

Auckland Council Waste Management and Minimisation Bylaw 2019

2025 Options Report

December 2025, Version 1.0

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Summary of the options analysis

This report analyses options in response to findings for four topics in the 2025 review of Auckland Council Waste Management and Minimisation Bylaw 2019 and Controls.

The report was prepared using options and criteria that meet council's statutory requirements and undertook additional research and engagement to inform the analysis.

Three reasonably practicable options were identified to amend, replace or revoke the Bylaw and Controls for each of the four topics.

- For Topics 1 (approach to waste), 2 (waste in council-controlled public places) and 4 (waste collectors and waste facilities), the recommendation is to replace the Bylaw and 2023 Control and to revoke the 2013 Control;
- For Topic 3 (multi-unit developments) the recommendation however is to revoke the relevant provisions and rely on existing more appropriate rules in the Auckland Unitary Plan.

Overall, the recommended option is to replace the Bylaw and 2023 Control and revoke the 2013 Control as follows.

- replace (revoke) the Waste Management and Minimisation Bylaw 2019 with:
- a new Waste Minimisation and Management Bylaw 2026 focussed on the disposing of or discarding of waste, collection and transport of waste and waste facilities
- amending the Public Trading, Events and Filming Bylaw 2022 to include rules about donation collection bins and waste minimisation and management plans
- amending the Public Safety and Nuisance Bylaw 2013 to include rules about abandoned shopping trolleys and unaddressed mail on vehicles
- replace the 2023 waste 'Collections' Control with a new waste 'Collections on Kerbside and Premises' Control 2026
- revoke the 2013 Separation of Domestic Waste Control and rely on waste collector approval conditions.

This option:

- will help minimise public nuisance, health and safety risks and to minimise waste to landfill from the storage and disposal or discarding of waste and material on premises and in council controlled public places in Auckland
- will ensure a person stores waste on-site appropriately and provide for the full range of currently available and appropriate options to dispose of or discard their waste
- will clarify and streamline regulations that apply to waste collectors and waste facilities
- will remove regulations that are no longer deemed necessary or relied on, or which can be addressed under existing regulations (for example the Auckland Unitary Plan for composting, burial, burning and multi-unit developments or the Litter Act 1979)
- will remove complexity of future bylaw reviews by transferring Local Government Act 2002 bylaw provisions to other bylaws and ensure the next waste bylaw review can occur after the next Waste Plan that it seeks to implement is adopted without the risk of expiring
- is authorised, does not conflict with other legislation, is reasonable and does not give rise to any implications under and is not inconsistent with the New Zealand Bill of Right Act 1990
- will enable the new or amended Bylaws and new Control to have the most appropriate form (for example be up to date, clear, certain and easy to read and understand).

1. Introduction

1.1. This report responds to the Bylaw review Findings Report

This report analyses options in response to findings for the following four topics in the 2025 Review Findings Report: Auckland Council Waste Management and Minimisation Bylaw 2019 and Controls (Findings Report):

- Topic 1: Approaches to support waste minimisation and management
- Topic 2: Disposed or discarded materials in council controlled public places
- Topic 3: Approvals for Multi-unit developments
- Topic 4: Approvals for waste collectors and operators of waste management and resource recovery facilities.

The Findings Report included an additional Topic 5 about construction and demolition waste. This topic is subject to investigation and outside the scope of the options report.

1.2. Statutory options and criteria were used to prepare this report

This report was prepared using options and criteria that meet council's statutory requirements under the Local Government Act 2002 (LGA) and Waste Minimisation Act 2008 (WMA)[1]. For example, council:

- can decide to confirm, amend, replace or revoke any part or all of the current Bylaw
- must identify and assess reasonably practicable options in terms of advantages, disadvantages, effectiveness, efficiency and validity in relation to the desired objective.

1.3. The Findings Report informs the analysis in this report

The scope of this report is limited to the matters raised in the Findings Report.

Staff used the Findings Report and (where necessary) undertook additional research and engagement to inform the options analysis, including:

- additional feedback from council's Waste Solutions staff
- research and analysis of other regulatory tools that may be available to address the identified problems.

2. About the findings report

2.1. The Findings Report completed a review of council's Waste Management and Minimisation Bylaw 2019 and Controls

The Findings report enabled the Auckland Council Regulatory and Safety Committee (the committee) to complete a review of Te Ture ā-Rohe Whakahaere me te Whakaiti Tuku Para 2019 | Waste Management and Minimisation Bylaw 2019 (Bylaw), the Waste Management and Minimisation Bylaw (Collections) Control 2023 and Containers for Kerbside Collection Control 2013.

[1] Relevant statutory requirements include for example, sections 14, 77, 144 and 155 of the Local Government Act 2002 and section 56(5) of the Waste Minimisation Act 2008.

The committee on 5 August 2025 (Item 8) decided (RSCCC/2025/47) to:

- endorse the findings in the Findings Report
- agree that a bylaw is still the most appropriate way to minimise public nuisance, health and safety risks and to minimise waste to landfill from the storage and disposal or discarding of waste and material on premises and in council controlled public places in Auckland
- agree that the Bylaw and Controls could be improved
- request a report and statement of proposal in response to the findings that develops options for improvements, and includes a proposal on the preferred option.

The following sections provide an overview of the Findings Report.

2.2. The Bylaw and Controls help to manage the disposal and discarding of waste and diverted material

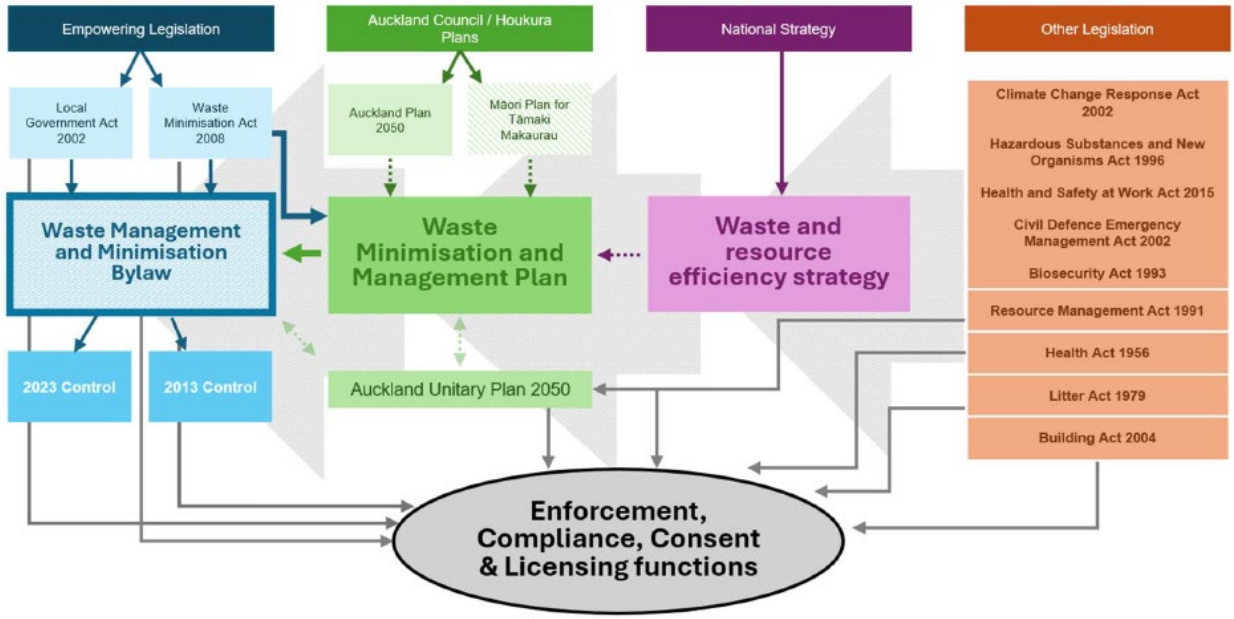
The Bylaw and Controls seek to manage and minimise waste, protect the public from health and safety risks and nuisance, and to manage the use of public places in Auckland. The Waste Minimisation Act 2008 (WMA) requires territorial authorities to encourage effective and efficient waste minimisation and management. This includes a requirement to adopt a waste plan and that any WMA bylaw not be inconsistent with it.

The Bylaw is a key tool to help implement and support achieving the Auckland Council Te Mahere Hukihuki mō te Whakahaeretanga me te Whakaitinga o te Para | Waste Minimisation and Management Plan 2024 (Waste Plan).

2.3. The Bylaw and Controls are part of a wider legislative and strategic framework

The Bylaw and Controls are part of a wider legislative and strategic framework that addresses waste minimisation and management activities, services and issues using a range of regulatory tools. This includes legislation, strategies and plans shown in the Figure below.

Key elements of legislative and strategic framework for waste management and minimisation



The Findings Report (Section 2.4) highlighted that making the Bylaw under both the WMA and the LGA creates complexities and limitations. This also creates challenges in ensuring the Bylaw is reviewed in a timely manner following a review of the Waste Plan to ensure consistency. Further research has been undertaken on these varying statutory provisions and associated options available and this is detailed in section 3.1 of this report.

2.4. Elected members set rules which are administered by staff

The Auckland Council Governing Body has delegated authority to:

- the Regulatory and Safety Committee to review the Bylaw, and to make, amend and revoke the Controls (GB/2024/126)
- council's Waste Solutions staff (through the Chief Executive) to administer the Bylaw and Controls (including to process approvals and enforcement).

2.5. A bylaw is still needed but the current Bylaw and Controls could be improved

The review found that a bylaw is still needed, but that the current Bylaw and Controls could be improved (RSCCC/2025/47).

This key finding was made following an analysis of the Bylaw and Controls under five topics against six key questions summarised in the Table below.

Six key questions	**Key Findings**
Is there still a problem and is the problem the same?	✓ Yes. The problems identified are similar to those outlined in 2019 and continue to relate to public nuisance, health and safety risks and waste minimisation and management issues. • The problems are a result of the improper storage, disposal and discarding of waste and materials, and the limited data available to inform waste planning activities and actions. • The nature and extent of the problems relating to waste minimisation and management are detailed in the Waste Plan. For example, the contamination of waste and the resulting impacts are frequent and are proactively managed by council. • In 2023 the percentage of recycling bin contamination was 20 per cent, against the target of a maximum of 12 per cent contamination.
Are council's desired objectives and outcomes the same?	✓ Yes. The objectives and outcome to address the identified problems remain largely the same since the 2019 Bylaw review. ✗ However, the objectives could be better aligned to each topic, and the outcome better aligned to the Auckland Plan. • The overall objective is to minimise public nuisance, health and safety risks, and waste to landfill from the storage and disposal or discarding of waste and material on premises and in council controlled public places in Auckland. • The outcome sought is that Aucklanders' health and well-being are protected from harmful waste and nuisance and the impact of waste on the natural environment is minimised.

Six key questions	**Key Findings**
Has the Bylaw and Controls helped to achieve the desired objectives and outcomes?	✓ Yes. The Bylaw and Controls have helped to achieve desired objectives and outcomes. • The Bylaw and Controls are used to manage the disposal, discarding, collection and transportation of waste to support waste minimisation and manage risks relating to public health, safety and nuisance. ✗ However, there are challenges to effectiveness: o gaps and inconsistencies in the Bylaw and Controls means council's ability to manage onsite waste problems are limited (Topic 1) o some provisions of the Bylaw are not being relied on or duplicate existing legislative provisions (Topics 2 and 3) o the definitions for waste collectors, waste management and resource recovery facilities could be improved to provide certainty (Topic 4) o the framework for approvals under the Bylaw is ambiguous and lacks clarity (Topic 4) o the Bylaw does not address the new problem of construction and demolition waste (Topic 5).
Is a bylaw and controls still the best way to address the problem (no better alternatives)?	✓ Yes. In general, there are no feasible alternatives to a bylaw to address the problems, aside from the Litter Act 1979 for illegal dumping. • Alternatives are less effective than a bylaw as they lack clear powers to address all matters currently addressed by the Bylaw (and Controls) or in practice - limited to effects rather than direct regulation of behaviour or for some issues may not be a justified response to the level of harm.
Do the Bylaw and Controls comply with legislation?	✓ Yes. In general, the Bylaw and Controls: • are authorised under the Local Government Act 2002 and Waste Minimisation Act 2008 • do not conflict with any other New Zealand legislation (are not repugnant) and are reasonable • do not give rise to any implications under and is not inconsistent with the Bill of Rights Act.
Are the Bylaw and Controls 'fit for purpose' (no change required)?	✓ In general, the Bylaw and Controls are 'fit for purpose'. ✗ However, the Bylaw and Controls could be improved to: o address onsite waste storage and collection issues o remove provisions that are not being used, or duplicate existing legislative provisions o ensure definitions capture the required matters o remove ambiguities in the approval framework.

3. Options assessment

3.1. Three reasonably practicable options are to amend, replace or revoke the Bylaw and Controls

The Findings Report identified that the Bylaw would expire on 22 August 2026 on the basis that the entire Bylaw was made under both the WMA and LGA.

The two statutory options to respond to this finding are to either replace or revoke the Bylaw and Controls.[2]

However, this report also includes consideration of options to confirm and amend the Bylaw and Controls because it is arguable that only those provisions solely authorised under the LGA[3] will expire. This is due to the different review periods required under the WMA and the LGA where section 60 of the WMA means all other provisions will remain valid under the WMA and need not be reviewed until August 2029.

Of the confirm and amend options, confirming the Bylaw is not considered further due to the finding that the Bylaw should be improved.

This means the **three options** considered further in this report are to either amend (Option 1), replace (Option 2) or revoke (Option 3) the Bylaw and Controls for Topics 1, 2, 3 and 4 of the Findings Report.

3.2. Statutory criteria were used to assess each option for each topic

The Table below summarises the criteria developed to enable a comparative assessment of each option for each topic that meets council's statutory requirements.

Criterion	Description
Effectiveness	• How effectively the option achieves council's desired objective: minimise public nuisance, health and safety risks and waste to landfill from improper storing, disposing and discarding of waste in Auckland.
Efficiency	• How efficiently the option minimises the problem described in the Effectiveness criteria above.
Validity	Whether the option: • is authorised by statute (for example, is authorised under the Local Government Act 2002 or the Waste Minimisation Act 2008) • does not conflict with other New Zealand legislation (is not repugnant) and is reasonable • gives rise to any implications under, or is inconsistent with, the New Zealand Bill of Rights Act 1990.
Risks	Whether there are any risks and mitigations associated with the option.

[2] **Replace** in this report refers to a decision to - (1) make a new bylaw and to either revoke or allow the Bylaw to expire, or (2) amend another bylaw and revoke the Bylaw. **Revoke** in this report includes allowing the Bylaw to expire.

[3] LGA only bylaw provisions relates to Bylaw clauses 13, 17 and 18 in Topic 2.

3.3. Replacing the Bylaw for three topics is recommended

Of the four topics, Option 2 (Replace Bylaw) is recommended for Topics 1, 2 and 4. The recommendation for or Topic 3 (multi-unit developments) however, is Option 3 (Revoke).

Taking this approach:

- provides for improvements identified in the Findings Report for Topics 1, 2 and 4
- removes unnecessary bylaw regulations in Topic 3
- avoids future complexity of having a bylaw made under both WMA and LGA
- ensure the next Bylaw review can occur after the next Waste Plan that it seeks to implement is adopted without the risk of expiring.

The Table below summarises the options assessment and recommended option for each of the four topics. The full assessment is contained in Appendix 1.

Topic	Effectiveness	Efficiency	Validity
Approaches to support waste minimisation and management (Topic 1)			
• Option 1 (Amend Bylaw and Control) • Option 2 (Replace Bylaw and Control) **(recommended)**	✓ ✓✓	✓ ✓✓	✓ ✓✓
Disposed or discarded materials in council controlled public places (Topic 2)			
• Option 1 (Amend Bylaw) • Option 2 (Replace Bylaw) **(recommended)**	✓ ✓✓	✓ ✓✓	✓ ✓✓
Approvals for multi-unit developments (Topic 3)			
• Option 1 (Amend Bylaw and Control) • Option 3 (Revoke Bylaw) **(recommended)**	× ✓✓	× ✓✓	× ✓
Approvals for waste collectors and operators of waste management and resource recovery facilities (Topic 4)			
• Option 1 (Amend Bylaw and revoke Control) • Option 2 (Replace Bylaw and revoke Control) **(recommended)**	✓ ✓✓	✓ ✓✓	✓ ✓✓

Note: The ticks "✓" and crosses "×" against each criterion is illustrative of the relative achievement against each criterion for each topic. The full assessment of each option is included in Appendix 1.

Note: Option 3 (Revoke) is not applicable to Topics 1, 2 and 4 and Option 2 (Replace) is not applicable to Topic 3 for reasons explained in Appendix 1.

Appendix 1: Option Analysis by Topic

This Appendix contains the assessment of options in response to the findings for Topics 1, 2, 3 and 4 in the Findings Report.

Approaches to support waste minimisation and management [Topic 1]

Summary of 2025 Review Findings Report: Waste Management and Minimisation Bylaw 2019

- The objective is to minimise public nuisance, health and safety risks and waste to landfill from improper storing, disposing and discarding of waste in Auckland.
- ✓ A bylaw in general, is the most appropriate way to achieve the objective which relates to addressing the problem.
- ✓ The Bylaw in general, does not give rise to any implications under and is not inconsistent with the New Zealand Bill of Rights Act 1990.
- × However, the Bylaw and Control could be improved by including additional provisions to ensure onsite waste storage and management problems are able to be more effectively and efficiently addressed and form improvements to support clarity. See Option 2 for details.

Further information

The Findings Report indicated that clause 8 could be amended to provide more certainty and clarity (see section 1.8 of Topic 1 in Appendix 1 of the Findings Report). Further research on clause 8, and the links to clause 6, has highlighted:

- clauses 8 and 6 duplicate and / or are inconsistent with composting, burial of animal and burning rules in the Auckland Unitary Plan (AUP) as follows:
  - clause 8(1) only allows dead animals kept on the premises or a dead nuisance pest found on or adjacent to the premises to be buried, this is inconsistent with the AUP for the disposal of livestock, which for example does not restrict that a dead animal must have been kept on those premises
  - clause 8(2) allows composting where it is a permitted activity in the AUP or at any approved resource recovery facility, this is inconsistent with the AUP as it does not provide for a composting activity for which a resource consent has been granted
  - Waste Solutions staff have received no complaints and note that any complaints are unlikely to require a bylaw response
  - while clause 6 is intended to specify all the ways a person can lawfully burn waste, it does not provide for burning waste, but the relevant Related Information outlines the waste burning provisions of the AUP, resulting in a contradiction
- clause 6 only allows waste to be disposed of at facilities that have an approval under clause 12 of the Bylaw. This excludes other types of facilities that do not require an approval under the Bylaw, particularly for recyclable materials, such as supermarkets accepting soft plastics and home appliance stores accepting old phones
- Clause 7(2)(b) provides that an approved container must not be removed from the premises it was provided to which is a matter that should be addressed in the control rather than the bylaw
- There is no associated provision in the control to support the requirement to separate waste appropriately in public waste bins in clause 10
- The Bylaw and control do not explicitly clarify that the relevant provisions of the control do not apply to special collections (for example to allow for different collection times).

To address these matters, any option to improve the Bylaw should:

- amend clause 6 to allow for composting, burial and burning of waste that is a permitted activity under the AUP or where a resource consent has been granted, noting that the AUP provisions are considered to appropriately address these matters

Further information
• remove clause 8, noting that the amendments to clause 6 will continue to provide for composting and burial of animals • include a new provision in clause 6 that allows for the disposal or discarding of waste at other types of facilities which accept specified types of material to support waste minimisation goals • move the intent and approach of clause 7(2)(b) to the control • amend clauses 10 and 19 to include clearer references to the control and include new clauses in the control that clarifies what kind of waste can be placed in specified public waste bins and exemptions for special collections.

Options assessment	
Below is a comparative assessment of the two most appropriate options against criteria, being Option 1 (Amend) and Option 2 (Replace). See Chapter 3 of this Options Report for a discussion of options and criteria. Note: Option 3 (Revoke) is not applicable to this Topic because the Findings Report identified that a bylaw about this Topic is still needed.	
Option 1 (Amend)	**Option 2 (Replace) (Recommended)**
• Complete an early statutory review of the Bylaw. • Amend the current Bylaw and 2023 Control as outlined in Option 2 (with any necessary modifications).	• Make a new Bylaw under the Waste Minimisation Act 2008 as outlined below. • Replace the 2023 Control as outlined below. • Revoke the current Bylaw.
• Improved Bylaw: ○ retains the intent and approach of clauses 6 (ways to dispose of material),7 (disposal of material to kerbside),10 (public waste bins), 14 (storage) and 19 (Controls) of the current Bylaw in relation to this topic, with the following changes to clause 6: ▪ a new subclause that allows waste to be disposed or discarded by composting, burning or burial in accordance with the provisions of the AUP or a resource consent ▪ a new subclause that allows material to be disposed of or discarded at facilities that accept specified types of material (for example supermarkets accepting soft plastics) ▪ a new subclause that requires people to store waste on premises in a way that it is appropriately secured to prevent its spread and to protect access by insects and animals ○ removes clause 8 (burial and composting) of the current Bylaw (covered in improved clause 6) ○ moves the intent and approach of clause 7(2)(b) to the control ○ amends clauses 10 and 19 to include a clearer reference and link to the control for public waste bins and include the ability for the control to provide exemptions for special collections ○ includes consequential changes (including removing references to clause 8 in clause 6 and to interpretation, enforcement and savings and transition provisions as required) ○ drafted in accordance with current best practice, including plain language. • Improved 2023 Control: ○ include a person's responsibilities for waste that is collected onsite as well as through kerbside collection ○ amend Control clause 8 to state more clearly what types of materials may be deposited in which types of containers and with appropriate references to Appendices A-D ○ improving the structure and wording of Appendices A-D to clarify their purpose and link to Control clause 8 ○ include a new clause to provide for the intent and approach of clause 7(2)(b) ○ include a new clause to clarify what types of waste can be disposed of into public waste bins ○ includes a new clause to clarify exemptions for special collections.	
Implementation	
Administration • Same as Option 2 (Replace).	**Administration** • Administration remains unchanged. • Regulatory and Safety Committee continues to be responsible for the review of the Bylaw and

Options assessment	
Enforcement • Same as Option 2 (Replace).	Control. • Council's Waste Solutions team continue to administer and enforce the Bylaw and Control. **Enforcement** • Enforcement powers and penalties under the Waste Minimisation Act 2008 remain available for use (refer to Section 2.2 of Findings Report). • Staff continue to use education and non-regulatory methods (refer to Section 4 of Findings Report).
Process • Use statutory decision-making process. • Rescind (RSCCC/2025/47) and replace with resolution that early statutory bylaw review completed. • Proposal to amend the Bylaw and 2023 Control developed with input from local boards. • Other steps the same as Option 2 (Replace).	**Process** • Use statutory decision-making process. • Proposal to make new bylaw, amend 2023 Control and revoke current Bylaw developed with input from local boards. • Auckland Council Governing Body (on recommendation from the Regulatory and Safety Committee) adopts proposal for public consultation using the Local Government Act 2002 Special Consultative Procedure (SCP). • Public feedback on the proposal and local board views on public feedback considered by an appointed Panel who makes a recommendation to the Governing Body for a final decision.
Implementation • Similar to Option 2 (Replace) with any necessary modifications.	**Implementation** • Staff publish new Bylaw and amended Control, update public information and update internal practices (for example staff training).
Effectiveness and efficiency	
✓ An amended Bylaw and Control will have the same effectiveness and efficiency as Option 2, except for the last bullet point and see risks outlined below. ✗ Less efficient in terms of future reviews. Amending the Bylaw means the next review is by August 2029 which is before the next review of the Waste Plan in 2030, meaning either conducting two review projects either side of the Waste Plan or accepting the risks associated with a late bylaw review that must be implemented before August 2031. ✗ Arguably, the legislation under which a bylaw is made (WMA and LGA for the current Bylaw) is a fundamental element and any change is best considered as a replacement rather than an amendment. See Risks.	✓ The findings identified that generally a bylaw is still the best way to address the problem and there are no better alternatives. ✓ A new Bylaw and amended Control will: • better ensure a person stores on-site waste appropriately • provide for the full range of currently available and appropriate options to dispose of or discard material • remove duplication and inconsistency with existing appropriate AUP rules for composting, burial and burning • better time the next statutory review to after the next review of the Waste Plan and be simpler with the departure from the current dual WMA and LGA legislative approach (See Option 1 for more details) • be easier to read and understand. • gives clearer effect to the departure from the existing dual legislative approach of the current Bylaw and future review requirements.

<table>
<tr><th colspan="2">Options assessment</th></tr>
<tr><th colspan="2">Validity</th></tr>
<tr><td>✓ Yes. Same as Option 2 (Replace).</td><td>✓ Yes. Improvements:
are provided for in the WMA (s56)*
do not directly or indirectly conflict with any other New Zealand statutes*
do not give rise to any implications under and are not inconsistent with the New Zealand Bill of Rights Act 1990*
provide the most appropriate form of bylaw because it is easier to read and understand.
*Refer to section 9 of the Findings Report which continues to apply to the improvements.</td></tr>
<tr><th colspan="2">Risks and mitigation</th></tr>
<tr><td>Risk: IF this Option is adopted for a proposal, THEN some people may perceive a conflict between the WMA and LGA review requirements or question the appropriateness of using an amendment process to achieve a clear departure from the existing dual legislative approach that underpins the current Bylaw.

Mitigation: Communicate the view that the WMA clauses do not expire and amend the Bylaw to remove clauses made solely under the LGA and reference to the making of the entire Bylaw under the LGA.

Note: The Risk and Mitigation in Option 2 also applies to this option.</td><td>Risk: IF this option is adopted for a proposal, THEN some people may express concern about the suggested improvements, and staff and public may be confused about the transition to new rules.
Mitigation: Public consultation on the proposal, and communication of new rules ahead of the commencement date (for example website updates, operational guidelines and any additional public educational).</td></tr>
<tr><th colspan="2">Recommendations</th></tr>
<tr><td colspan="2">Based on the above assessment against the stated criteria, Option 2 (Replace), to make a new Bylaw under the Waste Minimisation Act 2008, replace the 2023 Control and revoke the current Bylaw, is the most appropriate way to minimise public nuisance, health and safety risks and waste to landfill from improper storing, disposing and discarding of waste. Taking this approach:
will ensure a person stores waste on-site appropriately
provide for the full range of currently available and appropriate options to dispose of or discard their material
includes appropriate matters in the control to provide clarity and transparency
remove duplication and inconsistency with existing appropriate Auckland Unitary Plan rules for composting, burial and burning
better times the next statutory review to after the next review of the Waste Plan and be simpler with the departure from the current dual WMA and LGA legislative approach
is provided for in the WMA (s56), does not directly or indirectly conflict with any other New Zealand statutes and does not give rise to any implications under and is not inconsistent with the New Zealand Bill of Rights Act 1990
would ensure the new bylaw and replaced control is the most appropriate form of bylaw and control (for example be easier to read and understand).</td></tr>
</table>

Disposed or discarded materials in council-controlled public places [Topic 2]

Summary of 2025 Review Findings Report: Waste Management and Minimisation Bylaw 2019

- The objective is to minimise public nuisance, health and safety risks and waste to landfill from improper disposing and discarding of waste and materials in council-controlled public places.
- ✓ A bylaw in general, is the most appropriate way to achieve the objective which relates to addressing the problem.
- ✓ The Bylaw in general, does not give rise to any implications under and is not inconsistent with the New Zealand Bill of Rights Act 1990.
- × However, the Bylaw and Control could be improved by removing unnecessary provisions to make it more succinct, easier to read and provide a more streamlined enforcement approach. See Option 2 for details.

Further information

The research undertaken to refine the outcomes of the Findings Report included a further review of the clauses made solely under the LGA (clauses 13, 17 and 18) and clause 15. The research found:

- parts of clause 13 that require approval for donation collection bins on council-controlled public places (that the Findings Report identified as helpful), could be provided for in the Auckland Council Public Trading, Events and Filming Bylaw 2022 (PTEFB) which already requires approval for similar activities to help minimise public safety risks, nuisance and misuse of council-controlled public places (which aligns with the purpose of clause 13)
- clause 15 which requires approval for a waste plan for an activity that already requires an approval under the PTEFB (that the Findings Report identified as helpful), could be provided for in the PTEFB to remove duplication
- the intent of matters provided under clause 17(2)(a), (b) and (c) about obligations of business to reduce and retrieve abandoned shopping trolleys (which the Findings Report stated was still a problem), could be provided for in Schedule 1 of the Auckland Council Public Safety and Nuisance Bylaw 2013 (PSNB) which regulates the use of public places
- the matters provided under clause 17(3) about removal of shopping trolleys from premises which the Findings Report identified may in certain circumstances also be an offence under the Litter Act or Crimes Act, could be provided for in Schedule 1 of the PSNB which regulates the use of public places.
- clause 18(3) that regulates the types of unaddressed mail that may be placed in a letterbox (that the Findings Report suggested be transferred to the PSNB), could be revoked as Waste Solutions no longer considered the clause necessary due to the reduction in complaints and the nature of the issues
- the matters in clause 18(4)(a) about leaving unaddressed mail on vehicles (which the Findings Report makes no comment on), could be provided for in Schedule 1 of the PSNB which regulates the use of public places.

To address these matters, any option to improve the Bylaw should:

- amend the PTEFB to include a requirement for an approval for donation collection bins on council-controlled public places and to remove clause13 from the Bylaw
- amend the PTEFB to include the relevant matters in clause 15 of the Bylaw and remove clause 15 from the Bylaw
- amend the PSNB to include the intent of clauses 17(2)(a)(b)(c), 17(3) and 18(4)(a) in Schedule 1 and in conjunction with the identified improvements of the Findings Report, remove clauses 17 and 18 from the Bylaw.

<table>
<tr><th colspan="2">Options assessment</th></tr>
<tr><td colspan="2">Below is a comparative assessment of the two most appropriate options against criteria, being Option 1 (Amend) and Option 2 (Replace). See Chapter 3 of this Options Report for a discussion of options and criteria. Note: Option 3 (Revoke) is not applicable to this Topic because the Findings Report identified that a bylaw about this Topic is still needed.</td></tr>
<tr><th>Option 1 (Amend)</th><th>Option 2 (Replace)</th></tr>
<tr><td>• Complete an early statutory review of the Bylaw.
• Amend the current Bylaw, Auckland Council Public Trading, Events and Filming Bylaw 2022 (PTEFB) and Auckland Council Public Safety and Nuisance Bylaw 2013 (PSNB) as outlined in Option 2 (with any necessary modifications).</td><td>• Make a new Bylaw under the Waste Minimisation Act 2008 as outlined below.
• Amend PTEFB and PSNB as outlined below.
• Revoke the current Bylaw.</td></tr>
<tr><td colspan="2">• Improved Bylaw:
○ excludes matters contained in current clauses 9 (use of donation collection bins), 13 (approvals for donation collection bins), 15 (waste plans for trading, events and filming), 17 (shopping trolleys) and 18 (unaddressed mail)
○ retains the intent and approach of clauses 6 (ways to dispose of material), 7 (disposal of material to the kerbside), 10 (use of public waste bins) and 19 (Controls) of the current Bylaw in relation to this topic
○ includes consequential changes (including removing the references to approvals for donation collection bin operators and to interpretation, enforcement and savings and transition provisions as required)
○ drafted in accordance with current best practice, including plain language.
• Amend the Public Trading, Events and Filming Bylaw to transfer the intent of the provisions of clauses 13(1)(a)(i) (donation collection bins on council land) and 15 (waste plans for trading, event and filming activities) of the current Bylaw.
• Amend the Public Safety and Nuisance Bylaw to transfer the intent of the provisions of clauses 17(2)(a)(b)(c) and 17(3) (to reduce abandoned shopping trolleys), and 18(4)(a) (flyers on vehicles) of the current Bylaw.</td></tr>
<tr><th colspan="2">Implementation</th></tr>
<tr><td>Administration
• Same as Option 2 (Replace).

Enforcement
• Same as Option 2 (Replace).
Process
• Same as Option 1(Amend) for Topic 1 with the proposal including amendments to PTEFB and PSNB.

Implementation
• Similar to Option 2 (Replace) with any necessary modifications.</td><td>Administration
• Same as Option 2 (Replace) for Topic 1.
• Minor operational and process adjustments for matters transferred to PTEFB and PSNB with Waste Solutions staff to retain current administration and enforcement responsibilities.
Enforcement
• Same as Option 2 (Replace) for Topic 1.
Process
• Use statutory decision-making process.
• Proposal to make new Bylaw, revoke current Bylaw and amend PTEFB and PSNB developed with input from local boards.
• Other steps the same as Option 2 (Replace) for Topic 1.
Implementation
• Staff publish new Bylaw and amended PTEFB and PSNB, update public information and internal practices (for example staff training).</td></tr>
</table>

Options assessment	
Effectiveness and efficiency	
✓ An amended Bylaw and amended PTEF and PSN Bylaws will have the same effectiveness and efficiency as Option 2, except as per the matters outlined in Option 1 (Amend) for Topic 1. See Risks.	✓ The findings identified that generally a bylaw is still the best way to address the problem and there are no better alternatives. ✓ A new Bylaw will: • remove existing provisions that are either no longer deemed necessary or not relied on, or which can be addressed under the PSNB or Litter Act 1979 • remove existing provisions that are better administered under the PTEFB • better time the next statutory review to after the next review of the Waste Plan and be simpler with the departure from the current dual WMA and LGA legislative approach (See Option 1 (Amend) for Topic 1 for more details) • be easier to read and understand. ✓ An amended PTEFB and PSNB will: • streamline or consolidate regulations into more appropriate bylaws, in this case about donation collection bins and waste plans for events, trading and filming activities in PTEFB and about shopping trolleys and flyers on vehicles in PSNB.
Validity	
✓ Yes. Same as for Option 2 (Replace).	✓ Yes. Improvements: • are provided for in the WMA (s56)* • do not directly or indirectly conflict with any other New Zealand statutes* • does not give rise to any implications under and are not inconsistent with the New Zealand Bill of Rights Act 1990* • provide the most appropriate form of bylaw because it is easier to read and understand.* ✓ Yes. An amended PTEFB and PSNB: • is provided for in the LGA (s145 and s146) • does not directly or indirectly conflict with any other New Zealand statutes • does not give rise to any implications under and are not inconsistent with the New Zealand Bill of Rights Act 1990 • is the most appropriate form of bylaw. **Refer to section 9 of the Findings Report which continues to apply to the improvements.*
Risks and mitigation	
• Same as Option 1 (Amend) for Topic 1.	• Same as Option 2 (Replace) for Topic 1.

Options assessment
Recommendations
Based on the above assessment against the stated criteria, **Option 2 (Replace),** to make a new bylaw under the Waste Minimisation Act 2008, amend the Public Trading, Events and Filming Bylaw and the Public Safety and Nuisance Bylaw and revoke the current Bylaw, is the most appropriate way to minimise public nuisance, health and safety risks and waste to landfill from improper disposing and discarding of waste and materials in council controlled public places. Taking this approach: • removes existing provisions that are either no longer deemed necessary or not relied on, or which can be addressed under the Litter Act 1979 • allows identified issues to be managed under the most appropriate bylaw to support customer and community understanding • better times the next statutory review to after the next review of the Waste Plan and be simpler with the departure from the current dual WMA and LGA legislative approach • is provided for in the WMA (s56) and the LGA (s145 and146), does not directly or indirectly conflict with any other New Zealand statutes and does not give rise to any implications under and is not inconsistent with the New Zealand Bill of Rights Act 1990 • would ensure the new bylaw and amended PTEFB and PSNB are the most appropriate form of bylaw (for example be easier to read and understand).

Approvals for Multi-unit developments [Topic 3]

Summary of 2025 Review Findings Report: Waste Management and Minimisation Bylaw 2019

• The objective is to minimise public nuisance, health and safety risks and waste to landfill from the storage and disposal or discarding of waste and material in multi-unit developments.
• A bylaw is not the most appropriate way to address public nuisance, health and safety risks and waste minimisation and management from the storage and disposal or discarding of waste and material in multi-unit developments.
  ○ The Bylaw has not been used since its adoption in 2019 for existing or planned MUDs.
  ○ For planned MUDs, Waste Solutions relies instead on the AUP and resource consents process that is used to administer the AUP.
  ○ For existing MUDs, the Bylaw has not been used, and Waste Solutions confirm that the scale of the problem does not warrant specific regulation.

Options assessment	
Below is a comparative assessment of the two most appropriate options against criteria, being Option 2 (Replace) and Option 3 (Revoke). See Chapter 3 of this Options Report for a discussion of options and criteria. Note: Option 1 (Amend) is not applicable to this Topic because the Findings Report identified that a bylaw about this Topic is not appropriate. Option 2 (Replace) is arguably also not applicable, but is included for comparative purposes.	
Option 2 (Replace)	**Option 3 (Revoke) (Recommended)**
• Make a new Bylaw under the Waste Minimisation Act 2008 that contains current clause 16 to require waste management and minimisation plans for certain existing and planned multi-unit developments.	• Exclude current clause 16 and any associated provisions from any new bylaw recommended in Topics 1, 2 and 4 for which Option 2 (Replace) is recommended.
Implementation	
Administration • Same as Option 2 (Replace) in Topic 1, as the bylaw clause would not be expected to be relied on. **Enforcement** • Same as Option 2 (Replace) in Topic 1, as the bylaw clause would not be expected to be relied on. **Process** • Same as Option 2 (Replace) in Topic 1 (with any necessary modifications). **Implementation** • Similar to Option 2 (Replace) in Topic 1 with any necessary modifications.	**Administration** • Waste Solutions staff continue to assess relevant resource consent applications. • Waste Solutions staff continue to provide support and information for any existing MUDs. **Enforcement** • Enforcement penalties and powers under the Resource Management Act 1991 remain applicable. **Process** • Use statutory decision-making process. • Proposal to revoke the current Bylaw, including clause 16 about MUDs developed with input from local boards. • Other steps the same as Option 2 (Replace) for Topic 1. **Implementation** • Staff update public information and internal practices (for example staff training).

<table>
<tr><th colspan="2">Options assessment</th></tr>
<tr><th colspan="2">Effectiveness and efficiency</th></tr>
<tr><td>✗ Retains regulations that are not used, do not reflect current practice, duplicate and potentially conflict with AUP requirements of planned MUDs and are unnecessary for existing MUDs.</td><td>✓ The findings identified that the current Bylaw is not used.
✓ Revoking the Bylaw will:
reflect current practice
remove duplication and potentially conflicting requirements with the AUP of planned MUDs
remove unnecessary regulation of existing MUDs.</td></tr>
<tr><th colspan="2">Validity</th></tr>
<tr><td>✓ Yes. A bylaw requiring approvals for WMMPs for MUDs:
is provided for in the WMA (s56)*
does not directly or indirectly conflict with any other New Zealand statutes*
does not give rise to any implications under and are not inconsistent with the New Zealand Bill of Rights Act 1990*
✗ However, council:
relies on the AUP and the resource consents process for planned MUDs and having a duplicative regulations would be inappropriate and unreasonable
does not use the provisions for existing MUDs and retaining regulations would be inappropriate and unreasonable.
*Refer to section 9 of the Findings Report which continues to apply to the improvements.</td><td>✓ Yes. Council:
can revoke a bylaw following a review under s160(3) LGA
is not required (for example under the s145 or 146 LGA or s56 WA) to have a bylaw to regulate waste in MUDs
is allowed to rely on other more appropriate options to address the identified issues (for example as required in s155(1) and s77(1) LGA).</td></tr>
<tr><th colspan="2">Risks and mitigation</th></tr>
<tr><td>Risk: IF this option is adopted for a proposal, THEN some people may express concern about the duplicative requirements, may seek a judicial review of this approach at the High Court of New Zealand, and staff and public may be confused about how the rules apply.

Mitigation: Public consultation on the proposal, defense of any judicial review, and communication of new rules ahead of the commencement date (for example website updates, operational guidelines and any additional public educational).</td><td>Risk: IF revocation of the Bylaw is proposed and adopted, THEN some people may express concern about the perceived lack of regulation on this topic, staff and the general public may be confused about the use of the relevant AUP provisions and processes.

Mitigation: Public consultation on a proposed revocation of the Bylaw, communication of applicable AUP rules ahead of the commencement date (for example website updates, operational guidelines and any additional public educational).</td></tr>
<tr><th colspan="2">Recommendations</th></tr>
<tr><td colspan="2">Based on the above assessment against the stated criteria, Option 3 (Revoke) to revoke the current Bylaw is the most appropriate way to minimise public nuisance, health and safety risks and waste to landfill from the storage and disposal or discarding of waste and material in multi-unit developments. Taking this approach:
ensures the relevant matters are being addressed through the existing and appropriate single regulatory approach under the Auckland Unitary Plan
removes the risk of having a duplicative process that may be considered inappropriate and unreasonable.</td></tr>
</table>

Approvals for waste collectors and operators of waste management and resource recovery facilities [Topic 4]

Summary of 2025 Review Findings Report: Waste Management and Minimisation Bylaw 2019

- The objective is to minimise the risk of waste to landfill from challenges to effective waste planning activities and actions due to limited data, to minimise and manage waste and to minimise public nuisance, health and safety risks in council controlled public places from improper collection and transportation of waste.
- ✓ A bylaw in general, is the most appropriate way to achieve the objective which relates to addressing the problem.
- ✓ The Bylaw in general, does not give rise to any implications under and is not inconsistent with the New Zealand Bill of Rights Act 1990.
- × However, the Bylaw could be improved by providing more accurate definitions and more clearly articulated information, assessment and condition requirements for approvals. See Option 2 for details.

Further information

The Findings Report indicated that further work was being undertaken to determine whether the remaining provisions of the 2013 Control should be incorporated into the current approval process and the conditions (clause 24) imposed under the approval. This work is now completed and has found:

- the relevant matters of the 2013 Control have been identified to be included in the terms and conditions of approvals for waste collectors
- the proposed changes to clause 24 (conditions of approval, see section 1.8 of Topic 4 in Appendix 1 of the Findings Report) also require changes to the conditions of some existing approvals to more accurately align to these proposed changes
- clause 26 (review of conditions) does not sufficiently provide for council to amend the terms and conditions of approvals to meet the purpose of the Bylaw.

To address these matters, any option to improve the Bylaw should:

- include a transitional provision to:
  - allow an update to the terms and conditions of all approvals granted that includes any relevant matters of the 2013 Control
  - reflect the revised provisions under current clause 24 (conditions of approval)
- amend clause 26 (review of conditions) to provide for council to review and amend any conditions imposed to ensure the conditions appropriately meet the purpose of the Bylaw
- provide for the 2013 Control to be revoked.

Options assessment

Below is a comparative assessment of the two most appropriate options against criteria, being Option 1 (Amend) and Option 2 (Replace). See Chapter 3 of this Options Report for a discussion of options and criteria. Note: Option 3 (Revoke) is not applicable to this Topic because the Findings Report identified that a bylaw about this Topic is still needed.

Option 1 (Amend)	Option 2 (Replace) (Recommended)
• Complete an early statutory review of the Bylaw. Amend the current Bylaw and revoke the 2013 Controls as outlined in Option 2 (with any necessary modifications).	• Make a new Bylaw under the Waste Minimisation Act 2008 as outlined below. • Revoke the 2013 Control as outlined below. • Revoke the current Bylaw.

<table>
<tr><th colspan="2">Options assessment</th></tr>
<tr><td colspan="2">

Improved Bylaw:

retains the intent and approach of clauses 11 and 12 (waste collectors and facilities) and 21-27 (Approvals) of the current Bylaw, with the following changes –

a refined definition of waste collector to provide clarity and transparency
a refined definition of facilities that process waste and diverted material to provide clarity and transparency and which reflects terminology used in waste related legislation and regulations
a refined and updated list of information requirements to accompany approval applications to support a better assessment of the application
a revised list of matters council will consider for applications depending on the type of approval being sought
a revised list of conditions council may impose that clarifies that approvals for facilities are focused solely on data collection requirements to support waste planning activities of council
an inclusion of a new subclause that provides for the review of approval conditions to meet the purposes of the bylaw

includes a new transitional provision in clause 31 (transitional provisions) that supports an update to the conditions of approvals already issued and that allows for the revocation of the 2013 Control and to give effect to the relevant proposed other changes outlined in this section
includes consequential changes (including removing references to approvals for MUDs and WMMPs for events and to interpretation, enforcement and savings and transition provisions as required)
drafted in accordance with current best practice, including plain language.

</td></tr>
<tr><th colspan="2">Implementation</th></tr>
<tr>
<td>
Administration
Same as Option 2 (Replace) in Topic 1.
Enforcement
Same as Option 2 (Replace) in Topic 1.
Process

Use statutory decision-making process.
Rescind (RSCCC/2025/47) and replace with resolution that early statutory bylaw review completed.
Proposal to amend the Bylaw and revoke 2013 Control developed with input from local boards.
Other steps the same as Option 2 (Replace).

Implementation
Similar to Option 2 (Replace) with any necessary modifications.
</td>
<td>
Administration
Same as Option 2 (Replace) in Topic 1.
Enforcement
Same as Option 2 (Replace) in Topic 1.
Process

Use statutory decision-making process.
Proposal to make new bylaw, revoke 2013 Control and revoke current Bylaw developed with input from local boards.
Auckland Council Governing Body (on recommendation from the Regulatory and Safety Committee) adopts proposal for public consultation using the Local Government Act 2002 Special Consultative Procedure (SCP).
Public feedback on the proposal and local board views on public feedback considered by an appointed Panel who makes a recommendation to the Governing Body for a final decision.

Implementation
Staff publish new Bylaw, update public information and update internal practices (for example staff training).
</td>
</tr>
</table>

<table>
<tr><th colspan="2">Options assessment</th></tr>
<tr><th colspan="2">Effectiveness and efficiency</th></tr>
<tr><td>✓ An amended Bylaw and revoked Control will have the same effectiveness and efficiency as Option 2, except as per the matters outlined in Option 1 (Amend) for Topic 1. See Risks.</td><td>✓ The findings identified that generally a bylaw is still the best way to address the problem and there are no better alternatives.
✓ A new Bylaw and revoked Control will:
provide improved definitions to support clarity and understanding
provide clearer provisions relating to the approval process and any conditions to be applied
remove the current duplicative compliance requirements for waste collectors
focus the approval requirements for facilities on council's requirement for data to support waste planning activities
better time the next statutory review to after the next review of the Waste Plan and be simpler with the departure from the current dual WMA and LGA legislative approach (See Option 1 (Amend) for Topic 1 for more details)
be easier to read and understand.</td></tr>
<tr><th colspan="2">Validity</th></tr>
<tr><td>✓ Yes. Same as Option 2 (Replace) in Topic 1.</td><td>✓ Yes. Same as Option 2 (Replace) in Topic 1.</td></tr>
<tr><th colspan="2">Risks and mitigation</th></tr>
<tr><td>• Same as Option 1 (Amend) in Topic 1</td><td>• Same as Option 2 (Replace) in Topic 1</td></tr>
<tr><th colspan="2">Recommendations</th></tr>
<tr><td colspan="2">Based on the above assessment against the stated criteria, Option 2 (Replace) to make a new bylaw under the Waste Minimisation Act 2008 and revoke the 2013 Control, is the most appropriate way to minimise the risk of waste to landfill from challenges to effective waste planning activities and actions due to limited data, to minimise and manage waste and to minimise public nuisance, health and safety risks in council controlled public places from improper collection and transportation of waste. Taking this approach:
provides improved definitions and clarified provisions to support clarity, understanding and applicability
removes the current duplicative compliance requirements for waste collectors
supports council's requirement for data to support waste planning activities
better times the next statutory review to after the next review of the Waste Plan and be simpler with the departure from the current dual WMA and LGA legislative approach
is provided for in the WMA (s56), does not directly or indirectly conflict with any other New Zealand statutes and does not give rise to any implications under and is not inconsistent with the New Zealand Bill of Rights Act 1990
would ensure the new bylaw is the most appropriate form of bylaw (for example be easier to read and understand).</td></tr>
</table>