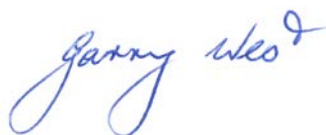


Modification of Minister's Approval

Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning under delegation executed on 14 September 2011, the Planning Assessment Commission modifies the Project Approval referred to in Schedule 1, subject to the amendments to conditions in Schedule 2.





Member of the Commission Member of the Commission Member of the Commission

Sydney

15 June 2016

SCHEDULE 1

Application No.:	MP 09_0165
Proponent:	Sydney Super Yacht Marina Pty Ltd
Approval Authority:	Minister for Planning and Infrastructure
Land:	Lot 1 and Lot 2 DP1209992 Sydney Super Yacht Marina 2 Maritime Court Rozelle Bay
Project:	Land-based redevelopment of Super Yacht Marina comprising: <ul style="list-style-type: none"> • construction of two commercial maritime buildings with ancillary uses; • construction of a multi-level car parking building; and • off-street car parking and associated landscaping.
Modification Number:	MP09_0165 MOD 1
Modifications:	The modification to the approved project including: <ul style="list-style-type: none"> • to update the land title details; • to amend the building design and internal layout of the Eastern and Western Buildings, including the addition of a new Level 2 to the Eastern Building and subsequent increase in building height from RL11.90m to RL15.250m; • to modify the design of the multi-level car parking including: <ul style="list-style-type: none"> ○ new Level 4; ○ 220sqm of commercial maritime GFA on ground level; ○ flexible use of 33 parking spaces for marine storage and/or car parking on Levels 1-3; and ○ increase in overall building height from RL11.4m to RL13.600m; • to increase in gross floor area from 5,945sqm to 6,885sqm and changes to land use distribution;

- increase in number of parking spaces from 206 to 288 with flexible use of 53 spaces;
- to define the areas for future outdoor seating; and
- water-based redevelopment including to upgrade and reconfigure the maritime berthing arrangements and associated works.

SCHEDULE 1

1. Amend the description of the 'site' as shown in ***bold italics*** and deletions struck-through:

~~Part Lot 32 DP 1151746~~ Lot 1 and Lot 2 DP1209992

Sydney Super Yacht Marina:

2 Maritime Court ~~or Lot 2 James Craig Road~~

Rozelle Bay, Sydney

2. Amend the description of the 'project' as shown in ***bold italics*** and deletions struck-through:

Land-based ***and water-based*** redevelopment of Super Yacht Marina comprising:

- construction of two commercial maritime buildings with ancillary uses;
- construction of a multi-level car parking building; ~~and~~
- off-street car parking and associated landscaping; ***and***
- ***upgrade and reconfiguration of the maritime berthing arrangements and associated works.***

3. Insert the following new definition:

Secretary Secretary of the Department of Planning and Environment, or delegate

4. Amend the definition of the "site" as shown in ***bold italics*** and deletions struck-through:

Site Sydney Super Yacht Marina, ~~James Craig Road~~ ***2 Maritime Court***, Rozelle Bay, Sydney.

5. Insert the following new definitions:

Tender A tender is a boat used to service or support yachts, by transporting people and/or supplies to and from shore or another yacht.

Water-based Means any works or activities (as relevant) within the 'limit of moorings' shown on Plan DA04 Rev. H.

End of Schedule 1

SCHEDULE 2 AMENDMENTS TO CONDITIONS

1. In Part A, amend Condition A1, as shown in *bold italics* and deletions struck-through:

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~~ **RL15.250m** with a maximum GFA of ~~3,300 m²~~ **3,570 sqm**
- construction of a commercial maritime building known as the 'western building' with a maximum parapet height of RL12.9m with a maximum GFA of 2645m²
- construction of ~~four-level~~ **five-level** car parking building with a maximum parapet height of ~~RL11.4m for 140 car space~~ **RL13.60m (RL14.60m balustrade) for 228 car spaces (including flexible use of 33 spaces or 450 sqm of GFA for maritime storage), including lift overrun at maximum height of ~~RL19.6m~~ RL17.90m and maximum of 220 sqm of maritime GFA on the ground floor level**
- erection of a pennant crane measuring 5.1m above ground level
- provision of ~~66 on-street car parking spaces~~ **60 at-grade car parking spaces, including flexible use of 20 spaces for tender and watercraft storage**
- **define the areas for outdoor seating associated with future tenant use**
- **upgrade and reconfigure the marine berthing arrangements, including the pontoons, gangways, finger wharfs and piles to allow a maximum of 43 vessels of not less than 15 metres in length and 36 tenders at any one time; and**
- associated landscaping.

Note: this application does not authorise any brokerage berths.

2. In Part A, amend Condition A2 as shown in *bold italics*:

A2 Project Staging

Construction of the project is to be undertaken in stages generally described in the *PPR addendum dated August 2012, as amended by MP09_0165 MOD 2 and MP09_0165 MOD 1*, 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). **Stage 7 (reconfiguration of the berths and pontoons) may occur before, after or concurrently with Stages 1-6, 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). **Stage 7 (reconfiguration of the berths and pontoons) may occur before, after or concurrently with Stages 1-6.**

3. In Part A, delete Condition A3 in its entirety and replace it with the following:

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 except as amended by the Environmental Assessment Report for MP09_0165 MOD 2 titled "Environmental Assessment s75W- Western Building, Sydney Superyacht Marina, MP09_0165" prepared by Urban Perspectives dated 15/07/2014 and as amended by email submissions from Urban

Perspectives dated 22/7/2014 and 14/4/2015 and the plans referenced *in the table below and as amended by the Environmental Assessment Report titled “Environmental Assessment s.75W- Eastern Sector, Sydney Superyacht Marina, MP09_0165”, prepared by Urban Perspectives dated 26/03/2015 and as amended by Response to Submissions titled “MOD 1 s75W Eastern Sector, Sydney Superyacht Marina MOD 1 MP09_0165” prepared by Urban Perspectives dated 4/11/2015 and the supplementary submissions title “Sydney Superyacht Marina Pty Ltd (MP09_0165 MOD 1) s75W Modification Application Addendum to Response to Submissions, Sydney Superyacht Marina Development, Rozelle Bay” prepared by Urban Perspectives dated 21 January 2016 and “Sydney Superyacht Marina, Rozelle Bay (MP09_0165 MOD 1) s 75W Modification Application- Car Parks” prepared by Urban Perspectives dated 11 February 2016.*

The following Architectural Drawings prepared by Scott Carver Architects titled “Sydney Superyacht Marina, Rozelle Bay, NSW (Job Ref: 20090002):			
Drawing No.	Revision	Name of Plan	Date
DA00	F	Title Sheet	29.09.2015
DA01	A	Site Analysis	21.06.2010
DA02	F E	Location Plan	27.04.2016 07.08.2015
DA03	E D	Perspectives – Sheet 1	27.04.2016 07.08.2015
DA04	I H	Site Plan	27.04.2016 24.01.2016
DA05	I	Ground Floor Plan	16.12.2015
DA06	F	First Floor Plan	29.09.2015
DA06.1	D C	Second Floor Plan	27.04.2016 29.09.2015
DA07	G F	Roof Plan	27.04.2016 29.09.2015
DA08	H G	Elevations – Sheet 1	27.04.2016 07.08.2015
DA09	G F	Elevations – Sheet 2	27.04.2016 07.08.2015
DA10	G F	Sections	27.04.2016 29.09.2015
DA11	D C	Shadow Diagrams	27.04.2016 07.08.2015
DA12	D	Perspectives – Sheet 2	07.08.2015
DA13	E	Tenancy Diagram	15.12.2015
DA19	F E	Outdoor Seating Diagram	27.04.2016 24.01.2016
DA30	A	West Building- Ground Floor	07.08.2015
DA31	A	West Building- First Floor/Roof	07.08.2015
DA32	A	West Building- Elevation	07.08.2015
DA33	A	West Building- Elevations/ Section	07.08.2015
DA34	A	East Building- Ground Floor	07.08.2015
DA35	A	East Building- First Floor	07.08.2015
DA36	C	East Building- Second Floor	27.04.2016

	A		07.08.2015
DA37	B A	East Building- Roof Plan	27.04.2016 07.08.2015
DA38	B A	East Building- Elevations	27.04.2016 07.08.2015
DA39	B A	East Building- Elevations	27.04.2016 07.08.2015
DA40	B A	East Building- Section	27.04.2016 07.08.2015
DA41	A	Carpark- Ground Floor	07.08.2015
DA42	A	Carpark- First/Second Floors	07.08.2015
DA43	A	Carpark- Third/Fourth Floors	07.08.2015
DA44	A	Carpark- Elevations	07.08.2015
DA45	A	Carpark- Elevations/Section	
The following Landscape Plans prepared by Fiona Yeates Consulting titled "Sydney Superyacht Marina, Maritime Court, Rozelle Bay (Job Ref: 1515):			
Drawing No.	Revision	Name of Plan	Date
LP DA01	E	Landscape Masterplan	19.01.2016
LP DA02	C B	Landscape Plan Levels 1 & 2	28.04.2016 16.12.2015
LP DA03	A	Carpark Façade Elevations/Section	16.09.2015

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.

4. In Part A, amend Condition A6 as shown in *bold italics* and deletions struck-through:

A6 Approved Land Uses and GFA

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

Building	Land Use	Maximum GFA (m²)	Maximum % of total GFA
WESTERN BUILDING	Commercial maritime ^{1,2}	430m ²	7.2% 6.2%
	Yacht Club (maritime) ³	1779m ²	29.9% 25.8%
	Provedore	436m ²	7.3% 6.3%
Sub Total		2,645m ²	44.49% 38.4%
EASTERN BUILDING	Commercial maritime ^{1,2}	2334m² 2,589m²	39.26% 37.6%
	Restaurants, cafes, bars (Ancillary uses) ⁴	966m² 981m²	16.25% 14.2%
Sub Total		3300m² 3,570m²	55.51% 51.9%
Total		5945m² 6,215m²	90.3%
CARPARK	Commercial maritime (Ground Floor)⁵	220m²	3.2%

	Commercial maritime (Levels 1,2 & 3) ⁶	450m²	6.5%
TOTAL MAXIMUM GFA		6,885m²	100%

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

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

³ Yacht club is a club organised to promote yachting and boating, and is a type of registered club that holds a club licence under the Liquor Act 2007.

⁴ 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.

⁵ The use of this GFA is restricted to commercial maritime uses comprising office, maritime workshops, chandlery, maritime retail and provisioning only.

Note: this GFA can not be used for in association with the dormitory use.

⁶ The use of this GFA is limited to storage associated with commercial maritime uses with flexible use for car parking for commercial maritime uses only.

- (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 **1,402m² or 23.58%** ~~1,417m² or 20.58%~~ of total GFA **approved for the project.**
- (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 **providedore and** ancillary uses. However, **providedore and** ancillary uses must not exceed **1,402m² or 23.58%** ~~1,417m² or 20.58%~~ of total GFA approved for the project.
- (d) **At no time shall the use of the car park for commercial maritime storage exceed more than 450m² of GFA and the areas for commercial maritime storage shall be generally consistent with the details shown on approved Plans DA42 Rev. A and DA43 Rev.A and shall be restricted to 11 car spaces on each of Levels 1-3 of the carpark building only.**

5. In Part A, amend Condition A7 as shown in **bold italics** and deletions struck-through:

A7 Car Parking

Approval is granted for a **maximum of 206-288** car parking spaces, including ~~140~~ **228** spaces in the car parking building and ~~66-60~~ at-grade car parking spaces. ~~A minimum of 43~~ **80** car parking spaces shall be permanently allocated to the commercial maritime related uses including office/ chandlery /workshops, but not including the yacht club (**of which up to 33 of these spaces can be used as temporary storage spaces as detailed below**). ~~Twenty-four (24)~~. **In addition, forty-three (43)** spaces shall be permanently allocated to the super yacht marina berths.

Notwithstanding the above, the flexible use of the following additional car parking spaces is permitted:

- (a) up to 20 spaces along the foreshore for tender boat or other watercraft storage as illustrated on approved plan DA04 H and LPDA01 Rev E; and***
- (b) up to 33 car spaces comprising 450sqm of GFA on Levels 1-3 of the carpark building for commercial maritime storage only, as illustrated in approved plans DA42 Rev.A and DA43 Rev.A.***

6. In Part A, amend Condition A11 as shown in *bold italics*:

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 ***and the ground floor level of the carpark*** where the commercial maritime areas will be housed.
- c) the internal fit-out works for the restaurants, cafes and bars.
- d) ***The layout of the outdoor seating/dining areas, including number of seats/tables associated with the Yacht Club, provided and ancillary uses (restaurant, cafes and bars), whether within or outside of lease areas. Any such future application shall be supported by a Noise Impact Assessment which demonstrates compliance with Part F of this project approval.***

The outdoor seating areas are to be generally consistent with those areas allocated to each tenancy as detailed on approved plan DA19 Rev. FE, as read in conjunction with approved Plans LP DA 01 Rev. E and LP DA 02 Rev. CB. The southern extent of the outdoor seating associated with the ancillary use of the ground floor level of the Eastern Building is to be defined by the landscape planters as illustrated on approved plan LP DA 01 Rev.E.

- e) signage.

7. In Part A, add new Condition A14 as follows:

A14 Surrender of Consent

Within seven (7) days of the issue of **any** Occupation Certificate for the water-based component of the project, the Proponent is to surrender in writing to the Secretary the Part 4 consent DA088-05-08 dated 29 August 2008.

8. In Part A, add new Condition A15 as follows:

A15 Approved number of vessels

The flexible use of the water-based berthing facilities is permitted subject to the following:

- a) no more than 43 vessels of not less than 15 metres in length being moored at the marina at any time; and
- b) no more than 36 tenders being moored at any time **including up to 5 tenders used by the marina operator.**

The arrangement of the vessels shall be generally consistent with that illustrated on Plan DA04 Rev.H and at all times shall be within the area defined by the 'limit of mooring'.

9. In Part A, add new Condition A16 as follows:

A16 Antifouling activities

No antifouling activities are to be undertaken on any part of the site at any time, unless separate approval is obtained for this activity.

End of Part A

10. In Part B, amend Condition B4 as shown in *bold italics*:

B4 Construction Management Plan

Prior to the issue of any Construction Certificate *for the works approved in this modification application (MOD 1)*, a revised 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 (CTMP) *shall be prepared in consultation with TfNSW, the RMS and Leichhardt Council and shall include mitigation measures to address any identified potential impacts to general traffic, cyclists, pedestrians and bus services within the vicinity of the site for the duration of construction. Should any impacts be identified, the duration of the impacts and measures proposed to mitigate these should be clearly identified and included in the CTMP.*

The CTMP shall also include mitigation measures to minimise construction impacts on passive recreational vessels in Rozelle Bay and shall ensure that any barges or the like used during construction are positioned to minimise interruption to navigable waters.

- g) Erosion and Sediment Control Plan
- h) *Water Quality Management Plan- this plan is to incorporate the requirements of Condition D26 below and must detail measures to manage and minimise water quality impacts associated with construction of the project. This Plan must be prepared in consultation with the RMS and OEH.*
- i) *Marine Ecology Management Plan*

The proponent shall also submit a copy of the approved plan to the department and Council.

11. In Part B, delete Condition B8 in its entirety and replace it with the following:

B8 GFA Certification

A Registered Surveyor is to certify that the total Gross Floor Area (GFA) of the buildings approved by this major project does not exceed 6,885m² comprising the following:

- (a) Western Building- 2,645sqm
- (b) Eastern Building- 3,570sqm
- (c) Carpark Building- maximum of 670sqm comprising 220sqm of commercial maritime use (ground floor level) and 450sqm of flexible commercial maritime storage (levels 1-3).

Details shall be provided to the Certifying Authority demonstrating compliance with this condition prior to the issue of each relevant Construction Certificate.

12. In Part B, amend Condition B9 as shown in *bold italics*:

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 relevant*** Construction Certificate/s.

In Part B, add new Condition B11 as follows:

B11 Approval of the Harbour Master

Prior to the commencement of any works which will result in the disturbance of the seabed, the Proponent is to obtain approval from the Harbour Master under clause 67 of *The Management of Waters and Waterside Lands Regulations- NSW*.

13. In Part B, add new Condition B12 as follows:

B12 Construction of water-based works

Prior to the commencement of construction of the water-based component of the Project, appropriate fully dimensioned drawings and specifications must be submitted to and approved by the RMS (Maritime) in writing. The drawings and specifications are to:

- a. Comply with the relevant NSW Maritime Engineering Standards and Guidelines for maritime structures (as relevant) including AS 3962 Guidelines for Design of Marinas, ***as relevant taking into account current accepted industry practice***;
- b. fully and clearly describe all new works below Mean High Water Mark; and
- c. demonstrate that the structural components have been designed by a suitably qualified practising consulting structural engineer experienced in the design of maritime structures.

14. In Part B, add new Condition B13 as follows:

B13 Building Plan Approval

Prior to the commencement of works in accordance with this approval, the approved plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met. Plans will be appropriately stamped.

For further assistance please telephone 13 20 92 or refer to Sydney Water's website www.sydneywater.com.au for:

- Quick Check agent details - see Plumbing, building and developing then Quick Check agents, and
- Guidelines for Building Over/Adjacent to Sydney Water Assets - see Plumbing, building and developing then Building over or next to assets.

End of Part B

15. In Part D, amend Condition D23 as shown in *bold italics* and deletions shown struck-through

D23 External Lighting

External Lighting shall comply with *AS4282:1997 Control of Obtrusive Effects of Outdoor Lighting and AS/NZ1158.3: 2005 Pedestrian Area (Category P) Lighting. All lighting is to be positioned to minimise light spill and glare to neighbouring residential areas and shall not be directed towards neighbouring properties. During the use of the facility, lighting is not to adversely affect the safe navigation of any vessels.*

Upon installation of the lighting, but before it is finally commissioned, the Proponent shall submit to the Certifying Authority evidence from an independently qualified practitioner demonstrating compliance in accordance with this condition.

16. In Part D, add new Condition D26 as follows:

D26 Water-based construction- mooring reconfiguration

- (a) Any material that is stockpiled on the site is to be stabilised and covered to prevent erosion or dispersal of the material into the adjacent waterway.
- (b) The Proponent must install and maintain a floating boom and silt curtain around the mooring construction area and comply with any additional mitigation measures required by the Construction Management Plan in order to minimise any impacts from disturbance of the contaminated sediment. The floating boom and silt curtain are to be retained and suitably maintained until the water-based construction works have been completed and the water quality inside the silt curtain is equal to the quality of Rozelle Bay.
- (c) The Proponent must ensure that the silt curtain extends from the surface of the water to the sea bed, and ensure that all attachment points for the silt curtain are firmly anchored to avoid gaps and **escape release** of sediment **outside the waters of the marina**.
- (d) During construction, the Proponent must ensure that the level of total suspended solids (TSS) within 1 metre of the outside of the silt curtain does not exceed the background TSS by more than 50mg/l. As part of this process, the Proponent is required to measure the nephelometric turbidity unit (NTU) levels with a turbidity meter. On each occasion sampling is to be carried out, at least two representative samples from water within 1 metre of the outside of the silt curtain are to be taken to establish the NTU levels. Background NTU levels are to be identified by taking representative samples from water within 25 metres of construction works.

Readings of less than 25 NTU should be considered to be less than 50mg/l TSS. In the event that turbidity readings exceed the background levels by 25 NTU, the Proponent must have a sample of the water analysed for TSS, and record the NTU and TSS levels in a logbook that must be made available to an officer of the NSW Office of Environment and Heritage (OEH) on request.

If sampling results indicate that the TSS level within 1 metres of the outside of the silt curtain exceeds the background TSS level by more than 50mg/L, the Proponent must report the incident to OEH within one week of receiving the results.

- (e) During the works to the marina, the Proponent is to comply with the approved Construction Management Plan (refer Condition B4).
- (f) During construction, the Proponent must not undertake any dredging or reclamation works.

17. In Part E, amend Condition E2 as shown in ***bold italics*** and deletions struck-through:

E2 Car Park Management Plan

Prior to the issue of ***the first*** Occupation Certificate ~~*for the last building in the last stage of the development (as described in Condition A2)*~~, for the works approved in this modification application (MOD 1), a Car Park Management Plan shall be submitted to ***the satisfaction of the Principal Certifying Authority and a copy provided to*** the department. The Car Park Management Plan shall outline ***any*** car space sharing arrangements ~~*including and shall include*~~ details of car space allocations for each tenancy in accordance with the land uses granted by this approval. ***The Plan shall also address the management arrangements for the flexible use of the car parking spaces for commercial maritime storage and tender boat/watercraft storage detailed in Condition A7 of 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.

18. In Part E, amend Condition E8 as shown in ***bold italics*** and deletions struck-through:

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 ~~*5,945m²*~~ ***6,885m²*** in total and does not exceed ~~*1,402m² or 23.58%*~~ ***1,417m² or 20.58%*** of total GFA for the provided and ancillary uses.

Prior to the release of the final Occupation Certificate, a registered surveyor is to certify that the ***maximum parapet*** height of the development does not exceed ~~*RL11.9m*~~ ***RL15.250m*** for the eastern building.

Prior to the release of the final Occupation Certificate for the western building, a registered surveyor is to certify the following:

- that the heights for the western building do not exceed the following:
 - top of roof plant and plant screens: RL14.600 and RL13.580, respectively; and
 - main roof parapet: RL12.900.
- that the main roof of the western building (parapet, Level 1) is setback a minimum of 4.00 metres from the wharf edge.

Prior to the release of the final Occupation Certificate, a registered surveyor is to certify the following:

- ***that the heights for the car park building do not exceed the following:***
 - ***top of the lift feature: RL 17.90***
 - ***Level four deck: RL 13.60***
 - ***Level four balustrade: RL 14.60***
- ***that the quantum of maritime GFA on the ground floor level of the car park building does not exceed 220 sqm.***

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.

19. In Part E, add new Condition E18 as follows:

E18 Marina Operational Management Plan

Prior to an Occupation Certificate being issued and/or commencement of the use in relation to the water based activities, a Marina Operational Management Plan (MOMP) shall be prepared by a suitably qualified person and implemented to the satisfaction of the Secretary. The MOMP shall address, although not be limited to, those matters detailed in Section 3.2 of the Aquatic Ecology Assessment prepared by Marine Pollution Research Pty Ltd dated May 2014 (Mod 1) and include a water quality monitoring and reporting program to monitor dissolved copper concentrations within estuary waters. The water quality monitoring program is to include:

Prior to Occupation:

- a) At least 2 dry weather surveys and 2 wet weather surveys (minimum total of 4 surveys) prior to occupation;
- b) Dry weather surveys are to be separated by at least 1 month and wet weather surveys must have an intervening dry period;
- c) Sampling sites are to include, as a minimum:
 - i. 3 sites within the SSYM water boundary;
 - ii. 3 sites within Rozelle/Blackwattle Bay but outside the SSYM water boundary; and
- d) Marina sampling sites are to be distributed evenly along the marina long axis rather than clustered, and non marina sampling sites are to be at least 200m from any major stormwater outlets;
- e) At each site and time of survey, at least 1 water sample each is to be collected from within 0.5m below the water surface and 0.5m above the seabed;
- f) At each site and time of survey, the physical parameters of water, including temperature, salinity, dissolved oxygen, pH and turbidity are to be recorded;
- g) At the time of each survey, the following information is to be recorded as a minimum:
 - i. Marina occupancy for the SSYM (including vessel numbers, lengths and estimated wetted hull area);
 - ii. Geographic coordinates for each sampling site;
 - iii. Date and time of each sample collection;
 - iv. State of wind and tide; and
 - v. Preceding rainfall (during the past week and the past 24 hours).

Commencement of Operations:

- h) Monitoring of dissolved copper concentrations is to continue upon commencement of operations at the SSYM and include the following:
 - i. Sample analysis at the established sampling sites (as described in c) to g) above for Condition E18) for 2 wet weather and 2 dry weather events annually for two consecutive years following commencement of operations.
 - ii. A review of the results of i. against the trigger value established in the Trigger Action Response Plan (TARP) required by Condition E20 to determine if the TARP is invoked.
 - iii. At the end of each year provide a report on the monitoring program to the Secretary.
- i) Following monitoring for the first 2 years of operation, the monitoring may be discontinued if there has been no exceedance of the defined response trigger, as per Condition E20.

- j) **Following any sustained increase in the number and/or size of vessels, the monitoring as described in Condition E18 h) will be re-instated for a further 2 years or as agreed by the Secretary.**

~~Prior to an Occupation Certificate being issued and/or commencement of the use in relation to water-based activities, a Marina Operational Management Plan (MOMP) shall be prepared by a suitably qualified expert to the satisfaction of the PCA. The MOMP shall address, although not be limited to, those matters detailed in section 3.2 of the Aquatic Ecology Assessment prepared by Marine Pollution Research Pty Ltd dated May 2014 (MOD 1).~~

20. In Part E, add new Condition E19 as follows:

E19 Vessel Traffic Management Plan

Prior to the issue of an Occupation Certificate for the water-based component of the development and/or commencement of the use in relation to water-based activities, a Vessel Traffic Management Plan (VTMP) is to be prepared by a suitably qualified person in consultation with TfNSW, the RMS and the Harbour Master. The VTMP is to provide details regarding the management of vessels registered and/or stored and/or moored on the site (land and water based). The VTMP must include provisions that relate to the following matters:

- (a) compliance with all relevant conditions of this Project Approval;
- (b) a requirement that all vessels registered and/or stored and/ or moored at the site, are to navigate around Rozelle Bay in accordance with the requirements of the NSW Maritime Authority;
- (c) details of the mitigation measures to ensure that the operation of the facility will have minimal impact on passive recreational vessels in Rozelle Bay;
- (d) details of a compulsory induction and education program for all users of the facility on navigational procedures in Rozelle Bay (principally, no wash zones and speed restrictions);
- (e) details of the contractual arrangements of requiring vessel operators and/or owners of the site to hold a NSW Boat Licence (as relevant) and to detail how compliance with the provisions of this plan will be achieved;
- (f) details of the implementation of a 'complaints hotline' to be established and managed by the operator and available to the general public 24 hours per day, 7 days a week. This is to be consistent with and incorporate the requirements of Condition D14;
- (g) providing appropriate signage including but not limited to 'no wash zone' and 'beware of rowers';
- (h) details of the operation of a booking system to manage the time and number of vessels going out and returning;
- (i) details of the management of vessels to minimise noise and potential amenity impacts on surrounding premises, including measures to achieve compliance with Condition F3 of this approval; and
- (j) details of the contingency measures and protocols that would be implemented if a vessel incident were to occur.

A copy of the final VTMP shall be submitted to the PCA, the RMS, the Harbour Master, Urban Growth and the Department prior to the issue of any occupation certificate for the water-based works. The Proponent is to comply with the VTMP during the use of the facility.

21. In Part E, insert new Condition E20 as follows:

E20 MOMP Trigger Action Response Plan (TARP)

The MOMP is to include a Trigger Action Response Plan (TARP) for management response by the Operator, to the satisfaction of the Secretary, which is to include the following:

- a) The development of the TARP is to be consistent with principles provided in the Australian/New Zealand Water Quality Guidelines (currently ANZECC/ARMCANZ 2000).
- b) The management response trigger for the TARP will be defined as per the Australian/New Zealand Water Quality Guidelines (currently ANZECC/ARMCANZ 2000) using the copper in estuarine waters default or derived trigger value for the protection of aquatic ecosystems at the 90% level of protection.
- c) The TARP is triggered if:
 - i. the mean concentration of dissolved copper in either surface or bottom waters of the Marina exceeds the trigger value, and
 - ii. is one standard deviation greater than the mean background concentration for Rozelle/Blackwattle Bay, as determined from concurrent sampling at the 3 Rozelle/Blackwattle Bay reference sites.

The TARP is to indicate that additional water quality monitoring shall be initiated within two months following an exceedance of the TARP trigger value as per 20 c).

Traffic Management Plan

~~Prior to the issue of the first Occupation Certificate, a Traffic Management Plan (TMP) is to be prepared by a suitably qualified expert in consultation with TfNSW and the RMS. The Plan should be developed with consideration of the *Transport and Mobility Plan* for the *Bays Precinct Urban Transformation Program*.~~

~~A copy of the final TMP shall be submitted to the PCA, the RMS, and TfNSW prior to the commencement of use. The Proponent is to comply with the TMP during the use of the premises.~~

End of Part E

22. In Part F, amend Condition F1 as shown in *bold italics*:

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, storage 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) and provedore	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)
<i>All outdoor seating areas associated with the yacht club, ancillary uses and provedore</i>	<i>7am – 10pm, Monday to Sunday</i>
<i>Boat handling activities and storage (20 spaces along the foreshore for tender boat or other watercraft storage)</i>	<i>7am – 7pm, Monday to Sunday</i>
<i>Berthing (water-based)</i>	<i>24-hours-a-day, Monday to Sunday</i>

23. In Part F, amend Condition F3 as shown in bold italics:

F3 Noise from Licensed Premises *and the use of the Marina*

Noise from Licensed premises ***and use of the marina*** 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 5 dB

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 ***and the use of the marina*** shall not be audible within any habitable room in any residential premises between 12 midnight – 7 am.

End of Part F

24. In the Advisory Notes, add new advisory note AN10 as follows:**AN10 Sydney Water Quick Check**

The approved plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met. Plans will be appropriately stamped. For further assistance please telephone 13 20 92 or refer to Sydney Water's website www.sydneywater.com.au for:

- Quick Check agent details - see Plumbing, building and developing then Quick Check agents, and
- Guidelines for Building Over/Adjacent to Sydney Water Assets - see Plumbing, building and developing then Building over or next to assets.

END OF SCHEDULE 2 AMENDMENTS

SCHEDULE 3 AMENDMENTS TO STATEMENT OF COMMITMENTS

1. In Schedule 3, Statement of Commitments, replace the existing Statement of Commitments in its entirety with the following:

Issue	Commitment	Timing
General		
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, the Modification (MOD1), the Modification (MOD2) and this Statement of Commitments.	Ongoing for the life of the Project.
Compliance & Staging		
Notification	Sydney Superyacht Marina shall notify in writing the Secretary of the start of the construction and operation.	Prior to construction and operation.
Staged construction	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. 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.	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.
Land Use of the Site		
Outdoor seating Areas	No tables or chairs will be used in association with the tenancies between the southern edge of the western building deck and the foreshore. Outdoor seating will only be used in the areas delineated in Plan DA19E, LP DA 01 Rev. E and LP DA 02 Rev. B.	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

Issue	Commitment	Timing
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
Environmental Management		
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"> • Construction Noise Management Plan • Traffic Management Strategy • Water Quality Management Plan • Erosion and Sediment Control Plan • Spill Management Plan • Acid sulfate soil contingency management plan • Construction waste management plan • Heritage management plan • Water Quality Management Plan 	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 management plans and strategies: <ul style="list-style-type: none"> • Noise Management Plan • Traffic Management Plan • Stormwater management plan • Public access foreshore management plan • Emergency response plan • Vessel Traffic Management Plan • Marina Operational Management Plan 	Prior to commencement of operations.
Working Hours		
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	During Construction

Issue	Commitment	Timing								
	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.									
Operating Hours	The decks, balconies and outdoor seating areas must not be used by the yacht club, restaurants, cafes, bars or takeaways or by the providers, 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. Licensed activities may not extend beyond midnight on any day.	During Operation								
Construction Standards										
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	Parking spaces are to be constructed in accordance with Australian Standards. Cycle paths are to be constructed taking into account the relevant provisions of the Austroads guides and the RTA NSW Bicycle Guidelines.	During construction								
Car Park Lifts and Stairs	The car park lift and stairs will achieve BCA compliance.	During construction and operation								
Sound Insulation of Construction Materials	The Sound Insulation Rating R-w of the construction materials shall not be less than as specified below. <table border="1" data-bbox="422 831 898 913"> <thead> <tr> <th>Building Section</th> <th>Sound Insulation Rating R-w</th> </tr> </thead> <tbody> <tr> <td>Eastern and western facades</td> <td>45dB</td> </tr> <tr> <td>Southern and northern facades</td> <td>36dB</td> </tr> <tr> <td>Roof</td> <td>36dB</td> </tr> </tbody> </table> The building design must facilitate the compliance with the INP and OLGR noise criteria set out in this Statement of	Building Section	Sound Insulation Rating R-w	Eastern and western facades	45dB	Southern and northern facades	36dB	Roof	36dB	Prior to and during construction
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Issue	Commitment	Timing
	Commitments.	
Environmental Sustainability	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. Specifically the site will include: <ul style="list-style-type: none"> rainwater tanks (100,000 litre and 60,000 litre) with first flush with rainwater to be used for landscape irrigation and toilet flushing gross pollutant traps through which stormwater will pass with a separation performance at least equal to a reduction in Total Suspended Solids (TSS) of 80%, total phosphorus (TP) of 30% and Total Nitrogen (TN) of 13% photovoltaic cells with a minimum 30kW to either supply power back to the grid or power on Site Boosted solar hot water systems 	Prior to and during construction
Air Quality		
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.
Noise		
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.	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

Issue	Commitment	Timing																																																																																																																		
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: Daytime 60dB(A) Evening 50dB(A) Nighttime 45dB(A)	During operation																																																																																																																		
Operating Noise Project Specific Noise Limits (PSNL) under OLGR	The PSNL under the OLGR at the nearest residential receivers are as set out below: <table border="1"> <thead> <tr> <th>Receiver</th> <th>Time period</th> <th colspan="10">Frequency (Hz)</th> </tr> <tr> <th></th> <th></th> <th>31.5</th> <th>63</th> <th>125</th> <th>250</th> <th>500</th> <th>1000</th> <th>2000</th> <th>4000</th> <th>8000</th> <th>Overall</th> </tr> </thead> <tbody> <tr> <td rowspan="4">R1-R8 1st floor</td> <td>Day</td> <td>30</td> <td>40</td> <td>41</td> <td>45</td> <td>50</td> <td>53</td> <td>49</td> <td>39</td> <td>26</td> <td>57</td> </tr> <tr> <td>Evening</td> <td>29</td> <td>38</td> <td>40</td> <td>44</td> <td>50</td> <td>53</td> <td>54</td> <td>41</td> <td>26</td> <td>58</td> </tr> <tr> <td>Night1</td> <td>26</td> <td>35</td> <td>37</td> <td>40</td> <td>48</td> <td>52</td> <td>47</td> <td>36</td> <td>23</td> <td>54</td> </tr> <tr> <td>Night 2</td> <td>18</td> <td>29</td> <td>31</td> <td>35</td> <td>41</td> <td>45</td> <td>41</td> <td>31</td> <td>18</td> <td>48</td> </tr> <tr> <td rowspan="4">R1-R8 5th Floor</td> <td>Day</td> <td>24</td> <td>37</td> <td>43</td> <td>47</td> <td>51</td> <td>54</td> <td>50</td> <td>45</td> <td>38</td> <td>58</td> </tr> <tr> <td>Evening</td> <td>20</td> <td>34</td> <td>41</td> <td>45</td> <td>50</td> <td>53</td> <td>50</td> <td>44</td> <td>37</td> <td>57</td> </tr> <tr> <td>Night1</td> <td>17</td> <td>31</td> <td>38</td> <td>42</td> <td>47</td> <td>51</td> <td>45</td> <td>37</td> <td>28</td> <td>54</td> </tr> <tr> <td>Night2</td> <td>14</td> <td>27</td> <td>35</td> <td>37</td> <td>42</td> <td>45</td> <td>40</td> <td>34</td> <td>27</td> <td>48</td> </tr> </tbody> </table> <p>Note: Day 7.00am-6.00pm Evening 6.00pm-10.00pm Night1 10.00pm-00.00am Night2 00.00am-7.00am</p>	Receiver	Time period	Frequency (Hz)												31.5	63	125	250	500	1000	2000	4000	8000	Overall	R1-R8 1 st 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 th 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	During operation
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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: Maximum SWL and SPL allowed for outdoor live music, dB(A) <table border="1"> <thead> <tr> <th></th> <th colspan="10">Frequency (Hz)</th> </tr> <tr> <th>Descriptor</th> <th>31.5</th> <th>63</th> <th>125</th> <th>250</th> <th>500</th> <th>1000</th> <th>2000</th> <th>4000</th> <th>8000</th> <th>Overall</th> </tr> </thead> <tbody> <tr> <td>SWL</td> <td>71</td> <td>88</td> <td>93</td> <td>90</td> <td>95</td> <td>105</td> <td>102</td> <td>94</td> <td>90</td> <td>108</td> </tr> <tr> <td>SPL at 5m</td> <td>49</td> <td>66</td> <td>72</td> <td>69</td> <td>74</td> <td>84</td> <td>83</td> <td>73</td> <td>69</td> <td>87</td> </tr> </tbody> </table>		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	Within 3 months of commencement of operation of the eastern building																																																																						
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External Live Music	Subject to Condition F2, Sydney Superyacht Marina will ensure that external live music performances are subject to the following restrictions: (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	During operation.																																																																																																																		

Issue	Commitment	Timing
	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 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"> • Site location • Surrounding land use • Operations overview • Noise criteria: <ul style="list-style-type: none"> ○ Industrial Noise Policy Noise Criteria (as set out in this Statement of Commitments) ○ Office of Liquor Gaming and Racing OLGR Noise Criteria (as set out in this Statement of Commitments) • Noise Management strategy <ul style="list-style-type: none"> ○ Complaint procedure including 24 hour marina telephone line) ○ Noise measurement procedure ○ Education and training for site personnel ○ Late evening parking ○ Traffic wardens to address car parking noise issues ○ Use of marina during emergency maintenance ○ Consultation with community (including establishing a community liaison group) ○ Contractual arrangements with bands ○ Lease agreements to include noise management 	Prior to and during operation

Issue	Commitment	Timing
	<ul style="list-style-type: none"> Noise auditing and monitoring including methods to overcome any non-compliances and contingencies 	
Water		
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 Stormwater System	The stormwater collection system will be maintained once a year or before sediment levels exceed the design capacity, whichever ever one occurs first. Stormwater will be gravity fed through pits and gullies and gross pollutant traps before discharge to Rozelle Bay. Monitoring of gross pollutant traps to ensure timely pump out and effective control will be set out in the OEMP.	During operation
Water and sewer services	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> .	Prior to construction
Erosion and sediment	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.	During construction
Visual		
Lighting	Sydney Superyacht Marina will ensure that the outdoor lighting associated with the project: (a) complies with, where relevant, AS/NZ 1158.3 : 1999 <i>Pedestrian Area (Category P) lighting</i> , and AS 4282 (1997) - <i>Control of Obtrusive Effects of Outdoor Lighting</i> ; and (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. 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.	During operation.

Issue	Commitment	Timing
Public Domain		
Master Plan	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. 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.	Prior to and during construction
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	24 hour access to the foreshore will be provided along the 24 hour public access route 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. 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.	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
Heritage		
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.

Issue	Commitment	Timing
Soil/ Waste Management		
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.
Waste Management during operations	A waste management plan will be drafted and will include the following elements: <ul style="list-style-type: none"> working with contractors and workers to reduce waste arising from repairs working to reduce excess packaging arriving on site pumping of yacht sullage to an onsite holding tank separate storage receptacles for general waste and recyclables suitable arrangements for a trade waste agreement will be made 	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.
Hazards		
Hazardous materials	The Proponent shall store and handle all hazardous chemicals, dangerous goods, fuels and oils, strictly in accordance with: <p>(a) all relevant Australian Standards, particularly AS 1940 and AS 1596</p> <p>(b) a minimum bund volume requirement of 110% of the volume of the largest single stored volume within the bund;</p> <p>(c) the Australian Dangerous Goods Code; and</p> <p>(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.

Issue	Commitment	Timing
Spill Kits	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.	During operation
	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.	
Access		
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 Act</i> , Australian Standard AS1428 and AS1429.2 and the <i>Building Code of Australia</i> .	Prior to construction
Car Parking		
Traffic design	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 AS 2890.6:2009 and AS 2890.2:2002 for heavy vehicle usage.	Prior to construction
	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.	
Traffic Management Plan	Sydney Superyacht Marina will prepare a traffic management plan with the assistance of a suitably qualified traffic consultant.	During operation.
	The traffic management plan will include the following elements: <ul style="list-style-type: none"> Site location Surrounding land use Operations overview Traffic Management strategy <ul style="list-style-type: none"> Complaint procedure Education and training for site personnel Deliveries, loading and unloading (as set out in this Statement of Commitments) Restriction on hours for use of loading spaces to limit their use for loading at peak periods during the 	

Issue	Commitment	Timing
	<ul style="list-style-type: none"> day on weekends o Traffic wardens to address car parking noise issues o Management during peak parking periods o Traffic flow in the car park and car park queuing o Staff parking o Valet parking (if required) o Possible contingencies for traffic management include: <ul style="list-style-type: none"> ▪ shuttle buses to the city ▪ valet parking ▪ community bus for the yacht club ▪ negotiating with other land users in the local vicinity to use their carparking during their non peak periods ▪ on street parking opportunities ▪ time limits on parking o Installation of electronic displays showing vacant parking o Cycle provision for visiting crew o Green travel plan and/or travel access and workplace travel plan o Signage and directions to the nearest bus stops and light rail station o End of trip cycle facility management o Connections to pedestrian and cycle routes in the area when linkages become available to adjoining lands o Cycle paths along the eastern boundary of both buildings along the public access routes (excluding the foreshore) o Inclusion of green travel plan and transport access routes on the Sydney Superyacht Marina website 	
Restriction on car parks associated with ancillary restaurants, takeaways, cafes and bars and provided	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 1 car space /80m2 of gross floor area for restaurant/café/takeaway/bar/provedore land use, and that at no time can the number of car spaces associated with these uses on the site exceed 18 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/provedore use exclusively.	Ongoing for the life of the Project.
Pennant Crane		
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	During construction and operation

Issue	Commitment	Timing
	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.	
Compliance with Australian standards	Sydney Superyacht Marina shall submit to the Secretary, a signed statement from the designer/manufacturer 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
Community Liaison		
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 participants
Complaints procedure	<p>Sydney Superyacht Marina shall ensure that the following are available for community complaints:</p> <ul style="list-style-type: none"> (a) a 24-hour, toll free telephone number on which complaints about the Project may be registered; (b) a postal address to which written complaints may be sent; and (c) an email address to which electronic complaints may be transmitted. <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 will record details of all complaints received in an up-to-date Complaints Register. The Register will record, but not necessarily be limited to:</p> <ul style="list-style-type: none"> (a) the date and time, where relevant, of the complaint; (b) the means by which the complaint was made (telephone, mail or email); (c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect; (d) the nature of the complaint; (e) any action(s) taken by the Proponent in relation to the complaint, including any follow-up contact with the complainant; and (f) if no action was taken by the Proponent in relation to the complainant, the reason(s) why no action was taken. <p>The Complaints Register will be made available for inspection by Council and the Secretary and NSW Maritime upon request.</p>	Prior to the commencement of construction

Issue	Commitment	Timing
Utilities		
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.
Energy Efficiency		
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 management of the environmental performance of the development, including a tenancy fit out guide with suggestions for minimising the environmental footprint.	During construction and operation
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

END OF SCHEDULE 3 AMENDMENTS
