

July 2020

The Low Rise Housing Diversity Code

The following frequently asked questions have been prepared to assist residents and landowners understand the implementation of the Low Rise Housing Diversity Code.

Why has the name changed?

The name of the Code has changed to the Low Rise Housing Diversity Code to better reflect the diverse housing it facilitates. It is also in response to recommendation two of the Independent Review of the Low Rise Medium Density Housing Code carried out in 2019.

What if my council previously had a temporary deferral?

The Code has now become operational across all local government areas since 1 July 2020. Temporary deferrals from the Code were provided to councils so that strategic planning could be undertaken and to provide time to lodge any associated planning proposals.

Will further deferrals from the Code be granted?

No, further deferrals from the Code will not be granted.

How can council prohibit multi-dwelling housing from R2 zones?

In consultation with their communities, councils can decide the housing types they want in their R2 Low Density Residential zone as part of their strategic planning. Councils will need to lodge a planning proposal with the Department of Planning, Industry and Environment and undertake community consultation. Your council can provide you information on planning proposals they have undertaken.

Will I be notified of any new low rise housing development proposed next door to my home?

You will be notified if you are the occupier of a dwelling that is located on a lot that has a boundary within 20 metres of the boundary of the lot on which the development is proposed to be carried out.

If you are located within a Greater Sydney Metropolitan council area or Wingecarribee Council (other than within a residential release area), you will be notified of the details of the development and what exactly is proposed to be built at least 14 days before the complying development certificate is issued.

If you are located within a Greater Sydney Metropolitan council area or Wingecarribee Council, you will also receive notification of the intended work commencement date at least 7 days before works are due to commence. However, if you are located outside the Greater Sydney metropolitan council area or within a residential release area, you will receive notification at least 2 days before works are due to commence.

The above notification requirements apply to work that involves a new building, or an addition to an existing building, or the demolition of a building.

(See clause 130AB of the Environmental Planning & Assessment Regulations for the definition of residential release area)

Are other recommendations of the Independent Review being implemented?

Several recommendations have been implemented such as:

- Providing an opportunity for councils to better target the Code's application by allowing councils to set a minimum lot size for manor houses and multi-dwelling housing (terraces) in LEPs.
- Providing that the Code does not apply to unsewered land
- Ensuring that land within the Sydney Drinking Water Catchment is considered
- Tracking the uptake of the Code via the Planning Portal from 1 July 2020

How can I have my say and provide feedback?

The Department encourages residents to engage with their local councils and provide feedback relating to the Code and its operation in your area.

What is a Local Environmental Plan?

An LEP guides planning decisions for local government areas. Local councils do this through zoning and development controls, which provide a framework for the way land can be used. LEPs are the main planning tool to shape the future of communities and ensure local development is done appropriately.

The Code has been designed to work with council LEPs. Dual occupancies, manor houses and terraces can only be carried out as complying development or through a DA if it is permitted under the council's LEP.

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 NSW Planning Portal

© State of New South Wales through Department of Planning, Industry and Environment 2020. The information contained in this publication is based on knowledge and understanding at the time of writing in July 2020. However, because of advances in knowledge, users are reminded of the need to ensure that the information upon which they rely is up to date and to check the currency of the information with the appropriate officer of the Department of Planning, Industry & Environment or the user's independent adviser.