



Delia Galeo
Planning Officer Assessments
Department of Planning, Housing and Infrastructure (DPHI)
4 Parramatta Square
Parramatta, NSW, 2150

By email: Major Projects Portal

Dear Delia Galao

Subject: Corrimal Coke Works - Stage 2-4 Civil Works (SSD-86131212)

Thank you for your Major Projects Portal request dated 25/2/2026 seeking advice from the Conservation Programs, Heritage & Regulation Group (CPHR) of the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) on the Environmental Impact Statement (EIS) for Corrimal Coke Works Stage 2-4 Civil Works SSD-86131212.

We have reviewed the exhibited EIS against the Secretary's Environmental Assessment Requirements (SEARs) provided by the Department of Planning, Housing and Infrastructure.

We consider that the EIS does not meet the Secretary's requirements for biodiversity with the following key issues identified;

- The proposal appears inconsistent with the existing BDAR Waiver
- additional supporting documentation is require to demonstrate how this SSDA meets the requirements of all relevant biodiversity conditions in place for DA-2023/823
- discussion of and mitigation measures for indirect impacts to threatened flora and fauna is required.

In relation to coastal management and riparian matters, Secretary's requirements have generally been satisfied, however this is contingent on the matters raised in Attachment A being addressed. In particular, the proposal;

- Does not address Chapter 2 *Coastal Management of the State Environmental Planning Policy (Resilience and Hazards) 2021*.
- Requires additional information to clarify that the road layout in this SSDA is consistent with the approved Stage 2-4 Bulk earthworks DA (DA-2023/823), Councils LEP requirements for riparian lands (Section 7.6) and DCP Chapters E23 and D19.

A summary of our assessment, advice and, where appropriate, recommended conditions of approval are provided in **Attachment 1 and 2**.

Please be aware that our advice does not incorporate input on any relevant heritage matters. If heritage advice is sought it is provided by a separate division, and you will need to obtain this via heritagemailbox@environment.nsw.gov.au.

If you have any further questions about this issue, please contact our Sydney Metropolitan Planning Team at PlanningMatters@environment.nsw.gov.au.

Yours Sincerely



Shaun Hunt
Senior Manager, Central Metropolitan Team
Conservation Planning and Assessment Branch
Conservation Programs, Heritage and Regulation Group (CPHR)

30 March 2026

Enclosure
Attachment 1 – CPHR Assessment Summary
Attachment 2 – Threatened Species Licence for DA2023/823

Attachment 1 - CPHR Assessment Summary for Corrimal Coke Works Stage 2-4 Civil Works (SSD-86131212)

In preparing this advice CPHR has reviewed the following documents:

- Environmental Impact Statement (EIS) by Urbis dated January 2026

Key Assessment Matters

1.	<i>Biodiversity</i>	The EIS <u>does not</u> address the Secretary's requirements for biodiversity. In relation to biodiversity, we note that the proponent has been granted a Biodiversity Development Assessment Report (BDAR) waiver for this SSD by CPHR, dated 20 November 2025. However, the Stage 2-4 Civil Works extent presented in the EIS differs from the extent mapped within the BDAR waiver request (Eco Logical Australia 30 October 2025). SEAR 16 has therefore not been adequately addressed. The proponent should provide further information to demonstrate that the BDAR waiver applies to the current SSDA scope of works, request a new BDAR waiver or provide a BDAR. The EIS does not include any considerations of biodiversity under components of SEAR 1: • <i>“address the requirements of any approvals applying to the site” and</i> • <i>“provide an accurate summary of the detailed assessment of the impacts of the project and integrate the findings and recommendations of technical reports into the justification and evaluation of the project as a whole”.</i> A BDAR waiver alone does not adequately address these components and there is no additional discussion within the EIS regarding the current requirements for protection of biodiversity within the wider Coke Works area. The waiver was granted based on the application relying on the existing approval for Bulk Earthworks Stages 2-4 (DA-2023/823) issued by NSW Land and Environment Court (LEC No: 2024/75307). The Bulk Earthworks approval is for landscape works, vegetation management realignment and embellishment of an existing riparian corridor and a boundary adjustment. The consent includes the removal of all vegetation within the Bulk Earthworks boundary, subject to numerous development consent conditions. It is not clear to CPHR that the works for Stage 2-4 Civil Works (SSD 86131212) are within the direct impact areas as previously approved under the DA-2023/823. The consent for DA-2023/823 also includes references to several key biodiversity reports and management plans that will apply to the current
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	SSDA. These have not been provided with the SSDA or sufficiently discussed in the EIS. The biodiversity reports and management plans include the Corrimal Cokeworks Site Wide BDAR version 7 (Eco Logical Australia 24/9/2024), Corrimal Residential Development Grey-headed Flying-fox Management Plan version 7 (Eco Logical Australia 24/9/2024) and Corrimal Coke Works Vegetation Management Plan (Eco Logical Australia 25/9/2024). The proponent is required to clarify how this SSDA meets the requirements of all relevant biodiversity conditions in place for DA-2023/823. Direct impacts from DA-2023/823 includes the removal of 0.81 ha of PCT 838 (Forest Red Gum – Thin-leaved Stringybark Grassy Woodland) across the subject land and planted and exotic vegetation within the study area. Potential impacts to the Grey Headed Flying Fox (GHFF) include removal of habitat and indirect impacts due to works in close proximity to a GHFF Camp. Despite the BDAR waiver, there will still be residual impacts to threatened flora and fauna from the proposed works and these must be addressed in the EIS. The proposed works will be in close proximity to an established GHFF camp and a threatened ecological community. The EIS should therefore include relevant mitigation measures for biodiversity, in line with those conditioned under DA-2023/823 and the associated Threatened Species Licence. Recommended action: Provide further information to demonstrate that the BDAR waiver applies to the current SSDA scope of works, secure a new BDAR waiver or provide a BDAR. Clarify how this SSDA meets the requirements of all relevant biodiversity conditions in place for DA-2023/823 including (but not limited to) those related to the following documents • Corrimal Cokeworks Site Wide BDAR version 7 (Eco Logical Australia 24/9/2024), • Corrimal Residential Development Grey-headed Flying-fox Management Plan version 7 (Eco Logical Australia 24/9/2024) and • Corrimal Coke Works Vegetation Management Plan (Eco Logical Australia 25/9/2024). Amend the EIS to include a detailed discussion of threatened flora and fauna and propose appropriate mitigation measures. The conditions for Stage 2-4 Civil Works SSD EIS should include relevant the biodiversity related conditions of DA2023/823 and
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		Threatened Species Licence DOC24/644921-3. The licence has been included in this letter at Attachment 2. Where sufficient conditions are included to manage impacts to the GHFF from the Stage 2A Built Form development, a Threatened Species Licence will not be required. CPHR can review the draft conditions to verify they are sufficient to remove the need for a threatened species licence prior to the commencement of works.
	<i>Extent and Timing</i>	Pre-determination

2.	Coastal Management and Riparian	Coastal Management The EIS does not satisfactorily address the following components of SEAR 1 – Statutory Context • <i>Address all relevant legislation, environmental planning instruments (EPIs) (including drafts), plans, policies, guidelines and planning circulars.</i> • <i>Identify compliance with applicable development standards and provide a detailed justification for any non-compliances.</i> The EIS should include considerations of coastal management and potential impacts to the coastal environment. The site is partly located within the coastal zone, including the coastal environment area and coastal use area mapped under Chapter 2 Coastal Management in the <i>Resilience and Hazards State Environmental Planning Policy</i> (RH SEPP). Water from the site will flow into Towradgi Creek estuary and its associated RH SEPP mapped coastal wetlands. In addition, Towradgi Creek is listed as a sensitive estuary under Strategy 11.5 in the <i>Illawarra Shoalhaven Regional Plan</i> (2041). Changes in land use or development in this area has the potential to significantly affect water quality, hydrology, and ecological function within the Towradgi estuary and its wetlands. Recommended action: The proponent should provide further information to demonstrate that the proposal is consistent with Chapter 2 Coastal Management of the RH SEPP, Section 9.1(2) Local Planning Direction 4.2 Coastal Management and Strategy 11.5 of the <i>Illawarra Shoalhaven Regional Plan</i> (2041). Riparian Corridor Encroachment The EIS does not satisfactorily address the following components of SEAR 1 – Statutory Context • <i>Address the requirements of any approvals applying to the site, including any concept approval, any endorsed or draft master plan, precinct plan or any recommendation from Gateway determination.</i> The EIS includes inconsistencies in road layout and potential riparian buffer encroachment. There appears to be inconsistencies between the riparian corridor boundaries and road layouts shown in the Site Context Plans within EIS Appendices I and L and the approved Stage 2–4 Bulk Earthworks plans in Appendix Y. Specifically, the Site Context Plans in the Water Cycle Management Strategy (Appendix I) and the Groundwater Impact Assessment (Appendix L) depict substantially greater road encroachment into the outer riparian buffer between Road 3 and Memorial Drive than is shown in the approved plans (Appendix Y). Recommended Action:
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		Provide further information to clarify that the road layout in this SSDA is consistent with the approved Stage 2-4 Bulk earthworks DA (DA-2023/823), Councils LEP requirements for riparian lands (Section 7.6) and DCP Chapters E23 and D19.
	<i>Extent and Timing</i>	Pre-determination



Adrian Kilburn
Project Director

LEGACY PROPERTY

LEGPRO 70 Pty Ltd ATF LEGPR 70 Unit Trust

45/25 Martin Place

Sydney NSW 2000

Date: 9 August 2024

Our ref: DOC24/644921-3

Licence number: DOC24/644921-3

Contact: Lorraine Oliver 02 6229 7120

Dear Mr Kilburn,

Subject: Threatened Species Licence for grey-headed flying-fox camp in relation to the proposed Corrimal Cokeworks development – Stage 1 Bulk Earthworks DA2023/166.

I refer to your application to the Department of Climate Change, Energy, the Environment and Water (DCCEEW) dated 16 July 2024 (emailed 17 July 2024) for a Threatened Species Licence (TS Licence), a class of Biodiversity Conservation Licence under Part 2 of the *Biodiversity Conservation Act 2016* (BC Act), for potential impacts to the on-site grey-headed flying-fox camp relating to the proposed Corrimal Cokeworks residential and commercial development (GDA94 Latitude: -34.378589, Longitude: 150.90239). Specifically, the TS Licence application was for a licence to manage impacts from the following stages of development:

- Stage 1 Bulk Earthworks – DA-2023/166.

DCCEEW understands the aim of the actions referred to in the TS Licence application is to prepare the Corrimal Cokeworks site for the establishment of a future residential and commercial development. DCCEEW understands this TS Licence application is only for site preparation actions and not for construction of the proposed residential and commercial development.

This TS Licence is separate to any development approvals, and any conditions associated with such approvals, relating to the Corrimal Cokeworks residential and commercial development.

This TS Licence and conditions are for the Stage 1 Bulk Earthworks – DA-2023/166. As discussed, where applicable the TS Licence conditions will remain consistent across the breadth of TS Licences issued for this development and will only change when an aspect of the staged development impacts differently on the on-site grey-headed flying-fox camp.

The TS Licence conditions account for the following possible scenarios regarding the grey-headed flying-fox:

1. Camp occupation
2. Signs of breeding in an occupied camp
3. Proximity of works to the camp
 - a. Any on-site works
 - b. Any works 75-200 metres from the edge of the occupied camp
 - c. Any works within 75 metres of the edge of the occupied camp, and including the occupied camp footprint and the previously-mapped core camp extent (as per Figure 1 in the TS Licence application)

Based on the information provided to DCCEEW by Legacy Property, I have assessed your TS Licence application for the proposed Stage 1 Bulk Earthworks – DA-2023/166 in accordance with the provisions of the BC Act and the *Biodiversity Conservation Regulation 2017* and determined that the proposed action is not likely to significantly affect threatened species or their habitats if conducted in accordance with the conditions attached to this TS Licence.

A copy of your new biodiversity conservation TS Licence is enclosed. Please note that your TS Licence is subject to conditions. These conditions are outlined in the TS Licence. It is an offence under s2.14(4) of the BC Act to breach a condition of a TS Licence.

A public register of all biodiversity conservation licences and all decisions made to vary, suspend or cancel those licences can be viewed at <https://www.environment.nsw.gov.au/topics/animals-and-plants/threatened-species/threatened-species-licences>

If you have any further questions regarding this matter, please contact me on 02 6229 7120 or at Lorraine.oliver@environment.nsw.gov.au.

Yours sincerely,



LORRAINE OLIVER

Senior Team Leader, Ecosystems and Threatened Species

South East Branch, DCCEEW Biodiversity and Conservation

Threatened Species Licence

Biodiversity Conservation Act 2016

Threatened species licence, a class of biodiversity conservation licence under Part 2 of the *Biodiversity Conservation Act 2016*, to:

- harm or pick a threatened species, threatened ecological community or protected plant or animal
- and/or damage habitat of a threatened species or threatened ecological community

Licence number: DOC24/644921-3

Date granted: 9th August 2024

Date of expiry: 9th August 2029

Granted To:

LEGPRO 70 Pty. Ltd. ATF LEGPR 70 Unit Trust
ABN: 62 744 723 737
45/25 Martin Place
Sydney NSW 2000

DESCRIPTION OF PROPOSED ACTION

The proposed action:

Legacy Property are proposing a residential and commercial development within the subject land (GDA94 Latitude: -34.378589 Longitude: 150.90239 Wollongong LGA). Stage 1 of the proposed development is 3.63 ha in size and is positioned in the northeast of the subject land. The proposed development includes:

- Bulk earthworks using heavy machinery
- Tree and vegetation removal
- Ancillary works including compounds, access, parking, fencing and sediment management.

DCCEEW understands these works have been approved as per the Land and Environment Court Notice of Orders Made, granting consent subject to the conditions specified in Annexure A as determined 30 July 2024 (Case number 2023/00447943, dated 30 July 2024). Legacy Property have advised Stage 1 Bulk Earthworks – DA-2023/166 “will involve the following activities:

- Site establishment including but not limited to site compounds and on-site parking areas;
- Establishment of sediment and erosion control measures in accordance with the requirements of managing Urban Stormwater handbook (commonly referred to as the ‘Blue Book’ prepared by Landcom (2004);
- Protection and removal of existing trees within the site;
- Bulk earthworks operations to achieve design levels including preliminary box out roads and construction of protective pavement for construction access; and

- Material stockpile within the future Stage 2 area of the site.”

DCCEEW notes conditions within the Land and Environment Court’s Grant of Consent relevant to the grey-headed flying-foxes and their habitat include, but are not necessarily limited to, Conditions 3, 4, 21, 50 and 68.

This TS Licence applies only to the Stage 1 Bulk Earthworks – DA-2023/166 and not to the construction of the proposed residential and commercial development. This licence only applies to grey-headed flying-foxes and grey-headed flying-fox habitat.

RELEVANT CONDITIONS

The holder of the certificate must ensure that

1. Grey-headed flying-foxes harmed/dead animals, are not handled or touched by a person unless the person is appropriately trained and vaccinated
2. Any incident/s of harmed/dead grey-headed flying-foxes
 - a. Must be reported immediately to a local wildlife carer group for welfare response and collection
 - b. In conjunction with a suitably qualified ecologist/flying-fox expert or wildlife carer, investigate possible cause and cease action that was a factor in harming the grey-headed flying-fox
 - c. Report and liaise with DCCEEW to implement management strategies to reduce future harm to grey-headed flying-foxes
3. At project commencement a suitably qualified ecologist/flying-fox expert must inspect the grey-headed-flying-fox camp site to determine if the camp is occupied or empty and whether there are signs of breeding (Condition 5).
4. If the camp is **deemed empty** of grey-headed flying-foxes at project commencement, suitably qualified on-site personnel must inspect the camp site daily and immediately report any signs of occupation to a suitably qualified ecologist/flying-fox expert
5. When the grey-headed flying-fox camp is occupied and on-site actions are planned:
 - a. A suitably qualified ecologist/flying-fox expert monitors the camp weekly for
 - Grey-headed flying-fox numbers
 - The camp footprint
 - The distance from on-site actions to the camp
 - General health of flying-foxes (including signs of malnourishment)
 - Signs of breeding including
 - The presence of female flying-foxes in late-stage pregnancy (i.e. third trimester) or are visibly pregnant.
 - Birthing or lactating females
 - Females carrying young
 - Dependant young (including young that cannot yet fly, or cannot fly well enough to exit the camp of an evening i.e. crèched young)
 - Courtship and/or mating behaviours

- Note: due to changing climatic conditions and food source availability, the flying-fox expert community no longer identifies specific grey-headed flying-fox breeding seasons or identifiable maternity or non-maternity camps
 - b. A Licensed wildlife carer or wildlife carer organisation trained in flying-fox rescue and appropriately vaccinated is notified that the camp is occupied and that on-site actions have commenced
 - i. Should the Licensed wildlife carer request to view the response of the camp to the on-site actions, arrangements must be made to facilitate the request
- 6. Signs of stress in the grey-headed flying-foxes are defined as any of the following
 - More than 30% of the camp takes flight and remains in flight for more than 20 minutes
 - Saliva spreading (i.e. licking themselves other than for grooming)
 - Grey-headed flying-foxes located on or within 2 metres of the ground
 - Aborting young
 - Dependant young abandoned for greater than 20 minutes during the day
 - An increase in the number of flying-foxes being taken into local care
 - Harmed/dead flying-fox/es found under or adjacent to the camp
 - New grey-headed flying-fox camps forming within 5 kilometres of the on-site actions
- 7. If the grey-headed flying-fox camp is occupied, the camp must be continuously monitored by suitably qualified on-site personnel for signs of stress (Condition 6) **when any on-site works are being undertaken**. Disturbances include, but are not limited to, loud noises such as building demolition, tree removal, wood-chipping, slamming car doors and utility trays, and use of machinery. This also includes the stockpiling of materials within the future Stage 2 area of the site (refer to Condition 8 for works 75-200 metres from the edge of the camp).
- 8. If the grey-headed flying-fox camp is occupied, for any works **75-200 metres from the edge of the camp**,
 - a. In addition to on-site personnel continuous monitoring requirements (Condition 7) a suitably qualified ecologist/flying-fox expert must also monitor the camp weekly as per Condition 5 including for signs of breeding. Weekly monitoring reports must be forwarded to DCCEEW via rog.southeast@environment.nsw.gov.au
 - b. If any signs of breeding are observed the suitably qualified ecologist/flying-fox expert must remain on-site to monitor for any signs of stress (Condition 6). If signs of stress are observed:
 - i. All works contributing to the signs of stress must cease immediately for the day (i.e., no second chance)
 - ii. If the actions which led to the cessation of works for the day recommence the following day, a suitably qualified ecologist/flying-fox expert must be on-site to monitor for signs of stress and advise site-managers on response

- c. If there are no signs of breeding in the camp, suitably qualified on-site personnel must monitor the camp for any signs of stress (Condition 6). Should any of the signs of stress be observed, the site manager must:
 - i. Cease works contributing to the signs of stress until the flying-foxes cease showing signs of stress
 - ii. Request the on-site presence of the suitably qualified ecologist/flying-fox expert
 - iii. When the grey-headed flying-foxes cease showing signs of stress, works can recommence
 - iv. If works recommence and grey-headed flying-foxes again show signs of stress, cease all actions contributing to the signs of stress for the remainder of the day and liaise with the suitably qualified ecologist/flying-fox expert about approaches for works the following day, including the on-site presence of the suitably qualified flying-fox expert to monitor for signs of stress and to continue advising site-managers on the response
 - v. All signs of stress incidents and responses must be included in the monthly report to DCCEE
- 9. If the grey-headed flying-fox camp is occupied, for any works **within 75 metres of the edge of the camp** at the time of the works, including the camp footprint at the time of the works:
 - a. A suitably qualified ecologist/flying-fox expert must monitor the camp weekly as per Condition 5 including for signs of breeding, prior to the works commencing. Weekly monitoring reports must be forwarded to DCCEE via rog.southeast@environment.nsw.gov.au
 - b. If any signs of breeding are observed, no works within 75 metres of the edge of the camp are permitted
 - c. If there are no signs of breeding, the suitably qualified ecologist/flying-fox expert must remain on-site to monitor for any signs of stress (Condition 6). If signs of stress are observed;
 - i. All works contributing to the signs of stress will cease until the flying-foxes cease showing signs of stress
 - ii. When the grey-headed flying-foxes cease showing signs of stress, works can recommence
 - iii. If works recommence and grey-headed flying-foxes again show signs of stress, cease all works contributing to the signs of stress for the remainder of the day
 - iv. If the works which led to the cessation of works for the day recommence the following day, a suitably qualified ecologist/flying-fox expert must be on-site to directly monitor for signs of stress and advise site-managers on the response. Consecutive or multiple calls for cessation of works require the suitably qualified ecologist/flying-fox expert to review whether the works

causing the signs of stress are appropriate to continue or should be deferred to a later date.

- v. All signs of stress incidents and responses for works within 75 metres of the edge of the camp must be included in a weekly monitoring report forwarded by the suitably qualified ecologist/flying-fox expert to DCCEEW via rog.southeast@environment.nsw.gov.au
 - d. DCCEEW must be notified via rog.southeast@environment.nsw.gov.au at least 48 hours before works within 75 metres of the edge of the occupied camp commence. Should DCCEEW request an on-site visit during the works, arrangements must be made to facilitate the request.
 - e. Wildlife carer organisations must be contacted within one week to monitor whether there is an increase in the number of flying-foxes being taken into care or showing signs of stress. If increases are apparent, DCCEEW must be notified immediately
10. When temperatures are predicted to be above 35°C
- a. A suitably qualified ecologist/flying-fox expert must be on-site to monitor the camp for signs of heat-stress including
 - Panting
 - Saliva spreading (i.e. licking themselves other than for grooming)
 - Grey-headed flying-foxes located on or within 2 metres of the ground
 - Grey-headed flying-foxes clumping around tree trunks
 - Grey-headed flying-foxes on the ground
 - Grey-headed flying-foxes dying
 - b. Should any signs of heat-stress be noted,
 - i. On-site actions that cause any disturbance to the camp must cease immediately
 - ii. A Licensed wildlife carer or wildlife carer organisation trained in flying-fox rescue must be notified immediately
11. When temperatures are predicted to be above 38°C
- a. All on-site actions that cause any disturbance to the grey-headed flying-fox camp within 200 metres of the camp must cease
 - b. A suitably qualified ecologist/flying-fox expert must be on-site to monitor the camp for signs of heat-stress
 - c. Should any signs of heat-stress be noted a Licensed wildlife carer or wildlife carer organisation trained in flying-fox rescue must be notified immediately
12. A suitably qualified ecologist/flying-fox expert must monitor NSW Statewide alerts for flying-fox food shortage events. If there is a NSW Statewide alert for flying-fox food shortage
- a. Minimise disturbance within 200 metres of the grey-headed flying-fox camp
 - b. Monitor for signs of stress

- c. Cease actions should the grey-headed flying-foxes show signs of stress
13. New grey-headed flying-fox camps that establish within 5 kilometres of the work site after the on-site actions commence may be splinter camps resulting from the on-site actions. Responses to these camps must be negotiated with DCCEEW and Wollongong City Council including the on-site responses to diminish disturbance and management of impacts if conflicts with residents or other users arise.
14. A suitably qualified ecologist/flying-fox expert will provide monthly reports to DCCEEW on commencement of the action including
- Information about camp occupation dates
 - Grey-headed flying-fox numbers
 - The camp footprint (providing maps to show any temporal and spatial changes)
 - The distance from on-site actions to the camp
 - Signs of breeding (providing details on what signs were observed)
 - General health of flying-foxes (including signs of malnourishment)
 - Any stress incidents and responses
 - Feedback on flying-fox responses to any works undertaken within 75 metres of the edge of the camp (including details on what the works were, and what the immediate and short-term responses were)
 - Report successes and failures in managing signs of stress to improve on-site work practices and contribute to improved broader knowledge about flying-fox camp management

Note it is an offence under s2.14(4) of the *Biodiversity Conservation Act 2016* to breach a condition of a licence.



LORRAINE OLIVER

Senior Team Leader, Ecosystems and Threatened Species

South East Branch, DCCEEW Biodiversity and Conservation Illawarra

(by Delegation)
9 August 2024