What is complying development?

- Complying development is a fast-track planning and building approval for straightforward development, such as one or two storey homes. An application for complying development can be determined by the local council or an accredited private certifier, provided it meets the development standards in the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP).

- In 2015/16, complying development certificates were issued in an average of 20 days, compared to 71 days for a development application (Local Development Performance Monitor).

How is the Department improving housing diversity?

- Low rise housing increases housing diversity by giving people more choice and ensuring housing supply caters for changing demographics.

- Low rise housing also improves housing affordability by providing smaller homes on smaller lots that still provide all the amenities of a single dwelling which can accommodate growing families or empty nesters.

- The Low Rise Medium Density Housing Code promotes faster housing approvals, saving homeowners time and money.

- Facilitating faster housing approvals across the State will make it easier, faster and cheaper for people to find or build homes to suit their lifestyles and will encourage greater housing affordability with improved quality design.

What is the Low Rise Medium Density Housing Code?

- The Low Rise Medium Density Housing Code (Code) allows well-designed dual occupancies, manor houses and terraces (up to two storeys) to be carried out under a fast-tracked complying development approval.

- The Code was developed in close consultation with council and industry stakeholders to ensure amenity, privacy and design considerations are incorporated into the development standards, and good design outcomes can be achieved across the State.

How will the Code facilitate faster housing approvals?

- The Code includes tailored, simplified development standards for the different housing types which makes it easier to use the complying development pathway.

- The development standards are written in plain English and contain explanatory diagrams to make the Code simple and easy to use.
Frequently asked questions
Low Rise Medium Density Housing Code and
Low Rise Medium Density Design Guide for complying development

What is the Low Rise Medium Density Design Guide for complying development?

- The Code is accompanied by the Low Rise Medium Density Design Guide for complying development (Design Guide) to promote good design outcomes for low rise housing across NSW.

- The Design Guide contains design criteria and guidance on layout, landscaping, private open space, light, natural ventilation and privacy.

- The Environmental Planning and Assessment Regulation 2000 requires that a qualified designer, or a building designer accredited by the Building Designers Association of Australia, must:
  - submit a Design Verification Statement verifying that they have designed, or directed the design of the development; and
  - verify that the design of the development is consistent with the design criteria in the Design Guide.

What is a Design Verification Statement?

- The Code requires a Design Verification Statement to accompany a complying development application for low rise housing.

- The Design Verification Statement ensures low rise housing is appropriately designed, having regard to the Design Guide, and ensures the local character of an area is retained.

- The Design Verification Statement must be prepared by a qualified designer or a building designer accredited by the Building Designers Association of Australia. A “qualified designer” is a person registered as an architect in accordance with the Architects Act 2003.

- The designer must verify in the Design Verification Statement that he or she has designed or directed the design of the development, and must address how the proposed development is consistent with the relevant design criteria in the Design Guide.

When will the Code be implemented?

- After close to three years of consultation, the Code commenced on 6 July 2018 in many council areas across the State.

- Following release of the Code, a temporary deferral was granted to 49 councils until 1 July 2019. For the City of Ryde, a deferral was granted until 1 July 2020 based on advice from the Greater Sydney Commission.

- Some councils granted a deferral have used that time successfully to amend their local planning controls to prepare for the Code. A further four councils (Armidale Regional, Ballina Shire, Lane Cove and Narromine Shire Councils) are now ready for the Code to commence on 1 July 2019.

- A short deferral has been granted to 45 councils until 31 October 2019 to allow for an independent review to be undertaken of the Code in these deferred areas. A list of the deferred councils is available on the Department’s website.

- The Code remains deferred in the Ryde local government area until 1 July 2020.

- The deferral means that in the deferred council areas landowners will not be able to use the Code to lodge a complying development application for dual occupancies, manor houses or terraces until 1 November 2019 (or 1 July 2020 in the City of Ryde). It also means that during the deferral period, a council’s local planning controls will continue to apply and landowners may lodge a development application for a dual occupancy or multi dwelling housing if these forms of housing are allowed under the relevant council local environmental plan (LEP).
Frequently asked questions
Low Rise Medium Density Housing Code and
Low Rise Medium Density Design Guide for complying development

Where does the Code apply?

• The Code applies across all of NSW, in the R1, R2, R3 and RU5 zones, where low rise housing is permitted under a Council’s LEP.
• A dual occupancy, manor house or terraces may only be carried out if the development is permitted within the zone under the relevant council LEP.

Where does the Code not apply?

• There are exclusions for where complying development cannot be carried out under the Codes SEPP. For example, complying development cannot be carried out in:
  — State or locally listed heritage items
  — heritage conservation areas
  — land reserved for public purposes
  — environmentally sensitive land (critical habitat, wilderness or threatened species areas) and areas excluded by councils based on local circumstances.
• There are also requirements for complying development on bushfire prone land and flood control lots under the Code, which are the same as under the Housing Code.

How does the Code apply?

Minimum lot sizes

• The development must meet the minimum lot size requirements to construct under the relevant council LEP in the following manner:
  — for a dual occupancy, the minimum lot size for a dual occupancy under the relevant council LEP. If the LEP does not specify a minimum lot size, then the Code applies a minimum 400m² lot size;
  — for manor houses, a minimum 600m² lot size requirement applies;
  — for terraces, the minimum lot size for multi dwelling housing under the relevant council LEP. If the LEP does not specify a minimum lot size, then the Code applies a minimum 600m² lot size.

Car Parking

• To be carried out as complying development, a proposed development must comply with all development standards, including car parking.
• For dual occupancies, at least one off-street car parking space must be provided for each dwelling. Where the lot has a width of less than 15m measured at the building line, any car parking space must be provided at the rear of the lot or in a basement and must be accessed only from a secondary road, parallel road or lane. Dual occupancies are required to have a 15m lot width to be carried out as complying development where access for parking is only available from a primary road.
• For manor houses, one car parking space must be provided for each dwelling.
• For terraces, at least one off-street car parking space must be provided for each dwelling.
Subdivision

- The Code allows the concurrent development and subdivision of dual occupancies, manor houses or multi dwelling housing (terraces) as complying development, only where a council’s LEP permits these types of housing in a R1, R2, R3 or RU5 zones.
- The Code allows a certifier with a subdivision accreditation to approve the subdivision of a dual occupancy, manor house or terraces that have been constructed as complying development under the Code.
- The Code allows for the Torrens title or strata subdivision of dual occupancies (side by side), either attached or detached, and terraces.
- The Code allows for the strata subdivision of manor houses and dual occupancies (one above the other).
- Subdivision is only permitted under the Code where Torrens title or strata subdivision is allowed under the council’s LEP.

What is a manor house?

- A manor house is a two-storey residential flat building which is a maximum of two storeys in height and contains 3 or 4 dwellings. One dwelling must be located above another, and dwellings are attached by a common wall or floor.
- Under the Code, manor houses are allowed wherever multi dwelling housing or residential flat buildings are permitted in a council’s LEP in the R1, R2, R3 or RU5 zones. This ensures this housing type will fit into existing streetscapes and neighbourhoods.

What was the ‘Missing Middle’ design competition?

- The Government Architects Office ran a ‘Missing Middle Design Competition’ to promote and test the controls in the draft Design Guide and the proposed Medium Density Housing Code.
- The outcomes of the Design Competition and stakeholder feedback were used to shape and tailor the controls in the final Code and Design Guide.

Where can I find out more?

- Call on 13 77 88.
- If English isn’t your first language, please call 131 450. Ask for an interpreter in your language and then request to be connected to our Information Centre on 1300 305 695.
- Email information@planning.nsw.gov.au