

# Project Approval

## Section 75J of the *Environmental Planning & Assessment Act 1979*

The NSW Planning Assessment Commission, as delegate of the Minister for Planning and Infrastructure, by delegation dated 14 September 2011, having considered all relevant matters prescribed under Section 75J(2) of the *Environmental Planning and Assessment Act 1979*, including those relevant matters prescribed by Section 75I(2) as contained in the Director-General's Environmental Assessment Report, **approves** Major Project (MP09\_0165) described in the Schedule 1 subject to the conditions of approval in the attached Schedule 2, pursuant to Section 75J(1) of the *Environmental Planning and Assessment Act 1979*.

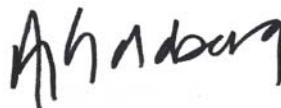
This approval applies to the plans, drawings and documents cited by the Proponent in their Environmental Assessment, Preferred Project Report (PPR), PPR Addendum and the Proponent's Statement of Commitments (Schedule 3), subject to the conditions of approval in the attached Schedule 2.

The reasons for the imposition of these conditions are:

- (1) to ensure the site is appropriately managed for the proposed use;
- (2) to adequately mitigate the environmental and construction impacts of the development;
- (3) to reasonably protect the amenity of the local area; and
- (4) to protect the public interest.



Mr Garry West  
**Member of the Commission**



Ms Abigail Goldberg  
**Member of the Commission**

Sydney,

26 November 2012

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## SCHEDULE 1

<b>Application No.:</b>	MP09_0165
<b>Proponent:</b>	Sydney Super Yacht Marina Pty Ltd
<b>Approval Authority:</b>	Minister of Planning and Infrastructure
<b>Land:</b>	Part Lot 32 in the Rozelle Bay Draft Plan of Subdivisions of Lots 2, 3 and 4 of DP 873379, Lot 100 DP 1017367 and Lot 1 DP 1049334 Sydney Super Yacht Marina, James Craig Road, Rozelle Bay, Sydney
<b>Local Government Area:</b>	Leichhardt Municipal Council
<b>Project:</b>	Land-based redevelopment of Super Yacht Marina comprising: <ul style="list-style-type: none"><li>• construction of two commercial maritime buildings with ancillary uses</li><li>• construction of a multi-level car parking building</li><li>• off-street car parking and associated landscaping</li></ul>

## DEFINITIONS

<b>Advisory Notes</b>	Advisory information relating to the approved project but do not form a part of this approval
<b>ANZECC</b>	Australia and New Zealand Environment and Conservation Council
<b>BCA</b>	Building Code of Australia
<b>Council</b>	Leichhardt Municipal Council
<b>CPI</b>	Consumer Price Index
<b>DCP</b>	Leichhardt Development Control Plan 2000
<b>Department</b>	Department of Planning and Infrastructure, or its successors
<b>Director-General</b>	Director-General of the Department of Planning and Infrastructure, or delegate
<b>EA</b>	Environmental Assessment Report and Appendices titled <i>Environmental Assessment</i> dated December 2010, prepared by Urban Perspectives
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2000
<b>Gross Floor Area</b>	As defined in the Sydney Regional Environmental Plan No. 26 (City West)
<b>Incident</b>	A set of circumstances that: <ul style="list-style-type: none"> <li>• causes or threatens to cause material harm; and/or</li> <li>• breaches or exceeds the limits or performance measures/criteria in this approval</li> </ul>
<b>Minister</b>	Minister for Planning and Infrastructure, or successors
<b>OEH</b>	Office of Environment and Heritage
<b>OLGR</b>	Office of Liquor, Gaming and Racing
<b>PCA</b>	Principal Certifying Authority
<b>POEO Act</b>	<i>Protection of the Environment Operations Act 1997</i>
<b>PPR</b>	Preferred Project Report titled <i>Preferred Project Report and Statement of Commitments</i> dated November 2011, prepared by Urban Perspectives
<b>PPR Addendum</b>	PPR Addendum report titled <i>Preferred Project Report Addendum</i> dated August 2012
<b>Project</b>	The project described in Schedule 2, Part A, Condition A1 and the accompanying plans and documentation described in Schedule 2, Part A, and Condition A2.
<b>Proponent</b>	Sydney Super Yacht Marina Pty Ltd, or anyone else entitled to act on this Approval
<b>Public Way</b>	Any passageway (such as an alley, road, highway, boulevard, turnpike) or part thereof owned by Council and open as of right to the public and designed for travel by vehicle, on foot, or in a manner limited by statute
<b>Reasonable and Feasible</b>	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided community views and the nature and extent of potential improvements. Feasible relates to engineering considerations and what is practical to build.
<b>Statement of Commitments</b>	The proponent's Statement of Commitments contained in <i>PPR Addendum</i> set out in Schedule 3.
<b>Site</b>	Sydney Super Yacht Marina, James Craig Road, Rozelle Bay, Sydney
<b>SREP</b>	Sydney Regional Environmental Plan No. 26 (City West)

## SCHEDULE 2

### PART A – TERMS OF APPROVAL

#### A1. Development Description

Project Application approval is granted only to the development as described below:

- demolition of existing buildings
- construction of commercial maritime building with ancillary uses known as the 'eastern building' with a maximum parapet height of RL11.9m with GFA of 3,300m<sup>2</sup>
- construction of a commercial maritime building known as the 'western building' with a maximum parapet height of RL12.9m with GFA of 2,990m<sup>2</sup>
- construction of four-level car parking building a maximum parapet height of RL11.4m for 140 car spaces, including lift overrun at maximum height of RL19.6m.
- erection of a pennant crane measuring 5.1m above ground level
- provision of 79 on-street car parking spaces and associated landscaping.

#### A2. Project Staging

Construction of the project is to be undertaken in stages generally described in the *PPR Addendum dated August 2012*, and comprises one of two scenarios:

- 1) Stages 4 and 5 in any order (western building), followed by Stage 6 (car park building), then Stages 1, 2 and 3 in any order (eastern building), or
- 2) Stages 1, 2 and 3 in any order (eastern building), followed by Stage 6 (car park building), then Stages 4 and 5 in any order (western building).

#### A3. Development in Accordance with Plans and Documentation

The development shall be undertaken in accordance with MP09\_0165 and the *Environmental Assessment dated December 2010*, prepared by Urban Perspectives Pty Ltd, except where amended by the PPR dated November 2011, and PPR Addendum dated August 2012, and the following architectural and landscape drawings.

Architectural Drawings prepared by Scott Carver Architects			
Drawing No.	Revision	Name of Plan	Date
DA00	C	Title Sheet	26/09/12
DA01	A	Site Analysis	26/09/12
DA02	B	Location Plan	26/09/12
DA03	B	Perspectives – Sheet 1	26/09/12
DA04	B	Site Plan	26/09/12
DA05	C	Ground Floor Plan	26/09/12
DA06	C	First Floor Plan	26/09/12
DA07	C	Roof Plan	26/09/12
DA08	C	Elevations – Sheet 1	26/09/12
DA09	C	Elevations – Sheet 2	26/09/12
DA10	C	Sections	26/09/12
DA11	B	Shadow Diagrams	26/09/12
DA12	B	Perspectives – Sheet 2	26/09/12
DA13	A	Tenancy Diagram	26/09/12

Except for:

- any modifications which are 'Exempt and Complying Development' as identified in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated within the BCA
- otherwise provided by the conditions of this approval.

#### **A4. Inconsistencies between Documentation**

In the event of any inconsistency between conditions of this approval and the drawings/documents including Statement of Commitments referred to above, the conditions of this approval shall prevail.

#### **A5. Prescribed Conditions**

The Proponent shall comply with the prescribed conditions of approval under Clause 98 of the Environmental Planning and Assessment Regulation 2000 in relation to the requirements of the Building Code of Australia (BCA).

#### **A6. Approved Land Uses and GFA**

(a) Approval is granted for the following land uses and GFA:

<b>Building</b>	<b>Land Use</b>	<b>GFA (m<sup>2</sup>)</b>	<b>% of total GFA</b>
Western Building	Commercial maritime 1, 2	517m <sup>2</sup>	8.3%
	Yacht Club (maritime) <sup>3</sup>	1932m <sup>2</sup>	31.2%
	Providore	451m <sup>2</sup>	7.3%
Eastern Building	Commercial maritime 1, 2	2334m <sup>2</sup>	37.6%
	Restaurants, cafes, bars (Ancillary uses) <sup>4</sup>	966m <sup>2</sup>	15.6%
<b>Total</b>		<b>6200m<sup>2</sup></b>	<b>100%</b>

<sup>1</sup> Commercial maritime uses may include maritime offices, maritime workshops, chandlery, maritime retail, provisioning, maritime operations and dormitory style accommodation.

<sup>2</sup> Dormitory style accommodation is restricted to 3 dormitories servicing commercial maritime operations only (refer to condition F11).

<sup>3</sup> Yacht Club is a registered club organised to promote yachting and boating, and may hold a club licence under the Liquor Act 2007.

<sup>4</sup> Ancillary uses include restaurants, cafés or bars.

A restaurant or café means a small building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, takeaway meals and drinks or entertainment are also provided.

A bar means a licensed premises under the Liquor Act 2007 (Hotel licence designated as a General Bar) the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not food is sold or entertainment is provided on the premises.

(b) Variation may be sought for minor changes to the approved commercial maritime GFA totals other than for providedore and ancillary uses which at no time shall exceed 1,417m<sup>2</sup> or 22.9% of total GFA.

(c) At no time shall the staging of the project outlined in Condition A2 result in each respective stage of the project having more than 50% of its GFA allocated to ancillary uses. Ancillary uses must not exceed 1,417m<sup>2</sup> or 22.9% of total GFA approved for the project.

#### **A7. Car Parking**

Approval is granted for 219 car parking spaces, including 140 spaces in the car parking building and 79 at-grade car parking spaces. A minimum of 43 car spaces shall be permanently allocated to commercial maritime related uses including offices/chandlery/workshops, but not including the yacht club. Twenty-four (24) car spaces shall be permanently allocated to the super yacht marina berths.

#### **A8. Public Access**

After the issue of the first Occupation Certificate for the development, public access must be provided to the site and its foreshore 24-hours-a-day, 7-days-a-week in perpetuity.

#### **A9. Construction Certificate**

Prior to commencement of any construction works associated with the approved development (including excavation if applicable), it is necessary to obtain a Construction Certificate. A Construction Certificate may be issued by Leichhardt Council or an Accredited Certifier. Plans and documentation submitted with the Construction Certificate are to be amended to satisfy all relevant conditions of this development approval.

#### **A10. Lapsing of Approval**

Approval of this Project Application shall lapse 5 years after the determination date in Part A of Schedule 1, unless the development has physically commenced.

#### **A11. Separate consents**

Separate development consent must be obtained from the relevant consent authority for the following works and uses.

- a) the internal fit-out works for the Yacht Club.
- b) the internal fit-out works for the eastern and western buildings where the commercial maritime areas will be housed.
- c) the internal fit-out works for the restaurants, cafes and bars.
- d) outdoor seating areas, whether within or outside of lease areas.
- e) signage.

#### **A12. Business identification logo on lift overrun**

The car parking building lift overrun is permitted to only have a business identification logo erected on its façade. No third-party advertising of any kind is permitted to be erected on the lift overrun.

#### **A13. Community Liaison Committee for Construction and Operations**

From the commencement of construction the Proponent must establish a Community Liaison Committee. The Committee must be chaired by an independent person and must include a broad range of stakeholder representatives including the Proponent, any operators on site, the residents of 501 Glebe Point Road and from other residents and community interest groups in the area.

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**End of Section**

## **PART B – PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

### **B1. Design Modifications**

The plans and specifications shall be amended to reduce the height of the car park building lift overrun to a maximum height of RL16.9m. The amended plans shall be submitted to and approved by the Director-General, prior to the issue of any Construction Certificate.

### **B2. Landscape Plan**

Prior to the issue of any Construction Certificate, a detailed Landscape Plan shall be submitted to and approved by the Director-General. The Landscape Plan shall include details of tree planting, as well as on-street and public domain furniture and lighting.

### **B3. Structural Details**

Prior to the issue of the relevant Construction Certificate, the Proponent shall submit to the satisfaction of the Certifying Authority, structural drawings prepared and signed by a suitably qualified practising Structural Engineer that complies with:

- a) the relevant clauses of the BCA
- b) the relevant project approval
- c) drawings and specifications comprising the Construction Certificate
- d) the relevant Australian Standards listed in the BCA (Specification AI.3).

### **B4. Construction Management Plan**

Prior to the issue of any Construction Certificate, a Construction Management Plan shall be submitted to and approved by the Certifying Authority. The Plan shall address, but not be limited to, the following matters where relevant:

- a) Hours of work
- b) Contact details of site manager
- c) Waste Management Plan
- d) Noise and Vibration Management Plan
- e) Air Quality Management Plan
- f) Construction Traffic Management Plan
- g) Erosion and Sediment Control Plan

The Proponent shall also submit a copy of the approved plan to the Department and Leichhardt Council.

### **B5. Erosion and Sediment Control Plan**

Prior to the issue of any Construction Certificate, an Erosion and Sediment Control Plan shall be submitted to and approved by the Certifying Authority. The plan shall address control methods to prevent sediment and other materials entering the waterway in Rozelle Bay.

Soil erosion and sediment control measures shall be designed in accordance with the document *Managing Urban Stormwater – Soils & Construction Volume 1 (2004)* by Landcom.

### **B6. Pedestrian and Public Access Plan**

Prior to the issue of any Construction Certificate, a Pedestrian and Public Access Plan shall be submitted to and approved by the Director-General. The Pedestrian and Public Access Plan shall outline management proposals for public access to the waterfront during construction, which shall be reasonably maintained during the 6 stages identified in the approved staging plan. Public pedestrian access to the waterfront shall not be prevented for the entire duration of the construction period. The Plan shall also address pedestrian and public access management proposals for the post-construction period.

**B7. Reflectivity**

The visible light reflectivity from building materials used on the facades of the buildings shall not exceed 20% and shall be designed so as not to result in glare that causes any nuisance or interference to any person or place. A report confirming compliance with these requirements is to be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate for above ground works.

**B8. GFA Certification**

A Registered Surveyor is to certify that the Gross Floor Area (GFA) of the buildings approved by this major project does not exceed 6,200m<sup>2</sup>. Details shall be provided to the Certifying Authority demonstrating compliance with this condition prior to the issue of the relevant Construction Certificate.

**B9. Car Parking**

The layout of the car parking areas, loading docks and driveways associated with the development including grades, turn paths, sight distance requirements, aisle widths, aisle lengths, loading bay dimensions and parking bay dimensions shall be in accordance with AS2890.1-2004 and AS2890.2-2002 for large vehicles. A report addressing compliance with the relevant standards shall be submitted to and approved by the Private Certifying Authority prior to the issue of the first Construction Certificate.

**B10. Compliance Report**

Prior to the issue of a final Construction Certificate, the Proponent, or any party acting upon this approval, shall submit to the Private Certifying Authority a report addressing compliance with all relevant conditions of this Part.

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**End of Section**



## **PART C – PRIOR TO DEMOLITION AND CONSTRUCTION**

### **C1. Site Notice**

A site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Principal Certifying Authority and Structural Engineer. The notice(s) is to satisfy all but not be limited to, the following requirements:

- a) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size
- b) The notice is to be durable and weatherproof and is to be displayed throughout the works period
- c) The notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted
- d) Stating that unauthorised entry to the work site is prohibited
- e) The approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice
- f) Showing the name, address and telephone number of the Principal Certifying Authority for the work
- g) Showing the approved construction hours in accordance with this approval.

### **C2. Security Fencing**

Any construction and/or demolition works on site must be enclosed with a 1.8m high security fence to prohibit unauthorised access, but must be designed to minimise disruption to foreshore public access in accordance with the Pedestrian and Public Access Plan (see condition B6). The fence must be approved by the Principal Certifying Authority, and subsequently installed, prior to commencement of any works or demolition on site.

### **C3. Toilet Facilities**

Prior to work commencing, adequate toilet facilities are to be provided on the work site prior to any works being carried out.

### **C4. Dilapidation Report of Adjoining Structures**

Prior to the commencement of any excavation works on site, the applicant must submit for approval by the Principal Certifying Authority (with a copy forwarded to the Department and Leichhardt Council) a full dilapidation report on the visible and structural condition of all neighbouring structures within the 'zone of influence' acceptable to the Principal Certifying Authority and agreed to by the Structural Engineer.

### **C5. Notice to be given prior to construction works**

The PCA and Leichhardt Council shall be given written notice, at least 48 hours prior to the commencement of construction works on the site.

### **C6. Dial Before You Dig**

Prior to any excavation and or stump grinding on or near the subject site the person/s having benefit of this approval are required to contact the NSW Dial Before You Dig Service (NDBYD) on 1100 (or refer 1100.com.au) to received written confirmation from NDBYD that the proposed excavation will not conflict with any underground utility services. The person/s having benefit of this approval are required to forward the written confirmation from NDBYD to their Principal Certifying Authority (PCA) prior to any excavation occurring.

## **C7. Erosion and Sediment Control**

Erosion and sediment control devices are to be installed in accordance with the approved Erosion and Sediment Control Plan prior to the commencement of any demolition, excavation or construction works upon the site.

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**End of Section**

## **PART D – DURING DEMOLITION AND CONSTRUCTION**

### **D1. Copy of Project Approval**

A copy of this project approval, stamped plans and accompanying documentation is to be retained for reference with the approved plans on-site during the course of any works. Appropriate builders, contractors or sub-contractors shall be furnished with a copy of the Instrument of Approval and accompanying documentation.

### **D2. Demolition**

The Proponent shall ensure that all demolition work on site is carried out in accordance with *Australian Standard AS 2601-2001: The Demolition of Structures*, or its latest version.

### **D3. Survey Certificate**

A survey certificate is to be submitted to the Principal Certifying Authority at footing and/or formwork stage. The certificate shall indicate the location of the building in relation to all boundaries, and shall confirm the floor level prior to any further work proceeding on the building.

### **D4. Compliance with Construction Management Plan**

All development activities and traffic movements must be carried out in accordance with the approved Construction Management Plan. All controls in the Plan must be maintained at all times including those relating to the:

- a) Waste Management Plan
- b) Noise and Vibration Management Plan
- c) Air Quality Management Plan
- d) Construction Traffic Management Plan
- e) Erosion and Sediment Control Plan.

A copy of the Construction Management Plan must be kept on-site at all times and made available to the Principal Certifying Authority or Leichhardt Council on request.

### **D5. Compliance with Pedestrian and Public Access Plan**

Public access to the waterfront shall be provided in accordance with the approved Pedestrian and Public Access Plan during construction. A copy of the Plan must be kept on-site at all times and made available to the Principal Certifying Authority or Leichhardt Council on request.

### **D6. Public Utility Adjustments / Relocation Works**

The Proponent shall be responsible for all public utility adjustment / relocation works necessitated by the above work and as required by the various public utility authorities and / or agents.

### **D7. Demolition / Construction Vehicles**

All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.

### **D8. Signposting**

All regulatory signposting associated with the proposed development are to be at no cost to the RMS unless otherwise agreed by the RMS.

### **D9. Construction Noise**

Noise from the construction, excavation and/or demolition activities associated with the development shall comply with the *DECCW Interim Construction Noise Guidelines 2009*.

#### **D10. Dust Control**

Dust control measures shall be implemented during all periods of earth works, demolition, excavation and construction in accordance with the requirements of the NSW Office of Environment and Heritage (formerly DEC). Dust nuisance to surrounding properties should be minimised.

#### **D11. Materials on footpath**

No building materials skip bins, concrete pumps, cranes, machinery, signs or vehicles used in or resulting from the construction, excavation or demolition relating to the development shall be stored or placed on Leichhardt Council's footpath, nature strip or roadway.

#### **D12. Plant and equipment kept within site**

All plant and equipment used in the construction of the development, including concrete pumps, wagons, lifts, mobile cranes, etc, shall be situated within the boundaries of the site and so placed that all concrete slurry, water, debris and the like shall be discharged onto the building site, and is to be contained within the site boundaries.

#### **D13. Hours of Works**

All work including building, demolition and excavation work; and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring tools etc) in connection with the proposed development must only be carried out between the hours of 7.00am and 6.00pm on Monday to Fridays inclusive, and 8.00am to 3.00pm on Saturday. No work is to be carried out on Sunday or public holidays.

#### **D14. Complaints Register**

The applicant shall record details of all complaints received during the construction period in an up to date complaints register. The register shall record, but not necessarily be limited to:

- a) The date and time of the complaint
- b) The means by which the complaint was made
- c) Any personal details of the complainants that were provided, or if no details were provided, a note to that affect
- d) Nature of the complaints
- e) Any action(s) taken by the applicant in relation to the complaint, including any follow up contact with the complainant
- f) If no action was taken by the applicant in relation to the complaint, the reason(s) why no action was taken.

The complaints register shall be made available to the Department, Leichhardt Council and/ or the PCA upon request.

#### **D15. Services to be provided underground**

All new services associated with the development are to be located underground and works associated with this are to be fully born by the Proponent within the development and along all street frontages for the length of the development.

#### **D16. Protection of Trees**

All trees on or adjacent the site that are not approved for removal are to be suitably protected by way of tree guards, barriers or other measures as necessary are to be provided to protect root system, trunk and branches, during construction.

#### **D17. Material Storage and Trees**

No materials (including waste and soil), equipment, structures or good of any type are to be stored, kept or placed within 5m from the trunk or within the drip line of any tree.

## **D18. Loading and Unloading During Works**

The following requirements apply:

- a) All loading and unloading associated with construction must be accommodated on site
- b) A Works Zone is required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Leichhardt Council or relevant authority at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities
- c) The structural design of the building must permit the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development
- d) In addition to any approved construction zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.

## **D19. Covering of Loads**

All vehicles involved in the excavation and / or demolition process and departing the property with demolition materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

## **D20. No Obstruction of Public Way**

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by Leichhardt Council to stop **all** work on site.

## **D21. Disposal of Seepage and Stormwater**

Any seepage or rainwater collected on-site during construction that does not comply with the ANZECC Water Quality guidelines shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Leichhardt Council.

## **D22. Contact Telephone Number**

The Proponent shall ensure that a 24 hour contact telephone number is made public and continually attended by a person with authority over the works for the duration of the development.

## **D23. External Lighting**

External Lighting shall comply with *AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting*. Upon installation of lighting, but before it is finally commissioned, the Proponent shall submit to the Certifying Authority evidence from an independent qualified practitioner demonstrating compliance in accordance with this condition.

## **D24. Vibration Criteria**

Vibration caused by construction at any residence or structure outside the subject site must be limited to:

- a) for structural damage vibration, *German Standard DIN 4150 Part 3 Structural Vibration in Buildings. Effects on Structures*; and
- b) for human exposure to vibration, the evaluation criteria presented in *British Standard BS 6841-1 Guide to Evaluate Human Exposure to Vibration in Buildings (1Hz to 80 Hz) for low probability of adverse comment*.

These limits apply unless otherwise approved in the Construction Noise and Vibration Management Plan.

**D25. Compliance Report**

The Proponent, or any party acting upon this approval, shall, for the duration of construction period, maintain a report addressing compliance with all relevant conditions of this Part. This report should be made available to the Department and Leichhardt Council upon request.

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**End of Section**

## **PART E – PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

### **E1. Operational Management Plan**

Prior to the issue of any Occupation Certificate, an Operational Management Plan shall be submitted to and approved by the Director-General. The Plan must be prepared in consultation with Roads and Maritime Services, NSW Police and the Office of Liquor, Gaming and Racing. The Plan must describe the operational management framework, practices and procedures that would be followed during operations, and include:

- a) Hours of operation
- b) Noise management
- c) Patron and security management
- d) Waste management
- e) Staff
- f) Use of levels, balconies and outdoor areas.

### **E2. Car Park Management Plan**

Prior to the issue of any Occupation Certificate for the last building in the last stage of the development (as described in Condition A2), a Car Park Management Plan shall be submitted to and approved by the Director-General. The Car Park Management Plan shall outline car space sharing arrangements including details of car space allocations for each tenancy in accordance with the land uses granted by this approval.

The Car Park Management Plan shall ensure that the allocation of car spaces to individual tenancies will not affect short-term or visitor parking, including the allocation of tandem car parking. The Plan shall include details of car space signposting or other identification methods.

### **E3. Noise Management Plan**

Prior to the issue of any Occupation Certificate, a Noise Management Plan shall be submitted to and approved by the Director-General. The Noise Management Plan shall detail the management of noise emanating from the site in particular from live music and licensed premises to ensure compliance with OLGR noise criteria when measured at 501 Glebe Point Road, Glebe.

The Noise Management Plan shall outline a noise complaints procedure for the benefit of residents in Glebe Point Road and include a strategy to determine the maximum volume and/or calibration of music speakers that will ensure compliance with the OLGR noise criteria. The strategy should include methods to accurately record any complaints received for comparison with the noise output at that time, and noise mitigation methods to ensure compliance with the OLGR criteria at all times. The approved Noise Management Plan shall be implemented from the commencement of operations of the Yacht Club or the first ancillary use or from the first live performance of music on the site, whichever is sooner.

### **E4. Incident reporting**

The Proponent must notify the Director-General of any incident with actual or potential off-site impacts on people or the biophysical environment as soon as practicable upon the Proponent becoming aware of the incident. The Proponent must provide full written details of the incident to the Director-General within 7 days of the date on which the incident occurred.

### **E5. Complaints Procedure**

The Proponent must ensure the following facilities are available to handle community complaints:

- (1) A 24-hour, toll free telephone number on which complaints may be registered.

- (2) A postal address to which complaints may be sent.
- (3) An email address to which electronic complaints may be registered.
- (4) Details of the Department's contact details where complaints may be sent.
- (5) A direct telephone number for the Yacht Club and each of the licensed ancillary premises, is to be publicised and answered by an onsite manager during operating hours.

#### **E6. Complaints Register**

The Proponent shall record all details of all complaints received through the means listed under Condition E5 in an up to date Complaints Register. The Register must record, but not necessarily be limited to:

- (1) The date and time, where relevant, of the complaint.
- (2) The means by which the complaint was made (telephone, mail or email).
- (3) Any personal details of the complainant that were provided.
- (4) The nature of the complaint.
- (5) Any actions taken up by the Proponent in relation to the complaint, including any follow-up contact, and
- (6) If no action was taken by the Proponent in relation to the complaint, the reason(s) why no action was taken.

The Complaints Register must be made available for inspection by Leichhardt Council, the Department and NSW Police upon request.

#### **E7. Landscaping shall be completed prior to Occupation**

Landscaping shall be fully completed in accordance with the approved Landscape Plan prior to the release of the final Occupation Certificate for the last stage of development, and shall be maintained at all times.

#### **E8. GFA and Height Certification**

Prior to the release of the final Occupation Certificate, a registered surveyor is to certify that the GFA of the development does not exceed 6,200m<sup>2</sup> in total and does not exceed 1,417m<sup>2</sup> or 22.9% of total GFA for ancillary uses.

A registered surveyor is to certify that the height of the development does not exceed RL11.9m and RL12.9m for the eastern and western buildings respectively, and that the height of the lift overrun does not exceed RL16.9m. Details shall be provided to the PCA and to the Department demonstrating compliance with this condition prior to the issue of the final Occupation Certificate.

#### **E9. Certifying Authority to Arrange Qualified Landscape Architect**

The Certifying Authority shall arrange for a qualified Landscape Architect / Designer to inspect the completed landscape works to certify adherence to the conditions and Construction Certificate drawings. Landscape works within and adjacent to the areas the subject of the Occupation Certificate, are to be fully completed prior to the issue of the Occupation Certificate.

#### **E10. Section 73 Compliance Certificate**

A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained to connect to the 250mm drinking water main in James Craig Road. The application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the "e-developer" icon or telephone 13 20 92.



Following application a “Notice of Requirements” will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

### **E11. Works as Executed Plans**

Works-As-Executed stormwater plans shall be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate, certifying that the stormwater drainage system has been constructed and completed in accordance with the approved stormwater plans. The person issuing the Occupation Certificate shall ensure that the following documentation is completed and submitted:

- The Work-As-Executed plans are prepared on the copies of the approved drainage plans issued with the Construction Certificate and variations are marked in red ink.
- The Work-As-Executed plans have been prepared by a registered surveyor certifying the accuracy of dimensions, levels, storage volumes, etc.

### **E12. Structural Inspection Certificate**

A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the PCA prior to the issue of any Occupation Certificate and/or use of the premises. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) shall be submitted to the approval authority and the Leichhardt Council after:

- a) The site has been periodically inspected and the Certifier is satisfied that the Structural Works is deemed to comply with the final Design Drawings; and,
- b) The drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

### **E13. Mechanical Ventilation**

- a) The premises must be ventilated in accordance with the Building Code of Australia and AS1668.1-1998 and AS1668.2-1991.
- b) Details of any mechanical ventilation and/or air conditioning system complying with AS1668.1-1998 and AS1668.2-1991, the Building Code of Australia and relevant Australian Standards must be prepared by a suitably qualified person and certified in accordance with Clause A2.2(a)(iii) of the Building Code of Australia, to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate.
- c) Prior to issue of an Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A2.2(a)(iii) of the Building Code of Australia, must be submitted to the Principal Certifying Authority.

### **E14. Fire Safety Certificate**

A Fire Safety Certificate shall be furnished to the PCA for all essential fire or other safety measures forming part of this approval prior to the issue of the relevant Occupation Certificate. A copy of each Fire Safety Certificate must be submitted to the Department, Leichhardt Council and the PCA.

### **E15. Waste and Recycling Collection Contract**

Prior to an Occupation Certificate being issued and/or commencement of the use, whichever is earlier, of the building the owner must ensure that there is a contract with a licensed contractor for the removal of **all trade waste**. No garbage is to be placed on the public way e.g. footpaths, roadways, plazas, and reserves at any time.

**E16. Structural Inspection Certificate**

A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the PCA prior to the issue of any Occupation Certificate and/or use of the premises. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) shall be submitted to the approval authority and the Leichhardt Council after:

- a) The site has been periodically inspected and the Certifier is satisfied that the Structural Works is deemed to comply with the final Design Drawings; and,
- b) The drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

**E17. Road Damage**

The cost of repairing any damage caused to Leichhardt Council or other Public Authority's assets in the vicinity of the subject site as a result of construction works associated with the approved development, is to be met in full by the Proponent/developer prior to the issue of any Occupation Certificate.

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**End of Section**

## PART F – DURING OPERATIONS

### F1. Hours of Operation

The hours of operation for the site and its respective uses are restricted as follows:

Use	Hours of operation
Commercial maritime (offices and dormitory accommodation)	24-hours-a-day, Monday to Sunday
Commercial maritime (chandlery, provisioning, workshops and retail)	7am – 7pm, Monday to Friday 7am – 8pm, Saturday and Sunday
Yacht Club	7am – 12 midnight, Monday to Sunday (From 10pm everyday balconies must not be used and doors and windows must be closed).
Ancillary uses (restaurants, bars etc)	7am – 11pm, Sunday to Wednesday 7am – 12 midnight, Thursday to Saturday (From 10pm everyday balconies must not be used and doors and windows must be closed).

### F2. Trial period for the Performance of Outdoor Live Music

The performance of live music on the forecourt of the Super Yacht Marina is subject to a trial period of 8 live performances or 12 months from the date of first performance, whichever occurs first. During the trial period, the Proponent shall engage an appropriately qualified acoustic engineer to undertake a comprehensive noise monitoring exercise to measure the noise emanating from the site as received at the closest residential receptor in Glebe Point Road, Glebe. Noise monitoring is required on no less than 8 occasions over 12 months in varying weather conditions, on different parts of the day and on different days of the week.

The results of noise measurements shall be presented to the Department in a comprehensive Noise Performance Monitoring Report and shall include the details of any complaints that may have arisen during live performances. Noise measurements shall be compared against the OLGR noise criteria for licensed premises.

Notwithstanding conditions A11 and F6, temporary seating and amplification equipment may be installed on the forecourt, during the trial outdoor live music performances.

A modification application may be lodged to continue the performance of live music on the forecourt of the marina before the end of the trial period outlined above. The consideration of the proposed continuation of live music performances will be based on, among other things, the performance of the operator in relation to compliance with conditions, and any substantiated complaints received and any views expressed by the NSW Police Force, City of Sydney Council and Leichhardt Council.

*Note: None of the 8 outdoor live music performances permitted under the trial may take place on Christmas Day or Good Friday.*

### F3. Noise from Licensed Premises

Noise from licensed premises when measured at the boundary of the nearest residential premises will be limited as follows:

- Between 7am – 12 midnight that  $L_{A10}$  noise shall not exceed the background noise level in any octave band centre frequency (31.5Hz – 8kHz inclusive) by more than 5dB
- Between 12 midnight – 7am that  $L_{A10}$  noise shall not exceed the background noise level in any octave band centre frequency (31.5Hz – 8kHz inclusive)

Notwithstanding the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between 12 midnight – 7am.

#### **F4. Noise- Mechanical Plant and Equipment**

Noise associated with the use of mechanical plant and equipment must not give rise to any one or more of the following:

- a) Transmission “offensive noise” as defined in the *Protection of the Environment Operations Act 1997* to any affected receiver.
- b) A sound pressure level at the boundary of any affected receiver that exceeds the background ( $L_{A90, 15minutes}$ ) noise level by more than 5dB. The background noise level must be measured in the absence of noise emitted from the use in accordance with Australian Standard AS1055.

#### **F5. Noise- General Operations**

Noise ( $L_{Aeq}$ ) emanating from the Super Yacht Marina land-based facilities and received from the closest residential receiver at 501 Glebe Point Road shall be restricted to the following project specific limits in accordance with the NSW Industrial Noise Policy:

<b>Time of Day</b>	<b>Noise limits</b>
Daytime (6am to 6pm)	60 dB(A)
Evening (6pm to 10pm)	50 dB(A)
Night (10pm to 6.00am)	45 dB(A)

#### **F6. No Amplified Music Outside**

Amplification equipment is not permitted outside or on external balconies and amplified sound is not to be directed outside or onto any external balconies.

#### **F7. Noise Limiters**

Amplification equipment shall comply with the following:

- a) An approved noise limiter shall be installed in each premises where amplified music will be played. The limiter shall be calibrated and set by the acoustical consultant to ensure compliance with the noise emission criteria in this approval. The acoustic consultant shall certify that the limiter is installed and calibrated to satisfy the requirements of the noise criteria. The calibration levels and assessment of background levels shall be reported on calibration sheets for each area and submitted to the Department and Leichhardt Council. The noise limiter(s) shall be installed in a locked cabinet in a secure area. Access to the noise limiter shall be restricted to the relevant Licensee of the premises and made available to the Department and Leichhardt Council officers at the time or request/inspection of the premises.
- b) All on-stage and front of house sound equipment must be connected in such a manner to the one system that the noise levels can be effectively controlled by the noise limiter referred to above and the house mixer/sound engineer.

## **F8. Noise Complaints**

Should noise complaints be received by the Department from a place of different occupancy and the complaint be substantiated by a Department officer, the use of the area concerned must cease operation until 'attenuation works' are carried out to the Director-General's satisfaction so that compliance with the relevant noise limits is achieved.

## **F9. Car Park Management Plan**

Car park management arrangements outlined in the approved Car Park Management Plan shall be implemented on site for the life of this approval. In the event that the implemented Car Park Management Plan results in unacceptable off-site traffic or parking impacts, a modified Car Park Management Plan shall be submitted and approved by the Director-General (if directed).

## **F10. Car Park Signposting**

Staff and visitor car parking should be clearly signposted in accordance the approved Car Park Management Plan. Signposting shall direct the internal circulation of vehicular movement within the site.

## **F11. Dormitory Accommodation**

Dormitory accommodation is permitted to service only staff employed and working either on super yachts berthed at the site or staff employed or working at the maritime offices on site. At no time is dormitory accommodation to be used by any other persons (staff or visitors) on site. A maximum of three dormitory rooms are permitted only.

## **F12. Annual Fire Safety Certification**

The owner of the buildings shall certify to Leichhardt Council every year that the essential services installed in the buildings for the purpose of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard. The purpose of this condition is to ensure that there is adequate safety of persons in the buildings in the event of fire and for the prevention of fire, the suppression of fire and the prevention of the spread of fire.

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**End of Section**

## ADVISORY NOTES

### **AN1. Compliance Certificate, Water Supply Authority Act 2000**

Prior to issuing a construction certificate, a Compliance Certificate shall be provided to the approval authority showing that the development has met with the detailed requirements of the relevant water supply authority for the region that the subject site is located within. The Proponent shall obtain the Compliance Certificate from the relevant local water supply authority and produce this to the satisfaction of:

- a) the certifying authority before release of the Construction Certificate,
- b) the approval authority before the release of the subdivision certificate, and
- c) the principal certifying authority prior to occupation.

### **AN2. Requirements of Public Authorities for Connection to Services**

The Proponent shall comply with the requirements of any public authorities in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services shall be the responsibility of the Proponent. Details of compliance with the requirements of any relevant public authorities are to be submitted to the satisfaction of the PCA prior to the issue of the Construction Certificate.

### **AN3. Use of Mobile Cranes**

The Proponent shall obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of works. In particular, the following matters shall be complied with to the satisfaction of the PCA:

- a) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Leichhardt Council:
  - i) at least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions, and
  - ii) at least 4 weeks prior to the works for full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- b) The use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7.30am without the prior approval of Council.

### **AN4. Movement of Trucks Transporting Waste Material**

The Proponent shall notify the Roads and Traffic Authority's Traffic Management Centre (TMC) of the truck route(s) to be followed by trucks transporting waste material from the site, prior to the commencement of the removal of any waste material from the site.

### **AN5. Noise Generation**

Any noise generated during the construction of the development shall not exceed the limits specified in any relevant noise management policy prepared pursuant to the Protection of the Environment Operations Act 1997, or exceed approved noise limits for the site.

### **AN6. Stormwater drainage works or effluent systems**

A construction certificate for works that involve any of the following:

- a) water supply, sewerage and stormwater drainage work
- b) management of waste.

as defined by Section 68 of the Local Government Act, 1993 will not be issued until prior separate approval to do so has been granted by Leichhardt Council under Section 68 of that Act. Applications for these works must be submitted on Council's standard Section 68 application form accompanied by the required attachments and the prescribed fees.

### **AN7. Temporary Structures**

An approval under State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007 must be obtained from Leichhardt Council for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the Building Code of Australia.

Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Council with the application under State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007 to certify the structural adequacy of the design of the temporary structures.

### **AN8. Disability Discrimination Act**

This application has been assessed in accordance with the Environmental Planning and Assessment Act 1979. No guarantee is given that the proposal complies with the Disability Discrimination Act 1992. The Proponent/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The Disability Discrimination Act 1992 covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS 1428.1 - Design for Access and Mobility. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the Disability Discrimination Act 1992 currently available in Australia.

### **AN9. Roads Act 1993**

A separate application shall be made to RMS or the local council for approval under Section 138 of the Roads Act, 1993 to undertake any of the following:

- a) erect a structure or carry out a work in, on or over a public road, or
- b) dig up or disturb the surface of a public road, or
- c) remove or interfere with a structure, work or tree on a public road, or
- d) pump water into a public road from any land adjoining the road, or
- e) connect a road (whether public or private) to a classified road.

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**End of Section**

**SCHEDULE 3**  
**PROPONENT'S STATEMENT OF COMMITMENTS**



Issue	Commitment	Timing												
<b>General</b>														
Environmental Assessment	Sydney Superyacht Marina shall ensure the Project will be carried out in accordance with the procedures, safeguards and mitigation measures identified in the Environmental Assessment, as modified by the report on submissions, the Preferred Project Report and its Addendum and this Statement of Commitments.	Ongoing for the life of the Project.												
<b>Compliance &amp; Staging</b>														
Notification	Sydney Superyacht Marina shall notify in writing the Director-General of the start of the construction and operation.	Prior to construction and operation.												
Staged construction	<p>Sydney Superyacht Marina shall notify the Department of the order of stages for the construction of the development, although the stages may be constructed in non-sequential order. However any one or two of stages 1, 2 and 3 may not be constructed alone.</p> <p>Sydney Superyacht Marina shall ensure that the car park will be built prior to the commencement of construction of the sectors identified as stage 1, 2 or 3.</p> <p>Sydney Superyacht Marina shall ensure the removal of the underground storage tanks by NSW Maritime (RMS) prior to or during the construction of the western building (stage 4 and 5) and the western section of the eastern building (stage 3).</p>	Prior to construction												
Compliance	Sydney Superyacht Marina is responsible for ensuring compliance with these commitments and with all necessary licences permits and approvals which are obtained or required to be obtained	Ongoing for the life of the Project.												
<b>Land Use of the Site</b>														
Use of the buildings	<p>Sydney Superyacht Marina will ensure that the uses of the facilities will be as follows for the gross floor area of the buildings as calculated under the SREP 26 definition of GFA:</p> <ul style="list-style-type: none"> <li>• 2851m<sup>2</sup> (46%) of the GFA will be used for marine related offices, retail and workshops, including not more than 3 marina attendant/crew dormitories</li> <li>• 1932m<sup>2</sup> (31.2%) of GFA will be used for a yacht club registered under the Registered Clubs Act 1976;</li> <li>• 966m<sup>2</sup> (15.6%) of GFA will be used for ancillary restaurants, cafes, takeaways and bars</li> <li>• 451m<sup>2</sup> (7.3%) of GFA will be used for a marine provedore, seafood retail and seafood restaurant</li> <li>• The car park will be used for car parking associated with the operations of the Site.</li> </ul> <p>Uses and areas within the Site will be as follows and in the areas set out in Figure 1 of the PPR Addendum:</p>	During operation.												
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;">Building</th> <th style="width: 15%;">Level</th> <th style="width: 15%;">m2 GFA</th> <th style="width: 15%;">Land Use</th> <th style="width: 15%;">m2</th> <th style="width: 15%;">% GFA of Site</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Building	Level	m2 GFA	Land Use	m2	% GFA of Site							During operation
Building	Level	m2 GFA	Land Use	m2	% GFA of Site									

Issue	Commitment						Timing	
	Western	Ground	1335	A Marine	517	8.3%		
				B Yacht Club	367	5.9%		
				D Provedore	451	7.3%		
		First Floor	1565	B Yacht Club	1565	25.3%		
	Eastern	Ground	1650	A Marine	1167	18.8%		
				C Ancillary restaurants/bars	483	7.8%		
		First Floor	1650	A Marine	1167	18.8%		
				C Ancillary restaurants/bars	483	7.8%		
	<b>TOTAL m2</b>		<b>6200</b>		<b>6200</b>	<b>100%</b>		
Outdoor seating Areas	Use of the outdoor decks, terraces and balconies will be only in association with the adjoining or adjacent internal tenancy.  No tables or chairs will be used in association with the tenancies between the western building deck and the foreshore.						During operation	
Dormitories	Dormitories are only to be used by marina attendants or crew and are not to be available for public use.						During operation	
End of Trip bicycle facilities	End of trip facilities for cyclists are to be provided including showers, change rooms and lockers.  Bicycles are to be made available to visiting crew from the superyachts						Prior to construction and during operation	
<b>Environmental Management</b>								
Construction Environmental Management Plan (CEMP)	Sydney Superyacht Marina shall prepare and implement a Construction Environmental Management Plan (CEMP) to be submitted to NSW Maritime and Department of Planning and Infrastructure. The CEMP would include the following management plans and strategies: <ul style="list-style-type: none"> <li>• Construction Noise Management Plan</li> <li>• Traffic Management Strategy</li> <li>• Water Quality Management Plan</li> <li>• Erosion and Sediment Control Plan</li> <li>• Spill Management Plan</li> <li>• Acid sulfate soil contingency management plan</li> <li>• Construction waste management plan</li> <li>• Heritage management plan</li> </ul>						Prior to construction.	
Operations Environmental Management Plan (OEMP)	Sydney Superyacht Marina shall prepare and implement an Operations Environmental Management Plan (OEMP) to be submitted to NSW Maritime and Department of Planning and Infrastructure. The OEMP will include the following						Prior to commencement of operations.	

Issue	Commitment	Timing																			
	management plans and strategies: <ul style="list-style-type: none"> <li>• Noise Management Plan</li> <li>• Traffic Management Plan</li> <li>• Stormwater management plan</li> <li>• Public access foreshore management plan</li> <li>• Emergency response plan</li> </ul>																				
<b>Working Hours</b>																					
Construction Hours	Sydney Superyacht Marina shall ensure construction be restricted to between the hours of 7:00 am and 7:00 pm (Monday to Friday), 8:00 am to 3:00 pm (Saturday) and at no time on Sundays and public holidays, except for the delivery of materials required outside these hours by the Police, RMS or other authorities for safety reasons or where it is required in an emergency to avoid the loss of life, or with written approval of the Director-General. Sydney Superyacht Marina will not vary those hours without the prior written approval of the Director-General.	During Construction																			
Operating Hours	<p>The decks, balconies and outdoor seating areas must not be used by the yacht club, restaurants, cafes, bars or takeaways or by the provedore, seafood restaurant or seafood retail after 10.00pm and before 7am on any day however ingress and egress to the ground level restaurants, cafes, takeaways and bars will be allowed through the external doors to outdoor seating areas between 10.00pm and midnight.</p> <p>Licensed activities may not extend beyond midnight on any day.</p> <p>The superyacht facility shall operate 24 hours. However, Sydney Superyacht Marina shall ensure that the businesses operating on site will not operate outside the hours set out below, unless otherwise directed by the Department of Planning:</p> <table border="1" data-bbox="461 1029 1538 1406"> <thead> <tr> <th data-bbox="461 1029 844 1062">Activity</th> <th data-bbox="844 1029 1182 1062">Day</th> <th data-bbox="1182 1029 1538 1062">Time</th> </tr> </thead> <tbody> <tr> <td data-bbox="461 1062 844 1141" rowspan="2">Marine chandlery, and retail outlets</td> <td data-bbox="844 1062 1182 1102">Monday – Friday</td> <td data-bbox="1182 1062 1538 1102">7:00am to 7:00pm</td> </tr> <tr> <td data-bbox="844 1102 1182 1141">Saturday -Sunday</td> <td data-bbox="1182 1102 1538 1141">7:00am to 8:00pm</td> </tr> <tr> <td data-bbox="461 1141 844 1273" rowspan="2">Restaurant / café/ take-away /bars; and Provedore, seafood restaurant and seafood retail</td> <td data-bbox="844 1141 1182 1208">Sunday – Wednesday</td> <td data-bbox="1182 1141 1538 1208">7:00am to 11:00pm</td> </tr> <tr> <td data-bbox="844 1208 1182 1273">Thursday – Saturday</td> <td data-bbox="1182 1208 1538 1273">7:00am to 12:00am</td> </tr> <tr> <td data-bbox="461 1273 844 1342">Yacht Club</td> <td data-bbox="844 1273 1182 1342">Monday to Sunday – 7 days</td> <td data-bbox="1182 1273 1538 1342">7:00am to 12:00am</td> </tr> <tr> <td data-bbox="461 1342 844 1406">Marina facilities, commercial</td> <td data-bbox="844 1342 1182 1406">Monday to Sunday</td> <td data-bbox="1182 1342 1538 1406">24 hours</td> </tr> </tbody> </table>	Activity	Day	Time	Marine chandlery, and retail outlets	Monday – Friday	7:00am to 7:00pm	Saturday -Sunday	7:00am to 8:00pm	Restaurant / café/ take-away /bars; and Provedore, seafood restaurant and seafood retail	Sunday – Wednesday	7:00am to 11:00pm	Thursday – Saturday	7:00am to 12:00am	Yacht Club	Monday to Sunday – 7 days	7:00am to 12:00am	Marina facilities, commercial	Monday to Sunday	24 hours	During Operation
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Marina facilities, commercial	Monday to Sunday	24 hours																			

Issue	Commitment	Timing								
<b>Construction Standards</b>										
Food Premises	Sydney Superyacht Marina will ensure that the fitout of the food premises shall be carried out in accordance with the <i>National Code for the Design Construction and Fitout of Food Premises</i> .	Prior to and during construction.								
BCA fire ratings	Sydney Superyacht Marina shall ensure that construction of the buildings (but not the car park) will meet the BCA requirements for a Type B classification.	Prior to and during construction.								
Fire Hydrant	A fire hydrant system designed to AS 2419.1 standard will cover the Site.	Prior to occupation								
Cycle Paths and Parking	<p>Parking spaces are to be constructed in accordance with Australian Standards.</p> <p>Cycle paths are to be constructed taking into account the relevant provisions of the Austroads guides and the RTA NSW Bicycle Guidelines</p>	During construction								
Car Park Lifts and Stairs	Car park lift cars will have a critical radiant heat flux of not less than 2.2 and a maximum smoke development rate of 750% minutes. The car park stairs will achieve BCA compliance.	During construction and operation								
Sound Insulation of Construction Materials	<p>The Sound Insulation Rating R-w of the construction materials shall not be less than as specified below:</p> <table border="1" data-bbox="461 900 1202 1031"> <thead> <tr> <th data-bbox="461 900 842 932">Building Section</th> <th data-bbox="842 900 1202 932">Sound Insulation Rating R-w</th> </tr> </thead> <tbody> <tr> <td data-bbox="461 932 842 963">Eastern and western facades</td> <td data-bbox="842 932 1202 963">45dB</td> </tr> <tr> <td data-bbox="461 963 842 995">Southern and northern facades</td> <td data-bbox="842 963 1202 995">36dB</td> </tr> <tr> <td data-bbox="461 995 842 1027">Roof</td> <td data-bbox="842 995 1202 1027">36dB</td> </tr> </tbody> </table> <p>The building design must facilitate the compliance with the INP and OLGR noise criteria set out in this Statement of Commitments.</p>	Building Section	Sound Insulation Rating R-w	Eastern and western facades	45dB	Southern and northern facades	36dB	Roof	36dB	Prior to and during construction
Building Section	Sound Insulation Rating R-w									
Eastern and western facades	45dB									
Southern and northern facades	36dB									
Roof	36dB									
Environmental Sustainability	<p>Sydney Superyacht Marina will incorporate in its plans environmental sustainable building practices such as photovoltaic cells, use of recycled materials and recycling demolition materials, use of building materials selected for environmentally responsible properties.</p> <p>Specifically the site will include:</p> <ul style="list-style-type: none"> <li>• rainwater tanks (100,000 litre and 60,000 litre) with first flush with rainwater to be used for landscape irrigation and toilet flushing</li> <li>• gross pollutant traps through which stormwater will pass with a separation performance at least equal to a</li> </ul>	Prior to and during construction								

Issue	Commitment	Timing						
	reduction in Total Suspended Solids (TSS) of 80%, total phosphorus (TP) of 30% and Total Nitrogen (TN) of 13% <ul style="list-style-type: none"> <li>• photovoltaic cells with a minimum 30kW to either supply power back to the grid or power on Site</li> <li>• Boosted solar hot water systems</li> </ul>							
<b>Air Quality</b>								
Construction	Sydney Superyacht Marina shall ensure construction vehicles using public roads shall be maintained to prevent any loss of load. In the event of any spillage, the Proponent shall remove the spilled material as soon as practicable within the working day of the spillage.	During construction.						
Dust suppression	Sydney Superyacht Marina shall ensure measures are implemented to prevent dust emissions from stockpiles.	During construction.						
<b>Noise</b>								
Noise Auditing	Sydney Superyacht Marina shall undertake a noise audit to confirm noise emission performance of the facility. If the noise audit identifies any non-compliance with noise limits, the Proponent shall ensure additional measures would be implemented to achieve compliance, clearly indicating who would implement these measures, when these measures would be implemented, and how the effectiveness of these measures would be measured.	Within 3 months of commencement of operation.						
Closing of Doors and Windows	All doors and windows of the eastern and western buildings must be closed after 10.00pm. Self closing doors must be included on the first level of the western building for the yacht club and incorporate air locks.	During operation						
Construction Noise	Sydney Superyacht Marina shall implement all reasonable and feasible noise mitigation measures with the aim of achieving the construction noise management levels as described in the <i>Interim Construction Noise Guideline (DECCW 2009)</i> .	During construction						
Operating Noise Project Specific Noise Limits (PSNL) under the INP	The project specific noise criteria under the Industrial Noise Policy for the Site will be: <table style="margin-left: 20px; border: none;"> <tr> <td style="padding-right: 20px;">Daytime</td> <td>60dB(a)</td> </tr> <tr> <td>Evening</td> <td>50dB(A)</td> </tr> <tr> <td>Nighttime</td> <td>45dB(A)</td> </tr> </table>	Daytime	60dB(a)	Evening	50dB(A)	Nighttime	45dB(A)	During operation
Daytime	60dB(a)							
Evening	50dB(A)							
Nighttime	45dB(A)							

Issue	Commitment											Timing	
Operating Noise Project Specific Noise Limits (PSNL) under OLGR	The PSNL under the OLGR at the nearest residential receivers are as set out below:											During operation	
	Receiver	Time period	Frequency (Hz)										
			31.5	63	125	250	500	1000	2000	4000	8000		Overall
	R1-R8 1 <sup>st</sup> floor	Day	30	40	41	45	50	53	49	39	26		57
		Evening	29	38	40	44	50	53	54	41	26		58
		Night1	26	35	37	40	48	52	47	36	23		54
		Night 2	18	29	31	35	41	45	41	31	18		48
	R1-R8 5 <sup>th</sup> Floor	Day	24	37	43	47	51	54	50	45	38		58
		Evening	20	34	41	45	50	53	50	44	37		57
		Night1	17	31	38	42	47	51	45	37	28		54
Night2		14	27	35	37	42	45	40	34	27	48		
Note: Day 7.00am-6.00pm Evening 6.00pm-10.00pm Night1 10.00pm-00.00am Night2 00.00am-7.00am													
Calibration of speakers	Sydney Superyacht Marina will calibrate the speakers to ensure external live music will not exceed the maximum sound power levels (SWL) and sound pressure levels (SPL) within octave bands as set out below:											Within 3 months of commencement of operation of the eastern building	
	Maximum SWL and SPL allowed for outdoor live music, dB(A)												
		Frequency (Hz)											
	Descriptor	31.5	63	125	250	500	1000	2000	4000	8000	Overall		
SWL	71	88	93	90	95	105	102	94	90	108			
SPL at 5m	49	66	72	69	74	84	83	73	69	87			
External Live Music	Sydney Superyacht Marina will ensure that external live music performances are subject to the following restrictions:											During operation.	
(i) Only one group at any time may play at the site													
(ii) The external live music is restricted to playing between 11.00am to 8.00pm except on special event days when the live music may play between 9.00am and 10.00pm. Special event days are Christmas Day, Boxing Day, New Year's Day, New Year's Eve, Australia Day, plus 5 additional days per calendar year provided 21 days notice is provided to the Department of Planning and Infrastructure and Maritime division of the Roads & Maritime Service.													
(iii) External live music may only play at ground level and not on balconies													
(iv) Arrangements for external live music to play at the site must be made through the facility manager and must be													

Issue	Commitment	Timing
	associated with the ancillary restaurants/café/bars (v) Performers must comply with the noise limit criteria established under the NSW Industrial Noise Policy and OLGR (vi) Speakers must neither face the water nor the building facades and be calibrated to the levels set out in this Statement of Commitments (vii) There cannot be simultaneous operation of external live music outdoors and a band indoors.	
Indoor music	Sydney Superyacht Marina will ensure that all premises playing indoor music will be required to close all doors and windows after 10.00pm.	During operation.
Loading and Unloading	Loading and unloading on the foreshore will be limited to direct servicing and provisioning of the superyachts, deliveries by large trucks such as fuel tankers and garbage collection for the marina. All other deliveries will occur to the rear (north) of the buildings.	During operation
Noise Management Plan	A noise management plan will be drafted and will include the following elements: <ul style="list-style-type: none"> <li>• Site location</li> <li>• Surrounding land use</li> <li>• Operations overview</li> <li>• Noise criteria:               <ul style="list-style-type: none"> <li>○ Industrial Noise Policy Noise Criteria (as set out in this Statement of Commitments)</li> <li>○ Office of Liquor Gaming and Racing OLGR Noise Criteria (as set out in this Statement of Commitments)</li> </ul> </li> <li>• Noise Management strategy               <ul style="list-style-type: none"> <li>○ Complaint procedure including 24 hour marina telephone line)</li> <li>○ Noise measurement procedure</li> <li>○ Education and training for site personnel</li> <li>○ Late evening parking</li> <li>○ Traffic wardens to address car parking noise issues</li> <li>○ Use of marina during emergency maintenance</li> <li>○ Consultation with community (including establishing a community liaison group)</li> <li>○ Contractual arrangements with bands</li> <li>○ Lease agreements to include noise management</li> </ul> </li> <li>• Noise auditing and monitoring including methods to overcome any non-compliances and contingencies</li> </ul>	Prior to and during operation
<b>Water</b>		
Water Quality Objectives	Sydney Superyacht Marina shall ensure the stormwater system meets water quality objectives for Rozelle and Blackwattle Bays.	During detailed design
Maintenance of the	The stormwater collection system will be maintained once a year or before sediment levels exceed the design capacity,	During operation

Issue	Commitment	Timing
Stormwater System	<p>which ever one occurs first. Stormwater will be gravity fed through pits and gullies and gross pollutant traps before discharge to Rozelle Bay.</p> <p>Monitoring of gross pollutant traps to ensure timely pump out and effective control will be set out in the OEMP.</p>	
Water and sewer services	<p>Sydney Superyacht Marina shall make satisfactory arrangements for the provision of water and sewer services to the land. Prior to the issue of a construction certificate, the Proponent shall make an application to Sydney Water for a Certificate under Part 6, Division 9, Section 73 of the <i>Sydney Water Act 1994</i>.</p>	Prior to construction
Erosion and sediment	<p>The erosion, sediment and pollution management system is to be effectively maintained at or above design capacity during construction and until such time as all ground disturbed has been stabilised and rehabilitated so that it no longer acts as a source of sediment. Any material that is to be stockpiled on site is to be stabilised and covered to prevent erosion or dispersal of the material into the adjacent waterway.</p>	During construction
<b>Visual</b>		
Lighting	<p>Sydney Superyacht Marina will ensure that the outdoor lighting associated with the project:</p> <p>(a) <i>complies with, where relevant, AS/NZ 1158.3 : 1999 Pedestrian Area (Category P) lighting, and AS 4282 (1997) - Control of Obtrusive Effects of Outdoor Lighting; and</i></p> <p>(b) is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network, to the satisfaction of the Director-General.</p> <p>The proposed internal lighting system must be designed to provide for the efficient use of energy including the use of energy efficient light fittings, zoned lighting and controls and sensors to ensure automatic switch off during non-working hours.</p>	During operation.
<b>Public Domain</b>		
Master Plan	<p>Sydney Superyacht Marina will ensure that details of all the furniture and fittings to be erected within all publicly accessible areas and specifically along the publicly accessible foreshore, are to be provided generally in accordance with the Master Plan requirements and submitted for the Director General's approval in writing.</p> <p>Sydney Superyacht Marina will ensure that all furniture and fittings within publicly accessible areas are to be constructed and/or installed prior to the issue of the final Occupation Certificate.</p>	Prior to and during construction



Issue	Commitment	Timing
Landscape Plan	Sydney Superyacht Marina will submit a final landscape plan for the written approval of the Director-General prior to the issue of any Construction Certificate. Landscaping will take into account the suggested vegetation and furniture in the Master Plan. Boards explaining the heritage of the area will be considered for inclusion in the landscape plan. Landscaping will include landscaping for the car park. All landscaping is to be completed prior to the issue of any Occupation Certificate in relation to the relevant component of the Project.	Prior to and during construction.
24 hour access to foreshore	<p>24 hour access to the foreshore will be provided along the 24 hour public easement specified in the approved plans save during the brief periods when customs or use of the pennant crane require access to be shut, provided that Sydney Superyacht Marina shall have the ability in consultation with Leichhardt Municipal Council and the RMS to close the foreshore outside daytime operating hours if asset security of the superyachts becomes a problem.</p> <p>Sydney Superyacht Marina will ensure that no tables and chairs associated with the tenancies in the western building will be placed between the western building decks and the foreshore.</p>	During operation
Linkages with other access routes	Sydney Superyacht Marina will not prevent linkages to adjacent sites along the Master Plan identified routes when such access routes are opened on the adjoining lands.	Ongoing life of the project
<b>Heritage</b>		
European Heritage	Should any materials thought to be of relics be discovered in the course of construction, work will immediately cease in the location. The Heritage Office will be contacted for management advice.	Ongoing for the life of the Project.
Aboriginal Heritage	Should any materials thought to be of Aboriginal origin be discovered in the course of construction, work will immediately cease in the location. A qualified archaeologist and the Local Aboriginal Land Council will be contacted for management advice. Clearance would have to be given by both of these organizations before recommencements of work.	Ongoing for the life of the Project.
<b>Soil/ Waste Management</b>		
Imported fill	Any imported fill must be Virgin Excavated Natural Material as defined in the Environmental Protection Authority's guideline Assessment, Classification and Management of Liquid and Non-Liquid Wastes.	During construction
Acid Sulfate Soils	If Acid Sulphate Soils are excavated, the Sydney Superyacht Marina shall ensure that a suitably qualified Environmental Scientist be employed to supervise all disturbance of acid sulphate soils on Site	During construction
Waste Management during construction	Sydney Superyacht Marina shall ensure that excavated material be assessed and disposed off-site in accordance with DECCWs ' Waste Classification Environmental Guidelines or any future guideline that may supersede that document.	During construction.

Issue	Commitment	Timing
Waste Management during operations	<p>A waste management plan will be drafted and will include the following elements:</p> <ul style="list-style-type: none"> <li>• working with contractors and workers to reduce waste arising from repairs</li> <li>• working to reduce excess packaging arriving on site</li> <li>• pumping of yacht sullage to an onsite holding tank</li> <li>• separate storage receptacles for general waste and recyclables</li> <li>• suitable arrangements for a trade waste agreement will be made</li> </ul>	During operations
Waste disposal	Sydney Superyacht Marina shall ensure separate storage receptacles for general waste, recyclables (paper, cardboard, glass, plastics) and vegetation are provided. No waste (other than stormwater) will be disposed of on Site, with all waste disposed of at an appropriately licensed waste management facility or reused or recycled. This will form part of the OEMP.	During construction and operation.
<b>Hazards</b>		
Hazardous materials	<p>The Proponent shall store and handle all hazardous chemicals, dangerous goods, fuels and oils, strictly in accordance with:</p> <p>(a) all relevant Australian Standards, particularly AS 1940 and AS 1596  (b) a minimum bund volume requirement of 110% of the volume of the largest single stored volume within the bund;  (c) the Australian Dangerous Goods Code; and  (d) The EPA's <i>Environmental Protection Manual Technical Bulletin and Spill Management</i>, or any future guideline which may supersede that document.</p> <p>In the event of any inconsistency between these requirements, the Proponent shall comply with the most stringent requirement to the extent of any inconsistency.</p>	During construction and operation.
Spill Kits	<p>Sydney Superyacht Marina shall ensure appropriate and maintained spill kits are available and signposted on site to contain and collect spillage on the site. If chemicals enter the drain, Sydney Superyacht Marina shall use a vacuum truck to suction the substances from the gross pollutant traps for disposal to a licensed waste facility.</p> <p>Sydney Superyacht Marina will ensure that contractors and staff will be trained in the use of spill kits and advised of the contact details for rescue and emergency services. This will form part of the OEMP.</p>	During operation
<b>Access</b>		
Access for disabilities	Prior to the issue of any construction certificate an Access Strategy Report for the relevant component of the Project is to be prepared by a suitably qualified access consultant and approved in writing by the Director-General. The Access Strategy must certify that the Project, or part thereof, as constructed will comply with the provisions of the <i>Disability Discrimination</i>	Prior to construction

Issue	Commitment	Timing
	<i>Act</i> , Australian Standard AS1428 and AS1429.2 and the Building Code of Australia.	
<b>Car Parking</b>		
Traffic design	<p>Sydney Superyacht Marina will ensure that car parking associated with the Project (including driveways, aisle widths, aisle lengths, grades, turning paths, parking bay dimensions and sight distance requirements) shall be designed, constructed and maintained in accordance with the latest versions of the Australian Standards <i>AS 2890.6:2009</i> and <i>AS 2890.2:2002</i> for heavy vehicle usage.</p> <p>Details demonstrating compliance with these requirements will be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of a Construction Certificate for the relevant component of the Project.</p>	Prior to construction
Traffic Management Plan	<p>Sydney Superyacht Marina will prepare a traffic management plan with the assistance of a suitably qualified traffic consultant to ensure that there will be no unreasonable delays caused by the operation of the car park lifts during and after functions at the yacht club.</p> <p>The traffic management plan will include the following elements:</p> <ul style="list-style-type: none"> <li>• Site location</li> <li>• Surrounding land use</li> <li>• Operations overview</li> <li>• Traffic Management strategy <ul style="list-style-type: none"> <li>○ Complaint procedure</li> <li>○ Education and training for site personnel</li> <li>○ Deliveries, loading and unloading (as set out in this Statement of Commitments)</li> <li>○ Restriction on hours for use of loading spaces to limit their use for loading at peak periods during the day on weekends</li> <li>○ Traffic wardens to address car parking noise issues</li> <li>○ Management during peak parking periods</li> <li>○ Traffic flow in the car park and car park queuing</li> <li>○ Staff parking</li> <li>○ Valet parking (if required)</li> <li>○ Possible contingencies for traffic management include: <ul style="list-style-type: none"> <li>▪ shuttle buses to the city</li> <li>▪ valet parking</li> <li>▪ community bus for the yacht club</li> <li>▪ negotiating with other land users in the local vicinity to use their carparking during their non peak periods</li> <li>▪ on street parking opportunities</li> <li>▪ time limits on parking</li> </ul> </li> </ul> </li> </ul>	During operation.

Issue	Commitment	Timing
	<ul style="list-style-type: none"> <li>○ Installation of electronic displays showing vacant parking and programming of lifts</li> <li>○ Cycle provision for visiting crew</li> <li>○ Green travel plan and/or travel access and workplace travel plan</li> <li>○ Signage and directions to the nearest bus stops and light rail station</li> <li>○ End of trip cycle facility management</li> <li>○ Connections to pedestrian and cycle routes in the area when linkages become available to adjoining lands</li> <li>○ Cycle paths along the eastern boundary of both buildings along the public access easements (excluding the foreshore)</li> <li>○ Inclusion of green travel plan and transport access routes on the Sydney Superyacht Marina website</li> </ul>	
Restriction on car parks associated with ancillary restaurants, takeaways, cafes and bars	Notwithstanding the ability of land use to alter pursuant to the SEPP (Exempt and Complying Development Codes) 2008, Sydney Superyacht Marina will ensure that there will be 8 car spaces /100m2 of restaurant/café/takeaway/bar land use (including indoor area and outdoor balconies and decks but not terraces), and that at no time can the number of car spaces associated with these uses on the site exceed 80 spaces. "Associated" in this context does not require that those car parks be specifically allotted by signage or any other means for restaurant/bar/café/takeaway use exclusively.	Ongoing for the life of the Project.
Modification to existing DA	Sydney Superyacht Marina will lodge a modification application with the Department seeking to modify: <ul style="list-style-type: none"> <li>● the number of car parks assigned to the DA 088-05-08 from 50 car parks to 24; and</li> <li>● to remove the right for NSW Maritime to park on the Site from the start of construction.</li> </ul>	Prior to commencement of construction
<b>Pennant Crane</b>		
Design	Sydney Superyacht Marina will ensure that the proposed pennant crane and its components shall be designed, detailed, installed, operated and maintained in accordance with relevant Australian Codes, Rules, and Standards, and NSW Workcover Authority's Cranes, Hoists and winches: Guidance for the provisions of canes, hoists and winches under OH & S legislation in NSW. The maximum size of the crane will be 5.1 metres from existing ground level with a maximum hoisting capacity of 5000kg.	During construction and operation
Compliance with Australian standards	Sydney Superyacht Marina shall submit to the Director-General, a signed statement from the designer/manufacture or from a practising mechanical engineer qualified for corporate membership of the Institution of Engineers Australia certifying that the crane complies with AS1418 or equivalent.	Prior to the commencement of operations
<b>Community Liaison</b>		
Community Liaison Group	Sydney Superyacht Marina shall establish a Community Liaison Group to include representatives from Sydney Superyacht Marina, NSW Maritime and Leichardt Council and two representatives from the community (including one from 501 Glebe Point Road, Glebe Point).	Prior to the commencement of operation and ongoing for the life of the project or until as agreed by the

Issue	Commitment	Timing
Complaints procedure	<p>Sydney Superyacht Marina shall ensure that the following are available for community complaints:</p> <ul style="list-style-type: none"> <li>(a) a 24-hour, toll free telephone number on which complaints about the Project may be registered;</li> <li>(b) a postal address to which written complaints may be sent; and</li> <li>(c) an email address to which electronic complaints may be transmitted.</li> </ul> <p>Sydney Superyacht Marina will ensure these details are published in a newspaper circulating the local area prior to the commencement of construction.</p> <p>Sydney Superyacht Marina would record details of all complaints received in an up-to-date Complaints Register. The Register would record, but not necessarily be limited to:</p> <ul style="list-style-type: none"> <li>(a) the date and time, where relevant, of the complaint;</li> <li>(b) the means by which the complaint was made (telephone, mail or email);</li> <li>(c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect;</li> <li>(d) the nature of the complaint;</li> <li>(e) any action(s) taken by the Proponent in relation to the complaint, including any follow-up contact with the complainant; and</li> <li>(f) if no action was taken by the Proponent in relation to the complainant, the reason(s) why no action was taken.</li> </ul> <p>The Complaints Register would be made available for inspection by Council and the Director-General and NSW Maritime upon request.</p>	<p>participants</p> <p>Prior to the commencement of construction</p>
<b>Utilities</b>		
Determine location of utility lines	Sydney Superyacht Marina shall pot hole prior to any excavation works to determine the exact location of power lines, services and optical fibre lines on the site.	Prior to construction.
Contact details	Sydney Superyacht Marina shall establish a communication path and provide emergency contact numbers to inform Energy Australia, Telstra, Railcorp and Sydney Water of the progress of work and allow adequate response to undertake any mitigating measures if required.	During construction, operation and ongoing life of the Project.
<b>Energy Efficiency</b>		
Energy efficiency	Sydney Superyacht Marina will ensure that where feasible, energy-efficient equipment is utilised. Sydney Superyacht Marina will also conduct site awareness programs for all site personnel regarding energy conservation methods.	During construction and operation.
Energy efficient materials	Sydney Superyacht Marina will ensure the operating environmental management plan will require ongoing monitoring and	During construction and operation

Issue	Commitment	Timing
	management of the environmental performance of the development, including a tenancy fit out guide with suggestions for minimising the environmental footprint.	
Water conservation	Sydney Superyacht Marina will ensure that water saving devices, such as dual flush toilets and AAA rated flow regulators to all showers and taps will be installed in all areas of the Project to reduce water consumption and promote energy efficiency to help reduce external water demands.	During construction and operation