

TYRECYCLE PTY LTD DEVELOPMENT APPLICATION

REQUEST FOR INFORMATION



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NSW 2012

ABN 45 162 835 083

Dear Kathryn,

Thank you for providing the Record of Briefing minutes for the Sydney Western City Planning Panel briefing held on 16 November 2020.

Within this letter I have captured all panel requests for information and outlined the response to each query below.

The purpose of this letter is to sufficiently capture the response to the requested information for the Panel's consideration and subsequent determination of this application.

The application discloses no significant building works other than a new air filtration system.

This is correct. The development does not require any alterations to the existing warehouse building with the exception of installation of the air filtration system through the roof of the warehouse.

The development, inclusive of the operational plant, would be contained within the northern section of the existing warehouse building, which has capacity to house new plant and equipment, without the need to expand, alter or upgrade the existing warehouse building.

The internal floor space of the existing office facility would be modified as part of the project to accommodate a meeting room and other desirable operational requirements.

The development will require minor alterations to electrical infrastructure at the site, however no significant earthworks or ground disturbance will be necessary.

The Applicant asserts that the proposal is not designated development as the volume threshold will not be reached.

This is correct. As outlined in Section 3.2.2 of the Statement of Environmental Effects (SEE), the proposed development does not trigger the thresholds of designated development.

An EPA licence is however required.

This is correct. As outlined in Section 3.2.5 of the SEE, the proposed development triggers the requirement for an Environment Protection Licence (EPL) under the NSW Protection of the Environment Operations Act 1997. An EPL application has been submitted to the NSW Environment Protection Authority (EPA) who are currently reviewing the EPL application concurrent to the referral under integrated development provisions.

The DA was referred to the RMS as traffic generating development. A reply is yet to be received but no particular traffic issues are expected to arise.

Noted. As outlined in the SEE, no significant traffic impacts are anticipated.

Noise and odour are significant potential issues, but the Panel understands that Council expects they can be managed. The EPA licence will presumably address those issues.

The potential air and noise emissions to be generated by the development have been qualitatively assessed via technical assessments appended to the SEE. These assessments have included modelling of impacts in accordance with all relevant and applicable EPA guidelines. All air and noise criteria have been achieved and reviewed as acceptable by the EPA. The EPA will provide any required conditions of approval for the development in the general terms of approval.

For the purposes of SEPP 33, the issue of whether the application is likely to be hazardous or offensive should be addressed in the SEE, so it can be considered in the Council assessment report. Any assertion that the facility will not be offensive or hazardous should be substantiated by the Applicant by sufficient explanation of what noise, odour and other impacts can be expected, and how they will be managed.

It is considered that Section 5.4.8 of the SEE adequately considers SEPP 33. The application of SEPP 33 to the project has been determined in accordance with Applying SEPP 33 – Hazardous and Offensive Development Application Guidelines (NSW Department of Planning, 2011).

All hazardous substances and dangerous goods to be consumed, stored and/or transported by the development have been screened against the thresholds of Applying SEPP 33 (as outlined in the respective goods classification (e.g. diesel) specified in Section 5.4.8 of the SEE). All hazardous materials or dangerous goods would be transported, handled, stored and managed in accordance with relevant regulations and industry standards and would not exceed the thresholds of Applying SEPP 33. As such, the development does not constitute a potentially hazardous industry, and the assessment requirements of the SEPP, including the requirement for a preliminary hazard analysis, are not applicable to the development.

Potentially offensive industry is where in the absence of safeguards and controls, the project could 'emit a polluting discharge that could cause a significant level of offence'. Examples of this may include depositional dust, or operational noise impacts on adjacent residents or land uses.

Applying SEPP 33 states that a proposal is potentially offensive if it requires pollution licensing from the EPA. The granting of the licence by the EPA for the existing operations is sufficient to demonstrate that emissions can be effectively managed and, therefore, the proposal is unlikely to be offensive. The development constitutes a 'scheduled activity' under the POEO Act and an EPL is required for operation of the development.

The development would emit pollutants which in the absence of safeguards could cause offense. However, management measures have been incorporated into relevant models, which via the SEE and noise and air quality assessments have demonstrated that emissions would not exceed relevant criteria. Therefore, the development does not qualify as offensive development under SEPP 33.

The Panel understands that it is proposed that the whole of the operation is to be conducted within the building. An improved layout plan should be provided to show how that can be achieved, noting that the plan provided in the SEE does not appear to allow for the full range of operations likely to be required to carry out the proposed processing use. The plans should be legible with an appropriate scale, showing the

location of equipment and processing facilities, vehicle access within the site and the building, any physical alterations to the building layout, facades and roof line.

Revised architectural plans inclusive of the proposed internal plant layout and scale, proposed internal office alterations and proposed electricity substation installation have been provided as supporting documentation to this letter.

Vehicular access to the site and loading dock has been assessed via swept path analysis in Attachment 2 the traffic impact assessment appended to the SEE. It is demonstrated that all vehicles to access the site are able to manoeuvre safely. As heavy vehicles return to site with tyres, they would drive into the warehouse, offload the tyres into the designated area inside the warehouse, from which a front end loader would move the product within the warehouse to the tyre feeder feeding the processing equipment. There is no need for reversing movements within the warehouse. An indicative internal vehicle movement path is also indicated on the revised architectural plan.

There are no proposed alterations to the existing building other than installation of the air filtration system. The location and scale of the proposed air filtration system has now been provided on the revised architectural plans.

It is demonstrated that there is sufficient space within the warehouse floor space to adequately house the operational plant, whilst retaining floor space for various materials storage and other daily operations.

The conditions on any recommendation for approval should be clear as to the operation being conducted entirely within the building, or alternatively clear as to any activities which may acceptably be carried out outside.

With the exception of heavy vehicles delivering raw materials to site and dispatching end product, along with intermittent movements of equipment such as forklifts and skid steer loaders, all proposed operations would be confined within the warehouse building. There is no requirement for storage or stockpiling of raw materials, waste tyres or final products outside the warehouse building. Further, the requirement for storage of waste tyres inside the warehouse is anticipated to be minimal given that all incoming waste tyres are generally processed within 24 hours of receipt.

Tyrecycle are not opposed to a condition of consent outlining which activities are permitted outside the warehouse and can work with Council to ensure the wording of any condition is accurate to the proposed operations.

The Panel noted that the applicant has advised that it is reducing the scale of the development currently conducted in St Marys. The Panel would ordinarily expect that the introduction of new more efficient equipment would allow increased output. For that reason caution should be taken during the assessment to ensure that the proposed output is practical and workable, and that the conditions are enforceable to protect against exceedance of the scale of the permitted operation.

Tyrecycle have positioned the sought tonnage limit of 29,000 tonnes per annum to meet their current processing requirements. Tyrecycle previously held an account with Beaurepairs which generated regional work and represented the additional volume previously sought and approved for the St. Marys site. As such, despite the St Mary's site having consent for a higher volume, current operations are comparative to the quantity being sought for this development application. If required, Tyrecycle can provide sales data to prove the level they are currently operating at when compared to the historical levels when they had the Beaurepairs contract.

With the procurement of state of the art plant and Tyrecycle's desire to produce rubber crumb domestically within NSW, it is their hope that they will be able to attract more volume from the retail sector. In this eventuality, a separate designated development consent will likely be

lodged in the future to assess and consent a higher production capacity in excess of the designated development threshold.

As initially advised to Council, given Tyrecycle's requirement to vacate their St Marys site at the end of 2020 and move to this alternate site at Erskine Park, a strategic decision was made to set the production capacity below the threshold for designated development given that the approval timeframe for designated development would not be achievable in the timeframes required. Tyrecycle fully understand the maximum production levels which will be specified as part of this development consent and that any desired increase to this level would be subject to a separate and future designated development application.

Tyrecycle have no objection to a specific condition of consent outlining the maximum permitted production for the site.

Further to the panel requests, I have also referenced your additional notes provided via email correspondence on 17 November 2020. A response to your request for information is also provided below.

Council require an architectural layout plan of the proposed internal arrangements of the facility which locates all of the areas for various storage, staff, plant machinery locations and truck manoeuvring areas. Any bagging machines, bagging areas and weighbridge infrastructure is to be shown on plans, as is the commercial waste collection and storage areas.

Revised architectural plans inclusive of the proposed internal plant layout, proposed internal office alterations and proposed electricity substation installation have been provided as supporting documentation to this letter. The proposed weighbridge location and indicative waste receptacle locations are also indicated.

An operational waste inventory is provided within the SEE and outlines the expected waste streams, quantities and proposed storage receptacles. An abundant supply of waste receptacles would be provided at various locations within the office and warehouse floor, with a central waste storage facility designated on the warehouse floor. The waste bins would be regularly emptied via a licenced waste contractor.

It was raised that the layout plan embedded in the SEE was not of sufficient quality to allow a proper assessment and that pallet racking was still shown, and some parts illegible and not to scale.

Revised architectural plans inclusive of the proposed internal plant layout, proposed internal office alterations and proposed electricity substation installation have been provided as supporting documentation to this letter.

Warehouse staff amenities were raised as an area that needs to be fully detailed on the plans, in particular as the site will be operating 24/7. It was noted by the Panel that staff amenity needs/requirements in a 24hr facility were higher.

The architectural plan for the office layout was submitted as Appendix C of the SEE. This plan shows the proposed staff amenities (offices, kitchen, change rooms, showers, toilets etc). These facilities contain all staff amenities required to satisfy all workplace health and safety requirements. The revised architectural plans also now include this proposed office layout in context of the overall warehouse facility.

Existing bathroom facilities are also located on the operational warehouse floor and would continue to be utilised.

It was also asked that Council make clear in its assessment the intent of the future of the activity at the site noting the reduction in tyre tonnage moving from St Marys to the

new site (being a significant deficit), and to clarify if there were plans to seek SEARs in the future. This was seen as essential background knowledge, in that Council's conditions will need to be firm around tonnage and detail how this will be regulated, particularly given the threshold for Designated development is 30,000t and is so close to the proposed 29,000t.

Refer to the response to the Panel's similar request above.

The proposed substation is to be noted on plans and any landscaping impacts detailed.

In the time since submission of the development application and SEE, Tyrecycle's electrical engineer has consulted with Endeavour Energy on the proposed substation location within the property boundary. Endeavour Energy require that the substation not be located within the bounds of the property and as such the substation is required to be relocated adjacent to the existing substation within the road verge of Grady Crescent. The new substation would be located adjacent to the north of the existing substation and would require the removal of one juvenile Spotted Gum landscape tree. This tree removal is consistent with the previous SEE which also assessed the removal of a tree of the same species, which would now be retained within the property boundary. The tree to be removed was previously planted during landscaping of the warehouse following construction and has no ecological significance. The removal of the planting would have no significant impact on biodiversity values given the vegetation comprises landscape vegetation with no potential habitat for threatened fauna species.

The proposed substation location has now been provided with the revised architectural plans supporting this letter.

The opportunities for supplementary landscaping within the immediate vicinity of the proposed substation are not feasible given the requirements for clearance to the electricity infrastructure for routine maintenance by Endeavour Energy.

A roof plan should be provided which details the plant machinery (roof mounted), finished maximum height and any alterations to the roof proposed.

Revised elevation plans of the warehouse have now been included to outline the position and maximum height of the air filtration system. No other alterations to the warehouse building are required.

Please clarify if driver accommodation is required.

No driver accommodation is required.

Please clarify what external lighting is existing.

Existing lighting at the site (as approved in the prior development application) is outlined on the provided lighting drawing. The lighting conforms to Australian Standards and no additional lighting is required or proposed for the Tyrecycle development.

The Panel also raised that the SEE / package of DA information does not adequately address SEPP 33 in terms of supportive evidence.

Please refer to the response for the Panel's similar request above.

I trust this information assists in the Panel's determination of this application. Should you have any questions on the development or above responses, please do not hesitate to get in touch with me.

Kind Regards

A handwritten signature in black ink, appearing to read 'Luke Farrell', with a stylized, cursive script.

Luke Farrell

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