



# **Te Ture ā-Rohe Whakahaere me te Whakaiti Tuku Para 2019 Waste Management and Minimisation Bylaw 2019**

**(as at 18 December 2023)**

**made by the Governing Body of Auckland Council**

**in resolution GB/2019/83**

**on 22 August 2019**

Bylaw made under [section 56](#) of the Waste Minimisation Act 2008 and [sections 145](#) and [146](#) of the Local Government Act 2002.

### Summary

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

The purpose of this Bylaw is to manage and minimise waste, protect the public from health and safety risks and nuisance, and to manage the use of council-controlled public places by –

- requiring people to appropriately deposit or dispose of material in clauses 6 - 10
- requiring waste collectors and operators of waste management facilities, resource recovery facilities and donation collection bins to obtain an approval from council in clauses 11 - 13
- requiring the person responsible for a premises to provide adequate areas for storage and collection of disposed of or discarded material in clause 14
- requiring waste management and minimisation plans for trading, events and filming in council-controlled public places and for multi-unit developments in clauses 15 and 16
- minimising the potential for shopping trolleys and unaddressed mail to become waste in clauses 17 and 18.

Other parts of this Bylaw assist with its administration by –

- stating the name of this Bylaw, when it comes into force and where it applies in clauses 1, 2 and 3
- stating the purpose of this Bylaw and defining terms in clauses 4 and 5
- providing transparency about how council makes controls and the approval process in Part 3
- referencing council's powers to enforce this Bylaw and seek up to \$20,000 in penalties in Part 4
- ensuring relevant accords, controls and approvals under the Tāmaki Makaurau Te Ture Ā Rohe Para Māro 2012, Auckland Council Solid Waste Bylaw 2012 continue to apply in Part 5.

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## 1 Title

- (1) This Bylaw is the Te Ture ā-Rohe Whakahaere me te Whakaiti Tuku Para 2019, Waste Management and Minimisation Bylaw 2019.

## 2 Commencement

- (1) This Bylaw comes into force on 26 October 2019.

## 3 Application

- (1) This Bylaw applies to Auckland.  
(2) This Bylaw does not apply to –  
(a) council when exercising its lawful compliance functions;  
(b) emergency services or civil defence personnel exercising their lawful functions in an emergency; or  
(c) any person acting in compliance with a lawful direction of council.

## Part 1

### Preliminary provisions

## 4 Purpose

- (1) The purpose of this Bylaw is to manage and minimise waste, protect the public from health and safety risks and nuisance, and to manage the use of council-controlled public places by –  
(a) managing the deposit, collection, transportation and disposal of disposed of or discarded material  
(b) requiring people to appropriately dispose of or discard material (for example separating material into recycling, food scraps and refuse for collection from a public place to minimise waste to landfill);  
(c) requiring waste collectors and operators of waste management facilities, resource recovery facilities and donation collection bins to obtain council approval;  
(d) requiring waste management and minimisation plans for trading, events and filming in council-controlled public places and for multi-unit developments; and

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Example of purpose



- (e) minimising the potential for shopping trolleys and unaddressed mail to become waste.

## 5 Interpretation

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

**Advertising material** means any message which –

- (a) has printed content controlled directly or indirectly by the advertiser; and  
(b) is expressed in any language and communicated in any medium with the intent to influence the choice, opinion or behaviour of a person

(for example circulars, leaflets, flyers, brochures, business cards, samples and clothing donation bags).

**Approval** means permission to do something under this Bylaw and to avoid doubt includes a licence or approved waste management and minimisation plan.

**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.



**Charitable entity** means a society, an institution, or the trustees of a trust that is or are registered as a charitable entity under the Charities Act 2005.

**Cleanfill** means a premises where cleanfill material is accepted for deposit.

**Cleanfill material** has the meaning given by the [Auckland Unitary Plan](#).

### Related information

The definition of cleanfill material in the [Auckland Unitary Plan](#) means natural material such as clay, gravel, sand, soil and rock which has been excavated or quarried from areas that are not contaminated with manufactured chemicals or chemical residues as a result of industrial, commercial, mining or agricultural activities. Excludes:

- hazardous substances and material (such as municipal solid waste) likely to create leachate by means of biological breakdown;
- product and materials derived from hazardous waste treatment, stabilisation and disposal practices;
- materials such as medical and veterinary waste, asbestos, and radioactive substances;
- soil and fill material which contain any trace element specified in Table E30.6.1.4.2 at a concentration greater than the background concentration in Auckland soils specified;
- sulfidic ores and soils;
- combustible components;
- more than 5 per cent by volume of inert manufactured materials (e.g. concrete, brick, tiles); and
- more than 2 per cent by volume of attached biodegradable material (e.g. vegetation).

**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 to make controls under clause 18 as at 26 July 2018 (GB/2016/237).

Council's Infrastructure and Environmental Services has delegated authority to administer and enforce this Bylaw (excluding clause 18) as at August 2018.

**Council-controlled public place** means –

- (a) a place that is under the control of council or a council-controlled organisation that, at any material time, is open to or is being used by the public, whether free or on payment of a charge; and
- (b) to avoid doubt –
  - (i) includes any park, reserve, recreational ground, sports field, public garden, public square, cemetery, beach, foreshore, dune, wharf, breakwater, boat ramp, pontoon, road, footpath, access way, grass verge, berm, and any part of a council-controlled public place; and
  - (ii) excludes any place under the control of the Tūpuna Maunga o Tāmaki Makaurau Authority.

**Donation collection bin operator** means a person who provides containers in which items sought by the operator can be deposited by members of the public.

**Free print media** means the publications specified in this table –

Type of free print media	Description
(a) Community Newspaper	A regular publication usually issued daily or weekly, consisting of folded unstapled sheets and containing news, articles, advertisements and correspondence aimed at a group of people living in the same area.
(b) Community Newsletter	A periodical publication usually issued weekly, biweekly or monthly, consisting of one or more printed sheets of paper containing information aimed at a group of people living in the same area.
(c) Community Magazine	A periodical publication usually issued biweekly or monthly consisting of stapled sheets and a paper cover containing articles and illustrations aimed at a group of people living in the same area.
(d) Magazine	A periodical publication usually issued biweekly or monthly consisting of stapled sheets and a paper cover containing articles and illustrations, often on particular subject or aimed at a particular readership.

**Related information about types of free print media**

Examples of – community newspapers are [Central Leader](#), [Manukau Courier and North Shore Times](#); community newsletters are [Sunnynook Community Centre newsletter](#) and community magazines are [The Hobson](#), [The Devonport Flagstaff](#), [Ponsonby News](#) and [Our Auckland](#).

**Landfill** has the meaning given by the [Auckland Unitary Plan](#).

**Related information**

Landfill in the [Auckland Unitary Plan](#) means a facility where household, commercial, municipal, industrial and hazardous, or industrial waste is accepted for disposal.

**Local community organisation** means a group that aims to bring about desired improvements in social well-being at a local community level.

**Managed fill and managed fill material** have the meaning given by the [Auckland Unitary Plan](#).

**Related information**

In the [Auckland Unitary Plan](#):

**Managed fill** means a facility where managed fill material is accepted for deposit.

**Managed fill material** is:

- contaminated soil and other contaminated materials;
- natural materials such as clay, gravel, sand, soil, rock; or
- inert manufactured materials such as concrete and brick: and

That does not contain:

- hazardous substances or materials (such as municipal solid waste) likely to create leachate by means of biological breakdown;
- products or materials derived from hazardous waste treatment stabilisation or disposal practices;
- materials such as medical and veterinary waste, asbestos, or radioactive substances;
- combustible components; or
- more than 2 per cent by volume of incidental or attached biodegradable materials (e.g. vegetation).

**Mono fill** means a landfill, which is designated for one specific type of material.

**Multi-unit development** means a premises that contains 10 or more dwellings and to avoid doubt, includes mixed-use premises with business or other activities.

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

**Premises** means any land, dwelling, storehouse, warehouse, shop, cellar, yard, building, or part of the same, or enclosed space separately occupied, and all lands, buildings, and places adjoining each other and occupied together are deemed to be the same premises.

**Public place** means a place that, at any material time, is –

- (a) open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from that place; and
- (b) to avoid doubt, includes any hovercraft, ship or ferry or other vessel, train, or vehicle carrying or available to carry passengers for reward and any council-controlled public place.

**Public waste bin** means a container for disposed of or discarded material in a public place and includes containers for different types of material (for example recyclable material, food scraps or refuse).

**Resource recovery facility** has the meaning given by clause 12.

**Rural area** means the –

- (a) Auckland Unitary Plan Rural – Rural Production Zone, Rural – Mixed Rural Zone, Rural – Rural Coastal Zone and Future Urban Zone; and
- (b) Auckland Council District Plan - Hauraki Gulf Islands Section Rural 1-3 and Landform 1-7.

**Unaddressed mail** means –

- (a) any mail or material that does not display a full address and a name of a person at that address; and
- (b) to avoid doubt, includes public notices from government bodies, local authorities or New Zealand Post, election material, free print media, material from local community organisations or charitable entities and advertising material.

**Waste** –

- (a) means any thing disposed of or discarded; and
- (b) includes a type of waste that is defined by its composition or source (for example, organic waste, electronic waste, or construction and demolition waste); and
- (c) to avoid doubt, includes any component or element of diverted material, if the component or element is disposed of or discarded.

**Waste collector** has the meaning given by clause 11.

**Waste management facility** has the meaning given by clause 12.

- (2) Related information does not form part of this Bylaw and may be inserted, changed or removed without any formality.
- (3) The [Interpretation Act 1999](#) applies to this Bylaw.

**Related information about the Interpretation Act 1999**

The [Legislation Act 2019](#), in force 28 October 2021, replaced the Interpretation Act 1999. The [Interpretation Act 1999](#) was repealed by section 6 of the [Legislation \(Repeals and Amendments\) Act 2019](#).

## Part 2

### Deposit, collection, transportation and disposal of material

#### Subpart 1 – Everyone’s responsibilities for the disposal or discarding of material

##### 6 A person must dispose of or discard material correctly

- (1) A person must dispose of or discard material in one of the following ways –
- (a) to a waste collector from a public place when expressly allowed in clause 7 (for example in a kerbside recycling, food scrap or refuse bin);
  - (b) to a waste collector –
    - (i) from the premises that person owns or occupies if the material is from activity on that same premises; or
    - (ii) from any premises with the consent of a person who occupies that premises;  
(for example the collection of inorganic material or material in a container located on a premises);
  - (c) at a waste management facility or resource recovery facility if that material is of a type accepted by that facility;
  - (d) by burial or composting where allowed in clause 8;
  - (e) in a donation collection bin when expressly allowed in clause 9; or
  - (f) in a public waste bin when expressly allowed in clause 10.

##### 7 A person may dispose of or discard certain types of material in public places when in approved containers in certain circumstances

- (1) A person may dispose of or discard material in a public place if –
- (a) the material is placed in a public place in an approved container at times, locations and in a manner prescribed in a control in clause 19; and
  - (b) the material in the container is from activity on the same premises or with the consent of a person who occupies that premises;
  - (c) the material is stored on the premises in a manner prescribed in a control in clause 19 prior to placing it in a public place in subclause (1)(a);
  - (d) the material disposed of or discarded does not include any prohibited material prescribed in a control in clause 19;

<b>Related information about disposal of material in public places</b>
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Council provides kerbside <a href="#">rubbish and recycling services</a> to homes and businesses. This clause allows council to set the terms and conditions on what bins to use, what you can put in them and
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when and where you can place your bin for collection (for example the kerbside or a collection point). Links to more details about current terms and conditions are in clause 31(3) and these can be updated at any time under clause 19. Some businesses also provide private kerbside collection service. The terms and conditions for those services are allowed by council under clause 11.

- (2) A person must not –
- (a) remove, alter or interfere with an approved container or the material it contains unless that person –
    - (i) occupies the same premises the container is stored on;
    - (ii) has the consent of a person who occupies the same premises the container is stored on;
    - (iii) is a waste collector under clause 11; or
  - (b) remove an approved container provided by council or a waste collector from the premises it was provided to without the prior approval of the council or waste collector who provided it.

## **8 A person may dispose of or discard material by burial or composting in limited circumstances**

- (1) A person may dispose of or discard waste by burial on premises that person occupies or owns if –
- (a) the waste is a dead animal lawfully kept on the same premises; or
  - (b) the waste is a dead nuisance pest caught on or found adjacent to the same premises.
- (2) A person may dispose of or discard material by composting –
- (a) on any premises where it is a permitted activity in the Auckland Unitary Plan; or
  - (b) at any resource recovery facility approved under clause 12.

### **Related information about burial**

- The [Auckland Unitary Plan](#), [Health Act 1956](#) and [Auckland Council Property Maintenance and Nuisance Bylaw 2015](#) also contain rules about burial. For example, the activity must not cause a nuisance, be offensive, injurious to health, have objectionable or offensive odour, contribute to harbouring or breeding of pests, vermin or insects capable of causing or transmitting disease.

### **Related information about composting**

- Bylaw relies on the Auckland Unitary Plan to allow a wide range of current and future home and community based composting methods and materials.
- The [Auckland Unitary Plan](#), [Health Act 1956](#) and [Auckland Council Property Maintenance and Nuisance Bylaw 2015](#) also contain rules about composting, for example:
  - resource consent (approval from council) is required to compost more than 10m<sup>3</sup> of certain types of material on a site in certain conditions

- composting must not cause a nuisance, be offensive, injurious to health, have objectionable or offensive odour, contribute to harbouring or breeding of pests, vermin or insects capable of causing or transmitting disease.
- The [Auckland Regional Public Health Service](#) advise people to protect themselves when handling compost. Compost may contain Legionella bacteria which can cause Legionellosis or Legionnaires' disease. Makers and users should ensure that they or others do not inhale dust or aerosols when handling composting products. Recommended protection includes handling compost in a well-ventilated area, wearing a face mask and gloves, and washing hands after handling.

## 9 A person must use donation collection bins correctly

- (1) A person may dispose of or discard material (for example clothing or shoes) in a donation collection bin if that material is of a type specified on the bin for collection.
- (2) However, a person must not dispose of or discard material in a donation collection bin if –
  - (a) the bin is full or overflowing;
  - (b) the material is deposited in a way that is likely to escape from the bin; or
  - (c) the material is not of a type specified on the bin for collection.

## 10 A person must use public waste bins correctly

- (1) A person may dispose of or discard material in a public waste bin if that material is generated in a public place.
- (2) However, a person must not dispose of or discard material in a public waste bin if –
  - (a) the material is from that person's place of employment or business;
  - (b) the material is from that person's home;
  - (c) the bin is full or overflowing;
  - (d) the material is deposited in a way that is likely to escape from the bin;
  - (e) the material is of a type that the bin is not intended to collect (for example depositing food scraps in a bin intended for recyclable material); or
  - (f) the material is of a prohibited type prescribed in a control in clause 19 (for example hazardous or medical waste).

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### Example

A person who eats takeaway sushi in a park may put the sushi container in a public litter bin. A person who eats takeaway sushi at home cannot and should instead clean the sushi container of food scraps and dispose of it in their kerbside recycling bin.

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**Related information about people's general responsibilities in relation to waste**

- A person must not **litter**. This is an offence under the [Litter Act 1979](#) (s15) and includes putting waste around bins, illegal dumping and removing waste from a bin and depositing it outside the bin.
- A person requires council approval to **attach** things to public waste bins as the owner including under other bylaws, for example the Tāmaki Makaurau Te Ture a Rohe mo nga Tohu 2015, Auckland Council [Signage Bylaw 2015](#).
- A person must not **damage or vandalise** public waste bins. This is an offence under the [Local Government Act 2002](#) (s232) and [Summary Offences Act 1981](#) (s11 and 11A). Council also has the power to intervene to prevent damage under the [Litter Act 1979](#) (s7(1)(c)).
- The **burning of waste** is regulated in the [Auckland Unitary Plan](#) and includes a prohibition on the burning of domestic waste (for example domestic food scraps) anywhere in Auckland.
- A person must not **accumulate or deposit waste** where it becomes offensive or is likely to be injurious to health or harbour vermin under the [Health Act 1956](#) (s29) or where it causes or may cause a nuisance under the Tāmaki Makaurau Te Ture ā-rohe Tiaki Rawa me Ngā Mahi Whakapōrearea 2015, [Auckland Council Property Maintenance and Nuisance Bylaw 2015](#).

**Subpart 2 – Waste industry responsibilities for disposed of or discarded material**

**11 Waste collectors require an approval to collect or transport disposed of or discarded material**

- (1) In this Bylaw, waste collector means any person who –
  - (a) collects or transports disposed of or discarded material; and
  - (b) that disposed of or discarded material exceeds 20 tonnes over a 12 month period.
- (2) A waste collector must –
  - (a) obtain an approval in accordance with subpart 2 of Part 3 to –
    - (i) collect disposed of or discarded material in Auckland; or
    - (ii) transport disposed of or discarded material into, around or out of Auckland; and
  - (b) ensure compliance with the approval; and
  - (c) ensure compliance with any conditions of the approval.

## 12 Operators of waste management and resource recovery facilities (other than cleanfills) require an approval to operate

- (1) In this Bylaw –
- (a) **Waste management facility** means a premises –
- (i) at which material that has been disposed of or discarded is received, collected, sorted, stored, processed or any combination of these activities; and
  - (ii) to avoid doubt, includes a landfill, cleanfill, managed fill, mono fill or transfer station.
- (b) **Resource recovery facility** means a premises –
- (i) at which material that has been disposed of or discarded is received, collected, sorted, stored, processed or any combination of these activities for the purpose of recovering components or elements for recycling or reuse;
  - (ii) to avoid doubt, includes a commercial composting operation, recovery operation, materials recovery facility, transfer station and recycling depot; and
  - (iii) to avoid doubt, excludes premises on which composting occurs in clause 8(2)(a).
- (2) A person who is responsible for the operation of a waste management facility or resource recovery facility must –
- (a) obtain an approval in accordance with subpart 2 of Part 3 to operate that waste management facility or resource recovery facility;
  - (b) ensure compliance with the approval; and
  - (c) ensure compliance with any conditions of the approval.
- (3) However, subclause (2) does not apply to cleanfills.

### Related information about waste management facilities

- The definition of cleanfill is aligned to the Auckland Unitary Plan. The definition includes natural material that consists of soils, rock, aggregates and gravels, sand, clay or other inorganic inert virgin natural resources. The definition excludes more than five per cent by volume of inert manufactured material such as bricks, ceramics, concrete, tiles, pavers and pipes. Refer to 'cleanfill material' definition in clause 5.
- The adverse effects of the discharge of contaminants from cleanfills, managed fills and landfills on the environment and public health is regulated under the [Auckland Unitary Plan](#).
- The monitoring of emissions from waste management facilities is regulated under the [Climate Change Response Act 2002 \(s62\)](#).

### **13 Donation collection bin operators require an approval to operate on or near a council-controlled public place**

- (1) A donation collection bin operator must –
  - (a) obtain an approval in accordance with subpart 2 of Part 3 to place a donation collection bin in a –
    - (i) council-controlled public place; or
    - (ii) within 10 metres of a council-controlled public place; and
  - (b) ensure compliance with the approval; and
  - (c) ensure compliance with any conditions of the approval.

### **Subpart 3 – Responsibilities for disposed of or discarded material on premises and from events, trading, filming, multi-unit developments, shopping trolleys and unaddressed mail**

### **14 The owner and person responsible for a premises must provide adequate areas for storage and collection of disposed of or discarded material**

- (1) The owner and person responsible for the management of a premises must in the reasonable opinion of council provide adequate areas for –
  - (a) the storage of disposed of or discarded material on the premises from activity on the same premises; and
  - (b) the collection of disposed of or discarded material if collection occurs on the premises.

### **15 Waste management and minimisation plan required for trading, events and filming in council-controlled public places**

- (1) A person who must obtain an approval under any other bylaw that applies to Auckland to undertake any trading, event or filming activity in a council-controlled public place must –
  - (a) obtain an approval for a waste management and minimisation plan in accordance with subpart 2 of Part 3 prior to undertaking that activity;
  - (b) ensure compliance with the approved plan; and
  - (c) ensure compliance with any conditions of the approval.

#### **Related information about waste plans for trading, events and filming**

- The [Auckland Council](#) and [Auckland Transport](#) Ture ā-Rohe Hokohoko, Whakahaerenga i ngā Wāhi Tūmatanui 2015, Trading and Events in Public Places Bylaw 2015 specify which trading, events and filming activities require an approval.
- Use this [form](#) to request an events waste plan approval in a council-controlled public place.

## 16 Waste management and minimisation plan required for certain existing and planned multi-unit developments

- (1) This clause applies to the person responsible for –
  - (a) the management of an existing multi-unit development if any of the occupiers cannot dispose of or discard material as expressly allowed in clause 7; or
  - (b) a planned multi-unit development.
- (2) The person to whom this clause applies must –
  - (a) obtain an approval for a waste management and minimisation plan for that development in accordance with subpart 2 of Part 3 –
    - (i) within six months of the date that person is notified by council of the requirement to obtain such an approval for an existing development under subclause (1)(a); or
    - (ii) prior to the commencement of construction for a planned development under subclause (1)(b); and
  - (b) ensure compliance with the approved plan; and
  - (c) ensure compliance with any conditions of the approval.

### Related information about waste from planned multi-unit developments

- Use the on-line [Design for Waste Guide R7](#) to avoid common resource consent design issues and deliver better quality housing developments.
- Use the on-line [Solid Waste Calculator](#) to help determine waste provisions for multi-unit developments including an estimate of the average volume of waste per person per week, the maximum occupancy of a building and how much waste will need to be stored for a set collection frequency.
- Use [Building Code \(Building Regulations 1992\) \(G15\)](#) to safeguard residents from injury and illness caused by infection or contamination from solid waste.
- Refer to the [Auckland Unitary Plan](#) (Chapter H) for development controls.

## 17 A person must minimise potential for a shopping trolley to become waste

- (1) Subclauses (2) and (3) do not apply –
  - (a) to a person who is a party to an accord about shopping trolleys –
    - (i) if the accord has been approved by council;
    - (ii) to the extent specified in the accord; and
  - (b) to a person who has permission to remove a shopping trolley from the business premises for operational reasons (for example replacement or repair) from a person who is responsible for the operation of a business that provides shopping trolleys; or
  - (c) to a business that provides less than 10 shopping trolleys.

- (2) A person who is responsible for the operation of a business must –
- (a) clearly display the contact details of the business on every shopping trolley provided by that business for public use;
  - (b) clearly display signage on the premises of that business that –
    - (i) prohibits the removal of any shopping trolley from the premises;
    - (ii) provides the contact details of the business;
    - (iii) encourages the public to report the removal or location of any shopping trolley removed from the premises using the contact details of the business;
  - (c) retrieve any shopping trolley provided by that business for public use that has been removed from the business’s premises –
    - (i) within two hours of being notified by any person of the location of the shopping trolley;
    - (ii) appropriately dispose of any thing found in that shopping trolley;
  - (d) reimburse council for the costs incurred by council to retrieve and return or dispose of any shopping trolley of the business not on the premises of the business, within one month of the trolley’s retrieval, if –
    - (i) council has notified the person of the location of that shopping trolley;
    - (ii) that shopping trolley has not been retrieved within 24 hours of being notified of the shopping trolley’s location; and
  - (e) keep, maintain and provide council with an annual record by 31 March every year of the number of shopping trolleys removed from the premises, and retrieved by the business or returned by council or other persons to the business.
- (3) A person who uses a shopping trolley for whatever reason (for example a customer) must not remove that shopping trolley from the premises of the business for which it is provided.

**Related information about shopping trolleys**

- **Accords** may provide a way for businesses to determine how best to minimise the potential for shopping trolleys to become waste (for example dumped or abandoned in public places). Accords may include graduated retrieval response times, define the relationship between Retail New Zealand and council or use coin-operated or electronic-locking systems.
- Council approved an accord with Retail New Zealand titled the “**Code of Practice for the Management of Shopping Trolleys**” on 17 June 2014.
- **Removing a shopping trolley** from a business premises may in certain circumstances also be an offence under the [Litter Act 1979](#) (s15), theft or stealing under the [Crimes Act 1961](#) (s219) or a safety risk, nuisance, obstruction or interference to the use or enjoyment of a public place under the Tāmaki Makaurau Te Ture ā-Rohe Marutau ā-lwi me te Whakapōrearea 2013, Auckland Council [Public Safety and Nuisance Bylaw 2013](#).

## 18 A person must minimise potential for unaddressed mail to become waste

- (1) This clause applies to any person who –
- places unaddressed mail in a letterbox or on a vehicle; or
  - is responsible for the operation of a business that is responsible for authorising or placing unaddressed mail in a letterbox or on a vehicle.
- (2) However, this clause does not apply to a person who is a party to an accord about unaddressed mail –
- that has been approved by council; and
  - to the extent specified in the accord.
- (3) A person to whom this clause applies –
- must not place, cause, allow or instruct the placement or delivery of unaddressed mail in a letterbox where specified by a 'x' (a cross) in the below table; and
  - may place, cause, allow or instruct the placement or delivery of unaddressed mail in a letterbox where specified by '✓' (a tick) in this table.

Type of unaddressed mail	Letterbox sign stating words to similar effect as –			
	'addressed mail only', 'no newspapers or circulars'	'addressed mail and newspapers only'	'no circulars', 'no junk mail', 'no advertising material'	no non-delivery sign displayed
<ul style="list-style-type: none"> <li>public notices<sup>1</sup></li> <li>election material</li> </ul>	✓	✓	✓	✓
<ul style="list-style-type: none"> <li>free print media<sup>2</sup></li> </ul>	x	✓	✓	✓
<ul style="list-style-type: none"> <li>local community or charitable material<sup>3</sup></li> </ul>	x	x	✓	✓
<ul style="list-style-type: none"> <li>advertising material<sup>4</sup></li> </ul>	x	x	x	✓

<sup>1</sup> for example public notices from government bodies, local authorities or New Zealand Post.

<sup>2</sup> for example a free community newspaper, newsletter or magazine.

<sup>3</sup> for example fund raising letters.

<sup>4</sup> for example circulars, business cards, samples or clothing donations bags.

- (4) A person must not place, cause, allow or instruct the placement or delivery of unaddressed mail –
- on vehicles parked in a public place;
  - in a letterbox that is full or overflowing;
  - in a letterbox that is unsecured or unsuitable to receive or hold the unaddressed mail;

- (d) in a letterbox in a way that it is likely to escape from the letterbox;
- (e) in a letterbox in a way that causes or is likely to cause other material in that letterbox to escape; or
- (f) at any place other than a letterbox or a place associated with bulk distribution to the person in subclause (1)(a).

**Related information about unaddressed mail accords**

- Accords may provide a way for businesses to set an agreed industry standard that determines how best to minimise the potential for unaddressed mail to become waste.
- The Marketing Association adopted the “National Code of Practice for the Distribution of Unaddressed Mail” on 22 May 2006.

### Part 3

## Controls and Approvals

### Subpart 1 Controls

#### 19 Council may make controls about management and minimisation of material disposed of or discarded

- (1) The council may make a control for one or more of the following purposes in relation to Subpart 1 of Part 2 –
  - (a) prescribing types of disposed of or discarded material;
  - (b) prescribing the way disposed of or discarded material must be stored on premises;
  - (c) prescribing types of approved containers;
  - (d) prescribing the use and maintenance of approved containers;
  - (e) prescribing the type and amount of disposed of or discarded material that may and may not be deposited in a type of approved container;
  - (f) prescribing the way an approved container must be placed on or retrieved from a public place, including times; and
  - (g) prescribing types of prohibited waste.

**Related information about the making of controls**

- Council has delegated the making, amending, replacement and revocation of bylaw controls to the Regulatory Committee (GB/2016/237).
- To make a decision, the committee must comply with the decision-making requirements under [Subpart 1 of Part 6](#) of the Local Government Act 2002.
- Refer to clause 31(3) and its related information box, for a list of the current controls.

## Subpart 2 Approvals

### 20 This subpart applies to people who must obtain council approval

- (1) This subpart applies to a person who must –
  - (a) obtain an approval from council under Subpart 2 of Part 2 as a waste collector or operator of a waste management facility, resource recovery facility or donation collection bins;
  - (b) obtain an approval from council under Subpart 3 of Part 2 for a waste management and minimisation plan for trading, events, filming or multi-unit development; or
  - (c) renew an approval from council prior to its expiration.
- (2) For the purposes of subclause (1)(c), this subpart applies with all necessary modifications as if that renewal was an application for an approval.

### 21 Applications for an approval must include information required by council

- (1) A person to whom this subpart applies must make an application to council that –
  - (a) is in the form and manner required by council; and
  - (b) includes any information required by council.
- (2) Without limiting subclause (1), council may require an application for an approval to include information on one or more of the following matters in this table.

<b>All approvals</b>
<ol style="list-style-type: none"><li>(a) the nature of the activity for which an approval is sought;</li><li>(b) an estimate of the volume of waste by the type of waste created, collected, received, stored or disposed of;</li><li>(c) the frequency, location or route of waste collection or transportation;</li><li>(d) the method of waste collection, transportation or disposal;</li><li>(e) the applicant's experience, reputation and track record; and</li></ol>
<b>Waste management and resource recovery facilities</b>
<ol style="list-style-type: none"><li>(f) the waste management and resource recovery facility terms and conditions of use by customers and statutory requirements for the disposal of waste.</li></ol>

### 22 Council will consider applications for an approval against relevant matters

- (1) Council when considering an application for an approval under Subpart 2 and 3 of Part 2 –
  - (a) will have regard to any matter it considers relevant and reasonably necessary to determine the application in relation to the purpose of this Bylaw; and

- (b) may inspect premises or locations related to the application for the purposes for which the approval is given.
- (2) Without limiting subclause (1), council may consider an application for an approval against one or more of the following matters in this table.

All approvals
(a) extent to which the application would – (i) contribute towards achieving the Te Mahere Whakahaere me te Whakaiti Tukunga Para i Tāmaki Makaurau 2018, <a href="#">Auckland Waste Management and Minimisation Plan 2018</a> , in particular the goal to reduce harm from residual waste; (ii) manage and minimise waste (for example by maximising the recovery of recyclable and reusable material); (iii) protect public health and safety; (iv) protect the public from nuisance; (v) appropriately manage the use of council-controlled public places;
(b) methods of deposit, collection, transportation, receipt, sorting, storage, processing, disposal of or any combination of these activities, including the type, placement, retrieval, number and weight of containers used to collect disposed of or discarded material;
(c) need to collect information on the type and volume of disposed of or discarded material that is deposited, collected, transported, received, sorted, stored, processed, disposed of or any combination of these activities;
Approvals about trading, events and filming waste management and minimisation plans
(d) nature and scale of activity; (e) potential for material to be disposed of or discarded in areas surrounding the activity;
Approvals about multi-unit development waste management and minimisation plans
(f) existing development only: physical limitations to the separation of disposed of or discarded material on the premises (for example due to limited areas available for storage and different types of containers or limited access available for collection of containers); and (g) need to minimise noise and odour, to keep areas hygienic and free of vermin and to protect containers used to collect disposed of or discarded material from theft and vandalism.

### 23 Council may grant or decline an application for an approval

- (1) Council may grant or decline an application for an approval having regard to the matters in clause 22.

### 24 Council may impose conditions if it grants an application for an approval

- (1) If council grants an application for an approval, it may impose any conditions on the approval it considers appropriate to achieve the purpose of the Bylaw.

- (2) Without limiting subclause (1), council may impose any one or more of the conditions in this table.

All approvals
(a) deposit, collection, transport, receipt, sorting, storage, processing, disposal or any combination of these activities of disposed of or discarded material;
(b) separation of different types of material disposed of or discarded;
(c) acceptable limits of materials in containers not intended for that material;
(d) materials prohibited from being disposed of or discarded;
(e) information to be provided to council about the types of materials deposited, collected, transported, received, sorted, stored, processed, disposed of or any combination of these activities;
(f) monitoring, inspections or both;
(g) payment of an annual fee, a bond or a security;
(h) duration of approval within the limits specified in clause 25;
(i) transfer of approval within the limits specified in clause 27;
Approvals about collection and transport of materials and donation collection bins
(j) container placement, type, number and weight or any combination of these matters;
(k) display of the types of material intended to be collected on a container;
(l) collection times and days;
(m) when material can be collected from unapproved containers;
(n) collection of any spillage;
(o) collection of any material in the vicinity of an approved container;
(p) reimbursement of costs incurred by council for failure to collect material or remove a container;
(q) which waste management or resource recovery facilities material can be taken to; and
(r) the overnight parking of vehicles.

#### Example

Conditions of an approval for a waste collector who provides a refuse and recycling bin to a household may require the operator to ensure that material is properly separated prior to collection, refuse bins do not contain recyclables over a limit prescribed by council, material is kept separated during transport and refuse is taken to landfill and recycling to a transfer station.

#### Related information about handling of information provided to council

Council takes all reasonable measures to keep commercially sensitive information confidential. This includes the aggregation of information.

## 25 Duration of an approval is no more than five years

- (1) The duration of an approval granted for a waste collector or operator of a waste management facility, resource recovery facility or donation collection bin under Subpart 2 of Part 2 is either five years from the date of the approval, or for a shorter duration if specified in the approval.

- (2) The duration of an approval granted for a waste management and minimisation plan –
  - (a) for trading, events and filming under clause 15 is the same as the duration specified in the approval given under the other bylaw referred to in that clause; and
  - (b) for multi-unit developments in clause 16 is no less than five years from the date of the approval plus a period of six months after the date the person in clause 16(1)(a) is notified by council.

## **26 Council may review approval conditions in certain circumstances**

- (1) Council may review the conditions of an approval granted under this subpart –
  - (a) to be consistent with any changes to legislation; and
  - (b) to deal with any issues which arise from the exercise of the approval, the effects of which make it necessary to apply more appropriate conditions (for example council review of collection times due to noise complaints, changes in road layout or road closures).
- (2) For the purposes of subclause (1), this subpart applies with all necessary modifications as if that review was an application for an approval.

## **27 Transfer of approvals not allowed**

- (1) An approval under this Bylaw attaches to the person who obtained it and is not transferable to any other person, unless the approval expressly provides otherwise.

## **Part 4**

### **Enforcement powers, offences and penalties**

## **28 Council may take action to enforce this Bylaw against a person who has obtained an approval**

- (1) Council may take one or more of the actions in subclause (2) if a person to whom an approval has been granted –
  - (a) fails to comply with the approval;
  - (b) fails to comply with any condition of that approval; or
  - (c) provided inaccurate information in that person's application which materially influenced the decision made on the application.

- (2) Council may take any one or more of the following actions against a person to whom this clause applies –
- (a) written advice or a written warning;
  - (b) a review, suspension or cancellation of the approval;
  - (c) a review of the conditions of the approval;
  - (d) forfeiture of any bond or security; or
  - (e) the use of statutory powers in clause 29.

## 29 Council can use statutory powers and other methods to enforce this Bylaw

- (1) Council may use its powers under the [Waste Minimisation Act 2008](#) and [Local Government Act 2002](#) or its powers as a service provider to enforce this bylaw.

### Related information about enforcement

- Council powers under the **Waste Minimisation Act 2008** (as reprinted on 1 January 2018) and **Local Government Act 2002** (as reprinted on 1 July 2018) include powers of entry (sections [171](#), [172](#), [173](#)), power to inspect property and obtain information ([section 79](#)) and power to request name and address ([section 178](#)).
- Clause 16 about shopping trolleys and clause 17 about unaddressed mail are only made and enforced under the Local Government Act 2002.
- Council can also use **other methods** as a service provider to encourage compliance, for example –
  - providing advice, information or warnings
  - trespassing a person from using a waste collection point
  - not collecting a person's kerbside bins if it contains incorrect types of material (for example refuse in a recycling bin)
  - removing the incorrect types of material or overflowing material from a bin and charging for the additional cost of removal and administration
  - suspending or cancelling a person's waste collection service.

## 30 A person can be penalised for not complying with this Bylaw

- (1) A person who fails to comply with Part 2 of this Bylaw commits an offence and is liable to a penalty under the [Waste Minimisation Act 2008](#) or [Local Government Act 2002](#).

### Related information about penalties

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 Waste Minimisation Act 2008 (as reprinted on 1 January 2018) or [section 242](#) of the Local Government Act 2002 (as reprinted on 1 July 2018).

## Part 5

## Savings and transitional provisions

### 31 Existing accords, controls and approvals under the Solid Waste Bylaw 2012 continue to apply

- (1) This clause applies to things approved or made under the Tāmaki Makaurau Te Ture Ā Rohe Para Māro 2012, Auckland Council Solid Waste Bylaw 2012.
- (2) The Retail New Zealand accord titled the “Code of Practice for the Management of Shopping Trolleys” approved by council on 17 June 2014 continues to apply until 1 November 2020.
- (3) The following controls continue to apply until replaced or revoked by council –
  - (a) controls made under the Solid Waste Bylaw 2012 concerning the [separation of domestic waste collected from a public place](#); and
  - (b) controls made under the Solid Waste Bylaw 2012 for [approved containers for waste collected from a public place](#).

#### Related information about controls

The Regulatory and Community Safety Committee decided at its meeting on 5 December 2023, that the controls in clause 31(3) be revoked as described below (RSCCC/2023/69).

On 1 February 2024:

- the ‘Separation of Domestic Waste Control’ in clause 31(3)(a) is revoked
- rules in the ‘Containers for Kerbside Collection Control’ in clause 31(3)(b) that apply to people using a kerbside collection service is revoked. For the avoidance of doubt, rules that apply to waste collectors continue to apply
- the new Auckland Council Waste Management and Minimisation Bylaw (Collections) Control 2023 comes into force.

- (4) Every approval granted that applied on 25 October 2019 continues to apply until the expiration date specified in the approval or 1 November 2020, whichever comes first.
- (5) This Bylaw will apply to every approval granted that applied on 25 October 2019, as if it was granted in accordance with Subpart 2 of Part 3.

### 32 A person has three months to apply for an approval for the first time

- (1) A person who lawfully provided a service or facility on 25 October 2019 that did not require an approval under the Tāmaki Makaurau Te Ture Ā Rohe Para Māro 2012, Auckland Council Solid Waste Bylaw 2012, must apply for an approval within three months of this Bylaw commencing, if required in Subpart 2 of Part 2 to hold an approval for that service or facility.

### 33 Existing applications for approval to be processed under this Bylaw

- (1) Any application for an approval under the Tāmaki Makaurau Te Ture Ā Rohe Para Māro 2012, Auckland Council Solid Waste Bylaw 2012 not approved or declined before the date this Bylaw commences, will continue to be processed as if it had been applied for under this Bylaw.

### 34 Existing inquiries to be completed under the Solid Waste Bylaw 2012

- (1) Any compliance or enforcement action by council under the Tāmaki Makaurau Te Ture Ā Rohe Para Māro 2012, Auckland Council Solid Waste Bylaw 2012 that was not completed before the date this Bylaw commences, will continue to be actioned under that Bylaw as if it were still in force and as if this Bylaw had not been made.

<b>Related information, Bylaw history</b>	
<b>Date</b>	<b>Description</b>
01 November 2010	<b>Made</b> legacy bylaws about solid waste <sup>1</sup> ( <a href="#">Section 62</a> Local Government (Auckland Transitional Provisions) Act 2010)
01 November 2010	<b>Commencement</b> of legacy bylaws about solid waste ( <a href="#">Section 62</a> Local Government (Auckland Transitional Provisions) Act 2010)
18 July 2012	<b>Review</b> of legacy bylaws about solid waste completed (RB/2012/12)
26 July 2012	<b>Proposal</b> to make new bylaw about solid waste and to revoke legacy bylaws (GB/2012/103)
25 October 2012	<b>Made</b> the Auckland Council Solid Waste Bylaw 2012 (GB/2012/140)
27 October 2012	<b>Public notice</b> of making of the Auckland Council Solid Waste Bylaw 2012 and revocation of legacy bylaws
01 November 2012	<b>Commencement</b> of Auckland Council Solid Waste Bylaw 2012 and revocation of legacy bylaws (GB/2012/140)
14 February 2019	<b>Review</b> of Auckland Council Solid Waste Bylaw 2012 completed (REG/2019/7)
02 May 2019	<b>Proposal</b> to make a new bylaw about waste (GB/2019/34)
22 August 2019	<b>Made</b> the Auckland Council Waste Management and Minimisation Bylaw 2019 (GB/2019/83)
October 2019	<b>Public notice</b> of making of the Auckland Council Waste Management and Minimisation Bylaw 2019
25 October 2019	<b>Commencement</b> of the Auckland Council Waste Management and Minimisation Bylaw 2019 (GB/2019/83) and revocation of the Auckland Council Solid Waste Bylaw 2012 ( <a href="#">section 160A</a> Local Government Act 2002)
<sup>1</sup> Legacy bylaws made: Auckland City Council Solid Waste Bylaw 2006, Franklin District Council Waste Bylaw 2009, Chapter 20 (Waste Management) of the Manukau City Consolidated Bylaw 2008, Part 4 (Solid Waste Management & Minimisation) of the North Shore City Council Bylaw 2000, Papakura District Council Collection and Transportation of Refuse Bylaw 2006, Chapter 19 (Waste) of the Rodney District Council General Bylaw 1998 and Waitakere City Council Waste Bylaw 2005.	
<b>Related information, next bylaw review</b>	
This Bylaw must be reviewed by 22 August 2024. If not reviewed by this date, the Bylaw will expire on 22 August 2026.	

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