

Appendix I

STATEMENT OF COMMITMENTS FOR SYDNEY SUPERYACHT MARINA

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 this Statement of Commitments.	Ongoing for the life of the Project.
Compliance		
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	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.	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.
Use of the Site		
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"> • Not less than 40% of the GFA will be used for marine related offices, retail and workshops, including not more than 3 marina attendant/crew dormitories • Not more than 30% of GFA will be used for a yacht club; • Not more than 15% of GFA will be used for ancillary restaurants, cafes, takeaways and bars • Not more than 7% of GFA will be used for a marine provedore, seafood retail and seafood restaurant • The car park will be used for car parking associated with the operations of the Site. 	During operation.
Environmental Management		
Construction Environmental	Sydney Superyacht Marina shall prepare and implement a Construction Environmental Management Plan (CEMP) to be	Prior to construction.

Issue	Commitment	Timing						
Management Plan (CEMP)	submitted for approval to NSW Maritime and Department of Planning. The CEMP would include the following management plans and strategies: <ul style="list-style-type: none"> • Construction Noise Management Plan • Traffic Noise 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 							
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. 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 	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, RTA 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						
Operation Hours	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: <table border="1" data-bbox="488 1270 1565 1369" style="margin-left: 20px;"> <thead> <tr> <th data-bbox="488 1270 775 1305">Activity</th> <th data-bbox="775 1270 1072 1305">Day</th> <th data-bbox="1072 1270 1565 1305">Time</th> </tr> </thead> <tbody> <tr> <td data-bbox="488 1305 775 1369">Marine chandlery, and retail outlets</td> <td data-bbox="775 1305 1072 1369">Monday – Friday</td> <td data-bbox="1072 1305 1565 1369">7:00am to 7:00pm</td> </tr> </tbody> </table>	Activity	Day	Time	Marine chandlery, and retail outlets	Monday – Friday	7:00am to 7:00pm	During Operation
Activity	Day	Time						
Marine chandlery, and retail outlets	Monday – Friday	7:00am to 7:00pm						

Issue	Commitment			Timing
		Saturday -Sunday	7:00am to 8:00pm	
	Restaurant / café/ take-away /bars	Sunday – Wednesday	7:00am to 11:00pm	
		Thursday – Saturday	7:00am to 12:00am	
	Function Centre and tavern	Monday Sunday – 7 days	7:00am to 12:00am	
	Marina facilities, commercial	Monday to Sunday	24 hours	
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.
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.
External Live Music	Sydney Superyacht Marina will ensure that external live music performances are subject to the following restrictions:			During operation.

Issue	Commitment	Timing
	(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. 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 NSW Maritime. (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	
Indoor music	Sydney Superyacht Marina will ensure that all premises playing indoor music will be required to close all doors and windows after 20:00 hours.	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	The project specific noise criteria for the Site will be: Daytime 60dB(a) Evening 50dB(A) Nighttime 45dB(A)	
Water		
Water Quality Objectives	Sydney Superyacht Marina shall ensure the stormwater system meets water quality objectives	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, which ever one occurs first.	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 Sydney Water Act 1994.	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

Issue	Commitment	Timing
Visual		
Lighting	<p>Sydney Superyacht Marina will ensure that the outdoor lighting associated with the project:</p> <p>(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</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.
Public Domain		
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 any Occupation Certificate for the relevant component of the Project.</p>	<p>Prior to Construction of the component of the Project for which public domain works are required.</p> <p>Prior to and during construction</p>
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. All landscaping is to be complete prior to the issue of any Occupation Certificate in relation to the relevant component of the Project.	Prior to and during construction.
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 Proponent shall ensure that a suitably qualified Environmental Scientist be employed to supervise all disturbance of acid sulphate soils on Site	During construction
Waste Management	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 disposal	Sydney Superyacht Marina shall ensure separate storage receptacles for general waste, recyclables (paper, cardboard, glass, plastics) and vegetation are provided. No waste will be disposed of on Site, with all waste disposed of at an appropriately licensed waste management facility	During construction and operation.
Hazards		
Hazardous materials	<p>The Proponent shall store and handle all hazardous chemicals, dangerous goods, fuels and oils, strictly in accordance with:</p> <ul style="list-style-type: none"> (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>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	Sydney Superyacht Marina shall ensure appropriate spill kits are available 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
Access		
Access to foreshore	Sydney Superyacht Marina shall ensure 24 access to the foreshore promenade save during the brief periods when customs	Ongoing for the life of the Project.

Issue	Commitment	Timing
	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 NSW Maritime to close the foreshore outside operating hours if asset security of the superyachts becomes a problem.	
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 Building Code of Australia	Prior to construction
Car Parking		
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 AS 2890.1:2004 and AS 2890.2:2002 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 Demand	Sydney Superyacht Marina will prepare a traffic demand 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. Proposals to overcome any delays may include shuttle buses to the city, valet parking, electronic devices indicating vacant parking spaces and zones, and the appropriate location of staff parking	During operation.
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 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

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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
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 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"> (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 would be made available for inspection by Council and the Director-General and NSW Maritime upon request.</p>	Prior to the commencement of construction
Utilities		
Contact details	Sydney Superyacht Marina shall provide emergency contact numbers to Energy Australia, Telstra, Railcorp and Sydney Water in case any damage occurs to their services.	Ongoing for the life of the Project.
Determine location of utility	Sydney Superyacht Marina shall pot hole prior to any excavation works to determine the exact location of power lines,	Prior to construction.

Issue	Commitment	Timing
lines	services and optical fibre lines on the site.	
Contact details	Sydney Superyacht Marina shall establish a communication path 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 and operation.
Energy Efficiency		
Energy efficiency	Sydney Superyacht Marina will ensure that where possible, 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