

8 December 2023

218196

Louise McMahon
Director, Agile Planning
Department of Planning and Environment
Via email: louise.mcmahon@dpie.nsw.gov.au

CC: Kate Bartlett, Director, The Planning Studio: kate@theplanningstudio.com.au

Dear Louise,

Cooks Cove Planning Proposal (PP-2022-1748)
Re: Clarification of Intended Planning Provisions

The purpose of this memo is to provide several clarifications in relation to the planning controls sought in conjunction with the Cooks Cove Planning Proposal. These clarifications seek to address matters which have been raised during the response to submissions and assessment phase for the proposal.

1. Foreshore zoning

It is understood that DPE is mindful of the complexity of applying a range of land use zones within the Planning Proposal boundary. There is a general objective to simplify this outcome, in particular with regard to the two different zones applying to the foreshore. In response to the email request dated 4 December 2023, provided at **Figure 1** below is an overlay of the reference scheme road layout over the intended zoning map.

As indicated, the foreshore cannot be zoned C2 Environmental Conservation for its entirety, unless 'roads' are otherwise made permissible with consent, due to the intended loop road from Levey Street through to Getrude Street extension in the indicative reference scheme.

It remains our preference as presented in the Response to Submissions package of 20 September 2023, that the northern section of the foreshore be zoned RE2 and the southern section be zoned C2. This arrangement not only allows permissibility for the road arrangement sought, but also best reflects the varying character of the foreshore zone proposed and best matches the proposed intent to provide public access, varying in character along the full length of the Cooks River interface.

Two other zoning options are:

- Adoption of a SP4 zone along the northern section of the foreshore, replacing RE2 (not considered optimal) – this would require mapped additional permitted uses for 'roads', 'jetties', 'boat launching ramps' and other relevant land uses which are currently permissible in the RE2 zone. However, this would give the visual representation of a larger development zone, which goes against CCI's commitment to a publicly accessible foreshore, at least visually on the map.
- Adoption of a C2 zone along the full extent of the foreshore, replacing RE2 (least preferred option) – which would include mapped additional permitted uses for 'roads', 'jetties', 'boat launching ramps' and other relevant land uses which are permissible in the RE2 zone, together with the provisions noted below for the elevated connection to Sydney Airport. This option is also generally inconsistent with other environmentally focused provisions of the C2 zone.

Whilst the above two options may be technically possible, we reiterate our preference to retain a RE2 zoning for the northern portion of the Cooks River riparian zone and we believe this zone best reflects the blend sought within this location of urban accessibility, public recreation and positive ecological outcomes.

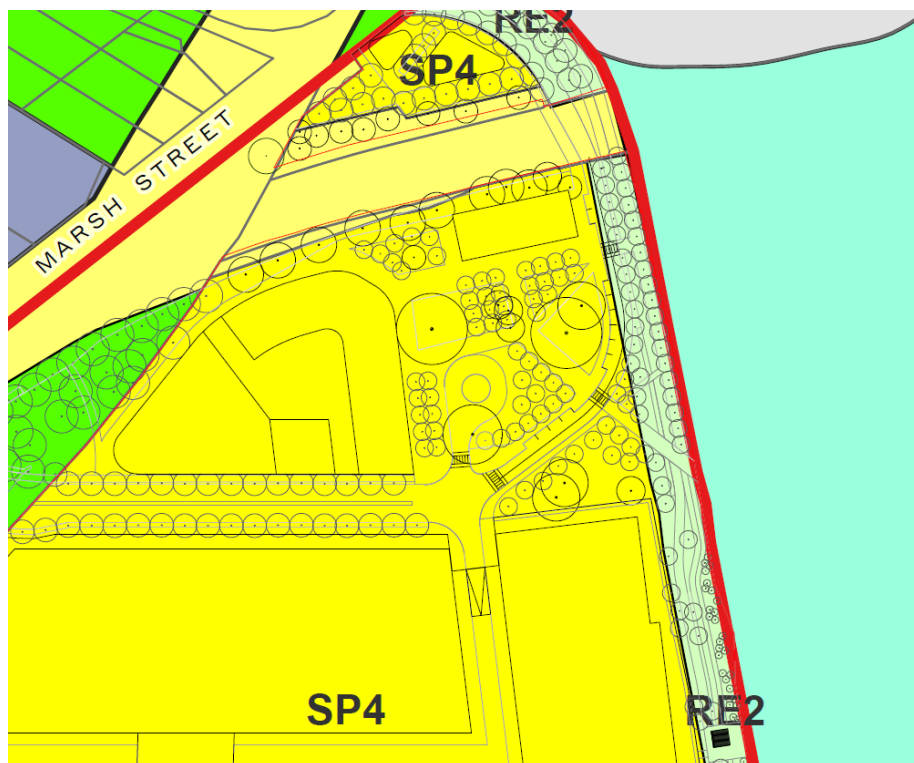


Figure 1 Overlay of reference scheme with the proposed zoning

Source: Ethos Urban

2. Elevated bridge / conveyor structure over the Cooks River to Sydney Airport

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.

In response to recent market feedback, an alternative to a bridge structure is an automated conveyor-type system for the movement of freight into and out of Sydney Airport. The key benefit of a bridge or the conveyor-type system is that it will remove external road traffic between the airport and the site by enabling part of the development zone to be considered a secure 'airside' logistics facility.

Given the desire to zone the foreshore C2 Environmental Conservation, it is imperative that we maintain the ability to facilitate a future elevated bridge or structure. Accordingly, we request the following addition is made to the Additional Permitted Use provision within the Planning Proposal. This provision is intended to be accompanied by a proposed amendment to the relevant mapping, represented at **Figure 2** below.

"Schedule 1 – Additional Permitted Uses

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,"*

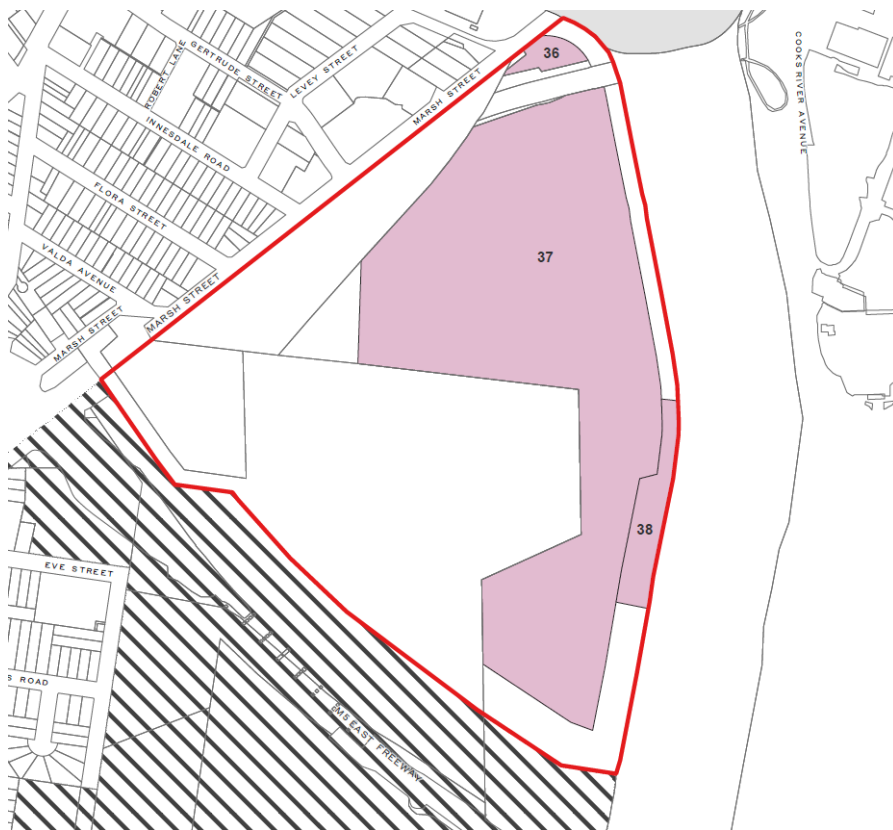


Figure 2 Proposed amendment to the Additional Permitted Uses map

Source: Ethos Urban

As indicated in the above mapping amendment, the area sought for the proposed elevated connection is referred to as '38'. This generally spans the zone between indicative reference scheme blocks known as 3B and 3C allowing for a potential bridge landing/ramp, with some additional area included in the event that the elevated structure is required to connect directly with blocks 3B and 3C at an upper level. The zone represents approximately 250m of the near 1km foreshore interface of the Planning Proposal. This is to allow flexibility of location to ensure it is able to effectively connect the development with the operational areas of the airport infrastructure, subject to detailed design.

The rationale behind adding the land uses of 'trade-related enterprises' and 'warehouse or distribution centres' is to cater for the potential scenario that the connection functions as an enclosed conveyor-type system. Should the connection take the form of a conventional open-air bridge, the land use of 'roads' would apply.

Specific wording of the clause requires the consent authority to consider the specific form of the elevated freight connection to ensure is sufficient vertically separated from the foreshore riparian zone below and whether the structure is compatible with the objectives of either the RE2 Private Recreation or C2 Environmental Conservation (as relevant depending on connection location).

This is a minor clarification which we believe does not require any supporting technical assessment. The inclusion is entirely consistent with the overall objective of the Planning Proposal, which is to enhance support of Sydney Airport, and which seeks to retain provisions for a connection which were originally in place by way of SREP 33 and supporting master plan provisions.

3. Adjustment to SP4 Zone boundary to accommodate overland flow through Block 3C

As you are aware, at our meeting of 27 November 2023 regarding overland flow through Pemulwuy Park and Block 3C, we presented an option that involved the routing of the overland flow path by way of a building undercroft through the western section of the Block 3C development zone.

Whilst the final design of this building undercroft and interface with the future park is a detailed design matter, we are cognisant of the careful design treatment that will be required for this interface. 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, we proposed to adjust the southern boundary of Block 3C by extending the SP4 zone boundary an additional 7m. This is indicated over the page at **Figure 3**.



Figure 3 *Proposed southern extension to the SP4 zone*

Source: Ethos Urban

This 7m wide extension to the SP4 Enterprise zone would provide an extra 1,090sqm of zoned land for development purposes. However, the GFA overall maximum GFA of 340,000sqm within this section of the site would remain. As noted, the additional zoned land is intended to provide greater flexibility to achieve the full extent of built form within the site whilst also ensuring sufficient spatial allowance is provided on the western edge of the development zone adjacent to Pemulwuy Park, such that a future landscaped edge treatment is capable of being achieved.

Importantly, the marginally reduced width of the overland flow path land (44m) has been assessed by Arup as still retaining an acceptable flood conveyance outcome and does not result in any unacceptable offsite afflux – refer to the separate technical memo in this regard. Accordingly, we request that the Planning Proposal is reported to the SECPP with the above minor amendment to expand the SP4 zone.

We trust that this information is sufficient to enable the finalisation of the assessment and reporting of the proposal to the SECPP in order to finalise the amended planning controls.

Yours sincerely,

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