



OIAD-876

9(2)a

Dear 9(2)a

Thank you for your email of 1 December 2023 to the Ministry for the Environment (the Ministry) requesting the following under the Official Information Act 1982 (the Act):

*I started to use the MFE online Alleged Breach Notification (ABN) tool but it does not appear to cater for advising of unregistered tip sites.*

*So to minimise going around in circles can you please advise whether these sites are now registered tip sites as they don't appear to be on your list, although with no address provided on the list they may be under one of the names listed, but probably not.*

*These are the addresses at which fill is being tipped, both cleanfill and at least concrete and also seems to be no or little sediment control for most of them:*

*520 Waitoki Road, Waitoki  
354 Whitehills Road, Wainui, Auckland  
297 Whithills Road, Wainui, Auckland  
677 Haruru Road, Wainui, Auckland  
280 Rimmer Road, Helensville, Auckland*

*Can you please advise whether the above sites are now registered tip sites? And if not whether MFE gives a damn.*

*Please ensure this advice remains confidential.*

In response to your request, under the Waste Minimisation Act 2008 (WMA), the installation of sediment controls is not a requirement. However, this is generally covered under the local or regional council's planning rules set by the Resource Management Act 1991 (RMA).

The obligations and definitions within the WMA differ to those under the RMA, with the WMA requiring disposal facilities to be registered as a class type, defined by the schedule here: [legislation.govt.nz/regulation/public/2021/0068/latest/LMS474591.html#LMS474590](https://legislation.govt.nz/regulation/public/2021/0068/latest/LMS474591.html#LMS474590).

The Ministry is responsible for regulating facilities captured by the WMA. Local or regional councils (Territorial Authorities) are responsible for regulating planning rules under the RMA. From the sites you have listed, we have reviewed the Online Waste Levy System (OWLS), to determine if they have been registered as a class of disposal facility under the WMA. Please refer to the following table:

Address	OWLS
520 Waitoki Road, Waitoki	Not registered
354 Whitehills Road, Wainui, Auckland	Not registered
297 Whithills Road, Wainui, Auckland	Registered as White Pine Cleanfill; Class 5 Cleanfill and White Pine Managed Fill; Class 3 & 4
677 Haruru Road, Wainui, Auckland	Not registered
280 Rimmer Road, Helensville, Auckland	Not registered

Any person who wishes to report disposal facility compliance concerns can use the alleged breach notification online tool, located on the Ministry's website here: [environment.govt.nz/news/a-new-online-tool-to-report-waste-facilities-compliance/](https://environment.govt.nz/news/a-new-online-tool-to-report-waste-facilities-compliance/). When completing the online tool, you may opt to be anonymous (by not filling in your contact details). However, please note we would not be able to follow up with you, or obtain further relevant information, which may help us to progress a compliance assessment.

We have taken on your feedback, which is appreciated, and recognise that the list of 'main concerns' does not provide an option to report non-levy liable sites. We will be updating the list to reflect this. To advance this matter we encourage you to complete an alleged breach notification form by selecting any of the first three listed 'main concerns' and provide further information. This could include detailed information on; the type of breach occurring, such as disposal of waste, truck movements, and any operator's name or contact details, to assist with a compliance assessment.

You have the right to seek an investigation and review by the Office of the Ombudsman of my decision relating to this request, in accordance with section 28(3) of the Act. The relevant details can be found on their website at: [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz).

Please note that due to the public interest in our work the Ministry publishes responses to requests for official information on our [OIA responses page](#) shortly after the response has been sent. Please note, your personal information will be removed. If you have any queries about this, please feel free to contact our Ministerial Services team: [ministerials@mfe.govt.nz](mailto:ministerials@mfe.govt.nz).

Yours sincerely



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**Ministry for the Environment | Manatū Mō Te Taia**