

## **E3 - ENVIRONMENTAL MANAGEMENT ZONE**

### **FREQUENTLY ASKED QUESTIONS**

#### ***1. How much will rezoning to E3-Environmental Management from my existing low density residential zoning restrict what I can do on my site? Will this affect my potential for sale?***

There are changes in permitted land uses and stricter subdivision controls, however, the changes are unlikely to significantly affect resale potential of the land. The key similarities and differences between the land uses, consent processes and subdivision potential are outlined below.

#### **FLOOR SPACE RATIO**

The floor space ratio for E3 and E4 lots is shown on the map as 0.2:1. Clause 4.4 (2C) of the written instrument overrides the map, and provides for a sliding scale up to 0.4:1 FSR depending on lot size. However, the clause only applies to E4 – Environmental Living. The E3 Environmental Management zone was inadvertently omitted from this clause.

Following the exhibition, a recommendation will be made to Council to include the E3 zone in this clause, so that the same sliding scale will apply to these sites. The inclusion of E3 in this clause will mean that the FSR for most lots will be the same as for the R2 low density residential zone. Only very large lots will have a reduced FSR, on a sliding scale.

#### **MAIN PERMITTED LAND USES AND CONSENT PROCESSES UNDER THE CURRENT AND THE DRAFT PLAN**

The main permitted land use in both the KPSO low density residential zones and the draft KLEP E3 Environmental Management zone is:

- dwelling houses

In both cases, the following are also permitted:

- community facilities, demolition, home occupations, recreation areas, subdivision and 'exempt development' (both under the draft KLEP and State Environmental Planning Policy (Exempt and Complying Codes) [the Codes SEPP].

The key differences between the low density residential zone under the current plan and E3 in the draft plan are outlined in Table 1.

Table 1. Key differences in land use and consent processes

Development	Permitted?	
	KPSO – Residential	DKLEP - E3 - Environmental Management
Home Occupations	✓ –with consent	✓ – without consent
Child care centres	✓	✗
Places of worship	✓	✗
Bed and Breakfast	✗	✓
Home Industries	✗	✓
Secondary dwellings	✗ However, secondary dwellings are permitted in the zone under SEPP (Affordable Rental Housing)	✗ Not permitted in the zone under SEPP (Affordable Rental Housing)
Complying development	✓ under the Codes SEPP	✗ under the Codes SEPP

Suggestions as to the potential inclusion of certain types of development as complying development in the E3 and E4 zones under the new plan are welcome.

## SUBDIVISION

Subdivision is permissible under both plans. The key differences between the low density residential zone under the current plan and E3 in the draft plan are outlined in Table 2.

Table 2. Key differences in subdivision controls – minimum lot size – in sq m

	KPSO Low density residential zones		DKLEP – E3 zone
	Standard lot	Battleaxe lot	
2(a)	790	1105	1500
2(b)	836	1170	
2(c)	929	1300	
2(c1), 2(c2)	As per relevant map Same range as above		
All of the above	No minimum lot depth		Minimum lot depth from 55 to 90m from the hazard as per cl 4.1A

E4 areas and some R2 areas are also affected by the 1500 sqm subdivision requirement.

**2. Will the land use objectives will prevent us living on a decent sized block in a stand-alone single dwelling house, consistent with the current residential zone objectives.**

As discussed above, the ability to have stand-alone single dwelling houses on decent sized lots will not be reduced by the E3 zoning. The objectives do not prevent this sort of development in any way. Rather, they ensure that matters such as bushfire risk and biodiversity values are considered up front when designing a development – rather than an applicant finding that these matters need to be addressed when they are well down the design path, as is too often the case now.

**OBJECTIVES**

The objectives are outlined in the table below. Note that the second objective in the KPSO covers some of the same matters (albeit more broadly) as some of the objectives for E3.

The first 2 objectives are set by the state government and cannot be changed. The next 3 objectives are local objectives adopted by Council. Suggestions for improved objectives are welcome.

Table 3. Comparison of objectives

KPSO –residential zones	DKLEP – E3 zone
<ul style="list-style-type: none"> <li>• To maintain and, where appropriate, improve the existing amenity and environmental character of residential zones; and</li> <li>• To permit new residential development only where it is compatible with the existing environmental character of the locality and has a sympathetic and harmonious relationship with adjoining development.</li> </ul>	<ul style="list-style-type: none"> <li>• To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.</li> <li>• To provide for a limited range of development that does not have an adverse effect on those values.</li> <li>• To minimise direct and indirect risks to life, property and the environment from bushfire events and bushfire management.</li> <li>• To ensure that development in this zone on land that adjoins land zoned E1 National Parks and Nature Reserves or E2 Environment Conservation is compatible with the objectives for those zones.</li> <li>• To enable other land uses that provide facilities or services to meet the day to day needs of residents.</li> </ul>

**3. Does the E3 Environmental Management Zone put protecting and rehabilitating vegetation over the safety of people’s lives?**

Definitely not. Exactly the opposite in fact.

The main use of the E3 zone is for sites that contain bushfire prone vegetation and are located within a high bushfire risk evacuation zone (For more detailed information see the background study: *Managing Bushfire Risk Now and in the Future* included in the

supporting documentation). There may also be reasons related to the protection of biodiversity in these areas – especially where sites are adjacent to conservation reserves.

The local zone objectives include:

- To minimise direct and indirect risks to life, property and the environment from bushfire events and bushfire management.

This is addressed in the land use table through prohibiting uses that are incompatible with the evacuation risk during bushfire events, such as child care centres, seniors living and secondary dwellings. In other words, developments that provide for people who are particularly vulnerable during a bushfire event, and developments that are likely to result in more cars trying to leave the particular area during a severe or catastrophic bushfire.

The inclusion of a site in the E3 zone will mean that the design of development, (eg dwelling houses), will need to consider how the various objectives can be met in an integrated way. It does not prohibit development. Rather it encourages applicants to look at all the site constraints in a holistic way. Applicants have in the past, frequently addressed bushfire risk without consideration of the effects on the vegetation, or proposed to retain or plant vegetation that is not compatible with the bushfire risk. The DCP will provide more guidance here.

The reduction in the subdivision potential of some sites is also designed to minimise the increase in the number of cars trying to leave the area during a major bushfire. All E3 areas are within the highest risk bushfire risk evacuation areas – areas where the number of road exits from the bushfire risk area is inadequate in the event of a bushfire of a magnitude where most residents choose to evacuate. (Again, see the background study and the LEP bushfire brochure on the website). Note that the larger minimum subdivision size applies to all lots, regardless of zoning, within these evacuation risk areas.

The minimum lot depth requirement is designed to ensure that where subdivision takes place, an adequate space for asset protection (a ‘defendable space’) can be provided between the dwelling and the hazard, while protecting important habitat.

Far from the claim that the zone and subdivision requirements put vegetation over the safety of lives or property, the E3 zone is in fact designed to ensure that the safety of residents and their homes during bushfire is paramount, but in a way that also allows for the consideration of significant habitat.

It is important to note that the NSW Rural Fire Service have supported both the Background study (which includes the rationale for the E3 zoning and subdivision controls) and the draft KLEP.