



Cabinet Environment, Energy and Climate Committee

Minute of Decision

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National Environmental Standard for the Outdoor Storage of Tyres: Policy Approval

Portfolio Environment / Associate Environment (Hon Eugenie Sage)

On 23 July 2020, the Cabinet Environment, Energy and Climate Committee:

- 1 **noted** that the inappropriate outdoor storage of tyres can result in environmental and health risks including risk of fire with resulting pollutants to air, land and water;
- 2 **noted** that there is a gap in the regulatory framework that has allowed tyres to be stockpiled and managed inadequately;
- 3 **noted** that the objectives of the National Environmental Standard for the Outdoor Storage of Tyres (NES) are to address the environmental risks of outdoor tyre storage and support consistent management of end-of-life tyres in New Zealand;
- 4 **noted** that a proposed NES to achieve these objectives has been publicly notified and consulted on in accordance with the Resource Management Act 1991 (RMA);
- 5 **noted** that public consultation and consultation with iwi undertaken in 2020 resulted in 50 submissions, largely supportive of the proposal;
- 6 **noted** that the Minister and Associate Minister for the Environment have considered a report on submissions to the NES with recommendations prepared by the Ministry for the Environment in accordance with section 46A(4)(c) of the RMA;
- 7 **invited** the Minister for the Environment to issue drafting instructions to the Parliamentary Counsel Office for a NES with the following elements:
 - 7.1 tyres in active use, for example tyres being re-used for purposes such as buffers on wharves, on raceways, equestrian arenas or gun ranges, will not be subject to the NES;
 - 7.2 outdoor storage of tyres in quantities at or above 20m³ total volume per site is a permitted activity, subject to compliance with the following permitted activity conditions (set out in more detail in Appendix Two to the paper under ENV-20-SUB-0026):
 - 7.2.1 a height restriction of tyre piles, to facilitate fire management;

- 7.2.2 location setbacks from transmission lines, water bodies, drinking water supplies, groundwater, the coastal marine area and ports;
- 7.3 non-compliance with permitted activity conditions will require resource consent as a discretionary activity;
- 7.4 outdoor storage of tyres at or above 100m³ per site requires a resource consent as a discretionary activity;
- 7.5 the 100m³ threshold resource consent requirement will not apply to:
- 7.5.1 farm silage tyres stored on or adjacent to areas used regularly for silage production;
- 7.5.2 new and retread tyres and tyre casings on sites supplying or servicing new and retread tyres;
- 7.6 regional councils will be able to charge for compliance monitoring of permitted activities to recover their costs;
- 7.7 regional councils would be able to introduce more stringent bylaws and plan rules, subject to RMA criteria;
- 7.8 the NES would come into force three months after gazettal;
- 8 **authorised** the Ministry for the Environment to release an exposure draft of the regulations to up to nine experts from the local government, tyre, and primary production sectors, subject to advice from the Ministry for the Environment's Chief Legal Advisor;
- 9 **noted** that the proposed NES is considered to be consistent with requirements under the RMA, subject to consideration of the section 32 evaluation report;
- 10 **authorised** the Minister and Associate Minister for the Environment to further clarify and develop policy matters relating to the amendments proposed above, in a way not inconsistent with Cabinet's decisions;
- 11 **noted** that any changes will be reported to the Cabinet Legislation Committee when seeking approval for the regulations to be signed by the Governor-General by Order in Council.

Vivien Meek
Committee Secretary

Present:

Hon Grant Robertson
Hon David Parker (Chair)
Hon Stuart Nash
Hon Shane Jones
Hon Nanaia Mahuta
Hon Damien O'Connor
Hon James Shaw
Hon Eugenie Sage

Officials present from:

Office of the Prime Minister
Officials Committee for ENV