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CC: Kate Bartlett, Director, The Planning Studio: [kate@theplanningstudio.com.au](mailto:kate@theplanningstudio.com.au)

Dear Louise,

**Cooks Cove Planning Proposal (PP-2022-1748)**  
**Re: Local Planning Direction 4.2 – Coastal Management**

The purpose of this memo is to address matters pertaining to coastal management under Local Planning Direction 4.2, which has a broad objective to protect and manage coastal areas of NSW. Direction 4.2 commenced on 10 November 2023 and applies to Planning Proposals which are within the 'coastal zone', as defined under the *Coastal Management Act 2016*. The Cooks Cove Planning Proposal boundary is located within the 'coastal zone' and is mapped as containing 'coastal environment' and 'coastal use' areas as identified by chapter 2 of *State Environmental Planning Policy (Resilience and Hazards) 2021*.

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.

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.

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 below to items within Appendix 1 which are relevant to the Planning Proposal and our response.

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	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

access to areas with highly sensitive ecosystems or animal populations.	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 masterplanned 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.
<b>Outcome A.2 Protect coastal wetlands and littoral rainforests</b>	
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.
<b>Outcome B. Ensure the built environment is appropriate for the coast and local context</b>	
<b>Outcome B.1 Respond to and protect elements that make the place special</b>	
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 underpins the Planning Proposal which has addressed all relevant urban design matters specific to the precinct.
<b>Outcome B.2 Ensure urban development complements coastal scenic values</b>	
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.
<b>Outcome C. Protect and enhance the social and cultural values of the coastal zone</b>	
<b>Outcome C.1 Protect and promote heritage values</b>	
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.
<b>Outcome C.2 Provide public access to significant coastal assets</b>	
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 embellish the new 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.
<b>Outcome C.3 Protect public amenity</b>	
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.
<b>Outcome D. Support sustainable coastal economies</b>	
<b>Outcome D.2 Promote green infrastructure</b>	
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.

## Conclusion

The above assessment supplements our previous appraisal of Local Planning Direction 4.2 – Coastal Management with the relevant provisions of Section 3.2 / Appendix 1 of the NSW Coastal Design Guidelines, introduced in October 2023.

Our assessment concludes that the proposal is vastly consistent with all applicable outcomes and requirements. Where matters are raised, these are considered minor and generally inconsequential to the overall significant positive benefit the proposal provides in enhancing the riparian values of the Cooks River. Accordingly, we believe the proposal remains consistent with Local Planning Direction 4.2 Coastal Management, and we believe it is capable of being supported on the grounds of coastal management.

We trust that this information is sufficient to enable a prompt assessment and reporting to the SECPP to finalise the amended planning controls for Cooks Cove.

Yours sincerely,

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