

5 June 2018

Andrew Melhem
Time and Place
Level 1, 85 Harrington Street
The Rocks NSW 2000

Dear Andrew,

RE: 85 HARRINGTON STREET, THE ROCKS NSW – QUANTITY AND PROPORTION OF ADAPTABLE UNITS v4

The following statement pertains to the residential portion of the new mixed-use building at 85 Harrington Street, The Rocks NSW 2000, cited herein as 'the subject development'. The specific issue that this statement addresses is the minimum quantity and proportion of adaptable residential units that would be required for the subject development.

Development consent

The subject development received development consent on 12 January 2018 under application number SSD 7037. The development consent was issued subject to the requirements of the appended Schedule 2. The relevant portions of Paragraph B37 of Schedule 2 stated that:

'ADAPTABLE HOUSING

*Prior to the issue of the relevant Construction Certificate, the Certifying Authority is to ensure that the building has been designed to accommodate a total of **12 adaptable residential units**....'* [Emphasis added]

A quantity of 12 adaptable residential units would represent a proportion of approximately 20.7 per cent of the overall total of 58 residential units in the subject development.

Regulatory Basis for Provision of Adaptable Units at the Subject Development

The *State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development* contains no explicit requirement for the provision within residential apartment developments of adaptable residential units within the meaning of AS4299(1995). Rather, the requirements for the provision of adaptable residential units are generally contained in planning controls at the local level.

The subject development was submitted and approved as a State-Significant Development. The subject development was, accordingly, not subject to any local development controls – at least not as a matter of mandatory regulatory compliance.

Suitability of Quantity and Proportion of Adaptable Units

The quantity of 12 adaptable residential units that is required under paragraph B37 of Schedule 2 of the development consent would represent a proportion of 20.7 per cent of the overall total of residential units. No clear justification has been established for the requirement for a proportion of 20.7 per cent. Such a proportion would not be commensurate with the proportion of adaptable units that was envisaged for the SSD provision, which was in the order of 10 per cent.

A quantity of 6 adaptable residential units would represent a proportion of 10.3 per cent out of an overall total of 58 residential units. This would commensurate with the proportion of adaptable units under the SSD application.

Even if the original application history were momentarily disregarded, it is observed that the proportion of adaptable units in the residential flat portions of the following recent precedent SSDA projects in the City of Sydney Council was, in each instance, less than 10 per cent:

Table 3: Proportion of adaptable units in precedent SSDA projects

SSDA	Development name	Location	Percentage of residential units being adaptable
SSD 6011	Darling Square (formerly The Haymarket) - South-West Plot	Darling Drive, Haymarket NSW	1.9 per cent
SSD 6633	Darling Square (formerly The Haymarket) - South-East Plot	Harbour Street, Haymarket NSW	2.6 per cent
SSD 6626	Darling Square (formerly The Haymarket) - North-East Plot	Harbour Street, Haymarket NSW	1.5 per cent

Conclusion

Given the foregoing, it would be reasonable for 10 per cent of the units within the subject development to be adaptable within the meaning of AS4299(1995).

Yours faithfully,

Eden Fong
Morris Goding Accessibility Consulting