

# Enforcement at 211 Woodham Rd

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Date Requested: 17 September 2025  
Date Provided: 25 September 2025

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## Request

A member of the public has complained about 211 Woodham Rd (corner of Ngarimu) and believes it is dangerous for children. I know this is an issue going back many years, but can you look to see if any enforcement or monitoring action has been taken recently please?

## Council Response

We confirm that there is an on-going compliance investigation into this matter. To date we have had the two trailers that were parked on the berm removed, and currently we are exploring what the most appropriate legislative tools are available to us to address the current state of the property.

### **Litter Act:**


The definition of 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.

It is evident from google street view imagery and from site photos that there is an accumulation of vehicles, metal, wood, building materials and other miscellaneous materials of like nature that has been deposited on the private land.

Provisions of s15 of the Litter Act provide the offence for depositing litter in or on private land. In order to satisfy s15(1)(b) it requires that the depositing was done without the consent of its occupier. It is likely that the occupier/owner has deposited these items themselves, therefore s15(1)(b) would prove a challenge to enforce under.

Provisions of s10 of the Litter Act provides a vehicle for compliance where, in the opinion of the Territorial Authority, the deposited litter tends to grossly deface or to defile the area in which the private land is sited, we can instruct the occupier to either:

- a. to clear away, or remove, from the land; or
- b. to clean up; or
- c. to screen, cover, or otherwise obscure from view



I have attached templated s10 notice and cover letter for reference should this approach be considered.

It is important to note that if there is no traction towards complying with the s10 notice, then Council can remediate the land itself, however the cost of clearance can only be recovered after a successful conviction under s21 of the Act.

**Resource Management Act:**

Currently we are enforcing on this aspect in respect of the shipping container intrusion upon the road boundary setback area.

There are provisions under s17 where an abatement notice can be issued requiring a person to do something that, in the opinion of the Environment Court or an enforcement officer, is necessary in order to avoid, remedy, or mitigate any actual or likely adverse effect on the environment caused by, or on behalf of, that person.

The threshold to apply s17(3)(b) would require an actual or likely adverse effect on the environment. Unclear if any of the vehicles on the land are discharging to the land creating an adverse effect. Unless evidence supports that the environment is being affected due to the activity, it is unlikely this section of the Act would be appropriate vehicle for compliance.

**Conclusion:**

The most appropriate pathway forward would appear to be the utilisation of s10 of the Litter Act. Under this section we do not need to establish the litter was consented by the occupier to be deposited on the private land, just that in our opinion the litter on the private land tends to grossly deface or to defile the area.