

# Modification 5 of Port Kembla Outer Harbour Reconfiguration

State Significant Infrastructure Modification Assessment Report (MP08\_0249-Mod-5)

May 2026





# Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Modification 5 of Port Kembla Outer Harbour Reconfiguration MP08\_0249-  
Mod-5 Assessment Report

Published: May 2026

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# Preface

This assessment report provides a record of the Department of Planning, Housing and Infrastructure's (the Department) assessment and evaluation of Modification 5 of the State significant infrastructure (SSI) application for the Port Kembla Outer Harbour Reconfiguration located at Port Kembla Precinct (Modification 5) lodged by Port Kembla Operations Pty Ltd as trustee for Port Kembla Unit Trust. The report includes:

- an assessment of the modification against government policy and statutory requirements, including mandatory considerations
- a demonstration of how matters raised by the community and other stakeholders have been considered
- an explanation of any changes made to the modification during the assessment process
- an assessment of the likely environmental, social and economic impacts of the modification
- an evaluation which weighs up the likely impacts and benefits of the modification, having regard to the proposed mitigations, offsets, community views and expert advice; and provides a view on whether the impacts are on balance, acceptable
- an opinion on whether the modification is approvable or not, along with the reasons, to assist the Independent Planning Commission in making an informed decision about whether the approval for the project can be modified and any conditions that should be imposed.

# Executive Summary

This report details the Department's assessment of Modification 5 of the State significant infrastructure application MP08\_0249. This report will be provided to the Independent Planning Commission (IPC) as the delegate of the Minister for Planning and Public Spaces (the Minister) for determination of the modification.

## Modification

Port Kembla Operations Pty Ltd as trustee for Port Kembla Unit Trust (the Proponent) proposes to modify the approval for the SSI- MP08\_0249 which involves dredging and reclamation of land of the Outer Harbour and develop additional portside and landside facilities in the Outer Harbour of Port Kembla to attract new trades and increase the volume of existing cargoes. The project is located at Port Kembla in the Wollongong local government area.

The modification seeks to:

- **amend the Concept Plan approval** to reflect the revised concept, including revised berthing facilities and uses, and
- **amend the Stage 1 approval** for the revised scope of work which comprises demolition of jetties and tug boat mooring; dredging and land reclamation; and construction of berth structures, civil works (including utility services), and drainage upgrades.

## Statutory context

On 3 March 2011, the then Minister for Planning approved the Port Kembla outer harbour reconfiguration (MP08\_0249) under part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The development comprised a Concept Plan approval for the staged development of the Port Kembla Outer Harbour and project approval for Stage 1 of the development.

On 19 October 2020, the Concept Approval was transitioned to State significant infrastructure. The Project Approval was also transitioned to SSI on 21 June 2024.

The proponent submitted a request on 3 October 2025 to modify the concept and project approvals for a reconfigured port, berthing facilities and staging of the development to provide flexibility to accommodate a broader range of port uses, including storing offshore wind infrastructure, enhancing navigation access for larger vessels and relocating rail infrastructure to support the expanded facility.

The Department is satisfied that the proposed modification is within the scope of section 5.25 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and does not constitute a new infrastructure application.

## Engagement

The modification application was exhibited between 15 October and 28 November 2025. No submissions were received.

The Environment Protection Authority, Transport for NSW, Department of Climate Change, Energy, the Environment and Water - Conservation Programs, Heritage and Regulation, Port Authority of NSW, Department of Primary Industries and Regional Development – Fisheries division provided advice regarding the change in impacts and potential amendments to approval conditions.

Wollongong City Council had no comment on the modification.

The proponent submitted a response to submissions report on 18 December 2025 to address the issues raised in the agency advice.

## Assessment

The modified Stage 1 project retains the environmental impacts of the approved concept and project, with several reduced or better aligned with contemporary regulatory practice due to changes in footprint, staging and configuration. The Department considers most environmental impacts associated with the modification remain consistent with those previously assessed, and that existing conditions are generally fit to manage residual impacts.

The modification consolidates all dredging and land reclamation into Stage 1, reducing or removing some impacts previously distributed across later stages. As operational elements are excluded from the modification and subject to future assessment, construction-related impacts remain the primary focus. Updates to conditions are recommended to reflect current legislative standards, agency structures, monitoring practices and terminology, without imposing additional burden on the project.

Key findings of the Department's assessment are:

- updating the approval to reflect current approaches - administrative updates are proposed to align the approval framework with contemporary regulatory systems and guidance. These include updated compliance reporting, auditing, terminology, legislative references, agency names, and requirements to maintain the site pending future development. These changes are intended to regularise the approval conditions, remove obsolete provisions, and ensure requirements remain relevant.

- deleting and moving conditions to reflect the updated project and staging - rescoping of Stage 1 activities to only cover dredging and reclamation means conditions linked to future operational activities or later development stages are no longer relevant. Aquatic habitat management requirements are transferred into the Stage 1 approval where impacts would now occur. Community engagement obligations for the overall redevelopment are retained at the concept level; project-specific complaint handling to be regulated under individual approvals
- biodiversity offsets and Green and Golden Bell Frog (GGBF) provisions - requests to delete habitat offset and GGBF conditions are not supported. Evidence has not been provided to demonstrate offsets have been fully satisfied, or that the frog or its habitat is absent from the broader project area. Retaining these conditions is considered necessary to inform future assessments and to address previously identified habitat near rail infrastructure
- contamination - the modified dredging footprint remains largely consistent with the approved project, and existing contamination investigation and management conditions remain appropriate. The Department recommends pre-dredging reporting consider potential impacts to the integrity of the cell emplacement structure, proposed redesign and construction
- noise and vibration - there would be no material increase in noise or vibration impacts, with sensitive receivers remaining distant and construction activities consistent with the approved project. Proposed changes to conditions include clarification that dredging is permitted 24/7 subject to implementation of mitigation and management
- aquatic biodiversity - overall impacts to aquatic species are unlikely to change, compared to the approved project, and no seagrass habitat is affected. Although some macroalgal habitat removal increases, the reduced footprint results in reduced overall benthic habitat loss, with impacts expected to be localised, temporary, and recover through natural recolonisation
- heritage - no additional heritage impacts are anticipated beyond those previously approved. Existing conditions for unexpected finds are sufficient, with archival recording recommended for jetty no. 6
- stormwater drainage infrastructure - extension and relocation of existing stormwater outlets are required due to the reconfigured port layout but are not expected to materially affect surface water quality or drainage volumes. Updated conditions are recommended to reflect current water quality protection standards and modified drainage design
- traffic and transport - concept (operational traffic). No change is proposed to the approved operational traffic envelope, but infrastructure upgrades and impacts are now proposed in future stages. Operational traffic conditions for Stage 1 are no longer required. Although rail

upgrades are deferred, the constrained rail network remains an issue, warranting retention of the Rail Master Plan requirement to inform future staged development.

## Conclusion

Overall, the Department's assessment concludes that:

- the impacts of the modified project remain largely within the impact envelope set for the approved concept and project
- operational elements where they do not apply to the broader concept are subject to assessment in future applications to develop the reconfigured harbour. It is recommended that conditions relating to these matters be deleted
- minor amendments to contemporise some conditions are recommended
- the modified project would provide greater flexibility of use, including to support offshore wind development.

The Department considers the modified project is in the public interest and concludes that the approval may be modified subject to conditions.

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# 1 Introduction

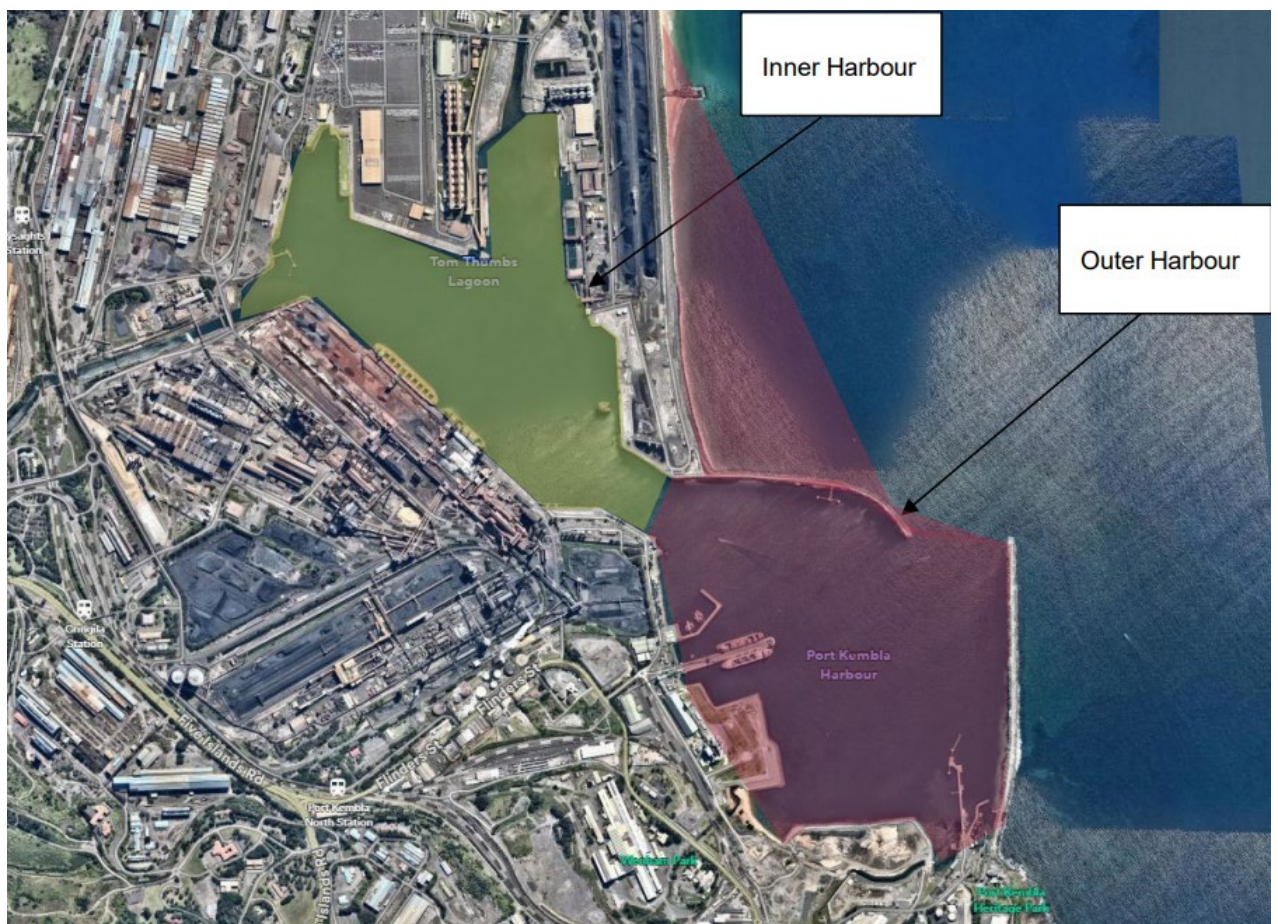
1. On 3 March 2011, Port Kembla Operations Pty Ltd as trustee for Port Kembla Unit Trust (the proponent) was granted approval for major project (MP08\_0249) Port Kembla outer harbour reconfiguration by the then Minister for Planning under the now repealed sections 75J and 75O of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The development comprised a Concept Plan approval for the staged development of the Port Kembla Outer Harbour and project approval for Stage 1 of the development.
2. This modification application (MP08\_02499 MOD5) (the modification) seeks approval to reconfigure the approved reclaimed port layout. The revised layout would provide flexibility to accommodate a broader range of port uses, including storing offshore wind infrastructure, enhancing navigation access for larger vessels and relocating rail infrastructure to support the expanded facility.
3. The proposed modification involves the following:
  - **amending the Concept Plan approval** to reflect the revised concept, including revised berthing facilities and uses and revised staging, and
  - **amending the Stage 1 approval** for the revised scope of work which is now limited to demolition of jetties and tug boat mooring; dredging and land reclamation; and construction of berth structures, civil works (including utility services), and drainage upgrades.
4. These proposed changes reflect the evolution in State and regional planning priorities since the original approval, ensuring Port Kembla can continue to meet NSW's economic, freight, and energy transition needs over the coming decades.
5. The modification does not introduce new public domain elements or alter existing public access arrangements. An overview of the proposed development as amended is provided in **Section 2**.

## 1.1 Project location

6. The subject site is in Port Kembla Outer Harbour in the Wollongong local government area, three kilometres (km) south of the Wollongong central business district (CBD), and 80 km south of Sydney CBD.
7. Commercial and industrial operations are adjacent to the Outer Harbour including Brick and Block (manufacturing masonry products), Morgan Cement, NSW Ports (formally known as Port Kembla Port Corporation headquarters), NSW Ports Training and Conference Centre,

BlueScope Steel, Orica and BHP Billiton, motor vehicle and machinery imports, bulk liquid and gas imports. Other land uses in proximity are:

- commercial and residential properties at Port Kembla village to the south and south west of the Outer Harbour. The nearest properties are along Wentworth Road; and
  - a network of arterial roads including Five Island Road and Masters Road, which connect with the Southern Freeway and Princes Highway.
8. Port Kembla was first established in approximately 1898 and progressively expanded by the development of the Inner Harbour in the 1950s. The Port Kembla Outer Harbour is an enclosed body of water protected by the natural foreshore and a series of breakwaters as shown in **Figure 1**.



**Figure 1 | Port Kembla Inner and Outer Harbour (Source: Scoping Report 2024)**

## 1.2 Modification background

9. The ongoing expansion and diversification of the Port is proposed to be more responsive to changing trade profiles, to operate more efficiently, and retain the flexibility to operate a container terminal once Port Botany reaches capacity.

10. The modification is also needed to accommodate opportunities in emerging industries, particularly offshore wind which require large areas for the assembly, staging, and storage of turbine components. The existing approved layout cannot adequately support this.
11. In this context, the modification seeks to:
  - reconfigure the approved reclamation layout to provide greater operational flexibility
  - preserve capacity for a future container terminal
  - support infrastructure and logistics requirements for the offshore wind sector and other renewable energy industries
  - improve navigational access and berthing capability for larger vessels and new trade types, and
  - maintain compatibility with existing operations, including steelmaking inputs and vehicle imports.

### 1.3 Related projects and works

12. Some reclamation work has been completed for the approved Stage 1. This has included land formation for the development of the Cement Australia Grinding Mill. The construction and operation of the grinding mill are subject to a separate development consent ([MP10\\_0102](#)).
13. Other adjacent or nearby development includes:
  - Manildra – Port Kembla Bulk Liquid Terminal approved in 2023 with construction due to finish mid 2026
  - Port Kembla Bulk Liquid Terminal (Methanol) – Secretary’s Environmental Assessment Requirements issued August 2025 and
  - Old Port Road Culvert Refurbishment – council development with construction expected to occur in 2026/2027.
14. These locations are shown on **Figure 2**.

#### 1.3.1 Approval history

15. On 3 March 2011, approval was granted by the then Minister for Planning for the development of the outer harbour (MP08\_0249) under the now repealed sections 75J (project approval – Stage 1) and 75O (Concept Plan) of the EP&A Act. The current approved project configuration and Stage 1 project is shown in **Figure 3** and **Figure 4**.



**Figure 2 |** Surrounding development and land uses (Source: modified from Mod Report, 2025)



**Figure 3 |** Approved concept (Source: Scoping Report, 2024)



**Figure 4 | Approved Stage 1 Project (Source: Scoping Report 2024)**

16. The approval has been modified once (Mod 1). Three subsequent modifications were made but withdrawn (Mods 2 to 4 inclusive) (see **Table 1**). Modification 2 was withdrawn before exhibition, while Modifications 3 and 4 proceeded to exhibition. Following lodgement of the Response to Submissions (RtS), both modifications were subsequently withdrawn.

**Table 1 | Summary of modifications**

| Modification           | Description                                                                                                                                                                                                                                                                 | Decision-maker                 | Type                                                     | Date                         |
|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------------|------------------------------|
| <b>MOD 1</b>           | Revise the cap on operational traffic volumes to allow a maximum of 70 vehicle movements per hour for Stage 1 and 121 vehicle movements per hour for the overall Concept Plan (MOD1).                                                                                       | Planning Assessment Commission | 75W Modification (Under Part 3A transitional provisions) | 8 September 2011             |
| <b>MOD 2</b>           | Modify the project to allow for additional construction stockpile capacity                                                                                                                                                                                                  | N/A                            | 75W Modification                                         | Withdrawn<br>17 May 2013     |
| <b>MOD 3 and MOD 4</b> | Modify the project to increase the total volume of bulk cargo from 4.25 million tonnes per annum to 16 million tonnes per annum<br><br>Modify the footprint of the reclamation area and berthing basins and other amendments to the handling and storage of bulk materials. | N/A                            | 75W Modification                                         | Withdrawn<br>7 February 2017 |

17. On 19 October 2020 the Concept Approval transitioned to State Significant Infrastructure (SSI) under Clause 5 of Schedule 2 of the Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017. The project approval transitioned to SSI on 21 June 2024.

## 2 Proposed modification

### 2.1 Modification overview

18. Key aspects of the modification are outlined in **Table 2** against the approved concept and project as well as identifying work which has been completed.

**Table 2** | Key aspects of the modification

| Project element                                            | Original project                                   | Modified project                                                                                                                                                                           | Works Completed                                                            |
|------------------------------------------------------------|----------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|
| <b>Concept</b>                                             |                                                    |                                                                                                                                                                                            |                                                                            |
| <b>Terminal use</b>                                        | Container and multi-purpose terminals              | Increased flexibility for future terminal use including support for offshore wind energy industry                                                                                          | No                                                                         |
| <b>Project footprint (including reclamation footprint)</b> | Refer to <b>Figure 4</b>                           | Refer to <b>Figure 5</b>                                                                                                                                                                   | Dredging in location of cement grinding mill; creation of emplacement cell |
| <b>Dredging area</b>                                       | 26.3 hectares refer to <b>Figure 6</b>             | 33.7 hectares includes area previously identified for reclamation and within the original project footprint and small additional area near the eastern breakwater shown in <b>Figure 6</b> | As above and shown in <b>Figure 6</b>                                      |
| <b>Swing basin</b>                                         | 450 metre minimum                                  | 590 metre minimum                                                                                                                                                                          | No                                                                         |
| <b>Container throughput</b>                                | 1.2 million twenty-foot equivalent (TEU) per annum | No change                                                                                                                                                                                  | No                                                                         |
| <b>Multi purpose terminal capacity</b>                     | 6.25 million tonnes per annum                      | No change                                                                                                                                                                                  | No                                                                         |

| Project element                        | Original project                                                                                                                                                                                                                      | Modified project                                                                                                            | Works Completed                                                                                                                                                                                                                                                 |
|----------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>New and upgraded road links</b>     | Upgrades to Christy Drive, Foreshore Road, Darcy Road, Five Island Road, Flinders Street, Springhill Road and Old Port Road. New access road from Christy Drive to multi-purpose terminals and new road link to North South Link Road | No further road works required see <b>Figure 7</b>                                                                          | Truncated link road from Christy Drive (Arawata Drive) completed under original approval                                                                                                                                                                        |
| <b>New rail infrastructure upgrade</b> | North of five islands road (south yard) and new rail link and siding to container terminals on eastern facility                                                                                                                       | New location for siding near Arawata Drive see <b>Figure 5</b> . Previously approved rail links removed see <b>Figure 7</b> | None                                                                                                                                                                                                                                                            |
| <b>Relocation of tug facility</b>      | Not included in concept                                                                                                                                                                                                               | Relocation of tug facility to north of revised reclamation area (in general location as currently)                          | The tug facility was relocated to north of Port Kembla gateway under separate approval before demolition of jetty no. 3.<br><br>This facility will be demolished and reconstructed in the vicinity due to dredging and reclamation for the reconfigured project |
| <b>Demolition of jetties</b>           | Demolition of No.3, No.4 jetties                                                                                                                                                                                                      | Demolition of jetties 4, 6 and berth 206                                                                                    | Jetty no. 3 demolished                                                                                                                                                                                                                                          |
| <b>Vessel traffic increase</b>         | To 1500 vessels per annum from 100 per annum                                                                                                                                                                                          | No change                                                                                                                   | N/A                                                                                                                                                                                                                                                             |

| Project element          | Original project                                                                                                                   | Modified project                                                                                                                                                                                                                                                                              | Works Completed                                                               |
|--------------------------|------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| Container stacking       | Up to eight containers                                                                                                             | No change                                                                                                                                                                                                                                                                                     | None                                                                          |
| Navigational towers      | N/A                                                                                                                                | Staged relocation consistent with NSW Ports 2063 Master Plan                                                                                                                                                                                                                                  | None                                                                          |
| Staging                  | Stage 2: 2014-2025<br>Stage 3:2026-2037                                                                                            | Stage 1 dredging and reclamation. Civil works. Development of reclaimed areas and rail upgrades are subject to future staging assessment                                                                                                                                                      | Reclamation in location of cement griding facility and spoil emplacement cell |
| Project Stage 1          |                                                                                                                                    |                                                                                                                                                                                                                                                                                               |                                                                               |
| Dredging area and volume | 26.3 hectares refer to <b>Figure 6</b> .<br>5.3 million m <sup>3</sup> dredge material<br>Dredge depth – 15 metres to -16.5 metres | 33.7 hectares includes area previously identified for reclamation and within the original project footprint and small additional area near the eastern breakwater shown in <b>Figure 6</b> .<br><br>Increase to 6.6 million m <sup>3</sup> dredge material.<br><br>No change to dredge depths | As above and shown in <b>Figure 6</b>                                         |
| Rail infrastructure      | Extend siding no. 13; new rail sidings; new rail overbridge                                                                        | To be determined as part of concept approval and construction to occur in later stages, see <b>Figure 7</b>                                                                                                                                                                                   | None                                                                          |

| Project element                                      | Original project                                                                                                                                           | Modified project                                                                                                                                                                                                                                             | Works Completed                                                                                |
|------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|
| <b>Temporary stockpiling/surcharge capacity area</b> | A temporary stockpile/surcharge area south of the multi-purpose terminal capable of storing up to 100,000 m <sup>3</sup> at any one time                   | No change                                                                                                                                                                                                                                                    | Dredging in location of cement grinding mill; creation of emplacement cell see <b>Figure 6</b> |
| <b>Demolition</b>                                    | Jetty 3 and Jetty 4                                                                                                                                        | Jetty 3, Jetty 4, Jetty 6 and Berth 206                                                                                                                                                                                                                      | Jetty 3 demolished                                                                             |
| <b>Tug facility</b>                                  | The tug facility was moved to the north of Port Kembla gateway under separate approval before jetty 3 demolition                                           | Demolish and rebuild in the same general area after reclamation is complete                                                                                                                                                                                  | Relocation of tugboat facility to current location                                             |
| <b>Drainage</b>                                      | Extension of Darcy Road drain through reclamation area to harbour<br><br>Redirection of Salty Creek from foreshore through reclamation area to the harbour | Further extension of Darcy Road drain and redirection of Salty Creek needed<br><br>The amended port configuration would affect stormwater outlet north of the existing tug boat facility that will require extension for existing discharge into the harbour | Interim extension of Darcy Road drain complete                                                 |
| <b>Construction hours</b>                            | Standard construction hours though dredging out of hours permitted where noise objectives can be met.                                                      | Explicitly seeking approval to dredge at all times                                                                                                                                                                                                           | N/A                                                                                            |





**Figure 6 | Comparison between approved project and proposed modified project (Source: Submissions Report, Arup 2025)**



**Figure 7 | Changes in approved project elements (Source: Source: Submissions Report, Arup 2025)**

## 3 Statutory context

### 3.1 Scope of modification and assessment pathway

19. The legal pathway under which modification is sought is described in **Table 3** below.

**Table 3** | Permissibility and assessment pathway

| Consideration                                                                                  | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Public authority for the purposes of Chapter 5 of the Transport and Infrastructure SEPP</b> | <p>NSW Ports (the Proponent) is a ‘public authority’ for the purposes of Chapter 5 of the Transport and Infrastructure SEPP, as it is the Port Operator of Port Kembla.</p> <p>Section 5.2(1) of the Transport and Infrastructure SEPP states that a reference to a ‘public authority’ in Chapter 5 of the Transport and Infrastructure SEPP includes the Port Operator.</p> <p>Additionally, section 5.2(1) of the Transport and Infrastructure SEPP states that in relation to Port Kembla, ‘Port Operator’ effectively has the same meaning as in the <i>Ports and Maritime Administration Act 1995</i>.</p> <p>On 2 May 2013, NSW Ports was declared the port operator of the private port of Port Kembla under section 3(1) of the <i>Ports and Maritime Administration Act 1995</i>. Therefore, NSW Ports is a public authority for the purpose of development activities within the Port Kembla Lease Area under Chapter 5 of the Transport and Infrastructure SEPP.</p> |
| <b>Scope of modification</b>                                                                   | <p>In accordance with section 5.25 of the EP&amp;A Act, a proponent may request the Minister to modify the approval for State significant infrastructure. The Minister’s approval for a modification is not required if the infrastructure as modified will be consistent with the existing approval.</p> <p>The Proponent has determined that the modification to change the layout of the Outer Harbour and associated works is not consistent with the existing approval. Consequently, a request to modify the Minister’s approval under section 5.25 of the EP&amp;A Act is required.</p>                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Transitioned to SSI</b>                                                                     | <p>Clause 5 of Schedule 2 to the <i>Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017</i> allows the Minister (or delegate) to declare former Part 3A projects as SSI by publishing an order in the Gazette:</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

| Consideration                         | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|---------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                       | <ul style="list-style-type: none"> <li>The Concept Approval was transitioned to SSI by way of an order dated 19 October 2020 and published 30 October 2020.</li> <li>The Project Approval was transitioned to SSI by way of an order dated 14 June 2024 and published 21 June 2024.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Decision Maker</b>                 | <b>Minister for Planning and Public Spaces</b><br><br>The Minister continues to be the decision maker under 5.25(4) of the EP&A Act and has the capacity to modify the approval of the project.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Reportable Political Donations</b> | The Proponent has made a declaration under section 10.4 of the EP&A Act that it has made reportable political donations in the two-years prior to the lodgement of the application.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Delegate</b>                       | <b>Independent Planning Commission</b><br><br>In accordance with Schedules 1 and 2 of the Minister's Instrument of Delegation dated 14 September 2011 ( <b>the 2011 Delegation</b> ), the Minister's function can be delegated to the Independent Planning Commission to determine the request to modify the Minister's approval.<br><br>Furthermore, although the Proponent is considered a 'public authority' for the purposes of Chapter 5 of the Transport and Infrastructure SEPP, they are not considered a 'public authority' for the purposes of the 2011 Delegation to the IPC. The 2011 Delegation applies the definition of a 'public authority' in the EP&A Act, and the Proponent is not considered a public authority under the EP&A Act definition in relation to this modification request. |

## 3.2 Other approvals and authorisations

20. The modified project will require an environment protection licence (EPL) issued by the NSW Environment Protection Authority under section 42 of the *Protection of the Environment Operations Act 1997*. Activities which may trigger the requirement for an EPL include dredging of soft sediments and rock, and contaminated soil treatment.
21. Permits may be required under section 40(2)(e) of the *Fisheries Management Act 1994* and clause 79-80 of the Fisheries Management (General) Regulation for the use of explosives during dredging.

22. Harbour Master's permission is needed before seabed disturbance pursuant to section 110 of the Ports and Maritime Administration Regulation 2021.

### 3.3 Mandatory matters for consideration

#### 3.3.1 Objects of the EP&A Act

23. In determining whether to modify the approval, the approval authority should consider whether the modified project is consistent with the relevant objects of the section 1.3 EP&A Act, including the principles of ecologically sustainable development. Consideration of those factors is described in **Appendix C**.
24. The Department is satisfied that the development remains consistent with the objectives of the EP&A Act and the principles of ecologically sustainable development.

#### 3.3.2 Biodiversity development assessment report

25. Section 7.17(2) of the *Biodiversity Conservation Act 2016* (BC Act) requires SSI modifications to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the authority or person determining the application is satisfied that the modification will not increase the impact on biodiversity values (as identified in the BC Act and in the Biodiversity Conservation Regulation 2017).
26. The Department is satisfied that the modification will not increase the impact on biodiversity values and consequently a BDAR is not required to accompany the modification application.

# 4 Engagement

## 4.1 Exhibition of the modification

### 4.1.1 Public exhibition of the modification application

27. After accepting the modification request and report, the Department:
- made the documents publicly available on the NSW Planning Portal
  - publicly exhibited the modification from 15 October to 28 November 2025 on the NSW Planning Portal
  - notified and invited comment from relevant government agencies and Wollongong City Council.

### 4.1.2 Summary of advice received from government agencies

28. The Department received advice from five government agencies.
29. A summary of the agency advice is provided in **Table 4**. A link to the full copy of the advice is provided in **Appendix B**.

**Table 4 | Summary of agency advice**

| Agency                                                                                                                  | Advice summary                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Department of Climate Change, Energy, the Environment and Water - Conservation Programs, Heritage and Regulation (CPHR) | <ul style="list-style-type: none"><li>• Site supports threatened/migratory birds. Update species listings to reflect new BC Act status</li><li>• Clarify the intent and use of blasting barriers</li><li>• Assess light impact on aquatic ecosystems including migratory birds</li><li>• EIS lacks detail on sea level rise, wave overtopping, erosion - recommend modelling storm impacts, ensuring seawall/quay resilience, and checking dredge stability</li></ul> |
| Department of Primary Industries and Regional                                                                           | <ul style="list-style-type: none"><li>• Changes to the emplacement cell configuration need to be managed to contain or dispose of contaminated sediments</li><li>• No extra fish habitat offsets needed</li></ul>                                                                                                                                                                                                                                                     |

| Agency                                                         | Advice summary                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|----------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Development – Fisheries</b><br><br><b>(DPIRD Fisheries)</b> | <ul style="list-style-type: none"> <li>• Supports current approval conditions and recommends consultation with DPIRD Fisheries on final design</li> <li>• Endorses changes to mitigation measures in Appendix B (particularly water quality and biodiversity monitoring programs (W4) and a Syngnathiformes Management Plan (B4))</li> <li>• Supports mitigation to relocate Syngnathids before dredging/reclamation or the use of explosives</li> <li>• Permit required for the use of explosives during dredging</li> <li>• Support continued recreational fishing but consult DPIRD Fisheries during dredging activities</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Transport for NSW</b><br><br><b>(TfNSW)</b>                 | <p><i>Development Services</i></p> <p>Requested an updated Traffic Impact Assessment to:</p> <ul style="list-style-type: none"> <li>• compare the impacts of the modified project against the approved project</li> <li>• assess the impacts of construction and operational traffic on the classified road network</li> <li>• ensure that proposed internal roads and existing roads can facilitate access for the largest anticipated vehicle</li> <li>• assess impacts to intersection performance during peak activity periods</li> <li>• ensure that road network improvements needed to support the project can be provided within project footprint</li> </ul> <p><i>Renewables</i></p> <ul style="list-style-type: none"> <li>• clarify if high risk over-size over-mass (OSOM) vehicles will be used during construction</li> <li>• clarify if concept routes for high-risk OSOM out of Port Kembla are included to test suitability for use by different blades during operation</li> </ul> <p><i>Maritime</i></p> <ul style="list-style-type: none"> <li>• appropriate Marine Traffic Management Plans to be generated for each stage/phase outlining waterway management proposed to ensure safe completion of work and protection of the public</li> <li>• cost of removal and/or relocation of maritime aids should be met by the proponent</li> </ul> <p><i>Rail</i></p> |

| Agency                                        | Advice summary                                                                                                                                                                                                                                                                                                                                                  |
|-----------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                               | <ul style="list-style-type: none"> <li>no advice received</li> </ul>                                                                                                                                                                                                                                                                                            |
| <b>Environment Protection Authority (EPA)</b> | <ul style="list-style-type: none"> <li>Satisfied with the assessment and recommends that commitments made be formalised as approval conditions</li> </ul>                                                                                                                                                                                                       |
| <b>Port Authority of NSW</b>                  | <ul style="list-style-type: none"> <li>Supports modification but requests clarification of impacts (construction &amp; operation) on maritime traffic as a whole</li> <li>future approvals to consider potential impacts and exposure risk to shipping and terminal activities</li> <li>Harbour Master's permission needed before seabed disturbance</li> </ul> |

#### 4.1.3 Summary of council submissions

30. Wollongong City Council advised it had no comment on the modification.

#### 4.1.4 Summary of public submissions

31. The Department received no public submissions during the exhibition period of the modification.

### 4.2 Response to submissions

32. Following public exhibition, the Department asked the proponent to respond to the issues raised in agency advice. The proponent provided a submissions report to the Department on 18 December 2025 (see **Appendix A**).

33. The Department published the submissions report on the NSW Planning Portal and forwarded the submissions report and draft conditions to relevant government agencies for comment on 21 January 2026.

## 5 Assessment

### 5.1 Updating the Approval to reflect current approaches

34. The Department's approach to conditions has evolved since the project and concept were approved in 2011. It is recommended that administrative conditions be updated or included to address changes where appropriate and where they do not burden the project with additional requirements. These include:

- updating compliance reporting and auditing requirements, and how non-compliance incidents are reported and recorded
- use of current terminology for project staging
- updating legislative references and guideline material to current standards
- update to reflect current agency names
- inserting conditions into the Stage 1 project approval requiring the site be maintained until development for future use.

35. These updates regularise the conditions with current approaches and systems, and where appropriate, remove non-relevant conditions including where they are relevant to future stages requiring future assessment and approval.

### 5.2 Deleting and moving conditions between the Concept and Stage 1 project approvals to reflect the updated project

36. The proposed modification would undertake all land reclamation and dredging in Stage 1. Some impacts of Stage 1 as approved would be reduced or removed due to changes to the reconfiguration of the port and project boundary and staging.

37. Operational elements are not included in the modification and are subject to future assessment and approval.

38. Some conditions in the project and concept approval are no longer relevant and should be deleted or transferred (to the Stage 1 approval) to reflect the modified Stage 1 and concept descriptions:

- concept plan condition relating to the proposed new tug facilities wharf has been deleted because it was relocated and constructed under a separate EP&A Act approval. However, this facility will be impacted by the proposed modified reclaimed land and would need to be relocated under a separate approval, as design and final layout do not form part of this modification

- the cumulative impacts requirement under the concept plan have been deleted, as they will be managed under the future approvals for the operational elements of the proposal
- aquatic habitat management was required under the concept approval as dredging and land reclamation was planned across all stages. As these activities are now proposed in stage 1 only, the requirements have been moved into the stage 1 project approval
- ongoing community engagement and provision of information for the whole of the outer harbour redevelopment remain part of the concept approval; however, community complaints would be regulated by each project approval
- operational requirements for traffic, rail, hazards and dangerous goods handling, design and landscape management plan, noise and operational management plans have been deleted from the Stage 1 project approval, as future use of operational elements would occur in a later stage, and would be assessed when development approval is sought
- future assessment requirements in the concept plan have been deleted, as future assessment requirements will be determined for future stages when development approval is sought and when details of the proposed development are known.

39. The Proponent requested that Habitat Offset Package requirements be deleted as these requirements have been satisfied, and the Green and Golden Bell Frog (GGBF) Master Plan be deleted or amended because as there is no evidence of frogs within the project footprint. The Department has not recommended these changes as:

- neither the Department nor CPHR and DPIRD Fisheries support the Habitat Offset Package conditions being removed. At this time, evidence has not been provided to the Department to demonstrate these conditions have been satisfied. Retaining these conditions would create a reference point ensuring that previous biodiversity offsets are recognised, so that future assessment requirements consider the scope of the retired offsets for the broader concept against the impact and offset requirements of future applications
- the Proponent previously committed to preparing a GGBF Master Plan to provide a strategic framework for managing the GGBF and its habitat across the Outer Harbour area. This commitment is a condition of the approved concept. Suitable evidence to support the claim that neither the frog nor its habitat are present in the project area has not been provided. Therefore, this requirement should remain. Frog habitat is located near the rail lines and the Department has previously agreed to defer this requirement until the rail master plan is prepared so that these may be considered as a whole.

## 5.3 Overarching assessment of environmental impacts

40. The Department concurs with the outcomes of the modification report that most environmental impacts associated with the modified concept and project are consistent with

the approved concept and project, and / or that the current conditions are fit for purpose to manage residual impacts.

41. Elements of the project that require additional conditions or conditions to be amended are in **Table 5**.
42. A new condition is recommended which requires the Proponent to update monitoring, management plans and obligations prepared to manage work previously undertaken where these are intended to be used for future work to reflect the modified project. These would be resubmitted for consultation and approval where specified by the conditions.
43. Combining of environmental management plans is recommended to reflect the reduced scope of activities covered by Stage 1. The staging condition provides flexibility for the delivery of the project and the required environmental management documentation which can be consolidated or delivered to cover discrete work packages.
44. The requirement for an Environmental Representative has also been removed, as most work for stage 1 relate to movement of contaminated material during dredging and reclamation. An accredited site auditor would regulate these activities.

## 5.4 Other issues

45. The Department's consideration of other issues is summarised in **Table 5** below.

**Table 5 |** Assessment of other issues

| Issue                      | Findings and conclusions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Recommended conditions/amendment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Contamination</b>       | <p>The proposed dredging footprint for the modified project is largely consistent with the dredge and emplacement footprint that was assessed for the approved project. The existing condition in relation to detailed site investigations (Phase 2) and management is consistent with the processes established by the <i>Contaminated Land Management Act 1997</i> and remains appropriate to manage the handling and emplacement of dredge material.</p> <p>Despite the above, changes to the configuration of the emplacement cell will be required which include breaching of the cell wall and potential exposure of emplaced materials becoming entrained in waters of the harbour.</p> | <p>The Department recommends that the project approval condition requiring a Containment Structures and Emplacement Report be modified to ensure that there is appropriate consideration of the changes to the emplacement cell.</p> <p>The recommended modified condition specifies that the report completed under the original approval must be updated to reflect potential impacts of breaching the integrity of the cell structure; proposed changes to the design; construction methodology; and management of existing and future emplaced materials and cell capping to minimise impacts to water quality, ecological and human health.</p> |
| <b>Noise and vibration</b> | <p>Existing noise levels continue to be dominated by port and transport activity, with sensitive receivers remaining over 500 metres away and no new residential development introduced close by.</p> <p><b>Project – Stage 1</b></p> <p>The modification does not materially increase noise or vibration impacts, and with existing and updated mitigation measures, the noise impacts remain acceptable and manageable with standard mitigation. This is based on:</p>                                                                                                                                                                                                                       | <p>The Department recommends retaining the existing conditions relating to noise and vibration.</p> <p>The condition related to underwater blasting has been updated to refer to guidelines to manage impacts to aquatic fauna.</p> <p>Amend the condition relating to activities permitted outside of standard construction hours to clarify that dredging is permitted 24/7, subject to implementation of mitigation and managing in accordance with the Construction Noise and Vibration Management Plan.</p>                                                                                                                                     |

| Issue | Findings and conclusions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Recommended conditions/amendment |
|-------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
|       | <ul style="list-style-type: none"> <li>• ambient conditions remaining unchanged from the originally approved concept and project, with no new noise sources or exceedances identified;</li> <li>• construction activities and noise sources remaining consistent with the approved project, with dredging proposed 24/7 and no introduction of additional equipment; and</li> <li>• with respect to noise impacts on aquatic fauna, the incorporation of updated mitigation measures, including new marine-fauna protections, updated underwater noise guidelines and underwater noise monitoring before construction commences consistent with the South Australian government <i>Underwater Piling and Dredging Noise Guidelines</i> (2023).</li> </ul> <p>The Proponent sought clarity regarding the ability to dredge 24/7, as this activity was assessed as part of the approved project. The existing project approval references 24/7 construction in a note to condition C3 which indicates that 24/7 dredging is permitted if all reasonable and feasible noise mitigation measures are implemented. Activities that are likely to exceed the noise objectives are to be managed in accordance with the Construction Noise and Vibration Management Plan.</p> <p>To reaffirm the intent of the note, condition C4 (certain activities can occur outside standard construction hours)</p> |                                  |

| Issue                       | Findings and conclusions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Recommended conditions/amendment                                                                                                                                                                     |
|-----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                             | has been amended to clarify dredging activities are permitted 24/7, subject to the matters specified above being met.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                      |
| <b>Aquatic biodiversity</b> | <p><i>Impacts to aquatic species is unlikely to change</i></p> <p>Impacts to Syngnathids (seahorses and pipefish) were not assessed for the approved project. White's seahorse may be present in the Outer Harbour due to the availability of its preferred habitats of macroalgae, soft sediments, artificial structures and mooring infrastructure used for refuge. It is known to use artificial habitat where natural habitat has been lost but prefers areas with dense seaweed and avoids areas without growth. No critical or known breeding habitat is present within the Stage 1 footprint.</p> <p>Compared to the approved concept and project, there will be:</p> <ul style="list-style-type: none"> <li>• 2.5 ha reduction in soft sediment removed</li> <li>• 0.8 ha increase in rock revetment removed</li> <li>• 5.8 ha increase in sparse macroalgae removed</li> <li>• 0.6 ha increase in dense macroalgae removed.</li> </ul> <p>In addition, there will be a further 7.4 ha more soft sediment and 3.4 ha less of sparse macroalgae disturbed. This is considered temporary.</p> | <p>The existing conditions are fit for purpose.</p> <p>Condition C32 of the project approval is amended to refer to updated guidance material relating to underwater blasting for aquatic fauna.</p> |

| Issue | Findings and conclusions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Recommended conditions/amendment |
|-------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
|       | <p>The habitat types affected, both permanently and temporarily, are consistent with those for the approved concept and project and do not include seagrass. The reduced footprint results in reduced impacts to benthic habitat. Soft sediments beyond the impact zone are considered sufficient to provide recruitment for the dredged area once disturbance is complete.</p> <p>Macroalgal communities on rocky rubble covering soft sediments are also predicted to recover after dredging across a similar timeframe.</p> <p>New artificial habitat creation reduces from 2.7 km to 1.4 km of revetment. These changes occur mostly within already disturbed areas and the presence or use by White's seahorse is considered likely to be low due to the underwater turbulence caused by propellers associated with vessel movements.</p> <p>Impacts to aquatic fauna are expected to remain localised. Mobile species are likely to avoid dredging zones. Proposed mitigation, including pre-clearance surveys, relocation of individuals where possible, and implementation of a <i>Syngnathiformes</i> Management Plan (committed to by the Proponent), is considered adequate to prevent significant harm. Recolonisation of disturbed areas is expected through natural processes.</p> |                                  |

| Issue | Findings and conclusions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Recommended conditions/amendment |
|-------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
|       | <p>Impacts to other aquatic species are unlikely to change compared to the approved concept.</p> <p><b><i>Turbidity and sediment release into the water column may temporarily affect photosynthesis for sessile species</i></b></p> <p>Dredging will result in increased turbidity and sediment deposition as solid particles drop out of the water column. Short-term increases in turbidity can reduce light penetration and temporarily affect photosynthetic organisms such as macroalgae, while sediment deposition may smother benthic invertebrates in the immediate footprint. These effects are short-lived, contained within the harbour, and manageable by using silt curtains, preventing overflow of dredge barges and keeping sediment contained within the reclamation area boundaries.</p> <p><b><i>Underwater noise would be temporary and may temporarily displace aquatic fauna</i></b></p> <p>Underwater noise from dredging and blasting can disrupt or injure aquatic fauna by causing displacement, behavioural changes, hearing impairment, or physical injury — especially in species with swim bladders, marine mammals, and in slow-moving species that cannot easily escape disturbance. Blasting modelling to incorporate faunal pressure thresholds is proposed. Physical barriers would be installed to dampen pressure waves, implementing management</p> |                                  |

| Issue           | Findings and conclusions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Recommended conditions/amendment                                                                                                                                                                                                                                                                                                                                                       |
|-----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                 | <p>measures to stop works when mammals enter exclusion zones and to conduct pre-clearance surveys and relocate vulnerable species. These measures are supported.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Heritage</b> | <p>No additional heritage items were identified in or near the modified concept or project boundary. Removal of the previously approved road link from Darcy Road is no longer required and there is no need to move the mobile stock setting crane. The Department is satisfied that there are no further heritage impacts beyond those considered in the approved project.</p> <p>While not identified as a heritage item, Jetty No. 6 is considered to have local heritage value because it demonstrates superseded jetty construction methods suited to smaller craft and less substantial loads and was one of the last major jetties in NSW to employ this method. Jetty No 6. was identified as being impacted under future stages of the Concept but will now also be demolished to create the new reconfigured port. Due to its local heritage value the original EIS recommended that prior to the demolition of No.6 Jetty, archival photographic recording to occur. As this item will now be impacted, it is recommended that this item is properly archived and recorded.</p> <p>Should any new items, be identified during construction, including shipwrecks, existing conditions require</p> | <p>The Department recommends:</p> <ul style="list-style-type: none"> <li>• that Jetty No. 6 be subject to archival recording which is a requirement for other items demolished as part of the approved project.</li> <li>• that heritage conditions in the concept approval be deleted as potential impacts to heritage items would only occur during stage 1 construction.</li> </ul> |

| Issue                                     | Findings and conclusions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Recommended conditions/amendment                                                                                                                                                                                                                                                                                                                                                                                          |
|-------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                           | preparation of an unexpected finds procedure to ensure they are appropriately managed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Stormwater drainage infrastructure</b> | <p><i>Design and relocation of northern stormwater outlet to be further considered in consultation with asset owner</i></p> <p>An existing stormwater outlet located north of the current tug boat facility would need to be extended due to the reconfigured port, to enable continued drainage of the BHP site to the harbour.</p> <p>As the existing stormwater outlet drains the BHP site, the proposed modified project will now need to allow for its continued discharge into the harbour; however, the details of and compliance with any existing licence to discharge is a matter for BHP. The existing drainage structure will be extended through the reclaimed land, and discharge into the harbour at a new location. The design of the pipe and final location of the discharge location will be considered and managed under existing project approval conditions B13 (ensure that storm water systems are designed and built to minimise pollutant discharges into receiving waterways) and B14 (design, construct, maintain and operate surface water and storm water management infrastructure to appropriate standards).</p> | <p>Amend condition B13 of the project approval to refer to the new drainage structure that will be impacted by proposed reconfiguration of reclaimed land, to require further design consideration.</p> <p>Amend condition B14 of the project approval to align with current standards for water quality protection measures designed to a 2EY (two exceedances per year) Average Recurrence Interval rainfall event.</p> |

| Issue                        | Findings and conclusions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Recommended conditions/amendment                                                       |
|------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
|                              | <p><i>Extension of Salty Creek and Darcy Road drains will not materially affect surface water quality and drainage volumes</i></p> <p>Salty Creek and Darcy Road drains carry surface water through the proposed reclamation area to the harbour. Both drain the industrial areas and carry licensed industrial discharge and stormwater runoff from largely impervious surfaces. Previously reclaimed areas (cement grinding mill and the cell emplacement area) may have a minor impact on Salty Creek; however, these changes are within the assessment envelope of the approved project. No other significant changes to surface hydrology are expected. Further extension or diversion of these outlets are required to address the reconfigured reclamation. Changes to surface water discharges are not anticipated as construction related impacts are considered consistent with those likely to occur for the proposed modification.</p> <p>While the mitigation measures are still appropriate, water quality protection measures will need to be updated to reflect current standards.</p> |                                                                                        |
| <b>Coastal hydrodynamics</b> | Wave activity is expected to reduce compared to the approved project. However, there will be a slight increase in wave activity near the northern breakwater due to                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Condition 2.19 of concept plan has been moved into the Stage 1 project approval (B47). |

| Issue                        | Findings and conclusions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Recommended conditions/amendment                                                                                                                                                                                                                                                                      |
|------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                              | <p>reflections from the northern land configuration during rare and severe storm events from the north-northeast.</p> <p>The reconfiguration is not expected to worsen wave induced vessel motions or mooring loads due to infra-gravity waves / long-period wave heights (i.e. how waves impact moored vessels).</p> <p>The concept approval includes a condition that requires the project to be designed to ensure infragravity (long) wave and gravity (ocean swell) wave parameters within the inner and outer harbours are minimised. This requirement will continue to apply to the reconfigured port.</p> <p>The Proponent has committed to undertaking a mooring analysis to ensure that appropriate mooring loads are applied in the design. This commitment aligns with the intended outcome of the existing condition which requires coastal hydrodynamics to be factored into the design of the reclaimed land.</p> |                                                                                                                                                                                                                                                                                                       |
| <b>Traffic and transport</b> | <p><i>Operational traffic envelopes for the concept will remain unchanged</i></p> <p>No change is proposed to the traffic limits that establish the operational envelope for future port use. However, previously planned road upgrades and operational traffic impacts anticipated by the approved project are no longer</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <p><u>Concept Plan</u></p> <p>Condition 2.6 has been revised to require that the Rail Master Plan be submitted to the Planning Secretary prior to any future staged application involving rail infrastructure upgrades, access paths, intermodal terminals, or other infrastructure and servicing</p> |

| Issue | Findings and conclusions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Recommended conditions/amendment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|       | <p>required or would not occur until future stages begin operating.</p> <p>Due to this change in project staging, it is recommended that operational traffic requirements / conditions for Stage 1 be deleted.</p> <p>Operational traffic impacts will be assessed in future stages and impacts will need to fit within the approved envelope unless further road upgrades are proposed. TfNSW has acknowledged this approach.</p> <p><b><i>The rail master plan is required to consider whether upgrades will be required to ensure sufficient capacity is available for future operation</i></b></p> <p>Rail upgrades have been deferred to a future stage, however, the preparation of a Rail Master Plan still applies because the constrained rail network has not changed since the concept and project were approved. It is not clear if the network has the capacity to absorb the operation of future stages reflected in the approved concept.</p> <p><b><i>Reconsideration of fill import requirements and whether the approved traffic volumes can be accommodated is required</i></b></p> <p>The approved project proposed that land reclamation and fill importation would largely occur in Stage 1 and imported fill would be sourced from major tunnelling projects occurring in Sydney. As most planned tunnelling for those</p> | <p>necessary to achieve the modal splits outlined in the original EIS and the Director-General's assessment report</p> <p><u>Project approval – construction traffic</u></p> <p>Conditions B3, B4, B5, B6 and B7 should be deleted because there are no operational traffic or rail elements proposed under the modified Stage 1.</p> <p>Existing conditions C16 and C17 are sufficient to manage increased traffic volumes required to deliver fill and manage dilapidation to the road network.</p> <p>No work or use of the rail network is proposed in Stage 1. Therefore conditions relating to operational rail should be deleted, however reference to use of rail to import fill material, if required, should be retained.</p> |

| Issue | Findings and conclusions                                                                                                                                                                                                                                                                             | Recommended conditions/amendment |
|-------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
|       | <p>projects is complete, the source of fill and mode of delivery will need to be reconsidered. Maximum hourly construction traffic volumes in the approval remain unchanged. If these volumes are likely to be exceeded, further assessment and agreement of the Planning Secretary is required.</p> |                                  |

## 6 Evaluation

46. The Department's assessment considered the relevant matters and objects of the EP&A Act, including the principles of ecologically sustainable development (**Section 3** and **5**), advice from government agencies, local councils and public submissions (**Section 4**).
47. The Department considered the Modification report, submissions report , advice from Government agencies, and council comments.
48. If approved, the modification would reconfigure the approved expansion of the Outer Harbour to create a continuous terminal footprint that can accommodate new and emerging uses, including within the clean energy sector.
49. The Department has concluded that the potential impacts of the modifications are similar in nature and scale to those of the existing operations and can be appropriately managed through existing and proposed conditions.
50. Consequently, the Department has formed the opinion the proposed modification is in the public interest and that it is approvable, subject to conditions.
51. This Modification Assessment Report is hereby presented to the Commission to determine the application.

# Glossary

| Abbreviation           | Definition                                                                                                       |
|------------------------|------------------------------------------------------------------------------------------------------------------|
| <b>BDAR</b>            | Biodiversity Development Assessment Report                                                                       |
| <b>Council</b>         | Wollongong City Council                                                                                          |
| <b>CPHR</b>            | Department of Climate Change, Energy, the Environment and Water - Conservation Programs, Heritage and Regulation |
| <b>Department</b>      | Department of Planning, Housing and Infrastructure                                                               |
| <b>DPIRD Fisheries</b> | NSW Fisheries division within the Department Primary Industries and Regional Development                         |
| <b>EIS</b>             | Environmental impact statement                                                                                   |
| <b>EPA</b>             | NSW Environment Protection Authority                                                                             |
| <b>EP&amp;A Act</b>    | <i>Environmental Planning and Assessment Act 1979</i>                                                            |
| <b>EPL</b>             | Environment protection licence                                                                                   |
| <b>GGBF</b>            | Green and Golden Bell Frog                                                                                       |
| <b>IPC</b>             | Independent Planning Commission                                                                                  |
| <b>Minister</b>        | Minister for Planning and Public Spaces                                                                          |
| <b>Mod</b>             | Modification                                                                                                     |
| <b>SEARs</b>           | Planning Secretary's Environmental Assessment Requirements                                                       |
| <b>Secretary</b>       | Secretary of the Department of Planning, Housing and Infrastructure                                              |
| <b>SEPP</b>            | State environmental planning policy                                                                              |
| <b>SSI</b>             | State significant infrastructure                                                                                 |
| <b>TfNSW</b>           | Transport for NSW                                                                                                |

# Appendices

## Appendix A – List of referenced documents

The below documents can be found on <https://www.planningportal.nsw.gov.au/major-projects/projects/mod-5-reconfiguration-reclamation-area>

1. Scoping Report
2. Modification Report
3. Response to Submissions Report

## Appendix B – Submissions and government agency advice

All submissions and government agency advice can be found here:

<https://www.planningportal.nsw.gov.au/major-projects/projects/mod-5-reconfiguration-reclamation-area>

## Appendix C – Statutory considerations

### Objects of the EP&A Act

A summary of the Department's consideration of the relevant objects (found in section 1.3 of the EP&A Act) are provided in **Table 6** below.

**Table 6** | Objects of the EP&A Act and how they have been considered

| Object                                                                                                                                                                                             | Consideration                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,</b> | <ul style="list-style-type: none"><li>• The proposed modification is substantially consistent with the original project which seeks to maximise the use of the site. The proposal would not adversely impact on the State's natural or other resources.</li></ul>                                                                                                                                                                                                                                                                                                                                                                              |
| <b>(b) to promote the supply, delivery and maintenance of housing, including affordable housing,</b>                                                                                               | <ul style="list-style-type: none"><li>• Not applicable as the project does not involve the delivery of housing.</li></ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>(c) to promote productivity through the development and management of the State and its resources,</b>                                                                                          | <ul style="list-style-type: none"><li>• The modification is required to adjust the approved reclamation layout to accommodate a wider range of port activities, including serving as a support port for offshore wind energy developments.</li><li>• These emerging industries are recognised in the NSW State Infrastructure Strategy 2022–2042, the NSW Ports 2063 Master Plan, and the Illawarra Shoalhaven Regional Plan 2041 as vital to the State's productivity, energy security, and transition to net-zero emissions. As such, the Department considers the project is an orderly and economic use and development of land.</li></ul> |

| Object                                                                                                                                                                     | Consideration                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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| <p><b>(d) to protect the environment, including the conservation of threatened species of native animals and plants and ecological communities and their habitats,</b></p> | <ul style="list-style-type: none"> <li>• The Department has assessed the biodiversity and environmental impacts of the proposal and considers that it avoids and minimises to the greatest extent practicable, environmental impacts including on threatened species, communities and key habitats.</li> <li>• The Department has recommended conditions to ensure the biodiversity impacts are appropriately managed.</li> </ul>                                                                                                                                                                                                                                                                          |
| <p><b>(e) to promote resilience to climate change and natural disasters through adaptation, mitigation, preparedness and prevention,</b></p>                               | <ul style="list-style-type: none"> <li>• The proposed modification does not introduce new impact pathways or materially alter the risk profile.</li> <li>• The original EIS considered climate adaptation for infrastructure resilience, incorporating finished surface levels, drainage capacity, and structural design standards with allowances for projected sea-level rise, increased rainfall intensity, and storm surges.</li> <li>• While updated NARClIM 2.0 projections indicate slightly higher sea-level rise and temperature increases by 2050 to 2100 compared to NARClIM 1.0 (approximately 1–2 cm), these remain within the design tolerances adopted for the approved project.</li> </ul> |
| <p><b>(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),</b></p>                                           | <ul style="list-style-type: none"> <li>• The proposed modification does not impact on additional heritage items and results in fewer heritage items being impacted, due to the reconfiguration of the reclaimed land. Although the listed Mobile Block Setting Steam Crane and associated components, Historical Military Museum and gun pill box were identified as being impacted under the Concept Plan, these items are no longer impacted under the revised project footprint.</li> </ul>                                                                                                                                                                                                             |

| Object                                                                                                                                                                                                  | Consideration                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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| <b>(g) to promote good design, amenity and the proper construction and maintenance of built environments, including the protection of the health and safety of the occupants of buildings,</b>          | <ul style="list-style-type: none"> <li>• The proposed modification does not involve any built forms. However, site must be managed and maintained until such time future operations under the Concept Plan approval have been activated.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>(h) to provide opportunities for participation in environmental planning and assessment,</b>                                                                                                         | <ul style="list-style-type: none"> <li>• The proposed modification was publicly exhibited the modification from 15 October until 28 November 2025 on the NSW Planning Portal.</li> <li>• Five government agencies provided advice, Wollongong City Council had no comment, and no public submissions were received.</li> </ul>                                                                                                                                                                                                                                                                                                            |
| <b>(i) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</b> | <ul style="list-style-type: none"> <li>• The Department's assessment (<b>Section 5</b>) sought to integrate significant environmental, social and economic considerations. The Department considers that through the recommended conditions, the proposal can be carried out in a manner consistent with the principles of ecologically sustainable development.</li> </ul>                                                                                                                                                                                                                                                               |
| <b>(j) to promote a proportionate and risk-based approach to environmental planning and assessment,</b>                                                                                                 | <ul style="list-style-type: none"> <li>• The proposed modification would undertake all land reclamation and dredging in Stage 1. Some impacts of Stage 1 as approved would be reduced or removed due to changes to the reconfiguration of the port and project boundary and staging.</li> <li>• Operational elements are not included in the modification scope and would be subject to future assessment and approval.</li> <li>• As the scale of impacts associated with the project have changed, the relevant conditions of approval(s) have been amended to reflect the risks associated with this proposed modification.</li> </ul> |

| Object                                                                             | Consideration                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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| <p><b>(k) to promote the orderly and economic use and development of land.</b></p> | <ul style="list-style-type: none"> <li>• The proposed modification would provide opportunity to accommodate a wider range of port activities, including offshore wind energy developments.</li> <li>• These emerging industries are recognised in the NSW State Infrastructure Strategy 2022–2042, the NSW Ports 2063 Master Plan, and the Illawarra Shoalhaven Regional Plan 2041 as vital to the State’s productivity, energy security, and transition to net-zero emissions.</li> <li>• As such, the Department considers the project to represent an orderly and economic use and development of land.</li> </ul> |

## Appendix D – Recommended instrument of modification for Concept Plan Approval

[Link to the instrument of modification for Concept Plan](#)

## Appendix E – Recommended instrument of modification for Stage 1 Approval

[Link to the instrument of modification for Stage 1 Approval](#)