

Kaupapa Here Hara Whakaparu

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# Litter Infringement Policy

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## Executive Summary

The South Taranaki District Council Litter Infringement Policy defines how the Council interprets sections of the Litter Act 1979 and covers the operation and infringement process undertaken by the Council when issuing infringements or notices to clear land.

## Council's Role and Responsibility

Every Territorial Authority is responsible for the enforcement of the Litter Act 1979. Therefore, it is the role of the Council to monitor the District for the illegal dumping of litter, act on complaints, and infringe those responsible for the illegal dumping of litter in the South Taranaki District.

## Purpose of the Policy

This Policy:

- defines what is meant by the word litter;
- provides a graduated level of litter for infringement purposes; and
- provides a fee schedule for infringements and defines the rights of the Council in litter removal.

Only by adopting section 13 and 14 of the Litter Act 1979 by resolution, can the Council issue infringements for any breach of the Act.

## Objectives

This Policy shall provide a regulatory tool to enable the Council to issue infringement notices for any breaches of the Litter Act 1979. The Policy will allow Officers to monitor any illegal dumping and ensure that litter is disposed of correctly.

## Requirements of the Act

The Litter Act 1979 provides for the issuing of infringement notices up to a maximum of \$400 for any offence as specified under Section 15 (1) of the Act. The Act also provides notices for occupiers to clear private land of litter (Section 10), and fines on conviction through court proceedings.

# Kaupapa Here Hara Whakaparu

## Litter Infringement Policy

### Definitions

**Council** means the South Taranaki District Council.

**District** means the District of South Taranaki.

**Hazardous litter** means bottles (broken or not), glass, anything containing glass, sharp or jagged material, or any substance of a toxic or poisonous nature that is likely to endanger any person or to cause physical injury or to transmit any disease or infection to any person coming into contact with it. This includes commercial waste or waste that has a chemical residue.

**Litter** is defined under the Act as including any refuse, rubbish, green waste, animal remains, glass, metal, garbage, debris, dirt, filth, rubble, ballast, stones, earth, waste matter or any other thing of a like nature.

**Litter Control Officer** means any person appointed under Section 5 of the Act, or any person deemed to have been appointed as such under Section 6 of the Act.

**Litter Warden** means any person appointed under Section 8 of the Act.

**Occupier** in relation to any land or premises, means any lessee, licensee, or other occupant of the land, and includes the owner or the agent of the owner where there is no apparent occupier.

**Public Place** as defined under Section 2 of the Litter Act 1979.

# Kaupapa Here Hara Whakaparu

# Litter Infringement Policy

## Policy

### 1.0 Infringement Notices

#### 1.1 Officers Authorised to Issue Infringements

1.1.1 Any Officer warranted by the Council under Section 5 of the Litter Act 1979, as a Litter Control Officer, is authorised to issue infringement notices within the District.

#### 1.2 Issuing of Infringement Notices

1.2.1 Litter Control Officers are to use their professional judgement and discretion when issuing an infringement notice.

1.2.2 Infringement notices shall not be issued when an alleged offender cleans up the litter when requested to do so by a Litter Control Officer on the first occasion.

1.2.3 Infringement notices can be issued if an offence has been observed by a Litter Control Officer, Litter Warden, any Council staff member, or if a Litter Control Officer has investigated and has reasonable cause to believe an individual is responsible for the offence and has not rectified the matter.

#### 1.3 Right to Object

1.3.1 Any person who has received an infringement under the Litter Act 1979 may within fourteen (14) days, lodge an objection in writing to the Council, stating the grounds for their objection.

1.3.2 An objection must be in the prescribed form and addressed to the Council.

1.3.3 The Council will consider the infringement and decide to either waive the infringement or allow the infringement to proceed.

1.3.4 Every person has the right to defend the infringement at the District Court.

1.3.5 Failure to pay an infringement (which has not been waived) within the required timeframe will result in the infringement being lodged in the District Court.

### 2.0 Infringement Fees

As per Section 13 (3) of the Litter Act 1979 the following infringement offences and fees payable apply to the South Taranaki District:

# Kaupapa Here Hara Whakaparu

## Litter Infringement Policy

Infringement notices fee schedule for the illegal dumping of litter within the South Taranaki District, in a public place or on private land.

Fine	Descriptors for typical offences
\$100.00	Depositing litter of less than one litre by volume. <i><b>Examples:</b> a takeaway container or contents of an ashtray.</i>
\$200.00	Depositing litter from one to 20 litres by volume. <i><b>Examples:</b> roadside dumping of a 1.5 litre plastic container, or placing household rubbish bags or accumulated car waste in public litter bins.</i>
\$300.00	Depositing litter from 20 to 120 litres by volume. OR Depositing any litter in a Council park or reserve. OR Depositing of green waste or pest plant material. <i><b>Examples:</b> roadside dumping of small volumes of household or green waste, or of any pest plant material.</i>
\$400.00	Depositing litter of more than 120 litres by volume. OR Depositing of hazardous litter. <i><b>Examples:</b> dumping commercial waste, dumping of disposable nappy/s, car parts or glass, e-waste, animal remains or anything that has a hazardous chemical residue.</i>

# Kaupapa Here Hara Whakaparu

## Litter Infringement Policy

### 3.0 Private Land with Litter

3.1 The Council may serve any occupier of any private land or any land vested in or controlled by the Crown or any local authority, a notice in writing requiring the occupier, to the satisfaction of the Council, to -

- clear away, or remove, from the land; or
- clean up; or
- screen, cover, or otherwise obscure from view –

such litter as may be specified in the notice within fourteen (14) days or such further time that may also be specified, being litter which, in the opinion of the Council, tends to grossly deface or to defile the area in which the private land is situated.

3.2 The Council may extend the time specified on a notice, if the occupier has been prevented by reasonable cause from completing the necessary work within the time specified.

### 4.0 Objection Process for Notice to Clear Litter (Occupier of Private Land)

4.1 Every person receiving a notice under Section 10 (1) of the Act, may within fourteen (14) days after the receipt of the notice, object in writing to the requirements of the notice, on the grounds that those requirements are unreasonable.

4.2 An objection must be in the prescribed form and addressed to the Council.

4.3 The Council shall consider the objection through a Hearing.

4.4 The Objector shall be given reasonable notice of the time and place of the Hearing and shall be entitled to be present and heard.

4.5 The Council, after hearing an objection may confirm, cancel or vary the requirements of the notice; and shall within fourteen (14) days after the Hearing, provide the Objector with written notice of its decision.

### 5.0 More Information

Regulatory Services Manager  
South Taranaki District Council 06 278 0555 or 0800 111 323

### 6.0 Review of Policy

This Policy shall be reviewed every three (3) years to ensure the policy is effective and efficient at achieving the objectives.

# Kaupapa Here Hara Whakaparu

## Litter Infringement Policy

### History of Policy

Action	Description	Version number	Decision number	Commencement
<b>New</b>	Adoption of new Litter Infringement Policy	v 1.0		02/07/2021
<b>Reviewed</b>	Policy reviewed and renewed with minor amendments	v 2.0	132/15	02/11/2015
<b>Reviewed</b>	Policy reviewed and renewed with minor amendments	v 3.0	284/18	20/08/20218
<b>Reviewed</b>	Policy reviewed and renewed with no amendments	v 4.0	237/21	01/11/2021



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