

PENRITH CITY COUNCIL

FAST LIGHT ASSESSMENT REPORT

Application number:	DA18/0657
Proposed development:	Wood Fireplace
Property address:	106 - 118 Mayfair Road, MULGOA NSW 2745
Property description:	Lot 1 DP 260373
Date received:	5 July 2018
Assessing officer	Sarah Sampson
Zoning:	E2 Environmental Conservation - LEP 2010
Class of building:	Class 10b
Recommendation:	Approve

Executive Summary

Council is in receipt of a development application for the subject development on the subject site and the proposal is a permissible land use with Council consent.

Site & Surrounds

The subject site is situated on the southern side of Mayfair Road Mulgoa. It is 10.11Ha in area, is orientated in a northern direction and is relatively flat.

An inspection of the site was undertaken on 20/07/2018 and the site is currently undergoing construction of a single storey dwelling.

The surrounding area is characterised by rural residential development.

Proposal

The proposed development involves:

- Installation of a solid fuel heater

Plans that apply

Penrith Local Environmental Plan 2010 (Amendment 4)
Penrith Development Control Plan 2014
Sydney Regional Environmental Plan No. 20 - Hawkesbury Nepean River
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

Planning Assessment

- **Section 79C - Evaluation**

The development has been assessed in accordance with the matters for consideration under Section 79C of the Environmental Planning and Assessment Act 1979 and Section 68 of the Local Government Act 1993.

Section 79C(1)(a)(i) The provisions of any environmental planning instrument

Is the development permissible in the zone?	Complies
---	-----------------

Is the development consistent with any requirements of environmental planning instruments relevant to this proposal (including any applicable SEPP's, SREP's and LEP's)?	Complies
--	-----------------

Section 79C(1)(a)(ii) The provisions of any draft environmental planning instrument

Is the development consistent with any draft planning instruments relevant to this proposal	N/A
---	------------

Section 79C (1)(a)(iii) Any development control plan

Is the development consistent with the provisions of any development control plan relevant to this proposal?	Complies
--	-----------------

Section 79C (1)(a)(iv) Any applicable regulations

Is the development consistent the provisions of any regulations relevant to this proposal?	Complies
--	-----------------

Section 79C (1)(b) The likely impacts of the development

Context and setting

Is the development consistent with the bulk, scale colour and design of other development in the locality?	Complies
Will the development have only a minor impact of the amenity of the area and the streetscape?	Complies
Is the development compatible with surrounding and adjacent land uses	Complies
Will the development have no or minimal impact on the amenity of the area in terms of:	
Sunlight (overshadowing):	N/A
Visual and acoustic privacy:	Complies
Views or vista:	Complies

Access and Transport

Will the development have no or minimal impact on the local road system	Complies
Is the existing and any proposed access arrangements and car parking on site adequate for the development?	N/A

Heritage

The property is not subject to any heritage order or is identified as heritage under a planning instrument.	N/A
---	------------

Soil

The development will have minimal impact on soil erosion and sedimentation	N/A
--	------------

Natural and Technological Hazards

The development is not subject to flooding, subsidence or slip	N/A
Land is not considered to be contaminated:	N/A
Bushfire requirements provided for the development	Complies
Acoustic requirements provided for the development	N/A

Site design

The development is sensitive to environmental conditions and site attributes.	Complies
Does the development safe guard the health and safety of the occupants	Complies

Section 79C (1)(c) The suitability of the site for development

Was the site inspected?	Yes
Does the proposal fit locality?	Yes
Are the site attributes conducive to development?	Yes
Will the proposal have minimal social and economic impacts on the locality?	Yes
Has any applicable 88b instrument been considered?	N/A
Does the development propose the removal of trees?	No
Have the plans been checked by any relevant developer groups?	N/A
Has a BASIX certificate been provided?	N/A

Section 79C (1)(d) Any submissions made in accordance with the EPA Act and Regulations?

Was the application required to be publicly notified?	No
Were any submissions received during the public notification period?	N/A

Section 79C (1)(e)Public Interest

The application will have minimal impacts on public interest	Complies
--	-----------------

Conclusion/Summary

The site is suitable for the proposed development, the proposal is in the public interest, and there is unlikely to be negative impacts arising from the proposed development.

Therefore, the application is worthy of support, subject to recommended conditions.

Recommendation

1. That DA18/0657 for a solid fuel heater at 106-118 Mayfair Road Mulgoa, be approved subject to the attached conditions (Development Assessment Report Part B).

General

1 [A001 - Approved plans that are architecturally drawn](#)

The development must be implemented substantially in accordance with the plans stamped approved by Council, the application form and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.

2 [A008 - Works to BCA requirements \(Always apply to building works\)](#)

The work must be carried out in accordance with the requirements of the Building Code of Australia. If the work relates to a residential building and is valued in excess of \$20,000, then a contract of insurance for the residential development shall be in force in accordance with Part 6 of the Home Building Act 1989.

{Note: Residential building includes alterations and additions to a dwelling, and structures associated with a dwelling house/dwelling such as a carport, garage, shed, rural shed, swimming pool and the like}.

3 [A special Blank Inspection](#)

A satisfactory final inspection shall be carried out by Council once the installation works are completed and prior to use of the solid fuel heater.

The appropriate fees are to be paid **prior to these inspections being booked with Council.**

4 [A Special Complaints](#)

In the event of ongoing complaints being received by Council regarding odour and/or smoke from the wood fire heater, the owner of the dwelling may be required by Council to increase the flue height of the wood fire heater so as to ensure that it complies with the NSW Environmental Protection Authority's 'Environmental Guidelines for Selecting, Installing and Operating Domestic Solid Fuel Heaters' (1999).

5 [A Special Flue](#)

The flue shall be installed so that:

- The minimum height of the flue system within 3 m distance from the highest point of the roof shall be 600 mm above that point; and
- The minimum height of a flue system further than 3 m from the highest point of the roof shall be 1000 mm above roof penetration; and
- No part of any building lies in or above a circular area described by a horizontal radius of 3 m about the flue system exit.

6 [A Special Fuel](#)

Only dry, seasoned wood is to be used in the wood fire heater. No treated or painted wood or rubbish is to be used as a fuel source.

7 [A Special Fuel Storage](#)

All wood used as a fuel source for the wood fire heater is to be stored to ensure that it does not get wet.

8 [A Special Installation](#)

The wood fire heater is to be installed in accordance with Australian/New Zealand Standard 2918:2001 'Domestic solid fuel burning appliances—Installation'.

9 [A Special Offensive odours and vapours](#)

Offensive odours are not to be emitted from the site. Vapours, fumes, gases, particles or any other substance that are considered to be harmful to human health or the environment or impact unreasonably on a person outside of the premises are not to be emitted from the site.

10 [A Special operation and maintenance](#)

The wood fire heater is to be operated and maintained in accordance with the manufacturer's guidelines, as stated in the specifications for the 1170 Panorama Single Sided prepared by Maison Fireplaces.

Demolition

11 **B002 - AS FOR DEMOLITION AND DISPOSAL TO APPROVED LANDFILL SITE**

All demolition works are to be conducted in accordance with the provisions of AS 2601-1991 "The Demolition of Structures". **Prior to demolition**, all services shall be suitably disconnected and capped off or sealed to the satisfaction of the relevant service authority requirements.

All demolition and excavated material shall be disposed of at a Council approved site or waste facility. Details of the proposed disposal location(s) of all excavated material from the development site shall be provided to the Principal Certifying Authority **prior to commencement of demolition**.

12 **B004 - Dust**

Dust suppression techniques are to be employed during demolition to reduce any potential nuisances to surrounding properties.

13 **B006 - Hours of work**

Demolition works will be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

- Mondays to Fridays, 7am to 6pm
- Saturdays, 7am to 1pm (if inaudible on neighbouring residential premises), otherwise 8am to 1pm
- No demolition work is permitted on Sundays and Public Holidays.

In the event that the demolition relates to works inside the building and do not involve external walls or the roof, and do not involve the use of equipment that emits noise then the demolition works are not restricted to the hours stated above.

The provisions of the Protection of the Environment Operations Act, 1997 in regulating offensive noise also apply to all construction works.

Environmental Matters

14 **D009 - Covering of waste storage area (Add if more than 40%)**

All waste materials stored on-site are to be contained within a designated area such as a waste bay or bin to ensure that no waste materials are allowed to enter the stormwater system or neighbouring properties. The designated waste storage areas shall provide at least two waste bays / bins so as to allow for the separation of wastes, and are to be fully enclosed when the site is unattended.

15 **D010 – Appropriate disposal of excavated or other waste**

All excavated material and other wastes generated as a result of the development are to be re-used, recycled or disposed of in accordance with the approved waste management plan.

Waste materials not specified in the approved waste management plan are to be disposed of at a lawful waste management facility. Where the disposal location or waste materials have not been identified in the waste management plan, details shall be provided to the Certifying Authority as part of the waste management documentation accompanying the Construction Certificate application.

All receipts and supporting documentation must be retained in order to verify lawful disposal of materials and are to be made available to Penrith City Council on request.

BCA Issues

16 **E001 - BCA compliance**

All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the on-going benefit of the community. Compliance with the performance requirements can only be achieved by: (a) complying with the deemed to satisfy provisions, or (b) formulating an alternative solution which:

- complies with the performance requirements, or
- is shown to be at least equivalent to the deemed to satisfy provision, or
- (c) a combination of (a) and (b)

Construction

17 [H041 - Hours of work \(other devt\)](#)

Construction works or subdivision works that are carried out in accordance with an approved consent that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties shall be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

- Mondays to Fridays, 7am to 6pm
- Saturdays, 7am to 1pm (if inaudible on neighbouring residential premises), otherwise 8am to 1pm
- No work is permitted on Sundays and Public Holidays.

Other construction works carried out inside a building/tenancy and do not involve the use of equipment that emits noise are not restricted to the construction hours stated above.

The provisions of the Protection of the Environment Operations Act, 1997 in regulating offensive noise also apply to all construction works.