



9 February 2024

Building System Performance
Ministry of Business, Innovation, and Employment

Email: building@mbie.govt.nz

Tēnā koutou

RE BUILDING (DAM SAFETY) REGULATIONS 2022 TARGETED CONSULTATION

Thank you for the opportunity to provide feedback on the Ministry of Business, Innovation, and Employment (MBIE)'s targeted consultation document on the Building (Dam Safety) Regulations 2022.

We strongly support the New Zealand Society on Large Dams (NZSOLD)'s submission to MBIE. NZSOLD is a technical group of Engineering New Zealand, established to protect people, property and the environment from the harmful effects of dam failure or the uncontrolled release of reservoir contents. NZSOLD have worked for many years with MBIE on the Building (Dam Safety) Regulations 2022 and are experts in both the development and planned implementation of the current regulations.

Like NZSOLD, we are concerned by this consultation for the following reasons:

1. **Evidence:** This consultation comes about because of *“heard concerns from the sector about the availability of professional and technical resourcing, and the implications this may have on the ability of owners of classifiable dams, to provide the relevant regional authority with a dam classification which has been certified by a recognised engineer by 13 August 2024”*. While we acknowledge these concerns, these concerns are not evidenced in the consultation document and the case for changing the height and volume thresholds is not substantiated. Work to establish current thresholds was evidence-based. This makes the consultation document challenging for the sector to comment on.
2. **Public safety:** The driver of the new regulations is public safety. This is NZSOLD and Engineering New Zealand's top concern. MBIE's consultation document does not address the public safety consequences of changing height and volume thresholds. This information is needed to inform decision-making.
3. **Options analysis:** It is our view that MBIE misses an opportunity to address the perceived impact of the regulations. Instead of changing the coverage of the regulations, it is our view that MBIE should consider amending implementation timeframes. Instead of three months to

implement the regulations, we recommend assessments of dams should start with the largest dams and be phased, as capacity allows.

Recognised Engineers (Dam Safety)

Engineering New Zealand manages the Register of Recognised Engineers (Dam Safety). MBIE's consultation document asks if there will be capacity issues with engineers signing off on dams under the new regulations. We do not have evidence of this and reiterate NZSOLD's points about the number of engineers within firms who will prepare PICs and/or DSAPs and the number who will certify PICs and/or DSAPs. Not everyone working on PICs and/or DSAPs will need to be registered. Only those certifying PICs and/or DSAPs will need to be registered. At this point in time, we do not have evidence that there are capacity issues. As is often the case, demand drives supply and we expect the number of Recognised Engineers (Dam Safety) to increase. As per our comments above, we recommend that MBIE consider implementation timeframes to allow the market to adjust to demand.

There is a cost to engineers becoming a Recognised Engineer (Dam Safety). Engineers need to become a chartered professional engineer (if they are not already CPEng) and be assessed as a Recognised Engineer (Dam Safety). This involves time and money. Incentivising engineers to become a Recognised Engineer (Dam Safety) may be an option for MBIE, although it is our view that extending implementation timeframes will support the sector to adjust to new requirements.

Conclusion

Thank you again for the opportunity to provide comment on the consultation. We are available for discussion at your convenience and will continue to support these regulations wherever possible for the protection of the public, property and the environment.

Nāku, nā



Dr Richard Templer

Chief Executive