



PLANNING SYSTEM

State environmental planning policy

Circular	PS 06–003
Issued	17 February 2006
Related	Letter issued June 2005

State Environmental Planning Policy No. 4—Amendment No. 17

The purpose of this circular is to advise councils, relevant state agencies and industry groups of Amendment No. 17 to State Environmental Planning Policy No. 4—Development Without Consent and Miscellaneous Exempt and Complying Development (SEPP 4) gazetted on 3 February 2006.

Introduction

Amendment No. 17 to SEPP 4, gazetted on Friday 3 February 2006, introduces common 'exempt development' provisions for satellite TV dishes, rainwater collection tanks for education establishments, and temporary wind farm monitoring towers in NSW—where they have minimal environmental effect.

Local councils will no longer need to consider development applications for certain satellite TV dishes, rainwater collection tanks, and temporary wind monitoring towers as specified in the SEPP.

In preparing Amendment No. 17 to SEPP 4 the Department wrote to all local councils in NSW in June 2005 as well as the Ministers for energy, education and local government, and other relevant peak organisations.

The amendment helps cut unnecessary regulation of development where there are clear community benefits, and without compromising the ability to protect the surrounding environment.

The main features of the amendment are outlined below.

In addition to these new provisions, the general requirements for exempt development outlined in clause 14 of the policy apply. Among other matters this includes that exempt development:

- must be of minimal impact
- must, as relevant, comply with the Building Code of Australia
- is not in an environmentally sensitive area
- cannot be carried out within a heritage conservation area, or on the site of a heritage item (identified in an environmental planning

instrument, listed on the State Heritage Register or subject to an interim Heritage Order).

Satellite TV dishes

Facilitating the installation of small low impact satellite dishes will significantly improve access to TV signals, particularly in rural and regional NSW.

A satellite TV dish is exempt development if it:

- is erected wholly within the boundaries of the property
- is erected according to the manufacturer's recommendations and complies with relevant Australian Standard/s
- does not affect the structural integrity of the building

and, within residential areas:

- if roof mounted—the maximum diameter of the dish is 90 centimetres (excluding any projecting feed element) and its height does not exceed the highest point of the roof (if a peaked roof) or 1.2 metres above the roof (if flat)
- if ground mounted—the maximum diameter of the dish is 90 centimetres (excluding any projecting feed element) and its height above ground level does not exceed 1.2 metres above the highest point of the roof of the dwelling on which, or adjacent to which, it is erected

or, within commercial or industrial areas:

- if roof mounted—the maximum diameter of the dish is 1.8 metres (excluding any projecting feed element) and its height does not exceed 1.8 metres above the highest point of roof
- if ground mounted—the maximum diameter of the dish is 1.8 metres (excluding any projecting feed element) and its height does not exceed

1.8 metres above the highest point of the roof of any building on which, or adjacent to which, it is erected.

Temporary wind monitoring towers

To assist the viable supply of renewable energy, temporary wind monitoring towers are exempt development where the tower is:

- a temporary structure to be removed within 30 months
- erected according to manufacturer's recommendations and is enclosed by a fence
- no more than 110 metres in height
- not within 1 kilometre of another monitoring tower, a school, or a dwelling (unless the dwelling owner has agreed, in writing)
- not within 500 metres of an item listed on the State Heritage Register
- not within 100 metres of a public road.

The Civil Aviation Safety Authority (CASA) must be notified (with the information specified in the policy) prior to the erection of the temporary wind monitoring tower.

Rainwater tanks for educational establishments

To encourage alternative water supply and reuse, certain rainwater tanks are already exempt development under SEPP 4. Amendment No. 17 to further encourages the appropriate collection and reuse of rainwater at schools and other educational establishments.

The amendment makes rainwater tanks within educational establishments (as defined in the policy) exempt development if:

- the tank's capacity does not exceed 25,000 litres
- its off-the-ground height is no more than of 3 metres.

Application

Amendment No. 17 applies to the local government areas to which SEPP 4 applies.

Further information

Attached is a copy of the amendment for your information. The revised SEPP 4 may be accessed on the Parliamentary Counsel Office's website at www.legislation.nsw.gov.au — see 'In force' database.

Should you or staff within your organisation have any enquiries in respect of this matter, please contact Yolande Stone, Director, Sector Strategies and Systems Innovation on 02 9228 6301 or email stoney@dipnr.nsw.gov.au.

Authorised by:

Sam Haddad
Director General

Important note

This circular does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this circular.

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New South Wales

State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development (Amendment No 17)

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979* in accordance with the recommendation made by the Minister for Planning. (9038275)

Minister for Planning

State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development (Amendment No 17)

under the

Environmental Planning and Assessment Act 1979

1 Name of Policy

This Policy is *State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development (Amendment No 17)*.

2 Aims of Policy

The aims of this Policy are to identify the following types of development as exempt development, subject to the development meeting certain requirements:

- (a) the erection of satellite TV dishes,
- (b) the erection of temporary wind monitoring towers,
- (c) the installation of rainwater collection tanks in educational establishments with a capacity of up to 25,000 litres.

3 Land to which Policy applies

This Policy applies to all land to which *State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development* applies.

4 Amendment of State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development

State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 4)

[1] Clause 2 Definitions

Insert in alphabetical order in clause 2 (1):

satellite TV dish means a dish used to receive satellite television.

wind monitoring tower means a tower or other structure used to monitor wind for the purpose of investigating or determining the feasibility of a wind farm.

[2] Clause 3 Aims, objectives etc

Insert at the end of clause 3 (3) (b):

, and

(c) satellite TV dishes that comply with the requirements of clauses 14 and 17, and

(d) wind monitoring towers that comply with the requirements of clauses 14 and 18.

[3] Clause 14 Exempt development

Omit “clauses 15 and 16” from clause 14 (2).

Insert instead “clauses 15–18”.

[4] Clause 16 When rainwater tanks are exempt development

Omit “10,000 litres” from clause 16 (1) (a).

Insert instead “the maximum capacity”.

[5] Clause 16 (1) (n)

Omit “2.4 metres”. Insert instead “3 metres”.

[6] Clause 16 (2)

Omit “10,000 litres”. Insert instead “the maximum capacity”.

[7] Clause 16 (4)

Insert after clause 16 (3):

(4) In this clause:

educational establishment means a building or place used for education (including teaching) and includes a pre-school, a school, a tertiary institution that provides formal education (such as a university or TAFE establishment) and an art gallery or

museum that is not used to sell the items displayed in it (whether or not the building or place is also used for accommodation for staff or students).

maximum capacity means 10,000 litres or, in the case of a tank or tanks installed on a lot used for an educational establishment, 25,000 litres.

[8] Clauses 17 and 18

Insert after clause 16:

17 When satellite TV dishes are exempt development

- (1) For a satellite TV dish to be exempt development, it must comply with the following requirements:
 - (a) the satellite TV dish must be erected wholly within the boundaries of a property,
 - (b) the satellite TV dish must be installed in accordance with the instructions of the manufacturer and any relevant standard imposed by Standards Australia,
 - (c) the satellite TV dish must not affect the structural integrity of any building on which it is erected,
 - (d) if the satellite TV dish is erected on or adjacent to a dwelling, it must comply with the additional requirements set out in subclause (2),
 - (e) if the satellite TV dish is erected on land that is zoned commercial or industrial under an environmental planning instrument, it must comply with the additional requirements set out in subclause (3).
- (2) If the satellite TV dish is erected on or adjacent to a dwelling, the additional requirements are as follows:
 - (a) if the satellite TV dish is roof mounted:
 - (i) it must have a diameter not exceeding 90 centimetres (excluding any projecting feed element), and
 - (ii) the height of the satellite TV dish at any point must not exceed the highest point of the roof (if the roof is peaked) or 1.2 metres above the roof (if the roof is flat),

- (b) if the satellite TV dish is ground mounted, it must have a diameter not exceeding 90 centimetres (excluding any projecting feed element) and its height must not exceed 1.2 metres above the highest point of the roof of the dwelling on which, or adjacent to which, it is erected.
- (3) If the satellite TV dish is erected on land that is zoned commercial or industrial under an environmental planning instrument, the additional requirements are as follows:
 - (a) if the satellite TV dish is roof mounted:
 - (i) it must have a diameter not exceeding 1.8 metres (excluding any projecting feed element), and
 - (ii) the height of the satellite TV dish at any point must not exceed 1.8 metres above the highest point of the roof structure,
 - (b) if the satellite TV dish is ground mounted, it must have a diameter not exceeding 1.8 metres (excluding any projecting feed element) and its height must not exceed 1.8 metres above the highest point of the roof of any building on which, or adjacent to which, it is erected.

18 When wind monitoring towers are exempt development

For a wind monitoring tower to be exempt development, it must comply with the following requirements:

- (a) the wind monitoring tower must be a temporary structure that is removed within 30 months of its being erected,
- (b) the wind monitoring tower must be erected in accordance with the instructions of the manufacturer,
- (c) the site on which the wind monitoring tower is erected must be enclosed by a fence that prevents unauthorised persons from entering the site,
- (d) the wind monitoring tower must have a height not exceeding 110 metres,
- (e) the wind monitoring tower must not be erected within 100 metres of any public road,
- (f) the wind monitoring tower must not be erected within 1 kilometre of any other wind monitoring tower,
- (g) the wind monitoring tower must not be erected within 1 kilometre of any dwelling (except with the prior consent in writing of the owner of the dwelling),
- (h) the wind monitoring tower must not be erected within 1 kilometre of any school,

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No 17)

Schedule 1 Amendments

- (i) the wind monitoring tower must not be erected within 500 metres of any item of environmental heritage that is listed on the State Heritage Register under the *Heritage Act 1977*,
- (j) prior to the erection of the wind monitoring tower the Civil Aviation Safety Authority must be notified of the following:
 - (i) the as constructed co-ordinates of the wind monitoring tower in longitude and latitude,
 - (ii) the ground level of the wind monitoring tower expressed in Australian Height Datum,
 - (iii) the height of the wind monitoring tower expressed in Australian Height Datum,
 - (iv) the proposed date for removal of the wind monitoring tower.