



New South Wales

Standard Instrument (Local Environmental Plans) Amendment (Exceptions to Development Standards) Order 2023

under the

Environmental Planning and Assessment Act 1979

MARGARET BEAZLEY, Governor

I, the Honourable Margaret Beazley AC KC, Governor of New South Wales, with the advice of the Executive Council, make the following order under the *Environmental Planning and Assessment Act 1979*, section 3.20.

Dated, this 13th day of September 2023.

By Her Excellency's Command,

PAUL SCULLY, MP
Minister for Planning and Public Spaces

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Environmental Planning and Assessment Act 1979

1 Name of order

This order is *Standard Instrument (Local Environmental Plans) Amendment (Exceptions to Development Standards) Order 2023*.

2 Commencement

This order commences on 1 November 2023 and is required to be published on the NSW legislation website.

3 Amendment of Standard Instrument prescribed by Standard Instrument (Local Environmental Plans) Order 2006

Clause 4.6 Exceptions to development standards [compulsory]

Omit clause 4.6(3)–(5) and (7). Insert instead—

- (3) Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—
 - (a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and
 - (b) there are sufficient environmental planning grounds to justify the contravention of the development standard.

Note—The *Environmental Planning and Assessment Regulation 2021* requires a development application for development that proposes to contravene a development standard to be accompanied by a document setting out the grounds on which the applicant seeks to demonstrate the matters in paragraphs (a) and (b).

- (4) The consent authority must keep a record of its assessment carried out under subclause (3).