



## Frequently Asked Questions

### WHAT IS THE RESULT OF THE REVIEW INTO THE STATE POLICY FOR THE DESIGN OF APARTMENTS?

- A comprehensive review has been conducted into the State policy that promotes better apartment design across the State known as SEPP 65, and the *Residential Flat Design Code* which translates the design principles of the policy into practice.
- Extensive stakeholder consultation has resulted in changes to the policy and an overhaul of the Design Code into a new *Apartment Design Guide*.
- SEPP 65 has also been renamed *State Environmental Planning Policy No.65 - Design Quality of Residential Apartment Development* to reflect contemporary references to apartments and the new *Apartment Design Guide*.
- The changes will support good apartment design, and the supply and affordability of housing throughout NSW.

### WHAT DEVELOPMENT DOES SEPP 65 APPLY TO?

- SEPP 65 applies to residential flat buildings that are three or more storeys and have four or more dwellings.
- It also now applies to mixed use development with a residential accommodation component and shop top housing.
- It applies to new apartment buildings, substantial redevelopments or refurbishments of existing buildings and conversions of existing buildings.
- It does not apply to boarding houses or serviced apartments.
- SEPP 65 applies in locations where residential flat buildings are allowed by the local zoning. It does not expand the areas where apartment buildings can be built.

### WHAT DO THE CHANGES DO?

- The policy changes update the design principles which are applied both to the design of new apartments and the way they are assessed by councils.
- These principles are: context and neighbourhood character, built form and scale, density, sustainability, landscape, amenity, safety, housing diversity and social interaction, and aesthetics.
- The new *Apartment Design Guide* explains how to apply these principles in the design of new apartments. It establishes objectives and design criteria and provides general design guidance.
- The changes also give councils the ability to appoint design review panels which can advise on whether an apartment development meets the design principles and, if not, recommendations on ways to comply.
- Apartment buildings also need to comply with [BASIX](#) (the building sustainability index).



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### WHAT DOES THE APARTMENT DESIGN GUIDE DO?

- The *Apartment Design Guide* provides consistent planning and design standards for apartment development across the State.
- It is a useful tool for councils, planners, architects and developers who are planning a residential apartment development, designing the building, or assessing applications for such developments.
- The Guide aims to deliver better designed apartments which meet the needs of residents and enhance the streetscape.

### WHAT ARE SOME OF THE KEY CHANGES IN THE APARTMENT DESIGN GUIDE?

#### Apartment size

- In order to help housing affordability, the Guide now introduces a minimum size for studio apartments of 35m<sup>2</sup>. (Minimum sizes for one, two and three bedroom apartments are also included).
- Apartment sizes are based on only one bathroom; additional bathrooms will increase the minimum apartment size by 5m<sup>2</sup> each.
- A fourth bedroom and further additional bedrooms increase the minimum apartment size by 12m<sup>2</sup> each.
- These sizes are based on actual living requirements and real floor layouts, and include adequate storage.
- Where consumer demand exists, bigger apartments can still be provided.

#### Car parking

- The *Apartment Design Guide* establishes benchmarks for car parking which reflect that providing less car parking reduces the cost of apartments, and fewer young people are acquiring vehicle licences in favour of public transport use, walking and cycling.
- For sites located within 800m of a railway station or light rail stop in Metropolitan Sydney, the Guide states that car parking will need to meet minimums in the Roads and Maritime Services' Guide to Traffic Generating Development or the council's requirements, whichever is less.
- Provided there is adequate public transport nearby, reducing the amount of car parking can make it easier for residents to walk and cycle, with resulting health benefits, and it can also increase social interaction within neighbourhoods, which is good for community wellbeing.
- Where there is consumer demand, more car parking can be accommodated within a development.

#### Solar and daylight access

- The *Apartment Design Guide* has new requirements for solar access in mid-winter in Metropolitan Sydney, Newcastle and Wollongong local government areas.
- Living rooms and private open spaces of at least 70 per cent of apartments must receive a minimum of two hours direct sunlight between 9am and 3pm during mid-winter in these areas.
- In regional NSW, the living rooms and private open spaces of at least 70 per cent of apartments must receive a minimum of 3 hours direct sunlight between 9am and 3pm during mid-winter.



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### Natural ventilation

- The requirement for 60 per cent of apartments to achieve adequate cross-ventilation remains, however, there is a new requirement for taller buildings. Apartments at 10 storeys and above are considered to be naturally cross-ventilated, provided balcony design still allows for adequate natural ventilation.

### HOW IS THE POLICY AND THE APARTMENT DESIGN GUIDE APPLIED?

- The policy has statutory effect which means that it may modify or supplement the requirements of state environmental planning policies, local environmental plans and development control plans. It is supported by the *Apartment Design Guide*.
- All parts of the Guide will be used to inform the design process for apartment development. Parts 1 and 2 of the Guide will be used during strategic planning and when planning controls are being developed, while Parts 3 and 4 of the Guide will be used when development applications are being prepared and assessed.
- Both SEPP 65 and Parts 3 and 4 of the *Apartment Design Guide* apply when assessing development applications.
- It may not be possible in all instances to satisfy the design criteria in the Guide, so it gives designers the flexibility to innovate and demonstrate they will achieve the same result with a different approach.
- There are eight sections of the Guide that apply to apartment development in place of council development control plans. They are visual privacy, solar and daylight access, common circulation and spaces, apartment size and layout, ceiling heights, private open space and balconies, natural ventilation and storage. This removes any uncertainty when there are conflicting requirements.
- If a development meets the design criteria for ceiling height, apartment size and car parking, then the development cannot be refused on these grounds.
- A Planning Circular which outlines technical requirements in greater detail is available for reference.

### WILL THESE CHANGES ADD TO THE COST OF BUILDING AND BUYING APARTMENTS?

- The intent of the changes is to improve the appearance, comfort and convenience of apartments, and to support affordability. Developers recognise these are key factors for home buyers.
- By introducing more flexibility into the design process, apartment designers have greater opportunities to innovate, and to satisfy consumer demand.

### WHY IS SEPP 65 IMPORTANT?

- An apartment design policy is important because:
  - the demand for quality affordable apartments is growing in response to demographic changes.
  - good apartment design can make neighbourhoods more attractive;
  - providing apartments close to public transport and existing services reduces car usage, pollution and congestion, and increases the potential for residents to walk to and use public transport with the associated health benefits; and



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- it encourages a more consistent approach to design across the state, more certainty for councils, architects and applicants, and design innovation.
- The introduction of SEPP 65 over a decade ago has already led to a big improvement in apartment design.

### WHAT CONSULTATION OCCURRED DURING THE REVIEW?

- Since 2011, when initial consultation on the policy occurred, there have been several phases of stakeholder consultation around the release of a discussion paper and the feedback provided by stakeholders.
- The most recent consultations occurred when proposed changes to the Policy and a draft *Apartment Design Guide* were publicly exhibited from 22 September to 31 October 2014.
- In response to this exhibition, the Department received over 165 submissions from the community, local government, peak industry bodies, practitioners, and professional associations.
- This feedback has been used to inform the final policy and the *Apartment Design Guide*.

### WHEN DOES THE POLICY AND GUIDE COMMENCE?

- The policy will come into effect (commence) on 17 July 2015 which is four weeks after it was published on [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au) on 19 June 2015.
- The amended SEPP 65 and the *Apartment Design Guide* **will not apply** to development applications and applications to modify development consents that have been made but not finally determined before 19 June 2015.
- The policy and Guide **will apply** to all development applications and applications to modify development consents made after 19 June 2015.

### FURTHER INFORMATION

To find out more visit our website:

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