



## SEPP 65 – WHAT IS IT?

SEPP 65 is a State Environmental Planning Policy which is concerned with the design quality of residential flats. The SEPP applies to all residential flat development of three or more storeys which also includes four or more dwellings (but not including Class 1a or 1b buildings). It requires the direct involvement of a registered architect in the design.

The SEPP applies to development being:

- the erection of a new residential flat building; and
- the substantial redevelopment or the substantial refurbishment of an existing residential flat building; and
- the conversion of an existing building to a residential flat building.

If a particular proposal comprises residential flat development and other development, this policy applies to the residential flat development and does not apply to other parts of the proposal.

## RESIDENTIAL FLAT DESIGN CODE

The Residential Flat Design Code is a resource to enable councils, planners, developers and architects to improve residential flat design. The Code sets broad parameters for good residential flat design by illustrating the use of development controls and consistent guidelines. The Design Code supports the ten design quality principles identified in State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development. It supplies detailed information about how development proposals can achieve these principles.

Note: a copy of this document is available for purchase from the Department of Planning or it can be viewed at [www.planning.nsw.gov.au](http://www.planning.nsw.gov.au) or [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au).

## DEVELOPMENT ASSESSMENT

During the assessment of a Development application, the SEPP specifies three matters which MUST be taken into consideration. These are:

- the ten design quality principles contained with the SEPP;
- the residential Flat Design Code; and
- any advice obtained from a “Design Review Panel”.

Accordingly, any application to which this SEPP applies MUST include detailed information specifying how the application meets both the design quality principles and the Residential Flat Design Code.

## DESIGN QUALITY

The ten design quality principles of the SEPP are:

- |                                      |              |                       |
|--------------------------------------|--------------|-----------------------|
| - Context                            | - Scale      | - Landscape           |
| - Amenity                            | - Built Form | - Density             |
| - Social Dimensions                  | - Aesthetics | - Safety and Security |
| - Resource, energy, water efficiency |              |                       |

## VERIFICATION FROM A REGISTERED ARCHITECT

- The SEPP also requires that a Development Application is accompanied by a Design Verification from a qualified designer, being a statement in which the qualified designer verifies:
  - that he or she designed, or directed the design, of the residential flat development; and
  - that the design quality principles set out in Part 2 of State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development are achieved for the residential flat development.
- This verification is required for all applications lodged on or after 30 November 2003.
- A “qualified designer” is defined as a registered architect in accordance with the Architects Act 1921.

## DESIGN REVIEW PANEL

A Design Review Panel is to be established in the Illawarra to provide independent, expert advice to Illawarra councils. The Panel, once established, will review the design merit of development applications for residential flats and provide a written report for the consideration of Council prior to determination. The panel is introduced to supplement existing in-house skills at councils and increase the design expertise involved in the decision making process.

## REQUIRED INFORMATION

Schedule 1 of the Environmental Planning and Assessment Regulation specifies the information that MUST be submitted with a development application to which this SEPP applies. This information includes:

- a Statement of environmental Effects which gives an explanation of the design in terms of the design quality principles set out in Part 2 of SEPP 65;
- drawings of the proposed development in the context of surrounding development, including the streetscape;
- details of how the development achieves compliance with building heights, building height planes, setbacks and building envelope controls (if applicable) marked on plans, sections and elevations;
- drawings of the proposed landscape area, including species selected and materials to be used, presented in the context of the proposed building or buildings and the surrounding development and its context;
- if the proposed development is within an area in which the built form is changing, statements of the existing and likely future contexts;
- photomontages of the proposed development in the context of surrounding development;
- a sample board of the proposed materials and colours of the façade;
- detailed sections of proposed facades;
- if appropriate, a model that includes the context.

## ISSUING OF A CONSTRUCTION CERTIFICATE

A principal certifying authority must not issue an Occupation Certificate to authorise a person to commence occupation or use of residential flat development, unless the certifying authority has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the residential flat development achieves the design quality of the development as shown in the plans and specifications in respect of which the Construction Certificate was issued, having regard to the design quality principles set out in Part 2 of SEPP 65.

## ADDITIONAL FEES

If any application is required to be sent to the Design Review Panel (once established) there is an additional fee.

**For further information relating to SEPP 65 it is recommended that you:**

- Contact Department of Planning (Head Office) on (02) 9765 8044
- Review the Department of Planning web site – [www.planning.nsw.gov.au](http://www.planning.nsw.gov.au)
- Obtain copies of the SEPP, the Residential Flat Design Code and its accompanying regulation

## Disclaimers

This information was believed to be correct at the date of its publication.

This information is for general information purposes only and should not be relied upon for legal advice.