


| Issue | Comment |
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| Visual Impact | <p data-bbox="458 239 1374 349">A concern was raised with the proposed development and its impacts to views of the golf course from the adjoining residential properties along Glenavon Place.</p> <p data-bbox="458 405 868 432"><u>Overview of Affected Properties</u></p> <p data-bbox="458 443 1374 712">The two-storey residential dwellings on the northern side of Glenavon Place, including address numbers 25, 27, 29, 31 and 33, do not directly adjoin the golf course (refer to figure A below) and are positioned significantly higher than both the proposed and existing shed. As a result, these properties will largely retain their existing—though limited—views across their eastern side boundaries (particularly from upper-floor levels) towards the golf course and lake.</p> <p data-bbox="458 768 1374 1037">The properties along the western side and north-western corner of Glenavon Place, including address numbers 23, 19, 17, 15, and 13, share their rear boundary with the golf course, providing expansive views of the course and lake. Due to the positioning and orientation of Nos. 19, 17, 15, and 13, their existing views across the golf course will remain largely unaffected, with either full retention or only negligible impact, ensuring residents maintain their current views with minimal disruption.</p>  <p data-bbox="458 1648 1374 1749">Figure A– Source: NearMap Approximate siting of the proposed shed in relation to surrounding residential properties, with approximate land contours (2m intervals).</p> |



Figure B – Source: Realestate.com | Siting of 23 Glenavon Place in relation to the proposed development.

It is acknowledged, however, that the proposed shed will partially obstruct views from No. 23 Glenavon Place. Accordingly, a comprehensive assessment has been undertaken in accordance with the Land and Environment Court's planning principles on view sharing, as established in *Tenacity Consulting v Warringah Council (2004) NSWLEC 140 (Tenacity)*.

While *Tenacity* does not grant neighbouring landowners a legal right to their views, it provides a merit-based framework to assess the scale of impact—categorising view loss as negligible, minor, moderate, severe, or devastating. Below is an assessment of the proposal in relation to No. 23 Glenavon Place against *Tenacity's* four-step planning principle:

Step 1: Assessment of views to be affected

"[26] The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (e.g., the Opera House, Harbour Bridge, or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g., a water view in which the interface between land and water is visible is more valuable than one in which it is obscured."

The affected view extends towards the golf course and includes a lake, which at present is partially obscured by existing vegetation and the existing shed when viewed from the rear of No. 23 Glenavon Place. While the lake contributes to a valued natural outlook, it is not classified as an iconic or heritage-protected view, nor does it fall within any designated scenic or protected view corridors. The proposed shed will partially obstruct sightlines to the lake, particularly from the ground floor (Figure

C and D); however, this impact diminishes at the first-floor level (Figure E), where views extend over the shed's roofline towards the northern section of the lake.



Figure C - View of the lake from the ground-floor living room of No. 23 Glenavon Place (*standing position*)



Figure D - View of the lake from the ground-floor kitchen of No. 23 Glenavon Place (*standing position*)

Step 2: From what part of the property the views are obtained

"[27] The second step is to consider from what part of the property the views are obtained. For example, the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to

protect than standing views. The expectation to retain side views and sitting views is often unrealistic.”

The affected views from No. 23 Glenavon Place are obtained from the rear boundary, where views are generally given higher consideration than side views. The proposed shed will mostly obscure existing partial lake views from the ground floor, while first-floor views will remain largely unobstructed – particularly standing views on the upper floor will be preserved, aligning with the expectations outlined in *Tenacity*.

Step 3: Extent of the Impact

“[28] The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases, this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe, or devastating.”

The proposed shed will primarily affect ground-floor living area views from No. 23 Glenavon Place. The interface between land and water—a key factor in evaluating the significance of view loss—will remain visible from the upper floor main bedroom (refer to Figure E below), as the lake and creek within the golf course run parallel to the rear boundary.

Given that the lake view is already partially obscured by vegetation and the existing shed from the ground floor living areas, secondarily that views from the upper floor will remain largely intact, and lastly that the proposal does not obstruct any iconic, heritage, or protected views, the overall impact on No. 23 Glenavon Place is assessed as minor. The proposed development is assessed as being satisfactory and refusal of the application is not warranted on this basis.



Figure E - View from the upper-floor main bedroom of No. 23 Glenavon Place (standing position)

Step 4: The Reasonableness of the Proposal Causing the Impact

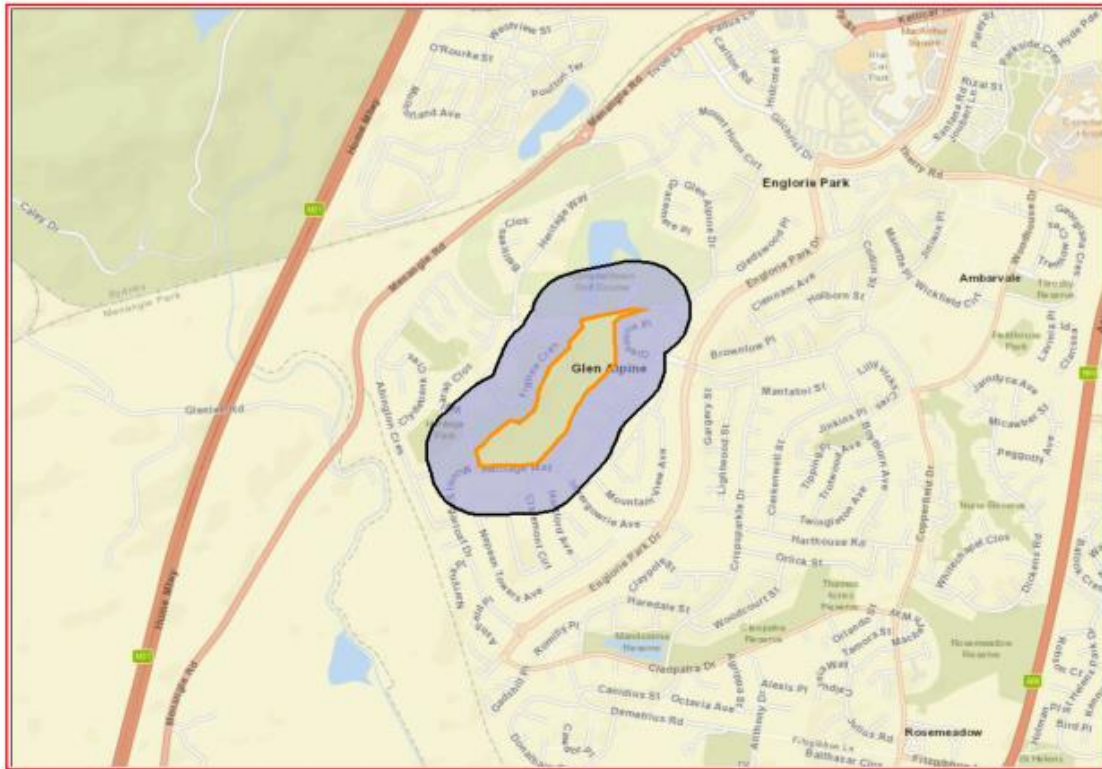
"[29] The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable."

The proposed development complies with all relevant planning controls, except for the floor area provision for ancillary structures on land zoned R2 Low Density Residential. This provision is intended for standard residential lots and does not account for large-scale sites like the golf course. Given the site's size, function, and operational requirements, strict adherence to this control would be impractical and would not result in a desirable planning outcome. Refer to Attachment 2 of this report.

The proposed shed will introduce some partial view loss from the ground floor of No. 23 Glenavon Place; however, this impact is considered minor in nature. The affected view is not iconic, heritage-listed, or within a protected view corridor, and the upper-floor views will remain largely

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| | <p>unobstructed. While the proposal results in some change to existing views, the extent of this impact does not render the development unreasonable.</p> <p>Furthermore, considering the site's context and the operational requirements of the proposed structure, a more skilful design would not necessarily achieve the same development outcome while further reducing view impacts. The shed has been strategically positioned within the existing cluster of buildings to minimise its visual prominence, with careful consideration given to balancing operational needs and view-sharing principles.</p> <p>As a result, the view-sharing outcome is considered reasonable, and the proposal is deemed acceptable under the Tenacity planning principles. The impact is not significant enough to warrant refusal of the application.</p> |
| <p>Impact to Aboriginal Heritage</p> | <p>A concern was raised with the proposed development and its impacts to Aboriginal heritage and cultural practices of neighbouring residents.</p> <p>A search using the Aboriginal Heritage Information Management System (AHIMS) indicated that there were no recorded Aboriginal sites and places within the site (Figure F). The nearest recorded Aboriginal site to the proposed development is approximately 525 m away (Figure G), and it is unlikely that the development will have any impacts to that location. There are no direct views to identified Aboriginal sites from the proposed development or the neighbouring residential properties.</p> <p>It is noted that the site and surrounding locality of Glen Alpine is highly disturbed and the site has long been established as a golf course. The creek has been significantly modified to become a concreted canal. Additionally, historic aerial imagery of the site shows that the lake nearest to the proposed shed was not naturally occurring, but created during the development of the golf course. It is expected that any additional Aboriginal sites would have been discovered from earthworks associated with the golf course as a whole. As a result, there is no statutory requirement for further investigation regarding Aboriginal heritage and the proposed development.</p> <p>As a precautionary measure, a condition of consent has been recommended to implement an unexpected finds protocol to satisfy concerns that any unidentified Aboriginal artefacts or areas of significance may be encountered during the construction of the shed, and that they are adequately declared and managed.</p> |

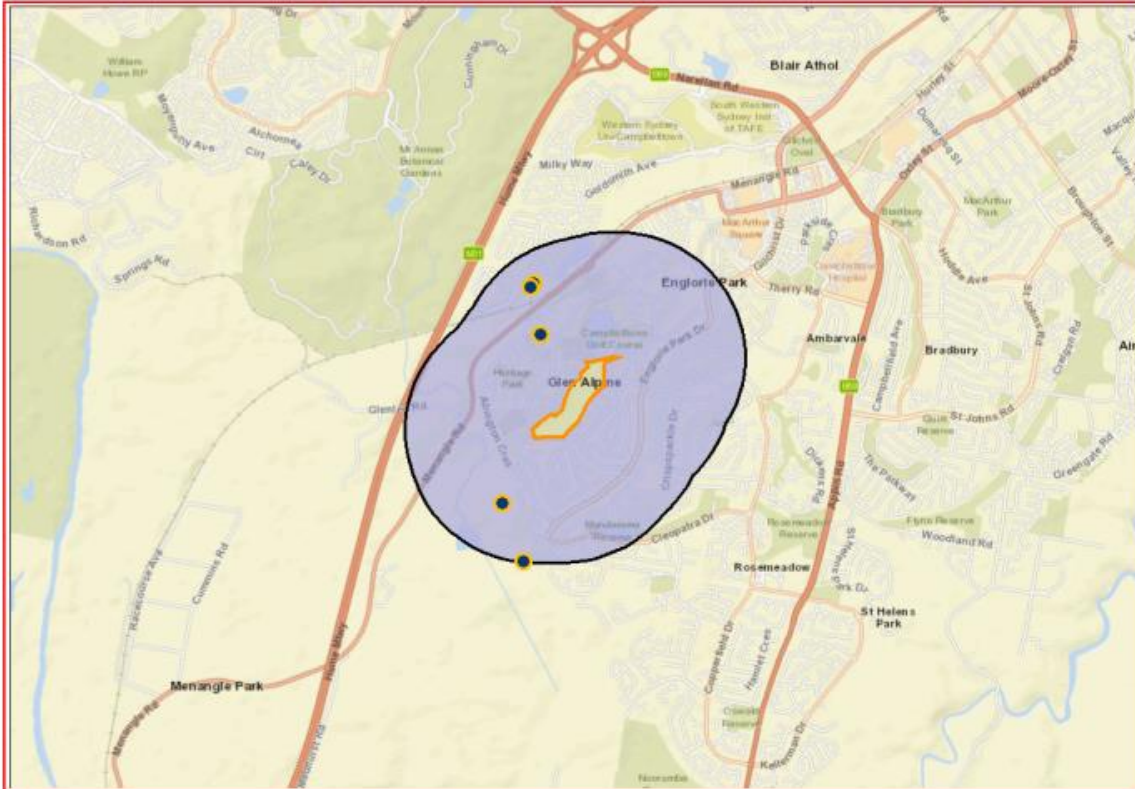
It is acknowledged that the property may be used for personal cultural practices. The proposed development does not unreasonably reduce accessibility to the natural environment from the residential property, and views are generally available to other parts of the golf course, as discussed above.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

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| 0 | Aboriginal sites are recorded in or near the above location. |
| 0 | Aboriginal places have been declared in or near the above location. * |

Figure F – Aboriginal heritage on the subject lot 994 (with 200 m buffer)



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

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| 5 | Aboriginal sites are recorded in or near the above location. |
| 0 | Aboriginal places have been declared in or near the above location. * |

Figure G – Aboriginal heritage on the subject lot 994 (with 1 km buffer)

Lack of information regarding the design, location, and footprint of the proposed shed

A concern was raised with the proposed development in relation to a lack of information about the development and difficulty determining visual impact.

Plans indicating the location, footprint, colours, and finishes could be viewed on Campbelltown City Council's 'Development Applications on Public Exhibition' webpage. Relevant plans are contained in attachment 3 and attachment 4 of this report.

Crime prevention and security

A concern was raised with the proposed development and the potential to increase criminal activity in the area. The submissions mention that there are poor casual surveillance opportunities as a result of the proposed location of the shed, and does not propose crime prevention or security measures.

As per the provisions of the Campbelltown (Sustainable City) Development Control Plan 2015, this development is not required to provide a crime prevention plan, however an assessment of the proposal has demonstrated that the development generally complies with crime

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| | <p>prevention principles. The concern for assumed increased theft as a result of storing more golf carts is more likely to be a targeted crime, rather than to encourage antisocial behaviour that may impact neighbouring properties or the safety of residents. The existing shed is already in use as a storage facility for the current golf cart fleet, and is appropriately secured with an additional gate in front of the roller door and a security alarm system. The proposed shed is connected to the existing shed, which is readily visible from the primary frontage and Golf Course drive, as well as from adjoining residential properties, allowing for casual surveillance towards the development. Further, conditions of consent has been recommended for the proposed shed to also incorporate security devices and lighting to discourage potential criminal activity.</p> <p>The proposed development is considered satisfactory with regards to crime prevention and security.</p> |
| Acoustic Impact | <p>A concern was raised with the proposed development and the potential to increase adverse acoustic impacts on adjoining residential properties, including from increased pedestrian traffic and the operation of the golf carts.</p> <p>It is acknowledged that the proposal does not provide an acoustic report or investigation. Despite this, the proposed development is setback a minimum of 17.33 m from the nearest residential property. The existing shed is located approximately 14.7 m. At the time of assessment, the existing shed was already in use as a storage shed for golf carts, where golf carts are being operated at the beginning and end of the golf course's operating hours (approximately 07:00 am to 17:00 pm).</p> <p>Noise impacts from golf cart operation will be minimised, as the primary vehicular entrance to both sheds is on the opposite side, and faces away from the residential properties, which would project any noise away from the nearby dwellings. Additionally, the majority of the adjoining residential properties have solid fencing and/or considerable landscaping to buffer any additional noise from around the sheds. The proposed development and use of the shed for storage purposes is not expected to considerably increase pedestrian traffic around the location of the shed(s) throughout the day.</p> <p>The proposed development will not result in any unreasonable adverse, acoustic impacts on adjoining residential properties.</p> |
| Impacts to flora and fauna | <p>A concern was raised with the proposed development and its impact to vegetation and bird habitat, including the removal of a 'healthy' tree.</p> |

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| | <p>An Arboricultural Impact Assessment Report has been submitted in support of the proposed removal of one tree (<i>Eucalyptus sideroxylon</i> Mugga Ironbark). This report was available for viewing on Campbelltown City Council's 'Development Applications on Public Exhibition' webpage, and is contained in attachment 5 of this report. The report indicates that the subject tree has a low retention value and is classified as Z10; "poor condition or location with a low potential for recovery or improvement". The report discusses that the subject tree has a significantly declining canopy and root damage to the south. The report has suggested that the tree be removed and replaced with a tree of the same species.</p> <p>The subject application has been referred to Council's Environmental Officer. The tree removal was supported and recommended conditions were provided, to ensure that retained trees are adequately protected and the removed tree will be replaced with a tree of the same species. The recommended conditions are contained in attachment 1 of this report.</p> <p>The location of the proposed shed is not subject to Biodiversity Values under the <i>Biodiversity Conservation Act 2016</i> or Terrestrial Biodiversity under the Campbelltown Local Environmental Plan 2015. Despite this, the 4 trees that will be retained within the vicinity of the proposed shed will be adequately protected during construction works. These significant trees have a greater canopy spread and are expected to have greater potential for bird habitat than the tree nominated for removal.</p> <p>The proposed removal of the declining tree will not result in any unreasonable adverse impact on existing vegetation stands and bird habitat.</p> |
| <p>Recommendation to move the location of the shed further from residential properties</p> | <p>A concern was raised with the proposed development and its location on the site. It was recommended that the location of the shed be moved to other storage facilities and further from residential areas, and avoid removal of a healthy tree. Another suggestion was for the carts to be stored in the existing shipping containers that are located to the North of the existing car park.</p> <p>The proposed development remains compliant and the location exceeds the minimum setback requirements for outbuildings in the R2 Low Density Residential zone. Additionally, the proposed shed is setback further from adjoining residential properties than the existing shed by approximately 2.5 m. As discussed above, the tree nominated for removal (<i>Eucalyptus sideroxylon</i> Mugga Ironbark) has been classified as having</p> |

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| | <p>poor retention value. Removal and replacement of this tree has been supported.</p> <p>The use of other structures on the site for the purpose of storing golf carts is currently not proposed. A comprehensive assessment has been undertaken of the development as currently proposed. The assessment has found the location of the shed to be satisfactory and no unreasonable adverse impacts are envisaged as a result of the proposed development.</p> <p>The site is considered suitable for the proposed development, and that the location of the proposed development is compliant in conjunction with the recommended conditions of consent.</p> |
| <p>Recent removal of trees and vegetation on the Campbelltown Golf Course</p> | <p>A concern was raised regarding the recent removal of other vegetation, including trees, on the Campbelltown Golf Course.</p> <p>One tree is recommended for removal under this application. The removal of other vegetation prior to, or separate from the subject application is not relevant to the subject application.</p> |
| <p>Decreasing property value of nearby residential properties</p> | <p>A concern was raised with the proposed development and its potential impact on property values in the surrounding area.</p> <p>Impact on property values is not a matter for consideration under Section 4.15 of the <i>Environmental Planning and Assessment Act 1979</i>.</p> |