

---

# State Environmental Planning Policy (Housing) 2021

Current version for 11 April 2025 to date (accessed 25 April 2025 at 0:53)

Chapter 6

---

## Chapter 6 Low and mid rise housing

### Part 1 Preliminary

#### 162 Aim of chapter

The aim of this chapter is to encourage the development of low and mid rise housing in areas that are well located with regard to goods, services and public transport.

#### 163 Definitions

In this chapter—

**Deferred Transport Oriented Development Areas Map** means the [State Environmental Planning Policy \(Housing\) 2021 Deferred Transport Oriented Development Areas Map](#).

**low and mid rise housing area** means land within 800m walking distance of—

- (a) land identified as “Town Centre” on the [Town Centres Map](#), or
- (b) a public entrance to a railway, metro or light rail station listed in Schedule 11, or
- (c) for a light rail station listed in Schedule 11 with no public entrance—a platform of the light rail station.

**low and mid rise housing inner area** means land within 400m walking distance of—

- (a) land identified as “Town Centre” on the [Town Centres Map](#), or
- (b) a public entrance to a railway, metro or light rail station listed in Schedule 11, or
- (c) for a light rail station listed in Schedule 11 with no public entrance—a platform of the light rail station.

**low and mid rise housing outer area** means land between 400m and 800m walking distance of—

- (a) land identified as “Town Centre” on the [Town Centres Map](#), or

- (b) a public entrance to a railway, metro or light rail station listed in Schedule 11, or
- (c) for a light rail station listed in Schedule 11 with no public entrance—a platform of the light rail station.

**strata subdivision** means subdivision by the following, within the meaning of the [Strata Schemes Development Act 2015](#)—

- (a) a strata plan,
- (b) a strata plan of consolidation,
- (c) a strata plan of subdivision.

**Town Centres Map** means the [State Environmental Planning Policy \(Housing\) 2021 Town Centres Map](#).

#### **164 Land to which chapter applies**

- (1) This chapter applies to the whole of the State, other than the following—
  - (a) bush fire prone land,
  - (b) land identified as a coastal vulnerability area or a coastal wetlands and littoral rainforests area within the meaning of [State Environmental Planning Policy \(Resilience and Hazards\) 2021](#), Chapter 2,
  - (c) land to which Chapter 5 applies,
  - (d) land that is a heritage item or on which a heritage item is located,
  - (e) the following local government areas—
    - (i) Bathurst Regional,
    - (ii) City of Blue Mountains,
    - (iii) City of Hawkesbury,
    - (iv) Wollondilly,
  - (f) flood prone land in the Georges River Catchment and Hawkesbury-Nepean Catchment under [State Environmental Planning Policy \(Biodiversity and Conservation\) 2021](#), Chapter 6,
  - (g) land in a flood planning area in the following local government areas—
    - (i) Armidale Regional,
    - (ii) Ballina,

- (iii) Bellingen,
  - (iv) Byron,
  - (v) City of Cessnock,
  - (vi) Clarence Valley,
  - (vii) City of Coffs Harbour,
  - (viii) Dungog,
  - (ix) Goulburn Mulwaree,
  - (x) Kempsey,
  - (xi) Kyogle,
  - (xii) City of Lismore,
  - (xiii) City of Maitland,
  - (xiv) Nambucca Valley,
  - (xv) City of Newcastle,
  - (xvi) Port Stephens,
  - (xvii) Queanbeyan-Palerang Regional,
  - (xviii) Richmond Valley,
  - (xix) City of Shoalhaven,
  - (xx) Singleton,
  - (xxi) Tweed,
  - (xxii) Upper Hunter Shire,
  - (xxiii) Walcha,
- (h) land in an ANEF contour or ANEC contour of 20 or greater,
- (i) land within 200m of a relevant pipeline within the meaning of [State Environmental Planning Policy \(Transport and Infrastructure\) 2021](#), section 2.77,
- (j) land identified as “Deferred Transport Oriented Development Areas” on the [Deferred Transport Oriented Development Areas Map](#),
- (k) land within 800m of a public entrance to a railway, metro or light rail station listed

in Schedule 12.

(2) This chapter does not apply to land identified as an “Accelerated TOD Precinct” on the [Accelerated Transport Oriented Development Precincts Rezoning Areas Map](#).

(3) In this section—

**ANEC contour** has the same meaning as in *State Environmental Planning Policy (Precincts—Western Parkland City) 2021*, section 4.17.

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

**flood planning area** has the same meaning as in the *Flood Risk Management Manual*.

### **165 Non-discretionary development standards—the Act, s 4.15**

Sections 168, 169, 172, 173, 179, and 180 identify non-discretionary development standards for the Act, section 4.15(2).

## **Part 2 Dual occupancies and semi-detached dwellings**

### **Division 1 Preliminary**

#### **166 Development permitted with development consent**

Development for the purposes of dual occupancies or semi-detached dwellings is permitted with development consent on land to which this chapter applies in Zone R2 Low Density Residential.

#### **167 Landscaping—dual occupancies**

(1) This section applies to development for the purposes of dual occupancies in a low and mid rise housing area in the following zones—

- (a) Zone R1 General Residential,
- (b) Zone R2 Low Density Residential,
- (c) Zone R3 Medium Density Residential,
- (d) Zone R4 High Density Residential.

(2) Before granting development consent to development to which this section applies, the consent authority must consider the *Tree Canopy Guide for Low and Mid Rise Housing*, published by the Department in February 2025.

### **Division 2 Non-discretionary development standards—the Act, s 4.15**

**168 Non-discretionary development standards—dual occupancies**

- (1) This section applies to development for the purposes of dual occupancies in a low and mid rise housing area in the following zones—
  - (a) Zone R1 General Residential,
  - (b) Zone R2 Low Density Residential,
  - (c) Zone R3 Medium Density Residential,
  - (d) Zone R4 High Density Residential.
- (2) The following non-discretionary development standards apply—
  - (a) a minimum lot size of 450m<sup>2</sup>,
  - (b) a minimum lot width at the front building line of 12m,
  - (c) if no environmental planning instrument or development control plan that applies to the land specifies a maximum number of car parking spaces per dwelling—a minimum of 1 car parking space per dwelling,
  - (d) a maximum floor space ratio of 0.65:1,
  - (e) a maximum building height of 9.5m.

**169 Non-discretionary development standards—subdivision for dual occupancies**

- (1) This section applies to development involving subdivision for the purposes of dual occupancies on land in a low and mid rise housing area in the following zones—
  - (a) Zone R1 General Residential,
  - (b) Zone R2 Low Density Residential,
  - (c) Zone R3 Medium Density Residential.
- (2) This section applies only if—
  - (a) development consent was granted for the dual occupancy on or after 28 February 2025, or
  - (b) the development results from a development application made on or after 28 February 2025 for the subdivision of the land and the erection of a dual occupancy on the land.
- (3) The following non-discretionary development standards apply—
  - (a) each resulting lot must contain no more than 1 dwelling,

- (b) each resulting lot must be at least 6m wide at the front building line,
- (c) each resulting lot must have lawful access and frontage to a public road,
- (d) each resulting lot must have an area of at least 225m<sup>2</sup>,
- (e) each resulting lot must not be a battle-axe lot.

(4) This section does not apply to strata subdivision.

### **Part 3 Attached dwellings, multi dwelling housing and multi dwelling housing (terraces)**

#### **Division 1 Preliminary**

##### **170 Development permitted with development consent**

Development for the purposes of multi dwelling housing or attached dwellings is permitted with development consent on land to which this chapter applies in a low and mid rise housing area in Zone R2 Low Density Residential.

##### **171 Landscaping—multi dwelling housing or multi dwelling housing (terraces)**

- (1) This section applies to development for the purposes of multi dwelling housing or multi dwelling housing (terraces) in a low and mid rise housing area in the following zones—
  - (a) Zone R1 General Residential,
  - (b) Zone R2 Low Density Residential,
  - (c) Zone R3 Medium Density Residential,
  - (d) Zone R4 High Density Residential.
- (2) Before granting development consent to development to which this section applies, the consent authority must consider the *Tree Canopy Guide for Low and Mid Rise Housing*, published by the Department in February 2025.

#### **Division 2 Non-discretionary development standards—the Act, s 4.15**

##### **172 Non-discretionary development standards—multi dwelling housing**

- (1) This section applies to development for the purposes of multi dwelling housing on land in a low and mid rise housing area in the following zones—
  - (a) Zone R1 General Residential,
  - (b) Zone R2 Low Density Residential,

- (c) Zone R3 Medium Density Residential,
  - (d) Zone R4 High Density Residential.
- (2) The following non-discretionary development standards apply in relation to development for the purposes of multi dwelling housing—
- (a) a minimum lot size of 600m<sup>2</sup>,
  - (b) a minimum lot width at the front building line of 12m,
  - (c) if no environmental planning instrument or development control plan that applies to the land specifies a maximum number of car parking spaces per dwelling—a minimum of 1 car parking space per dwelling,
  - (d) a maximum floor space ratio of 0.7:1,
  - (e) a maximum building height of 9.5m.
- (3) The following non-discretionary development standards apply in relation to development for the purposes of multi dwelling housing (terraces)—
- (a) a minimum lot size of 500m<sup>2</sup>,
  - (b) a minimum lot width at the front building line of 18m,
  - (c) if no environmental planning instrument or development control plan that applies to the land specifies a maximum number of car parking spaces per dwelling—a minimum of 0.5 car parking spaces per dwelling,
  - (d) a maximum floor space ratio of 0.7:1,
  - (e) a maximum building height of 9.5m.

**173 Non-discretionary development standards—subdivision for multi dwelling housing (terraces)**

- (1) This section applies to development involving subdivision for the purposes of multi dwelling housing (terraces) on land in a low and mid rise housing area in the following zones—
- (a) Zone R1 General Residential,
  - (b) Zone R2 Low Density Residential,
  - (c) Zone R3 Medium Density Residential.
- (2) This section applies only if—
- (a) development consent was granted for the multi dwelling housing (terraces) on or after 28 February 2025, or

(b) the development results from a development application made on or after 28 February 2025 for the subdivision of the land and the erection of multi dwelling housing (terraces) on the land.

(3) The following non-discretionary development standards apply—

(a) each resulting lot must contain no more than 1 dwelling,

(b) each resulting lot must be 6m wide at the front building line,

(c) each resulting lot must have lawful access and frontage to a public road,

(d) each resulting lot must have an area of at least 165m<sup>2</sup>.

(4) This section does not apply to strata subdivision.

## **Part 4 Residential flat buildings and shop top housing**

### **Division 1 Preliminary**

#### **174 Development permitted with development consent**

Development for the purposes of residential flat buildings is permitted with development consent on land to which this chapter applies in a low and mid rise housing area in Zone R2 Low Density Residential or R3 Medium Density Residential.

#### **175 Development standards—low and mid rise housing inner area**

(1) This section applies to land in a low and mid rise housing inner area in Zone R3 Medium Density Residential or R4 High Density Residential.

(2) Development consent must not be granted for development for the purposes of residential flat buildings with a building height of up to 22m unless the consent authority is satisfied the building will have 6 storeys or fewer.

(3) Development consent must not be granted for development for the purposes of a building containing shop top housing with a building height of up to 24m unless the consent authority is satisfied the building will have 6 storeys or fewer.

#### **176 Development standards—low and mid rise housing outer area**

(1) This section applies to land in a low and mid rise housing outer area in Zone R3 Medium Density Residential or R4 High Density Residential.

(2) Development consent must not be granted for development for the following purposes if a resulting building will have a building height of up to 17.5m unless the consent authority is satisfied that the building will have 4 storeys or fewer—

(a) residential flat buildings,



- (b) buildings containing shop top housing.

**177 Landscaping—residential flat buildings or shop top housing**

- (1) This section applies to land in a low and mid rise housing area in Zone R3 Medium Density Residential or R4 High Density Residential.
- (2) Development consent must not be granted for development for the purposes of residential flat buildings or shop top housing unless the consent authority has considered the *Tree Canopy Guide for Low and Mid Rise Housing*, published by the Department in February 2025.

**178 Minimum lot size for residential flat buildings or shop top housing**

- (1) This section applies to development for the purposes of residential flat buildings or shop top housing on land in a low and mid rise housing area in Zone R3 Medium Density Residential or R4 High Density Residential.
- (2) A requirement specified in another environmental planning instrument or development control plan in relation to the following does not apply to development that meets the standards in section 180(2) or (3)—
  - (a) minimum lot size,
  - (b) minimum lot width.

**Division 2 Non-discretionary development standards—the Act, s 4.15**

**179 Non-discretionary development standards—residential flat buildings and shop top housing in Zone R1 or R2**

- (1) This section applies to development for the purposes of residential flat buildings or shop top housing on land in a low and mid rise housing area in Zone R1 General Residential or R2 Low Density Residential.
- (2) The following non-discretionary development standards apply—
  - (a) a minimum lot size of 500m<sup>2</sup>,
  - (b) a minimum lot width at the front building line of 12m,
  - (c) if no environmental planning instrument or development control plan that applies to the land specifies a maximum number of car parking spaces per dwelling—a minimum of 0.5 car parking spaces per dwelling,
  - (d) a maximum floor space ratio of 0.8:1,
  - (e) a maximum building height of 9.5m.

**180 Non-discretionary development standards—residential flat buildings and shop top**

**housing in Zone R3 or R4**

- (1) This section applies to development for the purposes of residential flat buildings or shop top housing on land in a low and mid rise housing area in Zone R3 Medium Density Residential or R4 High Density Residential.
- (2) The following non-discretionary development standards apply in relation to development on land in a low and mid rise housing inner area—
  - (a) a maximum floor space ratio of 2.2:1,
  - (b) for residential flat buildings—a maximum building height of 22m,
  - (c) for a building containing shop top housing—a maximum building height of 24m.
- (3) The following non-discretionary development standards apply in relation to development on land in a low and mid rise housing outer area—
  - (a) a maximum floor space ratio of 1.5:1,
  - (b) a maximum building height of 17.5m.