

**SUBMISSION: Property Maintenance
and Nuisance Bylaw 2015
Amendments
1ST DECEMBER 2021**

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Submission to the Property Maintenance and Nuisance Bylaw 2015 Amendments.

Introduction

Business North Harbour (BNH) representing the North Harbour Business Improvement District welcomes the opportunity to make this Submission on the Property Maintenance and Nuisance Bylaw 2015 Amendments.

BNH is a significant commercial and industrial Business Improvement District (BID), representing over 4,500 commercial property owners and businesses within the North Harbour area. Collectively they employ over 35,000 Auckland residents and ratepayers.

The organisation is located within the Upper Harbour Local Board area, which remains one of the fastest growing areas in the country, in both absolute and percentage population terms, which brings both challenges and opportunities to the North Harbour business district.

BNH represents and works with a wide range of businesses comprising of a mix of sole traders, Small Medium Enterprises (SME), through to multi-national organisations representing sectors such as ICT, business services, specialist manufacturing, light – medium warehousing, logistics, retail and hospitality. In addition, we have key educational institutions within or on our boundary, including Massey University, Albany and AUT Millennium, along with a variety of primary and secondary schools including Rangitoto College, the largest secondary school in New Zealand.

Background

Our health and wellbeing are often influenced by other people's activities on private property. This is especially true in urban areas where the population density is higher and in buildings that use industrial cooling tower systems. Poorly maintained private property can cause public health risks and nuisance, for example, by harbouring pests or growth of Legionella bacteria.

Auckland Council uses a Bylaw to make rules that seek to minimise public health risks and nuisance.

Auckland Council recently checked how the rules are working and identified improvements to how they might better reduce public health risks and nuisance and are proposing the following changes to the Bylaw that would:

- Remove unnecessary rules about lighting and revocations as lighting rules are now regulated in the Auckland Unitary Plan and legacy bylaws were revoked in 2015.

- Update the definitions, structure, format and wording of the Bylaw to make it easier to read and understand.

Auckland Council is seeking feedback on the proposed changes to the Property Maintenance and Nuisance Bylaw 2015.

Business North Harbour Feedback

Proposal 1.

Removing lighting rules.

We are proposing to remove the lighting rules as these are now regulated through the Auckland Unitary Plan (refer Attachment C of the Statement of Proposal under Part 4 of the Current Bylaw for details).

What is your opinion on this proposal?

BNH agrees with this proposal. The removal of Part 4 Clause 12 and Clause 13 Schedule 5 of the current Bylaw covering lighting requirements is appropriate, as these requirements have now been implemented in the Auckland Unitary Plan, thus the Clauses are not required or appropriate in the new Bylaw.

Proposal 2.

Removing references to the revocation of legacy council bylaws.

We are proposing to remove references to the revocation of legacy council bylaw as they have expired (refer Attachment C of the Statement of Proposal under Part 4 of the Current Bylaw for details).

What is your opinion on this proposal?

BNH agrees with this proposal. The removal of Part 4 Clause 13 of the current Bylaw relating to legacy council Bylaws is appropriate as these Bylaws have now expired, thus the Clause is not required or appropriate in the new Bylaw.

Proposal 3.

Updating the Bylaw's definitions, structure, wording, format and definitions.

We are proposing to make the bylaw easier to read and understand by updating the definitions, structure, format, and wording of the Bylaw (refer Attachment C of the Statement of Proposal for details).

What is your opinion on this Proposal?

BNH agrees with this proposal. The changes to the wording in Part 1 Clause 4 simplifies the purpose and clarifies what the Bylaw seeks to achieve. Likewise, the changes to the wording in Part 1 Clause 5 make the Bylaw easier to read and understand and now contains links to other relevant legislation, providing further information and guidance.

The wording in Part 2 Clause 6 makes the obligations of property owners and occupiers easier to understand which will hopefully improve compliance. It supports the overall purposes of the Bylaw in relation to public health and nuisance and also addresses public safety, by requiring public access to be denied to abandoned and wholly or partially unoccupied buildings. Additionally, the removal from the current Bylaw of

Clause 6 sub-clause (c), which relates to the feeding of any wild or feral animal on private property, avoids duplication of legislation.

Part 2 Clause 7 which covers industrial cooling tower water systems is also easier to read and understand, again hopefully improving compliance and reducing the incidence of unintentional non-compliance.

Other Feedback.

Making the information easier to understand and having Council staff available to answer questions that anyone may have regarding the Bylaw, should increase the number of people willing to do the right thing, as illustrated in Section 4 of the Statement of Proposal Property Maintenance and Nuisance Bylaw, which outlines the graduated approach to compliance. It should also reduce the occurrence of unintentional non-compliance illustrated in the same diagram, if Council has sufficient resource to provide the interventions to assist with compliance noted in the aforementioned diagram.

BNH believes that regardless of how easy the Bylaw is to understand, compliance and enforcement can only be successful if the mechanisms required for their implementation are adequately resourced.

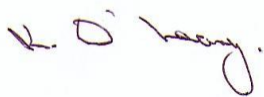
Conclusions

BNH supports the proposed changes as we believe that they support the main purposes for those changes to the Bylaw, which are to remove unnecessary rules and make the rules easier to understand and comply with. Reducing public health risks and nuisance and ensuring public safety, which should be the outcomes provided by the Bylaw, will be to the benefit of all Aucklanders.

BNH would also ask that Auckland Council give due consideration to the needs of businesses in their approach to the proposed changes to the Property Maintenance and Nuisance Bylaw, as many face another uncertain year ahead.

Should there be any questions or other matters arising from this Submission, we would be pleased to respond to those.

Yours sincerely,

A handwritten signature in purple ink, appearing to read "K. O'Leary".

Kevin O'Leary
General Manager