



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)

FRANK SARTOR, M.P.,  
Minister for Planning

**2006 No 38**

Clause 1

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

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**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.

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## 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

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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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- (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.

BY AUTHORITY

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