

The Māori Trustee submission on The Severe Weather Response Order in Council Tranche 3 Waste Management Temporary Accommodation

July 2023

4 July 2023

Ministry for the Environment
Manatu Mo Te Taio
PO Box 10362
Wellington 6143

By email: severeweather@mfe.govt.nz

Tēnā koe

Draft Orders in Council (OIC) to help communities continue their recovery – Tranche 3 - Establishing temporary accommodation and Changes to the Resource Management Act regarding waste management

Thank you for your invitation to share Te Tumu Paeroa's views on the above.

Please note that as the Māori Trustee, Charlotte Severne, is a member of the Severe Weather Recovery Review Panel, she has not had any involvement in the development this feedback. The feedback is submitted by the Deputy Māori Trustee, Greg Shaw, on behalf of Te Tumu Paeroa.

Te Tumu Paeroa would welcome the opportunity to discuss any matters raised in this letter with Ministry for the Environment officials.

Background

Te Tumu Paeroa is the Office of the Māori Trustee. The organisation supports the Māori Trustee to carry out her statutory and other legal functions, duties and responsibilities.

The Māori Trustee's principal role is to act as trustee or agent of Māori land trusts established by the Māori Land Court. Currently the Māori Trustee administers 1 in 3 Māori land trusts and is vested with about 88,000 hectares of Māori freehold land on behalf of approximately 100,000 individual Māori landowners. As such, the Māori Trustee is by far the largest single administrator of Māori land.

Within the regions impacted by recent severe weather events, the Māori Trustee administers, as responsible trustee or agent, land for 275 trust entities in Te Matau-a-Māui Hawkes Bay (10,128 Ha), 335 entities in Tairāwhiti (21,587 Ha), 13 entities in Tāmaki Makaurau / Auckland (324 Ha), 60 entities in Te Tai Tokerau /Northland (2,749 Ha), and 1 entity in the Thames-Coromandel district (12 Ha).



Given the sheer scale and varied nature of the land assets within this portfolio, the views of Te Tumu Paeroa may not always be shared by all owners of whenua under administration.

Additional information regarding the Māori Trustee and Te Tumu Paeroa can be found on Te Tumu Paeroa's website, www.tetumupaeroa.co.nz.

Engagement with Māori Landowners

By way of general feedback, Te Tumu Paeroa continues to be concerned about the engagement process regarding existing landfill sites set up as part of the recovery response to date and the establishment of any new sites. Te Tumu Paeroa considers that there needs to be an explicit engagement process outlined in the OIC to address concerns with site identification and criteria as to how surrounding landowners are consulted. Our suggestions for a process are set out below. It is also important that appropriate funding for engagement is set aside for landowners to participate in this process.

We have previously highlighted our concerns to Ministry officials around the failure of the Resource Management Act (RMA) 1991 and proposed reforms of that Act to acknowledge that Māori landowners have rights, interests, and responsibilities distinct from iwi and hapu as mana whakahaere and must, as such, be fully engaged on all matters affecting or potentially affecting whenua Māori.

Response to Questions

Establishing temporary accommodation - He pātai – questions

- *What has been your previous experience in seeking and securing temporary accommodation?*
- *What are your views on the permitted activity standards that should apply to temporary accommodation?*

Te Tumu Paeroa supports the proposal to reclassify temporary accommodation that breaches certain district plan rules (such as number of dwellings per property, and the proximity of dwellings to boundaries) as a permitted activity under the RMA.

Te Tumu Paeroa is currently assessing whether land it administers in Tairāwhiti could be used to accommodate transportable housing as a temporary short-term measure for the re-housing of whānau displaced by the severe weather and cyclones on the East Coast. This measure would only be considered after consultation and engagement with affected owners.

He pātai – questions Changes to the Resource Management Act regarding waste management.

- *What conditions and standards should apply to the activities and the duration of the Order in Council?*



-
- *How do we ensure we have enough sites in place to manage the waste and debris caused by severe weather events, while ensuring that sites are only established for this purpose?*

Te Tumu Paeroa feedback in relation to the Order in Council for Proposal 1:

- The OIC should require the District or Regional Council to specify whether the landfill is permanent or temporary.
- The OIC should require the District or Regional Council to give public notice for the purpose of consultation regarding the location of any sites for landfill to manage the waste and debris caused by severe weather events.

Te Tumu Paeroa considers that the OIC needs to provide a process that requires engagement to occur between the Council/landfill operator and all landowners, including mana whakahaere.

- The OIC should specify a process for authorising any landfill that is to become permanent after the timeframe provided by the OIC (which Te Tumu Paeroa understands is 2 years and or including any additional remediation period to a total of 5 years).
- The process for authorising a landfill as a permanent activity beyond the time period of the OIC should specify that an assessment of persons affected such as required for resource consent under Section 95 of the RMA 1991 (or successor legislation) be undertaken by the applicant that is commensurate with status of the activity on the land its potential for effects upon the environment.
- Te Tumu Paeroa is concerned about the potential for ongoing contamination of the ground and surface waters as a result of the landfill or temporary storage activities. Specifically in consideration where a landfill is sited on 'productive' land as defined by the NPS for Highly Productive Land.
- Te Tumu Paeroa considers that the OIC is not specific enough in the environmental performance indicators for existing and new landfills in terms of their permanence and remediation in relation to class 2,3,4 or 5. Therefore, the OIC should specifically state:
 - the landfill shall operate under a Site Management Plan in general accordance with the WasteMinz Technical Guidelines for Disposal to Land – Revision 3 2022¹.
 - the landfill shall be operated in terms of Section 6.2 for Waste Acceptance Criteria in accordance with the WasteMinz Technical Guidelines for Disposal to Land – Revision 3 2022.
 - the landfill operator shall maintain records of the materials accepted into the landfill in terms of Section 6.4 for Waste Acceptance and Monitoring in accordance with the WasteMinz Technical Guidelines for Disposal to Land – Revision 3 2022.
 - that the landfill operator shall provide a regular (annual or biannual) report to the relevant statutory authority (Regional Council or Environmental Protection Authority) in terms of monitoring actions relevant for the landfill as specified by Section 8 Monitoring in accordance with the WasteMinz Technical Guidelines for Disposal to Land – Revision 3 2022.

¹ [Technical Guidelines for the Disposal to Land - Project Team Draft - Revised B, MfE comments \(wasteminz.org.nz\)](https://www.wasteminz.org.nz)



-
- the landfill site management plan is to include an environmental monitoring plan for leachate / groundwater and surface water in accordance with the WasteMinz Technical Guidelines for Disposal to Land – Revision 3 2022.
 - In relation to a class 2 or 3 landfill, if the landfill is permanent the site management plan is to include an environmental monitoring plan for landfill gas in accordance with the WasteMinz Technical Guidelines for Disposal to Land – Revision 3 2022.

Te Tumu Paeroa feedback in relation to the Order in Council for Proposal 2:

- Te Tumu Paeroa supports the intent to provide for temporary waste storage and sorting facilities as “permitted,” however notification to the public should be provided.
- The OIC should require the District or Regional Council to give public notice for the purpose of consultation regarding the location of any sites for temporary storage to manage the waste and debris caused by severe weather events.
- In relation to a temporary waste storage and sorting facility, the OIC should specifically state that the facility shall operate under a Site Management Plan in general accordance with the WasteMinz Technical Guidelines for Disposal to Land – Revision 3 2022 where relevant.

Nāku noa, nā

Greg Shaw
Deputy Māori Trustee