

DDA AND ACCESSIBILITY REVIEW ACCESSIBLE DWELLINGS AND CARPARKING PROVISIONS

PROPOSED MIXED-USE DEVELOPMENT

207-229 YOUNG ST, 881-885 & 887-893 BOURKE STREET, WATERLOO

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PREPARED FOR ► CORINATION

PREPARED BY ► AE&D



AEDGROUP

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1. EXECUTIVE SUMMARY

This report has been prepared to provide a review and comment on the proposed mixed use development, to be located at 207-229 Young St and 881-885 & 887-893 Bourke St, Waterloo, NSW.

This review provides recommendations regarding the provision of dwellings (Sole Occupancy Units) suitable for occupation by people with a disability, and to provide recommendations regarding provision of accessible carparking facilities in association with the Class 2 Sole Occupancy Units (SOU's), appropriate to the type of development, the proposed apartment mix, and the expected characteristics and number of the occupants.

An analysis and evaluation of the BCA that is relevant to this development is provided in Part 3 and Part 4 of this report, which concludes with the following recommendations for the minimum provision of accessible dwelling types and carparking facilities :

- We recommend provision of 5% of SOUs to be provided in accordance with AS4299 Adaptable Housing requirements for the SOU's. The number of units chosen has been determined as a reflection of the possibility of some adaptable units being occupied by able bodied persons when a disabled person is seeking accommodation, so a higher level of adaptable units has been deemed as suitable to provide future flexibility for the site, relative to the statistical requirement for adaptable units relative to those within the general population in a wheelchair who would be accessing this type of building for rental accommodation.

These adaptable SOUs are to be provided in the pre-adaptation configuration on completion.

See also comments below about the number of accessible car spaces to be provided, as we note car spaces will be provided in line with AS 2890.6 - 2009, in lieu of AS 4299-1992, this is due to AS 2890.6 being the most current Australian Standard for the design of accessible car parking spaces.

- Additionally, 10% of SOUs should be provided to meet Livable Housing Australia - Silver Performance Level requirements, this caters for a suitable level of occupants who may have an ambulant disability.
- A minimum 3% of car parking spaces associated with the Class 2 part of the development should be provided in accordance with AS2890.6 requirements for accessible off-street parking. It is noted that this is based on statistical data as noted above for people in wheelchairs or using mobility aids. These spaces should be rented only to adaptable units within the development.

Note that these recommendations do not consider requirements for provision of SOUS or accessible car parking in association with any other occupants or function of the building, including provision of visitor parking, or spaces associated with Class 5 and 6 retail and commercial functions. These should be provided as required, in addition to the Class 2 accessible parking spaces.

2. INTRODUCTION

This report has been prepared to provide comment on the proposed mixed use development, to be located at 207-229 Young St and 881-885 & 887-893 Bourke St, Waterloo, NSW.

Reference is made to a request for AE&D to provide preliminary comment to assist the designers to provide suitable facilities for people with a disability.

Specifically, this review aims to provide recommendations regarding the provision of dwellings (Sole Occupancy Units) suitable for occupation by people with a disability, and also to provide recommendations regarding provision of accessible carparking facilities at the development, appropriate to the type of development, and the expected characteristics and number of occupants.

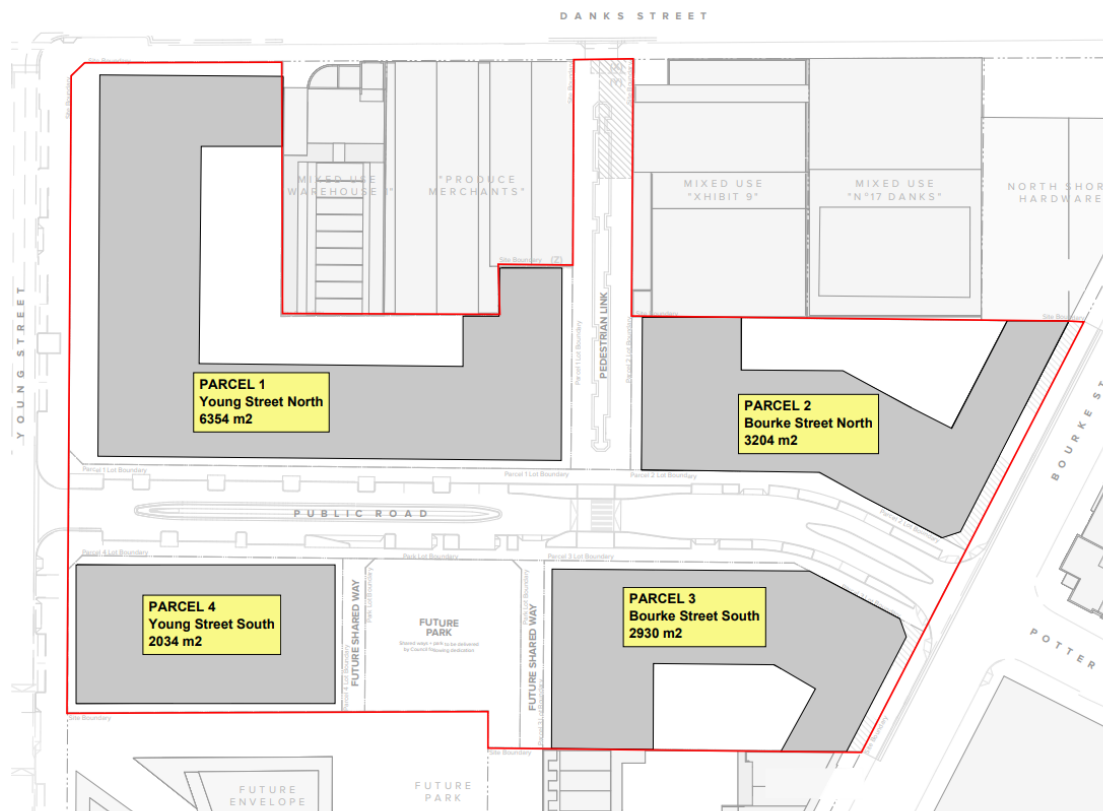
The primary purpose of this review is to assess the feasibility of the proposal in relation to provision of adaptable SOUs and associated carparking facilities.

2.1 Background

The proposed development is for provision of a mixed-use development across four land parcels, with a combined site area of approximately 21,440m².

The development comprises commercial and retail functions at street level, with underground carparking and residential accommodation provided in buildings with varying heights across the development sites.

The current proposal includes provision of 850 Build-to-rent (BTR) apartments, provided across four parcels and two development stages. The development site is indicatively shown below:



2.2 Referenced Information

The following statutory documents are referenced in the preparation of this report:

1. The Disability Discrimination Act 1992 (DDA)
2. The Disability (Access to Premises – Building) Standards 2010.
3. The Building Code of Australia 2022 Amdt 1, prepared by the Australian Building Codes Board.

Reference is also made to the following Australian Standards and Planning policies :

4. Australian Standards AS1428.1-2009 - Design for Access and Mobility – Part 1: General requirements for access - New building work.
5. Australian Standard AS2890.6-2009 Parking facilities – Part 6: Off-street parking for people with disabilities.
6. Australian Standard AS4299-1995 – Adaptable Housing
7. SEPP (Housing) 2021

2.3 Comment: Access Compliance

2.3.1 Legislative Requirements

Disability Discrimination Act (DDA) 1992:

The DDA is Commonwealth legislation which aims to eliminate discrimination against people on the grounds of disabilities, including in relation to access to buildings, accommodation, and provision of goods and services.

It is noted that there are no mandatory DDA compliance requirements, as this is a complaints-based instrument that offers no prescriptive design solutions.

The Disability (Access to Premises – Buildings) Standards 2010 (Premises Standards)

The premises Standards provides prescriptive standards noting that, if access to buildings is provided in accordance with these Standards, the provision of that access will not be unlawful under the DDA Act.

The Building Code of Australia

The Premises Standards are closely aligned with the Deemed-to-Satisfy provisions of the Building Code of Australia (BCA). As such, it is considered that compliance with disability-related Deemed-to-Satisfy requirements of the BCA will also satisfy the Premises Standards requirements, and as such will minimise the risk of the works being deemed unsuitable for someone with a disability.

Australian Standards for Disability Access

The Australian Standards referenced by the NCC/BCA provide many of the technical details regarding construction of accessible buildings as required to meet BCA provisions.

3. DISCUSSION

3.1 Provision of Accessible Sole Occupancy Units

3.1.1 Building Code of Australia

The Building Code of Australia does not provide minimum Deemed-to-Satisfy requirements for provision of *accessible* SOUs in a Class 2 development. The Building Code provides statutory requirements for access to and within common areas, but does not prescribe requirements for access to and within any dwelling.

Furthermore, it provides no mandatory requirements for the provision of accessible carparking spaces associated with any Class 2 SOU.

BCA Comment 1:

In some instances, where compliance with the DtS provisions of the BCA is not practical, compliance can be achieved where it can be demonstrated that the relevant BCA Performance Requirements are satisfied. This alternative means of compliance with the Building Code demonstrates that variations to the prescriptive DtS provisions of the BCA are reasonable in some circumstances.

In regards to provision of facilities suitable for use by people with a disability, the relevant Performance Requirements can be satisfied where it can be demonstrated that a proposal provides suitable facilities, to the degree necessary, and in accordance with the function of the building and the expected characteristics of the occupants.

3.1.2 AS4299-1995 Adaptable Housing

The Adaptable Housing Standard provides details for the provision of housing which can be adapted over time to suit the changing needs of the occupants. An Adaptable Unit is specifically designed to enable easy modification in the future for occupation and visitation by people with disabilities or progressive frailties.

It provides requirements for the design and layout of the units, including the ability for the layout to be adapted at minimal cost and disruption to facilitate suitable living spaces, bathroom, kitchen, and laundry facilities, suitable for use by people with a disability, including people who require the use of a wheelchair.

AS4299 Comment:

It is noted that there are no requirements for an Adaptable Unit to be modified to achieve its post-adaptation configuration at any particular time. Depending on the needs of the occupants, it may be that an Adaptable Unit is maintained in its pre-adaptation layout in perpetuity, and it is likely that a proportion of units in a particular development would not be adapted.

3.1.3 Livable Housing Australia Guidelines

LHA – Livable Housing

The Living Housing Australia Guidelines provides design standards for provision of facilities in residential dwellings, suitable for people with a range of disabilities. A dwelling may be provided with a range of accessible features, with corresponding Performance Levels of Silver, Gold, or Platinum Level being achieved (with Platinum providing facilities to accommodate the broadest range of occupants and mobility requirements).

LHA Accessible carparking

LHA does not provide prescriptive requirements for provision of car parking facilities.

LHA Comment

It is noted that provision of dwellings to meet LHA guidelines is generally voluntary in NSW, as it is not regulated by the BCA.

3.1.4 Build to Rent - SEPP (Housing) 2021

The NSW Department of Planning and Environment Build to rent Fact Sheet explains that Build-to-rent housing is large-scale and built for renting to tenants. It is held in single ownership and professionally managed, unlike more traditional housing, where the developer steps away after the sale. Build-to-rent housing contributes to a greater diversity of housing. It is further noted that in the scenario where a person with a specific type of disability were to rent within the building, there would be the ability for this person to be accommodated within a SOU that was best suited to their needs, and further to this because 5% of the units are already designed in the pre-adaption mode under AS 4299, there would be the ready ability to adapt these units into the post adaption mode, with these adaptations being specifically tailored to best suite that person and their level of disability.

The Housing SEPP (under Chapter 3, Part 4, section 75) advises consent authorities to be flexible when they apply the Apartment Design Guide's criteria to applications to build or modify a build-to rent development. The Housing SEPP specifies criteria and the approach it recommends for consent authorities.

BTR Comment

Apartment mix

It is recognised that Build-to rent development is intended to encourage flexible design. The Fact sheet goes on to explain that The Housing SEPP recognises that design flexibility can be beneficial for tenants, while also allowing developers to build a more attractive product for the market.

One of the key areas the Housing SEPP identifies where consent authorities must apply flexibility when considering Apartment Design Guide criteria is in relation to Apartment mix. As such, it is appropriate for this development to apply flexibility and consideration of the specific characteristics of the development, its site and context, and the expected characteristics of the occupants when determining an appropriate Apartment mix, including provision of accessible or adaptable SOUs.

Carparking

The Housing SEPP (under Chapter 3, Part 4 Built to rent Housing, section 74 (1) states that (1) *the object of this section is to identify development standards for particular matters relating to development for the purposes of build-to-rent housing that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.*

The following are non-discretionary development standards in relation to the carrying out of the development to which this Part applies

(d) for development carried out wholly or partly on land in the Greater Sydney Region—

- (i) for land within an accessible area—0.2 parking spaces for each dwelling, or
- (ii) otherwise—0.5 parking spaces for each dwelling.
- (iii) if a relevant planning instrument specifies a requirement for a lower number of parking spaces—the lower number specified in the relevant planning instrument

This clause highlights that BTR provisions in the Housing SEPP are provided to encourage a reduced reliance on private car ownership in the BTR model.

3.2 Associated Information and Development Context

3.2.1 Site and development Context

The following characteristics of the site and development are relevant in consideration of the type and quantity of Apartments and carparking spaces which are appropriate:

- The land is located in an accessible area, as defined by the Housing SEPP, being located in suitable proximity to a variety of public transport services including Bus services and the Waterloo Metro Station

- A variety of shopping and services are available within walking distance of the proposal.
- The development includes provision of commercial and retail facilities on the site.
- The site is located approximately 2km from Sydney CBD.
- A variety of taxis, ride share services, and community car-share services are available in the immediate area.

In consideration of the site characteristics, it is expected that the incidence of private car ownership by occupants would be expected to be less than in comparison many other developments, as occupants would be likely to use a mode of transport other than private car usage for their transport requirements, including use of bicycles, public transport, walking, and car share services.

3.2.2 Apartment Mix

Affordable and diverse housing

Key concepts in relation to affordable housing, as stated by item 28 of the State Design Review Panel – 14th May 2025 – Review 1 include:

- decoupling the car parking, forgoing car parking and/or providing carshare in lieu of a dedicated car parking spaces as a more affordable rental product
- incorporating a range of dwelling types and sizes, from studios through to multi-bedroom dwellings

Comment – accessible Apartments

While affordable housing does not necessarily relate directly to accessible housing, the two apartment types are not mutually exclusive and it is expected that there could be some overlap, for example through provision of housing types which are both affordable and adaptable/accessible

The carparking concepts in relation to Affordable housing also provides a precedent for decoupling car dependency for other apartment types, and provides further validity to the concept of reduced carparking associated with accessible and adaptable housing within the overall diverse apartment mix.

3.2.3 Occupant Characteristics

Incidence of people with a disability.

According to the Australian Bureau of Statistics (<https://www.abs.gov.au/statistics/health/disability/disability-ageing-and-carers-australia-summary-findings/latest-release>), the incidence of people in Australia with some form of disability in 2022 was 21% of Males, and 21.8% for Females (up from 17.7% in 2018). This statistic includes all types of disabilities, including the incidence of profound disabilities. Approximately 75% of disabilities are physical. According to 2018 ABS data (as reported by [www. https://takeatumble.com.au/insights/lifestyle/disability-statistics/](https://takeatumble.com.au/insights/lifestyle/disability-statistics/)), one in seven people with disabilities use a mobility aid, and 4.4% of people with a disability require the use of a wheelchair.

From this statistical information it can be extrapolated that approximately 3% of the Australian population have a disability which requires the use of a mobility aid, and approximately 1% of the Australian population are wheelchair users.

Assuming that, on average, approximately 1 person per 100 occupants at the development could be expected to be a wheelchair user, and allowing an average of 2-3 persons per Unit, the provision of 5% accessible units, to comply with pre-adaption AS4299 requirements, would provide sufficient facilities to accommodate the expected incidence of people who use a wheelchair.

Regarding people with an ambulant disability, it is noted that the spatial requirements for these occupants are less significant in comparison to a wheelchair user. Provision of housing which meets LHA Silver level performance requirements is considered suitable for people with an ambulant disability.

Statistically, provision of up to 9% of dwellings to meet LHA Silver level Performance requirements is sufficient to accommodate these occupants.

Comment – accessible Apartments

It is noted that specialist disability accommodation (SDA) is available in Australia to provide for the needs of people with profound disabilities. SDA dwellings have accessible features to help residents live more independently and allow other supports to be delivered better or more safely.

As such, it is likely that the incidence of occupants with significant disabilities at the proposed development would be less than the statistic average of people with a disability in the Australian population, since the proposal does not include provision of any assisted care arrangements or SDA dwellings.

Comment – accessible carparking

AS2890.6 provides a minimum standard of carparking to accommodate a broad range of users with a disability, including people who require use of a wheelchair. The large space including shared areas provides sufficient space to allow a person to transition into and out of the vehicle, and allows for mobility aids and other equipment to be safely loaded or unloaded from the vehicle.

However, it is noted that not all people with a disability have identical requirements. The spatial requirements for a wheelchair user are typically greater than for some other people with a disability.

For example, the tenant of an Apartment which is designed to meet LHA Silver Performance Level would not be likely to include occupants who require use of a wheelchair, and a such would not require use of an accessible carparking space which complies with AS2890.6.

In this case, it is noted that typical car parking spaces can be assigned to each Silver Level Unit, appropriate to the type of Unit and the expected characteristics of the occupants.

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4. SUMMARY EVALUATION

As demonstrated by the above review, there are a broad range of regulations that are applicable in consideration of the provision of suitable dwellings and parking facilities for use by residents with a disability.

Regarding provision of accessible and Adaptable SOUs in this case, the following observations are made:

- The BTR model allows for accessible and adaptable units to be efficiently allocated directly to people with corresponding disabilities and accommodation needs.
- Provision of units in their pre-adaptation configuration is suitable, as units can be then adapted to suite the specific needs of a person with a disability once a unit is available to them.
- Statistically, provision of 3% of units suitable for use by people who use a wheelchair or mobility aid, and 9% of SOUs suitable for use by people with a disability not requiring the use of a wheelchair, is sufficient in consideration of statistical incidence of people with a disability in Australia.
- The incidence of people with a disability at the development would be expected to be less than the statistical average, noting that many people with a profound disability would be accommodated in assisted living arrangements and specialist disability accommodation.

Regarding the provision of accessible carparking spaces, the following observations are made:

- The incidence of private car ownership by occupants, including people with a disability, would be expected to be less than in comparison many other developments, as in this case many occupants would be likely to use alternative modes of transport, including bicycles, public transport, walking, and car share services.
- Some occupants with a disability would not be expected to use a private vehicle, such as people with a vision or hearing impairment, and as such it is reasonable that not all accessible apartments are provided with an accessible car parking space.
- The provision of accessible carparking spaces in accordance with AS2890.6 is not necessary for all people with a disability. For example, people with dexterity disabilities but who do not require use of a mobility aid would not require use of the same circulation area for loading equipment and transferring into a vehicle in comparison to a person who uses a wheelchair.
- Decoupling car dependency is consistent with objective for the development, in consideration of the key concepts in relation to provision of carparking within the overall diverse apartment mix.

5. CONCLUSION AND RECOMMENDATIONS

This report has been prepared to provide comment on the proposed mixed use development, to be located at 207-229 Young St and 881-885 & 887-893 Bourke St, Waterloo, NSW.

This review aims to provide recommendations regarding the provision of dwellings (Sole Occupancy Units) suitable for occupation by people with a disability, and to provide recommendations regarding provision of accessible carparking facilities at the development, appropriate to the type of development, the proposed apartment mix, and the expected characteristics and number of occupants.

In consideration of the analysis and evaluation of relevant legislation, guidelines and objectives for this development contained in this review, we recommend that the development includes the following recommendations for the minimum provision of accessible dwelling types and carparking facilities:

- We recommend provision of 5% of SOUs to be provided in accordance with AS4299 Adaptable Housing requirements for the SOU's. The number of units chosen has been determined as a reflection of the possibility of some adaptable units being occupied by able bodied persons when a disabled person is seeking accommodation, so a higher level of adaptable units has been deemed as suitable to provide future flexibility for the site, relative to the statistical requirement for adaptable units relative to those within the general population in a wheelchair who would be accessing this type of building for rental accommodation.

These adaptable SOUs are to be provided in the pre-adaptation configuration on completion.

See also comments below about the number of accessible car spaces to be provided, as we note car spaces will be provided in line with AS 2890.6 - 2009, in lieu of AS 4299-1992, this is due to AS 2890.6 being the most current Australian Standard for the design of accessible car parking spaces.

- Additionally, 10% of SOUs should be provided to meet Livable Housing Australia - Silver Performance Level requirements, this caters for a suitable level of occupants who may have an ambulant disability.
- A minimum 3% of car parking spaces associated with the Class 2 part of the development should be provided in accordance with AS2890.6 requirements for accessible off-street parking. It is noted that this is based on statistical data as noted above for people in wheelchairs or using mobility aids. These spaces should be rented only to adaptable units within the development.

Note that these recommendations do not consider requirements for provision of SOUS or accessible car parking in association with any other occupants or function of the building unless noted, including provision of carparking associated visitors or with the Class 5 and 6 retail and commercial functions. These should be provided as required, in addition to the Class 2 accessible parking spaces.

Report prepared by:



Jason Storer

Associate Director, AED

Building Surveyor and Access Consultant

Accredited Building Surveyor AIBS – Level 1 - No. 8176

Licensed Building Certifier – Qld. Level 1 – No. A15443211

Access Consultants Association – Affiliate Member – No. 554