



INFORMATION SHEET

PLANNING (NSW)

Ref: NSW LEG 11-02

Expansion of NSW Housing Code

The NSW Housing Code (otherwise known as *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*) has been significantly amended to expand the range of exempt and complying development across NSW and increase the number of properties to which the Code applies.

The most significant change will be the reduction of the minimum lot area from 450m² to 200m² which will allow dwelling houses, alterations and additions and other types of low impact development to be carried out as complying development on smaller lots.

The amendments to the Code will be introduced on 25 February 2011.

The format of the Code has been amended and now contains separate codes, depending on the type of work being carried out, within the document.

A summary of the changes in each part is as follows:

Part 1 – General

- The Code now applies to Bathurst Local Government Area (LGA) and Warringah LGA;
- Approval from the Mine Subsidence Board is required for complying development in a Mine Subsidence Area;
- Complying development can be carried out on low risk bush fire prone land;
- Complying development can be carried out on low risk flood prone land.

Part 2 – General Exempt Development Code

- Nine additional exempt development forms have been introduced, including solar hot water systems, tennis courts and minor subdivision works. If the works comply with the exempt development standards under the Code, no approval is required.

Part 3 – General Housing Code

- New single dwelling houses, alterations and additions to existing dwelling houses and ancillary works on residential lots with a minimum size lot area of 200m² and a minimum width of 6m will be permitted as complying development.
- Zero lot line construction (i.e. building walls to boundaries) on lots less than 10m wide will be permissible under certain conditions;
- Basements under dwellings are permissible as complying development under the Code. The size of the permissible basement to build a basement area will depend on the width of a lot.

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.

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- Removal of trees (if not significant trees) up to 6m in the building footprint or within 3m surrounding the building footprint can be removed as part of a complying development application;
- Site coverage for single storey dwellings on 450-500m² lots will increase from 50% to 55% to capture more of the single storey housing designs currently available to the market;
- Lots above 600m² with a lot width of 18m or less will be required to provide 25% landscaping in the front setback and lot width above 18m will be required to provide 50%;
- The minimum landscaping dimension will reduce from 2.5m to 1.5m. This will allow, in some cases, for the landscaping at the side of a dwelling to be included in the landscaping calculation;
- The minimum landscaped areas for all categories of lots over 600m² have been increased by 5%;
- Detached studios adjoining rear laneways will be permissible as complying development;
- Detached outbuildings in heritage conservation areas will be permissible as complying development.

Part 3A – Rural Housing Code

- New dwellings and alterations and additions to existing dwellings will be permissible as complying development in rural zones;
- Separate complying development standards apply to housing in rural zones.

Part 4 – Housing Alterations Code

- External works to an existing dwelling such as changes to external windows/doors, attic conversions, dormer windows or rear roof windows can be complying development;
- Some external works will be permissible in heritage areas;
- External alterations can only be carried out on a dwelling house, whilst internal alterations can be undertaken on any dwelling type e.g. apartments, townhouses.

Part 7 – Demolition Code

- Any development permissible under the Code can also be demolished as complying development e.g. dwellings, outbuildings.
- Additional requirements in relation to asbestos removal have been introduced;
- A dilapidation report will be required for demolition works in some cases.

Further information on these changes is currently available from the NSW Department of Planning at www.planning.nsw.gov.au.

Members can access an online current version of the Code [here](#). This online version will be updated to reflect the changes above after 25 February 2011.

HIA members with questions on any of these changes should contact HIA's Planning Services staff on 1300 650 620 or NSW_Planning@hia.com.au.