

Frequently asked questions

Low Rise Medium Density Housing Code and Low Rise Medium Density Design Guide for complying development

July 2018

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 an accredited council or private certifier, provided it meets specific development standards in the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (State Policy).
- 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 affordability?

- There is a need to increase housing diversity to give people more choice and ensure housing supply caters for changing demographics.
- Low rise medium density housing 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.
- A simplified and tailored Low Rise Medium Density Housing Code will promote 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 contains simplified and tailored standards to allow 1-2 storey dual occupancies, manor houses and terraces to be carried out under a fast-tracked complying development approval.
- The Low Rise Medium Density Housing Code:
 - is written in plain English, with accompanying diagrams, in the same format as the Housing Code;
 - includes tailored development standards for the different housing types; and
 - is accompanied by a Low Rise Medium Density Design Guide to promote good design outcomes for medium density housing across NSW.
- The Low Rise Medium Density Housing Code has been 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 Low Rise Medium Density Housing Code facilitate faster housing approvals?

- The Code includes tailored, simplified development standards which will make 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.

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

- The Low Rise Medium Density Housing Code is accompanied by the Low Rise Medium Density Design Guide for complying development to promote good design outcomes for medium density housing across NSW.
- The Design Guide for complying development aims to improve design, and contains Design Criteria and guidance on layout, landscaping, private open space, light, natural ventilation and privacy.
- An amendment has been made to the *Environmental Planning and Assessment Regulation 2000* requiring that a qualified designer, or a building designer that has been 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 contained within the Low Rise Medium Density Design Guide.

What is a Design Verification Statement?

- The Low Rise Medium Density Housing Code includes a requirement to prepare a Design Verification Statement to accompany a complying development application for medium density housing. This requirement will ensure and promote good design outcomes for low rise medium density housing.
- The Design Verification Statement will ensure the development is appropriately designed, having regards to the Low Rise Medium Density Design Guide, and will ensure the local character of an area is retained.
- The Design Verification Statement must be prepared by a qualified designer or building designer accredited with the Building Designers Association of Australia. A “qualified designer” is a person registered as an architect in accordance with the Architects Act 2003.
- The Design Verification Statement requires the designer to verify that he or she has designed or directed the design of the development, and to also address how the proposed development is consistent with the relevant Design Criteria in the Design Guide.

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 Low Rise Medium Density Housing Code and Low Rise Medium Density Design Guide.

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When will the Code be implemented?

- The Low Rise Medium Density Housing Code commences on **6 July 2018**.
- This means for an applicant wanting to undertake complying development for a dual occupancy, manor house or terraces they can use the Low Rise Medium Density Housing Code from **6 July 2018**.
- This deferred commencement period will provide sufficient time for new homeowners, industry and building certifiers to become familiar with the relevant provisions of the new Code and for the Department to hold information and education sessions.

Where will the Code apply?

- The Code will apply across all of NSW, in the R1, R2, R3 and RU5 zones, where medium density housing is permitted under a Council's Local Environmental Plan (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.
- The development must meet the minimum lot size requirements 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.

Where will the Code not apply?

- Exclusions for where complying development cannot be carried out under the State Policy will continue to apply. 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.
- Existing requirements for complying development on bushfire prone land and flood control lots are the same as under the Housing Code.

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How will the Code apply?

Minimum lot sizes

- The medium density 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

- In order to be carried out as complying development, the 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 Low Rise Medium Density Housing Code introduces concurrent subdivision and development of dual occupancies, manor houses or multi dwelling housing (terraces) as complying development, only where a council's LEP permits medium density housing in a R1, R2, R3 or RU5 zone.
- The Code allows for a certifier with a subdivision accreditation, to approve the subdivision of a dual occupancy, manor house or terraces that has been constructed as complying development under the new 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).
- Subdivisions is only permitted under the Code where Torrens title or strata subdivision is allowed under the council's LEP.

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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 will be allowed wherever multi dwelling housing or residential flat buildings are permitted in a Council's LEP in the R1, R2, R3 or RU5 Zone.
- Manor house is a new term that describes an old form of housing. This will ensure that this housing type will fit into existing streetscapes and neighbourhoods.

Where can I find out more?

- Call on 13 77 88.
- If English isn't your first language, please call 13 14 50. 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.