chief Executive