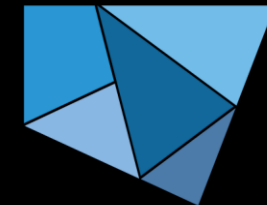


Strata Acts & Regulations Update

Adrian Barden
Land Development Certificates

Rob Monteath
Monteath & Powys

Part 1



**LAND
DEVELOPMENT
CERTIFICATES**

THE
LOW RISE
MEDIUM DENSITY CODE IS

COMING



Dollar sell-off continues as US government shutdown enters 14th day

London housing market falls 4.8 per cent, in wake of global financial crisis

Falling home loans point to further drop in house prices

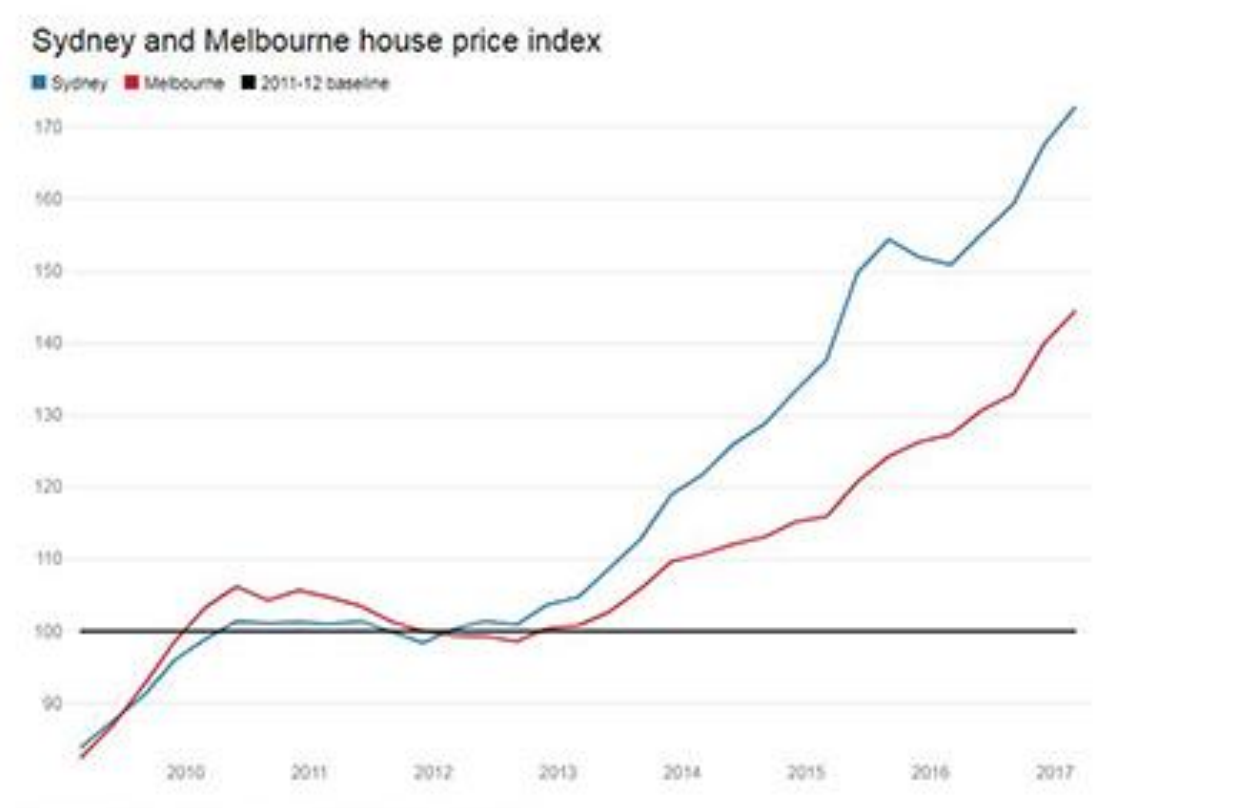
By Shane Wright
18 January 2019 - 12:00am

14 January 2019

Written by Enrique Díaz-Álvarez

A drop in home loans taken out across the country has led to a fall in house prices, with increasing interest from foreign investors.

Figures from the Australian Bureau of Statistics show that the number of home loans taken out fell by 2.5% in the three months to December 2018.



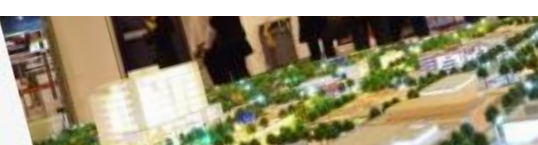
Opal Tower units torn apart,

Owners claim their units have been gutted and their locks changed during works at the Sydney Olympic Park building.

Some residents are still in temporary accommodation.

Foreign investment in property market has plummeted as tighter regulations both here and abroad bite.

Reserve Bank (RBA) Governor (FIRB)




SEPP (Exempt and Complying Development Codes) 2008

Part 3 – General Housing Code

Part 3A – Rural Housing Code


Part 3B – Low Rise Medium Density Code

Part 3C – Greenfield Housing Code



Easier to use

The new Code is written in **plain English**, with explanatory **diagrams**, making it easier to see if your proposal can be carried out as complying development.



Saving time

Fast-tracked development approvals issued under the new Code can be approved within **20** days, compared to an average of **71** days for development applications.

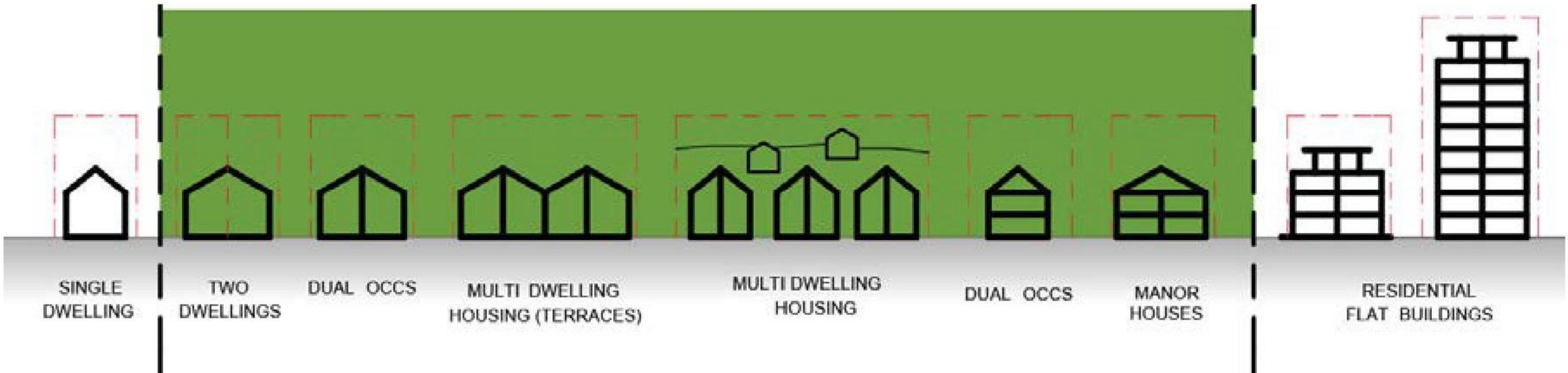


Saving money

Homeowners can save up to **\$15,000** for new homes that are approved as complying development under the new Code.

The Missing Middle

- Dual Occupancy
- Manor Houses
- Multi Dwelling Housing



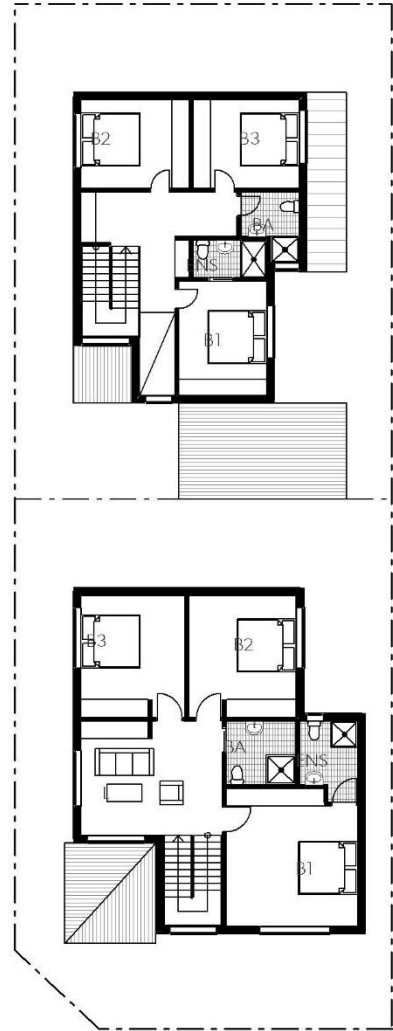
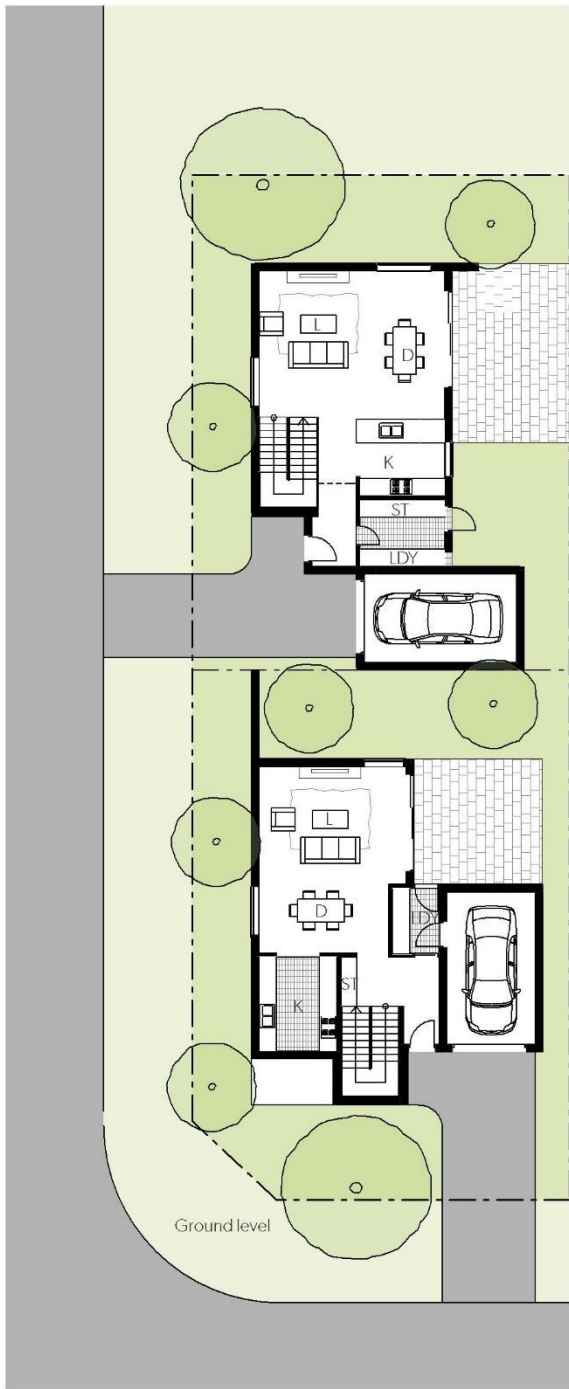
Where has the Code commenced?

Current metropolitan LGAs:

- Blacktown
- Fairfield
- Waverley
- Ku-ring-gai
- North Sydney

Majority of LGAs commence 1 July 2019

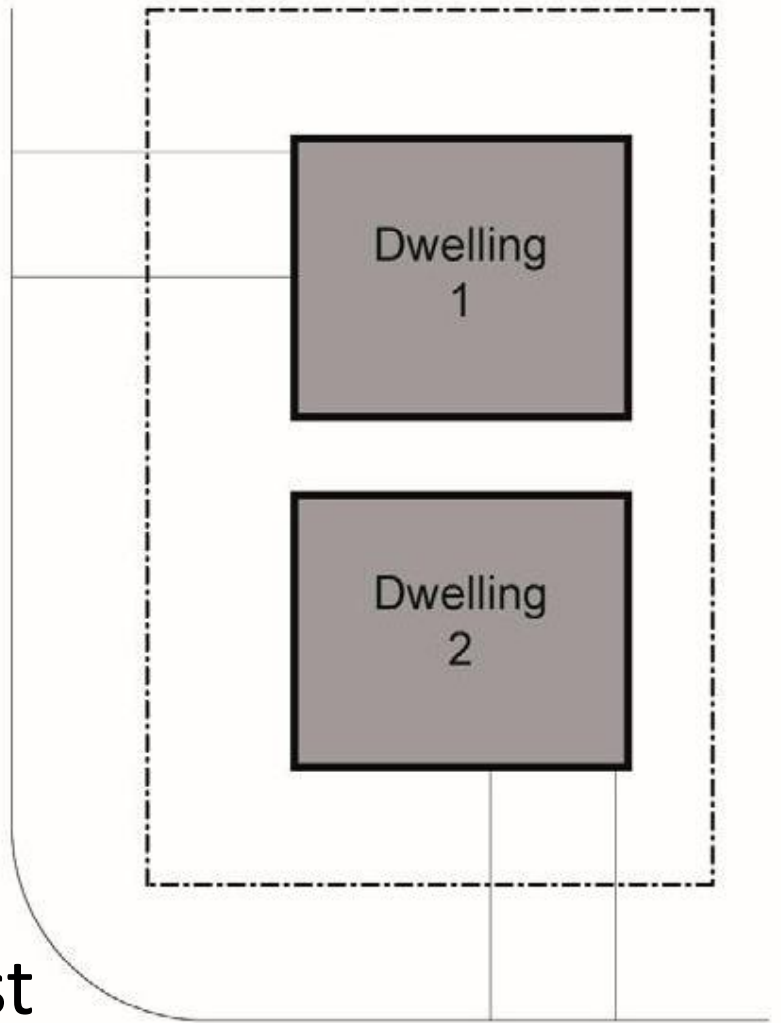




Dual Occupancy Detached

No battle axe
development
under Code

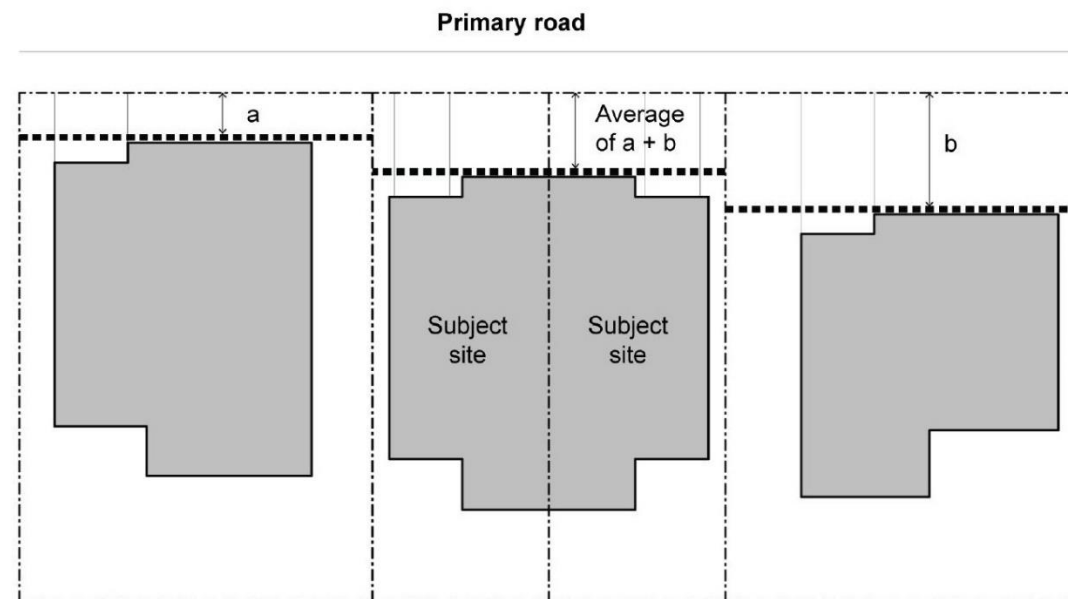
Detached must
be 3m apart



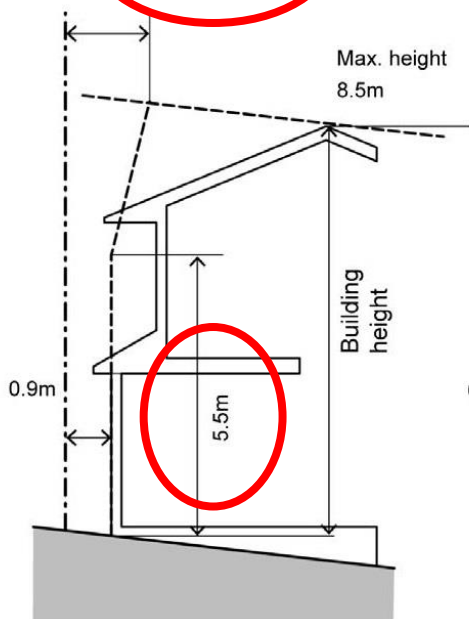
**Certain detached dual occupancies
(where no part of the dwelling is
located above any part of another
dwelling) on a corner lot**

Dual Occupancy Setbacks

Lot width at the building line	Building height	Minimum required setback from each side boundary
12m–24m	0m–4.5m	0.9m
12m–24m	>4.5m–8.5m	$(\text{building height} - 4.5\text{m}) \div 4 + 0.9\text{m}$
>24m–36m	0m–4.5m	1.5m
>24m–36m	>4.5m–8.5m	$(\text{building height} - 4.5\text{m}) \div 4 + 1.5\text{m}$
>36m	0m–8.5m	2.5m

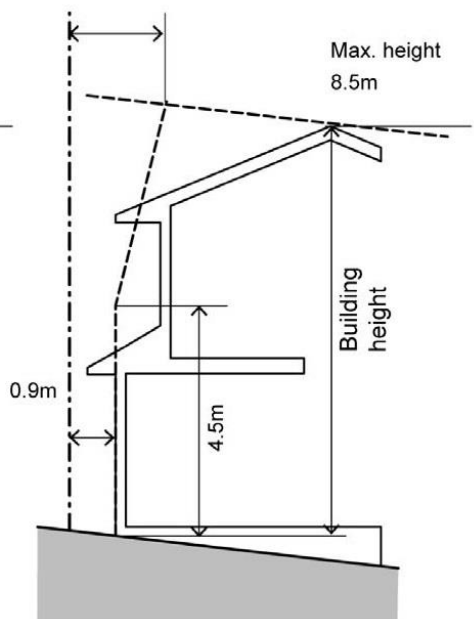


Setback above 5.5m = $((\text{Building height} - 5.5\text{m}) \div 4) + 0.9$



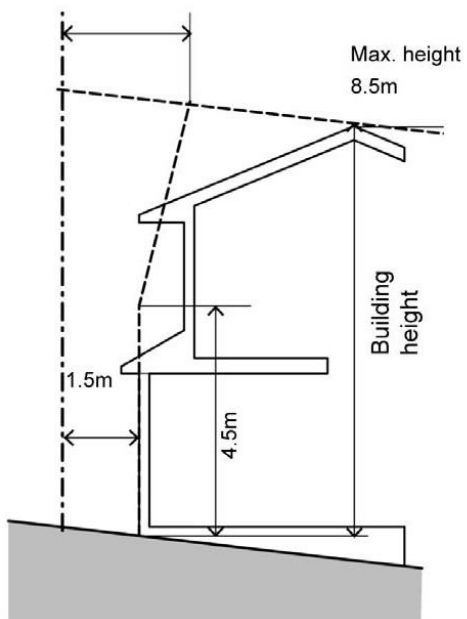
Lot width: 12-24m

Setback above 4.5m = $((\text{Building height} - 4.5\text{m}) \div 4) + 0.9$



Lot width: >24m - 36m

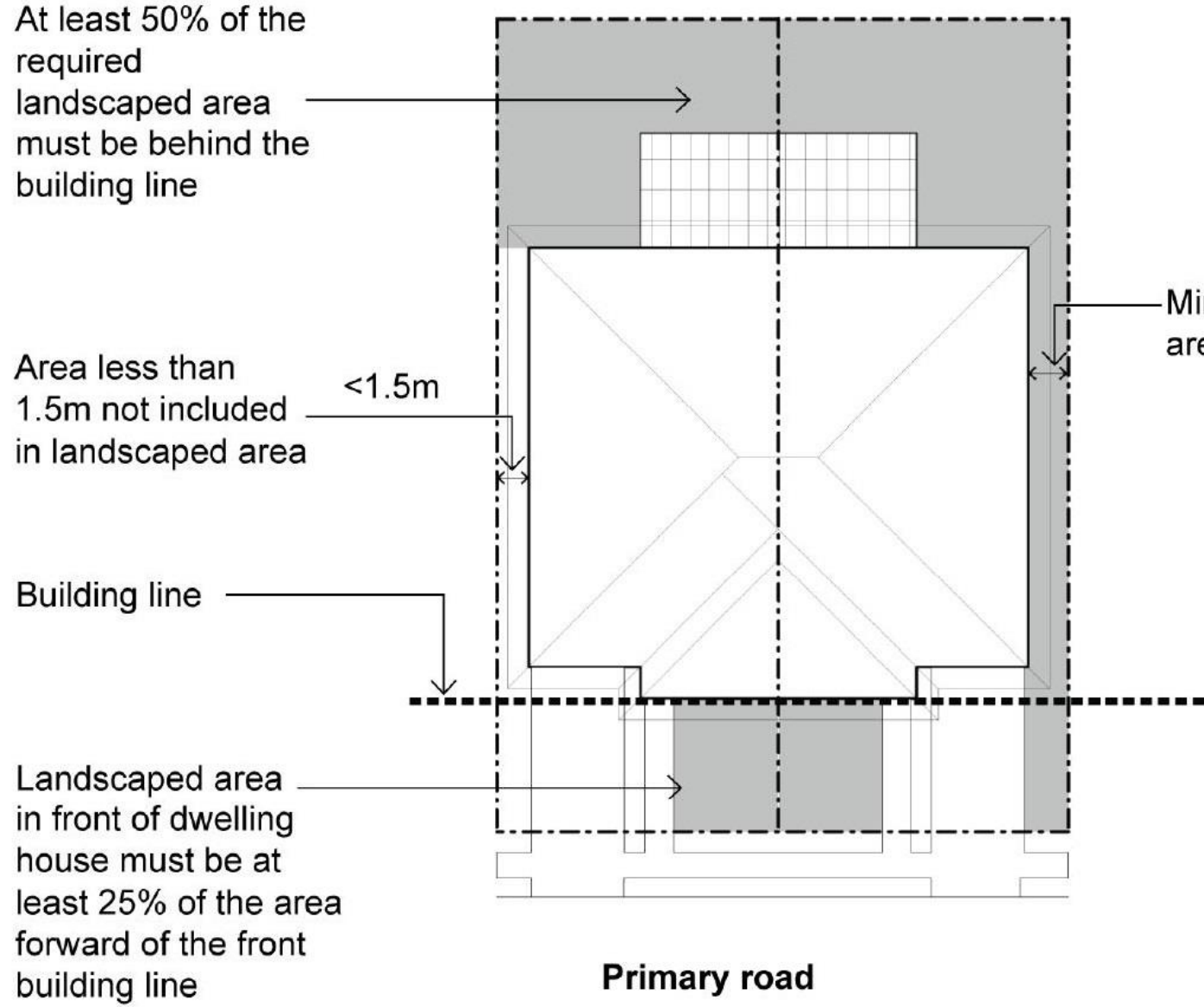
Setback above 4.5m = $((\text{Building height} - 4.5\text{m}) \div 4) + 1.5$



Lot width: >36m

Lot area	Minimum setback from primary road boundary
400m ² –900m ²	4.5m
>900m ² –1,500m ²	6.5m
>1,500m ²	10m

Landscaped Area



Minimum landscaped area dimension 1.5m

- GFA
- Landscape Area Minimum Width at Building Line
- Minimum side Setback

Landscaped area

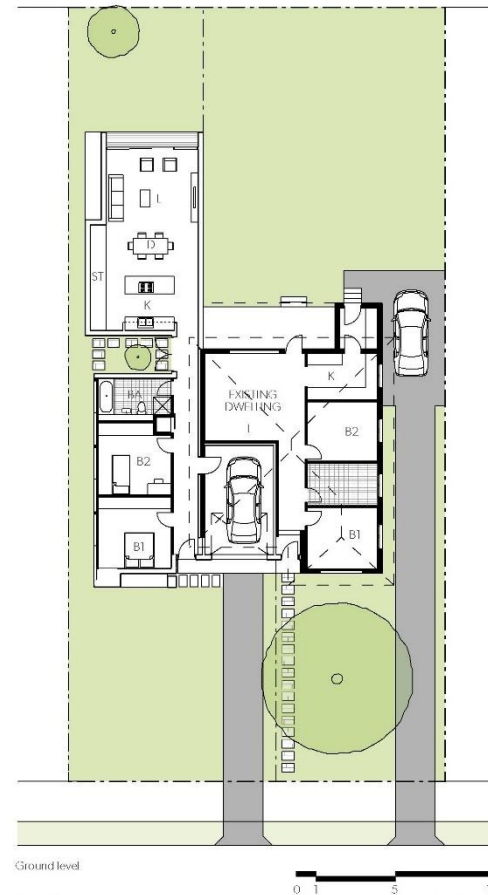
Building line

Dual Occupancy Side By Side (attached)



Figure 1-8. Sample plan of a dual occupancy - two dwellings side by side (attached)

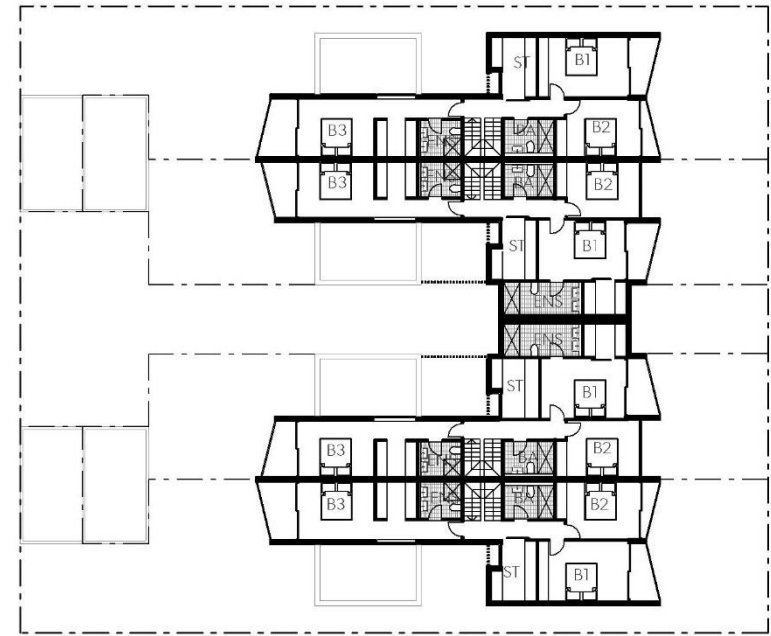
Dual Occupancy Adapting Existing Dwelling



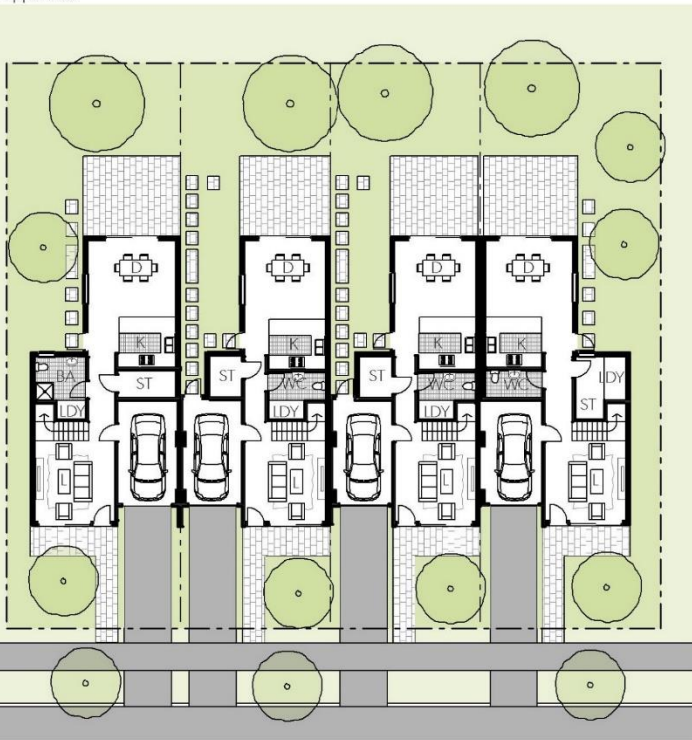
Terraces



Upper level

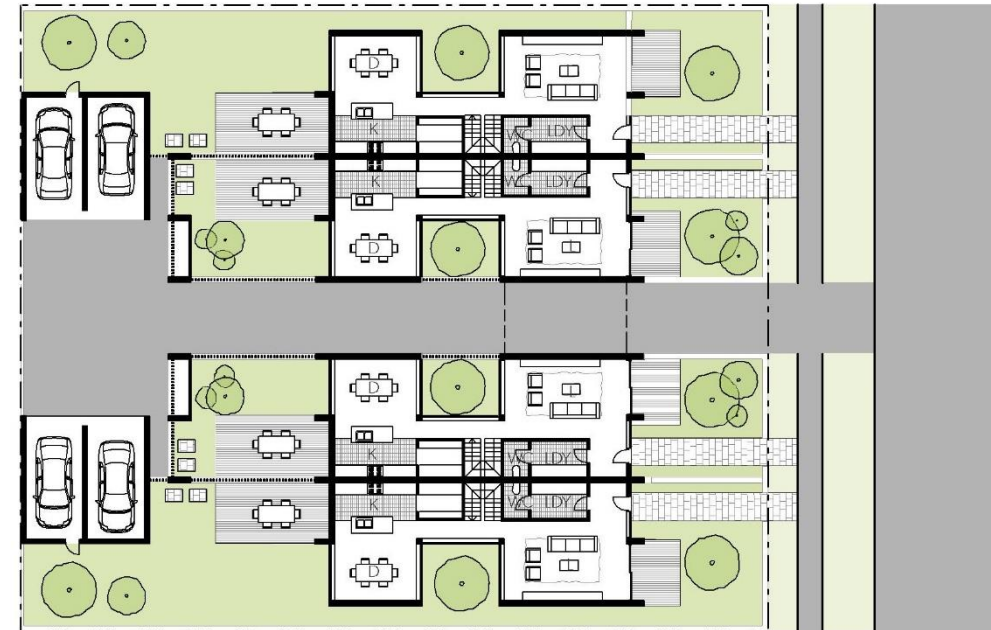


Upper level



Ground level

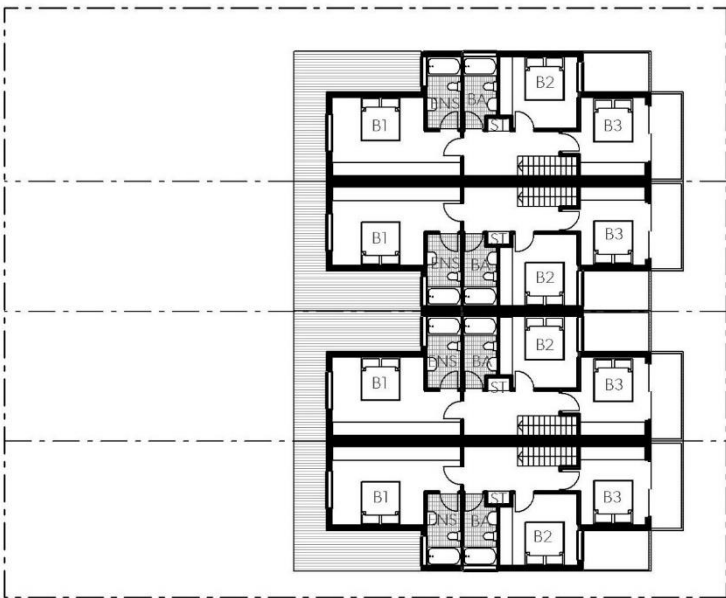
0 1 5 10



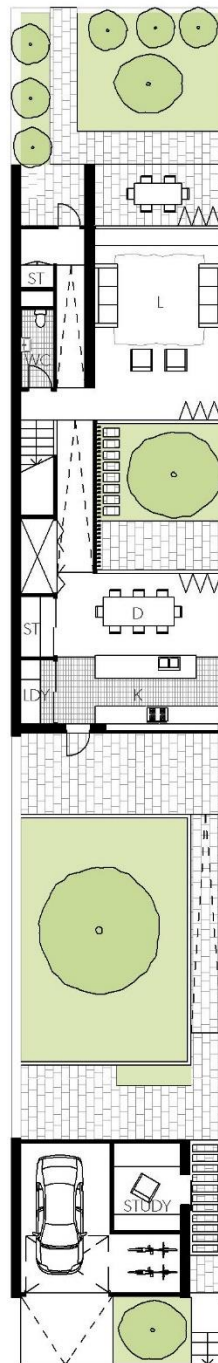
Ground level

0 1 5 10

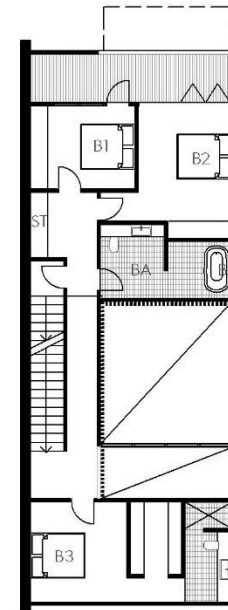
Terraces Rear Lane Access



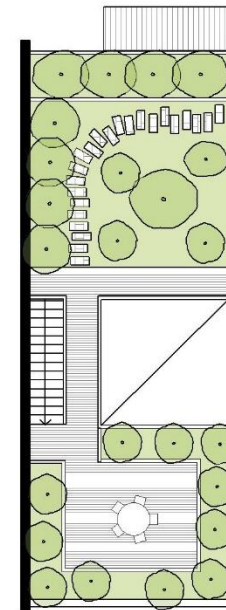
Upper level



Ground level



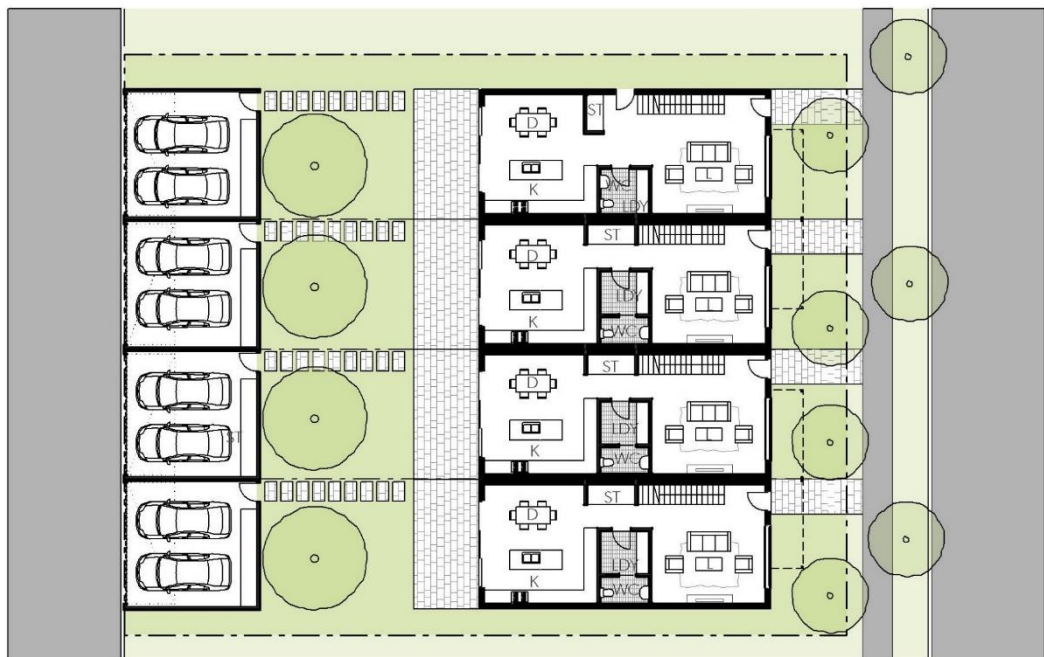
Upper level



Roof level



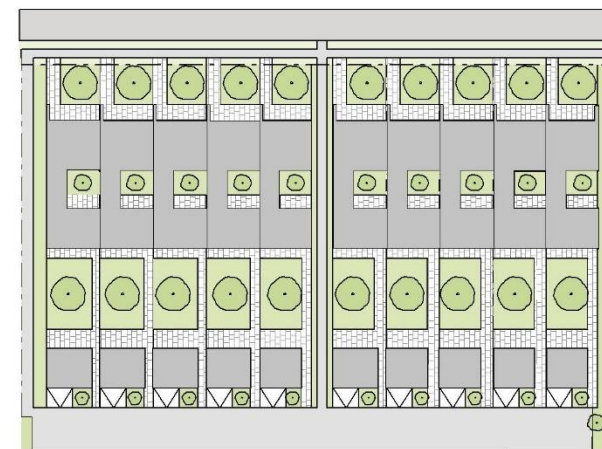
0 1 5 10



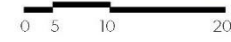
Ground level



0 1 5 10



Site plan



0 5 10 20



Figure 1-16 Terraces with basement parking reduces the impact of multiple driveways on the streetscape

Terraces Basement Carparking



Basement level

0 1 5 10

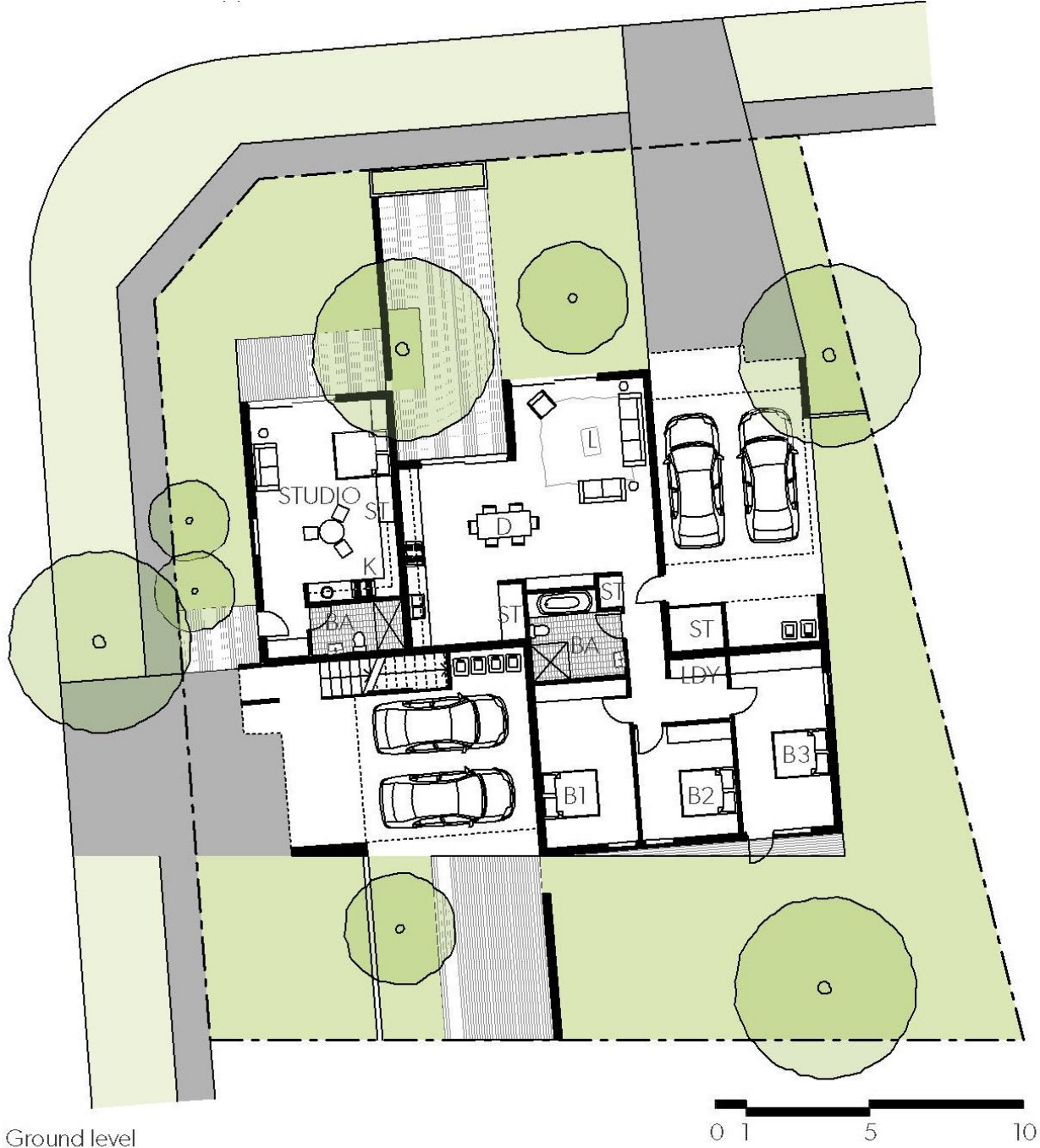


Upper level



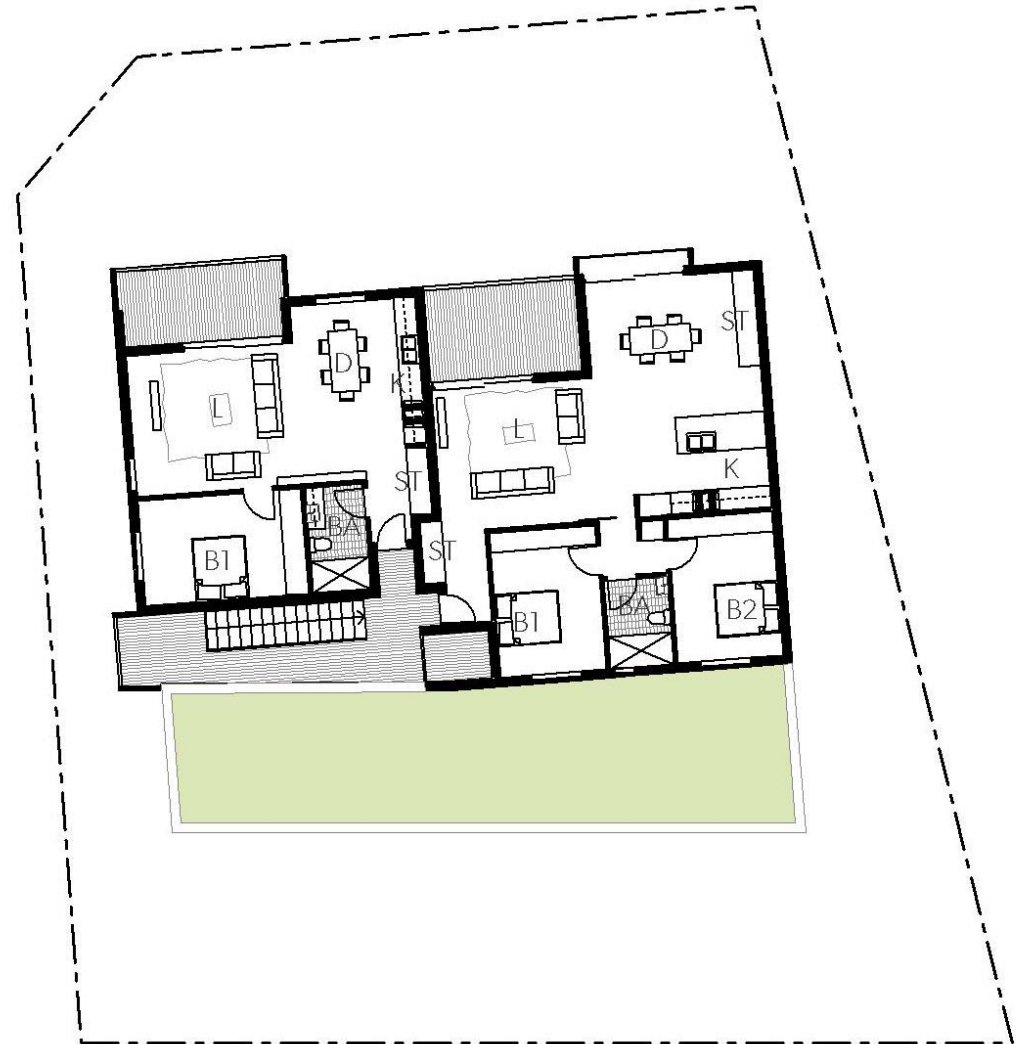
Ground level

Manor House



Ground level

Figure 1-21 Sample plan of manor house with four dwellings on corner site



Upper level

Check land zoning and minimum lot size

Comply with land based requirements

Comply with development standards

Consistency with Design Criteria

Prepare Design Verification Statement

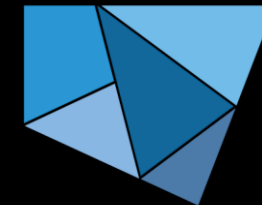
Steps for preparing a Complying Development Certificate

(p157 guide)

S10.7 (formerly 149) will tell you if the Subdivision Code applies to the subject land.

Aspects to check:

- Part 3 SEPP(Affordable Rental Housing) 2009 applies
- Heritage register
- Infrastructure SEPP – can't dig 2m within 25m of railway
- Acid Sulfate Soils



**LAND
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CERTIFICATES**

Section 10.7 (formerly 149)

Commercial and Industrial Alterations Code

Yes, under the General Commercial and Industrial Code complying development may be carried out on the land.

Subdivisions Code

Yes, under the Subdivisions Code complying development may be carried out on the land.

Demolition Code

Yes, under the Demolition Code complying development may be carried out on the land.

Commercial and Industrial (New Buildings and Additions) Code

Yes, under the General Commercial and Industrial (New Buildings and Additions) Code complying development may be carried out on the land.



Check land zoning and
minimum lot size

NSW Planning Portal to view the Local Environmental Plan

Planning Portal NSW DPE

Search

NSW GOVERNMENT

Find a Property Building or Renovating Lodge and Track Applications Planning Tools Publications Understanding Planning Alerts

Planning information about a property.

320 Pitt St, Sydney, NSW 2000

1 Smith Street, Blacktown

DP

Property Details

Blacktown LGA

Property Report

People and Places

RE2

SP2

SP2

Imager

<https://www.planningportal.nsw.gov.au/>

Check land zoning and minimum lot size

NSW Planning Portal to view the Local Environmental Plan



Land Zoning

- R2 - Low Density Residential : (pub. 2015-05-26)

Development Control Plans (LGA-Based)

Pro - Blacktown DCP 2015

Height of Building

Lot - J - 9.0 m : Range [9.0 - 9.9 m] (pub. 2015-05-26)

Land Application LEP

- Included : Blacktown Local Environmental Plan 2015 (pub. 2015-07-07)

Minimum Lot Size

Lot - G - 450.00 m² . Range [450 - 474 sqm] (pub. 2015-05-26)

Check land zoning and minimum lot size

NSW Planning Portal to view the Local Environmental Plan

Planning Report Summary of LEP

Terms Manor House and Multi-dwelling (terraces) have been added to Standard Instrument

Zone R2 Low Density Residential

3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; **Dual occupancies**; Dwelling houses; Emergency services facilities; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Health consulting rooms; Home-based child care; Home businesses; Places of public worship; Public administration buildings; Recreation areas; Respite day care centres; Roads; Seniors housing; Veterinary hospitals; Water reticulation systems

**LAND
DEVELOPMENT
CERTIFICATES**

Check land zoning and minimum lot size

Comply with land based requirements

Clause 1.9 Relationship with Local Environmental Plans and DCPs

EPI Type	SEPP Exempt	SEPP Complying
Standard LEP Exempt [CI1.9(1)]	SEPP (LEP in Bathurst)[1.9(3)]	
Standard LEP Complying [CI1.9(1)]		SEPP (LEP in Bathurst) [1.9(3)]
Non-standard EPI Exempt	SEPP	SEPP
Non-standard EPI Complying [1.9(7)]	Non standard (SEPP in Kiama or Wyong) [1.9(8)]	Non-standard (SEPP in Kiama or Wyong)
Non-standard development outside of scope of SEPP	Non-standard EPI	Non-standard EPI

Clause 1.17A

Must not be critical habitat, wilderness area, interim heritage or heritage order

Clause 1.18

Be permissible, with consent, in the land use zone in which it is carried out,

Clause 1.19

(2) map **schedule 5**

CI 1.18
General
Requirements of
Complying
Development
under this Policy

(b) **be permissible**, with consent, under an environmental planning instrument applying to the land on which the development is carried out, and

Prohibition or Development Standard

May require an opinion from a town planner or planning lawyer.



**LAND
DEVELOPMENT
CERTIFICATES**

Lane Cove Local Environmental Plan 2009

4.1A Subdivision of dual occupancies

Prohibition

Despite any other provision of this Plan, development consent **must not be granted to the subdivision of land** on which a dual occupancy is erected or proposed to be erected if the subdivision would result in the dwellings that comprise the dual occupancy being located on separate lots.

Blacktown Local Environmental Plan 2015

Development Standard

4.1C Subdivision of dual occupancies **prohibited**

(1) Development consent must not be granted for a subdivision that would create separate titles for each of the 2 dwellings comprising a dual occupancy unless:

- (a) each of the 2 dwellings has a frontage to a different road, and
- (b) the size of each lot resulting from the subdivision is not less than 300 square metres.

(2) Nothing in this clause or any other provision of this Plan prevents a subdivision that would create separate titles for each of the 2 dwellings comprising a dual occupancy of a detached dual occupancy development if the 2 resulting lots would meet the minimum size shown on the Lot Size Map in relation to that land.



Ryde LEP 2014

4.1B Minimum lot sizes for dual occupancies and multi dwelling housing

(1) The objective of this clause is to achieve planned residential density in certain zones.

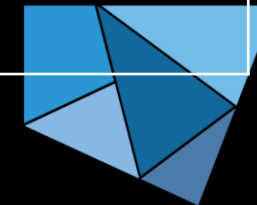
(2) Development consent may be granted for development on a lot in Zone R2 Low Density Residential for a purpose shown in Column 1 of the table to this clause if:

(a) the area of the lot is equal to or greater than the area specified for that purpose and shown opposite in Column 2 of the table, and

(b) the road frontage of the lot is equal to or greater than 20 metres.

**Import the value for the lot size into the SEPP.
Check for Standard Instrument CI 4.6(8)**

Column 1	Column 2
Dual occupancy (attached)	580 square metres
Multi dwelling housing	900 square metres



Check land zoning and minimum lot size

Comply with land based requirements

Comply with development standards

Division 2 Development Standards for certain Dual Occupancies and attached development

3B.8 Lot requirements

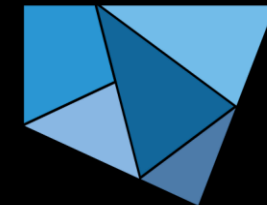
(1) The **area of the lot** must not be less than whichever is the greater of the following:

(a) **400m²**,

(b) the minimum lot area specified for dual occupancies in the environmental planning instrument that applies to the land concerned.

(2) The width of the lot **must not be less than 12m** measured at the building line.

Note. See clause 1.18.



**LAND
DEVELOPMENT
CERTIFICATES**

Division 3

Development standards for manor houses, certain dual occupancies and attached development

3B.21 Lot requirements

The lot must meet the following requirements:

(a) in the case of a manor house—the area of the lot must not be less

than **600m²**,

(b) in the case of a dual occupancy—the area of the lot must not be less than whichever is the greater of the following:

(i) **400m²**,

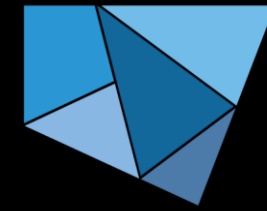
(ii) the minimum lot area specified for dual occupancies in the environmental planning instrument that applies to the land concerned,

(c) the **width of the lot must not be less than 15m** measured at the building line.

Check land zoning and minimum lot size

Comply with land based requirements

Comply with development standards



**LAND
DEVELOPMENT
CERTIFICATES**

Division 4 Development standards for multi dwelling housing (terraces) and attached development

3B.33 Lot requirements

(1) The area of the lot must not be less than:

(a) the minimum lot area specified for **multi dwelling housing** in the environmental planning instrument that applies to the land concerned,

or

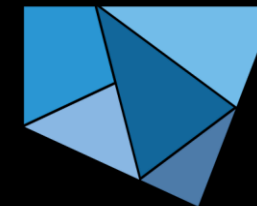
(b) if no minimum lot area is specified in that environmental planning instrument—**600m²**.

(2) The width of the lot **must not be less than 18m** measured at the building line.

Check land zoning and minimum lot size

Comply with land based requirements

Comply with development standards



**LAND
DEVELOPMENT
CERTIFICATES**

Check land zoning and
minimum lot size

Comply with land based
requirements

Comply with
development standards

Paraphrasing of requirements in Part 6 Subdivisions Code

6.1 Specified complying development

(1) Strata subdivision of a building for which development consent or a CDC less than 5 years old

(2) Strata subdivision of a dual occupancy, manor house or terrace with 3B CDC

(3) Strata subdivision of dual occupancy, manor house or terrace with combined CDC

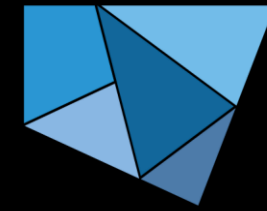
(4) Not including :

(a) Secondary dwelling

(b) Boarding house

(c) Group home

(d) Dual occupancy except as provided in (2) or (3)



**LAND
DEVELOPMENT
CERTIFICATES**

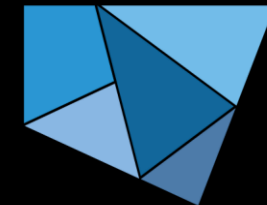
Check land zoning and minimum lot size

Comply with land based requirements

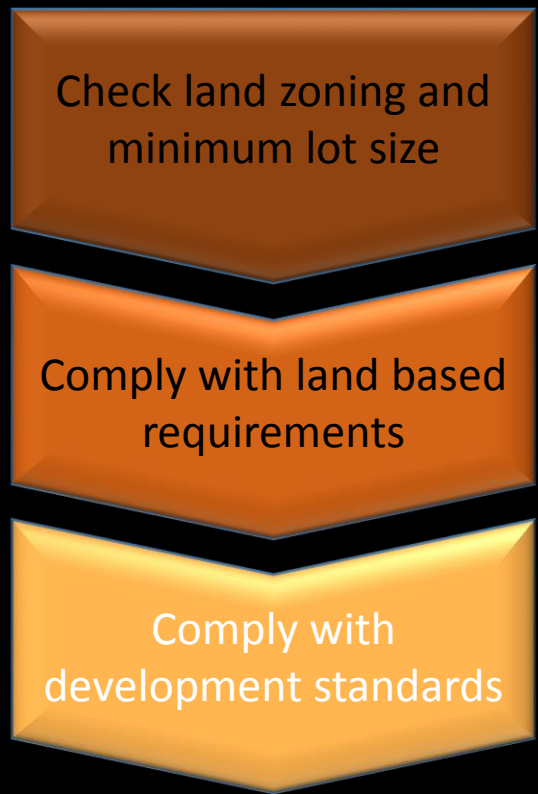
Comply with development standards

6.2 Development Standards

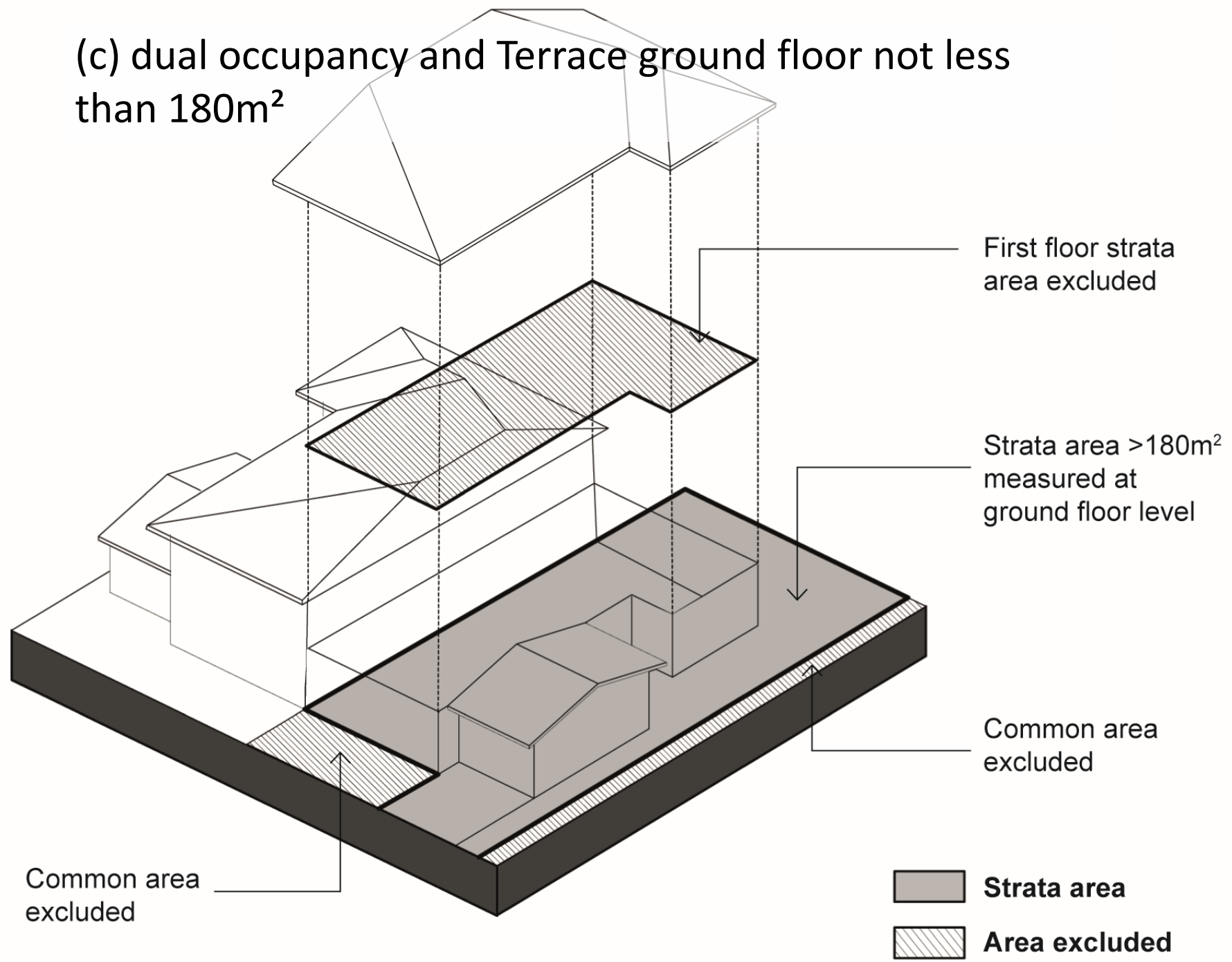
- (a) Must not contravene any condition of development consent or CDC applying to development
- (b) Dual occupancy or terrace:
 - (i) Lawful frontage to a public road (other than a lane)
 - (ii) No dwelling behind another dwelling (except corner lot)
 - (iii) Minimum width of 6m at building line
- (c) dual occupancy and Terrace **ground floor not less than 180m²**



**LAND
DEVELOPMENT
CERTIFICATES**



(c) dual occupancy and Terrace ground floor not less than 180m²



Check land zoning and
minimum lot size

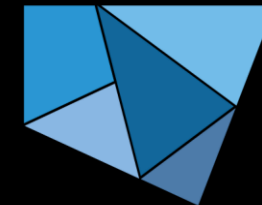
Comply with land based
requirements

Comply with
development standards

Paraphrasing of requirements in Part 6 Subdivisions Code Division 2 Torrens subdivision

6.3 Specified complying development

- (1) Clause only applies to Dual Occupancy or terrace where no part of a dwelling located above another
- (2) Torrens Title Subdivision of Dual occupancy or Terrace with 3B CDC
- (3) Torrens Title subdivision of combined 3B CDC for dual Occupancy or Terrace



**LAND
DEVELOPMENT
CERTIFICATES**

Check land zoning and minimum lot size

Comply with land based requirements

Comply with development standards

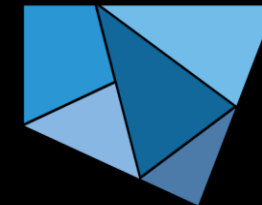
6.4 Development standards

(1) Lot requirements

- (a) 1 dwelling on each resulting lot
- (b) RU5, R2, R3
- (c) 6m wide at building line and have frontage to public road
- (d) Dual Occupancy **each lot** must be:
 - (i) 60% of EPI requirement
 - (ii) If no minimum, 200m²
- (e) Terraces must be minimum 200m²

(2) Other requirements

- (a) Dual Occupancy must be permissible under EPI**
- (b) Must not contravene any CDC



**LAND
DEVELOPMENT
CERTIFICATES**

Check land zoning and minimum lot size

Comply with land based requirements

Comply with development standards

Consistency with Design Criteria

Prepare Design Verification Statement

Division 3 Subdivision certificates

6.5 Issue of certificate by accredited certifier

A subdivision certificate can only be issued by the Principle Certifying Authority.

Division 4 Conditions applying to complying development certificates under this code

6.6 Conditions specified in Schedule 6B apply

A complying development certificate for development specified under this code must be issued subject to the conditions specified in Schedule 6B.

Schedule 6B

1 Evidence of certain matters relating to services and works

water, sewerage, electricity, natural gas (where available) and telecommunications.

2 Boundary fencing

all property boundaries located behind the building line before the subdivision certificate for the site is obtained.

3 Easements for stormwater drainage

4 Common driveways

5 Plan of subdivision



Torrens vs Strata

Strata

- Strata has a common property title (CP/SP12345)
- Annual Meetings
- Strata Manager, record keeping, voting
- Common Property and common service lines
- Insurance



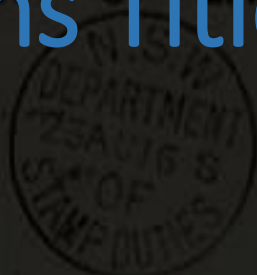


CANCELLED

GRANT OF LAND PURCHASED BY CONDITIONAL SALE WITHOUT COMPETITION.

Torrens Title

- No common infrastructure
- Easements
- 88BB – cross easements for support
- 181B – party walls
- Sydney Water requirements



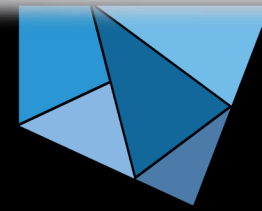
Whereas *The City Bank of Sydney* has claimed to be entitled in respect of a purchase by Conditional Sale without competition under the 13th Section of the Crown Lands Alienation Act of 1861 to the Parcel of Land hereinafter described and the declaration— as by law required has been made and the Minister for the time being charged with the administration of the public lands is satisfied that all things required by law to be done to entitle the said *Bank* to a grant of the fee simple of the said Lands subject to the Reservations hereinafter contained have been done and performed. And Whereas the sum of *Forty six pounds fifteen shillings* sterling being the purchase money payable for the said land has been duly paid into the Office of the Treasurer of our said State.

Now Know Ye That for and in consideration of the said Sum for and on Our behalf well and truly paid into the Office of the Treasurer of our said State before these presents are issued and of all and singular the premises We for Us Our Heirs and Successors Do hereby



Easements

- Roof geometry
- Easements for overhang
- Drainage
- OSD tanks
- Common Service lines
- Water
- Sewer does not need an easement below $\varnothing 375\text{mm}$ unless flowing uphill



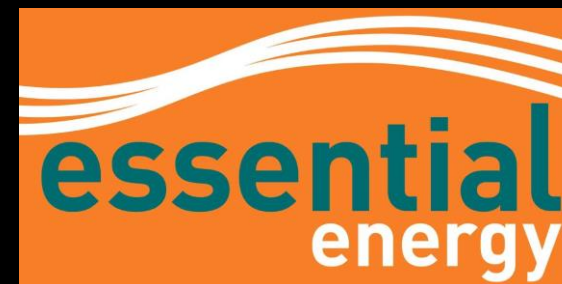
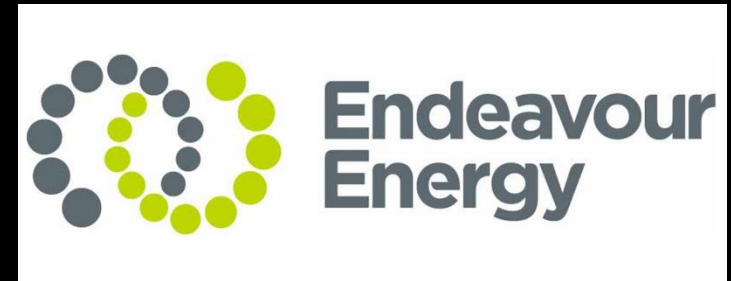
**LAND
DEVELOPMENT
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Services

- Issue the subdivision CDC with the Building CDC so that the applicant can get all the servicing applications lodged
- Each service authority has a different procedure
- Be aware of requirements for Torrens vs Strata
 - Eg manholes for Sydney Water Assets



Sydney
WATER



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Questions

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Strata Certificates - Subdivision Certificates

Construction Certificates



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