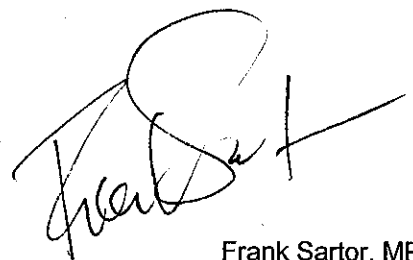


ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Direction under Section 117(2)

I, the Minister for Planning, under section 117(2) of the *Environmental Planning and Assessment Act 1979* ("the Act"), direct that:

- (1) Councils must exercise their functions under Divisions 4 and 5 of Part 3 of the Act in accordance with Schedule 1;
- (2) This direction takes effect on the date that *State Environmental Planning Policy (Rural Lands) 2008* commences;
- (3) This direction does not apply to any draft local environmental plan that has been issued with a certificate under section 65 of the Act before the date that *State Environmental Planning Policy (Rural Lands) 2008* commences;
- (4) The direction previously issued under section 117(2) of the Act and attached at Schedule 2 is revoked; and
- (5) Despite subclause (4), the direction attached at Schedule 2 shall continue to apply to a draft local environmental plan that has been issued with a certificate under section 65 of the Act before the date that *State Environmental Planning Policy (Rural Lands) 2008* commences.



Frank Sartor, MP
Minister for Planning,
Sydney

[Date: - 9 MAY 2008]

Schedule 1

2.1 Environment Protection Zones

Objective

- (1) The objective of this direction is to protect and conserve environmentally sensitive areas.

Where this direction applies

- (2) This direction applies to all councils.

When this direction applies

- (3) This direction applies when a council prepares a draft LEP.

What a council must do if this direction applies

- (4) A draft LEP shall include provisions that facilitate the protection and conservation of environmentally sensitive areas.
- (5) A draft LEP that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP shall not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 "*Rural Lands*".

Consistency

- (6) A draft LEP may be inconsistent with the terms of this direction only if council can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the draft LEP that are inconsistent are:
- (a) justified by a strategy which:
 - (i) gives consideration to the objectives of this direction,
 - (ii) identifies the land which is the subject of the draft LEP (if the draft LEP relates to a particular site or sites), and
 - (iii) is approved by the Director-General of the Department of Planning, or
 - (b) justified by an environmental study prepared in accordance with section 57 of the *Environmental Planning and Assessment Act 1979* which gives consideration to the objectives of this direction, or
 - (c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or
 - (d) is of minor significance.

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What a council must do if this direction applies

- (4) A draft LEP shall include provisions that facilitate the protection and conservation of environmentally sensitive areas.
- (5) A draft LEP that applies to land within an existing environmental protection zone or land otherwise identified for environmental protection purposes in a LEP shall not reduce the environmental protection standards that apply to the land (including by modifying any development standards or subdivision controls that apply to the land).

Consistency

- (6) A draft LEP may be inconsistent with the terms of this direction only if council can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the draft LEP that are inconsistent are:
- (a) justified by a strategy which:
 - (i) gives consideration to the objective of this direction, and
 - (ii) identifies the land which is the subject of the draft LEP (if the draft LEP relates to a particular site or sites), and
 - (iii) is approved by the Director-General of the Department of Planning, or
 - (b) justified by an environmental study prepared in accordance with section 57 of the *Environmental Planning and Assessment Act 1979* which gives consideration to the objective of this direction, or
 - (c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or
 - (d) of minor significance.