

## **MINUTES**

of a meeting of the  
**Bayside Planning Panel**  
held in the Committee Room, Botany Town Hall  
Corner of Edward Street and Botany Road, Botany  
on **Tuesday 14 August 2018 at 6.02 pm**

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### **Present**

Robert Montgomery, Chairperson  
Jan Murrell, Independent Specialist Member  
Ross Bonthorne, Independent Specialist Member  
Thomass Wong, Community Representative

### **Also present**

Michael McCabe, Director City Life  
Bruce Cooke, Acting Manager Governance & Risk  
Clare Harley, Manager Strategic Planning  
Josh Ford, Coordinator Statutory Planning  
Samantha Urquhart, Manager Property  
John McNally, Senior Urban Planner  
Alison Phillips, Urban Designer  
Stephen Kerr, Independent Planner from City Plan Services  
Anthony Kazacos, Independent Planner from City Plan Services  
Bill Nikolovski, IT Technical Support Officer  
Anne Suann, Governance Officer

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The Chairperson opened the meeting in the Committee Room, Botany Town Hall, corner of Edward Street and Botany Road, Botany at 6.02 pm.

### **1 Acknowledgement of Traditional Owners**

The Chairperson affirmed that Bayside Council respects the traditional custodians of the land, elders past and present and future leaders, on which this meeting takes place, and acknowledges the Gadigal and Bidjigal Clans of the Eora Nation.

### **2 Apologies**

There were no apologies received.

### **3 Disclosures of Interest**

Ross Bonthorne declared a Less than Significant Non-Pecuniary Interest in Items 5.1 and 5.2 on the basis that he had previously worked on a project with Mr Boyd but stated he had no ongoing relationship, professionally or otherwise, with Mr Boyd. The Chairperson agreed that it would be appropriate for Mr Bonthorne to remain in the meeting for consideration of the matters.

## **4 Minutes of Previous Meetings**

### **4.1 Minutes of the Bayside Planning Panel Meeting - 24 July 2018**

#### **Decision**

That the Minutes of the Bayside Planning Panel meeting held on 24 July 2018 be confirmed as a true record of proceedings.

### **4.2 Minutes of the Bayside Planning Panel Meeting - 10 July 2018**

#### **Decision**

That the Minutes of the Bayside Planning Panel meeting held on 10 July 2018 be confirmed as a true record of proceedings.

## **5 Reports – Planning Proposals**

### **5.1 Assessment of Planning Proposal - Cook Cove Report by City Plan Strategy and Development (CPSD)**

A site inspection was held on Tuesday, 7 August 2018.

The following members of the public spoke:

- Mr Rasmus Torkel, interested resident, spoke against the officer's recommendation.
- Mr Brian Shaw, Chair of Botany Bay Catchment Alliance, spoke against the officer's recommendation.
- Ms Anna Angelakis, interested resident, spoke against the officer's recommendation and responded to the Panel's questions.
- Ms Greta Werner, interested resident, spoke to the proposal.
- Ms Wendy Aylward, interested resident, spoke against the officer's recommendation.
- Mr Ted Hamilton, interested citizen, spoke for the officer's recommendation and responded to the Panel's questions.
- Ms Kirin Linkop, from Cricket NSW, spoke for the officer's recommendation and responded to the Panel's questions.
- Mr Anthony Bouteris from Raine & Horne Commercial spoke for the officer's recommendation.
- Mr Anthony Rodgers, General Manager Kogarah Golf Club, spoke for the officer's recommendation and responded to the Panel's questions.
- Mrs Marilyn Melhuish, interested citizen and member of the Kogarah Golf Club, spoke for the officer's recommendation.
- Mr Stephen Law, President Kogarah Golf Club, spoke for the officer's recommendation and responded to the Panel's questions.
- Mrs Maree Andrews, interested resident, spoke for the officer's recommendation and responded to the Panel's questions.
- Mr John Flowers, interested resident, spoke for the officer's recommendation.

- Mr Greg Glanville, Director St George Football Club, spoke for the officer's recommendation.
- Jeffery Evans, representing St George District Cricket Club and St George District Cricket Association, spoke for the officer's recommendation.

Bernard Gallagher from Ethos Urban, acting on behalf of the proponent Cook Cove Inlet Pty Ltd, made a 30 minute presentation to the Panel, and he and Mr John Milston, Transport Planner from Arup, responded to the Panel's questions.

### **Recommendation to the Council**

- 1 That the Planning Proposal not proceed, for the reasons included in the Panel's Reasons for Recommendation below.
- 2 That, however, should Council be of a mind to proceed with the Planning Proposal at this time, the following is recommended:
  - a The matters below should be resolved prior to proceeding with the Planning Proposal:
    - i The precise identification of each of the interests affecting each parcel of public land and the intended effect of the Planning Proposal regarding those interests (including any proposal to cease public reserves);
    - ii The written consent of the Minister administering the Crown Lands Management Act 2016 to the proposed reclassification of Crown land to operational land;
    - iii Details of the current view of the Roads & Maritime Services regarding the proposed extinguishment of the trusts created when Lot 14 in DP 213314 and Lot 1 in DP 108492 were dedicated to Council;
    - iv Confirmation from Council (in its capacity as landowner and Trustee) that its obligations under any trusts proposed to be extinguished do not prevent Council from adopting the Planning Proposal.
  - b The proposal should be amended to provide for a much higher proportion of employment land floorspace and lower residential density in recognition of the strategic location, the constraints to residential development and the surrounding built form.
  - c The draft Planning Proposal be amended to address the items identified in the Technical Assessment by Cardno and as summarised in Attachment 3 to the report.
  - d The draft Planning Proposal be amended to specify and limit the quantum of gross floor area and maximum building height for the 'registered club' within the southern precinct, prior to public exhibition.

- e Consultation of the draft Planning Proposal be undertaken with the following agencies, and amendments made prior to public exhibition and broader community consultation:
- i The Greater Sydney Commission
  - ii Roads and Maritime Services
  - iii Transport for NSW
  - iv Sydney Airport Corporation Limited (SACL), Civil Aviation Safety Authority (CASA) and Airservices Australia (AsA)
  - v Department of Education
  - vi Office of Environment and Heritage
  - vii Office of Sport.

The purpose of this consultation is to identify any conflicts or modifications that may be required, given the potential impacts on regional infrastructure, so these can be incorporated in the Planning Proposal before community consultation.

- f A peer review of the Landscape Character and Visual Impact Assessment and independent commentary on the urban form and densities compliance with the ADGs be commissioned by Council and exhibited with the draft Planning Proposal to inform community consultation.
- g A Voluntary Planning Agreement, which details the infrastructure to provided in support of the proposed redevelopment of Cook Cove and the timing of provision, be exhibited with the Planning Proposal.

Name	For	Against
Robert Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jan Murrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ross Bonthorne	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Thomass Wong	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Reasons for Recommendation

The panel notes that the land is identified in Sydney Regional Environmental Plan No. 33-Cooks Cove as Trade and Technology Zone (and public open space) based on its strategic location adjacent to Sydney Airport. The fundamental issue for consideration in progressing this Planning Proposal is whether there is strategic merit in changing the zone to allow a new suburb of some 12,000 population (estimated by proponent) by the establishment of significant residential development.

Should the proposal proceed in its current form, this strategic site would no longer be available for employment land uses associated with Sydney Airport or other large employment generating purposes in the future. This is notwithstanding that a smaller area of mixed use zone is proposed. The proponent suggests that there are no strategic documents which would preclude the change of use from employment activities to high density residential. It is suggested by the proponent that the Bayside

West Draft Land Use and Infrastructure Strategy justifies the change. However, it is unclear if there has been consultation with the Greater Sydney Commission.

Nonetheless, the Panel is not satisfied with the justification put forward in support of the higher residential density proposed for the site. In particular, it is noted that the Bayside local government area (LGA) is more than meeting its residential targets and will continue to do so based on approvals issued and future developments which are in the pipeline. Information provided by the Council shows that the short-term housing target for the LGA 2016-2021 of 10,150 new dwellings has already been exceeded based on development approvals and completions to May 2018. Of the long-term target of 28,050 new dwellings by 2036, it is anticipated that 19,598, or 69.9%, will be reached based on existing approvals, identified new residential precincts and planning proposals (pre and post Gateway) excluding Cook Cove.

The area of the Planning Proposal is constrained by: trusts; community land classification; flooding; aircraft noise; odour; road reservations; air quality; contaminated land; and the Obstacle Limitation Surface for the Airport. These constraints raise a fundamental question as to whether or not the land is suitable for high density residential development given the LGA is already achieving its housing targets, and there are priority residential precincts in the LGA. The Panel considers that the Planning Proposal contains insufficient justification for reducing the employment lands future gross floor area (GFA) from 270,000m<sup>2</sup> to 53,000m<sup>2</sup>, and increasing the overall GFA to 571,000m<sup>2</sup>.

The proposed maximum building height of 25 storeys appears to be at odds with the surrounding highest permissible building height of 46 metres, which approximates 12 storeys. The Planning Proposal provides no justification for this significant increase compared to the surrounding locality, nor is there justification for the proposed overall density of development proposed.

The opportunity cost of rezoning this relatively large parcel of land in single ownership currently zoned for employment generating purposes must be considered in the planning and economic context of the medium and longer term. The Panel considers that it has not been demonstrated that the loss of employment lands is warranted for the LGA or Region in a strategic planning context.

The Panel heard from a number of residents who were concerned about the role of Barton Park and the shortfall of playing fields for the district which will be created should the proposal proceed. Concerns were also raised about the restriction of public access to the area of public open space which will be occupied by the relocated golf course. The Panel shares these concerns and notes that the Council is to prepare an LGA wide open space strategy. Therefore, at this time the full ramifications in respect of proposed changes to open space and playing fields at Cook Cove are unknown.

Specifically for the inclusion of public land, the Panel notes that the Planning Proposal relies on the successful reclassification of public land, which is either Crown land, community land owned by Council, or land held in trust by Council. The Panel considers that the reclassification of public land should occur separately prior to the rezoning of adjacent lands to ensure that the reclassification accords with the intent and spirit and Objects of the Environmental Planning & Assessment Act 1979, as amended. It is also considered that matters associated with land held in trust by Council must be resolved prior to any decision to reclassify or rezone.

The Panel is of the view that there is a need to retain the subject land for employment uses due to its strategic location and the constraints to residential development, apart from the issues associated with Crown Land and lands held in trust.

## **5.2 Cook Cove Planning Proposal - Reclassification - Additional information**

A site inspection was held on Tuesday, 7 August 2018.

### **Recommendation to Council**

That the Bayside Planning Panel receives and notes the content of this report.

<b>Name</b>	<b>For</b>	<b>Against</b>
Robert Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jan Murrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ross Bonthorne	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Thomass Wong	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## **6 Reports – Development Applications**

Nil

The Chairperson closed the meeting at 9.05 pm.

Robert Montgomery  
**Chairperson**