



PLANNING PROPOSAL AUTHORITY
RECORD OF DECISION PUBLIC MEETING, POST
EXHIBITION AND FINALISATION
STRATEGIC PLANNING PANEL OF THE
SYDNEY EASTERN CITY PLANNING PANEL

DATE OF DETERMINATION	Monday, 8 April 2024
DATE OF PANEL DECISION	Tuesday, 26 March 2024
PANEL MEMBERS	Carl Scully (Chair), Glennis James, David Ryan, Paul Pappas & Joe Awada
APOLOGIES	Michael Shiels
DECLARATIONS OF INTEREST	None

Public meeting held by Public Teleconference on 26 March 2024, opened at 1:30pm and closed at 2:57pm.
Papers circulated electronically on 21 March 2024.

PLANNING PROPOSAL

PP-2022-1748 – Bayside LGA – Cooks Cove - 13-19A Marsh St, Arncliffe (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The Panel considered: the material listed at item 4, and the material presented at the briefing listed at item 5 in Schedule 1.

As the Planning Proposal Authority, the Panel determined to recommend to the Minister that the proposed instrument, as described in Schedule 1, should be made.

The Panel's decision was unanimous.

REASONS FOR THE DECISION

The Panel considered the Department of Planning, Housing and Infrastructure's Post-Exhibition Report, 18 March 2024 and met with the Department, Ethos Urban (Proponent), Cooks Cove Inlet (Landowner), Sydney Airport Corporation, Bayside Council and members of the community in a public meeting. The Panel heard separately from Transport for NSW in a briefing.

The Panel concurred with the Department that the planning proposal demonstrated strategic and site-specific merit, the conditions of the Gateway had been met, agency and community consultation had occurred in accordance with the Gateway Determination and submissions raised had been adequately addressed. Consequently, the proposal warranted support.

The Panel agreed with the Post Exhibition Report recommendation that the planning proposal (8 March 2024) be revised and updated to address the following:

- Rezone the full length of the site adjacent to Cooks River as C2 Environmental Conservation;
- Insert an additional permitted use of 'road' and mapped 'Area XX' (number to be determined by Parliamentary Counsel's Office (PCO)) for the northern part of the site, where the existing road intersects with the C2 land;
- Clause 6.10 (Design Excellence) of the Bayside LEP 2021 to apply to the whole site and all proposed development; and
- Clause 1.9A of the Bayside LEP 2021 does not apply to the site to enable the existing Sydney Airport covenant to apply.

The Panel requests that the LEP amendment not be made until the execution of the three planning agreements affecting the site - the local Voluntary Planning Agreement (between Bayside Council and proponent); State Voluntary Planning Agreement (between proponent and Transport for NSW); and Agreement under Section 29 of the Land Acquisition (Just Terms Compensation) Act, 1991 (between Transport for NSW and Bayside Council) to enable the transfer of Trust lands required for the M6 and M8 projects.

The Panel requests the intent of the State Environmental Planning Policy Eastern Harbour City (2021) (Chapter 6) controls (6.16 Environmental Management – management plans, 6.17 Environmental Management – special requirements and 6.18 Development of flood prone land) be considered during the finalisation of the LEP, including whether to transfer the controls to Bayside LEP 2021 as site specific local provisions.


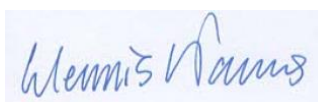



CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions during public exhibition and heard from all those wishing to address the Panel. The Panel notes that issues of concern included biodiversity issues including habitat for threatened species and reduction in green spaces, flooding, sea level rise, warehouses blocking views for residents, traffic and congestion, advertising signage, wind shear, potential bridge crossing, and lack of recreational and open space for public uses.

The Panel noted the current zoning of the site allows trade and technology uses and some open space. A significant area of open space will be made available to the public as a result of this planning proposal.

The Panel also noted that in respect of flooding, exhaustive studies and assessments had been undertaken. The Panel is satisfied that appropriate arrangements are being put in place.

The Panel considers that the concerns raised by the community have been adequately considered in the Department's Post-Exhibition Report and this Record of Decision.

PANEL MEMBERS	
 Carl Scully (Chair)	 Glennis James
 David Ryan	 Paul Pappas
 Joe Awada	

SCHEDULE 1		
1	PANEL REF – LGA – PLANNING PROPOSAL NO. – ADDRESS	PP-2022-1748 – Bayside LGA – Cooks Cove - 13-19A Marsh St, Arncliffe
2	LEP TO BE AMENDED	The Bayside Local Environmental Plan (LEP) 2021
3	PROPOSED INSTRUMENT	The exhibited planning proposal seeks to amend the Bayside Local Environmental Plan 2021 to facilitate a contemporary logistics and warehousing precinct with supporting office, retail, tourist and visitor accommodation within the portion of land currently used as the Kogarah Golf Club.
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Department Planning, Housing and Infrastructure Post Exhibition Report, 18 March 2024 • Written submissions during public exhibition: 145 unique submissions • Total number of unique submissions received by way of objection: 122 submissions • Verbal submissions at the Panel’s public meeting 1:30pm – 2:57pm, 26 March 2024: <ul style="list-style-type: none"> ○ Registered Speakers: Gareth Wreford on behalf of Cooks River Valley Association, Jack Breen & Brian Jones ○ On behalf of Sydney Airport Corporation: Ted Plummer ○ On behalf of Bayside Council: Peter Barber, David Smith & Josh Ford ○ On behalf of the proponent: John Boyd, Peter Bettridge, Bernard Gallagher & Daniel Howard
5	BRIEFINGS BY THE PANEL	<ul style="list-style-type: none"> • Panel Briefing: 9:30am – 10:35am, 26 March 2024 <ul style="list-style-type: none"> ○ Panel members: Carl Scully (Chair), Glennis James, David Ryan, Paul Pappas & Joe Awada ○ DPHI staff: Kelly McKellar, Tom Kearney, Louise McMahon, Kate Bartlett, Lisa Kennedy & Taylah Fenning ○ Key Issues Discussed: <ul style="list-style-type: none"> • Open space for public use • Riparian area – council does not want the foreshore land. Ownership of riparian area to stay with landholder, subject to adequate widths and proposed C2 Environmental Conservation zoning rather than RE2 Private Recreation • Preparation of local and State Voluntary Planning Agreements (VPAs) • Proposed design excellence clause – apply to site, LEP requires for any structure above 15m • Preparation of DCP – Council awaiting outcomes of planning proposal process • Flooding – updated studies, overland flow across public space • Traffic, transport & car parking – revised traffic modelling • Build form and land use – visual impacts of warehouses • Panel Briefing with Transport for NSW: 11:00am – 11:34am, 26 March 2024 <ul style="list-style-type: none"> ○ Panel members: Carl Scully (Chair), Glennis James, David Ryan, Paul Pappas & Joe Awada ○ DPHI staff: Kelly McKellar, Louise McMahon, Kate Bartlett, Lisa

		<p>Kennedy & Taylah Fenning</p> <ul style="list-style-type: none">○ Transport for NSW representatives: Col Langford, Rachel Cumming, Carina Gregory, Dipen Nathwani & Jane Mulroney○ Key Issues Discussed:<ul style="list-style-type: none">● Access to the site & traffic generation● Finalisation of LEP following the execution of the State VPA and Section 29 Agreement● Transfer of Trust lands for M8 and M6 motorway operations facilities – Council local roads authority under Roads Act. Lands to be reclassified.● State VPA – works in kind & monetary contributions● Public exhibition of State VPA and S.29 Agreement● Panel Determination: 2.59pm – 4.02pm, 26 March 2024<ul style="list-style-type: none">○ Panel members: Carl Scully (Chair), Glennis James, David Ryan, Paul Pappas & Joe Awada○ DPHI staff: Kelly McKellar, Louise McMahon, Kate Bartlett, Aoife Wynter, Lisa Kennedy & Taylah Fenning
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