

Environmental Authority

Environmental Protection Act 1994

Section 195

No. EH/16/ERA

Under the provisions of the Environmental Protection Act 1994, this authority is issued:

TO :

Lionel Ralph Douglas Moore
PO Box 263
PITTSWORTH QLD 4356

TRADING AS:

Lionel Moore Trailers Pty Ltd - Pittsworth

in respect of carrying out prescribed environmentally relevant activities of:

- 20 (1) Metal recovery (scrap metal/dismantling facility)

Within the threshold limits as outlined in the schedule of prescribed activities devolved to Local Government at the following place(s) 4 French Road, PITTSWORTH QLD 4356 and described as Lot 2 RP212386

The authority granted is conditional upon the above listed activities being carried out in accordance with the attached schedule of conditions.

Trevor Harding

Delegate of Administering Authority – Environmental Protection Act.

Date: 01-Jul-2018

Anniversary Date: 30-Jun-2019

SCHEDULE OF CONDITIONS

GENERAL

- G2 The Holder must keep a copy of this Authority in a location readily accessible to personnel carrying out this activity.
- G3 The Holder must record, compile and keep all maintenance and monitoring results, plans and documents required by this authority for a period of not less than 5 years and present this information to an authorised person or the Toowoomba Regional Council when requested.
- G4. The Holder must record the following details for all complaints received and this information must be provided to an authorised person or the Toowoomba Regional Council on request:
- (a) Time, Date, Name and contact details of the complainants (if the complainant does not wish to be identified then 'not identified' is to be recorded);
 - (b) Reasons for the complaint;
 - (c) Any investigation undertaken and the responsible person for the investigating the complaint;
 - (d) Conclusion formed;
 - (e) Any actions taken;
 - (f) Type of communication (telephone, letter, personal etc).
- G5. An incident register must be kept at the premises and it must record any incidents including but not limited to:
- (a) Any fire at the premises;
 - (b) Any release not in accordance with this authority
- G11. Any release of contaminants not in accordance with the conditions of this authority must be reported by telephone to the Toowoomba Regional Council customer service centre (131 872). Any such release must be reported as soon as possible and no later than 24 hours after the holder becomes aware of the release.
- G12. A written notice detailing the following information must be provided to the Toowoomba Regional Council within 7 days of any release of contaminants not in accordance with the conditions of this authority:
- (a) The name of the Holder, including the environmental authority number;
 - (b) The name and telephone number of a designated contact person;
 - (c) Quantity and substance released;
 - (d) Person/s involved;
 - (e) The location and time of the release;
 - (f) The suspected cause of the release;
 - (g) A description of the effects of the releases;
 - (h) The results of any sampling performed in relation to the release;
 - (i) Actions taken to mitigate any environmental harm caused by the release; and
 - (j) Proposed actions to prevent a recurrence of the release.
- G13. A final report must be provided to the administering authority within 14 business days of the conclusion of the incident response and remediation of a notifiable release, but no later than 20 business days after the commencement of the release.

AIR

- A1. The Holder must document and comply with a fugitive emissions plan that addresses the management of the environmental impacts of fugitive emissions that includes:
- (a) A description of the site and surrounding environment, including site dimension, land tenure and existing use of the land, and the location of any sensitive places, areas of high ecological significance;
 - (b) Identification of emission sources and potential environmental impacts from these sources;
 - (c) Control measures for routine operations to minimise the likelihood of fugitive emissions;
 - (d) Contingency plans to deal with foreseeable risks and hazards, including corrective responses to prevent and minimise environmental harm;
 - (e) Emergency procedures for non-routine situations;
 - (f) Maintenance practices and procedures;
 - (g) Communication of procedures, plans, incidents, potential environmental problems and results;
 - (h) Handling of environmental complaints;
 - (i) Records that are to be kept and the methods of keeping the records;
 - (j) Arrangements for monitoring and mitigating emissions;
 - (k) Details of the site environmental management training to be provided to staff and contractors at the commencement and during the course of the activity;
 - (l) Provisions of continuous improvement and periodic review of environmental performance.
- A6 If a complaint (other than a frivolous or vexatious complaint) is made to the Toowoomba Regional Council about obtrusive light from the premise, the emission of light from the premise must not exceed the values in Table 1 of the schedule of tables.

WATER

- W1. Releases to water must not cause any visible oil slick or other visible evidence of oil or grease, nor contain visible, grease, scum, litter or floating oil.

NOISE

- N1. If a complaint (other than a frivolous or vexatious complaint) is made to the Toowoomba Regional Council about noise from the premises, the emission of noise from the premises must not exceed the levels specified in Table 3.
- N4. When requested by the Toowoomba Regional Council, the operator must undertake noise monitoring to investigate any complaint of noise nuisance. The monitoring must be undertaken and results must be notified to the Toowoomba Regional Council in the format and within the time specified by the Toowoomba Regional Council. Monitoring must include:
- (a) Measurement of $L_{A90, adj, 15 mins}$;
 - (b) Measurement of $L_{A10, adj, 10 mins}$;

- (c) Measurement of $L_{Amax, adj T,}$;
- (d) The level and frequency of occurrence of impulsive or tonal noise;
- (e) Atmospheric conditions including wind speed and direction;
- (f) Effects due to extraneous factors such as traffic noise;
- (g) The location, date and time of monitoring.

WASTE

- R1. All waste generated in carrying out the activities must be reused, recycled or removed to a facility that can lawfully accept the waste.
- R2. Where regulated waste is removed from the premises, records must be kept of the following:
 - (a) The date, quantity and type of waste removed;
 - (b) The name of the waste transporter and/or disposal operator that removed the waste; and
 - (c) The intended treatment/disposal destination of the waste.
- R3. Waste must not:
 - (a) Be buried at the premises; or
 - (b) Be in contact with soil at the premises; or
 - (c) Directly or indirectly seep or penetrate into the soil or groundwater at the premises.
- R4. Refuse and recycling bin areas must be maintained to ensure that:
 - (a) Waste containers are kept in a clean state and in good repair;
 - (b) Waste containers are provided with tight fitting lid assemblies designed to prevent ingress of pests and water;
 - (c) All waste containers supplied are kept within the boundaries of the premises; and
 - (d) There is unobstructed access to the containers for the removal of waste.

LAND

- 1. Nil

End of Conditions

SCHEDULE OF DEFINITIONS

‘Activity’ means the environmentally relevant activity or aspect of an environmentally activity to which this authority relates.

‘Adjusted Maximum Sound Pressure Level’ means the average maximum A-weighted sound pressure level, adjusted for noise character and measured over a time period of not less than 15 minutes, using fast response.

‘Authorised Person’ means an authorised person under the *Environmental Protection Act 1994*.

‘Authority’ means this environmental authority.

‘Background Noise Level’ means the $L_{A90,T}$ being the A-weighted sound pressure level exceeded for 90% of the time period not less than 15 minutes using fast response.

‘Bund(ed)’ means an earth mound or similar structure (e.g. a concrete block wall), whether impervious or not, constructed to contain spilled material (e.g. petrol, diesel, oil).

‘Candela (cd)’ means the unit of luminous intensity in a given direction.

‘Commercial Place’ means a place that is used as an office of for business or commercial purposes.

‘Commencement date’ means

‘Contaminant’ (as defined in section 11 of the *Environmental Protection Act 1994*) means:

- (i) A gas, liquid or solid; or
- (ii) An odour; or
- (iii) An organism (whether alive or dead), including a virus; or
- (iv) Energy, including noise, heat, radioactivity and electromagnetic radiation; or
- (v) A combination of contaminants.

‘Environmental harm’ (as defined in Section 14 of the *Environmental Protection Act 1994*) is any adverse effect, or potential adverse effect (whether temporary or permanent and of whatever magnitude, duration or frequency) on an environmental value, and includes **environmental nuisance**. **Environmental harm** may be caused by an activity:

- (i) Whether the harm is a direct or indirect result of the activity
- (ii) Whether the harm results from the activity alone or from the combined effects of the activity and other activities or factors.

‘Environmental nuisance’ (as defined in Section 15 of the *Environmental Protection Act 1994*) means – ‘unreasonable interference or likely interference with an environmental value’ caused by:

- (i) Aerosols, fumes, light, noise, odour, particles or smoke
- (ii) An unhealthy, offensive or unsightly condition because of contamination
- (iii) Another way prescribed by regulation

‘EP Act’ means the *Environmental Protection Act 1994*.

‘ERA’ means an Environmentally Relevant Activity under the *Environmental Protection Regulation 2008*.

‘High ecological significance’ values include protected estate (protected areas under the *Nature Conservation Act 1992*), World Heritage Areas, marine parks, wetlands, habitat for endangered, vulnerable, rare or near threatened species (listed under the *Nature Conservation Act 1992* and *Environmental Protection and Biodiversity Conservation Act 1999*), and regional ecosystems that are endangered, or of concern, or have other significant values (e.g. wetlands, nationally threatened ecological communities, large tracts of remnant vegetation, corridors and special biodiversity areas).

‘Holder’ means [insert name of applicant] and includes the Executive Officers, actual and apparent agents, employees and contractors of the Holder.

‘Illuminance’ means the luminous flux arriving at a surface divided by the area of the illuminated surface.

‘Luminous flux’ means the measure of the quantity of light. For a lamp or luminaire it normally refers to the total light emitted irrespective of the directions in which it is distributed.

‘ $L_{A90, adj, 15 mins}$ ’ means the A-weighted sound pressure level, (adjusted for tonal character and impulsiveness of the sound) exceeded 90 per cent of any 15 minute measurement period, using fast response.

'L_{A10, adj, 10 mins}' means the A-weighted sound pressure level, (adjusted for tonal character and impulsiveness of the sound) exceeded 10 per cent of any 10 minute measurement period, using fast response.

'L_{Aeq}' means the equivalent continuous A-weighted sound pressure level of the residual noise determined over a specified time interval.

'Luminaire' means an apparatus which distributes, filters or transforms the light transmitted from one or more lamps and which includes, except for the lamps themselves, all the parts necessary for fixing and protecting the lamps and, where necessary, circuit auxiliaries with the means for connecting them to the electric supply.

'Lux' means the unit of measure of illuminance.

'Offensive' means causing offence or displeasure; is disagreeable to the sense, disgusting; nauseous or repulsive.

'Premises' means Lot 2 RP212386.

'Protected areas' includes:

- (i) Any of the classes of protected areas listed in section 14 of the *nature Conservation Act 1992*; or
- (ii) the following under the *Queensland Heritage Act 1992* –
 - a. a place of cultural heritage significance;
 - b. a registered place; or
- (iii) an area recorded in the Aboriginal Cultural Heritage Register established under section 46 of the *Aboriginal Cultural Heritage Act 2003*; or
- (iv) an area recorded in the Torres Strait Islander Cultural Heritage Register established under section 46 of the *Torres Strait Islander Cultural Heritage Act 2003*; or
- (v) the wet tropics area under the *Wet Tropics World Heritage Protection and Management Act 1993*.

'Regulated Waste' means waste that is either:

- (i) is commercial or industrial waste, whether or not it has been immobilised or treated; and
- (ii) is of a type, or contains a constituent of a type, mentioned in schedule 7 of the *Environmental Protection Regulation 2008*; and includes:
 - a. for an element – any chemical compound containing the element; and
 - b. anything that contains residues of the waste.

'Release' in relation to contaminants means:

- (i) to deposit, discharge, emit or disturb the contaminant; and
- (ii) to cause or allow the contaminant to be deposited, discharged, emitted or disturbed; and
- (iii) to allow the contaminant to escape; and
- (iv) to fail to prevent the contaminant from escaping.

'Road' (as defined in Schedule 6 of the *Land Act 1994*) means an area of land, whether surveyed or unsurveyed:

- (i) dedicated, notified or declared to be a road for public use; or
- (ii) taken under an Act, for the purpose of a road for public use.

'Sensitive place' means:

- (i) A dwelling (including residential allotment, mobile home or caravan park, residential marina or other residential premises, motel, hotel or hostel);
- (ii) A library, childcare centre, kindergarten, school, college, university or other education institution;
- (iii) A hospital, surgery or other medical institution;
- (iv) A protected area
- (v) A park or garden that is open to the public (whether or not on payment of money) for use other than for sport or organised entertainment.

'Uncontaminated overland stormwater flow' and **'uncontaminated stormwater'** refer to stormwater that does not contain contaminants.

'Waters' means all Queensland waters and includes rivers, streams, lakes, lagoons, ponds, swamps, wetlands, surface waters, bed and bank of any waters, dams, non-tidal or tidal waters (including the sea), any groundwater and any part thereof.

End of Definitions

SCHEDULE OF PRESCRIBED ENVIRONMENTALLY RELEVANT ACTIVITIES

DEVOLVED TO LOCAL GOVERNMENT

- 6 Asphalt manufacturing** (the *relevant activity*) consists of manufacturing in a year more than 1000t of asphalt.
- 12 (1a) Plastic product manufacturing** (the *relevant activity*) consists of manufacturing in a year, a total of 50t or more of plastic products, other than foam, composite plastics or rigid fibre-reinforced plastics.
- 12 (1b) Plastic product manufacturing** (the *relevant activity*) consists of manufacturing in a year, a total of 5t or more of foam, composite plastics or rigid fibre-reinforced plastics.
- 19 Metal hot forming** (the *relevant activity*) consists of hot forming a total of 10,000t or more of metal in a year.
- hot forming, in relation to metal, includes to heat the metal and –*
- (a) press, forge, extend, extrude or roll metal; or*
 - (b) form metal into plate, wire rod; or*
 - (c) fabricate metal into sheets*
- 20 (1) Metal recovery** (the *relevant activity*) consists of recovering less than 100t of metal in a day by operating–
- (a) a scrap metal yard; or
 - (b) a facility for dismantling automotive or mechanical equipment, including debonding brake or clutch components.
- 20 (2a) Metal recovery** (the *relevant activity*) consists of recovering 100t or more of metal in a day, or 10,000t or more of metal in a year without using a fragmentiser by operating–
- (a) a scrap metal yard; or
 - (b) a facility for dismantling automotive or mechanical equipment, including debonding brake or clutch components.
- 38 (1a) Surface coating** (the *relevant activity*) consists of using, in a year 1t to 100t of surface coating materials for anodising, electroplating, enamelling or galvanising.
- 61 (1) Waste incineration and thermal treatment** (the *relevant activity*) consists of operating a facility for incinerating waste vegetation, clean paper or cardboard.

SCHEDULE OF TABLES

TABLE 1				
Maximum Values of Light Technical Parameters for the Control of obtrusive light				
Light Technical Parameters	Hours of Use	Maximum Values		
		Commercial and Industrial areas	Sensitive place	
			Light	dark
Illuminance in the vertical plan	7am-11pm	25 lx	10 lx	10 lx
	11pm-7am	4 lx	2 lx	1 lx
Luminous intensity emitted by luminaires	7am-11pm	Limits set by table 2		
	11pm-7am	2 500 cd	1 000 cd	500 cd

TABLE 2			
Maximum Luminous Intensity per Luminaire for 7am-11pm operating hours			
Area description	Maximum Luminous Intensity from each Luminaire		
Size of Area	Controlling Dimension	sensitive place	Commercial and industrial areas
Large	>75m	7 500 cd	100 000 cd
Medium	25-75(m)	7 500 cd	50 000 cd
Small	<25m	2 500 cd	25 000 cd

TABLE 3	
Noise limits at a sensitive place	
Period	Noise level measured as the adjusted maximum sound pressure level
7am to 6pm	Background Noise Level plus 5dB(A)
6pm to 10pm	Background Noise Level plus 5dB(A)
10pm to 7am	Background Noise Level plus 3 dB(A)
Noise limits at a commercial place	
Period	Noise level measured as the adjusted maximum sound pressure level
7am to 6pm	Background Noise Level plus 10dB(A)
6pm to 10pm	Background Noise Level plus 10dB(A)
10pm to 7am	Background Noise Level plus 8dB(A)

End of Tables