

DRAFT PLANNING PROPOSAL

FORMER CORRIMAL COKE WORKS SITE: FORESHORE BUILDING LINE MAP AMENDMENT

To amend Wollongong LEP 2009

LOCAL GOVERNMENT AREA: Wollongong City Council

NAME OF DRAFT LEP: Foreshore Building Line Map: Former Corrimal Coke Works site

ADDRESS OF LAND: 27 Railway Street, Corrimal, land identified as Lot 1 DP795791 and Lot 5 DP 749492

This Planning Proposal applies to the land known as 27 Railway Street, Corrimal - land identified as Lot 1 DP795791 and Lot 5 DP 749492, formerly known as the Corrimal Coke Works.



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Background

The subject site is approximately 18.2 hectares in area. It is bounded by the main southern railway line on the east, Memorial Drive and residential buildings on the west, Railway Street to the north and Towradgi Creek and residential buildings to the south. The site is traversed by Towradgi Creek along the southern extent and North Corrimal Creek through the site. Established vegetation is present across the site.

The Coke Works operated for over 100 years, ceasing operations in 2014. The site comprised coking ovens, stacks, two constructed dams for coke quenching, associated administration buildings, and coal and coke stockpiling areas in the central part of the site.

Council's records indicate the site is located within a Low, Medium and High Flood Risk precinct, and includes a notation that the site may be contaminated due to past land uses.

On 1 November 2021 Council resolved to finalise the Planning Proposal for the former Corrimal Coke Works site to permit medium density residential development, and the Wollongong LEP 2009 (Amendment No 50) was notified by the NSW Department of Planning and Environment on 29 April 2022. Amendment No 50 rezoned the site from IN3 Heavy Industrial and RE2 Private Recreation to R3 Medium Density Residential and RE1 Public Recreation.

The Planning Proposal required the amendment of several maps in Wollongong LEP 2009. However, it has come to the attention of Council Officers that in finalising the Planning Proposal an error was made, with the required amendment of the Foreshore Building Line Map omitted. The current Foreshore Building Line Map and application of Wollongong LEP 2009 Clause 7.7 would have the effect of prohibiting the works proposed on the parts of the site mapped as being within the foreshore area, and hence an amendment to correct the mapping error is required to facilitate the development in accordance with the adopted Master Plan and Wollongong LEP 2009 (Amendment No 50).

On 7 November 2022 Council resolved to prepare a draft Planning Proposal to amend the Foreshore Building Line Map for the former Corrimal Coke Works site, to reflect the planned realignment of North Corrimal Creek, and submit it to the Department of Planning and Environment seeking a Gateway Determination to enable public exhibition.

Part 1 – Statement of objectives or intended outcomes

The primary objective of the draft Planning Proposal is to enable residential development of the site, in accordance with the adopted Master Plan and Wollongong LEP 2009 (Amendment No 50). The current Foreshore Building Line Map and application of Wollongong LEP 2009 Clause 7.7 would have the effect of prohibiting the works proposed on the parts of the site mapped as being within the foreshore area, and hence an amendment to correct the mapping error is required to facilitate the development in accordance with the adopted Master Plan and Wollongong LEP 2009 (Amendment No 50).

Part 2 – Explanation of provisions

The Planning Proposal seeks the following amendment to the Foreshore Building Line Map (as outlined in the Planning Proposal submitted and outlined in the original report to Council in

2018), to reflect the fact that the North Corrimal Creek realignment will remove the probability of flooding on site -

- Delete the foreshore building line;
- Delete land below foreshore building line.

The current Foreshore Building Line Map and application of Wollongong LEP 2009 Clause 7.7 would have the effect of prohibiting the works proposed on the parts of the site mapped as being within the foreshore area, and hence an amendment to correct the mapping error is required to facilitate the development in accordance with the adopted Master Plan and Wollongong LEP 2009 (Amendment No 50).

Part 4 of this draft Planning Proposal illustrates the proposed map amendments to Wollongong LEP 2009.

Part 3 – Justification

Section A – Need for the Planning Proposal

Q1: Is the planning proposal a result of strategic study or report?

The draft Planning Proposal is to enable the implementation of Council's previous resolution dated 1 November 2021 to finalise the Planning Proposal to rezone the site for residential development. Corrimal is located within 6.5km of Wollongong City Centre, providing access to a diverse range of services, employment opportunities and the University of Wollongong. The site is adjacent Corrimal Railway Station and is positioned in close proximity to education, recreation and community facilities, including the Corrimal District Community Library, Corrimal Pool and Robert Ziems Park. It is located within 1 kilometre of the Corrimal Town Centre.

Corrimal is identified in the Illawarra Shoalhaven Regional Plan 2036, Community Strategic Plan 2028 and Corrimal Town Centre Plan 2015 as the major urban hub of the northern suburbs, capable of infill development given its location and supporting infrastructure and services. The Corrimal Town Centre Revitalisation Strategy identified the subject site as being a 'key site' adjacent Corrimal Railway Station and in walking distance of the Corrimal Town Centre.

The current Foreshore Building Line Map and application of Wollongong LEP 2009 Clause 7.7 would have the effect of prohibiting the works proposed on the parts of the site mapped as being within the foreshore area, and hence an amendment to correct the mapping error is required to facilitate the development in accordance with the adopted Master Plan and Wollongong LEP 2009 Amendment No 50.

Q2: Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal is the only means available to Council to achieve the amendment to the Wollongong Local Environmental Plan 2009 to facilitate future residential development within the current mapped foreshore building line area.

Section B – Relationship to strategic planning framework

Q3: Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?

The *Illawarra Shoalhaven Regional Plan 2041* was released in 2021 by the Department of Planning and Environment. The aim of the Plan is to guide strategic planning within the region for the next 20 years. The Plan includes the following goals which are relevant to this Planning Proposal:

1. “a region with a variety of housing choices, with homes that meet needs and lifestyles”
2. “a region with communities that are strong, healthy and well-connected”.

Notably, this Planning Proposal supports the following Objectives of the Plan:

Objective 18 - Provide sufficient housing supply in the right locations.

Objective 19 - Deliver housing that is more diverse and affordable.

Objective 23 - Celebrate, conserve and reuse cultural heritage

Q4: Is the Planning Proposal consistent with a Council’s local strategy or other local strategic document (eg: Wollongong Community Strategic Plan)?

Our Wollongong Our Future 2032

The Wollongong Community Strategic Plan (“Our Wollongong Our Future 2032”) outlines the priorities and aspirations of the community, providing directions for the provision of key projects and services. The relevant objectives and goals are noted as follows:

The proposal seeks to promote Goal 5 “We have a healthy community in a liveable city”. It specifically delivers on the following –

- 5.2 Urban areas are created and maintained to provide a healthy and safe living environment for our community.
- 5.8 Housing choice in the Wollongong Local Government Area is improved, considering population growth, community needs and affordability.

The proposal also seeks to promote Goal 6 “We have affordable and accessible transport”. It specifically delivers on the following –

- 6.4 Plan and provide sustainable infrastructure for safe and liveable places integrated with the environment and accessible to key transport routes.

Wollongong Local Strategic Planning Statement (2020)

Council has adopted the Wollongong Local Strategic Planning Statement (LSPS) 2020 to provide a 20 year land use planning vision for the City. It has drawn on the many existing strategies and plans developed, exhibited and adopted by Council.

The LSPS acknowledges that –

- The key employment lands for Wollongong will continue to be at Port Kembla, Unanderra, West Dapto, south of Wollongong, Fairy Meadow, Tallawarra, Helensburgh and Bellambi.
- An additional 23,800 dwellings will be required to house the forecast population growth to 2041.
- An increase in housing stock diversity is required to accommodate changing demographics, including a greater provision of 1-2 bedroom dwellings.
- An increase in the supply of affordable housing stock is required, and as part of residential up-zonings an Affordable Housing Contribution will be expected or a proportion of Affordable Rental dwellings to be provided on-site.
- Corrimal has been identified as the main shopping centre and commercial precinct for the northern suburbs, and an ideal location for increased housing.

Q5: Is the planning proposal consistent with applicable State Environmental Planning Policies?

Refer to Table A – Checklist of State Environmental Planning Policies.

Q6: Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

Refer to Table B – Checklist of s.9.1 Ministerial Directions.

The following Ministerial Direction (s.9.1 Directions) is highlighted with respect to the Planning Proposal:

Direction 4.3 Flood Prone Land

The objectives of Direction 4.3 are:

- (a) *to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005,*
- (b) *to ensure that the provisions of an LEP on flood prone land is commensurate with the flood hazard and includes consideration of the potential flood impacts both on and off the subject land.*

Direction 4.3 applies when a planning proposal creates, removes or alters a zone or a provision that affects flood prone land.

The subject site is identified as flood prone land, being located within the lower reaches of the Towradgi Creek catchment. A key component of the draft Planning proposal is the proposed realignment of the existing 2nd order stream (North Corrimal Creek) to the western boundary of the site to alleviate local flooding issues and to provide a suitable flood free area to support the intended medium density residential development outcomes. Significant modelling of a conceptual flood way has been undertaken. Studies have concluded that a realigned riparian corridor can be provided such that the flood risk levels currently present on site can be significantly mitigated to enable a Probable Maximum Flood (PMF) event free

area suitable for residential development, and adjoining lands up and down stream will have an improved or neutral impact.

On 5 August 2020 the Department of Planning, Industry & Environment advised that, based on a review of updated flood information provided, the draft Planning Proposal is consistent with this Ministerial Direction.

Section C – Environmental, social and economic impact

Q7: Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The site does not contain habitat for the Green and Golden Bell Frog.

One threatened fauna species, *Pteropus poliocephalus* (Grey-headed Flying-fox) occupies the site. The revised zoning for the site provides a 100 metre buffer between the mapped core camp area and future residential development.

Two patches of Illawarra Lowlands Grassy Woodland (listed as EEC under the NSW Biodiversity Conservation Act 2016) have been identified on the site – one in the north and one in the south.

The Design Review Panel in their report recommended that wherever possible existing remnant native vegetation should be retained and protected. The OEH submission (2017) also stressed the need to demonstrate avoidance of impacts upon threatened species and ecological communities and noted that clearing thresholds under the NSW Biodiversity Conservation Act 2016 relate to the clearing of all native vegetation, not just EECs.

The draft Planning Proposal to amend the Foreshore Building Line Map will not have a detrimental impact on critical habitat or threatened species populations or ecological communities or their habitats.

Q8: Are there any likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The original Planning Proposal to rezone the site incorporated the realignment of North Corrimal Creek to the western site boundary (currently traversing the centre of the site). Significant flood modelling and channel design in support of the Planning proposal request has demonstrated that a realigned riparian corridor can be provided such that the flood risk levels currently present on site can be significantly mitigated to enable a Probable Maximum Flood (PMF) event free area suitable for residential development, and adjoining lands up and down stream will have an improved or neutral impact.

The Department of Primary Industries – Water, reviewed the flood studies submitted in support of the original Planning Proposal to rezone the site and are in general agreement with the assessment of the watercourses within the site and the recommended riparian outcomes.

Q9: Has the planning proposal adequately addressed any social and economic effects?

No adverse social and/or economic effects are anticipated.

Additional housing opportunities will be provided in a location convenient to existing community services and facilities, including public transport. A site-specific DCP Chapter was adopted by Council on 6 June 2022, to guide future development on the site.

Section D – State and Commonwealth interests

Q10: Is there adequate public infrastructure for the planning proposal?

Adequate public infrastructure.

Q11: What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

The Gateway determination will outline the consultation requirements.

Extensive consultation occurred as part of the original Planning Proposal which resulted in Wollongong LEP 2009 (Amendment No 50) rezoning the site to enable residential development.

The original Planning Proposal to rezone the site incorporated the realignment of North Corrimal Creek to the western site boundary (currently traversing the centre of the site). Significant flood modelling and channel design in support of the Planning proposal request has demonstrated that a realigned riparian corridor can be provided such that the flood risk levels currently present on site can be significantly mitigated to enable a Probable Maximum Flood (PMF) event free area suitable for residential development, and adjoining lands up and down stream will have an improved or neutral impact.

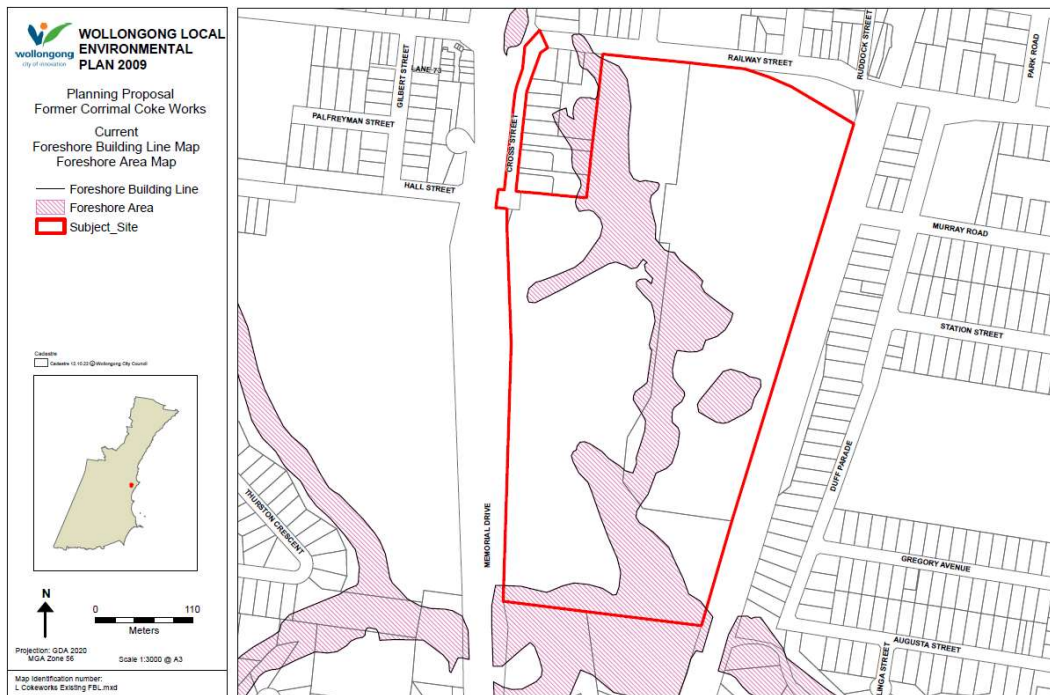
The Department of Primary Industries – Water, reviewed the flood studies submitted in support of the original Planning Proposal to rezone the site, and are in general agreement with the assessment of the watercourses within the site and the recommended riparian outcomes.

Part 4 – Mapping

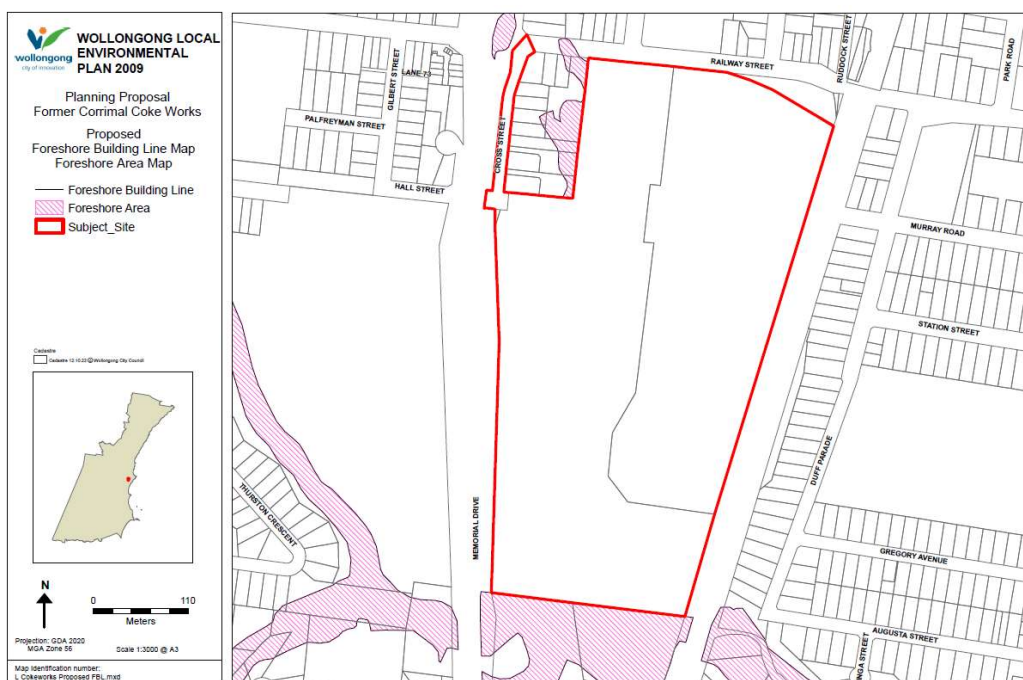
MAPS, WHERE RELEVANT, TO IDENTIFY THE INTENT OF THE PLANNING PROPOSAL AND THE AREA TO WHICH IT APPLIES

The proposed map amendments to Wollongong LEP 2009 include the following:

Current Foreshore Building Line Map sheet CL1_024



Proposed Foreshore Building Line Map sheet CL1_024



Part 5 – Community Consultation

The Gateway determination will outline the consultation requirements.

The public exhibition will include:

- Hard copies at Council's Administration building and Wollongong and Corrimal Libraries;
- Electronic copy on Council's website;
- Notification letters to relevant stakeholders, State agencies and other authorities;
- Advertisement in local newspaper.

Note: The Planning Proposal to rezone the site and accompanying technical studies have been exhibited (25 June to 31 August 2021), including the 2018 Council report stating the need to amend the Foreshore Building Line Map.

Part 6 – Projected Timeline

A primary goal of the plan making process is to reduce the overall time taken to produce LEPs. This timeline tentatively sets out expected timelines for major steps in the process. These timeframes are subject to change and are to be used as a guide only. The Minister may consider taking action to finalise the LEP if timeframes approved for the completion of the Planning Proposal are significantly or unreasonably delayed.

#	Action	Estimated Timeframe	Responsibility
1	Anticipated date of Gateway Determination	November 2022	Department of Planning and Environment
2	Government agency consultation	November/December 2022	Agencies
3	Public exhibition period	November/December 2022	Council
4	Date of Public Hearing (<i>if applicable</i>)	N/A	Council
5	Consideration of submissions and Assessment of proposal post-exhibition	December 2022/January 2023	Council
6	Report to Council	March 2023	Council
7	Final maps and Planning Proposal prepared	March 2023	Council
8	Submission to Department for finalisation of LEP	March 2023	Council
9	Anticipated date RPA will make the LEP	April 2023	Council (if under delegation)
10	Anticipated date Council will forward final Planning Proposal to DP&E for notification	April 2023	Council
11	Anticipated date LEP will be notified	May 2023	<i>Parliamentary Counsel and DPE</i>

Table A - Checklist of State Environmental Planning Policies

State Environmental Planning Policy		Compliance	Comment
SEPP	Biodiversity and Conservation 2021	Consistent	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP	Planning Systems 2021	Consistent	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP	Industry and Employment 2021	Consistent	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP	Precincts Central River City 2021	N/A	N/A
SEPP	Precincts Eastern Harbour City 2012	N/A	N/A
SEPP	Precincts Regional 2021	Consistent	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP	Precincts Western Parklands 2021	N/A	N/A
SEPP	Resilience and Hazards 2021	Consistent	A Contamination Assessment and Remediation Action Plan has been prepared for the site in accordance with the SEPP. A Site Auditor will be required to be appointed to the site.
SEPP	Resources and Energy 2021	Consistent	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP	Sustainable Buildings 2022	Consistent	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP	Transport and Infrastructure 2021	Consistent	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP No. 65	Design quality of residential flat development	Consistent	The proposal is capable of complying. The site has been added to the "Key Sites" map. A site specific DCP includes

State Environmental Planning Policy		Compliance	Comment
			objectives and controls to integrate heritage interpretation into the urban design principles of the site.
SEPP	Building Sustainability Index: BASIX 2004	Consistent	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP	Primary Production 2021	N/A	N/A
SEPP	Housing 2021	Consistent	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP	Exempt and Complying Development Codes 2008	Consistent	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.

Table B - Checklist of Section 9.1 Ministerial Directions

Ministerial Direction	Comment
Focus Area 1: Planning Systems	
1.1 Implementation of Regional Plans	Proposal is consistent with this Direction.
1.2 Development of Aboriginal Land Council Land	Direction does not apply
1.3 Approval and Referral requirements	Proposal is consistent with this Direction.
1.4 Site specific provisions	Direction does not apply
1.5 Place Based Provisions	Directions do not apply
Focus Area 2: Design and Place	Directions do not apply
Focus Area 3: Biodiversity and Conservation	
3.1 Conservation Zones	Proposal is consistent with this Direction.
3.2 Heritage Conservation	Proposal is consistent with this Direction.
3.3 Sydney Drinking Water Catchments	Direction does not apply.
3.4 Application of E2 and E3 zones and Environmental overlays in Far North Coast LEPs	Direction does not apply.
3.5 Recreation Vehicle Areas	Direction does not apply.
3.6 Strategic Conservation Planning	Proposal is consistent with this Direction.
Focus Area 4: Resilience and Hazards	
4.1 Flood Prone Land	Direction does not apply.
4.2 Coastal Management	Direction does not apply.
4.3 Planning for Bushfire Protection	Direction does not apply.
4.4 Remediation of Contaminated Land	A number of Contamination reports have been prepared for the site in support of the original Planning Proposal request, which concluded that while contamination was found on site, it can be rehabilitated to enable residential development. A Site Auditor will be required to be appointed in accordance with EPA guidelines to monitor the proposed development works. The Planning Proposal is consistent with this Direction.
4.5 Acid Sulphate Soils	Proposal is consistent with this Direction.
4.6 Mine Subsidence and Unstable Land	Direction does not apply.
Focus Area 5: Transport and Infrastructure	

5.1 Integrating Land Use and Transport	Proposal is consistent with this Direction.
5.2 Reserving Land for Public Purposes	Proposal is consistent with this Direction.
5.3 Development Near regulated Airports and Defence Airfields	Direction does not apply.
5.4 Shooting Ranges	Direction does not apply.
Focus Area 6: Housing	
6.1 Residential Zones	Direction does not apply.
6.2 Caravan Parks and Manufactured Home Estates	Direction does not apply.
Focus Area 7: Industry and Employment	
7.1 Business and Industrial Zones	Proposal is consistent with this Direction.
7.2 Reduction in non-hosted short term rental accommodation period	Direction does not apply.
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	Direction does not apply.
Focus Area 8: Resources and Energy	
8.1 Mining, Petroleum Production and Extractive Industries	Direction does not apply.
Focus Area 9: Primary Production	
9.1 Rural Zones	Direction does not apply.
9.2 Rural Lands	Direction does not apply.
9.3 Oyster Aquaculture	Direction does not apply.
9.4 Farmland of State and regional Significance on the NSW Far North Coast	Direction does not apply.