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Low Rise Housing Diversity Code and Design Guide for Complying Development

The following has been prepared for the implementation of the Low Rise Housing Diversity Code.

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 a principal certifier, provided it meets the development standards in the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP).

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.

What is the Low Rise Housing Diversity Code?

Formerly known as the Low Rise Medium Density Housing Code, the Low Rise Housing Diversity 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.

What is the Low Rise Housing Diversity Design Guide for complying development?

The Low Rise Housing Diversity Design Guide (Design Guide) provides consistent planning and design standards for dual occupancies, manor houses and terraces across NSW.

The Design Guide promotes good design outcomes and provides guidance on layout, landscaping, private open space, light, natural ventilation and privacy.

Who is the Design Guide intended for?

The Design Guide has been prepared to:

- assist developers, planners, urban designers, architects, building designers, landscape architects, builders and other professionals when designing dual occupancies, manor houses and terraces, and preparing a complying development proposal;

- assist planning professionals in local and state government with strategic planning and preparing local controls; and
- inform the community of what is required to achieve good design and planning practice for dual occupancies, manor houses and terraces, as complying development.

Where does the Code apply?

The Code applies across all of NSW, in the R1, R2, R3 and RU5 zones, where dual occupancies, manor houses and multi-dwelling housing are 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.

Each new dual occupancy or terrace house must have a frontage to a public road.

A Local Character Statement is not a mechanism to exclude local areas from the application of the Code.

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
- the Code does not apply to unsewered land, and
- 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. Land within the Sydney Drinking Water Catchment is also considered.

Development under the Code and the Design Guide does not include development on battle-axe lots or the creation of new battle-axe lots.

When does the Design Guide apply?

The Design Guide is referenced in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP).

The Low Rise Housing Diversity Code in Part 3B of the Codes SEPP contains the development standards for manor houses, multi dwelling housing (terraces) and dual occupancies. The Design Guide contains the Design Criteria that must be met in order to obtain a complying development certificate (CDC) under Part 3B of the Codes SEPP.

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 dual occupancies, manor houses and terraces.

The Design Verification Statement ensures dual occupancies, manor houses and terraces are 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.

Can I apply for a CDC for subdivision of a dual occupancy, manor house or terraces under the Code?

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.

Where can I find guidance on preparing and assessing an application for a CDC under the Code?

Guidance for preparing and assessing an application for a CDC under the Low Rise Housing Diversity Code can be found in Section 4 in the Design Guide. The following development types can be assessed as complying development under the Low Rise Medium Density Housing Code contained within Part 3B of the Codes SEPP:

- Dual occupancies (side by side),
- Manor houses and dual occupancies (one above the other), and
- Multi dwelling housing (terraces).

Submission requirements for complying developments are set within Schedule 1 of the Environmental Planning and Assessment Regulation 2000.

Can I lodge a development application for manor houses and terraces?

Yes. The Environmental Planning and Assessment Regulation 2000 requires councils to consider the Low Rise Housing Diversity Design Guide for Development Applications when assessing DAs for manor houses and terraces, until they have their own development control plans (DCPs) for these housing types.

Where can I find out more?

- Call the Codes Hotline 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 codes@planning.nsw.gov.au
- Visit the Department's website www.planning.nsw.gov.au/Policy-and-Legislation/Housing or the NSW Planning Portal.

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