Cairns Regional Council

Environmental Protection Act 1994

Environmental Authority

This Environmental Authority is issued by the administering authority under Chapter 5 of the Environmental Protection Act 1994.

Environmental Authority: 806

The anniversary date of this Environmental Authority is the same day each year as the effective date. Payment of the annual fee will be due each year on this day.

Environmental Authority holder(s)

Suitable Operator	Registered address
Decorative Painting Services Pty Ltd	161-165 Brown Street BUNGALOW

Environmentally relevant activity and location details

Decorative Painting Services Pty Ltd T/A All Terrain Spares

161-165 Brown Street BUNGALOW

LOT: 3 RP: 726330

Effective date

23 November 2018

Anniversary date for annual notice

23 November

Additional information

Environmentally relevant activities

The description of any environmentally relevant activity (ERA) for which an Environmental Authority is issued is a restatement of the ERA as defined by legislation at the time the approval is issued. Where there is any inconsistency between that description of an ERA and the conditions stated by an Environmental Authority as to the scale, intensity or manner of carrying out an ERA, then the conditions prevail to the extent of the inconsistency. The Environmental Authority only remains valid on compliance with an annual notice issued under section 308 of the Environmental Protection Act 1994. Before disposing of a business requiring an Environmental Authority, the operator must give the proposed buyer written notice that the proposed buyer must apply for a new registration certificate. Penalties apply for non-compliance. If an operator ceases carrying out the activity, the operator must, within 20 business days, give the administrating authority a written notice advising the activity has ceased. Penalties apply for non-compliance. An Environmental Authority authorises the carrying out of an ERA and does not authorise any environmental harm unless a condition stated by the authority specifically authorises environmental harm. A person carrying out an ERA must also be a registered suitable operator under the *Environmental Protection Act 1994* (EP Act).

Contaminated land

It is a requirement of the EP Act that if an owner or occupier of land becomes aware a notifiable activity (as defined in Schedule 3 and Schedule 4) is being carried out on the land, or that the land has been, or is being, contaminated by a hazardous contaminant, the owner or occupier must, within 22 business days after becoming so aware, give written notice to the Chief Executive.

Obligations under the *Environmental Protection Act 1994*

In addition to the requirements found in the conditions of this Environmental Authority, the holder must also meet their obligations under the EP Act, and the regulations made under the EP Act. For example, the holder must comply with the following provisions of the Act:

- general environmental duty (section 319)
- duty to notify of environmental harm (section 320-320G)
- offence of causing serious or material environmental harm (sections 437-439)
- offence of causing environmental nuisance (section 440)
- offence of depositing prescribed water contaminants in waters and related matters (section 440ZG)
- offence to place contaminant where environmental harm or nuisance may be caused (section 443)

Hours of operation

The hours of operation for undertaking the metal recovery activity at 161-165 Brown Street are 8.00am to 5.00pm Monday to Friday and 8.00am to 12.00pm on Saturdays, as nominated by the Environmental Authority holder.

Signature	Date
G M Boyd	22/11/2018

Graham Boyd
Manager Regulatory Services

Delegate of the Chief Executive Officer
Environmental Protection Act 1994

Enquiries:
Regulatory Compliance
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Conditions of Environmental Authority

General

1. Any breach of a condition of this Environmental Authority must be reported to the administering authority as soon as practicable within 24 hours of becoming aware of the breach. Records must be kept including full details of the breach and any subsequent actions taken.

2. This Environmental Authority is for environmentally relevant activity 20(1) - Metal recovery, consisting 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.

3. All reasonable and practicable measures must be taken to prevent or minimise environmental harm caused by the activities.

4. The activity must be undertaken in accordance with written procedures that:

   a) identify potential risks to the environment from the activity during routine operations and emergencies; and
   b) establish and maintain control measures that minimise the potential for environmental harm; and
   c) ensure plant, equipment and measures are maintained in a proper and effective condition; and
   d) ensure plant, equipment and measures are operated in a proper and effective manner; and
   e) ensure that staff are trained and ware of their obligations under the Act; and
   f) ensure that reviews of environmental performance are undertaken at least annually.

5. The registered operator must take all reasonable and practicable measures to ensure that all persons involved in the activity including the personnel are:

   a) aware of the approval conditions; and
   b) comply with the registered operator's obligations under the approval conditions

6. All records must be kept for a period of at least five years and provided to the administering authority upon request.

7. When required by the administering authority, monitoring must be undertaken in the manner prescribed by the administering authority to investigate a complaint of environmental nuisance arising from the activity. The monitoring results must be provided within 10 business days to the administering authority upon its request.

Air

8. The release of odours or airborne contaminants resulting from the activity must not cause a nuisance to any sensitive or commercial place.

9. The release of dust and/or particulate matter resulting from the activity must not cause an environmental nuisance at any sensitive or commercial place.

10. The operator must ensure that incineration or open burning is not undertaken at the place.

11. Contaminants must not be released to air from any point source.

Noise

12. Noise generated by the activity must not cause environmental nuisance at any sensitive place or commercial place.

Land

13. Contaminants must not be released to land.

14. Engines, damaged vehicles and other scrap metal with any residual oil or grease is to be stored undercover on a sealed surface or otherwise covered in such a manner as to prevent oil, grease and other contaminants entering the soil.

Water

15. Contaminants must not be released to any waters.

16. Contaminants must not be released to groundwater or at a location where they are likely to release to groundwater.

17. Spillage of potential contaminants must be:

    a) cleaned up promptly; and
    b) cleaned up using an absorbent material; and
    c) isolated before disposal in an industrial waste bin.

18. An appropriate spill kit and relevant operator instructions/emergency procedure guides for the management of wastes and chemicals associated with the activity must be kept at the site.

19. Personnel operating under this approval must be trained in the use of the spill kit.

Wastewater

20. The registered operator must ensure that any wastewater generated at the workplace is disposed of lawfully to sewer in accordance with Cairns Regional Council Trade Waste Policy.

21. The washing down of motor vehicles, motor vehicle components and scrap metal must take place within a designated washdown area.

Waste

22. All waste generated in carrying out the activity must be lawfully reused, recycled, or removed to a facility that can lawfully accept the waste.

23. If regulated waste is generated at the workplace, the operator must record the prescribed information about the waste and give the prescribed information to the waste transporter. This requirement is met by correctly completing the relevant part(s) of the Waste Transport Certificate.

24. Incompatible wastes must not be mixed in the same container or waste storage area.

Chemicals

25. Chemicals and fuels in containers of greater than 15 litres must be stored within a secondary containment system.

26. Spillage of all chemicals and fuels must be contained within an on-site containment system and controlled in a manner that prevents environmental harm.

27. All petroleum product storage must be designed, constructed and maintained in accordance with AS 1940 - Storage and Handling of Flammable and Combustible Liquids.

Complaints

28. The operator must keep a register of all complaints received regarding the activity which must be available to the Administering Authority on request. The register must contain the following information:

    a) time, date, and nature of the compliant;
    b) means by which the complaint was received (i.e. telephone, letter, email, etc.);
    c) name and contact details of the complainant;
    d) name, position and signature of the person responsible for investigating the complaint; and
    e) action and response in relation to the complaint.

Definitions

Key terms and/or phrases used in this document are defined in this section. Where a term is not defined, the definition in the Act, its regulations or environmental protection policies must be used. If a word remains undefined it has its ordinary meaning.

Act means the *Environmental Protection Act 1994.*

Activity means the environmentally relevant activity to which the environmental authority relates.

Administrating Authority means Cairns Regional Council and its successors.

Commercial place means a place used as a workplace, an office or for business or commercial purposes and includes a place within the curtilage of such place reasonably used by persons at that place.

Authorised person means a person appointed under the Act by the Chief Executive Officer of Cairns Regional Council.

Environmental nuisance as defined in Chapter 1 of the Act.

General Environmental Duty means a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm.

Land does not include waters and the atmosphere.

Measures have the broadest interpretation and include plant, equipment, physical objects, monitoring, procedures, actions, directions and competency.

Personnel means those persons or entities used by the operator in carrying out the licensed activity, either directly or indirectly and includes without limitation employees, agents, contractors and sub-contractors.

Records include breach notifications, written procedures, analysis results and monitoring reports.

Regulated waste means non-domestic waste mentioned in Schedule 7 of the *Environmental Protection Regulation 2008* (whether or not it has been treated or immobilised), and includes - for an element - any chemical compound containing the element; and anything that has contained the waste.

Secondary containment system means a system designed, installed and operated to prevent any release of contaminants from the system, or containers within the system, to land, groundwater, or surface waters.

Sensitive place includes the following and includes a place within the curtilage of such a place reasonably used by persons at that place:

1. a dwelling, residential allotment, mobile home or caravan park, residential marina or other residential premises; or
2. a motel, hotel or hostel; or
3. a kindergarten, school, university or other educational institution; or
4. a medical centre or hospital; or
5. a protected area under the *Nature Conservation Act 1992*, the *Marine Parks Act 1992* or a World Heritage Area; or
6. a public thoroughfare, park or garden; or
7. for noise, a place defined as a sensitive receptor for the purposes of the Environmental Protection (Noise) Policy 2008.

Waters includes river, stream, lake, lagoon, pond, swamp, wetland, unconfined surface water, unconfined water, natural or artificial watercourse, bed and bank of any waters, dams, non-tidal or tidal waters (including the sea), stormwater channel, stormwater drain, roadside gutter, stormwater run-off, and groundwater and any part-thereof.

Workplace means 161-165 Brown Street, Bungalow.

END OF ENVIRONMENTAL AUTHORITY