

State Environmental Planning Policy No 1—Development Standards (1980 EPI 10)

[1980-10]



New South Wales

Status Information

Currency of version

Historical version for 1 July 1998 to 16 May 2002 (accessed 1 December 2024 at 18:42)

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Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Authorisation

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State Environmental Planning Policy No 1—Development Standards (1980 EPI 10)



New South Wales

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

This Policy applies to the State.

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)