

In Confidence

Office of the Minister for the Environment  
Office of the Associate Minister for the Environment

Chair, Cabinet Environment, Energy and Climate Committee

## **NATIONAL ENVIRONMENTAL STANDARD FOR THE OUTDOOR STORAGE OF TYRES – POLICY RECOMMENDATIONS**

### **Proposal**

1. This paper seeks policy decisions on a proposed National Environmental Standard (NES) to regulate the outdoor storage of tyres under the Resource Management Act 1991 (RMA).

### **Relation to Government priorities**

2. This proposal relates to the Government's priority of protecting the environment, particularly water quality and air quality. It is also indirectly related to the Coalition Agreement to establish tyre stewardship, as explained in the paper.

### **Executive Summary**

3. Tyres stored outdoors can create environmental and health risks which are significantly increased should a fire occur, resulting in the release of pollutants to air, land and water if they are not properly managed. Fire and Emergency New Zealand shares the view that the risks posed by large scale tyre fires are significant and require mitigation and control strategies.
4. Tyres at the end of their life pose a particular risk, as they are sometimes stockpiled and poorly managed. The current regulatory framework does not address these risks adequately.
5. We propose a National Environmental Standard for the Outdoor Storage of Tyres (NES) to address the environmental risks of outdoor tyre storage and support consistent management of stores of end-of-life tyres in New Zealand. This is one of a set of initiatives to help solve the problem of managing and disposing of end-of-life tyres in New Zealand and create a circular economy for tyres. The key initiative is regulated product stewardship of tyres, which involves regulating to require the industry to put in place a scheme for managing the whole of life environmental impacts of tyres.
6. Some work and consultation on a possible NES for tyres took place in 2017. The Hon Eugenie Sage, Associate Minister for the Environment, has led the work to revisit this issue. Public and iwi consultation on a revised proposal took place earlier this year. This resulted in 50 submissions, largely supportive of the revised proposal. We have considered a report prepared by the Ministry for the Environment on those submissions with recommendations (in accordance with section 46A(4)(c) of the RMA).

7. The proposed NES would create two tiers of requirements for the outdoor storage of tyres:
  - It would be a permitted activity under the RMA to have a total volume per site of between 20m<sup>3</sup> and 100m<sup>3</sup> (approximately 250-1250 car tyres). Permitted activity conditions would set minimum standards for how the tyres are stored (outlined in Appendix One).
  - It would be a discretionary activity requiring a resource consent to have a total volume per site of 100m<sup>3</sup> (approximately 1250 car tyres) or more, or to have between 20 and 100m<sup>3</sup> without meeting the permitted activity conditions.
8. Volumes of tyres below 20m<sup>3</sup> per site would not be regulated by the NES but would be subject to the general regulatory requirements of the RMA.
9. There would also be exemptions from the resource consent requirements (applying to volumes of 100m<sup>3</sup> or more) for farm silage tyres and for new and retread tyre businesses, which would still be required to comply with the permitted activity requirements or obtain a resource consent.
10. If agreed, the NES would be expected to be finalised and published by the end of this year, and take effect three months later. Following this 3-month period, the RMA allows 6 months of continued use for existing tyre quantities (under section 20A), which effectively means businesses needing a resource consent have 6 months to apply. This implementation period should be sufficient to enable affected people to make any changes needed to achieve compliance.

## **Background**

11. In August 2017, the previous Government consulted on a proposed National Environmental Standard for the Outdoor Storage of Tyres (2017 NES) [EGI-17-MIN-0098 refers].<sup>1</sup> There were 35 submissions received on the 2017 NES, most of which were supportive of the proposal in principle. However, submissions identified a number of issues with the proposal. In particular, there were concerns that the proposed threshold for resource consent was too high and/or too blunt.
12. Consequently, a revised NES proposal (proposed NES) was developed by Hon Eugenie Sage, the Associate Minister for the Environment, and Cabinet agreed to consult on this proposal [EGI-20-MIN-0005 refers]. Key changes in the proposed NES included changing responsibility to regional councils, introduction of a permitted activity rule, a lower threshold for discretionary resource consent, and an exemption for farm silage tyres.
13. Consultation on the proposed NES was undertaken from 25 February to 8 April 2020. 50 submissions were received on the proposed NES with stakeholders generally supportive of the intent of the proposed NES and the proposed changes from the 2017 NES.

## **Problem definition**

14. Storing or stockpiling tyres outdoors poses risks of harm to the environment, human health and communities. In particular:

---

<sup>1</sup> National Environment Standards are regulations prepared under Part 5 of the RMA. An NES can provide certainty and consistency by setting out national requirements and conditions for particular activities (e.g. land use, water take, discharges). An NES takes effect without the need for council plan changes and prevail over regional and district plan rules, except where the NES expressly states that plan rules can be more stringent or lenient.

- Tyre fires result in smoke and run-off containing toxic and carcinogenic compounds including dioxins, furans, mercury and lead. These can require evacuation of nearby downwind residential areas and also contaminate soil and water supplies. A large scale tyre fire also poses increased risk to firefighter safety due to the unstable structural nature of burning tyre piles. New Zealand has had a harmful tyre fire reported in the news media each year for the past three years, including an arson at a stockpile in rural Amberley, Canterbury, and accidental tyre fires in Taranaki and Rolleston.
  - Inappropriate storage of tyres can result in leaching of contaminants into the soil and occasionally into groundwater. The concentration of leaching is specific to the storage time and local conditions. It is a concern when tyres are exposed to the elements for a long period of time.
  - Large tyre piles can become breeding grounds for mosquito and rodent species that may spread diseases. Some exotic mosquito species are known to breed in tyres and are capable of carrying serious diseases. These species are discovered near New Zealand ports reasonably often.
  - Tyre piles can have adverse effects on amenity and present visual impacts for people and communities.
  - Abandoned tyre stockpiles can create a financial liability for councils and property owners.
15. Currently there is a lack of effective regulation to manage the adverse effects and risks associated with outdoor tyre storage. Councils have the ability to introduce rules for outdoor tyre storage under the RMA and introduce bylaws for waste management under the Local Government Act 2002. However, these tools have generally not been used to address outdoor tyre storage issues and very few councils have rules specifically focused on outdoor tyre storage.<sup>2</sup> This means the regulatory framework is uneven around the country, as are council approaches to compliance monitoring and enforcement. Anecdotally this has led to tyres being shifted between districts to avoid enforcement action.
16. The lack of environmental regulation has allowed some tyre collectors to dispose of tyres in the cheapest way possible, under-cutting responsible collectors. The lack of markets for end-of-life tyres has led to stockpiling. We do not have clear data on where all the tyres go when they reach their end of life. A survey of regional councils in 2019 indicated that unauthorised tyre piles are a significant concern in four regions of New Zealand (Auckland, Waikato, Bay of Plenty, Canterbury), although they were not able to provide accurate data on the scale of the problem. As a consequence, there are still significant gaps in the information relating to the extent and scale of outdoor tyre storage in New Zealand and the available evidence remains largely anecdotal.

### **The NES will work with other initiatives to solve the tyre problem**

17. Waste tyres are an issue around the world, partly because they are difficult to recycle. The proposed NES is one part of a set of initiatives to help solve the waste tyre problem in New Zealand and create a circular economy for tyres.
18. The key initiative is regulated product stewardship. In June Cabinet agreed to declare tyres a priority product under section 9 of the Waste Minimisation Act 2008. This step

<sup>2</sup> Councils that have specific rules on tyre storage or tyre activities include Auckland Council, and Hastings and Napier District Councils.

will give assurance to the tyre industry that a product stewardship scheme would be accredited as set out in section 15 of that Act. I anticipate an application for accreditation for a priority product stewardship scheme later this year, followed by consultation on regulations to give effect to the scheme. This will require the industry to take responsibility for the whole-of-life environmental impact of tyres.

19. The NES will be a key environmental standard for waste tyre collectors and recyclers, including participants in the scheme. The scheme will encourage more and better uses for end-of-life tyres and support best practice tyre collection and recycling.
20. The Government has also invested in the Whangārei Golden Bay cement project, which will use old tyres as a partial substitute for coal. It is expected the new technology will be operational by February 2021, ensuring significant ongoing demand for end-of-life tyres in the North Island.
21. The expected outcomes of these initiatives working together are:
  - Safe outdoor storage of tyres
  - Steady supply of end-of-life tyres for reuse and recovery
  - Demand for end-of-life tyres for reuse and recovery.

## **2020 consultation**

### *Consultation document*

22. The 2020 consultation document<sup>3</sup> reiterated the original objectives of the 2017 NES proposal; these have not changed. The objectives are to:
  - a) Ensure the risks of harm to the environment, human health and local communities from outdoor tyre storage are appropriately managed
  - b) Support more consistent management practices across New Zealand, filling gaps in regulatory settings that create incentives to move tyres between regions.
23. The scope does not include tyres being re-used for purposes such as buffers on wharves, on raceways, equestrian arenas or gun ranges. These are termed tyres in “active use”.
24. The consultation document proposed a more nuanced framework to better manage the diversity of tyre storage situations and address some limitations in the 2017 NES proposal. Through the proposed NES consultation document, feedback was sought on the following:
  - a) Two threshold options for requiring a discretionary activity resource consent - 200m<sup>3</sup> (or approximately 2500 car tyres), and a lower threshold option of 100m<sup>3</sup> (or approximately 1250 car tyres) intended to provide a stronger framework for avoiding and mitigating environmental risks.
  - b) The addition of a permitted activity rule and conditions for outdoor tyre storage, applicable from volumes of tyres 40m<sup>3</sup> (approximately 500 tyres) and up to the discretionary activity resource consent threshold. The permitted activity conditions primarily focused on setbacks to sensitive areas.

---

<sup>3</sup> Consultation document: <https://www.mfe.govt.nz/consultations/outdoor-storage-tyres>

- c) The 2017 NES proposal had territorial authorities responsible for administering the NES. Under the 2020 proposal, regional councils will be responsible for administering it. This is because the functions of the proposed NES are better aligned with regional council RMA functions (which include managing discharge of contaminants and control of land use for the purposes of water quality). The change to regional council responsibility also limits existing use rights under the RMA, to ensure that existing stockpiles are subject to the NES.

*Results of 2020 consultation*

25. There were 50 submissions received on the proposed NES, largely supportive of the key changes proposed. Table 1 sets out the responses to the consultation questions in the consultation document.

**Table 1: Question responses from submitters**

Question	Total	Agree	Disagree	Neutral
1. Do you agree with responsibility for the NES sitting with regional councils rather than district councils? Why?	44	73%	11%	16%
2. Do you support having a resource consent threshold for the outdoor storage of tyres below the previously proposed 200m <sup>3</sup> ? Why?	42	52%	26%	21%
3. Do you support the addition of a proposed permitted activity rule with requirements? Why/why not?	42	83%	7%	10%
4. Do you have any suggestions on the indicative requirements in table 1?	comment only			
5. Which of the options (200m <sup>3</sup> or 100m <sup>3</sup> ) for setting a resource consent threshold do you support? Why?	100m <sup>3</sup> 58%	200m <sup>3</sup> 13%	360m <sup>3</sup> 3%	neutral 26%
6. How would the proposed options affect your business/organisation?	comment only			
1. Do you think the scope of the proposed NES should be extended to include indoor tyre storage? Why/why not?	46	50%	21%	28%
2. Do you agree with the proposed exemption from the resource consent requirement for farm silage tyres? Why/why not?	47	47%	26%	28%
3. Do you have comments on the other aspects of the proposed NES?	comment only			

26. Below is a summary of the responses by submitter group.

*Local government*

27. There were 21 submissions from local government. Almost all local government submitters supported regional councils being responsible for administering the NES. Most supported a 100m<sup>3</sup> threshold for the discretionary activity rule. All local government submitters who responded to the question supported the proposed permitted activity rule. Local government submitters were divided on whether the NES should apply to indoor storage of tyres and on whether farm silage tyres should be exempt.

*Business/Industry*

28. There were 17 submissions from business and industry groups (more industry submitters than the 2017 proposal). Most of these submitters supported regional councils being responsible for administering the NES. Most supported a 100m<sup>3</sup> threshold and the proposed permitted activity rule in principle. Business/industry submitters were the group with most concerns about the impact of proposals on their circumstances, particularly if the 100m<sup>3</sup> threshold option means they would need to apply for a resource consent.

*Iwi*

29. Two submissions were received from iwi. These submitters supported the 100m<sup>3</sup> threshold, the proposed permitted activity rule, and including indoor storage of tyres within the scope of the NES.

*District Health Boards*

30. Three district health boards made submissions. These three submitters tended to support a more stringent approach through the NES, including thresholds under 200m<sup>3</sup> and the proposed permitted activity rule.

**Submissions analysis and policy proposal**

31. Hon Eugenie Sage and I have considered a report by the Ministry for the Environment on submissions and recommendations on the subject matter of the NES (as required by the RMA section 46A(4)(c), and attached as Appendix Three). The policy development work has been led by the Associate Minister as part of her waste and resource efficiency portfolio, while the RMA role of recommending an NES falls to the Minister for the Environment. The sections below summarise key issues on the revised proposal from consultation, and my recommendations for the NES.

*Regional councils to be responsible for NES*

32. The majority of submitters agreed that regional councils are best placed to undertake the role of implementing, monitoring and enforcing the NES. The control of discharges of contaminants to water, land and air are primarily regional council functions under the RMA. Regional councils are also more involved in monitoring and enforcement of unauthorised outdoor tyre storage. In addition, this change ensures all existing stockpiles can be addressed under the NES (there will not be the ability to rely on ongoing existing use rights under section 10 of the RMA). The NES will expressly allow regional councils to create regional plan rules that are more stringent than the NES.

*Permitted activity rule*

33. The addition of a permitted activity rule was strongly supported by submitters. It will help to address the risks of smaller tyre piles in sensitive locations (e.g. close to

waterbodies), without adding undue costs. Feedback from submitters focussed on the proposed permitted activity conditions, resulting in some refinements.

34. The main change is a reduction in the threshold for the permitted activity rule from 40m<sup>3</sup> to 20m<sup>3</sup>.<sup>4</sup> Other changes are detailed in the appendices. Further work is being carried out to consider the costs and benefits of increasing the setback to water bodies to 50 metres in rural areas rather than 20 metres. This issue will be resolved during the drafting process and decided on when the regulations go to the Legislation Cabinet Committee.
35. To support regional councils in their monitoring and enforcement of the permitted activity conditions, we propose the NES allow regional councils to charge for compliance monitoring of permitted activities to recover their costs.

#### *Threshold for resource consent – 200m<sup>3</sup> or 100m<sup>3</sup>*

36. The threshold for a discretionary resource consent needs to strike a balance between addressing environmental risks while ensuring the NES is practical, cost-effective and does not impose undue costs on legitimate tyre businesses. The majority of submitters supported a lower 100m<sup>3</sup> threshold because it will enable environmental issues to be addressed before a tyre pile grows larger and the fact that this volume of tyres (approximately 1250) can have significant adverse effects if stored inappropriately. Those who favoured a higher threshold were concerned about costs and business practicalities.
37. The recommended approach takes these concerns into account and targets the consenting requirement more closely to end-of-life tyres. Consequently, the recommended threshold for resource consent is 100m<sup>3</sup> volume of tyres, with exemptions for silage tyres and for new tyres and retreading businesses.
38. Appendix One summarises all the changes made to the proposal post-consultation.

#### *Impacts on affected parties*

39. The group most affected by the proposed NES will be end-of-life tyre collectors, processors and recyclers. The majority of this sector would likely be over the resource consent threshold whether it is set at 100m<sup>3</sup> or 200m<sup>3</sup>.<sup>5</sup>
40. For these stakeholders it is important that the resource consent conditions are reasonable. The consent conditions will be set by regional councils and guided by the implementation guidance which will be developed with input from the tyre sector and Fire and Emergency New Zealand. A well-managed site would typically store tyres on an impervious surface with security against unauthorised access, spacing between large tyre piles and fire-fighting equipment. Many responsible businesses will have at least some of these measures in place already, whereas speculative stockpiles would not.

#### *Conclusion*

---

<sup>4</sup> Car-only tyre shops in New Zealand have an estimated average 15.5m<sup>3</sup> outdoor tyre storage, so some tyre shops would be in scope of the 20m<sup>3</sup> threshold. Of these, we expect the majority would be compliant without needing to make any changes.

<sup>5</sup> There are an estimated 77 tyre collectors, transporters, processors and recyclers in New Zealand. We do not know how many would store between 100m<sup>3</sup> and 200m<sup>3</sup>.

41. Appendix Two outlines the proposed NES. Based on the section 46A report and the Regulatory Impact Statement, and subject to completion of the section 32 report on the regulations, we consider this proposal is aligned with the purpose of the RMA – to promote the sustainable management of natural and physical resources. It will result in improved management of outdoor tyre storage in a way that enables people and communities to provide for their economic, social and cultural well-being while avoiding and mitigating adverse effects. It will also support wider Government initiatives to help solve the waste tyre problem in New Zealand.
42. The RMA requires the Minister for the Environment to consider a formal section 32 evaluation report before the regulations for an NES are finally made. The purpose of the section 32 evaluation is to demonstrate that the NES objectives are the most appropriate to achieve the purpose of the RMA and to assess the efficiency and effectiveness of the provisions to inform decision-making. That report will be prepared once the proposed NES is drafted so that it assesses the final detailed proposal.
43. We expect the draft regulations with the final NES, and the section 32 report, to be ready for ministerial consideration in late 2020.

#### **Next steps**

44. If Cabinet agrees, the Ministry will develop drafting instructions and the Parliamentary Counsel Office will draft the NES regulations. To check the workability of the drafting, expert technical input will be sought from up to nine persons from regional councils, Fire and Emergency New Zealand, the tyre industry and the primary production sector.

#### **Implementation**

45. We recommend the timeframe between the NES being gazetted and coming into force is three months to allow time for implementation. Following this 3-month period, the RMA allows 6 months of continued use for existing tyre quantities (under section 20A), which effectively means businesses needing a resource consent have 6 months to apply.
46. The Ministry for the Environment will prepare guidance along with the NES to support implementation. The guidance will also cover how territorial authorities can continue to address effects of outdoor tyre storage not dealt with in the NES, including the effects on amenity, landscape and historic heritage.

#### **Consultation**

47. The Ministry for Primary Industries, MBIE, Fire and Emergency NZ, the Department of Conservation, the Ministry of Culture and Heritage, Heritage New Zealand and Treasury have been consulted on this paper. The Department of Prime Minister and Cabinet has been informed.
48. Support for the proposal was expressed by Fire and Emergency NZ, the Department for Conservation and the Department of Internal Affairs. The Ministry for Primary Industries are comfortable with the proposal and will work with the Ministry for the Environment on finalising the regulations and implementation guidance.



## Financial Implications

49. The proposal has financial implications for affected parties to comply with the NES and for councils to implement it. This is explained in the Regulatory Impact Statement.

## Legislative Implications

50. Once the NES is drafted, agreed and gazetted, it is a regulation under the RMA and will form part of rules in RMA plans.

## Impact Analysis

51. There are no significant climate impacts. A Regulatory Impact Statement has been prepared by the Ministry for the Environment (Appendix Three). The panel considers that overall, the RIA for the proposed NES “partially meets” the quality assurance (QA) criteria.
52. The “partially meets” rating reflects the lack of data and evidence about the extent of adverse effects upon the environment arising from the outdoor storage of end-of-life tyres at the threshold levels proposed by the NES. Specifically, the RIA does not sufficiently articulate how the thresholds in the proposed NES relate to the purpose of regional level rules under the Resource Management Act 1991 (as set out in section 30(1)(c) of the RMA ‘Functions of regional councils under this Act’). In the absence of evidence to support the thresholds in context of the s30(1)(c) functions, the panel considers that the RIA is unable to achieve a ‘meets’ rating as it is unable to be fully ‘complete’ and ‘convincing’ in relation to the proposed thresholds.
53. The panel states that the Ministry’s approach to the analysis is otherwise generally sound, is based on relevant available information, and makes a compelling case for stronger regulation through an NES.

## Population implications

54. This proposal takes into account different considerations in urban and rural settings, hence the proposed exemption for silage tyres in relation to the volume threshold requirement for resource consent. Rural communities will especially benefit from the NES because large problematic stockpiles tend to be in rural areas.

## Communications

55. We intend to publish a press release shortly after Cabinet agreement.

## Proactive Release

56. We intend to release this paper when policy decisions are announced, along with the Regulatory Impact Statement and the report on submissions (section 46A report). The submissions will be published on the Ministry for the Environment’s website at that time.

## Recommendations

We recommend that the Cabinet Environment, Energy and Climate Committee:

1. **Note** 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. **Note** that there is a gap in the regulatory framework that has allowed tyres to be stockpiled and managed inadequately.
3. **Note** 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. **Note** that a proposed NES to achieve these objectives has been publicly notified and consulted on in accordance with the RMA.
5. **Note** that public consultation and consultation with iwi undertaken in 2020 resulted in 50 submissions, largely supportive of the proposal.
6. **Note** 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. **Agree** that the Minister for the Environment instruct the Parliamentary Counsel Office to draft a National Environmental Standard for the Outdoor Storage of Tyres with the following elements:
  - 7.2 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.
  - 7.3 Outdoor storage of tyres in quantities at or above 20m<sup>3</sup> 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):
    - 7.3.1 A height restriction of tyre piles, to facilitate fire management
    - 7.3.2 Location setbacks from transmission lines, water bodies, drinking water supplies, groundwater, the coastal marine area and ports.
  - 7.4 Non-compliance with permitted activity conditions will require resource consent as a discretionary activity;
  - 7.5 Outdoor storage of tyres at or above 100m<sup>3</sup> per site requires a resource consent as a discretionary activity.
  - 7.6 The 100m<sup>3</sup> threshold resource consent requirement will not apply to:
    - 7.6.1 Farm silage tyres stored on or adjacent to areas used regularly for silage production;
    - 7.6.2 New and retread tyres and tyre casings on sites supplying or servicing new and retread tyres.
  - 7.7 Regional councils will be able to charge for compliance monitoring of permitted activities to recover their costs.
  - 7.8 Regional councils would be able to introduce more stringent bylaws and plan rules, subject to RMA criteria.
  - 7.9 The NES would come into force three months after gazettal.

8. **Agree** that Ministry for the Environment will 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. **Note** that we consider the proposed National Environmental Standard for Outdoor Storage of Tyres is consistent with requirements under the Resource Management Act 1991, subject to consideration of the section 32 evaluation report.
10. **Authorise** 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. **Note** 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.
12. **Note** that the Minister and Associate Minister for the Environment will issue a joint press release shortly after Cabinet agreement along with release of this Cabinet paper, RIS and the section 46A report.

Authorised for lodgement

Hon David Parker  
Minister for the Environment

Hon Eugenie Sage  
Associate Minister for the Environment

Proactively released

### Changes to the proposed NES following consultation

This table summarises all the proposed changes following consultation. For a more detailed discussion see the section 46A report.

<b>Proposed change</b>	<b>Rationale</b>
Change to threshold for permitted activity conditions from 40m <sup>3</sup> to 20m <sup>3</sup> total per site.	Feedback from submitters that the 40m <sup>3</sup> threshold was too high. 20m <sup>3</sup> is a pragmatic threshold for a permitted activity rule.
Exception from maximum tyre pile height requirement for tyres with a vertical height of more than 3 metres.	A suggestion made from industry submitters with very large industry-specific tyres (eg mining), to make this rule more practical.
Increase in setback from 20 metres to 50 metres in relation to any bore or waterbody used for domestic or community drinking water supply	Feedback from some submitters that the 20 metre setback was too small for these types of waterbodies that are more sensitive to any pollution.
Added requirement that tyres must be located at least 1 metre above the water table of any aquifer	To provide greater clarity to the fresh water set back, provide better protection for groundwater, and assist with compliance.
Added setback - 100 metres from port boundaries	Addresses the risk of exotic species of mosquitoes breeding in tyres.
<b>Discretionary activity rule (ie resource consent required at or above volume threshold):</b>	
100m <sup>3</sup> chosen as threshold	Majority of submitters supported this option, which was one of 3 options consulted on, to ensure tyre quantities of this size and above are safely managed.
Added exemption for new and retread tyres and tyre casings on sites supplying or servicing of new and retread tyres	A submitter suggestion, adopted to help target the NES to end-of-life tyres and reduce unnecessary compliance costs. Large industry-specific new and retread tyres are stored outdoors because it is impractical to store them indoors. Tyre casings are more valuable than end-of-life tyres and hence are more securely handled than end-of-life tyres.
<b>General:</b>	
3-month timeframe between gazettal and coming into force	To give time for affected businesses and councils to prepare for implementation. Following this 3-month period, the RMA allows 6 months of continued use for existing tyre quantities (section 20A), which effectively means businesses needing a resource consent have 6 months to apply.
Added provision for regional councils to charge for compliance monitoring of permitted activities to recover their costs	This will help councils cover the cost of compliance monitoring and enforcement
Added provision for regional councils to introduce more stringent controls than the NES.	A safeguard and likely to be only used for location-specific purposes. Councils must follow the RMA plan rule process to make a more stringent rule.

Table 1: Summary of NES proposal

Tyre volume and rule	Control
<p><b>Permitted activity rule</b></p> <p>Tyre storage outdoors in quantities at or above 20m<sup>3</sup> total volume per site are a permitted activity where this complies with conditions a) to g).</p>	<p>Tyres storage of this volume is a permitted activity if it complies with the following conditions:</p> <ol style="list-style-type: none"> <li>The height of tyre pile must be no more than 3m (except where the vertical height of the tyre is higher than 3m).</li> <li>Tyres must not be located within 50m from the centreline of transmission lines and other National Grid infrastructure</li> <li>Tyres must not be located within: <ul style="list-style-type: none"> <li>20m of any surface waterbody or wetland</li> <li>50m of any bore or waterbody used for domestic or community drinking water supply</li> </ul> </li> <li>Tyres must be located at least 1m above the water table of any aquifer</li> <li>Tyres must not be located within 50m of the coastal marine area</li> <li>Tyres must not be located within 100m from the boundary of any port.</li> </ol> <p>Tyre storage outdoors that does not comply with any of the conditions above requires a resource consent from the consent authority as discretionary activity.</p>
<p><b>Discretionary activity rule</b></p> <p>Tyres stored outdoors in quantities at or above 100m<sup>3</sup> total volume per site is a discretionary activity.</p>	<p>Any storage of tyres at or above 100m<sup>3</sup> requires a resource consent from the consent authority as a discretionary activity. A discretionary activity status enables the consent authority to consider any relevant matter when making a decision on the application and imposing consent conditions.</p> <p>Exemptions to this rule (but not the permitted activity rule and conditions) are:</p> <ul style="list-style-type: none"> <li>New and retread tyres and tyre casings on sites where the primary business on site is the supply or servicing of new and retread tyres.</li> <li>Farm silage tyres stored immediately adjacent to areas and pits used regularly for silage production and storage, in quantities no larger than needed to cover the silage in a single layer.</li> </ul>
	<p><b>Application of the NES</b></p>
<p>The NES would:</p>	<ul style="list-style-type: none"> <li>Be the responsibility of regional councils and come into force three months after the date the NES is gazetted.</li> <li>Allow regional councils to charge for compliance monitoring of permitted activities to recover their costs.</li> </ul>

	<ul style="list-style-type: none"> <li>• Allow regional councils to introduce more stringent controls than the NES.</li> <li>• Apply to all loose tyres designed to fit motorised and non-motorised vehicles (including bicycles, scooters and wheelchairs), excluding inner tubes and tyres containing liquids.</li> <li>• Apply to all tyres stored in all states – whole, chipped or shredded, baled.</li> <li>• Not apply to tyres stored indoors.</li> <li>• Define tyre storage as tyres stored on a property, with no significant minimum timeframe imposed before tyres are deemed to be ‘stored’ (actual definition to be determined at drafting stage).</li> <li>• Not apply to tyres in active re-use, eg for engineering purposes, buffers, on equestrian sites or raceways.</li> </ul> <p><i>NB: the RMA allows plan rules to address effects not dealt with in an NES. This means amenity, landscape and heritage provisions in district plans will continue to apply to outdoor tyre storage.</i></p>
	<p><b>Implementation guidance</b></p>
	<p>The implementation guidance for the NES will outline relevant matters to consider when assessing resource consent applications for tyre storage under the NES, including good practice and mitigation methods to manage adverse effects and minimise risks to the environment and communities. The focus of the guidance would be on how to avoid and mitigate the following adverse effects:</p> <ul style="list-style-type: none"> <li>• Fire risk and associated adverse effects (discharge to air, contamination of soils, run-off to water bodies or the coastal marine area)</li> <li>• Discharge of contaminants to soils, water bodies and coastal marine area through leaching.</li> </ul> <p>The implementation guidance will also provide practical guidance to assist with compliance monitoring of the NES, including the permitted activity rule and the exemptions from the discretionary activity rule.</p>