

# ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

## SECTION 9.1 DIRECTION

I, the Minister for Planning and Public Spaces, give the direction at Schedule 1 under section 9.1 of the *Environmental Planning and Assessment Act 1979*.

A handwritten signature in blue ink, appearing to read "Paul Scully".

The Hon. Paul Scully MP

Minister for Planning and Public Spaces

Dated: 6/9/23

## Schedule 1

### Exclusion of Development Standards from Variation

#### Objective

The objective of this direction is to maintain flexibility in the application of development standards by ensuring that exclusions from the application of clause 4.6 of a Standard Instrument Local Environmental Plan (**Standard Instrument LEP**) or an equivalent provision of any other environmental planning instrument, are only applied in limited circumstances.

#### Application

This direction applies when a planning proposal authority prepares a planning proposal that proposes to introduce or alter an existing exclusion to clause 4.6 of a Standard Instrument LEP or an equivalent provision of any other environmental planning instrument.

#### Direction

- (1) In preparing a planning proposal the planning proposal authority must have regard to the *Guide to exclusions from clause 4.6 of the Standard Instrument*.
- (2) A planning proposal to which this direction applies must:
  - (a) minimise the exclusion of development standards from variation under clause 4.6 of a Standard Instrument LEP, or an equivalent provision of any other environmental planning instrument; and
  - (b) not propose to exclude a development standard from variation under clause 4.6 of a Standard Instrument LEP, or an equivalent provision of any other environmental planning instrument unless the exclusion is consistent with the criteria in Part 2 of the *Guide to exclusions from clause 4.6 of the Standard Instrument*.

#### Consistency

A planning proposal may be inconsistent with the terms of this direction only if the planning proposal authority satisfies the Secretary (or an officer of the Department nominated by the Secretary) that it is inappropriate in the circumstances to allow flexibility in the application of the development standard.

**Note:** In this direction:

'Standard Instrument LEP' means any local environmental plan that adopts the standard instrument set out in the *Standard Instrument (Local Environmental Plans) Order 2006*.

'*Guide to exclusions from clause 4.6 of the Standard Instrument*' means the *Guide to exclusions from clause 4.6 of the Standard Instrument* prepared by the Department of Planning and Environment dated November 2023.

**Date commenced:** 1 November 2023