



New South Wales

# **State Environmental Planning Policy (Precincts—Regional) Amendment (Port Kembla Land Transformation Precinct) 2025**

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979*.

PAUL SCULLY, MP  
Minister for Planning and Public Spaces

## **State Environmental Planning Policy (Precincts—Regional) Amendment (Port Kembla Land Transformation Precinct) 2025**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of policy**

This policy is *State Environmental Planning Policy (Precincts—Regional) Amendment (Port Kembla Land Transformation Precinct) 2025*.

### **2 Commencement**

This policy commences on the day on which it is published on the NSW legislation website.

### **3 Repeal of policy**

This policy is repealed at the beginning of the day following the day on which this policy commences.

### **4 Maps**

The maps adopted by the following environmental planning instruments are amended or replaced, as the case requires, by the maps approved by the Minister on the making of this policy—

- (a) *State Environmental Planning Policy (Planning Systems) 2021*,
- (b) *State Environmental Planning Policy (Precincts—Regional) 2021*,
- (c) *State Environmental Planning Policy (Transport and Infrastructure) 2021*,
- (d) *Wollongong Local Environmental Plan 2009*.

## **Schedule 1      Amendment of State Environmental Planning Policy (Planning Systems) 2021**

**[1]    Section 2.6 Declaration of State significant development: section 4.36**

Insert after section 2.6(3)—

- (4)    Despite subsection (1), development specified in Schedule 1 is not declared to be State significant development if the development is carried out on land to which *State Environmental Planning Policy (Precincts—Regional) 2021*, Chapter 6 applies.

**[2]    Schedule 2 State significant development—identified sites**

Insert at the end of the schedule, with appropriate section numbering—

**Development in Port Kembla Land Transformation Precinct**

Development on land identified as “Port Kembla Land Transformation Precinct” on the State Significant Development Sites Map if the development has a capital investment value of more than \$75 million.

## Schedule 2 Amendment of State Environmental Planning Policy (Precincts—Regional) 2021

### [1] Chapter 6

Insert after Chapter 5—

## Chapter 6 Port Kembla Land Transformation Precinct

### Part 6.1 Preliminary

#### 6.1 Aims of chapter

The aims of this chapter are as follows—

- (a) to promote sustainable, orderly and transformational development in the Port Kembla Land Transformation Precinct,
- (b) to ensure development is compatible with the long-term growth of Port Kembla and the ongoing operational needs of Port Kembla Steelworks,
- (c) to encourage employment opportunities to support the revitalisation of the Port Kembla Land Transformation Precinct,
- (d) to ensure that urban development on the land achieves desirable environmental, social and economic outcomes,
- (e) to ensure that utility and transport infrastructure is delivered in a staged manner that supports the Port Kembla Land Transformation Precinct,
- (f) to protect and enhance land in the Port Kembla Land Transformation Precinct that has natural and cultural heritage value.

#### 6.2 Land to which chapter applies

This chapter applies to the Port Kembla Land Transformation Precinct.

#### 6.3 Definitions

- (1) In this chapter—

**Codes SEPP**, for Part 6.4—see section 6.15(2).

**Council** means the Wollongong City Council.

**Heritage Map** means the State Environmental Planning Policy (Precincts—Regional) 2021 Port Kembla Land Transformation Precinct Heritage Map.

**Industrial and Business Buildings Code Land Application Map** means the State Environmental Planning Policy (Precincts—Regional) 2021 Port Kembla Land Transformation Precinct Industrial and Business Buildings Code Land Application Map.

**Land Application Map** means the State Environmental Planning Policy (Precincts—Regional) 2021 Port Kembla Land Transformation Precinct Land Application Map.

**Land Zoning Map** means the State Environmental Planning Policy (Precincts—Regional) 2021 Port Kembla Land Transformation Precinct Land Zoning Map.

**Port Kembla Land Transformation Precinct** means the land identified as “Port Kembla Land Transformation Precinct” on the Land Application Map.

- (2) A word or expression used in this chapter has the same meaning as in the standard instrument prescribed by the *Standard Instrument (Local*

*Environmental Plans) Order 2006* unless it is otherwise defined in this chapter.

- (3) A reference to this chapter includes a reference to a schedule made under this chapter.

#### **6.4 Notes**

Notes in this chapter are provided for guidance and do not form part of this chapter.

#### **6.5 Consent authority**

The Minister is the consent authority for the purposes of this chapter.

#### **6.6 Maps**

- (1) A reference in this chapter to a named map adopted by this chapter is a reference to a map by that name—
  - (a) approved by the Minister when the map is adopted, and
  - (b) as amended or replaced from time to time by maps declared by environmental planning instruments to amend or replace that map, and approved by the persons making the instruments when the instruments are made.
- (2) Any 2 or more named maps may be combined into a single map and a reference in this chapter to the named map is a reference to the relevant part or aspect of the single map.
- (3) The maps adopted by this chapter must be kept electronically and made available for public access in accordance with arrangements approved by the Minister.

#### **6.7 Relationship with other environmental planning instruments**

- (1) This chapter prevails to the extent of any inconsistency between this chapter and another environmental planning instrument, whether made before or after this chapter.
- (2) Despite subsection (1), *State Environmental Planning Policy (Transport and Infrastructure) 2021*, Chapter 2 prevails to the extent of any inconsistency between this chapter and *State Environmental Planning Policy (Transport and Infrastructure) 2021*, Chapter 2.
- (3) *Wollongong Local Environmental Plan 2009* does not apply to the land to which this chapter applies.

#### **6.8 Savings provision relating to development applications**

A development application lodged, but not finally determined, before the commencement of this chapter must be determined as if this chapter had not commenced.

#### **6.9 Suspension of covenants, agreements and instruments**

- (1) For the purpose of enabling development on land to which this chapter applies to be carried out in accordance with this chapter or with a consent granted under the Act, an agreement, covenant or similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve the purpose.

- (2) This section does not affect the rights or interests of a public authority under a registered instrument.
- (3) The Governor, before the making of this section, approved subsections (1) and (2) under the Act, section 3.16.

## Part 6.2 Permitted or prohibited development

### 6.10 Land use zones

The land use zones under this chapter are as follows—

#### **Special Purpose Zones**

SP4 Enterprise

### 6.11 Zoning of land to which chapter applies

For the purposes of this chapter, land is in the zones shown on the Land Zoning Map.

### 6.12 Zone objectives and Land Use Table

- (1) The Land Use Table in Part 6.3 specifies the following for each zone—
  - (a) the objectives for development,
  - (b) development that may be carried out without development consent,
  - (c) development that may be carried out only with development consent,
  - (d) development that is prohibited.
- (2) The consent authority must consider the objectives for development in a zone when determining a development application that relates to land in the zone.
- (3) In the Land Use Table in Part 6.3—
  - (a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and
  - (b) a reference to a type of building or other thing does not include, despite any definition in this chapter, a reference to a type of building or other thing referred to separately in the Land Use Table in relation to the same zone.
- (4) This section is subject to the other provisions of this chapter.

### 6.13 Subdivision—consent requirements

Land to which this chapter applies may be subdivided only with development consent.

**Note—** *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* specifies certain subdivision development as exempt development.

### 6.14 Demolition—consent requirements

The demolition of a building or work may be carried out only with development consent.

**Note—** *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* specifies the demolition of certain buildings and works as exempt development.

## Part 6.3 Land Use Table

### Zone SP4 Enterprise

#### 1 Objectives of zone

- To promote employment and business growth in industry, including advanced technology manufacturing, creative, education, energy storage, entertainment, logistics, renewable and emerging industries.
- To support a diverse range of employment uses, including port-related, defence and emerging industries that are aligned with future technologies and work practices.
- To promote waste avoidance, waste minimisation and resource recovery.
- To protect the unique character and scenic values of Port Kembla.
- To protect residential and sensitive land uses from adverse impacts of employment uses.
- To provide for the effective and ongoing operation and growth of Port Kembla and Port Kembla Steelworks by preventing development that is incompatible with existing land uses at Port Kembla and Port Kembla Steelworks and adjoining land.
- To ensure the Port Kembla Land Transformation Precinct has access to essential facilities and services.
- To encourage retail and commercial development that complements the role of Wollongong CBD as the primary business centre in line with the retail hierarchy of the region.

#### 2 Permitted without consent

Environmental protection works

#### 3 Permitted with consent

Building identification signs; Business identification signs; Take away food and drink premises; Any other development not specified in item 2 or 4

#### 4 Prohibited

Agriculture; Air transport facilities; Airstrips; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Early education and care facilities; Eco-tourist facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Home businesses; Home occupations; Hospitals; Jetties; Marinas; Mines; Mooring pens; Moorings; Mortuaries; Open cut mining; Places of public worship; Research stations; Registered clubs; Residential accommodation; Respite day care centres; Restricted premises; Rural industries; Schools; Sex services premises; Tourist and visitor accommodation; Wharf or boating facilities

## Part 6.4 Exempt and complying development

### 6.15 Application of Codes SEPP

- (1) The Codes SEPP does not apply to land to which this chapter applies, except as provided by this part.
- (2) In this part—

*Codes SEPP* means *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

#### **6.16 Exempt development**

- (1) Development specified in the Codes SEPP, Part 2, Division 1, other than the following provisions, is exempt development if carried out on land to which this chapter applies—
  - (a) subdivisions 3AA, 3A, 4, 5, 6, 10B, 15B, 16, 16A, 16B, 16C, 16D, 16E, 17, 17A, 18, 20A, 20C, 21, 21AA, 22, 25A, 30, 33AA, 35, 35A, 39B, 40A and 41,
  - (b) sections 2.20B(3)(b), 2.37(b) and 2.46C(2)(a)–(c).
- (2) The Codes SEPP, sections 2.37(a), (c) and (d), 2.46C(1) and (2)(d) and 2.72C apply to land to which this chapter applies in the same way they apply to land to which those sections apply.
- (3) The temporary use of land is exempt development if—
  - (a) the use is for a maximum period of 182 days, whether or not consecutive days, in any period of 12 months, and
  - (b) the use does not prejudice the subsequent carrying out of development on the land in accordance with this chapter, and
  - (c) the use does not adversely impact any adjoining land or the amenity of Port Kembla, and
  - (d) the use does not adversely impact environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land.
- (4) Subsection (3) does not apply to the use of land for the purposes of bulk liquid storage or the storage of dangerous goods.

#### **6.17 Complying development**

- (1) Development specified in the Codes SEPP, Parts 4A, 5, 5B, 6, 7 and 8, other than the following provisions, is complying development if carried out on land to which this chapter applies—
  - (a) Part 4A, Division 1, Subdivisions 1, 2 and 5,
  - (b) Part 5, Division 1, Subdivision 13,
  - (c) Part 6, Divisions 1, other than sections 6.1(1) and 6.2(a), and 2,
  - (d) Part 8, Division 1, section 8.2(a).
- (2) Development specified in the Codes SEPP, Part 5A, other than the following provisions, is complying development if carried out on land to which this chapter applies and identified as “Part 5A of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 applies” on the Industrial and Business Buildings Code Land Application Map—
  - (a) Division 1, section 5A.2(1)(a), (c), (d), (f)–(h), (j)–(l) and (p),
  - (b) Division 3.
- (3) The Codes SEPP, Parts 5, 5A and 5B apply to land which this chapter applies in same way they apply to land in an industrial zone.



## **Part 6.5 Master plans and other matters**

### **6.18 Master plans**

- (1) The Minister must prepare and approve a master plan that applies to the Port Kembla Land Transformation Precinct.
- (2) The master plan must contain the following information—
  - (a) the strategic vision and general objectives for the Port Kembla Land Transformation Precinct,
  - (b) the objectives and performance criteria for development,
  - (c) information about heritage items or places of heritage significance,
  - (d) limitations on development on certain land, including environmentally sensitive areas, land prone to flooding and cultural heritage areas.
- (3) The master plan may also contain proposals for infrastructure facilities, public utility undertakings, roads and transport.
- (4) The master plan must be consistent with this chapter.
- (5) The Minister may amend or replace a master plan.
- (6) A master plan approved by the Minister must be published on the NSW planning portal and takes effect on the day it is published.

### **6.19 Consideration of master plans and other documents**

Development consent must not be granted to development in the Port Kembla Land Transformation Precinct unless the consent authority has considered—

- (a) the master plan approved by the Minister under section 6.18, or
- (b) if a master plan has not been approved—a draft master plan prepared under section 6.18 that is published on the NSW planning portal.

### **6.20 Consideration of other matters**

In deciding whether to grant development consent to development in the Port Kembla Land Transformation Precinct, the consent authority must consider—

- (a) whether the development will have a significant adverse impact on existing and approved land uses near the development, and
- (b) whether the development is likely to have a significant adverse impact on the current or future operation of the port at Port Kembla or Port Kembla Steelworks.

## **Part 6.6 Additional local provisions**

### **6.21 Flood planning**

- (1) The objectives of this section are as follows—
  - (a) to minimise the flood risk to life and property associated with the use of land,
  - (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,
  - (c) to avoid significant adverse impacts on flood behaviour and the environment.

- (2) Development consent must not be granted to development on land the consent authority considers to be at or below the flood planning level unless the consent authority is satisfied that the development—
  - (a) is compatible with the flood hazard of the land, and
  - (b) will not significantly adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and
  - (c) incorporates appropriate measures to manage risk to life from flood, and
  - (d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
  - (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.
- (3) A word or expression used in this section has the same meaning as it has in the Flood Risk Management Manual unless it is otherwise defined in this section.
- (4) In this section—

***Flood Risk Management Manual*** means the *Flood Risk Management Manual*, ISBN 978-1-923076-17-4, published by the NSW Government in June 2023.

## **6.22 Floodplain risk management**

- (1) The objectives of this section are as follows—
  - (a) to enable evacuation of land subject to flooding in events exceeding the flood planning level in relation to development with particular evacuation or emergency response issues,
  - (b) to protect the operational capacity of emergency response facilities and critical infrastructure during extreme flood events.
- (2) This section applies to land that is—
  - (a) between the flood planning level and the level of a probable maximum flood, and
  - (b) not subject to the discharge of a 1:100 ARI (average recurrent interval) flood event plus 0.5m freeboard.
- (3) Development consent must not be granted to development for the following purposes on land to which this section applies unless the consent authority is satisfied that the development will not, in flood events exceeding the flood planning level, affect the safe occupation of, and evacuation from, the land—
  - (a) educational establishments,
  - (b) emergency services facilities,
  - (c) hazardous industries,
  - (d) hazardous storage establishments,
  - (e) information and education facilities,
  - (f) sewerage systems,
  - (g) water supply systems.
- (4) A word or expression used in this section has the same meaning as it has in the Flood Risk Management Manual unless it is otherwise defined in this section.
- (5) In this section—

*Flood Risk Management Manual* means the *Flood Risk Management Manual*, ISBN 978-1-923076-17-4, published by the NSW Government in June 2023.

## Part 6.7 Miscellaneous provisions

### 6.23 Exceptions to development standards

- (1) The objectives of this section are as follows—
  - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
  - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Development consent may, subject to this section, be granted for development even though the development would contravene a development standard imposed by this or another environmental planning instrument. However, this section does not apply to a development standard that is expressly excluded from the operation of this section.
- (3) Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—
  - (a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and
  - (b) there are sufficient environmental planning grounds to justify the contravention of the development standard.

**Note—** The *Environmental Planning and Assessment Regulation 2021* requires a development application for development that proposes to contravene a development standard to be accompanied by a document setting out the grounds on which the applicant seeks to demonstrate the matters in paragraphs (a) and (b).
- (4) The consent authority must keep a record of its assessment carried out under subsection (3).
- (5) This section does not allow development consent to be granted for development that would contravene any of the following—
  - (a) a development standard for complying development,
  - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* applies or for the land on which such a building is situated,
  - (c) section 6.25.

### 6.24 Controls relating to certain retail premises

- (1) This section applies to development for the purposes of retail premises, other than neighbourhood shops and neighbourhood supermarkets.
- (2) Development consent must not be granted to development to which this section applies unless—
  - (a) the development will result in a retail floor area that is less than 2,000m<sup>2</sup>, and
  - (b) the consent authority has considered the following—

- (i) any relevant retail and business centre strategy adopted by the Council,
- (ii) the cumulative impact of the proposed development and other existing and approved retail and commercial uses within the Port Kembla Land Transformation Precinct,
- (iii) whether the proposed development serves the needs of people in the Port Kembla Land Transformation Precinct.

#### **6.25 Controls relating to miscellaneous permissible uses**

(1) **Neighbourhood shops**

If development for the purposes of neighbourhood shops is permitted under this chapter, the retail floor area must not exceed 100m<sup>2</sup>.

(2) **Neighbourhood supermarkets**

If development for the purposes of neighbourhood supermarkets is permitted under this chapter, the gross floor area must not exceed 1,000m<sup>2</sup>.

#### **6.26 Conversion of fire alarms**

- (1) This section applies to a fire alarm system that can be monitored by Fire and Rescue NSW or by a private service provider.
- (2) The following development may be carried out, but only with development consent—
  - (a) converting a fire alarm system from connection with the alarm monitoring system of Fire and Rescue NSW to connection with the alarm monitoring system of a private service provider,
  - (b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,
  - (c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.
- (3) Development to which subsection (2) applies is complying development if it consists only of—
  - (a) internal alterations to a building, or
  - (b) internal alterations to a building together with the mounting of an antenna, and any support structure, on an external wall or roof of a building so as to occupy a space of not more than 450mm × 100mm × 100mm.
- (4) A complying development certificate for any such complying development is subject to a condition that building work may only be carried out between 7am and 6pm on Monday to Friday and between 7am and 5pm on Saturday, and must not be carried out on a Sunday or a public holiday.
- (5) In this section—  
***private service provider*** means a person or body that has entered into an agreement that is in force with Fire and Rescue NSW to monitor fire alarm systems.

#### **6.27 Heritage conservation**

**Note—** Heritage items are listed and described in Schedule 11. Heritage conservation areas are shown on the Heritage Map as well as being described in Schedule 11.

**(1) Objectives**

The objectives of this section are as follows—

- (a) to conserve the environmental heritage of the Port Kembla Land Transformation Precinct,
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

**(2) Requirement for consent**

Development consent is required for the following—

- (a) demolishing, moving or altering the exterior of one or more of the following, including by making changes to the detail, fabric, finish or appearance of a building—
  - (i) a heritage item,
  - (ii) an Aboriginal object,
  - (iii) a building, work, relic or tree in a heritage conservation area,
- (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 11 in relation to the item,
- (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, the disturbance or excavation will, or is likely to, result in a relic being discovered, exposed, moved, damaged or destroyed,
- (d) disturbing or excavating an Aboriginal place of heritage significance,
- (e) erecting a building on land—
  - (i) on which a heritage item is located or that is in a heritage conservation area, or
  - (ii) on which an Aboriginal object is located or that is in an Aboriginal place of heritage significance,
- (f) subdividing land—
  - (i) on which a heritage item is located or that is within a heritage conservation area, or
  - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

**(3) When consent not required**

Subsection (2) does not apply if—

- (a) the applicant has notified the consent authority of the development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied the development—
  - (i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance, archaeological site or building, work, relic, tree or place in the heritage conservation area, and
  - (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance, archaeological site or heritage conservation area, or

- (b) the development is in a cemetery or burial ground and the proposed development—
    - (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and
    - (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods or an Aboriginal place of heritage significance, or
  - (c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or
  - (d) the development is exempt development.
- (4) **Effect of proposed development on heritage significance**

The consent authority must, before granting development consent under this section for development involving a heritage item or heritage conservation area, and regardless of whether a heritage management document is prepared under subsection (5) or a heritage conservation management plan is submitted under subsection (6), consider the effect of the development on the heritage significance of the item or area.
- (5) **Heritage assessment**

The consent authority may, before granting consent to development on the following land, require a heritage management document to be prepared to assess the extent to which the carrying out of the development would affect the heritage significance of a heritage item or a heritage conservation area—

  - (a) land on which a heritage item is located,
  - (b) land that is within a heritage conservation area,
  - (c) land near land referred to in paragraph (a) or (b).
- (6) **Heritage conservation management plans**

After considering the heritage significance of a heritage item and the extent of change proposed to it, the consent authority may require the submission of a heritage conservation management plan before granting development consent under this section.
- (7) **Archaeological sites**

The consent authority must, before granting development consent under this section to the carrying out of development on an archaeological site other than land listed on the State Heritage Register or to which an interim heritage order under the *Heritage Act 1977* applies—

  - (a) notify the Heritage Council of its intention to grant consent, and
  - (b) if the Heritage Council provides a response within 28 days after the notice is sent—take the response into consideration.
- (8) **Aboriginal places of heritage significance**

The consent authority must, before granting development consent under this section to the carrying out of development in an Aboriginal place of heritage significance—

  - (a) consider the effect of the development on the heritage significance of the place, and any Aboriginal object known to be, or reasonably likely to be, located at the place, by an adequate investigation and assessment, which may involve consideration of a heritage impact statement, and

- (b) notify local Aboriginal communities, in writing or another appropriate manner, about the application and, if a community provides a response within 28 days after the notice is sent, take the response into consideration.

(9) **Demolition of nominated State heritage items**

The consent authority must, before granting development consent under this section for the demolition of a nominated State heritage item—

- (a) notify the Heritage Council about the application, and
- (b) if the Heritage Council provides a response within 28 days after the notice is sent—take the response into consideration.

(10) **Conservation incentives**

The consent authority may grant development consent to development involving a building that is a heritage item, or development on the land on which the building is erected or on an Aboriginal place of heritage significance, even though the development would otherwise not be allowed by this chapter, if the consent authority is satisfied that—

- (a) conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of development consent, and
- (b) the development is in accordance with a heritage management document that has been approved by the consent authority, and
- (c) consent to the development will require all necessary conservation work identified in the heritage management document to be carried out, and
- (d) the development will not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and
- (e) the development will not have any significant adverse effect on the amenity of the surrounding area.

(11) In this section—

***heritage conservation area*** means an area of land of heritage significance—

- (a) shown on the Heritage Map as a heritage conservation area, and
- (b) the location and nature of which is described in Schedule 11, and includes any heritage items situated on or within that area.

***heritage item*** means a building, work, place, relic, tree, object or archaeological site the location and nature of which is described in Schedule 11.

**Note—** An inventory of heritage items is also available at the office of the Council.

**6.28 Bush fire hazard reduction**

Bush fire hazard reduction work authorised by the *Rural Fires Act 1997* may be carried out on any land without development consent.

**Note—** The *Rural Fires Act 1997* also provides for the carrying out of development on bush fire prone land.

**6.29 Use of existing buildings of the Crown**

This chapter does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

**[2] Schedule 11**  
Insert after Schedule 10—

**Schedule 11 Environmental heritage—Chapter 6**  
(section 6.27)

**Part 1 Heritage items**

Suburb	Item name	Address	Property description	Significance
Port Kembla	Commonwealth Rolling Mill Plant and Gardens	Old Port Road	Part of Lots 2 and 3, DP 190251, identified as “1” on the Heritage Map	Local



## **Schedule 3      Amendment of State Environmental Planning Policy (Transport and Infrastructure) 2021**

**[1]    Section 5.9 Savings**

Insert after section 5.9(3)—

- (4) A development application lodged, but not finally determined, before the commencement of *State Environmental Planning Policy (Precincts—Regional) Amendment (Port Kembla Land Transformation Precinct) 2025* must be determined as if that policy had not commenced.

**[2]    Section 5.21 Additional permitted uses**

Omit section 5.21(3).

**[3]    Section 5.31 Heritage conservation**

Omit the matter relating to “Commonwealth Rolling Mill Plant and Gardens” from the table to the section.