

Our reference: DOC15/130936-03

Mr Ben Eveleigh
Department of Planning and Environment - Planning Services
GPO Box 39
Sydney NSW 2001

Dear Mr Eveleigh

**Sydney Super Yacht Marina Pty Ltd (MP09_0165 MOD 1) -Section 75W Modification Application –
Sydney Superyacht Marina Development, Rozelle Bay**

I refer to the letter and accompanying documentation from Department of Planning and Environment dated 17 April 2015 received by the Environment Protection Authority ("EPA") on 22 April 2015 requesting input into the modification application of s75W of the Environment Planning and Assessment Act 1979 for Sydney Super Yacht Marina located at 2 Maritime Court Rozelle. Sydney Superyacht Marina Pty Ltd is the proponent.

Under Schedule 1 of the Protection of the Environment Operations Act ("POEO Act"), marina and boat repairs are defined as:

"boat construction/maintenance (dry/floating docks)" , meaning the use of dry docks or floating docks for the construction, repair and maintenance of vessels.

"boat construction/maintenance (general)" , meaning the use of facilities (whether water-based or land-based) for the construction, repair and maintenance of vessels (other than dry docks, floating docks and facilities not having frontage to a waterway).

"boat mooring and storage" , meaning the use of pontoons, jetties, piers or other structures (whether water-based or land-based) designed or utilised to provide moorings or dry storage (other than swing moorings and facilities not having frontage to a waterway).

(2) Each activity referred to in Column 1 of the Table to this clause is declared to be a scheduled activity if it meets the criteria set out in Column 2 of that Table.

Table

Column 1	Column 2
Activity	Criteria
boat construction/maintenance (dry/floating docks)	capacity to handle vessels 25 metres or longer
boat construction/maintenance (general)	capacity to handle more than 5 vessels longer than 5 metres (excluding rowing boats, dinghies and other small craft) at any time

<i>boat moorings and storage</i>	<i>capacity to handle more than 80 vessels (excluding rowing boats, dinghies and other small craft) at any time</i>
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Based on the information that has been provided, the EPA is not in a position to determine whether an environment protection licence for the scheduled activity of marina and boat repairs will be required if the proposal is approved. This is because the EPA cannot ascertain whether there will be any boat construction and maintenance works at the premises nor could the EPA find any detail on the size of the tender boats at the premises.

The EPA is concerned that if any maintenance is undertaken on the premises or if the size of the tender boats will exceed the rowing boats/dinghies and small craft definition, this may then trigger the need for an Environment Protection Licence. Under the POEO Act, it is an offence to carry out a scheduled activity without holding an appropriate Environment Protection Licence. It is the responsibility of the proponent to determine whether a licence is required and the EPA requests that the Department of Planning and Environment facilitate further discussions with the proponent on this matter. The EPA is more than willing to assist all parties in resolving this question.

If an Environment Protection Licence is required for the modified activity (if approved), the proponent will be need to apply for a licence. The licence application will need to be supported by a thorough environmental assessment, particularly focussing on noise management, stormwater management, fuel management, sediment disturbance and mobilisation of heavy metals within Rozelle Bay and pollution incident response management. The EPA advises that the information that has been provided to support the proposed modification will need to be supplemented by additional assessments if a licence is required.

If you have any questions regarding this matter please contact Susan Fox on (02) 9995 5789.

Yours sincerely



28 May 2015

JAMES GOODWIN
Unit Head Sydney Industry
Environment Protection Authority