

# SOUTH WAIRARAPA DISTRICT COUNCIL

15 JULY 2015

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## AGENDA ITEM D4

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### ILLEGAL RUBBISH DUMPING

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#### **Purpose of report**

To inform councillors how Council deals with the illegal dumping of rubbish and issues encountered in the Bucks Road area including a private property.

#### **Recommendations**

Officers recommend that the Council:

1. *Receive the information.*

#### **1. Executive summary**

Council has and does deal with the illegal dumping of rubbish on its land reserves however does not extend this to private property. As showing in appendix one there has been issues including couches, TV's and beds. These areas are cleared and removed as soon as possible to ensure the amenity of the area is preserved where possible.

Council has erected signage to deter this from happening on its own land and other areas. Also council has supported the TV Take Back program as well as e-recycling.

#### **2. Background**

Council has received requests to stop the rubbish being dumped at Bucks Road as well as the need to develop a policy to deal with the dumping on private land. Signs that were erected have not resolved the issue.

The request to "to establish the river bank as a rubbish free zone" is common sense, and covered under the litter act 1979'

##### *Deposit of litter in public place or on private land*

- *(1)Every person commits an offence and is liable on conviction, in the case of an individual, to a fine not exceeding \$5,000 or, in the case of a body corporate, to a fine not exceeding \$20,000, who deposits any litter or, having deposited any litter, leaves it—*
  - *(a)in or on a public place; or*
  - *(b)in or on private land without the consent of its occupier.*

- (a) *in or on a public place; or*
- (b) *in or on private land without the consent of its occupier.*

The river reserve is also under the management of GWRC.

The territorial authority may require the occupier of the land to clear litter. *Any territorial authority may serve or cause a Litter Control Officer appointed by it to serve, on its behalf, on the occupier of any private land or any land vested in or controlled by the Crown or any local authority (within the meaning of [section 5\(1\)](#) of the Local Government Act 2002) a notice in writing requiring the occupier, to the satisfaction of an Officer,—*

- (a) *to clear away, or remove, from the land; or*
- (b) *to clean up; or*
- (c) *to screen, cover, or otherwise obscure from view—*

*such litter as may be specified in the notice within 14 days or such further time as may be so specified, being litter which, in the opinion of the territorial authority, tends to grossly deface or to defile the area in which the private land is sited*

### **3. Discussion**

Council organised for the sign originally and subsequently the second time around. Tim Langley, Roading Manager, has been to see if there was a practical way of erecting a barrier on the road to prevent dumping (generally dumping is from just two spots). It was considered that a barrier within the road reserve would not work so this idea was abandoned, hence the sign.

Staff had been to the site previously and gone through the waste to try and identify any of the rubbish to any person responsible. The car bodies dumped were identified and on enquiry the Police advised they had been stolen.

Regardless, even if some papers with names has been found this cannot be used in Court as there is no proof of connection between that person (name on paper or whatever) and the dumping of the waste.

In reality the dumping is onto private land. The landowner has the ability to erect a fence along that property boundary which would limit or completely exclude the dumping activity. Council does not erect fences on any other property frontages; this is clearly a landowner responsibility.

The prior correspondence raises service delivery issues in waste management that is a district wide issue such as transfer station times and costs. These issues are continually addressed through the LTP and annual planning phases of council.

It's the officer's opinion that even the reduction in costs or more opening hours for the transfer stations will not deter "fly tipping" as this is often a convenience issue or one of legality.

Council could require the land owner to clear the rubbish but has not taken this course of action as it is seen as difficult for the land owner to control.

### **3.1 Options**

Council could at their cost take on the cleaning of private land issues which would be at the expense of the general ratepayer, as would be an extension of hours.

Council could enforce the landowner to clear the rubbish but has not felt that this is justified.

### **3.2 Consultation**

Fees and charges as well as service delivery is covered annually in consultation.

### **3.3 Legal**

The cars that have been reported to the police have been identified as stolen. This is a matter for the police on follow up on.

The prosecution is possible where the offenders are caught or the land owner is requested to clear it.

## **4. Appendices**

Appendix 1 – 2014-15 Rubbish Dumping (Report from City Care Ltd)

Contact Officer: Mark Allingham, Group Manager Infrastructure and Services  
Reviewed by: Paul Crimp, Chief Executive Officer

# **Appendix 1 - 2014-15 Rubbish Dumping**

## Featherston

Jul-14	Featherston Rugby Club, Featherston - household rubbish dumped outside and dogs have got into the rubbish, its everywhere.	
Aug-14	Camp Memorial Reserve, Featherston - 2 x panes of glass dumped at camp	Camp Memorial Reserves 1313 STATE HIGHWAY 2 Featherston-Greytown
Aug-14	End of South Featherston Road (at the river) - lots of car parts have been dumped	
Aug-14	Featherston Camp ground behind library = more green waste dumped on site	
Aug-14	Otarua Reserve - Household rubbish dumped at Reserve	Otarua Reserve 3 HART ST Featherston
Nov-14	Rubbish Dumping // Can City Care please pick up and dispose of - 2 seater couch, 1 seater chair and bed base that is dumped in the rest area just over the railway tracks on western lake road, Featherston (1km or so past the cemetery). There is also a TV that has been dumped just over the fence of the rest area - if this is able to be picked up too that would be great. Will attached map. Thanks	
Jan-15	Bottom of the street someone has dumped rubbish plastic, bottles, clothing.enough to full two large rubbish bags, Matthew is the contact near his property 021863796	dead end street Johnson Street Featherston
Jan-15	Otarua Reserve, Featherston - 2 small tress have been dumped on the grass. Need to be picked up.	Otarua Reserve 3 HART ST Featherston
Apr-15	Sign to be installed Featherston // No dumping rubbish sign to be installed on Bucks road. I will attach aerial maps with the location marked of where the sign is to be installed. I cannot give a street view as apparently the google truck does not drive out that far!! It is a small lay buy area in the road. If further clarification of the area is needed please let me know and I will see if someone can go out there and mark it. Helen this is being charged to bylaws.	
Apr-15	Otarua Reserve (Lookout) Featherston - remove rubbish dumped (please remember to take a photo).	Otarua Reserve 3 HART ST Featherston
May-15	Featherston Skate Park - dump mattress please collect & take to dump	Featherston Skate Park Playground
Jun-15	Featherston Bucks Road // Sign to be installed // No dumping rubbish sign to be installed. Same as CEM 2422248 (original sign has been stolen, this is a replacement) is a small lay buy area in the road. Maps attached. Sign is here in my office currently. Helen this is being charged to bylaws.	
Jun-15	Dumped Rubbish // Can the rubbish in the open drain outside 21 harrison street west, Featherston please be picked up when someone is next in Featherston. It is just a couple of plastic shopping bags and wet cardboard. Thank you Helen this is charged to refuse GL	
Jun-15	Otarua Reserve - Sunday 7th June - dumped butchered carcas plus also dumped rubbish	Otarua Reserve 3 HART ST Featherston
Jun-15	Harrison Street, Featherston - 2 x piles of dirt have been dumped - please take a photo and remove. (Will need spade/shovel)	
Jun-15	Otarua Reserve, Featherston - pile of green waste (large) dumped - one of our employees feels it could have come from a property at 37 Watts Street, Featherston as they are chopping there hedge and very much looks like the same vegetation might be worth checking out before remove the dumped items.	Otarua Reserve 3 HART ST Featherston

<b>Greytown</b>		
Jul-14	FLY-TIPPING - someone has dumped a front seat of car (bench type) at the turnaround area at river end of Kuratawhiti street. Could you get it picked up on the next rubbish run. NCS1400387	
Jul-14	Greytown // Soldiers Memorial Park // The friends of the bush group has moved some of the waste that has been dumped in the area they want to plant for arbor day to the curb. Can city care please remove it from here. It's by the fence line where the fallen totara branch was cleared from.	
Dec-14	Soldiers Memorial Park // O'Connors Bush // I have signs here to be erected at O'Connors bush to hopefully detour some of the garden waste dumping that is going on the edge of the bush. One needs to be attached to the fence across the road from 10 Kuratawhiti Street, this is the area we often pick up garden waste from. A second is to be attached to the fence by the tennis court, I do not have any photos on file of this area but am envisaging somewhere near the gate into O'Connors bush on the corner of the tennis court (just past the rubbish area). I have a 3rd sign as well, I have not been instructed where to put this one, but if there is another area up the fence line of O'Connors bush on Kuratawhiti St where it can be seen - that would be great, not to close to the memorial gates though.	
Feb-15	RUBBISH DUMPED - carpark beside Waiohine River bridge over SH2 - not sure which side of the river so it would pay to check the east and west carparks at the south end of the bridge as well as the carpark on the north-west side (near the urupa). A ratepayer reports that there is a pile of rubbish around the car park area and surrounds of the Waiohine River by the Waiohine Bridge SH2 that needs taking care of. Includes a TV and has been a really popular spot this summer but the mess is really bad. // NCS1500107	
Jun-15	Arbor Reserve, Greytown - dumped boxes and bottles - please take photo & remove	Arbour Reserve 270-276 MAIN ST Greytown
<b>Martinborough</b>		
Jul-14	Jenna from Police called to advise that there is 2 sheep head, and a lot of sheep gut that has been dumped on the side of the road at 90 Shooting Butts Rd, Hillside, Martinborough.	90 Shooting Butts Rd, Hillside, Martinborough
Apr-15	BY-LAWS REQUEST - green waste dumped on the side of the road - Phillips Line, outside number 359 (access from the SH53 end of Phillips Line) also a car tire a few meters north. Please remove and dispose of. Map attached.	
Apr-15	DUMPED RUBBISH // Can City Care please collect and dispose of some dumped rubbish on Hinakura Road, directly opposite the Cannock Road turnoff (about 5 minutes out of town, just before the longbush road turn off). I will attach pictures, appears to be a couple of TV, mattress and some general.	
May-15	Pick up dumped couch - near Martinborough Cemetery Entrance	
May-15	RUBBISH DUMPED - another mattress, this time with the bed and the TV. The bylaws staff couldn't fit it in their ute - may need two people. It's on Martins Road Martinborough, just round the corner from the intersection with Hinakura Road - they have pulled it closer to the road edge to make it easier to see. Map attached.	