

# *Medium Density Design Guide and Medium Density Housing Code*



## **Frequently Asked Questions**

October 2016



**Planning &  
Environment**

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### What is the Medium Density Design Guide?

- The Department of Planning and Environment has prepared a draft Medium Density Design Guide to encourage more low rise medium density housing to be built in NSW, providing greater housing choice, more housing affordability and better quality design.
- The Design Guide provides benchmarks for designing and assessing low rise medium density housing types including:
  - Terrace style housing on small lots (attached dwellings);
  - Dual occupancies and semi-detached dwellings;
  - Multi-dwelling housing (strata titled terrace housing);
  - Multi-dwelling housing (strata titled villas and townhouses);
  - Community titled master-planned medium density developments of up to 2 storeys; and
  - Manor homes (2 storey buildings comprising 3-4 dwellings).
- It is proposed that the Design Guide will be used for both complying developments and development applications to promote good design outcomes for medium density housing types across NSW.

### Why was the Design Guide prepared?

- We need more housing for NSW's growing population and also a greater variety of housing in response to an ageing population, as well as smaller household sizes to suit individual needs, preferences and budgets.
- Better quality design is also important to ensure that new low rise medium density housing is well designed, environmentally sustainable and contributes positively to the existing character of an area.
- The Discussion and Background Paper 'Options for low rise medium density housing as complying development' was publicly exhibited from 27 November 2015 to 1 March 2016. The Discussion Paper proposed the expansion of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* to include low rise medium density housing as complying development. The aim is to make approvals for these housing types faster and more straightforward, providing greater housing supply and choice including more affordable housing.
- The Discussion Paper recommended the development of a Design Guide for medium density housing, similar to the Apartment Design Guide established under the *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development* (SEPP 65), to ensure good design outcomes are achieved.
- The draft Design Guide has been developed with the input of architects, councils and industry stakeholders, who were supportive of the development of a guide to promote good design outcomes for medium density housing across the state.

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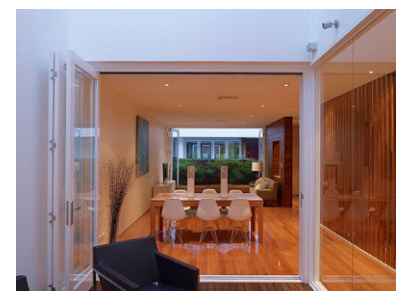
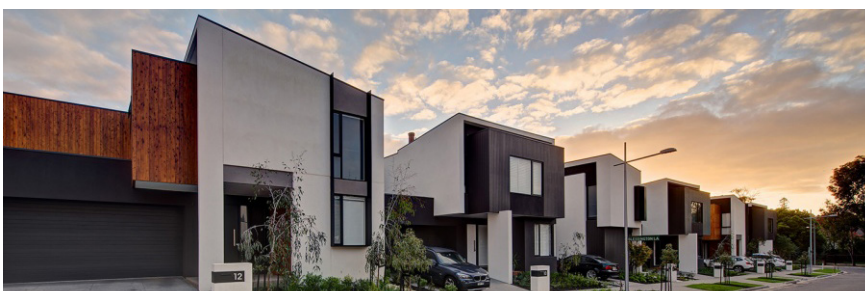
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### How will the Guide work?

- The Design Guide will be used to promote good design outcomes for medium density housing for both complying developments and development applications.
- It will improve the design of medium density housing with standards that will address design issues such as layout, landscaping and private open space, sunlight, natural ventilation and privacy.
- A two storey height limit will ensure the size and scale of development is low rise and will easily fit into established streetscapes and areas.
- Applicants will be required to provide a Design Verification Statement prepared by the building designer for all medium density complying developments, which certifies that the development meets the design criteria and key design quality principles set out in the Design Guide.
- Medium density housing will only be able to be carried out as complying development in areas that already allow medium density development under a council's local environmental plan.

### Will the Design Guide be legally enforceable?

- The Design Guide will be legally enforceable for complying development and any certifier that assesses a development will also need to ensure the development standards and design principles are met.
- Proposed building and design standards include requirements for minimum setbacks, maximum building height, site coverage and landscaping. These standards take into account the topography of a property and are designed to minimise privacy and overshadowing impacts on neighbours and preserve residential amenity.
- Whilst the Design Guide will not be legally enforceable for medium density housing developments assessed as a development application, it is intended that it will be used by the council as a reference document to guide good design outcomes.
- Councils may also decide to adopt some or all of the design principles and standards within their local planning policies.





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### What is the existing State policy for complying development?

- Complying development is a fast tracked planning and building approval for straightforward development where an application can be determined by an accredited council or private certifier without the need for a development application as long as it meets specific building standards.
- The State Environmental Planning Policy (Exempt and Complying Development) 2008 (Codes SEPP) commenced in 2009.
- The Codes SEPP applies across NSW and allows for certain types of development to be carried out as exempt (without approval), or complying development (projects that can be fast-tracked through the approval process).
- There are currently twelve exempt and complying development codes set out in the Codes SEPP, which include controls for a range of developments such as residential, commercial and industrial.
- The Codes SEPP currently allows new single storey and two storey dwelling houses to be approved as complying development, provided they comply 100 per cent with pre-determined development standards including maximum height, minimum setbacks and landscaping.
- The Government is aware of concerns that have been raised in relation to existing complying development policy. Those concerns are being considered as part of the current review of the Environmental Planning and Assessment Act.



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### What is the Medium Density Housing Code?

- The new 'Medium Density Housing Code' will be inserted into the Codes SEPP. This new Code will contain the development standards that a proposal for medium density housing must meet in order to be assessed as complying development.
- The new Code will:
  - provide an efficient form of delivery for low rise medium density housing by providing a more streamlined (complying development) assessment pathway;
  - promote a variety of housing choices across NSW in areas that are already zoned for medium density housing.
- The Explanation of Intended Effect explains the development controls to be included in the new Medium Density Housing Code that a proposed medium density development will need to comply with in order to be carried out as a complying development.
- The Medium Density Housing Code is based on the design principles set out in the Design Guide to ensure greater design outcomes can be achieved.



Figure 1

# Medium Density Design Guide and Medium Density Housing Code



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- Figure 1 below illustrates the process for the assessment of Complying Development.

### What happens next?

- At the end of the public consultation period, we will review all submissions and prepare a report which addresses the key issues raised and explains any amendments to the Code for the Minister for Planning as a result of feedback.
- Once the Minister reviews the submissions and feedback about the amendment, and a decision is made, an update will be published on the Department of Planning and Environment's website at: **[planspolicies.planning.nsw.gov.au](http://planspolicies.planning.nsw.gov.au)**
- We will also write to everyone who made a submission to provide them with an update.

### How do I comment on the proposal?

- Public submissions on the draft Medium Density Design Guide and draft Medium Density Housing Code can be received up until 12th December 2016.
- You can view the draft proposal:
  - online at [planning.nsw.gov.au/proposals](http://planning.nsw.gov.au/proposals)
  - at the Department's Information Centre, Level 22, 320 Pitt Street, Sydney.
- You can make a submission by:
  - responding online at: [planning.nsw.gov.au/proposals](http://planning.nsw.gov.au/proposals)
  - emailing: [codes@planning.nsw.gov.au](mailto:codes@planning.nsw.gov.au)
  - by mail to the: Director, Codes and Approval Pathways,  
NSW Department of Planning  
GPO Box 39, Sydney, NSW 2001
- All submissions will be made public in line with the Department's objective to promote an open and transparent planning system. If you do not want your name published, please state this clearly at the top of your submission. Before making a submission, please read our privacy statement at: **[planning.nsw.gov.au/privacy](http://planning.nsw.gov.au/privacy)**

### Where can I find out more?

- Call our Information Centre on 1300 305 695.
- If English is not your first language, please call 131 450. Ask for an interpreter in your language and then request to be connected to our Information Centre on 1300 305 695.



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