

# Summary of Submissions

PP-2022-1748 – Cooks Cove



Key Issues	Summary of Issues raised	Proponent Response (September 2023)	DPHI Agile Team response
<b>Open and Green Spaces</b> 77 (53%)	<ul style="list-style-type: none"> <li>Requests for more open space and greening for community health and wellbeing outcomes.</li> <li>Public parkland/open space should be moved closer to the foreshore and warehouses moved further away.</li> <li>Lack of support for loosing green spaces to commercial/industrial uses</li> <li>Request for a Plan of Management (POM) to be prepared for any proposed public recreation zone.</li> </ul>	<ul style="list-style-type: none"> <li>The current zoning of the site (Trade and Technology) is proposed to be revised to achieve a contemporary logistics focused future development and refines the development zone to a smaller area compared to the current provisions.</li> <li>The project is only capable of proceeding with the envisioned logistics outcome.</li> <li>While the proposal will not include a golf course, extensive consultation has been undertaken with Bayside Council with regards to open space quantum and in terms of the master planning process for the future Pemulwuy Park, which will be delivered by Council.</li> <li>The intended Fig Tree Plaza will provide an additional urban park which will be publicly accessible and the proposal will also provide a publicly accessible active transport link along the foreshore.</li> <li>The adjoining Pemulwuy Park will also serve the surrounding community, with an increased monetary contribution commitment to its embellishment</li> </ul>	<p>The planning proposal will deliver warehousing and logistics spaces (alongside tourist accommodation and retail land uses), as has been envisaged for the site for several years.</p> <p>Critically, the site currently is used as a private golf course and provides no public open spaces or areas. The future project will deliver significant new open parkland and walking and cycling facilities the full length of the Cooks River.</p> <p>The delivery of these spaces has been shaped by constraints such as land ownership, the SOOWS pipeline, vehicle access requirements, flooding patterns, access requirements in addition to consideration of impacts to residential uses to the west of the site.</p> <p>Much of the remaining space on the site will be delivered as public open space. This includes the following areas:</p> <ul style="list-style-type: none"> <li>Fig Tree Plaza</li> <li>Cooks River foreshore</li> <li>Pemulwuy Park (delivered by TfNSW and Bayside Council).</li> </ul> <p>The proposal will also rezone the southern portion of the foreshore as C2 Environmental Conservation to facilitate improved health of the</p>

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		<p>made by the Proponent through a VPA, to be progressed by Bayside Council. This parkland also includes significant areas of habitat regeneration.</p> <ul style="list-style-type: none"><li>• Extensive consultation has been undertaken with Bayside Council with regards to open space quantum and in terms of the master planning process.</li><li>• The privately owned foreshore is proposed to be opened up to the public as an active transport linkage with additional passive open space and riparian zones.</li></ul>	<p>riparian corridor, in addition to a western portion of the site to protect Green and Golden Bell Frog breeding ponds. The zoning of these areas as C2 Environmental Conservation will also ensure that these areas remain as open, green spaces and that development or modifications in the zone are tightly limited.</p> <p>Future requirements for plans of management will form part of future detailed design stages, and will be prepared in consultation with relevant authorities.</p> <p>The Agile Planning Team considers that the proposal has appropriately responded to submissions made in relation to open, green spaces.</p>
<b>Bulk and Scale</b> 61 (42%)	<ul style="list-style-type: none"><li>• The scale of the warehouses is too big and out of place with the area, including surrounding residential neighbourhoods.</li><li>• The proposal will not integrate with surrounding local character and natural elements.</li><li>• Buildings 3B and 3C should be removed or relocated.</li></ul>	<ul style="list-style-type: none"><li>• The surrounding area is dominated by large scale uses and infrastructure such as Sydney Airport, the M5 Motorway and also the Cooks River.</li><li>• The proposed nature of the built form and its location will not impact on the character of the surrounding Bayside West Precincts 2036 renewal area, which is presently undergoing a transition to a high density residential and mixed-use community.</li></ul>	<p>The proposal seeks to deliver on the long-term vision for the site as a trade gateway for Sydney. The site, under current zoning controls, can already deliver significant density of logistics and warehousing uses. The planning proposal has been undertaken to enable these uses to still be delivered, but in a more efficient improved amenity and design circumstance.</p> <p>Based on this, the proposal has undertaken detailed studies of the site to determine a</p>

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		<ul style="list-style-type: none"><li>• Whilst the proposal's built-form outcome is expected to be dense internally within the site, the site perimeter and interface will afford a more generous parkland interface to Marsh Street and the surrounding residential community than the current controls allow for.</li><li>• Buildings 3B and 3C are appropriately located with respect to the developable portions of the site and away from the residential interface of the site. The conceptual built form is of a sufficient scale to ensure that the other public benefits of the proposal can be realised.</li><li>• Appropriate built form scale and density is achieved by the proposal, however in response to comments made by both Council and the general public regarding the design quality of future buildings, CCI is proposing to apply the design excellence provisions of the Bayside LEP 2021 to Cooks Cove.</li></ul>	<p>feasible development outcome. The determination of appropriate building form and siting was explored in the exhibited Urban Design and Landscape Plan (Hassell, April 2023) (<b>Attachment A14 – Part 1</b>).</p> <p>As per the Response to Submissions report (Ethos Urban, 20 September 2023) (<b>Attachment H</b>), the proponent has also sought to amend the Bayside LEP 2021 Design Excellence Clause to include and map the Cooks Cove precinct. The objective of the clause is to <i>deliver the highest standard of architectural, urban and landscape design</i>, and the amendment will ensure that future development will be subject to assessment under these objectives.</p> <p>Additional updates are proposed to include an additional local provision in the Bayside LEP to stipulate a requirement for a DCP. The DCP controls will be finalised with Council however will include considerations that will address building bulk concerns such as:</p> <ul style="list-style-type: none"><li>• built form including massing and modulation of buildings, and facade treatment;</li><li>• vegetation management, tree retention and landscaping; and</li></ul>

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			<ul style="list-style-type: none"> <li>interface conditions between open space and development areas.</li> </ul> <p>The Agile Planning team is satisfied that submissions relating to bulk and scale have been adequately considered.</p>
<b>Foreshore pathway</b> 44 (30%)	<ul style="list-style-type: none"> <li>Proposed public path width of 20m is too narrow and should be widened along the foreshore.</li> <li>Foreshore area should be free from overshadowing and buildings should be set further back.</li> <li>Foreshore area should be converted into a waterfront park and/or used to improve riparian health through planting of mangroves and 'rewilding' processes.</li> <li>Several submissions indicated support for the foreshore area.</li> </ul>	<ul style="list-style-type: none"> <li>A number of fixed parameters define the layout and extent of buildings throughout the site (e.g. land ownership, fixed position of the ethane and desalination pipelines). Future detailed design will ensure the warehouses will not interfere with the public domain passive open space and active transport link function and will not impact on the function of the publicly accessible foreshore zone.</li> <li>The provision of a 20m wide dedicated, publicly accessible foreshore zone is sufficient to accommodate a regional grade active transport link and movement corridor.</li> <li>In the context of the Cooks River link the zone will be adequate and in comparison, to other locations it is considered generous.</li> </ul>	<p>The proposal seeks to deliver an accessible foreshore along the Cooks Cove, the use of which will be for both walking and cycling. Following the exhibition, which included a 20m foreshore corridor (zoned RE1 Public Recreation), the proposal has been updated to:</p> <ul style="list-style-type: none"> <li>Extend the width of the foreshore area from 20m to 40m along the southern portion;</li> <li>Rezone the southern portion of the foreshore area to C2 Environmental Conservation.</li> </ul> <p>Additionally, the zoning of the northern portion of the Foreshore pathway has been rezoned from RE1 Public Recreation to RE2 Private Recreation, as per a request of Bayside Council. The proponent has committed to maintaining this area in perpetuity.</p> <p>However, Agile Planning has recommended to the Panel that the C2 Conservation zoning</p>

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		<ul style="list-style-type: none"><li>Pedestrians will be able to enjoy a new foreshore link, which passes under the Giovanni Brunetti Bridge and is separated from vehicular movements.</li></ul>	<p>should apply the full length of the site adjacent the river to maximise conservation and rehabilitation opportunities.</p> <p>A revised analysis of the overshadowing impacts has been prepared by Hassell (September, 2023) (<b>Attachment A14 – Part 2</b>), which demonstrates that the overshadowing impacts to the foreshore will be limited to afternoons in mid-winter, and to only a portion of the foreshore.</p> <p>The Agile Planning Team notes that there are a variety of constraints limiting the location of the proposed buildings, and that the current location of the building envelopes enables the most effective use of the site.</p> <p>Further consideration to enhancing the foreshore area as a pedestrian and cycling link can be considered at the detailed design phase (e.g. through the application of proposed DCP controls addressing landscaping, façade treatment, public artwork, building modulation and articulation etc.).</p> <p>The proponent has sought to minimise overshadowing impacts to limited portion of the foreshore and the Agile Planning Team is satisfied that impacts will be limited to the afternoon period between 1 and 4pm in mid-</p>

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			<p>winter. Design options to further minimise this impact can be considered at the detailed design phase.</p> <p>The Agile Planning team considers that the proposed foreshore link, as updated by the proponent, and with Agile's further recommendations, provides an important public thoroughfare along the Cooks River.</p>
<b>Coastal Habitat</b> 40 (28%)	<ul style="list-style-type: none"> <li>Proposed 20m zone along the foreshore is inadequate, and should be wider.</li> <li>Comments suggesting that mangroves, saltmarsh and riparian native vegetation would all add to a more liveable urban environment.</li> <li>Clarification regarding how statutory requirements for Coastal Management (under the Coastal Management Act 2016 and Resilience and Hazards SEPP 2021) have been met.</li> <li>Loss of trees, alongside more concrete structures and climate change will lead to heat island</li> </ul>	<p>The width of the zoned riparian interface is proposed to be increased from 20m to 40m in the southern section of the site, effectively doubling the foreshore zone for approximately 40% of the Cooks River interface.</p> <p>The expanded proposed riparian area secures an additional ~0.65ha. dedicated to ecological purposes, 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.</p> <p>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.</p>	<p>The exhibited planning proposal included a 20m wide strip along the foreshore, to be zoned RE1 Public Recreation, and was supported by a Flora and Fauna Assessment (FFA) (Cumberland Ecology, April 2023).</p> <p>In response to submissions and in consultation with Council and other agencies, the proposal has been updated to widen the southern portion of the foreshore from 20m to 40m and apply the C2 Environmental Conservation zone. The northern portion of the foreshore remains at 20m, hand was proposed as RE2 Private Recreation (as per request from Bayside Council).</p> <p>An updated FFA (Cumberland Ecology, December 2023) and addendum letter (Cumberland Ecology, September 2023) (<b>Attachment A12</b>) has been prepared in</p>

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	<p>effect. Sydney Airport already a big heat sink.</p> <ul style="list-style-type: none"><li>• More green spaces would help combat heat island.</li><li>• The proposal will increase levels of pollution, including air, water and waste.</li></ul>	<p>The Proponent does not have scope for any changes to the 20m foreshore in the northern central sections of the foreshore. This is because of the constraints such as the subsurface ethane/desalination pipeline easement, and the need to locate logistics warehousing of a sufficient floorplate size within these pipelines. 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.</p> <p>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 and contains degraded banks / seawalls within the surrounding area. The Planning Proposal will result in an improved foreshore zone with an enhanced ecological focus which is considered to be a strong merit of the proposal.</p> <p>A revised Flora and Fauna Assessment and response cover letter prepared by Cumberland Ecology has considered and</p>	<p>response to community and agency submissions. The letter outlines that, in its entirety, the proposed foreshore treatment will improve bank stability, reduce erosion, and increase native vegetation and biodiversity and provide for riparian and terrestrial habitats.</p> <p>Additionally, the proponent has outlined various controls that will be implemented through the site-specific DCP, including the preparation and implementation of a Biodiversity Management Plan and a rehabilitation strategy, including approaches to planting.</p> <p>The proponent has advised that there is limited feasibility to zone the entirety of the foreshore C2 Environmental Conservation due to the need to allow the use of 'roads' as a permissible use. As such, the Agile Planning Team recommends a post-exhibition amendment to enable 'roads' as an additional permissible use in the C2 Environmental Conservation Zone, however only in specific mapped areas to reduce impact.</p> <p>Agile Planning notes that the proposal has also demonstrated broad alignment with other relevant provisions and guidelines, including Ministerial 9.1 Directions (4.2 Coastal Management) and that all relevant provisions of</p>

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		addressed all coastal management matters.	<p>the Coastal Management Act, SEPP and the NSW Coastal Design Guidelines (October 2023) will continue to apply any future development stages.</p> <p>The Agile Planning Team considers that the proposal has generally addressed community concerns regarding coastal habitat and riparian areas.</p> <p>However, to ensure concerns have been adequately met, Agile Planning has proposed a post-exhibition change to require the entirety of the foreshore to be rezoned to C2 Environmental Conservation, with a proposed Additional Permitted Use (APU) to facilitate the use of a road.</p>
<b>Biodiversity</b> 32 (22%)	<ul style="list-style-type: none"><li>• More space should be provided with habitat for threatened species such as Green and Golden Bell Frog and birds.</li></ul>	<p>The foreshore has been divided into a series of landscape typologies that provide a diversity of habitat opportunities. This includes buffer planting, high quality feature planting, embankment planting, semi aquatic and aquatic planting zones.</p> <p>A connected tree canopy along the length of the foreshore provides habitat and fauna connections while addressing aeronautical sensitivities (as defined by the National Airports Safety Framework).</p>	<p>Although the subject site is predominately planted and exotic vegetation, the site has a variety of biodiversity and ecology challenges. In particular, it provides breeding and foraging habitat for Green and Golden Bell Frog (GGBF) and accommodates Saltmarsh vegetation that is listed as an ecologically endangered community (EEC). The site also provides habitats for other fauna species such as the Large Bent-wing Bat, Grey-headed Flying-Fox and Powerful Owl.</p>

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		<p>The and offer a range of habitats for terrestrial, riparian and aquatic flora and fauna.</p> <p>The widened riparian zone and planting will provide opportunities for movement along the foreshore and link the riparian corridor and the proposed Pemulwuy Park. 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, transitioning to terrestrial habitat in the form of trees and shrubs with grassy understorey. These provisions are to be achieved through site-specific DCP requirements.</p>	<p>The development of the site will impact on some areas of habitat, including the loss of some areas of GGBF foraging and dispersal habitat, and a small area of Saltmarsh (0.01ha) will be cleared.</p> <p>The proponent has prepared an updated Flora and Fauna assessment (FFA) to support the proposal (Cumberland Ecology, December 2023) (<b>Attachment A12 – Part 2</b>) which concludes that appropriate mitigation and compensatory measures can be implemented to minimise the impacts of the proposal. This includes (but is not limited to):</p> <ul style="list-style-type: none"><li>• Avoidance of development near GGBF breeding ponds;</li><li>• Introduction of C2 Environmental Conservation zoning to parts of the site;</li><li>• Planting and habitat creation through a landscape management Plan</li><li>• Compensation through the Biodiversity Offsets Scheme</li></ul> <p>Other mitigation and management provisions have been proposed in the site-specific DCP (<b>Attachment A10</b>), including the preparation of a Green and Golden Bell Frog Management Plan.</p>

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			<p>The preparation and implementation of the DCP will be managed by Bayside Council.</p> <p>The Department is satisfied with the response to submissions.</p>
<b>Active transport links</b> 30 (20%)	<ul style="list-style-type: none"> <li>Suggestions included having wide and separated connections to cycleways located north of the site at Cahill Park, and south at Muddy Creek, and to create a new path from Barton footbridge and widening of existing paths to Wolli Creek.</li> <li>Development should deliver two major bridges to complete the regional Bay-to-Bay cycle link - one over the Cook Rivers close to Giovanni Brunetti Bridge and another over Muddy Creek to provide a direct route from Tempe Reserve to Kyeemagh and the Botany Bay foreshore.</li> <li>Cycling along the pipeline and on Giovanni Brunetti Bridge is currently unsafe.</li> <li>Opportunity to provide a link to the Sydney Airport Orbital cycleway network and active transport</li> </ul>	<p>The proposal will provide a publicly accessible active transport link along the foreshore which will be maintained in perpetuity.</p> <p>The Proponent is supportive of this connectivity objective for active transport, however is limited in its ability to commit to deliver offsite infrastructure with certainty where assets or land is owned by others.</p> <p>A monetary contribution to the future embellishment of the Giovanni Brunetti Bridge is made in the State VPA and a monetary contribution to the embellishment of Pemulwuy Park or alternative active transport improvements in Riverine Park and /or Muddy Creek is included in the Council VPA. Council will determine the preferred use of these contributions.</p>	<p>The proposal seeks to deliver an accessible foreshore along the Cooks Cove, the use of which will be for both walking and cycling.</p> <p>Following exhibition, the area along the foreshore has been extended in some areas from 20m to 40, which will provide a more optimal public space. Additionally, it has been rezoned as RE2 Private Recreation, on the request of Bayside Council, so will be delivered and maintained by the proponent in perpetuity.</p> <p>Agile has also recommended the C2 zone the full length of the river frontage, not just the southern half.</p> <p>In addition, the proponent has committed to both a State and Local Voluntary Planning Agreement to deliver a range of community and other infrastructure in and around Cooks Cove, including cycling connection and upgrades.</p> <p>The proponent is working with both Bayside Council and Transport for NSW on local and</p>

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	<p>connection should be made under the SWSOOS.</p> <ul style="list-style-type: none"> <li>Missing link on the north south Sydney cycleway to connect with the M6 Cycleway that is being built along Muddy Creek to Presidents Avenue.</li> <li>Local and small businesses could experience more traffic if the cycleways are improved.</li> </ul>		<p>state VPAs that will deliver on key local and state infrastructure.</p> <p>The agreements have progressed through relevant negotiation processes and have been formally endorsed by Council and TfNSW.</p>
<p><b>Height &amp; overshadowing</b> 28 (19%)</p>	<ul style="list-style-type: none"> <li>Proposed building heights are too high, particularly with regards to other surrounding buildings. This will result in overshadowing of open space and parkland.</li> <li>The proposed height control also poses a safety risk for planes arriving and departing from Sydney Airport.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed building height is entirely consistent with the surrounding area. The adjoining Southbank built form itself extends to RL53, by way of example. The proposal has been guided by an upper maximum height of RL 51 which is set as the aviation Obstacle Limitation Surface.</li> <li>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 Obstacle Limitation Surface at 51m RL.</li> <li>Given the location of the expected built form in Cooks Cove, there are not</li> </ul>	<p>The proposed heights for the site (varying from between RL24m and RL51m) were proposed as a result of detailed considerations, including site specific constraints such as the Obstacle Limitation Surface (OLS) suitable locations for building footprints and development feasibility considerations, as well as height and scale of existing/proposed development in the area. The exploration of appropriate heights was explored in the exhibited Urban Design and Landscape Plan (Hassell, April 2023) (<b>Attachment A14 – Part 1</b>).</p> <p>Concerns regarding aviation safety have been addressed through referral to appropriate agencies including the Civil Aviation Authority and Sydney Airport, none of which raised specific concerns or objection to the proposed</p>

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		<p>expected to be any shadowing impacts of the proposal on neighbouring buildings, as demonstrated in the Hassell masterplan.</p>	<p>heights. The maximum building height does not intrude into the Obstacle Limitation Surface.</p> <p>With regards to overshadowing, the revised Urban Design and Landscape Plan addendum (Hassell, September 2023) (<b>Attachment A14 – Part 2</b>) demonstrates that portions of the foreshore will be overshadowed from 12pm onwards in midwinter. This does not align with Outcome C3 (Protect Public Amenity) of the NSW Coastal Design Guidelines (October 2023), which requires no overshadowing between 1pm and 4pm at midwinter.</p> <p>The proponent provided an updated Flora and Fauna Assessment (Cumberland Ecology, 15 December 2023) (<b>Attachment A12</b>) to support this outcome as it argues that the overshadowing impacts are unlikely to impact riparian vegetation and that any risks of degradation can be mitigated through appropriate DCP controls and/or management plans.</p> <p>The Agile Planning Team is satisfied that considerations regarding height and overshadowing have been adequately addressed. While it is acknowledged that some overshadowing impacts are likely to result from the proposal, these impacts are balanced against the benefits of additional open space, walking</p>

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			and cycling links and conservation areas. Additionally, the impacts have not been found to impact significantly on the health or functioning of the foreshore area as a whole.
<b>Visual amenity</b> 25 (17%)	<ul style="list-style-type: none"> <li>Proposal will impede on views for residents of Levey Street</li> <li>Warehouse development will be visually dominant and unappealing.</li> <li>Warehouses should be located away from the shoreline to preserve view-lines across the park and river.</li> <li>Visual impact assessment should be undertaken.</li> <li>Concern regarding the Logistic Hubs lighting impact on the surrounding residential areas, with particular emphasis on Marsh Street west and adjacent apartment blocks.</li> </ul>	<ul style="list-style-type: none"> <li>The Gateway Determination included condition 1E which required an update 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.</li> <li>It is noted that the development zone is now limited to the Proponent's freehold land, but under existing zoning the development zone occupies a larger footprint.</li> <li>A review of typical view lines has been undertaken to understand the comparison between existing controls in the 2006 approved Stage 1 DA and the proposed controls in the form of the 2023 reference scheme. The result is an outcome with a comparable built form within the northern section of the site, and</li> </ul>	<p>The Department notes that the planning proposal realises a long-term vision for the site as a warehousing and logistics hub, and that the</p> <p>The proponent supported their proposal with an urban design and landscape report (Hassell, April 2023) (<b>Attachment A14 – Part 1</b>).</p> <p>Following exhibition, an updated urban design report (Hassell, September 2023) (<b>Attachment A14 – Part 2</b>) was prepared to in response to detail the expansion of the southern foreshore from 20m to 40m and provide overshadowing diagrams.</p> <p>Additionally, a visual impact comparison render (Virtual Ideas, 12 September 2023) (<b>Attachment X</b>) was to demonstrate the visual impact from the proposal, and show how the current planning proposal facilitates a smaller built form than has been previously proposed.</p> <p>Additional post-exhibition work has been updated to include this site in the existing Bayside LEP to stipulate a requirement for a DCP. The DCP</p>

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		<p>improved outcome with visual relief for adjacent residential and hotel occupants within the central and southern sections. The proposal offers an improved visual outcome in this comparison.</p> <ul style="list-style-type: none"><li>• A key difference is that the proposal incorporates Pemulwuy Park as an RE1 buffer to Marsh Street, compared to the development zone extending through to interface with Marsh Street together with an elevated F6 Motorway, which was a long standing proposal envisioned in immediate proximity to these neighbouring developments.</li><li>• Site specific DCP controls have been revised to ensure that the active foreshore zone will sit comfortably in the context of the site's land uses and density, and will require:<ul style="list-style-type: none"><li>• A visual linkage from east to west</li><li>• publicly accessible linkages are achieved to the south of Block 3C and through to Fig Tree urban park.</li></ul></li></ul>	<p>controls will be finalised with Council, however will include considerations that will improve visual amenity such as:</p> <ul style="list-style-type: none"><li>• built form including massing and modulation of buildings, and facade treatment</li><li>• vegetation management, tree retention and landscaping,</li><li>• interface conditions between open space and development areas</li></ul> <p>The Agile Planning team is satisfied that the proposal has adequately responded to submissions relating to visual impact.</p>

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		<ul style="list-style-type: none"><li>Finer-grain façade materiality</li><li>Ground level interaction, where appropriate</li><li>Orientation of ancillary offices toward public domain areas</li><li>Incorporation of public art and First Nation collaboration.</li><li>With regard to lighting, a detailed lighting assessment is a matter for a future Development Application. The standard provisions of the Bayside DCP will apply in this regard. Lighting will be minimised as far as practical, which is also a necessary requirement of CASA and Sydney Airport due to the proximity of the east-west runway.</li></ul>	
<b>Traffic</b> 23 (16%)	<ul style="list-style-type: none"><li>Concerns that intensified development of warehouses and logistics buildings will lead to an increase in traffic and congestion from trucks and heavy vehicles, in particular onto Gertrude Street and worsen existing conditions.</li><li>The extension of Levey Street/Rockwell Avenue to allow</li></ul>	<ul style="list-style-type: none"><li>The proposal's impact on the traffic network has been assessed in detailed VISSM modelling by TfNSW over 24 months and has been confirmed as having an acceptable outcome. The surrounding road network, with necessary embellishments, will be able to support the proposed</li></ul>	Prior to public exhibition, the proponent worked closely with TfNSW on the preparation of a Traffic Impact Assessment (TIA) and exhibited an endorsed TIA (JMT Consulting, 2 March 2023) ( <b>Attachment A01 – Part 2</b> ). Additional information was provided TfNSW for consideration on 29 May 2023 (during the exhibition period).

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	<p>access result in busy thoroughfares that are unsafe for pedestrians/residents and exacerbate traffic issues.</p> <ul style="list-style-type: none"><li>• Traffic will lead to other negative effects such as pollution, safety concerns, and decreased liveability.</li><li>• Area between Marsh Street and Princes Highway already at peak capacity.</li><li>• Broader road and public transport upgrades required to facilitate anticipated traffic increases.</li></ul>	<p>development and will support future growth.</p> <ul style="list-style-type: none"><li>• The proposal seeks to implement a long-standing Council-led infrastructure enhancement which has been identified in the Wolli Creek and Bonar Street Precincts Urban Renewal Area Contributions Plan 2019 – which anticipates a growth in traffic along Gertrude Street, as detailed in the local VPA offer. The widening will incorporate on-street parking or suitable arrangements to formalise a gravel car park to the north of Gertrude Street within Cahill Park and will meet all necessary standards with respect to pedestrians, lighting and safety. Gertrude Street is a Local road and Council will determine the types of vehicles able to utilise the future thoroughfare</li><li>• Following a further review of additional traffic modelling technical scenarios, TfNSW confirmed on 4 September 2023 that relevant traffic requirements have been satisfied.</li></ul>	<p>On 4 September 2023, TfNSW provided comments to confirm they were satisfied with the traffic modelling for the purposes of a planning proposal, and outlined further considerations to be taken into account at the DA stage.</p> <p>Additionally, the proponent is seeking to enter into state (SPA) and local (PA) Planning Agreements which will deliver a wide range of upgrades in the Bayside area to roads and road infrastructure. SPA Letters of offer to TfNSW were exhibited with the planning proposal, and updated. The VPAs have now also been supported by Council at their February 2024 meeting.</p> <p>The Agile Planning Team considers that appropriate modelling and assessment of traffic impacts has been undertaken, noting that additional work will be completed during the detailed design phase.</p>

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Key Issues	Summary of Issues raised	Proponent Response (September 2023)	DPHI Agile Team response
		<ul style="list-style-type: none"> <li>The proponent has agreed on the delivery of all necessary enabling works in terms of road related infrastructure, by way of revised State and Local VPA letters of offer</li> <li>The proposal also seeks to implement a long-standing Council-led infrastructure enhancement including widening of Gertrude Street. The upgrade will meet all necessary standards with respect to pedestrians, lighting, and safety.</li> </ul>	
<b>Warehousing and logistics</b> 15 (10%)	<ul style="list-style-type: none"> <li>Concern that there is a lack of demand for warehousing/logistic operations.</li> <li>Concern that such land uses are not viable.</li> </ul>	<ul style="list-style-type: none"> <li>From an economics standpoint, the strategic merit for the Cooks Cove project continues to be strongly justified across numerous sources and strategies and Section 5.5 of the exhibited Planning Proposal Justification Report remains relevant. This includes that:  <i>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</i></li> </ul>	<p>The proposal has demonstrated alignment with key strategic documents includes the Greater Sydney Region Plan, the Eastern City District Plan, Ministerial Directions 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.</p> <p>The location of the site, adjacent to Sydney International Airport and in close proximity to Sydney Port are key considerations to the delivery of this site as a trade gateway, primarily</p>

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		<p><i>Sydney business precinct that complements the existing manufacturing and transport services associated with Sydney Airport and Sydney Port.</i></p> <ul style="list-style-type: none"><li>• 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.</li><li>• The proposal will complement surrounding infrastructure and deliver significant economic benefits to the local and regional area, including through stimulating employment uplift on an underutilised and large strategic site.</li><li>• There is significant demand for industrial floorspace across Greater Sydney to support the proposed 290,000m<sup>2</sup> of industrial floorspace proposed at Cook Cove adjacent to a major trade gateway.</li><li>• Strong demand has been attributed to the need for more contemporary industrial facilities that can support modern supply chain requirements</li></ul>	<p>for logistics and warehousing, and the proposal has.</p> <p>Agile Planning is satisfied that the proposal has demonstrated clear strategic merit and the response to submissions has adequately addressed this.</p>

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Key Issues	Summary of Issues raised	Proponent Response (September 2023)	DPHI Agile Team response
		and logistics, particularly resulting from the rise in e-commerce and emerging technology and automation requirements.	
<b>Public trust &amp; reclassification</b> 13 (9%)	<ul style="list-style-type: none"><li>General concern for the dissolution of the public trust and reclassification</li><li>the proposal lacks clarity and justification,</li><li>the land should remain as 'community' and future outcomes of this change are unknown.</li></ul>	<p>A Charitable Trust applies to Lot 14 DP213314 and Lot 1 DP108492 whereby Council is required to hold said land pending its future use for Country Road purposes. Such roads are being built subsurface and there is no need for the Trust to remain in place.</p> <p>The proposed reclassification process permits the resolution of access arrangements and the creation of new permanent public recreation assets without road reservations.</p> <p>Further, the reclassification process permits the resolution of access arrangements and the creation of new permanent public recreation assets without road reservations.</p>	<p>The proposal seeks to reclassify Lot 14 DP213314 and Lot 1 DP108492 of the site from Community to Operational land in order to facilitate site access and operation. The reclassification from 'community' to operational' applies only to two lots (fronting Marsh Street), most of which will be used as public parkland in the future.</p> <p>A public hearing was held on 30 June 2023, with representatives from Shaw Reynolds lawyers acting as independent chairs. A report was prepared by Shaw Reynolds (23 August 2023) (<b>Attachment J</b>), finding that the reclassification should proceed.</p> <p>The reclassification process will form part of the Department's finalisation of the planning proposal. Following this, both Council and Transport for NSW can consolidate and/or subdivide lots as appropriate for the access points and determine the most appropriate use of any residual land following this process.</p>

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Key Issues	Summary of Issues raised	Proponent Response (September 2023)	DPHI Agile Team response
			The Agile Planning Team considers the response to submissions has given adequate consideration to public trust considerations.
<b>Flooding and Sea Level Rise</b> 12 (8%)	<ul style="list-style-type: none"><li>Concerns that the site is already flood prone</li><li>Concerns about the impact of climate change and sea level rise (SLR) on the proposal</li><li>Concern about future impact of flooding from the proposal on Levey Street, Gertrude Street, and Rockwell Avenue</li></ul>	<p>A revised Flood Impact Risk Assessment (FIRA) (Arup, September 2023) demonstrates that flood impact mitigation measures comply with all necessary requirements and results in an acceptable offsite flood afflux.</p> <p>The revised FIRA addressed Sea Level Rise in analysis scenarios which demonstrates an acceptable outcome based on further input and guidance from NSW SES and DPE EHG. A detailed Sea Level Rise Vulnerability Assessment is recommended as a site-specific DCP provision, which will be completed with consideration to the detailed design of the local stormwater network at the DA stage.</p>	<p>The subject site is located adjacent to the Cooks River and is on a floodplain. It is currently impacted by flooding at the 1% AEP (Annual Exceedance Probability) and Probable Maximum Flood (PMF)</p> <p>The exhibited proposal was supported with a Flooding, Stormwater and WSUD report (Arup 16 March, 2023).</p> <p>Following exhibition and in response to issues raised by agencies and the community, a Flood Risk Impact Assessment (FIRA) was prepared (Arup, September 2023) (<b>Attachment A13</b>). The FIRA was prepared with consideration to the Department of Planning and Environment's <i>Flood Risk Management Manual</i> and <i>Flood Impact and Risk Assessment: Flood Risk Management Guide</i> (June 2023) and modelled flood behaviour for a range of flood events including 5%, 1%, 0.2%, and 0.5% Annual Exceedance Probabilities (AEP) and the Probable Maximum Flood (PMF).</p> <p>The FIRA confirmed that the proposal would not increase external flood levels in events up to and</p>

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Key Issues	Summary of Issues raised	Proponent Response (September 2023)	DPHI Agile Team response
			<p>including the 0.2% AEP (1 in 500-year), and could result in minor decreases to areas north of Marsh Street. However, at the 0.5% AEP, the proposal may result in minimal increases (12mm) to a small area of car parking on Marsh Street.</p> <p>The FIRA also assessed climate change impacts across all flood events (including a 20% increase in flow and Sea Level Rise (SLR) of 0.9m by year 2090) – which is consistent with Council's SLR measurement requirements. It was found that impacts external to the site would be limited to 0.5% (1 in 200-year) and 0.2% (1 in 500-year) AEP flood events.</p> <p>The preparation of a detailed Sea Level Rise Vulnerability Assessment is proposed by the proponent as a DCP provision. The details of this will be further considered by Bayside Council in the preparation and finalisation of DCP provisions.</p> <p>Additional information was also provided in January 2024 to confirm that the proposal meets the requirements of Ministerial 9.1 Direction 4.1 Flooding, particularly that the proposal will not result in any adverse impacts to properties external to the site.</p>

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Key Issues	Summary of Issues raised	Proponent Response (September 2023)	DPHI Agile Team response
			The Agile Planning Team is satisfied with the response to submissions and that community concerns have been adequately addressed.
<b>Commercial and Retail Uses</b> 8 (5%)	<ul style="list-style-type: none"> <li>Submissions outlined opportunities for commercial ventures that the public could also enjoy.</li> <li>Hotel and retail spaces should be moved to the south and west of the site.</li> <li>Cafes and other retail outlets should be located closer to and around Kyeemagh.</li> <li>Concerns regarding strategic merit of 10,900m<sup>2</sup> of retail floorspace when assessed against the strategic plans for both the Georges River LGA and Bayside LGA.</li> </ul>	<ul style="list-style-type: none"> <li>The Planning Proposal will facilitate up to 10,900m<sup>2</sup> of retail floorspace, including services for the community.</li> <li>The supporting reference scheme demonstrates this will be located primarily within the northern section of the site in proximity to Marsh Street and the surrounding residential community.</li> </ul>	<p>In addition to the warehousing and logistics uses, the proposal seeks to deliver up to 10,900sqm of retail floor space and 40,000m<sup>2</sup> of commercial space within the planning proposal area.</p> <p>The proposal seeks ensure that the use of land across the planning proposal area is controlled through detailed FSR controls that require apply gross floor area caps for Blocks 2 and 3 (Area 16), including:</p> <ul style="list-style-type: none"> <li>A maximum 20,000m<sup>2</sup> GFA for 'office premises;</li> <li>A maximum 20,000m<sup>2</sup> GFA for 'hotel or motel accommodation' and 'serviced apartments; and</li> <li>A maximum 10,000m<sup>2</sup> GFA for 'shops' and 'food and drink premises.'</li> </ul> <p>The location of retail/ commercial uses is considered appropriate with regards to the mix of uses.</p>
<b>Other land uses</b> 6 (4%)	<ul style="list-style-type: none"> <li>Suggestion for the area to include a tourist attraction/ educational space (such as a museum or art gallery)</li> </ul>	<p>The intended objective of the Cooks Cove planning proposal is to facilitate the long-planned transformation of underutilised and strategically important land adjacent</p>	<p>The Planning Proposal delivers on the long-term vision for the site as a freight and logistics hub that supports the operation of Sydney Airport</p>

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Key Issues	Summary of Issues raised	Proponent Response (September 2023)	DPHI Agile Team response
	<ul style="list-style-type: none"> <li>Requests for larger area of recreational and entertainment space for public use.</li> <li>Calls to return the area to Indigenous ownership</li> </ul>	<p>to one of Australia's most important trade gateways, Sydney International Airport. The proposal is intended to achieve multi story logistics facilities, and commercial offices, along with retail and open space. Additionally, visitor accommodation, including for tourists, is currently proposed, with serviced apartment or hotel rooms generally oriented to the north/east of the site.</p> <p>The inclusion of an art gallery or museum is currently out of scope for the development site but is something that can be considered on Council land at their discretion.</p> <p>Site-specific DCP provisions (<b>Appendix A10</b>) include controls for First Nation collaboration.</p>	<p>while delivering open spaces and enhanced walking/cycling connectivity and protecting biodiversity and riparian habitats.</p> <p>The vision for this site as (in part) a trade and enterprise zone is supported in documentation including, but not limited to the Greater Sydney Regional Plan, Eastern City District Plan, the Bayside West Precinct Plan 2036, and the SEPP (Precincts – Eastern Harbour City) 2021 (formerly SREP 33 – Cooks Cove).</p> <p>The proposal facilitates the delivery of new open spaces, much of which will remain under the remit of Bayside Council.</p> <p>The Agile Planning Team considers that response has given adequate consideration to these submissions.</p>
<b>Pollution</b> 5 (2%)	<ul style="list-style-type: none"> <li>The proposal will increase levels of pollution, including air, water and waste.</li> </ul>	<ul style="list-style-type: none"> <li>The impacts of air quality and dispersion have been factored into the conceptual design of the proposal.</li> <li>Cumberland Ecology have undertaken a review of the reference scheme's performance against the Controlled activities – Guidelines for</li> </ul>	<p>The Agile Planning Team is satisfied that appropriate assessment and consideration has been given to options for mitigating and minimising pollution through:</p> <ul style="list-style-type: none"> <li>Assessment of consistency against relevant guidelines such as the Guidelines for riparian corridors on waterfront land (DPE, May 2022)</li> </ul>

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Key Issues	Summary of Issues raised	Proponent Response (September 2023)	DPHI Agile Team response
		<p>riparian corridors on waterfront land (DPE, May 2022), which demonstrates that the proposal is consistent with the guideline to protect water quality, specifically: <i>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.</i></p>	<ul style="list-style-type: none"> <li>• Consideration to the siting and layout of the concept plan</li> <li>• Identification of mitigation measures such as planting schemes</li> </ul> <p>Further consideration of pollution control and mitigation measures will form part of future development assessment processes.</p> <p>The Agile Planning Team is satisfied that the proposal has adequately considered and addressed the impacts of pollution, with further measures to be implemented at later stages of design and development.</p>
<b>Heat Island</b> 4 (2%)	<ul style="list-style-type: none"> <li>• Loss of trees, alongside more concrete structures and climate change will lead to heat island effect. Sydney Airport already a big heat sink.</li> <li>• More green spaces would help combat heat island.</li> </ul>	<p>No specific response was provided by the proponent in response to heat island comments. However, several comments have been made by the proponent which respond to these concerns, including that:</p> <ul style="list-style-type: none"> <li>• the site's perimeter and interface will afford a generous parkland interface to Marsh Street and the surrounding</li> </ul>	<p>The proposal seeks a partial rezoning of the site to include RE1 Public Recreation, RE2 Private Recreation and C2 Environmental Conservation zones, all of which facilitate opportunities for open, green spaces to mitigate heat.</p> <p>Supportive provisions regarding provision of open spaces and landscaping/ greening have been included in the draft DCP controls</p>

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		<p>residential community than the current controls allow;</p> <ul style="list-style-type: none"><li>The proposal allows for a greater retention of vegetation across the whole of the site, including significant Moreton Bay Figs in the north and Paper Barks in the south. Replacement tree plantings are proposed to be funded by way of a VPA to embellish (in part) Pemulwuy Park South; and</li><li>The intended Fig Tree Plaza will provide an additional urban park which will be publicly accessible.</li></ul>	<p><b>(Attachment A10).</b> The proposal was amended in December 2023 to seek the inclusion of a local provision stipulating a requirement to prepare a DCP, the finalisation of which falls within the remit of Bayside Council.</p> <p>The Agile Planning Team is satisfied that the proposal has adequately demonstrated a commitment to retaining vegetation where possible and delivering new public open and green spaces.</p>
<b>Parking</b> 2 (1%)	<ul style="list-style-type: none"><li>Request to provide a 2-storey green car park to alleviate clogged parking.</li><li>Existing street parking is limited and used by Uber drivers, trades people, park visitors and tennis court users. The proposal needs to account for the additional parking required</li><li>Request to reduce car parking spaces to discourage private car use and instead provide bicycle parking.</li></ul>	<ul style="list-style-type: none"><li>The proposal accommodates on-site parking which has been modelled to address the expected demands. This has been translated into planning controls which will apply to the site through a site-specific DCP which have included input from both TfNSW and Council.</li><li>The proposal seeks to implement a long-standing Council-led infrastructure enhancement for widening of Gertrude Street between</li></ul>	<p>The Agile Planning Team considers that the proposal has given adequate consideration to parking provision both on and off site, noting that a local VPA is under negotiation with Council which has offered, amongst other items, new parking spaces in Cahill Park.</p> <p>On-site parking rates have been agreed by TfNSW and Council and will sit within the planning instruments.</p>

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Key Issues	Summary of Issues raised	Proponent Response (September 2023)	DPHI Agile Team response
		Princes Hwy and Levey St Road. The widening will incorporate satisfactory retention of on-street parking or suitable arrangements to formalise a gravel car park to the north of Gertrude Street within Cahill Park.	The Agile Planning Team considers that the response to submissions has given adequate consideration to parking concerns.
<b>Safety</b> 3 (2%)	<ul style="list-style-type: none"> <li>Existing active transport corridor route at Eve Street is unsafe due to Crime Prevention Through Environmental Design (CPTED) concerns.</li> <li>Concerns that proposed development gives no commitment to basic principle surrounding CPTED.</li> <li>More lighting required on cycleways and pedestrian paths to increase safety.</li> <li>Concerns raised regarding pedestrian safety as a result of road upgrades along Levey Street and Rockwell Avenue.</li> <li>Cycling path along pipelines is dangerous in low light conditions</li> <li>General concern regarding impacts of ethane pipeline.</li> <li>Land use safety implications of reclassifying land, on Moomba Sydney</li> </ul>	<ul style="list-style-type: none"> <li>DCP controls are drafted to ensure a foreshore outcome is achieved which is both visually and physically linked appropriately. This includes park design to provide a visual linkage from east to west and to provide a publicly accessible reserve adjacent to Block 2.</li> <li>In response to submissions, additional DCP controls for safety, lighting and CPTED have been proposed as it is acknowledged that the foreshore link will become a key active movement corridor.</li> <li>Eve Street concerns noted and incorporated into the revised draft DCP.</li> <li>Detailed consideration to be undertaken at the DA stage.</li> </ul>	<p>Relevant CPTED and lighting provisions have been identified in the draft DCP controls, noting that the proponent will work with Bayside Council to finalise this document.</p> <p>The Agile Planning Team considers that detailed safety measures can appropriately form part of future detailed design processes, and the response to submissions has given adequate consideration to safety.</p>

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	High Pressure Pipeline, have not been addressed.	<ul style="list-style-type: none"><li>With respect to the ethane pipeline running through the site, it is noted and agreed a detailed Safety Management Study will be required to be undertaken by CCI in conjunction with future DAs. Improvements or earthworks within easements will be subject to detailed considerations and prior approval from APA.</li><li>Further, Sydney Water's updated submission, dated 4 August 2023, noted no objection with the Planning Proposal but recommended an options assessment to be completed and endorsed by Sydney Water prior to any subsequent DAs. The proponent is progressing this matter separately with Sydney Water.</li></ul>	
<b>Housing</b> 2 (1%)	<ul style="list-style-type: none"><li>Support for housing to be delivered on the site due to location near open spaces and public transport.</li></ul>	<ul style="list-style-type: none"><li>The site was previously investigated for housing, but this was ultimately discontinued. The site is well placed to unlock industrial land supply and support other uses in this part of Sydney, including supporting the continued growth of Sydney Airport as identified through its Master Plan.</li></ul>	<p>The strategic vision for the site has always been to support trade and industrial related enterprises, given its location adjacent to Sydney Airport.</p> <p>While previous considerations have been given to housing, the current proposal represents the most appropriate land use outcome consistent</p>

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Key Issues	Summary of Issues raised	Proponent Response (September 2023)	DPHI Agile Team response
		<ul style="list-style-type: none"><li>• 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.</li><li>• The proposal will 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.</li></ul>	<p>with NSW's policy of retaining and enhancing critical areas for employment lands.</p> <p>The Agile Planning Team considers the response to submissions has given adequate consideration to housing considerations.</p>