

Rural Zone versus Environmental Zone

This report seeks to show the typical differences between the Rural Zone and Environmental Zone as far as someone wanting to carry out various forms of development on their land.

I have looked at two scenarios (ie Rural and Environmental zoning) and eight different examples of typical developments that people on acreage may wish to undertake.

Scenarios:

Scenario 1 is land zoned **Rural** which is bushfire prone land. This scenario would be land zoned either RU2 (typically Ingleside under PLEP 2014) or RU4 (typically Terrey Hills under WLEP2011).

Scenario 2 is land zoned **Environmental** which is bushfire prone land. This scenario would be land zoned either E3 or E4 (under WLEP2011).

Development Examples:

Example 1:

I wish to build a single or two storey house (or want to carry out alterations or additions to an existing single storey or two storey house). Let's say 10m from the side boundary and setback behind the building line on a 4,000m² (ie 1 acre) block.

Example 2:

I wish to build a farm building, say 100m² in size and 7m tall which will be used to store farm equipment. Let's say 10m from the side boundary and setback behind the building line.

Example 3:

I wish to build some stables for horses, say 50m² floor area and 3m high.

Example 4:

I wish to build a carport, say 50m² floor area and 3m high.

Example 5:

I wish to build a chicken shed, say 30m² floor area and 3m high.

Example 6:

I wish to build a garden shed, say 50m² floor area and 3m high.

Example 7:

I wish to put a shipping container on my land.

Example 8:

I wish to install a below ground rainwater tank.

To create the table below I have researched a DA lodged to build a house at 6 Kamber Rd, Terrey Hills (zoned E3 under WLEP2011) and a Complying Development to build a house and DA's at 13 Bungendore St Ingleside (zoned RU2 under PLEP2014).

All references to Exempt or Complying development are as per State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Below outlines the requirements for each of these examples under the two scenarios:

	Scenario 1 (Rural, ie RU2 or RU4)	Scenario 2 (Environmental, ie E3 or E4)
Example 1 - House	<p>This can be built, or alterations and additions carried out as Complying Development, which will likely require:</p> <ol style="list-style-type: none"> 1. Architectural plans with BASIX (by an architect) 2. Survey (by a surveyor) 3. Bushfire complying development report (from an accredited bushfire consultant) <p>Average consultant/approval cost \$2,500, average time for approval 7 days</p>	<p>This requires a Development Application to be lodged with Northern Beaches Council, which will likely require:</p> <ol style="list-style-type: none"> 1. Architectural plans with BASIX (by an architect) 2. Stormwater plans (by a stormwater engineer) 3. Landscape Plans (by a landscape architect) 4. Statement of Environmental Effects (by a town planner) 5. Waste management plan (by an architect or someone suitable) 6. Flora and Fauna report (by an ecologist) 7. Arborist report (by an arborist) 8. Geotechnical report (by a geotechnical engineer) 9. Bushfire report (by an accredited bushfire consultant) 10. Biodiversity Development Assessment Report (BDAR) (by an Accredited Biodiversity Assessor <small>Note 1</small>) 11. Survey (by a surveyor) <p>As the development will likely require an asset protection zone exceeding 0.5Ha (as the 10/50 rule allows 50m radius), you will likely need to purchase Biodiversity Offset Credits.</p> <p>Average consultant/approval cost \$25,000 (excluding cost of Biodiversity offset credits), average time for approval 190 days</p>

	Scenario 1 (Rural, ie RU2 or RU4)	Scenario 2 (Environmental, ie E3 or E4)
Example 2 - Farm Building	<p>This can be built as exempt development – No approvals are required</p> <p>Average consultant/approval cost \$0, average time for approval 0 days</p>	<p>This requires a Development Application to be lodged with Northern Beaches Council, which will likely require:</p> <ol style="list-style-type: none"> 1. Architectural plans with BASIX (by an architect) 2. Stormwater plans (by a stormwater engineer) 3. Landscape Plans (by a landscape architect) 4. Statement of Environmental Effects (by a town planner) 5. Waste management plan (by an architect or someone suitable) 6. Flora and Fauna report (by an ecologist) 7. Arborist report (by an arborist) 8. Geotechnical report (by a geotechnical engineer) 9. Bushfire report (by an accredited bushfire consultant) 10. Biodiversity Development Assessment Report (BDAR) (by an Accredited Biodiversity Assessor <small>Note 1</small>) 11. Survey (by a surveyor) <p>As the development will likely require an asset protection zone exceeding 0.5Ha (as the 10/50 rule allows 50m radius), you will likely need to purchase Biodiversity Offset Credits.</p> <p>Average consultant/approval cost \$25,000 (excluding cost of Biodiversity offset credits), average time for approval 190 days</p>

	Scenario 1 (Rural, ie RU2 or RU4)	Scenario 2 (Environmental, ie E3 or E4)
Example 3 – Stables	<p>This can be built as exempt development – No approvals are required</p> <p>Average consultant/approval cost \$0, average time for approval 0 days</p>	<p>This requires a Development Application to be lodged with Northern Beaches Council, which will likely require:</p> <ol style="list-style-type: none"> 1. Architectural plans with BASIX (by an architect) 2. Stormwater plans (by a stormwater engineer) 3. Landscape Plans (by a landscape architect) 4. Statement of Environmental Effects (by a town planner) 5. Waste management plan (by an architect or someone suitable) 6. Flora and Fauna report (by an ecologist) 7. Arborist report (by an arborist) 8. Geotechnical report (by a geotechnical engineer) 9. Bushfire report (by an accredited bushfire consultant) 10. Survey (by a surveyor) <p>Average consultant/approval cost \$15,000, average time for approval 190 days</p>

	Scenario 1 (Rural, ie RU2 or RU4)	Scenario 2 (Environmental, ie E3 or E4)
Example 4 – Carport	<p>This can be built as exempt development – No approvals are required</p> <p>Average consultant/approval cost \$0, average time for approval 0 days</p>	<p>This requires a Development Application to be lodged with Northern Beaches Council, which will likely require:</p> <ol style="list-style-type: none"> 1. Architectural plans with BASIX (by an architect) 2. Stormwater plans (by a stormwater engineer) 3. Landscape Plans (by a landscape architect) 4. Statement of Environmental Effects (by a town planner) 5. Waste management plan (by an architect or someone suitable) 6. Flora and Fauna report (by an ecologist) 7. Arborist report (by an arborist) 8. Geotechnical report (by a geotechnical engineer) 9. Bushfire report (by an accredited bushfire consultant) 10. Survey (by a surveyor) <p>Average consultant/approval cost \$15,000, average time for approval 190 days</p>

	Scenario 1 (Rural, ie RU2 or RU4)	Scenario 2 (Environmental, ie E3 or E4)
Example 5 – Chicken shed	<p>This can be built as exempt development – No approvals are required</p> <p>Average consultant/approval cost \$0, average time for approval 0 days</p>	<p>This requires a Development Application to be lodged with Northern Beaches Council, which will likely require:</p> <ol style="list-style-type: none"> 1. Architectural plans with BASIX (by an architect) 2. Stormwater plans (by a stormwater engineer) 3. Landscape Plans (by a landscape architect) 4. Statement of Environmental Effects (by a town planner) 5. Waste management plan (by an architect or someone suitable) 6. Flora and Fauna report (by an ecologist) 7. Arborist report (by an arborist) 8. Geotechnical report (by a geotechnical engineer) 9. Bushfire report (by an accredited bushfire consultant) 10. Survey (by a surveyor) <p>Average consultant/approval cost \$15,000, average time for approval 190 days</p>

	Scenario 1 (Rural, ie RU2 or RU4)	Scenario 2 (Environmental, ie E3 or E4)
Example 6 – Garden shed	<p>This can be built as exempt development – No approvals are required</p> <p>Average consultant/approval cost \$0, average time for approval 0 days</p>	<p>This requires a Development Application to be lodged with Northern Beaches Council, which will likely require:</p> <ol style="list-style-type: none"> 1. Architectural plans with BASIX (by an architect) 2. Stormwater plans (by a stormwater engineer) 3. Landscape Plans (by a landscape architect) 4. Statement of Environmental Effects (by a town planner) 5. Waste management plan (by an architect or someone suitable) 6. Flora and Fauna report (by an ecologist) 7. Arborist report (by an arborist) 8. Geotechnical report (by a geotechnical engineer) 9. Bushfire report (by an accredited bushfire consultant) 10. Survey (by a surveyor) <p>Average consultant/approval cost \$15,000, average time for approval 190 days</p>

	Scenario 1 (Rural, ie RU2 or RU4)	Scenario 2 (Environmental, ie E3 or E4)
Example 7 – Shipping Container	<p>This can be built as exempt development – No approvals are required</p> <p>Average consultant/approval cost \$0, average time for approval 0 days</p>	<p>This requires a Development Application to be lodged with Northern Beaches Council, which will likely require:</p> <ol style="list-style-type: none"> 1. Architectural plans with BASIX (by an architect) 2. Stormwater plans (by a stormwater engineer) 3. Landscape Plans (by a landscape architect) 4. Statement of Environmental Effects (by a town planner) 5. Waste management plan (by an architect or someone suitable) 6. Flora and Fauna report (by an ecologist) 7. Arborist report (by an arborist) 8. Geotechnical report (by a geotechnical engineer) 9. Bushfire report (by an accredited bushfire consultant) 10. Survey (by a surveyor) <p>Average consultant/approval cost \$15,000, average time for approval 190 days</p>

	Scenario 1 (Rural, ie RU2 or RU4)	Scenario 2 (Environmental, ie E3 or E4)
Example 8 – Below ground water tank	<p>This can be built as exempt development – No approvals are required</p> <p>Average consultant/approval cost \$0, average time for approval 0 days</p>	<p>This requires a Development Application to be lodged with Northern Beaches Council, which will likely require:</p> <ol style="list-style-type: none"> 1. Architectural plans with BASIX (by an architect) 2. Stormwater plans (by a stormwater engineer) 3. Landscape Plans (by a landscape architect) 4. Statement of Environmental Effects (by a town planner) 5. Waste management plan (by an architect or someone suitable) 6. Flora and Fauna report (by an ecologist) 7. Arborist report (by an arborist) 8. Geotechnical report (by a geotechnical engineer) 9. Bushfire report (by an accredited bushfire consultant) 10. Survey (by a surveyor) <p>Average consultant/approval cost \$15,000, average time for approval 190 days</p>

Notes:

1. For a DA assessment (not a complying development), the ecological impact must be assessed assuming every native tree and shrub within the proposed IPA/APZ is to be removed. The impact assessment must be prepared by a suitably qualified and experienced Ecologist.

As part of the DA assessment the applicant would be required to commission the services of an Accredited Biodiversity Assessor to prepare a Biodiversity Development Assessment Report (BDAR)

What other effects would an Environmental Zoning have:

Below is clause 6.6 of Warringah LEP 2011, which stipulates a house can only be built on E3 land if the land size is 20 hectares (ie 50 acres) or larger (with one convoluted exception). I am not aware of any individual land parcels that are 20 hectares or larger. This clause therefore has the effect of extinguishing the ability to build a house on an individual parcel of land unless it meets the convoluted exception.

6.6 Erection of dwelling houses in Zone E3 Environmental Management

(1) The objectives of this clause are as follows—

- a) to restrict the density of development and promote consolidation of land holdings in Zone E3 Environmental Management,
- b) to protect and enhance the ecological values of natural watercourses and natural bushland in the zone,
- c) to maintain and enhance the scenic quality of the zone including landforms and vegetation,
- d) to minimise siltation and pollution of Narrabeen Lagoon and its catchment.

(2) Development consent must not be granted to the erection of a dwelling house on a lot in Zone E3 Environmental Management if the lot has an area of less than 20 hectares.

(3) Despite subclause (2)—

- a) development consent may be granted to the erection of 1 dwelling house on an existing lot in Zone E3 Environmental Management if the lot has an area of less than 20 hectares but not less than 2 hectares, and
- b) development consent may be granted to the erection of 1 dwelling house on Lot 33, DP 870625, Pinduro Place, Cromer.

(4) In subclause (3)(a), an *existing lot* means all adjacent or adjoining land held by the same person or persons on 8 March 1974.

(5) This clause does not apply to Lot 52, DP 819308, Lot 12, DP 225340, Lot 5, DP 260080, Lot 3, DP 534463, Lot 13, DP 587071, Lot 33, DP 222330, Lots 38 or 39, DP 238042, Lot A, DP 347637, Lot 2, DP 526613, Lot 11, DP 244797 or Lots 5 and 6, DP 514039.

This report has been put together by John Holman, President, Warringah Urban Fringe Association Inc. (WUFA)

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John Holman is a professional engineer with an honours degree in Engineering, a Masters degree in Business Administration (Law major) and is currently part way through a Masters in Planning with a specialisation in Environmental Law. John led the community opposition against Warringah Council trying to zone what is now the deferred lands as an Environmental Zone (E3) in 2011. Following community outrage, Brad Hazzard as Minister for Planning did not allow the E3 zoning and deferred the land from Warringah LEP 2011. John formed the Warringah Urban Fringe Association in 2011 and has been President since then.

This report was provided to Northern Beaches Council for their comments on 16 September 2020. Louise Kerr, Director of Planning for Northern Beaches Council replied with "It is not the role of Council staff to review reports prepared by community members".