

# Hamilton City Council – Staff Feedback

## Initial Review of Bylaws for the Waste Minimisation Act 2008 and the Litter Act 1979

Ministry for the Environment

11 March 2025

# Improving the Wellbeing of Hamiltonians

Hamilton City Council is focused on improving the wellbeing of Hamiltonians through delivering to our five priorities of shaping:

- **A city that's easy to live in**
- **A city where our people thrive**
- **A central city where our people love to be**
- **A fun city with lots to do**
- **A green city**

The topic of this staff feedback is aligned with all of Hamilton City Council's five priorities.

## Council Approval and Reference

This staff feedback was approved by Hamilton City Council's Chief Executive on 11 March 2025.

Feedback # 790

**It should be noted that the following feedback is from staff at Hamilton City Council and does not therefore necessarily represent the views of the Council itself.**

## Introduction

1. Hamilton City Council staff welcome the opportunity to provide early feedback to the Ministry for the Environment on its **Initial Review of Bylaws for the Waste Minimisation Act 2008 and the Litter Act 1979**.

## Key Messages and Recommendations

2. Hamilton City Council staff are of the view that all purposes included in Section 56 of the Waste Minimisation Act 2008 are still relevant today.
3. Staff recommend a review and update of fines in the Litter Act 1979 to reflect the cost of sending waste to landfill in 2025, the cost to pursue conviction, and inflation. Fines should be set at an amount that will act as a deterrent to unwanted behaviour from individuals and businesses.
4. Staff recommend that the connection between bylaws and a Waste Management and Minimisation Plan (WMMP) should be reviewed for clarity of purpose.
5. There is an opportunity to improve local licensing provision in regard to cross-boundary activity.
6. The view of staff is that Section 58 of the Waste Minimisation Act 2008 is still relevant today.
7. We recommend that Section 66 of the Waste Minimisation Act 2008 be reviewed for effectiveness.

## Response to the Ministry for the Environment's Key Questions

### 8. 2025 PowerPoint Presentation

9. The following feedback is provided in response to the Ministry for the Environment's key questions outlined in its February 2025 PowerPoint presentation **Review of the Waste Minimisation Act 2008 – Bylaw Provisions**.

### 10. Section 56 – Bylaws

#### 11. Question 5: Are all the purposes still relevant?

12. Yes.

#### 13. Question 6: Are there any purposes missing?

14. No.

#### 15. Question 7: Are there any littering-related activities that could be added?

16. The fines specified in the Litter Act 1979 need updating, i.e. at a minimum, they need to reflect inflation and reflect the increased costs of applying these infringements, the costs of disposal and act as a deterrent to unwanted behaviour. It should be noted that these fines have not been reviewed since 1979. Although a prosecution can be issued under the bylaw, this has associated

risks for the Council and can be difficult to recover. It would be much easier to adopt an infringement notice rather than bring a prosecution under either the Litter Act 1979 or the Waste Minimisation Act.

17. Sections 13 and 14 of the Litter Act 1979 allow councils to issue infringement notices – without a prosecution.
18. Section 13 (4) of the Litter Act 1979 states “*No infringement fee shall exceed \$400*”.
19. The amount of \$400 has not been altered since the Act came into effect in 1979. The Reserve Bank’s inflation calculator shows that \$400 in 1979 would now equate to over \$3,000 in Quarter 4 of 2024.
20. With refuse now costing nearly \$400 a tonne to dispose of, the infringement notices are not as effective a tool as they originally were, i.e. the cost of collecting and disposal of illegal dumping is often above \$400 per instance.
21. Increasing the infringement notices provision from \$400, which has been in place since 1979, to a higher amount would act as more of a deterrent and make it easier and more cost-effective for councils to enforce under the Act.
22. There are other provisions in the Act to have a \$7,500 fine for an individual or \$30,000 for a body corporate but this requires a conviction under the Act. The costs of bringing any action to court are likely to far outweigh the costs of bringing any prosecution, particularly with individuals who do not have the means to pay a fine.
23. An infringement notice amount of \$3,000 for individuals and \$10,000 for body corporates would streamline enforcement under the Act, be more in line with overseas amounts, and act as a more reasonable deterrent for people undertaking illegal dumping.
24. Consideration should be given to annually raising these amounts by the CPI to allow for inflation.

## **25. Bylaws and Waste Management and Minimisation Plans**

26. **Does the connection between a bylaw and the WMMP work in practice?**
27. For Hamilton City Council, they work in isolation as a rule, with the exception of construction and demolition waste planning and event waste planning, which clearly fit in the WMMP. For illegal dumping, the compliance is driven out of the Litter Act as opposed to the bylaw.
28. **Could the connection between the WMMP and bylaws be improved?**
29. There is always an opportunity to better strengthen the connection between the two documents. At Hamilton City Council we use our supporting documents to feed into our future bylaws and WMMP, such as but not limited to our Asset Management Plans and Levels of Service that come from our kerbside contract, all with the overarching goal of reducing waste to landfill.
30. Yes, it could definitely support the development of the WMMP. Staff also use the Levels of Service to bring the baseline for the bylaw and then into the WMMP – so all feed into each other. This also includes a Waste Assessment and any Waste Audits.

31. **Are there any littering-related activities that could be added to the WMMP?**

32. The overarching goal of the Hamilton City Council WMMP ([refer here](#)) is to encourage our residents/ratepayers to live further up the Waste Hierarchy, although under focus area seven of the current WMMP (Regulatory and Council Management), we refer to taking enforcement actions and also managing illegal dumping effectively.

33. **Bylaws and Local Licensing**

34. **Do the local licensing via bylaws provisions work in practice?**

35. Hamilton City Council's Bylaw has provisions for local licensing. However, these provisions have not been put into practice. Licensing would be better placed under a centralised system, particularly to ensure consistency as many waste operators are nationwide (note here: cross-boundary activity).

36. **How could the provisions be improved?**

37. Refer to the above.

38. **Are there any barriers to using the local licensing provisions?**

39. Refer to the above.

40. **Does the description in section 56(4)(a) cover the persons TAs need it to cover?**

41. Yes.

42. **How could the provisions be improved?**

43. No comment.

44. **Are there any littering-related persons that could be added?**

45. No.

46. **Section 58 – Review of Bylaws**

47. **Are the review timeframes for bylaws under the WMA appropriate?**

48. The timeframe appears to be fine.

49. **Are any bylaws still in place that were made under part 31 of the LGA 1974 (this part has since been repealed from LGA 1974)?**

50. No.

51. **Section 66 – Offences Against Bylaws**

52. **Has Hamilton City Council issued an offence using section 66?**

53. No.

54. **Is the fine amount of not exceeding \$20,000 sufficient?**

55. No, but an instant fine as provided for in the Litter Act would be helpful.

## Further Information and Opportunity to Discuss our Feedback

56. Should the Ministry for the Environment require clarification of the feedback from Hamilton City Council staff, or additional information, please contact **Tania Hermann** (Operate and Maintain Unit Director) on **027 808 7670**, or email [Tania.Hermann@hcc.govt.nz](mailto:Tania.Hermann@hcc.govt.nz) in the first instance.
57. Hamilton City Council representatives would welcome the opportunity to discuss the content of this feedback in more detail with the Ministry for the Environment.

Yours faithfully



**Lance Vervoort**  
**CHIEF EXECUTIVE**

#### **FURTHER INFORMATION**

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