

## **Explanatory Note**

**Bayside Council (ABN 80 690 785 443)**

**and**

**Cook Cove Nominees No 1 Pty Limited (ACN 672 807 037) in its capacity as the trustee  
of the Cook Cove Property Trust 1**

**and**

**Cook Cove Nominees No 2 Pty Limited (ACN 672 807 046) in its capacity as the trustee  
of the Cook Cove Property Trust 2**

## **Draft Planning Agreement**

### **Introduction**

The purpose of this explanatory note is to provide a plain English summary to support the notification of the draft planning agreement (the **Planning Agreement**) prepared under Subdivision 2 of Division 7.1 of Part 7 of the *Environmental Planning and Assessment Act 1979* (the **Act**).

This explanatory note has been prepared having regard to the Planning Agreements Practice Note and its contents have been agreed by the parties.

Words appearing with capital letters in this note have the meanings given to them in this note or, if not defined in this note, in the Planning Agreement.

This explanatory note must not be used to assist in construing the Planning Agreement.

### **Parties to the Planning Agreement**

The parties to the Planning Agreement are:

- a) Bayside Council (ABN 80 690 785 443) (**Council**);
- b) Cook Cove Nominees No 1 Pty Ltd (ACN 672 807 037) in its capacity as the trustee of the Cook Cove Property Trust 1 (**Cook Cove 1**); and
- c) Cook Cove Nominees No 2 Pty Ltd (ACN 672 807 046) in its capacity as the trustee of the Cook Cove Property Trust 2 (**Cook Cove 2**)

(Cook Cove 1 and Cook Cove 2, together are the **Developer**).

### **Description of the Subject Land**

The Planning Agreement applies to:

- a) Lot 31 in DP1231486, known as 19 Marsh Street, Arncliffe owned by Cook Cove 1;  
and

- b) Lot 100 in DP1231954, known as 19A Marsh Street, Arncliffe owned by Cook Cove 2,

(together the **Developer Land**); and

- c) Lot 14 in DP213314, known as 19 Marsh Street, Arncliffe owned by Council; and

- d) Lot 1 in DP108492, known as 13 Marsh Street, Arncliffe owned by Council,

(together the **Council Land**)

(the Developer Land and the Council Land are together the **Land**).

A plan showing the Land (comprising the Developer Land and the Council Land) is at the end of this explanatory note.

### **Description of the Proposed Development**

The Developer is seeking to carry out development for predominantly mixed-use and logistics purposes on the Land, to be completed in stages and generally in accordance with Planning Proposal PP-2022-1748 (**Planning Proposal**), which seeks to remove the Land from the operation of Chapter 6 of *State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021* and insert new provisions into the *Bayside Local Environmental Plan 2021* (**Bayside LEP**) to:

- a) rezone the Subject Land to SP4 Enterprise, RE1 Public Recreation, C2 Environmental Conservation and SP2 Infrastructure;
- b) reclassify the Council Land from community land to operational land;
- c) introduce an overall maximum building height of RL 51m with transitions across the site;
- d) limit gross floor area within different areas of the site to an aggregate of 343,250m<sup>2</sup> and insert floor area requirements to achieve intended logistics and warehousing outcomes; and
- e) permit additional permitted uses within the SP4 Enterprise zone and site-specific planning provisions (**Proposed Development**).

The Developer has made an offer to Council to enter into the Planning Agreement in connection with the change to the Bayside LEP resulting from the Planning Proposal (**Instrument Change**) and the carrying out of the Proposed Development facilitated by the Instrument Change.

An indicative plan of the Proposed Development is at the end of this explanatory note.

### **Summary of Objectives, Nature and Effect of the Planning Agreement**

The objective of the Planning Agreement is to facilitate the provision of local infrastructure within the meaning of Subdivision 3 of Division 7.1 of the Act.

The Planning Agreement requires the Developer to make development contributions in connection with the Proposed Development for the purposes of the provision of local infrastructure.

The development contributions comprise:

a) the carrying out of the following Works:

i) (Item No. 1) Gertrude Street extension and upgrade comprising:

- (1) construction of extension of Gertrude Street between Marsh Street and Levey Street;
- (2) construction of a new roundabout and kerb realignment at the intersection of Gertrude Street and Levey Street; and
- (3) widening of Gertrude Street north side between Princes Highway and Levey St,

as shown in the development contribution plan as '1A', '1B' and '1C' included at the end of this explanatory note (**Draft Contribution Plan**);

ii) (Item No. 2) Extension of Gertrude Street East comprising:

- (1) construction of the extension of Gertrude Street East as shown in the Draft Contribution Plan as '2';

iii) (Item No. 3) Extension of Flora Street East comprising:

- (1) construction of the extension of Flora Street East as shown in the Draft Contribution Plan as '3';

iv) (Item No. 4) Cooks River Foreshore public open space comprising:

- (1) construction of a publicly accessible shared pathway and associated hard and soft landscaping;
- (2) capping and protection of the ethane gas pipeline; and
- (3) demolition and re-construction of the seawall (together the **Cooks River Foreshore Work**);