



INFORMATION SHEET

PLANNING AND ENVIRONMENT

REF: DA 19-01
Current at: July 2019

LOW RISE MEDIUM DENSITY HOUSING CODE (NSW)

This information sheet has been prepared to assist HIA members in understanding the Low-Rise Medium-Density Housing Code, otherwise known as the 'Missing Middle' Code.

Purpose of the Code

The Code is included in the [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#) (the SEPP) as Part 3B, and permits some new one and two storey medium density homes to be approved as complying development within 20 days. Approval is by a council or an accredited certifier.

The Code aims to streamline the approvals process and reduce costs for applicants, potentially saving up to \$15,000 when compared to the costs of a development application. It also intends to provide more housing choice for consumers, which may lead to improvements in housing affordability.

Housing types under the Code

The Code allows for three housing types as complying development:

- dual occupancies (side by side, either attached or detached)
- manor houses and dual occupancies (one above the other)
- multi dwelling houses (terraces)

Dual occupancies are two dwellings on one lot and can be detached or attached.

A manor house is a building containing 3-4 dwellings on one lot of land and can be up to two storeys in height (excluding any basement). Each dwelling is attached by a common wall or floor and at least one dwelling is partially located above another dwelling.

Multi dwelling housing (terraces) is three or more dwellings on one lot. Each dwelling fronts a public road and there are no other dwellings located above or below.

How the Code will work

Low rise medium density housing as complying development is permissible in R1, R2, R3 and RU5 zones where councils already allow it under their Local Environmental Plan (LEP). Some exclusions do apply, including:

- state or locally listed heritage items and heritage conservation areas
- land reserved for public purposes
- environmentally sensitive areas and areas excluded by councils (based on local circumstances)

DISCLAIMER - The above is intended to provide general information in summary form. The contents do not constitute specific advice and should not be relied upon as such. Formal specific advice should be sought by members with respect to particular matters before taking action.

phone 1300 650 620 | fax 1300 655 953 | enquiries@hia.com.au | hia.com.au

Lot sizes

The development must meet the minimum lot size requirements as follows:

- Dual occupancy – the size of the lot being developed must meet the minimum lot size required to build a dual occupancy under the relevant council LEP. If the LEP does not specify a minimum lot size, the Code applies a minimum 400m² lot size.
- Manor houses – a minimum 600m² lot size requirement applies.
- Terraces - the size of the lot being developed must meet the minimum lot size required to build multi dwelling housing under the relevant council LEP. If the LEP does not specify a minimum lot size, the Code applies a minimum 600m² lot size.

Development Standards

The Code sets the development standards (controls) for each low rise medium density housing type. Summary tables of the development standards are available, as follows:

- [dual occupancies \(side by side\)](#)
- [manor houses & dual occupancies \(one above the other\)](#)
- [multi dwelling houses \(terraces\)](#)

Low Rise Medium Density Design Guide for Complying Development

A [Low Rise Medium Density Design Guide](#) is available to assist councils when assessing development applications for dual occupancies, manor houses and terraces.

The Code includes a requirement to prepare a Design Verification Statement to promote good design outcomes. The Design Verification Statement must be prepared by a qualified designer (registered architect) or building designer accredited with the Building Designers Association of Australia.

HIA members can contact HIA's Planning and Environment team for more information on the member services hotline 1300 650 620 or nsw_planning@hia.com.au