Modification of Infrastructure Approval

Section 5.25 of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Public Spaces, under delegation executed on 28 September 2011, the NSW Independent Planning Commission (the Commission) grants consent to the modification of the State significant infrastructure approval referred to in Schedule 1, subject to the conditions in Schedule 2.

Richard Pearson (Chair)
Member of the Commission

Shelley Penn AM
Member of the Commission

Sydney 18 June 2026

SCHEDULE 1

Infrastructure approval:	MP08_0249 granted by the Minister for Planning on 3 March 2011
For the following:	The staged development of land in the Port Kembla Outer Harbour, Port Kembla
Applicant:	Port Kembla Operations Pty Ltd as trustee for Port Kembla Unit Trust
Consent Authority:	Minister for Planning and Public Spaces
The land:	The project will be located within the Port Kembla Outer Harbour, within the Wollongong local government area
Modification:	(MP08_0249-MOD-5) to change the layout of the Outer Harbour and associated works across stages 1, 2 and 3

SCHEDULE 2

Note: Words that have been deleted are shown as: ~~deleted~~
Words that have been added are shown as: added

1. Delete the description of the Proposal in Schedule 1 and replace with the following:

The Port Kembla Outer Harbour Development is comprised of three key stages as follows:

Stage 1

- demolition of No.3, No. 4 Jetties, Berth 206 and Jetty No. 6;
- reclamation and dredging for the footprint of the total development;
- construction of berths;
- extension of Salty Creek and Darcy Road drain, through the reclamation area, to the Outer Harbour;
- new road link from Christy Drive (known as Arawata Drive);
- civil works including services; and
- demolition of tug boat facility.

Stage 2

- development and operation of a multi-use berth and terminal (including but not limited to offshore wind and cargo terminal uses); and
- navigation lead towers.

Stage 3

- development and operation of container terminal;
- rail link and siding to the container terminal; and
- relocation of tug boat facility.

2. Amend the Definitions table by deleting the definitions for “Department, the”, “Director General, the”, “Director General’s Approval”, “DPI”, “I&I NSW”, “Minister, the”, “OEH”, “Project”, “Project Approval” “Proponent”, “NSW RTA”, and inserting in alphabetical order the following:

Term	Definition
Conditions of Approval	The Minister’s conditions of approval for the project.
CPHR	Conservation Programs, Heritage and Regulation, of NSW Department of Climate Change, Energy, the Environment and Water
DCCEEW	NSW Department of Climate Change, Energy, the Environment and Water
Department	NSW Department of Planning, Housing and Infrastructure
DPIRD Fisheries	Fisheries agency of NSW Department of Primary Industries and Regional Development
EPA	NSW Environment Protection Authority
Minister	NSW Minister for Planning and Public Spaces
Planning Secretary	Planning Secretary of the Department (or nominee, whether nominated before or after the date on which this approval was granted).
Project	Development as described in the Concept Plan (including development to be assessed in the future under the Act).
Project Approval	Approval granted for a project in accordance with former section 75J of the Act.

Proponent	Port Kembla Operations Pty Ltd as trustee for Port Kembla Unit Trust
Proposal	Port Kembla Outer Harbour Development – Concept Plan
TfNSW	Transport for New South Wales

3. Replace all reference of "Director General with "Planning Secretary".

4. Replace all references of "I&I NSW" with "DPIRD Fisheries".

5. Replace the reference of "OEH" with "DCCEEW" in Condition 2.26.

6. Replace references of "OEH" with "EPA" in the following conditions:

2.23 and 2.25.

7. Replace references of "OEH" with "CPHR" in the following conditions:

2.11, 2.13(a) and 2.14.

8. Replace references of "RTA" with "TfNSW".

9. Amend Condition 1.1 as follows:

1.1 The Proponent shall carry out the project generally in accordance with:

a) Major Project Application 08_0249;
b) the *Port Kembla Outer Harbour Development Environmental Assessment Report*, Volumes 1 to 7, prepared by AECOM Australia Pty Ltd and dated March 2010;
c) the *Revised Port Kembla Outer Harbour Development Submissions Report*, prepared by AECOM Australia Pty Ltd and dated 27 October 2010;
d) modification application 08_0429C MOD 1, cover letter dated 4 May 2011 and the accompanying Traffic Assessment titled: Port Kembla Grinding Mill Traffic Assessment, dated 21 January 2011;
e) modification application MP08_0249 accompanied by Port Kembla Outer Harbour Reconfiguration MOD 5 – SSI Modification – prepared by Arup October 2025;
f) Port Kembla Outer Harbour Reconfiguration MOD 5 – Submissions Report – prepared by Arup 18 December 2025; and
g) the terms of this approval.

10. In Condition 1.2, replace all references of "1.1c)" with "1.1f)".

11. Delete Condition 1.4 and replace with the following:

1.4 The Proponent must comply with all written requirements or directions of the Planning Secretary, including in relation to:

a) the environmental performance of the project;
b) any document or correspondence in relation to the project;
c) any notification given to the Planning Secretary under the terms of this approval;
d) any audit of the construction of the project;
e) the terms of this approval and compliance with the terms of this approval (including anything required to be done under this approval);
f) the carrying out of any additional monitoring or mitigation measures; and
g) in respect of ongoing monitoring and management obligations, compliance with an updated or revised version of a guideline, protocol, Australian Standard or policy required to be complied with under this approval.

12. Delete Condition 1.5.

13. Insert the following after Condition 1.6.

1.7 References in the terms of this approval to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Australian Standards or policies in the form they are in as at the date of this approval, unless otherwise approved by the Planning Secretary.

14. Delete Conditions 2.2 and 2.5.

15. Amend Condition 2.4 as follows:

2.4 The construction and operation of Stage 2 and Stage 3 are subject to further assessment under ~~Part 3A of~~ the Act, except as excluded by the terms of this approval.

This assessment shall clearly demonstrate, prior to the construction and operation of Stages 2 and 3, that the following requirements are able to be met:

a) adequate rail infrastructure and intermodal capacity is in place or will be provided in a timely manner to accommodate the transport of the projected volumes of bulk, general and container cargo by rail, including the ability to achieve the transport modal split contained in Table 4.4, Appendix I (Volume 6) of the Environmental Assessment for bulk, general and container cargo; and

b) road traffic generation, is generally consistent with the forecast levels contained in Condition ~~Requirement~~ 2.7.

16. Amend Condition 2.6 as follows:

2.6 The Proponent shall prepare a Rail Master Plan to provide a strategic framework for the development and implementation of the rail infrastructure and upgrades necessary for ~~Stages 2 and 3~~ implementation of the concept plan and the achievement of the transport mode splits contained in Table 4.4, Appendix 1 (Volume 6) of the Environmental Assessment for bulk, general and container cargo. The plan shall be developed in consultation with transport agencies, rail and intermodal operators, including but not limited to ~~Transport NSW~~ TfNSW, ~~RailCorp~~ Transport Asset Manager of NSW, ARTC, Pacific National and other relevant agencies and corporations. The Plan shall include, but not necessarily be limited to:

a) the objectives and scope of the plan;
b) identification of stakeholders associated with the development of the plan and the consultation undertaken;
c) forecast demand for freight movement, including a demand and supply analysis and description of the freight supply chain for the concept plan for a range of growth scenarios;
d) consideration of national and state freight and port strategies, including the Maldon to Dombarton Feasibility Study;
e) identification and alignment of freight movement volumes with required rail infrastructure upgrades, access paths, intermodal terminals and any other infrastructure or servicing requirements required to meet desired modal splits set out in Table 4.4 of Appendix I (Volume 6) of the EA and the road volume limits set under requirement 2.7, including the consideration of local, regional and state requirements, as relevant;
f) the economic feasibility, viability and performance of port freight movements utilising existing and identified infrastructure and service provision measures for the proposal;
g) identification of how and when the required infrastructure improvements will be delivered, including bodies responsible for the funding and implementation of the works; and
h) a contingency plan in the event that the necessary rail and intermodal infrastructure and capacity for Stages 2 and 3 are not delivered in a timely manner.

~~The Plan shall be submitted to the Director General, consulted agencies and rail operators prior to the construction of Stage 1B and Stage 1C and any project applications relating to Stages 2 and 3 of this concept plan approval, unless otherwise agreed by the Director General, and shall be made publicly available.~~

The Plan shall be submitted to the Planning Secretary for approval prior to the submission of any project applications for Stages 2 and 3 of this concept plan that would require the delivery of necessary rail and intermodal infrastructure. The Plan shall be made publicly available.

17. Amend Condition 2.7 as follows:

The total traffic movements associated with the operation of projects associated with this concept plan approval shall be generally consistent with the limits specified in Table 1, as follows:

Table 1 – Total Road Traffic Volumes

Element	Bulk	General	Containers
Volume per year	4.25 mt	2 mt	1,200,000 teu
Volume by road per year	2.125 mt	1.6 mt	120,000 teu
Truck loading (per truck)	35 tonnes	25 tonnes	2 containers
Trucks per year	60,714	64,000	60,000
Trucks per day (average)	166	175	164
Trucks per hour (peak)	10	11	10
Two-way peak hour truck movements	21	22	21
Total for Stage 1	70 vehicle movements per hour (62 trucks + 8 employees)		
Total for Concept Plan	121 vehicle movements per hour (102 trucks + 19 employee vehicles)		

Note: The Stage 1 and Concept Plan totals in Table 1, include the 42 truck movements associated with the ~~Stage 1~~ (Cement Australia Grinding Mill) Project (10_0102). However, the volumes and truck movements for the 'Bulk', 'General' and 'Container' values do not include cargoes and traffic associated with the ~~Stage 1~~ (Cement Australia Grinding Mill) project.

18. Amend Condition 2.8 as follows:

2.8 The Proponent shall develop a program of periodic monitoring of the road traffic movements resulting from all projects associated with this concept plan approval, including the CGM, to confirm that the road traffic volumes as presented in Table 1 are not being exceeded. The results of this monitoring shall be submitted to the ~~RTA~~ TfNSW and the ~~Director General~~ Planning Secretary on a six monthly basis, or at such other interval as agreed by the Planning Secretary~~, and within one month of each six month period of operation. The monitoring and reporting program shall be integrated with the Compliance Tracking Program~~.

19. Delete Conditions 2.9 and 2.10 and insert the following note under each of the deleted conditions:

Note: This condition has been moved to the Stage 1 approval.

20. Amend Condition 2.12 as follows:

2.12 The Package shall be approved by the Planning Secretary prior to the commencement of any construction activity for any project associated with this concept plan approval that would result in the disturbance of Red Beach and/or Coastal Saltmarsh, unless otherwise agreed by the Planning Secretary. ~~The monitoring and reporting program shall be integrated with the Compliance Tracking Program~~.

21. Amend Condition 2.14 as follows:

2.14 The GGBF Master Plan shall be submitted to the ~~Director General~~ Planning Secretary and ~~OEH~~ CPHR and approved by the Planning Secretary prior to the commencement of construction for any project associated with this concept plan approval, unless otherwise agreed by the ~~Director General~~ Planning Secretary. ~~The monitoring and reporting elements of the Plan shall be integrated with the Compliance Tracking Program.~~ In the event that the Proponent seeks to defer the submission of the GGBF Master Plan, the ~~Director General~~ Planning Secretary shall consider the extent to which construction works that may occur prior to submission of the GGBF Master Plan are likely to impact upon existing and potential GGBF habitat areas and movement corridors. The Plan shall be made publicly available.

22. Amend Condition 2.15 as follows:

2.15 The ongoing operational dredging requirements for Port Kembla, including maintenance dredging do not form part of this concept plan approval and are subject to the relevant assessment requirements of the Act.

23. Delete the following conditions:

2.16, 2.17 and 2.18

24. Delete Condition 2.19 and insert the following note under the deleted condition:

Note: This condition has been moved to the Stage 1 approval.

25. Amend Conditions 2.20 and 2.21 by replacing the references to “shall” with “must”.

26. Amend Condition 2.23 as follows:

2.23 Prior to the commencement of operations for any project associated with this concept plan approval, unless otherwise agreed by the ~~Director General~~ Planning Secretary, the Proponent shall develop and submit for the approval of the ~~Director General~~ Planning Secretary, an **Ambient Dust Monitoring Program**, to outline how the particulate matter impacts of the projects associated with this Concept plan approval will be monitored and proactively managed. The Program shall be prepared by an appropriately qualified person(s). The Program shall include, but not necessarily be limited to:

a) identification of an air quality monitoring network and meteorological monitoring,
b) locations, frequencies and methods for monitoring total suspended particles, PM_{10} and deposited particulate matter;
c) the use of appropriate sampling or monitoring methods to measure the parameters described above and a meteorological station capable of monitoring wind direction and speed;
d) the utilisation of real-time monitoring data to inform environmental management decisions associated with the project;
e) a framework for identifying actual and potential particulate matter impacts, and for applying pro-active and reactive mitigation and management measures to address those impacts;
f) provisions for reporting monitoring results to ~~OEH~~ EPA and the Department ~~and for independent review and auditing of the Program (to be incorporated into the Compliance Tracking Program)~~ upon request; and
g) mechanisms for updating the Program as may be required from time to time.

27. Amend Condition 2.24 as follows:

2.25 Projects associated with this concept plan approval shall be designed and operated with the objective of meeting noise limits as described in the *Noise Policy for Industry (EPA, 2017).*

28. Amend Condition 2.25 as follows:

2.25 Prior to the commencement of operations for any project associated with this concept plan approval, the Proponent shall develop and submit for the approval of the Planning Secretary, a **Noise Verification Monitoring Program**, to outline how the noise impacts of the projects associated with this concept plan approval will be monitored and proactively managed. The Program shall be prepared by an appropriately qualified person(s) and in consultation with EPA. The Program shall include, but not necessarily be limited to:

a) identification of a noise monitoring network, consistent with the guidelines provided in the *Noise Policy for Industry (EPA, 2017)*;
b) locations, timing and methods for monitoring noise impacts as operations commence for each stage of the concept plan to assess compliance with cumulative operational noise limits, including identification of monitoring sites at which pre- and post-project noise levels can be ascertained;
c) a framework for identifying actual and potential noise impacts, and for applying pro-active and reactive mitigation and management measures to address those impacts;
~~d)~~ provisions for reporting monitoring results and complaints and enquiries received to EPA and the Department (where requested) ~~and for independent review and auditing of the Program (to be incorporated into the Compliance Tracking Program)~~; and
e) mechanisms for updating the Program as may be required from time to time including a system that allows for the periodic assessment of Best Management Practices and Best Available Technology Economically Achievable to satisfy operational noise limits.

29. Amend Condition 2.26 as follows:

2.26 ~~Prior to the completion of the reclamation phase in Stage 1~~ Prior to the submission of any project applications for Stages 2 and 3 of this Concept Plan the Proponent shall prepare a Shore Side Power (cold ironing) Feasibility Report, in consultation with ~~OEH~~ DCCEEW, EPA and TfNSW, for shore side power at each berth. The assessment shall be undertaken by an appropriately qualified person(s) and shall include, but not limited to:

a) a discussion of best management practice for Shore Side Power, including any relevant international standards;
b) consideration of all feasible and reasonable measures that could be adopted at the berths, including the consideration and quantification of air quality and noise benefits; and
c) potential options and future recommendations.

The Proponent shall submit the Report for the ~~Director General~~ Planning Secretary's consideration and shall comply with any requirements of the ~~Director General~~ Planning Secretary.

30. Delete Condition 2.29.

31. Amend Condition 4.2 as follows:

The Proponent shall establish a dedicated website or maintain dedicated pages within its existing website for the provision of electronic information associated with the concept plan approval, subject to confidentiality requirements. The Proponent shall publish and maintain up-to-date information on this website or dedicated pages including, but not necessarily limited to:

a) information on the statutory context of the concept plan approval and the current implementation status of the project;
b) a copy of this concept plan approval, any related project approvals and any future modification to these approvals; ~~and~~
c) details of the outcomes of compliance reviews and audits of the project; and
d) any other material required to be made publicly available by this consent.

32. Delete Conditions 4.4. and 4.5, and insert the following note under the deleted conditions:

Note: Refer to the relevant project approvals for complaints management processes.

33. Delete Condition 5.1 and insert the following note under the deleted condition:

Note: Refer to the relevant project approvals for compliance and auditing processes.

[end of modification]