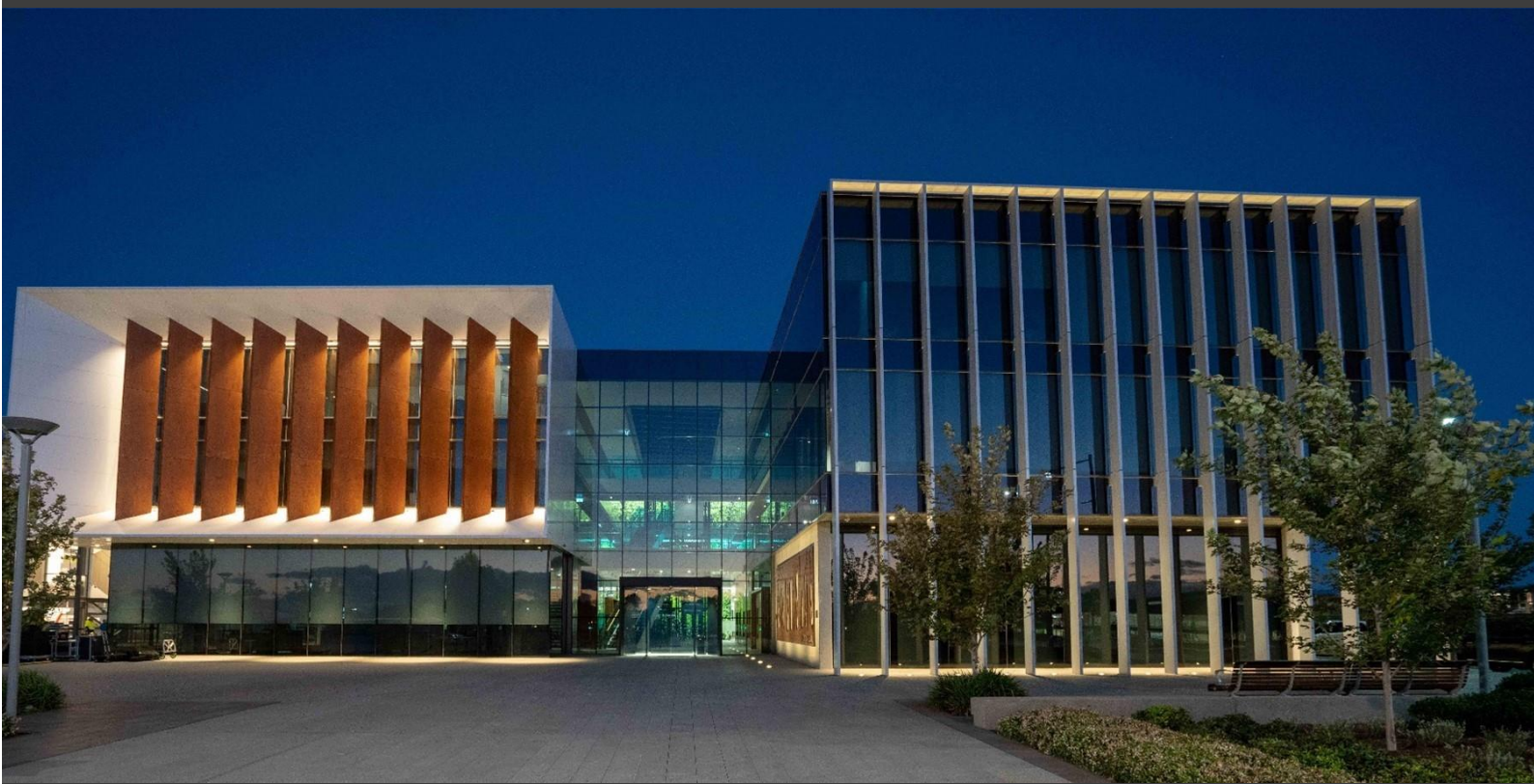


Business Paper

Camden Local Planning Panel
Electronic Determination

21 February 2025



camden
council

ORDER OF BUSINESS

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SUBJECT: ACKNOWLEDGEMENT OF COUNTRY

I would like to acknowledge that this meeting is being held on the Traditional Lands and Waterways of the Dharawal people and also recognise surrounding Dharug, and Gundungurra people and pay our respect to Elders past, present, and those emerging.

SUBJECT: DECLARATION OF INTEREST

This section provides an opportunity for Panel Members to disclose any interest that they may have relating to a Report contained in this Agenda.

CLPP01

SUBJECT: DA/2024/328/1 - DEMOLITION AND CONSTRUCTION OF A FRONT FENCE, IN-GROUND SWIMMING POOL, SWIM-UP BAR, CABANA AND DETACHED GARAGE AT 56 HILDER STREET, ELDERSLIE

FROM: Manager Statutory Planning

EDMS #: 25/68673

DA Number:	2024/328/1
Development:	The demolition of a detached double garage, concrete footpath and six trees and construction of a 1.8m cast-iron front fence, an in-ground swimming pool (and associated fencing), swim-up bar, cabana and detached garage
Estimated Cost of Development:	\$286,648.20
Site Address(es):	56 Hilder Street, Elderslie
Applicant:	Mr Aidan Safetli
Owner(s):	Bassam Safetli and Aidan Safetli
Number of Submissions:	None
Development Standard Contravention(s):	None
Classification:	Local development
Recommendation:	Approve with conditions.
Panel Referral Criteria:	Partial demolition of a heritage item
Report Prepared By:	Connor Burke, Town Planner

PURPOSE OF REPORT

The purpose of this report is to seek the Camden Local Planning Panel's (the Panel's) determination of a development application (DA) for the demolition of a detached garage and construction of structures ancillary to the existing dwelling (heritage item known as 'Hilsyde'), along with the removal of six trees at 56 Hilder Street, Elderslie.

The Panel is to exercise Council's consent authority functions for this DA as, pursuant to the Minister for Planning's Section 9.1 Direction, the development is classified as 'sensitive development' (partial demolition of a heritage item).

SUMMARY OF RECOMMENDATION

That the Panel determine DA/2024/328/1 for the construction of structures ancillary to the existing dwelling, along with the removal of six trees development pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions attached to this report.

EXECUTIVE SUMMARY

Council is in receipt of a DA for the demolition of a detached double garage, concrete footpath and 6 trees. The application also includes the erection of a 1.8m cast-iron front fence, construction of an in-ground swimming pool (and associated fencing), swim-up bar, cabana and detached garage at 56 Hilder Street, Elderslie (also known as ‘Hilsyde’).

The DA has been assessed against the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2021*, relevant environmental planning instruments, development control plans and policies.

The DA was publicly exhibited for a period of 14 days in accordance with Camden Community Participation Plan 2021. The exhibition period was from 14 August 2024 to 27 August 2024 and no submissions were received.

The applicant proposes a variation to Sections 4.2.11 (Fencing) and 4.10 (Outbuildings) of Camden Development Control Plan 2019 (Camden DCP). The Camden DCP requires any front fence to have a maximum height of 1.2m and be of an open style (incorporating pickets, slats, palings or the like). The DCP also requires that the floor area of any outbuilding(s) be not more than 100sqm (cumulative), if the lot has an area of at least 900sqm. The subject lot has an area of 8,261sqm.

Based on the assessment, it is recommended that the DA be approved subject to the conditions attached to this report.

KEY PLANNING CONTROL VARIATIONS

Control	Proposed	Variation
1.2m front fencing height.	1.8m front fencing height.	600mm (50%).
Cumulative outbuilding floor area of 100sqm.	187.15sqm outbuilding floor area (cumulative).	87.15sqm (87.15%)

THE SITE

The site known as ‘Hilsyde’ is addressed as 56 Hilder Street, Elderslie and legally described as Lot 10 in DP 1171269. The site has an area of 8,261sqm and has a frontage of 40m to Hilder Street. Vehicular access is also provided from Hilder Street.

The site is zoned R2 Low Density Residential and is located 1.5km East of the Camden Central Business District.

‘Hilsyde’ including the dwelling and grounds are heritage listed (local). The surrounding area contains predominantly low-density residential, with two other heritage items (local) within proximity. The site also contains an existing single storey dwelling (*Pammerter/Hilsyde*), a detached outbuilding in its northern portion and front fence. A large number of trees are present throughout the site.

To the north of the subject lot is Elderslie High School.

CLPP01



Figure 1: View of frontage from Hilder Street, Elderslie



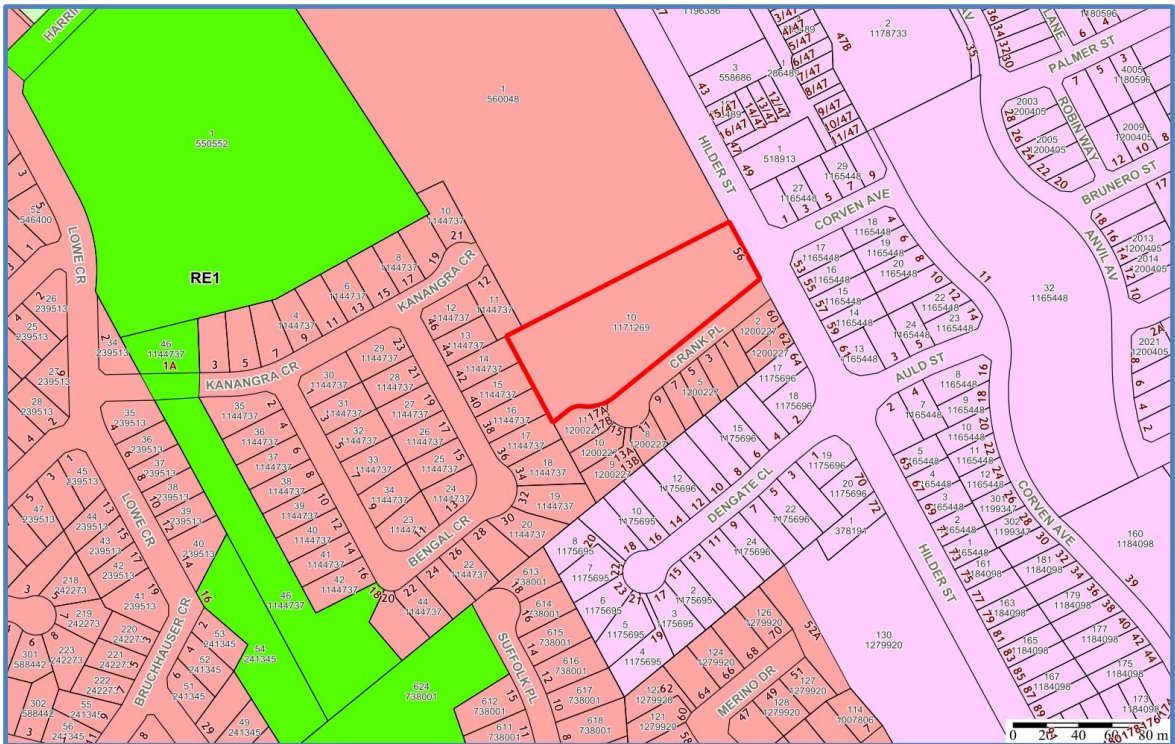
Figure 2: Existing front fence fronting Hilder Street, Elderslie

AERIAL PHOTO

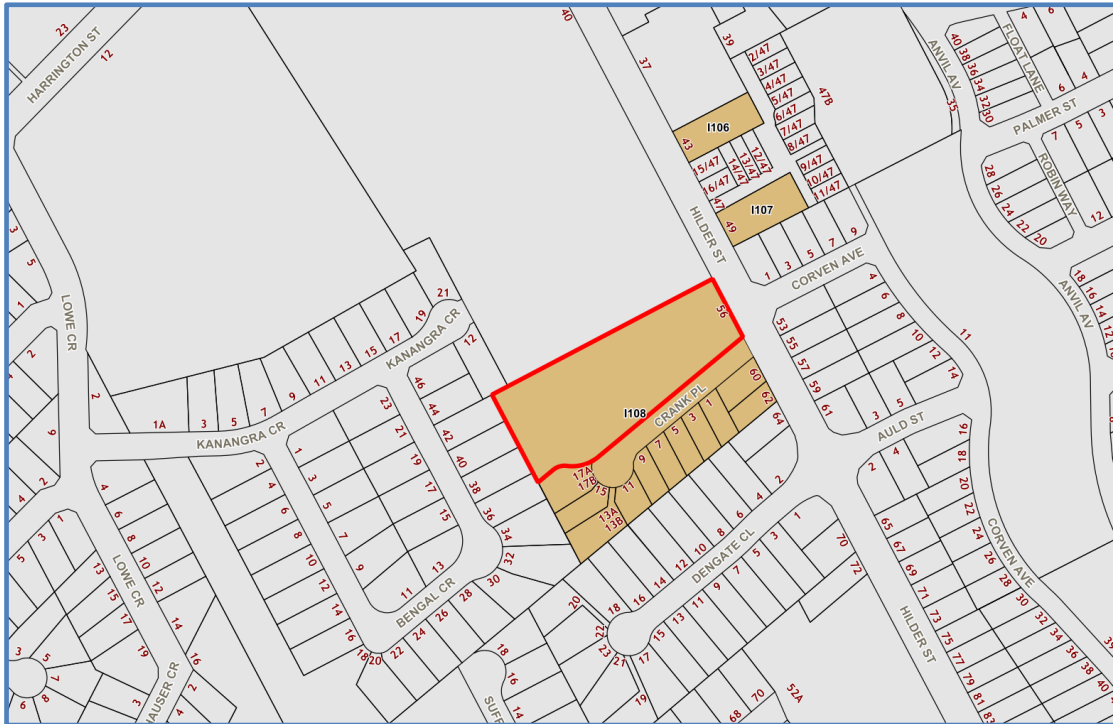


CLPP01

ZONING PLAN



HERITAGE PLAN



HISTORY

The relevant development history of the site is summarised in the following table:

Date	Development
1888	<i>Pammenter/Hilsyde</i> was constructed by Walter Charles Furner
8 June 1989	Erection of a temporary horse shelter (removed)
18 September 2009	DA/2007/1127/1 - Subdivision – 2 lots (Torrens) (inclusive of 50 Hilder Street, Elderslie).
24 February 2009	DA/2007/1127/2 – Modification to remove condition 5.
9 May 2011	DA/2010/1243/1 – Subdivision of land into 10 lots, including 9 residential lots ranging in size from 480sqm to 980sqm, one large lot which is to be the curtilage area for the Hilsyde Building.
17 November 2011	The splitting of the approved subdivision into two stages, with the first stage being the creation of 2 lots, and stage 2 being the subdivision of proposed lot 11 into 9 residential lots and also the construction of one road.
30 May 2014	DA/2013/953/1 – Subdivision to create 11 residential lots, construction of a new public road and associated site works (inclusive of 58 Hilder Street, Elderslie).

THE PROPOSAL

DA/2024/328/1 seeks approval for the demolition of a detached double garage, concrete footpath and six trees, along with the construction of a 1.8m cast-iron front fence, an in-ground swimming pool (and associated fencing), swim-up bar, cabana and detached garage.

Specifically, the development involves:

- Demolition on an existing detached double garage;
- Demolition of an existing concrete footpath;
- Removal of six trees;
- Erection of a cast iron front fence along the entire front boundary (maximum height of 1.8m);
- Excavation and construction of an in-ground swimming pool (194,250L);
- Erection of cast iron pool fencing;
- Erection of a swim-up bar (outbuilding) located within pool area;
- Erection of a cabana (outbuilding) located within pool area;
- Erection of a detached garage (22.8m x 7.6m); and
- Re-planting of 12 trees.

The estimated cost of the development is \$286,648.20.



Figure 3: Existing single storey dwelling and location of proposed swimming pool.

CLPP01

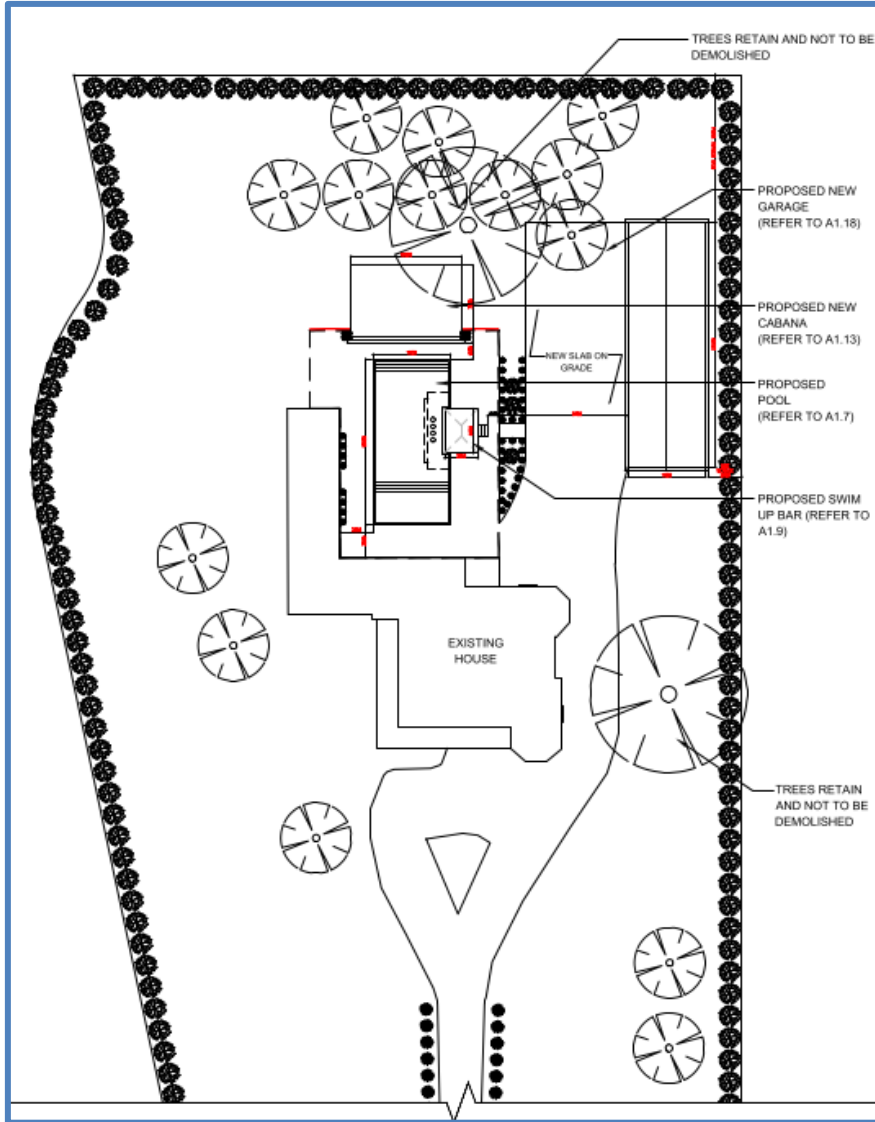


Figure 4 – Site Plan (1)

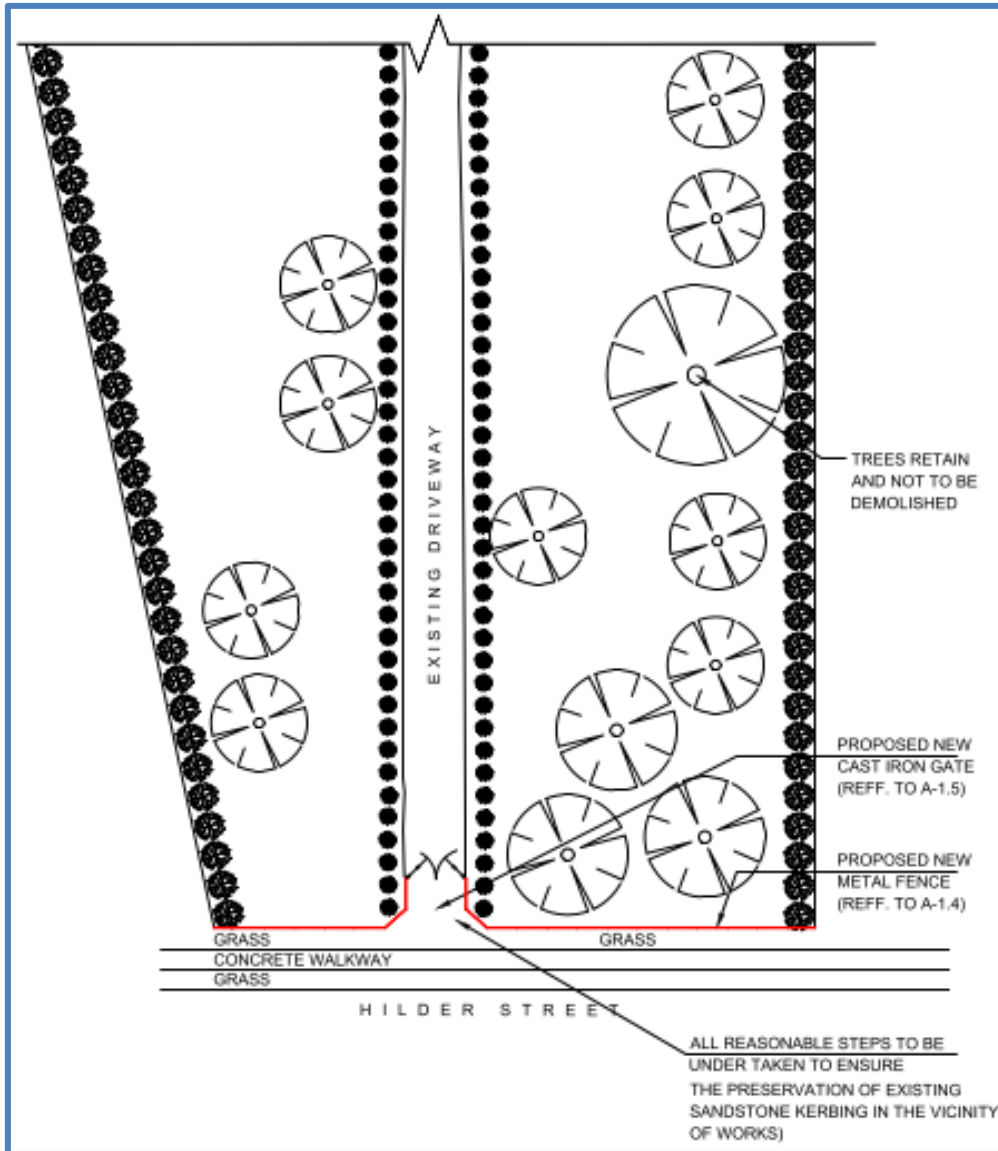


Figure 5 – Site Plan (2)

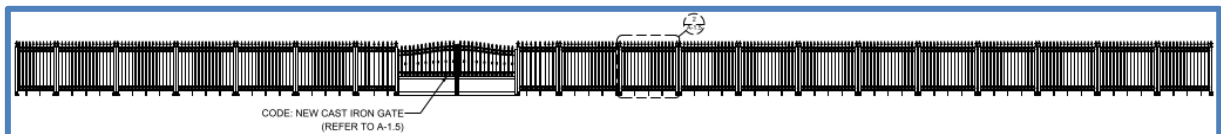


Figure 6 – Proposed Front Fence Elevation

ASSESSMENT

Environmental Planning and Assessment Act 1979 - Section 4.15(1)

In determining a DA, the consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the DA:

(a)(i) the provisions of any environmental planning instrument

The environmental planning instruments that apply to the development are:

- State Environmental Planning Policy (Resilience and Hazards) 2021.
- State Environmental Planning Policy (Biodiversity and Conservation) 2021.
- State Environmental Planning Policy (Sustainable Buildings) 2022.
- Camden Local Environmental Plan 2010.

State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP)

The Resilience and Hazards SEPP regulates hazardous and offensive development and aims to ensure that the consent authority has sufficient information to assess whether or not development is hazardous or offensive. The Resilience and Hazards SEPP also provides a State-wide planning approach to the remediation of contaminated land.

Section 4.6 of the Resilience and Hazards SEPP requires the consent authority to consider if the site is contaminated. If the site is contaminated, the consent authority must be satisfied that it is suitable in its contaminated state for the development. If the site requires remediation, the consent authority must be satisfied that it will be remediated before the land is used for the development.

The proposed development involves relatively minor works to an existing heritage item. The site has always been used for residential purposes and Council staff are satisfied that the land is suitable for the development.

State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP)

The development is considered satisfactory in terms of the matters for consideration in Chapter 6 of the Biodiversity and Conservation SEPP. There will be no unreasonable adverse impacts upon the Hawkesbury-Nepean Catchment as a result of the development.

State Environmental Planning Policy (Sustainable Buildings) 2022

A compliant BASIX Certificate was submitted with the DA. The requirements outlined in the certificate have been satisfied in the design of the proposal. A condition is recommended to ensure the BASIX commitments are fulfilled during the detailed design and construction of the development.

Camden Local Environmental Plan 2010

The Camden LEP aims to make local environmental planning provisions for land in Camden in accordance with the relevant standard environmental planning instrument under Section 3.20 of the Act.

Site Zoning

The site is zoned R2 Low Density Residential pursuant to Clause 2.2 of the Camden LEP. The development is permitted with consent under the zoning provisions applying to the land.

Planning Controls

An assessment table in which the development is considered against Camden LEP planning controls is provided as an attachment to this report.

(a)(ii) *the provisions of any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)*

There are no draft environmental planning instruments that are applicable to the development.

(a)(iii) *the provisions of any development control plan*

Camden Development Control Plan 2019 (Camden DCP)

Planning Controls

An assessment table in which the development is considered against the Camden DCP is provided as an attachment to this report.

Proposed Variations

The applicant proposes two variations to the Camden DCP being:

- Section 4.2.11 regarding the front fence height; and
- Section 4.10 regarding the maximum site coverage of all outbuildings within the subject lot.

Section 4.2.11 Fencing

The Camden DCP requires that front fencing be no greater than 1.2m above the existing ground level. The application proposes a maximum front fence height of 1.8m.

Council's Heritage Officer has assessed the applicant's Heritage Impact Statement (HIS) and undertaken an analysis of the existing residential dwelling, Hilsyde. It is recommended that the increased height of the front fence be supported on the following basis:

- As there is no evidence as to the original presentation of Hilsyde's front fence, there is no opportunity to undertake an informed reconstruction.
- Due to the depth of the front setback, the fence and significant areas of the residence will never be appreciated as closely intertwined elements. This is given that from Hilder Street, Hilsyde is a distant, slightly elevated backdrop to the extant fence.
- From a public domain perspective, the injection of the detailed elements within the proposed front fence will create visual interest, and high-quality natural materials into the streetscape.
- The front fence has been designed to provide security for the owner(s) of Hilsyde. This is to ensure that members of the public are not entering the subject lot to subsequently enter Elderslie High School.

- The use of a 'Cast Iron' material will ensure that the boundary fencing is of a high quality, and by utilising a 'traditional' design, it will not detract from the streetscape of Hilder Street.
- The proposed front fence will not affect the sightlines and visibility of pedestrians and traffic.
- The proposed front fence has been endorsed by Council's Heritage Officer.

Section 4.10 Outbuildings

The Camden DCP requires that the cumulative floor area of all outbuildings on a lot must not be more than 100sqm, if the lot has an area of at least 900sqm or greater. The application seeks a variation to the maximum combined floor area, with 187.15sqm proposed.

Council's Heritage Officer has assessed the applicant's Heritage Impact Statement (HIS) and undertaken an analysis of the existing residential dwelling, Hilsyde. It is recommended that the increased floor area of the outbuildings be supported on the following basis:

- The proposed use of all outbuildings is to be of a personal and hobby use.
- The outbuildings have been appropriately sited and designed to have no impact on the existing residence (Hilsyde). There are no impacts to adjacent properties, given the greater than required side and rear setbacks required.
- The outbuildings are to be integrated within the existing environment and are to be ancillary to the existing use of the residential dwelling.
- The design of the outbuildings complement the existing residence.
- Although one tree is proposed for removal as a result of the proposed detached garage, the application has been able to demonstrate that existing vegetation on site will be preserved. Furthermore, significant tree replanting is proposed to remove any impacts associated with tree removal.
- The proposed outbuildings have been endorsed by Council's Heritage Officer.

(a)(iia) the provisions of any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

No relevant planning agreement or draft planning agreement exists or has been proposed as part of this DA.

(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)

The *Environmental Planning and Assessment Regulation 2021* prescribes several matters that are addressed in the conditions attached to this report.

(b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

As demonstrated by the assessment, the development is unlikely to have any unreasonable adverse impacts on either the natural or built environments, or the social and economic conditions in the locality.

Heritage Impacts

The applicant has submitted a Heritage Impact Statement (HIS) as part of the DA that includes the following in regard to any proposed impacts:

“None of the fabric earmarked for removal is original or early or has been determined as contributing to the significance of item I108. Accordingly, the acceptability of its loss will be predominantly affected by the degree of impact emanating from the proposed replacement features as examined”.

“As there is no evidence as to the original presentation of Pammenter/Hilsyde’s front fence, there is no opportunity to undertake an informed reconstruction. Further, the ‘standard’ types of fences for a late Victorian period residence are less applicable to the subject site, which is a former villa homestead.”

The demolition of the existing detached garage and front fence is not considered to have a detrimental impact on the site’s heritage significance.

With consideration to the above, the proposal is not considered to have a significant impact upon the heritage fabric of the subject lot, with the HIS concluding:

“Overall, this report finds that the new work would not weaken the significance of Pammenter/Hilsyde. The latter would remain readily legible as an evolved late 19th/early 20th century former homestead set back from Hilder Street within an ample landscape setting still evocative of its former rural surrounds. The new fence is complementary to the presentation of the site, while the rear-situated pool area and garage would not - to any material degree - interrupt or distort the interpretability of item I108 or other heritage places in the vicinity.”

The DA was referred to Council’s Heritage Officer who advised that the proposed works are minor and will not impact the overall heritage character or setting of the heritage item. Appropriate conditions are recommended to ensure that any relics from the past that may be discovered are managed in accordance with statutory requirements.

Tree Removal

Trees identified for removal are detailed in the below table:

Tree number	Botanic Name (Common Name)	Location
3	Jacaranda mimosifolia (Jacaranda)	Rear Yard
6	Eucalyptus tereticornis (Forest Red Gum)	Rear Yard
7	Jacaranda mimosifolia (Jacaranda)	Rear Yard
8	Schinus molle (Peppercorn)	Rear Yard
9	Acer negundo (Boxelder Maple)	Rear Yard
19	Schinus molle (Peppercorn)	Rear Yard

Council’s Coordinator Urban Forest Services has considered the proposed tree removal and raised no objection subject to compensatory planning. Appropriate conditions are included in the recommendation.

(c) the suitability of the site for the development

As demonstrated by the above assessment, the site is considered to be suitable for the development.

(d) any submissions made in accordance with this Act or the regulations

The DA was publicly exhibited for a period of 14 days in accordance with Camden Community Participation Plan 2021 and no submissions were received.

(e) the public interest

The public interest is served through the detailed assessment of this DA under the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2021*, environmental planning instruments, development control plans and policies. Based on the above assessment, the development is consistent with the public interest.

EXTERNAL REFERRALS

No external referrals were undertaken for this DA.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

The DA has been assessed in accordance with Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. The DA is recommended for approval subject to the conditions attached to this report.

RECOMMENDED

That the Panel approve DA/2024/328/1 for the demolition of a detached double garage, concrete footpath and six trees and construction of a 1.8m cast-iron front fence, an in-ground swimming pool (and associated fencing), swim-up bar, cabana and detached garage subject to the conditions attached to this report for the following reasons:

- 1. The development is consistent with the objectives and controls of the applicable environmental planning instruments, being the State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Biodiversity and Conservation) 2021, State Environmental Planning Policy (Sustainable Buildings) 2022 and the Camden Local Environmental Plan 2010.**
- 2. The development is consistent with the objectives of the Camden Development Control Plan 2019.**

3. The development is considered to be an appropriate form for the site and the character of the locality.
4. Subject to the recommended conditions, the development is unlikely to have any unreasonable adverse impacts on the natural or built environments.
5. For the above reasons, the development is a suitable use of the site, and its approval is in the public interest.

ATTACHMENTS

1. Recommended Conditions
2. Camden LEP 2010 Assessment Table
3. Camden DCP 2019 Assessment Table
4. Heritage Impact Statement
5. Heritage Memorandum
6. Architectural Plans

RECOMMENDED CONDITIONS**General
1.1 - General Conditions**

- (1) **Approved plans and documents** - Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this development consent expressly require otherwise:

Approved plans			
Sheet / Drawing number / Revision	Title	Drawn by	Date
A-1.1	Demolition Plan	Aidan Safetli	17-01-25
A-1.2	Proposed Site Plan	Aidan Safetli	17-01-25
A-1.3	Sedimentation Plan	Aidan Safetli	17-01-25
A-1.4	Gate and Fence Detail	Aidan Safetli	17-01-25
A-1.5	Gate & Fence Elevation	Aidan Safetli	17-01-25
A-1.6	Pool Site Plan	Aidan Safetli	17-01-25
A-1.7	Pool Floor Plan	Aidan Safetli	17-01-25
A-1.8	Pool Section Detail	Aidan Safetli	17-01-25
A-1.9	Swim Up Bar Floor Plan	Aidan Safetli	17-01-25
A-1.10	Swim Up Bar Elevation	Aidan Safetli	17-01-25
A-1.11	Swim Up Bar Elevation	Aidan Safetli	17-01-25
A-1.12	Swim Up Bar Elevation	Aidan Safetli	17-01-25
A-1.13	Swim Up Bar Elevation	Aidan Safetli	17-01-25
A-1.14	Swim Up Bar Section	Aidan Safetli	17-01-25
A-1.15	Cabana Site Plan	Aidan Safetli	17-01-25

A-1.16	Caban Floor Plan	Aidan Safetli	17-01-25
A-1.17	Cabana Elevation	Aidan Safetli	17-01-25
A-1.18	Cabana Elevation	Aidan Safetli	17-01-25
A-1.19	Cabana Elevation	Aidan Safetli	17-01-25
A-1.20	Cabana Elevation	Aidan Safetli	17-01-25
A-1.21	Cabana Section	Aidan Safetli	17-01-25
A-1.22	Garage Floor Plan	Aidan Safetli	17-01-25
A-1.23	Garage Roof Plan	Aidan Safetli	17-01-25
A-1.24	Garage Elevation	Aidan Safetli	17-01-25
A-1.25	Garage Elevation	Aidan Safetli	17-01-25
H02 / P1	Hydraulic Services Site Plan	INLINE Hydraulic Services	22.05.24
H03 / P2	Hydraulic Services Pool Floor Plan & Swim Up Bar Floor Plan	INLINE Hydraulic Services	22.05.24
H04 / P2	Hydraulic Services Cabana Floor Plan	INLINE Hydraulic Services	22.05.24
H05 / P2	Hydraulic Services Garage Floor Plan	INLINE Hydraulic Services	22.05.24
H06 / P2	Hydraulic Services Garage Roof Plan	INLINE Hydraulic Services	22.05.24
H07 / P2	Hydraulic Services Sediment & Erosion Plan	INLINE Hydraulic Services	22.05.24
N/A, Revision B	Finishes Schedule (Fence, Pool & Decking Area)	Aidan Safetli	03/02/2025
N/A, Revision B	Finishes Schedule (Pool & Decking Area, Out Door Bar and Cabana)	Aidan Safetli	03/02/2025
N/A, Revision B	Finishes Schedule (Cabana and Garage)	Aidan Safetli	03/02/2025
N/A, Revision B	Finishes Schedule (Garage)	Aidan Safetli	03/02/2025

Approved documents		
Title	Prepared by	Date
BASIX Certificate A1374600	Sustainability-Z Pty Ltd	Wednesday, 01 May 2024
Waste Management Plan	Aidan Safetli	03/02/2025
Arboricultural Impact Assessment and Tree Protection Plan, 2024.0501 V.2	Lizzie the Arborist	14 NOV 2024

In the event of any inconsistency between the approved plans/documents and a condition of this development consent, the condition prevails.

Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

- (2) **Fulfillment of BASIX commitments** - Each commitment listed in an approved BASIX certificate for the following development must be fulfilled:

1. BASIX development.
2. BASIX optional development, if the development application was accompanied by a BASIX certificate.

Condition reason: Prescribed condition under section 75 of the *Environmental Planning and Assessment Regulation 2021*.

- (3) **Approved tree work** - All tree works must be carried out by a qualified Arborist, with appropriate insurance, with a minimum Level 3 AQF in arboriculture, in accordance with WorkCover's Code of Practice – Amenity Tree Industry, and in accordance with AS4373-2007 Australian Standard 'Pruning of Amenity Trees'.

No tree may be removed, pruned or otherwise damaged without Council consent throughout all stages of the development.

Tree Removal - This development consent approves the following tree(s) to be removed

Tree No	Botanic Name (Common Name)	Location
Tree 6	<i>Eucalyptus tereticornis</i> (Forest Red Gum)	Rear Yard
Trees 7, 3	<i>Jacaranda mimosifolia</i> (Jacaranda)	Rear Yard
Trees 8, 19	<i>Schinus molle</i> (Peppercorn)	Rear Yard
Tree 9	<i>Acer negundo</i> (Boxelder Maple)	Rear Yard

All other trees specified for retention, or protection, in the Arboricultural Impact Assessment prepared by "Lizzie the Arborist" dated 14 November 2024 must be retained and protected in accordance with the recommendations contained within that report and AS 4970 - Protection of Trees on Development Sites.

Condition reason: To detail approved tree work and any replacement landscaping.

Building Work

2.1 - Before Issue of a Construction Certificate

- (1) **Long service levy** - Before the issue of a construction certificate, the long service levy must be paid at the prescribed rate to either the Long Service Payments Corporation or Council under section 34 of the *Building and Construction Industry Long Service Payments Act 1986*. This applies to building and construction works with a cost of \$250,000 or more. Evidence of the payment must be provided to the certifier.

Condition reason: To ensure the long service levy is paid.

- (2) **Structural engineer certificate** - Before the issue of a construction certificate, a certificate must be prepared by a suitably qualified structural engineer and certify, to the certifier's satisfaction, that all piers, slabs, footings, retaining walls and structural elements have been designed in accordance with the approved and applicable geotechnical report(s). The certificate must be accompanied by a copy of the structural engineer's current professional indemnity insurance.

Condition reason: To ensure that building elements are designed for the site conditions.

- (3) **Public infrastructure alterations** - Before the issue of a construction certificate, any required alterations to public infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlets, service provider pits, street trees or any other public infrastructure) must be approved by the roads authority under the *Roads Act 1993*. Any costs incurred will be borne by the developer. Evidence of the approval must be provided to the certifier.

Condition reason: To clarify the timing and need for approval under the *Roads Act 1993*.

- (4) **Swimming pool and/or spa design** - Before the issue of a construction certificate, information must be prepared by a suitably qualified person and demonstrate, to the certifier's satisfaction, that the swimming pool and/or spa will comply with the following detailed design requirements:

1. The *Swimming Pools Act 1992*.
2. The *Swimming Pools Regulation 2018*.
3. The Building Code of Australia.
4. AS 1926.1 - Swimming Pool Safety - Safety Barriers for Swimming Pools.
5. AS 1926.3 - Swimming Pool Safety - Water Recirculation Systems.

6. AS 3500.2 - Plumbing and Drainage - Sanitary Plumbing and Drainage.

Condition reason: To ensure that swimming pools and/or spas are designed to comply with statutory requirements and industry standards.

- (5) **Swimming pool and/or spa safety fencing (design)** - Before the issue of a construction certificate, information must be prepared by a suitably qualified person and demonstrate, to the certifier's satisfaction, that the swimming pool and/or spa will be fenced to be effectively isolated from the dwelling and adjoining property, and that the fencing will comply with the following detailed design requirements:
 1. Compliance with the design and location approved with the development consent and any conditions of the development consent.
 2. AS 1926.1 - Swimming Pool Safety - Safety Barriers for Swimming Pools.
 3. A minimum 1.2m effective height.
 4. All gates self-closing, self-latching and opening outwards from the swimming pool and/or spa enclosure.
 5. Filtration equipment, including any cover, housing or pipework, not located within 900mm from the outside face of the safety fencing enclosure, nor within 300mm from the inside of the swimming pool safety fencing enclosure (where footholds are possible).
 6. Boundary fencing forming part of the swimming pool and/or spa safety fencing maintains a minimum effective height of 1.8m and a 900mm non-climbable zone (measured from the top of the inside of the fencing).

Condition reason: To ensure that swimming pools and/or spas are fenced to comply with industry standards.

- (6) **Swimming pool and/or spa wastewater disposal (design)** - Before the issue of a construction certificate, information must be prepared by a suitably qualified person and demonstrate, to the certifier's satisfaction, that all swimming pool and/or spa wastewater disposal will comply with the following detailed design requirements:

Sand Filters

1. For sand filters and where Sydney Water sewer is available, wastewater must be drained or pumped to the sewer.
2. For sand filters and where a Sydney Water sewer is not available, wastewater disposal must meet the following requirements:
 - a. discharge to a rubble pit measuring 600mm wide x 600mm deep x 3m long and located not less than 3m from any structure or property boundary, or
 - b. discharge to a tail out drain to disperse the water over a large, grassed area, provided that the land fall does not direct water to buildings on the site or adjoining properties or create a nuisance to an adjoining property owner. The following requirements must also be complied with:

- i. Wastewater must not be discharged to a septic tank, an on-site sewage management installation or an effluent disposal area.
 - ii. Wastewater must not be discharged into a public reserve, watercourse, easement or stormwater drainage system or otherwise adversely impact upon an adjoining property.
3. For cartridge filters, no connection to Sydney Water sewer in rural areas is required. Additionally, no connection to a rubble pit or tail out drain is required.

Condition reason: To protect the amenity of the surrounding area and the environment from pollution.

- (7) **Detailed landscaping plans** - A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council prior to the issuing of a Construction Certificate. The plan must include:

- i. Location of existing and proposed structures on the site including, but not limited to, existing and proposed trees, paved areas, planted areas on slab, planted areas in natural ground, lighting and other features;
- ii. A minimum of 12 trees at specified to be 45ltrs at the time of planting must be included. The trees species must be a minimum mature height of eight metres and canopy spread of six metres. Palms, fruit trees and species recognised to have a short life span will not be accepted as suitable replacements;
- iii. Specification that trees must be grown to AS2303 – 2018, *Tree stock for landscape use*.
- iv. New trees specified to be planted in natural ground with adequate soil volumes to allow maturity to be achieved. Planter boxes will not be accepted for tree plantings;
- v. New trees specified to be appropriately located away from existing buildings and structures to allow maturity to be achieved without restriction;
- vi. Details of planting procedure and maintenance.

Condition reason: To ensure that detailed landscaping requirements are documented.

2.2 - Before Building Work Commences

- (1) **Site security and fencing** - Before any building work commences, the site is to be secured and fenced to the satisfaction of the principal certifier.

Condition reason: To ensure that access to the site is managed before works commence.

- (2) **Sydney Water approval** - Before any building work commences, the approved construction certificate plans must be approved by Sydney Water to confirm if sewer, water or stormwater mains or easements will be affected by the development. Visit

www.sydneywater.com.au/tapin to apply. The Sydney Water approval must be provided to the principal certifier.

For subdivision works certificates, stamped water servicing coordinator must be provided to the principal certifier.

Condition reason: To ensure that any impacts upon Sydney Water infrastructure have been approved.

- (3) **Site management plan (preparation)** - Before any building work commences, a site management plan must be prepared by a suitably qualified person. The plan must demonstrate, to the satisfaction of the principal certifier, that the following site work matters will be managed to protect the amenity of the surrounding area:
1. Erosion and sediment control measures, including compliance with the NSW Department of Planning, Housing and Infrastructure document 'Guidelines for erosion and sediment control on building sites' and the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate (the blue book)' (as applicable and as amended from time to time).
 2. Prohibiting offensive noise, vibration, dust and odour as defined by the *Protection of the Environment Operations Act 1997*.
 3. Covering soil stockpiles and not locating them near drainage lines, watercourses, waterbodies, footpaths and roads without first providing adequate measures to protect those features.
 4. Prohibiting the pumping of water seeping into any excavations from being pumped to a stormwater system unless sampling results demonstrate compliance with NSW Environment Protection Authority requirements and the Australian and New Zealand Guidelines for Fresh and Marine Water Quality (2018) criteria for water quality discharge.
 5. Construction traffic management in accordance with Council's engineering specifications and AS 1742.3 - Manual of Uniform Traffic Control Devices - Traffic Control for Works on Roads.
 6. Maintaining a fill delivery register including the date, time, truck registration number and fill quantity, origin and type.
 7. Ensuring that vehicles transporting material to and from the site:
 - a. Cover the material so as to minimise sediment transfer.
 - b. Do not track soil and other waste material onto any public road.
 - c. Fully traverse the site's stabilised access point.
 8. Waste generation volumes, waste reuse and recycling methods, waste classification in accordance with NSW Environment Protection Authority waste classification guidelines, hazardous waste management, disposal at waste facilities, the retention of tipping dockets and their production to Council upon request.

9. Hazardous materials management.
10. Work health and safety.
11. Complaints recording and response.

Condition reason: To ensure site management practices are established before any works commence.

- (4) **Residential building work insurance** - Before any residential building work commences for which a contract of insurance is required under Part 6 of the *Home Building Act 1989*, a contract of insurance must be in force.

This condition does not apply:

1. To the extent to which an exemption from a provision of the *Building Code of Australia* or a fire safety standard is in force under the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.
2. To the erection of a temporary building other than a temporary structure used as an entertainment venue.

Condition reason: Prescribed condition under section 69 of the *Environmental Planning and Assessment Regulation 2021*.

- (5) **Erection of signs** - Before any building work commences, a sign must be erected in a prominent position on the site:

1. Showing the name, address and telephone number of the principal certifier for the work.
2. Showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours.
3. Stating that unauthorised entry to the work site is prohibited.

The sign must be:

1. Maintained while the work is being carried out.
2. Removed when the work is being completed.

This condition does not apply in relation to:

1. Building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building.
2. Crown building work certified to comply with the *Building Code of Australia* under Part 6 of the *Environmental Planning and Assessment Act 1979*.

Condition reason: Prescribed condition under section 70 of the *Environmental Planning and Assessment Regulation 2021*.

- (6) **Notification of Home Building Act 1989 requirements** - Before any residential building work commences, the principal certifier must give Council written notice of the following:
1. For work that requires a principal contractor to be appointed:
 - a. The name and licence number of the principal contractor.
 - b. The name of the insurer of the work under Part 6 of the *Home Building Act 1989*.
 2. For work to be carried out by an owner-builder:
 - a. The name of the owner-builder.
 - b. If the owner-builder is required to hold an owner-builder permit under the *Home Building Act 1989*, the number of the owner-builder permit.

If the information required by this condition is no longer correct, work must not be carried out unless the principal certifier gives Council written notice of the updated information.

This condition does not apply in relation to Crown building work certified to comply with the *Building Code of Australia* under Part 6 of the *Environmental Planning and Assessment Act 1979*.

Condition reason: Prescribed condition under section 71 of the *Environmental Planning and Assessment Regulation 2021*.

2.3 - During Building Work

- (1) **Work hours** - While building work is being carried out, all work (including the delivery of materials) must be:
1. Restricted to between the hours of 7am to 5pm Monday to Saturday.
 2. Not carried out on Sundays or public holidays.

Unless otherwise approved in writing by Council.

Condition reason: To protect the amenity of the surrounding area.

- (2) **Fill material (dwellings)** - Before the importation and placement of any fill material on the site, an assessment report and sampling location plan for the material must be prepared by a person with experience in both contamination and geotechnical assessments. The report and plan must demonstrate, to the satisfaction of the principal certifier, that:
1. For virgin excavated natural material, the report and plan have been prepared in accordance with:

- a. The Department of Land and Water Conservation publication 'Site investigation for Urban Salinity', and
 - b. The Department of Environment and Conservation - Contaminated Sites Guidelines 'Guidelines for the NSW Site Auditor Scheme (Third Edition) - Soil Investigation Levels for Urban Development Sites in NSW'.
 - c. A minimum of 2 samples from different locations is required.
2. For excavated natural material, the report and plan have been prepared in accordance with:
 - a. The Resource Recovery Exemption under Part 9, Clauses 91, 92 and 93 of the *Protection of the Environment Operations (Waste) Regulation 2014*.
 - b. The NSW Environment Protection Authority Resource Recovery Order under Part 9, Clause 93 of the *Protection of the Environment Operations (Waste) Regulation 2014*.
 - c. The Excavated Natural Material Order and Exemption 2014.
 3. The fill material has had its salinity characteristics identified in the report, specifically the aggressiveness of salts to concrete and steel (refer to the Department of Land and Water Conservation publication 'Site investigation for Urban Salinity'), and that it is compatible with any salinity management plans approved for the site.

Condition reason: To ensure that fill material has been adequately assessed before placement on the site.

- (3) **Stormwater collection and discharge** - While building work is being carried out, the roof of the approved building work must be provided with guttering and downpipes and all drainage lines, including stormwater drainage lines from other areas and overflows from rainwater tanks, must be conveyed to the existing drainage system (stormwater pit) in accordance with the approved stormwater plan(s).

All roof water must be connected to the approved roof water disposal system immediately after the roofing material has been fixed to the framing members. The principal certifier must not permit construction works beyond the frame inspection stage until this work has been carried out.

Connection to the street gutter or drainage easement must only occur at the designated connection point for the site. New connections that require work to an easement pipe or kerb must only occur with Council's approval.

Condition reason: To ensure that stormwater is properly collected and discharged.

- (4) **Finished floor level** - Before the development proceeds beyond floor level stage, a survey report must be prepared by a registered surveyor. The report must confirm, to the satisfaction of the principal certifier, that the finished floor level complies with the approved plans and this development consent.

Condition reason: To ensure that the finished floor level complies with the approved plans and this development consent.

- (5) **Site management plan (during work)** - While building work is being carried out, the approved site management plan must be complied with.

A copy of the plan must be kept on the site at all times and provided to Council upon request.

Condition reason: To protect the amenity of the surrounding area.

- (6) **Unexpected contamination finds contingency (general)** - While building work is being carried out, if any suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material, etc.) are encountered, the work must cease immediately until a certified contaminated land consultant has conducted an assessment of the find to the satisfaction of the principal certifier.

Where the assessment identifies contamination and remediation is required, all work must cease in the vicinity of the contamination and Council must be notified immediately. Development consent must be obtained to undertake Category 1 remediation.

Condition reason: To ensure a procedure is in place to manage unexpected contamination finds encountered during site works.

- (7) **Compliance with *Building Code of Australia*** - While building work is being carried out, the work must be carried out in accordance with the *Building Code of Australia*. A reference to the *Building Code of Australia* is a reference to the Building Code of Australia as in force on the relevant date (as defined by section 19 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*).

This condition does not apply:

1. To the extent to which an exemption from a provision of the *Building Code of Australia* or a fire safety standard is in force under the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.
2. To the erection of a temporary building other than a temporary structure used as an entertainment venue.

Condition reason: Prescribed condition under section 69 of the *Environmental Planning and Assessment Regulation 2021*.

- (8) **Shoring and adequacy of adjoining property** - While building work is being carried out, the person having the benefit of the development consent must, at the person's own expense:
1. Protect and support the building, structure or work on adjoining land from possible damage from the excavation.
 2. If necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.

This condition does not apply if:

1. The person having the benefit of the development consent owns the adjoining land.
2. The owner of the adjoining land gives written consent to the condition not applying.

Condition reason: Prescribed condition under section 74 of the *Environmental Planning and Assessment Regulation 2021*.

- (9) **Survey report** - Before concrete is poured, the building(s) must be set out by a registered surveyor and a peg out survey must be prepared. The survey must confirm, to the satisfaction of the principal certifier, that the building(s) and front fence will be sited in accordance with the approved plans and this development consent.

Condition reason: To ensure that the building(s) and front fence will be sited in accordance with the approved plans and this development consent.

- (10) **Swimming pool and/or spa filling** - While building work is being carried out, the swimming pool and/or spa must not be filled with water until the safety fencing required by this development consent has been installed. The principal certifier must inspect the fencing prior to the filling.

Condition reason: To ensure that safety fencing has been installed before the swimming pool and/or spa is filled.

- (11) **Work near or involving vegetation** - While building work is being carried out, the following requirements must be complied with to the satisfaction of the principal certifier:

1. Existing vegetation (including street trees) not approved for removal must be protected in accordance with AS 4970 - Protection of Trees on Development Sites and Council's engineering specifications.
2. The boundaries of any bushland or waterfront land areas adjacent to the site must be fenced by minimum 1.8m high chain link or welded mesh fencing. The fencing must include signage advising that the vegetation behind it is protected. The fencing must be maintained until the works have been completed.
3. No work (including for vehicular access or parking) that transects vegetation not approved for removal can be undertaken.
4. All vegetation related work must be carried out by a fully insured and qualified arborist. The arborist must be qualified to Australian Qualifications Framework (AQF) Level 3 in Arboriculture for the carrying out of tree works and AQF Level 5 in Arboriculture for Hazard, Tree Health and Risk Assessments and Reports.
5. All tree pruning must be carried out in accordance with AS 4373 - Pruning of Amenity Trees.
6. Where practical, all green waste generated from vegetation work must be recycled into mulch or composted at a designated facility.

Condition reason: To ensure that work near or involving vegetation is carried out to industry standards.

- (12) **Archaeological discovery** - While building work is being carried out, the following requirements must be complied with should relic(s) from the past be discovered that could have historical significance, to the satisfaction of the principal certifier:

1. All works in the vicinity of the discovery area must stop.
2. For Aboriginal objects, Heritage NSW must be advised of the discovery in writing in accordance with Section 89A of the *National Parks and Wildlife Act 1974*. Any requirements of Heritage NSW must be implemented.
3. For non-Aboriginal objects, Heritage NSW must be advised of the discovery in writing in accordance with Section 146 of the *Heritage Act 1977*. Any requirements of Heritage NSW must be implemented.

Condition reason: To ensure unexpected archaeological discoveries are managed in accordance with statutory requirements.

2.4 - Before Issue of an Occupation Certificate

- (1) **Survey report** – Before the issue of an occupation certificate, a survey report must confirm, to the satisfaction of the principal certifier, that the buildings and front fence have been sited in accordance with the approved plans and this development consent.

Condition reason: To ensure that the building(s) have been sited in accordance with the approved plans and this development consent.

- (2) **Swimming pool and/or spa fencing** - Before the issue of an occupation certificate, the principal certifier must inspect the swimming pool and/or spa safety fencing.

Condition reason: To ensure that safety fencing has been installed for the swimming pool and/or spa.

- (3) **Filter and recirculation systems** - Before the issue of an occupation certificate, information must be prepared by a suitably qualified person and demonstrate, to the principal certifier's satisfaction, that the swimming pool and/or spa filtration and recirculation systems comply with AS 1926.3 - Swimming Pool Safety.

Condition reason: To ensure that swimming pools and/or spas comply with industry standards.

- (4) **Swimming pool and/or spa safety fencing (certification)** - Before the issue of an occupation certificate, a certificate must be prepared by the supplier of the swimming pool and/or spa fencing and certify, to the principal certifier's satisfaction, that the fencing will comply with AS 1926.1 - Swimming Pool Safety - Safety Barriers for Swimming Pools.

Condition reason: To ensure that swimming pools and/or spas are fenced to comply with industry standards.

- (5) **Verge reconstruction** - Before the issue of an occupation certificate, the unpaved road verges directly adjoining the property must be reconstructed with grass species listed in Council's engineering specifications.

Condition reason: To ensure that road verges are reconstructed with grass following building works.

- (6) **Landscaping works completion** - Before the issue of an occupation certificate, all of the landscaping works approved by this development consent and the construction certificate must be completed to the satisfaction of the principal certifier. This must include the provision of certification from the supplier of all trees certifying that the trees comply with AS 2303 - Tree Stock for Landscape use.

Condition reason: To ensure that all approved landscaping works have been completed to an appropriate standard.

2.5 - Occupation and Ongoing Use

- (1) **Swimming pool and/or spa wastewater disposal (ongoing)** - During occupation and ongoing use of the development, the following requirements must be complied with:

1. Wastewater must not be discharged to a septic tank, an on-site sewage management installation or an effluent disposal area.
2. Wastewater must not be discharged into a public reserve, watercourse, easement or stormwater drainage system or otherwise adversely impact upon an adjoining property.
3. If cartridge filters are used, when the filters are cleaned they must be hosed out in a location that will not adversely impact upon an effluent disposal area or an adjoining property and must not cause water to enter a public reserve, watercourse, easement or stormwater drainage system.

Condition reason: To protect the amenity of the surrounding area and the environment from pollution.

- (2) **Swimming pool and/or spa safety fencing (ongoing)** - During occupation and ongoing use of the development, the placement of outdoor furniture (including barbecues and the like) must not reduce the effectiveness of swimming pool and/or spa safety fencing. All such items must be located at least 900mm from the outside of the fencing.

Condition reason: To ensure that swimming pools and/or spas safety fencing remains effective.

- (3) **Prohibited items within swimming pool and/or spa enclosures** - During occupation and ongoing use of the development, the area contained within the swimming pool enclosure must not be used for non-related activities such as the installation of children's play equipment or clothes drying lines.

Condition reason: To ensure that swimming pools and/or spas enclosures are preserved for their intended purpose.

- (4) **Private swimming pool and/or spa enclosures water quality standards** - During occupation and ongoing use of the development, the swimming pool and/or spa must be maintained in a clean and healthy condition.

Condition reason: To ensure that swimming pools and/or spas are maintained in a clean and healthy condition.

- (5) **Landscaping works maintenance** - During occupation and ongoing use of the development, the approved landscaping must be perpetually maintained in a complete and healthy condition.

Condition reason: To ensure that approved landscaping works are perpetually maintained to an appropriate standard.

Demolition Work

3.1 - Before Demolition Work Commences

- (1) **Site security and fencing** - Before any demolition work commences, the site is to be secured and fenced to the satisfaction of Council.

Condition reason: To ensure that access to the site is managed before works commence.

- (2) **Dilapidation report** - Before any demolition work commences, a dilapidation report must be prepared by a suitably qualified person to the satisfaction of Council. The report must include:

1. A photographic survey of the following properties:
 - a. 56 Hilder Street, Elderslie (Lot 10 DP 1171269)
2. A photographic survey of existing public infrastructure surrounding the site including (but not necessarily limited to):
 - a. Road carriageways.
 - b. Kerbs.
 - c. Footpaths.
 - d. Drainage structures.
 - e. Street trees.

In the event that access for undertaking the dilapidation report is denied by a property owner, the developer must detail in writing that all reasonable steps have been taken to obtain access to and advise the affected property owner of the reason for the survey and that these steps have failed. Written approval must be obtained from Council in such an event.

Should any public property or the environment sustain damage during the course of and as a result of works, or if the works put Council's assets or the environment at risk, Council may carry out any works necessary to repair the damage or remove the risk. The costs incurred will be deducted from the developer's damages bond.

The report must be submitted to Council 2 days before any demolition work commences. The development must comply with all conditions that the report imposes.

Condition reason: To ensure that any damage caused by works can be identified and rectified.

- (3) **Demolition work** - Before any demolition work commences, the following requirements must be complied with to the satisfaction of Council:
1. The developer must notify adjoining property occupiers of the demolition works 7 working days prior to demolition. The notification must be clearly written on A4 size paper giving the date demolition will commence and be placed in the letterbox of every premises (including every apartment, unit or the like) either side, immediately at the rear of and directly opposite the demolition site.
 2. The developer must erect a sign at the front of the property with the demolisher's name, licence number, contact phone number and site address.
 3. The developer must erect a 1.8m high temporary fence and hoarding between the site and any public property (footpaths, roads, reserves, etc.). Access to the site must be restricted to authorised persons only and the site must be secured against unauthorised entry when work is not in progress or when the site is unoccupied.
 4. All utilities (such as sewer, telephone, gas, water and electricity) must be disconnected. The developer must consult with the relevant utility owner regarding their requirements for the disconnection of services.
 5. Erosion and sediment control measures must be installed.
 6. A work plan must be prepared by a suitably qualified person. The plan must:
 - a. Demonstrate compliance with AS 2601 - The Demolition of Structures.
 - b. The NSW Government's Code of Practice for Demolition Work.
 - c. Identify hazardous materials including surfaces coated with lead paint.
 - d. Detail the method(s) of demolition.
 - e. Identify the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.
 - f. Note that the burning of any demolished material on site is not permitted and that offenders will be prosecuted.
 7. If the property was built prior to 1987, an asbestos survey must be carried out by a suitably qualified person. If asbestos is found, a SafeWork NSW licensed asbestos removalist must remove all asbestos in accordance with SafeWork NSW

requirements and include notification to adjoining property occupiers of the asbestos removal.

Condition reason: To ensure that demolition works are carried out to appropriate standards.

- (4) **Site management plan (preparation)** - Before any demolition work commences, a site management plan must be prepared by a suitably qualified person. The plan must demonstrate, to the satisfaction of Council, that the following site work matters will be managed to protect the amenity of the surrounding area:
1. Erosion and sediment control measures, including compliance with the NSW Department of Planning, Housing and Infrastructure document 'Guidelines for erosion and sediment control on building sites' and the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate (the blue book)' (as applicable and as amended from time to time).
 2. Prohibiting offensive noise, vibration, dust and odour as defined by the *Protection of the Environment Operations Act 1997*.
 3. Covering soil stockpiles and not locating them near drainage lines, watercourses, waterbodies, footpaths and roads without first providing adequate measures to protect those features.
 4. Prohibiting the pumping of water seeping into any excavations from being pumped to a stormwater system unless sampling results demonstrate compliance with NSW Environment Protection Authority requirements and the Australian and New Zealand Guidelines for Fresh and Marine Water Quality (2018) criteria for water quality discharge.
 5. Construction traffic management in accordance with Council's engineering specifications and AS 1742.3 - Manual of Uniform Traffic Control Devices - Traffic Control for Works on Roads.
 6. Maintaining a fill delivery register including the date, time, truck registration number and fill quantity, origin and type.
 7. Ensuring that vehicles transporting material to and from the site:
 - a. Cover the material so as to minimise sediment transfer.
 - b. Do not track soil and other waste material onto any public road.
 - c. Fully traverse the site's stabilised access point.
 8. Waste generation volumes, waste reuse and recycling methods, waste classification in accordance with NSW Environment Protection Authority waste classification guidelines, hazardous waste management, disposal at waste facilities, the retention of tipping dockets and their production to Council upon request.
 9. Hazardous materials management.
 10. Work health and safety.

11. Complaints recording and response.

Condition reason: To ensure site management practices are established before any works commence.

(5) **Erection of signs** - Before any demolition work commences, a sign must be erected in a prominent position on the site:

1. Showing the name of the principal contractor, if any, for the work and a telephone number on which the contractor may be contacted outside working hours.
2. Stating that unauthorised entry to the work site is prohibited.

The sign must be:

1. Maintained while the work is being carried out.
2. Removed when the work has been completed.

This condition does not apply in relation to:

1. Building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building.
2. Crown building work certified to comply with the *Building Code of Australia* under Part 6 of the *Environmental Planning and Assessment Act 1979*.

Condition reason: Prescribed condition under section 70 of the *Environmental Planning and Assessment Regulation 2021*.

3.2 - During Demolition Work

(1) **Priority (noxious) weeds management (during work)** - While demolition work is being carried out, weed dispersion must be minimised and weed infestations must be managed under the *Biosecurity Act 2015* and the *Biosecurity Regulation 2017*. Any priority (noxious) or environmentally invasive weed infestations that occur during works must be fully and continuously suppressed and destroyed by appropriate means, to the satisfaction of Council. All new infestations must be reported to Council.

Condition reason: To ensure priority (noxious) weeds are managed in accordance with statutory requirements.

(2) **Work hours** - While demolition work is being carried out, all work (including the delivery of materials) must be:

1. Restricted to between the hours of 7am to 5pm Monday to Saturday.
2. Not carried out on Sundays or public holidays.

Unless otherwise approved in writing by Council.

Condition reason: To protect the amenity of the surrounding area.

- (3) **Work noise** - While demolition work is being carried out, noise levels must comply with:
1. For work periods of 4 weeks or less, the LAeq level measured over a period not less than 15 minutes when work is occurring must not exceed the background level by more than 20dB(A).
 2. For work periods greater than 4 weeks but not greater than 26 weeks, the LAeq level measured over a period not less than 15 minutes when work is occurring must not exceed the background level by more than 10dB(A).
 3. For work periods greater than 26 weeks, the LAeq level measured over a period not less than 15 minutes when work is occurring must not exceed the background level by more than 5dB(A). Alternatively, noise levels must comply with the NSW Environment Protection Authority Interim Construction Noise Guidelines.

Condition reason: To protect the amenity of the surrounding area.

- (4) **Site management plan (during work)** - While demolition work is being carried out, the approved site management plan must be complied with.

A copy of the plan must be kept on the site at all times and provided to Council upon request.

Condition reason: To protect the amenity of the surrounding area.

- (5) **Unexpected contamination finds contingency (general)** - While demolition work is being carried out, if any suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material, etc.) are encountered, the work must cease immediately until a certified contaminated land consultant has conducted an assessment of the find to the satisfaction of Council.

Where the assessment identifies contamination and remediation is required, all work must cease in the vicinity of the contamination and Council must be notified immediately. Development consent must be obtained to undertake Category 1 remediation.

Condition reason: To ensure a procedure is in place to manage unexpected contamination finds encountered during site works.

- (6) **Work near or involving vegetation** - While demolition work is being carried out, the following requirements must be complied with to the satisfaction of Council:
1. Existing vegetation (including street trees) not approved for removal must be protected in accordance with AS 4970 - Protection of Trees on Development Sites and Council's engineering specifications.
 2. The boundaries of any bushland or waterfront land areas adjacent to the site must be fenced by minimum 1.8m high chain link or welded mesh fencing. The fencing must include signage advising that the vegetation behind it is protected. The fencing must be maintained until the works have been completed.

3. No work (including for vehicular access or parking) that transects vegetation not approved for removal can be undertaken.
4. All vegetation related work must be carried out by a fully insured and qualified arborist. The arborist must be qualified to Australian Qualifications Framework (AQF) Level 3 in Arboriculture for the carrying out of tree works and AQF Level 5 in Arboriculture for Hazard, Tree Health and Risk Assessments and Reports.
5. All tree pruning must be carried out in accordance with AS 4373 - Pruning of Amenity Trees.
6. Where practical, all green waste generated from vegetation work must be recycled into mulch or composted at a designated facility.

Condition reason: To ensure that work near of involving vegetation is carried out to industry standards.

- (7) **Archaeological discovery** - While demolition work is being carried out, the following requirements must be complied with should relic(s) from the past be discovered that could have historical significance, to the satisfaction of Council:

1. All works in the vicinity of the discovery area must stop.
2. For Aboriginal objects, Heritage NSW must be advised of the discovery in writing in accordance with Section 89A of the *National Parks and Wildlife Act 1974*. Any requirements of Heritage NSW must be implemented.
3. For non-Aboriginal objects, Heritage NSW must be advised of the discovery in writing in accordance with Section 146 of the *Heritage Act 1977*. Any requirements of Heritage NSW must be implemented.

Condition reason: To ensure unexpected archaeological discoveries are managed in accordance with statutory requirements.

- (8) **Shoring and adequacy of adjoining property** - While demolition work is being carried out, the person having the benefit of the development consent must, at the person's own expense:

1. Protect and support the building, structure or work on adjoining land from possible damage from the excavation.
2. If necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.

This condition does not apply if:

1. The person having the benefit of the development consent owns the adjoining land.
2. The owner of the adjoining land gives written consent to the condition not applying.

Condition reason: Prescribed condition under section 74 of the *Environmental Planning and Assessment Regulation 2021*.

- (9) **Archaeological discovery** - While demolition work is being carried out, the following requirements must be complied with should relic(s) from the past be discovered that could have historical significance, to the satisfaction of Council:

1. All works in the vicinity of the discovery area must stop.
2. For Aboriginal objects, Heritage NSW must be advised of the discovery in writing in accordance with Section 89A of the *National Parks and Wildlife Act 1974*. Any requirements of Heritage NSW must be implemented.
3. For non-Aboriginal objects, Heritage NSW must be advised of the discovery in writing in accordance with Section 146 of the *Heritage Act 1977*. Any requirements of Heritage NSW must be implemented.

Condition reason: To ensure unexpected archaeological discoveries are managed in accordance with statutory requirements.

Camden Local Environmental Plan 2010 (Camden LEP) Assessment Table

Clause	Assessment	Compliance?
<p>2.3 Zone objectives and land use table</p> <p>The land use table for each zone sets out what development is permitted without consent, permitted with consent, and prohibited.</p> <p>The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within a zone.</p> <p>The zone objectives for this site are:</p> <ul style="list-style-type: none"> • To provide for the housing needs of the community within a low density residential environment. • To enable other land uses that provide facilities or services to meet the day to day needs of residents. • To allow for educational, recreational, community and religious activities that support the wellbeing of the community. <p>To minimise conflict between land uses within the zone and land uses within adjoining zones.</p>	<p>The site is zoned R2 Low Density Residential.</p> <p>The development is consistent with the relevant objectives of the zone in that it will not conflict with other land uses in the zone or adjoining zones and will maintain the housing needs of the community within a low-density residential environment.</p>	Yes.
<p>2.7 Demolition requires development consent</p> <p>Development consent is required to demolish a building or work (unless the demolition is exempt or complying development under another environmental planning instrument).</p>	<p>Development consent is sought for the demolition of the existing outbuilding (garage) on the site and concrete path.</p>	Yes.
<p>4.3 Height of Buildings</p> <p>(1) The objectives of this clause are as follows -</p> <ol style="list-style-type: none"> a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality, b) to minimise the visual impact, disruption of views, loss of privacy and loss of solar access to existing development, c) to minimise the adverse impact of development on heritage 	<p>The proposed outbuildings are compatible with the height, bulk and scale of the existing character of the locality (residential). The outbuildings themselves will not have any visual impact, or the disruption of any views to 'Hilsyde'. There are minimal impacts to the existing solar access of the subject lot.</p> <p>The heritage item (Hilsyde) will not be impacted as a result of the proposed development.</p> <p>The maximum height of the proposed outbuildings is 4.8m which thereby complies with the 9.5m height limit</p>	Yes.

Camden Local Environmental Plan 2010 (Camden LEP) Assessment Table

<p>conservation areas and heritage items.</p> <p>(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.</p>	<p>prescribed in the Camden Local Environmental Plan 2010.</p>	
<p>5.10 Heritage conservation</p> <p>Before granting development consent in respect of a heritage items or a heritage conservation area, the consent authority must consider the effect of the proposed development on the heritage significance of the item or area concerned.</p> <p>The consent authority may require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the item or heritage conservation area concerned. The submission of a heritage conservation management plan may also be required.</p>	<p>The heritage impacts of the development have been detailed in the main body of the assessment report.</p> <p>An adequate Heritage Impact Statement has been submitted in support of the DA.</p>	<p>Yes.</p>
<p>7.4 Earthworks</p> <p>Before granting development consent for earthworks the consent authority must consider a number of matters listed by this clause; including the impact on the existing and likely amenity of adjoining properties.</p>	<p>Minor earthworks are proposed in order to erect the in-ground swimming pool at the rear of existing single-storey dwelling (<i>Pammenter/Hilsyde</i>), along with the detached garage. The earthworks are considered to be acceptable in terms of the matters for consideration listed by this clause and that they will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.</p>	<p>Yes.</p>

Camden Development Control Plan 2019 (Camden DCP) Assessment Table

Control	Assessment	Compliance?
<p>1.2 Notification and advertising DAs are to be publicly exhibited in accordance with the Camden DCP.</p>	The DA was publicly exhibited in accordance with Camden Community Participation Plan 2021. No submissions were received during the notification of the DA.	Yes.
<p>2.1 Earthworks Building work should be designed to respond to the natural topography of the site wherever possible, minimising the extent of cut and fill.</p>	<p>Minor earthworks are proposed. These earthworks are largely for the inground swimming pool.</p> <p>All cut and fill proposed is seen as minimal and responds to the natural topography of the subject lot.</p>	Yes
<p>2.2 Salinity Management All development must incorporate Salinity Management measures. All sediment and erosion controls are to be installed prior to the commencement of any works.</p>	The proposed development is to incorporate Salinity Management Measures. This is to be conditioned within the Notice of Determination.	Yes
<p>2.4 Trees and Vegetation A person must not cut down, fell, uproot, kill, poison, ringbark, burn or otherwise destroy a tree or vegetation without approval from Council authorising such works.</p>	Six trees are to be removed to accommodate the proposed development. Council's Urban Forest Services Team support the application, subject to conditions recommended within the Notice of Determination, which includes the replanting of 12 trees on the site.	Yes.
<p>2.9 Contamination and Potentially Contaminated Land Management A contamination assessment may be required and a remediation action plan submitted if required.</p>	Council staff are satisfied that the land is suitable for the development with a standard contingency condition recommended that requires any contamination found during construction to be managed in accordance with Council's Management of Contaminated Lands Policy.	Yes.
<p>2.14 Waste Management A Waste Management Plan (WMP) must be submitted for all new development, including demolitions, construction and the ongoing (or change of) use. A WMP outlines the waste that will be generated and how the development proposes to manage the waste.</p>	A waste management plan detailing the demolition, construction of the development was provided with the application.	Yes.
<p>2.16.1 Aboriginal Culture and Heritage Development applications must identify any areas of Aboriginal heritage value that are within or adjoining the area of the proposed development, including any areas within the development site that are to be retained and protected (and identify the management protocols for these).</p>	<p>The site is not known to contain any Aboriginal objects and is not identified as an Aboriginal place.</p> <p>A standard condition is recommended to manage any unexpected relic discoveries during works.</p>	Yes.
<p>2.16.2 Heritage Concepts Council may require a heritage impact statement to be provided with a DA. A conservation management plan must be provided for any major development to local heritage items, where requested by Council. In addition, it is to provide a conservation policy and associated strategy.</p>	An adequate Heritage Impact Statement has been submitted in support of the DA. This document has been assessed by Council's Heritage Officer and has been supported, subject to recommended conditions to be imposed within the Notice of Determination.	Yes.
<p>2.16.3 General Heritage Provisions <i>Design</i> New buildings must be of a simple, contemporary design that avoids "heritage style" replication of architectural or decorative detail. New work must be easily identified as such and is required to be sympathetic to the heritage place. Where there is a uniform building front setback, new development must recognise this. New development must be designed to interpret and complement the general form, bulk, scale, height, architectural detail and other significant elements of the surrounding heritage place.</p>	<p>There is no proposed changes or <i>re-design</i> of the existing single storey dwelling 'Hilsyde'.</p> <p>The proposed outbuildings (cabana, swim-up bar, detached garage) and front fencing are to be of a design that is simple and avoids a 'heritage style' that replicates the architectural and decorative details of the existing residence 'Hilsyde'. These buildings and associated works are to be easily identifiable and have been supported by Council's Heritage Officer.</p> <p>All proposed outbuildings are to be located behind the existing residence 'Hilsyde', recognising the importance of the existing front setback.</p> <p>The proposed outbuildings have been designed to interpret and complement the general form, bulk, scale, height and architectural detail surrounding the existing residence</p>	Yes.

Camden Development Control Plan 2019 (Camden DCP) Assessment Table

Control	Assessment	Compliance?
<p><i>Fences and Gates</i></p> <p>Existing fences that have been identified as being significant or that contribute to the overall setting or character of a heritage place are to be retained, rather than replaced.</p> <p>New fences should be sympathetic to the original fencing in terms of design, materials, colour and height. <i>If the original fence type is not known, it should be representative of the architectural period of the heritage building.</i> Old photographs or inspection of remaining fabric can often reveal the original fence type.</p> <p>Traditional fence heights and styles that do not obscure heritage items or visually dominate Heritage Conservation Areas are to be used.</p> <p>On sloping sites fences and walls should be stepped down the slope.</p> <p><i>Landscaping</i></p> <p>Front gardens should predominately be landscaped in a style appropriate to the building type and to embellish the street front elevation.</p> <p>Landscaping in a heritage place should, retain the original design elements, paths, significant trees and established gardens.</p> <p><i>Garages, Carport and Outbuildings</i></p> <p>Garages, carports and outbuildings must be simple, ancillary structures, that are designed and sited so that they do not dominate the principal building and not detract from the Heritage Conservation Area.</p> <p>Parking structures are not to be located in the front setback area, unless documentary evidence of their location in the front setback exists.</p> <p><i>Vehicle Access</i></p> <p>Vehicle access must not impact adversely upon the architectural character and significance of buildings or the streetscape.</p> <p>Driveways should be constructed of gravel, crushed sandstone, bricks or plain concrete or be designed as separated wheel strips. Stencilled concrete is generally not appropriate.</p> <p>Hard stand areas should be kept to a minimum.</p>	<p>'Hilsyde'. They are not to impede or dominate the existing residence.</p> <p>Council's Heritage Officer, along with the Heritage Impact Statement (HIS) provided has identified that there are no known front fences for the subject lot 'Hillsyde'. Given there is no record of a front fence ever being erected within the subject lot, the proposed 'cast iron gate' is considered to adequately represent the architectural period of the heritage building. The cast iron gate is visually unobtrusive within the immediate sympathetic to the existing residential dwelling.</p> <p>The proposed front fence's height of 1.8m is viewed as contemporary, along with providing the necessary security requirements for the owner. Along with this, the proposed front fence is located at the lowest point at the eastern portion of the lot (78m – 78.5m AHD). The long rise along the existing driveway towards the residential dwelling increases to 82.5m AHD – an increase of 4m. The proposed front fence will not obscure the existing 'Hilsyde' residence and will still be able to be viewed from Hilder Street.</p> <p>There are no other changes proposed within the front setback that will impact the immediate vicinity of the area. No trees are proposed for removal within the front setback (garden) area. Six trees to be removed to cater for the proposed development and 12 are to be re-planted (recommended condition of consent), contributing to an already significant and established garden throughout the subject lot.</p> <p>The proposed detached garage, cabana and swim-up bar are of a simple design that has been supported by Council's Heritage Officer and is considered ancillary to the existing residential dwelling. The detached garage is solely for the use of storing cars and hobby use, whilst the cabana and swim-up bar is to be utilised in association with the proposed in-ground swimming pool. They are to be setback so as to not dominate the principal building and will not detract from the heritage item.</p> <p>The proposed detached garage is proposed 26.4m behind the residential dwellings 'front setback' area.</p> <p>All outbuildings are to be setback behind the existing dwelling.</p> <p>Vehicle access to the proposed detached garage will not impact upon the architectural character and significance of the existing residential dwelling. Entry to the detached garage is to utilise the existing driveway, whilst a new 'at grade' slab will provide greater access to each access point (door).</p> <p>There are no changes to the existing driveway.</p> <p>Hardstand areas are viewed as being kept to a minimum throughout the subject lot. Furthermore, hardstand areas are to be located centrally within the lot, with soft landscaping surrounding the proposed and existing developments.</p>	
<p>2.19 Landscape Design A landscape plan is to be submitted for all development that, in Council's opinion, will significantly alter the existing and intended landscape character of the land.</p>	<p>Sufficient landscaping is to be provided within the immediate vicinity of <i>Pammenter/Hilsyde</i>. Given the large site area within context, the existing landscape and character of the land will not be significantly altered as a result of the proposed application.</p> <p>Council's Urban Forest Services Team have supported the application, subject to conditions to be imposed within the Notice of Determination.</p>	Yes.

Camden Development Control Plan 2019 (Camden DCP) Assessment Table

Control	Assessment	Compliance?
4.2.1 Site Analysis A site analysis plan must be provided.	An adequate site analysis has been provided with the development application.	Yes.
4.2.2 Cut and Fill ≤1m cut and fill. Fill >300mm within 1m of a boundary contained by a drop edge beam. Retaining walls and associated infrastructure must be contained within property boundaries.	It has been identified that: <ul style="list-style-type: none"> • 350mm of fill & • No cut has been proposed as part of the application. Furthermore, no fill greater than 300mm within 1m of the subject lot boundary is proposed – therefore, will not require a drop edge beam. All associated infrastructure is to be contained within the property boundaries.	Yes.
4.2.5 Height, Site Coverage and Sitting Compliance with the Camden LEP height of buildings development standard Ground floor level ≤1m above finished ground level unless no adverse impacts For lots ≥450m ² , ≤50% site coverage for single storey development	The proposed outbuildings have demonstrated compliance with the height of buildings development standard. With a maximum of 9.5m permitted, the: <ul style="list-style-type: none"> • Detached garage has a maximum height of building of 4.8m. • Cabana has a maximum height of 4m. • Swim-Up Bar has a maximum height of 3.4m. The ground floor for all proposed outbuildings are less than 1m above the finished ground level once works are completed. With a lot size of 8,261sqm, site coverage will not be exceeded within the subject lot 'Hillsyde'.	Yes.
4.2.6 Landscaped Area ≥30% landscaped area (refer to Figure 4-5)	There will be greater than 30% landscaping (measured in accordance with Figure 4-5) located within the subject lot 'Hillsyde'.	Yes.
4.2.9 Visual and Acoustic Privacy Active recreation facilities (e.g. swimming pools) should be located away from the bedroom areas of adjoining dwellings	The location of the proposed swimming pool is to be a minimum of 25m from the nearest lot boundary, and as such is to be located away from the bedroom(s) of adjoining dwellings located on the Western boundary.	Yes.
4.2.11 Fencing Front fencing must have a maximum height of 1.2m above ground level (existing) and must be open style incorporating pickets, slats, palings or the like or lattice style panels with a minimum aperture of 25mm (refer to Figure 4-6). Front fences and walls are not to impede safe sight lines for traffic.	The proposed front fencing is to have a maximum height of 1.8m above the ground level (existing). The front fence has been designed with an open style, utilising 'Cast Iron'. It is to incorporate pickets and has a minimum aperture greater than 25mm. A variation to the front fencing controls has been assessed in the main body of this report. The proposed front fence is not to impede on the safe sight lines for traffic and will still allow the opportunity for residents within Crank Place to safely enter and exit the street.	No.
4.10 Outbuildings Outbuildings should be sited to retain existing vegetation on site and in a location where the future growth of vegetation can be retained and protected Unless otherwise approved by Council, the use of the outbuilding must be of domestic storage and hobby use only, which is ancillary to the use of the dwelling on the site Outbuildings should be sited so as they are not to encroach or impact on any existing service infrastructure, onsite sewerage management systems and associated effluent areas For lots ≥900m ² , 100m ² floor area ≤4.8m high Stormwater discharge must be disposed of solely within the property boundary without causing any nuisance to the adjacent properties	The proposed outbuildings have been sited to retain as much vegetation that is existing on site. The proposed removal of six trees will have a minimal impact on the subject lot, with 12 trees recommended to be replanted. The proposed use of the outbuildings is for personal use that is considered ancillary to the existing residential dwelling 'Hillsyde'. The detached garage is to be used for domestic storage and hobby use only. The outbuildings have been sited so as to not encroach or impact on any existing infrastructure within the subject lot. Furthermore, the lot has been confirmed as to have a connection to Sydney Water, and no longer requires a sewerage management system. The proposed floor areas of each outbuilding are: <ul style="list-style-type: none"> • The detached garage has a floor area of 143.88m² • The cabana has a floor area of 33.74m² • The swim-up bar has a floor area of 9.53m² 	No.

Camden Development Control Plan 2019 (Camden DCP) Assessment Table

Control	Assessment	Compliance?
<p>All outbuildings must be planned and organized in a group and must be located behind the building line, so they are predominantly hidden from view from the public domain.</p> <p>All outbuildings must comply with the relevant outbuilding setback provisions within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008:</p> <ul style="list-style-type: none"> • Side setbacks: 2.5m (for lots greater than 24m wide at the building line). • Rear setbacks: 2.5m (for lots greater than 1,500sqm in size). <p>≤36° roof pitch</p> <p>The external wall cladding of outbuildings should be of masonry, metal sheet or other approved material which is compatible with surrounding development in terms of profile, colour and finish</p> <p>The roof cladding of outbuildings should be of tiles, metal sheet or other approved material which is compatible with surrounding development in terms of profile, colour and finish</p> <p>The colours of roof and wall cladding should generally be of low reflective natural earth and vegetation tones</p>	<p>A proposed cumulative floor area of 187.15sqm does not comply with the Camden Development Control Plan 2019, however is to have a minimal impact on the subject lot or adjoining properties. The locations of the outbuildings have been designed as to have minimal impacts on adjoining residential dwellings, the streetscape and character of the locality. Furthermore, the proposed outbuilding site coverage equates to 2.27% of the total lot.</p> <p>A variation to the outbuilding controls has been assessed in the main body of the report.</p> <p>All proposed outbuildings are to have a height less than 4.8m:</p> <ul style="list-style-type: none"> • The detached garage has a maximum height of building of 4.8m. • The cabana has a maximum height of 4m. • The swim-up bar has a maximum height of 3.4m. <p>The following setbacks, which meet and exceed the DCP requirement, have been proposed regarding each individual outbuilding:</p> <ul style="list-style-type: none"> • Detached garage has a side setback of 3 metres, and a rear setback of 13.1 metres. • The cabana has a side setback of 25.5 metres, and a rear setback of 17.3 metres. • The swim up-bar has a side setback of 24m, and a rear setback of 30.4 metres. <p>The stormwater is proposed to be discharged into an existing stormwater pit, located at the rear of the lot. This is to be solely within the subject lot boundaries and will not cause any nuisance to adjacent properties (including Elderslie High School).</p> <p>The proposed outbuildings have been planned and designed within a group, located centrally within the subject lot. With the existing landscaping and proposed tree replacements, the outbuildings are to be predominately hidden from the view of the public domain.</p> <p>All proposed outbuildings are to have a roof pitch less than 36 degrees:</p> <ul style="list-style-type: none"> • Detached garage has a maximum roof pitch of 24 degrees. • Cabana has a maximum roof pitch of 26 degrees. • Swim-Up Bar has a maximum roof pitch of 20 degrees. <p>The external wall cladding of all outbuildings is to be of a masonry material – to be provided by Austral Bricks (NSW Dark Cumulus). This includes any columns that are proposed. The proposed colours and materials are compatible with the surrounding development.</p> <p>The roof cladding of all proposed outbuildings is to be metal sheet, 'Mini Orb Roofing'. The proposed colours and materials are compatible with the surrounding development.</p> <p>The colours proposed are to be of low reflective and match the natural earth and vegetation tones.</p>	



HERITAGE IMPACT STATEMENT

Partial Demolition, Alterations & Additions + Front Fence



56 Hilder Street, Elderslie NSW 2570

Prepared for Aidan Safetli

June 2024

M: 0491 341 906

E: contact@touringthepast.com.au

W: www.touringthepast.com.au

A: PO BOX 966 Artarmon, NSW 2064

ABN: 47 660 767 224



Acknowledgement of Country

We acknowledge the Tharawal people as the Traditional Owners of the land now known as Elderslie and recognise that sovereignty has never been ceded. We remain committed to the invitation of the Uluru Statement from the Heart to achieve justice, recognition, and respect for all First Nations people, as well as its call for voice, truth, and treaty.

Touring the Past Pty Ltd

Heritage | Conservation | History

Author: Patrick Wilson
 Director—Heritage Consultant and Professional Historian
 B.A. (Hist Hons) and M. Cult. Heritage
 M. ICOMOS, Pro. Hist PHA (NSW + VIC), SAHANZ, IAIA, APT, Nat Trust (NSW)

M: 0491 341 906

E: contact@touringthepast.com.au

W: www.touringthepast.com.au

A: PO BOX 966 Artarmon, NSW 2064

ABN: 47 660 767 224

Cover image: façade of the subject place

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DATE	VERSION	PREPARED BY
13 June 2024	Issued	Patrick Wilson

HERITAGE IMPACT STATEMENT—56 Hilder Street, Elderslie



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HERITAGE IMPACT STATEMENT—56 Hilder Street, Elderslie

1 INTRODUCTION

1.1 Purpose

This Heritage Impact Statement (HIS) has been prepared on the instruction of the property owner of 56 Hilder Street, Elderslie (subject place)—a fairly modified circa 1888 homestead, formerly known as *Pammenter*, then later as *Hiltsyde*, which is identified as a heritage item (I108) and in the vicinity of other heritage assets. It accompanies a Development Application (DA) for demolishing some non-significant fabric, constructing a pool area with associated structures and a garage at the rear, and providing a new front fence and gate. This report provides the consent authority, Camden Council, with an expert assessment of the subject place's significance and discusses whether the scheme is acceptable in terms of its heritage impact.

1.2 Methodology

The author of this report is an experienced built heritage practitioner and accredited professional historian. This report is informed by a non-invasive inspection of the subject place and its setting (April 2024).

Terminology and principles in this document are based on sound values-based heritage management approaches, namely as expressed by *The Australia ICOMOS Charter for Places of Cultural Significance*, *The Burra Charter* (rev. 2013) and its accompanying practice note *Burra Charter Article 22 – New Work*. Due heed is also taken of the Government Architect NSW's *Better Placed: Design Guide for Heritage* (2019) and recent best-practice documentation from the NSW Department of Planning and Environment: *Assessing heritage significance* (June 2023) and *Guidelines for preparing a statement of heritage impact* (June 2023).

1.3 Location

The subject property is a single largely rectangular land parcel (8,261.3m²)—legally described as Lot 10, DP1171269—on the west side of Hilder Street. Crank Place extends along most of its southern boundary. The Elderslie High School is adjacent to the north. Peter Street lies opposite the site, across Hilder Street. The broader surrounds are a contemporary suburban development on the northeastern edge of the historic village of Elderslie, a locality in the southwestern district of Greater Sydney (Macarthur region).



Aerial photograph of the subject place (outlined in orange) and its suburb environs. (Source: Metromap, February 2024)



1.4 Heritage Management Framework

The subject place is identified as a heritage item under Part 1, Schedule 5 of the *Camden Local Environmental Plan 2010* (CLEP). Its listing details follow:

Item name	Address	Property Description	Significance	Item no.
Hilsyde	56 Hilder Street, Elderslie	Lot 1, DP 1142209 [pre-subdivision]	Local	I108

NB—the extent of item 108's heritage listing includes the contemporary residential developments on the east and south sides of Crank Place (a legacy of a recent subdivision). The Council-adopted Statement of Significance (SoS) for *Pammenter/Hilsyde*, reproduced from the NSW Heritage Inventory, reads:

A representative example of a Victorian style cottage.

Updated: 2002

This SoS does not align with contemporary heritage management expectations and is of little practical value.

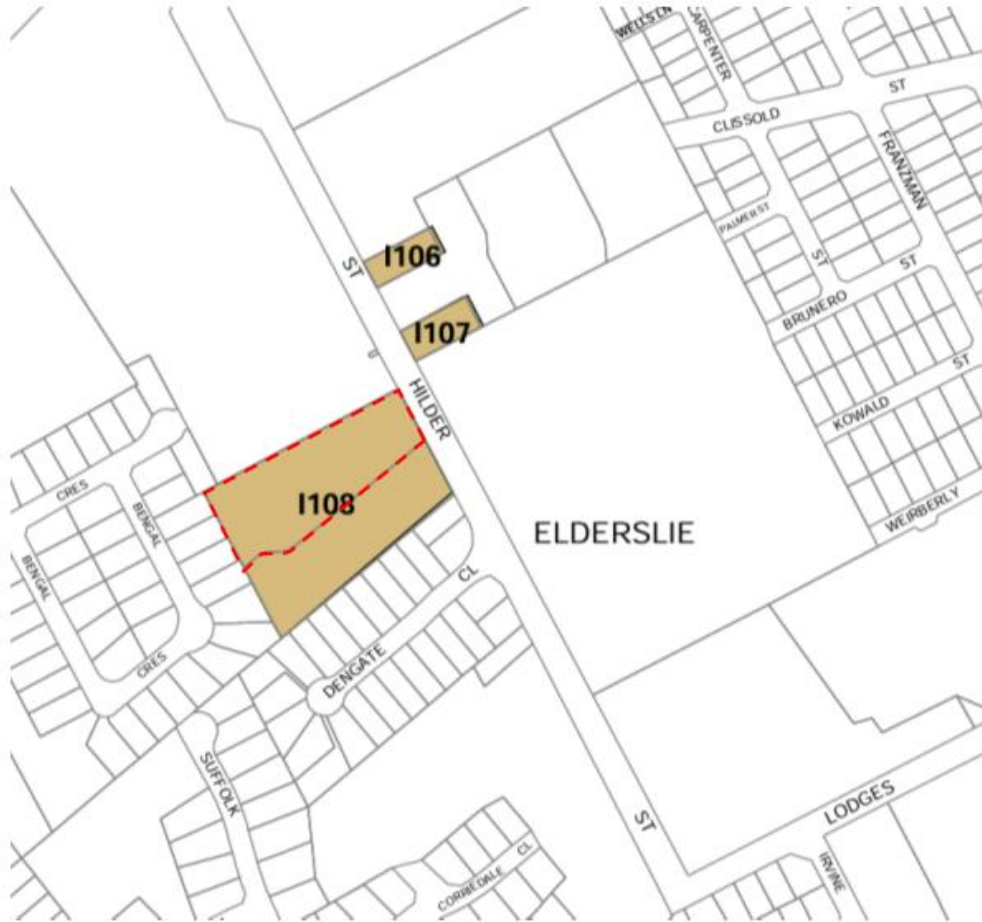
A more thorough SoS was prepared for the subject place by Tropman & Tropman Architects as part of their 2010 assessment:

Hilsyde house is an item of local significance to the Camden Local Government Area. Hilsyde house is a good representative example of a Victorian Period residence in a rural setting. Hilsyde is in good condition retaining a high level of intactness and integrity. The recent alterations and additions to the building does not detract from the architectural quality of the residence or its significance. The property has important associations with Walter Furner who was a prominent and active member of Camden society fulfilling roles for many years as alderman, Mayor of Camden, councillor, senior magistrate and coroner. The Hilsyde property also has associations with the Anglican Church who owned and used the property for a number of years.

This report discusses the significance of the subject place in its existing state in Section 4.1 of this report.

The subject place is also in proximity to three individually listed heritage places, as set out in the table below:

Image	CLEP Listing + Statement of Significance
	<p>House, 43 Hilder Street, Elderslie item I106</p> <p>SoS:</p> <p><i>A considerably intact single storey late 19th century brick cottage sited in an urban alignment in close juxtaposition to the street frontage, which is likely to have further links of note associated with development of the historically important McLulas grant of Camden/Elderslie, and which are only now survived by a relatively few remaining dwellings. A good representation of its type in the Camden Area.</i></p> <p>Column left: Google Street View, March 2021</p>
	<p>House, 49 Hilder Street, Elderslie item I107</p> <p>SoS:</p> <p><i>A considerably intact single storey late 19th/early 20th century brick cottage sited in an urban alignment in close juxtaposition to the street frontage, which is likely to have further links of note associated with development of the historically important McLulas grant of Camden/Elderslie, and which are only now survived by a relatively few remaining dwellings. A good representation of its type in the Camden area.</i></p> <p>Column left: realestate.com.au, April 2016</p>



Extract from Heritage Map HER_013 with the subject property outlined in dashed red. Tan shading denotes an individual heritage item. (Source: CLEP)

As per the CLEP at cl 5.10 (1)(a)(b), a key heritage consideration for the Council is the identified significance or value/s of the relevant heritage places. Accordingly, the applicable Statements of Significance and further discussion throughout this report provide an essential baseline for understanding the impact of new work on the subject place and the encompassing HCA—an approach in line with Article 27 ('Managing Change') of the *Burra Charter*.



2 HISTORICAL OUTLINE

The subject land derives from an approximately 331-hectare grant made to John Oxley in 1816, which was known initially as 'Elerslie' but changed to 'Elderslie' in the late 1820s. By 1840, Charles Campbell had acquired over 600 hectares in the Elderslie area. He subdivided part of this holding as the private township of Elderslie the following years, but sales were limited and development stagnant.

A land title search of the subject property has not been undertaken, but it is known that Walter Charles Furner had acquired a sizable section of the 'Village of Elderslie' and, around 1888, constructed the original section of the subject building, naming it *Pammerter*.¹ The property was described as an orchard in 1907.² The name *Hillsyde* (sometimes spelt *Hillsyde*) was being employed for the site by the early 1930s.³

Furner (1859-1939) was a contractor and businessman, operating an ironmongers and timber/general merchant (Furner Bros.), in Camden, where he been born.⁴ The buildings he was responsible for 'are landmarks in the town to-day, including the Police Station in John St., the Commercial Bank on the corner of Argyle and John Streets ... the old Methodist Parsonage ... and many other buildings.'⁵ He was publicly spirited and prominent locally, being closely involved in municipal politics (alderman 1891-1905, including three stints as mayor), local philanthropy, and the Methodist church. He also served as a senior magistrate in the district and held the position of coroner (1890-1917).⁶ Furner's wife, Eliza Anna *née* Stimson (d. 1951), was strongly associated with the Camden wing of the Red Cross.⁷



Portrait of Furner, the owner-builder of *Pammerter/Hillsyde*.
(Source: 'Death of Mr. W. C. Furner', *Camden News*, 9 March 1939, p1)

As discussed in the next section of this report, the early section of the subject building was built in two stages: with an original late Victorian phase (hipped roof, rear M-profile, brick walls) and the northern mostly rendered wing (likely added in the Federation period) in a *retardataire* Italianate/classicised design mode. The rear attached L-shaped brick wing was then constructed in the late 20th century.

Purportedly, the Anglican Church of NSW also owned and utilised the property over the 20th century; however, this phase of its history has not been investigated by this report. Furner's original holding was progressively broken up. Between 2011 and 2016, the southern and western parts of the property were excised, and the existing suburban residences were developed.

¹ Peter J. Mylrea, *Camden District: A History to the 1840's*, Camden Historical Society, 2002, p35

² 'Advertising', *Camden News*, 14 March 1907, p6

³ 'Advertising', *The Campbelltown*, 10 February 1933, p6

⁴ 'Camden Improvements', *Camden News*, 27 April 1905, p1

⁵ 'Death of Mr. W. C. Furner', *Camden News*, 9 March 1939, p1

⁶ 'Walter Charles Furner', *The Methodist*, 15 April 1939, p13; and 'Death of Mr. W. C. Furner', *Camden News*, 9 March 1939, p1

⁷ 'Obituary: Mrs. Eliza Ann Furner', *The Biz*, 25 January 1951, p2



Mr and Mrs Fumer and their sulky, in front of Pammenter/Hillsyde's façade, early 1900s—post addition of the rendered wing (right). Note the enclosure of the return verandah's south-eastern corner, possibly an original feature, since lost. (Source: Camden Libraries, CH23305)



Early 20th-century photograph of the subject house, showing the façade and south elevation. See close-up of verandah support and bracket below. (Source: Camden Libraries, CLS0751)



Close-up of the above photograph—timber support, classisiced capital, fine 'iron lace' bracket (cast iron), nearest to projecting wing. (Source: Camden Libraries, CLS0751)



Aerial photograph of Elderslie, dated 1949, with the subject building indicated. Close-up follows. (Source: Military Mapping Photography, Run 2, Frame 5179)



Close-up of Pammenter/Hilsyde, dated 1949, red arrow. The original hipped section and northern addition is visible. A since-lost southern wing, with an L-shaped form, is apparent but has since been deleted. Note the driveway and carriage loop. (Source: Military Mapping Photography, Run 2, Frame 5179)

3 PHYSICAL DESCRIPTION

3.1 Subject Place

Pammenter/Hilsyde is a single-storey private residence situated at a deep setback (over 88 metres) from Hilder Street on a property that rises to the west. The original circa 1888 part of the building consisted of a square footprint with a hipped roof with a rear M-profile. It was constructed of a machine-pressed variegated brown brick in an English bond (smooth mortar joints, some cementitious repointing). At a relatively early date—at least by the early 1900s (Federation period)—it appears that the hipped roof was altered to allow for the integration of the two wings in the north, both of which comprise faceted bays. These wings were constructed of a more uniform brown brick in a stretcher bond and mostly rendered (incised ashlar lines). It seems likely that the brick chimneys (4x) were altered/rebuilt and added at this time (admittedly an unusual activity), as their detailing (corbelled cap and tall terracotta or pre-cast concrete pots) is more characteristic of the Federation years. Existing corrugated metal sheeting to the roof is replacement fabric. The fact that the second phase was designed in a sympathetic, loosely Italianate/classicised style to harmonise with the presentation of the formative dwelling is of interest.

The original portion of the residence had a bullnose verandah that returned to the south. It includes replacement metal posts (initially stop-chamfered timber posts with pronounced capitals), although the extant brackets may be the original cast iron (further investigation required). The deck, probably originally timber boards, has been resurfaced with modern tiles.

Windows, to the earliest part, are two-paned timber-framed double-hung sashes with rendered sills and a 'wedge' lintel. Shutters appear to be additions. Windows to the early addition are double-hung sashes with moulded rendered skills and surmounted by a decorative keystone. The front entrance is impressive and original, except for the replacement patterned/stained glazing.

Attached to the southwest corner of the original footprint is an L-shaped brick addition of an unremarkable character.

Pammenter/Hilsyde is accessed from Hilder Street via a long straight driveway terminating in a carriage loop at its western end, in front of the residence. The driveway is surfaced in bitumen with butt-jointed sandstone kerbing and guttering, which is original/early fabric. None of the fencing or gating at the property is original. There is a modern gabled brick garage at the rear of the residence, reached by a branch of the driveway. The treescape of the place is extensive, with several mature Pepper trees (*Schinus sp.*) of note. The tree group near the western (rear) boundary of the property likely contains some early plantings, while those in the front setback appear to have originated from the second half of the 20th century.



Close-up aerial photograph of the subject place—red shading indicates the original, circa 1888 phase; orange shading the early addition (likely Federation); and blue shading the late 20th-century addition extension. (Source: February 2024, Metromap)



Pammenter/Hillsyde, distantly visible, from opposite Hilder Street, facing west.



Subject place, from opposite Hilder Street with Crank Place left of frame. Note non-original post-and-wire fencing to the front.



Southern boundary of the subject place, from Crank Place. Hilder Street is right of frame.



Southern boundary of the subject place, facing west, from Crank Place. Non-original post-and-rail fencing.



View from the western end of Crank Place to the rear part of the subject place.



Remnant original sandstone kerbing/guttering to bitumen drive, at gate (evident on both sides).



View from the bottom of the subject drive to the residence. Note sandstone guttering/kerbing.



Subject façade from the turning circle/carriage loop.



Façade, note the hybrid built form—original dwelling (symmetrical, brick, hipped) with rendered addition (probably Federation).



Close-up of the façade.



South-eastern corner of the subject residence.



Front door with rendered surrounds.



Inside (southern) face of early wing. Note different bricks.



Northeast corner of the late 20th-century addition, facing west. Original form right of frame.



Southern/side setback of the subject place, facing west.



North elevation, facing west.



North elevation—showing the late 20th century skillion-roofed 'link' (red arrow).



Northwest/rear wing, facing east.



Rear (west) elevation of the early addition.



Rear elevation of the late 20th-century rear addition, facing east. Main location of the proposed new works.



South side of the garage, facing east.



Rear of the subject property, residence left of frame.



Modern garage.



3.2 Streetscape Appraisal

The context of the subject property is now largely defined by contemporary suburban developments, which are chiefly characterised by one and two-storey primarily hipped roof rendered/brick veneer project housing. These substantial residences are all centrally placed (with narrow side setbacks) and set close to the street, behind small front gardens, mostly without front fences. The design language of the housing stock in the vicinity of *Pammenter/Hilsyde* is generally unremarkable and relatively monotonous. Accordingly, preceding historic buildings like the subject place stand out markedly. To the north, the site adjoins agricultural yards that are part of the large Elderslie High School campus.



Oblique sightline from Hilder Street to the subject place, facing northeast.



Run of hipped contemporary project homes south of subject place, 60 Hilder Street is centre image. Crank Place on the left.



Two-storey housing east of the subject place, 55 Hilder Street, is shown centre image.



Western end of Crank Place, subdivided from the grounds of the subject property between 2011-16.



View from Hilder Street, along Peter Street (broadly opposite the subject property).



View from Hilder Street, across the grounds of Elderslie High School, with the subject property just off screen left.



4 ASSESSMENT OF HERITAGE IMPACT

4.1 Discussion of Significance

Article 1 of the *Burra Charter* defines the concept of 'cultural significance' as 'aesthetic, historic, scientific, social or spiritual value for past, present or future generations', noting it is 'embodied in the place itself, its fabric, setting, use, associations, records, related places and related objectives.'

The assessment of cultural significance includes consideration of the original and successive layering of fabric, uses and associations of a place and its elements, as well as its contextual relationships. It should be realised that multiple values may be attributable to the same element. Further, that significance may evolve as new information comes to light and understanding develops. From a management perspective, significance is a deceptively 'simple concept':

Its purpose is to help identify and assess the attributes which make a place of value to us and to our society. An understanding of it is therefore basic to any planning process. Once the significance of a place is understood, informed policy decisions can be made which will enable that significance to be retained, revealed or, at least, impaired as little as possible. A clear understanding of the nature and level of the significance of a place will not only suggest constraints on future action, it will also introduce flexibility by identifying areas which can be adapted or developed with greater freedom.⁸

Accordingly, understanding the significance of a heritage place is an essential prerequisite for making good decisions about its management and the weighing/balancing of change and impact.

As discussed, the Council-adopted 2002 Statement of Significance (SoS) for the subject place (item I108) is sparse in detail but attributes representative value to the villa as a 'Victoria style cottage'—a relatively meaningless assessment.

The 2010 Tropman & Tropman-prepared SoS is more detailed. It assigns historical, architectural (not clear if aesthetic or representative), and associational significance to the original portion of the house but overlooks the likelihood that the core of the dwelling was constructed in two stages (late 19th century and early 20th century), which makes it less intact than asserted; albeit—in the view of this report—not any less significant.

While it is beyond the purview of this author of this document's scope to provide a new comprehensive SoS for the *Pammenter/Hilsyde*, a clearer picture of the heritage value of the place can be provided based on the previous assessments and investigations to date, as set out in the following discussion, which is guided by the approach and thresholds outlined in *Assessing heritage significance* (DPE, June 2023):

The Italianate-style brick villa, initially known as *Pammenter*, then later *Hilsyde*, was constructed circa 1888 for notable Camden local Walter Charles Furner and wife Eliza Anna *née* Stimson. The pair of faceted, largely rendered wings were added at least by the early 1900s, expanding the built front of the residence to the north. The staged nature of its development, perhaps allowed for by an increase in the Furner's personal prosperity and loss of some key detail (verandah), has resulted in a less cohesive/harmonised design than typical for its formative period; however, the building is still readily interpreted as a commodious homestead with some distinctive and well-crafted detailing.

Historic (Criterion A), Historical Association (B), and Representative (Criterion G) significance is attributable to the evolved form and fabric of the original and early portions of the extant house.

Supporting the residence's significance and interpretability are the generous front garden setback and the original driveway with carriage loop and sandstone kerbing/guttering. Some of the rear-situated Pepper trees may also be of heritage value, but this requires closer investigation.

All other built components (non-original/non-early) are not of heritage significance, nor are the front garden trees.

⁸ James Semple Kerr, *Conservation Plan*, the 7th edition: A guide to the preparation of conservation plans for places of European cultural significance, rev. 2013, Australia ICOMOS, p4



4.2 The Proposal

The new work is outlined in a set of drawings prepared by Aidan Safetli, dated 19 January 2024. These plans should be referred to for a complete understanding of the scheme.

In sum, the following works relevant to heritage considerations are proposed:

- Remove:
 - non-original/non-significant front fence, and
 - non-original/non-significant rear garage.
- Install a new front masonry fence with an ornamental cast-iron gate.
- At the rear of the primary dwelling, construct:
 - an in-ground swimming pool with steps and a standing area, surrounded by sandstone pavers and landscaping beds, with a safety fence,
 - single-storey swim-up bar (north), and
 - a single-storey cabana (west).
- Construct a single-storey L-shaped garage northwest of the primary residence.

4.3 Heritage Policy

The following section examines the impact of the proposal on the subject place—an individual heritage item (I108) and two other ‘in the vicinity’ heritage assets (I106, I107).

As the scheme would affect an individual heritage item, the CLEP at cl. 5.10(2)(a)(i)(iii) requires that Camden Council ‘consider’ (5.10(4)) the impact of the new work on the identified significance of place, particularly its ‘associated fabric, settings and views’, cl. 5.10(1)(b). Because the subject property is also situated in the proximity of other heritage items, cl. 5.10(5)(c) allows for the consideration of ‘in the vicinity’ impact. The overall objective is to ‘conserve the environmental heritage’ of Camden, cl. 5.10(1)(a).

This HIS, prepared by an independent heritage specialist, constitutes the required expert material and opinion to support the Council in understanding the new work’s heritage impact and making informed, substantiated decisions.

While Section 4.4 of this report adopts a performance/issue-based assessment model, it is recognised that the statutory heritage objectives of the CLEP are the focal point for the Council’s decision-making, assisted by the guidance of the *Camden Development Control Plan 2019* (CDCP), specifically Part 2.16 (‘Environmental Heritage’).

Concurrently, it is acknowledged that the *Environmental Planning and Assessment Act 1979* at cl. 4.15(3A)(b) permits a nuanced and discretionary approach in applying the provisions of a DCP, allowing for reasonable alternative solutions that achieve the overarching objectives of the LEP, which can be distilled as safeguarding the interpretability and legibility of a heritage place’s recognised significance.⁹

Generally speaking, great weight should be afforded to conserving the significance of an individual heritage item. That is, those elements and attributes that underpin its ascribed heritage value, be they visible from the public realm or not. Nonetheless, as widely accepted in the Australian/NSW cultural field, sound values-based heritage management practices, as epitomised by the *Burra Charter* (rev. 2013), emphasise the need to approach change in the historic environment in a common-sense manner guided by site-specific conditions, a close understanding of heritage significance, and—particularly in the case of a private residence—relevant issues of liveability and amenity. It is a question of striking a careful balance, not

⁹ ‘(3A) Development control plans. If a development control plan contains provisions that relate to the development that is the subject of a DA, the consent authority—(b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objectives of those standards for dealing with that aspect of the development.’ EP&A Act



rigid preservation or the uncompromising application of generic non-statutory design approaches or preventing reasonable urban development.

4.4 Review of Heritage Impact

Extent of demolition

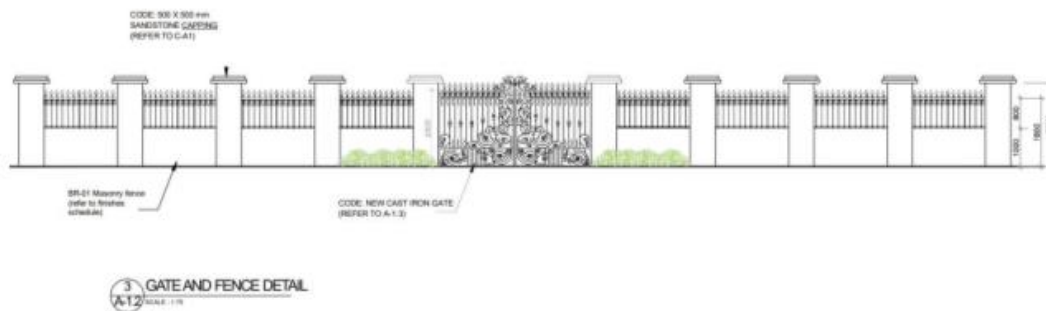
None of the fabric earmarked for removal is original or early or has been determined as contributing to the significance of item I108.

Accordingly, the acceptability of its loss will be predominantly affected by the degree of impact emanating from the proposed replacement features as examined below.

New front fence and gate

It is proposed that a new fence be established at the Hilder Street (east) property boundary of the subject property. The site plan (refer to drawing A-1.1) notes that works during construction would be taken to appropriately protect and preserve in situ all original sandstone kerbing (no guttering evident) in the vicinity of the new fence and gates.

The finish of the new fence would consist of 'Stratos Series Morning Mist' bricks (Australbricks) with sawn-facing sandstone capping to the piers above concrete footings (concealed). Piers are regularly spaced with a maximum height of 2.2 metres, while the plinth would rise to 1 metre, capped with decorative palisades (800mm). The fence would be splayed to the existing driveway, with landscaped beds in front. The gates (4 metres in width x 2 metres in height) would be double-leafed and manufactured of cast iron, finished in black, and feature an elaborate pattern, incorporating sinuous floral motifs and 'spear' railings.



Extract from drawing A-1.2, showing the proposed front fence and cast-iron gate. (Source: Aidan Safetli, DA submission)



Stratos Series Morning Mist brick type. (Source: Australbricks, available [online](#), accessed 12 June 2024)

For new fences, the CDCP encourages a design sympathetic to the architectural period of the significant building (Part 2.16.3).



As there is no evidence as to the original presentation of *Pammenter/Hilsyde's* front fence, there is no opportunity to undertake an informed reconstruction. Further, the 'standard' types of fences for a late Victorian period residence are less applicable to the subject site, which is a former villa homestead.

Accepting that, the prime heritage consideration is whether the proposed masonry front fence and the cast iron gate would subtract from the identified and discussed significance of the subject place.

In the view of this report, it would not, for the reasons that follow.

It is appropriate that the proposed fence and gate are distinguishable as a contemporary element, as this preserves the interpretability of the place's layers (*Article 22/Burra Charter*). Having said that, its design is loosely interpretive and commensurate with a type of secure and moderately imposing front fence/gate that one could expect to find at the primary boundary of a sizable, upper-middle-class rural homestead. The variegated brown brick would also tie in well with the exposed brickwork of the original house, while the ornamental quality of the fence's balustrade and cast iron gate gestures to the filigree quality of much of the metalwork in the late Victorian era—qualities that establish a positive dialogue with the historic presentation of the place.

Stipulating a more restrained or low-key design could only be advanced on the basis of one's aesthetic predilections, a highly subjective position that is not appropriate for an assessment of heritage impact. The proposed design is respectful of the place's evolved character and compatible with its significance.

Additionally, the reality is that due to the depth of the front setback, the fence and significant parts of the residence will never be appreciated as closely intertwined elements. From Hilder Street, *Pammenter/Hilsyde* is a distant, slightly elevated backdrop to the extant fence. Considering the proposed fence and gate's height and extent of visual permeability, this impression would not be diminished. The sequence of approach to the residence from Hilder Street and its concomitant effect, the residence coming closer into fuller and sharper resolution, would not be affected by the proposal. In fact, it could be argued that the relative grandeur of the new fence and gate heightens this experience.

More broadly, from a public domain perspective, the injection of a detailed/complex boundary element with high-quality materials would be of merit, injecting some much-needed visual interest and high-quality natural materials into the streetscape.

Considering the above, the submitted front fence and gate satisfy the CDCP performance measure and would, at worst, have a neutral impact on the significance of item I108.

In light of the spatial and visual distance between the proposed fence and nearby heritage items (I106 and I108), there is no potential for it to have any consequence on the 'readability' of their significance.

Rear pool/cabana works

The pool area with a swim-up bar and cabana is proposed for construction at the rear of the subject building, requiring the removal of what appears to be a *Liquidambar* tree (immediately south of the garage). In regard to the tree loss, this report defers to the accompanying SEE or arborist report but notes—while it appears to be extant in the 1978 aerial photograph—the *Liquidambar* is not necessarily early to the site and makes nothing more than a generic contribution to the significance of the place.

The swim-up bar would be located on the north side of the pool, with a hipped roof with brick walls (partly sunken, 1.3 metres in height). Its pool-facing elevation would include metal stacking doors set between brick piers. The cabana would be positioned west of the pool on a raised platform (wall height 4 metres). It would have a hipped roof, including an east-facing gablet and raised and recessed verandah (supported on brick piers), behind which would be a bank of bi-fold doors and a single door to a separate bathroom. Both the bar and cabana would utilise corrugated metal sheeting ('Bluegum' finish, mid-toned grey) for roof cladding with 'Stratos Series Morning Mist' brickwork.

Summarised, the heritage policy of the CDCP in part 2.16.3 requires development to be broadly compatible, legible as new work but contextually responsive, and to avoid visual domination.



The establishment of the pool would require sub-surface excavation at the rear of an approximately 136-year-old dwelling. Should the Council approve this aspect of the scheme, it may be appropriate to condition a standard 'unexpected historical archaeological relic' stipulation.

Overall, the position of the pool, bar, and cabana, at the rear of the *Pammenter/Hilsyde* is sensible, as it would wholly disguise the development from the primary streetscape of Hilder Street and substantially conceal it from secondary sightlines along the west end of Crank Place (screened by the extant non-original wing). The proposed location is respectful of the place's significance, retaining the existing interpretation of its significant attributes from the public domain.

Given the rear, 'out of sight' location of the new works, their architectural language is less of a concern. There is a greater level of tolerance for change at the rear of *Pammenter/Hilsyde*, as is generally found in heritage-listed 'back of house' areas. Nevertheless, the traditional/familiar forms of the buildings and the quality/harmonising characteristics of the submitted materials (sandstone, brick, cast iron fencing) would have a cordial relationship with the primary dwelling, particularly the interface with its less intact rear elevations and non-original/non-significant L-shaped wing.

Garage

A new garage is proposed to the northwest of *Pammenter/Hilsyde*, at a small setback from the north property boundary. It would be a sizable building with an L-shaped footprint, gabled form, and barn-like doors. Roof cladding would be corrugated metal sheeting ('Bluegum' finish) with 'Stratos Series Morning Mist' brickwork.

The scale of the garage, while sizable, is viewed as tolerable given its setback from the rear primary building line, and traditional barn-like form. In combination, these two aspects of the design work to ameliorate any potential for the garage to visually overwhelm *Pammenter/Hilsyde* or its immediate setting, the important aspect of which is the deep front setback. It is also noted that large-scale barns are not antithetical to late Victorian-period homesteads, particularly those that have retained generous grounds, which can absorb a building of this scale without a sense of the primary residence being crowded or visually dominated.

4.5 Conclusion

Overall, this report finds that the new work would not weaken the significance of *Pammenter/Hilsyde*. The latter would remain readily legible as an evolved late 19th/early 20th century former homestead set back from Hilder Street within an ample landscape setting still evocative of its former rural surrounds. The new fence is complementary to the presentation of the site, while the rear-situated pool area and garage would not—to any material degree—interrupt or distort the interpretability of item I108 or other heritage places in the vicinity.

The proposal—in its current form—would satisfy the CLEP's conservation objectives and be consistent with the heritage performance measures set out in the CDCP.

That being the case, the scheme is supported and recommended to the Council for approval on heritage grounds.



EMAIL: contact@touringthepast.com.au

TEL: 0491 341 906

WEB: www.touringthepast.com.au

Address: PO BOX 966 Artarmon NSW, 2064

ABN: 47 660 767 224

14 November 2024

C Burke
Town Planner | Camden Council
PO Box 183
Camden NSW 2570

RE: DA 2024/328/1

HERITAGE RFI MEMORANDUM—PAMMENTER/HILSYDE, 56 HILDER STREET, ELDELSLIE

Touring the Past continues to provide independent heritage assessment for DA 2024/328/1, which relates to alterations and additions at 56 Hilder Street, Elderslie (subject place). This memorandum relates to the RFI correspondence issued by Camden Council, dated 18 September 2024, and—in response—the revised drawings prepared by Aidan Safetli, dated 19 January 2024.

This document relies upon and should be read in conjunction with the Heritage Impact Statement (HIS), dated 13 June 2024, prepared by my office that accompanied the initial DA submission.

In the RFI correspondence, the Council requested clarity about the extent of treatment clearance proposed, stipulated that the proposed front fence be redesigned at a reduced height with a '*simpler*' expression, and that the scale of the rear garage be rationalised.

At a subsequent meeting held with the Camden assessment team on 14 October 2024, attended by the author of this document, the broad support of the consent authority's Conservation Advisor for the scheme was verbally delivered, with the main heritage contention—particularly in regards to the fence design—made by the planning officers. In my experience, it is unusual for Council planners to be at variance with the opinion of their in-house specialists.

I remain supportive of the original scheme, which the submitted HIS determined as not diminishing the identified significance of the subject place. Nevertheless, in the spirit of compromise and achieving a negotiated outcome, an amended proposal has been submitted. Discussion of the revisions follow.



Trees

It confirms that a total of two trees to the rear of the primary dwelling are proposed for removal. These trees are not apparent in the 1949 aerial photograph included in the HIS (p6) nor identified in the Council-endorsed Statement of Significance for the place or its accompanying citation (NSW Heritage Inventory). Accordingly, as mid-to-late 20th-century plantings that are not associated with the formative development of the place, I am of the view that these trees are not attributable with cultural significance. Their loss would not have a negative heritage impact.

Fence

The Council's position on the fence has been challenging to comprehend. As noted, the Heritage Advisor verbalised support for the original proposal, while the planners have articulated concerns about its size, visual permeability, and character.

The revised front fence now has a maximised height of 1.8m with a high degree of visual porosity. A more restrained cast iron palisade fence (without a solid plinth) and gate design have also been submitted. As noted in the HIS:

As there is no evidence as to the original presentation of Pammenter/Hilsyde's front fence, there is no opportunity to undertake an informed reconstruction. Further, the 'standard' types of fences for a late Victorian period residence are less applicable to the subject site, which is a former villa [rural] homestead.

[...]

It is appropriate that the proposed fence and gate are distinguishable as a contemporary element, as this preserves the interpretability of the place's layers (Article 22/Burra Charter). Having said that, its design is loosely interpretive and commensurate with a type of secure and moderately imposing front fence/gate that one could expect to find at the primary boundary of a sizable, upper-middle-class [late Victorian period] rural homestead ... the ornamental quality of the ... [cast iron palisade and gate] gestures to the filigree quality of much of the metalwork in the late Victorian era—qualities that establish a positive dialogue with the historic presentation of the place.

[...]

Additionally, the reality is that due to the depth of the front setback, the fence and significant parts of the residence will never be appreciated as closely intertwined elements. From Hilder Street, Pammenter/Hilsyde is a distant, slightly elevated backdrop to the extant fence. Considering the proposed fence and gate's height and extent of visual permeability, this impression would not be diminished. The sequence of approach to the residence from Hilder Street and its concomitant effect, the residence coming closer into fuller and sharper resolution, would not be affected by the proposal. In fact, it could be argued that the relative grandeur of the new fence and gate heightens this experience.

More broadly, from a public domain perspective, the injection of a detailed/complex boundary element with high-quality materials would be of merit, injecting some much-needed visual interest and high-quality natural materials into the streetscape.

I note that the Council planners appeared to hold an issue with the proposed fence 'being out of character' with the streetscape. It is questionable whether or not it is valid to require that a late Victorian former rural property—now an anomaly in its suburban context—should be expected to conform with the surrounding, predominantly contemporary developments (relatively few of which feature front fencing).

In my opinion, the amended fence delivers a good compromise—responding to the consent authority's apprehensions and the necessity, for the Applicant, of securing the front boundary of the property with a high-quality fence.

Rear garage

The height of the proposed garage above NGL has been brought in line with the Council's preference (4.8m). Further, its floor space has been substantially reduced (to 155m²) in accordance with the direction of the Council. From a heritage impact perspective, there remains (as previously presented) ample spatial/visual separation between the subject residence and the proposed garage, which would be virtually 'invisible' when viewed from the public realm. Considering this, there is



no risk of the rationalised amended garage visually competing with or overwhelming the built form of the heritage-listed residence. Further truncation of the garage's scale would render it not for its intended purpose nor be warranted on reasonable heritage management grounds.

To conclude, I trust that the above is clear and the Council's perceived concerns are satisfied; however, should further information or clarification regarding heritage be required, please do not hesitate to contact the undersigned.

Please contact this office if you have any queries in relation to the above.

Yours faithfully,

Patrick Wilson

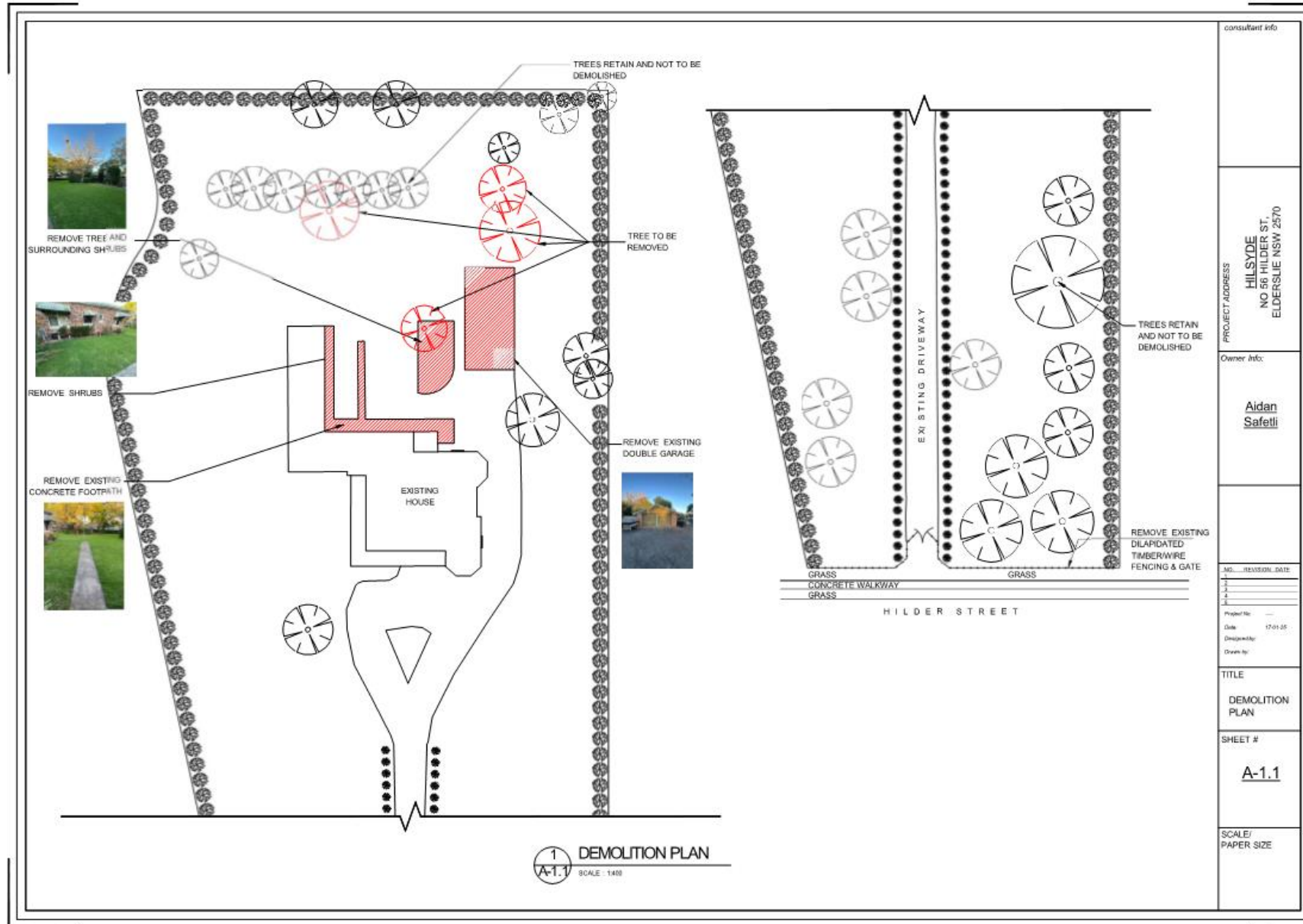
PATRICK WILSON

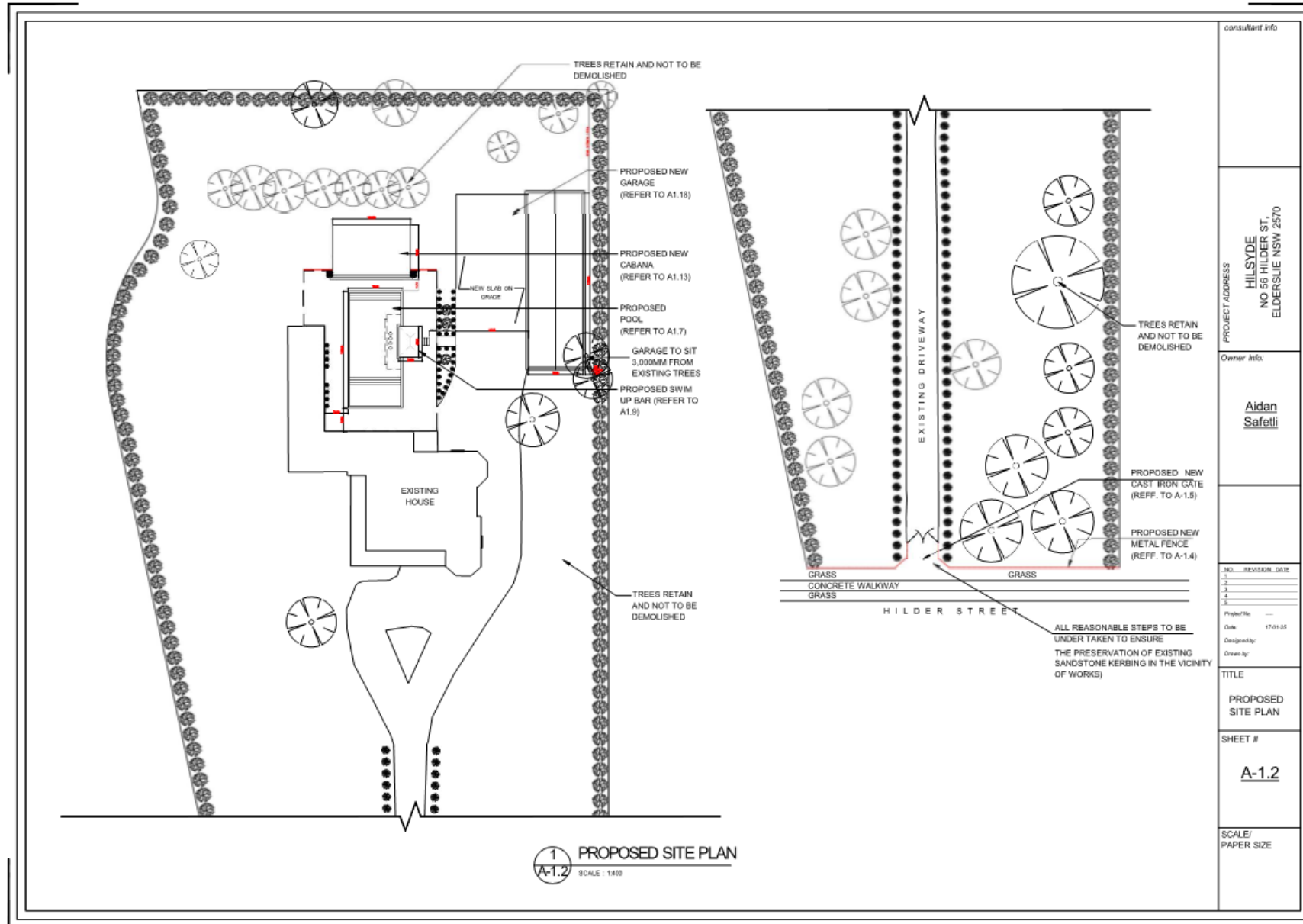
Principal Heritage Consultant

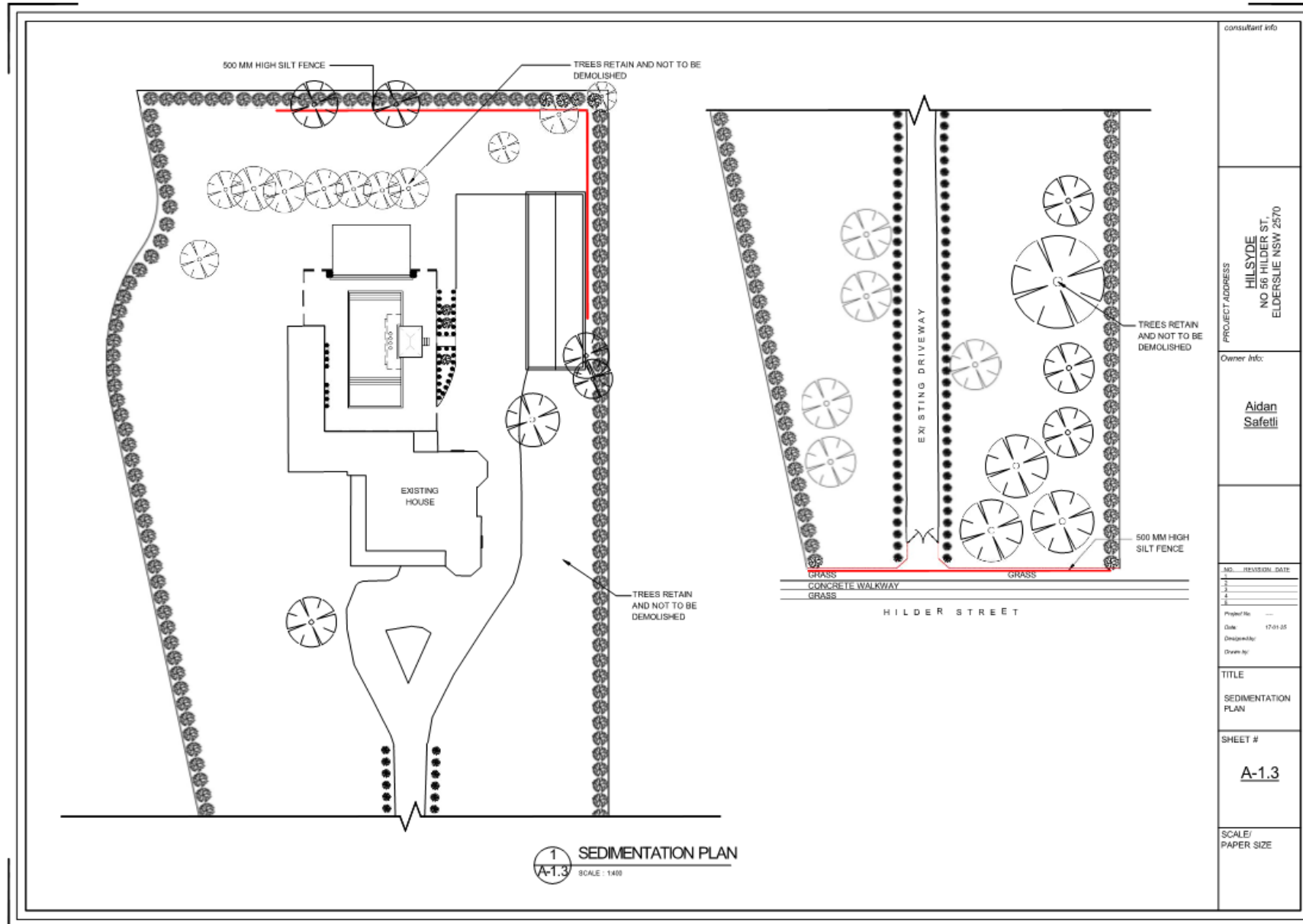
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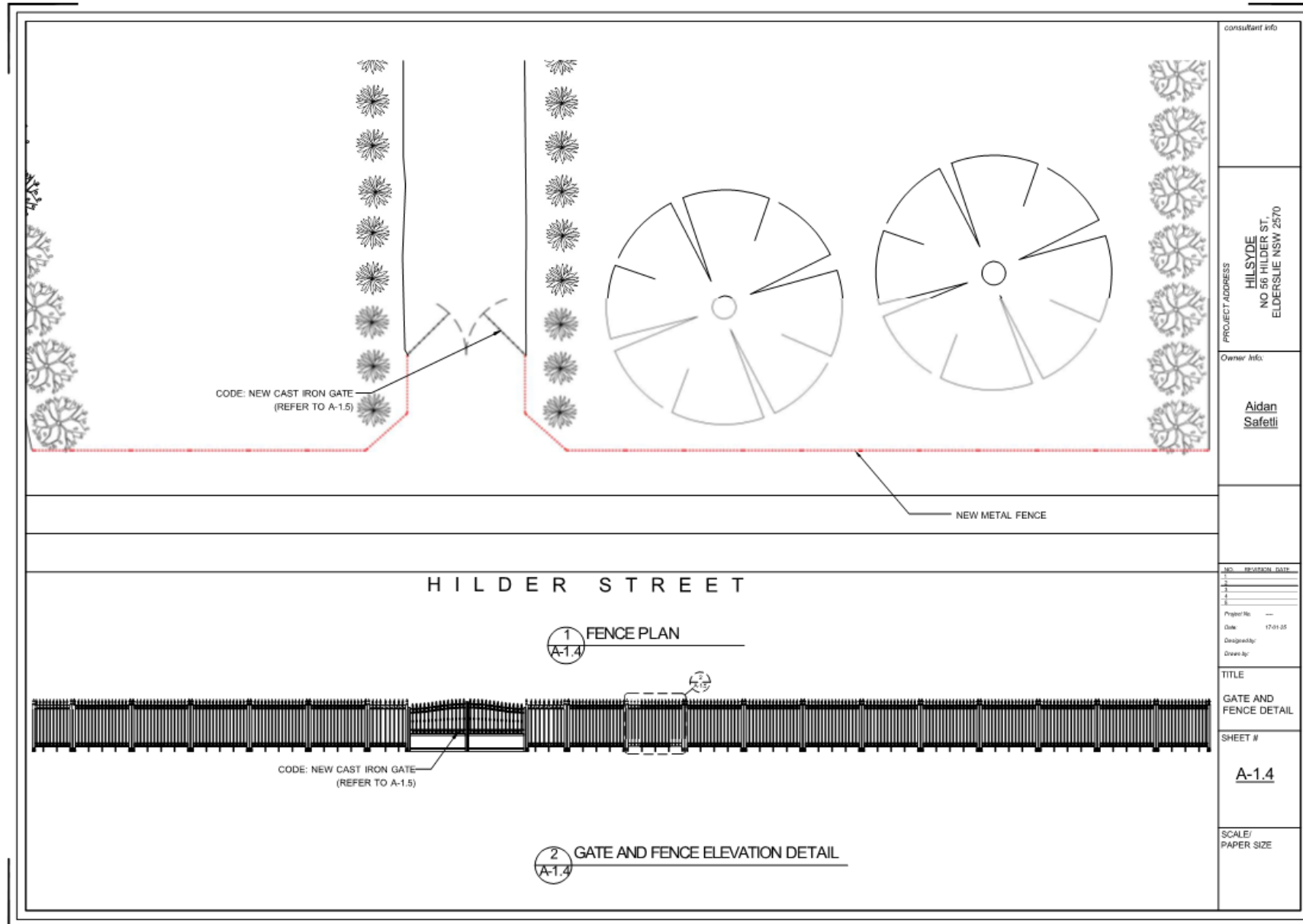
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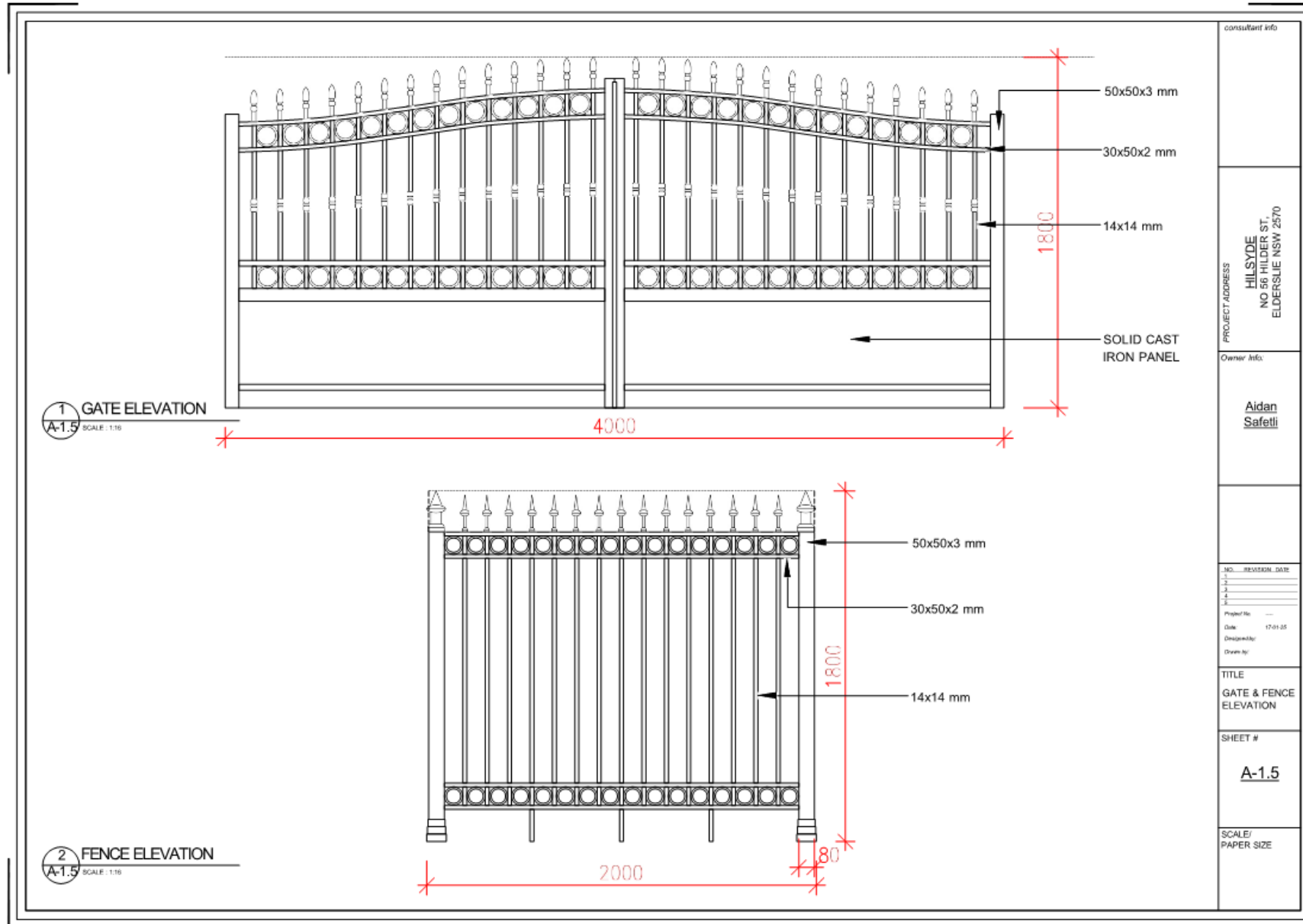


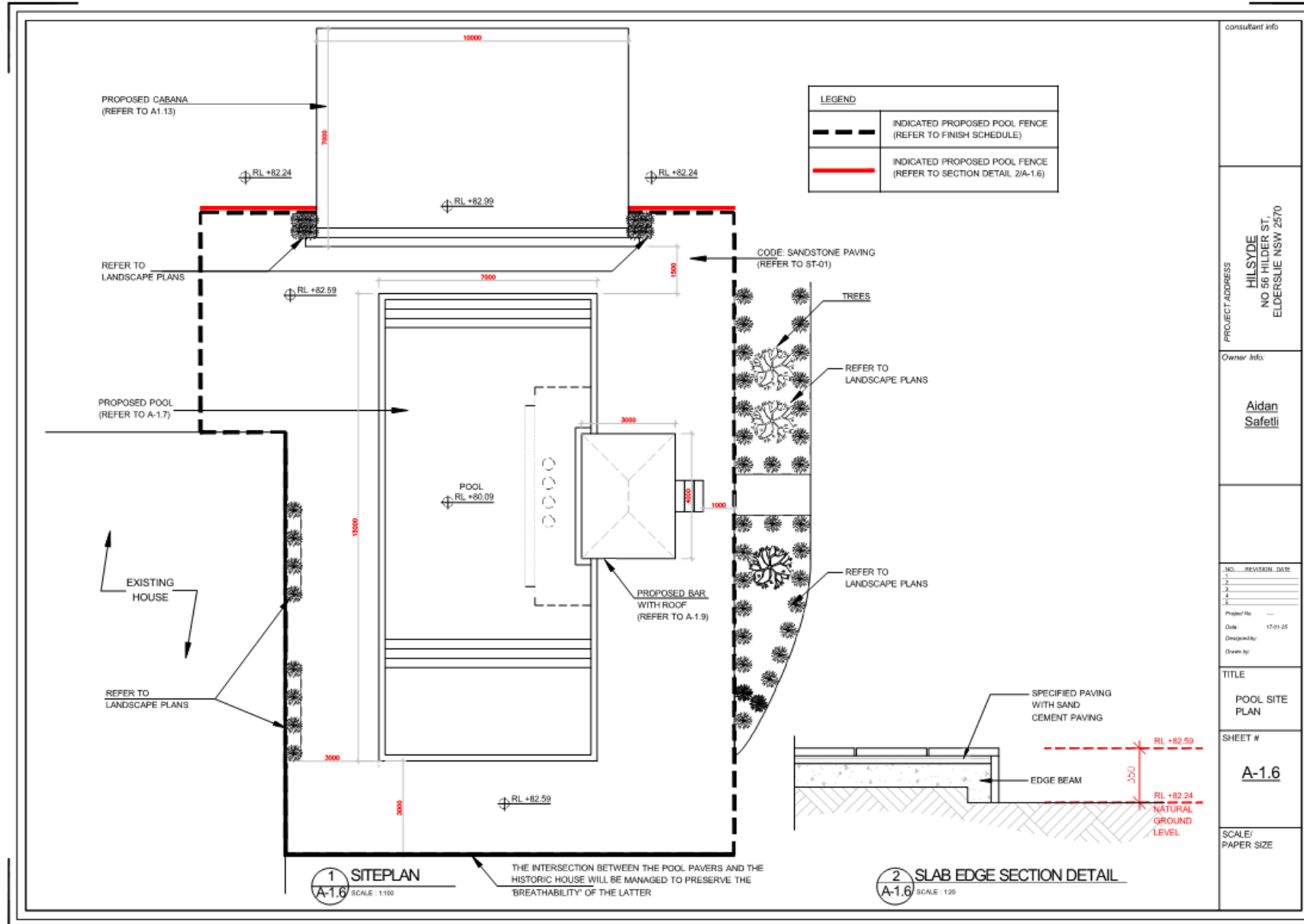


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Owner Info:	Aidan Safelli
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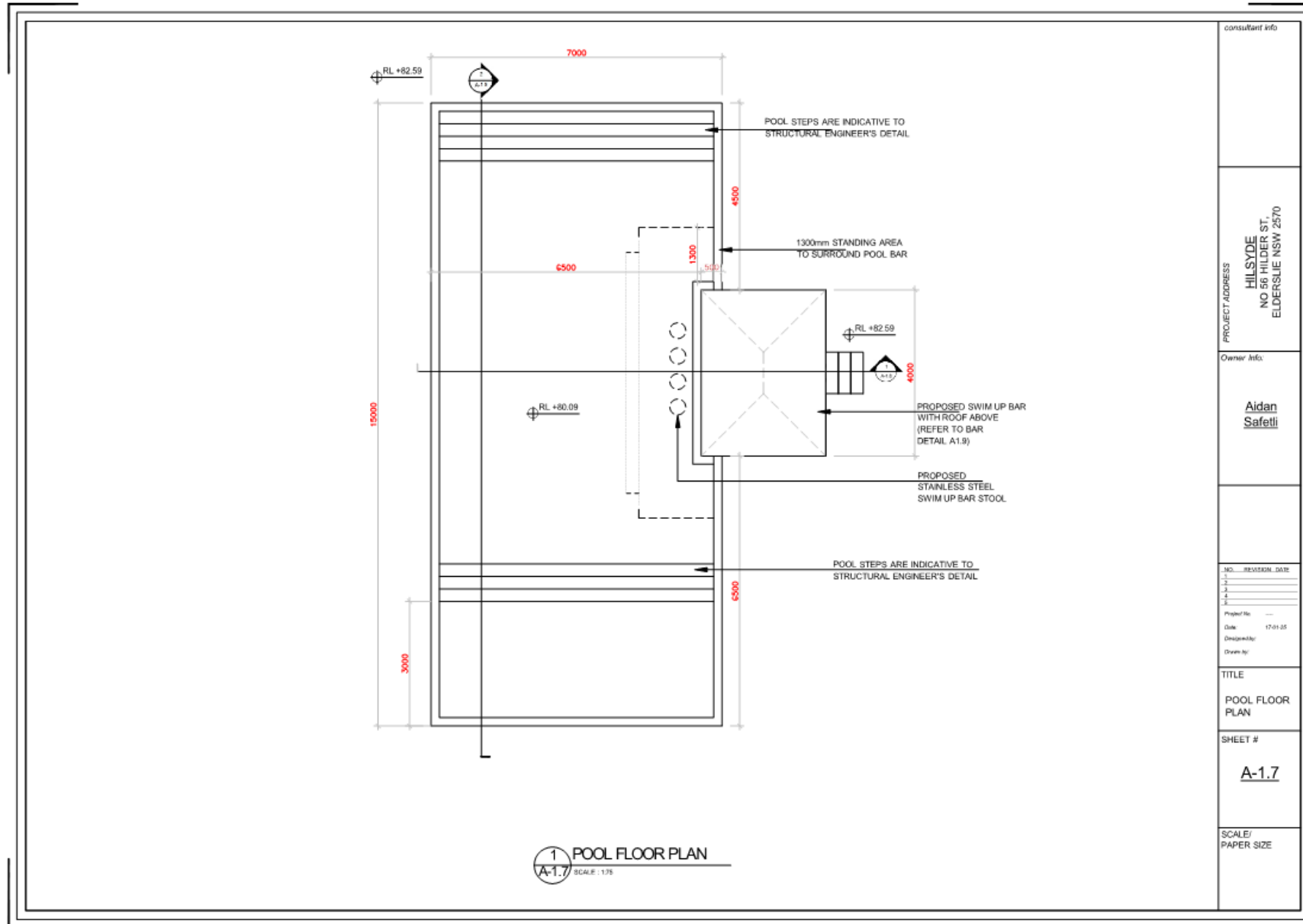


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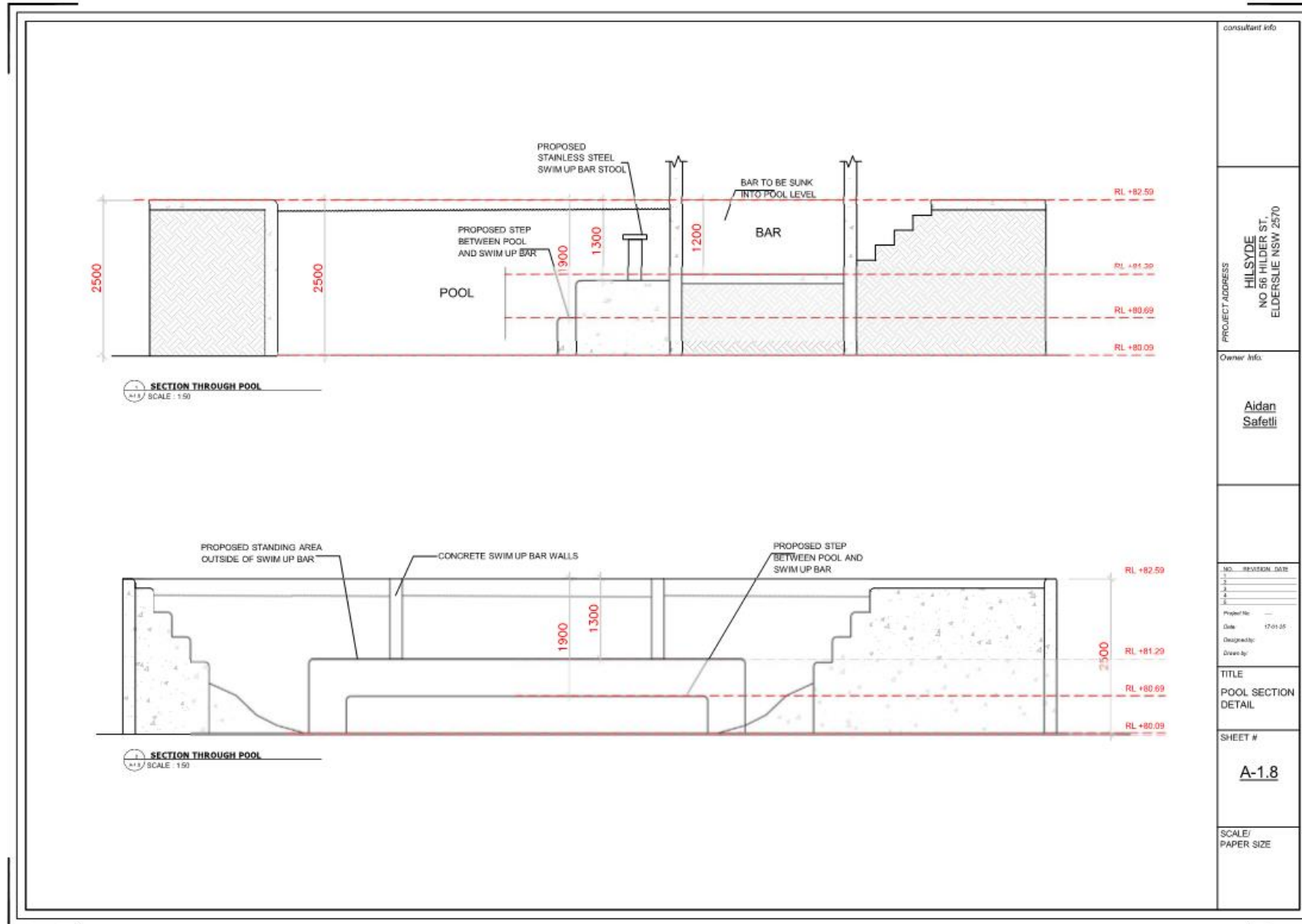




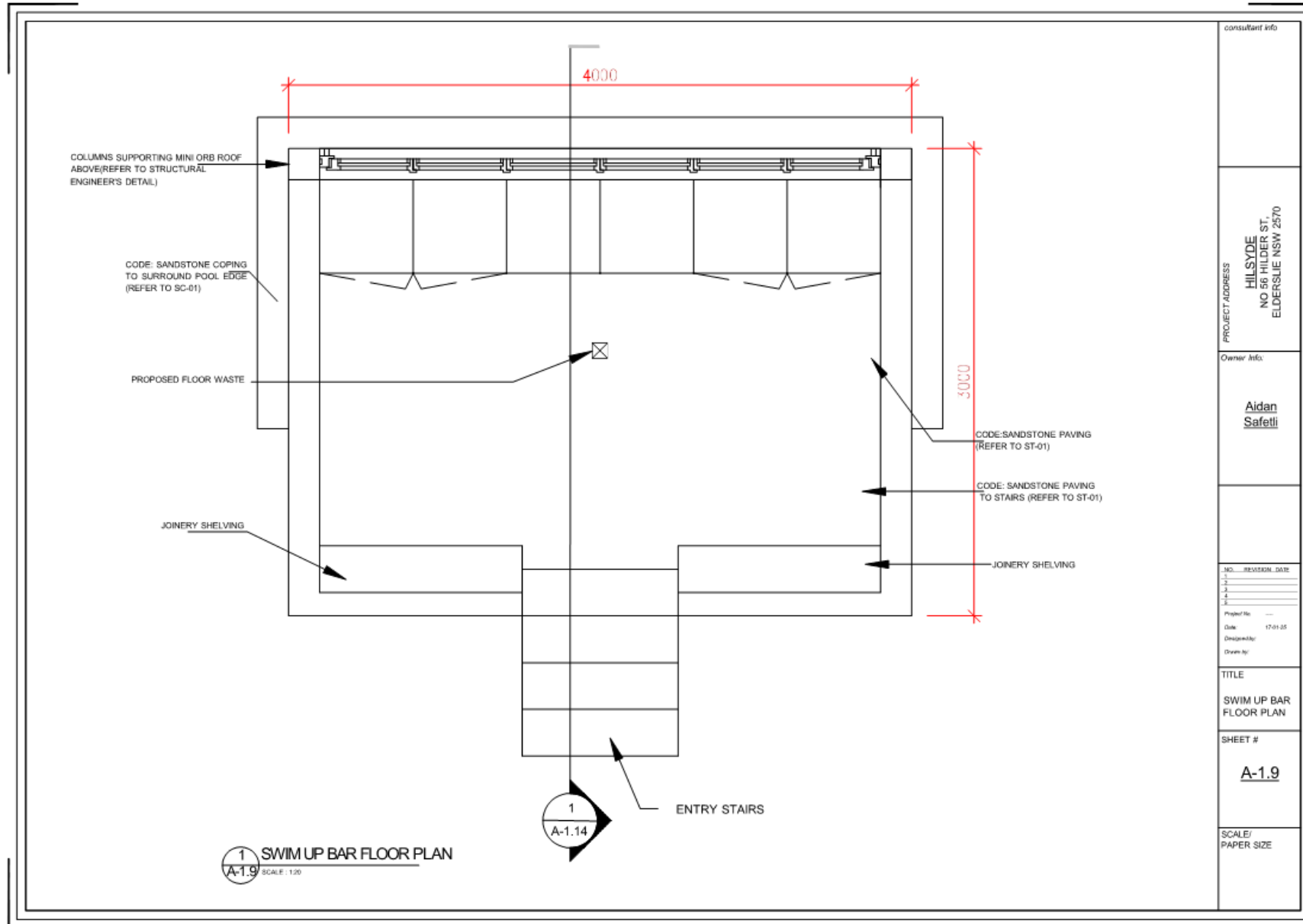
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PROJECT ADDRESS HILSYDE NO 66 HILDER ST. ELDERSLIE NSW 2570
Owner info: Aidan Safelli
NO. REVISION DATE
1
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Project No. ---
Date: 17-01-25
Designer/By:
Drawn by:
TITLE POOL SITE PLAN
SHEET # A-1.6
SCALE/ PAPER SIZE

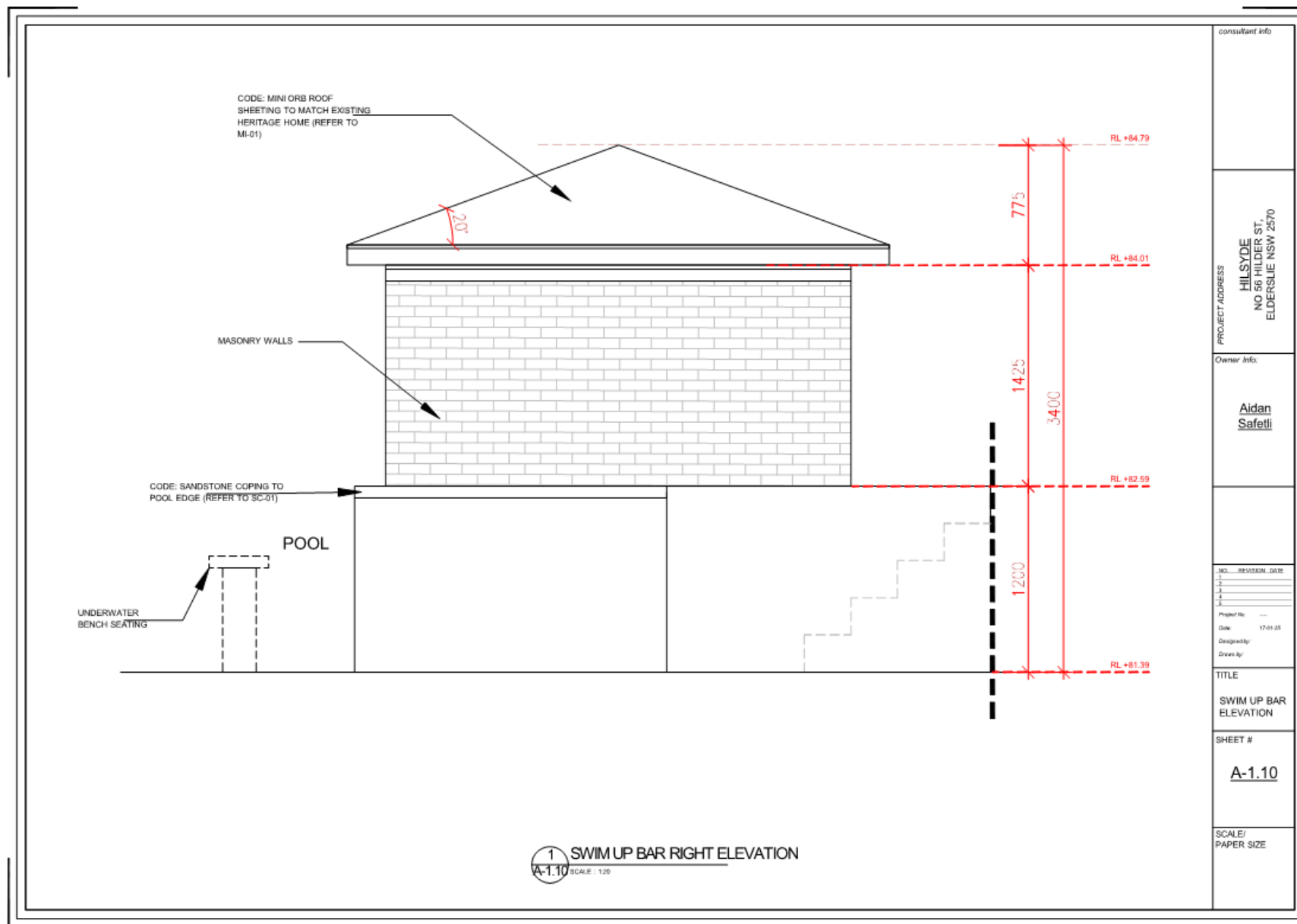


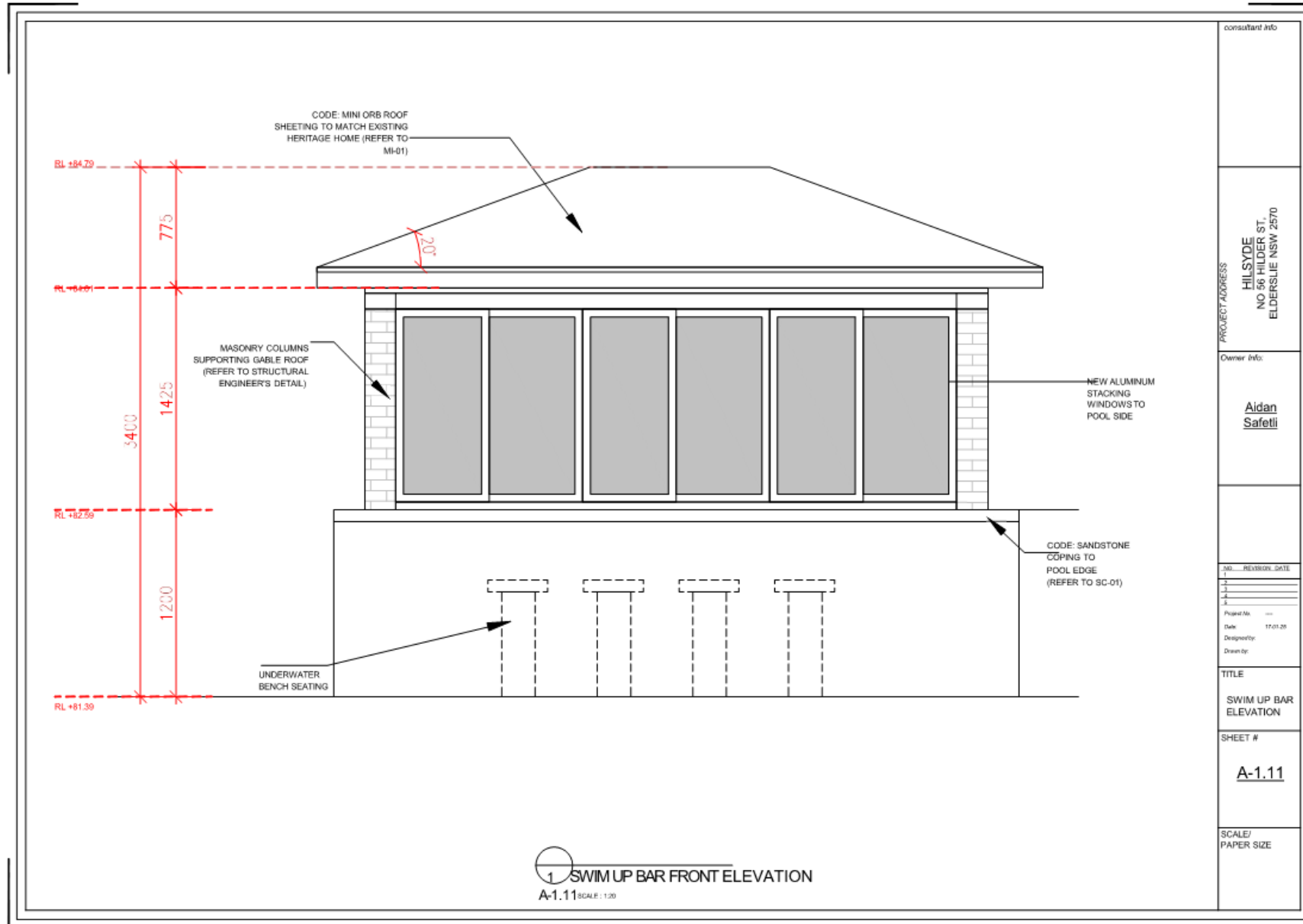
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NO.	REVISION	DATE													
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Project No: --- Date: 17-01-25 Designed by: Drawn by:															
TITLE POOL FLOOR PLAN															
SHEET # A-1.7															
SCALE/ PAPER SIZE															



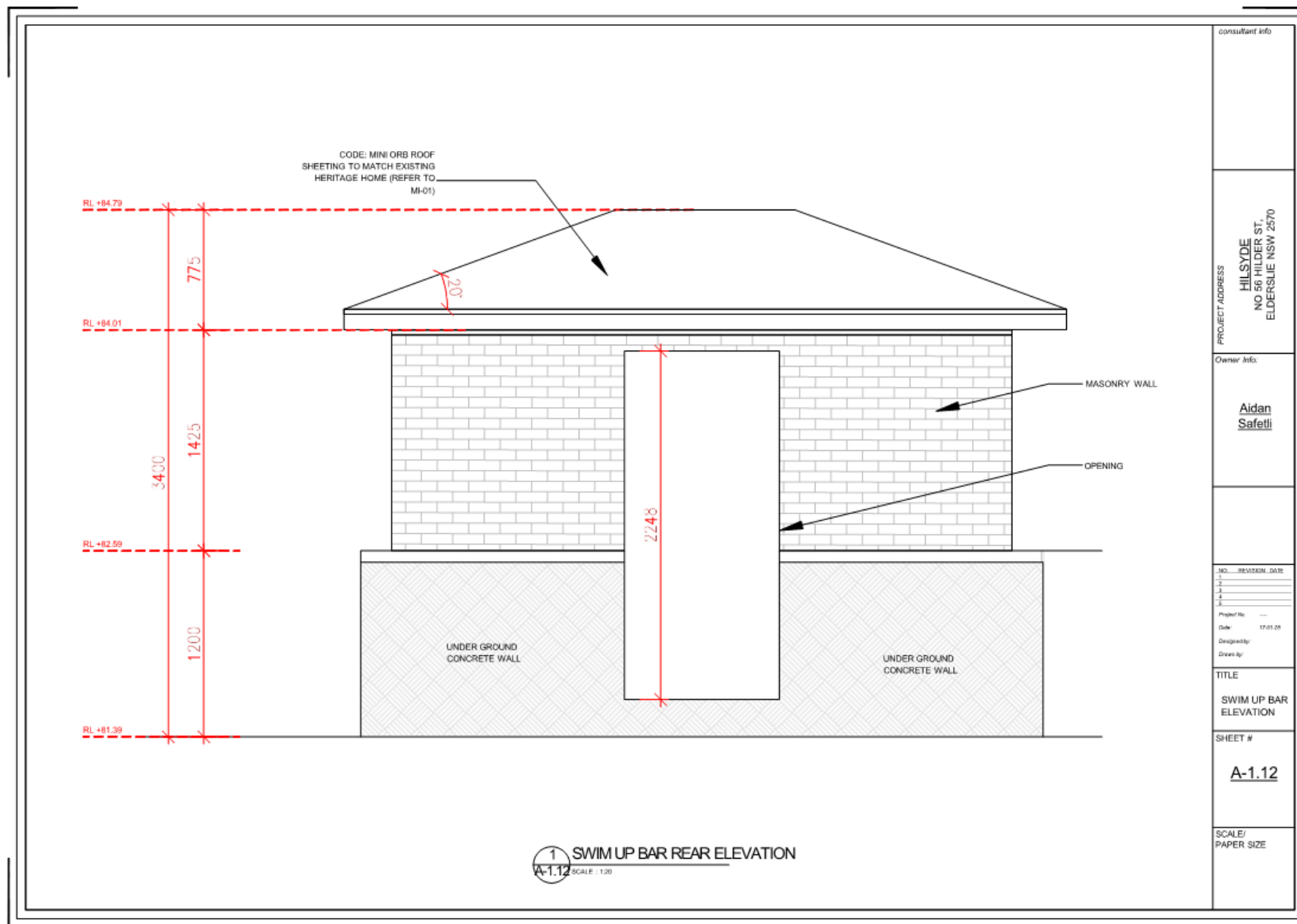
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PROJECT ADDRESS HILSYDE NO 66 HILDER ST. ELDERSLIE NSW 2570
Owner Info: Aidan Safelli
NO. REVISION DATE
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Project No: ---
Date: 17-01-25
Design/By:
Drawn by:
TITLE POOL SECTION DETAIL
SHEET # A-1.8
SCALE/ PAPER SIZE

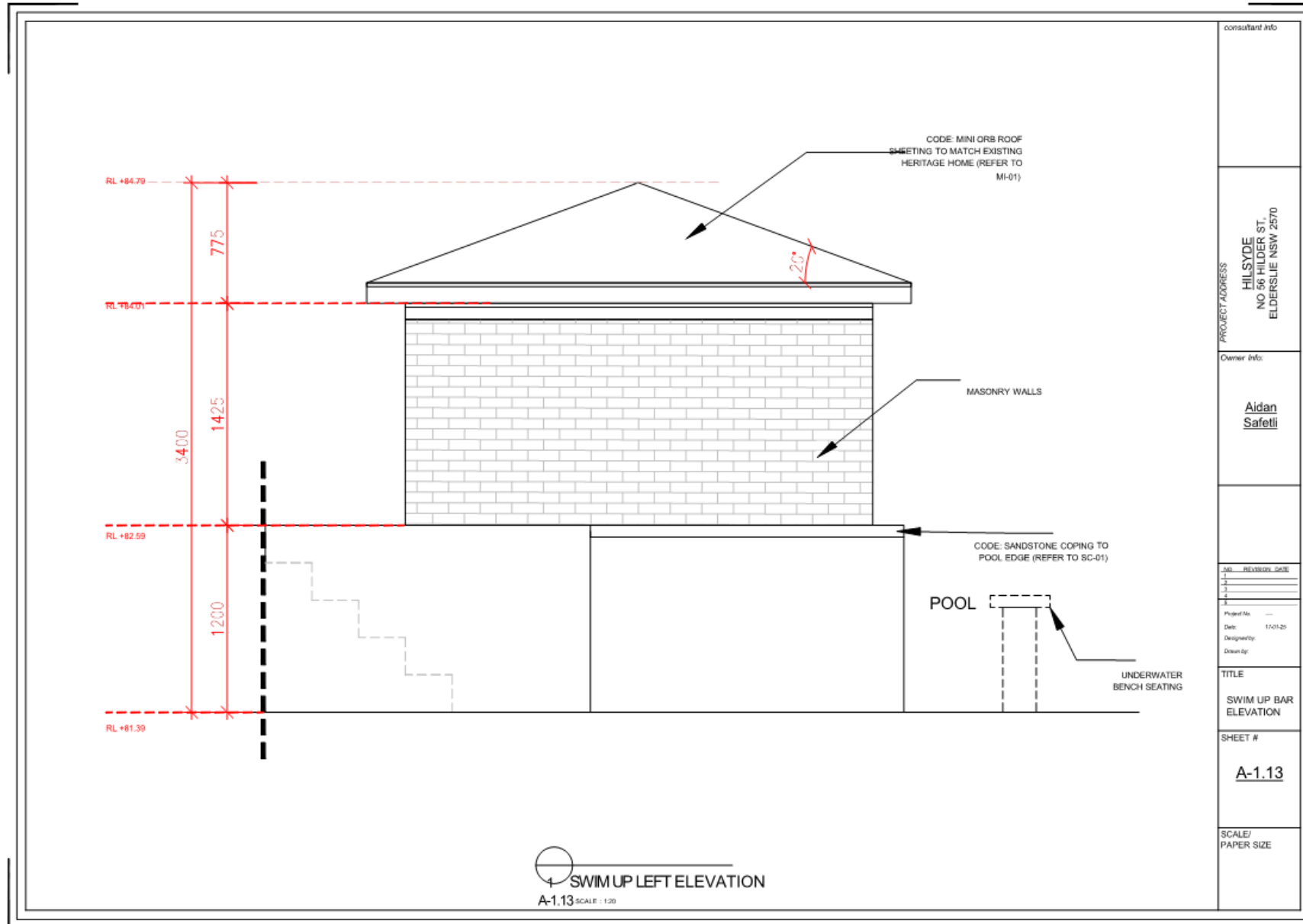






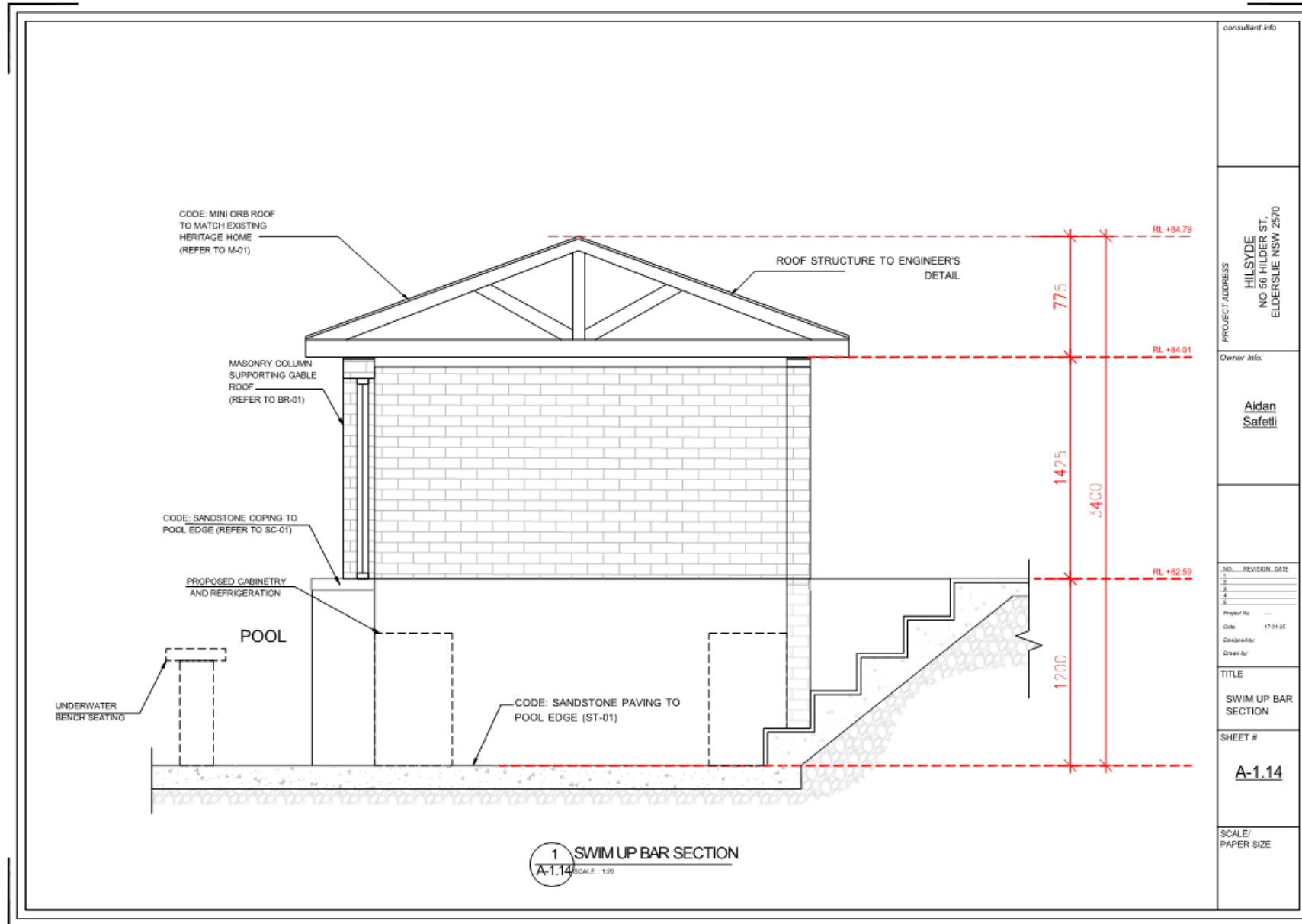
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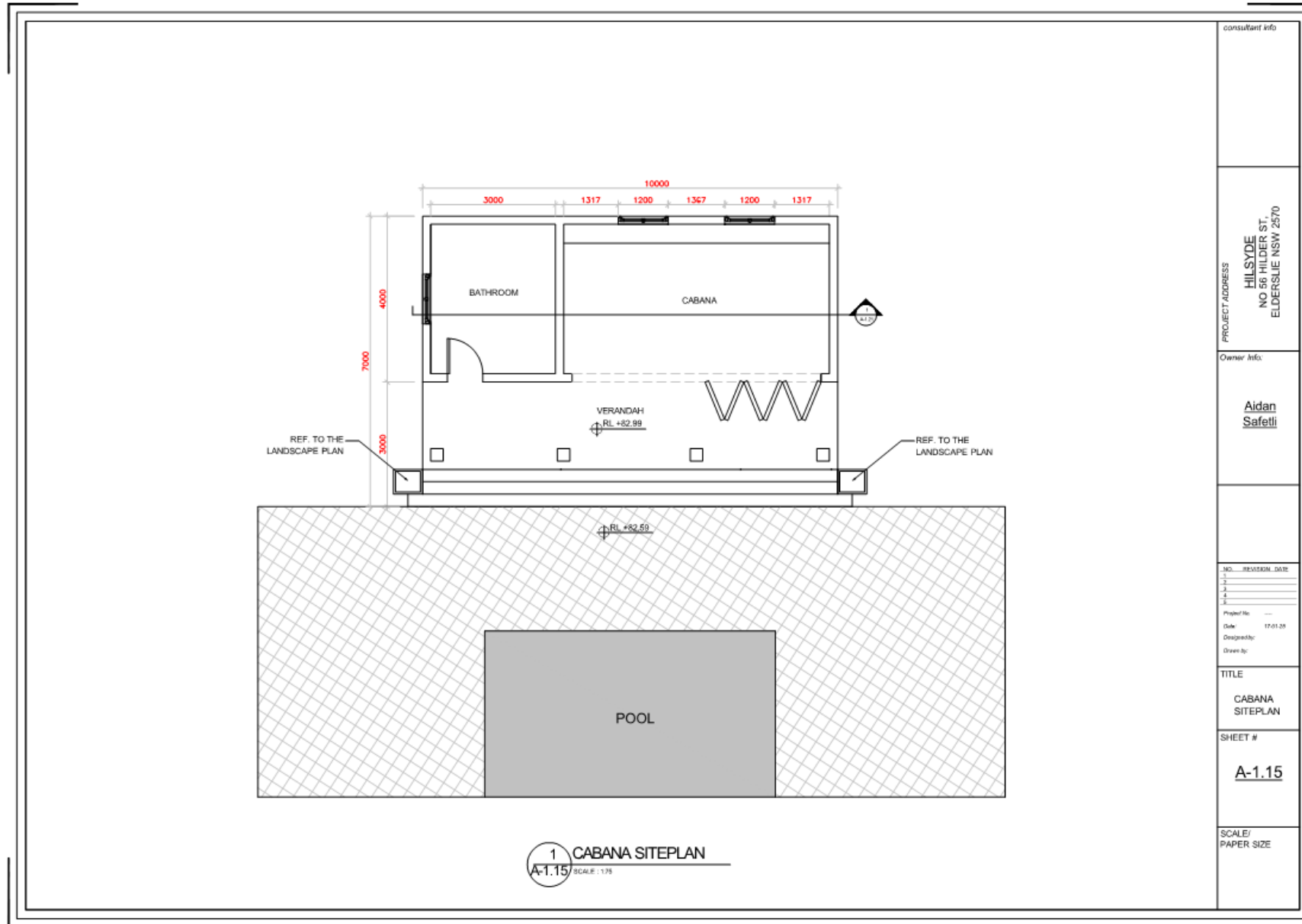


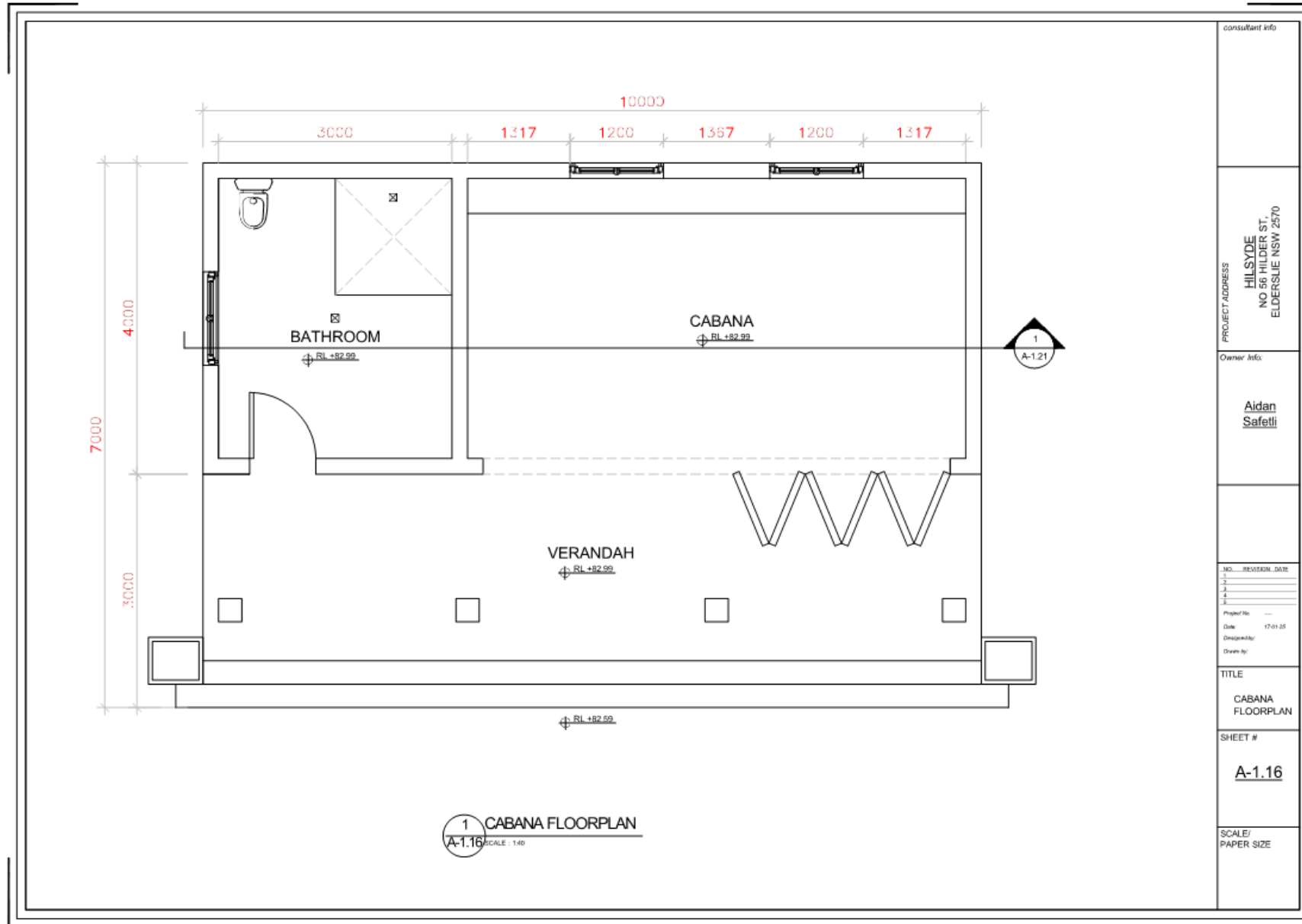


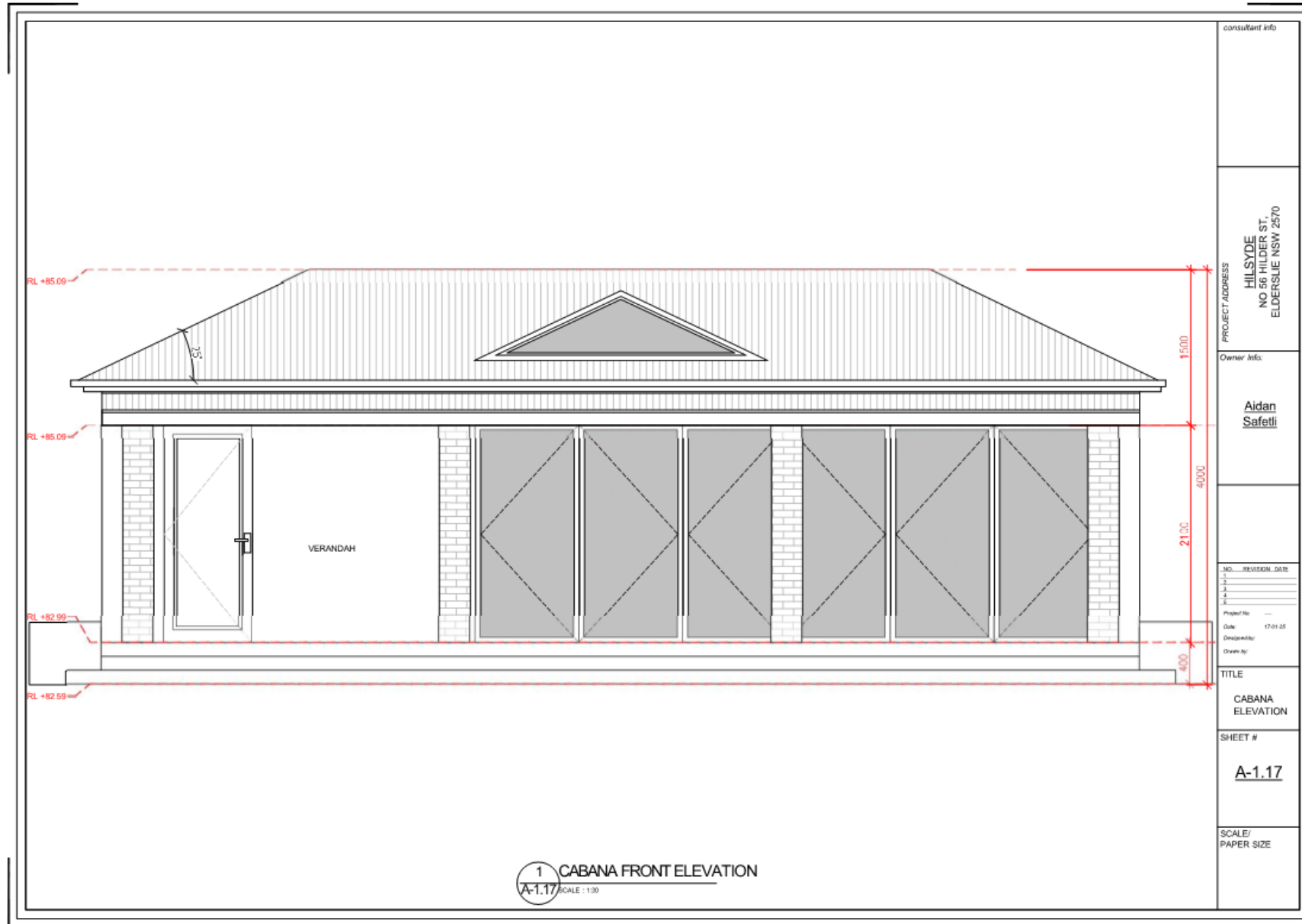
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Owner info: Aidan Safelli
Job - Revision - Date
1
2
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Project No. ---
Date: 11/01/25
Designer/By:
Drawn by:
TITLE SWIM UP BAR ELEVATION
SHEET # A-1.13
SCALE/ PAPER SIZE

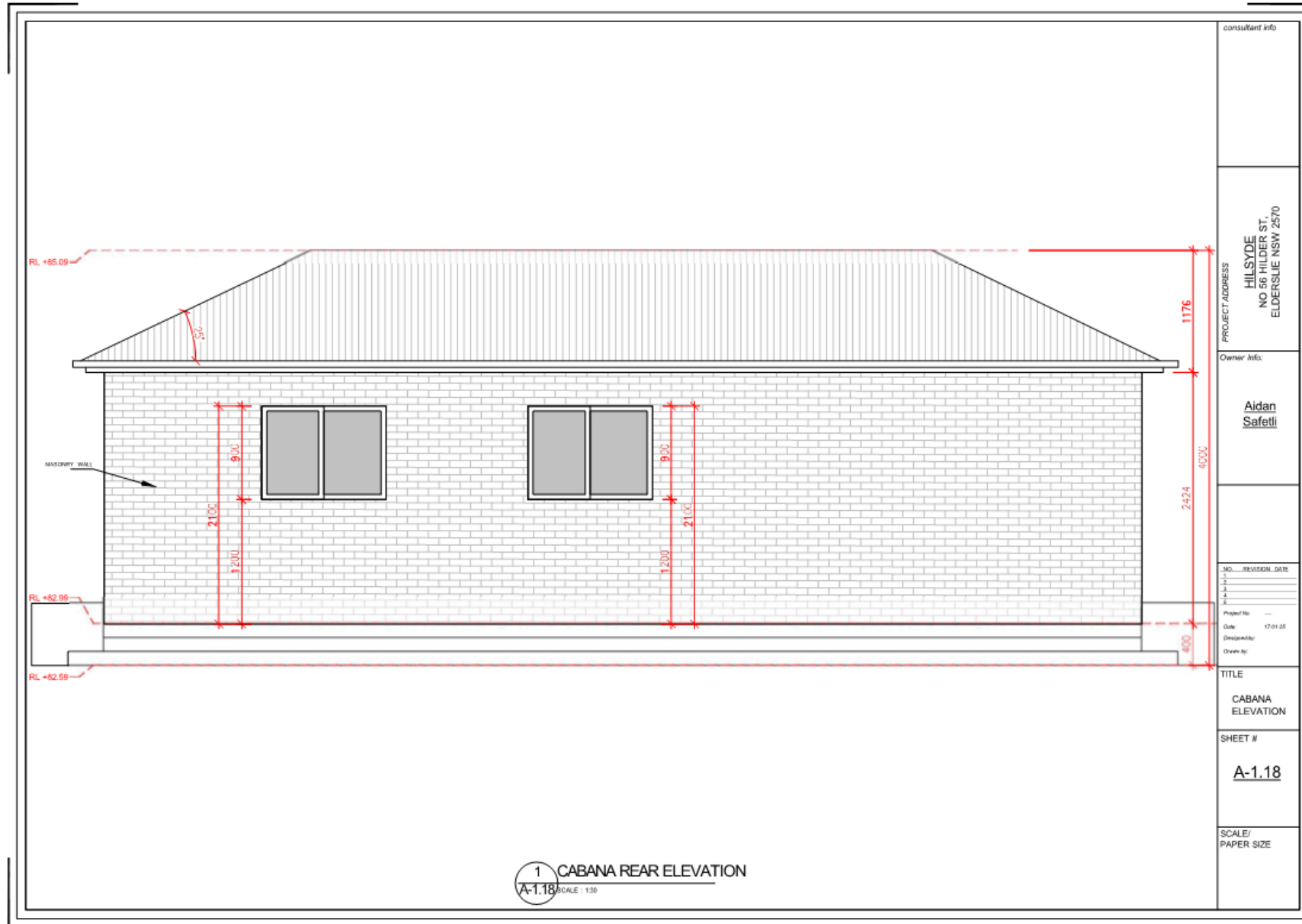
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A-1.13 SCALE: 1:20



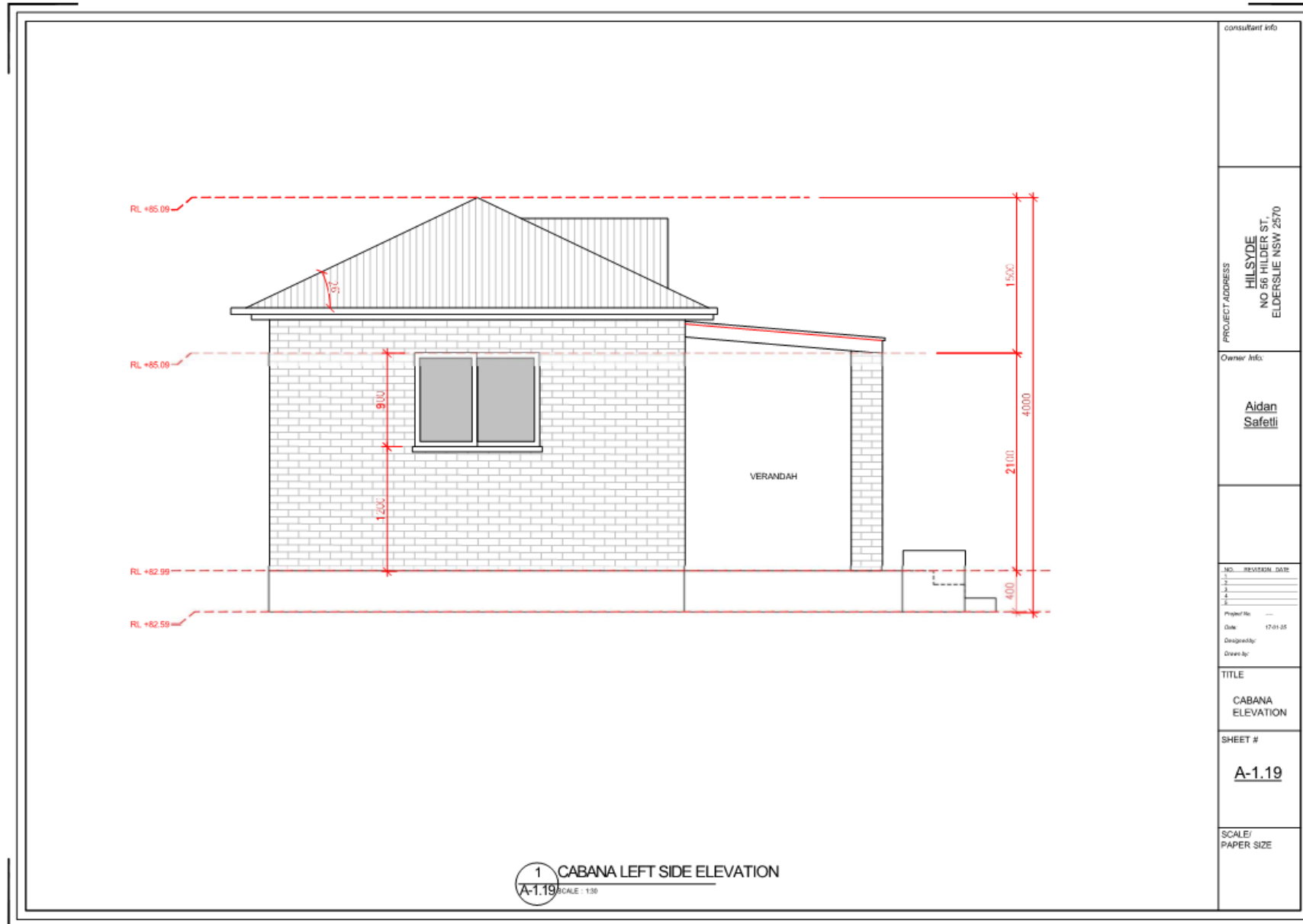


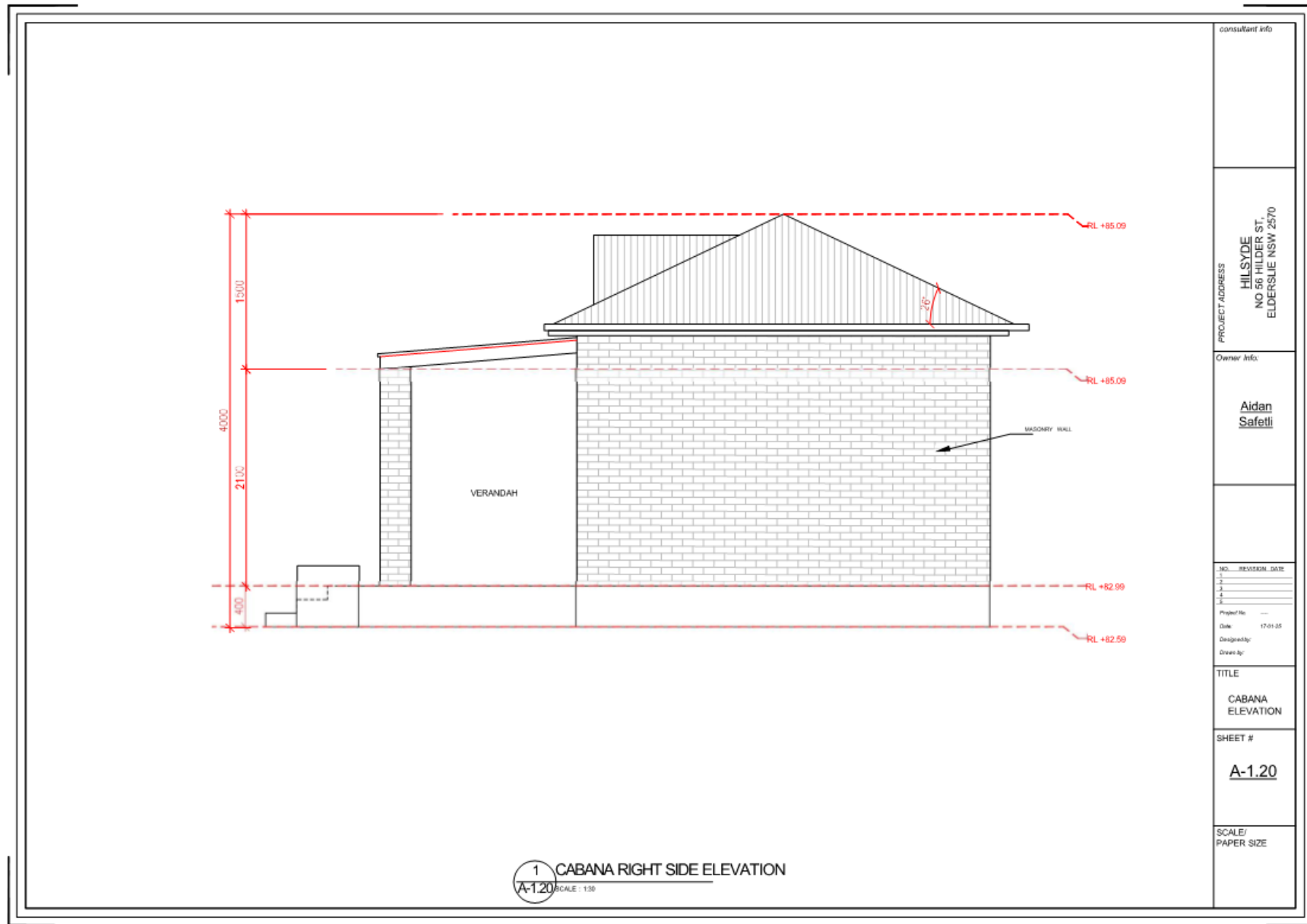


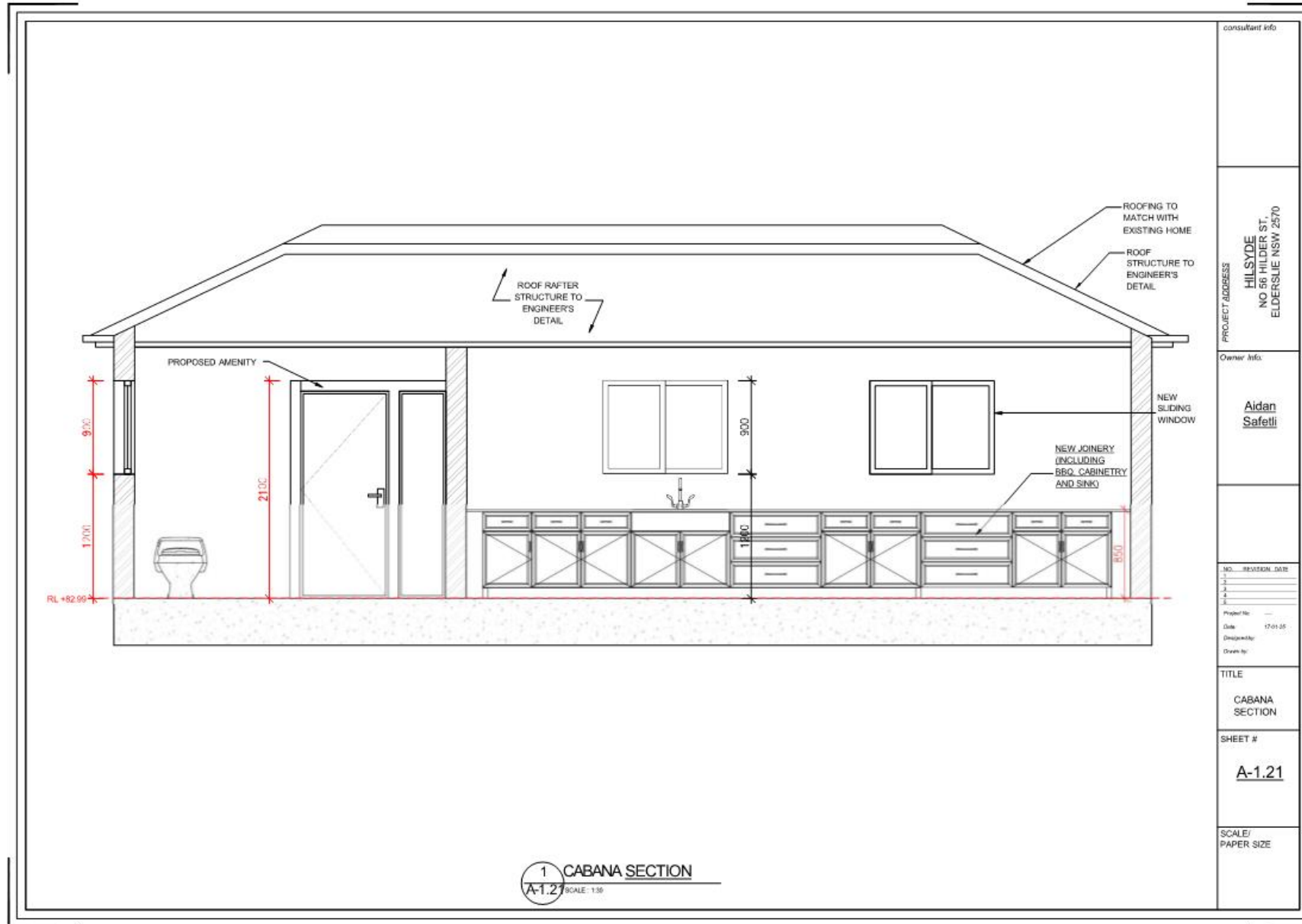


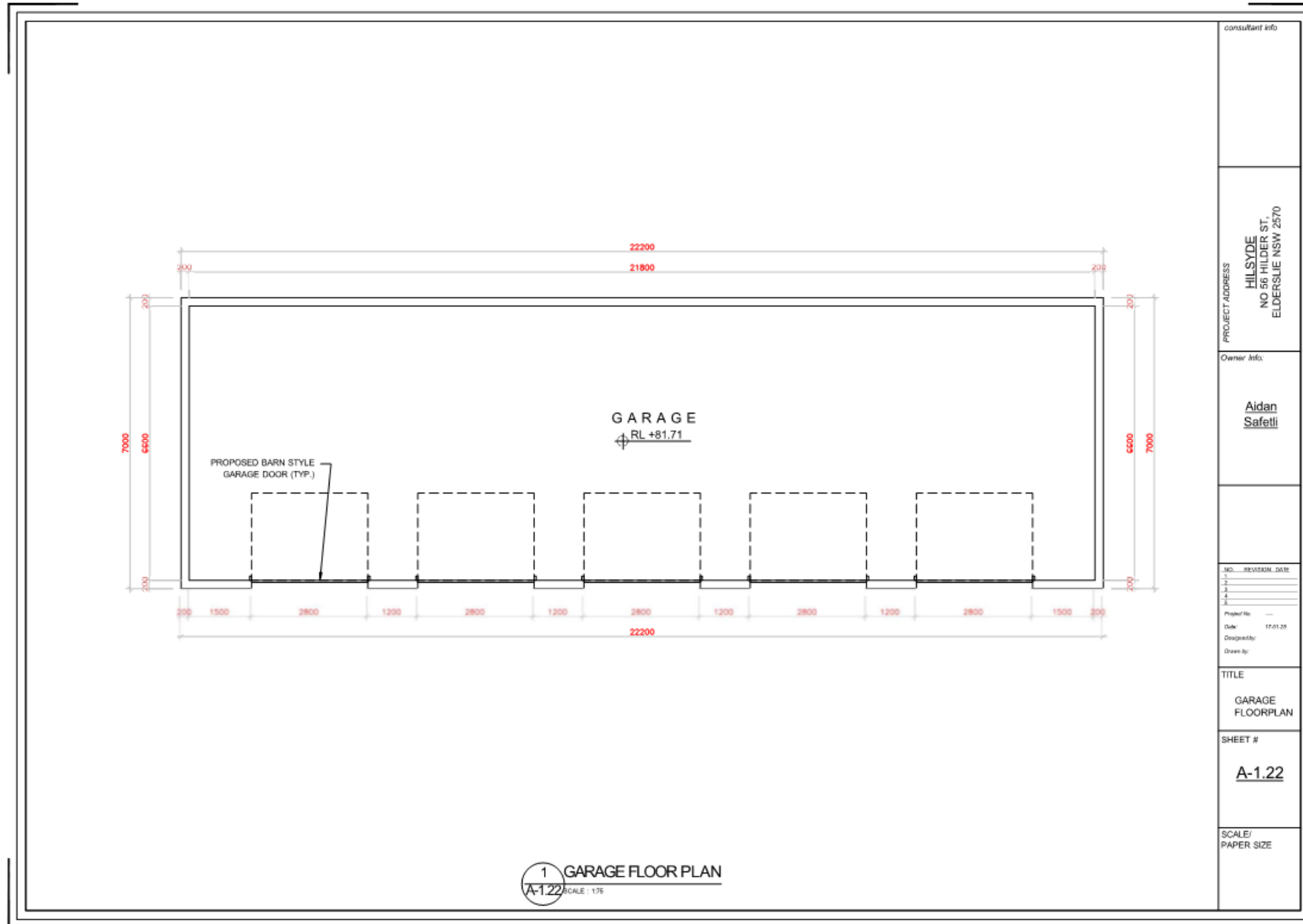


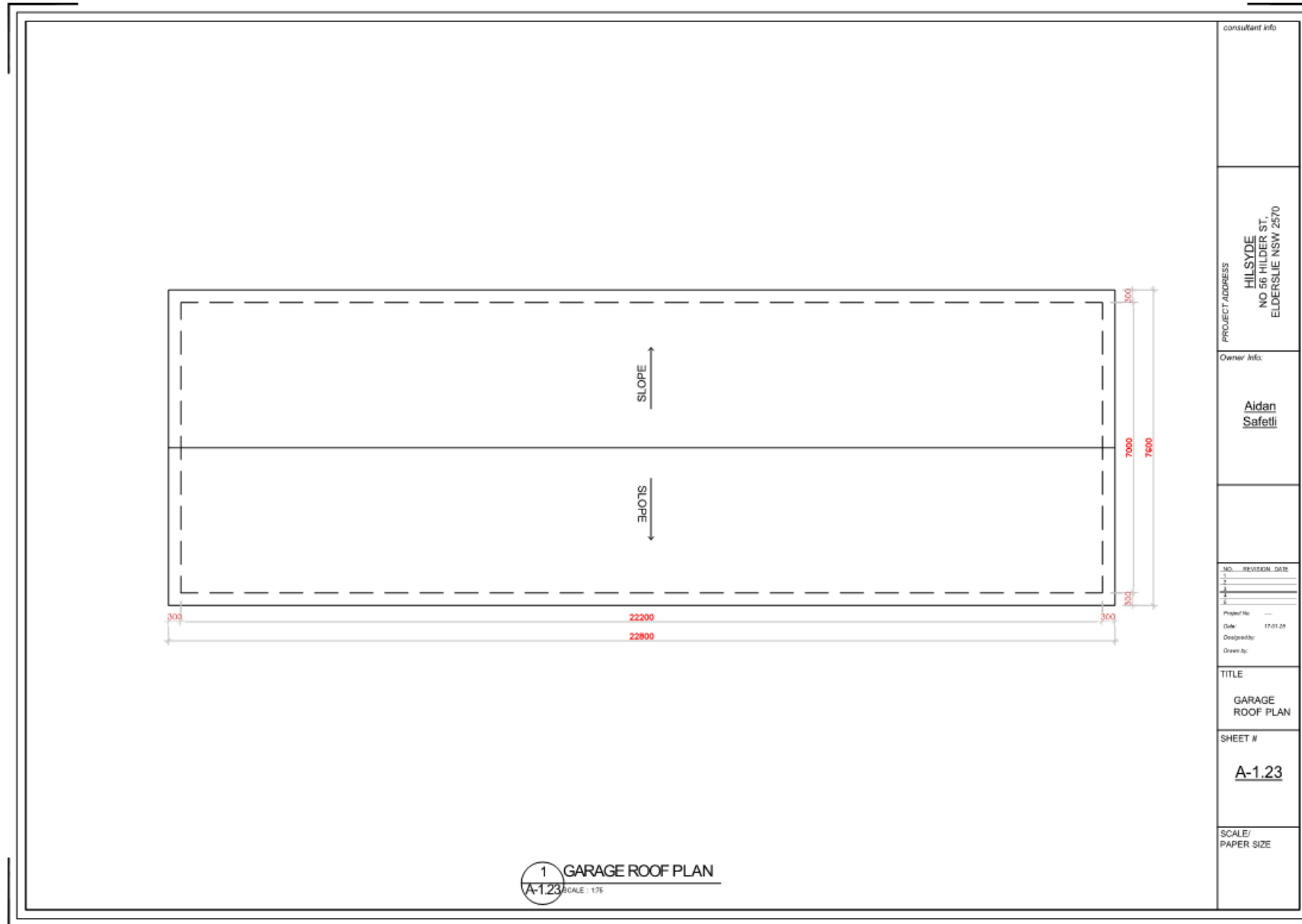
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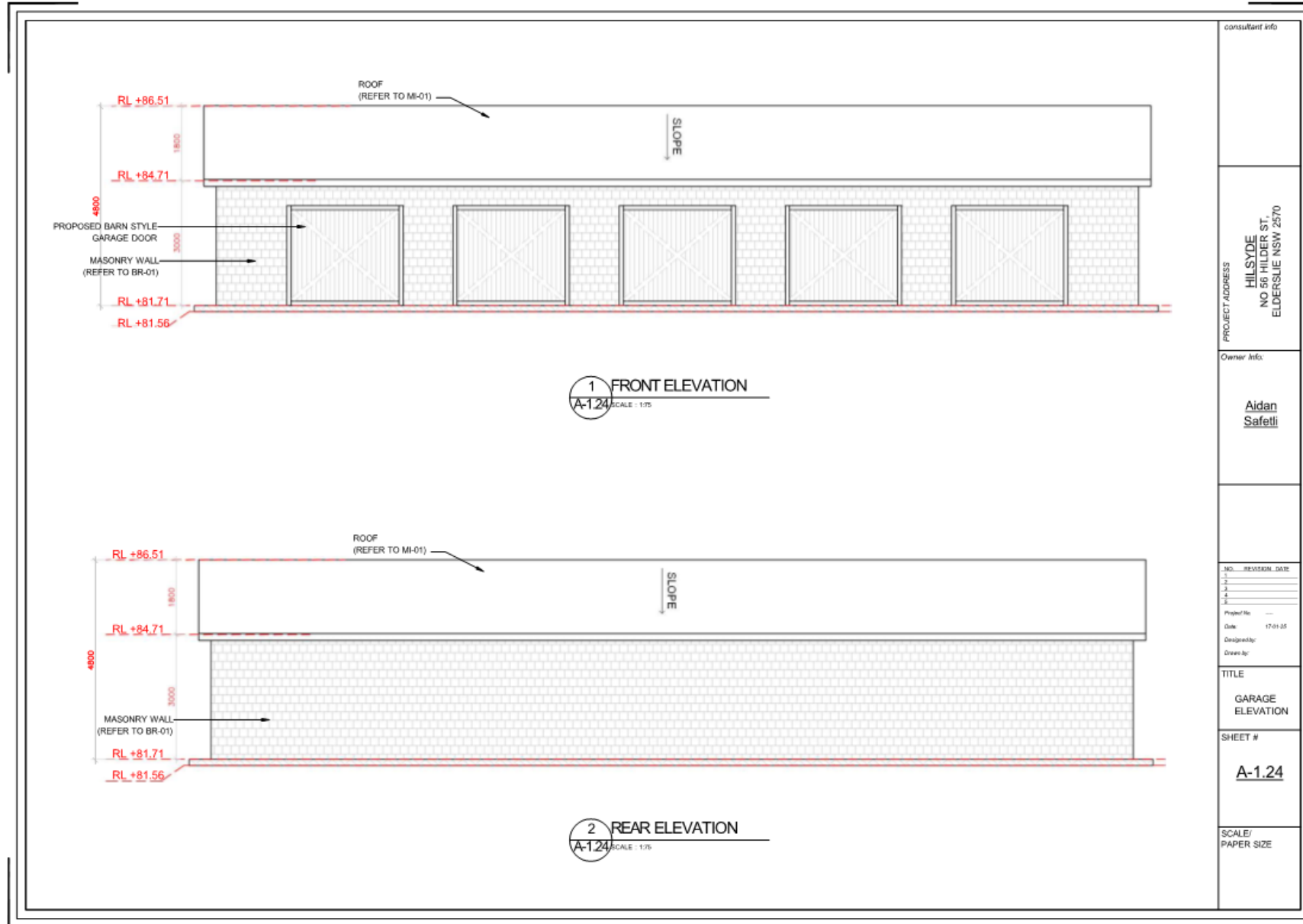




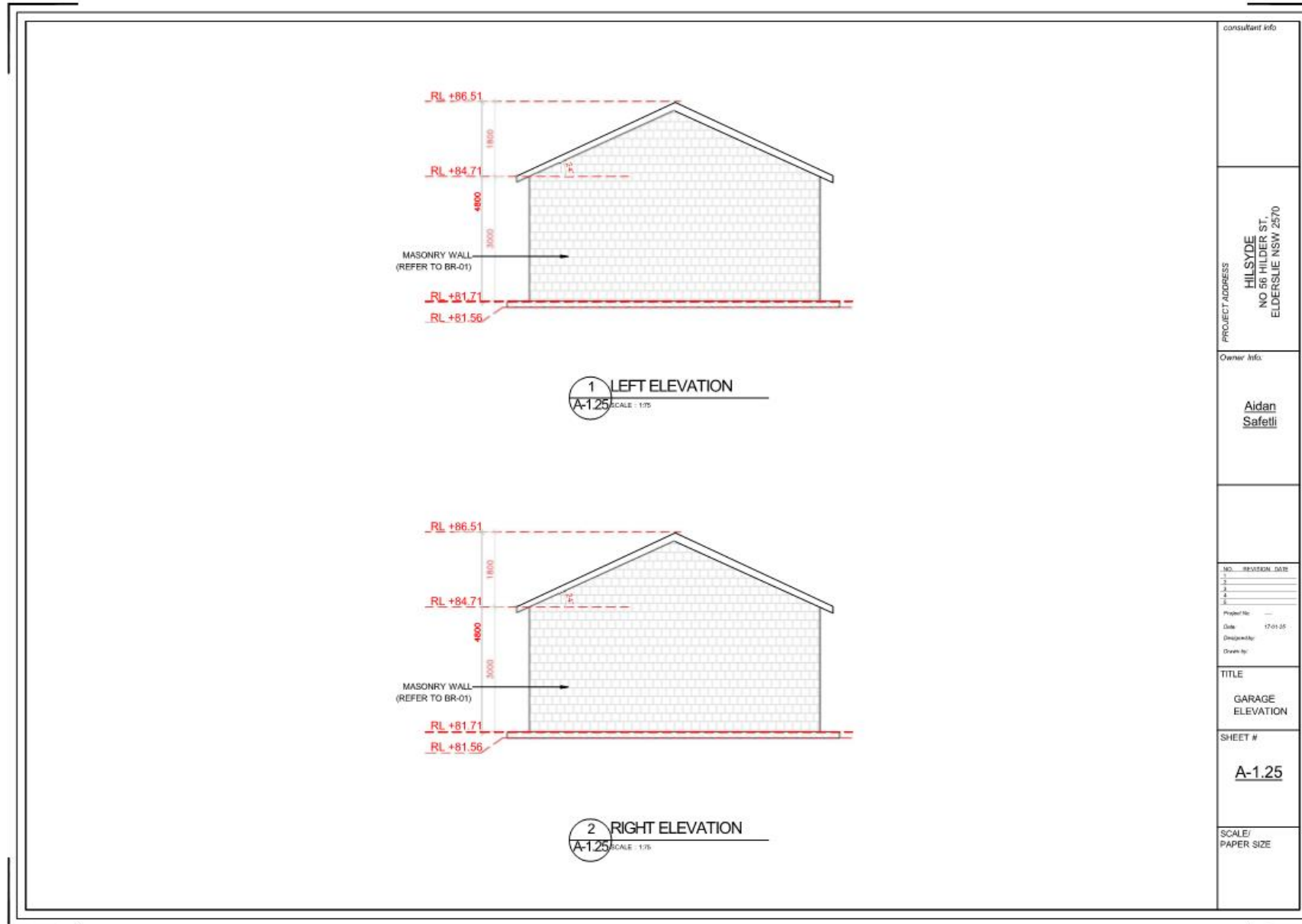


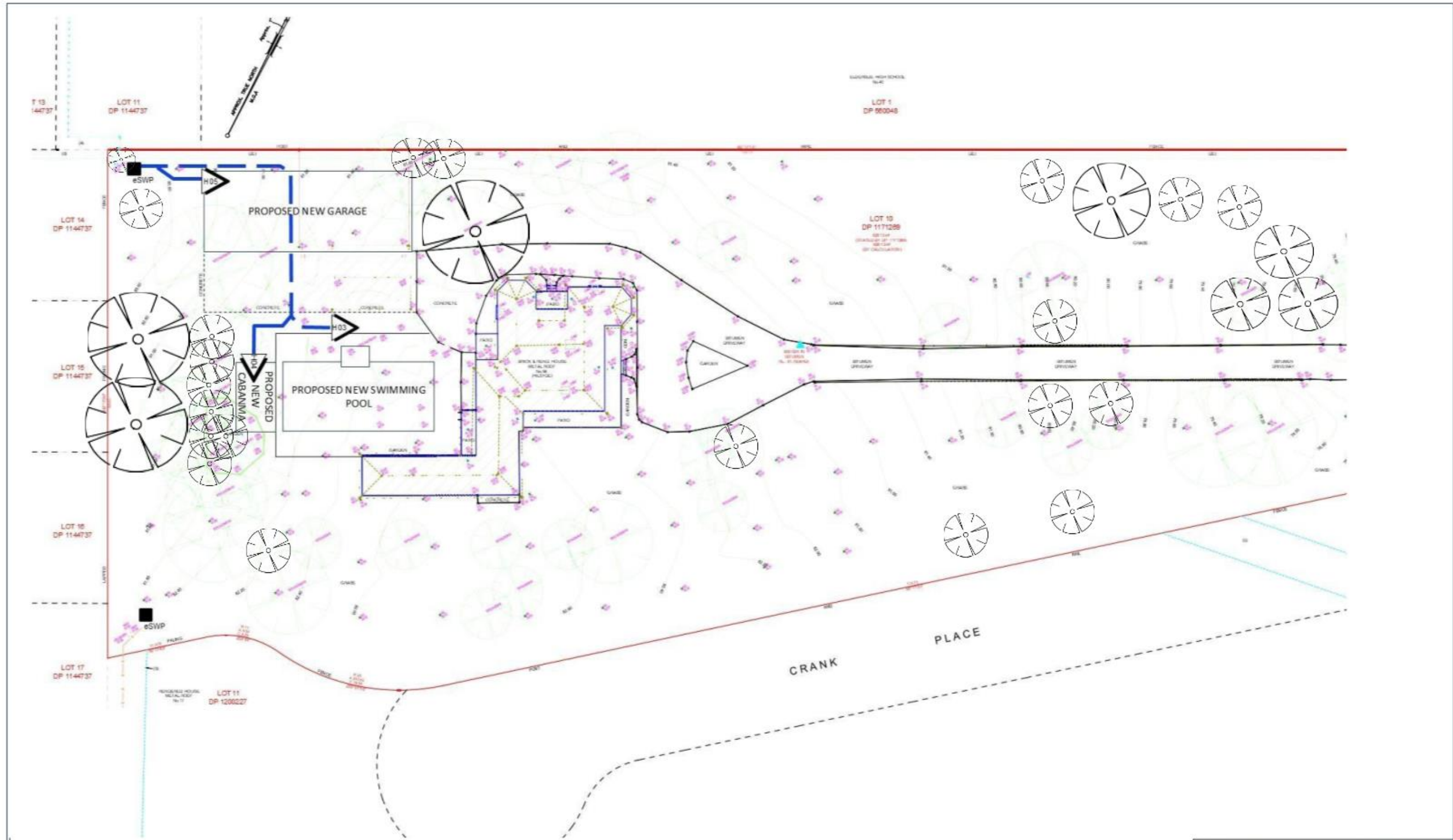




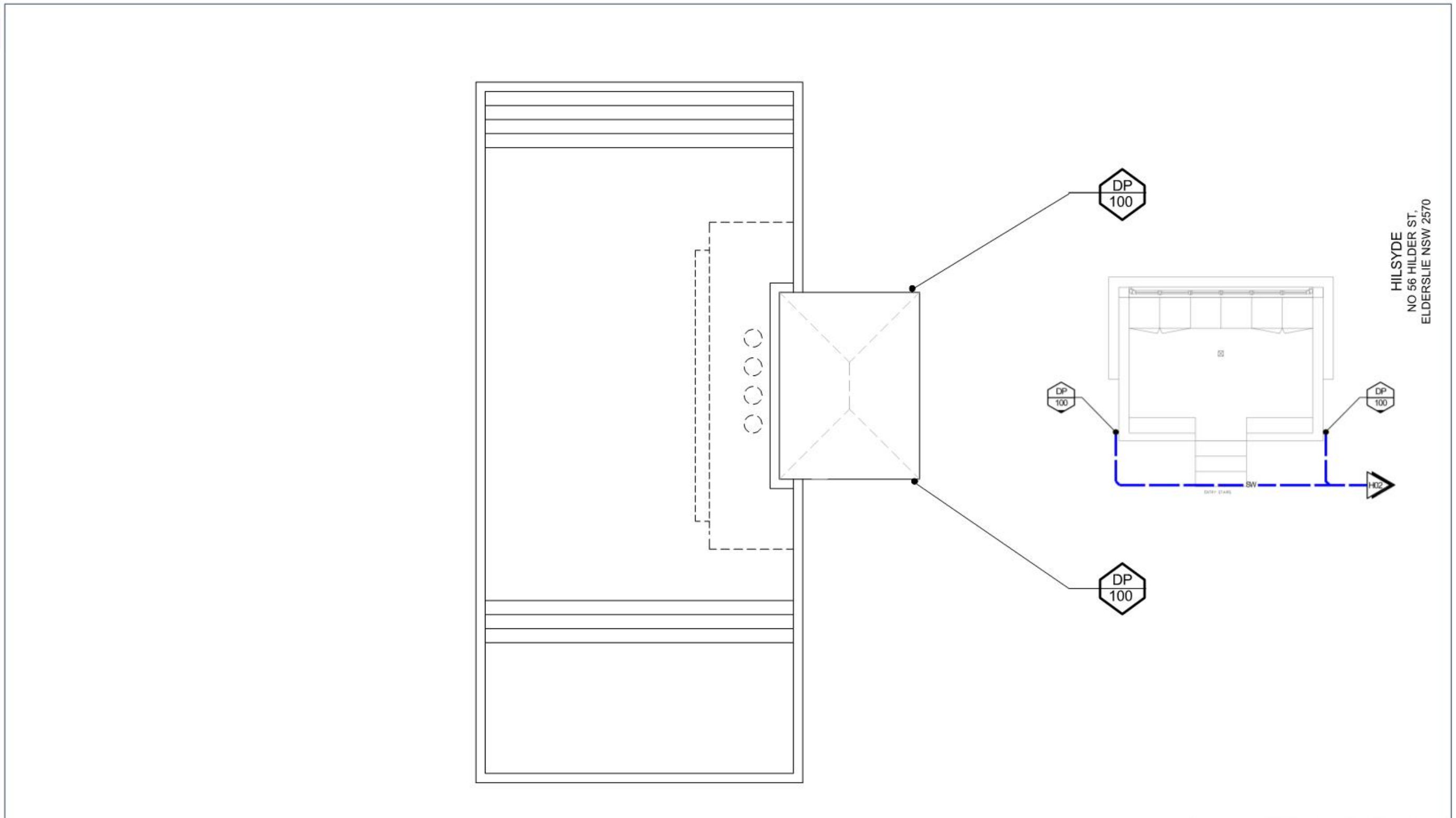


consultant info															
PROJECT ADDRESS HILSYDE NO 66 HILDER ST. ELDERSLIE NSW 2570															
Owner info: Aidan Safelli															
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NO.	REVISION	DATE													
TITLE GARAGE ELEVATION															
SHEET # A-1.24															
SCALE/ PAPER SIZE															



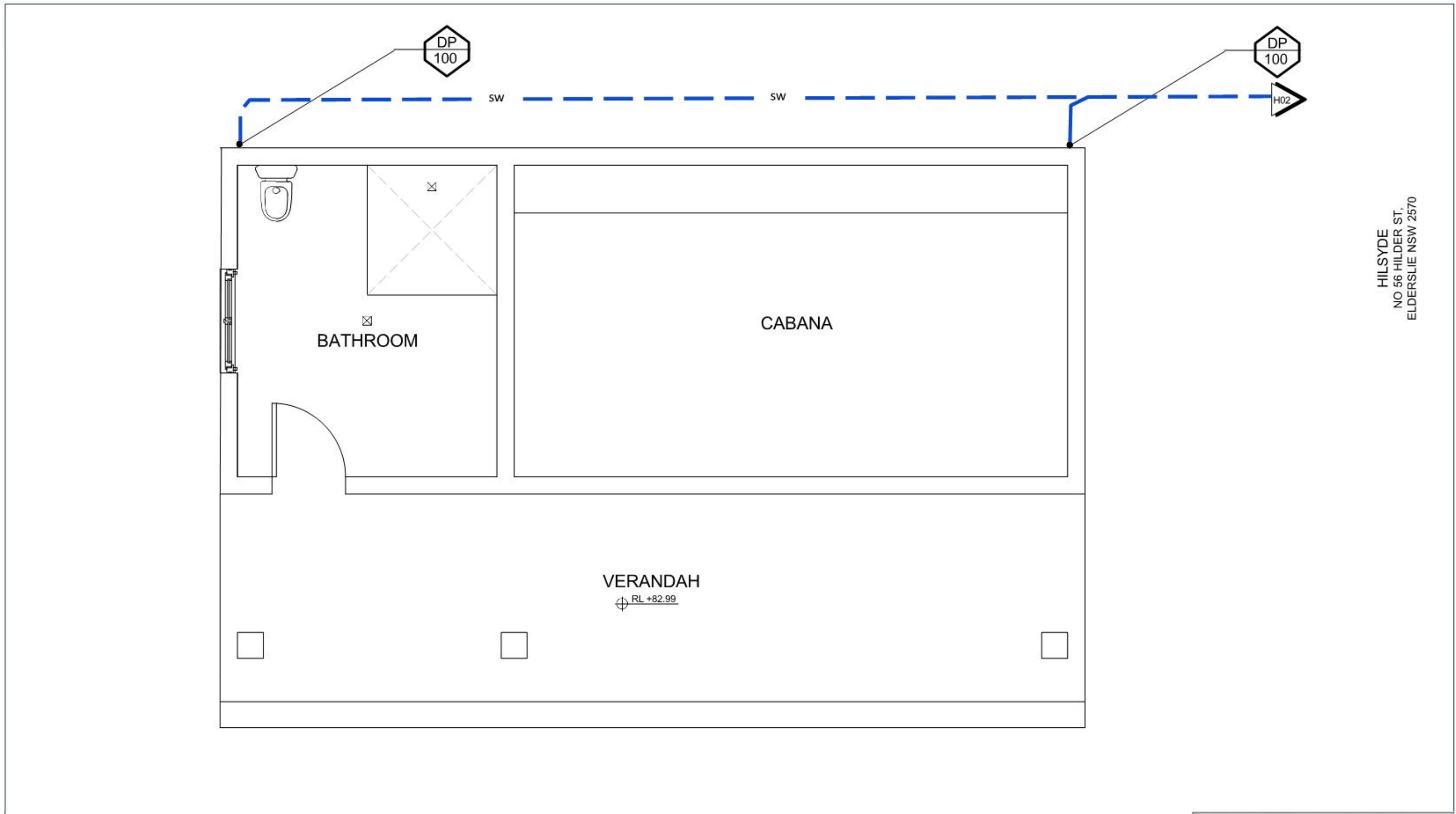


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No.	Date	Details																		
P2	14.01.25	PRELIMINARY ISSUE																		
P1	17.06.24	PRELIMINARY ISSUE																		
Amendments																				



HILSYDE
NO 56 HILDER ST,
ELDERSLIE NSW 2570

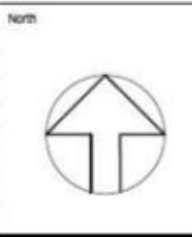
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P2	14.01.25	PRELIMINARY ISSUE																
P1	17.06.24	PRELIMINARY ISSUE																
No.	Date	Details																
Amendments																		
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HILSYDE
NO 56 HILDER ST,
ELDERSLIE NSW 2570

ALL SIGN OFF CERTIFICATIONS ARE TO BE UNDERTAKEN IN ACCORDANCE WITH THE METHODS PRESCRIBED IN THE NCC AND AUSTRALIAN STANDARDS AND ANY OTHER RECORDS PROVIDED TO FACILITATE SIGN OFFS FOR OCCUPATION CERTIFICATE.

No.	Date	Details
P2	14.01.25	PRELIMINARY ISSUE
P1	17.06.24	PRELIMINARY ISSUE
Amendments		



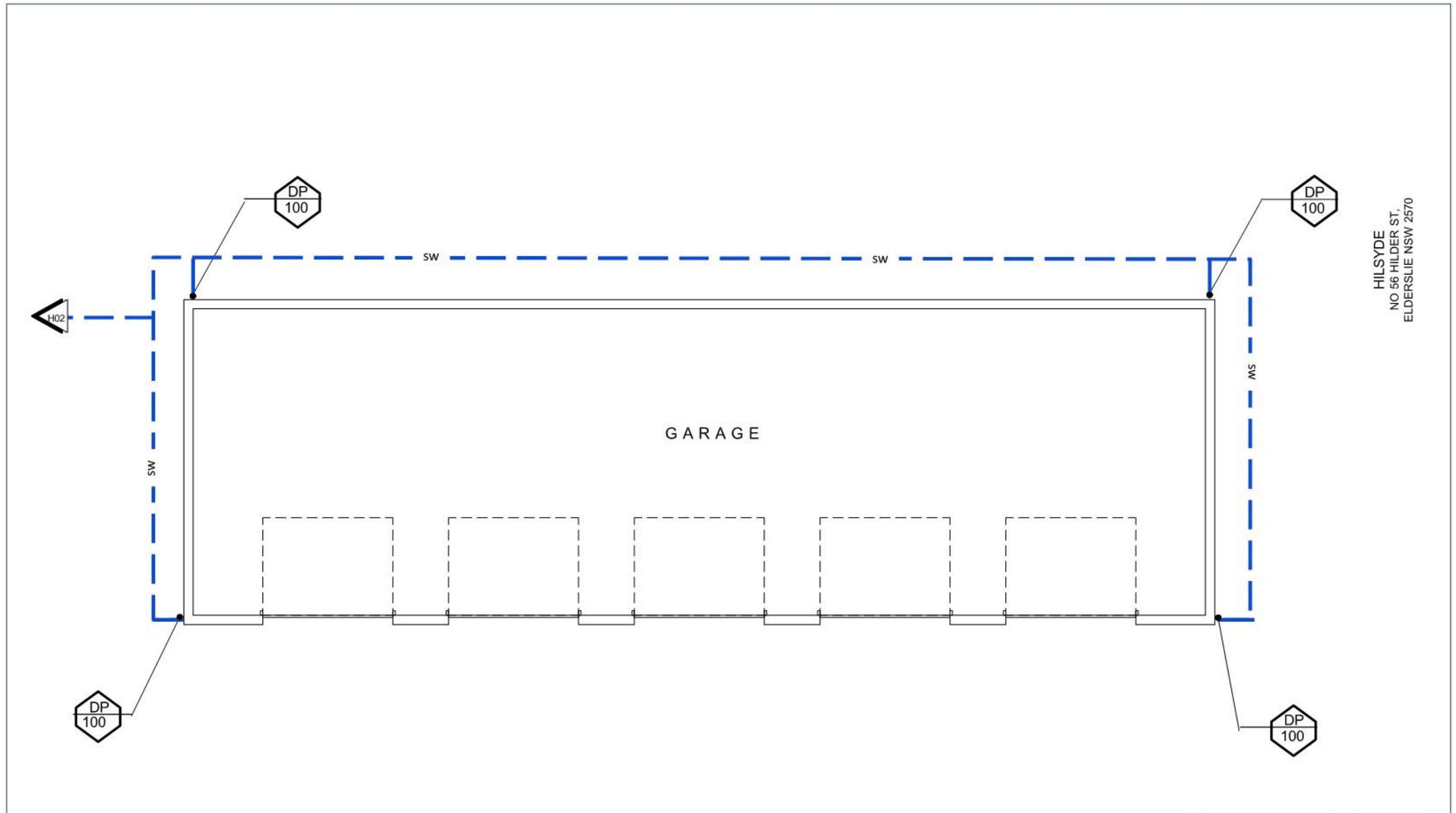
Architect:

Hydraulic Consultant
INLINE
 HYDRAULIC SERVICES
 UNIT 15, 18 WURROOK CIRCUIT
 CARINGBAH NSW 2229
 PO BOX 284, GYMEA NSW 2227
 PHONE No (02) 9526 1923
 EMAIL: paul@inlinehs.com.au www.inlinehydroservices.com.au

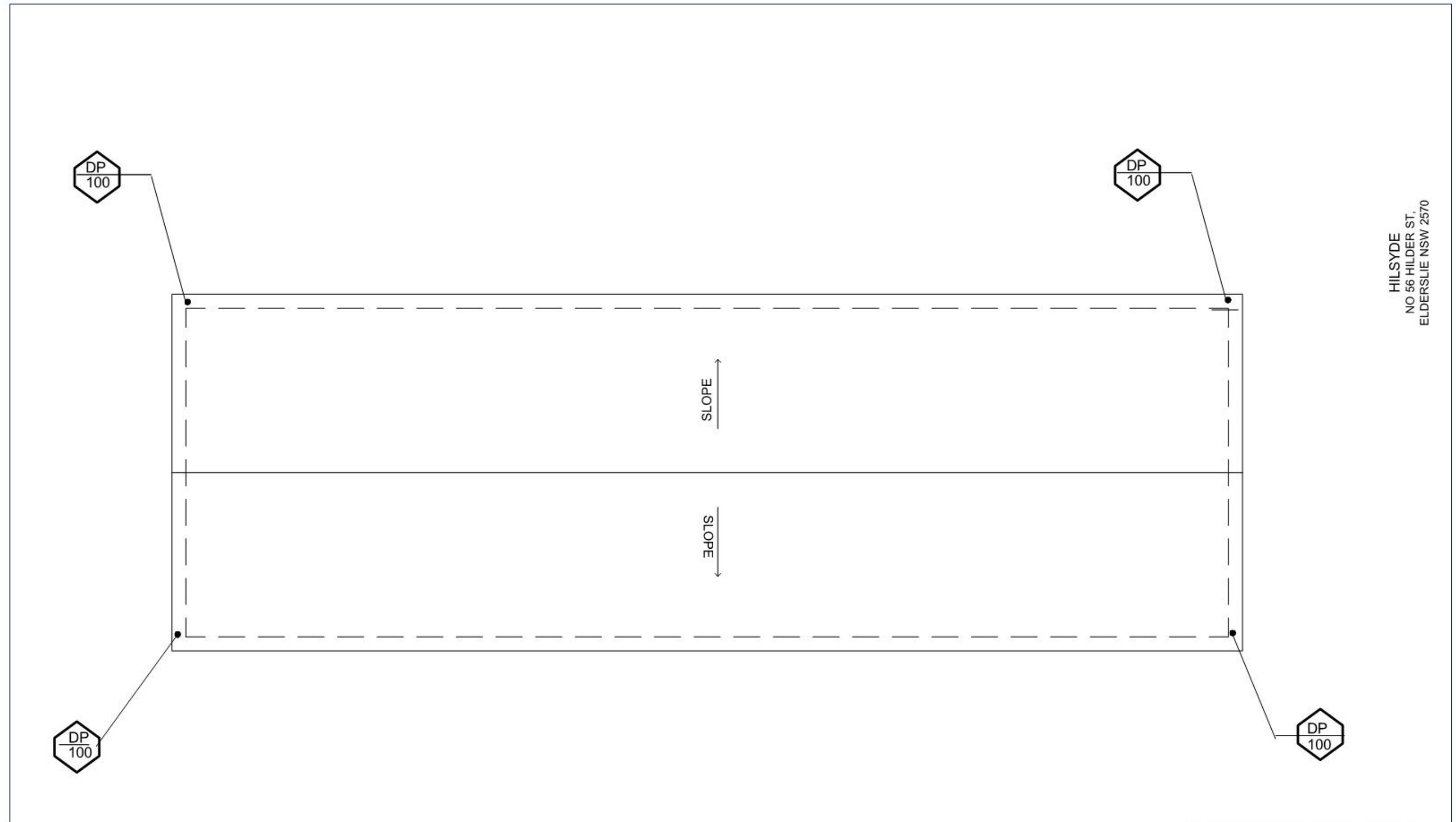
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HILSYDE
 NO 56 HILDER ST,
 ELDERSLIE NSW 2570

Drawing:
 HYDRAULIC SERVICES
 CABANA FLOOR PLAN

Status: PRELIMINARY ISSUE: NOT FOR CONSTRUCTION	
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Scale: 1:500	Drawing No: H04 / P2
Drawn: POK	
Design: PM	
No in set: -	

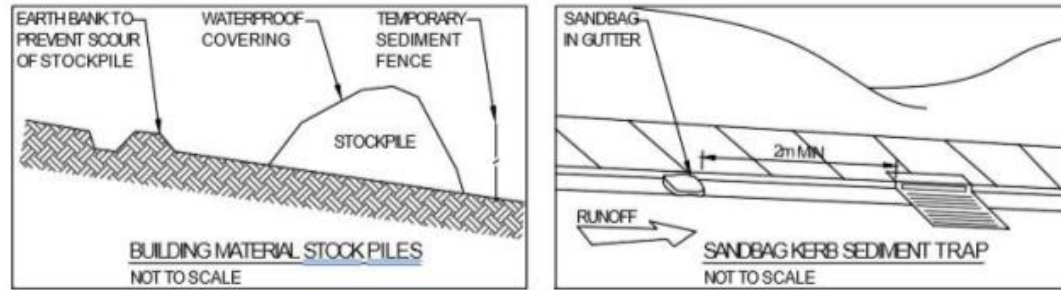


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No.	Date	Details																		
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P1	17.06.24	PRELIMINARY ISSUE																		
Amendments																				



HILSYDE
NO 56 HILDER ST,
ELDERSLIE NSW 2570

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No.	Date	Details																		
P2	14.01.25	PRELIMINARY ISSUE																		
P1	17.06.24	PRELIMINARY ISSUE																		
Amendments																				
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SOIL & WATER MANAGEMENT NOTES

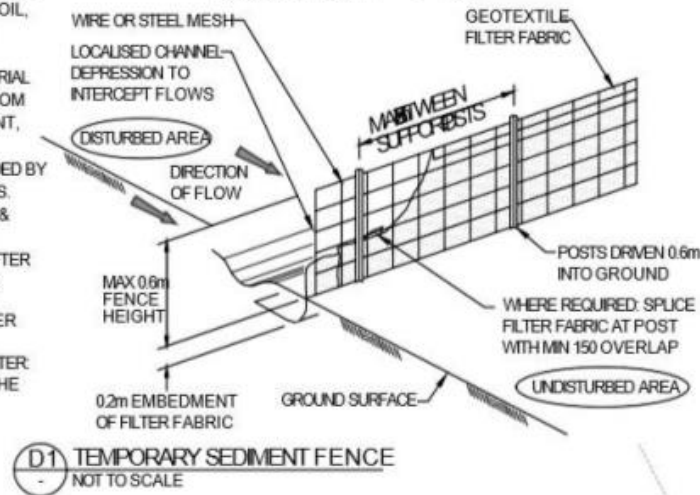
1. REFER TO DETAIL FOR CONSTRUCTION OF TEMPORARY SEDIMENT FENCE.
2. ALL PITS & PIPEWORK ASSOCIATED WITH PROPOSED DRAINAGE SYSTEMS SHALL BE KEPT FREE OF SOIL, WATER & DEBRIS FOR THE DURATION OF THE CONSTRUCTION WORKS.
3. ALL LOOSE IMPORTED FILL & EXCAVATED MATERIAL SHALL BE STOCKPILED AS FAR AS POSSIBLE FROM SEDIMENT FENCES PRIOR TO FINAL PLACEMENT, COMPACTION OR REMOVAL FROM SITE.
4. EXCESSIVE SEDIMENT BUILDUP SHALL BE AVOIDED BY REGULAR MAINTENANCE OF SEDIMENT FENCES.
5. WHERE APPLICABLE, APPROVED LANDSCAPING & REVEGETATION OF DISTURBED AREAS SHALL COMMENCE AT THE EARLIEST OPPORTUNITY AFTER COMPLETION OF EARTHWORKS OPERATIONS.

CONSTRUCTION OF SEDIMENT FENCE & ANY OTHER SEDIMENT CONTROL MEASURES SHALL BE IN ACCORDANCE WITH MANAGING URBAN STORMWATER SOILS & CONSTRUCTION COMMONLY KNOWN AS THE 'BLUE BOOK'.

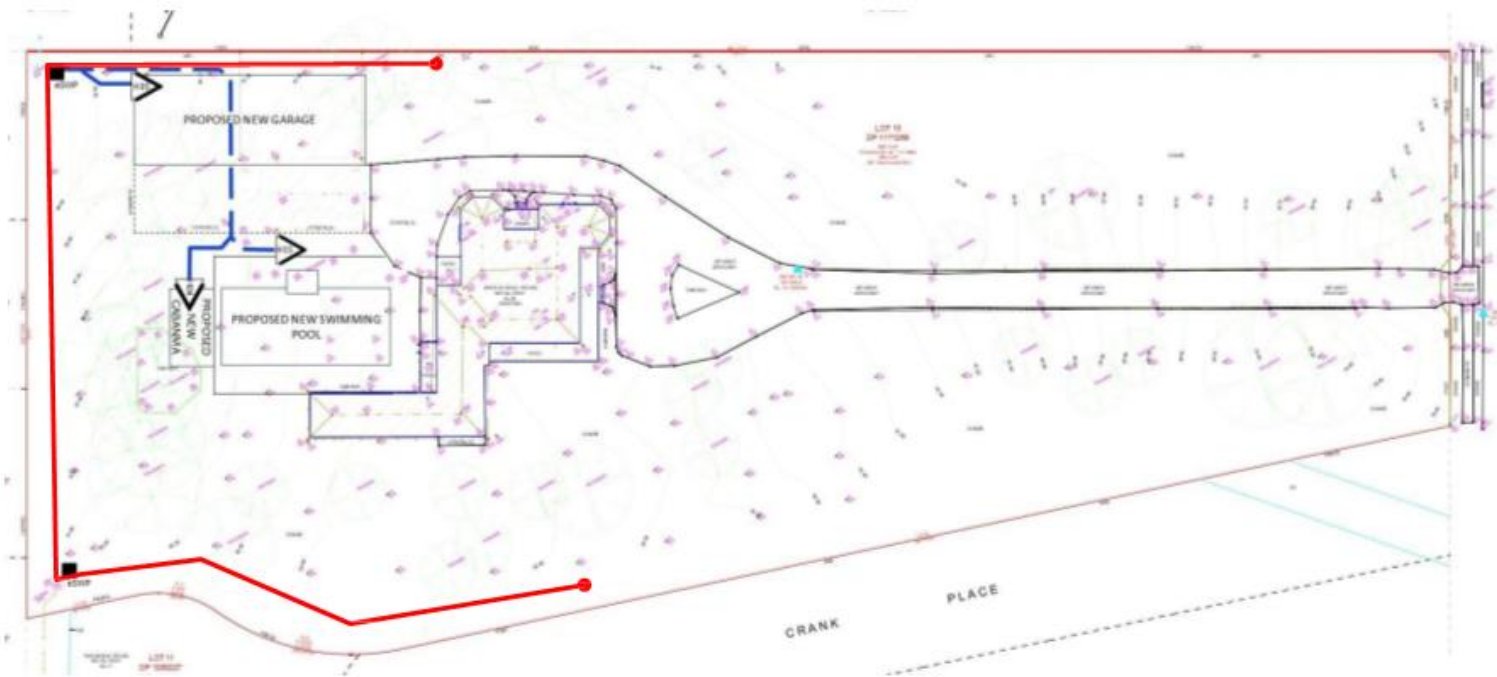
INTERNET REFERENCE:
<http://www.landcom.com.au/publications.aspx>

DESIGN PARAMETERS FOR SEDIMENT FENCE

- MAX DRAINAGE AREA = 0.6000ha
- MAX SLOPE GRADIENT = 50%
- MAX SLOPE LENGTH = 60m



D1 TEMPORARY SEDIMENT FENCE
NOT TO SCALE



No.	Date	Details
P2	14.01.25	PRELIMINARY ISSUE
P1	17.06.24	PRELIMINARY ISSUE
Amendments		



Archited

Hydraulic Consultant
INLINE
 HYDRAULIC SERVICES
 UNIT 19, 18 WURROOK CIRCUIT
 CARINGBAH NSW 2229
 PO BOX 284, GYMBA NSW 2227
 PHONE No (02) 9526 1923
 EMAIL : paul@inlinehs.com.au www.inlinehydraulic.com.au

Project:
HILSYDE
 NO 56 HILDER ST,
 ELDERSLIE NSW 2570


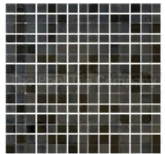


Drawing
 HYDRAULIC SERVICES
SEDIMENT & EROSION
 CONTROL PLAN


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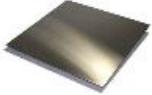


Status PRELIMINARY ISSUE: NOT FOR CONSTRUCTION	
Date: 22.05.24	Project No. 24154
Scale: 1:500	Drawing No. H07 / P2
Drawn: POK	
Design: PM	
No in set: -	

Hilsyde
56 Hilder Street, Elderslie NSW 2570






Finishes Schedule
Revisions: B (03/02/2025)


CODE	NAME	IMAGE	LOCATION	DESCRIPTION	SUPPLIER	COMMENT	REV
FENCE							
MT-01	CAST IRON		FENCE + GATE (REFER TO ARCHITECTURAL DRAWINGS FOR GATE DESIGN)	TBC			B
POOL & DECKING AREA							
M-01	Mosaic Tiles		Pool	Pool Tiles Type: GCR320 Charcoal Crystal Pearl Blend Finish: Glass blend, pearlescent Size: 327mm x 327mm (Sheet)	The Pool Tile Company (03) 9798 2631	https://www.pooltile.com.au/product/gcr320charcoalcrystalpearlblend/	B
ST-01	Stone Paving		Pool Decking	Pool Deck Paving Type: Hawkesbury Sandstone External Tile Finish: Grip (External) Size: 300 x 600mm	Tile Stone Paver 1300 082 053 8/15 Overlord Place Acacia Ridge 4110 Brisbane, QLD.	https://www.tilestonepaver.com.au/Hawkesbury-Sandstone-External-Tile-300x600	B
SC-01	Stone Coving		Pool Edge & Decking	Pool Deck Paving Type: Hawkesbury Sandstone External Coping Finish: Grip (External) Size: 300 x 600mm	Tile Stone Paver 1300 082 053 8/15 Overlord Place Acacia Ridge 4110 Brisbane, QLD.		B


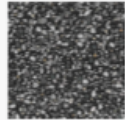
FO-01	Pool Fence		Cast Iron Pool Fence	TBC				B
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OUT DOOR BAR								
FR-01	Outdoor Fridge		Outdoor Bar	Bar Fridges Schmick Outdoor Triple Glazed Alfresco Bar Fridge With Led Strip Lights, Lock and LOW E Glass (or similar) Model: HUS-SC88-SS	Bar Fridges 1300 407 795	https://www.bar-fridges-australia.com.au/schmick-triple-glazed-alfresco-bar-fridge.html?utm_source=google&utm_medium=cpc&utm_campaign=BFA_USC_Shopping_Campaign&gclid=EAlaIqobChMl4a5n:mDggMVMmQPAh3B9wOAEAQYA_iABEgK5M_D_BwE		B
SS-01	Stainless steel		Outdoor Bar	316 stainless steel to bar area	TBA			B
MI-01	Mini Orb Roofing		Outdoor Bar Roof	Lysaught Corrugated roof sheeting Finish: Bluegum	Capital Steel Buildings (02) 9864 5016 28 Penfold St, Eastern Creek NSW 2766			B
BR-01	Masonry Columns		Outdoor Bar Columns	Australbricks Strastos Series NSW Dark Cumulus Finish: Morning Mist	Australbricks (02) 9830 7777	https://www.australbricks.com.au/nsw/250930019070000301150		B

CABANA

TL-01	Floor Tiles		Cabana WC floor tiles	Tiles Online Travertino Ivory (External Tiles) 300x600mm (Or Similar)	Tiles Online sales@thetilecollective.com.au 1300 818 641		B
TL-02	Wall Tiles		Cabana WC wall tiles	Tiles Online Travertino Ivory 300x600mm (Or Similar)	Tiles Online sales@thetilecollective.com.au 1300 818 641		B
BR-01	Masonry Columns		Outdoor Bar Columns	Australbricks Strastos Series NSW Dark Cumulus Finish: Morning Mist	Australbricks (02) 9830 7777	https://www.australbricks.com.au/nsw/25093001907000301150	B
MI-01	Mini Orb Roofing		Outdoor Bar Roof	Lysaught Corrugated roof sheeting Finish: Bluegum	Capital Steel Buildings (02) 9864 5016 28 Penfold St, Eastern Creek NSW 2766		B
ST-01	Stone Paving		Pool Decking	Pool Deck Paving Type: Hawkesbury Sandstone External Tile Finish: Grip (External) Size: 300 x 600mm	1300 082 053 8/15 Overlord Place Acacia Ridge 4110 Brisbane, QLD.	https://www.tilestonepaver.com.au/Hawkesbury-Sandstone-External-Tile-300x600	B

GARAGE							
BR-01	Masonry Columns		Outdoor Bar Columns	Australbricks Strastos Series NSW Dark Cumulus Finish: Morning Mist	Australbricks (02) 9830 7777	https://www.australbricks.com.au/nsw/25093001907000301150	B

PB-01	Mini Orb Roofing		Outdoor Bar Roof	Lysaught Corrugated roof sheeting Finish: Bluegum	Capital Steel Buildings (02) 9864 5016 28 Penfold St, Eastern Creek NSW 2766		B
TL-03	Floor Tiles		Garage Floor Tiling	Tile Mall Agglo Matt Tocello 600x600mm (Or Similar)	Tile Mall sales@tilemall.com.au (02) 9638 1032		B

 70 Central Avenue
Oran Park NSW 2570

 PO Box 183
Camden NSW 2570

 13 22 63

 ABN: 31 117 341 764

 mail@camden.nsw.gov.au

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