



COVERSHEET

Minister	Hon Poto Williams	Portfolio	Building and Construction
Title of Cabinet paper	Building (Dam Safety) Regulations 2022	Date to be published	17 June 2022

List of documents that have been proactively released

Date	Title	Author
May 2022	Building (Dam Safety) Regulations 2022	Office of the Minister for Building and Construction
5 May 2022	Building (Dam Safety) Regulations 2022 LEG-22-MIN-0052 Minute	Cabinet Office

Information redacted: NO

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Cabinet Legislation Committee

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Building (Dam Safety) Regulations 2022

Portfolio **Building and Construction**

On 5 May 2022, the Cabinet Legislation Committee:

- 1 **noted** that on 1 March 2021, the Cabinet Economic Development Committee (DEV) agreed the policy decisions for a set of Dam Safety Regulations for the post construction safe management of dams in New Zealand [DEV-21-MIN-0008];
- 2 **noted** that DEV authorised the Minister for Building and Construction to carry out targeted consultation on an exposure draft and make decisions consistent with the dam safety proposals on any minor, technical or timing issues which arise during the drafting process [DEV-21-MIN-0008];
- 3 **noted** that the Minister for Building and Construction has made the following technical changes following the consultation on the exposure draft:
 - 3.1 a new definition for historic or cultural site to remove ambiguity and is derived from the Heritage NZ Pouhere Taonga Act 2014;
 - 3.2 revised technical definitions and technical terms in the regulations, based on expert advice, to remove ambiguity;
 - 3.3 the technical changes to the dam safety assurance programme requirements including a review of the timing of dam safety reviews;
 - 3.4 amendments to the qualification and competency requirements for recognised engineers based on expert advice from practitioners;
 - 3.5 incorporating by reference New Zealand Standard NZS 1170.5:2004 Structural design actions - Part 5: Earthquake actions - New Zealand for determining whether a dam is earthquake prone or dangerous;
 - 3.6 amendments to the content of the forms are prescribed in regulations to remove unnecessary duplication;
 - 3.7 amendments to Schedule 2 (Dam Classification) to ensure that assessments can be carried out in a clear and consistent way;
- 4 **noted** that the Cabinet Manual authorises the Cabinet Legislation Committee to make minor policy changes where they are consistent with the policy intent;
- 5 **agreed** that the seismic hazard z factor, that measures ground shaking and, is included in the definitions to determine whether a dam is earthquake prone, flood prone or dangerous, be lowered from 0.13 to 0.10;

- 6 **agreed** that the annual exceedance probability for a dangerous dam is changed from 1 in 100 years in a moderate earthquake or moderate flood to 1 in 50 years for a medium impact dam and 1 in 100 years for a high impact dam;
- 7 **noted** that the Building (Dam Safety) Regulations 2022 give effect to the policy decisions referred to above;
- 8 **authorised** the submission to the Executive Council of the Building (Dam Safety) Regulations 2022 [PCO 23790/6.0];
- 9 **noted** that the Building (Dam Safety) Regulations 2022 come into force on 13 May 2024.

Rebecca Davies
Committee Secretary

Present:

Hon Chris Hipkins (Chair)
Hon Andrew Little
Hon Poto Williams
Hon Stuart Nash
Hon Kris Faafoi
Hon Kiri Allan
Hon Dr David Clark
Hon Meka Whaitiri
Kieran McAnulty, MP (Senior Government Whip)

Officials present from:

Office of the Prime Minister
Officials Committee for LEG