



2019

Litter Infringement Policy

Hauraki District Council

our home, our future

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1. Introduction

- 1.1. This Litter Infringement Policy 2019 (the policy) sets out the Hauraki District Council's decision on issuing infringements for littering in the district and the fees for littering.
- 1.2. This policy provides guidance to staff on enforcement.
- 1.3. This policy is made in accordance with section 14 and 15 of the Litter Act 1979 (the Act).

2. Objective

- 2.1. The objective of this policy is to deter people from littering in the district to assist with keeping the district clean and free from litter.

3. Litter infringement policy

- 3.1. The Council will issue infringements (fines) when people deposit litter in a public place, or in or on private land without the consent of its occupier.
- 3.2. Schedule A outlines the infringement offences and fee structure that was adopted by the Council at its meeting on 27 March 2019.
- 3.3. Infringement notices can be issued by a Litter Control Officer if they have reasonable cause to believe an individual is responsible for the infringement offence.
- 3.4. Litter Control Officers are to use their professional judgement and discretion when issuing an infringement notice.
- 3.5. Infringement notices shall not be issued when a first time alleged offender cleans up the litter when requested to do so by a Litter Control Officer on the first occasion.
- 3.6. A Litter Control Officer may, if permitted or requested to do so by the occupier of any private land, enter that land if so required for the discharge of his duty.
- 3.7. Every infringement notice will include the information as required by section 14(4) of the Act.
- 3.8. Council shall keep a record of every infringement notice issued and of every payment made in respect of that notice for a period of at least 12 months from the date of issue or, as the case may be, of payment.
- 3.9. Please note, while infringements cannot be issued for dumping household or commercial waste into public litter bins, it is an offence under the Council's Public Places and Nuisance Bylaw 2019.

4. Objections to infringement notices

- 4.1. Any person who has received an infringement may within fourteen (14) days, lodge an objection in writing to the Council, stating the grounds for their objection and request a hearing.
- 4.2. It is up to a Group Manager to review an infringement and decide to either waive the infringement or allow the infringement to proceed.
- 4.3. 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.
- 4.4. Every person has the right to defend the infringement at the District Court.

5. Litter Control Officers

- 5.1. Any Litter Control Officer authorised by the Council under the Act can issue infringement notices within the district. The Council's Delegations Manual contains the job titles of those people authorised by the Chief Executive to issue litter infringements.
- 5.2. In accordance with section 10 of the Act, Litter Control Officers may also serve notice, on behalf of the Council, on occupiers of private land requiring the occupier to clean up, cover or remove litter that tends to grossly deface or to defile the area in which the private land is sited.

6. Related documents

- 6.1. Infringement notices must be in accordance with the provisions of the Litter (Infringement Notices) Order 2006.
- 6.2. The infringement template (TBD) can be obtained from the Council's document management system.

7. Glossary

- 7.1. Unless the context requires otherwise, the definitions of words or terms used in this policy that are also used in the Litter Act 1979 are those defined in that Act.

Litter	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.
Public place	Includes a road, footpath, mall, public reserve and garden/park, any beach or foreshore, public waterways, every wharf or jetty, conservation areas, airports, cemeteries, any other place whether public or private in the open air to which the public has access, whether with or without payment of any fee (see the Act for full wording). It does not include any site for the disposal of litter, or any receptacle installed in any such public place pursuant to this Act or any other Act.

8. Review

- 8.1. The policy will be reviewed within five years after the first policy is adopted by the Council and then at intervals determined by the Council.

9. Document management and control

Title	Hauraki District Council Infringement Policy 2019
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Property of Hauraki District Council

SCHEDULE A: Litter Infringement Fees

Infringement Fee	Litter Infringement Offence
\$100	Depositing non-dangerous litter of less than 1 litre by volume in a public place, or on private land without the occupier's consent. Examples: a takeaway container, cigarette butt or drink can.
\$200	Depositing non-dangerous litter from 1 to 20 litres in volume in a public place, or on private land without the occupier's consent.* Examples: 1.5 litre plastic container or 1-2 plastic bags of household rubbish.
\$300	Depositing non-dangerous litter from 20 to 120 litres in volume in a public place, or on private land without the occupier's consent.** Examples: small trailer load of green waste or household waste items such as a fridge, mattress or sofa.
\$400	Depositing non-dangerous litter of more than 120 litres by volume in a public place, or on private land without the occupier's consent Example: truck load of dirt/building waste.
\$400	Depositing dangerous litter of any quantity in any place. Examples: dumping commercial waste, disposable nappies, car parts or glass, e-waste or animal remains.

* 20L is the approximate maximum capacity of two standard plastic bags.

** 120L is the approximate maximum capacity of a standard 'wheelie bin'.



For more information:

- **W** www.hauraki-dc.govt.nz
- **E** info@hauraki-dc.govt.nz
- **P** 07 862 8609 or 0800 734 834 (from within District)

Visit us at one of our offices:

- Paeroa: 1 William Street
- Ngatea: 84 Orchard West Road
- Waihi: 40 Rosemont Road