

General Terms of Approval - Issued



Notice No: 1603615

Penrith City Council
PO Box 60
PENRITH NSW 2751

Attention: Kathryn Saunders - Senior Development Planner

Notice Number 1603615
Date 03-Dec-2020

**Re: DA20/0589 - Use of Premises as Waste Management Facility (Tyre Recycling Facility) - 1-21
Grady Crescent, Erskine Park 2759**

Issued pursuant to Section 4.46 Environmental Planning and Assessment Act 1979

I refer to the development application (DA20/0589) and accompanying information provided for the proposed alterations and additions to an existing warehouse and use of premises as a waste management facility (Tyre recycling facility) operating 24 hours, 7 days a week, located at 1-21 Grady Crescent, Erskine Park (Lot 4 DP 1253870), received by the Environment Protection Authority (EPA) on 1 October 2020, with additional information received on the 29 October and 18 November 2020.

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 EPA is currently reviewing Tyrecycle Pty Ltd's (Applicant) application for an Environment Protection Licence (EPL), in relation to DA20/0589. The EPA can only issue an EPL after the applicable development application has been approved.

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 must be incorporated into the consent.

These general terms 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 the 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.

The EPA understands that tyre handling facilities pose a significant fire risk. The EPA recommends Penrith City Council ensure the applicant complies with the Fire & Rescue NSW *Fire safety guideline: Fire management in waste facilities 2020*, and the NSW Rural Fire Service *Guidelines for Bulk Storage of*

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Rubber Tyres 2014. The EPA notes that this has been considered as part of the application and should be included in any site management plans.

Environment Protection Licence requirements

It should be noted that there are several requirements for holders of EPLs, including monthly recording and reporting; provision of a financial assurance; a maximum authorised amount permitted onsite at any one time; and stockpile height limits. The EPA will discuss these matters further with the Applicant at the licensing stage.

If you have any questions, or wish to discuss this matter further please contact Kyle Browne on 9995 6107 or via email at kyle.browne@epa.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Lara Barrington'.

.....
Lara Barrington
Unit Head Regulatory Operations
Regulatory Operations Metropolitan West
(by Delegation)

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ATTACHMENT A - GENERAL TERMS OF APPROVAL

Administrative conditions

A1. Information supplied to the EPA

A1.1 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 DA20/0589 submitted to Penrith City Council on 21 September 2020;
- *Statement of Environmental Effects for 1-21 Grady Crescent*, Erskine Park, prepared by Element Environment and dated 16 September 2020; and
- all additional documents supplied to the EPA in relation to the development, including:
 - Letter Ref: 20051123_Tyrecycle_ResponsetoEPA_201029 dated 29 October 2020
 - Letter Ref: 20051123_Tyrecycle_ResponsetoEPA_2_201118 dated 18 November 2020

A2. Fit and Proper Person

A2.1 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.

Limit conditions

L1. Pollution of waters

L1.1 Except as may be expressly provided by a licence under the Protection of the Environment Operations Act 1997 in relation of 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 licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the *Protection of the Environment Operations Act 1997*.

L2.2 Any waste received at the premises must only be used for the activities referred to in relation to that waste in the column titled "Activity" in the table below. Any waste received at the premises is subject to those limits or conditions, if any, referred to in relation to that waste contained in the column titled "Other limits" in the table below.

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Code	Waste	Description	Activity	Other Limits
NA	Tyres	Waste tyres	Resource recovery Waste storage	
NA	Waste lead acid batteries	Waste lead acid batteries	Waste storage	
NA	Waste oil	Waste oil	Waste storage	

L2.3 A maximum of 29,000 tonnes of waste tyres is permitted to be received at the premises in a 12 month period.

L2.4 A maximum of 60 tonnes of waste lead acid batteries and/or waste oil is permitted to be stored at the premises at any time.

L3. Noise limits

L3.1 Noise generated at the premises must not exceed the noise limits at the times and locations in the table below:

Location	Lot/DP	Noise Limits in dB(A)			
		Day	Evening	Night	
		LAeq (15 minute)	LAeq (15 minute)	LAeq (15 minute)	LA _{Fmax}
22 Regulus Street, Erskine Park	Lot 3257 DP 786811	42	42	42	56
28 Shaulua Crescent, Erskine Park	Lot 3171 DP 786811	42	42	42	56
116 Weaver Street, Erskine Park	Lot 3126 DP 789209	42	42	42	56

L3.2 For the purposes of condition L3.1:

- a) Day means the period from 7 am to 6 pm Monday to Saturday and the period from 8 am to 6 pm Sunday and public holidays.
- b) Evening means the period from 6 pm to 10 pm.
- c) Night means the period from 10 pm to 7 am Monday to Saturday and the period from 10 pm to 8 am Sunday and public holidays.

L3.3 Noise-enhancing meteorological conditions

a) The noise limits set out in condition L3.1 apply under the following meteorological conditions:

Assessment period	Meteorological Conditions
Day	Stability Categories A, B, C and D with wind speeds up to and including 3 m/s at 10 m above ground level.
Evening	Stability Categories A, B, C and D with wind speeds up to and including 3 m/s at 10 m above ground level
Night	Stability Categories A, B, C and D with wind speeds up to and including 3 m/s at 10 m above ground level; or Stability Category E

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and F with wind speeds up to and including 2 m/s at 10 m above ground level.

b) For those meteorological conditions not referred to in condition L3.3 (a), the noise limits that apply are the noise limits in condition L3.1 plus 5 dB.

L3.4 For the purpose of condition L3.3:

- a) The meteorological conditions are to be determined from meteorological data obtained from the meteorological weather station identified as Bureau of Meteorology AWS at Horsley Park.
- b) Stability category shall be determined using the following method from Fact Sheet D of the Noise Policy for Industry (NSW EPA, 2017):
 - i. Use of sigma-theta data (section D1.4).

L3.5 To assess compliance:

- a) with the LAeq(15 minutes) or the L_Amax noise limits in condition L3.1 and L3.3, the noise measurement equipment must be located:
 - (i) approximately on the property boundary, where any residence is situated 30 metres or less from the property boundary closest to premises; or where applicable,
 - (ii) in an area within 30 metres of a residence façade, but not closer than 3 metres where any residence on the property is situated more than 30 metres from the property boundary closest to the premises; or, where applicable,
 - (iii) in an area within 50 metres of the boundary of a National Park or Nature Reserve,
 - (iv) at any other location identified in condition L3.1
- b) with the LAeq(15 minutes) or the L_Amax noise limits in condition L3.1 and L3.3, the noise measurement equipment must be located:
 - (i) at the reasonably most affected point at a location where there is no residence at the location; or,
 - (ii) at the reasonably most affected point within an area at a location prescribed by condition L3.5 (a).

L3.6 A non-compliance of conditions L3.1 and L3.3 will still occur where noise generated from the premises is measured in excess of the noise limit at a point other than the reasonably most affected point at the locations referred to in condition L3.5 (a) or L3.5 (b).

NOTE to L3.5 and L3.6: The reasonably most affected point is a point at a location or within an area at a location experiencing or expected to experience the highest sound pressure level from the premises.

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L3.7 For the purpose of determining the noise generated from the premises, the modifying factor corrections in Table C1 in Fact Sheet C of the *Noise Policy for Industry* (NSW EPA, 2017) may be applied, if appropriate, to the noise measurements by the noise monitoring equipment.

L3.8 Noise measurements must not be undertaken where rain or wind speed at microphone level will affect the acquisition of valid measurements.

Additions to Definition of Terms of the licence

- Noise Policy for Industry - the document entitled “*Noise Policy for Industry*” published by the NSW Environment Protection Authority in October 2017.
- Noise – ‘sound pressure levels’ for the purposes of conditions L3.1 to L3.8:
 - LAeq (15 minute) - the value of the A-weighted sound pressure level of a continuous steady sound that, over a 15 minute time interval, has the same mean square sound pressure level as a sound under consideration with a level that varies with time (Australian Standard AS 1055:2018 Acoustics: description and measurement of environmental noise).
 - LAFmax – the maximum sound pressure level of an event measured with a sound level meter satisfying Australian Standard AS IEC 61672.1-2013 Electroacoustics - Sound level meters - Part 1: Specifications set to ‘A’ frequency weighting and fast time weighting.

L4. Hours of construction

L4.1 All construction work at the premises must be conducted between 7 am and 6 pm Monday to Friday and between 8 am and 1 pm Saturdays and at no time on Sundays and Public Holidays, unless inaudible at any residential premises.

Monitoring Conditions

M1 Monitoring noise

M1.1 The meteorological weather station identified as Bureau of Meteorology AWS at Horsley Park must be maintained so as to be capable of continuously monitoring the parameters specified in condition M7.2.

M1.2 For each monitoring point specified in the table below the licensee must monitor (by sampling and obtaining results by analysis) the parameters specified in Column 1. The licensee must use the sampling method, units of measure, averaging period and sample at the frequency, specified opposite in the other columns.

Parameter	Units of Measure	Frequency	Averaging Period	Sampling Method
Air temperature	oC	Continuous	1 hour	AM-4

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Wind direction	o	Continuous	15 minute	AM-2 & AM-4
Wind speed	m/s	Continuous	15 minute	AM-2 & AM-4
Sigma theta	o	Continuous	15 minute	AM-2 & AM-4
Rainfall	mm	Continuous	15 minute	AM-4
Relative humidity	%	Continuous	1 hour	AM-4

M2 Requirement to Monitor Noise

M2.1 Attended noise monitoring must be undertaken in accordance with Condition L3.5 and must:

- a) occur annually in a reporting period;
- b) occur at each location listed in Condition L3.1;
- c) occur during each day, evening and night period as defined in the *Noise Policy for Industry* for a minimum of:
 - 1.5 hours during the day;
 - 30 minutes during the evening; and
 - 1 hour during the night.
- d) occur for three consecutive operating days.

M3 Monitoring records

M3.1 The results of any monitoring required to be conducted by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with the load calculation protocol must be recorded and retained as set out in conditions M1.2 and M1.3.

M3.2 All records required to be kept by the licence must be:

- in a legible form, or in a form that can readily be reduced to a legible form;
- kept for at least 4 years after the monitoring or event to which they relate took place; and
- produced in a legible form to any authorised officer of the EPA who asks to see them.

M3.3 The following records must be kept in respect of any samples required to be collected: the date(s) on which the sample was taken;

- the time(s) at which the sample was collected;
- the point at which the sample was taken; and
- the name of the person who collected the sample.

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Operating conditions

01. Dust and Air Emissions

01.1 All operations and activities occurring at the premises must be carried out in a manner that prevents and minimises the emission of air pollutants from the premises.

01.2 The premises must be maintained in a manner that prevents and minimises the emission of air pollutants.

01.3 Idling of trucks must be minimised where possible.

01.4 All plant and equipment must be maintained in accordance with manufacturer requirements to minimise malfunction that could result in abnormal air quality emissions.

01.5 Trucks entering and leaving the premises that are carrying loads must have their loads covered at all times, except during loading and unloading.

01.6 The licensee must ensure that no material, including rubber pieces or sediment, is tracked from the premises.

01.7 All processing, including shredding and granulating, and stockpiling of tyres must occur within the enclosed building.

01.8 Tyre processing must not involve heat (thermal) or chemical processing.

01.9 Vehicle and plant engines must be switched off when not in use.

02. Noise

02.1 Noise management and mitigation measures detailed in the planning application's noise assessment (*Statement of Environmental Effects*, prepared for Tyrecycle Pty Ltd, dated 16 September 2020, Element Environment Pty Ltd) must be implemented at the premises. These measures must include the following:

- a. keep roller doors closed where possible,
- b. truck engines to be switched off when not in use for extended periods; and
- c. complaints should be logged and investigated.

03. Tyre management

03.1 All tyre processing activities must occur within an enclosed building.

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Reporting Conditions

R1 Annual Return

R1.1 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 annual 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.

R2 Noise Monitoring Report

R2.1 A noise compliance assessment report must be submitted to the EPA within 30 days of the completion of the annual monitoring. The assessment must be prepared by a competent person and include:

- a) an assessment of compliance with noise limits presented in Condition L3.1 and L3.3; and
- b) an outline of any management actions taken within the monitoring period to address any exceedences of the limits contained in Condition L3.1 and L3.3.

Special Conditions

E1 Air Quality Management Plan

E1.1 An air quality management plan must be developed and implemented prior to the commencement of any dust generating activities associated with the premise.

The air quality management plan must include as a minimum:

- i) Risk assessment;
- ii) Proactive and reactive mitigation measures of all significant, and potentially significant, emissions sources
- iii) Key performance indicator(s);
- iv) Monitoring method(s);
- v) Location, frequency and duration of monitoring;
- vi) Record keeping;
- vii) Response mechanisms and contingency measures; and
- viii) Responsibilities;
- ix) Compliance reporting.

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E2 Post Commissioning Monitoring

E2.1 Within the first six months of operations and during a period of maximum operations, the proponent must undertake a monitoring program to confirm the air emission performance of the discharge points servicing the two cyclone filters. The monitoring required by this condition is contained in Table 1 below. The monitoring must be undertaken at a suitable location selected in accordance with TM-1 contained in the *Approved Methods for the Sampling and Analysis of Air Pollutants in NSW*.

Table 1 – Post commissioning monitoring

Pollutant	Unit of Measure	Sampling Frequency	Sampling Method
Solid Particles (total)	Milligrams per cubic metre	Special frequency 1	TM-15
Volumetric flow rate	Cubic metres per second	Special frequency 1	TM-2
Velocity	Metres per second	Special frequency 1	TM-2

Notes: Special frequency 1 means one round of monitoring for the associated pollutant

For each of the pollutants and parameters outlined in Table 1, the sampling methods are those contained in the *Approved Methods for the Sampling and Analysis of Air Pollutants in NSW*

E2.2 Within six weeks of completion of the monitoring program, the licensee must provide the EPA with a report that includes:

- The analytical results of monitoring undertaken for each discharge point
- A comparison of the emission rates determined from monitoring undertaken with the emission rates contained in the Air Quality Impact Assessment (the AQIA) prepared by Todoroski Air Sciences (September 2020).
- Where a comparison in 2(b) shows emission rates from monitoring results are greater than the emission rates contained in AQIA, the report must identify mitigation measures to achieve emission performance commensurate with the AQIA

The EPA may utilise the information contained in the report submitted to revise or include additional conditions in this EPL.

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Attachment – 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:

- 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. must be maintained in a proper and efficient condition; and
- 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.

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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.

This condition does not apply until 3 months after this condition takes effect.

Reporting conditions

Annual Return documents

What documents must an Annual Return contain?

The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:

- a. Statement of Compliance; and
- b. Monitoring and Complaints Summary.

A copy of the form in which the Annual Return must be supplied to the EPA accompanies this licence. Before the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.

Period covered by Annual Return

An Annual Return must be prepared in respect of each reporting, except as provided below

Where this licence is transferred from the licensee to a new licensee,

- a. the transferring licensee must prepare an annual return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
- b. the new licensee must prepare an annual return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.

Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an annual return in respect of the period commencing on the first day of the reporting period and ending on

- a. in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
- b. in relation to the revocation of the licence – the date from which notice revoking the licence operates.

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Deadline for Annual Return

The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').

Notification where actual load can not be calculated

Where the licensee is unable to complete a part of the Annual Return by the due date because the licensee was unable to calculate the actual load of a pollutant due to circumstances beyond the licensee's control, the licensee must notify the EPA in writing as soon as practicable, and in any event not later than the due date.

The notification must specify:

- a. the assessable pollutants for which the actual load could not be calculated; and
- b. the relevant circumstances that were beyond the control of the licensee.

Licensee must retain copy of Annual Return

The licensee must retain a copy of the annual return supplied to the EPA for a period of at least 4 years after the annual return was due to be supplied to the EPA.

Certifying of Statement of Compliance and Signing of Monitoring and Complaints Summary

Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:

- a. the licence holder; or
- b. by a person approved in writing by the EPA to sign on behalf of the licence holder.

A person who has been given written approval to certify a Statement of Compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review this licence.

Notification of environmental harm

Notifications must be made by telephoning the EPA's Pollution Line service on 131 555.

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,

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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:

- a. the cause, time and duration of the event;
- b. the type, volume and concentration of every pollutant discharged as a result of the event;
- c. 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; and
- d. 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;
- e. action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
- f. details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;
- g. 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 on the vehicle or mobile plant

A copy of this licence must be kept at the premises or on the vehicle or mobile plant 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 or operating the vehicle or mobile plant.