

29 November 2023

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Dear Ms Bennett,

Summary of Advice – Modification Application – DA20/0589 – MOD23/0058

1 Introduction

- 1.1 We refer to our previous advice dated 10 November 2022 and 5 June 2023 regarding the proposed modification to DA20/0589 by Tyrecycle Pty Ltd to increase the handling capacity (**Proposed Modification**) at its facility located at 1-21 Grady Street, Erskine Park (**Site**).
- 1.2 This is supplementary advice to address specific concerns regarding fire safety which have been raised by the Western Sydney City Planning Panel (**Planning Panel**) on 27 November 2023.
- 1.3 Specifically, the Planning Panel correctly noted that fire safety/risk was not a factor that was considered in our previous advice regarding the test of substantially the same development.
- 1.4 The purpose of this advice is to clarify that fire safety/risk does not alter our assessment that the Proposed Modification is substantially the same as the development for which development consent was originally granted.

2 Fire Risk

- 2.1 We are instructed that there is no increased risk to fire safety as a result of the Proposed Modification due to the fire safety mitigation measures which are to be incorporated into the proposed development.

3 Fire Safety Mitigation Measures

- 3.1 The Proposed Modification includes the following physical changes to the existing development to mitigate against fire safety risk associated with the increased handling capacity at the Site:
 - (a) the installation of additional thermal cameras;
 - (b) the appropriate arrangement of tyre stockpiles to limit storage area and stockpile height.
- 3.2 In addition, the Proposed Modification references the following systems changes:
 - (a) Site security measures to ensure that the facility remains enclosed;
 - (b) monitoring of tyre stocks, including by use of thermal scans; and,

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(c) ensuring maintenance checklists are followed.

(Fire Safety Mitigation Measures).

4 Substantially the Same Development

- 4.1 The legal test of what is meant by being 'substantially the same development' was detailed in our advice of 10 November 2022.
- 4.2 In our opinion, the Fire Risk associated with the Proposed Modification does not change our view that the proposal is substantially the same as the original development for the following two key reasons:
- (a) there is no net increase to fire safety risk that results from the Proposed Modification – and therefore no change in environmental impact; and,
 - (b) the physical features of the Fire Safety Modifications are minimal and do not alter the essence of the development.
- 5 For the above reasons, it is our view that the consent authority has the power to grant consent to the modification application.
- 6 Please let us know if you require further clarification on any part of our advice.

Yours sincerely



Matthew Cole