Government of Western Australia
Department of Water and Environmental Regulation

Works Approval

Works Approval Number	W6073/2017/1
Works Approval Holder	Bruce Mackie Pty Ltd
ACN	618 518 700
Registered business address	38 Pennyworth Ramble BUSSELTON WA 6280
File Number	DER2017/001243
Duration	2/11/2017 to 1/11/2018
Date of issue	1 November 2017
Prescribed Premises	Category 81- Metal coating: premises on which metal products (excluding vehicles) are spray painted, powder coated or enameled
Premises	LINE-X Bunbury 3 Rose Street, BUNBURY WA 6230 Lot 49 on Plan 184, Being whole of the land contained on Certificate of Title Volume 1336 Folio 169 As defined by the Schedule 1 Map

This Works Approval is granted to the Works Approval Holder, subject to the following conditions, on 1 November 2017, by:

Date signed: 1 November 2017

Caron Goodbourn
Acting Manager Licensing (Process Industries)
Delegated Officer under section
20 of the Environmental Protection Act 1986

Explanatory notes

These explanatory notes do not form part of this Works Approval.

Defined terms

Definition of terms used in this Works Approval can be found at the start of this Works Approval. Terms which are defined have the first letter of each word capitalised throughout this Works Approval.

Department of Water and Environmental Regulation

The Department of Water and Environmental Regulation (DWER) is established under section 35 of the *Public Sector Management Act 1994* and designated as responsible for the administration of Part V, Division 3 of the *Environmental Protection Act 1986* (WA) (EP Act). The Department also monitors and audits compliance with licences and works approvals, takes enforcement action and develops and implements licensing and industry regulation policy.

Works Approval

Section 52 of the EP Act provides that an occupier of any premises commits an offence if any work is undertaken on, or in relation to, the premises which causes the premises to become, or to become capable of being, Prescribed Premises, except in accordance with a works approval.

Section 56 of the EP Act provides that an occupier of Prescribed Premises commits an offence if Emissions are caused or increased or permitted to be caused or increased, or Waste, noise, odour or electromagnetic radiation is altered or permitted to be altered from Prescribed Premises, except in accordance with a works approval or licence.

Categories of Prescribed Premises are defined in Schedule 1 of the *Environment Protection Regulations 1987* (WA) (EP Regulations).

This Works Approval does not authorise any activity which may be a breach of the requirements of another statutory authority including, but not limited to, the following:

- conditions imposed by the Minister for Environment under Part IV of the EP Act;
- conditions imposed by DWER for the clearing of native vegetation under Part V, Division 2 of the EP Act;
- any requirements under the *Waste Avoidance and Resource Recovery Act 2007;*
- any requirements under the *Environmental Protection (Controlled Waste) Regulations 2004*; and
- any other requirements specified through State legislation.

It is the responsibility of the Works Approval Holder to ensure that any action or activity referred to in this Works Approval is permitted by, and is carried out in compliance with, statutory requirements.

The Works Approval Holder must comply with the Works Approval. Contravening a Works Approval Condition is an offence under s.55 of the EP Act.

Responsibilities of Works Approval Holder

Separate to the requirements of this Works Approval, general obligations of Works Approval Holders are set out in the EP Act and the regulations made under the EP Act. For example, the Works Approval Holder must comply with the following provisions of the EP Act:

- the duties of an occupier under s.61; and

- restrictions on making certain changes to Prescribed Premises unless the changes are in accordance with a Works Approval, Licence, closure notice or environmental protection notice (s.53).

Strict penalties apply for offences under the EP Act.

Reporting of incidents

The Works Approval Holder has a duty to report to the Department all Discharges of Waste that have caused or are likely to cause Pollution, Material Environmental Harm or Serious Environmental Harm, in accordance with s.72 of the EP Act.

Offences and defences

The EP Act and its regulations set out a number of offences including:

- Offence of emitting an Unreasonable Emission from any Premises under s.49.
- Offence of causing Pollution under s.49.
- Offence of dumping Waste under s.49A.
- Offence of discharging Waste in circumstances likely to cause Pollution under s.50.
- Offence of causing Serious Environmental Harm (s.50A) or Material Environmental Harm (s.50B).
- Offence of causing Emissions which do not comply with prescribed standards (s.51).
- Offences relating to Emissions or Discharges under regulations prescribed under the EP Act, including materials discharged under the *Environmental Protection (Unauthorised Discharges) Regulations 2004 (WA).*
- Offences relating to noise under the *Environmental Protection (Noise) Regulations 1997 (WA).*

Section 53 of the EP Act provides that a Works Approval Holder commits an offence if Emissions are caused, or altered, from a Prescribed Premises unless done in accordance with a Works Approval, Licence or the requirements of a closure notice or an environmental protection notice.

Defences to certain offences may be available to a Works Approval Holder and these are set out in the EP Act. Section 74A(b)(iii) provides that it is a defence to an offence for causing Pollution, in respect of an Emission, or for causing Serious Environmental Harm or Material Environmental Harm, or for discharging or abandoning Waste in water to which the public has access, if the Works Approval Holder can prove that an Emission or Discharge occurred in accordance with a Works Approval.

This Works Approval specifies the Emissions and Discharges, and the limits and Conditions which must be satisfied in respect of specified Emissions and Discharges, in order for the defence to offence provision to be available.

Authorised Emissions and Discharges

The specified and general Emissions and Discharges from the Works authorised through this Works Approval are authorised to be conducted in accordance with the Conditions of this Works Approval.

Amendment of Works Approval

The Works Approval Holder can apply to amend the Conditions of this Works Approval under s.59 of the EP Act. An application form for this purpose is available from DWER.

The CEO may also amend the Conditions of this Works Approval at any time on the initiative

of the CEO without an application being made.

Duration of Works Approval

The Works Approval will remain in force for the duration set out on the first page of this Works Approval or until it is surrendered, suspended or revoked in accordance with s.59A of the EP Act.

Suspension or revocation

The CEO may suspend or revoke this Works Approval in accordance with s.59A of the EP Act.

Definitions and interpretation

Definitions

In this Works Approval, the terms in Table 1 have the meanings defined.

Table 1: Definitions

Term	Definition
AS 4114 – 2003	Australian Standard AS/NZS 4114.1:2003: *Spray painting booths, designated painting areas and paint mixing rooms*.
Books	has the same meaning given to that term under the EP Act
CEO	means Chief Executive Officer. CEO for the purposes of notification means: Director General Department Administering the *Environmental Protection Act 1986* Locked Bag 33 Cloisters Square PERTH WA 6850 info-der@dwer.wa.gov.au
Condition	means a condition to which this Works Approval is subject under s.62 of the EP Act.
Department	means the department established under section 35 of the *Public Sector Management Act 1994* and designated as responsible for the administration of Part V, Division 3 of the EP Act.
Discharge	has the same meaning given to that term under the EP Act.
DWER	Department of Water and Environmental Regulation
Emission	has the same meaning given to that term under the EP Act.
EP Act	means the *Environmental Protection Act 1986* (WA).
EP Regulations	means the *Environmental Protection Regulations 1987* (WA).
Inspector	means an inspector appointed by the CEO in accordance with s.88 of the EP Act.
Material Environmental Harm	has the same meaning given to that term under the EP Act.
Pollution	has the same meaning given to that term under the EP Act.
Premises	refers to the premises to which this Licence applies, as specified at the front of this Licence and as shown on the map in Schedule 1 to this Licence.
Prescribed Premises	has the same meaning given to that term under the EP Act.
Unreasonable Emission	has the same meaning given to that term under the EP Act.
Waste	has the same meaning given to that term under the EP Act.
Works	Refers to the Works described in Schedule 2 and 3, at the locations shown in Schedule 1 of this Works Approval to be carried out at the Premises, subject to the Conditions.
Works Approval	Refers to this document, which evidences the grant of the works approval by the CEO under s.54 of the EP Act, subject to the Conditions.
Works Approval Holder	Refers to the occupier of the Premises being the person to whom this Works Approval has been granted, as specified at the front of this Works Approval.

Interpretation

In this Licence:

(a) the words ‘including’, ‘includes’ and ‘include’ will be read as if followed by the words ‘without limitation’;

(b) where any word or phrase is given a defined meaning, any other part of speech or other grammatical form of that word or phrase has a corresponding meaning;

(c) where tables are used in a Condition, each row in a table constitutes a separate Condition;

(d) any reference to an Australian or other standard, guideline or code of practice in this Works Approval means the version of the standard, guideline or code of practice in force at the time of granting of this Works Approval and includes any amendments to the standard, guideline or code of practice which may occur from time to time during the course of the Works Approval; and

(e) unless specified otherwise, any reference to a section of an Act refers to that section of the EP Act.

Conditions

Infrastructure and equipment

1. The Works Approval Holder must install and undertake the Works for the infrastructure and equipment:
(a) specified in Column 1;
(b) to the requirements specified in Column 2;
of Table 2 below.

2. The Works Approval Holder must not depart from the requirements specified in Column 2 of Table 2 except:
(a) where such departure does not increase risks to public health, public amenity or the environment; and
(b) all other Conditions in this Works Approval are still satisfied.

3. Subject to Condition 1 and 2, the completion of the Works specified in Column 1 of Table 2, the Works Approval Holder must provide to the CEO a report including photographs confirming each item of infrastructure specified in Column 1 of Table 2 below has been constructed with no material defects and to the requirements specified in Column 2.

4. Where a departure from the requirements specified in Column 2 of Table 2 occurs and is of a type allowed by Condition 2, the Works Approval Holder must provide to the CEO a description of, and explanation for, the departure along with the certification required by Condition 3.

Table 2: Infrastructure and equipment requirements table

Column 1	**Column 2**
Infrastructure/ Equipment	**Requirements (design and construction)**
Single spray booth	• Constructed in accordance with Australian Standard AS/NZS 4114 section 4.2.2, 4.2.2.3 and 4.4. • Housed inside the main building which is fully enclosed. • Limited to the application of *LINE-X Spray-On* products only within the spray booth. • Fitted with an efficient mechanical ventilation and dust extraction system which when operating ensures that: o no visible paint overspray escapes from the spray painting booth; o all air from the spray painting booth passes through the Air Extraction Unit before being discharged into the environment ;and o air discharged to the environment does not contain any substance that causes pollution.

Column 1	Column 2
Infrastructure/ Equipment	**Requirements (design and construction)**
Air Extraction Unit	• Roof mounted air exhaust system that consists of two air exhaust stacks constructed of galvanized steel. • The roof mounted exhaust stacks are to positioned in accordance with locations shown in Schedule 1: Maps • The air exhaust system filter frames are galvanised steel construction and consist of mesh inlays with glass-fibre paint stop filter media. • A row of filter frames are embedded on the rear wall of the spray booth. Each filter frame not less than 750mm by 1500mm. • Two extraction fans and motors located within the back of the spray painting booth. The extraction fans are 2.2kw EXE (increased safety) rated 3 phase motors and supported by 4 poles on the rear wall of the spray booth. The extraction fans motors operate 1440rpm (raves per minutes) with integrated motor overload protection.
Chemical storage area	• All chemicals to be stored within a polyethylene drum bund, located within the main building workshop. • Drum bund capable of holding 110% of the volume of the largest tank or container.

Emissions

5. The Works Approval Holder must not cause any Emissions from the Works authorised through this Works Approval except for general Emissions described in Column 1 of Table 3, subject to the exclusions, limitations or requirements specified in Column 2, of Table 3.

Table 3: Authorised emissions table

Column 1	Column 2
General Emission type	**Exclusions/Limitations/Requirements**
Emissions which arise from undertaking the Works set out in Schedule 2.	Emissions excluded from General Emissions are: • Unreasonable Emissions; or • Emissions that result in, or are likely to result in, Pollution, Material Environmental Harm or Serious Environmental Harm; or • Discharges of Waste in circumstances likely to cause Pollution; or • Emissions that result, or are likely to result in, the Discharge or abandonment of Waste

Column 1	Column 2
General Emission type	**Exclusions/Limitations/Requirements**
	in water to which the public has access; or • Emissions or Discharges which do not comply with an Approved Policy; or • Emissions or Discharges which do not comply with prescribed standard; or • Emissions or Discharges which do not comply with the conditions in an Implementation Agreement or Decision; or Emissions or Discharges the subject of offences under regulations prescribed under the EP Act, including materials discharged under the Environmental P*rotection (Unauthorised Discharges) Regulations 2004*.

Record-keeping

6. The Works Approval Holder must maintain accurate Books including information, reports and data in relation to the Works and the Books must:

(a) be legible;

(b) if amended, be amended in such a ways that the original and subsequent amendments remain legible or are capable of retrieval;

(c) be retained for at least 3 years from the date the Books were made;

(d) be available to be produced to an Inspector or the CEO.

7. The Works Approval Holder must comply with a Department Request within 14 days from the date of the Department Request or such other period as agreed to by the Inspector or the CEO.

Schedule 1: Maps

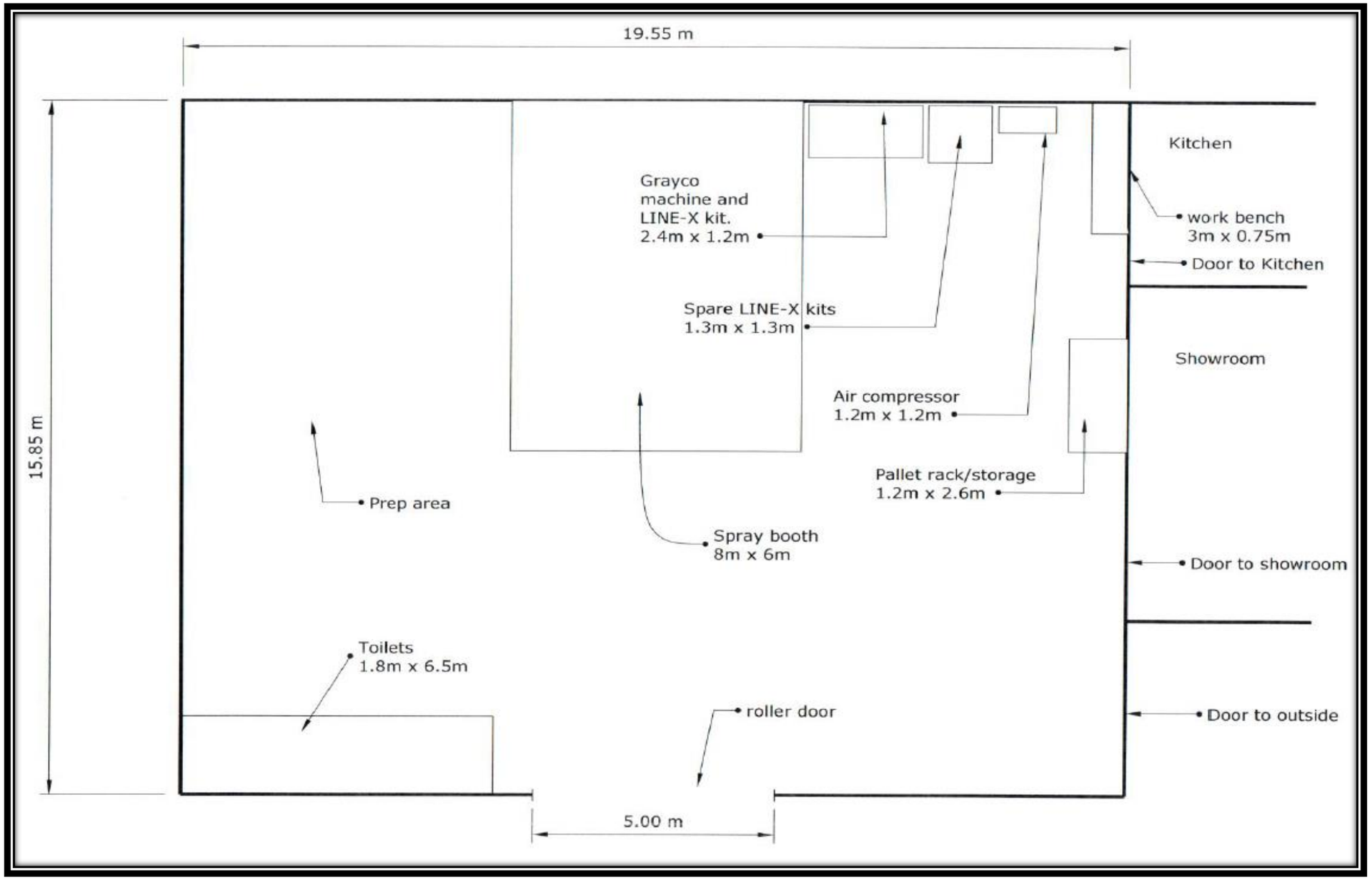
Premises map

The Premises boundary and proposed location of roof mounted spray booth exhaust stack are shown in the maps below. Premises boundary is depicted in red.

Relocation of exhaust stacks

Infrastructure layout

The following figure is showing infrastructure layout inside the workshop area.



Schedule 2: Works

At the time of Assessment, Emissions and Discharges from the Works listed in Table 4 were considered in the determination of the risk and related Conditions for the Works Approval.

Table 4: Authorised Works

Works	Specifications/Drawings
Spray booth - installation	Product specification (Supporting documents - 19 July 2017)
Air extraction unit	Proposed location of air extraction stacks (Supporting document – 27 October 2017)
Chemical storage	Infrastructure layout (supporting documents – 28 July 2017 and Primer use October 2017) Draft Works Approval comments 31 October 2017

Site layout

The infrastructure and equipment are set out on the Premises in accordance with the site layout on the Premises map in Schedule 1.

Decision Report

Application for Works Approval

Division 3, Part V *Environmental Protection Act 1986*

Works Approval Number	W6073/2017/1
Applicant	Bruce Mackie Pty Ltd
ACN	618 518 700
File Number	DER2017/001243
Premises	LINE-X Bunbury 3 Rose Street, BUNBURY WA 6230 Lot 49 on Plan 184 Being whole of the land contained on Certificate of Title Volume 1336 Folio 169 As defined by the Schedule 1 Map Works Approval
Date of Report	1 November 2017
Status of Report	Final

Table of Contents

Definitions of terms and acronyms

In this Decision Report, the terms in **Table 1** have the meanings defined.

Table 1: Definitions

Term	Definition
AS 4114 – 2003	Australian Standard AS/NZS 4114.1:2003: *Spray painting booths, designated painting areas and paint mixing rooms*.
Category/ Cat.	Categories of Prescribed Premises as set out in Schedule 1 of the EP Regulations
Decision Report	Refers to this document.
Delegated Officer	an officer under section 20 of the EP Act.
DWER	Department of Water and Environmental Regulation As of 1 July 2017, the Department of Environment Regulation (DER), the Office of the Environmental Protection Authority (OEPA) and the Department of Water (DoW) amalgamated to form the Department of Water and Environmental Regulation (DWER). DWER was established under section 35 of the Public Sector Management Act 1994 and is responsible for the administration of the Environmental Protection Act 1986 along with other legislation.
EP Act	*Environmental Protection Act 1986* (WA)
EP Regulations	*Environmental Protection Regulations 1987* (WA)
Issued Works Approval	The Works Approval issued under Part V, Division 3 of the EP Act following the finalisation of this Decision Report.
Metal Coating Regulations	*Environmental Protection (Metal Coating) Regulations 2001*.
Occupier	has the same meaning given to that term under the EP Act.
Premises	refers to the premises to which this Decision Report applies, as specified at the front of this Decision Report
Prescribed Premises	has the same meaning given to that term under the EP Act.
Registration	Premises prescribed under Part 2 of Schedule 1 may apply for registration of those premises under regulation 5B of the EP Regulations
Risk Event	As described in *Guidance Statement: Risk Assessment*
Unauthorised Discharges Regulations	*Environmental Protection (Unauthorised Discharges) Regulations 2004* (WA)

1. Purpose and scope of assessment

Bruce Mackie Pty Ltd (the Applicant) trading as Line-X Bunbury has submitted a concurrent application for Works Approval and Registration (the Application) on 12 July 2017 for a new metal coating operation located at 3 (Lot 49) Rose Street, Bunbury WA 6230.

This Decision Report assesses emissions and discharges associated with the construction and operation of the Premises and recommends that approval is granted subject to conditions.

1.1 Application details

The Applicant proposes to construct and operate a metal coating facility that includes a spray booth to spray protective surface on automotive equipment, metals, wood etc. using polyurea-elastomer. The design capacity of the proposed facility is 3000 litres of paint per year.

Table 2 lists the documents submitted during the assessment process.

Table 2: Documents and information submitted during the assesment process

Document/information description	Date received
Licence and Works Approval Application Form - Bruce Mackie Pty Ltd	12 July 2017
Email from Applicant Representative: Clarification: Licence and Works Approval Application - Fee	17 July 2017
Email from Applicant Representative - Clarification: Licence and Works Approval Application – Further information	18 July 2017
Email from Applicant Representative - MSDS for spray chemicals and Spray booth details, specification and costing	19 July 2017
Email from Applicant Representative - Supporting information: maps, paint room and metal preps	28 July 2017
Email from Applicant Representative – installation of equipment	31 August 2017
Email from Applicant to confirm relocation of exhaust stacks and use of primer	27 October 2017

2. Background

The Applicant is a new franchisee of Line-X franchise business. The company has been registered with the Australian Securities and Investments Commission (ASIC) since 2017. Prior to this application, the Applicant had no other licences or works approval under the current name.

Apart from spray paint operation another component of the operation is fitting basic accessories such as roof racks and bars on utility vehicles.

The following table lists the prescribed premises categories that have been applied for.

Table 3: Prescribed Premises Category

Classification of Premises	Description	*Approved Premises production or design capacity or throughput*
Category 81	Metal coating: premises on which metal products (excluding vehicles) are spray painted, powder coated or enameled.	3000 litres of paint per year

3. Overview of Premises

3.1 Operational aspects

The Applicant is proposing to construct a spray booth to apply polyurea-elastomer liners on metals and other surfaces such as automotive accessories, metals, concretes, water tanks and pipes. The main activity is to use LINE-X XS-350 Resin and Isocyanate to form polyurethane elastomer to coat surfaces of metal, wood, concrete and automotive accessories in a spray booth. The spray booth will be designed and constructed in accordance with Australian Standard AS/NZS 4114.1 and the facility will be designed to be able to comply with the Metal Coating Regulations

The Applicant is proposing to use existing buildings and infrastructure to operate the metal coating business. The building has a showroom, office spaces and a warehouse. The total area covered by the Premises is 967.m^2. The spray booth will be housed within the main building. The main building is fully enclosed with concrete flooring to prevent over sprays or chemicals escaping from the building.

The spray booth comes with a roof and is enclosed from three sides. The spray booth is fitted with two air movement/extraction units that consist of two roof mounted galvanised steel stacks and rear wall mounted fans and motors. The air exhaust system filtration is constructed of galvanised steel with mesh inlay and fitted with fibreglass exhaust filter to trap paint particles. Each filter frame is measuring 750mm by 1500mm and embedded on the rear wall of the spray booth. The filters are designed to trap heavy and wet paint particles and dry contaminant before the air is vented off via the roof air exhausts system to the atmosphere. Prior to discharge to the atmosphere, the spray booth air passes through glass-fibre filter/s to remove spray particles.

The Applicant is a franchisee of LINE-X (Australia) who is the provider of the spray-on protective coating products. The process of spraying involves application of polyurea spray elastomer on the surface of metals, water tanks, concretes and pipe linings as well as water proofing of utilities and truck beds. The use of primer on small items is also conducted at the Premises. The Line-X brand primer is used on small items prior to application of polyurethane. The Application states that polyurea elastomer is considered odourless with a rapid set time forming solid on impact within seconds.

Polyurea elastomer is derived from a chemical reaction of synthetic resin and isocyanate chemicals. A maximum of 500 litres of spray chemicals will be stored at the premises at any one time which is below the placard quantity. The Application states that chemicals will be stored in a bunded area proposed to be installed as per the *Code of Practice for storage and handling of dangerous goods*. The bunded chemical storage area will be located within the main building next to spray booth and spill cleaning kits will be supplied. The chemical storage bunds are being constructed of concrete capable of holding 110% of the largest container. The Chemical safety data sheet or material safety data sheet states no special precautions are necessary for the storage of LINE-X resin. However isocyanate chemical storage requires ventilated areas and bunding.

In the Application it was stated that *"whilst 90-95% of the core business is the spray-in bedliner and accounts for the majority of work undertaken at an estimated two Liners per day (est. 2 hours booth operating time). A small part of the business may involve coating various non-automotive items. These can vary, with LINE-X able to be applied to virtually any surface. With the significant majority of applications, no paints or primers are required, with the liner adhering directly to the vehicle factory paint. Occasionally, a non-bedliner item may require priming with LINE-X brand FCP or XPM high solids, two-component urethane primer.*

As an example, if our store applied say, 14-20 ute liners over a fortnight, you might expect a single bull bar or some similar accessory in that same fortnight. The accessory would be sent to a local sandblaster for blasting and we would need to apply a thin coat of our specific brand of

primer. This is rare and infrequent and very small scale. Additionally, it's worth pointing out that these two products are not suitable for any other use so could not be used as an excuse to start painting etc." The Applicant has since clarified that some automotive accessories and non-automotive items may require priming before the application of the final protective coating. The primer is used as a pre-coating chemical prior to polyurethane spray on surfaces of automotive accessories and metals for effective adhesion of spray chemicals. The use of primer is limited to 10 to 15 litres a month and no more than 30 litres of primer chemical is stored at the Premises.

The Applicant indicated that the spray application will be limited to 2 to 3 hours per day and the spray booth and the air compressor have been measured for noise emissions and found to be at 65db. The Applicant has indicated that noise from the operation of the air compressor could not be heard beyond the main building area and if required the air compressor could be relocated to a different location and enclosed to further reduce any noise emissions should they be detected at the adjoining premises.

The metal coating process is a sealed and reusable system and there is no proposed outdoor spray painting. The extraction system will be inspected weekly with filter media being replaced if weekly inspection identifies issues with filtration system. No mechanical works will be undertaken at the Premises.

3.2 Waste management

Preparation work such as sandblasting and washing of equipment prior to spray painting will not be conducted at the Premises. Therefore no waste is generated from this activity. The spray chemicals do not contain solvents or volatile organic compounds (VOCs) or chlorofluorocarbon (CFC). The spray chemicals will be stored in the bunded chemical storage area. The chemical bunds will be regularly inspected and maintained.

As the Applicant is not proposing to undertake mechanical works or abrasive blasting at the Premises the potential of liquid or contaminated solid waste generation is minimised. Waste from the operation will be minimal and largely consist of general waste and empty paint drums. These drums are disposed via a controlled waste contractor. Spray chemicals form solids in ambient conditions and liquid waste is not generated.

The Premises infrastructure, as it relates to Category 81 activities, is detailed in Table 4: and with reference to the Site Plan (attached in the Issued Works Approval).

Table 4: lists infrastructure associated with the prescribed premises category.

Table 4: Line-X Bunbury facility Category 81 infrastructure

Infrastructure		
Prescribed Activity Category 81		**Site Plan Reference**
Application of protective coating to metal and other products such as mining equipment, automotive beds or body liners, water proofing of tanks and pipe etc.		
1	Semi enclosed spray booth and air compressor unit inside the main building	Map 2: Infrastructure layout inside the main building
2	- Roof mounted air exhaust system that consists of two exhaust stacks constructed of galvanized steel. - The exhaust system filter frames are galvanised steel construction and consist of mesh inlays with glass-fibre paint stop filter media. - A row of filter frames measuring 750mm by 1500mm are embedded on the rear wall of the spray booth to filter spray particles. The filter media are glass-fibre paint stop filters.	Figure 2: Relocation of roof mounted spray booth exhaust stack

Infrastructure		
	- 2 X extraction fans and motors are located and mounted on the back wall of the spray booth. The extraction fans are 2.2kw EXE (increased safety) rated 3 phase motors and supported by 4 poles on the back wall of the spray booth. The extraction fans motors operate at 1440rpm (raves per minutes) with integrated motor overload protection.	Figure 1: **Spray booth and spray filters**
3	Ventilated and polyethylene drum bund for chemical storage area: located next to the spray booth within the main building	Map 2: Infrastructure layout inside the main building

Figure 1: Spray booth and spray filters

Source: City of Bunbury – Planning: 31 August 2017

3.3 Exclusion to the Premises

This assessment is confined to Prescribe activity category 81- metal coating. Other associated activities such as accessory fittings of vehicles, office areas, kitchen, amenities and showroom are not assessed by this assessment as they are outside the regulatory capture.

4. Legislative context

4.1 Planning approvals

Eight submissions were received during the City of Albany's advertising period, of which four of the submissions raised objections to the proposed spray booth. The main issues raised in the submissions related to concerns regarding chemical, noise and odour emissions and the proposed hours of operation. Development Approval 2017.153.1 was granted on 23 October 2017 and is subject to conditions which must be completed prior to occupancy.

The Delegated Officer had regard to the relevant conditions imposed by the planning approval

and did not identify significant inconsistency with controls proposed in the Works Approval. The following Table 5 is a summary of the relevant conditions and DWER's consideration of those conditions.

Table 5: Summary of conditions (City of Bunbury) and issued Works Approval

Planning Conditions (City of Bunbury)	Condition summary	DWER's consideration in Issued Works Approval and Decision Document
5	Limited to the installation and operation of one spray booth only in accordance with works approval and relevant AS/NZS standards	Condition 1, table 2
6	Spray booth to comply with the *Environmental Protection (Metal Coating) Regulations 2001*	
7	Limited to the application of *LINE-X Spray-On* products within the spray booth only	
8	Spray painting, sandblasting or motor vehicles repairs not permitted	Not relevant for works approval (construction phase) The Applicant commitment to working hours for spray application 2 to 3 hours a day.
9	Operation of the spray booth restricted to a maximum of 3 hours per day between the hours of 8 am and 5 pm Monday to Friday; and 8 am and 12 pm Saturday	
10	All major openings to workshop to remain closed whilst spray booth and associated plant and equipment are in operation	Condition 1, table 2
11, 12	Prior to commencement of operation DWER must be notified in writing and work must be to the specifications of DWER and to the satisfaction of City of Bunbury and a copy of the works approval and licence must be provided to the city of Bunbury	Condition 3- submission of a compliance report as *per Table 2: Infrastructure and equipment requirements table* of issued Works Approval on completion of works and prior to operations.
13	No odours or noise emissions associated with the facility are to be detected beyond the lot boundary or impact on the amenity of the locality.	Condition 5 - authorised emissions
14	Storage areas must be covered and maintained so as to avoid odour or dust nuisance	Condition 1, table 2 for chemical storage
15	Waste management plan is to be submitted to the specifications and satisfaction of the City of Bunbury prior to commencement of operation	Not a relevant for works approval (construction phase)
16	Provision must be made for the onsite storage and collection of waste.	

4.2 Part V of the EP Act

4.2.1 Applicable regulations, standards and guidelines

The overarching legislative framework of this assessment is the EP Act and EP Regulations, *Environmental Protection (Metal Coating) Regulations 2001, Environmental Protection (Unauthorised Discharges) Regulations 2004* and the *Environmental Protection (Noise Regulations 1997*.

DWER Guidance statements which inform this assessment are:

- *Guidance Statement: Regulatory Principles (July 2015)*
- *Guidance Statement: Setting Conditions (October 2015)*

- *Guidance Statement: Land Use Planning (February 2017)*
- *Guidance Statement: Decision Making (February 2017)*
- *Guidance Statement: Risk Assessments (February 2017)*
- *Guidance Statement: Environmental Siting (November 2016)*

4.2.2 Compliance inspections and compliance history

Two incidents of dust and odour have been recorded from Line-X franchisees located in Armadale and Kelmscott. Both incidents were addressed with corrective actions. The incidents are not related to Bruce Mackie Pty Ltd operations

5. Consultation

The Application for a Works Approval was advertised in the West Australian on 07/08/2017 and no submissions were received.

The Application was also referred to the City of Bunbury for comment, responding on 30/08/2017 to advise that a development approval was required and had been lodged. The City also advised that it had received 2 objections to the application, one from the owners of the adjoining property which is operated as a church, regarding concerns of noise and fumes from the roof mounted exhaust vents which have been installed in close proximity (10m) to one of the church's evaporative air conditioner units. The other objection from a nearby premises related to noise and paint emission concerns.

The Delegated Officer had regard to the objection and advised the Applicant to relocate roof mounted air extraction exhaust stacks further away from the adjoining property. The Applicant has agreed to this and since revised the air extraction stacks and relocation away from the adjoining property.

6. Location and siting

6.1 Siting context

The Premises is located in a mixed use area with motor vehicle sales and repair businesses located to the north and south of the property. Directly abutting the proposed spray booth to the east is the Bunbury City Church.

The Premises situated in a densely urbanised environment with established residential, business and recreational amenities. The Bunbury area experiences a warm temperate climate and most rainfall occurs in winter (www.bom.gov.au).

The nearest sensitive receptor is the Bunbury City Church (1 Rose Street) which is operated as a church with the outdoor area to the rear being used for children playgroups on Tuesdays.

Premises boundary depicted and siting context is displayed in Map 1.

6.2 Residential and sensitive Premises

The distances to residential and sensitive receptors are detailed in Table 6.

Table 6: Receptors and distance from activity boundary

Sensitive Land Uses	Distance from Prescribed Activity
Residential Premises	- 45m to the south-east and 75m to the north-east from the Premises

	boundary.
Church	- Immediately adjoining.
Hotel – Highway Hotel	- 80m to the south-west
Commercial premises	- 30 m to the west

On 27 October 2017 the Applicant provided a revised location of spray booth stack exhaust as shown in Figure 2 below.

Figure 2: Relocation of roof mounted spray booth exhaust stack

Source: Supporting document – 27 October 2017.

6.3 Specified ecosystems

Specified ecosystems are areas of high conservation value and special significance that may be impacted as a result of activities or Emissions and Discharges from the Premises

Table 7 has also been modified to align with the Guidance Statement: *Environmental Siting.*

Table 7: Environmental values

Specified ecosystems	Distance from the Premises
Inland water body – EPSC Lakes 1992	550m south-west of the Premises.

7. Risk assessment

7.1 Determination of emission, pathway and receptor

In undertaking its risk assessment, DWER will identify all potential emissions pathways and potential receptors to establish whether there is a Risk Event which requires detailed risk assessment.

To establish a Risk Event there must be an emission, a receptor which may be exposed to that emission through an identified actual or likely pathway, and a potential adverse effect to the receptor from exposure to that emission. Where there is no actual or likely pathway and/or no receptor, the emission will be screened out and will not be considered as a Risk Event. In addition, where an emission has an actual or likely pathway and a receptor which may be adversely impacted, but that emission is regulated through other mechanisms such as Part IV of the EP Act, that emission will not be risk assessed further and will be screened out through Table 8 and Table 9.

The identification of the sources, pathways and receptors to determine Risk Events are set out in Table 8: and Table 9: below.

Table 8: Identification of emissions, pathways and receptors during construction

Risk Events						Continue to detailed risk assessment	Reasoning
Sources/Activities		Potential emissions	Potential receptors	Potential pathway	Potential adverse impacts		
Installation of infrastructure	*Vehicle movements to and from the premises*	*Noise*	*Residential premises located 45m south-east and 75m north-east.* *Church immediately adjacent* *30m west workshops and warehouse* *Hotel 80m to the south-west*	*Air / wind dispersion*	*Amenity impacts*	*No*	*No construction is proposed only the installation of plant and equipment into an existing warehouse which will occur over a short period.* *The general provision of the Environmental Protection (Noise) Regulations 1997 apply*

Table 9: Identification of emissions, pathways and receptors during operation

Risk Events						Continue to detailed risk assessment	Reasoning
Sources/Activities		Potential emissions	Potential receptors	Potential pathway	Potential adverse impacts		
Spray Booth	*Compressor* *Air extraction and exhaust*	*Noise*	*Residential premises located 45m south-east and 75 north-east on Rose Street when measured from the Premises boundary.* *Church immediately adjacent*	*Air / wind dispersion*	*Amenity*	***Consequence: Slight*** ***Likelihood: unlikely*** ***Risk Rating: Low*** **Not continued to detailed risk assessment**	*Delegated Officer has considered emission of noise from the operation of the compressor and exhausts system impacting on people outside of the Premises and determined that the infrastructure will be positioned inside a semi enclosed booth that is housed within an enclosed building.* *Applicant controls are: The spray painting activity(and operation of the compressor and exhaust system) will be conducted over a short period of time no more than 2-3 hours a day on weekdays and if impacts are reported the air compressor could be relocated to a different location within the building and will be enclosed to further to reduce noise.* *The spray booth will be designed and constructed in accordance with Australian Standard AS/NZS 4114.1.*
	Rupture of air extraction system, filter failure	*Odour from paint vapours*	*Residential premises located 45m south-east and 75 north-east on Rose Street when measured from the Premises boundary.* *Church immediately adjacent* *30m west workshops and warehouse* *80m to a Hotel*	*Air / wind dispersion*	*Amenity*	***Consequence: Slight*** ***Likelihood: Unlikely*** ***Risk Rating: Low*** **Not continued to detailed risk assessment**	*Delegated Officer has considered emission of odour from the spray painting booth impacting on people outside of the Premises and determined that the spray painting will occur inside a semi enclosed booth that is housed within the main building which is fully enclosed and the spray booth is further fitted with exhaust filter media which is a paint-stop glass fibre exhaust filters capable of collecting overspray mist/particles. Also the spray chemicals are classed mildly odorless and dry within few seconds of application.* *The spray painting activity(and operation of the compressor and exhaust system) will be conducted over a short period of time no more than 2-3 hours a day on weekdays* *The separation distance between Church's air-conditioning unit and the exhaust stack are sufficient to prevent odour impacts.* *Regulation 6 of Metal Coating Regulations adequately regulates the operation of the spray booth and odour emissions.* *The spray booth will be designed and constructed in accordance with Australian Standard AS/NZS 4114.1.*

Spray Booth – filtration/ extraction unit	*Leaks or Rupture of air extraction system, filter failure*	*Spray particles/mist/ vapour*	*Residential premises located 45m south-east and 75 north-east on Rose Street when measured from the Premises boundary.* *Church immediately adjacent* *30m west workshops and warehouse* *80m to t a Hotel*	*Air / wind dispersion*	*Amenity*	***Consequence: Minor*** ***Likelihood: Rare*** ***Risk Rating: Low*** **Not continued to detailed risk assessment**	*Delegated Officer has considered emission of spray particle/mist from the spray painting booth impacting on people outside of the Premises and determined that spray painting will occur inside a semi enclosed booth that is housed within the main building which is fully enclosed and the spray booth is further fitted with exhaust filter media which is a paint-stop glass fibre exhaust filters capable of collecting overspray mist/particles. Also the exhaust motor is integrated with overload protection to prevent overspray.* *The spray painting activity(and operation of the compressor and exhaust system) will be conducted over a short period of time no more than 2-3 hours a day weekdays* *The separation distance between Church's air-conditioning unit and the spray booth exhaust stack are sufficient to prevent impacts during operation.* The spray booth will be designed and constructed in accordance with Australian Standard AS/NZS 4114.1.
Chemical storage	*Storage and handling* *Failure of secondary containment*	*Spills, leaks and seepage of chemicals*	*Soil and surface water drainage*	*Direct discharge*	*Soil and water quality impacts*	***Consequence: Slight*** ***Likelihood: Rare*** ***Risk Rating: Low*** **Not continued to detailed risk assessment**	*Delegated Officer has considered chemical storage and chemical spills and determined that the chemicals will be stored in a bunded area within the main building which is fully enclosed and roofed. Storage of primer as substrates prior to topcoat is limited to 10 to 15 liters per month.* *Also the volume of stored chemical is sufficiently small. Therefore the Delegated officer considers the provisions of the Unauthorised Discharge Regulations and regulations 10 and 11 of the Metal Coating Regulations are sufficient to regulate spills associated with the operation of the metal coating operations.*

7.2 Consequence and likelihood of risk events

A risk rating will be determined for risk events in accordance with the risk rating matrix set out in Table 10 below.

Table 10: Risk rating matrix

Likelihood	Consequence				
	Slight	Minor	Moderate	Major	Severe
Almost certain	Medium	High	High	Extreme	Extreme
Likely	Medium	Medium	High	High	Extreme
Possible	Low	Medium	Medium	High	Extreme
Unlikely	Low	Medium	Medium	Medium	High
Rare	Low	Low	Medium	Medium	High

DWER will undertake an assessment of the consequence and likelihood of the Risk Event in accordance with Table 11 below.

Table 11: Risk criteria table

Likelihood		**Consequence**		
The following criteria has been used to determine the likelihood of the Risk Event occurring.		**The following criteria has been used to determine the consequences of a Risk Event occurring:**		
			Environment	**Public health* and amenity (such as air and water quality, noise, and odour)**
Almost Certain	The risk event is expected to occur in most circumstances	Severe	• **onsite impacts**: catastrophic • **offsite impacts local scale**: high level or above • **offsite impacts wider scale:** mid-level or above • Mid to long-term or permanent impact to an area of high conservation value or special significance^ • Specific Consequence Criteria (for environment) are significantly exceeded	• Loss of life • **Adverse health effects:** high level or ongoing medical treatment • Specific Consequence Criteria (for public health) are significantly exceeded • **Local scale impacts:** permanent loss of amenity
Likely	The risk event will probably occur in most circumstances	Major	• **onsite impacts**: high level • **offsite impacts local scale**: mid-level • **offsite impacts wider scale**: low level • Short-term impact to an area of high conservation value or special significance^ • Specific Consequence Criteria (for environment) are exceeded	• **Adverse health effects:** mid-level or frequent medical treatment • Specific Consequence Criteria (for public health) are exceeded • **Local scale impacts**: high level impact to amenity
Possible	The risk event could occur at some time	Moderate	• **onsite impacts**: mid-level • **offsite impacts local scale**: low level • **offsite impacts wider scale**: minimal • Specific Consequence Criteria (for environment) are at risk of not being met	• **Adverse health effects:** low level or occasional medical treatment • Specific Consequence Criteria (for public health) are at risk of not being met • **Local scale impacts:** mid-level impact to amenity
Unlikely	The risk event will probably not occur in most circumstances	Minor	• **onsite impacts**: low level • **offsite impacts local scale**: minimal • **offsite impacts wider scale**: not detectable • Specific Consequence Criteria (for environment) likely to be met	• Specific Consequence Criteria (for public health) are likely to be met • **Local scale impacts:** low level impact to amenity
Rare	The risk event may only occur in exceptional circumstances	Slight	• **onsite impact**: minimal • Specific Consequence Criteria (for environment) met	• **Local scale**: minimal to amenity • Specific Consequence Criteria (for public health) met

^ Determination of areas of high conservation value or special significance should be informed by the *Guidance Statement: Environmental Siting.*

* In applying public health criteria, DWER may have regard to the Department of Health's *Health Risk Assessment (Scoping) Guidelines.*
"onsite**"** means within the Prescribed Premises boundary.

7.3 Acceptability and treatment of Risk Event

DWER will determine the acceptability and treatment of Risk Events in accordance with the Risk treatment Table 12 below:

Table 12: Risk treatment table

Rating of Risk Event	Acceptability	Treatment
Extreme	Unacceptable.	Risk Event will not be tolerated. DWER may refuse application.
High	May be acceptable. Subject to multiple regulatory controls.	Risk Event may be tolerated and may be subject to multiple regulatory controls. This may include both outcome-based and management conditions.
Medium	Acceptable, generally subject to regulatory controls.	Risk Event is tolerable and is likely to be subject to some regulatory controls. A preference for outcome-based conditions where practical and appropriate will be applied.
Low	Acceptable, generally not controlled.	Risk Event is acceptable and will generally not be subject to regulatory controls.

8. Determination of Works Approval conditions

The conditions in the Issued Works Approval have been determined in accordance with DWER's *Guidance Statement on Setting Conditions*.

The duration of the Works Approval is for one year, being the time within which works should be completed.

Table 13: Summary of conditions to be applied

Condition Ref	Grounds
Infrastructure and Equipment Condition 1 and Table 2 of Works Approval	This condition is valid, risk-based and contains appropriate controls.
Notification of Material Change Condition 2 of the Works Approval	This condition is valid to ensure compliance.
Compliance report Conditions 3 and 4	These conditions are valid and are necessary requirements to ensure compliance
Emission condition 5	This condition is documented and justified to ensure compliance
Record keeping and Reports Conditions 6 and, 7	These conditions are valid and are necessary for administration and reporting requirements to ensure compliance.

DWER notes that it may review the appropriateness and adequacy of controls at any time and that, following a review, DWER may initiate amendments to the Works Approval under the EP Act.

9. Applicant's comments

The Applicant was provided with a draft Decision Report and draft Works Approval on 23/08/2017 requiring a response by 8/09/2017. No comment was received.

Following receipt of planning approval conditions, changes were made to the draft works approval and decision report. The revised drafts were re-referred to the Applicant for comment on 30 October 2017. The Applicant provided comments which are summarised along with DWER's response in Appendix 2.

10. Conclusion

I consider that the risk to the environment of the proposed metal coating facility at the construction and operational stages are acceptable and that a works approval should be granted, subject to the conditions in the attached Works Approval.

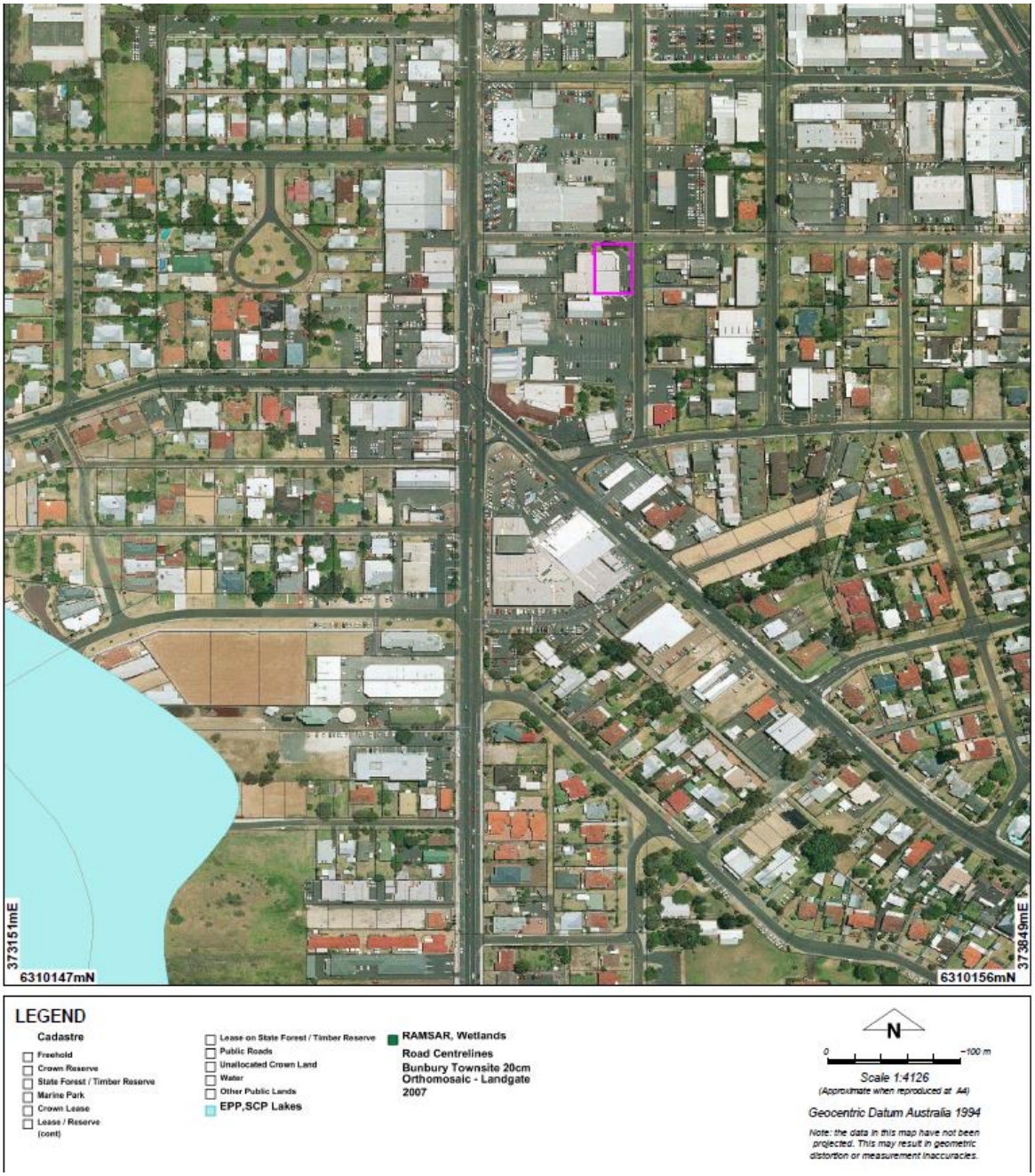
In making this decision to grant the Issued Work Approval, I have considered the proposed design, location and management controls in the context of the Metal Coating Regulations and policies set out in Appendix 1. I also note that at the operational stage, the metal coating facility will be subject to the Metal Coating Regulations and will not be subject to licence conditions, as the Applicant has chosen to Register the Premises. The Registration will be granted on submission of the Works Approval Compliance Certificate

Caron Goodbourn
A/ MANAGER LICENCING (PROCESS INDUSTRIES)

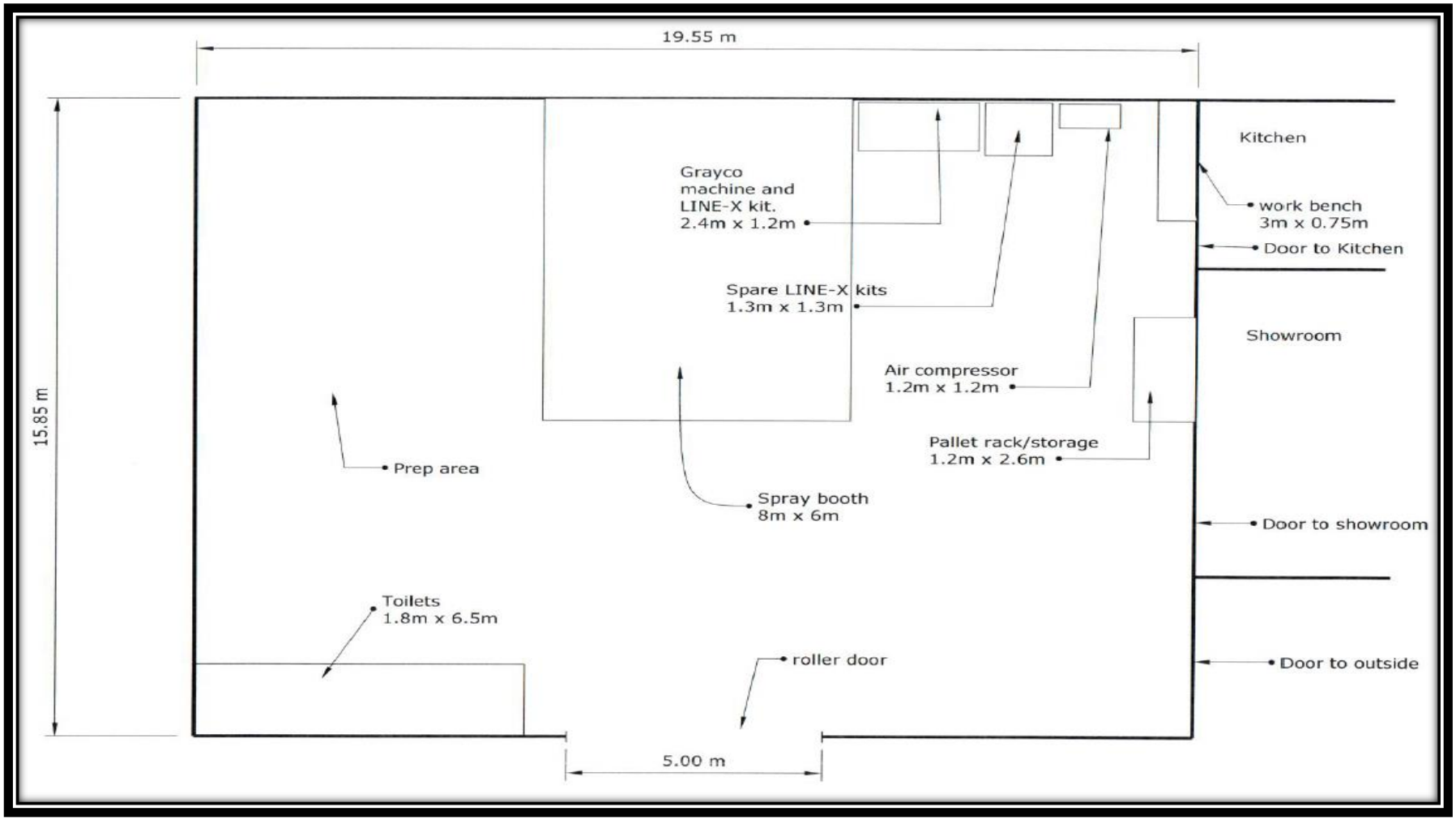
Delegated Officer under section
20 of the Environmental Protection Act 1986

Map 1: Premises boundary and siting context

The following map displays Premises boundary depicted in pink and siting context.



Map 2: Infrastructure layout inside the main building



Appendix 1: Key documents

	Document title	In text ref	Availability
1.	Line-X Bunbury: Licence and Works Approval Application and supporting documentation	Application	DWER Record (A1473549) (A1489601), (A1489599), (A1514800), (A1490508), (A1548806) and (A1553115)
2.	Australian Standard AS/NZS 4114: *Spray painting booths, designated painting areas and paint mixing rooms*.	Australian standards online by Standard Australia www.standards.org.au	
3.	*Environmental Protection (Unauthorised Discharge) Regulations 2004*	https://www.slp.wa.gov.au	
4.	*Environmental Protection (Metal Coating) Regulations 2001*		
5.	*Environmental Protection (Noise) Regulations 1997*		
6.	July 2015. *Guidance Statement: Regulatory principles.* Department of Environment Regulation, Perth.	accessed at www.dwer.wa.gov.au	
7.	October 2015. *Guidance Statement: Setting conditions.* Department of Environment Regulation, Perth.		
8.	November 2016. *Guidance Statement: Risk Assessments*. Department of Environment Regulation, Perth.		
9.	November 2016. *Guidance Statement: Decision Making*. Department of Environment Regulation, Perth.		

Appendix 2: Summary of applicant's comments on risk assessment and draft conditions

Condition	Summary of Licence Holder comment	DWER response
Condition 4, Table 2 and column 1 – Chemical storage	Bunding will be a polyethylene drum bund and not concrete, minimal materials involved and low risk, a construction of a concrete bund is impractical and unnecessary	The Delegated officer agrees that a polyethylene drum bund is acceptable in this situation and the change accepted.
Condition 5 and Schedule 1	Minor changes in floor plan (location of machine and spare kit). Will be photographed and noted on the compliance certificate	The Delegated Officer considers that this minor change is not material in nature and will not pose any additional risk to emissions and discharges.