



Te whakahaumaru pāpuni

Dam Safety Policy

June 2026

1. Kupu whakataki | Introduction

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

The Policy states the approach and priorities NRC will take in performing its functions in relation to dangerous dams, earthquake-prone dams and flood-prone dams in Northland, and how the Policy will apply to heritage dams (refer to clause 6 for the definition of 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:

- a) classifiable dams (defined in regulation 5 of the Building (Dam Safety) Regulations 2022 (“the Regulations”) to be a dam 4m or more in height and holding 20,000m³ or more in volume of water or other fluid;
- b) referable dams as defined in the Regulations¹; and
- c) all dams, but only for the purposes of Section 133B² (height measurement of dams) and Sections 157 - 158 of the Act (measures by a regional authority to avoid immediate danger).

2. Te hōkaitanga o tēnei kaupapa here | Application of this Policy

This Policy applies to dams everywhere in Northland, irrespective of the age and intended life of the dam. Some parts of this Policy apply to all dams. Where required by the Act, this Policy applies to classifiable dams, which also includes “large dams” as defined in Section 7 of the Act.

The terms “*dangerous dam*”, “*earthquake-prone dam*” and “*flood-prone dam*” have the same meaning as provided in Sections 153, 153A and 153AA of the Act.³

This Policy must be read alongside the Building (Dam Safety) Regulations 2022 and Building (Dam Safety) Amendment Regulations 2024 which define terms used in the Act regarding “dangerous dams”, “earthquake-prone dams” and “flood-prone dams”.⁴

The Regulations, relevant amendments and the Act can be accessed at www.legislation.govt.nz⁵:

This Policy commences on Monday 29 June 2026.

This Policy will be reviewed every five years, or earlier as required, but remains in effect when it is due for review or being reviewed.

3. Ngā haepapa me ngā mātāpono | Responsibilities and principles

NRC and landowners have the following responsibilities and will apply the following principles in the exercise of NRC’s functions relating to dangerous dams, earthquake-prone dams, and flood-prone dams under the Act.

¹ The current Regulations do not define a referable dam.

² When measuring the height of the dam under this Section, the crest of the dam includes any freeboard – refer Appendix A for the definition.

³ This includes buildings in areas designated under subpart 6B as set out in Section 153AA of the Building Act 2004.

⁴ Section 19 of the Building (Dam Safety) Regulations 2022 defines moderate earthquake, moderate flood, earthquake threshold event and flood threshold event.

⁵ <https://www.legislation.govt.nz/regulation/public/2022/0133/latest/whole.html#LMS489207> and https://www.legislation.govt.nz/act/public/2004/0072/latest/whole.html?search=ts_act%40bill%40regulation%40deemedreg_building+act+2004_resel_25_a&p=1#whole

- 3.1. Dam owners have the primary responsibility for identifying, monitoring and reporting on dangerous, earthquake-prone and flood-prone dams.
- 3.2. Dam owners have the primary responsibility for reducing or removing the risk of harm to people, property and the environment in a timely and effective manner.
- 3.3. A recognised engineer engaged (by the owner) to provide a certificate for the purposes of [Sections 135\(1\)\(b\)](#), [142\(1\)\(b\)](#), or [150\(2\)\(f\)](#) of the Act must notify NRC and the owner of the dam if the dam is dangerous.
- 3.4. The state of all dangerous, earthquake-prone and flood-prone dams (as defined in the Act and the Regulations) must be known (noting that other dam safety provisions in the Act apply to all dams) and this information, if known to NRC, will be made readily available by them, to all persons potentially affected by the safety risks of a dangerous, earthquake-prone or flood-prone dam.

4. Te tikanga o tā te Kaunihera whakahāngai i ēnei mahi | Council's approach to performing these functions

4.1 Information on dam status

NRC will keep a register of all dams as required by Section 151 of the Act, recording the dangerous, earthquake-prone and flood-prone status of each classifiable dam. NRC will maintain the register.

Should NRC receive information about a dangerous, earthquake-prone and flood-prone dam in Northland, they will notify the relevant territorial authority and the Northland Civil Defence and Emergency Management Group.

4.2 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 that they will take the necessary steps, in a timely manner, to comply with the Act and the Regulations.

Separate from the certification process carried out by a recognised engineer, the Act also requires dam owners to immediately notify NRC if they have reasonable grounds to believe that 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 a “moderate earthquake” or “moderate flood” as defined in the Regulations).

The Act also requires a recognised engineer (engaged by the owner) to provide a certificate for the purposes of Sections 135(1)(b), 142(1)(b), or 150(2)(f), to notify NRC and the owner of the dam if the dam is dangerous.

4.3 Emergency Planning and Response

The owner must provide a Dam Safety Assurance Programme (DSAP) to NRC if the dam is dangerous, flood-prone or earthquake prone. The DSAP template and guidance can be found at Section 140-148B of the Act and in Regulations 11-18.

When consulted on the Emergency Action Plan of the DSAP, under Regulation 17, NRC and the Northland Civil Defence Emergency Management Group will provide a prompt, transparent and informative response.

4.4 Directing and taking action

- a) NRC may intervene:
 - i. for dangerous, earthquake-prone and flood-prone dams:
 - if the owner fails to prepare the Dam Safety Assurance Programme [within the prescribed timeframes](#) of Section 142 of the Act; or

- if the dam owner is not acting in accordance with agreed actions; or
 - where there are no agreed actions, or
 - where it considers that the Dam Safety Assurance Programme requires review or amendment under [Section 146 of the Act](#); or
 - where ownership is not known or is disputed; or
- ii. for all dams, where there is or likely to be a risk of immediate danger.
- b) Before exercising any of its powers under Sections 154 to 159 of the Act NRC 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 dam owner, aiming to obtain from the owner a mutually acceptable formal proposal for reducing or removing the danger.

Acceptable actions by the owner may include, one or more of the following;

- i. operational changes such as reducing the volume of impounded fluid or completely emptying the reservoir;
- ii. reconfiguring an existing spillway or creating a new or supplementary spillway to limit the maximum impounded volume and/or to safely route flood flows;
- iii. increased surveillance and monitoring;
- iv. development of emergency preparedness and response plans;
- v. review of the Dam Safety Assurance Programme;
- vi. requiring the owner to engage a dam specialist to investigate and make recommendations in any report provided to council;
- vii. implementing measures to enable controlled, rapid emptying of the impounded fluid;
- viii. measures downstream of the dam to mitigate the impact of dam failure;
- ix. physical works including reconstruction or partial demolition of the dam; or
- x. decommissioning and/or removal of the dam.

The whole or part of any agreement between NRC 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 NRC and the dam owner, NRC may exercise any of its statutory powers in Sections 154-159 and 164 of the Act.

- c) NRC will notify potentially affected communities downstream of a dangerous, earthquake-prone or flood-prone dams. They will do this by publishing information about any dangerous, earthquake-prone or flood-prone dams in Northland and work with the Northland Civil Defence Emergency Group.
- d) NRC 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 under Section 146 of the Act.
- e) In a situation where a dam is dangerous, NRC may:
- i. erect a hoarding or fence to prevent people from approaching the dam nearer than is safe;
 - ii. attach a notice on or near the dam (or affected downstream areas) that warns people not to approach;
 - iii. give written notice to the owner requiring work to be carried out on the dam, and within the time stated in the notice to remove or reduce the danger.
- f) In a situation where the Chief Executive of NRC considers the state of the dam poses an immediate danger to the safety of persons, property, or the environment, then they may:
- i. require any action to be taken that is necessary to remove that danger; and
 - ii. recover the costs of taking any action from the dam owner.

5. Ngā whakaarotau a te Kaunihera mō te whakahāngai i ēnei mahi | Council's priorities in performing these functions

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

NRC’s priorities when dealing with dangerous dams will be as follows:

- First priority: To minimise the risk to public safety at all times.
- Second priority: To minimise the risk to damage or loss of property.
- Third priority: To minimise the risk to the wider environment.

6. Te pānga ki ngā pāpuni whaimana | Application to heritage dams

For the purposes of this Policy, a heritage dam means a dam that is included on:

- a) the New Zealand Heritage List / Rārangī Kōrero maintained under Section 65 of the Heritage New Zealand Pouhere Taonga Act 2014; or
- b) 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*”.

NRC 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, flood-prone or earthquake-prone. When considering heritage dams under this Policy, account will be taken of the need to facilitate the preservation of parts of the dams with significant heritage value, except where those parts are directly contributing to the risk of achieving the dangerous dam priorities and cannot be reasonably mitigated.

When dealing with heritage dangerous dams, NRC will seek advice from Heritage New Zealand / Pouhere Taonga and the relevant territorial authority (if appropriate) before any actions are undertaken by NRC under Sections 153 – 160 of the Act while, when considering any recommendations, having regard to the priorities set out in clause 5 of this Policy. Copies of all served notices for heritage dangerous dams, earthquake-prone dams and flood-prone dams will be provided to Heritage New Zealand / Pouhere Taonga.

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