

# Enforceable Undertaking

The commitments in this undertaking are offered to the Environment Protection Authority by

**Re. Cycle ('Re.Cycle') Operations Pty Ltd (ACN 656 197 134)**

of Level 19, 100 Miller Street, North Sydney, NSW, 2060

**Date: February 2026**

## DEFINITIONS

1. In this Undertaking:
  - 1.1 The **Act** means the *Environment Protection Act 2017* (Vic) ('the Act').
  - 1.2 The **Auditor** means an auditor appointed pursuant to Part 8.3 of the Act.
  - 1.3 **CDS** means Container Deposit Scheme.
  - 1.4 **CSF** means Container Sorting Facility.
  - 1.5 The **Corporation** means the Re Cycle Operations Pty Ltd (ACN 656 197 134).
  - 1.6 **CRWM** means combustible recyclable waste materials such as paper, cardboard, wood, plastic, rubber, tyres, tyre-derived waste, textiles, e-waste, metal and other materials with combustible contaminants, combustible by-products of metal processing activities and refuse-derived fuel.<sup>1</sup>
  - 1.7 **CMSP** means combustible management site plan.
  - 1.8 The **EPA** means the Environment Protection Authority Victoria.
  - 1.9 **GBP** means Glass Beneficiation Plan.
  - 1.10 **MFR** means Material Recovery Facility.
  - 1.11 The **Permission Registration** means the permission registration R000302960, R000307172 and R000306035 issued to the Corporation under section 81(1) of the Act.
  - 1.12 **PRP** means Plastics Processing Plant.
  - 1.13 The **Operating License** means license OL000300042 issued to the Corporation under section 81(1) of the Act.
  - 1.14 The **Undertaking** means this enforceable undertaking offered by the Corporation and accepted by the EPA pursuant to section 300 of the Act.

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<sup>1</sup> Part 1.2 *Environment Protection Regulations 2021* (Vic).

## BACKGROUND

### EPA's role

2. The EPA is a statutory body created by the Act, which has primary responsibility for the administration and enforcement of the Act. The objective of the EPA is to protect human health and environment by reducing the harmful effects of pollution and waste.

### Relevant premises

3. Re.Cycle operates a waste and resource recovery – small centres, at 87-93 Wedgewood Road, Hallam, Victoria (**Hallam premises**).
4. Re.Cycle did operate at 89 Ordish Road, Dandenong South (**Ordish Road premises**).
5. Both premises were used to handle the storage of plastic (combustible) waste.
6. Re.Cycle also operates a Waste and resource recovery – large, at 120-134 Thomas Murrell Crescent, Dandenong South (**Thomas Murrell premises**). (Jointly **the Premises**).

### Permissions held

7. On 17 February 2022, Re.Cycle was issued permissioning registration R000302960 for the Hallam premises under section 85(1) of the Act. That permission was updated on 24 August 2023 and a new permission registration of R000307172 was issued. Both registrations contained a requirement that the Corporation *'must store and manage waste in a manner which minimises the risk of fires'*.
8. On 18 April 2023, Re.Cycle was issued permission registration R000306035 for the Ordish Road premises under 85 (1) of the Act. This Registration also contains a requirement to store and manage waste in a manner that minimises the risk of fires.
9. On 24 October 2023, Re.Cycle was issued an EPA Operating Licence OL000300042 for the Thomas Murrell premises under section 85(1) of the Act for the prescribed permission activity A13a – waste and resource recovery (large).

### Details of incident at Hallam and Ordish Road premises

10. In June 2022, Re.Cycle acquired Polytrade Operations Pty Ltd and Polytrade Holdings Pty Ltd which owned certain assets and contracts operated by a third-party business known as *Polytrade*. The acquisition of certain Polytrade assets and contracts included leases and rights to operate the Hallam, Ordish Road and Thomas Murrell premises. During October 2023, the entity name of Polytrade Operations Pty Ltd was formally changed to *Re.Cycle Operations Pty Ltd* in October 2023.
11. All relevant permissions were issued or transferred to, and held by, Re.Cycle.
12. On 18 August 2022, EPA attended the Hallam premises to assess compliance with the permission held. EPA observed that the management and storage of combustible recyclable waste materials (CRWM) on site were non-compliant with the CRWM Guideline.
13. On 5 September 2022, an Improvement notice was issued requiring Re.Cycle by 31 October 2022 to produce a document to show the duty holder had addressed its responsibilities to identify, assess and control risks of harm to human health and the environment. On 31 October 2022, Re.Cycle responded to that Improvement notice providing EPA with a fire risk assessment dated 17 October 2022.

14. On 7 December 2022, EPA attended the Hallam premises and noted the continued storage of CRWM being non-compliant with the CRWM Guideline.
15. On 16 January 2023, the EPA issued a further Improvement Notice which addressed Re.Cycle's fire risk assessment and required Re.Cycle to complete a 'Risk Treatments Implementation and Control Monitoring Action Plan'. On 17 February 2023, EPA revoked the Improvement notice because compliance had been achieved.
16. On 3 April 2023, EPA attended the Hallam premises to assess compliance with the permission and observed storage of CRWM that was non-compliant with the CRWM Guideline.
17. On 8 March 2023, EPA revoked the Improvement Notice dated 5 September 2022 because EPA were issuing another statutory tool to deal with a specified issue.
18. On 27 April 2023, EPA attended the Ordish Road premises to assess compliance with EPA registration held. During the inspection EPA made observations regarding the insufficient separation and non-compliant storage of plastic waste to minimise the risk of fire throughout the waste pile.
19. On 2 May 2023, EPA attended the Ordish Road premises and observed the same quantities of plastic waste stored unchanged since the attendance on 27 April 2023.
20. On 12 May 2023, EPA issued a Prohibition Notice. Requirement 1 stated "By 09/06/23 you must reduce the waste stockpiled at the premises to minimise the risk of harm to human health and the environment from fires, so far as reasonably practicable". The prohibition notice was subsequently amended at the request of Re.Cycle. The amended requirement states "By 30/06/23 you must reduce the waste stockpiled at the premises to minimise the risk of harm to human health and the environment from fires, so far as reasonably practicable" and "By 14/7/23 you must report to EPA on: actions taken to reduce the waste stockpiled at the premises in accordance with requirement 1...". On 4 July 2023, EPA revoked the Prohibition notice because EPA formed a view that it must be revoked.
21. On 17 May 2023, EPA attended the Hallam premises and observed storage of CRWM that was non-compliant with the CRWM Guideline. In response, on 25 May 2023, EPA issued a Prohibition Notice. This prohibited Re Cycle from 'receiving plastic combustible recyclable and waste material at the premises until such a time compliance with requirement 1 and reporting requirement 1 below can be demonstrated to EPA'. On 29 May 2023, EPA revoked the Prohibition notice because compliance had been achieved.
22. Hallam premises and again observed storage of CRWM that was non-compliant with the CRWM Guideline.
23. Compliance with the requirements has subsequently been achieved.

#### **Details of incident at Thomas Murrell premises**

24. The Thomas Murrell premises has two factory buildings divided by a wall down the middle. The factory buildings are referred to as Material Recycling Factory 1 (MRF 1) and Material Recycling Factory 2 (MRF 2).
25. On 2 February 2024, EPA inspected the premises to monitor compliance with the Act.
26. During the inspection, EPA observed CRWM to be spilling out of MRF2, protruding approximately seven metres in contact with the internal and external walls around the roller door. EPA observed CRWM not within the confines of MRF 2's internal area, preventing it to be thermally monitored by existing static equipment.

27. A Re.Cycle staff member on site said to EPA that there were approximately 850 bales of mixed paper waste at the premises, as well as additional bales containing material destined for landfill, mixed plastics and aluminium.
28. EPA observed there was no internal space and limited external space around MRF1 to be able to house baled material yet to be processed within MRF2. Waste bales within the bunkers exceeded the height defined within the premises' combustibile material storage place (CMSP).
29. At the time of the inspection, EPA observed that the Thomas Murrell Premises was not in compliance with the premises' CMSP, which has been developed to minimise risks of harm to human health and the environment from fire, so far as reasonably practicable.
30. On 2 February 2024, EPA issued an Improvement Notice to Re.Cycle. The notice required that Premises to take all reasonably practicable measures to minimise the risks of harm attributed to fire associated with the storage of combustibile recyclable waste materials stockpiled at the premises by 9 February 2024.
31. On 9 February 2024, EPA inspected the Thomas Murrell Premises and EPA observed that there was still non compliance with the CMSP. Including, not being able to demonstrate adherence to the premises' storage controls. The Notice remained in place until 16 February 2024 on account that Re.Cycle staff members on site said to EPA that the quantity of waste would reduce further.
32. On 16 February 2024, EPA inspected the Thomas Murrell Premises again and EPA observed that there the premises did not comply with the CMSP.
33. On 23 February 2024, EPA received a Notifiable Incident Notification from Re.Cycle advising EPA of a large scale fire occuring at the Thomas Murrell premises. EPA attended in response with Fire Rescue Victoria already onsite attempting to extinguish the fire. EPA was informed that the fire started at approximately 11:48am on 23 February 2024 inside MRF-2.
34. On 26 February 2024, EPA issued an Information Gathering Notice (IGN) requesting relevant CCTV footage, thermal camera footage, thermal alerts and waste movement records. This was to assess the appropriateness of Re.Cycle's actions leading up to and during the fire event. The due date to respond to the IGN was 13 March 2024 which Re.Cycle asked and the EPA declined, to extend.
35. On 15 March 2024, in response to the IGN, EPA received CCTV footage from the interior of MRF2 on 23 February 2024. The CCTV footage demonstrated visible smoke and flames and workers operating fire hose reels. The EPA alleges that there appeared to be an almost two-minute delay in the operation of the second fire hose reel despite there being several workers in the vicinity available to operate it and further alleges that the delay appeared to be caused by a pile of waste blocking immediate access to the fire hose reel.

### **Alleged Contraventions**

36. EPA alleges that on certain dates between 18 August 2022 and 4 July 2023 at the Hallam premises, Re.Cycle did breach condition REG\_WM4 of Registration R000302960, by failing to store and manage combustibile recyclable waste materials in a manner which minimises the risk of fires.
37. EPA alleges that on certain dates between 27 April 2023 and 2 May 2023 at the Ordish Road premises, Re.Cycle did breach condition REG\_WM4 of Registration R000306035, by failing to store and manage combustibile recyclable waste materials in a manner which minimises the risk of fires.

38. EPA alleges that on 2 February 2024, at the Thomas Murrell premises, Re.Cycle did fail in taking all reasonably practical measures to minimise the risks of harm attributed to fire association with the storage of combustible recyclable waste materials at the premises.
39. EPA alleges that on 23 February 2024, at the Thomas Murrell premises, Re.Cycle did breach condition OL\_WM04 of Operating Licence OL000300042 by failing to ensure that waste was not at risk of burning at the activity site.

#### **KEY OBJECTIVES OF THIS UNDERTAKING**

40. This Undertaking is a binding agreement that aims to:

40.1 improve the Corporations environmental performance;

40.2 update the Corporations operating procedures and management systems for the appropriate management and storage of CRWM and the Corporations operations across its facilities.

40.3 deliver benefits to the environment and local community; and

40.4 drive improvements in environmental performance across recycling and resource recovery facilities across Australia.

#### **UNDERTAKINGS**

41. In accordance with section 300 of the Act and acknowledging that alleged contraventions at paragraph 36-39, the Corporation has offered, and the EPA has accepted, the undertakings in paragraphs 42 to 69 of this Undertaking, as an alternative to Court proceedings.

#### **Improve the Corporations environmental and compliance performance**

##### **Complete a review and provide enhanced training on the following:**

42. Re.Cycle undertakes to:

42.1 Engage a suitability qualified professional(s) to complete a review of Re.Cycle's training modules in relation to compliance with the Act with the objective to improve the quality of those modules and develop and deliver presentations titled "Environment Compliance Awareness" to enhance the awareness and training.

42.2 the presentation and training materials will go beyond the corporations operational and compliance teams and be delivered to all employees and company officers of the Corporation located at the Premises.

42.3 Provide to the EPA a copy of the presentation and training material following completion of compliance training.

The Undertakings referred to in paragraphs 42.1 to 42.3 must be completed within 12 months of the date of this Undertaking.

**43. Re.Cycle undertakes to:**

43.1 Strengthen the Corporations fire training by:

43.1.1 enrolling 12 front line employees and early responders to take part in a 3-day training program run on 16/12/2024–18/12/2024, 14/01/2025–16/01/2025, 26/02/2025–28/02/2025 and 15/09/2025–17/09/2025 by Fire and Safety Australia Pty Ltd at a cost of approximately \$50,000. EPA acknowledge that the training program has occurred since the alleged contraventions outlined in paragraphs 38-39.

43.1.2 Prepare internal education and training packages titled 'fire ready' and then deliver them to all employees located at the Premises.

43.1.3 deliver the Corporations Fire Team Operations training package to all staff located at the Premises.

43.2 Provide to the EPA a copy of the internal education and training packages provided to all staff who received the 'fire ready' training in compliance with paragraph 43.1.1.

The Undertakings referred to in paragraphs 43.1 to 43.2 must be completed within 12 months of the date of this Undertaking.

**Improved environmental compliance**

**44. Re.Cycle undertakes to engage a suitably qualified person/s to complete a detailed review of the Corporation's environmental compliance documents including:**

44.1 Environmental Management Plan;

44.2 Pollution Incident Response Management Plan;

44.3 Emergency Management Plan;

44.3 Chemical Handling and Hazardous Goods Handling;

44.4 Fire Risk Assessment and Management Plan;

44.5 Environmental Procedures; and

44.6 Environmental Systems.

**45. Update the Corporation's environmental compliance documents following the detailed review and prepare a program for implementation of findings.**

**46. Implement training for all employees located at the Premises on the key environmental compliance documents and findings.**

**47. Expand training to beyond operational and compliance teams to also include senior management and senior leadership of the Corporation located at the Premises to drive better environmental performance at the premises.**

The Undertakings referred to in paragraphs 44 to 47 must be completed within 12 months of the date of this Undertaking.

**Governance**

**48. Re.Cycle undertakes to:**

48.1 Review its governance structure for environmental controls with respect to the above findings and recommendations, to improve clarity on the roles and responsibilities of each level of employee at each of the Premises.

48.2 Develop a 'stockpile management matrix'

48.3 Implement any recommendations arising out of the review of governance structure.

48.4 Review the adequacy of its auditing regime and overseeing the response to, and implementation of audit findings.

The Undertakings referred to in paragraph 48 must be completed within 12 months of the date of this Undertaking.

### **Mitigation strategies – plant & equipment, contingencies and site improvements**

49. Re.Cycle undertakes to design and where considered appropriate, seek approval for the expansion of or addition to the existing container mounted shelters in the storage areas across all Premises, which will assist in ensuring product is covered in peak periods, and reduce the risk of product exceeding the designated storage areas including when being prepped for transport.
50. If the application for approval at the Premises is approved, Re.Cycle undertake to complete the expansion of the existing mounted shelters or alternate works as reasonably agreed with EPA.
51. Re.Cycle undertakes to review and enhance the business continuity plans at the PRP and implement the recommendations and findings from that review.
52. Re.Cycle undertakes to retrain all employees at the PRP on the recommendations and findings in compliance with paragraph 48.

The Undertakings referred to in paragraphs 46 to 49 must be completed within 12 months of the date of this Undertaking.

### **Acknowledgement of Steps Taken by Re.Cycle following allegations in paragraph 36-39**

53. The EPA acknowledges that the following actions were undertaken by Re.Cycle prior to the execution of this Enforceable Undertaking in response to the allegations at paragraphs 36-39.

53.1 Re.Cycle installed two Fire Rovers at Thomas Murrell Premises following the allegation set out in paragraphs 38-39

53.2 Re.Cycle enrolled 12 front line employees and early responders to take part in a 3-day training program run by Fire and Safety Australia Pty Ltd.

The EPA has verified the completion of the actions acknowledged in this section and has assessed that such actions go beyond Re.Cycle's existing regulatory obligations. The inclusion of this section does not act as an Undertaking but merely an acknowledgement of steps taken by Re.Cycle that exceed compliance obligations.

### **Offtake Partner Engagement and Fire Risk Mitigation**

54. Re.Cycle undertakes to develop a contingency plan which identifies other service providers in the event of significant business interruptions to ensure that the Corporation has overflow capacity

within their own operations and/or other third parties in the event that it is required and enacted in the business continuity plan.

A copy of this plan is to be provided to EPA within 12 months of the date of this Undertaking.

**55. Re.Cycle undertakes to develop, implement, and maintain a documented Offtake Partner Engagement and Fire Risk Mitigation Plan.**

55.1 Identify and assess all current and prospective offtake partners to ensure they have the capability and capacity to manage, transport, store, and process CRWM in a manner that assists in unscheduled breakdowns across the premises, minimises risks of fire and harm to human health and the environment.

55.2 Establish formal engagement protocols, ensuring offtake partners are adequately permissioned and able to demonstrate their measures to avoid stockpiling or mismanagement of CRWM that could lead to fire risk, environmental harm, or waste misclassification.

**56. Require offtake partners to respond to a checklist that they:**

56.1 Have assessed and implemented reasonable and practicable measures to minimise fire and environmental risks associated with received CRWM.

56.2 Have appropriate licences and in adherence to the requirements of their EPA licences.

56.2 Will notify Re.Cycle of any material changes in their capacity or compliance status.

**57. Maintain documentation of all engagement, verification, and due diligence processes undertaken in relation to offtake partners.**

**58. Conduct annual reviews of the Offtake Partner Engagement and Fire Risk Mitigation Plan to:**

58.1 Reflect any updates to statutory obligations, best practice guidelines, or operational risks.

58.2 Incorporate learnings from audits, incidents, or stakeholder feedback.

The Undertakings referred to in paragraph 51-54 must be completed within 12 months of the date of this Undertaking.

**Conduct an Industry Environmental Education Forum**

**59. Re.Cycle undertakes to**

59.1 facilitate an industry forum focused on the environmental impacts of hazardous contamination in commingled recycling, including batteries (lithium and non-lithium), gas cylinders, small electrical goods such as power tools, toys and other hazardous items.

59.2 Provide to EPA a copy the scope of works detailing the planning of the forum, agenda of the forum, inclusion of presentations and post forum engagement prior to the delivery of the forum.

The Undertakings referred to in paragraphs 59.1-59.2 must be completed within 12 months of the date of this Undertaking.

### **Benefits to community**

#### **Conduct a community environmental education Forum**

60. Re.Cycle undertakes to facilitate a forum focused on the environmental impacts of hazardous contamination in commingled recycling, including batteries (lithium and non-lithium), gas cylinders, small electrical goods such as power tools, toys and other hazardous items to the general public.
61. Re.Cycle undertakes to provide to the EPA its plan relating to the community forum including the scope, agenda for presentation, engagement tools, promotion and outreach and outcomes engagement prior to the delivery of the forum.

The Undertakings referred to in paragraphs 56 and 57 must be completed within 12 months of the date of this Undertaking.

#### **Education support for Council Customers**

62. Re.Cycle undertakes to work with the education teams of our Council customers by generating info-graphic material. With the aim of improving the education messages, focused on the environmental impacts of hazardous contamination in commingled recycling, including batteries (lithium and non-lithium), gas cylinders, small electrical goods such as power tools, toys and other hazardous items.
63. Re.Cycle undertakes to provide to EPA a list of their Council customers that received the info-graphic material.

#### **Benefit to the environment and community**

64. Re.Cycle undertakes to make a monetary contribution of \$80,000 to the Restorative Project Account maintained by EPA, to fund an environmental project external to the Corporation's core business activities which will benefit the community and environment.
65. The undertaking referred to in paragraph 59 must be completed within 3 months of the date of this undertaking.

#### **Media Release, reporting, monitoring and cost of compliance**

66. Re.Cycle undertakes to pay its costs of its compliance with this Undertaking.
67. Re.Cycle undertakes to provide written progress reports every quarter from the date of this Undertaking until the Corporation provides EPA appointed Auditor's final assessment report. These progress reports will outline:

67.1 Re.Cycle's actions undertaken to implement each undertaking;

67.2 Actions still to be completed to ensure compliances with the Undertaking; and

67.3 Any strategies the Corporation intends to employ to ensure delivery of all undertakings in accordance with the terms of the Undertaking.

68. Re.Cycle undertakes that it will, publish the written progress reports as outlined in this undertaking on its website in a manner that is timely with completion and provision to the Authority.
69. Re.Cycle undertakes that it will, within 10 business days, unless otherwise agreed by the EPA, supply to the EPA, on request, all documents and information reasonably requested by EPA from time to time for the purpose of assessing the Corporation's compliance with the terms of this Undertaking.
70. Re.Cycle undertakes to engage, at its own cost, an EPA appointed auditor decided jointly by the EPA and Re.Cycle, acting in a consultant capacity, to verify the Corporation's compliance with the terms of the Undertaking and to prepare a 'final compliance report' which outlines each undertaking and provides the Auditor's professional assessment of the Corporation's compliance with the terms of each undertaking.
71. Re.Cycle undertakes to provide the EPA:
  - 71.1 a summary of actual expenditure in complying with this undertaking and a copy of the Auditor's 'final compliances report' referred to in paragraph 70 within 3 months of completion of this Undertaking; and
  - 71.2 a written statement from its Commercial Director that the Undertaking has been complied within 3 months of completions of the terms of this Undertaking.

## **Acknowledgement**

72. Re.Cycle acknowledges the EPA's allegation at paragraphs 33 to 36 that the Corporation contravened the Act
73. Re.Cycle acknowledges that the EPA:
  - 73.1 May issue a media release on execution of this Undertaking;
  - 73.2 May from time to time publicly refer to this Undertaking; and
  - 73.3 Will make this Undertaking available for public inspection on a public register maintained by the EPA under section 455 of the Act.
74. The EPA acknowledges that its acceptance of this Undertaking means that in accordance with section 303 of the Act, while the Undertaking is in force, criminal proceedings may not be commenced against the Corporation for the contraventions alleged in paragraphs 33 to 36 of this Undertaking.
75. Re.Cycle acknowledges that:
  - 75.1 if the Corporation withdraws from this Undertaking before it has been complied with, criminal proceedings may be brought for the offence constituted by the alleged contravention in respect of which the undertaking was given (referenced in paragraph 33 to 36 of this Undertaking);
  - 75.2 The EPA's powers are not fettered by this Undertaking and the EPA may commence any other enforcement action against the Corporation in relation to any other alleged contravention

of the Act that is not subject to this Undertaking, whether or not the subsequent contravention or alleged contravention involved the provision of the Act that is referred to in paragraphs 36-39 of this Undertaking.

75.3 this Undertaking in no way derogates from the rights and remedies available to any other person or entity arising from any conduct described in this Undertaking or arising from subsequent conduct; and

75.4 this Undertaking has no operative force until accepted by EPA, and the Corporation and EPA acknowledge that the date of this Undertaking is the date on which it is accepted by EPA.

76. Re.Cycle agrees that any public reference made by the Corporation to the actions contained within the Undertaking will refer to this Undertaking.

### **Statement of Regret**

77. Re.Cycle regrets its conduct, of failing to store and manage combustible recycling and waste materials in a manner which minimises the risk of fires in accordance with the applicable registrations to each of its premises.

### **Assurance about Future Behaviour**

78. Re.Cycle commits to training its employees, implementing its operating procedures, monitoring its systems and routinely auditing its operating to mitigate the risk of fires.

79. Re.Cycle commits to implementing the updated operating procedures, management systems and documentation developed in compliance with the Undertaking to prevent a recurrence of any future breaches.

### **Effect of Non-compliance**

80. Re.Cycle acknowledges that failure to comply with this Undertaking may result in the EPA applying to the Magistrates Court of Victoria for an enforcement order pursuant to section 301 of the Act.

### **Additional Information**

81. Re.Cycle has committed to the following indicative costs of compliance with this Undertaking;

81.1 \$26,160 to improve and expand on the EPA modules.

81.2 \$25,000 to improve the fire training.

81.3 \$17,160 for improved Environmental Compliance training.

81.4 \$2,500 to prepare a program for implementation of findings

81.5 \$5,744 to retrain employees at Hallam PRP on key environmental compliance documents

81.6 \$17,160 to review governance structure

81.7 \$160,260 for new scope and design and expansion of the existing container mounted shelters in the Storage Areas for finished product

81.8 \$27,560 to review and enhance the business continuity plans of the Hallam PRP

81.92 \$15,000 to conduct an industry and community Environmental Education Forum

- 81.10 \$5,000 to develop a contingency plan which helps identify other services providers in the event of significant business interruptions
- 81.11 \$15,000 to conduct a community Environmental Education Forum
- 81.12 \$50,000 for education support for our Council Customers
- 81.13 \$80,000 contribution to restorative project account.
- 81.14 \$3,000 for the preparation of media releases.

**Termination of Enforceable Undertaking for Breach**

- 82. If Re.Cycle fails to carry out any of the requirements or obligations agreed to in this Undertaking, the EPA may issue a written notice identifying the breach and requesting that the Corporation take action to remedy the breach by a reasonable specified date as discussed with Re.Cycle.
- 83. If the notice is not complied with, EPA may terminate the Undertaking by written notice to the Corporation. Upon termination, EPA may bring proceedings for the offence constituted by the contravention or alleged contravention in respect of which the Undertaking was given.

**Cessation of the Enforceable Undertaking**

- 84. Upon receipt of:
  - 84.1 the Auditors final compliance report under paragraph 70;
  - 84.2 The certification from the Corporation’s Commercial Director that the terms of the Undertaking have been complied with, under paragraph 71.2;
  - 84.3 The Corporation’s summary of costings of compliance expenditure under paragraph 70.1
- 85. EPA will review the documents, and if satisfied that the terms of the Undertaking have been complied with, the EPA will provide written notification to the Corporation that the Undertaking is no longer in force.

SIGNED for and on behalf of

Re Cycle Operations Pty Ltd

(ACN 656 197 134) by its authorised delegate:

Signature



Name of Delegate **Daniel John Chesson**

Position **Commercial Director**

Date **19 February 2026**

Accepted by the Environment Protection

Authority under section 300 of the *Environment*

*Protection Act 2017* by its Chief Executive Officer:

A handwritten signature in black ink, consisting of several fluid, overlapping strokes that form a stylized, abstract shape.

Chief Executive Officer of the Environment Protection Authority

Date: 18 February 2026