



Australian Government

Department of Infrastructure, Regional Development and Cities

Mr Peter Bettridge  
General Manager  
John Boyd Properties  
Level 3, Legion House  
161 Castlereagh Street  
SYDNEY NSW 2000

Dear Mr Bettridge

**Cook Cove Development Project, Arncliffe, New South Wales**

I am writing to provide you with an update on the Department of Infrastructure, Regional Development and Cities' (the Department) consideration of your request for the release of the two covenants contained in the Memorandum of Transfer M592019.

The Department is actively considering the request, and has recently written to stakeholders who have an interest in, or will be affected by, the proposed Cook Cove development, to seek their views. Any views and/or comments will inform the Department's final decision. The Department has requested stakeholders respond by 1 March 2019 and I expect to write to you again after this deadline to advise of the Department's position.

In the meantime, if you require further information with regards to this matter, please contact Mr Marcelo Alves, Director, South West, ACT and NSW Section, by phone on (02) 6274 8396 or at [Marcelo.Alves@infrastructure.gov.au](mailto:Marcelo.Alves@infrastructure.gov.au).

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Leonie Horrocks'.

Leonie Horrocks  
Acting Executive Director  
Aviation and Airports Division

9 January 2019



## Australian Government

### Department of Infrastructure, Regional Development and Cities

Mr Mark Gifford  
Acting Chair and Chief Executive Officer  
NSW Environment Protection Agency  
PO Box A290  
SYDNEY SOUTH NSW 1232

Dear Mr Gifford

#### **Cook Cove Development Project, Arncliffe, New South Wales**

I am writing to seek your views on Cook Cove Inlet Pty Ltd's proposed development on the existing site of the Kogarah Golf Club in Arncliffe, New South Wales. Consultation with stakeholders who have an interest in, or are affected by, the proposed development forms part of the Department of Infrastructure, Regional Development and Cities' (the Department) consideration of whether to release two restrictive covenants over a section of the proposed site.

#### *Background to the proposed development*

In March 2018, Cook Cove Inlet Pty Ltd acquired ownership of the Kogarah Golf Club site, including the areas of the site leased from Roads and Maritime Services, Sydney Water Corporation, Bayside Council, and Sydney Airport. Part of the site is subject to two covenants in favour of the Commonwealth of Australia (the Commonwealth), which were created when Kogarah Golf Club purchased the land from the Commonwealth in 1972.

The first covenant prohibits the erection or placement of a building or structure on the land subject to the covenant, unless approved by the Department (on behalf of the Commonwealth). The second covenant prohibits the erection of fences on the land subject to the covenant, unless consent is given by the Department. A map of the proposed development in the north of the Cook Cove precinct, to the north of the M5 motorway, is enclosed for your information.

The proposal seeks to develop around 5000 residential dwellings in a mix of building types, including three metre tall townhouses and 25-storey towers. The proposal also includes space for commercial and retail businesses, a new St George Soccer Stadium, and a school for up to 600 students. The Kogarah Golf Club will also be relocated to the south of the Cook Cove precinct, to the south of the M5 Motorway.

If you wish to provide your views and/or comments in relation to the development and the release of the covenants, please contact Mr Marcelo Alves, Director, South West, ACT and NSW Section, on (02) 6274 8396, or at [Marcelo.Alves@infrastructure.gov.au](mailto:Marcelo.Alves@infrastructure.gov.au), by Friday 1 March 2019.

Yours sincerely

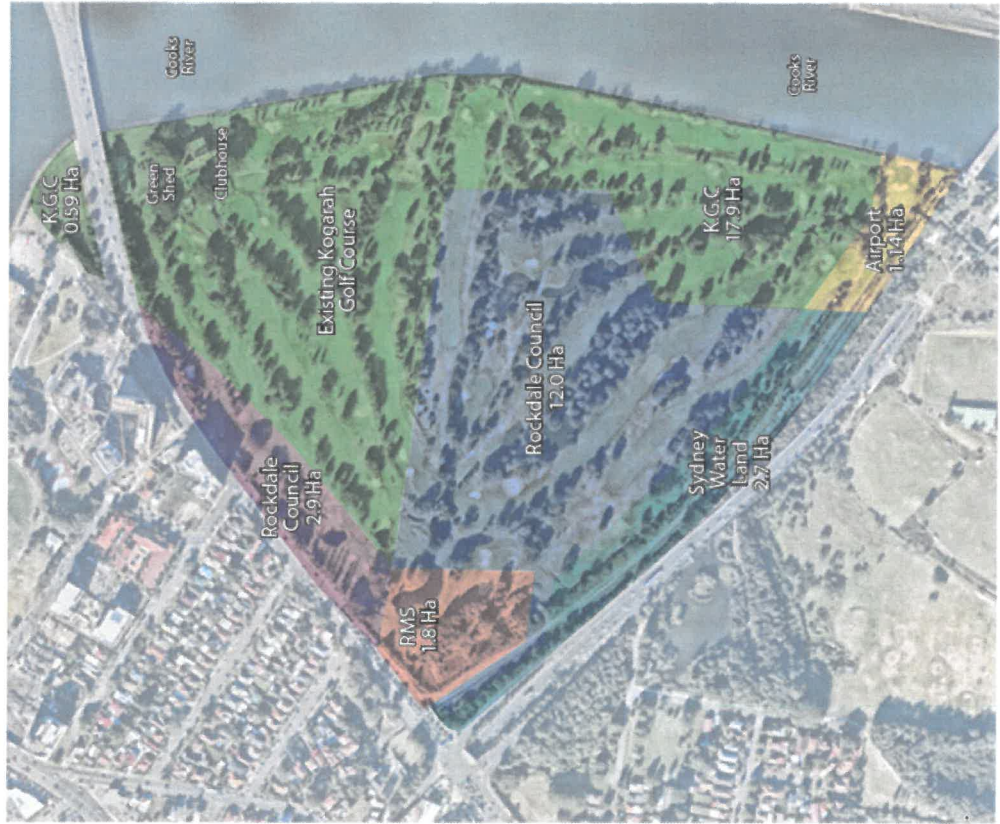


Leonie Horrocks  
Acting Executive Director  
Aviation and Airports Division

9 January 2019

Enc.

Cook Cove Precinct Ownership



Land owner	Land size
Kogarah Golf Club	18.49 Ha
Rockdale City Council	14.9Ha occupied under lease (expired 1988 and on holdover ever since), held under trust for RMS for future road needs
Sydney Water Corporation	2.7Ha occupied under an annual licence
Roads & Maritime Services	1.8Ha (occupied under licence since the three year lease was terminated in advance of WestConnex works)
Sydney Airport	1.14Ha (occupied under licence)
<b>Total area</b>	<b>39.03 Ha</b>

- The area in green (Existing Kogarah Golf Course) was purchased by Kogarah Golf Club from the Commonwealth of Australian in 1972, and is the area of the site subject to the two restrictive covenants.
- The map was sourced from the Kogarah Golf Club publication *Securing our future*, which is accessible here: [www.kogarahgolfclub.com.au/documents/KGC-Securingourfuture-FinalLR.pdf](http://www.kogarahgolfclub.com.au/documents/KGC-Securingourfuture-FinalLR.pdf).





**Australian Government**

**Department of Infrastructure, Regional Development and Cities**

Mr Andrew McKindlay  
Director  
WestConnex  
Roads and Maritime Services  
Locked Bag 928  
NORTH SYDNEY NSW 2059

Dear Mr McKindlay

**Cook Cove Development Project, Arncliffe, New South Wales**

I am writing to seek your views on Cook Cove Inlet Pty Ltd's proposed development on the existing site of the Kogarah Golf Club in Arncliffe, New South Wales. Consultation with stakeholders who have an interest in, or are affected by, the proposed development forms part of the Department of Infrastructure, Regional Development and Cities' (the Department) consideration of whether to release two restrictive covenants over a section of the proposed site.

*Background to the proposed development*

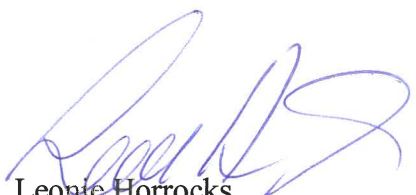
In March 2018, Cook Cove Inlet Pty Ltd acquired ownership of the Kogarah Golf Club site, including the areas of the site leased from Roads and Maritime Services, Sydney Water Corporation, Bayside Council, and Sydney Airport. Part of the site is subject to two covenants in favour of the Commonwealth of Australia (the Commonwealth), which were created when Kogarah Golf Club purchased the land from the Commonwealth in 1972.

The first covenant prohibits the erection or placement of a building or structure on the land subject to the covenant, unless approved by the Department (on behalf of the Commonwealth). The second covenant prohibits the erection of fences on the land subject to the covenant, unless consent is given by the Department. A map of the proposed development in the north of the Cook Cove precinct, to the north of the M5 motorway, is enclosed for your information.

The proposal seeks to develop around 5000 residential dwellings in a mix of building types, including three metre tall townhouses and 25-storey towers. The proposal also includes space for commercial and retail businesses, a new St George Soccer Stadium, and a school for up to 600 students. The Kogarah Golf Club will also be relocated to the south of the Cook Cove precinct, to the south of the M5 Motorway.

If you wish to provide your views and/or comments in relation to the development and the release of the covenants, please contact Mr Marcelo Alves, Director, South West, ACT and NSW Section, on (02) 6274 8396, or at [Marcelo.Alves@infrastructure.gov.au](mailto:Marcelo.Alves@infrastructure.gov.au), by Friday 1 March 2019.

Yours sincerely



Leonie Horrocks  
Acting Executive Director  
Aviation and Airports Division

9 January 2019

Enc.

Cook Cove Precinct Ownership



Land owner	Land size
Kogarah Golf Club	18.49 Ha
Rockdale City Council	14.9Ha occupied under lease (expired 1988 and on holdover ever since), held under trust for RMS for future road needs
Sydney Water Corporation	2.7Ha occupied under an annual licence
Roads & Maritime Services	1.8Ha (occupied under licence since the three year lease was terminated in advance of WestConnex works)
Sydney Airport	1.14Ha (occupied under licence)
<b>Total area</b>	<b>39.03 Ha</b>

- The area in green (Existing Kogarah Golf Course) was purchased by Kogarah Golf Club from the Commonwealth of Australian in 1972, and is the area of the site subject to the two restrictive covenants.
- The map was sourced from the Kogarah Golf Club publication *Securing our future*, which is accessible here: [www.kogarahgolfclub.com.au/documents/KGC-Securingourfuture-FinalLR.pdf](http://www.kogarahgolfclub.com.au/documents/KGC-Securingourfuture-FinalLR.pdf).



**Australian Government**

**Department of Infrastructure, Regional Development and Cities**

Ms Sian Leydon  
General Manager  
Customer, Strategy and Regulation  
Sydney Water Corporation  
PO Box 399  
PARRAMATTA NSW 2124

Dear Ms Leydon

**Cook Cove Development Project, Arncliffe, New South Wales**

I am writing to seek your views on Cook Cove Inlet Pty Ltd's proposed development on the existing site of the Kogarah Golf Club in Arncliffe, New South Wales. Consultation with stakeholders who have an interest in, or are affected by, the proposed development forms part of the Department of Infrastructure, Regional Development and Cities' (the Department) consideration of whether to release two restrictive covenants over a section of the proposed site.

*Background to the proposed development*

In March 2018, Cook Cove Inlet Pty Ltd acquired ownership of the Kogarah Golf Club site, including the areas of the site leased from Roads and Maritime Services, Sydney Water Corporation, Bayside Council, and Sydney Airport. Part of the site is subject to two covenants in favour of the Commonwealth of Australia (the Commonwealth), which were created when Kogarah Golf Club purchased the land from the Commonwealth in 1972.

The first covenant prohibits the erection or placement of a building or structure on the land subject to the covenant, unless approved by the Department (on behalf of the Commonwealth). The second covenant prohibits the erection of fences on the land subject to the covenant, unless consent is given by the Department. A map of the proposed development in the north of the Cook Cove precinct, to the north of the M5 motorway, is enclosed for your information.

The proposal seeks to develop around 5000 residential dwellings in a mix of building types, including three metre tall townhouses and 25-storey towers. The proposal also includes space for commercial and retail businesses, a new St George Soccer Stadium, and a school for up to 600 students. The Kogarah Golf Club will also be relocated to the south of the Cook Cove precinct, to the south of the M5 Motorway.

If you wish to provide your views and/or comments in relation to the development and the release of the covenants, please contact Mr Marcelo Alves, Director, South West, ACT and NSW Section, on (02) 6274 8396, or at [Marcelo.Alves@infrastructure.gov.au](mailto:Marcelo.Alves@infrastructure.gov.au), by Friday 1 March 2019.

Yours sincerely



Leonie Horrocks  
Acting Executive Director  
Aviation and Airports Division

9 January 2019

Enc.

Cook Cove Precinct Ownership



Land owner	Land size
Kogarah Golf Club	18.49 Ha
Rockdale City Council	14.9Ha occupied under lease (expired 1988 and on holdover ever since), held under trust for RMS for future road needs
Sydney Water Corporation	2.7Ha occupied under an annual licence
Roads & Maritime Services	1.8Ha (occupied under licence since the three year lease was terminated in advance of WestConnex works)
Sydney Airport	1.14Ha (occupied under licence)
<b>Total area</b>	<b>39.03 Ha</b>

- The area in green (Existing Kogarah Golf Course) was purchased by Kogarah Golf Club from the Commonwealth of Australian in 1972, and is the area of the site subject to the two restrictive covenants.
- The map was sourced from the Kogarah Golf Club publication *Securing our future*, which is accessible here: [www.kogarahgolfclub.com.au/documents/KGC-Securingourfuture-FinalLR.pdf](http://www.kogarahgolfclub.com.au/documents/KGC-Securingourfuture-FinalLR.pdf).





## Australian Government

### Department of Infrastructure, Regional Development and Cities

Mr Mick Cummins  
Chief Executive Officer  
Bayside Council  
PO Box 21  
ROCKDALE NSW 2216

Dear Mr Cummins

#### **Cook Cove Development Project, Arncliffe, New South Wales**

I am writing to seek your views on Cook Cove Inlet Pty Ltd's proposed development on the existing site of the Kogarah Golf Club in Arncliffe, New South Wales. Consultation with stakeholders who have an interest in, or are affected by, the proposed development forms part of the Department of Infrastructure, Regional Development and Cities' (the Department) consideration of whether to release two restrictive covenants over a section of the proposed site.

#### *Background to the proposed development*

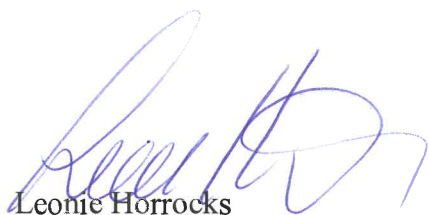
In March 2018, Cook Cove Inlet Pty Ltd acquired ownership of the Kogarah Golf Club site, including the areas of the site leased from Roads and Maritime Services, Sydney Water Corporation, Bayside Council, and Sydney Airport. Part of the site is subject to two covenants in favour of the Commonwealth of Australia (the Commonwealth), which were created when Kogarah Golf Club purchased the land from the Commonwealth in 1972.

The first covenant prohibits the erection or placement of a building or structure on the land subject to the covenant, unless approved by the Department (on behalf of the Commonwealth). The second covenant prohibits the erection of fences on the land subject to the covenant, unless consent is given by the Department. A map of the proposed development in the north of the Cook Cove precinct, to the north of the M5 motorway, is enclosed for your information.

The proposal seeks to develop around 5000 residential dwellings in a mix of building types, including three metre tall townhouses and 25-storey towers. The proposal also includes space for commercial and retail businesses, a new St George Soccer Stadium, and a school for up to 600 students. The Kogarah Golf Club will also be relocated to the south of the Cook Cove precinct, to the south of the M5 Motorway.

If you wish to provide your views and/or comments in relation to the development and the release of the covenants, please contact Mr Marcelo Alves, Director, South West, ACT and NSW Section, on (02) 6274 8396, or at [Marcelo.Alves@infrastructure.gov.au](mailto:Marcelo.Alves@infrastructure.gov.au), by Friday 1 March 2019.

Yours sincerely

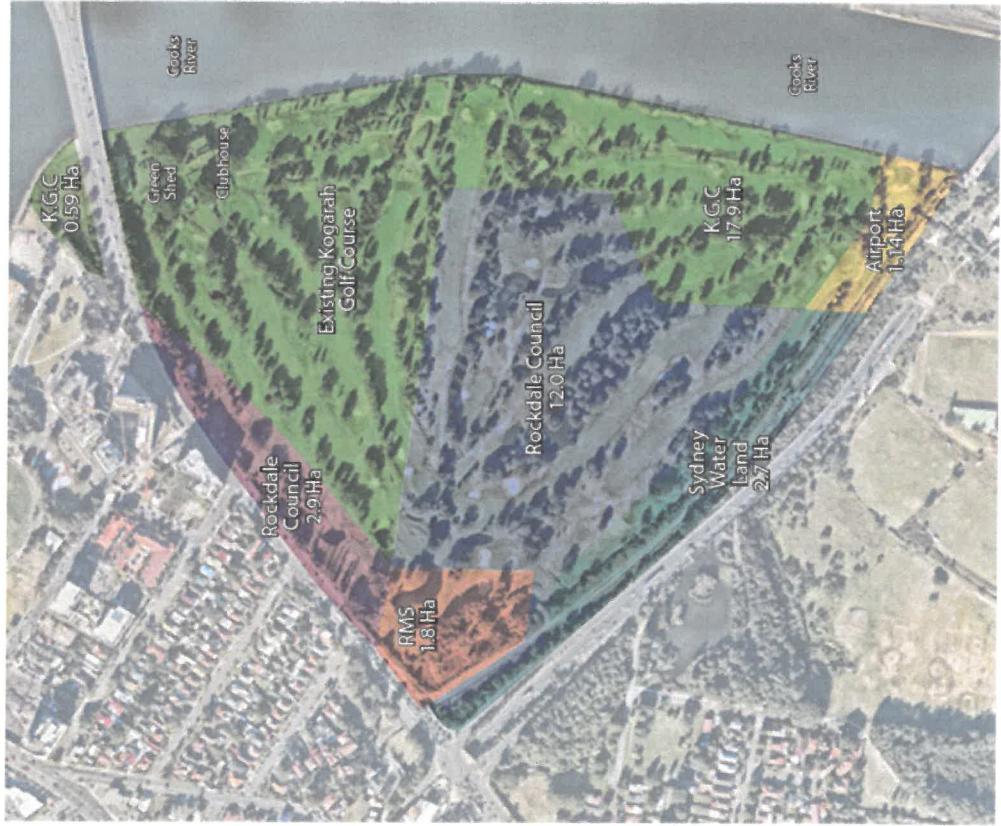


Leonie Horrocks  
Acting Executive Director  
Aviation and Airports Division

9 January 2019

Enc.

Cook Cove Precinct Ownership



Land owner	Land size
Kogarah Golf Club	18.49 Ha
Rockdale City Council	14.9Ha occupied under lease (expired 1988 and on holdover ever since), held under trust for RMS for future road needs
Sydney Water Corporation	2.7Ha occupied under an annual licence
Roads & Maritime Services	1.8Ha (occupied under licence since the three year lease was terminated in advance of WestConnex works)
Sydney Airport	1.14Ha (occupied under licence)
<b>Total area</b>	<b>39.03 Ha</b>

- The area in green (Existing Kogarah Golf Course) was purchased by Kogarah Golf Club from the Commonwealth of Australian in 1972, and is the area of the site subject to the two restrictive covenants.
- The map was sourced from the Kogarah Golf Club publication *Securing our future*, which is accessible here: [www.kogarahgolfclub.com.au/documents/KGC-Securingourfuture-FinalLR.pdf](http://www.kogarahgolfclub.com.au/documents/KGC-Securingourfuture-FinalLR.pdf).



**Australian Government**

**Department of Infrastructure, Regional Development and Cities**

Mr Geoff Culbert  
Chief Executive Officer  
Sydney Airport Corporation Limited  
Locked Bag 5000  
SYDNEY INTERNATIONAL TERMINAL NSW 2020

Dear Mr Culbert

**Cook Cove Development Project, Arncliffe, New South Wales**

I am writing to seek your views on Cook Cove Inlet Pty Ltd's proposed development on the existing site of the Kogarah Golf Club in Arncliffe, New South Wales. Consultation with stakeholders who have an interest in, or are affected by, the proposed development forms part of the Department of Infrastructure, Regional Development and Cities' (the Department) consideration of whether to release two restrictive covenants over a section of the proposed site.

*Background to the proposed development*

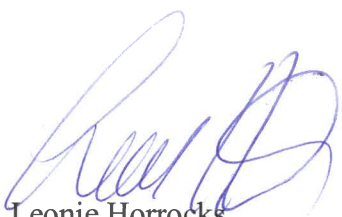
In March 2018, Cook Cove Inlet Pty Ltd acquired ownership of the Kogarah Golf Club site, including the areas of the site leased from Roads and Maritime Services, Sydney Water Corporation, Bayside Council, and Sydney Airport. Part of the site is subject to two covenants in favour of the Commonwealth of Australia (the Commonwealth), which were created when Kogarah Golf Club purchased the land from the Commonwealth in 1972.

The first covenant prohibits the erection or placement of a building or structure on the land subject to the covenant, unless approved by the Department (on behalf of the Commonwealth). The second covenant prohibits the erection of fences on the land subject to the covenant, unless consent is given by the Department. A map of the proposed development in the north of the Cook Cove precinct, to the north of the M5 motorway, is enclosed for your information.

The proposal seeks to develop around 5000 residential dwellings in a mix of building types, including three metre tall townhouses and 25-storey towers. The proposal also includes space for commercial and retail businesses, a new St George Soccer Stadium, and a school for up to 600 students. The Kogarah Golf Club will also be relocated to the south of the Cook Cove precinct, to the south of the M5 Motorway.

If you wish to provide your views and/or comments in relation to the development and the release of the covenants, please contact Mr Marcelo Alves, Director, South West, ACT and NSW Section, on (02) 6274 8396, or at [Marcelo.Alves@infrastructure.gov.au](mailto:Marcelo.Alves@infrastructure.gov.au), by Friday 1 March 2019.

Yours sincerely



Leonie Horrocks  
Acting Executive Director  
Aviation and Airports Division

9 January 2019

Enc.



Cook Cove Precinct Ownership



Land owner	Land size
Kogarah Golf Club	18.49 Ha
Rockdale City Council	14.9Ha occupied under lease (expired 1988 and on holdover ever since), held under trust for RMS for future road needs
Sydney Water Corporation	2.7Ha occupied under an annual licence
Roads & Maritime Services	1.8Ha (occupied under licence since the three year lease was terminated in advance of WestConnex works)
Sydney Airport	1.14Ha (occupied under licence)
<b>Total area</b>	<b>39.03 Ha</b>

- The area in green (Existing Kogarah Golf Course) was purchased by Kogarah Golf Club from the Commonwealth of Australian in 1972, and is the area of the site subject to the two restrictive covenants.
- The map was sourced from the Kogarah Golf Club publication *Securing our future*, which is accessible here: [www.kogarahgolfclub.com.au/documents/KGC-Securingourfuture-FinalILR.pdf](http://www.kogarahgolfclub.com.au/documents/KGC-Securingourfuture-FinalILR.pdf).





## Australian Government

### Department of Infrastructure, Regional Development and Cities

Mr Brendan Nelson  
Deputy Secretary  
Planning and Design  
Department of Planning and Environment  
GPO Box 39  
SYDNEY NSW 2001

Dear Mr Nelson

#### **Cook Cove Development Project, Arncliffe, New South Wales**

I am writing to seek your views on Cook Cove Inlet Pty Ltd's proposed development on the existing site of the Kogarah Golf Club in Arncliffe, New South Wales. Consultation with stakeholders who have an interest in, or are affected by, the proposed development forms part of the Department of Infrastructure, Regional Development and Cities' (the Department) consideration of whether to release two restrictive covenants over a section of the proposed site.

#### *Background to the proposed development*

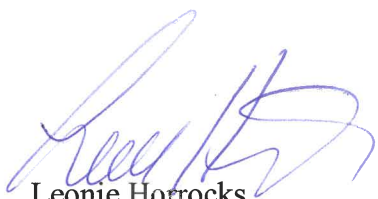
In March 2018, Cook Cove Inlet Pty Ltd acquired ownership of the Kogarah Golf Club site, including the areas of the site leased from Roads and Maritime Services, Sydney Water Corporation, Bayside Council, and Sydney Airport. Part of the site is subject to two covenants in favour of the Commonwealth of Australia (the Commonwealth), which were created when Kogarah Golf Club purchased the land from the Commonwealth in 1972.

The first covenant prohibits the erection or placement of a building or structure on the land subject to the covenant, unless approved by the Department (on behalf of the Commonwealth). The second covenant prohibits the erection of fences on the land subject to the covenant, unless consent is given by the Department. A map of the proposed development in the north of the Cook Cove precinct, to the north of the M5 motorway, is enclosed for your information.

The proposal seeks to develop around 5000 residential dwellings in a mix of building types, including three metre tall townhouses and 25-storey towers. The proposal also includes space for commercial and retail businesses, a new St George Soccer Stadium, and a school for up to 600 students. The Kogarah Golf Club will also be relocated to the south of the Cook Cove precinct, to the south of the M5 Motorway.

If you wish to provide your views and/or comments in relation to the development and the release of the covenants, please contact Mr Marcelo Alves, Director, South West, ACT and NSW Section, on (02) 6274 8396, or at [Marcelo.Alves@infrastructure.gov.au](mailto:Marcelo.Alves@infrastructure.gov.au), by Friday 1 March 2019.

Yours sincerely



Leonie Horrocks  
Acting Executive Director  
Aviation and Airports Division

9 January 2019

Enc.

Cook Cove Precinct Ownership



Land owner	Land size
Kogarah Golf Club	18.49 Ha
Rockdale City Council	14.9Ha occupied under lease (expired 1988 and on holdover ever since), held under trust for RMS for future road needs
Sydney Water Corporation	2.7Ha occupied under an annual licence
Roads & Maritime Services	1.8Ha (occupied under licence since the three year lease was terminated in advance of WestConnex works)
Sydney Airport	1.14Ha (occupied under licence)
<b>Total area</b>	<b>39.03 Ha</b>

- The area in green (Existing Kogarah Golf Course) was purchased by Kogarah Golf Club from the Commonwealth of Australian in 1972, and is the area of the site subject to the two restrictive covenants.
- The map was sourced from the Kogarah Golf Club publication *Securing our future*, which is accessible here: [www.kogarahgolfclub.com.au/documents/KGC-Securingourfuture-FinalILR.pdf](http://www.kogarahgolfclub.com.au/documents/KGC-Securingourfuture-FinalILR.pdf).



## Australian Government

### Department of Infrastructure, Regional Development and Cities

Mr Tony Rodgers  
General Manager  
Kogarah Golf Club  
19 Marsh Street  
ARNCLIFFE NSW 2205

Dear Mr Rodgers

#### **Cook Cove Development Project, Arncliffe, New South Wales**

I am writing to seek your views on Cook Cove Inlet Pty Ltd's proposed development on the existing site of the Kogarah Golf Club in Arncliffe, New South Wales. Consultation with stakeholders who have an interest in, or are affected by, the proposed development forms part of the Department of Infrastructure, Regional Development and Cities' (the Department) consideration of whether to release two restrictive covenants over a section of the proposed site.

#### *Background to the proposed development*

In March 2018, Cook Cove Inlet Pty Ltd acquired ownership of the Kogarah Golf Club site, including the areas of the site leased from Roads and Maritime Services, Sydney Water Corporation, Bayside Council, and Sydney Airport. Part of the site is subject to two covenants in favour of the Commonwealth of Australia (the Commonwealth), which were created when Kogarah Golf Club purchased the land from the Commonwealth in 1972.

The first covenant prohibits the erection or placement of a building or structure on the land subject to the covenant, unless approved by the Department (on behalf of the Commonwealth). The second covenant prohibits the erection of fences on the land subject to the covenant, unless consent is given by the Department. A map of the proposed development in the north of the Cook Cove precinct, to the north of the M5 motorway, is enclosed for your information.

The proposal seeks to develop around 5000 residential dwellings in a mix of building types, including three metre tall townhouses and 25-storey towers. The proposal also includes space for commercial and retail businesses, a new St George Soccer Stadium, and a school for up to 600 students. The Kogarah Golf Club will also be relocated to the south of the Cook Cove precinct, to the south of the M5 Motorway.

If you wish to provide your views and/or comments in relation to the development and the release of the covenants, please contact Mr Marcelo Alves, Director, South West, ACT and NSW Section, on (02) 6274 8396, or at [Marcelo.Alves@infrastructure.gov.au](mailto:Marcelo.Alves@infrastructure.gov.au), by Friday 1 March 2019.

Yours sincerely



Leonie Horrocks  
Acting Executive Director  
Aviation and Airports Division

9 January 2019

Enc.

Cook Cove Precinct Ownership



Land owner	Land size
Kogarah Golf Club	18.49 Ha
Rockdale City Council	14.9Ha occupied under lease (expired 1988 and on holdover ever since), held under trust for RMS for future road needs
Sydney Water Corporation	2.7Ha occupied under an annual licence
Roads & Maritime Services	1.8Ha (occupied under licence since the three year lease was terminated in advance of WestConnex works)
Sydney Airport	1.14Ha (occupied under licence)
<b>Total area</b>	<b>39.03 Ha</b>

- The area in green (Existing Kogarah Golf Course) was purchased by Kogarah Golf Club from the Commonwealth of Australian in 1972, and is the area of the site subject to the two restrictive covenants.
- The map was sourced from the Kogarah Golf Club publication *Securing our future*, which is accessible here: [www.kogarahgolfclub.com.au/documents/KGC-Securingourfuture-FinalLR.pdf](http://www.kogarahgolfclub.com.au/documents/KGC-Securingourfuture-FinalLR.pdf).





**Australian Government**

**Department of Infrastructure, Regional Development and Cities**

Mr James Tregurtha  
First Assistant Secretary  
Environment Standards  
Department of the Environment and Energy  
GPO Box 787  
CANBERRA ACT 2601

Dear Mr Tregurtha

**Cook Cove Development Project, Arncliffe, New South Wales**

I am writing to seek your views on Cook Cove Inlet Pty Ltd's proposed development on the existing site of the Kogarah Golf Club in Arncliffe, New South Wales. Consultation with stakeholders who have an interest in, or are affected by, the proposed development forms part of the Department of Infrastructure, Regional Development and Cities' (the Department) consideration of whether to release two restrictive covenants over a section of the proposed site.

*Background to the proposed development*

In March 2018, Cook Cove Inlet Pty Ltd acquired ownership of the Kogarah Golf Club site, including the areas of the site leased from Roads and Maritime Services, Sydney Water Corporation, Bayside Council, and Sydney Airport. Part of the site is subject to two covenants in favour of the Commonwealth of Australia (the Commonwealth), which were created when Kogarah Golf Club purchased the land from the Commonwealth in 1972.

The first covenant prohibits the erection or placement of a building or structure on the land subject to the covenant, unless approved by the Department (on behalf of the Commonwealth). The second covenant prohibits the erection of fences on the land subject to the covenant, unless consent is given by the Department. A map of the proposed development in the north of the Cook Cove precinct, to the north of the M5 motorway, is enclosed for your information.

The proposal seeks to develop around 5000 residential dwellings in a mix of building types, including three metre tall townhouses and 25-storey towers. The proposal also includes space for commercial and retail businesses, a new St George Soccer Stadium, and a school for up to 600 students. The Kogarah Golf Club will also be relocated to the south of the Cook Cove precinct, to the south of the M5 Motorway.

If you wish to provide your views and/or comments in relation to the development and the release of the covenants, please contact Mr Marcelo Alves, Director, South West, ACT and NSW Section, on (02) 6274 8396, or at [Marcelo.Alves@infrastructure.gov.au](mailto:Marcelo.Alves@infrastructure.gov.au), by Friday 1 March 2019.

Yours sincerely



Leonie Horrocks  
Acting Executive Director  
Aviation and Airports Division

9 January 2019

Enc.

Cook Cove Precinct Ownership



Land owner	Land size
Kogarah Golf Club	18.49 Ha
Rockdale City Council	14.9Ha occupied under lease (expired 1988 and on holdover ever since), held under trust for RMS for future road needs
Sydney Water Corporation	2.7Ha occupied under an annual licence
Roads & Maritime Services	1.8Ha (occupied under licence since the three year lease was terminated in advance of WestConnex works)
Sydney Airport	1.14Ha (occupied under licence)
<b>Total area</b>	<b>39.03 Ha</b>

- The area in green (Existing Kogarah Golf Course) was purchased by Kogarah Golf Club from the Commonwealth of Australian in 1972, and is the area of the site subject to the two restrictive covenants.
- The map was sourced from the Kogarah Golf Club publication *Securing our future*, which is accessible here: [www.kogarahgolfclub.com.au/documents/KGC-Securingourfuture-FinalLR.pdf](http://www.kogarahgolfclub.com.au/documents/KGC-Securingourfuture-FinalLR.pdf).

s. 22(1)(a)(ii)

**From:** s.47F@environment.gov.au>  
**Sent:** Friday, 18 January 2019 3:17 PM  
**To:** ALVES Marcelo; s.47F  
**Subject:** Response to Invitation to Comment on Cooks Cove Development  
[SEC=UNCLASSIFIED]  
**Attachments:** 2016-7767 Approval-Final Approval Notice SIGNED 20.07.2018.pdf; Letter-Cooks Cove-DoEE SIGNED 18.01.2019.pdf

Dear Mr Alves,

Please find attached a letter from Director Mike Smith responding to the invitation from Ms Leonie Horrocks for the Department to comment on the proposed redevelopment of the Kogarah Golf Club at Cooks Cove, Sydney. A hard-copy of the letter has also been sent to you.

Regards,

s.47F

Assessments and Waste Branch | Environment Standards Division

**Department of the Environment and Energy**

Level 2, 51 Allara Street, Canberra ACT 2600 | GPO Box 787, Canberra ACT 2601 AUS

Phone: s.47F | Email: s.47F@environment.gov.au

*The Department acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present.*



## Proposed Approval

### Cooks Cove Southern Precinct Development, Sydney, NSW (EPBC 2016/7767)

This decision is made under sections 130(1) and 133 of the *Environment Protection and Biodiversity Conservation Act 1999*.

#### Proposed action

person to whom the approval is granted	Cook Cove Inlet Pty Ltd
proponent's ACN (if applicable)	ACN: 165 239 592
proposed action	To construct an 18-hole golf course, clubhouse and associated remediation activities within the southern section of Cooks Cove, Sydney, New South Wales [See EPBC Act referral 2016/7767].

#### Approval

Controlling Provision	Decision
Listed threatened species and communities (sections 18 & 18A)	APPROVE

#### conditions of approval

This approval is subject to the conditions specified below.

#### expiry date of approval

This approval has effect until 31 December 2035.

#### Decision-maker

name and position	Kim Farrant Assistant Secretary Assessments and Waste Branch
signature	s.47F [Redacted Signature]
date of decision	20-7-2018



1. To limit Green and Golden Bell Frog (*Litoria aurea*) deaths during the **construction** phase, before **commencement** of **construction**, the **approval holder** must:
  - a. erect frog-proof exclusion fencing around the northern perimeter of the Cooks Cove southern precinct, in accordance with the frog exclusion fence map at Annexure A to this decision notice;
  - b. ensure a **suitably qualified person** undertakes pre-clearance surveys for Green and Golden Bell Frog across all development areas after the exclusion fencing is erected;
  - c. provide all Green and Golden Bell Frogs found during the pre-clearance surveys to the **Arncliffe population captive breeding program** (except where otherwise agreed by in writing by the **Department**); and
  - d. not remove the exclusion fencing mentioned in Condition 1(a) until the entire development action is fully completed, except where otherwise agreed in writing by the **Department**.
2. To compensate for impacts to the Green and Golden Bell Frog, the **approval holder** must construct the dedicated Green and Golden Bell Frog habitat areas shown in the map at Annexure B to this decision notice.

**Note:** the proposed offset package including habitat construction is expected to provide approximately five times the offset required to appropriately compensate for the impact in accordance with the EPBC Act environmental offsets policy. Therefore this approval should not prevent the **approval holder** requesting the **Minister** consider up to 80% of the value of the offset delivered as part of the action as an **advanced offset** for a future impact on the Green and Golden Bell Frog. This note is not a guarantee that any **advanced offset** proposal associated with this action will be accepted by the **Minister** for any project with a future significant impact on the Green and Golden Bell Frog.

3. The **approval holder** must prepare a Green and Golden Bell Frog Management Plan and submit it to the **Department** for approval. The **approval holder** must not **commence** the action before the Green and Golden Bell Frog Management Plan is approved. The Green and Golden Bell Frog Management Plan must provide the following:
  - a. detailed designs and planting plans for the habitat areas required by Condition 2;
  - b. draining and filling regimes for the habitat ponds required by Condition 2;
  - c. measures to exclude dogs, golfers, and the general public from entering wetland habitats for Green and Golden Bell Frogs;
  - d. measures to manage predators, particularly foxes and cats;
  - e. measures to prevent run-off harmful to Green and Golden Bell Frog (including but not limited to fertiliser, sediment, saline run-off) from the golf course from entering wetland habitats for Green and Golden Bell Frogs;
  - f. prohibitions on fertiliser, herbicides, insecticides, or other pesticides being used within 15 metres of any wetland habitats for Green and Golden Bell Frogs;
  - g. on-going weeding, trimming, rubbish removal, and mangrove management measures;



- h. monitoring regimes to ensure the habitat areas retain high water quality and remain free of amphibian chytrid fungus and *Gambusia holbrooki*; and
  - i. key performance indicators (including for population size), and adaptive management measures should the key performance indicators not be met.
- 4. Once the Green and Golden Bell Frog Management Plan required by Condition 3 has been approved by the **Department**, the **approval holder** must place a **covenant** on the title of the property of the proposed New Kogarah Golf Course within 1 year of the date of **commencement**. The **covenant** must:
  - a. endure in perpetuity;
  - b. require that the land owner of the proposed New Kogarah Golf Course must implement the Green and Golden Bell Frog Management Plan required by Condition 3 in perpetuity;
  - c. only permit the Green and Golden Bell Frog Management Plan be amended with the written consent of the **Department**; and
  - d. only permit the **covenant** be amended or removed with the written consent of the **Minister**.
- 5. The **approval holder** must prepare and submit for approval an Acid Sulfate Soils Management Plan. The **approval holder** must not **commence** the action until the Acid Sulfate Soils Management Plan has been approved by the **Department** in writing. The Acid Sulfate Soils Management Plan must:
  - a. identify risk areas and activities that may lead to soil acidification and acid run-off;
  - b. measures to minimise the risk of incidents of soil acidification and acid run-off; and
  - c. controls to prevent acid run-off from entering wetland habitats for Green and Golden Bell Frog.
- 6. The **approval holder** must implement hygiene measures to prevent vehicles, equipment, and materials entering the action site (as shown in Annexure A to this decision) introducing amphibian chytrid fungus or its spores.
- 7. Within 30 calendar days after the **commencement** of the action, the **approval holder** must advise the **Department** in writing of the actual date of **commencement**.
- 8. The **approval holder** must maintain accurate records substantiating all activities associated with or relevant to these conditions of approval, including measures taken to implement the Frog Habitat Management Plan required by Condition 3 of this approval, and make them available upon request to the **Department**. Such records may be subject to audit by the Department or an independent auditor in accordance with section 458 of the EPBC Act, or used to verify compliance with the conditions of approval. Summaries of audits will be posted on the **Department's** website. The results of audits may also be publicised through the general media.
- 9. By 30 June of each year after the **commencement** of the action, the **approval holder** must publish a report on their website addressing compliance with the conditions of this approval over the previous 12 months, including implementation of any management plans as specified in the conditions. Non-compliance with any of the conditions of this approval must be reported to the **Department** within 48 hours of the non-compliance being identified.

10. Upon the direction of the **Minister**, the **approval holder** must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the **Minister**. The independent auditor must be approved by the **Minister** prior to the commencement of the audit. Audit criteria must be agreed to by the **Minister** and the audit report must address the criteria to the satisfaction of the **Minister**.

11. The **approval holder** may choose to revise the Acid Sulfate Soils Management Plan approved by the **Department** under Condition 5 of this approval without submitting it for approval under section 143A of the **EPBC Act**, if the taking of the action in accordance with the revised Acid Sulfate Soils Management Plan would not be likely to have a **new or increased impact**. If the **approval holder** makes this choice, they must:

- i. notify the **Department** in writing that the approved plan has been revised and provide the **Department** with an electronic copy of the revised plan;
- ii. implement the revised plan from the date that the plan is submitted to the **Department**; and
- iii. for the life of this approval, maintain a record of the reasons the **approval holder** considers that taking the action in accordance with the revised plan would not be likely to have a **new or increased impact**.

b. The **approval holder** may revoke their choice under Condition 11 at any time by written notice to the **Department**. If the **approval holder** revokes the choice to implement a revised Acid Sulfate Soils Management Plan, without approval under section 143 of the **EPBC Act**, the plan approved by the **Department** must be implemented.

c. If the **Department** gives a written notice to the **approval holder** that the **Department** is satisfied that the taking of the action in accordance with the revised Potential Acid-forming Soils Management Plan would be likely to have a **new or increased impact**, then:

- i. Condition 11 does not apply, or ceases to apply, in relation to the Acid Sulfate Soils Management Plan; and
- ii. the **approval holder** must implement the Acid Sulfate Soils Management Plan approved by the **Department**.

To avoid doubt, Condition 11(c) does not affect any operation of Conditions 11, 11(a), or 11(b) in the period before the day the notice is given.

At the time of giving written notice under Condition 11(c), the **Department** may also notify that for a specified period of time Condition 11 does not operate.

d. Conditions 11, 11(a), 11(b), and 11(c) are not intended to limit the operation of section 143 of the **EPBC Act**, which allows for the **approval holder** to submit a revised plan to the **Minister** for approval.

12. If, at any time after five years from the date of this approval, the **approval holder** has not **commenced** the action, then the **approval holder** must not **commence** the action without the written agreement of the **Minister**.

13. Unless otherwise agreed to in writing by the **Minister**, the person taking the action must publish all management plans, reports, and **covenants** referred to in these conditions of approval on their website. Each management plan, report, or **covenant** must be published on the website within one month of being approved by the **Minister**.

## Definitions

**Advanced offset** – has the same meaning as under the **Department's Policy Statement: Advanced environmental offsets under the Environment Protection and Biodiversity Conservation Act 1999** (September 2017).

**Approval holder** – has the same meaning as under the **EPBC Act**.

**Arncliffe population captive breeding program** – the Arncliffe population of Green and Golden Bell Frogs is the population identified in Department of Environment and Climate Change (NSW) 2008, *Management Plan for the Green and Golden Bell Frog Key Population on the lower Cooks River*. Department of Environment and Climate Change (NSW), Sydney. Available at: <http://www.environment.nsw.gov.au/resources/threatenedspecies/2007391LowerCooksRiverGGBFMP.pdf>. The captive breeding program refers to the program for this population being managed by Dr. Arthur White on behalf of NSW Roads and Maritime Services.

**Clearing** – means the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting, burning or otherwise harming of remnant or regrowth native vegetation, or of vegetation providing habitat for any listed threatened species under the **EPBC Act**.

**Commencement** – means the first instance of any **construction** or **clearing** associated with the action.

**Construction** – means any and all works to construct any infrastructure associated with the action (excluding fences and signage), and includes preparatory and remediation works.

**Covenant** – means an enduring covenant created under section 88B of the *Conveyancing Act 1919* (New South Wales), or similar legal mechanism approved in writing by the **Department**.

**Department** – means the Australian Government Department or any other agency administering the **EPBC Act** from time to time.

**EPBC Act** – means the *Environment Protection and Biodiversity Conservation Act 1999* (Commonwealth), as amended from time to time.

**Minister** – means the Minister administering the **EPBC Act** from time to time, and includes a delegate of the Minister.

**New or increased impact** – means a new or increased impact on any matter protected by the controlling provisions for the action, when compared to the Potential Acid-forming Soils Management Plan that has been approved by the **Department**.

**Suitably licensed person** – a person will be taken to be suitably licensed to undertake pre-clearance surveys for the Green and Golden Bell Frog if that person holds a Threatened species licence under Part 2 of the *Biodiversity Conservation Act 2016* (NSW) that authorises them to capture Green and Golden Bell Frogs for this project.







Annexure A:





ANNEXURE B







Mr Marcelo Alves  
Director, South West, ACT  
and NSW Section  
Department of Infrastructure,  
Regional Development, and Cities  
GPO Box 594  
CANBERRA ACT 2601

*Marcelo*

Dear Mr Alves,

**Cook Cove Development Project, Arncliffe, New South Wales**

Thank you for the opportunity to comment on the potential development of the Kogarah Golf Club site, and possible release of the covenants in favour of the Commonwealth for that site. I understand that the development of the current golf club site is contingent on the creation of a new golf course and club facilities for the Kogarah Golf Club on the Barton Park site (a former landfill) to the south of the M4. The development of the new golf course was referred to the Department for consideration under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) on 26 August 2016, and approved with conditions by a delegate for the Minister on 20 July 2018.

A copy of the document recording the decision is enclosed. This document, with other public notices relating to the assessment and approval process, is also available on the Department's website at <http://epbcnotices.environment.gov.au/publicnoticesreferrals/> and may be found under the project's EPBC Act reference number: 2016/7767. At the time of making the approval decision, the delegate wrote to the approval holder and advised them that the EPBC Act approval decision did not affect obligation to comply with any other laws of the Commonwealth, state or territory that are applicable to the action, and neither did the approval confer any right, title or interest that may be required to access land or waters to take the action.

Aside from the above advice, the Department has no view on your consideration of whether to release the relevant restrictive covenants. If you have any questions about the assessment and approval process or this decision, please contact the project manager, s.47F, by email to s.47F@environment.gov.au, or telephone on s.47F, and quote the EPBC reference number shown at the beginning of this letter.

Yours sincerely

s.47F

Mike Smith  
Director  
Southern NSW and ACT Assessments Section  
Department of the Environment and Energy

18 January 2019

s. 22(1)(a)(ii)

**From:** s.47F @epa.nsw.gov.au> on behalf of EPA CSB Exec Mailbox  
<OpsExec@epa.nsw.gov.au>  
**Sent:** Friday, 25 January 2019 9:15 AM  
**To:** ALVES Marcelo  
**Cc:** s.47F  
**Subject:** Letter of response to the Department of Infrastructure, Regional Development and Cities regarding Cook Cove development project  
**Attachments:** Letter of response to the Department of Infrastructure, Regional Development and Cities regarding Cook Cove development project.pdf

Dear Ms Horrocks

Please find attached response from the Acting Chair and CEO, Mr Mark Gifford, Environment Protection Authority (EPA), regarding Cook Cove development project, Arncliffe.

Should you require additional information regarding this matter, please contact s.47F Acting Manager Regional Operations, Metropolitan Infrastructure on s.47F or via email s.47F @epa.nsw.gov.au.

Kind regards

s.47F  
 Team Leader - EPA Executive Services  
 Corporate Services Branch  
 NSW Environment Protection Authority  
 s.47F  
 s.47F @epa.nsw.gov.au www.epa.nsw.gov.au @EPA\_NSW  
 Report pollution and environmental incidents 131 555 (NSW only) or +61 2 9995 5555

-----  
 -----  
 This email is intended for the addressee(s) named and may contain confidential and/or privileged information. If you are not the intended recipient, please notify the sender and then delete it immediately. Any views expressed in this email are those of the individual sender except where the sender expressly and with authority states them to be the views of the Environment Protection Authority.

PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING THIS EMAIL



DOC19/35287

Ms Leonie Horrocks  
Acting Executive Director  
Aviation and Airports Division  
GPO BOX 594  
Canberra ACT 2601

Dear Ms Horrocks

Thank you for your letter dated 14 January 2019 requesting comment from the NSW Environment Protection Authority (EPA) in relation to the proposed development on the site of the existing Kogarah Golf Club within the Cooks Cove Precinct and consideration by Department of Infrastructure, Regional Development and Cities (DIRDC) to remove its existing covenants.

I understand that the existing Kogarah Golf Club is located within Sydney Regional Environmental Plan No. 33 – Cooks Cove, which is a deemed State Environmental Planning Policy (SEPP). This SEPP is targeted towards the development of the precinct for trade and technology uses given the site's proximity to the Sydney International Airport.

The EPA appreciates DIRDC's consideration of any interest that the EPA may have in relation to the proposal. The EPA is not proposing to provide comment at this stage given that no formal planning proposal has been submitted to a consent authority. The information provided thus far about the proposal does contain detail at a level that would allow the EPA to provide meaningful comment on impacts or concerns.

Should you require additional information regarding this matter, please contact s.47F Acting Manager Regional Operations – Metropolitan Infrastructure, on 9995 5167 or via email s.47F@epa.nsw.gov.au.

Yours sincerely,

s.47F

24/1/19

**MARK GIFFORD PSM**  
**Acting Chair and CEO**  
**Environment Protection Authority**

14 February 2019

Mr Marcelo Alves  
Director, South West, ACT and NSW Section  
Aviation and Airports Division  
Department of Infrastructure, Regional Development & Cities  
GPO Box 594  
Canberra ACT 2601

Dear Marcelo,

**Re: Cook Cove Development Project – Arncliffe NSW**

Thank you for departmental correspondence of 9 January 2019 re the Cook Cove Development.

The Kogarah Golf Club (Club) has entered into a Development Agreement with Cook Cove Inlet Pty Ltd (Cook Cove). Thus far Cook Cove has not acquired ownership of the Kogarah Golf Club site and has certainly not acquired land owned/controlled by Roads and Maritime Services, Sydney Water, Bayside Council or Sydney Airport.

The Club will transfer ownership of its freehold land when the intended outcomes contemplated within the development agreement are approved and the requisite finance and security measures are put in place to the Club's satisfaction. There are, as you will understand, many hurdles to cross before this point is reached.

Suffice to say, the Club is a willing participant in the redevelopment proposal acting in the best interests of the Club and its Members having taken its own advice in reaching this point. The resolution of planning and approval processes is the responsibility of Cook Cove and the Club continues to act in support of the proposal including to support release of the two restrictive covenants on the land in question.

Please contact me should you require further information.

Yours sincerely  
**KOGARAH GOLF CLUB LTD**  
s.47F

Tony Rodgers  
**GENERAL MANAGER**



s. 22(1)(a)(ii)

**From:** s.47F@syd.com.au>  
**Sent:** Friday, 1 March 2019 4:31 PM  
**To:** HORROCKS Leonie  
**Cc:** s.47F ALVES Marcelo  
**Subject:** Letter from Sydney Airport  
**Attachments:** 190301 LO CEO to LHorrocks - Cooks Cove Development project.pdf

Dear Ms Horrocks,

Please see attached letter from my CEO, Mr. Geoff Culbert for your information.

Kind regards

s.47F

---

s.47F

Executive Assistant to Chairman & Chief Executive Officer

T s.47F

M s.47F

sydneyairport.com.au



**DISCLAIMER:** This email is confidential and may also contain legally privileged information. If you are not the intended recipient, please contact the sender on 61 2 9667 9111 and do not use, disclose, copy, or distribute it to anyone. Confidentiality and legal privileges are not waived by reason of mistaken delivery to you.



1 March 2019

Ms Leonie Horrocks  
Acting Executive Director  
Aviation and Airports Division  
Department of Infrastructure, Regional Development and Cities  
GPO Box 594  
**CANBERRA ACT 2601**

Via email: [leonie.horrocks@infrastructure.gov.au](mailto:leonie.horrocks@infrastructure.gov.au)

Dear Ms Horrocks,

**Cooks Cove development project**

Thank you for your letter dated 9 January 2019 seeking Sydney Airport's views on the proposed Cooks Cove development project (the proposed development).

You are specifically seeking our comments in relation to the release of two restrictive covenants in favour of the Commonwealth over a portion of the proposed development site.

The first covenant prohibits the erection or placement of a building or structure on the land subject to the covenant, unless approved by the Department of Infrastructure, Regional Development and Cities (the department), acting on behalf of the Commonwealth.

The second covenant prohibits the erection of fences on the land subject to the covenant unless consent is given by the department.

Sydney Airport's firm view is that the first covenant should not be released and that the proposed development as currently envisaged should not be approved by the department. We would not object to the second covenant being released, subject to the first covenant remaining in place.

We note the covenants were created when the Kogarah Golf Club purchased the land from the Commonwealth in 1972. It is reasonable to assume that even though the Commonwealth agreed to sell the land, it nevertheless wanted to maintain some control over its future use. In particular, the Commonwealth would have wanted to ensure it could prevent the land being developed for uses that had the potential to undermine the ongoing efficient operation of the adjacent Sydney Airport.

In our opinion, key aspects of the proposed development will clearly undermine the ongoing efficient operation of Sydney Airport. By eliminating the existing land use zoning, there would also be a further and irreversible significant loss of already scarce airport employment lands. Any further loss of employment lands now would be especially problematic, given the forecast strong growth in e-Commerce-related airfreight and the subsequent increasing demand for appropriately zoned employment lands in the vicinity of the airport.

We are also concerned that the proposed development would, if approved, very likely lead to calls from new noise-affected residents and others to further restrict aviation activity at the airport which, in turn, would undermine the airport's contribution to the local, NSW and Australian economies.

We therefore believe there are compelling reasons for the department not to release the first covenant and for the proposed development not to be approved in its current form.

The statement of reasons, which is shown at **Attachment A**, addresses the following issues:

1. The independent Bayside Planning Panel unanimously opposed the proposed development
2. Already scarce airport employment land must be protected
3. Sensitive land uses such as 5,000 new residential dwellings and a new 600-student school should not be built in an area already affected by aircraft noise
4. Traffic congestion on approach roads to the airport would worsen

I would be happy to meet to discuss this matter further with you should you wish.

If you would like further information, please feel free to contact Sydney Airport's Special Adviser - Government and Community Relations, Mr s.47F, on s.47F or s.47F [@syd.com.au](mailto:s.47F@syd.com.au).

Yours sincerely,

s.47F

**Geoff Culbert**  
Chief Executive Officer

cc: Mr Marcelo Alves - Director, South West, ACT and NSW Section, Department of Infrastructure, Regional Development and Cities ([marcelo.alves@infrastructure.gov.au](mailto:marcelo.alves@infrastructure.gov.au))

## **Sydney Airport - Statement of reasons**

### **1. The independent Bayside Planning Panel unanimously opposed the proposed development**

Planning panels were created by the NSW Government in 2017 to provide independent, merit-based decision making on regionally significant development. The panels also have a role in considering planning proposals, such as the one being considered here which, if approved, would allow the Cooks Cove development project to proceed.

When introducing the bill to require all Sydney councils to establish a local independent planning panel, the NSW Minister for Planning said:

*When a panel is truly independent and expertly qualified, it greatly reduces the risk that the decision-maker will have a conflict of interest. This approach also helps to de-politicise planning decisions and improves the thoroughness and quality of decision-making.<sup>1</sup>*

Decisions and recommendations made by planning panels therefore hold considerable weight.

The land that is subject to the Cooks Cove development project is within the Bayside local government area (LGA). At its meeting on 14 August 2018, the independent Bayside Planning Panel unanimously recommended to decision makers that the Cooks Cove planning proposal not proceed, a recommendation Sydney Airport supports.

The following are extracts from the panel's reasons for not supporting the Cooks Cove planning proposal:

1. *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.*
2. *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.*
3. *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 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 ...<sup>2</sup>.*

---

<sup>1</sup> Hon. Anthony Roberts, MP, NSW Parliamentary debates (8 August 2017).

<sup>2</sup> See: <https://www.bayside.nsw.gov.au/your-council/council-and-committee-meetings/bayside-local-planning-panel>

## **2. Already scarce airport employment land must be protected**

Since 2004, around 20-hectares of the Cooks Cove development site - including land that would be rezoned and then developed were the Cooks Cove planning proposal to be approved - has been within a specially designated Trade and Technology Zone (TTZ).<sup>3</sup>

In part, the TTZ aims to:

- a) rezone land at Cooks Cove to encourage trade and technology uses, and to attract global-reach businesses which strengthen Sydney's international competitiveness, and
- b) capitalise on the physical proximity of the Cooks Cove site to Sydney International Airport and Port Botany to create trade-focussed development.

Sydney Airport has long argued the importance of protecting employment lands in the vicinity of the airport. NSW Ports, the operator of the nearby Port Botany Container Terminal and Cooks River Intermodal Facility, has also joined with Sydney Airport in advocating to government the need to protect such lands.

Together, the port and airport - which the NSW Greater Sydney Commission (NSWGSC) identifies as Sydney's two nationally significant trade gateways - facilitate around one in every ten dollars of NSW Gross State Product, as well as generating hundreds of thousands of jobs, the majority of which benefit people living close to the airport, including many thousands in the Bayside and adjacent LGAs.

Sydney Airport's Master Plan 2039 shows that, over the next 20-years and beyond, the number of airline passengers, aircraft movements and the volume of airfreight passing through Sydney Airport is forecast to grow considerably. This will facilitate further substantial economic and job growth both at the airport itself and across Sydney and NSW.

Such growth in aviation activity will in turn drive increased demand for a range of airport and aviation support-related land uses, including (but not limited to): airfreight and logistics centres and warehousing; maintenance facilities; flight training facilities; flight catering facilities; and car rental facilities.

While many of these facilities and land uses can and will in future be accommodated on the Sydney Airport site, it is inevitable that some will need to be located in areas outside the airport boundary, especially given the airport site itself is only 907 hectares in area.

In terms of the future demand for land outside the airport boundary on which airfreight and logistics centres and warehousing will need to be located, it's important to note that one of today's key demand drivers for such land is already e-Commerce-related airfreight. The volume of this high value airfreight passing through Sydney Airport - and it does so 24-hours a day - has grown considerably in just the last several years and is expected to continue to grow strongly well into the future.

Indeed, as Colliers International recently found:

*The growth of e-Commerce in Australia is unstoppable, with online retail sales surging a massive 37 percent over the year to August 2018...Unsurprisingly, e-Commerce retailers have been amongst the largest takers of industrial space over the past few years...Anecdotal evidence globally suggest that e-Commerce operators require significantly more space (approximately three times) than traditional warehouses ...<sup>4</sup>.*

---

<sup>3</sup> See *Sydney Regional Environmental Plan No 33—Cooks Cove*

<sup>4</sup> See *Colliers International, Industrial Research and Forecast Report (Second Half 2018)*, p. 7



Importantly, the land available to accommodate these e-Commerce operators needs to be located close to the airfreight's arrival or departure point and in an area conveniently accessible to its consumer base, in this case Sydney Airport and the densely populated areas of eastern and southern Sydney respectively.

As Colliers International also found:

*Consumers are more demanding than ever before with the emphasis now placed on faster delivery time at minimised or no delivery costs. This has driven increased pressure for last mile logistics networks of smaller fulfilment centres strategically located within infill markets supported by larger regional distribution centres on peripheral locations.*<sup>5</sup>

For this reason, it is vital that there be sufficient areas of appropriately zoned employment lands close to Sydney Airport to allow such trade-related airfreight and other aviation support facilities to be located into the future. This is precisely why the TTZ was created in the first place.

However, for many years now, successive governments have permitted employment lands around the airport and port to be progressively rezoned to permit mixed land uses, including residential, commercial and retail.

Individual planning proposals, when looked at in isolation, may seem relatively insignificant in that they may each result in the loss of only a relatively small area of employment land. However, when looked at cumulatively over decades, the situation is far more serious, and one which in the vicinity of Sydney Airport now needs to be urgently addressed.

Indeed, as research prepared for the NSWGSC shows, the supply of employment land near the port and airport has dwindled to a point where it is now well below the accepted benchmark.

The increasing scarcity of employment land has also pushed up the value of what remains, making it more expensive now than ever before. This is supported by Colliers International, which has said:

*A dwindling supply of industrial land - coupled with demand from industrial users close to Sydney's transport gateways (i.e. Sydney Airport and Port Botany) - has pushed industrial land values up to record rates.*<sup>6</sup>

Without corrective action, the NSWGSC has said the situation will deteriorate even further by 2036. Losing another 20-hectares of employment lands within the Cooks Cove TTZ now would represent the single largest loss of airport employment lands seen in recent decades. It is a loss that governments today can and should prevent.

Importantly, it is not just Sydney Airport saying this. As well as the four planning experts who comprise the independent Bayside Planning Panel, several Commonwealth and NSW Government agencies, policies, strategies or inquiries have also recently highlighted the need to protect employment lands in the vicinity of the port and airport.

For example:

a) National Freight and Supply Chain Strategy

Infrastructure Australia identified the need for a National Freight and Supply Chain Strategy in 2015. In response, an expert panel was appointed by the Commonwealth to conduct an inquiry to inform the development of the strategy.

---

<sup>5</sup> As above.

<sup>6</sup> See Colliers International, *The Last 'Half Hour' Delivery: Spotlight on South Sydney* (September 2017)

In 2018, the expert panel found that

*Conversion of former industrial areas near ports and airports has led to potential conflict between freight activities and residential development in freight corridors and near key terminals.<sup>7</sup>*

In its priorities for planning for current and future needs, the expert panel recommended to:

*Ensure all tiers of government integrate appropriate land use planning protections for existing freight related activities such as: preservation of industrial land; buffer zones around key freight hubs to allow 24-hour freight operations; ...protection of sites for future freight purposes; protection of existing freight areas from urban encroachment.<sup>8</sup>*

On 18 May 2018, and based on the inquiry report, the Council of Australian Governments' Transport and Infrastructure Council agreed a framework for developing the 20-year National Freight and Supply Chain Strategy.

The Commonwealth, state, territory and local governments are working together to develop the Strategy for implementation from 2019.

b) Infrastructure Australia

In its 2019 *Infrastructure Priority List*, Infrastructure Australia has designated implementation of the *National Freight and Supply Chain Strategy* and its recommendations as a high priority initiative.<sup>9</sup>

c) NSW Greater Sydney Commission

In its Greater Sydney Region Plan 2056, which has been adopted by the NSW Government, the NSWGSC identifies the following key strategy:

*Manage the interfaces of industrial areas, trade gateways and intermodal facilities by:*

- *Providing buffer areas to nearby activities such as residential uses that are sensitive to emissions from 24-hour ...freight functions*
- *Retaining industrial lands for port, intermodal and logistics uses.<sup>10</sup>*

In its *Eastern City District Plan* - which applies to the Bayside LGA and has also been adopted by the NSW Government - the NSWGSC also found with respect to Sydney Airport that:

*It will be important to ensure retention of the surrounding industrial land which provides essential supporting functions for the airport.*

The following actions are then proposed:

- *Identify and retain strategically important employment and urban services land in and near Sydney Airport*

---

<sup>7</sup> *Final report of the Inquiry into National Freight and Supply Chain Priorities* (March 2018), p. 38.

<sup>8</sup> See recommendation 3.4, p. 12.

<sup>9</sup> See 2019 *Infrastructure Priority List*, (February 2019), pp 12 and 47.

<sup>10</sup> See NSWGSC *Greater Sydney Regional Plan 2018*, Objective 16, p. 96.

- *Protect Sydney Airport's function as an international gateway for passengers and freight, and support airport-related land uses and infrastructure in the area around the airport.*<sup>11</sup>

d) Infrastructure NSW

Infrastructure NSW has recommended that:

*The Department of Planning and Environment update the relevant state environmental planning policies by the end of 2019 to further protect strategically important ports, airports, industrial lands, freight corridors from incompatible uses to ensure the efficient movement of freight in Sydney and NSW, now and into the future.*<sup>12</sup>

The NSW Government supported this recommendation on 18 March 2018.

e) NSW Freight and Ports Plan 2018-2023

This plan includes a goal to protect land needed for freight and logistics uses and infrastructure and says:

*The State's growing freight task needs to be supported by effective long-term planning to:*

- *protect existing freight corridors, and industrial and urban services land for freight uses*
- *meet future requirements, including the future supply of land for freight uses*
- *minimise negative impacts on local communities. ...*

*In some areas, such as around Port Botany and Sydney Airport, demand for land for residential housing and other commercial uses has seen tracts of freight and logistics land converted into mixed-use residential/commercial zones. This has resulted in a reduction in the amount of freight and logistics land available in these areas, increased prices for the remaining freight and logistics land and greater congestion ... For these reasons, it is critical to protect the remaining lands that are zoned for industrial use to ensure the efficiency of increasing freight activities.*<sup>13</sup> [Emphasis added]

In supporting this goal, the NSW Government has committed to the following action:

*The NSW Government will ensure that freight and logistics land and corridors are identified and protected from sensitive land uses, including land around important trade gateways such as Port Botany and Sydney Airport...*<sup>14</sup>.

f) NSW Beyond Tourism 2020

As part of its Beyond Tourism 2020 report to the NSW Government, the Tourism Steering Committee included a goal to advocate for policy settings to support further aviation growth and recommended the following action:

*Prioritise airport safeguarding by ensuring developments do not encroach on the airport precinct.*<sup>15</sup>

<sup>11</sup> See *Eastern City District Plan 2018*, pp. 70 and 71

<sup>12</sup> See *State Infrastructure Strategy 2018-2038*, recommendation 59, p 140.

<sup>13</sup> See *NSW Freight and Ports Plan 2018-2038*, Goal 4, pp 66, 67

<sup>14</sup> See p. 68.

<sup>15</sup> See *Beyond Tourism 2020: Final Report*, p. 14.

In Sydney Airport's view, as well as the independent Bayside Planning Panel's unanimous decision, these Commonwealth and NSW plans, policies and strategies demonstrate a clear and consistent policy theme.

That is, the remaining employment lands around the airport and port must be protected. For this to occur, the Cooks Cove development proposal as currently envisaged should not be supported.

### **3. Sensitive land uses such as 5,000 new residential dwellings and a new 600-student school should not be built in an area already affected by aircraft noise**

In a process led by the Commonwealth, the National Airports Safeguarding Advisory Group formulated the National Airport Safeguarding Framework (NASF), and its supporting guidelines.

One of NASF's key principles is that:

*Land use planning processes should balance and protect both airport/aviation operations and community safety and amenity expectations.*

In Sydney Airport's opinion, the proposed development of 5,000 new residential dwellings in towers up to 25-storeys in height and a new school for 600 students immediately adjacent to Australia's busiest airport would be clearly inconsistent with this principle.

At its closest point, the Cooks Cove development site is only around 150 metres from Sydney Airport's western perimeter. This airport precinct is dominated by the busy International terminal which handles, on average, around 200 aircraft movements a day, many of which are larger aircraft types that operate very early in the morning, including for specified international jet arrivals between 5am and 6am.

To put this in context, the Cooks Cove planning proposal would, if approved in its current form, see a new suburb of around 12,000 people created. These residents would be living in an area *newly* affected by aircraft noise and vibration caused by low flying aircraft and by noise generated by aircraft on the ground at the International terminal. The 600 new school students would be similarly impacted.

Both the proposed new residential dwellings and school are, for the purposes of the NASF, designated as "noise sensitive land uses".

The stated intention of *NASF Guideline A - Measures for managing impacts of aircraft noise* (NASF Guideline A) is to provide guidance to Commonwealth, State, Territory and local government decision makers to manage the impacts of noise around airports including assessing the suitability of developments. As such, it is directly relevant to the department's decision whether or not to release the restrictive covenants.

If using only the Australian Noise Exposure Forecast (ANEF) to guide the assessment of future noise impacts, the proposed locations of the residential dwellings and school are said to be "conditionally acceptable" under the relevant Australian Standard, AS2021:2015.<sup>16</sup> Such dwellings could only become "acceptable" if noise control features were incorporated in each of the 5,000 dwellings and school classrooms.

---

<sup>16</sup> See AS2021:2015 Acoustics – Aircraft noise intrusion – Building siting and construction

In this instance, the likely effectiveness of such noise control features is questioned because, to reduce aircraft noise, AS2021:2015 says that all windows and doors must be shut and mechanical ventilation provided. It is doubtful that this would be practical in the case of the residential dwellings or the school, particularly during Sydney's warmer months.

For this reason, NASF Guideline A makes it clear that relying solely on the ANEF to guide the making of planning-related decisions in areas affected by aircraft noise can be problematic.

More specifically, it says that:

*... the 20 ANEF and 25 ANEF zones do not capture all high noise affected areas around an airport, and the ANEF contours are not necessarily an indicator of the full spread of noise impacts, particularly for residents newly exposed to aircraft noise.<sup>17</sup>*

It goes on to say:

*Governments recognise the merits of utilising a range of noise measures and tools in conjunction with the ANEF system to better inform strategic planning and to provide more comprehensive and understandable information on aircraft noise for communities.<sup>18</sup>*

In the interests of maximising amenity for people living close to the airport or underneath or near flight paths, Sydney Airport has long supported this NASF-endorsed approach to ensuring aircraft noise impacts are at least minimised, and at best avoided in the first place, especially in areas where significant new residential developments or schools are being considered.

NASF Guideline A suggests that other noise metrics be used to guide decision makers in such cases and, in particular, a metric that provides information on the number of noise events per day above a certain noise level. These so-called 'number above' noise metrics serve this purpose. In Australia, the N70 metric is commonly used, which shows the number of aircraft noise events louder than 70 dB(A).<sup>19</sup>

To assist both planning and development decision makers and to inform the community more broadly about future aircraft noise impacts, Sydney Airport publishes N70 charts in its master plans.

Sydney Airport's Master Plan 2039 includes an N70 chart which illustrates forecast aircraft movements and their noise impact in 2039.

Relevantly, NASF Guideline A specifically states that on current levels:

*Zoning for noise-sensitive development [should] be avoided where ultimate capacity or long range noise modelling for the airport indicates 20 or more daily events greater than 70 dB(A)<sup>20</sup>*

This is the case with respect to the proposed Cooke Cove development project. Indeed, the N70 chart shows that, by 2039, the new residents and school students would be affected by an average of not only 20, but around 50-100 noise events every day each exceeding 70 dB(A). On some days, depending on weather and wind direction, the number of such noise events could be even higher.

---

<sup>17</sup> See NASF Guideline A, paragraph 4.

<sup>18</sup> See NASF Guideline A, paragraph 5.

<sup>19</sup> 70 dB(A) events have often been used to categorise an event as 'noisy' as these correspond to a 60 dB(A) noise level indoors, which can disturb conversation or other indoor activities such as watching television.

<sup>20</sup> See NASF Guideline A, paragraph 17(ii).



Exposing 12,000 new residents and 600 school students to such a high frequency of noise events of this magnitude can and should be avoided.

Not only would the amenity of around 12,000 new residents and 600 school students be compromised were the proposed Cooks Cove development project to proceed in its current form, we would expect many noise complaints to be lodged by residents and others once the magnitude of the ongoing noise impact became apparent. It would be likely that future governments would then be lobbied to impose further operating restrictions on Sydney Airport, thus undermining the airport's ability to grow and deliver economic growth and jobs.

We know this is likely because there is evidence we are seeing this phenomenon happening already with respect to another large housing development on the Kurnell Peninsula that was approved in 2009/10.<sup>21</sup> While outside the 25-ANEF contour - and therefore in an area where AS2021-2005 indicates residential dwellings are "conditionally acceptable" or "acceptable" - the new suburb is beneath the busy flight path used by jets departing to the south from Sydney Airport's main north-south runway. As such, even today, Sydney Airport's N70 chart for 2017<sup>22</sup> shows that residents living in this area are experiencing today up to 50 noise events per day exceeding 70 dB(A). This will increase over time.

Despite the fact future residents were forewarned about these likely noise impacts before they purchased property in the new suburb, Airservices' Noise Complaints and Information Service reports that new residents living in this area are still lodging noise complaints. We therefore believe this would be replicated should the Cooks Cove development project be approved in its current form and 12,000 new residents moved into a noise affected area.

#### **4. *Traffic congestion on approach roads to the airport would worsen***

In Sydney Airport's opinion, insufficient consideration has been given to the impact creating a new suburb housing 12,000 residents and a school with 600 students will have on the local road network.

Approach roads to Sydney Airport's International (T1) terminal precinct from the south - including Marsh Street which abuts the Cooks Cove development site - are already highly congested during the morning and evening peak. This situation is exacerbated by the fact that, on a typical day, non-airport commuter traffic accounts for around 65 percent of the daily traffic travelling past the T1 precinct.

For example, on an average day, Marsh Street accommodates more than 30,000 vehicles in each direction. During the morning peak, the number of eastbound vehicles - which leads to the T1 precinct - can exceed 10,000. Despite the recent widening of Marsh Street having assisted to ease some congestion, due to the adjacent arterial road network nearing gridlock, this new capacity has been rapidly depleted.

Adding to this the road trips generated by people living in a new suburb of 12,000 people and school pick-up and drop-off at a school with 600 students will only worsen traffic congestion and make it even harder to travel to or from Sydney Airport.

---

<sup>21</sup> Approved by the Sutherland Shire Council and NSW Government in 2009/10.

<sup>22</sup> See <http://www.airservicesaustralia.com/publications/noise-reports/australian-noise-exposure-index-reports/>

s. 22(1)(a)(ii)

---

**From:** s.47F@sydneywater.com.au>  
**Sent:** Friday, 1 March 2019 3:44 PM  
**To:** ALVES Marcelo  
**Cc:** UrbanGrowth; s.47F  
**Subject:** Sydney Water Comments - Cooks Cove Development Project, Arncliffe  
**Attachments:** Sydney Water Response - Cooks Cove Development Project.pdf

Dear Mr Alves,

Thank you for referring the development proposal at Cooks Cove to Sydney Water.

We have reviewed the information and have attached our comments for your consideration.

If you require any further information, please contact me on the details below.

Regards,

s.47F | Student Town Planner  
Growth Planning & Development  
Liveable City Solutions  
Sydney Water, Level 7, 1 Smith Street, Parramatta NSW 2150

**Sydney**  
**WATER** Ph s.47F  
s.47F @sydneywater.com.au



---

NOTICE: This email is confidential. If you are not the nominated recipient, please immediately delete this email, destroy all copies and inform the sender. Sydney Water Corporation (Sydney Water) prohibits the unauthorised copying or distribution of this email. This email does not necessarily express the views of Sydney Water. Sydney Water does not warrant nor guarantee that this email communication is free from errors, virus, interception or interference.

---



1 March 2018

Marcelo Alves  
Director, South West, ACT and NSW Section  
Aviation and Airports Division  
Department of Infrastructure, Regional Development and Cities  
GPO Box 594  
Canberra ACT 2601

### **Cooks Cove Development Project, Arncliffe, New South Wales**

Dear Marcelo,

Thank you for the letter of 29 January 2018, inviting comments on the proposed development at Cook's Cove for 5,000 residential dwellings and a mixed-use precinct.

We would like to take the opportunity to address the development proposal as both a property owner in the precinct but also as the master water planner for Greater Sydney. The area contains significant water infrastructure assets and holds significant environmental amenity.

#### **Sydney Water Property and Assets**

Sydney Water owns land within the southern Cooks Cove precinct which protects the Southern and Western Suburbs Ocean Outfall Sewer (SWSOOS) and its connection to the Northern Georges River Submain. The SWSOOS is a critical fully operational asset drains much of Western Sydney as part of the Malabar wastewater system. Any development that takes place must not impact on this asset.

The section of the SWOOS which traverses the site is a state heritage item listed on the State Heritage Register. It was registered as the Western Outfall Main Sewer and was the original sewer that drained on to the former Botany-Rockdale Sewage Farm (now the site of Sydney Airport). Any development occurring within three metres of this asset will require assessment and approval under the *Heritage Act 1977* (NSW). This would be dealt with at the development application stage.

We are currently undertaking the Malabar System Plan (MSP) project which is reviewing augmentation options for the Malabar wastewater system to cope with large population and employment growth projected within the scheme's catchment. One of the proposed options being considered is to construct a third tunnel to amplify the SWSOOS. These works would impact on the Sydney Water land within the precinct. The land south of the M5 East, in Barton Park (the proposed site for the re-located Kogarah Golf Club), would also be of interest for a future recycled water plant with the current investigations and studies being carried out as part of

the MSP project examining the feasibility of this land for a future treatment facility. The finalisation of this investigation is likely to be in October 2019.

### **Sydney Desalination Pipe**

Sydney Desalination pipe runs through the eastern part of the site. This is an 1800mm trunk main which runs from the Kurnell Desalination Plant. It is owned and maintained by Sydney Desalination Plant and have been informed of the proposed development.

### **Servicing Capability of the Cooks Cove Precinct**

Currently, the local water supply system has poor connectivity with the rest of the Sydney Water supply system and is not adequate for 5,000 properties as well as other commercial and employment generating development. Infrastructure in the area also provides contingency supply to Sydney Airport, which is particularly important as there are few water mains on the airport's western side. Amplifications will need to occur if the development goes ahead to ensure that the network can supply the development with water, as well as improve the airport's contingency supply.

### **Environment**

The development site is in close proximity to a number of wetlands located within Sydney Water owned land and Barton Park on the southern side of the M5 adjacent to the precinct. These include the Eve Street Wetlands, which is owned and managed by Sydney Water's stormwater team. The proposal risks causing significant impacts to this sensitive and valuable natural asset. The wetland is an intertidal wetland of national significance. It is included in the Directory of Important Wetlands in Australia and houses remnants of Coastal Saltmarsh, which is listed as a threatened ecological community under the *Biodiversity Conservation Act 2016* (NSW). It is also considered a potential habitat for the endangered Green and Golden Bell Frog and many local and migratory bird species. These impacts would also encompass other local waterways and wetlands on land managed by Bayside Council within Barton Park including the Landing Lights Wetlands and Spring Street drainage channel which share similar traits to the Eve Street Wetlands.

Concerns regarding the proposed development include the following:

- Further overshadowing causing plants to die exposing banks to erosion.
- Impacts to the tidal regime that is crucial for the healthy function of the wetland.
- Loss of wetland and riparian habitat including buffers to the wetland.
- Runoff concerns affecting the water quality of the wetland and Cooks River.

Sydney Water also notes broader concerns with the development which would affect the local environment and community. These include the following:

- The site lies within flood prone land.
- Impacts to waterway health.
- Public open space provision will be reduced as a result of the proposed development as the privately owned Kogarah Golf Club would be re-located from its current site to Barton Park, a public reserve owned by Bayside Council.
- Given the site's proximity to Sydney Airport, the proposed height limit of 25 storeys may be incompatible with the surrounding land uses.

We would appreciate being informed of future correspondence related to the development as well as the Department's decision on whether to remove the covenants.

If you require further information, please contact s.47F of the Growth Planning & Development Team on s.47F or by email at s.47F [@sydneywater.com.au](mailto:s.47F@sydneywater.com.au).

Yours sincerely,

s.47F

s.47F

A/Manager, Growth Planning & Development

## Cook Cove Development: Stakeholder Views

Stakeholder	Summary of Views	Agree to Lift Covenant 1?	Agree to Lift Covenant 2?
<b>Sydney Airport Corporation Limited</b>	<ul style="list-style-type: none"> <li>First covenant should not be released.</li> <li>Aspects of the proposed development will undermine the ongoing efficient operation of the Airport.</li> <li>Development could lead to calls for new noise-affected residents to restrict aviation activity at the Airport.</li> <li>Already scarce employment land near the Airport must be protected.</li> <li>Traffic congestion on approach roads to the Airport would worsen.</li> </ul>	No	Yes
<b>Kogarah Golf Club (KGC)</b>	<ul style="list-style-type: none"> <li>KGC has entered into a Development Agreement with the proponent.</li> <li>So far, the proponent has not acquired ownership of the KGC site.</li> <li>KGC will transfer ownership of its freehold land when the intended outcomes contemplated within the Development Agreement are approved and requisite finance and security measures put in place.</li> <li>KGC is a willing participant in the redevelopment proposal.</li> </ul>	Yes	Yes
<b>Sydney Water</b>	<ul style="list-style-type: none"> <li>Sydney Water owns land within the southern Cooks Cove precinct.</li> <li>The land south of the M5 East (proposed site for the new KGC) is of interest as a future recycled water plant.</li> <li>Local water supply has poor connectivity with the rest of the supply system, and is not adequate for 5,000 properties, as well as commercial and employment generating development.</li> <li>Infrastructure in the area also provides contingency supply to Sydney Airport.</li> <li>Development site is close to a number of wetlands within Sydney Water land. The development poses significant risk, especially to remnants of Coastal Saltmarsh and Green and Golden Bell Frog.</li> </ul>	No	No
<b>NSW EPA</b>	<ul style="list-style-type: none"> <li>KGC is located within Sydney Regional Environmental Plan No. 33 – Cooks Cove, which is a deemed State Environmental Planning Policy (SEPP).</li> <li>The SEPP is targeted towards the development of the precinct for trade and technology uses.</li> </ul>	No View	No View
<b>Department of the Environment and Energy (DoEE)</b>	<ul style="list-style-type: none"> <li>KGC relocation to the south of the proposed precinct was referred to DoEE under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> on 26 August 2016, and approved with conditions on 20 July 2018.</li> </ul>	No View	No View



RMS	<ul style="list-style-type: none"> <li>The development of Cook Cove precinct would be expected to place extensive pressure on surrounding infrastructure, especially when the development of 3000 new dwellings is proposed.</li> </ul>	No View	No View
-----	---	---------	---------

**File Note: Conversation with s.47F (NSW Roads and Maritime Services) re: Cook Cove development – 2:30pm 1 April 2019**

- Ms Horrocks asked s.47F his view on the proposed Cook Cove development, specifically regarding the Sydney Gateway project.
- Mr s.47F stated it could be expected the pressures on surrounding infrastructure would be extensive given 3000 new dwellings, and that his colleagues had a number of concerns with the pressure such a development would exert on infrastructure.

**Attachment B****Land ownership in the northern part of the Cooks Cove precinct**