



STAFF REPORT

TO: Environment & Planning Committee

FROM: Jean Hodson - Regulatory Manager

REFERENCE: C651

SUBJECT: **REGULATORY MANAGER'S REPORT - REPORT EP08/04/09 –**
Report prepared for 24 April 2008 Meeting

1. INTRODUCTION

The purpose of this report is to provide a brief background on the functions, workload and timeframes and key issues / items of interest relating to the Regulatory section of the Environment & Planning Department.

Clarification is sought from the Committee regarding future information requirements.

2. FUNCTIONS

The section carries out Council's regulatory/consents/licensing/by-law related functions as required under various Acts, the main ones being:

- Biosecurity Act 1993
- Building Act 2004
- Dog Control Act 1996
- Food Act 1996
- Gambling Act 2003
- Health Act 1956
- Local Government Act 2002
- Sale of Liquor Act 1989

The Section consists of two teams:

- The Building Control Team is currently made up of 19 staff; six Building Consent Officers, 10 Building Inspectors, 2.6 FTE Administration staff and a Co-ordinator, four of these positions are currently vacant. Several of these are additional positions which have recently been created. The Section has been without a Co-ordinator for four months which has been an adverse effect on the team.
- The Regulatory Team is also undergoing change due to the impending retirement of David Lewis as the Co-ordinator, but is currently made up of one Pest Management Officer, one combined Environment Health Officer/Harbour Master, two Administration Officers (Licensing, Dogs and Parking) and a Co-ordinator. I am pleased to advise that Graham Caradus has been appointed as the new Co-ordinator, effective from 12 May 2008. We have recently advertised for an EHO.

Linked to this team are various contractors undertaking Pest Management, Animal Control and Parking Enforcement, Licensed Premises and after hours Noise Control.

- The whole Regulatory Section's work is performed under delegated authority. It involves a high level of public/customer interface, and involves work with a potential high level of liability and is therefore a very important aspect of Council's functions.
- The recent re-location of the Compliance section and some members of the Regulatory section down to the Library has eased the accommodation shortage for the building team.

3. WORK LOAD / TIMEFRAMES

The Committee has been receiving a three monthly summary of numbers of consents issued, licences issued and complaints and infringements, compliance with statutory timeframes and some geographic and value related information from the Customer Services Manager in the past. The current information for the last three months is appended to this report.

Comment is sought regarding whether or not this format of information is most useful or whether other statistics are also relevant and should be provided.

4. KEY ISSUES/ ITEMS OF INTEREST

4.1 Building

4.1.1 Accreditation Update

We received 10 "corrective action requests (CARs)" from IANZ as a result of the on-site visit in February. We have dispatched responses to all 10 CARs back to IANZ, although some require data to be collected once approval of changes made to our systems has been received. At this stage, we are anticipating achieving our accreditation by the required date of 30 June 2008, but this is also dependant on IANZ timeframes. It is noted that on-going BCA accreditation requirements will impact on the Building Control section with additional tasks and support being necessary to maintain accreditation once it is achieved.

4.1.2 Nelson Tasman Industry Liaison Group

A liaison group is being established to promote improved communication and relations between the local building industry and both the Tasman and Nelson Councils. The first meeting to establish terms of reference has been held and it is anticipated that meetings will be held at least every two months.

4.1.3 Timeframes

A strategy to bring Building Consent processing and CCC inspections within “substantial compliance” with timeframes has been implemented. It involves the increased use of consultants and also the screening of new applications at an early stage after lodgement. The “early screening” aspect is partly in response to feedback from applicants who were concerned that their applications were waiting for a period of time before they were first assessed.

The early screening allows deficiencies to be identified and further information requested, although in some cases, this may be followed by an additional further information request if necessary once the application reaches full processing. With regards to CCC inspections, the practice now is to respond to these (once a written request has been made in accordance with the Building Act) as per other normal “working” inspections. Previously the priority was to do “working” inspections to ensure a job was kept moving, rather than giving equal priority to “final inspections”. Additional staff resources, paying attention to stopping the clock where a CCC re-inspection is required and requiring written application for a CCC will all contribute to achieving our timeframes.

4.1.4 On-site Wastewater Disposal For Dwellings

Just over 50% of the 28 new dwelling applications received by Council in March were on un-serviced allotments requiring on-site wastewater disposal. A substantial amount of work is required to work with the trade to ensure both the design and installation of these systems meets the required environmental standard.

4.1.5 Solar Hot Water Systems

Recently there has been debate regarding Solar Hot Water systems; whether consents should be required or not, if so, at what cost. Also, there is uncertainty regarding the installation and design standards required for the many different systems on the market. However, unless the Government changes the Building Act to make solar hot water systems exempt from the requirement for a building consent (and thus exempt Council from liability if things go wrong), then consents will continue to be required, and until Council changes its policy on the building consent activity being “user pays” rather having the costs paid by the general rates, then that aspect will remain the same.

4.2 Animal Control

4.2.1 Proposed New Dog Pound

Two visits have been carried out, one to the Nelson City Council dog pound and one to the Marlborough District Council pound. The design and size of the NCC pound is such that the option of sharing this facility with TDC is not recommended. However, the MDC pound is a design which is appropriate in relation to compliance with animal shelter requirements and this will be the basis of the preferred design for the Council’s new pound.

The site at the corner of Beach Road and Fittal Street is the best site option for the new pound and it is has been confirmed by the Engineering and Property Manager as being available for this proposal. A resource consent will be required for the project due to the new zoning of the area. A separate report will be prepared in due course.

4.2.2 Micro-chipping

To date, 1290 dogs in the TDC area have been notified to Council as being micro-chipped; 270 dogs are still required to be micro-chipped (but some may have been done but simply the owners have not notified Council.) This figure amounts to 13% of our total number of registered dogs, however there are approximately 1292 registered working dogs which are exempt from micro-chipping. In the main there is a good response to the requirements from new dog owners towards micro-chipping and Control Services report that they have been able to immediately find the owners of 19 lost dogs in the past month which were not wearing tags but had been micro-chipped. Conversely, at the time of writing there are eight dogs in the pound that cannot be re-homed as they are not chipped and not wearing a tag.

4.2.3 Camping Enforcement

This summer has seen the benefits of the education efforts on our policy which allows only self-contained vehicles to be used for over-night stopping. People accepted advice when asked to move on and no trespass orders were required to be issued. A letter has been sent to all vehicle hire companies explaining about our Policy and providing copies of our pamphlet which will assist further in the education of visitors to Tasman District.

4.2.4 Dog Registration

It is interesting to note that our dog registration fees are currently in the lowest 5% out of all the other Councils in New Zealand. In comparison to Timaru District Council (which is similar in population and dog numbers but have a much smaller geographic area) we charge about 33% of their fees. Procedures are in-hand to send out regulation packages to dog owners to meet the 1 July regulation year.

4.3 Environmental Health / Maritime

4.3.1 Environmental Health

Currently we have the following number of licences/registered premises in our District:

- Funeral Directors 2
- Offensive Trade 6
- Camping Grounds 32
- Hairdressers 36
- Food Premises 289
- Club Licences 30
- On-Licences 114
- Off-Licences 101
- Mobile Shop Licences 39

- Hawkers and Street stalls 6
- Plus
- Manager's Certs(SOL) 584(current)

4.3.2 Harbourmaster Role

An independent review is being undertaken currently with regards to the resource requirements for this function. The recommendations from the review will be reported in due course.

Over the summer there were nine Infringements Notices issued. This is the first summer which Council has issued instant infringement fines. The majority were for jet skis exceeding 5 knots within 200 metres of shore (\$200) but one was for unsafe waterskiing (\$100) and one for operating a commercial service without a licence (\$200). Two of the notices have been appealed and in the process of being dealt with.

4.3.3 Food Safety

The proposed changes to the registration process for food premises will involve Council working with NZ Food Safety Authority, but we are still waiting for legislation to be finalised. Potentially this will have a major impact on Council's role in this area and will create a new regime for licences for food premises.

5. RECOMMENDATIONS

1. It is recommended that this report be received.

Jean Hodson
Regulatory Manager