

Our ref: BHP Steelworks site Multi-Purpose terminal reconfiguration (DA293-08-00-Mod-10)

Mr Andrew Mills
Chair
Office of the Independent Planning Commission NSW
Suite 15.02, Level 15
135 King Street
Sydney NSW 2000

7 July 2026

Subject: Referral for Determination – DA293-08-00-Mod-10

Dear Mr Mills

The Department of Planning, Housing and Infrastructure (the Department) has completed its assessment of the modification application for the BHP Steelworks site Multi-Purpose Terminal Reconfiguration – DA293-08-00-Mod-10 (the proposed modification).

Port of Newcastle Operations Pty Ltd (as the Trustee for the Port of Newcastle Unit Trust) is the Applicant for the modification application. In accordance with section 4.55 (1A) of the *Environmental Planning and Assessment Act 1979* (the EP&A Act), the Minister for Planning and Public Spaces is the consent authority for the modification application. The then Minister for Planning, 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 Applicant has made a reportable political donation and the application is accompanied by a political donation disclosure statement, the Independent Planning Commission will determine the modification application as the Minister's delegate.

Project approval history

The former BHP Steelworks site at Mayfield in the Newcastle local government area was declared State Significant Development under the former 76A(7)(b)(iii) of the EP&A Act. On 6 April 2001 the then Minister for Urban Affairs and Planning gave consent under former sections 76A(9) and 80(4) of the EP&A Act to the remediation of the site and the development of a Multi-Purpose Terminal (MPT) comprising a Container Terminal and General Cargo Handling Facility (DA293-08-00).

Description of proposed modification

The proposed modification seeks to modify DA 293-08-00 to remove the 10-year operational timeframe and existing prescriptive boundaries (8-hectares) associated with the General Cargo Handling Facility. Removal of the restrictions imposed by conditions 1.1A and 1.1B would enable greater flexibility to store general cargo across the Modification Area which has approval for the construction and operation of the MPT.

Assessment of the proposed modification

The modification application was made publicly available on the Department's website on 13 April 2026. No submissions were received. The Department received advice from the Environment Protection Authority, Transport for NSW, Conservation Programs, Heritage and Regulation Group of NSW Department of Climate Change, Energy, the Environment and Water, Fire and Rescue NSW, and feedback from Infrabuild. The City of Newcastle raised concerns about height limitations and hazards and risk.

In assessing the merits of the proposed modification, the Department has considered the potential environmental impacts, agency advice, organisation feedback, 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.

I have attached a copy of the Department's assessment report, recommended instrument 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-10-multi-purpose-terminal-reconfiguration>.

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

Yours sincerely,

A black rectangular box redacting the signature of Abbie Galvin.

Abbie Galvin
Acting Deputy Secretary
Development Assessment and Sustainability