

Department of Planning, Housing and Infrastructure



Our ref: Port Kembla Outer Harbour – MP08_0249 Mod-5

Mr Andrew Mills

Chair

Office of the Independent Planning Commission NSW

Suite 15.02, Level 15

135 King Street

Sydney NSW 2000

19 May 2026

Subject: Referral for Determination - MP08_0249 Mod-5

Dear Mr Mills

The Department of Planning, Housing and Infrastructure (the Department) has completed its assessment of the modification application for the Port Kembla Outer Harbour Concept Plan and Stage 1 approvals – MP08_0249 Mod-5 (the proposed modification).

NSW Ports (The Trustee for the Port Kembla Unit Trust) is the proponent for the modification. In accordance with section 5.25 (4) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the Minister for Planning and Public Spaces is the approval authority for the modification application. The Minister, on 14 September 2011, delegated his determination function to the Planning Assessment Commission (now Independent Planning Commission) in relation to reportable political donation applications. As the NSW Ports has made a reportable political donation and the application is accompanied by a political disclosure statement, the Independent Planning Commission will determine the modification application as the Minister's delegate.

Project approval history

The Port Kembla Outer Harbour Development concept and Stage 1 project were approved under the since repealed Part 3A of the EP&A Act, by the then Minister for Planning on 3 March 2011.

The concept approval and project approval were subsequently transitioned to State significant infrastructure on 19 October 2020 and 21 June 2024 respectively.

Description of proposed modification

The proposed modification seeks to reconfigure the outer harbour development to provide greater flexibility in use and to support offshore wind development in the Illawarra. This modification seeks to amend the approvals as follows:

- amending the Concept Plan approval to reflect the revised concept, including revised berthing facilities and uses and revised staging, and
- amending the scope of the Stage 1 approval limiting it 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.

Assessment of the proposed modification

The modification application was exhibited between 15 October 2025 and 28 November 2025. No submissions were received. The Department received advice from the Environment Protection Authority, Transport for NSW, Department of Climate Change, Energy, the Environment and Water, Port Authority of NSW, Department of Primary Industries and Regional Development – Fisheries division. Wollongong City Council advised it had no comment.

In assessing the merits of the proposed modification, the Department has considered the potential environmental impacts, agency advice, relevant environmental planning instruments, the suitability of the site and the public interest, in accordance with the requirements of the EP&A Act.

Based on its assessment, the Department believes that the modification is approvable, subject to recommended conditions of approval.

I have attached a copy of the Department's assessment report, recommended instruments of modification, and other relevant documents for the Commission's consideration.

Further information about the proposal can be found on the NSW Planning Portal:

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

For further information or to arrange a briefing, please contact Glenn Snow, Director Transport and Water Assessments, on [REDACTED]

Yours sincerely,

[REDACTED]

Madeleine Thomas
Acting Deputy Secretary
Development Assessment and Sustainability