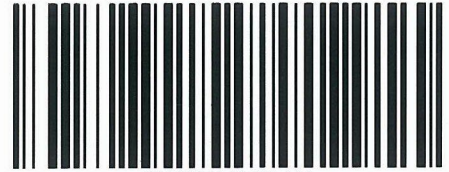


Camden Council

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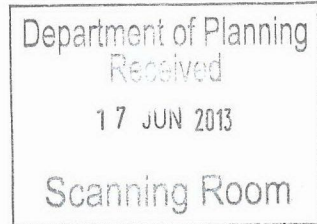


PCU045317

Binder: Amendment 25

13 June 2013

Peter Goth
Department of Planning and Infrastructure
Locked Bag 5020
PARRAMATTA NSW 2124



Dear Peter,

**RE: CAMDEN LOCAL ENVIRONMENTAL PLAN 2010 (AMENDMENT 25) – WOOD
FIRE HEATERS**

In accordance with Clause 56 of the Environmental Planning and Assessment Act 1979, Council is forwarding a planning proposal for Camden Local Environmental Plan 2010 (Draft Amendment No.25) seeking Gateway Determination.

The purpose of the draft Plan is to make wood fire heaters exempt development where they comply with Council's requirements. Namely, Council has resolved to promote a 1 gram per kilogram emission and 65% efficiency rating (Note: The current Australian Standard is 4g/1Kg Emission).

In this regard, please find enclosed the following documents accompanying this letter:

- Planning Proposal and associated attachments;
- Report and resolution of Council meeting dated 11 June 2013; and
- Compact Disc containing the above material.

It should be noted that Council wishes to use its delegation pursuant to Section 23 of the Environmental Planning & Assessment Act 1979.

Should you or your officers require any further information, please do not hesitate to contact Michael Warrell, Strategic Planner, on 4654 7993 or via email at michael.warrell@camden.nsw.gov.au.

Yours sincerely,

Chris Lalor

Team Leader – Land Use and Planning

ORDINARY COUNCIL

ORD02

SUBJECT: DOMESTIC SOLID FUEL BURNING APPLIANCES (WOOD FIRED HEATERS)

FROM: Director Governance

BINDER: Amendment No.25 - Wood Fired Heaters

PURPOSE OF REPORT

The purpose of this report is to outline proposed policy changes which are needed to streamline the process for installing new domestic solid fuel burning appliances (wood fire heaters) and to reiterate and promote Council's resolved position to attempt to improve air quality by restricting the type of wood heaters to those that have lower emissions and higher efficiency (i.e. heaters with a 1 gram per kilogram emission rate or less and an efficiency rating of 65% or greater).

BACKGROUND

On 24 July 2012, Council resolved to adopt a position to attempt to improve air quality by restricting the type of wood heaters to those that have lower emissions and higher efficiency (i.e. heaters with a 1 gram per kilogram emission and 65% efficiency rating). At this meeting, Council also resolved to develop a Local Approvals Policy (LAP) and Education Strategy and to notify and provide an update to relevant stakeholders of Council's decision to promote the above standards.

Since that time, Council has written to key stakeholders and has also been successful in receiving funding through the NSW Government's Wood Smoke Reduction Program which is administered by the Environmental Protection Authority (as reported to Council on 9 April 2013). The funding has assisted Council to address air pollution caused by wood heaters through a community education program that will focus on the health impacts of wood smoke pollution and how to best operate wood heaters.

Council has obtained further advice about the best course of action of implementing restrictions on the type of wood heaters to those that have lower emissions and higher efficiency. The advice suggests there are a number of limitations for LAPs and the best course of action is to prepare a Planning Proposal (provided as **Attachment 1 to this report**) to make wood heaters exempt development subject to compliance with Council's energy and efficiency rating. It is also proposed to amend Camden Development Control Plan 2011 (DCP) (outlined in **Attachment 2 to this report**) to provide controls in instances where a Development Application is needed.

MAIN REPORT

Impacts on Air Quality

It has been well documented over a number of decades that due to the geography and meteorology of the Sydney Basin, south-west Sydney experiences higher levels of air pollution in comparison to the remainder of the Sydney Basin.

In addition, the influence of temperature inversions and calm wind conditions, especially in winter, exacerbates air pollution by trapping pollutants close to the ground surface and inhibiting dispersal.

The impact of wood heaters on air quality has been well studied. The main pollutant of concern emitted from wood heaters is particulate matter less than 2.5 microns in size (PM_{2.5}) which penetrate the deepest recesses of the lungs. These particles are small enough to cross into the blood stream. Other pollutants of concern include polycyclic aromatic hydrocarbons (PAH) and volatile organic compounds (VOC).

The reduction of pollution emissions from wood heaters, especially particulate matter (PM) has been identified as a key priority by State and Federal Governments. Current air quality monitoring data shows that PM still poses a problem in the Sydney Basin. A spike in air pollutants emitted by wood fire heaters occurs every winter heating season.

Whilst only 4.3% of households within Sydney use wood fire as a primary source of heating, wood heaters are responsible for a total of 71.7% of PM_{2.5} emissions on a typical winter weekend. In comparison, the next highest contributors to PM_{2.5} emissions are by Industrial off-road vehicles and equipment (3.4%) and on-road diesel passenger vehicles (2.8%).

Health Impacts

The latest scientific evidence has established that there is no safe exposure level to PM_{2.5} and it is now considered as the most hazardous known air pollutant to human health.

A review of scientific studies by the Centre for Inland Health 2011 indicates that health effects due to exposure to emissions of PM_{2.5} and Air Toxics have been established to include the following:

- Increased mortality particularly from respiratory and cardiovascular diseases;
- Inflammation of lungs and increased respiratory illness such as bronchitis and asthma;
- Adverse effects on cardiovascular system; and
- Increased medication use and hospitalisation.

In addition, there is an emerging body of evidence linking exposure to emissions associated with wood heaters to the following:

- Increased risk of stroke;
 - Increased risk of lung cancer due to DNA damage caused by PAH;
 - Increased cognitive decline due to particulate pollution entering the brain;
 - Genetic and epigenetic damage in babies and young children; and
 - Increased risks of attention/hyperactivity problems and anxiety.
- The results of a report prepared by AECOM for the NSW Government concluded that the estimated NSW health cost will be in the order of \$8 billion due to emissions from wood fire heaters.

Other Jurisdictions

Given the pollutant load emitted through the use of wood heaters and the serious health impacts caused by exposure to those pollutants, a number of jurisdictions

across Australian and internationally have taken action to improve air quality through tighter control on wood heater use. Examples include:

- Holroyd Council – no new installations permitted;
- Waverly Council – no new installations permitted;
- Ashfield Council – no new installations permitted;
- Pittwater Council – replacement of existing heaters only with no new roof penetrations;
- Armidale Council - 2.5g/kg Emission and 57% Efficiency;
- Australian Capital Territory – Prohibition of wood heater installations in new suburbs of the Molonglo Valley and Draft Legislation with 1g/kg Emission and 65% Efficiency;
- New Zealand – Bans on new installations in Christchurch and Otago Regions combined with Regional Policies (Similar to EPA) with 1g/kg Emission and 65% Efficiency;
- Canada – Hampstead, Quebec, banned all new installations and ordered removal of existing systems within 7 years; and
- Australian Home Heating Association - 2.5g/kg Emission and 55% Efficiency.

It should be noted that given the local climatic conditions affecting the Camden LGA that Council has adopted a policy of a maximum 1g/1Kg Emission and a minimum 65% Efficiency.

Proposed Approvals Process

The proposed changes seek to provide a more streamlined approval process for the installation of wood fired heaters than the current requirement of lodging a Development Application. It also provides an incentive to those residents who choose a heater of a higher environmental standard by not requiring a development application. In order to facilitate this process, the following changes to Camden's existing planning controls are proposed:

- To make wood fired heaters exempt development (i.e. no development application required) subject to conditions outlined below.
- For instances where a development application is required, controls are proposed to be added to Part D (Controls Applying to Specific Land Uses / Activities); these are also outline below.

Exempt Development

Wood heaters are proposed to be exempt development if they comply with the following criteria:

- to be installed in a single detached dwelling only;
- must comply with Council's 1 gram per kilogram emission and 65% efficiency rating (Note: The current Australian Standard is 4g/1Kg Emission);
- the flue height is at least 1m above any structure within a 15m radius; and
- should otherwise be installed in accordance with the Building Code of Australia (BCA) and Australian Standard 2918:2001 – Domestic Solid Fuel Burning Appliances - Installation.

Exempt developments will not apply to properties that are heritage listed or within a heritage conservation area. For new wood heaters in these properties, a development application will be required.

Proposed DCP controls

If the criteria for exempt development is not met, a development application must be lodged with Council. In this regard, these applications will be assessed on a merit basis and will need to comply with the following provisions:

- compliance with the BCA, Australian Standards AS4012:1999 – Domestic solid fuel burning appliances – Method for determination of power output and efficiency and AS4013:1999 – Domestic solid fuel burning appliances – Method for determination of flue gas emission and EPA guidelines; and
- maximum emissions of 4 grams per kilogram of fuel burnt.

Wood heaters that comply with both the exempt criteria and the proposed DCP provisions are stocked by local suppliers.

Industry Consultation

On 11 April 2012 Council Officers met with representative of the Australian Home Heating Association (AHHA). At this meeting the AHHA presented a voluntary proposal that would have required their members to ensure that all the heaters they manufactured and sold met the performance criteria of 2.5g/kg for emissions and 55% for efficiency.

On 24 August 2012, letters were sent to installers and suppliers of wood heaters in the local area to inform them of Council's decision to improve air quality by limiting wood heaters to those with a maximum emissions rate of 1 gram per kilogram and a minimum efficiency rating of 65%.

It should be noted that as part of Council's public exhibition process, local industry will be provided with another chance to comment on the proposed changes.

LEP Delegation

Council intends to use its delegation pursuant to Section 2B of the Environmental Planning and Assessment Act 1979 for this Planning Proposal. The General Manager is Council's nominated officer.

Public Exhibition

It is proposed that the Planning Proposal, and draft DCP amendments be publicly exhibited for a period of 28 days following receipt of a favourable Gateway Determination from the Department of Planning and Infrastructure. During the public exhibition period, relevant public agencies and industry representatives will also be contacted and given the opportunity to comment.

The matter will be advertised in the local newspaper, with the public exhibition materials available at the following locations:

- Narellan Customer Service Centre and Narellan Library, Queen Street, Narellan (Hard Copy).

- Camden Customer Service Centre and Camden Library, John Street, Camden (Hard Copy).
- Council's website for the length of the exhibition period (Electronic Copy).

Following the exhibition period, a further report will be presented to Council.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

CONCLUSION

Due to air movement patterns across the Sydney Basin, Camden experiences high levels of air pollutant concentrations. Particulate matter (PM) emitted from wood fire heater use is of particular concern because of its impact on health. Many councils and other bodies are now moving to prohibit further installations of these heaters or restrict the types of heaters to those that have low levels of emissions.

The implementation of the draft LEP and draft DCP amendments will assist Council to promote the types of wood fire heaters to those that have low emissions and higher efficiency.

The Planning Proposal (LEP) will provide an incentive to Camden residents to install wood fire heaters of the higher environmental standard by not requiring a development application.

RECOMMENDED

That Council:

- support the draft Planning Proposal and draft DCP Amendments provided in Attachments 1 and 2 of this report;**
- submit the Planning Proposal to the Department of Planning and Infrastructure for Gateway Determination and advise that Council will be using its delegation pursuant to Section 23 of the EP&A Act 1979;**
- publically exhibit the Planning Proposal and draft DCP Amendments following a positive gateway determination for a 28 day period; and**
- consider a further report which takes into account the submissions received during the public exhibition period.**

ATTACHMENTS

1. Draft Planning Proposal
2. DCP changes

ORD02 Domestic Solid Fuel Burning Appliances (Wood Fired Heaters)

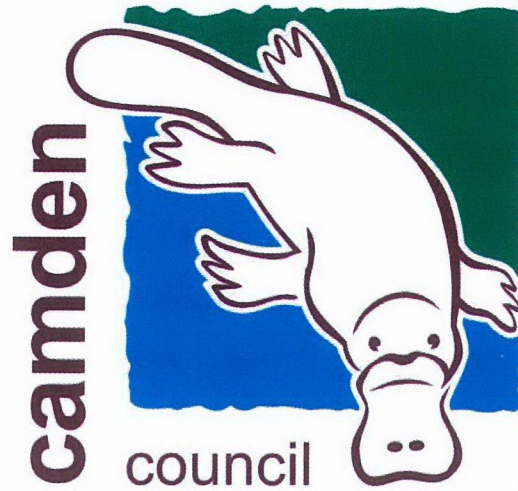
Resolution: Moved Councillor Dewbery, Seconded Councillor Sidgreaves that Council:

- i. support the draft Planning Proposal and draft DCP Amendments provided in

-
- ii. Attachments 1 and 2 of this report;
submit the Planning Proposal to the Department of Planning and Infrastructure for Gateway Determination and advise that Council will be using its delegation pursuant to Section 23 of the EP&A Act 1979;
 - iii. publically exhibit the Planning Proposal and draft DCP Amendments following a positive gateway determination for a 28 day period; and
 - iv. consider a further report which takes into account the submissions received during the public exhibition period.

ORD135/13 THE MOTION ON BEING PUT WAS **CARRIED**

(Councillors Sidgreaves, Copeland, Warren, Symkowiak, Fischer, Dewbery, Campbell, Bligh and Fedeli voted in favour of the Motion. No Councillors against for the Motion.)



CAMDEN COUNCIL PLANNING PROPOSAL

**Camden Local Environmental Plan 2010 (Amendment No.25) –
Wood Fired Heaters**

Version 1

June 2013

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Back round

It has been well documented over a number of decades that due to the geography and meteorology of the Sydney Basin, South-West Sydney experiences higher levels of air pollution in comparison to the remainder of the Sydney Basin.

The influence of temperature inversions and calm wind conditions, especially in winter, exacerbates air pollution by trapping pollutants close to the ground surface and inhibiting dispersal.

The impact of wood heaters on air quality has been well studied. The main pollutant of concern emitted from wood heaters is particulate matter less than 2.5 microns in size (PM_{2.5}) which penetrate the deepest recesses of the lungs and are small enough to cross into the blood stream.

The reduction of pollution emissions from wood heaters, especially particulate matter (PM) has been identified as a key priority by State and Federal Governments. Current air quality monitoring data shows that PM still poses a problem in the Sydney Basin. A spike in air pollutants emitted by wood fire heaters occurs every winter heating season.

Given the pollutant load emitted through the use of wood heaters and the serious health impacts caused by exposure to those pollutants, a number of jurisdictions across Australian and internationally have taken action to improve air quality through tighter control on wood heater use.

This Planning Proposal seeks to provide a streamlined process as an incentive for Camden residents who wish to install a wood fired heater by relinquishing the need for a Development Application and making wood heaters exempt development on the condition of compliance with a 1 gram per kilogram emission rate or less and an efficiency rating of 65% or greater and other requirements.

Part 1 – Objectives or Intended Outcomes

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 and to limit heaters to 1 gram per kilogram emission rate or less and an efficiency rating of 65% or greater.

Part 2 – Explanation of provisions

The proposed outcome will be achieved by inserting “domestic solid fuel burning appliances” into Schedule 2 (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 locate on a property which is heritage listed or located in 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.

Part 3 – Justification

Section A – Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is not a result of any strategic study or report, the need for an amendment to the LEP to make wood fired heaters exempt development was identified by Council staff.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

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

Section B – Relationship to Strategic Planning framework

3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited strategies)?

It is considered that the planning proposal is consistent with the Metropolitan Plan and the Draft Subregional Strategy.

4. Is the planning proposal consistent with the local Council's Community Strategic Plan, or other local strategic plan?

It is considered that the planning proposal is consistent with Council's Community Strategic Plan, Camden 2040.

5. Is the planning proposal consistent with the applicable state environmental planning policies?

It is considered that the planning proposal is consistent with all applicable state environmental planning policies.

6. Is the planning proposal consistent with the applicable Ministerial Directions (s.117 directions)?

It is considered that the planning proposal is consistent with the applicable Ministerial Directions. Please refer to Attachment A.

Section C – Environmental, Social and economic impact

7. Is there any likelihood of any adverse affect on any critical habitat or threatened species, populations or ecological communities, or their habitats, as a result of this planning proposal?

It is unlikely that the planning proposal will have an adverse affect on any critical habitat or threatened species, populations or ecological communities, or their habitats, as a result of this planning proposal.

8. Are there any other likely environmental effects as a result of the planning proposal and how they are proposed to be managed?

Given Council's emission rate and efficiency rating, it is likely that the implementation of this plan will help improve air quality.

How has the planning proposal adequately addressed any social and economic affects?

Not applicable

Section D – State and Commonwealth interests

9. Is there adequate public infrastructure for the planning proposal?

Not applicable

10. What are the views of state and Commonwealth public authorities consulted in accordance with the gateway determination?

Any necessary consultation with public authority will be undertaken following a positive gateway determination.

Part 4 – Mapping

No mapping required.

Part 5 – Community Consultation

The Gateway Determination will stipulate the required community consultation. The written notice and display materials will be in accordance with the document 'A guide to preparing local environmental plans'.

A report on the public authority and community consultation outcomes will be presented to Council for its consideration following the public exhibition period.

Part 6 – Project timeline

It is expected that this Planning Proposal will be finalised by December 2013.

Stage	Anticipated date/ target timeframe
Anticipated commencement date (date of Gateway Determination)	TBA
Anticipated timeframe for the completion of required technical information.	TBA
Timeframe for government agency consultation (pre and post exhibition as required by Gateway Determination).	TBA
Commencement and completion dates for public exhibition period.	TBA
Dates for public hearing (if required).	TBA
Timeframe for consideration of submissions.	TBA
Timeframe for the consideration of a proposal post exhibition.	TBA
Date of submission to the department to finalise the LEP.	TBA
Anticipated date RPA will make the plan (if delegated).	TBA
Anticipated date RPA will forward to the department for notification.	TBA

Attachment A– Ministerial Directions

Section 117 Direction	Objective	What a relevant Planning Authority must do if this direction applies	Consistent
Environment and Heritage			
2.1 Environment Protection Zones	The objective of this direction is to protect and conserve environmentally sensitive areas.	A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas. A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 "Rural Lands".	Yes.
2.3 Heritage Conservation	The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	A planning proposal must contain provisions that facilitate the conservation of: (a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area, (b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and (c) Aboriginal areas,	Yes, wood fired heaters will not be exempt if located on a property which is heritage listed or located in a Heritage Conservation Area. In this case, a Development Application would need to be lodged.

Section 117 Direction	Objective	What a relevant Planning Authority must do if this direction applies	Consistent
		Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.	
Local Plan Making			
6.1 Approval and Referral Requirements	The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	A planning proposal must: (a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and (b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of: (i) the appropriate Minister or public authority, and (ii) the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), prior to undertaking community consultation in satisfaction of section 57 of the Act, and (c) not identify development as designated development unless the relevant planning authority: (i) can satisfy the	Yes.

Section 117 Direction	Objective	What a relevant Planning Authority must do if this direction applies	Consistent
		Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and (ii) has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act.	
Metropolitan Planning			
7.1 Implementation of the Metropolitan Plan for Sydney 2036	The objective of this direction is to give legal effect to the vision, transport and land use strategy, policies, outcomes and actions contained in the Metropolitan Plan for Sydney 2036.	Planning proposals shall be consistent with the NSW Government's Metropolitan Plan for Sydney 2036 published in December 2010 ("the Metropolitan Plan").	Yes.