



# Better Apartments

SEPP 65 & Apartment Design Guide

# Overview of the Amendments to SEPP 65

## SEPP 65 benefits

- Better apartment design - NSW setting the benchmark
- Improved attractiveness of apartments as a housing choice
- More energy efficient design







## Amendments to SEPP 65

- Notified on 19 June 2015
- Commenced on 17 July 2015
- Amended SEPP 65 and the EP&A Regulation and established the Apartment Design Guide



## Key changes to SEPP 65

- Aims of the policy
- Updated definitions
- Application of the policy
- Relationship between Apartment Design Guide and council DCPs
- Amended clause 30A (now clause 30) and how it works
- Updated design quality principles
- Transitional provisions



## Aims of the policy

### Updated aims to support

- a variety of dwelling types to meet population growth
- housing affordability
- timely and efficient assessment of applications



## Updated definitions

- Definitions are aligned to the Standard Instrument LEP
- Clause 3 of the SEPP introduces some additional definitions for key terms under the policy
- For example, '*Residential apartment development*' is a group term defined in SEPP 65 that captures all development types the SEPP applies to



# Application of the policy – clause 4

- SEPP 65 applies to:
  - Residential flat buildings
  - Shop top housing (new)
  - Mixed use developments with a residential component (new)
- If the building is 3 or more storeys and 4 or more dwellings (unchanged)



## Application of the policy – Clause 4

- Applies to new apartment buildings, or the substantial redevelopment, refurbishment or conversion of an existing building
- SEPP 65 does not apply to boarding houses or serviced apartments

Note however that some LEPs apply the provisions of the SEPP to these development types







## Relationship to council DCPs – clause 6A

- Where a DCP includes controls, requirements or standards that cover the same subject matter as an objective, design criteria or guidance in the Apartment Design Guide – those parts of the DCP have no effect
- This clarifies that only one policy applies across the State for these key design issues



## Relationship to council DCPs – clause 6A

- The clause refers to the following sections of the Guide:

Visual privacy

Solar and daylight access

Common circulation and spaces

Apartment size and layout

Ceiling heights

Private open space and balconies

Natural ventilation

Storage

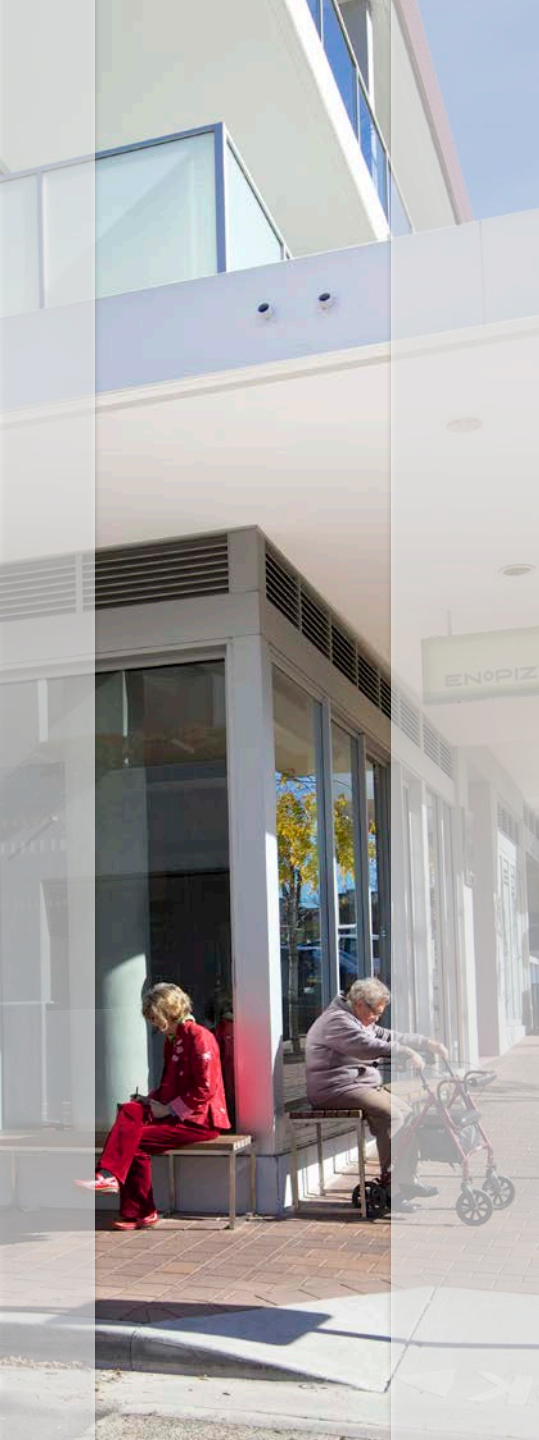
# New clause 6A & how it works

For example:

- If a DCP includes a control that sets a minimum amount of storage for an apartment, the DCP control has no effect. Instead, 4G of the Apartment Design Guide which includes an objective and design criteria on the design of storage for an apartment will apply
- Council will need to consider what parts of it's DCP no longer have effect for the purpose of residential apartment development







## Non-discretionary development standards – Clause 30

- Previously clause 30A of SEPP 65; expanded to include car parking as a non-discretionary standard
- The three matters covered are:
  - ceiling height
  - apartment size
  - car parking
- Cannot be used as reasons for refusal where the proposal meets the minimum requirements
- Clause 30 makes these requirements non-discretionary development standards in accordance with clause 79C(2) of the EP&A Act



## Non-discretionary development standards – Clause 30

- The aim of clause 30 is to provide certainty for the key standards of apartment size, ceiling height and car parking
- The language of this clause has been amended to be clearer. The clause directs consent authorities to the specific parts of the ADG that apply



## Updated design quality principles

- The design quality principles have been revised and updated to respond to contemporary issues
- They have been consolidated into 9 principles, and relocated into a schedule within the SEPP



# Updated design quality principles



Former principles	Updated principles
<i>Principle 1: Context</i>	Principle 1: Context <b>and neighbourhood character</b>
<i>Principle 2: Scale</i> <i>Principle 3: Built form</i>	Principle 2: <b>Built form and scale</b>
<i>Principle 4: Density</i>	Principle 3: Density
<i>Principle 5: Resource, energy and water efficiency</i>	Principle 4: <b>Sustainability</b>
<i>Principle 6: Landscape</i>	Principle 5: Landscape

# Updated design quality principles

Former principles	Updated principles
<i>Principle 6: Landscape</i>	Principle 5: Landscape
<i>Principle 7: Amenity</i>	Principle 6: Amenity
<i>Principle 8: Safety and security</i>	Principle 7: <b>Safety</b>
<i>Principle 9: Social dimensions and housing affordability</i>	Principle 8: <b>Housing diversity and social interaction</b>
<i>Principle 10: Aesthetics</i>	Principle 9: Aesthetics





## Savings and transitional provisions

- SEPP 65 commenced on 17 July 2015. Savings provisions allowed applications to be lodged before the commencement date
- DAs lodged before 19 June 2015:  
*Previous SEPP and Residential Flat Design Code apply*
- DAs lodged after 19 June 2015 (and determined after 17 July 2015):  
*Amended SEPP and Apartment Design Guide apply*





## Key changes to the Regulation

- A requirement that councils must consider parts 1 and 2 of the Apartment Design Guide when preparing DCPs
- Clarified and strengthened requirements for design verification statements
- Strengthened requirements around design review panels



## ADG informs DCP preparation

- The EP&A Regulation now includes clause 21A which requires a council to consider parts 1 and 2 of the Apartment Design Guide before approving a DCP
- Parts 1 and 2 relate to setting controls and should not be used when assessing DAs



## Design verification statements

- The requirements for design verification statements have been strengthened to now include an explanation of how the principles & objectives of the ADG have been satisfied
- This is in addition to providing a statement verifying that a registered architect designed or directed the design of the proposal





## Design verification statements

- The designer must provide an explanation that verifies how the development (or modification):
  - i. addresses how the design quality principles are achieved, and
  - ii. demonstrates how the objectives in Parts 3 and 4 of the ADG have been achieved

# Design review panels

- An amended maximum fee that councils can charge for applications that are referred to a design review panel
- The new maximum fee is \$3,000, increased from \$760
- An application for a s.96 modification that has a different designer to the original DA must be referred to a relevant design review panel (where one exists)

