

# **SOUTH WAIRARAPA DISTRICT COUNCIL**

**26 AUGUST 2015**

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## **AGENDA ITEM C6**

### **ILLEGAL RUBBISH DUMPING**

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#### **Purpose of Report**

To inform Councillors of education, enforcement, the Litter Act and Litter By-laws around illegal dumping of rubbish.

#### **Recommendations**

Officers recommend that the Council:

- 1. Receive the information.*

#### **1. Executive Summary**

The attached report is a brief summary of the options and processes around “fly tipping”.

The information was requested by the Infrastructure and Planning Working Party.

The information presented represents the operating regime we currently follow, and we will more rigorously implement from now on.

# Illegal Dumping

Education

Enforcement

Litter Act fine

Litter Bylaws

## **1. Education**

The most important component of a successful illegal dumping program is public education. However, information and education programs are only effective when the behaviour of the targeted audience is changed and then sustained at the desirable level.

An effective information and education program involves:

- targeting the audience
- keeping the message simple
- communication
- feedback and monitoring
- ensuring adequate resources are available.

Several readily available educational methods are:

- involvement of Enviro Schools
- notices near known dump sites letting people know who they can contact
- informational flyer in rates notice.

## **2. Targeted Enforcement**

The critical element of effective enforcement consists of ordinances or bylaws that regulate waste management and prohibit illegal dumping. Ordinances/ bylaws must be effective and tailored to meet specific needs. Council officers must then have the proper authority to conduct surveillance, inspections, and investigations as well as sufficient resources to undertake their tasks.

Enforcement modes commonly used include regular inspections of known problem sites, collection of rubbish and examination for information associated with person dumping.

More remote, chronic or problem sites may require installation of a remote camera which can be installed and operated for approximately \$400/mo. or more for difficult installation or lack of power supply.

First offense fines are usually \$100 to \$400 and can go as high as 1 month an imprisonment along with \$7,500 and \$30,000 for corporates.

**from: Litter Act section 15**

### **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.

(1A) Subsection (1) is subject to subsection (2).

(2) Where any person commits an offence against subsection (1), and the litter deposited is of such a nature as is likely to endanger any person or to cause physical injury or disease or infection to any person coming into contact with it (being in particular any bottle whether broken or not, glass, article containing glass, sharp or jagged material, or any substance of a toxic or poisonous nature) that person is liable on conviction—

(a) in the case of an individual, to imprisonment for a term not exceeding 1 month, or to a fine not exceeding \$7,500, or to both; or

(b) in the case of a body corporate, to a fine not exceeding \$30,000

### 3. Litter Infringement Bylaw

A litter infringement is a fine of \$100 for the first offence and up to \$400 for a subsequent offence within a 365-day period.

Nature of infringement	first offence	Second or subsequent offence within a year
Litter, of less than 1 litre, left in a public space, or on private land, without the occupier's consent.	\$100	\$400
Litter, of more than 1 litre and less than 20 litres, left in a public space, or on private land without the occupier's consent*	\$150	\$400
Litter, of more than 20 litres and less than 120 litres, left in a public space, or on private land without the occupier's consent**	\$250	\$400
Litter, of more than 120 litres, left in a public space, or on private land without the occupier's consent	\$400	\$400
Hazardous*** or offensive litter**** left in a public space, or on private land without the occupier's consent.	\$400	\$400

*\*20 litres is the approximate maximum capacity of two standard supermarket bags in normal conditions.*

*\*\*120 litres is the approximate maximum capacity of a standard mobile garbage bin in normal conditions (for example the red lid 'wheelie bin' used for domestic refuse collection in the central Auckland area).*

*\*\*\*Hazardous litter includes broken glass, barbed wire, jagged metal, medicines, hazardous waste etc.*

*\*\*\*\*Offensive waste includes rotting food, animal remains, faeces including discarded nappies etc.*

You have 28 days to pay. If you do not pay in this time, we will send you a reminder notice giving you another 28 days to pay. If you still do not pay after this time, the infringement will be enforced through the courts with court charges added to the fine.

If you wish to dispute the infringement, refer to the 'Summary of Rights' on the reverse of the notice. You must put your dispute, or request for a court hearing, in writing to the council. The council can also prosecute under the Litter Act 1979 for more serious offences; the maximum penalty upon conviction is \$30,000.

Contact Officer: Carl Reller, Environment and Sustainability Advisor  
Masterton, Carterton and South Wairarapa District Councils

Reviewed By: Mark Allingham, Infrastructure and Services Group  
Manager