



New South Wales

State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Low Rise Housing Diversity Code) 2020

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*.

ROBERT STOKES, MP
Minister for Planning and Public Spaces

State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Low Rise Housing Diversity Code) 2020

under the

Environmental Planning and Assessment Act 1979

1 Name of Policy

This Policy is *State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Low Rise Housing Diversity Code) 2020*.

2 Commencement

This Policy commences on 1 July 2020 and is required to be published on the NSW legislation website.

3 Repeal of Policy

- (1) This Policy is repealed on the day following the day on which this Policy commences.
- (2) The repeal of this Policy does not, because of the operation of sections 5(6) and 30 of the *Interpretation Act 1987*, affect any amendment made by this Policy.

Schedule 1 Amendment of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

- [1] **Clauses 1.5(1), paragraph (b1) of the definition of “complying development code” and the definition of “Low Rise Medium Density Housing Code” and 1.19(1), (2) and (3A), heading to Part 3B, clauses 6.1(2) and 6.3(2), table to Schedule 3, heading to Schedule 6A and note 1 to Schedule 6A**

Omit “Low Rise Medium Density Housing Code” wherever occurring.

Insert instead “Low Rise Housing Diversity Code”.

- [2] **Clause 1.5 Interpretation—general**

Omit the definition of *Medium Density Design Guide* from clause 1.5(1).

Insert in alphabetical order—

Low Rise Housing Diversity Design Guide means the *Low Rise Housing Diversity Design Guide* published by the Department of Planning, Industry and Environment on the day on which *State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Low Rise Housing Diversity Code) 2020* commences.

Note. A copy of the Guide is available on the website of the Department.

parent lot, in relation to subdivision, means the lot that is being subdivided.

resulting lot means a lot that is created through the subdivision of a parent lot.

- [3] **Clause 3.16 Car parking and vehicle access requirements**

Omit “>4.5m” from the table to clause 3.16(5). Insert instead “4.5m or more”.

- [4] **Clause 3B.1 Development that can be complying development under this code**

Omit clause 3B.1(1). Insert instead—

- (1) The following types of development are complying development under this code—
- (a) the erection or alteration of, or addition to—
 - (i) any 1 or 2 storey dual occupancy, manor house or multi dwelling housing (terraces), or
 - (ii) any attached development or detached development related to any building referred to in subparagraph (i),
 - (b) the conversion of an existing dwelling to a dual occupancy.

- [5] **Clause 3B.2 Development that is not complying development under this code**

Omit clause 3B.2(d). Insert instead—

- (d) development on any lot on which there is a secondary dwelling or group home whether or not the development is attached to the dwelling or home,

- [6] **Clause 3B.2(h)–(j)**

Insert after clause 3B.2(g)—

- (h) development that is in-fill affordable housing within the meaning of Division 1 of Part 2 of *State Environmental Planning Policy (Affordable Rental Housing) 2009*,
- (i) development on unsewered land,

- (j) development on land identified as being susceptible to landslide risk in any relevant environmental planning instrument relating to the land.

[7] Clause 3B.5 Complying development on flood control lots

Insert after clause 3B.5(3)—

- (3A) Without limiting subclause (3), a joint report must—
 - (a) include a signature made by each professional engineer by whom the report is prepared, and
 - (b) where conclusions of the report are based on data, surveys or other material—include the name and author of the document on which the conclusions are based.

[8] Clause 3B.5, note 2

Omit “section 149”. Insert instead “planning”.

[9] Clause 3B.7 Application of Division

Insert before clause 3B.7(a)—

- (a1) the conversion of an existing dwelling to a dual occupancy,

[10] Clause 3B.8 Lot requirements

Insert “parent” after “area of the” in clause 3B.8(1).

[11] Clause 3B.8(2)

Omit clause 3B.8(2). Insert instead—

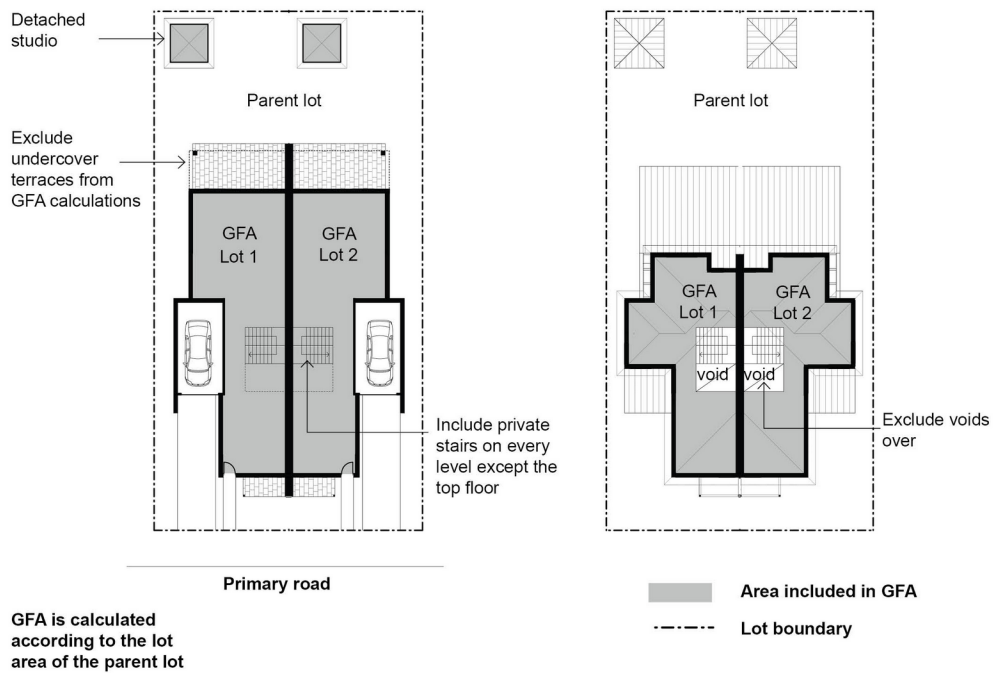
- (2) The width of the parent lot must not be less than the following when measured at the building line—
 - (a) 15m,
 - (b) where the lot is only accessible from a secondary road, parallel road or lane—12m.

[12] Clause 3B.10 Maximum gross floor area of all buildings

Insert “of parent lot” after “Lot area” in the table to clause 3B.10.

[13] Clause 3B.10, diagram

Omit the diagram to the clause. Insert instead—

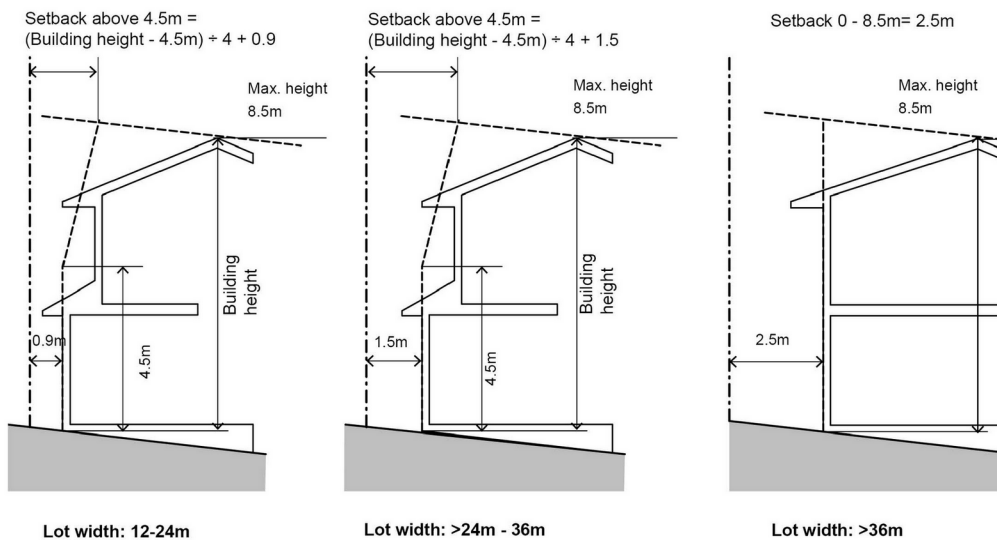


[14] Clause 3B.11 Minimum setbacks and maximum height and length of boundary walls

Omit “Lot width” from the heading to the table in clause 3B.11(4). Insert instead “Width of parent lot”.

[15] Clause 3B.11(4), diagram

Omit the diagram to clause 3B.11(4). Insert instead—

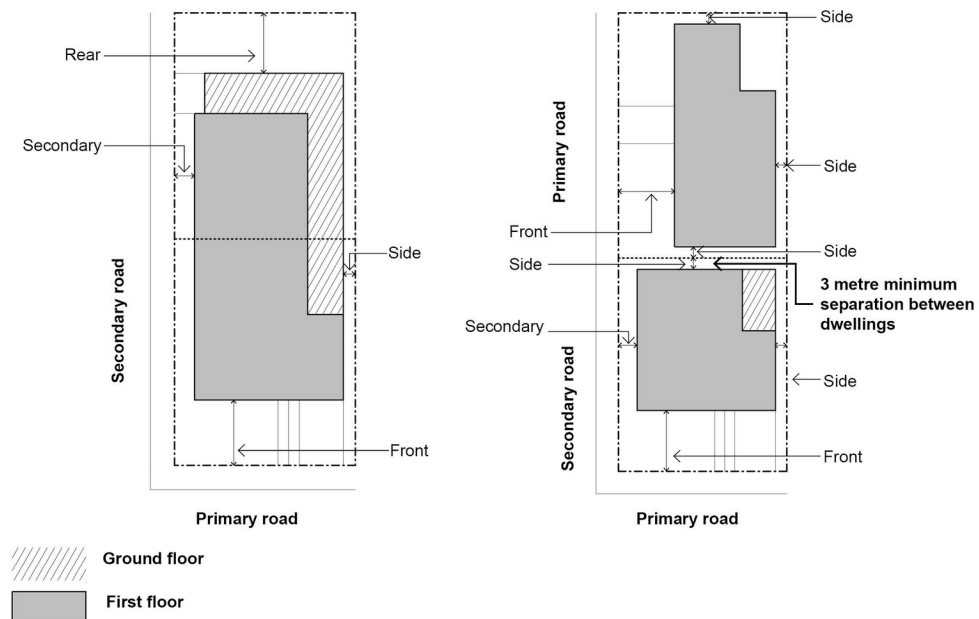


[16] Clause 3B.11(5)

Insert “detached” before “dual occupancy on”.

[17] Clause 3B.11(6), diagram

Omit the diagram to clause 3B.11(6). Insert instead—



[18] Clause 3B.11(7)

Insert “a” after “corner lot has”.

[19] Clause 3B.11, note 2

Omit “and *classified road*”.

Insert instead “, *classified road* and *public reserve*”.

[20] Clause 3B.12 Exceptions to setbacks

Insert after clause 3B.12(1)(i)—

(j) steps.

[21] Clause 3B.12(3)(g)

Insert after clause 3B.12(3)(f)—

(g) steps.

[22] Clause 3B.13 Dwelling configuration on lot

Insert “or a parallel road lot where each dwelling fronts a different road” after “corner lot” in clause 3B.13(2).

[23] Clause 3B.13(4)

Omit “of 5m.” Insert instead—

of—

- (a) where a car space is accessed from a primary road—6.5m, or
- (b) in any other case—5m.

[24] Clause 3B.15 Minimum landscaped area

Insert “the parent” after “50% of” in clause 3B.15(1).

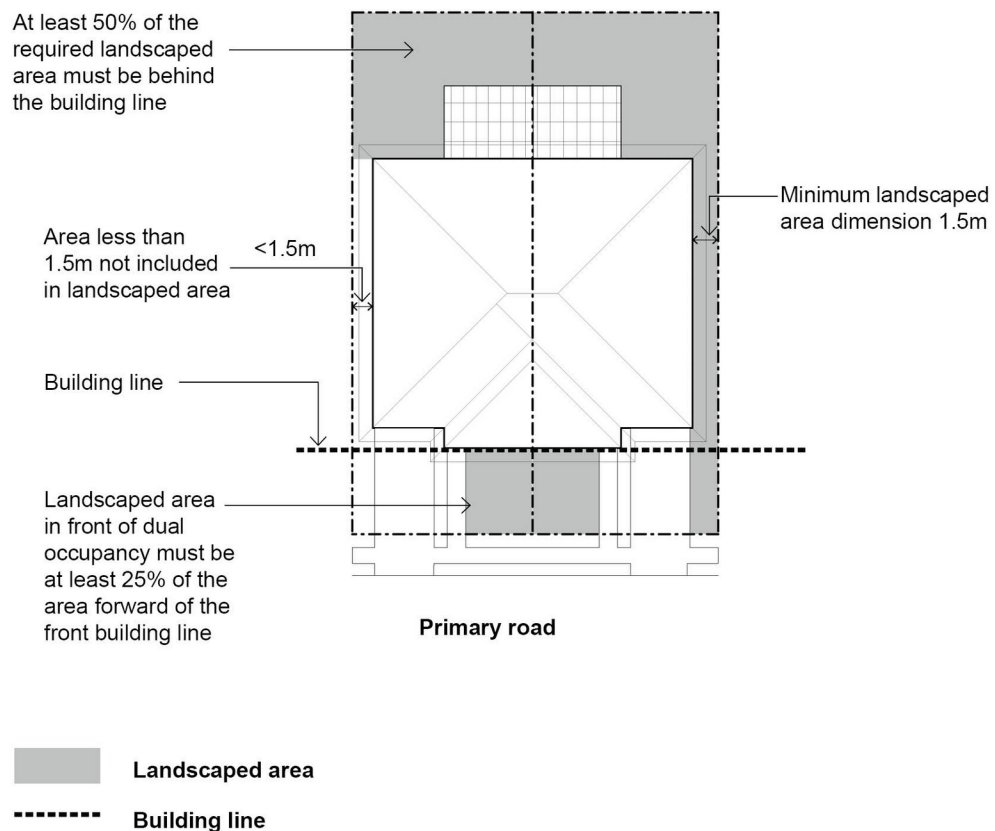
[25] Clause 3B.15(2A)

Insert after clause 3B.15(2)—

- (2A) At least 50% of the area of the lot behind the building line must be landscaped.

[26] Clause 3B.15(3), diagram

Omit the diagram to clause 3B.15(3). Insert instead—



[27] Clause 3B.16 Primary and secondary road articulation zones

Omit clause 3B.16(1). Insert instead—

- (1) A dual occupancy may have the following articulation zones—
 - (a) a primary road articulation zone that extends up to 1.5m forward of the minimum required setback from the primary road,
 - (b) a secondary road articulation zone that extends up to 1m forward of the minimum required setback from the secondary road.

[28] Clause 3B.18 Car parking and vehicle access requirements

Omit “0–4.5m” from the table to clause 3B.18(6). Insert instead “<4.5m”.

[29] Clause 3B.18(6), table

Omit “>4.5m”. Insert instead “4.5m or more”.

[30] Clause 3B.18(7), table

Omit the first row.

[31] Clause 3B.18(7), table

Omit “>”15m–20m”. Insert instead “15m–20m”.

[32] Clause 3B.18(8)

Insert after clause 3B.18(7)—

- (8) The maximum width of all garage doors accessed from a secondary road, parallel road or lane is shown in the following table—

Lot width	Maximum width of garage door openings
12m–15m	3.2m
>15m–20m	6m
>20m–25m	9.2m
>25m	12m

[33] Clause 3B.19 Building design

Omit “Medium Density Design Guide” from clause 3B.19(1).

Insert instead “Low Rise Housing Diversity Design Guide”.

[34] Clause 3B.20 Application of Division

Insert before clause 3B.20(a)—

- (a1) the conversion of an existing dwelling to a dual occupancy,

[35] Clause 3B.21 Lot requirements

Omit “600m²,” from clause 3B.21(a). Insert instead—

whichever is greater of the following—

- (i) 600m²,
- (ii) the minimum lot area specified for manor houses in the environmental planning instrument that applies to the land concerned,

[36] Clause 3B.25 Exceptions to setbacks

Insert after clause 3B.25(1)(i)—

- (j) steps.

[37] Clause 3B.25(3)(g)

Insert after clause 3B.25(3)(f)—

- (g) steps.

[38] Clause 3B.26A

Insert after clause 3B.26—

3B.26A Other standards for manor houses

A manor house must face a public road.

[39] Clause 3B.27 Minimum landscaped area

Omit clause 3B.27(2). Insert instead—

- (2) At least 25% of the area of the lot forward of the building line must be landscaped.

[40] Clause 3B.27(2A)

Insert after clause 3B.27(2)—

- (2A) At least 50% of the area of the lot behind the building line must be landscaped.

[41] Clause 3B.28 Primary road articulation zone

Omit clause 3B.28(2)(h).

[42] Clause 3B.28(3)

Omit “, (g) or (h)”. Insert instead “or (g)”.

[43] Clause 3B.30 Car parking and vehicle access requirements

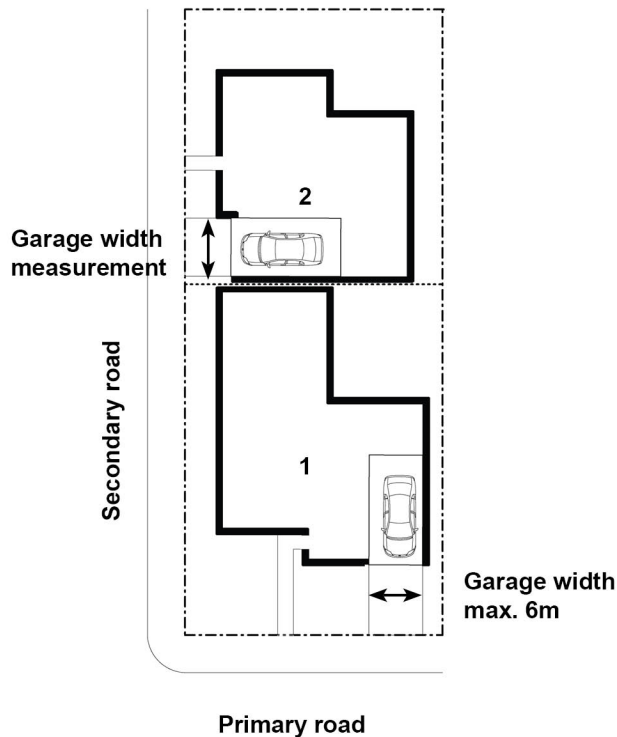
Omit “0–4.5m” from the table to clause 3B.30(5). Insert instead “4.5m or more”.

[44] Clause 3B.30(6)

Insert “, parallel road” after “primary road”.

[45] Clause 3B.30(6), diagram

Insert after clause 3B.30(6)—



[46] Clause 3B.31 Building design

Omit “Medium Density Design Guide” from clause 3B.31(1).

Insert instead “Low Rise Housing Diversity Design Guide”.

[47] Clause 3B.33 Lot requirements

Omit clause 3B.33(1). Insert instead—

- (1) The area of the parent lot must not be less than the following—
 - (a) the minimum lot area specified for multi dwelling housing (terraces) in the environmental planning instrument that applies to the land concerned,
 - (b) if no minimum lot area is specified for multi dwelling housing (terraces) in that environmental planning instrument—the minimum lot area specified for multi dwelling housing in the environmental planning instrument that applies to the land concerned,
 - (c) 600m^2 , but only if—
 - (i) the minimum lot area specified in the environmental planning instrument referred to in paragraph (a) or (b) is less than 600m^2 , or
 - (ii) no minimum lot area is specified in that environmental planning instrument.

[48] Clause 3B.33(2)

Omit “18m”. Insert instead “21m”.

[49] Clause 3B.35 Maximum gross floor area of all buildings

Insert “parent” after “on a”.

[50] Clause 3B.37 Exceptions to setbacks

Insert after clause 3B.37(1)(i)—

(j) steps.

[51] Clause 3B.37(3)(g)

Insert after clause 3B.37(3)(f)—

(g) steps.

[52] Clause 3B.38 Dwelling configuration on lot

Omit “parallel to” from clause 3B.38(3). Insert instead “at”.

[53] Clause 3B.38(3)

Omit “of 6m”. Insert instead—

of—

(a) where a car space is accessed from a primary road—3m, or

(b) in any other case—6m.

[54] Clause 3B.40 Minimum landscaped area

Omit “dwelling on a lot” from clause 3B.40(1).

Insert instead “resulting lot where concurrent Torrens title subdivision is proposed”.

[55] Clause 3B.40(1A)

Insert after clause 3B.40(1)—

(1A) The minimum landscaped area that must be provided on a lot where concurrent Torrens title subdivision is not proposed is shown in the following table—

Land use zone in which development is carried out	Landscaped area
Zone RU5, Zone R1 or Zone R2	30% of the parent lot area of which at least 54m ² is apportioned to each dwelling
Zone R3	20% of the parent lot area of which at least 36m ² is apportioned to each dwelling

[56] Clause 3B.40(2A)

Insert after clause 3B.40(2)—

(2A) At least 50% of the area of the resulting lot behind the building line must be landscaped.

[57] Clause 3B.41 Primary and secondary articulation zones

Omit clause 3B.41(2)(h).

[58] Clause 3B.41(3)

Omit “, (g) or (h)”. Insert instead “or (g)”.

[59] Clause 3B.43 Car parking and vehicle access requirements

Omit “(garage door openings are not permitted to face a primary, secondary or parallel road if the resulting lot width is less than 8m)” from clause 3B.43(6).

[60] Clause 3B.43(6), table

Omit “8m–12m”. Insert instead “6m–12m”.

[61] Clause 3B.43(7)

Omit the subclause.

[62] Clause 3B.44 Building Design

Omit “Medium Density Design Guide” from clause 3B.44(1).

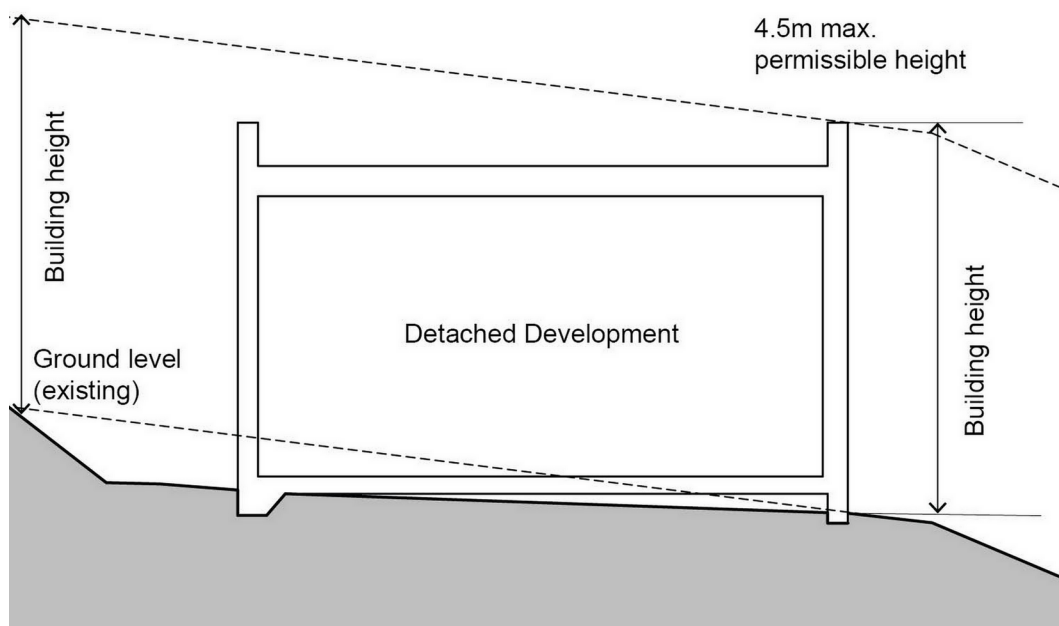
Insert instead “Low Rise Housing Diversity Design Guide”.

[63] Clause 3B.46 Lot requirements

Omit “The lot”. Insert instead “The parent lot”.

[64] Clause 3B.47 Maximum height

Omit the diagram to the clause. Insert instead—



[65] Clause 3B.49 Minimum setbacks and maximum height and length of built to boundary walls

Insert after clause 3B.49(11)—

Note. *Public reserve* has the same meaning as it has in the Standard Instrument.

[66] Clause 3B.54 Exceptions to setbacks

Insert after clause 3B.54(1)(i)—

(j) steps.

[67] Clause 3B.54(3)(g)

Insert after clause 3B.54(3)(f)—

(g) steps.

[68] Clause 3B.56 Development standards for swimming pools

Insert after clause 3B.56(7)—

(8) A swimming pool associated with a dual occupancy or manor house must have the same setback from a secondary road as the building.

[69] Clause 3B.58 Earthworks, retaining walls and structural support

Omit “groundwater works summary” from clause 3B.58(3).

Insert instead “geotechnical investigation report prepared in accordance with AS 1726: 2017, *Geotechnical site investigations* by a professional engineer specialising in geotechnical engineering”.

[70] Clause 3B.58(3), note

Omit the note.

[71] Clause 3C.6 Complying development on flood control lots

Omit “section 149” from note 2 to the clause. Insert instead “planning”.

[72] Clause 6.4 Development standards

Omit “60% of” from clause 6.4(1)(d)(i).

[73] Clause 6.4(2)(c)

Insert after clause 6.4(2)(b)—

(c) in the case of multi dwelling housing (terraces) that are erected as complying development—the minimum landscaped area that must be provided for each resulting lot complies with the requirements in the table to clause 3B.40(1).

[74] Schedule 5, heading

Omit the heading. Insert instead—

Schedule 5 Land excluded from the Housing Code, Inland Code or Low Rise Housing Diversity Code

[75] Schedule 6A Conditions applying to complying development certificates under the Low Rise Housing Diversity Code

Insert “for each dwelling house, dual occupancy or terrace” before “on the site before” in clause 28(1).

[76] Schedule 6A, clause 28(2)

Omit “, manor house”.

[77] Schedule 6A, clause 28(2A) and (2B)

Insert after clause 28(2)—

- (2A) One tree (that will have a mature height of at least 8m) is to be in the rear yard for each manor house on the site before the occupation certificate for the work on the site is obtained.
- (2B) One tree (that will have a mature height of at least 5m) is to be in the setback from the primary road for each manor house on the site before the occupation certificate for the work on the site is obtained but only if that setback is more than 3m.

[78] Schedule 6B Conditions applying to complying development certificates under the Subdivisions Code

Omit clause 1(1). Insert instead—

- (1) Sufficient evidence must be provided to the principal certifier before the subdivision certificate for the site is obtained to reasonably satisfy the person of the following—
 - (a) each new lot on which there will be a dwelling will be adequately serviced with water, sewerage, electricity, natural gas (where available) and telecommunications,
 - (b) an occupation certificate for any new building or part of a building to which this Schedule relates has been obtained.

[79] Schedule 6B, clauses 1(2) and (3), 3(1) and 5(1) and (2)

Omit “principal certifying authority” wherever occurring. Insert instead “principal certifier”.

Schedule 2 Amendments consequential on commencement of State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Low Rise Housing Diversity Code) 2020

2.1 Bathurst Regional Local Environmental Plan 2014

[1] Clause 4.1B, heading

Insert “**manor houses,**” after “**occupancies,**” in the heading to clause 4.1B.

[2] Clause 4.1B(3)

Insert “manor houses,” after “purposes of”.

[3] Clause 4.1B(3)

Insert “Manor Houses,” after “Size—”.

[4] Dictionary

Insert in alphabetical order—

manor house has the same meaning as in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

[5] Dictionary

Omit the definition of *Minimum Lot Size—Multi Dwelling Housing and Residential Flat Buildings Map*.

Insert in alphabetical order—

Minimum Lot Size—Manor Houses, Multi Dwelling Housing and Residential Flat Buildings Map means the Bathurst Regional Local Environmental Plan 2014 Minimum Lot Size—Manor Houses, Multi Dwelling Housing and Residential Flat Buildings Map.

2.2 Manly Local Environmental Plan 2013

[1] Clause 4.1A

Insert after clause 4.1AA—

4.1A Minimum lot sizes for manor houses and multi dwelling housing (terraces) in Zone R2

- (1) Development consent must not be granted for development on land in Zone R2 Low Density Residential on which a manor house or multi dwelling housing (terraces) is proposed to be erected unless the lot has a site area of not less than the minimum site area for each dwelling shown on the Minimum Lot Size—Multi Dwelling Housing (Terraces) and Manor Houses Map.
- (2) Despite any other provision of this Plan, development consent must not be granted for the subdivision of land in Zone R2 Low Density Residential on which multi dwelling housing (terraces) is erected, or proposed to be erected, unless all of the lots to be created by the subdivision are equal to or greater than the minimum lot size shown on the Minimum Lot Size—Multi Dwelling Housing (Terraces) and Manor Houses Map in relation to that land.

[2] Dictionary

Insert in alphabetical order—

manor house has the same meaning as in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Minimum Lot Size—Multi Dwelling Housing (Terraces) and Manor Houses Map means the Manly Local Environmental Plan 2013 Minimum Lot Size—Multi Dwelling Housing (Terraces) and Manor Houses Map.

multi dwelling housing (terraces) means multi dwelling housing where all dwellings are attached and face, and are generally aligned along, 1 or more public roads.

2.3 Mid-Western Regional Local Environmental Plan 2012

[1] Clause 4.1A, heading

Insert “**manor houses,**” after “**occupancies,**” in the heading to clause 4.1A.

[2] Clause 4.1A(2)(d)

Insert after clause 4.1A(2)(c)—

(d) for the purposes of a manor house, any land that is within Zone RU5 Village.

[3] Clause 4.1A(3)(e)

Insert at the end of clause 4.1A(3)(d)—

, or

(e) for the purposes of a manor house, if the area of the lot is equal to or greater than 1,200 square metres.

[4] Dictionary

Insert in alphabetical order—

manor house has the same meaning as in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

2.4 Sutherland Shire Local Environmental Plan 2015

[1] Clause 4.1E, heading

Insert “, **manor houses**” after “**occupancies**” in the heading to clause 4.1E.

[2] Clause 4.1E, table

Insert after the matter relating to “dual occupancy”—

Manor house	R2 Low Density Residential	900 square metres
Manor house	R3 Medium Density Residential	900 square metres

[3] Dictionary

Insert in alphabetical order—

manor house has the same meaning as in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

2.5 Woollahra Local Environmental Plan 2014

[1] Clause 4.1A, heading

Insert “**manor houses,**” before “**multi dwelling housing**” in the heading to clause 4.1A.

[2] Clause 4.1A, table

Insert in appropriate order—

Manor house	Zone R3 Medium Density Residential	700 square metres
Multi dwelling housing (terraces)	Zone R3 Medium Density Residential	700 square metres

[3] Dictionary

Insert in alphabetical order—

manor house has the same meaning as in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

multi dwelling housing (terraces) means multi dwelling housing where all dwellings are attached and face, and are generally aligned along, 1 or more public roads.