

# **INDEPENDENT ASSESSMENT REPORT – COOKS COVE PLANNING PROPOSAL**

Report to Sydney Eastern City  
Planning Panel

17 May 2022

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**We acknowledges the important contribution that  
Aboriginal and Torres Strait Islander people make in  
creating a strong and vibrant Australian society.**

**We acknowledge, in each of our offices, the Traditional  
Owners on whose land we stand.**

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# EXECUTIVE SUMMARY

The Cooks Cove planning proposal (**planning proposal**) seeks to introduce contemporary planning controls to facilitate the development of strategically important land within Bayside West Precinct adjacent to Sydney Airport which is identified as an important trade gateway for Australia.

The planning controls proposed under the planning proposal would facilitate the development of part of the Cooks Cove precinct as a logistics and warehousing precinct, together with supporting uses such as tourist and visitor accommodation, office and retail. Each of the uses nominated to contribute to employment generation on the site, to the economic benefit of the tourism and freight sectors and the local, regional and State economy.

The planning proposal seeks to remove the site the subject of the planning proposal from the operation of Chapter 6 of State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021 and insert new planning provisions into Bayside Local Environmental Plan 2021. The planning proposal will:

- Introduce three land use zones across the site. The primary zone being B7 Business Park zone across the majority of the Kogarah Golf Course freehold land (being Lots 31 in DP 1231486 and Lot 100 in DP 1231954) . The foreshore area of the site adjacent to the Cooks River and Council owned land adjacent to March Street (Lot 14 DP213314 and Lot 1 DP108492) will be zoned RE1 Public Recreation. An SP2 Infrastructure zoning will apply to the existing Marsh Street roadway and Arncliffe Permanent Motorway Facilities;
- Reclassification of Lot 14 DP213314 and Lot 1 DP108492 (Council owned and the subject of Charitable Trusts), from 'community' to 'operational' land to facilitate local road access and the provision of infrastructure to support development within the B7 Business Park zone. Concurrently with the reclassification of the land extinguish the application of the Charitable Trust;
- Introduce an overall maximum building height of RL51m with transitions across the site to respond to aviation controls relating to adjacent Sydney Airport operations;
- Limit gross floor area within different areas of the site to an aggregate of 342,000sqm and insert floor area requirements to achieve the intended logistics and warehousing outcomes for the site; and
- Permit additional permitted uses within the B& Business Park zone and site-specific planning provisions.

A Master Plan was prepared, and this informed the preparation of the planning proposal and associated land use controls. The key features are:

- A business park of approximately 15.8 hectares accommodating a maximum of 342,000sqm of gross floor area comprising 290,000sqm of multi-level logistics and warehousing, 20,000sqm for hotel and visitor accommodation uses, 21,250sqm for commercial office uses and 10,750sqm of retail uses;
- The logistics building will have overall build heights of 46 metres but will have a five storey configuration, the commercial buildings are more traditional with eight storey and the hotel (tourist and visitor accommodation) would have a height of 48 metres accommodating 12 storeys above a retail podium;
- Land use mix capable of generating approximately 3,300 new jobs; and
- Dedication to Council approximately 2.5ha of freehold land as public, open space.

The site the subject of the planning proposal is the northern portion of the Cooks Cove precinct. The southern portion of the precinct will remain as open space and will continue to be subject to the provisions of Chapter 6 of State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021.

The Planning Proposal has been prepared to address the relevant objectives and actions of regional and district strategic planning directions applying to the site including the Greater Sydney Region Plan, the Eastern City District Plan and Ministerial Directions. The planning proposal seeks to contribute towards the NSW Government's vision for Sydney's future, which aims to deliver a productive, sustainable and liveable city

It is considered that the planning proposal demonstrates site specific and strategic merit and is supported by numerous specialist technical and environmental assessment and validation to support the proposed planning controls. It has been generally demonstrated that the site can be supported by appropriate infrastructure however it is noted that further modelling and design works and consultation with Transport for NSW is required to finalise required local and regional road upgrade works and consultation with Bayside Council to resolve and localised flooding and stormwater management issues. The planning proposal will

introduce contemporary land uses zonings and planning controls to facilitate the development of a new logistics and warehousing hub.

The warehousing and logistics hub has been designed to support the ongoing operations of Sydney Airport.

The proposed amendments to Bayside LEP 2021 that will apply to the site are appropriate and will ensure the proposed development is permissible and will enable the development of a strategically important site, consistent with strategic and Ministerial Directions applying to the site.

It is recommended that should the planning proposal proceed to finalisation that the Department give consideration to the actions necessary to transfer the remainder of the Cooks Cove precinct into Bayside LEP 2021 and repeal the provisions of State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021.

# 1. PLANNING PROPOSAL

## 1.1. OVERVIEW

Table 1 Planning Proposal Details

<b>LGA</b>	Bayside
<b>PPA</b>	Sydney Eastern City Planning Panel
<b>NAME</b>	Cooks Cove Planning Proposal
<b>SEPP and LEP TO BE AMENDED</b>	Chapter 6 of State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021 (formerly Sydney Regional Environmental Plan No. 33 – Cooks Cove).  Bayside Local Environmental Plan 2021
<b>ADDRESS</b>	Part of 19 Marsh Street Arncliffe and adjacent lands
<b>DESCRIPTION</b>	<ul style="list-style-type: none"><li>▪ Lot 100 in DP 1231954 (KGC freehold);</li><li>▪ Lot 31 in DP 1231486 (KGC freehold);</li><li>▪ Lot 14 in DP 213314 (Council owned and the subject of Charitable Trusts);</li><li>▪ Lot 1 in DP108492 (Council owned and the subject of Charitable Trusts); and</li><li>▪ Lot 1 in DP 329283 (former RTA/TfNSW owned).</li></ul>
<b>PP RECEIVED</b>	22/10/2021
<b>FILE NO.</b>	TBA
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose notwithstanding a political donation disclosure has been submitted confirming that no gifts or donations have been made
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this planning proposal

## 1.2. OBJECTIVES OF PLANNING PROPOSAL

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objective of the planning proposal is to introduce contemporary planning controls to prioritise land uses which contribute to the support of the adjacent Sydney Airport – but which do not rely upon or impact upon the function of the airport operations. The outcomes of the planning proposal are to serve the wider region as a location for a logistics and warehousing precinct, with ancillary supporting land uses such as tourist and visitor accommodation, office and retail – which contribute to employment generation on the site, to the

economic benefit of the tourism and freight sectors and the NSW and Bayside economy. These objectives are to be achieved by the following:

- Amend the provisions of State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021 (formerly Sydney Regional Environmental Plan No. 33 – Cooks Cove). and to integrate the zoning of the site into Bayside local environmental plan 2021 (**Bayside LEP 2021**)
- Enable the development of a contemporary logistic and warehousing precinct with supporting office, retail, tourist and visitor accommodation adjacent to Sydney Kingsford Smith Airport.
- Facilitate employment generating uses.
- Introduce new land use zoning, including a primary B7 Business Park zone across the majority of the Kogarah Golf Course freehold land, RE1 Public Recreation foreshore and passive open space zones and SP2 Infrastructure to accommodate current and future transport infrastructure.
- Introduce maximum gross floor area controls to an aggregate of 342,000m<sup>2</sup> and insert floor area requirements to achieve the intended logistics, commercial, retail and short-term accommodation land uses.
- Introduce a maximum building height control. of RL51m with appropriate transitions to respond to aviation controls within limited sections of the site
- Extinguish a perpetual charitable trust affecting part of the site, Lot 14 DP213314 and Lot 1 DP108492 and reclassify that land held by Bayside Council as community land to operational land.
- Introduce a number of additional permitted uses and site specific planning provisions.

The objectives of this planning proposal are clear and adequate.

### 1.3. EXPLANATION OF PROVISIONS

The planning proposal seeks to amend the Bayside LEP 2021 by including the site under the provisions BLEP 2021 as a consequence of amending Chapter 6 State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021 (formerly Sydney Regional Environmental Plan No. 33 – Cooks Cove). per the changes below:

Table 2 Current and proposed controls

Control	Current  State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021	Proposed  Bayside LEP 2021
Zone	Trade and Technology  Open Space  Special Uses	B7 Business Park  RE1 Public Recreation  SP2 Infrastructure
Maximum height of the building	Variable height controls nominated, 5, 6 and 11 storeys. Only one building permitted to 11 storeys	Maximum height of RL51m which is dictated by obstacle limitation surface associated with adjacent Kingsford Smith Airport.
Floor space ratio	N/A	N/A
Minimum lot size	N/A	N/A
Number of dwellings	N/A	N/A



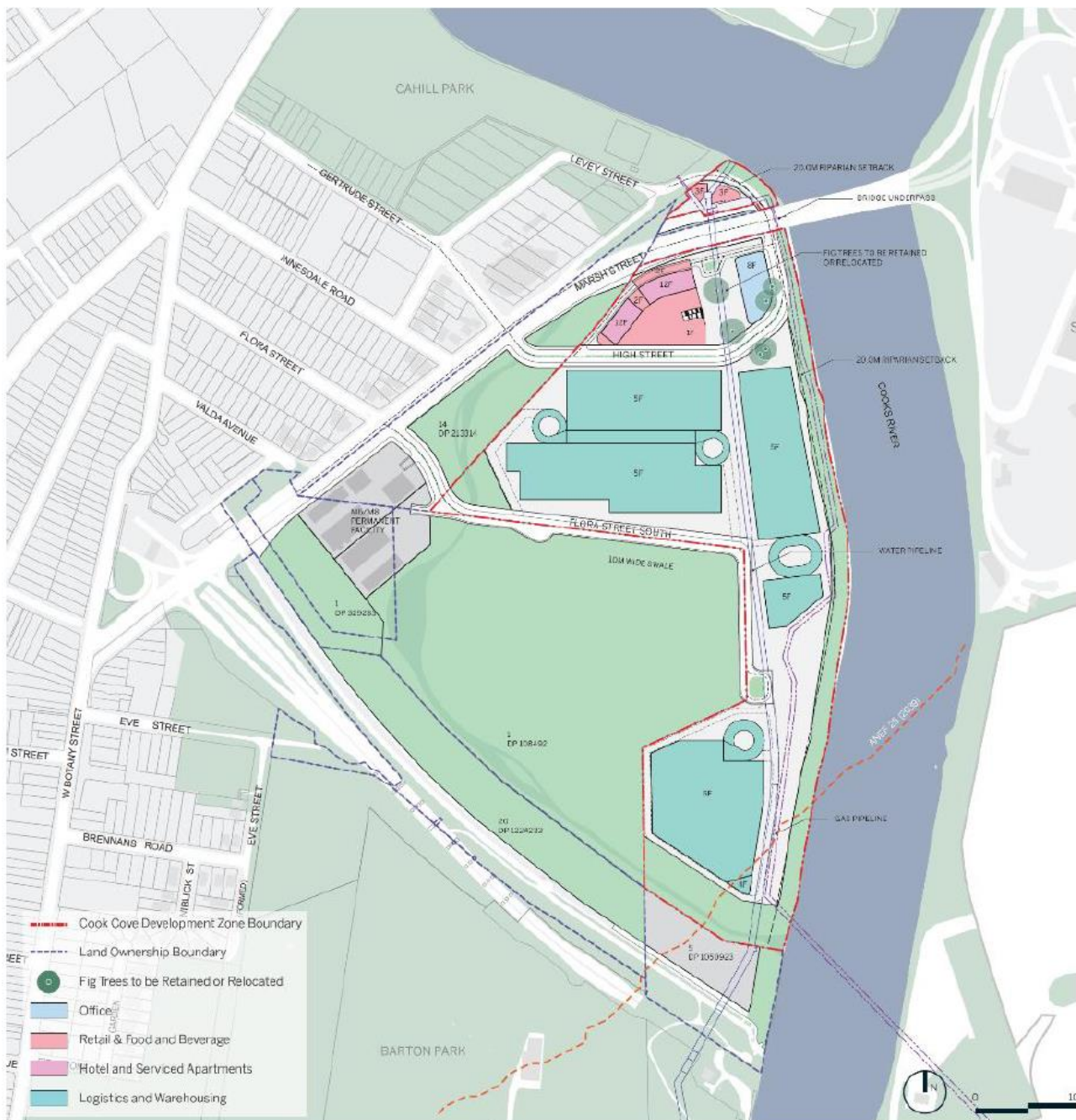
Control	Current  State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021	Proposed  Bayside LEP 2021
Number of jobs	Not available	<p>Hotel/ visitor accommodation - 1 job per 40m2 GFA (500 jobs).</p> <p>Commercial office - 1 job per 25m2 GFA (850 jobs).</p> <p>Retail -1 job per 30m2 GFA (360 jobs).</p> <p>Logistics /warehousing component - 1 job per 190m2 (1,500 jobs).</p> <p>Total estimate of 3,210 jobs.</p>
Reclassify land from	Community	Operational
Additional Permitted Uses	Recreation facility permitted without consent in the Southern Precinct	<p>Additional permitted uses are proposed across different blocks nominated in the master plan accompanying the planning proposal – See <b>Figure 8</b> below.</p> <p>Block 1 – advertising structures, retail premises</p> <p>Block 2 advertising structures, retail premises, tourist and visitor accommodation, trade related enterprises</p> <p>Block 3 environmental facilities, environmental protection works, freight transport facilities, industrial training facilities, light industries, trade related enterprises</p>
Maximum Gross Floor Area for different Land Uses	<p>270,000 sqm gross floor area inclusive of:</p> <p>5,000sqm of commercial support premises, shops and restaurants,</p> <p>15,000sqm of hotels and serviced apartments,</p> <p>5,000sqm of serviced commercial offices</p>	<p>Maximum gross floor area of 2,000sqm mixed food and drink premises, office premises and retail premises (Area 2)</p> <p>Maximum gross floor area of 340,000sqm (Area 17) (see <b>Figure 9</b>) inclusive of:</p> <p>20,000sqm of office premises (Area 18)</p>

Control	Current  State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021	Proposed  Bayside LEP 2021
		<p>30,000sqm inclusive of a maximum gross floor area, inclusive of a maximum gross floor area for tourist and visitor accommodation and a maximum gross floor area of 10,000sqm of retail premises (Area 19).</p> <p>290,000 of permitted uses inclusive of 4,000sqm of hardware and building supplies and 1,000sqm office premises (Area 20).</p>

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

A master plan accompanies the planning proposal the key features of which include:

- A net development zone of approximately 15.8ha with up to 342,000sqm gross floor area (**GFA**)
- Multi-level logistics building heights generally up to five storeys (approx. 46m), an eight storey commercial office building and 12 storeys (48m) for the hotel building above a retail podium;
- Dedication of approximately 2.5ha of the Kogarah Golf Club (**KGC**) freehold land to Bayside Council (**Council**) as publicly accessible open space.



Indicative Master Plan 2021 – Skidmore, Owings & Merrill

Figure 1 – Master Plan (Ethos Urban)

## 1.4. SITE DESCRIPTION AND SURROUNDING AREA

The land that is subject to this Planning Proposal (herein known as the site) comprises 36.2ha of land under varying ownership arrangements and is legally described as follows:

- Lot 100 in DP 1231954 (KGC freehold);
- Lot 31 in DP 1231486 (KGC freehold);
- Lot 14 in DP 213314 (Council owned and the subject of Charitable Trusts);
- Lot 1 in DP108492 (Council owned and the subject of Charitable Trusts); and



- Lot 1 in DP 329283 (former RTA/TfNSW owned).

The site is located within and is part of the precinct identified as Cooks Cove in Chapter 6 of State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021, in the suburb of Arncliffe within the Bayside Council Local Government Area (LGA) (see **Figure 2**). It is located to the west of the Cooks River and Sydney Airport, approximately 10km south of the Sydney Central Business District (CBD), 6km west of Port Botany and 1.5km north-east of the Rockdale local town centre.

The site is located in proximity to (between 700m and 1.1km) a number of railway stations including Banksia, Arncliffe, Wollie Creek and the International Airport Terminal. The M5 Motorway runs in an east-west direction to the south of the site. The M8 and M6 Motorways are to be constructed in tunnels approximately 60 metres beneath Lot 14. The site which presently accommodates the KGC course is generally low-lying, with elevations ranging from 0-5m AHD. The topography gently undulates across the site, rising to a high point of approximately 5m AHD in the north portion where the clubhouse is located. The original levels across the site have been altered over time with the realignment of the Cooks River and development of the site as a golf course.

Vegetation found within the site generally is not naturally occurring, due to the development of the site into a golf course. As such, most of the site is covered by lawns and exotic grassland. Surrounding the clubhouse are several Moreton Bay Fig Trees, including four in excellent condition and two in good condition. There are some examples of recolonised communities of mangroves and saltmarsh along the adjacent Cooks River foreshore. The site is located within the Bonnie Doon/Eve Street sub-catchment of the Cooks River. Due to its low-lying nature and adjacency to the Cooks River, the site is flood affected and would be largely inundated during a 1 in 100 year flood event.

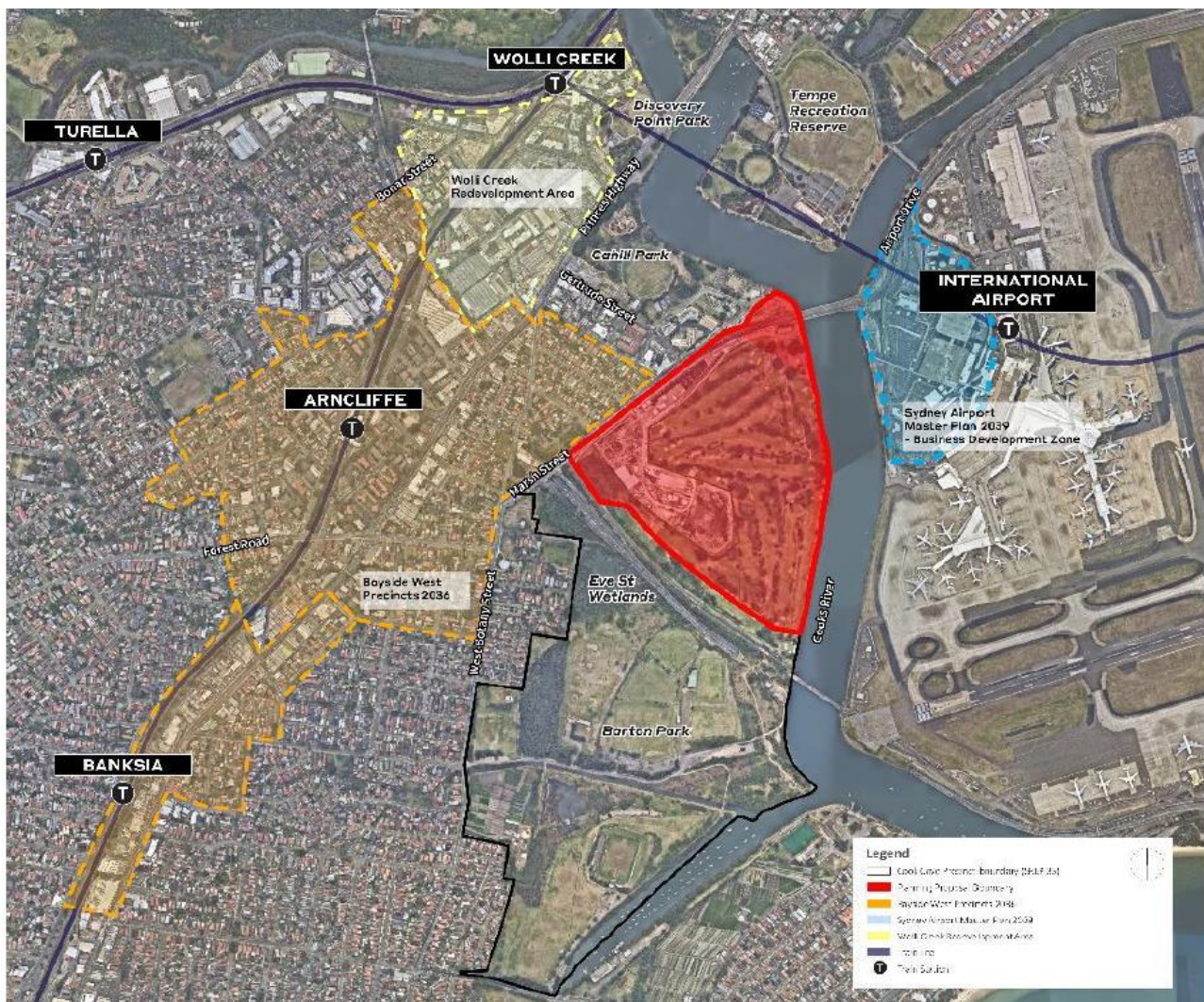


Figure 2 – Site Context (Ethos Urban)



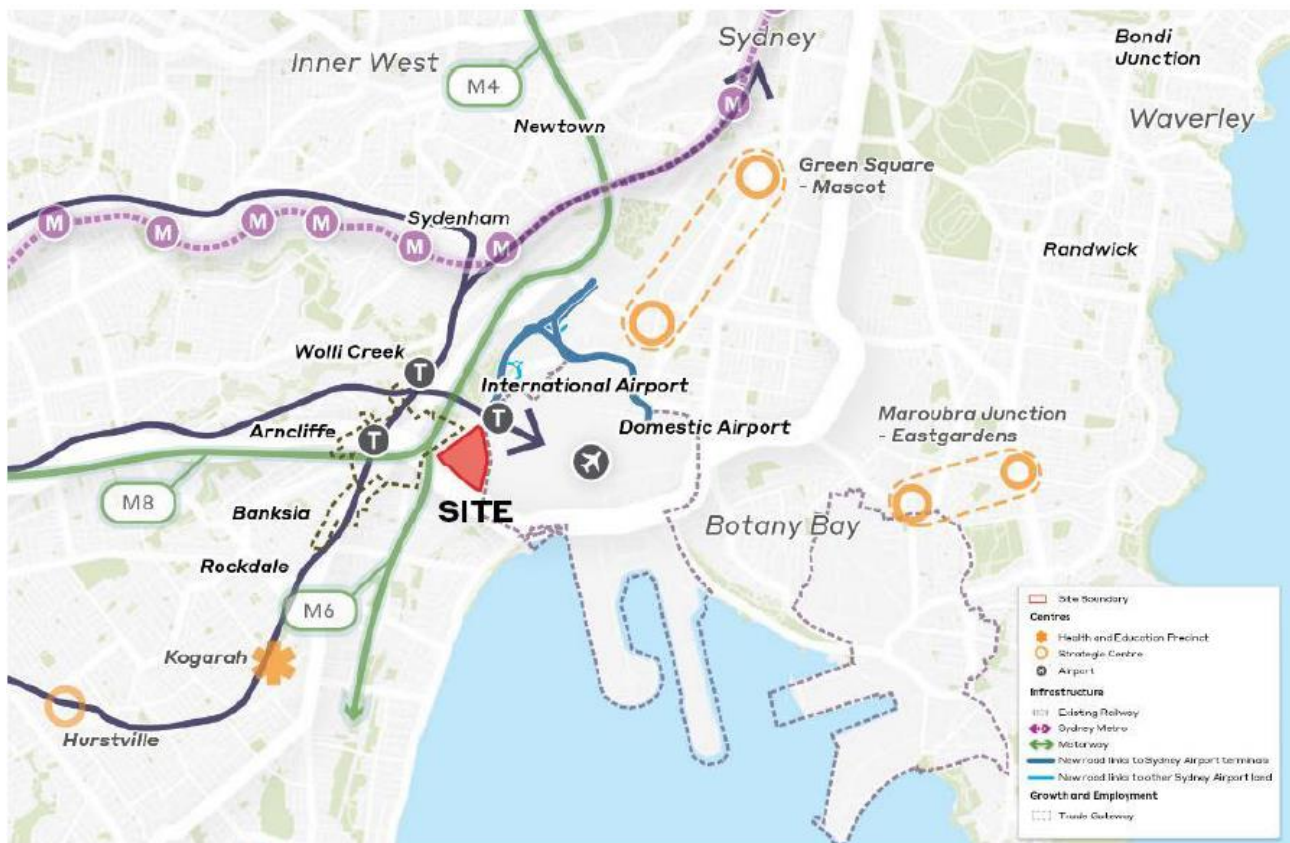


Figure 3 – Surrounding Context (Ethos Urban)

Other factors that are relevant to the context of the site and the Cooks Cove precinct more broadly relate to the surrounding established suburbs, land ownership, infrastructure and transport activities. These are discussed below.

**a. WestConnex Temporary Works Compound and Arncliffe Motorway Operations Complex**

The KGC golf course was progressively converted to a 15-hole operation during 2016 following the resumption of part of the Council's land for the widening of Marsh Street and the establishment of a temporary construction compound for the WestConnex M8 tunnelling works.

The construction compound occupies approximately 7.5ha of land and will be required until the new M6 Stage 1 is completed which is projected to be sometime in 2025. Following completion of the works the temporary compound will be replaced with a permanent facility on approximately 1.5ha of land – the precise area and location of the permanent facility is not yet known but will be within the temporary compound area. This will accommodate the permanent Arncliffe Motorway Operations Complex, located adjacent to Marsh Street and will house plant and maintenance equipment, ventilation and water treatment facilities for the M6 and M8 motorways.

**b. Southern and Western Suburbs Ocean Outfall Sewer (SWSOOS)**

The SWSOOS is a trunk sewer main constructed above ground from 1909 to 1916. It is heritage listed and runs in an east-west direction and across the Cooks River. The SWSOOS is not located within the site.

**c. M5 Motorway**

The M5 Motorway runs in parallel to the SWSOOS and was completed in 2001. The M5 is generally constructed in a concrete viaduct to the south of the site and dives into tunnel portals under Marsh Street and the Cooks River.

There are two small, fenced areas known as the 'RTA Frog Ponds' located south-west of the KGC golf course, adjacent to the SWSOOS and Marsh Street. These ponds were constructed as part of the M5 Motorway construction project in 2002 as compensatory breeding habitat for the Green and Golden Bell Frog. These ponds continue to be managed by TfNSW.

d. **Lot 5 in DP 1050923 (SACL land)**

Lot 5 in DP 1050923 is located adjacent to and south of the site. It is owned by the Commonwealth of Australia and is under a long-term lease to Sydney Airport Corporation Limited (**SACL**). This land contains part of the current golf course, the SWSOOS and the Sydney Desalination Pipeline.

e. **To the North and West**

The residential area around Flora Street, Gertrude Street and Innesdale Road is generally characterised by one-storey detached residential dwellings but has recently been rezoned to R4 High Density Residential as part of Bayside West Precincts 2036. High-rise residential buildings is emerging include the recent 15 storey Southbank development on Levy Street (Building C closest to Cook Cove extends to RL53.5m AHD) and 14 storey Cahill Gardens on Gertrude Street;

Cahill Park is located between Marsh Street and the Princes Highway on the Cooks River foreshore and includes passive and active recreation facilities including a turf cricket oval, tennis courts, mature trees and passive recreation areas.

Tempe Recreation Reserve is located on the opposite side of the Cooks River, to the north of the Giovanni Brunetti Bridge. This reserve includes an indoor sports centre, sports fields, netball courts, cricket nets, playground, BBQ picnic areas and walking/cycling tracks.

Wolli Creek Train Station and Town Centre are located approximately 800m to the north of the site. Wolli Creek is a key interchange between the T4, T8 and South Coast train lines.

f. **To the South**

A range of sporting grounds and recreation facilities and ecological areas are located to the south of the site including Barton and Riverine Parks. Also located within this area is the state heritage listed Arncliffe Market Gardens. Further south is Muddy Creek and Kyeemagh.

g. **To the East**

Adjoining directly to the east is the Cooks River which runs along a generally north-south alignment along the eastern edge of the site. The mouth of the river is at Botany Bay approximately 1km to the south-east of the site at Lady Robinsons Beach, Kyeemagh and the river extends in the north-westerly direction and contains significant open space and recreation paths and connects to the Inner-West Greenway and Homebush Bay.

To the east of the Cooks River is Sydney Airport and the Terminal which is connected by Marsh Street. The site is located, well away from the approach flightpaths of the airport's east-west and north-south runways.

h. **To the South-West**

The low density residential neighbourhoods of Banksia and Arncliffe, with areas recently being rezoned for high-density residential and mixed-used development under Bayside West Precincts 2036.

## 1.5. EASEMENTS AND AFFECTATIONS

The site is impacted by three infrastructure easements and affectations which have informed the preparation of the planning proposal and Master Plan.

**Figure 4** below shows the location of the Sydney Desalination Plant Pipeline, the Moomba-Sydney pipeline and the F6 Transport Corridor.

The historical F6 Transport Corridor as shown in **Figure 4** generally aligns with the special uses zoning under current zoning plan (**Figure 5**). This corridor is not subject of an easement or reservation on the land title.

The Sydney Desalination Plant pipeline consists of a 1.8 metre diameter pipe within an easement approximately six metre wide which runs through the site from Kurnell in a north-south direction.

The Moomba Sydney Pipeline, which transports ethane gas, runs adjacent to the eastern boundary of the site. The pipeline easement is generally five metre wide with the pipe located at a depth of between 1.2m-2.3m.

The planning proposal and Master Plan do not propose to relocate either of the pipelines.



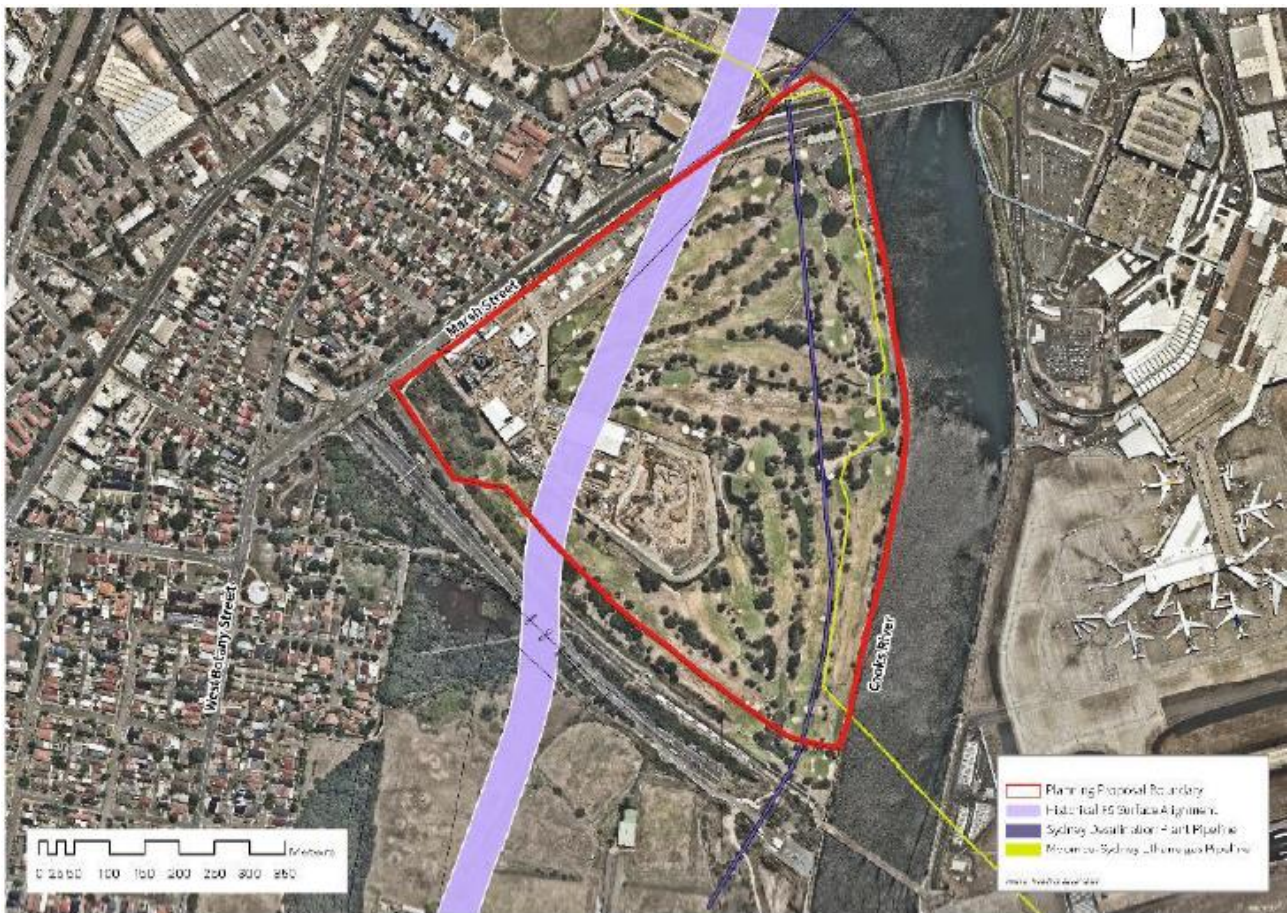


Figure 4: Existing Easements and Affectations (Source Ethos Urban)

## 1.6. KEY DEVELOPMENT STANDARDS

### 1.6.1. Floor Space Ratio

It is proposed to restrict floor space on the site through restricting gross floor area (**GFA**) rather than floor space ratio (**FSR**). This ensures a cap to floor area by land use type while providing a level of flexibility in how future floor space is distributed throughout the Cooks Cove precinct.

The net development footprint of the B7 Business Park zoned land of the site is approximately 15.1 hectares (Lot 100 in DP 1231954) and 2,425 sqm (Lot 31 in DP1231486). A maximum of 342,000 sqm of GFA is proposed which would approximately equate to an indicative net FSR of 2.5:1.

This control is proposed through the inclusion of amendments to clause 4.4 of Bayside LEP 2021. Proposed additions to control the overall GFA cap for the site and for selected individual land uses within the site are proposed in *italic* text below and are depicted on **Figure 9** below.

#### Clause 4.4 – Floor space ratio

(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

*(2I) Despite subclause (2), development consent may be granted to development for the purposes of 'food and drink premises', 'office premises' and 'retail premises' on land identified as Area 16 on the Floor Space Ratio Map that results in a gross floor area that does not exceed 2,000 square metres.*

*(2J) Despite subclause (2), the gross floor area of all buildings on land identified as 'Area 17' on the Floor Space Ratio Map must not exceed 340,000sqm.*

*(2K) Despite subclause (2), development consent may be granted to development for the purposes of 'office premises' on land identified as Area 18 on the Floor Space Ratio Map that results in a gross floor area that does not exceed 20,000 square metres.*

*(2L) Despite subclause (2), the gross floor area of all buildings on land identified as 'Area 19' on the Floor Space Ratio Map must not exceed 30,000sqm, inclusive of a maximum gross floor area for 'tourist and visitor accommodation' of 20,000 square metres and a maximum gross floor area for 'retail premises' of '10,000sqm'.*

*(2M) Despite subclause (2), the gross floor area of all buildings on land identified as 'Area 20' on the Floor Space Ratio Map must not exceed 290,000 square metres, inclusive of a maximum gross floor area for 'hardware and building supplies' of 4,000 square metres and a maximum gross floor area for 'office premises' of 1,000 square metres.*

## 1.6.2. Height of Buildings

The proximity of the site to Sydney Airport means that built form heights within the precinct are heavily influenced by the Obstacle Limitation Surface (**OLS**) relating to airport operations. The amended Master Plan and height of building controls have been developed based on these airspace limitations.

While it is proposed to use Reduced Levels (RLs) instead of defining maximum building heights in metres a limitation is proposed for Block 1 to RL30m to reflect the lower achievable floorspace within this allotment. The height of building mapping is provided at **Figure 10** below.

The height limitation affection attributable to air quality impacts in proximity of the M6/M8 ventilation facility in the western section of the site, is not a relevant consideration as no residential development is proposed. In addition it is proposed that the maximum building height is also removed from all land proposed to be dedicated to Bayside Council as open space.

The site specific DCP will guide future development onsite to deliver quality urban design, architectural and environmental outcomes for the site. In order to provide a level of certainty in the future development of the site while maintaining a level of flexibility in the site of future built form on the site it is considered that clause 4.6 should not apply to the gross floor area control or height of building control to be introduced for the site.

## 1.6.3. Other Provisions

In order to accommodate the site under Bayside LEP 2021 it will be necessary to amend numerous Bayside LEP 2021 maps:

- Land application map;
- Relevant map tiles that include the site
- Clause 6.1 Acid Sulfate soils and the Acid Sulfate Soils Map; and
- Clause 6.6 Flood planning and the Flood Planning Map.

## 1.7. MAPPING

The planning proposal includes mapping showing the proposed changes to the Bayside LEP 2021 maps in order to accommodate the site the subject of the planning proposal into the environmental planning instrument. These plans are suitable for community consultation.

As the planning proposal will result in only part of the land the subject of Chapter 6 of State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021 being rezoned and included under Bayside LEP 2021 it will be necessary to amend the current mapping under State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021 in order to delete reference to the land comprising the site of the planning proposal.

Mapping has not been prepared which shows the amendments to State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021 and this will be required to be prepared prior to community consultation.



Set out below is the current and proposed zoning maps and the current and proposed additional permitted uses map. While there is presently no floor space ratio map or height of building map applying to the site one is proposed to be introduced to reflect the land use and floor space limitations identified in **Table 2** above and staggered height of building controls imposed in order to satisfy the obstacle limitation surface for the Sydney Airport. There is not presently nor is it proposed to include minimum lot size map control for the site under Bayside LEP 2021.

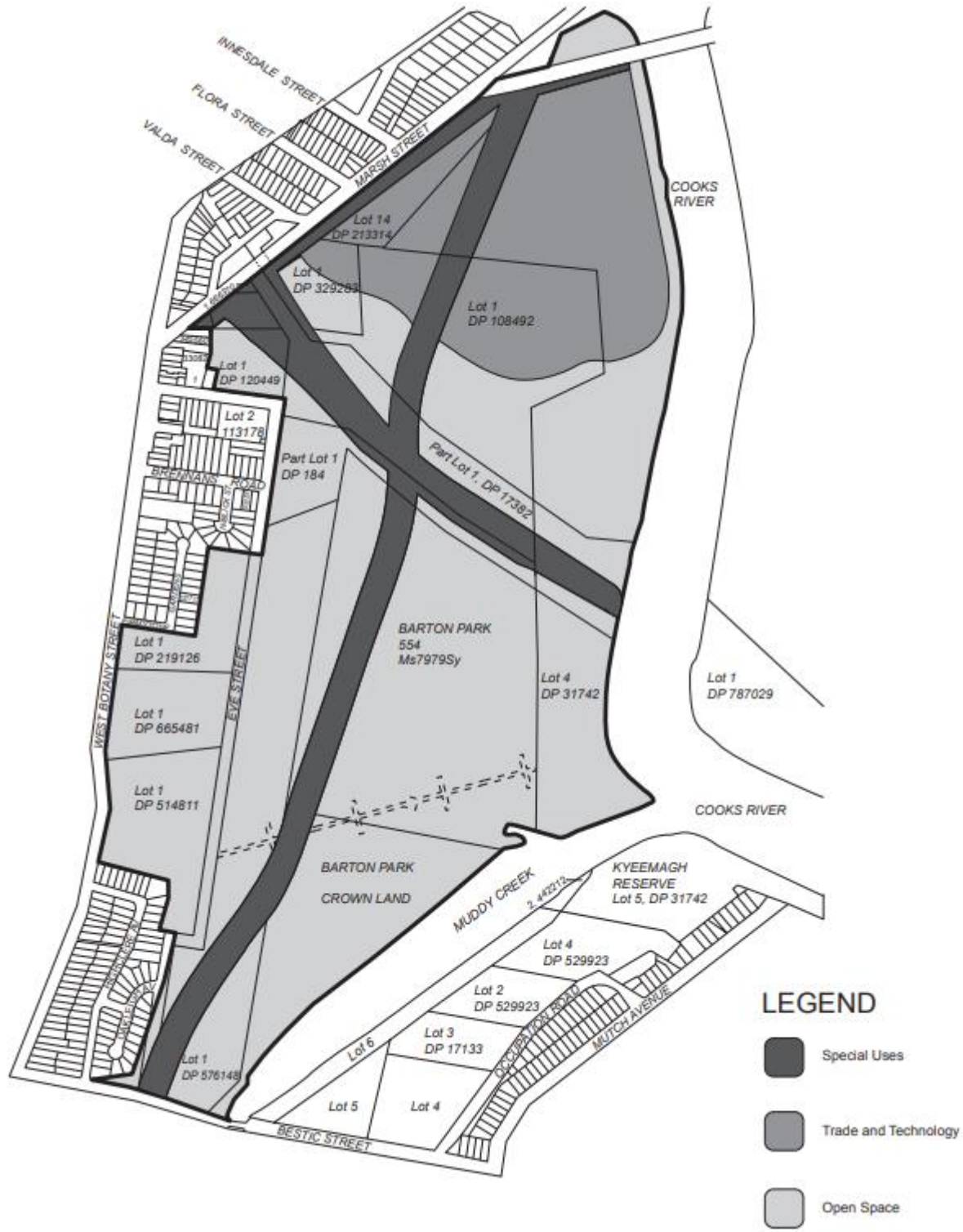


Figure 5 – Current Zoning map – (Source: Chapter 6 of State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021)

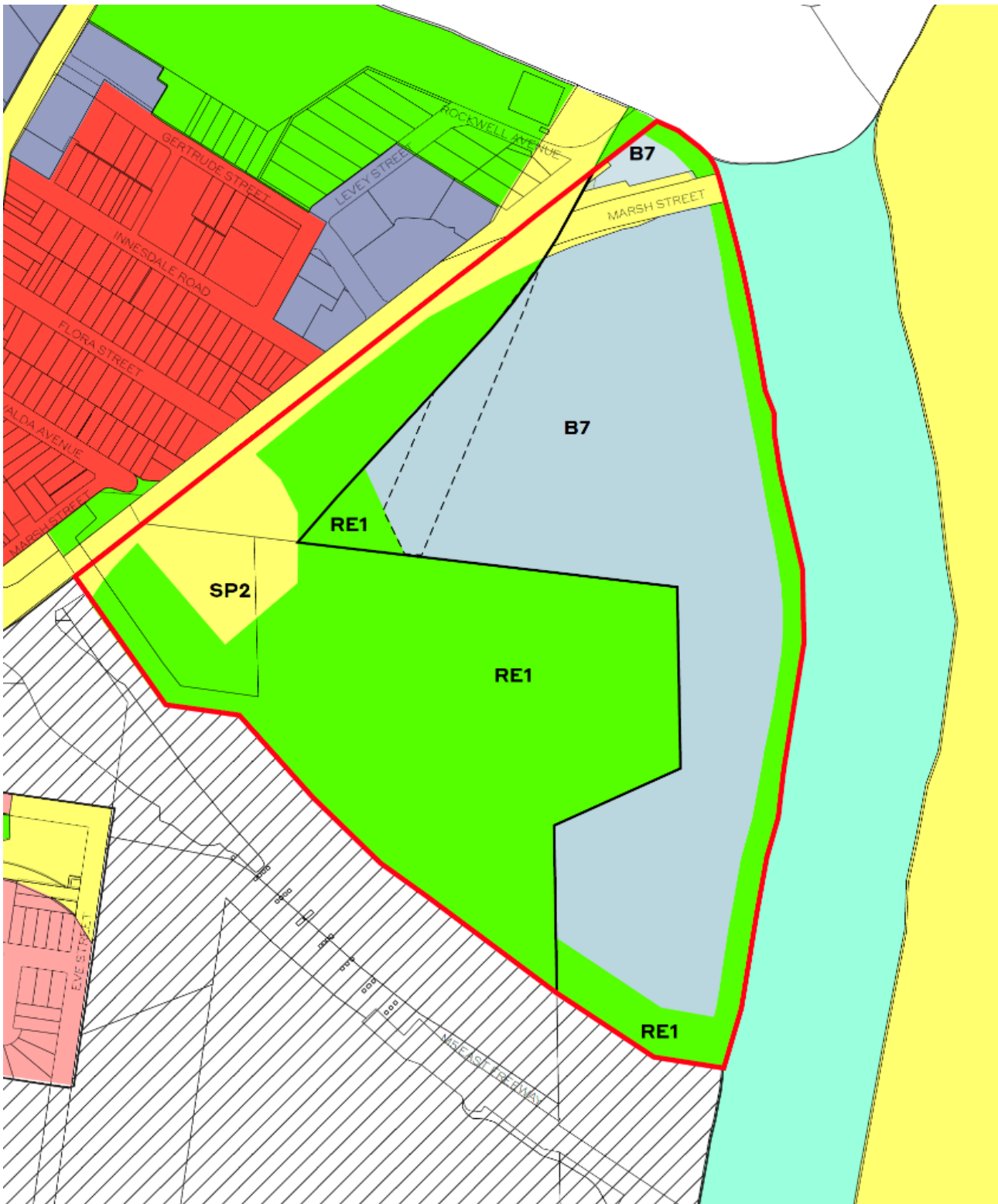


Figure 6 – Proposed Zoning Map – (Source Ethos Urban)

The planning proposal does not propose to continue the special uses zoning across the approximate location of the F6 Motorway on the basis that there is no formal “corridor” reservation on the title of Lot 100 in DP 1231954. The present special uses zoning was originally nominated under the County of Cumberland Planning Scheme Ordinance and the physical location of the infrastructure project has changed over time. TfNSW’s position on whether the special uses zoning needs to be carried across under the planning proposal has evolved and is at this time unclear. This is a matter the proponent must undertake further consultation with TfNSW prior to the exhibition of the planning proposal.

**Sydney Regional  
Environmental Plan No 33  
- Cooks Cove**

Additional Permitted Uses Map  
Sheet APU\_001

Area 1  
SREP 33 LAP  
Cadastre  
Cadastre 15/03/2018 © Spatial Services

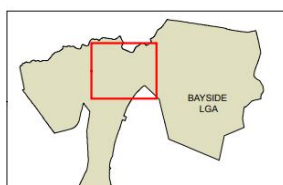


Figure 7 – Current Additional Permitted Use Map – (Source Chapter 6 of State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021)

Presently under State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021 the additional permitted uses provisions relate to the land to the south of the SWSOOS as shown in **Figure 7** above. Under the planning proposal it is intended that additional permitted uses be permitted over nominated parts of the site as shown in **Figure 8** below. The planning proposal does not seek to amend the additional permitted use map under State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021 in any way.



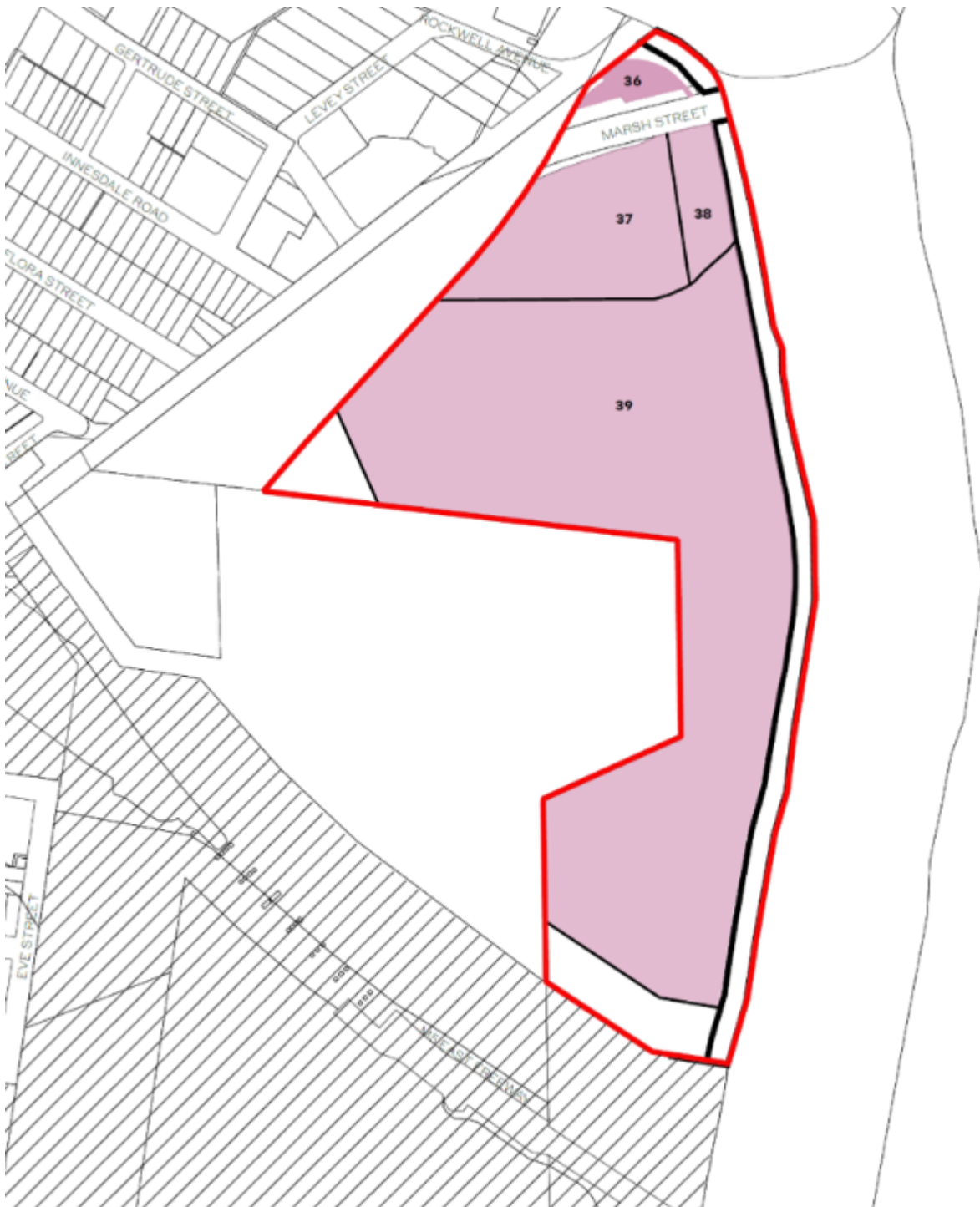


Figure 8 – Proposed Additional Permitted Use Map (Source Ethos Urban)

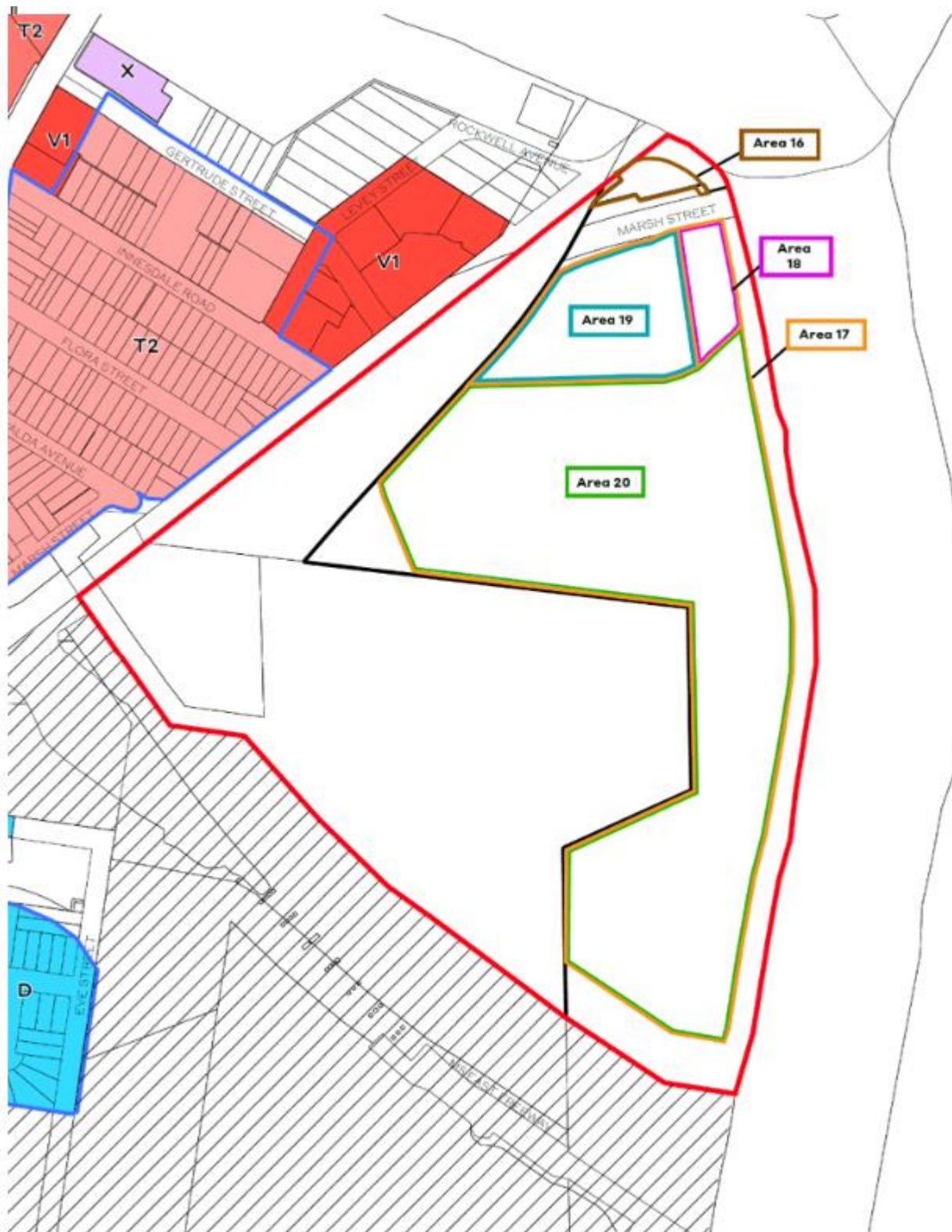


Figure 9 – Proposed Gross Floor Space Map (Source Ethos Urban)

Typically height of building maps nominated a maximum height of building in metres. The proposed height of building map nominates a maximum RL level for buildings within the site and this is a control that cannot be exceeded and cascades down towards the south eastern corner of the site.

While the height of building map would on its face permit buildings across the bulk of the site to a height up to RL51 this control must be read together with the gross floor area control which sets both a maximum gross floor area able to be delivered on site and maximum gross floor areas for nominated land uses.

It is proposed that the maximum permitted gross floor area and gross floor space allocations between land uses not be permitted to be varied under clause 4.6. This would then permit architectural design determine the optimal location of the built form on the site while providing a safeguard against the proliferation of buildings across the whole of the site which permits buildings with a height of up to RL51. This will be further managed through the preparation of a site specific development control plan (**DCP**) that reflects the potential built form shown in the Indicative Master Plan at **Figure 1** of this Report.

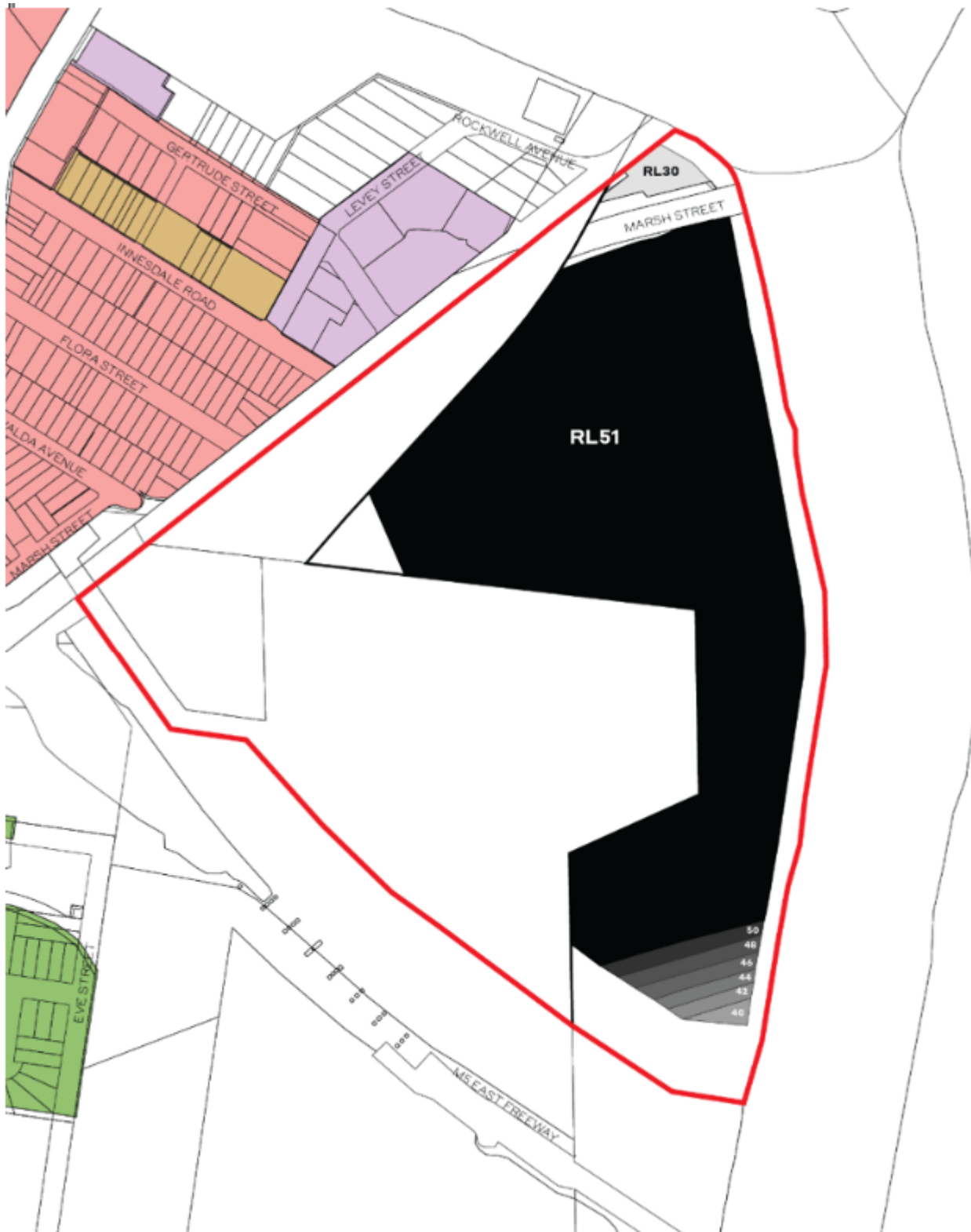


Figure 10 – Height of Buildings Control (Source Ethos Urban)

## 1.8. LAND RECLASSIFICATION

The planning proposal includes the rezoning of the adjacent Council lands which are the subject of Charitable Trusts (Lot 1 in DP 108492 and Lot 14 in DP 213314). Reclassification of these lots is sought to alter the land from 'community' to 'operational' under section 30 of the *Local Government Act 1993*. At the time of reclassification it is also proposed that the Charitable Trusts be extinguished.

The adjacent Lot 1 in DP 108492 and Lot 14 in DP 213314 are required to provide access into the development portion of the site as the road infrastructure associated with the adjacent road crossing of the Cooks River restricts the height of vehicles able to enter the site for construction and operation purposes. The change will allow the construction of roads, drainage infrastructure and recreational areas. This change also entirely removes the Trade and Technology zoning, thereby removing any land use boundary conflicts and inserting all developable land within the Bayside LEP 2021 for purpose of consistency.

The classification and reclassification of public land is a separate but corresponding process required to enable the land to be used for road and stormwater purposes. There is not proposed divestment of any Council land to the proponent.

It is not proposed that the rezoning or reclassification of the land should remove the restrictions placed on the site by Federal Department of Infrastructure, Transport, Regional Development and Communications designed to protect the Sydney Airport operations.

The reclassification will be achieved by following the processes under the *Local Government Act 1993* and Practice Note PN 16-001 and by amending Schedule 4 of the Bayside LEP 2021.

This Planning Proposal proposes to reclassify all Council owned lots (Lot 1 DP 108492 Lot 14 DP 213314) within Cooks Cove from community land to operational land and to extinguish the charitable trust.

The strategic and site specific merit of the reclassification of the land is documented in section 2.3 of the Planning Proposal Addendum prepared by Ethos Urban (**Appendix D**).

## 1.9. DRAFT DEVELOPMENT CONTROL PLAN

A draft site specific DCP is to be prepared and exhibited concurrently with the planning proposal. The draft DCP is to be prepared in consultation with Bayside Council.

It is intended that the DCP will guide the future development of the precinct based on key elements of the revised Cooks Cove Master Plan. The draft DCP will be developed and finalised post Gateway Determination and will:

- Identify the key elements and indicative structure for the future development of the precinct consistent with the Planning Principles for the Cooks Cove Precinct detailed in Local Planning Direction 1.12;
- Communicate the planning, design and environmental objectives and controls against which the consent authority will assess future development applications;
- Ensure the orderly, efficient and environmentally sensitive development of the precinct; and
- Promote a high-quality urban design outcome.

The draft DCP is intended to be adopted by Council and form an additional part of the Bayside DCP - Special Precincts. It will provide a detailed planning and development framework to guide future development and assist in the assessment of future development applications.

Development of the site will need to have regard to the site specific DCP controls as well as other relevant provisions within the broader Bayside DCP that together will provide a comprehensive list of controls that will ensure that all development can be appropriately assessed and determined.

Proposed site-specific controls will cover the following key topics:

- Movement network;
- Open space network;
- Tree protection and landscape design guidance
- Land use principles;
- Building form and design;
- Setbacks and public domain interface;

- Wind effects;
- Vehicular access and car parking;
- Aircraft operations;
- Noise and vibration;
- Acoustic environment;
- Stormwater and flood management; and
- Biodiversity.

## 1.10. BACKGROUND

A planning proposal was submitted to Bayside Council in May 2017 on behalf of the Proponent following directions outlined in the November 2016 DPE Bayside West Precincts Draft Land Use and Infrastructure Strategy. The Planning Proposal as originally submitted, related to the entire Cooks Cove site being all the land the subject of State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021

The original planning proposal sought to:

- Amend the existing land use zoning controls to enable residential and mixed-use land uses within the Northern Precinct (essentially the site the subject of the current planning proposal) and replace the current ‘Trade and Technology’ zone;
- Insert new zoning provisions and site-specific development standards into the then Rockdale LEP 2011 to guide the future development of the Northern Precinct;
- Translate the current Open Space zoning under State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021 within parts of the Northern and Southern Precincts into the Council LEP as a RE1 Public Recreation Zone and facilitate the on-site relocation of the Kogarah Golf Club as contemplated by State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021; and
- Reclassify parts of the site from community to operation land in order to facilitate redevelopment; and
- Extinguish charitable trusts relating to part of the site.

The original planning proposal was the subject of an independent assessment and was reported the Bayside Local Planning Panel meeting of 14 August 2018. The Local Planning Panel recommended that the original planning proposal not proceed at that time.

Concurrent with the submission and assessment of the original planning proposal the strategic planning context in which the planning proposal was to be considered has changed. Key moments include:

- In March 2018, the Greater Sydney Region Plan and the Eastern City District Plan were finalised and identified Cooks Cove as an Urban Renewal Area.
- The Bayside West Precincts 2036 Plan was released in September 2018 supported by two Directions under Section 9.1 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* specific to the intended future of the Cooks Cove precinct (**Appendix B**).
- The Draft Bayside Local Strategic Planning Statement (**LSPS**) was placed on public exhibition in August 2019 and finalised in March 2020. The LSPS generally excluded Cooks Cove from consideration in the 2036 land use vision for the local government area (**LGA**) presumably as the strategic framework had been set at a Regional and District level.
- In October 2020, the then Minister for Planning and Public Spaces made the *Environmental Planning and Assessment Amendment (Bayside West Special Contributions Area) Order 2020*, requiring “special infrastructure contributions to be made for the provision of infrastructure in connection with the intensification of residential development in Bayside West, as generally outlined in Bayside West Precincts 2036”. The order applies to the site the subject of the current planning proposal.
- On 27 August 2021, the Bayside LEP 2021 was gazetted which has replaced the Rockdale LEP 2011.

The Council advised the Department of Planning Industry and Environment that as trustees to the Charitable Trusts applying to part of the site that it could not act as the relevant planning authority for the planning proposal it was considered to be a conflict of interest with its obligations as a trustee.

The Minister on 25 February 2021 appointed Sydney Eastern City Planning Panel (**Planning Panel**) to be the relevant planning authority for the planning proposal (**Appendix A**).

Following preliminary assessment of the planning proposal by the Planning Panel and consultation by the Planning Panel with relevant State Agencies the Proponent elected to revise the planning proposal to



deleted reference to residential accommodation and pursue a non-residential land use mix. The amended planning proposal is dated 22 October 2021 and is **Appendix C** of this Report. It is this amended planning proposal which is refined in the addendum planning proposal dated April 2022 (**Appendix D**) and are collectively known as the planning proposal that is the subject of this Report.

## 2. NEED FOR THE PLANNING PROPOSAL

At present, under Chapter 6 of State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021 the site could be developed for a 270,000sqm Trade and Technology complex accommodating advanced technology and trade related enterprises, serviced offices, hotels and serviced apartments and commercial support premises (restaurant, retail and childcare facilities) with associated car parking with development consent.

The zoning configuration and development controls and objectives for the Cooks Cove precinct were developed in the early 2000's and assumed that across north and south of the M5 Motorway. The northern portion of the KGC land would then be 'pooled' together with Council's land (part Lot 1 DP 108492 and Lot 14 DP 213314) to form a development zone.

Subsequent to the gazettal of the current controls it is no longer proposed that the golf course will relocate in whole or in part within the broader Cooks Cove precinct. The site to which the golf course will be relocated is unknown at this time.

The Council owned land which is part of the site the subject of the planning proposal is the subject of a Charitable Trust. The use of this Trust land for the purpose of road access i.e. the construction and use of local road extensions across Marsh Street in the form of an extension of Flora and Gertrude streets is not permitted under the terms of the Charitable Trust. Further, as the Council owned land is a public reserve and held as community land under the *Local Government Act 1993* is not able to be redeveloped and used for public road purposes without the land being reclassified from community to operational. and can only be retained for public open space.

In identifying and determining the need for the planning proposal or consideration of an alternative planning pathways it is necessary to answer the following two questions

1. *Is the planning proposal a result of an assured local strategic planning statement, or Department approved local housing strategy, employment strategy or strategic study or report?*
2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

To answer these two questions it is necessary to consider the planning proposal against and in the context of Ministerial Directions 1.11 and 1.12. Each question will be answered in turn

### **Is the planning proposal a result of an assured local strategic planning statement, or Department approved local housing strategy, employment strategy or strategic study or report?**

Ministerial Direction 1.11 identifies nine planning principles against which the consistency of the planning proposal is measured.

**Principle 1** requires a Planning Proposal to “*enable the environmental repair of the site and provide for new recreation opportunities*”.

- A 20 metre wide portion of the site running north-south along the Cooks River foreshore is proposed to be zoned RE1 Private Recreation and will include vegetated riparian setbacks, regional cycle and pedestrian paths, habitat improvements and a new sea wall, with embellishments similar to that recently completed by Council in adjacent Cahill Park.
- The works and the zoning of the land are aimed at providing a riparian buffer and environmental repair and rejuvenation along the riverfront.
- The delivery of the riparian corridor is set out in the agreed principles of the proponents public benefit offer (**Appendix F**).
- The public benefit offer also includes opportunities to fund upgrade works to recreation and open space areas in proximity to the site.
- The master plan submitted with the planning proposal (Figure 1) details the retention of the four significant Fig trees on site adjacent to the KGC club house.
- Elements of remediation of the site will be undertaken at future development stage including removal of underground fuel tanks in the proximity of KGC maintenance shed facilities.
- Any environmental repair work required following the cessation of the West Connex temporary works compound will occur separate to the benefits to be delivered under the planning proposal.

**Principle 2** requires a Planning Proposal to “*not compromise future transport links (such as the South-East Mass Transit link identified in Future Transport 2056 and the Greater Sydney Region Plan) that will include the consideration of the preserved surface infrastructure corridor, noting constraints, including the Cooks River, geology, Sydney airport and existing infrastructure will likely necessitate consideration of future sub-surface solutions and potential surface support uses*”.

- The planning proposal is not inconsistent with the Transport for NSW (TfNSW) long term use of part of the site for WestConnex surface infrastructure as documented in **Appendix E**.
- The land uses proposed within, and layout of the revised Master Plan, has been designed so as to ensure ongoing compatibility with surface support infrastructure associated with WestConnex M8 Motorway and the M6 Stage 1 Extension which passes approximately 50-70 metres beneath the adjoining Council land, Lot 14 in DP 213314.
- An open space buffer has been provided on freehold land between the site and the ventilation facility which will be utilised to provide vehicle access between otherwise separated Council land parcels and to facilitate articulated vehicle access to WestConnex M6 and M8 operation facilities.
- The open space buffer proposed will also convey (subject to detailed design at future development application stage) flood conveyance during rare flooding events (5%AEP and rarer). This open space area allows the passage of floodwater through the site, on an approximate frequency of once every 20 years for two hours duration. The flood conveyance is designed to protect the WestConnex M6 and M8 support facilities. This is consistent with the identified need for local infrastructure upgrades in terms of drainage and flooding as outlined in Appendix A of the Bayside West Precinct 2036 Plan, specifically ‘Dedicated overland flow paths’ and ‘New Flood Storage and detention basins to mitigate future flooding’.
- Further consultation is required with TfNSW to confirm that the M6 Extension Stage 1 does not require a surface reservation through the site in either the short or long term for motorway purposes. If one is required, the planning proposal and Master Plan must be amended to reflect this.
- The proposed land use zoning will facilitate the development of a logistics and warehousing precinct with associated employment population. This precinct is located proximate to existing rail infrastructure, the proposed Rapid bus route servicing Railway Square to Sutherland Hospital (via Princes Highway) and the “Visionary Train Link/Mass Transit” or a “City-shaping Corridor” identified in Future Transport 2056 connecting Randwick and Kogarah Strategic Centres via Sydney Airport

**Principle 3** requires a Planning Proposal to “*create a highly liveable community that provides choice for the needs of residents, workers and visitors to Cooks Cove*”. This principle identifies future Cooks Cove as a place of residence, employment and visitation

- The amended planning proposal the subject of this Report has deleted reference to delivering residential accommodation. This was done following consultation with key agencies and consideration of constraints of the site including proximity to Sydney Airport and the risks to sensitive land uses associated with the Moomba to Sydney Pipeline System (ethane gas pipeline easement); crossing the site.
- Notwithstanding the removal of residential accommodation from the planning proposal the revised Cooks Cove Master Plan seeks to create an attractive precinct that delivers best practice design that will provide for workers and visitors.
- Workers of the retail, office and logistics employment areas, together with visitors of hotel and serviced apartment precinct will be able to enjoy high levels of amenity within the precinct, including views and outlook over these open spaces, an abundance of usable public space and convenient food and beverage and retail opportunities.
- Active transport will be encouraged, and public transport options are available.
- A site specific DCP is to be prepared and exhibited with the planning proposal. This will include design and building controls to deliver appropriate levels of amenity for workers and visitors in terms of noise, air quality, wind and privacy, landscape and others to deliver a contemporary urban renewal precinct.

**Principle 4** requires a Planning Proposal to “*ensure best practice design and a high-quality amenity with reference to the NSW design policy Better Placed*”

- The vision for the site has been developed by internationally acclaimed architects and urban designers - Skidmore, Owings & Merrill LLP.
- The revised Master Plan was prepared having close regard to baseline opportunities and constraints of the site.

- The proposed open space and public realm along the foreshore will provide visual amenity to workers of and visitors to the site and strengthen regional pedestrian and cycle connections. The foreshore works have considered and accommodated climate change and potential sea level rise impacts.
- The site specific DCP will include holistic sustainability strategy addresses nine key elements of sustainable design: economy, ecology, food, mobility, waste, liveability, water, resiliency and energy.
- Clearly defined areas of public domain and publicly accessible spaces including flexible open spaces such as the Fig Tree Village and Central Greenway are to be delivered as detailed on the Master Plan.
- Urban renewal of part of the Cooks Cove Precinct will be delivered in the development of the proposed logistics and warehousing development and ancillary land uses while the southern portion of the precinct, to the south of the SWSOOS will be retained for open space purposes.
- The Master Plan seeks to create a local walkable retail environment anchored by the Fig Tree Village, a central plaza focussed on the Moreton Bay Fig Trees, in order to generate activity and a sense of place

**Principle 5** requires a Planning Proposal to “*deliver an enhanced, attractive, connected and publicly accessible foreshore and public open space network and protect and enhance the existing market garden*”.

- The development of the warehouse and logistics proposal in the northern part of the Cooks Cove precinct will not impact on the existing market garden.
- The delivering of the foreshore upgrade will provide access to the foreshore and provide an extension to the Bay-to-Bay Regional Cycle Link along the Cooks River from Cahill Park through to the south of the site. This link also opens up the Cooks River regional cycle link to Sydney Olympic Park and down to Botany Bay.
- The upgrade works to the Cooks River foreshore will include the naturalisation and regeneration of the foreshore, including riparian planting.
- The Mater Plan details the publicly accessible areas of open space to be delivered as the site progressively develops.

**Principle 6** requires a Planning Proposal to “*safeguard the ongoing operation of Sydney Airport*”.

- The current and future operations of the Sydney Airport and the National Airport Safeguarding Framework (**NASF**) were key considerations in the preparation of the revised planning proposal. This is reflected in the permissible land uses and built form controls.
- The future development of the site is consistent with the NASF land use planning principles as:
  - *all built form will not penetrate or obstruct the protected operational airspace of Sydney Airport. All building heights within the revised Master Plan are below the Obstacle Limitation Surface (OLS) and are typically 30-50m below the PANS-OPS surfaces;*
  - *future buildings will utilise recommended design and construction methods and materials for managing the impacts of aircraft noise to achieve acoustic engineer certified internal noise levels as prescribed by Australian Standard AS2021:2015 ‘Acoustics – Aircraft Noise Intrusion – Building Siting and Construction’;*
  - *all built form has been located and designed to have an appropriate impact on the operations of Sydney Airport in terms of potential wind shear and turbulence considerations;*
  - *outdoor lighting across the Precincts will be designed to ensure it will not endanger the safety of aircraft operations. Detailed lighting designs will be provided as part of future development applications;*
  - *future development will not have an adverse impact on Sydney Airport communications, navigation and surveillance facilities; and*
  - *for buildings where the maximum height is near the OLS height where cranes would infringe the OLS surface, the Proponent will pursue Airports (Protection of Airspace) Regulations 1996 (APAR) applications in relation to aviation safety, as relevant. (Source: Ethos Urban)*
- The future warehouse and logistic operations will support the long term operation of Sydney Airport.
- The planning proposal and Public Benefit Offer seeks to contribute to facilitating improved connectivity to and from the airport through a new pedestrian/cycle path over the Cooks River (intended to be in parallel with the Giovanni Brunetti bridge). This however is subject to agreement with Sydney Ports and other relevant agencies considering the potential environmental impact of such works.

**Principle 7** requires a Planning Proposal to “*enhance walking and cycling connectivity and the use of public transport to encourage and support a healthy and diverse community and help deliver a 30-minute city*”.

- The proposed foreshore works along the Cooks Rover frontage of the site will enhance local and regional connectivity through completing a missing portion of the 'Bay to Bay' regional pedestrian/cycle missing link.
- The site is located in close walking distance to Wolli Creek train station providing access to Hurstville and Kogarah in the south through to Mascot, Green Square and the Sydney CBD in the north.

**Principle 8** requires a Planning Proposal to “*deliver a safe road network that balances movement and place, provides connections to the immediate and surrounding areas, and is cognisant of the traffic conditions in this area*”.

- The proposal as illustrated in the Master Plan has a clear and legible local street network for ease of pedestrian and vehicle movement.
- The proposed road network within the site is able to accommodate the needs of vehicles, pedestrians and cyclists in a safe environment.
- The proposed road network includes three primary vehicle access points, being Flora Street, Gertrude Street/High Street, and Levey Street. The Flora and Gertrude Street extensions are critical to the implementation of the Master Plan.
- While extensive traffic modelling has been undertaken by the proponent as demonstrated in correspondence from TfNSW **Appendix E**, there is more modelling work required prior to exhibition of the planning proposal should gateway determination be granted to confirm the proposal can be accommodated within the wider road network, to identify upgrade works required and to inform the preparation of a planning agreement between the proponent and TfNSW to deliver road upgrades.

**Principle 9** requires a Planning Proposal to “*enhance the environmental attributes of the site, including protected flora and fauna, riparian areas and wetlands and heritage*”.

- Future development of the site will be subject to the provisions of Bayside LEP 2021 including those with an environmental focus such as Acid sulfate soils (clause 6.1), Terrestrial biodiversity (clause 6.4) and Riparian land, wetlands and waterways (clause 6.5).
- The foreshore improvement works are aimed at improving, rejuvenation and regeneration the Cooks Cove foreshore.
- While locate proximate to heritage items such as the SWSOOS and the TfNSW Frog Ponds, the development of the site under the planning proposal will not have an adverse impact on these items.

### **Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

Direction 1.12 envisioned in the overarching strategic planning framework for the Cooks Cove Precinct. The planning proposal provides this for the northern part of the precinct and as such satisfies the Ministerial Direction as it relates to the site.

## 3. STRATEGIC ASSESMENT

### 3.1. GREATER SYDNEY REGION PLAN 2018

The Greater Sydney Region Plan 2018 takes a longer term view of changes in policy, trends, directions, and actions that will inform development within the region until 2056. It is framed on the creation of a three-city metropolis and enhancing Greater Sydney's liveability, productivity and sustainability supported through infrastructure provision and collaboration.

Cooks Cove is identified as an Urban Renewal Area adjacent the Sydney Airport Trade Gateway.

The following table provides an assessment of the planning proposal against relevant aspects of the Greater Sydney Region Plan 2018.

Table 3 Regional Plan Assessment

Regional Plan Objectives	Justification
<p><b>Direction 1</b></p> <p>Objective 2: Infrastructure aligns with forecast growth</p> <p>Objective 3: Infrastructure adapts to meet future needs</p>	<p>The site location and the proposal to develop logistics and warehousing precinct will be supported by and rely on proximity to Sydney Airport and on State investment in terms of the M6, M8 and Sydney Gateway infrastructure projects, current and planned public transport accessibility under Future Transport 2056 and South East Sydney Transport Strategy.</p> <p>The planning proposal and development of the site will be supported by the delivery of a range of infrastructure projects which will be set out in a future Planning Agreement with the Council and with TfNSW. The principles of the local infrastructure to be delivered is detailed in <b>Appendix F</b> and the terms of the State planning agreement to deliver regional road upgrades is to be agreed with TfNSW prior to exhibition of the planning proposal.</p>
<p><b>Direction 2</b></p> <p>Objective 5: Benefits of growth realised by collaboration of governments, community and business</p>	<p>The Master Plan (Figure 1) and the planning proposal the subject of this Report will deliver a warehouse and logistics precinct that will generate in excess of 3,000 jobs. Finalisation of the planning proposal and delivery of site development will rely on collaboration with local and State government agencies, the community and businesses including Sydney Airport Corporation Limited (<b>SACL</b>).</p>
<p><b>Direction 3</b></p> <p>Objective 6: Services and infrastructure meet communities' changing needs</p> <p>Objective 7: Communities are healthy, resilient and socially connected</p>	<p>The range of additional permitted uses and permitted uses will support the needs to the employees on site and provide support to the tourism sector, airport operations and will have a supporting role for the Bayside West Precincts 2036 area and the wider region and support for the emerging e-commerce sector.</p>

Regional Plan Objectives	Justification
	<p>While the planning proposal no longer includes residential accommodation the design of the Master Plan and the LEP controls seek to deliver an employment precinct that incorporates environmental, social and governance principles (ESG) to create sustainable outcomes for the precinct that drives growth and creates value within the region.</p>
<p><b>Direction 5</b></p> <p>Objective 12: Great places that bring people together</p> <p>Objective 13: Environmental heritage is conserved and enhanced</p>	<p>The Master Plan identifies the creation of a plaza area which will incorporate the Moreton Bay Fig trees within the site. This will be an activity area within the precinct available to workers and visitors and has the potential (through the additional permitted uses) to provide support to the broader Bayside community.</p> <p>The State Heritage listed SWSOOS will not be directly or indirectly impacted by development of the site under the planning proposal.</p> <p>The upgrade of the Cooks River foreshore and extension of the cycleway will provide a recreational opportunity for the broader community.</p>
<p><b>Direction 6</b></p> <p>Objective 16 - Freight and logistics network is competitive and efficient</p>	<p>The proposed rezoning of the site including additional permitted land uses, increases in permitted gross floor space and delivery of regional road upgrades will enable the establishment of a warehouse and logistic precinct adjacent to and supporting current and future activities at Sydney Airport and its role as a trade gateway.</p> <p>Success of the precinct will be dependent on the structure and support provided by the current and future State initiated infrastructure projects such as the Airport Gateway, M8 and M6.</p> <p>TfNSW has also identified the need for the proponent to enter into a planning agreement for the delivery of regional road upgrades to support the development of the precinct. It is expected the terms of this planning agreement will be negotiated prior to the exhibition of the planning proposal should the gateway determine the planning proposal should proceed to exhibition.</p>
<p><b>Direction 7</b></p> <p>Objective 22: Investment and business activity in centres</p>	<p>In addition to construction jobs and investment to deliver the warehouse and logistics precinct some 3,300 jobs will be created in the occupation of the precinct.</p>

Regional Plan Objectives	Justification
<p>Direction 8</p> <p>Objective 24: Economic sectors are targeted for success</p> <p>Objective 25: The coast and waterways are protected and healthier</p> <p>Objective 32: The Green Grid links parks, open spaces, bushland and walking and cycling paths</p>	<p>The primary objective of the planning proposal is to facilitate the development of a freights and logistics precinct which will support the role of Sydney airport as a trade related gateway. The activities will generate employment and economic growth and activity.</p> <p>The Master Plan (Figure 1), proposed Public Recreation zoning of the Cooks River foreshore and environmental improvement works within and adjacent to the foreshore including the extension of the cycle way will provide for a healthier waterway and environment generally.</p>
<p>Direction 9</p> <p>Objective 34: 'Energy and water flows are captured, used and re-used'</p>	<p>In order to accommodate development of the site the finished ground level will need to be raised above the 1% AEP to protect future development and accommodate impact of future climate change and sea level rise.</p> <p>The Master Plan and Planning Proposal identify opportunities to capture and harvest rain water and to divert significant stormwater flows. Further design and collaboration will be required between the proponent and the Council to confirm the methods to manage overland flow through/around the site in significant rain events.</p>
<p>Direction 10</p> <p>Objective 36: 'People and places adapt to climate change and future shocks and stresses</p> <p>Objective 37: 'Exposure to natural and urban hazards is reduced</p>	<p>The Planning Proposal acknowledges the need to plan for and mitigate against natural hazards and climate change. Sea rise levels have been addressed within the flood modelling and flood planning levels for the site established. This will require development area to be raised above the 1% AEP level plus appropriate freeboard.</p> <p>Council in early consultation raised concerns about the outcomes of the flood modelling and further consultation and design development is required address Council's concerns.</p>

## 3.2. EASTERN CITY DISTRICT PLAN

The site is within the Eastern City District and the Greater Sydney Commission released the Eastern City District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the District Plan as outlined below.



It is considered that the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The following table includes an assessment of the planning proposal against relevant directions and actions.

Table 4 District Plan Assessment

District Plan Priorities	Justification
Planning Priority E1: 'Planning for a city supported by infrastructure'	The rezoning and subsequent redevelopment of the Cooks Cove site will rely on and deliver a range of supporting infrastructure. This includes new roads, upgrades to the existing road network, regional walkway and cycleways, civil works, and open space improvements. The infrastructure is proposed to be delivered through both local and State planning agreements and works agreements with Bayside Council and TfNSW.
Planning Priority E2: 'Working through collaboration'	The vision for the planning proposal has evolved over more than eight years of collaboration and negotiation and consultation with local and State agencies and the community. Further consultation and collaboration is required with Council and TfNSW to finalise the planning proposal for exhibition, negotiate the terms of required planning agreements and develop the site specific DCP that will guide the development of the site. These are matters to be resolved prior to exhibition of the planning proposal and will involve consultation with agencies and the community.
<p>Planning Priority E3: 'Providing services and social infrastructure to meet people' changing needs'</p> <p>Planning Priority E4: 'Fostering healthy, creative, culturally rich and socially connected communities'</p>	<p>The planning proposal supported by local and state planning agreements and work agreements will provide for the coordinated delivery of infrastructure and services to support the redevelopment of the site. This will include the provision of road improvement, pedestrian/cycle and public recreation infrastructure. These works if delivered will provide a broader community benefit also</p> <p>The planning proposal includes provision public open space and a rejuvenated riverfront riparian corridor</p> <p>The regional graded cycle path will contribute to the completion of the Cooks River Regional Cycleway.</p>
Planning Priority E6: 'Creating and renewing great places and local centres and respecting the District's heritage'	The Master Plan identifies the provision of a publicly accessible Cooks River foreshore promenade, retail, commercial, tourism, employment and public recreation facilities that will complement the future growth of the surrounding Arncliffe, Banksia and Sydney Airport precincts. These outcomes are facilitated by the planning

District Plan Priorities	Justification
	proposal and are consistent with the Bayside West Precincts 2036 Plan.
Planning Priority E9: 'Growing international trade gateways'	<p>The site is located directly adjacent to Sydney Airport. The Master Plan and planning proposal seek to deliver a future-facing logistics hub that capitalises on the site's proximity to Sydney Airport and Port Botany.</p> <p>Future transport infrastructure capable of supporting freight and the objectives for the site will contribute to the growth of the international trade gateway centred around Sydney Airport and Port Botany.</p> <p>The opportunity to provide commercial, hotel and offices development within the site will support Sydney Airport's role as a significant trade gateway.</p>
Planning Priority E11: 'Growing investment, business opportunities and jobs in strategic centres'	<p>The Planning Proposal supports economic development within the Eastern City District in that it will:</p> <ul style="list-style-type: none"> <li>• Support the ongoing operations of Sydney Airport through the provision of compatible land uses;</li> <li>• Support construction jobs across the project life and</li> <li>• Generate approximately 3,300 permanent jobs once completed.</li> </ul>
Planning Priority E14: 'Protecting and improving the health and enjoyment of Sydney Harbour and the District's waterways'	<p>The planning proposal is supported by a detailed flood study and the Master Plan seeks to direct and manage water flows, especially in larger weather events.</p> <p>The drainage proposals includes trunk stormwater infrastructure that will collect and convey floodwater in an overland flow reserve in larger events to Cooks River. The details of the management of these larger storm events is the subject to ongoing discussions with Council and is a matter to be resolved prior to the exhibition of the planning proposal.</p> <p>The street network within the site will include bio-retention swales to accommodate stormwater runoff and to improve water quality. Detailed water</p>

District Plan Priorities	Justification
	<p>harvesting and recycling measures are matters appropriately addressed in future DAs.</p> <p>The planning proposal promotes a one-kilometre extension of the Cooks River seawall improvements recently undertaken by Bayside Council adjoining Cahill Park. It is expected that such works will protect the new foreshore promenade to improve access and enjoyment of the Cooks River.</p>
<p>Planning Priority E15: 'Protecting and enhancing bushland and biodiversity'</p>	<p>Site specific investigations undertaken by Cumberland Ecology confirms there are no existing native vegetation communities or bushland on the site and that the site has been highly modified, landscaped and filled reflecting its long-term use as a golf course and preceding that use, as a sewage farm.</p> <p>The Flora and Fauna Assessment outlines an Avoidance, Mitigation and Compensatory Measures strategy to achieve a net benefit to biodiversity within the Cooks Cove site.</p> <p>The Master Plan seeks to enhance biodiversity and contributes to the delivery of the Green Grid project through the provision of passive open space and the revitalisation of the Cooks River foreshore.</p>
<p>Planning Priority E17: 'Increasing urban tree canopy and delivering Green Grid connections'</p> <p>Planning Priority E18: 'Delivering high quality open space'</p> <p>Planning Priority E19: 'Reducing carbon emissions and managing energy, water and waste efficiently'</p>	<p>The planning proposal has given consideration to sustainability initiatives to improve energy efficiency, reduce emissions and improve environmental performance. Specific sustainability outcomes in the built form are matters to be addressed at future DA stage.</p> <p>The planning proposal and Master Plan aim to improve water quality and waterway health through flood and stormwater management initiatives including:</p> <ul style="list-style-type: none"> <li>• Outfalls to discharge water from the development area into the Cooks River;</li> <li>• Swales which flow to bioretention swales; and</li> <li>• Strip planting in the road verge for rain gardens and tree pits</li> </ul> <p>These are matters to be addressed in the site specific DCP prior to exhibition.</p>

District Plan Priorities	Justification
Planning Priority E20: 'Adapting to the impacts of urban and natural hazards and climate change'	<p>The Planning Proposal acknowledges the need to plan for and mitigate against natural hazards and climate change. Sea rise levels have been considered within the flood modelling and resulting flood planning levels for the site.</p> <p>The development area is proposed to be raised above the 1% AEP level plus freeboard (500mm) plus allowance for climate change (800mm).</p> <p>These are matters to be resolved in consultation with Council and incorporated into the detailed design and planning of Cooks Cove prior to exhibition of the planning proposal.</p> <p>The stormwater and flood management measures presented with the planning proposal seek to control movement of water across and around the site, mitigating potential impacts internally and externally to the site, and increase the utility of Lot 1 for public open space activities and avoid impact on adjoining critical motorway operations infrastructure.</p>

### 3.3. BAYSIDE WEST PRECINCTS 2036 PLAN

The Bayside West Precincts 2036 Plan was released by the then DPIE in August 2018, and the preceding draft Bayside West Precincts Land Use and Infrastructure Strategy, was released by the then DPIE in November 2016. This strategic framework seeks to facilitate the urban renewal and guide development within the Bayside West Precincts which includes Cooks Cove and the site.

The Bayside West Precinct Plan established nine planning principles for Cooks Cove to ensure that future development meets State Government objectives. These principles have been implemented separately as Ministerial 9.1 Directions. It is considered that the planning proposal is consistent with the Bayside West Precinct Plan in that it will facilitate delivery of:

- A key portion of the 'Bay to Bay' pedestrian and cycleway link on the foreshore of the Cooks River facilitating the delivery of the regional cycle network;
- New bus stops along Marsh Street to directly serve Cooks Cove along regional bus routes;
- New stormwater and flood management systems including new flood storage and detention basins to mitigate future flooding;
- Subject to finalised modelling and design work with TfNSW upgrades of key intersections surrounding the site including the Gertrude and Flora Street extensions; and
- Enhanced connectivity and usage of active and public transport.

The built form massing depicted in the Master Plan can be delivered by the planning proposal and the massing is appropriate for the site and the surrounding context.

The planning controls will include a site-specific DCP (post Gateway Determination and prior to exhibition) to ensure high quality built form.

On 13 October 2020, the Minister for Planning and Public Spaces declared the Bayside West Special Contribution Area (**SCA**) including Cooks Cove (Schedule 1) requiring a Special Infrastructure Contribution (**SIC**) to be paid to carry out development that consists of or involves development for the purpose of

residential accommodation. The planning proposal does not include the opportunity to develop residential accommodation

The SIC applicable to the Bayside West Precincts seeks to secure \$88.3 million in contribution from new development for the delivery of infrastructure including:

No residential development is proposed under this Planning Proposal therefore no levy is applicable under the SIC. Any required regional road improvements will be negotiated with TfNSW and be subject of relevant agreements to be resolved prior to exhibition of the planning proposal.

### 3.4. SECTION 9.1 MINISTERIAL DIRECTIONS

The planning proposal's consistency with relevant section 9.1 Directions is discussed below. Please note Ministerial Directions that do not relate to the site have not been addressed below for example Direction 1.5 relating to Parramatta Road Corridor Urban Transformation Strategy and Direction 6.1 Residential Zones do not apply to the site or the planning proposal and are not addressed below.

Table 4 Ministerial Direction Assessment

Ministerial Direction	Consistent	Comment
<b>1. Planning Systems</b>		
1.1 Implementation of Regional Plans	Yes	The Planning Proposal is consistent with the Greater Sydney Region Plan identification of the site as an Urban Renewal Precinct
1.3 Approval of Referral Requirements	Yes	This direction aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development. The relevant requirements of this direction have been considered in the preparation of the planning proposal
1.4 Site Specific Provisions	Yes	The Master Plan presents a particular development scenario for the site. The logistics and warehousing hub depicted in the Mater Plan can be achieved by the planning proposal and a site specific DCP working together to deliver the built form, sustainability and environmental outcomes envisaged. The planning proposal does not contain or refer to drawings that show details of the development proposal.

Ministerial Direction	Consistent	Comment
<b>1. Planning Systems – Place-based</b>		
1.11 Implementation of Bayside West Precincts 2036 Plan	Yes	Bayside West Precincts 2036 provides a future vision for the precincts of Arncliffe, Banksia and Cooks Cove. The planning proposal responds directly to the vision for Cooks Cove presented in the Bayside West Precincts 2036 Plan consistent with Ministerial Direction 1.11.
1.12 Implementation of Planning Principles for the Cooks Cove Precinct	Yes	listed in both Ministerial Direction 1.12 and the Bayside West Precincts 2036 Plan. The Planning Proposal is consistent with the listed in both Ministerial Direction 1.12 and the Bayside West Precincts 2036 Plan.
<b>3. Biodiversity and Conservation</b>		
3.2 Heritage Conservation	Yes	The site is not listed as an item of local or State heritage significance and it is not located within a heritage conservation zone. The site is located within the vicinity of State heritage listed items namely the Southern and Western Suburbs Ocean Outfall Sewer ( <b>SWSOOS</b> ) and the Arncliffe Market Gardens. Future development of the site enabled by the planning proposal will not have any adverse impacts on the heritage significance or operation of these items.
<b>4. Resilience and Hazards</b>		
4.1 Flooding	Yes	The planning proposal is accompanied by a detailed flood study which incorporates proposals for capture, conveyance and management of stormwater and floodwater and is generally consistent with the requirements of this Direction. The Proposal has been modelled

Ministerial Direction	Consistent	Comment
		<p>to result in an appropriately managed flood impact within the site. Further consultation is required with the Council to confirm the suitability of the overland flow routes for conveyance of flood waters to the Cooks River. This is matter to be resolved prior to exhibition of the planning proposal as the final arrangements may alter aspects of the Mater Plan which will have flow on effects for the planning proposal and site specific DCP.</p> <p>The technical studies have been prepared in accordance with the principles and guidelines of the Floodplain Development Manual 2005.</p>
4.4 Remediation of Contaminated Land	Yes	<p>Extensive investigations of the extent of contamination within and the required remediation strategies for the site have been undertaken.</p> <p>The site can be made suitable for the proposed land uses. The details of the remediation works are able to be satisfied at development application stage.</p>
4.5 Acid Sulfate Soils	Yes	<p>The site is identified as having a high probability of occurrence of acid sulfate soil materials within the soil profile.</p> <p>This will not with the implementation of appropriate construction techniques prevent the development of the site for the proposed mixed (tourism, retail, warehouse and logistics, public open space and commercial) uses.</p>

Ministerial Direction	Consistent	Comment
<b>5. Transport and Infrastructure</b>		
5.1 Integrating Land Use and Transport	Yes	<p>The Planning Proposal is consistent with the guidelines identified within this Direction in that it will:</p> <ul style="list-style-type: none"> <li>• Create an employment precinct accessible to existing centres and transport/ economic corridors.</li> <li>• With associated contributions to regional and local road upgrades improve the local and Regional road network and improve access and connectivity to the existing public transport, pedestrian and cycle networks.</li> <li>• In conjunction with the proposed site specific DCP deliver a precinct of high quality urban design and environmental outcomes.</li> </ul>
5.2 Reserving Land for Public Purposes	Yes	<p>The planning proposal seeks to zone a 20 metre wide portion of the site to RE1 Public Recreation and dedicate a portion of freehold land to Council to provide a dedicated overland flow path and connectivity between adjoining parcels of Council land reserved for open space that are otherwise land locked. This is a matter that will require final resolution in the determination of the draft planning agreement. The terms of the public benefit offer that have been agreed between Council and the proponent are included in <b>Appendix F</b>.</p> <p>The development of the site is not intended to reduce or adversely impact access to state infrastructure operation facilities</p>



Ministerial Direction	Consistent	Comment
		<p>supporting the M6 and M8. The quantum of land required to accommodate the facilities and access thereto long term is yet to be decided by TfNSW. This is a matter to be resolved prior to exhibition of the planning proposal as indicated in the comments of TfNSW in <b>Appendix E.</b></p> <p>The planning proposal supports adjoining land owned by Council in the northern portion of the Cooks Cove precinct presently zoned Trade and Technology being zoned as RE1 Public Recreation so resulting in a net increase in reserved land for a public purpose.</p>
5.3 Development Near Regulated Airports and Defence Airfields	Yes	<p>The Planning Proposal has been developed giving consideration to ensure the protection of airspace for Sydney Airport and compliance with the NASF. Consultation with SACL and Federal Department of Infrastructure, Transport, Regional Development and Communications indicate no objection to the proposed land uses controls and development outcomes to be delivered by the planning proposal subject to consultation of the exhibited planning proposal and retention of Commonwealth covenants over the site.</p>
<b>7. Industry and Employment</b>		
7.1 Business and Industrial Zones	Yes	<p>The Planning Proposal is consistent with the requirements of this Direction. The Proposal seeks to translate the Trade and Technology uses under Chapter 6 – Cooks Cove of the Eastern Harbour City SEPP to B7 Business SEPPs such as Park</p>

Ministerial Direction	Consistent	Comment
		with associated additional permitted uses under Bayside LEP 2021.

### 3.5. STATE ENVIRONMENTAL PLANNING POLICIES

With the exception of Chapter 6 of SEPP – Eastern Harbour City 2021 the planning proposal is consistent with all relevant SEPPs as discussed in the table below. It should be noted that SEPPs such as SEPP – BASIX 2004, SEPP (Exempt and Complying Development Codes) 2008, SEPP – Housing 2021, SEPP No 65 Design Quality of Residential Apartments, SEPP – Planning Systems 2021, and others that do not apply to the site or matters relevant to the planning proposal are not addressed below

Table 5 Assessment of Planning Proposal against relevant SEPPs

SEPPs	Consistent/Not Applicable	Reasons for Consistency or Inconsistency
SEPP – Biodiversity and Conservation 2021	Yes	Provisions in relation to tree clearing and waterway catchments and water quality. Capable of being addressed at the detailed Development Application stage.
SEPP – Industry and Employment 2021	Yes	This Planning Proposal proposes to amend the Bayside LEP 2021 to permit advertisements and/or advertising structures in Block 1 and 2 of the site. As a result, section 3.14 of the Industry and Employment SEPP would apply to future development applications for advertising billboards within ‘transport corridor land’. Future development applications would then be assessed against the relevant merit criteria in SEPP 64
SEPP – Eastern Harbour City 2021	No	<p>Chapter 6 of the is the principal environmental planning instrument applying to the site. Chapter 6 sets out the zoning, land use and development controls that presently apply to development on the site, including specific requirements regarding environmental, heritage and infrastructure matters, amongst other items. The land is zoned either:</p> <ul style="list-style-type: none"> <li>• Trade and Technology Zone;</li> <li>• Open Space Zone; or</li> <li>• Special Uses Zone.</li> </ul> <p>The Planning Proposal aims to continue the intent of the Cooks Cove as an employment-based precinct. No new land uses are proposed in addition to those which are currently permissible.</p> <p>While many of the planning principles for the site are still relevant and reflected by the current planning proposal and Master Plan, it is considered appropriate to amend Bayside</p>

SEPPs	Consistent/Not Applicable	Reasons for Consistency or Inconsistency
		<p>LEP 2021 to insert planning controls for the Cooks Cove development zone.</p> <p>The key principles and controls of Chapter 6 are addressed by the planning proposal.</p> <p>Chapter 6 will continue to apply to residual land within the Cooks Cove precinct not sought to be rezoned under the planning proposal, including Commonwealth land, Sydney Water land and that located south of the M5 Motorway and comprising Barton and Riverine Parks. The Department should give consideration to the mechanism to incorporate this land at some future time onto Bayside LEP 2021.</p>
SEPP – Resilience and Hazards 2021	Yes	<p>The Resilience and Hazards SEPP provides that a consent authority must not consent to the carrying out of development unless any contamination considered is remediated and the site is made suitable for the purpose which the development is proposed to be carried out. The Environmental Site Assessment prepared by CES (refer to Section 6.7 of the October 2021 Planning Proposal report) concludes that the site can be appropriately remediated. In regard to coastal protection refer to the further analysis below</p>
SEPP – Transport and Infrastructure 2021	Yes	<p>Chapter 2 addresses, amongst other things, the safety associated with development near key sections of infrastructure, ensuring continued supply of infrastructure distribution networks and development in or adjacent to road corridors and road reservations.</p> <p>Key infrastructure distribution networks that run through the site include and will not be affected by the planning proposal include</p> <ul style="list-style-type: none"> <li>• Moomba to Sydney Pipeline System (ethane gas pipeline easement); and</li> <li>• Sydney Desalination Plant Pipeline.</li> </ul> <p>Chapter 2 also includes a number of provisions in relation to development within road corridors and fronting classified roads / rail, in terms of connections and impacts. The planning proposal and Master Plan have been prepared having regard to the operation of local and regional roads and the Southern and Western Suburbs Ocean Outfall Sewer (<b>SWSOOS</b>) located to the south of the site.</p>

### **3.6. LOCAL ENVIRONMENTAL PLANS AND PLANNING POLICIES**

Bayside LEP 2021 does not apply to the site, SEPP – Eastern Harbour City 2021 is currently the relevant environmental planning instrument.

The planning proposal as proposed will together with the proposed site specific DCP will establish the strategic planning framework for the site. As discussed above the Master Plan and the planning proposal outcomes are consistent with the objectives and principles of both the Greater Sydney Region Plan and Eastern City District Plan.

The amendments to Bayside LEP 2021 and the adoption of a site specific DCP will then align the local environmental plan with the higher order regional and district strategic planning direction relevant to the site.

Where relevant should the planning proposal proceed to finalisation and amendment to Bayside LEP 2021 it would be appropriate for Council to administratively update the Bayside local strategic planning study relevant to the site and the future development under the strategic planning framework presented under the planning proposal and site specific DCP.

## 4. SITE SPECIFIC AND STRATEGIC MERIT

The Planning Proposal and Planning Proposal Addendum **Appendix C** and **Appendix D** respectively are the culmination of more than eight years of consultation and collaboration between the proponent and local and State agencies.

The primary objective of the planning proposal is to introduce contemporary planning controls to prioritise land uses which contribute to the support of the adjacent Sydney Airport – but which do not rely upon or impact upon the function of the airport operations.

The outcomes of the planning proposal are to serve the wider region as a location for a logistics and warehousing precinct, with ancillary supporting land uses such as tourist and visitor accommodation, office and retail – which contribute to employment generation on the site, to the economic benefit of the tourism and freight sectors and the NSW and Bayside economy.

Constraints to future development of the site in the form of gas and water pipelines and proximity to Sydney Airport have been addressed through land uses zones, development controls (height of buildings and GFA) and location of buildings away from the pipelines and the exclusion of residential development from the site.

Final site layout built form and landscape character will be guided by site specific DCP to be prepared and exhibited with the planning proposal.

Further consultation is required with Bayside Council and TfNSW to resolve final aspects of providing of transport infrastructure and connections and final stormwater management and flooding controls. These are matters that can be resolved post gateway determination and prior to exhibition.

The planning proposal has been considered against relevant strategic planning priorities and has been found to be consistent. The planning proposal is consistent with the relevant Ministerial Directions relating to the site.

## 5. CONSULTATION

### 5.1. COMMUNITY

An exhibition period of 28 days minimum is considered appropriate and should form a condition of any Gateway determination.

The exhibition period should apply to:

- The planning proposal as amended by any conditions of the gateway determination;
- The site specific DCP prepared in consultation with the Council and the planning panel and reflective of the planning proposal as amended; and
- A draft local Planning Agreement the terms of which have been negotiated with and adopted by the Council and is reflective of the principles of the Public Benefit Offer (**Appendix F**).

### 5.2. AGENCIES AND STAKEHOLDERS

The preparation of this Report and amendments to the original planning proposal have been informed by Agency responses to the October 2021 Planning Proposal and earlier versions. Relevant agency comments are included at **Appendix E**.

The matters raised by TfNSW regarding additional modelling and design work is able to be and must be undertaken prior to the exhibition of the planning proposal as the outcomes of this work could give rise to amendments to the planning proposal, draft DCP, local and State planning agreements.

It is recommended the following agencies be consulted on the planning proposal and given 28 days to comment:

- Bayside Council
- Transport for NSW
- Greater Sydney Commission
- DPE Hazard Team
- Federal Department of Infrastructure, Transport, Regional Development and Communications
- State Emergency Services
- Sydney Airport Corporation Limited
- NSW Ports
- APA Group
- NSW EPA
- Heritage NSW
- Sydney Desalination Plant
- Sydney Water
- Ausgrid
- NRAR
- Department of Environment and Energy
- Department of Primary Industries
- Air Services Australia
- NBN Co
- Jemena



## 6. TIMEFRAME

The Department recommends a time frame of 24 months to ensure the planning proposal, site specific DCP, local planning agreement and State (TfNSW) planning agreement are finalised. I

It is recommended that if the gateway is supported it also includes conditions requiring council to exhibit and report on the proposal by specified milestone dates.

An indicative Project Timeline for consideration is included as follows. This indicative timeline does not preclude the proponent from achieving finalisation at an earlier date

Milestone	Timing
Planning Panel to consider Gateway recommendation	17 May 2022
Issue of the Gateway determination	July/August 2022
Completion of traffic micro-simulation and infrastructure agreement (State VPA)	March/June 2023
Completion of draft DCP and additional technical analysis, as may be required under Gateway conditions	
Finalisation of draft local VPA	
Commencement and completion dates for public exhibition of planning proposal period and reclassification public hearing.	July 2023 – September 2023
Exhibition of draft local VPA	
Exhibition of State VPA as directed	
Commencement and completion dates for government agency notification	July 2023 – August 2023
Proponent consideration of submissions and preparation of response	October - November 2023
Planning Panel consideration of planning proposal post exhibition and associated report to Planning Panel	February 2024
Reporting of local VPA to Council for adoption	
Submission to the Department to finalise the LEP	February - March 2024
Submission of request to Governor to reclassify the site from community to operational land	
Notification of instrument	May 2024

A condition to the above effect should be include in any Gateway determination.

## 7. LOCAL PLAN-MAKING AUTHORITY

In 2020 the Council advised that the Department that it considered that its fiduciary obligation as a trustee of the Charitable Trust over part of the site would prevent the Council from performing the role of the Planning Proposal Authority (PPA) for any planning proposal that sought to discharge the Charitable Trust.

Consequently on 25 February 2021 the Sydney Eastern City Planning Panel was appointed as the alternate PPA to consider the merits of the planning proposal further.

Council does not request delegation to be the Local Plan-Making authority.

It is recommended that as part of the Gateway Determination that the Sydney Eastern City Planning Panel be appointed as the Local Plan Making authority.

## 8. ASSESSMENT SUMMARY

In summary, the planning proposal and accompanying Master Plan 2021 will when supported by the site specific DCP guide the development of the site which will :

- Strengthen the economy within Bayside with the provision of new and expanded employment opportunities through warehouse and logistic operations and new commercial land uses;
- Provide for an enriched community, through the delivery of supporting retail and open space that will benefit future workers and visitors of Cooks Cove and the wider community with upgrade ton the regional cycle network along the Cooks River;
- Create an attractive environment in which to work based on best practice design in order to meet the needs of workers and visitors of Cooks Cove and the wider community;
- Not adversely impact the ongoing operations of Sydney Airport and provide opportunities to provide logistic support to the trade operations;
- Through further modelling and consultation with TfNSW provide a safe and efficient local and regional road network that balances movement and place, provides connections to the immediate and surrounding areas and results in appropriate traffic impacts on the wider network;
- Improve mobility and accessibility to and from the precinct, providing substantial active pedestrian/cycling and public transport linkages, support a healthy and diverse community and helping to deliver a 30-minute city the details of which are to be delivered under both a local and State planning agreement the details of which are to be exhibited with the planning proposal;
- Deliver an attractive, connected and publicly accessible foreshore;
- Contribute to the delivery of the Green Grid project through the provision of open space areas and the revitalisation of the Cooks River foreshore; and
- Not adversely impact on-site biodiversity and environmental attributes.

The planning proposal is supported to proceed for gateway determination. Such determination should however be subject to conditions to address the matters raised in this Report and as set out in Section 9.

## 9. RECOMMENDATION

It is recommended the Sydney Eastern City Planning Panel endorse the planning proposal as detailed in Appendix C and D of this Report and forward to the Secretary and request a Gateway Determination to enable the planning proposal to proceed to exhibition.

Further it is recommended in seeking the Gateway Determination that the: Sydney Eastern City Planning Panel request that the following conditions be placed on the Gateway Determination:

1. The planning proposal is to be updated to:
  - Insert an amendment to clause 4.6 of Bayside LEP 2021 that precludes the application of clause 4.6 to the height of building and GFA controls applying to the site
  - Include mapping amendments for all relevant map tiles to include the site
2. Prior to exhibition of the planning proposal and community consultation, consultation is required with the following public authorities:
  - Transport for NSW to address the matters raised in correspondence received in relation to the planning proposal and detailed in **Appendix E** of this Report
  - Transport for NSW to resolve the terms of required works and planning agreements
  - Transport for NSW to confirm that the M6 Extension Stage 1 does not require a surface reservation through the site in either the short or long term for motorway purposes.
  - Transport for NSW to confirm the quantum of land required to accommodate the facilities and access thereto long term is yet to be decided by TfNSW
  - Bayside Council to resolve the methodology for capture and conveyance of stormwater and floodwater through and within the site
  - Bayside Council to resolve the terms of a draft planning agreement
  - Bayside Council to develop the contents of a draft site specific DCP to guide development of the site
3. Prior to community consultation, the planning proposal is to be revised to address condition 1 and the outcomes of 2 and forward to the Sydney Eastern City Planning Panel for review and approval.
4. Consultation is required with the following public authorities and relevant stakeholders:
  - Bayside Council
  - Transport for NSW
  - Greater Sydney Commission
  - DPE Hazard Team
  - Federal Department of Infrastructure, Transport, Regional Development and Communications
  - State Emergency Services
  - Sydney Airport Corporation Limited
  - NSW Ports
  - APA Group
  - NSW EPA
  - Heritage NSW
  - Sydney Desalination Plant
  - Sydney Water
  - Ausgrid
  - NRAR
  - Department of Environment and Energy
  - Department of Primary Industries
  - Air Services Australia
  - NBN Co
  - Jemena
5. The amended planning proposal, draft DCP and draft planning agreements should be made available concurrently for community consultation for a minimum of 28 days
6. The planning proposal draft DCP and draft planning agreements must be exhibited within 14 months from the date of the Gateway determination.

7. The planning proposal must be reported to Planning Panel for a final recommendation 20 months from the date of the Gateway determination.
8. The timeframe for completing the LEP is to be 24 months from the date of the Gateway determination.
9. Given the nature and circumstances of the planning proposal, Council should not be authorised to be the local plan-making authority.





## **APPENDIX A**

# **LETTER APPOINTING PLANNING PANEL AS RELEVANT PLANNING AUTHORITY**

## **APPENDIX B**

## **MINISTERIAL DIRECTIONS 1.11 AND 1.12**

## **APPENDIX C**

## **PLANNING PROPOSAL DATED 22 OCTOBER 2021**

## **APPENDIX D**

## **PLANNING PROPOSAL ADDENDUM DATED 20 APRIL 2022**

## **APPENDIX E**

## **AGENCY CORRESPONDENCE**

## **APPENDIX F**

## **PUBLIC BENEFIT OFFER**



