



LAND. PEOPLE. WATER.

Outdoor tyre storage and the Resource Management Act 1991 – research report

Ministry for the Environment
Resource Efficiency and Innovation

December 2019

DRAFT REPORT

REPORT INFORMATION AND QUALITY CONTROL

Prepared for:	Meg Larken Resource Efficiency and Innovation Ministry for the Environment
----------------------	--

Authors:	Jerome Wyeth Principal Policy and Planning Consultant	
	Joanna Laurenson Intermediate Policy and Planning Consultant	
Reviewer:	Mark Ashby Principal Policy and Planning Consultant	
Approved for Release:	Jerome Wyeth Principal Policy and Planning Consultant	

Document Name	Outdoor tyre storage and the Resource Management Act 1991 – research report
----------------------	---

Version History:	V1 - Draft for client review	19.03.2019
	V2 - Final report	17.12.2019



CONTENTS

Page

1	INTRODCUTION	2
1.1	Purpose of this report	2
1.2	Context.....	2
2	OVERVIEW OF METHODOLOGY	4
2.1	Identification of sample	4
2.2	Survey of Regional Councils and Unitary Authorities.....	4
2.3	District plan review methodology	5
3	SUMMARY OF FINDINGS.....	6
3.1	Feedback from regional councils and unitary authorities on outdoor tyre storage	6
3.1.1	Nature and extent of the outdoor tyre storage issue	6
3.1.2	Data on the existence and number of tyre piles	7
3.1.3	Costs to deal with outdoor tyre storage	8
3.1.4	RMA and plan provisions used to deal with outdoor tyre storage	8
3.1.5	Non-regulatory methods used for dealing with outdoor tyre storage	10
3.2	Findings from district plan review.....	10
3.3	Conclusion.....	11
	APPENDIX A: SUMMARY OF TYRE STORAGE RULES IN NAPIER CITY PLAN AND HASTINGS DISTRICT PLAN.....	13

1 INTRODUCTION

1.1 Purpose of this report

4Sight Consulting Limited (**4Sight**) was engaged by the Ministry for the Environment (**the Ministry**) to undertake research to provide up-to-date information on the outdoor storage of tyres and stockpiles and associated provisions in Resource Management Act 1991 (**RMA**) plans to manage this issue. The purpose of this research is to gather more evidence to inform policy work and help finalise the proposed National Environmental Standard for the Outdoor Storage of Tyres (**proposed NES**). This report summarises the finding of this research which involved:

- A survey of regional councils and unitary authorities to better understand:
 - The extent and nature of outdoor tyre storage in their region and whether this is causing issues in practice;
 - What plan rules or RMA provisions they currently use to address outdoor storage of tyres; and
 - The costs of dealing with illegal tyre dumping and removing a tyre stockpile.
- A desktop review of selected district plans to identify rules relevant to outdoor tyre storage.

Section 2 of this report provides an overview of the methodology for this research and section 3 provides a summary of the research findings.

1.2 Context

In mid-2017, the Government consulted on the proposed NES. The proposed NES is intended to address a gap in the regulatory framework to manage outdoor tyre storage under the RMA. Approximately four million used car tyres and one million used truck and other vehicle tyres are generated annually in New Zealand¹. The majority of these are disposed of to landfills, stored on land, or not accounted for. Tyres stored outdoors pose risks to the environment, human health and local communities, specifically due to:

- **Fire** – tyre piles present a risk of significant adverse effects when they are ignited, creating tyre smoke and run-off containing a range of toxic contaminants.
- **Discharge through leaching** – outdoor storage of tyres can result in leaching of toxic materials into soils, groundwater and other water bodies.
- **Visual and amenity impacts** – large tyre piles can have adverse visual effects and impact on amenity.
- **Pests** – large tyre piles can become a human health risk by creating breeding grounds for mosquito and rodent species that may spread disease and adversely affect the amenity of an area².

The primary objective of the proposed NES is to provide certainty that:

- *“The risks of harm to the environment, human health, and local communities from storing tyres outdoors are appropriately managed; and*

¹ Ministry for the Environment (2017), ‘A proposed National Environmental Standard for the Outdoor Storage of Tyres: Consultation document’, refer: <https://www.mfe.govt.nz/publications/waste/proposed-national-environmental-standard-outdoor-storage-of-tyres-consultation>

² Ibid, pg.8.

- *Outdoor tyre storage practices are consistently managed across New Zealand, removing gaps in regulatory settings which create perverse incentives to move tyres between regions”³.*

The proposed NES aims to achieve this objective through the introduction of a discretionary rule for outdoor tyre storage with a volume of 200m³ and above. The proposed NES would be the responsibility of territorial authorities who would be required to observe and enforce the NES in accordance with section 44(7) and section 44(8) of the RMA. The proposed NES does not impose any controls for outdoor tyre storage less than 200m³, but it would allow territorial authorities to have more stringent rules in their district plan.

³ Ibid, pg. 11.

2 OVERVIEW OF METHODOLOGY

2.1 Identification of sample

This research was based on a sample of councils/plans, as a nationwide survey of councils and full review of RMA plans was outside the scope of this research. The aim of the sample was to capture regions/districts that were most likely to have some experiences of outdoor tyre storage within their jurisdiction. The criteria for selecting the sample of councils/plans was focused on:

- Councils more likely to have dealt with outdoor tyre storage in the past;
- Councils with a demonstrated interest in/previous engagement with the Ministry in relation to the proposed NES or outdoor tyre storage; and
- Council jurisdictions that may be more susceptible to the outdoor storage of tyres.

Based on the above criteria, the sample included the following categories:

- Regional councils and unitary authorities, being the administrative bodies that manage the discharge of contaminants to land, air and water;
- Councils who made a submission on the proposed NES; and
- A selection of less urban district councils with jurisdictions located close to main urban centres.

To narrow down the selection of districts next to urban centres where outdoor tyre storage may be more of a problem, we identified the six largest urban centres in New Zealand based on the most recent Census data (2013) which are Auckland, Wellington, Christchurch, Hamilton, Napier/Hastings and Tauranga. A selection of districts closest to these urban centres⁴ was then chosen. This methodology resulted in a survey of 16 regional councils and unitary authorities and a review of 12 district plans (Far North, Whangarei, Waikato, Western Bay of Plenty, Tauranga, South Waikato, Napier, Hastings, Queenstown Lakes, Hurunui, Waimakariri, Selwyn). This list was subsequently provided to the Ministry for review and approval.

2.2 Survey of Regional Councils and Unitary Authorities

4Sight contacted the policy managers from each regional council/unitary authority to ask them a series of questions relating to outdoor tyre storage in their region:

- What rules/RMA provisions do you rely on to manage outdoor tyre storage in your region?
- How big an issue is the storage of outdoor tyres in your region?
- Do you have any data on the number of stockpiles in your region and are you aware of significant legacy tyre stockpiles?
- Do you have any data on approximate costs to remove tyre stockpiles/deal with tyre storage?

These questions were circulated to each council and follow up interviews were then held. Councils were also given the option to respond directly via email, which was taken up by eight councils. The information gathered from the surveys of regional councils and unitary authorities was collated as raw data in Excel spreadsheet form. An overall analysis of the key findings is provided in section 3.1.

⁴ Excluding Wellington as tyre storage was expected to be less likely of an issue compared in the neighbouring districts.

The survey of regional councils and unitary authorities also sought their feedback on potential changes to the proposed NES following consultation. A document summarising the potential changes and revised proposal was circulated in advance to inform their feedback and subsequent discussions. Their feedback on this alternative NES option is summarised in a separate report to the Ministry.

2.3 District plan review methodology

An initial search was undertaken of the selected district plans to identify whether there were any existing rules relating to outdoor tyre storage. Keywords to refine the search were identified based on their likely relevance to the storage of outdoor tyres. The chosen keywords were “tyres”, “stockpile” and “outdoor storage”. Where possible, a word search of the entire district plan was undertaken for the use of these terms in rules. Where an overall word search of the plan was not possible, the keyword search focused on the rural and industrial zone chapters in the district plan as these are the zones where outdoor tyre storage is expected to be most likely to occur.

Following the plan review, 4Sight contacted the selected district councils to confirm that all relevant plan provisions that relate to outdoor tyre storage were accurately captured. The findings from this review are provided in section 3.2 of this report.

3 SUMMARY OF FINDINGS

3.1 Feedback from regional councils and unitary authorities on outdoor tyre storage

3.1.1 Nature and extent of the outdoor tyre storage issue

Regional councils and unitary authorities were asked the following question:

How big an issue is the storage of outdoor tyres in your region?

Thirteen councils responded to this question. Ten councils indicated that outdoor tyre storage is not a significant issue in the region; being Environment Southland, Greater Wellington Regional Council, Hawke’s Bay Regional Council, Horizons Regional Council, Marlborough District Council, Nelson City Council, Northland Regional Council, Otago Regional Council, Taranaki Regional Council and Tasman District Council.

Six councils noted that there may be tyre storage sites in their region that they were unaware of, namely Auckland Council, Environment Southland, Hawke’s Bay Regional Council, Marlborough District Council, Northland Regional Council and Otago Regional Council.

Environment Southland stated that they were not aware of any of significant legacy stockpiles. However, they noted that they are aware of farms with thousands of stockpiled tyres (some have over 3,000) which are used on silage pits stacks everywhere in the region. As baleage wrap⁵ is more commonly used now for winter grazing than silage pits, Environment Southland indicated that there are probably large stockpiles of unwanted tyres in farms within the region.

There were four councils who indicated that outdoor tyre storage is a significant issue in their region – Auckland Council, Bay of Plenty Regional Council, Environment Waikato and Environment Canterbury. The following comments were made by these councils:

- **Auckland Council** – the Auckland Unitary Plan deals with outdoor storage (including tyres) through its industrial trade premises rules. However, there are no specific rules in the plan that manage outdoor tyre storage in rural areas and Auckland Council noted that there are a number of tyre piles in these areas. Auckland Council is also aware of scrapyards which have tyres, but there is a storage space bottleneck, so there are instances where tyres are being dumped on land illegally.
- **Bay of Plenty Regional Council** – Bay of Plenty Regional Council indicated that outdoor tyre storage is a big issue in the region, noting that they are currently pursuing enforcement action through the Courts against those responsible for several very large tyre piles.
- **Environment Waikato** – Environment Waikato stated that outdoor tyre storage is a significant issue for the region. Environment Waikato has worked extensively with the Ministry on this issue and published the document ‘*Guidance on the Storage and Stockpiling End of Life Tyres for Local Government*’⁶ in 2017. The preparation of this

⁵ Baleage or “wet wrapped hay” is simply forage of a relatively high moisture content that is baled with a round baler and then sealed in a plastic bag or wrapped in plastic, to keep oxygen out.

⁶ Refer: <https://www.waikatoregion.govt.nz/assets/WRC/Services/regional-services/Waste-hazardous-substances/Solid-waste/tyres/5629-End-of-life-tyres-guideline-doc-WR.pdf>

guidance included contributions from the End of Life Tyre Working Group (which includes representatives from regional councils, Massey University and the Ministry).

- **Environment Canterbury** – Environment Canterbury stated that the unregulated storage of tyres is a significant issue for the region. The council representative noted that there are some tyre collection/recyclers in operation within the region and that competition and lack of regulation can incentivise stockpiling, orphaned stockpiles and illegal dumping. Environment Canterbury also noted that some on farm stockpiles have arisen through changes in land-use, farm type and baleage techniques. Due to the lack of regulations and future uncertainty around disposal costs, Environment Canterbury noted that these tyres tend to be stockpiled rather than recovered.

Although the discussions with district councils were focused on their plan provisions to deal with outdoor tyre storage, rather than the nature of the issue in the district, discussions with **South Waikato District Council** indicated that the outdoor storage of tyres is a significant issue for the District. South Waikato District Council noted that they are currently dealing with a tyre stockpile of concern next to a retirement village. They also indicated that, in their experience, when tyres are removed they are simply relocated to another district. Most of the tyres in the South Waikato come from Auckland and when enforcement action is taken or threatened, the tyres are simply relocated back up to Auckland.

The discussion with **Waimakariri District Council** also identified that there is an existing tyre stockpile in the district that is not captured by their current District Plan rules, but Waimakariri District Council hope that rules to manage outdoor tyre storage appropriately will be introduced through the proposed NES provisions.

3.1.2 Data on the existence and number of tyre piles

Regional councils and unitary authorities were asked the following question:

Do you have any data on the number of stockpiles in your region and are you aware of significant legacy tyre stockpiles?

Twelve councils responded to this question. No council was able to provide accurate data on the number of outdoor tyre piles in their region and it appears that there is a lack of proactive monitoring of outdoor tyre storage and stockpiling.

However, most councils were able to provide examples of tyre piles in their region. For example:

- **Auckland Council** is aware of scrapyards within the region that have stockpiles of tyres.
- **Bay of Plenty Regional Council** is aware of one main large stockpile in the region but notes that there are likely to be numerous other smaller ones.
- **Environment Canterbury** has worked with a number of property owners where stockpiled tyres have posed an immediate hazard. However, there are still many smaller tyre stockpiles in the region and a couple of known sites with significant volumes of tyres.
- **Environment Southland** are aware of a small pile of tyres in Rockdale Road that was burnt by vandals in 2012. There have been complaints of small numbers of tyres burning, but with no prosecutions. Council is also aware of a contractor who used to buy tyres from auto workshops but are unclear as to where he stored or disposed of the tyres. Council noted they might have been sold to farmers for their silage stacks.
- **Greater Wellington Regional Council** is aware of a number of small/medium stockpiles in the region.
- **Hawke's Bay Regional Council** stated that one site in particular was a major issue a few years ago but this is now under control and operating under a resource consent.

- **Horizons Regional Council** stated that it was not a big issue currently, but they did deal with one small fledgling stockpile several years ago.
- **Nelson City Council** had one tyre storage area some years ago which has since been removed. The tyres were transported to Christchurch for disposal at the landowner's expense.
- **Northland Regional Council** has dealt with a number of past tyre piles in the region (less than 10). Northland Regional Council noted that these tyre piles were usually the result of illegal waste disposal but commented that this is not a common issue in the region. Northland Regional Council also noted that only a few of the tyre piles they have dealt with would be above the 200m³ threshold in the NES.
- **Tasman Council** noted only one past complaint about a tyre pile.

3.1.3 Costs to deal with outdoor tyre storage

Regional councils and unitary authorities were asked the following question:

Do you have any data on approximate costs to remove tyre stockpiles/deal with tyre storage?

Seven councils responded to this question. Only two councils were able to provide information on costs related to dealing with outdoor tyre storage and removing tyre stockpiles. Council responses to this question are confidential due to commercial sensitives.

- **Council A:** Quotes were obtained for a tyre pile to be baled, transported to the port, and shipped offshore for recycling in India. The cost to remove 200,000 tyres was \$360,000 plus GST. This process involves the use of a commercially sized mobile baler, not an onsite baler. A revised assessment of the site concluded that there were upwards of 400,000 tyres (most likely 450,000) at the site and the quote to remove this revised number was \$720,000. This quote does not include project management costs etc. In summary, it was estimated that the cost to remove the remaining tyres would be close to \$1 million.
- **Council B:** Council obtained four estimates for disposal of a quantity of about 500 tonnes of tyres. Prices ranged from about \$350-\$500 per tonne plus GST (for car and truck tyres) for collection through to disposal, plus transport fees. In summary, it was estimated to cost approximately \$175,000 to \$250,000 to remove the 500-tonne tyre pile.

3.1.4 RMA and plan provisions used to deal with outdoor tyre storage

Regional councils and unitary authorities were asked the following question:

What rules/RMA provisions do you rely on to manage outdoor tyre storage in your region?

Thirteen councils responded to this question. It was clear from the responses that very few councils have rules specifically targeted at outdoor tyre storage, although this activity is captured by general rules in some circumstances.

Six councils stated that they use their plan provisions to deal with tyres but most of these rules relate to the burning of tyres and the National Environmental Standards for Air Quality 2004 (NES for Air Quality) rather than specific rules to deal with outdoor tyre storage. Only Auckland Council referred to rules within their plan specific to tyre storage. Those councils who indicated they use their plan provisions or the NES for Air Quality to deal with tyre storage include:

- **Auckland Council** – there are provisions for industrial and trade activities and the storage of tyres specifically in Table E33.4.3 of the Auckland Plan. This captures waste transfer stations and processing on industrial sites but there is a gap in their plan for outdoor tyre storage in rural areas:

- **Environment Southland** identified the ‘outdoor burning’ plan rule in their air plan, which applies to the burning of tyres along with the NES for Air Quality.
- **Horizons Regional Council** stated that the burning of tyres is prohibited under the NES for Air Quality, so burning would be regulated under that provision. Horizons Regional Council did not indicate how they would deal with outdoor tyre storage generally.
- **Nelson City Council** stated that if tyre storage could be defined as a hazardous substance due to fire hazard that the activity would be assessed under the hazardous substance rules in its plan.
- **Otago Regional Council** – noted that a fire and air discharges rule in the air plan is the only rule that relates specifically to tyres. Council also noted that there are general discharge and landfill rules in the Otago Regional Plan: Water that may capture outdoor tyre storage. In terms of enforcement action for tyre storage (not fires), Otago Regional Council noted this would be dealt with by contaminant discharge from leachate and landfill rules.
- **Taranaki Regional Council** focuses on managing the discharge of contaminants from outdoor storage of tyres in the region. There are rules in the Regional Air Quality Plan that prohibit the burning of tyres. The Freshwater Plan also controls the discharge of contaminants from agricultural wastes and industrial and trade premises. Taranaki Regional Council also has rules regulating the placement and use of structures on the beds of rivers and lakes. However, the regional council is of the view that the regulation of outdoor tyre storage is first and foremost a territorial authority (land use) function.

Five councils stated that they rely on the provisions in the RMA to deal with outdoor tyre storage:

- **Bay of Plenty Regional Council** – relies on section 15 of the RMA; discharge of contaminants to the environment.
- **Greater Wellington Regional Council** – relies on the Regional Plan and the provisions under Section 15 (Discharges) of the RMA. There is no specific Rule in their regional plans addressing outdoor tyre storage but depending on how they are stored, tyre stockpiles may breach various permitted activity rules. Abatement notices (issued under section 332) have been used to direct those storing tyres to cease or take specific actions. In the absence of an NES, the Council contributed to the End of Life Tyre Working Group through 2016/17, which resulted in the *Guidance for Storage and Stockpiling End of Life Tyres for Local Government* document being produced. Greater Wellington Regional Council deals with stockpiles in accordance with that guidance.
- **Hawke’s Bay Regional Council** – rely on section 17 of the RMA. Hawke’s Bay Regional Council also noted that Hastings District Council and Napier City Council have specific rules and regulations that specifically address tyre storage, unlike most territorial authorities.
- **Marlborough Regional Council** – rely on section 17 of the RMA.
- **Northland Regional Council** – stated that the provisions that might apply to tyre stockpiles depend on the situation. There are specific rules relating to disposal activities, including setbacks from waterways, and industrial activities. If tyre storage presents a land use/amenity issue, then the relevant district council gets involved. If a stockpile caught fire, Northland Regional Council would use the air discharge provisions to manage that event. In the past, enforcement orders and abatement notices have been used.

Seven councils emphasised the limitations of the existing RMA framework and their plan provisions to deal with outdoor tyre storage. For example:

- **Auckland Council** – Auckland Council noted that tyre storage could fall under the disposal rules in the Auckland Unitary Plan, but it is questionable how well these provisions would deal with tyre storage specifically. Council also noted that there is also a large gap in the rules in terms of landfill, illegal dumping and gully filling. There are also no rules that cover tyre storage in non-industrial areas.

- **Environment Canterbury** – Environment Canterbury stated that in the case of the Amberley stockpile they were unable to apply any rule in their plan or use a section under the RMA to trigger enforcement action. As the tyres were not buried, Environment Canterbury could not demonstrate a discharge or any adverse environmental impact to support a successful prosecution. Environment Canterbury was then required to rely on the Hurunui District Council to take action under their landfill rule. This proved unsuccessful as, despite issuing infringement notices, the offender continued to deposit tyres at the site. However, the resulting two suspicious fires (likely to be deliberately lit but not proven) at the site enabled Environment Canterbury to mount an argument that the site was a fire risk. Environment Canterbury was then able to demonstrate that the environmental impact on the Amberley community and impact on the surrounding viticulture industry would be significant should a fire occur at the site. On that basis, Environment Canterbury obtained an enforcement order for the removal of the tyres.
- **Environment Southland** – Environment Southland noted there are no rules in their Water and Land Plan that relate specifically to stockpiles of tyres.
- **Horizons Regional Council** – Horizons Regional Council stated that they have no specific rules related to outdoor tyre storage. Council noted that they may be able to use their general rules relating to discharge of contaminants to manage any issues, but this is untested. Burning is prohibited under the NES for air quality.
- **Tasman District Council** – Tasman District Council do not have any rules that relate to large tyre stockpiles.
- **Waikato Regional Council** – as noted above, Waikato Regional Council contributed to *‘Guidance for the Storage and Stockpiling of End of Life Tyres for Local Government’* in May 2017. This document is intended to assist councils in assessing the risks posed by end of life tyre activities, in the current absence of any national guidance. The guidance document noted that most regional and district plans are silent on the storage and disposal of tyres and that national direction is necessary to deal with an emerging trend of tyre piles becoming ‘migratory’.

One council (in confidence) noted that they have received legal advice that the risk of fire could not be used as the basis for enforcement action, as this was something that ‘might’ happen, not an adverse effect that has occurred or is occurring.

3.1.5 Non-regulatory methods used for dealing with outdoor tyre storage

Marlborough District Council do not deal with the outdoor tyre storage through either RMA sections or their plan provisions. Instead, Marlborough District Council have worked closely with the tyre sector, linking them with reputable tyre collectors. This has stopped local collection in an ad-hoc fashion, with all retailers now using the same contractor as Council. This has also helped to ensure there is no competitive advantage for tyre collection services. Marlborough District Council noted that reputational damage is important for tyre retailers in the district.

Marlborough District Council noted that these non-regulatory methods have been very effective. Council are concerned that the proposed NES may compromise the work they have done by creating a perverse incentive to store up to 200m³ of tyres as a permitted activity; potentially legitimising lots of smaller tyre piles. Marlborough District Council wants to ensure the proposed NES does not create perverse incentives that encourage the storage of tyres in small piles or detract from their product stewardship approach.

3.2 Findings from district plan review

A total of twelve district plans were reviewed using the methodology outlined in section 2.2. Confirmation of the relevant plan provisions was then provided by each of the councils either by phone or email. The key findings from this review are as follows:

- Only two district plans (Napier and Hastings) in the sample have specific rules that manage the outdoor storage of tyres. These rules seek to control visual amenity - typically through setback, height, recession plane and landscaping/screening standards. These rules are set out in **Appendix A**.
- Most district plans do not have specific rules relating to outdoor tyre storage, but they do have general rules relating to outdoor storage of solid waste, which would capture outdoor tyre storage. This includes the district plans of Tauranga City Council, Far North District Council, Queenstown Lakes District Council, Selwyn District Council, South Waikato District Council, Waikato District Council, Western Bay of Plenty District Council and Whangarei District Council.
- Only two district plans (Hurunui and Waimakariri) did not have any relevant 'tyre storage' or 'outdoor storage' rules. Discussions with each council confirmed that they do not think their district plan contains any rules that would enable them to deal with outdoor tyre storage.
- Selwyn District Council noted that the outdoor storage of tyres is captured under their solid waste and landfill provisions. However, previous tyre storage issues in the district have been dealt with by Environment Canterbury or Fire and Emergency NZ.
- Waikato District Council noted that they have a number of rules that would capture the storage of tyres as a prohibited or discretionary activity. However, they also noted that outdoor tyre storage might be possible as a permitted activity within some of the 'Franklin Section' zones if compliant with all development/performance standards (Business Zone, Industrial 2 Zone and Light Industrial Zone).
- South Waikato District Council noted that outdoor tyre storage would be captured by the outdoor storage rules in the Rural and Residential Zones under the South Waikato District Plan. However, there are no restrictions within the Industrial or Commercial Zones and outdoor tyre storage would be permitted in these zones, which is not an outcome desired by the Council.

3.3 Conclusion

To inform the development of proposed NES, this research sought to gain better understanding of the nature of outdoor storage of tyres in New Zealand and the issues this presents for councils. This research involved discussions with regional councils/unitary authorities to ask them a series of questions relating to outdoor tyre storage in their region. While limited in scope, this research highlighted:

1. A lack of knowledge about the extent and nature of outdoor storage of tyres throughout New Zealand;
2. A high level of variation in the nature and scale of outdoor storage of tyres across New Zealand and the issues this presents for councils; and
3. A general absence of specific rules to address outdoor storage of tyres with most councils relying on the general restrictions and enforcement provisions in the RMA.

Feedback from councils through this research indicate that outdoor storage of tyres is most prevalent in five regions (Auckland, Waikato, Bay of Plenty, Canterbury and, to a lesser extent, Northland) but does not present a significant issue for other regions. However, no council was able to provide accurate data on the number and scale of unauthorised outdoor tyre storage in their region. This relates to a lack of proactive monitoring of outdoor tyre storage and disposal noted above. The limited data obtained through this research means there are still large information gaps on the nature, extent and impacts of unauthorised outdoor tyre storage and disposal in New Zealand.

The findings from this research have confirmed that there is a regulatory gap under the RMA to deal with outdoor tyre storage. Very few councils have rules specifically targeted at outdoor tyre storage, although this activity is captured by general discharge and amenity rules in some circumstances. In some cases, it appears that the limitations of the existing RMA framework and lack of specific plan provisions related to outdoor tyre storage hinders the ability of

councils to undertake appropriate enforcement action. In the absence of any national direction on this matter, an End of Life Tyre Working Group was formed and has produced the *Guidance for Storage and Stockpiling End of Life Tyres for Local Government* to help councils deal with outdoor tyre storage. The proposed NES may help to address the regulatory gap relating to unauthorised outdoor tyre storage and the general feedback from councils indicates this would be welcome.

APPENDIX A: SUMMARY OF TYRE STORAGE RULES IN THE NAPIER CITY PLAN AND HASTINGS DISTRICT PLAN

Council	Rules which specifically address the outdoor storage of tyres
<p>Napier City Plan dated 21 Nov 2011.</p> <p>Keyword search of Industrial and Rural chapters.</p>	<p><u>Rules apply in the following zones:</u></p> <ul style="list-style-type: none"> ▪ Fringe Commercial Zone ▪ Industrial Zone ▪ Suburban Industrial Zone ▪ West Quay Waterfront Zone ▪ Business Park Zone ▪ Port Industrial Zone ▪ Wastewater Treatment Zone <p><u>Permitted activities:</u> Rule 17.3, Rule 23.3, Rule 24.3, Rule 26.3, Rule 27.2, Rule 28.4 and Rule 30.3.</p> <p>Industrial Activities</p> <p>1. Unless otherwise provided for, any industrial activity is a permitted activity provided that:</p> <ol style="list-style-type: none"> a) It must comply in all respects with the relevant conditions in the [relevant zone] activity table and condition table. b) It is not stated by a rule elsewhere in this Plan as a controlled activity, a restricted discretionary activity, a discretionary activity or a prohibited activity. <i>(In the Port Industrial Zone this also includes Transport, Storage, Goods-Handling and Port Related Activities).</i> <p>2. Any storage of tyres is a permitted activity provided that:</p> <ol style="list-style-type: none"> a) The activity is ancillary to another activity on the site; b) The tyres must be stored in a single storage area that is either inside a building or at least 10m from the front boundary of the site; c) The storage area must not exceed 10m² and must not have a dimension of more than 4m; d) Tyres must not be stored above a height of 1.5m; e) Outdoor storage areas must be fully screened from all public spaces and adjoining sites; f) The storage area must be locked at all times when the premises is not in use. <p>NOTE: Any storage of tyres activity that does not comply with all of the relevant conditions is a discretionary activity (see below)</p> <p><u>Discretionary Activities</u></p> <p>Rule 17.11e, Rule 23.9.1b, Rule 24.9.1b, Rule 26.17i, Rule 27.8.1b, Rule 28.10.1e and Rule 30.13b:</p> <p>The following land uses are discretionary activities. . . . Any tyre storage activity that does not comply in all respects with the relevant conditions.</p> <p><u>Outdoor Storage conditions for permitted activities and controlled activities include:</u></p> <p>Rule 23.14.1, 24.15, Rule 26.20, Rule 27.15, Rule 28.14.1, Rule 30.18:</p>

	<p>The following outdoor storage conditions shall apply to all land uses: outdoor storage areas, refuse storage areas or stockpiles:</p> <ul style="list-style-type: none"> i) Must comply with the yard and height in relation to the specific boundary conditions in the zone (yard setbacks, setbacks from watercourses, maximum height, recession planes and required landscaping areas etc). ii) Must be screened from the view of any adjacent residential zone or public open space. Acceptable screening would include, but is not limited to, tree plantings or a fence or hedge at least 1.8 metres high. iii) Must be located on sealed and drained areas (where facilities are provided to prevent contaminants from being discharged into land and/or water (including groundwater) or entering any piped stormwater system) if they consist of decomposable material likely to generate contaminated leachate, and iv) that they not provide a food source for birds or vermin. <p>The Marine Industrial Zone, West Quay Waterfront Zone, Main Rural Zone, Rural Commercial Zone and Rural Residential Zone chapters also have outdoor storage, refuse storage and landfill rules. While these rules don't specifically refer to outdoor tyre storage, they may also capture this activity.</p>
<p>Hastings District Council - Proposed District Plan (decisions version)</p> <p>Keyword search of entire EPlan.</p>	<p>8.5.4B Havelock North Village Centre - Business Zone: HVB7: Tyre Storage is a Permitted activity.</p> <p>Tyre storage complying with the relevant Performance Standards is a permitted activity under the following rules:</p> <ul style="list-style-type: none"> ▪ 7.3.4.4 Hastings Commercial Environment - Commercial Service Zone: CSR7 ▪ 7.5.5.1 Light Industrial Zone – Land Use: LI8 ▪ 5.3.6.D Rural Residential Zone – industrial activities with a gross floor area maximum of 50m² ▪ 5.4.6E Tuki Tuki Special Character zone – industrial activities with a gross floor area maximum of 50m² ▪ 8.4.6E Te Mata Special Character Zone – industrial activities with a gross floor area maximum of 100m² ▪ 8.5.4B Havelock North Business Zone – Land Use:HVB7 ▪ 8.5.4D Havelock North Industrial Zone – Land Use: HVI8 ▪ 14.1.5.1 Industrial Zone - General Industrial Zone: G16 <p>Permitted activity standards (7.3.6L, 7.5.7.5, 8.5.6H, 14.1.7.5) and performance standard (9.3.6E) include:</p> <ul style="list-style-type: none"> a) The activity shall be ancillary to another activity on the site. b) All tyres shall be stored in a single storage area. The storage area shall: <ul style="list-style-type: none"> i. either be inside a building or at least 10m from the front boundary of the site; ii. not exceed 10m²;

	<p>iii. have a maximum dimension of 4m; iv. be screened from all public spaces and adjoining sites;</p> <p>v. shall be locked at all times when the premise is not in use;</p> <p>vi. shall be roofed.</p> <p>c) Tyres shall not be stored above a height of 1.5m</p> <p>Tyre storage not complying with the relevant Performance Standard is a discretionary activity under the following rules:</p> <ul style="list-style-type: none"> ▪ 7.3.4.4 Hastings Commercial Environment – Commercial Service Zone: CSR14 ▪ 7.5.5.1 Light Industrial Zone: LI16 ▪ 8.5.4D Havelock North Industrial Zone ▪ 9.3.4B - Flaxmere North Village Centre – Flaxmere Commercial Service Zone – Land Use: FCS10 ▪ 14.1.5.1 - Industrial Zone – General Industrial Zone: GI10 <p>Assessment criteria for discretionary tyre storage activities include (7.3.7.3F, 7.5.8.2i, 8.5.8B, 9.3.8E, 14.1.8.2g):</p> <p>(a) The extent to which the tyres will be screened from residential and open space zoned land and from roads.</p> <p>(b) The layout of the proposed facility including the size and height of storage piles, the distances between piles and fire breaks proposed.</p> <p>(c) The extent to which the location of the site and the proposed layout, screening and security measures minimise the potential for arson.</p> <p>(d) The mechanisms proposed, by way of a fire management plan, to minimise the risks of fires starting and maximise the chances of fires being extinguished as quickly as possible.</p> <p>(e) The mechanisms proposed for the control of stormwater, such as on-site treatment devices, covering storage areas, and the use of impervious surfaces, and the extent to which these will avoid adverse effects on the Council's reticulated network and on the receiving environment.</p> <p>(f) The mechanisms proposed for the control of vermin and insects.</p> <p>(g) The extent to which the site is of adequate size to accommodate the proposed tyre storage together with the proposed stormwater management regime, fire-fighting facilities, car parking and landscape treatments.</p> <p>(h) The extent to which alternative sites or locations have been considered.</p> <p>(i) The duration for which it is proposed the tyres will be stored on the site, and the duration for which the activity is to be undertaken.</p> <p>(j) The mechanisms proposed to ensure that all tyres will be removed from the site when the activity ceases - for example the provision of a bond to Council.</p>
--	---

	<p>Chapters 5.2, 5.3, 5.4, 6.2, 6.3, 6.4, 7.2, 7.3, 7.4, 8.2, 8.3, 8.4, 8.6, 9.2, 9.3, 10.2, 10.3, 11.2, 11.3, 12.2, 12.3, 12.4, 14.1 and 22.1 also contain rules relating to Outdoor Storage, including screening requirements. While these don't specifically refer to tyre storage, they might apply to the activity.</p>
	<p>There are additional rules relating to landfill and waste disposal, however the specific tyre storage rules above are considered to have more relevance.</p>

