



New South Wales

Environmental Planning and Assessment Amendment (Low Rise Medium Density Housing) Regulation 2017

under the

Environmental Planning and Assessment Act 1979

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Environmental Planning and Assessment Act 1979*.

ANTHONY ROBERTS, MP
Minister for Planning

Explanatory note

The objects of this Regulation are:

- (a) to permit a single application for a complying development certificate to be made for complying development comprising the erection of a dual occupancy, manor house or multi dwelling housing (terraces) on a lot and the subsequent subdivision of that lot or comprising the erection of dual occupancies, manor houses or multi dwelling housing (terraces) on existing adjoining lots, and
- (b) to require a certifying authority that issues a complying development certificate for development on bush fire prone land to send to the NSW Rural Fire Service a copy of any certification referred to in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* that is required to carry out the development on bush fire prone land, and
- (c) to require an application for a complying development certificate that relates to development involving the erection or alteration of, or an addition to, a dual occupancy, manor house or multi dwelling housing (terraces) to be accompanied by a statement by a qualified designer (being a person registered as an architect in accordance with the *Architects Act 2003*) or a person accredited as a building designer that:
 - (i) verifies that he or she designed, or directed the design of, the development, and
 - (ii) addresses how the design is consistent with the relevant design criteria in the *Medium Density Design Guide* published by the Department of Planning and Environment.

This Regulation is made under the *Environmental Planning and Assessment Act 1979*, including sections 84A (3), 85 (5) and 157 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Environmental Planning and Assessment Amendment (Low Rise Medium Density Housing) Regulation 2017*.

2 Commencement

This Regulation commences on the commencement of *State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Low Rise Medium Density Housing) 2017* and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Environmental Planning and Assessment Regulation 2000

[1] Clause 126 Making application for complying development certificate

Omit clause 126 (4). Insert instead:

- (4) A single application for a complying development certificate may be made for complying development comprising:
 - (a) the erection of a dual occupancy, manor house or multi dwelling housing (terraces) on a lot and the subsequent subdivision of that lot, or
 - (b) the concurrent erection of any of the following on existing adjoining lots:
 - (i) new single storey or two storey dwelling houses,
 - (ii) dual occupancies,
 - (iii) manor houses,
 - (iv) multi dwelling housing (terraces).

[2] Clause 130A Copy of particular documents to be given to NSW Rural Fire Service and council

Omit “the certification required under clause 3.4 or 3A.37 of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*” from clause 130A (1) (b).

Insert instead “any certification referred to in a *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* that is required to carry out the complying development on bush fire prone land”.

[3] Schedule 1 Forms

Insert after clause 4 (1) (m):

- (n) if the development involves the erection or alteration of, or an addition to, a dual occupancy, manor house or multi dwelling housing (terraces)—a statement (in the form approved by the Secretary) by a qualified designer or a person accredited as a building designer by the Building Designers Association of Australia that:
 - (i) verifies that he or she designed, or directed the design of, the development, and
 - (ii) addresses how the design is consistent with the relevant design criteria set out in the Medium Density Design Guide (within the meaning of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*).