

LITTER COMPLIANCE POLICY



Approved by:	Infrastructure Services Committee		
Sponsor:	General Manager Climate and City Growth - Climate & City Growth		
Department responsible:	Waste and Environmental Solutions		
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INTRODUCTION

The Litter Compliance Policy (this Policy) provides guidance to warranted Litter Control Officers on issuing infringement notices under the Litter Act 1979 (the Act). It defines what is meant by litter and provides a graduated level of litter for infringement purposes, provides a fee schedule for infringements and outlines the rights of the Dunedin City Council (DCC) in litter removal. This Policy replaces any preceding Litter Policy.

PURPOSE

The key strategic outcome for this Policy is to ensure that **Ōtepoti Dunedin residents' wellbeing and environment** remains protected from harm by minimising the negative effects of littering and illegal dumping/fly tipping.

SCOPE

The Act is the primary legislation for litter control in New Zealand and provides provisions for Territorial Authorities to deal with litter issues. Littering includes, amongst other things, the dropping of litter, litter escaping from a vehicle or trailer, and illegal dumping.

This Policy outlines the requirement of the legislation, defines how the DCC interprets sections of the Act, the infringement process, and procedure on issuing notices to clear litter.

This Policy will apply in public places within the DCC's control and on private land with the consent of the occupier.

This Policy addresses litter offences and infringement only. Some waste related issues of non-compliance that are not covered by this Policy E.g., contamination of recycling bins, which is being managed via a kerbside mixed recycling bin inspection programme.

STATUTORY FRAMEWORK

The Act provides for the issuing of infringement notices up to a maximum of \$400 for any offence as specified under Section 13(4) of the Act.

In accordance with sections 13 and 14 of the Act, the DCC has adopted infringements in respect of the following offences:

- Deposit of Litter in a public place or on private land (section 15)
- Wilful breaking of bottles or glass (section 16)
- Failure to comply with a Notice (section 10)

The Act also enables the DCC to issue notices to occupiers of private land to clear litter (section 10)

DEFINITIONS

For the purposes of this Policy litter is defined under two categories:

‘Hazardous Litter’: which is litter of such a nature as is likely to endanger any person or cause physical injury, disease or infection to any person. This includes bottles whether it is broken or not, glass, articles containing glass, sharp or jagged material, or any substance of a toxic or poisonous nature (in accordance with section 15(2) of the Act).

‘Litter’: which has the same definition as the Act includes any refuse, rubbish, animal remains, glass, metal, garbage, debris, dirt, filth, rubble, ballast, stones, earth, or waste matter, or any other thing of a like nature

‘Litter Control Officer’ or ‘Officer’ means any person appointed or deemed to have been appointed as such under the Act.

‘Litter Warden’ or ‘Warden’ means any person appointed as such under 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.

Words in this Policy are defined as per the Litter Act. Words that are not defined in this Policy shall have the same definition as the Litter Act.

CONTENT

1. Infringement notices

1.1. Officers authorised to issue infringements

- 1.1.1. Only a Litter Control Officer, warranted under section 5 of the Act is authorised to issue infringement notices within Dunedin City.

1.2. When to issue infringement notices

- 1.2.1. Litter Control Officers are to use their professional judgement and discretion in deciding whether to issue an infringement notice.
- 1.2.2. Factors influencing the choice of enforcement response used by the DCC may include the type and nature of infringement, the impact and significance of harm on the environment and/or wider community, and the frequency of incident.
- 1.2.3. Measures such as education, warnings and infringement notices, and prosecutions may be used by the DCC in respect of breaches of the Act.
- 1.2.4. Infringement notices can be issued if a littering offence has been observed by a Litter Control Officer, or if a Litter Control Officer has investigated and has reasonable cause to believe a person is responsible for the offence and has not rectified the matter.
- 1.2.5. An infringement notice can be issued if a notice to clear litter has not been complied with, either by time or compliance.
- 1.2.6. An infringement notice can be issued if litter deposited is likely to endanger any person or cause physical injury, disease or infection.
- 1.2.7. An infringement notice can be issued for the wilful breaking of glass.
- 1.2.8. Every person has the right to seek a review of their infringement notice in writing; this is to be addressed to the Manager of Waste and Environmental Solutions. The Manager will review the infringement and will decide if the infringement stands or is waived.
- 1.2.9. As per the Summary Proceedings Act 1957 any non-payment of an infringement which has not been waived, will be sent to the District Court for enforcement.
- 1.2.10. Every person has the right to defend the infringement at the District Court.

2. Litter Offences:

The following shall also be deemed to be a litter offence at section 15 of the Act.

1.3. Depositing of litter waste:

- 1.3.1. Depositing household or commercial waste in public places, public litter bins, or public place recycling bins.
- 1.3.2. The DCC may assess the medium or large-scale deposit of waste as illegal dumping (also known as fly tipping) where **it is established that litter has been unlawfully deposited.**
- 1.3.3. Deposited garden waste will be treated as a medium or large-scale litter offence as this type of waste may spread noxious weeds or create a fire risk.
- 1.3.4. Litter that has not been properly prepared for transportation and is spilt from a moving vehicle.

1.4. Failure to comply with municipal rubbish collection requirements:

- 1.4.1. Use of rubbish bins other than the DCC provided kerbside collection bins or bins provided by private companies' collection services.
- 1.4.2. Overfilled, or bins that weigh too much. The maximum weights for DCC rubbish bins:
 - 1.4.2.1. Red-lidded rubbish – no more than 30kg in the 140L bin, 20kg for 80L bin (smaller bin available in 2025)
 - 1.4.2.2. Yellow-lidded mixed recycling – no more than 60kg in the 240L bin, and 20kg for 80L bin
 - 1.4.2.3. Green-lidded food scraps and garden waste – no more than 30kg in the large 140L bin, and 12kg in the small 23L bin
 - 1.4.2.4. Blue glass recycling bin – no more than 12kg
 - 1.4.2.5 Overfull – the wheelie bin lid cannot close, or the blue glass recycling bin is overflowing
- 1.4.3. Rubbish or recycling bins put out for collection before 3.00 pm or after 6.00 pm in the Central Business District.
- 1.4.4. Any cardboard put out for collection in the Central Business District which:
 - 1.4.4.1. Is not flattened, tied, taped or otherwise secured to avoid spillage; or
 - 1.4.4.2. Exceeds 1 meter in length in any direction; or
 - 1.4.4.3. Is not placed at a designated cardboard collection point; or
 - 1.4.4.4. Is left in any other condition unsuitable for collection.
 - 1.4.4.5. Any organic material put out for collection which is not contained by the bins for the collection service. This is then treated as litter left in public places.

1.5. Private land with litter

- 1.5.1.A Litter Control Officer may serve any occupier of any private land or any land vested in or controlled by the Crown or any local authority, a written notice under section 10 (1) of the Act requiring the occupier to:
 - 1.5.1.1. Clear away, or remove litter from the premises; or
 - 1.5.1.2. To clean up; or
 - 1.5.1.3. To screen, cover or otherwise obscure the litter from view.
- 1.5.2. The written notice will specify a timeframe for action.
- 1.5.3. Action taken by the occupier must be completed to the satisfaction of the Officer issuing the notice.
- 1.5.4. An Officer is able to extend the time specified on a notice, if the occupier has reasonably been prevented from completing the work within the time specified.
- 1.5.5. Objection process for a notice to clear litter (occupier of private land):
 - 1.5.5.1. People receiving a notice under subsection 10 (1) of the Act, may object to the requirement of the notice in writing within 14 days after receipt on the grounds that those requirements are unreasonable.

- 1.5.5.2. Objections are to be made in writing to the DCC, and a formal hearing will be scheduled, and an objector is entitled to be present and heard.
- 1.5.5.3. The Council after hearing an objection will issue a decision that upholds, changes, or cancels the notice and will provide the objector with a written notice of its decision.

3. Types of enforcement response

1.6. Education & Warnings

- 1.6.1. Educational material will be supplied in the case of a minor first offence.
- 1.6.2. Warnings may be issued at the discretion of a Litter Control Officer or Litter Warden.

3.1. Infringement

- 1.6.3. The DCC may issue an infringement notice with the appropriate fee as specified in Table 1.
- 1.6.4. An infringement notice may be issued if a notice to clear, issued under section 10 of the Act, is not complied with.
- 1.6.5. The DCC may recover the costs of clean-up and any associated remedial work from the offender in addition to any infringement fees payable.
- 1.6.6. Infringement notices may not be issued when an offender cleans up the litter when requested to do so by a Litter Control Officer on the first request.
- 1.6.7. Where an offence fits more than one descriptor in Table 1, the higher infringement penalty will apply.
- 1.6.8. Where repeat offending for the same offence occurs within a 12-month period, the higher infringement penalty will apply.

Prosecution

- 1.6.9. The DCC reserves the right to prosecute offenders in respect of any breaches of the Act and may do so in combination with enforcement under any other applicable legislation.

Table 1: Schedule of Littering Offences and Infringement Fees

LITTERING OFFENCES AND INFRINGEMENT FEES		
Infringement	First Offence	Second or Subsequent Offence
Household rubbish deposited in public litter bins or public space recycling bins will be treated as litter.	\$100	\$400
A single item of litter, or less than 1 litre, left in a public space, or on private land without the occupier’s consent	\$100	\$200
Litter, of more than 1 litre and less than or equal to 40 litres*	\$150	\$400

Litter, or more than 40 litres and less than 240 litres**	\$250	\$400
Litter, of more than 240 litres, left in a public space, or on private land without the occupier's consent***	\$400	\$400
Dangerous litter or offensive litter left in a public place, or on private land, without the occupier's consent	\$400	\$400

- * Single item or small scale litter offence i.e. less than the volume of blue glass recycling bin
- ** Medium scale litter offence i.e. less than the volume of a yellow-lidded kerbside mixed recycling bin
- *** Large scale litter offence, in these cases the Litter Control Officer will make a judgement as to whether to apply a fine or pursue a prosecution through the courts.

Relevant Legislation:	Litter Act 1979 Summary Proceedings Act 1957
Associated Documents:	Litter Infringement Notice