

LEGAL UPDATE 17 July 2025



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Overview of the newly released NSW Housing Pattern Book and associated fast-track complying development approval pathway available from 30 July 2025.

NSW GOVERNMENT HAS RELEASED THE HOUSING PATTERN BOOK COMPLYING DEVELOPMENT PATHWAY

The Low and Mid-Rise Housing Policy (**LMR Policy**) was introduced on 28 February 2025, making dual occupancies, terraces, townhouses and low-rise flats permissible in key urban zones across NSW.

The NSW Housing Pattern Book (**the Pattern Book**) supports the delivery of low-rise housing, including dual occupancies, terraces, manor houses and row homes.

The Pattern Book is a collection of eight designs for lowrise housing endorsed by the Government Architect NSW and pre-assessed to be compliant with the development standards of the LMR Policy.

Proponents that use Pattern Book designs will benefit from a fast-track complying development planning approval process.

Following their Discussion Paper released in March 2025, the NSW Government has now launched the Pattern Book and provided more details of what the fast-track planning pathway will look like.

The Pattern Book is enabled by State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (**Codes SEPP**) and the Environmental Planning and Assessment Regulation 2021.

COMPLYING DEVELOPMENT APPROVAL PATHWAY

From 30 July 2025 applications for complying development for Pattern Book developments can be made under the <u>State Environmental Planning Policy (Exempt</u> <u>and Complying Development Codes) (Pattern Book Development Code) 2025</u> (**the Pattern Book Code**).

Proponents using Pattern Book designs will be able to use a complying development pathway for fast-track assessment by a Council or accredited certifier. An accelerated 10-day approval timeframe applies to Pattern Book complying development certificates, as compared with 20 days for standard residential complying development.

Subdivision applications of either Torrens title or strata will also be eligible for fasttracked complying development. Subdivision may be carried out prior to or concurrently with a Pattern Book development in a single complying development certificate.

The planning approval process for this pathway can be summarised in 5 steps:

1. An appropriate Pattern Book design that suits site requirements is to be selected and then purchased

Each Pattern Book design has a drawing pack which identifies location requirements for that design. These include specifications as to lot size, lot width, building height, floor space ratio, setbacks, landscaped area, articulation zones and parking. The drawing pack also identifies sitting and orientation principles for the design on midblock, corner, and rear-lane lots.

Note that different design requirements apply to sites within LMR housing areas and sites that are not within LMR housing areas. The non-LMR design variations are available for low-rise housing typologies where they are permitted outside of LMR housing areas and reflect the different planning requirements in these areas.

Once you choose the appropriate design you must purchase the related licensed package. This package will include further technical information and drawings in PDF and DWG format, BASIX guidance, an editable Design Verification Statement and your unique identification number.

The design packages are available for \$1,000 each. However, for the first six months of the Pattern Book's release, the NSW Government is making each pattern available for only \$1 per pattern. This price will be available until 31 January 2026.

2. The selected design may be customised using the available adaptations to suit site requirements and proponent preferences

Adaptations available for each design can be found in the design's drawing pack. These demonstrate dwelling combinations available for the pattern, including variations in bedroom unit types, material selections, number of bedrooms, number of bathrooms, number of living spaces, and various layout options. Adaptations are also available to suit the site requirements, including lot type, frontage orientation, site slope and privacy screening.

3. The application is to be prepared including drawings, supporting information and signed NSW Housing Pattern Book Design Verification Statement

Applications for Pattern Book projects will require development of documentation required for complying development certification. The pattern designs and drawings may be used to assist the preparation of typically required documentation. However, some site-specific documents will need to be prepared independently, including a site analysis plan, site plan and shadow diagrams.

Proponents and designers will need to consult with the relevant Council or certifier to confirm the application requirements specific to their site. Reports and plans relating to issues such as waste management, demolition, stormwater, fill or excavation or erosion and sediment may be required.

The development application must also include a written statement known as the 'Design Verification Statement'. This must be completed by an accredited designer or architect. They must include their professional registration in the Statement.

The Statement will confirm that the proposed development complies with the development standards, site requirements, pre-defined options, technical drawing set and technical information as specified for the design selected.

The Statement is to help assessors determine whether the development complies with the original pattern design intent and is eligible for consideration as complying Pattern Book development.

See <u>NSW Housing Pattern Book Design Verification Statement Template</u>.

4. Planning application to be lodged with the NSW Planning Portal for assessment by Council or by a private certifier

The proposed developments must demonstrate, and the consent authority must consider, a variety of factors before the development can be approved.

Developments must be carried out in accordance with the development standards, location requirements, technical drawing set and technical information specified in the pattern. Developments must reflect the design integrity of the Pattern Book design and should not be modified beyond the adaptable features.

Developments must show how they have considered the <u>NSW Housing Pattern Book</u> <u>Landscape Guide</u> which provides advice on creating a landscape plan for the patterns. This includes the <u>Tree Canopy Guide for Low and Mid Rise Housing</u> which contains tree canopy and deep soil requirements.

Developments must also demonstrate that reasonable solar access is provided to the living rooms and private open spaces of adjoining dwellings.

Assessment will take place as per the Pattern Book Code, which contains development standards for earthworks, retaining walls and structural support, drainage, projecting adjoining walls, and setbacks from protected trees.

Assessors must ensure the proposed development complies with development standards, is consistent with the pattern, is permissible, and is accompanied with a signed Design Verification Statement.

Assessors must also ensure that Pattern Book developments achieve sustainability standards through BASIX compliance and through optional sustainability features.

5. Once planning consent is obtained construction can begin

Pattern Book designs will be able to commence construction 10 days after making a development application.

STANDARD DEVELOPMENT APPLICATION PATHWAY

Like other developments under the Codes SEPP, the Pattern Book complying development pathway will not be available on excluded land that may be high-risk or otherwise constrained. The following development is excluded as listed in the Pattern Book Code and will not be complying development:

- development on bush fire prone land;
- development on a flood control lot;
- development that is complying development under the Housing Alterations Code;
- development on a battle-axe lot;
- development on any lot on which there is a secondary dwelling or group home;
- the erection of a building over a registered easement;
- development to which State Environmental Planning Policy (Housing 2021), Chapter 2, Part 2, Division 1 (in-fill affordable housing) applies;
- development on unsewered land; and
- development on land identified as susceptible to landslide risk.

The complying development pathway will also not be available for Pattern Book developments in heritage conservation areas or on heritage sites as stated in the design drawing packs.

If the land is excluded or is otherwise unsuitable for the complying development pathway, the Pattern Book development can be proposed through a standard development application. Lodgment through this pathway will be subject to a full merit assessment by local Councils and will require an additional application to certify construction drawings following DA approval through a construction certificate.

This pathway will be more suitable for complex sites where additional assessment is required from the local Council.

You can explore the range of available pattern designs <u>here</u>.

This article is based on the official NSW Housing Pattern Book as published by the NSW Government 16 July 2025 which can be accessed here: <u>NSW Housing Pattern Book</u>.

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