



## **Kongsberg Defence – site within Newcastle Airport precinct**

MN-01017

# **Phase 1 Determination**

**Acquisition may be put into effect**

29 August 2025

# 1. Determination and statement of reasons

<b>Notified acquisition</b>	Kongsberg Defence Australia ( <b>KDau</b> ) proposes to enter into lease arrangements with Greater Newcastle Aerotropolis Pty Ltd ( <b>GNAPL</b> ) for an interest in commercial land adjacent to Newcastle Airport (the <b>Property</b> ), to establish a missile manufacturing and maintenance facility in Newcastle, NSW (the <b>Acquisition</b> ).
<b>Determination</b>	The Australian Competition and Consumer Commission has determined under section 51ABZE(1) of the <i>Competition and Consumer Act 2010</i> (Cth) that the Acquisition may be put into effect.
<b>Parties to the Acquisition</b>	<p>The acquirer, KDau, is indirectly wholly owned by Kongsberg Gruppen ASA (<b>KOG</b>). KOG is an international technology group that supplies high-technology systems and solutions to customers in the merchant marine, defence, aerospace, offshore oil and gas and renewable and utilities industries.</p> <p>The landlord, GNAPL, is jointly owned by Newcastle City Council and Port Stephens Council. GNAPL undertakes the operation and development of Newcastle Airport under a 60-year lease with the Commonwealth Government.</p> <p>The Property is adjacent to Newcastle Airport.</p>
<b>Overlap and relationship between the parties</b>	The Property would be an input to the operations of KDau.
<b>Reasons for determination</b>	<p>When making a determination in Phase 1, the Australian Competition and Consumer Commission (<b>ACCC</b>) undertakes a competition assessment and considers whether it is appropriate for an acquisition to be approved or subject to further assessment in Phase 2 in accordance with section 51ABZJ of the <i>Competition and Consumer Act 2010</i> (Cth) (the <b>Act</b>). In doing so, the ACCC must have regard to the object of the Act and all relevant matters, including the interests of consumers.</p> <p>For more information about the ACCC's approach to considering notified acquisitions, see the ACCC's <a href="#">merger assessment guidelines</a> and <a href="#">interim merger process guidelines</a>.</p> <p>In conducting its competition assessment, the ACCC has considered the information and documents that were submitted with the notification form and information from third parties.</p> <p>The ACCC has determined that the Acquisition may be put into effect as it considers the Acquisition is unlikely to have the effect of substantially lessening competition in any market. In reaching its decision, and based on the material before it, the ACCC makes the following findings:</p> <ul style="list-style-type: none"> <li>• there is no horizontal competitive overlap</li> <li>• there are sufficient suitable alternative sites available for KDau's competitors</li> <li>• the Acquisition does not otherwise limit or prevent competition from rivals.</li> </ul>

<b>Applications for review</b>	A notifying party, or other person who has been allowed to do so by the Australian Competition Tribunal, may apply for review if they are dissatisfied with the determination. Pursuant to section 100C of the Act, applications for review of the determination are to be made to the Australian Competition Tribunal before the end of 14 days after this statement of reasons was included on the ACCC's acquisitions register.
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**Determination made by Commissioner Williams pursuant to a delegation under section 25(1)  
of the Act**