

## ACT PLANNING AND LAND AUTHORITY

### Land (Planning and Environment) (Exemption for Photovoltaic Panels, Solar Hot Water Units and Air Conditioning Units) Guideline 2003 (No 1) \*

Notifiable instrument NI2003-390

#### INTRODUCTION

I, Neil Savery, the person for the time being performing the duties of the Chief Planning Executive established under section 19 of the *Planning and Land Act 2002*, adopt the following guideline for the purposes of regulation 40(2) of the *Land (Planning and Environment) Regulations 1992*.

This guideline applies to the installation, alteration or removal of photovoltaic panels, solar hot water units and air conditioning units, providing criteria for the exemption of those activities from requiring development approval under Part 6 of the *Land (Planning and Environment) Act 1991* (the "Land Act").

The exemptions under this guideline do not apply where the development is:

1. part of, or carried out in association with, other development to which Part 6 of the Land Act applies; or
2. inconsistent with the requirements for the heritage conservation of a property as included in the heritage places register or interim register; or
3. inconsistent with a condition of an approval, a lease provision or an agreement collateral to the grant of a lease.

#### DEFINITIONS

For the purposes of this guideline, the following definitions apply:

**"photovoltaic panel"** means an array of solar cells that convert solar energy into electricity.

**"solar hot water unit"** means an appliance that heats water by the use of solar energy. A solar hot water unit consists of a solar panel designed to be externally mounted onto a building, and may include a hot water storage tank that may be fixed to, or located with, the panel.

**"air conditioning unit"** means an appliance that regulates the temperature of air within a building.

\*Name amended under Legislation Act 2001 s 60

## **EXEMPTION CRITERIA**

Development of the type described in this guideline is exempt from requiring development approval, if it is consistent with following requirements:

### **Photovoltaic Panels and Solar Hot Water Units**

1. Installation or alteration of photovoltaic panels and solar hot water units on the roof of a building provided:
  - (a) any building work and the installation itself does not reduce the structural integrity of the building or involve any structural alterations; and
  - (b) where the unit is on a portion of the roof that directly faces a street, any building or service supply work associated with the installation and its support structure is compatible with the built form and character of the roof; and
  - (c) any exposed service connections are installed to minimise exposed lengths of pipes and conduits; and
  - (d) no part of the installation contains visible signage, inconsistent with the Signs Policy at Appendix IV of the Territory Plan.
2. Removal of any photovoltaic panels and solar hot water units, provided the surface to which they were attached is properly restored.

### **Air conditioning units**

1. Installation or alteration of an air conditioning unit on the roof of a building provided:
  - (a) no part of the unit is more than 1.5 metres above the surface of the roof; and
  - (b) the unit and its supporting structure are colour-matched to the roof and have a matt finish; and
  - (c) the unit is not on a portion of the roof that directly faces the street; and
  - (d) the unit and its supporting structure are not less than 4 metres from the boundary of any block of leased Territory land adjacent to the land on which the unit is situated.

2. Installation or alteration of non-roof mounted air conditioning provided:
  - (a) the unit is not visible from the public street adjacent to the front boundary of the land on which the unit is located; and
  - (b) no part of the unit is:
    - (i) between the front boundary and a building line; or
    - (ii) less than 1.5 metres from a side boundary; or
    - (iii) less than 3 metres from a rear boundary.
3. Removal of any air conditioning unit, provided the surface to which it was attached is properly restored.

Neil Savery  
Planning and Land Authority

25 September 2003