



New South Wales

State Environmental Planning Policy (Major Projects) Amendment (Three Ports) 2009

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* in accordance with the recommendation made by the Minister for Planning. (S08/01783/PC-1)

KRISTINA KENEALLY, MP
Minister for Planning

State Environmental Planning Policy (Major Projects) Amendment (Three Ports) 2009

under the

Environmental Planning and Assessment Act 1979

1 Name of Policy

This Policy is *State Environmental Planning Policy (Major Projects) Amendment (Three Ports) 2009*.

2 Commencement

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

3 Aims of Policy

The aims of this Policy are:

- (a) to identify the land to which this Policy applies as a State significant site under *State Environmental Planning Policy (Major Projects) 2005*, and
- (b) to establish appropriate zoning and other development controls for that land, and
- (c) to provide for appropriate development on that land to promote the social and economic welfare of the community and a better environment.

4 Land to which Policy applies

This Policy applies to the land identified on the following maps held in the head office of the Department:

- (a) the State Environmental Planning Policy (Major Projects) Amendment (Three Ports) 2009 Newcastle Port Site Land Application Map,
- (b) the State Environmental Planning Policy (Major Projects) Amendment (Three Ports) 2009 Port Botany Site Land Application Map,
- (c) the State Environmental Planning Policy (Major Projects) Amendment (Three Ports) 2009 Port Kembla Site Land Application Map.

5 Repeal of Policy

- (1) This Policy is repealed on the day following the day on which all of the provisions of this Policy have commenced.
- (2) The repeal of this Policy does not, because of the operation of sections 5 (6) and 30 of the *Interpretation Act 1987*, affect any amendment made by this Policy.

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Schedule 1 Amendment of State Environmental Planning Policy (Major Projects) 2005

Schedule 1 Amendment of State Environmental Planning Policy (Major Projects) 2005

[1] Schedule 1 Part 3A projects—classes of development

Insert “port facilities,” after “Development for the purpose of” in clause 22.

[2] Schedule 1, clause 22

Insert at the end of the clause:

(2) In this clause:

port facilities includes any of the following facilities at or in the vicinity of a designated port within the meaning of section 47 of the *Ports and Maritime Administration Act 1995*:

- (a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,
- (b) facilities for the loading or unloading of freight onto or from vessels and associated receipt, land transport and storage facilities,
- (c) wharves for commercial fishing operations,
- (d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,
- (e) sea walls or training walls,
- (f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.

[3] Schedule 2 Part 3A projects—specified sites

Omit clause 7 (1).

[4] Schedule 2, Map 5

Omit the map.

[5] Schedule 3 State significant sites

Insert in appropriate order with appropriate Part numbering:

Part Three Ports Site**Division 1 Preliminary****1 Land to which this Part applies**

This Part applies to the land identified on the Land Application Map and referred to in this Part as the *Three Ports Site*.

2 Interpretation

(1) In this Part:

Additional Permitted Uses Map means:

- (a) the State Environmental Planning Policy (Major Projects) Amendment (Three Ports) 2009 Newcastle Port Site Additional Permitted Uses Map, and
- (b) the State Environmental Planning Policy (Major Projects) Amendment (Three Ports) 2009 Port Botany Site Additional Permitted Uses Map.

high technology industry means:

- (a) an industry that has as its primary functions the manufacture, development, production, processing or assembly of, or research into, any of the following:
 - (i) electronic or micro-electronic systems, goods or components,
 - (ii) information technology, computer software or hardware,
 - (iii) instrumentation or instruments,
 - (iv) biological, pharmaceutical, medical or paramedical systems, goods or components,
 - (v) multi-media, production of films and television, including any post production communications, telecommunications systems, goods or components,
 - (vi) telecommunications systems, goods or components,
 - (vii) sustainable energy technologies,
 - (viii) other goods, systems or components intended for use in science or technology, and

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- (b) any office or business premises related to or used for professional services in the applied sciences (including surveying and engineering and the like) or for logistics, but does not include an industry that presents a hazard or potential hazard to the neighbourhood or by reason of the scale and nature of its manufacturing, development, production, processing or assembly, interferes with the amenity of the neighbourhood.

Land Application Map means:

- (a) the State Environmental Planning Policy (Major Projects) Amendment (Three Ports) 2009 Newcastle Port Site Land Application Map, and
- (b) the State Environmental Planning Policy (Major Projects) Amendment (Three Ports) 2009 Port Botany Site Land Application Map, and
- (c) the State Environmental Planning Policy (Major Projects) Amendment (Three Ports) 2009 Port Kembla Site Land Application Map.

Land Zoning Map means:

- (a) the State Environmental Planning Policy (Major Projects) Amendment (Three Ports) 2009 Newcastle Port Site Land Zoning Map, and
- (b) the State Environmental Planning Policy (Major Projects) Amendment (Three Ports) 2009 Port Botany Site Land Zoning Map, and
- (c) the State Environmental Planning Policy (Major Projects) Amendment (Three Ports) 2009 Port Kembla Site Land Zoning Map.

port facilities includes any of the following facilities at or in the vicinity of a designated port within the meaning of section 47 of the *Ports and Maritime Administration Act 1995*:

- (a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,
- (b) facilities for the loading or unloading of freight onto or from vessels and associated receipt, land transport and storage facilities,
- (c) wharves for commercial fishing operations,
- (d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,

- (e) sea walls or training walls,
- (f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.

relevant council, in relation to land, means the council of the local government area in which the land is situated.

- (2) A word or expression used in this Part has the same meaning as it has in the standard instrument prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006* unless it is otherwise defined in this Part.

3 Maps

- (1) A reference in this Part to a named map adopted by this Part 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 Minister when the instruments are made.
- (2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this Part to any such named map is a reference to the relevant part or aspect of the single map.
- (3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister.
- (4) For the purposes of this Part, a map may be in, and may be kept and made available in, electronic or paper form, or both.

4 Relationship with other environmental planning instruments

The only environmental planning instruments that apply, according to their terms, to land within the Three Ports Site are this Policy and all other State Environmental Planning Policies, other than *State Environmental Planning Policy No 1—Development Standards*.

5 Consent authority

The consent authority for development that requires development consent on land within the Three Ports Site, other than development that is a project to which Part 3A of the Act applies, is the relevant council.

Division 2 Provisions relating to development in the Three Ports Site

6 Application of Division

- (1) This Division applies to development on land within the Three Ports Site, except as provided by subclause (2).
- (2) Clauses 8–12, 14, 15, 17, 18, 20 and 21 do not apply to development to the extent the development is a project to which Part 3A of the Act applies.

Note 1. For relevant development to which Part 3A applies see clause 22 of Schedule 1.

Note 2. Also, see clause 10A and Schedule 7 for development within the Three Ports Site that does not require consent.

7 Land use zones

For the purposes of this Part, land within the Three Ports Site is in one of the following zones if the land is shown on the Land Zoning Map as being in that zone:

- (a) Zone IN1 General Industrial,
- (b) Zone IN3 Heavy Industrial,
- (c) Zone SP1 Special Activities,
- (d) Zone RE1 Public Recreation.

8 Objectives of land use zones to be taken into account

The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

9 Zone IN1 General Industrial

- (1) The objectives of Zone IN1 General Industrial are as follows:
 - (a) to provide a wide range of industrial and warehouse land uses,
 - (b) to encourage employment opportunities,
 - (c) to minimise any adverse effect of industry on other land uses,
 - (d) to facilitate and encourage port related industries that will contribute to the growth and diversification of trade through the port,

- (e) to enable development for the purposes of retailing or commercial offices only where it is associated with, and ancillary to, port related activities or ancillary to industrial use of the same land,
 - (f) to encourage ecologically sustainable development.
- (2) Development for any of the following purposes is permitted without development consent on land within Zone IN1 General Industrial:
- environmental protection works.
- (3) Development for any of the following purposes is permitted only with development consent on land within Zone IN1 General Industrial:
- boat repair facilities; business premises (port related); depots; food and drink premises; freight transport facilities; high technology industries; jetties; light industries; neighbourhood shops; office premises (port related); resource recovery facilities; roads; signage; truck depots; vehicle body repair workshops; vehicle repair stations; warehouse or distribution centres; waste or resource management facilities.
- (4) Except as otherwise provided by this Part, development is prohibited on land within Zone IN1 General Industrial unless it is permitted by subclause (2) or (3).

10 Zone IN3 Heavy Industrial

- (1) The objectives of Zone IN3 Heavy Industrial are as follows:
- (a) to provide suitable areas for those industries that need to be separated from other land uses,
 - (b) to encourage employment opportunities,
 - (c) to minimise any adverse effect of heavy industries on other land uses,
 - (d) to provide transport infrastructure and intermodal facilities,
 - (e) to allow some diversity of activities that will not significantly detract from the operation of existing or proposed industries.
- (2) Development for any of the following purposes is permitted without development consent on land within Zone IN3 Heavy Industrial:
- environmental protection works.

- (3) Development for any of the following purposes is permitted only with development consent on land within Zone IN3 Heavy Industrial:
depots; food and drink premises; freight transport facilities; heavy industries; port facilities; roads; transport depots; warehouse or distribution centres; waste or resource management facilities.
- (4) Except as otherwise provided by this Part, development is prohibited on land within Zone IN3 Heavy Industrial unless it is permitted by subclause (2) or (3).

11 Zone SP1 Special Activities

- (1) The objectives of Zone SP1 Special Activities are as follows:
 - (a) to provide for special land uses that are not provided for in other zones,
 - (b) to provide for sites with special natural characteristics that are not provided for in other zones,
 - (c) to facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land,
 - (d) to maximise the use of waterfront areas to accommodate port facilities and industrial, maritime industrial and bulk storage premises that benefit from being located close to port facilities,
 - (e) to enable the efficient movement and operation of commercial shipping, and to provide for the efficient handling and distribution of freight from port areas through the provision of transport infrastructure,
 - (f) to facilitate development that by its nature or scale requires separation from residential areas and other sensitive land uses,
 - (g) to encourage employment opportunities.
- (2) Development for any of the following purposes is permitted without development consent on land within Zone SP1 Special Activities:
community facilities; environmental facilities; environmental protection works.

- (3) Development for any of the following purposes is permitted only with development consent on land within Zone SP1 Special Activities:
- boat launching ramps; depots; food and drink premises; freight transport facilities; heavy industries; navigation and emergency response facilities; port facilities; roads; transport depots; warehouse or distribution centres.
- (4) Except as otherwise provided by this Part, development is prohibited on land within Zone SP1 Special Activities unless it is permitted by subclause (2) or (3).

12 Zone RE1 Public Recreation

- (1) The objectives of Zone RE1 Public Recreation are as follows:
- (a) to enable land to be used for public open space or recreational purposes,
 - (b) to provide a range of recreational settings and activities and compatible land uses,
 - (c) to protect and enhance the natural environment for recreational purposes.
- (2) Development for any of the following purposes is permitted without development consent on land within Zone RE1 Public Recreation:
- environmental protection works.
- (3) Development for any of the following purposes is permitted only with development consent on land within Zone RE1 Public Recreation:
- boat launching ramps; car parks; community facilities; environmental facilities; kiosks; recreation areas; roads.
- (4) Except as otherwise provided by this Part, development is prohibited on land within Zone RE1 Public Recreation unless it is permitted by subclause (2) or (3).

13 Prohibited development

Development, other than development that is permitted with or without development consent on land within a zone, is prohibited on land within that zone.

14 Exempt and complying development

- (1) Development on land within the Three Ports Site that would satisfy the requirements for exempt development under an environmental planning instrument that would, but for clause 4, apply to the land is exempt development.
- (2) Development on land within the Three Ports Site that would satisfy the requirements for complying development under an environmental planning instrument that would, but for clause 4, apply to the land is complying development.

15 Subdivision—consent requirements

- (1) Land within the Three Ports Site may be subdivided, but only with development consent.
- (2) However, development consent is not required for a subdivision for the purpose only of any one or more of the following:
 - (a) widening a public road,
 - (b) a minor realignment of boundaries that does not create additional lots or the opportunity for additional dwellings,
 - (c) a consolidation of lots that does not create additional lots or the opportunity for additional dwellings,
 - (d) rectifying an encroachment on a lot,
 - (e) creating a public reserve,
 - (f) excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes, rural fire brigade or other emergency service purposes or public toilets.
- (3) Development consent must not be granted for the subdivision of land that comprises, or on which there is, an item that is listed on the State Heritage Register under the *Heritage Act 1977* or that is subject to an interim heritage order under that Act.

16 Exceptions to development standards—Part 3A projects

- (1) A development standard imposed by this or any other environmental planning instrument on development that is part of a project to which Part 3A of the Act applies, and is on land within the Three Ports Site, does not apply to that development if the Director-General is satisfied, and issues a certificate to the effect, that:
 - (a) compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

- (b) there are sufficient environmental planning grounds to justify exempting the development from that development standard.
- (2) In deciding whether to issue a certificate, the Director-General must consider:
 - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
 - (b) the public benefit of maintaining the development standard, and
 - (c) any other matters required to be taken into consideration by the Director-General.

17 Exceptions to development standards—other development

- (1) This clause applies to development on land within the Three Ports Site, other than development that is part of a project to which Part 3A of the Act applies.
- (2) The objectives of this clause are:
 - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and
 - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (3) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
- (4) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
 - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.

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- (5) Development consent must not be granted for development that contravenes a development standard unless:
 - (a) the consent authority is satisfied that:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (4), and
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
 - (b) the concurrence of the Director-General has been obtained.
- (6) In deciding whether to grant concurrence, the Director-General must consider:
 - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
 - (b) the public benefit of maintaining the development standard, and
 - (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.
- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (4).
- (8) This clause does not allow 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.

18 Infrastructure development and use of existing buildings of the Crown

- (1) This Part does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development that is permitted to be carried out with or without development consent

or that is exempt development under the *State Environmental Planning Policy (Infrastructure) 2007*.

- (2) This Part does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

19 Suspension of covenants, agreements and instruments

- (1) For the purpose of enabling development on land within the Three Ports Site to be carried out in accordance with this Part or with a development consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.
- (2) This clause does not apply:
- (a) to a covenant imposed by the relevant council or that the relevant council requires to be imposed, or
 - (b) to any prescribed instrument within the meaning of section 183A of the *Crown Lands Act 1989*, or
 - (c) to any conservation agreement within the meaning of the *National Parks and Wildlife Act 1974*, or
 - (d) to any Trust agreement within the meaning of the *Nature Conservation Trust Act 2001*, or
 - (e) to any property vegetation plan within the meaning of the *Native Vegetation Act 2003*, or
 - (f) to any biobanking agreement within the meaning of Part 7A of the *Threatened Species Conservation Act 1995*, or
 - (g) to any planning agreement within the meaning of Division 6 of Part 4 of the Act.
- (3) This clause does not affect the rights or interests of any public authority under any instrument.
- (4) Under section 28 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).

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20 Additional permitted uses for particular land

- (1) The following development may be carried out with consent on the land that is shown hatched on the State Environmental Planning Policy (Major Projects) Amendment (Three Ports) 2009 Newcastle Port Site Additional Permitted Uses Map:
development permitted with consent in Zone IN1 General Industrial.
- (2) The following development may be carried out with consent on the land that is shown hatched on the State Environmental Planning Policy (Major Projects) Amendment (Three Ports) 2009 Port Botany Site Additional Permitted Uses Map:
business premises; office premises.
- (3) This clause has effect despite any other provision of this Part.

21 Heritage conservation

(1) Requirement for consent

Development consent is required for any of the following:

- (a) demolishing or moving a heritage item,
- (b) altering a heritage item that is a building by making structural changes to its interior,
- (c) erecting a building on land on which a heritage item is located.

(2) When consent not required

However, consent under this clause is not required if:

- (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:
 - (i) is of a minor nature, or is for the maintenance of the heritage item, and
 - (ii) would not adversely affect the significance of the heritage item, or
- (b) 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
- (c) the development is exempt development.

(3) **Effect on heritage significance**

The consent authority must, before granting consent under this clause, consider the effect of the proposed development on the heritage significance of the heritage item concerned. This subclause applies regardless of whether a heritage impact statement is prepared under subclause (4) or a heritage conservation management plan is submitted under subclause (5).

(4) **Heritage impact assessment**

The consent authority may, before granting consent to any development on land:

(a) on which a heritage item is situated, or

(b) within the vicinity of land referred to in paragraph (a),

require a heritage impact statement to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item concerned.

(5) **Heritage conservation management plans**

The consent authority may require, after considering the significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

(6) **Conservation incentives**

The consent authority may grant consent to development for any purpose of a building that is a heritage item, or of the land on which such a building is erected, even though development for that purpose would otherwise not be allowed by this Part, if the consent authority is satisfied that:

(a) the conservation of the heritage item is facilitated by the granting of consent, and

(b) the proposed development is in accordance with a heritage conservation management plan that has been approved by the consent authority, and

(c) the consent to the proposed development would require that all necessary conservation work identified in the heritage conservation management plan is carried out, and

(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, and

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(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

(7) In this clause:

heritage item means a building, work, tree or place listed in the Table to this clause.

Heritage items

Suburb	Item name	Address	Property description
Newcastle LGA			
Carrington	Hydraulic Power Station	106 Bourke Street	Lot 3, DP 834572
Carrington	Earp Woodcock Beveridge & Co (Industrial Site)	8 Cowper Street South	Lot 100, DP 1014244
Carrington	Bullock Island Crane Bases	38 Robertson Street	Lot 5, DP 1104199
Carrington	Former McMyler Hoist	61 Robertson Street	Lot 102, DP 1104195
Kooragang	Palm	Greenleaf Road	Lot 1, DP 575674
Mayfield North	Administration Building (BHP)	51 Industrial Drive	Lot 224, DP 1013964
Mayfield North	Cycle Sheds and No 2 Rod Mill (demolished)	51 Industrial Drive	Lot 2, DP 1032755
Mayfield North	Apprentice Training Centre	141 Ingall Street	Lot 2, DP 1032755
Mayfield North	Tool Room	99 Selwyn Street	Lot 31, DP 1116571
Mayfield North	Quality Control Laboratory	99 Selwyn Street	Lot 33, DP 1116571
Mayfield North	Master Mechanics Office	99 Selwyn Street	Lot 33, DP 1116571
Mayfield North	Pattern Store	99 Selwyn Street	Lot 33, DP 1116571

Suburb	Item name	Address	Property description
Mayfield North	AC Saltwater Pumphouse (demolished)	99 Selwyn Street	Lot 33, DP 1116571
Mayfield North	BHP Administration Building	99 Selwyn Street	Lot 33, DP 1116571
Mayfield North	Original Timber Wharves	99 Selwyn Street	Lot 6, DP 1104199
Mayfield North	Delprat's Quarters	99 Selwyn Street	Lot 32, DP 1116571
Mayfield West	Remnant Garden	50 McIntosh Drive	Lot 51, DP 270249
Newcastle	Coal River Precinct*	Nobbys Road	Part Lot 105, DP 1104195; Lot 1, DP 401480; Lots 1, 2, 4 and 5, DP 407886; Lot 1, DP 531493; Part Lot 1, Part Lot 2, Lot 10, Part Lot 11 and Part Lot 12, DP 720672; Lots 2613, 2857 and 2953, DP 755247; Lots 1 and 2, DP 817695
Newcastle East	Stone Boat Harbour	48 Wharf Road	Lot 105, DP 1104195
Stockton	Stockton Boat Harbour	Fullerton Road	Lot 18, DP 262325
Botany Bay LGA			
Banksmeadow	Main Administration Building—“Orica” and Mature Ficus	Corner of Denison and Beauchamp Streets	Lot 11, DP 1039919
Banksmeadow	Pier Hotel	1751 Botany Road	Lot 1, DP 1031248
Banksmeadow	Botany Bay Hotel	1807 Botany Road	Lot A, DP 333268

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Suburb	Item name	Address	Property description
Botany	Canary Island Date Palms (Phoenix canariensis)	23 Byrnes Street	Lot 1, DP 169307
Wollongong LGA			
Port Kembla	Mobile Block Setting Steam Crane	Eastern Breakwater Harbour	Lot 100, DP 1013971
Port Kembla	Garden around Former House and Adjacent Driveway	2 Electrolytic Street (Gloucester Boulevard)	Lot 51, DP 1002696
Port Kembla	Brick Chimney, Port Kembla Copper	Military Road	Lot 21, DP 546139
Port Kembla	Office and House, Port Kembla Copper	Military Road	Lot 21, DP 546139
Port Kembla	Commonwealth Rolling Mill Plant and Gardens	Old Port Road	Lot 1, DP 190251

Note. Heritage items marked with an asterisk (*) are listed on the State Heritage Register under the *Heritage Act 1977*. Separate approvals may be required for these items under that Act.

[6] Schedule 6 Minister consent authority for Part 4 development

Omit clause 4 (1).

[7] Schedule 7 Development that does not require consent under Part 4

Omit clause 1 (a).

[8] Schedule 7

Insert after clause 1:

2 Three Ports Site development

- (1) Development for community facilities, environmental facilities, environmental protection works and port facilities on land owned or managed by a public authority within the Three Ports Site, being development with a capital investment value of not more

than \$30 million, whether or not the development is carried out by a public authority.

(2) In this clause:

port facilities includes any of the following facilities at or in the vicinity of a designated port within the meaning of section 47 of the *Ports and Maritime Administration Act 1995*:

- (a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,
- (b) facilities for the loading or unloading of freight onto or from vessels and associated receipt, land transport and storage facilities,
- (c) wharves for commercial fishing operations,
- (d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,
- (e) sea walls or training walls,
- (f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.

Three Ports Site means the land identified in Schedule 3 on the following maps:

- (a) the State Environmental Planning Policy (Major Projects) Amendment (Three Ports) 2009 Newcastle Port Site Land Application Map,
- (b) the State Environmental Planning Policy (Major Projects) Amendment (Three Ports) 2009 Port Botany Site Land Application Map,
- (c) the State Environmental Planning Policy (Major Projects) Amendment (Three Ports) 2009 Port Kembla Site Land Application Map.