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Dear Sir/Madam

WAIPĀ DISTRICT COUNCIL SUBMISSION – PROPOSED NES FOR THE OUTDOOR STORAGE OF TYRES

Waipā District Council welcomes the opportunity to provide feedback on the *Proposed National Environmental Standard for the Outdoor Storage of Tyres*.

Please note that this submission is made by the Chief Executive under delegated authority from Council.

Our specific feedback is as follows:

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

Yes. Waipā District Council submits that of the two options, responsibility for this NES is most aligned to the environmental protection/discharge of environment functions of a Regional Council (possibly with enforcement assistance from the Environmental Protection Agency).

We consider that management at a regional level, is more appropriate for this issue, and that Regional Councils are likely to have more capacity to manage it. However, with many other competing responsibilities (at both regional and local level), it is unclear what priority enforcement of the NES would be provided.

It is also noted that a number of other agencies have statutory responsibilities for issues that the NES proposes to address.

- Fire hazards rest with Fire and Emergency NZ under the Fire and Emergency Act 2017 and associated regulations.
- Public Health responsibilities sit with Territorial Authorities and District Health Boards under the Health Act 1956, and illegal dumping issues under the Litter Act 1979 and Local Government Act 2002.

It is unclear how Regional Councils and the NES would interact with these other agencies and achieve alignment across their respective responsibilities. For example, if a consented storage facility went on to create issues with vermin, or attracted illegal dumping at/near the approved site. Waipā District Council responds to numerous complaints regarding the 'dumping' of used tyres with over 130 calls about dumping specifically mentioning tyres since 2000.

Do you support having a resource consent threshold for the outdoor storage of tyres below the previously proposed 200m³?

Yes. In general terms, the smaller the size of the storage area, the less likely the negative impacts. However, whether there is any demonstrable difference between the potential effects of 100m³ versus 200m³, is hard to evaluate. A pile of 100m³, effectively 10m long x 10m wide x 1 meter high, is probably a useful parameter, and far more practical than a limit based on the number of tyres which no-one would be able to assess in the field.

In the Waipā District Fire Control Bylaw 2015 (currently under review due to the impact of the FENZ legislation), Waipā District Council imposed controls on the location of piles, and then applied control measures such as separation distances which increased as the size of the pile increased.

This is a method to consider and the bylaw is attached as an appendix.

Do you support the addition of a proposed permitted activity rule with requirements? Why/why not?

Yes. It makes sense to have 'automatic' controls for smaller storage areas, then the need for site specific controls by way of consent conditions for the larger storage areas. 40m³ is an acceptable threshold and it must be clear that this is per-site, not per pile.

Do you have any suggestions on the indicative requirements in table 1?

The indicative requirements are generally acceptable and are similar to those contained in Council's current bylaw. It would be appropriate to include other controls such as distance from boundaries, particularly if there was tyre storage on a neighbouring site.

Vehicle access and fire-fighting water supplies should also be considered. If tyres are to be stored in more than one pile there should also be separation distances.

While this NES may sit at a Regional Council level, there may need to be some consideration for District Plan zoning, e.g. even 40m³ would not be acceptable in a residential or large lot residential zone.

Which of the options (200m³ or 100m³) for setting a resource consent threshold do you support? Why?

As above, the controls applying at the lowest level (100m³) would be the preference. It provides the consenting authority with the ability to look at each specific site and apply appropriate controls as size or other characteristics vary.

How would the proposed options affect your business/organisation?

Proposed controls are unlikely to have any direct effect on this council as this issue is not currently actively managed. As referred to above, any effect that this may have on Council's public health, litter control and roading functions (who pick up road side rubbish) is unclear. They may be not be directly affected as they are outside of the scope of the NES, but there may be indirect effects such as dumping outside storage facilities.

Do you think the scope of the proposed NES should be extended to include indoor tyre storage? Why/why not?

Waipā District Council is neutral on this aspect. The likely risks from fire, vermin and discharges to the environment are unlikely to be as high if tyres are stored in a secured building under cover and on concrete or a hardstand area.

We anticipate that the Building Code and Fire and Emergency NZ provisions may apply to a building with this usage. It will also eliminate visual amenity issues.

Do you agree with the proposed exemption from the resource consent requirement for farm silage tyres? Why/why not?

Waipā District Council is neutral on this aspect also. Tyres actually in use on silage pits should be exempt. The NES would not apply to any other stored tyres below the 40m³ permitted activity rule and piles in the

40-100m³ would still be permitted if they complied with the prescribed controls. So the exception is largely limited to piles over 100m³.

While the intent of the exemption is recognised, it needs to be kept in mind that the potential effects of a 200m³ pile of tyres is the same regardless of their intended use. A farm with 200m³ on one side of the fence would not need consent but a storage facility on the other would. On that basis there should be consistency, though silage tyre storage could be considered temporary.

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

Tyres can be stored on site for a range of reasons, and increasingly people are looking at ways to use, reuse or recycle them. So they can be seen in buildings, retaining walls, drainage and other structures. The NES may need to be clear that storage is not considered to include these uses.

It may also be prudent to consider a time period, for example temporary storage of tyres on a site for less than 1 month, is exempt. Tyre retailers, car repairers and wreckers yards, all store tyres for periods of time, and are often still attached to the body of the vehicle. These may also justify some form of exemption, though are likely to fall below the 40m³ threshold.

Please do not hesitate to contact Karl Tutty, Manager Compliance by email: Karl.Tutty@Waipādc.govt.nz, should you have any queries regarding this submission.

Yours sincerely



Garry Dyet
CHIEF EXECUTIVE

Encl (Waipā District Council Fire Control Bylaw)

First Schedule: Guidelines for Storage of Vehicle Tyres in Urban Fire Districts

- 1 In compliance with clause 25 of this Bylaw, the storage of vehicle tyres in the open air in the urban fire district is prohibited except in strict compliance with the following:

Tyre Storage Areas

- 1.1 Tyres must not be stored on wetlands, flood plains, ravines or steep graded surfaces. Flat level ground is preferred.
- 1.2 Tyres must only be stored on a concrete or hard-packed surface.
- 1.3 Prior to the commencement of storage a minimum three metre high close wire fence must be constructed so as to fully enclose the area of storage. Access to the storage area shall be provided, with minimum of one gateway of at least six metre width, and gates shall be of an appropriate construction and capable of adequately securing the storage area. All gates/gateways must remain unobstructed at all times.
- 1.4 Piles of tyres must not be permitted to accumulate under power structures or lines.
- 1.5 The following minimum internal separation distances shall apply where there are two or more tyre storage piles:

Exposed Pile Face (length in metres)	Tyre Storage Pile Height (m)						
	0 – 2.5	2.6 – 3	3.1 – 4	4.1 – 4.5	4.6 – 5	5.1 – 5.5	5.6 – 6
0 – 8	17m	19m	21m	22m	24m	25m	26m
8.1 – 16	23m	26m	29m	30m	33m	35m	37m
16.1 – 30	30m	36m	40m	43m	45m	48m	50m
30.1 – 48	30m	36m	40m	43m	45m	48m	50m
48.1 – 64	30m	36m	40m	43m	45m	48m	50m
64.1 – 80	30m	36m	40m	43m	45m	48m	50m

Advice Note: by way of example only, if the exposed face of the tyre storage pile is 16 metres long and the height of the tyre storage pile is three metres, then the distance between each pile of tyres must be no less than 26 metres.

Storage of tyres may also be managed under the Waipa District Council's district plan requirements.

Access

- 1.6 Access to all tyre storage areas must be provided via an emergency access road so that no part of the storage area is more than 45 metres from the road. This road must be able to carry the weight of standard water pumping appliance of 13 tonnes.

Location of Tyre Storage Piles

- 1.7 None of the following are permitted within a 25 metre radius of any tyre storage area if, in the opinion of the Council's authorised officer, such items pose a fire hazard to:
- (a) Trees, plants or other vegetation;
 - (b) Ignition sources; or
 - (c) Buildings.
- 1.8 Where compliance with clause 1.7 above is not possible, a dirt bund wall one and a half times the total height of the tyre pile must be constructed between the tyre storage area and the offending item or area.

Water Supplies

- 1.9 Where the storage capacity for tyres is less than 20,000 tyres or 1500 m³ (whichever is greater) a water supply capable of delivering 75 litres per second must at all times be provided within 60 metres of the tyre storage area.
- 1.10 Where the storage capacity for tyres is greater than 20,000 or 1500 m³ (whichever is greater) a water supply capable of delivering 150 litres per second for a six hour continuous period must at all times be provided within 60 metres of the tyre storage area.

Second Schedule: Guidelines for Storage of Vehicle Tyres in Rural Fire Areas and Permanently Restricted Rural Fire Areas

- 2 In compliance with clause 25 of this Bylaw, the storage of vehicle tyres in the rural fire area and permanently restricted rural fire area is prohibited except in strict compliance with the following:

Tyre Storage Areas

- 2.1 Tyres must not be stored on wetlands, flood plains, ravines or steep graded surfaces. Flat level ground is preferred.
- 2.2 Tyres must only be stored on a concrete or hard-packed surface that is capable of serving as a vehicle accessway for a standard water pumping appliance of 13 tonnes.
- 2.3 Piles of tyres must not be permitted to accumulate under power structures or lines.

Location of Tyre Storage Piles

- 2.4 Piles of tyres must be at least 15 metres from all property boundary lines.
- 2.5 None of the following are permitted within a 25 metre radius of any tyre storage area if, in the opinion of the Council's authorised officer, such items pose a fire hazard to:
- (a) Trees, plants or other vegetation;
 - (b) Ignition sources;
 - (c) Buildings; or
 - (d) Any other combustible material.

Advice Note: Properties within 1 kilometre of a Department of Conservation reserve are administered by the Department of Conservation.