

Clause 4.6 – Request to Vary the Maximum Building Height Standard under Newcastle LEP 2012

Construction of Retail Premises, Shop Top Housing and Commercial Premises

711 Hunter Street, Newcastle West

Lot 1 DP 867617

Prepared on behalf of 711 Hunter Street Pty Limited

Document control sheet

Issue ID.	Amendment	Date of Issue	Prepared By	Reviewed By	Project Ref
A	Final	12.12.2025	CM	CM	240713

Limitations Statement

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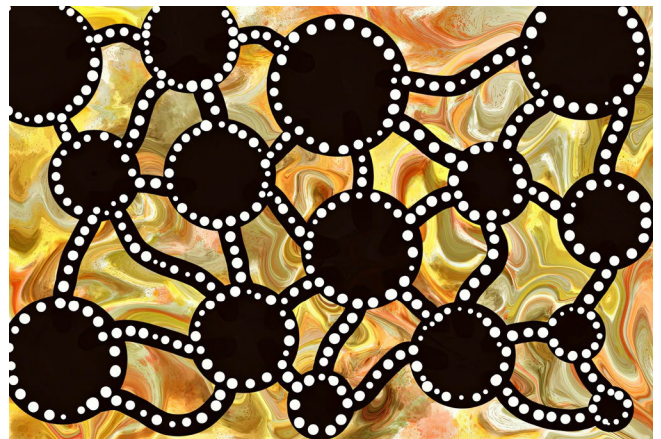
The Client should be aware that this report does not guarantee the approval of any application by any Council, Government agency or any other regulatory authority.

Acknowledgement of Country

We, ADW Johnson, acknowledge the Traditional Custodians of the land where we live and work, the country of Awabakal, Darkinjung and the Eora Nation.

We recognise their continuous connection to the land and waters of our beautiful regions. We pay our respects to Aboriginal and Torres Strait Islanders Elders past, present and emerging.

Artwork created by Joe Griffin, a proud Aboriginal man, descendant of the Awabakal people.



Contents

1.0	Introduction.....	5
2.0	Site and Proposed Development	6
2.1	Site	6
2.2	Proposed Development	8
3.0	Exceptions to Development Standards	9
4.0	The Development Standard & Variation Sought.....	12
4.1	The Development Standard.....	12
4.2	Contravention of the Development Standard	13
4.3	Objectives of the Development Standard	15
5.0	Planning Context	16
5.1	Strategic Planning	16
5.1.1	Hunter Regional Plan 2041	16
5.1.2	Greater Newcastle Metropolitan Plan 2036.....	16
5.1.3	Newcastle 2040 – Community Strategic Plan	17
5.1.4	Newcastle Local Strategic Planning Statement.....	17
5.1.5	Newcastle Housing Strategy 2021	18
5.2	Newcastle Development Control Plan 2023	18
6.0	Justification of Variation	19
6.1	Objectives of the Development Standard	19
6.2	Justification on Environmental Planning Grounds.....	22
7.0	Conclusion.....	23

List of Figures and Photos

Figure 1: Aerial Image.	7
Figure 2: Existing Development.	7
Figure 3: NLEP Building Height Map.	12
Figure 4: Proposed Height Variation.	14
Figure 5: Shadow Diagram – 9am on June 21.	20
Figure 6: Shadows Resulting from Building Elements which Exceed the Height Standard (Rooftop Plant and Lift Overrun) – 9am on June 21.	21

1.0 Introduction

711 Hunter Street Pty Limited is the Applicant for the proposed development for the erection of retail premises, shop top housing and Commercial premises at 711 Hunter Street, Newcastle West.

The proposed development has been architecturally designed by Stewart Architecture.

The proposed built form includes a four (4) storey podium, with commercial and residential towers above. Car parking is provided within the lower podium levels of the proposed development and is sleeved by retail tenancies and residential units which present to the public domain. Ground floor retail uses are proposed which interact with and activate the adjoining streetscape.

The site is located within the Newcastle CBD. It is exceptionally located relative to public transport, goods and services and recreation facilities. For these reasons, the Newcastle Local Environmental Plan 2012 (NLEP 2012) permits the highest density and building heights.

Clause 4.3 and the NLEP 2012 Height of Buildings Map prescribes a maximum building height of 90m for the site. Clause 7.5 of the NLEP 2012 permits the application of a building height not more than 10% greater than that allowed by Clause 4.3 where a development has been reviewed by a design review panel. The proposed development has been reviewed by the Newcastle Urban Design Review Panel and Clause 7.5 therefore applies. The applicable NLEP 2012 maximum building height control for the site is therefore 99m.

The proposal seeks to achieve beneficial architectural and urban design outcomes by proposing a tower with lower height fronting King Street (southern tower) and higher height fronting Hunter Street (northern tower).

To this end, the southern tower has a height well below the applicable height limit of 99m.

The northern tower is marginally above the height limit for a small portion of the building. The roof of the northern tower has a height of 99m and is consistent with the NLEP 2012 control. However, the lift overrun and services extend to a height of 100.1m and exceed the maximum building height standard by 1.1%.

Clause 4.6 of NLEP 2012 provides for an appropriate degree of flexibility in applying certain development standards such as building height.

This report justifies that the proposed variation sought is appropriate, and should not preclude the consent authority from granting development consent for the proposed development.

2.0 Site and Proposed Development

2.1 Site

The subject site is identified as Lot 1 DP 867617 and has a street address of 711 Hunter Street, Newcastle West.

The site is conveniently located within walking distance to the Honeysuckle Precinct, the Newcastle Light Rail Interchange, Marketown Shopping Centre, National Park, Hunter TAFE's King Street campus and University of Newcastle's "New Space" campus, making it ideal for future residential and retail uses.

The site has an overall area of 4,724.3m² and frontage to Hunter Street to the north, National Park Street to the east and King Street to the south. Vehicle access to the site from the south is provided by a service road referred herein as Little King Street. The size of the site and access to three (3) street frontages are unique characteristics within the Newcastle Centre that present opportunities which the architectural design seeks to capture.

The site is located within an emerging high-density precinct, with many of the adjoining and nearby sites containing recently constructed, under construction or approved tower buildings. Development surrounding the site includes:

- The site is adjoined to the west, at the northern side of the site, by a 16-storey commercial development, which includes five (5) levels of above ground parking within a podium structure;
- Adjoining the site to the west, at the southern boundary of the site, is the Army Drill Hall building, an item of local heritage significance;
- To the north of the site are existing low rise commercial buildings and a mixed use commercial and residential development which is approximately 12 storeys high;
- The desired future character identified for land to the north and west of the site is high density development, commensurate with the city centre character of the area;
- To the east of the site, on the opposite side of National Park Street is a currently under construction commercial and residential development with a height of 77.8m;
- Birdwood Park is located to the south-west of the site; and
- Land to the south of the site, on the opposite side of King Street includes the Marketown Shopping Centre and low-rise commercial buildings. Land to the south has a mapped maximum building height of 45m and is zoned MU1 Mixed Use.

An aerial image of the site and surrounds is provided below.

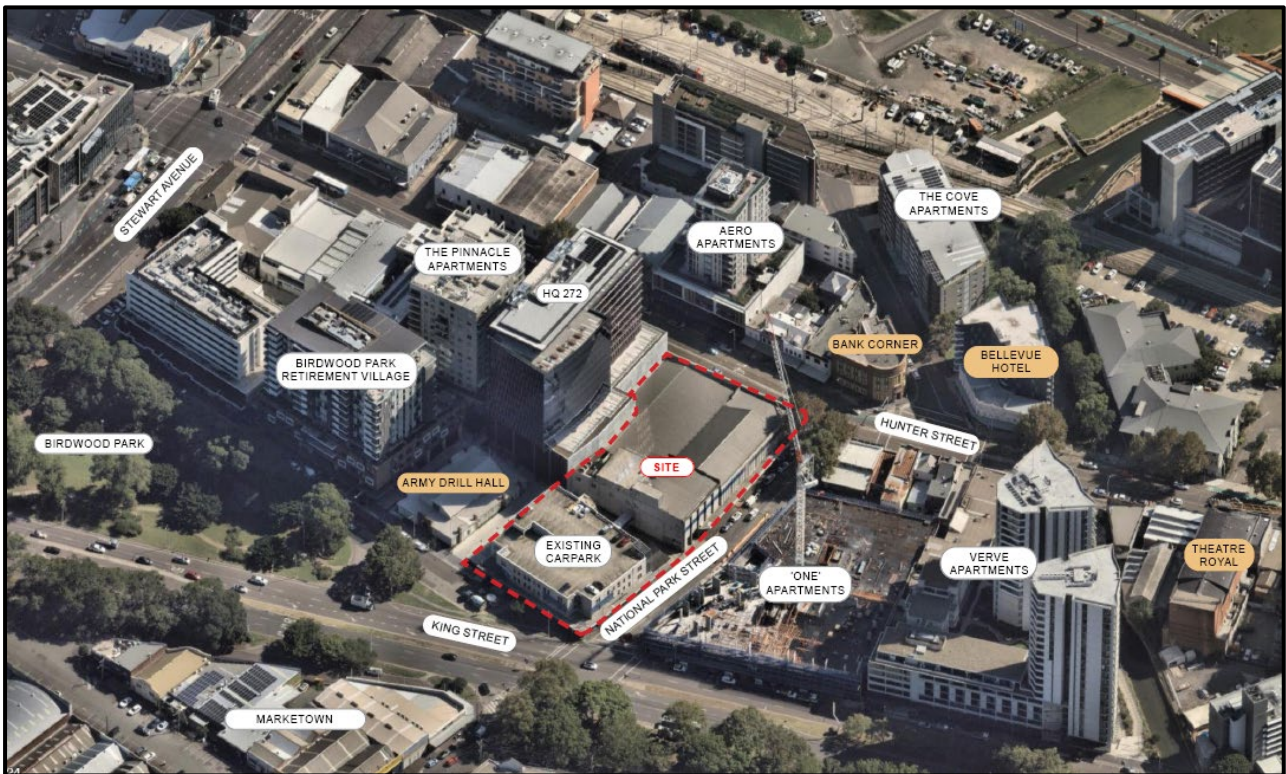


Figure 1: Aerial Image.

The site contains a vacant three-storey commercial building and carpark. Existing development within the site is in a state of disrepair, detracts from the streetscape and is inconsistent with the desired future character identified for the Newcastle City Centre.



Figure 2: Existing Development.

2.2 Proposed Development

The proposal seeks to develop the site for the purpose of a retail premises, commercial premises and shop top housing.

Architectural Plans for the proposed development have been prepared by Stewart Architecture and are enclosed within **Appendix A**.

The proposed development includes the following:

- Construction of a four (4) storey podium to accommodate parking requirements for the proposed development;
- Street activation by providing retail uses within the ground floor at the frontages to Little King Street, Hunter Street and National Park Street;
- Vehicular access to the podium via Little King Street to the south;
- Construction of a commercial tower and residential tower above the podium;
- Landscaped communal open space areas above the podium; and
- Construction of utilities and ancillary infrastructure as required.

A detailed description of the proposed development is provided within the Statement of Environmental Effects to which this Clause 4.6 Variation Request is appended.

3.0 Exceptions to Development Standards

The Applicant seeks consent for development that would contravene a development standard imposed by the NLEP 2012 (as detailed in **Section 4.0** and **5.0** of this report).

Under Clause 4.6 of NLEP 2012, development consent may be granted for development even though the development would contravene a development standard. Clause 4.6 of the NLEP 2012 provides as follows:

4.6 Exceptions to development standards

(1) *The objectives of this clause are as follows—*

(a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*

(b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

(2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*

(3) *Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—*

(a) *compliance with the development standard is unreasonable or unnecessary in the circumstances, and*

(b) *there are sufficient environmental planning grounds to justify the contravention of the development standard.*

Note—

The Environmental Planning and Assessment Regulation 2021 requires a development application for development that proposes to contravene a development standard to be accompanied by a document setting out the grounds on which the applicant seeks to demonstrate the matters in paragraphs (a) and (b).

(4) *The consent authority must keep a record of its assessment carried out under subclause (3).*

(5) *(Repealed)*

(6) *Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if—*

(a) *the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*

(b) *the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*

Note—

When this Plan was made it did not include Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition or Zone R5 Large Lot Residential.

(7) *(Repealed)*

(8) This clause does not allow development consent to be granted for development that would contravene any of the following—

- (a) a development standard for complying development,
- (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,
- (c) clause 5.4,
- (caa) clause 5.5,
- (ca) clause 7.9, clause 7.9A or clause 8.2.

The Land and Environment Court has considered the question of contravention of development standards in a number of cases, both in its former application under *State Environmental Planning Policy No. 1 – Development Standards* and also in the current format as it appears under Clause 4.6.

This submission has been prepared having regard to the latest authority on Clause 4.6, contained in the following NSW Land and Environment Court (Court) judgements:

- *Winten Property Group Limited v North Sydney Council* [2001] NSWLEC 46;
- *Wehbe v Pittwater Council* [2007] NSWLEC 827;
- *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90 (Four2Five No 2);
- *WZSydney Pty Ltd v Ku ring-gai Municipal Council* [2023] NSWLEC 1065;
- *Randwick City Council v Micaul Holdings Pty Ltd* [2016] NSWLEC 7;
- *Initial Action Pty Ltd v Woollahra Council* [2018] NSWLEC 118;
- *Bringham v Canterbury-Bankstown Council* [2018] NSWLEC 1406;
- *Al Maha Pty Ltd v Huajun Investments Pty Ltd* [2018] NSWCA 245;
- *Baron Corporation Pty Limited v Council of the City of Sydney* [2019] NSWLEC 61;
- *RebelMH Neutral Bay Pty Limited v North Sydney Council* [2019] NSWCA 130; and
- *Bhat v Hornsby Shire Council* [2023] NSWLEC 1424.

This submission has also taken into consideration the “Guide to varying Development Standards” (November 2023) published by the NSW Department of Planning and Environment. Of particular relevance, it is necessary to:

- Establish whether compliance with the standard is unreasonable or unnecessary. The “Wehbe Tests” in this regard can be summarised as follows:
 1. The objectives of the development standard are achieved notwithstanding the non-compliance;
 2. The underlying objective or purpose is not relevant to the development;
 3. The underlying objective or purpose would be defeated or thwarted if compliance was required;
 4. The development standard has been virtually abandoned or destroyed by the Council’s own actions in granting consents departing from the standard; and
 5. The Zoning of the land on which the development is proposed was unreasonable or inappropriate.
- Establish that there are sufficient environmental planning grounds to justify the variation. The grounds must:
 - Be sufficient to justify the contravention; and
 - Focus on the aspect of the development that contravenes the development standard, not the development as a whole.

The Guide sets out a non-exhaustive list of what may be considered as sufficient environmental planning grounds, including:

- Avoiding adverse impacts;
- Dealing with unique site circumstances;
- Achieving consistency with streetscape and existing built form;
- Improving public benefit; and
- Achieving equal or better amenity outcomes.

4.0 The Development Standard & Variation Sought

4.1 The Development Standard

The proposed development will contravene the height standard imposed by Clause 4.3 of the NLEP 2012 (Development Standard). Clause 4.3 is a numerical development standard.

Clause 4.3 of the LMLEP 2012 States:

4.3 Height of buildings

(1) The objectives of this clause are as follows—

- (a) to ensure the scale of development makes a positive contribution towards the desired built form, consistent with the established centres hierarchy,
- (b) to allow reasonable daylight access to all developments and the public domain.

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

The NLEP 2012 Height of Buildings Map prescribes a maximum building height of 90m for the subject site (see Figure 3 below).

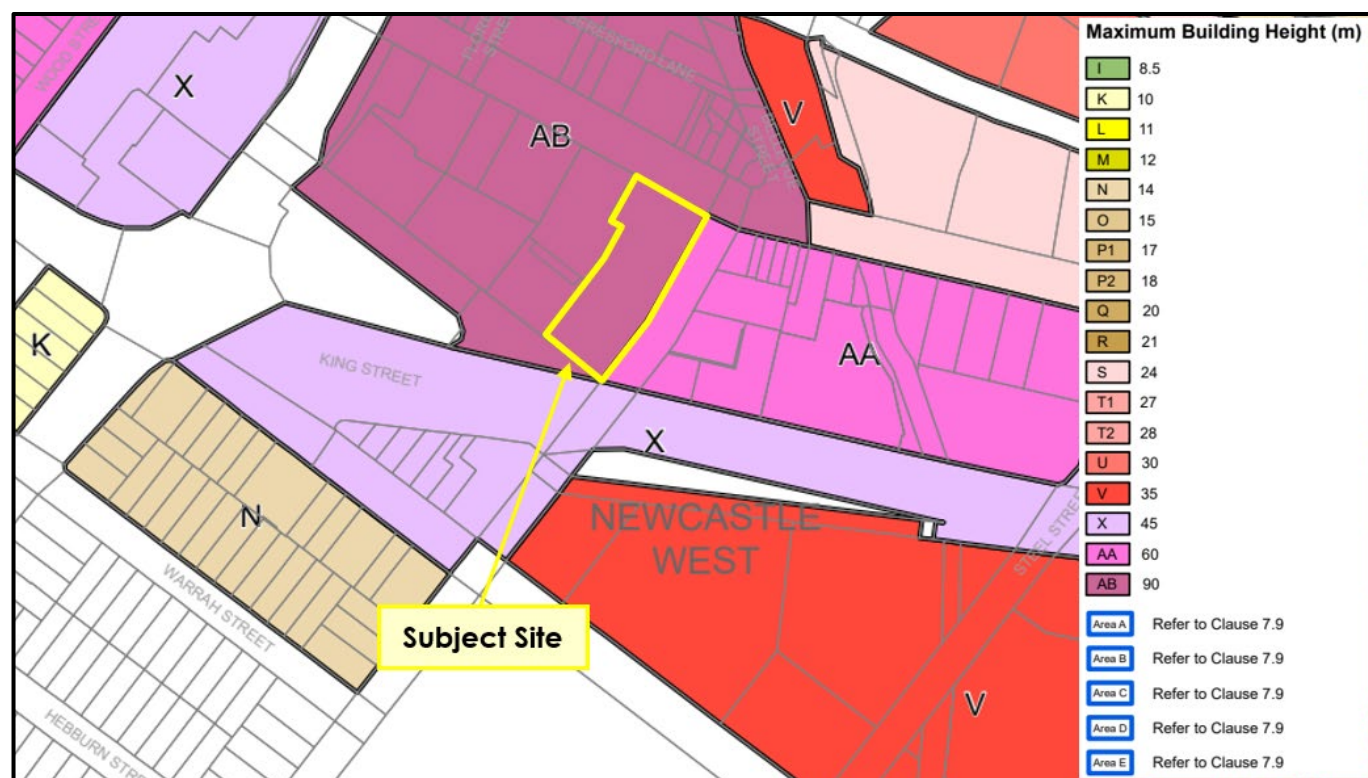


Figure 3: NLEP Building Height Map.

Clause 7.5(6) states:

7.5 Design excellence

(6) The consent authority may grant consent to the erection or alteration of a building to which this clause applies that has a floor space ratio of not more than 10% greater than that allowed by Clause 7.10 or a height of not more than 10% greater than that allowed by clause 4.3, but only if the design of the building or alteration has been reviewed by a design review panel.

Clause 7.5(6) of the NLEP 2012 applies to the proposed development. A number of pre-DA meetings have been held with the Newcastle UDRP. The UDRP will review the proposed development as part of the Development Application.

The UDRP has agreed that the proposed development will achieve design excellence and accordingly a 10% bonus for height is applicable. Accordingly, the NLEP 2012 permits a height of 99m for the site.

4.2 Contravention of the Development Standard

The roof of the northern tower has a height of 99m and complies with the maximum building height requirement. However, the lift overrun and roof top service components of this building extend to a height of 100.1m above ground level (existing). This equates to a proposed variation to the maximum building height of 1.1m or 1.1%.

The proposed variation is over an area of approximately 200m² for plant, which is 4.2% of the site area of 4,724.3 m²

Figure 4 below is an extract from the Architectural Plans prepared by Stewart Architecture showing the extent of the proposed height variation.

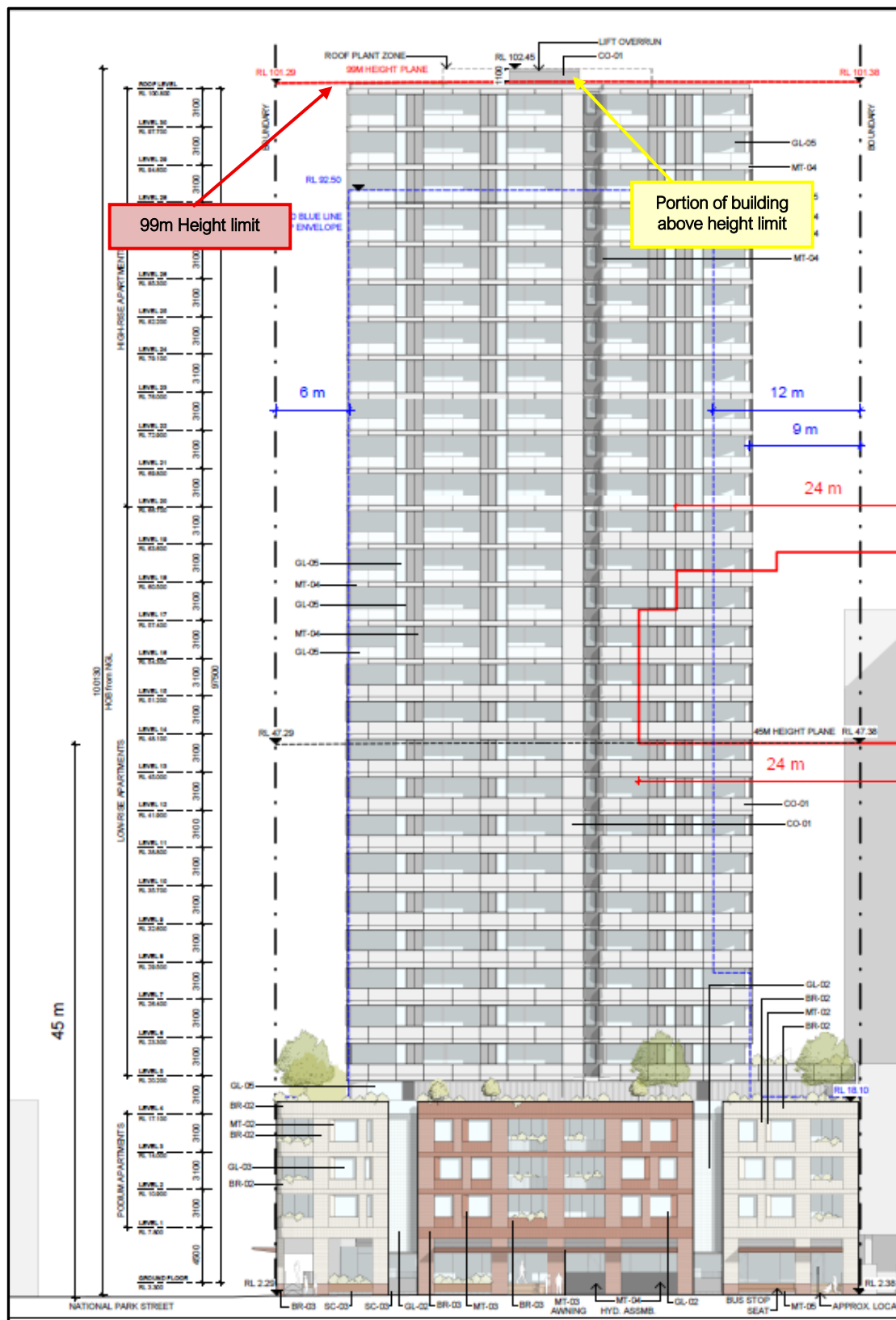


Figure 4: Proposed Height Variation.

4.3 Objectives of the Development Standard

The objectives of Clause 4.3 are as follows:

4.3 Height of Buildings

(1) *The objectives of this clause are as follows—*

- (a) to ensure the scale of development makes a positive contribution towards the desired built form, consistent with the established centres hierarchy,*
- (b) to allow reasonable daylight access to all developments and the public domain.*

5.0 Planning Context

This Section establishes the planning context that frames the proposed height variation request.

5.1 Strategic Planning

5.1.1 Hunter Regional Plan 2041

The Hunter Regional Plan 2041 (HRP) is a 20-year land use plan which provides an overarching strategic land use framework to guide land use planning priorities and infrastructure funding decisions in the Hunter region over the next 20 years.

The plan aims to unlock sustainable growth opportunities and investments, as well as housing choice and lifestyle opportunities to retain the Hunter's position as a leading regional economy in Australia.

The plan establishes a strong preference for infill development rather than continued greenfield development at the fringes of the city. It focuses on delivering housing and jobs close to strategic centres near transport corridors and open space. The proposed development is entirely consistent with this intent. The subject site is a large and currently unused allotment positioned within the Newcastle City Centre. Planning controls for the site identify high density residential and retail uses as desirable for the site. The site is ideal for this type of development as it has excellent access to existing and future transport facilities, essential services, and job opportunities.

The site is located within the Greater Newcastle District. Within the Greater Newcastle District, the HRP seeks to create optimal densities in locations with services and infrastructure by promoting renewal opportunities within centres and infill sites, including the redevelopment of larger infill sites. The proposed development is completely consistent with this requirement.

The Newcastle city centre is identified in the plan as the region's metropolitan capital and economically significant to NSW. The Plan identifies that the Newcastle city centre is undergoing significant transformation through infrastructure investment, new housing and jobs. The Newcastle City Centre is the most significant centre in the region's hierarchy, sitting above strategic centres (such as Kotara and Broadmeadow) which provide high levels of essential services, local centres which provide for the daily and weekly needs of the community and neighbourhood centres which are integrated within residential neighbourhoods. The proposed development, inclusive of the proposed variation, will establish a built form which is consistent with the metropolitan capital character identified for the area.

Central to the plan is the 15-minute neighbourhood concept. The plan seeks to influence urban settlement patterns to maximise the use of existing infrastructure, reduce travel demands, particularly by car and improve mobility and access to education, jobs, services, open space and community activities. The proposal will provide additional housing which is well located with respect to surrounding facilities and amenities and the proposed development is consistent with the 15-minute neighbourhoods policy. The development also incorporates a retail component which will contribute to the mixed-use character of the area.

The plan identifies that an additional 101,800 dwellings will be required by 2041 to accommodate the expected population growth of the region and providing housing and infrastructure to meet this demand is central to the plan. The proposed development will provide additional housing on a well-located site and will contribute to accommodating the expected future growth of the area.

The proposed development is consistent with the objectives and intent of the Hunter Regional Plan 2041.

5.1.2 Greater Newcastle Metropolitan Plan 2036

The Greater Newcastle Metropolitan Plan 2036 sets out strategies and actions that will drive sustainable growth across Cessnock City, Lake Macquarie City, Maitland City, Newcastle City and Port Stephens communities, which together make up Greater Newcastle.

The vision set out for the greater Newcastle area in the plan is:

Australia's newest and emerging economic and lifestyle city, connected with northern NSW and acknowledged globally as:

- Dynamic and entrepreneurial, with a globally competitive economy and the excitement of the inner city and green suburban communities;
- Offering great lifestyles minutes from beaches or bushland, the airport or universities, and from the port to the lake; and
- A national leader in the new economy, with smarter cities and carbon neutral initiatives, and with collaborative governance that makes it a model to others in creating and adapting to change.

The GNMP seeks to concentrate future growth in strategic centres to support economic and population growth and a mix of land uses. These are the largest centres of activity and employment in the region. Reinforcing and encouraging development in strategic centres will help sustain their functions and create jobs closer to home.

The Newcastle City Centre is identified in the plan as the heart and capital of the region. The plan seeks promote the continued growth and renewal of the city centre. The proposed development, inclusive of the building height variation represents a development which is commensurate with the character identified for the area.

The Plan identifies the site as being located within the West End Precinct, where Newcastle City Council is to align local plans to increase commercial and residential floor space surrounding the Newcastle Interchange. The proposed development achieves this by providing a retail and residential tower development within the 800m walking catchment surrounding the Interchange.

It is considered that the proposed development is compatible with the aims and objectives of the Greater Newcastle Metropolitan Plan 2036.

5.1.3 Newcastle 2040 – Community Strategic Plan

The *Newcastle 2030 – Community Strategic Plan* (CSP) sets out a shared community vision and was developed as a guide to inform policies and actions throughout the City of Newcastle Local Government Area (LGA).

The CSP aims to ensure that neighbourhoods within the Newcastle LGA are safe and thriving, with diverse and equitable housing and social and urban infrastructure that supports local living.

The proposed development is consistent with the CSP. It will provide an attractive mixed use development in proximity to existing public and active transport networks. Further, the ground floor activation contributes to Newcastle West's emerging vibrant, safe and active public spaces.

It is considered that the proposed development is compatible with the provisions of *Newcastle 2040 – Community Strategic Plan*.

5.1.4 Newcastle Local Strategic Planning Statement

The *Local Strategic Planning Statement* has been adopted by CoN as a means of providing direction to future development patterns throughout the City of Newcastle. The comprehensive land use strategy aims to guide the future growth and development of Newcastle.

The Strategy implements the land use directions from the Community Strategic Plan and underpins the NLEP 2012, providing a land use planning platform to move towards a smarter, more liveable and sustainable Newcastle.

The Planning Priorities relevant to the proposed development are outlined below.

Planning Priority 8 – Plan for growth and change in Catalyst Areas, Strategic Centres, Urban Renewal Corridors and Housing Release Areas

Planning Priority 8 seeks to Plan for growth and change in Catalyst Areas, Strategic Centres, Urban Renewal Corridors and Housing Release Areas. The proposed development will deliver a retail, commercial and residential development within the Newcastle city centre at a scale which is consistent with the strategic centre character identified in the LSPS for the city centre.

Planning Priority 10 – Development responds to the desired local character of our communities

Planning Priority 10 aims to protect communities from new development that is not compatible with the desired local character of the area.

The proposed development is consistent with the scale and nature of development identified in strategic planning policies as desirable for the site.

The proposed development is consistent with the aims and relevant planning priorities of the Newcastle Local Strategic Planning Statement.

5.1.5 Newcastle Housing Strategy 2021

The Newcastle Housing Strategy identifies catalyst areas, such as the Newcastle CDB as the best areas to accommodate additional housing. The proposed development is consistent with the strategy, providing for housing and contributions to housing choice in a key location.

5.2 Newcastle Development Control Plan 2023

The Newcastle Development Control Plan 2023 (NDCP 2023) contains city-wide design guidelines and supports the NLEP 2012. It further implements land use and development priorities and commitments.

Section E5 of the NDCP 2023 relates to the Newcastle City Centre and applies to the subject site. The NDCP 2023 identifies that the site is located within the West End Character Area and Birdwood Park Key Precinct. The desired future Character of the Birdwood Park Precinct is:

The Birdwood Park precinct affords a strong sense of arrival with well-formed blocks around the central parkland. Grand fig trees and the expansive 19th century facades of the former Castlemaine Brewery peaceably sit against adjacent modern structures.

Birdwood Park is celebrated as a key recreation space in the city, with high quality and visually varied facades that enhance the outlook from the public domain and local streets. Adaptive re-use of historic buildings accentuates the variety and fine grain character in this precinct.

Relevant to the proposed development, Section E5 of the DCP seeks to minimise additional overshadowing of Birdwood Park and ensure that new development fronting Birdwood Park addresses the park edge. The proposed development meets this objective by reducing the height of the proposed southern tower to be less than that permitted under the NLEP 2012.

6.0 Justification of Variation

In accordance with Clause 4.6(3)(a) of NLEP 2012 and having regard to the established case law on Clause 4.6 objections, this Section identifies that:

- Compliance with the Development Standard is unreasonable or unnecessary in this instance; and
- There are sufficient environmental planning grounds to justify contravening the development standard.

6.1 Objectives of the Development Standard

In accordance with Wehbe (Limb 1) compliance with the relevant development standard is unnecessary because compliance with the standard has been met notwithstanding the variation proposed. The objectives of Clause 4.3 are addressed below.

(a) to ensure the scale of development makes a positive contribution towards the desired built form, consistent with the established centres hierarchy,

The established centres hierarchy referred to in the objective for the development standard is found in the Hunter Regional Plan 2041 and the Newcastle Local Strategic Planning Statement. The Hunter Plan states:

At the heart of Greater Newcastle is the Newcastle City Centre, the capital of the Hunter.
Greater Newcastle will be Australia's newest and emerging economic and lifestyle city. This will be achieved by reinforcing revitalisation of Newcastle City Centre and continuing transformation along the waterside.

The Newcastle Local Strategic Planning Statement contains the Commercial Centres Hierarchy. Newcastle City Centre is identified as a Strategic Centre that services the Hunter region with higher order administration, education, health services, cultural and recreational facilities with high density commercial and residential uses (emphasis added).

The proposed minor variation is consistent with this objective because the additional height makes a positive contribution toward the desired built form as established on review by the Council's Urban Design Review Panel and the height is consistent with the established hierarchy for the centre.

(b) to allow reasonable daylight access to all developments and the public domain.

Solar studies prepared by Stewart Architecture which compare the shadows resulting from the proposed and a compliant scheme and are enclosed with the Development Application, see diagrams below. These drawings demonstrate that the proposed variation has the same amenity outcome as a compliant building on both public domain and other developments. Accordingly, the proposed variation is consistent with this zone objective.



Figure 5: Shadow Diagram – 9am on June 21.

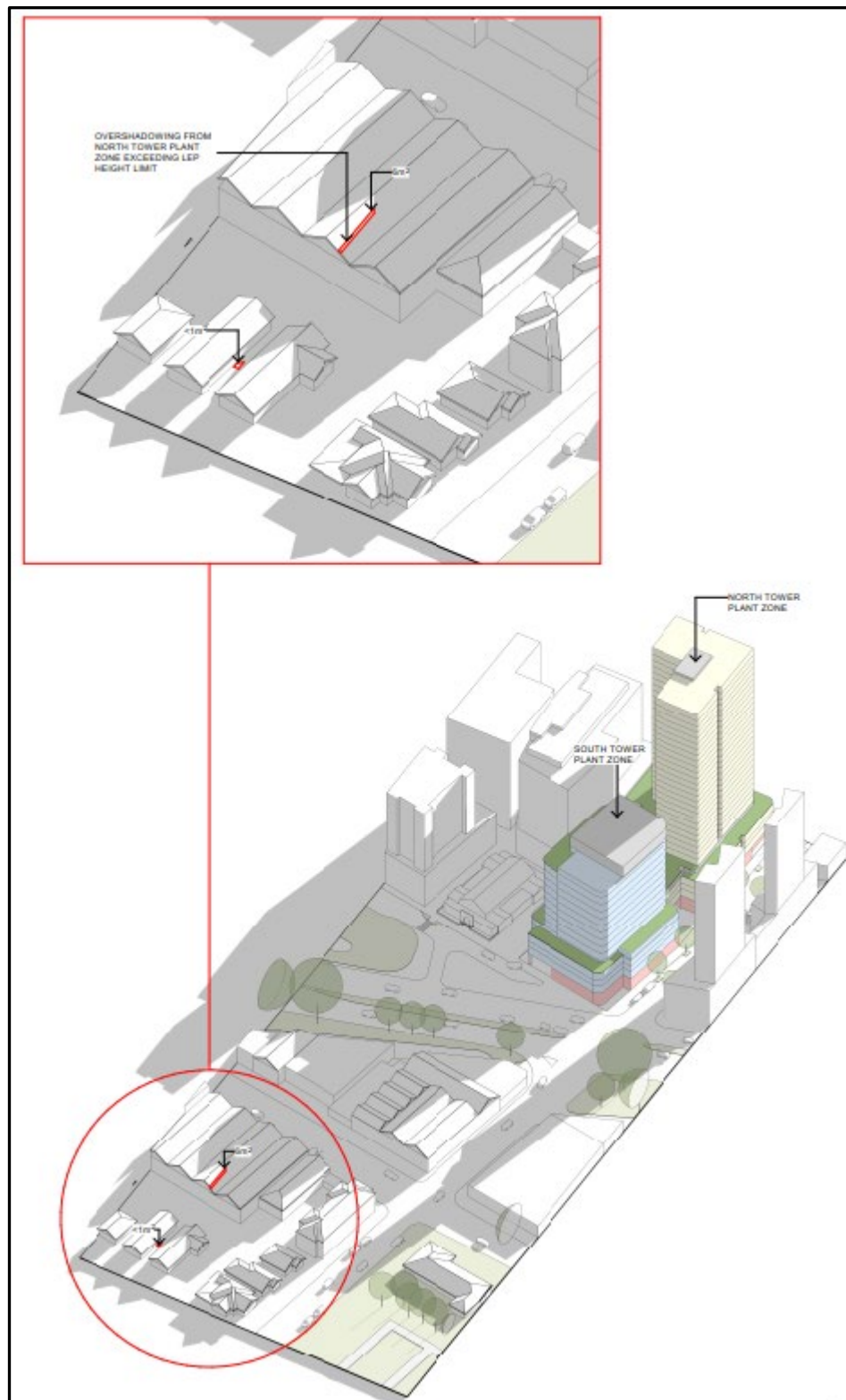


Figure 6: Shadows Resulting from Building Elements which Exceed the Height Standard (Rooftop Plant and Lift Overrun) – 9am on June 21.

6.2 Justification on Environmental Planning Grounds

As outlined in **Section 3.0**, there needs to be sufficient environmental planning grounds to justify contravening the development standard (Clause 4.6(3)(b)).

Sufficient environmental planning grounds, while not defined, refer to the subject matter, scope and purpose of the EP&A Act, including the objects of the act. The scope of planning grounds is wide [Four2Five v Ashfield Council [2015] NSWLEC90 at [10]]. The Guide includes the following as a non-exhaustive list:

- Avoiding adverse impacts;
- Dealing with unique site circumstances;
- Achieving consistency with streetscape and existing built form;
- Improving public benefit; and
- Achieving equal or better amenity outcomes.

The proposed variation has sufficient environmental planning grounds as discussed below.

- The variation responds to the unique circumstances of the site by removing height from the southern tower such that it is below the maximum height and placing a small increase in height on the northern tower adjoining Hunter Street. This brings about streetscape, public domain and heritage improvements as follows:
 - Relocating height to the north tower reduces impact on the public domain of Little King Street. Existing development in Little King Street is generally lower in height. In addition, tower height in this location reduces impacts on Birdwood Park in terms of overshadowing and visual impact. An improved urban amenity can be achieved by locating height further away from this area;
 - Adjoining the site in Little King Street is the Army Drill Hall which is a single storey heritage listed building. Minimising height adjoining this building provides for an improved building relationship and reduced impact and as such, will result in a better interface between the two (2) sites;
 - Council's Urban Design Review Panel has supported on design grounds the additional height on the northern tower fronting Hunter Street and the reduced height fronting Little King Street; and
 - The proposed additional height on the northern tower and the reduced height on the southern tower taking into account the site circumstances is consistent with object (g) of the Act to promote good design and amenity of the built environment.
- The proposed variation achieves an equal or better outcome than if the height was reduced to comply with the standard because:
 - The extent of variation is minor in terms of both its height and extent of footprint such that it has no significant streetscape or cityscape impacts and to this end it has been supported by Council's Urban Design Review Panel; and
 - Shadow diagrams have been prepared and it has been demonstrated that the proposed variation has no significant shadowing impacts.

7.0 Conclusion

The applicant considers that the consent authority can be satisfied that this request adequately addresses the matters required to be demonstrated by Clause 4.6(3), being:

- i. Compliance with the development standard is unnecessary in the circumstances; and
- ii. There are sufficient environmental planning grounds to justify contravening the development standard.

The proposed height variation is considered appropriate as follows:

- The proposed height variation is minor and relates only to the lift overrun and service infrastructure on the northern tower (constituting only 4.2% of the site area);
- The proposed development, inclusive of the height variation proposed, makes a positive contribution towards the desired built form, consistent with the established centres hierarchy identified in local and regional planning policies;
- The onsite and off-site amenity impacts are the same as a compliant building; and
- The proposed height variation will provide environmental planning benefits by reducing height at more sensitive edges of the site and placing additional height in areas of the site with a higher capacity to accommodate taller built forms.

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Clause 4.6 – Request to Vary Building Separation Standard under Newcastle LEP 2012

Construction of Retail Premises Shop Top
Housing and Commercial Premises

711 Hunter Street, Newcastle West

Lot 1 DP 867617

Prepared on behalf of Hunter Street Properties NSW Pty Ltd as
trustee for 711 Hunter Street Unit Trust

Document control sheet					
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A	Final	12.12.2025	CM	CM	240713
B	Amended Final	24.04.2026	ZS	CM	240713

Limitations Statement

This report has been prepared in accordance with and for the purposes outlined in the scope of services agreed between ADW Johnson Pty Ltd and the Client. It has been prepared based on the information supplied by the Client, as well as investigation undertaken by ADW Johnson and the sub-consultants engaged by the Client for the project.

Unless otherwise specified in this report, information and advice received from external parties during the course of this project was not independently verified. However, any such information was, in our opinion, deemed to be current and relevant prior to its use. Whilst all reasonable skill, diligence and care have been taken to provide accurate information and appropriate recommendations, it is not warranted or guaranteed and no responsibility or liability for any information, opinion or commentary contained herein or for any consequences of its use will be accepted by ADW Johnson or by any person involved in the preparation of this assessment and report.

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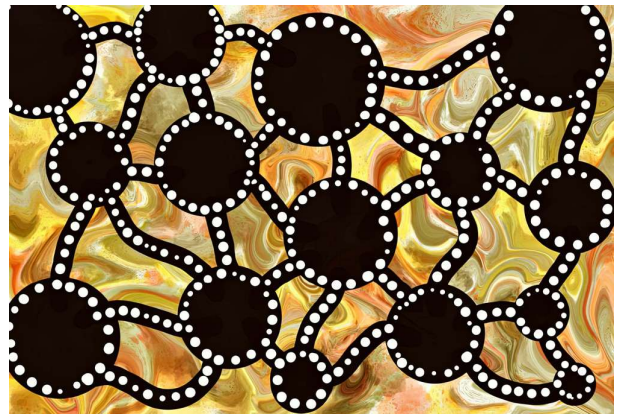
The Client should be aware that this report does not guarantee the approval of any application by any Council, Government agency or any other regulatory authority.

Acknowledgement of Country

We, ADW Johnson, acknowledge the Traditional Custodians of the land where we live and work, the country of Awabakal, Darkinjung and the Eora Nation.

We recognise their continuous connection to the land and waters of our beautiful regions. We pay our respects to Aboriginal and Torres Strait Islanders Elders past, present and emerging.

Artwork created by Joe Griffin, a proud Aboriginal man, descendant of the Awabakal people.



Contents

1.0	Introduction.....	5
2.0	Site and Proposed Development	6
2.1	Site	6
2.2	Proposed Development	8
3.0	Exceptions to Development Standards	9
4.0	The Development Standard & Variation Sought.....	11
4.1	The Development Standard	11
4.2	Contravention of the Development Standard	11
4.3	Objectives of the Development Standard	15
5.0	Justification of Variation	16
5.1	Objectives of the Development Standard (WEHBE LIMB 1).....	16
5.2	Justification on Environmental Planning Grounds	20
5.3	Additional Justification	20
6.0	Planning Context	21
6.1	Strategic Planning	22
6.1.1	Hunter Regional Plan 2041	22
6.1.2	Greater Newcastle Metropolitan Plan 2036.....	23
6.1.3	Newcastle Local Strategic Planning Statement.....	24
6.1.4	Newcastle Housing Strategy 2021	24
7.0	Conclusion.....	25

List of Figures and Photos

Figure 1: Aerial Image.	7
Figure 2: Existing Development.	7
Figure 3: 24m Building Separation Plan at 45m	12
Figure 4: Extent of NLEP 2012 Building Separation non-compliance between the.....	13
Proposed Northern Residential Tower and 727 Hunter Street.....	13
Figure 5: Extent of NLEP 2012 Building Separation Non-Compliance between proposed Southern Commercial Tower and 727 Hunter Street.....	14
Figure 6: Apartment 3B Typical Layout.....	19
Figure 7: Extent of NLEP 2012 Building Separation Non-Compliance between proposed	21
Southern Commercial Tower and 727 Hunter Street	21

1.0 Introduction

Hunter Street Properties NSW Pty Ltd as trustee for 711 Hunter Street Unit Trust is the applicant for the proposed development comprising the demolition construction of retail premises, commercial premises and shop top housing at 711 Hunter Street, Newcastle West (Lot 1 DP 867617).

This Clause 4.6 variation request has been prepared to vary the building separation development standard in Clause 7.4 of the *Newcastle Local Environmental Plan 2012* (NLEP 2012).

Clause 7.4 of the NLEP 2012 sets a development standard that requires a minimum building separation of 24m for built form at 45m or higher above ground level within the site. A variation to the building separation control is proposed between both the northern (residential tower) and southern (commercial) tower, and the adjoining development to the west (727 Hunter Street) between both towers (northern and southern) proposed to be erected on the subject site.

The proposed variation to the required building separation sought include:

- Northern Residential Tower to 727 Hunter Street – 10.2m – 2.8m.
- Southern Commercial Tower to 727 Hunter Street – 11.8m.
- Northern and Southern Tower - 6.3m – 3.8m.

The above variations to the building separation development standard are minor as demonstrated throughout this request. Less than 3% of the total GFA within each of the proposed towers is located within areas that do not satisfy the building separation development standard.

This report sets out the applicant's written request under Clause 4.6 of NLEP 2012 to vary the development standard in Clause 7.4 to achieve the proposed development outcome, justifying why compliance with the standard is unreasonable in the circumstances of this case, and demonstrating that there are sufficient environmental planning grounds to justify departure from the development standard.

This request has taken into consideration the "Guide to varying Development Standards" (November 2023) published by the NSW Department of Planning and Environment.

As demonstrated throughout this request the proposed variation sought is appropriate, and non-compliance with the development standard should not preclude the consent authority from granting development consent for the proposed development.

2.0 Site and Proposed Development

2.1 Site

The subject site is identified as Lot 1 DP 867617 and has a street address of 711 Hunter Street, Newcastle West.

The site is conveniently located within walking distance to the Honeysuckle Precinct, the Newcastle Light Rail Interchange, Marketown Shopping Centre, National Park, Hunter TAFE's King St campus and University of Newcastle's "New Space" campus, making it ideal for future residential, commercial and retail uses.

The site has an overall area of 4,724.3m² and frontage to Hunter Street to the north, National Park Street to the east and King Street to the south. Vehicle access to the site from the south is provided by a service road referred to as Little King Street. The size of the site and access to three (3) street frontages are unique characteristics within the Newcastle City Centre that present opportunities which the architectural design seeks to capture.

The site is located within an emerging high-density precinct, with many of the adjoining and nearby sites containing recently constructed, under construction, or approved tower buildings. Development surrounding the site includes:

- The site is adjoined to the west, at the northern side of the site, by a 16-storey commercial development, which includes five (5) levels of above ground parking within a podium structure;
- Adjoining the site to the west, at the southern boundary of the site, is the Army Drill Hall building, an item of local heritage significance;
- To the north of the site are existing low rise commercial buildings and a mixed use commercial and residential development which is approximately 12 storeys high;
- The desired future character identified for land to the north and west of the site is high density development, commensurate with the city centre character of the area;
- To the east of the site, on the opposite side of National Park Street is commercial and residential development with a height of 77.8m;
- Birdwood Park is located to the south-east of the site; and
- Land to the south of the site, on the opposite side of King Street includes the Marketown Shopping Centre and low-rise commercial buildings. Land to the south has a mapped building height of 45m and is zoned MU1 Mixed Use.

An aerial image of the site and surrounds is provided below.

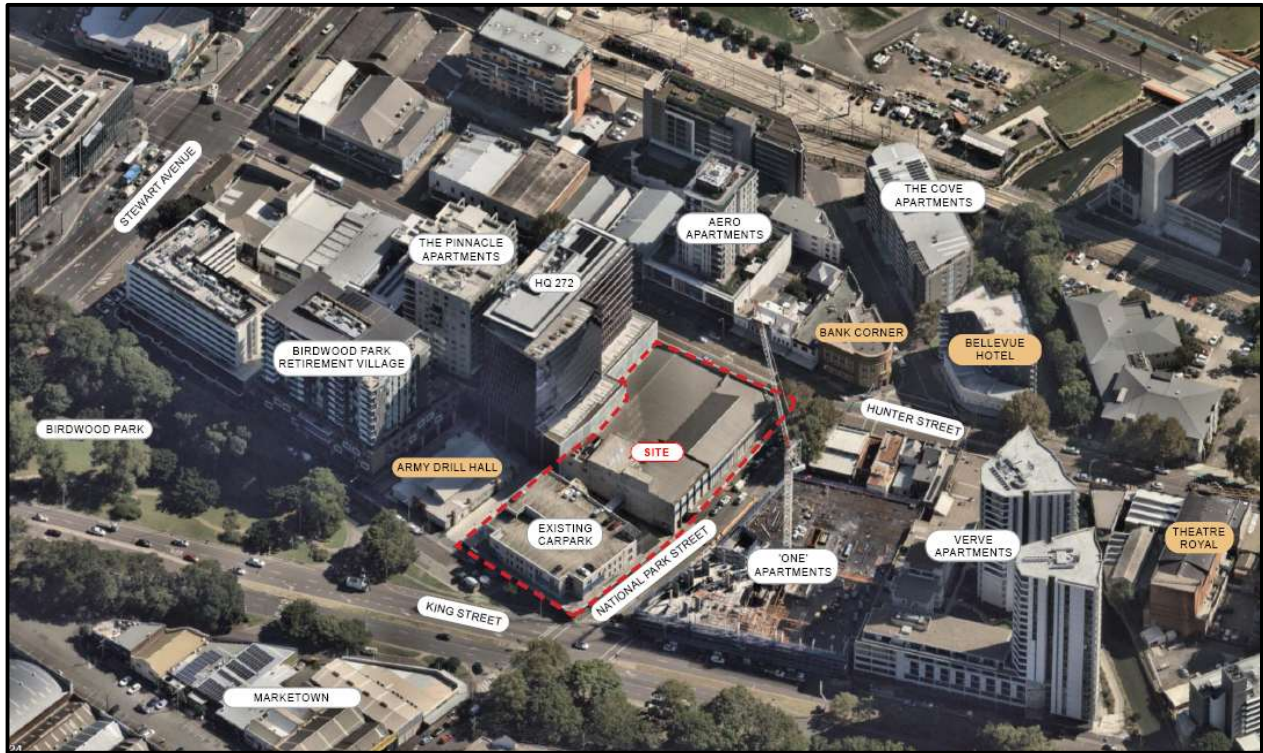


Figure 1: Aerial Image.

The site contains a vacant three-storey commercial building and carpark. Existing development within the site is in a state of disrepair, detracts from the streetscape and is inconsistent with the desired future character identified for the Newcastle City Centre.



Figure 2: Existing Development.

2.2 Proposed Development

The proposal seeks to develop the subject site for the purpose of commercial premises, ground level retail premises and shop top housing, comprising a podium structure with two (2) towers above. Tower 1 (north tower), fronting Hunter Street, is 31 storeys and will accommodate 191 residential apartments, while Tower 2 (south tower), positioned adjacent to King Street, is proposed as a 15-storey commercial office building.

The shared podium structure will include ground floor retail premises, two (2) separate car parks located across four (4) levels of above ground parking to service the residential and commercial uses, each with dedicated ramp access providing a total of 441 parking spaces.

The site is positioned within an emerging high-density precinct in the Newcastle City Centre. It is favourably located relative to essential services and facilities, existing transport infrastructure, education, jobs, open space and community facilities. For these reasons, relevant strategic planning policies promote the delivery of high density commercial and residential development for the site.

The subject site is currently underutilised and contains built form which is in a state of disrepair and inconsistent with the desired future character of the Newcastle City Centre.

The proposed development seeks to capitalise on the site's favourable characteristics and address sensitive features of the receiving environment. The proposed architectural design has been developed in consultation with City of Newcastle (CoN) and the Newcastle Urban Design Review Panel (UDRP). Council's UDRP have confirmed that the proposal is capable of achieving design excellence. It should be noted that the UDRP have reviewed the current scheme previously on 25 June 2025, 27 August 2025, 24 September 2025 and 25 March 2026.

Architectural Plans for the proposed development have been prepared by Stewart Architecture and are enclosed within Appendix 3 of the development application submitted.

The proposed development includes the following:

- Construction of a four (4) storey podium to accommodate parking requirements for the proposed development;
- Street activation by providing ground floor retail uses at the frontages to King Street, Hunter Street and National Park Street;
- The podium levels of the development are sleeved by retail tenancies and residential units which present to the public domain.
- Vehicular access to the podium is provided via Little King Street to the south;
- The shared podium will include two separate car parks (for the commercial and residential uses), each with dedicated ramp access, across four levels of above-ground parking. A total of 441 spaces will be provided.
- Vehicle parking areas within the podium levels are located behind commercial and residential uses and do not present to the street.
- Construction of two (2) towers above the podium, including the following:
 - A commercial tower to 15-storeys in height at the corner of King Street and National Park Street (south tower); and
 - A residential tower to 31 storeys and will accommodate 191 residential apartments at the corner of National Park Street and Hunter Street (north tower);
- Landscaped communal open space areas above the podium; and
- Construction of utilities and ancillary infrastructure as required.

A detailed description of the proposed development is provided within the Statement of Environmental Effects to which this Clause 4.6 Variation Request is appended.

3.0 Exceptions to Development Standards

The Applicant seeks consent for development that does not comply with a development standard imposed by the NLEP 2012 (as detailed in **Section 4.0** and **5.0** of this report).

Under Clause 4.6 of NLEP 2012, development consent may be granted for development even though the development would contravene a development standard. Clause 4.6 of the NLEP 2012 provides as follows:

4.6 Exceptions to development standards

(1) *The objectives of this clause are as follows—*

- (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

(2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*

(3) *Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—*

- (a) *compliance with the development standard is unreasonable or unnecessary in the circumstances, and*
- (b) *there are sufficient environmental planning grounds to justify the contravention of the development standard.*

Note—

The Environmental Planning and Assessment Regulation 2021 requires a development application for development that proposes to contravene a development standard to be accompanied by a document setting out the grounds on which the applicant seeks to demonstrate the matters in paragraphs (a) and (b).

(4) *The consent authority must keep a record of its assessment carried out under subclause (3).*

(5) *(Repealed)*

(6) *Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if—*

- (a) *the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
- (b) *the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*

Note—

When this Plan was made it did not include Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition or Zone R5 Large Lot Residential.

(7) *(Repealed)*

(8) *This clause does not allow development consent to be granted for development that would contravene any of the following—*

(a) a development standard for complying development,
 (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,
 (c) clause 5.4,
 (caa) clause 5.5,
 (ca) clause 7.9, clause 7.9A or clause 8.2.

The Land and Environment Court has considered the question of contravention of development standards in many cases, both in its former application under *State Environmental Planning Policy No. 1 – Development Standards* and also various forms of Clause 4.6.

This submission has been prepared having regard to the latest authority on Clause 4.6, including the principles contained in the following NSW Land and Environment Court (Court) judgements:

- Winten Property Group Limited v North Sydney Council [2001] NSWLEC 46;
- Wehbe v Pittwater Council [2007] NSWLEC 827;
- Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 (Four2Five No 2);
- WZSydney Pty Ltd v Ku ring-gai Municipal Council [2023] NSWLEC 1065;
- Randwick City Council v Micaul Holdings Pty Ltd [2016] NSWLEC 7;
- Initial Action Pty Ltd v Woollahra Council [2018] NSWLEC 118;
- Bringham v Canterbury-Bankstown Council [2018] NSWLEC 1406;
- Al Maha Pty Ltd v Huajun Investments Pty Ltd [2018] NSWCA 245;
- Baron Corporation Pty Limited v Council of the City of Sydney [2019] NSWLEC 61;
- RebelMH Neutral Bay Pty Limited v North Sydney Council [2019] NSWCA 130; and
- Bhat v Hornsby Shire Council [2023] NSWLEC 1424.

This submission has also taken into consideration the “Guide to varying Development Standards” (November 2023) published by the NSW Department of Planning and Environment. Of particular relevance, it is necessary to:

- Establish whether compliance with the standard is unreasonable or unnecessary. The “Wehbe Tests” confirm this will be the case where:
 1. The objectives of the development standard are achieved notwithstanding the non-compliance;
 2. The underlying objective or purpose is not relevant to the development;
 3. The underlying objective or purpose would be defeated or thwarted if compliance was required;
 4. The development standard has been virtually abandoned or destroyed by the Council’s own actions in granting consents departing from the standard; and
 5. The zoning of the land on which the development is proposed was unreasonable or inappropriate.
- Establish that there are sufficient environmental planning grounds to justify the variation. The grounds must:
 - Be sufficient to justify the contravention; and
 - Focus on the aspect of the development that contravenes the development standard, not the development as a whole.

The Guide sets out a non-exhaustive list of what may be considered as sufficient environmental planning grounds, including:

- Avoiding adverse impacts;
- Dealing with unique site circumstances;
- Achieving consistency with streetscape and existing built form;
- Improving public benefit; and
- Achieving equal or better amenity outcomes.

4.0 The Development Standard & Variation Sought

4.1 The Development Standard

The proposed development will contravene the building separation development standard imposed by Clause 7.4 of the NLEP 2012 (Development Standard). Clause 7.4 is a numerical development standard and is capable of variation.

Clause 7.4 of the NLEP 2012 States:

7.4 Building separation

- (1) A building on land to which this Part applies must be erected so that the distance from the building to any other building is not less than 24 metres at 45 metres or higher above ground level.
- (2) For the purposes of this clause, a separate tower or other raised part of the same building is taken to be a separate building.

4.2 Contravention of the Development Standard

A small portion of both the proposed northern residential tower and southern commercial tower at a height of 45m and above, are within 24m of the neighbouring building located to the west of the subject site at 727 Hunter Street.

In addition, the separation distance between the proposed towers (northern and southern) internally on the site do not achieve the required 24m separation.

The area of non-compliance is limited to:

- Levels 14 – 17 on the northern residential tower and Levels 12 – 13 to the proposed southern commercial tower to 727 Hunter Street; and
- Levels 14 – 18 on the northern residential tower and Levels 12 – 13 to the proposed southern commercial tower between the proposed towers.

A variation is requested to the following NLEP 2012 controls as follows:

Table 1: Summary of Numerical Variation Sought

Clause 7.4 Building Separation – 24m	Proposed (m)	Variation (m)	Variation (%)
Northern (Residential) Tower to 727 Hunter Street	13.8m – 21.2m	10.2m – 2.8m	42.5% - 11.6%
Southern (Commercial) Tower to 727 Hunter Street	12.2m	11.8m	49%
Northern and Southern Tower Separation	17.7m – 20.2m	6.3m – 3.8m	26.25% - 15.8%

]The areas of non-compliance with the 24m building separation standard between the proposed towers and adjoining development is shown in **Figures 3, 4 and 5** below:



Figure 3: 24m Building Separation Plan at 45m

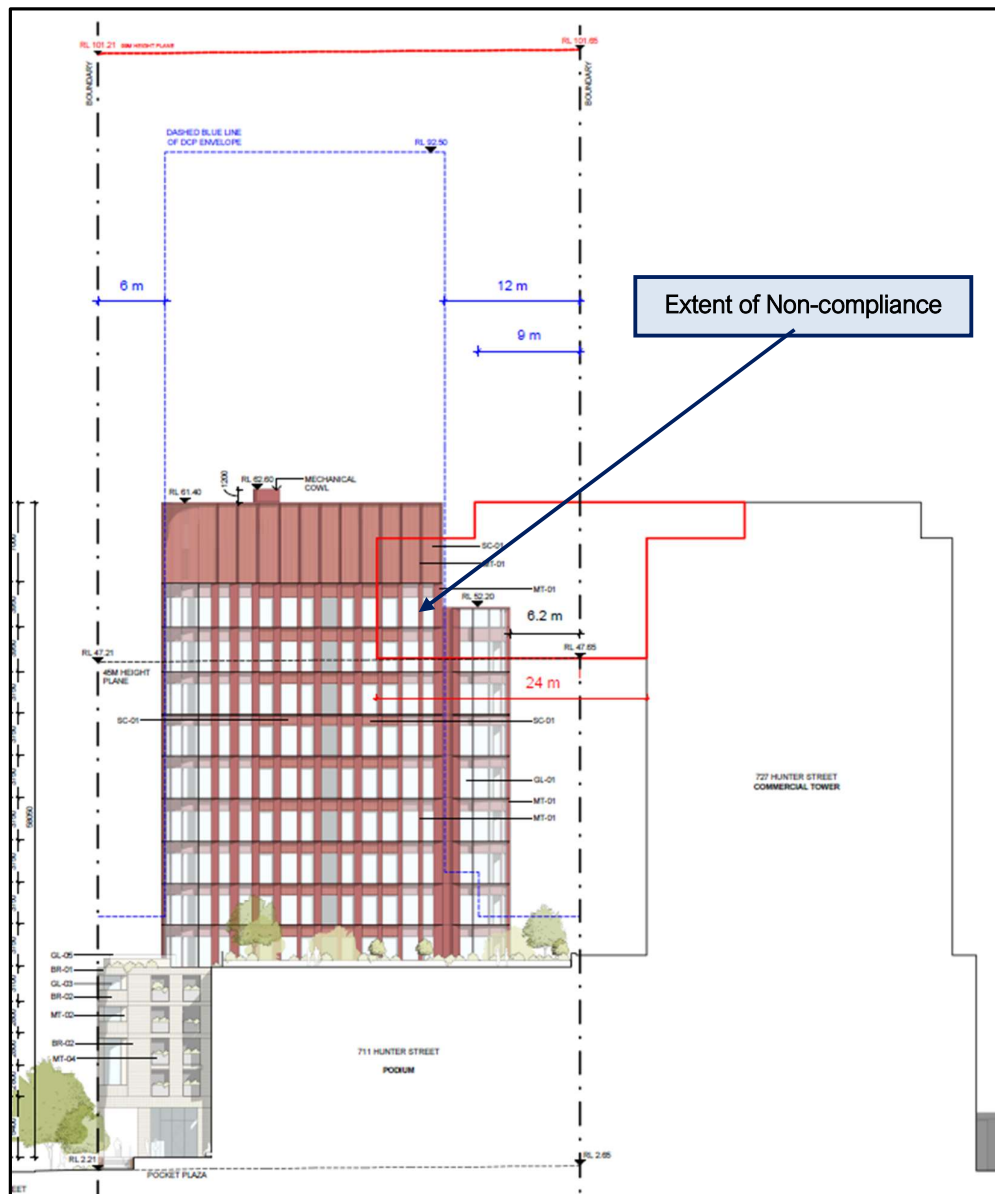


Figure 5: Extent of NLEP 2012 Building Separation Non-Compliance between proposed Southern Commercial Tower and 727 Hunter Street

4.3 Objectives of the Development Standard

There are no specific listed objectives for Clause 7.4 in the NLEP 2012.

Given that there is no specific objective for Clause 7.4, the proposal has been assessed against the objectives of Part 7 of the NLEP 2012 which contains additional local provisions for the Newcastle City Centre. In addition, Newcastle Council has advised that Part 2F of the ADG should be considered when considering the objectives of the standard.

Clause 7.1 contains a number of express objectives relating to Part 7 which are set out below:

7.1 Objectives of Part

The objectives of this Part are as follows:

- a) To promote the economic revitalisation of Newcastle City Centre;*
- b) To strengthen the regional position of Newcastle City Centre as a multi-functional and innovative centre that encourages employment and economic growth;*
- c) To protect and enhance the positive characteristics, vitality, identity, diversity and sustainability of Newcastle City Centre, and the quality of life of its local population;*
- d) To promote the employment, residential, recreational and tourism opportunities in Newcastle City Centre;*
- e) To facilitate the development of building design excellence appropriate to a regional city;*
- f) To encourage responsible management, development and conservation of natural and man-made resources and to ensure that Newcastle City Centre achieves sustainable social, economic and environmental outcomes;*
- g) To protect and enhance the environmentally sensitive areas and natural and cultural heritage of Newcastle City Centre for the benefit of present and future generations; and*
- h) To help create a mixed-use place, with activity during the day and throughout the evening, so Newcastle City Centre is safe, attractive, inclusive and efficient for its local population and visitors alike.*

The aims of Part 2F of the ADG are also set out below:

- Ensure that new development is scaled to support the desired future character with appropriate massing and spaces between buildings;*
- Assist in providing residential amenity including visual and acoustic privacy, natural ventilation, sunlight and daylight access and outlook;*
- Provide suitable areas for communal open spaces, deep soil zones and landscaping;*

It is noted that the building separation controls under Clause 7.4 of NLEP do not align with the objectives and guidelines of the ADG. For comparison, the ADG guidelines are outlined below:

Nine storeys and above (over 25m):

- 24m between habitable rooms/balconies;*
- 18m between habitable and non-habitable rooms; and*
- 12m between non-habitable rooms.*

5.0 Justification of Variation

5.1 Objectives of the Development Standard (WEHBE LIMB 1)

In accordance with Wehbe (Limb 1) compliance with the relevant development standard is unreasonable or unnecessary because the objectives of the standard have been met notwithstanding the variation proposed.

Given that there is no stated objective in Clause 7.4, the proposal has been assessed against the objectives of Part 7 of the NLEP which contains the standard. Clause 7.1 of the NLEP 2012 contains the objectives of the additional local provisions for the Newcastle City Centre which clause 7.4 is part of. This is addressed in detail below:

Clause 7.1 Newcastle LEP 2012

Clause 7.1 (which sets out the overall objectives for the Part in which Clause 7.4 sits).

a) To promote the economic revitalisation of Newcastle City Centre,

The proposed building separation beyond the standard set by Clause 7.4 will make a greater contribution to the economic revitalisation of the Newcastle City Centre, then a compliant building because of the additional economic activity it will provide.

Accordingly, the proposed development is consistent with this objective;

b) To strengthen the regional position of Newcastle City Centre as a multi-functional and innovative centre that encourages employment and economic growth,

The proposed building separation beyond the standard set by Clause 7.4 will allow for the development to make a greater contribution to strengthening the regional position of Newcastle City Centre by encouraging additional employment opportunities, housing and growth.

Accordingly, the proposed variation is consistent with this objective;

c) To protect and enhance the positive characteristics, vitality, identity, diversity and sustainability of Newcastle City Centre, and the quality of life of its local population,

The proposed building separation beyond the standard set by Clause 7.4 does not detract from protecting and enhancing the positive characteristics, vitality, identity, diversity and sustainability of the Newcastle City Centre and the quality of its local population. The proposed building footprint (including the proposed variation) will improve the sustainability of the Newcastle City Centre by providing for appropriate density in proximity to infrastructure, services and amenities consistent with ESD principles.

Accordingly, the proposed variation is consistent with this objective;

d) To promote the employment, residential, recreational and tourism opportunities in Newcastle City Centre,

Strict compliance with the clause by creating a cut out within the proposed built form, would create an undesirable building form inconsistent with the character of the area and the streetscape and therefore inconsistent with the objective to achieve design excellence appropriate to a regional city, promoting employment and residential opportunities as per Part 7.1(d).

Accordingly, the proposed variation is consistent with this objective;

- e) *To facilitate the development of building design excellence appropriate to a regional city,*

Strict compliance with the clause by reducing the full width of the tower would create an unusually skinny tower relative to the buildings height, inconsistent with character of the area and the streetscape and therefore inconsistent with the objective to achieve design excellence appropriate to a regional city. The UDRP has confirmed that the proposal is capable of achieving design excellence.

Accordingly, the proposed variation is consistent with this objective;

- f) *To encourage responsible management, development and conservation of natural and man-made resources and to ensure that Newcastle City Centre achieves sustainable social, economic and environmental outcomes,*

The proposed building separation beyond the standard set by Clause 7.4 will contribute to a more sustainable city by locating an appropriate density of development in proximity to existing public transport and connectivity, access to infrastructure and goods and services.

Accordingly, the proposed variation is consistent with this objective;

- g) *To protect and enhance the environmentally sensitive areas and natural and cultural heritage of Newcastle City Centre for the benefit of present and future generations,*

The proposed building separation beyond the standard set by Clause 7.4 does not prevent this objective from being achieved.

Accordingly, the proposed variation is consistent with this objective; and

- h) *To help create a mixed-use place, with activity during the day and throughout the evening, so Newcastle City Centre is safe, attractive, inclusive and efficient for its local population and visitors alike.*

The proposed building separation beyond the standard set by Clause 7.4 contributes to a mixed-use place and the relevant benefits as stated by the objective.

Accordingly, the proposed variation is consistent with this objective.

Part 2F of the Apartment Design Guideline

Newcastle City Council have advised that the objectives of the ADG should be considered when considering the objectives of the development standard. Despite the numerical variation proposed, the aims of Part 2F of the ADG guideline have been met as detailed below:

- *Ensure that new development is scaled to support the desired future character with appropriate massing and spaces between buildings;*
 - The built form, including the proposed variation has been scaled and positioned to respond appropriately to the surrounding context, as well as to both current development application and anticipated future developments. The proposed built form has included height to the north of the site while creating a smaller commercial tower to the south, with a considered separation between the tower portions;
 - The proposed building separation both to adjoining development and internally within the site has been considered by Council's UDRP. The Panel has advised that the development is a well-considered and presented scheme, with the proposed architecture, urban design and landscaping being of high standard. It has been determined through the UDRP assessment process that the proposal achieves design excellence;

- *Assist in providing residential amenity including visual and acoustic privacy, natural ventilation, sunlight and daylight access and outlook;*
 - The proposed variation to the development standard will not result in unreasonable impacts on adjoining development and within the development, particularly with respect to privacy, natural ventilation and sunlight. Solar Diagrams are included within the Architectural Plans submitted with the development application demonstrate that the proposed development achieves good solar access outcomes for adjoining development and public spaces;
- *Provide suitable areas for communal open spaces, deep soil zones and landscaping; and*
 - Suitable areas for communal open space, deep soil zones and landscaping have been provided as part. The proposed building separation beyond the standard set by Clause 7.4 does not prevent this aim from being achieved. The UDRP have considered communal open spaces, deep soil zones and landscaping in detail as part of their review to ensure the development achieves design excellence.

For completeness, when considering the building separation controls outlined within Part 2F of the ADG, the following justification is provided.

- The northern tower achieves a 9-metre setback from the northwest boundary, aligning with the ADG guideline for separation between habitable and non-habitable rooms. Apartment layouts at this interface have been carefully considered: windows are modest in size and fitted with privacy fins, prioritising daylight and visual privacy over outlook.

For both towers, above nine storeys (over 25 metres in height), the following ADG separation benchmarks apply:

- 24 metres between habitable rooms/balconies; and
- 18 metres between habitable and non-habitable rooms.

In the northern tower, habitable living rooms and bedrooms that encroach on the suggested 9–12 metre setback are oriented away from the neighbouring commercial building. Living rooms are oriented north, with solid, yet articulated walls having been introduced to the west to maintain privacy.

Between the north and south towers, building separation ranges from 18 to 25 metres, averaging 22 metres. That is just below the minimum recommendation for separation between habitable rooms and balconies. To address this, the commercial southern tower incorporates a northern side core arrangement with a substantial proportion of solid wall facing the residential building. Both towers utilise privacy fins, façade articulation and depth to reinforce visual privacy.

The residential façade responds directly to its context, with well-proportioned and positioned windows, privacy fins and solid precast horizontal banding up to a 1-metre datum to lower-level balconies, providing privacy to both balconies and windows where required. The stepping and modulation of this balustrade banding is a key design feature.

The below figure provides a typical floorplan which demonstrates how visual privacy has been carefully considered and managed through the window placement and internal layout of the 3B apartments.

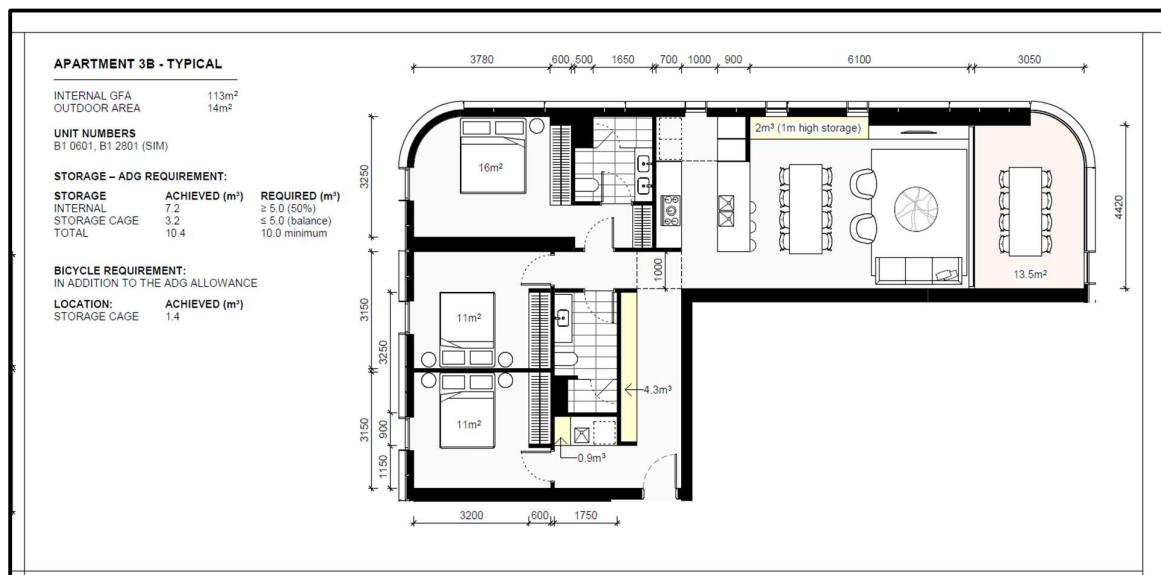


Figure 6: Apartment 3B Typical Layout

Council's UDRP has considered the proposed variation. The Panel has advised that the development is a well-considered and presented scheme, with the proposed architecture, urban design and landscaping being of high standard. It has been determined through the UDRP assessment process that views, privacy and solar access to all of the proposed residential units is appropriate, ensuring a high level of amenity. Design excellence has been achieved, including consideration of the requirements of building separation in accordance with the ADG.

5.2 Justification on Environmental Planning Grounds

There needs to be sufficient environmental planning grounds to justify contravening the development standard (Clause 4.6(3)(b)).

Sufficient environmental planning grounds, while not defined, refer to the subject matter, scope and purpose of the EP&A Act, including its objects. The scope of planning grounds is wide [Four2Five v Ashfield Council [2015] NSWLEC90 at [10]]. The Guide includes the following as a non-exhaustive list:

- Avoiding adverse impacts;
- Dealing with unique site circumstances;
- Achieving consistency with streetscape and existing built form;
- Improving public benefit; and
- Achieving equal or better amenity outcomes.

The proposed variation in respect of the separation distance has sufficient environmental planning grounds to allow it for the following reasons:

- The proposed design variation allows for a building of regular form, consistent with the character of the area, providing a better urban design outcome than a development that was in strict compliance with the numerical standard with “cutouts”. This is consistent with object (g) of the Act “to promote good design and amenity of the built environment”.
- The proposed building separation beyond the standard does not compromise achieving design excellence, Council’s UDRP has considered the proposal at a number of meetings and has determined that it is considered to have achieved design excellence, including consideration of the requirements of building separation.
- The building, where there is non-compliance, does not result in any unreasonable or adverse impacts on adjoining properties or within the subject development, particularly with respect to overshadowing, loss of privacy and loss of views. The absence of material impacts justifies the contravention having regard to the benefits described elsewhere brought about by the proposed built form.

5.3 Additional Justification

The following provides an analysis about the amount of proposed built form that is non-compliant with the 24m separation.

Gross Floor Area (GFA)

The below provides a summary of the total GFA of the building which do not meet the 24m building separation requirement.

- Northern Residential Tower to 727 Hunter Street – 573m², being **2.7%** of the buildings GFA;
- Southern Commercial Tower to 727 Hunter Street – 298m², being **2.8%** of the buildings GFA;
- Northern Tower to Southern Tower – 256m² being **1.2%** of the buildings GFA; and
- Southern Tower to Northern Tower – 201m², being **1.9%** of the buildings GFA.

As detailed above, the area of non-compliance is limited to minor portion of overall building the GFA for each of the proposed towers.

Compliant LEP Scheme

A compliant scheme has been modelled to demonstrate the difference between a compliant building separation and the proposed built form. As detailed in the below mid-winter shadow diagrams, the impact of a compliant scheme compared to the proposed is minimal, with an additional area of 55m² being impact in the middle of King Street during winter solstice at 9am.

6.0 Planning Context

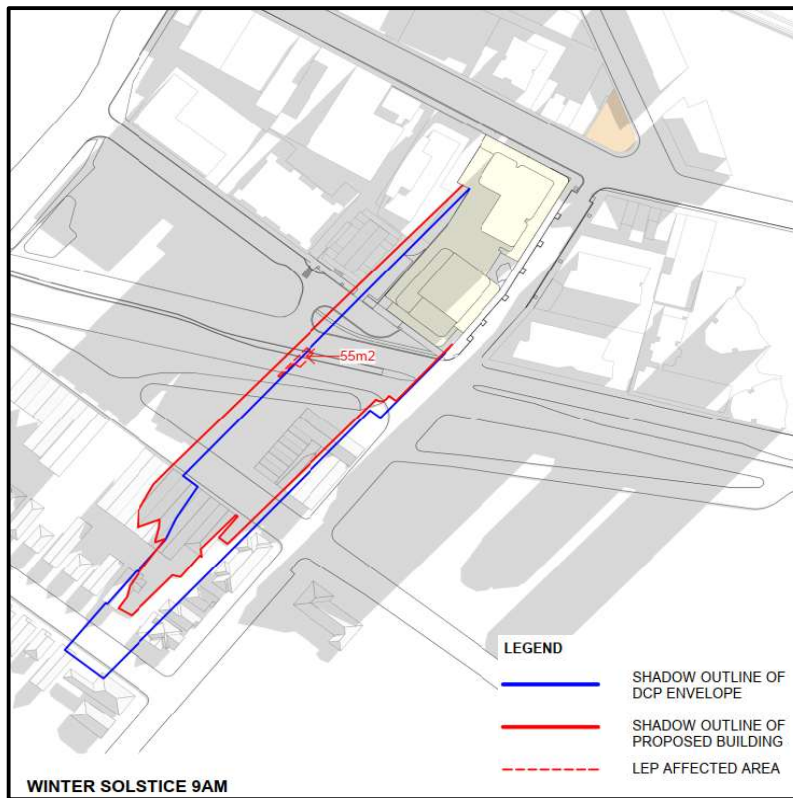


Figure 7: Extent of NLEP 2012 Building Separation Non-Compliance between proposed Southern Commercial Tower and 727 Hunter Street

Views

The UDRP have considered views relative to the adjoining site at 727 Hunter Street. As stated in their final round of meeting minutes issued on the 13th April 2026 the UDRP have stated that the proposal for 711 Hunter Street currently under consideration, with its two separate towers and reasonable boundary setbacks, in the opinion of the UDRP, achieves reasonable view sharing with its western neighbour (727 Hunter Street).

6.1 Strategic Planning

6.1.1 Hunter Regional Plan 2041

The Hunter Regional Plan 2041 (HRP) is a 20-year land use plan which provides an overarching strategic land use framework to guide land use planning priorities and infrastructure funding decisions in the Hunter region over the next 20 years.

The plan aims to unlock sustainable growth opportunities and investments, as well as housing choice and lifestyle opportunities to retain the Hunter's position as a leading regional economy in Australia.

The plan establishes a strong preference for infill development rather than continued greenfield development at the fringes of the city. It focuses on delivering housing and jobs close to strategic centres near transport corridors and open space. The proposed development is entirely consistent with this intent. The subject site is a large and currently unused allotment positioned within the Newcastle City Centre. Planning controls for the site identify high density residential and commercial uses as desirable for the site. The site is ideal for this type of development as it has excellent access to existing and future transport facilities, essential services, and job opportunities.

The site is located within the Greater Newcastle District. Within the Greater Newcastle District, the HRP seeks to create optimal densities in locations with services and infrastructure by promoting renewal opportunities within centres and infill sites, including the redevelopment of larger infill sites. The proposed development is completely consistent with this requirement.

The Newcastle city centre is identified in the plan as the region's metropolitan capital and economically significant to NSW. The Plan identifies that the Newcastle city centre is undergoing significant transformation through infrastructure investment, new housing and jobs. The Newcastle City Centre is the most significant centre in the region's hierarchy, sitting above strategic centres (such as Kotara and Broadmeadow) which provide high levels of essential services, local centres which provide for the daily and weekly needs of the community and neighbourhood centres which are integrated within residential neighbourhoods. The proposed development, inclusive of the proposed variation will establish a built form which is consistent with the metropolitan capital character identified for the area.

Central to the plan is the 15-minute neighbourhood concept. The plan seeks to influence urban settlement patterns to maximise the use of existing infrastructure, reduce travel demands, particularly by car and improve mobility and access to education, jobs, services, open space and community activities. The proposal will provide additional housing which is well located with respect to surrounding facilities and amenities and the proposed development is consistent with the 15-minute neighbourhoods policy. The development also incorporates a retail component which will contribute to the mixed-use character of the area.

The plan identifies that an additional 101,800 dwellings will be required by 2041 to accommodate the expected population growth of the region and providing housing and infrastructure to meet this demand is central to the plan. The proposed development will provide additional housing on a well-located site and will contribute to accommodating the expected future growth of the area.

The site is located within the Greater Newcastle District. Within the Greater Newcastle District, the HRP seeks to create optimal densities in locations with services and infrastructure by promoting renewal opportunities within centres and infill sites, including the redevelopment of larger infill sites. The proposed development is completely consistent with this requirement.

The proposed development including the proposed variation is consistent with the objectives and intent of the Hunter Regional Plan 2041.

6.1.2 Greater Newcastle Metropolitan Plan 2036

The Greater Newcastle Metropolitan Plan 2036 sets out strategies and actions that will drive sustainable growth across Cessnock City, Lake Macquarie City, Maitland City, Newcastle City and Port Stephens communities, which together make up Greater Newcastle.

The vision set out for the greater Newcastle area in the plan is:

Australia's newest and emerging economic and lifestyle city, connected with northern NSW and acknowledged globally as:

- Dynamic and entrepreneurial, with a globally competitive economy and the excitement of the inner city and green suburban communities;
- Offering great lifestyles minutes from beaches or bushland, the airport or universities, and from the port to the lake; and
- A national leader in the new economy, with smarter cities and carbon neutral initiatives, and with collaborative governance that makes it a model to others in creating and adapting to change.

The GNMP seeks to concentrate future growth in strategic centres to support economic and population growth and a mix of land uses. These are the largest centres of activity and employment in the region. Reinforcing and encouraging development in strategic centres will help sustain their functions and create jobs closer to home.

The Newcastle City Centre is identified in the plan as the heart and capital of the region. The plan seeks to promote the continued growth and renewal of the city centre. The proposed development, inclusive of the building separation variation represents a development which is commensurate with the character identified for the area.

The Plan identifies the site as being located within the West End Precinct, where Newcastle City Council is to align local plans to increase commercial and residential floor space surrounding the Newcastle Interchange. The proposed development achieves this by providing a retail and residential tower development within the 800m walking catchment surrounding the Interchange.

It is considered that the proposed development is compatible with the aims and objectives of the Greater Newcastle Metropolitan Plan 2036.

The *Newcastle 2030 – Community Strategic Plan (CSP)* sets out a shared community vision and was developed as a guide to inform policies and actions throughout the City of Newcastle Local Government Area (LGA).

The CSP aims to ensure that neighbourhoods within the Newcastle LGA are safe and thriving, with diverse and equitable housing and social and urban infrastructure that supports local living.

The proposed development is consistent with the CSP. It will provide an attractive mixed-use development in proximity to existing public and active transport networks. Further, the ground floor activation contributes to Newcastle West's emerging vibrant, safe and active public spaces.

It is considered that the proposed development including the proposed variation is compatible with the provisions of *Newcastle 2040 – Community Strategic Plan*.

6.1.3 Newcastle Local Strategic Planning Statement

The *Local Strategic Planning Statement* has been adopted by CoN as a means of providing direction to future development patterns throughout the City of Newcastle. The comprehensive land use strategy aims to guide the future growth and development of Newcastle.

The Strategy implements the land use directions from the Community Strategic Plan and underpins the NLEP 2012, providing a land use planning platform to move towards a smarter, more liveable and sustainable Newcastle.

The Planning Priorities relevant to the proposed development are outlined below.

Planning Priority 8 – Plan for growth and change in Catalyst Areas, Strategic Centres, Urban Renewal Corridors and Housing Release Areas

Planning Priority 8 seeks to Plan for growth and change in Catalyst Areas, Strategic Centres, Urban Renewal Corridors and Housing Release Areas. The proposed development including the proposed variation will deliver a retail and residential development within Newcastle West which will provide opportunities for employment and create an additional local resident population which will increase the viability of commercial operations, public transport facilities and public infrastructure in the area.

Planning Priority 10 – Development responds to the desired local character of our communities

Planning Priority 10 aims to protect communities from new development that is not compatible with the desired local character of the area.

The proposed variation is consistent with the scale and nature of development identified in strategic planning policies as desirable for the site.

The proposed variation is consistent with the aims and relevant planning priorities of the Newcastle Local Strategic Planning Statement.

6.1.4 Newcastle Housing Strategy 2021

The Newcastle Housing Strategy identifies catalyst areas, such as the Newcastle CDB as the best areas to accommodate additional housing. The proposed development including the proposed variation is consistent with the strategy, providing for housing and contributions to housing choice in a key location.

7.0 Conclusion

The consent authority can be satisfied that this request adequately addresses the matters required to be demonstrated by Clause 4.6(3), being:

- *Compliance with the development standard is unreasonable and unnecessary in the circumstances; and*
- *That there are sufficient environmental planning grounds to justify contravening the development standard.*

This variation request has demonstrated that the proposed variation is justified because:

- Compliance with the relevant development standard is unreasonable and unnecessary because compliance with the objectives of the standard have been met notwithstanding the variation proposed;
- The proposed development maintains an appropriate response to the design principle contained within the ADG. The proposed building separation, both to adjoining development and internally within the site, has been considered by Council's UDRP. The UDRP has advised that the development is a well-considered and presented scheme, with the proposed architecture, urban design and landscaping being of high standard. It has been determined through the UDRP assessment process that the proposal achieves design excellence;
- Strict compliance with the clause by reducing the full width of the tower would create an unusually skinny tower relative to the buildings height, inconsistent with character of the area and the streetscape Compliance would therefore be inconsistent with the objective to achieve design excellence appropriate to a regional city. The UDRP has confirmed that the proposal achieves design excellence;
- The relationship between 727 Hunter Street and internal to the site (both northern and southern tower), is appropriate given the design is consistent with the aims and design principles of the ADG;
- There are a number of recent examples where CN have applied flexibility to the numerical development standard outlined in Section 7.4 when determining earlier development approvals across the subject site and at sites within proximity such as 1 National Park Street, Verve and The Store;
- The building separation distance resulting from non-compliance does not result in any unreasonable impacts on adjoining properties and within the development, particularly with respect to overshadowing, loss of privacy and loss of views. This has been confirmed through the UDRP endorsement of the project; and
- The non-compliance will not hinder the development's ability to satisfy the objectives of the Newcastle City Centre development controls. The proposed development with the variation will provide a better outcome than if strict compliance with the development was proposed.

It is considered that an inferior planning outcome would be achieved should the proposed building separation not be permitted as part of this proposal. The proposed variation to the building separation development standard is appropriate and well founded and can be supported in accordance with the provisions of Clause 4.6 of NLEP 2012.

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Clause 4.6 – Request to Vary FSR Standard under Newcastle LEP 2012

Construction of Retail Premises Shop Top
Housing and Commercial Premises

711 Hunter Street, Newcastle West

Lot 1 DP 867617

Prepared on behalf of 711 Hunter Street Pty Limited

Document Control Sheet					
Issue ID.	Amendment	Date of Issue	Prepared By	Reviewed By	Project Ref
A	Final	18.11.2025	CM	CM	240713
B	Legal Review	12.12.2025	CM	CM	240713

Ref: 240713

Limitations Statement

This report has been prepared in accordance with and for the purposes outlined in the scope of services agreed between ADW Johnson Pty Ltd and the Client. It has been prepared based on the information supplied by the Client, as well as investigation undertaken by ADW Johnson and the sub-consultants engaged by the Client for the project.

Unless otherwise specified in this report, information and advice received from external parties during the course of this project was not independently verified. However, any such information was, in our opinion, deemed to be current and relevant prior to its use. Whilst all reasonable skill, diligence and care have been taken to provide accurate information and appropriate recommendations, it is not warranted or guaranteed and no responsibility or liability for any information, opinion or commentary contained herein or for any consequences of its use will be accepted by ADW Johnson or by any person involved in the preparation of this assessment and report.

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The Client should be aware that this report does not guarantee the approval of any application by any Council, Government agency or any other regulatory authority.

Acknowledgement of Country

We, ADW Johnson, acknowledge the Traditional Custodians of the land where we live and work, the country of Awabakal, Darkinjung and the Eora Nation.

We recognise their continuous connection to the land and waters of our beautiful regions. We pay our respects to Aboriginal and Torres Strait Islanders Elders past, present and emerging.

Artwork created by Joe Griffin, a proud Aboriginal man, descendant of the Awabakal people.



Contents

1.0	Introduction and Proposed Development.....	6
2.0	Site and Proposed Development	7
2.1	Site.....	7
2.2	Proposed Development.....	9
3.0	Exceptions to Development Standards.....	10
4.0	The Development Standards & Variation Sought	12
4.1	The Development Standard	12
4.2	Contravention of the Development Standard.....	14
4.3	Objectives of the Development Standard	14
5.0	Planning Context.....	17
5.1	Strategic Planning.....	17
5.1.1	Zoning and Zone Objectives	17
5.1.2	Hunter Regional Plan 2041	18
5.1.3	Greater Newcastle Metropolitan 2036.....	18
5.1.4	Newcastle 2040 – Community Strategic Plan.....	19
5.1.5	Newcastle Local Strategic Planning Statement	19
5.1.6	Newcastle Housing Strategy 2021.....	20
6.0	Justification of Variation	21
6.1	Objectives of the Development Standard – WEHBE LIMB 1	21
6.2	Underlying Objective would be defeated or thwarted – WEHBE LIMB3	23
6.3	Justification on Environmental Planning Grounds	25
6.3.1	Summary of Environmental Planning Justification.....	26
7.0	Conclusion.....	27
Appendix A		29
	Architectural Plans (Stewart Architecture)	29

List of Figures and Photos

Figure 1: Aerial Image.....	8
Figure 2: Existing Development	8
Figure 3: NLEP FSR Map	12
Figure 4 Extract from NLEP 2012 showing Area A in red outline	13
Figure 5: Extract from the ADG – Figure 2D.1	16
Figure 6: Zone Plan Extract from New South Wales Spacial Viewer	17

1.0 Introduction and Proposed Development

711 Hunter Street Pty Limited is the Applicant for the proposed development comprising the construction of retail premises, shop top housing and commercial premises at 711 Hunter Street, Newcastle West (Lot 1 DP 867617).

The proposed development has been architecturally designed by Stewart Architecture. A copy of the Architectural Plans is included in **Appendix A** of this report.

The proposed built form includes podium, with a commercial tower and residential tower above. Car parking is provided within the lower podium levels. Ground floor retail uses are proposed which interact with and activate the adjoining streetscape.

The site is located within the Newcastle CBD. It is exceptionally located relative to public transport, goods and services and recreation facilities. For these reasons, the *Newcastle Local Environmental Plan 2012* (NLEP 2012) permits the highest density and building heights.

The proposed development has a floor space ratio (FSR) greater than the standard imposed by the NLEP 2012.

Clause 4.4 of the NLEP 2012 prescribes a maximum FSR of 8:1 for the site (signaling that buildings of this density are appropriate in this location). Clause 7.10 of the NLEP has the effect of reducing the FSR for any development other than a commercial building to 5:1.

Clause 7.5 of the NLEP provides a design bonus of 10% greater than that allowed by Clause 7.10 where design excellence is achieved. The UDRP has confirmed that the proposal is capable of achieving design excellence and therefore the applicable NLEP 2012 FSR control for the site is 5.5:1. The proposed development has a FSR of 6.6 and therefore exceeds the maximum FSR prescribed by Clause 7.10 of the NLEP.

Clause 4.6 of NLEP 2012 provides for an appropriate degree of flexibility in applying certain development standards such as FSR. This report sets out the Applicant's written request to vary Clause 7.10 under Clause 4.6 of the NLEP 2012.

This report justifies that the proposed variation sought is appropriate, and should not preclude the consent authority from granting development consent for the proposed development.

2.0 Site and Proposed Development

2.1 Site

The subject site is identified as Lot 1 DP 867617 and has a street address of 711 Hunter Street, Newcastle West.

The site is conveniently located within walking distance to the Honeysuckle Precinct, the Newcastle Light Rail Interchange, Marketown Shopping Centre, National Park, Hunter TAFE's King St campus and University of Newcastle's "New Space" campus, making it ideal for future residential and retail uses.

The site has an overall area of 4,724.3m² and frontage to Hunter Street to the north, National Park Street to the east and King Street to the south. Vehicle access to the site from the south is provided by a service road referred herein as Little King Street. The size of the site and access to three (3) street frontages are unique characteristics within the Newcastle Centre that present opportunities which the architectural design seeks to capture.

The site is located within an emerging high-density precinct, with many of the adjoining and nearby sites containing recently constructed, under construction or approved tower buildings. Development surrounding the site includes:

- The site is adjoined to the west, at the northern side of the site, by a 16-storey commercial development, which includes five (5) levels of above ground parking within a podium structure;
- Adjoining the site to the west, at the southern boundary of the site, is the Army Drill Hall building, an item of local heritage significance;
- To the north of the site are existing low rise commercial buildings and a mixed use commercial and residential development which is approximately 12 storeys high;
- The desired future character identified for land to the north and west of the site is high density development, commensurate with the city centre character of the area;
- To the east of the site, on the opposite side of National Park Street is a currently under construction commercial and residential development with a height of 77.8m;
- Birdwood Park is located to the south-west of the site; and
- Land to the south of the site, on the opposite side of King Street includes the Marketown Shopping Centre and low-rise commercial buildings. Land to the south has a mapped maximum building height of 45m and is mapped MU1 Mixed Use.

An aerial image of the site and surrounds is provided below.



Figure 1: Aerial Image.

The site contains a vacant three-storey commercial building and carpark. Existing development within the site is in a state of disrepair, detracts from the streetscape and is inconsistent with the desired future character identified for the Newcastle City Centre.



Figure 2: Existing Development.

2.2 Proposed Development

The proposal seeks to develop the site for the purpose of a retail premises, commercial premises and shop top housing.

Architectural Plans for the proposed development have been prepared by Stewart Architecture and are enclosed within **Appendix A**.

The proposed development includes the following:

- Construction of a four (4) storey podium to accommodate parking requirements for the proposed development;
- Street activation by providing retail uses within the ground floor at the frontages to Little King Street, Hunter Street and National Park Street;
- Vehicular access to the podium via Little King Street to the south;
- Construction of a commercial tower and residential tower above the podium;
- Landscaped communal open space areas above the podium; and
- Construction of utilities and ancillary infrastructure as required.

A detailed description of the proposed development is provided within the Statement of Environmental Effects to which this Clause 4.6 Variation Request is appended.

3.0 Exceptions to Development Standards

The applicant seeks consent for development that would contravene a development standard imposed by the NLEP 2012 (as detailed in **Section 4.0** and **5.0** of this report).

Under Clause 4.6 of NLEP 2012, development consent may be granted for development even though the development would contravene a development standard. Clause 4.6 of the NLEP 2012 provides as follows:

4.6 Exceptions to development standards

(1) *The objectives of this clause are as follows—*

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

(2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*

(3) *Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—*

- (a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and*
- (b) there are sufficient environmental planning grounds to justify the contravention of the development standard.*

Note—

The Environmental Planning and Assessment Regulation 2021 requires a development application for development that proposes to contravene a development standard to be accompanied by a document setting out the grounds on which the applicant seeks to demonstrate the matters in paragraphs (a) and (b).

(4) *The consent authority must keep a record of its assessment carried out under subclause (3).*

(5) *(Repealed)*

(6) *Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if—*

- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
- (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*

Note—

When this Plan was made it did not include Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition or Zone R5 Large Lot Residential.

(7) *(Repealed)*

(8) *This clause does not allow development consent to be granted for development that would contravene any of the following—*

- (a) a development standard for complying development,*

(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,
(c) clause 5.4,
(caa) clause 5.5,
(ca) clause 7.9, clause 7.9A or clause 8.2.

The Land and Environment Court has considered the question of contravention of development standards in a number of cases, both in its former application under *State Environmental Planning Policy No. 1 – Development Standards* and also in the current format as it appears under Clause 4.6.

This submission has been prepared having regard to the latest authority on Clause 4.6, contained in the following NSW Land and Environment Court (Court) judgements:

- Winten Property Group Limited v North Sydney Council [2001] NSWLEC 46;
- Wehbe v Pittwater Council [2007] NSWLEC 827;
- Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 (Four2Five No 2);
- WZSydney Pty Ltd v Ku ring-gai Municipal Council [2023] NSWLEC 1065;
- Randwick City Council v Micaul Holdings Pty Ltd [2016] NSWLEC 7;
- Initial Action Pty Ltd v Woollahra Council [2018] NSWLEC 118;
- Bringham v Canterbury-Bankstown Council [2018] NSWLEC 1406;
- Al Maha Pty Ltd v Huajun Investments Pty Ltd [2018] NSWCA 245;
- Baron Corporation Pty Limited v Council of the City of Sydney [2019] NSWLEC 61;
- RebelMH Neutral Bay Pty Limited v North Sydney Council [2019] NSWCA 130; and
- Bhat v Hornsby Shire Council [2023] NSWLEC 1424.

This submission has also taken into consideration the “Guide to varying Development Standards” (November 2023) published by the NSW Department of Planning and Environment. Of particular relevance, it is necessary to:

- Establish whether compliance with the standard is unreasonable or unnecessary. The “Wehbe Tests” in this regard can be summarised as follows:
 1. The objectives of the development standard are achieved notwithstanding the non-compliance;
 2. The underlying objective or purpose is not relevant to the development;
 3. The underlying objective or purpose would be defeated or thwarted if compliance was required;
 4. The development standard has been virtually abandoned or destroyed by the Council’s own actions in granting consents departing from the standard; and
 5. The Zoning of the land on which the development is proposed was unreasonable or inappropriate.
- Establish that there are sufficient environmental planning grounds to justify the variation. The grounds must:
 - o Be sufficient to justify the contravention; and
 - o Focus on the aspect of the development that contravenes the development standard, not the development as a whole.

The Guide sets out a non-exhaustive list of what may be considered as sufficient environmental planning grounds, including:

- Avoiding adverse impacts;
- Dealing with unique site circumstances;
- Achieving consistency with streetscape and existing built form;
- Improving public benefit; and
- Achieving equal or better amenity outcomes.

4.0 The Development Standards & Variation Sought

4.1 The Development Standard

The proposed development will contravene the FSR standard imposed by Clause 7.10 of the NLEP 2012 (Development Standard). Clause 7.10 is a numerical development standard and is capable of variation.

Clause 4.4 of the LMLEP 2012 States:

4.4 Floor space ratio

(1) The objectives of this clause are as follows—

- (a) to provide an appropriate density of development consistent with the established centres hierarchy,
- (b) to ensure building density, bulk and scale makes a positive contribution towards the desired built form as identified by the established centres hierarchy.

(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

(2A) Despite subclause (2), the maximum floor space ratio for a building on land in any zone in this Plan is to be determined as if the area of the access laneway of a battle-axe lot were not part of the area of the lot.

Note—

See clause 7.10 for the maximum floor space ratio for a building on land in Newcastle City Centre.

The NLEP 2012 Floor Space Ratio Map prescribes a maximum FSR of 8:1m for the subject site (see **Figure 3** below).

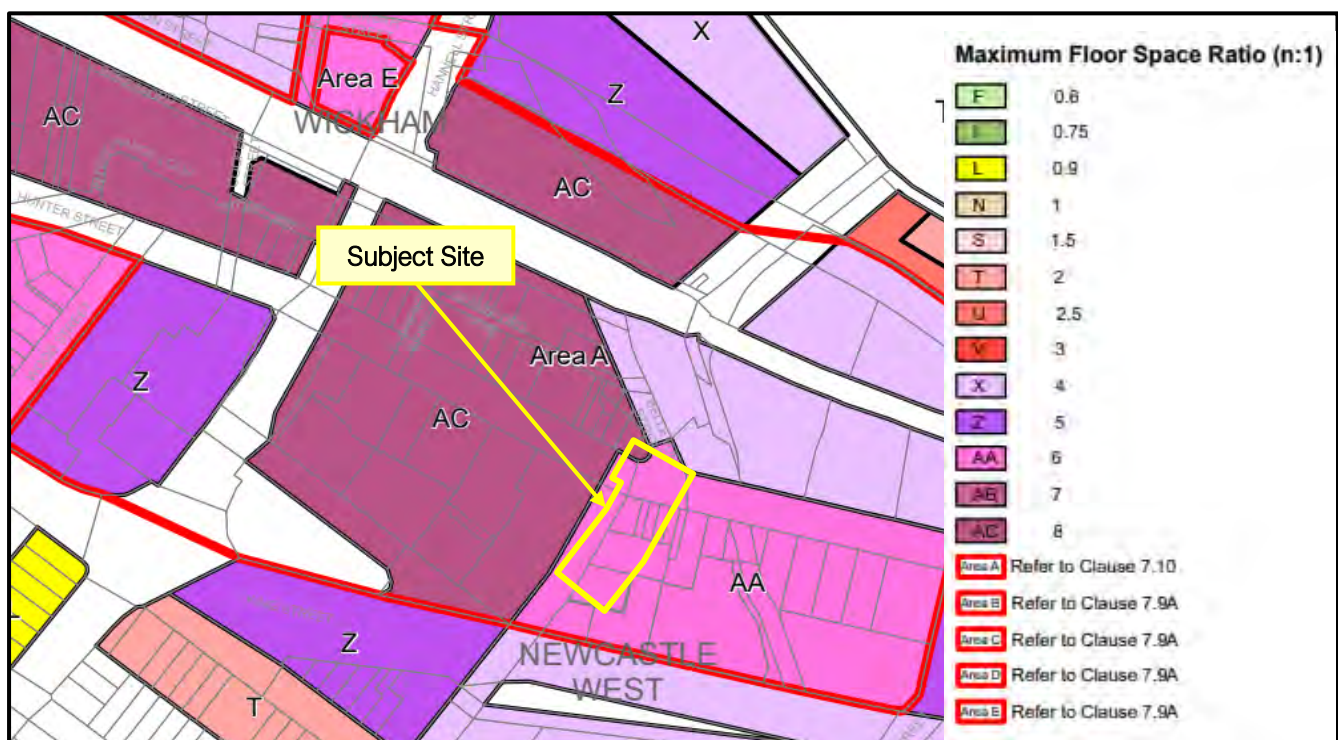


Figure 3: NLEP FSR Map.

The mapped FSR for the site is 8:1.

Clause 7.10 states:

7.10 Floor space ratio for certain development in Area A

- (1) This clause applies to land in “Area A” as shown on the Floor Space Ratio Map.
- (2) The maximum floor space ratio for a building other than a commercial building on land with a site area of 1,500 square metres or more is as follows—
- (a) where the Floor Space Ratio Map identifies a maximum floor space ratio of 6:1 (or greater)—5:1,
 - (b) where the Floor Space Ratio Map identifies a maximum floor space ratio of 5:1—4:1,
 - (c) where the Floor Space Ratio Map identifies a maximum floor space ratio of 4:1—3:1.
- (3) In this clause—
commercial building means a building used wholly for either or both of the following purposes—
- (a) commercial premises,
 - (b) tourist and visitor accommodation that is not subdivided under a strata scheme.

The site is located in Area A and therefore Clause 7.10 applies. This clause has the effect of reducing the mapped FSR of 8:1 back to 5:1 because the development is not a commercial only building. The development includes residential apartments.

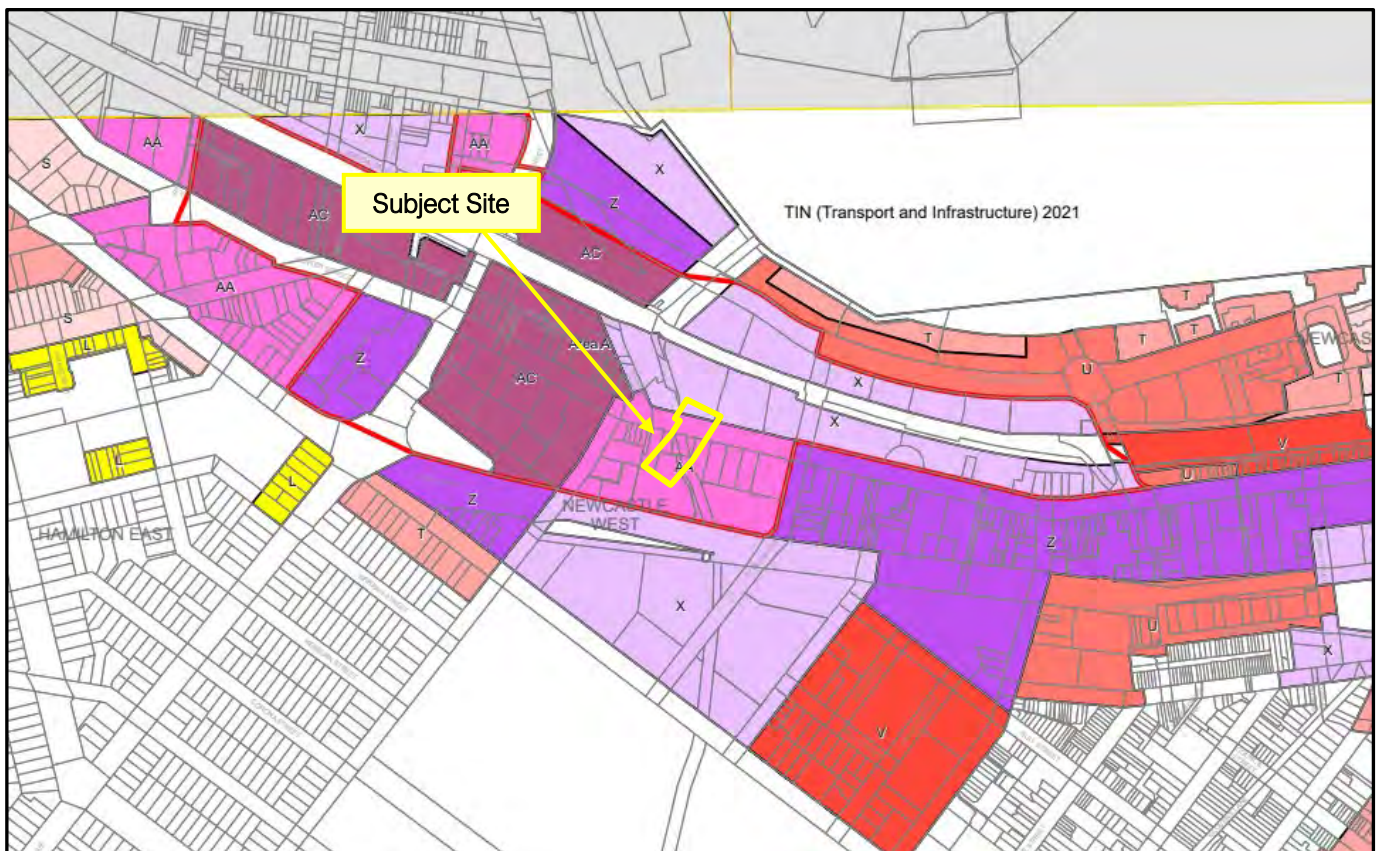


Figure 4: Extract from NLEP 2012 showing Area A in red outline.

Clause 7.5(6) states:

7.5 Design excellence

(6) The consent authority may grant consent to the erection or alteration of a building to which this clause applies that has a floor space ratio of not more than 10% greater than that allowed by clause 7.10 or a height of not more than 10% greater than that allowed by clause 4.3, but only if the design of the building or alteration has been reviewed by a design review panel.

Clause 7.5(6) of the NLEP 2012 applies to the proposed development. A number of pre-DA meetings have been held with the Newcastle Urban Design Review Panel (UDRP). The UDRP will review the proposed development as part of the assessment of the Development Application. It has been confirmed that the proposed development can achieve design excellence and therefore a bonus FSR of 0.5:1 is available to the proposal on top of that permitted by Clause 7.10.

Based on the above it is concluded that the relevant FSR standard for the site is 5.5:1, as established by Clauses 4.4, 7.10 and the bonus provisions set in Clause 7.5.

Clause 4.5 of the NLEP outlines the definition of FSR. All FSR calculations have been undertaken in accordance with Clause 4.5.

4.2 Contravention of the Development Standard

The proposed development has a FSR of 6.6:1. This equates to a proposed variation to the FSR control of 1.1:1 or 20% to the relevant development standard.

4.3 Objectives of the Development Standard

There are no listed clause objectives for Clause 7.10. In circumstances such as this, the Guide to Varying Development Standards requires that it is necessary to explore what the underlying purpose of the clause is. This is discussed below.

Given Clause 7.10 relates to the same subject matter as Clause 4.4 by prescribing the applicable FSR development for buildings within the Newcastle City Centre, the objectives of Clause 4.4 are also relevant to understanding the objectives of Clause 7.10.

Clause 4.4 has two standard objectives. Clause 4.4, provides as follows:

4.4 Floor Space Ratio

(1) The objectives of this clause are as follows—

- (a) to provide an appropriate density of development consistent with the established centres hierarchy,*
- (b) to ensure building density, bulk and scale makes a positive contribution towards the desired built form as identified by the established centres hierarchy.*

Clause 7.10 is located in Part 7 of the NLEP 2012 which contains additional local provisions for the Newcastle City Centre. Clause 7.1 contains a number of express objectives relating to Part 7 which are set out below:

7.1 Objectives of Part

The objectives of this Part are as follows:

- a) to promote the economic revitalisation of Newcastle City Centre,*
- b) to strengthen the regional position of Newcastle City Centre as a multi-functional and innovative centre that encourages employment and economic growth,*
- c) to protect and enhance the positive characteristics, vitality, identity, diversity and sustainability of Newcastle City Centre, and the quality of life of its local population,*

- d) *to promote the employment, residential, recreational and tourism opportunities in Newcastle City Centre,*
- e) *to facilitate the development of building design excellence appropriate to a regional city,*
- f) *to encourage responsible management, development and conservation of natural and man-made resources and to ensure that Newcastle City Centre achieves sustainable social, economic and environmental outcomes,*
- g) *to protect and enhance the environmentally sensitive areas and natural and cultural heritage of Newcastle City Centre for the benefit of present and future generations,*
- h) *to help create a mixed-use place, with activity during the day and throughout the evening, so Newcastle City Centre is safe, attractive, inclusive and efficient for its local population and visitors alike.*

As outlined above the mapped FSR for the site is 8:1. The intended building bulk for the site and this part of the city is designed to be substantial as this is the highest FSR available in the LGA.

Typically, FSR is used as a tool to control building bulk/density. However, in this instance it can be concluded it is attempting to be used to control land use.

If it was deemed necessary to assign varying FSR standards to control the mix of residential and commercial development across the city then the LEP would have included such a provision, however it only applies to Area A as mapped (see **Figure 4**). For areas within the city but outside of Area A on sites where housing and commercial are both permitted there is no limitation such as Clause 7.10. So, what is the purpose of Clause 7.10 relative to mapped Area A? The logical explanation is that it seeks to encourage commercial floor space within the very centre of the city by providing a higher FSR for commercial only developments.

Further corroboration of this can be obtained by considering the guide in the ADG as to the relationship between height and FSR. It is noted that the ADG, in Section 2D, provides guidance on establishing FSR relative to height (for purely residential buildings). See **Figure 5** below, extracted from the ADG. It can be determined by extrapolation that 90m (available height limit for the site) provides for a building of around 30 stories and that a 30-storey building aligns with a FSR of more than 6:1. However in this instance the effect of Clause 7.10 is to reduce the FSR for the subject site back to 5:1. According to the ADG there is no need to have a FSR of 5:1 for the subject site (for a 100% residential building) based on the need to design-in residential amenity considerations.

It can be concluded in consideration of the ADG that a development with a mix of commercial and residential development would likely be able to achieve a greater FSR for the site than 6:1 for the subject site taking into account the mapped available height for the site. (Note: The 10% FSR bonus for design excellence does not change these conclusions because it applies to both height and FSR).

In summary it can be concluded that the purpose of Clause 7.10 is to provide incentives for commercial only development and not to control building bulk/density. Indeed, it is the purpose of Clause 4.4 to control building bulk and density, which other than for the presence of Clause 7.10 would permit a FSR of 8:1 for the subject site.

If the intention of Clause 7.10 is to encourage commercial floorspace into Area A, the additional floorspace it provides for is at the expense of any residential floorspace. This is because any residential floorspace that is included in the building, even only a single dwelling unit, has the effect of reducing the FSR from 8:1 to 5:1, a substantial reduction (37.5%). This is considered contrary to the objectives of the zone which includes to encourage commercial floorspace within mixed use development and to allow for residential development. A reduction in GFA of 37.5% does not promote mixed use including housing within city.

The proposed development for example could achieve compliance with the FSR by removing the commercial tower building altogether. This would be contrary to the actual established purpose of Clause 7.10 to encourage commercial development. Additionally, to access the full FSR for the site of 8:1 as mapped (Clause 4.4) all residential development would have to be removed, contrary to the zone objectives.

The Clause has the effect of a significant FSR penalty for the inclusion of any residential floorspace, particularly for sites mapped at 8:1. Part 2 of the clause shows that sites with mapped FSRs of between 3:1 and 6:1 the penalty for including residential floorspace is not as severe as it is for sites mapped at 8:1. It is unclear as to why sites mapped with 8:1 are reduced to such an extent and this would appear to be unreasonable and as stated inconsistent with the objectives of the zone. See part 2 of the clause below.

(2) The maximum floor space ratio for a building other than a commercial building on land with a site area of 1,500 square metres or more is as follows—

- (a) where the *Floor Space Ratio Map* identifies a maximum floor space ratio of 6:1 (or greater)—5:1,
- (b) where the *Floor Space Ratio Map* identifies a maximum floor space ratio of 5:1—4:1,
- (c) where the *Floor Space Ratio Map* identifies a maximum floor space ratio of 4:1—3:1.

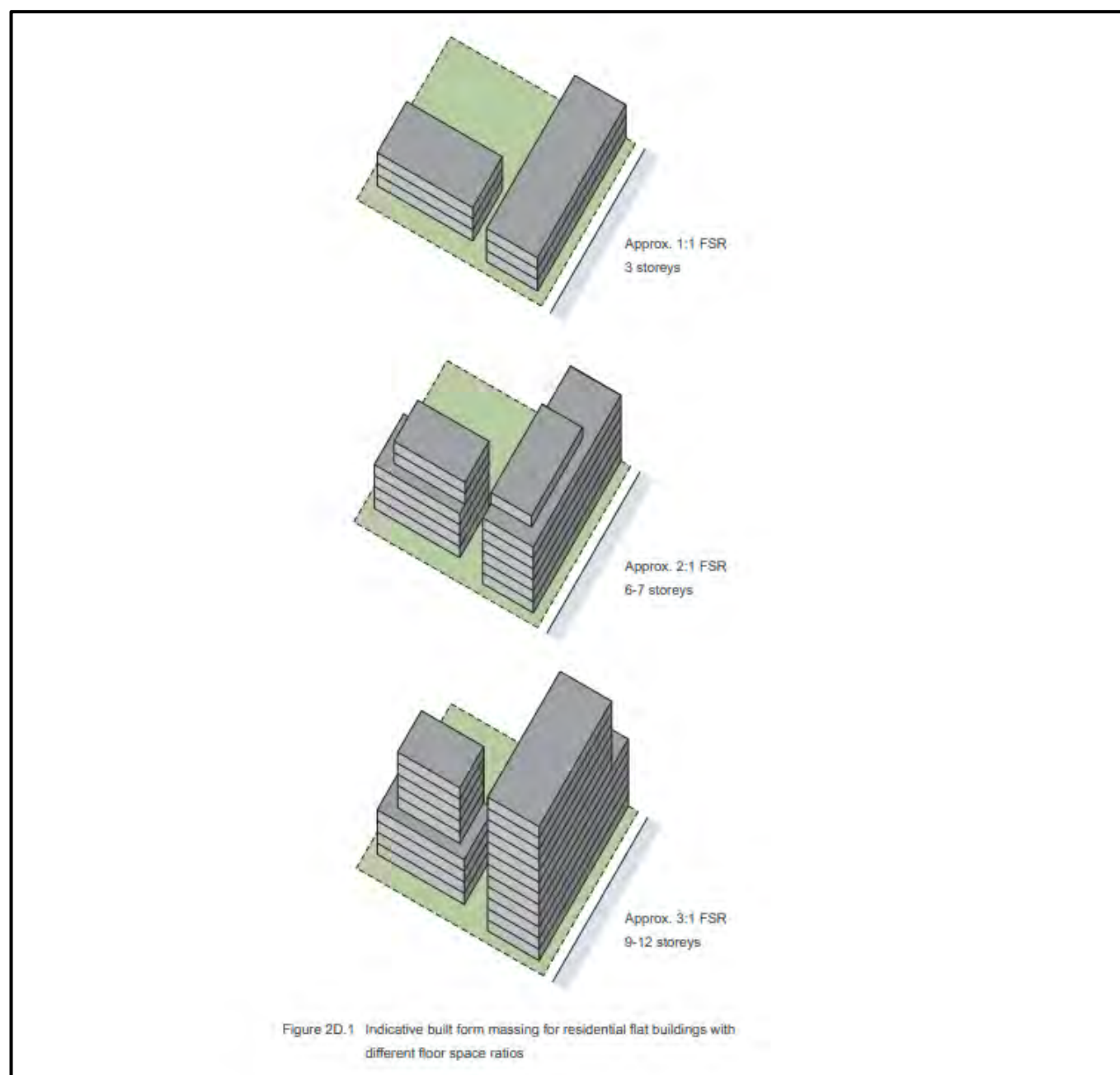


Figure 5: Extract from the ADG – Figure 2D.1.

This Section establishes the planning context that frames the proposed floor space ratio variation request.

5.0 Planning Context

5.1 Strategic Planning

5.1.1 Zoning and Zone Objectives

The site is zoned E2 Commercial Centre under Newcastle LEP 2012, see **Figure 6** below:



Figure 6: Zone Plan Extract from New South Wales Spatial Viewer.

The objectives of the E2 Zone are:

- To strengthen the role of the commercial centre as the centre of business, retail, community and cultural activity;
- To encourage investment in commercial development that generates employment opportunities and economic growth;
- To encourage development that has a high level of accessibility and amenity, particularly for pedestrians;
- To enable residential development only if it is consistent with the Council's strategic planning for residential development in the area;
- To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces;
- To provide for commercial floor space within mixed use development;

- To strengthen the role of the Newcastle City Centre as the regional business, retail and cultural centre of the Hunter region; and
- To provide for the retention and creation of view corridors.

5.1.2 Hunter Regional Plan 2041

The Hunter Regional Plan 2041 (HRP) is a 20-year land use plan that provides an overarching strategic land use framework to guide land use planning priorities and infrastructure funding decisions in the Hunter region over the next 20 years.

The plan aims to unlock sustainable growth opportunities and investments, as well as housing choice and lifestyle opportunities to retain the Hunter's position as a leading regional economy in Australia.

The plan establishes a strong preference for infill development rather than continued greenfield development at the fringes of the city. It focuses on delivering housing and jobs close to strategic centres near transport corridors and open space. The proposed development is entirely consistent with this intent. The subject site is a large and currently an under utilised land parcel positioned within the Newcastle City Centre. Planning controls for the site identify high density residential and retail uses as desirable for the site. The site is ideal for this type of development as it has excellent access to existing and future transport facilities, essential services, and job opportunities.

The site is located within the Greater Newcastle District. Within the Greater Newcastle District, the HRP seeks to create optimal densities in locations with services and infrastructure by promoting renewal opportunities within centres and infill sites, including the redevelopment of larger infill sites. The proposed development is completely consistent with this requirement.

The Newcastle city centre is identified in the plan as the region's metropolitan capital and economically significant to NSW. The Plan identifies that the Newcastle city centre is undergoing significant transformation through infrastructure investment, new housing and jobs. The Newcastle City Centre is the most significant centre in the region's hierarchy, sitting above strategic centres (such as Kotara and Broadmeadow) which provide high levels of essential services, local centres which provide for the daily and weekly needs of the community and neighbourhood centres which are integrated within residential neighbourhoods. The proposed development, inclusive of the proposed variation will establish a built form which is consistent with the metropolitan capital character identified for the area.

Central to the plan is the 15-minute neighbourhood concept. The plan seeks to influence urban settlement patterns to maximise the use of existing infrastructure, reduce travel demands, particularly by car and improve mobility and access to education, jobs, services, open space and community activities. The proposal will provide additional housing which is well located with respect to surrounding facilities and amenities and the proposed development is consistent with the 15-minute neighbourhoods policy. The development also incorporates a retail component which will contribute to the mixed-use character of the area.

The plan identifies that an additional 101,800 dwellings will be required by 2041 to accommodate the expected population growth of the region and providing housing and infrastructure to meet this demand is central to the plan. The proposed development will provide additional housing on a well-located site and will contribute to accommodating the expected future growth of the area.

The site is located within the Greater Newcastle District. Within the Greater Newcastle District, the HRP seeks to create optimal densities in locations with services and infrastructure by promoting renewal opportunities within centres and infill sites, including the redevelopment of larger infill sites. The proposed development is completely consistent with this requirement.

The proposed development is consistent with the objectives and intent of the Hunter Regional Plan 2041.

5.1.3 Greater Newcastle Metropolitan 2036

The Greater Newcastle Metropolitan Plan 2036 sets out strategies and actions that will drive sustainable growth across Cessnock City, Lake Macquarie City, Maitland City, Newcastle City and Port Stephens communities, which together make up Greater Newcastle.

The vision set out for the greater Newcastle area in the plan is:

Australia's newest and emerging economic and lifestyle city, connected with northern NSW and acknowledged globally as:

- Dynamic and entrepreneurial, with a globally competitive economy and the excitement of the inner city and green suburban communities;
- Offering great lifestyles minutes from beaches or bushland, the airport or universities, and from the port to the lake; and
- A national leader in the new economy, with smarter cities and carbon neutral initiatives, and with collaborative governance that makes it a model to others in creating and adapting to change.

The GNMP seeks to concentrate future growth in strategic centres to support economic and population growth and a mix of land uses. These are the largest centres of activity and employment in the region. Reinforcing and encouraging development in strategic centres will help sustain their functions and create jobs closer to home.

The Newcastle City Centre is identified in the plan as the heart and capital of the region. The plan seeks promote the continued growth and renewal of the city centre. The proposed development, inclusive of the building height variation represents a development which is commensurate with the character identified for the area.

The Plan identifies the site as being located within the West End Precinct, where Newcastle City Council is to align local plans to increase commercial and residential floor space surrounding the Newcastle Interchange. The proposed development achieves this by providing a retail and residential tower development within the 800m walking catchment surrounding the Interchange.

It is considered that the proposed development is compatible with the aims and objectives of the Greater Newcastle Metropolitan Plan 2036.

5.1.4 Newcastle 2040 – Community Strategic Plan

The *Newcastle 2030 – Community Strategic Plan* (CSP) sets out a shared community vision and was developed as a guide to inform policies and actions throughout the City of Newcastle Local Government Area (LGA).

The CSP aims to ensure that neighbourhoods within the Newcastle LGA are safe and thriving, with diverse and equitable housing and social and urban infrastructure that supports local living.

The proposed development is consistent with the CSP. It will provide an attractive mixed-use development in proximity to existing public and active transport networks. Further, the ground floor activation contributes to Newcastle West's emerging vibrant, safe and active public spaces.

It is considered that the proposed development is compatible with the provisions of *Newcastle 2040 – Community Strategic Plan*.

5.1.5 Newcastle Local Strategic Planning Statement

The *Local Strategic Planning Statement* has been adopted by CoN as a means of providing direction to future development patterns throughout the City of Newcastle. The comprehensive land use strategy aims to guide the future growth and development of Newcastle.

The Strategy implements the land use directions from the Community Strategic Plan and underpins the NLEP 2012, providing a land use planning platform to move towards a smarter, more liveable and sustainable Newcastle. The Planning Priorities relevant to the proposed development are outlined below.

Planning Priority 8 – Plan for growth and change in Catalyst Areas, Strategic Centres, Urban Renewal Corridors and Housing Release Areas

Planning Priority 8 seeks to Plan for growth and change in Catalyst Areas, Strategic Centres, Urban Renewal Corridors and Housing Release Areas. The proposed development will deliver a retail and residential development within Newcastle West which will provide opportunities for employment and create an additional local resident population which will increase the viability of commercial operations, public transport facilities and public infrastructure in the area.

Planning Priority 10 – Development responds to the desired local character of our communities

Planning Priority 10 aims to protect communities from new development that is not compatible with the desired local character of the area.

The proposed development is consistent with the scale and nature of development identified in strategic planning policies as desirable for the site.

The proposed development is consistent with the aims and relevant planning priorities of the Newcastle Local Strategic Planning Statement.

5.1.6 Newcastle Housing Strategy 2021

The Newcastle Housing Strategy identifies catalyst areas, such as the Newcastle CDB as the best areas to accommodate additional housing. The proposed development is consistent with the strategy, providing for housing and contributions to housing choice in a key location.

6.0 Justification of Variation

6.1 Objectives of the Development Standard – WEHBE LIMB 1

The underlying purpose of Clause 7.10 was discussed in detail in **Section 4.3** of this report. In summary this purpose is to provide incentives to developments that only contain commercial floorspace or penalties for the inclusion of any residential floorspace, within that part of the city mapped as Area A. For sites mapped with an FSR of 8:1 (unlike sites mapped at lesser FSRs) and development that includes any residential floorspace the clause has the effect of significantly reducing the available FSR by 3:1 back to 5:1.

It is not clear from a planning perspective why sites with mapped FSRs of 6:1 and less only require a reduction of 1:1 for the inclusion of residential GFA whereas sites mapped at 8:1 are reduced by 3 times this amount.

The site is located in that part of the city where the highest density is sought within the whole of the LGA, with the mapped permissible FSR under Clause 4.4 being 8:1. As discussed in **Section 4.3** of this report Clause 7.10 has an unreasonable penalty for the inclusion of any residential floor space for areas mapped with an 8:1 FSR, compared with areas mapped with FSRs of 6:1 or less.

In accordance with Wehbe (Limb 1) compliance with the relevant development standard is unnecessary because compliance with the standard has been met notwithstanding the variation proposed. This is addressed in detail below.

- Clause 7.1 (a) – to promote the economic revitalisation of Newcastle City Centre.

The proposed additional floor space beyond the standard set by Clause 7.10 will make a greater contribution to the economic revitalisation of the Newcastle City Centre while still being less than the maximum mapped FSR for the site.

Accordingly, the proposed development is consistent with this objective.

- Clause 7.1 (b) to strengthen the regional position of Newcastle City Centre as a multi-functional and innovative centre that encourages employment and economic growth.

The proposed additional floorspace beyond the standard set by Clause 7.10 will make a greater contribution to strengthening the regional position of Newcastle City Centre by encouraging additional employment opportunity and growth.

Accordingly, the proposed variation is consistent with this objective.

- Clause 7.1(c) to protect and enhance the positive characteristics, vitality, identity, diversity and sustainability of Newcastle City Centre, and the quality of life of its local population.

The proposed additional floorspace beyond the standard set by Clause 7.10 does not detract from protecting and enhancing the positive characteristics, vitality, identity, diversity and sustainability of the Newcastle City Centre and the quality of its local population. This is because the proposed development remains less than the maximum anticipated density for the site of 8:1 as provided for under Clause 4.4.

The additional floorspace will improve the sustainability of the Newcastle City Centre by providing for appropriate density in proximity to infrastructure, services and amenities consistent with ESD principles.

Accordingly, the proposed variation is consistent with this objective.

- Clause 7.1(d) to promote the employment, residential, recreational and tourism opportunities in Newcastle City Centre.

The proposed additional floorspace beyond the standard set by Clause 7.10 will promote employment and residential opportunities in Newcastle City Centre.

Accordingly, the proposed variation is consistent with this objective.

- Clause 7.1(e) to facilitate the development of building design excellence appropriate to a regional city.

The proposed additional floorspace beyond the standard set by Clause 7.10 will contribute to design excellence within the city, this is because the proposed FSR is closer to the desired building density for the site of 8:1 as provided for under Clause 4.4. At the same time the proposed development maintains an appropriate response to the design elements contained within the Residential Apartment Design Guide (ADG) as addressed in the Architects submitted ADG report.

The proposed additional FSR has been considered by Councils Urban Design Review Panel and the panel has determined that the proposal achieves design excellence. The additional FSR has contributed to achieving a high-quality design outcome.

Accordingly, the proposed variation is consistent with this objective.

- Clause 7.1(f) to encourage responsible management, development and conservation of natural and man-made resources and to ensure that Newcastle City Centre achieves sustainable social, economic and environmental outcomes.

The proposed additional floorspace beyond the standard set by Clause 7.10 will contribute to a more sustainable city by locating an appropriate density of development in proximity to existing public transport and connectivity, access to infrastructure and goods and services.

Accordingly, the proposed variation is consistent with this objective.

- Clause 7.1(g) to protect and enhance the environmentally sensitive areas and natural and cultural heritage of Newcastle City Centre for the benefit of present and future generations.

The proposed additional floorspace beyond the standard set by Clause 7.10 does not prevent this objective from being achieved.

Accordingly, the proposed variation is consistent with this objective.

- Clause 7.1(h) to help create a mixed-use place, with activity during the day and throughout the evening, so Newcastle City Centre is safe, attractive, inclusive and efficient for its local population and visitors alike.

The proposed additional floorspace beyond the standard set by Clause 7.10 contributes to a mixed-use place and the relevant benefits as stated by the objective. The proposed GFA includes both commercial and residential floorspace. The additional FSR is not supporting a singular use only.

Accordingly, the proposed variation is consistent with this objective.

6.2 Underlying Objective would be defeated or thwarted – WEHBE LIMB3

The underlying purpose of Clause 7.10 was discussed in detail in **Section 4.3** of this report. In summary this purpose is to provide incentives to development that only contain commercial floorspace or penalties for the inclusion of any residential floorspace, within that part of the city mapped as Area A. For sites mapped with an FSR of 8:1 (unlike sites mapped at lesser FSRs) and development that includes any residential floorspace the clause has the effect of significantly reducing the available FSR by 3:1 back to 5:1 (a 37.5% reduction).

It is not clear and unreasoned that sites with mapped FSRs of 6:1 and less only require a reduction of 1:1 for the inclusion of residential GFA whereas sites mapped at 8:1 are reduced by 3 times this amount.

In accordance with WEHBE Limb 3 it is considered that the underlying objective or purpose would be defeated or thwarted in this instance if compliance was required by reducing the floorspace for the following reasons:

- The reduction of floor space, back to 5:1 (or 5.5:1 after the bonus for design excellence), whether it be a reduction in commercial GFA or residential GFA would have the unreasonable counter effect to promoting the economic revitalisation of the Newcastle City Centre as provided for under the objectives (Clause 7.1(a)). If the residential GFA is reduced the impact of less population living in the city will be reduced economic activity. If the Commercial GFA is reduced the impact will be less opportunity for employment.

Reductions in GFA and the resulting reduction in the contribution to the economic activity of the Newcastle City Centre is also inconsistent with the objectives of the E2 Commercial Zone, in particular:

“to strengthen the role of the commercial centre as the centre of business, retail community and cultural activity”

“to encourage investment in commercial development that generates employment opportunities and economic growth”

“to provide for commercial floor space with mixed use development”

“to strengthen the role of the Newcastle City Centre as the regional business, retail and cultural centre of the Hunter Region”

(The site is located in that part of the city where the highest density is sought within the whole of the LGA, with the mapped permissible FSR under Clause 4.4 being 8:1. As discussed in Section 4.3 of this report Clause 7.10 has an unreasonable penalty for the inclusion of any residential floor space for areas mapped with an 8:1 FSR, compared with areas mapped with FSRs of 6:1 or less.

- The reduction of floor space, back to 5:1 (or 5.5:1 after the bonus for design excellence), whether it be a reduction in commercial GFA or residential GFA would have the unreasonable counter effect to strengthening the regional position of Newcastle City Centre as a multi-functional and innovative centre that encourages employment and economic growth as provided for under the objectives (Clause 7.1(b)). If the residential GFA is reduced the impact of less population living in the city will be reduced economic activity. If the Commercial GFA or Residential GFA is reduced or removed to achieve compliance the impact would result in reduced multifunctional activity, reduced opportunity for innovation and would not encourage employment or economic growth.

Reduction in multi-functional activity and employment and economic growth is also inconsistent with the objectives of the E2 Commercial Zone, in particular:

“to strengthen the role of the commercial centre as the centre of business, retail community and cultural activity”

“to encourage investment in commercial development that generates employment opportunities and economic growth”

“to provide for commercial floor space with mixed use development”

“to strengthen the role of the Newcastle City Centre as the regional business, retail and cultural centre of the Hunter Region”

(The site is located in that part of the city where the highest density is sought within the whole of the LGA, with the mapped permissible FSR under Clause 4.4 being 8:1. As discussed in Section 4.3 of this report Clause 7.10 has an unreasonable penalty for the inclusion of any residential floor space for areas mapped with an 8:1 FSR, compared with areas mapped with FSRs of 6:1 or less.

- The reduction of floor space, back to 5:1 (or 5.5:1 after the bonus for design excellence), whether it be a reduction in commercial GFA or residential GFA would have the unreasonable counter effect to promoting the employment and residential opportunities in Newcastle City Centre as provided for under the objectives (Clause 7.1(d)).

Reduction in employment and residential opportunities is also inconsistent with the objectives of the E2 Commercial Zone, in particular:

“to strengthen the role of the commercial centre as the centre of business, retail community and cultural activity”

“to encourage investment in commercial development that generates employment opportunities and economic growth”

“to provide for commercial floor space with mixed use development”

“to strengthen the role of the Newcastle City Centre as the regional business, retail and cultural centre of the Hunter Region”

(The site is located in that part of the city where the highest density is sought within the whole of the LGA, with the mapped permissible FSR under Clause 4.4 being 8:1. As discussed in Section 4.3 of this report Clause 7.10 has an unreasonable penalty for the inclusion of any residential floor space for areas mapped with an 8:1 FSR, compared with areas mapped with FSRs of 6:1 or less.

- The reduction of floor space, back to 5:1 (or 5.5:1 after the bonus for design excellence), whether it be a reduction (or removal altogether) in commercial GFA or residential GFA would have the unreasonable counter effect to creating a mixed use place, with activity during the day and throughout the evening so Newcastle City Centre is safe, attractive, inclusive and efficient for its local population and visitors alike as provided for under the objectives (Clause 7.1(h)).

The introduction of any amount of residential floorspace to help create the mixed-use place is in effect discouraged by Clause 7.10, unreasonably so for those sites mapped with FSR of 8:1 and in this regard the Clause works against the objectives.

The E2 Commercial zone objectives also seek to encourage that commercial floorspace to be within mixed use development:

“to provide for commercial floor space with mixed use development”

(The site is located in that part of the city where the highest density is sought within the whole of the LGA, with the mapped permissible FSR under Clause 4.4 being 8:1. As discussed in Section 4.3 of this report Clause 7.10 has an unreasonable penalty for the inclusion of any residential floor space for areas mapped with an 8:1 FSR, compared with areas mapped with FSRs of 6:1 or less.

6.3 Justification on Environmental Planning Grounds

As outlined in **Section 3.0**, there needs to be sufficient environmental planning grounds to justify contravening the development standard (Clause 4.6(3)(b)).

The Guide to Varying Development Standards advises that the term 'environmental planning grounds', while not defined in the EP&A Act or the Standard Instrument, refers to grounds that relate to the subject matter, scope and purpose of the EP&A Act, including the objects of the Act. It advises that the scope of environmental planning grounds is wide as exemplified by the court decisions in this area.

The proposed variation for additional FSR is justified on environmental planning grounds for the following reasons:

- The provision of additional floor space will contribute to achieving a density of development that is aligned to strategic objectives for the CBD which is identified in the city centre hierarchy as the desired location for significant density.

The site has a mapped FSR under Clause 4.4 of 8:1, this is the highest available FSR in the LGA. As discussed in **Section 4.3** of this report it is considered that the reduction in GFA required by Clause 7.10 for the inclusion of any residential floorspace from 8:1 to 5:1 is excessive by comparison to those areas mapped with FSRs of 6:1 and less (3 times more is the reduction). Such a significant reduction is considered to be counteractive to established centers hierarchy and to achieving significant density. In **Section 4.3** of this report a consistent and proportional method for calculating reduced FSR where residential floor space is included has been calculated for the area mapped with FSR of 8:1.

The proposed additional FSR allows the development to better respond to the anticipated density of development for the site mapped at 8:1 in accordance with Clause 4.4 and still remains consistent with the objective of Clause 7.10 to reduce FSR for development other than commercial development.

Achieving closer to the desired density of the site mapped at 8:1 is consistent with Object (g) of the *Act to promote good design and amenity of the built environment*. Good design includes a consistency with the desired density of development for the locality and resulting consistency with streetscape and overall cityscape. The Councils Urban Design Review Panel has assessed the proposed additional GFA and has advised that the development achieves design excellence.

- The proposed additional floor area promotes Object (b) of the Act *–to facilitate ecologically sustainable development by integrating relevant economic, environmental, and social considerations in decision-making about environmental planning and assessment* in the following manner:

A reduction in floorspace whether it be commercial, residential or both to achieve compliance with Clause 7.10 would have the effect of not promoting the principals of ecologically sustainable development. This is because it would unreasonably reduce the density of development able to take advantage of the existing resources expended on infrastructure in the city, including transport, utilities and recreation. In addition, there would be less density to support increasing the economic viability of goods and services within the CBD. A site mapped with a FSR of 8:1, the highest in the LGA is a clear signal that it has an important role to play in making these contributions.

As discussed in Section 4.3 of this report the reduction in GFA by 37.5% for the subject site, for inclusion of any residential floorspace, is considered unreasonable when considering the objectives of Part 7.1 and the zone objectives, including objectives to provide commercial floorspace as part of a mixed-use development. A more equitable and proportionate FSR has been calculated based on how Clause 7.10 addresses areas mapped 6:1 or less. The provided a FSR of 7:1 for the subject site if residential development was included. The proposed development has a FSR of 6.6:1 which is less than this.

6.3.1 Summary of Environmental Planning Justification

Compliance with Clause 7.10 is considered unnecessary when compared against the objectives of Clause 7.1 and unreasonable considering that compliance would thwart achieving mixed use development and would unreasonably restrict density in a location that has a stated desire for it.

The proposed variation will promote the objects of the Act.

The additional FSR proposed does not compromise achieving design excellence, Councils Urban Design Review panel has considered the proposal at a number of meetings and has determined that it exhibits design excellence, including consideration of the requirements of the ADG.

The additional FSR will contribute to development that will be more consistent with the mapped FSR for the site of 8:1 (under Clause 4.4) (and thereby be more consistent with the desired streetscape and future character of the area) yet respect the objective of reducing FSR to a reasonable level where noncommercial space is included in accordance with Clause 7.10. To this end a consistent and proportional reduction has been calculated using the same approach adopted in Clause 7.10 for areas with mapped FSR of 6:1 or less. This calculation derives an appropriate FSR of 7:1, the proposed development has a FSR of 6.6:1.

7.0 Conclusion

The Applicant considers that the consent authority can be satisfied that this request adequately addresses the matters required to be demonstrated by Clause 4.6(3), being:

- a) Compliance with the development standard is unnecessary and unreasonable in the circumstances; and
- b) There are sufficient environmental planning grounds to justify contravening the development standard.

Appendix A



Appendix A

Architectural Plans (Stewart Architecture)



711 HUNTER STREET
NEWCASTLE WEST NSW 2302

NO	TITLE	REV	REV DATE
DA000	LOCATION PLAN & DRAWING SCHEDULE	2	24/11/2025
DA002	SITE ANALYSIS	2	24/11/2025
DA004	SITE PLAN - PROPOSED	2	24/11/2025
DA006	SOLAR ACCESS - SHADOW DIAGRAMS - SHEET 1	2	24/11/2025
DA007	SOLAR ACCESS - SHADOW DIAGRAMS - SHEET 2	2	24/11/2025
DA008	SOLAR ACCESS - COMMUNAL OPEN SPACE - SHEET 1	2	24/11/2025
DA009	SOLAR ACCESS - COMMUNAL OPEN SPACE - SHEET 2	2	24/11/2025
DA010	SOLAR ACCESS - LIVING ROOMS & PRIVATE OPEN SPACE	2	24/11/2025
DA011	NATURAL CROSS VENTILATION DIAGRAMS	2	24/11/2025
DA012	SCHEDULE - GROSS FLOOR AREA (GFA)	2	24/11/2025
DA101	PLAN - GROUND	2	24/11/2025
DA102	PLAN - PODIUM - LEVEL 1	2	24/11/2025
DA103	PLAN - PODIUM - LEVEL 2	2	24/11/2025
DA104	PLAN - PODIUM - LEVEL 3	2	24/11/2025
DA105	PLAN - PODIUM - LEVEL 4	2	24/11/2025
DA106	PLAN - LEVEL 5	2	24/11/2025
DA107	PLAN - LEVEL 6	2	24/11/2025
DA108	PLAN - LEVEL 7	2	24/11/2025
DA109	PLAN - LEVEL 8	2	24/11/2025
DA110	PLAN - LEVEL 9	2	24/11/2025
DA111	PLAN - LEVEL 10	2	24/11/2025
DA112	PLAN - LEVEL 11	2	24/11/2025
DA113	PLAN - LEVEL 12	2	24/11/2025
DA114	PLAN - LEVEL 13	2	24/11/2025
DA115	PLAN - LEVEL 14 - OFFICE PLANT	2	24/11/2025
DA116	PLAN - LEVEL 15 - OFFICE ROOF	2	24/11/2025
DA117	PLAN - LEVEL 16	2	24/11/2025
DA118	PLAN - LEVEL 17	2	24/11/2025
DA119	PLAN - LEVEL 18	2	24/11/2025
DA120	PLAN - LEVEL 19	2	24/11/2025
DA121	PLAN - LEVEL 20	2	24/11/2025
DA122	PLAN - LEVEL 21	2	24/11/2025
DA123	PLAN - LEVEL 22	2	24/11/2025
DA124	PLAN - LEVEL 23	2	24/11/2025
DA125	PLAN - LEVEL 24	2	24/11/2025
DA126	PLAN - LEVEL 25	2	24/11/2025
DA127	PLAN - LEVEL 26	2	24/11/2025
DA128	PLAN - LEVEL 27	2	24/11/2025
DA129	PLAN - LEVEL 28	2	24/11/2025
DA130	PLAN - LEVEL 29	2	24/11/2025
DA131	PLAN - LEVEL 30	2	24/11/2025
DA132	PLAN - ROOF	2	24/11/2025
DA201	ELEVATION - NORTH ELEVATION - BUILDING 1	2	24/11/2025
DA202	ELEVATION - NORTH ELEVATION - BUILDING 2	2	24/11/2025
DA203	ELEVATION - SOUTH ELEVATION - BUILDING 2	2	24/11/2025
DA204	ELEVATION - SOUTH ELEVATION - BUILDING 1	2	24/11/2025
DA205	ELEVATION - EAST	2	24/11/2025
DA206	ELEVATION - WEST	2	24/11/2025
DA301	SECTION - NORTH & SOUTH	2	24/11/2025
DA302	SECTION - EAST	2	24/11/2025
DA409	SCHEDULE - MATERIALS & FINISHES	2	24/11/2025
DA501	UNIT TYPE PLANS - SHEET 1	2	24/11/2025
DA502	UNIT TYPE PLANS - SHEET 2	2	24/11/2025
DA603	DETAILS - TYPICAL THRESHOLD	2	24/11/2025
DA701	BUILDING SIGNAGE - SCOPING PLAN	1	24/11/2025
DA702	BUILDING SIGNAGE ELEVATION - BUILDING 1	1	24/11/2025
DA703	BUILDING SIGNAGE ELEVATION - BUILDING 2	1	24/11/2025

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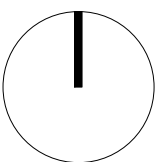
DRAWING TO BE PRINTED IN COLOUR

REV	DESCRIPTION
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2	DA

DATE
14/10/2025
24/11/2025

PROJECT NAME
711 HUNTER STREET
PROJECT NUMBER
2414
LOCATION
711 HUNTER STREET
NEWCASTLE WEST NSW 2302

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BLOC



DRAWING TITLE
LOCATION PLAN & DRAWING SCHEDULE

0 50 150 250 500

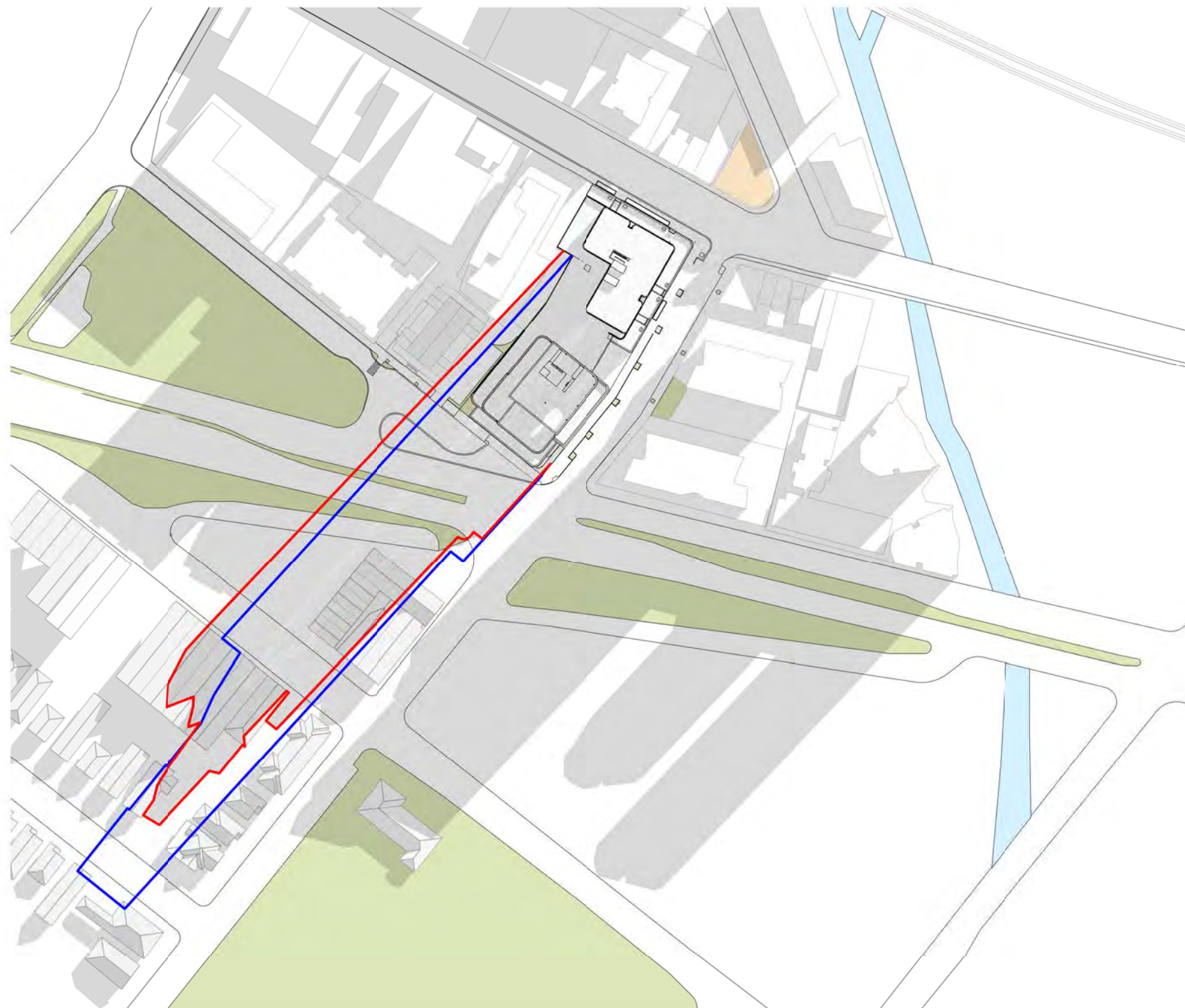
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REVISION
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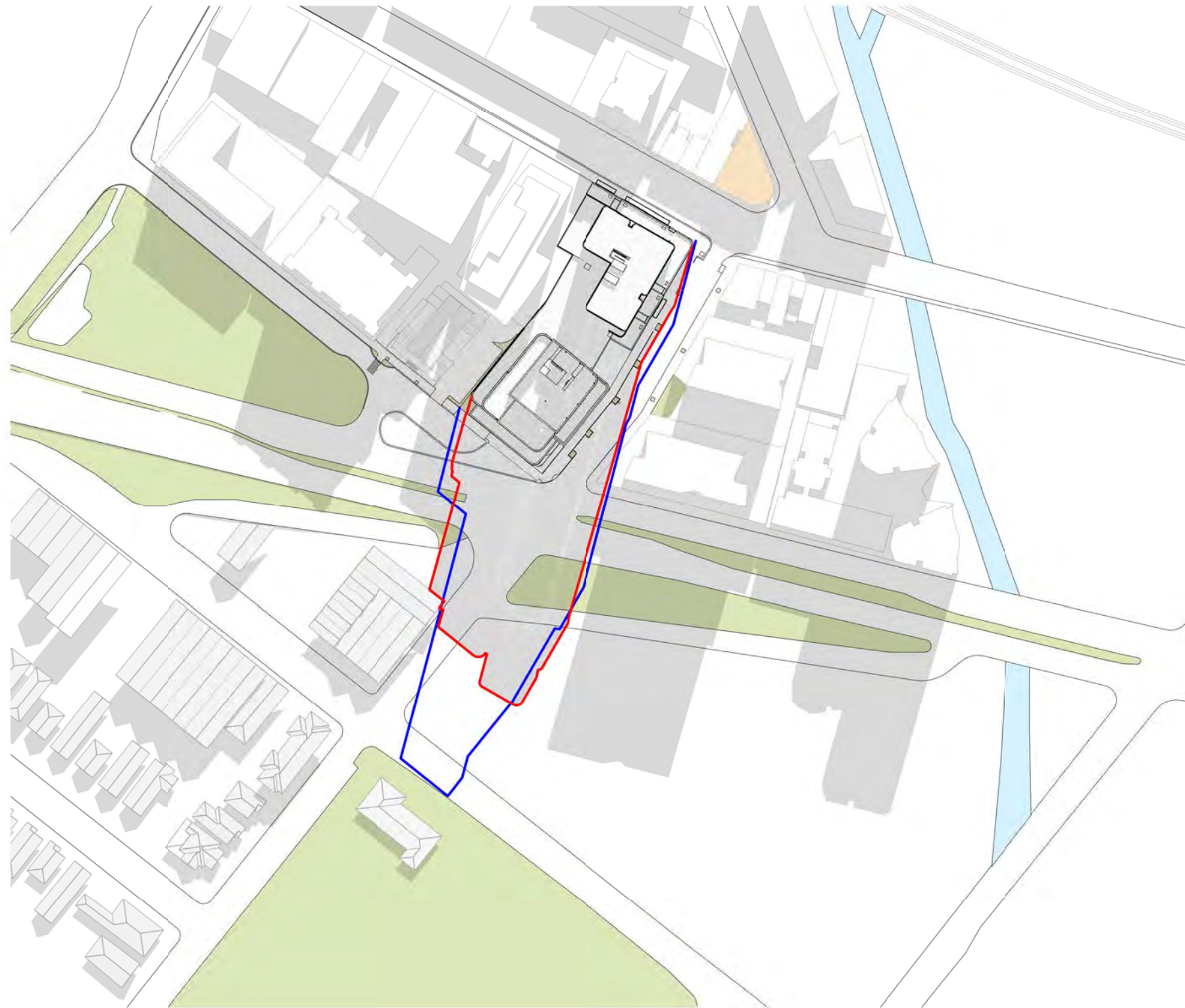




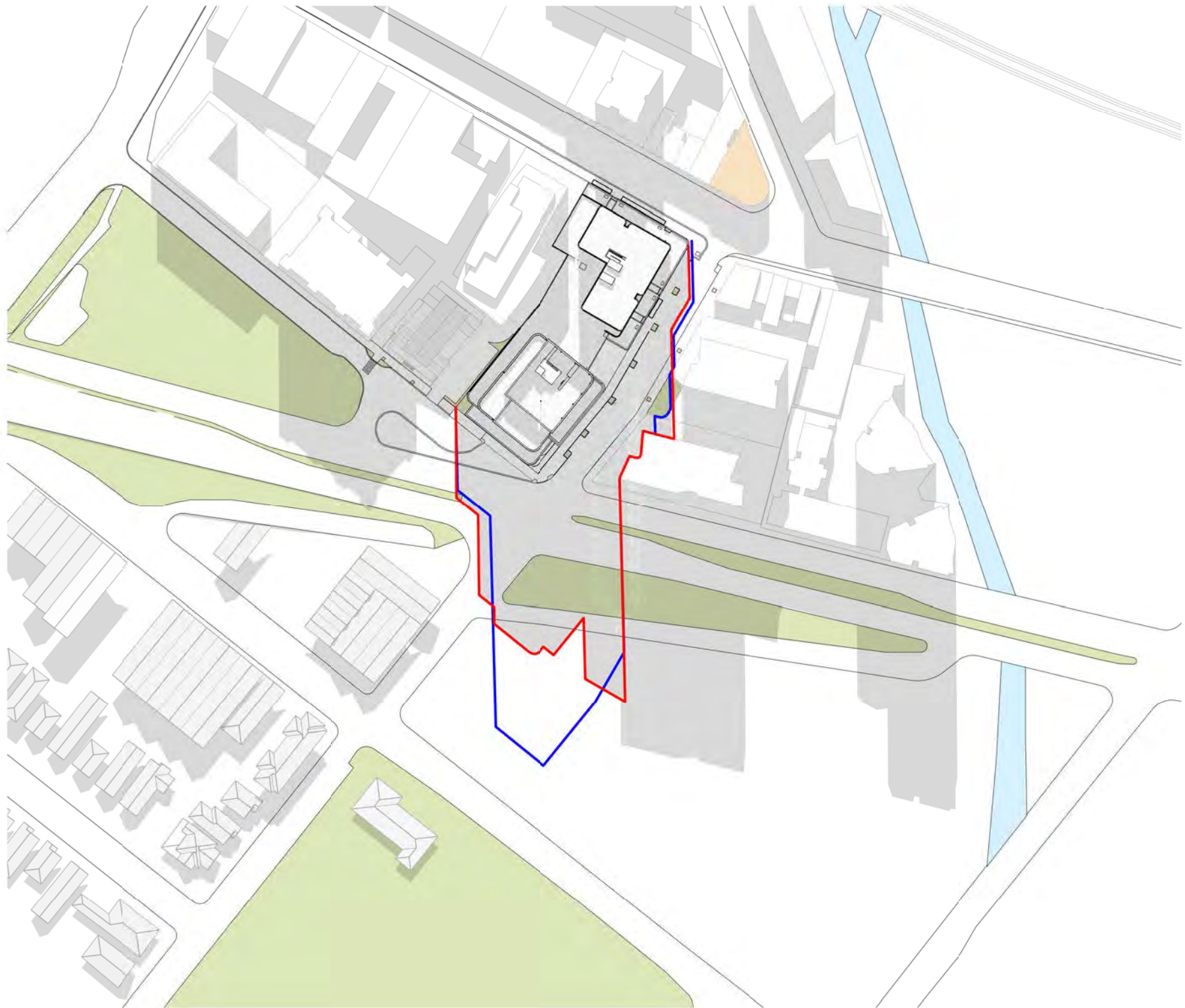
WINTER SOLSTICE 9AM



WINTER SOLSTICE 10AM



WINTER SOLSTICE 11AM

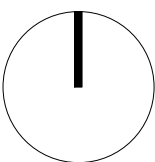


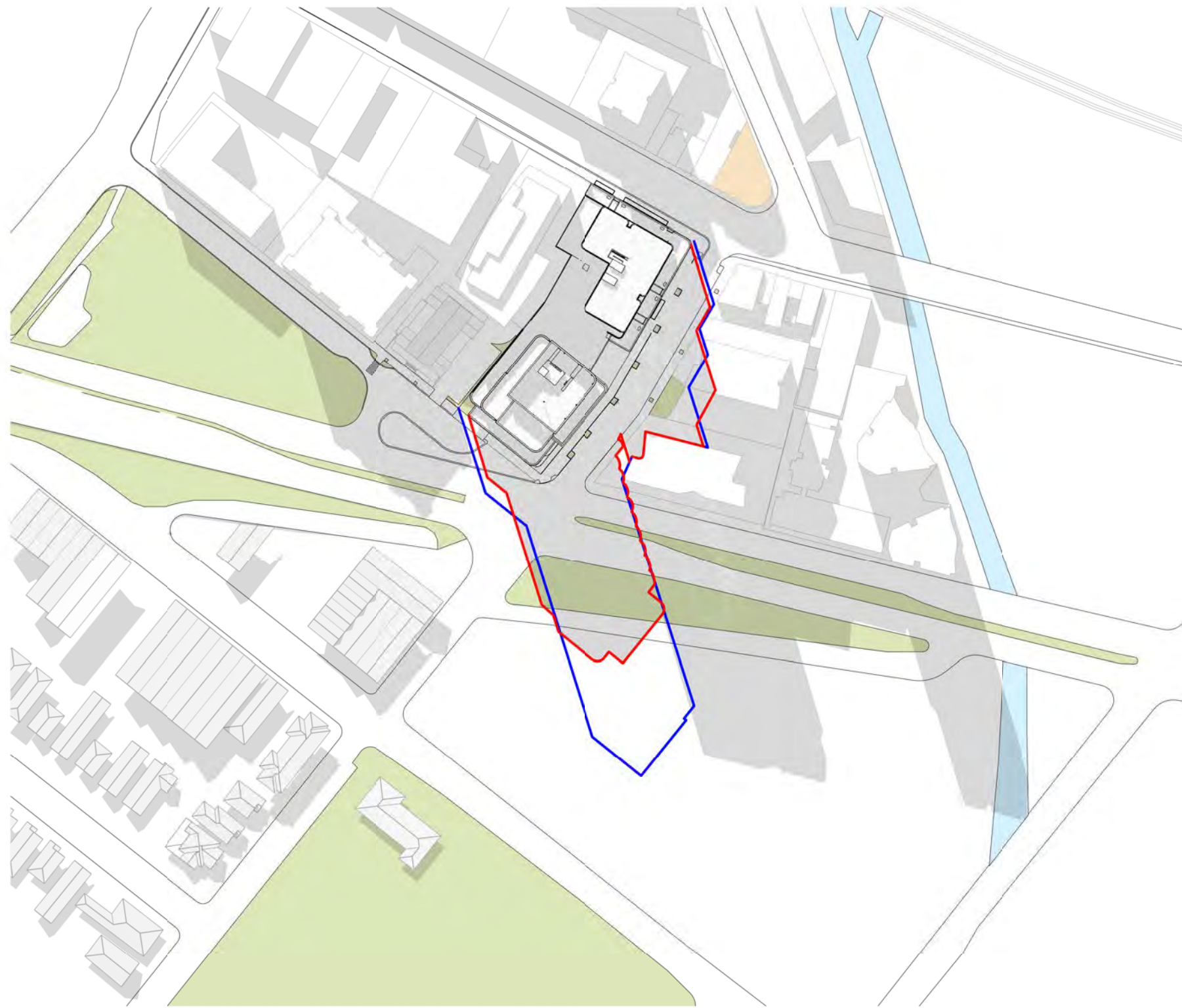
WINTER SOLSTICE 12PM

LEGEND

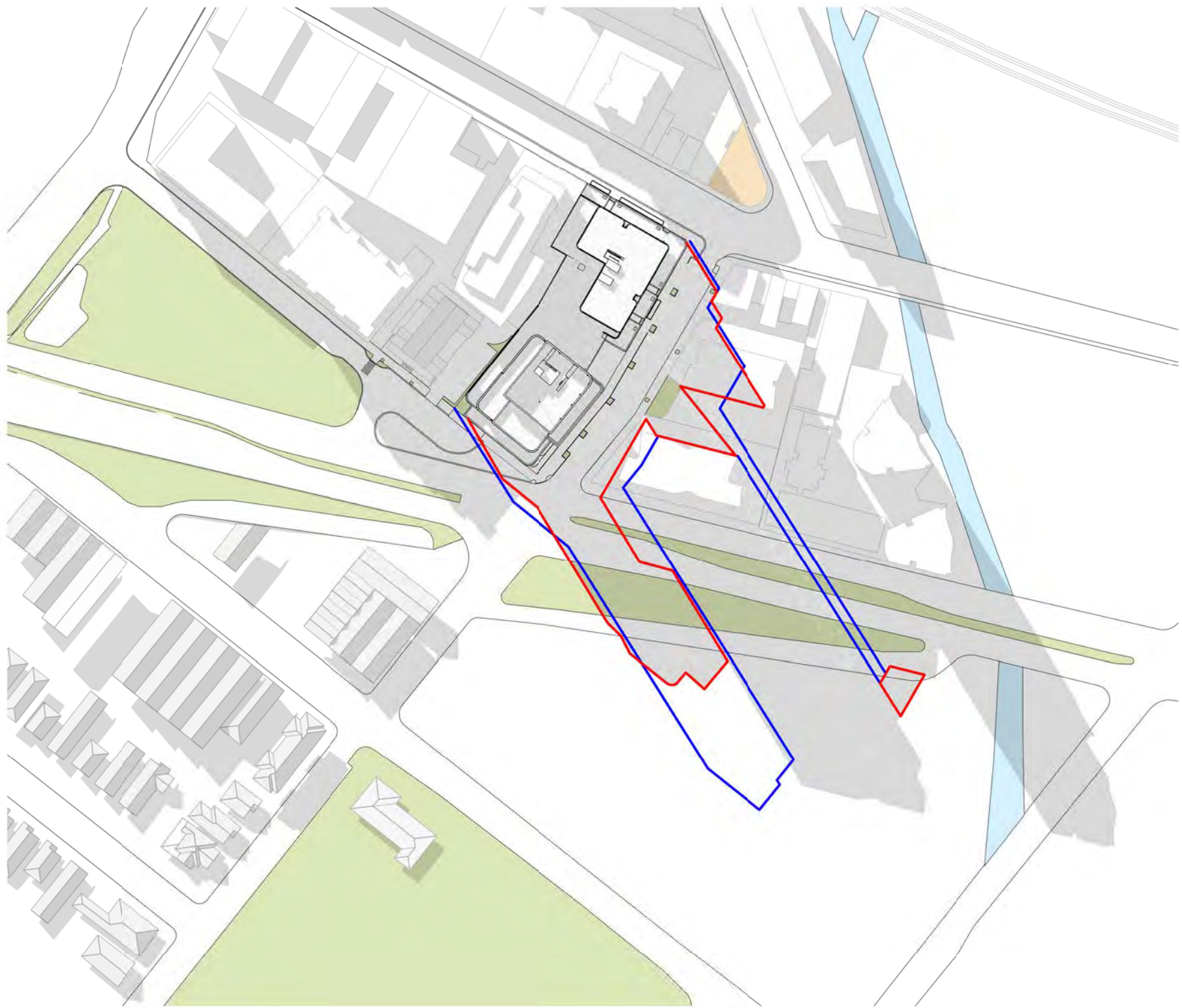
— SHADOW OUTLINE OF DCP ENVELOPE

— SHADOW OUTLINE OF PROPOSED BUILDING



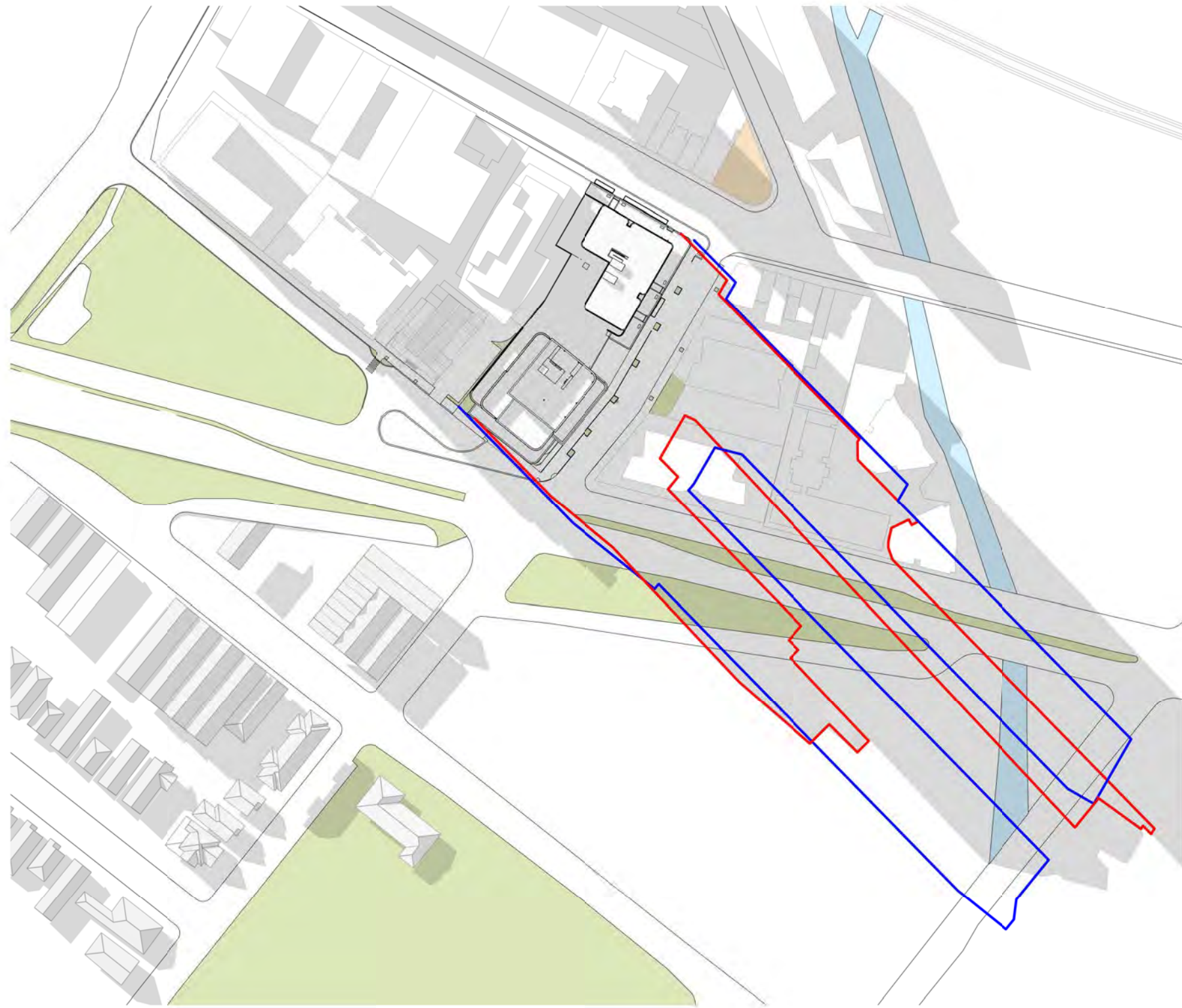


WINTER SOLSTICE 1PM



WINTER SOLSTICE 2PM

- LEGEND
- SHADOW OUTLINE OF DCP ENVELOPE
 - SHADOW OUTLINE OF PROPOSED BUILDING

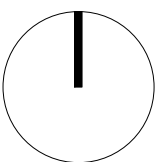


WINTER SOLSTICE 3PM

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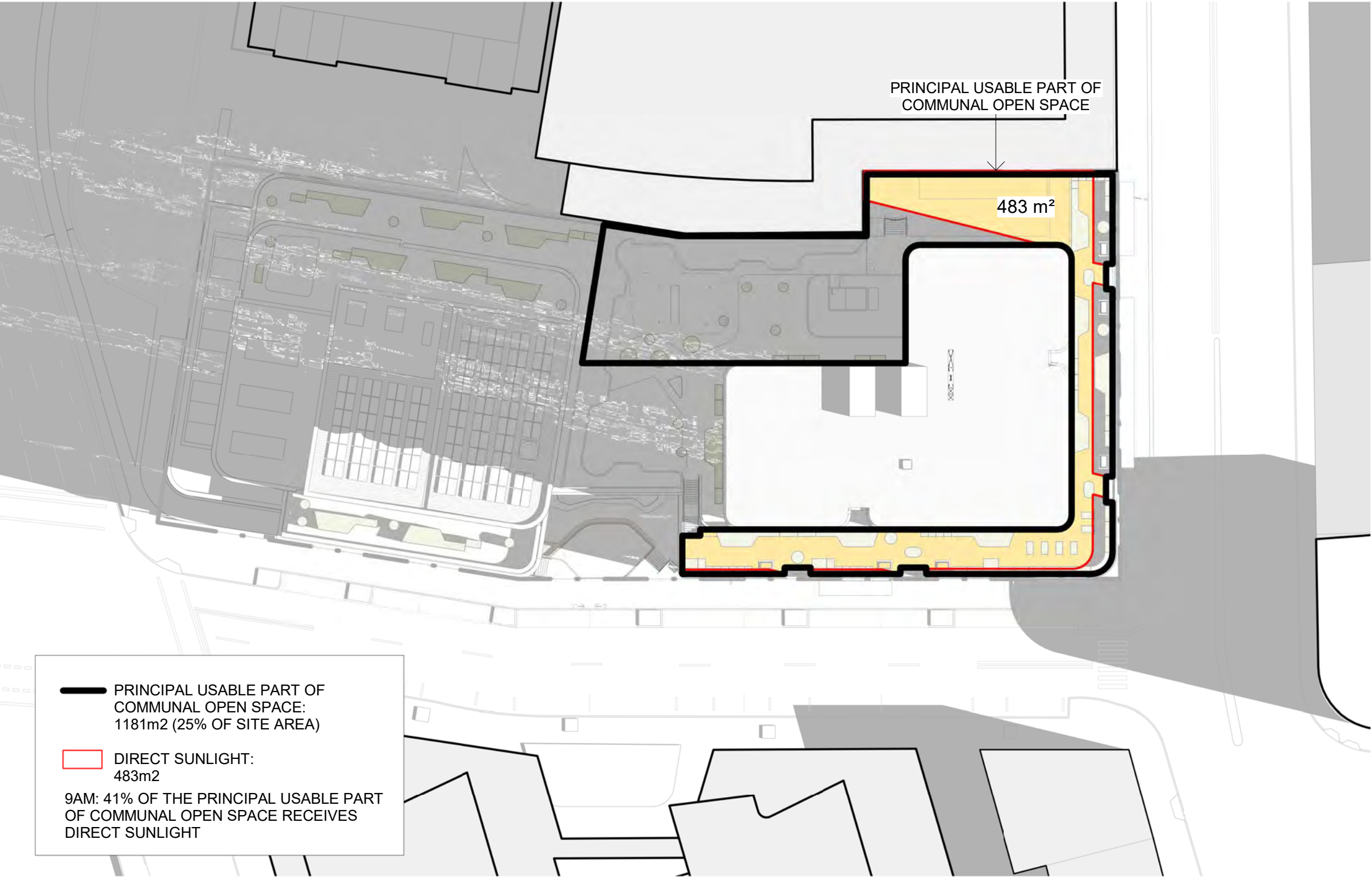
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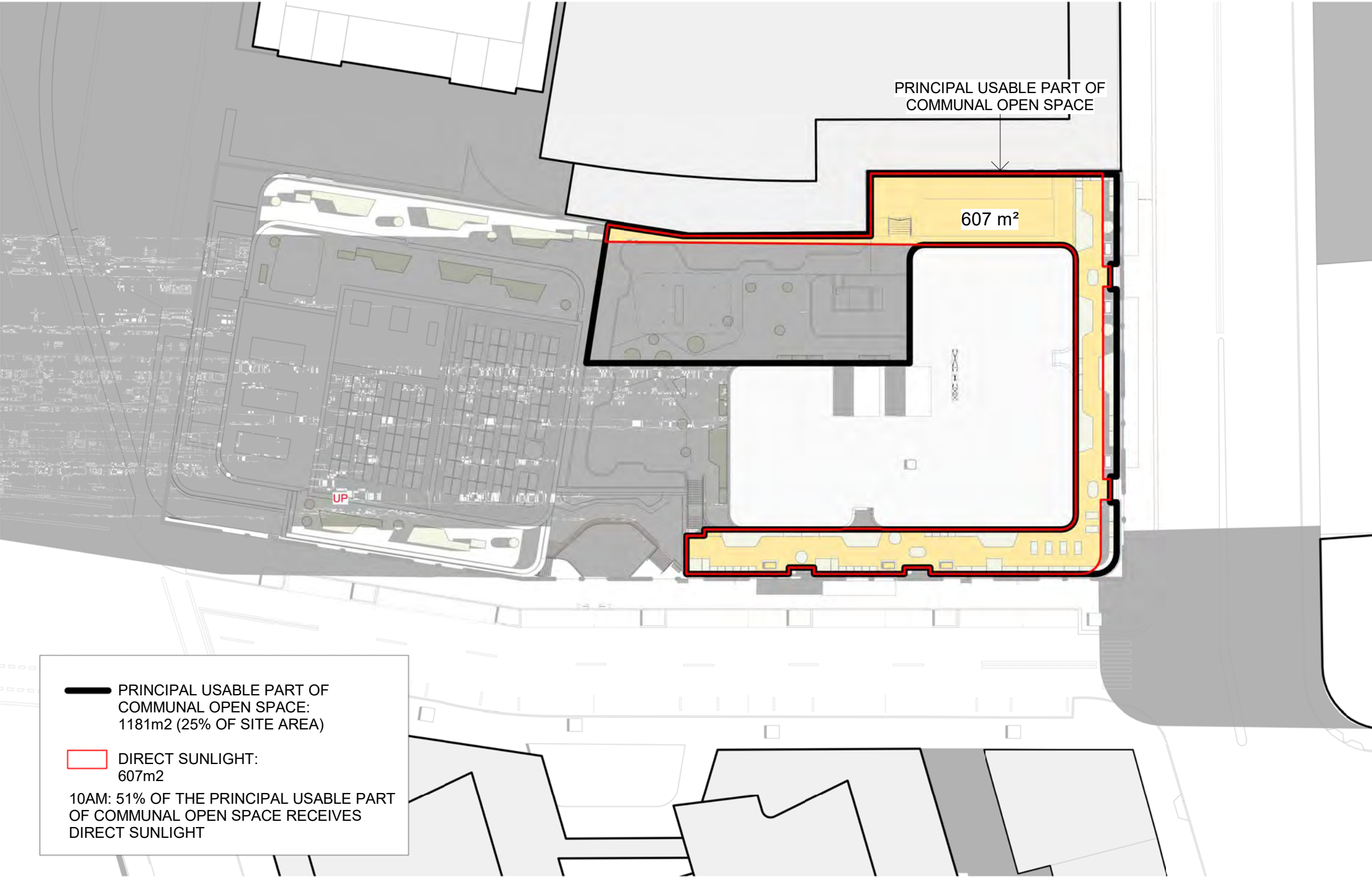


DRAWING TITLE
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SCALE: 1 : 2000 @ A1 / 1 : 4000 @ A3

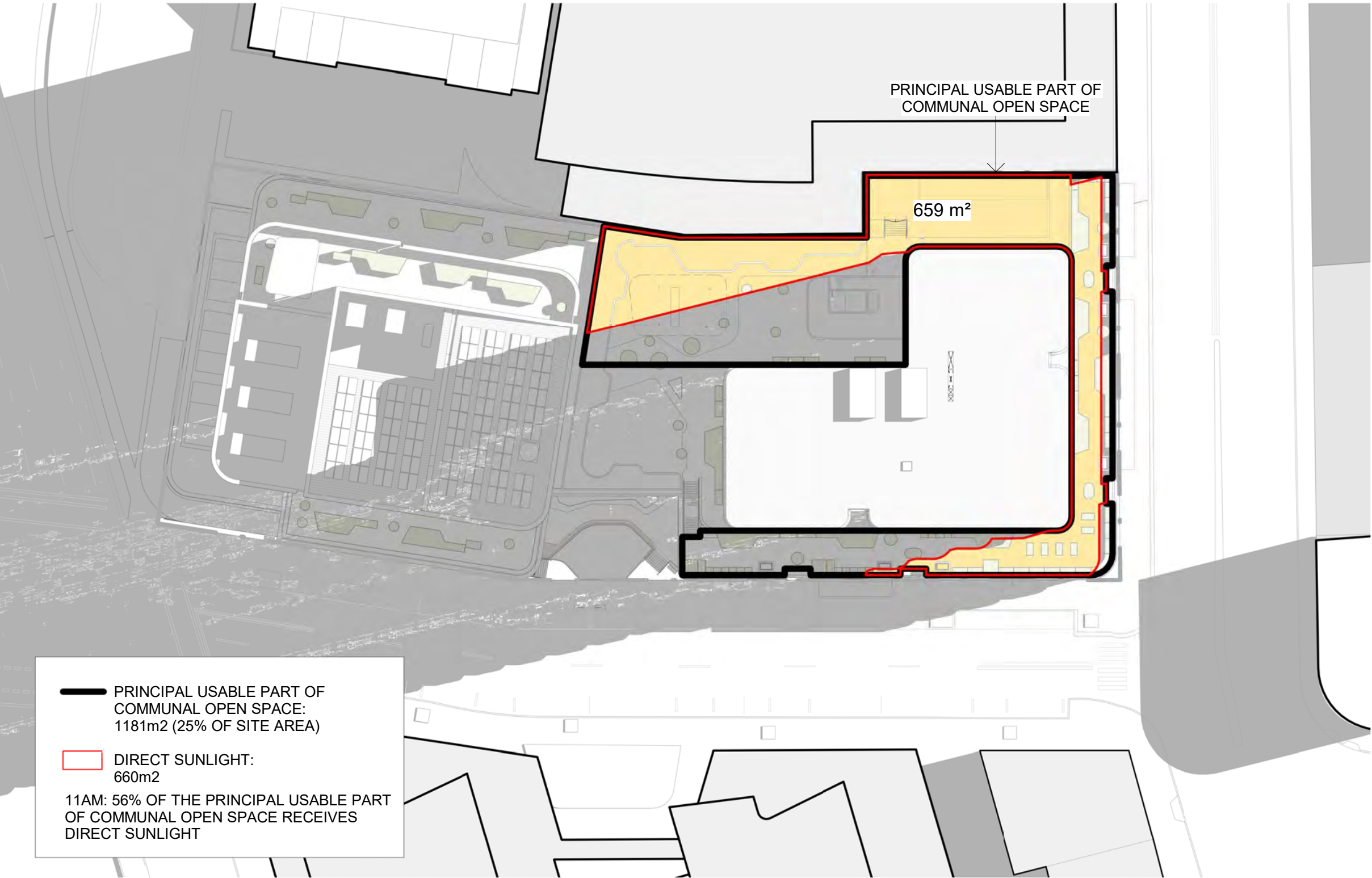
DRAWING NUMBER
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REVISION
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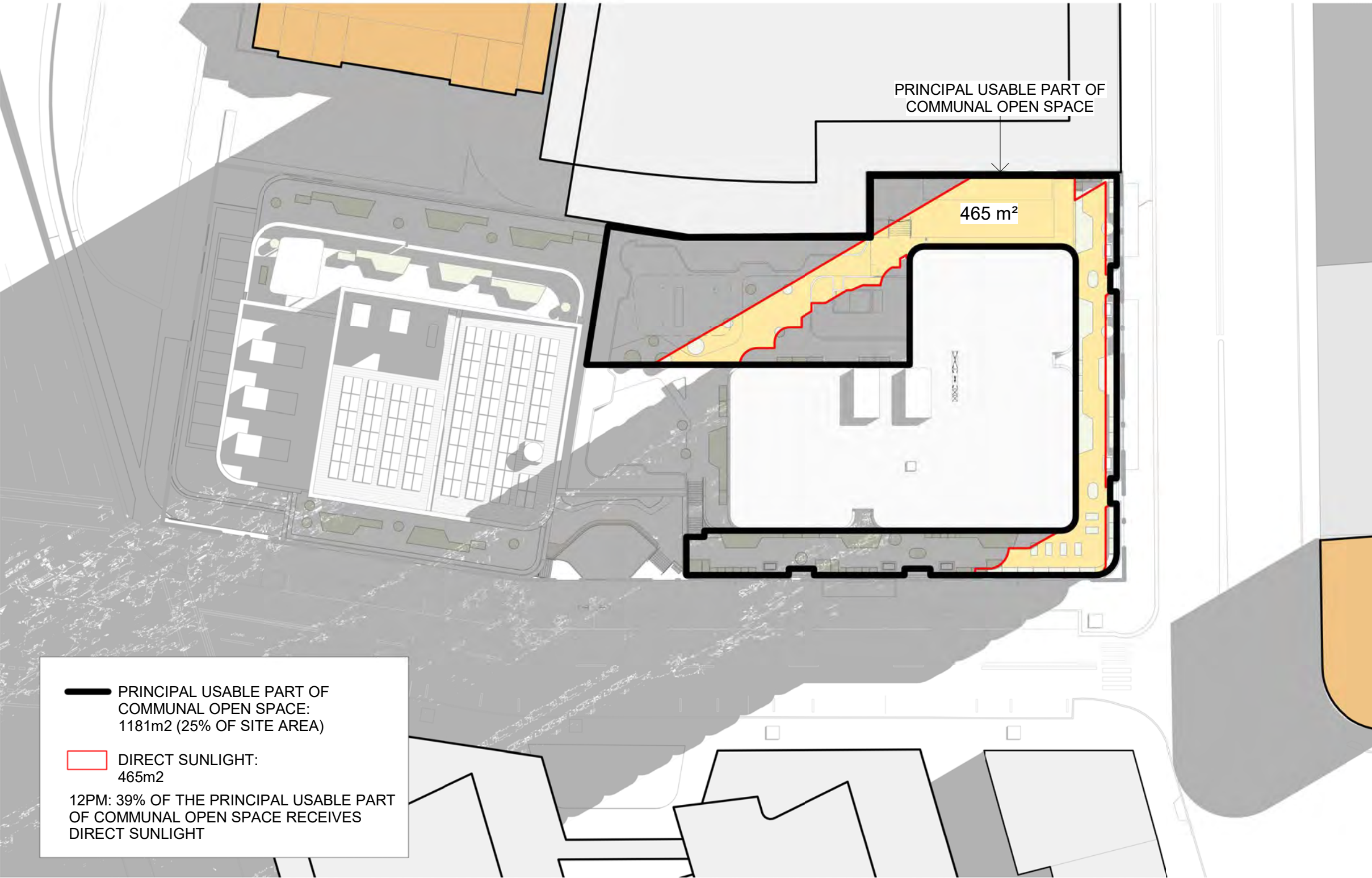
21 JUN - 9AM



21 JUN - 10AM



21 JUN - 11AM



21 JUN - 12PM

LEGEND

PRINCIPAL USABLE PART OF COMMUNAL OPEN SPACE

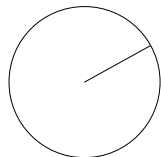
DIRECT SUNLIGHT

ADG REQUIREMENTS

OBJECTIVE 3D-1

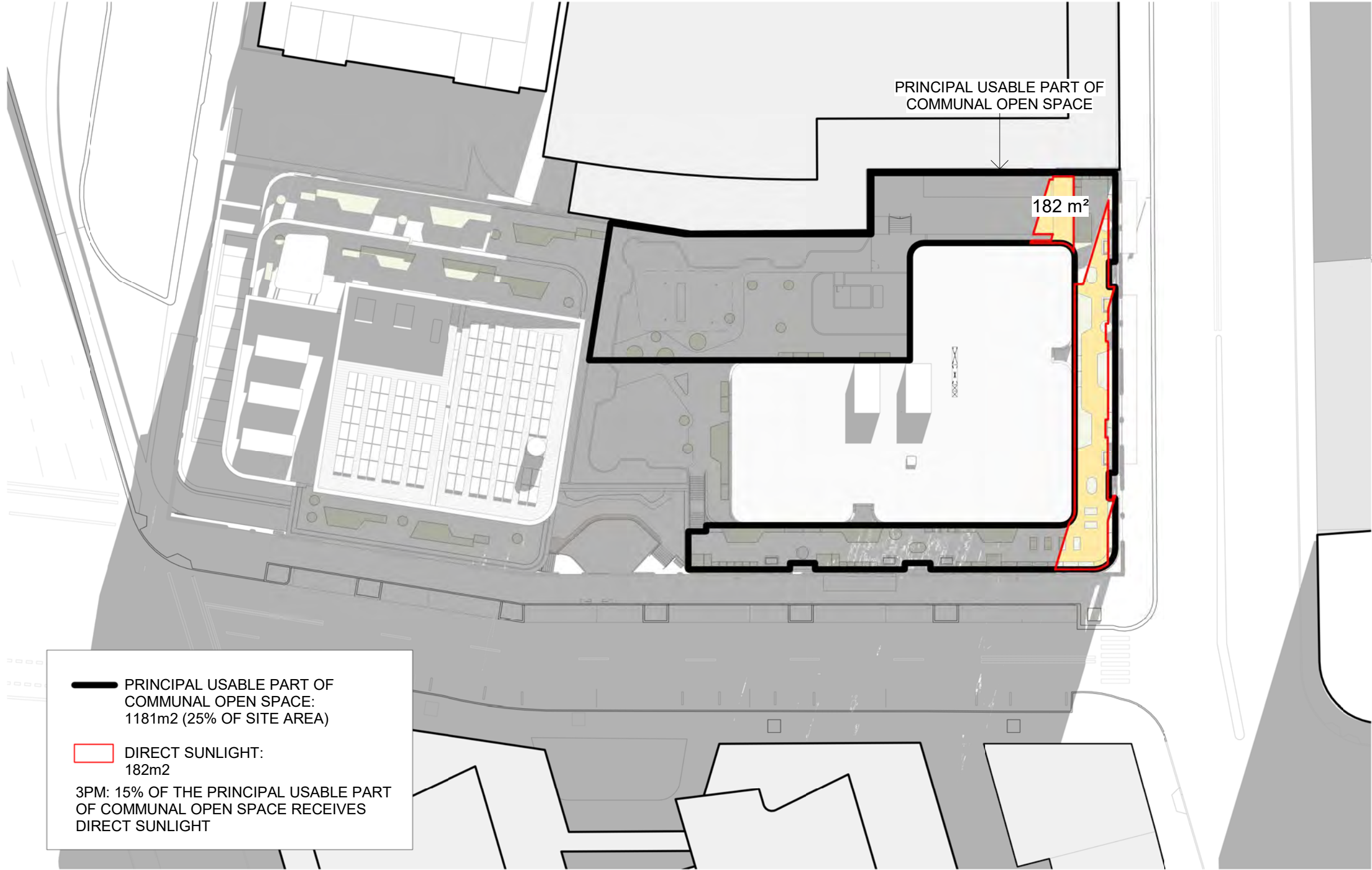
1. Communal open space has a minimum area equal to 25% of the site

2. Developments acheive a minimum 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9am and 3pm on 21 Jun (mid winter)

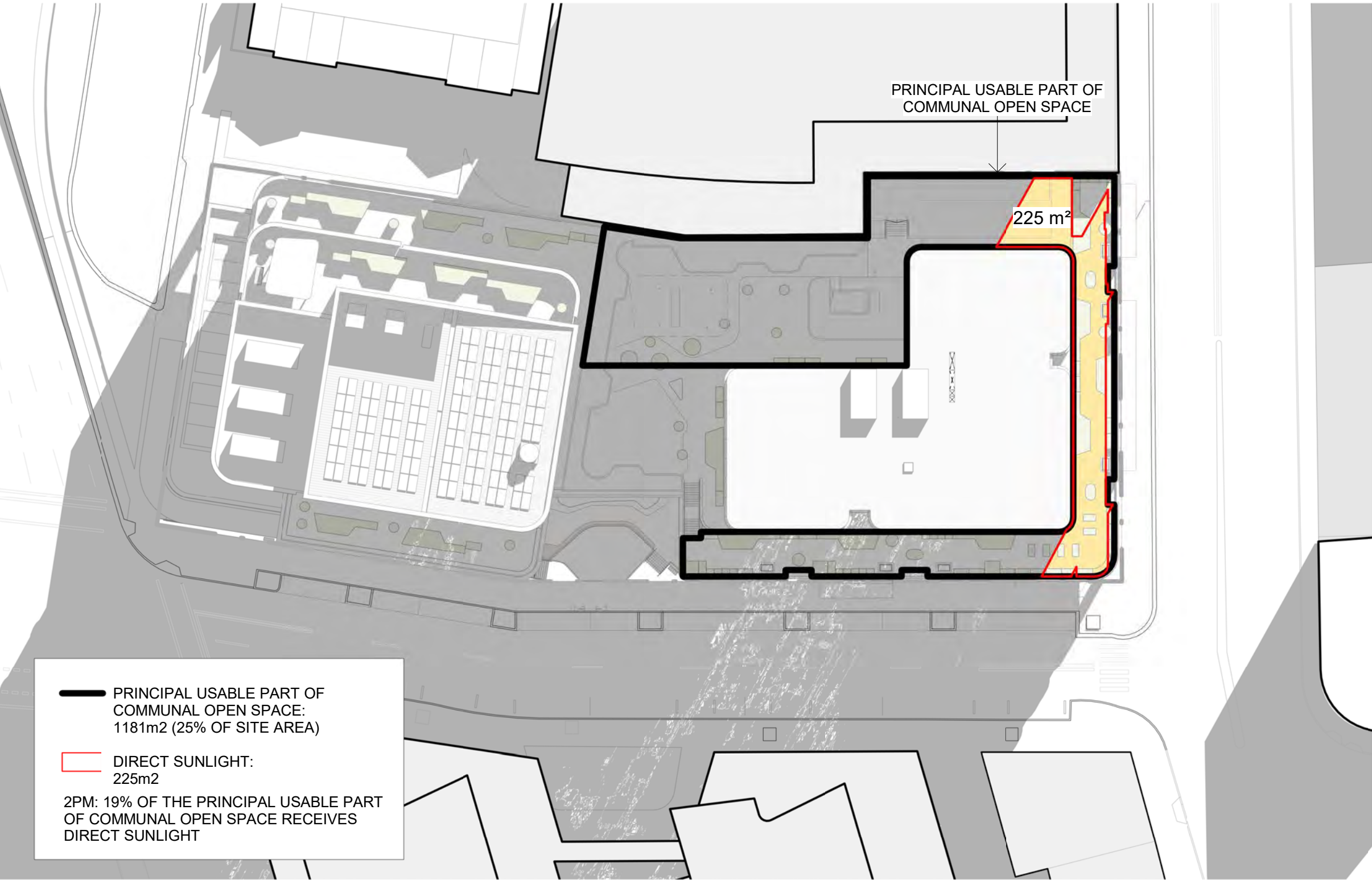




21 JUN - 1PM



21 JUN - 3PM



21 JUN - 2PM

ADG REQUIREMENTS

- OBJECTIVE 3D-1
- Communal open space has a minimum area equal to 25% of the site
 - Developments achieve a minimum 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9am and 3pm on 21 Jun (mid winter)

WE ACHIEVE THE MINIMUM REQUIREMENT OF 50% DIRECT SUNLIGHT TO THE PRINCIPAL USABLE PART OF THE COMMUNAL OPEN SPACE BETWEEN 9:50AM AND 11:40AM (A DURATION OF 1 HOUR 50 MINUTES)

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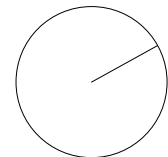
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LOCATION
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DRAWING TITLE
**SOLAR ACCESS - COMMUNAL OPEN
SPACE - SHEET 2**



SCALE: 1 : 500 @ A1 / 1 : 1000 @ A3

DRAWING NUMBER
DA009

REVISION

2



LEVEL 1-3_SOLAR ACCESS



LEVEL 5_SOLAR ACCESS



LEVEL 6-13_SOLAR ACCESS



LEVEL 14-19_SOLAR ACCESS



LEVEL 20-29_SOLAR ACCESS



LEVEL 30_SOLAR ACCESS

NORTH TOWER

SOLAR ACCESS DIAGRAM

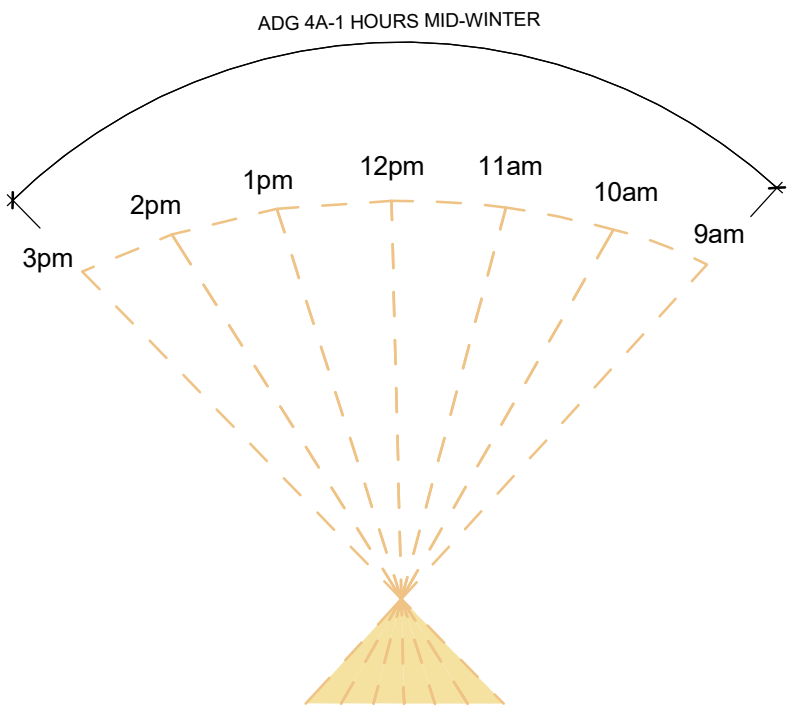
LEVEL	NO. OF DWELLINGS	NO. DWELLINGS ACHIEVING >2 HRS SOLAR ACCESS	NO. DWELLINGS ACHIEVING >15 MIN SOLAR ACCESS (9AM - 3PM)
GROUND			
LEVEL 1	7	4	7
LEVEL 2	7	4	7
LEVEL 3	7	4	7
LEVEL 4			
LEVEL 5	6	4	4
LEVEL 6	7	4	4
LEVEL 7	7	4	4
LEVEL 8	7	4	4
LEVEL 9	7	4	5
LEVEL 10	7	4	5
LEVEL 11	7	4	5
LEVEL 12	7	4	5
LEVEL 13	7	5	5
LEVEL 14	7	5	5
LEVEL 15	7	5	5
LEVEL 16	7	5	5
LEVEL 17	7	5	5
LEVEL 18	7	5	5
LEVEL 19	7	5	5
LEVEL 20	6	5	5
LEVEL 21	6	5	5
LEVEL 22	6	5	5
LEVEL 23	6	5	5
LEVEL 24	6	5	5
LEVEL 25	6	5	5
LEVEL 26	6	5	5
LEVEL 27	6	5	5
LEVEL 28	6	5	5
LEVEL 29	6	5	5
LEVEL 30	6	6*	6*
TOTAL	191	135	148

TOTAL NO. OF DWELLINGS = 191

HOURS OF 9am-3pm:
DWELLINGS ACHIEVING >2 HRS
SOLAR ACCESS = 135 OUT OF 191
PERCENTAGE = 70%

NO DIRECT SUNLIGHT BETWEEN
9 AM AND 3 PM AT MID WINTER:
DWELLINGS = 43 OUT OF 191
PERCENTAGE = 22%

ADG REQUIREMENTS
OBJECTIVE 4A-1
1. Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas.
2. In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid winter.
3. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter.



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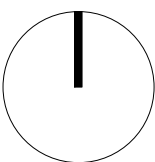
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DRAWING TITLE
**SOLAR ACCESS - LIVING ROOMS &
PRIVATE OPEN SPACE**

0 5 15 25 50
SCALE: 1 : 500 @ A1 / 1 : 1000 @ A3

DRAWING NUMBER

DA010

REVISION

2

NATURAL CROSS VENTILATION ANALYSIS

FIRST 9 STOREYS OF THE BUILDING

LEVEL	NO. OF DWELLINGS	NO. DWELLINGS ACHIEVING CROSS VENTILATION
GROUND	0	0
LEVEL 1	7	1
LEVEL 2	7	1
LEVEL 3	7	7 (SKYLIGHTS)
LEVEL 4	0	0
LEVEL 5	6	3 (1 AP. W/PLENUM)
LEVEL 6	7	4 (1 AP. W/PLENUM)
LEVEL 7	7	4 (1 AP. W/PLENUM)
LEVEL 8	7	4 (1 AP. W/PLENUM)
TOTAL	48	24

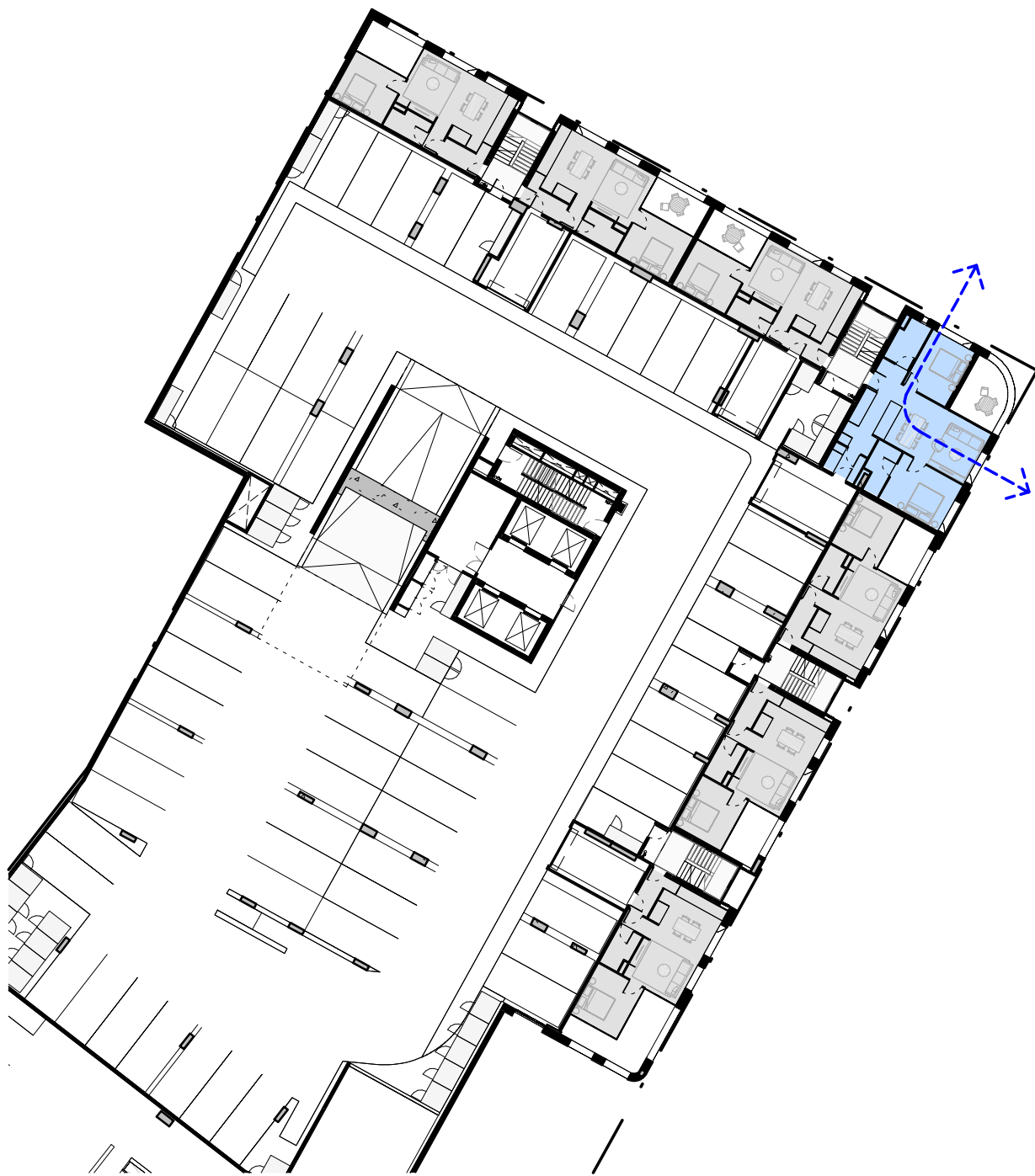
(50%)

ADG REQUIREMENTS

OBJECTIVE 4B-3

1. At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed
2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line

50% of apartments are naturally cross ventilated in the first nine storeys of the building.



PODIUM APARTMENTS - L1&L2



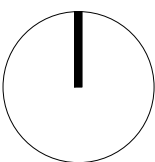
PODIUM APARTMENTS - L3



PODIUM TERRACE - L5

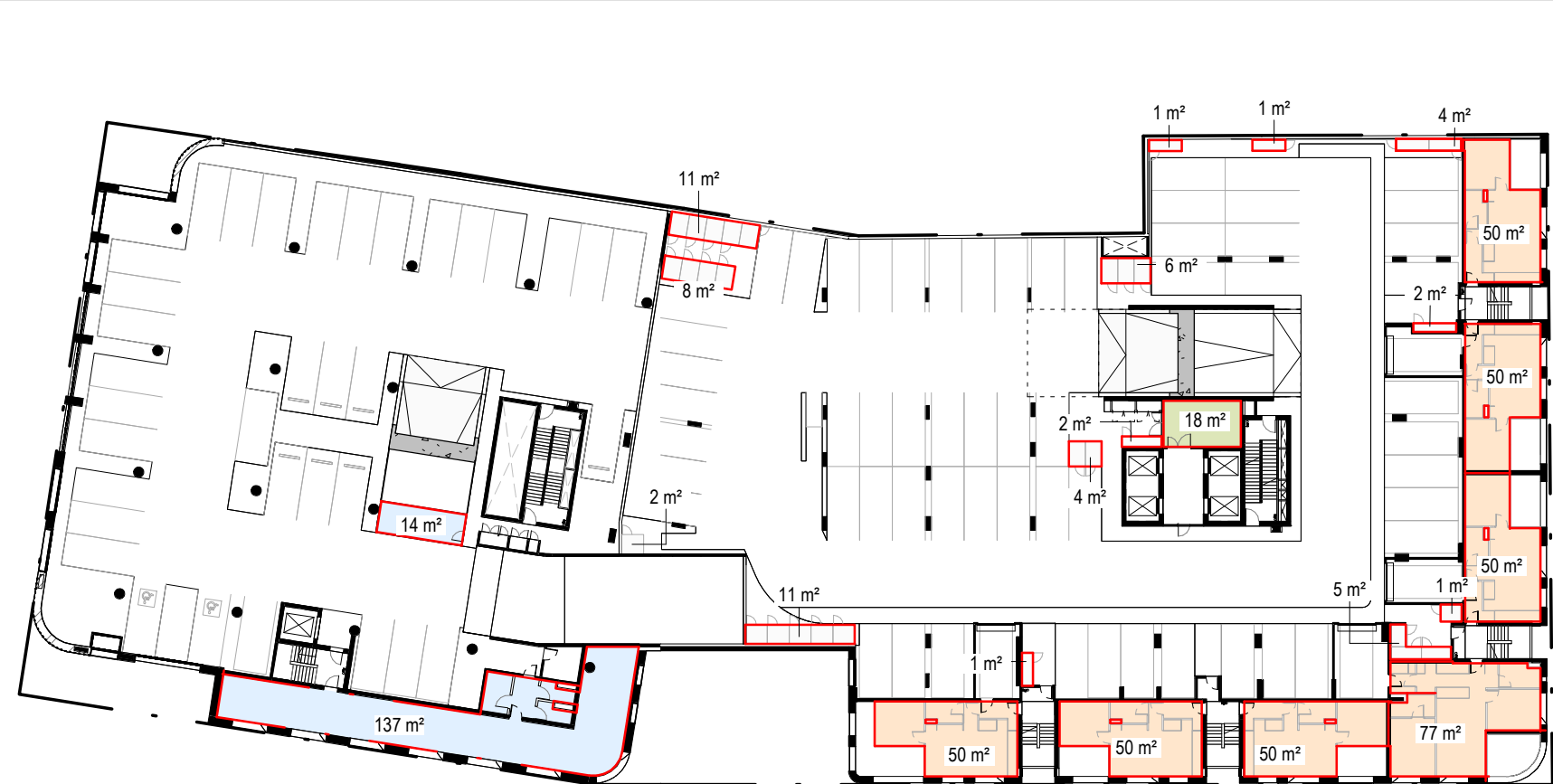


LOW RISE - L6-L8

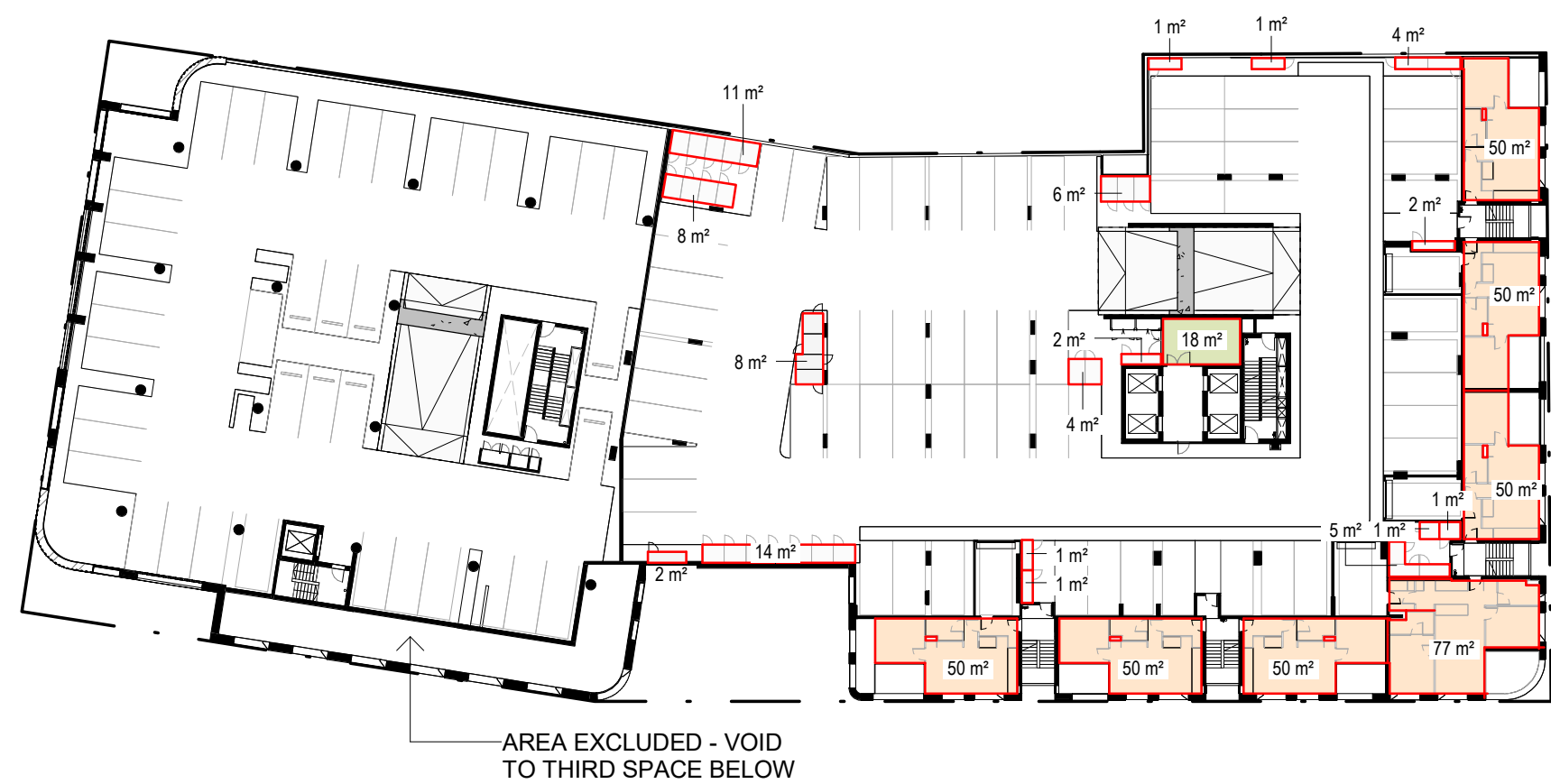




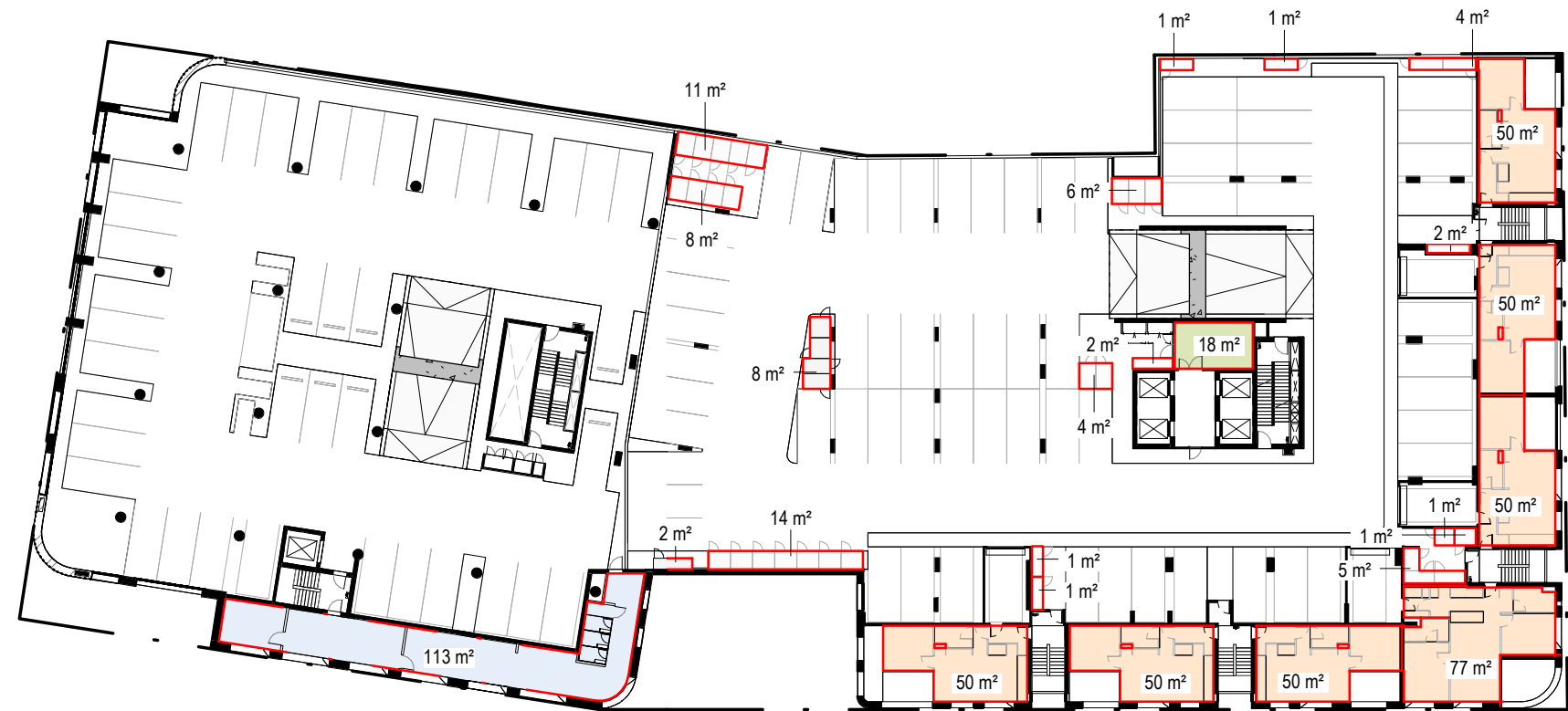
1 GROUND FLOOR_GFA



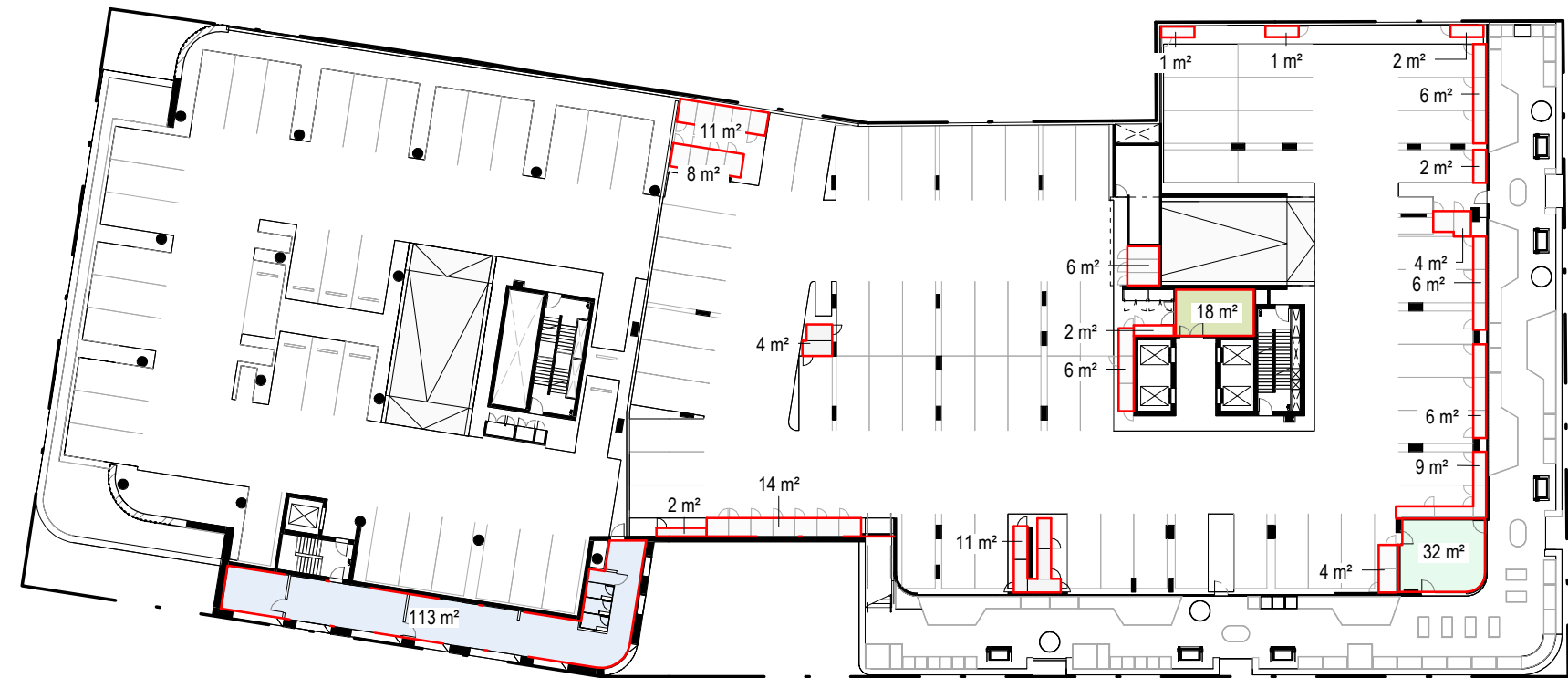
2 LEVEL 1_GFA



3 LEVEL 2_GFA



4 LEVEL 3_GFA



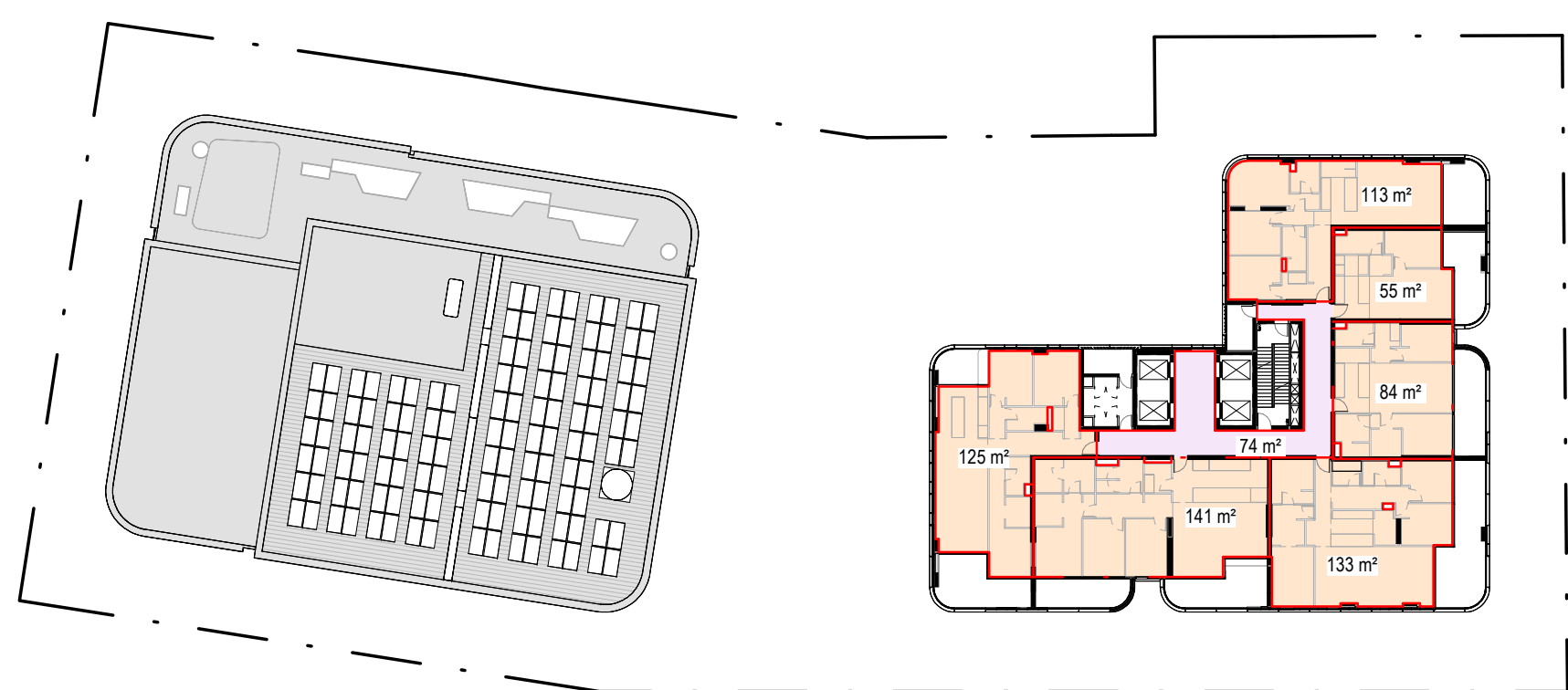
5 LEVEL 4_GFA



6 LEVEL 5_GFA



8 TYP. LOW RISE_GFA



7 TYP. HIGH RISE_GFA

GFA SCHEDULE - TOTAL	
AREA TYPE	AREA
Commercial	9649 m²
Common Area - Amenity	176 m²
Common Area - Circulation	1926 m²
EOT	355 m²
Residential	19337 m²
Residential Lobby	92 m²
Retail	666 m²
Storage	412 m²
Waste	236 m²
	31552 m²

GFA LEGEND	
	RESIDENTIAL
	RESIDENTIAL LOBBY
	COMMERCIAL
	STORE
	RETAIL TENANCY
	WASTE
	COMMUNAL AMENITY
	COMMUNAL CIRCULATION
	EOT

LEP DEFINITION

NEWCASTLE LOCAL ENVIRONMENTAL PLAN 2012

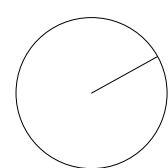
Note: The GFA is defined by the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4m above the floor, and includes:

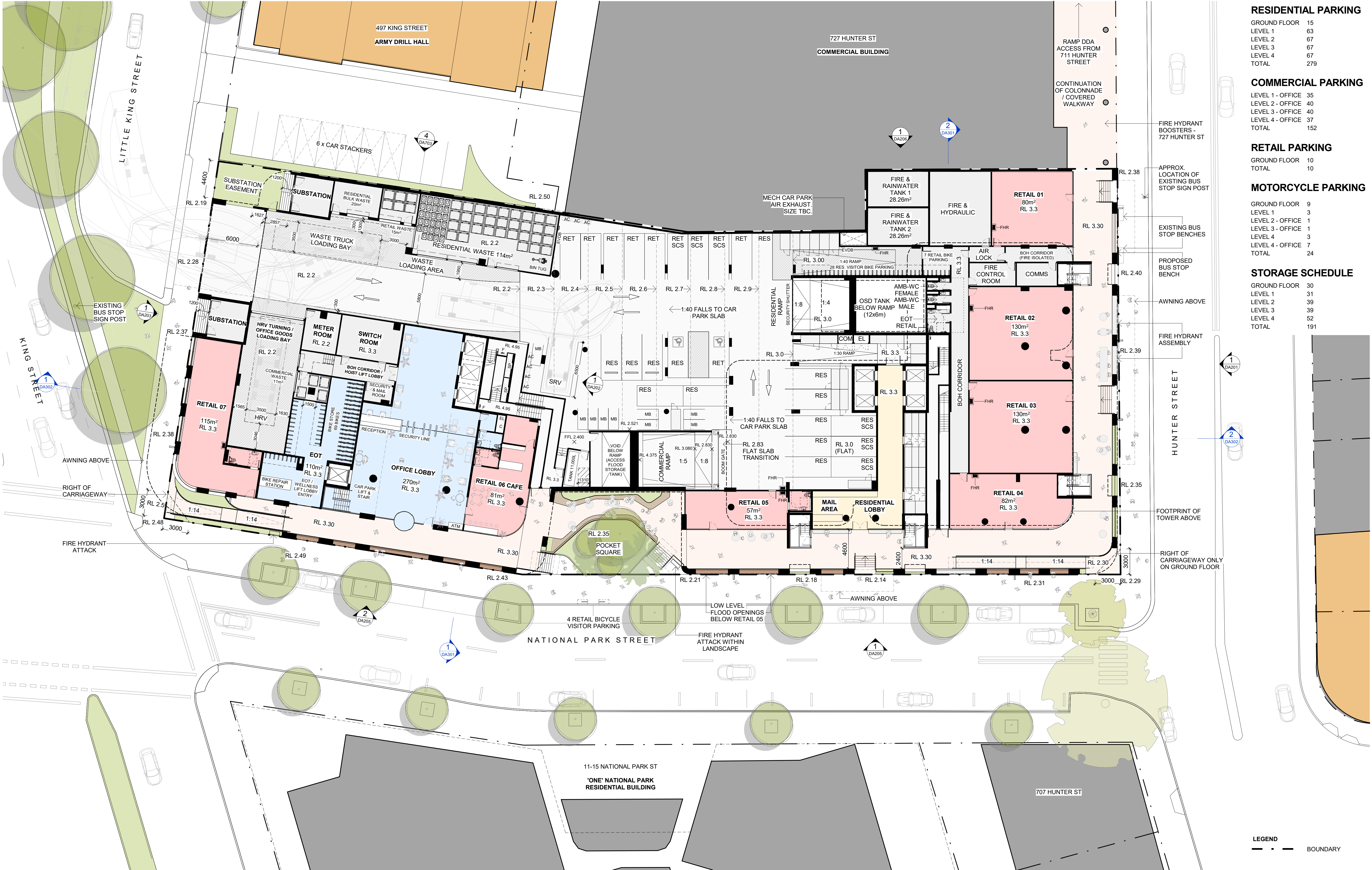
- (a) the area of a mezzanine, and
- (b) habitable rooms in a basement or an attic, and
- (c) any shop, auditorium, cinema, and the like, in a basement or attic, but excludes:
- (d) any area for common vertical circulation, such as lifts and stairs, and
- (e) any basement:
- (i) storage, and
- (ii) vehicular access, loading areas, garbage and Services, and
- (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
- (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
- (h) any space used for the loading or unloading of goods (including access to it), and
- (i) terraces and balconies with outer walls less than 1.4m high, and
- (j) voids above a floor at the level of a storey or storey above.

GFA SCHEDULE - SOUTH TOWER	
AREA TYPE	AREA
South Tower	
GROUND FLOOR	
Commercial	268 m²
EOT	111 m²
Retail	184 m²
Storage	163 m²
Waste	725 m²
LEVEL 1 - OFFICE	
Commercial	152 m²
Common Area - Circulation	152 m²
LEVEL 3 - OFFICE	
EOT	114 m²
Commercial	114 m²
LEVEL 4 - OFFICE	
EOT	114 m²
Commercial	114 m²
LEVEL 5 - OFFICE	
Commercial	1045 m²
LEVEL 6 - OFFICE	
Commercial	1055 m²
LEVEL 7 - OFFICE	
Commercial	1055 m²
LEVEL 8 - OFFICE	
Commercial	1055 m²
LEVEL 9 - OFFICE	
Commercial	1055 m²
LEVEL 10 - OFFICE	
Commercial	1055 m²
LEVEL 11 - OFFICE	
Commercial	1055 m²
LEVEL 12 - OFFICE	
Commercial	1055 m²
LEVEL 13 - OFFICE	
Commercial	801 m²
Commercial	801 m²
Commercial	10334 m²

GFA SCHEDULE - NORTH TOWER	
AREA TYPE	AREA
North Tower	
GROUND FLOOR	
EOT	17 m²
Residential Lobby	92 m²
Retail	482 m²
Storage	65 m²
Waste	656 m²
LEVEL 1	
North Tower	
Residential	374 m²
Storage	66 m²
Waste	19 m²
Commercial	460 m²
LEVEL 2	
North Tower	
Residential	374 m²
Storage	83 m²
Waste	19 m²
Commercial	476 m²
LEVEL 3	
North Tower	
Residential	374 m²
Storage	83 m²
Waste	19 m²
Commercial	476 m²
LEVEL 4	
North Tower	
Common Area - Amenity	32 m²
Residential	116 m²
Storage	19 m²
Waste	167 m²
LEVEL 5	
North Tower	
Common Area - Amenity	144 m²
Common Area - Circulation	76 m²
Residential	517 m²
Commercial	737 m²
LEVEL 6	
North Tower	
Common Area - Circulation	74 m²
Residential	657 m²
Commercial	731 m²
LEVEL 7	
North Tower	
Common Area - Circulation	74 m²
Residential	657 m²
Commercial	731 m²
LEVEL 8	
North Tower	
Common Area - Circulation	74 m²
Residential	657 m²
Commercial	731 m²
LEVEL 9	
North Tower	
Common Area - Circulation	74 m²
Residential	657 m²
Commercial	731 m²
LEVEL 10	
North Tower	
Common Area - Circulation	74 m²
Residential	657 m²
Commercial	731 m²
LEVEL 11	
North Tower	
Common Area - Circulation	74 m²
Residential	657 m²
Commercial	731 m²
LEVEL 12	
North Tower	
Common Area - Circulation	74 m²
Residential	657 m²
Commercial	731 m²
LEVEL 13	
North Tower	
Common Area - Circulation	74 m²
Residential	657 m²
Commercial	731 m²
LEVEL 14	
North Tower	
Common Area - Circulation	74 m²
Residential	657 m²
Commercial	731 m²

GFA SCHEDULE - NORTH TOWER	
AREA TYPE	AREA
LEVEL 15	
North Tower	
Common Area - Circulation	74 m²
Residential	657 m²
Commercial	731 m²
LEVEL 16	
North Tower	
Common Area - Circulation	74 m²
Residential	657 m²
Commercial	731 m²
LEVEL 17	
North Tower	
Common Area - Circulation	74 m²
Residential	657 m²
Commercial	731 m²
LEVEL 18	
North Tower	
Common Area - Circulation	74 m²
Residential	657 m²
Commercial	731 m²
LEVEL 19	
North Tower	
Common Area - Circulation	74 m²
Residential	657 m²
Commercial	731 m²
LEVEL 20	
North Tower	
Common Area - Circulation	74 m²
Residential	656 m²
Commercial	729 m²
LEVEL 21	
North Tower	
Common Area - Circulation	74 m²
Residential	656 m²
Commercial	729 m²
LEVEL 22	
North Tower	
Common Area - Circulation	74 m²
Residential	656 m²
Commercial	729 m²
LEVEL 23	
North Tower	
Common Area - Circulation	74 m²
Residential	656 m²
Commercial	729 m²
LEVEL 24	
North Tower	
Common Area - Circulation	74 m²
Residential	655 m²
Commercial	729 m²
LEVEL 25	
North Tower	
Common Area - Circulation	74 m²
Residential	655 m²
Commercial	729 m²
LEVEL 26	
North Tower	
Common Area - Circulation	74 m²
Residential	655 m²
Commercial	729 m²
LEVEL 27	
North Tower	
Common Area - Circulation	74 m²
Residential	655 m²
Commercial	729 m²
LEVEL 28	
North Tower	
Common Area - Circulation	74 m²
Residential	655 m²
Commercial	729 m²
LEVEL 29	
North Tower	
Common Area - Circulation	74 m²
Residential	655 m²
Commercial	729 m²
LEVEL 30	
North Tower	
Common Area - Circulation	74 m²
Residential	655 m²
Commercial	729 m²
LEVEL 31	
North Tower	
Common Area - Circulation	74 m²
Residential	655 m²
Commercial	729 m²





RESIDENTIAL PARKING

GROUND FLOOR	15
LEVEL 1	63
LEVEL 2	67
LEVEL 3	67
LEVEL 4	67
TOTAL	279

COMMERCIAL PARKING

LEVEL 1 - OFFICE	35
LEVEL 2 - OFFICE	40
LEVEL 3 - OFFICE	40
LEVEL 4 - OFFICE	37
TOTAL	152

RETAIL PARKING

GROUND FLOOR	10
TOTAL	10

MOTORCYCLE PARKING

GROUND FLOOR	9
LEVEL 1	3
LEVEL 2 - OFFICE	1
LEVEL 3 - OFFICE	1
LEVEL 4	3
LEVEL 4 - OFFICE	7
TOTAL	24

STORAGE SCHEDULE

GROUND FLOOR	30
LEVEL 1	31
LEVEL 2	39
LEVEL 3	39
LEVEL 4	52
TOTAL	191

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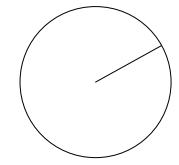
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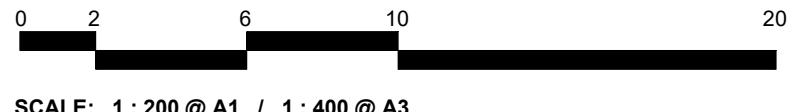
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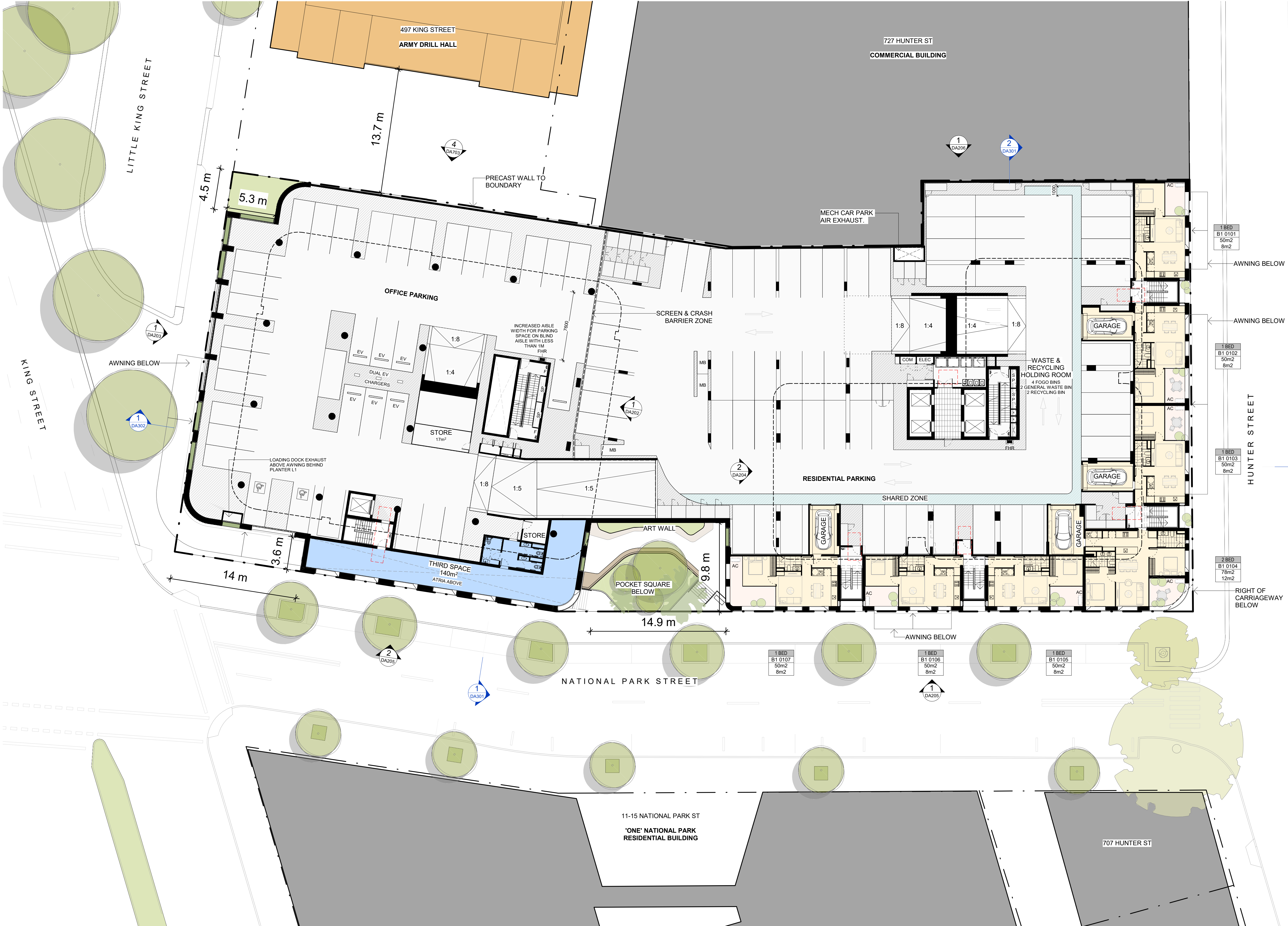
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DRAWING TITLE
PLAN - GROUND



DRAWING NUMBER
DA101
REVISION
2



RESIDENTIAL PARKING

GROUND FLOOR	15
LEVEL 1	63
LEVEL 2	67
LEVEL 3	67
LEVEL 4	67
TOTAL	279

COMMERCIAL PARKING

LEVEL 1 - OFFICE	35
LEVEL 2 - OFFICE	40
LEVEL 3 - OFFICE	40
LEVEL 4 - OFFICE	37
TOTAL	152

RETAIL PARKING

GROUND FLOOR	10
TOTAL	10

MOTORCYCLE PARKING

GROUND FLOOR	9
LEVEL 1	3
LEVEL 2 - OFFICE	1
LEVEL 3 - OFFICE	1
LEVEL 4	3
LEVEL 4 - OFFICE	7
TOTAL	24

STORAGE SCHEDULE

GROUND FLOOR	30
LEVEL 1	31
LEVEL 2	39
LEVEL 3	39
LEVEL 4	52
TOTAL	191

LEGEND
- - - BOUNDARY

StewartArchitecture

Canberra Studio: 10/285 Canberra Avenue Fyshwick ACT 2609 P: +61 2 6228 1200
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Nominated Architects | Marcus Graham ACT 1090 | Felicity Stewart NSW 12706

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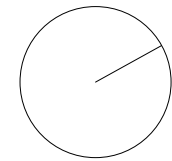
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REV	DESCRIPTION
1	DRAFT DA
2	DA

DATE
14/10/2025
24/11/2025

PROJECT NAME
711 HUNTER STREET
PROJECT NUMBER
2414
LOCATION
**711 HUNTER STREET
NEWCASTLE WEST NSW 2302**

CLIENT
BLOC



DRAWING TITLE
PLAN - PODIUM - LEVEL 1

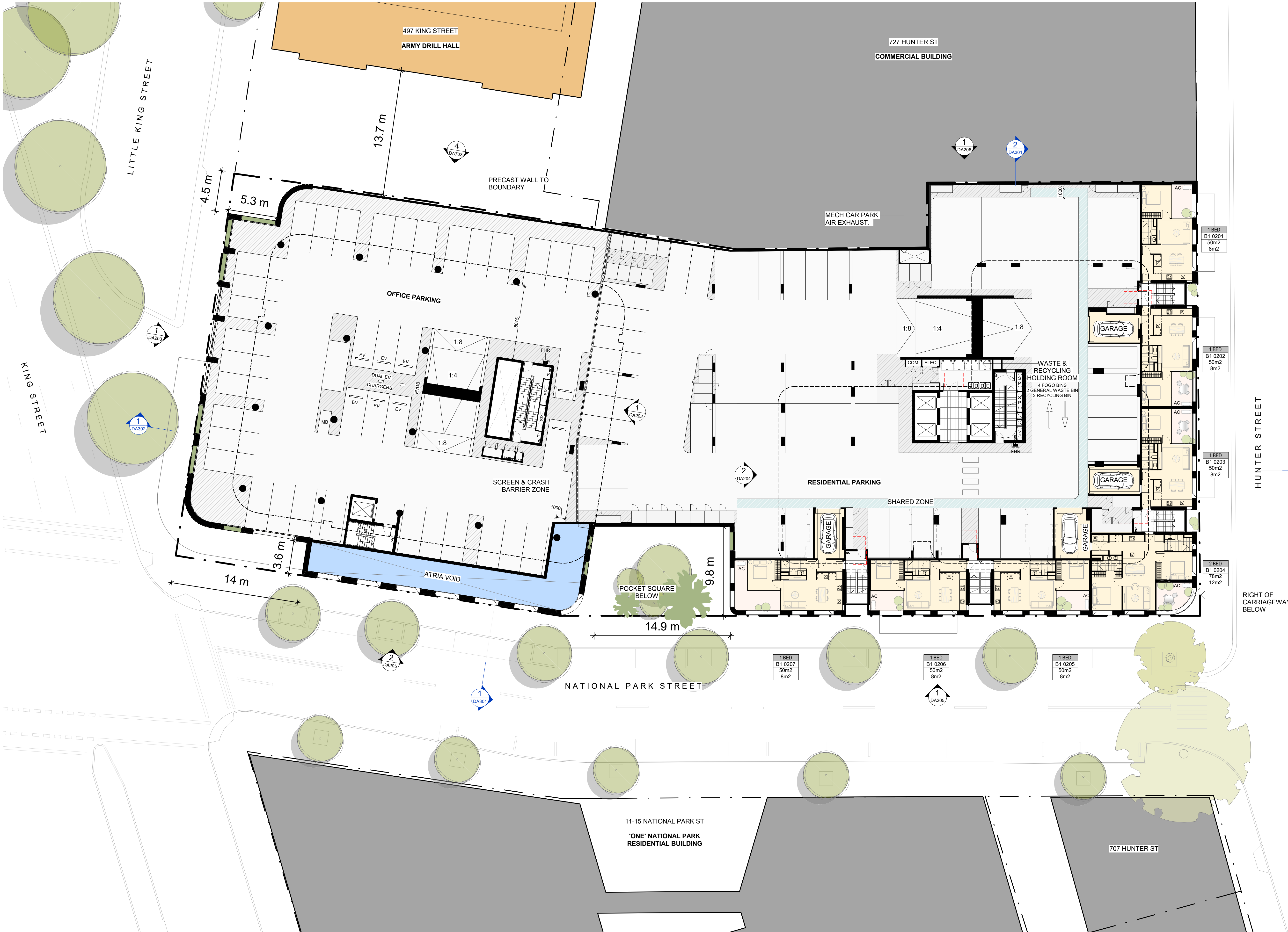
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SCALE: 1:200 @ A1 / 1:400 @ A3

DRAWING NUMBER

DA102

REVISION

2



RESIDENTIAL PARKING

GROUND FLOOR	15
LEVEL 1	63
LEVEL 2	67
LEVEL 3	67
LEVEL 4	67
TOTAL	279

COMMERCIAL PARKING

LEVEL 1 - OFFICE	35
LEVEL 2 - OFFICE	40
LEVEL 3 - OFFICE	40
LEVEL 4 - OFFICE	37
TOTAL	152

RETAIL PARKING

GROUND FLOOR	10
TOTAL	10

MOTORCYCLE PARKING

GROUND FLOOR	9
LEVEL 1	3
LEVEL 2 - OFFICE	1
LEVEL 3 - OFFICE	1
LEVEL 4	3
LEVEL 4 - OFFICE	7
TOTAL	24

STORAGE SCHEDULE

GROUND FLOOR	30
LEVEL 1	31
LEVEL 2	39
LEVEL 3	39
LEVEL 4	52
TOTAL	191

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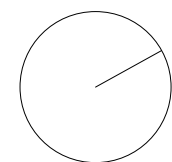
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REV	DESCRIPTION
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2	DA

DATE
14/10/2025
24/11/2025

PROJECT NAME
711 HUNTER STREET
PROJECT NUMBER
2414
LOCATION
**711 HUNTER STREET
NEWCASTLE WEST NSW 2302**

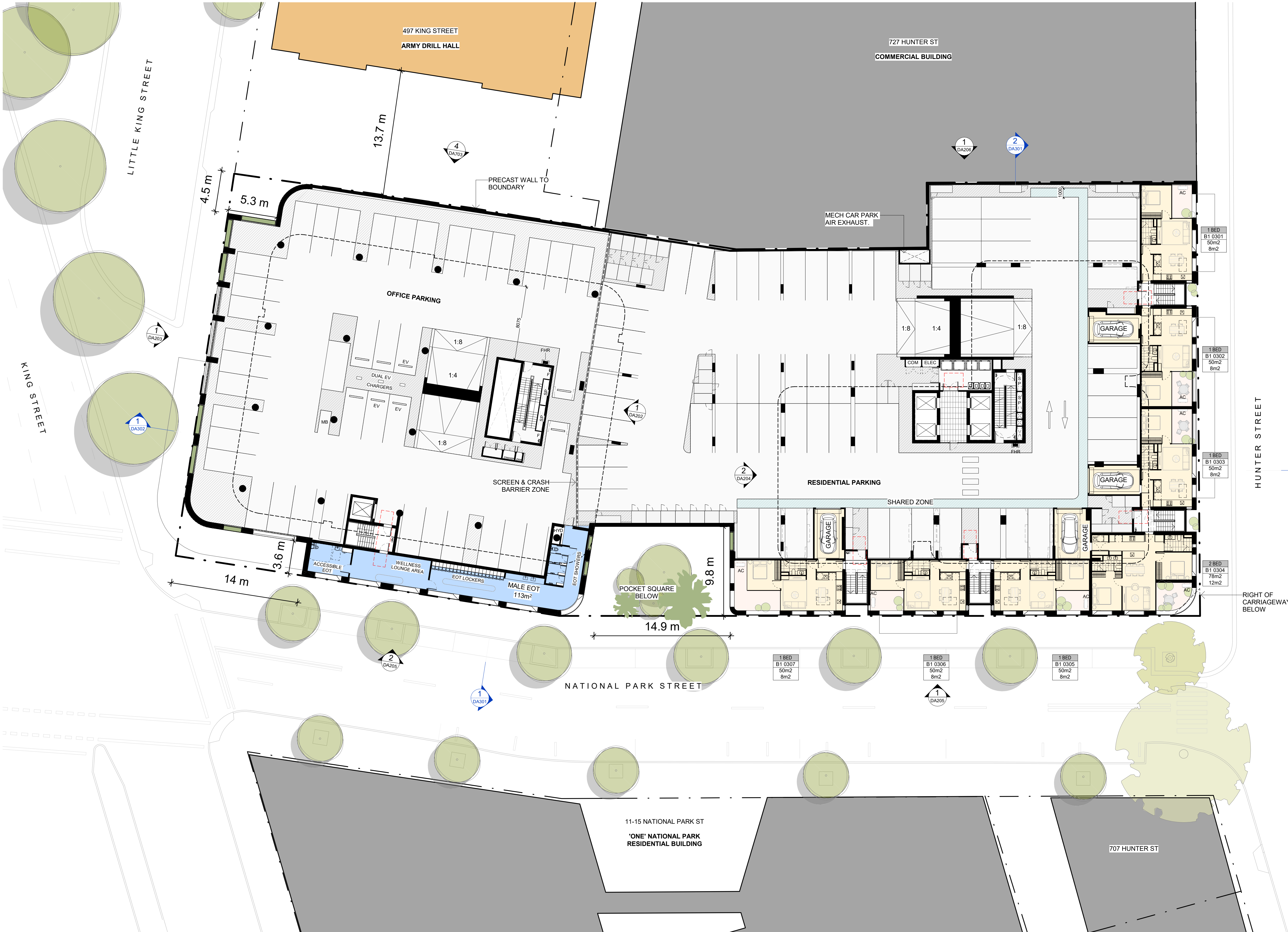
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DRAWING TITLE
PLAN - PODIUM - LEVEL 2

0 2 6 10 20
SCALE: 1:200 @ A1 / 1:400 @ A3

DRAWING NUMBER
DA103
REVISION
2



RESIDENTIAL PARKING

GROUND FLOOR	15
LEVEL 1	63
LEVEL 2	67
LEVEL 3	67
LEVEL 4	67
TOTAL	279

COMMERCIAL PARKING

LEVEL 1 - OFFICE	35
LEVEL 2 - OFFICE	40
LEVEL 3 - OFFICE	40
LEVEL 4 - OFFICE	37
TOTAL	152

RETAIL PARKING

GROUND FLOOR	10
TOTAL	10

MOTORCYCLE PARKING

GROUND FLOOR	9
LEVEL 1	3
LEVEL 2 - OFFICE	1
LEVEL 3 - OFFICE	1
LEVEL 4	3
LEVEL 4 - OFFICE	7
TOTAL	24

STORAGE SCHEDULE

GROUND FLOOR	30
LEVEL 1	31
LEVEL 2	39
LEVEL 3	39
LEVEL 4	52
TOTAL	191

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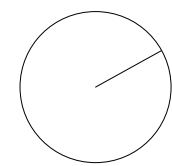
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REV	DESCRIPTION
1	DRAFT DA
2	DA

DATE
14/10/2025
24/11/2025

PROJECT NAME
711 HUNTER STREET
PROJECT NUMBER
2414
LOCATION
**711 HUNTER STREET
NEWCASTLE WEST NSW 2302**

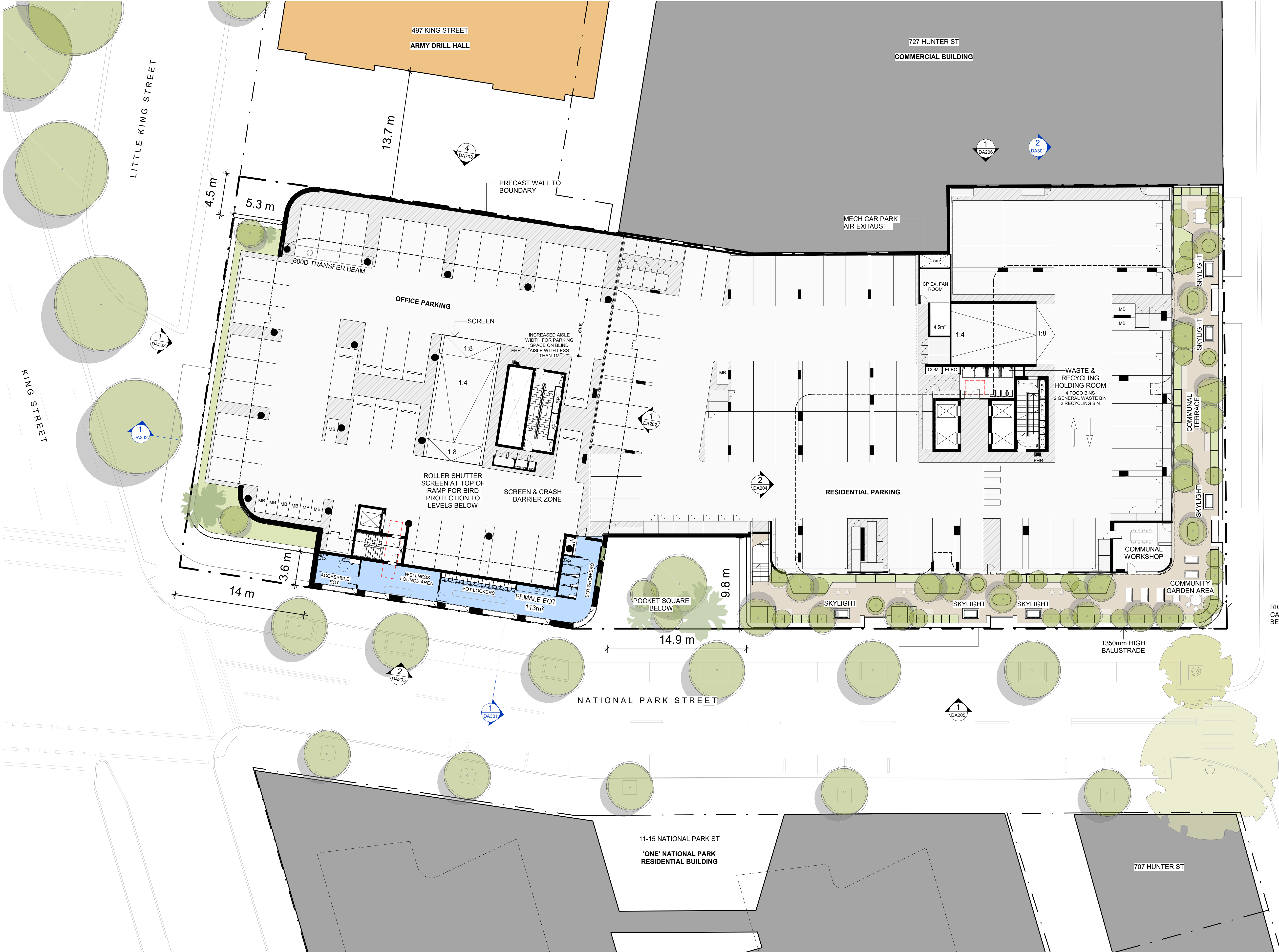
CLIENT
BLOC



DRAWING TITLE
PLAN - PODIUM - LEVEL 3

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SCALE: 1:200 @ A1 / 1:400 @ A3

DRAWING NUMBER
DA104
REVISION
2



RESIDENTIAL PARKING

GROUND FLOOR	15
LEVEL 1	63
LEVEL 2	67
LEVEL 3	67
LEVEL 4	67
TOTAL	279

COMMERCIAL PARKING

LEVEL 1 - OFFICE	35
LEVEL 2 - OFFICE	40
LEVEL 3 - OFFICE	40
LEVEL 4 - OFFICE	37
TOTAL	152

RETAIL PARKING

GROUND FLOOR	10
TOTAL	10

MOTORCYCLE PARKING

GROUND FLOOR	9
LEVEL 1	3
LEVEL 2 - OFFICE	1
LEVEL 3 - OFFICE	1
LEVEL 4	3
LEVEL 4 - OFFICE	7
TOTAL	24

STORAGE SCHEDULE

GROUND FLOOR	30
LEVEL 1	31
LEVEL 2	39
LEVEL 3	39
LEVEL 4	52
TOTAL	191

LEGEND
- - - BOUNDARY

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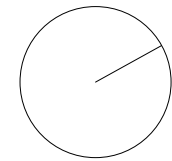
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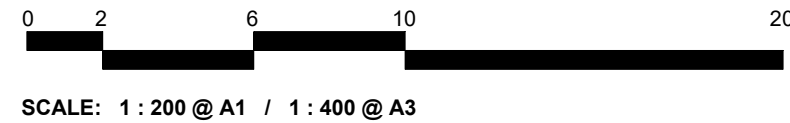
DATE
14/10/2025
24/11/2025

PROJECT NAME
711 HUNTER STREET
PROJECT NUMBER
2414
LOCATION
**711 HUNTER STREET
NEWCASTLE WEST NSW 2302**

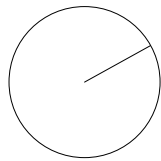
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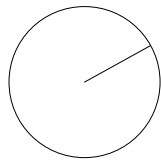


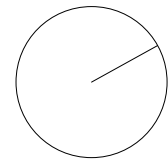
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PLAN - PODIUM - LEVEL 4

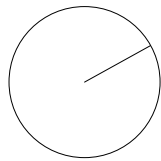


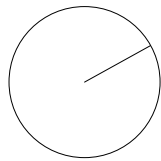
DRAWING NUMBER
DA105
REVISION
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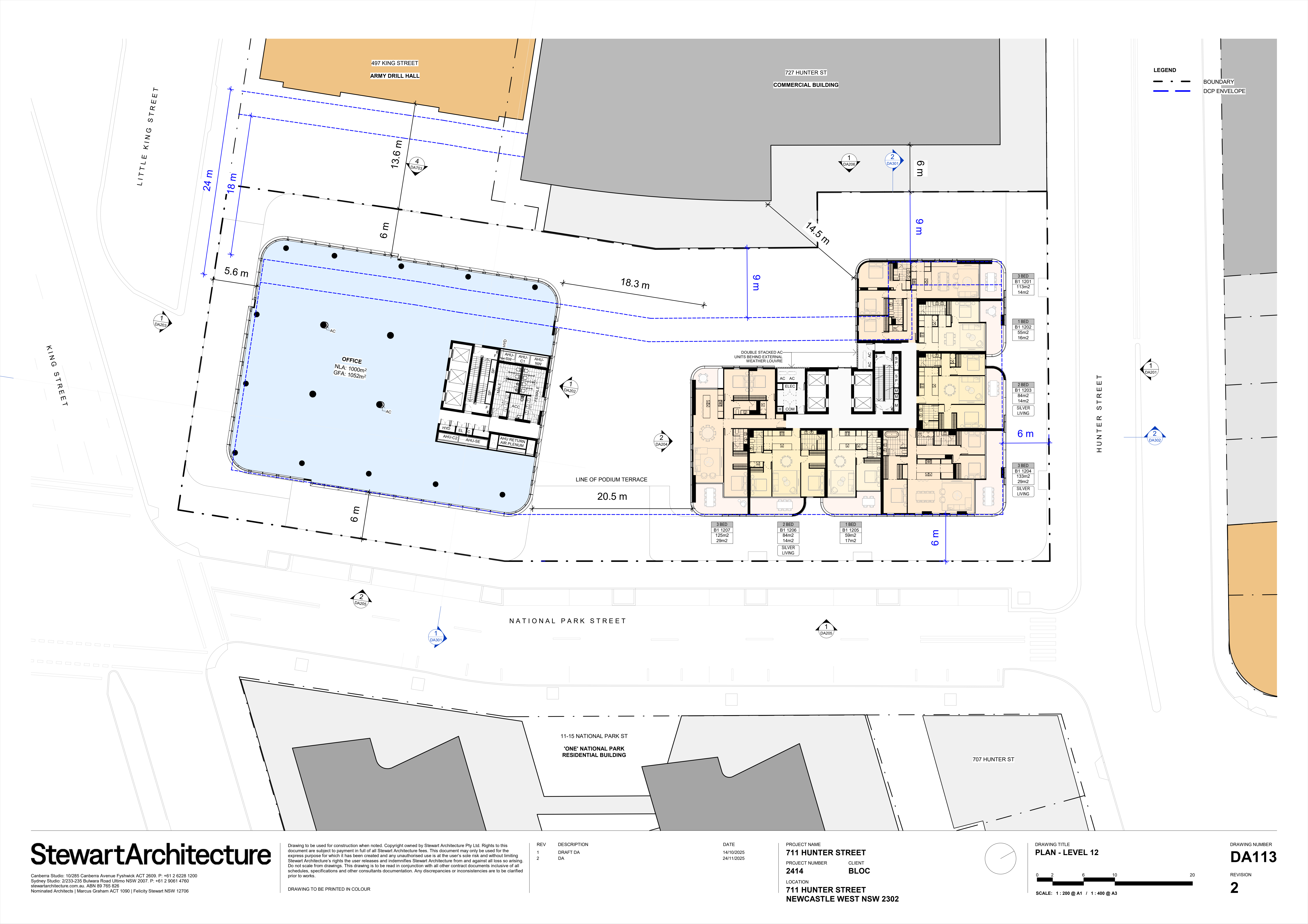
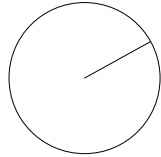


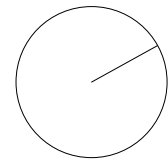


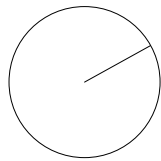
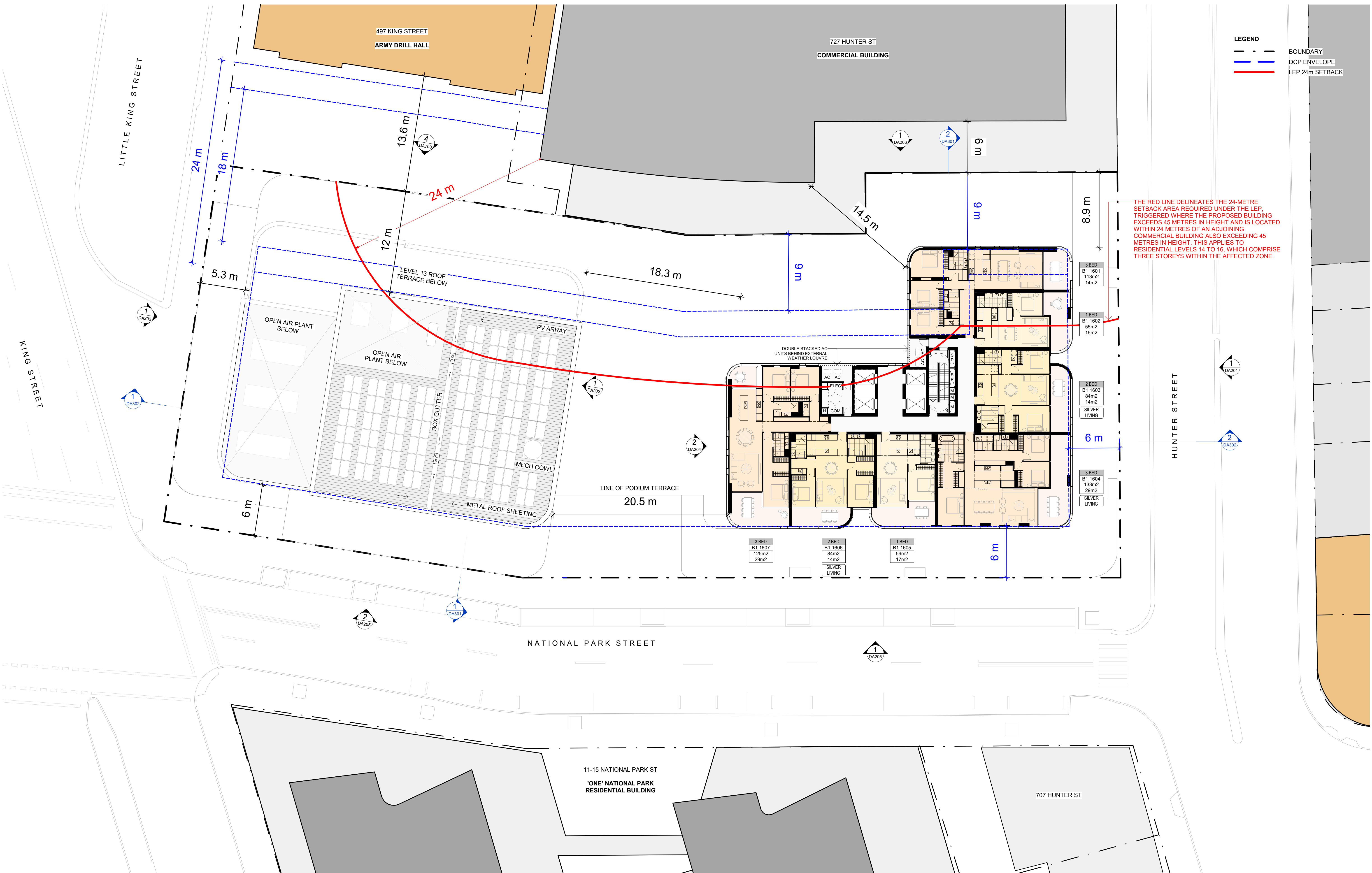


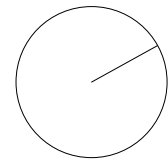
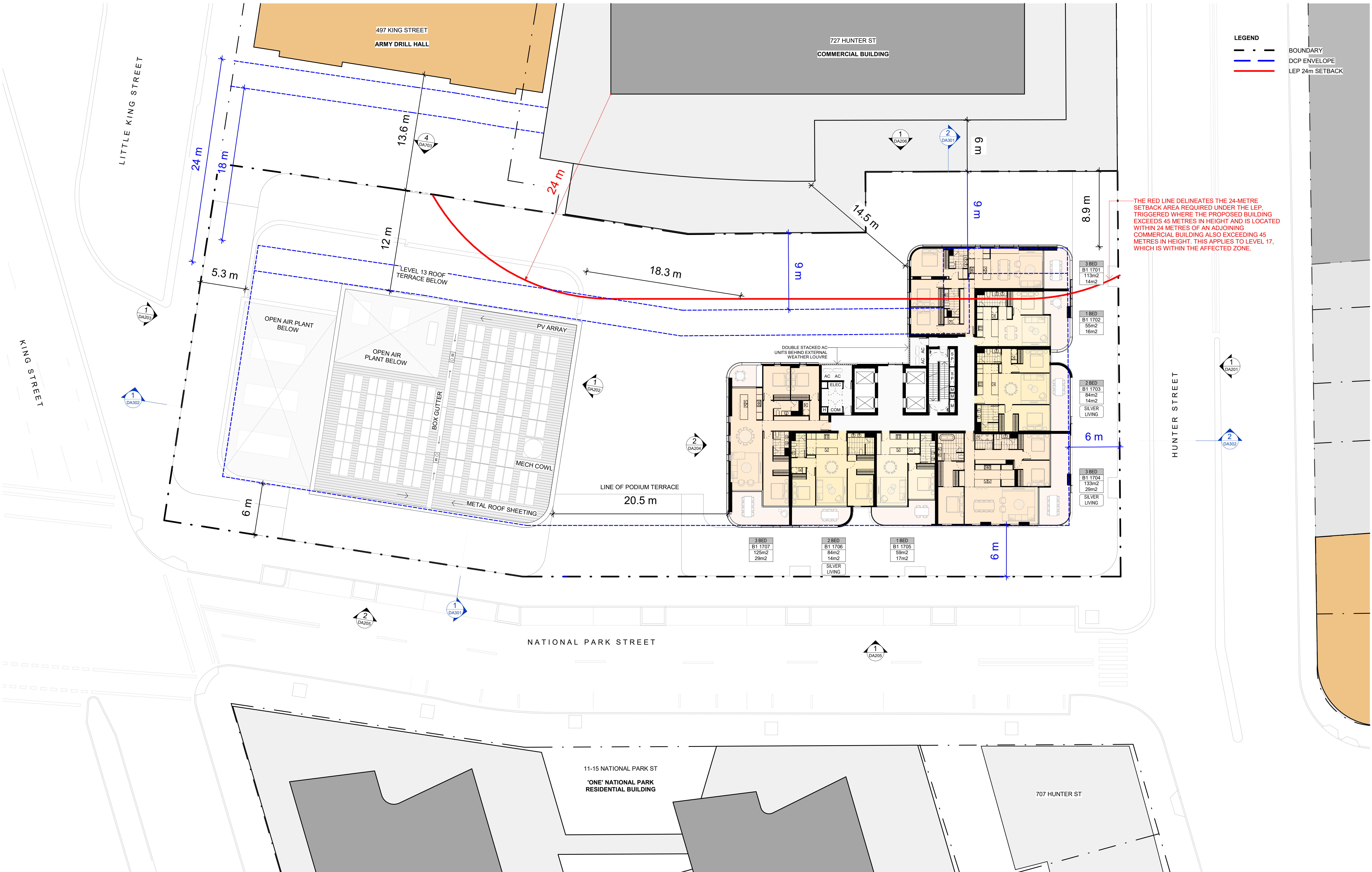


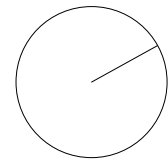


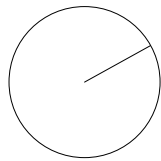


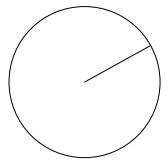
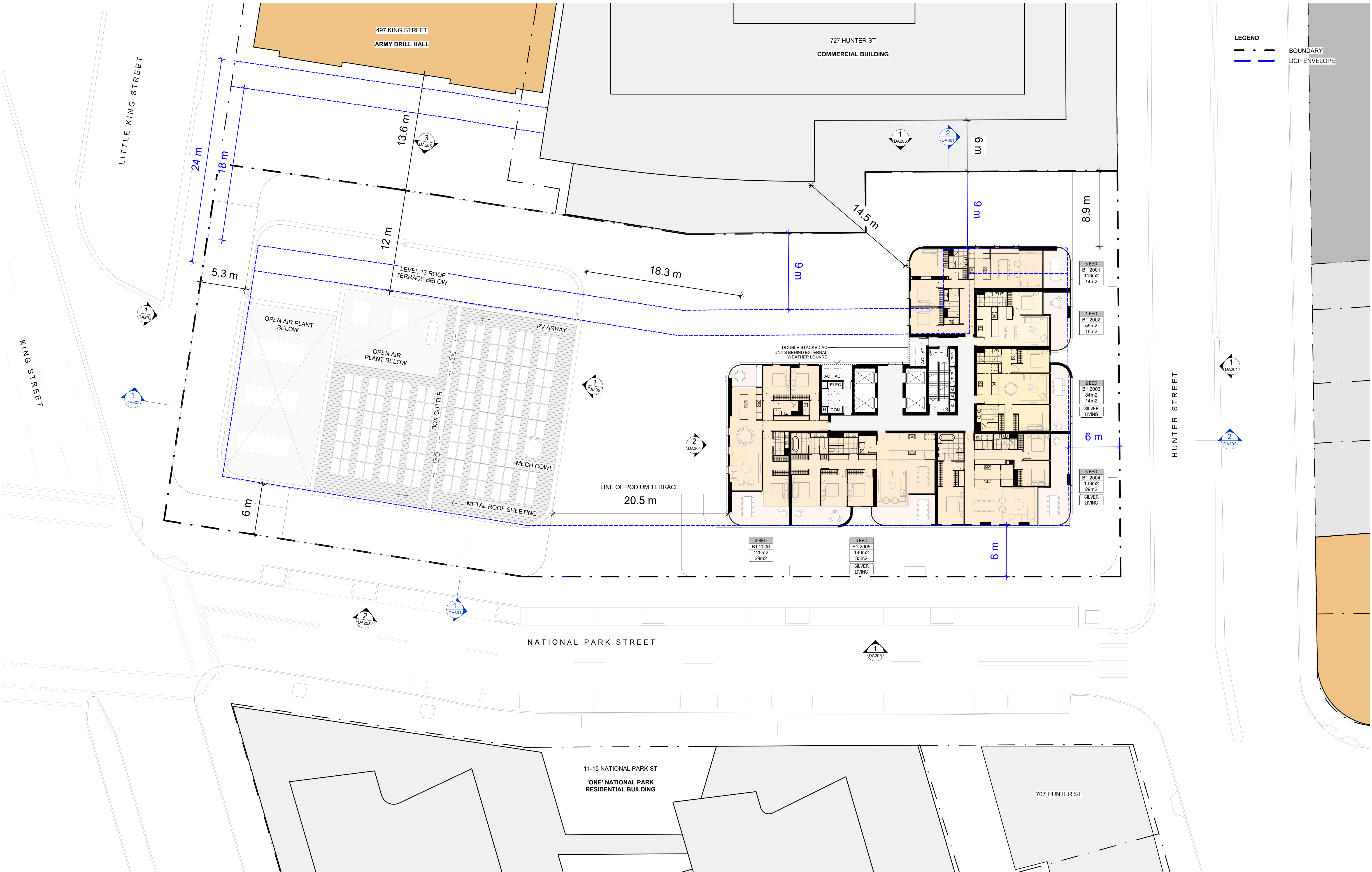


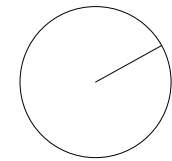
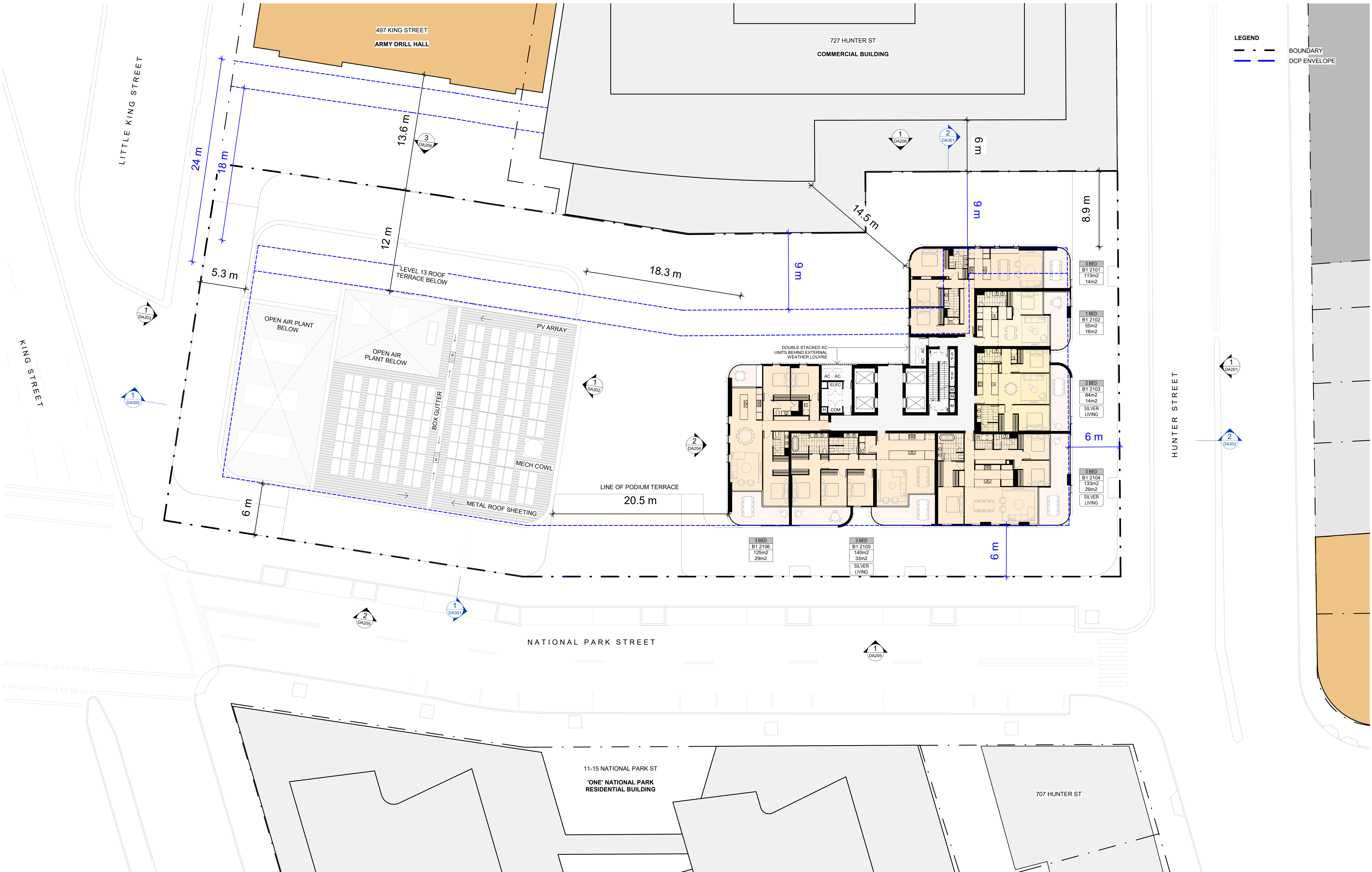


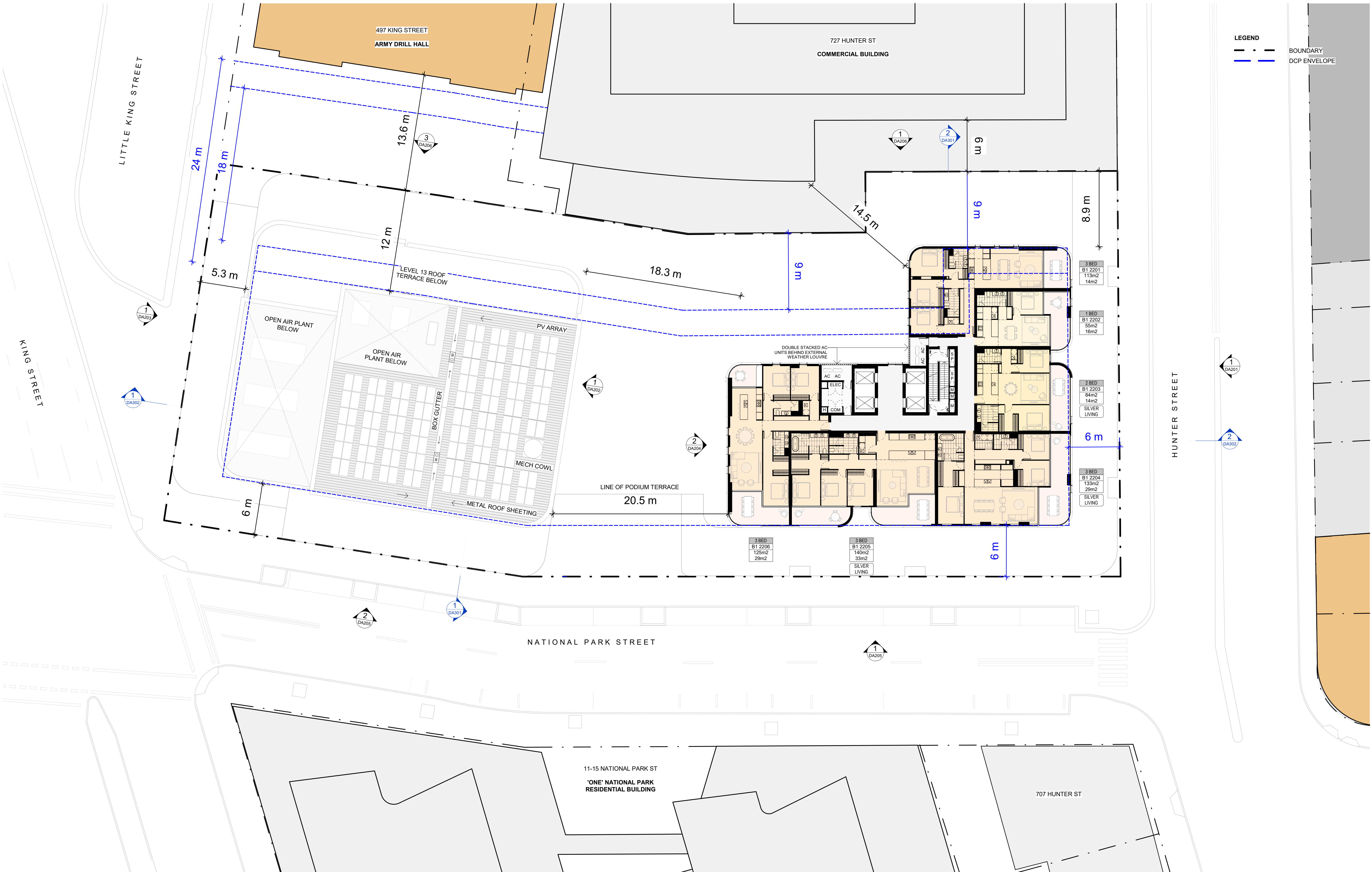












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Nominated Architects | Marcus Graham ACT 1090 | Felicity Stewart NSW 12706

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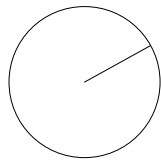
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REV	DESCRIPTION
1	DRAFT DA
2	DA

DATE
14/10/2025
24/11/2025

PROJECT NAME
711 HUNTER STREET
PROJECT NUMBER
2414
LOCATION
**711 HUNTER STREET
NEWCASTLE WEST NSW 2302**

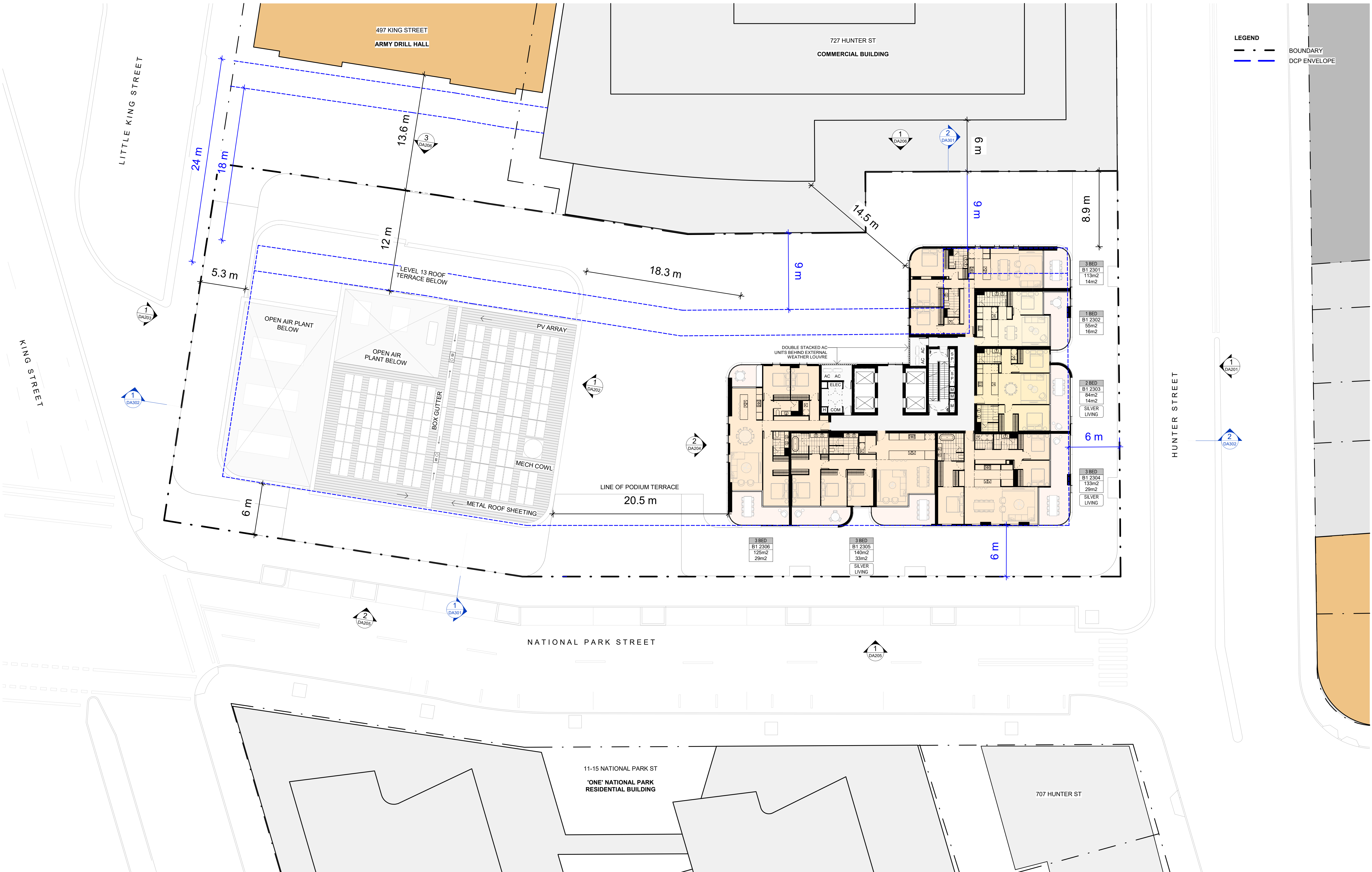
CLIENT
BLOC



DRAWING TITLE
PLAN - LEVEL 22

SCALE: 1 : 200 @ A1 / 1 : 400 @ A3

DRAWING NUMBER
DA123
REVISION
2



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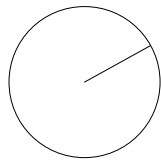
DRAWING TO BE PRINTED IN COLOUR

REV	DESCRIPTION
1	DRAFT DA
2	DA

DATE
14/10/2025
24/11/2025

PROJECT NAME
711 HUNTER STREET
PROJECT NUMBER
2414
LOCATION
**711 HUNTER STREET
NEWCASTLE WEST NSW 2302**

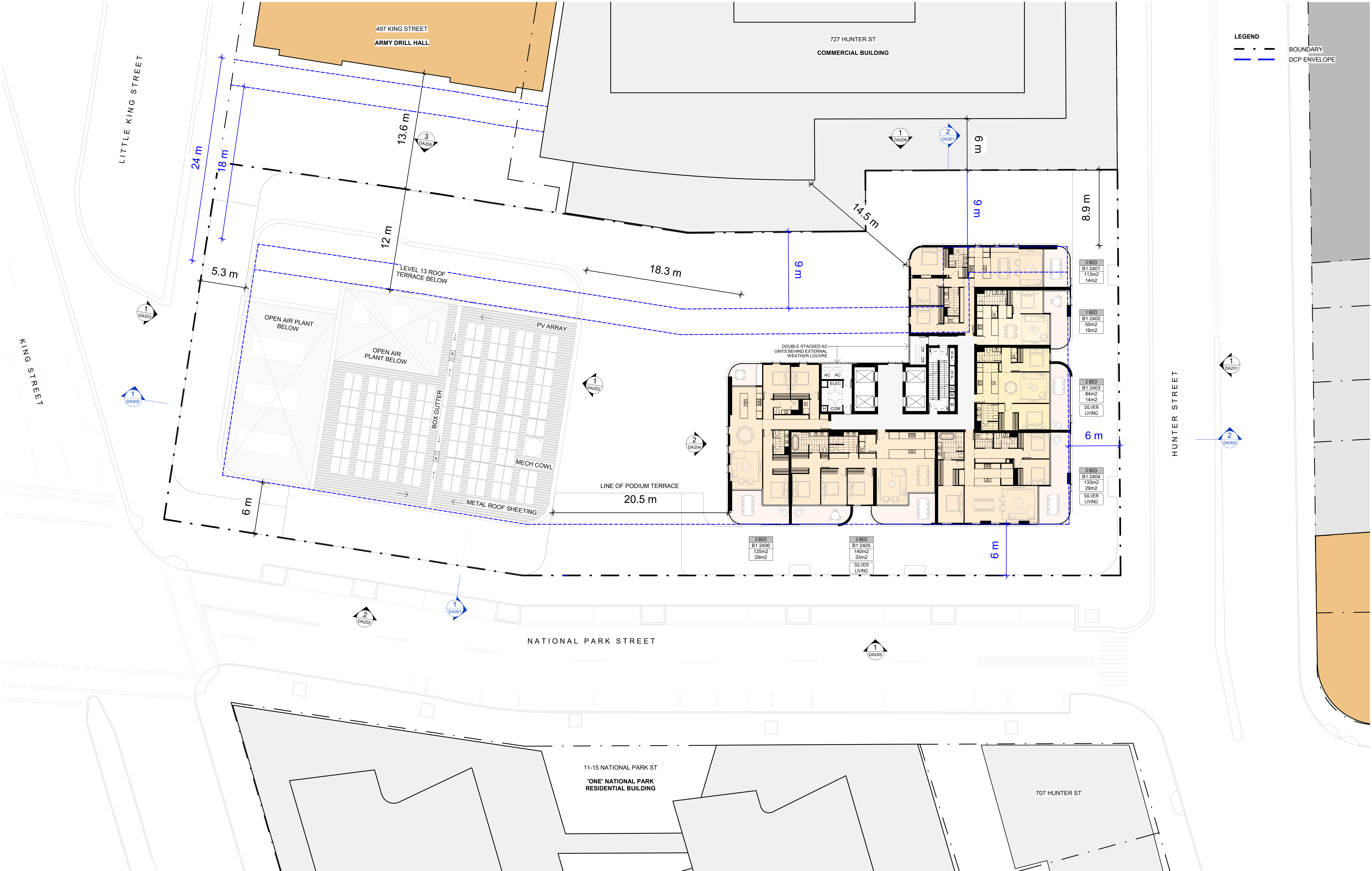
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DRAWING TITLE
PLAN - LEVEL 23

SCALE: 1:200 @ A1 / 1:400 @ A3

DRAWING NUMBER
DA124
REVISION
2



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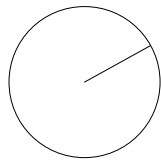
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24/11/2025

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PROJECT NUMBER
2414
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NEWCASTLE WEST NSW 2302**

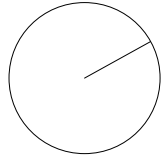
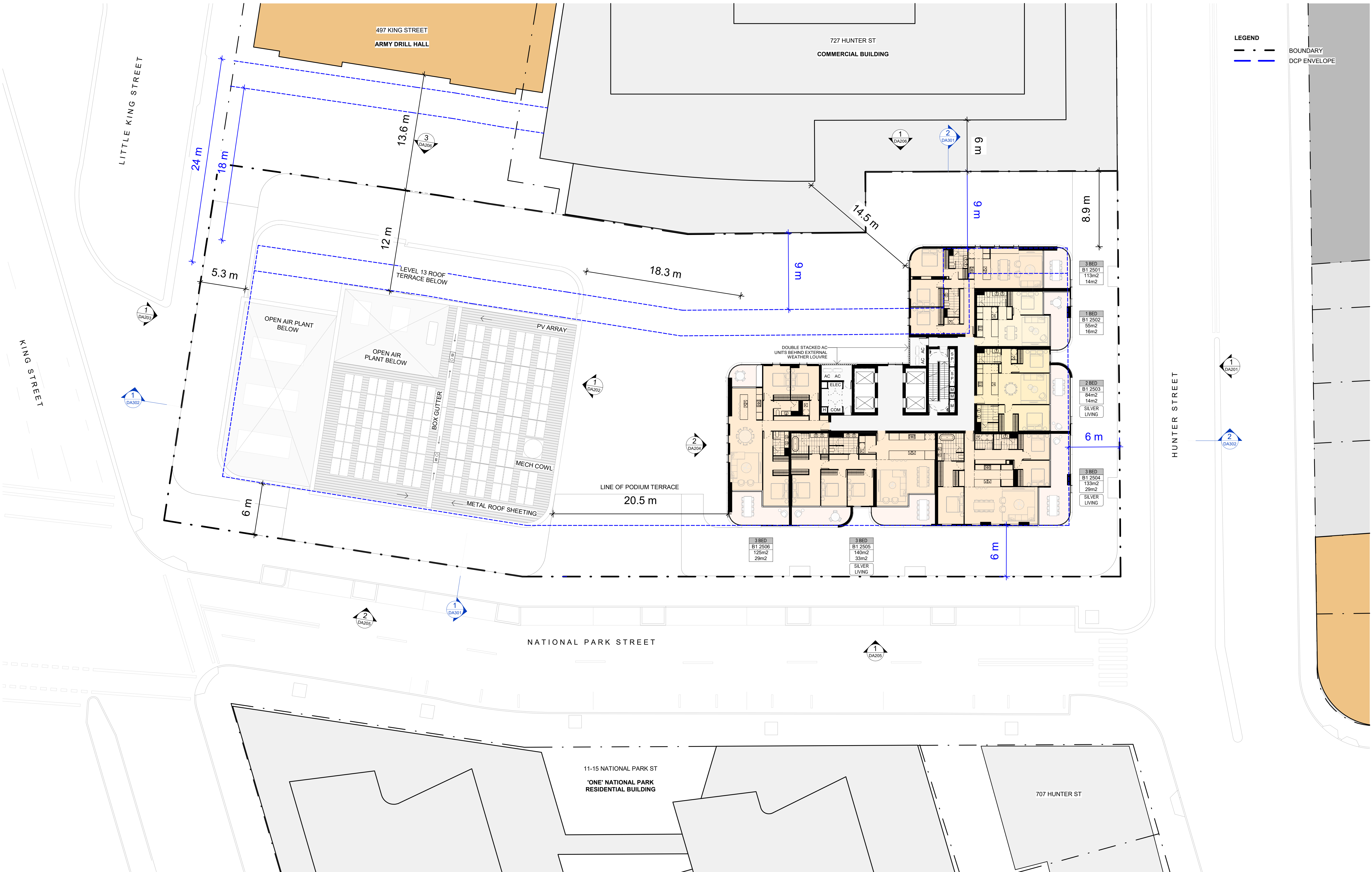
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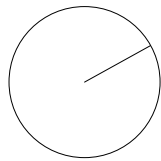


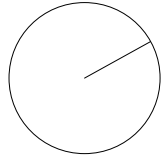
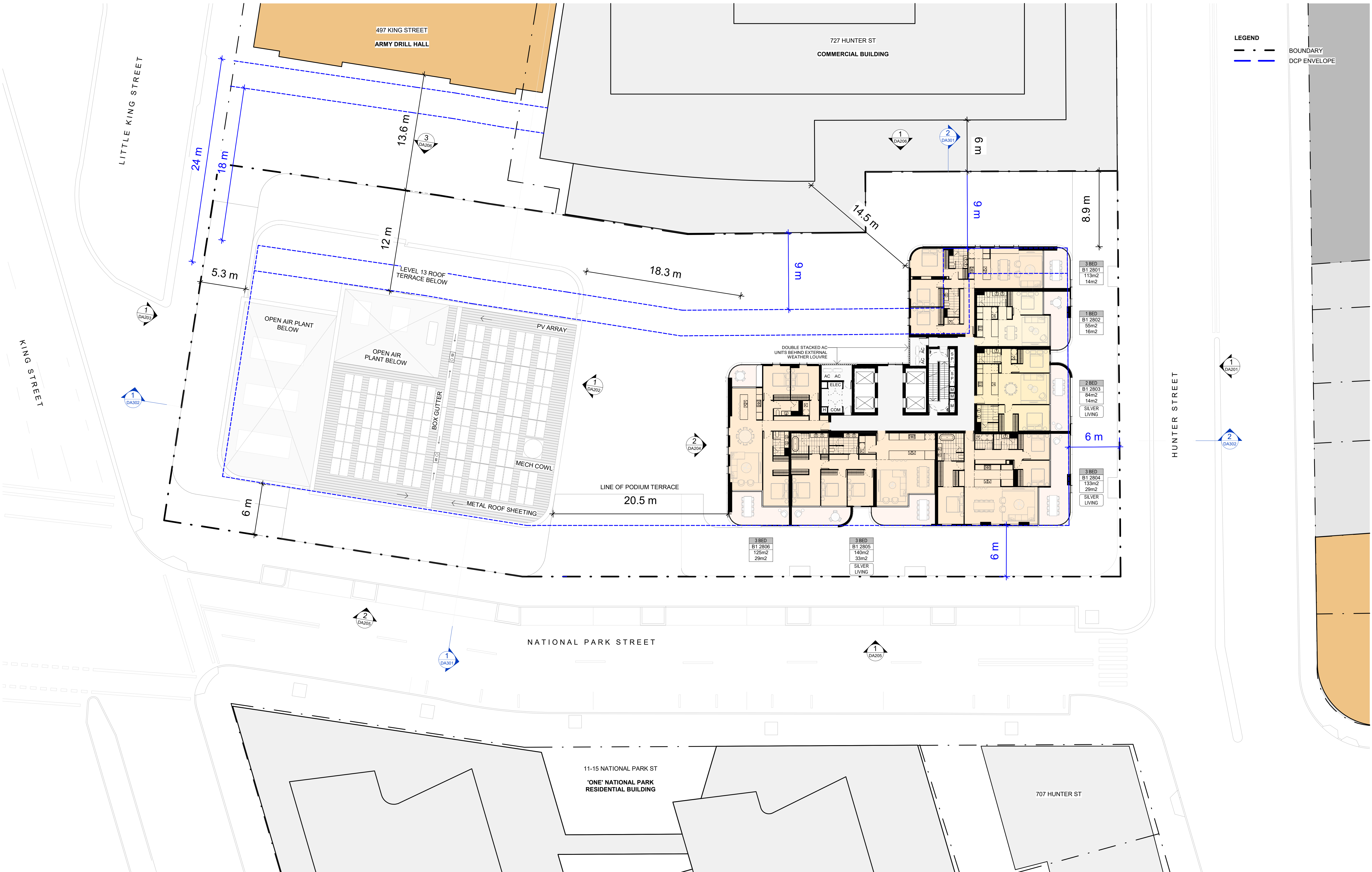
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PLAN - LEVEL 24

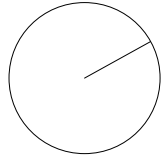
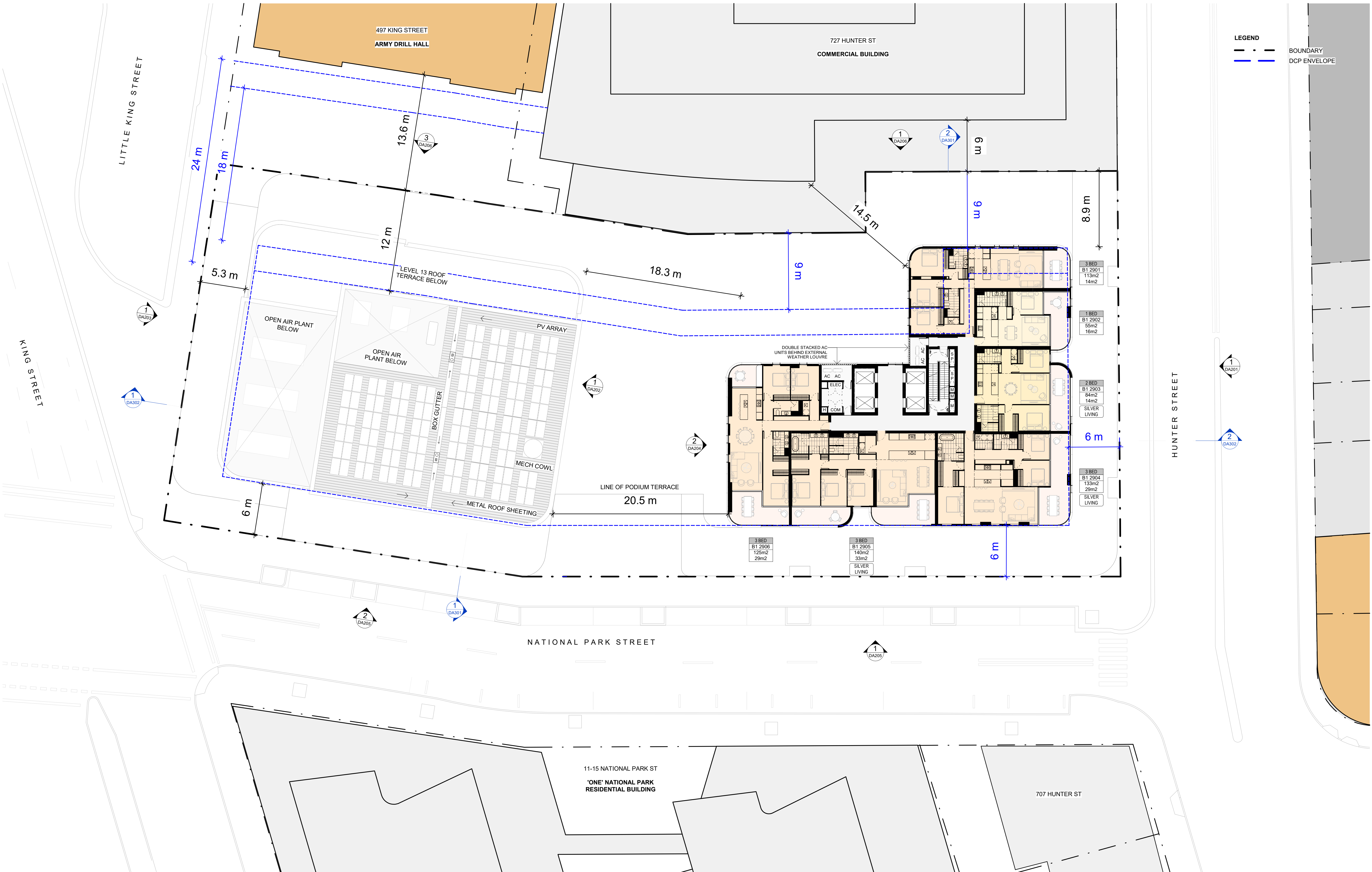
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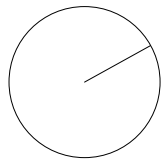
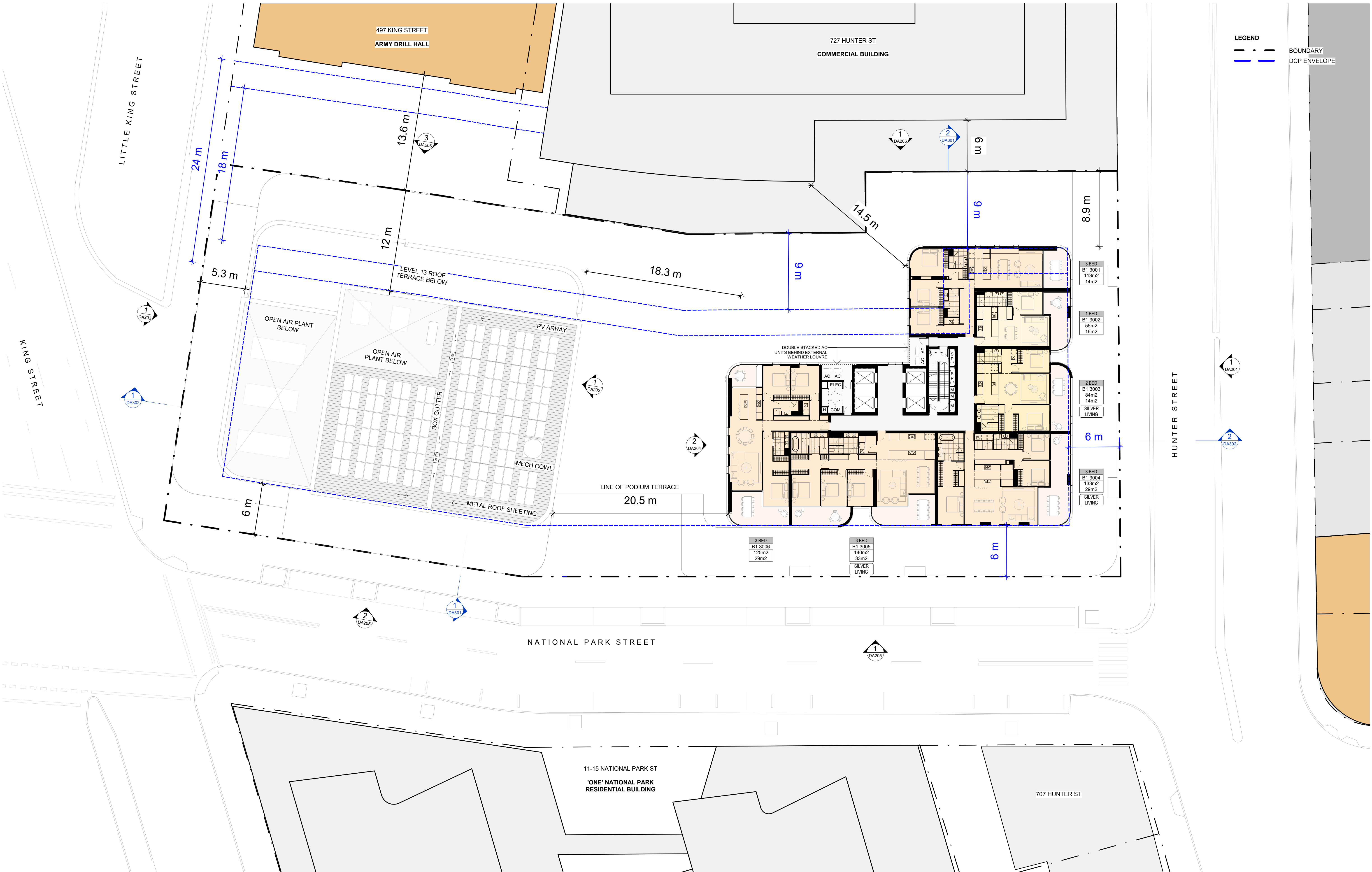
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DA125
REVISION
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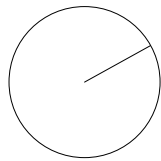
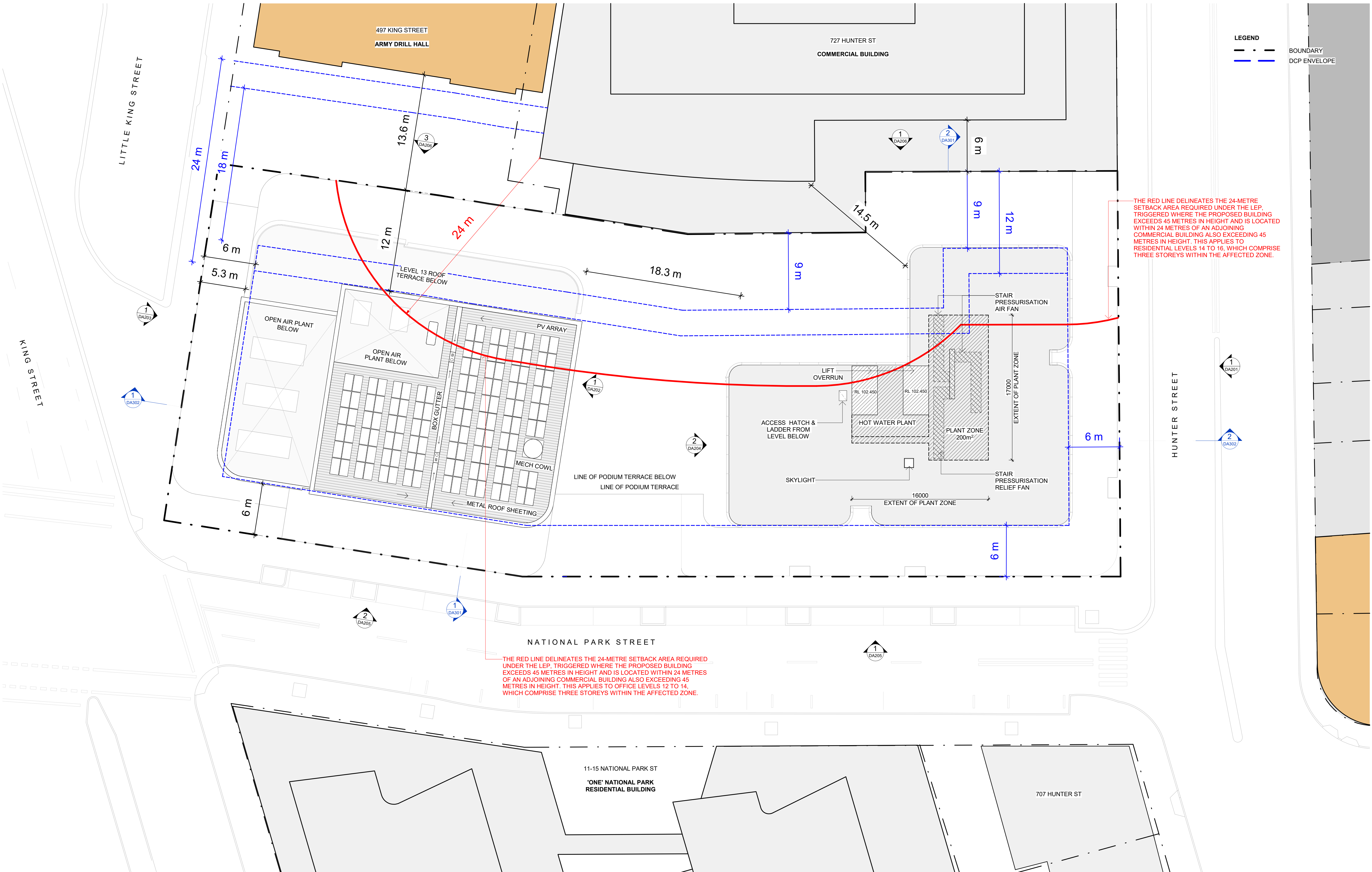


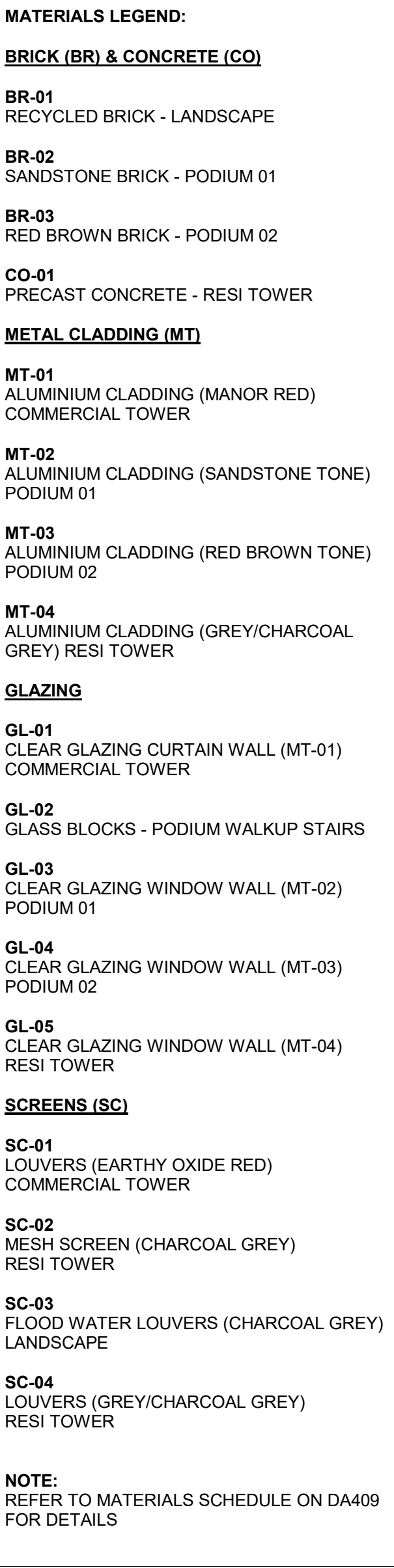












LEGEND

— • —	BOUNDARY
—	LEP 24m SETBACK
- - -	DCP ENVELOPE
- - - -	NATURAL GROUND LINE

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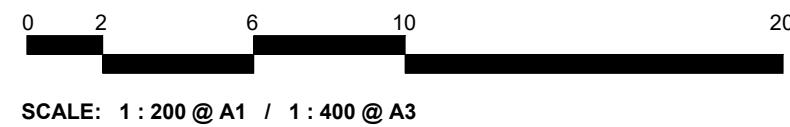
DATE
14/10/2025
24/11/2025

PROJECT NAME
711 HUNTER STREET

PROJECT NUMBER CLIENT
2414 BLOC

LOCATION
**711 HUNTER STREET
NEWCASTLE WEST NSW 2302**

DRAWING TITLE
**ELEVATION - NORTH ELEVATION -
BUILDING 1**



DRAWING NUMBER
DA201
REVISION
2

MATERIALS LEGEND:

BRICK (BR) & CONCRETE (CO)

BR-01

RECYCLED BRICK - LANDSCAPE

BR-02

SANDSTONE BRICK - PODIUM 01

BR-03

RED BROWN BRICK - PODIUM 02

CO-01

PRECAST CONCRETE - RESI TOWER

METAL CLADDING (MT)

MT-01

ALUMINIUM CLADDING (MANOR RED)
COMMERCIAL TOWER

MT-02

ALUMINIUM CLADDING (SANDSTONE TONE)
PODIUM 01

MT-03

ALUMINIUM CLADDING (RED BROWN TONE)
PODIUM 02

MT-04

ALUMINIUM CLADDING (GREY/CHARCOAL
GREY) RESI TOWER

GLAZING

GL-01

CLEAR GLAZING CURTAIN WALL (MT-01)
COMMERCIAL TOWER

GL-02

GLASS BLOCKS - PODIUM WALKUP STAIRS

GL-03

CLEAR GLAZING WINDOW WALL (MT-02)
PODIUM 01

GL-04

CLEAR GLAZING WINDOW WALL (MT-03)
PODIUM 02

GL-05

CLEAR GLAZING WINDOW WALL (MT-04)
RESI TOWER

SCREENS (SC)

SC-01

LOUVERS (EARTHY OXIDE RED)
COMMERCIAL TOWER

SC-02

MESH SCREEN (CHARCOAL GREY)
RESI TOWER

SC-03

FLOOD WATER LOUVERS (CHARCOAL GREY)
LANDSCAPE

SC-04

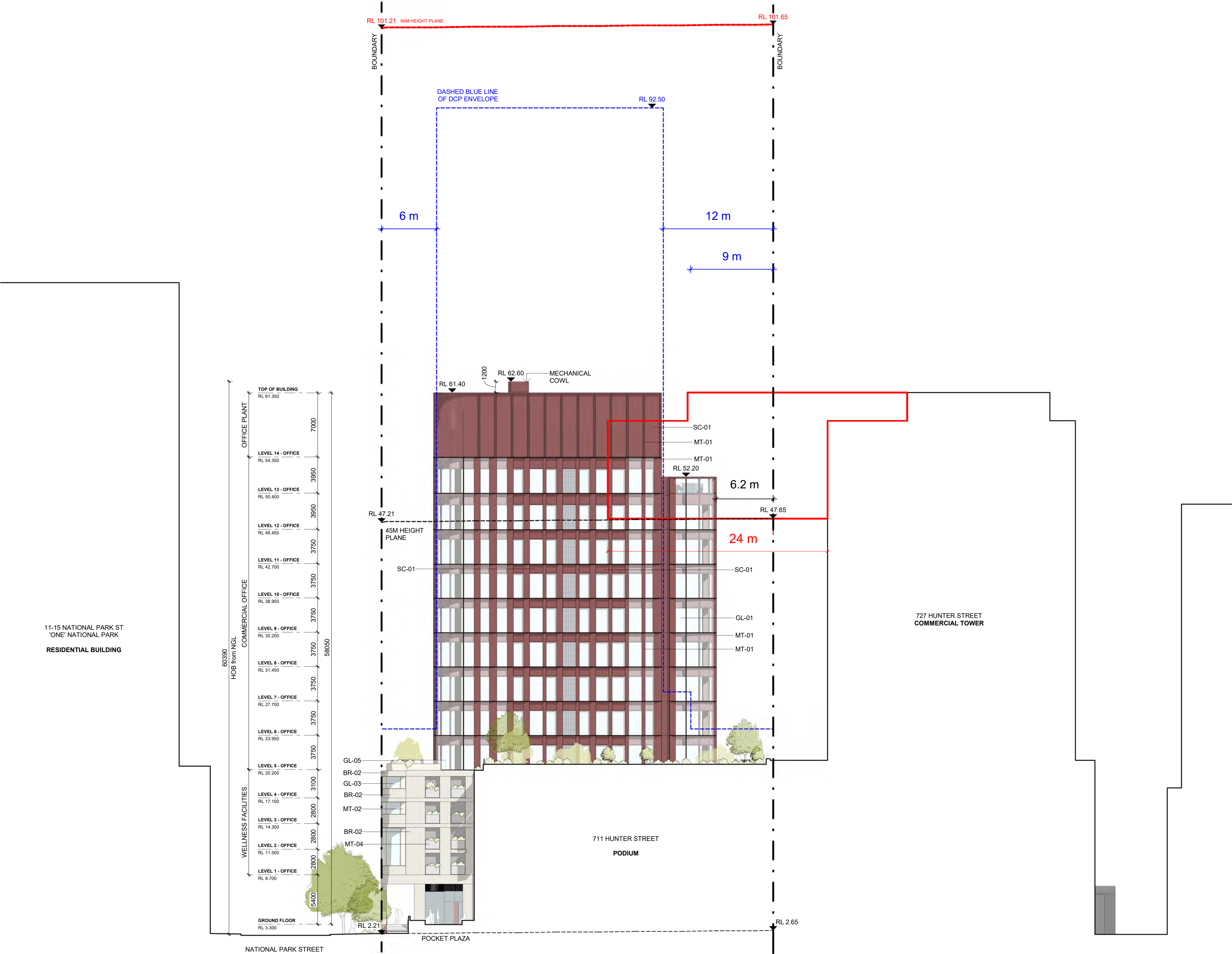
LOUVERS (GREY/CHARCOAL GREY)
RESI TOWER

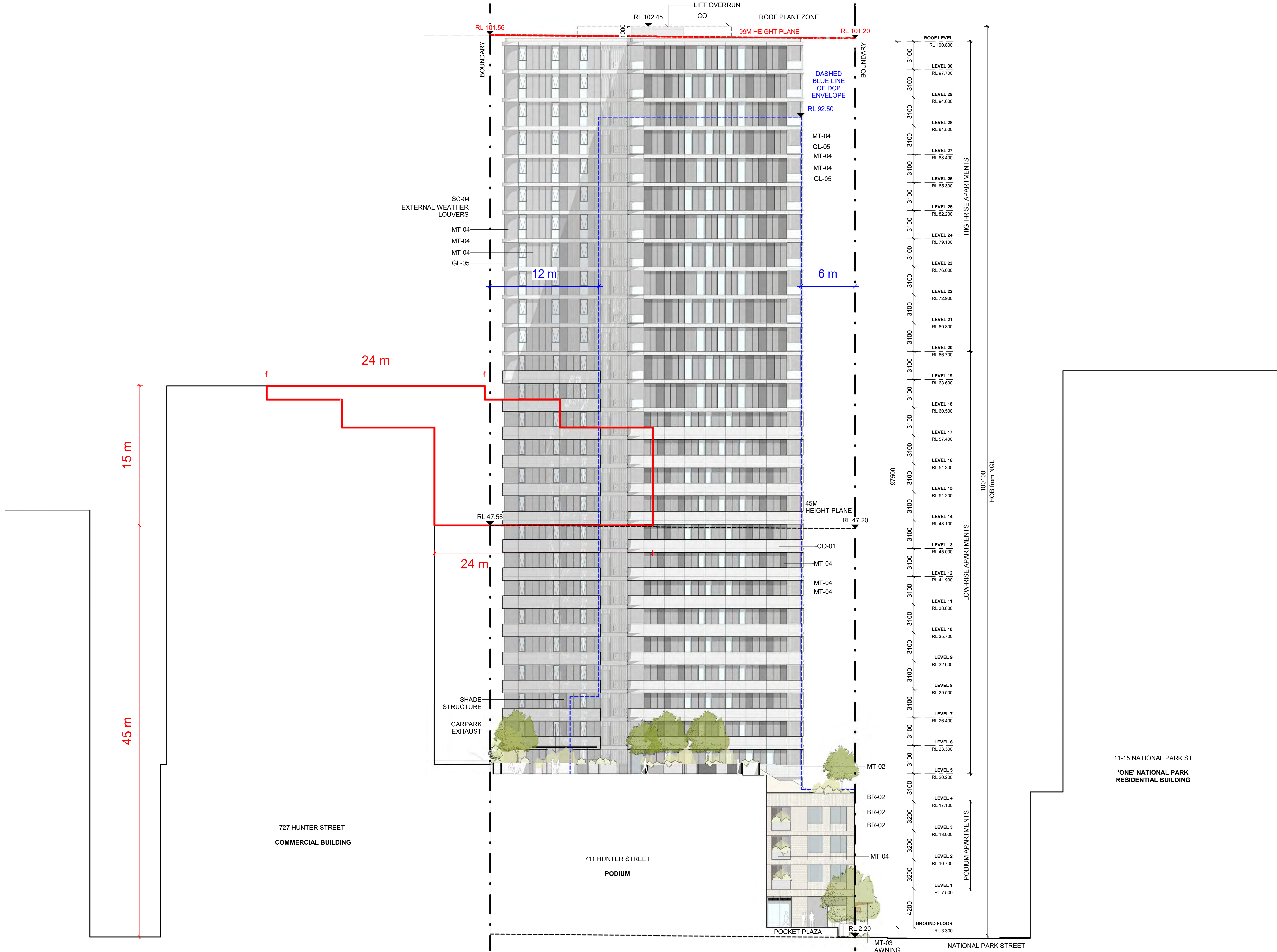
NOTE:

REFER TO MATERIALS SCHEDULE ON DA409
FOR DETAILS

LEGEND

--- BOUNDARY
--- LEP 24m SETBACK
--- DCP ENVELOPE
--- NATURAL GROUND LINE





MATERIALS LEGEND:

BRICK (BR) & CONCRETE (CO)

BR-01
RECYCLED BRICK - LANDSCAPE

BR-02
SANDSTONE BRICK - PODIUM 01

BR-03
RED BROWN BRICK - PODIUM 02

CO-01
PRECAST CONCRETE - RESI TOWER

METAL CLADDING (MT)

MT-01
ALUMINIUM CLADDING (MANOR RED)
COMMERCIAL TOWER

MT-02
ALUMINIUM CLADDING (SANDSTONE TONE)
PODIUM 01

MT-03
ALUMINIUM CLADDING (RED BROWN TONE)
PODIUM 02

MT-04
ALUMINIUM CLADDING (GREY/CHARCOAL
GREY) RESI TOWER

GLAZING

GL-01
CLEAR GLAZING CURTAIN WALL (MT-01)
COMMERCIAL TOWER

GL-02
GLASS BLOCKS - PODIUM WALKUP STAIRS

GL-03
CLEAR GLAZING WINDOW WALL (MT-02)
PODIUM 01

GL-04
CLEAR GLAZING WINDOW WALL (MT-03)
PODIUM 02

GL-05
CLEAR GLAZING WINDOW WALL (MT-04)
RESI TOWER

SCREENS (SC)

SC-01
LOUVERS (EARTHY OXIDE RED)
COMMERCIAL TOWER

SC-02
MESH SCREEN (CHARCOAL GREY)
RESI TOWER

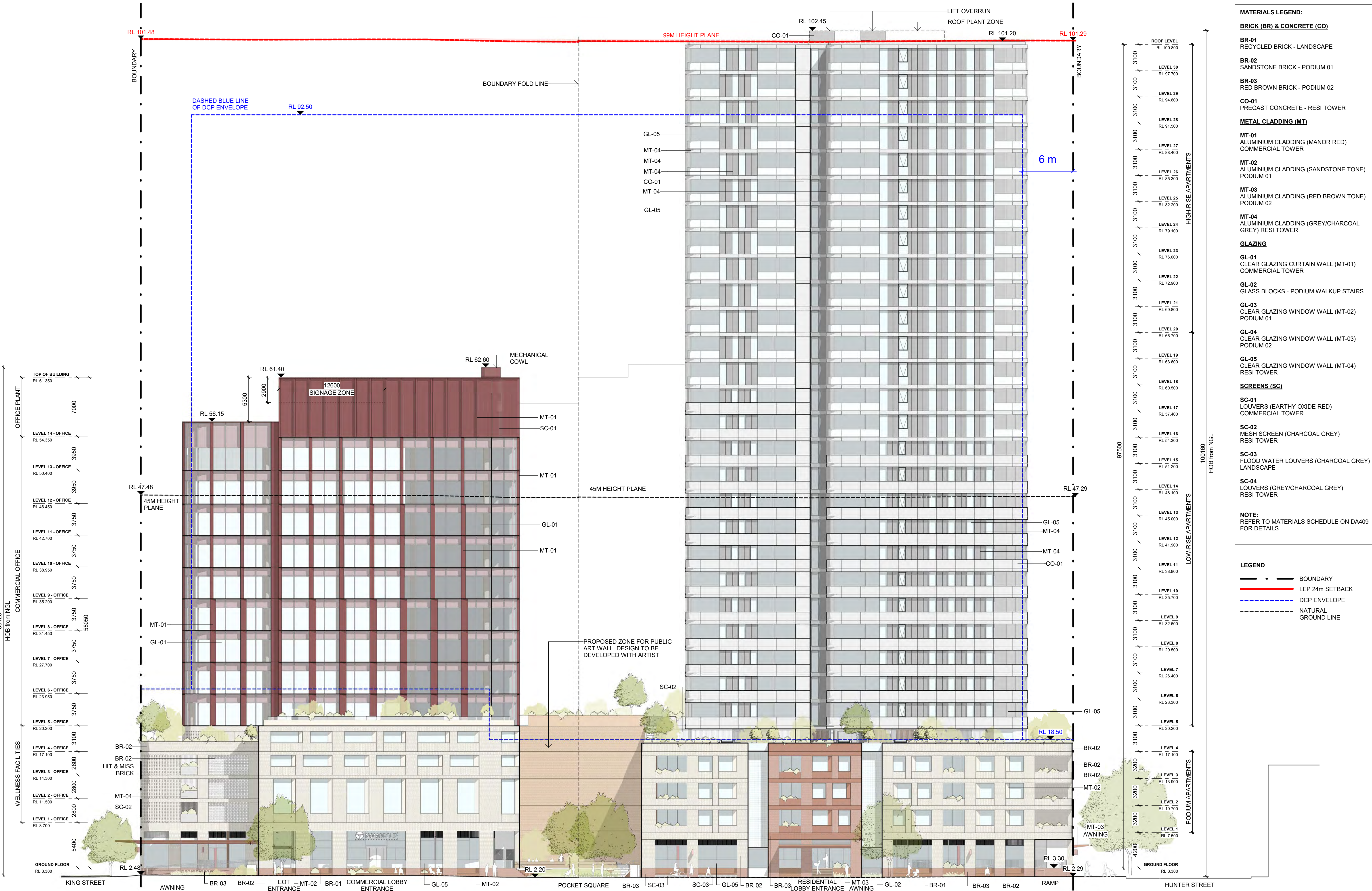
SC-03
FLOOD WATER LOUVERS (CHARCOAL GREY)
LANDSCAPE

SC-04
LOUVERS (GREY/CHARCOAL GREY)
RESI TOWER

NOTE:
REFER TO MATERIALS SCHEDULE ON DA409
FOR DETAILS

LEGEND

— . — BOUNDARY
— LEP 24m SETBACK
- - - DCP ENVELOPE
- - - NATURAL
GROUND LINE



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Nominated Architects | Marcus Graham ACT 1090 | Felicity Stewart NSW 12706

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DRAWING TO BE PRINTED IN COLOUR

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2	DA

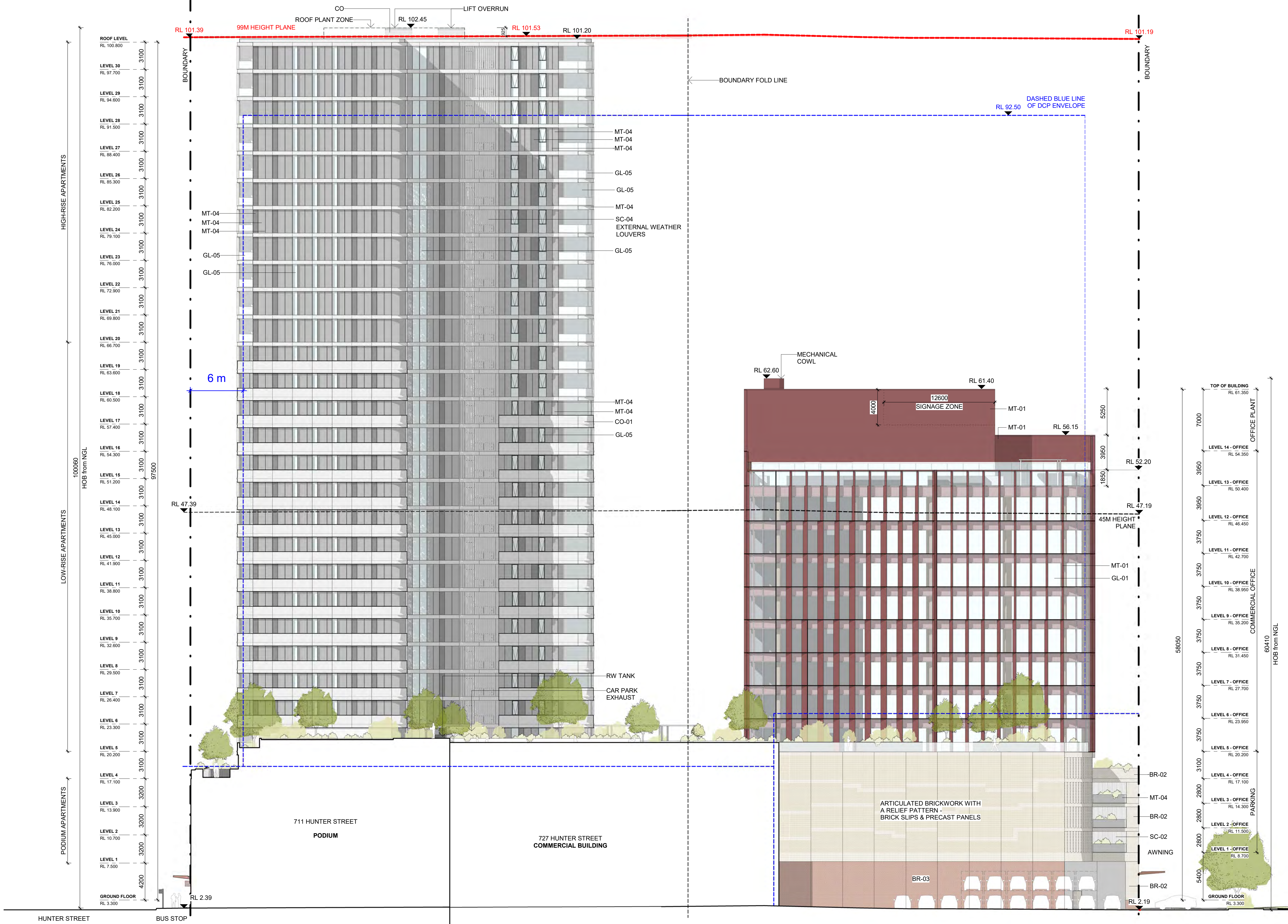
DATE
14/10/2025
24/11/2025

PROJECT NAME
711 HUNTER STREET
PROJECT NUMBER
2414
CLIENT
BLOC
LOCATION
**711 HUNTER STREET
NEWCASTLE WEST NSW 2302**

DRAWING TITLE
ELEVATION - EAST

0 2 6 10 20
SCALE: 1:200 @ A1 / 1:400 @ A3

DRAWING NUMBER
DA205
REVISION
2



MATERIALS LEGEND:

BRICK (BR) & CONCRETE (CO)

BR-01
RECYCLED BRICK - LANDSCAPE

BR-02
SANDSTONE BRICK - PODIUM 01

BR-03
RED BROWN BRICK - PODIUM 02

CO-01
PRECAST CONCRETE - RESI TOWER

METAL CLADDING (MT)

MT-01
ALUMINIUM CLADDING (MANOR RED)
COMMERCIAL TOWER

MT-02
ALUMINIUM CLADDING (SANDSTONE TONE)
PODIUM 01

MT-03
ALUMINIUM CLADDING (RED BROWN TONE)
PODIUM 02

MT-04
ALUMINIUM CLADDING (GREY/CHARCOAL GREY)
RESI TOWER

GLAZING

GL-01
CLEAR GLAZING CURTAIN WALL (MT-01)
COMMERCIAL TOWER

GL-02
GLASS BLOCKS - PODIUM WALKUP STAIRS

GL-03
CLEAR GLAZING WINDOW WALL (MT-02)
PODIUM 01

GL-04
CLEAR GLAZING WINDOW WALL (MT-03)
PODIUM 02

GL-05
CLEAR GLAZING WINDOW WALL (MT-04)
RESI TOWER

SCREENS (SC)

SC-01
LOUVERS (EARTHY OXIDE RED)
COMMERCIAL TOWER

SC-02
MESH SCREEN (CHARCOAL GREY)
RESI TOWER

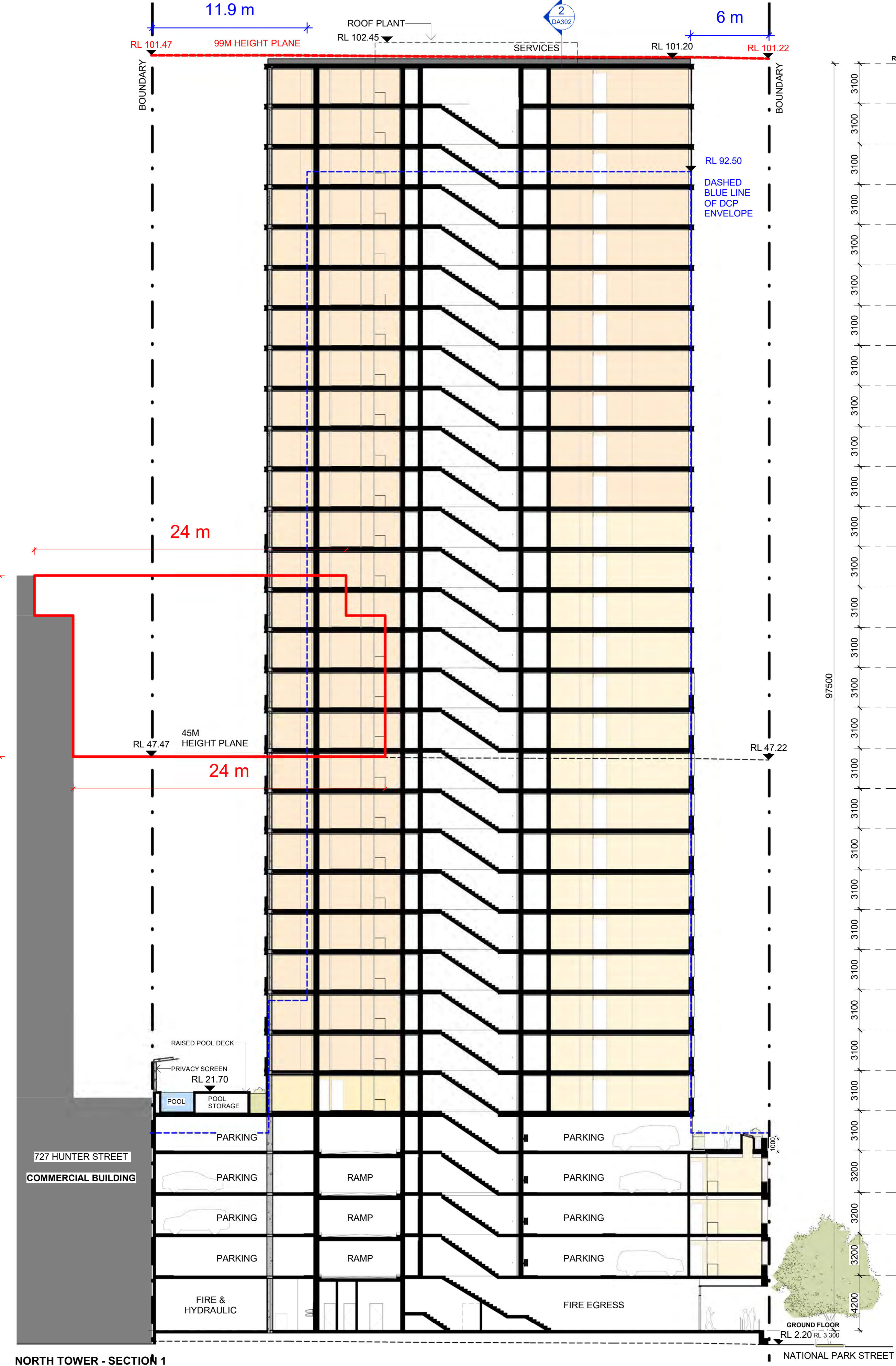
SC-03
FLOOD WATER LOUVERS (CHARCOAL GREY)
LANDSCAPE

SC-04
LOUVERS (GREY/CHARCOAL GREY)
RESI TOWER

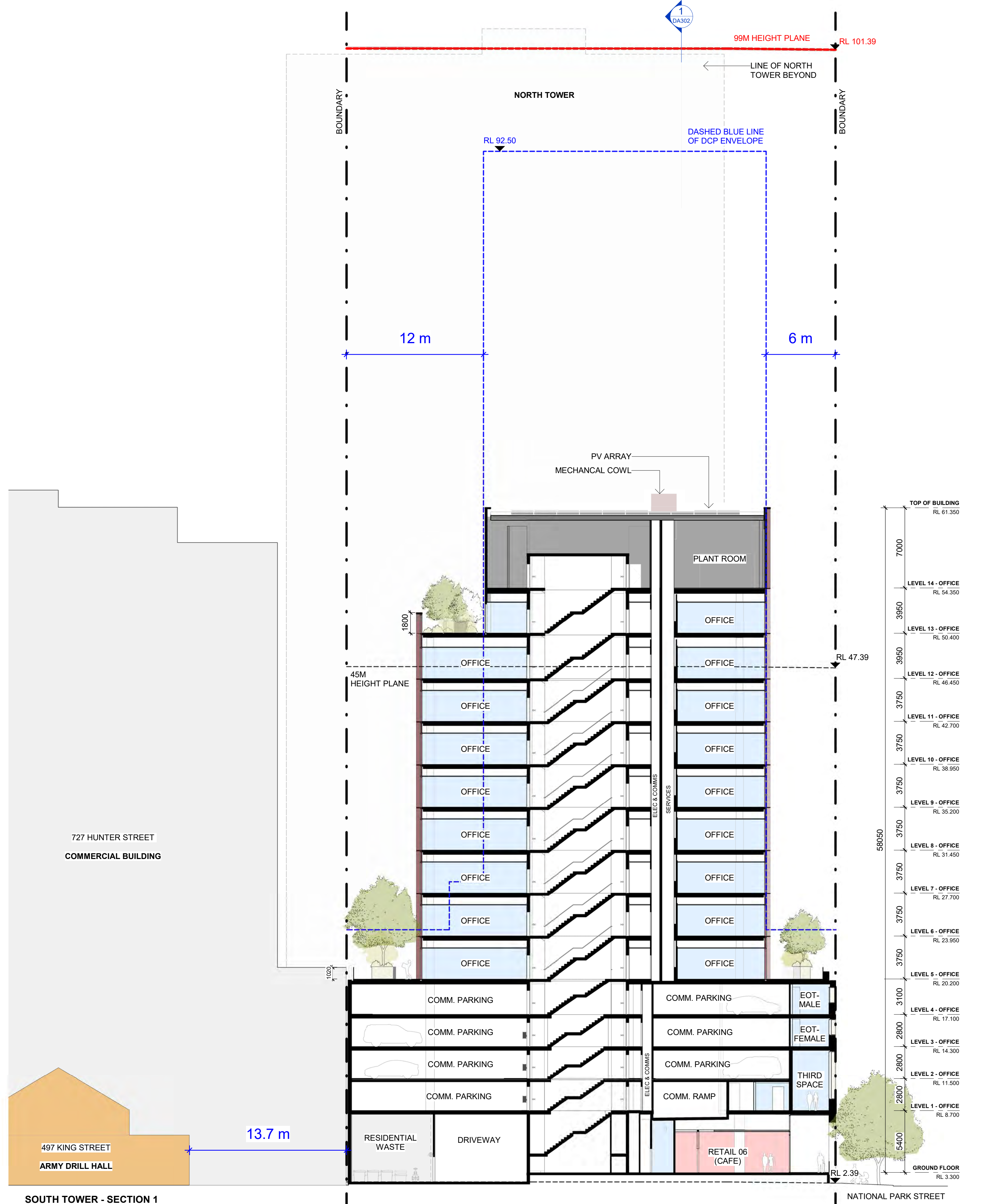
NOTE:
REFER TO MATERIALS SCHEDULE ON DA409
FOR DETAILS

LEGEND

--- BOUNDARY
--- LEP 24m SETBACK
--- DCP ENVELOPE
--- NATURAL GROUND LINE



NORTH TOWER - SECTION 1



SOUTH TOWER - SECTION 1

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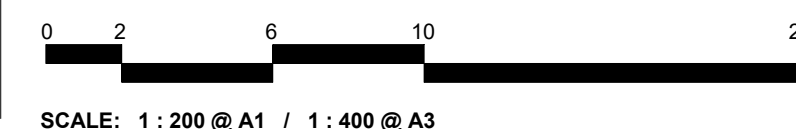
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DATE
14/10/2025
24/11/2025

PROJECT NAME
711 HUNTER STREET
PROJECT NUMBER
2414
LOCATION
**711 HUNTER STREET
NEWCASTLE WEST NSW 2302**

CLIENT
BLOC

DRAWING TITLE
SECTION - NORTH & SOUTH



DRAWING NUMBER
DA301
REVISION
2

REV	DESCRIPTION
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2	DA

DATE
14/10/2025
24/11/2025

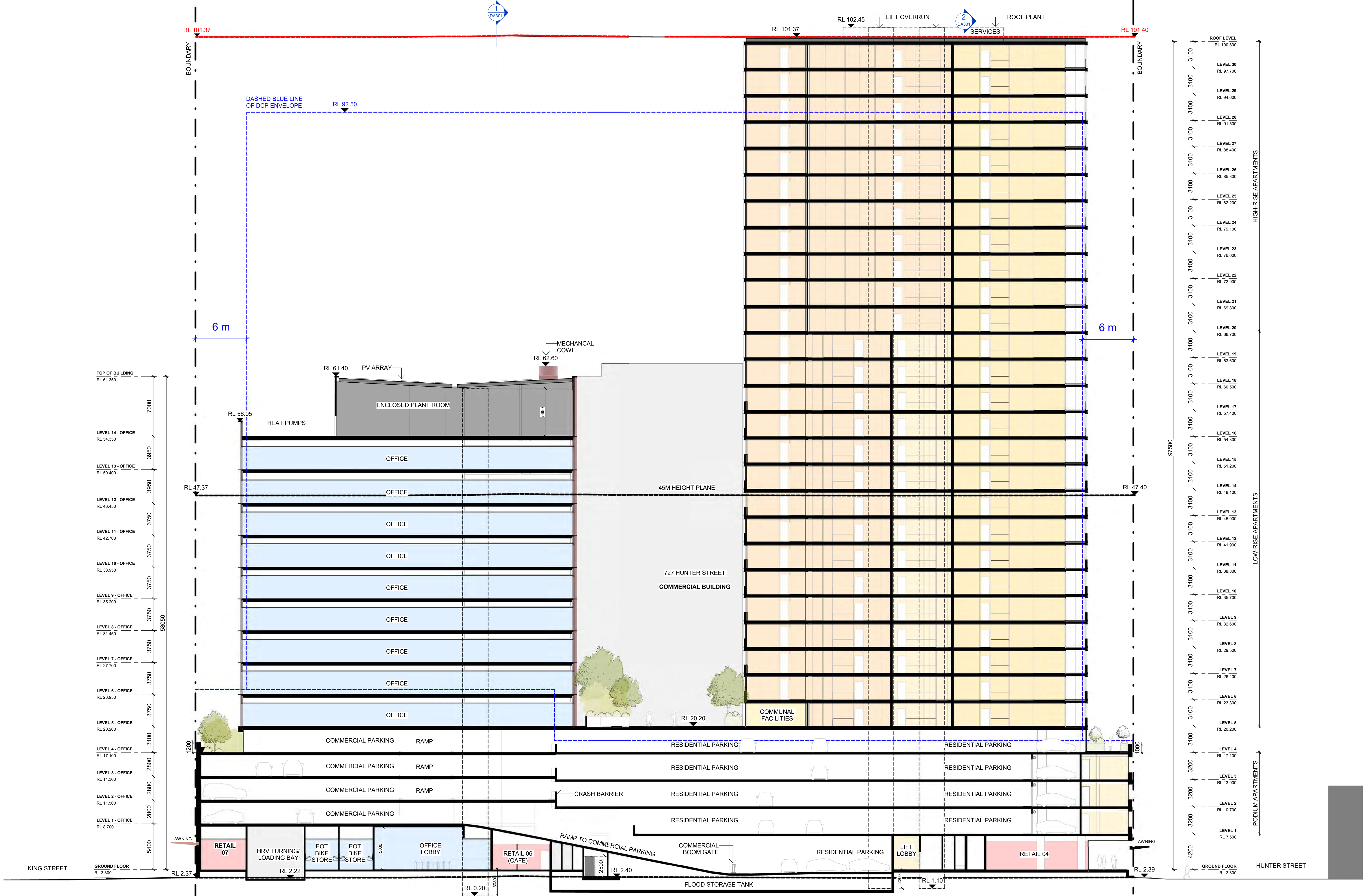
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711 HUNTER STREET
PROJECT NUMBER
2414
LOCATION
**711 HUNTER STREET
NEWCASTLE WEST NSW 2302**

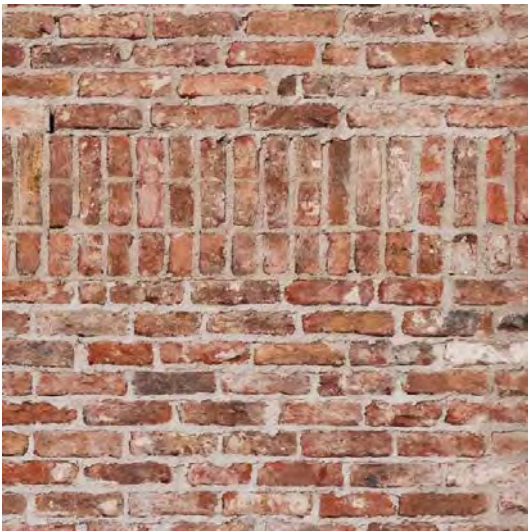
CLIENT
BLOC

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SECTION - EAST

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DRAWING NUMBER
DA302
REVISION
2

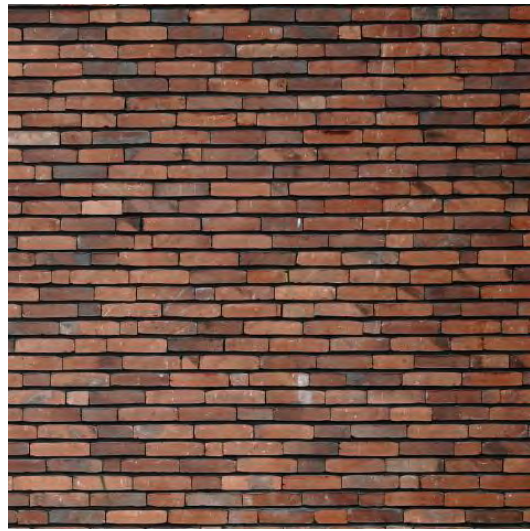




BR-01 - RECYCLED BRICKS
BLEND OF RECYCLED RED BRICKS WITH WARM EARTHY OXIDE TONES.



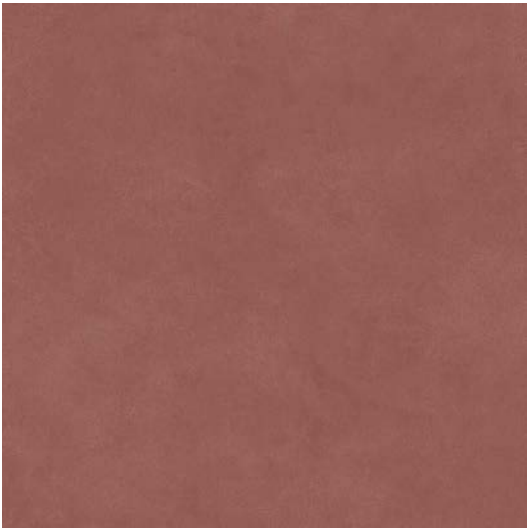
BR-02 - SANDSTONE BRICK
LIGHT, SANDY, WARM EXTRUDED BRICK WITH A SUBTLE TONAL VARIATION.
REF: KRAUS STANDARD 76MM SANDSTONE



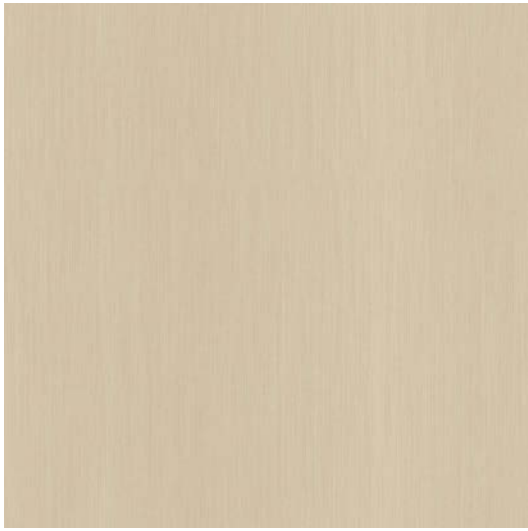
BR-03 - RED BROWN BRICK
RICH RED-BROWN EXTRUDED BRICK WITH DEPTH AND TONAL VARIATION.
REF: BRICKWORKS HAWTHORN TAN 76MM



CO-01 - PRECAST CONCRETE PANELS
SMOOTH FINISH PRECAST CONCRETE SEALED WITH A PENETRATING PROTECTIVE TREATMENT FOR DURABILITY WHILE MAINTAINING NATURAL APPEARANCE.



MT-01 - ALUMINIUM CLADDING (MANOR RED)
ALUMINIUM CLADDING IN EARTHY OXIDE RED FINISH
REF: DULUX MANOR RED



MT-02 - ALUMINIUM CLADDING (SANDSTONE TONE)
COLOR TO MATCH BR-01.
REF: RAL 1001 BEIGE / RAL 1015 LIGHT IVORY



MT-03 - ALUMINIUM CLADDING (RED BROWN TONE)
COLOR TO MATCH BR-02
REF: RAL 3009 OXIDE RED / RAL 8012 RED BROWN



MT-04 - ALUMINIUM CLADDING (GREY/ CHARCOAL GREY)
ALUMINIUM CLADDING IN A NEUTRAL GREY TO CHARCOAL TONE FINISH.



GL-01 - CLEAR DOUBLE GLAZED UNIT
HIGH-PERFORMANCE ALUMINIUM CURTAIN WALL SYSTEM, ALUMINIUM FRAME & SHADING PANELS MT-01



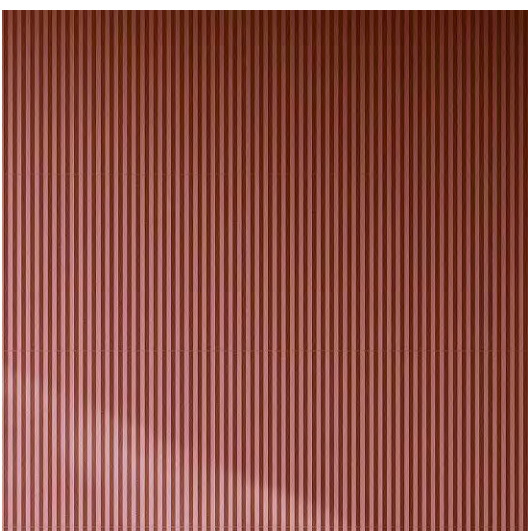
GL-02 - GLASS BLOCKS
FOR WALK-UP STAIRS



GL-03 - CLEAR DOUBLE GLAZING (MT-02)
GL-04 - CLEAR DOUBLE GLAZING (MT-03)
ALUMINIUM WINDOW WALL SYSTEM, ALUMINIUM FRAME WITH ANGLED REVEAL MT-02/MT-03. REFER TO BASIX



GL-05 - CLEAR DOUBLE GLAZING
ALUMINIUM WINDOW WALL SYSTEM, ALUMINIUM FRAME MT-04
REFER TO BASIX.



SC-01 - ALUMINIUM LOUVRES
REF: DULUX MANOR RED
LOUVRES FINISHED TO MATCH MT-01



SC-02 - MESH SCREEN
(CHARCOAL GREY)
TENSILE WIRE BACKING, COLOR TO MATCH MT-04



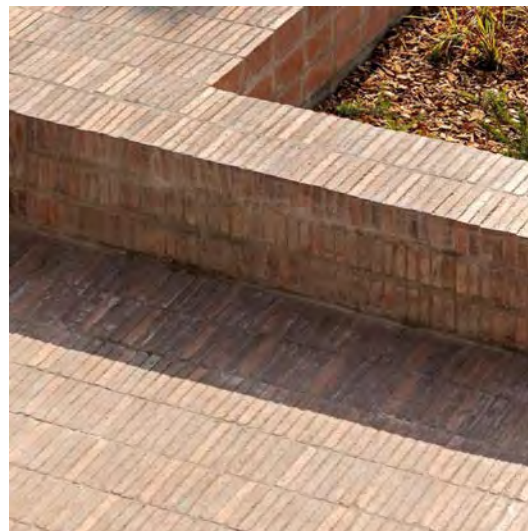
SC-03 - FLOOD WATER OPENING LOUVRES
(GREY/CHARCOAL GREY)
COLOR TO MATCH MT-04



SC-04 - EXTERNAL WEATHER ALUMINIUM LOUVRES
(GREY/CHARCOAL GREY)
COLOR TO MATCH MT-04



LANDSCAPE
REFER TO LANDSCAPE ARCHITECT'S REPORT



APARTMENT 1A - TYPICAL

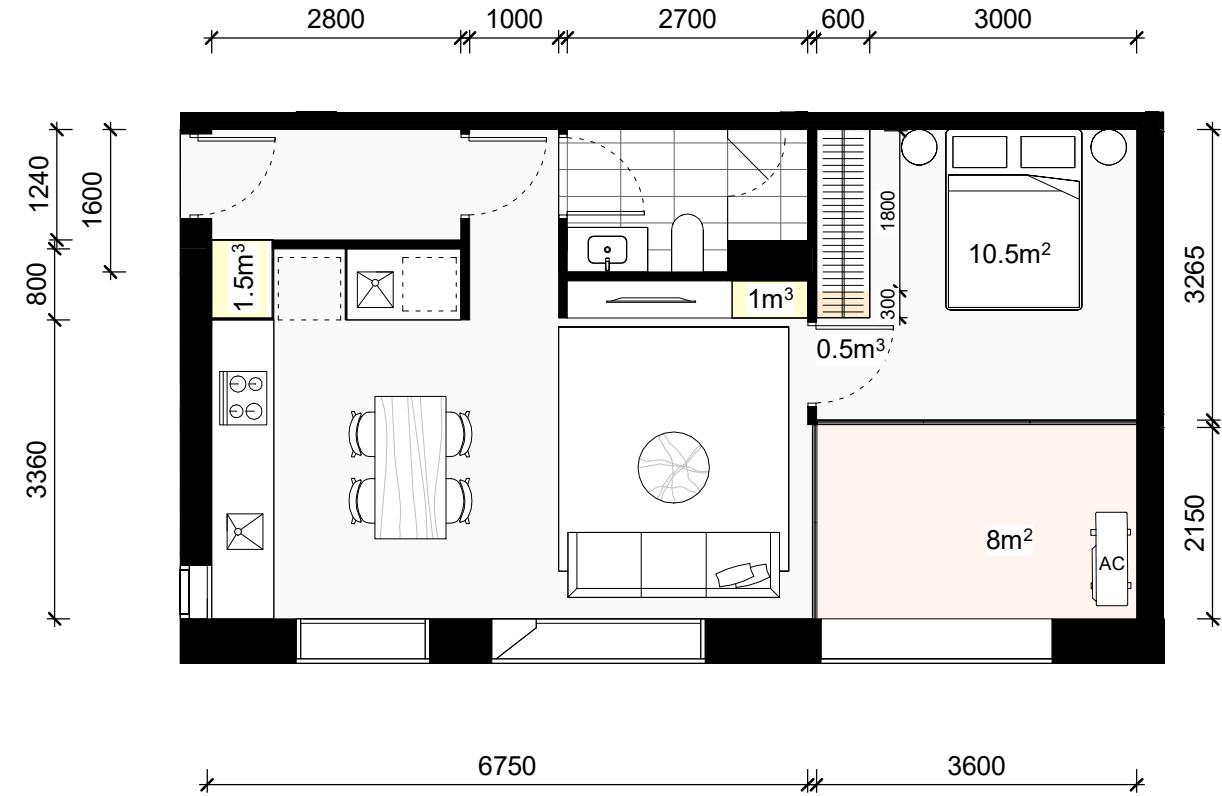
INTERNAL AREA 50m²
OUTDOOR AREA 8m²

UNIT NUMBERS
B1 0101, B1 0102, B1 0103, B1 0105,
B1 0106, B1 0107 (SIM)

STORAGE – ADG REQUIREMENT:		
STORAGE	ACHIEVED (m³)	REQUIRED (m³)
INTERNAL	3.0	≥ 3.0 (50%)
STORAGE (GARAGE)	3.0	≤ 3.0 (balance)
TOTAL	6.0	6.0 minimum

BICYCLE REQUIREMENT:
IN ADDITION TO THE ADG ALLOWANCE

LOCATION: ACHIEVED (m³)
STORAGE CAGE 1.4



APARTMENT 1B - TYPICAL

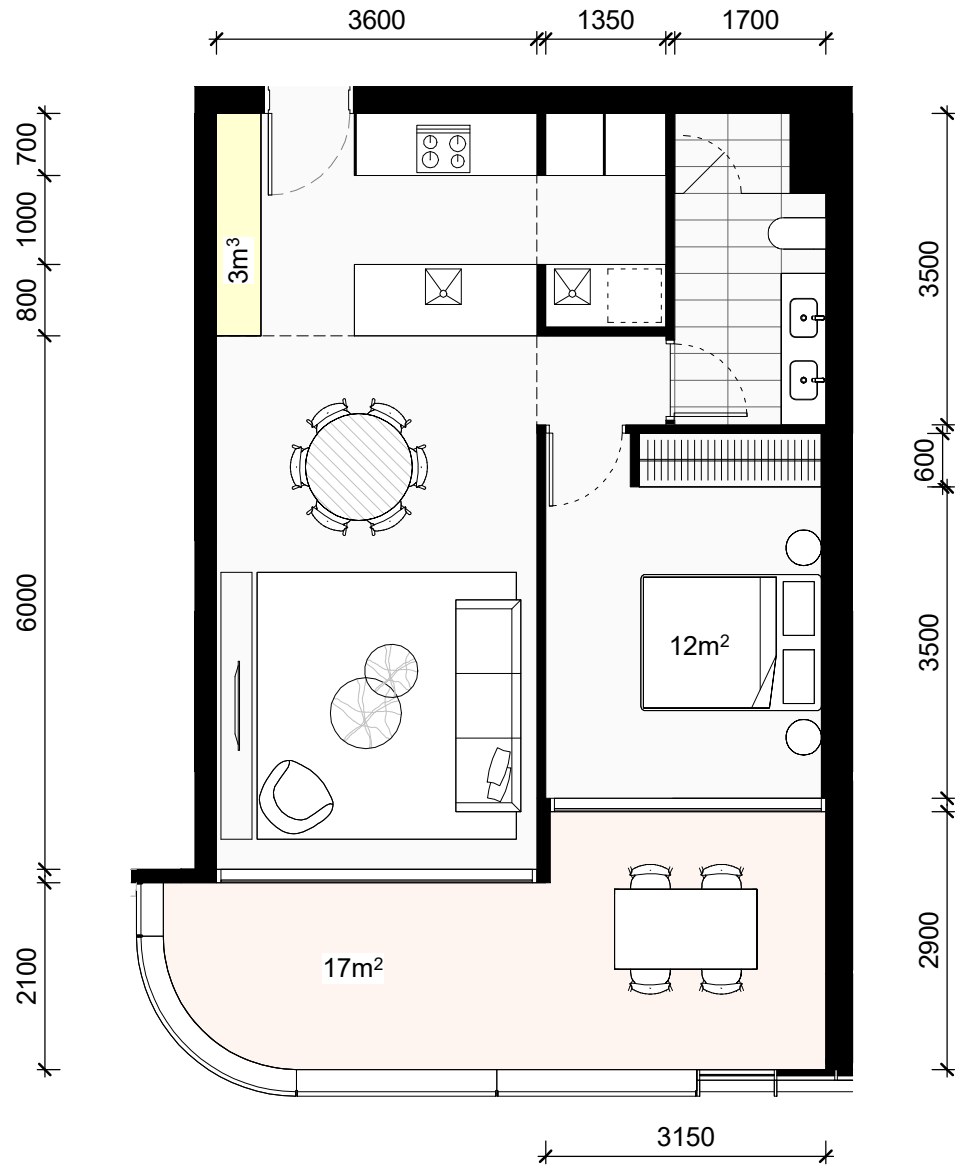
INTERNAL GFA 56m²
OUTDOOR AREA 16m²

UNIT NUMBERS
B1 0502, B1 0505, B1 0602, B1 0605,
B1 2002, B1 2802 (SIM)

STORAGE – ADG REQUIREMENT:		
STORAGE	ACHIEVED (m³)	REQUIRED (m³)
INTERNAL	3.0	≥ 3.0 (50%)
STORAGE CAGE	3.2	≤ 3.0 (balance)
TOTAL	6.2	6.0 minimum

BICYCLE REQUIREMENT:
IN ADDITION TO THE ADG ALLOWANCE

LOCATION: ACHIEVED (m³)
STORAGE CAGE 1.4



APARTMENT 2A - TYPICAL

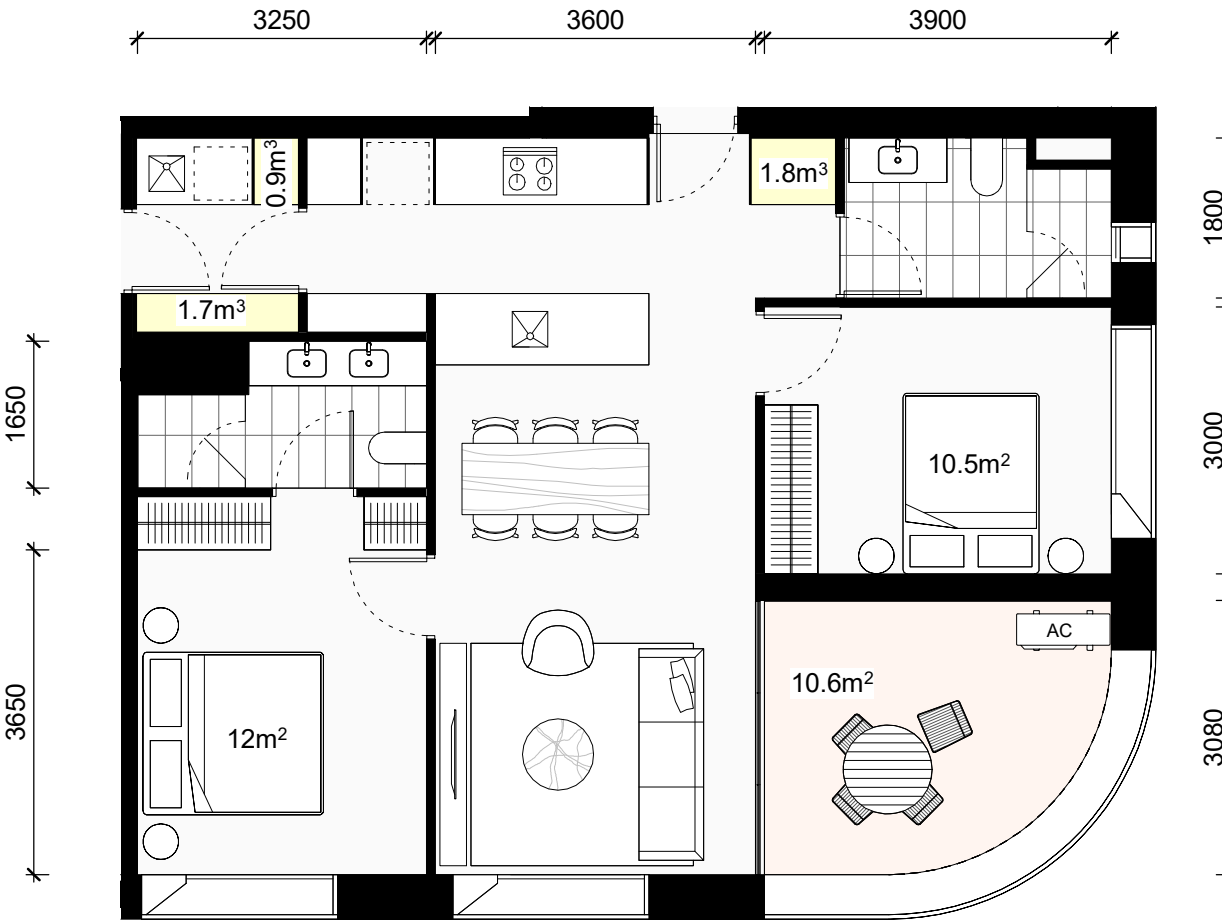
INTERNAL AREA 78m²
OUTDOOR AREA 10.6m²

UNIT NUMBERS
B1 0104, B1 0204, B1 0304

STORAGE – ADG REQUIREMENT:		
STORAGE	ACHIEVED (m³)	REQUIRED (m³)
INTERNAL	4.4	≥ 4.0 (50%)
STORAGE (GARAGE)	4.0	≤ 4.0 (balance)
TOTAL	8.4	8.0 minimum

BICYCLE REQUIREMENT:
IN ADDITION TO THE ADG ALLOWANCE

LOCATION: ACHIEVED (m³)
STORAGE CAGE 1.4



APARTMENT 2B - TYPICAL
SILVER LIVING

INTERNAL GFA 85m²
OUTDOOR AREA 13m²

UNIT NUMBERS
B1 0503, B1 0506, B1 0603, B1 0606,
B1 2003, B1 2803 (SIM)

STORAGE – ADG REQUIREMENT:		
STORAGE	ACHIEVED (m³)	REQUIRED (m³)
INTERNAL	4.8	≥ 4.0 (50%)
STORAGE CAGE	3.2	≤ 4.0 (balance)
TOTAL	8.0	8.0 minimum

BICYCLE REQUIREMENT:
IN ADDITION TO THE ADG ALLOWANCE

LOCATION: ACHIEVED (m³)
STORAGE CAGE 1.4



APARTMENT 2C - TYPICAL

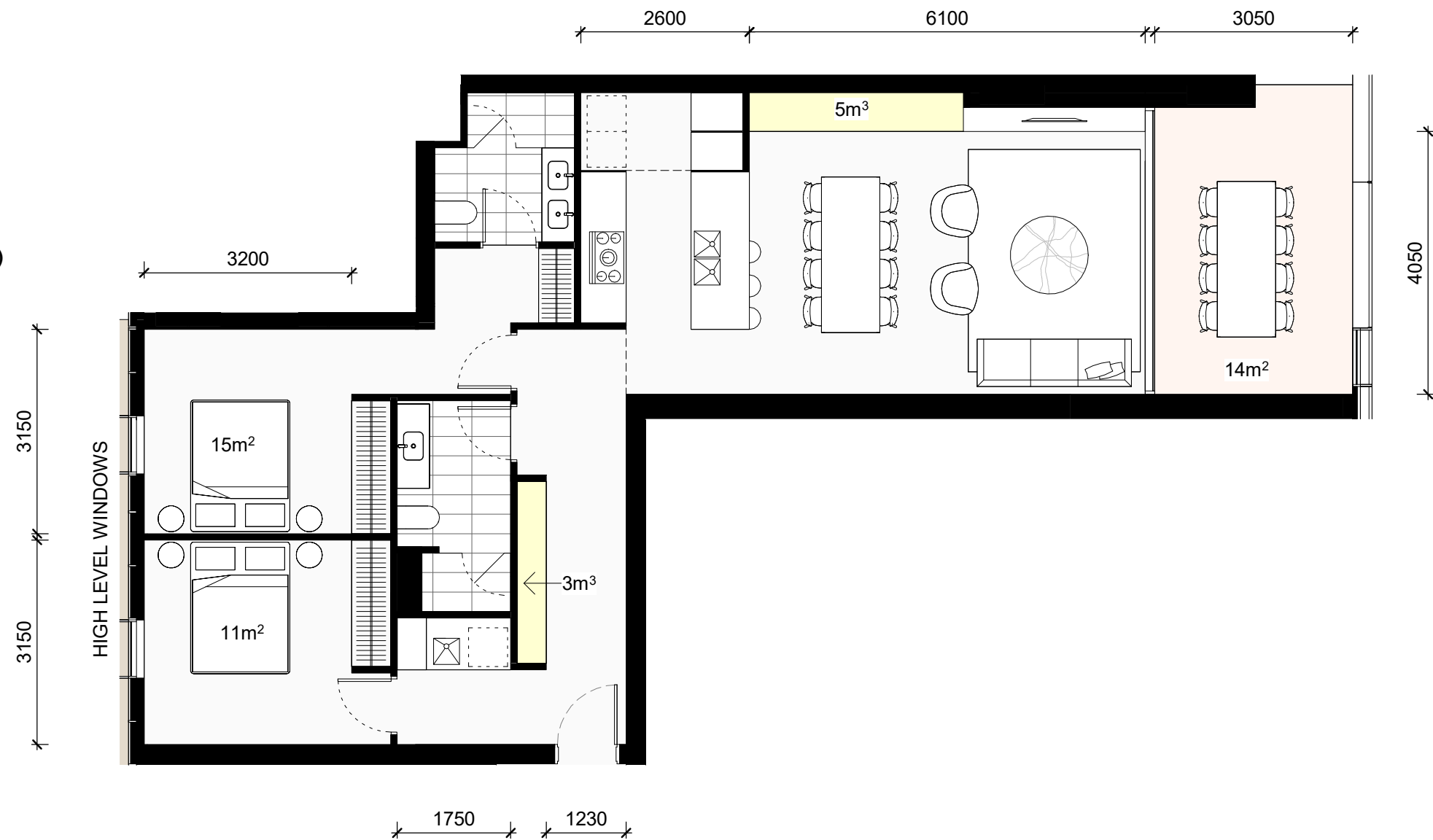
INTERNAL AREA 98m²
OUTDOOR AREA 14m²

UNIT NUMBERS
B1 0501

STORAGE – ADG REQUIREMENT:		
STORAGE	ACHIEVED (m³)	REQUIRED (m³)
INTERNAL	8	≥ 4.0 (50%)
STORAGE	4.0	≤ 4.0 (balance)
TOTAL	12	8.0 minimum

BICYCLE REQUIREMENT:
IN ADDITION TO THE ADG ALLOWANCE

LOCATION: ACHIEVED (m³)
STORAGE CAGE 1.4



LEGEND

- INTERNAL STORAGE
- BEDROOM STORAGE IN EXCESS OF ADG REQUIREMENTS

NOTE:

- INTERNAL STORAGE CALCULATED WITH ASSUMED HEIGHT OF 2400mm
- INTERNAL STORAGE DOES NOT INCLUDE KITCHEN & BATHROOM
- BEDROOM STORAGE IN EXCESS OF THE ADG MINIMUM REQUIREMENTS IS INCLUDED IN STORAGE CALCULATIONS
- BASEMENT STORAGE CAGE VOLUME CALCULATED WITH ASSUMED HEIGHT OF 2100mm

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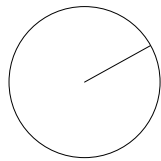
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REV	DESCRIPTION
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2	DA

DATE
14/10/2025
24/11/2025

PROJECT NAME
711 HUNTER STREET
PROJECT NUMBER
2414
LOCATION
**711 HUNTER STREET
NEWCASTLE WEST NSW 2302**

CLIENT
BLOC



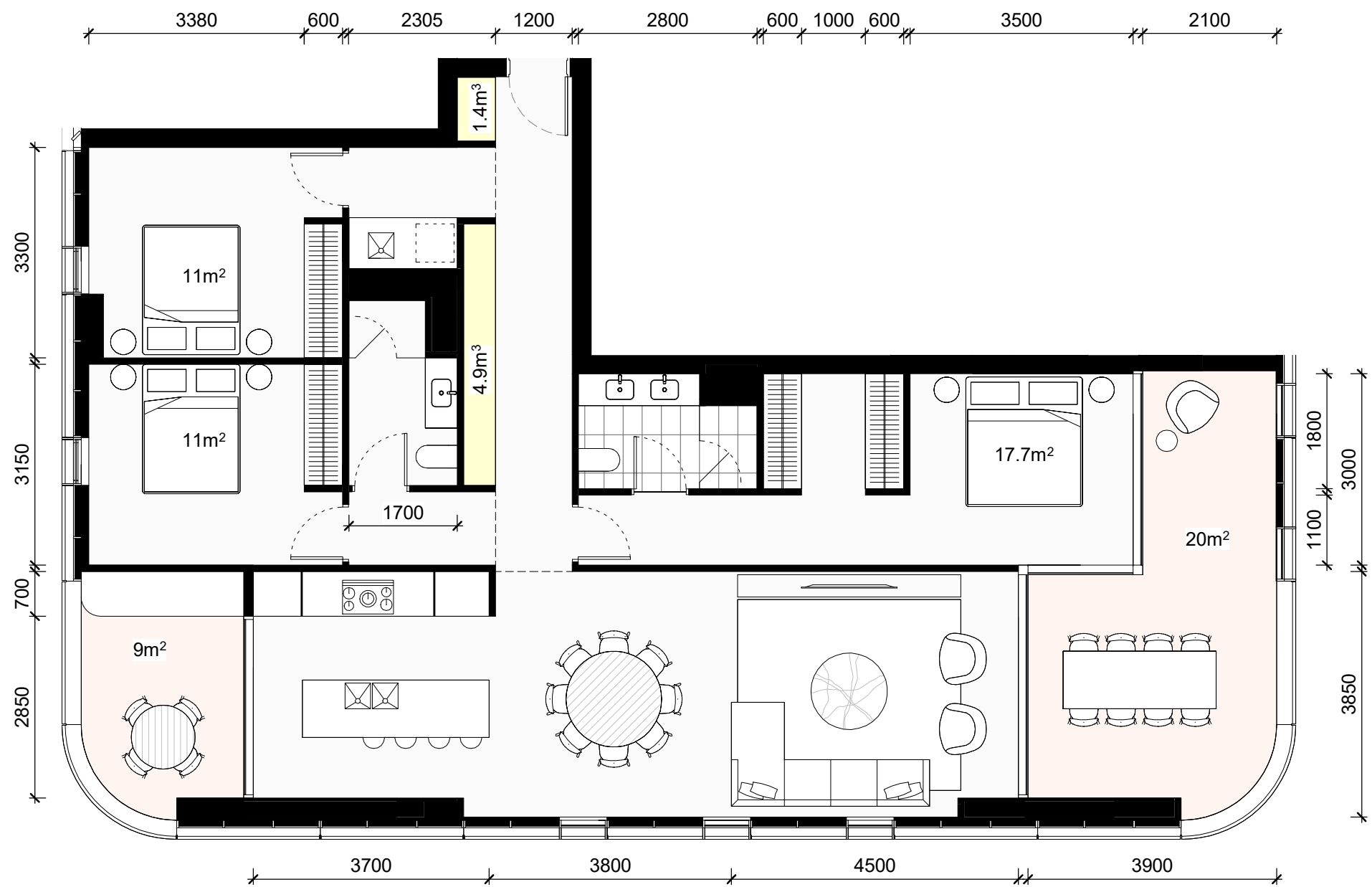
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UNIT TYPE PLANS - SHEET 1

SCALE: 1:85 @ A1 / 1:170 @ A3

DRAWING NUMBER
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REVISION
2

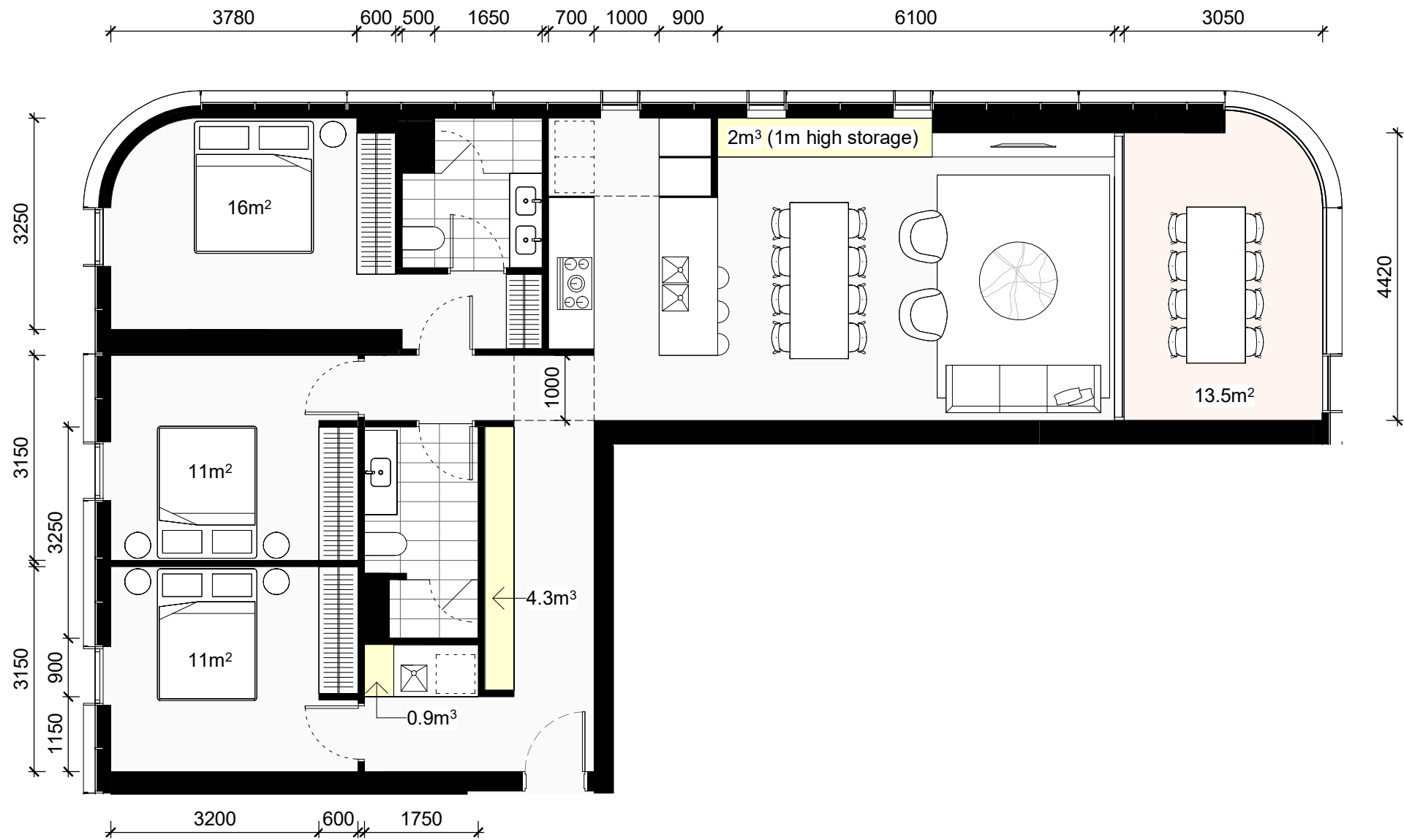
APARTMENT 3A - TYPICAL

INTERNAL GFA	125m ²
OUTDOOR AREA	29m ²
UNIT NUMBERS	
B1 0607, B1 2806 (SIM)	
STORAGE – ADG REQUIREMENT:	
STORAGE	ACHIEVED (m³)
INTERNAL	6.3
STORAGE CAGE	3.2
TOTAL	9.5
REQUIRED (m³)	
≥ 5.0 (50%)	
≤ 5.0 (balance)	
10.0 minimum	
BICYCLE REQUIREMENT:	
IN ADDITION TO THE ADG ALLOWANCE	
LOCATION:	ACHIEVED (m³)
STORAGE CAGE	1.4



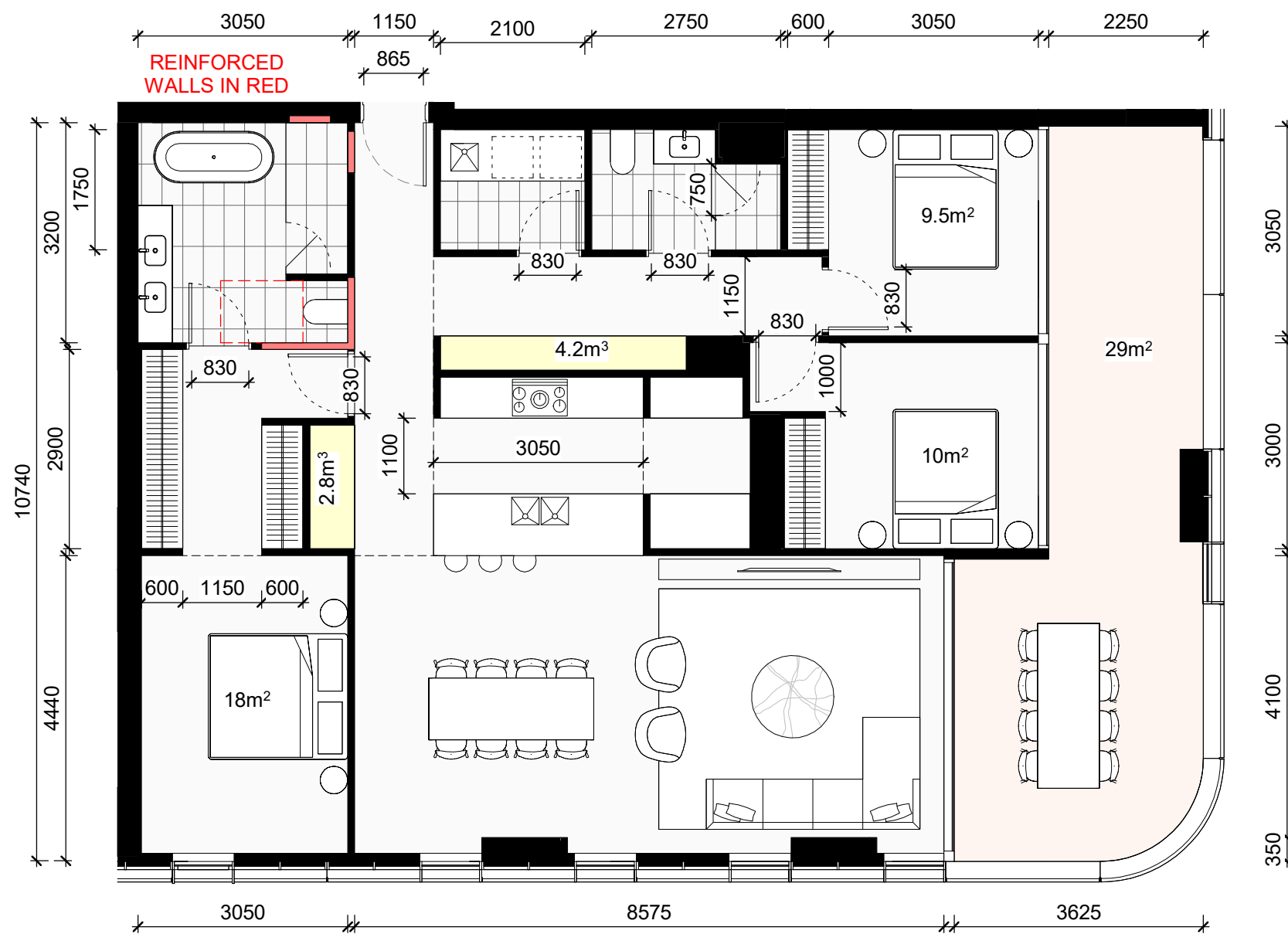
APARTMENT 3B - TYPICAL

INTERNAL GFA	113m ²
OUTDOOR AREA	14m ²
UNIT NUMBERS	
B1 0601, B1 2801 (SIM)	
STORAGE – ADG REQUIREMENT:	
STORAGE	ACHIEVED (m³)
INTERNAL	7.2
STORAGE CAGE	3.2
TOTAL	10.4
REQUIRED (m³)	
≥ 5.0 (50%)	
≤ 5.0 (balance)	
10.0 minimum	
BICYCLE REQUIREMENT:	
IN ADDITION TO THE ADG ALLOWANCE	
LOCATION:	ACHIEVED (m³)
STORAGE CAGE	1.4



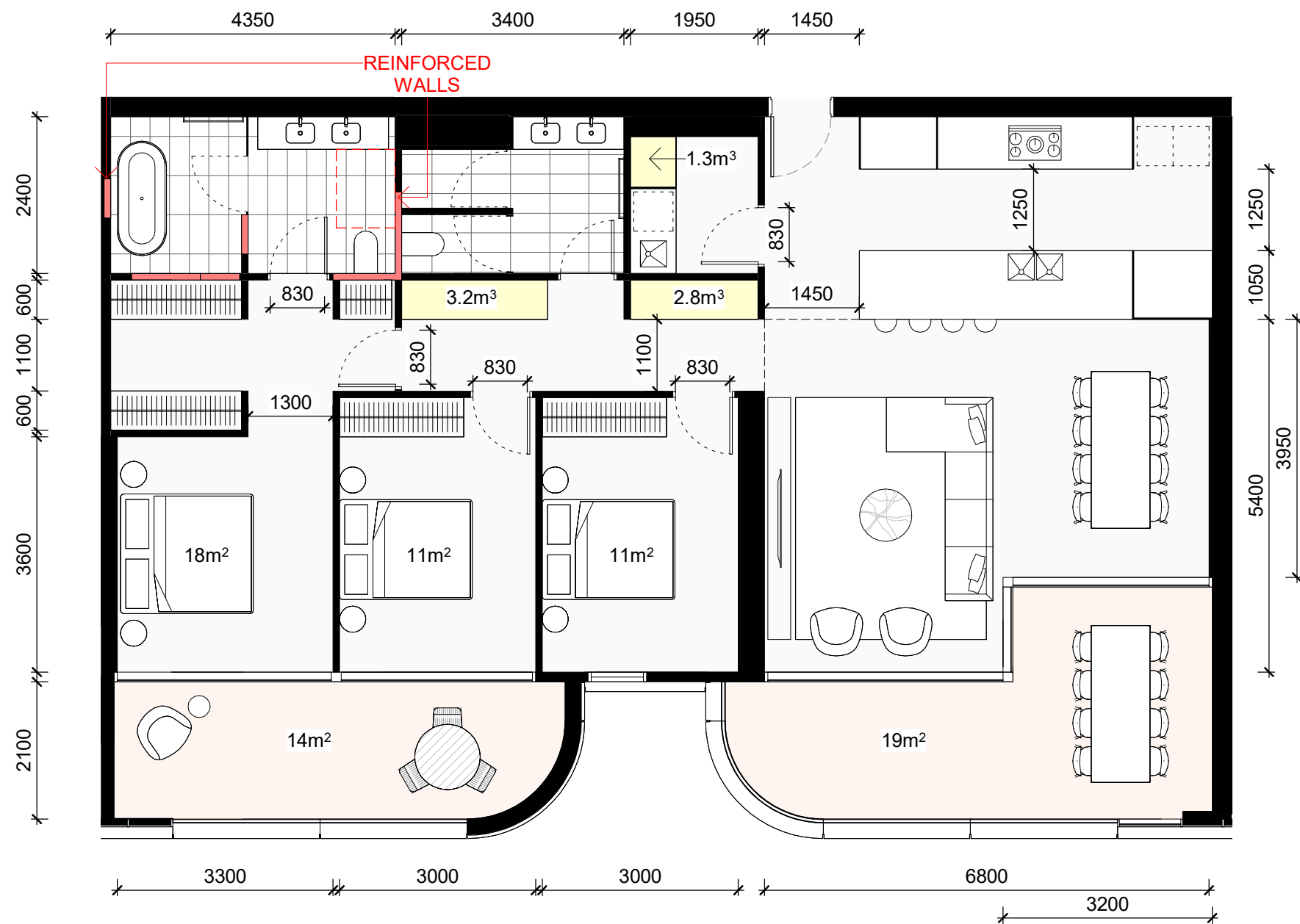
APARTMENT 3C - TYPICAL
SILVER LIVING (STANDARD)

INTERNAL GFA	133m ²
OUTDOOR AREA	29m ²
UNIT NUMBERS	
B1 0504, B1 0604, B1 2804 (SIM)	
STORAGE – ADG REQUIREMENT:	
STORAGE	ACHIEVED (m³)
INTERNAL	7
STORAGE CAGE	3.2
TOTAL	10.2
REQUIRED (m³)	
≥ 5.0 (50%)	
≤ 5.0 (balance)	
10.0 minimum	
BICYCLE REQUIREMENT:	
IN ADDITION TO THE ADG ALLOWANCE	
LOCATION:	ACHIEVED (m³)
STORAGE CAGE	1.4



APARTMENT 3D - TYPICAL
SILVER LIVING (STANDARD)

INTERNAL GFA	140m ²
OUTDOOR AREA	33m ²
UNIT NUMBERS	
B1 2005, B1 2805 (SIM)	
STORAGE – ADG REQUIREMENT:	
STORAGE	ACHIEVED (m³)
INTERNAL	7.2
STORAGE CAGE	3.2
TOTAL	10.4
REQUIRED (m³)	
≥ 5.0 (50%)	
≤ 5.0 (balance)	
10.0 minimum	
BICYCLE REQUIREMENT:	
IN ADDITION TO THE ADG ALLOWANCE	
LOCATION:	ACHIEVED (m³)
STORAGE CAGE	1.4

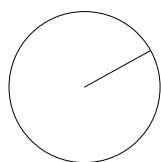


LEGEND

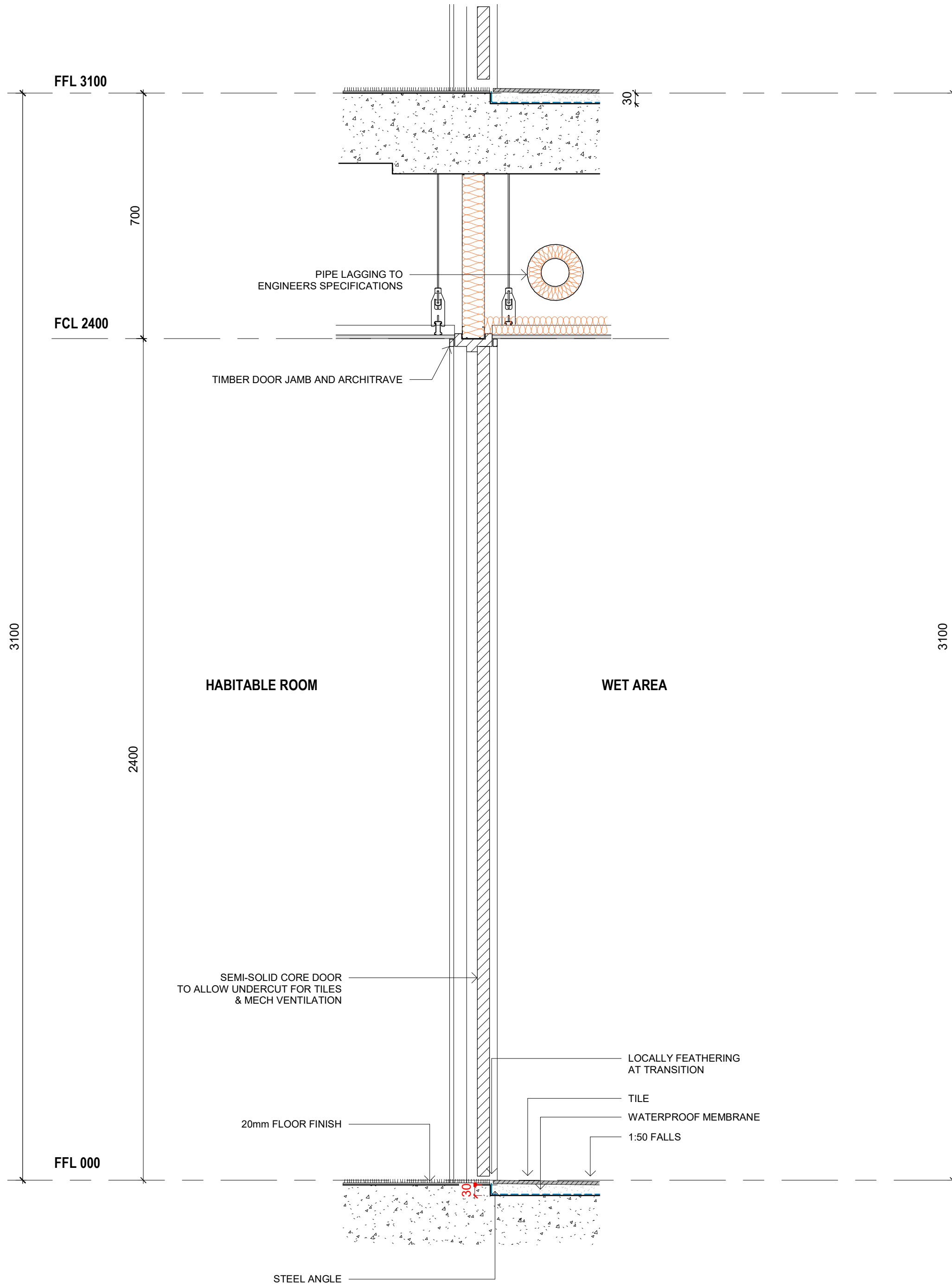
- INTERNAL STORAGE
- BEDROOM STORAGE IN EXCESS OF ADG REQUIREMENTS

NOTE:

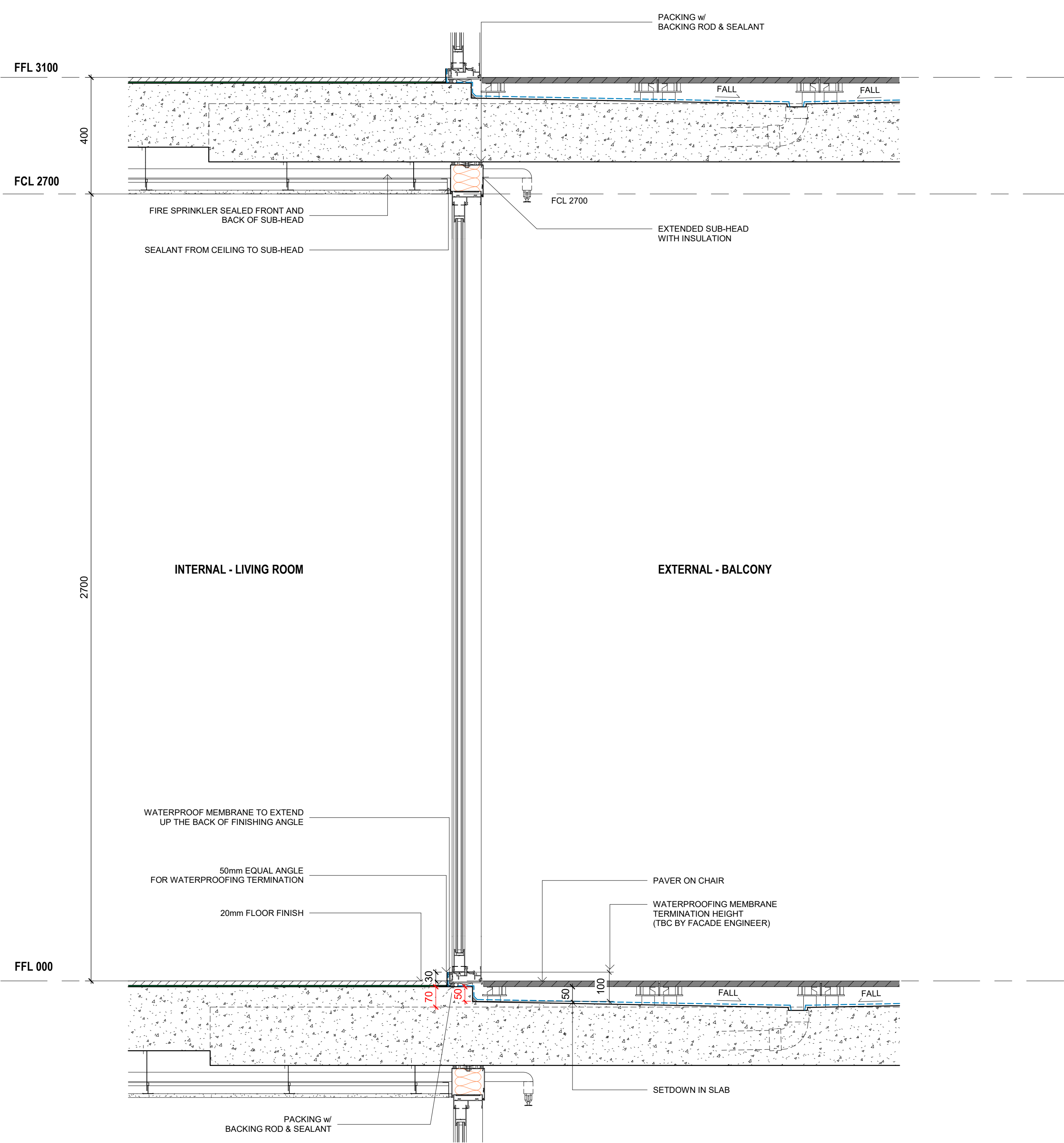
- INTERNAL STORAGE CALCULATED WITH ASSUMED HEIGHT OF 2400mm
- INTERNAL STORAGE DOES NOT INCLUDE KITCHEN & BATHROOM
- BEDROOM STORAGE IN EXCESS OF THE ADG MINIMUM REQUIREMENTS IS INCLUDED IN STORAGE CALCULATIONS
- BASEMENT STORAGE CAGE VOLUME CALCULATED WITH ASSUMED HEIGHT OF 2100mm



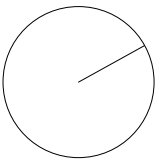
GENERAL NOTE :
TYPICAL APARTMENT WET AREA SETDOWNS AND BALCONY THRESHOLD DETAILS HAVE BEEN INCLUDED IN THIS DA SUBMISSION IN RESPONSE TO COUNCIL'S REQUEST. THESE DETAILS DEMONSTRATE THAT THE PROPOSED 3100MM FLOOR-TO-FLOOR HEIGHTS ARE SUFFICIENT TO ACCOMMODATE BOTH SILVER LEVEL LIVABLE HOUSING DESIGN GUIDELINES AND COMPLIANT WATERPROOFING SOLUTIONS.



1 TYPICAL APARTMENT WET AREA DOOR (WITH SETDOWN)

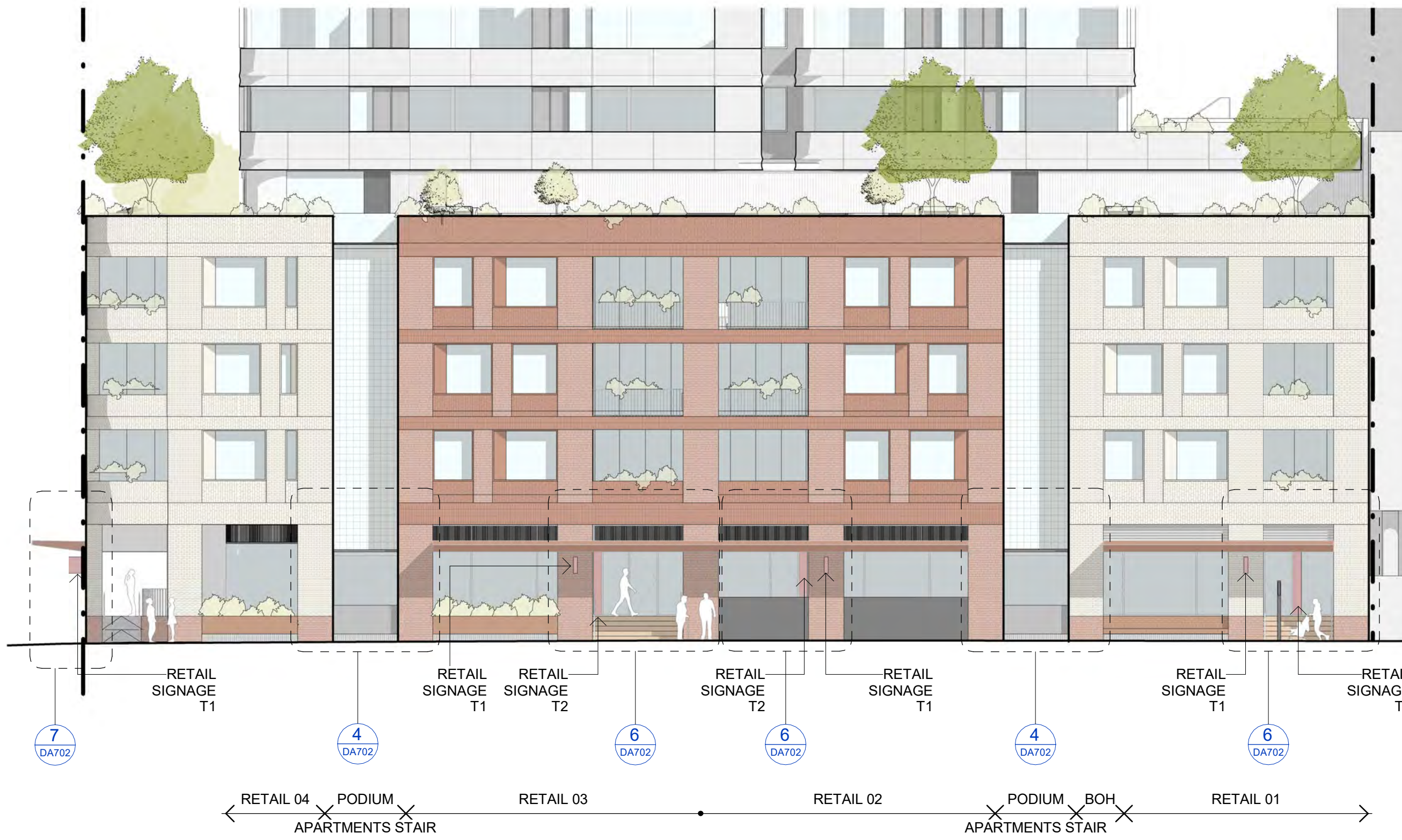


2 TYPICAL APARTMENT LIVING ROOM BALCONY SLIDING DOOR (WITH SETDOWN)

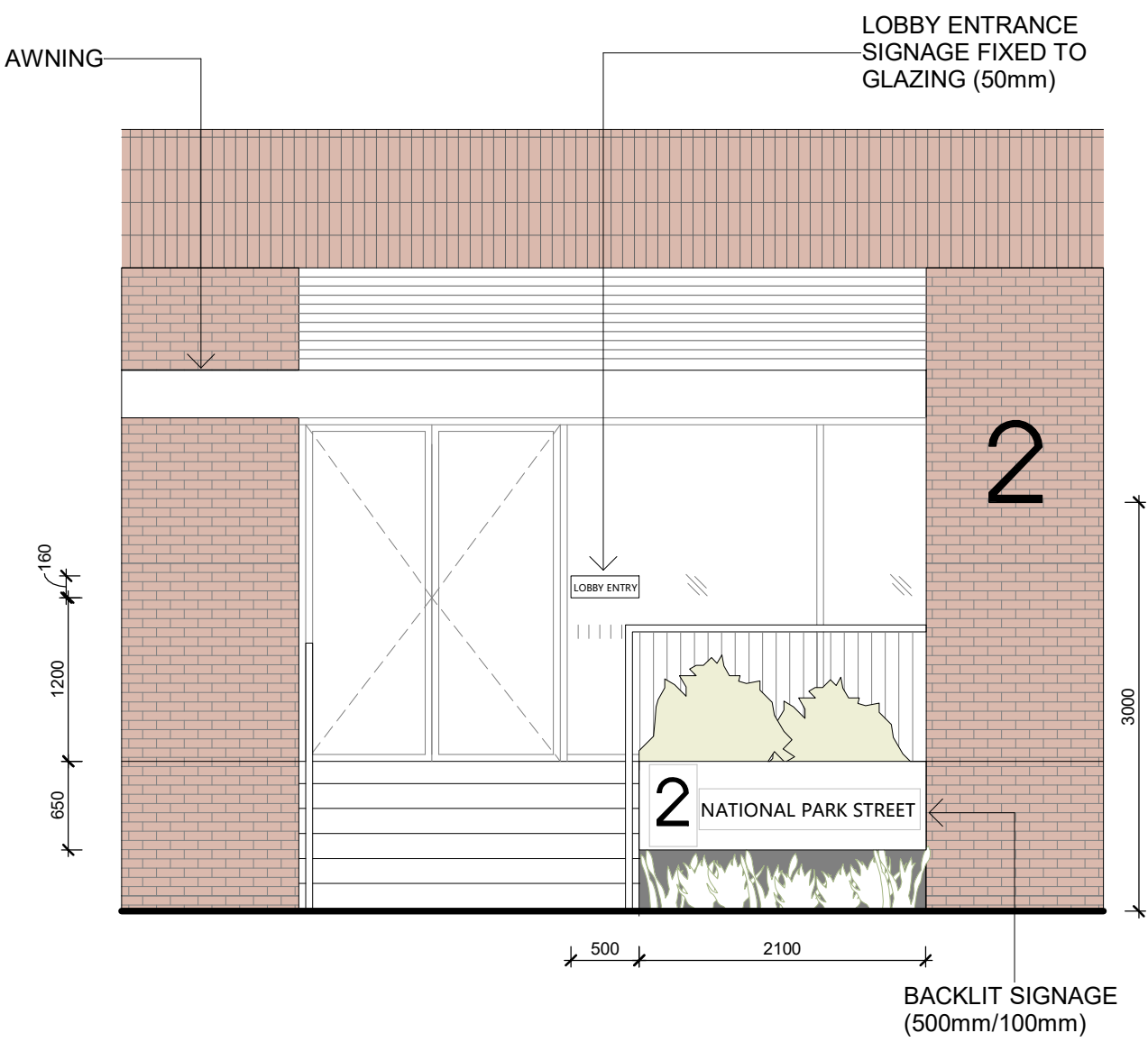




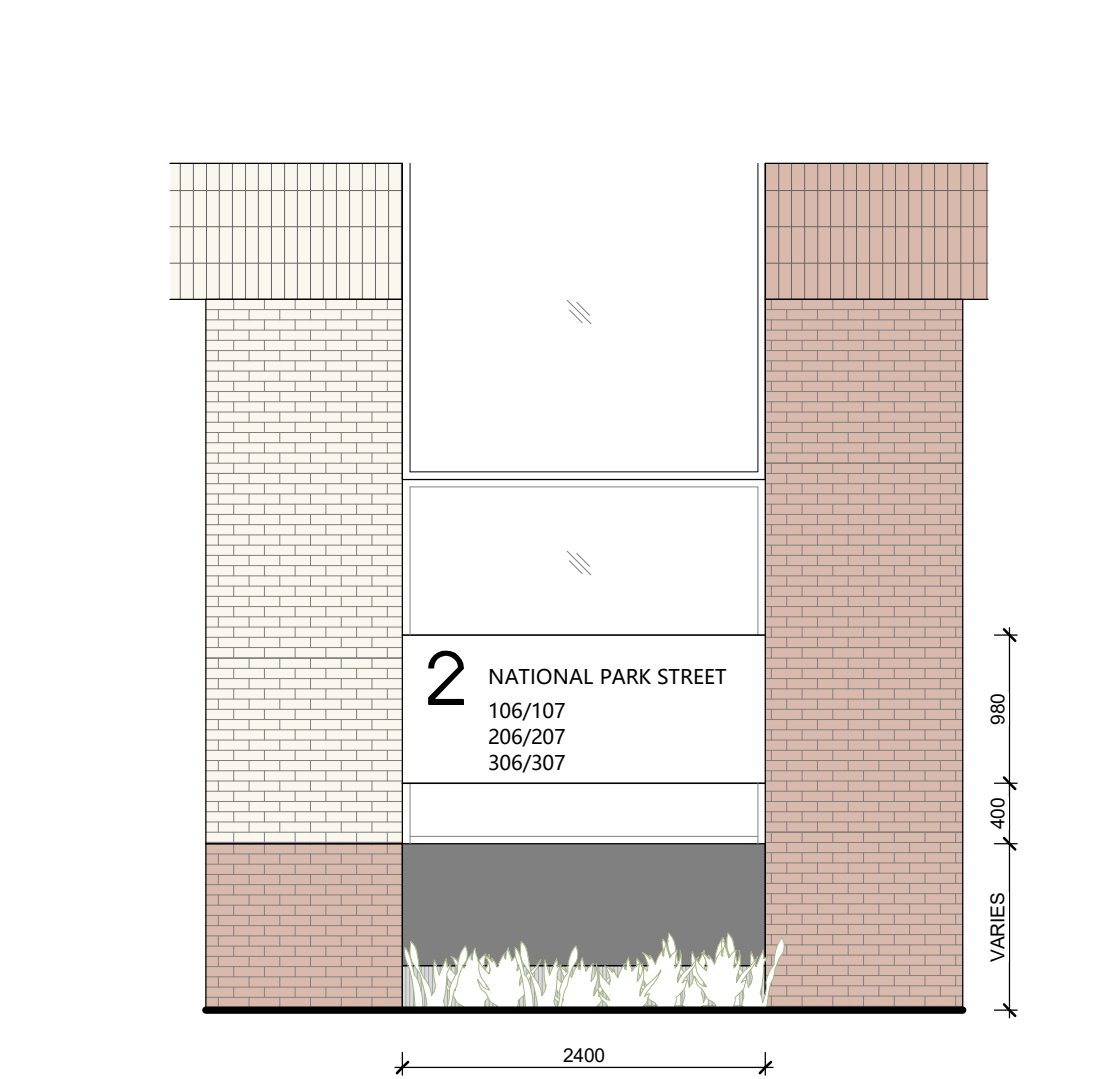
1 BUILDING SIGNAGE - EAST - NORTH TOWER - NATIONAL PARK STREET ELEVATION
1:150



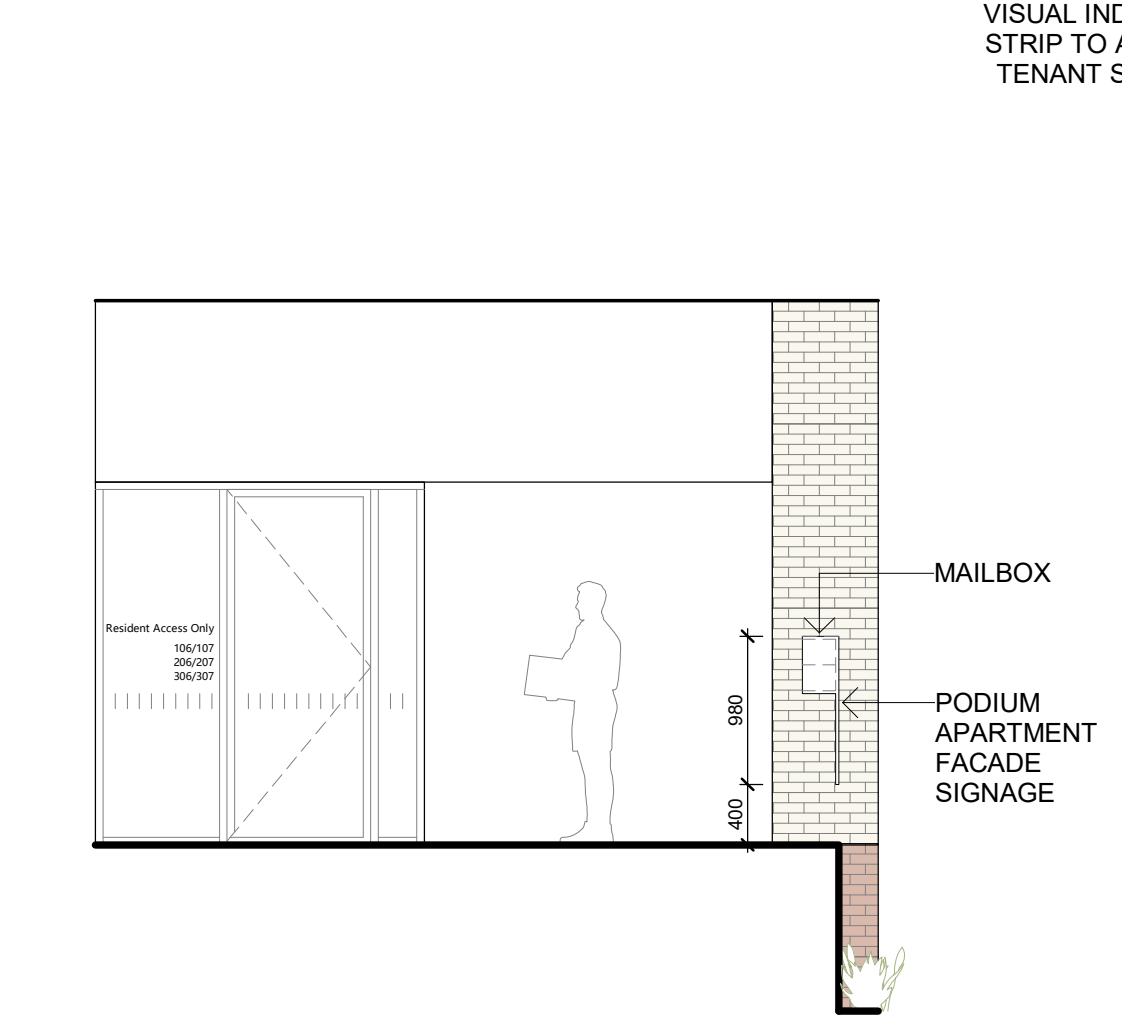
2 BUILDING SIGNAGE - NORTH - NORTH TOWER - HUNTER STREET ELEVATION
1:150



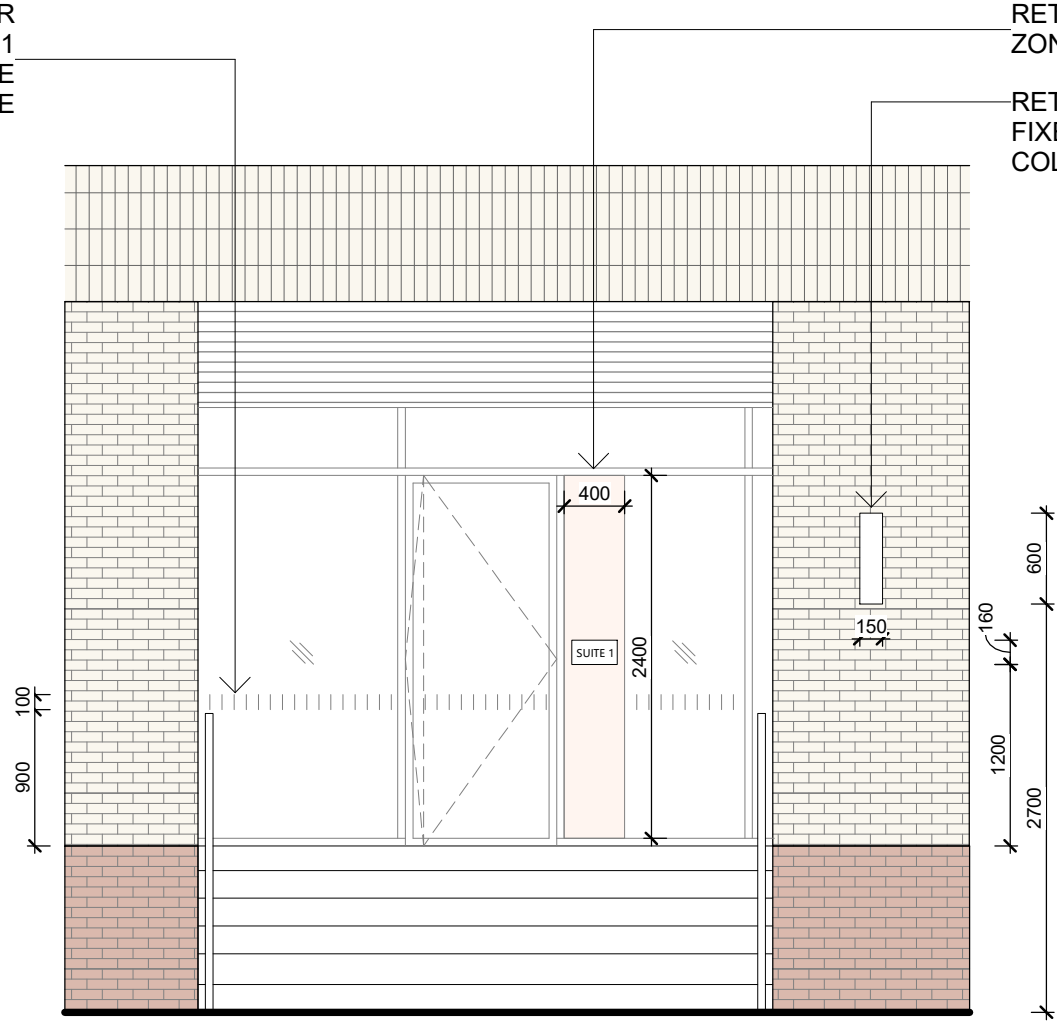
3 RESIDENTIAL BUILDING ENTRANCE SIGNAGE - TYP. ELEVATION 1
1:50



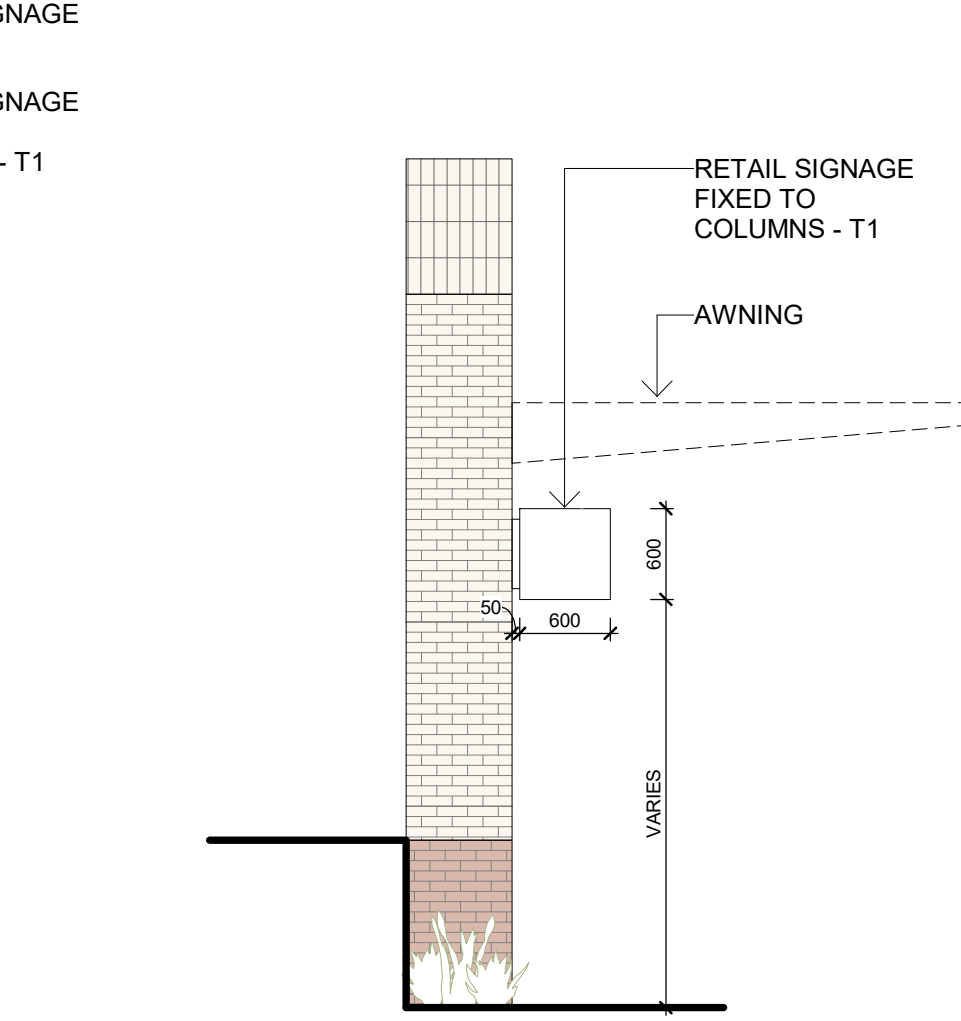
4 PODIUM APARTMENT ENTRANCE SIGNAGE - TYP. ELEVATION 1
1:50



5 PODIUM APARTMENT ENTRANCE SIGNAGE - TYP. ELEVATION 2
1:50



6 RETAIL SIGNAGE - TYP. ELEVATION 1
1:50

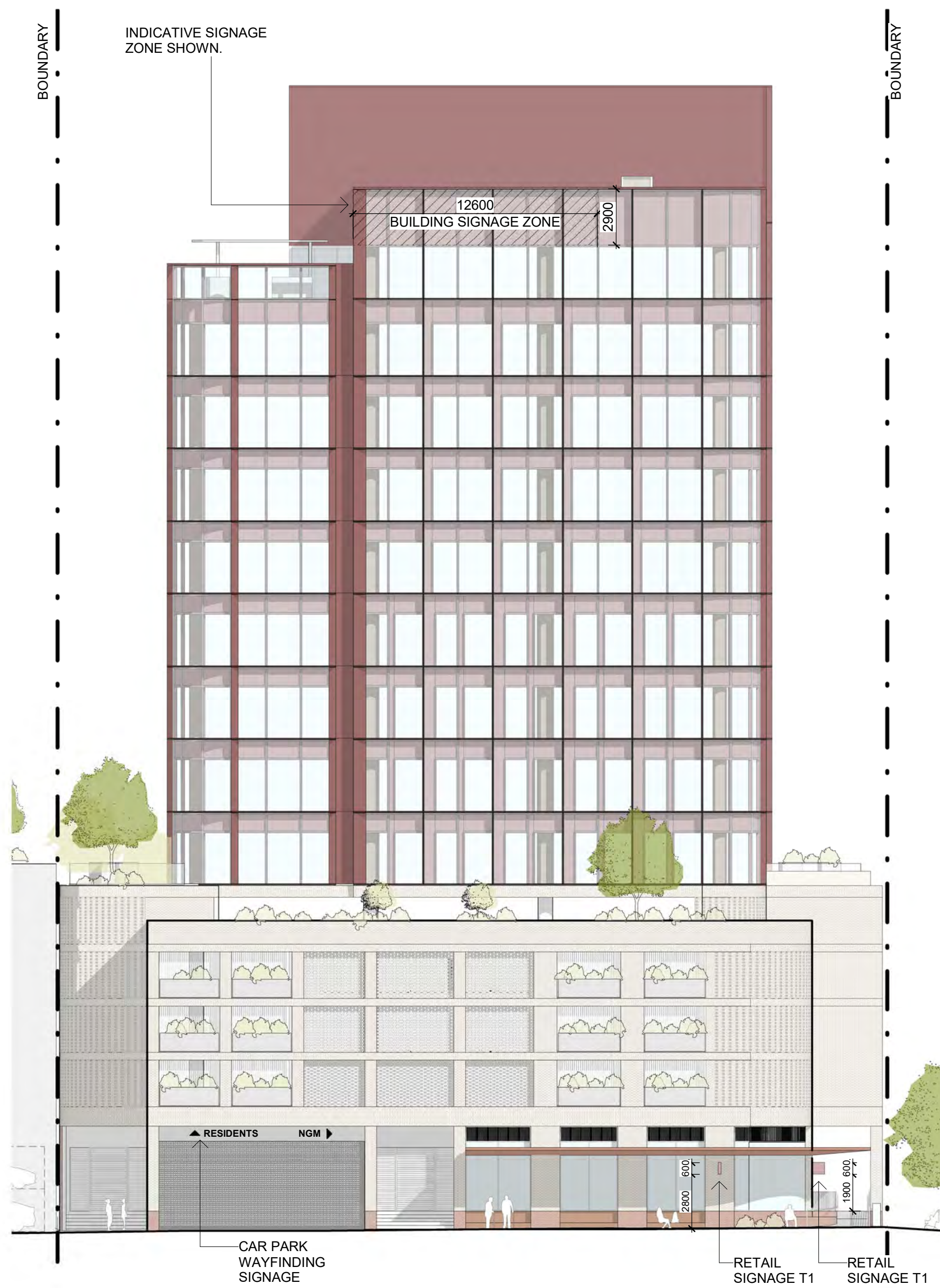


7 RETAIL SIGNAGE - TYP. ELEVATION 2
1:50

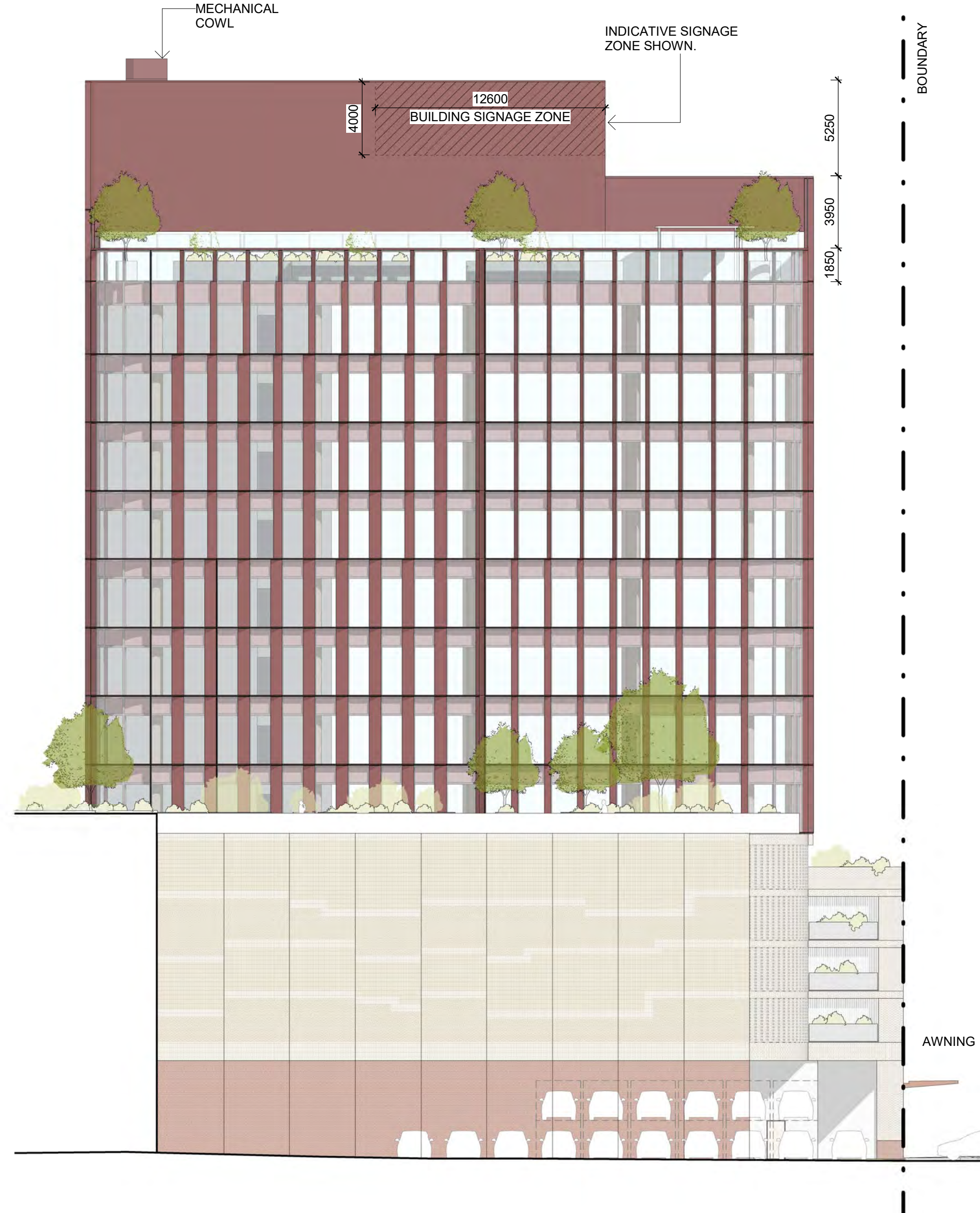




1 BUILDING SIGNAGE - EAST - SOUTH TOWER
1: 200



2 BUILDING SIGNAGE - SOUTH - SOUTH TOWER
1: 200



4 BUILDING SIGNAGE - WEST - SOUTH TOWER
1: 200

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