



DOC18/215958-29

Department of Planning and Environment
(Attention: Michelle Niles)
GPO Box 39
SYDNEY NSW 2001

Dear Madam

Shell Cove Boat Harbour and Marina - DA 95/133 (MOD 8)

I am writing in reply to your email dated 31 January 2019 to the Environment Protection Authority (EPA) regarding the above development modification.

The documentation states:

- The modification does not appear to result in any additional impacts to those already considered during the assessment of DA95/133 (and previous modification).
- The proposed modification does not appear to require any modification to the existing Environment Protection Licence (EPL) 12426 for the activity.
- The proposed relocation of the outer harbour structures results in a development comparably identical to that approved under DA95/133.

The EPA provides the following comments to assist the Department of Planning and Environment (DPE) in the assessment of this modification.

1. The requirements of the *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014* (the UPSS Regulation) must be complied with. This regulation focuses on minimising the risk to the environment and human health by requiring best practice design, installation and ongoing maintenance and monitoring of UPSS in NSW.
2. The following guidance on the EPA website should be considered:
 - *Underground Petroleum Storage Systems - Best practice guide for environmental incident prevention and management*. See: <https://www.epa.nsw.gov.au/publications/contaminatedland/underground-petroleum-storage-systems-environmental-incident-prevention-guide-160410>
 - *Resources for implementing the UPSS Regulation*. See: <https://www.epa.nsw.gov.au/your-environment/contaminated-land/preventing-contaminated-land/upss/upss-implementing-guideline>
 - *Environmental Action for Marinas, Boatsheds and Slipways and Best Management Practice for Marinas and Slipways*.

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3. The EPA can vary the existing EPL 12426 to protect the environment, if required. In exercising these licensing functions the EPA will take into consideration Section 45 of the POEO Act 1997.
4. The proponent retains primary responsibility for the environmental performance of its project and activities. This includes the preparation of acceptable management plans to ensure compliance with environment protection legislation and conditions of approval at all times. The proponent is also responsible for ensuring these plans are implemented, maintained and regularly reviewed. This should take into account any complaints received, environmental monitoring results and outcomes from the independent auditing and reporting required under the conditions of approval.
5. DPE should consider the relationship of this proposed modification to any approved masterplan or land use and infrastructure plans for the precinct to ensure land use conflict does not occur from the relocation of the services (for example, fuel odours or noise).
6. DPE should consider the development of a consolidated consent for this project to assist in the management and regulation of this project.

Please contact this office if you have any questions regarding the above.

Yours sincerely



07/02/19

PETER BLOEM
Manager Regional Operations Illawarra
Environment Protection Authority