

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) For the avoidance of doubt a reference to 'Primary Use of land' in the context of the Northern Councils E Zone Review Final Recommendations Report is considered to be:
 - a) The main use of the land is to be determined based on evidence about the nature of the activities and operations occurring on the land over the last two years.
 - b) If the main use is for rural or farming operations, agricultural practices need to be demonstrated. Specific farming activities (such as grazing) do not need to have occurred in the last two years if the operations on the land (for example keeping paddocks fallow) are part of broader farm management practices.
 - c) If the main use is for environmental conservation or management, the environmental values of the land and vegetation need to be demonstrated and the absence of any agricultural or other land use confirmed.
- 3) This direction takes effect on the date that the Local Planning Direction: Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs is published on the website of the NSW Department of Planning and Environment.
- 4) This direction does not apply to any planning proposal that has been issued with a Gateway determination under section 56 of the Act before the date on which the direction takes effect.

Rob Stokes MP
Minister for Planning
Sydney

[Date:]

Schedule 1

2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs**Objective**

- 1) The objective of this direction is to ensure that a balanced and consistent approach is taken when applying environmental protection zones and overlays to land on the NSW Far North Coast.

Where this direction applies

- 2) This direction applies to the local government areas of Ballina, Byron, Kyogle, Lismore and Tweed.

When this direction applies

- 3) This direction applies when a relevant planning authority prepares a planning proposal:
 - a) that introduces or alters an E2 Environmental Conservation or E3 Environmental Management zone;
 - b) that introduces or alters an overlay and associated clause.

What a relevant planning authority or council must do if this direction applies

- 4) A planning proposal that introduces or alters an E2 Environmental Conservation or E3 Environmental Management zone or an overlay and associated clause must:
 - a) apply the proposed E2 Environmental Conservation or E3 Environmental Management zones, or the overlay and associated clause, consistent with the Northern Councils E Zone Review Final Recommendations.

Consistency

- 5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Secretary, Department of Planning and Environment (or an officer of the Department nominated by the Secretary) that the provisions of the planning proposal that are inconsistent are of minor significance.