



MIHAEL MCCOY

YOUR LOCAL LIBERAL FOR JANDAKOT



17 July 2022)

Chairman
Environment and Public Affairs Committee
Legislative Council
Parliament of Western Australia

By email only: env@parliament.wa.gov.au

Dear Mr Chairman,

Glen Iris Golf Course Petition

Please find the attached submissions for the Committee's consideration.

As you will note, there are a number of matters contained in the submissions which relate to endangered species under Commonwealth law. I would strongly urge the Committee give attention to these matters in order to prevent damage to the wildlife population.

Also, given the time period during which the golf course was developed, the demolition of older buildings and the potential for disposal of waste on the site, I would also strongly urge the Committee to investigate whether in the course of the development of the golf course there have been any hazardous materials buried or for use in the reticulation system. I believe this is a public health priority that must be given proper consideration before any site activity be undertaken.

I take this opportunity to thank the Committee for considering this matters with the serious attention they deserve.

Yours faithfully,

Michael McCoy

MIHAEL MCCOY



14 July 2020

Hon Matthew Swinbourn MLC
Chairman
Standing Committee on Environment and Public Affairs
Legislative Council P
Parliament of Western Australia

By email only: env@parliament.wa.gov.au

Dear Chairman and Committee Members,

Submissions on the Petition in relation to the Glen Iris Golf Course

EXECUTIVE SUMMARY AND BACKGROUND

I provide the Committee with the following submissions as the principal petitioner, Mihael McCoy of 106 Glen Iris Drive Jandakot 6164 WA, so named in the above petition.

A Petition, in two parts, with a total combined 2,517 signatures was tabled in the Legislative Council by the Hon. Nick Goiran MLC Member for the South Metropolitan Region on June 15, 2020. I continue to receive additional petitions which is indicative of the strength of feeling on this matter within the Glen Iris, Jandakot and wider community. The prospect of losing this local amenity and environmental asset has been distressing to many.

Persistent concerns remain with respect to the impact on the surrounding residential areas, the Jandakot Airport precinct and the impact increased urban infill will have on both the airport, sensitive protected species and bushland with the proposed increase in traffic and a growing development footprint within the vicinity.

I provide the following submissions to the Committee which I believe fall within the terms of reference of the Environment and Public Affairs Committee for consideration.

SUBMISSION ONE – ACCOUNTABILITY AND TRANSPARENCY

1. ***The Glen Iris Golf Course has not previously formed part of the Planning Scheme and therefore requires proper and complete planning consideration by the WAPC and the State Government. There has been a lack of transparency and accountability in the process to date as the Golf Course Estate special zone designation has not previously been considered as a future residential area pursuant to the Metropolitan Planning Scheme.***

As such, we request the Committee ensures:

- i. ***transparency and accountability in the planning process notwithstanding the passing of the Government's Planning and Development Bill 2020; AND***
- ii. ***Consistency in the application of State Planning Policies giving due regard to appropriate guidelines for amendments to structure plans;***
- iii. ***Preservation of the existing zoning designation as "Special Use 1 -Golf Course".***

SUBMISSION TWO – Background and History of the Glen Iris Golf Course

That the Committee prepares, compiles and publishes, in the public interest, a report outlining the Glen Iris Golf Course history including all documentation relating to the planning and approval of the original development. Said report to include a history of the zoning, rezoning, the offer of sale to the Local Government and the rationale of the Local Government in not proceeding with that purchase.

SUBMISSION THREE – Local Government decision making process (City of Cockburn)

That the Committee investigate and consider:

- 1) **whether the Local Government decision to decline the purchase of the Glen Iris Golf Course was done giving due regard and proper consideration to the State Environment and Planning policies and other legislative requirements prescribed by law or any other applicable guidelines;**
- 2) **whether the Local Government decision to decline the purchase of the Glen Iris Golf Course was in fact a decision of the Council, or was the decision referred to an officer of the city under delegated authority. If so, was it a lawful delegation?**
- 3) **that the decision to not purchase the Glen Iris Golf Course was properly considered having due regard to relevant Environment and State Planning Policies and other requirements of law in accordance with principles of good governance;**
- 4) **in electing not to proceed with the purchase, as to the impact on the environment of any decision by the Local Government, whether any delegation by the City of Cockburn was consistent with its governance obligations to give proper consideration to environmental damage;**
- 5) **whether such delegation by City of Cockburn was reported in accordance with the requirements of the Local Government Act 1995 (WA)**

NOTE: [Most notably, Council may, by absolute majority, delegate its powers to the CEO (s5.42 LGA); AND Council is to (a) oversee the allocation of the local government's finances and resources; and (b) determine the local government's policies. (s2.7(2) LGA)

RATIONALE – This submission does not assert any wrongdoing by the local government, its officers or individuals. However, the impact of this decision is wide reaching and there is a real public interest in considering local government decision making processes.

SUBMISSION FOUR – THE ROLE OF WA GOVERNMENT MINISTERS

That the Committee investigate what meetings, discussions, including but not limited to, off the record dealings and interactions with developers that have taken place between Ministers of the WA Government and current and former officers of the Local Government area (City of Cockburn).

SUBMISSION FIVE – PROCEDURAL FAIRNESS

That there has been an absence of procedural fairness afforded to residents of the Glen Iris Golf Course estate. A proper and fair process of community consultation must not predetermine or be designed to procure a particular outcome.

RATIONALE - The principles of procedural fairness are well established in Australian law. The principle established in *Annetts v McCann* (1990) 170 CLR 596 held that the duty of procedural fairness persists even where private or professional interests may be affected by findings of any process of inquiry.

SUBMISSION SIX – PRESERVING THE GLEN IRIS SANCTUARY

That Glen Iris Golf Course Estate and surrounding park lands be preserved as they provide sanctuary to ecological communities including a range of endangered species such as the Carnaby Cockatoo, Quendas and turtles.

RATIONALE – Due to habitat fragmentation in and an expanding development footprint, many endangered species have migrated into the course and are now flourishing.

SUBMISSION SEVEN – PRESERVING BANKSIA WOODLANDS

The Glen Iris Sanctuary is home to in excess of one hectare of Banksia Woodland and qualifies for protection under the Environmental Protection and Biodiversity Conservation Act 1999.

END OF SUBMISSIONS

Yours faithfully,

MIHAEL MCCOY