



Our ref: JB: HW: 239848

16th April 2019

Key Sites Assessments
NSW Planning & Environment
GPO Box 39
SYDNEY NSW 2001

ATTENTION: JAMES GROUNDWATER

Dear James,

**RE: BDAR WAIVER REQUEST
PROPOSED MIXED USE DEVELOPMENT (SSD18_9827)
45 HONEYSUCKLE DRIVE, NEWCASTLE**

I am contacting you on behalf of our client, Miller Property Corporation, regarding their proposed development at 45 Honeysuckle Drive, Newcastle. Specifically, I refer to your email dated 21 March 2019 and our subsequent phone call on 3 April 2019 regarding our request to waive the requirement for a BDAR for Lee 5 Mixed Use Development (SSD18_9827).

This request is made on the basis that the Secretary's Environmental Assessment Requirements for the State Significant Development require the following:

13. Biodiversity

The EIS shall provide an assessment of the proposal's biodiversity impacts in accordance with the Biodiversity Conservation Act 2016, including the preparation of a Biodiversity Development Assessment Report where required under the Act.

It is understood that in order to waive the requirement for a BDAR, it must be determined whether the proposed development is likely to have a significant impact on biodiversity values. The assessment must address each of the biodiversity values listed in Section 1.5 of the Biodiversity Conservation Act 2016 and Clause 1.4 of the Biodiversity Regulation 2017.

ADW JOHNSON PTY LIMITED

ABN 62 129 445 398

Sydney

Level 35 One International Towers
100 Barangaroo Avenue
Sydney NSW 2000
02 8046 7411
sydney@adwjohnson.com.au

Central Coast

5 Pioneer Avenue, Tuggerah NSW 2259
PO Box 3717, Tuggerah NSW 2259
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coast@adwjohnson.com.au

www.adwjohnson.com.au

Hunter

7/335 Hillsborough Road,
Warners Bay NSW 2282
02 4978 5100

hunter@adwjohnson.com.au

1.0 SITE CONTEXT

The subject is located at 45 Honeysuckle Drive, Newcastle, which forms part of Lot 4 DP 1238761.

The site, known as Lee 5, is part of the Hunter & Central Coast Development Corporation (HCCDC) Honeysuckle landholding, and has been identified for redevelopment as part of the ongoing revitalisation of the Newcastle City Centre. Miller Property Corporation has entered into a commercial arrangement with HCCDC to develop the land, having been selected by HCCDC as the preferred candidate.

The site is shown in **Figure 1** below.



Figure 1: Lee 5 Development Site

As can be seen in **Figure 1**, the site is highly disturbed and void of vegetation (flora) and fauna habitat.

2.0 PROPOSED DEVELOPMENT

The proposal includes the construction of three (3) mixed use buildings on the site. The buildings will vary between seven (7) and eight (8) storeys, with two (2) levels of basement carparking. The ground floor will be utilised predominately for commercial purposes; however, it is intended to incorporate several residences to provide additional openings and activation to the public domain. The remainder of the building will comprise approximately 105 apartments.

3.0 ASSESSMENT OF BIODIVERSITY VALUES

To determine whether the proposed development is likely to have a significant impact on biodiversity values, the following assessment has been made addressing each of the biodiversity values listed in Section 1.5 of the Biodiversity Conservation Act 2016 and Clause 1.4 of the Biodiversity Regulation 2017. A table containing this assessment is enclosed as **Attachment 1**.

Based on the assessment (**Attachment 1**), it is unlikely that the proposed development will have a significant impact on biodiversity values. This is on the basis that the site is in a highly altered state due to previous land uses, is void of vegetation and exists within an urban setting.

We trust that the information provided is sufficient for the Department and the OEH to assess our application to waive the requirement for a BDAR, however, please do not hesitate to contact the undersigned should you have any questions or wish to discuss the application further.

Kind Regards,



JESSICA BAYLEY
SENIOR PLANNER
 ADW JOHNSON
 HUNTER OFFICE

N:\239848\Planning\Consultation Letters\20190416 Lee 5 BDAR Waiver Request Letter.docx

Encl.:

- Assessment of Biodiversity Values

Attachment 1

ASSESSMENT OF BIODIVERSITY VALUES

BIODIVERSITY CONSERVATION ACT 2016		
Section 1.5 Biodiversity and Biodiversity Values for Purposes of Act		
(1)	For the purposes of this Act, biodiversity is the variety of living animal and plant life from all sources, and includes diversity within and between species and diversity of ecosystems.	Noted.
(2)	For the purposes of this Act, biodiversity values are the following biodiversity values:	-
(a)	Vegetation integrity—being the degree to which the composition, structure and function of vegetation at a particular site and the surrounding landscape has been altered from a near natural state;	The site was previously used for industrial purposes and is in a highly altered stated. No remnant vegetation occurs on site.
(b)	Habitat suitability—being the degree to which the habitat needs of threatened species are present at a particular site,	The site is highly disturbed and does not contain remnant vegetation. It is unlikely that the site provides habitat for threatened species given its current state and urban setting.
(c)	Biodiversity values, or biodiversity-related values, prescribed by the regulations.	See assessment below.
BIODIVERSITY CONSERVATION REGULATION 2017		
Section 1.4 Additional Biodiversity Values (Section 1.5 of the Act)		
(a)	Threatened species abundance—being the occurrence and abundance of threatened species or threatened ecological communities, or their habitat, at a particular site,	While it is possible mobile threatened species could visit the site, it is considered that this would be limited given there is no habitat or vegetation present on site.
(b)	Vegetation abundance—being the occurrence and abundance of vegetation at a particular site,	As no native remnant vegetation remains on site, no native vegetation communities will be affected by the proposal.
(c)	Habitat connectivity—being the degree to which a particular site connects different areas of habitat of threatened species to facilitate the movement of those species across their range,	Given the disturbed state of the site and surrounding urban area, it is unlikely to connect different areas of habitat of threatened species.
(d)	Threatened species movement—being the degree to which a particular site contributes to the movement of threatened species to maintain their lifecycle,	Given the sites urban setting, it is unlikely that the proposal will affect the movement of threatened species.
(e)	Flight path integrity—being the degree to which the flight paths of protected animals over a particular site are free from interference,	Given the sites urban setting and surrounding development, it is unlikely the proposal will affect the flight path of protected animals.
(f)	Water sustainability—being the degree to which water quality, water bodies and hydrological processes sustain threatened species and threatened ecological communities at a particular site.	The site occupies land to the south of the Hunter River, along an existing engineered channel. The channel edge will be retained and as such is unlikely to affect the current hydrological processes.



Our ref: JB: HW: 239848

16th April 2019

City of Newcastle
PO Box 489
Newcastle NSW 2300

ATTENTION: CHIEF EXECUTIVE OFFICER

Dear Mr Bath,

**RE: LEE 5 – PROPOSED MIXED USE DEVELOPMENT
45 HONEYSUCKLE DRIVE, NEWCASTLE**

We are contacting City of Newcastle on behalf of our client, Horizon Newcastle Pty Ltd, regarding their proposed mixed-use development at 45 Honeysuckle Drive, Newcastle, which forms part of Lot 4 DP 1238761.

The site, known as Lee 5, is part of the Hunter & Central Coast Development Corporation (HCCDC) Honeysuckle landholding, and has been identified for redevelopment as part of the ongoing revitalisation of the Newcastle City Centre. Miller Property Corporation has entered into a commercial arrangement with HCCDC to develop the land, having been selected by HCCDC as the preferred candidate.

The site is shown in **Figure 1** below.



Figure 1: Lee 5 Development Site

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Based on current concepts, the proposal includes the construction of three (3) mixed use buildings on the site. The buildings will vary between seven (7) and eight (8) storeys, with two (2) levels of basement carparking. The ground floor will be utilised predominately for commercial purposes; however, it is intended to incorporate several residences to provide additional openings and activation to the public domain. The remainder of the building will comprise approximately 105 apartments.



Figure 2: Concept Design (CKDS 2018)

The proposed development has been identified as a State Significant Development (SSD) due to its location and Capital Investment Value. The Secretary's Environmental Assessment Requirements (SEARs) have been obtained, which detail various matters that the Department of Planning & Environment require to be addressed in the subsequent Environmental Impact Statement (EIS).

The SEARs require the Proponent to consult with City of Newcastle during the preparation of the EIS. As preparation of the EIS and design is underway, we would like to provide Council the opportunity to meet with the Project Team to discuss the proposal and any suggestions or specific concerns that they may have, prior to lodgement of the EIS. We note that Council will have the opportunity to provide their feedback on the final proposal as part of the exhibition process for the EIS.

For further context, please refer to the enclosed documents:

- A copy of the most recent draft plans, as presented to the NSW State Design Review Panel in April 2019 (**Attachment 1**);
- A copy of the Request for Secretary's Environmental Assessment Requirements (ADW Johnson, 20 December 2018) (**Attachment 2**); and
- A copy of the SEARs (SSD 9827), dated 31 January 2018 (**Attachment 3**).

Should Council have any feedback on the proposal, we request that comments are provided by Tuesday 30th April to allow time for the Project Team to consider Council's feedback prior to lodgement. To arrange a meeting or discuss the proposal in further detail, please do not hesitate to contact the undersigned.

Kind Regards,

A handwritten signature in blue ink, appearing to read 'Jessica Bayley'.

JESSICA BAYLEY
SENIOR PLANNER
ADW JOHNSON
HUNTER OFFICE

N:\239848\Planning\Consultation Letters\20190416 Lee 5 Consultation Letter to City of Newcastle.docx

Encl.:

- Draft Plans;
- Request for Secretary's Environmental Assessment Requirements; and
- SEARs (SSD 9827).

Attachment 1

DRAFT PLANS

Attachment 2

REQUEST FOR SECRETARY'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS

Attachment 3

SEARS (SSD 9827)



Our ref: JB: HW: 239848

17th April 2019

Hunter Water Corporation
PO Box 5171
HRMC NSW 2310

ATTENTION: TO WHOM IT MAY CONCERN

Dear Sir / Madam,

**RE: LEE 5 – PROPOSED MIXED USE DEVELOPMENT
45 HONEYSUCKLE DRIVE, NEWCASTLE**

We are contacting Hunter Water Corporation on behalf of our client, Horizon Newcastle Pty Ltd, regarding their proposed mixed-use development at 45 Honeysuckle Drive, Newcastle, which forms part of Lot 4 DP 1238761.

The site, known as Lee 5, is part of the Hunter & Central Coast Development Corporation (HCCDC) Honeysuckle landholding, and has been identified for redevelopment as part of the ongoing revitalisation of the Newcastle City Centre. Horizon Newcastle Pty Ltd has entered into a commercial arrangement with HCCDC to develop the land, having been selected by HCCDC as the preferred candidate.

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Based on current concepts, the proposal includes the construction of three (3) mixed use buildings on the site. The buildings will vary between seven (7) and eight (8) storeys, with two (2) levels of basement carparking. The ground floor will be utilised predominately for commercial purposes; however, it is intended to incorporate several residences to provide additional openings and activation to the public domain. The remainder of the building will comprise approximately 105 apartments.



Figure 2: Concept Design (CKDS 2018)

The proposed development has been identified as a State Significant Development (SSD) due to its location and Capital Investment Value. The Secretary's Environmental Assessment Requirements (SEARs) have been obtained, which detail various matters that the Department of Planning & Environment require to be addressed in the subsequent Environmental Impact Statement (EIS).

The SEARs require the Proponent to consult with relevant utility service providers during the preparation of the EIS. Whilst not specifically identified by the Secretary, it is considered that Hunter Water is an agency that may have an interest in this project. As preparation of the EIS and design is underway, we would like to provide Hunter Water the opportunity to meet with the Project Team to discuss the proposal and any suggestions or specific concerns that they may have, prior to lodgement of the EIS. We note that Hunter Water will have the opportunity to provide their feedback on the final proposal as part of the exhibition process for the EIS.

For further context, please refer to the enclosed documents:

- A copy of the most recent draft plans, as presented to the NSW State Design Review Panel in April 2019 (**Attachment 1**);
- A copy of the Request for Secretary's Environmental Assessment Requirements (ADW Johnson, 20 December 2018) (**Attachment 2**); and
- A copy of the SEARs (SSD 9827), dated 31 January 2018 (**Attachment 3**).

Should Hunter Water have any feedback on the proposal, we request that comments are provided by Tuesday 30th April 2019 to allow time for the Project Team to consider Hunter Water's feedback prior to lodgement. To arrange a meeting or discuss the proposal in further detail, please do not hesitate to contact the undersigned.

Kind Regards,

A handwritten signature in blue ink, appearing to read 'Bayley'.

JESSICA BAYLEY
SENIOR PLANNER
ADW JOHNSON
HUNTER OFFICE

N:\239848\Planning\Consultation Letters\20190417 Lee 5 Consultation Letter to Hunter Water.docx

Encl.:

- Draft Plans;
- Request for Secretary's Environmental Assessment Requirements; and
- SEARs (SSD 9827).

Attachment 1

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SEARS (SSD 9827)



Our ref: JB: HW: 239848

17th April 2019

Jemena
PO Box 1220
North Sydney NSW 2059

ATTENTION: TO WHOM IT MAY CONCERN

Dear Sir / Madam,

**RE: LEE 5 – PROPOSED MIXED USE DEVELOPMENT
45 HONEYSUCKLE DRIVE, NEWCASTLE**

We are contacting Jemena on behalf of our client, Horizon Newcastle Pty Ltd, regarding their proposed mixed-use development at 45 Honeysuckle Drive, Newcastle, which forms part of Lot 4 DP 1238761.

The site, known as Lee 5, is part of the Hunter & Central Coast Development Corporation (HCCDC) Honeysuckle landholding, and has been identified for redevelopment as part of the ongoing revitalisation of the Newcastle City Centre. Horizon Newcastle Pty Ltd has entered into a commercial arrangement with HCCDC to develop the land, having been selected by HCCDC as the preferred candidate.

The site is shown in **Figure 1** below.



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Figure 2: Concept Design (CKDS 2018)

The proposed development has been identified as a State Significant Development (SSD) due to its location and Capital Investment Value. The Secretary's Environmental Assessment Requirements (SEARs) have been obtained, which detail various matters that the Department of Planning & Environment require to be addressed in the subsequent Environmental Impact Statement (EIS).

The SEARs require the Proponent to consult with relevant utility service providers during the preparation of the EIS. Whilst not specifically identified by the Secretary, it is considered that Jemena is a stakeholder that may have an interest in this project in relation to gas supply. As preparation of the EIS and design is underway, we would like to provide Jemena the opportunity to meet with the Project Team to discuss the proposal and any suggestions or specific concerns that they may have, prior to lodgement of the EIS. We note that Jemena will have the opportunity to provide their feedback on the final proposal as part of the exhibition process for the EIS.

For further context, please refer to the enclosed documents:

- A copy of the most recent draft plans, as presented to the NSW State Design Review Panel in April 2019 (**Attachment 1**);
- A copy of the Request for Secretary's Environmental Assessment Requirements (ADW Johnson, 20 December 2018) (**Attachment 2**); and
- A copy of the SEARs (SSD 9827), dated 31 January 2018 (**Attachment 3**).

Should Jemena have any feedback on the proposal, we request that comments are provided by Tuesday 30th April 2019 to allow time for the Project Team to consider Jemena feedback prior to lodgement. To arrange a meeting or discuss the proposal in further detail, please do not hesitate to contact the undersigned.

Kind Regards,

A handwritten signature in blue ink, appearing to read 'Jessica Bayley'.

JESSICA BAYLEY
SENIOR PLANNER
ADW JOHNSON
HUNTER OFFICE

N:\239848\Planning\Consultation Letters\20190417 Lee 5 Consultation Letter to Jemena.docx

Encl.:

- Draft Plans;
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Attachment 3

SEARS (SSD 9827)



Our ref: JB: HW: 239848

17th April 2019

Roads & Maritime Services
Locked Bag 2030
Newcastle NSW 2300

ATTENTION: MANAGER LAND USE ASSESSMENT

Dear Peter,

**RE: LEE 5 – PROPOSED MIXED USE DEVELOPMENT
45 HONEYSUCKLE DRIVE, NEWCASTLE**

We are contacting Roads & Maritime Services (RMS) on behalf of our client, Horizon Newcastle Pty Ltd, regarding their proposed mixed-use development at 45 Honeysuckle Drive, Newcastle, which forms part of Lot 4 DP 1238761.

The site, known as Lee 5, is part of the Hunter & Central Coast Development Corporation (HCCDC) Honeysuckle landholding, and has been identified for redevelopment as part of the ongoing revitalisation of the Newcastle City Centre. Miller Property Corporation has entered into a commercial arrangement with HCCDC to develop the land, having been selected by HCCDC as the preferred candidate.

The site is shown in **Figure 1** below.



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Figure 2: Concept Design (CKDS 2018)

The proposed development has been identified as a State Significant Development (SSD) due to its location and Capital Investment Value. The Secretary's Environmental Assessment Requirements (SEARs) have been obtained, which detail various matters that the Department of Planning & Environment require to be addressed in the subsequent Environmental Impact Statement (EIS), including an assessment of traffic impacts.

The SEARs also require the Proponent to consult with Roads & Maritime during the preparation of the EIS. As preparation of the EIS and design is underway, we would like to provide Roads & Maritime the opportunity to meet with the Project Team to discuss the proposal and any suggestions or specific concerns that they may have, prior to lodgement of the EIS. We note that Roads & Maritime will have the opportunity to provide their feedback on the final proposal as part of the exhibition process for the EIS.

For further context, please refer to the enclosed documents:

- A copy of the most recent draft plans, as presented to the NSW State Design Review Panel in April 2019 (**Attachment 1**);
- A copy of the Request for Secretary's Environmental Assessment Requirements (ADW Johnson, 20 December 2018) (**Attachment 2**); and
- A copy of the SEARs (SSD 9827), dated 31 January 2018 (**Attachment 3**).

Should the RMS have any feedback on the proposal, we request that comments are provided by Tuesday 30th April 2019 to allow time for the Project Team to consider Council's feedback prior to lodgement. To arrange a meeting or discuss the proposal in further detail, please do not hesitate to contact the undersigned.

Kind Regards,

A handwritten signature in blue ink, appearing to read 'Bayley'.

JESSICA BAYLEY
SENIOR PLANNER
ADW JOHNSON
HUNTER OFFICE

N:\239848\Planning\Consultation Letters\20190417 Lee 5 Consultation Letter to RMS.docx

Encl.:

- Draft Plans;
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Attachment 3

SEARS (SSD 9827)



Our ref: JB: HW: 239848

17th April 2019

Subsidence Advisory NSW
PO Box 488G
Newcastle NSW 2300

ATTENTION: TO WHOM IT MAY CONCERN

Dear Sir / Madam,

**RE: LEE 5 – PROPOSED MIXED USE DEVELOPMENT
45 HONEYSUCKLE DRIVE, NEWCASTLE**

We are contacting Subsidence Advisory NSW (SA NSW) on behalf of our client, Horizon Newcastle Pty Ltd, regarding their proposed mixed-use development at 45 Honeysuckle Drive, Newcastle, which forms part of Lot 4 DP 1238761.

The site, known as Lee 5, is part of the Hunter & Central Coast Development Corporation (HCCDC) Honeysuckle landholding, and has been identified for redevelopment as part of the ongoing revitalisation of the Newcastle City Centre. Horizon Newcastle Pty Ltd has entered into a commercial arrangement with HCCDC to develop the land, having been selected by HCCDC as the preferred candidate.

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Figure 2: Concept Design (CKDS 2018)

The proposed development has been identified as a State Significant Development (SSD) due to its location and Capital Investment Value. The Secretary's Environmental Assessment Requirements (SEARs) have been obtained, which detail various matters that the Department of Planning & Environment require to be addressed in the subsequent Environmental Impact Statement (EIS).

The SEARs require the Proponent to consult with relevant local, State and Commonwealth authorities during the preparation of the EIS. Whilst not specifically identified by the Secretary, it is considered that SA NSW is an agency that may have an interest in this project as it is located within a Mine Subsidence District. As preparation of the EIS and design is underway, we would like to provide SA NSW the opportunity to meet with the Project Team to discuss the proposal and any suggestions or specific concerns that they may have, prior to lodgement of the EIS. We note that SA NSW will have the opportunity to provide their feedback on the final proposal as part of the exhibition process for the EIS.

For further context, please refer to the enclosed documents:

- A copy of the most recent draft plans, as presented to the NSW State Design Review Panel in April 2019 (**Attachment 1**);
- A copy of the Request for Secretary's Environmental Assessment Requirements (ADW Johnson, 20 December 2018) (**Attachment 2**); and
- A copy of the SEARs (SSD 9827), dated 31 January 2018 (**Attachment 3**).

Should SA NSW have any feedback on the proposal, we request that comments are provided by Tuesday 30th April 2019 to allow time for the Project Team to consider SA NSE feedback prior to lodgement. To arrange a meeting or discuss the proposal in further detail, please do not hesitate to contact the undersigned.

Kind Regards,

A handwritten signature in blue ink, appearing to read 'Bayley'.

JESSICA BAYLEY
SENIOR PLANNER
ADW JOHNSON
HUNTER OFFICE

N:\239848\Planning\Consultation Letters\20190417 Lee 5 Consultation Letter to SA NSW.docx

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REQUEST FOR SECRETARY'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS

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SEARS (SSD 9827)



Our ref: JB: HW: 239848

17th April 2019

Transport for NSW
241 O'Riordan Street
Mascot NSW 2020

ATTENTION: MARK OZINGA (MANAGER LAND USE PLANNING & DEVELOPMENT)

Dear Mark,

**RE: LEE 5 – PROPOSED MIXED USE DEVELOPMENT
45 HONEYSUCKLE DRIVE, NEWCASTLE**

We are contacting Transport for NSW (TfNSW) on behalf of our client, Horizon Newcastle Pty Ltd, regarding their proposed mixed-use development at 45 Honeysuckle Drive, Newcastle, which forms part of Lot 4 DP 1238761.

The site, known as Lee 5, is part of the Hunter & Central Coast Development Corporation (HCCDC) Honeysuckle landholding, and has been identified for redevelopment as part of the ongoing revitalisation of the Newcastle City Centre. Miller Property Corporation has entered into a commercial arrangement with HCCDC to develop the land, having been selected by HCCDC as the preferred candidate.

The site is shown in **Figure 1** below.

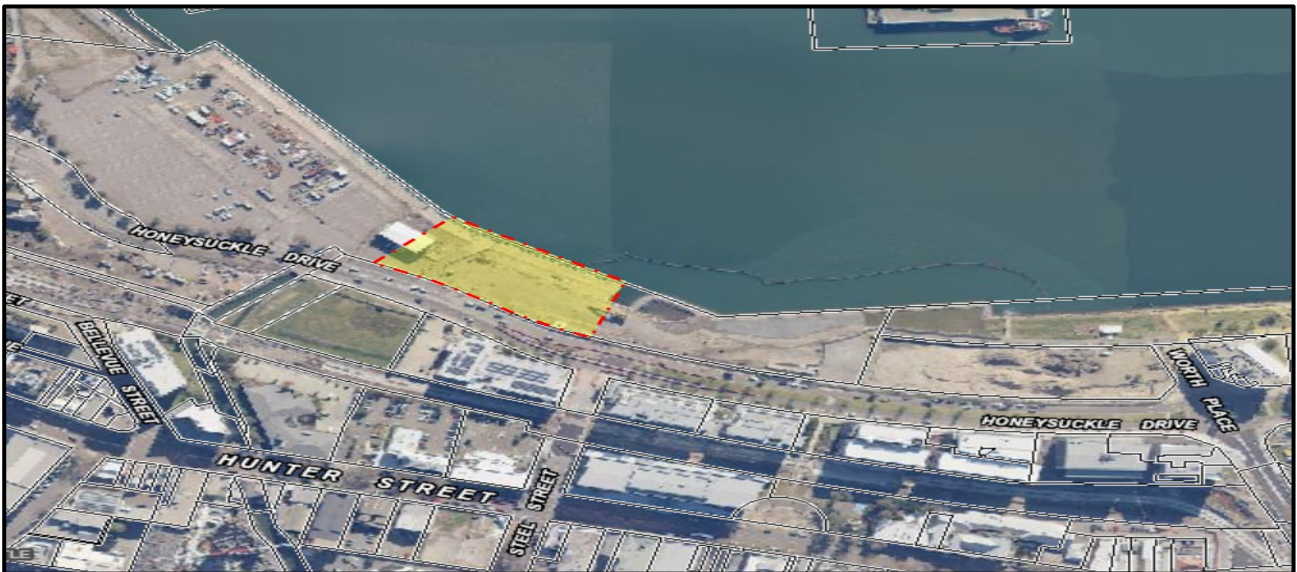


Figure 1: Lee 5 Development Site

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Figure 2: Concept Design (CKDS 2018)

The proposed development has been identified as a State Significant Development (SSD) due to its location and Capital Investment Value. The Secretary's Environmental Assessment Requirements (SEARs) have been obtained, which detail various matters that the Department of Planning & Environment require to be addressed in the subsequent Environmental Impact Statement (EIS), including matters relating to transport and accessibility.

The SEARs also require the Proponent to consult with TfNSW during the preparation of the EIS. As preparation of the EIS and design is underway, we would like to provide TfNSW the opportunity to meet with the Project Team to discuss the proposal and any suggestions or specific concerns that they may have, prior to lodgement of the EIS. We note that TfNSW will have the opportunity to provide their feedback on the final proposal as part of the exhibition process for the EIS.

For further context, please refer to the enclosed documents:

- A copy of the most recent draft plans, as presented to the NSW State Design Review Panel in April 2019 (**Attachment 1**);
- A copy of the Request for Secretary's Environmental Assessment Requirements (ADW Johnson, 20 December 2018) (**Attachment 2**); and
- A copy of the SEARs (SSD 9827), dated 31 January 2018 (**Attachment 3**).

Should TfNSW have any feedback on the proposal, we request that comments are provided by Tuesday 30th April to allow time for the Project Team to consider Council's feedback prior to lodgement. To arrange a meeting or discuss the proposal in further detail, please do not hesitate to contact the undersigned.

Kind Regards,

A handwritten signature in blue ink, appearing to read 'Bayley'.

JESSICA BAYLEY
SENIOR PLANNER
ADW JOHNSON
HUNTER OFFICE

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REQUEST FOR SECRETARY'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS

Attachment 3

SEARS (SSD 9827)