

# Planning Proposal Summary

## Cooks Cove, Arncliffe

Prepared for Public Exhibition by Ethos Urban for Cook Cove Inlet Pty Ltd

Submitted to the Department of Planning and Environment

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# 1.0 Overview

This Planning Proposal summary report has been prepared by Ethos Urban on behalf of Cook Cove Inlet Pty Ltd to amend the development controls for Cooks Cove, Arncliffe within the site of the Kogarah Golf Club. The 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.

This report provides a summary of the proposed intent and justification of the planning control amendments sought to prioritise just-in-time and contemporary logistics adjacent Sydney International Airport, visitor accommodation and commercial office land uses which support the creation of up to 3,300 new jobs and provide an economic benefit to the tourism and freight sectors within the Australian, NSW and Bayside economies.

A Gateway Determination for the Planning Proposal was issued by the Department of Planning and Environment (DPE) on 5 August 2022 (PP2022-1748). This report provides a summary overview of the detailed documentation which has been prepared to address the Gateway Determination conditions as issued by DPE and support the public exhibition process as endorsed by the Sydney Eastern City Planning Panel (SECPP) on 31 March 2023.

## 1.1 Key Objectives and Intended Outcomes

The intended objective of the Cooks Cove Planning Proposal is to incorporate a refreshed suite of planning controls to 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 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 safeguard the ongoing operations of Sydney International Airport;
- Create 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;
- 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 help 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.



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

Source: Hassell



## 2.0 Site Description and Context

Cooks Cove is located adjacent the western foreshore of the Cooks River, in the suburb of Arncliffe, within the Bayside Council Local Government Area (LGA). The Cooks Cove Planning Proposal aims to facilitate the long-planned transformation of 36.2ha of 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 former 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 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 (CCI), acquired from KGC);
- Lot 31 in DP 1231486 (CCI, 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);
- Lot 1 in DP 329283 (TfNSW, former Roads and Traffic Authority (RTA)).

The site 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, Wollie 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 60m beneath the adjoining Lot 14. The Planning Proposal no longer includes land in the 'Southern Precinct' or land that is not in freehold ownership of CCI, Council or the former RTA.

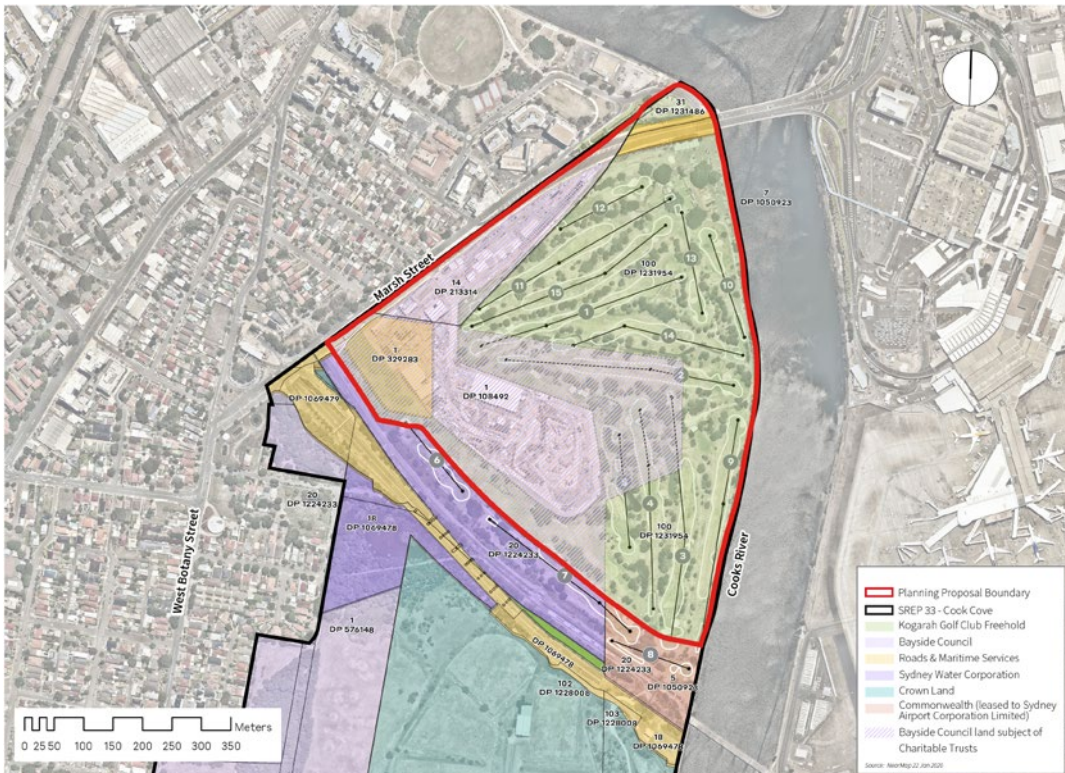


Figure 2: Landownership plan with current golf course overlay

Source: Ethos Urban

## 3.0 Indicative Master Plan

### 3.1 Description of the Indicative Master Plan

The Cooks Cove indicative master plan, prepared by Hassell, represents an indicative 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> 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 and visitor accommodation uses;
  - 10,900m<sup>2</sup> of retail uses;
- Multi-level logistics with building heights generally up to 5 storeys (48m);
- A retail podium with commercial office and hotel above, up to a total of 12 storeys (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 significant contribution to the extension of the regional Bay to Bay 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 by Council 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 3** together with an extract of the Cooks Cove indicative master plan at **Figure 4** over the page.



**Figure 3: Cooks Cove indicative reference scheme – as viewed towards Sydney Airport and Botany Bay**

Source: Hassell





Figure 4: Cooks Cove Indicative Master Plan  
 Source: Hassell

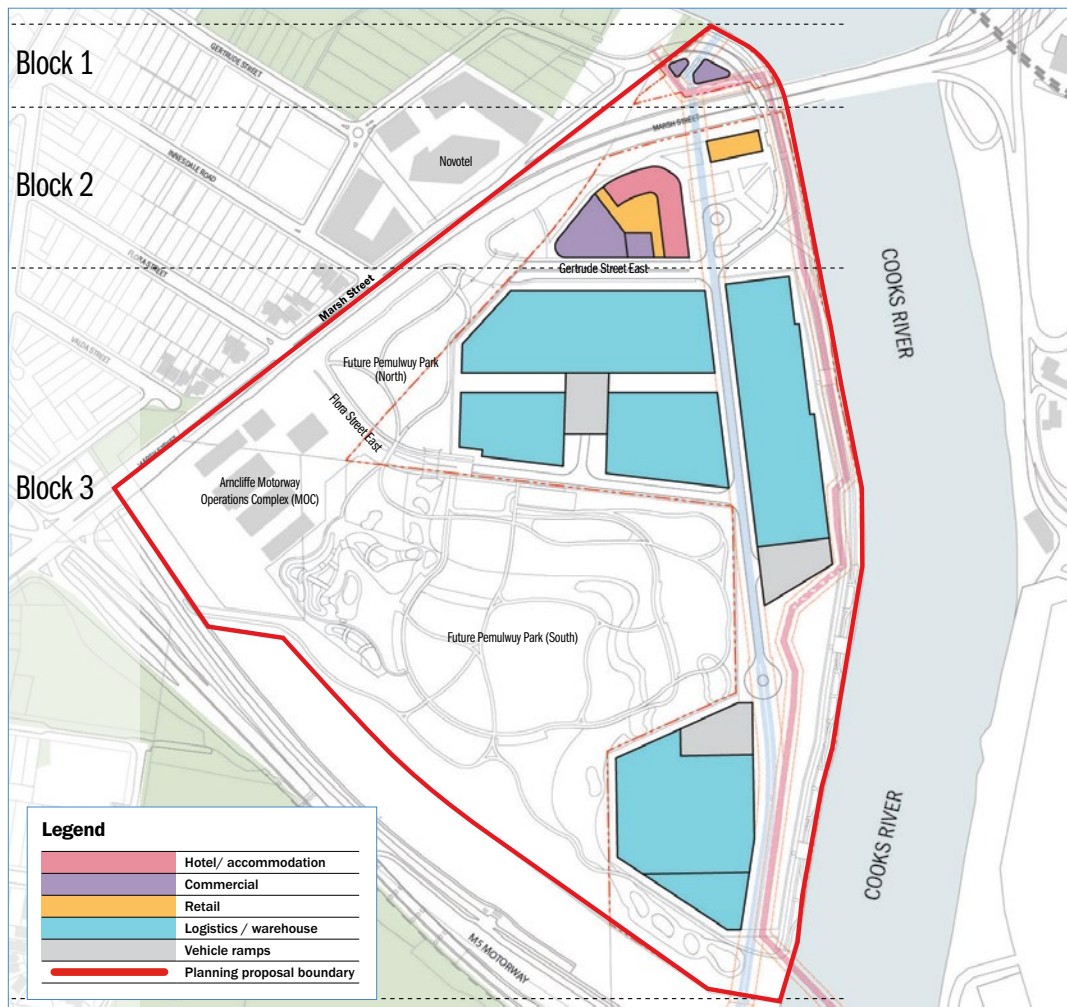
### 3.2 Land Uses

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/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 5** below, it identifies 'Blocks 1, 2 and 3' and the proposed land uses. An area schedule is provided in Table 1 below, it identifies the total GFA of the proposed uses and break down per block.



**Figure 5: Land Use Plan**

Sources: Hassell



Table 1 – Area Schedule

	Block 1	Block 2	Block 3	Total
Hotel / Serviced Apartments	-	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>
<b>Total</b>	<b>3,250m<sup>2</sup></b>	<b>50,000m<sup>2</sup></b>	<b>290,000m<sup>2</sup></b>	<b>343,250m<sup>2</sup></b>

Source: Hassell

### 3.3 Built form massing and heights

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. 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 equivalent or lower than the adjacent high rise residential and hotel developments 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 Obstacle Limitation Surface (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.

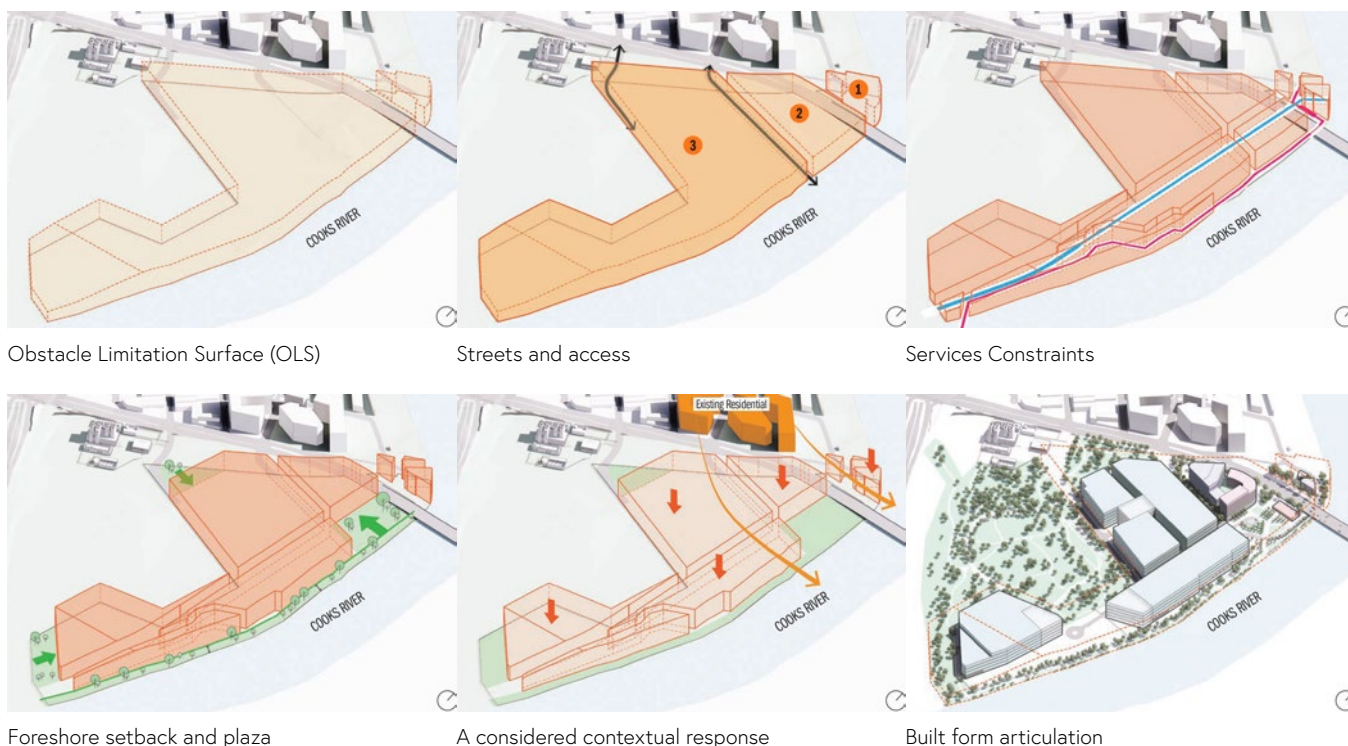


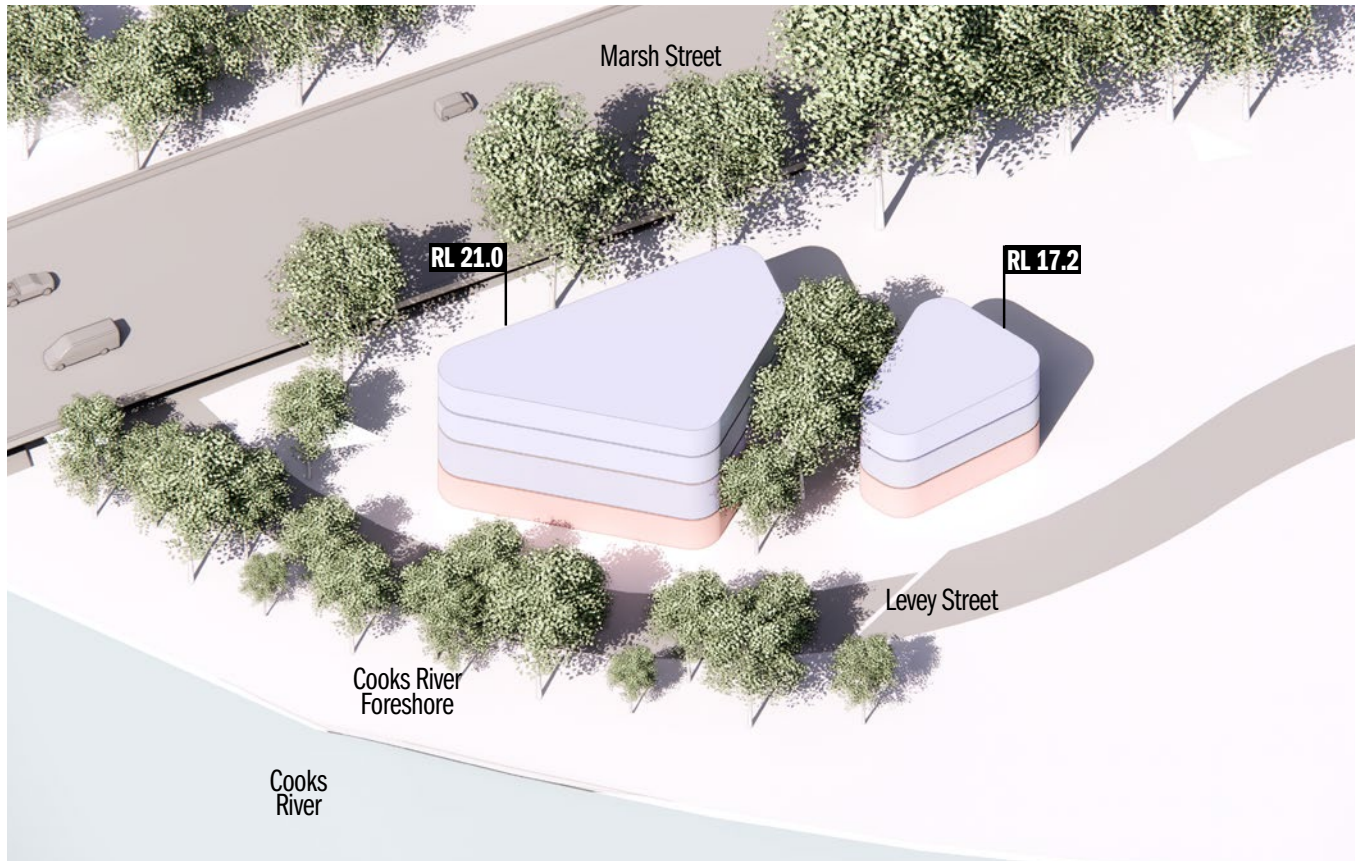
Figure 6 - Master plan building heights and massing

Source: Hassell

## 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 and fine grain 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. 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.



**Figure 7: Block 1 Cooks River Precinct Massing**

Source: Hassell

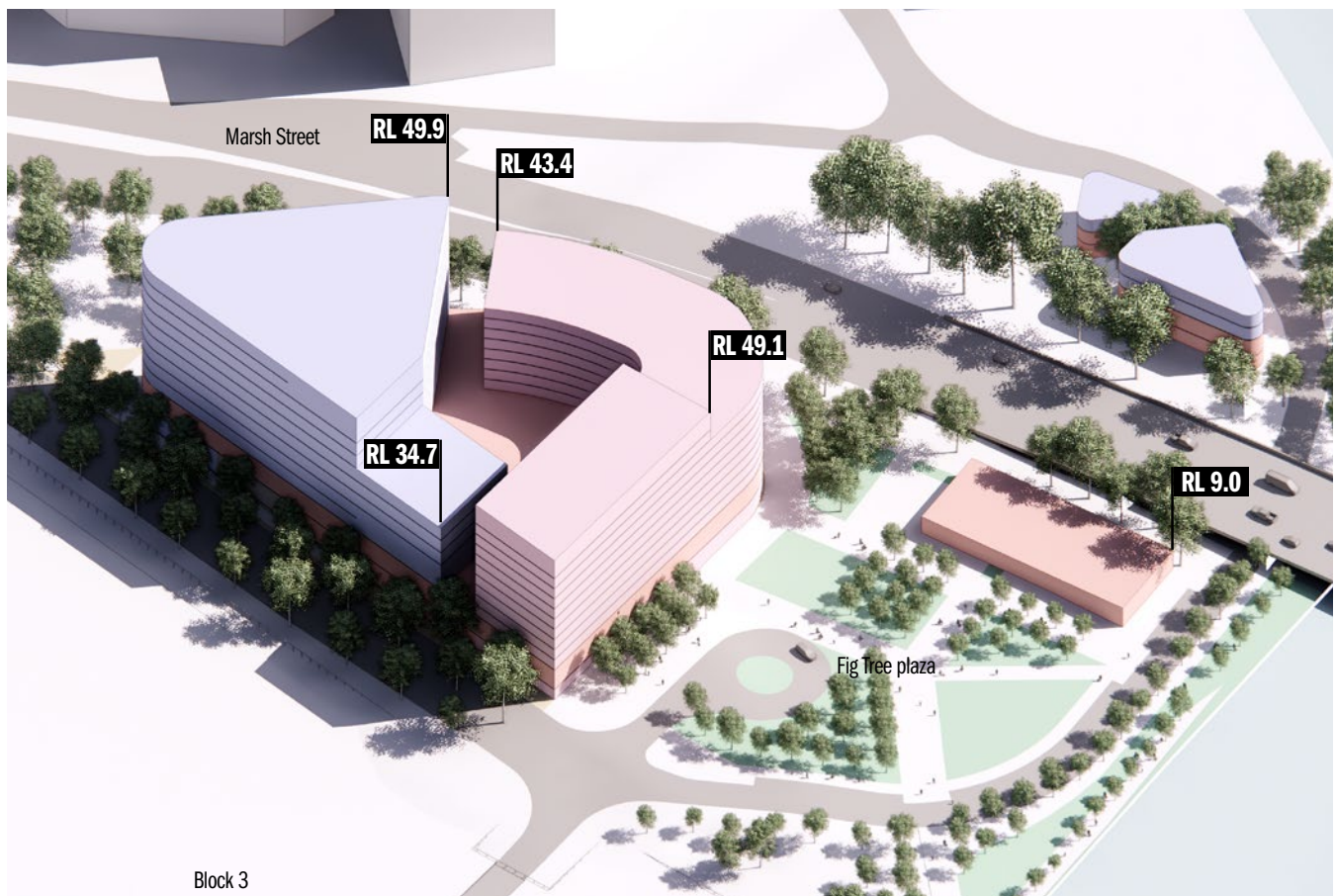


## Block 2 – Fig Tree Precinct

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, known as 'Fig Tree Grove'. This is achieved through the consolidation of hotel accommodation and commercial office 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. Screened and basement level car parking access 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 waterfront setting.



**Figure 8: Block 2 Fig Tree Precinct Massing**  
Source: Hassell

## Block 3 – Logistics Hub

Block 3 will deliver a multi-level logistics hub providing trade and logistics employment opportunities that will actively contribute to the local, 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 create three clear development parcels for the site (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.

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.

The detailed design and planning of each Block and associated buildings will be determined by detailed development application(s) after the conclusion of the Planning Proposal process.

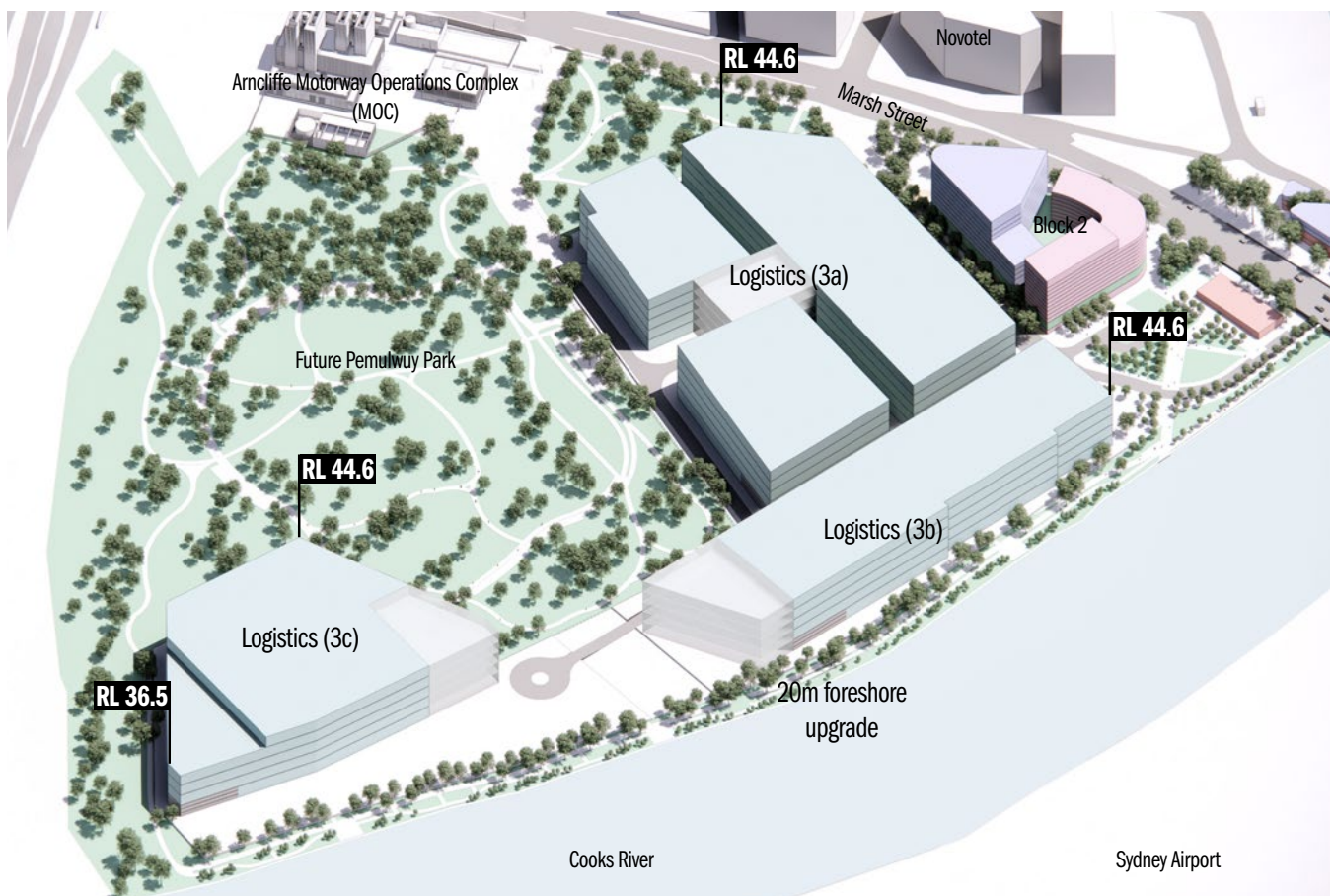


Figure 9: Block 3 Logistics Hub Massing

Source: Hassell



### 3.4 Open Space

The Urban Design and Landscape Report has been prepared to respond to the Gateway Determination conditions. The design for the Cooks Cove open space provision has been prepared with the active involvement of Bayside Council. Specifically, with regard 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 provides an indicative concept design 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.

The key built form principles outlined above have resulted in an opportunity for 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).

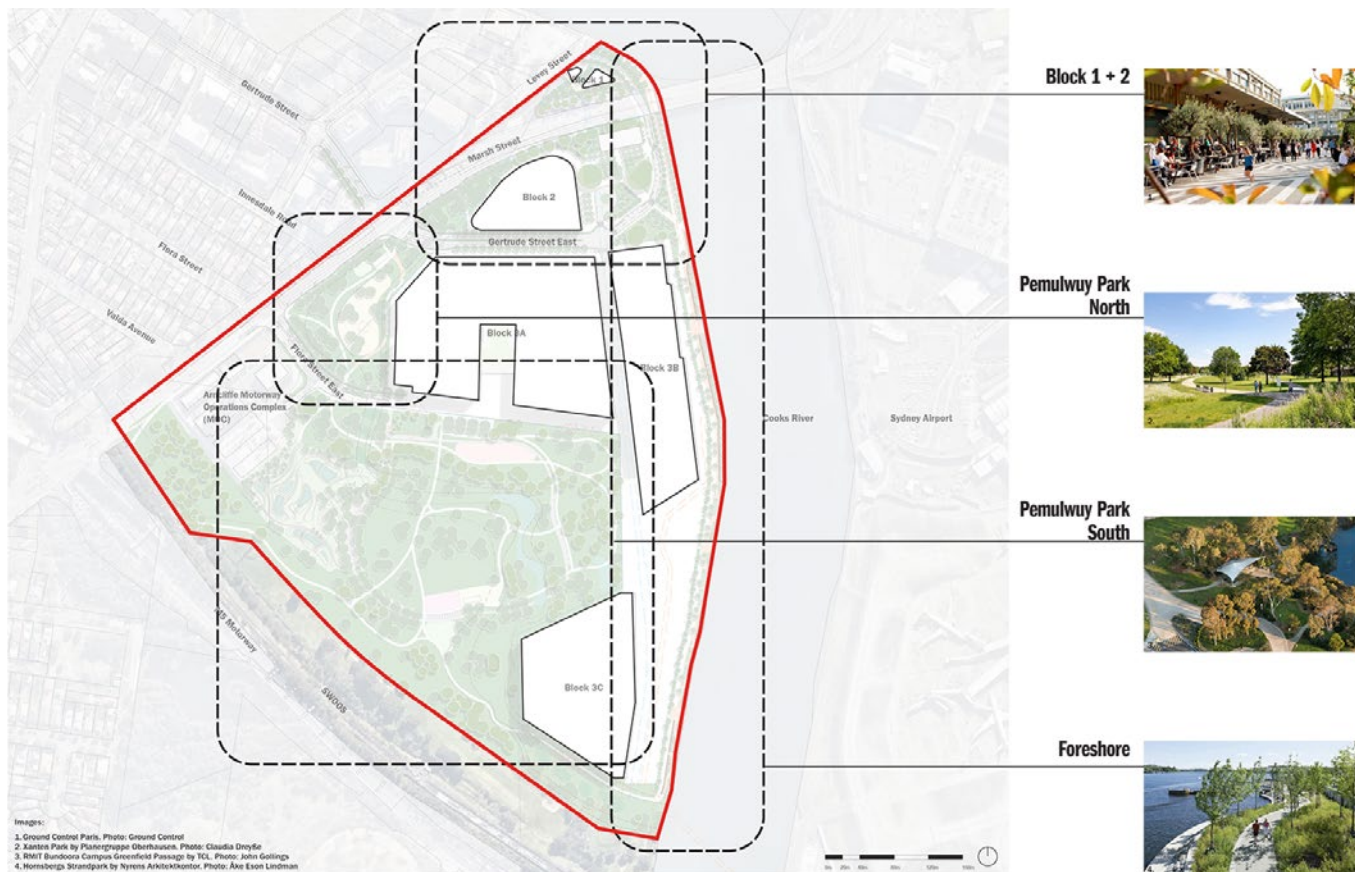


Figure 10: Key Open Space Zones  
 Source: Hassell





**Figure 11: Pemulwuy Park Photomontage through to Cooks River**

Source: Hassell



**Figure 12: Cooks River Foreshore Photomontage**

Source: Hassell



## Cooks River Foreshore

The Proposal will provide a minimum 20m wide landscaped corridor along the Cooks River foreshore 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.

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 contribute to the existing regional 'Bay to Bay' 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.

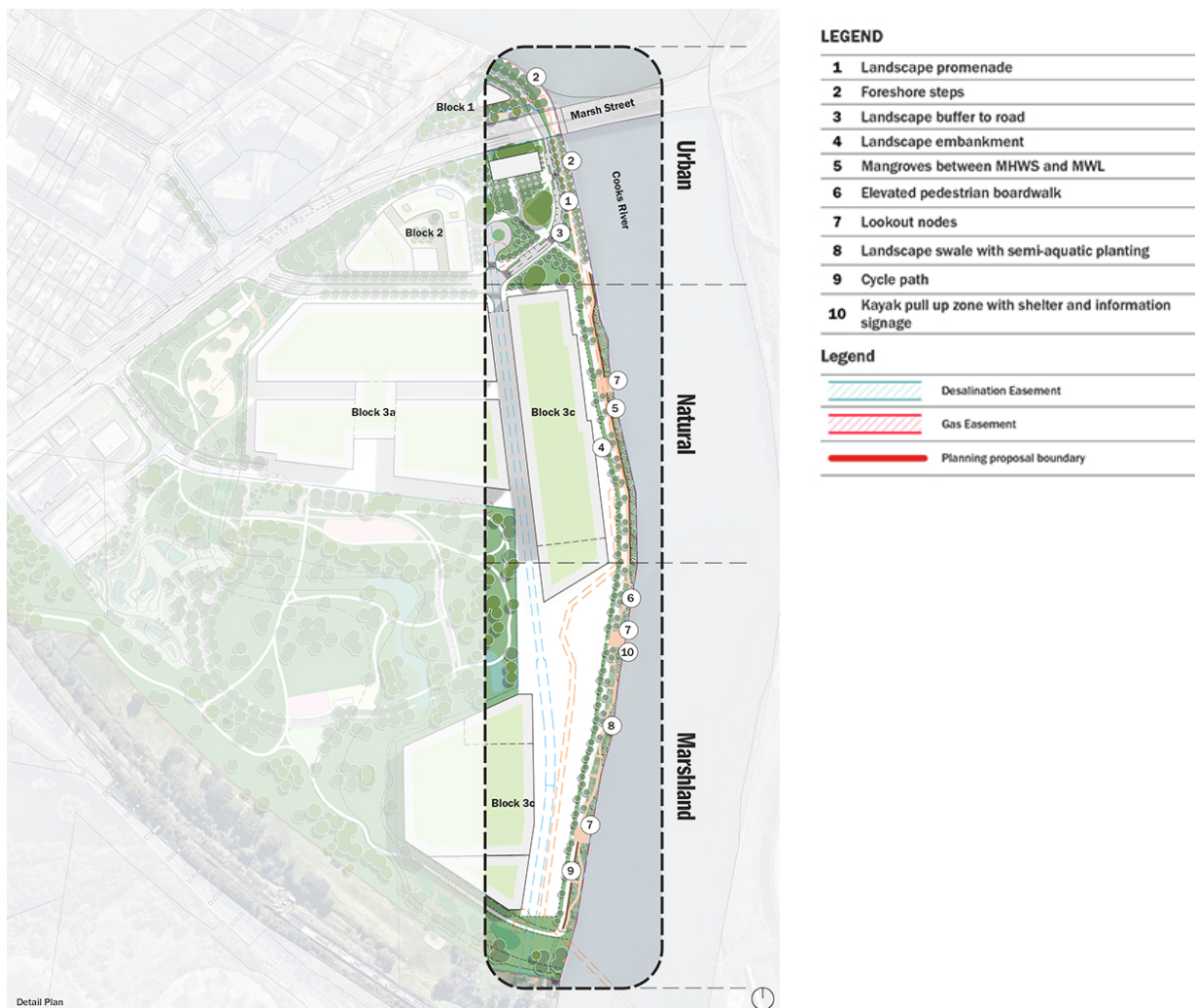


Figure 13: Cooks Cove Foreshore Open Space

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.

### 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, as well as the Gertrude Street connector road and widening.

Additional infrastructure in the form of providing a missing link in the Regional 'Bay-to-Bay' cycle link and contribution to the future enhancement of the Giovanni Brunetti Bridge active transport link are also intended to be delivered by way of an indicative public benefit offer and future State and Local Planning Agreements.

### 3.6 Finished Levels and Flood Management

The indicative finished levels within the precinct have had regard to integration with surrounding open space and the flood options analysis, strategy and assessment. The scheme is raised above the 1 in 100 year (1% AEP) level, plus freeboard (500mm) plus allowance for climate change (800mm). The development parcels have been formulated to ensure sufficient flood conveyance and flood storage on the development site together with protection of critical infrastructure, for instance the Arncliffe MOC up to Probable Maximum Flood (PMF) levels.

### 3.7 Sustainability

The potential sustainability initiatives to be developed and delivered in future stages 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.

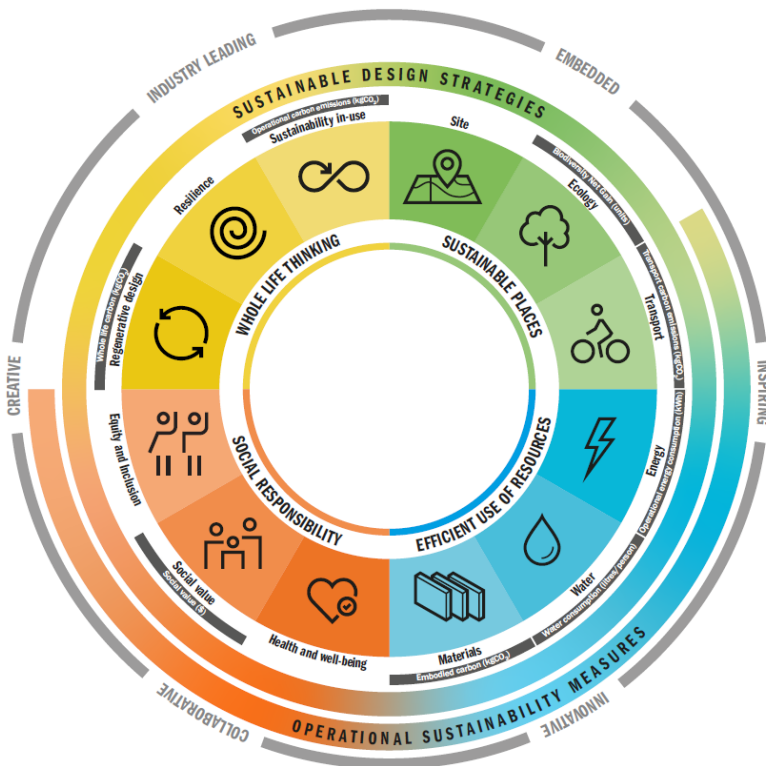


Figure 14: Cooks Cove Sustainability Strategy Principles  
Source: Hassell

## 4.0 Response to Gateway Conditions

The amended Planning Proposal demonstrates a response to the Gateway Determination conditions including, but not limited to the following:

- Provision of information to enable endorsement from TfNSW that the proposal does not compromise future transport links, delivers a safe road network, enhances walking and cycling connectivity and the use of public transport and no longer requires Special Uses zoned land for public purposes;
- Preparation of a detailed Urban Design and Landscape report for the proposal which confirms:
  - Consistency with the 'Better Placed' policy;
  - An enhanced, attractive, connected and spatially suitable public open space network;
  - Enhanced environmental attributes including protected flora and fauna, riparian areas and wetlands;
  - Acceptable external visual impacts, sufficient solar access to Pemulwuy Park, optimised public domain connections and the achievement of a high level amenity for proposed open space coordinated with site access;
- Further consultation with DPE Heritage and updates to the Planning Proposal;
- Provision of a flooding options analysis and mitigation strategy;
- Provisions of revised planning parameters which:
  - Confirms the need for a primary GFA cap and predominate maximum building heights in Reduced Levels (RL).
  - Tests the desired built form and coordinates the intended building typology, height, massing and floorspace distribution across the site.
  - Confirms and explains the inclusion of the proposed 'Trade Related Enterprises' land use;
  - Implements a specific provision requiring DPE concurrence in relation to pipeline safety;
  - Provides resolution of various additional permitted land uses;
  - Updates all applicable planning maps;
- Provides a preliminary site-specific Development Control Plan for Cooks Cove.
- Demonstrates endorsement from Sydney Airport Corporation Limited and the Commonwealth Department of Infrastructure, Transport, Regional Development, Communications and the Arts that the proposal does not constitute a 'controlled activity' and that exhibition is able to occur.



## 5.0 Proposed Amendments to Planning Controls

The Cooks Cove Planning Proposal seeks the following amendments to the Bayside LEP 2021:

- Application of the SP4 Enterprise zone within the CCI 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.
  - The SP4 Enterprise zone has been selected for the development zone, in lieu of the previously proposed B7 Business Park zone. DPE's Employment Zones Review will remove 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) and accepted by way of a Gateway alteration by the SECPP on 31 March 2023.
  - 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.
- Application of the RE1 Public Recreation zone to the residual of Lot 31 in DP 1231486 and Lot 100 in DP 1231954 in order to define a foreshore recreation zone with a minimum width of 20m and internal passive open space and overland flowpath 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 Arncliffe Motorway Operation Centre (MOC), respectively. 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' (newly introduced definition to BLEP 2021) meaning – *"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."*
- Reclassification of Lot 14 DP213314 and Lot 1 DP108492 (Council owned and the subject of Charitable Trusts), under the Local Government Act 1993 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 rationale for the change and expansion to 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.

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.

## 5.1 Zoning, Land Use and Permissibility

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.

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 on the following page.

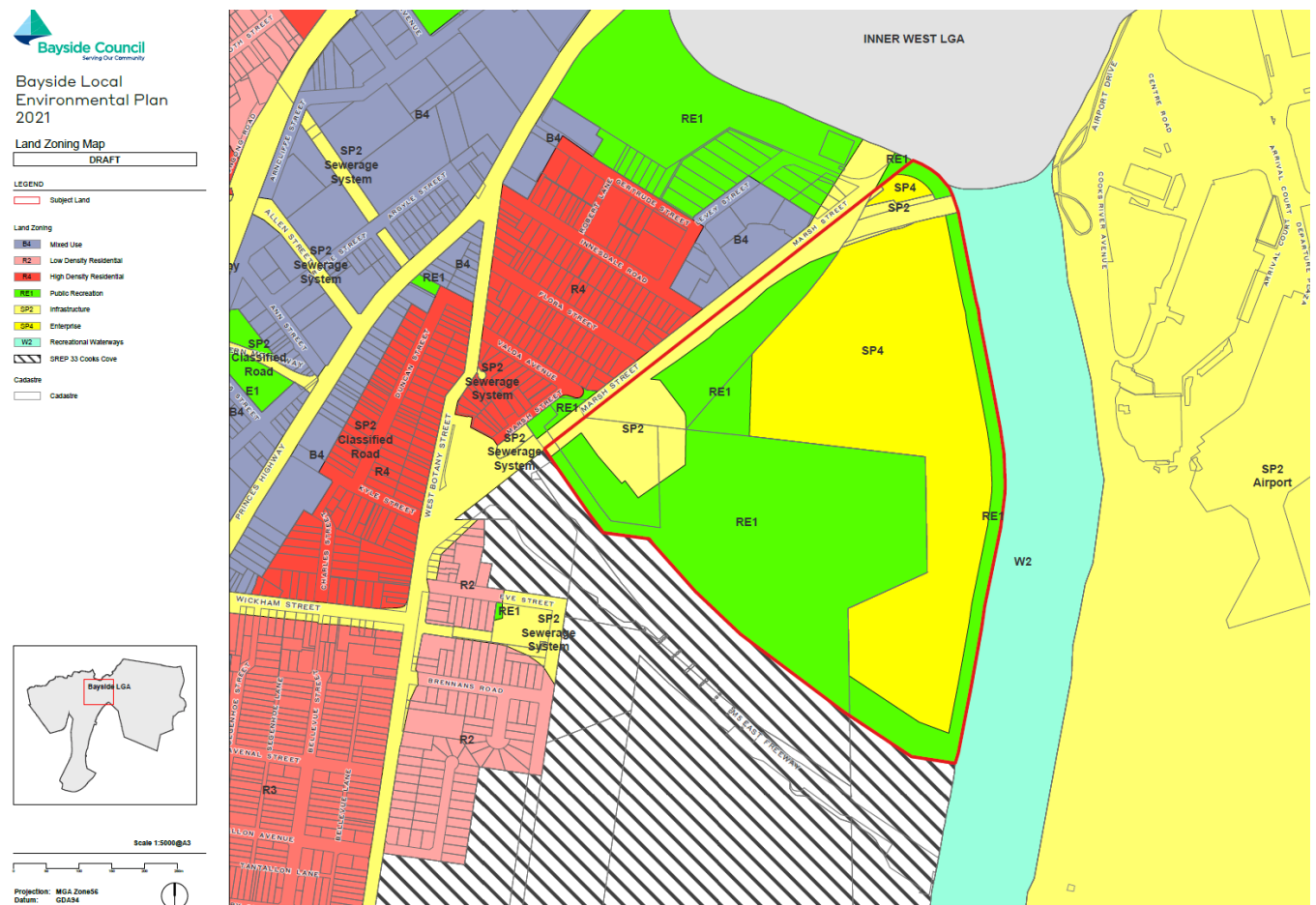


Figure 15: Draft Land Use Zoning Map

Source: Ethos Urban



Table 2: Proposed SP4 Enterprise land use zoning and permissibility

SP4 Enterprise Zone
<p><b>1. Objectives of the zone:</b></p> <ul style="list-style-type: none"> <li>To encourage economic activity and trade-focused 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> <li>To facilitate local employment opportunities through the range of logistics and business uses as well as visitor accommodation.</li> <li>To promote high quality development adjacent to public open space areas.</li> </ul>
<p><b>2. Permitted without consent:</b></p> <p>Not specified.</p>
<p><b>3. Permitted with consent:</b></p> <p>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.</p>
<p><b>4. Prohibited:</b></p> <p>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.</p>

## RE1 Public Recreation

The RE1 Public Recreation zone 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.

## SP2 Infrastructure

The SP2 Infrastructure zone has been selected for the existing Marsh Street surface level road infrastructure and the M6/M8 Arncliffe 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.

## Trade Related Enterprises Definition

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 enterprises is as follows:

***"Trade-related enterprises 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 2021 as part of Schedule 1.

## 5.2 Amendment to Part 6 Additional Local Provisions

It is proposed to address a number of planning aspects raised through Gateway conditions through the use of an additional local provision which is proposed to be inserted in relation to the Planning Proposal boundary. 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.*
- (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.*
- (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.

(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 340,000m<sup>2</sup> GFA,

(b) 20,000m<sup>2</sup> GFA of office premises,

(c) 20,000m<sup>2</sup> GFA of hotel or motel accommodation and serviced apartments, and

(d) 10,000m<sup>2</sup> combined GFA of shops and food and drink premises.

## 5.3 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 (consistent with Sydney Airport Obstacle Limitation Surface standards) which transitions down to RL40m in the southern extremity. Block 1 which is discrete from the primary Cooks Cove development zone is limited to a maximum of 24m above existing ground level to better relate to adjacent high density mixed use precinct, which also uses a consistent height in metres maximum.

### Gross Floor Area / Floor Space Ratio

The proposed planning controls match the indicative reference scheme 'highest and best use' scenario of 343,250m<sup>2</sup> GFA through mechanisms sought to appropriately cap development potential. Blocks 2 and 3 are mapped as 'Area 16' with specific total GFA provisions applicable as Additional Local Provisions (as presented in Section 5.1). Given the detached and discrete nature of Block 1 (Lot 31 DP 1231486), it is proposed to control development through the use of a mapped FSR provision of 1:25 equating to 3,250m<sup>2</sup>.

### Other Provisions

It is proposed to amend numerous Bayside LEP 2021 maps to bring the site under the control of numerous 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; and
- Clause 6.4 Biodiversity and the Terrestrial Biodiversity Map.

## 5.4 Amendment to Schedule 1 Additional Permitted Uses

The mix of SP4, RE1 and SP2 zones have been selected to reflect the intended future use of the site as described in the master plan indicative reference scheme. However, there are two 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.

### 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.

The proposed uses and justification for their inclusion as additional permitted uses is provided in **Table 3** below.

**Table 3: Proposed land uses to be permitted via Schedule 1 amendment**

Proposed land uses 1	Nominated area	Justification
<b>To be permitted via Schedule 1</b>		
<b>'Advertising structures'</b>	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.
<b>'Trade-related enterprises'</b>	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.

## 5.5 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 and expansion to 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.

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 long term certainty for use as public open space through the removal of the Charitable Trust affectation made possible through reclassification.



# 6.0 Key Assessment Issues

## 6.1 Urban Design

### Built Form & Massing

An Urban Design and Landscape Report has been prepared by Hassell to inform the Planning Proposal assessment. 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 various Gateway Conditions as detailed in the Planning Proposal justification report.

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. The intended massing, character and land use allocation is visually presented in below.

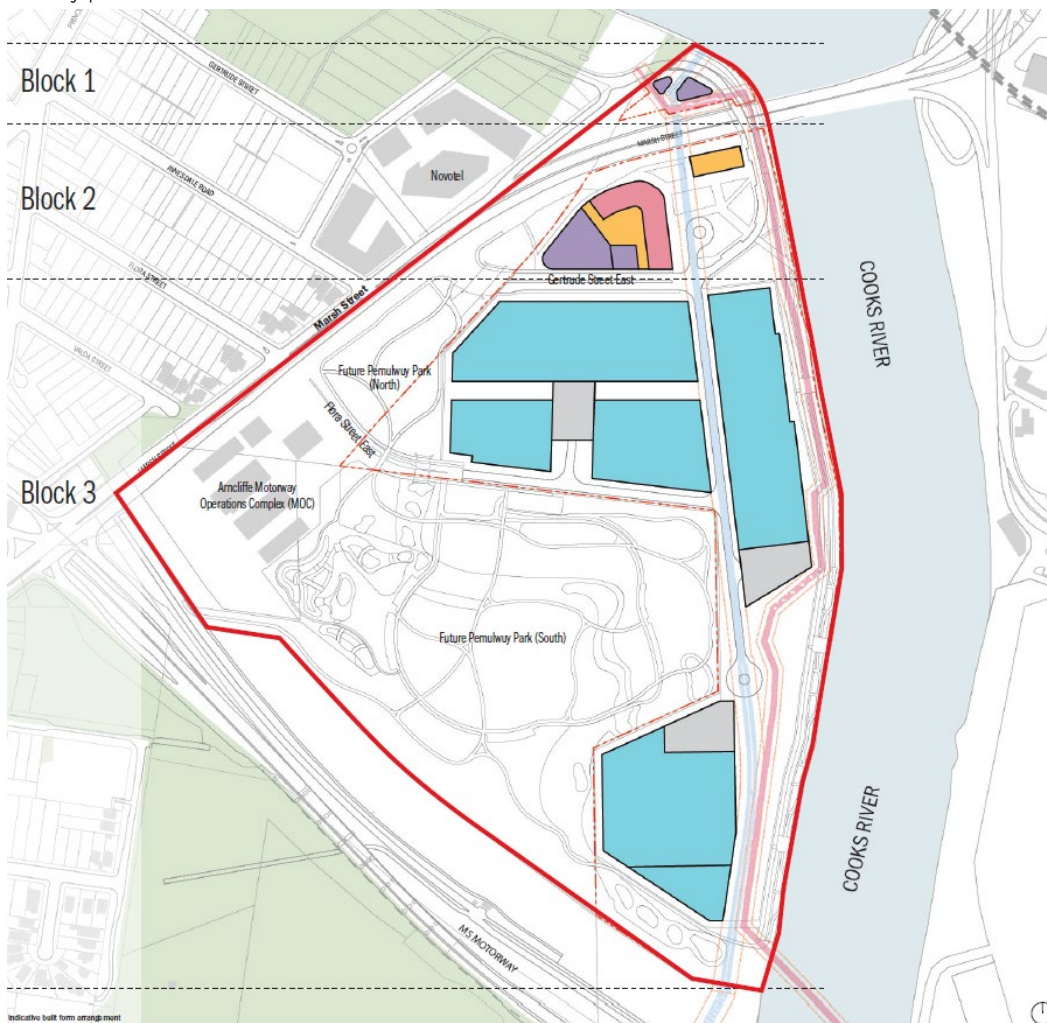


Figure 16: Land Use Plan  
Source: Hassell

The building heights sought have been carefully considered in relation to the surrounding urban context. The built form strategy presented 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.

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 T1 International Terminal commercial office precinct.

As illustrated above, the proposed reference scheme 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.



**Figure 17: View of the Cooks Cove Proposal from the Giovanni Brunetti Bridge**  
Source: Hassell



**Figure 18: View of the Cooks Cove Proposal from Tempe Reserve**  
Source: Hassell



## 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 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;



**Figure 19: Conceptual Cooks Cove movement and connections diagram**

Source: Hassell

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.

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.<sup>1</sup>

In addition to the on-site open space provisions within the Master Plan, the site is adjoined by approximately 60 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.

## 6.2 Flooding, Stormwater and WSUD

### Flooding

In response to Gateway Determination condition (1c), flood mitigation objectives have been created to develop flood mitigation options. The flood mitigation objectives for this subject site including providing 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); does not create adverse impacts on the Arncliffe MOC for the PMF so as not to reduce the design flood immunity of the tunnel entrances; and provides safe refuge for occupants of the Cooks Cove Planning Proposal during all floods up to the PMF (both local and riverine floods). 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 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 with 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 PMF 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. 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 (500mm) plus allowance for climate change (800mm). Detailed design for buildings will be optimised to levels that provide flood immunity in all flood events (even including the current PMF event within refuge areas).

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 PMF, 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. The flood modelling assessment identifies the preferred flood response strategy as shelter-in-place.

## Stormwater and Water Quality

The stormwater management concept plan has been coordinated to ensure that building and road corridor runoff can generally discharge to bioretention swales by gravity. 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 can be explored at the subsequent stage of design development in coordination with the wider sustainability plan. In addition, preliminary water quality modelling was undertaken to confirm adherence to the water quality treatment targets identified by Bayside Council.

## 6.3 Traffic and Transport

A Transport Impact Assessment (TIA) in support of the proposal provides a comprehensive assessment of the traffic generation, car parking, public and active transport and road network performance and enhancement at the site. The microsimulation traffic modelling process has identified the need for the following road network augmentations:

- 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;
- Enhancements 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.

In order to support the Cooks Cove Planning Proposal development outcome, 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.

Considering the above infrastructure enhancements and scenarios, 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. 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.

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.

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. 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 at the DA stage. Off-street parking will be generally provided in basement and podium level car parks within the development zone in accordance with DCP rates to be resolved post-exhibition.

The proposal also intends to implement public transport enhancements including the works-in-kind provision of a bus bay and shelter on the eastern side of Marsh Street and a monetary contributions for the provision of a bus stop on the western side.

## 6.4 Aviation and Airport Operations

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".*

## 6.5 Economic Assessment

The Cooks Cove development will enable the establishment of a major inner Sydney business precinct that complements the existing manufacturing and transport services associated with Sydney Airport and Sydney Port. Potential economic benefits likely to result from the Cooks Cove project includes employment opportunities for around 3,300 workers and generation of around \$601 million in economic output (value added) to the local and regional economy each year once complete and operational.

The project will 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. It will also 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.

## 6.6 Flora and Fauna

The Cooks Cove development will involve the removal of largely planted native/exotic vegetation. One Endangered Ecological Community, namely Saltmarsh, which is listed under the Biodiversity Conservation Act 2016 (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 Endangered Ecological Communities 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 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.

## 6.7 Acoustics

Noise exposure from aircraft noise was considered a key consideration given the proximity to Sydney Kingsford Smith Airport. The proposed uses for the Cooks Cove are appropriate in accordance with Australian Standards 2021:2015, being identified as 'acceptable'. A screening 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 MOC tunnel ventilation equipment was also considered but deemed not to impact the proposed land uses. Based on the Acoustic Assessment Report, Arup has deemed the Planning Proposal suitable.

## 6.8 Archaeology and Heritage

Historical assessments of the site indicate that no further archaeological assessment is required. These assessments have concluded that there is a low likelihood for Aboriginal sites to be present within the study area and as such recommend that no further archaeological assessment is required.

Further, should any Aboriginal objects or unexpected historical structural or depositional remains 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.

In response to Gateway condition (1b) consultation was undertaken with DPE's Heritage NSW on 14 November 2022. A written response was provided by Heritage NSW on 7 February 2023 which was accepted by DPE for public exhibition to commence.

## 6.9 Utilities and Services

A Servicing and Utilities Infrastructure Strategy Report evaluates the servicing and utility impacts associated with the indicative development concept. 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 with further assessment below.

### Sydney Desalination Pipeline

During consultation with Sydney Desalination Plant Pty Ltd the ability and terms to build over or around the pipeline was discussed and resolved. Ongoing consultation will be undertaken with Sydney Desalination Plan Pty Ltd to inform future design and planning for the precinct. In addition, all identified technical requirements are capable of being implemented within development controls for the precinct 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 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. 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.

Subject to further discussions with DPIE Hazards team, Arup / Arriscar and the Proponent, it was agreed that a societal risk analysis should be undertaken in the form of a Preliminary Hazard Analysis (PHA). This concluded that societal risk was below the upper limit of risk tolerability and further 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. It has also been confirmed that the 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.

## 6.10 Other

Specialist technical reports also confirm that matters such as acid sulfate soil, underlying fill conditions, bedrock depth, remediation and soil and groundwater management are suitable to support the future intended outcome for the site. More detailed technical assessments and mitigation measures are capable of being addressed at the DA stage for these items.



## 7.0 Strategic and Site-Specific Merit

### Question 1 – Is the planning proposal a result of an endorsed LSPS, strategic study or report?

Yes. 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. The detailed Planning Proposal Justification report demonstrates detailed consistency with both Ministerial Directions.

### 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 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.

### 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)?

The Greater Sydney Region Plan – A Metropolis of Three Cities, Eastern City District Plan and Bayside West Precinct 2036 Plan include objectives, directions, planning priorities and provisions specific to the Cooks Cove site. Yes, 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 through 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.

### 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?

#### **Bayside Local Strategy Planning Statement**

Yes. It is 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.

## Question 5 – Is the planning proposal consistent with any other applicable State and regional studies or strategies?

### Bayside West Precincts 2036 Plan

Yes. The Planning Proposal is consistent with the Bayside West Precincts 2036 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.

### Future Transport 2056

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.

### 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 demonstrated in detail in the Planning Proposal justification report.

## Question 6 – Is the planning proposal consistent with the applicable SEPPs?

Yes. A detailed assessment of all applicable SEPPs is contained within the Planning Proposal justification report.

## Question 7 – Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?

Yes. A detailed assessment of consistency with all applicable Ministerial Directions (section 9.1 Directions) is contained within the Planning Proposal justification report.

## 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 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.

### 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 proposal is identified in 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 proposal or future development on the site, subject to detailed consideration at the appropriate step in the planning process.

### 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. The Planning Proposal will contribute to a number of positive social and economic effects which are detailed in the preceding sections.

### Question 11 – Is there adequate public infrastructure for the planning proposal?

Yes. A Servicing and Utilities Infrastructure Strategy Report confirms that there are utilities network upgrades and extensions required to service the development zone which are considered feasible subject to further assessment and strategic design. The Strategic Transport Plan provides confirmation of the road and transport based infrastructure to support the proposal, which will be delivered by way of a Planning Agreement.

### 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 which is detailed within the Planning Proposal justification report. 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 formal public exhibition process to be undertaken.

Both Sydney Airport Corporation Limited and the Department of Infrastructure, Transport, Regional Development, Communications and the Arts were consulted in relation to Gateway conditions. 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 entities on 15 November 2022.



## 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 economies.

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, 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 Arncliffe 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 permissibilities 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.

# COOK COVE

