Item 17 of the Schedule. The Marina Regulations

Purpose and Scope

Purpose. The Company is committed to providing a safe and healthy working environment for all employees, customers, Contractors and visitors. This commitment includes compliance with all applicable laws and regulations. In order to accomplish these objectives, the Marina Regulations constitute one element of the Company's risk management strategy to avoid injury and to maintain a safe Premises.

Scope. Accordingly, these Marina Regulations relate to all Persons entering or using any work premises, processes or operations covered by the Premises. Any Person in breach of these Marina Regulations will be asked to cease the conduct in breach, to remediate the breach, and/or leave the Premises and have his privileges terminated forthwith. The Company may cease any activity, which is deemed to adversely affect other Marina Users.

Any Person on the Premises will be taken to have accepted these Marina Regulations.

Terms and Fees

Agreement. All Marina Users must read, agree and sign the Marina User Agreement before using facilities. The Marina Users warrant that they have read and understand the Agreement and agree to engage in conduct consistent with the terms and Marina Regulations.

Care & Responsibility. The Company maintains full Marine Operators Liability Insurance covering bodily injury or damage to property as a result of an occurrence in connection with the business or burglary. Marine repairs are also covered under a separate policy.

Disputed Accounts must be reported to the Manager within 7 days of receipt of the account.

Fees are LOA Based. Fees are based on the actual Overall Length of Vessel (LOA). LOA is the maximum length of a Vessel's hull measured parallel to the waterline from the extreme point of the bow to the extreme point on the stern, including all gear, such as rudders, bowsprits, davits, spinnaker poles, marlin boards, dinghies and protruding equipment such as anchors and spars.

Marine Safety. It is the responsibility of the Marina User to observe the regulations of usage of the waterways by Government authorities.

Mooring Fees. All Mooring Fees are payable in full at the time of booking to the Company and are to be paid by a standing credit card authority and the Vessel Owner agrees to sign a credit card authorization form.

Occupancy Costs. Occupancy Costs include charges payable by the Company for the lease, relevant licences, electricity, rates and water.

Outside Contractors. The Company imposes additional costs for the use of outside Contractors who are not engaged by the Company.

Payment Options. Payment can be made by cheque (contract will not be processed until funds are available), bank transfer or credit card (EFTPOS, Direct Credit to our Bank Account) and credit card payments incur a processing Fee. Bank Account Information:

- BSB: 062 544
- Account Name: Top 8 Pty Ltd
- Account No: 1048 3850

Payment Terms. Unless otherwise approved, all Fees must be paid immediately on completion of the work in order for the Vessel to be released by the Company for collection or delivery. If extra time is required to pay the Fees there must be some agreement with the Manager prior to work being commenced. Where there is no such agreement then the full Fee must be paid at the time the work is completed. Customers also agree to pay a Fee to manage an account where they choose to pay arrears after the due date.

Privacy. The Company is concerned about the appropriate maintenance of personal information and therefore has adopted the principles under the Federal Privacy Legislation as the standard for the way the Company handles personal information.

Progress Payments. The Company may ask for deposits and / or progress payment in certain cases for works to proceed.

Quotes & Estimates. All quotes and estimates whether written or oral are based on the best information available at the time of presentation. Where possible, the Company will provide a firm quote for works, based on the agreed scope of work. Quotes however can vary in the scope of work changes and as agreed with the customer. Where a quote can not be provided due to the nature of the works, the Company will provide an estimate which may vary without notice.

A quote preparation Fee may apply at the tradesman's hourly rate.

Storage Fees. A Fee will be charged on Vessels and equipment that are not collected within 7 days of notification of completion of works.

Usage. Persons using the Premises, do so at their own risk, as to Person or property. The Vessel remains at the Owner's risk at all times.
Parking Restrictions. No Person is permitted to park in the area opposite the pump. We desire to be good neighbours with residents living around the premises and expect all Persons to respect the rights of residents living nearby. Please do not interfere with your neighbour's driveways.

Precautions for Outdoor Safety. All Persons will ensure that they have adequate protection from the elements. Skin cancer risks should be avoided by wearing appropriate clothing, hats, sunglasses and the application of sunscreen to exposed skin. Persons should observe seasonal cold and heat conditions and take appropriate precautions.

Vessel Security. Security of individual Vessels or contents shall be the responsibility of the Vessel Owner. The Company does not accept any liability for any valuable items left in any Vessel or at the Premises.

Safe Machinery

Compressors & Air Tools. Safety valves are always to be utilised. Air lines are to be securely joined to prevent separation during operation.

Explosive-Powered Tools are not to be used at the Premises without prior approval with the Manager. No Person may carry a loaded spear gun or other similar device within the Premises.

Instructions. No machinery is to be operated without proper instructions.

Machine Guarding. No machinery, hand tool or other equipment is to be used without effective guards.

Obtain Licences & Certification. No Person shall use any equipment unless authorized to do so. Prior to using industrial equipment and/or portable work platforms, all Persons must ensure that they possess relevant licences, permits, and/or certificates required for legal usage.

Tools. All Persons are to ensure that tools and equipment are kept safe and fit for the purpose.

Tools. It is the Company’s policy that tools and equipment will not be left or hired out.

Safe Substances

Liquid Substances. All liquid substances shall be stored with containment spill trays at all times. Store used oils, coolants, waste solvents, used rags and paint in separate and covered containers.

Flammable Liquids. When using flammable liquids, correct handling procedures and other mitigation of risk practices to prevent ignition or explosion must be observed. Flammable liquids should be stored in approved cabinets and stores.

Hazardous Substances. All Persons shall be aware of all substances that may be a hazard. Partially used containers of hazardous substances are to be stored in designated trays.

Hazardous Substances. Avoid Exposure. All Persons should recognise a chemical hazard by the appropriate signage. All Persons are required to read the MSDS of any chemical before use and observe the precautions for use and clean up. The Manager is to be notified before any Person brings a chemical or hazard product onto the Premises.

MSDSs for all hazardous substances must be available upon request. All Persons must be familiar with the first aid and control measures required.

Unauthorised Dangerous Substances, as defined by the Australian Dangerous Goods Code, are prohibited within the Premises. No Person is permitted to bring onto the Premises any unauthorised Dangerous Substances.

Safe Systems of Work

Observe the Regulations. All works performed must comply with the Marina Regulations. All Persons at the Premises in any capacity, must be aware of, and follow at all times the Marina Regulations.

Bookings. No Vessel will be permitted onto the Premises or be worked on unless the correct Vessel details have been provided and the Agreement signed. Vessel details / measurements are to be retained. Booking the lifting of a Vessel is dependent on its draught, the tide and scheduled length of stay. If a Vessel exceeds the scheduled length of stay the Manager may decide that the Vessel is returned to the water.

Disclosure. The Company must rely on the information provided by Marina Users. Marina Users therefore have an obligation to pass on correct information regarding their Vessel. This can include but is not limited to, measurements, seaworthiness, floatation/structural/mechanical problems and any known relevant issues. Non-disclosure of any of these issues may result in substandard outcomes in works carried out. The Company cannot be held responsible where there is any failure to advise a relevant fact.

Marina Users warrant that all information provided to the Company for the Marina Usage is correct and not misleading or deceptive.

No Diving. All diving work must be approved by the Manager prior to works being performed. All divers are to ensure compliance with the relevant statutory requirements, are to be appropriately certified and possess a medical certificate (not older than 12 months) prior to commencing the diving work. Underwater hull cleaning requires a letter of consent from the EPA. The letter is to include approval of any work methods. In addition the Manager will require copies of Commercial Diving Tickets for each diver. No Person is permitted to dive within the Premises except for a purpose related to the maintenance or operation of a Vessel.

No Hot Work / Welding should be carried out without permission of the Manager. Adequate fire protection must be provided. Welding operations must be screened to protect against flashes. All gas cylinders, must be restrained. A Hot Work permit must be produced to the Manager by qualified tradesman prior to any welding commencing. Appropriate trade certifications must be presented with any such Hot Work permit.

Owner’s Maintenance & DIY. The Company allows Vessel Owners to maintain their Vessels. All works performed must comply with the Marina Regulations. Those Persons invited by the Marina User are his/her responsibility.

Strictly No Smoking. Only minor Owner repairs and maintenance are permitted while the Vessel is in its Berth or on its Swing Mooring. Any major repairs or maintenance must be carried out on the Boat Lift. Prior to commencing works consult the Manager who will issue any limitations as may apply.

Persons utilising the Boat Lift work area must also comply with the following regulations: No Spray Painting; No Abrasive Blasting; No Hot Work / Welding; No Diving; Strictly No Smoking; all Marina Users must consult the Staff before using a Pressure Washer.

Vessel Insurance. No Vessel will be permitted onto the Premises or be worked on unless registered and insured against public liability in respect of the Vessel and its fittings and contents.

Vessel Owner Keys. Vessel Owners are encouraged to provide the Company with a spare set of keys for the particular Vessel. The set shall be tagged / marked as appropriate to allow correct identification.

Working Heights. Any working platform must conform to the relevant Standards. Hoists and scaffolding must be to the standard required by relevant regulators and approved in writing where applicable. Ladders must be of industrial standard and be tied off at the top and secured on even ground at the bottom. No one is permitted to work from the top step of a ladder including freestanding industrial ladders.

Workshops. The Company’s workshops are restricted areas and are for the Company personnel use only.

Mooring

Additions. Services additional to those agreed at the outset will be provided for an additional Fee.

Arrival & Departure. All Vessels wishing to moor within the Premises must gain prior approval by contacting the Marina Office. Vessels must provide the Marina Office of their estimated time of departure. Mooring reservations are from 12pm midday to 11am the day of the scheduled departure. The Company requires 48 hours notice of cancellation to be provided to cancel or reduce the duration of a booking. No refunds will be issued unless the notice period is adhered to.

Dinghy Storage. No dinghy mooring is permitted within the Premises unless with the permission of the Manager. Properly secured dinghies must be stored on board or on the designated dinghy pontoon and adjacent shelves for which a Fee might apply. Any dinghy not complying with this regulation may be removed at the cost of the Marina User.
Power. All Vessels and electrical installations must comply with AS 3004 and AS/NZS 3000 and the local regulations. The Company's Ship to Shore Power Connection Policy must be complied with.

Speed Limits are to be observed at all times (policed by NSW Maritime and Water Police). The Marina is a no wash zone. Marina Users are reminded to be aware of the Vessel's wake and wash and to act responsibly by having regard to relevant Waterways' signage.

Vessel is to be Moored Safely. The Marina User is responsible for the proper mooring, care, security, maintenance, fire protection, seaworthiness and other good working order of the Vessel. The Marina User warrants that the Vessel is seaworthy and has appropriate strong points and mooring lines.

The Marina User is responsible at all times for maintenance and repair of any mooring apparatus. Mooring lines must be of adequate size to secure the Vessel. Gangways must be secured safely before use. Walkways must be kept clear and Vessel tied up to ensure that no part of the Vessel is overhanging the walkways. The area around Vessel must be clean and tidy at all times. Vessels are not permitted to lie In Tier from any mooring unless otherwise authorised. No engine trials are permitted.

Water Hoses located on the Premises belong to Marina Users. They are not for general use. All Persons are required to supply their own hoses for their own purposes.

Water Services are provided from public mains in accordance with the relevant requirements, and utilises non-corrotable, ultraviolet-stabilized piping. Standard 20 mm water connections are available at locations within the wharf.

Environmental Compliance

Best Efforts. Marina Users are encouraged to use their best efforts to educate fellow boaters to support the protection of our environment. All Persons on the Premises should remain alert and be aware of fumes and odours generated by Vessels and the activities of those around them and should avoid the creation of fumes or odours.

Hours of Operation. Any work undertaken outside the Company's Hours of Operation is to be by prior arrangement only.

In-Water Hull Cleaning. In-water hull cleaning, scraping, or any process that occurs in-water/underwater that could remove antifouling paint or bio-fouling (including marine pests) from the Vessel's hull, is prohibited.

Mitigate. Any Person conducting any work must ensure that there are appropriate risk management strategies to ensure that any pollution risks are minimised. All Persons on the Premises have the responsibility to determine whether or not the particular conduct engaged in could result in a pollution incident. If any doubt exists, consult the Manager before commencing any such work. All Persons found in breach of environmental legislative requirements will be suspended from the Premises immediately. Any penalties incurred by the Company as a result of any Person's breach of Environmental Legislation will be recovered from that Person.

Clean & Tidy. The Premises are to be kept clean and tidy at all times. Littering is not tolerated. Refuse, garbage, plastic bags, containers, papers must not be thrown overboard, but should be placed in the rubbish receptacles provided. The Company encourages all Persons to recycle as much as possible. The Manager will advise or assist in arranging for the disposal of large items.

Noise Restrictions. The Marina User shall not cause or permit any undue noise or disturbance to emanate from the Vessel. Only activities which can be carried out within acceptable noise level can be conducted. These levels shall not exceed levels detailed by Gosford City Council. All Persons on the Premises are to consider the public. Excessive noise from engine revving, generators running or loud music will not be accepted. Any noise related work is not permitted after 1:00pm SATURDAY or on SUNDAYS or PUBLIC HOLIDAYS. Approval from the Manager is required prior to use of any equipment that generates excessive noise.

Pollution. All Marina Users agree that they will respect and comply with all of the relevant environmental laws and Marine Regulations and recognise that all forms of pollution and contamination (including air, water, noise or visual) are prohibited on the Premises. Prosecution can result for pollution if any substance is discharged into any NSW waterway.

Pump Out. The discharge of sewage from Vessel holding tanks can be carried out at the Pump Out station free of charge.

Refuelling a Vessel or petrol powered equipment using portable fuel containers is not permitted on the Premises. This restriction is in place to safeguard the Company and Marina Users from the associated risks.

Responsibility. All Persons on the Premises are expected to act in an environmentally responsible and safe manner and to cooperate with the Company in order that all the Marina Users may obtain maximum benefit from using the Marine Services.

Unprotected Sanding and Scraping, Spray Painting, Abrasive Blasting are prohibited on the Premises. All such works must be carried out within an enclosure. Use vacuum sanders. Collect dust as close to the source as possible. Use tarpaulins and plastic sheeting to prevent any materials from falling or being blown into the water. Use High Volume Low Pressure (HVLP) spray guns. Use solvent. Prior to commencing any works consult the Manager who will issue any limitations as might apply.

Spray Painting and Abrasive Blasting by DIY Marina Users are prohibited on the Premises.

Visual. Only works which can be carried out within an acceptable level of visual impact to others (including neighbours) may be conducted on the Premises. Excessive lighting is prohibited. No laundry or clothing shall be hung on or from the Vessel. Apply brakes to wind generators.

Waste. Disposal of any waste matter into the marine environment is strictly prohibited at all times. At no stage can any materials or substance be allowed to enter the marine environment. Overboard Dumping of any debris is not permitted. Works which allows debris to drop into the water are not permitted. Washing Down of materials generated from maintenance or repairs into the marine environment is strictly prohibited.

Liquid Waste. Bilge Water, Sewage, Grey Water, Run Off from washing Vessels, and other liquid wastes are not to be discharged into the marine environment.

Harmful Waste. All harmful wastes (like oil, oily waters and products, noxious liquids, drained oil filters, scrap metal including anodes, batteries, acids), fish cleaning waste and all other harmful waste must be removed directly from the Vessel to the approved storage facility by the Person requiring its removal at that Person's cost. Prior to removal from the Vessel, any waste is to be transferred into sealed containers and transported in a manner so that it does not leak or spill during removal. No such liquids are to be placed down the sewer. To dispose of such waste please consult with the Manager and be aware that a Fee may apply.

Washing of Vessel. Persons should wash Vessels by hand with water pressure. Care is to be taken to minimise the amount of run off that goes into the water where Vessels are washed. The use of a trigger nozzle device is recommended. Current water restrictions require strict adherence from all Marina Users. Do not use highly caustic cleaners. Use only EPA approved bio-degradable detergents for washing down, general cleaning and bilge cleaning. Pressure Washing is to be carried out on the Boat Lift only. All waste is drained firstly through a solid settlement pit before being pumped to a balance tank, filtered and then disposed of into the main sewer.

Paint Restrictions. The use of organo-tin coatings and Tributyltin (TBT) paint is prohibited on the Premises.

Slipway Restrictions. Pressure washing and antifouling on the Slipway is prohibited.

Pets, Wasteage. All Persons are required to clean up their pet's wastage immediately. Pets, Rubbish. All Persons are required to clean up any rubbish / dirt / items scattered by their pet.

Emergency Management

Accidents & Incidents. Any accident or incident, any collision or damage to any part of the Premises or other Vessels must be reported immediately to the Manager. Any Person requiring first aid treatment is to contact the Manager immediately.

Spillages. Any spillage must be reported immediately to the Manager. Any spillage is to be cleaned immediately and appropriately.

Emergency. Please contact immediately 000 where there is a fire or any emergency and also notify the Manager and any Person on any adjacent Vessel, as required.

Evacuation. In the event of an emergency alarm or verbal instruction from any Staff member, all Marina Users must immediately proceed to the assembly area.

Firearms, Rockets and Flares are not to be discharged within or from the Premises.

Fire Extinguishing Appliances. Proper and sufficient fire extinguishing appliances should be on each Vessel and should be maintained to the standards required by law. The Manager reserves the right to inspect such equipment from time to time.

Fire Safety Precautions. Thoroughfares and fires escapes are to be kept free from obstruction at all times. Engine areas should be maintained clean and free of combustible materials. Fuel systems, electrical systems and fuel storage must be checked regularly.

Liability. Any costs associated with the repair, or removal of any hazard, caused by a particular Vessel or Person will be to the account of the Person/Vessel Owner causing that hazard.

Any damage caused to the Premises, other Vessels or other property is the responsibility of the Person causing it and not the Company. All resulting repair costs will be borne by the Person causing the damage.

Marina Fire Services shall only be used in emergencies. Fire Hoses are not to be used for any purpose other than for fire fighting.

Observe Emergency Response Facilities & Regulations. The Company requires Marina Users to understand the emergency procedures.

Sources of Ignition. The Manager is to be made aware of any known ignition or explosion risk factors on any Vessel.