

STAFF REPORT

TO: Chairman & Members, Engineering Services Committee
FROM: Engineering Manager
DATE: 22 September 2005
SUBJECT: Illegal Rubbish Dumping

PURPOSE

This report provides information regarding ongoing costs and operational problems associated with illegal dumping of waste and household rubbish on public road reserves and river berm land.

BACKGROUND

In recent years the increasing costs of waste disposal appear to have resulted in an increase in illegal dumping of rubbish within the Tasman District. Council responds through its normal operations to clean up known problem areas where illegally dumped rubbish accumulates. During the 2004/2005 financial year, the Engineering Department attempted to capture most of the costs associated with this activity so these costs could be more transparent and reported through to the Council.

DISCUSSION

In the last 10 years or so, councils have had to rationalise waste disposal facilities by closing a large number of tips and dumps located around the countryside. Landfills and other waste services are now required to be properly engineered and managed on a sustainable basis. All this has resulted in increased costs for the waste generator and less convenience for disposal. The result is that a small minority of people choose to dispose of their waste illegally and free of charge in out-of-the-way places, often by dumping their waste on Council road reserve or river berm land. Council receives a number of reports and complaints about this illegally dumped rubbish and responds by investigating the dump sites and cleaning them up as appropriate. Some photographs of typical illegal dumping are attached.

In 2004/2005 financial year the total cost of this unbudgeted service was \$21,000, with approximately half the cost resulting from the response and investigation of complaints and the other half of the cost to the clean up and disposal of waste. It should be noted that this activity does not include the recovery of abandoned vehicles, which is accounted for separately.

A large number of complaints are handled annually (estimated up to 100) by staff from the Engineering and Environmental Compliance sections. Illegal dumping reports generally consist of dumping of greenwaste in river berm areas (for example,

along the left bank of the Lower Motueka River where there is vehicle access); dumping of hardfill materials, offal and dead animals in river berms; dumping of general household rubbish along road reserves, river berms and almost anywhere else where it can be easily hidden on public land.

Where general household rubbish is the issue and there is sufficient proof of evidence to identify an offender, fines can be issued, both under the RMA and the Litter Act. Typically, fewer than ten infringement notices are issued annually. Council's road maintenance, riverworks and refuse contractors are directed under the contracts to clean up any rubbish when they are undertaking works and maintenance.

Where rubbish is on private or public land there is a limited scope to be able to both act and effectively take enforcement action. There are two options, either the Litter Act or the RMA. The Litter Act defines litter in Section 2 of the Act. It relates to deposition, casting, throwing or dropping of litter in a public place and/or private land. Sections 5 and 6 relates to the appointment of a Litter Control Officer, for which Council has responsibility. Section 7 of the Act refers to the powers of the officer. The warrant gives the enforcement officer power to intervene or prevent the deposit of litter in a public place, the deposit of litter or attempted deposit of litter in any such public place on private land, if consent of that owner has not been made, and the wilful damage or attempted wilful damage of a litter receptacle. Sections 13 and 14 of the Act sets out the infringement provisions of a fine not to exceed \$100. Sections 15 to 19 sets out the offences and penalties that can be imposed by the Courts. In the case of an individual, not to exceed \$500 and in a body corporate \$2,000, breaking of glass deliberately \$750, and in hindering an enforcement officer \$500. Section 20 sets out special powers of the Courts, including the cleanup of land.

Council staff have a preference, where possible, to use RMA infringement fines. If a person is caught dumping rubbish on land a \$300 instant fine can be issued. In water, a fine of \$750 can be issued. However, difficulty arises where the complaint has been received about rubbish that has already been dumped, as opposed to catching someone in the process.

It should be stressed that the large majority of ratepayers and residents within the community act in a responsible manner to minimise and dispose of their refuse and rubbish. However, it is extremely disappointing to find that some members of the community choose to dump their rubbish on road reserve, river berm or other public or private land when they should be disposing of it responsibly at a refuse station and in an environmentally responsible manner.

I believe it is the duty of all residents to show the highest level of intolerance to those who deliberately choose to foul our shared environment. Simply – our waste is our responsibility. Illegal dumping is a total disgrace in our district.

Unfortunately, although attempts are made to identify and find those who are responsible for the dumping, it is often the case that costs cannot be recovered from the offenders and have to be passed on to the general ratepayer.

The consequence of having to provide the response, enforcement and clean up of illegal dumping is the expenditure of unbudgeted funds in Council's refuse accounts. It is proposed that based on our knowledge of the previous years expenditure and this year's trends that appropriate budgets be set in the refuse account to fund this activity in the 2006 LTCCP ten year financial projections.

RECOMMENDATION

That this report be received and that Engineering staff make budget allowance for costs associated with illegal dumping of waste in the refuse accounts, as part of the preparation of the draft LTCCP 2006 – 2015.

P W Thomson
Engineering Manager