



State Environmental Planning Policy No 1—Development Standards

[1980-010]



Status Information

Currency of version

Current version for 17 May 2002 to date (accessed 6 February 2012 at 10:00).
Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced. See [Historical notes](#)

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 17 May 2002.

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Historical notes



1 Name of Policy

This State environmental planning policy may be cited as *State Environmental Planning Policy No 1—Development Standards* (hereinafter referred to as *the Policy*).

2 Definitions

In this Policy, except in so far as the context or subject-matter otherwise indicates or requires:

Act means the *Environmental Planning and Assessment Act 1979*.

development application includes an application for consent referred to in clause 7 (1) of the *Miscellaneous Acts (Planning) Savings and Transitional Provisions Regulation 1980*.

development standards has the meaning ascribed thereto in section 4 (1) of the Act.

3 Aims, objectives etc

This Policy provides flexibility in the application of planning controls operating by virtue of development standards in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or unnecessary or tend to hinder the attainment of the objects specified in section 5 (a) (i) and (ii) of the Act.

4 Application of Policy

- (1) This Policy applies to the State, except as provided by this clause.
- (2) This Policy does not apply to the land shown edged heavy black and shaded on the map marked "State Environmental Planning Policy No 1—Development Standards (Amendment No 5)" deposited in the head office of the Department of Planning and copies of which are deposited in the office of Wollongong City Council.

4A Policy does not apply to complying development

This Policy does not apply to complying development.

5 Relationship to other environmental planning instruments

This policy prevails over any inconsistency between it and any other environmental planning instrument, whenever made.

6 Making of applications

Where development could, but for any development standard, be carried out under the Act (either with or without the necessity for consent under the Act being obtained therefor) the person intending to carry out that development may make a development application in respect of that development, supported by a written objection that compliance with that development standard is unreasonable or unnecessary in the circumstances of the case, and specifying the grounds of that objection.

7 Consent may be granted

Where the consent authority is satisfied that the objection is well founded and is also of the opinion that granting of consent to that development application is consistent with the aims of this Policy as set out in clause 3, it may, with the concurrence of the Director, grant consent to that development application notwithstanding the development standard the subject of the objection referred to in clause 6.

8 Concurrence

The matters which shall be taken into consideration in deciding whether concurrence should be granted are:

- (a) whether non-compliance with the development standard raises any matter of significance for State or regional environmental planning, and
- (b) the public benefit of maintaining the planning controls adopted by the environmental planning instrument.

9 Objections under s 342NA etc

An objection made or purporting to have been made under section 342NA, or 342VA of the *Local Government Act 1919* at any time before this Policy takes effect, not being an objection which had prior to 1 September 1980 been referred to the Local Government Appeals Tribunal, shall be deemed to be an objection referred to in clause 6.

Schedule 1 (Repealed)

Historical notes

The following abbreviations are used in the Historical notes:

Am	amended	LW	legislation website	Sch	Schedule
Cl	clause	No	number	Schs	Schedules
Cll	clauses	p	page	Sec	section
Div	Division	pp	pages	Secs	sections
Divs	Divisions	Reg	Regulation	Subdiv	Subdivision
GG	Government Gazette	Regs	Regulations	Subdivs	Subdivisions
Ins	inserted	Rep	repealed	Subst	substituted

Table of amending instruments

State Environmental Planning Policy No 1—Development Standards published in Gazette No 152 of 17.10.1980, p 5413 and amended in Gazettes of 14.6.1985, 14.2.1986, 26.6.1987 and 31.12.1992 and by Act No 152, 1997 as follows:

State Environmental Planning Policy No 1—Development Standards (Amendment No 5) (GG No 87 of 17.5.2002, p 2974)

Table of amendments

Cl 4	Subst 14.6.1985; 31.12.1992. Am 17.5.2002.
Cl 4A	Ins 1997 No 152, Sch 4.37.
Sch 1	Ins 14.6.1985. Am 14.2.1986. Subst 26.6.1987. Rep 31.12.1992.

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