

SOLAR ENERGY SYSTEMS, SOLAR HOT WATER AND SMALL WIND TURBINES

www.armidaleregional.nsw.gov.au

Exempt Development Checklist, and Guide to Installation on Heritage Items and in Heritage Conservation Areas

State Environmental Planning Policy (Infrastructure) 2007

Name	Company/Organisation (if applicable)
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>
Property Address	
<input style="width: 95%;" type="text"/>	
Installer's Name	
<input style="width: 95%;" type="text"/>	

1. Definitions

small wind turbine means a wind turbine that has a generating capacity of no more than 100kW.

small wind turbine system means a system comprising one or more small wind turbines each of which feed into the same grid or battery bank.

solar energy system means any of the following systems:

- (a) photovoltaic electricity generating system,
- (b) a solar hot water system,
- (c) a solar air heating system.

2. Part 2 Division 4 Clause 20 - General Requirements for Exempt Development

The proposal must satisfy ALL the criteria below to be Exempt Development.

20 (2) to be exempt development, the development:

- (a) must meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, or if there are no such relevant provisions, must be structurally adequate, and
- (b) must not, if it relates to an existing building:
 - (i) cause the building to contravene the *Building Code of Australia*, or
 - (ii) compromise the fire safety of the building or affect access to any fire exit, and
- (c) must be carried out in accordance with all relevant requirements of the Blue Book (the *Blue Book* means *Managing Urban Stormwater: Soils & Construction* (4th Edition, Landcom, 2004)), and
- (d) must not be designated development, and
- (e) if it is likely to affect a State or local heritage item or a heritage conservation area, must involve no more than minimal impact on the heritage significance of the item or area, and
- (f) must be installed in accordance with the manufacturer's specifications, if applicable, and
- (g) must not involve the removal or pruning of a tree or other vegetation that requires a permit or development consent for removal or pruning, unless that removal or pruning is undertaken in accordance with a permit or development consent.

3. Solar Energy Systems – Part 2 Division 4 Clause 36 & 39

Development for the purpose of solar energy systems is Exempt Development if:

- 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
- 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
- system does not involve mirrors or lenses to reflect or concentrate sunlight

4. Solar Energy Systems - Specific Requirements for systems that are NOT GROUND MOUNTED:

- the development does not reduce the structural integrity of, or involve structural alterations to, any building to which it is attached, and
- if the land is in a prescribed residential zone (Zone R1, R2, R5 or RU5) and 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
- if the land is in a prescribed residential zone (Zone R1, R2, R5 or RU5) and is not attached to a wall or roof facing a primary road:
 - the system does not protrude more than 1m from any building to which it is attached (as measured from the point of attachment), and
 - 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
- if the land contains a State or local heritage item or is in a heritage conservation area:
 - the system is not attached to any wall or roof of a building facing a primary road, and
 - the system does not protrude more than 0.5m from any building to which it is attached (as measured from the point of attachment), and
- the system does not protrude more than 1.5m from any building or structure 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, and
- in the case of development for the purposes of a photovoltaic electricity generating system—the system has the capacity to generate no more than 10kW.

5. Specific Requirements for systems that are GROUND MOUNTED:

- the system occupies an area of not more than 150m², and
- the system has a height of not more than 5m above ground level (existing), and
- the system is installed no less than 3m from any adjoining property boundary, and
- if the land contains a State or local heritage item or is in a heritage conservation area—the system is not visible from any road at the point where the road adjoins the property boundary concerned, and
- 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 10m from any dwelling that is not owned or occupied by the owner of the system.

6. Small Wind Turbine Systems – Division 4 Clause 39

Development for the purpose of a small wind turbine system is exempt development on land in a prescribed rural zone Zones RU1, RU3 or RU4) if:

- the system is ground-mounted, and
- each small wind turbine has a height of not more than 35m from ground level (existing), and
- each small wind turbine is installed no less than 200m from any dwelling that is not owned or occupied by the owner of the system, and
- the development will result in no more than 2 small wind turbines being situated on the lot concerned, and
- each small wind turbine is located clear of any works, including power lines, of any relevant network operator (within the meaning of the *Electricity Supply Act 1995*) and complies with any requirements of the network operator that relate to clearance from those works, and
- each small wind turbine does not penetrate any obstacle limitation surface shown on any relevant Obstacle Limitation Surface Plan that has been prepared by the operator of an aerodrome or airport operating within 2 kilometres of the proposed development and reported to the Civil Aviation Safety Authority, and
- the system is installed in accordance with the manufacturer's specifications or by a person who is endorsed for the design and installation of small wind systems under the Clean Energy Council's wind endorsement scheme, and
- if the land contains a State or local heritage item or is in a heritage conservation area—the system is not visible from any road at the point where the road adjoins the property boundary concerned.

7. Wind Monitoring Towers

Wind monitoring towers

The installation of a wind monitoring tower used in connection with investigating or determining the feasibility of a small wind turbine system that has a generating capacity of no more than 1 MW may be exempt development under certain circumstances.

8. Installation of Photovoltaic Systems and Solar Hot Water Systems on Heritage Items and in Armidale Heritage Conservation Areas

Where are Heritage Items and the Armidale Heritage Conservation Areas?

Heritage items are listed in the Armidale Dumaresq Local Environmental Plan 2008 – Schedule 2. Details are available on Council web site at <http://www.armidale.nsw.gov.au/planning/8415.html> or from Council via the contact details below.

Armidale Heritage Conservation Areas (HCA) apply to land shown as a green dotted area on the map accompanying this page and includes land in central Armidale, the Armidale Showground, The Armidale School (TAS) and O'Connor Catholic College.

What planning controls apply to photovoltaic systems and solar hot water systems on Heritage Items and in the Heritage Conservation Areas?

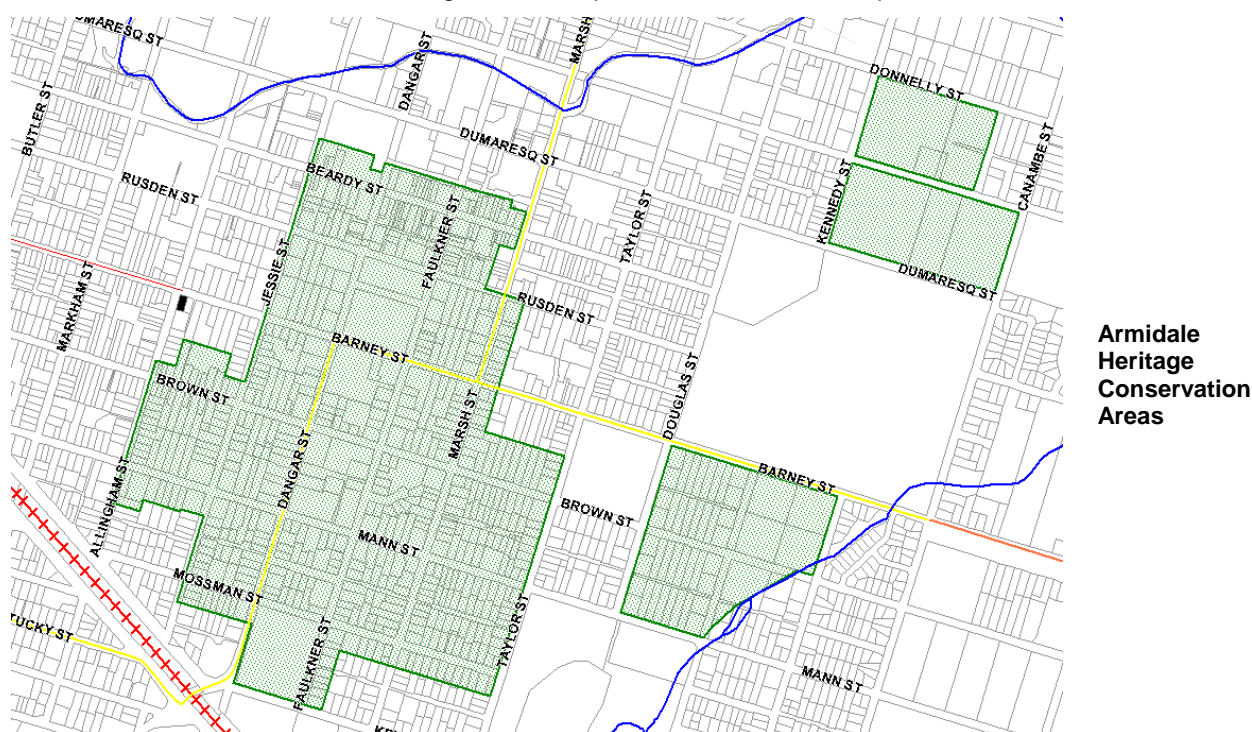
Solar energy systems, including photovoltaic systems or solar hot water systems, may be installed as exempt development (ie. with the need for Council approval) under the provisions of *State Environmental Planning Policy (Infrastructure) 2007* in certain circumstances (see separate checklist for exempt development).

In addition to the general requirements for exempt development, outlined in Council's checklist, a solar energy system installed on land that contains a heritage item or is in a heritage conservation area that is:

- a) ground mounted:
 - must not be visible from any road at the point where the road adjoins the property boundary concerned
- b) not ground mounted
 - must not be attached to any wall or roof of a building facing a primary road; and
 - must not protrude more than 0.5m from any building it attached (as measured from the point of attachment).

Where a proposed solar energy installation does not satisfy all the relevant exempt development criteria, a development application will normally need to be submitted to Council for approval prior to the commencement of any work.

However, Council may allow the installation of these systems without the need for development consent if the land owner or installer has notified Council of the proposal before commencing any work, and Council has advised the land owner or installer in writing that development consent is not required.



Who should I contact to discuss the installation of a photovoltaic system or solar hot water system on a building in the Heritage Conservation Area?

Enquiries should be directed to Council's Planners by phoning 6770 3600 or by email to council@armidale.nsw.gov.au