

**URBIS**

# **Clause 4.6 Variation Report | Floor Space Ratio**

**164-172 And 174-194 William Street,  
Woolloomooloo**

Prepared for  
**William Street Residential Pty Ltd**  
September 2025

**URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:**

Director Andrew Harvey  
Director Sophy Purton  
Consultant Jasmine Foster  
Assistant Planner Ella Grimson  
Project Code P0036191  
Report Number TOA – 03 September 2025  
Final – 24 September 2025



## Acknowledgement of Country

Urbis acknowledges the Traditional Custodians of the lands we operate on.

We recognise that First Nations sovereignty was never ceded and respect First Nations peoples continuing connection to these lands, waterways and ecosystems for over 60,000 years.

We pay our respects to First Nations Elders, past and present.

The river is the symbol of the Dreaming and the journey of life. The circles and lines represent people meeting and connections across time and space. When we are working in different places, we can still be connected and work towards the same goal.

Title: Sacred River Dreaming  
Artist Hayley Pigram  
Darug Nation  
Sydney, NSW

All information supplied to Urbis in order to conduct this research has been treated in the strictest confidence. It shall only be used in this context and shall not be made available to third parties without client authorisation. Confidential information has been stored securely and data provided by respondents, as well as their identity, has been treated in the strictest confidence and all assurance given to respondents have been and shall be fulfilled.

© Urbis Ltd  
50 105 256 228

All Rights Reserved. No material may be reproduced without prior permission.

You must read the important disclaimer appearing within the body of this report.

[urbis.com.au](http://urbis.com.au)

# CONTENTS

<b>Acknowledgement of Country</b> .....	<b>2</b>
<b>Executive Summary</b> .....	<b>1</b>
<b>1. Introduction</b> .....	<b>2</b>
<b>1.1. Site Context</b> .....	<b>2</b>
<b>2. Proposed Development</b> .....	<b>4</b>
<b>3. Planning Instrument, Development Standard and Proposed Variation</b> .....	<b>5</b>
1. What is the planning instrument you are seeking to vary? .....	5
2. What is the site's zoning? .....	5
3. What is the development standard to be varied? .....	5
4. Type of development standard? .....	7
5. What is the numeric value of the development standard in the environmental planning instrument? .....	7
6. What is the difference between the existing and proposed numeric values? What is the percentage variation (between the proposal and the environmental planning instrument)? .....	8
7. Visual Representation of the Proposed Variation .....	9
<b>4. Assessment Of Clause 4.6 Variation</b> .....	<b>10</b>
<b>4.1. Is The Planning Control A Development Standard That Can Be Varied?</b> .....	<b>10</b>
<b>4.2. How is Compliance with the Development Standard Unreasonable or     Unnecessary in the Circumstances of the Particular Case?</b> .....	<b>10</b>
8. Are There Sufficient Environmental Planning Grounds to Justify Contravening the Development Standard? .....	12
<b>4.3. Has the Written Request Adequately Addressed the Matters in Sub-Clause     (3)?</b> .....	<b>13</b>
<b>5. Conclusion</b> .....	<b>14</b>
<b>Disclaimer</b> .....	<b>15</b>

## Figures

Figure 1: Aerial Photograph .....	2
Figure 2: Site Photos .....	3
Figure 3 SLEP FSR Map .....	6
Figure 4: Proposed FSR Variation – Site Plan .....	9
Figure 5: Massing Outcome .....	13

## TABLES

Table 1: Numerical Overview of the Proposed Development .....	4
Table 2 Bonus Floor Space Ratio .....	7
Table 3: Variation Schedule .....	8
Table 4: Variation Justification .....	10



# Executive Summary

This Clause 4.6 Variation Request (**the Request**) has been prepared by Urbis Ltd (**Urbis**) on behalf of William Street Residential Pty Ltd (**the applicant**) and accompanies a State Significant Development Application (**SSDA**) for mixed-use infill affordable housing at 164–172 and 174–194 William Street, Woolloomooloo (**the site**).

Clause 4.4 of the Sydney Local Environmental Plan 2012 (**SLEP**) includes two mapped Floor Space Ratio (**FSR**) controls across the site, being 4:1 (164-172 William Street) and 3.5:1 (174 – 194 William Street).

Clause 6.21D(3) of the SLEP provides an additional 10% FSR uplift for developments that achieve design excellence through a competitive design process. As the site has completed a design excellence competition, the proposed development is afforded the 10% FSR uplift.

Under Part 2, Division 1, Clause 16(3) of the State Environmental Planning Policy (**Housing**) 2021 (**Housing SEPP**), an additional 30% FSR bonus is permitted above the base FSR and any bonuses, where 15% affordable housing is provided (which is the case with the proposed development).

This results in a maximum FSR of 5.72:1 to the southwestern corner of the site (164-172 William Street) and 5:1 to the remainder of the site (174 – 194 William Street). When combining the sites GFA, this results in a total permissible FSR of 5.16:1 across the site.

Through careful consideration and design exploration, the applicant's design team has explored the most appropriate ways to ensure that the floor space bonuses under the Housing SEPP respond most positively to the objectives of the FSR standard and minimise unreasonable environmental impacts to surrounding properties.

As a result of this careful site planning and in the circumstances of the case, the GFA which is contained within those two different mapped portions of the site, results in an FSR of 7.15:1 on the southwestern allotment, and an FSR of 4.6:1 across the remainder of the site

Whilst the overall combined FSR is 5.16:1 which is fully compliant with that permissible on the site, due to the mapping, the portion of the building within the southeastern portion of the site, exceeds the mapped FSR by 1.43:1. This Clause 4.6 is therefore a technical non-compliance, with the overall GFA and FSR being fully compliant with that permissible on the site.

It is also noted that the height, bulk and scale of the envelope in this particular location is consistent with that approved under the Concept DA, with the majority of the new floor space contained within the portions of the site that have a mapped FSR of 3.5:1.

The design has undergone a pragmatic and considered process to minimise adverse amenity impacts and ensure a sensitive and balanced built form outcome is achieved. The outcome preserves solar access and views to the extent practicable, while also enhancing amenity for neighbouring properties and public spaces.

The uplift has been deliberately distributed to minimise bulk and height along the western and northern edges of the site, where potential amenity impacts are most pronounced. Instead, additional height and massing is concentrated towards William Street east and Dowling Street where a taller built form is contextually appropriate, while the design scales down towards the Woolloomooloo village to the north. A uniform application of the 30% SEPP bonus would result in a compliant outcome that has greater visual, overshadowing and view impacts on sensitive interfaces.

Despite the technical non-compliance within this part of the site, the proposed density remains consistent with maximum permissible GFA across the site. This means that the density on site can be adequately supported by the surrounding road network and infrastructure. The proposed massing has been endorsed by the Design Integrity Panel as providing an appropriate architectural and urban design outcome.

Accordingly, the proposal represents a better planning outcome than strict compliance with the mapped FSR standard, balancing the delivery of affordable housing with the protection of neighbouring amenity and local character. In these circumstances, the variation is well founded, consistent with planning principles, and warrants flexibility in the application of the FSR standard.

# 1. Introduction

This Clause 4.6 Variation Request (**the Request**) has been prepared by Urbis Ltd (**Urbis**) on behalf of William Street Residential Pty Ltd (**the applicant**) and accompanies a State Significant Development Application (**SSDA**) for mixed-use infill affordable housing at 164–172 and 174–194 William Street, Woolloomooloo (**the site**).

The request seeks a variation to the maximum Floor Space Ratio (**FSR**) for the site prescribed in State Environmental Planning Policy (**Housing**) 2021 (**Housing SEPP**). This request is made pursuant to Clause 4.6 of the Sydney Local Environmental Plan 2012 (**SLEP**).

## 1.1. Site Context

The site is known as 164-172 and 174-194 William Street, Woolloomooloo and is legally described as Lot 52 in DP 1049805 and Lot 1 in DP 816050. Key characteristics of the site include:

- The site has frontages of 93.4m to William Street in the south.
- The site is irregular in shape and has a total area of 6,402sqm.
- The topography of the site falls significantly from William Street in the south to Judge Lane in the north.
- The site currently contains a warehouse style structure and glass office building.
- Under the SLEP 2012 the site is zoned Mixed Use MU1.

An aerial photograph of the site is provided at **Figure 1** and photographs of the site are provided at **Figure 2**.

Figure 1: Aerial Photograph



Figure 2: Site Photos



Picture 1: Site viewed from William Street

Source: Google Maps, 2025



Picture 2: Site viewed from Dowling Street

Source: Urbis, 2021



Picture 3: Site viewed from Judge Lane

Source: Urbis, 2021



Picture 4: Site viewed from the corner of William and Forbes streets

Source: Google Maps, 2025

## 2. Proposed Development

The SSDA seeks consent to redevelop the site for the purpose of a mixed-use infill affordable housing development comprising:

- Four buildings with a maximum gross floor area of 33,036sqm, including
  - 7 storey residential building with a maximum height of 24.1m (RL +37.550)
  - 9 storey mixed-use building with a maximum height of 35.5m (RL +51.380)
  - 10-18 storey mixed-use building with a maximum height of 65.5m (RL +86.470)
- 227 dwellings including:
  - 167 market dwellings
  - 60 affordable dwellings
- Ground and first floor retail uses that activate the laneway and parks edge and provide retail offerings to William Street.
- A 1000sqm publicly accessible central park
- Public domain works and through site links.
- Four basement levels for parking, services and storage.
- Vehicular and loading access from Forbes Street.

A numerical overview of the proposed development is provided in the below table.

Table 1: Numerical Overview of the Proposed Development

Element	Proposed Development	
Site Area	6,398sqm	
Building Height	<ul style="list-style-type: none"> <li>▪ 7 storey residential building with a maximum height of 24.1m (RL +37.550)</li> <li>▪ 9 storey mixed-use building with a maximum height of 35.5m (RL +51.380)</li> <li>▪ 10-18 storey mixed-use building with a maximum height of 65.5m (RL +86.470)</li> </ul>	
Gross Floor Area	Total GFA	33,036sqm
	Retail GFA	1,718sqm
	Residential GFA	25,816sqm
	Affordable Housing GFA	4,942sqm
Floor Space Ratio	Total FSR	5.11:1.
	Non- Residential FSR	0.31:1.

# 3. Planning Instrument, Development Standard and Proposed Variation

## 1. What is the planning instrument you are seeking to vary?

The application seeks to vary the State Environmental Planning Policy (Housing) 2021 (Housing SEPP).

## 2. What is the site's zoning?

The site is zoned MU1 Mixed Use in accordance with the SLEP.

## 3. What is the development standard to be varied?

The standard proposed to be varied is the maximum FSR standard under Part 2, Division 1, Clause 16(3) of the Housing SEPP.

Part 2, Division 1, Clause 16(3) of the Housing SEPP states:

### **16 Affordable housing requirements for additional floor space ratio**

**(1) The maximum floor space ratio for development that includes residential development to which this division applies is the maximum permissible floor space ratio for the land plus an additional floor space ratio of up to 30%, based on the minimum affordable housing component calculated in accordance with subsection (2).**

**(2) The minimum affordable housing component, which must be at least 10%, is calculated as follows—**

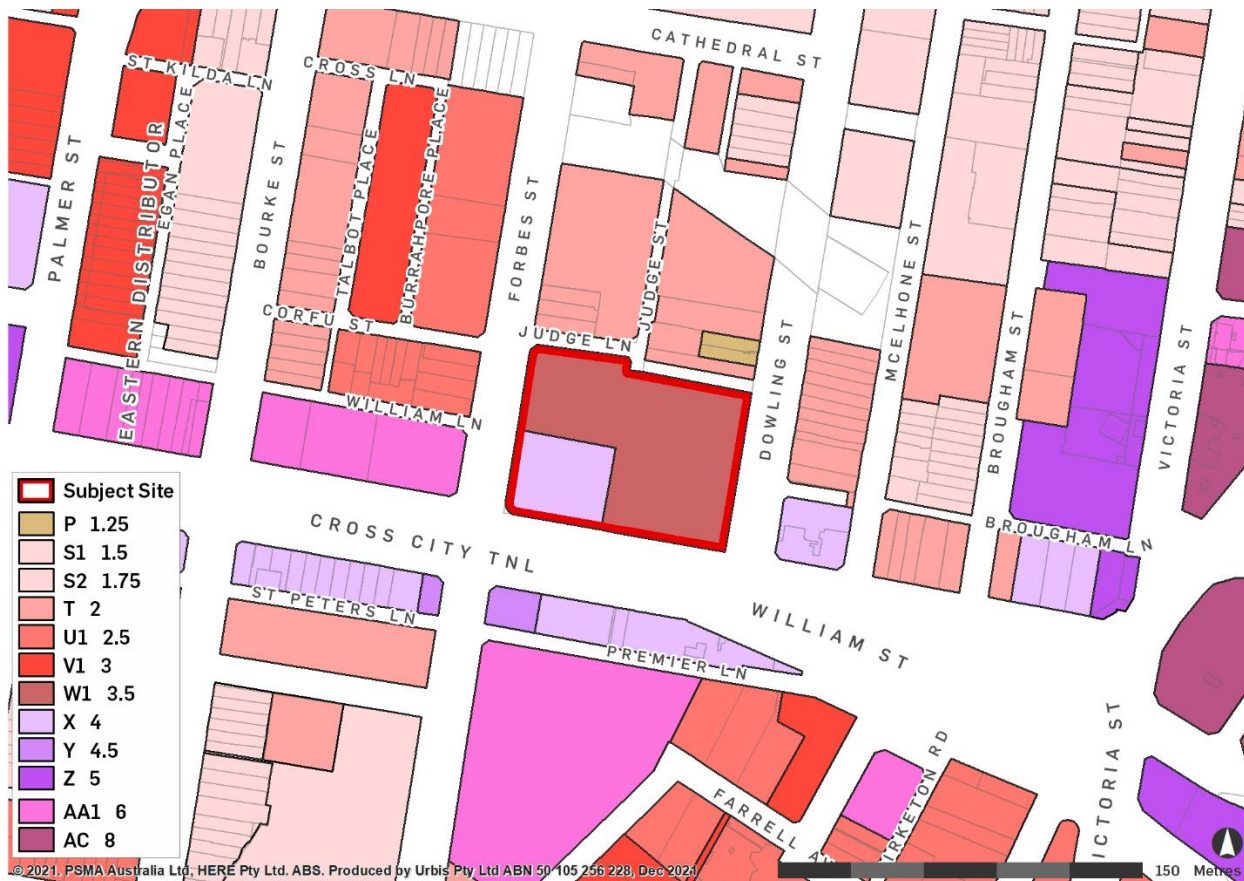
$$\text{affordable housing component} = \frac{\text{additional floor space ratio}}{(\text{as a percentage})} \div 2$$

**(3) If the development includes residential flat buildings or shop top housing, the maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the land plus an additional building height that is the same percentage as the additional floor space ratio permitted under subsection (1).**

**(4) This section does not apply to development on land for which there is no maximum permissible floor space ratio.**

The permissible FSR for the land is set out in Clause 4.4 of the SLEP and shown on the LEP Height of Buildings map below.

Figure 3 SLEP FSR Map



Source: Urbis

The numerical value of the development standard applicable to the site under Clause 4.4 of the SLEP is **3.5:1** for the majority of the site and **4:1** for the southwestern corner of the site.

Clause 6.21D(3) of the SLEP includes the following provisions:

3) *A building demonstrating design excellence—*

(a) *may have a building height that exceeds the maximum height shown for the land on the Height of Buildings Map by an amount, to be determined by the consent authority, of up to 10% of the amount shown on the map, or*

(b) *is eligible for an amount of additional floor space, to be determined by the consent authority, of up to 10% of—*

(i) *the amount permitted as a result of the floor space ratio shown for the land on—*

(A) *for a building for which development consent is granted under clause 6.60B—the Alternative Floor Space Ratio Map—Employment Sites or the Alternative Floor Space Ratio Map—Affordable Housing Sites, or*

(B) *otherwise—the Floor Space Ratio Map, and*

(ii) *any accommodation floor space or community infrastructure floor space for which the building is eligible under Division 1 or 2.*

(4) *This clause does not apply to land in the Central Precinct.*

This provides a 10% uplift in FSR on the standard SLEP FSR control as the proposed development has undertaken a competitive design process and has achieved design excellence. This uplift results in an FSR development standard of **3.85:1** and **4.4:1**.

Part 2, Division 1, Clause 16(1) development standard of the Housing SEPP permits an additional 30% FSR bonus above the maximum FSR permissible under an LEP (based on the provision of 15% affordable housing). The proposal provides at least 15% affordable housing and is therefore eligible to utilise the full 30% uplift in FSR available under the Housing SEPP. When calculated on top of the additional 10% uplift permitted under the SLEP, this results in an FSR development standard of **5:1** and **5.72:1**.

The FSR development standard is not excluded from the operation of Clause 4.6 of the LEP.

The objective of the in-fill affordable housing provisions of the Housing SEPP is as follows:

*15A Objective of division*

*The objective of this division is to facilitate the delivery of new in-fill affordable housing to meet the needs of very low, low and moderate income households*

The objectives of the development standard in the LEP are as follows:

- (a) to provide sufficient floor space to meet anticipated development needs for the foreseeable future,*
- (b) to regulate the density of development, built form and land use intensity and to control the generation of vehicle and pedestrian traffic,*
- (c) to provide for an intensity of development that is commensurate with the capacity of existing and planned infrastructure,*
- (d) to ensure that new development reflects the desired character of the locality in which it is located and minimises adverse impacts on the amenity of that locality.*

#### 4. Type of development standard?

The request is seeking to vary the numeric FSR development standard of the proposed building pursuant to Section 16(1) of the Housing SEPP.

#### 5. What is the numeric value of the development standard in the environmental planning instrument?

Table 2 Bonus Floor Space Ratio

SLEP Control		SLEP Base Control	10% Design Excellence	30% Uplift Control	Overall Permitted Control	Proposed
Clause 4.4 – Floor Space Ratio	164-172 William Street	4:1 (5,692sqm)	4.4:1 (6,261sqm)	5.72:1 (8,139sqm)	5.72:1	7.15:1
	174-194 William Street	3.5:1 (17,434sqm)	3.85:1 (19,177sqm)	5:1 (24,930sqm)	5:1	4.59:1 Claus
	Combined FSR	3.61:1	3.97:1	5.16:1	5.16:1	5.16:1

It is important to note that the combined site area and combined proposed GFA for the proposed development does not exceed the maximum FSR development standard.

The two lots have a combined site area of 6,398m<sup>2</sup>.

The overall proposed development has a total GFA of 33,036m<sup>2</sup>.

This is equal to a proposed FSR of **5.16:1** (33,036m<sup>2</sup> ÷ 6,398m<sup>2</sup>).

## 6. What is the difference between the existing and proposed numeric values? What is the percentage variation (between the proposal and the environmental planning instrument)?

The following outlines how the proposed FSR exceeds the maximum FSR control for the site.

### 164 – 172 William Street:

This lot has an FSR of **7.15:1** and therefore exceed the maximum FSR development standard of 5:1 (exceedance of 43%).

### 174 – 194 William Street:

This lot has an FSR of **4.6:1**, which is 19.58% below the maximum FSR of 5.72:1 for the lot.

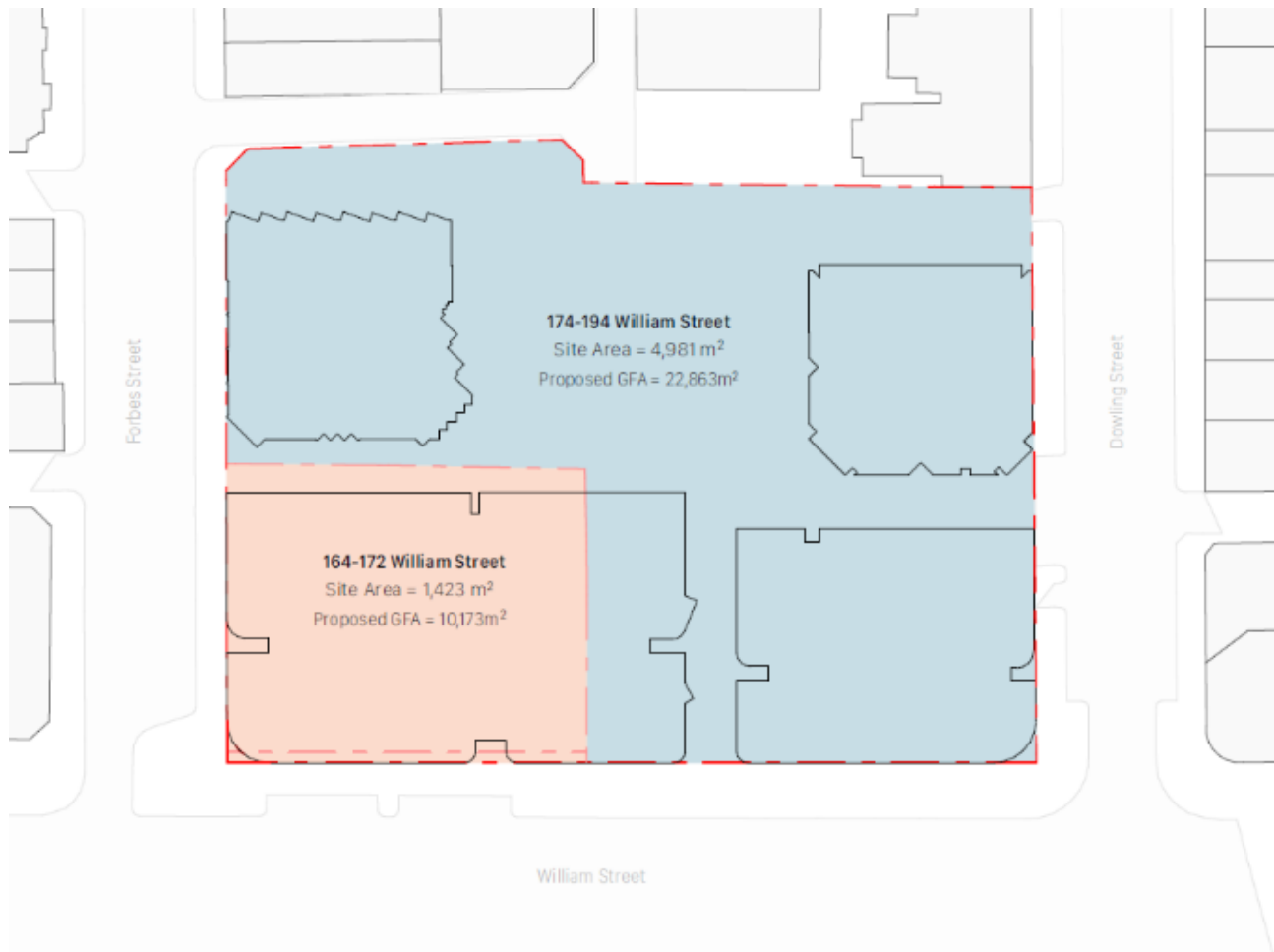
The FSR is measured in accordance with the definition in the SLEP. GFA diagrams are included in the architectural drawings accompanying the EIS. The diagram in **Figure 4** identifies the separated proposed GFA and site area of the two lots on site.

Table 3: Variation Schedule

Lot	FSR (inc. 10% and 30% uplift)	Proposed FSR	Proposed Variation
164-172 William Street	<b>5:1</b> Permissible GFA: 7,115m <sup>2</sup>	Proposed GFA: 10,173m <sup>2</sup>  Lot area: 1,423m <sup>2</sup>  <b>Proposed FSR: 7.15:1</b>	<b>43% variation</b>  GFA variation of 3,058m <sup>2</sup> .
174 – 192 William Street	<b>5.72:1</b> Permissible GFA: 28,491.32m <sup>2</sup>	Proposed GFA: 22,863m <sup>2</sup>  Lot area: 4,981m <sup>2</sup>  <b>Proposed FSR: 4.6:1</b>	No variation. This portion of the site is under the FSR standard by 1.12:1 equivalent to 5,628.32m <sup>2</sup> GFA.

## 7. Visual Representation of the Proposed Variation

Figure 4: Proposed FSR Variation – Site Plan



Source: FJC Studio

## 4. Assessment Of Clause 4.6 Variation

The following sections of the report provide a comprehensive assessment of the request to vary the numeric height of building control pursuant to the Housing SEPP.

Detailed consideration has been given to the following matters within this assessment:

- *Varying development standards: A Guide*, prepared by the Department of Planning and Infrastructure dated August 2011.
- Relevant planning principles and judgements issued by the Land and Environment Court.

### 4.1. Is The Planning Control A Development Standard That Can Be Varied?

The maximum FSR prescribed by clause 4.4 of SLEP 2012 is a development standard that can be varied under clause 4.6(2) of SLEP 2012. Since clause 4.6(2) applies to development standards imposed by the LEP or any other environmental planning instrument, the FSR provisions of the Housing SEPP are also recognised as development standards for the purposes of clause 4.6.

The proposed variation is not excluded from the operation of clause 4.6(2) as it does not fall under any of the matters listed in clause 4.6(6) or clause 4.6(8) of SLEP 2012.

### 4.2. How is Compliance with the Development Standard Unreasonable or Unnecessary in the Circumstances of the Particular Case?

**Table 3** below section addresses both the objectives of the infill affordable housing provisions of the Housing SEPP and the objectives of the FSR development standard within the SLEP.

Table 4: Variation Justification

Key Questions	Response
a) Are the objectives of the development standard achieved notwithstanding the non-compliance?	<p><i>For completeness, this section addresses both the objectives of the infill affordable housing provisions of the Housing SEPP and the objectives of the FSR development standard of the SLEP.</i></p> <p><b><u>Objective of Part 2, Division 1 of the Housing SEPP</u></b>  <b><i>15A The objective of this division is to facilitate the delivery of new infill affordable housing to meet the needs of very low, low and moderate income households.</i></b></p> <p>The proposal dedicates 15% of the total GFA as affordable housing which equates to 60 affordable housing apartments (4,949sqm of GFA)</p> <p>The affordable housing segment has been meticulously planned to provide excellent amenity and a range of housing options that cater to the anticipated needs and demographics of affordable housing residents. This development delivers affordable housing for individuals and families with very low, low, and moderate incomes, strategically located near essential services, retail outlets, and public transport, thereby addressing a recognised demand for affordable housing.</p> <p>Strict compliance with the FSR standard would see a reduction in the provision of affordable housing GFA on the site and would be inconsistent with the objective of Part 2, Division 1 of the Housing SEPP which aims to facilitate the development of well-located and designed affordable housing.</p> <p><b><u>Objectives of Clause 4.4 of the SLEP</u></b></p> <p>(a) <i>to provide sufficient floor space to meet anticipated development needs for the foreseeable future,</i></p>

The State Government has released a series of housing reform policies in recent years to combat the state-wide housing crisis. This is reflected in the City of Sydney's strategic planning documents which call for a need for more affordable housing options in and around the Sydney CBD.

The proposed 30% uplift utilises the NSW Government's Housing SEPP which aims to incentivise the development of infill affordable housing. In order to accommodate the 60 affordable dwellings on the site, there has been a 30% increase in FSR on the site.

The allocation of a higher GFA in the south-western corner of the site has resulted in this non-compliance. Despite this, the combined proposed FSR for the site remains below the maximum permissible FSR. In order to accommodate this 30% uplift on the site whilst meeting other amenity related development standards, the FSR has been arranged across the two lots in a combined scheme that has the best outcome for the site.

To accommodate the affordable housing on the site, the massing has resulted in an outcome that is reflective of the surrounding locality. In doing so, this means the built form presents to William Street at a larger scale and scales down towards the northern Woolloomooloo village. As a result of this bulk sitting on the south-western corner, a variance is sought for the FSR over this allotment.

This scheme provides sufficient floor space to meet the anticipated development required to combat the ongoing housing crisis in Sydney.

- (b) *to regulate the density of development, built form and land use intensity and to control the generation of vehicle and pedestrian traffic,*

As explored above, the combined FSR for the site does not exceed the maximum FSR permissible due to the way the density has been arranged across the development site.

This means that while the density as been arranged in a way that results in a non-compliance in the south-western corner, the overall density across the development site does not exceed that which was intended.

Due to this, there is not an exceedance in vehicle and pedestrian traffic beyond what would be the case if the density associated with the blanket FSR control was developed across the site.

A Traffic Impact Assessment has been developed to support the SSDA and concludes that the local road network can adequately support the traffic expected to be generated from the proposed development.

- (c) *to provide for an intensity of development that is commensurate with the capacity of existing and planned infrastructure,*

The proposed development involves an infill residential project spanning two lots, seamlessly integrating with the existing infrastructure on the site and the surrounding services, including the public transport network. This thoughtful approach ensures that the development is well-supported by the current amenities and facilities.

As previously mentioned, the proposed development does not exceed the intended density for the site. Instead, it has been strategically distributed across the two lots to optimise space and functionality. This careful planning ensures that the intensity of the development aligns with the capacity of both the on-site and surrounding infrastructure, maintaining a balanced and sustainable environment. The development's design takes into account the existing infrastructure, ensuring that it can comfortably support the new residences without overburdening the current systems.

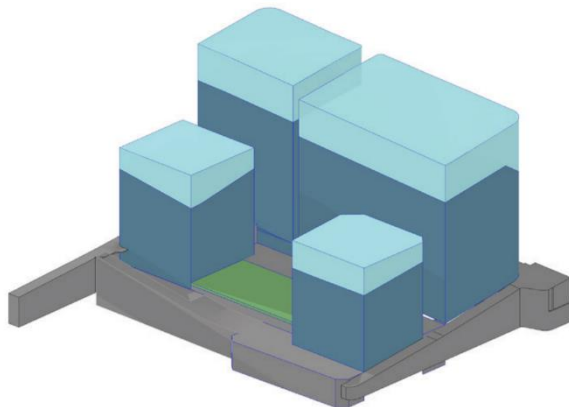
Key Questions	Response
	<p>(d) <i>to ensure that new development reflects the desired character of the locality in which it is located and minimises adverse impacts on the amenity of that locality.</i></p>
	<p>While the Floor Space Ratio (FSR) development standard is exceeded in the south-western corner of the site, the remainder of the site remains below the relevant maximum FSR. This is due to the strategic arrangement of the proposed Gross Floor Area (GFA) into four buildings, optimising height and FSR to achieve the best outcomes for the proposed dwellings and the surrounding environment in terms of amenity.</p>
	<p>The proposed massing has been thoughtfully designed to respond actively to the surrounding locality and character. This is evident in the built form, which presents a larger scale to William Street and gradually scales down towards the northern Woolloomooloo village. This approach ensures that the development integrates harmoniously with its context.</p>
	<p>The non-compliance in the south-western corner does not introduce an increased impact on amenity beyond what would be expected for an uplift of this scale. The overshadowing impacts from this non-compliant section do not exceed those of the previously approved concept Development Application (DA) for the site, as the height and scale of the building in this corner have not increased.</p>
	<p>Furthermore, the arrangement of massing respects view-sharing principles, preserving neighbouring views to significant iconic sites such as Sydney Harbour and the Opera House. This positive view-sharing outcome would not be achievable with a uniform 30% uplift, as illustrated in <b>Picture 2</b> clearly responds to the surrounding locality and environment whilst delivering well located affordable housing across the two lots.</p>
<p>b) Are the underlying objectives or purpose of the development standard not relevant to the development? (Give details if applicable)</p>	<p>As noted above.</p>
<p>c) Would the underlying objective or purpose be defeated or thwarted if compliance was required? (Give details if applicable)</p>	<p>Strict compliance with the FSR standard would see a reduction in the residential GFA elsewhere in the development, which would have a consequence of reducing the provision of affordable housing on the site, which will thwart the underlying objective of the Housing SEPP</p>
<p>(d) Has the development standard been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard?</p>	<p>Not Applicable</p>
<p>e) Is the zoning of the land unreasonable or inappropriate so that the development standard is also unreasonable or unnecessary?</p>	<p>Not Applicable</p>

## 8. Are There Sufficient Environmental Planning Grounds to Justify Contravening the Development Standard?

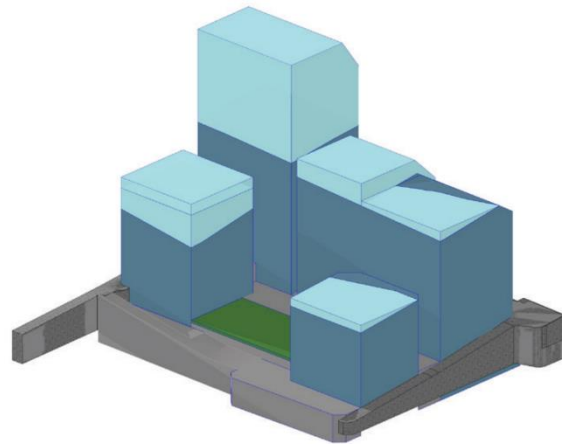
There are sufficient environmental planning grounds to justify contravening the development standard:

- **Figure 5** below illustrates the outcome of the 30% uplift as a blanket control versus the proposed massing. **Picture 2** clearly responds to the surrounding locality and environment whilst delivering well located affordable housing across the two lots.

Figure 5: Massing Outcome



Option 1 - LEP + 30% Blanket Uplift



Option 6 - Preferred

Picture 5: LEP + 30% Blanket Uplift

Source: FJC Studio

Picture 6: Proposed Massing

Source: FJC Studio

- Despite the non-compliance in the south-western corner, the overall FSR for the site remains below the maximum permissible FSR. The density has been strategically arranged across the two lots to optimise space and functionality, ensuring the development aligns with the capacity of existing and planned infrastructure.
- The proposed development dedicates 15% of the total GFA to affordable housing, equating to 60 affordable housing apartments. Strict compliance with the FSR standard would reduce this provision, conflicting with the Housing SEPP's objective to facilitate well-located and designed affordable housing for very low, low, and moderate-income households.
- Further, the DIP "commended the design team on the overall massing and noted that incorporating the additional uplift on a complex site is a challenging exercise. The DIP stated that the massing strategy was well considered and demonstrated a crafted response that enabled additional height whilst considering the external impacts."
- The portion of the building within the south western corner is consistent in terms of height and scale to that of the approved Concept DA and therefore, there are no greater overshadowing impacts of the beyond that already assessed, noting this part of the building is also well below the allowable height limit.
- The arrangement of massing respects view-sharing principles, preserving neighbouring views to significant iconic sites such as Sydney Harbour and the Opera House. This positive view-sharing outcome would not be achievable with a uniform 30% uplift.
- A Traffic Impact Assessment supports the development, concluding that the local road network can adequately support the expected traffic, ensuring no exceedance in vehicle and pedestrian traffic beyond what would be expected with the blanket FSR control.

### 4.3. Has the Written Request Adequately Addressed the Matters in Sub-Clause (3)?

Clause 4.6(3) states that development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3).

Each of the sub-clause (3) matters are comprehensively addressed in this written request, including detailed consideration of whether compliance with a development standard is unreasonable or unnecessary in the circumstances of the case. The written request also provides sufficient environmental planning grounds, including matters specific to the proposal and the site, to justify the proposed variation to the development standard.

## 5. Conclusion

This request demonstrates that strict compliance with the maximum FSR control under Clause 4.4 of the SLEP 2012, as varied by Clause 16(3) of the Housing SEPP, is unreasonable and unnecessary in the circumstances. The proposed building heights have been carefully designed to deliver a balanced built form outcome that better achieves the objectives of the height standard than a strictly compliant scheme.

The proposed variation is reasonable for the following key reasons:

- The additional FSR has been deliberately concentrated to the south-western portion of the site, greater massing of the built form is contextually appropriate along William and Dowling Streets, while the development scales down to the north to achieve a sensitive transition to the Woolloomooloo village and nearby heritage context.
- A compliant envelope would result in greater bulk and amenity impacts, whereas the proposed massing redistributes height to preserve solar access, minimise overshadowing, and enable equitable view sharing.
- Despite the non-compliance on the corner allotment, the proposed density on the site remains consistent with the intended density of the FSR development control. This means that the density on site can be adequately supported by the surrounding road network and infrastructure
- The proposal has been endorsed through the Design Integrity Panel process as a considered and skilful design response to a complex site.

On this basis, the variation is well founded and consistent with the objectives of both the Housing SEPP and the SLEP 2012 FSR control. It produces a superior planning and design outcome to strict compliance, and it is therefore appropriate that flexibility be granted in the application of the height development standard.

# DISCLAIMER

This report is dated 24 September 2025 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Ltd (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of William Street Residential Pty Ltd (**Instructing Party**) for the purpose of SSD (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

In preparing this report, Urbis may rely on or refer to documents in a language other than English, which Urbis may arrange to be translated. Urbis is not responsible for the accuracy or completeness of such translations and disclaims any liability for any statement or opinion made in this report being inaccurate or incomplete arising from such translations.

Whilst Urbis has made all reasonable inquiries it believes necessary in preparing this report, it is not responsible for determining the completeness or accuracy of information provided to it. Urbis (including its officers and personnel) is not liable for any errors or omissions, including in information provided by the Instructing Party or another person or upon which Urbis relies, provided that such errors or omissions are not made by Urbis recklessly or in bad faith.

This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

