

22 November 2021

Cessnock City Council
PO Box 152,
Cessnock NSW 2325

Re: Addendum to Environmental Impact Statement for DA 8/2018/539/1

This Addendum to Environmental Impact Statement updates the previous Addendum to Environmental Impact Statement dated 18 October 2021.

The Environmental Impact Statement (EIS) for DA 8/2018/539/1 was lodged to Cessnock City Council on 22/08/2018 for 39 industrial lots (including one lot for a substation) to be delivered in six stages and one environmental conservation lot, as shown on the Subdivision Plan prepared by ADW Johnson dated 14/08/2018.

Since the EIS has been submitted, DA2020/01497 has been approved on Lot 30 DP 870411, which adjoins the subject site to the east. This approved DA included an access onto John Renshaw approximately 140 metres to the east of the common boundary between Lot 30 and the subject site. As a result, the location of the access to the subject site was required to be moved to accommodate the approved intersection on Lot 30.

The purpose of the following letter is to provide an addendum to the forementioned EIS, to replace the Subdivision Plan to the following:

- Proposed Subdivision Plan 38 Industrial Lots, 1 Environmental Lot & 1 Substation Lot prepared by ADW Johnson (reference 239590, no. 004, rev. B, dated 7 October 2021).

This addendum is supported by the following:

- Civil Engineering Plans prepared by ADW Johnson issued 15/10/2021 (including detailed design plans and cut and fill plan)
- Letter from Barr Property & Planning to Broaden Pty Ltd regarding a feasibility analysis (reference 16NEW0055, dated 10 May 2021)
- Letter from Barr Property & Planning to Broaden Pty Ltd regarding community consultation (reference 16NEW0055, dated 11 May 2021)
- Biodiversity Development Assessment Report prepared by MJD Environmental (Job No. 17032, Version V4, dated 9 July 2021)

- Letter from Barr Property & Planning to Cessnock City Council regarding an addendum to the EIS and additional information for Council (reference 16 NEW0055, dated 2 April 2019), including:
 - Annexure A – Environmental Impact Statement Addendum (reference 16NEW0055, dated 25 March 2019)
 - Annexure B – Aboriginal Cultural Heritage Assessment Report prepared by RPS (reference PR139511, version 2.0, dated 16 January 2018)
- Aboriginal Heritage Due Diligence Assessment prepared by RPS (reference PR150040-1, version 1.0, dated 15 July 2021)
- Landscaping Master Plan – Report titled “Hunter Central Logistics Park Master Plan Report” prepared by Moir Landscape Architecture (project no. 1880, issue Rev D, dated 21 June 2021)
- Letters from Hunter Water Corporation to Cessnock City Council regarding owner’s consent:
 - dated 16 June 2021
 - dated 13 September 2021
- Strategic Drawings of Western Intersection prepared by ADW Johnson (issue no. 1, dated 17 May 2021)
- Strategic Drawings of Eastern Intersection prepared by ADW Johnson (issue no. 4, dated 6 August 2021)
- Stormwater Management Plan prepared by ADW Johnson (issue no. E, dated 14 October 2021)
- Traffic Impact Assessment, which includes the following documents:
 - GTA Traffic Report - Report titled “John Renshaw Drive, Black Hill Industrial Precinct – Microsimulation Modelling – Options Testing Report” prepared by GTA Consultants (NSW) Pty Ltd (reference N171072, issue A, dated 26 May 2020)
 - GTA Comparison Report - Report titled “John Renshaw Drive, Black Hill Industrial Precinct – Detailed Evaluation of SMEC Report compared to GTA Report” prepared by GTA Consultants (NSW) Pty Ltd (reference N171072, issue B, dated 10 December 2020)
 - GTA Response to TfNSW - Letter dated 13 August 2020 from GTA Consultants in response to traffic matters raised by Transport for NSW
 - GTA Traffic Review (ref N171073, dated 22 October 2021)
- Land Owners Consent from Hunter Water to cover both Lot 13 adjacent to John Renshaw Drive and Lot 119 which bisects the site, together with the requirements outlined by Hunter Water regarding gaining access to their land for the purpose of a public road.

It is important to note the development footprint and Stages 4, 5, 6, Environmental Conservation Lot and part Stage 3 have not changed.

The changes are summarised at a very high level below:

- Amended eastern intersection, including relocation of the intersection approximately 230 metres west along John Renshaw Drive, from where it was originally proposed on the eastern boundary of the site
- Reconfiguration of Lots and roads (including the provision of 2 additional roads) in Stages 1, 2 and part Stage 3 to facilitate the updated eastern intersection access and the proposed roads which have been approved on the land to the east. A comparison of the updated lot sizes are shown in Table 1.
- Amended western intersection, including no works proposed to Donaldson Mine land at lot 1392 in DP 1126633.
- Amended Landscape Plan.

The specific details regarding the exact nature of the amendments are described in the letter from ADW Johnson dated 3 November 2021 (see Appendix A).

Table 1 Proposed Lot Sizes

| Lot | Previous ha | Proposed Lot ha |
|-----|-------------|-----------------|
| 101 | 3.2 | 5.8 |
| 102 | 2.4 | 3.7 |
| 103 | 2.4 | 2.0 |
| 104 | 4.6 | 2.1 |
| 105 | 1.8 | 1.9 |
| 106 | 2.2 | 2.6 |
| 201 | 2.4 | 3.7 |
| 202 | 2.4 | 3.7 |
| 203 | 2.6 | 3.7 |
| 204 | 2.5 | 4.9 |
| 205 | 2.3 | 3.6 |
| 206 | 4.0 | 2.8 |
| 207 | 8.4 | 2.7 |
| 208 | 5.2 | 3.3 |
| 301 | 5.6 | 5.2 |
| 302 | 6.3 | 6.4 |
| 304 | 4.2 | 4.6 |
| 305 | 3.1 | 3.2 |
| 306 | 3.1 | 3.0 |

The following table summarises the changes to the EIS:

Table 2 Updates to EIS

| Section of EIS | Update |
|---|--|
| 3 Description of the Development | |
| 3.1 Access | <p>Access to the site will be obtained off John Renshaw Drive via two signalised intersections; as depicted on the updated Concept Plan prepared by ADW Johnson.</p> <p>A shared access is no longer proposed with the adjoining development to the east of the subject site. This change is necessary due to an approved DA2020/01497, which prevents are shared access.</p> <p>The eastern intersection is now located approximately 230 metres west of the boundary. Two access points to the proposed adjoining development to the east of the subject site are located internally off the central spine road.</p> |

| Section of EIS | | | Update |
|-----------------------------------|---|--|---|
| | | | Vehicles will be able to enter and leave the site via both the eastern and western intersections and travel both east and west bound. |
| 3.3 | Earthworks | | Earthworks are proposed to achieve overall finished site levels as shown in the updated Civil Drawings. |
| 3.6 | Subdivision and Staging | | The development is being delivered in 6 stages. Proposed lot sizes for lots in Stages 1, 2 and part of Stage 3 are shown in Table 1. |
| 5 Strategic Context | | | |
| 5.4 | Draft Greater Newcastle Metropolitan Plan | | This strategic planning document is no longer Draft. The development application remains consistent with the objectives of the Greater Newcastle Metropolitan Plan. |
| | Cessnock Local Strategic Planning Statement | | <p>Since lodgement the development application the Cessnock Local Strategic Planning Statement (LSPS) has been adopted.</p> <p>The proposal is consistent with the objectives of the Cessnock Local LSPS.</p> <p>The LSPS outlines that Black Hill is anticipated to play a pivotal role in providing local employment opportunities. The LSPS notes that there'll be 5369 jobs in the Cessnock Local Government Area (LGA) by 2036, it is expected the development of this land at Black Hill will contribute to that requirement.</p> <p>The proposal in particular meets the objectives of Planning Priority 15, key infrastructure is leveraged to support economic growth. The proposal will provide significant employment land with immediate connections to the HEX and M1.</p> |
| 6 Statutory Context | | | |
| 6.8 | Environmental Planning Assessment | | <p>State Environmental Planning Policy No 44 – Koala Habitat Protection has been repealed.</p> <p>This has been replaced with State Environmental Planning Policy (Koala Habitat Protection) 2020. The subject site is not identified as 'Core Koala Habitat' and is consistent with the objectives of this SEPP.</p> <p>State Environmental Planning Policy (Rural Lands) 2008 has been repealed.</p> <p>An assessment against the Cessnock Development Control Plan 2010 Part E – Specific Areas E.18 Black Hill Employment Area is provided in Table 3 below.</p> |
| 6.8.10.1 | | | Since the initial EIS, a further planning agreement has been entered into on the site culminating in the issuing of a satisfactory arrangements letter from the Department of Planning to meet the requirements of an Urban Release Area. The planning agreement outlines the contributions that are required to be made per net developable hectare on the site. |
| 7 Environmental Assessment | | | |

| Section of EIS | Update |
|---------------------------------|--|
| 7.1 Aboriginal Heritage Culture | Further investigations into Aboriginal heritage and culture have been undertaken to accommodate works on Johns Renshaw Drive. |
| 7.3 Biodiversity | Further investigations into biodiversity have been undertaken to accommodate works on Johns Renshaw Drive. |
| 7.8 Erosion and Sediment | Erosion and Sediment Control has been updated to reflect the current design. |
| 7.11 Stormwater Management | Stormwater Management has been updated to reflect the current design. |
| 7.12 Traffic and Transport | <p>The traffic impact assessment prepared by Intersect has been superseded.</p> <p>All of section 7.12 is superseded by the current Traffic Impact Assessment, which comprises of the following documents:</p> <ul style="list-style-type: none"> • GTA Traffic Report - Report titled "John Renshaw Drive, Black Hill Industrial Precinct – Microsimulation Modelling – Options Testing Report" prepared by GTA Consultants (NSW) Pty Ltd (reference N171072, issue A, dated 26 May 2020) • GTA Comparison Report - Report titled "John Renshaw Drive, Black Hill Industrial Precinct – Detailed Evaluation of SMEC Report compared to GTA Report" prepared by GTA Consultants (NSW) Pty Ltd (reference N171072, issue B, dated 10 December 2020) • GTA Response to TfNSW - Letter dated 13 August 2020 from GTA Consultants in response to traffic matters raised by Transport for NSW • GTA Traffic Review (ref N171073, dated 22 October 2021) |
| 7.13 Visual and Landscape | <p>The proposal is still in the existing development footprint so there is no further visual impacts then previously assessed.</p> <p>An updated Landscape Masterplan has been prepared to reflect the current design.</p> |

Table 3 Assessment Against Cessnock DCP Part E Specific Areas E.18 Black Hill Employment Area

| Clause | Control | Comment |
|-------------------------------|--|--|
| 18.1.7 Concept Structure Plan | (a) Development is to be generally consistent with the Concept Structure Plan at Figure 2. | The proposal is consistent with the Concept Structure Plan in regard to having two points of access for the site. The western most point of access has not changed and easternmost access from John Renshaw Drive has been amended to consider the approved development next door and the access associated with that development. |

| Clause | Control | Comment |
|--------|--|--|
| | | <p>Traffic Impact Assessment has considered the location of the access points and the suitability of the location. The Traffic Impact Assessment includes:</p> <ul style="list-style-type: none"> • GTA Traffic Report - Report titled "John Renshaw Drive, Black Hill Industrial Precinct – Microsimulation Modelling – Options Testing Report" prepared by GTA Consultants (NSW) Pty Ltd (reference N171072, issue A, dated 26 May 2020) • GTA Comparison Report - Report titled "John Renshaw Drive, Black Hill Industrial Precinct – Detailed Evaluation of SMEC Report compared to GTA Report" prepared by GTA Consultants (NSW) Pty Ltd (reference N171072, issue B, dated 10 December 2020) • GTA Response to TfNSW - Letter dated 13 August 2020 from GTA Consultants in response to traffic matters raised by Transport for NSW • GTA Traffic Review (ref N171073, dated 22 October 2021) |
| | <p>(b) The location of the easternmost access to John Renshaw Drive:</p> <ol style="list-style-type: none"> will be prioritised at the common boundary between the subject site and the adjoining industrial land (in the Newcastle LGA); and will be supported by a Traffic Impact Assessment that demonstrates the access is capable of managing the relevant traffic generation from the subject site and the adjoining industrial land (in the Newcastle LGA). | <p>A shared access is no longer proposed with the adjoining development to the east of the subject site. This change is necessary due to an approved DA2020/01497, which prevents are shared access. However, the proposal demonstrates how the two sites can interact through common points of internal access.</p> <p>The Traffic Impact Assessment demonstrates the access is capable of managing relevant</p> |

| Clause | Control | Comment |
|--------|--|--|
| | | <p>traffic generation. The Traffic Impact Assessment includes:</p> <ul style="list-style-type: none"> • GTA Traffic Report - Report titled "John Renshaw Drive, Black Hill Industrial Precinct – Microsimulation Modelling – Options Testing Report" prepared by GTA Consultants (NSW) Pty Ltd (reference N171072, issue A, dated 26 May 2020) • GTA Comparison Report - Report titled "John Renshaw Drive, Black Hill Industrial Precinct – Detailed Evaluation of SMEC Report compared to GTA Report" prepared by GTA Consultants (NSW) Pty Ltd (reference N171072, issue B, dated 10 December 2020) • GTA Response to TfNSW - Letter dated 13 August 2020 from GTA Consultants in response to traffic matters raised by Transport for NSW • GTA Traffic Review (ref N171073, dated 22 October 2021) |
| | <p>(c) Before determining development applications for traffic generating development or subdivision of land, a Traffic Impact Assessment will be provided to the satisfaction of the consent authority.</p> | <p>A Traffic Impact Assessment has been prepared. The Traffic Impact Assessment includes:</p> <ul style="list-style-type: none"> • GTA Traffic Report - Report titled "John Renshaw Drive, Black Hill Industrial Precinct – Microsimulation Modelling – Options Testing Report" prepared by GTA Consultants (NSW) Pty Ltd (reference N171072, issue A, dated 26 May 2020) • GTA Comparison Report - Report titled "John Renshaw Drive, Black Hill Industrial Precinct – Detailed Evaluation of SMEC Report compared to GTA Report" prepared by GTA |

| Clause | Control | Comment |
|--------------------|--|--|
| | | <p>Consultants (NSW) Pty Ltd (reference N171072, issue B, dated 10 December 2020)</p> <ul style="list-style-type: none"> GTA Response to TfNSW - Letter dated 13 August 2020 from GTA Consultants in response to traffic matters raised by Transport for NSW GTA Traffic Review (ref N171073, dated 22 October 2021) |
| 18.1.8 Subdivision | (a) A Landscape Masterplan must be submitted with each application for subdivision. See Appendix 1 – Landscaping Guidelines for Species and Density Requirements. | A Landscape Masterplan has been prepared and submitted with this application and is namely the Landscaping Master Plan – Report titled “Hunter Central Logistics Park Master Plan Report” prepared by Moir Landscape Architecture (project no. 1880, issue Rev D, dated 21 June 2021). |
| | (b) Street trees shall be planted to: <ul style="list-style-type: none"> i. soften the streetscape; ii. act as traffic calming measures through perceived narrowing of the road; iii. provide shade to footpaths and roads; and iv. enhance views. | The objectives of the proposed landscaping as outlined in the Landscape Master plan are to soften the streetscape, act as traffic calming measures through perceived narrowing of the road provide shade to footpaths and roads and enhance views. |
| | (c) Riparian vegetation along watercourses is to be re-established using locally occurring native species from locally sourced seed stock. | The Landscape Masterplan report details that the proposal will improve the riparian corridors through considered stormwater management and incorporation of endemic native landscape revegetation. |
| | (d) Landscape entry features identifying the Black Hill Employment Area (or subsequent “brand”) shall be permitted on private land at the intersection of the collector road network and John Renshaw Drive. | A landscape entry feature is proposed as outlined in the Landscape Masterplan Report. |
| | (e) The design of a landscape entry feature shall have regard to: <ul style="list-style-type: none"> i. impact on sight lines; ii. ongoing maintenance; and iii. reflectivity and lighting requirements. | The intention is to incorporate an entry statement that signifies The Hunter Logistics Hub as a high-quality industrial development that is different to the surrounding industrial estates. It |

| Clause | Control | Comment |
|------------------------------|---|--|
| | | is proposed that the statement is a large scale 'artistic' feature that can be viewed from a distance in both directions. The landscape treatments and material palette will set the tone for the landscape design throughout the development. The use of rusted steel and recycled, weathered timber posts are a reference to the past rural land use; juxtaposed by a contemporary steel 'ribbon' signifying a new direction for the immediate area. |
| 18.1.9 Staging and Servicing | (a) The site shall be developed in stages following the adequate provision of infrastructure to service each allotment in the stage. | The site is proposed to be developed in 6 stages. |
| | (b) Applicants are required to demonstrate adequate servicing of allotments including access to water, sewer and electricity. | Provision of adequate services will be provided. |
| | (c) To facilitate the cost effective and timely release of stages, development should proceed from the north-east corner of the Black Hill Employment Area | Stage 1 is proposed in the north – east corner of the Black Hill Employment Area. |
| | (d) All development lots must be provided with underground services. | It is proposed all lots will be provided with underground services. |
| 18.1.10 Access and Transport | (a) Access to the Black Hill Employment Area shall be provided generally in accordance with the Concept Structure Plan at Figure 2. | Access is provided generally in accordance with Figure 2. A shared access is no longer proposed with the adjoining development to the east of the subject site. This change is necessary due to an approved DA2020/01497, which prevents a shared access. |
| | (b) All internal roads will be designed with reference to Chapter D.1 Subdivision Guidelines and Chapter D.3 Industrial Development of the Cessnock DCP and in accordance with Council's Engineering Design Guidelines. | It is proposed internal roads will be designed with reference to Chapter D.1 Subdivision Guidelines and Chapter D.3 Industrial Development of the Cessnock DCP and in accordance with Council's Engineering Design Guidelines. |

| Clause | Control | Comment |
|--------|---|---|
| | (c) The collector road network shall allow for future access to the east, including the provision of rights of carriageway where necessary. | The proposed subdivision lay out includes collector roads to the east. |
| | (d) Provision for on road cycleways shall be made within the Collector Road network | Provision for on road cycle ways has been made. |
| | (e) Adequate directional signage is required at the vehicular entries and exits of each site | Provisions for adequate directional signage will be made. |
| | (h) The road network is to be designed to provide for a clear and convenient bus route throughout the site, including the provision of bus shelters and seating as required. | The road network is designed to provide a clear and convenient bus route throughout the site. |
| | (i) Provide details with the subdivision application for each stage, demonstrating consultation with the relevant bus company and the demand to extend or provide an additional bus route throughout the development including the proposed location of bus stops to service the development. | Consultation with the relevant bus companies will be undertaken prior to each stage. |

In addition to the matters set out in the table above, the following changes are also made to the EIS:

- any reference to “part Lot 1131 DP 1057179” are to be changed to “Lot 1 DP 1260203 and Lot 119 DP 1154904 and Lot 13 in DP 1097621”.
- the word “concept” is to be deleted in the following phrases, as the development application is no longer a concept application:
 - “concept development application”
 - “concept application”
 - “concept proposal”
 - “concept proposals”
 - “concept approval”
 - “concept development”
 - “concept plan”
- section 4.2 of the EIS titled “Community Consultation” – the following sentence is to be included “Detail in relation to the community consultation undertaken was also set out in a letter from Barr Property & Planning to Broaden Pty Ltd regarding community consultation (reference 16NEW0055, dated 11 May 2021)”
- section 6.8.3 titled “Concept Development Application” is to be deleted as it is no longer relevant.
- Some of the documents in the Appendices of the EIS are replaced with documents referred to at the top of this letter. Specifically:
 - Appendix C is to be replaced with
 - Civil Engineering Plans prepared by ADW Johnson issued 15/10/2021 (including detailed design plans and cut and fill plan)
 - Strategic Drawings of Western Intersection prepared by ADW Johnson (issue no. 1, dated 17 May 2021)

- Strategic Drawings of Eastern Intersection prepared by ADW Johnson (issue no. 4, dated 6 August 2021)
- Appendix D is to be replaced with Stormwater Management Plan prepared by ADW Johnson (issue no. E dated 14 October 2021)
- Appendix F is to be replaced with Traffic Impact Assessment, which includes the following documents:
 - GTA Traffic Report - Report titled "John Renshaw Drive, Black Hill Industrial Precinct – Microsimulation Modelling – Options Testing Report" prepared by GTA Consultants (NSW) Pty Ltd (reference N171072, issue A, dated 26 May 2020)
 - GTA Comparison Report - Report titled "John Renshaw Drive, Black Hill Industrial Precinct – Detailed Evaluation of SMEC Report compared to GTA Report" prepared by GTA Consultants (NSW) Pty Ltd (reference N171072, issue B, dated 10 December 2020)
 - GTA Response to TfNSW - Letter dated 13 August 2020 from GTA Consultants in response to traffic matters raised by Transport for NSW
 - GTA Traffic Review (ref N171073, dated 22 October 2021)
- Appendix I is to be replaced with Biodiversity Development Assessment Report prepared by MJD Environmental (Job No. 17032, Version V4, dated 9 July 2021)
- Appendix N remains the same with the addition of the following documents:
 - Aboriginal Cultural Heritage Assessment Report prepared by RPS (reference PR139511, version 2.0, dated 16 January 2018)
 - Aboriginal Heritage Due Diligence Assessment prepared by RPS (reference PR150040-1, version 1.0, dated 15 July 2021)

If you have any queries regarding this information, please contact the undersigned.



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Appendix A: Letter from ADW Johnson dated 3 November 2021



Our Ref:RK:239590

3 November 2021

Broaden Management Pty Ltd
Suite 11.02, 205 Pacific Highway
St Leonards, NSW 2065

Attention: Mr Mark Griesse

Dear Mark,

**JOHN RENSHAW DRIVE - LOT 1 DP1260203
PROPOSED SUBDIVISION PLAN - 38 INDUSTRIAL LOTS, 1 ENVIRONMENTAL LOT AND 1
SUBSTATION LOT.
REVISED DRAWING ISSUE SUPPLEMENTARY LETTER**

We provide this further supplementary letter to particularise the changes between the drawings currently before the Court and the amendments which are proposed.

The following document provides distinctions between;

- the subdivision plan (239590(1)-CENG-004-D) proposed under the Class 1 Application presently before the Court.
- the subdivision plan (239590-CENG-004-B) proposed under the Notice of Motion filed on 18 October 2021.
- associated documentation listed herein

The plans relate to the development of 337 Black Hill Road, Black Hill (Lot 1 DP1260203) (the **Site**). To the east of the Site is 198 Lenaghans Drive, Black Hill (the **BHI Site**).

Eastern intersection

The plans to consider with respect to the amendments to the eastern intersection are:

- a. the plans currently before the court:
 - i. drawing titled "Detail Plan: Sheet 1" and identified as drawing 239590(1)-CENG-101-D (dated 17 August 2018).

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- ii. drawing titled: "Eastern John Renshaw Drive Intersection Concept Layout" and identified as drawing 239590(1)-CENG-008-D (dated 17 August 2018).
- b. the amended plans:
 - i. drawing titled "Detail Plan – Sheet 1" and identified as 239590-CENG-101-A (dated 15 October 2021).
 - ii. drawing titled "New Signalised Tee Intersection for Proposed Industrial Subdivision Strategic Intersection Design Layout Plan Sheet 1" and identified as drawing RD-0501 Issue 4 (dated 6 August 2021).
 - iii. drawing titled "New Signalised Tee Intersection for Proposed Industrial Subdivision Strategic Intersection Design Layout Plan Sheet 2" and identified as drawing RD-0502 Issue 4 (dated 6 August 2021).

Under the original proposal, the eastern access intersection with John Renshaw Drive was located on the eastern boundary of the Site.

The amendments include:

- a. The relocation of the eastern intersection 230m west of the eastern boundary (measured from the eastern boundary to the centre of the relocated position of the intersection).
- b. the provision of two through-lanes on John Renshaw Drive to the east of the proposed intersection, to connect with a proposed intersection for the neighbouring property approved under City of Newcastle DA 2020-01497-1 which has also been approved with two through lanes.
- c. a median island, of varying width, on the centreline (approximately) of John Renshaw Drive, starting at the intersection and extending for a length of approximately 262m to the west.
- d. a median island, of varying width, on the centreline (approximately) of John Renshaw Drive, starting at the intersection and extending for a length of approximately 138m to the east.
- e. a median island of varying width, on the centreline (approximately) of John Renshaw Drive, which commences in a location that is adjacent to the eastern site boundary of the Site and provides for a continuation of the median island provided by the neighbouring property approved under City of Newcastle DA 2020-01497-1, for a length of approximately 31 metres to the east.
- f. two pedestrian refuge islands on the southern limb of the proposed intersection, including the provision of pram ramps (three for each island).
- g. Pram ramps on the south west and south east kerb returns.

- h. the removal of a right turn lane and the provision of a through lane on the western limb of the intersection, resulting in one right turn lane to enable vehicles to enter the site from the west.
- i. the identification of battering limit of works adjacent to John Renshaw Drive including:
 - i. on the northern side of John Renshaw Drive for a total length of approximately 670m and of varying width.
 - ii. on the southern side of John Renshaw Drive, to the east of the proposed intersection, for a total length of approximately 200m and of varying width.
 - iii. on the southern side of John Renshaw Drive, to the west of the proposed intersection, for a total length of approximately 395m and of varying width.

Road amendments

The plans to consider with respect to the amendments to roads and lots are:

- a. the plans currently before the court is a drawing titled "Staging Plan" and identified as drawing 239590(2)-CENG-004-D (dated 17 August 2018).
- b. the plan sought in the amendment is a drawing titled "Proposed Subdivision Plan 38 Industrial Lots, 1 Environmental Lot & 1 Substation Lot" and identified as drawing 239590-CENG-004-B (dated 7 October 2021).

Changes to the roads are as follows:

- a. Under the plans currently before the Court, the internal road parallel to the eastern boundary of the Site is known as Road MC01. It was located on the eastern boundary of the Site. Under the amendments, the Road MC01 has been amended to be located 210m west of the eastern boundary of the Site for a length of 1077m to align with the amended eastern intersection location. Road MC01 then bends to the west to maintain the existing alignment of Road MC01.
- b. Under the plans currently before the Court, Road MC06 was a road with a cul-de-sac located between lots 101 and 102, within Stage 1, and provided road frontage for lots 101, 102, 103, 104, 105 and 106. Road MC06 was 315m south of the eastern intersection with John Renshaw Drive. Under the amendments, Road MC06 is located between lots 207 and 104 within Stage 1, and provides road frontage for lots 104, 207, 208 and 103. Road MC06 is proposed to be approximately 490m south of the eastern intersection with John Renshaw Drive.
- c. Under the plans currently before the Court, Road MC05 was a road with a cul-de-sac located between lots 201 and 204 within Stage 2, and provided road frontage for lots 201, 202, 203, 204, 1079 and 1080. Road MC05 was 705m south of the eastern intersection with John Renshaw Drive. Under the amendments, Road MC05 is located between lots 204 and 206 within Stage 2, and provides road frontage for lots 204, 205

- and 206. Road MC05 is proposed to be approximately 810m south of the eastern intersection with John Renshaw Drive.
- d. Road MC09 is a new road within Stage 1 which is now proposed to connect with a new road that has been approved under City of Newcastle DA 2020-01497-1. Road MC09 is located between lots 101 and 102 and provides road frontage for lots 101 and 102. Road MC09 is proposed to be approximately 300m south of the eastern intersection with John Renshaw Drive.
 - e. Road MC10 is a new road within Stage 2 which is now proposed to connect with a new road that has been approved under City of Newcastle DA 2020-01497-1. Road MC10 is a road located between lots 202 and 203 and provides road frontage for lots 202 and 203. Road MC10 is proposed to be approximately 885m south of the eastern intersection with John Renshaw Drive.

Lot Amendments in Stage 1

The plans currently before the Court proposed the subdivision of six (6) lots as Stage 1 of the development. This is maintained under the plans sought in the amendment. The configuration, boundaries, and areas of these six lots are changed under the amended plans.

Lot 101 under the plans currently before the Court was 3.3Ha. Lot 101 adjoined lot 106 and was bounded by John Renshaw Drive, Road MC01 and Road MC06. This lot also had a proposed easement for electrical services approximately 8m wide. Amended Lot 101 is 5.8Ha. Amended Lot 101 is bounded by the BHI Site, road MC01, John Renshaw Drive, and road MC09. This lot also had a proposed easement for electrical services 30m wide.

Lot 102 under the plans currently before the Court was 2.4Ha. Lot 102 adjoined lots 103 and 201 and was located on the corner of the MC01 and road MC06. This lot also had a proposed easement for electrical services approximately 8m wide. Amended lot 102 is 3.7Ha. Amended lot 102 is located between the BHI Site, lot 201, road MC01 and road MC09. This lot also had a proposed easement for electrical services 30m wide.

Lot 103 under the plans currently before the Court was 2.4Ha. Lot 103 adjoined lots 102, 104 and 202 and fronted a cul-de-sac on road MC06. Amended lot 103 is 2.0Ha. Amended lot 103 adjoins lots 104, 208 and 701 and still fronts a cul-de-sac on road MC06.

Lot 104 under the plans currently before the Court was 4.6Ha and an irregular shaped octagon. Lot 104 adjoined lots 103, 202, 1080 and 701 and fronted a cul-de-sac on road MC06. Amended lot 104 is 4.1Ha and an irregular shaped pentagon. Amended lot 104 adjoins lots 103 and 105, still fronts a cul-de-sac on road MC06 and is located on the corner of the MC01 and MC06.

Lot 105 under the plans currently before the Court was 1.8Ha. Lot 105 adjoined lots 106, 104 and 701 and fronted a cul-de-sac on road MC06. Amended lot 105 is 1.9Ha. Amended lot 105 adjoins lots 104, 106 and 701 and fronts road MC01.

Lot 106 under the plans currently before the Court was 2.2Ha. Lot 106 adjoined lots 101 and 105 and fronted a cul-de-sac on road MC06. Lot 106 was also bounded by John Renshaw

Drive to the north. Amended lot 106 is 2.6Ha. Amended lot 106 adjoins lots 105 and 701, fronts road MC01 and is bounded by John Renshaw Drive to the north.

Lot Amendments in Stage 2

The plans currently before the Court proposed the subdivision of eight (8) lots as Stage 2 of the development. This is maintained under the plans sought in the amendment. The configuration, boundaries, and areas of these eight lots are changed under the amended plans. In the amended plans, lots 1079 and 1080 are replaced by lots 207 and 208.

Lot 201 under the plans currently before the Court was 2.4Ha. Lot 201 adjoined lots 102 and 202 and was located on the corner of road MC01 and road MC05. This lot also had a proposed easement for electrical services approximately 8m wide. Amended lot 201 is 3.7Ha. Amended lot 201 adjoins lots 102 and 202, the BHI Site to the east and fronts road MC01. The amended lot also has proposed easement for electrical services 30m wide.

Lot 202 under the plans currently before the Court was 2.4Ha. Lot 202 adjoined lots 103, 104, 201 and 1080 and fronted a cul-de-sac on road MC05. Amended lot 202 is 3.7Ha. Amended lot 202 adjoins lot 201 and the BHI Site and is located on the corner of road MC01 and road MC10. This lot now has a proposed easement for electrical services 30m wide.

Lot 203 under the plans currently before the Court was 2.6Ha. Lot 203 adjoined lots 204, 206 and 1079 and fronted a cul-de-sac on road MC05. This lot was not incumbered by easements. Amended lot 203 is 3.7Ha. Amended lot 203 adjoins lot 301 and the BHI Site and is located on the corner of road MC01 and road MC10. This lot is now proposed to be incumbered by a proposed easement for electrical services 30m wide and a proposed easement for access 6m wide.

Lot 204 under the plans currently before the Court was 2.6Ha. Lot 204 adjoined lots 203 and 205 and was located on the corner of road MC01 and road MC05. This lot also had a proposed easement for electrical services approximately 8m wide. Amended lot 204 is 4.9Ha. Amended lot 204 adjoins lots 304 and 701, fronts a cul-de-sac on road MC05 and is located on the corner of road MC01 and road MC05. This lot is no longer affected by an easement for services.

Lot 205 under the plans currently before the Court was 2.3Ha. Lot 205 adjoined lots 204 and 206 and was located on the bend of road MC01. This lot had a proposed easement for electrical services approximately 8m wide. Amended lot 205 is 3.6 Ha. Amended lot 205 adjoins lots 204, 206, 208 and 701 and fronts a cul-de-sac on road MC05. This lot is no longer affected by an easement for services.

Lot 206 under the plans currently before the Court was 4.0Ha. Lot 206 adjoined lots 203, 205, 304 and 1079 and fronted road MC01. Amended lot 206 is 3.6Ha. Amended lot 205 adjoins lots 207 and 205 and is located on the corner of road MC01 and road MC05.

Lot 1079 under the plans currently before the Court was 8.4Ha. Lot 1079 adjoined lots 203, 206, 304, 701 and 1080 and fronted a cul-de-sac on road MC05. Lot 1079 is not proposed under the amended plans.

Lot 1080 under the plans currently before the Court was 5.2Ha. Lot 1080 adjoined lots 104, 202, 701 and 1079 and fronted a cul-de-sac on road MC05. Lot 1080 is not proposed under the amended plans.

Lot 207 under the amended plans is 2.7Ha. Lot 207 adjoins lots 206 and 208, fronts a cul-de-sac on road MC05 and is located on the corner of road MC01 and road MC06.

Lot 208 under the amended plans is 3.3Ha. Lot 208 adjoins lots 205, 207 and 701 and fronts a cul-de-sac on road MC06.

Lot Amendments in Stage 3

The plans currently before the Court proposed the subdivision of seven (7) lots as Stage 3 of the development. This is maintained under the amended plans. The configuration, boundaries, and areas of these seven lots are somewhat modified under the amended plans.

Lot 301 under the plans currently before the Court was 5.6Ha and an irregular shaped quadrilateral. Lot 301 adjoined lots 302 and 307 and fronted road MC01. This lot was incumbered by a proposed easement for electrical services 30m wide and a proposed easement for access 6m wide. Amended lot 301 is 5.2Ha and is an irregular shaped pentagon. Amended lot 301 adjoins lots 203 in addition to 302 and 307 and is located on the southern side of the bend on road MC01. This lot is still incumbered by the same easements being a proposed easement for electrical services 30m wide and a proposed easement for access 6m wide.

Lot 302 under the plans currently before the Court was 6.4Ha. Lot 302 adjoined lots 301, 303, 307 and Lot 2 DP 1260203 to the south and fronted road MC01. Lot 302 remains the same under the amended plans. Proposed Easement for Electrical Services 30 Wide is located on lot 302 under both the plans currently before the Court and the amended plans.

Lot 303 under the plans currently before the Court was 6.2Ha. Lot 303 adjoined lots 302, 503 and Lot 2 DP 1260203 to the south and fronted road MC01. Lot 303 remains the same under the amended plans. Proposed Easement for Electrical Services 30 Wide is located on lot 303 under both the plans currently before the Court and the amended plans.

Lot 304 under the plans currently before the Court was 4.2Ha. Lot 304 adjoined lots 206, 305, 701 and 1079 and fronts road MC01. Amended lot 304 is 4.6Ha. Amended 304 adjoins lots 204, 305 and 701 and is located on the northern side of the bend on road MC01. Amended 304 is an irregular quadrilateral and adjoins road MC01, and lots 305, 701 and 204.

Lot 305 under the plans currently before the Court was 3.1Ha. Lot 305 adjoined lots 304, 306, 402 and 701 and fronts road MC01. Amended lot 305 is 3.2Ha. Amended Lot 305 remains adjoining lots 304, 306, 402 and 701 and fronting road MC01. Proposed Easement for Electrical Services 10 Wide is located on lot 302 under both the plans currently before the Court and the amended plans.

Lot 306 under the plans currently before the Court was 3.1Ha. Lot 306 adjoined lots 305, 402, 403 and 501 and fronts road MC01. Amended lot 306 is 3.0Ha. Amended lot 306 remains adjoining lots 305, 402, 403 and 501 and fronting road MC01.

Lot 307, the substation lot, under both the plans currently before the Court and the amended plans is 1.2Ha. Lot 302 under both the plans currently before the Court and the amended plans adjoins lots 301, 302, Lot 30 in DP870411 and Lot 2 DP 1260203.

Lot Amendments in Stage 4

The plans currently before the Court proposed the subdivision of six (6) lots as Stage 4 of the development. This is maintained under the amended plans. The configuration, boundaries, and areas of these six lots remain the same under the amended plans.

Lot Amendments in Stage 5

The plans currently before the Court proposed the subdivision of six (6) lots as Stage 5 of the development. This is maintained under the amended plans. The configuration, boundaries, and areas of these six lots remain the same under the amended plans.

Lot Amendments in Stage 6

The plans currently before the Court proposed the subdivision of six (6) lots as Stage 6 of the development. This is maintained under the amended plans. The configuration, boundaries, and areas of these six lots remain the same under the amended plans. There is a topographical change to stage 6 as lot 1059 under the plans currently before the Court is now lot 606.

Lot Amendments in Environmental Conservation Lot 701

Lot 701, the environmental conservation lot, under the plans currently before the Court was 40.85Ha. Lot 701 adjoined lots 104, 105, 304, 305, 401, 402, 406, 1079 and 1080. Lot 701 was bounded by John Renshaw Drive and was split at the western end by road MC03. Amended lot 701 is shown as 40.9Ha however the size has not changed and this "difference" in area is only due to the rounding of the calculation. As a result of lot reconfigurations in Stages 1 and 2, amended lot 701 now adjoins lots 103, 105, 106, 204, 205, 208, 304, 305, 401, 402 and 406. Lot 701 remains bounded by John Renshaw Drive and split at the western end by road MC03.

The Western Intersection

The plans to consider with respect to the amendments to the eastern intersection are:

- a. the plans currently before the court:
 - i. drawing titled "Western John Renshaw Drive Intersection Arrangement" and identified as drawing 239590(2)-CENG-006-D (dated 17 August 2018).
 - ii. drawing titled "Western John Renshaw Drive Intersection Arrangement" and identified as drawing 239590(2)-CENG-007-D (dated 17 August 2018).
- b. the amended plans:

- i. drawing titled "General Arrangement Plan" and identified as drawing 239590-CENG-003-A (dated 15 October 2021).
- ii. drawing titled "Upgrade Tee to signalised cross intersection for proposed industrial subdivision strategic intersection design plan" and identified as drawing RD-0701 Issue 1 (dated 17 May 2021).

Under the original proposal, the western access intersection with John Renshaw Drive:

- a. Works are shown in the Donaldson Mine land, lot 1392 in DP 1126633.
- b. Linework and medians are indicatively shown at a concept level but not clearly labelled as such.
- c. Works adjacent to John Renshaw Drive, to the north and south, are indicatively shown.

The amendments include:

- a. the removal of any works from the Donaldson Mine land, lot 1392 in DP 1126633.
- b. the identification of battering limit of works adjacent to John Renshaw Drive including:
 - i. on the northern side of John Renshaw Drive, to the east of the new cross intersection, for a length of approximately 410m and of varying width.
 - ii. on the northern side of John Renshaw Drive, to the west of the new cross intersection, for a length of approximately 310m and of varying width.
- c. the identification of minor battering adjacent to John Renshaw Drive including:
 - iii. on the southern side of John Renshaw Drive, to the east of the new cross intersection, for a length of approximately 370m and of varying width.
 - iv. on the southern side of John Renshaw Drive, to the west of the new cross intersection, for a length of approximately 300m and of varying width.
- d. The identification of raised traffic islands in locations including:
 - i. a median island starting at the intersection and extending for a length of approximately 243m to the west, of varying width
 - ii. a median island starting at the intersection and extending for a length of approximately 217m to the east, of varying width
 - iii. a median island on the new proposed road into the Site, starting at the intersection and extending for a length of approximately 44m to the south, and approximately 1.5m wide
 - iv. a median island at the entry to the Donaldson Mine site, starting at the intersection and extending for a length of approximately 7m to the north, approximately 1.5m wide
 - v. Two triangular median islands on the new proposed road into the Site, adjacent to the left turning lane (on exit of the site for vehicles travelling west) and left turn lane (on entry into the site from John Renshaw Drive for vehicles travelling west).

Yours Faithfully,



Richard Kerr
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