

Exhibition of Planning Proposal 13-19A Marsh St, Arncliffe (PP-2022-1748)

The planning proposal seeks to include the site within the *Bayside Local Environmental Plan 2021* and rezone the land for the purpose of commercial and trade related enterprises, hotel or motel accommodation, serviced apartments and public open space.

Site description

The site is located at 13-19A Marsh St Arncliffe and has an area of 36.2 hectares. The site is directly north of the M5 Motorway, 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 (**Figure 1**). Existing development on the site includes the Kogarah Golf Course and Club and the existing WestConnex construction compound.

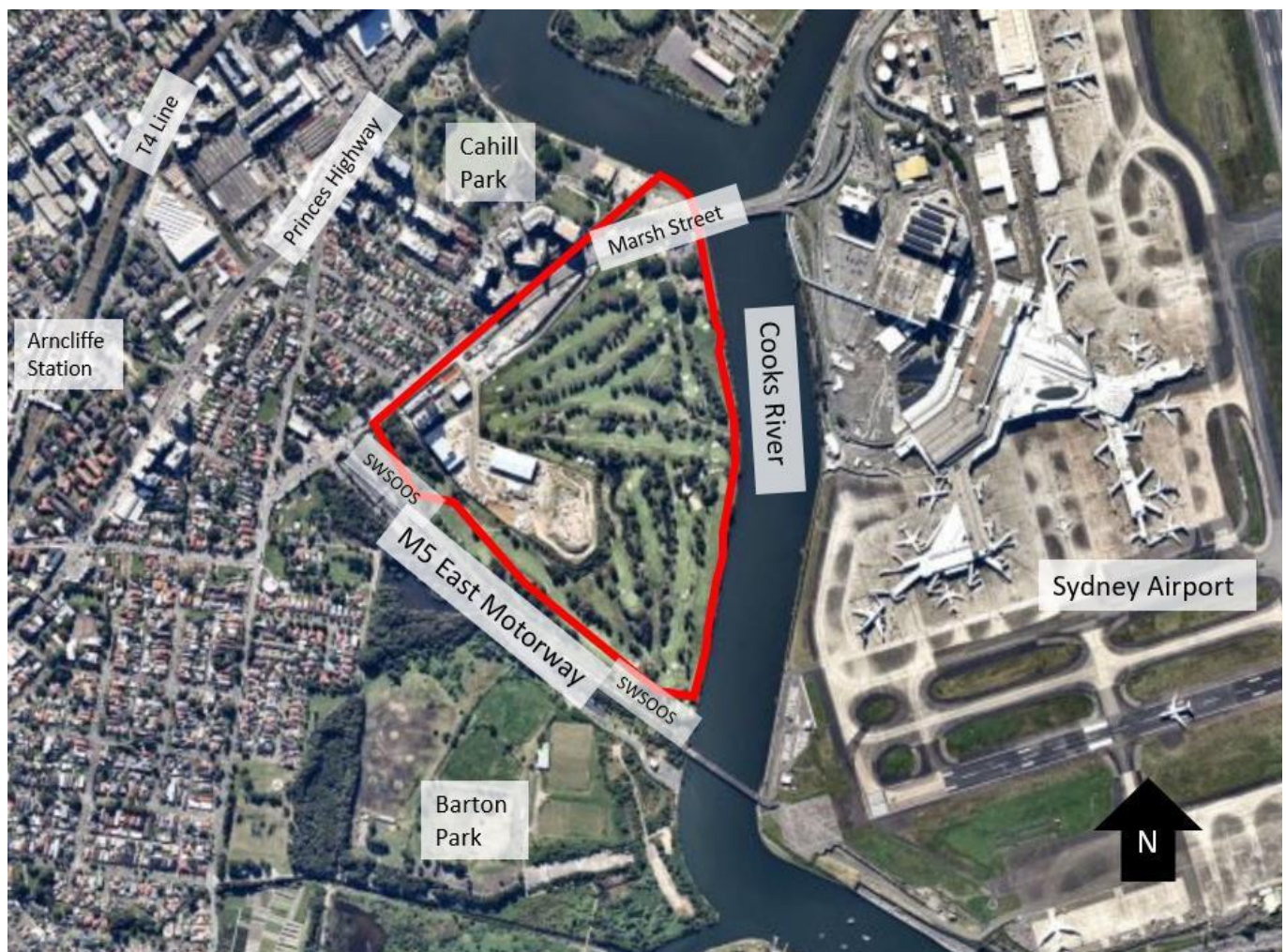


Figure 1 - Subject site (Source: Planning Proposal, Ethos Urban 2022)

What the planning proposal will do

The planning proposal seeks to remove the subject land from the operation of Chapter 6 (Cooks Cove) of *State Environmental Planning Policy (precincts – Eastern Harbour City) 2021* and insert new site-specific planning provisions into the *Bayside Local Environmental Plan 2021* to, including the following:

- New SP4 Enterprise zone across the majority of the Kogarah Golf Course land to permit trade related enterprises, commercial uses, retail uses, hotel or motel accommodation, serviced apartments and logistics and warehouse uses;
- New RE1 Public Recreation zoned land for the foreshore area of the site adjacent to the Cooks River and adjacent to Marsh Street;
- SP2 Infrastructure zone to the existing Marsh Street Roadway and Arncliffe Permanent Motorway Facilities;
- Maximum Building Height of RL51m;
- Limit gross floor area (GFA) within different areas of the site and insert floor area requirements to achieve the intended logistics and warehousing outcomes for the site; and
- Reclassify Lot 14 DP213314 and Lot 1 DP108492 from ‘community’ to ‘operational’ land to facilitate local road access and the provision of infrastructure to support development within the SP4 Enterprise zone.

The project will deliver approximately 3,300 jobs near existing residential areas and transport in accordance with the 30-minutes city objective in the Eastern City District Plan.

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.

An integrated vision for the future adjacent Pemulwuy Park (Trust lands) is 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 Motorway Operations Centre (MOC) facility.

Refer to **Figures 2 and 3** below for the indicative Master Plan and renders of an indicative scheme.

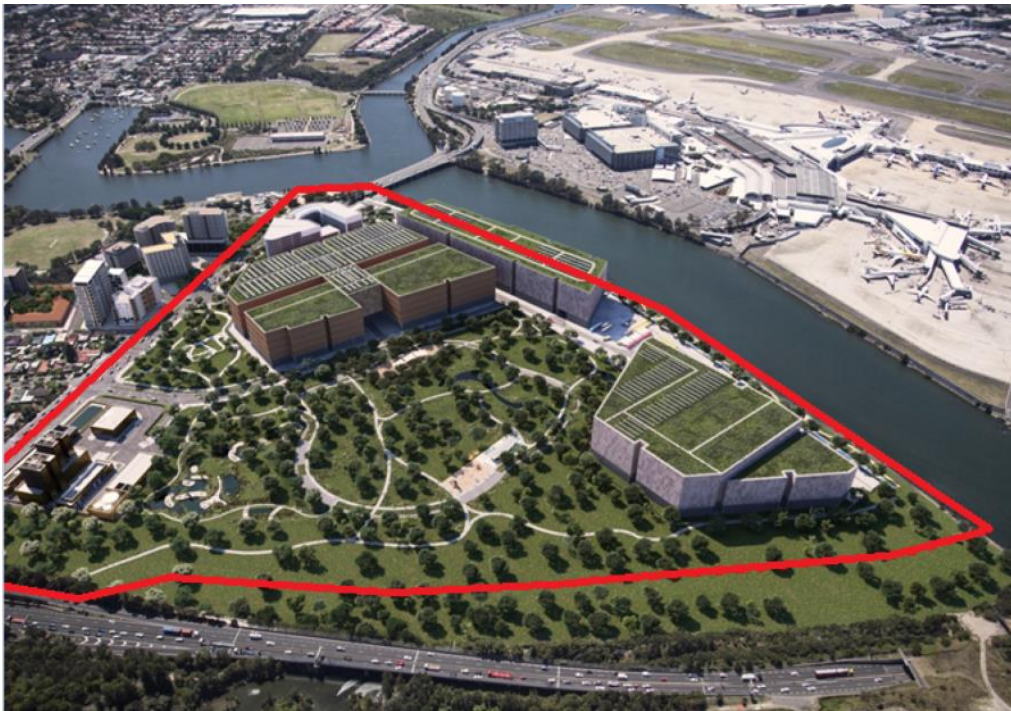


Figure 2 – Cooks Cove Indicative Reference Scheme (Source: Hassell)



Figure 3 – Cooks Cove Master Plan (Source: Hassell)

What is a planning proposal?

A planning proposal (or “PP”) explains the intended effect of a proposed Local Environmental Plan (LEP) or proposed amendments to an LEP. It describes the intended outcomes and proposed LEP provisions, identifies and addresses the potential impacts that the changes may have and provides justification for making the LEP.

A planning proposal is a key part of the LEP making process because it describes how a new or amended LEP will ‘give effect’ to strategic and site-specific planning outcomes. It is the first step in making the statutory link between strategic plans and planning controls which apply to development.

Note: Any physical development of the land occurs under separate planning processes.

What is a LEP?

An LEP provides a statutory framework for the way land can be developed and used.

An LEP contains land use zones which establish where residential, commercial, recreation and other uses can occur. It has development controls for buildings and land, including controls for maximum building heights, floor space, subdivision and lot size.

LEPs also include provisions which address local matters, hazards and constraints, such as flooding, protection of biodiversity, heritage conservation, or land that is being reserved by the government to build more public infrastructure in the future.

An LEP is made under the Environmental Planning and Assessment Act 1979.

What are the Council’s, the Sydney Eastern City Planning Panel and the Departments role in the process?

The Council’s role for this planning proposal

This planning proposal was originally submitted to Bayside Council in March 2020. Bayside Council advised the Department that its role of Trustee of land included in the planning proposal prevented it from performing the role of the Planning Proposal Authority in November 2020.

However, Council will still be responsible for the finalisation of a site-specific Development Control Plan (DCP) at a later stage in the process. Council will separately undertake community consultation for the DCP.

Sydney Eastern City Planning Panel’s role for this proposal

Deputy Secretary of the Department (under delegation of the Minister) nominated the Panel as an alternate Planning Proposal Authority in February 2021. The planning proposal was further refined in February 2021 and again in October 2021. In particular the amended planning proposal did not propose any residential uses on the site and the planning proposal gained support from the Panel on 17 May 2022, and a Gateway Determination on 5 August 2022 requiring the proposal be placed on public exhibition.

The Sydney Eastern City Planning Panel acts as the independent body in circumstances within the Bayside Local Government Area cannot act as a Planning Proposal Authority.

The Panel determined that the proposal demonstrated strategic and site-specific merit and should proceed to Gateway determination. The Panel was appointed as the Planning Proposal Authority, and therefore responsible for preparing the package of planning proposal documents for public exhibition and running public consultation. The Panel will consider public submissions on the planning proposal prior to making a decision about whether the planning proposal should proceed to finalisation.

The Department's role for this planning proposal

The Department assesses and guides planning proposals through the LEP making process. This includes active management of the planning proposal through the LEP making process, issue of resolution, and finalising the LEP (if the Minister is the local plan-making authority - LPMA).

On 17 May 2022, the planning proposal was submitted to the Department for Gateway determination. An assessment of the proposal was undertaken, and a Gateway determination was issued on 5 August 2022 stating the proposal should proceed subject to the conditions, including the public exhibition of the proposal.

A final assessment of the planning proposal will be undertaken by the Department after the public exhibition. At this stage further amendments may be made to respond to matters raised by community members or public authorities. The Department is the LPMA and will determine if the LEP amendment will be made.

Additional information about the planning proposal

More information about the proposal and details about how you can get involved can be found on the NSW Planning Portal. Go to www.planningportal.nsw.gov.au/ppr/under-exhibition/cooks-cove-planning-proposal

What is a Planning Proposal Authority (PPA)?

In the planning proposal process, the PPA is responsible for preparing the package of planning proposal documents and submitting them to the Department for a Gateway determination.

A Gateway determination is an approval required before the proposal can proceed to public exhibition. This approval is usually subject to conditions.

The PPA is responsible for satisfying the conditions of the Gateway determination, public exhibition of the planning proposal, and finalisation.

An alternate PPA may be appointed under certain circumstances, where directed by the Minister. As the planning proposal is the result of a rezoning review the Sydney Eastern City Planning Panel is the Planning Proposal Authority and the Department will be the Local Plan-Making Authority.

What is a Local Plan-Making Authority (LPMA)?

The LPMA is the authority responsible for making the LEP as identified by the Gateway determination. This may be the Minister (or delegate) or the relevant council. The LMPA undertakes the statutory functions in making the LEP.