

Camden - Local Environmental Plans - 2010 (Amendment No.25) - Wood Fire Heaters

Proposal Title : **Camden - Local Environmental Plans - 2010 (Amendment No.25) - Wood Fire Heaters**

Proposal Summary : **Implement an amendment to Camden Local Environmental Plan 2010 (CLEP 2010) which seeks to make domestic solid fuel burning appliances (wood fired heaters) exempt development**

PP Number : **PP_2013_CAMDE_013_00** Dop File No : **13/010291**

Proposal Details

Date Planning Proposal Received : **28-Jun-2013** LGA covered : **Camden**

Region : **Sydney Region West** RPA : **Camden Council**

State Electorate : **CAMDEN** Section of the Act : **55 - Planning Proposal**

LEP Type : **Policy**

Location Details

Street : **LGA wide**

Suburb : **Camden** City : **Sydney** Postcode : **2155**

Land Parcel :

DoP Planning Officer Contact Details

Contact Name : **David Radich**

Contact Number : **0298601568**

Contact Email : **david.radich@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Michael Warrell**

Contact Number : **0246547993**

Contact Email : **Michael.warrell@planning.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name : **Terry Doran**

Contact Number : **0298601149**

Contact Email : **terry.doran@planning.nsw.gov.au**

Land Release Data

Growth Centre : **N/A** Release Area Name :

Regional / Sub Regional Strategy : **Metro South West subregion** Consistent with Strategy : **Yes**

Camden - Local Environmental Plans - 2010 (Amendment No.25) - Wood Fire Heaters

MDP Number :		Date of Release :	
Area of Release (Ha) :	0.00	Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment : To the best of the knowledge of the regional team, the Department's Code of Practice in relation to communications and meetings with lobbyists has been complied with. Sydney Region West has not met any lobbyist in relation to this proposal, nor has advice been given concerning any meetings between other departmental officers and lobbyists.

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment : There have been no known meetings or communications with registered lobbyists

Supporting notes

Internal Supporting Notes : **Receipt Date:**
The Planning Proposal was received on 17 June 2013. Council was requested to provide further information and this was finalised on 28 June 2013.

Objective:
The objective of this Planning Proposal is to implement an amendment to Camden Local Environmental Plan 2010 (CLEP 2010) to make domestic solid fuel burning appliances (wood fired heaters) exempt development where these appliances meet a 1 gram per kilogram emission rate or less and an efficiency rating of 65% or greater.

External Supporting Notes : The objective of this Planning Proposal is to implement an amendment to Camden Local Environmental Plan 2010 (CLEP 2010) to make domestic solid fuel burning appliances (wood fired heaters) exempt development where these appliances meet a 1 gram per kilogram emission rate or less and an efficiency rating of 65% or greater..

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : The objective of this Planning Proposal is to implement an amendment to Camden Local Environmental Plan 2010 (CLEP 2010) which seeks to make domestic solid fuel burning appliances (wood fired heaters) exempt development where these appliances meet a 1 gram per kilogram emission rate or less and an efficiency rating of 65% or greater.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : Inserting "domestic solid fuel burning appliances" into Schedule 2 of Camden LEP 2010(Exempt Development) with the following criteria:

- Heaters must comply with a 1 gram per kilogram emission rate or less and an efficiency rating of 65% or greater; and
- Heaters must not be located on a property which is heritage listed or located

within a Heritage Conservation Area.

- Heaters must be located on single detached dwellings only.
- The height of the flue must be at least 1m above any structure within a 15m radius
- Heaters must be otherwise installed in accordance with the Building Code of Australia and relevant Australian Standards.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? No

b) S.117 directions identified by RPA :

2.1 Environment Protection Zones

2.3 Heritage Conservation

* May need the Director General's agreement

6.1 Approval and Referral Requirements

7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? No

c) Consistent with Standard Instrument (LEPs) Order 2006 : Yes

d) Which SEPPs have the RPA identified?

N/A

e) List any other matters that need to be considered :

The planning proposal is not inconsistent with any 117 directions or SEPPs.

Wood combustion heaters are not addressed in State Environmental Planning Policy (Exempt & Complying Development Codes) 2008.

Have inconsistencies with items a), b) and d) being adequately justified? N/A

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? No

Comment :

The proposal does not require any maps to be amended.

Community consultation - s55(2)(e)

Has community consultation been proposed? Yes

Comment :

Council has not provided an exhibition period, however, it is advised that written notice and display materials will be in accordance with the document 'A guide to preparing local environmental plans'.

Due to the minor nature of this planning proposal a 14 day period is recommended.

Additional Director General's requirements

Are there any additional Director General's requirements? N/A

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? Yes

If No, comment :

The proposal is generally in accordance with the Department's guidelines for plan making. However, the project timeline does not include dates and the relevant form for delegation of the Minister's plan making functions has not been provided by Council.

Further, the criterion specified in the proposal: 'The height of the flue must be 1m above any structure within a 15m radius' is not clear (refer to page 4 of the proposal). This

Camden - Local Environmental Plans - 2010 (Amendment No.25) - Wood Fire Heaters

matter was discussed with council officers and it was agreed that council can clarify this criterion to clearly indicate how the requirement would operate.

These matters can be addressed in the Gateway's advice.

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

The Principal LEP was notified in February 2010

Assessment Criteria

Need for planning
proposal :

The planning proposal is considered to be the only means of facilitating the intended outcomes.

Consistency with
strategic planning
framework :

The proposal is not inconsistent.

Environmental social
economic impacts :

The proposal will result in positive environment and social outcomes by promoting the types of wood fire heaters that have low emissions and high efficiency.

Assessment Process

Proposal type :

Minor

Community Consultation
Period :

14 Days

Timeframe to make
LEP :

6 Month

Delegation :

RPA

Public Authority
Consultation - s56(2)
(d) :

Office of Environment and Heritage

Is Public Hearing by the PAC required?

No

(2)(a) Should the matter proceed ?

Yes

If no, provide reasons : The implementation of the LEP amendment will assist Council in promoting the types of wood fire heaters with low emissions and will provide an incentive to Camden residents to install wood fire heaters of the higher environmental standard by not requiring a development application.

Resubmission - s56(2)(b) : No

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

No studies are required for this amendment.

Identify any internal consultations, if required :

No internal consultation required

Camden - Local Environmental Plans - 2010 (Amendment No.25) - Wood Fire Heaters

Is the provision and funding of state infrastructure relevant to this plan? No

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Camden Council_17-06-2013_CAMDEN LOCAL ENVIRONMENTAL PLAN 2010 - WOOD FIRE HEATERS_.pdf	Proposal	Yes
Delegations Check List.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **2.1 Environment Protection Zones**
 2.3 Heritage Conservation
 6.1 Approval and Referral Requirements
 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : **Advice to Council:**

It is recommended that should a favourable Gateway determination be Issued:

(a) Council be requested to amend the planning proposal by including dates within the project timeline of the proposal and provide this information to the regional team, and

(b) amend the proposal to better illustrate how the criterion (see page 4 of the proposal) '...any structure within a 15m radius' will be interpreted and applied by Council.

Delegation:

Council has resolved to accept and exercise the Minister's plan making powers, however, the relevant form has not been submitted by council. It is recommended that delegation be issued to council and it be requested to complete and submit the form.

It is recommended that the Proposal proceeds subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the EP&A Act 1979 for a period of 14 days;

2) Council consults with the Office of Environment and Heritage (EPA).

2) The time-frame for completing the local environmental plan is to be 6 months from the week following the date of the Gateway determination

Supporting Reasons : There are no inconsistencies with SEPPs or section 117 directions.

The implementation of the LEP amendments will assist Council to promote the types of wood fire heaters with low emissions and will provide an incentive to Camden residents to install wood fire heaters of a higher environmental standard by not requiring a development application.

Local matter and Council has requested the plan making delegation (see Council's letter)

Signature:



Printed Name:

T DORAN

Date:

28/6/13