

7 April 2020

Proposed National Environmental Standard for the Outdoor  
Storage of Tyres - 2020  
Ministry for the Environment  
PO Box 10362  
**Wellington 6143**

Via email to: [tyres@info.mfe.govt.nz](mailto:tyres@info.mfe.govt.nz)

Dear Minister

## CONSULTATION ON PROPOSED NATIONAL ENVIRONMENTAL STANDARD FOR THE OUTDOOR STORAGE OF TYRES – 2020 CONSULTATION

Thank you for the opportunity to comment on the ‘Proposed National Environmental Standard for the outdoor storage of tyres – 2020’ consultation document as released by the Ministry of Environment in February 2020. This submission is generally limited to those aspects of the proposals which have implications for the Hawke’s Bay Regional Council’s (HBRC) regulatory functions.

### Submission Summary

HBRC broadly **supports** the intention of this proposed National Environmental Standard (NES) and its focus on responding to the risks associated with tyres stored outdoors. Our comments generally relate to regional councils’ role in administering the proposed NES, as well as the use of tyres for structures. Set out below are detailed responses to the questions identified in the associated discussion document.

### Question 1

***Do you agree with responsibility for the NES sitting with regional councils rather than district councils? Why?***

Whilst HBRC appreciates that some issues associated with the outdoor storage of tyres, such as leachate or runoff entering waterbodies, typically sit with regional councils we believe that the management of fire risk as included in the proposed NES, are beyond the current scope of regional councils. Therefore, by having this responsibility lie with regional councils there is the potential to create uncertainty about whether they would also become responsible for the management of other flammable products, such as building products, paint or alternative types of refuse, something that we believe would be better managed by local territorial authorities.

We also believe that local territorial authorities are better placed to manage and control the effects of land use activities, such as the outdoor storage of tyres by means of land use rules within a district plan to control;

- Setbacks of tyre storage activity, thereby indirectly managing effects on nearby sensitive environments such as water bodies and port facilities (that have an increased risk of becoming a breeding area for mosquitos);
- Volume, size and scale outdoor tyre storage facilities; Associated traffic movements;
- Storage of tyres in a manner that contains any runoff and leachate; and
- Use of land requiring storage of tyres on impervious surface and controlled edges for off-site rainfall runoff.

### **Question 3**

***Do you support the addition of the proposed permitted activity rule with requirements? Why?***

HBRC supports the introduction of a permitted activity rule for outdoor tyre storage between 40m<sup>3</sup> and the discretionary activity threshold. We accept that this volumetric threshold is a suitable 'proxy' for the scale of storage and associated effects included within the scope of the RMA.

### **Question 7**

***Do you think the scope of the proposed NES should be extended to include indoor tyre storage? Why?***

HBRC opposes the inclusion of indoor tyre storage in the proposed NES. The potential adverse effects arising from the indoor storage of tyres would be different in nature and therefore would need to be dealt with differently to those arising from the storage of tyres outdoors.

### **Question 9**

***Do you have comments on the other aspects of the proposed NES?***

HBRC believes that there needs to be more clarity provided within the proposed NES about what constitutes 'storage' of tyres, particularly in relation to situations where tyres have been used to create structures, i.e. seawalls and erosion control measures. Direction is also sought as to whether these types of structures that were in existence prior to the proposed NES taking effect will have existing use rights, making them exempt from any proposed regulations.

Currently the proposed NES does not include a maximum timeframe for the outdoor storage of tyres which could result in tyres remaining in 'storage' in perpetuity. Effectively this 'storage' would be tyre disposal as they decay and lose commercial value over time, with the added potential for abandonment. It is proposed that a maximum timeframe for the outdoor storage is included to avoid this situation from arising.

The Regional Council's address for service in relation to this submission is;

Hawke's Bay Regional Council  
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Private Bag 6006  
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Thank you again for the opportunity to comment on the 'Proposed National Environmental Standard for the outdoor storage of tyres – 2020'. Should you have any queries with regards to the content of this submission please contact, as above.

Yours sincerely

[Insert signature ie: initials or name then press F3]