

Orana Regional Environmental Plan No 1—Siding Spring (1990 EPI 583)

[1990-583]



New South Wales

Status Information

Currency of version

Repealed version for 1 January 2008 to 4 August 2016 (accessed 23 December 2024 at 5:57)

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.

Notes—

- **Repeal**

This plan was repealed by cl 3 (g) of the [State Environmental Planning Policy \(Integration and Repeals\) 2016 \(310\)](#) (LW 10.6.2016) with effect from 5.8.2016.

- **Deemed SEPP**

From 1 July 2009 this plan is taken to be a State environmental planning policy (see clause 120 of Schedule 6 to the [Environmental Planning and Assessment Act 1979](#)).

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 5 August 2016

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1 Name of plan

This plan may be cited as *Orana Regional Environmental Plan No 1—Siding Spring*.

2 Aims, objectives etc

This plan aims to encourage the use of land within the area to which this plan applies in a way which will preserve optimum conditions at the Observatory for astronomical observations.

3 Land to which plan applies

This plan applies to all land within the Shires of Coonabarabran, Coonamble and Gilgandra and the City of Dubbo, being part of the area declared on 14 April 1986 to be a region for the purposes of the *Environmental Planning and Assessment Act 1979*.

4 Relationship to other environmental planning instruments

- (1) To the extent to which the provisions of this plan are inconsistent with the provisions of the *Dubbo and Talbragar Planning Scheme Ordinance*, *Interim Development Order No 15—Coonabarabran*, *Interim Development Order No 1—Shire of Coonamble* or *Interim Development Order No 1—Shire of Gilgandra*, the provisions of this plan shall prevail.
- (2) Clause 9 of *State Environmental Planning Policy No 4—Development Without Consent* does not apply to land within 18 kilometres of the Observatory (except where the development will not be illuminated).
- (3) (Repealed)
- (4) *State Environmental Planning Policy No 21—Caravan Parks* does not apply to land within 18 kilometres of the Observatory.

5 Definitions

- (1) In this plan:

artificial sky glow means that part of the surface brightness of the night sky attributable at any time to light scattered from artificial light sources.

council, in relation to the carrying out of development, means the council of the area where the development is to be carried out.

natural sky glow means that part of the surface brightness of the night sky attributable to natural light sources, at the time of the solar cycle when the sky is at its darkest.

Observatory means the land owned by the Australian National University at Siding Spring and the buildings and equipment of the Australian National University and the Anglo-Australian Telescope Board at Siding Spring.

Observatory Director means the Director of Mt. Stromlo and Siding Spring Observatories of the Australian National University, or a person nominated by that Director to be that Director's representative for the purposes of this plan.

- (2) For the purposes of this plan, the level of artificial sky glow reaches critical level when the quantity of artificial light in the night sky measured through a telescope at the Observatory exceeds (where the telescope is inclined at 30 degrees from the horizon) 10 per cent of the natural sky glow or (where the telescope is inclined at 90 degrees from the horizon) 3 per cent of the natural sky glow.
- (3) Where, in pursuance of any provision of this plan, it is necessary to establish the level of artificial sky glow at the Observatory, that level may be established at and through any telescope at the Observatory, and where it is necessary to establish the distance from the observatory of any point or place, that distance shall be established from the dome of the Anglo-Australian Telescope.

6 Development generally—near Siding Spring

- (1) Development of land within 18 kilometres of the Observatory without the consent of the council is prohibited.
- (2) Subclause (1) does not apply to development which will not be supplied with electric power.

7 Consideration—generally

In determining a development application to carry out development on land to which this plan applies, the council shall take into consideration the amount and type of light likely to be emitted by and from the development and the probable effect of that emission on the level of artificial sky glow at the Observatory.

8 Consultation and concurrence in certain cases

- (1) Where, under this plan or under any other environmental planning instrument

applying to land to which this plan applies, an application is required to be made for consent to development on land within a distance from the Observatory specified in Column 1 of the Table to this clause (in this clause called **the relevant distance**) the council:

- (a) shall not consent to the application without taking into account any comments made by the Observatory Director within the prescribed time, if it considers that the rate at which light would be emitted by the development (or by any building or work used in connection with it) would be greater than the rate specified in Column 2 of the Table opposite the relevant distance, and
- (b) shall not consent to the application without the concurrence of the Director of Planning, if it considers that the rate at which light would be so emitted would exceed the rate specified in Column 3 of the Table opposite the relevant distance.

Table

Column 1	Column 2	Column 3
Distance (in kilometres) from Observatory	Emission rate (in lumens)—consultation	Emission rate (in lumens)—concurrence
3	0	1,000
8	1,000	2,000
12	2,000	4,000
18	4,000	12,000
30	12,000	1,000,000
100	1,000,000	5,000,000

- (2) For the purposes of subclause (1) (a):
 - (a) the Observatory Director shall be invited in writing by the council to make comments, within 21 days, on the application concerned, and
 - (b) that period of 21 days is the prescribed time to which reference is made in that subclause.
- (3) In deciding whether to grant concurrence under subclause (1) (b) the Director shall consider:
 - (a) any comment proffered by the Observatory Director,
 - (b) the effect the development would have, if carried out, on the level of artificial sky glow at the Observatory,
 - (c) the level of artificial sky glow at the Observatory on or about the date the

application is made and the relationship of that level to the critical level, and

- (d) whether the public interest (if any) in permitting the development to be carried out outweighs the public interest in the preservation of an environment at the Observatory suitable for astronomical observations.

(4) Nothing in subclause (1) requires the council:

- (a) to consult with the Observatory Director, or
- (b) to obtain the concurrence of the Director, before granting consent to an application to erect a dwelling or a farm building so long as the land to which the application relates is 3 kilometres or more from the Observatory and,
- (c) where the land to which the application relates is 12 kilometres or more from the Observatory, the council is satisfied that the building will not have external lights emitting more than 4000 lumens,
- (d) where the land to which the application relates is 8 kilometres or more, but less than 12 kilometres, from the Observatory, the council is satisfied that the building will have only one external light and that light will not emit more than 1000 lumens, or
- (e) where the land to which the application relates is 3 kilometres or more, but less than 8 kilometres, from the Observatory, the council is satisfied that the building will:
 - (i) have no external lighting, and
 - (ii) any other light will be adequately internalised.

(5) In subclause (4) **internalised** means confined within or under a building by structural elements, approved by the Observatory Director, which shield the sky from light.