

Exemption from Requirement for Prescribed Control Equipment

CI 49(2) Protection of the Environment Operations (Clean Air) Regulation 2002



MACQUARIE LEISURE OPERATIONS LIMITED

Trading as d'Albora Marinas

ABN 22 104 529 106

THE SPIT

MOSMAN NSW 2088

Our reference: 300269A3

Date: 30 January 2009

EXEMPTION UNDER THE PROTECTION OF THE ENVIRONMENT OPERATIONS (CLEAN AIR) REGULATION 2000

BACKGROUND

- A. MACQUARIE LEISURE OPERATIONS LIMITED t/as D'ALBORA MARINAS ("d'Albora Marinas") occupies premises located at THE SPIT, MOSMAN ("the premises").
- B. Clause 52 of the *Protection of the Environment Operations (Clean Air) Regulation 2002* ("The Regulation") requires that certain small storage tanks be fitted with prescribed control equipment.
- C. On 25 November 2008, d'Albora Marinas applied to the Department of Environment and Climate Change (DECC) for an exemption under clause 49(2) of the Regulation from the requirement for prescribed control equipment.
- D. DECC has considered the relevant factors in clause 49(2) of the Regulation as they relate to the above application.

EXEMPTION

In accordance with clause 49(2) of the Regulation, by this notice DECC grants d'Albora Marinas exemption from the requirements of clause 52 for the small fuel storage tanks currently installed at the premises, subject to the following conditions:

1. d'Albora Marinas must comply with a volume limit of 600 kilolitres of volatile organic liquid, such as petrol, loaded into the storage tanks at the premises per year.
2. d'Albora Marinas must keep accurate records of the annual volume of volatile organic liquids loaded into the storage tanks, compiled on a monthly basis.
3. d'Albora Marinas must provide a report to DECC detailing the annual volume of volatile organic liquids loaded into the storage tanks, compiled on a monthly basis.
4. The report required under clause 3:
 - a. must be provided on an annual basis, for the twelve-month period ending 30 June;

- b. must be provided to DECC not later than 60 days after 30 June each year; and
 - c. may be provided as part of the Annual Return required to be supplied to DECC by d'Albora Marinas under the conditions of Environment Protection Licence 11211.
5. d'Albora Marinas must immediately notify DECC if the annualised volume of volatile organic liquids loaded into the storage tanks is likely to exceed 600 kilolitres.
 6. The notification referred to in clause 5 above must be made to the DECC's Environment Line on telephone 131 555 and confirmed in writing to:

The Manager
Metropolitan Infrastructure
Department of Environment and Climate Change
PO Box 668
PARRAMATTA NSW 2124

7. By 31 March 2007, D'Albora Marinas must provide to the EPA a brief assessment on the feasibility and cost of fitting the prescribed control equipment to all existing and proposed volatile organic liquid storage tanks at the premises.
8. This exemption applies from the date of this notice until 16 December 2010, unless revoked sooner.

.....
JO ZURRER

Manager Sydney Industry

Environment Protection and Regulation

(by Delegation)

NOTE

This exemption is issued under clause 49(2) of the *Protection of the Environment Operations (Clean Air) Regulation 2002*. Failure to comply with the conditions of this exemption may constitute an offence under the Regulation, and under s128 of the *Protection of the Environment Operations Act 1997*.

FURTHER INFORMATION

Details provided in this notice will be available on DECC's Public Register in accordance with section 308 of the *Protection of the Environment Operations Act 1997*.