

FAQ's – E4 Environmental Living

Why has my property been zoned E4?

The E4 Environmental Living zone was applied to land with special environmental or scenic values where residential development can be accommodated. The zone has been applied where there are a combination of environmental or risk factors, such as the presence of threatened ecological communities, areas of biodiversity and riparian value, scenic values or bushfire evacuation risk that make the protection of the values of the land impractical under a standard residential zone.

What am I allowed to do within an E4 zone?

The following development is permitted with consent within an E4 zone:

- Bed and breakfast accommodation
- Community facilities
- Dwelling houses
- Environmental facilities
- Environmental protection works
- Flood mitigation works
- Home based childcare
- Home businesses
- Home industries
- Recreation areas
- Roads
- Secondary dwellings

What are the development restrictions of land zoned E4?

Land Use – The E4 zone has some restrictions in the range of permitted land uses. Dwelling houses and secondary dwellings are permissible. Childcare centres and Respite day care centres are prohibited.

Subdivision – Land within the E4 zone has a minimum lot size requirement of 1500sqm for subdivision. This means each new block must have a minimum 1500sqm area.

Floor Space Ratio – Land within the E4 zone has a maximum floor space ratio shown on the KLEP Floor Space Ratio Map. However, despite the floor space ratio shown on the Floor Space Ratio Map, Clause 4.4(2D) in the KLEP Written Instrument includes a calculation which allows a greater floor space ratio on land in zone E4. The floor space ratio allowable under Clause 4.4(2D) is a sliding scale, based on lot size.

Environmental – The E4 Environmental Living zone was applied to land with environmental attributes or risk factors, such as biodiversity and riparian areas, or bushfire hazard. To see which of these apply to your E4 property, check the KLEP Riparian, Biodiversity and Bushfire Prone Maps to determine if your property is affected. You should also refer to the relevant clauses within the KLEP 2015 Written Instrument, and the relevant controls within the DCP.

Can I do Exempt Development on land zoned E4?

Yes, you may be able to undertake Exempt Development under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* provided you comply with the specified development standards listed for each development type.

You should check using the Electronic Housing Code (EHC) which is a free online system that allows users to determine whether proposed works fall under exempt or complying development.

There is a link to the Electronic Housing Code on Councils website under Plans and Regulations > Building and Development > Building or Renovating > Residential > Electronic Housing Code

Or

The website www.onegov.nsw.gov.au > Services > Home Owners, Builders & Renovation > Electronic Housing Code

Or

Access Electronic Housing Code via the NSW Government e-planning website <http://hub.planning.nsw.gov.au>

Can I do Complying Development on land zoned E4?

Yes, from the 23rd of October 2015, you may be able to undertake Complying Development under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* and the KLEP 2015, provided you comply with the specified development standards listed for each development type.

You may undertake Complying Development under the following Parts of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*:

- Part 4 Housing Alterations Code
- Part 7 Demolition Code

Schedule 3 of the KLEP 2015 allows Complying Development provisions for dwelling houses within E4 zoned land, however development is not to be located within any part identified under the KLEP 2015 as:

- 6.1 Acid sulfate soil (land within class 1-4)
- 6.3 Biodiversity protection
- 6.4 Riparian land and adjoining waterways

The following provisions for dwelling houses within *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* are not adopted by the KLEP 2015, therefore do not apply to E4 zoned land:

- 3.9 Maximum site coverage of all development
- 3.10 Maximum floor area
- 3.11 Maximum floor area for outbuildings
- 3.24 Landscaped area

Instead of these provisions, maximum site coverage and maximum floor area (floor space ratio) are to be consistent with KLEP 2015 requirements for E4 zoned land; and provisions regarding maximum floor area for outbuildings and landscaped area are stipulated in Schedule 3 of the KLEP 2015.

General conditions under Schedule 6 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* also apply.

Why was I not notified that my property was zoned E4?

The draft Local Environmental Plan 2013 was formally exhibited between 25 March 2013 and 6 May 2013.

Council sent out over 40,000 letters to residents in March 2013 advising them that the draft Ku-ring-gai Local Environmental Plan 2013 was on public exhibition and that this new plan mapped the land uses and zones for Ku-ring-gai. Included in the letter was a supporting brochure, which provided details of the plan, where to find more information, further details of the exhibition and how to make a formal submission.

The public exhibition was also advertised within the North Shore Times. Information was also publically available on Council's website, at the Council Chambers and at Council's Libraries.