



Te Ture ā-rohe Tiaki Rawa me Ngā Mahi Whakaporearea 2015

Property Maintenance and Nuisance Bylaw 2015

(as at 28 April 2022)

Made by the Governing Body of Auckland Council

in resolution GB/2015/104

on 25 September 2015

Bylaw made under [section 145](#) of the Local Government Act 2002 and [section 64](#) of the Health Act 1956.

Summary

This summary is not part of the Bylaw but explains its general effects.

Health and wellbeing can be negatively affected 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.

The purpose of this Bylaw is to minimise public health risks and nuisance from poorly maintained private property by requiring the –

- owner or occupier of a private property to manage materials or vegetation on the property, for example to minimise the risk of harbouring pests or significant odours (clause 6)
- owner of an abandoned or unoccupied building on private property to prevent public access to the building, for example to minimise the risk of harbouring pests, health risks by individuals entering buildings and nuisance (clause 6)
- owner of an industrial cooling tower water system to register, test and maintain the system to minimise the risk of exposure to Legionella bacteria, often linked to outbreaks of Legionnaires disease (clause 7).

Other parts of this Bylaw assist with its administration by –

- stating its name, when it comes into force and where it applies (clauses 1, 2 and 3)
- stating the purpose of the Bylaw and defining words used (clauses 4 and 5)
- referencing Council's powers to enforce this Bylaw, including penalties up to \$20,000 (clauses 8 and 9).

The Bylaw does not seek to address impacts to visual amenity, for example from the physical presence of materials or overgrown vegetation (clause 5(1)).

The Bylaw is also part of a wider legislative framework which the Bylaw does not seek to duplicate or be inconsistent with. This includes rules about –

- public health in the [Health Act 1956](#)
- materials deposition in the [Litter Act 1979](#)
- views in the [Property Law Act 2007](#)
- the use of private property in the [Auckland Council Unitary Plan](#)
- public nuisance in the [Auckland Council Public Safety and Nuisance Bylaw 2013](#)
- overhanging vegetation on roads, footpaths, and berms in the [Auckland Transport Activities in the Road Corridor Bylaw \(2022\)](#)
- noxious weeds in the [Auckland Regional Pest Management Plan 2020-2030](#)
- discharges into the stormwater system in the [Stormwater Bylaw 2015](#)
- mechanical cooling tower systems associated with air conditioning or ventilation in the [Building Act 2004](#).

Cover page and empowering provisions amended, and summary inserted in accordance with Clause 2(2).

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[repealed]

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1 Title

- (1) This Bylaw is the Te Kaunihera o Tāmaki Makaurau Te Ture ā-rohe Tiaki Rawa me Ngā Mahi Whakaporearea 2015 / Auckland Council Property Maintenance and Nuisance Bylaw 2015.

Clause 1 amended in accordance with Clause 2(2).

2 Commencement

- (1) This Bylaw comes into force on 1 November 2015.
- (2) Amendments by resolution GB/2022/31 come into force on 01 July 2022.

Related information

Council decided on 28 April 2022 to amend the Bylaw following a statutory review (GB/2022/31).

Key changes included:

- clarifying the definition of 'nuisance'
- removing rules about the feeding of wild animals on private property as this is addressed in the Auckland Council Animal Management Bylaw 2015
- removing unnecessary rules about lighting and revocations in then Part 4 and Schedule 5. Lighting rules are now regulated in the Auckland Unitary Plan and legacy bylaws were revoked in 2015 (GB/2015/104)
- updating the format and wording of the Bylaw to make it easier to read and understand.

Clause 2 amended in accordance with Clause 2(2).

3 Application

This Bylaw applies to Auckland.

Part 1

Preliminary provisions

4 Purpose

- (1) The purpose of this bylaw is to minimise risks to public health and to protect the public from nuisance by requiring the:
- (a) owner and occupier of private property to manage materials or vegetation on the property;
 - (b) owner of an abandoned or unoccupied building on private property to prevent public access to the building; and
 - (c) owner of an industrial cooling tower water system to register, test and maintain the system.

Clause 4 amended in accordance with Clause 2(2).

5 Interpretation

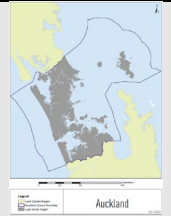
- (1) In this Bylaw, unless the context otherwise requires, –

abandoned means empty, deserted, derelict, or uninhabited.

Auckland has the meaning given by [section 4\(1\)](#) of the Local Government (Auckland Council) Act 2009.

Related information

The Local Government (Auckland Council) Act 2009 enabled the Local Government Commission to determine Auckland's boundaries in a map titled [LGC-Ak-R1](#). The boundaries were formally adopted by [Order in Council](#) on 15 March 2010, and came into effect on 1 November 2010.



biocide means a physical or chemical agent capable of killing micro-organisms, including Legionella.

building means a temporary or permanent moveable or immovable structure including a structure intended for occupation by people, animals, machinery or chattels.

cfu means colony-forming unit (10^3 cfu/L equals 1 cfu/mL).

Council, for the purposes of this Bylaw, means the Governing Body of the Auckland Council or any person delegated or authorised to act on its behalf.

Related information about council

The Regulatory Committee has delegated authority for decision making regarding all bylaws and associated controls as at 12 November 2019 (GB/2019/109).

Auckland Council's Licensing and Compliance Services Department has delegated authority to administer and enforce this Bylaw as at September 2020 (GB/2011/123).

industrial cooling tower water system means cooling towers associated with industrial processes (including scrubbing towers and mobile cooling systems) that are not part of a building as defined in the Building Act 2004 which are therefore not required to be inspected, maintained, or recorded in accordance with a compliance schedule made under the Building Act 2004.

material or thing means, but is not limited to –

- | | |
|---|------------------|
| (a) building material or equipment associated with building activities; | (e) manure; |
| (b) diverted material (as defined in the Te Ture ā-Rohe Whakahaere me te Whakaiti Tuku Para 2019 / Auckland Council Waste Minimisation Act 2008 (or future equivalent bylaw); | (f) metal paper; |
| (c) household goods / furniture; | (g) plastics; |
| (d) litter (as defined in the Litter Act 1979); | (h) timber; |
| | (i) tyres; |
| | (j) vehicles; |
| | (k) waste; and |
| | (l) asbestos. |

nuisance has -

- (a) the same meaning given by [section 29](#) of the Health Act 1956; and
- (b) includes a person, animal, thing, or circumstance causing unreasonable interference with the peace, comfort or convenience of another person whether or not that person is in a public place; but
- (c) does not include impacts to visual amenity.

Related information about nuisance

The Bylaw is part of a wider legislative framework. The Bylaw does not seek to duplicate or be inconsistent with this framework. This means some forms of nuisance are not addressed in this Bylaw (for example views, noxious weeds, and discharges to stormwater). Refer to the Bylaw Summary for more information.

occupier means the inhabitant occupier of that property or premises.

owner means –

- (a) the person entitled to receive the rack rent of the property or premises, or who would be so entitled if the property or premises were let to a tenant at a rack rent; or
- (b) a body corporate in relation to any public health risk or nuisance on communal ground of a property.

person includes an individual, a corporation sole, a body corporate, and an unincorporated body.

pests or vermin means all animals, wild, feral, farm or domestic, and any species of caged or feral bird that may attack or infest or are parasitic on living beings and plants, and includes, but is not limited to:

- | | | | |
|-----------------|----------------|-------------|------------|
| (a) ants | (e) mice | (h) pigeons | (k) stoats |
| (b) cockroaches | (f) mites | (i) possums | (l) ticks |
| (c) ferrets | (g) mosquitoes | (j) rats | (m) wasps. |
| (d) flies | | | |

property means any parcel of land and/or building capable of being transferred, sold, rented, leased, or otherwise disposed of separately from any other parcel of land and/or building(s).

- (2) Related information and links to webpages do not form part of this Bylaw and may be inserted, changed, or removed without any formality.
- (3) The [Legislation Act 2019](#) applies to this Bylaw.
- (4) To avoid doubt, compliance with this bylaw does not remove the need to comply with all other applicable Acts, regulations, bylaws, and rules of law.
- (5) Unless the context requires another meaning, a term or expression that is defined in the [Local Government Act 2002](#) or the [Health Act 1956](#) and used in this bylaw, but not defined, has the meaning given by that Act.

Clause 5 amended in accordance with Clause 2(2).

Part 2

Property Maintenance Measures

6 Owners and occupiers must ensure their properties are maintained

- (1) The owner and occupier of a property must not –
 - (a) allow any material or thing to be deposited, accumulated, used, processed, or stored on any private property under their control in a manner that may harbour pests or cause a nuisance; and
 - (b) allow any private property under their control to become so overgrown with vegetation that it may harbour pests or cause a nuisance.

Related information about nuisance

The Bylaw is part of a wider legislative framework. The Bylaw does not seek to duplicate or be inconsistent with this framework. This means some forms of nuisance are not addressed in this Bylaw (for example views, noxious weeds, and discharges to stormwater). Refer to the Bylaw Summary for more information.

Complaints about issues covered by this Bylaw can be made to Council by phoning (09 301 0101) or making an [online report](#).

- (2) The owner of any building that is abandoned or that is wholly or partly unoccupied, whether permanently or temporarily, must ensure that the building or unoccupied part of the building is secured so as not to allow access by the public.

Part 2 title and Clause 6 amended in accordance with Clause 2(2).

7 Owners must register and maintain industrial cooling tower water systems

- (1) The owner of an industrial cooling tower water system must ensure that it is registered with the council by 1 July of each year.
- (2) The owner of an industrial cooling tower water system must notify the council if the system is decommissioned or where there is a change in owner (within one month of this occurring).
- (3) The owner of an industrial cooling tower water system with auto chemical dosing must carry out:
 - (a) testing as per Table 1, Schedule 1 of this Bylaw; and
 - (b) the control strategies in Table 3.1 and Table 3.2 of Schedule 1 of this Bylaw.
- (4) The owner of an industrial cooling tower water system without automatic chemical dosing must carry out:
 - (a) testing as per Table 1, Schedule 1 of this Bylaw;
 - (b) the tests specified in Table 2 of Schedule 1 of this Bylaw; and
 - (c) the control strategies in Tables 3.1 and 3.2 of Schedule 1 of this Bylaw.
- (5) The owner of an industrial cooling tower water system must ensure –
 - (a) the system is cleaned as part of a regular routine maintenance programme; and
 - (b) the system is physically cleaned at intervals not exceeding six months.

Clause 7 amended in accordance with Clause 2(2).

Part 3

Enforcement powers, offences and penalties

8 Statutory powers may be used to enforce this Bylaw

The Council may use its powers under the [Local Government Act 2002](#) and the [Health Act 1956](#) to enforce this Bylaw.

Related information

Enforcement powers under the Local Government Act 2002 (as reprinted on 1 July 2018) include a court injunction ([section 162](#)), seizure and disposal of property (sections [163](#), [165](#), [168](#)), powers of entry (sections [171](#), [172](#), [173](#)), cost recovery for damage (sections [175](#), [176](#)), power to request name and address ([section 178](#)), power to default to occupier or local authority (sections [185](#), [186](#)) and cost recovery and liability (sections 187, 188).

Enforcement powers under the Health Act 1956 (as reprinted on 2 March 2018) include a court order ([section 33](#)), cost recovery for council to abate nuisance ([section 34](#)), powers of entry ([section 128](#)), and power to request name and address ([section 134](#)).

Council may also use powers under the Litter Act 1979 (as reprinted on 1 March 2017), for example to require removal of litter from private land ([sections 10](#), [15](#)).

Clause 8 amended in accordance with Clause 2(2).

9 Removal of material or things

- (1) In addition to the powers conferred on it by any other enactment, the council may remove or cause to be removed from any private property any material or thing found on that private property in breach of the bylaw.
- (2) The council may recover from the person who committed the breach of this bylaw the appropriate costs in connection with the removal of the material or thing.

10 Removal of construction

The council may, pursuant to [section 163](#) of the Local Government Act 2002, remove or alter a work or thing that has been constructed in breach of this Bylaw and may recover any costs of removal or alteration from the person who committed the breach.

11 A person may be penalised for not complying with this Bylaw

A person who fails to comply with (breaches) this Bylaw commits an offence and is liable to a penalty under the [Local Government Act 2002](#) or the [Health Act 1956](#).

Related information

Under [section 242](#) of the Local Government Act 2002 (as reprinted on 1 July 2018), a person who is convicted of an offence against a bylaw is liable to a fine not exceeding \$20,000.

Under [section 66](#) of the Health Act 1956 (as reprinted on 2 March 2018), a person who breaches a bylaw is liable to a \$500 maximum fine and where the offence is continuing, a further \$50 maximum fine for every day it continues.

Council may instead use penalties under [section 10](#) and [section 15](#) of the Litter Act 1979 in relation to litter on private land. Penalties include (in the case of an individual) a fine not exceeding \$5,000 or (in the case of a body corporate) to a fine not exceeding \$20,000.

Clause 11 amended in accordance with Clause 2(2).

Part 4

[repealed]

Part 4 removed in accordance with Clause 2(2).

Schedule 1

Table 1: Industrial cooling tower water system with auto chemical dosing

Cooling tower with auto chemical dosing	Time	Test method	Test result levels	Control strategies
Legionella	Monthly	AS / NZS3896	AS / NZS 3666.3	Table 3.1
Heterotrophic micro-organisms	Monthly	AS 4276.3.1	AS / NZS 3666.3	Table 3.2

Table 2: Industrial cooling tower water system without auto chemical dosing

Cooling tower without auto chemical dosing	Time	Test method	Test result levels	Control strategies
Heterotrophic micro-organisms	Weekly	Dip-slide	AS / NZS 3666.3	Table 3.2

Table 3.1: Control strategies for the presence of legionellae

Test result, cfu/mL	Required control strategy
Not detected (<10)	1. Maintain monthly monitoring. Maintain water treatment programme.
Detected as <1000	2. Investigate problem. Review water treatment programme. Take necessary remedial action including immediate on-line disinfection in accordance with Schedule 2 . 3. Retest water within 3 to 7 days of plant operation: (a) If not detected, continue to retest water every 3 to 7 days until two consecutive samples return reading of not detected and repeat control strategy (1). (b) If detected at <100 cfu/mL repeat control strategy 2. (c) If detected at ≥ 100 cfu/mL investigate problem and review water treatment programme, immediately carry out on-line decontamination in accordance with Schedule 3 . (d) If detected at ≥ 1000 cfu/mL undertake control strategy 4.
Detected as ≥1000	4. Investigate problem. Review water treatment programme and notify the Auckland Council and a Medical Officer of Health at the Auckland Regional Public Health Service within 48 hours. Take necessary remedial action including immediate on-line decontamination in accordance with Schedule 3 and undertake control strategy 5. 5. Retest water within 3 to 7 days of plant operation: (a) If not detected continue to retest water every 3 to 7 days until two consecutive samples return readings of not detected and repeat control strategy 1. (b) If detected at < 100 cfu/ mL repeat control strategy 2. (c) If detected at ≥ 100 cfu/mL ≤ 1000 cfu/mL investigate problem and review water treatment programme, immediately carry out on-line decontamination in accordance with Schedule 3 . If detected at ≥ 1000 cfu/mL investigate problem and review water treatment programme, immediately carry out system decontamination in accordance with Schedule 4 and repeat control strategy 5.

Table 3.2: Control strategies for the presence of other heterotrophic microorganisms

Test result, cfu/mL	Required control strategy
< 100 000	1. Maintain monthly monitoring. Maintain water treatment programme.
≥ 100 000 < 5 000 000	2. Investigate problem. Review water treatment programme. Take necessary remedial action including immediate on-line disinfection in accordance with Schedule 2 .
	3. Retest water within 3 to 7 days of plant operation: (a) If test result is <100 000cfu/mL repeat control strategy (1). (b) If test result is at ≥100 000 cfu/mL but <5 000 000repeat control strategy (2). (c) If test result is ≥ 5 000 000cfu/mL undertake control strategy 4.
≥ 5 000 000	4. Investigate problem. Review water treatment programme. Take necessary remedial action including immediate on-line disinfection in accordance with Schedule 2 and undertake control strategy 5.
	5. Retest water within 3 to 7 days of plant operation; (a) If test result is <100 000 cfu/mL, repeat control strategy 1. (b) If test result is ≥100 000 cfu/mL but < 5 000 000cfu/mL repeat control strategy 4. (c) If test result ≥ 5 000 000 cfu/mL investigate problem and review water treatment programme, carry out immediate on-line decontamination in accordance with Schedule 3 .

Schedule 2

2.1 Scope

This schedule sets out the procedure for the on-line disinfection of industrial cooling towerwater systems.

2.2 Biodispersants

Prior to on-line disinfection a bio-dispersant shall be circulated.

Some biocides may have inherent biodispersant properties and this step may not be required.

2.3 Disinfection

Dose the cooling tower water system with a biocide or different chemical composition, or similar composition but increased concentration to that of the regular water treatment programme.

2.4 Circulation

Circulate the biocide through the cooling tower water system for the time specified by the biocide manufacturer.

2.5 Operation

Return the system to its normal operation.

2.6 Record keeping

Record all actions and observations in the maintenance report.

Schedule 3

On-line decontamination shall be carried out in accordance with the following procedure:

3.1 Disinfection

Dose the recirculating water with a biodispersant and a halogen-based compound, equivalent to at least 5 mg/L of free residual chlorine for at least one hour, whilst maintaining an appropriate pH and monitor at intervals of 15 minutes.

3.2 Review

Review the water treatment programme, tower operation and maintenance programme.

3.3 Correct faults

Correct any faults and implement any changes.

3.4 Record keeping

Record all actions and observations in the maintenance report.

3.5 Reinstatement

Recommission and re-passivate the circulating cooling water system and reinstate the water treatment programme.

Schedule 4

System decontamination shall be carried out in accordance with the following procedure:

4.1 Prevent operation

Isolate cooling tower fans to prevent operation.

4.2 Disinfection

Dose the recirculating water with a biopersant and a halogen-based compound, equivalent to at least 5 mg/L of free residual chlorine for at least one hour, whilst maintaining an appropriate pH, and monitor at intervals of 15 minutes.

4.3 Isolate pumps, drain to sewer/trade waste

Isolate the cooling tower pumps and drain to the sewer /trade waste in accordance with the requirements of the Auckland Council Trade Waste Bylaw 2013.

4.4 Open systems

Open all system drains temporarily to flush drain lines with disinfected water.

4.5 Clean surfaces

Clean all wetted surfaces of the cooling tower in accordance with the supplier's instructions or by using water spray and mechanical cleaning as necessary. Exercise care to avoid damage to components.

4.6 Circulation

Refill the industrial cooling tower water system and restart water circulation pumps.

4.7 Dosage

Dose the recirculating water with a biopersant and a halogen-based compound, equivalent to at least 1 to 5 mg/L of free residual chlorine for at least 30 minutes, whilst maintaining an appropriate pH, and monitor at intervals of 15 minutes.

4.8 Record keeping

Record all actions and observations in the maintenance report.

4.9 Reinstatement

Recommission and re-passivate the circulating industrial cooling tower water system and reinstate the water treatment programme.

Schedule 5

[repealed]

Schedule 5 removed in accordance with Clause 2(2).

Related information, Bylaw History

Date	Description
01 November 2010	Made legacy bylaws ¹ about environmental protections (property maintenance) (Section 63 Local Government (Auckland Transitional Provisions) Act 2010))
01 November 2010	Commencement of legacy bylaws about environmental protections (property maintenance) (Section 63 Local Government (Auckland Transitional Provisions) Act 2010)
04 May 2015	Review of legacy bylaws about environmental protections (property maintenance) completed (RBC/2015/12)
04 May 2015	Proposal to make new bylaw about property maintenance and nuisance and to revoke legacy bylaws (RBC/2015/12)
24 September 2015	Made the Auckland Council Property Maintenance and Nuisance Bylaw 2015 and decided to revoke legacy bylaws (GB/2015/104)
23 October 2015	Public notice of new Auckland Council Maintenance and Nuisance Bylaw 2015 and revocation of legacy bylaws
01 November 2015	Commencement of new Auckland Council Property Maintenance and Nuisance Bylaw 2015 and revocation of legacy bylaws (GB/2015/104)
01 September 2020	Review of Auckland Council Property Maintenance and Nuisance Bylaw 2015 review completed (REG/2020/50)
23 September 2021	Proposal to amend Auckland Council Property Maintenance and Nuisance Bylaw 2015 (GB/2021/117)
28 April 2022	Made amended Auckland Council Property Maintenance and Nuisance Bylaw 2015 (GB/2022/31)
11 May 2022	Public notice of amendments to Property Maintenance and Nuisance Bylaw 2015
1 July 2022	Commencement of amendments to Auckland Council Property Maintenance and Nuisance Bylaw 2015 (GB/2022/31)

¹ Auckland City Council Bylaw No 13 Environmental Protection 2008, North Shore City Council Bylaw 2000 Part 7 Environmental Protection – Nuisances Arising On Private Land, Waitakere City Council Control Of Intruder Alarm Systems Bylaw 2010.

Related information, next Bylaw review

This Bylaw must be reviewed by 01 September 2030. If not reviewed by this date, the Bylaw will expire on 01 September 2032.

Find out more: **phone 09 301 0101**
or visit **aucklandcouncil.govt.nz**