



2 September 2020

Hon. Matthew Swinbourn MLC
Chair
Standing Committee on Environment and Public Affairs
Parliament House
4 Harvest Terrace
WEST PERTH WA 6005
Email: env@parliament.wa.gov.au

Attn: Kristina Crichton, Committee Clerk

Dear Hon Matthew Swinbourn,

Re: Petition No. 154 - Redevelopment of the Glen Iris Golf Course

I refer to your letter of 13 August 2020 (Your Ref: Petition No. 154) inviting the City of Cockburn to comment on the terms of the petition, as well as the submission made by the principle petitioner and the tabling Member.

The City has reviewed the terms of the petition and the submissions made and provide the following summarised responses to each of the issues raised.

1. Background and History of the Glen Iris Golf Course

The Glen Iris Golf Course was a privately owned and operated public golf course and was since it was first developed. The City has never had any involvement in the ownership or operation of the golf course.

The City has had three local planning schemes over the years and the zoning history of the land under the earlier (now revoked schemes) is set out in Attachment 1. The changes to the land over time covered an extensive number of scheme amendments. These amendments all occurred to District Zoning Scheme No. 2 which was in place until December 2002, when the current scheme was introduced. The golf course area is currently zoned 'Special Use No. 1' which permits a golf course estate, private recreation, hotel, convention centre and associated uses. The 'Special Use No. 1' zoning was adopted to facilitate the golf course estate in the mid-1990s and at the time included a structure plan, which guided the subdivision, land use and development of the area. There is also a small area, approximately 2ha, upon which the driving range is located, which is zoned 'Residential R40'. The

land has never been indicated as public open space or any other form of reserve. It has always been privately owned.

2. Offer of sale of the Glen Iris Golf Course

The petition submission claims that the City of Cockburn declined the previous owner's invitation to purchase the Glen Iris Golf Course, which is incorrect. No decision was made. The City was approached by the previous landowners in 2017 to discuss the confidential sale of the golf course and whether the City would be interested in negotiating a purchase. Following a meeting with the landowners it became clear they considered the land was worth the equivalent residential land value and not the value as an operational golf course.

Before considering any potential purchase, the City sought details of the operational and management accounts for the golf course, however the landowners were not forthcoming with this information. As a result, the City was unable to undertake any due diligence in respect to a potential purchase.

The landowners subsequently proceeded to negotiate with a number of other parties based on the land being developed for residential purposes. Following its offer on the open market, the land was purchased by a development company (Eastcourt Property Group) who have indicated their intention to redevelop the land. They have advised that they are not in the business of operating golf courses and did not intend to keep the golf course and associated clubhouse running.

3. Planning consultation and procedural fairness

There are no proposals in respect to the subject land before Council for consideration at this point in time. The new landowner has made it known they intend to seek to redevelop the former golf course land. City staff have had some discussions with the new landowner, to provide procedural information. At this stage, the City does not have any further details of what or how the new owners might be intending to redevelop the golf course site.

To facilitate a redevelopment, the TPS3 zoning would need to be amended (for the Special Use 1 portion). The driving range is also zoned residential and has a density assigned (i.e.: R40), meaning a subdivision could be lodged and considered.

There are three key planning processes which apply to redevelopments; Scheme amendments, structure planning and subdivision. Amending the town planning scheme and the structure plan process are able to run concurrently. The City is not the ultimate decision maker in the planning process for redevelopments; this authority lies with the WAPC. The procedure for processing scheme amendments

and structure plans is set out in the *Planning and Development (Local Planning Scheme) Regulations 2015* and includes the deemed provisions for public consultation and referrals.

If the City did receive an application for rezoning of the golf course in the coming weeks, the first step is for officers to prepare a report for a Council meeting at which it would be determined whether Council would wish to initiate the Scheme Amendment (rezoning process) for advertising. This step in itself can take up to a month. If Council voted to initiate the Scheme Amendment for advertising, it would be assessed at that stage as to what measures would need to be taken into account to ensure that the public has adequate means to provide feedback, in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015*. The Scheme Amendment (rezoning) process is very comprehensive and should a proposal be received the City of Cockburn would ask landowners and the community to provide their feedback. All landowners within Glen Iris would receive a letter from the City requesting feedback, and it would also be advertised on the City of Cockburn website and more broadly to the community. This feedback would be taken into account in any final decision by Council.

4. Effect of Planning and Development Amendment Bill 2020

The petitioners have sought inquiry into whether the recently passed *Planning and Development Amendment Bill 2020* would have an effect on a redevelopment proposal of the subject land. Specifically Part 17 'Special provisions for COVID-19 pandemic relating to development applications' provides new provisions that allow significant developments to bypass the standard development application procedure.

The *Planning and Development Amendment Bill 2020* will have no effect on the procedure for a proposed redevelopment of the golf course, as Part 17 of the Bill only pertains to the development application procedure. A proposed redevelopment of the golf course land will need to be considered through a scheme amendment and structure plan procedure, neither of which is subject to Part 17 of the Bill.

5. Public Consultation Process

Public consultation is built into the redevelopment process, with formal advertising requirements outlined within the *Planning and Development Act 2005* ('the Act') and the associated *Planning and Development (Local Planning Scheme) Regulations 2015* ('the Regulations'). The Regulations outline the statutory requirements for advertising a proposed scheme amendment or structure plan, which includes the method of public advertising and the length of time required to advertise. The following table summarises some of the frequently asked questions about the

redevelopment planning process.

| Frequently asked questions | Planning process | | |
|---|----------------------------|--|--|
| | Amending planning scheme/s | Structure Planning | Subdivision |
| Can the landowner apply? | ✓ | ✓ | ✓ |
| Requires consultation with surrounding landowners | ✓ | ✓ | × |
| Where do applications get submitted? | City of Cockburn | City of Cockburn | Department of Planning, Lands and Heritage |
| Average timeframe for a decision | ~10-12 months or longer | ~8-10 months | ~3 months |
| Decision maker | Minister for Planning | Western Australian Planning Commission | Western Australian Planning Commission |

Some local residents have expressed frustration that they were not consulted or made aware of the sale of the Glen Iris Golf Course; however private land sales are not bound to any consultation requirements.

6. Impact on local residents

Since the recent sale of the property, a significant amount of interest has been noted from the existing residential community surrounding the former golf course. To assist with keeping the community updated, the City has a dedicated webpage addressing some of the frequently asked questions and also containing information about planning processes and links to the developer's webpage and community engagement officer.

Many of the local residents have expressed their opposition to a redevelopment of the subject land, which would result in residential zoned land where there is currently open space and significant vegetation attributed to the former golf course. The City understands the community's concern regarding the future of this site, and how integral the golf course was to the existing neighbourhood.

An application to rezone and redevelop the subject land would need to comprehensively address issues such as the impact on neighbourhood character, amongst other things. They would also be expected to provide extensive justification including but not limited to demonstrating why a golf course is no longer viable.

The City understands the value that the Glen Iris community places on the existing

neighbourhood character and will be interested in any proposals to change land uses or zonings. Given the considerable community interest, City staff have prepared a background information report to Council for the 10 September 2020 Ordinary Council Meeting, detailing the history of the former golf course land and the implications of the recent land sale.

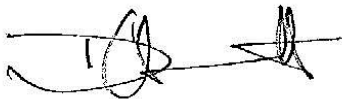
7. Environmental Considerations

Any application to rezone the land would be required to address issues including environmental assessment. Should any endangered species or quality ecological communities be identified at the subject site; this would form a considerable amount of the assessment of a redevelopment proposal.

In regards to the petitioner's query about whether the subject site may contain any hazardous materials; as per the *Contaminated Sites Act 2003* and the associated *Contaminated Sites Regulations 2006*, it is the duty of the landowners to report any known or suspected contamination to DWER.

Should you require any further information, please contact Acting Manager of Strategic Planning Carol Catherwood on (08) 9411 3598 or ccatherwood@cockburn.wa.gov.au.

Sincerely,



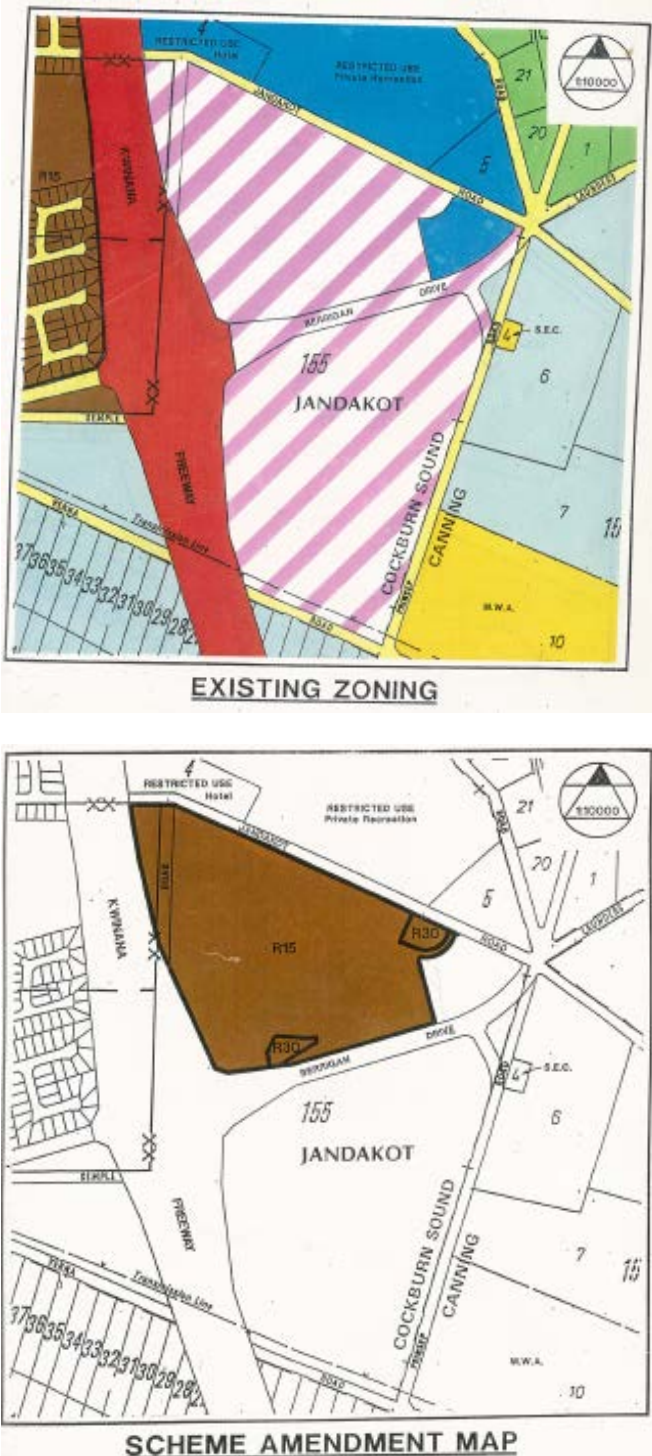
Mr Daniel Arndt
Acting Chief Executive Officer

Attch.

1. Zoning History – Glen Iris

ATTACHMENT ONE - PREVIOUS REZONINGS UNDER DISTRICT ZONING SCHEME NO. 2 (DZS2)

| Amdt # | Description | Date Gazetted |
|--------|--|---|
| 56 | <p>Rezoning portion of Lot 2, 3, 4 and 5 Jandakot Road from Commercial – Restricted Use – Private Recreation and Hotel to Residential R15/12.5, Restricted Use Private Recreation, and Hotel and Commercial.</p> <p>Amendment 56 was supported by the above Concept Plan which was adopted in 1990 as a Structure Plan to guide development.</p> | <p>OCM meeting July 1990 (gazette date not clear)</p> |

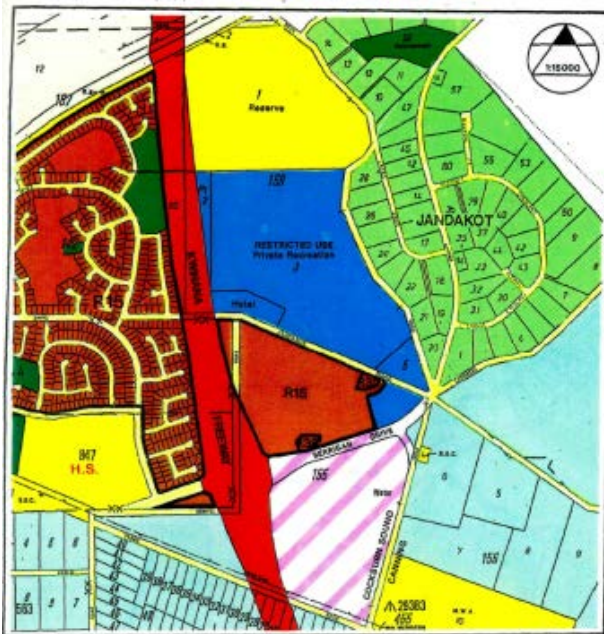
| Amdt # | Description | Date Gazetted |
|--------|--|----------------|
| 64 | <p>Rezoning portion of JAA Lot 155 Jandakot Road and portion of CSL 544 Lot 54 Potters Place, Jandakot from Light Industry to Residential R15 and R30.</p>  <p>The image contains two maps of Lot 155 Jandakot. The top map, titled 'EXISTING ZONING', shows the lot with pink diagonal hatching. It is surrounded by other lots with various zoning labels: 'RESTRICTED USE Hotel', 'RESTRICTED USE Private Recreation', 'R15', 'R30', 'S.E.C.', 'M.W.A.', and 'CANNING'. The bottom map, titled 'SCHEME AMENDMENT MAP', shows the same lot with brown shading and labels for 'R15' and 'R30' zones. It also shows the same surrounding context and scale of 1:10000.</p> | 2 October 1992 |

| Amdt # | Description | Date Gazetted |
|--------|-------------|---------------|
|--------|-------------|---------------|

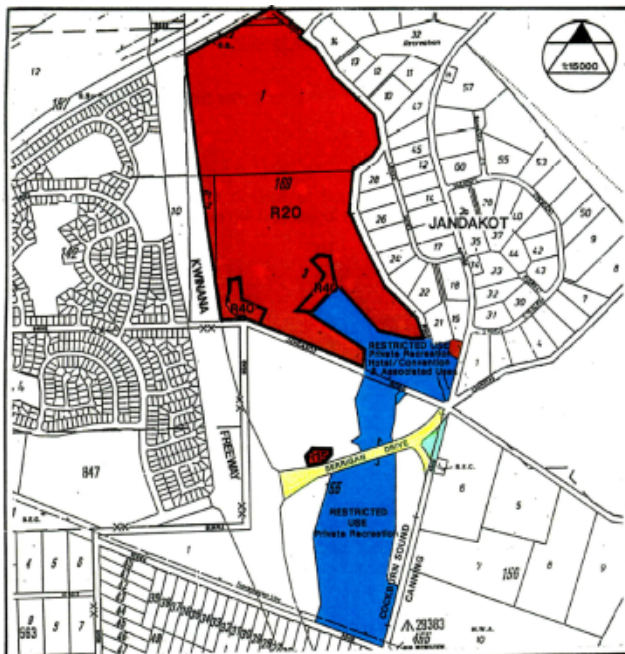
82

Rezoning portion of JAA 170, JAA 169, Lots 1 Lakes Way, Lots 3, 4, 5 Jandakot Road and Lot 20 Prinsep Road, portion of JAA 155, and portion of Dean Road, Jandakot Road, Berrigan Drive and Prinsep Road from Public Purposes (Special Use) Reserve, Commercial – Restricted Use – Private Recreation/Hotel, Residential R15 and R30, Light Industry, Commercial, Special Rural and Local Reserve – Local Road to Residential R15, R20 and R40, Commercial Restricted Use – Private Recreation, Commercial – Restricted Use – Private Recreation Hotel Convention Centre and Associated Uses, Commercial, Rural and Local Reserve – Local Road.

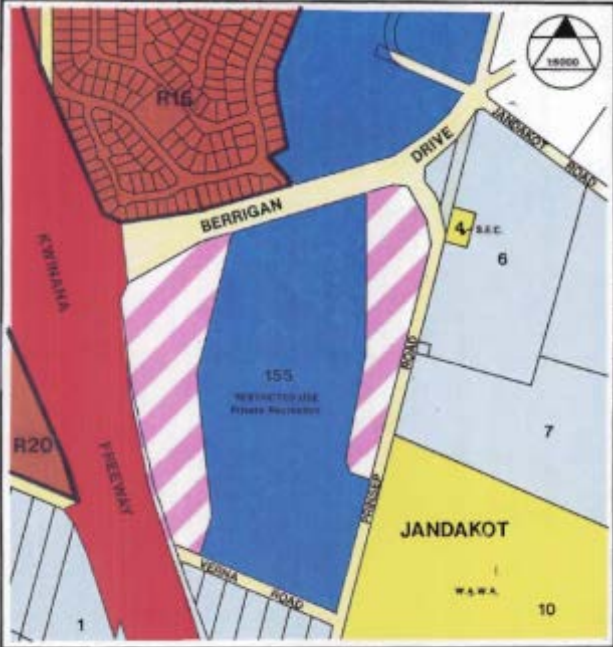
15
October
1993



EXISTING ZONING



SCHEME AMENDMENT MAP

| Amdt # | Description | Date Gazetted |
|--------|---|---------------|
| 119 | <p>Rezoning portion of Lot 139 and JAA Lot 155 Berrigan Drive, Prinsep Road, Imlah Court, Jandakot from Light Industry, Commercial Restricted Use – Private Recreation and Rural to Residential R12.5 and R40, Commercial – Restricted Use (Office, Showroom, Restaurant & Fast Food Outlet), Parks and Recreation and Railways.</p>  <p style="text-align: center;">EXISTING ZONING</p>  <p style="text-align: center;">SCHEME AMENDMENT MAP</p> | 15 April 1997 |

| Amdt # | Description | Date Gazetted |
|--------|---|------------------|
| 168 | Rezoning portion of Lot 3, Lot 4 and Lot 504 and Dean Road to R20/R40 and R40, Local Reserves | 27 February 1998 |

WHY IS THE DRIVING RANGE ZONED R40?

The concept plan attached to the Amendment No. 82 document shows the driving range as “Driving Range or R40/Convention Centre”. It would appear when the time came to develop, they decided on the former. Amendment No. 82 zoned the land “Restricted Use – Private Recreation Hotel/Convention & Associated Use”. A subsequent amendment must have rezoned the land to Residential R40.

