

LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY

LAND PLANNING AND ENVIRONMENT
AMENDMENT REGULATION 2006 (No 4)

Subordinate Law SL2006-33

EXPLANATORY STATEMENT

Circulated by authority of Simon Corbell MLA
Minister for Planning

Background and Outline

Section 40 of the *Land (Planning and Environment) Regulation 1992* provides for exemptions, under certain circumstances, from Part 6 of the *Land (Planning and Environment) Act 1992* (the Act). Part 6 of the Act requires that developments obtain approval prior to undertaking development. The installation of or alterations to satellite dishes constitute development.

Section 40 of the regulation provides that items listed in Schedule 1 of the regulation are exempt unless:

- (a) the development is part of, or is carried out in association with, a development to which the Act, Part 6 applies; or
- (b) the development—
 - (i) affects a place that is registered, or nominated for provisional registration, under the *Heritage Act 2004*; and
 - (ii) would be inconsistent with a heritage guideline applying to the place; or
- (c) the development would be inconsistent with a condition of an approval, a provision of a lease or an agreement collateral to the grant of a lease.

Item 34 in Schedule 1 provides for exemptions to certain satellite dishes. This regulation amends the circumstances under which exemptions to such satellite dishes apply.

Provisions of the Determination

Name of regulation

The regulation is called the Land (Planning and Environment) Amendment Regulation 2006 (No 4).

Commencement

The regulation commences on the day after notification.

Legislation amended

The regulation amends the *Land (Planning and Environment) Regulation 1992*

Schedule 1, item 34, column 2.

The regulation amends item 34 in Schedule 1 of the regulation. The effect of the amendment is to change the circumstances in which exemptions from Part 6 of the Act apply to the installation or alteration of a satellite dish that is for receiving purposes. The new item 34 will provide that exemptions apply for the installation or alteration of a satellite dish that is for receiving purposes if the building where the dish is to be installed or altered is a single dwelling in a residential area and

- where the face of the dish is not greater than 0.65m in diameter, and
- if the satellite dish is installed on a pitched roof, the satellite dish must not protrude above the roof ridge, and
- the dish and the supporting structure has a matt finish.

The amendments remove requirements from schedule which require that in order to be exempt from Part 6 of the Act:

- the dish and its supporting structure would not be visible from the public street adjacent to the front boundary of the block of land where the building is situated; and
- the dish and its supporting structure would—
 - a) not be visible from a block of leased territory land adjacent to the block where the building is situated; or
 - b) be not less than 4m from the boundary of any block of leased territory land adjacent to the block where the building is situated.