

Proposed Methamphetamine Property Policy

1. Introduction

The Invercargill City Council has developed its proposed Methamphetamine Property Policy. The purpose of the Policy put in place procedures to monitor properties contaminated with methamphetamine residue. The Bylaw clarifies the roles of the Invercargill City Council in the monitoring and recording of information relating to methamphetamine contamination.

2. Proposed Methamphetamine Property Policy (attached)

The proposed Methamphetamine Property Policy is attached. You can submit or comment on the Policy as a whole or any individual area.

3. Place for Inspection and Obtaining Copies

The Proposed Methamphetamine Property Policy may be inspected at the Help Desk of the Invercargill City Council, 101 Esk Street, Invercargill, at the Bluff Service Centre, and at the Invercargill Public Library.

The Proposed Methamphetamine Property Policy may also be found on the Invercargill City Council website www.icc.govt.nz.

4. Submission Period

Submissions are invited on the Statement of Proposal. Submissions must be received by Council no later than **5.00 pm on 27 April 2018**.

Submissions must:

1. Be in letter form, clearly showing the submitter's name, address and contact phone number.
2. Be addressed to the undersigned and clearly labelled **SUBMISSION – Methamphetamine Property Policy**.
3. Indicate whether the submitter wishes to be heard by the Council in support of his/her submission. The Hearing will take place at Council's Regulatory Services Committee Meeting on 22 May 2018. (Note – the substance of the submission should be in writing. Verbal presentations should be restricted to around five minutes.)
4. Be received by 5.00 pm on Friday 27 April 2018.

Submissions can be:

Posted to: Invercargill City Council
Submission – Proposed Methamphetamine Property Policy
Private Bag 90104
INVERCARGILL 9840

Delivered to: Help Desk, Invercargill City Council, 101 Esk Street, Invercargill

Faxed to: 03 211 1433

E-mailed to: policy@icc.govt.nz



Methamphetamine Contamination of Property Policy

Purpose

Aims to encourage property owners to advise Council of Methamphetamine contamination to ensure the best outcomes for their properties is achieved and the impact it has, is clearly understood.

Scope

It ensures that properties contaminated are decontaminated so that they no longer pose a health risk to the occupants of the property. Property owners will be able to understand their obligations, how Council can assist with the issue of contamination and the impact and results of Council becoming involved.

This excludes places of work as these are covered by the Health and Safety at Work Act 2015. Worksafe NZ is responsible for the administration and enforcement of these provisions.

Definitions

COUNCIL - Invercargill City Council.

CLEANSING ORDER – A direction issued under Section 41 of the Health Act 1956.

CLOSURE NOTICE – A 21 day notice issued under Section 42 of the Health Act 1956 to close property or location.

DECONTAMINATION – is to render an area or building harmless by the removal, distribution, or neutralisation of poisons or toxins.

ENVIRONMENTAL HEALTH OFFICER – appropriately warranted staff members employed by Invercargill City Council.

PROPERTY/LOCATION - Means any dwelling and associated buildings and also includes places of work in those buildings and all commercial/industrial buildings within the Invercargill City District.

PROPERTY OWNER – is a person that owns a house or land.

REMIEDIATION – process to ensure that any potential health risks are managed.

REPAIR NOTICE – A 14 day notice is issued under Section 41 of the Health Act 1956 to remedy issues related to the contaminated property.

STANDARD - is a document setting out specifications, procedures and guidelines to ensure that services and systems are safe, reliable and consistent.

Notification to Council

Council is notified of contamination by:

- a) Direct notification from affected land owners supplying laboratory reports showing that a particular property is contaminated with Methamphetamine that the levels are above the guidance values indicated in the standard.
- b) Notification from Police
- c) Notification from the Ministry of Business Innovation and Employment (MBIE)
- d) Notification from Public Health South
- e) Other sources such as independent and certified decontamination contractors backed up with laboratory report above the standard. Direct notification can come to the Council's attention in many ways and includes at the time an application for Building Consent is being lodged.

Indirect notification from b) to e) is by way of formal reporting from concerned agencies.

Where concerned residents, tenants or neighbours believe, but can provide no factual evidence that a property may be contaminated with methamphetamine, enquiries/ complaints should be directed to the Police or Public Health South. An Environmental Health Officer can only act where there is verified proof of contamination by way of test results from authorised laboratories.

Decontamination Process

Upon notification of the contamination the Environmental Health Officer will:

- Evaluate the information provided and decide if the level of risk is sufficient to intervene based on contamination guideline levels.
- Issue Repair Notice or Cleansing Order respectively under the Health Act 1956 to remediate any risks likely to affect health.
- Ensure that the testing for, and subsequent removal of residual chemicals must be carried out in accordance with the standard.
- Issue Closure Notice to the owner/ occupier restricting their access to the property if they fail to demonstrate evidence of the decontamination.
- Cancel the Closure Notice only when repair work has been completed satisfactorily.
- Ensure that the timeframes for compliance by the owner/ occupier conforms to each respective notice issued against the property is adhered to. Failure to comply with these timelines is an offence under the Health Act 1956.

Testing Regime

Must be carried out in accordance with the standard by certified decontamination specialists and sent to an accredited sampler/ laboratory that are responsible for taking and/ or analysing samples for detailed assessments and post decontamination reports on behalf of an AS/NZS ISO/IEC 17020 or NZS ISO/IEC 17025 accredited body. Results of all tests need to be provided to Council and will be recorded on the property file.

Land Information Memorandums (LIM) Reports

All information that is held by Council about a property is disclosed on a LIM. This will include information about the level of contamination, the remediation work and relevant notices issued such as the Cleansing Order or Repair Notice and/ or Closing Order and the post decontamination tests showing the new recorded levels.

Legislation and resources

- Health Act 1956 – to protect and promote public health, abates nuisances and removes conditions likely to be injurious to health.
- Resource Management Act 1991 – to control actual or potential effects of land use, including preventing and mitigating adverse effects of the use of hazardous substances, as well as obligations to identify and monitor contaminated land.
- Local Government Official Information and Meetings Act 1987 – to record information detailing the likely presence of hazardous contaminants as well as any orders or notices that have been issued, within a land Information Memorandum (LIM).
- Hazardous Activities and Industries List (HAIL) - to compile activities and industries that are considered likely to cause land contamination resulting from hazardous substance use, storage or disposal.
- NZ Standard (NZS 8510/2017- Testing and decontamination of methamphetamine contaminated properties)
- Institute of Environmental and Science Research (ESR).

Revision History:

Effective Date:

Review Period: This policy will be reviewed every three (3) years unless earlier review is required due to legislative change, or is warranted by another reason requested by Council.

New Review Date:

Associated Documents / References:

Supersedes:

Reference Number:

Policy Owner: