

# General Terms of Approval

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Notice No: 1643650



Fairfield City Council  
Planning Assessments  
86 Avoca Road  
Wakeley NSW 2176

Attention: Mason Shute

Notice Number      1643650  
Date                    04-Oct-2024

**Re: Re: Resource Recovery and Waste Storage (waste or resource transfer station) 68 Victoria Street, Smithfield NSW 2164 (Lot 9&10, DP 239868).**

**Issued pursuant to Section 4.46 Environmental Planning and Assessment Act 1979**

I refer to the development application (DA 3.1/2024) and accompanying information provided for the proposed Resource Recovery and Waste Storage facility, at 68 Victoria Street, Smithfield NSW 2164 (Lot 9&10, DP 239868), received by the Environment Protection Authority (EPA) via the CNR Portal (CNR-64921).

The EPA understands Tyrex Australia Pty Ltd (the Proponent) is seeking development consent for receiving, consolidating and onforwarding of 30,000T of waste tyres (rubber) per annum (the Proposal). The EPA understands that the Proposal includes 5-10 tonnes per week of steel wire collection for further processing at steel mills.

The EPA has reviewed the information provided and determined that we are able to issue a licence for the proposal, subject to a number of conditions. The Proponent will need to make a separate application to the EPA to obtain this licence, if consent approval is granted.

The general terms of approval for this proposal are provided at Attachment A. If Fairfield City Council grants development consent for this proposal these conditions should be incorporated into the consent. In addition, mandatory conditions that are typically included in an EPA licence are also provided at Attachment B.

These general terms relate to the development as proposed in the documents and information currently provided to the EPA. If the development is modified either by the Proponent 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 the EPA to determine whether its general terms need to be modified in light of the changes.

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Due to continuing concerns regarding the proposed amount of waste tyres to be stored on-site at any one time, the EPA has contacted Council and the Proponent regarding approval for a lower quantity. On 4 October 2024 the EPA received emailed confirmation of agreement with this proposal from the Proponent. As such the EPA has provided conditions for an authorised amount that aligns with the current 'Fire & Rescue NSW - Guidelines for bulk storage of rubber tyres' (Fire Guidelines).

The EPA has approved stockpile limits of 12.5t for the 6 internal stockpiles within the centre of the building and reduced the size of the shred pile to 12.5t. The EPA cannot approve the storage of 66t of crumb rubber along the internal building wall as, to the EPA's understanding, it does not meet the requirements of the Fire Guidelines. The Proponent will need to request a Fire Safety Study (in accordance with DPE's guidelines) before applying for a modification to the development consent in the future to increase the on-site authorised amount if desired.

If you have any questions or wish to discuss this matter further, please contact Hannah Lyons on 02 9995 5548.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'G Orel', is positioned above the printed name.

.....  
**George Orel**

**Unit Head**

**Environment Protection Authority**

(by Delegation)

Encl.      Attachment A – EPA Recommended Conditions of Consent  
              Attachment B – EPA mandatory conditions

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## Attachment A – Specific conditions for DA 3.1/2024

### 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 DA 3.1/2024 submitted to Fairfield City Council on 11 January 2024;
- any environmental impact statement (EIS) relating to the development; and
- all additional documents supplied to the EPA in relation to the development.

#### **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.

**A4.1** - Any reference to 'waste tyres' in this document means used, rejected or unwanted tyres, including casings, seconds, shredded tyres or tyre pieces.

### **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.

#### **L5. Waste**

**L5.1** The licensee must not cause, permit or allow any waste to be received at the premises, except the wastes expressly referred to in the column titled "Waste" and meeting the definition, if any, in the column titled "Description" in the table below.

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. This condition does not limit any other conditions in this licence.

| Code | Waste       | Description  | Activity                            | Other Limits   |
|------|-------------|--|-------------------------------------|--|
| N/A  | Waste tyres | As defined in Schedule 1 of the POEO Act, in force from time to time | Resource recovery and waste storage | The total quantity of waste tyres processed at the Premises must not exceed 87.5 tonnes at any one time and must not exceed 30,000 tonnes per year |

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*Note – The Licence can store no more than 20 tonnes of steel wire created from the processing of waste tyres on site at any one time.*

**L5.2** Notwithstanding any limit specified in the table, the licensee shall not exceed the authorised amount specified in this licence.

**L5.3** The authorised amount of waste (processed and unprocessed) permitted on the premises cannot exceed 87.5 tonnes of waste tyres as defined in L5.1 and 20 tonnes of steel wire.

## **L6. Noise limits**

**L6.1** All feasible and reasonable noise and vibration mitigation and management measures should be implemented to minimise impacts associated with the construction works on surrounding sensitive receivers. Any ongoing operational noise emissions associated with the proposed works should be assessed in accordance with the Noise Policy for Industry.

## **7. Hours of operation**

**L7.1** All construction work at the premises must only be conducted in alignment with development consent.

**L7.2** The hours specified in conditions L7.1 may be varied with written consent if the EPA is satisfied that the amenity of the residents in the locality will not be adversely affected.

**L7.3** All operational work at the premises must only be conducted in alignment with development consent.

## **Operating conditions**

### **O1. Odour**

**O1.1** No condition of this licence identifies a potentially offensive odour for the purposes of section 129 of the Protection of the Environment Operations Act 1997.

*Note: Section 129 of the Protection of the Environment Operations Act 1997 provides that the licensee must not cause or permit the emission of any offensive odour from the premises but provides a defence if the emission is identified in the relevant environment protection licence as a potentially offensive odour and the odour was emitted in accordance with the conditions of a licence directed at minimising odour.*

### **O2. Dust**

**O2.1** Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

**O2.2** Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

**O2.3** The licensee must ensure that dust inside the building is controlled by the integrated dust collected system onsite.

### **O3. Stormwater Management System**

**O3.1** The Applicant must design, install and operate a stormwater management system prior to commencement of

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operations. The system/applicant must:

- a. be designed by a suitably qualified and experienced person(s), generally in accordance with the guidelines Managing urban stormwater: soils and construction, vol. 1 (Landcom 2004) and vol. 2 (A. Installation of services; C. Unsealed roads; D. Main Roads DECC, 2008) and applicable Australian Standards and in consultation with the EPA;
- b. divert existing clean surface water around operational areas of the site (internally, externally and under the awning);
- c. provide details on how wastewater generated in Lot 9 and Lot 10 will be diverted to the reticulated Sydney Water sewerage system.
- d. provide confirmation that Sydney water has granted a trade waste agreement for the premises. If not, details on how wastewater will be managed while this agreement is being granted.
- e. provide a map illustrating the proposed bunding for the Premises. A detailed assessment should also be provided which demonstrates that the bunding is fit for purpose, and
- f. provide details on how cross-contamination of clean and sediment or leachate laden water will be prevented.

**03.2** The licensee must maintain a Stormwater and Spill Management Procedure at the premises to manage stormwater spills, firewater, and any other liquid runoff at the premises

The Procedure must include but may not be limited to the following

- a. a map or plan of any clean and dirty water catchments
- b. the assessment and appropriate management of any water collected in bunds
- c. Sump management and maintenance of bund capacity
- d. Training programs
- e. Spill Response
- f. Housekeeping and catchment cleanliness.

**03.3** Stormwater treatment devices must be routinely inspected and maintained to ensure effective operation.

**03.4** The operator must maintain and clean the internal surfaces and floor of the processing building.

**03.5** The licensee must ensure that no material, including sediment or oil, is tracked from the premises.

**03.6** Any leachate generated at the premises must not come into contact with stormwater or any stormwater infrastructure.

**03.7** Leachate is not permitted to be discharged from the premises.

## **04 Processing and storage**

**04.1** The building doors must be closed at all times except for vehicle entry and exit.

**04.2** All operations undertaken inside the building (i.e., loading, unloading, handling, sorting, screening) must be undertaken when doors are closed.

**04.3** All waste tyre unloading, sorting, processing and storage undertaken at the premises must be done inside the building.

**04.4** No waste tyres are to be stored outside the building at any time.

**04.5** Steel wire must be stored under the awning.

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**04.6** Waste is only permitted to be stored in the dedicated storage areas on the premises. No waste or waste derived material is permitted to be stored on the premises outside of these areas.

**04.7** There must be no burning or incineration of waste at the premises.

**04.8** All non-conforming waste received at the premises must be disposed of at a facility that can lawfully receive that type of waste as soon as practicable.

**04.9** The licensee must ensure there is a dedicated waste quarantine area on the premises. This area must be clearly signposted.

**04.10** All hardstand areas must be constructed and maintained in a manner that allows the operation of heavy machinery without breaking up of hardstand surfaces, to prevent groundwater pollution.

**04.11** All external surfaces including the external concrete hardstand areas shall be routinely maintained so as to be kept free of dust, rubber crumb and fines, and any other contaminants.

**04.12** Bunds at the premises must:

- a) have walls and floors constructed of impervious materials;
- b) be of sufficient capacity to contain 110% of the volume of the tank (or 110% volume of the largest tank where a group of tanks are installed);
- c) have floors graded to a collection sump; and
- d) not have a drain valve incorporated in the bund structure.

**04.13** All chemicals, fuels and oils used on-site must be stored in appropriately bunded areas (as outlined in condition **04.12**) in accordance with the requirements of all relevant Australian Standards, and/or the EPA's Storing and Handling of Liquids: Environmental Protection - Participants Handbook.

## **05 Waste management**

**05.1** Stockpiles at the premises must not exceed a maximum of 12.5t.

**05.2** The maximum height of any processed or unprocessed waste tyres stored at the Premises cannot exceed 3.7 metres in height above ground level.

**05.3** The Licensee must install and maintain permanent height markers on, in or immediately adjacent to waste stored within dedicated bays on the Premises. The markers must clearly show the stockpile height limit and be positioned so that a visual check can be made of the height of each stockpile.

**05.4** The Premises must be compliant with the current version of the NSW Fire & Rescue Guidelines for Bulk Storage of Rubber Tyres.

**05.5** All waste tyres (including whole tyres, shredded or crumbed tyres and tyre pieces) must be contained within the building at all times.

**05.6** The Licensee must prepare and implement a documented procedure to ensure that waste on the Premises is stored in accordance with the conditions of this Licence. The Licensee is to keep records demonstrating waste storage compliance on the Premises. Records relating to this waste storage compliance procedure are to be made available to an EPA Authorised Officer upon request.

## **06. Waste Levy**

**06.1** Prior to commencement of operations the proponent must provide a detailed vehicle flow control plan that identifies how all vehicles entering and exiting the premises will be weighed on the weighbridge and where waste will be deposited/collected which is approved by the EPA.

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## ***Monitoring and recording conditions***

### ***M1 Monitoring records***

**M1.1** 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.

**M1.2** 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.

**M1.3** 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.

### ***R1. Reporting conditions***

**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 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. Special Conditions Financial Assurance.***

**R2.1** The Environment Protection Licence for the premises will be subject to conditions requiring the proponent to provide a financial assurance (amount "to be determined") to the EPA in the form of an unconditional and irrevocable and on demand guarantee from a bank, building society or credit union operating in Australia as an "Authorised Deposit-taking Institution" under the Banking Act 1959.

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## Attachment B – 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:

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

#### 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.

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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:

- g. Statement of Compliance; and
- h. 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

*Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.*

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.

*Note: An application to transfer a licence must be made in the approved form for this purpose.*

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.

#### ***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').

#### ***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.

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## ***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***

**Note:** The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act

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,

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.

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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.