

Dangerous Dams, Earthquake-prone Dams and Flood-prone Dams

Policy

2026



1 INTRODUCTION

This document sets out the policy on dangerous dams, earthquake-prone dams and flood-prone dams adopted by Southland Regional Council (“the Council”) in accordance with sections 161 and 162 of the Building Act 2004 (“the Act”).

This policy is a key component of the wider regulatory framework for protecting people, property, and the environment from the potential impacts of dam failure. It provides for the identification and management of dams of concern in the Southland Region, and the measures the Council will take (including with the dam owner) to reduce or remove danger.

The policy states the approach and priorities the Council will take in performing its functions in relation to dangerous dams, earthquake-prone dams and flood-prone dams in the Southland region, and how the policy will apply to heritage dams.

This policy applies to dams defined in section 7 of the Act.

The dam safety provisions in subpart 7 of part 2 of the Act, apply to:¹

- Classifiable dams (defined in regulation 5 of the Building (Dam Safety) Regulations 2022 (“the Regulations”) to be 4 or more metres high and storing 20,000 cubic metres volume of water or other fluid
- Referable dams as defined in the Regulations²
- All dams but only for the purposes of section 133B (height measurement of dams) and sections 157 and 158 (measures by a regional authority to avoid immediate danger).

2 APPLICATION OF THIS POLICY

This policy applies to dams everywhere in the Southland region, irrespective of the age and intended life of the dam. Where required by the Act, parts of this policy apply specifically to classifiable dams, which also include “large dams” as defined in section 7 of the Act.

Southland has a relatively small number of classifiable dams, many associated with agricultural, flood protection and hydroelectric infrastructure. The region's dams are subject to risks associated with high rainfall events, riverine flooding (e.g., Mataura, Ōreti, Aparima, and Waiau catchments), and to a lesser extent seismic activity along the Fiordland Fault System. This policy recognises the Southland region’s distinctive environmental, economic, and cultural landscape and is tailored to enable proportionate, risk-based management of dam safety, aligned with the region’s scale, hazard profile, and available resources.

The terms ‘dangerous dam’, ‘earthquake-prone dam’ and ‘flood-prone dam’ as used in this policy have the same meaning as provided in section 153, section 153A and section 153AA of the Act.

This policy must be read alongside the Building (Dam Safety) Regulations 2022 (“the Regulations”) which define terms used in the Act in relation to “dangerous dams”, “earthquake-prone dams” and “flood-prone dams”.

¹ Other than sections 157-159 of the Building Act, which apply to all dams.

² Acknowledged by Ministry of Business, Innovation and Employment (MBIE) as not yet defined in Regulations (as of July 2025).

The Regulations and the Act can be accessed at www.legislation.govt.nz

This policy commences on 18 February 2026.

This policy will be reviewed every five years or earlier as required. The policy remains in effect even though it is due for review or being reviewed.

3 PRINCIPLES

The Council will apply the following principles to the exercise of its dangerous dams, earthquake-prone dams and flood-prone dams functions under the Act:

- Dam owners have the 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
- An engineer engaged (by the owner) to provide a certificate for the purposes of sections 135(1)(b), 142(1)(b), or 150(2)(f) will notify Council and the owner of the dam if they believe that the dam is dangerous
- The state of all dangerous, earthquake-prone and flood-prone dams (as defined in the Act and the Regulations) must be known by dam owners (noting that other dam safety provisions in the Act apply to all dams) and this information, if known to the Council, will be made readily available by the Council, to all persons potentially affected by the safety risks of a dangerous, earthquake-prone or flood-prone dam³.

4 PARTNERSHIP WITH IWI

The Council acknowledges the principles of Te Tiriti o Waitangi / Treaty of Waitangi and the role of mana whenua as kaitiaki of the region's water bodies and landscapes.

Where the Council takes action in response to a dangerous, earthquake-prone or flood-prone dam, the Council will notify the relevant Papatipu Rūnanga where there is potential for the dam to affect any area of interest to the rūnanga³.

5 COUNCIL'S APPROACH TO PERFORMING THESE FUNCTIONS

Information on dam status

The Council will keep a register of dams as required by section 151 of the Act recording the dangerous, earthquake-prone or flood-prone status of each classifiable dam. The Council will develop a monitoring procedure to ensure information held in the register is up to date and supply this information to the relevant territorial authority for inclusion on any relevant land information memorandum³.

Should the Council receive information about a dangerous, earthquake-prone and flood-prone dam in its regional boundary, the Council will notify the Southland Civil Defence and Emergency

³ Appropriate redactions will be made in accordance with the Privacy Act 2020 and the Local Government Official Information and Meetings Act 1987.

Management (“Southland CDEM”) Group, the relevant territorial authority and the Building Consent Authority (BCA). At the commencement of this policy, Environment Canterbury undertakes the BCA functions for the Southland region³.

Consideration of Climate Resilience

In prioritising and responding to risks from dangerous, earthquake-prone and flood-prone dams, the Council will consider the projected impacts of climate change, including more frequent and intense rainfall, increased flood peaks, and prolonged droughts affecting dam operations.

The Council may require dam owners to consider likely future hydrological conditions, not just historical data, when undertaking risk assessments or developing action plans, particularly for flood-prone dams or those with high potential downstream consequences.

Working with dam owners

The Regulations require owners of all classifiable dams to know whether their dam is dangerous, earthquake-prone or flood-prone and take necessary steps, in a timely manner, to comply with the Act and the Regulations.

The Act requires dam owners to notify the Council immediately if they have reasonable grounds for believing their dam is dangerous. This applies to dams that are either a high potential impact dam or a medium potential impact dam and are likely to fail in the ordinary course of events, or in “moderate earthquake” or “moderate flood” (as defined in the Regulations).

The Act also requires an engineer (engaged by the owner) to provide documentation for the purposes of sections 135(1)(b), 142(1)(b), or 150(2)(f), to notify Council and the owner of the dam if they believe the dam is dangerous.

Owners of identified dangerous dams, earthquake-prone dams or flood-prone dams will develop an action plan (with timeframes) with the goals of increasing the safety of the dam and eliminating or reducing risks of the dam to people, property and the environment. It is not realistic to specify a timeframe in this policy for achieving this goal because timeframes will be dictated by the circumstances of each case.

When setting a timeframe for action, the Council will consider the state of the dam, whether it is a dangerous dam, and the likelihood and consequences of dam failure.

Directing and taking action on dangerous dams and all dams where there is, or likely to be, a risk of immediate danger

The Council may intervene:

- For dangerous dams:
 - If the owner of any dam is not acting in accordance with an agreed action plan; or
 - Where there is no agreed action plan; or
 - Where it considers that the agreed action plan requires review or amendment; or
 - Where ownership is not known or is disputed.
- For all dams where there is, or likely to be, a risk of immediate danger.

Before exercising any of its powers under sections 154 to section 159 of the Act the Council will, unless the circumstances dictate otherwise (such as where there is immediate danger to the safety of persons, property, or the environment), seek to discuss options for action with the owner of the dam, with a view to obtaining from the owner a mutually acceptable formal

proposal for reducing or removing the danger. Acceptable actions by the owner may include but not be limited to, one or more of the following:

- Operational changes such as reducing the volume of impounded fluid or completely emptying the reservoir;
- Reconfiguring an existing spillway, or creating a new or supplementary spillway, so as to limit the maximum impounded volume and/or to safely route flood flows;
- Increased surveillance and monitoring;
- Development of emergency preparedness and response plans;
- Review of the dam safety assurance programme;
- Engaging a dam specialist to investigate and make recommendations on how risks to people, property or the environment may be mitigated, with any report provided to the Council at the earliest opportunity;
- Implementing measures to enable controlled, rapid emptying of the impounded fluid;
- Measures downstream of the dam to mitigate the impact of dam failure;
- Physical works including reconstruction or partial demolition of the dam;
- Decommissioning and/or removal of the dam.

The whole or part of any agreement between the Council and the dam owner may be formalised in a Notice to Fix issued under section 164 of the Act. If agreement cannot be reached between the Council and the dam owner, the Council may exercise any of its statutory powers in sections 154 to section 159 and section 164 of the Act.

The Council will notify potentially affected communities downstream of a dangerous dam. The Council will do this by publishing information about any dangerous dam in the Southland region³. The Council will also notify the Southland Civil Defence and Emergency Management ("Southland CDEM") Group, the relevant territorial authority and the Building Consent Authority (BCA). At the commencement of this policy, Environment Canterbury undertakes the BCA functions for the Southland region³. The Council will liaise with the Southland CDEM Group on any actions taken in response to a dangerous dam.

In a situation where a dam is dangerous, the Council may:

- Erect a hoarding or fence to prevent people from approaching the dam nearer than is safe;
- Attach a notice on or near the dam in a prominent place (or affected downstream areas) that warns people not to approach;
- Give written notice to the owner requiring work to be carried out on the dam, within the time stated in the notice for the purposes of removing or reducing the danger

If action is taken in response to a dangerous dam, the Council will notify the relevant local territorial authority in which the dam is located³.

In a situation where the Chief Executive of the Council considers that, because of the state of the dam, immediate danger to the safety of persons, property, or the environment is likely then the Chief Executive of the Council may:

- Cause any action to be taken that is necessary to remove that danger;
- Recover the costs of taking any action from the dam owner.

Directing and taking action on earthquake-prone dams and flood-prone dams

The Council may at any time require the dam owner to review a dam safety assurance programme if the dam is an earthquake-prone or flood-prone dam.

Council may also encourage the owner to take the above listed acceptable actions for reducing or removing danger as part of a general approach intended to achieve a reduction in pre-existing or emerging risks.

Implementation and Resourcing

The Council acknowledges that managing dam safety in a region with limited high-risk dams requires a proportionate, scalable approach.

The Council will:

- Integrate dam risk management into broader natural hazards and emergency management frameworks.
- Use a combination of desktop review, aerial data, and field inspections to monitor dam safety status and compliance.
- Prioritise education and cooperation with dam owners but will take enforcement action where required.
- Ensure internal staff or contracted professionals have access to up-to-date dam safety expertise and training.

The Council may develop an internal dam safety strategy or implementation plan to give effect to this policy, aligned with available resourcing and regional priorities.

6 COUNCIL'S PRIORITIES IN PERFORMING THESE FUNCTIONS

The dangerous dams provisions of the Act will be used by the Council as a mechanism to remedy an unsatisfactory situation that has developed in the Southland region, rather than as a means of responding to “emergencies” that arise in the future. The Council’s approach to dangerous dams is therefore tailored towards achieving a reduction in pre-existing risk whilst still being able to deal with risks that emerge in the future.

In performing these functions, dams will be prioritised by Council as follows, in which Priority 1 is the highest priority and Priority 4 is the lowest priority:

1. Responding to any dam posing a risk of immediate danger, regardless of the potential impact classification of the dam, or the status of any dam safety assurance program for the dam.
2. Reducing risks posed by dangerous dams, with high potential impact classification dangerous dams considered higher priority than medium potential impact classification. Those without a dam safety assurance program will be prioritised over those with an approved dam safety assurance program.

3. Reducing risks posed by earthquake-prone or flood-prone dams with high potential impact classification. Those without a dam safety assurance program will be prioritised over those with an approved dam safety assurance programme.
4. Reducing risks posed by earthquake-prone or flood-prone dams with medium potential impact classification. Those without a dam safety assurance program will be prioritised over those with an approved dam safety assurance programme.

When reducing the risks posed by a dangerous dam, earthquake-prone dam or flood-prone dam, the Council will give precedence to the requirement to remove or reduce the danger to public safety, and having addressed this, will then have regard to the potential for damage or loss to property and the environment including heritage matters.

7 APPLICATION TO HERITAGE DAMS

Heritage dams as defined in section 7 of the Act means a dam that is included on

- the New Zealand Heritage List/Rāangi Kōrero maintained under section 65 of the Heritage New Zealand Pouhere Taonga Act 2014; or
- the National Historic Landmarks/Ngā Manawhenua o Aotearoa me ōna Kōrero Tūturu list maintained under section 81 of the Heritage New Zealand Pouhere Taonga Act 2014.

Section 4(2)(l) of the Act recognises “the need to facilitate the preservation of buildings of significant cultural, historical, or heritage value”.

The Council recognises the need to retain heritage values of the dam itself, but also the need to reduce or remove any risk posed by a heritage dam which has been classified as dangerous, earthquake-prone or flood-prone. When considering heritage dams under this policy, the Council will take into account the need to facilitate preservation of parts of the dams with significant heritage value.

When dealing with heritage dams which are deemed dangerous, earthquake-prone, or flood-prone, or when taking action in response to any dangerous, earthquake-prone or flood-prone dam that is located near a site which is entered on the New Zealand Heritage List/Rāangi Kōrero (including historic places, historic areas, wāhi tapu or wāhi tūpuna areas), or is otherwise identified by iwi as a place of cultural significance, the Council will seek advice from Heritage New Zealand Pouhere Taonga before any actions are undertaken by the Council under sections 153 to section 160 of the Act.

The Council may also engage suitably qualified professionals with engineering expertise and heritage expertise to advise and recommend actions. When considering any recommendations, the Council will have regard to the priorities set out in section 6 of this policy. Copies of all notices served for heritage dams which are deemed dangerous, earthquake-prone and flood prone will be provided to Heritage New Zealand Pouhere Taonga³.

The Council will record the heritage listing of all dangerous, earthquake-prone and flood-prone dams it is made aware of in its register of dams and supply this information to the relevant territorial authority for inclusion on any relevant land information memorandum³.

