



COVERSHEET

Minister	Hon Chris Penk	Portfolio	Building and Construction
Title of Cabinet paper	Building (Dam Safety) Regulations 2022: Proposed Amendments	Date to be published	9 May 2024

List of documents that have been proactively released

Date	Title	Author
March 2024	Building (Dam Safety) Regulations 2022: Proposed Amendments	Office of the Minister of Building and Construction
19 March 2024	Building (Dam Safety) Regulations 2022: Proposed Amendments EXP-24-MIN-0007 Minute	Cabinet Office

Information redacted

YES / NO (please select)

Any information redacted in this document is redacted in accordance with MBIE's policy on Proactive Release and is labelled with the reason for redaction. This may include information that would be redacted if this information was requested under Official Information Act 1982. Where this is the case, the reasons for withholding information are listed below. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.



Cabinet Expenditure and Regulatory Review 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: Proposed Amendments

Portfolio **Building and Construction**

On 19 March 2024, the Cabinet Expenditure and Regulatory Review Committee:

- 1 **noted** that in May 2022, the previous government approved the Building (Dam Safety) Regulations 2022 (the Regulations) [LEG-22-MIN-0052], which will come into force on 13 May 2024;
- 2 **noted** that the Regulations were intended to provide a minimum, consistent, and effective risk-based regulatory framework for post-construction dam safety while ensuring proportionate costs and regulatory burden;
- 3 **noted** that new modelling indicates that the current height and volume thresholds mean that a much larger number of dams will be subject to the Regulations, many of which will be dams with a low potential impact;
- 4 **agreed** that the height and volume threshold for a classifiable dam will be one that has a height of four or more metres and holds 20,000 or more cubic metres volume of water or other fluid;
- 5 **noted** that increasing the height and volume threshold may increase the likelihood that dams with medium or high potential impacts are not included in scope of the Regulations, and this risk can be managed under existing provisions in the Building Act 2004;
- 6 **authorised** the Minister for Building and Construction to issue drafting instructions to Parliamentary Counsel Office to give effect to the policy decisions in the paper under EXP-24-SUB-0007;
- 7 **authorised** the Minister for Building and Construction to make decisions consistent with the decisions under EXP-24-MIN-0007 on any issues which arise during the drafting process, including minor or technical amendments as required;

- 8 **noted** that officials intend to communicate the above decisions to key stakeholders affected by the Regulations, prior to the legislation commencing, to support these stakeholders to comply.

Sam Moffett
Committee Secretary

Present:

Rt Hon Christopher Luxon
Rt Hon Winston Peters
Hon David Seymour (Chair)
Hon Nicola Willis
Hon Shane Jones
Hon Chris Bishop
Hon Dr Shane Reti
Hon Simeon Brown
Hon Erica Stanford
Hon Louise Upston
Hon Mark Mitchell
Hon Casey Costello
Hon Simon Watts
Hon Chris Penk
Hon Andrew Bayly
Hon Andrew Hoggard
Hon Mark Patterson

Officials present from:

Office of the Prime Minister
Officials Committee for EXP
Office of the Minister for Building and Construction
Ministry of Business, Innovation and Employment