

# Planning Proposal

Cooks Cove, Arncliffe

Cook Cove Inlet Pty Ltd

Final package

Prepared for the Sydney Eastern City Planning Panel





### 'Gura Bulga'

Liz Belanjee Cameron

'Gura Bulga' – translates to Warm Green Country. Representing New South Wales.

By using the green and blue colours to represent NSW, this painting unites the contrasting landscapes. The use of green symbolises tranquillity and health. The colour cyan, a greenish-blue, sparks feelings of calmness and reminds us of the importance of nature, while various shades of blue hues denote emotions of new beginnings and growth. The use of emerald green in this image speaks of place as a fluid moving topography of rhythmical connection, echoed by densely layered patterning and symbolic shapes which project the hypnotic vibrations of the earth, waterways and skies.

Ethos Urban acknowledges the Traditional Custodians of Country throughout Australia and recognises their continuing connection to land, waters and culture.

We acknowledge the Gadigal people, of the Eora Nation, the Traditional Custodians of the land where this document was prepared, and all peoples and nations from lands affected.

We pay our respects to their Elders past, present and emerging.

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# Executive Summary

The Cooks Cove Planning Proposal will facilitate the long-planned transformation of underutilised and strategically important land adjacent to one of Australia's most important trade gateways, Sydney International Airport.

The intended objective of the Cooks Cove Planning Proposal is to incorporate a refreshed suite of planning controls within the *Bayside Local Environmental Plan 2021* (Bayside LEP 2021) to prioritise land uses which contribute to support the operations of the adjacent Sydney Airport – but which do not rely upon or impact upon its function. The revised proposal is also attuned to serve the wider region as an appropriate location for a logistics and warehousing precinct, with a careful selection and density of other supporting uses such as hotel or motel accommodation, serviced apartments, commercial 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.

The Cooks Cove Master Plan has been prepared as part of a comprehensive Urban Design and Landscape Report to guide best practice design and to achieve an attractive precinct with high amenity. Key features of the Master Plan are:

- A net development zone of approximately 15ha with up to 343,250m<sup>2</sup> GFA comprising 290,000m<sup>2</sup> of multi-level logistics and warehousing, 20,000m<sup>2</sup> for hotel or motel accommodation and serviced apartments, 22,350m<sup>2</sup> for commercial office uses and 10,900m<sup>2</sup> of retail uses;
- Built form of a scale and composition which is generally consistent with the heights in the surrounding context and up to a maximum of RL51m;
- A land use mix which caters for the generation of approximately 3,300 new jobs;
- Approximately 3ha of the Kogarah Golf Club (KGC) freehold land will be held in perpetuity as publicly accessible open space along with an additional 0.75ha as a publicly accessible internal plaza surrounded by mature fig trees; and
- An integrated vision for the future adjacent Pemulwuy Park (Trust lands) to be delivered by Council, including a regionally beneficial floodwater response through re-contoured waterbodies and swales designed to mitigate any flooding impacts on surrounding areas, including the TfNSW Arncliffe Motorway Operations Centre (MOC) facility.

Importantly, public land no longer forms part of the developable area and more than 85 hectares of public land will remain predominately as open space. Furthermore, the Kogarah Golf Course is no longer proposed to be relocated to nearby Barton Park and will relocate off site from 2024.

The Planning Proposal appropriately addresses the site specific and strategic merit tests as provided in the Gateway Determination report as follows:

- The proposal is consistent with, and gives effect to the Greater Sydney Region Plan, Eastern City District Plan and Bayside Local Strategic Planning Statement;
- The proposal is consistent with relevant State Environmental Planning Policies;
- The proposal will facilitate the opportunity to revise outdated and impractical planning controls which will deliver additional employment floor space, retail and tourism supporting land uses in the Bayside LGA;
- The proposal will facilitate the opportunity to improve public access through the site including along the Cooks River foreshore;
- Sufficient specialist technical and environmental assessment and validation has been undertaken to support the proposed planning controls; and
- Confirmation that appropriate services and infrastructure will be provided to meet the demands arising from the proposal, with appropriate mitigation measures as required .

The Planning Proposal report and accompanying documentation confirm that all Gateway Determination conditions have been suitably addressed to enable public exhibition. In summary, this Planning Proposal and accompanying Master Plan:

- Strengthens the economy within the Bayside municipality through the provision of significant new employment opportunities through the realisation of new logistics and commercial office land uses;
- Provides for an enriched community, through the delivery of supporting retail and open space that will benefit not only the future workers and visitors of Cooks Cove but also the wider community and Bayside municipality;

- Enables the development of high quality tourist and visitor accommodation within a location immediately adjacent to Sydney International Airport and within a fast growing and high density urban renewal precinct;
- Protects the economic growth and safeguards the ongoing operations of Sydney International Airport;
- Creates an attractive and inclusive precinct which delivers best practice design in order to meet the needs of workers and visitors of Cooks Cove and the wider community;
- Provides a safe and efficient road network that balances movement and place, enhances connections to the immediate and surrounding areas and results in appropriate traffic impacts on the wider network;
- Improves mobility and accessibility to and from the precinct, providing substantial active pedestrian/cycling and public transport linkages, supporting a healthy and diverse community and helping to deliver a 30-minute city;
- Protects and supports the provision of future strategic transport linkages, both planned and under construction;
- Delivers an integrated, 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
- Enables the protection and enhancement of the on-site biodiversity and environmental attributes.

The proposed amendments to Bayside LEP 2021 are appropriate in that they will effectively control development outcomes within the site, through a bespoke SP4 Enterprise Zone and local land use permissibility to ensure the development of a strategically important site. The project will support the NSW Government's vision for Sydney's future, which aims to deliver a productive, sustainable and liveable city.



# 1.0 Introduction

This report has been prepared, on behalf of the proponent, Cook Cove Inlet Pty Ltd (Cook Cove Inlet), to support the public exhibition and assessment of the Cooks Cove Planning Proposal (PP-2022-1748). A Gateway Determination for the Planning Proposal was issued by the now Department of Planning, Housing and Infrastructure (DPHI) on 5 August 2022 and public exhibition was endorsed by the Sydney Eastern City Planning Panel (SECPP) on 28 March 2023. This Planning Proposal seeks to amend the Bayside Local Environmental Plan 2021 (BLEP 2021) by introducing revised planning controls for certain land known as Cooks Cove.

Cooks Cove is located adjacent the western foreshore of the Cooks River, in the suburb of Arncliffe, within Bayside Council Local Government Area (LGA). The Cooks Cove Planning Proposal aims to facilitate the long-planned transformation of 36.2ha of underutilised and strategically important land, located to the north of the M5 Motorway and west of the Kingsford Smith International Airport terminal. The site forms part of the broader *Bayside West Precincts 2036 Plan – Arncliffe, Banksia and Cooks Cove* and generally comprises the footprint of the Kogarah Golf Club (KGC), now in part occupied by the temporary M6 Motorway Stage 1 construction compound and recently completed M8 Motorway Operations Centre (MOC).

The Cooks Cove project seeks a renewed focus on delivering a contemporary logistics and warehousing precinct within Sydney's dominant and well-connected trade gateway, together with supporting retail, commercial and hotel, motel and serviced apartment accommodation, and a substantial new public open space for the local community. The area subject to this Planning Proposal comprises Lot 31 in DP 1231486 and Lot 100 in DP 1231954 (the freehold elements of the current Kogarah Golf Club), known as the Cooks Cove development zone, Lot 14 DP213314 and Lot 1 DP108492 (Council owned and the subject of Charitable Trusts) and Lot 1 in DP 329283 (TfNSW owned), collectively comprising road, stormwater infrastructure and open space uses.

*State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021* (formerly *Sydney Regional Environmental Plan No. 33 – Cooks Cove*) will continue to apply to residual land within Cooks Cove that is not sought to be rezoned by this Planning Proposal. The residual land includes land that is owned by Bayside Council, as well as other land in Government ownership, largely located south of the M5 Motorway and comprising Barton and Riverine Parks.

Accompanying this report is an Urban Design and Landscape Report, which includes the Cooks Cove illustrative master plan and reference scheme for the Planning Proposal area. The Urban Design and Landscape Report has been created by Hassell urban designers and landscape architects, who have worked on the Cooks Cove site since 2004 and which is supported by a variety of expert specialist consultants appended to this Planning Proposal Justification Report.

This version of the Planning Proposal Justification Report has been updated to reflect amendments made following Public Exhibition of the Planning Proposal from 24 April 2023 to 6 June 2023. Included as part of this Report is the Response to Submissions Report dated 25 October 2023 and the various responses to requests for additional information in December 2023. This final package of information has been prepared for consideration of the SECPP.

## 1.1 Key Objectives and Purpose

The intended objective of the Cooks Cove Planning Proposal is a refreshed suite of planning controls that prioritise land uses which support the adjacent Sydney International Airport, as one of Australia's most important trade gateways – but which do not rely upon or impact upon its function.

The Proposal is also attuned to serve the wider region as an appropriate location for a logistics and warehousing precinct, with a careful selection and density of other supporting land uses such as tourist and visitor accommodation, commercial office and retail. Collectively the land uses sought within the Cooks Cove site contribute to employment generation and benefit the tourism and freight sectors, the Bayside LGA and the wider New South Wales economy.

The Planning Proposal has been prepared in accordance with DPHI's *Local Environmental Plan Making Guideline* dated September 2022. The report also addresses the 'strategic planning line of sight' being the key objectives and actions of the *Greater Sydney Region Plan*, the *Eastern City District Plan*, together with the Ministerial Directions made under Section 9.1 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) in September 2018, chiefly 1.11 Implementation of the Bayside West Precincts 2036 Plan and 1.12 (formerly 7.10) requiring any planning proposal in relation to Cooks Cove to be consistent with the Cooks Cove Planning Principles. In doing so, this Proposal supports the NSW Government's vision for Sydney's future, which aims to deliver a productive, sustainable and liveable city.

## 1.2 Intended Outcomes

The Cooks Cove Planning Proposal is intended to achieve the following outcomes:

- Strengthen the economy within the Bayside municipality through the provision of significant new employment opportunities through the realisation of new logistics and commercial office land uses;
- Provide for an enriched community, through the delivery of supporting retail and open space that will benefit not only the future workers and visitors of Cooks Cove but also the wider community and Bayside municipality;
- Enable the development of high quality tourist and visitor accommodation within a location immediately adjacent to Sydney International Airport and within a fast growing and high density urban renewal precinct;
- Protect the economic growth and safeguards the ongoing operations of Sydney International Airport;
- Create an attractive precinct which delivers best practice design in order to meet the needs of workers and visitors of Cooks Cove and the wider community;
- Provide a safe and efficient road network that balances movement and place, enhances 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, supporting a healthy and diverse community and helping to deliver a 30-minute city;
- Protect and supports the provision of future strategic transport linkages, both planned and under construction;
- Deliver an integrated, 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
- Enable the protection and enhancement of the on-site biodiversity and environmental attributes.

## 1.3 Independent assessment of the Planning Proposal

The Cooks Cove Planning Proposal was originally lodged with Bayside Council as a mixed-use scheme on 17 May 2017 (ref no RC-607080). On 2 November 2020, Bayside Council indicated their conflict of interest in relation to Lot 14 DP213314 and Lot 1 DP108492 ('The Trust lands'). In response, on 25 February 2021 DPHI formally appointed the Sydney Eastern City Planning Panel (SECPP) as the Planning Proposal Authority (ref no IRF20/4896). Following agency consultation and initial assessment, the Proponent elected to make further amendments. The revised Planning Proposal for the present logistics and trade focused scheme was submitted to the DPHI on 22 October 2021 and a Gateway Determination was issued on 5 August 2022. A Gateway Alteration request to suit the content of the revised Planning Proposal (in response to Gateway conditions) and ability to proceed to public exhibition was endorsed by the SECPP on 28 March 2023.

## 1.4 The Planning Proposal and Indicative Master Plan

### The Planning Proposal

The Planning Proposal intends to insert new planning provisions covering the Cooks Cove development zone and adjoining lands, through an amendment to the BLEP 2021, and removal of this same area from *State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021*. Specifically, the Planning Proposal will:

- Seek new land use zones within the development zone, including a primary SP4 Enterprise development zone across the majority of the KGC freehold land, RE2 Public Recreation foreshore, RE1 passive open space zones, C2 Environmental Conservation in areas of biodiversity value, together with elements of SP2 Infrastructure.
- Impose a primary overall maximum building height of RL51m, with an appropriate reduction to respond to aviation controls within the southern section of the site and a maximum height of 24m to the north of Marsh Street, to respond to neighbouring developments;
- Limit development potential through an appropriate combination of gross floor area (GFA) and floor space ratio (FSR) provisions to achieve the overall intended logistics, commercial, retail and short-term accommodation land uses. A maximum GFA of 340,000m<sup>2</sup> will be applicable south of Marsh Street and a further 1.25:1 FSR (circa 3,250m<sup>2</sup> of GFA) will be applicable north of Marsh Street;
- Other additional permitted uses and site-specific planning provisions; and
- Reclassification of Lot 14 DP213314 and Lot 1 DP108492 (Council owned and the subject of Charitable Trusts), initially from 'community' to 'operational' to ensure appropriate access, improve utility of public open space and to



create contiguous boundaries. This process will remove Charitable Trust affectations. Following rezoning and subdivision it is subsequently intended that Council reclassify residue RE1 parcels as 'community' by resolution.

- The Proposal is in response to *Bayside West Precincts 2036 – Arncliffe, Banksia and Cooks Cove* (released August 2018) and the subsequent Ministerial Directions under s9.1 of the EP&A Act, being Local Planning Directions 1.11 Implementation of Bayside West Precincts 2036 Plan and 1.12 Implementation of Planning Principles for Cooks Cove.

### Description of the Indicative Master Plan

The Cooks Cove indicative master plan, prepared by Hassell, represents a reference scheme, to guide best practice design and the preparation of detailed planning controls to achieve an attractive precinct with high amenity. Key features of the master plan are:

- A net development zone of approximately 15ha with up to 343,250m<sup>2</sup> Gross Floor Area (GFA) comprising:
  - 290,000m<sup>2</sup> for multi-level logistics and warehousing;
  - 22,350m<sup>2</sup> for commercial office uses;
  - 20,000m<sup>2</sup> for hotel or motel accommodation and serviced apartments uses;
  - 10,900m<sup>2</sup> of retail uses;
- Multi-level logistics with building heights generally up to 5 storeys (approx. 48m);
- A retail podium with commercial office and hotel above, up to a total of 12 storeys (approx. 51m);
- Built form of a scale and composition which caters for the generation of approximately 3,300 new jobs;
- A surrounding open space precinct including:
  - A highly activated waterfront including the Fig Tree Grove outdoor dining and urban park precinct;
  - A contribution to the regional Bay to Bay Regional cycle link, 'Foreshore Walk', including active and passive recreational uses, together with environmental enhancements; and
  - Master planned and Council-owned 'Pemulwuy Park' – with an agreed embellishment outcome of passive open space and environmental enhancements to be delivered in stages post construction of the M6 Stage 1 Motorway.
- Complementary on and off-site infrastructure to be delivered by way of State and Local Voluntary Planning Agreements.

A photomontage of the Cooks Cove indicative reference scheme is provided at **Figure 1** together with an extract of the Cooks Cove indicative master plan at **Figure 2** over the page.



**Figure 1**      *Cooks Cove indicative reference scheme – as viewed towards Sydney Airport and Botany Bay*

Source: Hassell





**Figure 2** *Cooks Cove Amended Indicative Master Plan*

Source: Hassell



## 1.5 Purpose and Structure of the Report

The purpose of this justification report is to document the urban planning, environmental and technical analysis undertaken in support of the proposal and to summarise the proposed approach to development control, environmental management and infrastructure delivery provisions required to support the intent of the proposed master plan and indicative reference scheme.

The Proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the *Local Environmental Plan Making Guideline* prepared by DPHI dated September 2022. This Planning Proposal addresses the following specific matters in the guideline as demonstrated in **Table 1** below.

**Table 1** Consistency with the *Local Environmental Plan Making Guideline* content requirements

Report Section	LEP Making Guideline Reference
<ul style="list-style-type: none"> <li><b>Section 1.0</b> – Introduction and background, including the key objectives and intended outcomes of the project</li> </ul>	<ul style="list-style-type: none"> <li><b>Part 1</b> – Objectives and intended outcomes</li> </ul>
<ul style="list-style-type: none"> <li><b>Section 2.0</b> – Describes the site and context the subject of the Planning Proposal</li> </ul>	
<ul style="list-style-type: none"> <li><b>Section 3.0</b> – Presents a detailed description of the Cooks Cove Masterplan 2022 and associated indicative development zone reference scheme, together with the conceptual detail of proposed landscaping and open space enhancements</li> </ul>	
<ul style="list-style-type: none"> <li><b>Section 4.0</b> – Provides a detailed description of the planning controls sought under this Planning Proposal</li> </ul>	<ul style="list-style-type: none"> <li><b>Part 2</b> – Explanation of provisions</li> <li><b>Part 4</b> – Mapping</li> </ul>
<ul style="list-style-type: none"> <li><b>Section 5.0</b> – Sets out a detailed assessment of the key urban planning and environmental issues for the development zone</li> </ul>	<ul style="list-style-type: none"> <li><b>Part 3</b> – Justification; <ul style="list-style-type: none"> <li>- Need for the Planning Proposal</li> <li>- Relationship to strategic planning framework</li> <li>- Environmental, social and economic impact</li> <li>- State and Commonwealth interests</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li><b>Section 6.0</b> – Provides an assessment of the strategic planning context and provides an assessment of the proposal against the relevant statutory legislation and planning guidelines</li> </ul>	
<ul style="list-style-type: none"> <li><b>Section 7.0</b> – Project consultation and timeline</li> </ul>	<ul style="list-style-type: none"> <li><b>Part 5</b> – Community consultation</li> <li><b>Part 6</b> – Project timeline</li> </ul>
<ul style="list-style-type: none"> <li><b>Section 8.0</b> – Conclusion and Summary</li> </ul>	<ul style="list-style-type: none"> <li></li> </ul>

## 1.6 The Project Team

This Planning Proposal is a collaboration which has been informed by the following specialist firms:



Urban Design and  
Landscape Architecture



Town Planning  
Project Management



Traffic and Transport Strategy



Traffic Modelling



Surveying



Airport Operations



Land Capability & Contamination



Flora and Fauna



Archaeological and Aboriginal  
Cultural Heritage



Utility Services and Risk  
Water Cycle Management  
Flooding  
Wind Shear and Turbulence  
Acoustics  
Civil Engineering  
Geotechnical



Risk Engineering and Safety



Civil Engineering

## 1.7 Gateway Conditions

The Gateway Conditions for the Cooks Cove Planning Proposal (PP-2022-1748) are detailed in **Table 2** below, accompanied with the achieved resolution.

**Table 2** Gateway Conditions (Planning Proposal PP-2022-1748)

Condition	Resolution
<p>1. The planning proposal is to be updated prior to community consultation to:</p> <p>(a) address consistency with 9.1 Direction 1.12 Implementation of Planning Principles for the Cooks Cove Precinct, including:</p> <p>i. obtain approval from TfNSW that the planning proposal will not compromise future transport links, deliver a safe road network and enhance walking and cycling connectivity and the use of public transport in accordance with the requirements of the principles;</p>	<p>Section 9.1 Direction 1.12 'Cooks Cove' addressed throughout the revised Planning Proposal justification report with an overview provided at <b>Section 6.0</b>.</p> <p>CCI provided a request letter to TfNSW dated 22 December 2022. Subsequent correspondence between the parties resulted in a letter from TfNSW dated 15 March 2023 and CCI response dated 17 March 2023 which were accepted by DPHI and subsequently SECPP for public exhibition purposes (refer to <b>Appendix P</b>).</p>
<p>ii. provide additional information to demonstrate that the planning proposal will ensure best practice design and a high-quality amenity with reference to the NSW design policy <i>Better Placed</i>;</p>	<p><i>Better Placed</i> is addressed within the Urban Design and Landscape report (<b>Appendix B</b>) and <b>Section 6.2.3</b>.</p>
<p>iii. provide additional information to demonstrate the planning proposal will deliver an enhanced, attractive connected and publicly accessible foreshore and public open space network. This should include further details to justify the extent of land intended to be zoned RE1 Public Recreation adjacent to the Cooks River; and</p>	<p>Proposed enhancements to the foreshore and open space networks within the site are addressed within the Urban Design and Landscape report (<b>Appendix B</b>) and <b>Section 3.4</b>.</p>
<p>iv. provide additional information to demonstrate that the planning proposal will enhance the environmental attributes of the site, including protected flora and fauna, riparian areas and wetlands and heritage.</p>	<p>The site's flora, fauna habitat and environmental attribute enhancements are presented in the Flora and Fauna Assessment (<b>Appendix K</b>) and addressed at <b>Section 5.6</b>.</p>
<p>(b) address consistency with 9.1 Direction 3.2 Heritage through further consultation with Heritage NSW and updating the planning proposal accordingly;</p>	<p>Heritage NSW was consulted on 14 November 2022 with comments provided on 7 February 2023. The Proponents response to these matters is provided at <b>Section 5.9</b>. This Section also addresses Direction 3.2 and is supplemented by the Archaeological and Heritage Assessment (<b>Appendix L</b>).</p>
<p>(c) address consistency with 9.1 Direction 4.1 Flooding by preparing an options analysis to clearly outline flood mitigation options available with clear reasoning for the preferred option;</p>	<p>A flood planning options analysis is provided within the Flooding, Stormwater and WSUD Report (<b>Appendix C</b>) and addressed at <b>Section 5.2</b>.</p>
<p>(d) address consistency with 9.1 Direction 5.2 Reserving Land for a Public Purpose by seeking approval from TfNSW that the land currently zoned Special Uses is no longer needed for public purposes;</p>	<p>TfNSW provided confirmation that the Special Uses zoned land is no longer required for public purposes (refer to <b>Appendix P</b>).</p>
<p>(e) provide an updated Urban Design Report to demonstrate the suitability of the planning proposal including (but not limited to) the following matters:</p> <p>i. testing of the desired built form outcome against the proposed maximum GFA to ensure it is coordinated with the intended building typology, height and overall built form outcomes across the site;</p>	<p>A revised Urban Design and Landscape Report is provided at <b>Appendix B</b>. Refer <b>Section 5.1</b> for assessment of intended planning provisions in relation to building bulk and scale.</p>



Condition	Resolution
ii. clear diagrams to show the intended distribution of floorspace across the site having regard to the intended future uses;	Refer to <b>Section 3.2</b> which provides an indicative floorspace breakdown across the precinct and <b>Section 4.1.4</b> which addresses floorspace controls for the site.
iii. further justification for the proposed RL height that addresses urban design matters rather than maximum height permitted under the OLS;	Refer to <b>Section 4.1.4</b> which addresses floorspace controls for the site and <b>Section 5.1</b> which provides an urban design rationale for the proposed heights.
iv. further clarification of the need for a GFA cap (rather than FSR) and RL height (rather than height in metres). This should include further discussion of the benefits of this approach;	Analysis of GFA density and RL height controls proposed is provided at <b>Section 4.1.4</b> .
v. visual impacts and relationship to the context of the area including intended public open space;	Visual and contextual outcomes are addressed throughout <b>Appendix B</b> and <b>Appendix R</b> , as well as <b>Section 5.1</b> .
vi. amenity impacts including overshadowing and solar access provision to intended public open space. The planning proposal must demonstrate that future built form will not unreasonably impact the useability and design of future public open space proposed to be zoned RE1 Public Recreation;	Public open space amenity is addressed within <b>Appendix B</b> and <b>Section 5.1</b> .
vii. public domain connections through the site and to intended future public open space; and	Future intended public domain connections are addressed within <b>Appendix B</b> and <b>Section 5.1</b> .
viii. intended new roads across Council land and how this will ensure an acceptable public open space outcome in terms of amenity and design.	The interface between the open space and future roads connecting the development zone is addressed within <b>Appendix B</b> and <b>Section 5.1</b> .
(f) provide a plain English explanation of the proposed new land use definition 'Trade Related Enterprises';	An explanation is incorporated within <b>Section 4.1.2</b> of this report.
(g) ensure all documentation is updated to correctly reference the former <i>State Regional Environmental Plan No 33 – Cooks Cove</i> to its current title of the <i>State Environmental Planning Policy (Precincts - Eastern Harbour City) 2021</i> ;	Noted and comprehensively actioned across all documentation forming the exhibition package.
(h) include a local provision to prepare a site-specific Development Control Plan (DCP) outlining heads of consideration for inclusion in the DCP. The planning proposal is to include proposed key controls applying to future development on the site.	A site specific DCP for Cooks Cove has been prepared to integrate with and supplement the Bayside DCP. Refer to <b>Appendix O</b> and <b>Section 4.3</b> .
(i) provide a plain English explanation of a future LEP provision that seeks to allow consideration of the NSW Land Use Safety Planning Framework and the land use safety study risk assessment (LUSS), prepared by Arriscar, at the development application stage. Specifically, this provision will need to: <ul style="list-style-type: none"> <li>i. apply to the land proposed to be rezoned to B7 Business Park and encompassing the proposed retail, office, hotel or motel, serviced apartment, trade related enterprises and warehouse logistics development; and</li> <li>ii. ensure notification to and consideration of any comment from the Department prior to the issuing of any development consent for the specified developments by the consent authority.</li> </ul>	The insertion of a LEP provision which addresses land use safety and risk is further addressed and detailed within <b>Section 4.1.4</b> with a supporting assessment provided within <b>Appendix J</b> .
(j) provide further justification and reasoning to support the following proposed Additional Permitted Uses (APU's):	The proposed addition of 'advertising structures' as a permissible land use is addressed at <b>Section 4.1.3</b> .

Condition	Resolution
i. 'Advertising Structures' having regard to the context of the site, intended locations for these structures and a clear need for this to occur;	
ii. 'Retail Premises' including clarification of the maximum potential floor space proposed for this use and reasons for the need for the permissibility of all uses under its umbrella definition; and	Clarification of the 'retail premises' land use definition within the Planning Proposal is addressed at <b>Section 4.1.1</b> .
iii. 'Tourist and Visitor Accommodation' including further justification and reasons for the need for the permissibility of all uses under its umbrella definition.	Clarification of the 'tourist and visitor accommodation' land use definition within the Planning Proposal is addressed at <b>Section 4.1.1</b> .
(k) clarify whether 'industrial training facilities' is proposed as an APU and if so, provide further details and justification.	No longer proposed within the revised Planning Proposed.
(l) clearly describe and show all draft LEP maps proposed with this planning proposal	Draft LEP maps proposed are provided at <b>Appendix A</b> with key extracts provided within <b>Section 4.1</b> .
Prior to community consultation, the planning proposal is to be revised to address Condition 1 above and forwarded to the Department for review and approval.	Endorsement was provided by SECPP of a Gateway Alteration and public exhibition package of documentation on 28 March 2023.
Prior to the commencement of community consultation, the proponent must consult with Sydney Airport Corporation Limited and the Commonwealth Department of Infrastructure, Regional Development and Cities. Should the proponent be advised that permission is required in accordance with (5)(d) of s9.1 Direction 3.5 and/or the Airports Act 1996, this permission must be granted prior to the commencement of community consultation. The planning proposal must also be updated with the outcomes of this consultation prior to community consultation.	Both Sydney Airport Corporation Limited and the Department of Infrastructure, Transport, Regional Development, Communications and the Arts were consulted in relation to this item. Acknowledgment that the proposal does not constitute a controlled activity application under the Airports (Protection of Airspace) Regulations 1996 and ability for the Planning Proposal to proceed to public exhibition was provided by these entities on 15 November 2022. Refer to <b>Appendix Q</b> for copies of correspondence.
Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows: (m) the planning proposal is categorised as complex as described in the Local Environmental Plan Making Guidelines (Department of Planning and Environment, 2021) and must be made publicly available for a minimum of 30 days; and (n) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in Local Environmental Plan Making Guidelines (Department of Planning and Environment, 2021). Exhibition must commence within 8 months following the date of the gateway determination.	Noted. Public Exhibition of the Planning Proposal was undertaken from 24 April 2023 to 6 June 2023.
Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act: <ul style="list-style-type: none"> <li>• Transport for NSW (TfNSW);</li> <li>• Bayside Council;</li> <li>• DPE's Environment, Energy and Science Team;</li> <li>• State Emergency Services (SES);</li> </ul>	Noted. Additional pre-exhibition consultation was undertaken with a number of public agencies and stakeholders, as detailed in <b>Section 7.2</b> .

Condition	Resolution
<ul style="list-style-type: none"> <li>• Greater Cities Commission (GCC);</li> <li>• Federal Department of Infrastructure, Transport, Regional Development and Communications;</li> <li>• NSW Ports;</li> <li>• NSW Environmental Protection Authority (EPA);</li> <li>• Heritage NSW;</li> <li>• Sydney Desalination Plant;</li> <li>• Sydney Water;</li> <li>• Natural Resource Access Regulator;</li> <li>• Ausgrid;</li> <li>• Department of Energy and Environment</li> <li>• Department of Primary Industries;</li> <li>• Air Services of Australia;</li> <li>• NBN Co;</li> <li>• APA Group; and</li> <li>• Jemena.</li> </ul> <ul style="list-style-type: none"> <li>• Each authority and agency is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 40 days to comment on the proposal.</li> </ul>	
<p>A public hearing is required to be held into the matter by any person or body under section 3.34 of the Environmental Planning and Assessment Act 1979 and Section 29 of the Local Government Act 1993. After the community consultation period has ended, at least 21 days public notice is to be given before the hearing is held.</p>	<p>Noted. Public hearing into the reclassification of the 'Trust lands' was held following the exhibition of the Planning Proposal on 30 June 2023, coordinated by the SECPP and DPHI. Refer <b>Section 4.2</b> for further detail of the reclassification process sought.</p>
<p>Prior to finalisation, the planning proposal must address consistency with section 9.1 Direction 5.2 Reserving Land for a Public Purpose including by clarification of an acquisition authority (and update to the Land Acquisition Map) for any land being zoned RE1 Public Recreation that is not currently owned by a public authority.</p>	<p>The general length of the Cooks River foreshore proposed to be zoned RE2 and C2 is not intended to be acquired by an authority and will be owned and maintained in perpetuity to an agreed standard by the Proponent (or suitable successor) subject to an easement for public access purposes. A Public Benefit Offer in-principle agreement has been reached with Bayside Council for dedication of land proposed to be zoned RE1. This land will facilitate the intended overland flow zones and will be embellished to an agreed standard in order to be integrated into the broader master planned scheme for the future Pemulwuy Park to be established by Council. Refer <b>Sections 4.1</b> for further detail.</p>
<p>The Panel as planning proposal authority is not authorised to be the local plan-making authority under section 3.36(2) of the EP&amp;A Act.</p>	<p>Noted.</p>
<p>The LEP should be completed on or before 5 May 2024.</p>	<p>Noted.</p>



## 2.0 The Site

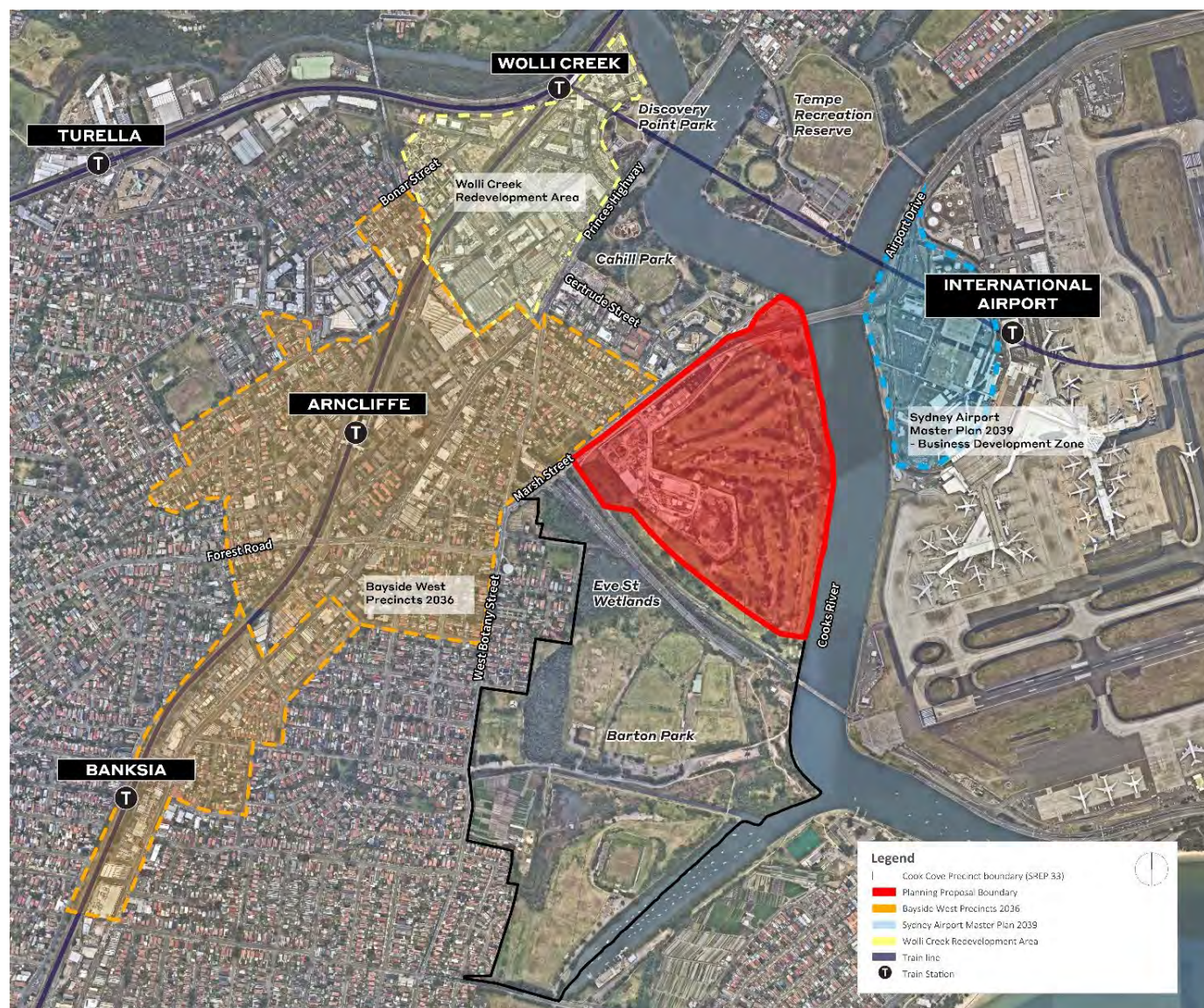
This chapter describes the site, its locational context, history, existing features, land ownership and existing planning controls.

### 2.1 The Planning Proposal Site

The area 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 (Cook Cove Inlet, acquired from KGC);
- Lot 31 in DP 1231486 (Cook Cove Inlet, acquired from KGC);
- Lot 14 in DP 213314 (Bayside Council and the subject of Charitable Trusts);
- Lot 1 in DP108492 (Bayside Council and the subject of Charitable Trusts); and
- Lot 1 in DP 329283 (TfNSW, former Roads and Traffic Authority (RTA)).

The Planning Proposal no longer includes land forming the 'Southern Precinct', or land in the 'Northern Precinct' that is not in the freehold ownership of the KGC, Council or the former RTA. An aerial photograph of the site is shown at **Figure 3** below.



**Figure 3** Aerial Photograph of Planning Proposal Site

Source: Ethos Urban

Kogarah Golf Club (KGC) was established in 1928, and has occupied the land since 1955, when the course was reconfigured following the realignment of the Cooks River to accommodate the expansion of Sydney International Airport. The land presents as a highly modified environment, with relatively flat topography, gently moulded fairways and greens, separated by strips of vegetation and man-made water bodies.

The golf course clubhouse, car park and maintenance facilities are located in the northern corner of the site, adjacent the Cooks River. The clubhouse is a two-storey building fronting the Cooks River set amongst a stand of mature Moreton Bay Fig Trees.

Access is provided via Levey Street from the north underneath the Giovanni Brunetti Bridge. A portion of the golf course is sited on land owned by Bayside Council adjacent to the KGC freehold land to the west and south. There is currently no public access to the site, including the foreshore, other than for individuals utilising the golf course and/or clubhouse facilities.

The site also incorporates a portion of land owned by KGC to the north of Marsh Street, adjacent to the Cooks River and physically separated from the remainder of the golf course by the construction of the Giovanni Brunetti Bridge. This parcel reduced in size in 2016, with approximately 1,350m<sup>2</sup> having been acquired by RMS for Marsh Street road and footpath widening works.

## 2.2 Site Location and Context

The site is located in the suburb of Arncliffe within the Bayside Council Local Government Area (LGA) (refer to **Figure 4**). It is located to the west of the Cooks River and Sydney Kingsford Smith 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 foreshore of Botany Bay is approximately 1.2km to the south-east of the site.

The site is strategically located in proximity to a number of railway stations including Banksia, Arncliffe, Wolli Creek and the International Airport Terminal, which vary in distance from the site between 700m and 1.1km. The M5 Motorway runs in an east-west direction to the south of the site. The M8 and M6 Motorways are, and will be, constructed in tunnels approximately 60 metres beneath the adjoining Lot 14.

## 2.3 Site Topography and Physical Attributes

### Topography

The existing site elevation ranges from 0-5m AHD. Reflecting its current use as a golf course, the topography gently undulates across the site, rising to a high point of just over 5m AHD in the north surrounding the clubhouse. There are smaller, localised rises in the narrow portion of the site and in the south. The original levels across the site have been significantly altered over time due to the realignment of the Cooks River and development of the site as a golf course. Across Marsh Street to the north, the area is flat, with a progressive rise towards the Giovanni Brunetti Bridge.

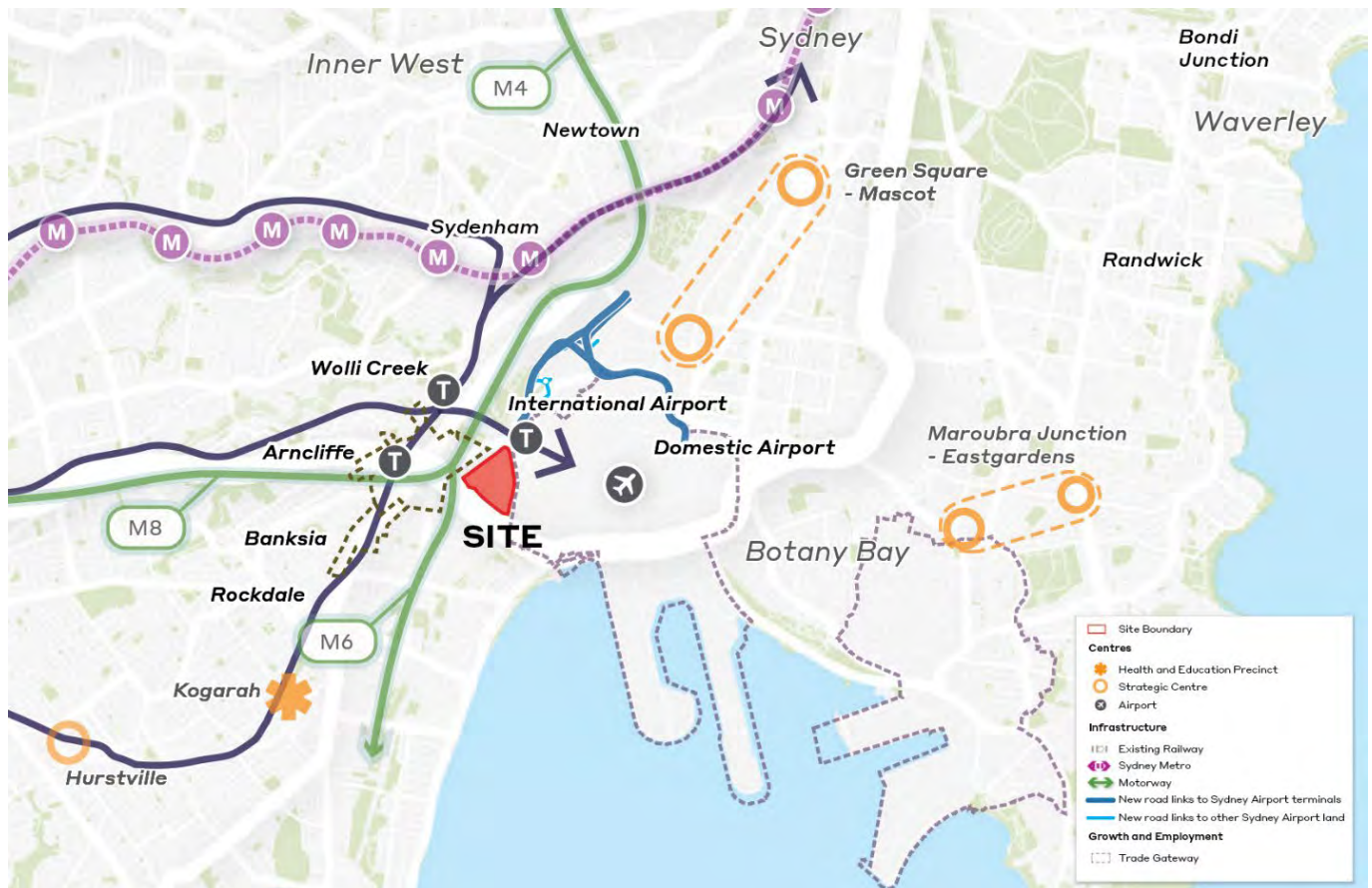
### Vegetation

Existing vegetation at the site is generally 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 recolonised communities along the riverbanks including low-lying mangroves and saltmarsh.

### Hydrology

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 by Cooks River flooding during a 1 in 100 year flood event. This includes the adjacent Council lands which are an existing flood conveyance in larger events. Flood modelling of the existing site conditions has been undertaken and is provided and discussed in detail at **Section 5.2** and **Appendix C**.





**Figure 4** The Cooks Cove site and surrounding context

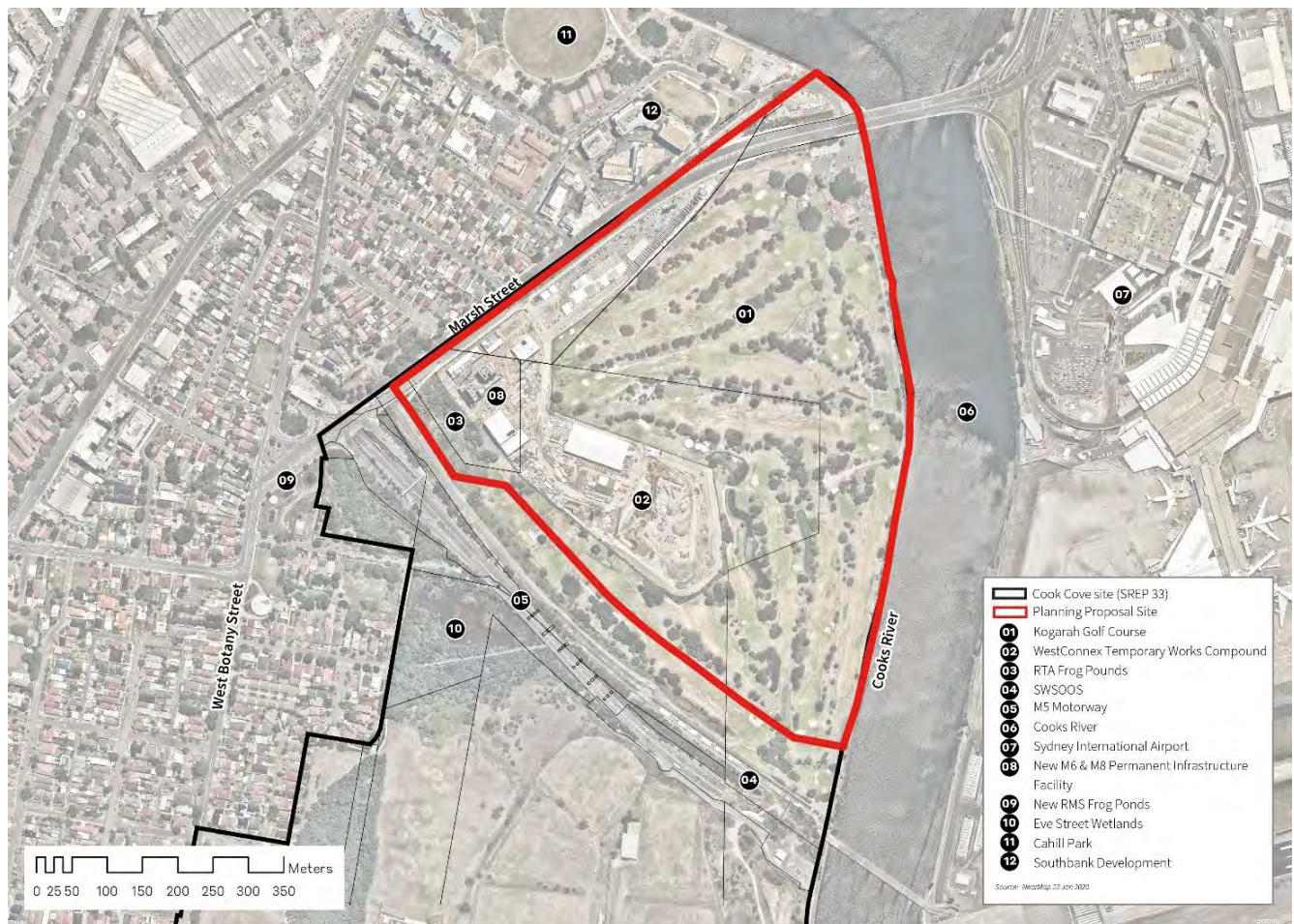
Source: Ethos Urban

## 2.4 Site History

Provided below is an overview of the history, key site events and previous uses of the wider Cooks Cove Precinct:

- **1880s** – Site served as an element of the Arncliffe Sewage Farm (night soil depot). Original termination of Southern and Western Suburbs Ocean Outfall Sewer (SWSOOS);
- **Early 1900s** – Agriculture and market gardens established, continued use for night soil depot;
- **1930s** – Bonnie Doon Golf Course established, night soil depot significantly reduced in area, extension of SWSOOS towards the east;
- **1940s** – Army and Air Force radio school occupied Bonnie Doon Golf Course site. Once the school vacated, the site was left derelict until Kogarah Golf Club occupied the site in mid 1950s;
- **Post war Sydney Airport expansion** - Led to significant modifications to Cooks River and Muddy Creek and further reshaping through the 1960s; with the current alignment formed in the early 1970s;
- **1970s** – The golf course underwent landscaping and earthworks. In January 1972, Kogarah Golf Club Limited purchased the freehold element of Kogarah Golf Course from the Commonwealth of Australia;
- **1990s** - Minor rearrangements and commencement of construction of the M5 East Motorway through the site
- **2000s** – Completion of the M5 East Motorway, establishment of the RTA Frog Ponds adjacent to Marsh Street and construction of the Desalination pipeline in the mid-2000s; and
- **2016** – Widening of Marsh Street and commencement of the WestConnex works, including temporary construction facility and M6 and M8 permanent infrastructure facilities, which remains on site as at the time of writing.





**Figure 5** Cooks Cove key local context elements

Source: Ethos Urban

## 2.5 Local Context

The site forms a portion of a broader local context, the key features of which are described below and identified in **Figure 5** above.

### SWSOOS

Whilst not part of the site, the SWSOOS is a trunk sewer main constructed above ground from 1909 to 1916. This piece of infrastructure runs in an east-west direction and across the Cooks River to the south of the Planning Proposal boundary. The SWSOOS is listed on the State Heritage Register as Item 01647. Refer description provided within the Heritage and Archaeological Assessment, prepared by Biosis and provided at **Appendix L**.

### 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.

Located to the far south-west of the existing golf course, adjacent to the SWSOOS and Marsh Street, are two small fenced areas known as the 'RTA Frog Ponds'. 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 that historically occupied this portion of the site. These ponds continue to be managed by TfNSW.

### WestConnex Temporary Works Compound and Arncliffe Motorway Operations Complex

During 2016, the golf course was progressively converted to a 15-hole operation due to the resumption of part of the Council owned 'Trust land' for the widening of Marsh Street (March 2016) and the establishment of a temporary construction compound for the WestConnex New M5 (now known as M8 Motorway) tunnelling works, comprising some 7.5ha in area.

The subterranean M8 and associated permanent Motorway Operations Complex (MOC) at grade adjacent to Marsh Street, commenced operation on 5 July 2020. The temporary construction compound was retained to facilitate the



construction of the new M6 Motorway Stage 1, which is presently underway and expected to be completed in 2025. Once the M6 Stage 1 is complete, the majority of the temporary works compound will be converted to public recreation facilities. The permanent MOC facility will expand to some 1.5ha and will jointly service the M8 and M6 Stage 1 subterranean motorways, housing plant and maintenance equipment, ventilation and water treatment facilities.

#### Lot 5 in DP 1050923 (SACL land)

Located immediately adjacent to the south of the site is Lot 5 in DP 1050923. This parcel 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.

### 2.5.1 Local Context beyond the Site

The surrounding context of the broader Cooks Cove Precinct is described below.

#### To the North and West

- **Residential area** – focused on Flora Street, Gertrude Street and Innesdale Road. This area is generally characterised by one-storey detached residential dwellings but has recently been upzoned to R4 High Density Residential as part of Bayside West Precincts 2036. Existing high-rise residential buildings include the recent 15 storey Southbank development on Levy Street (Building C closest to Cooks Cove extends to RL53.5m AHD) and 14 storey Cahill Gardens on Gertrude Street;
- **Cahill Park** – located between Marsh Street and the Princes Highway on the Cooks River foreshore. Within the park is a turf cricket oval, tennis courts, mature trees and passive recreation areas. Recent work has been undertaken by Council to upgrade and raise the adjoining Cooks River seawall;
- **Tempe Recreation Reserve** – 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. A bridge connection is planned between Cahill Park and Tempe Recreation Reserve under Bayside West Precincts 2036; and
- **Wolli Creek Train Station and Town Centre** – located approximately 800m to the north of the site is the high density residential and commercial precinct of Wolli Creek. Formerly an industrial precinct, the area underwent a significant redevelopment in the 2000s focused around the new train station – with development now largely complete. Wolli Creek is a key interchange between the T4, T8 and South Coast train lines.

#### To the South

- **Barton and Riverine Parks** – local sporting grounds which contain a mixture of used and unused formal sports fields, passive recreational areas, ecological habitats and a series of driveways and pathways, which are subject to enhancements by Council. These Parks are also constrained by the Runway 07 flightpath controls. Located within this area is the state heritage listed Arncliffe Market Gardens. Barton Park is presently undergoing civil works led by Council's contractors to address contamination and to enhance public accessibility and amenities ;
- **The Muddy Creek Boating and Amateur Fishing Association (MCBAFA)** – occupies a portion of what was the former Brighton-Le-Sands Amateur Fisherman's Association (Brighton Fishos) on the southern side of Muddy Creek. Previous structures have recently been demolished and this area is being replanned by Council; and
- **Kyeemagh** – separated by Muddy Creek, this area contains a cycleway, the state heritage listed Kyeemagh Market Gardens and low density dwellings.

#### To the East

- **Cooks River** – The diverted Cooks River runs along a generally north-south alignment along the eastern edge of the site. The relocated mouth of the river is at Botany Bay approximately 1km to the south-east of the site at Lady Robinsons Beach, Kyeemagh. The river extends in the north-westerly direction and contains significant open space and recreation paths along its length ultimately connecting to the Inner-west Greenway and Homebush Bay; and
- **Sydney Airport** – The site is located directly west of Sydney Airport's International Terminal which is connected by Marsh Street. The site is located in a central location away from the flightpaths of the airport's east-west and north-south runways.

#### To the South-West

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

## 2.6 Transport

The site is strategically located in proximity to numerous existing and future transport linkages, as described below.

### Rail

The northernmost edge of the site is located approximately 800m walk from Wolli Creek train station along the Cooks River foreshore, while the westernmost edge of the site is approximately 1.1km walk from Arncliffe station. In addition, the International Airport Station is approximately 700m east of the site. Refer to **Figure 5** above for detail.

Wolli Creek Station is serviced by the T8 Airport and South Line and the T4 Eastern Suburbs and Illawarra line. The T8 line provides access to the Airport, Green Square, Mascot, Sydney CBD and suburbs in the southwest of Sydney. The T4 Line connects the Sydney CBD and the South Coast via key centres including Bondi Junction, Hurstville, Kogarah, Rockdale and Sutherland. International Airport Station is serviced by the T8 line, while Arncliffe is serviced by the T4 line.

The NSW Government has committed funding to progressively increase services during the morning and afternoon peaks on both the T4 and T8 lines, through the 'More Trains More Services' program. The increase will occur progressively throughout the 2020s and will improve rail accessibility to and from the site. Further, private operation of the airport stations is forecast to cease in 2030 and the station access fee may no longer apply, potentially improving accessibility to Cooks Cove.

The site is also identified to be in proximity to the potential "Visionary Train Link/Mass Transit" or "City-shaping Corridor" connecting Randwick and Kogarah Strategic Centres via Sydney Airport in a northeast-southwest direction, as depicted in *Future Transport 2056*. Existing geology, rivers and tunnelled infrastructure is likely to preclude its routing through Cooks Cove, as illustrated by TfNSW's *South East Sydney Transport Strategy* (August 2020) Preferred Scenario alignment between the International Terminal and Brighton Le Sands via Kyeemagh. Refer to further commentary within **Section 5.3**.

### Buses

In addition to abovementioned rail connections, the site is also located close to several bus routes. These include the following:

- **Route 348** – Wolli Creek to Bondi Junction, accessible from Wolli Creek Station;
- **Route 420** – Eastgardens to Burwood via Sydney Airport, accessible from Wickham Street and the International Airport Terminal; and
- **Route 422** – Kogarah to Central Station, accessible from West Botany Street.

Further, the site is located adjacent to the key strategic bus corridor Miranda to Bondi Junction via the Airport as identified in the TfNSW document *Sydney's Bus Future* and in close proximity to the Railway Square to Sutherland Hospital (via Princes Highway) Rapid Bus Route identified in the *South East Sydney Transport Strategy*.

### Road

Site access is currently provided from the north via Levey Street, which passes under the Marsh Street Giovanni Brunetti Bridge. The site is located in proximity to the following existing and future road infrastructure:

- **M5 Motorway** – Provides regional connectivity, accessible via Marsh Street to the south of the site;
- **Princes Highway (A36)** – Connecting from Kogarah to King Street, accessible via West Botany Street/Wickham Street to the south-west of the site and Gertrude Street to the north of the site;
- **M8 Motorway Stage 1** (formerly WestConnex New M5) – Opened in July 2020 and which parallels Marsh Street in a tunnel;
- **M8 Motorway Stage 2** (formerly WestConnex M4-M5 Link) – Opened in January 2023 extending below ground from the St Peters interchange to the Haberfield interchange;
- **Future M6** (formerly F6 Extension Stage 1) - Will connect to the M8 via a stub tunnel to the west of the site (projected to be complete in 2025); and
- **Future Sydney Gateway** – Connecting the future St Peters Interchange with the airport, M8 and future M6 Stage 1 tunnels via Marsh Street (approximately 500m north-east of the site) of which the first stage opened in November 2023 and the remaining stages are projected to be complete in 2024.
-

## Walking and Cycling

Bicycle and pedestrian paths exist along both sides of Marsh Street to the west of the site. Presently the bicycle and pedestrian path on the eastern side of Marsh Street, constructed as an element of the Marsh Street road widening work, is signposted as being inaccessible as there are no pedestrian or cycling facilities available on the southern side of the Giovanni Brunetti bridge heading in a northerly direction. Bicycle and pedestrian access on the western side of Marsh Street is limited to a narrow footpath interspersed with multiple street crossings leading to a Marsh Street underpass that provides access to the southern portion of Cooks Cove.

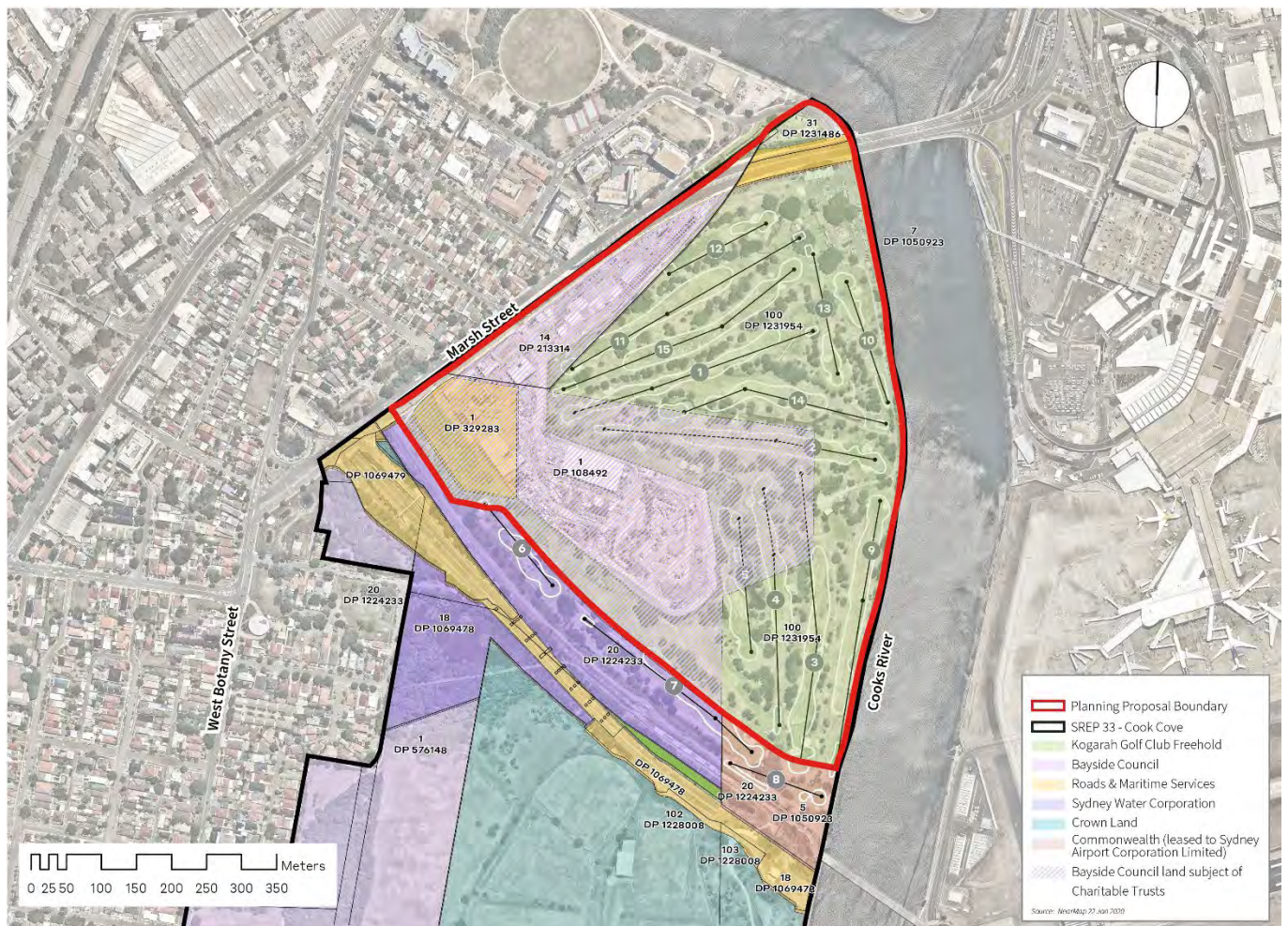
The Cooks Cove project provides the opportunity to significantly enhance the quality and safety of north-south pedestrian and cycling access through the provision of a new Cooks River foreshore separated pedestrian and cycle path that can connect to the broader network of cycleways to the south of the site towards Barton Park and to the north through Cahill Park and Tempe Reserve across the Cooks River.

## Air Travel

The site benefits from exceptional proximity to Sydney International Airport, located approximately 500m east across the Cooks River. The Domestic Terminal is approximately another 1.3km beyond to the east.

## 2.7 Site Land Parcels and Ownership

The Planning Proposal relates to land under the ownership of CCI (formerly KGC freehold), Council and TfNSW as described at **Section 2.1**. Surrounding the site are parcels of land held under various ownership and leases to both private and government bodies. The ownership of lands forming the site and surrounds is provided at **Figure 6** below.



**Figure 6** Landownership plan with current golf course overlay

Source: Ethos Urban



## 2.8 Easements and Affections

The site accommodates the following easements and affections, as identified in **Figure 7** below.

### Sydney Desalination Plant Pipeline

The Sydney Desalination Plant pipeline runs through the site, in a north-south direction adjacent the Cooks River from Kurnell located to the south of Botany Bay. The pipe has a 1.8m diameter and sits within an easement approximately 6m wide. The Proponent has consulted with Sydney Desalination Pty Ltd and the requirements of the easement can be appropriately addressed within the future internal street network.

### Moomba-Sydney Pipeline

The Moomba Sydney Pipeline, containing high pressure ethane gas, runs along the eastern boundary of the site, adjacent the Cooks River. The pipeline easement is generally 5m wide with the pipe located at a depth of 1.2m-2.3m, with a diameter of 225mm nominal. The Proponent has consulted with the APA Group and further to recent meetings will appropriately address the structural requirements of the pipeline in situ. The Proponent does not propose any relocation of the pipeline.

### F6 Transport Corridor

The current *Eastern Harbour City SEPP* Special Use Zone broadly corresponds to the historical F6 Transport Corridor reservation and runs the length of the Cooks Cove site, in a north south direction. The Special Use Zone is a land use zoning affection and there is no easement on the title of the CCI (former KGC) freehold land the subject of the Planning Proposal.

The alignment and width of the north-south Special Use Zone (generally 50-60m wide) was the result of consultation between the Cooks Cove Development Corporation and the then RTA in the process of finalising *SREP 33* (now Chapter 6 of the *Eastern Harbour City SEPP*) and accompanying *Cooks Cove DCP* in 2004. However, the existence of the alignment dates back to the *County of Cumberland Planning Scheme* (1951), which identified a Southern Motorway on an alignment to the west of the Planning Proposal. Since this time, adjoining Council land was reserved for the purpose of constructing this County Road.

The recent completion of the M8 Motorway and the future M6 Stage 1 (under construction and due for completion in 2025) are situated in tunnels approximately 60 metres beneath the surface of adjoining Council land. As such, once the intended subterranean motorway network is complete the original purpose for an at-grade surface corridor through Cooks Cove will be fulfilled.



**Figure 7** Existing easements and affections over the Cooks Cove site

Source: Ethos Urban



## 2.9 Current Zoning

The site is currently subject to the planning controls identified within Chapter 6 of the *Eastern Harbour City SEPP*, as identified in **Figure 8** below. As such, the standard controls of the *BLEP 2021* do not apply at present. As shown on the Zoning Map below, under Chapter 6 of the *Eastern Harbour City SEPP*, land within the site is zoned as follows:

- Trade and Technology Zone;
- Special Uses Zone; and
- Open Space Zone.

At present, under *Eastern Harbour City SEPP*, a 270,000m<sup>2</sup> Trade and Technology complex accommodating advanced technology and trade related enterprises, serviced offices, hotels and serviced apartments and commercial support premises including restaurant, retail and childcare facilities with 4,700 car spaces, is permissible for the site with development consent. Chapter 6 of the *Eastern Harbour City SEPP* contemplates road access via Flora /Marsh Street and Gertrude/Marsh Street intersections in conjunction with the existing Levey Street access.



**Figure 8** Existing Eastern Harbour City SEPP – Cooks Cove Zoning Map

## 3.0 Indicative Master Plan

This chapter provides a description of the Cooks Cove indicative master plan, which informs this Planning Proposal. It should be noted that while the developable area itself is limited to freehold land owned by the Proponent and occupied by KGC, the master plan covers the wider Planning Proposal boundary, demonstrating how the site could integrate with future surrounding uses (such as the open space and recreation area to be delivered by Council). All imagery and layouts provided (including that adjacent to the site) are shown as a concept only and are to be planned and delivered subject to separate processes.

The master plan forms the basis for the Urban Design and Landscape Report that has been prepared by Hassell and is provided at **Appendix B**. The master plan is an indicative reference scheme which provides support for land use planning controls sought under this Planning Proposal, which are further explained in **Section 4.0**. The master plan and reference scheme has been further developed to optimise the scheme in responding to the Gateway Determination conditions as set out in **Section 1.7** and as described in subsequent sections.

### 3.1 Overview

The Cooks Cove precinct will be a new economic trade gateway for Sydney, NSW and Australia. It will provide new jobs in hospitality and logistics operations to support the growing industry and economy. It will also service as a tourist and visitor accommodation precinct with a combination of supporting retail, dining and commercial office. Associated open space within the precinct will act as a key asset to the local community and will provide key nodes of activation along the Cooks River Foreshore.

The project will also deliver a network of open space that responds to the broader context, providing new connections for people, animals, water, soil and ecology. A revitalised river foreshore, new public plazas and squares, together with active destinations focused at the waterfront will provide opportunities to gather, celebrate and engage.

Adjacent to this new, vibrant working precinct, Pemulwuy Park, designed and delivered by Bayside Council, will invite the community in and be focused around recharging moments of ecology and in delivering an integrated and beautiful parkland system for all.

Key features of the Cooks Cove master plan include:

- A net development zone of approximately 15ha with up to 343,250m<sup>2</sup> Gross Floor Area (GFA) comprising:
  - 290,000m<sup>2</sup> for multi-level logistics and warehousing;
  - 22,350m<sup>2</sup> for commercial office uses;
  - 20,000m<sup>2</sup> for hotel or motel accommodation and serviced apartments uses;
  - 10,900m<sup>2</sup> of retail uses;
- Multi-level logistics with building heights generally up to 5 storeys (approx. 48m);
- A retail podium with commercial office and hotel/motel and serviced apartments above, up to a total of 12 storeys (approx. 51m);
- Built form of a scale and composition which caters for the generation of approximately 3,300 new jobs;
- A surrounding open space precinct including:
  - A highly activated waterfront including the Fig Tree Grove outdoor dining and urban park precinct;
  - A contribution to the regional Bay to Bay Regional cycle link, 'Foreshore Walk', including active and passive recreational uses, together with environmental enhancements; and
  - Master planned and Council-owned 'Pemulwuy Park' – with an agreed embellishment outcome of passive open space and environmental enhancements to be delivered in stages post construction of the M6 Stage 1 Motorway.
- Complementary on and off-site infrastructure to be delivered by way of State and Local Voluntary Planning Agreements.

Extracts of the indicative Cooks Cove illustrative master plan and the allocated land uses are illustrated at **Figure 9**, **Figure 10** and **Figure 11** below.





**Figure 9** *Cooks Cove Amended Indicative Master Plan*

Source: Hassell





**Figure 10** *Western aerial photomontage of the Indicative Master Plan*

Source: Hassell



**Figure 11** *South-eastern aerial photomontage of the Indicative Master Plan*

Source: Hassell



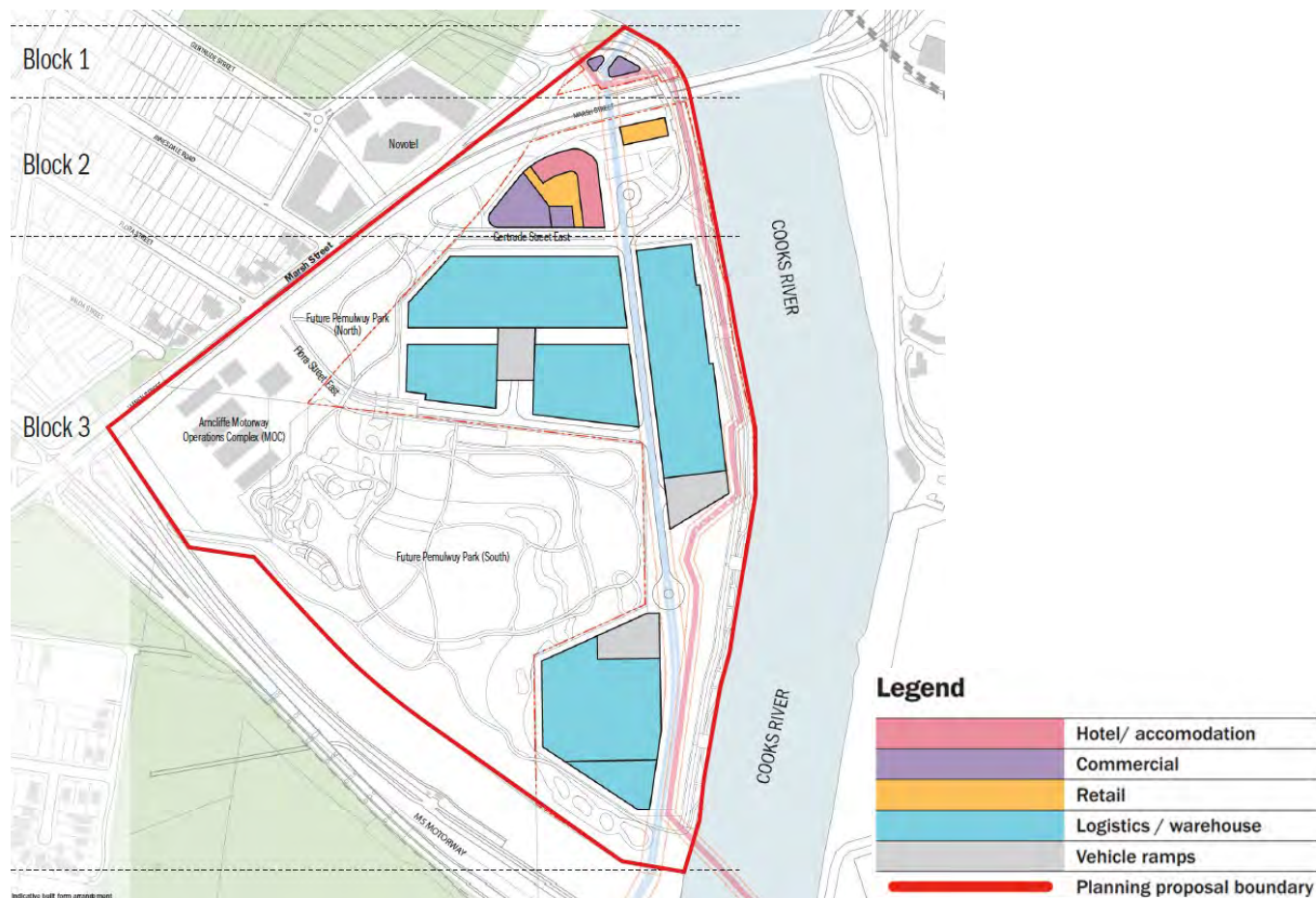
## 3.2 Land Uses

The indicative reference scheme comprises Blocks 1, 2 and 3 and includes a total maximum Gross Floor Area (GFA) of 343,250m<sup>2</sup>. Each block represents a specific area within the site and consists of the following:

- **Block 1** – Total GFA of 3,250m<sup>2</sup>, comprising commercial (2,350m<sup>2</sup>) and retail (900m<sup>2</sup>) uses.
- **Block 2** – Total GFA of 50,000m<sup>2</sup>, comprising hotel or motel accommodation, serviced apartments, (20,000m<sup>2</sup>), commercial (20,000m<sup>2</sup>) and retail (10,000m<sup>2</sup>) uses.
- **Block 3** – Total GFA of 290,000m<sup>2</sup>, comprising logistics and warehouse uses.

This includes a commercial and retail parcel in Block 1 north of Marsh Street; a hotel/motel/serviced apartments, commercial and retail parcel in Block 2 that addresses Fig Tree Grove and the waterfront; and a southern warehouse and logistics development in Block 3 that is capable of being made up of several large floorplate buildings.

The Land Use Plan is provided in **Figure 12** below, it identifies 'Blocks 1, 2 and 3' and the proposed land uses. An area schedule is provided in **Table 3** below, it identifies the total Gross Floor Area (GFA) of the proposed uses and break down per block.



**Figure 12** Land Use Plan

Sources: Hassell

**Table 3** Area Schedule

	Block 1	Block 2	Block 3	Total
Hotel / Accommodation	-	20,000m <sup>2</sup>	-	20,000m <sup>2</sup>
Commercial	2,350m <sup>2</sup>	20,000m <sup>2</sup>	-	22,350m <sup>2</sup>
Retail	900m <sup>2</sup>	10,000m <sup>2</sup>	-	10,900m <sup>2</sup>
Logistics / Warehouse	-	-	290,000m <sup>2</sup>	290,000m <sup>2</sup>
Total	3,250m <sup>2</sup>	50,000m <sup>2</sup>	290,000m <sup>2</sup>	343,250m <sup>2</sup>

Sources: Hassell

### 3.3 Indicative Built Form

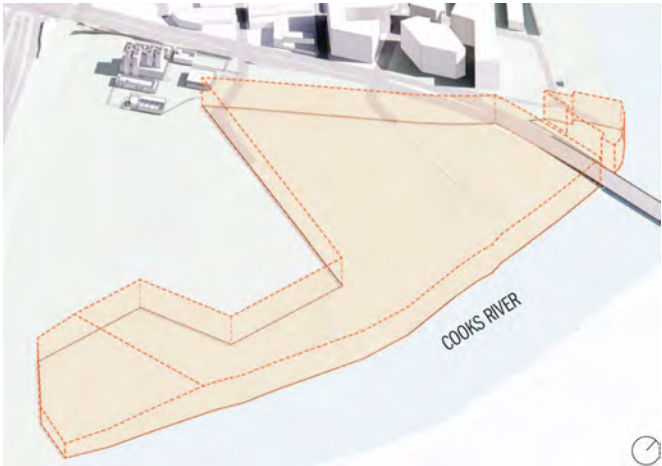
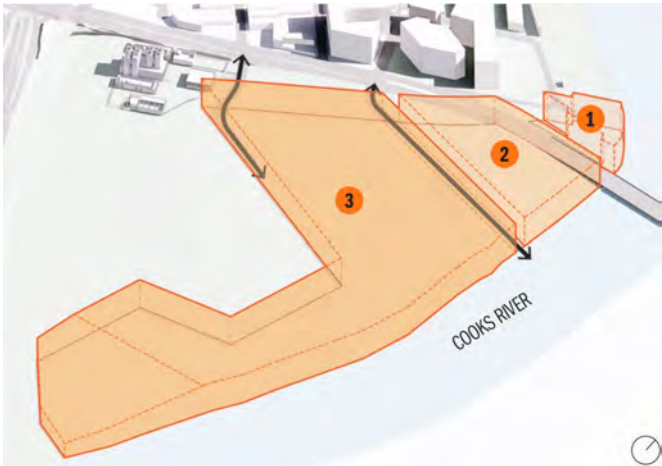
The Cooks Cove ‘development zone’, which is intended to be zoned as SP4 Enterprise, accommodates all built form massing. The development zone is situated wholly within the CCI owned (formerly KGC) freehold lands which are described as Lot 100 DP1231954 (17.9ha) and Lot 31 DP1231486 (0.59ha).

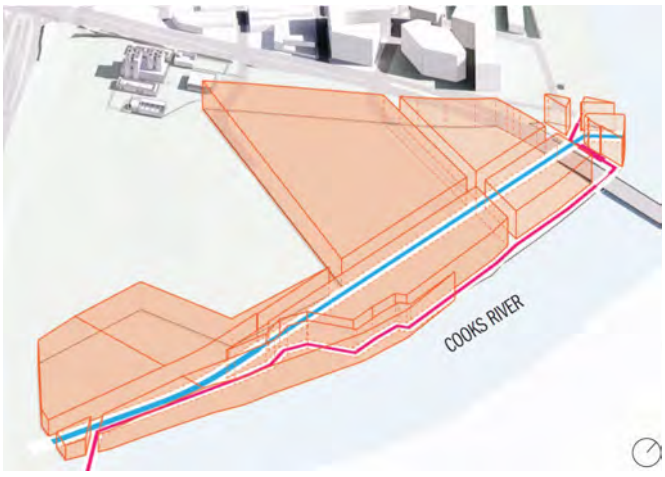

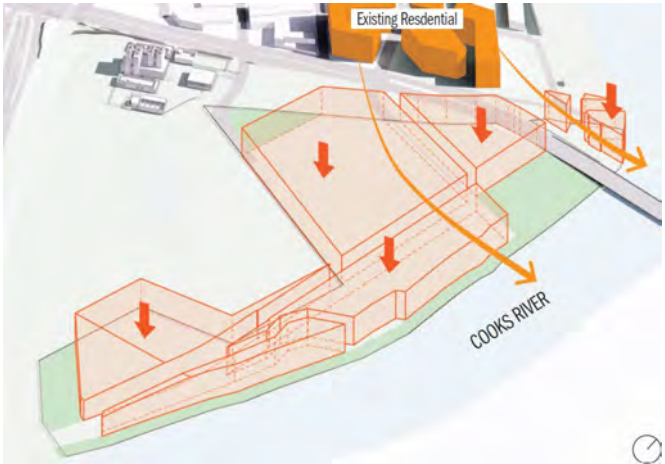
#### 3.3.1 Built Form Strategy

A built form strategy has been prepared that has informed the indicative reference scheme. The overall mass and form of Blocks 1, 2 and 3 have been developed in response to a number of factors including the existing massing context of the site and surrounds, constraints of existing underground infrastructure, aviation height implications and to optimise the visual amenity from the foreshore and adjacent open space areas.

Specifically, the following items have been considered in relation to the indicative built form. The indicative built form strategy of the Planning Proposal is illustrated in **Table 4** below.

**Table 4** Overall Built Form Strategy

Element	Description	Illustration
Obstacle Limitation Surfaces (OLS)	The Sydney Airport Obstacle Limitation Surfaces (OLS) has defined the maximum building height of the proposed development. The OLS increases from RL 26.52 in the south to RL 51.0 in the north in relation to the airport flight path for the east-west runway.	
Streets and Access	The Proposal includes the two new road access from Marsh Street, including the extension of Gertrude Street in the north and Flora Street in the south. The proposed block structure has been developed in response to the street structure, including Gertrude Street East, defining the extent of Block 2 and Block 3.	

Element	Description	Illustration
<b>Services Constraints</b>	<p>The existing underground services within the site include the Sydney Desalination pipeline (blue) and the APA Moomba-Sydney ethane pipeline (red). The proposed development is setback from the underground pipeline easements which has determined the extent of building envelopes, primarily within Block 1 and Block 3.</p>	
<b>Foreshore Setback and Plaza</b>	<p>In response to the site's immediate surrounding context, which includes the Cooks River, the Proposal includes the following setback elements:</p> <ul style="list-style-type: none"> <li>Block 3 is setback 20m+ from the Cooks River, to provide for a pedestrian and cycle connection along the length of the site;</li> <li>Buildings within Block 3 are setback a further 7.5m from the block perimeter to provide a buffer between the open space and built form, providing a minimum 27.5m separation from the waterfront;</li> <li>The southern mass in Block 3 is setback to allow for public connection to foreshore and an unimpeded overland flow path;</li> <li>An additional setback is proposed within Block 2 to provide a large plaza 'Fig Tree Grove', that will enable a public space to look out over the waterfront; and</li> <li>Block 3 buildings are setback along Marsh Street to improve visual and physical connections to the new Pemulwuy Park.</li> </ul>	
<b>A Considered Contextual Response</b>	<p>In response to the existing residential buildings to the north of the site, the proposed building heights have been developed in relation to the surrounding urban context rather than occupying the complete envelope available. Overall heights have been established to be consistent with the Novotel and Southbank buildings to the north-west and the TI International Terminal precinct to the north-east.</p>	



Element	Description	Illustration
<b>Built Form Articulation</b>	The overall building envelope has also been designed in response to the visual aspect from adjacent streets and open space areas. Larger building masses have been reduced where possible by separating into smaller building volumes.	

### 3.3.2 Buildings Heights

The Planning Proposal building heights have been carefully considered in relation to the surrounding urban context rather than looking to occupy the complete envelope available. All building heights are proposed to be lower than the adjacent Southbank high rise residential development ('Building C') to the north of Marsh Street. This also reduces the amount of overshadowing of the adjacent parkland and open space areas.

The proposed building heights are set beneath the OLS, which is an airspace limitation for the adjacent Sydney Airport. The OLS increases from RL 26.52 in the south to RL 51.0 in the north in relation to the airport flight path. The proposed buildings heights are illustrated in **Figure 13** below.



**Figure 13** Building Heights

Source: Hassell



### 3.3.3 Block 1 – Cooks River Precinct

Block 1 is located north of Marsh Street and is defined by Lot 31 DP1231486, extending from Marsh Street across Levey Street to the Cooks River. The waterfront aspect of Block 1 affords high quality views north towards the Cooks River and beyond to the Sydney CBD.

The master plan has reconsidered massing within this block from the previous scheme accompanying the Gateway determination. The revised scheme increases development potential to achieve a viable fine grain and low-rise office and retail precinct. The site is constrained by the existing underground desalination and ethane pipelines that allow for two separate building parcels in irregular forms, as depicted in **Figure 14** below. Both parcels require buildings to be located so as to preserve maintenance of easements.



**Existing Site**

- Site is located along the Cooks River foreshore.
- Extension of Levey Street runs along the north eastern edge.



**Site Constraints**

- Existing Desalination pipeline and ethane gas pipeline divides the site into smaller parcels.



**Waterfront Pavilions**

- Rationalise massing geometry to create pavilions to provide activation to the foreshore.

**Figure 14 Block 1 – Built Form Strategy**

Source: Hassell

The irregular form of the developable parcels in Block 1 presents an opportunity to develop two unique waterfront pavilion buildings that respond to available massing envelopes and provide an interlinking at-grade plaza space. The highly visible positioning of the site presents an opportunity for two high quality buildings that overlook the Cooks River, with ground level retail and landscaping that connect with the adjacent foreshore reserve.

The three and four storey twin pavilion buildings are of a human scale that are massed to sit comfortably on the waterfront. The buildings are setback from Levey Street to allow for street trees, footpath and landscape adjacent to the foreshore reserve. The master plan foresees:

- Fine grain ground level retail with opportunity for small scale tenancies that relate to the adjacent open space and foreshore.
- This may include cafes, small food outlets, bicycle repair stores and health uses.
- Small scale commercial above retail levels with water views.



**Figure 15 Block 1 Massing**

Source: Hassell

### 3.3.4 Block 2 – Fig Tree Precinct

The Master Plan intent for Block 2 is set around maximising the amenity and public domain adjacent to the Cooks River waterfront. The block is constrained by an existing underground desalination pipeline and ethane pipeline running north-south through the site. The buildings are setback from these services to preserve easement access. Several existing large fig trees are retained due to the proposed building setbacks, preserving the existing amenity and landscape qualities of the site.

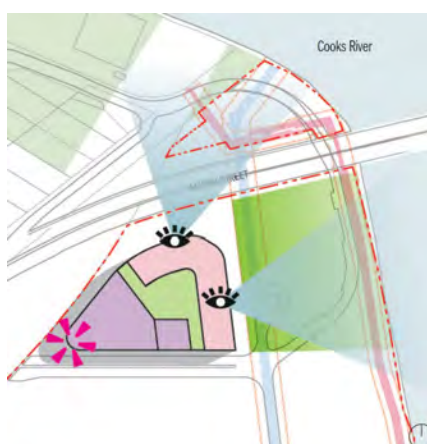
A new response to these constraints has resulted in a revised reference scheme outcome which realises a high quality public space activated by a pavilion in a new park adjacent to the waterfront. This is achieved through the consolidation of built form massing west of the new open space, which is centred on a shared retail podium at the lower levels with integrated hotel porte cochere and separate commercial and hotel towers above.

The hotel and/or short-term accommodation is positioned adjacent to the open space, allowing for a high quality amenity and views north and east towards the Cooks River. The commercial tower is positioned towards Marsh Street to provide more direct access from the main roads and addressing the future Marsh Street Plaza (within adjacent Council lands). Refer to **Figure 16** below for explanatory diagrams.



#### Maximise Public Domain

- Consolidate commercial, hotel and retail to the western end of the site.
- Maximising the public domain by relocating commercial building.



#### Maximise Amenity

- Locate hotel to the north and east edge to maximise view and access to light.
- Locate commercial building to the western end of the site to allow ease of access off main roads.



#### Pavilion in the Park

- Locate hotel to the north and east edge to maximise view and access to light.
- Locate commercial building to the western end to provide a presence and address on Marsh Street.

**Figure 16 Block 2 – Built Form Strategy**

Source: Hassell

The hotel and commercial components are combined with opportunities for podium and rooftop landscape qualities that respond directly to the adjacent public open space and waterfront reserve, known as 'Fig Tree Grove'. Rooftop terraces and gardens above the retail podium and hotel provide for additional open spaces, courtyards and elevated views towards the Sydney CBD.

Retail spaces accessed from ground level from the future Gertrude Street East extension will be supplemented by Level 1 retail which will be internally accessed from the future plaza space. Screened and basement level car parking will be facilitated from the future Gertrude Street East extension.

The hotel, commercial and retail building masses are positioned below the OLS height of RL51.0 and relate to the height of the adjacent development to the north of Marsh Street and within the Sydney International Airport terminal precinct. 'Fig Tree Grove' includes a pavilion building that will provide for food and beverage opportunities (of up to two storeys), positioned in a lush green waterfront and parkland setting with views towards the Cooks River. The hotel is accessed via a porte cochere from the adjacent access road (Gertrude Street East), with the commercial lobby located off Marsh Street setback via a public open space (addressed in future detail within **Section 3.4**).



Indicative diagrammatic section (Not to scale)

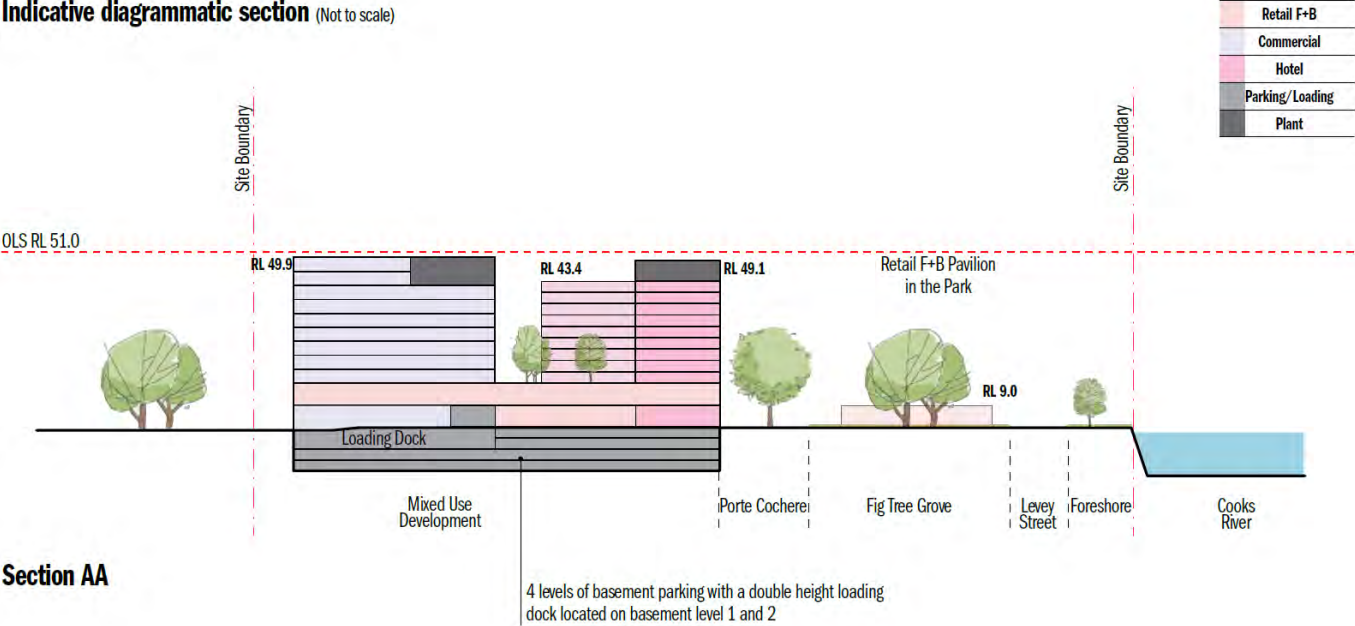


Figure 17 Block 2 Cross Section

Source: Hassell

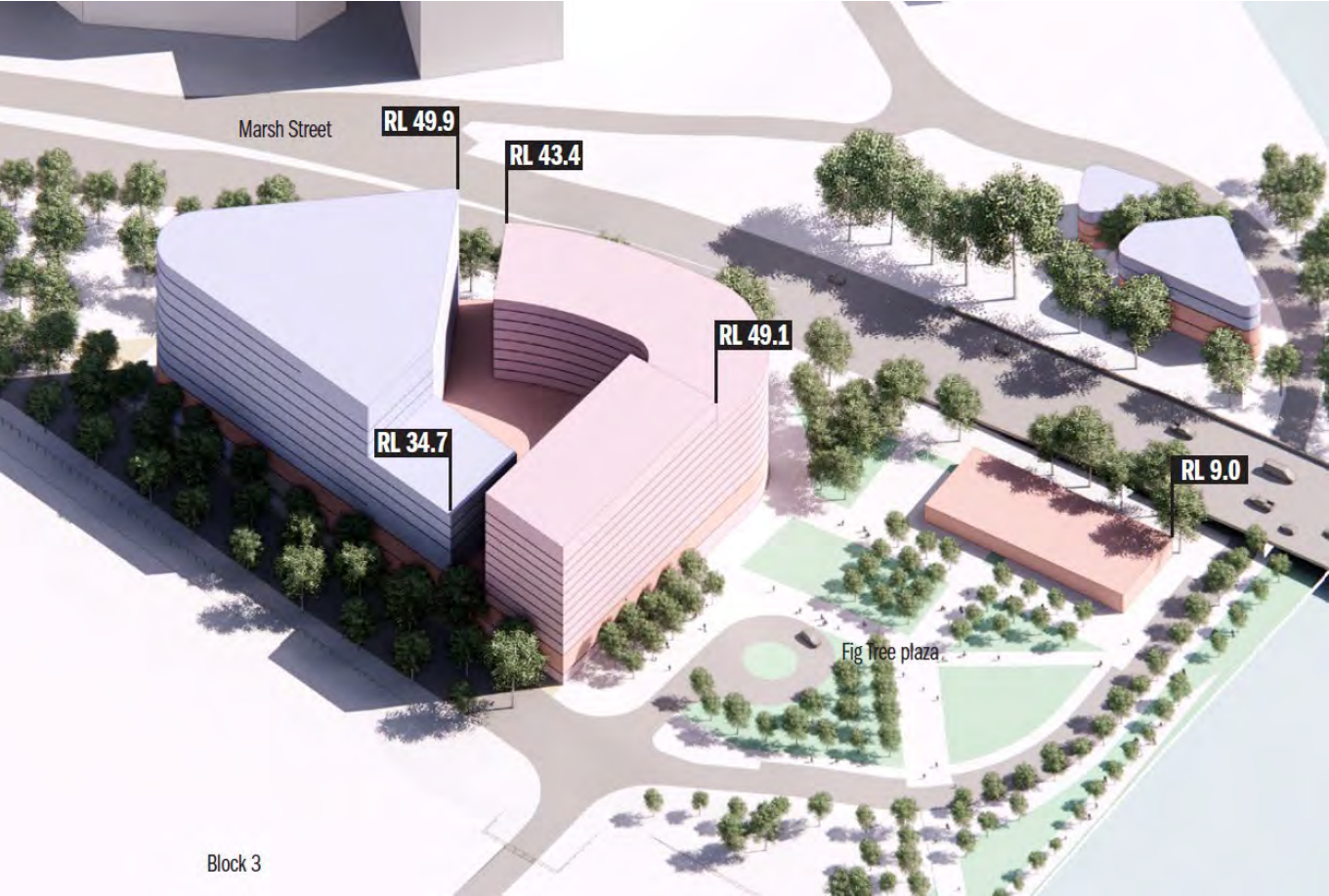


Figure 18 Block 2 Massing

Source: Hassell



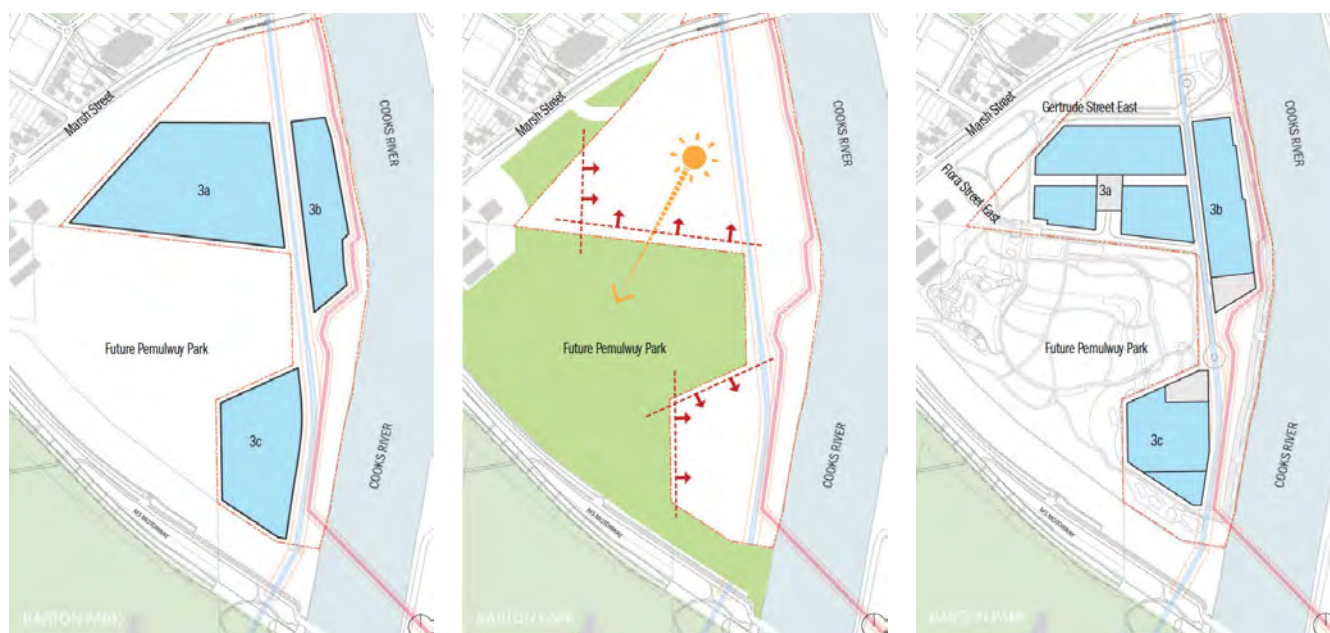
### 3.3.5 Block 3 – Logistics Hub

Block 3 will deliver a multi-level logistics hub that will provide trade and logistics employment opportunities that will actively contribute to the state and national economy. The logistics hub building massing is conceptual in nature and has the potential to be staged and operated by a single or multiple operators with future opportunities for operations associated with the adjacent Sydney Airport.

The revised massing options for the site intend to create three clear development parcels (3a, 3b and 3c), providing a clear hierarchy of built form and enabling the greatest flexibility in operation. All building forms have been setback a minimum 7.5m from the block boundary with a variety of interface treatments including service access zones, planting, footpaths and hardstand.

As with the northern Blocks 1 and 2, development is constrained by an existing underground desalination pipeline and ethane pipeline that runs north-south through the site. The buildings are setback from these services to preserve easement access. Services will be encapsulated with protective slabbing to APA and Sydney Water specifications.

Access to the logistics hub will be enabled through intersection upgrades along Marsh Street which will facilitate the delivery of the Flora Street and Gertrude Street Eastern extensions. Refer to Block 3 massing opportunities within the diagram at **Figure 19** below.



#### Development Parcels

- The existing desalination line and ethane pipeline divides the site into three development parcels.

#### Maximise Solar Amenity to Park

- Consider built form to maximise solar amenity to future parkland and minimise overshadowing.
- Provide setback to key park interface.

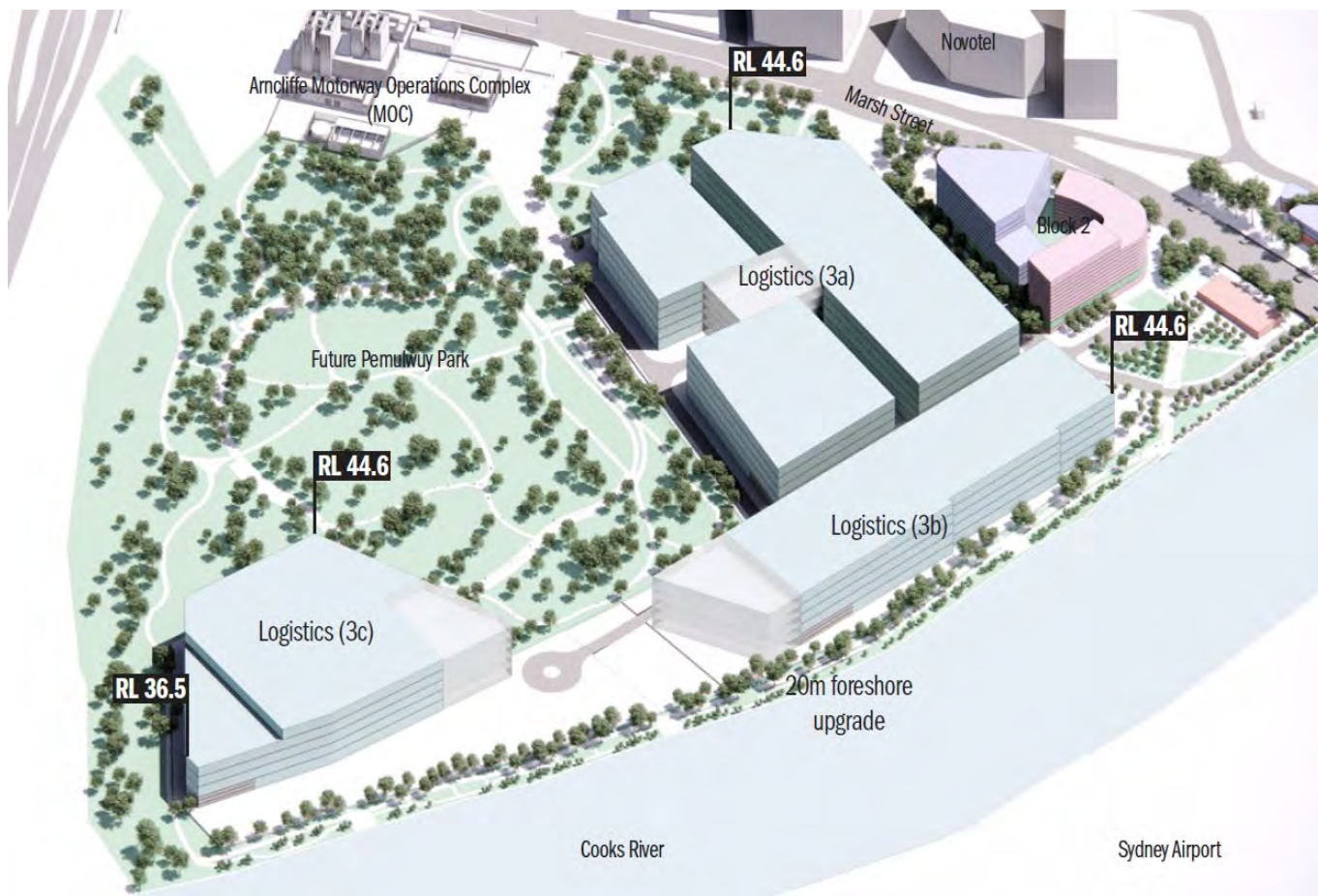
#### Breaking Down Scale

- Reduce the bulk and scale of the built form to provide relief around the site.

**Figure 19** Block 3 – Built Form Strategy

Source: Hassell

The form and massing of the logistics hub has been developed to be adaptable and flexible to future technologies. The proposed building heights are suitable for a traditional logistics use whilst also future proofing for automated processes and industries. Built form has been conceptually designed for technologies of today with adequate floor to floor heights, vehicle ramping and car parking facilities that support a logistics hub.



**Figure 20** Block 3 Massing

Source: Hassell

Development within Block 3 is expected to deliver a multi-level logistics hub generally up to five storeys in scale. The overall built form and height has been developed based on the contextual relationship to adjacent existing developments, such as the Novotel, to the north of Marsh Street. The arrangement of built form seeks to respond to the future adjacent parkland of Pemulwuy Park with visual connections from the parkland out to Sydney Airport.

#### Facades

The logistics hub will have a range of façade treatments that respond to their aspect, key sight lines and interfaces with surrounding open space and adjacent developments. An initial strategy of primary, secondary and internal facade typologies has been developed (as illustrated in **Figure 21** below) and will be further evolved as part of future project stages.



**Figure 21** Block 3 Indicative Facade Typologies

Source: Hassell



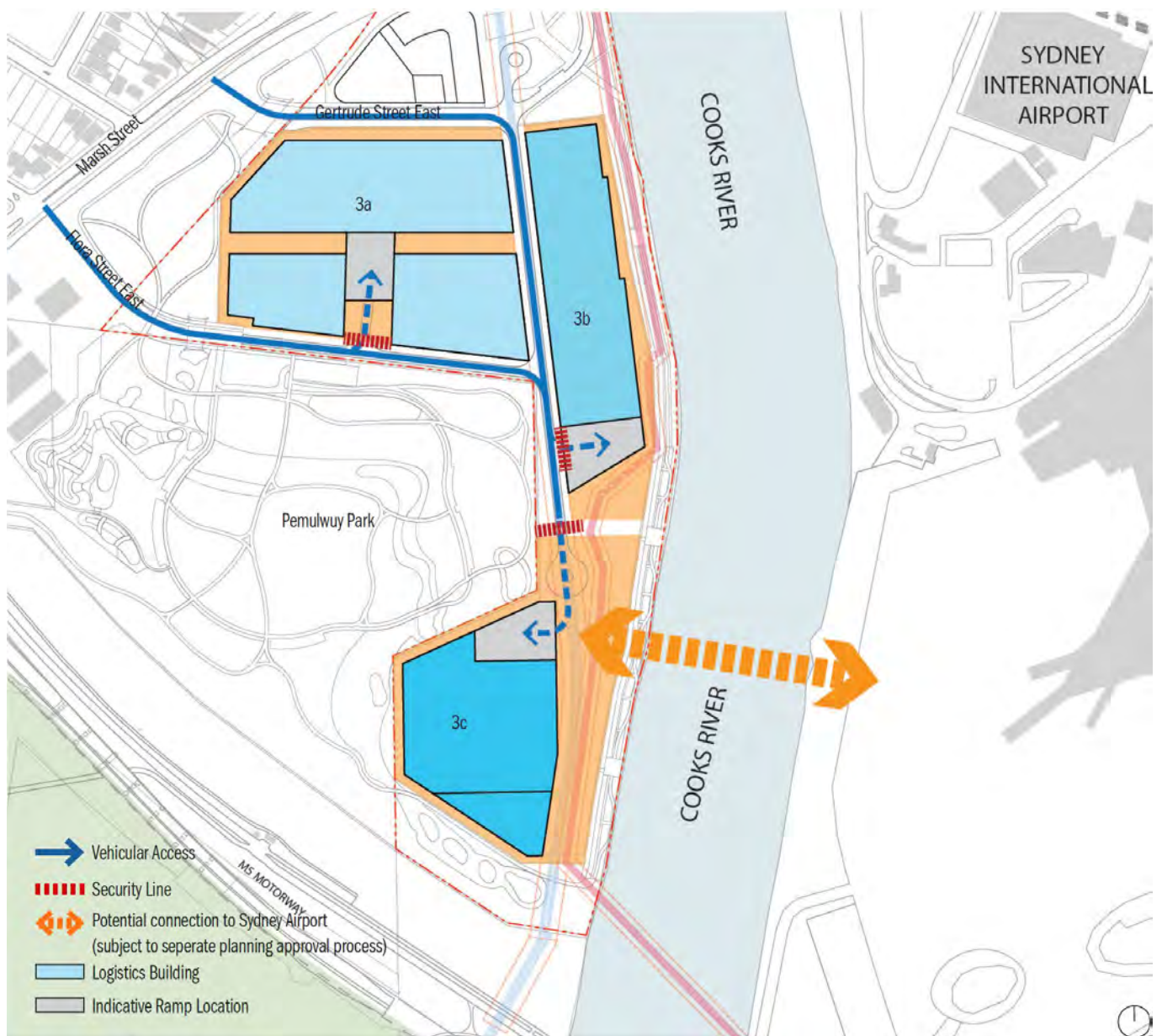
## Rooftops

The rooftops of the logistics hub will provide opportunity for a number of sustainable initiatives that seeks to capture sunlight, provide potential amenity for the workforce, capture and recycle water and provide large zones of ecology and habitat through green roof systems. Rooftop strategies will be developed as part of future project stages and all proposed rooftop structures and embellishments will be designed with consideration of maximum building height requirements and airport safety requirements.

## Subdivision and Operation

The conceptual Block 3 subdivision and access strategy is illustrated in **Figure 22** below, and is described as follows:

- Ability to subdivide for multiple operators with Blocks 3a, 3b and 3c each serviced by a vehicle ramp and with separate ability for mezzanine style support offices and car parking.
- Single security line /gate house at main entrances to Block 3 with ability to introduce secondary security line at Block 3a, 3b and 3c boundaries.
- Potential opportunity to connect to Sydney Airport airside operations via a new bridge connection over the Cooks River (concept idea only, not the subject of this proposal).



**Figure 22** Conceptual Block 3 Subdivision and Access Strategy

Source: Hassell



## 3.4 Open Space

The Urban Design and Landscape Report by Hassell (**Appendix B**) has been prepared to response to the Gateway Determination conditions. The design for the Cooks Cove open space provision has been prepared with the active involvement of Bayside Council, in relation to resolving a holistic vision and draft spatial master plan for Pemulwuy Park, located within the Planning Proposal boundary and otherwise known as the 'Trust lands'. The landscape master plan also addresses a concept for other areas designated as open space within the development zone, such as 'Fig Tree Grove', the Cooks River foreshore and other planned passive open space areas.

### 3.4.1 Key Principles

Cooks Cove is planned and intended to be forward-thinking in terms of sustainable urban design practices. The composition, design and use of open space within the site is critical to achieving this outcome.

Located on the western bank of the Cooks River, the project will open up a large publicly accessible open space area of high amenity through its generous proportions, quality landscaped space and convenient location. The site's location is also critical in terms of an optimised response to overland flow and climate change challenges, for the protection of the locality. Hassell have outlined the key open space principles that define the approach and strategies towards open space for the project, they are as follows:

#### Recharge the Existing

- Embrace the existing landscape structure of the Kogarah Golf Club through retention of trees, water bodies and landscape structure
- Complement existing vegetation through careful placement of new trees and under-storey
- Recharge through larger zones of under-storey planting and direct overland flow to key zones
- Establish Pemulwuy Park and the Foreshore as a benchmark in habitat creation and biodiversity
- Connected networks of soil that allow ground water percolation, increased organics and oxygen to support biodiversity
- Resilient species selection with reduced maintenance and irrigation

#### Beautiful Moments of Community Respite

- Create a passive open space destination for the local community
- Provide moments to dwell, discover and be immersed within the landscape
- Deliver a highly rich green escape
- Provide a range of opportunities for all ages, from areas to walk the dog, to playgrounds and places to picnic
- A place for all

#### Seamlessly Connected

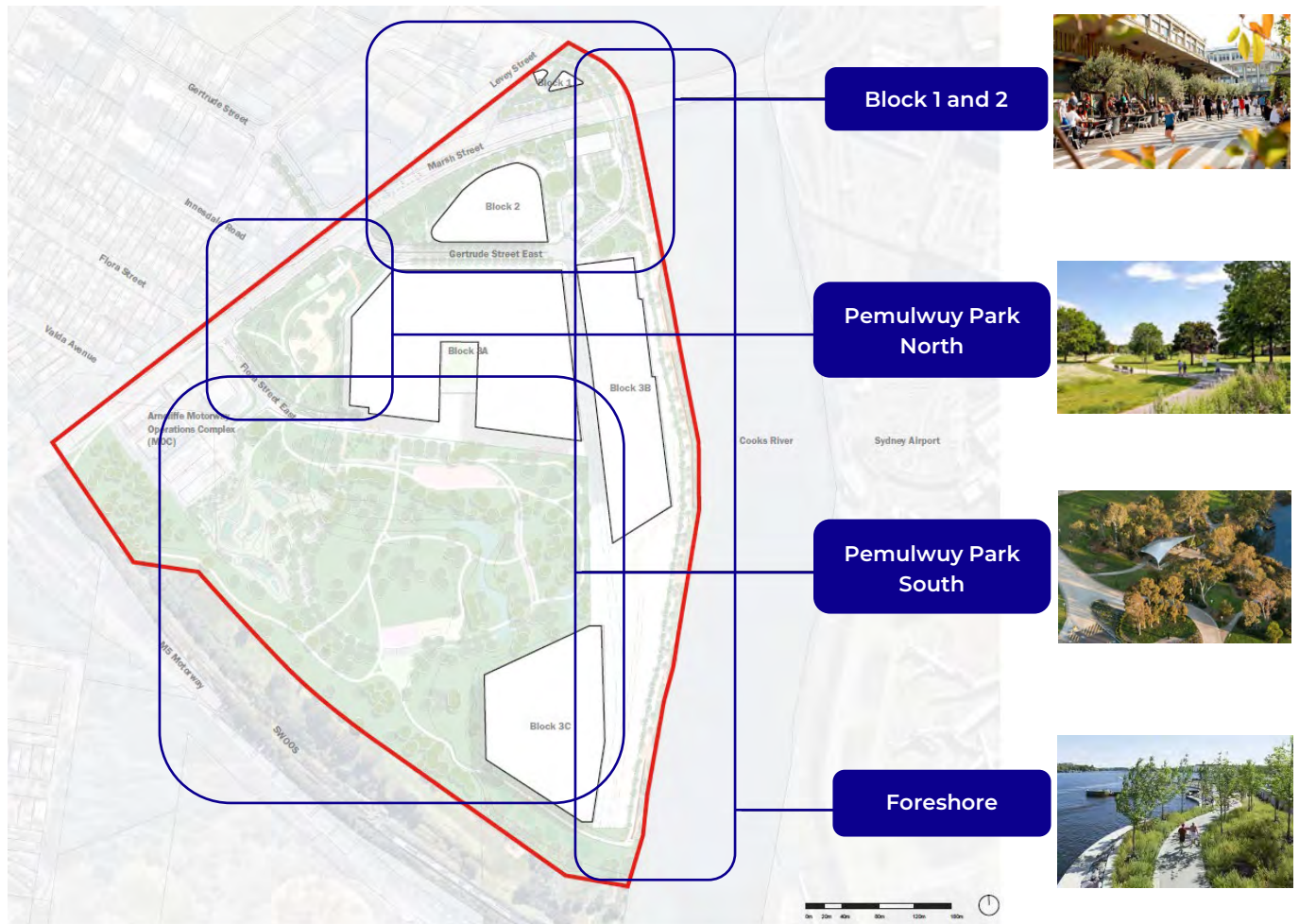
- Deliver a clear hierarchy of circulation networks that define cycle, pedestrian, private and operational vehicles
- Enable wide pedestrian and cycle connectivity to the local community
- Create two new intersections at Gertrude Street and Flora Street that enable vehicle access into the site and provide new pedestrian links to Wolli Creek residential area
- Extend the foreshore walk from Cahill Park in the north to Barton Park in the south via a 20m wide pedestrian and cycle link along the Cooks River, safeguarding for future connections up and over the SWSOOS and M5
- Ensure safe and legible pedestrian and cycle connections at major intersections
- Provide a clear single way vehicular network that services the main park

### 3.4.2 Overview

The key principles outlined above have resulted in approximately 17.7 hectares of high quality open space to be delivered. The Cooks Cove open space features four key areas:

- Cooks River Foreshore;
- Block 1 and 2 - Fig Tree Grove & Plaza;
- Pemulwuy Park North (to be delivered by Council); and
- Pemulwuy Park South (to be delivered by Council).

The four key open space areas are illustrated in **Figure 23** below and described in the below sections. In addition, photomontages of the Pemulwuy Park and Foreshore are provided in **Figure 24** and **Figure 25** respectively.



**Figure 23** Key Open Space Zones

Source: Hassell, Ethos Urban





**Figure 24** *Pemulwuy Park Photomontage through to Cooks River*

Source: Hassell



**Figure 25** *Cooks River Foreshore Photomontage*

Source: Hassell



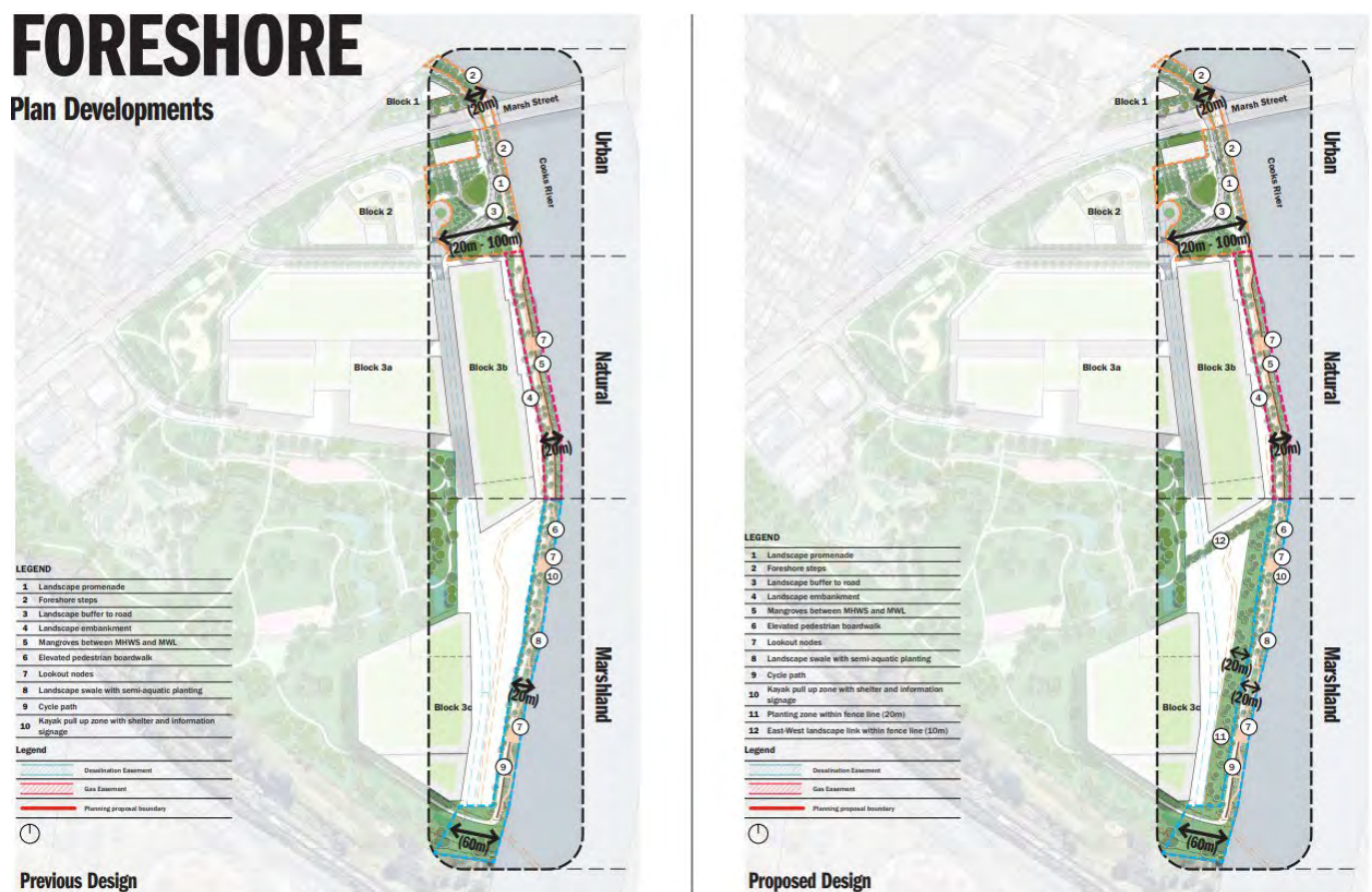
### 3.4.3 Cooks River Foreshore

The Cooks River foreshore is a minimum 20m wide landscaped corridor approx. 1km in length. The foreshore will provide public waterfront access via pedestrian walkways and a separated two-way cycle path. There will be areas of ecological restoration and salt marsh planting with boardwalks and lookouts.

As part of the Response to Submissions (refer to **Appendix S**), the foreshore design has been updated to expand the foreshore setback to 40m in width within the southern Marshland portion of the Cooks River frontage. The foreshore open space is outlined in **Figure 26**.

The Cooks Cove foreshore will be an exciting new waterfront destination for the surrounding community, visitors and workers within the adjacent development. Accessible to the public the foreshore will connect with the existing Cahill Park to the north and the new Pemulwuy Park to the south. There will also be safeguarding for future pedestrian and cycle connections to the south over the existing SWSOOS and M5 (to be delivered by others), which will create a regional link connecting with a potential future Muddy Creek crossing (to be delivered by Council) and to existing pathways to Kyeemagh and Sans Souci. The proposed foreshore aims to achieve the following outcomes:

- Maximise public and visual access and open view corridors;
- Provide a dedicated two-way cycle path, and safeguarding for a future cycle link to the south over the SWSOOS and M5 (to be delivered by others);
- Provide a diverse and natural pedestrian waterfront experience through promenades, walkways and boardwalks;
- Provide ecological restoration and habitat creation with mangroves and salt marsh planting;
- Preserve corridor views to the adjacent Pemulwuy Park, and open views to the Cooks River; and
- Maximise public safety with pedestrian lighting and visual surveillance from the adjacent development.



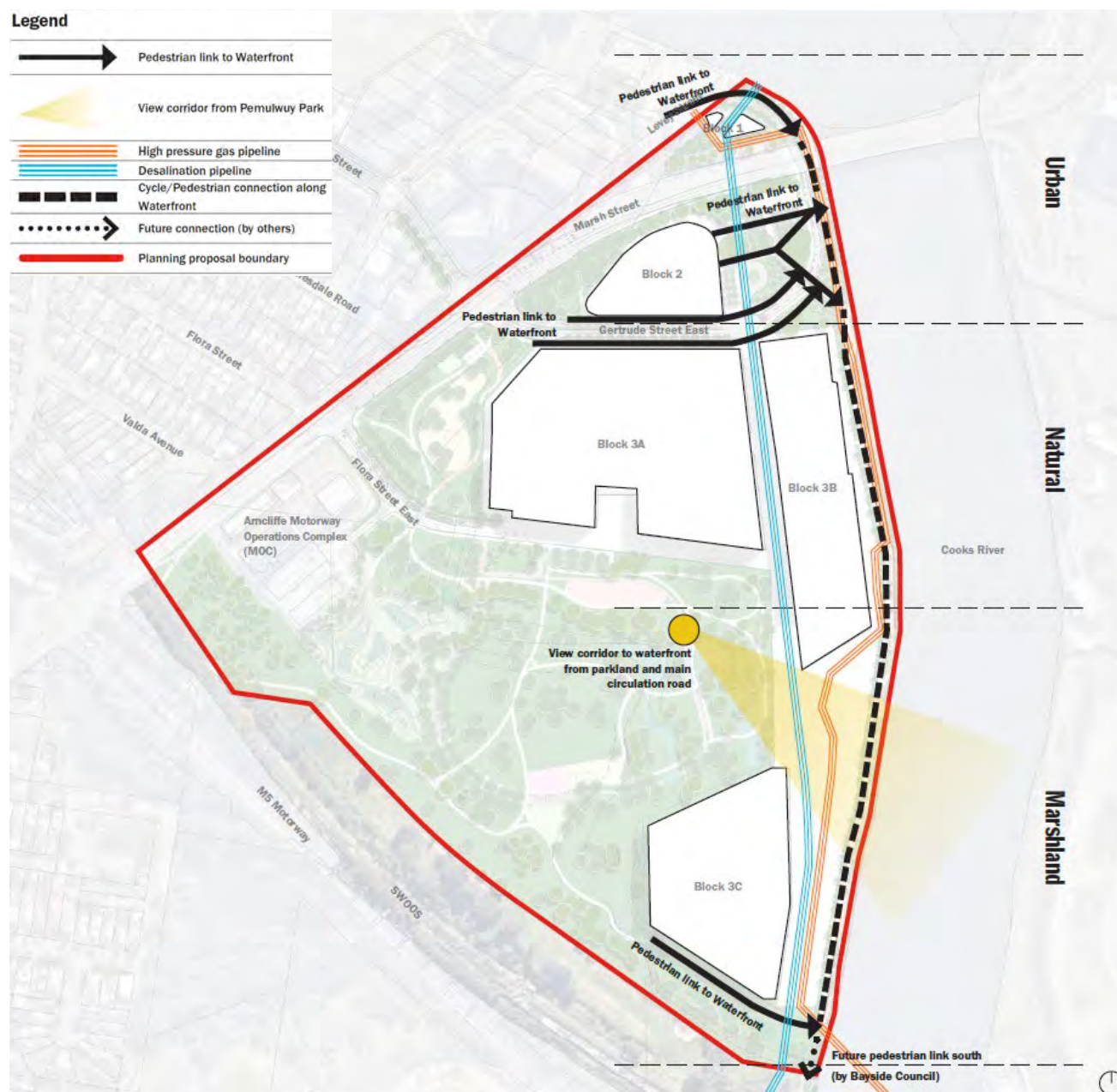
**Figure 26** Foreshore Open Space – as exhibited (left) and as amended post exhibition (right)

Source: Hassell

The foreshore provides a range of characters designed in response to the adjacent uses, functions and site constraints, they include:

- **Urban** – An urban edge is proposed adjacent to the Fig Tree Grove, including a shaded pedestrian promenade and terraced waterfront that allows access to the water's edge.
- **Natural** – A natural and vegetated edge is proposed adjacent to the Block 3 development, including a walkway and cycleway behind a rock seawall.
- **Marshland** – The southern end of the foreshore includes an ecological tidal zone with mangroves and saltmarsh that provides habitat for birds and marine life, while a meandering boardwalk allows pedestrians to experience the marshland environment.

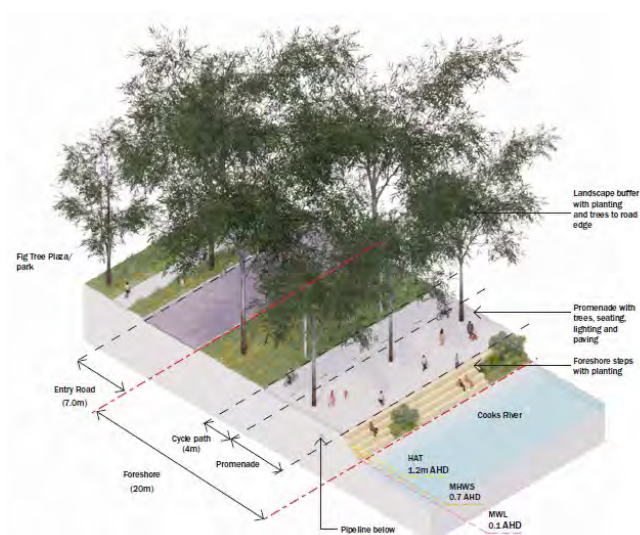
The foreshore character areas are illustrated in **Figure 27** below.



**Figure 27** Foreshore Open Space Character Areas

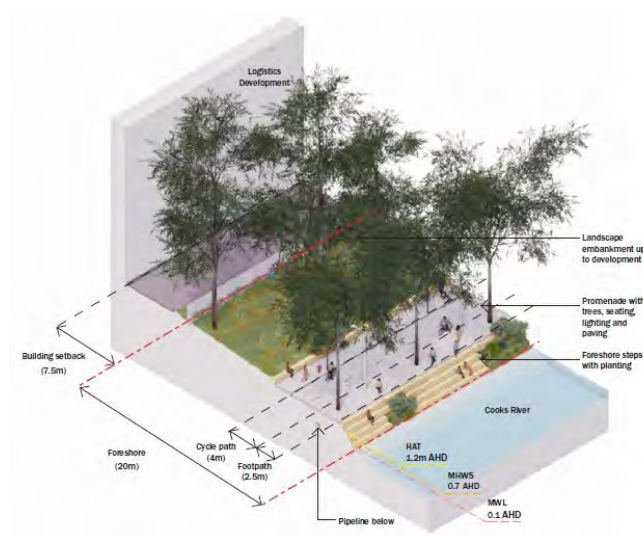
Source: Hassell





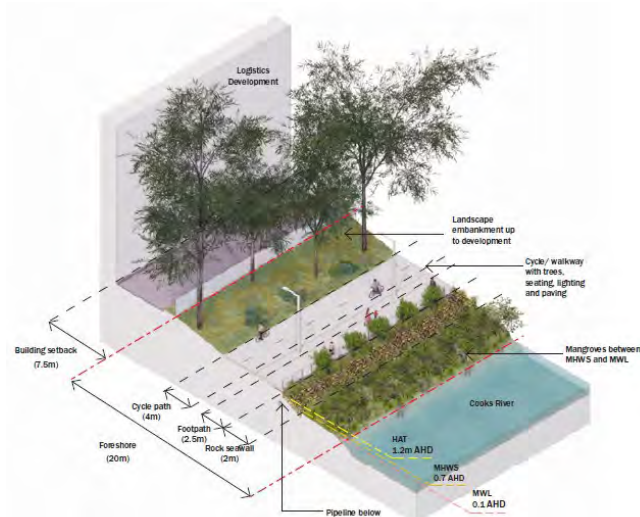
**Figure 28 Urban Section 1 – Plaza and terraced water edged**

Source: Hassell



**Figure 29 Urban Section 2 – Plaza and terraced water edge**

Source: Hassell



**Figure 30 Natural Edge Section – Walkway and cycle path behind a rock seawall**

Source: Hassell



**Figure 31 Marshland Section – 20m foreshore + 20m planting zone**

Source: Hassell

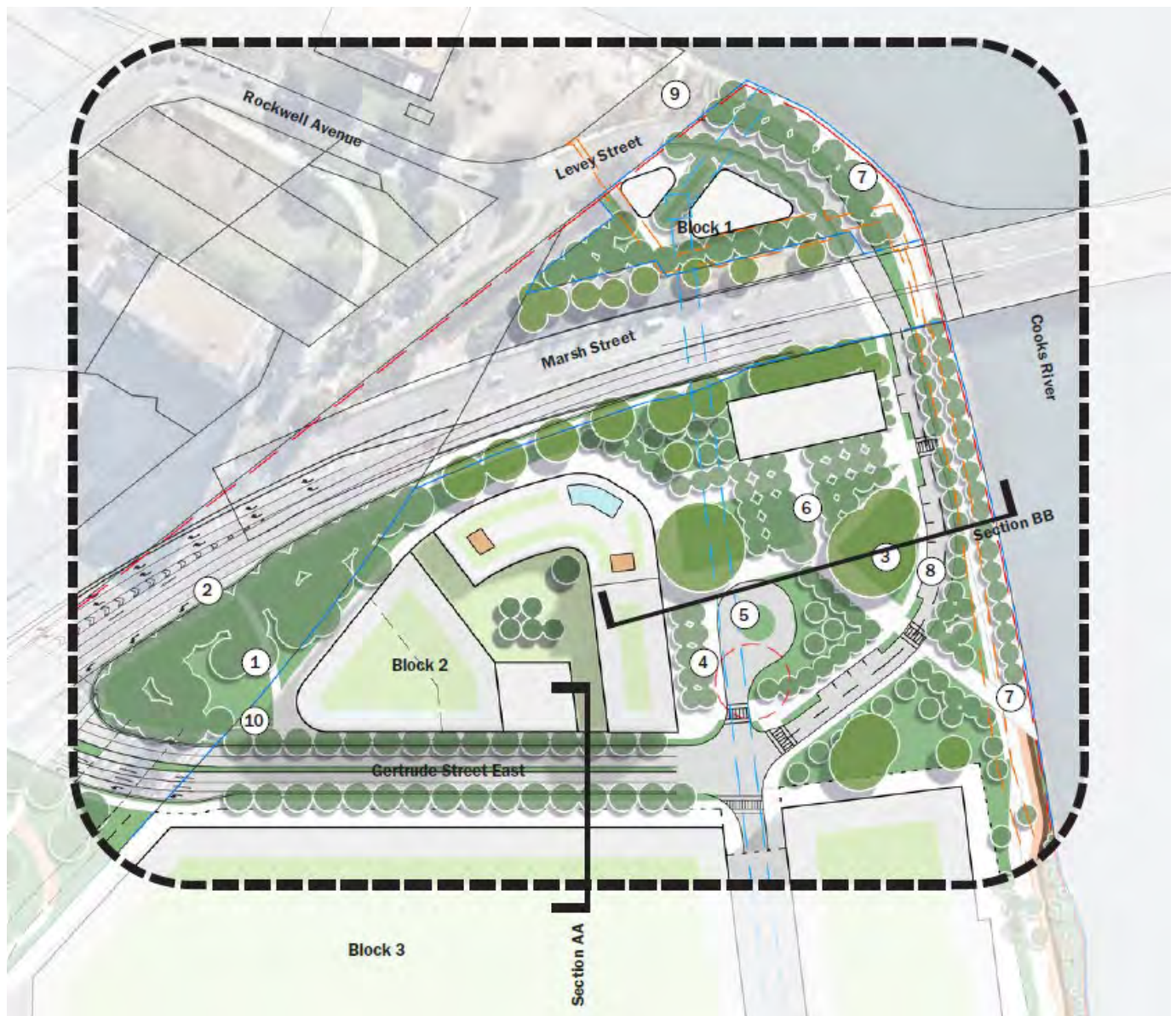
### 3.4.4 Blocks 1 and 2

The northern area of the Cooks Cove Planning Proposal comprises Block 1 and Block 2. Block 1 is located north of Marsh Street and includes two pavilion buildings that provide commercial and food and beverage opportunities facing the Cooks River. Access will be via Levey Street.

Block 2 is an active podium development set within a landscaped setting, and includes a commercial and hotel tower above a retail podium. The commercial tower faces Marsh Street and is setback from the road via a public square. The hotel is facing a new large public plaza 'Fig Tree Grove' that includes a pavilion building that will offer food and beverage opportunities. The plaza is characterised by three large existing fig trees that will be preserved on the site.

The Block 1 and 2 open space is illustrated in **Figure 32** below, Section AA and BB are provided in **Figure 33** and **Figure 34** respectively.





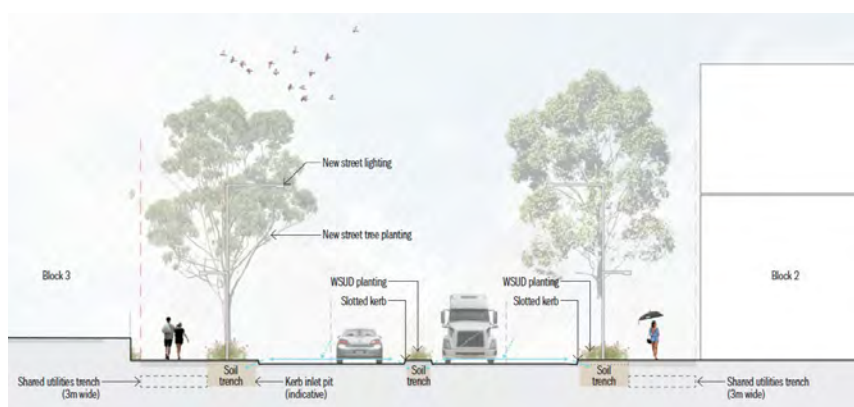
**Figure 32** Block 1 and 2 Open Space

Source: Hassell

#### LEGEND

- |    |                                       |
|----|---------------------------------------|
| 1  | Public open space                     |
| 2  | Existing footpath and cyclepath       |
| 3  | Existing trees retained               |
| 4  | Porte cochere to hotel and commercial |
| 5  | Vehicle turn-around                   |
| 6  | Fig Tree Grove                        |
| 7  | Proposed pedestrian and cyclepath     |
| 8  | On-street parking / loading zones     |
| 9  | Tie in with existing levels           |
| 10 | Marsh Street Plaza                    |

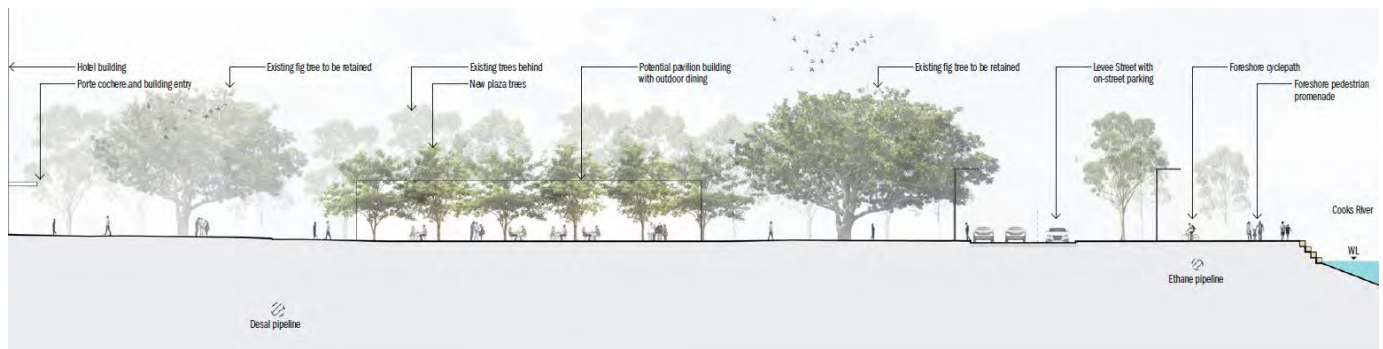
- |  |                            |
|--|----------------------------|
|  | Desalination Easement      |
|  | Gas Easement               |
|  | Planning proposal boundary |



**Figure 33** Block 1 and 2 Open Space – Section AA

Source: Hassell





**Figure 34** Block 1 and 2 Open Space – Section BB

Source: Hassell



**Figure 35** Block 2 Open Space Photomontage

Source: Hassell

### 3.4.5 Pemulwuy Park North

Pemulwuy Park North extends from Marsh Street to Flora Street East and the adjacent Block 3 development. It will provide a new public open space serving the surrounding residential community. The park will include open lawn areas for dog walking, pathways for recreation, and the potential for a youth activity space and community pavilion building. Flood swales have been integrated seamlessly into the design, as further assessed in **Section 5.1**.

The new open space will be highly visible from Marsh Street and will also provide a visual connection to the larger open space area of Pemulwuy Park South. Pedestrians will be able to access the park area via the Marsh Street intersections at Gertrude Street and Flora Street. The pathways will lead down to a pedestrian and cycle crossing over Flora Street East to access Pemulwuy Park South.

The pedestrian crossing will also provide access to a new carpark within Pemulwuy Park South, accessed via Flora Street East. A dedicated cycle path will also be provided through the park, to allow cycle movement from Pemulwuy Park South through to Marsh Street and Gertrude Street, which will connect through to Cahill Park and the Wolli Creek train station.

Pemulwuy Park North is illustrated in **Figure 36** below, Sections AA, BB and CC are provided in **Figures 36, 37** and **38** respectively.





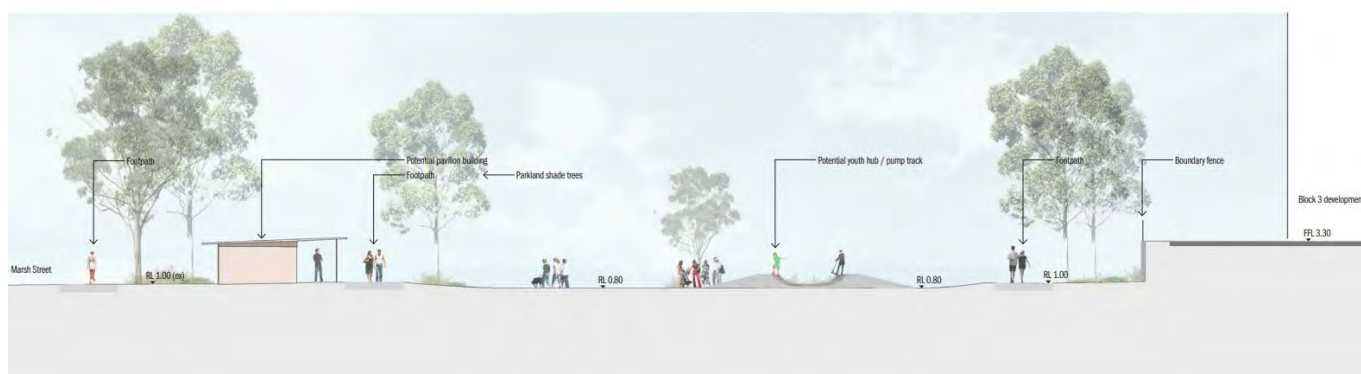
**Figure 36** Pemulwuy Park North

Source: Hassell

LEGEND	
1	Pedestrian crossing and main entry to open space
2	Vehicle entry to open space
3	Security gate to logistics
4	Pedestrian shared user path
5	Overland flow path
6	Drainage culvert beneath road
7	Vehicle access to TfNSW M6/M8 complex
8	Amenities pavilion
9	Potential community garden
10	Youth hub/ BMX pump track

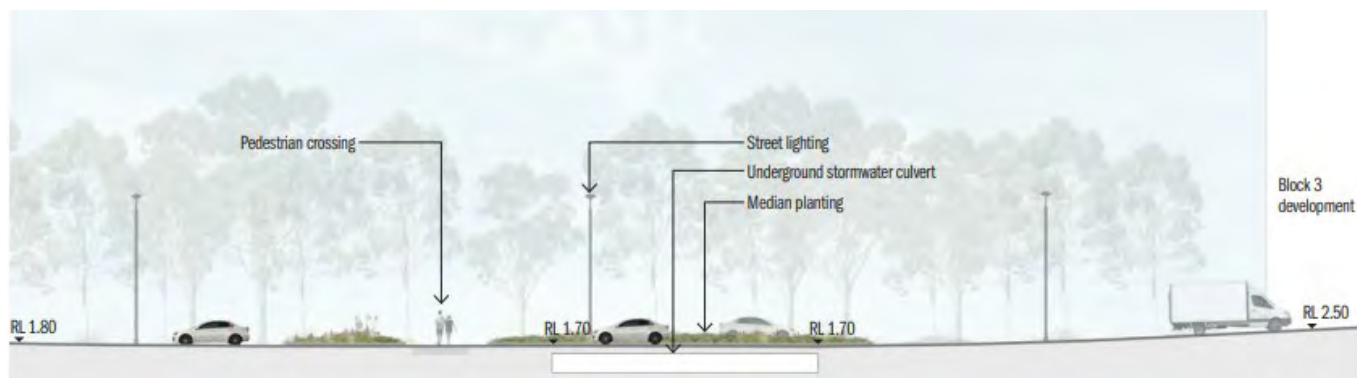
  

	Desalination Easement
	Gas Easement
	Planning proposal boundary



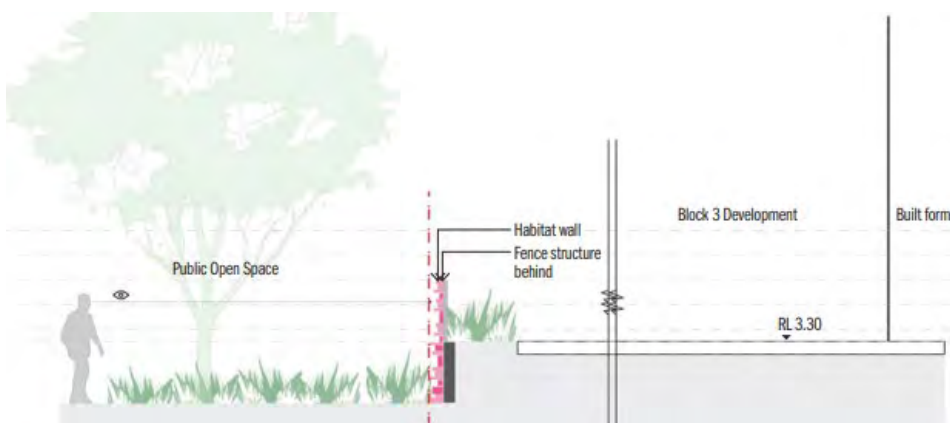
**Figure 37** Pemulwuy Park North Open Space – Section AA

Source: Hassell



**Figure 38** Pemulwuy Park North Open Space – Section BB

Source: Hassell



**Figure 39** Pemulwuy Park North Open Space – Section CC

Source: Hassell

### 3.4.6 Pemulwuy Park South

Pemulwuy Park South extends from Flora Street East down to the existing Sydney Water property on the southern boundary. It will be a new 12 ha public parkland that will become a key asset for the local communities of Arncliffe, Wollri Creek and the broader Bayside LGA. Potential features of the parkland include open lawns and pathways, an off-leash dog walking area, children's playground, pump track, youth activity zone, community pavilion and gardens.

The parkland includes a direct connection with the new Cooks River foreshore zone, accessed on the southern boundary. The design of Pemulwuy Park South, as with the northern section is designed to convey floodwaters in a rare 1% Annual Recurrence Interval (ARI) event through to the Cooks River using existing waterbodies integrated through a series of landscaped swales .

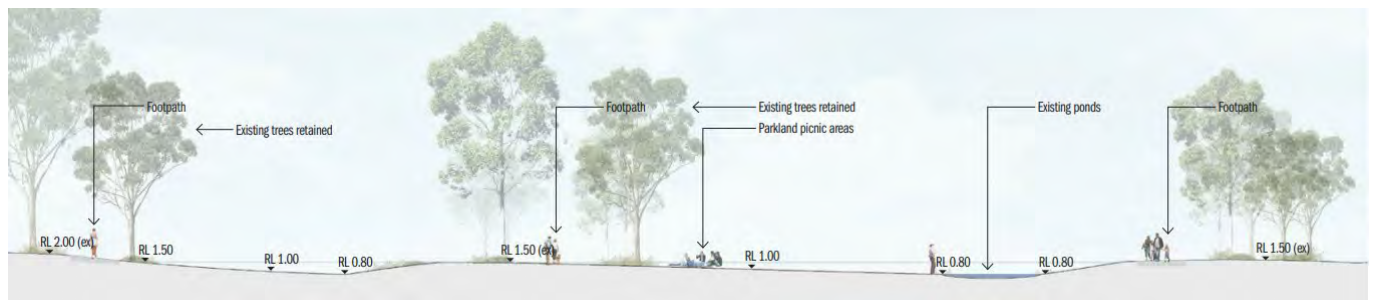
Pemulwuy Park South is illustrated in **Figure 40** below, additionally Section AA and BB are provided in **Figure 41** and **Figure 42** respectively.





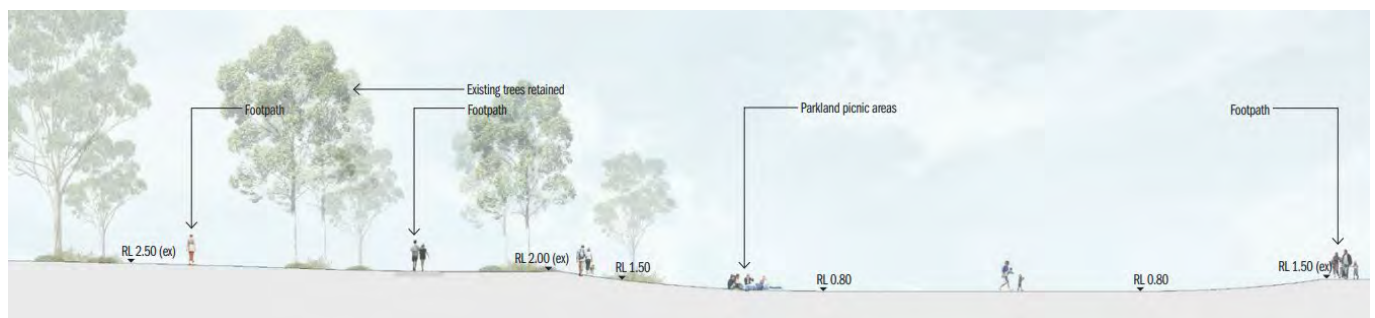
**Figure 40 Pemulwuy Park South**

Source: Hassell



**Figure 41 Pemulwuy Park South Open Space – Section AA**

Source: Hassell



**Figure 42 Pemulwuy Park South Open Space – Section BB**

Source: Hassell

## 3.5 Transport Connections

A number of new and enhanced connections are intended to be realised to support the development vision of Cooks Cove. These include new road connections within the Planning Proposal boundary, including the Gertrude and Flora Street East Extensions, together with intersection enhancements along Marsh Street outside of the Planning Proposal boundary, together with the Gertrude Street connector road and widening.

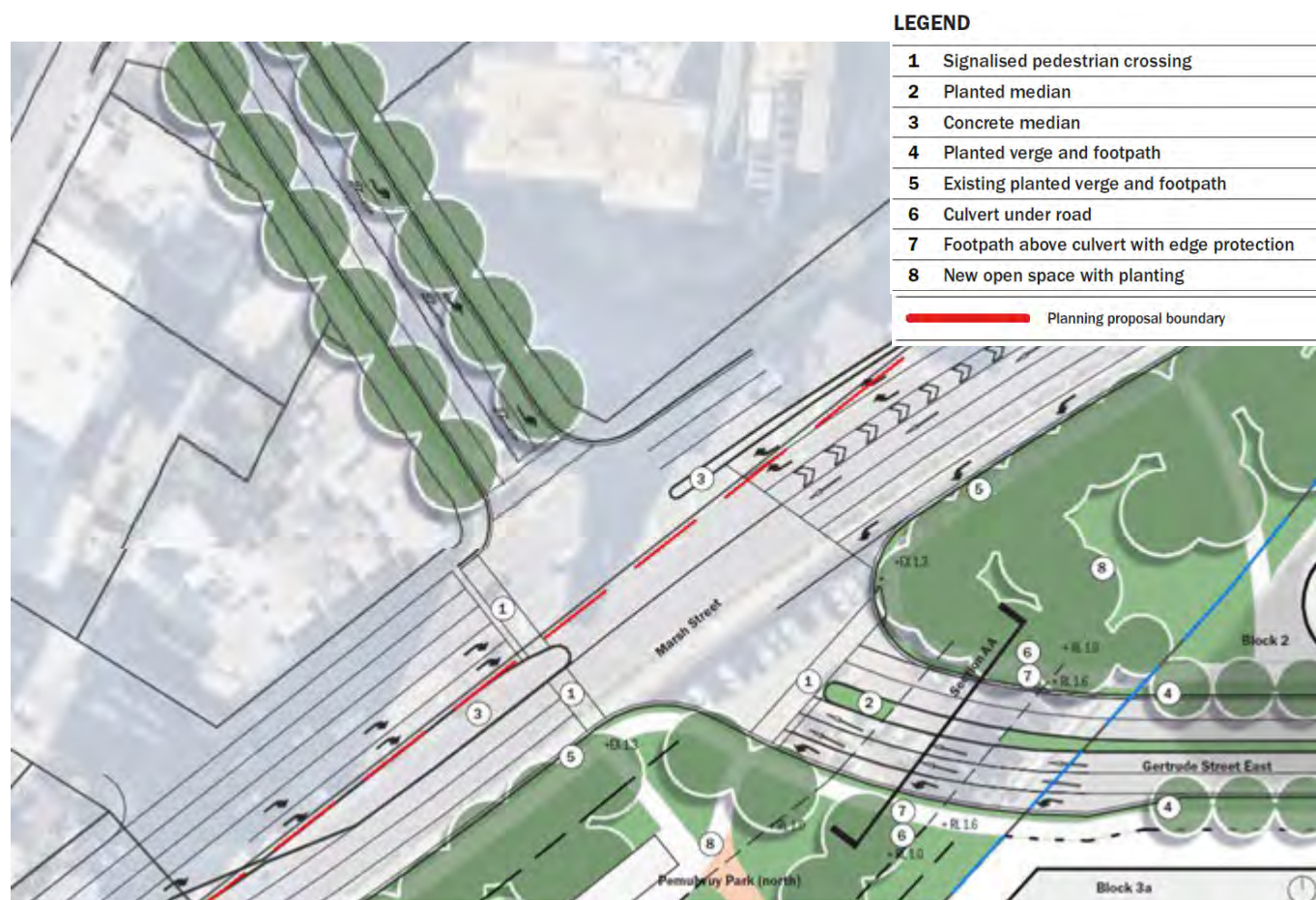
Monetary contributions to the future provision of additional active transport infrastructure including remaining missing links in the Regional 'Bay-to-Bay' cycle link and future Transport for NSW enhancement of the Giovanni Brunetti Bridge active transport link will be made via State and Local Planning Agreements.

### 3.5.1 Gertrude Street East Extension

Upgrades to Marsh Street to facilitate a new intersection with the planned Gertrude Street extension / link road will provide critical pedestrian, cycle and vehicle access into and through the overall Cooks Cove precinct. The street upgrades and intersection works will include:

- A new vehicle connection to the west of Marsh Street with a new carriageway, verge planting, trees, lighting and pedestrian footpaths that extend through to Levey Street adjacent to Cahill Park;
- A new three-legged signalised pedestrian crossing at Marsh Street;
- New and upgraded vehicle movements from Marsh Street into the future Gertrude Street East;
- A new vehicle connection east of Marsh Street with a new carriageway, verge planting, trees, lighting and pedestrian footpaths that connects the future Blocks 2 and 3 of the Cooks Cove Master Plan;
- Pedestrian and cycle connections to and from the adjacent Pemulwuy Park North; and
- Integration with the existing footpath, cycleway and planting zones along Marsh Street.

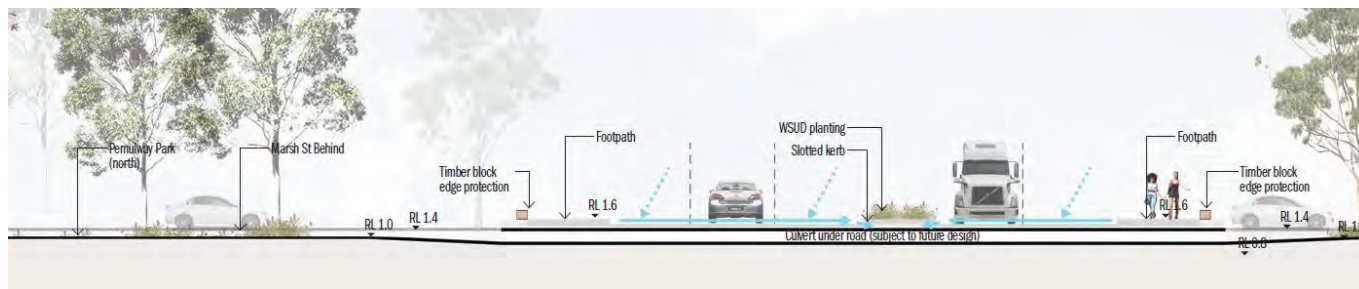
Gertrude Street East intersection is illustrated in **Figure 43** below, Section AA is provided in **Figure 44**.



**Figure 43 Gertrude Street East Intersection**

Source: Hassell





**Figure 44 Gertrude Street East Intersection – Section AA**

Source: Hassell

### 3.5.2 Flora Street East Extension

Flora Street East and Marsh Street intersection upgrade will provide a new pedestrian, cycle and vehicle access into the overall Cooks Cove precinct, providing the predominant connection to the Arncliffe MOC facility and key connection between the proposed Pemulwuy Park North and South components of open space. The street upgrades and intersection works will include:

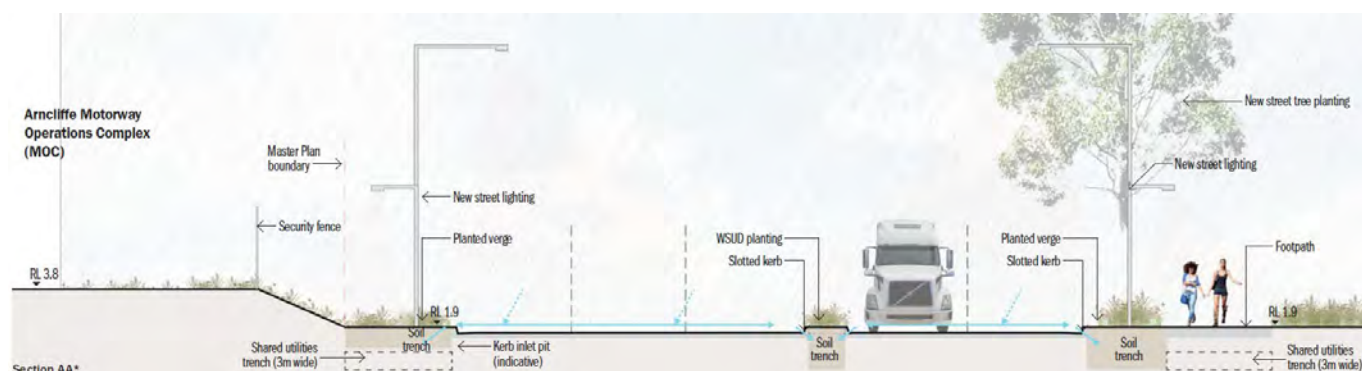
- A new vehicle connection to the east of Marsh Street with a new carriageway, verge planting, trees, lighting and pedestrian footpaths that provides an improved access to the MOC and enables new vehicle connections into the Block 3 logistics hub and Pemulwuy Park south;
- An upgraded four-legged signalised pedestrian crossing at Marsh Street;
- An at grade pedestrian crossing that connects Pemulwuy Park north and south whilst ensuring clear sight lines from vehicles entering and existing both the MOC, Pemulwuy Park carpark and Block 3 logistics hub;
- New and upgraded vehicle movements from Marsh Street into the future Flora Street East;
- Seamless pedestrian and cycle connections to and from the adjacent Pemulwuy Park; and
- Integration with the existing footpath, cycleway and planting zones along Marsh Street.

Flora Street East intersection is illustrated in **Figure 45** with Section AA is provided in below.



**Figure 45 Flora Street East intersection**

Source: Hassell



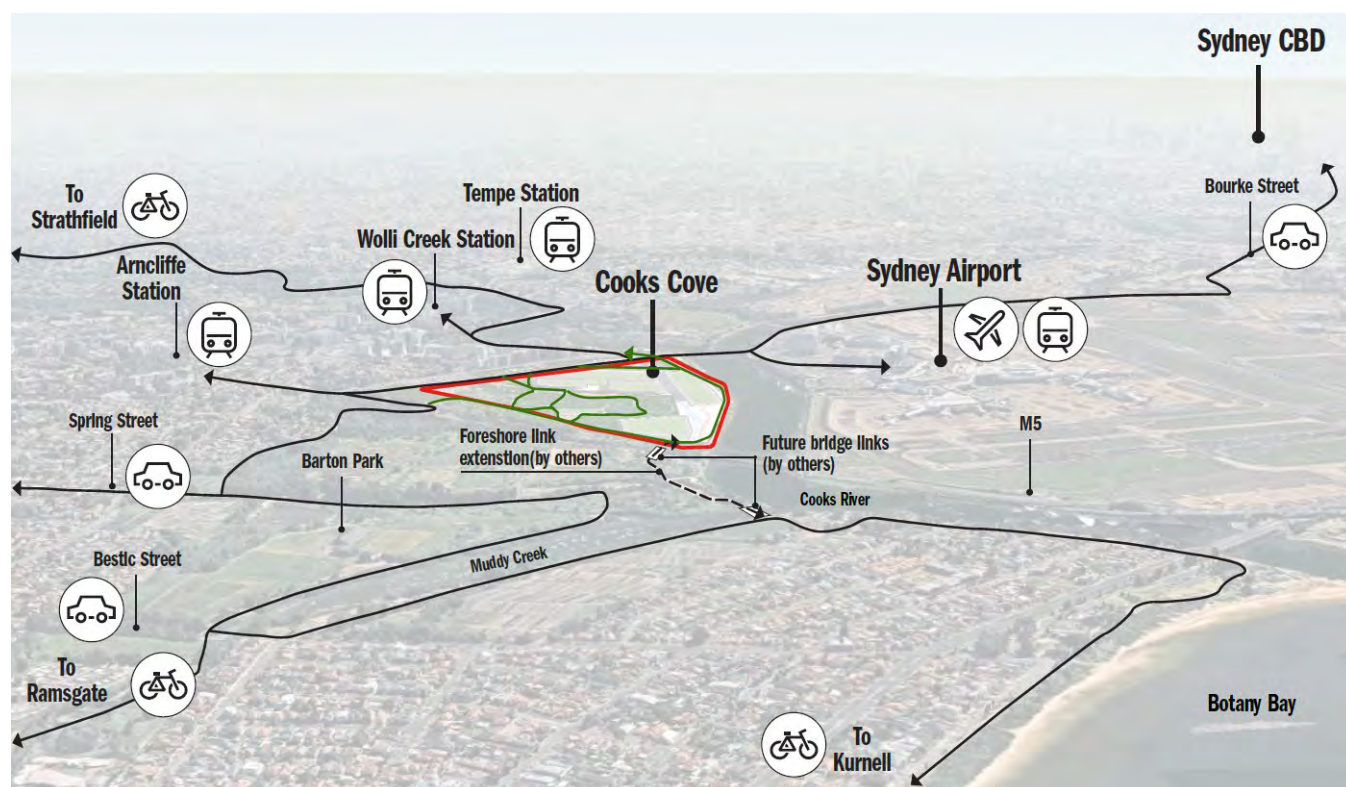
**Figure 46** Flora Street East Intersection – Section AA

Source: Hassell

### 3.5.3 Transport and Connectivity

The Master Plan will facilitate future connections with existing active travel corridors, public transport infrastructure and planned future bicycle routes. The Cooks Cove site is located adjacent to a number of existing cycle corridors including the existing cycle path on Marsh Street, and the off-street connection to Wolli Creek via Cahill Park and the Cooks River foreshore. The site is also positioned on a strategic cycle corridor from Brighton Le Sands to CBD, identified within the Strategic Cycleway Corridors for the Eastern Harbour City by Transport for NSW.

This corridor will be enhanced by the proposed foreshore cycleway ‘missing link’ within this proposal, and will be further strengthened by the potential future links across the M5, SWSOOS and Muddy Creek (to be delivered by others), refer to **Figure 47** below.



**Figure 47** Transport and Connectivity

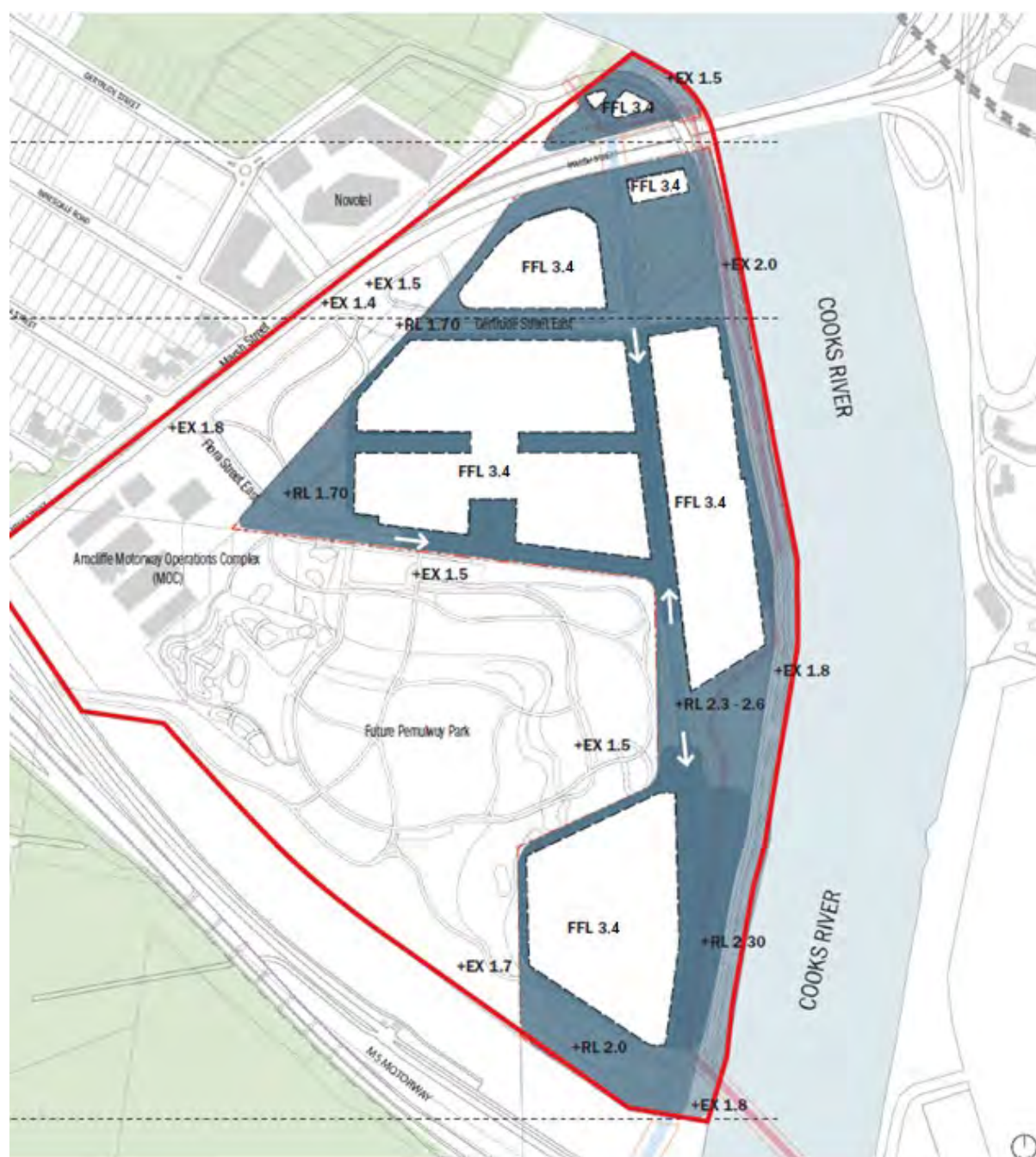
Source: Hassell



### 3.6 Finished Levels and Flood Management

The indicative finished levels within the precinct has had regard to integration with surrounding open space and the flood options analysis, strategy and assessment (presented at **Section 5.1** and **Appendix C**). Proposed indicative levels within the development zone are illustrated in **Figure 47** below, which have been coordinated with a detailed Flood Impact Risk Assessment (FIRA). The scheme is raised above the 1 in 100 year (1% AEP) level, and was revised post exhibition to accommodate all floor levels above 3.4m AHD, including a freeboard above the 1% AEP flood levels (600mm), plus allowance for climate change (900mm).

The development parcels and open space design have been formulated to ensure sufficient flood conveyance and flood storage within and through the Cooks Cove Planning Proposal site whilst maintaining the Probable Maximum Flood (PMF) integrity of the adjoining Arncliffe MOC and negligible afflux upstream. The detailed design of buildings are intended to achieve areas of internal levels that can provide flood refuge above the presently calculated PMF levels. The proposed finished ground levels have been developed and verified by Arup and have been balanced with the integrated flowpath/swale within the open space zone.



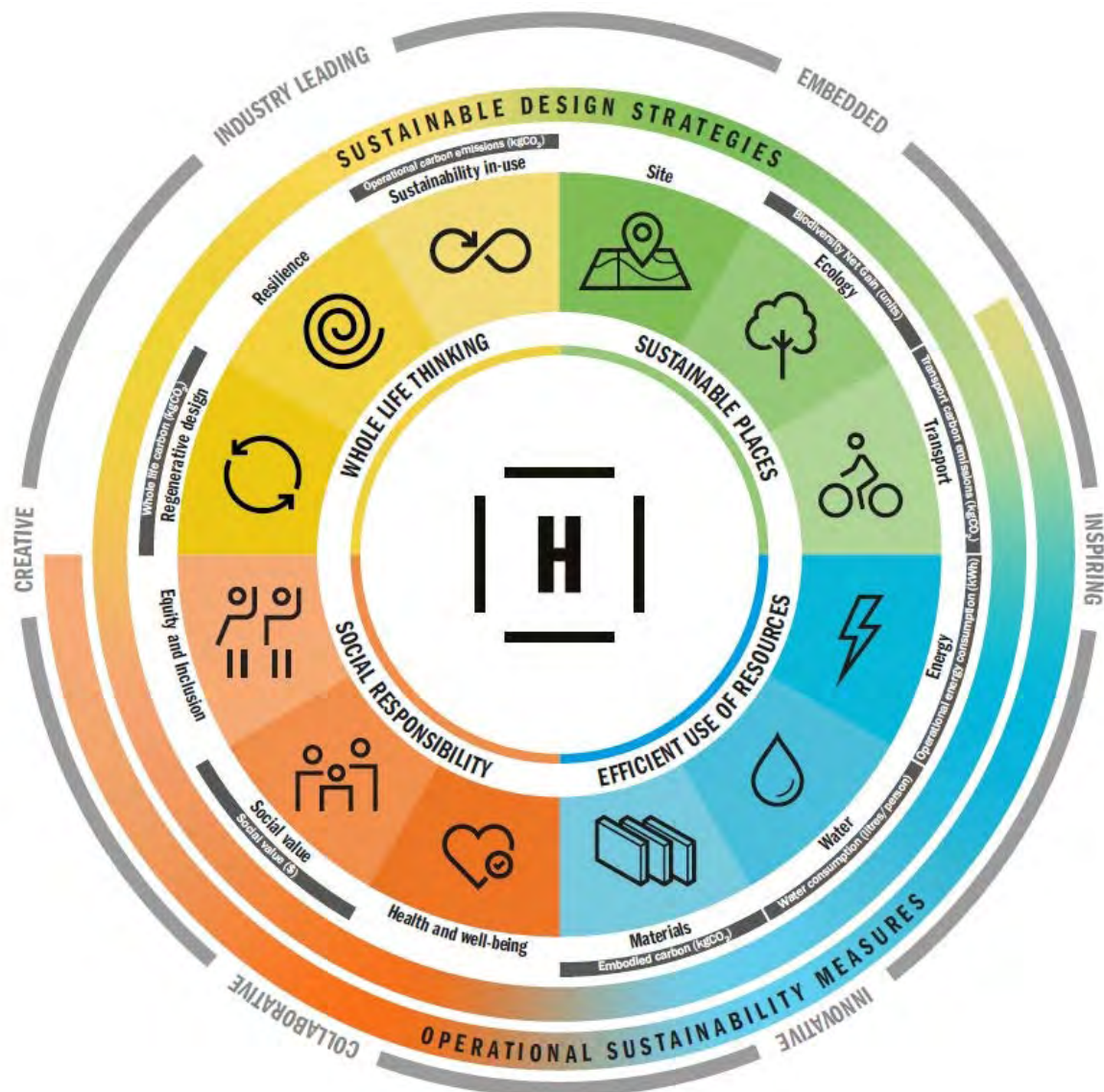
**Figure 48** Indicative Finished Ground Levels

Sources: Hassell

## 3.7 Sustainability

### 3.7.1 Sustainability Strategy

As part of the Planning Proposal a sustainability strategy has been developed that will underpin the proposed sustainability initiatives that will be developed and delivered in future stages of the project. The proposed sustainability strategy is provided in **Figure 49** below.



**Figure 49** Sustainability Strategy Principles

Source: Hassell

### 3.7.2 Sustainability Initiatives

The potential sustainability initiatives of the project include:

- **Social Responsibility:**
  - Rooftop gardens and staff amenities for the workforce;
  - High focus on staff health and well-being through the design of the built form and internal spaces; and
  - New job opportunities that contribute to the local and national economy.
- **Efficient Use of Resources:**
  - Low embodied carbon materials in buildings;
  - Integration of water harvesting and recycling;



- Low use energy systems; and
- Prioritise solar harvesting and water harvesting throughout all blocks.
- **Sustainable Places:**
  - Creation of a high quality 20m public foreshore that is focused on ecology and active transport connections;
  - Retention of significant fig trees in Block 2 (Fig Tree Grove );
  - Leverage the site context and aspect to design buildings that maximise cross ventilation, reduce solar loading of façades and maximise views out to the surrounding context;
  - Relocation of key existing trees, where feasible, from the development site to adjacent open space;
  - Ecologically diverse green roofs; and
  - Water sensitive design principles for all buildings and streets.
- **Whole of Life Thinking:**
  - Consolidate development footprints within Block 2;
  - Enable Block 3 to be delivered as a staged development that is future proofed for new technologies through the design of flexible floor to floor heights, location of car parking and vertical vehicle circulation; and
  - Consider whole of life materials and modular systems.
- An illustration of the potential future sustainability initiatives is provided in **Figure 50** below.



**Figure 50** Potential future sustainability initiatives

Source: Hassell

## 4.0 Planning Proposal

This Planning Proposal seeks to amend the Bayside LEP 2021 to facilitate the Cooks Cove development, with a renewed focus on delivering a contemporary logistics and warehousing precinct. The future redevelopment also seeks to deliver supporting office, retail and tourist and visitor accommodation land uses which contribute to supporting the adjacent Sydney Airport, but which do not rely upon or impact upon its function. The Planning Proposal will facilitate employment generation on the site, to the economic benefit of the tourism and freight sectors and the NSW and Bayside economies.

The Planning Proposal will achieve the envisioned redevelopment by inserting land use zoning, maximum gross floor area, maximum building height and various other local provisions specific to the Planning Proposal site into the Bayside LEP 2021. Proposed amendments sought are described further below.

### 4.1 Proposed Amendments to LEP Provisions

Informed by the revised master plan and indicative reference scheme presented at **Section 3.0**, this Planning Proposal seeks the following amendments to the Bayside LEP 2021:

- Application of the SP4 Enterprise zone within the former KGC freehold owned land, being Lot 31 in DP 1231486 (Block 1) and Lot 100 in DP 1231954 (Blocks 2 and 3) to form a development zone;
- Application of the RE2 Private Recreation and C2 Environmental Conservation zones to the residual of Lot 31 in DP 1231486 and Lot 100 in DP 1231954 in order to define a foreshore recreation zone with widths of between 20m-40m and internal passive open space and overland flow areas within the southern and western edges of Lot 100 in DP 1231954.
- Application of the SP2 Infrastructure zone (Classified Roads) to portions of Lot 14 in DP 213314, Lot 1 DP 329283 and Lot 1 DP 108492, which are presently utilised for the existing Marsh Street roadway and the Trust / TfNSW land which will accommodate the M6/M8 permanent Motorway Operation Facilities, respectively.
- Application of the C2 Environmental Conservation zone on potentially sensitive, environmentally focused land on Lot 1 DP108492 and Lot 1 DP 329283.
- Application of the RE1 zone to the residual portions of Lot 14 in DP213314, Lot 1 DP329283 and Lot 1 DP108492 that will form Pemulwuy Park North and South.
- An overall maximum building height of RL51m (Blocks 2 and 3) graduating down to RL40m in response to aviation controls in the southern section, and a maximum building height of 24m (Block 1);
- A limit to total GFA within the overall site to 343,250m<sup>2</sup> applied through:
  - Block 1 – A total quantum of development that does not exceed a mapped FSR of 1.25:1 (equivalent to 3,250m<sup>2</sup>).
  - Blocks 2 and 3 – A total floorspace that does not exceed 340,000m<sup>2</sup> GFA mapped as 'Area 16', inclusive of:
    - A maximum 20,000m<sup>2</sup> GFA for 'office premises';
    - A maximum 20,000m<sup>2</sup> GFA for 'hotel or motel accommodation' and 'serviced apartments'; and
    - A maximum 10,000m<sup>2</sup> GFA for 'shops' and 'food and drink premises'.
- Application of Schedule 1 Additional Permitted Uses for the development zone including:
  - Block 1 – 'Advertising structures'; and
  - Blocks 2 and 3 – 'Trade-related enterprises'
  - Central Foreshore – future bridge / enclosed freight connection to Sydney Airport

#### 4.1.1 Land Use and Zoning

In line with the strategic objective of the proposal to facilitate a logistics and warehousing precinct with a mix of supporting uses, it is proposed to rezone the site to match the desired future land uses.

The primary zone to be introduced within the precinct is the SP4 Enterprise zone. This zone will be complimented by RE1 Public Recreation, RE2 Private Recreation, C2 Environmental Conservation and SP2 Infrastructure (Classified Road). Discussion of each proposed zone is provided below. The existing land use table from Bayside LEP 2021 would continue to apply as relevant.



The Planning Proposal rezoning will result in a gross development footprint (zoned SP4 Enterprise) of approximately 14.3 hectares which is compared to the *SEPP (Precincts—Eastern Harbour City) 2021* gross development footprint of 15.8 hectares.

**SP4 Enterprise**

The SP4 Enterprise zone has been selected for the development zone, in lieu of the previously proposed B7 Business Park zone. DPHI's *Employment Zones Review* removed the B7 Business Park zone from Bayside LEP 2021 on 26 April 2023 and accordingly a different zone has been selected for the developable portion of Cooks Cove to that initially contemplated by the Gateway Determination (2022-1748).

An objective appraisal of the E3 Productivity Support and SP4 Enterprise zones as alternatives to the outgoing B7 Business Park zone was undertaken. Initially, the E3 Productivity Support zone was reviewed as a direct translation of the B7 Business Park zone. However, this option retains the same issues previously raised by Council primarily relating to the fact that the B7/E3 zones applies to a variety of other locations in the Bayside LGA such as the Princess Highway Corridor and the Lord Street Precinct.

The broad zone objectives of the B7/E3 zones reflect the 'catch all' approach to responding to areas of varying character across the LGA. In applying the E3 zone to Cooks Cove, the pre-Gateway version of planning controls resulted in numerous 'caps' having to be applied within the Additional Permitted Use schedule for the site for uses which are not considered a best fit for Cooks Cove, but which are permissible more broadly in the B7/E3 zones. This is not considered an optimal outcome in terms of Standard Template LEP drafting. This approach potentially also creates 'precedent' issues for Bayside Council in the future.

The DPHI's *Employment Zones Reform Implementation – Explanation of Intended Effect* of May 2022 outlines the intent of SP4 Enterprise as supporting "precinct planning where a specific enterprise outcome is sought beyond the strategic intent of another zone". DPHI encourages the SP4 zone for unique precincts that require tailored land use planning with an enterprise focus – which is aligned with Cooks Cove as a key site within a core trade gateway and accords with the strategic importance of the site.

The SP4 zone has the ability to select a bespoke series of land use permissibility to resolve any consistency issues arising under the B7/E3 zone option, whilst still controlling development outcomes to retain the uniqueness of the site. In summary, there are a number of positives for the SP4 Enterprise zone approach:

- Enables tailored objectives in support of the intended future development character of Cooks Cove.
- Enhancing the uniqueness of the site and strengthening the site's relationship to the airport (i.e. retaining the 'trade related enterprises' land use which is specifically permissible within this site only).
- Fewer complex additional clauses / GFA caps are required to control undesired land uses which are otherwise permissible, such as but not limited to vehicle body repair workshops, specialised / bulky retail, garden centres and hardware and building supplies, creating simplicity.
- Avoids the potential for precedent issues for Council in future, of other proposals elsewhere in the LGA seeking to amend land use permissibility through more widespread use of Schedule 1 amendments.

Following consultation in 2022, Bayside Council provided endorsement to the proposed use of the SP4 Enterprise zone within their LEP 2021.

The objectives of the proposed SP4 zone, permissible and prohibited land uses together with additional commentary is provided below in **Table 5** below.

**Table 5      Proposed SP4 Enterprise land use zoning and permissibility**

SP4 Enterprise Zone	
1. Objectives of the zone:	
	<ul style="list-style-type: none"><li>• To encourage economic activity and trade-focussed businesses that benefit directly from, or benefit from a synergy due to, the physical proximity of land within the zone to Sydney Airport and Port Botany, and the regional transport network links.</li><li>• To promote trade-related enterprises that are associated with trade logistics and distribution, just-in-time supply, the movement of perishables, time-sensitive goods processing, and the management of air and sea commerce.</li></ul>

## SP4 Enterprise Zone

- To facilitate local employment opportunities through the range of logistics and business uses as well as visitor accommodation.
- To promote high quality development adjacent to public open space areas.
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### 2. Permitted without consent:

Not specified.

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### 3. Permitted with consent:

Building identification signs, Business identification signs, Centre-based child care facilities, Community facilities, Environmental facilities, Environmental protection works, Food and drink premises, Freight transport facilities, Hotel or motel accommodation, Light industries, Local distribution premises, Office premises, Roads, Serviced apartments, Shops, Storage premises, Warehouse or distribution centres, Any other development not specified in item 2 or 4.

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### 4. Prohibited:

Advertising structures, Agriculture, Air transport facilities, Airstrips, Amusement centres, Biosolids treatment facilities, Boat launching ramps, Boat sheds, Camping grounds, Caravan parks, Cemeteries, Charter and tourism boating facilities, Correctional centres, Crematoria, Eco-tourist facilities, Electricity generating works, Entertainment facilities, Exhibition homes, Exhibition villages, Extractive industries, Farm buildings, Forestry, Heavy industrial storage establishments, Helipads, Highway service centres, Home-based child care, Home businesses, Home occupations (sex services), Industrial training facilities, Industries, Jetties, Marinas, Mooring pens, Moorings, Mortuaries, Open cut mining, Pond based aquaculture, Port facilities, Registered clubs, Research stations, Residential accommodation, Resource recovery facilities, Restricted premises, Retail premises, Rural industries, Sewage treatment plants, Sex services premises, Tourist and visitor accommodation, Transport depots, Truck depot, Vehicle body repair workshops, Vehicle repair stations, Waste or resource management facilities, Water recreation structures, Water recycling facilities, Water supply systems, Wharf or boating facilities.

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To respond to Gateway Condition (1)(j)(ii) 'retail premises' as an umbrella definition is no longer proposed in this Planning Proposal. The flexible nature of the SP4 Enterprise zone has enabled 'shops' and 'food and drink premises' to be added as permissible land uses and for 'retail premises' to be made prohibited. 'Shops' and 'food and drink premises' have been afforded a collective maximum of 10,000sqm of GFA subject to an additional local provision introduced at **Section 4.1.3**.

In relation to Gateway Condition (1)(j)(iii) 'Tourist and visitor accommodation' as an umbrella definition has been added to the prohibited land uses, with 'hotel and motel accommodation' and 'serviced apartments' implemented to serve the specific intention for the site and remove the potential for the implementation of undesirable land uses. Note that serviced apartments are currently permissible on the site under SEPP (Precincts—Eastern Harbour City) 2021. The implementation of both 'hotel and motel accommodation' and 'serviced apartments' is sought to provide a flexible approach to future short term accommodation needs, which will be refined in further detail at the development application stage. Both of these land uses strongly support the tourism sector which is underpinned by and compatible with the adjacent Sydney International Airport. These land uses will best suit needs expected to arise from the planned logistics and commercial office precinct and from growing demand expected through the realisation of the Bayside West 2036 precinct.

Further, in response to Gateway Condition (1)(k) 'industrial training facilities' are no longer sought, and this use has been added to the prohibited land use category.

At a flooding meeting with DPHI, Council, TfNSW and CCI on 27 November 2023 an option was presented that involved the routing of the overland flow path by way of a building undercroft through the western section of the Block 3C. Whilst the final design of Block 3C is not yet known, careful design treatment will be required for the interface with Pemulwuy Park. Such treatment may include setting parts of the western facade of Building 3C back further from the boundary than currently envisaged or by providing greater building articulation, or a combination of the two. Either move is likely to mean the floor space envisaged within Block 3C is reduced. To compensate for this, the southern boundary of Block 3C was extended by an additional 7m, which is reflected in the final draft LEP maps provided at **Appendix A**.



RE1 Public Recreation

RE1 Public Recreation has been selected to ensure an appropriate transition between the development zone and the Cooks River. This area will be used to ensure that, at minimum, a 20m setback is provided as publicly accessible foreshore land along the length of the development zone, which can comprise landscaping and built form elements such as seating, regional grade pedestrian and cycle paths, seawall and river edge rehabilitation.

In addition, the RE1 zone is proposed to be utilised for the Council land presently affected by Charitable Trusts, which are proposed to be removed via reclassification, as discussed separately in this Section. This portion of land is also referred to in the Planning Proposal as Pemulwuy Park North and South. This land will accommodate future open space, together with necessary supporting infrastructure such as stormwater / overland flow paths and the new Gertrude Street and Flora Street connector roads, both of which are permissible with or without consent, in the RE1 Public Recreation zone.

The objectives of the zone, permissible and prohibited land uses together with additional commentary is provided in **Table 6** below.

Table 6 Proposed RE1 Public Recreation land use zoning and permissibility

SP2 Infrastructure
<p><b>Objectives of the zone:</b></p> <ul style="list-style-type: none"><li>To enable land to be used for public open space or recreational purposes.</li><li>To provide a range of recreational settings and activities and compatible land uses.</li><li>To protect and enhance the natural environment for recreational purposes.</li></ul>
<p><b>Permitted with consent:</b></p> <ul style="list-style-type: none"><li>Aquaculture; Boat launching ramps; Centre-based child care facilities; Community facilities; Emergency services facilities; Environmental facilities; Information and education facilities; Jetties; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Roads; Signage; Water supply system.</li></ul>
<p><b>Prohibited:</b></p> <ul style="list-style-type: none"><li>Any development not specified in item 2 or 3.</li></ul>

RE2 Private Recreation

In response to a submission made by Council, CCI elected to amend the proposed zoning of the balance of the publicly accessible foreshore from RE1 Public Recreation to RE2 Private Recreation at the Response to Submissions stage (refer to **Appendix S**). This section relates to the northern Section, adjacent to Blocks 1, 2 and 3b.

The intended land use objectives remain consistent with the intent of the Planning Proposal and accompanying reference scheme. Primarily, the proposal remains permissible with development consent as ‘recreation areas’. Additional permissible land uses of ‘environmental facilities’, ‘flood mitigation works’, ‘jetties’, ‘kiosks’ and roads also remain permissible with consent,

The revision from RE1 to RE2 will not alter any of the public accessibility access right intended. This approach is consistent with the precedent of Discovery Point Reserve at Wolli Creek, which is owned and maintained by the owner’s cooperative but made available through public access easements. CCI also confirm there is proposed to be no obligation for Council to acquire the land in the future and the requirement to maintain and provide public access to the full extent of the Cooks River foreshore within the Planning Proposal boundary, is captured in the Local VPA revised letter of offer.

The objectives of the zone, permissible and prohibited land uses is provided in **Table 7** below.

Table 7 Proposed RE2 Private Recreation Land Use Zoning and Permissibility

C2 Environmental Conservation
<p><b>Objectives of the zone:</b></p> <ol style="list-style-type: none"><li>To enable land to be used for private open space or recreational purposes.</li><li>To provide a range of recreational settings and activities and compatible land uses.</li></ol>

## C2 Environmental Conservation

3. To protect and enhance the natural environment for recreational purposes.

### Permitted without consent:

Nil

### Permitted with consent:

Aquaculture; Boat launching ramps; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Information and education facilities; Jetties; Kiosks; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Roads; Water supply systems

### Prohibited:

Any development not specified in item 2 or 3.

## C2 Environmental Conservation

The Bayside LEP 2021 does not presently include the C2 Environmental Conservation zone. Due to the significance of the submissions made in relation to ecology matters, CCI discussed the possibility of incorporating the C2 zone into the Bayside LEP 2021 with DPHI and Council. It was agreed at the meeting of CCI and DPHI on 14 September 2023 that the Proposal would be altered to apply the C2 zone at the Response to Submissions Stage (refer to **Appendix S**), but would also apply LGA-wide in future should the zone be elected to be expanded elsewhere throughout the LGA.

Under the Standard Template Instrument, the C2 zone is provided with the following standard objectives which would apply to the zone generally and the mapped area sought:

- *To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.*
- *To prevent development that could destroy, damage or otherwise have an adverse effect on those values.*

CCI and the project team have reviewed a range of comparable LEPs within Greater Sydney which include the C2 zone. This review highlighted the Blacktown LEP 2015, which has an additional objective crafted, which in the opinion of the Proponent best applies to the approach for the C2 land within Cooks Cove:

- *Provide for passive recreational activities that are compatible with the land's environmental constraints.*

The additional objective captures the desired future character for the areas within the C2 zones to be a carefully aligned balance between sensitive ecological areas and the need to enhanced public accessibility to recreational lands. These elements are enshrined in the site-specific Ministerial Directions for Cooks Cove (1.12) under the s9.1 of the EP&A Act. Accordingly, the insertion of the C2 zone for the areas mapped in **Appendix A** will provide an appropriate response to submissions made to better protect areas of high ecological significance. It is understood that DPHI and Council will confer in relation to CCI's preference, as this addition may have implications for the wider LGA.

The proposed objectives of the C2 zone, together with the intended permissible and prohibited land uses is provided in **Table 8** below. Suggestions by CCI over and above the Standard Template allowances are in *italic*.

**Table 8**      ***Proposed C2 Environmental Conservation Land Use Zoning and Permissibility***

## C2 Environmental Conservation

### Objectives of the zone:

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.
- *To provide for passive recreational activities that are compatible with the land's environmental constraints.*

### Permitted without consent:

*Environmental protection works*

### Permitted with consent:

Oyster aquaculture; *Flood mitigation works; Recreation areas; Roads; Water reticulation systems*



## C2 Environmental Conservation

### Prohibited:

Business premises; Hotel or motel accommodation; Industries; Local distribution premises; Multi dwelling housing; Pond-based aquaculture; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Tank-based aquaculture; Warehouse or distribution centres; Any other development not specified in item 2 or 3

### SP2 Infrastructure

The SP2 Infrastructure zone has been selected for the existing Marsh Street surface level road infrastructure and the M6/M8 Permanent Motorway Operations Centre (MOC). Whilst the NSW Government's LEP practice note, 'Zoning for Infrastructure in LEPs', generally discourages the use of 'special uses' zones, the proposed zoning is justified as it is consistent with the existing zoning of the adjacent land to the west of Cooks Cove at the junction of Marsh Street and West Botany Street under the Bayside LEP 2021.

The SP2 zone is also necessary in this instance to remove ambiguity in relation to the land required for the completion of the TfNSW Arncliffe Motorway Operations Complex. This infrastructure is situated within and adjacent to Council land affected by Charitable Trusts (which are capable of being removed via reclassification, as discussed separately). Accordingly, all TfNSW infrastructure within the Planning Proposal boundary is to be located within the SP2 'Classified Road' zoning. The objectives of the zone, permissible and prohibited land uses together with additional commentary is provided in **Table 9** below.

**Table 9** *Proposed SP2 Infrastructure land use zoning and permissibility*

### SP2 Infrastructure

#### Objectives of the zone:

- To provide for infrastructure and related uses; and
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

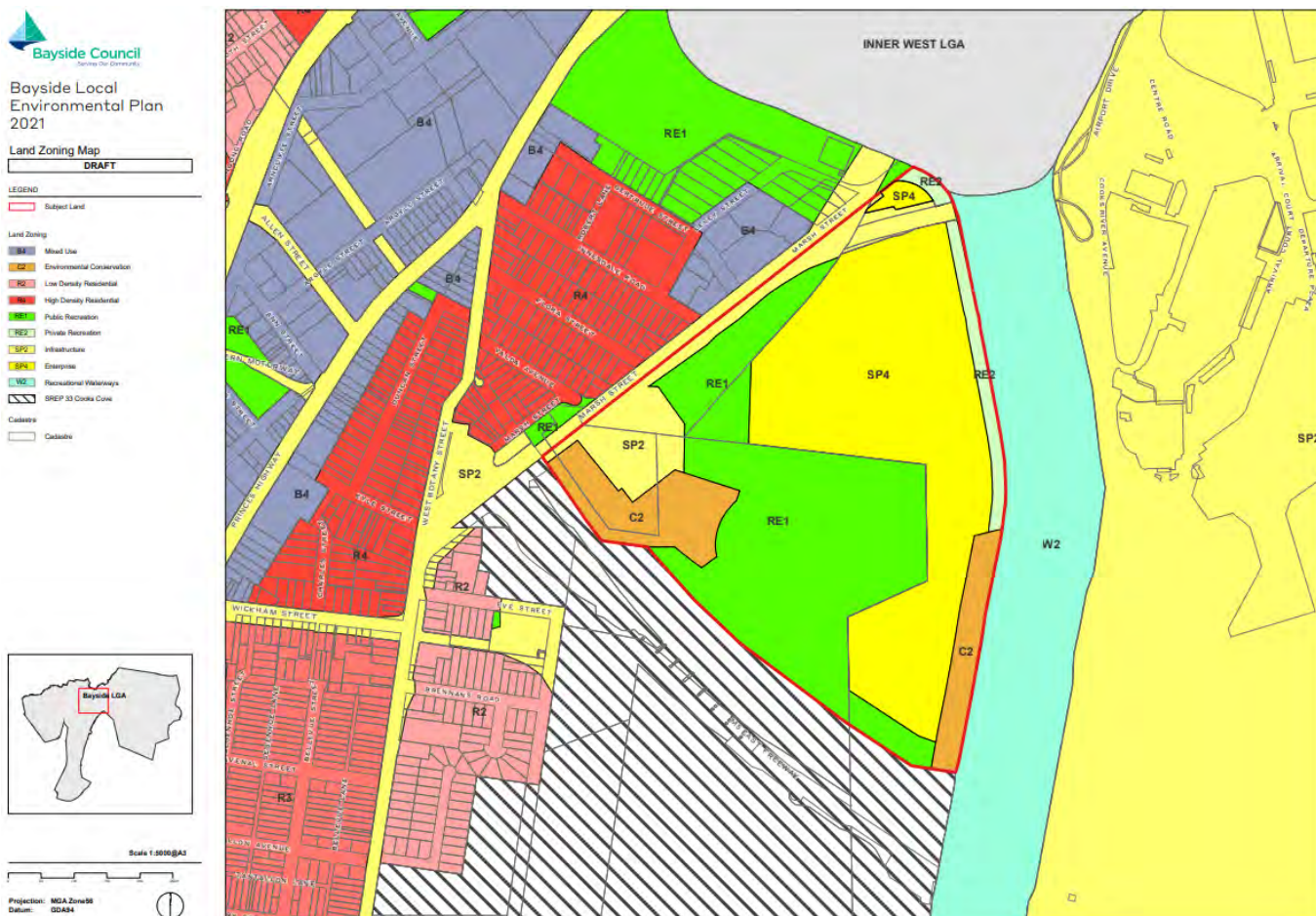
#### Permitted with consent:

- Aquaculture; Roads; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose.

#### Prohibited:

- Any development not specified in item 2 or 3.

The updated land zoning map sought for Cooks Cove at the Response to Submission stage is provided in **Figure 51** below and at **Appendix A**. Following Gateway Determination, adjustment to the development zone (SP4 zoned land extent) to exclude areas within the site proposed to be utilised for overland flow and passive open space within the western and southern sections. Following Public Exhibition, the northern section of the foreshore area was updated to RE2 Private Recreation and C2 Environmental was applied to areas of biodiversity value along the expanded southern foreshore area and the western portion of the site.



**Figure 51 Updated Draft Land Use Zoning Map**

Source: Ethos Urban

## 4.1.2 Trade Related Enterprises

The Planning Proposal seeks the implementation of a new land use in the Bayside LEP 2021, in the form of 'trade-related enterprise'. The definition of trade-related enterprise is as follows:

***"trade-related enterprise"** means a business or government activity directly related to the carrying out of air, land or sea commerce, air passenger services or other trade, including the import or export of advanced technology goods or services, trade-related warehousing, customs agencies, freight forwarding, trade logistics and distribution, and time-sensitive goods processing."*

This land use is sought to be transferred from the SEPP (Precincts—Eastern Harbour City) 2021, as it will no longer be required to be retained with the relocation of the development zone into the Bayside LEP as part of Schedule 1 (as detailed in **Section 4.1.5**). The following section sets out a response to Gateway Condition (1)(f) which requires a plain English explanation of the proposed land use definition.

The vision for the site is an advanced and contemporary precinct integrating a selection of complimentary uses with Sydney Airport, whilst seamlessly integrating into the surrounding urban renewal area. The 'trade-related enterprise' land use definition is intended to encourage the optimal mix of trade-focused organisations which require immediate proximity to Sydney Airport. These developments may not be best characterised as the standard 'warehouse or distribution centre' land use and may have a more appropriate characterisation as 'trade-related enterprise'.

The original SREP 33 – Cooks Cove (now SEPP (Precincts—Eastern Harbour City) 2021) contained trade and technology zone objectives of specific relevance with our emphasis added in underline:

- (a) to encourage economic activity and trade-focussed businesses that benefit directly from, or benefit from a synergy due to, the physical proximity of land within the zone to Sydney Airport and Port Botany, and the excellent transport network links to Sydney's CBD and the Advanced Technology Park at Eveleigh, and
- (b) to promote the establishment of enterprises that create advanced technology or that manufacture products that utilise advanced technology, and



- (c) *to promote export and other trade-related enterprises that are associated with trade logistics and distribution, just-in-time supply, the movement of perishables, time-sensitive goods processing, and the management of air and sea commerce...*

These objectives are still considered of relevance to the site and its future highest and best use as a contemporary warehousing and logistics precinct, leveraged upon immediate proximity to Sydney International Airport and superior transport linkages to Port Botany and wider population catchments.

Accordingly, given these locational attributes and the unique single landholding characteristic of the site's development zone, the creation of comparable objectives for the proposed SP4 Enterprise zone (as presented in detail at **Section 4.1.1**) lend weight to the retention of the 'trade-related enterprise' land use within Cooks Cove as a direct fit to deliver on the vision to create a contemporary and international-focused trade and logistics precinct.

### 4.1.3 Additional Local Provisions

To address a number of planning aspects an additional site-specific local provision is proposed to be inserted into the Bayside LEP 2021. This new provision will address the requirement for a Development Control Plan for the site, the necessity for a land use safety study risk assessment and the control of GFA within Blocks 2 and 3 (Lot 100 DP 1231954). The entire clause proposed is provided below in italic text with additional explanatory comments.

#### ***Clause 6.18 – Development of land at 13-15 Marsh Street, 19 Marsh Street and 19A Marsh Street, Arncliffe***

- (1) *This clause applies to land at Cooks Cove being Lot 14 in DP 213314, Lot 31 in DP 1231486, Lot 100 in DP 1231954, Lot 1 in DP108492 and Lot 1 in DP 329283.*

Subclause (1) ensures that this additional local provision relates only to the Cooks Cove site, the subject of the Planning Proposal boundary.

- (2) *Development consent must not be granted for development on land to which this clause applies unless*
- (a) *a development control plan that provides for the matters specified in subclause (3) has been prepared for the land, or*
  - (b) *guidelines and controls similar to those mentioned in subclause (3) already apply to the land, or*
  - (c) *the development is of a minor nature and is consistent with the objectives of the zone in which the land is situated.*
- (3) *The development control plan must provide for all of the following:*
- (a) *land use distribution,*
  - (b) *access, parking and circulation,*
  - (c) *open space provision, pedestrian and active transport connections,*
  - (d) *vegetation management, tree retention and landscaping,*
  - (e) *interface conditions between open space and development areas,*
  - (f) *built form including massing and modulation of buildings, and facade treatment,*
  - (g) *principles of ecologically sustainable development,*
  - (h) *environmental management, including acid sulfate soils, flooding, groundwater, stormwater, aircraft movement and noise, contamination and remediation,*
  - (i) *heritage management and interpretation,*
  - (j) *biodiversity.*

Subclauses (2) and (3) fulfil Gateway requirement (1)(h) which requires a local provision to prepare a site-specific DCP. The drafting of these subclauses has been adapted from Clause 6.16 of Bayside LEP 2021 as a guide. The final list of items for the DCP to address 3(a)-(j) may be refined subject to the finalisation of the DCP prior to gazettal of the amended planning controls.

- (4) *The consent authority must not determine a development application for development on Lot 31 DP 1231486 and Lot 100 DP 1231954 unless:*
- (a) *it is accompanied by a land use safety study risk assessment that has been prepared in accordance with the relevant NSW Hazardous Industry Planning Advisory Papers, and*
  - (b) *the consent authority has:*
    - (i) *consulted the Planning Secretary on the application in relation to land use safety, and*
    - (ii) *taken into consideration the Planning Secretary's submissions, if any.*
- (5) *The consent authority must:*
- (a) *forward a copy of the application and the accompanying documents to the Planning Secretary within 7 days of receiving the application, and*
  - (b) *consider the Planning Secretary's submissions within 28 days of forwarding the documents.*

Subclauses (3) and (4) fulfil Gateway Condition (1)(i) which requires a plain English explanation of a provision that seeks to allow consideration of the NSW Land Use Safety Planning Framework and the requirement for land use safety study

risk assessment at the DA stage. The above subclause (4) is drafted to ensure a risk and safety assessment is prepared and submitted for all future DAs within the development zone at Cooks Cove.

Further, an additional subclause (5) ensures that the DPHI Hazards branch is provided a copy of the application for further consideration of any implications from a risk and safety perspective in relation to the high-pressure ethane gas pipeline. Subclause (5) is based on the equivalent provision from the neighbouring Georges River LEP 2021. Further assessment of this provision is provided at **Section 5.10**.

- (6) *The consent authority must not grant consent to development on Lot 100 in DP 1231954 (indicated as 'Area 16' on the relevant Floor Space Ratio Map, unless it is satisfied the development does not exceed:*
- (a) *a total of 340,000sqm GFA,*
  - (b) *20,000sqm GFA of office premises,*
  - (c) *20,000sqm GFA of hotel or motel accommodation and serviced apartments, and*
  - (d) *10,000sqm combined GFA of shops and food and drink premises.*

Subclause (6) has been drafted in relation to Gateway requirement (1)(i). The revised Planning Proposal retains a maximum GFA approach for the primary development zone, known as Blocks 2 and 3. This approach has been adopted to allow the achievement of a flexible development and built form composition throughout the site, but one which will be controlled by an overall quantum of floorspace. This approach will also ensure a flexible approach to staging which will ensure a straightforward calculation and transparency in terms of assessment. The quantum of GFA proposed has been arrived at through a number of specialist studies to investigate the site's suitability. As such the adoption of a GFA as opposed to a broader FSR for Blocks 2 and 3 has consistency in terms of areas used for the precinct's traffic modelling.

#### 4.1.4 Principal Development Standards

##### Height of Buildings

It is proposed to continue to use Reduced Levels (RLs) instead of defining maximum building heights in metres for the primary development zone within Cooks Cove Blocks 2 and 3. A general maximum building height of RL51m is sought, which transitions down to RL40m in the southern extremity. In response to Gateway Condition (1)(e)(iii), the use of RLs is appropriate in this circumstance as extensive flood modelling has arrived at specific finished levels for various portions of the site to appropriately manage overland flow / flood conveyance and to address stormwater drainage flows.

Whilst it is more common for the height controls in Bayside LEP 2021 to be expressed as height in metres, the detailed urban design work undertaken in relation to the site's constraints and surrounding built form character have established an appropriate built form outcome with indicative finished levels for the raised ground level and overall massing heights. These heights have been attuned to the terrain model developed for the precinct and which is reflected in the proposed entry roads and open space interface designs. A maximum height in RL provides more certainty to Council and the community about the 'real' height of future development within the precinct, whereas height in metres measured from the existing ground level will need to change to implement the development footprint and is not an accurate measure of the overall maximum height.

Further, the proximity of the site to Sydney Airport means that built form heights within the precinct are influenced by the Obstacle Limitation Surface (OLS) – consistent with a large portion of the inner south and inner west portions of Sydney. Together with setting development 'base' through the flood planning response, setting a 'cap' with regard to the relevant airspace limitations to help assure the future approvability of the project under the relevant regulations. Therefore, it is proposed to amend the Building Height Map to insert maximum RLs for Blocks 2 and 3. Other examples of limiting height by way of RLs has been taken in numerous other Standard Instrument LEPs, including:

- The Hills LEP 2012 (Norwest and Bella Vista);
- Sydney LEP 2012 (Lachlan Precinct, Green Square Town Centre and Barangaroo); and
- North Sydney LEP 2013 (North Sydney CBD, St Leonards and Chatswood).

Notwithstanding the above, the maximum building height limitation on Block 1 is sought as a height in metres, being a maximum of 24m above existing ground level as mapped within the amended Proposed Maximum Height of Buildings Map provided in **Figure 52** below. The rationale for this approach is that Block 1 is discrete from the primary Cooks Cove development zone and shares a closer relationship with the adjacent high density mixed use precinct. Block 1 is not intended to have raised ground levels and the building format will have levels set internally to mitigate flooding impacts. The use of a height in metres for Block 1 also provides greater certainty of outcome for nearby residents of the Southbank development for instance, which also uses a consistent height in metres maximum.



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Source: Ethos Urban

It is proposed to amend numerous Bayside LEP 2021 maps to bring the site under the control of multiple LEP clauses, specifically:

- Clause 5.10 Heritage considerations and the Heritage Map;
- Clause 5.21 Flood Planning and the Flood Planning Map;
- Clause 6.1 Acid Sulfate soils and the Acid Sulfate Soils Map;
- Clause 6.4 Biodiversity and the Terrestrial Biodiversity Map; and
- Clause 6.10 Design Excellence Map (added in the Response to Submissions phase).

The mix of SP4, RE1, RE2, C2 and SP2 zones have been selected to reflect the intended future use of the site as described in the indicative amended master plan. However, there are three instances where specific land uses are required to be controlled within specific locations within the site. For this reason, it is proposed to permit additional land uses via an amendment to Schedule 1 of the Bayside LEP 2021. The land uses of 'advertising structures' and 'trade-related enterprises' were originally sought with the exhibition of the Planning Proposal.

A bridge connection from Cooks Cove to Sydney Airport was part of the original 2004 Masterplan for Cooks Cove. A key element of our current proposal is to also provide for an elevated road bridge to move freight to and from Sydney Airport and the development zone. This structure is intended to pass over the foreshore zone with vertical height to

span across the Cooks River. Support column(s) may be required to land within the foreshore area and to enable this, we identified the need for 'roads' to be permissible within the foreshore area. Accordingly, the third Additional Permitted Use provision within the Planning Proposal is requested as 'trade-related enterprises', 'warehouse or distribution centres', and 'roads' within a limited, mapped section of the foreshore.

The use of Schedule 1 is justified. The NSW Government's LEP practice note, '*Preparing LEPs using the Standard Instrument: standard clauses*', states that land uses should be governed by the Land Use Table wherever possible, and the use of Schedule 1 must be minimised and justified. This is made possible through the flexible and tailored approach made possible through the use of the SP4 Enterprise zone. In this instance, the use of Schedule 1 is justified. In relation to additional land uses sought within the development zone, terms proposed to be added are shown in *italic* text below, with numbering for indicative purposes.

**Schedule 1 – Additional Permitted Uses**

- 36 Use of certain land at 19 Marsh Street, Arncliffe
- (1) This clause applies to 19 Marsh Street, Arncliffe being Lot 31, DP 1231486 and identified as “36” on the Additional Permitted Uses Map.
  - (2) Development for the purposes of advertising structures is permitted with development consent.
- 37 Use of certain land at 19A Marsh Street, Arncliffe
- (1) This clause applies to 19A Marsh Street, Arncliffe being Lot 100, DP 1231954 and identified as “37” on the Additional Permitted Uses Map.
  - (2) Development for the purposes of trade-related enterprise is permitted with development consent.
  - (3) Trade related enterprise means a business or government activity directly related to the carrying out of air, land or sea commerce, air passenger services or other trade, including the import or export of advanced technology goods or services, trade-related warehousing, customs agencies, freight forwarding, trade logistics and distribution, and time-sensitive goods processing.
- 38 Use of certain land at 19A Marsh Street, Arncliffe
- (1) This clause applies to 19A Marsh Street, Arncliffe being Lot 100, DP 1231954 and identified as “38” on the Additional Permitted Uses Map.
  - (2) Development is permitted with development consent—
    - (a) for any of the following purposes, but only if the purpose relates to the use of Sydney (Kingsford Smith) Airport—
      - i. trade-related enterprises,
      - ii. warehouse or distribution centres,
      - iii. roads,
  - (3) In determining whether to grant development consent under this clause, the consent authority must consider the following—
    - (a) that the development takes the form of a freight linkage,
    - (b) that any structures proposed are sufficiently vertically separated from existing ground level,
    - (c) whether or not the development is likely to be compatible with the objectives of the underlying land zoning,

Note, to facilitate the introduction of 'trade-related enterprises' it is proposed to add this land use as a 'note' rather than adding this definition to the Bayside LEP 2021. 'Trade-related enterprises' are defined consistently from the original SREP33 intent as:

*“trade-related enterprise – means a business or government activity directly related to the carrying out of air, land or sea commerce, air passenger services or other trade, including the import or export of advanced technology goods or services, trade-related warehousing, customs agencies, freight forwarding, trade logistics and distribution, and time-sensitive goods processing.”*

The proposed uses and justification for their inclusion as additional permitted uses is provided in **Table 10** below.

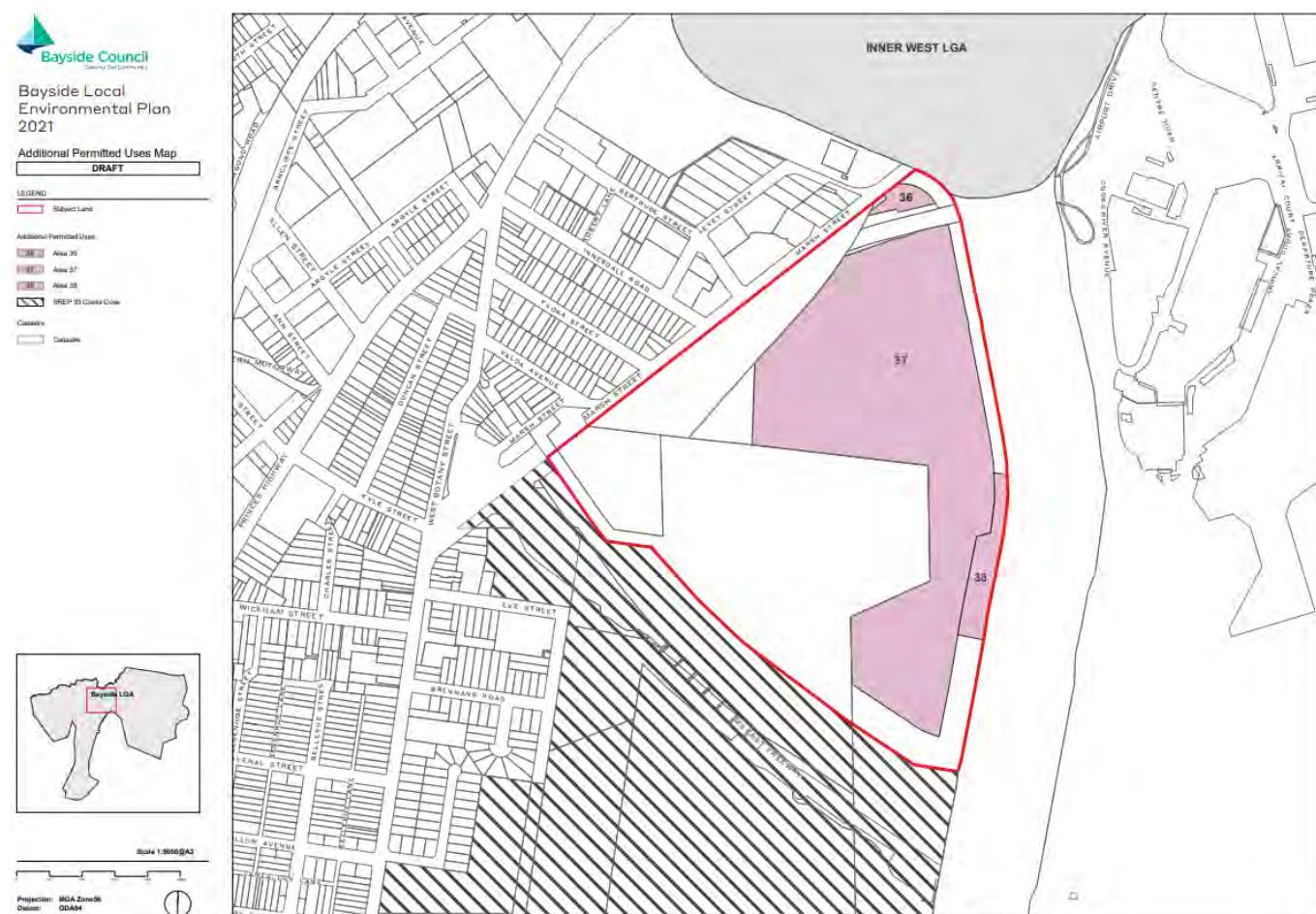
**Table 10      Proposed land uses to be permitted via Schedule 1 amendment**

Proposed land uses 1	Nominated area	Justification
To be permitted via Schedule 1		
'Advertising structures'	Block 1 identified as “36” on the Additional Permitted Uses Map	Advertising structures such as billboards may be proposed within Block 1 only, located adjacent to Marsh Street. Advertising signs are in character with the locality being on the approach to a trade gateway (Sydney Airport) and there are numerous precedents of advertising signs located along Qantas Drive, to the north and Southern Cross Drive, to the east. This has been reduced from the pre-Gateway Planning Proposal version which also proposed permissibility of 'advertising structures; in Block 2.



Proposed land uses 1	Nominated area	Justification
'Trade-related enterprises'	Blocks 2 and 3 identified as "37" on the Additional Permitted Uses Map	Trade related enterprise is proposed as an additional use as this will allow the Cooks Cove precinct to serve any combination of air, land or sea commerce and trade purposes. The incorporation of this land use within Blocks 2 and 3 will ensure the intent of the previous SREP 33, to support trade uses to be able to locate within the site is maintained despite the zoning change sought.
'Trade-related enterprises', 'warehouse or distribution centres', 'roads'	Limited, central section of the foreshore identified as "38" on the Additional Permitted Uses Map	This provision allows for the ability to achieve a direct freight connection across the Cooks River through to Sydney Airport. The specific land uses selected permit the format of an open bridge deck or an enclosed conveyor-type connection for the movement of goods. This connection is consistent with the original 2004 planning intent.

The additional permitted uses are depicted on the proposed Bayside LEP 2021 Additional Permitted Uses draft mapping (as revised post exhibition) provided at **Figure 54** below.



**Figure 54** Proposed Cooks Cove Additional Permitted Uses Map

Source: Ethos Urban

## 4.2 Land Reclassification

The Planning Proposal includes the rezoning of the adjacent Council lands the subject of Charitable Trusts (Lot 1 in DP 108492 and Lot 14 in DP 213314). Reclassification of these lots is also sought to alter the land from 'community' to 'operational' under s30 of the *Local Government Act 1993*.

The rationale for the change to and expansion of the Planning Proposal boundary is to ensure all necessary land is capable of supporting the development zone with provisions to allow the construction of roads, drainage infrastructure and recreational areas. It is noted that whilst rezoning is preferred, alternative planning options for the above parcels exist in the Planning Proposal. Once such alternative is the expansion of the BLEP 2021 Land Application Map to include these parcels and the use of the Bayside LEP 2021 Schedules to address the type and extent of supporting infrastructure, potentially leaving the land unzoned or as a deferred matter. The Proponent's preference, however, is to proceed with the inclusion and rezoning of the parcels for simplicity and transparency.

The classification and reclassification of public land is a separate but often concurrent process to a land rezoning and determines how public land is able to be occupied, managed and divested by Council. However, for clarity, no divestment is contemplated by this Planning Proposal. In fact, the Planning Proposal will enhance the connectivity and utility of the lands and will enable Council to secure long term certainty for use as public open space through the removal of the Charitable Trust affectation made possible through reclassification.

Note a public hearing into the reclassification of the 'Trust lands' was held following the exhibition of the Planning Proposal on 30 June 2023, as coordinated by the SECPP and DPHI.

### Statutory Background – Reclassification

Under Part 2 of the *Local Government Act 1993*, all public land vested in a council (except a road or land to which the *Crown Lands Act 1989* applies) must be classified as either 'community land' or 'operational land' (Section 26). Land may be classified or reclassified either through an LEP (Section 27(1)) or by resolution of council in certain limited circumstances (Section 27(2)).

The purpose of classification is to identify land which should be kept for access by the general public as 'community land', such as parks, reserves and the like and land which is considered 'operational land' to facilitate the functions of Council. The major consequence of classification is that it determines the ease or difficulty with which land may be divested by sale, leasing or some other means.

Classification of community land reflects the importance of the land to the community because of its use or special features. Generally, it is land intended for public access and use, or where other restrictions applying to the land create some obligation to maintain public access (such as a trust deed, or dedication under Section 7.11 of the EP&A Act).

Community land:

- Cannot be sold (except in limited circumstances referred to in Section 45(4));
- Cannot be leased, licensed or any other estate granted over the land for more than 21 years, and may only be leased or licensed for more than 5 years if public notice of the proposed lease or license is given; and
- Must have a plan of management prepared for it. Until a plan of management is adopted, the nature and use of the land must not change.

No such restrictions apply to operational land.

### Explanation of Provisions – Reclassification

The proposed outcome will be achieved by amending Schedule 4 of the Bayside LEP 2021. Schedule 4 identifies land that is to be classified or reclassified as either 'community land' or 'operational land'. Schedule 4 is divided into three parts as follows:

- **Part 1:** identifies land being classified or reclassified as 'operational' where the trusts, estates, interest, dedications, conditions, restrictions and covenants will remain on title after classification/reclassification –i.e. where no interests will change.
- **Part 2:** identifies land being classified or reclassified as 'operational' where some of the trusts, estates, interests, dedications, conditions, restrictions, or covenants over the land will remain after classification/reclassification. The interests to remain (if any) are identified in column 3 of this part of the schedule.
- **Part 3:** identifies land being classified or reclassified as 'community' land.

This Planning Proposal proposes to reclassify all Council owned lots within Cooks Cove from community land to operational land. The interests to remain and to be removed from each title are outlined in **Table 11** below.

**Table 11** *Interests to remain on title / to be removed from title*

Site	Interests to remain (to list in Part 2 of Schedule 4)	Interests to be removed
Lot 1 DP 108492	Lot 1 DP 108492	The Charitable Trust affectation over Lot 1 DP 108492
Lot 14 DP 213314	Lot 14 DP 213314	The Charitable Trust affectation over Lot 14 DP 213314

#### Practice Note: Classification of Public Land 2016

Practice Note PN 16-001, provides guidance on classifying and reclassifying public land through an LEP. This Practice Note was issued on 5 October 2016 and supersedes PN 09-003 Classification of Public Land. The purpose of PN 16-001 is to emphasise the need to demonstrate strategic and site-specific merit for proposals classifying or reclassifying public land.

A Planning Proposal to classify or reclassify public land is required to be prepared in accordance with this Practice Note and additional matters specified in Attachment 1 of the Practice Note. **Table 12** addresses each of these additional matters required to be addressed or provides direction to where each matter is addressed in this document in further detail.

**Table 12** *Compliance with Planning Practice Note 16-001*

PN 16-001 Requirement	Response
<i>The current and proposed classification of the land</i>	<p>The land owned by Bayside Council subject to this Planning Proposal is currently classified as 'community land' for the purpose of the Local Government Act 1993, on the basis that it was land subject to a Trust for a public purpose, at the inception of the Act. It is proposed to reclassify Lot 14 DP213314 and Lot 1 DP108492 to 'operational land' as an initial step. Further, it is proposed that the Charitable Trusts pertaining to Lot 14 and Lot 1 are extinguished as a consequence of the reclassification process.</p> <p>Subject to a separate process following public exhibition of this Planning Proposal and Gazettal of the amended planning controls for the site, future steps necessary for the land include:</p> <ul style="list-style-type: none"> <li>• Consolidation with the adjoining Lot 1 DP 329283 owned by TfNSW;</li> <li>• Creation of two discrete lots identified by TfNSW that will accommodate the permanent operations facilities for the M6 and M8 motorways, respectively. Presently TfNSW advised indicative footprint of these facilities straddle the cadastral boundaries of the above three identified lots which is not considered an optimal long term outcome;</li> <li>• Identification of the internal access road dimension requirements adjacent the Flora Street and Gertrude Street intersections. Internal Cooks Cove access roads up to the boundary of the development zone are proposed to be progressively vested in the ownership of Bayside Council upon completion to guarantee access to public open space; and</li> <li>• Identification the boundary of new lots from the residue of Lot 14 and Lot 1 (and the residue of Lot 1 in 329283, if supported by TfNSW) to be held in the ownership of Bayside Council and reclassify the residual lots as 'Community' without a Trust affectation. This land is to be used as public open space.</li> </ul>
<i>Whether the land is a 'public reserve' (defined in the LG Act)</i>	Land held by Bayside Council subject to this Planning Proposal, being Lot1 in DP108492 and Lot 14 in DP213314 are respectively a 'public reserve' under the Local Government Act 1993.
<i>The strategic and site-specific merits of the reclassification and evidence to support this</i>	<p>The proposed reclassification and extinguishment of various affections on Council owned land within this Planning Proposal are all necessary components to facilitate the Cooks Cove project in its entirety.</p> <p>The reclassification process permits the resolution of access arrangements and the creation of new public recreation assets. Similarly, the reclassification process</p>



PN 16-001 Requirement	Response
	<p>facilitates the objectives of the Bayside West Precincts 2036 Plan and the Implementation of the Planning Principles for the Cooks Cove Precinct identified by Local Planning Directions 7.9 and 7.10.</p> <p>Specifically, the reclassification process permits the delivery of new recreation opportunities that will not be burdened by future road construction requirements, an outcome earlier proposed by RMS and will contribute to the creation of a highly liveable community and an enhanced, attractive, connected, publicly accessible foreshore and public open space network. Further the reclassification process will enhance walking and cycling connectivity and facilitate the delivery of a safe road network that balances movement and place and provides connections to the immediate and surrounding area.</p>
<p><b>Whether the Planning Proposal is the result of a strategic study or report</b></p>	<p>This Planning Proposal has been prepared in response to:</p> <ul style="list-style-type: none"> <li>• The Bayside West Precincts Land Use and Infrastructure Strategy (November 2016), specifically Action 5 – “Proponent to lodge a Planning Proposal with Council for urban development at Cooks Cove”;</li> <li>• Strategic Studies and reports issued and commissioned by the Department of Planning and Environment informing the draft LUIS, including the Cooks Cove Planning Report (November 2016);</li> <li>• The Greater Sydney Region Plan and the Eastern City District Plan which each identify Cooks Cove as an Urban Renewal Area within the Bayside West Precincts (March 2018); and</li> <li>• The Bayside West Precincts (Arncliffe, Banksia and Cooks Cove) 2036 Plan.</li> </ul>
<p><b>Whether the Planning Proposal is consistent with Council's community plan or local strategic plan</b></p>	<p>In May 2015, Rockdale Council nominated Cooks Cove as a Priority Precinct to the then Department of Planning and requested government support to expedite the necessary planning pathways to transform Cooks Cove into a quality residential and recreational precinct.</p> <p>The Bayside Council Community Strategic Plan 2018-2030 ‘Bayside 2030’ acknowledges the Greater Sydney Commissions (GSC) Urban Renewal aspirations for the ‘Bayside West Urban Renewal Area (including Cooks Cove)’ as one of the “Key future infrastructure projects” for the Bayside Local Government Area. The Bayside Local Strategic Planning Statement acknowledges both the existing zoning of the site pursuant to the Sydney Regional Environmental Plan (SREP) No 33 (June 2004), as well as the Bayside West Precinct 2036 Plan (September 2018) and Local Planning Directions 7.9 and 7.10 (Page 66).</p> <p>The Planning Proposal is consistent with the GSC’s Urban Renewal aspirations and Local Planning Directions 7.9 and 7.10 and hence is consistent with Bayside Councils acknowledgement in the Community Strategic Plan and the Local Strategic Planning Statement. The objective of the reclassification process contemplated will facilitate the access objectives of either the existing zoning or the proposed zoning pursuant to this Planning Proposal to be achieved.</p>
<p><b>A summary of council's interests in the land, including:</b></p> <ul style="list-style-type: none"> <li>- <i>How and when the land was first acquired (e.g. was it dedicated, donated, provided as part of a subdivision for public open space or other purpose, or a developer contribution)</i></li> <li>- <i>If council does not own the land, the land owner's consent;</i></li> <li>- <i>The nature of any trusts, dedications etc</i></li> </ul>	<p>Lot 14 in DP 213314 was acquired by the Cumberland County Council from the Commonwealth, pursuant to a Deed dated 30 October 1957. The Deed provided for the Commonwealth to transfer fee simple title to the Council, to hold the land ‘UPON TRUST’ for the following purposes subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1. That the Council will hold the said land which is required for a County Road under the County of Cumberland Planning Scheme Ordinance (CCPSO), for that purpose; and will make the same available without cost to the Commissioner for Main Roads or any other body that may be the constructing authority for the County Road when required to do so, and pending its requirement for a County Road the Council shall not use the land or permit the land to be used other than for the purpose of a public park, public reserve or public recreation area.</li> <li>2. The Council will not erect or permit to be erected on the said land or any part thereof any building without first obtaining the approval of the County Council.</li> </ol> <p>Lot 1 in DP108492 was acquired by the Cumberland County Council from a private individual and ownership was transferred to the Council on 5 May 1958, subject to a Declaration of Trust (14 April 1958), pursuant to the provisions of Clause 18 of the CCPSO. The Council holds the land ‘UPON TRUST’ for the following purposes and subject to the following conditions:</p>

PN 16-001 Requirement	Response
	<ol style="list-style-type: none"> <li>1. As to part of the said land that is as to so much thereof as is required for a County Road under the CCPSO the Council holds the same for that purpose AND will make the same available without cost to the Commissioner for Main Roads or any other body that may be the constructing authority for the County road when required to do so and pending its requirement for a County Road the Council shall not use or permit to be used such part of the said land for any purpose other than the purpose of a public park, public reserve or public recreation area.</li> <li>2. As to the residue of the said land the Council holds the same for the purposes of a public park , public reserve or public recreation area and the Council will not use or permit to be used such residue of the land for any purposes other than the purpose of a public park, public reserve or public recreation area.</li> <li>3. The Council will not erect or permit to be erected on the said land or any part thereof any building without first obtaining the approval of the Cumberland County Council and will observe and comply with all conditions which the Cumberland County Council may impose in connection with any such approval.</li> </ol> <p>The successor of the Cumberland County Council is the DPHI. A County Road is one shown on the 1948 County of Cumberland Planning Scheme Map (adopted by Government in 1951) irrespective of whether it is a proclaimed main road. The term covers roads of more than local importance including National, Regional, Intra Regional Access and Scenic Roads. With reference to Cooks Cove it is interpreted to refer to the M5 East and the M8 Motorway as constructed and the M6 Stage 1 under construction connecting to south facing M8 stub tunnels approximately 50 metres beneath the surface of Lot 14. There are no further applicable County Roads pertaining to Cooks Cove identified on the CCPSO map. The CCPSO map is incapable of being updated as the scheme was replaced by the Sydney Region Outline Plan in 1968, as such no new County Roads pertaining to Cooks Cove as identified by the Trust conditions are considered to exist, and there are no future pending requirements identified by the CCPSO and the Trusts have served their purpose once Stage 1 of the M6 is complete.</p>
<p><b><i>Whether an interest in land is proposed to be discharged, and if so, an explanation of the reasons why</i></b></p>	<p>The Charitable Trusts applicable to Lot 1 in DP 108492 and Lot 14 in DP 213314 are proposed to be discharged through reclassification from 'Community' to 'Operational' pursuant to the terms of Section 30 of the <i>Local Government Act</i>. The intent is that the residue lands not required for road related purpose will subsequently revert back to a 'Community' classification for the purposes of public open space.</p> <p>The intention is to remove the constraint arising from the Charitable Trusts to facilitate the development of intersections and associated access roads that are presently contemplated by SEPP (Precincts—Eastern Harbour City) 2021 and now this Planning Proposal. Such site accessibility is consistent with the connectivity objectives of the Bayside West Precinct 2036 Plan and Local Planning Directions applicable to the Cooks Cove site, including specifically the requirement that a Planning Proposal applying to Cooks Cove <i>"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 the area"</i>.</p> <p>The extinguishment of the Charitable Trusts, once their pending requirement for County Roads has been fulfilled following completion of the M6 and M8 motorways, facilitates the residue of the land to be utilised for public open space for the benefit of the Bayside West Community. This outcome is consistent with the Local Planning direction Planning Principles <i>"Enable the environmental repair of the site and provide for new public recreation opportunities"</i> and facilitates 'an enhanced, attractive, connected and connected publicly accessible foreshore and public open space network' and 'enhanced 'walking and cycling connectivity.</p> <p>In conjunction with Lot 1 DP 329283, it is proposed that discrete lots are identified to contain permanent operations facilities, as respectively required for the operation of the County Roads, being the M8 Motorway and the M6 Stage 1 Motorway constructed in tunnel beneath these lots, to ensure the portions of the Trust Land required to fulfil the County Road purpose have been appropriately utilised. Once such spatial requirement is identified, it is proposed the residue is</p>

PN 16-001 Requirement	Response
	<p>reclassified as 'community' land to ensure its future public open space purpose is preserved.</p> <p>The reclassification process and associated extinguishment of the Charitable Trusts, gives rise to an outcome which is consistent with Roads &amp; Maritime Services February 2016 compromise offer to Rockdale City Council following proceedings in the NSW Supreme Court:</p> <p><i>"With respect to the long term use of the trust land, I [Peter Duncan, CEO] confirm that Roads and Maritime is willing to work with the Council, the Minister for Planning, Transport for NSW and the Attorney General to identify trust land that can be used for permanent public recreational space and not be subject to an acknowledgement to make that land available for road purposes".</i></p>
<b><i>The effect of the reclassification (including, the loss of public open space, the land ceases to be a public reserve or particular interests will be discharged)</i></b>	<p>The future utilisation of land for public recreation, flood / stormwater management and access can be determined without the requirement to reference and interpret the constraints arising from Trust documentation documented in 1957 and 1958 pertaining to a Planning Scheme ordinance that was replaced in 1968.</p> <p>The proposed reclassification permits access roads and earthworks to be implemented to improve the operational utility of public land and provide access to the Cooks River foreshore. Further, this process enables urban renewal to proceed at Cooks Cove in accordance with the Ministerial and GSC directives and in a form consistent with Bayside West Precincts 2036.</p> <p>Reclassification will also result in additional public open space within the Cooks Cove development precinct being progressively dedicated to Council and elimination of the road constraint on an existing open space asset.</p> <p>The Planning Proposal seeks no transfer of public land to the Proponent and the residue land can revert to a public reserve subject to 'community classification', once the NSW Government has defined its operational road requirements.</p>
<b><i>Evidence of public reserve status or relevant interests, or lack thereof applying to the land (e.g. electronic title searches, notice in a Government Gazette, trust documents)</i></b>	Relevant electronic title searches, covenants, easements, dealings and the like are provided at <b>Appendix E</b> .
<b><i>Current use(s) of the land, and whether uses are authorised or unauthorised</i></b>	Lot 1 in DP 108492 is presently occupied in part for authorised use as a temporary M6 Stage 1 construction compound consistent with Trust conditions. The balance of Lot 1 is being utilised by Kogarah Golf Club for authorised golf activities pursuant to a licence that will terminate once M6 Stage 1 construction activities are complete. Lot 14 in DP 213314 is presently predominantly occupied for authorised use as a temporary M6 Stage 1 construction compound. The balance of Lot 14 not presently utilised for motorway construction purposes is in authorised use as part of the Marsh Street carriageway or temporarily utilised by Kogarah Golf Club as golf links in conjunction with adjoining land pursuant to a licence.
<b><i>Current or proposed lease or agreements applying to the land, together with their duration, terms and controls</i></b>	Current occupancy of Lot 1 DP108492 and part Lot 14 DP213314 are subject to leases in favour of TfNSW from Bayside Council. Duration, excluding permanent occupancy requirement footprints for operation facilities, is nominally a term less than 5 years, but practically a term that corresponds with the period required to construct and commission Stage 1 of the M6 motorway and then subsequently remediate the construction compound footprint. Forecast completion 2025. Duration of Interim lease/licence with Kogarah Golf Club is concurrent with RMS lease/licence.
<b><i>Current or proposed business dealings (e.g. agreement for the sale or lease of the land, the basic details of any such agreement and if relevant, when council intends to realise its</i></b>	Bayside Council and RMS have agreed terms addressing the future remediation of land post conclusion of the motorway construction works. Excluding any TfNSW/ NSW Government required divestment to provide for M6 and M8 permanent operations facilities, and rationalising property boundaries to provide for roads (e.g Lot 14 property boundary presently extends to Marsh Street median) there is no foreseen requirement for Council to divest land, or 'realise its asset' whilst reclassified as 'Operational'.



PN 16-001 Requirement	Response
<b><i>asset, either immediately after rezoning/reclassification or at a later time)</i></b>	<p>The Proponent has made indicative offers to enter into a Voluntary Planning Agreement with Bayside Council that will address the required terms and conditions for the Proponent funded construction of public roads and intersections, flood mitigation works and public realm improvements upon Lot 1 DP1089492 and Lot 14 DP213314.</p> <p>The Minister adopted SREP33 Master Plan specifies that 'All the streets and foreshore accessways are to be public in ownership'. The Proponent does not seek any transfer in title from Council of any component of any lot to be reclassified. The Proponent foreshadows the progressive future dedication of land that is presently private freehold land to Council for access, road and public recreation purposes.</p> <p>The Proponent proposes to enter into a Planning Agreement with the Department of Planning and Environment to address the Proponent's Bayside West Special Contributions Area liabilities and the funding of local and regional infrastructure upgrades identified in the Bayside West Precincts 2036 Plan and such works agreed with TfNSW and forming the Infrastructure Plan.</p>
<b><i>Any rezoning associated with the reclassification (if yes, need to demonstrate consistency with an endorsed Plan of Management or strategy)</i></b>	<p>Yes, rezoning associated with reclassification.</p> <p>The Planning Proposal proposes Lot 14 DP213314 which is presently zoned part Special Uses and part Trade and Technology pursuant to Sydney Regional Environmental Plan No.33 be rezoned as outlined below:</p> <ul style="list-style-type: none"> <li>• To the extent identified as required by Council/TfNSW that portion of Lot 14 presently forming part of the widened Marsh Street and the future portions of land required for Gertrude/Marsh and Flora/Marsh Street intersections, that is presently zoned 'Special Uses', be rezoned 'SP2- Classified Road'</li> <li>• That portion of Lot 14 that is presently zoned 'Trade and Technology' that is proposed to accommodate portions of the permanent operation facilities for the M8 and M6 Stage 1 Motorway, be rezoned 'SP2-Classified Road'</li> <li>• The residue of Lot 14 to be rezoned from 'Trade and Technology' to RE1 Public Open Space, consistent with RMS 2016 undertaking to Council to 'identify Trust land that can be used for public recreational space and not be subject to an obligation to make that land available for road purposes'</li> <li>• It is noted that 'Roads' are permitted in a RE1 Zone, however if required that portion of Lot 14 required to provide internal road access to adjoining land and the Cooks River foreshore can be discretely identified.</li> </ul> <p>The Planning Proposal proposes that Lot 1 DP108492 be rezoned from existing SREP33 'Special Uses', 'Trade and Technology' and 'Open Space' to RE1 Public Recreation, excluding that portion required for M8 / M6 Stage 1 Motorway operation support facilities, to form part of a discrete lot to be rezoned 'SP2-Classified Road'.</p> <p>For completeness, it is suggested that Lot 1 DP329283 be rezoned from part 'Trade and Technology' and part 'Open Space' under SREP33 (for that portion of the lot forming part of the M8 and M6 Stage 1 operation facilities) to SP2 Classified road with the residue suggested to be rezoned RE1 Public Recreation.</p> <p>The proposed RE1 Public Recreation zoning outcomes is consistent with the Bayside Council Plan of Management for Community Land and Public Open Space objectives for Lot 14 DP213314 and Lot 1 DP108492, which are identified in Table 21 – Areas of General Community Use – Current and Future Permitted Use – 'Kogarah Golf Course (Council owned land)':</p> <p>Future Use – Land to be available for recreational, leisure or special event use. Buildings to comprise community leisure/recreation buildings and ancillary utility buildings; Improvement to comprise Active Recreation Improvements e.g picnic furniture, bike track, play space and equipment, pedestrian lighting, event facilities, e.g 3 phase power.</p>

PN 16-001 Requirement	Response
<b>How council may or will benefit financially, and how these funds will be used</b>	Council is not required to divest land. Council will retain land available for public recreation without the future burden of being required to give the land up in the future for road activities without compensation. The Cooks Cove project represents a significant commitment to invest in the Bayside community and generate employment, economic and cultural opportunities. Improvements to the public domain and local and regional infrastructure will be delivered as detailed in Planning Agreements to be resolved post Gateway Determination.
<b>How council will ensure funds remain available to fund proposed open space sites or improvements referred to in justifying the reclassification, if relevant to the proposal</b>	To be resolved in the detailed Planning Agreement. Bonds, bank guarantees, security over land or similar financial instrument. There is no divestment of land by Council.
<b>A Land Reclassification (part lots) Map, in accordance with any standard technical requirements for spatial datasets and maps, if land to be reclassified does not apply to the whole lot</b>	Noted. Preliminary mapping has been undertaken for exhibition and community consultation purposes (refer <b>Appendix E</b> ) and will be further developed following the preparation of final subdivision plans.
<b>Preliminary comments by a relevant government agency, including an agency that dedicated the land to council, if applicable</b>	<p>DPHI is the successor of the County of Cumberland Council who placed the Trust Lands in the hands of the Council. DPHI has advised the Proponent that the “Department is of the view that the best way to resolve the trust lands issue is by reclassifying the land from community to operational land under the Local Government Act 1993 in order to discharge the trust over this land. The reclassification of the land would need to be affected by an amendment to the relevant Local Environmental Plan, and this amendment would need to be approved by the Governor”.</p> <p>TfNSW advised the Proponent on 22 February 2019 that: “Roads and Maritime Services has no objection to the extinguishment of the trusts for the portions of the Trust Lands not required for the Westconnex New M5 and F6 Stage 1 Extension projects subject to the following conditions:</p> <ul style="list-style-type: none"> <li>- Roads and Maritime Services retains flexibility in relation to the precise future boundary of the permanent facilities required for WestConnex New M5 and F6 Extension Stage 1 projects and hence the extent of Trust Lands required;</li> <li>- Roads and Maritime Services retains the right to the substratum of the Trust Lands required for the WestConnex New M5 and F6 Extension Stage 1 Projects; and</li> <li>- The trust are not extinguished prior to the opening completion for the F6 Extension Stage 1 project, which is expected in 2025”</li> </ul> <p>The Proponent seeks resolution of alternative arrangement to permit the earlier extinguishment of the Trust that does not in any way impair the delivery of the M6 Stage 1 extension project.</p>

A Public Hearing into the proposed reclassification of Community Land at 13-19A Marsh Street Arncliffe was convened by DPHI on the 30 June 2023, at the Novotel Sydney International Airport. The Hearing was presided an independent chair engaged by the Planning Proposal Authority. The opportunity to speak was communicated in the pre-hearing notifications and advertisements. Thirteen (13) people attended the Hearing and there were 11 verbal submissions. Four of the verbal submissions were accompanied by further written submissions.

The Public Hearing Report Recommendations (**Appendix U**) concludes:

*“Based on the verbal submissions at the Hearing on 30 June 2023 and all written submissions that have been received there is no compelling reason to refuse the land reclassification. Most of the objections were due to the merits of the Planning Proposal. Some did recognise that the reclassification process was a necessary step towards facilitating the Planning Proposal, and their objections focused on this. The majority of submissions did not identify issues with the matter before the Hearing being the issue of whether the land reclassification should proceed...”*

**After consideration of the submissions, the recommendation is that the land reclassification should proceed.”**

## 4.3 Draft Development Control Plan

Gateway Condition (1)(h) states that the Planning Proposal is to be updated prior to community consultation to: "include a local provision to prepare a site-specific Development Control Plan (DCP) outlining heads of consideration for inclusion in the DCP. The planning proposal is to include proposed key controls applying to future development on the site."

The draft local provision to be included within Bayside LEP 2021 is set out below:

- (2) Development consent must not be granted for development on land to which this clause applies unless
  - (a) a development control plan that provides for the matters specified in subclause (3) has been prepared for the land, or
  - (b) guidelines and controls similar to those mentioned in subclause (3) already apply to the land, or
  - (c) the development is of a minor nature and is consistent with the objectives of the zone in which the land is situated.
- (3) The development control plan must provide for all of the following:
  - (a) land use distribution,
  - (b) access, parking and circulation,
  - (c) open space provision, pedestrian and active transport connections,
  - (d) vegetation management, tree retention and landscaping,
  - (e) interface conditions between open space and development areas,
  - (f) built form including massing and modulation of buildings, and facade treatment,
  - (g) principles of ecologically sustainable development,
  - (h) environmental management, including acid sulfate soils, flooding, groundwater, stormwater, aircraft movement and noise, contamination, and remediation,
  - (i) heritage management and interpretation.

In 2022, Bayside Council exhibited its comprehensive draft Development Control Plan 2022 (draft DCP 2022). Upon gazettal, draft DCP 2022 will apply to the Cooks Cove site. The draft DCP has been reviewed and its applicability is outlined in **Table 13** below. The draft DCP contains the majority of the planning and environmental controls required for the envisaged development. In some instances, however, site specific controls are required to address matters that are not covered by draft DCP 2022 or to provide more detail than what is included in the draft DCP. As such, a new "Section 7.18 Cooks Cove Precinct" is proposed to be added to draft DCP 2022 to include these site-specific provisions.

A current copy of the draft DCP, which has been further developed and refined with Council (as a working document) is included at **Appendix O**. It is expected that the draft DCP will be formally exhibited and adopted by Bayside Council concurrently with the making of the LEP.

**Table 13** Review of applicability of draft Bayside DCP 2022

Section	Commentary on section applicability
<b>Section 1.0</b> Table of Contents and Amendment History	<ul style="list-style-type: none"> <li>1.1 and 1.2 are applicable</li> </ul>
<b>Section 2.0</b> Preliminary Information	<ul style="list-style-type: none"> <li>2.1 – 2.8 are applicable</li> </ul>
<b>Section 3.0</b> General Development Provisions	<ul style="list-style-type: none"> <li>3.1.1 Site Analysis Plan is applicable</li> <li>3.1.2 Interface with Public Domain – supplementary site-specific controls for interface are proposed</li> <li>3.1.3 Crime Prevention through Environmental Design is applicable</li> <li>3.1.4 Active Street Frontages is n/a</li> <li>3.1.5 Views is applicable</li> <li>3.2 Design Excellence is n/a</li> <li>3.3.1-2 Energy &amp; Environmental Sustainability is applicable – supplementary site-specific controls for environmental sustainability are proposed</li> <li>3.3.3 Reflectivity is applicable</li> <li>3.3.4 Rating Tools is applicable</li> <li>3.3.5 Energy Assessment is applicable – supplementary site-specific controls for environmental sustainability are proposed</li> <li>3.4.1 Heritage may be applicable</li> </ul>



Section	Commentary on section applicability
	<ul style="list-style-type: none"> <li>• 3.4.2-3 Aboriginal Cultural Heritage / Archaeological Management may be applicable</li> <li>• 3.4.4 European Heritage Items is n/a</li> <li>• 3.4.5 Development adjoining or in Close Proximity to Heritage Items is applicable</li> <li>• 3.4.6 Development in HCAs is n/a</li> <li>• 3.5.1 Design of a Parking Facility is applicable</li> <li>• 3.5.2 Traffic Impact Assessment and Transport Plans is applicable - supplementary site-specific controls for site access, circulation and traffic management are proposed</li> <li>• 3.5.3 On-Site Car Parking Rates is applicable – supplementary site specific controls for On-Site Car Parking Rates are proposed</li> <li>• 3.5.4 Bicycle and Motorcycle Parking is applicable</li> <li>• 3.5.5 Accessible Parking is applicable</li> <li>• 3.5.6 Loading Facilities is applicable</li> <li>• 3.5.7 Waste Collection is applicable</li> <li>• 3.5.8 Basement Parking is applicable</li> <li>• 3.5.9 New and Emerging Transport &amp; Parking Facilities is applicable</li> <li>• 3.5.10 Materials, Colours, Lighting, Landscaping and Signposting is applicable</li> <li>• 3.6.1 Accessibility is applicable</li> <li>• 3.6.2 Adaptable Dwellings and Universal Housing is n/a</li> <li>• 3.6.3 Social Impact may be applicable</li> <li>• 3.7.1 Landscaping is applicable – supplementary site-specific controls for landscaping and setbacks are proposed</li> <li>• 3.7.2 Planting Design and Species is applicable</li> <li>• 3.7.3 Communal and Private Open Space is n/a</li> <li>• 3.7.4 Public Open Space Interface Controls is applicable – supplementary site-specific controls for public open space interface controls are proposed</li> <li>• 3.7.5 Landscaping in Carparks is applicable</li> <li>• 3.7.6 Biodiversity is applicable – the Biodiversity Map (DCP, Appendix A) and the Threatened Species Habitat and Endangered Ecological Communities (DCP, Appendix 2) are being updated to reflect ground truthing.</li> <li>• 3.8.1 Tree Preservation and Vegetation Management is applicable – supplementary site-specific controls for tree preservation and vegetation management are proposed</li> <li>• 3.8.2 Tree and Vegetation Offset Controls</li> <li>• 3.9 Stormwater Management and Water Sensitive Urban Design is applicable</li> <li>• 3.10 Flood Prone Land is applicable – supplementary site-specific controls are proposed</li> <li>• 3.11 Contamination is applicable</li> <li>• 3.12 Waste Management is applicable</li> <li>• 3.13 Obstacle Limitation Surface and Airspace is applicable – supplementary site-specific controls are proposed</li> <li>• 3.14 Noise, Wind, Vibration and Air Quality is applicable</li> <li>• 3.16 Signs and Advertising is applicable – supplementary site-specific controls are proposed</li> </ul>
<b>Section 4.0</b> Subdivision, Consolidation and Boundary Adjustments	<ul style="list-style-type: none"> <li>• 4.1 General is applicable</li> <li>• 4.2 Residential Subdivision is n/a</li> <li>• 4.3 Non-Residential Subdivision is applicable</li> <li>• 4.4 Strata Subdivision may be applicable</li> <li>• 4.5 Community Title Schemes may be applicable</li> <li>• 4.6 Connectivity and Future Development Potential is n/a</li> <li>• No site specific DCP controls required to supplement Section 4.0</li> </ul>

Section	Commentary on section applicability
<b>Section 5.0</b> Residential & Mixed Use Developments	<ul style="list-style-type: none"> <li>5.0 is n/a in its entirety and no site specific DCP controls required to supplement Section 4.0</li> </ul>
<b>Section 6.0</b> Non-residential Development	<ul style="list-style-type: none"> <li>6.1.1 General Controls is applicable – supplementary site-specific controls for landscaped area, setbacks and tree retention are proposed</li> <li>6.1.2 Fences is applicable - supplementary site-specific controls for fencing and walls are proposed</li> <li>6.2.1 Outdoor dining is applicable</li> <li>6.2.2 Specialised Retail Premises (Bulky Goods) is n/a</li> <li>6.2.3 Convenience Stores may be applicable</li> <li>6.2.4 Vehicle Sales and Hire Premises is n/a</li> <li>6.2.5 Showrooms is n/a</li> <li>6.2.6 Uses involving Preparation and Storage of Food is applicable</li> <li>6.3.1-3 Commercial Premises is applicable – supplementary site-specific controls for landscaped area and setbacks are proposed</li> <li>6.4 Industrial Premises is applicable – supplementary site-specific controls for landscaped area, tree planting, operations, building design and facade treatment and setbacks are proposed</li> <li>6.4.1 Light Industrial Premises &amp; Premises within Business Parks is applicable</li> <li>6.4.2 Storage Premises is applicable</li> <li>6.5 Restricted Premises and Sex Service Premises is n/a</li> <li>6.6 Artisan Food and Drink Premises is applicable</li> <li>6.7.1 Backpackers Accommodation is n/a</li> <li>6.7.2 Bed &amp; Breakfast is n/a</li> <li>6.7.3 Hotel and Motel is applicable</li> <li>6.7.4 Serviced Apartments is applicable</li> <li>6.8 Early Education and Childcare Facilities may be applicable</li> <li>6.9 Places of Public Worship is n/a</li> <li>6.10 Creative Industries may be applicable</li> <li>6.11 Vehicle Body Repair Workshops and Vehicle Repair Stations is n/a</li> <li>6.12 Caretaker Dwellings is applicable</li> </ul>
<b>Section 7.0</b> Specific Places	<ul style="list-style-type: none"> <li>New Section 7.18 Cooks Cove Precinct to be added to DCP</li> </ul>
<b>Section 8.0</b> Managing Risk and Environmental Conditions	<ul style="list-style-type: none"> <li>8.1 Coastal Foreshores and Hazards is applicable</li> <li>8.2 Wetlands is not applicable</li> <li>8.3 Hazardous Development and Risk is not applicable</li> <li>8.4 Soil Management is applicable</li> <li>8.5 Development on Sloping Sites is n/a</li> </ul>
<b>Section 9.0</b> Schedules	<ul style="list-style-type: none"> <li>Dictionary is applicable</li> <li>Notification Procedures is applicable</li> <li>Landscape Plan Requirements is applicable</li> <li>Late Night Trading PoM is n/a</li> <li>Flood Prone Land Requirements is applicable</li> <li>Waste Minimisation and Management is applicable</li> <li>Traffic Access and Parking is applicable</li> </ul>

## 5.0 Key Planning Assessment Issues

This chapter provides an overview of the key planning and technical assessment issues relating to the Cooks Cove Planning Proposal.

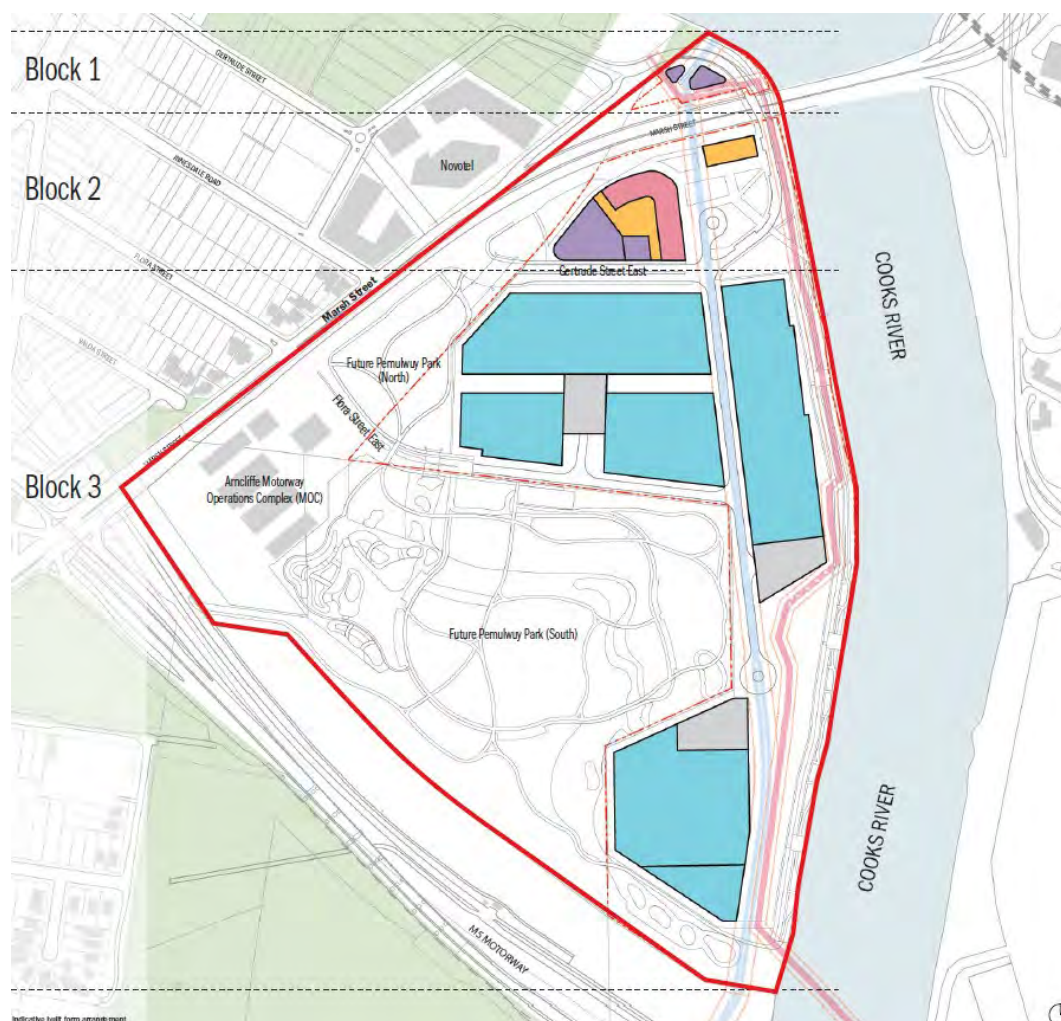
### 5.1 Urban Design

#### 5.1.1 Built Form & Massing

An Urban Design and Landscape Report has been prepared by Hassell and is included at **Appendix B**. The report includes a master plan as an indicative reference scheme which provides support for land use planning controls sought under this Planning Proposal. It has also been prepared to respond to Gateway Condition 1(e)(i) to (viii), which are outlined and responded to in greater detail within the following sections:

- i) Testing of the desired built form outcome against the proposed maximum GFA to ensure it is coordinated with the intended building typology, height and overall built form outcomes across the site;*
- ii) Clear diagrams to show the intended distribution of floorspace across the site having regard to the intended future uses;*

The indicative reference scheme presents a further developed built form arrangement, which has allowed for a detailed analysis and apportionment of the GFA within Blocks 1-3 and by land use. **Section 3.0** provides additional details of the intended massing, with accompanying axonometric and precedent images for further development at the Development Application phase. The intended massing, character and land use allocation is visually presented in **Figure 55** below, together with land use GFA splits provided in **Table 14**.



**Figure 55** Land Use Plan

Source: Hassell



Table 14 Area Schedule

	Block 1	Block 2	Block 3	Total
Hotel / Accommodation	-	20,000m <sup>2</sup>	-	20,000m <sup>2</sup>
Commercial	2,350m <sup>2</sup>	20,000m <sup>2</sup>	-	22,350m <sup>2</sup>
Retail	900m <sup>2</sup>	10,000m <sup>2</sup>	-	10,900m <sup>2</sup>
Logistics / Warehouse	-	-	290,000m <sup>2</sup>	290,000m <sup>2</sup>
Total	3,250m <sup>2</sup>	50,000m <sup>2</sup>	290,000m <sup>2</sup>	343,250m <sup>2</sup>

Source: Hassell

iii) Further justification for the proposed RL height that addresses urban design matters rather than maximum height permitted under the OLS;

The building heights sought have been carefully considered in relation to the surrounding urban context. The built form strategy presented within **Appendix B** is a response to a number of factors, including the existing urban and massing context, underground services and optimising the visual amenity from the foreshore, adjacent open space areas and surrounding buildings, together with aviation constraints. Accordingly, the use of metres for Block 1 and RLs for Blocks 2 and 3 is appropriate in these circumstances. Outcomes for further refined building massing and visual amenity are addressed through proposed DCP controls. Refer to complete discussion and justification at **Section 4.1.4**.

From an urban design perspective, all building heights are proposed to be generally consistent with the adjacent Southbank high rise residential developments to the north of Marsh Street and the TI International Terminal commercial office precinct. The proposed maximum height plane together with the indicative scheme building heights are illustrated in **Figure 56** below.

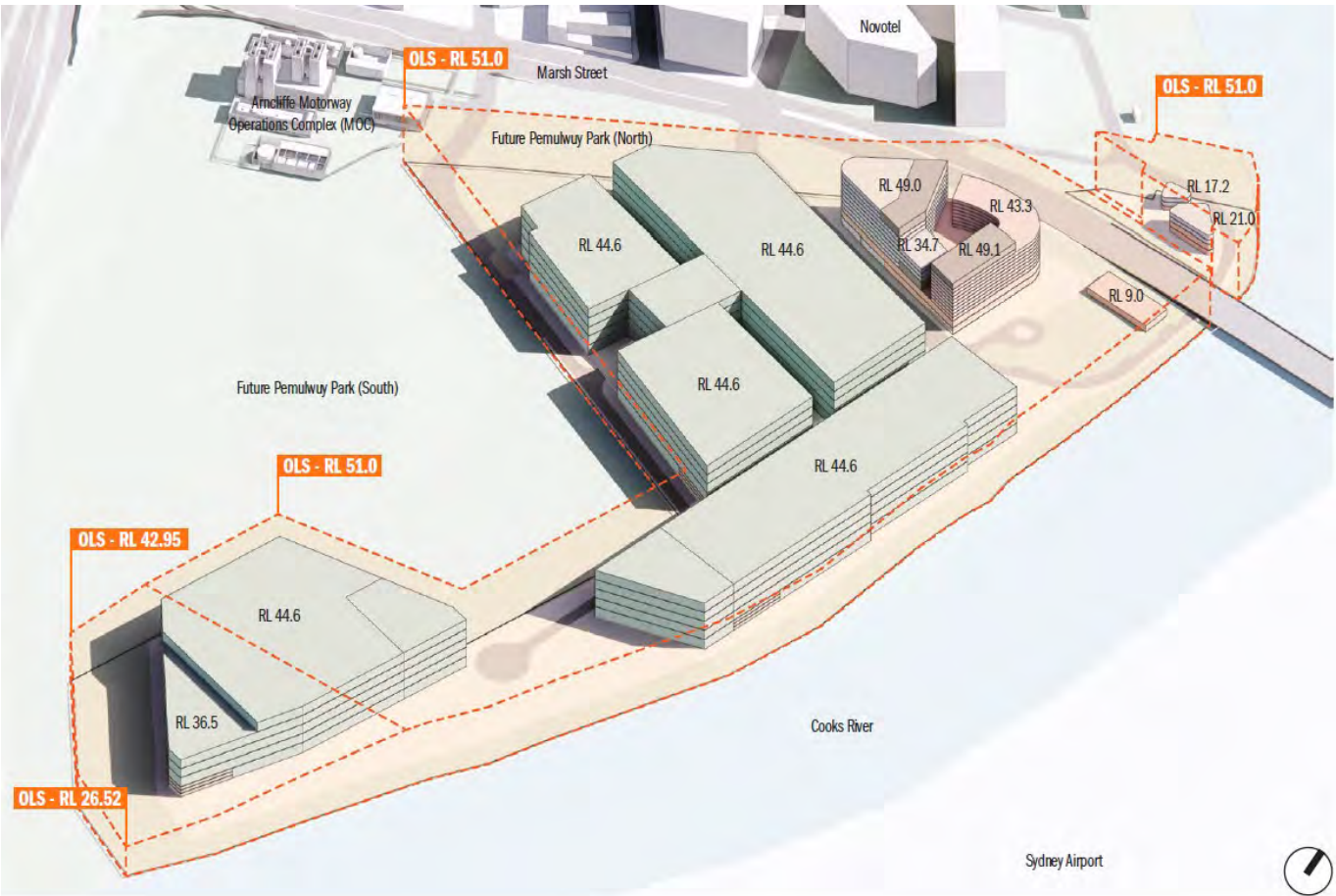


Figure 56 Building Heights

Source: Hassell

iv) Further clarification of the need for a GFA cap (rather than FSR) and RL height (rather than height in metres). This should include further discussion of the benefits of this approach;

Both aspects of proposed maximum building height and maximum floor space development standards are addressed in detail at **Section 4.1.4**.

**v) Visual impacts and relationship to the context of the area including intended public open space;**

The overall mass and form of the indicative reference scheme, specifically Blocks 1, 2 and 3 have been developed in response to a number of factors including the existing context, underground services and to optimise the visual amenity from the foreshore and adjacent open space areas. The Block 1, 2 and 3 built form strategies are identified in **Figure 57**, **Figure 58** and **Figure 59** below.



**Existing Site**

- Site is located along the Cooks River foreshore.
- Extension of Levey Street runs along the north eastern edge of the site.



**Site Constraints**

- Existing Desalination pipeline and gas pipeline divides the site into smaller parcels



**Waterfront Pavilions**

- Rationalise massing geometry to create pavilions to provide activation to the foreshore

**Figure 57 Block 1 – Built Form Strategy**

Source: Hassell



**Maximise Public Domain**

- Consolidate commercial, hotel and retail to the western end of the site.
- Maximise the public domain by relocating commercial building.



**Maximise Amenity**

- Locate hotel to the north and east edge to maximise view and access to light.
- Locate commercial building to the western end of the site to allow ease of access off main roads.

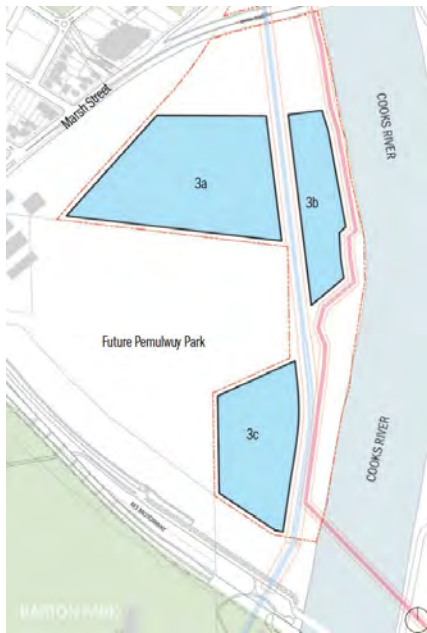


**Pavilion in the Park**

- Locate hotel to the north and east edge to maximise view and access to light.
- Locate commercial building to the western end to provide a presence and address on Marsh St.

**Figure 58 Block 2 – Built Form Strategy**

Source: Hassell



#### Development Parcels

- The existing desalination pipeline and high-pressure ethane pipeline divides the site into three development parcels.



#### Maximise Solar Amenity to Park

- Consider built form to maximise solar amenity to future parkland and minimise overshadowing.
- Provide setback to key park interface.



#### Breaking Down Scale

- Reduce the bulk and scale of the built form to provide relief around the site.

**Figure 59 Block 3 – Built Form Strategy**

Source: Hassell

As illustrated above, the proposed built form strategy has considered the existing conditions of the site and its surrounds in forming the indicative reference scheme and built form controls. The intent of several design decisions and refinements to the previous version of the massing accompanying the Gateway Determination serve to further mitigate bulk and scale within the precinct.

The resultant scheme minimises the proposal's visual impact on the surrounding locality and integration has been optimised with surrounding public open space, as demonstrated through the indicative built form perspectives of the proposal that are provided in **Figure 58** and **Figure 59**. Further details of the precincts levels and boundary transition arrangements are provided at **Appendix B**.

In responses to submissions received during Public Exhibition, a Visual Impact Comparison was completed by Virtual Ideas which is included at **Appendix R**. The owner of the hotel complex and select occupants of the adjoining Southbank development (south and west facing) and other residential flat buildings raised objections to the Planning Proposal on the basis that it will impair their present view over the existing golf course terrain and Cooks River, along with views across Botany Bay, Kyeemagh, and the Sydney CBD skyline.

It is noted the Gateway Determination (PP-2022-1748, issued 5 August 2022) included Condition 1(E) which required an updated to the Urban Design Report to demonstrate the suitability of the planning proposal with regards to the visual impact of the site and its relationship to the context of the area. This material was put on public exhibition from 24 April 2023 to 6 June 2023 by DPHI. It is noted that the development zone is now limited to the Proponent's freehold land, where under existing zoning the development zone occupies a larger footprint. Comparable commercial, logistics, retail and tourist/visitor accommodation exist across both existing and proposed zoning and both scenarios are limited in height by the aviation OLS at 51m RL.

A visual analysis through photomontages was undertaken to understand the potential impact of the proposal. The location of two (2) key outlooks were selected with consideration of all impacted parties, with the most common view being that of a mid-level residential flat building balcony. An outlook from the residential flat building known as Southbank (20-26 Levey Street, Wolli Creek) was selected as this provides key outlooks onto public domain, view corridors and vantage points following a review of the potential significant views surrounding the site. The views are taken from the closest possible outlooks from the Southbank building to the indicative reference scheme, one being generally north and northeast and the second generally southeast and south, representative of typical floorplates and



outlooks from Southbank. The selection of the Southbank building represents a closer view compared to that which would be experienced from the hotel and other buildings in the locality.

The photomontages for each of the identified views have been taken at a standard building height (Level 8) with consideration for the primary orientation of the balcony, to indicate what a typical apartment view impacts will be when considering the proposed development. The location of the selected camera angles used to complete the view comparison are illustrated in **Figure 60** below and described as follows:

- **Viewpoint 1** – Southbank Building Level 8 facing North-East (RL 28.5 m); and
- **Viewpoint 2** – Southbank Building Level 8 facing South-West (RL 28.5 m).



**Figure 60** Visual Analysis Viewpoint Locations

Source: Virtual Ideas

#### **Viewpoint 1 – Southbank Building Level 8 facing North-East (RL 28.5 m)**

The photomontages provided in **Figure 61** and **Figure 62** convey the southern view corridor, that will be improved from the proposed 2006 approved Stage 1 DA, as the previously proposed building massing has been removed directly adjacent to Marsh Street, providing enhanced outlook onto the proposed parkland. This area will be reclassified and will ultimately be capable of being managed as community focused Pemulwuy Park in future.

Furthermore, the Planning Proposal will remove the long standing elevated F6 motorway reservation as originally identified in the Sydney Regional Environmental Plan No. 33 – Cooks Cove (SREP 33), now superseded by the State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021. This instrument contained a special use zone which was intended to have a raised motorway pass over Marsh Street and be located in the gap between the built form envisioned in immediate proximity to these neighbouring developments.

It should also be noted that particular reference has been made with concerns to the existing Southbank residential flat building and airport hotel (Novotel), and notwithstanding this concern, the scheme achieves at least 75m of building separation between the eastern extent of Southbank and the north-western closest point of the conceptual hotel building within the reference scheme. Whilst the proposal's built form outcome is expected to be dense internally within the site, the site's perimeter and interface will afford a more generous parkland interface to Marsh Street and the surrounding residential community than the current controls allow.

Additionally, it is acknowledged that the proposed maximum building height of 51m RL, will provide a disruption to the distant views of Kyeemagh foreshore. Although it should be noted that the distance between the viewpoint and the Kyeemagh area is approximately 2 kilometres away, in the most direct route. However, as can be seen in the image, the views are not considered to be primary – the most significant benefit of the proposal from a visual perspective is significant new parkland which is achieved in the foreground.



**Figure 61** 2006 Masterplan Massing and 2004 Height Controls



**Figure 62** Current Masterplan Massing and 2004 Height Controls

Source: Virtual Ideas

### Viewpoint 2 – Southbank Building Level 8 facing South-West (RL 28.5 m)

The photomontages are provided in **Figure 63** and **Figure 64** respectively, convey a generally northern view corridor that will be retained through to the skyline due to separation between building massing and will have a negligible difference on the current views of the skyline and Cooks River. Due to the similar built form positioning in this location, coupled with the primary orientation of the balcony and apartment outlook to the north and to the Sydney CBD skyline is unaffected.

The built form expected under the Planning Proposal towards the east and to Sydney Airport is comparable in nature to that already inherent in the underlying zoning provisions of the SEPP EHC, which have been in place since 2004.



**Figure 63** 2006 Masterplan Massing and 2004 Height Controls



**Figure 64** Current Masterplan Massing and 2004 Height Controls

Source: Virtual Ideas

It is acknowledged that the proposal will result in considerable changes to the existing visual setting when seen from existing residential and hotel development. Notwithstanding this, the Proponent has taken all reasonable steps to ensure the proposal effectively integrates with the landscape of the Bayside West Precincts 2036 character in terms of overall height.

The result is an outcome with a comparable built form within the northern section of the site, and improved outcome with visual relief for adjacent residential and hotel occupants within the central and southern sections of the site. It should also be noted that given the location of the expected built form in Cooks Cove, there are not expected to be any shadowing impacts of the proposal on neighbouring buildings, as demonstrated in the Hassell Masterplan.





**Figure 65** *View of the Cooks Cove Proposal from the Giovanni Brunetti Bridge*

Source: Hassell



**Figure 66** *View of the Cooks Cove Proposal from Tempe Reserve*

Source: Hassell



- vi) **Amenity impacts including overshadowing and solar access provision to intended public open space. The planning proposal must demonstrate that future built form will not unreasonably impact the useability and design of future public open space proposed to be zoned RE1 Public Recreation;**

Block 3 is intended to have the primary interface to proposed new RE1 primary public open space known as Pemulwuy Park and the new RE2 and C2 zoned foreshore. Shadow impact to the foreshore is limited to the afternoon periods and only within a central section of the site. The relocation and intended consolidation of the Block 2 commercial office component has afforded additional solar access and amenity to the foreshore adjacent to the key Fig Tree Grove public open space. In relation to the proposed Pemulwuy Park, the building massing has been further refined in the proposed massing concept to provide solar access relief to the open space. Furthermore, the intended design for the open space has located items such as car parking within the zone expected to be overshadowed in mid-winter. More active areas of the park such as the intended community pavilion and garden, children's playground, BBQ amenities etc are located in zones where solar access is unimpeded. The proposal's intended solar access performance is illustrated in the shadow diagrams which are summarised in **Figure 67** below.

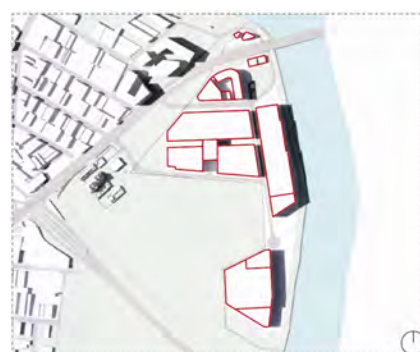
#### Summer Solstice



9am



12pm



3pm

#### Equinox



9am



12pm



3pm

#### Winter Solstice



9am



12pm



3pm

**Figure 67** Shadow Diagrams

Source: Hassell

**vii) Public domain connections through the site and to intended future public open space;**

The future public open space areas will be permeable and connected with a network of pedestrian and cycle paths, boardwalks and footbridges. The proposed movement and circulation framework provides an extensive circulation network for pedestrians and cyclists within a pedestrian-oriented and accessible environment. It includes pedestrian pathways through the streets and open space areas, dedicated cycle paths, and a one-way loop vehicle circulation road through Pemulwuy Park South.

The majority of the open space areas are car-free, with the exception of a one-way slow speed vehicle circulation road through Pemulwuy Park South. Other open space areas are vehicle accessible via adjacent pedestrian drop-off and short stay parking areas. The public domain connections through the site are illustrated in **Figure 68** below.

Key outcomes of the design include:

- Pedestrian pathways designed to accommodate use and circulation 24/7 and year round, with pedestrian lighting and design with CPTED principles;
- A landscape maintenance regime established to enable ease of circulation through the streets and pathways;
- Expanded internal circulation network to connect to external streets and parklands to increase ease of pedestrian access from adjacent areas;
- All pathways to also accommodate bicycle circulation;
- All streets including the road footpaths to be shaded with street trees where possible to provide comfortable walking environments; and
- Signage and wayfinding located at entry points, nodes and intersections.'



**Figure 68** Movement and Circulation Plan

Source: Hassell

**viii) Intended new roads across Council land and how this will ensure an acceptable public open space outcome in terms of amenity and design.**

The intended new roads across Council land include the extension of the Flora Street and Gertrude Street identified as Flora Street East and Gertrude Street East. The extension of these roads will coincide with the upgrade of both intersections with Marsh Street.

**Gertrude Street East**

Gertrude Street West and Marsh Street intersection upgrade will provide critical pedestrian, cycle and vehicle access into the overall Cooks Cove Master Plan. The street upgrades and intersection works will include:

- A new vehicle connection to the west of Marsh Street with a new carriageway, verge planting, trees, lighting and pedestrian footpaths that extend through to Levey Street adjacent to Cahill Park;
- A new three-legged signalised pedestrian crossing at Marsh Street;
- New and upgraded vehicle movements from Marsh Street into the future Gertrude Street East;
- A new vehicle connection east of Marsh Street with a new carriageway, verge planting, trees, lighting and pedestrian footpaths that connects the future block 2 and 3 of the Cooks Cove Master Plan;
- Seamless pedestrian and cycle connections to and from the adjacent Pemulwuy Park; and
- Integration with the existing footpath and planting zones along Marsh Street.

Importantly pedestrian and cyclist circulation has been designed in an effort to reduce conflicts with vehicles, maximise sightlines, ensure legible and cohesive connections and maximise planting and tree canopy. All streets will also provide best practice Water Sensitive Urban Design (WSUD) principles with runoff directed to planted verges and medians. Overland flow north-south is maintained under Gertrude Street East via a culvert system. This culvert will be subject to future design detail and will ensure best practice safety in design principles are achieved. Refer to the detailed plans and sections of the open space and interface with the public roadway at **Appendix B**.

**Flora Street East**

Flora Street East and Marsh Street intersection upgrades will provide critical pedestrian, cycle and vehicle access into the overall Cooks Cove Master Plan. The street upgrades and intersection works will include:

- A new vehicle connection to the west of Marsh Street with a new carriageway, verge planting, trees, lighting and pedestrian footpaths that provides an improved access to the MOC and enables new vehicle connections into the Block 3 logistics hub and Pemulwuy Park south;
- An upgraded four-way signalised pedestrian crossing at Marsh Street;
- An at-grade pedestrian crossing that connects Pemulwuy Park north and south whilst ensuring clear sight lines from vehicles entering and existing both the MOC and Block 3 logistics hub;
- New and upgraded vehicle movements from Marsh Street into the future Flora Street East;
- A new vehicle connection east of Marsh Street with a new carriageway, verge planting, trees, lighting and pedestrian footpaths;
- Seamless pedestrian and cycle connections to and from the adjacent Pemulwuy Park; and
- Integration with the existing footpath and planting zones along Marsh Street.

Importantly pedestrian and cyclist circulation has been designed to minimise conflicts with vehicles, maximise sightlines, ensure legible and cohesive connections and maximise planting and tree canopy. All streets can also provide best practice Water Sensitive Urban Design (WSUD) principles with runoff directed to planted verges and medians. Overland flow north-south is maintained under Flora Street East via a culvert system similar to that under Gertrude Street East. This culvert will be subject to future design detail and will ensure best practice safety in design principles are achieved. Refer **Section 3.0** and **Appendix B** for further representation of the proposal's intended interface between public open space zones and proposed new roads.



## 5.1.2 Open Space

The Proposal provides a permanent contribution to publicly accessible open space provisions compared to the present situation. The proposal provides enhanced and expanded facilities totalling some 3.74ha, in addition to Pemulwuy Park, including:

- Regional active recreation linkages and passive open space in the form of a 20m Riparian Zone along the edge of Cooks River to be zoned RE1 and maintained in perpetuity, totalling some 1.72ha. The 20m is consistent with the long standing vision for the foreshore originally enshrined within the Cooks Cove Master Plan, prepared by Hassell in 2004, which is now a deemed DCP;
- Revegetated riparian lands to the south and west of the development zone integrated into the intended future Pemulwuy Park, totalling some 1.27ha; and
- Internal open space through the conceptual Fig Tree Grove / Village internal public plaza, totalling some 0.75ha;

In addition to the on-site open space provisions within the Master Plan, the site is adjoined by approximately 85 hectares of open space within the wider Cooks Cove precinct. The adjacent Council open space land provides a green setting for passive and active recreational uses with specific upgrades as a result of the M6 Motorway project intended to be delivered by TfNSW for Council's ongoing retention and public use. Further, Council has participated with the Proponent in terms of their inputs to the future design of the intended masterplan to deliver Pemulwuy Park.

To the south of the Planning Proposal site, these lands provide a future opportunity for additional new regional-grade open space and recreational facilities, which are presently being delivered separately by Council. The site is also well-located in terms of existing large-scale regional grade open space provisions such as Cahill Park, Barton and Riverine Parks and Tempe Recreation Reserve.

The current controls would facilitate approximately 3.5ha of public open space within the 'northern precinct' of Cooks Cove. This was limited to two small pockets parks in the north and the Cooks River foreshore (refer to the areas labelled 'N', 'O', and 'B' in **Figure 69**). The remainder of the open space land was to be occupied by the Kogarah Golf Course, that agreed at the time, to pool its land with Council and the State Government to create the development parcel, and in return for a new golf course that would spread across the remainder of the Cooks Cove site. This proposition is now defunct and the rationale for the southern portion of the Kogarah Golf Course site to be zoned open space for the revised golf course is also defunct.

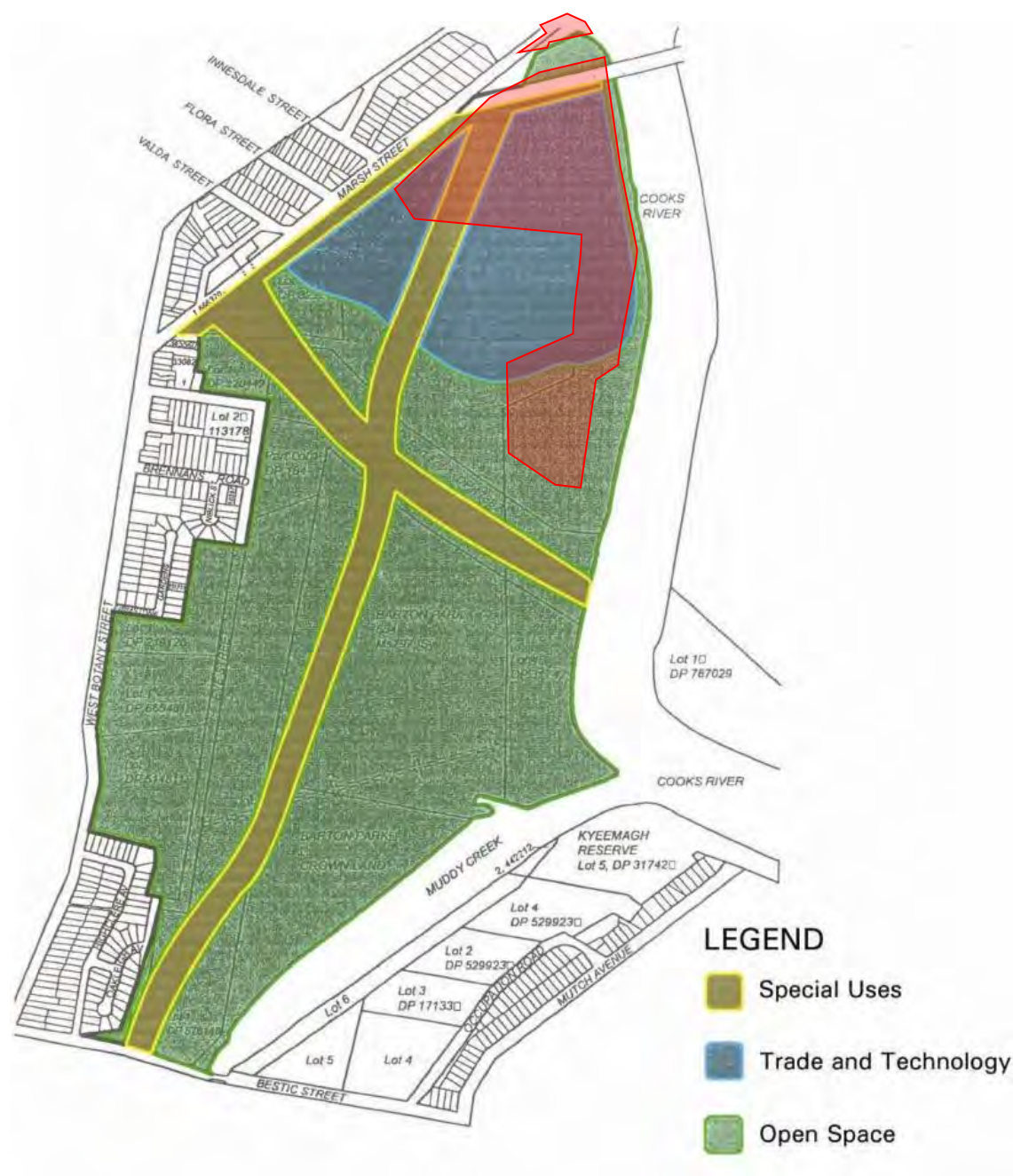


**Figure 69** The 2006 approved Masterplan for the northern portion of Cooks Cove

**Figure 70** illustrates the current Trade and Technology zoning overlaid in red with the proposed area to be zoned SP4. In essence, the current Planning Proposal is a redistribution of the development parcel from what was proposed under the existing zoning. Moreover, now that the golf course is no longer proposed and the Trust land (Lot 1 and Lot 14) is to be zoned predominantly for open space to be managed by Council as public open space, the result is a substantial net increase in publicly available open space across the broader Cooks Cove site.

The removal of any future residential population on site negates the need to provide any additional public open space within the development precinct and therefore makes comparisons with open space provisions in other nearby mixed-use precincts no longer relevant. The Proponent is committed to contributing to embellishing the Trust land as public open space as part of the proposal. However, this land is owned by Council and subject to construction leases in favour of TfNSW and a large portion of the land cannot be embellished until post construction of the M6 Stage 1.

The Proponent strongly supports the future use of Trust land for permanent public recreation purposes and a contribution to its embellishment and utility will be facilitated via a Planning Agreement providing for monetary contributions and land dedications.



**Figure 70** Comparison between the current and proposed development extent under this Planning Proposal



## 5.2 Flooding, Stormwater and WSUD

A Flooding, Stormwater and WSUD Report has been prepared by ARUP and included at **Appendix C**. It includes a Flood Impact Assessment (FIA) that assesses the impacts of flooding on the proposed development based on afflux, or increases in peak flood levels in nearby properties, and provisional hydraulic flooding hazard. As part of the Response to Submissions, an updated flood assessment was undertaken by ARUP with the Flood Impact Risk Assessment (FIRA) also provided at **Appendix C**. The following sections reflect the flood assessment undertaken to date.

### 5.2.1 Flooding Methodology and Purpose

A number of previous flood modelling investigations have been carried out to derive design flood behaviour within the Cooks River catchment. A summary of the investigations undertaken in relation to the site are as follows:

- Cooks River Floodplain Management Study (Webb, McKeown & Associates, 1994);
- Cooks River Bank Naturalisation Data Compilations (Webb, McKeown & Associates, 2007);
- Cooks River Flood Study (MWH-PB, 2009);
- WestConnex New M5 EIS (Lyll & Associates, 2015);
- Bonnie Doon, Eve Street/Cahill Park Pipe & Overland 2D Flood Study, 1st Draft (WMAwater, 2015/2017);
- Cooks Cove Flood Impact Assessment (AECOM, 2016);
- WestConnex New M5 (Aurecon Jacobs New M5 Joint Venture, 2016);
- WestConnex New M5 – Local Arncliffe Model (Aurecon Jacobs New M5 Joint Venture, 2016); and
- F6 Extension Stage 1 EIS – Appendix M Flooding Technical Report, Volume 7 (Lyll & Associates, 2019).

As requested by Bayside Council, all flood modelling for the proposed Cooks Cove Planning Proposal development has been carried out using two flood models to assess the likely impact on flooding that may result as a consequence of the proposal. These two models are listed below:

- Bonnie Doon, Eve Street/Cahill Park Pipe & Overland 2D Flood Study 1st Draft (WMAwater, 2015) flood model; and
- Cooks River flood model (MWH-PB, 2009), which was provided by Sydney Water on 25 October 2019.

Flood modelling of the site for existing and post-development conditions has assessed the impacts of flooding on the proposed development based on two key elements:

- Afflux, or increases in peak flood levels in nearby properties; and
- Provisional hydraulic flooding hazard.

The Flooding, Stormwater and WSUD Report has been prepared to respond to 9.1 Direction 4.1 Flooding and the Gateway Determination, through the preparation of an options analysis to outline flood mitigation options available and justification for the preferred option integrated into the master plan.

### 5.2.2 Flooding Base Case

#### Cooks River Flood Model

The TUFLOW model developed in the Sydney Water Cooks River flood model (2009) covers the 102km<sup>2</sup> Cooks River Catchment in south-west Sydney. The Sydney Water Cooks River Flood Study (MWH-PB, 2009) reported that the 2-hour temporal pattern was found to produce the highest flood levels in the majority of the catchment. Therefore, the 2-hour temporal pattern was adopted to carry out this flooding investigation.

The Sydney Water Cooks River Flood Study model incorporates hydraulic watercourse structures including road bridges, rail bridges, foot bridges and pipelines crossing the Cooks River, Alexandria Canal and Wolli Creek. The model adopts a seven-metre square grid size and similarly utilises ALS data to establish ground elevations. The terrain over the KGC golf course area was updated for this study to utilise LiDAR flown in 2019. Given that the M8 has been constructed and the M6 Stage 1 is an approved project, these elements were included in the base case terrain along with terrain details associated with the Sydney Water desalination pipeline and other elements.

#### Bonnie Doon Flood Model

The TUFLOW model developed in the WMAwater (2015) Flood Study covers the catchment between Fripp Street in Arncliffe and the Cooks River. The model adopts a two-metre rectangular grid size and utilises ALS data to establish



ground elevations. The WMAwater (2015) Flood Study reported that the 60-minute temporal pattern was found to produce the highest flood levels in the majority of the catchment. Therefore, the 60-minute temporal pattern was adopted to carry out this flooding investigation. The flood model incorporates pit and pipe information sourced from the Rockdale City Council (now Bayside Council) drainage database. The WMAwater (2015) Flood Study established a DRAINS model to derive design runoff hydrographs at sub-catchment level across the Bonnie Doon and Eve Street catchments. These inflows were then incorporated into the TUFLOW model at their respective pit inlet locations. The downstream boundary conditions have been adopted from the Bonnie Doon, Eve Street/Cahill Park flood study which adopts a constant water level along the Cooks River. In the 5% AEP and 1% AEP design events, a tailwater level of the 5% Annual Exceedance Probability (AEP) flood level at the Cooks River was adopted. This boundary condition slopes from 1.94m AHD near Fatima Island to 1.63m AHD at the south of the golf club. These assumed boundary conditions result in the inundation of land below 1.63m AHD in the Bonnie Doon/Eve Street catchment.

**Flooding Base Case Flood Behaviour**

Flood levels from the Bonnie Doon local catchment model are presented in the previous Flooding, Stormwater and WSUD Report (Arup, March 2023). It is clear from that mapping that Bonnie Doon local catchment flooding is not the dominant flood mechanism in any AEP. Hence, the FIRA has focussed on Cooks River flooding with simulation of the local pit and pipe network as well.

A summary of the base case Cooks River Food Model results that were completed by Arup in the FIRA are provided in **Table 15** below.

**Table 15      Cooks River Flood Model Base Case Results**

Flooding Event	Results
5% AEP Existing Flood Event	<ul style="list-style-type: none"><li>• The flood levels to the north of Marsh Street are 1.5m AHD, with levels dipping to 1.4m AHD as the water comes across Marsh Street.</li><li>• Peak flood depths across the Kogarah Golf course are less than 0.3m (apart from depressions / drains).</li><li>• For the 5% AEP flood velocities are very low on the site and less than 0.5m/s.</li><li>• The modelling indicates that there would be no inflow to the site in a 5% AEP flood due to the low river levels. The only inflow is back-up overflow from the pits in Marsh Street</li><li>• For the 5% AEP flood, there is only a small volume of water entering the site and this is all flood storage</li><li>• The is only a small amount of inundation primarily on Lot 14 in the 5% AEP flood which is H1 (apart from depression, lakes and drains).</li><li>• 5% AEP flood - almost no duration of inundation due to the small amount of inflow to the site</li></ul>
1% AEP Existing Flood Event	<ul style="list-style-type: none"><li>• Flood levels to the north of Marsh Street are 1.9m AHD, with levels dipping to 1.7m AHD as the water comes across Marsh Street. The levels at the south-east corner of the site are 1.9m AHD.</li><li>• The lowest flood levels on the site are those in the middle of the Kogarah Golf course.</li><li>• Peak flood depths across the Kogarah Golf course are less than 0.9m (apart from depressions/ drains).</li><li>• The modelling indicates that there would be about 5 m3/s passing into the site (which is about 0.6% of the river flow).</li><li>• At the peak of the flood (approximately 1.8 hours), there is flow over Marsh Street and back-flooding from the river.</li><li>• Beyond approximately 2 hours into the flood event, the flows begin the drain from the site as the river levels recede to below the flood levels on site.</li><li>• Peak velocity-depths across the site are very low and no higher than 0.3m2/s (except for the lakes areas).</li><li>• For the 1% AEP, there are flows over Marsh Street and back-flooding from the river (from the south-eastern corner). These flows fill the flood storage on the golf course.</li><li>• In the 1% AEP flood the majority of the site is H1, H2 and H3 with some small areas of H4 where the lakes are located. The hazards are strongly dictated by the depths on site as the velocities are low.</li></ul>

Flooding Event	Results
	<ul style="list-style-type: none"> <li>1% AEP flood - approximately 5 hours of inundation</li> </ul>
<b>Base Case Probable Maximum Flood</b>	<ul style="list-style-type: none"> <li>Flood levels to the north of Marsh Street are 3.2m AHD and dip slightly to 3.1m AHD as the water comes across the site</li> <li>For the PMF, velocities are generally less than 1.5m/s with isolated patches up to 2.0m/s</li> <li>In the PMF flood the majority of the site is H4 with large areas of H5 due to the high flow of over 100 m<sup>3</sup>/s passing through the site.</li> <li>Probable Maximum flood - approximately 10 hours of inundation</li> </ul>

Since public exhibition of the Planning Proposal, the project design was amended with Flora Street South raised by 0.37m and a large culvert (30m wide) to be constructed under Flora Street South to accommodate the 1:500 AEP flows. There will not be any inundation of the developed parts of the site in all floods up to the 1:2000 AEP flood. Access to and from the developed parts of the site will be possible in all floods up to the 1:500 AEP flood and there would be only a short period of time in rarer floods when the hazard is higher than H1.

### 5.2.3 Flooding Analysis and Mitigation

#### Objectives

In response to Condition 1(c) of the Gateway determination conditions, flood mitigation objectives have been created to develop flood mitigation options. The flood mitigation objectives for this subject site can be described as follows:

- Provide a development layout for the Cooks Cove Planning Proposal that:
  - does not create adverse impacts on surrounding property for all floods up to the 1% AEP floods (both local and riverine floods);
  - provides a suitable outcome for Bayside Council and the Trust Lands by providing sufficient conveyance capacity across the site for Cooks River and local flood events, and
  - does not create adverse impacts on the Arncliffe Motorway Operations Complex (MOC) for the Probable Maximum Flood so as not to reduce the design flood immunity of the tunnel entrances.
- Provide safe refuge for occupants of the Cooks Cove Planning Proposal during all floods up to the PMF (both local and riverine floods).

#### Mitigation Option Assessment

Based on the above, four flood mitigation options have been assessed, they are described as follows:


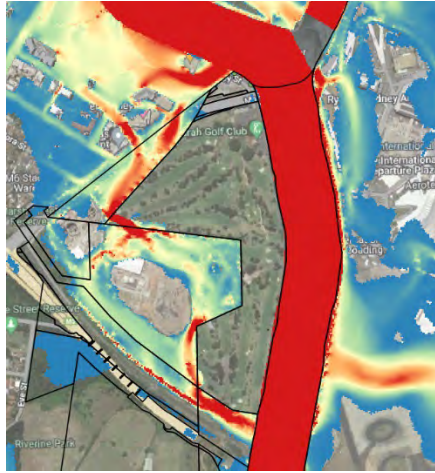
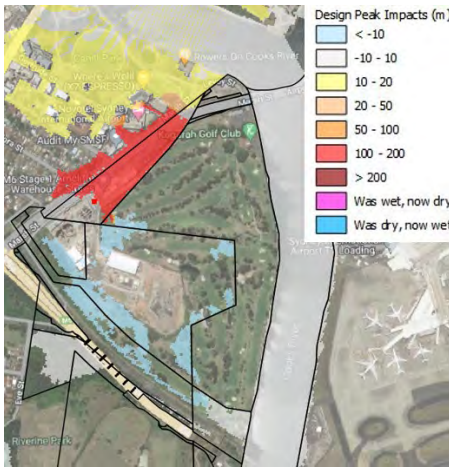
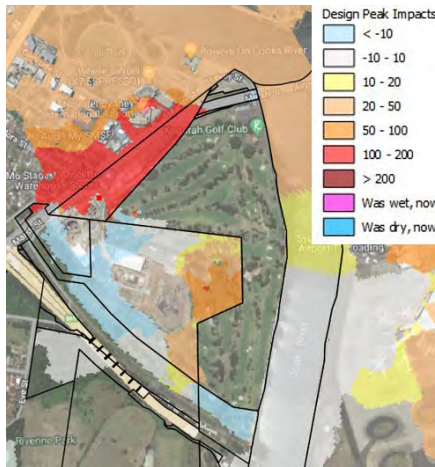
- Option 1** – This option includes filling of the Cooks Cove site to its full potential and no changes to the TfNSW WestConnex Arncliffe MOC design;
- Option 2** – This option includes reduced filling of the Cooks Cove site within the footprint of Lot 100 DP1231954 controlled by the Proponent and no changes to the Arncliffe MOC design or quantum of construction residue proposed to be utilised in the TfNSW M6 Stage 1 Urban Design Landscape Plan (UDLP) for the Marsh Street Parklands;
- Option 3** – This option includes reduced filling of Lot 100 DP1231954 within the Cooks Cove site and removal of the proposed earthworks identified in the TfNSW M6 Stage 1 UDLP and reversion to a Pemulwuy Park landscape plan premised on ground levels that pre-existed the construction of the M8 and M6 Stage 1 motorways; and
- Option 4** – This option includes reduced filling of the Cooks Cove site within Lot 100 DP 1231954, no changes to the Arncliffe MOC design and modifications to the design of the M6 Stage 1 UDLP for the Marsh Street Park Lands to create a more integrated public open space design for Pemulwuy Park incorporating that portion of Council land external to the temporary TfNSW construction compounds.

The key means to achieve the flood mitigation objectives are associated with:

- Providing sufficient flood conveyance and flood storage on the development site;
- Re-considering the shape of the M6/M8 works associated with the proposed construction of sports fields and relocating the proposed circulation road infrastructure through the TfNSW frog ponds; and
- Fill developable land to levels that can provide flood refuge above the Probable Maximum Flood levels.

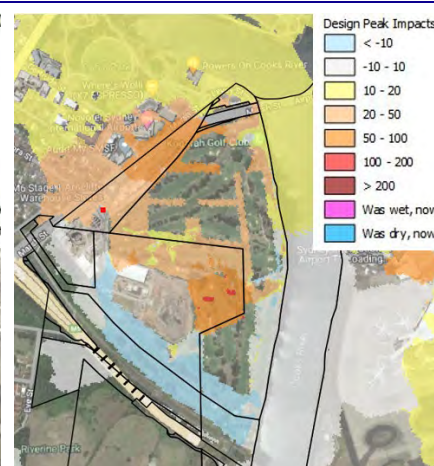
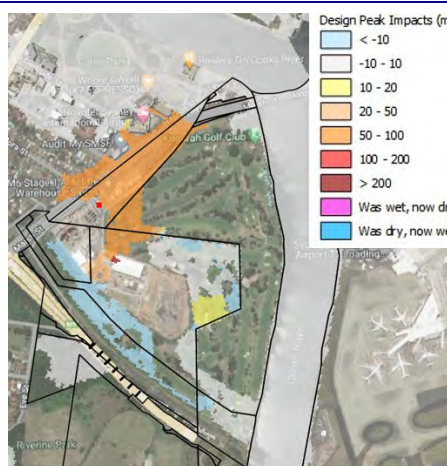
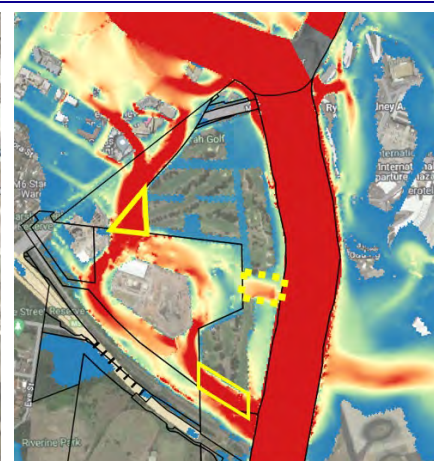
The four options were all assessed using the modified Cooks River flood model. The options were also assessed for the 1% AEP flood and the Probable Maximum Flood as it is these two river floods that create the most challenges in managing afflux in the vicinity of the site. The mitigation options are assessed in **Table 16** below.

**Table 16** Arup – Mitigation Options Assessment

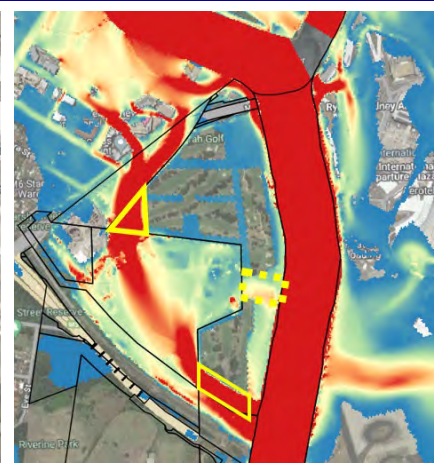
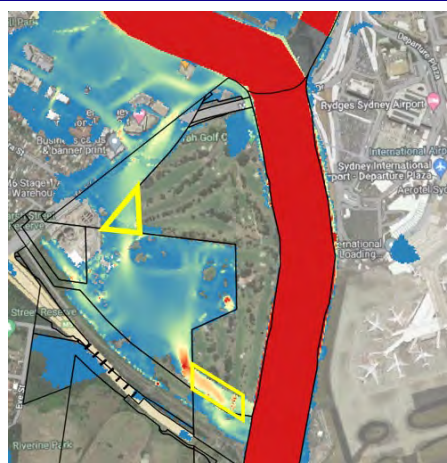
Option 1	
<p>This option results in the floodplain being fully blocked by the TfNSW facility and the Cooks Cove filling at one location (near the proposed Flora St extension) in the 1% AEP flood. As well, the floodplain in the southern part of the golf course would be almost completely blocked in the PMF due to the extents of the TfNSW sports fields and the Cooks Cove filling.</p> <p>The flow intensity maps shown to the right indicate that there would be substantial changes to flow patterns for this option. The resulting afflux is very high and non-compliant due to the 1% AEP afflux being much higher than 10mm in private property (up to 150mm in the urban area upstream) and the PMF afflux being more than 10mm at the MOC (160mm near the MOC).</p> <p>Portions of the site need to be dedicated to flood conveyance in order to avoid complete blockage of the floodplain. To that end, two parts of the site have been dedicated to flood conveyance in each of the next three options. Each portion of land is approximately 7,000m<sup>2</sup> or 0.7ha in size (so a total area of 14,000m<sup>2</sup> or 1.4 ha would need to be dedicated). The land levels in each portion would need to be lowered slightly. The western portion allows flow to pass along Lot 14 towards Lot 1 and is essentially a cutting of the western triangle corner of Lot 100.</p>	<div><div><p>Flood Intensities for 1% AEP</p></div><div><p>Flood Intensities for PMF</p></div><div><p>Afflux for 1% AEP</p></div><div><p>Afflux for PMF</p></div></div>
Option 2	



The afflux associated with this option is not compliant for either the 1% AEP flood (70mm in urban area) nor the Probable Maximum Flood event (40mm at MOC).

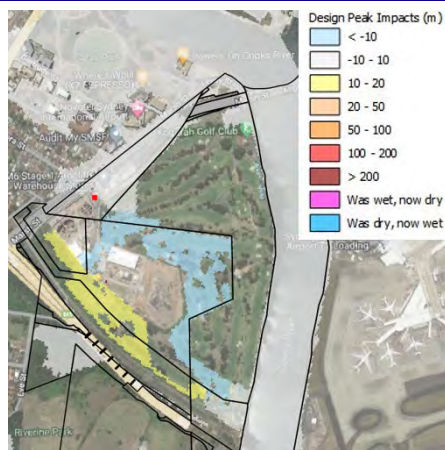


However, this option would require the removal of a very large volume of fill which may be partially contaminated. The open space outcome would still be beneficial and include a large flat area for passive recreational purposes.

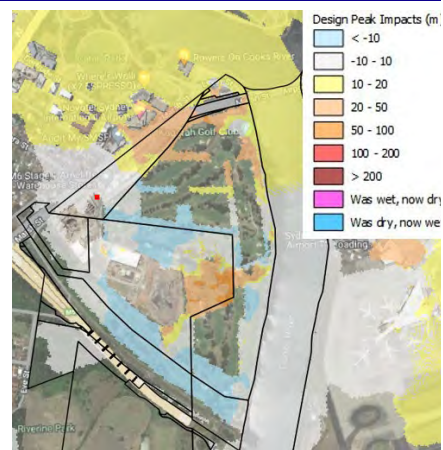




The afflux for this option would be compliant due to the large areas of conveyance provided.



Afflux for 1% AEP



Afflux for PMF

#### Option 4

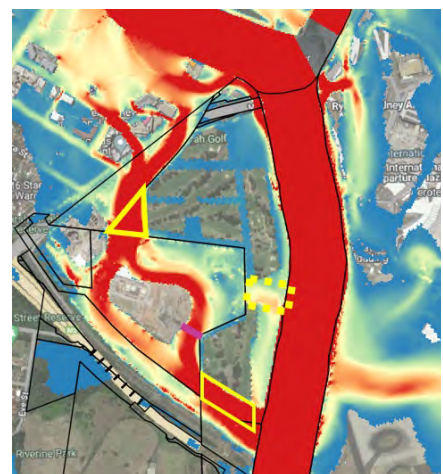
This option would provide sufficient conveyance through the floodplain. The changes made to the Cooks cove filling area and the TfNSW sports fields and frog ponds allow sufficient flow to pass through the site. The widening of the pinch-point between the eastern edge of the sports fields and the western edge of the Cooks Cove filling plays a key role in managing afflux and providing sufficient conveyance.

The afflux for this option is compliant and is discussed below:

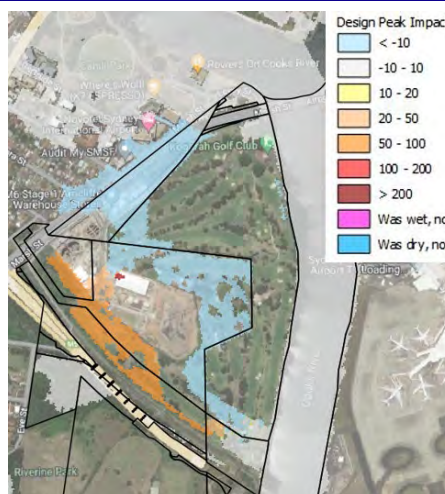
- The afflux for the 1% AEP Cooks River flood is less than 10mm on the areas external to the site
- The afflux for the Probable Maximum Flood is less than 10mm for the M6/M8 MOC site
- There would be afflux on the southern boundary of Lot 1 in the order of 60mm in the 1% AEP flood. This afflux is an artefact of the chosen base case for this assessment which includes the M6/M8 sports fields and frog ponds. These works effectively reduce the ability of flood flows to back up into this area. In the long term case prior to 2017, flood waters could backup into this area unimpeded and the flood level in this area was the same as other areas on the golf course (2.15mAHD). For a very short period of time, when the full extent of the planned TfNSW works are completed, the flood level in this area would drop by 60mm to 2.09mAHD. Then, with the adopted option, floodwaters



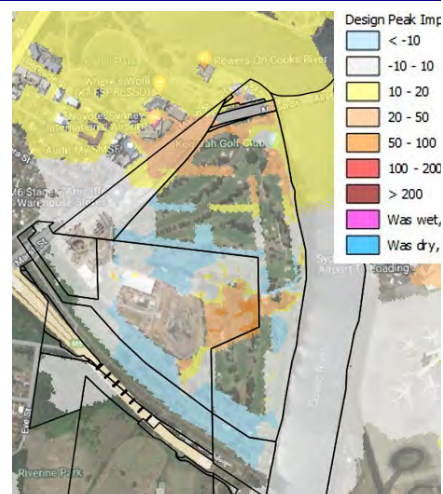
Flood Intensities for 1% AEP



Flood Intensities for PMF



Afflux for 1% AEP



Afflux for PMF

would be again able to backup into this area unimpeded and the flood level would revert to 2.15mAHD again. Hence, the mapping of afflux showing the difference between the TfNSW works case and the adopted option case indicate an increase here of 60mm. However, in reality, this increase is actually a reversal of the negative afflux (i.e. reduction in flood levels of 60mm) that is a result of the M6/M8 sports fields and frog ponds.

Based on the four options assessed, **Option 4** presented the most balanced approach to flood mitigation for the following reasons:

- It achieves compliant afflux;
- It adequately conveys the flows through the site;
- The option includes concessions from the Cooks Cove Planning Proposal as well as requiring some changes to the design of the TfNSW M6 Stage 1 UDLP ; and
- It provides a highly beneficial open space outcome that meets the needs of many stakeholders.

Furthermore, Option 4 enables the Cooks Cove Planning Proposal to be developed with a responsible approach to flood risk management for the occupants of the development. The proposed future development on Blocks 1, 2 and 3 is planned to be raised above the 1 in 100 year (1% AEP) level, plus freeboard (600mm), plus allowance for climate change (900mm). Detailed design for buildings will be optimised to levels that provide flood immunity in all flood events (even including the current Probable Maximum Flood event within refuge areas).

#### Option 4 Flood Behaviour

By comparing the flood hazard categorisations from the base case to this adopted Option 4 case, it is evident that there would be no changes to the hazards in the vicinity of the site. These maps show that compliant afflux is predicted for all flood events in both flooding mechanisms. There would be less than 10mm of afflux external to the site for all floods up to the 1% AEP flood. For the Probable Maximum Flood, there would be afflux less than 10mm at the M6/M8 MOC. Arup confirm a flood compliant outcome is only achievable through the dedication of land within the development zone to offset the flooding consequences of the AMOC PMF design and location. The implementation of the recommended Option 4 will permit the M6 and M8 projects to ensure compliance with the Motorway Conditions of Approval.

### 5.2.4 Flood Evacuation Strategy

Flood evacuation from the site was considered in the planning of the proposed Cooks Cove Planning Proposal prior to Public Exhibition. Since Public Exhibition, the flood evacuation strategy has been further updated in response to feedback received and is summarised in **Table 17** below.

**Table 17** Updated Flood Evacuation Strategy

Route	Strategy
<b>Proposed Flood Evacuation Route for Majority of Site</b>	<p>The evacuation route for the planning proposal for all areas south of Marsh Street (i.e. every part except for Block 1) is to use the internal road network (above the 1:2000 AEP flood) and exit along Flora Street South (HI hazard in a 1:2000 AEP flood) onto Marsh Street.</p> <p>The key elements of the proposed flood evacuation strategy are as follows:</p> <ul style="list-style-type: none"> <li>• For floods up to and including the 0.5% AEP flood event, people can evacuate the site onto Marsh Street at Flora Street South and then south along Marsh Street to high ground. For a range of flood durations for events up to and including the 0.5% AEP flood, depths would be less than 0.3m at the very low point of this access route and the velocities are very low (backwater area not flowing).</li> <li>• For floods up to and including the 0.2% AEP flood event, people in large cars and emergency services vehicles can evacuate the site onto Marsh Street at Flora Street South and then south along Marsh Street to high ground. For a range of flood durations</li> </ul>



Route	Strategy
	<p>for events up to and including the 0.2% AEP flood, depths would be less than 0.5m at the very low point of this access route.</p> <ul style="list-style-type: none"> <li>• The flood immunity of the internal road network will be higher than the 1:2000 AEP (0.05% AEP) flood event. All finished floor levels will be constructed above the Probable Maximum Flood levels on the site of 3.2mAHD (southern part of site) to 3.3mAHD (northern part of site). These floor levels would provide at least 0.6m of freeboard to the 1% AEP flood level with climate change (sea level rise and rainfall intensity increase). Hence, the current Probable Maximum Flood would not inundate floor levels on the site.</li> <li>• For flood larger than the 0.2% AEP flood, people would not be able to evacuate out of the site and a 'shelter-in-place' (SIP) strategy would come into place for the short duration of inundation. In the 1:2000 AEP (0.05% AEP) flood event, the duration that large vehicles would not be able to evacuate from the site is 4 hours. In the PMF, this duration would be up to 7 hours.</li> </ul> <p>This evacuation route is shown in Figure 41 of the FIRA and is the preferred evacuation route in case of secondary emergencies during a flood. Should evacuation to the nearest hospital be required, the preferred evacuation route is as follows:</p> <ul style="list-style-type: none"> <li>• From Flora Street South turn left onto Marsh Street;</li> <li>• From Marsh Street left turn onto West Botany Street;</li> <li>• From West Botany Street right turn onto Wickham Street;</li> <li>• From Wickham Street left turn onto Princes Highway; and</li> <li>• Continue on Pacific Highway to then turn right onto Gray Street, where the hospital entrance is located.</li> </ul> <p>Based on the Spring Street Drain, Muddy Creek and Scarborough Ponds Catchments Flood Study report (BMT WBM, 2016), localised areas along the Princes Highway may be subject to flooding in a PMF event, with peak flood depths reaching up to 0.5 m on the road. It is also noted that along this route, the duration of inundation to this depth during a PMF event is not expected to exceed 15 minutes, as this was the critical storm duration in the PMF for the upper reaches of the catchment.</p>
<b>Proposed Flood Evacuation Route for Block 1</b>	<p>There are two small buildings proposed in Block 1 of the Cooks Cove Planning Proposal. The road access for these buildings is either via Levey Street west onto Marsh Street or under the current access road under Giovanni Brunetti Bridge.</p> <p>Levey Street westward has a low flood immunity and a low point at 1.1mAHD and the 5% AEP flood peaks at 1.5mAHD. Hence, the flood immunity is much less than 5% AEP and probably in the order of 20% AEP. The access road under Giovanni Brunetti Bridge has a flood immunity of 5% AEP.</p> <p>If evacuation is required during a flood event to/from the small buildings in Block B1 of the Planning Proposal, this will be possible using a ramp to be constructed to access Marsh Street on the approach to Giovanni Brunetti Bridge. During these flood events, Marsh Street will be closed further west and unimpeded access will be possible onto Marsh Street on the high (above PMF) part of the bridge approach.</p> <p>This ramp will enable access across the bridge and onto Airport Drive. From there, it will be possible to enter the Sydney Gateway tunnel which is located about 450m north of the bridge. This will provide access to the Sydney motorway network. The low point on Airport Drive is 2.1mAHD about 250m north of the bridge. This location has the following flood immunity and hazard classifications for a range of floods:</p> <ul style="list-style-type: none"> <li>• In all floods up to the 1% AEP flood, there is no floodwater on Airport Drive.</li> <li>• In the 0.2% AEP flood (1:500 AEP), there is 0.2m of floodwater and H1 hazard (so small cars could still evacuate through this route).</li> <li>• In the 0.05% AEP flood (1:2000 AEP), there is flood depths less than 0.5m that would enable a large car or emergency vehicle to access along Airport Drive with H2 hazard.</li> <li>• In the PMF, the flood hazard is H4 at the low point and not trafficable for a short period of time (in the order of 4.5 hours for H2 hazard and 5 hours for H1 hazard). In a 24 hour PMF flood, the H2 exceedance time is 6.5 hours.</li> </ul>
<b>Peak Flood Hazards for Evacuation Routes</b>	<p>The FIRA shows flood hazard classifications for the two key locations (i.e. the evacuation route for the majority of the site through the corner of Marsh and Flora South Streets and the evacuation route for the small B1 Block along Airport Drive).</p> <ul style="list-style-type: none"> <li>• For the 5% and 1% AEP floods, there is no inundation on either evacuation route. • For the 0.5% AEP flood, there is a short section (about 3m) of H1 flood hazard on the southern evacuation route at the corner of Marsh Street and Flora Street South.</li> </ul>

Route	Strategy
	<ul style="list-style-type: none"> <li>For the 0.2% AEP flood, there is a short section (about 10m) of H1 flood hazard on the southern evacuation route at the corner of Marsh Street and Flora Street South.</li> <li>In the 0.05% (1:2000) AEP flood, there is a short section (about 20m) of H2 flood hazard on the southern evacuation route at the corner of Marsh Street and Flora Street South. There would be a 270m length of Flora Street South with H1 flood hazard.</li> <li>In the PMF, both routes would be cut for a short period by H3 and H4 hazard areas.</li> </ul>

## 5.2.5 Flooding Amendments following Public Exhibition

### Summary of Submissions

The Flooding Assessment, exhibited as a Gateway Determination requirement, raised concerns for the DPHI, EHG and NSW SES in particular. The concerns, based on the information provided, were that the project is incompatible with the flood risk of the locality and will interfere with flood water storage and the natural functions of the floodplain. Further, that the project has not considered the full range of flooding events (including with rainfall and sea level rise impacts) and that flood immunity should be provided through flood warning and safe evacuation routes. In addition, DPE EHG noted the applicability of revised policy guidance (discussed below) implemented on 30 June 2023 (following completion of the public exhibition process for the Planning Proposal).

The general public submissions also raised concerns regarding the flooding impact onto Levey Street and Gertrude Street and more general concerns regarding the impacts the proposal has on the projected sea level rise for the Wollie Creek area.

### Background Context

Extensive flood modelling and analysis has been undertaken in support of the project for several years by expert project flood engineers ARUP. Cooks Cove is located on a floodplain and adjacent to the Cooks River which has been substantially modified to accommodate the historic growth at Sydney Airport. This has resulted in a floodplain that does not exhibit natural floodplain behaviour. Notwithstanding, it must be considered that the site has been zoned for development purposes since 2004. For context, the Cooks Cove Planning Proposal is essentially seeking a revision to modify the development zone to a suitable and viable format with the retention of comparable land uses to those already permissible with development consent.

Importantly, during the life of the Planning Proposal, TfNSW has progressed both the M8 and M6 Motorway projects, including surface infrastructure within the boundary of the site. This has required Cooks Cove to employ an iterative approach to flood options analysis, in order to protect critical motorway infrastructure and to minimise impact to TfNSW's proposal to repurpose former spoil stockpiling and construction compounds into publicly accessible open space to be dedicated to Council.

The Gateway Determination (PP-2022-1748, issued 5 August 2022) included Condition 1(c) which required the preparation of a flood options analysis for the Cooks Cove project. ARUP prepared four options for assessment, with Option 4 presenting the most balanced approach as it achieved compliant afflux, did not change flood hazards in the vicinity of the site, adequately conveyed flows, resulted in a beneficial open space outcome that meets the needs of many stakeholders as well as required reduced impacts on the design of the TfNSW M6 Stage 1 UDLP. Option 4 was noted by Council as being considered a technically adequate response.

As a critical outcome, ARUP confirms that the only method to achieve a flood compliant outcome for the project at the PMF, is through the dedication of land within the development zone to offset the flooding consequences of TfNSW's design and location of the Arncliffe Motorway Operations Centre (AMOC).

### Revised Flooding Impact and Risk Assessment

In response to concerns raised, mainly by DPE EHG and NSW SES, a Flooding Impact and Risk Assessment (FIRA) has been prepared by ARUP (**Appendix C**). As requested, the revised FIRA has been prepared in accordance with the most current and relevant DPE EHG guidance documents being:

- Flood Risk Management Manual: The policy and manual for the management of flood liable land*, prepared by DPE EHG and in force 30 June 2023; and
- Flood Impact and Risk Assessment: Flood Risk Management Guide (LU01)*, prepared by DPE EHG and in force 30 June 2023.

In responding to the above new policy and guidelines, the revised report is now representative of a comprehensive and contemporary flood impact and risk assessment. The assessment provides flood behaviour maps for a full range of critical events, being the 5%, 1%, 0.2% 0.5% Annual Exceedance Probability (AEP) events and also the Probable Maximum Flood (PMF).

The assessment also considers concurrent fluvial flooding and storm surge in line with DPE EHG guidance for the full range of flood event probabilities up to the PMF. As well, there is a detailed assessment of evacuation routes and the periods of isolation for a range of flood durations. The FIRA also includes detailed assessments of the flood risks under climate change scenarios of sea level rise and rainfall increases for the full range of flooding events up to the PMF. The FIRA provides details of hydraulic hazard assessments, flood function categorisation and flood emergency response classifications.

### Revised Modelling and Analysis

Complete flood modelling (extent, depth, velocity, hazard, function and flood emergency response classification) results for the case within the Cooks Cove Planning Proposal, in accordance with the latest policy and guidelines is presented in **Appendix C**.

ARUP confirms there is no increase to the number of flooded properties as a result of the Planning Proposal. The proposal would not result in any increases to flood levels external to the site in all floods up to and including the 0.2% AEP flood. The benefits of the predicted decreases in flood levels in the more common flood events (5% AEP, 1% AEP and 0.2% AEP) would significantly outweigh impacts in rarer flood events (e.g. 0.2% AEP). This is due to the frequency of the floods with benefits noting that there are on average five (5) flood events with a probability of 1% AEP for every single occurrence of a 0.2% AEP flood event.

Furthermore, there is no predicted increase in flood levels in the PMF for the TfNSW MOC site. Hence, the proposal would not change the likelihood of tunnel inundation for the M6/M8 tunnel system.

### Amendments to reduce Flood Hazard

The revised assessment raises building areas to above the PMF level. Accordingly, it is proposed that all finished floor levels within the Cooks Cove Planning Proposal would be constructed with floor levels of 3.4mAHD. These floor levels will result in a 0.6m freeboard above the 1% AEP flood levels with predicted increased rainfall intensities and sea level rise (0.9m) attributed to future climate change effects. These floor levels are also above the current PMF levels on the site of 3.2mAHD (southern part of site) to 3.3mAHD (northern part of site). Hence, the PMF would not inundate floor levels on the site.

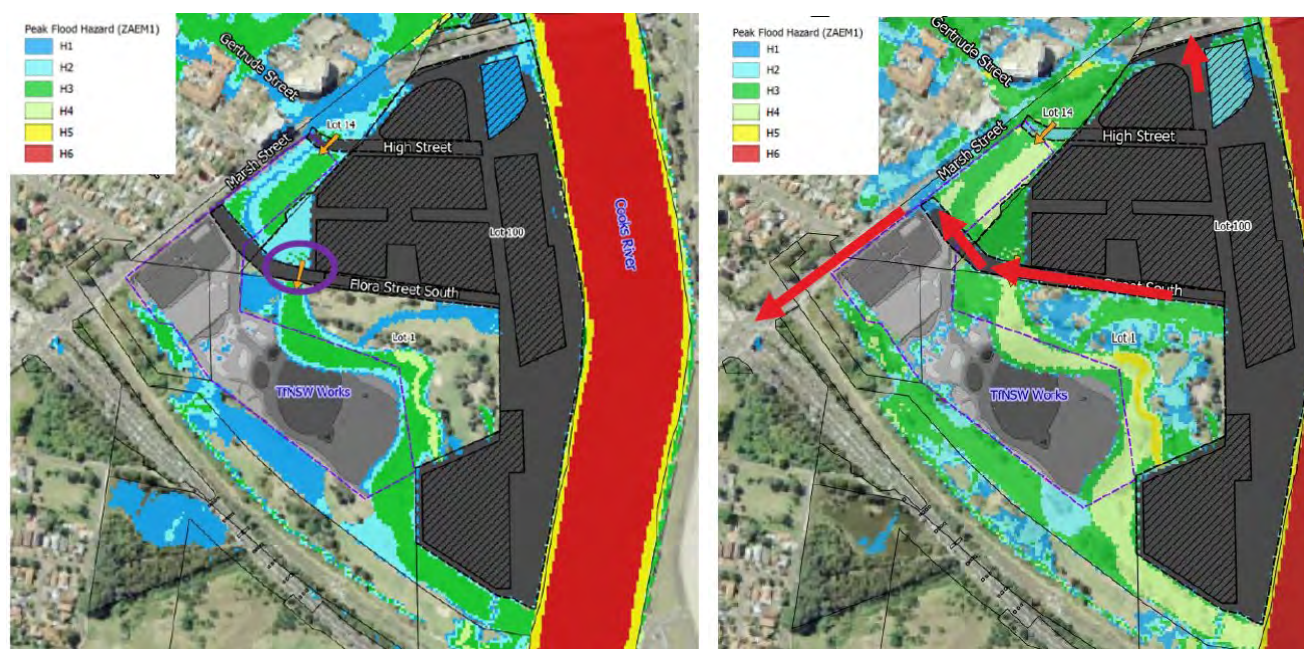
Should evacuation be required during flood events, access to the majority of the site is available from the south-west across Flora Street South which will be constructed above the 0.2% (1:500) AEP flood levels. In a 1:2,000 AEP flood, there will be shallow (H1 hazard) light vehicle suitable flow across this road within a limited section at the existing intersection with Marsh Street, however SES utility / larger vehicles will continue to access the site (H2 hazard).

Separately, Block 1 is capable of accessing the Marsh Street pedestrian footpath and roadway via a new ramp. During these flood events, Marsh Street will be closed further west and unimpeded access will be possible onto Marsh Street on the high (above PMF) part of the bridge approach.

The SES identified the need to respond to frequent isolation impact (in 5% AEP flood events) due to flash flooding and the risk for future visitors to be at risk of driving into floodwater and of secondary emergencies and associated risks with being isolated. In response, the project design has been amended to raise Flora Street South by 0.37m and a large culvert (30m wide) is now to be constructed under Flora Street South (within freehold land to be dedicated to improve access) to accommodate the 0.2% (1:500) AEP flows. There will not be any inundation of the developed parts of the site in all floods up to the 1:2000 AEP flood.

Access to and from the primary developed parts of the site will be possible in all floods up to the 1:500 AEP flood and there would be only a short period of time in rarer floods when the hazard is higher than H1 (light vehicles). The risk of isolation has been addressed by changing the reference design which accompanies the Planning Proposal with significantly improved access at Flora Street South onto Marsh Street (refer **Figure 1**). Further, the proposal is well-placed to employ the option of 'Shelter-in-Place' in rare flood events (rarer than 0.2% AEP) events for short periods of time, as the site will include significant areas of retail including food outlets, supermarkets supported by emergency power generation infrastructure.





**Figure 71 1:100 and 1:500 AEP Flood Hazard (current climate) culvert amendment & evacuation route**

Source: Arup

### Addressing the effect of Climate Change

In response to the concern regarding the potential for future sea level rises to affect the site, the FIRA modelling simulated the range of flood events (i.e. 5%, 1%, 0.5% and, 0.2%) with 20% increase in inflows and 0.9m sea level rise. However, for the PMF flood, only sea level rise was included, as the rainfall intensities are already at the physical limit of probability. Tidal flooding has been assessed in the FIRA.

It is proposed that all finished floor levels within the Cooks Cove Planning Proposal would be constructed with floor levels of 3.4m AHD. Hence, the current Probable Maximum Flood would not inundate floor levels on the site. As such, the only flood risks of any note to occupants relate to the need to exit the site during a flood event (i.e. evacuation). With the effect of climate change (and largely due to the 0.9m sea level rise assumption), the most probable estimate of the duration of H2 exceedance at this key location over a typical century of flooding is 5.7 hours. Hence, even under these climate change conditions (for 2090), this isolation time would still be less than the 6 hours understood to be a benchmark for NSW SES through post exhibition further consultation.

A detailed Sea Level Rise Vulnerability Assessment is recommended as a site-specific DCP provision which will be completed with a detailed design of the local stormwater network.

### Revised Modelling Conclusions

It is reaffirmed that the Cooks Cove Planning Proposal would not result in adverse flood impacts external to the site. The TfNSW M6/M8 MOC site would not be impacted in a PMF and, hence, the design immunity of the tunnels would remain unchanged. This is confirmed as acceptable in the FIRA, through filling of the developable area to above the 0.05% (1:2000) AEP flood levels and setting all floor levels above the Probable Maximum Flood. These floor levels would also be 0.6m above the 1% AEP flood levels accounting for a 20% increase in flows and 0.9m sea level rise due to climate change.

The Planning Proposal has been amended since public exhibition in response to concerns relating to flood evacuation. These changes include raising the design of Flora Street South to above the 0.2% (1:500) AEP flood levels and including culverts to accommodate the 0.2% (1:500) AEP flows so that there would not be any inundation of Flora Street South up to the 0.2% (1:500) AEP and there would only be H1 hazard in 0.05% (1:2000) AEP flood. In all floods up to and including the 0.2% (1:500) AEP flood event, the Flood Emergency Classification would be Rising Road Access.

The key location limiting evacuation in floods rarer than the 0.2% (1:500) AEP is the existing low point at the intersection of Marsh Street and Flora Street South. Here, there would be a short length of road (in the order of 5m) in a 0.05% (1:2000) AEP flood during which H2 hazard would be exceeded for 4.5 hours.

Based on the probabilities of floods occurring in a typical century, the average cumulative time that flood hazards would not permit access to the site would be in the order of 35 minutes. Accounting for climate change (i.e. 20%

increase in flows and 0.9m sea level rise), this duration would increase to 5.7 hours. Hence, it is concluded that the Planning Proposal creates no additional burden to emergency management services (recognising that the existing clubhouse building with a High Flood Island classification, in floods as frequent as a 5% AEP flood, would be removed as a consequence of implementing the Planning Proposal).

Mitigation measures and recommendations

The key flood risks and the proposed management of those risks as part of the Cooks Cove Planning Proposal are listed at **Table 5** below.

Table 18 Risks and mitigation measures proposed

Flood Risk to be Managed	Management Measures
Flood risks to occupants	These are minimised due to all floor levels built above the Probable Maximum Flood.
Flood risks to external property	The Planning Proposal would not result in adverse flood impacts external to the site.
Flood risks to occupants requiring evacuation during flood events	The raising of Flora Street South to create a road that is flood-free in a 0.2% (1:500) AEP flood that provides access to the local SES to the south, minimises the risks to occupants that may require evacuation in the short duration of flooding.
Flood risks to occupants during flood events	Access into and from the site would be possible in all floods up to a 0.2% (1:500) AEP flood event. For rarer floods, a Shelter-in-Place strategy is proposed. The site will include significant areas of retail including food outlets, supermarkets supported by emergency power generation infrastructure. Hence, it will be a safe place for isolation for short periods of time.
Changing flood risks due to climate change	Floor levels would be 0.6m above the 1% AEP flood levels accounting for a 20% increase in flows and 0.9m sea level rise due to climate change (2090 case). The duration of isolation in 2090 conditions would also be less than six hours.

Source: ARUP, FIRA, September 2023

This flood impact and risk assessment has identified that the flood risks associated with the Cooks Cove Planning Proposal are able to be managed. The following key recommendations are made to manage these flood risks:

- Floor levels are to be set at the above the PMF levels at 3.4mAHD.
- The internal road network is to be above 2.5mAHD (above the 1:2000 AEP flood level).
- Flora Street South is to be set at 2.17mAHD to allow the 0.2% (1:500) AEP flood to pass under the road.
- A shelter-in-place strategy is to be used to manage the residual flood risks to occupants in floods larger than the 0.2% AEP flood.
- The further stages of developing the design of the Cooks Cove Planning Proposal needs to recognise and work with the above features.

Design Development to Optimise Open Space

The FIRA has concluded that flood risk and hazard are suitably minimised to ensure the proposal is capable of proceeding. This is centered on the ability to re-direct flows past the development zone and in their historical flow path back to the Cooks River in the southern extremity of the site.

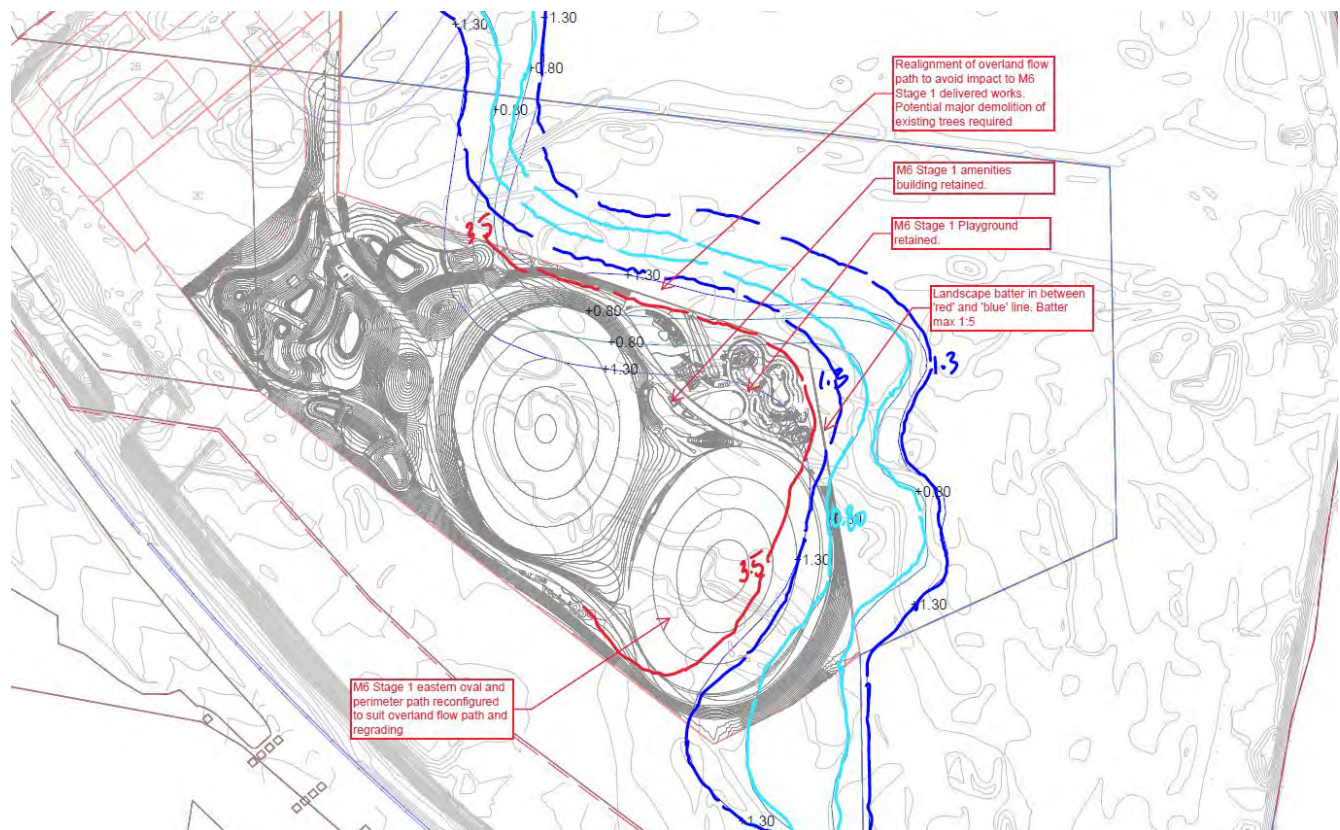
One matter raised by Council is the project’s ability to move flows between the indicative Blocks 3B and 3C. The FIRA confirms this option is unable to be pursued, as the river levels between Blocks 3B and 3C are higher than those on the site in rare floods and would lead to more inflow into the site rather than providing a suitable outflow path. The flood level fall in the river over this length is in the order of 0.1m which is significant in the context of the flat floodplain gradients. The added complexity is the existing subsurface sensitive utility infrastructure in this location (desalination and ethane pipelines).

A key premise of the flood analysis has been to optimise open space usability – particularly the flowpath through Pemulwuy Park. The Cooks Cove project will require continued refinement at the detailed design stage, once the full extent and final design of the TfNSW UDLP is confirmed. It is noted that the concept for the open space has not yet been finalised nor has the detailed design process been undertaken as yet by TfNSW and their contractors, despite the UDLP originally exhibited in February 2023.

The areas in Lot 1 and Lot 14 (as well as the floodway dedicated parts of Lot 100) will have levels generally in the range of 0.8m to 1.5m AHD in order to acceptably convey regional flood flows. The flowpath will batter up higher parts of the site including the UDLP area. The detailed design process has considerable flexibility to investigate the open space area of



the site for an optimal solution. The objective post gazettal will be to finalise the flow path to ensure that the impacts to the TfNSW UDLP are reduced in terms of necessary reshaping, and also to design a flowpath which will be imperceptible to the average user of Pemulwuy Park as passive open space. An extract of current options analysis as a sketch concept (jointly prepared by Arup and Hassell) is provided below at **Figure 2**.



**Figure 72** Concept of a potential amendment to the flow path – capable of resolution post gazettal

Source: Arup and Hassell



## 5.2.6 Stormwater and WSUD

As part of the proposal, the majority of existing swales and drains which service the Kogarah Golf Club layout would be removed and replaced with an urban drainage network within the development zone. The future proposed urban drainage network would embrace the philosophy of Water Sensitive Urban Design (WSUD) throughout by incorporating bioretention swales and tree planting within the urban layout. Green space, including the landscaped parkland to the east of Block 2, will be used to co-locate overland flow paths and bioretention swales. This approach will promote absorption through underlying sandy soils, thereby providing passive irrigation and allowing for effective nutrient removal from stormwater runoff.

The stormwater management concept plan has been coordinated with the master plan buildings and landscape designs and preliminary road design levels. This ensures that building and road corridor runoff can discharge to bioretention swales by gravity, whilst bypass flows during rarer events will be routed to OceanGuard devices (or similar proprietary devices) before discharging to the Cooks River. Opportunities have been identified within the proposed development to collect and reuse clean stormwater from the development site. All development area runoff will be treated before it reaches the stormwater system and ultimately the Cooks River. These opportunities will be explored at the subsequent stage of design development in coordination with the wider sustainability plan.

### Stormwater Design

The stormwater design philosophy adopted for the Cooks Cove development is to implement Water Sensitive Urban Design (WSUD) principles. To this end, surface flows will be integrated into the design wherever possible in lieu of subsurface pipes and through the use of bioretention swales.

The preliminary stormwater design was developed based on the following principles in accordance with the Bayside Council DCP and Austroads design guidance:

- Trunk drainage has been sized for a 5% Annual Exceedance Probability (AEP) (1-in-20 year) event;
- Minimum pipe grade should be 0.5%, with a minimum of 0.8% generally targeted;
- 0.02m fall across pits;
- Pit spacing has initially been set as 60m (subject to subsequent design);
- Pipe cover depth has been set at 1.0m (subject to subsequent design);
- A reinforced concrete stormwater pipe strength class of 4 has been assumed as standard for all pipes; and
- A minimum general diameter is 375mm for trunk stormwater pipes (subject to subsequent design).

### Existing Infrastructure to be Maintained

The following stormwater infrastructure would be maintained as part of the development proposal:

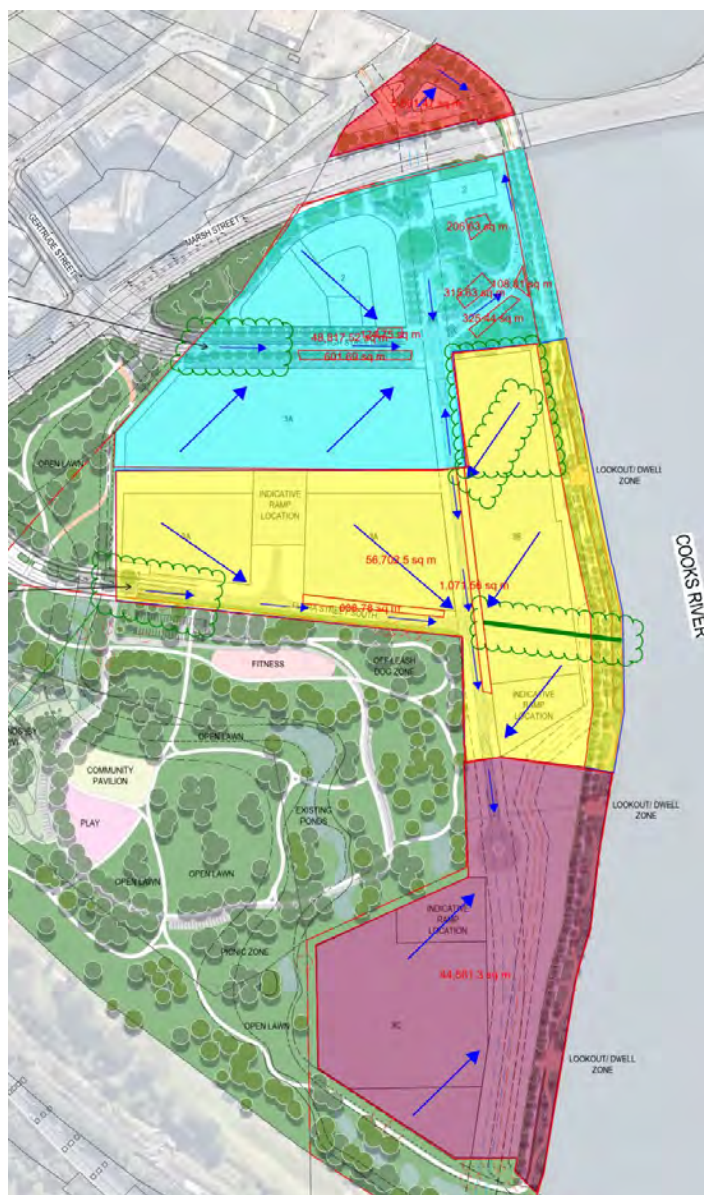
- The swale running through the southern extremity of the Planning Proposal precinct to the Cooks River;
- Existing stormwater outfalls to the Cooks River, where feasible; and
- Marsh Street drainage.

Existing drainage including swales and ponds within the golf club layout would be removed to facilitate the proposed development fill platform.

In addition, the use of flap gates at the Cooks River discharge points may be considered to prevent water from the river backing-up into the development site in the event of a tidal surge within Botany Bay or during flooding of the Cooks River. Overland flow paths in storm events up to the 0.2% Annual Exceedance Probability (AEP), 1 in 500 year event, have been considered in the schematic layout and preliminary road grading.

### Water Quality

Preliminary water quality modelling using MUSIC software was undertaken to confirm adherence to the water quality treatment targets identified in the *Rockdale Technical Specification - Stormwater Management* (2011). For modelling purposes, the catchment of Cooks Cove has been divided into 4 main sub-catchments, as identified in **Figure 73** below.



**Figure 73** Division of sub-catchments within the Development Area

Source: Arup

Three (3) treatment node types were considered when preparing the MUSIC model, proprietary bioswales, on-site infiltration systems and litter baskets. Through an iterative process, these treatment nodes were adjusted in size and quantity to ensure effective treatment within the spatial constraints outlined in the Hassell Cooks Cove master plan. The model also assumes that 80% of the roof runoff enters two rainwater tanks (10kL each) before being treated at an on-site infiltration system (assumed to be underground) for each development lot.

The current MUSIC model has achieved Bayside Council's reduction targets as outlined in **Table 19** below.

**Table 19** MUSIC Modelling Results vs Council Pollution Targets

Stormwater Pollutant	Bayside Council Reduction Target	MUSIC Model Reduction Result
Gross Pollutants	90%	95%
TSS	85%	86%
Total Nitrogen	45%	48.8%
Total Phosphorous	60%	65%

Source: Arup

The Cooks Cove MUSIC model demonstrates that in consideration of the key assumptions made, water quality targets can be achieved with the implementation of bioswales, on-site infiltration systems and litter baskets. For modelling purposes, Filterra Bioswales and OceanGuard litter baskets were used.

### Opportunities

Arup have identified additional opportunities for rainwater and stormwater reuse that could be further investigated during future design stages in coordination with the ongoing development sustainability plan. These opportunities include:

- Rainwater from development block roof spaces could be stored and reused for cooling system use, irrigation or other non-potable uses, such as toilet flushing;
- Collection of clean stormwater from bioretention basins and rain gardens – should they be incorporated into the master plan – could be stored and reused for irrigation of landscape areas;
- Clean stormwater from bioretention basins could be collected, stored and reticulated to buildings for non-potable uses such as toilet flushing; and
- Incorporating water quality WSUD elements such as water features within public space or development block courtyards.

### Conclusion

A preliminary design of site grading and stormwater flow paths show that local stormwater runoff can be accommodated within the proposed development layout. No stormwater from within the development site would be diverted to Pemulwuy Park. It is proposed that the stormwater network would be designed by embracing Water Sensitive Urban Design principles. This will include promoting surface flows in lieu of pipe flows where possible and utilising the site's sandy underlying soils to promote absorption and bioretention throughout the development site. Local stormwater runoff would discharge from the development area to the Cooks River through existing outfall locations, where feasible. Flap gates would be fitted to the outfalls as required.

This report has demonstrated that the Planning Proposal's indicative reference scheme can comply with all Bayside Council stormwater requirements. The stormwater concept plan for the proposed development also responds to the stormwater related requirements of the *Bayside West Precinct 2036*. A particular focus of the development would be the achievement of the best practice water quality objectives set out by Council.

## 5.3 Traffic and Transport

A Transport Impact Assessment (TIA) has been prepared by JMT Consulting and is included at **Appendix D** of the Planning Proposal. The TIA provides a comprehensive assessment of the traffic generation, car parking, public and active transport and road network performance and enhancement at the site. CCI and TfNSW have been involved in extensive discussions over a number of years in relation to refining the Proposal's transport and traffic model and this was documented in the below assessment to support the public exhibition of the proposal.

### 5.3.1 Traffic Impact Assessment

#### Methodology

The purpose of the traffic assessment is to provide an understanding of the road and transport infrastructure upgrades needed to support the Planning Proposal, including identification of transport network upgrades required to mitigate the traffic impacts of the scheme. The extent of the traffic modelling area is illustrated in **Figure 74** and was confirmed following consultation with TfNSW.





**Figure 74 Traffic Modelling Extent**

Source: JMT Consulting

To inform the revised TIA, a 'due diligence traffic assessment' report was completed in February 2022 at the request of TfNSW which considered the project's impact on the future operation of the signalised intersections on Marsh Street fronting the site. The purpose of this due diligence assessment (undertaken pre-Gateway Determination) was to provide a strategic understanding of the infrastructure required to support the Planning Proposal. The due diligence assessment confirmed that:

- Signalised intersections on Marsh Street have the ability to operate with an acceptable level of performance under the development yields envisaged in the Planning Proposal for the site; and
- The transport infrastructure required to support access to the site (i.e. new intersections on Marsh Street) can be constructed entirely within the road reserve or within the Trust lands on site – with no reliance on third party lands.

To inform the public exhibition and to address Gateway Condition (1)(a)(i), JMT Consulting has prepared a detailed traffic modelling methodology to determine the future traffic generation impact of the Cooks Cove Planning Proposal. The methodology is summarised below:

1. Development of a 'base year' micro-simulation traffic model which is reflective of existing traffic conditions in the precinct surrounding the site.
2. Working collaboratively with Transport for NSW to obtain strategic modelling outputs which forecast the changes in traffic movements in the study area due to future development and the advent of current and future infrastructure projects (e.g. M8, M6 Stage 1, Sydney Gateway).
3. Development of a 'future year' traffic model which considers the operation of the road network, both with and without the Cooks Cove development.
4. Development of a SIDRA model to refine the access intersection configuration requirements, traffic signal phasing and other aspects of the intersection layouts. The VISSIM traffic models were then updated to incorporate the findings of the SIDRA analysis.
5. Using the future year traffic model, identification of upgrades to the transport network to support the Cooks Cove proposal. These upgrades aim to ensure that the road network will operate at a similar, if not superior, level to that which would have occurred had the Planning Proposal not proceeded.

## Base Year Traffic Modelling

A base year traffic model, reflective of existing traffic conditions, was prepared in accordance with current RMS Traffic Modelling Guidelines. A detailed base year model report has been prepared by Stantec and provided as Appendix A of the TIA (**Appendix C**). Transport for NSW endorsed the 2022 base year traffic model via email correspondence dated 31 October 2022.

An assessment has been undertaken to understand the level of traffic movements generated by the Planning Proposal and is detailed in **Table 20** below.

**Table 20 Forecasted Traffic Generation**

Use	
<b>Commercial</b>	The trip rates adopted for commercial uses are heavily dependent on the rate of parking provided for the site. In the absence of all day commuter parking on nearby streets, workers choosing to drive to Cooks Cove will be reliant on on-site parking. The traffic generation rate to be adopted of 0.8 trips / 100m <sup>2</sup> is reflective of the proposed maximum on-site car parking rate of 1 space per 80m <sup>2</sup> GFA. This parking rate would yield a maximum of 265 spaces. The adopted traffic generation rate forecasts approximately 170 vehicle trips associated with the commercial uses, equivalent to 0.65 vehicle movements per space. Maximum car parking rates for the commercial uses are intended to be adopted in the site specific planning controls.
<b>Retail</b>	The generation rate adopted for retail is based on a sample survey of appropriate shopping centres by TfNSW, arriving at rates of 4.68 in the AM peak and 9.35 in the PM peak (vehicles per 100m <sup>2</sup> GFA) with a containment / passing trade qualifier.
<b>Hotel / Accommodation</b>	Surveys of the Mercure Hotel (located on the northern side of Marsh Street) were previously undertaken in March 2017 to understand the likely traffic generation of this use. The Mercure Hotel contains 271 hotel rooms and serves a similar purpose to the proposed hotels within the Cooks Cove precinct. The survey observed a total of 21 vehicles over the PM peak hour (5pm – 6pm), comprised of 11 taxis, 5 car drop offs and 5 vehicles parking. This is equivalent to a peak hour traffic generation rate of 0.14 / vehicles room. This rate has been adopted for the purposes of this study.
<b>Logistics / Warehousing</b>	The forecast traffic generation arising from the logistics uses has been determined using trip generation rates for similar industrial sites with a significant amount of warehousing floor space and low proportion of ancillary office. The sites selected include Erskine Park Industrial Estate, Wonderland Business Park, Eastern Creek and Riverwood Business Park, averaging 0.25 in the AM peak and 0.18 in the PM peak (vehicles per 100m <sup>2</sup> GFA).

Source: JMT Consulting

A detailed breakdown of traffic generation forecasts for the Cooks Cove Planning Proposal is provided in **Table 21**. These traffic generation forecasts are consistent with those adopted in the due diligence traffic assessment as well as those noted in the traffic modelling methodology report issued to, and endorsed by, TfNSW.

**Table 21 Forecasted Traffic Generation Summary**

Land Use	Quantum & Units	Generation Rate		Containment / Passing Trade		Directionality				Forecast Peak Hour Traffic Generation					
		AM	PM	AM	PM	AM		PM		AM			PM		
						IN	OUT	IN	OUT	IN	OUT	TOTAL	IN	OUT	TOTAL
<b>Commercial</b>	21,610m <sup>2</sup> GFA	0.80	0.80	0	0	0.95	0.05	0.05	0.95	162	9	170	9	162	170
<b>Retail</b>	7,500m <sup>2</sup> GLFA	4.68	9.35	0.25	0.25	0.60	0.40	0.5	0.5	158	105	263	263	263	526
<b>Hotel / Accommodation</b>	300 Rooms	0.14	0.14	0	0	0.3	0.7	0.7	0.3	13	29	42	29	13	42
<b>Logistics / Warehousing</b>	290,400m <sup>2</sup> GFA	0.25	0.18	0	0	0.6	0.4	0.4	0.6	435	290	725	209	313	522
<b>Total</b>										<b>803</b>	<b>397</b>	<b>1200</b>	<b>484</b>	<b>776</b>	<b>1260</b>

Source: JMT Consulting

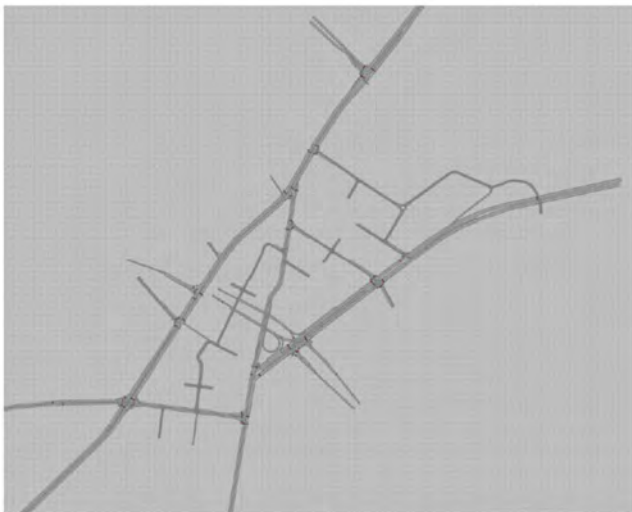
## Future Traffic Generation

The following scenarios have been considered as part of the detailed microsimulation traffic modelling:

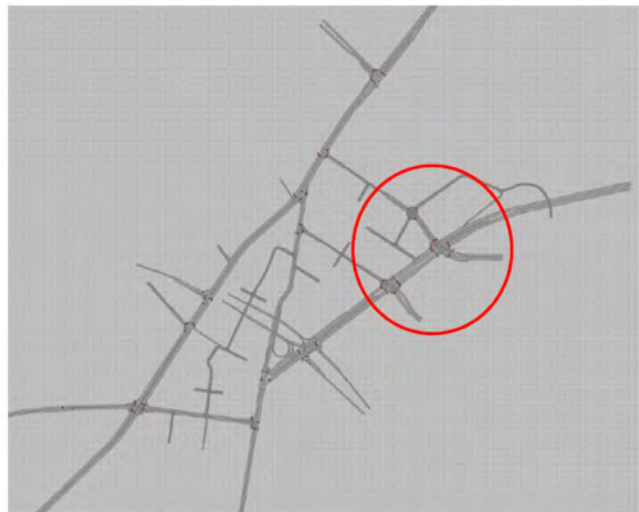
- **Future Base Scenario** – 2036 future year, including predicted levels of background traffic growth on the surrounding road network without the Cooks Cove development in place; and
- **Future Base + Cooks Cove Scenario** – 2036 future year, including predicted levels of background traffic growth on the surrounding road network with the Cooks Cove development in place.

The road network geometry within the **Future Base + Cooks Cove Scenario** traffic model has been updated to reflect the site access arrangements and intersection configurations developed by Arup. Extracts from the VISSIM model indicating these road geometry changes are provided in **Figure 75** below. Key changes to the road network include:

- Introduction of new four-way signalised intersection at Marsh Street and Gertrude Street;
- Enhancement of the existing Marsh Street / Flora Street signalised intersection, including banning the right turn from Marsh Street (eastbound) into Flora Street East presently serving the temporary M6 construction compound;
- Gertrude Street extension between Marsh Street and Levey Street;
- Traffic signals at the intersection of Gertrude Street and Levey Street; and
- Removal of traffic lights at the Marsh Street / Innesdale Road intersection, with movements restricted to left in / left out only.



*Road geometry – Future Base*



*Road geometry – Future Base + Cooks Cove*

**Figure 75** Road Geometry Changes

Source: JMT Consulting

The detailed traffic modelling indicates that the proposed signalised intersections on Marsh Street at Flora Street and Gertrude Street operate acceptably in both the morning and evening peak hours with the Cooks Cove development in place. These site access intersections and the traffic generated by the project do not compromise the ability of TfNSW to continue to deliver a safe road network in the area. The intersection level of service findings for the **Future Base + Cooks Cove** development scenario are provided in **Figure 76** below. It confirms the previous findings of the due diligence traffic assessment that the proposed intersection configurations are suitable and development yields sought by the Planning Proposal can be supported.





**Figure 76** Future Intersections Level of Service

Source: JMT Consulting

In addition, detailed analysis has been undertaken along Marsh Street in the eastbound (citybound) direction to understand the impacts of the project on access to Sydney Airport. The modelling indicates that in both peak hours, travel speeds along Marsh Street travelling towards the Airport remain largely consistent between a 'no project' and a 'with project' scenario.

Due to capacity constraints outside of the modelled network and well away from the Cooks Cove site, specifically on Forest Road west of the Princes Highway, the modelling indicates that even under a scenario where the Cooks Cove site is not developed that there will be significant congestion and delays for vehicles during the afternoon peak hour.

The average vehicle speed across the road network is predicted to reduce by more than 50% compared to current conditions. This issue is arising due to the predicted level of background traffic growth on the road network as identified in the TfNSW strategic modelling outputs, notwithstanding the investment by the NSW Government in new transport infrastructure such as the M8, M6 and Sydney Gateway Projects which would remove traffic from the surface road network in the area. This deterioration is unrelated to the Cooks Cove proposal.

When considering the impacts of the project on the overall network during the morning peak hour, travel times and vehicle delays remain relatively stable during the morning peak hour. During the PM peak hour average speeds are forecast to reduce from approximately 13km/h (under the Future Base scenario) to just under 10km/h with the Planning Proposal in place.

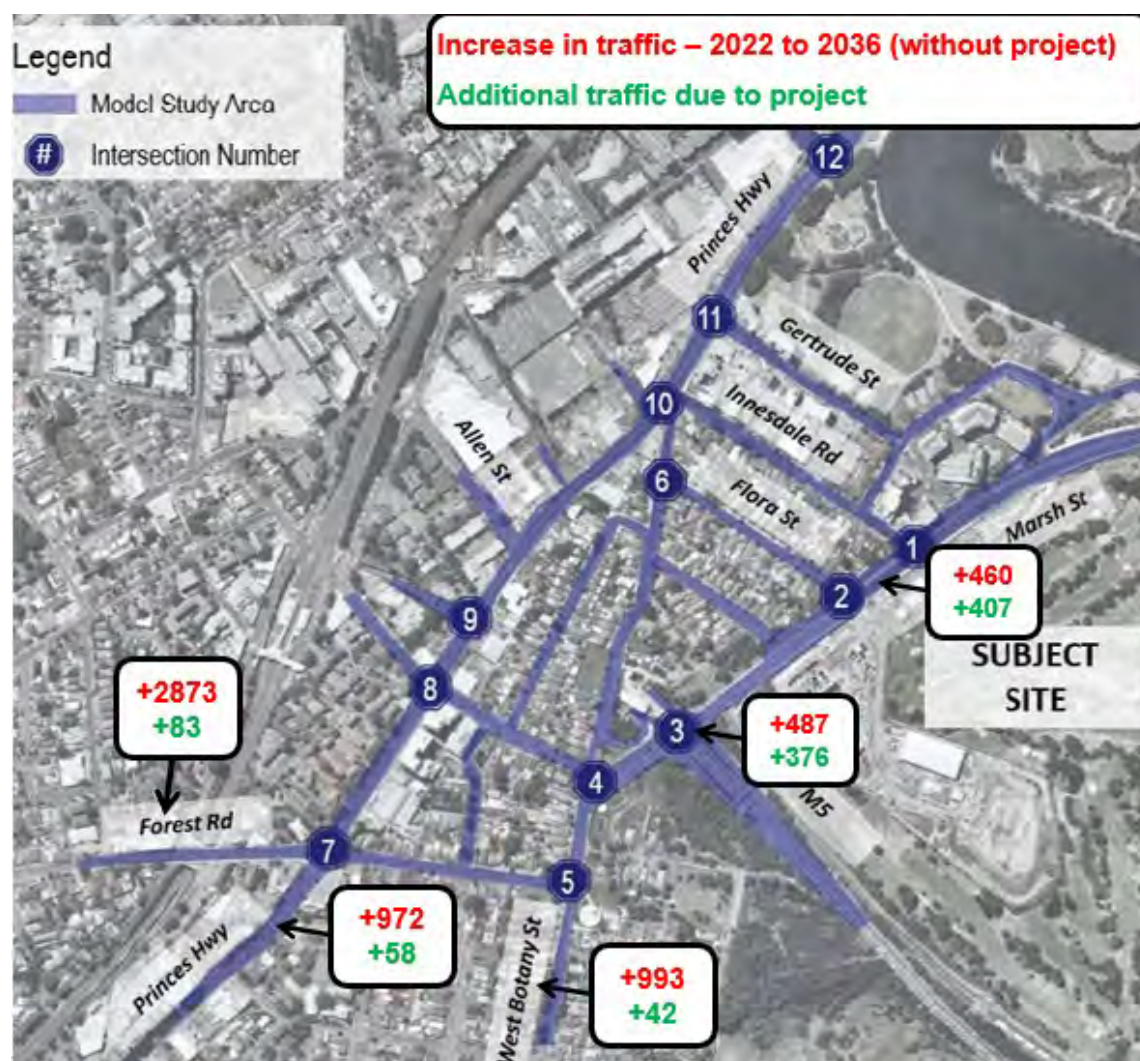
The outputs from the TfNSW strategic model, which is an unconstrained model, assumes traffic will continue to grow without drivers adjusting their behaviours, (i.e. continue to utilise surface road corridors rather than motorway infrastructure) results in significant numbers of 'unreleased vehicles' on the road network.

### Sensitivity Testing

Due to these capacity constraints in the Future Base model, particularly on Forest Road west of the Princes Highway, the traffic model was found to behave in a highly sensitive manner – with any incremental (albeit relatively small) increases in traffic flows resulting from the Cooks Cove development resulting in increases in delays.



This unfortunately does not allow for an 'apples for apples' comparison to understand the relative impact of the project. The Cooks Cove proposal contributes only an additional 3%-5% in traffic movements on Forest Road and the Princes Highway when compared to the general background growth forecast under the STFM, as illustrated in **Figure 77** below.



**Figure 77** Relative Change in Traffic Growth

Source: JMT Consulting

As a sensitivity test a scenario has been modelled where one of the major external capacity constraints on Forest Road was removed in order to better understand the incremental impact of the Cooks Cove project and reduce the sensitivities being displayed by the model. This analysis indicates that across the modelled network travel speeds reduce by less than 10% and unreleased demand remains consistent – indicating the Cooks Cove project itself does not cause significant impacts on the broader road network.

Another sensitivity test was conducted to understand whether the yield of the Cooks Cove site was contributing to the performance of the broader road network. This analysis considered the effect of a reduced development yield of 270,000m<sup>2</sup> GFA on the site – consistent with the previously approved master plan. The modelling for this sensitivity test demonstrates that a reduced yield on the Cooks Cove site does not influence overall road network performance – confirming the constraints sit outside of the project boundaries and the relative traffic impact of the proposal is minor.

A further analysis was undertaken to understand the effect of a new set of traffic lights on Marsh Street at Gertrude Street to understand the influence of this project. The modelling shows that a new set of traffic lights does not in themselves contribute to the traffic congestion observed in the future base models.

## Summary

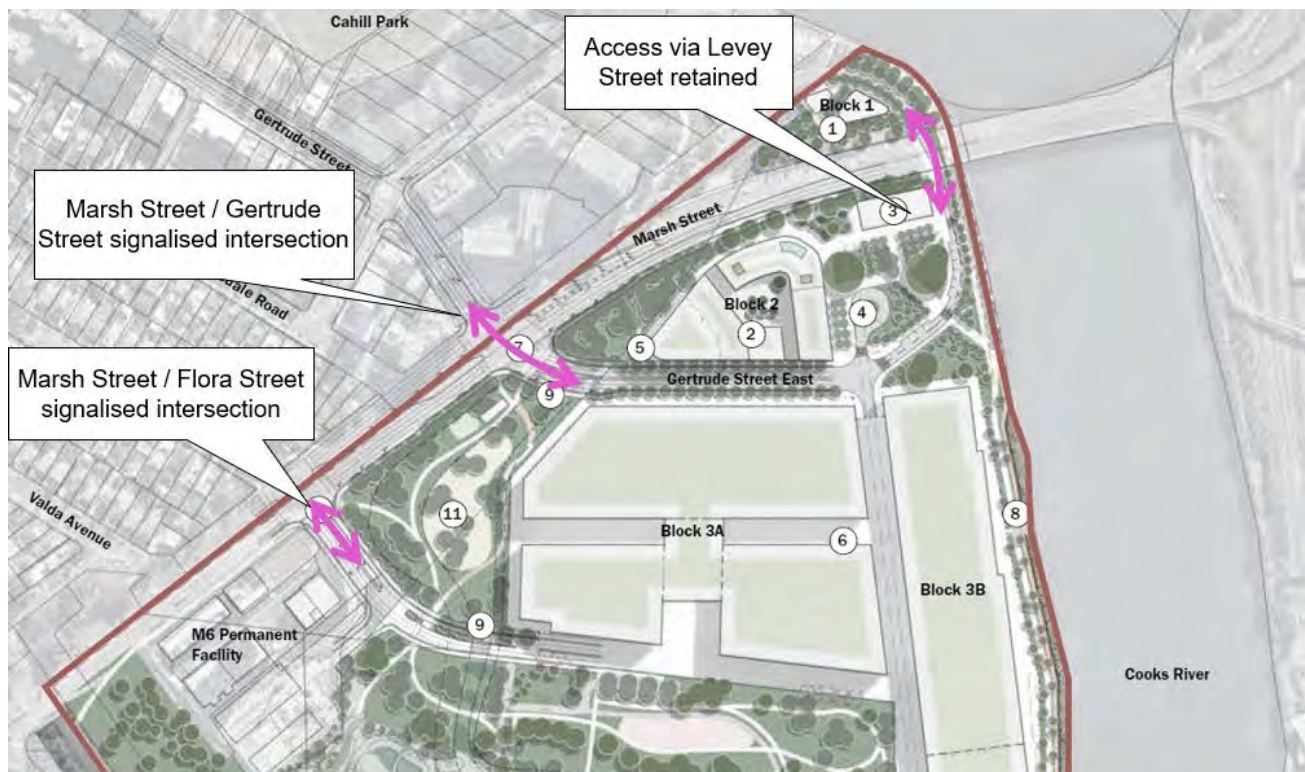
- Detailed micro-simulation traffic modelling has been undertaken in accordance with the requirements outlined by TfNSW;
- The modelling assumes considerable levels of traffic growth on the surface road network based on the STFM outputs provided by TfNSW; and
- The modelling indicates:
  - The proposed Marsh Street signalised intersections function well with the Cooks Cove development in place;
  - Access to Sydney Airport via Marsh Street remains unimpacted by the proposal;
  - Constraints away from the Cooks Cove site indicate significant congestion and delays on the broader road network without the project in place; and
  - If these external constraints were resolved then modelling shows the project itself does not cause significant impacts on the broader road network.

## 5.3.2 Transport Access Strategy

### Vehicle Access

In conjunction with the preparation of the Cooks Cove Urban Design and Landscape report, by Hassell (**Appendix B**) and master planning process, the following vehicular access to the site is required :

- **Levey Street** – The existing driveway extension to Levey Street under the Giovanni Brunetti Bridge will be retained for access into the precinct. Although a clearance height limit of 3.1m currently exists under the Giovanni Brunetti Bridge, Levey Street can still accommodate passenger vehicles and small to medium size service vehicles.
  - **Gertrude Street** – A new signalised (four way) intersection is proposed at Marsh Street / Gertrude Street which will provide the primary access point into the site. The Gertrude Street extension is identified as a forward planning work in Council's *Urban Renewal Area Contribution Plan 2019* and the Bayside West Precincts 2036 Plan. With the signalisation of the Gertrude Street intersection, the Marsh Street / Innesdale Road intersection will revert to a non-signalised left in – left out arrangement – consistent with previous discussions with TfNSW.
  - **Flora Street** – The existing signalised intersection at Marsh Street / Flora Street will be utilised to provide access into the site, Pemulwuy Park and the Arncliffe MOC. The intersection layout does not provide for right turns from Marsh Street into the Cooks Cove site – consistent with advice provided by TfNSW.
- The proposed vehicular access is illustrated in **Figure 78** below.



**Figure 78** Vehicle Access

Source: JMT Consulting



The location of the site access points on Marsh Street are generally consistent with those proposed by the existing SREP 33 Transport Management Access Plan, which was endorsed by the then Rockdale Council pursuant to a Stage 1 Master Plan development consent.

Concept designs for the future Marsh Street intersections have been developed by Arup to confirm these intersections can be constructed entirely within the road reserve or within the 'Trust lands' within the Planning Proposal, with no reliance on private third party lands. These intersection designs have been incorporated within the detailed traffic modelling and are provided as an attachment to **Appendix D**.

Internal Vehicle Circulation

The internal street network provides sufficient flexibility and capacity to accommodate the traffic generated by the entire Cooks Cove precinct, including all vehicle movements including service/loading vehicles. Specifically, the internal street network is expected to provide sufficient flexibility and capacity as:

- Sufficient width is provided at intersections for vehicle manoeuvring including space for up to 19m articulated vehicles.
- Appropriate travel lane widths are provided within the site to accommodate the movement of light and heavy vehicles to accommodate a safe, efficient and legible road network.
- The southernmost street 'Flora Street East' provides access to the M8/M6 permanent facility. A turning bay is provided mid-way along Flora Street to enabling turning into the M6/M8 facility and prevent queuing onto Marsh Street. Subject to further resolution with Council, the road will provide access to a centrally located Council public parking facility and slow loop road areas associated with the future Pemulwuy Park on Lot 1 DP 108492.
- Transport for NSW has been consulted extensively in relation to vehicle access into Flora Street East. Correspondence was received on 6 July 2022 from TfNSW confirming *"The developer's proposed access alignment presented in the meeting of the 30th of May 22 and documented in the Arup Mc01 Site Access Layout is satisfactory"*.
- The extension of Gertrude Street into the site and connection with Levey Street (known as 'Gertrude Street East') is expected to be a public street with 24hrs access to commercial, retail, hotel/motel, serviced apartment and public domain facilities designed to the relevant road design standards. The final design and configuration will be determined at DA stage.

The location, design and tenure of all internal roads at this stage is conceptual in nature and will be largely dictated by future tenant demand requirements. The details of the internal, private road circulation will be resolved at DA stage however a private road connection will be provided between Flora Street and Gertrude Street East. At this stage the proposed road location is envisaged along the north-south alignment of the Sydney Desalination Pipeline easement. The road, at a minimum, would be of sufficient width to accommodate the movement of traffic in both directions and designed in accordance with relevant standards. Private road access arrangements will be facilitated for Council, TfNSW, Sydney Desalination and APA for maintenance and easement access.

Parking

Off-street parking will be generally provided in basement and podium level car parks within the development zone in accordance with the relevant Council DCP applicable at the time of development. The exception to this is the commercial office component of the site which will provide for maximum car parking rates of one space per 80m² GFA. This maximum rate is to be reinforced in the site-specific DCP as well as any other relevant planning instruments (site-specific LEP clause). The site's proximity to Wolli Creek train station and future pedestrian connections make this rate of car parking suitable for the site and will limit the traffic generation associated with the commercial uses. The reference scheme prepared has considered the following car parking rates as summarised in **Table 22** below.

Table 22 Car Parking Rates

Use	Car Parking Rates
Warehouse / Logistics	1 space per 300m² GFA plus 1 space per 80m² ancillary office
Hotel / Accommodation	1 space per 4 rooms, 1 taxi pick-up and set-down space / 100 rooms, 2 coach pick-up and set-down spaces
Commercial	1 space maximum per 80m² GFA*
Retail	1 space per 40m² GFA

Source: JMT Consulting

It should be noted that further investigations will need to be undertaken at subsequent stages to confirm the final parking number and layout. The final car parking requirements and provision for the site will be confirmed at the Development Application (DA) stage of the project.

The precinct will provide limited opportunities for on-street visitor parking. Due to the proximity of the precinct to Sydney Airport, time limited parking is proposed to prevent all day parking in the precinct. A mix of 1, 2 and 4 hour time limited parking would be appropriate, depending on the location with respect to different uses. For example, on-street parking in the retail precinct would be limited to either 1 or 2 hours to encourage a higher turnover of spaces. On-street areas could potentially be used to accommodate car share spaces, drop off / pick up areas and bus zones.

### Public Transport

As outlined in **Section 2.6**, the site is in close proximity to existing public transport services including three railway stations, that are serviced by the T8 Airport and South Line and the T4 Eastern Suburbs and Illawarra Line as well as three existing bus routes (Route 420 422, and 348).

In order to integrate into the existing public transport network, the following can be provided subject to a Planning Agreement:

- Provision of a bus bay and shelter on the eastern side of Marsh Street can be provided to serve southbound route 420 (serving Bondi Junction, Rockdale, Burwood) and route 422 (Sydney CBD, Newtown, Kogarah). The Cooks Cove project can facilitate the delivery of a bus bay and shelter on the eastern side of Marsh Street, with contributions to be provided for the delivery of a bus stop on the western side of Marsh Street.
- Opportunity for shuttle bus services to operate within the Cooks Cove site, with a minimum 13m wide carriageway to be provided. On-street bus zones could be provided to accommodate shuttle services to/from Wolli Creek station or other suitable public transport nodes.

### Active Transport and Green Travel

The Cooks Cove project provides the opportunity to significantly enhance the active transport network of the locality, with the following pedestrian and cycling initiatives to be provided as part of the project:

- A regional separated pedestrian and cycle path located parallel to the Cooks River. The Proposal will deliver a missing 900m long x 20 m wide landscaped waterfront contribution to the 'bay to bay' regional active transport link along the western bank of the Cooks River, incorporating pedestrian, cycling and passive recreation infrastructure;
- A \$4m contribution to the future enhancement of pedestrian/cyclist connection on the southern side of the Giovanni Brunetti Bridge, which would connect to the recently completed pedestrian bridge at Sydney Airport to facilitate a direct connection into the International Airport railway station. Note that the Giovanni Brunetti Bridge is a TfNSW asset, such that any refurbishment would need to be led by the asset owner and that the cost of enhancement would likely require additional contributions from development in the Bayside West Precinct State Infrastructure Contribution area ;
- Connection to and embellishment of the new shared path along the eastern side of Marsh Street, constructed as part of recent road widening upgrades;
- New pedestrian footpaths on Gertrude Street (between Marsh Street and Levey Street) as part of the Gertrude Street extension project;
- Bicycle parking and end of trip facilities within future buildings, as well as bicycle infrastructure within the public domain, provided in accordance with relevant Bayside Council controls; and
- New pedestrian crossing opportunities across Marsh Street and Levey Street associated with the proposed new and upgraded signalised intersection.
- A Green Travel Plan is to be prepared to accompany future development applications and be provided to all future tenants prior to obtaining the relevant Occupation Certificate within the site.

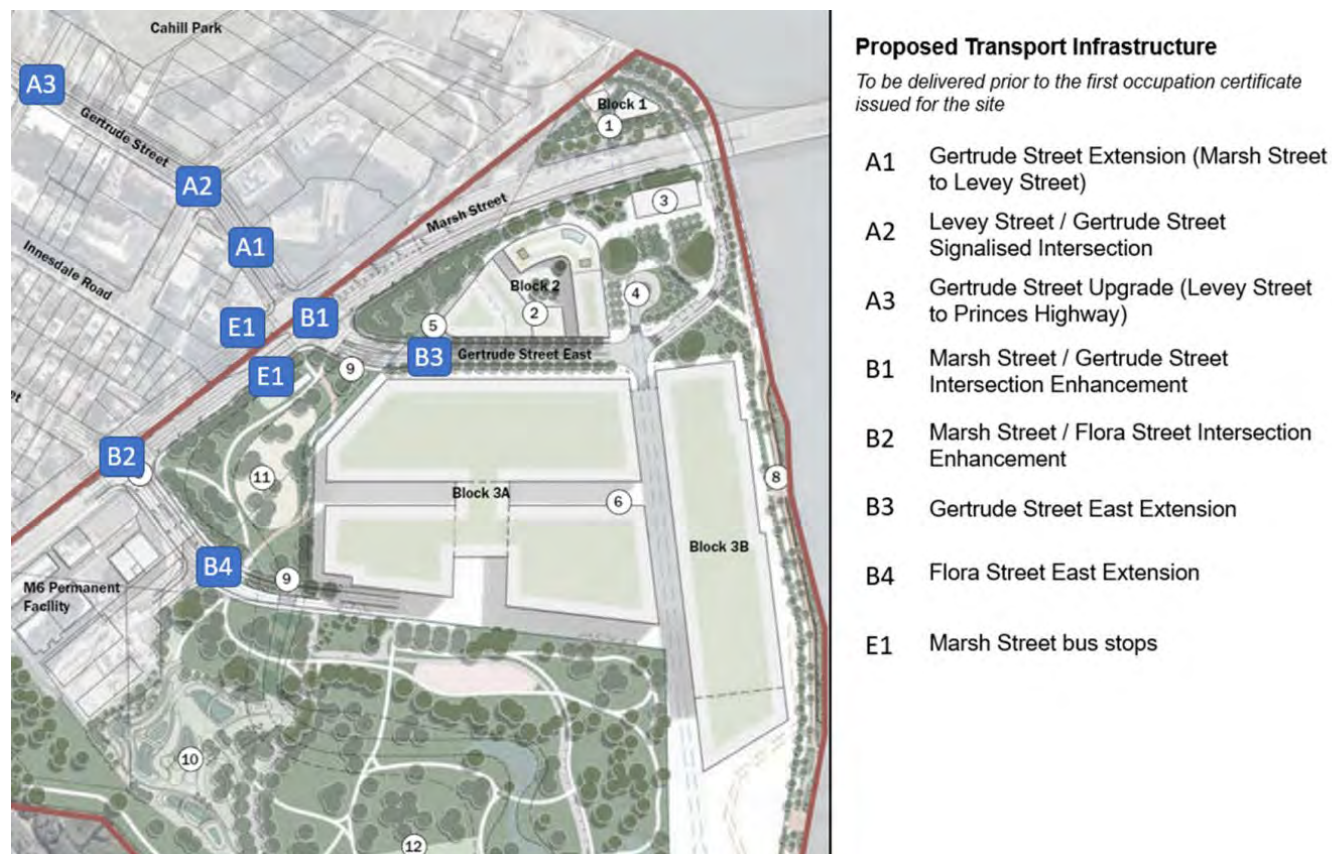
## 5.3.3 Infrastructure

### Works in Kind Infrastructure

Works in kind infrastructure elements are to be delivered prior to the first Occupation Certificate being issued and are outlined in **Figure 79** below.

The value of the total work-in-kind contribution will be validated in consultation with TfNSW and DPHI. Works will include improvements to adjoining Local and State infrastructure and as a consequence an appropriate methodology is to be identified to facilitate the efficient delivery of infrastructure improvements to the benefit of Bayside Council and the State of NSW. Subject to DPHI / TfNSW's endorsement, works will be divided into separable Works Authorisation Deeds / Planning Agreements to enable delivery between stakeholders, as required.

A detailed summary of the scope of the works in kind infrastructure contributions is provided in **Appendix P**.



**Figure 79 Summary of Proposed Infrastructure**

Source: JMT Consulting

## Monetary Contributions

A number of studies, including the Bayside West Precincts 2036 Plan, have identified that active transport improvements to this TfNSW asset would benefit the Bayside Community, the Cooks Cove project, Sydney Airport and regional pedestrian and cyclists. Notwithstanding the relatively minor impact the Cooks Cove project has on the broader road network, as summarised in Section 5.10 of this document, it is acknowledged that the proposal would generate additional traffic demands on the surrounding road network.

To this end Cook Cove Inlet Pty Ltd have made offers to provide a monetary contribution of \$8.7 million to be paid to TfNSW for regional or State roads and /or regional or state transport improvements within the Bayside local government area. This has culminated in the drafting of a State Planning Agreement (refer **Appendix T** for current status).

A summary of the timing and delivery of contributions is provided below:

- **Transport Infrastructure Contributions** – Cook Cove Inlet will enter into a State Planning Agreement with TfNSW and Bayside Council and a Local Planning Agreement with Bayside Council prior to the gazettal of amended planning controls the subject of this Planning Proposal.
- **Works-in-kind** – Cook Cove Inlet will facilitate the implementation of the works-in-kind components identified as A1-A3, B1-B4 and E1 prior to an Occupation Certificate being issued for floorspace the subject of this Planning Proposal within Lot 100 in DP 1231954.
- **Monetary Contributions** – Cook Cove Inlet to make staged payments in relation to the monetary contributions items B7 and E2 at the rate of \$25,588 per 1,000sqm (the total equivalent of \$8.7m), prior to the progressive issue of



Occupation Certificates for floorspace arising from the gazettal of this Planning Proposal within Lot 100 in DP 1231954.

- **Legal Costs** – Cook Cove Inlet Pty Ltd will pay TfNSW legal costs associated with the resolutions of required Works Authorisation Deeds and the State Planning Agreement.

## 5.4 Aviation and Airport Operations

An Aeronautical Impact Assessment & Airport Safeguarding Report has been prepared by Strategic Airspace and included at **Appendix F**.

### 5.4.1 Location in relation to Sydney Airport

The Cooks Cove Precinct is located adjacent Sydney Airport on the western side, across Cooks River. To outline the specific distance between the site and Sydney Airports runways, two coordinates were plotted at the north and southern tips of the site as illustrated in **Figure 80** below. Detail of Sydney Airport in relation to the provided coordinates are outlined in **Table 23** below.



**Figure 80** Cooks Cove Site in relation to Sydney Airport

Source: Strategic Airspace

**Table 23** Details of the site in relation to Sydney Airport

Site Location	Coordinates	Runway	Metres (Nautical Miles)	Degrees Magnetic (True)
South-eastern Corner	33° 56' 30.10" S 151° 09' 37.10" E	07	382m (0.2 NM)	294° M (306.7° T)
		16R	1666m (0.9 NM)	207° M (219.5° T)
Northern Tip (North of Marsh Street)	33° 56' 30.10" S 151° 09' 37.10" E	07	1205m (0.64 NM)	330° M (342.9° T)
		16R	1166m (0.63 NM)	239° M (251.9° T)

Source: Strategic Airspace

### 5.4.2 The National Airport Safeguarding Framework

The National Airports Safeguarding Framework (NASF) is a national land use planning framework that aims to:

- Improve community amenity by minimising aircraft noise-sensitive developments near airports; and
- Improve safety outcomes by ensuring aviation safety requirements are recognised in land use planning decisions through guidelines being adopted by jurisdictions on various safety-related issues.

The NASF was developed and is maintained for the Commonwealth (under the auspices of DITRDCA) by the National Airports Safeguarding Advisory Group (NASAG). The NASF principles are supported by a set of nine (9) guidelines, a summary of the Proposal’s compliance with each of the guidelines is provided below.

## Guideline A – Measures for Managing Impact of Aircraft Noise

Guideline A provides guidance to Commonwealth, State, Territory and Local Government decision makers to manage the impacts of noise around airports including assessing the suitability of developments.

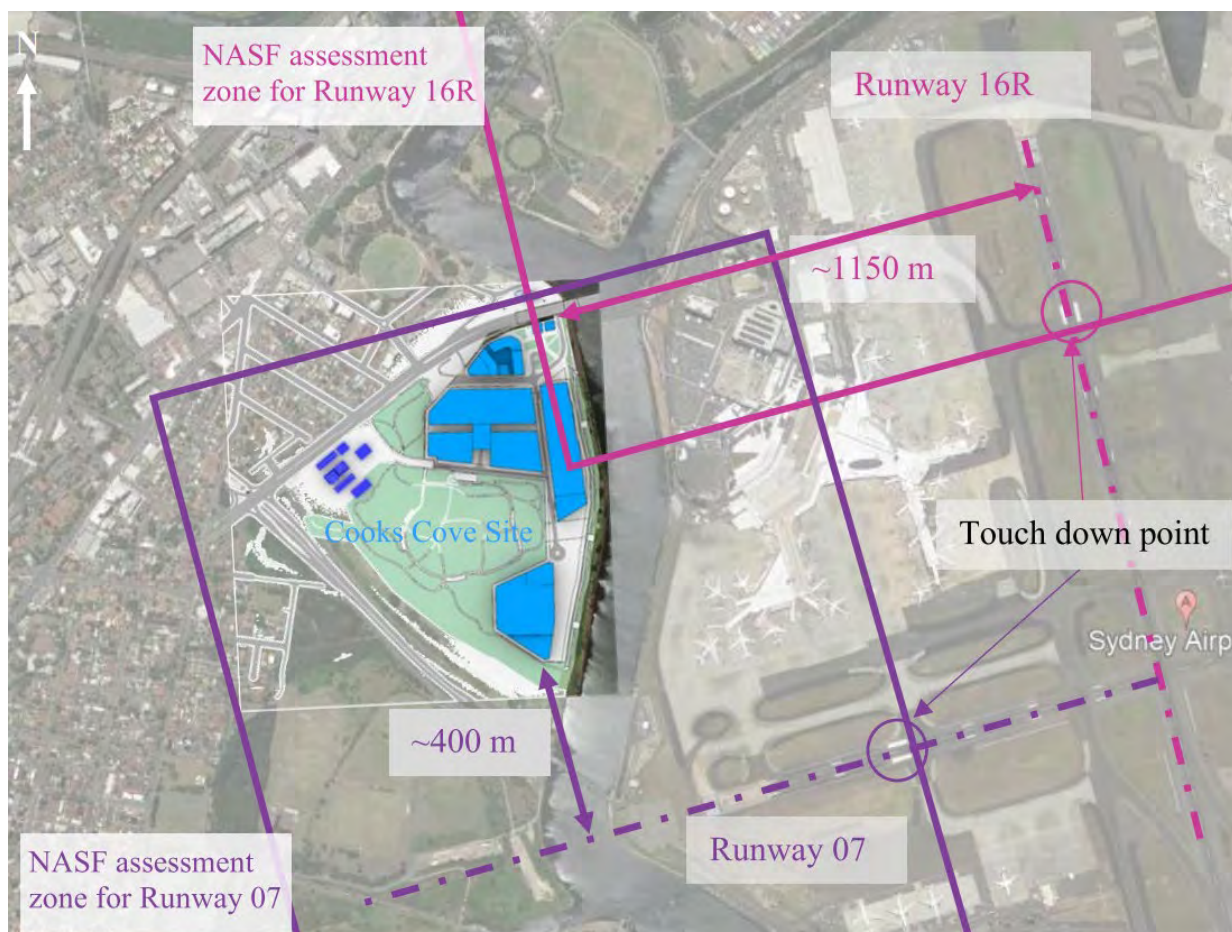
As illustrated in **Figure 90**, the Cooks Cove Planning Proposal site is located almost entirely within the ANEF 20-25 zone (2039). As the proposed development predominantly comprises commercial, logistics and warehousing precinct, the proposed Cooks Cove development is not subject to the level of acoustics-related planning constraints that might otherwise be imposed for noise sensitive developments. This aspect has however been fully considered during the preparation of the master plan. A complete acoustic assessment, including Aircraft noise, has been completed by ARUP (**Appendix H**), with further discussion at **Section 5.8**.

## Guideline B – Managing the Risk of Building Generated Windshear and Turbulence at Airports

Guideline B provides guidance to Commonwealth, state/territory and local government decision makers and airport operators to manage the risk of building generated windshear at airports.

A Wind Shear and Turbulence Assessment has been prepared by ARUP and included at **Appendix G**. The assessment was undertaken in accordance with Guideline B of the NASF and provides a quantitative assessment to address the potential impacts of the proposal on the wind conditions for aircraft operations at Sydney Airport.

The proposed Cooks Cove development is located to the west of Sydney Airport, with the Proposal's proximity to the runways and the NASF Guideline B wind assessment zones illustrated in **Figure 81** below. It is evident the multi-building development is entirely within the assessment zone for Runway 07, but predominantly outside the assessment zone for Runway 16R.



**Figure 81** Aerial View outlining the site location and NASF Assessment Zones for Runway 16R and 07

Source: Arup

A full-scale numerical model of the Cooks Cove development and surrounds was developed for the study. The model is based on the existing built form of the surroundings and does not include potential future developments in the Sydney Airport International Terminal precinct.



Based on the NASF (2018) guidelines, there are two mechanisms of concern for aircraft operations: wind shear and turbulence. Wind shear is the difference in the mean wind speed between two locations, whereas turbulence is a measure of the temporal fluctuations in the wind at the same location. The impact of the proposed development was modelled along the flight paths to the relevant runways for four critical wind directions, in accordance with NASF (2018).

These four cases are described as follows:

- **Case 1** – 3 s gust wind speeds in knots required to exceed specified criteria along Runway 07 (Operational limit of 20 kt);
- **Case 2** – 3 s gust wind speeds in knots required to exceed specified criteria along Runway 07 (Operational limit of 22 kt);
- **Case 3** – 3 s gust wind speeds in knots required to exceed specified criteria along Runway 07 (Operational limit of 28 kt); and
- **Case 4** – 3 s gust wind speeds in knots required to exceed specified criteria along Runway 16R (Operational limit of 22 kt).

In regard to wind shear, an assessment of the four critical wind directions are provided in **Table 24** below.

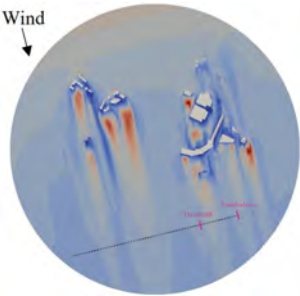

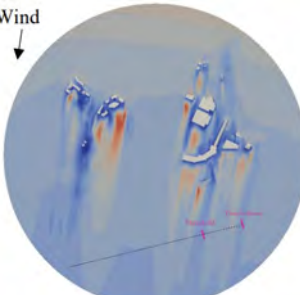

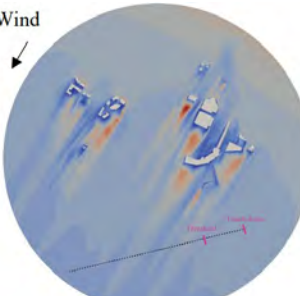
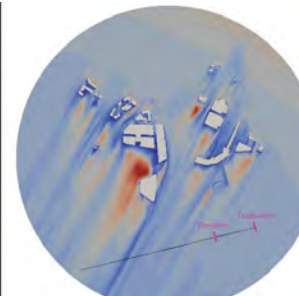
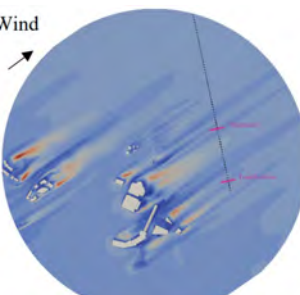
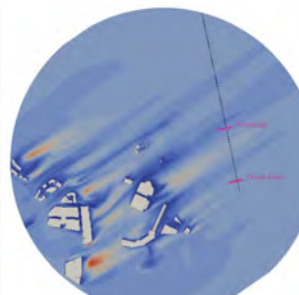
**Table 24**      *Wind Shear Results*

Case	Illustration		Results
	Without Cooks Cove	With Cooks Cove	
1			It can be seen in Case 1 with a pure cross-wind to Runway 07, that the largest gradient of wind speed along the runway as a result of the proposed Cooks Cove development would happen about 200m before the threshold. It is evident the impact of the International Terminal building on the wind shear between the threshold and touchdown points with and without the proposed Cooks Cove development.
2			In Case 2, the wind has to travel a greater distance from the Cooks Cove development to the runway centreline extension and therefore the impact decreases. In addition, the alignment of the buildings, in particular the location of the proposed southern building closest to the runway is in the wake of upstream buildings thereby decreasing the impact of this building on the wind shear along the glideslope.
3			In Case 3, the southern building closest to the runway is more exposed and is only partially shielded by the upstream buildings. This results in a measurable building induced wind shear impacting about 700 m before the threshold.
4			The wind shear from the proposed Cooks Cove development in Case 4 where winds are 22.5° from the pure cross-wind direction to Runway 16R, is largely dissipated as a result of the significant distance from the runway and the presence of Sydney Airport terminal buildings downstream. Therefore, the building-induced wind shear impact of the proposed development is relatively small at Runway 16R.

Source: Arup

In regard to turbulence, an assessment of the four critical wind directions is provided in **Table 25** below.

**Table 25**     *Turbulence Results*

Case	Illustration		Results
	Without Cooks Cove	With Cooks Cove	
1			In Case 1, with the wind perpendicular to Runway 07, the proposed development impacts an area about 500m before the threshold, primarily due to the proximity of the southern building. This area is already affected by the buildings to the north of the site without Cooks Cove development; however, the impact is less severe as the impact of the wake diminishes with greater distance from the runway. The region between threshold and touchdown point is impacted by the Sydney Airport terminal buildings hence the turbulence close to landing is similar to existing conditions.
2			In Case 2, the wake region characterised by high turbulence travels a greater distance from the buildings to the extension of the runway centreline, hence its magnitude is reduced compared with Case 1, and impacts further from the threshold. The Sydney Airport terminal buildings have a similar impact on the wind conditions with and without the Cooks Cove development.
3			In Case 3, as discussed in the previous section, the proposed southern building closest to the runway is partially exposed thereby generating turbulence that would impact the runway centreline approximately 600-700m before the threshold.
4			In Case 4, the wake region of the proposed development extends to the Runway 16R; however due to the large distance, the turbulence is more dissipated producing only marginally impacts at higher elevations approximately 60m above the local ground and 100-400m behind the threshold.

Source: Arup

The assessment has shown that the 3 s gust wind speed required to exceed the NASF (2018) along flight criterion is greater than the wind speed airport operational criterion for both runways. The minimum measured value was 35 kt in Case 3 between Ch 600-700 and height of 40-45m. This location is on the 3° glideslope for aircraft landing at the Runway threshold.

For the cross-flight criterion, the required 3 s gust wind speed measured at the anemometer to exceed the criterion was always in excess of the 20 kt operational crosswind speed control. The lowest wind speed with the proposed development was 28 kt in Case 3 in the same location as the lowest along-flight wind speed. The 28 kt wind speed is the same as the operational cross-flight wind speed for this incident wind direction. This is caused by the proposed trapezoidal building to the south of the proposed Cooks Cove development.

For the turbulence criterion, in none of the simulated cases, the 3 s gust wind speed at the anemometer required to exceed turbulence criterion at the runway exceed the operational threshold of 20 kt. Cooks Cove development caused a slight increase in the turbulence levels along the flight paths. For winds at 45° to Runway 07, the lowest measured wind speed required measured at 10 m anemometer height was 23 kt at 600 m before the threshold at a height of 60 m. This is below the operational wind speed of 28 kt for winds from this direction. The change in wind speed would occur for about 13 hours per annum. Operationally for strong winds from the north-east quadrant, aircraft would typically be landing on the parallel Runways 34L and 34R.

The impact of Cooks Cove development on Runway 16R was small, with all turbulence results in excess of the 22 kt operational limit for winds from this direction.

In summary, the Cooks Cove Planning Proposal, meets NASF Turbulence and Windshear criteria, such that the only occasion where there would be a potential windshear or turbulence concern would arise in circumstances where the wind direction and wind speed approaching Runway 07 is such that Sydney Airport adopted aviation operational procedures would preclude the use of Runway 07. All development applications for future buildings will be accompanied by windshear and turbulence assessments to ensure the proposed defined building form is NASF compliant to the satisfaction of DITRCA and Sydney Airport.

### **Guideline C – Managing the Risk of Wildlife Strikes in the Vicinity of Airports**

Guideline C provides guidelines to State/Territory and local government decision makers to manage the risk of collisions between wildlife and aircraft at or near airports where that risk may be increased by the presence of wildlife-attracting land uses.

Previously wildlife strike, including bird strike, was considered due to the proposed relocation of the Kogarah Golf Course south of the M5 and associated landform modifications in proximity to the Landing Light Wetland and other water bodies within the southern portion of the Cooks Cove site. This golf course relocation is no longer proposed and the master plan does not incorporate the former Cooks Cove Southern Precinct or any wetland previously the subject of Department of the Environment and Energy EPBC Approval 2016/7767. Further, open water bodies currently present on KGC freehold land forming part of the irrigation network for the golf links facility are proposed to be progressively replaced by maintained open space facilities. Such transition is considered to reduce the potential for wildlife to be in conflict with aircraft operations. Whilst it is considered that the proposed master plan land uses will not result in an increased risk of wildlife strike, under Guideline C 'Attachment A' criteria, existing risk is required to be managed. The Flora and Fauna Assessment prepared by Cumberland Ecology (**Appendix K**) has taken Guideline C into consideration to inform appropriate biodiversity mitigation measures.

Subsequent assessments and wildlife management plans will be prepared to accompany future detailed development applications (DAs) to manage the risk of wildlife strikes in the vicinity of Sydney Airport. All landscaping within Cooks Cove will consider the existing Cooks Cove SACL 'Approved Plant List' under the SEPP (Precincts - Eastern Harbour City) 2021 deemed DCP.

### **Guideline D – Managing the Risk of Wind Turbine Farms as Physical Obstacles to Air**

Not applicable.

### **Guideline E – Managing the Risk of Distractions to Pilots from Lighting in the Vicinity of Airports**

Guideline E provides guidance to assist local governments and airport operators to jointly address the risk of distractions to pilots of aircraft from lighting and light fixtures near airports.

The Assessment of Airspace Approvability considers 'External Lighting in the Vicinity of Airports' with reference to the Civil Aviation Safety Regulations Manual of Standards (MOS) Part 139. Only the southern portion of the development zone will be subject to the Guideline E provisions, and such constraints will not preclude the development and implementation of an effective public domain outdoor lighting strategy at the appropriate time. Given the type of facilities proposed (logistics and warehousing uses), the exterior lighting limits required by Guideline E are not considered onerous constraints.

As recommended by CASA, consultation will be undertaken with Sydney Airport and air traffic management in the future, prior to finalising detailed lighting designs as elements of future Development Applications.



## Guideline F – Managing the Risk of Intrusions into the Protected Airspace of Airports

Guideline F provides guidance to State/Territory and local government decision makers as well as airport operators to jointly address the issue of intrusions into the operational airspace of airports by tall structures, such as buildings and cranes, as well as trees in the vicinity of airports.

The proposed design of the Cooks Cove development has carefully considered the Sydney Airport airspace limitations in order to support the approvability of the proposal under the relevant regulations. All buildings heights proposed have been reduced to ensure that no structure will infringe Sydney Airports prescribed airspace or constitute a Controlled Activity. The southern-most building will be stepped down to remain below the sloping OLS at that location (and below a small area within this lot where the PANS-OPS surface is lower than the OLS). All other buildings will be no higher than the RL51m OLS across the rest of the site.

All temporary structures and cranes required for construction will remain below the applicable PANS-OPS height limits to assure height approvability under the Airports (Protection of Airspace) Regulations, 1996. For the majority of the site, there is ample vertical clearance of (30-50+ metres) beneath PANS-OPS. Detailed design, construction techniques and construction planning will inform any Development Applications (at the southern end of Block 3) in relation to crane requirements and operating conditions. No activity is proposed that:

- Could cause air turbulence, where the turbulence could affect the normal flight of aircraft operating in the prescribed airspace, or
- Could cause the emission of steam, other gas, smoke, dust, or other particulate matter that could affect the ability of aircraft to operate in the prescribed airspace in accordance with Visual Flight Rules.

## Guideline G – Protecting Aviation Facilities — Communications, Navigation and Surveillance (CNS)

Guideline G aims to ensure the protection of CNS facilities installed by Airservices Australia (Airservices), the Department of Defence (Defence) or other agencies, to ensure the safe operation of aircraft communications. It specifies a Building Restricted Area (BRA) around a CNS facility as a means of identifying whether a proposed development should be assessed by Airservices for potential impact. In the case of Sydney Airport, it has a pre-existing Navigation Infrastructure chart which has been declared as part of its Prescribed Airspace.

These height contours relate to the Sydney Terminal Area Radar (SY TAR), the geometry of which are based on assessment guidelines for siting a new radar. However, the surfaces charted do not take into account any shielding that would occur by the existing infrastructure of on-airport buildings — in this case the Sydney International Terminal Buildings would in fact shield the vast majority if not all of the proposed development. Further, given the fact that the radar at Cecil Park (far from the airport) is used as the primary radar source, along with timelier and more accurate GNSS-based ADS-B signals, for surveillance of approaches and departures to/from Sydney Airport, Strategic Airspace believes that the surfaces depicted on the chart are not relevant and will not be constraining on buildings which remain below the PANS-OPS height limits on the site. In addition, the site is clear of protection surfaces for all landing aids used by aircraft.

## Guideline H – Protecting Strategically Important Helicopter Landing Sites

A Strategically Important Helicopter Landing Site (SHLS) is a site declared by a State or Territory to be of critical need to the provision of critical services. The closest SHLS are the helipads at Royal Prince Alfred Hospital, Camperdown (approx. 5.4km), and Prince of Wales Hospital, Randwick (approx. 7.5km). The distance of these SHLS and their nominal flight paths mean that they will not be affected at all by the Cooks Cove development. It has also been noted that there are two helipads at Sydney Airport, but these are not classified as SHLS and the height of the proposed buildings on the site, and the location of the site on the other side of the airport would have no adverse impact on these items.

## Guideline I – Managing the Risk in Public Safety Areas at the ends of Runways

A Public Safety Area (PSA) is a designated area of land at the end of an airport runway within which development may be restricted in order to control the number of people on the ground around runway ends. Notably, there are no published PSAs for the ends of runways at Sydney Airport. Even if one was to consider a PSA of a shape like those designed for the new Western Sydney Airport, the Cooks Cove Precinct would be outside such a nominal PSA for the western end of RWY 07/25. As such, the Cooks Cove Precinct can be considered as having no impact on a PSA.

### 5.4.3 Conclusion

The Aeronautical Impact Assessment & Airport Safeguarding report concludes: *"In consideration of the assessments conducted as part of this study, the careful approach to master planning of the development in cognisance of the airspace limits and other aeronautical and operational impacts — and the fact that the proposed buildings will not*

*infringe the Prescribed Airspace of Sydney Airport, satisfies all airport safeguarding guidelines as set out in the National Airports Safety Framework (NASF), and meets the Local Planning Direction 5.3 — **there is no impediment to approval of the planning proposal for the Cooks Cove Master Plan 2022***".

## 5.5 Economic Assessment

The Planning Proposal and supporting master plan have been designed to facilitate the delivery of Cooks Cove as a contemporary logistics precinct with a regional focus together with additional retail, commercial and visitor accommodation uses to support Sydney Airport and the surrounding urban renewal precinct. The reimagined precinct will generate substantial economic benefits, aligned with Sydney's positioning as a global city, the strategic location of the Cooks Cove site and changing economic, and employment trends. This section of the report provides a preliminary assessment of the economic impact and benefits of the proposal undertaken by Ethos Urban.

### 5.5.1 Economic Context, Drivers and Backdrop

Sydney is a truly global city, with the population forecast to increase to 5.8 million by 2036. This will increase demand for employment and consumer services, driving a focus on the development of strategic sites aligned with future transport infrastructure along with appropriately located industrial and urban services land to serve the growing population. The Bayside LGA serves a critical role for its local community but also for Greater Sydney, NSW and Australia overall, largely through the economic contribution of infrastructure and services provided at Botany Bay. Port Botany and Sydney Airport currently support the ongoing viability of the Sydney economy, acting as a hub for trade, logistics and tourism industries.

The economic contribution of Bayside Council is estimated at almost \$14 billion in 2022 (Gross Regional Product), representing almost 3% of Greater Sydney (.id Consulting). As Sydney continues to grow, land availability to support growth is becoming increasingly constrained, particularly within the Eastern City. To continue to grow and evolve, sites that are strategically positioned and underutilised, such as Cooks Cove, will need to be unlocked and developed more efficiently with an opportunity to accommodate a range of uses, balancing density with amenity.

In addition to demand pressures for Sydney and the Bayside LGA, long-lasting changes to employment and lifestyle trends have accelerated further due to COVID-19. Shifting processes, technologies and consumer tastes that were underway but may have taken years, or even decades, to become mainstream have been turbo-charged - occurring in a matter of months. Examples in the business sector include the 'work from home' shift, and e-commerce boost, which has created a surge in demand for logistics, warehousing and transport facilities as people move to online shopping and delivery services and click and collect. Furthermore, the opportunity and growth potential in industries such as 'onshoring' manufacturing, particularly in advanced manufacturing through practises such as 3D printing, or even the desire for a more resilient, secure and diversified supply-chain for a range of businesses have also been emphasised.

The shift in thinking and support for many of these trends have been highlighted in State and Federal Government initiatives. Cooks Cove will exemplify a modern logistics focused precinct by delivering high quality employment spaces and a built environment that responds to evolving modern requirements for warehousing, including the shift to vertically integrated facilities. This contemporary business precinct will attract and retain employment to the area that is currently underutilised and will help to future-proof Port Botany and Bayside LGA by adapting to current business and customer requirements. As these trends drive change in modern businesses and customer requirements, there is greater demand for more flexible, sustainable, integrated and innovative business precincts in strategic locations, including in inner city areas.

### 5.5.2 Summary of Economic Benefits

Physical developments are under increasing pressure to adapt and respond to modern customer requirements. As such, there is an inherent need for a more flexible planning approach that enables a precinct such as Cooks Cove to adapt and respond appropriately. By delivering an SP4 Enterprise zone with a logistics focus, the development would help to unlock this strategic site and enable the delivery of significant benefits for the local and regional community. The provisions proposed for Cooks Cove would ensure that key objectives for the precinct (such as employment generation) would remain the focus into the future.

The proposed scheme for Cooks Cove includes a mix of modern vertical warehousing and logistics facilities and supporting office space, as well as retail operators and short stay accommodation providers. These uses will enable the precinct to establish as a major inner Sydney business precinct that complements the existing manufacturing and transport services associated with Sydney Airport and Sydney Port. The Planning Proposal has been designed to allow

for future flexibility to ensure that this strategic site is able to be unlocked and respond to future employment trends ensuring longevity and success. This includes enabling the precinct to adapt and respond to broader changes within the Port Botany precinct, Bayside LGA and across Greater Sydney and associated infrastructure.

The Cooks Cove project plans to accommodate a range of uses that form a modern, integrated precinct, with uses such as warehousing, commercial office and visitor accommodation that will also align with, and complement, the nearby Sydney Airport as well as ensure alignment with the employment profile of existing and future Bayside residents.

The Sydney Airport Master Plan also acknowledges the need for flexibility, to respond to changing requirements (whether that is passengers, partners or other airport users). Part of the growth of the Sydney Airport precinct includes outlining the opportunity for potential commercial and accommodation development – this includes up to 120,000sqm of floorspace (excluding the T1 International Terminal) for hotel, office and commercial development in the Northwest Sector (adjacent to Cooks River), and highlights that further potential hotel development is also possible in the sector. Cooks Cove has the potential to support population and employment growth, while at the same time complementing existing uses and the future vision for Sydney Airport, which plans for additional commercial, and hotel/motel and serviced apartment uses opposite the site on the eastern side of Cooks River.

Potential economic benefits likely to result from the Cooks Cove project is now considered based on indicative plans, including employment opportunities for around 3,300 workers.

The Cooks Cove site represents a logical location for the development of a business precinct, appropriate for employment uses including warehousing, office, retail and accommodation, attributed to the strategic nature of the site as demonstrated by the following key success factors:

- **Close to customers and workforce** – Businesses want to locate close to their customers and have access to a large pool of employees. The subject site has access to some 2.5 million persons, or 48.0% of Greater Sydney within a 30-minute travel time. This highlights the strategic nature of the site, as well as the opportunity the location presents being centrally located to serve a huge market and serve the local and regional community.
- **Critical mass and clustering benefits** – Businesses seek to co-locate with aligned businesses and industries to form a critical mass and a key destination. Cooks Cove's size and strategic position, adjacent to Sydney Airport and Port Botany represent an ideal location for a wide range of businesses in direct support of the Bayside West Precincts 2036 planned population. The Cooks Cove project will provide up to 290,000sqm of additional logistics space that will be well positioned to serve Sydney Airport and the South Sydney employment zone.
- **High profile and proximity to infrastructure** – Cooks Cove is located close to the Sydney CBD, Sydney Airport, Port Botany, freight rail services as well as a range of major arterial roads, including M5, M6, M8, Sydney Gateway and the St Peter's interchange making it a highly advantageous location for businesses that rely on these facilities and trade networks for distribution and just-in-time fulfilment. The sites' prime location close to major international trade gateways at Sydney Airport and Port Botany make this site well suited to unlock industrial supply in this part of Sydney.
- **Enhanced amenity** – Cooks Cove is of a scale and size that the project can provide businesses with high levels of amenity, attractive and activated waterfronts and approximately 85 hectares of adjoining parklands as well as a desirable contemporary physical environment aligned to modern business and customer requirements, including retail amenities and services.

The proposal at Cooks Cove has the potential to deliver a true business environment that embodies the evolving nature of the industrial and business sector by providing contemporary vertical logistics spaces that have a strong focus on technology and innovation. The indicative Cooks Cove master plan indicates that the project has the potential to generate significant benefits for the local and regional community including:

- The creation of around 3,300 jobs within the industrial, commercial, retail and visitor accommodation industries;
- Generate around \$601 million in economic output (value added) to the local and regional economy each year once complete and operational;
- Support the growth and transition of employment in the area by unlocking a strategic site and presenting an ideal location for modern tenants and industries including: – knowledge and service workers aligned to growth industries including the port and airport, e-commerce and logistics providers who can serve a large proportion of Greater Sydney and accommodation operators and businesses aligned to tourism and trade.
- Provide additional visitor accommodation including short term serviced apartments and hotel/motel rooms, that will complement the existing and planned hotel offer at Sydney Airport and support the estimated 51% increase in visitor arrivals outlined in the Sydney Airport Masterplan 2039. It is important to note that the existing Sydney Airport will continue to remain relevant now and, in the future, and will continue to grow despite the opening on



Western Sydney International Airport in 2030. This is evident by the large increase in tourism from 2011 to 2019, where total visitor numbers to Sydney increased by some +53.3% (or 15.6 million visitors). Post COVID-19, visitor numbers to Greater Sydney have shown sharp rates of recovery, with this growth likely to continue in line with pre COVID-19 trends.

- Unlock a large, strategic site that is currently underutilised and has long been targeted for urban renewal by both local and state government, stemming from an original federal government vision for the site;
- Complement Sydney Airport facilities and the future direction of the land, connecting the airport with the residential communities to the west by providing an appropriately 'shielded' transition of uses from the airport in the east, to business and accommodation uses focused on both sides of Cooks River, the parkland setting of a future Pemulwuy Park adjoining Marsh Street and finally to more residential uses to the west of Cooks Cove within the adjacent Arncliffe Bayside West Precinct; and
- Help to future-proof the growth and evolution of the precinct through the creation of a world-class employment and community destination that will provide for contemporary buildings and services that align to modern tenant, and business requirements.
- Deliver enhanced public benefit including the activation of the existing waterfront along the Cooks River and provision of critical retail services at the precinct. This improved public access, particularly to the Cooks River waterfront is aligned with the strategic directions of the Bayside West Precincts 2036.

In light of the above, the Cooks Cove Planning Proposal is considered to provide an appropriate response to what is a strategically located and underutilised site. The establishment of a strategic SP4 Enterprise zone at this key site would help to unlock and realise numerous economic benefits for the local region, with broader flow on benefits for Greater Sydney, NSW and Australia.

Several public submissions and the Bayside Council submission raised concern with the underlying economic demands for the project. From an economics standpoint, the strategic merit for the Cooks Cove project continues to be strongly justified across numerous sources and strategies. Section 5.5 of the exhibited Planning Proposal Justification Report remains relevant.

More specifically, key drivers and justification for the Cooks Cove project include the following:

- There is significant demand for industrial floorspace across Greater Sydney to support the proposed 290,000m<sup>2</sup> of industrial floorspace proposed at Cooks Cove. This is especially the case given the site is located immediately adjacent to a major growing trade gateway and has the ability to incorporate a future bridge connection for freight purposes.
- Strong economic demand has been attributed to the need for more contemporary industrial facilities that can support modern supply chain requirements and logistics (including technology and automation), particularly resulting from the rise in e-commerce in recent years. Key highlights of the Sydney Industrial market include:
  - Sydney has the lowest vacancy rate of any city globally (0.2%), and is projected to remain below 2% in the next two years (CBRE, 2023)
  - The top three industries driving demand for industrial space in Sydney include transport and logistics, e-commerce and manufacturing occupiers (CBRE, 2023)
  - A review of industrial demand and supply suggests that demand will continue to exceed supply in the near term. CBRE has identified that there will be a need for 146ha of new industrial land supply each year in Sydney.
- The site is located close to major trade gateways and business hubs, including Sydney CBD, Sydney Airport and Port Botany and major arterial roads. Accordingly, the site is well placed to unlock industrial supply and support other uses in this part of Sydney, including supporting the continued growth of Sydney Airport as identified through its Master Plan.

With consideration to the above, the proposal is wholly aligned with the objectives and vision for the site and surrounding area, including local, state and federal government objectives around unlocking strategic sites close to transport nodes. The proposal will in fact complement surrounding infrastructure and will deliver significant economic benefits to the local and regional area, including through stimulating employment uplift on an underutilised and large strategic site.

5.6 Flora and Fauna

A Flora and Fauna Assessment has been prepared by Cumberland Ecology and is provided at **Appendix K**. Following Gateway Determination, the assessment was revised to respond to amendments to layout plans in response to the Gateway Determination. Following Public Exhibition, the assessment was updated in response to submissions received by DPI Fisheries, DPE EHG and Bayside Council in relation to the foreshore riparian zone and Green and Golden Bell Frogs Habitat.

The purpose of the Flora and Fauna Assessment is to describe the ecological values of the subject site and to assess the impacts of the proposed rezoning and development on flora and fauna, particularly threatened species, populations and communities listed under the New South Wales (NSW) Biodiversity Conservation Act 2016 (BC Act) and the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).The findings of the assessment relevant to the Planning Proposal have been summarised below.

5.6.1 Methodology

The Flora and Fauna Assessment takes into account the following:

- **Literature Review and Database Analysis** – A review of ecological literature relevant to the subject site was undertaken as part of this ecological assessment, to evaluate the flora and fauna values associated with the subject site.
- **Flora Surveys** – Cumberland Ecology conducted initial flora surveys across the subject site in February 2017. Additional flora surveys were undertaken for this revised Flora and Fauna Assessment on 14 September 2021, to collect updated data using the Biodiversity Assessment Method (BAM) and to verify any changes to the vegetation mapping since the 2017 surveys. No additional surveys were conducted following the Gateway Determination as the most recent 2021 survey data is within the five (5) year validity period accepted by the Environment and Heritage Group (EHG).
- **Fauna Surveys** – Cumberland Ecology has been involved in the Cooks Cove project since 2005 and conducted fauna surveys across the subject site most recently in 2017 and 2020 as well as reviewing third party fauna studies informing the WestConnex M6 and M8 environmental impact studies and their subsequent monitoring studies.

5.6.2 Existing Environment

The existing vegetation, flora and fauna is summarised in **Table 26** below.

Table 26 Existing Environment Summary

Item	Summary
Vegetation Communities	<p>The subject site has been highly modified, landscaped, and filled, and no original vegetation remains. The subject site was mostly free of mature wooded vegetation in 1943 besides planted figs surrounding the golf club house. Since 1943 the north-eastern half of the golf course has been removed, assumedly during construction of Sydney Airport and the associated realignment of the lower reaches of the Cooks River, and fairways have been completely redeveloped to incorporate land to the south. Due to the substantial modification of the subject site it is unlikely that any of the existing wooded vegetation is regrowth of the original vegetation communities that occurred in the area.</p> <p>Five vegetation communities have been identified within the subject site. No naturally occurring native vegetation communities occur within the subject site.</p>
Flora	<p>One hundred and sixty (160) flora species have been recorded within the subject site. Of these the majority (119) were either exotic or planted species not naturally occurring in the area. Three of these species are listed as State Priority weeds under the <i>Biosecurity Act 2015</i>, and four are also listed as a Weed of National Significance (WONS). Two additional species are listed as Regional Priority weeds, whilst 13 species are listed as Other Weeds of Regional Concern in the Greater Sydney Regional Weed Management Plan 2017 – 2022.</p> <p>No threatened flora species were recorded in the subject site, although several threatened flora species have been recorded from the locality. Considering the highly modified nature of the subject site, no habitat for threatened flora species is present and no threatened flora species are likely to occur.</p>

Item	Summary
<b>Fauna</b>	<p>The fauna habitats within the subject site occur within the planted areas of trees and shrubs, lawns, artificial wetlands and water bodies, and the shores of the Cooks River. Key habitat features recorded within the subject site include:</p> <ul style="list-style-type: none"> <li>• Hollow-bearing trees suitable as shelter and breeding habitat for a range of hollow-dependent fauna;</li> <li>• Blossom-producing trees and shrubs suitable as forage for a range of frugivores, nectarivores and insectivores; and</li> <li>• Artificial water bodies that offer suitable aquatic habitat for fish, reptiles, amphibians and birds.</li> </ul> <p>Forty-five (46) vertebrate fauna species were recorded within the subject site through incidental observations and targeted surveys, during the 2017 and 2020 surveys by Cumberland Ecology. The fauna group with the highest number of individual species observed was birds (29), followed by mammals (7), amphibians (5), fish (3) and reptiles (2). The following threatened species have been recorded within the subject site:</p> <ul style="list-style-type: none"> <li>• Green and Golden Bell Frog (<i>Litoria aurea</i>);</li> <li>• Large Bent-wing Bat (<i>Miniopterus schreibersii oceanensis</i>); and</li> <li>• Grey-headed Flying-fox (<i>Pteropus poliocephalus</i>).</li> </ul> <p>Although not recorded from the subject site, the Powerful Owl (<i>Ninox strenua</i>) and several migratory birds listed under the EPBC Act have been recorded from the locality and have potential to occur in the subject site due to the presence of suitable habitat.</p>

Source: Cumberland Ecology

### 5.6.3 Assessment

The Cooks Cove Master Plan identifies a development precinct of approximately 15ha, which for the purposes of this impact assessment represents the 'development footprint'. The development footprint includes all areas that would require clearing of vegetation and associated habitat within the subject site, for the purposes of the proposed development. This development footprint includes roads and ancillary infrastructure. The proposed flora and fauna impacts of the Proposal are summarised in **Table 27** below.

**Table 27 Summary of Flora and Fauna Impacts**

Matter	Assessment
<b>Direct Impacts</b>	<p>The largest direct impact of the proposed project is the removal of vegetation and associated habitats within the development footprint. Although there are different types of flora and fauna habitat within the subject site such as water bodies and ground litter, the most extensive habitat to be impacted is represented by vegetation. The total planning proposal footprint, which includes the development parcels, roads and ancillary infrastructure, is approximately 15 ha. Of the 15 ha, less than 0.03 ha comprises semi-natural plant communities. The remaining area of the Planning Proposal is comprised of planted native and exotic plant communities (13.4 ha), cleared land (largely for WestConnex) and water bodies with fringing aquatic vegetation.</p>
<b>Indirect Impacts</b>	<p>The Proposal will have a range of indirect impacts on the ecological values of remaining vegetation and habitat within the subject site, including edge effects, alteration to wildlife corridors, alteration to hydrological regimes and changes to weed occurrence. Additionally, several construction and operational impacts, such as those relating to dust, noise, light and erosion, will also impact the remaining vegetation and habitat.</p>
<b>Impacts to TECs</b>	<p>Only one Endangered Ecological Community (EEC) was considered to be occurring within the subject site; the BC Act listed 'Coastal saltmarsh in the NSW North Coast, Sydney Basin and South East Corner bioregions'. The Proposal will require the removal of less than 0.01 ha of the saltmarsh community. The areas of the saltmarsh EEC that are proposed to be removed are two very small patches that occur within two open sections of a drainage line which is piped underground for the rest of its extent in the subject site. Due to the small size of these patches, their isolated location within the existing golf course and their artificial nature, the clearing of these areas is not considered to be a significant impact and are considered unlikely to be important for the long-term survival of the local occurrence of this community in the locality.</p>



Matter	Assessment
Impacts to Threatened Flora Species	No threatened flora species were recorded as occurring in the subject site during the time of the field survey, despite an intensive survey. Additionally, no threatened flora species are considered to have the potential to occur naturally within the subject site due to the subject site's highly modified nature. Therefore, the proposed project is unlikely to impact on any threatened flora species listed under the BC Act or EPBC Act, or provide suitable habitat for threatened flora species.
Impacts to Threatened Fauna Species	<p>Three threatened fauna species have been recorded within the subject site and several other threatened fauna species are considered to have the potential to occur. The proposed project will remove areas of known and potential habitat for these threatened fauna species, however the majority of these species are highly mobile and are considered likely to only be utilising the subject site on occasion as part of a broader foraging range.</p> <p>The proposed project has the potential to cause direct and indirect impacts to the Green and Golden Bell Frog. Unless mitigated, the activities associated with the proposed project are likely to impact on the Green and Golden Bell Frog within the subject site, resulting in a range of potential direct and indirect impacts. However, although known foraging and dispersal habitat will be removed, the only known breeding locations within the subject site will be retained.</p> <p>Furthermore, a Green and Golden Bell Frog Management Plan will apply to the subject site through future DCP controls which incorporates active management with the aim to improve the condition of the habitat present and conserve the Arncliffe population. Any potential residual impacts following the implementation of the mitigation measures will be offset by the Proponent under the NSW Biodiversity Offset Scheme and in accordance with the BAM to achieve a no net loss of biodiversity for the project. Therefore, the proposed development is unlikely to have a significant impact on the species.</p>

Source: Cumberland Ecology

## 5.6.4 Amendments following Public Exhibition

### Ecologically focussed riparian interface

A number of submissions made in response to Public Exhibition queried the proposed width of the Cooks River riparian zone with respect to the *Controlled activities – Guidelines for riparian corridors on waterfront land*, prepared by DPE EHG and dated May 2022. In response, the Proponent has undertaken additional detailed analysis of the foreshore interface to further strengthen planning controls in support of the proposal.

The Planning Proposal as exhibited, included a riparian zone fronting the Cooks River with a minimum 20m width, and expanding to a width of in excess of 100m in the southernmost 60m section. This riparian interface was exhibited with a RE1 public recreation zone, which has the following objectives under the Bayside LEP:

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*

The supporting indicative reference scheme that has been prepared by Hassell (**Appendix A**), largely matches the riparian dimensions above, with the addition of the detailed concept for the Fig Tree Plaza passive open space to the immediate south of Marsh Street / Giovanni Brunetti Bridge. This concept further embellishes the riparian zone within this 110m length to provide an urban landscaped form of a minimum width of 100m to the MHW. Additionally, a range of accompanying draft site-specific DCP controls were formulated which supported the realisation of development in a form comparable to the reference scheme. These controls included:

- *“incorporate opportunities for environmental and ecological improvements which may include mangrove, saltmarsh and semi-aquatic planting habitats”;*
- *“implement exemplar WSUD and water re-use principles”; and*
- *“Detailed designs of the Cooks River riparian zones are to demonstrate enhancement to mangrove and saltmarsh habitat in conjunction with rejuvenation of the foreshore. Resilient species selection are to be prioritised with integrated irrigation systems”.*

In response to submissions made regarding the proposal's riparian interface the Proponent has elected to make amendments as detailed in the following sections.

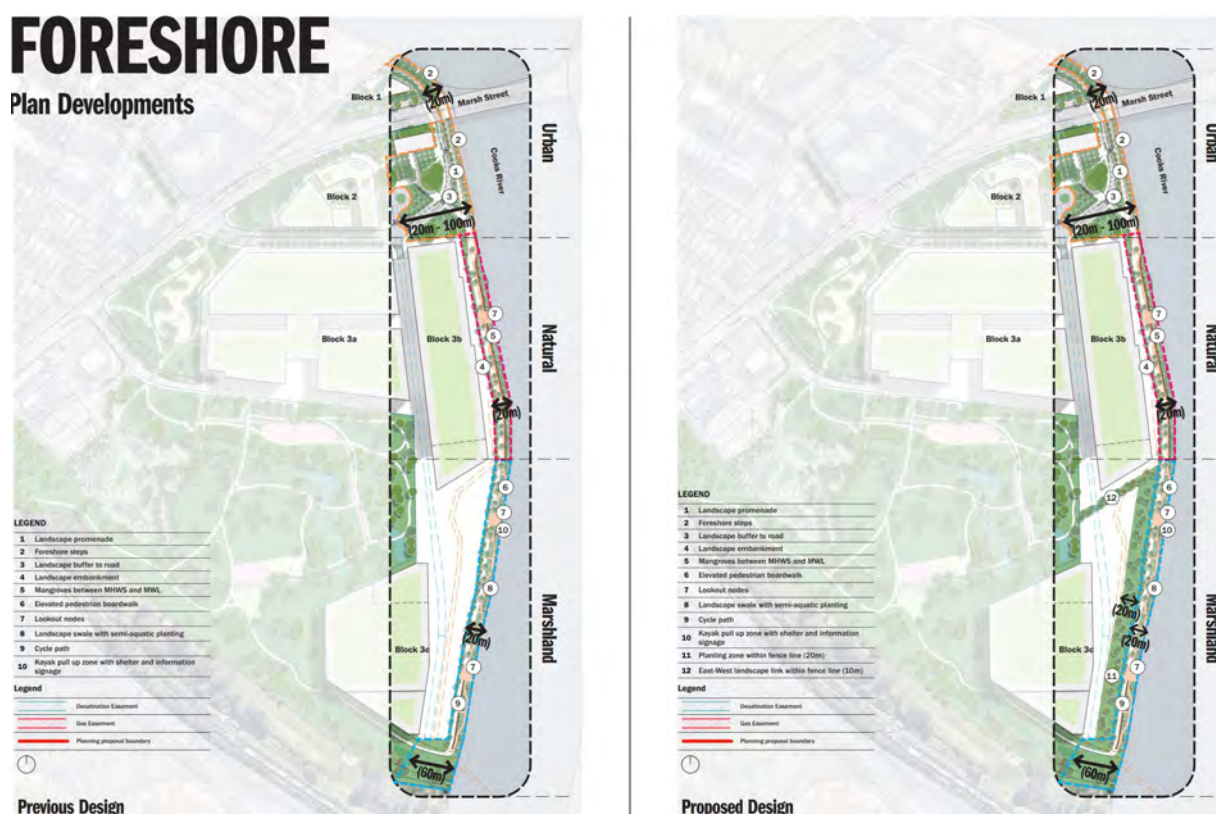
### Expansion of riparian foreshore area

In response, the width of the zoned riparian interface is proposed to be increased from a 20m width to a 40m width within the southern section of the site (refer to **Figure 82**), this equates to doubling the foreshore zone for approximately 40% of the Cooks Cove interface. This newly proposed riparian area secures an additional 0.65ha approx., dedicated to ecological purposes, which is on top of the exhibited 1.72ha foreshore zone (20m width) and 1.27ha overland flow lands within the southern and western sections of the site to be integrated into the future Pemulwuy Park. When considered in context of the revised indicative reference scheme, the result is more than half of the site has a minimum riparian width of 40m and 10% is circa 100m in width.

Notwithstanding the doubling of the riparian zone width in the southern 'marshland' section of the site, in response to submissions made, it must be acknowledged that the Proponent does not have the scope for any changes to the alignment of the built form within the northern 'urban' and central 'natural' sections. The width of these riparian sections remains fixed and as per the arrangement exhibited. This is also comparable to the arrangement under the present SEPP EHC 'Trade and Technology' zoning and as such the Planning Proposal has little effective change on the riparian spatials within the northern section of the site.

The proposal's 20m riparian width for the northern section of the site is due to a number of factors. This includes the constraints of the existing subsurface ethane and desalination pipeline easement alignments and the need to locate logistics warehousing of a sufficient floorplate size within these pipelines which run in a parallel north-south alignment. Therefore, the sizing and positioning of the logistics buildings in the reference scheme, particularly Building 3B and 3C is fixed in order to create a viable development. It is this very matter of viability which is made possible under the Planning Proposal which will fund the rejuvenation and publicly accessibility of the river interface to exemplar WSUD principles and its ongoing maintenance in perpetuity.

The proposed enhancement to the foreshore zone must also be considered in the context of this section of the Cooks River being an unnatural diversion canal created in 1947, which has a generally comparable setback to hardstand and structures on the eastern banks and contains general degraded banks / seawalls within the surrounding area. As such, the Planning Proposal will result in an improved foreshore zone with an enhanced ecological focus and one which is considered to a be strong merit of the proposal.



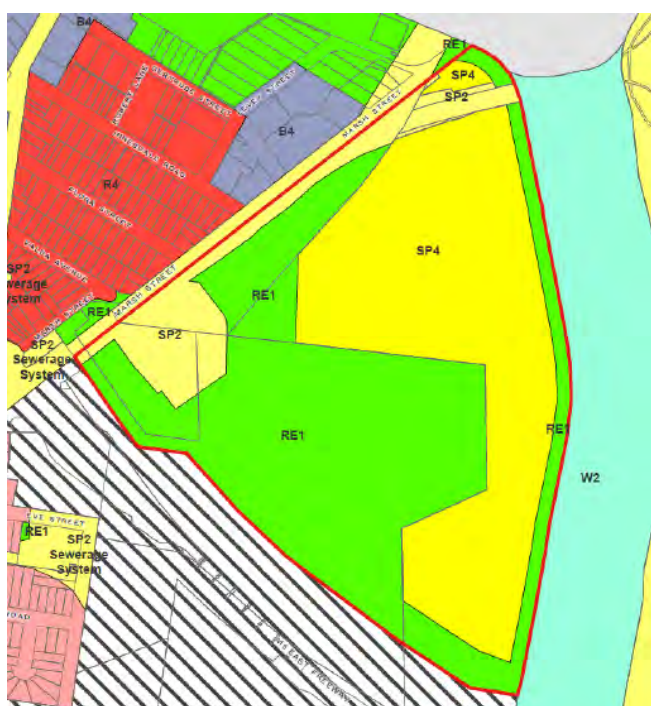
**Figure 82** Exhibited and Proposed Amended Foreshore Riparian Interface

Source: Hassell

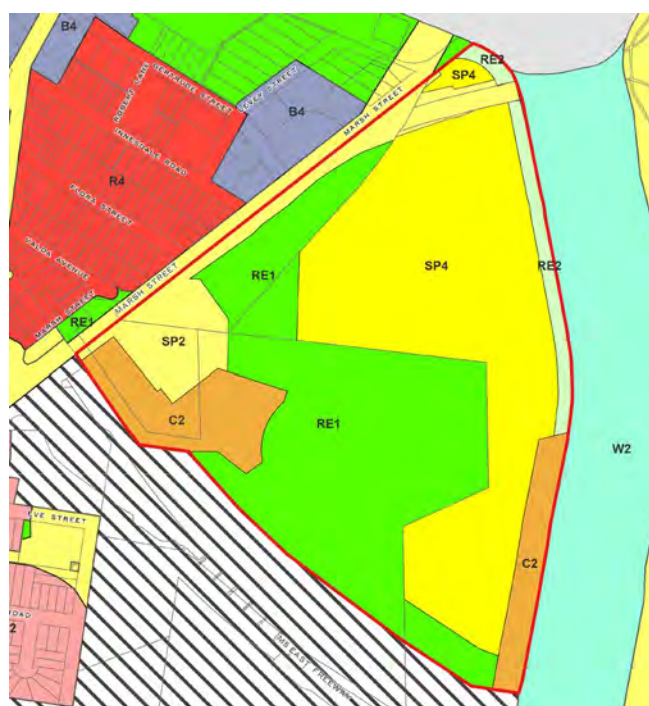
## Strengthening of riparian conservation in the LEP

The RE1 zone is proposed to be altered to a mix of RE2 Private Recreation (at the request of Council to remove any potential acquisition liability) within the northern 60% of the site and to apply a C2 Environmental Conservation zone within the southern 40% of the site, which is depicted as 'marshland' in the corresponding reference scheme. Refer to a comparison between the exhibited and proposed amended Land Zoning Maps prepared by Ethos Urban and provided in **Figure 83** and **Figure 84** respectively, which demonstrates the significant areas dedicated to an ecological focus. The proposed C2 Environmental Conservation zoning provides new and strengthened land objectives including:

- “To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values” (Standard);
- “To prevent development that could destroy, damage or otherwise have an adverse effect on those values” (Standard); and
- “To provide for recreational activities that are compatible with the land's environmental sensitivities” (Suggested additional objective – DPHI and Council to further advise). This objective has been crafted to reflect the site's sensitive ecological attributes and also acknowledges the requirement for the site to enhance recreational attributes along the foreshore, such as the long intended active transport linkage. These objectives provide a stronger set of guiding principles when compared to the RE1 Public Recreation land use originally sought in the exhibition of the Planning Proposal.



**Figure 83** Exhibited Land Zoning



**Figure 84** Amended Land Zoning Sought

Source: Ethos Urban

## Enhancing provisions related to riparian and WSUD matters in the site-specific DCP

The retention of the recreation zone within the northern half of the site is consistent with the long-standing intent for a more 'urban' river edge, secured through the draft site-specific DCP. The scheme has been embellished over and above the original intent (established in 2004) with a far more generous and connected northern section through the publicly accessible Fig Tree reserve. The Cooks Cove development site will also implement exemplar WSUD provisions, due to the site's large and consolidated function. High WSUD targets are a commitment of the Proponent and is assured through draft site-specific DCP provisions. These controls have been augmented based on the submissions received and intend to improve the quality of the riparian interface in terms of habitat creation, publicly accessibility and water quality. The addition of new east-west fauna linkages as a DCP provision is just one example of the enhancements made in this regard.

Further, the Proponent is committed to preparing a detailed Biodiversity Management Plan which will be at the approval of Council prior to works commencing.



Ongoing maintenance provisions

The Proponent has proposed that the riparian zones will remain under consolidated ownership, via a VPA that is currently being negotiated with Council for the ongoing lifecycle maintenance of the zone in perpetuity. The Proponent is willing to retain ownership of the riparian zone due to the upkeep requirement that are over and above what Council would be able to fund alone. An updated VPA letter of offer to Council in regard to riparian ownership and maintenance has been provided as part of the response to submission package, with Council decisions in support at **Appendix T**.

Suitability of the reference scheme

Revised intent for the foreshore reflects the desired future character of the Cooks River edge, which is to achieve a mixed outcome of delivering “an enhanced, attractive, connected and publicly accessible foreshore” whilst also “enhancing environmental attributes of the site, including... riparian areas”. The proposal offers a revised suite of planning controls to meet the Ministerial Directions as summarised above, responding to concerns raised by DPE EHG, DPI, Council and the community.

The indicative reference scheme as prepared by Hassell, represents a design intent by the Proponent as a reasonable potential eventuality and a proof of concept for a future redevelopment under the controls sought. In order to demonstrate the suitability of the controls for the site, Hassell and Cumberland Ecology have undertaken a review of the reference scheme’s performance against the *Controlled activities – Guidelines for riparian corridors on waterfront land* (DPE EHG, May 2022) is provided at **Table 28**. The assessment against the DPE EHG function requirements is included in the following sections.

Table 28      Controlled activities – Guidelines for riparian corridors on waterfront land

Consistency of the indicative reference scheme under the proposed planning controls.
<p><b>1. Providing bed and bank stability and reducing bank and channel erosion</b></p> <p>All foreshore edges will improve bank stability through a range of landscape and built treatments. To the south, zones of aquatic and semi aquatic planting mitigate erosion with landscape swales acting as a device that not only improves water quality but importantly stabilises the foreshore edge. In urban zones to the north a series of sandstone and concrete foreshore steps acting as a retaining element, removing the risk of foreshore edge erosion. The proposed design of the foreshore edges, which will improve the bank stability using a mix of landscaping and built treatments, will result in a riparian area that is controlled and managed to reduce the risk of erosion. It will also substantially boost the biodiversity of the foreshore by increasing native wetland vegetation cover and providing additional wildlife habitats for both riparian and aquatic fauna.</p>
<p><b>2. Protecting water quality by trapping sediment, nutrients, and other contaminants</b></p> <p>A variety of edge conditions are provided along the length of the foreshore including semi aquatic planting, landscape swales and mangroves that protect and enhance water quality. The proposed revegetation of the foreshore will provide water plants including mangroves and reeds that are known to stabilise sediments, store nutrients and filter contaminants. Some such plants also harvest carbon from the atmosphere and provide a carbon sink.</p>
<p><b>3. Providing a diversity of habitats for terrestrial, riparian and aquatic plants (flora) and animals (fauna)</b></p> <p>The foreshore dimension has been divided into a series of landscape typologies that provide a diversity of habitat opportunities. Key zones include buffer planting, high quality feature planting, embankment planting, semi aquatic and aquatic planting zones. A connected tree canopy along the length of the foreshore provides habitat and fauna connections which are enhanced by the addition of east-west canopy linkages. Habitat creation will consider the safety requirements arising from adjacent aeronautical uses. The landscaping proposed for the foreshore will offer a range of habitats that can be utilised by terrestrial, riparian and aquatic flora and fauna. It will also provide opportunities for movement along the foreshore, as well as a linkage between the riparian corridor along the foreshore and the proposed Pemulwuy Park, through a 10m wider planted corridor. The landscaping of the riparian corridor comprises a layered approach to the plantings, with mangroves and semi-aquatic plantings to occur closest to the waterway, which will then be transitioned to terrestrial habitat in the form of trees and shrubs with grassy understorey.</p>
<p><b>5. Providing connectivity between wildlife habitats</b></p> <p>Landscape networks of soil water, planting and tree canopy will enhance north-south fauna connectivity along the foreshore. Habitat creation will consider the adjacent aeronautical uses. At the foreshore edge flora and fauna are prioritised with pedestrian circulation via an elevated board walk that does not impede ecological and hydrological connections below. The creation of habitats within the proposed riparian corridor will provide fauna movements both along the foreshore as well as in an east-west direction between the foreshore and the proposed Pemulwuy Park. The range of landscaped typologies to be planted include both aquatic, semi-aquatic and terrestrial ecosystems that can support and facilitate a range of native flora and fauna.</p>

## Consistency of the indicative reference scheme under the proposed planning controls.

### 6. Conveying flood flows and controlling the direction of flood flows

Overland flow is managed through the provision of extensive zones of planting and permeable surfaces that will prioritise percolation and infiltration to soils. At the foreshore edge a landscape swale that includes planting and sandstone boulders will slow water down as it moves into the Cooks River. In surge events the landscape swale also ensures the slow capture and release of saline water back into the Cooks River system. The flood conveyance described in the Design Response will provide ecological benefits to plants and animals within the foreshore zone. Flood conveyance will also provide a range of wetland conditions for flora and fauna as flooding advances and recedes.

### 7. Providing an interface or buffer between developments and waterways

A landscape buffer zone with a diverse understorey and tree canopy is provided directly along the development boundary. This zone will be designed to be ecologically resilient and provide areas of habitat whilst providing a visual buffer to the adjacent development site. The proposed riparian corridor provides a carefully designed, varied interface between the proposed development and the Cooks River, which will be managed and controlled to ensure that it is ecologically functional. As previously described, it will comprise layers of plantings, with mangroves and semi-aquatic plantings to occur closest to the waterway, which will then be transitioned to terrestrial habitat in the form of trees and shrubs with grassy understorey.

### 8. Providing passive recreational uses

Passive recreation is facilitated through the form of a shared cycle/pedestrian path, rest stops that provide moments to dwell and zones with areas to connect to water activities such as kayaking. The foreshore is currently part of a golf course and so it gets recreational usage. However, the existing foreshore is limited and lacks riparian flora and fauna. The proposal will transform the foreshore to include a range of riparian habitats, while retaining and enhancing opportunities for passive recreational usage. As described in the design response, the riparian corridor incorporates passive recreational uses for pedestrians, cyclists and kayakers whilst still accommodating functional habitats for a range of riparian and aquatic flora and fauna species. This can be achieved without unduly impacting ecological values of the foreshore.

## Green and Golden Bell Frogs Habitat – Overview of Issues

The DPHI have requested that additional advice is provided regarding how the Planning Proposal won't impede on the ability for the adjoining WestConnex – new M5 (now called M8) and SSI-8931 M6 Stage 1 (previously F6 extension) to meet their conditions of approval for the protection and ongoing conservation of the existing Green and Golden Bell frog (GGBF) Arncliffe population.

Additionally, it has been requested that appropriate measures are identified to mitigate and compensate biodiversity impacts from the subject proposal. It is noted that actions required under conditions of approval for SSI-6788 and SSI-8931 cannot be used to avoid or compensate biodiversity impacts from this proposal.

The DPHI have also noted that the Planning Proposal should be revised to demonstrate how it allows for enough resources, including space, to enable the approval conditions of SSI 6788 and SSI 8931 to be fulfilled, and to enable the provision of a range of GGBF habitats to mitigate the direct and indirect (including prescribed) impacts associated with this proposal. The DPHI have suggested that these are to be resolved as part of the draft Site-specific DCP and the final Urban Design and Landscape Plan (UDLP) associated with the future Pemulwuy Park design.

## Consideration of GGBF Habitat in the Masterplan and Land Zoning

The current Planning Proposal has reconsidered the location of the development zone under the SEPP EHC and in doing so, has pushed the development footprint further away from the key sensitive GGBF habitat areas of the site. The following comparison displayed in **Figure 85** and **Figure 86** shows the 2006 Stage 1 DA illustrative plan, as approved (left) and the 2023 indicative reference scheme (right) highlighting this point.





**Figure 85** 2006 Stage 1 DA illustrative Plan



**Figure 86** 2023 Indicative Reference Scheme

Source: Hassell

This is further highlighted compared with the primary verified GGBF ponds versus the secondary GGBF foraging habitat, together with the overlay of the 2006 approval of the Stage 1 consent for the development against the extent of the 2023 development zone propose , **Figures 8 and 9**. For a like-for-like comparison of zoning, this shows that the Planning Proposal seeks to relocate the development zone away from the verified or core GGBF habitat areas within the site, therefore enhancing their protection.



**Figure 87** Primary and Secondary GGBF Habitat compared to Previous Development Zone 2006

Source: Nearmap, Ethos Urban





**Figure 88** Primary and Secondary GGBF Habitat compared to Current Development Zone 2023

Source: Nearmap, Ethos Urban

### Strengthening of the GGBF Ponds and Habitat in the LEP

In response to submissions made, the Planning Proposal seeks to include the addition of two new C2 Environmental Conservation zones within the Revised LEP Mapping (**Appendix A**). To highlight the areas sought to be provided with enhanced provisions, the C2 zone has been overlaid on the revised indicative Masterplan with extracts provided in **Figure 89** below.



**Figure 89** C2 Zoning overlaid on the Revised Masterplan

Through the revised Planning Proposal, the Proponent's objective has been to strengthen the planning provisions to further enhance the protection of flora and fauna. This will be achieved through the introduction of the C2 Environmental Conservation zone for key areas of biodiversity and ecological importance – including core verified GGBF habitat and areas of potential new breeding ponds as a result of the project, to be determined at the DA stage. The inclusion of the C2 zone will enhance the conservation values of the existing RTA GGBF ponds, new M6 GGBF and the key foreshore / riparian segment within the southern section of the site.

### Site-specific DCP mitigation measures

Furthermore, a new site-specific DCP provision has been proposed which will require the implementation of a GGBF Management Plan which would apply to Pemulwuy Park. This would be prior to any works and content would be at the endorsement of Council. A draft working version will be further resolved with Council in due course. Such management requirement would feed into the Local Government Act necessity for the preparation of a management plan for public land – under 'community' classification.

The management plan would not impact on the achievement of the TfNSW's UDLP proposal for GGBF habitat recreation (requirement of the M6 Stage 1 consent), which is likely to be resolved prior to the management plan coming into force. In any case the master plan will only seek to further enhance conservation of GGBF habitat as a collective outcome within the site.

It is acknowledged that despite the improvement to the protection of the GGBF habitat through the proposal when compared to the current zoning, the proposal still has a potential future impact i.e. at the DA stage – on habitat which may be considered secondary GGBF foraging habitat, i.e. the Long, Skinny and Eastern ponds.

### Compensatory Measures

Any residual ecological impacts of the project will be compensated to offset what would otherwise be a net loss of habitat resulting from construction of the project. The residual impacts of the proposed project are predicted to mainly be focussed on the loss of Green and Golden Bell Frog foraging habitat, comprised of mainly foraging and dispersal habitat in the form of water bodies and associated fringing vegetation and lawns, that has partly arisen due to occupancy of the site for motorway construction.

Cumberland Ecology has advised that based on the extent of removal of planted native vegetation as well as GGBF habitat, it is expected that entry into the Biodiversity Offset Scheme (BOS) would be triggered through either the 'area clearing' threshold or a Test of Significance based on a precautionary approach. In accordance with the offsetting rules of the BOS, any residual impact on the GGBF will be offset through the purchase and retirement of biodiversity credits in accordance with the offsetting rules under the BC Act. The offsetting liability will be determined in the Development Application stage, through the preparation of a Biodiversity Development Assessment Report under the BAM (based on the current legislation in NSW).

The calculation of offsetting in a future BDAR will include consideration of the prescribed impacts. Although prescribed impacts do not automatically generate an offsetting liability in the form of biodiversity credits under the BAM, Section 8.6 of the BAM outlines the use of biodiversity credits to mitigate or offset indirect or prescribed impacts. As stated in this section of the BAM *"where part of or all of the indirect or prescribed impacts cannot be avoided, minimised or mitigated, the assessor can propose offsets or other measures that benefit threatened entities and their habitat. The approach to calculating any proposed offsets must be documented in the BDAR or BCAR"*. Under the BC Act and BC Regulation, the consent authority can also require the retirement of additional biodiversity credits for prescribed impacts.

The requirement to use biodiversity credits to offset prescribed impacts will be included in a VPA that will stipulate that adequate offsetting will be included to address prescribed impacts in a future ecological assessment, which needs to be signed off by the relevant consent authority.

To give further certainty to DPE EHG that the GGBF species habitat is enhanced and protected under the future development scenario. The Proponent maintains that the appropriate mechanisms to deal with impacts is under the BC Act. The following strategies for compensatory measures will be implemented for the proposed project for a future development:

- Compensation in accordance with the BC Act:
  - Payment into the Biodiversity Conservation Fund; and/or
  - Purchase of GGBF species credits.



- If the above options are not available or suitable at the DA stage, as determined by the consent authority, the following strategies will be implemented:
  - On-site habitat creation within the C2 Conservation Areas, which fall within the Cook Cove Inlet development zone, within the newly proposed C2 zoned area adjacent to the Cooks River; or
  - Off-site habitat creation within Pemulwuy Park or a combination of locations, which is set out in a Local Voluntary Planning Agreement letter of offer, including monetary provision for ongoing maintenance.

Through the above measures to strengthen controls at the Planning Proposal stage the Ministerial Direction specific to Cooks Cove to “enhance and protect” the GGBF colony has been met. The above methodology has also confirmed that in a conceptual future detailed DA, suitable offset or habitat creation options within the site extent and framework exist to enhance the GGBF habitat. Accordingly, it is demonstrated that the response has adequately addressed DPE EHG’s concerns in relation to Green and Golden Bell Frogs.

### Additional Matters Post-RTS

In response to additional matters being raised by the DPHI and Bayside Council in relation to Biodiversity, the Applicant provided a response, dated 15 December 2023, which is provided in **Table 29** below.

**Table 29 Response to Additional Matters Post-RTS**

Item/Comment	Response
<b>DPE EHG</b>	
<i>EHG believes Cumberland Ecology’s (CE) mapping underrepresents the occurrence of Green and Golden Bell Frog (GGBF) threatened fauna locations.</i>	The Flora and Fauna Assessment (FFA) provides the results of the field surveys completed by CE and is not intended to provide locations for all previous threatened species records within the subject site, which is present in other mapping sources.
<i>CE’s revised FFA states the GGBF population is “currently increasing in numbers based on recent monitoring surveys”. Which is at odds with the GGBF Arncliffe Annual Report 2021-22 (AMBS for TfNSW). EHG requests that the FFA be amended to address this inconsistency.</i>	It is acknowledged that this comment is an oversight and is addressed in a revised FFA as provided by CE. All other key sections in the FFA in relation to the GGBF status have been updated in line with the AMBS Annual report for 2021-2022.
<i>EHG does not support CE’s statement “the proposed avoidance, mitigation and compensatory measures are likely to sufficiently ameliorate the impacts of the project as they will ensure no EECs or threatened species are likely to be significantly impacted by the project” as EHG believes impacts to GGBF are likely to be significant.</i>	Although some areas of GGBF foraging and dispersal habitat will be impacted by the revised zoning sought, existing breeding ponds and the majority of the habitat in the south-western portion of the site will be retained in a future development scenario. A GGBF Management Plan will be prepared prior to development in the SP4 zone and will apply to the broader site, including Pemulwuy Park and existing GGBF breeding ponds. This will involve various stakeholders including DPE EHG and accordingly, we believe these measures will contribute to appropriately mitigating any impacts on GGBF.
<i>EHG believe the proposed area to be zoned C2 would largely be cut off by the proposed SP4 Enterprise zoning and future development would likely require the removal of many existing golf course water bodies.</i>	The C2 Environmental Conservation zone was implemented in response to matters raised by DPE EHG during the public exhibition phase. The implementation of this zone allows for the introduction of an east-west habitat movement corridor between indicative development blocks 3b and 3c. Some golf course water bodies will be removed for future development, but this will be compensated by a significant embellishment contribution to Pemulwuy Park as committed to by CCI. The intent is to create high quality open space with more of an ecological focus, compared to the previous golf course use of these lands. The design process will be led



Item/Comment	Response
<p><i>It is EHG's view that there will be limited opportunities to create GGBF habitat in the foreshore area proposed to be zoned C2 Environmental Conservation and these areas will not appropriately link to areas with complementary GGBF habitat.</i></p>	<p>by Bayside Council as landowner following the rezoning process.</p> <p>The area proposed to be zoned C2 Environmental Conservation within the riparian zone is some 18,000sqm in totality along a circa 450m length of the foreshore. This large area provides opportunities for consolidated GGBF habitat. This area is also integrated with two east-west habitat corridors for connectivity and GGBF have been known in past instances to move between areas of habitat within Cooks Cove, and this future scenario will be no different. Notwithstanding, this is a matter subject to detailed design, and which will be the outcome of the GGBF PoM process with EHG as a stakeholder. This matter is also dependant on the requirements of the BC Act (as necessary) at future stages of the project. Further habitat creation and embellishment is capable of being implemented by way of the Local VPA letter of offer, applicable to Pemulwuy Park and surrounding lands.</p>
<p><i>The proposed RE1 Public Recreation zone proposes uses that are incompatible with the long-term survival of GGBF.</i></p>	<p>The conversion of a large part of the outgoing golf course, transitioning to passive publicly accessible open space, will continue to offer extensive dispersal/movement habitat for GGBF and other fauna species. The areas of the site sought to be zoned RE1 are large enough to be able to successfully balance recreational and ecologically focused areas subject to detailed design. The concept for Pemulwuy Park highlights this ability and will be the responsibility of Bayside Council through the VPA offer made by CCI.</p>
<p><i>The two areas proposed to be zoned C2 Environmental Conservation are separated by RE1 Public Recreation and SP4 Enterprise zones, thereby compromising connectivity between proposed GGBF habitat areas.</i></p>	<p>Connected dispersal habitat will continue to exist within the RE1 zone (Pemulwuy Park) which links the two C2 zones. This habitat is likely to be used by the species in the same way that the lawns of the existing golf course are currently used.</p>
<p><i>EHG supports the introduction of a C2 zone however, the proposed zone objective are not compatible with the protection and enhancement of GGBF habitat, including 'recreational' activities and others.</i></p>	<p>The reality of the site is that shared uses will be required – in addition to ecology, the site needs to also perform a continued role as a publicly accessible recreational space and to function acceptably in terms of regional overland flow. CCI is open to resolving further objectives of the C2 zone together with DPHI and Bayside Council in the finalisation of the LEP provision to appropriately balance these shared use outcomes.</p>
<p><i>EHG remains of the view that the specific objectives and provisions for biodiversity and GGBF conservation under SEPP (Precincts - Eastern Harbour City) 2021 remain in force and be replicated in the Planning Proposal.</i></p>	<p>It is noted that the biodiversity provisions in SEPP EHC were devised prior to the provisions of the BC Act coming into force, and accordingly, the general practice of drafting comparable standard template instruments has not included such provisions. The Planning Proposal follows this drafting practice. The former SREP 33 provisions now in SEPP EHC covered the entire Cooks Cove precinct of some 100ha. Particular provisions are aligned with areas outside of the Planning Proposal, such as wetlands which provide habitat for migratory birds. There is no need for these provisions to be replicated.</p> <p>Notwithstanding, CCI raise no specific objection to EHG's intent for planning provisions within the site to enhance the ecological outcomes of the lands. CCI as one stakeholder within the Planning Proposal boundary</p>

Item/Comment	Response
	remains committed to providing input into resolving suitable planning provisions which are compatible with the logistics-focused intent of the development zone in conjunction with other provisions to enhance the foreshore, biodiversity and recreational focused values of other components within the Planning Proposal.
<i>EHG requests various amendments to the site specific DCP including mapping and wording regarding the applicability of the BC Act, including local development which may not trigger the Biodiversity Offset Scheme.</i>	Specific refinements to address mapping layers and applicability of the BC Act in the DCP are welcomed through further discussions with Council. The DCP is a matter for Council who will ultimately progress assessment for adoption by elected Council. This is capable of being further progressed following consideration of the Planning Proposal by the SECPP.
<i>Proposed LEP and DCP a must include all breeding, foraging and movement habitats for GGBF and location of coastal saltmarsh.</i>	The mapping prepared for the Planning Proposal is indicative in nature only and detailed maps will be considered and prepared by DPHI for finalisation of the proposed planning amendments.
<i>It is EHG's view that the area proposed to be zoned RE1 Public Recreation zone should also include the creation of new GGBF habitat.</i>	The development zone (under the revised indicative zoning maps) no longer include areas of RE1 Public Recreation to be controlled by CCI. However, the VPA letter of offer committed to by CCI includes significant monetary contributions which, should Council determine appropriate, be applied to ecological improvements within the RE1 zone of Pemulwuy Park, which may include GGBF breeding habitat. The transition of former golf course habitat (which is intended to be retained and re-purposed where possible) will continue to function as contributory foraging and movement corridor habitat which will assist in the long term success of GGBF populations.
<i>EHG is unclear of the "relevant Green and Golden Bell Frog Management Plan" referred to in the FFA.</i>	A detailed GGBF PoM will be prepared in consultation with all stakeholders at the appropriate time. Draft DCP provisions will be amended in discussion with Council, to resolve the preparation of this PoM.
<i>DCP controls should include the retention of existing ponds and the creation of a range of new GGBF habitat types.</i>	The indicative reference development accompanying the Planning Proposal does not envision retention of all existing golf course water bodies. This must be considered in context of the existing zoning and masterplan intent under the SEPP EHC 2021 which permits a larger extent of zoned land for trade and technology purposes. As above, the site specific DCP encourages GGBF habitat creation in the newly proposed C2 Environmental Conservation zones and there is potential for this to be expanded in adjoining RE1 Public Recreational lands, subject to detailed design and in consultation with Council.
<i>EHG notes the GGBF Management Plan will be prepared for future development at the DA stage, however, it is noted this requirement has not been included in the draft DCP. The management plan will needs to consider both design and operational aspects.</i>	CCI agree that the requirement for a GGBF PoM will need to be in place prior to any works and that content would need to be endorsed by Council. We invite EHG to be a part of the refinement of provisions once Council is able to progress drafting of the DCP, post consideration of the Planning Proposal by the SECPP.

Item/Comment	Response
<i>The Cooks River is a 4th order stream that requires a 40m riparian buffer (on each side of the waterway) under the BAM.</i>	The response to submissions report shows the width of the amended riparian zone ranges from 20-100m. This is appropriate in the circumstances and will contribute to an improved ecological outcome compared to the current golf course use. The BAM only requires the impacts within this 40m buffer to be considered at the time of the preparation of a BDAR, at the DA stage. CCI believe sufficient detail has been provided at the rezoning stage to support the buffer zones as per the indicative reference scheme – which are comparable in nature of the existing SEPP EHC outcome. The detailed design of the riparian zone at the DA stage will provide the full suite of measures to ensure an acceptable outcome under BAM
<b>Bayside Council</b>	
<i>Riparian Zone – We maintain that the riparian buffer zone should be consistent with DPE EHG's 'Guideline for riparian corridors on waterfront land' along the entire length of the foreshore. A setback of 40m must be provided unless otherwise justified with evidence that a reduction will not pose a negative impact upon the watercourse.</i>	As above. The amended riparian zone ranges from 20-100m with a large section of 40m width which is proposed to be zoned C2 Environmental Conservation. This results in a viable development outcome which in turn funds the suitable riparian ecological improvements envisioned. Other justifications for this arrangement in terms of its acceptability are provided throughout this response.
<i>Biodiversity – The proposal should consider site-specific LEP provisions that aim to protect the Green and Golden Bell Frogs (GGBF) and their habitats. The Eastern Harbour SEPP currently has a suite of controls that mandate the preparation of a Wetlands Environmental Management Plans and a GGBF Management Plans. These requirements should be maintained in any translation of controls.</i>	As above. CCI raise no specific objection to Council's intent for planning provisions within the site to enhance the ecological outcomes. CCI as one stakeholder within the Planning Proposal boundary remains committed to providing input into resolving suitable planning provisions in terms of acceptable biodiversity outcomes in the process to finalise the amended planning controls for the site.

## 5.6.5 Conclusion

The Cooks Cove development will involve the removal of largely planted native/exotic vegetation, dominated by Planted Native Trees and Shrubs, Exotic Vegetation, Exotic Grasslands and Lawns, and Aquatic Vegetation. Planted/artificial vegetation dominates almost 100% of the vegetated areas of the subject site. One EEC, namely Saltmarsh, which is listed under the BC Act will be impacted by the project. The proposal will require the clearing of a small trace of this community (less than 0.01 ha). The project will also result in the removal of known habitat for three threatened fauna species, including the Green and Golden Bell Frog.

In recognition of the potential ecological impacts of the project, avoidance, mitigation and compensatory measures have been proposed. These include avoidance of breeding and foraging habitat for the Green and Golden Bell Frog, implementation of environmental management plans and provision of offsets under the Biodiversity Offset Scheme and in accordance with the BAM for any residual impacts. The proposed avoidance, mitigation and compensatory measures are likely to sufficiently ameliorate the impacts of the project to the extent that no EECs or threatened species are likely to become extinct because of the project.

Moreover, the long-term objective of these measures is to provide for a net benefit to biodiversity within the Cooks Cove site, through the provision of measures that complement requirements associated with the approved major projects for within the south-western portion of the subject site, and other open space areas within the development precinct, to enhance and embellish the Green and Golden Bell Frog habitat to support the long-term survival of the Arncliffe population.



## 5.7 Utilities and Services

A Servicing and Utilities Infrastructure Strategy Report has been prepared by Arup and is included at **Appendix I**. The purpose of the report is to evaluate servicing and utility impacts associated with the indicative development concept provided in the Cooks Cove Master Plan. As the site is currently occupied by a golf course, there are utilities network upgrades and extensions required to service the development zone.

In summary, the site can be serviced by all utilities required for the proposed development. As the rezoning application progresses and the design advances, utilities planning will continue to be coordinated with relevant utilities providers, especially where relocations and lead-in works are required to service the site.

The site is also traversed by two large trunk utilities, the Sydney Desalination Pipeline and the Moomba-Sydney High Pressure Ethane Pipeline, which travel through the site in a north-south direction. The location, operational, safety and maintenance requirements of these pipelines have informed the master plan. In relation to Moomba-Sydney High Pressure Ethane Pipeline, this is addressed in the Ethane Pipeline Risk Assessment Report, prepared by Arup and is included at **Appendix J**.

### 5.7.1 Stormwater

#### Existing

The existing stormwater drainage on the site is limited to minor drainage to accommodate runoff from within the golf club to local ponds which form part of the existing golf course layout.

#### Proposed

The local stormwater drainage network for the development site will follow the philosophy of Water Sensitive Urban Design (WSUD) and will include absorption and bioretention swales within road reserves and green space, all of which will discharge to the proposed stormwater system. A detailed summary of the proposed stormwater collection network is provided in the Flooding, Stormwater and WSUD Report prepared by Arup (**Appendix C**) and **Section 5.2.5**.

### 5.7.2 Sewerage

#### Existing

The existing sewerage infrastructure on the site includes:

- An existing 225mm diameter Sydney Water Corporation (SWC) sewer servicing the existing golf clubhouse. This sewer was designed to service the golf clubhouse only and is understood to have minimal capacity.
- An existing 225mm diameter cast iron sewer that services the existing lots fronting Marsh Street between Valda Avenue and Innesdale Road on the northwest side of Marsh Street.
- The Southern and Western Suburbs Ocean Outfall Sewer (SWSOOS) aqueduct traverses east- west approximately 60-80m south of the Planning Proposal boundary. The SWSOOS is both above and below ground and is a critical piece of SWC infrastructure that services the southern and western parts of Sydney and drains ultimately to the Malabar Sewage Treatment Works.

Subject to staging and SWC approval, the existing 225 mm diameter sewer that services the existing Kogarah Golf Club clubhouse will be used to service development on Lot 1 to the north of Marsh Street at the northeast of the site.

#### Proposed

In coordination with SWC, a feasibility study for a new gravity sewerage reticulation network with either a sewage pumping station or a pressure sewer system, and a sewage pressure main with the potential to connect to the SWC Southern and Western Suburbs Ocean Outfall Sewer (SWSOOS) to the south of the development, is currently being investigated. If the feasibility design for a new sewage pumping station is ultimately adopted, an area of land approximately 35m by 35m would be provided for the pumping station plot with all-weather semi-trailer road access.

### 5.7.3 Potable Water Supply

#### Existing

The existing potable water supply is summarised as follows:

- There is an existing 100mm diameter cast iron cement lined water main, built in 1972 on the north-western side of Marsh Street which services the lots fronting Marsh Street between Valda Avenue and Rockwell Avenue.

- All other mains to the north-west of Marsh Street are 100 mm diameter cement lined cast iron with the exception of a new augmented 200 mm diameter PVC-U main built in 2012 in Innesdale Road.
- There is an existing 150 mm diameter cast iron cement lined main built in 1936 on the northern side of the SWSOOS to the south of the site.

There is presently insufficient water supply infrastructure locally of a size sufficient to service the development. However, two large trunk water mains are located adjoining the Princes Highway, approximately 350 m to 450 m north of the site which can be accessed for required water supply. At a meeting held on 8 February 2017, this proposed option was discussed and SWC advised that this would be feasible.

#### **Proposed**

In coordination with the WSC and SWC, a feasibility study for two new lead-in water supply reticulation pipelines is being investigated. The pipelines would need to be installed north of the site to bring water to the development from the existing SWC 500mm diameter and 750mm diameter trunk water mains along the Princes Highway from two separate locations. A new looped reticulation network would need to be constructed within the development.

### **5.7.4 Electricity**

#### **Existing**

Existing electrical infrastructure in the area are the assets of Ausgrid. The existing 11kV Ausgrid kiosks on Marsh Street (S76825 and S76826) are believed to be currently serving the M6 Motorway tunnelling construction. The two High Voltage connections (HVCs) are fed from the Rockdale Zone Substation via two separate dedicated underground 11kV feeders. We assume the two HVCs will no longer be required once the tunnel construction is completed. This can be considered as a major connection opportunity to supply power to the Cooks Cove development. Discussions with Ausgrid have been ongoing.

#### **Proposed**

In coordination with the precinct Electrical Services Strategy Consultant (TRACA Engineering Group), coordination is currently ongoing with Ausgrid to confirm how the development will be provided with an electricity supply. Depending on the final loading, timing, and staging of the development, investigations are currently being undertaken to determine whether a new zone substation will need to be established, or alternatively, whether high voltage feeders can be provided to supply the development from a single or multiple zone substation within the area.

If a new zone substation option is adopted for the development, Ausgrid requires an area of approximately 2,000m<sup>2</sup> in size, depending on the shape and location, with all-weather access. A new electrical reticulation network will need to be constructed within the development.

### **5.7.5 Telecommunications**

#### **Existing**

There is existing NBN Co cabling in Innesdale Road and Levey Street to the north of Marsh Street. There is no closer NBN Co cabling near the site. In addition, there is an Optus optical fibre cable in a Telstra duct on the north side of the Marsh Street deviation and then across the Cooks River. The cable on the north side of the original Marsh Street extends from Innesdale Road to Rockwell Avenue servicing the lots facing Marsh Street.

#### **Proposed**

Due to the size of the development, NBN Co were approached and advised that optical fibre services can be provided to the site and reticulated through the development. The revised precinct scheme has been provided to the NBN Co Case Manager and coordination with NBN Co will continue as the project progresses.

### **5.7.6 Natural Gas**

#### **Existing**

Existing Natural Gas infrastructure in the area are the assets of Jemena. These assets include an existing 100 mm diameter secondary 1050kPa gas main on the south side of Marsh Street leading over the Giovanni Brunetti Bridge and the Cooks River

## Proposed

Should gas be selected as an energy source for the site, Jemena advised that gas would be supplied off a high pressure 1050kPa gas main at Marsh Street. To facilitate a suitable supply, pressure reduction of this high-pressure supply will be via a below ground pressure reduction station to be accommodated within the development site. A site approximately 6m long by 3m wide will need to be allocated for this device. From this device, a suitable medium pressure 210kPa plastic pipe network can be reticulated through the site for retail/commercial applications.

### 5.7.7 High Pressure Pipelines

#### Desalination Pipeline

The pipeline is an asset of Sydney Desalination Plant Pty Ltd. During consultation with Sydney Desalination Plant Pty Ltd the ability and terms to build over or around the pipeline was discussed and resolved. The following constraints were identified:

- Maintain easement rights;
- Maintain easement and access, specifically to facilitate maintenance of the cathodic protection equipment and air release valve;
- Works in and around the pipeline should consider the pipelines design life of 100 years;
- Locate building structures outside of the existing easement;
- B Position built form and foundations outside the pipelines zone of influence;
- Any works built over the pipeline are to be built with the minimum cover and to the loading criteria as supplied by Sydney Desalination Plant Pty Ltd; and
- All works where building over or adjacent the Sydney Desalination Plant Pipeline is to be done in accordance with the "Sydney Water Corporation, Technical Guidelines, Building over and adjacent to pipe assets, October 2015".

These constraints have been addressed as follows:

- The pipeline location is known through detailed survey;
- The master plan has been designed to accommodate the pipeline easement through the development area;
- Buildings and foundations will be positioned outside the easement and zone of influence. Hardstand and landscaping will be located above the pipeline in accordance with the technical requirements of Sydney Water; and
- Access for ongoing maintenance to the pipeline infrastructure will be provided (include to the existing air release valve and cathodic protection in the middle of the site).

Ongoing consultation will be undertaken with Sydney Desalination Plan Pty Ltd to inform future design and planning for the precinct. In addition, the requirements outlined above will be implemented within DCP controls to ensure the existing easement access and rights are maintained.

#### Moomba-Sydney Pipeline

The Moomba-Sydney Pipeline is an asset of APA Group Pty Ltd and contains high pressure ethane gas. The pipeline runs north-south through the site along the river foreshore, then changing to a short east-west alignment north of Marsh Street. There is an existing above ground valve station located in Lot 31 DP1231486, to the north of Marsh Street. The valve station comprises a small brick building and another louvered enclosure.

The Planning Proposal and accompanying indicative reference scheme has been designed to accommodate the pipeline easement in the proposed foreshore riparian setback, primarily within public open space reserve allocations stipulated by the Office of Water to preserve access rights (similar in treatment to that implemented in adjoining Cahill Park) and beneath hardstand (Blocks 2 and 3). The easement is generally 5m wide across the site but varies between 1m, 2m, 5m and 10m. The Planning Proposal is premised on maintaining all required setbacks and implementing required protective slabbing measures to ensure the continuing operational integrity of the pipeline as stipulated by APA. The concept retail and office buildings depicted in Lot 31 DP1231486 (Block 1) is located outside of the easement provisions.

The Proponent engaged ARUP (with the assistance of Arriscar) to prepare a Precinct Land Use Safety Study in accordance with the specific risk criteria outlined by DPIE's Hazardous Industry Planning Advisory Papers Nos. 4, 6 and 10. This has resulted in the appropriate relocation of sensitive tourist and visitor accommodation outside of the determinate risk safety buffer within the current master plan. ARUP / Arriscar investigations confirm the proposed



redistribution and siting of land uses depicted in the revised master plan / indicative reference scheme can appropriately address the in situ individual, injury risks of the ethane gas pipeline, subject to multistorey developments meeting fire resistant construction and glazing specifications.

Subject to further discussions with DPIE Hazards team, Arup / Arriscar and the Proponent, it was agreed that a societal risk analysis would be prepared on the basis of the proposed occupancy rates within the uses depicted within the master plan to address HIPAP No 6. This resulted in the preparation of a Preliminary Hazard Analysis (PHA) which is provided at **Attachment J**.

The following results were obtained from the risk assessment:

- Individual risk of fatality levels of  $0.5 \times 10^{-6}$  p.a. and  $1.0 \times 10^{-6}$  p.a. are generated by the pipeline. This restricts some uses of the land, namely residential and sensitive uses as per the risk criteria.
- The societal risk, represented as an F-N curve, is below the upper limit of the risk tolerability band.
- Recommendations have been made to reduce risk to occupants of buildings and ensure occupiers of buildings do not engage in business activities that are inconsistent with the risk presented by the pipeline.

## 5.8 Acoustics

An Acoustic Assessment Report has been prepared by Arup and included at **Appendix H**. The assessment considered the proposed land uses, site location and surroundings, and considered the primary acoustic matters relevant to the proposal to be:

- Aircraft noise exposure;
- Industrial/ventilation equipment noise from the Arncliffe Motorway Operations Complex; and
- Future operational noise emission from the land uses to nearby residential development.

A summary of the assessment's key findings is provided in the following sections.

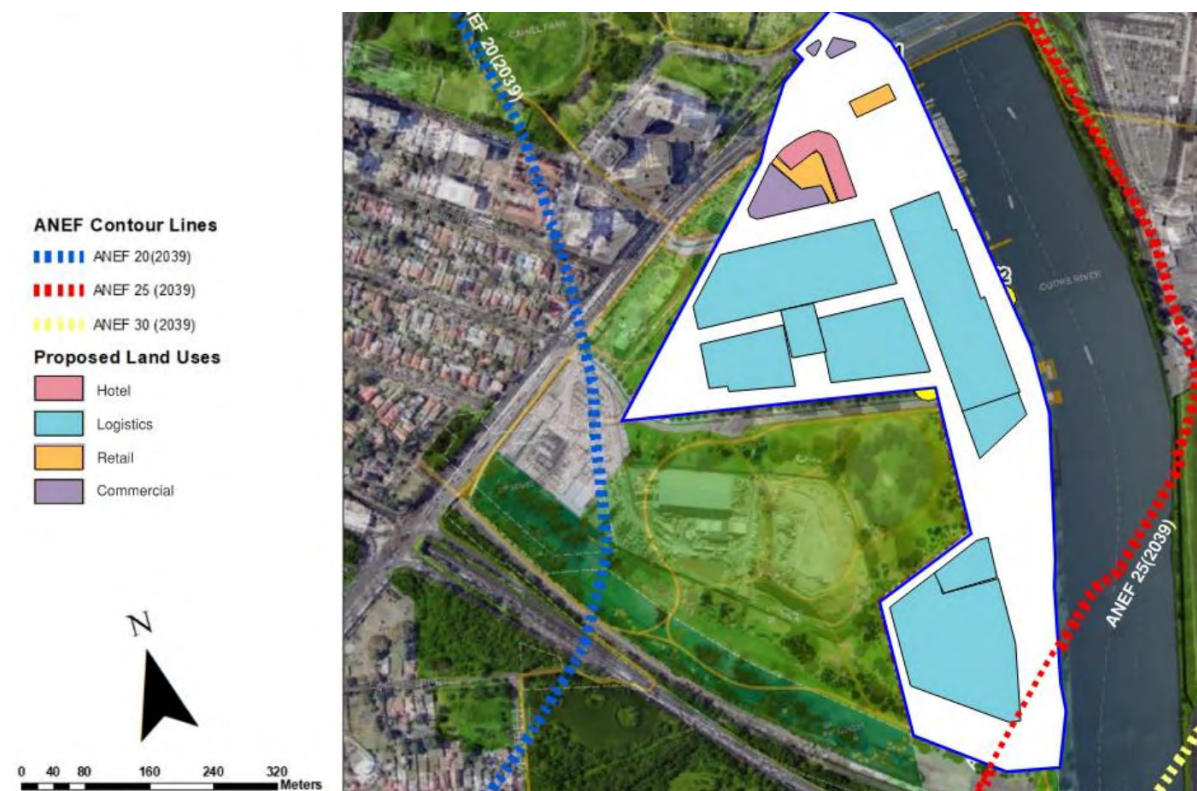
### 5.8.1 Aircraft Noise

Due to Cooks Cove's proximity to Sydney Airport, an assessment of aircraft noise has been undertaken in accordance with AS2021:2015 – 'Acoustics – Aircraft Noise Intrusion – Building Siting and Construction' to ensure that development is appropriately sited and constructed with reference to forecast noise conditions to ensure appropriate occupant amenity. The assessment also considers the Sydney Airport Masterplan 2039, National Airports Safeguarding Framework (NASF), and correspondence from the Department of Planning and Infrastructure to the Department of Infrastructure and Transport dated 17 April 2013.

#### Noise Acceptability

The assessment provides detailed consideration and discussion of the matters and guidelines relating to aircraft noise as contained in the NASF. After review of these items, Arup determined that the appropriate method for assessment of aircraft noise at Cooks Cove was to follow the procedures outlined in the current Australian Standard AS2021:2015 'Acoustics – Aircraft Noise Intrusion – Building Siting and Construction' (AS2021:2015). Notwithstanding, a review of impacts during Sydney Airport Curfew operations was carried out that demonstrated that the NASF guidelines were satisfied and that the Planning Proposal was wholly external to the N60 Contours (curfew hours only) detailed in Sydney Airport Master Plan 2039.

AS2021:2015 provides guidance about the acceptability of building uses based on the Australian Noise Exposure Forecast (ANEF) zones, the Cooks Cove Planning Proposal site is illustrated in **Figure 90** below.



**Figure 90** Cooks Cove Proposed Land Use and ANEF Overlay

Source: Arup

As illustrated in **Figure 90** above, the Cooks Cove Planning Proposal site is located almost entirely within the ANEF 20-25 zone (2039). It is important to note that since aircraft cannot divert to fly closer to the site and that aircraft are continually becoming quieter over time, the ANEF contours are not expected to change to cause further adverse noise impacts on the Cooks Cove site than is predicted by the ANEF 2039 contours.

The ANEF chart provides a predicted cumulative exposure to aircraft flyover noise in communities near aerodromes. In areas located close to airports (higher ANEF values), some land uses are deemed not acceptable due to aircraft noise impacts. The acceptability of the proposed land uses for the Cooks Cove in relation to the ANEF zones are provided in **Table 30** below.

**Table 30**     *Acceptability of Land Uses within Cooks Cove*

Land Use	AS2021:2015 Building Type	20-25 ANEF
Hotel, Serviced Apartments	Hotel, Motel, Hostel	Acceptable
Office, Retail	Commercial Building	Acceptable
Logistics	Light Industrial	Acceptable

Source: Arup

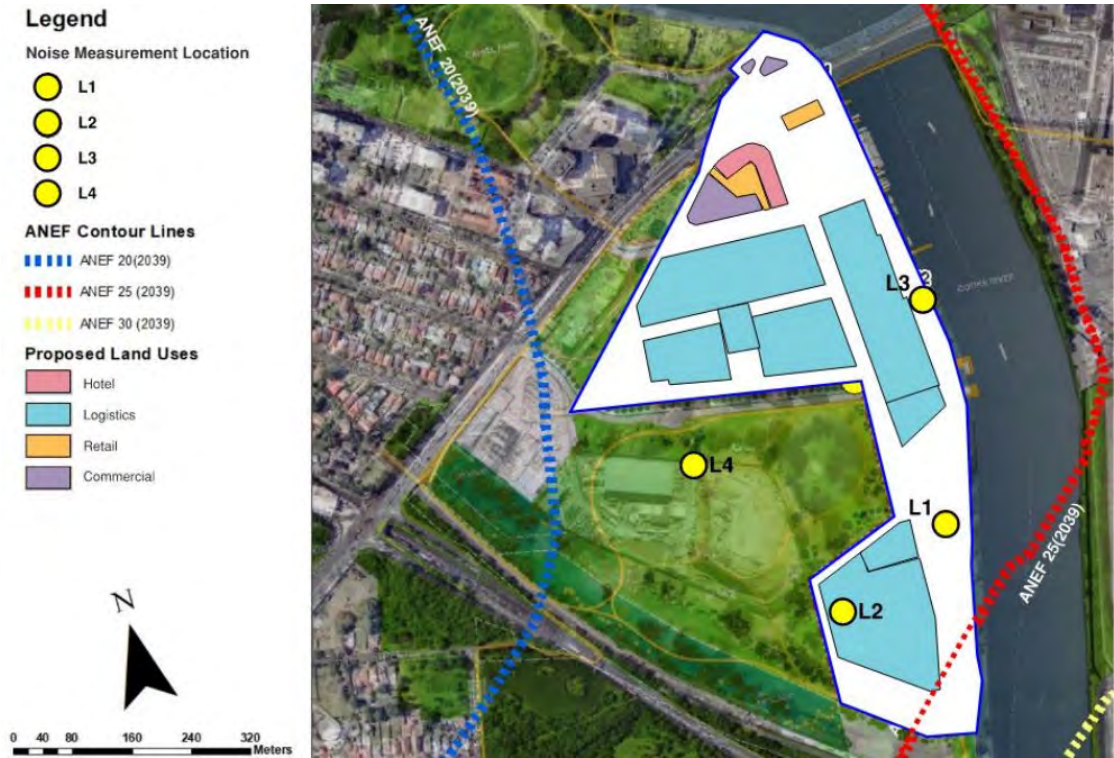
As the proposed uses are all acceptable for the subject precinct in accordance with AS2021:2015, no further acoustic assessment is required for AS2021:2015.

**Maximum Aircraft Noise Levels**

AS 2021:2015 [2] outlines two methods for determining the maximum aircraft noise levels:

- (d) using the aircraft noise data tables included in AS2021-2015 (Tables 3.4 to 3.24); or
- (e) undertaking noise measurements of aircraft flyovers at the site.

Due to the close proximity to the airport and the extent of development proposed, a comparison of both assessment methods was undertaken to determine the maximum aircraft noise levels. Noise level measurements of aircraft flyovers at the subject site were carried out by Renzo Tonin & Associates for a previous preliminary assessment of the site. Noise logging over a seven-day period was conducted between 2 and 8 August 2013. Aircraft take-offs and landings on both the 34L/16R north-south runway and 25/07 east-west runway were recorded. While these measurement locations were intended to assess a larger planning proposal footprint, it is still relevant, as these locations still help inform assessment at the new proposed development. Noise measurements were carried out at four locations identified in **Figure 91**.



**Figure 91**     *Unattended Noise Monitoring Locations*

Source: Arup



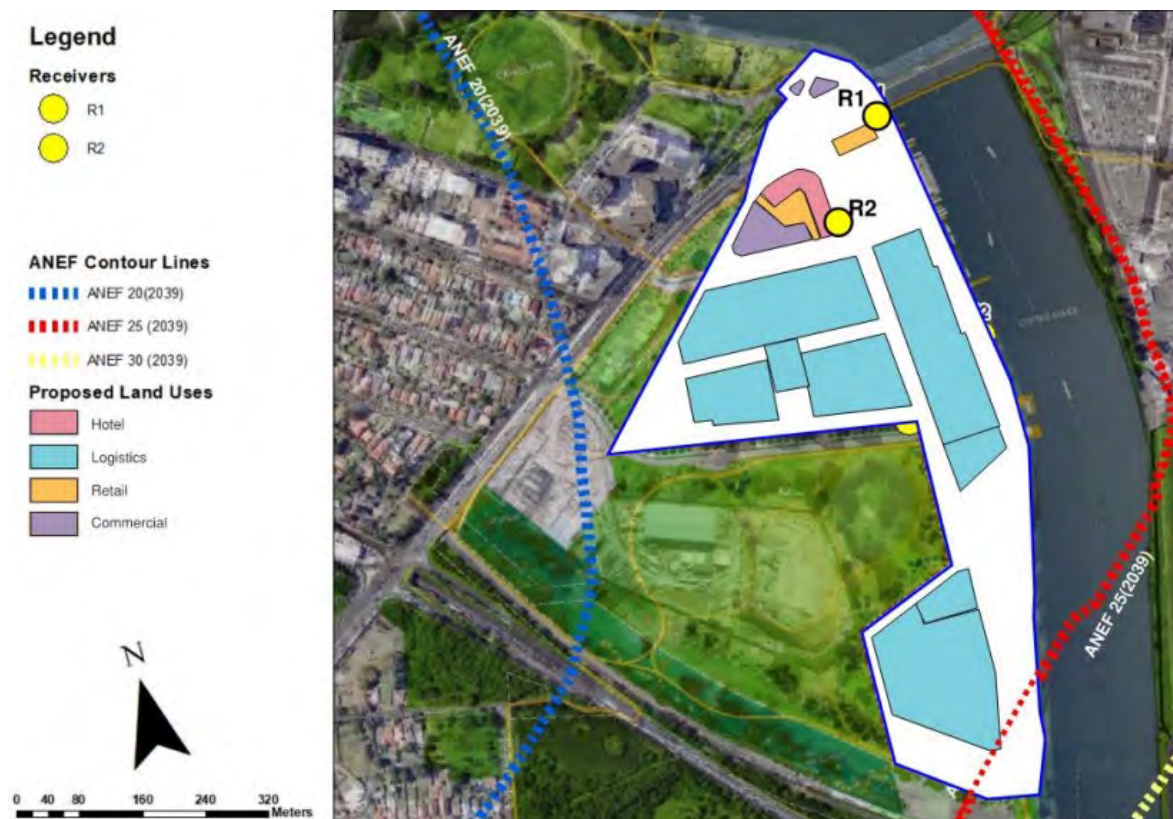
The results of the aircraft noise levels are presented in **Appendix H** and indicate the following:

- The highest maximum noise levels for all four locations was associated with departures to the west. This is verified by AS 2021:2015. In accordance with Map 25 of the Sydney Airport Draft Master Plan 2039, the projected average daily jet aircraft movements to the west is indicated to be only 5% of total movements.
- The maximum recorded noise level was 87 dB(A), measured at L2 south location and associated with Airbus A330-300 departures to the west, being higher than that predicted by AS 2021:2015, although this location is removed from the more noise sensitive development.
- The maximum noise event determined using the tabulated noise data in AS 2021:2015 results from the Boeing 767-300 during short-range take-off, measuring 87 dB(A) at the L2 south location. It is noted that the measured results revealed lower levels of 83 dB(A).
- The highest maximum noise levels from departures to the north was 76 dB(A), from both the measured and predicted data. While departures to the north are more frequent (33% of jet movements) the noise levels are significantly lower than departures to the west.
- Generally, the measurement data shows reasonable alignment, at least from the perspective of the overall maximum noise events. Notwithstanding, it would be expected that future detailed assessment for the design and construction of specific buildings would rely upon site measurements rather than the aircraft noise data tables in AS 2021:2015.

### Aircraft Noise Reduction

Appendix F of AS 2021:2015 provides a method for determining appropriate building materials and constructions to achieve a required aircraft noise reduction value (ANR). While the method is intended to serve only as a guide to construction considerations, it has been used here to demonstrate the ability of proposed building types to satisfy the internal noise levels required of AS 2021:2015. Detailed design of building constructions would nonetheless be required for the site during design development phases.

The ANR is calculated by subtracting the indoor design level from the maximum aircraft noise level. The resulting value is an estimate of the extent of aircraft noise reduction (ANR) in dB(A), to be incorporated in the building's envelope. ANRs have been calculated for two locations as indicated in **Figure 92** below, being considered representative of worst-case locations for the most noise sensitive land-use types.



**Figure 92** Assessment Location for Calculated ANRs

Source: ARUP

The calculated maximum aircraft noise level used to determine the ANR is outlined in **Table 31** below. It is calculated in accordance with AS2021:2015, limited to the aircraft types outlined in the endorsed Sydney Airport ANEF 2039 for 2026 operations.

**Table 31** *Calculated ANR Level – Sydney Airport Operation Hours*

Location	Land-use	Maximum aircraft noise level (dBL <sub>Amax</sub> )	Indoor design level (dBL <sub>Amax</sub> )	ANR, dB(A)
<b>R1</b>	Retail	76	75 (Shops, Supermarkets, Showrooms)	1
<b>R2</b>	Hotel, Retail, Commercial	76	55 (Relaxing, Sleeping)	21
			55 (Private Office)	21
			70 (Social Activities)	6

Source: Arup

AS 2021:2015 also provides guidance on the type of construction necessary to achieve the required ANR. Various rooms in a building may require different indoor design levels and consequently different treatment. The calculated minimum Weighted Sound Reduction Index (R<sub>w</sub>) Ratings for windows and doors associated with typical hotel/accommodation and commercial building design based on the Maximum Aircraft Noise Level of 76 dBL<sub>Amax</sub> are provided in **Table 32** below.

**Table 32** *In-principle Minimum Face R<sub>w</sub>*

Building type and activity	Indoor design sound level (dB IA <sub>sMax</sub> )	Façade / Glazing (R <sub>w</sub> )
<b>Hotel / Accommodation</b> – Relaxing, Sleeping Areas	55	27
<b>Retail, Commercial</b> – Private Offices	55	27

Source: Arup

The highest acoustic performance of R<sub>w</sub> 27 outlined in **Table 32** above is readily achievable and standard façade systems for hotel / accommodation and commercial developments typically exceed this performance based on structural and thermal requirements.

## 5.8.2 Industrial Noise Impact upon Development

Cooks Cove is located in close proximity to the Arncliffe MOC and its potential impact upon the proposed land uses. The facility is located in the western corner of the site near the intersection of Marsh Street and the M5 Motorway. The MOC includes tunnel ventilation equipment for the road tunnel, substations and water treatment facilities. The facility is currently partially complete with the M8 Motorway facilities operational and augmentation for the M6 Stage 1 project underway at present.

The project noise criteria for the M8 and M6 Stage 1, along with criteria for Hotel/Motel, Serviced Apartment and Commercial receivers proposed for Cooks Cove is summarised in **Table 33** below.

**Table 33** *Arncliffe Motorway Operation Complex Noise Criteria*

Project	Most affected receiver locations	Building Type	Day	LAeq (15 minute)	
				Evening	Night
<b>New M5</b>	41 Flora Street, Arncliffe	2 storey dwelling	52	50	44
	26-32 Marsh Street, Arncliffe	9-13 storey apartment building			
<b>M6 Stage 1</b>	32 Valda Street, Arncliffe	2 storey dwelling	58	50	47
<b>Cooks Cove</b>	-	Hotel / Accommodation	63	53	48
		Commercial			

Source: Arup

The criteria for residential uses is more stringent than for the proposed hotel/motel, serviced apartment and commercial uses, and the existing residential premises are located some 70 to 150 m from the ventilation buildings compared with approximately 300 to 400m for proposed hotel/commercial development on the Cooks Cove site. Noise emission from the MOC is therefore not expected to impact the proposed land uses within Cooks Cove.

### 5.8.3 Noise Emissions from the Development

Noise emission from future development is not expected to impact the greater surrounding environment and therefore no specific assessment or consideration of future noise generating uses is warranted at this stage of the project.

The future logistics uses are minimum 140m away from the existing residential receivers on the opposite side of Marsh Street. The logistics developments are proposed to be multi-storey buildings, and the building envelope can be designed to control the operational noise emission. It is expected that building services noise can be controlled with typical acoustic mitigation measures. As such, it is feasible for the logistic developments to comply with relevant noise criteria. It is recommended that acoustic assessment be carried out during the Development Application stage for each development.

To facilitate the development of a vibrant precinct, particularly one where noise sensitive development will already require noise mitigation, an alternative acoustic strategy could be developed for the site. Development of such a strategy is not considered a requisite for the Planning Proposal stage and has otherwise been identified here to initiate early planning prior to detailed development applications being lodged for site. Early planning will enable the greatest opportunity for the site to be realised. It is noted however that the absence of a site-specific acoustic strategy would not preclude development.

### 5.8.4 Summary

In summary:

- Noise exposure from aircraft noise was considered a key consideration in establishing the appropriateness of the site given the proximity to Sydney Kingsford Smith Airport. The noise assessment has been carried out in accordance with current accepted procedures for aircraft noise, namely Australian Standard/New Zealand Standard 2021:2015 'Acoustics – Aircraft Noise Intrusion – Building Siting and Construction'. In this regard, reference has been made to the Sydney Airport Master Plan (SAMP) and ANEF 2039.
- Consideration of and a response to the National Airports Safeguarding Framework (NASF) has been provided. Further to review of these items, the appropriate assessment for the site was deemed to follow the procedures outlined in the current AS 2021:2015.
- The proposed uses for the Cooks Cove are appropriate in accordance with AS 2021:2015, being identified as 'acceptable'. A screening assessment of the likely Aircraft Noise Reductions was carried out using both on site measurements and data contained with AS 2021:2015. The assessment concluded that buildings could reasonably be designed to meet the internal noise criteria set out in AS 2021:2015.
- Noise emission from the Arncliffe Motorway Operations Complex tunnel ventilation equipment was also considered but deemed not to impact the proposed land uses.

As this assessment only seeks to demonstrate that the site is suitable for the proposed development, by providing preliminary assessment of likely worst-case conditions across the site, detailed acoustic assessment is recommended for subsequent building specific development applications and design development. Based on the Acoustic Assessment Report (**Appendix H**), Arup has deemed the Cooks Cove Planning Proposal suitable on acoustic grounds.



## 5.9 Archaeology and Heritage

An Archaeological Report has been prepared by Biosis and is included at **Appendix L**. The assessment has been undertaken in accordance with the Code of Practice for the Archaeological Investigation of Aboriginal Objects in NSW 2010 (the Code) in response to the requirements of the draft Bayside West Precinct Land Use Investigation Study. Biosis also conducted a preliminary review of the Cultural Heritage Issues and Constraints for the Cooks Cove Master Plan report in 2001 for the Sydney Harbour Foreshore Authority.

Background research, including a search of the Aboriginal Heritage Information Management System (AHIMS) database identified 22 Aboriginal archaeological sites within a 10 kilometre by 10 kilometre search area. No archaeological sites were found within the study area. A site survey was conducted on 20 January 2017. The survey did not identify any Aboriginal sites or objects within the study area, owing to extensive surface disturbance as a result of historical land use practices.

Based on all available evidence the report concludes that it is unlikely that any intact archaeological deposits are present within the study area. Based on the geotechnical data gathered to date, it appears that the fill which forms the current ground surface within the study area overlies either disturbed or imported sand and clay soil layers. If in situ soil deposits are present, they are located beneath the current groundwater level, and have a low potential to contain archaeological deposits.

### 5.9.1 Key Recommendations

The key recommendations of the assessment are as follows:

- No further archaeological assessment is required – The assessment has concluded that there is a low likelihood for Aboriginal sites to be present within the study area and as such recommends that no further archaeological assessment is required;
- Discovery of unanticipated Aboriginal objects – In accordance with the NSW National Parks and Wildlife Act 1974, should any Aboriginal objects be encountered during subsequent works associated with this proposal, all works must cease in the vicinity and the find should not be removed until assessed by a suitably qualified archaeologist;
- Discovery of unanticipated historical relics – Should construction encounter unexpected historical structural or depositional remains, all works should cease. A determination should then be made by an appropriately qualified archaeologist of whether the remains identified are likely to be 'relics' under the NSW Heritage Act 1977. Where the remains are identified as being 'relics', the Heritage Council of NSW must be notified in accordance with section 146 of the NSW Heritage Act 1977; and
- Discovery of Aboriginal ancestral remains - If any suspected human remains are discovered, work must immediately cease and the NSW Police and OEH's Environmental Line notified as soon as practicable. Work is not to recommence at the location unless authorised in writing by OEH.

### 5.9.2 Further consultation with Heritage NSW

In response to Gateway Determination Condition (1)(b) consultation was undertaken with DPHI's Heritage NSW on 14 November 2022. A written response was provided by Heritage NSW on 7 February 2023, with the Proponent's response and future commitments outlined in **Table 29** below.

**Table 34** Consultation outcomes between Proponent and Heritage NSW

Comment	Response
<b>1. Heritage NSW Submission Reference DOC20/553659</b>	
<b>State Heritage</b> The clarification of the location and proximity of the subject site to the State Heritage Register (SHR) listed item Western Outfall Main Sewer (SWSOOS) (SHR 01647) is acknowledged. We understood from the information now provided that there are no State Heritage Register (SHR) listed places on the subject site, however, it is located within the vicinity of a SHR listed item as	Agreed. This matter is best addressed at the development application stage in conjunction with the detailed design and assessment of proposed works. This matter is to be addressed by way of a proposed site specific DCP provision, provided at <b>Appendix O</b> , which is drafted as follows:

Comment	Response
<p>mentioned above. This item is also listed under Schedule 5 of the Bayside Local Environmental Plan (LEP) 2021.</p> <p>While the SWOOS is not technically within the boundaries of the subject area, and no physical site works are planned as a part of this planning proposal, future development may still have an adverse impact on its heritage significance. Understanding this, a Statement of Heritage Impact (SoHI) should be prepared for this item as part of any future development applications.</p>	<p><i>"A Statement of Heritage Impact in relation to the Southern and Western Suburbs Ocean Outfall Sewer (SWSOOS) (SHR 01647) is to be prepared and accompany any DA relating to development in the logistics precinct 3C."</i></p>
<p><b>Historic Archaeology</b></p> <p>We note that if the proposed works/subject site in the DA are different from those assessed in the 2017 Biosis report, a revised historical archaeological assessment would be required to assess and mitigate the proposed impacts and depending on the outcomes, further consultation with HNSW may be required.</p>	<p>Agreed. As above, this matter is best addressed by way of a proposed site specific DCP provision at the DA stage (refer <b>Appendix O</b>) which is drafted as follows:</p> <p><i>"A Historical Archaeological Assessment is to be prepared and accompany any DA. The assessment is to include details in relation to maritime archaeology."</i></p>
<p><b>Maritime Archaeology</b></p> <p>The recommendation in our previous advice (dated 31 July 2020) for a Maritime Archaeological Desktop Assessment to be prepared and provided for consideration with a revised planning proposal remains relevant. This is important in order to investigate whether any maritime sites are present in the area. The Maritime assessment may be a stand-alone document or part of a revised historical archaeological assessment, however it should still be undertaken by a suitably qualified and experienced maritime archaeologist.</p> <p>The maritime heritage assessment should include and reference the Cooks Cove Overlay Historical Cooks River Plan (map) which shows the former river course and assess whether any significant sites are included in it and whether any sites are located at the top (northern end) of the proposal area, which overlaps the water. As you will be aware the Cooks River was a very early transport route and it is possible that former maritime heritage sites may exist under water or under reclamation (if any) in this area.</p>	<p>The Planning Proposal results in a comparable relationship to the Cooks River which is present under the current planning controls facilitated by State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021 – including a minimum 20m buffer to the development zone. As above, this item is best addressed in conjunction with the future design of the foreshore works at the DA stage and a suitable DCP provision is proposed to address this matter.</p>
<p><b>2. Heritage NSW Submission Reference DOC20/553659-7</b></p>	
<p>We note that updated AHIMS Searches have been undertaken as recommended in our previous advice (dated 31 July 2020). This previous advice also recommended that a full Aboriginal cultural heritage assessment (ACHAR) be prepared. Local Planning Direction 3.2, Heritage Conservation, requires planning proposals to address the conservation of Aboriginal objects. The requirement for a full assessment to be prepared at the planning proposal stage is consistent with this Direction. We reiterate our recommendation that a comprehensive Aboriginal cultural heritage assessment report is needed and should inform this Planning Proposal.</p>	<p>The Proponent maintains the views concluded by Biosis in their near 20 year involvement in the detailed study of the site that no further archaeological assessment is required. Notwithstanding, the Proponent commits to undertaking an ACHAR assessment by way of a proposed site specific DCP provision, provided at <b>Appendix O</b>, which is drafted as follows:</p> <p><i>"An Aboriginal Cultural Heritage Assessment is to be prepared and endorsed by DPE Heritage prior to the determination of a DA within the Cooks Cove site."</i></p>

Comment	Response
<p>The results of this assessment need to inform the proposal. Early assessment provides the best opportunity to identify and protect Aboriginal cultural heritage values. It also provides certainty to all parties about any future Aboriginal cultural heritage management requirements. It is important that any management, mitigation and conservation mechanisms are developed at the planning proposal stage to help mitigate the cumulative impact of development in this region on Aboriginal cultural heritage.</p> <p>We recommend the planning proposal also consider impacts to the Aboriginal cultural landscape, including potential impacts on visual corridors. These potential impacts can only be understood through consultation with the Aboriginal community. Measures to limit any impacts to identified Aboriginal cultural landscape values should be developed and integrated into the planning proposal.</p> <p>If the planning proposal is approved and future development proceeds, the proponent will need to consider the Aboriginal cultural heritage impacts within their environmental assessments. Where harm to Aboriginal objects cannot be avoided the proponent is required to obtain an Aboriginal Heritage Impact Permit (AHIP) before proceeding.</p>	



## 5.10 Geotechnical

A Geotechnical Desktop Study has been prepared by ARUP and included at **Appendix N**. It provides a review of available information with a focus on geological and groundwater conditions of the site from published mapping and reports and ground investigation information made available to Arup. A summary of each of the key geotechnical attributes is provided in the following sections.

### 5.10.1 Acid Sulfate Soils

Refer to **Section 5.11**.

### 5.10.2 Fill

Fill thickness varies across the site, from 0m to more than 5m. Fill thickness of greater than 1.5m is mapped at the location of buildings Block 3A to 3C, with more than 3m of fill thickness at Block 3C, which corresponds with the localised dam observed in the historical imagery. The fill material is dominated by clayey sand mixed with silt and gravel, with variable relative density.

As the fill material is variable across the site and associated with the dredged river material, there is a potential for uneven settlement of the structures and infrastructure. Future levelling cut and fill works are expected on site to level the ground for construction. Any newly placed fill is likely to settle due to its own weight as the fill settles down after placement. Subject to the fill height/volume required on site, additional settlements would be expected to occur over a relatively long period considering the consolidation of underlying soft and compressible clay layers.

In addition, the project is situated adjacent to the river and underlain by Holocene deposits, which are likely to comprise loose, or soft estuarine deposits as found in the available borehole logs.

### 5.10.3 Bedrock Depth

Bedrock depth typically varies between 5mbgl and 40mbgl. Bedrock is expected to be encountered at approximately 10m depth at the location of building Block 2, 3A, and 3B. Bedrock at Block 3C was encountered at more than 9m depth which aligns with localised filling/dredged river material at the south of the site underlain by medium strength sandstone.

### 5.10.4 Groundwater

The groundwater encountered during site investigations was commonly less than 1.5mbgl and found within the sandy clay layer and indicated that groundwater generally flows in an easterly direction towards the Cooks River. Shallower groundwater less than 1mbgl was recorded at the location of building Block 3B, which corresponds with the slightly closer proximity to the Cooks River. The groundwater contour surface produced by CES (2008) indicates a groundwater level at the current footprint of Arncliffe MOC at 0.9 – 1.0mbgl.

## 5.11 Soil and Groundwater Management

A series of geotechnical, contamination and remediation, erosion and salinity and acid sulfate soils investigations were undertaken to inform the development of the Planning Proposal. Together, these investigations provide a strong representative sample of ground conditions within the Cooks Cove site. These assessments are supplemented with a covering memo prepared by Consulting Earth Scientists (CES) provided at **Appendix M**, which address the amendments to the scheme and the relevancy of the previous environmental investigations.

CES conclude that the assessments presented in the Environmental Site Assessment report and the Erosion and Salinity Assessment report will not change; and therefore, the resultant management measures and actions identified in the Remediation Action Plan and Acid Sulfate Soils Management Plan will also not change.

### Geotechnical and Groundwater Conditions

A preliminary geotechnical investigation was undertaken as part of the original 2006 proposal. It found that the site is generally underlain by fill encountered up to a depth of between 0.5m-1.8m. Beneath this, embedded clays and sands are generally found up to an approximate depth between 1.5m-22m. Further beneath this is sandstone and shale found between depths of 10m-35m. The listed depths of material generally increases further away from the river edge. Recommendations with regards to piling and support structures for various building types were provided at this time. These investigations were revisited by ARUP in 2019 in relation to building foundation depths and potential future TfNSW mass transit routes to ensure development could occur within Cooks Cove without impacting potential future mass transit schemes contemplated by TfNSW's Future Transport 2056.

The site generally has a relatively shallow groundwater level due to its proximity to the Cooks River. Also elevated ocean levels during storms can increase groundwater levels on a temporary basis. Shallow bore test results indicate that the groundwater is moderately saline and heavy in iron, which is consistent with the potential intrusion of saline water into the site from the Cooks River.

Further investigations to confirm building foundations, basements/de-watering and construction methodologies is capable of being undertaken at the design phase and prior to the lodgement of detailed DAs for individual developments within the site.

### Contamination and Remediation

Extensive investigations of the extent of contamination within and the required remediation strategies for the site have been undertaken by Consulting Earth Scientists (CES) over a number of years. A consolidated Environmental Site Assessment (ESA) for the site is provided at **Appendix L** which provides a consolidation of previous ESA, Sampling, Analysis and Quality Plans (SAQPs) and Remediation Action Plans (RAPs), with reference to accredited Site Auditor commentary. In addition, provided at **Appendix M** is a Stage 1 Desktop ESA for Master Plan Block 1. Further, a revised RAP has been prepared for the entire Cooks Cove site, which is provided at **Appendix M**. All of these assessments remain valid for the proposal.

Section 9.1(2) of the EP&A Act 1979 requires that for a rezoning of land for residential, educational, recreational or childcare purposes, or for the purposes of a hospital, the planning proposal authority must consider whether the land is contaminated and whether it is suitable or can be made suitable for the proposed uses. The findings of the contamination investigations and comments from CES in relation to contamination and remediation can be summarised as follows:

- The long term use of the site has been as a golf links since the 1930s.
- With the exception of copper, lead, benzo(a)pyrene and short chain aromatic hydrocarbons (BTEX), the soil assessment criteria were not exceeded in the collected natural soil and fill samples that were scheduled for analysis;
- Recommendations have been made to deal with any unexpected contamination 'hot spots' as part of a future RAP for the site, with particular note of limited impacted fill surrounding fuel bowzers and Underground Storage Tanks located within the present KGC car park area adjacent the existing maintenance facility; and
- Small scale remediation or management of asbestos fibre (ACM) fragments prior to the commencement of development construction will be required.

On the basis of the above comments and the aforementioned detailed site investigations, the revised RAP for the site (with the exclusion of the current M6 works site) has been prepared with detailed recommendations in terms of remediation methodology and sequencing. Overall, subject to the implementation of the RAP and the creation of a Site

Management Plan (SMP), the Auditor has determined the site will be suitable for the proposed mix of land uses sought under the current Planning Proposal.

With respect to the portion of the site, which is presently occupied by WestConnex, it is understood from the content of the EIS that this parcel will be remediated by TfNSW and renovated for recreation use following conclusion of construction works. Restoration of the land, including remediation where necessary, is a condition of consent for the WestConnex infrastructure approval. CES notes that a separate RAP and validation report (if required) will be prepared for this area by WestConnex / TfNSW at the completion of the works.

### Erosion and Salinity

An Erosion and Salinity Assessment for the previous iteration of the Planning Proposal was prepared by CES and is included at **Appendix M**. This assessment is still considered valid for the site. The purpose of the assessment is to assess the suitability of the development site in terms of potential erosion and salinity risks, which involved desktop and intrusive ground investigations and sampling. The findings of the assessment are summarised below:

- The site topography has been significantly modified through the placement of fill material. The site generally drains in an easterly direction towards the Cooks River, with the exception of localised flow paths through the existing golf course;
- In general, the site is assessed to be non-saline to moderately saline for both surface soils and subsoils. However, attention should be given to areas in close proximity to boreholes BH4, BH5 and BH8 (generally in close proximity to the Cooks River foreshore) which have highly saline to very saline soils, both surface and subsurface; and
- Soils at the site are assessed to have moderate erosion potential with the presence of calcium carbonate.

Accordingly, various construction management strategies have been outlined in the Erosion and Salinity Assessment and are capable of being further developed through the future detailed DA phase.

### Acid Sulfate Soils

An Acid Sulfate Soils Management Plan (ASSMP) has been prepared by CES and is included at **Appendix M**. The purpose of the ASSMP is to document the presence of acid sulfate soils (ASS) within the site, assess the potential impact of the proposed development and detail management measures to ensure the risks associated with ASS are minimised. The plan has been informed by database analysis and soil sampling and analysis undertaken by CES.

Potential Acid Sulfate Soils (PASS) are expected to be present in natural material below the water table. It is expected that the planned development of the site may result in disturbance of the PASS. Accordingly, a detailed ASSMP will be prepared during the detailed DA phase for the site and will be implemented prior to any physical works commencing. Future development applications within the site will be required to address the issue of ASS and provide appropriate management measures.



# 6.0 Strategic and Site-Specific Merit

This chapter outlines the consistency of the Planning Proposal with the relevant Commonwealth, State and Local legislation and planning strategies and provides the assessment of the Proposal's strategic and site-specific merit.

## 6.1 Section A – The Need for a Planning Proposal

### 6.1.1 Question 1 – Is the planning proposal a result of an endorsed LSPS, strategic study or report?

In particular, on 25 September 2018, the Minister for Planning made two directions under section 9.1 of the EP&A Act relevant to the desired future of the Cooks Cove Precinct. The first (being Direction 1.11) requires planning proposals in relation to land within the Bayside West Precincts including Cooks Cove, to be consistent with the *Bayside West Precincts 2036 Plan*. The second (being Direction 1.12) requires any planning proposal in relation to Cooks Cove to be consistent with the Cooks Cove Planning Principles.

Consistency with Ministerial Directions 1.11 and 1.12 is demonstrated in **Table 35** and **Table 36** below.

**Table 35** Consistency with Direction – 1.11 Implementation of Bayside West Precincts 2036 Plan

Item	Comment	Consistent?
(1) The objective of this direction is to ensure development within the Bayside West Precincts (Arncliffe, Banksia and Cooks Cove) is consistent with the Bayside West Precincts 2036 Plan (the Plan).	This Planning Proposal is consistent with the Bayside West Precincts 2036 Plan. Refer to <b>Section 6.2.1</b> for detail.	Yes
(2) This direction applies to land within the Bayside local government area.	The site is located within the Bayside LGA.	Yes
(3) This direction applies when a planning proposal authority prepares a planning proposal for land within the Bayside West Precincts of Arncliffe, Banksia and Cooks Cove	The direction applies since this Planning Proposal relates to land within Cooks Cove.	Yes
(4) A planning proposal authority must ensure that a planning proposal is consistent with the Bayside West Precincts 2036 Plan, approved by the Minister for Planning and published on the Department of Planning and Environment website in September 2018.	This Planning Proposal is consistent with the Bayside West Precincts 2036 Plan. Refer to <b>Section 6.2.1</b> for detail.	Yes
(5) A planning proposal may be inconsistent with the terms of this direction only if the planning proposal authority can satisfy the Secretary of the Department of Planning & Environment (or their nominee), that: (a) the provisions of the planning proposal that are inconsistent are of minor significance, and (b) the planning proposal achieves the overall intent of the plan and does not undermine the achievement of its vision, objectives and planning principles for the Bayside West Precincts.	The Planning Proposal is consistent with the terms of Direction 1.11, therefore this item does not apply.	N/A

**Table 36 Consistency with Direction – 1.12 Implementation of Planning Principles for the Cooks Cove Precinct**

Item	Comment	Consistent?
(1) The objective of this direction is to ensure development within the Cooks Cove Precinct is consistent with the Cooks Cove Planning Principles.	This Planning Proposal is consistent with the Cooks Cove Planning Principles. Refer <b>Table 37</b> below for further detail.	Yes
(2) This direction applies to land within the Cooks Cove Precinct in the Bayside local government area, as shown on Map Sheet LAP_001 Cooks Cove Precinct Section 9.1 Direction.	The Planning Proposal site is located within the Cooks Cove Precinct.	Yes
(3) This direction applies when a planning proposal authority prepares a planning proposal for land within the Cooks Cove Precinct.	This Planning Proposal seeks to rezone land in the Cooks Cove Precinct. The direction applies.	Yes
(4) A planning proposal authority must ensure that a planning proposal is consistent with the following principles: (a) Enable the environmental repair of the site and provide for new recreation opportunities; (b) 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; (c) Create a highly liveable community that provides choice for the needs of residents, workers and visitors to Cooks Cove; (d) Ensure best practice design and a high-quality amenity with reference to the NSW design policy Better Placed; (e) Deliver an enhanced, attractive, connected and publicly accessible foreshore and public open space network and protect and enhance the existing market garden; (f) Safeguard the ongoing operation of Sydney Airport; (g) 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; (h) 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; and (i) Enhance the environmental attributes of the site, including protected flora and fauna, riparian areas and wetlands and heritage	<p>The Planning Proposal is entirely consistent with the Planning Principles for Cooks Cove.</p> <p>A detailed assessment of consistency is provided in <b>Table 37</b> below.</p>	Yes
(5) A planning proposal may be inconsistent with the terms of this direction only if the planning proposal authority can satisfy the Secretary of the Department of Planning & Environment (or their nominee), that: (a) the provisions of the planning proposal that are inconsistent are of minor significance, and (b) the planning proposal achieves the overall intent of the plan and does not undermine the achievement of the planning principles for the Cooks Cove Precinct.	The Planning Proposal is consistent with the terms of the direction, therefore this item does not apply.	N/A

### Consistency with the Planning Principles for Cooks Cove (Bayside West Precincts 2036)

In reference to Ministerial Direction 1.12(1), **Table 37** provides the planning principles for the Cooks Cove precinct, as part of Bayside West Precincts 2036, with a comment summarising the Planning Proposal's performance against each of these principles.

**Table 37 Consistency with the Planning Principles for Cooks Cove (Bayside West Precincts 2036)**

Planning Principle	Comment
<b>Enable environmental repair and new recreation opportunities</b>	
<i><b>Principle 1</b> requires a Planning Proposal to “enable the environmental repair of the site and provide for new recreation opportunities”. The Planning Proposal is consistent with this principle as outlined to the right.</i>	<ul style="list-style-type: none"> <li>A portion of the site running north-south along the Cooks River foreshore is proposed to be zoned RE2 and C2 to provide a riparian buffer and to facilitate environmental repair and rejuvenation along the riverfront. This zone is approximately 1km in length, a minimum 20 metres wide 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.</li> <li>An employment population at Cooks Cove, will have access to existing surrounding open space at Cahill Reserve, Tempe parklands and recreational facilities as well as those to be delivered by the Cooks Cove Planning Proposal and additional recreational facilities to be developed on the adjacent Council land (presently being utilised as the M6 Stage 1 construction compound). In addition, there are the existing, surrounding sports fields such as Barton and Riverine Parks, which are collectively approximately 85 hectares in area, with regional connections to the Botany Bay beaches precincts.</li> <li>Environmental repair of the site to address any legacy of past operations of Bonnie Doon and Kogarah Golf Clubs, including removal of underground fuel tanks in the proximity of maintenance shed facilities.</li> <li>The specific design and layout of the revised master plan also provides a road-based connection between the two components of the adjacent Council land the subject of Charitable Trusts, which have otherwise been segregated by the Arncliffe Motorway Operations Centre – ensuring greater recreational utility of the land in future which will be able to be accessed by the wider community.</li> </ul>
<b>Not compromise future transport links</b>	
<i><b>Principle 2</b> 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 consistent with this principle as outlined to the right.</i>	<p>The proposal is compatible with the WestConnex surface infrastructure in that:</p> <ul style="list-style-type: none"> <li>The land uses proposed within, and layout of the revised Master Plan with integrated urban design and landscape 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.</li> <li>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 and less frequently for flood conveyance during rare flooding events (5%AEP and rarer). This open space area allows the more structured passage of floodwater through the area, on an approximate frequency of once every 20 years for two hours duration (Arup), and reduced impacts to transport linkages into the site during larger flooding events and compensates in part for flood storage and conveyance pathways lost as a result of motorway support services being constructed by TfNSW to Probable Maximum Flood levels. This is consistent with the identified need for local infrastructure upgrades in terms of drainage and flooding as outlined in Appendix A of the <i>Bayside West Precinct 2036 Plan</i>, specifically ‘Dedicated overland flow paths’ and ‘New Flood Storage and detention basins to mitigate future flooding’.</li> </ul> <p>The proposal is consistent with the proposed M6 Stage 1:</p> <ul style="list-style-type: none"> <li>The M6 Extension Stage 1 does not require the surface reservation through the site and accordingly “the existing F6 reserved corridor between Arncliffe and President Avenue would no longer be required for motorway purposes” (Section 5.4.1 of the RMS M6 Stage 1 EIS).</li> </ul> <p>The proposal supports future visionary mass transit links:</p> <ul style="list-style-type: none"> <li>The Proposal will support and enhance the strategic viability of the potential “Visionary Train Link/Mass Transit” or a “City-shaping Corridor” identified in <i>Future Transport 2056</i> connecting Randwick and Kogarah Strategic Centres via Sydney Airport in a northeast-southwest direction by delivering a logistics and warehousing precinct, and therefore a new worker population along its potential alignment. This link is identified as Metro Line 2056 within the <i>South East Sydney Transport Strategy 2020</i> and is in close proximity to the Cooks Cove site. Accordingly, the corridor is capable (subject to future detailed</li> </ul>



Planning Principle	Comment
	<p>planning) of providing station access facilities in reasonably close proximity to Cooks Cove and the Bayside West Precinct 2036 Plan urban renewal areas and will not be compromised by built form within the Cooks Cove Planning Proposal site.</p> <ul style="list-style-type: none"> <li>• The Proponent has maintained ongoing dialogue with TfNSW to ensure appropriate measures are taken to “Investigate, plan and protect future transport and infrastructure corridor” (a requirement of the Greater Sydney Region Plan: strategy direction 14.2), resulting in securing Kogarah Golf Club commitment to pursue an alternative relocation option off-site.</li> <li>• Similarly Cooks Cove is well positioned to access the proposed Rapid bus route servicing Railway Square to Sutherland Hospital (via Princes Highway).</li> </ul> <p>The Planning Proposal supports future transport infrastructure requirements arising from the development:</p> <ul style="list-style-type: none"> <li>• For each key metric, the traffic modelling prepared for the Planning Proposal demonstrates that the road network under the project case (including inputs from the revised master plan), with the proposed enhancement measures, performs at a significantly improved level to what it would have under the Approved Master Plan (under the previous SREP 33).</li> <li>• Stemming from ongoing discussions with TfNSW, the Proponent has provided TfNSW with a Letter of Offer to enter into a Transport Infrastructure Contributions Deed (dated 22 December 2022) all necessary road based infrastructure items to support the Planning Proposal scope. Subsequent correspondence between the parties resulted in a letter from TfNSW dated 15 March 2023 and CCI response dated 17 March 2023 which were accepted by DPHI and subsequently SECPP for public exhibition purposes (refer to <b>Appendix P</b>).</li> </ul>
<b>Create a highly liveable community that provides choice for the needs of residents, workers and visitors to Cooks Cove</b>	
<p><b>Principle 3</b> 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 Planning Proposal is consistent with this principle for the reasons outlined to the right.</p>	<ul style="list-style-type: none"> <li>• The revised Cooks Cove Master Plan (which removed all residential land uses) seeks to create an attractive precinct that delivers best practice design that will provide for workers and visitors. Being a master planned precinct, future workers will benefit from a range of high-quality places and spaces that will enhance day-to-day amenity.</li> <li>• Workers of the retail, office and logistics employment areas, together with visitors of hotel/motel 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.</li> <li>• Active transport will be encouraged, with appropriate infrastructure provided, allowing workers flexibility in how they get to work.</li> <li>• Design and building controls will be implemented within a future site specific DCP to ensure appropriate levels of amenity for workers and visitors in terms of noise, air quality, wind and privacy, amongst a range of other controls to ensure the realisation of a best-practice, contemporary urban renewal precinct.</li> <li>• The revised Cooks Cove Master Plan seeks to create an attractive precinct that delivers best practice design that will provide for workers and visitors. Being a master planned precinct, future workers will benefit from a range of high-quality places and spaces that will enhance day-to-day amenity.</li> </ul>
<b>Ensure best practice design and a high-quality amenity with reference to the NSW design policy Better Placed</b>	
<p><b>Principle 4</b> requires a Planning Proposal to “ensure best practice design and a high-quality amenity with reference to the NSW design policy Better Placed”. The Planning Proposal is consistent with this principle for the reasons outlined to the right.</p>	<p>The revised vision for the site has been developed by Australian architects, urban designers and landscape architects Hassell who have worked on the Cooks Cove site since 2004.</p> <p>Consistency with NSW Government Architect’s Better Placed policy is summarised at <b>Table 36</b>.</p>
<b>Deliver an enhanced, attractive, connected and publicly accessible foreshore and public open space network and protect and enhance the existing market garden</b>	
<p><b>Principle 5</b> requires a Planning Proposal to “deliver an enhanced, attractive, connected and publicly</p>	<p>The Planning Proposal and accompanying revised Master Plan provides for a connected and publicly accessible foreshore and open space network. Enhanced passive and active open space will be delivered and facilitated:</p>

Planning Principle	Comment
<p><i>accessible foreshore and public open space network and protect and enhance the existing market garden". The Planning Proposal is consistent with this principle as discussed to the right.</i></p>	<ul style="list-style-type: none"> <li>The proposal includes rejuvenation of the river foreshore and repurposing of existing open space throughout the site and making the site more genuinely publicly accessible for the first time in decades, with existing land forming part of the Kogarah Golf Club freehold being inaccessible to the general public other than those utilising the Club facilities.</li> <li>A significant contribution will be made to the Green Grid through the embellishment of new open space assets and the provision of cycling and pedestrian infrastructure, enhancing the local and regional connected open space network.</li> </ul> <hr/> <p>Public access to the Cooks River foreshore will be improved:</p> <ul style="list-style-type: none"> <li>Almost all of the Cooks River foreshore along the eastern boundary of the site will be publicly accessible, in excess of 950m.</li> <li>It offers improved mobility, commuter safety and accessibility through new well-designed pedestrian and cycling infrastructure.</li> <li>Will implement naturalisation and regeneration of the foreshore, including riparian planting.</li> </ul> <hr/> <p>Enhanced regional open space connectivity:</p> <ul style="list-style-type: none"> <li>Delivers part of the 'missing link' in the Bay-to-Bay Regional Cycle Link along the Cooks River from Cahill Park through to the south of the site. This link contributes to the Cooks River regional cycle link to Sydney Olympic Park and down to Botany Bay.</li> <li>Establishes links to Cahill Park and the existing cycleway on the eastern bank of the Cooks River and TfNSW's recently complete cycleway along Marsh Street, which at present does not have any connectivity due to an absence of active transport infrastructure on the southern side of the Giovanni Brunetti bridge crossing the Cooks River.</li> </ul>
<b>Safeguard the ongoing operation of Sydney Airport</b>	
<p><b>Principle 6</b> requires a Planning Proposal to "safeguard the ongoing operation of Sydney Airport". The Planning Proposal is consistent with this principle for the reasons discussed to the right.</p>	<p>The continued safe and efficient operations of the aerodrome at Sydney Airport and its associated technical requirements have been integral to the design and refinement of the Cooks Cove project. Consistency with the National Airport Safeguarding Framework (NASF):</p> <ul style="list-style-type: none"> <li>The Planning Proposal is consistent with the NASF land use planning principles which aim to enhance the current and future safety, viability and growth of aviation operations at Australian airports. Specifically: <ul style="list-style-type: none"> <li>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;</li> <li>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';</li> <li>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;</li> <li>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;</li> <li>future development will not have an adverse impact on Sydney Airport communications, navigation and surveillance facilities; and</li> <li>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.</li> </ul> </li> </ul> <hr/> <p>Recognise the strategic importance of Sydney Airport:</p> <ul style="list-style-type: none"> <li>The Proposal prioritises land uses which are compatible to and directly support the operation of the Sydney Airport precinct including logistics, warehousing, trade enterprises, commercial office, and visitor accommodation. The Sydney Airport 2039 Master Plan identifies six locations totalling approximately 30 hectares in area that are 'surplus to aviation requirements' [13.3.7] and includes a proposal to investigate opportunities "for commercial development facing the waterfront along the banks of the Cooks River, opposite the current Kogarah Golf Course". This part of the airport is designated as being Business Development (BD1 zone) with a wide range of commercial related uses permissible, including</li> </ul>

Planning Principle	Comment
	<p>some noise sensitive uses. The Master Plan similarly provides these types of land uses directly across the river from the Airport's proposed commercial precinct, as part of the Business Development BD1 zone.</p> <ul style="list-style-type: none"> <li>• Further, Cooks Cove has the capacity to provide convenient workplace opportunities, service and retail options for Sydney Airport's 31,000 direct airport employees.</li> <li>• The Proposal 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).</li> <li>• The Planning Proposal site does not include any land owned by Sydney Airport located in the broader Cooks Cove precinct (Lot 5 DP1050923) and therefore does not inhibit the future use of this land, in the alternative it will provide road and utility access that will improve its development potential</li> </ul>
<b>Enhance walking and cycling connectivity and the use of public transport</b>	
<i><b>Principle 7</b> 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 Planning Proposal is consistent with this principle for the reasons outlined to the right.</i>	<ul style="list-style-type: none"> <li>• The Proposal will enhance local and regional connectivity through completing a missing portion of the 'Bay to Bay' regional pedestrian/cycle missing link and contribution to enhanced pedestrian and cycle connections across the Cooks River to Sydney Airport via the Giovanni Brunetti Bridge.</li> <li>• Attractive and convenient public transport options – The site is within 30-minutes active or public transport access to one of the most 'jobs rich' regions within Sydney, extending from Hurstville and Kogarah in the south through to Mascot, Green Square and the Sydney CBD in the north. The Planning Proposal includes a Strategic Transport Plan that includes enhanced pedestrian access to railway stations, improvements to bus stop access and is capable of interfacing with and supporting the strategic viability of Future Transport 2056 infrastructure.</li> </ul>
<b>Deliver a safe road network</b>	
<i><b>Principle 8</b> 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 Planning Proposal is consistent with this principle for the reasons discussed to the right.</i>	<p>Legible and safe road network:</p> <ul style="list-style-type: none"> <li>• The proposal has been designed to provide a clear and legible local street network of public roads forming a collection of blocks for ease of pedestrian and vehicle movement.</li> <li>• The proposed road network accommodates the needs of vehicles, pedestrians and cyclists in a safe environment.</li> <li>• The proposed road network includes three primary vehicle access points, being Flora Street, Gertrude Street, and Levey Street.</li> </ul> <p>Sufficient road and intersection capacity:</p> <ul style="list-style-type: none"> <li>• Detailed future year traffic modelling confirms that there is sufficient road and intersection capacity, subject to implementation of recommended upgrades under this Proposal.</li> <li>• The proponent has engaged in ongoing consultation and traffic modelling with TfNSW and Bayside Council.</li> <li>• Analysis has been undertaken in a regional setting to confirm the proposal can be accommodated within the wider road network.</li> </ul> <p>Consistent with future road projects:</p> <ul style="list-style-type: none"> <li>• The M6, M8 and Sydney Gateway motorway projects will substantially improve traffic conditions within the Arncliffe area, in particular, Marsh Street and the Princes Highway.</li> <li>• The project has been designed to not inhibit the construction or operational needs of the M6 and WestConnex M8 Motorway projects.</li> <li>• The Proponent has provided TfNSW with a Letter of Offer to enter into a Transport Infrastructure Contributions Deed (dated 22 December 2022) all necessary road based infrastructure items to support the Planning Proposal scope. Subsequent correspondence between the parties resulted in a letter from TfNSW dated 15 March 2023 and CCI response dated 17 March 2023 which were accepted by DPHI and subsequently SECPP for public exhibition purposes (refer to <b>Appendix P</b>).</li> </ul>
<b>Enhance the environmental attributes of the site, including protected flora and fauna, riparian areas and wetlands and heritage</b>	
<i><b>Principle 9</b> requires a Planning Proposal to "enhance the environmental attributes of the site, including protected flora and fauna,</i>	<ul style="list-style-type: none"> <li>• The Cooks Cove Planning Proposal seeks to apply comparable environmental controls to those present within the existing Bayside LEP framework, to ensure consistency, including Acid sulfate soils (Clause 6.1), Terrestrial biodiversity (Clause 6.4) and Riparian land, wetlands and waterways (Clause 6.5).</li> </ul>



Planning Principle	Comment
<i>riparian areas and wetlands and heritage". The Planning Proposal is consistent with this principle for the reasons to the right.</i>	<ul style="list-style-type: none"> <li>The Planning Proposal will also facilitate expanded ecological areas as it sets the framework for site specific planning controls which will significantly rejuvenate and revegetate a portion of the Cooks River foreshore at the southern end of the site.</li> </ul>
	<ul style="list-style-type: none"> <li>The Planning Proposal acknowledges the need to plan for and mitigate against natural hazards and climate change. Provision for rising sea levels has been accommodated within the flood modelling and resulting flood planning levels for the site. The development area will be raised above the 1% AEP level plus 600mm freeboard plus a further 900mm allowance for projected climate change impacts. It is noted that these policy directions will be further incorporated into the detailed design and planning of Cooks Cove.</li> <li>Responding to the site's location adjacent the Cooks River, the Planning Proposal and accompanying Master Plan propose passive and structural design initiatives to mitigate against natural hazards, particularly flooding and stormwater inundation.</li> <li>These stormwater and flood management measures seek to control movement of water across and around the site, mitigating potential impacts internally and externally to the site. The proposal results in low provisional hazards in the Council land flowpath during 20% and 1% AEP events and does not exacerbate existing high provisional hazards during PMF events. These provisional hazards would not preclude the use of the space for recreation but will require appropriate flood-related signage. Flooding consultant Arup have forecast the approximate frequency of such flood events to be 5 times per century for an approximate event duration of 2 hours.</li> <li>The proposal will not cause any undue impacts on the surrounding residential areas or on critical motorway operations infrastructure. As such, there are no adverse impacts associated with flooding which should preclude a rezoning.</li> <li>The site of the Planning Proposal does not contain any heritage item nor wetlands. All waterbodies within the planning proposal site are manmade and relate to existing use of the site as a golf course and irrigation purposes.</li> </ul>

### 6.1.2 Question 2 – Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Direction 1.12 identified in **Table 31** above is applicable to Planning Proposals for land within the Cooks Cove Precinct. Accordingly, it is envisioned in the overarching strategic planning framework that a Planning Proposal is necessary to achieve the objectives and intended outcomes of the Ministerial Direction specific to the Cooks Cove site.

## 6.2 Section B – Relationship to the Strategic Planning Framework

### 6.2.1 Question 3 – Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

Regional and district plans and strategies include objectives, directions, planning priorities and provisions specific to the Cooks Cove site. The Cooks Cove Planning Proposal is consistent with these plans, in that it will:

- Protect and support the economic growth of Sydney Airport and safeguards the ongoing operations of aircraft though the appropriate design of built form and complementary land uses.
- Strengthen the economy within Bayside through the provision of new and expanded employment, service and tourism opportunities;
- Provide for an enriched community, through the delivery of supporting retail and open space that will benefit not only the future workers and visitors of Cooks Cove but also the wider community and Bayside municipality as a whole;
- 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 help to deliver a 30-minute city;
- Deliver an enhanced and publicly accessible foreshore network which will contribute to the delivery of the Green Grid project;
- Provide a safe and efficient 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;
- Enable the protection and enhancement of the on-site biodiversity and environmental attributes; and
- Protect and supports the provision of future transport linkages, both planned and under construction.

The Planning Proposal's consistency with the applicable regional and district plans is addressed in further detail below.

#### Greater Sydney Region Plan – A Metropolis of Three Cities (2018)

The Greater Sydney Region Plan – A Metropolis of Three Cities was released in March 2018 by the then Greater Sydney Commission (GSC). This Plan supersedes the former Sydney Metropolitan Plan, A Plan for Growing Sydney, to provide the overarching strategy for growing and shaping the Greater Sydney region.

The Plan takes a longer term view of changes in policy, trends, directions, and actions that will inform planning and development through to 2056. The Plan's vision is framed on the creation of a three-city metropolis and enhancing Greater Sydney's liveability, productivity and sustainability. This will also be supported through greater infrastructure provision and collaboration throughout the region.

Under the plan, Cooks Cove is identified as an Urban Renewal Area adjacent the Sydney Airport Trade Gateway. The proposal's consistency with the relevant strategic directions and objectives of the Region Plan is outlined in **Table 38** below.

**Table 38** Consistency with the Greater Sydney Region Plan Directions and Objectives

Directions and Objectives	Comment
Direction 1 – A city supported by infrastructure	
Objective 2: Infrastructure aligns with forecast growth	The location of the Planning Proposal employment opportunities capitalise on State investment in terms of the M6, M8 and Sydney Gateway infrastructure projects and the improved public transport accessibility arising from the <i>More Trains More Services</i> programs and planned mass transit under <i>Future Transport 2056</i> and <i>South East Sydney Transport Strategy</i> .
Objective 3: Infrastructure adapts to meet future needs	<div>The proposed infrastructure is intended to be delivered to future proof the needs of the community. Examples of future proofing the site infrastructure provision include the commitment of:</div> <ul style="list-style-type: none"><li>• Contributing to enhanced pedestrian/bicycle bridge connections from Cooks Cove to Sydney Airport;</li><li>• New pedestrian and cycle paths along the Cooks River foreshore allowing for north-south connections;</li></ul>

Directions and Objectives	Comment
	<ul style="list-style-type: none"> <li>Design of the revised Master Plan to support and enhance the strategic viability of a potential visionary mass-transit link connecting Randwick and Kogarah via Sydney Airport; and</li> <li>Road network improvements that have considered the future worker population of Cooks Cove and surrounding development, as well as committed and under construction transport infrastructure in the vicinity, as part of their design.</li> </ul>
<b>Direction 2 – A collaborative city</b>	
<i>Objective 5: Benefits of growth realised by collaboration of governments, community and business</i>	The project can only be realised through collaboration and the cooperation of a variety of public agencies and authorities. The revised Master Plan is a culmination of these efforts, in particular through consultation with Bayside Council in relation to the design of Pemulwuy Park over several months following the Gateway Determination. Further opportunities to involve the public, community groups and businesses exist during the public exhibition of the Planning Proposal and the detailed design and development application process for specific facilities and components of the site.
<b>Direction 3 – A city for people</b>	
<i>Objective 6: Services and infrastructure meet communities' changing needs</i>	The Planning Proposal includes a range of non-residential land uses and services which will have a supporting role for the Bayside West Precincts 2036 area and the wider region, including the rapidly emerging demand for e-commerce logistics facilities in proximity to Sydney Airport and Port Botany.
<i>Objective 7: Communities are healthy, resilient and socially connected</i>	Noted. The precinct will be an employment precinct that incorporates Environmental, Social and Governance principles to create a sustainable outcome that drives growth and creates value.
<b>Direction 5 – A city of great places</b>	
<i>Objective 12: Great places that bring people together</i>	Cooks Cove provides the opportunity to create a new Bayside community hub that will serve the needs of adjoining residents, workers and visitors to the Sydney Airport trade gateway that will be complemented by rejuvenated and accessible public recreation and active transport facilities. The proposal includes retention of the majority of existing Moreton Bay Fig trees which will be located adjacent to a future active pedestrian and cycle link extending along the foreshore of the Cooks River.
<i>Objective 13: Environmental heritage is conserved and enhanced</i>	The Planning Proposal site does not include any items of environmental heritage significance. The siting of the built form and proposed infrastructure within the site has been selected so as to not impact on the nearby State-listed SWSOOS.
<b>Direction 6 – Productivity</b>	
<i>Objective 16 – Freight and logistics network is competitive and efficient</i>	<p>Cooks Cove is located directly adjacent to Sydney Kingsford Smith International Airport. The Cooks Cove Master Plan envisages the provision of a logistics hub that will enhance the existing network's competitive capabilities by accommodating potentially novel, future needs of the industry. Further the provision of commercial office facilities and hotel/motel and serviced apartments will support Sydney Airport as a significant trade gateway. The Cooks Cove proposal will not preclude Sydney Airport from achieving the growth projected in the Airport's 2039 Master Plan, rather it will offer an opportunity to complement its objectives for the Business Development Zone in the forecourt of the International Terminal.</p> <p>Importantly, sufficient redundancy has been factored into the revised Master Plan for the above elements to allow the Airport to grow and change in future without any undue impacts on the Planning Proposal for the site. Key infrastructure projects within the surrounding locality such as the Airport Gateway, M8 and M6 will all improve access to Sydney Airport and Port Botany. The siting of Cooks Cove will be complementary to these key international gateways and ensure the freight and logistics network is not impacted by the development of Cooks Cove, particularly in relation to traffic impacts.</p>
<b>Direction 7 – Jobs and skills for the city</b>	
<i>Objective 22: Investment and business activity in centres</i>	The Planning Proposal will facilitate approximately 3,300 on site jobs. This will allow business opportunities to develop which will spur economic investment into the wider Bayside community.



Directions and Objectives	Comment
<b>Direction 8 – A city in its landscape</b>	
<i>Objective 24: Economic sectors are targeted for success</i>	The Planning Proposal directly targets the freight and logistics sector through prioritising land uses which support Sydney Airport, contributing to the economic and employment generation on the site.
<i>Objective 25: The coast and waterways are protected and healthier</i>	The Planning Proposal acknowledges the need to protect and improve the natural environment and its biodiversity. A key development principle of the Cooks Cove Master Plan is to incorporate Cooks Cove into a larger ecological strategy for the Cooks River.
<i>Objective 32: The Green Grid links parks, open spaces, bushland and walking and cycling paths</i>	The development zone footprint is smaller than the currently zoned Trade and Technology zone within the site. The Greater Sydney Region Plan aims to improve the quality of green spaces, to create an interconnected network of open spaces and parks, tree-lined streets, bushland reserves and riparian walking tracks. The Planning Proposal responds to this direction by providing land for a riparian area and pedestrian and cycleway along the river front and proposing the dedication of land to improve the connectivity and functionality of the adjoining Pemulwuy Park thereby providing substantive green grid links through Cooks Cove.
<b>Direction 9 – An efficient city</b>	
<i>Objective 34: 'Energy and water flows are captured, used and re-used'</i>	The design of the Cooks Cove Master Plan seeks to appropriately direct and manage water flows, especially in larger weather events. The Master Plan study area includes stormwater infrastructure and integrated flowpath / swale within the new Pemulwuy Park, to convey overland flow in larger events. Detailed water harvesting and recycling measures are intended for the Cooks Cove development zone and will be fully detailed in future DAs.
<b>Direction 10 – A resilient city</b>	
<i>Objective 36: 'People and places adapt to climate change and future shocks and stresses</i>	The Planning Proposal acknowledges the need to plan for and mitigate against natural hazards and climate change. The potential for sea rise levels and increased rainfall intensity have been accommodated within the flood modelling and resulting flood planning levels for the site. The development area finished floor level will be raised above the 1% AEP level plus 0.9m for sea level rise and 0.6m for appropriate freeboard. It is noted that these policy directions will be further incorporated into the detailed design.
<i>Objective 37: 'Exposure to natural and urban hazards is reduced</i>	Responding to the site's location adjacent the Cooks River, the Planning Proposal and accompanying revised Master Plan propose passive and structural design initiatives to mitigate against natural hazards, particularly flooding and stormwater inundation. Mitigation measures include overland flow paths.

## Eastern City District Plan

Located within the Eastern City District, development of the site is guided by the Eastern City District Plan released by the GSC in March 2018. The District Plan has been prepared as a guide for implementing the Greater Sydney Region Plan at a district level and is a bridge between regional and local planning by informing the Local Strategic Planning Statement, Local Environmental Plans and Planning Proposals. The proposal's consistency with the relevant planning priorities contained within the District Plan is detailed in **Table 39** below.

**Table 39** Consistency with the Eastern City District Plan Planning Priorities

Planning Priority	Comment
<b>Infrastructure and Collaboration</b>	
<i>Planning Priority E1: 'Planning for a city supported by infrastructure'</i>	The proposed rezoning and subsequent redevelopment of the Cooks Cove site will include a suite of supporting infrastructure. This includes new roads, upgrades to the existing road network, regional walkway and cycleways, civil works, and open space improvements, amongst other items. The infrastructure is proposed to be delivered by the Proponent. A Letter of Offer to enter into a Transport Infrastructure Contributions Deed with TfNSW was made by the Proponent on 23 December 2022 and is provided at <b>Appendix P</b> . This item is presently being further progressed with TfNSW with a commitment by the Proponent for resolution of a Planning Agreement prior to gazettal of revised controls the subject of this Planning Proposal.
<i>Planning Priority E2: 'Working through collaboration'</i>	The Cooks Cove project can only be realised through the collaboration and cooperation of landowners, active engagement by the Proponent and project team, public agencies and authorities. The Cooks Cove Master Plan is a culmination of these efforts, including extensive consultation with Bayside Council in relation to the new Pemulwuy Park. The Proponent

Planning Priority	Comment
	continues to collaborate with TfNSW, the M6 Stage 1 team (including contractor CGU) and DPHI to refine an integrated open space design that incorporates appropriate flood mitigation measures. Further opportunities to involve the public, community groups and businesses will continue to exist during public exhibition and during the detailed design and development application process for specific facilities and components of the site.
<b>Liveability</b>	
<i>Planning Priority E3: 'Providing services and social infrastructure to meet people's changing needs'</i>	<p>The Planning Proposal will provide for the coordinated delivery of infrastructure and services to support the future Cooks Cove and surrounding areas. This will include the provision of road improvement, pedestrian/cycle and public recreation infrastructure.</p> <p>The Proposal includes provision of the following community facilities:</p> <ul style="list-style-type: none"> <li>• Public open space; and</li> <li>• Rejuvenated riverfront riparian corridor</li> </ul>
<i>Planning Priority E4: 'Fostering healthy, creative, culturally rich and socially connected communities'</i>	The regional graded cycle path will contribute to the completion of the Cooks River Regional Cycleway, providing a missing link in the Bay to Bay Cycleway.
<i>Planning Priority E6: 'Creating and renewing great places and local centres and respecting the District's heritage'</i>	The Cooks Cove Master Plan includes 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 consistent with the Bayside West Precincts 2036 Plan.
<b>Productivity</b>	
<i>Planning Priority E9: 'Growing international trade gateways'</i>	<p>Cooks Cove is located directly adjacent to Sydney Kingsford Smith International Airport. The Master Plan envisages the provision of a future-facing logistics hub that capitalises on its proximity to Sydney Airport and Port Botany. Future transport infrastructure capable of supporting freight will enhance Cooks Cove's connectivity to this international trade gateway (M5, Sydney Gateway, M8, M6). The logistics hub will directly contribute to the growth of the international trade gateway centred around Sydney Airport and Port Botany.</p> <p>Further, the provision of commercial, hotel/motel, services apartments and offices will support Sydney Airport as a significant trade gateway. Sydney Airport projects growth in passenger numbers to 66 million by 2039 from 44 million (2019) and increase in freight transport to 1 million tonnes from 643,000 tonnes in 2019. The Cooks Cove proposal will support Sydney Airport in achieving its growth objectives as projected in the Airport's 2039 Master Plan through the provision of appropriate logistics, commercial and visitor accommodation infrastructure.</p>
<i>Planning Priority E11: 'Growing investment, business opportunities and jobs in strategic centres'</i>	<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; and</li> <li>• Support numerous construction jobs across the project life and approximately 3,300 permanent jobs once completed.</li> </ul>
<b>Sustainability</b>	
<i>Planning Priority E14: 'Protecting and improving the health and enjoyment of Sydney Harbour and the District's waterways'</i>	The design of the Cooks Cove Master Plan seeks to appropriately direct and manage water flows, especially in larger weather events. The Master Plan study area includes trunk stormwater infrastructure through Pemulwuy Park and integrated overland flow reserve, which have been designed as a key piece of water management infrastructure to convey overland flow in larger events whilst improving the utility of public open space recreation assets. The street network will include bio-retention swales to accommodate stormwater runoff and to improve water quality. Detailed water harvesting and recycling measures are intended for Cooks Cove and will be fully detailed in future DAs. The Planning Proposal promotes a one-kilometre extension of the Cooks River seawall improvements recently undertaken by Bayside Council adjoining Cahill Park, to adjoin and protect the new foreshore promenade to improve access and enjoyment of the Cooks River.
<i>Planning Priority E15: 'Protecting and enhancing bushland and biodiversity'</i>	There is no existing bushland on the Cooks Cove site. Investigations undertaken by Cumberland Ecology confirms there are no existing native vegetation communities 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.

Planning Priority	Comment
<i>Planning Priority E17: 'Increasing urban tree canopy and delivering Green Grid connections'</i>	The Cooks Cove Precinct Flora and Fauna Assessment, <b>Appendix K</b> outlines the proposed Avoidance, Mitigation and Compensatory measures strategy that complements conditions of approval requirements imposed on TfNSW arising from the M6 and M8 projects and their impact on the habitat of the Green and Golden Bell Frog. The long-term objective of these measures is to achieve a net benefit to biodiversity within the Cooks Cove site.
<i>Planning Priority E18: 'Delivering high quality open space'</i>	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.
<i>Planning Priority E19: 'Reducing carbon emissions and managing energy, water and waste efficiently'</i>	<p>The proposal has been prepared giving consideration to sustainability initiatives to improve energy efficiency, reduce emissions and improve environmental performance.</p> <p>The Planning Proposal aims 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 road verges, where possible, for rain gardens and tree pits.</li> </ul>
<i>Planning Priority E20: 'Adapting to the impacts of urban and natural hazards and climate change'</i>	<p>The Planning Proposal acknowledges the need to plan for and mitigate against natural hazards and climate change. Potential increases in rainfall intensity and sea level rise have been accommodated within the flood modelling and resulting flood planning levels for the site. The development area will be raised above the 1% AEP level plus freeboard (600mm) plus allowance for climate change (900mm). It is noted that these policy directions will be further incorporated into the detailed design and planning of Cooks Cove.</p> <p>Responding to the site's location adjacent the Cooks River, the Planning Proposal and accompanying revised Master Plan propose passive and structural design initiatives to mitigate against natural hazards, particularly flooding and stormwater inundation. Mitigation measures include overland flow paths as identified as required by the Bayside West Precincts 2036 Plan. These stormwater and flood management measures 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 DPI08492 for public open space activities. The proposal will not cause any undue impacts on the surrounding residential areas or on critical motorway operations infrastructure.</p>

### Bayside West Precinct 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 progression of strategic planning provides the local strategic framework to facilitate the urban renewal and guide development within the Bayside West Precincts, including Cooks Cove.

The Plan establishes 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 under the EP&A Act (refer to **Section 3.2**).

The Planning Proposal is consistent with the Plan in that it will facilitate delivery of:

- A key portion of the 'Bay to Bay' pedestrian and cycleway link currently missing along the foreshore of the Cooks River as identified as a key targeted addition to the regional cycle network;
- Dedicated overland flow paths and new flood storage and detention basins to mitigate future flooding;
- Upgrade of key intersections surrounding the site including the Gertrude Street extension;
- New bus stops along Marsh Street to directly serve Cooks Cove along regional bus routes; and
- Enhanced connectivity and usage of active and public transport through new pedestrian connections to regional reserves and railway stations and bus network enhancements.

The Cooks Cove Master Plan proposes built form massing that is appropriate for the site and the surrounding context, in accordance with the principles set out in the Plan. The planning controls will include a site-specific DCP (refer **Appendix O**) to ensure high quality built form. The proposal's consistency with the nine planning principles for Cooks Cove contained in the Bayside West Precincts 2036 Plan and referenced in the Section 9.1 Ministerial Directions are outlined in **Table 37** above.



## 6.2.2 Question 4 – Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

The strategic planning documents identified in the following sections are relevant to the planning proposal.

### Bayside Local Strategy Planning Statement

Consistency with the Bayside Local Strategic Planning Statement (LSPS) has been discussed and the key sections of relevance to the Planning Proposal assessed at Section 3.4.3 of the October 2021 Planning Proposal report. It was noted that the LSPS Structure Plan identifies Cooks Cove as 'Trade and Technology' and 'Open Space' which reflects the site's current zoning under State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021.

The Planning Proposal and accompanying Cooks Cove Master Plan has been formulated to give effect to the relevant Planning Priorities and Actions contained in the LSPS as described in **Table 40** below.

**Table 40 Consistency with the Bayside Local Strategic Planning Statement**

Priority/Action	Cooks Cove Response
Planning Priority 1: Align land use planning and transport infrastructure planning to support the growth of Bayside	
1.1 Council will finalise and adopt the Bayside Transport Strategy	<p>The Cooks Cove Master Plan will deliver an enhanced suite of transport initiatives:</p> <ul style="list-style-type: none"><li>• A master plan based on traffic modelling, which confirms sufficient network capacity through collaboration with TfNSW;</li><li>• A range of road network enhancements based on forecast demands, including two enhanced intersections;</li><li>• Provision of bus stops along Marsh Street;</li><li>• Active transport upgrades and improvements in connectivity with Wolli Creek and International Airport Railway Stations, such that both are within easy reach of visitors and employees.</li></ul> <p>The Proponent supports the draft Bayside Bike Plan and its proposal for Cooks Cove. Part of the missing link of the regional 'Bay to Bay' cycle link, which is shown through the KGC freehold land, is able to be delivered by the Cooks Cove project.</p>
1.2 Council will prepare and adopt the Bayside Bike Plan as part of the Bayside Transport Strategy and prepare an implementation plan.	
Planning Priority 4: Provide social infrastructure to meet the needs of the Bayside Community	
4.1 Finalise and adopt the Social Infrastructure Strategy for Bayside.	<p>The Cooks Cove project is an employment precinct and will cater for the needs of its employees on site without reliance on additional community infrastructure.</p>
4.2 Develop a Social Infrastructure Implementation Plan.	
4.3 Ensure social infrastructure planning is considered at the earliest stages of planning for change to ensure there is an adequate level of provision to meet the incoming population's needs and that it is part of a place-based planning approach.	<p>The Planning Proposal includes a Public Benefit Offer and Community Benefits Assessment. The Proponent has committed to collaborate with TfNSW and Council to achieve superior open space, recreation and active transport outcomes at Cooks Cove.</p> <p>Council has advised the proponent that it is unable to finalise any form of public benefit agreement until the extinguishment of the Trust, or its resolution by other means. The parties have collaborated on resolving an in-principle Letter of Offer to inform a future VPA to be finalised post public exhibition. The Proponent has continued to undertake further investigations and studies to inform resolution of State and Local Planning agreements, including commissioning the Urban Design and Landscape Report required by the Gateway Determination to further inform the design of future public open space assets. The future design of Pemulwuy Park is influenced by the flood mitigation option analysis required by the Gateway Determination. The Transport Impact Assessment reflects intersection and active transport designs developed in collaboration with TfNSW. Post the receipt of stakeholder input through the Public Exhibition process, these elements will inform the resolution of State and Local Planning Agreements.</p>
4.4 Strategic Planning to develop a reporting framework to ensure that all relevant stakeholders are aware of anticipated population growth, infrastructure projects and contributions.	
4.5 Develop a Bayside Developer Contributions Plan.	
4.6 Develop a Voluntary Planning Agreement Policy informed by the social infrastructure strategy.	
Planning Priority 5: Foster healthy, creative, culturally rich and socially connected communities	
5.1 Deliver healthy, safe and inclusive places for people of all ages and abilities that support active, resilient and socially connected communities:	<p>Cooks Cove aims to be a precinct that encourages and facilitates active transport, particularly walking and cycling.</p>

Priority/Action	Cooks Cove Response
a) Prioritise opportunities for people to walk, cycle and use public transport when planning for existing or future centres.	
<b>Planning Priority 6: Support sustainable housing growth by concentrating high density urban growth close to centres and public transport corridors</b>	
6.5 Higher density development opportunities will be investigated having regard to the locational criteria identified below: <ul style="list-style-type: none"> <li>- Accessible to jobs and services.</li> <li>- Near railway lines and other public transport services to achieve the aspiration of a 30-minute city.</li> <li>- Pleasant to walk around, with services and shops within a reasonable walking distance.</li> <li>- Near significant infrastructure investment which creates opportunities for housing redevelopment.</li> <li>- Have access to open space, recreational facilities and community facilities, either existing or planned.</li> </ul>	<p>Cooks Cove will deliver new employment and service opportunities to support the growth of Arncliffe, Banksia, Wolli Creek and the wider Bayside community and the aspirations for a 30 minute city.</p> <p>The Urban Design and Landscape report details the aspiration to create an integrated Cooks Cove precinct that is pleasant to walk around and create connectivity between Pemulwuy Park, an embellished Cooks River Foreshore, the Gertrude Street East extension and Marsh Street pedestrian improvements to improve accessibility to the waterfront and passive recreation facilities including the future Fig Tree Grove.</p> <p>The Cooks Cove project does not jeopardise the delivery of visionary mass transit links or residential growth, rather it will create employment and tourism assets that increase their future viability.</p>
6.6 Investigation of opportunities for urban growth will have regard to the Bayside Land Use Limitation Study.	
6.8 Ensure that current land use planning does not jeopardise future opportunities for residential growth associated with visionary transport corridors.	
6.13 In conjunction with planning for a future visionary mass transit link from the Eastern Suburbs to Miranda, investigate opportunities for housing growth at Ramsgate, Ramsgate Beach and Kyeemagh.	
<b>Planning Priority 9: Manage and enhance the distinctive character of the LGA through good quality urban design, respect for existing character and enhancement of the public realm</b>	
9.1 Council will encourage good built form outcomes through Design Excellence Competitions, Design Excellence Guidelines and Design Review Panel.	The revised Master Plan has informed the site-specific DCP, which will ensure a cohesive and quality built form outcome for the site. Refer to <b>Section 4.3</b> and <b>Appendix O</b> .
9.2 Update planning controls for Bayside DCP 2020 to give clearer guidance to applicants and their architects about Council's expectations for high standards of design.	
<b>Planning Priority 14: Protect and grow the international trade gateway</b>	
14.10 Following the adoption of the Bayside Centres and Employment Lands Strategy, review the land use planning controls for key employment and urban services lands in and near the Sydney Airport precinct, including those land use that support the role of Sydney Airport as a trade gateway, and implement any recommendations.	<p>Paramount to the Cooks Cove Master Plan is the objective to improve the physical relationship and to enhance the economic and social capital of the site's adjacency to a key international gateway. Key to this is a significant increase in the projected number of jobs to be created and new visitor accommodation rooms within Cooks Cove.</p> <p>The Planning Proposal seeks to protect, complement and support the growth of Sydney Airport with appropriate supporting commercial and employment land uses, focused along the Cooks River (aligned with Action 14.10 and 14.12). The inclusion of a SP4 Enterprise zone with site-specific Objectives seeks to enhance connectivity and co-operation between Cooks Cove and the Airport precinct.</p>
14.11 Protect the prescribed airspace from inappropriate development.	
14.12 Protect Sydney Airport's function as an international gateway for passengers and	

Priority/Action	Cooks Cove Response
<i>freight and support airport and aviation support related land uses, including but not limited to, airfreight and logistics and warehousing, maintenance facilities, flight training centres, catering facilities and car rental facilities.</i>	All built form within the Master Plan is proposed below the OLS prescribed airspace (aligned with Action 14.11). The Proponent will continue to work with Council, TfNSW and Sydney Airport to enhance pedestrian and cycling connections between Cooks Cove and the airport, in particular along the Giovanni Brunetti Bridge to the Sydney International Airport Station (aligned with Action 14.15). A Letter of Offer to enter into a Planning Agreement has been made to TfNSW in this regard (refer <b>Appendix P</b> ).
<i>14.15 Collaborate with Sydney Airport to provide safe cycling and walking connections to the Airport, particularly to Mascot Station.</i>	
<i>14.18 Review land use planning controls to prevent high traffic generating developments, such as large scale retail and high density residential, on roads that service Sydney Airport and Port Botany to reduce conflicts with dangerous goods vehicles.</i>	
<b>Planning Priority 15: Deliver an integrated land use and transport planning 30-minute city</b>	
<i>15.1 Align land use, infrastructure and transport plans to deliver the 30-minute city.</i>	Cooks Cove is entirely consistent and is strategically located to best contribute to this planning priority (aligned with Action 15.1).
<i>15.3 Plan for urban development, new centres, better places and employment uses that are integrated with major transport projects.</i>	The Proposal will propose and implement a Green Travel Strategy for the site, including a dynamic parking and car share solution, pedestrian and cycle accessibility improvements and bus infrastructure (aligned with Actions 15.3 and 15.6). This is achieved through site specific DCP controls, refer <b>Section 4.3</b> and <b>Appendix O</b> .
<i>15.5 Ensure a degree of self-sufficiency of local services in either side of the Airport to ensure access to services and jobs.</i>	Cooks Cove will support the accessibility of local services within close proximity to Sydney Airport (aligned with Action 15.5). The Cooks Cove project will also deliver a missing section of the 'Bay to Bay' cycle link along the Cooks River, through the KGC land at Arncliffe as indicated within the draft LSPS (aligned with Action 15.7).
<i>15.6 Advocate for improved public transport routes and frequency to connect: a) Hillsdale, Pagewood, Botany, Eastlakes and Eastgardens to Mascot, strategic centres and employment precincts. b) Brighton Le Sands, Kyeemagh, Ramsgate, Sandringham to Rockdale rail station. c) East west connections to connect Bayside suburbs east of Sydney Airport to Bayside suburbs west of Sydney Airport.</i>	
<i>15.7 Seek funding to implement the missing links identified by the Bayside Bike Plan to deliver on a 30-minute city.</i>	
<b>Planning Priority 19: Support the growth of targeted industry sectors</b>	
<i>19.1 Investigate opportunities for increasing the tourism sector in Bayside and to leverage on Bayside's location close to Sydney Airport.</i>	Cooks Cove supports an increase in Bayside tourism and the proposal represents a great opportunity for Bayside as a whole, with planned hotel/motel and serviced apartment components, office, logistics and retail facilities within the Master Plan (aligned with Action 19.1).
<i>19.2 Review the regulatory environment as new technological advances and changes occur to help deliver innovative and new knowledge intensive jobs and business opportunities.</i>	These uses will complement the proposed development of the adjacent Sydney International Terminal Precinct foreshadowed in the Sydney Airport Master Plan 2039. Cooks Cove will support a growth in new and innovative knowledge intensive jobs being created (aligned with Action 19.2) particularly associated with e-commerce. Importantly, the Cooks Cove Master Plan will support the overall creation of new jobs, which will in turn support Bayside as an attractive, desirable and dynamic gateway to Sydney.

## Bayside 2032 Community Strategic Plan

The Bayside 2032 Community Strategic Plan was first adopted in 2018. In 2022 Council completed an extensive refresh to ensure the directions are aligned with the community. The Plan has been prepared to guide the LGA to meet the



challenges and opportunities that will affect the community in the future including emerging technologies, commercial activity and population growth which will deliver challenges for the City.

The Plan's vision is "A City built on trust, with engaged communities, effective leadership and access to decision making". The three guiding principles are as follows:

- Social justice: access, equity, participation and rights;
- Resilient cities: survive, adapt and grow; and
- Good governance: accountability, understanding, responsiveness, participation and best-practice decisions.

The Planning Proposal and the broader Cooks Cove project is entirely consistent with the Bayside Community Strategic Plan 2018-2030 in that it facilitates the achievement of additional jobs and active connectivity opportunities in the identified Bayside West urban renewal precinct and will be developed to achieve the highest Environment, Social and Governance accreditation in line with the requirements of its occupants.

### **6.2.3 Question 5 – Is the planning proposal consistent with any other applicable State and regional studies or strategies?**

The applicable and relevant state and regional studies or strategies to the planning proposal are outlined in the following sections.

#### **Future Transport 2056**

The Future Transport Strategy 2056 is the 2018 update of the previous NSW Long Term Transport Master Plan 2012. It is a 40 year vision for mobility in NSW developed with the then GSC, the then DPIE, and Infrastructure NSW. The Strategy outlines the NSW Government's long term vision for transport infrastructure in Greater Sydney and aligning it with the Region Plan prepared by the then GSC. Given the increasing emphasis on growth of jobs and housing in Greater Sydney, and the need to maximise the existing public transport network, it places a significant focus in the new plan on transit oriented development and public transport investment.

The vision for the future transportation within Greater Sydney is built on the following outcomes:

- A customer focus;
- Successful places;
- A growing economy;
- Safety and performance;
- Accessible services; and
- Financial and environmental sustainability.

The Planning Proposal will contribute to delivering upon these outcomes, namely, 'Successful Places', 'A Growing Economy' and 'Accessible Services'. The proposal will support initiatives to promote more sustainable forms of transportation through new pathways and connections, high quality public domain treatments, bicycle priority and desirable provisions of public open space. In addition, contribution to the enhancement of pedestrian and cycle connectivity over the Cooks River will further enhance sustainable transport, ensuring the success of Cooks Cove. These enhancements will support enhanced accessibility to the International Airport Railway Station. Cooks Cove will complement Sydney Airport's position as the largest airfreight port in Australia through supporting land use infrastructure.

#### **South East Sydney Transport Strategy**

The South East Sydney Transport Strategy was prepared in August 2020 by the then DPIE and seeks to support future growth through transport investment within South East Sydney as public transport investment enables transit oriented development. The strategies objectives include public transport being the preferred way for passengers and staff to access and egress Sydney Airport, all workers can safely walk to a local centre and Port Botany and Sydney Airport being connected to local residential areas and transport nodes by safe and direct active transport networks.

The Strategy identifies the preferred scenario for the Metro Line 2056 connecting Kogarah, Brighton Le Sands and Sydney International and Domestic Terminal Metro Stations and further connections to Randwick and Metro Line 2041. Whilst the Metro Line 2056 alignment is external to Cooks Cove it does offer future improvements in regional connectivity via a Sydney International terminal Metro Station. Regional connectivity will be further enhanced by the proposed Railway Square to Sutherland Hospital (Via Princes Highway) Rapid Bus Route.

The Strategy highlights the committed More Trains More Services program that will roll out world class technology to transform the rail network and provide customers with more reliable and high capacity 'turn up and go services' and the next stage focus on delivering capacity improvements for the T4 Illawarra, T8 Airport and South and the South Coast lines that service the adjoining Arncliffe, Wolli Creek and International terminal stations.

The logistics uses enhance the capacity to address local freight needs and impacts through last mile/first mile solutions such as local consolidation centres connected to customers through walking, cargo bikes and electric vehicles given proposed improvements to the active transport network.

### Better Placed (GANSW)

Better Placed is an integrated design policy prepared by the Government Architect New South Wales (GANSW). Planning Principle 4 for Cooks Cove, as provided in Bayside West Precincts 2036 Plan and under the Section 9.1 Ministerial Directions, requires consistency with the NSW Government Architect Better Placed design policy. The Cooks Cove Planning Proposal's consistency with the objectives of GANSW better placed policy is demonstrates in **Table 41** below.

**Table 41** Consistency with the Objectives of GANSW's Better Placed

Objective	Response
<b>Objective 1 – Better fit</b>	Of its Place: The revised Master Plan was formulated from a careful study of baseline opportunities and constraints. Through a context sensitive design approach, a positive contribution will be made to the region. Cooks Cove is now designed to embrace its position adjacent Australia's largest trade and visitor gateway.
	Local / Contextual: The proposed open space and public realm, along the foreshore in particular, strengthen regional connections and offer enhanced local surroundings.
<b>Objective 2 – Better performance</b>	Sustainable: The proposal's includes holistic sustainability strategy which focuses on various design and operational sustainability aspects.
	Durable: The adjacent Pemulwuy Park concept design and overland flow reserve is designed to accommodate flood conveyance in large rainfall events.
	Adaptable: Revitalisation proposed to the Cooks River edge appropriately responds to climate change and sea level rise.
<b>Objective 3 – Better for community</b>	Connected: The revised Master Plan delivers a portion of the missing link in the regional pedestrian and bicycle network and is appropriately balanced with vehicular needs of the precinct. Close collaboration with Bayside Council to outline appropriate passive recreation opportunities with a new Pemulwuy Park.
<b>Objective 4 – Better for people</b>	Safe: Pedestrians, cyclists and vehicles have all been accommodated within the public domain with safety and amenity in mind.
	Comfortable: The amenity of the community is at the centre of the design of internal and external spaces such as the Cooks River foreshore and Fig Tree Grove.
	Liveable: The design of public spaces, including open spaces and streets, promotes safety and social connectivity of workers and visitors – with a strong focus on active and public transport
<b>Objective 5 – Better working</b>	Functional: Legible streets are provided with ease of connectivity together with prominent and flexible open spaces such as the Fig Tree Grove
	Efficient: The development footprint is restricted to the northern portion of the broader precinct, resulting in significant surrounding areas of open space approximately 85 hectares in area.
<b>Objective 6 – Better value</b>	Creating Value: New e-commerce logistics and warehousing development will bring new life to the site and will provide support for the growing urban renewal area and region more broadly.
	Adding Value: Ensures well-located infill development providing access to jobs, infrastructure and transport complementing the projected growth of Sydney Airport and Port Botany.
<b>Objective 7 – Better look and feel</b>	Engaging and Inviting: The Gertrude Street East / Levey Street link provides a local walkable retail environment which is anchored by the Fig Tree Grove. An important feature of the Fig Tree Grove is the central plaza focussed around the Moreton Bay Fig Trees, which generates activity and creates a unique sense of place.

## 6.2.4 Question 6 – Is the planning proposal consistent with the applicable SEPPs?

The State Environmental Planning Policies (SEPPs) directly applicable to the Cooks Cove Planning Proposal are identified in **Table 42** below.

**Table 42** Consistency with State Environmental Planning Policies

State Environmental Planning Policies	Consistency			Comment
	YES	NO	N/A	
State Environmental Planning Policy (Biodiversity and Conservation) 2021	✓			Provisions in relation to tree clearing and waterway catchments and water quality. Capable of being addressed at the detailed Development Application stage.
State Environmental Planning Policy (BASIX) 2004			✓	Not applicable.
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008			✓	SEPP (Exempt and Complying Development Codes) 2008 does not apply to the Planning Proposal, however, may apply to the future development of the site.
State Environmental Planning Policy (Housing) 2021			✓	Not applicable.
State Environmental Planning Policy (Industry and Employment) 2021	✓			This Planning Proposal proposes to amend the Bayside LEP 2021 to permit advertisements and/or advertising structures in Block 1 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.
State Environmental Planning Policy No 65 Design Quality of Residential Apartment Development			✓	Not applicable.
State Environmental Planning Policy (Planning Systems) 2021	✓			The future development of the site (dependant on staging) may be deemed as 'regional development' (meeting the relevant thresholds under Schedule 4A of the EP&A Act).
State Environmental Planning Policy (Eastern Harbour City) 2021	✓			Chapter 6 of SEPP Eastern Harbour City pertains to provisions specific to Cooks Cove. SEPP Eastern Harbour City is addressed within this section, below.
State Environmental Planning Policy (Resilience and Hazards) 2021	✓			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 <b>Section 5.11</b> ) concludes that the site can be appropriately remediated. In regard to coastal protection refer to the further analysis below.
State Environmental Planning Policy (Resources and Energy) 2021			✓	Not applicable.
State Environmental Planning Policy (Transport and Infrastructure) 2021	✓			Refer to the analysis below.



## State Environmental Planning Policy Resilience and Hazards 2021

The aim of Chapter 2 of State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP) is to promote an integrated and coordinated approach to land use planning in the coastal zone in a manner consistent with the Coastal Management Act 2016. Chapter 2 of the Resilience and Hazards SEPP gives effect to the objectives of the Coastal Management Act 2016 from a land use planning perspective, by specifying how development proposals are to be assessed if they fall within the coastal zone. Two of four coastal management areas are applicable to Cooks Cove, these being Coastal Environment and Coastal Use Areas.

Further commentary on these areas is as follows:

- Within the Coastal Environment Area, a development application will need to appropriately assess the impacts on surface and groundwater, vegetation, heritage and WSUD measures. All future development applications pertaining to the site will adequately address these requirements.
- Within the Coastal Use Area, this proposal will enhance public access to the foreshore and conserves and enhances biodiversity and ecosystems.

As such, it is considered that the Proposal is consistent with the intent of the Chapter 2 of the Resilience and Hazards SEPP.

## State Environmental Planning Policy Transport and Infrastructure 2021

Chapter 2 of State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP) 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.

Key infrastructure distribution networks that run through Cooks Cove include:

- Moomba to Sydney Pipeline System (ethane gas pipeline easement); and
- Sydney Desalination Plant Pipeline.
- Chapter 2 of the Transport and Infrastructure SEPP also includes a number of provisions in relation to development within road corridors and fronting classified roads / rail, in terms of connections and impacts. Further, the Southern and Western Suburbs Ocean Outfall Sewer is located to the south of the Planning Proposal site. The Planning Proposal and accompanying revised Master Plan have been prepared giving consideration to these distribution networks.

### Moomba to Sydney Pipeline System

Division 12A of Transport and Infrastructure SEPP, governs development within gas pipeline corridors. Under section 2.76(1), before determining an application for development adjacent a gas pipeline,

*“the consent authority must:*

- (a) be satisfied that the potential safety risks or risks to the integrity of the pipeline that are associated with the development to which the application relates have been identified,*
- (b) take those risks into consideration”,*
- (c) give written notice of the application to the pipeline operator concerned within 7 days after the application is made, and take into consideration any response to the notice that is received from the pipeline operator within 21 days after the notice is given”.*

In addition, the following LEP Clause is proposed to be inserted (refer **Section 4.1.3**):

- (4) *The consent authority must not determine a development application for development on Lot 31 DP 1231486 and Lot 100 DP 1231954 unless:*
  - (a) it is accompanied by a land use safety study risk assessment that has been prepared in accordance with the relevant NSW Hazardous Industry Planning Papers, and*
  - (b) the consent authority has:*
    - (i) consulted the Planning Secretary on the application in relation to land use safety, and*
    - (ii) taken into consideration the Planning Secretary's submissions, if any.*
- (5) *The consent authority must:*
  - (a) forward a copy of the application and the accompanying documents to the Planning Secretary within 7 days of receiving the application, and*
  - (b) consider the Planning Secretary's submissions within 28 days of forwarding the documents.*

Subclauses (4) and (5) serve to fulfil Gateway Condition (1)(i) which requires consideration of the NSW Land Use Safety Planning Framework and the requirement for land use safety study risk assessment at the DA stage. DPHI Hazards branch is provided a copy of the application for further consideration of any implications from a risk and safety perspective in relation to the high pressure ethane gas pipeline.

Consultation between the Proponent, the pipeline owner (APA Group Pty Ltd), specialist consultants and DPHI Hazards has been undertaken to inform the Planning Proposal through a Preliminary Hazard Analysis (PHA) which deems the proposed planning controls and master plan response acceptable. Refer to **Section 5.7.7**. The Proponent and the APA Group have agreed that the High Pressure Ethane Pipeline will be protectively slabbed within Lot 100 DP1231954 and Lot 31 DP1231486.

### **Sydney Desalination Plant Pipeline**

The alignment of the existing desalination pipeline, running north to south through the Master Plan study area, encroaches on a significant area of developable land. Throughout the development precinct, no buildings will be located above the pipeline, to maintain the easement access and preserve rights over the easement. All built form structures are located outside the zone of influence to mitigate potential risk. Elevated sections of the pipeline within Lot 100 DP1231954 will be protectively slabbed in accordance with Sydney Water and Sydney Desalination Pty Ltd requirements.

### **Southern and Western Suburbs Ocean Outfall Sewer (SWSOOS)**

The SWSOOS is identified as a State heritage item. The Planning Proposal does not seek any development in proximity of the SWSOOS.

### **F6 Road Reservation Corridor**

As outlined in **Section 4.2**, the desire for a Southern Motorway was initially identified in 1951 under the County of Cumberland Planning Scheme and is illustrated on the scheme map to run the length of the Cooks Cove site in a north-south direction approximately on the alignment of the adjoining Lot 14. A surface corridor was later reserved for the purposes of a classified road subsequently known as the F6 Motorway. Under Chapter 2 of the Transport and Infrastructure SEPP, the dimensions of the proposed motorway were rationalised in consultation with the then RTA and allowance was made for the corridor through a 'Special Uses' zone. Outside of the Cooks Cove boundary the corridor is zoned SP2 Infrastructure 'Classified Road' under BLEP 2021.

Accordingly, section 2.117 of Chapter 2 of the Transport and Infrastructure SEPP would apply and require the concurrence of TfNSW to be given prior to development consent being granted on the reservation land in certain circumstances. Prior to concurrence being granted, the TfNSW must consider:

- The need to carry out development for the purposes of a classified road or a proposed classified road;
  - Response: TfNSW have confirmed the former Special Uses Zone is not required for development for the purposes of a classified road.
- The imminence of acquisition of the land by TfNSW;
  - Response: No acquisition is proposed by T.
- The likely additional cost to RMS resulting from the carrying out of the proposed development;
  - Response: No additional cost will be incurred by TfNSW.

The above position was confirmed in a letter from TfNSW to Boyd Properties (a related entity of the Proponent) on 19 November 2021. TfNSW has stated it does not require the F6 corridor across the Kogarah Golf Course lands for a Transport purpose, beyond the temporary use of the F6 corridor within the defined Project Construction Site for the M6 Project within Lot 1 DP108492, the site of the future Pemulwuy Park.

### **Traffic Generating Development**

Section 2.121 identifies the capacity or size of developments that should be referred to TfNSW. Extensive consultation has been undertaken with TfNSW and the former RMS throughout the preparation and refinement of the Planning Proposal and this consultation remains ongoing. TfNSW have reviewed the Planning Proposal report (dated 22 October 2021), the Due Diligence Traffic Assessment (dated 8 February 2022), Response to TfNSW Traffic Modelling Comments (dated 22 February 2022) and Revised Strategic Intersection Designs (dated 13 December 2021). Subsequent correspondence between the parties resulted in a letter from TfNSW dated 15 March 2023 and CCI response dated 17 March 2023 which were accepted by DPHI and subsequently SECPP for public exhibition purposes (refer to **Appendix P**).

### **Impact of road noise or vibration on non-road development**

In terms of noise considerations under section 2.119, the site is located within close proximity to Marsh Street which is a classified, regional road. Notwithstanding, the site has been significantly reduced in area as a result of the removal of the Council lands and as such, only a small element of the development zone has a direct interface with Marsh Street. Noise considerations of future developments are capable of being addressed through building-specific mitigation measures which will result from the detailed design process.

### **State Environmental Planning Policy (Eastern Harbour City) 2021 – Chapter 6 Cooks Cove**

Chapter 6 of State Environmental Planning Policy (Eastern Harbour City) 2021 (Eastern Harbour City SEPP) is the principal environmental planning instrument applying to the site. Chapter 6 (formerly the standalone Sydney Regional Environmental Plan No. 33 – Cooks Cove until 1 March 2022) 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 to which Chapter 6 of the Eastern Harbour City SEPP applies is zoned either:

- Trade and Technology Zone;
- Open Space Zone; or
- Special Uses Zone.

Section 6.9 of the Eastern Harbour City SEPP sets out the planning principles for the Cooks Cove site. These principles are to be reflected in the future development of the site and are subsequently set out below.

#### **(a) Role and land use activities**

- Development should be carried out in a manner consistent with the principles of ecologically sustainable development.
- Development of the Cooks Cove site is to encourage advanced technology and trade-focussed businesses that benefit directly from, or benefit from a synergy due to, the physical proximity of Cooks Cove to Sydney Airport and Port Botany, and the excellent transport network links to Sydney's CBD and the Advanced Technology Park at Eveleigh.
- Transport management planning for the Cooks Cove site should optimise the use of public transport infrastructure, including a regular connection to both the adjacent railway stations at Wolli Creek and Sydney Airport International Terminal.
- A vibrant community and safe public domain are to be created through encouraging active frontages along main streets and pedestrian routes.

#### **(b) Built form**

- The design of development should promote the public domain with a high quality of amenity and follow design principles that encourage energy conservation and the promotion of public transport.
- Development is to provide for a high quality of landscaping and plantings of flora that are endemic to the area or that promote the regeneration of native species.
- The depth of excavation for new development should minimise the disturbance of acid sulfate soils.

#### **(c) Public domain**

- Foreshore, significant Wetland areas and Green and Golden Bell Frog habitat areas are to be set aside for the maintenance and protection of Wetland vegetation, mangrove communities and threatened fauna, with limited public access.
- The foreshore is to be publicly accessible, and linked to public areas within and adjoining the Cooks Cove site.
- Co-ordinated pedestrian and cycling networks and public transport services, which link into the regional Bay-to-Bay cycleway are to be provided throughout the Cooks Cove site. Networks are to link with the railway stations, areas adjoining the Cooks Cove site and the foreshore.

#### **(d) Accessibility, movement and parking**

- Transport and traffic should be managed in accordance with a comprehensive plan that provides for the coordinated provision of public transport services and the staging of its provision.
- Appropriate urban form, public transport infrastructure and services are to be provided that increase the use of public transport.



- Development should accommodate users of all modes of transport, including public transport, cycling and walking.
- The provision for vehicular movement is to be consistent with the development of a high-quality pedestrian environment within the street system.
- A high degree of accessibility is to be provided to places within the Cooks Cove site for both able and disabled persons.
- The provision of permanent and temporary parking facilities should be weighted to discourage the use of cars and to encourage use of public transport.

**(e) Ecological and heritage issues**

- Development within the Cooks Cove site is to make a significant contribution to ecological sustainability through promoting effective utilisation of public transport, reduced energy requirements, and the conservation and enhancement of natural resources.
- Water and energy-efficient design criteria are to be promoted and soil erosion and sedimentation control measures implemented during remediation and construction phases.
- Riparian areas with estuarine and native vegetation are to be established and maintained for the protection and enhancement of the Cooks River estuary and remaining natural areas.
- The significant Wetlands within the Cooks Cove site and along the foreshores of Cooks Cove are to be conserved, and the strategy for conservation is to include:
  - i. Establishing adequate vegetated riparian buffers;
  - ii. Establishing adequate vegetated corridors; and
  - iii. Promoting the on-site recovery of the Green and Golden Bell Frog.
- Conservation of the market garden within the Cooks Cove site is to be promoted.

The Planning Proposal aims to continue the intent of the Cooks Cove as an employment-based precinct. The use of SP4 Enterprise with a bespoke series of land use permissibility's ensure no new undesirable land uses are envisaged.

Chapter 6 of the Eastern Harbour City SEPP will continue to apply to residual land within Cooks Cove not sought to be rezoned, including Commonwealth land, Sydney Water land and that located south of the M5 Motorway and comprising Barton and Riverine Parks. 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 LEP to insert planning controls for the Cooks Cove development zone. The key principles and controls of Chapter 6 of the Eastern Harbour City SEPP have been considered whilst preparing the proposed LEP amendments.

### **Bayside Local Environmental Plan 2021**

The site is currently zoned under Chapter 6 of the Eastern Harbour City SEPP and excluded from the Bayside Local Environmental Plan 2021 (Bayside LEP 2021). The Planning Proposal seeks to amend the Bayside LEP 2021 to insert planning controls for the site and subsequently remove the site from the application of Chapter 6 of the Eastern Harbour City SEPP. The SEPP controls will continue to apply to the remainder of Cooks Cove.

### **Consistency with Aims and Objectives**

The proposed amendments envisaged under this proposal are consistent with the overall aims and objectives of the Bayside LEP 2021 as demonstrated in **Table 43** below.

**Table 43**      **Consistency with the overall aims of the Bayside Local Environmental Plan 2021**

<b>Aim</b>	<b>Comment</b>
<i>To provide high quality open space areas and recreational facilities</i>	The Planning Proposal seeks to facilitate the revitalisation and naturalisation of the Cooks River through provision of a minimum 20m riparian setback adjacent to the development zone. The Planning Proposal and accompanying Master Plan aim to facilitate environmental protection and enhancement. Development of Cooks Cove will revitalise and naturalise the Cooks River foreshore and retain significant vegetation (including Moreton Bay Fig Trees).
<i>To reduce community risk and improve resilience to, and from, urban and natural hazards</i>	Responding to the site's location adjacent the Cooks River, the Planning Proposal and accompanying Master Plan propose passive and structural design initiatives to mitigate against natural hazards, particularly flooding and stormwater inundation. Mitigation measures include an overland flow path. The stormwater and flood management measures seek to control movement of water across and around the site, mitigating potential impacts

Aim	Comment
	internally and externally to the site. The proposed development will not result in adverse flood impacts, either individually or cumulatively to surrounding properties and catchments.
<i>To encourage sustainable economic growth and development in Bayside</i>	The Planning Proposal seeks to facilitate the development of the site for around 3,300 jobs in close proximity to other nearby employment areas, including Sydney Airport and will assist in providing jobs closer to homes.
<i>To enhance and protect the functions and roles of the international trade gateways of Sydney Airport and Port Botany</i>	<p>The Planning Proposal seeks to promote economic activity within Rockdale and the greater Bayside Council LGA through provision of:</p> <ul style="list-style-type: none"> <li>• Compatible land uses and enhanced connectivity and accessibility to support the ongoing operations of Sydney Airport;</li> <li>• 290,000m<sup>2</sup> of logistics floor space;</li> <li>• Provision of tourist and visitor accommodation catering to a growing market; and</li> <li>• Some commercial and retail uses including a potential new supermarket that will support the viability of the wider Planning Proposal and the adjoining Arncliffe urban renewal area.</li> </ul>
<i>To create a liveable urban place through the application of design excellence in all elements of the built environment and public domain</i>	<p>The Planning Proposal seeks to facilitate the provision of high-quality open space through the provision of a highly accessible and activated urban waterfront with a regional grade separated pedestrian and cycle path.</p> <p>Cooks Cove is located within 600m to 1.1km of three existing train stations subject to the 'More Trains More Services' program and seeks to achieve improved connectivity with existing and proposed rapid bus services. A key outcome of the Planning Proposal is to improve mobility within the broader area with a focus on providing new and enhanced active transport linkages such as pedestrian and cycle links, intersection and road upgrades.</p>
<i>To encourage walking, cycling and use of public transport through appropriate intensification of development densities surrounding transport nodes</i>	
<i>To encourage development that demonstrates efficient and sustainable use of energy and resources in accordance with ecologically sustainable development principles</i>	The proposal will facilitate an enhancement to the Cooks River foreshore, which includes tree planting and public accessibility. Inclusion of WSUD measures to improve water quality will be resolved at the detailed DA stage.
<i>To increase urban tree canopy cover and enable the protection and enhancement of green corridor connections</i>	
<i>To promote and enhance the amenity of Botany Bay's foreshores and Bayside's waterways.</i>	

### **Consistency with Zone Objectives**

As described in Section 4.16, this Planning Proposal seeks to amend Bayside LEP 2021 to include the following zones across the site:

- SP4 Enterprise;
- RE1 Public Recreation; and
- SP2 Infrastructure (Classified Roads).

The proposals consistency with the objectives of these land use zones is outlined in **Table 39** below.

**Table 44 Consistency with the Objectives of the proposed land use zones under the Bayside LEP 2021**

Objective	Comment
<b>SP4 Enterprise</b>	
Planned to be a bespoke addition to the Bayside LEP 2021 to address the Cooks Cove development zone only. This approach has been endorsed by Bayside Council and has been drafted on this basis. Refer to a full description of proposed objectives provided at <b>Section 4.1.1</b> .	
<b>RE1 Public Recreation</b>	
<ul style="list-style-type: none"> <li>To enable land to be used for public open space or recreational purposes.</li> <li>To provide a range of recreational settings and activities and compatible land uses.</li> <li>To protect and enhance the natural environment for recreational purposes.</li> </ul>	The proposal seeks to facilitate ecological improvements and enhancements throughout the Precinct including enhancement of the Cooks River foreshore. These areas of significance will be zoned RE1 and used for passive recreation and the regional pedestrian and cycle link. This land will also accommodate land for stormwater conveyance purposes.
<b>SP2 Infrastructure</b>	
<ul style="list-style-type: none"> <li>To provide for infrastructure and related uses.</li> <li>To prevent development that is not compatible with or that may detract from the provision of infrastructure.</li> </ul>	The SP2 Infrastructure zone has been selected for lots which are subject to existing surface level infrastructure such as Marsh Street, together with the Arncliffe MOC and new precinct connector roads proposed across Council lands.

#### **Consistency with the Height Objectives**

The proposed height limit across the Cooks Cove site is generally consistent with the objectives of the height provisions within Bayside LEP 2021 as outlined in **Table 45** below.

**Table 45 Consistency with the Height Objectives of the Bayside LEP 2021**

Objective	Comment
To ensure that building height is consistent with the desired future character of an area	The Planning Proposal and accompanying revised Master Plan clearly identifies the height limits proposed for the precinct including the overall maximum height limit of RL51m with appropriate transitions to ensure consistency with aviation OLS height limits in the area. A reduced height on Block 1 of 24m is to ensure views are retained within the existing Southbank building adjacent.
To minimise visual impact of new development, disruption of views, loss of privacy and loss of solar access to existing development	Detailed design of individual buildings will be the subject of future development applications which will consider in greater detail regional views in particular. The development will not result in overshadowing or a loss of privacy in the area.
To nominate heights that will provide an appropriate transition in built form and land use intensity	

#### **Consistency with Floor Space Ratio Objectives**

The proposed gross floor area cap across the Cooks Cove development zone is generally consistent with the objectives of the floor space ratio provisions within Bayside LEP 2021 as outlined in **Table 46** below.

**Table 46 Consistency with the Floor Space Ratio Objectives of the Bayside LEP 2021**

Objective	Comment
To establish standards for the maximum development density and intensity of land use	While the Planning Proposal generally proposes a gross floor area cap for Blocks 2 and 3. This floor space cap has been determined in line with a transport impact assessment, to ensure the site development is in line with the desired future character of the area. Block 1 intends a FSR controls to ensure consistency in approach to buildings on the north-western side of Marsh Street.



Objective	Comment
<i>To ensure buildings are compatible with the bulk and scale of the existing and desired future character of the locality,</i>	The proposal has given consideration to the environmental effects of the built form layout and configuration within the Precinct. The impacts on individual buildings will be addressed in future detailed development applications. As detailed throughout this Planning Proposal the site is unique in that it will not impact adjoining properties and potential impacts have been appropriately mitigated as part of the master planning process.
<i>To minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain</i>	
<i>To maintain an appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing or likely to undergo a substantial transformation</i>	The proposed built form will result in changes to the existing views from properties west across Marsh Street. However, these areas are undergoing substantial transformation as a consequence of their inclusion in the Bayside West Precincts 2036 Plan and rezoning. Photomontages have been prepared within the locality which depict the views of the indicative masterplan. These views demonstrate acceptable building separation, modulation to permit a degree of waterfront views and overall height which is consistent with adjoining current and future intended built form.
<i>To ensure buildings do not adversely affect the streetscape, skyline or landscape when viewed from adjoining roads and other public places such as parks and community facilities.</i>	

## 6.2.5 Question 7 - Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?

Ministerial Directions under Section 9.1 of the EP&A Act require Councils to address a range of matters when seeking to rezone land.

Particular attention is drawn to two Ministerial Directions specific to the site, namely Direction 1.11 which requires Planning Proposals in relation to land within the Bayside West Precincts (including Cooks Cove) to be consistent with the Bayside West Precincts 2036 Plan and Direction 1.12 which requires any Planning Proposal in relation to Cooks Cove to be consistent with the specific planning principles. These are integral to the Planning Proposal and are addressed under Question 1 above. A summary assessment of the Planning Proposal against all other remaining Directions issued by the Minister under Section 9.1 of the EP&A Act is provided in **Table 47** below.

**Table 47** Consistency with s9.1 Directions

Ministerial Direction	Consistent			Comment
	Yes	No	N/A	
1. Planning Systems				
1.1 Implementation of Regional Plans	✓			The Planning Proposal is consistent with the Greater Sydney Region Plan identification of the site as an Urban Renewal Precinct.
1.2 Development of Aboriginal Land Council land			-	Not applicable
1.3 Approval of Referral Requirements	✓			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 this Planning Proposal.
1.4 Site Specific Provisions	✓			A particular development scenario is envisaged for the site. The proposed zoning will allow for the envisaged development to be carried out on the site. The proposed zone will be applied to the Bayside LEP by virtue of the DPHI Employment Zones Reform. The Planning Proposal will not contain or refer to drawings that show details of the development proposal – the indicative masterplan is subject to separate, future DAs.

1. Planning Systems – Place-based				
1.5 Parramatta Road Corridor Urban Transformation Strategy			-	Not applicable
1.6 Implementation of the North West Priority Growth Area Interim Land Use and Infrastructure Implementation Plan			-	Not applicable
1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan			-	Not applicable
1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation			-	Not applicable
1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor			-	Not applicable
1.10 Implementation of the Western Sydney Aerotropolis Plan			-	Not applicable
1.11 Implementation of Bayside West Precincts 2036 Plan	✓			Bayside West Precincts 2036 provides a future vision for the precincts of Arncliffe, Banksia and Cooks Cove. The Arncliffe and Banksia precincts have been rezoned. This Planning Proposal responds directly to the vision for Cooks Cove presented in the Bayside West Precincts 2036 Plan. Consistency with Ministerial Direction 1.11 and the Plan has been demonstrated at <b>Section 6.1.1</b> of the previous Planning Proposal report.
1.12 Implementation of Planning Principles for the Cooks Cove Precinct	✓			Nine planning principles exist for Cooks Cove, listed in both Ministerial Direction 1.12 and the Bayside West Precincts 2036 Plan. The Planning Proposal is consistent with the planning principles as detailed at <b>Section 6.1.2</b> of the previous Planning Proposal report.
1.13 Implementation of St Leonards and Crows Nest 2036 Plan			-	Not applicable
1.14 Implementation of Greater Macarthur 2040			-	Not applicable
1.15 Implementation of the Pyrmont Peninsula Place Strategy			-	Not applicable
1.16 North West Rail Link Corridor Strategy			-	Not applicable
3. Biodiversity and Conservation				
3.1 Conservation zones			-	Not applicable
3.2 Heritage Conservation	✓			The site is not listed as an item of heritage significance nor is it within a heritage conservation zone. The site is located within the vicinity of the Southern and Western Suburbs Ocean Outfall Sewer (SWSOOS) and the Arncliffe Market Gardens, both state heritage items. However, the proposal will not have any adverse impacts on their operation or heritage conservation. Refer to <b>Section 5.9</b> and <b>Appendix L</b> .
3.3 Sydney Drink Water Catchments			-	Not applicable
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Cost LEPs			-	Not applicable
3.5 Recreation Vehicle Areas			-	Not applicable
4. Resilience and Hazards				

4.1 Flooding	✓			The Planning Proposal is consistent with the requirements of this Direction. A detailed assessment of the proposal against each of the considerations under this direction is provided in <b>Table 49</b> . Refer <b>Section 5.2</b> and <b>Appendix C</b> .
4.2 Coastal Management	✓			<p>In response to a request to address the subject direction, the Applicant issued a response dated 15 December 2023 (refer to <b>Appendix T3</b>).</p> <p>Under Direction 4.2(1) where relevant, the Planning Proposal contains provisions which give effect to and are consistent with (a) being the objects of the Coastal Management Act 2016, (b) being the NSW Coastal Management Manual and associated Toolkit and (c) being section 3.2 of the NSW Coastal Design Guidelines 2023.</p> <p>The proposal is consistent with subclause (2) as it does not involve land within a coastal vulnerability area or has been identified as a current or future coastal hazard. The proposal is consistent with subclause (3) in that it does not enable increased development on land within a coastal wetlands and littoral rainforests area.</p> <p>Of relevance to the Planning Proposal, subclause (1) is addressed through the detailed Planning Proposal checklist provided as Appendix 1 of the NSW Coastal Design Guidelines – October 2023. Refer to <b>Appendix T3</b>, would responds to the items within Appendix 1 of the NSW Coastal Design Guidelines, introduced in October 2023.</p>
4.3 Planning for Bushfire Protection			-	Not applicable
4.4 Remediation of Contaminated Land	✓			Extensive investigations of the extent of contamination within and the required remediation strategies for the site have been undertaken. Refer to <b>Section 5.11</b> and <b>Appendix M</b> .
4.5 Acid Sulfate Soils	✓			The site is identified as having a high probability of occurrence of acid sulfate soil materials within the soil profile. However, it is concluded that the site can be made suitable for the proposed mixed (tourism, retail, logistics, public open space and commercial) uses. Refer <b>Section 5.11</b> and <b>Appendix M</b> .
4.6 Mine Subsidence and Unstable Land			-	Not applicable
<b>5. Transport and Infrastructure</b>				
5.1 Integrating Land Use and Transport	✓			<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 a predominately employment precinct located in close proximity to existing centres and transport/ economic corridors.</li> <li>- Improve access and connectivity to the existing public transport, pedestrian and cycle networks.</li> <li>- Implement high quality urban design through considered planning and design.</li> </ul>
5.2 Reserving Land for Public Purposes	✓			This Planning Proposal seeks to zone a portion of the freehold waterfront zone part RE2 Private Recreation and part C2 Environmental Conservation and dedicate other freehold land to Bayside Council to provide a dedicated overland flow path and improve connectivity between adjoining parcels of Council land reserved for open space that are otherwise land locked. The Planning Proposal also supports access to state infrastructure operation facilities supporting the M6 and M8. The Planning Proposal supports adjoining land presently zoned Trade



				and Technology being zoned as RE1 Public Recreation. The Planning Proposal results in a net increase in reserved land for a public purpose.
5.3 Development Near Regulated Airports and Defence Airfields	✓			The Planning Proposal has been developed giving consideration to ensure the protection of airspace for Sydney International Airport and compliance with the NASF. Refer below for further discussion.
5.4 Shooting Ranges			-	Not applicable
<b>6. Housing</b>				
6.1 Residential Zones			-	Not applicable
6.2 Caravan Parks and Manufactured Home Estates			-	Not applicable
<b>7. Industry and Employment</b>				
7.1 Business and Industrial Zones	✓			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 under the Standard Instrument.
7.2 Reduction in non-hosted short-term rental accommodation period			-	Not applicable
7.3 Commercial and Retail Development along the Pacific Highway, North Coast			-	Not applicable
<b>8. Resources and Energy</b>				
8.1 Mining, Petroleum Production and Extractive Industries			-	Not applicable
<b>9. Primary Production</b>				
9.1 Rural Zones			-	Not applicable
9.2 Rural Lands			-	Not applicable
9.3 Oyster Aquaculture			-	Not applicable
9.4 Farmland of State and Regional Significance on NSW Far North Coast			-	Not applicable

### **Section 9.1 Direction – 3.2 Heritage Conservation**

The Planning Proposal is consistent with the Section 9.1 Direction for heritage conservation, as outlined in **Table 48** below.

**Table 48 Consistency with s9.1 Directions – 3.2 Heritage Conservation**

Provision	Comment	Consistent?
<b>(4) A Planning Proposal must contain provisions that facilitate the conservation of:</b>		
(a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,	Multiple heritage studies have been undertaken in association with the Cooks Cove development. The Southern and Western Suburbs Ocean Outfall Sewer 1 (SWSOOS) is a nearby heritage items that is external to the land being rezoned by this Proposal.	Yes
(b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974,	An Archaeological Report has been prepared by Biosis ( <b>Appendix L</b> ) and assesses the archaeological significance within Cooks Cove. The report concludes that it is unlikely that any intact archaeological deposits are present within	Yes

Provision	Comment	Consistent?
	the Planning Proposal site. It is recommended that no further archaeological assessment is required for the site.	
<i>(c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.</i>	An archaeological survey was undertaken to inform the Archaeological Report prepared by Biosis ( <b>Appendix L</b> ). The surface survey did not identify any Aboriginal sites or areas of archaeological potential. Based on the geotechnical data gathered, it appears that the fill which forms the current ground surface within the precinct overlies either disturbed or imported sand or clay soils. As such, the report concludes that there are no known Aboriginal sites and a low potential for undiscovered Aboriginal sites to be present within the precinct.	Yes

## Section 9.1 Direction – 4.2 Coastal Management

In response to further submissions received from the DPHI EHG, SES and Bayside Council, a revised assessment of the proposal, taking into account additional technical responses provided by ARUP is provided in **Table 49** below.

**Table 49** Consistency with s9.1 Ministerial – Direction 4.1 – Flooding

Provision	Assessment	Consistency
<i>(1) A planning proposal must include provisions that give effect to and are consistent with: (a) the NSW Flood Prone Land Policy,</i>	<p>The Flood Impact Risk Assessment (FIRA) prepared by Arup appropriately responds to the <i>Flood Risk Management Manual 2023</i>, which is NSW's current policy on flooding.</p> <p>As noted above, the Planning Proposal is essentially seeking a revision of development controls applying to a site which is already zoned for intensive urban purposes. In fact, the proposal represents a net reduction in overall projected population within the site and should therefore be considered a reduced hazard risk. The FIRA includes a comprehensive assessment of flood behaviour and the constraints that have led to the proposed dedication of 16,000sqm to flood conveyance in rare floods, within a highly unnatural floodplain.</p> <p>Further, using commonly accepted assessment methodologies, the impacts of climate change are not significant on this site. The use of a merit-based approach has led to the adoption of floor levels above the Probable Maximum Flood. The FIRA includes a comprehensive assessment of the predicted changes to flood behaviour and demonstrates that all flood risks have been adequately managed. Accordingly, Arup confirm consistency with the <i>NSW Flood Prone Land Policy 2023</i>.</p>	✓
<i>(b) the principles of the Floodplain Development Manual 2005,</i>	The NSW Government replaced the 2005 manual with the <i>Flood Risk Management Manual 2023</i> on 30 June 2023. The FIRA prepared in response to submissions received confirmed the amended approach to fill the development zone to above 1:2,000 AEP, provide finished floor levels above PMF and to provide an access route which was capable of being traversed in the 1:500 AEP. These specific measures demonstrate that the Planning Proposal appropriately manages flood risk and would not result in adverse flooding impacts.	✓
<i>(c) the Considering flooding in land use planning guideline 2021, and</i>	In response to the ' <i>Flooding in land use planning guideline 2021</i> ', the Planning Proposal seeks to categorise the site as a Flood Planning Area (FPA). This matches the land surrounding the site, such as Bayside West Precinct 2036 lands which have been designated by the Bayside LEP as an FPA. All finished floor levels within Cooks Cove will be above the PMF,	✓

Provision	Assessment	Consistency
	which is greater than 0.6m freeboard allowance and is therefore consistent with the current flood planning provisions in the Bayside LEP. No Special Flood Considerations apply nor are any proposed.	
<i>(d) any adopted flood study and/or floodplain risk management plan prepared in accordance with the principles of the Floodplain Development Manual 2005 and adopted by the relevant council.</i>	There is no formally adopted Flood Risk Management Plan adopted by Council that covers this section of the Cooks River floodplain. However, the FIRA has relied upon the Cooks River Flood Study (MWH-PB, 2009) which was carried out for Sydney Water, together with the Bonnie Doon, Eve Street/Cahill Park Pipe & Overland 2D Flood Study (WMAwater, 2015/2017).	✓
<i>(2) A planning proposal must not rezone land within the flood planning area from Recreation, Rural, Special Purpose or Conservation Zones to a Residential, Employment, Mixed Use, W4 Working Waterfront or Special Purpose Zones.</i>	It is acknowledged the Planning Proposal seeks to rezone elements of the site (within the FPA) from open space / recreation to other zones. However, this is land which has been raised to above the PMF and in doing so this will ultimately result in a reduced quantum of developable area when compared to the current zoning. This approach, together with contemporary flood planning and risk provisions, balances the rezoning of land in the flood planning area in a format which achieves a superior outcome in terms of flood safety.	✓ Note Consistency (a)-(d) below
<i>(3) A planning proposal must not contain provisions that apply to the flood planning area which: (a) permit development in floodway areas,</i>	The floodplain has been assessed by Arup to not exhibit any natural floodway characteristics. Notwithstanding, floodway areas on the site will be relocated through land reshaping, to new and expanded areas of zoned open space within the site. There will not be any development in these relocated floodway areas. These floodway areas continue to be heavily modified from the 1950s relocation of the Cooks River, to the 2020s reshaping of land for the M6/M8 projects and no longer resembles a natural floodplain adjacent to a natural river.	✓ Note Consistency (a)-(d) below
<i>(b) permit development that will result in significant flood impacts to other properties,</i>	Arup confirm through the detailed FIRA that there is no impact to properties external to the site. This includes no unreasonable afflux to dwellings within the adjacent Bayside West Precincts area and to TfNSW's Arncliffe MOC facility. Whilst located within the Planning Proposal boundary, the amended scheme as implemented addresses overland flow in Pemulwuy Park to ensure no material impact to TfNSW's M6 UDLP. The intended undercroft arrangement (subject to detailed controls) will result in an appropriate sharing of the flowpath between public and private lands and accordingly addresses previous concerns that the proposal would 'burden' Council's open space lands.	✓
<i>(c) permit development for the purposes of residential accommodation in high hazard areas,</i>	Not applicable as residential land uses are not sought.	✓
<i>(d) permit a significant increase in the development and/or dwelling density of that land,</i>	As noted above, the Planning Proposal seeks a modest increase in GFA however, with the land uses envisioned in a highest and best use scenario, this is likely to result in a significant reduction in expected workers which compared to the current provisions of SEPP EHC. The area zoned for urban purposes has been reduced by approx 10% under the Planning Proposal.	✓
<i>(e) permit development for the purpose of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants</i>	Centre-based childcare facilities are continued to be proposed to support worker population amenity and in conjunction with the retail/tourist and visitor precinct proposed. These uses are currently permissible with consent under SEPP EHC within the	✓ Note Consistency (a)-(d) below



Provision	Assessment	Consistency
<i>of the development cannot effectively evacuate,</i>	site. Safe evacuation pathways have been addressed through amendments to access points to Marsh Street.	
<i>(f) permit development to be carried out without development consent except for the purposes of exempt development or agriculture. Dams, drainage canals, levees, still require development consent,</i>	Not applicable.	✓
<i>(g) are likely to result in a significantly increased requirement for government spending on emergency management services, flood mitigation and emergency response measures, which can include but are not limited to the provision of road infrastructure, flood mitigation infrastructure and utilities, or</i>	Amendment to the Flora Street entry road as presented in the FIRA, ensures that safe access and evacuation is allowed for in up to 1:500 AEP floods. The site would only become isolated from safe access from around the 1:2000 AEP flood (with sufficient management and mitigation safety measures in place) for a comparatively short period to up to 8-12 hours in a PMF scenario, which is considered by Arup as on the margins of statistical probability.	✓
<i>(h) permit hazardous industries or hazardous storage establishments where hazardous materials cannot be effectively contained during the occurrence of a flood event.</i>	Not applicable, hazardous land uses are not sought.	✓
<i>(4) A planning proposal must not contain provisions that apply to areas between the flood planning area and probable maximum flood to which Special Flood Considerations apply which:</i> <i>(a) permit development in floodway areas,</i>	No Special Flood Considerations apply to the Bayside LEP. The proposal does not impose flood related development controls between the flood planning area and probable maximum flood. All finished floor areas will be located above the PMF.	✓
<i>(b) permit development that will result in significant flood impacts to other properties,</i>		
<i>(c) permit a significant increase in the dwelling density of that land,</i>		
<i>(d) permit the development of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate,</i>		
<i>(e) are likely to affect the safe occupation of and efficient evacuation of the lot, or</i>		
<i>(f) are likely to result in a significantly increased requirement for government spending on emergency management services, and flood mitigation and emergency response measures, which can include but not limited to road infrastructure, flood mitigation infrastructure and utilities.</i>		
<i>(5) For the purposes of preparing a planning proposal, the flood planning area must be consistent with the principles of the Floodplain Development Manual 2005 or as otherwise determined by a Floodplain Risk Management Study or Plan adopted by the relevant council.</i>	A detailed FIRA in support of the proposal, in line with the contemporary <i>Floodplain Management Manual</i> (DPE EHG, 2023) has been prepared by specialist consultant Arup. This report detailed consistent with the Manual. It is noted there is no adopted Flood Risk Management Plan that covers this part of the Cooks River floodplain.	✓
Consistency		
<i>A planning proposal may be inconsistent with this direction only if the planning proposal authority can satisfy the Planning Secretary (or their nominee) that:</i>		
<i>(a) the planning proposal is in accordance with a floodplain risk management study or plan adopted by the relevant council in accordance with the principles and guidelines of the Floodplain Development Manual 2005, or</i>	In the main, the Planning Proposal is consistent with the provisions of this Direction. However, in considering the responses to the Direction (as detailed above) and in response to feedback from	✓

Provision	Assessment	Consistency
(b) where there is no council adopted floodplain risk management study or plan, the planning proposal is consistent with the flood study adopted by the council prepared in accordance with the principles of the Floodplain Development Manual 2005 or	NSW SES, DPE EHG and Bayside Council, a specific FIRA (under subsection (c)) has been prepared.  This FIRA, as prepared by Arup, has demonstrated consistency with the <i>Flood Risk Management Manual 2023</i> , which is NSW's current policy on flooding. Accordingly, the Planning Proposal is considered acceptable of proceeding to be finalised and implemented.	
(c) the planning proposal is supported by a flood and risk impact assessment accepted by the relevant planning authority and is prepared in accordance with the principles of the Floodplain Development Manual 2005 and consistent with the relevant planning authorities' requirements, or		
(d) the provisions of the planning proposal that are inconsistent are of minor significance as determined by the relevant planning authority.		

## Section 9.1 Direction – 4.2 Coastal Management

Of relevance to the Planning Proposal, subclause (1) is addressed through the detailed Planning Proposal checklist provided as Appendix 1 of the NSW Coastal Design Guidelines (CDG) – October 2023. Refer to **Table 50** below, which provides an assessment against the checklist.

**Table 50**      **Consistency with the NSW CDG 2023 – Appendix 1: Assessment checklist for Planning Proposals**

Outcome A. Protect and enhance coastal environmental values	
Outcome A.1 Protect coastal ecosystems	
A.1c Identify, protect and enhance sensitive coastal ecosystems including coastal wetlands, littoral rainforests and other coastal threatened ecological communities that may be affected by development.	Coastal tidal vegetation such as saltmarsh and mangroves are located within the southern section of the Planning Proposal site. This vegetation is predominately located in areas which are sought to have increased environmental provisions applied through the introduction of a new C2 Environmental Conservation zone. These areas are intended to be enhanced in accordance with the indicative reference scheme, which will be enforced by new LEP and DCP provisions to ensure sensitive coastal ecosystems are improved as a result of development.
A.1e Use environmental buffers and limit the number of access points and pathways to protect coastal ecosystems. In some cases, it may not be appropriate to allow public access to areas with highly sensitive ecosystems or animal populations.	The Planning Proposal has been revised through the response to submissions phase, with an amendment to the proposal to introduce a new C2 Environmental Conservation zone. The C2 zone provides focused areas of biodiversity significance, which will include more stringent controls to provide ecological enhancements, and which will serve as environmental buffers within the riparian zone. Public access to the foreshore has been a long held vision of Bayside Council, and the Planning Proposal delivers upon this for the full length of the Cooks River interface with the Planning Proposal. Accessways are limited to linear regional grade walking/cycling infrastructure, to prioritise ecological riparian planting as an interface to the development zone and sensitive areas such as Green and Golden Bell Frog habitat will be suitably fenced, subject to detailed design.
A.1f Consider if the planning proposal is needed or if development zones could be better located to minimise effects on biodiversity.	A Planning Proposal is required to implement zoning which is capable of being developed for the proposed land uses, consistent with the master planned vision for the site.
A.1g Avoid development that may disturb, expose or drain areas of Class 1 and Class 2 acid sulfate soils.	The development zone is proposed to be mapped Class 3 acid sulfate soils, which is consistent with the investigations in the immediately surrounding area and resultant mapping under the Bayside LEP 2021.

A.1h Consider direct and indirect effects of development, including any necessary infrastructure, on water quality, water quantity and hydrological flows of waterways and groundwater.

WSUD measures are sought within the Planning Proposal. A draft site-specific DCP including water quality provisions has been prepared and input by Bayside Council has been invited for future specific detailed provisions in relation to water quality.

## Outcome A.2 Protect coastal wetlands and littoral rainforests

A.2b Allow for the adaptive management of stormwater run-off so that the quality of water leaving the site is better than pre-development quality to lessen effects on coastal wetlands or other sensitive receiving environments

All stormwater is intended to be captured within the development zone and be treated by way of bioswales prior to release into the Cooks River. Run off will not be diverted into the adjoining open space or biodiversity conservation zones proposed within the site. The necessary water quality infrastructure provisions to achieve improved quality outcomes will be detailed in the site-specific DCP.

A.2c Provide environmental buffers and riparian corridors that enable the long-term management and protection of areas of biodiversity and ecosystem integrity.

As above, environmental buffers within the riparian zone are sought to protect and enhance the biodiversity values of the site together with the redevelopment for logistics purposes. These areas will be subject to long term plans of management, which will be implemented through site-specific planning provisions.

## Outcome B. Ensure the built environment is appropriate for the coast and local context

### Outcome B.1 Respond to and protect elements that make the place special

B.1a Integrate development within the natural topography of the site and ensure land use, building scale and height respond sympathetically to coastal landforms.

The Cooks River in this location was artificially re-aligned to its present location in the 1950s through the expansion of Sydney Airport. Accordingly, the topography has been altered over time and does not represent a natural arrangement. Notwithstanding, the land use, building scale and height contextually relate to the Cooks River in this location, which is dominated by Sydney Airport and large-scale infrastructure such as the Giovanni Brunetti Bridge and SWSOOOS.

B.1b Ensure the intended form and footprint of development does not dominate coastal elements, including foreshores, public spaces and other areas of natural beauty.

Buildings have been sited primarily to provide suitable responses to existing technical constraints and to that ensure riparian zones with sufficient access and widths for ecological enhancement are achieved. These elements have ultimately been balanced to contribute to a form which facilitates a viable redevelopment. The development form and composition provide an appropriate response to the Cooks River foreshore in this location.

B.1c Incorporate adaptive, water-sensitive urban design into the development footprint to reduce run-off and manage water quality within receiving environments.

As above, the proposal targets WSUD measures. These will be implemented through site specific DCP provisions in consultation with Bayside Council.

B.1d Ensure that lot sizes, building heights and density are appropriate for the coastal settlement, and complement the existing or desired local character, supported by place-based strategies,

A detailed masterplan and indicative reference scheme underpin the Planning Proposal which has addressed all relevant urban design matters specific to the precinct.

### Outcome B.2 Ensure urban development complements coastal scenic values

B.2f Provide for active transport links along foreshores, including along estuaries and coastal lakes, and between settlements to increase public access and amenity.

The proposal is accompanied with an offer to enter into a Planning Agreement which includes a new cycle path and boardwalk. These facilities are located within the riparian foreshore and have a significant public benefit due to vastly enhanced regional connectivity achieved.

## Outcome C. Protect and enhance the social and cultural values of the coastal zone

### Outcome C.1 Protect and promote heritage values

C.1a Ensure development does not harm heritage values or sites.

The Planning Proposal does not include any land with identified heritage values, nor does it contain any items of heritage significance.



## Outcome C.2 Provide public access to significant coastal assets

C.2d Maintain and improve foreshore access and connections to existing or proposed networks of public open spaces. This includes waterways, riparian areas, bushland and parks for active and passive recreation.

Access to the foreshore is improved through the proposed embellishment of the riparian zone which include pedestrian and regional grade cycling linkages. The accompanying offer to enter into a Planning Agreement provides further monetary contribution to connect with an embellished and publicly accessible Pemulwuy Park, located within the Planning Proposal boundary.

C.2g Define the boundaries of development sites with a public edge – for example, a pedestrian pathway or public laneway

As above, extensive public pathways define the edge of the riparian zone with the proposed built form.

## Outcome C.3 Protect public amenity

C.3a Avoid development that will overshadow the beach, foreshore or public domain. Apply the standard that there must be no overshadowing before 4 pm (midwinter) and 7 pm (Eastern Daylight Saving Time).

Built form within Cooks Cove has long been planned under existing development controls to be closely aligned to the foreshore of the Cooks River. For most of the day, recreational users of the foreshore will be in full sunlight from morning onwards. As part of the response to submissions, an overshadowing analysis associated with blocks 3b and 3c confirm shadows on the foreshore are limited to a few hours in mainly winter, typically from 1pm onwards. A revised Flora and Fauna confirms these shadows are unlikely to impact the long term viability of riparian vegetation of the coastal area.

## Outcome D. Support sustainable coastal economies

### Outcome D.2 Promote green infrastructure

D.2b Provide for diverse green infrastructure that can support the changing needs of current and future communities, and provide tourism and recreational opportunities.

The proposal provides a land use planning outcome for less sensitive foreshore areas of the site (i.e. those proposed to be zoned RE2 Private Recreation, as opposed to those proposed to be zoned C2 Environmental Conservation) to be provided with water based infrastructure such as jetties and the like. The full length of the foreshore will have other supporting infrastructure such as ecological boardwalks and passive lookouts – all of which contribute to enhanced tourism and recreational opportunities.

## Outcome E. Respond to coastal hazards

### Outcome E.2 Account for natural hazard risks

E.2b Account for potential interaction between coastal hazards and other current and future natural hazards. This includes flooding, bushfires, landslip, heatwaves, severe storms, east coast lows and cyclones. Refer to the Strategic Guide to Planning for Natural Hazards

The Flooding Impact Risk Assessment (FIRA) addresses a full range of flooding events together with varying rainfall scenario assumptions. The site is not subject to other potential hazards such as bushfire and landslip.

E.2c Manage natural hazard risk within the development site. Avoid using public space or adjoining land to lessen risk.

The flooding impacts of the proposal are addressed within the boundary of the Planning Proposal, with no offsite afflux or impact to critical infrastructure. Public open space is proposed to be embellished to rationalise future flowpaths, which will rely on a combination of private and public lands.

### Outcome E.3 Account for climate change

E.3a Demonstrate that the proposal applies a 100-year planning horizon for the full range of climate change projections for coastal hazards. This approach recognises that sea level is projected to continue to rise for centuries because of climate change

The FIRA has assessed the proposal in terms potential impact from climate change and sea level rise projections through to the year 2100. This projection generally aligns with the life expectancy of the development. The FIRA makes recommendations with respect to structural considerations and management/mitigation techniques, which when imposed at the detailed design phase will ensure an acceptable outcome for the development.

E.3b Consider how climate change could affect the risk profile of existing natural hazards and create new vulnerabilities and exposure for the proposal in the future.

## Outcome E.6 Change land uses to manage legacy issues and avoid creating new ones

E.6a Ensure the proposal will not require coastal management interventions to remain viable over its expected lifespan.

The proposal and associated public benefit offer includes the commitment to comprehensively rejuvenate the riparian zone which is under CCI ownership. This offer extends to ongoing maintenance and renewal in perpetuity.

### Section 9.1 Direction – 5.3 Development Near Regulated Airports and Defence Airfields

The proposal's consistency with the Section 9.1 Direction for development near licensed aerodromes is outlined in **Table 51** below. In this instance the licensed aerodrome is Sydney Airport.

**Table 51** Consistency with s9.1 Direction – 5.3 Development Near Regulated Airports and Defence Airfields

Provision	Comment	Consistent?
<b>(2) In the preparation of a planning proposal that sets controls for development of land near a core regulated airport, the relevant planning authority must:</b>		
(a) consult with the Department of the Commonwealth responsible for aerodromes and the lessee of the aerodrome,	DITRDCA and Sydney Airport have and will continue to be consulted during the refinement and assessment of this proposal. Endorsement to proceed to public exhibition was provided on 15 November 2022 acknowledging the Planning Proposal will not constitute a controlled activity.	Yes
(b) for land affected by the prescribed airspace (as defined in Regulation 6(1) of the Airports (Protection of Airspace) Regulation 1996, prepare appropriate development standards, such as height controls.	The OLS as defined by the DITRDC impacts Cooks Cove and was a key consideration informing the design of the revised Master Plan and height controls proposed for inclusion in the LEP. The proposal includes no buildings which will exceed the OLS height limitations as guaranteed through the proposed height controls. Future development will seek all relevant approvals including any future airspace height applications under the Airports (Protection of Airspace) Regulations 1996 (APAR), for approval by DITRDCA / Sydney Airport for temporary structures such as construction cranes. The Planning Proposal is compliant with the requirements of the National Airport Safety Framework	Yes
(c) not allow development types that are incompatible with the current and future operation of that airport.	<p>Proposed development types include uses that are compatible with the airport including logistics, office and short-stay accommodation sited along the Cooks River interface with Sydney Airport. All development will be located and constructed appropriately to achieve acoustic engineer certified internal noise levels prescribed by Australian Standard 2021:2015 'Acoustics – Aircraft Noise Intrusion – Building Siting and Construction' so as to achieve the required levels of acoustic amenity.</p> <p>Improvements to Open Space and active transport infrastructure will also be provided along the Cooks River foreshore fronting the Airport to assist the South East Sydney Transport Strategy objective of increasing the proportion of Sydney Airport staff utilising public transport, walking and cycling as their preferred means of transport. The mass and scale of buildings will be designed to negate turbulence and or windshear impacts on aircraft.</p>	Yes
(d) obtain permission from that Department of the Commonwealth, or their delegate, where a planning proposal seeks to allow, as permissible with consent, development that would constitute a controlled activity as defined in section 182 of the Airports Act 1996. This permission must be obtained prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&A Act.	<p>The massing of the Cooks Cove Planning Proposal has been developed in accordance with the airspace limitations to support the approvability of the project under the relevant regulations. The Strategic Airspace Assessment of Approvability concludes that the proposed buildings pursuant to the Planning Proposal will not infringe the Prescribed Airspace of Sydney Airport and will not constitute a S182 controlled activity and that there is no requirement for prior approval under Airports Protection of Airspace Regulations 1996 (APAR), or any technical impediment to approval of the development as currently proposed.</p> <p>Necessary applications for temporary construction cranes above the OLS but beneath all PANS-OPS surfaces will be made at the appropriate time. No application will be sought for lighting exceeding intensity levels prescribed by regulations or that is capable of impacting aircraft operating in prescribed airspace. Structural design will ensure façade and roof elements do not reflect sunlight that exceeds intensity levels prescribed by regulations or can impact pilots operating in prescribed airspace.</p>	Yes

Provision	Comment	Consistent?
	The Windshear and Turbulence Assessment concludes that the Planning Proposal will not result in air turbulence that affects the normal flight of aircraft operating in prescribed airspace. Permission from the DITRDC will be attained prior to undertaking community consultation in accordance with section 57 of the Act.	
	DITRDCA and Sydney Airport have acknowledged that the Planning Proposal does not constitute a controlled activity (refer <b>Appendix Q</b> ).	
<b>(4) A planning proposal must include a provision to ensure that development meets Australian Standard 2021 – 2015, Acoustic- Aircraft Noise Intrusion – Building siting and construction with respect to interior noise levels, if the proposal seeks to rezone land:</b>		
<i>(b) for hotels, motels, offices or public buildings where the ANEF is between 25 and 30; or</i>	All proposed hotel/motel, serviced apartments, offices and public buildings are located below ANEF 25. No buildings are located above ANEF 30. Capable of meeting Australian Standard 2021 – 2015 subject to detailed design.	Yes
<i>(c) for commercial or industrial purposes where the ANEF is above 30.</i>	No development within the Cooks Cove site is within a 25-30 ANEF zone. All buildings are capable of meeting Australian Standard 2021 – 2015 subject to detailed design.	Yes

### Section 9.1 Directions – Acid Sulfate Soils

The proposal's consistency with the Section 9.1 Direction for development on land having a probability of containing acid sulfate soils is outlined in **Table 52** below.

**Table 52 Consistency with s9.1 Directions – 4.5 Acid Sulfate Soils**

Provision	Comment	Consistent?
<i>(1) The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Planning Secretary when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present.</i>	Noted. The site is identified as having a high probability of occurrence of acid sulfate soil materials within the soil profile.	Yes
<i>(2) When a relevant planning authority is preparing a planning proposal to introduce provisions to regulate works in acid sulfate soils, those provisions must be consistent with: (a) the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Planning Secretary, or (b) other such provisions provided by the Planning Secretary that are consistent with the Acid Sulfate Soils Planning Guidelines.</i>	Noted.	Yes
<i>(3) A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to the Planning Secretary prior to undertaking community consultation in satisfaction of clause 4 of Schedule 1 to the Act</i>	An Acid Sulfate Soils Management Plan (ASSMP) for the site has been prepared by CES and is addressed at <b>Section M</b> of the Planning Proposal report. Potential Acid Sulfate Soils (PASS) are expected to be present in natural material below the water table. It is expected that the planned development of the site may result in disturbance of the PASS. Accordingly, a detailed ASSMP will be prepared during the detailed DA phase on the site and will be implemented prior to any physical works commencing. Future development applications will be required to address the issue of ASS and provide appropriate management measures.	Yes
<i>(4) Where provisions referred to under 2(a) and 2(b) above of this direction have not been</i>	Noted.	Yes



Provision	Comment	Consistent?
<i>introduced and the relevant planning authority is preparing a planning proposal that proposes an intensification of land uses on land identified as having a probability of acid sulfate soils on the Acid Sulfate Soils Planning Maps, the planning proposal must contain provisions consistent with 2(a) and 2(b).</i>		

## Section 9.1 Directions – 4.1 Flooding

The proposal's consistency with the Section 9.1 Direction for development on land being flood prone is outlined in **Table 53** below.

**Table 53** Consistency with s9.1 Directions – 4.1 Flooding

Provision	Comment	Consistent?
<i>(1) A Planning Proposal must include provisions that give effect to and are consistent with (a) the NSW Flood Prone Land Policy,</i>	A Flood Impact Assessment for the Planning Proposal has been prepared by Arup and is addressed at <b>Section 5.2</b> of the Planning Proposal report. This report includes an assessment and subsequent flood management strategy for the precinct that is consistent with the NSW Flood Prone Land Policy and the Floodplain Development Manual 2005. The potential flood impacts of the proposal have been assessed under the 5% AEP, 1% AEP and PMF events. As per the NSW FDM (2005) the proposed flood planning level for the site is 1% AEP flood level plus 600mm freeboard, as well as an 900mm allowance for climate change induced changes to rainfall patterns and sea level rise.	Yes
<i>(b) the principles of the Floodplain Development Manual 2005,</i>	The NSW Government replaced the 2005 manual with the Flood Risk Management Manual 2023 on 30 June 2023. The FIRA, prepared in response to submissions received, confirmed the amended approach to fill the development zone to above 1:2,000 AEP, provide finished floor levels above PMF and to provide an access route which was capable of being traversed in the 1:500 AEP. These specific measures demonstrate that the Planning Proposal appropriately manages flood risk and would not result in adverse flooding impacts.	Yes
<i>(c) the Considering flooding in land use planning guideline 2021, and</i>	In response to the 'Flooding in land use planning guideline 2021', the Planning Proposal seeks to categorise the site as a Flood Planning Area (FPA). This matches the land surrounding the site, such as Bayside West Precinct 2036 lands which have been designated by the Bayside LEP as an FPA. All finished floor levels within Cooks Cove will be above the PMF, which is greater than 0.6m freeboard allowance and is therefore consistent with the current flood planning provisions in the Bayside LEP. No Special Flood Considerations apply nor are proposed.	Yes
<i>(d) any adopted flood study and/or floodplain risk management plan prepared in accordance with the principles of the Floodplain Development Manual 2005 and adopted by the relevant council.</i>	The FIRA has relied upon the Cooks River Flood Study (MWH-PB, 2009) which was carried out for Sydney Water, together with the Bonnie Doon, Eve Street/Cahill Park Pipe & Overland 2D Flood Study (WMAwater, 2015/2017). Detailed design will further consider and implement necessary provisions of the Bayside Flood Emergency Plan (endorsed May 2023).	Yes
<i>(2) A planning proposal must not rezone land within the flood planning area from Recreation, Rural, Special Purpose or Conservation Zones to a Residential, Business, Industrial or Special Purpose Zones.</i>	It is acknowledged the Planning Proposal seeks to rezone elements of the site (within the FPA) from open space / recreation to other zones. However, this is land which will be raised to above the PMF and in doing so this will ultimately result in a reduced quantum of developable area when compared to the current SEPP EHC zoning. This approach, together with contemporary flood planning and risk provisions, balances the rezoning of land in the flood planning area in a format which achieves a superior outcome in terms of flood safety.	Note Consistency (a)-(d) below

Provision	Comment	Consistent?
<p>(3) A Planning Proposal must not contain provisions that apply to the flood planning areas which:</p> <p>(a) permit development in floodway areas,</p>	<p>The floodplain has been assessed by Arup to not exhibit any natural floodway characteristics. Notwithstanding, floodway areas on the site will be relocated through land reshaping, to new and expanded areas of zoned open space within the site. There will not be any development in these relocated floodway areas. These floodway areas continue to be heavily modified from the 1950s relocation of the Cooks River, to the 2020s reshaping of land arising from the M6/M8 projects and no longer resembles a natural floodplain adjacent to a natural river.</p>	<p>Note Consistency (a)-(d) below</p>
<p>(b) permit development that will result in significant flood impacts to other properties,</p>	<p>Arup confirm through the detailed FIRA that there is no impact to properties external to the site. This includes no unreasonable afflux to dwellings within the adjacent Bayside West Precincts area and to TfNSW's Arncliffe MOC facility. Whilst located within the Planning Proposal boundary, the amended scheme as implemented addresses overland flow in Pemulwuy Park to ensure no material impact to TfNSW's M6 UDLP. The intended undercroft arrangement (subject to detailed controls) will result in an appropriate sharing of the flowpath between public and private lands and accordingly addresses previous concerns that the proposal would 'burden' Council's open space lands.</p>	<p>Yes</p>
<p>(c) permit development for the purposes of residential accommodation in high hazard areas</p>	<p>Not applicable as residential land uses are not sought.</p>	<p>Yes</p>
<p>(d) permit a significant increase in the development of that land,</p>	<p>As noted above, the Planning Proposal seeks a modest increase in GFA however, with the land uses envisioned in a highest and best use scenario, this is likely to result in a significant reduction in expected workers which compared to the current provisions of SEPP EHC. The area zoned for urban purposes has been reduced by approx 10% under the Planning Proposal.</p>	<p>Yes</p>
<p>(e) permit development for the purpose of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate,</p>	<p>Centre-based childcare facilities are continued to be proposed to support worker population amenity and in conjunction with the retail/tourist and visitor precinct proposed. These uses are currently permissible with consent under SEPP EHC within the site. Safe evacuation pathways have been addressed through amendments to access points to Marsh Street.</p>	<p>Note consistency (a) – (d) below</p>
<p>(f) permit development to be carried out without development consent except for the purposes of exempt development or agriculture. Dams, drainage canals, levees, still require development consent,</p>	<p>Not applicable</p>	<p>N/A</p>
<p>(g) are likely to result in a significantly increased requirement for government spending on emergency management services, flood mitigation and emergency response measures, which can include but are not limited to the provision of road infrastructure, flood mitigation infrastructure and utilities, or</p>	<p>Amendment to the Flora Street East entry road as presented in the FIRA, ensures that safe access and evacuation is allowed for in up to 1:500 AEP floods. The site would only become isolated from safe access from around the 1:2000 AEP flood (with sufficient management and mitigation safety measures in place) for a comparatively short period to up to 8-12 hours in a PMF scenario, which is considered by Arup as on the margins of statistical probability.</p>	<p>Yes</p>
<p>(h) permit hazardous industries or hazardous storage establishments where hazardous materials cannot be effectively contained during the occurrence of a flood event.</p>	<p>Not applicable, hazardous land uses are not sought.</p>	<p>Yes</p>
<p>(4) A planning proposal must not contain provisions that apply to areas between the flood planning area and probable maximum flood to which Special Flood Considerations apply which:</p> <p>(a) permit development in floodway areas,</p>	<p>No Special Flood Considerations apply to the Bayside LEP. The proposal does not impose flood related development controls between the flood planning area and probable maximum flood. All finished floor areas will be located above the PMF.</p>	<p>Yes</p>

Provision	Comment	Consistent?
<p>(b) permit development that will result in significant flood impacts to other properties,</p> <p>(c) permit a significant increase in the dwelling density of that land,</p> <p>(d) permit the development of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate,</p> <p>(e) are likely to affect the safe occupation of and efficient evacuation of the lot, or</p> <p>(f) are likely to result in a significantly increased requirement for government spending on emergency management services, and flood mitigation and emergency response measures, which can include but not limited to road infrastructure, flood mitigation infrastructure and utilities.</p>		
<p>(5) For the purposes of preparing a planning proposal, the flood planning area must be consistent with the principles of the Floodplain Development Manual 2005 or as otherwise determined by a Floodplain Risk Management Study or Plan adopted by the relevant council.</p>	<p>A detailed FIRA in support of the proposal, in line with the contemporary Floodplain Management Manual (DPE EHG, 2023) has been prepared by specialist consultant Arup. This report detail is consistent with the Manual. Detailed design will further consider and implement necessary provisions of the Bayside Flood Emergency Plan (endorsed May 2023).</p>	Yes
<p>(Consistency) A planning proposal may be inconsistent with this direction only if the relevant planning authority can satisfy the Planning Secretary (or their nominee) that: (a) the planning proposal is in accordance with a floodplain risk management plan prepared in accordance with the principles and guidelines of the Floodplain Development Manual 2005, or</p> <p>(b) where there is no council adopted floodplain risk management study or plan, the planning proposal is consistent with the flood study adopted by the council prepared in accordance with the principles of the Floodplain Development Manual 2005 or</p> <p>(c) the planning proposal is supported by a flood and risk impact assessment accepted by the relevant planning authority and is prepared in accordance with the principles of the Floodplain Development Manual 2005 and consistent with the relevant planning authorities' requirements, or</p> <p>(d) ) the provisions of the planning proposal that are inconsistent are of minor significance as determined by the relevant planning authority.</p>	<p>In the main, the Planning Proposal is consistent with the provisions of this Direction. However, in considering the responses to the Direction (as detailed above) and in response to feedback from NSW SES, DPE EHG and Bayside Council, a specific FIRA (under subsection (c)) has been prepared.</p> <p>This FIRA, as prepared by Arup, has demonstrated consistency with the Flood Risk Management Manual 2023, which is NSW's current policy on flooding. Accordingly, the Planning Proposal is considered acceptable of proceeding to be finalised and implemented.</p> <p>As confirmed through technical expert Arup, the Planning Proposal provides an acceptable flooding outcome with respect to the applicable Ministerial Directions for flooding, which are implemented through the NSW Government's latest Flood Risk Management Manual, coming into effect on 30 June 2023.</p> <p>Importantly, the Cooks Cove proposal seeks to optimise land already zoned for urban purposes. The proposal has been refined through extensive consultation which has involved the preparation of a detailed FIRA which has addressed all applicable matters including flooding extent, depth, velocity, hazard, function and flood emergency response classifications – all of which have been considered by Arup as being acceptable in the circumstances.</p> <p>Arup confirm all technical appraisals are in line with the current flood policy with no offsite flood impacts and a suitable level of hazard achieved for any future occupants, which is capable of being mitigated subject to detailed management plans. The proposal also provides a suitable pathway forward, at the detailed design phase to suitably mitigate any flowpath impacts on Pemulwuy Park</p>	



## **Section 9.1 Directions – 5.2 Reserving Land for Public Purposes**

The proposal's consistency with the Section 9.1 Direction for reserving land for public purposes is outlined in **Table 54** below.

**Table 54**      **Consistency with s9.1 Directions – 5.2 Reserving Land for Public Purposes**

Provision	Comment	Consistent?
<i>(1) A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Planning Secretary (or an officer of the Department nominated by the Secretary).</i>	<p>The Planning Proposal seeks to replace the Trade and Technology, Special Use and Open Space zones with SP4 Enterprise and RE1 Public Recreation zones to the extent that they apply to the Planning Proposal and KGC freehold lands in a manner that is consistent with Direction 1.12.</p> <p>The Planning Proposal rezoning will result in a gross development footprint of approx. 15.05 hectares compared to a SREP33 gross development footprint of 21.3 hectares.</p>	Yes
<i>(2) When a Minister or public authority requests a relevant planning authority to reserve land for a public purpose in a Planning Proposal and the land would be required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991, the relevant planning authority must:</i> <i>(a) reserve the land in accordance with the request, and</i> <i>(b) include the land in a zone appropriate to its intended future use or a zone advised by the Planning Secretary (or an officer of the Department nominated by the Secretary), and</i> <i>(c) identify the relevant acquiring authority for the land</i>	Noted.	Yes
<i>(3) When a Minister or public authority requests a relevant planning authority to include provisions in a Planning Proposal relating to the use of any land reserved for a public purpose before that land is acquired, the relevant planning authority must:</i> <i>(a) include the requested provisions, or</i> <i>(b) take such other action as advised by the Planning Secretary (or an officer of the Department nominated by the Secretary) with respect to the use of the land before it is acquired.</i>	Noted.	Yes
<i>(4) When a Minister or public authority requests a relevant planning authority to include provisions in a Planning Proposal to rezone and/or remove a reservation of any land that is reserved for public purposes because the land is no longer designated by that public authority for acquisition, the relevant planning authority must rezone and/or remove the relevant reservation in accordance with the request.</i>	Noted.	Yes

## 6.3 Section C – Environmental, Social and Economic Impact

### 6.3.1 Question 8 – Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

A detailed assessment of the likelihood of critical habitat, threatened species, populations, ecological communities, or their habitats being adversely affected because of the proposal is included in **Section 5.6** of the Planning Proposal justification report. Relevant management and mitigation measures are identified where appropriate and, on this basis, no unacceptable impacts are likely to result from the Planning Proposal or future development on the site, subject to detailed consideration at the appropriate step in the planning process.

### 6.3.2 Question 9 – Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

A detailed assessment of the environmental effects as a result of the Planning Proposal is identified in **Section 5.6**. Relevant management and mitigation measures are identified where appropriate and, on this basis, no unacceptable impacts are likely to result from the Planning Proposal or future development on the site, subject to detailed consideration at the appropriate step in the planning process.

### 6.3.3 Question 10 – Has the planning proposal adequately addressed any social and economic effects?

Yes. The economic and social impacts arising from the Planning Proposal have been fully identified and addressed throughout this Planning Proposal justification report. The Planning Proposal will contribute to a number of positive social and economic effects which are detailed in the preceding sections.

## 6.4 Section D – Infrastructure (Local, State and Commonwealth)

### 6.4.1 Question 11 – Is there adequate public infrastructure for the planning proposal?

A Servicing and Utilities Infrastructure Strategy Report has been prepared by Arup and is included at **Appendix I**. The purpose of the report is to evaluate servicing and utility impacts associated with the indicative development concept provided in the revised Master Plan in a summary format. As the site is currently occupied by a golf course, there are utilities network upgrades and extensions required to service the development zone.

A Strategic Transport Plan has been prepared by JMT Consulting and is included at **Appendix D**. The Plan provides a comprehensive assessment of the traffic generation, car parking, public and active transport at the site. TfNSW has been involved extensively in discussions during 2019-2023 in relation to refining the Proposal's transport and traffic model.

## 6.5 Section E – State and Commonwealth Interests

### 6.5.1 Question 12 – What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

The Planning Proposal has been prepared in conjunction with relevant Commonwealth and State legislation that is outlined below. Extensive consultation with a number of State and Federal agencies has occurred over several years and will continue through the public exhibition process. The Gateway Determination has identified the public authorities to be consulted as part of the Planning Proposal process and any views expressed will be included in this Planning Proposal following consultation. Refer to further comments provided at **Section 7.0**.

#### Commonwealth Legislation

The following Commonwealth legislation has been considered where relevant throughout the preparation of the Planning Proposal:

- Environment Protection and Biodiversity Conservation Act 1999;
- Airports Act 1996; and

- Civil Aviation Act 1988.

### Environment Protection and Biodiversity Conservation Act 1999

The Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act) requires approval from the Commonwealth Minister for the Environment for actions that will have a significant effect on matters of national environmental significance, including identified threatened species. Under the EPBC Act, any action (which includes a development, project or activity) that is considered likely to have a significant impact on MNES (including nationally listed threatened ecological communities and species, and listed migratory species) must be referred to the Australian Government Minister for the Environment (the Minister), to determine whether the action is a 'controlled action', and requires Commonwealth approval by the Department of Agriculture, Water and Environment (DAWE).

The Green and Golden Bell Frog (GGBF) is listed as being vulnerable under the EPBC Act. Future detailed development applications pertaining to the Planning Proposal site will require referral to the Commonwealth under the EPBC Act, given the proximity of development to historic GGBF habitat surrounding the site and the potential for contributory species habitats and foraging grounds within the site. It is noted, however the historic foraging habitat and ponds once frequented by the GGBF have been removed by the establishment of the RMS Arncliffe M6 and M8 construction compound and the Arncliffe colony of GGBF have been progressively relocated temporarily off-site and then to new purpose-built habitat facilities, such as those now located south of Marsh Street by TfNSW. Additional GGBF habitat proposed by TfNSW within the future Pemulwuy Park South as exhibited in the M6 Stage 1 UDLP are intended to be retained as part of any proposed embellishments of the Trust Lands to be delivered by Bayside Council. Refer to further assessment provided at **Section 5.6**.

### Airports (Protection of Airspace) Regulations 1996

The Airports (Protection of Airspace) Regulations 1996 (APAR) administered by the Commonwealth Department of Infrastructure Transport Regional Development Communications and the Arts (DITRDCA) under the Airports Act 1996, establish a system for the protection of airspace at, and around, airports in the interests of the safety, efficiency or regularity of existing or future air transport operations into or out of airports. Under Part 12, Section 181 of the Act, prescribed airspace for an airport is:

- (a) The airspace above any part of either an OLS or a PANS-OPS surface for the airport; and
- (b) Airspace declared in a declaration, under regulation 5, relating to the airport.

As discussed in Section 6.7 above, the OLS and PANS-OPS height restrictions have been considered in the planning and design of the master plan. No buildings proposed within the Master Plan exceed the height restrictions of OLS or the PANS-OPS surfaces.

In accordance with APAR, the required written notice of the proposal to carry out a controlled activity will be provided to all relevant authorities, including SACL, CASA and Airservices Australia. Strategic Airspace consider that there is no technical impediment to approval of the development as currently proposed and that an application under the APAR, supported by a full aeronautical assessment and safety case would be supported by DITRDCA.

### Civil Aviation (Buildings Control) Regulations 1988

An older set of regulations which theoretically apply for airspace approval purposes are the Civil Aviation (Buildings Control) Regulations 1988, as amended (CA (BC) Regs) under the Civil Aviation Act 1988. These regulations are currently under review to be repealed as they are considered by the DITRDCA as being superseded in practice by the Prescribed Airspace Regulations (outlined above). However, they are still applicable and stipulate specific approval requirements — in relation to the maximum structure height above ground — in addition to those of the Prescribed Airspace Regulations.

It is noted that all of the proposed building structures would require approval given the requirements of Regulation 3-6 and may require approval under these regulations. The appropriate approvals will be sought as required throughout the assessment process. It is considered that approvals under the CA(BC) regulations would be automatically granted upon approvals granted by DITRDCA of future airspace height applications for one or more buildings and structures proposed within the Planning Proposal area and the subject of the Master Plan. This item has been a part of ongoing dialogue between DITRDCA and the Proponent over many years.

### New South Wales Legislation

The following State legislation has been considered where relevant throughout the preparation of the proposal:

- Environmental Planning and Assessment Act 1979;



- Local Government Act 1993;
- Crown Lands Act 1989;
- Threatened Species Conservation Act 1995;
- Biodiversity Conservation Act 2016;
- Fisheries Management Act 1994;
- Water Management Act 2000;
- Heritage Act 1997;
- Roads Act 1993; and
- Protection of the Environment Operations Act 1997.

### **Environmental Planning and Assessment Act 1979**

The EP&A Act and the Environmental Planning and Assessment Regulation 2021 (EPA Reg) set out amongst other things the requirements and process for rezoning land and amending an LEP. This Planning Proposal has been prepared in accordance with the requirements set out in Section 3.33 (previously Section 55) of the EP&A Act, in that it explains the intended outcomes of the proposed instrument. It also provides justification and an environmental analysis of the proposal. Refer to Section 3.1 for further discussion on the strategic planning 'line of sight' set by the EP&A Act and Section 3.2 for the Ministerial Directions, chiefly of relevance to this Planning Proposal, which are site-specific 1.11 Implementation of Bayside West Precincts 2036 Plan and 1.12 Implementation of Planning Principles for the Cooks Cove Precinct.

### **Biodiversity Conservation Act 2016**

The Biodiversity Conservation Act 2016 (BC Act) came into effect in 2017 and replaces a range of existing biodiversity legislation, including the Threatened Species Conservation Act 1995. A key component of the BC Act is the establishment of a Biodiversity Offsets Scheme under the EP&A Act. The BC Act also introduces a new suite of biodiversity assessment and certification measures. Ongoing reform in relation to the BC Act is occurring with a variety of transitional arrangements in relation to the TSC Act. All future detailed DAs at the site will have regard to the BC Act. Refer to **Section 5.6**.

### **Fisheries Management Act 1994**

The Fisheries Management Act 1994 (FM Act) has the objective to conserve, develop and share the fishery resources of NSW for the benefit of present and future generations. It is noted that future detailed development applications pertaining to the site may require approval under the FM Act due to the envisaged works along the Cooks River and in relation to the removal and re-establishment of saltmarsh and mangrove populations in limited parts of the site.

### **Water Management Act 2000**

The Water Management Act 2000 (WM Act), together with the Water Act 1912, provide for the sustainable and integrated management of the water resources of the State. Future detailed development applications pertaining to the site will require a controlled activity approval, under subsection 91 of the WM Act, given their location on waterfront land (i.e. land located within 40m of the diverted Cooks River foreshore and river bank).

### **Heritage Act 1997**

The Planning Proposal does not seek to rezone land pertaining to any State heritage items. Refer to additional assessment of the proposal at **Section 5.9**.

### **Roads Act 1993**

It is noted that approval of future detailed development applications for the site will be required under the Roads Act 1993 for the provision of the new internal road network and new road connections proposed to intersect Marsh Street as contemplated by this Planning Proposal, Eastern Harbour City SEPP and the Bayside West Precincts 2036 Plan.

### **Protection of the Environment Operations Act 1997**

Future detailed development applications pertaining to the site may be subject to the requirements of the Protections of the Environment Operations Act 1997 (POEO Act), including the requirement for an Environmental Protection License from the Environmental Protection Authority (EPA).

## 7.0 Project Timeline and Consultation

### 7.1 Historical planning processes for Cooks Cove

Prior to the lodgement of the Planning Proposal in 2017, Cooks Cove has been the subject of a longer-term and ongoing planning process. Key aspects of this ongoing process are outlined in **Table 55** below.

**Table 55** *Key aspects of the Cooks Cove planning process prior to and following May 2017*

Date	Event
1996	Initial conceptual discussions Federal Airports Corporation, Rockdale Council and Kogarah Golf Club.
2001	Cooks Cove Development Corporation is formed.
2004	Sydney Regional Environmental Plan No. 33 (SREP 33) – Cooks Cove and Master Plan (DCP) adopted by Minister of Planning.
2006	Stage 1 Master Plan DA approved by Rockdale Council.
2008-2009	Significant open space improvement works were undertaken offsite at Scarborough and Bicentennial Parks in order to facilitate the relocation of a number of sporting clubs and the pending redevelopment. Cooks Cove project then placed into administration due to the GFC.
2015-2016	Rockdale Council nominates Cooks Cove to the DPHI as potential Urban Activation Precinct, to investigate the capacity of the northern portion of the site to accommodate a high density, mixed-use residential precinct. DPHI undertakes detailed investigation and determined that a Planning Proposal to Council was the most appropriate pathway for any rezoning.
November 2016	Draft Bayside West Land Use and Infrastructure Strategy released by the DPHI. Cooks Cove is included within the Bayside West Precincts Draft Land Use and Infrastructure Strategy.
May 2017	Cooks Cove Planning Proposal submitted to Bayside Council.
March 2018	GSC finalises the Greater Sydney Region Plan and the Eastern City District Plan, both identifying Cooks Cove as an urban renewal area.
March 2018	Draft technical assessment of Planning Proposal completed by Cardno.
May 2018	Revised Planning Proposal submitted with additional information.
August 2018	Bayside Local Planning Panel hearing.
September 2018	Bayside West Precincts 2036 Plan is adopted by the DPHI, identifying Cooks Cove as an urban renewal precinct and providing planning principles for its redevelopment.
September 2018	Bayside Council meeting concludes that a conflict of interest exists regarding Council's role as trustee and the exercise of planning functions.
September 2018	Minister for Planning makes two directions under s9.1 of the EP&A Act relevant to the desired future of the Cooks Cove precinct.
October 2018	Arncliffe and Banksia Bayside West Precincts rezoned by DPHI.
October 2018	Draft Special Infrastructure Contribution for Bayside West exhibited by DPHI.
February 2020	Bayside Council resolve to endorse the Bayside LSPS.
March 2020	Submission of amended Cooks Cove Planning Proposal.
October 2020	Bayside Local Housing Strategy was released and placed on public exhibition.
October 2020	Minister for Planning and Public Spaces made the Environmental Planning and Assessment Amendment (Bayside West Special Contributions Area) Order 2020, pertaining to the site of the Cooks Cove Planning Proposal.
4 August 2022	Gateway Determination issued.
24 April – 6 June 2023	Public exhibition of documentation and corresponding Gateway Alteration endorsed by SECPP was publicly exhibited from 24 April 2023 to 6 June 2023.
5 May 2024	Requirement for the amendment to Bayside LEP 2021 to be completed.

## 7.2 Stakeholder Engagement

The Proponent has undertaken extensive authority and stakeholder consultation to date, which has informed the development of the Planning Proposal and assisted in its refinement. To date, Cook Cove Inlet has consulted with the following authorities and stakeholders:

- Bayside Council;
- Department of Planning, Industry and Environment;
- Department of Education and Communities;
- Department of Environment and Energy;
- Department of Infrastructure, Transport, Regional Development and Communications;
- Department of Primary Industries;
- Transport for New South Wales;
- Sydney Airport Corporation Limited;
- Air Services Australia;
- Sydney Water Corporation;
- Metropolitan Local Aboriginal Lands Council;
- Sydney Desalination Pty Ltd;
- APA Group;
- Ausgrid;
- NBN Co; and
- Jemena.

This Planning Proposal responds to the key comments and requested inputs from each of the above stakeholder Under Gateway Condition (5) formal consultation subject to Section 3.34(2)(d) of the EP&A Act 1979 are required with the following agencies and organisations:

- Transport for NSW (TfNSW);
- Bayside Council;
- Department of Planning and Environment's Environment, Energy and Science Team;
- State Emergency Services (SES);
- Greater Cities Commission (GCC);
- Federal Department of Infrastructure, Transport, Regional Development and Communications;
- NSW Ports;
- NSW Environmental Protection Authority (EPA);
- Heritage NSW;
- Sydney Desalination Plant;
- Sydney Water;
- Natural Resource Access Regulator;
- Ausgrid;
- Department of Energy and Environment
- Department of Primary Industries;
- Air Services of Australia;
- NBN Co;
- APA Group;
- Jemena.



## 8.0 Conclusion

The Cooks Cove Planning Proposal will facilitate the long-planned transformation of underutilised and strategically important land adjacent to one of Australia's most important trade gateways, Sydney International Airport.

The intended objective of the Cooks Cove Planning Proposal is to incorporate a refreshed suite of planning controls within the Bayside LEP 2021 to prioritise land uses which contribute to the support of the adjacent Sydney Airport – but which do not rely upon or impact upon its function. The revised proposal is also attuned to serve the wider region as an appropriate location for a logistics and warehousing precinct, with a careful selection and density of other supporting uses such as hotel and motel accommodation, serviced apartments, commercial 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.

The Cooks Cove Master Plan has been prepared as part of a comprehensive Urban Design and Landscape Report to guide best practice design and to achieve an attractive precinct with high amenity. Key features of the Master Plan are:

- A net development zone of approximately 15.5ha with up to 343,250m<sup>2</sup> GFA comprising 290,000m<sup>2</sup> of multi-level logistics and warehousing, 20,000m<sup>2</sup> for hotel, motel and serviced apartment accommodation uses, 22,350m<sup>2</sup> for commercial office uses and 10,900m<sup>2</sup> of retail uses;
- Built form of a scale and composition which is generally consistent with the heights in the surrounding context and up to a maximum of RL51m;
- A land use mix which caters for the generation of approximately 3,300 new jobs;
- Approximately 3.74ha of the KGC freehold land will be embellished to complement Pemulwuy Park as publicly accessible open space including the Cooks River foreshore ; and
- An integrated vision for the future adjacent Pemulwuy Park (Trust lands) to be delivered by Council, including a regionally beneficial floodwater response through re-contoured waterbodies and swales designed to mitigate any flooding impacts on surrounding areas, including the TfNSW MOC facility.

Importantly, public land no longer forms part of the developable area and more than 85 hectares of public land will remain predominately as open space. Furthermore, the Kogarah Golf Course is no longer proposed to be relocated to nearby Barton Park and will relocate off site from 2024.

The Planning Proposal appropriately addresses the site specific and strategic merit tests as provided in the Gateway Determination report as follows:

- The proposal is consistent with, and gives effect to the Greater Sydney Region Plan, Eastern City District Plan and Bayside Local Strategic Planning Statement;
- The proposal is consistent with relevant State Environmental Planning Policies;
- It will facilitate the opportunity to revise outdated and impractical planning controls which will deliver additional employment floor space, retail and tourism supporting land uses in the Bayside LGA;
- It will facilitate the opportunity to improve public access through the site including along the Cooks River foreshore;
- Sufficient specialist technical and environmental assessment and validation to support the proposed planning controls; and
- Confirmation that appropriate services and infrastructure will be provided to meet the demands arising from the proposal, with appropriate mitigation measures as appropriate .

The Planning Proposal report and accompanying documentation confirm that all Gateway Determination conditions have been suitably addressed to enable public exhibition. In summary, this Planning Proposal and accompanying Master Plan :

- Strengthens the economy within the Bayside municipality through the provision of significant new employment opportunities through the realisation of new logistics and commercial office land uses;
- Provides for an enriched community, through the delivery of supporting retail and open space that will benefit not only the future workers and visitors of Cooks Cove but also the wider community and Bayside municipality;

- Enables the development of high quality tourist and visitor accommodation within a location immediately adjacent to Sydney International Airport and within a fast growing and high density urban renewal precinct;
- Protects the economic growth and safeguards the ongoing operations of Sydney International Airport;
- Creates an attractive and inclusive precinct which delivers best practice design in order to meet the needs of workers and visitors of Cooks Cove and the wider community;
- Provides a safe and efficient road network that balances movement and place, enhances connections to the immediate and surrounding areas and results in appropriate traffic impacts on the wider network;
- Improves mobility and accessibility to and from the precinct, providing substantial active pedestrian/cycling and public transport linkages, supporting a healthy and diverse community and helping to deliver a 30-minute city;
- Protects and supports the provision of future strategic transport linkages, both planned and under construction;
- Delivers an integrated, attractive, connected and publicly accessible foreshore;
- Contributes to the delivery of the Green Grid project through the provision of open space areas and the revitalisation of the Cooks River foreshore; and
- Enables the protection and enhancement of the on-site biodiversity and environmental attributes.

The proposed amendments to Bayside LEP 2021 are appropriate in that they will effectively control development outcomes within the site, through a bespoke SP4 Enterprise Zone and local land use permissibility's to ensure the development of a strategically important site. The project will support the NSW Government's vision for Sydney's future, which aims to deliver a productive, sustainable and liveable city.