

## Daniel Howard

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**From:** MCCLURE Phil <Phil.McClure@infrastructure.gov.au>  
**Sent:** Tuesday, 15 November 2022 10:27 AM  
**To:** Peter Bettridge - Boyd Properties  
**Cc:** DANIEL Grace; Donna KERR; Elise Crameri; Daniel Howard; Ted Plummer  
**Subject:** FW: Follow up email - Cooks Cove Planning Proposal meeting with SACL and proponent [SEC=OFFICIAL]

### OFFICIAL

Peter,

Thank you for facilitating the meeting yesterday. Jason's presentation and discussions at the meeting provided useful context regarding the planning proposal and future planning processes.

As discussed, I confirm that the Department does not require a controlled activity application under the Airports (Protection of Airspace) Regulations 1996 to be brought forward for the current Gateway Planning Proposal stage, nor does it need to provide consent for the public exhibition.

I understand the Gateway Planning Proposal will be further refined prior to the 28-day public consultation process, and that urban design proposal/s will be prepared for the buildings at a later date. I request the Department and Sydney Airport Corporation Limited be consulted during any subsequent design/development application stages of the planning process, to enable consideration of airspace or National Airport Safeguarding Framework (NASF) related issues in more detail prior to any building approvals being issued.

I also recommend Airservices Australia and CASA be included in future consultations that involve potential airspace or airport safeguarding matters. The initial contact details for these agencies are:

CASA            [Airspace.Protection@casa.gov.au](mailto:Airspace.Protection@casa.gov.au)  
Airservices    [Airport.Developments@AirservicesAustralia.com](mailto:Airport.Developments@AirservicesAustralia.com)

Regards,

### Phil McClure

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*I would like to acknowledge the traditional custodians of this land on which we meet, work and live.  
I recognise and respect their continuing connection to the land, waters and communities.  
I pay my respects to Elders past and present and to all Aboriginal and Torres Strait Islanders.*

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**From:** Peter Bettridge - Boyd Properties <[peter@boydproperties.com.au](mailto:peter@boydproperties.com.au)>  
**Sent:** Friday, 11 November 2022 12:13 PM  
**To:** MCCLURE Phil <[Phil.McClure@infrastructure.gov.au](mailto:Phil.McClure@infrastructure.gov.au)>; Ted Plummer ([ted.plummer@syd.com.au](mailto:ted.plummer@syd.com.au))

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**Cc:** Elise Crameri <[Elise.Crameri@dpie.nsw.gov.au](mailto:Elise.Crameri@dpie.nsw.gov.au)>; Daniel Howard <[DHoward@ethosurban.com](mailto:DHoward@ethosurban.com)>

**Subject:** Cooks Cove Planning Proposal

Good Morning Phil and Ted

Thank you for the opportunity to meet on Monday 14 November to discuss the exhibition phase of the Cooks Cove Planning Proposal (PP-2022-1748).

With reference to Ted's letter of 7 November, may we please confirm in Monday's discussions whether the Commonwealth or Sydney Airport is of the view that your permission is required to exhibit the Cooks Cove Planning Proposal?

For the reasons detailed in our 31 October correspondence, we do not believe the Cooks Cove Planning Proposal ([Planning proposals search | Planning Portal - Department of Planning and Environment \(nsw.gov.au\)](#)) seeks to allow, as permissible with consent, development that would constitute a controlled activity as defined in Section 182 of the Airports Act 1996.

The NSW Department of Planning and Environment Gateway Determination Assessment Report (page 64) reaches the same conclusion.

If the Commonwealth or Sydney Airport is of a differing view and believes we are proposing a controlled action, we would like to better understand this view and clarify the most appropriate method of addressing your concern, such that permission, if required, is forthcoming.

Ted, thank you for the various links to the NASAF guidelines and the 2019 Implementation Review, particularly Appendix A addressing the NSW2021 Implementation Update. The intent of the Cooks Cove Planning Proposal is to transfer the identified area from the jurisdiction of Chapter 6 of the Eastern Harbour City SEPP to the Bayside LEP2021 (which incorporates Standard Clause 6.7 'Airspace Operations' and 6.8 'Development in Area Subject to Aircraft Noise'), as well as, incorporate site specific provisions in a new consolidated Bayside DCP.

The importance of NASAF is acknowledged. We have endeavoured to demonstrate the Cooks Cove Planning Proposals compliance with the NASAF Principles and Guidelines at Section '6.4 Impacts on Airport Operations' (page 79) and specifically, 6.4.5, 'The National Airports Safeguarding Framework', as supplemented by Appendix G - Windshear and Turbulence Assessment (ARUP), Appendix H – Acoustic Treatment (Arup) and Appendix I – Airspace Impact Assessment (Strategic Airspace). Each accessible via the above link.

Each of these studies will be reviewed and updated to reflect refinements made in compliance with Gateway Determination conditions and referred to the Commonwealth, Sydney Airport and Airservices Australia during the public exhibition phase.

Thank you for the advice on the process for applying for short term controlled activity approvals. This will be potentially relevant at the detailed development application phase. The Cooks Cove Planning proposal is not seeking approval for any physical works on site at this time.

We acknowledge we are located within one of SYD's windshear assessment envelopes. We have previously submitted a Windshear and Turbulence Assessment and update. This will be further updated. Acknowledging the importance of this issue we have invited our wind engineer Graeme Wood of Arup to attend our discussion on Monday

Look forward to our further discussions Monday

Kind regards

Peter Bettridge  
JOHN BOYD PROPERTIES

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