

Katelyn Davies

From: Luke Farrell <luke@elementenvironment.com.au>
Sent: Thursday, 30 November 2023 12:12 PM
To: Jacqueline Klincke
Cc: Neville Hattingh; PR230; Megan Coles; Ryan Hodgson
Subject: RE: 1-21 Grady Crescent, Erskine Park
Attachments: Fire Engineer Report - 2320004-RPT02-1 (1).pdf; Legal advice - fire risk.pdf

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Hi Jacqueline,

Thanks for the call earlier. As discussed, we have picked up in a review of the ARUP fire risk assessment submitted for the modification application that it assessed a previous notion to increase internal storage quantities from 970 tonnes to 1,600 tonnes. This was subsequently abandoned in the final application.

| Storage Type | Existing Storage Capacity | Proposed Storage Capacity | Increase in Capacity |
|--|---|---------------------------|-----------------------------|
| Pre-processed tyre stacks | Up to 300 Tonnes | Up to 700 Tonnes | +400 Tonnes |
| Crumb storage (Stored in bags within racking) | Up to 500 Tonnes | Up to 650 Tonnes | +150 Tonnes |
| TDF storage | Up to 140 Tonnes | Up to 150 Tonnes | +10 Tonnes |
| WIP Stock (Granules) In bulk bags (Stored alongside TDF Storage) | Up to 100 Tonnes | Up to 100 Tonnes | No increase |
| TOTAL Note 1 | <970 Tonnes ^{Note 2} | Up to 1,600 Tonnes | +620 Tonnes (+ ~63%) |

As the assessment was based on this scope, it identified some recommendations (which subsequently went into the Statement of Environmental Effects and Operational Plan of Management) which are no longer applicable given there will be no change to the storage quantities.

We therefore need to revise the SEE and OPM to reflect the change and remove these mitigation measures which are not applicable.

We understand that this may delay the final panel approval this week. Please let us know once Council confirm arrangements with the panel and any implications.

I have attached the legal advice and fire report requested.

Regarding your revised conditions, please see below for a minor amendment to condition 8. Condition 4 is fine to be finalised.

Thanks
Luke

Condition 8:

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

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(s) 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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From: Jacqueline Klincke <jacqueline.klincke@penrith.city>
Sent: Wednesday, November 29, 2023 4:58 PM
To: Luke Farrell <luke@elementenvironment.com.au>
Cc: Neville Hattingh <neville@elementenvironment.com.au>; PR230 <PR230@elementenvironment.com.au>; Megan Coles <megan.coles@tyrecycle.com.au>; Ryan Hodgson <Ryan.Hodgson@tyrecycle.com.au>
Subject: FW: 1-21 Grady Crescent, Erskine Park

Hi Luke,

I tried to call you earlier, but you weren't available.

Our fire safety officer is still working through your email received yesterday and the documents submitted as part of the application.

However, she has requested a copy of the Fire Engineering Report, prepared by Exova Warrington Fire, dated 30/10/2013. This document was referred to in the Fire Risk Assessment, prepared by ARUP, whereby an abstract was provided on Page 5.

The Fire Engineering Report, prepared by Bodycote Warrington Fire, dated 27 April 2009, which was submitted as part of the modification application and emailed yesterday, outlines the bulk of proposed activities conducted in the warehouse involve the storage of cartons on pallets for paper and cardboard (approximately 60%), glassware, clothing, pens, toys etc (see page 19 of 79) – not rubber and metal. Therefore, this report cannot be relied upon.

Please call me if you have any questions.

Thanks,

Jacqueline Klincke
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From: Jacqueline Klincke
Sent: Wednesday, November 29, 2023 12:02 PM
To: Luke Farrell <luke@elementenvironment.com.au>
Cc: Neville Hattingh <neville@elementenvironment.com.au>; PR230 <PR230@elementenvironment.com.au>; Megan Coles <megan.coles@tyrecycle.com.au>; Ryan Hodgson <Ryan.Hodgson@tyrecycle.com.au>
Subject: RE: 1-21 Grady Crescent, Erskine Park

Hi Luke,

Thanks for sending this through. We will review and get back to you with any amended/new conditions of consent regarding fire risk and safety.

However, I remember the Panel requesting an addendum to the legal advice reiterating that the development is substantially the same development with no material change to fire risk/safety? Is this something that you can provide before COB today?

Furthermore, below are the conditions I have amended as per your email last Friday. Please review and let me know if you have any concerns:

Condition 3:

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Condition 4:

All activities related to the approved waste or resource recovery operations shall adhere to the approved Operational Plan of Management, dated 17 August 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.

Condition 8:

The operation of the tyre processing facility (waste management facility) is limited to a production rate of no more than 60,000 tonnes per year of waste metal and rubber.

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(s) 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.

Thanks,

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From: Luke Farrell <luke@elementenvironment.com.au>
Sent: Tuesday, November 28, 2023 4:53 PM
To: Jacqueline Klincke <jacqueline.klincke@penrith.city>
Cc: Neville Hattingh <neville@elementenvironment.com.au>; PR230 <PR230@elementenvironment.com.au>; Megan Coles <megan.coles@tyrecycle.com.au>; Ryan Hodgson <Ryan.Hodgson@tyrecycle.com.au>
Subject: RE: 1-21 Grady Crescent, Erskine Park

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Hi Jacqueline,

Thanks for your call earlier to discuss the request from SWCPP in yesterday's briefing. As discussed, I note condition 27 of the existing consent (below) could continue to cover the fire safety risk?

Fire Engineering Report 232000... Tyrecycle Erskine Park_Letter to... Statement of Environmental Eff... Notice of Determination... X + Create

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25 The stormwater drainage system shall not be altered or new lines directed into the system without the prior approval of Penrith City Council.

26 Any liquid discharge from any installed air handling systems, resulting from operation, maintenance and/or cleaning operations, is to be disposed of into the sewer system. Discharge into the stormwater disposal system is not permitted.

BCA Issues

27 All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the on-going benefit of the community. Compliance with the performance requirements can only be achieved by:

- (a) complying with the deemed to satisfy provisions, or
- (b) formulating an alternative solution which:
 - complies with the performance requirements, or
 - is shown to be at least equivalent to the deemed to satisfy provision, or
 - (c) a combination of (a) and (b).

It is the owner's responsibility to place on display, in a prominent position within the building at all times, a copy of the latest fire safety schedule and fire safety certificate/ statement for the building.

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Utility Services

Section 5.4.5 of the Statement of Environmental Effects also contains fire mitigation measures developed in line with the Arup risk assessment.

Per our previous RFI response in August 2023, Tyrecycle confirmed with the landowner for 1-21 Grady Crescent, Erskine Park that a fire engineer report was prepared for the construction of the warehouse building (DA 13/0193) by Bodycote Warringtonfire (Australia) Pty Ltd (attached). The report specified the positioning of exit doors, including compliance with the Building Code of Australia (BCA).

In line with the aims of Condition 27, where deemed to satisfy provisions were not met, alternative solutions were proposed to satisfy the BCA performance requirements.

It was noted via a review of the fire risk assessment report provided as part of the modification application (ARUP, 2022) that the Arup overlooked the details captured in the fire engineer report (2009) which outlines the performance solution in place for the exit door. As a result, the report (ARUP, 2022) incorrectly identified that a performance solution is required for the proposed modification application.

A fire compliance review was also carried out as part of the original development application which examined the existing sprinkler system at the site and adequacy for a tyre recycling facility (attached).

For some additional management context, Tyrecycle have a full suite of emergency response documents in place, along with the Pollution Incident Response Management Plan that they operate under.

It is not a requirement for Fire and Rescue NSW (FRNSW) to attend the site, however Tyrecycle do seek to invite them to visit the site every 12-18 months.

With this in mind, FRNSW visited the site last year and examined Tyrecycle's fire management system, team training and emergency documentation, however they did not want to be provided a copy of Tyrecycle's documents, nor do they issue any letter of compliance.

Tyrecycle also have a Hazmat box located at the front of the site which contains all of the emergency response documentation for the site.

Under the existing Environment Protection Licence (Condition O7.1), Tyrecycle are required to store waste tyres in accordance with NSW Fire safety guideline: Fire management in waste facilities 2020 and NSW Fire and Rescue Guidelines for Bulk Storage of Rubber Tyres 2014. We also note this is reiterated in Condition 6 of the existing development consent which requires Tyrecycle to remain compliant with these guidelines which outline the requirements for storage.

O7 Waste management

- O7.1 All Waste tyres stockpiled at the premises must be stored in accordance NSW Fire & Rescue *NSW Fire safety guideline: Fire management in waste facilities 2020* & *Fire and Rescue Guidelines for Bulk Storage of Rubber Tyres 2014*.**
- O7.2 All Waste tyres (including whole tyres, shredded or crumbed tyre and tyre crumb piles in the enclosed facility.**
- O7.3 The maximum height of any processed or unprocessed waste tyres stored must not exceed 3.7 metres in height above ground level.**

With the above considered, we believe that existing consolidated conditions of consent in DA 20 0589 and the EPL will continue to guide compliance with the relevant FRNSW guidelines and BCA requirements.

Please let us know if there is anything that you need from us to provide a response to the panel for final determination?

Thanks
Luke



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From: Jacqueline Klincke <jacqueline.klincke@penrith.city>
Sent: Thursday, November 23, 2023 5:04 PM
To: Luke Farrell <luke@elementenvironment.com.au>
Cc: Megan Coles <megan.coles@tyrecycle.com.au>; PR230 <PR230@elementenvironment.com.au>
Subject: RE: 1-21 Grady Crescent, Erskine Park

Hi Luke,

Hope you are well.

I tried to call you a couple of times this afternoon however you weren't available.

In preparation of our final briefing meeting with the SWCPP on Monday, I have attached a copy of the draft conditions.

If you could review the conditions and let me know if you have any concerns / request any changes. The consent has been modified as per below:

- Condition 1 – amended to include updated reports / documentation.
- Condition 8 – amended to reflect maximum handling capacity of 60,000 tonnes.
- Condition 40 – added requiring copy of modified EPL to be submitted to Council.
- Condition 41 – added requiring further information regarding water conservation measures be submitted to Council as per discussions with Council's Waterways officer Tim Gowing.
- Conditions 42-45 – added as per EPA referral comments and recommendations.

Happy for you to call me to discuss.

Thanks,

Jacqueline Klincke
Senior Development Assessment Planner
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From: Luke Farrell <luke@elementenvironment.com.au>
Sent: Wednesday, November 15, 2023 1:23 PM
To: Jacqueline Klincke <jacqueline.klincke@penrith.city>

Cc: Megan Coles <megan.coles@tyrecycle.com.au>; PR230 <PR230@elementenvironment.com.au>
Subject: 1-21 Grady Crescent, Erskine Park

Hi Jacqueline,

Just wanted to touch base prior the final panel meeting later this month. Has Council finalised its assessment of the application? Is there any update you are able to share in advance of the meeting?

Thanks
Luke



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