



New South Wales

# **State Environmental Planning Policy (Infrastructure) Amendment (Energy Storage Technology) (No 2) 2020**

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*.

ROBERT STOKES, MP  
Minister for Planning and Public Spaces

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### **1 Name of Policy**

This Policy is *State Environmental Planning Policy (Infrastructure) Amendment (Energy Storage Technology) (No 2) 2020*.

### **2 Commencement**

This Policy commences on the day on which it is published on the NSW legislation website.

### **3 Repeal of Policy**

- (1) This Policy is repealed on the day following the day on which this Policy commences.
- (2) The repeal of this Policy does not, because of the operation of sections 5(6) and 30 of the *Interpretation Act 1987*, affect any amendment made by this Policy.

## Schedule 1 Amendment of State Environmental Planning Policy (Infrastructure) 2007

### [1] Clause 37 Complying development

Insert after clause 37(1)—

#### (2) Solar energy systems

Development for the purpose of a solar energy system is complying development on any land if—

- (a) the development complies with clause 20B, and
- (b) the land is not in a heritage conservation area, and
- (c) in the case of development for the purposes of a photovoltaic electricity generating system—the system is installed in accordance with the manufacturer's specifications or by a person who is accredited by the Clean Energy Council for the installation of photovoltaic electricity generating systems, and
- (d) in the case of development for the purposes of a system other than a photovoltaic electricity generating system—the system is installed in accordance with the manufacturer's specifications, and
- (e) in the case of a system that is ground-mounted—
  - (i) the total area occupied by the system (together with any other ground-mounted solar energy system on the lot concerned) does not exceed 500m<sup>2</sup>, and
  - (ii) the system has a height of not more than 10m above ground level (existing), and
  - (iii) the system is installed no less than 10m from any adjoining property boundary, and
  - (iv) if the system involves the use of mirrors or lenses to reflect or concentrate sunlight—the system is installed no less than 100m from any dwelling or other building that is not owned or occupied by the owner of the system, and
  - (v) if the solar energy system is a photovoltaic electricity generating system having the capacity to generate 10kW or more—the system is installed no less than 50m from any dwelling that is not owned or occupied by the owner of the system, and
- (f) in the case of a system that is not ground-mounted—
  - (i) the development does not reduce the structural integrity of, or involve structural alterations to, any building to which the system is attached, and  
**Note.** The term **building** is defined in the *Environmental Planning and Assessment Act 1979* as including any structure.
  - (ii) the system does not involve mirrors or lenses to reflect or concentrate sunlight, and
  - (iii) if the land is in a prescribed residential zone and the system is attached to a wall or roof facing a primary road—the system does not protrude more than 0.5m from the wall or roof (as measured from the point of attachment), and
  - (iv) if the land is in a prescribed residential zone and the system is not attached to a wall or roof facing a primary road—

- (A) the system does not protrude more than 1.5m from any building to which it is attached (as measured from the point of attachment), and
  - (B) the system is installed no less than 1m from any adjoining property boundary if the system protrudes more than 0.5m from any building to which it is attached (as measured from the point of attachment), and
- (v) the system does not protrude more than 3m from any building to which it is attached (as measured from the point of attachment) if the land is in a land use zone other than a prescribed residential zone.