

SWCPP MEMORANDUM

Reference: PPSSWC-326 (Council Reference: Mod23/0058)
To: Sydney Western City Planning Panel Secretariat
From: Jacqueline Klincke – Senior Development Assessment Planner
Date: 8 December 2023
Subject: **Modification to Approved Tyre Recycling Facility to Increase Processing Capacity**

I refer to the above matter which was subject to a final briefing and e-determination with the Sydney Western City Planning Panel (the Panel) on 27 November 2023. The matter was deferred by the Panel until 11 December to enable Council and the Applicant to further investigate the adequacy of the existing and proposed fire safety measures due to the potential increase in fire risk resulting from the proposed modification to increase processing capacity.

The purpose of this memorandum is to advise the Panel of the findings, and present further information, including an amended and additional conditions of consent that have been agreed upon by both parties in ensuring the continued fire safety compliance of the building and minimise fire risk.

This memorandum also outlines amendments to other recommended conditions of consent (unrelated to that of fire safety). The amendments have been agreed to by both parties, following on from further discussions with the Applicant, as per correspondence dated 24, 29 and 30 November 2023.

1. Fire Safety

On 7 December 2023, the Applicant submitted additional information including:

- Amended Statement of Environmental Effects
- Amended Operational Plan of Management
- Supplementary Legal Advice
- Technical Note – Fire Risk Assessment

The additional information submitted confirmed the originally submitted Fire Risk Assessment, completed by ARUP, dated 9 September 2022, was prepared on the basis that the site would increase its maximum storage capacity from 970 tonnes to 1,600 tonnes at any one time. However, this component of the modification was removed from the application prior to lodgement, but the Fire Risk Assessment and recommended mitigation measures were not updated accordingly. In this regard, aspects of the assessment and recommendations are incorrect or are not relevant to the subject modification application.

The development will continue to follow its existing Environmental Protection License conditions relating to the storage of waste being:

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1. The maximum amount of waste permitted on the Premises cannot exceed 970 tonnes at any one time.
2. The maximum of 60 tonnes of waste lead acid batteries and/or waste oil is permitted to be stored at the premises at any time.

In this regard, the Technical Note reassessed the development against the Fire and Rescue NSW's *Guideline for Bulk Storage of Rubber Tyres* and recommended revised mitigation measures, including the implementation of a Stockpile Management Plan ensuring stockpile pens not exceed 3.7m in height and 30m² in total area size, with a minimum clearance of 2m between tyre stacks and a minimum of 1m clearance along travel paths – this will be controlled by bay/area demarcation and height markers.

The Technical Note also outlined other fire safety measures that have already been implemented by Tyrecycle including:

- Site security measures associated with locking and securing doors and sliding doors after-hours.
- Monitoring of tyre stocks to ensure no organic material contamination is present that could provide more readily ignitable material.
- Thermal scans of all major electrical systems.
- Maintenance checklists followed in accordance with the MEX system.
- Updated emergency response plans.
- A fire extinguisher appropriate to addressing lead battery fires be provided.

Upon further correspondence, dated 8 December, ARUP clarified that the only safety measures that are required to be implemented as part of the modification application are those outlined within the Technical Note (i.e. those discussed above) and not those recommended within the Fire Risk Assessment. Subsequently, the revised fire safety measures have been incorporated into the amended Statement of Environmental Effects and amended Operational Plan of Management.

In this regard, to ensure compliance with these measures and controls, Council has recommended amendments to Condition 6 requiring compliance and adherence to the Technical Note, in conjunction with the amended Operational Plan of Management and any other fire protection conditions outlined within the relevant Environmental Protection Licence. Condition 6 has also been amended to include the submission of any fire safety inspections, audits or other documentation relating to fire safety to Council annually.

An additional condition of consent also been recommended requiring an updated Fire Risk Assessment be prepared and submitted to Council prior to the increase in processing capacity to remove any inconsistencies.

Below are the modified/added conditions of consent as agreed by both Council and the Applicant:

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Original Condition (Condition 6)

The development is to remain compliant 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 Rubber Tyres 2014*.

Proposed Amended Wording (Condition 6):

The development shall comply with the NSW Fire & Rescue *NSW Fire safety guideline: Fire management in waste facilities 2020*, the NSW Fire & Rescue *Guidelines for Bulk Storage of Rubber Tyres 2014*, and any fire protection conditions outlined within the relevant Environmental Protection Licence.

The development shall also comply with and adhere to Stockpile Management Plan and the mitigation measures and controls as outlined within Section 4 "Stockpile Management Plan" and Section 5 "Other Fire Safety Measures" of the Technical Note, prepared by ARUP, dated 7 December 2023, as well as Section 2.4 "SEE safeguards" within the approved Operational Plan of Management, dated 7 December 2023.

Any fire safety inspections, audits or other relating documents pertaining to fire safety shall be submitted to Penrith City Council on an annual basis.

Proposed New Condition (Condition 40)

Prior to the increase in processing capacity to 60,000 tonnes per annum, an updated Fire Risk Assessment shall be submitted to Penrith City Council. The Fire Risk Assessment shall consolidate the Fire Risk Assessment dated 9 September 2022 and the Technical Note, dated 7 December 2023, and remove inconsistencies.

2. Condition 3 – recommended to be deleted

Original Condition:

The relevant Construction Certificate plans are to include a minimum 99kw roof top solar system to improve the net environmental performance of the facility as a whole. The system is to be operational within 12 months of the issue of any Occupation Certificate.

Once installed and operational, written confirmation that the system has been installed and is operational is to be submitted to the Manager of Development Services at Penrith City Council.

Justification for Deletion:

The application has confirmed the required solar panels have now been installed and are operational. Therefore, this condition no longer applies to the proposal. An aerial image of the warehouse demonstrating the solar panel system has been installed is provided in Image 1 below.

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Image 1: Aerial Photo of Tyrecycle Warehouse. Dated 22 October 2023.
Source: NearMaps

3. Condition 4 – recommended to be amended

Original Condition:

All activities related to the approved waste or resource recovery operations including loading, unloading, receipt, storage, processing and transport of tyres and any ancillary used batteries, used oil drums, used oil filters and the like, are to be undertaken within the warehouse building.

No approval is granted for external storage of tyres or other materials or for the placing of storage containers, including shipping containers in the external areas of the site.

Proposed Amended Wording:

All activities related to the approved waste or resource recovery operations shall adhere to the approved Operational Plan of Management, dated 7 December 2023.

No approval is granted for the permanent storage of tyres or other materials or for the placing of storage containers, including shipping containers in the external areas of the site. Temporary storage, loading and unloading is permitted external to the building.

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Justification for Amendment:

The amended wording reflects minor changes to the overall operations to accommodate the increased processing capacity.

The applicant has confirmed that trucks will temporarily park in the loading dock and be unloaded and loaded with shipping containers and/or crumbed and granule products stored in pallets external of the warehouse. Therefore, to avoid any risk of non-compliance, an amendment to allow for temporary storage, loading and unloading external to the warehouse was requested. It is noted this is in line with the submitted Operational Plan of Management.

Council raises no objections to this change in operations, noting the permanent storage, loading and unloading is not permitted.

4. Condition 8 – recommended to be amended

Original Condition:

To ensure that the development does not exceed the threshold for designated development the proposed operation of a tyre processing facility (waste management facility) with ancillary storage and transfer of oil filters, oil drums and car batteries, is limited to a maximum handling capacity of no more than 30,000 tonnes per year of waste metal and rubber. Handling capacity includes the sorting, consolidating or temporary storage or material recycling of waste materials.

The approved activities at the site must not exceed the tonnages specified within the approved documentation, and as per the issued General Terms of Approval and related Environmental Protection License issued by the Environmental Protection Authority (EPA). A log book or similar record containing evidence of total material tonnage received and stored per annum, is to be kept at the site and is to be made available for the EPA or Council inspection, upon request.

Proposed Amended Wording:

The operation of the tyre processing facility (waste management facility) is limited to receive and process no more than 60,000 tonnes per year to produce and dispatch tyre derived products and tyre derived fuels.

The approved activities at the site must not exceed the tonnages specified within the approved documentation, and as per the issued General Terms of Approval and related Environmental Protection License issued by the Environmental Protection Authority (EPA). A log book or similar record containing evidence of total material tonnage received and stored per annum, is to be kept at the site and is to be made available for the EPA or Council inspection, upon request.

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Justification for Amendment:

Reference to 'designated development' has been removed as it has been confirmed through supplementary legal advice that the application, being for a modification of an existing consent, is not an application for designated development. The revised condition also reflects the proposed increase in processing capacity.

5. Supporting Documentation

Considering the above, the following documents accompany this memorandum:

- Updated Assessment Report with full set of revised conditions
- Technical Note for Fire Risk Assessment
- ARUP Technical Note Clarification
- Updated Statement of Environmental Effects
- Updated Operational Plan of Management
- Supplementary Legal Advice – Fire Safety
- Amended Condition Confirmation Correspondence