



New South Wales

State Environmental Planning Policy Amendment (Housing) 2023

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979*.

Minister for Planning and Public Spaces

DRAFT

State Environmental Planning Policy Amendment (Housing) 2023

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Environmental Planning and Assessment Act 1979

1 Name of policy

This policy is *State Environmental Planning Policy Amendment (Housing) 2023*.

2 Commencement

This policy commences on 1 November 2023 and is required to be published on the NSW legislation website.

3 Repeal of State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development

State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development is repealed.

4 Repeal of policy

This policy is repealed at the beginning of the day following the day on which this policy commences.

Schedule 1 Amendment of State Environmental Planning Policy (Housing) 2021

[1] Section 4 Interpretation—general

Insert “in Schedule 10” after “Dictionary”.

[2] Section 5 Interpretation—references to equivalent land use zones

Omit “relevant authority” wherever occurring in section 5(1)(b) and (2)(a).

Insert instead “relevant public authority”.

[3] Section 5(4), definition of “relevant authority”

Omit “*relevant authority*”. Insert instead “*relevant public authority*”.

[4] Section 8 Relationship with other environmental planning instruments

Insert at the end of the section—

- (2) *State Environmental Planning Policy (Sustainable Buildings) 2022*, Chapter 2 prevails to the extent of an inconsistency between that chapter and this policy, Chapter 4.

[5] Section 12A

Insert after section 12—

12A Limitation on additional floor space ratio

- (1) This section applies to development involving more than one of the following—
- (a) development for the purposes of in-fill affordable housing under Chapter 2, Part 2, Division 1,
 - (b) development for the purposes of boarding houses under Chapter 2, Part 2, Division 2,
 - (c) development for the purposes of co-living housing under Chapter 3, Part 3,
 - (d) development for the purposes of seniors housing under Chapter 3, Part 5.
- (2) If the development proposes to use the additional floor space ratio permitted under more than one relevant provision, the maximum floor space ratio must not exceed 130% of the maximum permissible floor space ratio for residential accommodation on the land.
- (3) In this section—
relevant provision means section 17(1) and (2), 24(2)(a)(ii), 68(2)(a)(ii) or 87(2)(b).

[6] Section 13A

Omit the section. Insert instead—

13A Application of Chapter 4 to affordable housing

Development to which this chapter, Part 2, Division 1, 5 or 6 applies may also be residential apartment development under Chapter 4.

Note. See section 144(6).

[7] **Chapter 2, Part 2, Division 1**

Omit the Division. Insert instead—

Division 1 In-fill affordable housing

15A Objective of division

The objective of this division is to facilitate the delivery of new in-fill affordable housing to meet the needs of very low, low and moderate income households.

15B Definition

In this division—

residential development means development for the following purposes—

- (a) attached dwellings,
- (b) dual occupancies,
- (c) dwelling houses,
- (d) manor houses,
- (e) multi dwelling housing,
- (f) multi dwelling housing (terraces),
- (g) residential flat buildings,
- (h) semi-detached dwellings,
- (i) shop top housing.

16 Development to which division applies

- (1) This division applies to residential development if—
 - (a) the development is permitted with consent under another environmental planning instrument, and
 - (b) at least 15% of the gross floor area of the part of the building resulting from the development that is used for residential development will be used for the purposes of affordable housing, not including any other affordable housing required to be provided in the building under another provision of another environmental planning instrument, and
 - (c) for development on land in the Greater Sydney region, Newcastle region or Wollongong region—all or part of the development is within an accessible area, and
 - (d) for development on other land—all or part of the development is within 800m walking distance of land within 1 or more of the following zones or an equivalent land use zone—
 - (i) Zone B1 Neighbourhood Centre,
 - (ii) Zone B2 Local Centre,
 - (iii) Zone B4 Mixed Use.
- (2) In this division, residential development carried out by, or on land owned by, the Aboriginal Housing Office or the Land and Housing Corporation is taken to be used for the purposes of affordable housing.
- (3) In this section—

Newcastle region means the City of Cessnock, City of Lake Macquarie, City of Maitland, City of Newcastle and Port Stephens local government areas.

Wollongong region means the Kiama, City of Shellharbour and City of Wollongong local government areas.

17 Additional floor space ratio

- (1) The maximum floor space ratio for development to which this division applies is 130% of the maximum permissible floor space ratio for residential accommodation on the land.
- (2) Despite subsection (1), the maximum floor space ratio for nominated development is the greater of—
 - (a) 130% of the maximum permissible floor space ratio for residential accommodation on the land, or
 - (b) the maximum permissible floor space ratio for residential accommodation on the land plus—
 - (i) if the affordable housing component is at least 50%—0.5:1, or
 - (ii) otherwise—affordable housing component:1.

- (3) In this section—

affordable housing component, of a building, means the percentage of the gross floor area of the part of the building used for residential development that will be used for affordable housing.

nominated development means development to which this division applies that is carried out—

- (a) by or on behalf of, or on land owned by, a relevant authority or a registered community housing provider, and
- (b) on land with a maximum permissible floor space ratio for residential accommodation of 2:1 or less.

18 Additional building height

The maximum height of a building resulting from development to which this division applies is 130% of the maximum permissible building height for the land if the building is used for residential flat buildings or shop top housing.

19 Non-discretionary development standards—the Act, s 4.15

- (1) The object of this section is to identify development standards for particular matters relating to development for the purposes of in-fill affordable housing that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.
- (2) The following are non-discretionary development standards in relation to the carrying out of development to which this division applies—
 - (a) a minimum site area of 450m²,
 - (b) for a development application made by a social housing provider or Landcom—at least 35m² of landscaped area per dwelling,
 - (c) if paragraph (b) does not apply—at least 30% of the site area is landscaped area,
 - (d) a deep soil zone on at least 15% of the site area, where—
 - (i) each deep soil zone has minimum dimensions of 3m, and
 - (ii) if practicable, at least 65% of the deep soil zone is located at the rear of the site,

- (e) living rooms and private open spaces in at least 70% of the dwellings receive at least 3 hours of direct solar access between 9am and 3pm at mid-winter,
 - (f) for a development application made by a social housing provider or Landcom for development on land in an accessible area—
 - (i) for each dwelling containing 1 bedroom—at least 0.4 parking spaces, or
 - (ii) for each dwelling containing 2 bedrooms—at least 0.5 parking spaces, or
 - (iii) for each dwelling containing at least 3 bedrooms— at least 1 parking space,
 - (g) if paragraph (f) does not apply—
 - (i) for each dwelling containing 1 bedroom—at least 0.5 parking spaces, or
 - (ii) for each dwelling containing 2 bedrooms—at least 1 parking space, or
 - (iii) for each dwelling containing at least 3 bedrooms—at least 1.5 parking spaces,
 - (h) for development for the purposes of residential flat buildings—the minimum internal area specified in the Apartment Design Guide for each type of apartment,
 - (i) for development for the purposes of dual occupancies, manor houses or multi dwelling housing (terraces)—the minimum floor area specified in the Low Rise Housing Diversity Design Guide,
 - (j) if paragraphs (h) and (i) do not apply, the following minimum floor areas—
 - (i) for each dwelling containing 1 bedroom—65m², or
 - (ii) for each dwelling containing 2 bedrooms—90m², or
 - (iii) for each dwelling containing at least 3 bedrooms—115m² plus 12m² for each bedroom in addition to 3 bedrooms.
- (3) Subsection (2)(d) and (e) do not apply to development to which Chapter 4 applies.

20 Design requirements

- (1) Development consent must not be granted to development for the purposes of dual occupancies, manor houses or multi dwelling housing (terraces) to which this division applies unless the consent authority has considered the Low Rise Housing Diversity Design Guide, to the extent to which the Guide is not inconsistent with this Policy.
- (2) Subsection (1) does not apply to development to which Chapter 4 applies.
- (3) Development consent must not be granted to development to which this division applies unless the consent authority has considered whether the design of the residential development is compatible with—
 - (a) the desirable elements of the character of the local area, or
 - (b) for precincts undergoing transition—the desired future character of the precinct

21 Must be used for affordable housing for at least 15 years

- (1) Development consent must not be granted under this division unless the consent authority is satisfied that for a period of at least 15 years commencing on the day an occupation certificate is issued—
 - (a) the affordable housing component of the residential development will be used for affordable housing, and
 - (b) the affordable housing component will be managed by a registered community housing provider.
- (2) Subsection (1) does not apply to development on land owned by the Aboriginal Housing Office or the Land and Housing Corporation.
- (3) In this section—

affordable housing component, in relation to development to which this division applies, means the dwellings used for the purposes of affordable housing in accordance with section 16(1)(b).

22 Subdivision permitted with consent

Land on which development has been carried out under this division may be subdivided with development consent.

[8] Sections 23(2)(b) and 28(2)(b)

Omit “400m” wherever occurring. Insert instead “800m”.

[9] Sections 23(2)(b) and 28(2)(b)

Insert “Zone B1 Neighbourhood Centre,” after “Zone MU1 Mixed Use,” wherever occurring.

[10] Section 24 Non-discretionary development standards—the Act, s 4.15

Insert “or shop top housing” after “buildings” in section 24(2)(a).

[11] Section 24(2)(a)(ii)

Omit “25%”. Insert instead “30%”.

[12] Section 26 Must be used for affordable housing in perpetuity

Omit section 26(2). Insert instead—

- (2) Subsection (1) does not apply to development on land owned by the Aboriginal Housing Office or the Land and Housing Corporation.

[13] Chapter 2, Part 2, Division 3, heading

Omit “Aboriginal Housing Office and Land and Housing Corporation”.

Insert instead “relevant authorities”.

[14] Section 30

Omit the section. Insert instead—

30 Requirements before carrying out development

- (1) Before carrying out development to which this division applies, the relevant authority must do the following—
 - (a) request the council nominate a person or persons who must, in the council’s opinion, be notified of the development,

- (b) give written notice of the intention to carry out the development to—
 - (i) the council, and
 - (ii) the person or persons nominated by the council, and
 - (iii) the occupiers of adjoining land,
 - (c) take into account the responses to the notice that are received within 21 days after the notice is given.
- (2) Before carrying out development to which this division applies, the relevant authority must also consider the following—
- (a) if the relevant authority is the Aboriginal Housing Office—the *Aboriginal Housing Design Guidelines*, published by the Aboriginal Housing Office in January 2020,
 - (b) if the relevant authority is the Land and Housing Corporation—
 - (i) *Good Design for Social Housing*, published by the Land and Housing Corporation in September 2020, and
 - (ii) the *NSW Land and Housing Corporation Design Requirements*, published by the Land and Housing Corporation in February 2023,
 - (c) if the relevant authority is Landcom—the [insert title] published by Landcom in [insert month] 2023.
- (3) In this section, a reference to the council is a reference to the council for the land on which the development is proposed to be carried out.

[15] Section 40 Must be used for affordable housing for at least 15 years

Omit section 40(2). Insert instead—

- (2) Subsection (1) does not apply to development on land owned by the Aboriginal Housing Office or the Land and Housing Corporation.

[16] Section 41 Continued application of SEPP 65

Omit the section.

[17] Chapter 2, Part 2, Division 6

Omit the division. Insert instead—

Division 6 Residential development—relevant authorities

42 Development may be carried out without consent

- (1) Development for the purposes of residential development may be carried out without consent by or on behalf of—
 - (a) a relevant authority, other than Landcom, and
 - (b) Landcom, if all dwellings resulting from the residential development are used for affordable housing.
- (2) This division applies only if—
 - (a) the development is permitted with development consent on the land under another environmental planning instrument, and
 - (b) all buildings will have a height of not more than the higher of—
 - (i) 11m, or
 - (ii) the maximum permissible building height, and

- (c) all buildings will have a floor space ratio of not more than the greater of—
 - (i) 0:65:1, or
 - (ii) the maximum permissible floor space ratio, and
- (d) the development will result in 75 dwellings or less on a single site, and
- (e) for development on land in an accessible area—the development will result in at least the following—
 - (i) for each dwelling containing 1 bedroom—0.4 parking spaces,
 - (ii) for each dwelling containing 2 bedrooms—0.5 parking spaces,
 - (iii) for each dwelling containing at least 3 bedrooms—1 parking space, and
- (f) for development on land that is not in an accessible area—the development will result in at least the following—
 - (i) for each dwelling containing 1 bedroom—0.5 parking spaces,
 - (ii) for each dwelling containing 2 bedrooms—1 parking space,
 - (iii) for each dwelling containing at least 3 bedrooms—1.5 parking spaces, and
- (3) This division also applies to the following development if the development is permitted on the land under another environmental planning instrument—
 - (a) the demolition of buildings and associated structures if the building or structure is on land that—
 - (i) is non-heritage land, and
 - (ii) is not identified in an environmental planning instrument as being within a heritage conservation area,
 - (b) the subdivision of land and subdivision works.
- (4) This division does not apply to—
 - (a) development to which Chapter 2, Part 2, Division 5 applies, or
 - (b) development that is part of a project, or part of a stage of a project, that the Minister determined under the Act, former section 75P to be subject to the Act, Part 4.
- (5) *State Environmental Planning Policy (Transport and Infrastructure) 2021*, sections 2.15 and 2.17 apply to the development and, in the application of the sections—
 - (a) a reference in section 2.15 to “this Chapter” is taken to be a reference to this section, and
 - (b) a reference in the sections to a public authority is taken to be a reference to the relevant authority.
- (6) In this section—

former section 75P means the Act, section 75P, as in force immediately before its repeal by the *Environmental Planning and Assessment Amendment (Part 3A Repeal) Act 2011*.

non-heritage land means land that—

 - (a) does not contain a heritage item, and
 - (b) is not the subject of an interim heritage order under the *Heritage Act 1977*, and
 - (c) is not listed on the State Heritage Register.

43 Requirements before carrying out development

- (1) Before carrying out development to which this division applies, the relevant authority must do the following—
 - (a) request the council nominate a person or persons who must, in the council's opinion, be notified of the development,
 - (b) give written notice of the intention to carry out the development to—
 - (i) the council, and
 - (ii) the person or persons nominated by the council, and
 - (iii) the occupiers of adjoining land,
 - (c) take into account the responses to the notice that are received within 21 days after the notice is given.
- (2) Before carrying out development to which this division applies, the relevant authority must also consider the following—
 - (a) if the relevant authority is the Aboriginal Housing Office—the *Aboriginal Housing Design Guidelines*, published by the Aboriginal Housing Office in January 2020,
 - (b) if the relevant authority is the Land and Housing Corporation—
 - (i) *Good Design for Social Housing*, published by the Land and Housing Corporation in September 2020, and
 - (ii) the *NSW Land and Housing Corporation Design Requirements*, published by the Land and Housing Corporation in February 2023,
 - (c) if the relevant authority is Landcom—the [insert title] published by Landcom in [insert month] 2023.
- (3) In this section, a reference to the council is a reference to the council for the land on which the development is proposed to be carried out.

44 Landcom must obtain concurrence of Secretary of Department of Communities and Justice

- (1) Before carrying out development under this division, Landcom must obtain the concurrence of the Secretary of the Department of Communities and Justice.
- (2) The Secretary of the Department of Communities and Justice may grant concurrence only if satisfied there are appropriate arrangements for the ongoing management of the affordable housing.

44A Exempt development

- (1) Development for the purposes of landscaping and gardening carried out by or on behalf of the Aboriginal Housing Office or the Land and Housing Corporation in relation to residential development to which this division applies is exempt development.
- (2) Development for the purposes of repairs and maintenance work and non-structural renovations and building alterations carried out by or on behalf of the Aboriginal Housing Office or the Land and Housing Corporation in relation to housing is exempt development.
- (3) Subsection (2) does not apply to development involving the use of external combustible cladding within the meaning of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

[18] Section 45, heading

Omit the heading. Insert instead—

45 Definitions

[19] Section 45, definition of “guidelines”

Omit the definition.

[20] Section 45, definition of “low-rental dwelling”

Omit “, as specified in the Rent and Sales Report,”.

[21] Section 45, definition of “median rental level”

Insert in alphabetical order—

median rental level for a relevant period means the average of all the median rental levels specified for the relevant period in the Rent and Sales Report.

[22] Section 45, definition of “Rent and Sales Report”

Omit the definition. Insert instead—

Rent and Sales Report means the report comprised of rent tables and sales tables published by the Department of Communities and Justice in March, June, September and December each year.

[23] Section 46 Buildings to which Part applies

Omit “Newcastle” from section 46(1)(b). Insert instead “City of Newcastle”.

[24] Section 46(1)(c)

Omit “Wollongong”. Insert instead “City of Wollongong”.

[25] Sections 47(2) and 48(4), definition of “rental yield”

Omit “guidelines” wherever occurring.

Insert instead “*Guidelines for the Retention of Existing Affordable Rental Housing*, published by the Department in October 2009”.

[26] Section 57 Development standards for bush fire prone land

Omit “and the requirements of relevant authorities” from section 57(2)(g).

[27] Section 71

Omit the section.

[28] Section 73 Conditions of build-to-rent housing to apply for at least 15 years

Omit section 73(1). Insert instead—

- (1) Development consent must not be granted to the erection or use of a building for development to which this Part applies unless the consent authority is satisfied that, during the relevant period, the tenanted component of the building—
 - (a) will not be subdivided into separate lots, and
 - (b) will be owned and controlled by 1 person, and
 - (c) will be operated by 1 managing agent, who provides on-site management.

- [29] Section 73(3), definition of “relevant period”, paragraph (a)**
Omit “or Zone B3 Commercial Core”.
Insert instead “, Zone B3 Commercial Core or Zone SP5 Metropolitan Centre”.
- [30] Section 74 Non-discretionary development standards—the Act, s 4.15**
Omit “Greater Sydney Region” from section 74(2)(d).
Insert instead “Eastern Harbour City, Central River City or Western Parkland City under the *Greater Cities Commission Act 2022*”.
- [31] Section 75 Design requirements**
Omit “*State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development*” from section 75(1).
Insert instead “Chapter 4”.
- [32] Section 82 Definitions**
Omit the definition of *serviced self-care housing*.
- [33] Section 84 Development standards—general**
Omit section 84(4). Insert instead—
(4) Subsections (2)(a) and (b) do not apply to development if the development application is made by a social housing provider or Landcom.
- [34] Section 85 Development standards for hostels and independent living units**
Omit “7–13” from section 85(2). Insert “6–13”.
- [35] Section 85(2)**
Insert “or Landcom,” after “provider”.
- [36] Chapter 3, Part 5, Division 4**
Omit “of Planning, Industry and Environment” from the note to the division.
- [37] Section 95 Water and sewer**
Omit “relevant authority” from section 95(2)(b). Insert instead “responsible authority”.
- [38] Section 95(3)**
Omit “*relevant*”. Insert instead “*responsible*”.
- [39] Section 96 Bush fire prone land**
Insert “relevant” before “bush fire prone land” wherever occurring in section 96(1) and (2).
- [40] Section 96(3), definition of “bush fire prone land”**
Omit “*bush fire prone land* means land”.
Insert instead “*relevant bush fire prone land* means bush fire prone land”.
- [41] Section 97**
Omit sections 97 and 98. Insert instead—

97 Design of seniors housing

- (1) In determining a development application for development for the purposes of seniors housing, a consent authority must consider the *Seniors Housing Design Guide*, published by the Department in [insert month] 2023.
- (2) Development consent must not be granted to development for the purposes of seniors housing unless the consent authority is satisfied that the design of the seniors housing demonstrates adequate consideration has been given to the design principles for seniors housing set out in Schedule 8.

[42] Chapter 3, Part 5, Division 6

Omit the Division.

[43] Section 104 Accessibility

Omit “attractive, yet safe,” from paragraph (b). Insert instead “safe”.

[44] Section 106

Omit the section. Insert instead—

106 Application of design principles for seniors housing

Nothing in this division affects the operation of section 97(2).

[45] Section 108 Non-discretionary development standards for independent living units—the Act, s 4.15

Insert “or Landcom,” after “provider” wherever occurring in section 108(2)(d) and (j).

[46] Chapter 3, Part 5, Division 8, heading

Omit “Aboriginal Housing Office and Land and Housing Corporation”.

Insert instead “relevant authorities”.

[47] Section 108AA Definition

Omit the section.

[48] Section 108C

Omit the section. Insert instead—

108C Requirements before carrying out development

- (1) Before carrying out development to which this division applies, the relevant authority must do the following—
 - (a) request the council nominate a person or persons who must, in the council’s opinion, be notified of the development,
 - (b) give written notice of the intention to carry out the development to—
 - (i) the council, and
 - (ii) the person or persons nominated by the council, and
 - (iii) the occupiers of adjoining land,
 - (c) take into account the responses to the notice that are received within 21 days after the notice is given.
- (2) Before carrying out development to which this division applies, the relevant authority must also consider the following—

- (a) the *Seniors Housing Design Guide*, published by the Department in [insert Month] 2023,
 - (b) if the relevant authority is the Aboriginal Housing Office—the *Aboriginal Housing Design Guidelines*, published by the Aboriginal Housing Office in January 2020,
 - (c) if the relevant authority is the Land and Housing Corporation—
 - (i) *Good Design for Social Housing*, published by the Land and Housing Corporation in September 2020, and
 - (ii) the *NSW Land and Housing Corporation Design Requirements*, published by the Land and Housing Corporation in February 2023,
 - (d) if the relevant authority is Landcom—the [insert title] published by Landcom in [insert month], 2023,
 - (e) the design principles for seniors housing set out in Schedule 8.
- (3) In this section, a reference to the council is a reference to the council for the land on which the development is proposed to be carried out.

[49] Section 112 Exempt development—non-hosted short-term rental accommodation

Omit section 112(3), definition of *prescribed area*, paragraph (a). Insert instead—

- (a) the Eastern Harbour City, Central River City or Western Parkland City under the *Greater Cities Commission Act 2022*,

[50] Section 113 General requirements

Omit “within the meaning of Part 4” from section 113(b).

[51] Section 136 Definitions

Omit the definitions of *bush fire prone land* and *Planning for Bush Fire Protection*.

[52] Section 141 Issue of site compatibility certificate

Omit “Planning for Bush Fire Protection” from section 141(3)(h).

Insert instead “*Planning for Bush Fire Protection*”.

[53] Chapter 4

Insert after Chapter 3—

Chapter 4 Design of residential apartment development

142 Aims of chapter

- (1) The aim of this chapter is to improve the design of residential apartment development in New South Wales for the following purposes—
 - (a) to ensure residential apartment development contributes to the sustainable development of New South Wales by—
 - (i) providing socially and environmentally sustainable housing, and
 - (ii) being a long-term asset to the neighbourhood, and
 - (iii) achieving the urban planning policies for the local and regional areas,

- (b) to achieve better built form and aesthetics of buildings, streetscapes and public spaces,
 - (c) to better satisfy the increasing demand for residential apartment development, considering the following—
 - (i) the changing social and demographic profile of the community,
 - (ii) the needs of a wide range of people, including persons with disability, children and seniors,
 - (d) to maximise the amenity, safety and security of the residents of residential apartment development and the community,
 - (e) to minimise the consumption of energy from non-renewable resources, to conserve the environment and to reduce greenhouse gas emissions,
 - (f) to contribute to the provision of a variety of dwelling types to meet population growth,
 - (g) to support housing affordability,
 - (h) to facilitate the timely and efficient assessment of applications for development to which this Policy applies.
- (2) This chapter recognises that the design of residential apartment development is significant because of the economic, environmental, cultural and social benefits of high quality design.

143 Land to which chapter applies

This chapter applies to the whole of the State, other than land to which *State Environmental Planning Policy (Precincts—Regional) 2021*, Chapter 4 applies.

144 Application of chapter

- (1) In this policy, development to which this chapter applies is referred to as ***residential apartment development***.
- (2) This chapter applies to the following—
 - (a) development for the purposes of residential flat buildings,
 - (b) development for the purposes of shop top housing,
 - (c) mixed use development with a residential accommodation component that does not include boarding houses or co-living housing, unless a local environmental plan provides that mixed use development including boarding houses or co-living housing is residential apartment development for this chapter.
- (3) This chapter applies to development only if—
 - (a) the development consists of—
 - (i) the erection of a new building, or
 - (ii) the substantial redevelopment or refurbishment of an existing building, or
 - (iii) the conversion of an existing building, and
 - (b) the building is at least 3 storeys, not including underground car parking storeys, and
 - (c) the building contains at least 4 dwellings.
- (4) If particular development comprises development used for purposes specified in subsection (2) and development used for other purposes, this chapter applies

to the part of the development used for purposes specified in subsection (2) only.

- (5) This chapter does not apply to development that involves a class 1a or 1b building within the meaning of the *Building Code of Australia* only.
- (6) To avoid doubt, development to which Chapter 2, Part 2, Division 1, 5 or 6 applies may also be residential apartment development under this chapter.
- (7) In this section—
underground car parking storey means a storey that provides for car parking that is—
 - (a) below ground level (existing), or
 - (b) less than 1.2m above ground level (existing).

145 Design review panel to give advice on design quality of residential apartment development

- (1) Before determining a development application or modification application for residential apartment development, the consent authority must refer the application to the design review panel for the local government area in which the development will be carried out for advice on the quality of the design of the development.
- (2) Subsection (1) does not apply if—
 - (a) a design review panel has not been constituted for the local government area in which the development will be carried out, or
 - (b) a competitive design process has been held.
- (3) This section does not apply to State significant development.
- (4) In this section—
competitive design process means a design competition held in accordance with the *2023 Design Competition Guidelines* published by the Department in [insert month] 2023.

146 Determination of development applications and modification applications for residential apartment development

- (1) Development consent must not be granted to residential apartment development, and a development consent for residential apartment development must not be modified, unless the consent authority has considered the following—
 - (a) the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9,
 - (b) the Apartment Design Guide,
 - (c) any advice received from a design review panel within 14 days after the consent authority referred the development application or modification application to the panel.
- (2) The 14-day period referred to in subsection (1)(c) does not increase or otherwise affect the period in which a development application or modification application must be determined by the consent authority.
- (3) To avoid doubt, subsection (1)(b) does not require a consent authority to require compliance with any development standards specified in the Apartment Design Guide.

- (4) This section does not apply to State significant development.

147 Non-discretionary development standards for residential apartment development—the Act, s 4.15

- (1) This section identifies particular development standards for residential apartment development.
- (2) If the standards are complied with, the consent authority cannot require more onerous standards for the matters.
- (3) The following are non-discretionary development standards—
- (a) the car parking for the building must be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide,
 - (b) the internal area for each apartment must be equal to, or greater than, the recommended minimum internal area for the apartment type specified in Part 4D of the Apartment Design Guide,
 - (c) the ceiling heights for the building must be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide.

148 Apartment Design Guide prevails over development control plans

- (1) This section applies if a development control plan and the Apartment Design Guide both specify a requirement, standard or control in relation to the following for residential apartment development—
- (a) visual privacy,
 - (b) solar and daylight access,
 - (c) common circulation and spaces,
 - (d) apartment size and layout,
 - (e) ceiling heights,
 - (f) private open space and balconies,
 - (g) natural ventilation,
 - (h) storage.
- (2) A requirement, standard or control in the Apartment Design Guide prevails to the extent of an inconsistency.
- (3) This section applies regardless of when the development control plan was made.

[54] Schedule 3 Environmentally sensitive land

Omit paragraph (a) from the matter relating to “Land identified in another environmental planning instrument as follows”.

[55] Schedule 7A Savings and transitional provisions

Insert at the end of the Schedule, with appropriate section numbering—

State Environmental Planning Policy Amendment (Housing) 2023

Drafting note 2.1 *Any required savings and transitional provisions to be added later.*

[56] Schedules 8 and 9

Insert after Schedule 7A—

Schedule 8 Design principles for seniors housing

section 97

1 Neighbourhood amenity and streetscape

Seniors housing should be designed as follows—

- (a) to recognise the operational, functional and economic requirements of residential care facilities, which typically require a different building shape from other residential accommodation,
- (b) to recognise the desirable elements of—
 - (i) the location's current character, or
 - (ii) for precincts undergoing a transition—the future character of the location so new buildings contribute to the quality and identity of the area,
- (c) to complement heritage conservation areas and heritage items in the area,
- (d) to maintain reasonable neighbourhood amenity and appropriate residential character by—
 - (i) providing building setbacks to reduce bulk and overshadowing, and
 - (ii) using building form and siting that relates to the site's land form, and
 - (iii) adopting building heights at the street frontage that are compatible in scale with adjacent buildings, and
 - (iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours,
- (e) to set back the front building on the site generally in line with the existing building line,
- (f) to include plants reasonably similar to other plants in the street,
- (g) to retain, wherever reasonable, significant trees,
- (h) to prevent the construction of a building in a riparian zone.

2 Visual and acoustic privacy

Seniors housing should be designed to consider the visual and acoustic privacy of adjacent neighbours and residents by—

- (a) using appropriate site planning, including considering the location and design of windows and balconies, the use of screening devices and landscaping, and
- (b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.

3 Solar access and design for climate

The design of seniors housing should—

- (a) for development involving the erection of a new building—provide residents of the building with adequate daylight in a way that does not adversely impact the amount of daylight in neighbouring buildings, and

- (b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation, solar heating and lighting by locating the windows of living and dining areas in a northerly direction.

4 Stormwater

The design of seniors housing should aim to—

- (a) control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas, and
- (b) include, where practical, on-site stormwater detention or re-use for second quality water uses.

5 Crime prevention

Seniors housing should—

- (a) be designed in accordance with environmental design principles relating to crime prevention, and
- (b) provide personal property security for residents and visitors, and
- (c) encourage crime prevention by—
 - (i) site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins the area, driveway or street, and
 - (ii) providing shared entries, if required, that serve a small number of dwellings and that are able to be locked, and
 - (iii) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.

6 Accessibility

Seniors housing should—

- (a) have obvious and safe pedestrian links from the site that provide access to transport services or local facilities, and
- (b) provide safe environments for pedestrians and motorists with convenient access and parking for residents and visitors.

7 Waste management

Seniors housing should include waste facilities that maximise recycling by the provision of appropriate facilities.

Schedule 9 Design principles for residential apartment development

section 146

1 Context and neighbourhood character

- (1) Good design responds and contributes to its context, which is the key natural and built features of an area, their relationship and the character they create when combined and also includes social, economic, health and environmental conditions.

- (2) Responding to context involves identifying the desirable elements of an area's existing or future character.
- (3) Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.
- (4) Consideration of local context is important for all sites, including sites in—
 - (a) established areas,
 - (b) areas undergoing change,
 - (c) areas identified for change.

2 Built form and scale

- (1) Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.
- (2) Good design also achieves an appropriate built form for a site and the building's purpose in terms of the following—
 - (a) building alignments and proportions,
 - (b) building type,
 - (c) building articulation,
 - (d) the manipulation of building elements.
- (3) Appropriate built form—
 - (a) defines the public domain, and
 - (b) contributes to the character of streetscapes and parks, including their views and vistas, and
 - (c) provides internal amenity and outlook.

3 Density

- (1) Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.
- (2) Appropriate densities are consistent with the area's existing or projected population.
- (3) Appropriate densities can be sustained by the following—
 - (a) existing or proposed infrastructure,
 - (b) public transport,
 - (c) access to jobs,
 - (d) community facilities,
 - (e) the environment.

4 Sustainability

- (1) Good design combines positive environmental, social and economic outcomes.
- (2) Good sustainable design includes the following—
 - (a) use of natural cross ventilation and sunlight for the amenity and liveability of residents,
 - (b) passive thermal design for ventilation, heating and cooling, which reduces reliance on technology and operation costs.
- (3) Good sustainable design also includes the following—

- (a) recycling and reuse of materials and waste,
- (b) use of sustainable materials,
- (c) deep soil zones for groundwater recharge and vegetation.

5 Landscape

- (1) Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in development with good amenity.
- (2) A positive image and contextual fit of well designed development is achieved by contributing to the landscape character of the streetscape and neighbourhood.
- (3) Good landscape design enhances the development's environmental performance by retaining positive natural features that contribute to the following—
 - (a) the local context,
 - (b) co-ordinating water and soil management,
 - (c) solar access,
 - (d) micro-climate,
 - (e) tree canopy,
 - (f) habitat values,
 - (g) preserving green networks.
- (4) Good landscape design optimises the following—
 - (a) usability,
 - (b) privacy and opportunities for social interaction,
 - (c) equitable access,
 - (d) respect for neighbours' amenity.
- (5) Good landscape design provides for practical establishment and long term management.

6 Amenity

- (1) Good design positively influences internal and external amenity for residents and neighbours.
- (2) Good amenity contributes to positive living environments and resident well being.
- (3) Good amenity combines the following—
 - (a) appropriate room dimensions and shapes,
 - (b) access to sunlight,
 - (c) natural ventilation,
 - (d) outlook,
 - (e) visual and acoustic privacy,
 - (f) storage,
 - (g) indoor and outdoor space,
 - (h) efficient layouts and service areas,
 - (i) ease of access for all age groups and degrees of mobility.

7 Safety

- (1) Good design optimises safety and security within the development and the public domain.
- (2) Good design provides for quality public and private spaces that are clearly defined and fit for the intended purpose.
- (3) Opportunities to maximise passive surveillance of public and communal areas promote safety.
- (4) A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.

8 Housing diversity and social interaction

- (1) Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.
- (2) Well designed residential apartment development responds to social context by providing housing and facilities to suit the existing and future social mix.
- (3) Good design involves practical and flexible features, including—
 - (a) different types of communal spaces for a broad range of people, and
 - (b) opportunities for social interaction among residents.

9 Aesthetics

- (1) Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure.
- (2) Good design uses a variety of materials, colours and textures.
- (3) The visual appearance of well designed residential apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.

[57] Dictionary

Omit the heading. Insert instead—

Schedule 10 Dictionary

section 4

[58] Schedule 10 Dictionary

Omit the definition of *accessible area*, paragraphs (a) and (b). Insert instead—

- (a) 800m walking distance of—
 - (i) a public entrance to a railway, metro or light rail station, or
 - (ii) for a light rail station with no entrance—a platform of the light rail station, or
 - (iii) a public entrance to a wharf from which a Sydney Ferries ferry service operates, or

[59] Schedule 10 Dictionary

Omit the definition of *Apartment Design Guide, Greater Sydney region, non-heritage land, relevant authority, serviced self-care housing* and *tenanted component*.

Insert in alphabetical order—

Apartment Design Guide means the *Apartment Design Guide* published by the Department in July 2015.

bush fire prone land means land identified on a bush fire prone land map certified under the Act, section 10.3.

design principles for residential apartment development means the principles set out in Schedule 9.

design principles for seniors housing means the principles set out in Schedule 8.

design review panel means a panel constituted by the Minister under the *Environmental Planning and Assessment Regulation 2021*, section 288A.

Greater Sydney region means the Eastern Harbour City, Central River City, Central Coast City and Western Parkland City under the *Greater Cities Commission Act 2022*.

modification application has the same meaning as in the *Environmental Planning and Assessment Regulation 2021*.

relevant authority means the following—

- (a) the Aboriginal Housing Office,
- (b) the Land and Housing Corporation,
- (c) Landcom.

residential apartment development—see section 144.

tenanted component of a building means the dwellings referred to in section 72(3)(a), including the common spaces and shared facilities provided for the use of the residents of the dwellings.

Schedule 2 Amendment of other environmental planning instruments

2.1 Bayside Local Environmental Plan 2013

Clause 6.13 Converting serviced apartments to residential flat buildings

Omit clause 6.13(2). Insert instead—

- (2) Development consent must not be granted for the strata subdivision of a building that is or has been used for serviced apartments for use as a residential flat building unless the consent authority has considered the following in relation to the residential flat building—
 - (a) the design principles for residential apartment development within the meaning of *State Environmental Planning Policy (Housing) 2021*,
 - (b) the Apartment Design Guide within the meaning of that policy.

2.2 Blacktown Local Environmental Plan 2015

[1] Clause 7.6, heading

Omit “**building**”. Insert “**buildings**”.

[2] Clause 7.6(2)

Omit the subclause. Insert instead—

- (2) Development consent must not be granted for the strata subdivision of a building that is or has been used for serviced apartments for use as a residential flat building unless the consent authority has considered the following in relation to the residential flat building—
 - (a) the design principles for residential apartment development within the meaning of *State Environmental Planning Policy (Housing) 2021*,
 - (b) the Apartment Design Guide within the meaning of that policy.

2.3 Campbelltown Local Environmental Plan 2015

Clause 7.12 Converting serviced apartments to residential flat buildings or shop top housing

Omit subclause (2). Insert instead—

- (2) Development consent must not be granted for the strata subdivision of a building that is or has been used for serviced apartments for use as a residential flat building or shop top housing unless the consent authority has considered the following in relation to the residential flat building or shop top housing—
 - (a) the design principles for residential apartment development within the meaning of *State Environmental Planning Policy (Housing) 2021*,
 - (b) the Apartment Design Guide within the meaning of that policy.

2.4 Georges River Local Environmental Plan 2021

Clause 6.12 Landscaped areas in certain residential and conservation zones

Omit “development referred to in *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development*, clause 4” from clause 6.12(3).

Insert instead “residential apartment development within the meaning of *State Environmental Planning Policy (Housing) 2021*”.

2.5 Great Lakes Local Environmental Plan 2014

Clause 7.12 Converting serviced apartments to residential flat buildings

Omit clause 7.12(2). Insert instead—

- (2) Development consent must not be granted for the strata subdivision of a building that is or has been used for serviced apartments for use as a residential flat building unless the consent authority has considered the following in relation to the residential flat building—
 - (a) the design principles for residential apartment development within the meaning of *State Environmental Planning Policy (Housing) 2021*,
 - (b) the Apartment Design Guide within the meaning of that policy.

2.6 Kiama Local Environmental Plan 2011

[1] Clause 6.9 Serviced apartments

Omit “subdivision, under a strata scheme, of a building or part of a building that is being, or has ever been, used for serviced apartments” from clause 6.9(2).

Insert instead “strata subdivision of a building that is or has been used for serviced apartments”.

[2] Clause 6.9(2)(a)

Omit the paragraph. Insert instead—

- (a) the consent authority has considered the following in relation to the development—
 - (i) the design principles for residential apartment development within the meaning of *State Environmental Planning Policy (Housing) 2021*,
 - (ii) the Apartment Design Guide within the meaning of that policy, and

[3] Clause 6.9(3)

Insert “or *State Environmental Planning Policy (Housing) 2021*” after “*State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development*”.

2.7 Liverpool Local Environmental Plan 2008

[1] Clause 7.19 Serviced apartments

Omit clause 7.19(2). Insert instead—

- (2) Development consent must not be granted for the strata subdivision of a building that is or has been used for serviced apartments unless the consent authority has considered the following in relation to the development—
 - (a) the design principles for residential apartment development within the meaning of *State Environmental Planning Policy (Housing) 2021*,
 - (b) the Apartment Design Guide within the meaning of that policy.

2.8 Newcastle Local Environmental Plan 2012

[1] Clause 6.3 Serviced apartments

Omit clause 6.3(2). Insert instead—

- (2) Development consent must not be granted for the strata subdivision of a building that is or has been used for serviced apartments unless the consent authority has considered the following in relation to the development—
 - (a) the design principles for residential apartment development within the meaning of *State Environmental Planning Policy (Housing) 2021*,
 - (b) the Apartment Design Guide within the meaning of that policy.

[2] Clause 6.3(3)

Insert “or *State Environmental Planning Policy (Housing) 2021*” after “*State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development*”.

2.9 North Sydney Local Environmental Plan 2013

Clause 6.11 Converting serviced apartments to residential flat buildings

Omit clause 6.11(2). Insert instead—

- (2) Development consent must not be granted for the strata subdivision of a building that is or has been used for serviced apartments for use as a residential flat building unless the consent authority has considered the following in relation to the residential flat building—
 - (a) the design principles for residential apartment development within the meaning of *State Environmental Planning Policy (Housing) 2021*,
 - (b) the Apartment Design Guide within the meaning of that policy.

2.10 Parramatta Local Environmental Plan 2023

Clause 7.8 Serviced apartments

Omit clause 7.8(2). Insert instead—

- (2) Development consent must not be granted to the strata subdivision of a building on land in Zone MUI Mixed Use that is or has been used for serviced apartments unless the consent authority has considered the following—
 - (a) the design principles for residential apartment development within the meaning of *State Environmental Planning Policy (Housing) 2021*,
 - (b) the Apartment Design Guide within the meaning of that policy.

2.11 Penrith Local Environmental Plan 2010

Clause 7.26

Omit clause 7.26. Insert instead—

7.26 Serviced apartments

Development consent must not be granted for the strata subdivision of a building that is or has been used for serviced apartments unless the consent authority has considered the following in relation to the development—

- (a) the design principles for residential apartment development within the meaning of *State Environmental Planning Policy (Housing) 2021*,
- (b) the Apartment Design Guide within the meaning of that policy.

2.12 Pittwater Local Environmental Plan 2013

Clause 7.11 Converting serviced apartments to residential flat buildings

Omit clause 7.11(2). Insert instead—

- (2) Development consent must not be granted for the strata subdivision of a building that is or has been used for serviced apartments for use as a residential flat building unless the consent authority has considered the following in relation to the residential flat building—
 - (a) the design principles for residential apartment development within the meaning of *State Environmental Planning Policy (Housing) 2021*,
 - (b) the Apartment Design Guide within the meaning of that policy.

2.13 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Clause 3B.8 Lot requirements

Insert after clause 3B.8(1)—

- (1A) Despite subclause (1), the area of the parent lot in development carried out by or on behalf of the Aboriginal Housing Office, the Land and Housing Corporation or a registered community housing provider, within the meaning of *State Environmental Planning Policy (Housing) 2021*, must not be less than 400m².

2.14 State Environmental Planning Policy (Planning Systems) 2021

[1] Schedule 1 State significant development—general

Omit section 26. Insert instead—

26 Housing development carried out by certain public authorities

- (1) Development carried out by or on behalf of the Aboriginal Housing Office or the Land and Housing Corporation if the development—
 - (a) has a capital investment value of more than \$30 million, or
 - (b) will result in more than 75 dwellings.
- (2) Development carried out by or on behalf of Landcom if—
 - (a) the development—
 - (i) has a capital investment value of more than \$30 million, or
 - (ii) will result in more than 75 dwellings, and
 - (b) at least 50% of the gross floor area of the development will be used for the purposes of affordable housing.

26A In-fill affordable housing

- (1) Development to which *State Environmental Planning Policy (Housing) 2021*, Chapter 2, Part 2, Division 1 applies if—
 - (a) the part of the development that is residential development has a capital investment value of more than \$75 million, and

- (b) the development does not involve development prohibited under an environmental planning instrument applying to the land.
- (2) This section does not apply to—
 - (a) development to which *State Environmental Planning Policy (Housing) 2021*, Chapter 3, Part 4 applies, or
 - (b) a development application made, but not finally determined, before the commencement of this section.
- (3) In this section—
residential development has the same meaning as in *State Environmental Planning Policy (Housing) 2021*, section 15B.

2.15 State Environmental Planning Policy (Precincts—Regional) 2021

Section 4.6

Omit the section. Insert instead—

4.6 Application of other environmental planning instruments

The following environmental planning instruments do not apply to land to which this Chapter applies—

- (a) *Snowy River Local Environmental Plan 2013*,
- (b) *Tumut Local Environmental Plan 2012*,
- (c) *State Environmental Planning Policy (Housing) 2021*, Chapter 4,
- (d) *State Environmental Planning Policy (Industry and Employment) 2021*, Chapter 3.

[1] Section 5.50 Converting serviced apartments to a residential flat building

Omit section 5.50(2). Insert instead—

- (2) Development consent must not be granted for the subdivision under a strata scheme of a building that is or has been used for serviced apartments for use as a residential flat building unless the consent authority has considered the following in relation to the residential flat building—
 - (a) the design principles for residential apartment development within the meaning of *State Environmental Planning Policy (Housing) 2021*,
 - (b) the Apartment Design Guide within the meaning of that policy.

2.16 Strathfield Local Environmental Plan 2012

Clause 6.5 Converting serviced apartments to residential flat building

Omit clause 6.5(2). Insert instead—

- (2) Development consent must not be granted for the strata subdivision of a building that is or has been used for serviced apartments for use as a residential flat building unless the consent authority has considered the following in relation to the residential flat building—
 - (a) the design principles for residential apartment development within the meaning of *State Environmental Planning Policy (Housing) 2021*,
 - (b) the Apartment Design Guide within the meaning of that policy.

2.17 Sydney Local Environmental Plan 2005

Clause 117A Serviced apartments

Omit clause 117A(2)(a) and (b). Insert instead—

- (a) the design principles for residential apartment development within the meaning of *State Environmental Planning Policy (Housing) 2021*,
- (b) the Apartment Design Guide within the meaning of that policy.

2.18 Sydney Local Environmental Plan 2012

Clause 7.28 Serviced apartments

Omit clause 7.28(2)(a) and (b). Insert instead—

- (a) the design principles for residential apartment development within the meaning of *State Environmental Planning Policy (Housing) 2021*,
- (b) the Apartment Design Guide within the meaning of that policy.

2.19 Sydney Local Environmental Plan (Green Square Town Centre) 2013

Clause 6.12 Serviced apartments

Omit clause 6.12(2)(a) and (b). Insert instead—

- (a) the design principles for residential apartment development within the meaning of *State Environmental Planning Policy (Housing) 2021*,
- (b) the Apartment Design Guide within the meaning of that policy.

2.20 Sydney Local Environmental Plan (Green Square Town Centre—Stage 2) 2013

Clause 6.12 Serviced apartments

Omit clause 6.12(2)(a) and (b). Insert instead—

- (a) the design principles for residential apartment development within the meaning of *State Environmental Planning Policy (Housing) 2021*,
- (b) the Apartment Design Guide within the meaning of that policy.

2.21 The Hills Local Environmental Plan 2019

[1] Clause 7.19 Development in Zones MU1 and SP4 for purposes of serviced apartments

Omit clause 7.19(5)(a) and (b).

[2] Clause 7.19(6)

Omit the subclause. Insert instead—

- (6) Development consent must not be granted under subclause (4) unless the consent authority has considered the following in relation to the residential flat building—
 - (a) the design principles for residential apartment development within the meaning of *State Environmental Planning Policy (Housing) 2021*,
 - (b) the Apartment Design Guide within the meaning of that policy.

2.22 Tweed City Centre Local Environmental Plan 2012

[1] Clause 6.7 Serviced apartments

Omit clause 6.7(2). Insert instead—

- (2) Development consent must not be granted for the strata subdivision of a building that is or has been used for serviced apartments unless the consent authority has considered the following in relation to the development—
 - (a) the design principles for residential apartment development within the meaning of *State Environmental Planning Policy (Housing) 2021*,
 - (b) the Apartment Design Guide within the meaning of that policy.

[2] Clause 6.7(3)

Insert “or *State Environmental Planning Policy (Housing) 2021*” after “*State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development*”.

2.23 Willoughby Local Environmental Plan 2012

Clause 6.9 Serviced apartments

Omit clause 6.9(3) and the note. Insert instead—

- (3) Development consent must not be granted for the change of use from serviced apartments to a residential flat building, with or without strata subdivision, unless the consent authority has considered the Apartment Design Guide, within the meaning of *State Environmental Planning Policy (Housing) 2021*, in relation to the residential flat building.

2.24 Wollongong Local Environmental Plan 2009

Clause 7.12 Serviced apartments

Omit clause 7.12(2). Insert instead—

- (2) Development consent must not be granted for the strata subdivision of a building that is or has been used for serviced apartments unless the consent authority has considered the following in relation to the development—
 - (a) the design principles for residential apartment development within the meaning of *State Environmental Planning Policy (Housing) 2021*,
 - (b) the Apartment Design Guide within the meaning of that policy.