

Attachment B

Statement of Proposal

To make the
Waste Management and Minimisation Bylaw
and amend the
Consolidated General Bylaw to remove Part 7
and revoke
**Consolidated General Bylaw Part 4 -
Nuisances**

Council would like to hear your views on a proposal to make a Waste Management and Minimisation Bylaw, amend the Consolidated General Bylaw to remove Part 7 – Solid Waste and revoke Part 4 – Nuisances of the Consolidated General Bylaw.

Key dates

Written submission period:	31 August – 30 September 2026
Hearing:	21 October 2026
Deliberations:	12 November 2026
Final decision:	14 December 2026

1. What is this about

Following Council's 10-year review of the Consolidated General Bylaw (CGB) in 2020, Council directed staff to start a work programme to split the Parts of the CGB into individual bylaws to support improved access and understanding that had been highlighted by submitters.

As part of this project, we have now reviewed Part 7 – Solid Waste of the CGB and are proposing to:

- make a new Waste Management and Minimisation Bylaw to support the management and minimisation of waste, through regulating the collection, transportation and disposal of waste, and to protect public health and safety; and
- amend the CGB by removing Part 7 and any relevant parking and traffic provisions and references from other Parts of the CGB.

We have also decided that Part 4 of the Consolidated General Bylaw is no longer necessary as the matters it addresses are either provided for in the new Waste Management and Minimisation Bylaw or through other regulatory tools.

Before finalising the proposed Bylaw, amending the CGB and revoking Part 4, Council wants to hear your views. This document includes further information about the proposal, and the proposed draft of the Bylaw.

2. Have your say

Before making any final decisions, Council would like to know your views. You can tell us what you think of this proposal between 31 August and 30 September 2026.

Further information on how to let us know what you think about the proposal is included at the end of this document or you can visit the [have your say](#) webpage for more information.

3. Key dates

Written submission period:	31 August – 30 September 2026
Hearing:	21 October 2026
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4. Improvements identified

The review found that the provisions of Part 7 could be improved. The proposed improvements mostly aim to simplify and clarify existing rules, while removing inconsistencies, duplication and outdated rules that are no longer used. Examples include:

- the removal of provisions that are better included in the proposed controls; and
- the removal of provisions that are operational or contractual in nature.

A range of provisions have been retained but refined and updated to make them easier to read and understand, including:

- provisions that require people to comply with general rules about managing waste on site and depositing waste for collection; and
- provisions that allow Council to make controls under the Bylaw that relate to operational aspects of Council's waste related activities, such as the maximum weights of rubbish bags.

The provisions relating to approvals being required by waste collectors and waste facilities have also been reviewed and updated to provide greater clarity on the application process and the purpose of the approvals.

5. Proposed amendments to the Consolidated General Bylaw

To avoid regulatory inconsistencies, it is proposed to amend the [Consolidated General Bylaw](#) to remove [Part 7 – Solid Waste](#) at the same time Council makes the new Waste Management and Minimisation Bylaw. Additional minor changes to updating the remaining Part numbers, tables of contents and other non-substantive amendments are also proposed to reflect the removal of Part 7.

6. Proposal to revoke Part 4 – Nuisances of the Consolidated General Bylaw

Part 4 covers burning in urban areas, and vermin, flies, offensive smells and dead animals on private premises. The review of this Part found that these matters are either dealt with through other legislative provisions, such as the Fire and Emergency New Zealand Act 2017, or can be incorporated into the proposed WMMB. Council determined that Part 4 is no longer required and is proposing to revoke this Part of the Consolidated General Bylaw.

7. Legislative considerations

As part of the bylaw making process Council must consider whether our bylaws are effective, efficient, and still necessary. This also includes making sure that the bylaw is not inconsistent with the [New Zealand Bill of Rights Act 1990](#).

Council considered the research and analysis undertaken and decided a bylaw to address waste management and minimisation issues is still the most appropriate way of addressing the perceived problems at the [23 June 2026 Council Meeting](#). At that same meeting, Council determined a bylaw to address nuisances on private property is no longer the most appropriate way of addressing the perceived problems.

Following this, at the Council meeting on 26 August 2026 Council determined that the proposed Waste Management and Minimisation Bylaw is the most appropriate form of bylaw; and that it does not give rise to any implications under the New Zealand Bills of Rights Act 1990.

For further details on these determinations see the agenda report for the 26 August 2026 Council meeting, either on our website at www.kaipara.govt.nz or at Council offices and libraries.

Kaipara District Council

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Waste Management and Minimisation Bylaw 2027

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Part A

Preliminary provisions

1. Title

This Bylaw is the Kaipara District Council Waste Management and Minimisation Bylaw.

2. Commencement

This Bylaw comes into force on ## Month 202X.

3. Application

3.1 This Bylaw applies to land in the Kaipara District controlled or managed by Kaipara District Council.

3.2 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.

4. Purpose

The purpose of this Bylaw is to manage the disposal and discarding of waste to protect health and safety, prevent nuisance and support the reduction of residual waste.

Related information about the Bylaw

The Bylaw supports the implementation of Council's Waste Management and Minimisation Plan by providing a regulatory framework that supports the waste minimisation goals of the Plan. This includes the requirements for people to separate their waste appropriately to allow for recycling activities. It also requires people to manage waste on their premises in a way that doesn't allow it to escape and become a nuisance to others or create litter.

The Bylaw does not regulate littering and illegal dumping as these matters are directly provided for under the Litter Act 1979.

5. Interpretation

5.1 In this Bylaw, unless the context otherwise requires:

2020 Bylaw means Part 7 of the Kaipara District Council Consolidated General Bylaw 2020.

Act means the Waste Minimisation Act 2008 and any regulations and rules made under that Act.

Approval means permission to do something under this Bylaw and to avoid doubt includes a license.

Approved container means any container, including bags, provided or endorsed by Council for the purposes of kerbside waste collection in the Kaipara District in a control under Clause 11 of this Bylaw.

Council means the Kaipara District Council.

Public place means –

- a. a place that, at any material time, is 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 public place under the control of Council.

Disposal facility

means –

- a. a disposal facility defined by [section 7 of the Waste Minimisation Act 2008](#);
- b. a cleanfill facility and industrial monofill facility defined by [clause 3B of the Waste Minimisation \(Calculation and Payment of Waste Disposal Levy\) Regulations 2009](#);
- c. an incineration facility; and
- d. an industrial landfill.

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 waste bin

means a container for waste provided by council in a public place and includes containers for different types of waste (for example recyclable items or rubbish).

Rural areas

means any rural zone of the Kaipara Operative District Plan.

Resource recovery facility

has the same meaning given by [clause 3 of the Waste Minimisation \(Information Requirements\) Regulations 2021](#).

Transfer station

has the same meaning given by [clause 3 of the Waste Minimisation \(Information Requirements\) Regulations 2021](#).

Waste collector

means –

- a. any person who collects or transports waste;
- b. includes commercial and non-commercial collection or transportation (for example, a business, community group and not-for-profit organisation); and
- c. excludes collection or transportation –
 - i. for personal reasons (for example a person taking their household garden waste to a transfer station); or
 - ii. as an incidental function of their primary activity (for example a landscape gardener taking a customer's garden waste to a composting facility).

Waste facility

means a disposal facility; a resource recovery facility; or a transfer station.

5.2 Related information (in grey shaded text boxes titled “Related information” or italic text) and links to webpages are for information purposes only and may be inserted, changed or removed without any formality.

5.3 The <http://www.legislation.govt.nz/act/public/1999/0085/latest/DLM31459.html> Legislation Act 2019 applies to this Bylaw.

Related information about the Legislation Act 2019

The Legislation Act provides principles and rules about the interpretation of legislation that apply to any bylaw. For example –

- words defined in the Waste Management and Minimisation Act 2008 and any regulations and rules made under that Act have the same meaning in this Bylaw ([section 20](#))
- the definition of person used in this Bylaw as “person includes a corporation sole, a body corporate, and an unincorporated body” is provided in [Section 13](#).

5.4 To avoid doubt, compliance with this Bylaw does not remove the need to comply with all other applicable Acts, regulations, bylaws, or regional or district plans.

Part B

Deposit, collection, transportation and disposal of waste

6. General responsibilities

6.1 A person must ensure that:

- a. any waste stored on premises is appropriately secured to prevent its spread through wind and rain;
- b. any waste stored on premises is protected from ingress or egress of flies, vermin and animals;
- c. all approved containers are kept in a safe location on premises, are hygienic, in good repair, and are without any modifications or alterations to their appearance other than an indication of the address of the premises; and
- d. the contents of a waste container do not seep or escape to create a nuisance, be offensive or likely to be injurious to health.

Related information about approved containers

6.2 A person must not:

- a. deposit waste in an approved container that is not approved for that type of waste;
- b. put waste in an approved container provided to any other person, without that other person's consent;
- c. remove from or interfere with any waste from an approved container, other than the person who deposited the material, Council or an agent of Council;
- d. remove an approved container provided by Council from the premises to which it has been allocated, unless it requires replacing due to damage; and
- e. allow any accumulation of waste on premises to become offensive, a nuisance or likely to be injurious to health.

6.3 No waste shall be transported through, over or upon any road or public place unless it is sufficiently and adequately secured to prevent it from falling or otherwise escaping.

Related information on what is 'waste'

Waste is defined in the Waste Minimisation Act 2008 as '*...anything disposed of or discarded... to avoid doubt, includes any element of diverted material...*'.

Any materials discarded by its former owner and left for collection is waste, irrespective of whether it is intended to be, or may subsequently be, disposed of, recycled or reused.

All references to waste in this Bylaw therefore includes both '*rubbish*', being the usual word used to describe residual waste, as well as any Council approved recyclable materials items as provided in controls under Clause 11.

7. Non-compliance with kerbside collection requirements

Failure to comply with the provisions of this Bylaw and any controls under Clause 11 may be subject to the following actions being taken:

- a. the rejection (non-collection) of the contents of any approved container left out for kerbside collection, if the contents of the container are non-compliant;

- b. the withdrawal or suspension of the kerbside collection service being provided to a property from which the contents of an approved container have been rejected for being non-compliant;
- c. enforcement of any offence that may have been committed under the Litter Act 1979 as a result of the non-compliance; or
- d. enforcement for a breach of this Bylaw.

8. Public waste bins

- 8.1 A person may dispose of or discard waste in a public waste bin if that material is generated in a public place.
- 8.2 However, a person must not dispose of or discard waste in a public waste bin if –
- a. the waste is from that person's place of employment or business or home;
 - b. the bin is full or overflowing;
 - c. the waste is deposited in a way that is likely to escape from the bin;
 - d. 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
 - e. the waste is of a prohibited type prescribed in a control made under clause 11 (for example hazardous or medical waste).

Example – what can you place in a public waste bin

A person who eats takeaways from a container in a park may put the container in a public waste bin, or a recycling bin if the container is recyclable.

A person who eats takeaways from a container at home cannot and should instead clean the container of food scraps and dispose of it in their kerbside recycling bin if it is recyclable or otherwise dispose of it as rubbish.

9. Onsite disposal

Except as provided under this Bylaw, no person may bury or allow to be buried any waste on any property they own, occupy or manage except:

- a. organic waste, including dead farm animals, in rural areas;
- b. dead companion animals and nuisance pests; or
- c. for the purposes of home composting.

Related information about the Proposed Regional Plan for Northland

The Proposed Regional Plan for Northland February 2024 also contains rules relating to onsite waste disposal which must be complied with in accordance with Clause 5.4 of this Bylaw.

10. Waste collectors and waste facilities require an approval

- 10.1 A waste collector must obtain an approval in accordance with Part D to –
- a. collect waste in the Kaipara District;
 - b. transport waste into, around, or out of the Kaipara District; or
 - c. both a. and b.
- 10.2 A person who is responsible for the operation of a waste facility must obtain an approval in accordance with Part D.
- 10.3 The holder of an approval referred to in Clause 10.1 and 10.2, must ensure compliance with the approval and any conditions of the approval.

Related information about waste facilities

An approval for a waste facility under this Bylaw supports data collection and Council's statutory role to

plan for and encourage waste minimisation and a decrease in waste to landfill.

Waste facilities must also comply with other legislative requirements. For example:

- the discharge of contaminants from cleanfills, managed fills and landfills on the environment and public health is regulated under the Operative Kaipara District Plan
- the discharge of contaminants to air from commercial composting facilities, greenwaste collection stations, transfer stations and recycling stations is regulated under the Operative Kaipara District Plan.

The monitoring of emissions from waste management facilities is regulated under the Climate Change Response Act 2002 (s62).

Part C Controls

11. Controls

Council may make controls to manage the disposal or discarding of waste for one or more of the following purposes:

- a. prescribing types of approved containers;
- b. prescribing the types of waste that may be deposited in approved containers;
- c. prescribing the maximum weights of waste that may be deposited in an approved container;
- d. prescribing the way an approved container must be placed on or retrieved from a public place, including times, locations and days;
- e. prescribing types of prohibited waste;
- f. prescribing the disposal or deposit of waste that may be placed for public collection that does not require being placed in an approved container (for example paper and cardboard);
- g. providing for the management of waste in multi-unit buildings and developments; or
- h. any other operational matter required for the safe and efficient operation of a waste collection service from a public place.

Related information about the Standard Materials for Kerbside Collections Notice

The Standard Materials for Kerbside Collections Notice 2023 (Notice No. 1) prescribe the standard materials that Council can accept in household kerbside recycling collections and which materials are excluded.

The Standards provide Councils with some discretion to accept certain materials relating to food scrap and food and garden organic (FOGO) waste, if they offer such services.

Part D Approvals

12. This Part applies to people who must obtain Council approval

12.1 This Part applies to a person who must –

- a. obtain an approval from Council as a waste collector or operator of a waste facility in Clause 10; and
- b. renew an approval from Council prior to its expiration.

12.2 For the purposes of Clause 12.1.b., this Part applies with all necessary modifications as if that renewal was an application for an approval.

13. Applications for an approval must include information required by Council

- 13.1 A person to whom this Part applies must make an application for an approval to Council that –
- is in the form and manner required by Council; and
 - includes any information required by Council.

- 13.2 Without limiting Clause 13.1, Council may require an application to include information on one or more of the following matters in this table.

Waste collectors
- the nature of the activity for which an approval is sought; - the type(s) of waste to be collected and transported; - an estimate of the annual quantity of each type of waste to be collected and transported; - the frequency, location or route of collection and transportation; - the method(s) used to collect and transport the waste (for example the types of collection vehicles used, and any bins provided); - the facilities any waste is transported to; - any other approvals, consents or certification required by Council to collect or transport waste; and - the applicant's experience, reputation and track record.
Waste facilities
- the nature of the activity for which an approval is sought; - the type(s) of waste to be received, sorted, stored, disposed of and / or processed; - an estimate of the annual quantity of each type of waste in b. above; - any other approvals, consents or certification required by Council to operate the facility; - the sources any waste is received from; and - the facilities any waste is transferred to.

14. Council will consider applications for an approval against relevant matters

- 14.1 Council, when considering an application for an approval under Part 5 –
- 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
 - may inspect premises or locations related to the application for the purposes for which the approval is given.

- 14.2 Without limiting Clause 14.1, Council may consider an application for an approval against one or more of the following matters in this table.

All approvals
- Council's requirement for data where such data is not already required in accordance with a different approval or consent issued by Council; - Council's ability to obtain required data through other mechanisms (for example where a waste collector disposes waste solely to a landfill that already provides data to Council as a condition of consent);
Approvals for Waste Collectors
- the extent to which the application would – - minimise the impacts of waste on public health and safety; - protect the public from nuisance caused by waste; - appropriately manage the use of public places; and - the applicant's experience, reputation and track record.

15. Council may grant or decline an application for an approval

- Council may grant or decline an application for an approval for waste collectors, having regard to the matters in Clause 14.

- b. Council will grant an application for an approval for waste facilities, subject to conditions to support data collection where appropriate.
- c. For the avoidance of doubt, an approval under this Part does not remove the need to comply with all other applicable legislation and rules of law.

16. Council may impose conditions if it grants an application for an approval

- (1) If Council grants an application for an approval under Part 5, it may impose any conditions on the approval it considers appropriate to achieve the purpose of this Bylaw.
- (2) Without limiting Clause 16.1, Council may impose any one or more of the conditions in this table.

All approvals
a. requiring data on the types and quantities of material covered by the approval b. undertaking monitoring, inspections or both; c. payment of an annual fee, bond or security; d. detailing the duration of the approval within the limits specified in clause 17; and e. providing for a transfer of the approval within the limits specified in clause 18;
Waste Collector approvals
a. ensuring customer compliance with this Bylaw and any applicable controls; b. specifying types of approved containers c. requiring the provision of waste collector identification details on approved containers (for example to allow the public, customer or Council to contact the collector if there is a problem); d. requiring the holding and maintaining of appropriate public liability insurance; e. requiring information provision on the types of material intended to be collected in an approved container; f. specifying collection times and days; g. requiring collection of any spillage (for example when emptying a rubbish bin into a collection vehicle); h. requiring collection of any waste in the vicinity of an approved container; and i. requiring reimbursement of costs incurred by Council for failure to collect waste or remove an approved container.
Related information about handling of information provided to Council Council takes all reasonable measures to keep commercially sensitive information confidential, subject to Council's obligations under the Local Government Official Information and Meetings Act 1987. This includes the aggregation of information.

17. Duration of an approval is no more than five years

The duration of an approval under this Part is either five years from the date of the approval, or for a shorter duration if specified in the approval.

18. Transfer of approvals not allowed

An approval under this Part attaches to the person who obtained it and is not transferable to any other person, unless the approval expressly provides otherwise.

19. Council may review approval conditions in certain circumstances

- 19.1** Council may review and change the conditions of an approval under this Part –
- to be consistent with any changes to legislation;
 - 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);
 - if deemed necessary under Clause 20; or
 - to ensure the conditions are appropriate to achieve the purpose of this Bylaw.
- 19.2** For the purposes of Clause 19.1, this Part applies with all necessary modifications as if that review was an application for an approval.

Part E

Enforcement powers, offences and penalties

20. Council may take action to enforce this Bylaw against a person who has obtained an approval

- 20.1** Council may take one or more of the actions in Clause 20.2 if a person who has an approval –
- fails to comply with the approval;
 - fails to comply with any condition of that approval; or
 - provided inaccurate information in that person's application which materially influenced the decision made on the application.
- 20.2** Council may take any one or more of the following actions against a person to whom this clause applies –
- written advice or a written warning;
 - a review and change of the conditions of the approval;
 - a review and suspension or cancellation of the approval;
 - forfeiture of any bond or security; or
 - the use of statutory or contractual powers in Clause 21.
- 20.3** For the purposes of any review under Clause 20.2 b. and c., Part 5 applies with all necessary modifications as if that review was an application for an approval.

21. Council can use statutory powers and other methods to enforce this Bylaw

Council may use its powers under the [Waste Minimisation Act 2008](#), its contractual powers, or its powers as a service provider to enforce this Bylaw.

Related information about enforcement

- Council powers under the Waste Minimisation Act 2008 include the power to inspect property and obtain information ([section 79](#)) and power to seize and dispose of property (sections [81,82, 85](#)).
- Council can also use other methods as a service provider to encourage compliance, for example –
 - providing advice, information or warnings
 - not collecting a person's kerbside bins if it contains incorrect types of material (for

example rubbish 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.

22. A person can be penalised for not complying with this Bylaw

A person who fails to comply with this Bylaw commits an offence and is liable to a penalty under the [Waste Minimisation Act 2008](#).

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.

Part F

Savings and transitional provisions

23. Certain existing approvals to continue to apply under this Bylaw

Every approval under the 2020 Bylaw that applied on the day before this Bylaw commences, continues to apply until the expiration date specified in the approval as if it was obtained in accordance with Part D.

- 23.1** Council may at any time prior to the expiry of the approval in Clause 23.1, review and change the conditions of the approval to ensure the conditions are appropriate to achieve the purpose of this Bylaw (for example to be consistent with any control under Clause 11, to have regard to any matter in Clause 14 or to impose any condition in Clause 16).

For the purposes of Clause 23.2, Part D applies with all necessary modifications as if that review was an application for an approval.

24. Existing applications for approval to be processed under this Bylaw

Any application for an approval under the 2020 Bylaw that is not granted or declined before the date this Bylaw commences, will continue to be processed as if it had been applied for under this Bylaw.

25. Certain existing approvals to expire

Any approval under the 2020 Bylaw that is not required under this Bylaw, will expire on the date this Bylaw commences.

26. Applications for approval previously not required must be made

A person who did not require an approval under Part D prior to the commencement of this Bylaw, must apply for an approval within six months of this Bylaw commencing.

27. Existing inquiries to be completed under the 2020 Bylaw

Any compliance or enforcement action by Council under the 2020 Bylaw that was not completed before the date this Bylaw commences, are to be completed as if this Bylaw had not been made and the 2020 Bylaw had not been revoked.