

## General Terms of Approval - Issued

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Notice No: 1554332

Mahbub Alam



Attention: Mahbub Alam

Notice Number     1554332  
File Number        DOC17/376171  
Date                 29-Aug-2017

**Re: Referral of Integrated Development Application Stage 2 Works to an Approved Resource Recovery Facility for an increase in Production Capacity to 20,000 tonnes per Annum Lot 54 DP 31908, 39-45 Vallance Street ST MARYS NSW 2760**

### Issued pursuant to Section 91A(2) Environmental Planning and Assessment Act 1979

I refer to the development application and accompanying information provided for the Stage 2 works to an approved resource recovery facility for an increase in production capacity to 20,000 tonnes per annum, received by the Environment Protection Authority (EPA) on 17 July 2017.

EPA has reviewed the information provided and has determined that it is able to issue a licence for the proposal, subject to a number of conditions. The applicant will need to make a separate application to EPA to obtain this licence.

The general terms of approval for this proposal are provided at attachment A. If Penrith City Council grants development consent for this proposal these conditions should be incorporated into the consent.

These general terms of approval relate to the development as proposed in the documents and information currently provided to EPA. In the event that the development is modified either by the applicant prior to the granting of consent or as a result of the conditions proposed to be attached to the consent, it will be necessary to consult with EPA about the changes before the consent is issued. This will enable EPA to determine whether its general terms need to be modified in light of the changes.

In assessing the proposal EPA has also identified a number of environmental issues that Penrith City Council may wish to consider in its overall assessment of the application.

#### **1. Outdoor storage**

## General Terms of Approval - Issued

---



Notice No: 1554332

The applicant proposes to store 50 tonnes of waste tyres outdoors in the northern section of the premises. It is important that the applicant complies with the NSW Fire & Rescue *Guidelines for Bulk Storage of Rubber Tyres*, particularly in regards to section 6 of the guidelines regarding configuration of external storage of tyres. The applicant should ensure they do not exceed 50 tonnes of waste tyres stored in this outdoor area in order to comply with the small facility minimum boundary clearances in the guidelines.

### 2. Fire risk

There is a fire risk from the proposed activities, and the applicant has proposed several methods to minimise the risks. Penrith City Council should impose conditions on the consent (if granted) to ensure these methods are adopted. It is important that the applicant complies with the NSW Fire & Rescue *Guidelines for Bulk Storage of Rubber Tyres*. The EPA would like to see appropriate controls to contain potentially contaminated fire-fighting waters, and to ensure that this water does not enter the stormwater system.

### 3. Management Plans

The applicant proposes a number of operational controls such as housekeeping to control environmental impacts. They intend to develop an Emergency Plan and Pollution Incident Risk Management Plan (PIRMP). With the exception of the PIRMP, the EPA has no role in approving such management plans, but encourages their use to improve compliance. Council should consider including the requirement to develop and implement these plans as part of the consent, if granted.

If you have any questions, or wish to discuss this matter further please contact Carla Thomas on (02) 9995 5302.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Jacqueline Ingham'.

.....  
**Jacqueline Ingham**

**Unit Head**

**Waste & Resource Recovery**

(by Delegation)



# General Terms of Approval - Issued

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Notice No: 1554332

## 1. Administrative conditions

### A1. Definitions

Any reference to 'waste tyres' in this document means used, rejected or unwanted tyres, including casings, seconds, shredded tyres or tyre pieces.

NSW Industrial Noise Policy - the document entitled "New South Wales Industrial Noise Policy published by the Environment Protection Authority in January 2000."

Noise – 'sound pressure levels' for the purposes of conditions L4.1 to L4.7.

### A2. Information supplied to the EPA

Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:

- The development application DA17/0564 submitted to Penrith City Council;
- *Environmental Impact Statement Awesome Rubber Pty Ltd 39-45 Vallance Street St Marys* - Report No. 151108\_EIS\_Rev2 March 2016

### A3. Fit and Proper Person

The applicant must, in the opinion of the EPA, be a fit and proper person to hold a licence under the Protection of the Environment Operations Act 1997, having regard to the matters in s.83 of that Act.

## 2. Limit conditions

### L1. Pollution of waters

Except as may be expressly provided by a licence under the *Protection of the Environment Operations Act 1997* in relation to the development, section 120 of the *Protection of the Environment Operations Act 1997* must be complied with in and in connection with the carrying out of the development.

### L2. Waste

**L2.1** The only waste permitted to be received at the premises for storage or processing is waste tyres as defined by Schedule 1 of the POEO Act 1997.

**L2.2** The authorised amount of waste permitted to be stored on the premises at any one time must not exceed a total of 235 tonnes, being 185 tonnes inside the building and 50 tonnes outside the building.

**L2.3** Waste stored outdoors must be whole tyres only and is only permitted in the north-eastern side of the premises as indicated in site plan (Figure 3-8 of Environmental Impact Statement Report No. 151108\_EIS\_Rev2 March 2016).

# General Terms of Approval - Issued



Notice No: 1554332

## L3. Hours of operation

Activities at the premises are permitted 24 hours a day, Monday to Sunday.

## L4. Noise Limits

L4.1 Noise generated at the premises must not exceed the noise limits in the Table below.

Location	NOISE LIMITS dB(A)			
	Day LAeq (15 minute)	Evening LAeq (15 minute)	Night LAeq (15 minute)	Night LA1 (1 minute)
199 Forrester Road, North St Marys NSW 2760 - Lot 28 DP 261433	38	38	38	45
12 Townsend Crescent, Ropes Crossing NSW - Lot 1147 DP 1093651	36	36	36	45
Any other residential receiver	35	35	35	45

L4.2 For the purpose of condition L4.1;

- Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sunday and Public Holidays.
- Evening is defined as the period 6pm to 10pm.
- Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sunday and Public Holidays.

L4.3 The noise limits set out in condition L4.1 apply under all meteorological conditions except for the following:

- a) Wind speeds greater than 3 metres/second at 10 metres above ground level.
- b) Stability category F temperature inversion conditions and wind speeds greater than 2 metres/second at 10 metres above ground level; or
- c) Stability category G temperature inversion conditions.

L4.4 For the purposes of condition L4.3:

- a) Data recorded by a meteorological station at Penrith must be used to determine meteorological conditions; and
- b) Temperature inversion conditions (stability category) are to be determined by the sigma-theta method referred to in Part E4 of Appendix E to the NSW Industrial Noise Policy.

L4.5 To determine compliance:



# General Terms of Approval - Issued

---



Notice No: 1554332

- a) with the Leq(15 minute) noise limits in condition L4.1, the noise measurement equipment must be located:
- approximately on the property boundary, where any dwelling is situated 30 metres or less from the property boundary closest to the premises; or
  - within 30 metres of a dwelling façade, but not closer than 3m, where any dwelling on the property is situated more than 30 metres from the property boundary closest to the premises; or, where applicable
  - within approximately 50 metres of the boundary of a National Park or a Nature Reserve.
- b) with the LA1(1 minute) noise limits in condition L4.1, the noise measurement equipment must be located within 1 metre of a dwelling façade.
- c) with the noise limits in condition L4.1, the noise measurement equipment must be located:
- at the most affected point at a location where there is no dwelling at the location; or
  - at the most affected point within an area at a location prescribed by conditions L4.5(a) or L4.5(b).

**L4.6** A non-compliance of condition L4.1 will still occur where noise generated from the premises in excess of the appropriate limit is measured:

- at a location other than an area prescribed by conditions L4.5(a) and L4.5(b); and/or
- at a point other than the most affected point at a location.

**L4.7** For the purposes of determining the noise generated at the premises the modification factors in Section 4 of the NSW Industrial Noise Policy must be applied, as appropriate, to the noise levels measured by the noise monitoring equipment.

## 3. Operating conditions

### O1. Dust

**O1.1** Activities must be carried out in a manner that minimises the generation of dust.

**O1.2** The premises must be maintained in a condition which prevents and minimises the emission of dust from the premises.

**O1.3** The licensee must ensure that no material, including rubber pieces, sediment or oil, is tracked from the premises.

**O1.4** Trucks entering and leaving the premises that are carrying loads must be covered at all times except during loading and unloading.



# General Terms of Approval - Issued

---



Notice No: 1554332

## **O2. Processes and management**

**O2.1** Any waste for processing, storage or resource recovery at the premises must be assessed and classified in accordance with the EPA Waste Classification Guidelines as in force from time to time.

**O2.2** All waste tyre processing, including bead removal; shredding; milling and screening; removal of impurities; and product packaging, must only occur inside a totally enclosed building.

**O2.3** Tyre processing must not involve heat (thermal) or chemical processing.

**O2.5** There must be no burning or incineration of waste at the premises.

**O2.6** A firewater containment system, including bunding around the doorways of the building, kerbing on-site, and a stormwater isolation valve at the discharge point of the premises must be installed prior to operations commencing.

**O2.7** All waste tyres stockpiled at the premises must be stored in accordance with the current version of the NSW Fire Brigade Guidelines for Bulk Storage of Rubber Tyres.

## **O3. Emergency Response**

**O3.1** The licensee must maintain, and implement as necessary, a current Pollution Incident Response Management Plan (PIRMP) for the premises. The licensee must keep the incident response plan on the premises at all times. The incident response plan must document systems and procedures to deal with all types of incidents (e.g. spills, explosions or fire) that may occur at the premises or that may be associated with activities that occur at the premises and which are likely to cause harm to the environment. The licensee must develop a Pollution Incident Response Management Plan in accordance with the requirements in Part 5.7A of the Protection of the Environment Operations (POEO) Act 1997 and POEO regulations.

## **O4. Air**

**O4.1** The licensee must develop and implement an air quality management plan prior to the commencement of project operations. As a minimum, the air quality management plan must include:

- Key performance indicator(s);
- Monitoring method(s);
- Location, frequency and duration of monitoring;
- Record keeping;
- Response mechanisms.

## **Mandatory Conditions for all EPA licences**

### Operating conditions

#### **Activities must be carried out in a competent manner**

Licensed activities must be carried out in a competent manner. This includes:



# General Terms of Approval - Issued

---



Notice No: 1554332

- a) the processing, handling, movement and storage of materials and substances used to carry out the activity; and
- b) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

## **Maintenance of plant and equipment**

All plant and equipment installed at the premises or used in connection with the licensed activity:

- a) a) must be maintained in a proper and efficient condition; and
- b) b) must be operated in a proper and efficient manner.

## **Monitoring and recording conditions**

### **Recording of pollution complaints**

The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.

The record must include details of the following:

- the date and time of the complaint;
- the method by which the complaint was made;
- any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
- the nature of the complaint;
- the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
- if no action was taken by the licensee, the reasons why no action was taken.

The record of a complaint must be kept for at least 4 years after the complaint was made.

The record must be produced to any authorised officer of the EPA who asks to see them.

### **Telephone complaints line**

The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

The preceding two conditions do not apply until three months from the date of the issue of this licence.



## General Terms of Approval - Issued

---



Notice No: 1554332

### **Reporting**

#### **Annual return documents**

The applicant must provide an annual return to the EPA in relation to the development as required by any licence under the Protection of the Environment Operations Act 1997 in relation to the development. In the return the applicant must report on the annual monitoring undertaken (where the activity results in pollutant discharges), provide a summary of complaints relating to the development, report on compliance with licence conditions and provide a calculation of licence fees (administrative fees and, where relevant, load based fees) that are payable. If load based fees apply to the activity the applicant will be required to submit load-based fee calculation worksheets with the return.

#### **Notification of environmental harm**

Notifications must be made by telephoning the Environment Line service on 131 555.

Note: The licensee or its employees must notify all relevant authorities of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act.

The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

#### **Written report**

Where an authorised officer of the EPA suspects on reasonable grounds that:

- a) where this licence applies to premises, an event has occurred at the premises; or
- b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence, and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.

The request may require a report which includes any or all of the following information:

- the cause, time and duration of the event;
- the type, volume and concentration of every pollutant discharged as a result of the event;
- the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event;
- the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
- action taken by the licensee in relation to the event, including any follow-up contact with any complainants;



## **General Terms of Approval - Issued**

---



Notice No: 1554332

- details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such
- an event; and
- any other relevant matters.

The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

### **General Conditions**

#### **Copy of licence kept at the premises or plant**

A copy of this licence must be kept at the premises to which the licence applies.

The licence must be produced to any authorised officer of the EPA who asks to see it.

The licence must be available for inspection by any employee or agent of the licensee working at the premises.

### **Special Conditions**

#### **Financial Assurance**

The Environment Protection Licence for the premises will be subject to conditions requiring the proponent to provide a financial assurance to the EPA in the form of an unconditional and irrevocable and on demand guarantee from a bank, building society or credit union operating in Australia as "Authorised Deposit-taking Institutions" under the Banking Act 1959.