

General Policy Overview FAQs

How are Class 2 building requirements in the Design Building Practitioner's Regulation and the Environmental Planning and Assessment Regulation aligned?

The requirement to use a registered architect for residential apartment development (3 or more storeys and 4 or more dwellings) has been carried over from SEPP 65 to the DP SEPP. The DBP Regulation already took account of this requirement in its drafting, and no further restriction on the skills required by the DBP Regulation has been made. Conversely, the skills, knowledge and experience required of architects for the purposes of the DBP Regulation (which is broader than the qualifications in SEPP 65) will now be reflected in the policy package to ensure alignment.

How will development under the Codes SEPP be harmonised?

The policy package does not amend the Codes SEPP, nor will it apply to development permitted under that policy. Any future updates of the Codes SEPP will consider the DP SEPP principles and considerations where appropriate.

How does a green travel plan work?

A public transport accessibility level (PTAL) map showing the relevant PTAL measures across NSW will be published on the Department's Spatial Viewer. The Application Form will also provide specific information on the PTAL that applies to the site address entered. Where part or all of the site is within a PTAL 6 area (either 6a or 6b), the applicant may submit a Green Travel Plan in respect of that area which sets out the strategies for accessing the site by various transport modes.

To the extent that a Green Travel Plan justifies less car parking, the applicant cannot be held to higher minimum parking numbers. Maximum parking numbers will continue to apply. Conditions of consent may be included to enforce the measures proposed by the Green Travel Plan – for example if 10 car spaces are proposed to be replaced with 1 car share space, the consent authority may impose conditions designating the car space, the engagement of a car share provider, and any other reasonable conditions such as the hours or means of access.

This mechanism does not automatically eliminate the need for developments to provide parking – the Green Travel Plan will still need to justify the parking rate by reference to the local context, and the development will need to deliver any offset measures that are relied on.

What changes will I need to make to a Statement of Environmental Effects?

Applicants will need to provide consent authorities with a description of how the principles of the DP SEPP have been addressed, by reference to the considerations. The intent is for applicants to use the principles and considerations to thematically group the content of their SEE, rather than as an additional layer of information.

These changes focus this information on specific issues to be addressed and directs assessment to the qualitative outcome sought rather than compliance with a given list or criteria.

What changes will I need to make to a design verification statement?

Where a DA is lodged for residential apartment development, it must be accompanied by a design verification statement that:

- is prepared by an architect (within the meaning of the SEPP),
- verifies the signatory is a registered architect who designed or directed the design of the development,
- explains, with reference to the ADG, how each of the objectives in that guide have been achieved, either by meeting the criteria and guidance of the ADG or using an alternative design solution that meets the objective to the satisfaction of the consent authority.

Where a DA is lodged for development to which the UDG applies, it must be accompanied by a design verification statement that:

- is prepared by an urban designer (within the meaning of the SEPP)
- verifies the signatory that the urban designer has the requisite precinct or master planning experience and either designed or directed the design,
- explains, with reference to the UDG, how each of the objectives in that guide have been achieved either by meeting the criteria and guidance of the UDG or using an alternative design solution that meets the objective to the satisfaction of the consent authority,
- in the case of State significant developments, explain the involvement of Aboriginal stakeholders and how they have had input to the development,
- in the case of State significant developments, explains how the development respects and acknowledges the intellectual property of local Aboriginal communities.

Where a DA is lodged that involves public or common spaces greater than 1,000 square metres (e.g. an open space or park), or a master plan, it must be accompanied by a design verification statement that:

- is prepared by a landscape architect (within the requirements of the SEPP)
- verifies the signatory is a landscape architect who designed or directed the landscape design or master plan,
- explains, in terms of the Urban Design Guide, where relevant, how each of the objectives in that guide have been achieved, either by meeting the criteria and guidance of the UDG or using an alternative design solution that meets the objective to the satisfaction of the consent authority,
- in the case of State significant developments, explain the involvement of Aboriginal stakeholders and how they have had input to the development,
- in the case of State significant developments, explains how the development respects and acknowledges the intellectual property of local Aboriginal communities.

There are additional requirements that should apply to development required to go to a design review panel, and for which a design verification statement must be prepared. In this situation, the design verification statement must also demonstrate:

- that the design of the development incorporates the advice of the panel,
- how the proposed development remains consistent with that advice, and

- where it departs from that advice, how the proposal still satisfies the principles and considerations of the SEPP.

How do the principles get used in assessment?

The considerations of the DP SEPP provide specific means for assessing whether the principles have been met. Each principle has two considerations that address the primary concerns that the consent authority must be satisfied with in order to give consent. These are necessarily general as they apply to a range of development types and scales.

The principles and considerations are also cascaded into typology-specific objectives in the guides. This recognises the design parameters that are specific to the typology or scale of design. An apartment owner (unlike, say, the owner of a house) cannot reconfigure their dwelling to change its outlook or landscaped area, and so specific objectives for this typology relating to solar access and balcony size ensure applicants and assessors provide this amenity to future owners and occupants 'by design'. Likewise, it is difficult to deliver public space and walkability or reveal Country on a site-by-site basis, and getting these parameters right on a neighbourhood scale, informed by urban design objectives, and then enshrining context-specific outcomes in development control plans, makes the delivery of the high-level principles straightforward in downstream development.

Apartment FAQs

Can I still use the ADG design criteria?

Apartment developments must be consistent with each of the ADG objectives. To demonstrate this consistency, a proposal can choose from two options: meet the ADG's design criteria and guidance, or proposal an alternative design response that delivers a neutral or beneficial planning outcome and meets the objective to the satisfaction of the consent authority.

What happens if I don't meet one of the criteria?

If it is not possible to satisfy the design criteria, for example, due to site constraints, the development application must demonstrate how a proposed alternative design response will still achieve the objective; the ADG's design guidance can help with this.

Documentation of the design process and response, including technical submissions or other evidence to support alternative designs where relevant, is critical to support a development application by demonstrating that the proposal delivers the best planning outcome for that site.

Urban design FAQs

Do I need to prepare a master plan and a site specific DCP?

Where the consent authority requires a site specific DCP, and or a master plan, you will need to deliver these requirements as detailed by the consent Authority. All urban design development will require a qualified urban designer to prepare a design verification statement to demonstrate how a proposed design meets the UDG objectives set out in Part 2 of the guide.

Are there exceptions?

A DCP will not be required if a DCP is already being complied with that applies to the site.

What are the key design criteria that are being introduced for sites above 1ha?

The Urban Design Guide will include design criteria for the following:

- Minimum gross residential densities of 30 dwellings per ha are provided in and around:
 - o Activity centres within 5 minutes' walk of neighbourhood shops, neighbourhood centres or local centres, and/or
 - o 10 minutes' walk of strategic and metropolitan centres, regional towns and cities.
 - o 10 minutes' walk of high frequency public transport
- The minimum average gross residential density is 15 dwellings per ha if not called out in the neighbourhood catchments above.
- All homes are within 15minute to 20minute walk of a collection of local shops, primary schools, public transport, supermarkets or grocery stores.
- Sunlight and shade provisions for Public Open Space, and sunlight provisions for significant places of heritage and cultural significance.
- Percentage (15%) of net developable area as freely accessible public open space.
- Public open space of varying sizes within walking distance of all residents and workers, achieving access benchmarks
- Street design to include dwell space and buffers in accordance with the local council requirements or as set out in the Urban Design Guide.
- Urban tree canopy benchmarks achieved
- Maximum block length of 160-220m in residential and mixed use areas, with industrial areas 220-250 metres and mid-block connections no more than 130m apart within walking catchments of key destinations and centres

Where can I find more information on the tree canopy targets and open space provision?

The UDG provides guidance on urban tree canopy and public open space provision in section two of the guide and the appendices. Specific objectives have been established to deliver tree canopy (see Objective 10). The provision of public open space is detailed in Objective 12. These objectives are supported by design criteria and guidance.

Does advice relating to Greener Places apply to sites under 1ha as well?

The Draft Greener Places Design Guide is not a guidance document under the DP SEPP, but is a reference tool for the planning, design and delivery of Green Infrastructure in urban areas across NSW.

How are the SEPP and UDG addressing density and amenity?

The DP SEPP asks consent authorities to consider of how development over 1 hectare is making efficient use of land. Specifically, the consent authority is prompted to consider whether the design controls of residential land (R1 to R4) and mixed use centres are capable of achieving a minimum density – that is, whether the primary development controls of permissible uses, height, FSR and

site coverage, when taken together, enable walkable vibrant areas to be created. Not every site will achieve this density – nor is that desired as housing diversity within the permissible range is sought.

In areas of higher amenity and accessibility, the density target is higher. This is because access to centres and public transport determines access to a range of opportunities, including work, goods and services and destinations such as health precincts, high schools and universities, parks and beaches. The target does not apply to non-residential or mixed-use, as offices, shops, parks and schools also support residential, and themselves may be destinations accessed by that same public transport.

These density targets must be read together with the other design criteria of the Urban Design Guide that foster amenity – such as locating dwellings within 20 minutes of shops, district parks and schools, and within 5 minutes of local parks.

BASIX FAQs

Do the new BASIX standards align to proposed National Construction Code 2022?

The NCC is proposing new energy performance requirements in 2022 for residential development and we have modelled similar options to NCC for BASIX. We are aiming to align with the NCC requirements, however their proposed targets for 2022 remain subject to separate consultation, as is the case for BASIX.

Sustainability FAQs

How will the Design and Place SEPP support NSW commitment to achieve net zero by 2050?

The proposed measures in the SEPP will help ensure buildings in NSW will operate at net zero well before 2050.

The proposed new measures for buildings encourage earlier consideration of net zero design features through the requirement of a 'Net Zero Statement' and by enabling the charging of electric vehicles.

The SEPP also provides the settings for new developments to move towards net zero embodied emissions. Under business-as-usual, embodied emissions will be responsible for 85 per cent of total carbon emissions in 2050 from Australia's buildings.

The SEPP will enable important data to be captured on quantities of materials and construction practices which will help inform benchmarks and future targets. The proposed SEPP is an important step change for buildings in NSW to meet our net zero objectives. The new settings provide improved flexibility and ability for industry to lead and respond to the requirement to achieve net zero emissions and move towards a circular economy.

How will these sustainability provisions be updated over time?

The NSW planning system does not currently capture or monitor modelled operational emissions, water or embodied emissions performance for new non-residential buildings. These proposed sustainability performance standards and compliance pathways will enable NSW to gain access to new or improved data that will inform future benchmarks and targets in the SEPP and other planning and regulatory settings.

The SEPP will be updated periodically to drive high performance and align with industry best practice. The stringency of performance requirements will likely increase in future SEPP reviews as various markets mature. For example, the market for low emissions materials is anticipated to grow over the next few years as NSW develops a framework for measuring and setting targets to reduce embodied emissions of building materials through the Accelerating Net Zero Buildings program. Similarly, the electric vehicles market is expected to grow substantially in the next few years, providing for additional data that can be used to better plan for public electric vehicle charging infrastructure.

Why are there different requirements for residential and non-residential development?

The SEPP asks for resource efficiency and emission reduction to be considered in all new developments including commercial development. In NSW, residential sustainability design is regulated and informed by BASIX and the Apartment Design Guide. Non-residential developments are regulated by the National Construction Code and informed by NABERS and Green Star.

Residential and commercial developments are quite different in size, occupancy, use requirements, building materials, fabric and volumes, and are built for fundamentally different purposes and at various scales. The SEPP provides an opportunity to gather relevant information to set performance settings that are fit-for-purpose for non-residential developments and in our New South Wales policy context.

The scale of non-residential buildings and the increased sophistication of professional asset owners and operators creates the opportunity for non-residential assets to cost-effectively achieve net zero more quickly.