

Environmental Health Referral Response - Solid Fuel Heaters

Application Number:	Mod2025/0226
Proposed Development:	Modification of Development Consent DA2021/2442 granted for construction of a swimming pool, spa and pavilion
Date:	15/05/2025
Responsible Officer	Maxwell Duncan
Land to be developed (Address):	Lot 22 DP 602041 , 90 Cabbage Tree Road BAYVIEW NSW 2104

Reasons for referral

This application requires detailed consideration of solid fuel heaters.
And as such, Council's Environmental Investigations officers are required to consider the likely impacts.

Officer comments General Comments

In relation to this proposal modification, the statement of environmental effects describes the following:

"When compared to the previous modification application, the subject modification seeks consent for the following amendments:

- ☐ Construction of an art studio to the east of the swimming pool, including a fireplace,
- ☐ Relocation of the pool equipment store from below the terrace to below the proposed art studio,
- ☐ Continuation of the hardwood battens over the approved pergola above the daybed, and
- ☐ Minor enlargement of terrace towards the west (square with the approved pool).

When compared to the original development application, the subject modification seeks consent for the following amendments:

- ☐ Relocation and alteration to the design and dimensions of the swimming pool,
- ☐ Deletion of the spa,
- ☐ Reduction to the size of the paved terrace adjacent to the swimming pool,
- ☐ Reduction to the size of the pavilion and bathroom and conversion to an art studio,
- ☐ Relocation of the approved fireplace,
- ☐ Retention of 1 tree approved for removal (Tree 8), and
- ☐ Relocation of the pool equipment store from below the terrace to below the proposed art studio.

A comparison between the approved development and the modified proposal now sought is highlighted in the Architectural Plans by Casey Brown Architecture

The modifications proposed also necessitate the following amendments to conditions in the Notice of Determination:

- ☐ Modify Condition 1, to refer to the modified plans and documents,
- ☐ Re-introduction of Conditions 30, 31, 36 and 37, which relate to the installation and operation of the approved fireplace, as the fireplace was removed in the previous modification and is re-introduced in the subject modification application.."

This referral response specifically relates to the inclusion of a fireplace within the proposed art studio and the reintroduction of a previously approved fireplace.

In regard to the above, both fireplaces appear to be appropriately sited and are supported by Environmental Health.

Recommendation

APPROVAL - subject to conditions

The proposal is therefore supported.

Note: Should you have any concerns with the referral comments above, please discuss these with the Responsible Officer.

Recommended Environmental Investigations Conditions:

CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

Installation of solid/fuel burning heaters

Installation work must be carried out by an appropriately experienced and qualified person and in accordance with the relevant provisions of AS2918 – Domestic Solid Fuel Burning Appliances – Installation

Reason: To ensure the installation is completed in a legislatively compliant manner.

Certification of solid fuel burning heaters

A certificate from an appropriately qualified person indicating the system is compliant with all relevant legislation, Building Code of Australia, Australian Standards, Specifications and manufacturer requirements is to be submitted to Council prior to the operation of the solid fuel heater.

Reason: To ensure the system operates in a legislatively compliant manner.

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

Maintenance of solid fuel heaters

The owner/occupier shall ensure servicing of the heater is maintained according to the manufacturer's specifications.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community.

Operation of solid fuel burning heaters

The owner/operator must take all practicable measures to prevent the likelihood of causing smoke and/or odour nuisances. Such measures must include:

- Using dry seasoned hardwood
- Storing wood in a dry well-ventilated place

- Having a hot and well oxygenated fire
- Ensuring that the chimney flue is clean
- Checking the chimney at different stages of the fire to see if there is any smoke
- Maintenance according to the manufacturer's specifications

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community.