

13.1 (2021/MINUTE NO 0230) Proposed Initiation - Scheme Amendment 152 to Local Planning Scheme 3 - Various Lots Comprising the Former Glen Iris Golf Course

Author	A Davis
Attachments	1. Draft Scheme Amendment Proposal (Circulated under separate cover) 2. Letter to Glen Iris Residents - 15 November 2021 ↓ 3. Petition response letter - to Standing Committee on Environmental and Public Affairs - 2 September 2020 ↓ 4. Attachment 4 - letter to JRRA re presentation ↓
Location	Lot 139 Berrigan Drive, Lots 3, 6 and 7 Glen Iris Drive and Lots 509 and 512 Dean Road, Jandakot
Owner	Eastcourt Property Group
Applicant	Rowe Group/Acumen Development Solutions
Application Reference	109/152

RECOMMENDATION

That Council:

- (1) AMENDS the *City of Cockburn Town Planning Scheme No. 3*, pursuant to Section 75 of the *Planning and Development Act 2005*, or the following purposes:
- a Rezoning Lot 3 on Diagram 30047, Lot 6 on Diagram 91027, Lot 7 on Plan 21402, Lot 139 on Plan 18946, and Lot 509 on Diagram 91028 in the locality of Jandakot from 'Special Use' to 'Development',
 - b Rezoning Lot 512 on Diagram 94292 from 'Residential R40' to 'Development',
 - c Including the following new provisions in Table 9 – Development Areas:

Ref No.	Area	Provisions
DA 45	Glen Iris Estate, Jandakot	1. An approved Structure Plan together with all approved amendments shall be given due regard in the assessment of applications for subdivision and development in accordance with clause 27(1) of the Deemed Provisions. 2. The Structure Plan is to provide an appropriate mix of residential and compatible land uses.
 - d Deleting 'Special Use 1' and 'Special Use 6' from Table 8; and
 - e Amending the Scheme map accordingly; and



- (2) NOTES the Amendment is complex under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:
- a it is an amendment not addressed by the City's local planning strategy; and
 - b is an amendment relating to development that is of a scale, or will have an impact, that is significant relative to development in the locality.
- (3) REFERS the scheme amendment to the EPA, pursuant to Clause 81 of the Act, by giving to the EPA written notice of this resolution and such written information about the amendment as is sufficient to enable the EPA to comply with section 48A of the EP Act in relation to the proposed scheme amendment;
- (4) SUBMITS two copies of the proposed Scheme amendment to the Commission, pursuant to Regulation 37 (2) of the Regulations, to obtain consent to advertise the Scheme amendment; and
- (5) Subject to Clause 81 and 82 of the Act, if the Commission advises the City of Cockburn that it is satisfied that the complex amendment is suitable to be advertised, ADVERTISES the proposed amendment pursuant to the details prescribed within Regulation 38. Regulation 38 specifies advertising must not be less than a period of 60 days
- (6) REQUESTS permission from the WAPC to prepare a structure plan for the area identified in Point 1 above, pursuant to Clause 15(c) of the Deemed Provisions; and
- (7) REQUESTS permission from the WAPC to extend the advertising period of the Structure Plan from 42 to 60 days, pursuant to Clause 18(3A)(b) of the Deemed Provisions, and allow concurrent advertising of the proposals, consistent with Supplemental Provision 18(6) of Town Planning Scheme No.3.

Council Decision

MOVED Cr P Corke SECONDED Cr P Eva

That Council:

- (1) Adopts (1) – (7) as recommended; and
- (2) Includes an additional point (8):
Subject to the Council recommending initiation of the scheme amendment and subsequently the WAPC granting consent to advertise the scheme amendment and requiring a structure plan be prepared that an independently facilitated community forum be held during the advertising period, to provide residents with the opportunity to discuss all aspects of the proposal and to inform any submissions on the scheme amendment and structure plan.

CARRIED 6/1

For: Mayor L Howlett, Deputy Mayor T Widenbar, Cr M Separovich, Cr P Corke, Cr C Terblanche, Cr P Eva

Against: Cr K Allen



Reasons

An independently facilitated community forum would offer residents and the proponent the opportunity to question, discuss, evaluate and fully understand the implications and potential outcomes of this complex amendment and the proposed structure plan.

It is a simple fact that no matter how much any of us would like to be able to retain the golf course at Glen Iris, it is not within our power as a Council.

The land is privately owned and there is no legal mechanism under which a compulsory purchase could be forced. As such, it is incumbent upon us to look for the best possible outcome for all concerned, and as much as possible, for the flora and fauna of the area.

Residential development is actually permitted under the current zoning, and if they so desired, Eastcourt could lodge a subdivision plan for the R40 zoned driving range at any point.

For the other five lots, the SU1 and the SU6 zoned land, Eastcourt could prepare a structure plan with no statutory referral to the Environmental Protection Authority. There could be no conformity in the design of the area overall, the housing density could be much higher than in the Concept Plan and there could be considerably less public open space and retention of trees.

If it was developed in an piecemeal manner, the land could actually be moonscaped and we could lose all the trees.

Executive Comment

A community forum would result in residents being better informed about all aspects of the scheme amendment and structure plan prior to lodging a submission on the proposals.

8.18pm Cr Dewan and Cr Stone returned to the meeting.

Background

Council has received a request from the owners of the former Glen Iris Golf Club (Site) to amend the *City of Cockburn Town Planning Scheme No. 3 (TPS3)* to rezone the land from a combination of 'Special Use' and 'Residential' zones to the 'Development' zone, in association with enabling textual modifications.

If accepted, rezoning the land to 'Development' (and including it within Table 9 of the Scheme) would establish a modern planning framework to consider comprehensive coordinated redevelopment of the total landholding, by requiring the preparation and Western Australian Planning Commission (WAPC) approval of a local structure plan prior to any subdivision or redevelopment of the site.



Initiation of the amendment will allow the City to refer the proposal to both the WAPC and Environmental Protection Authority (EPA) for their consideration, prior to advertising the proposal for a minimum period of 60 days.

If initiated, it is recommended that WAPC consent to prepare and concurrently advertise the more detailed structure plan proposal be sought at the same time, with an extended consultation time-period of 60 days to match the scheme amendment. This is to provide for a more informed consultation period.

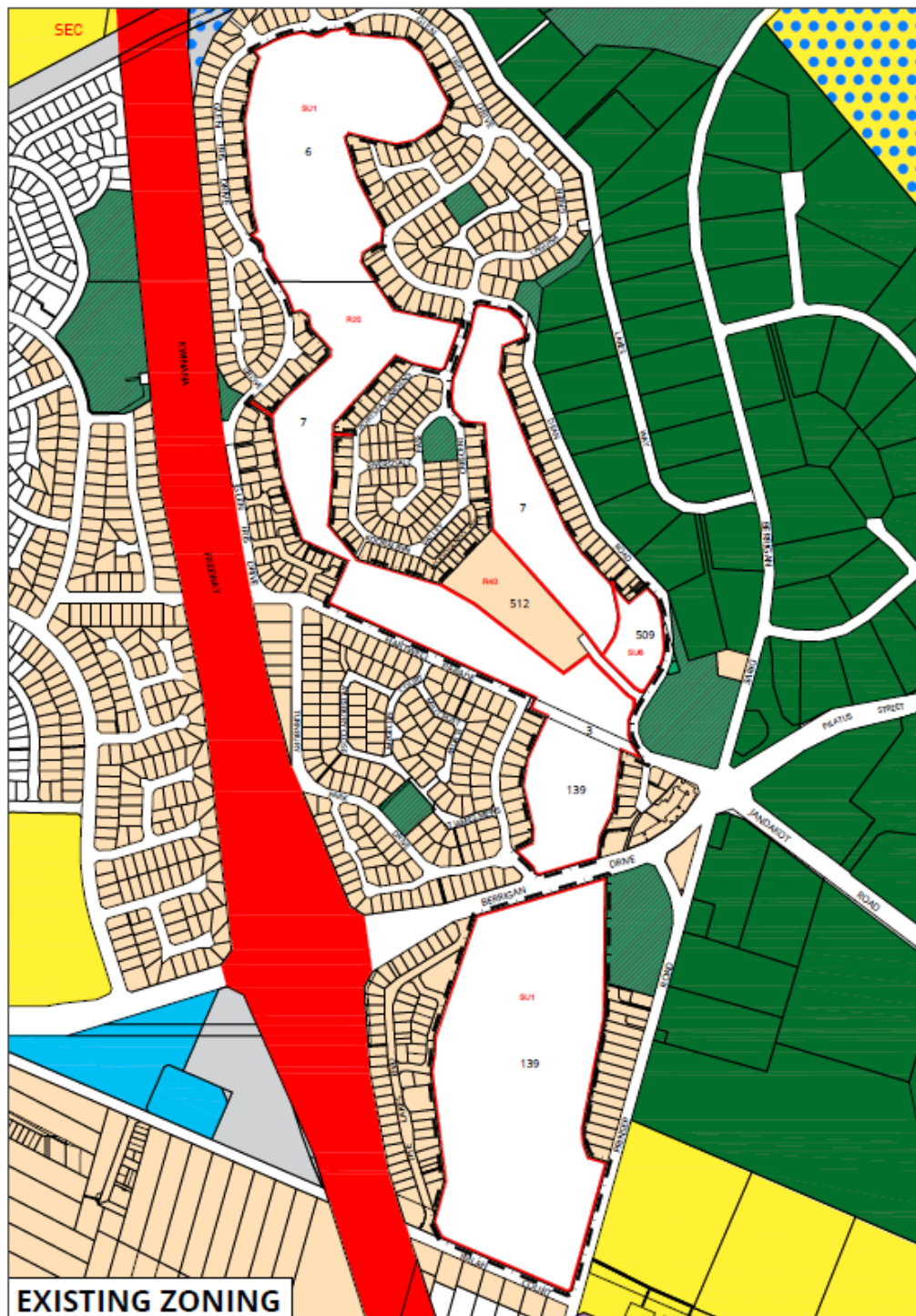
A golf course in one form or another has been on the central portion of the combined site since at least the early 1960's. Reflective of that existing use, the same land was zoned "Private Clubs and Institutions – Golf Club" when the City adopted its first town planning scheme (District Planning Zoning Scheme No.1) in 1974.

As detailed in the report presented to the 10 September 2020 Ordinary Council Meeting (2020/Minute No.0203), the site has since formed the subject of a number of scheme amendment proposals, of which Amendments #64, #82, #119 and #168 to former District Planning Zoning Scheme No.2, effectively facilitated its staged evolution to an integrated golf course and residential estate during the 1990s.

Under the current City of Cockburn Town Planning Scheme No.3, the site is predominantly zoned 'Special Use No.1' (SU1 – Golf Course Estate), with the land encompassing the former clubhouse zoned 'Special Use No.6' (SU6 – allowing Private Recreation, Hotel, Convention Centre and associated uses), and the former driving range zoned 'Residential R40'.

Pursuant to Clause 3.10 of TPS3, the non-conforming use rights relating to the former driving range on Lot 512 Dean Road, expired 6 months after the cessation of use (approximately October 2020).





REGION SCHEME RESERVES

- PRIMARY REGIONAL ROADS
- OTHER REGIONAL ROADS
- WATER CATCHMENTS
- RAILWAYS
- PARKS AND RECREATION
- PUBLIC PURPOSES
- PUBLIC PURPOSES : STATE ENERGY COMMISSION

LOCAL SCHEME RESERVES

- PARKS AND RECREATION
- LOCAL ROAD
- PUBLIC PURPOSES : WATER CORPORATION

LOCAL SCHEME ZONES

- RESIDENTIAL
- RESOURCE
- MIXED BUSINESS
- LOCAL CENTRE

OTHER CATEGORIES

- R CODES
- SPECIAL USE AREA
- SUBJECT SITE
- EXISTING LOT NUMBER



Submission

The request to initiate the Scheme Amendment has been submitted by Rowe Group on behalf of Acumen Development Solutions (the appointed development management company of the Eastcourt Property Group), who lead a team of specialist technical consultants.

The previous owners ceased operating the golf course and sold the land to Eastcourt Property Group (Eastcourt) in March 2020. Eastcourt is a land development and investment company who purchased the land, with the intention to redevelop the land as a residential estate. This request to initiate an amendment to TPS3 is the first statutory step in seeking to achieve that vision.

Report

The closure and redevelopment of golf courses is a growing trend both in Australia and internationally, to the point where other jurisdictions have prepared specific planning policy guidance. An example is the Victorian Government, with its *Planning Guidelines for the Conversion of Golf Course Land to Other Purposes (2020)*.

While the processes outlined in the above guidelines do not align particularly well with, or strictly apply to, the Western Australian planning framework, the basic principles (in particular as they relate to steps 1-4 of the following list) are broadly applicable to this stage of the formal process, as discussed in the following sections:

1. *Consider whether the land should be redeveloped.*
2. *Identify the strategic direction for the site.*
3. *Determine what assessments and approvals are required.*
4. *Document site values, constraints and opportunities.*
5. Engage the community.
6. Develop a land use concept that delivers net community benefit.
7. Deliver a quality outcome

Whilst the proponent would suggest that steps 5-7 have been addressed through their own pre-lodgement consultation process (and resultant Development Concept that informs their complementary draft Structure Plan proposal), under the formal statutory process, Steps 5 onwards will only occur if a scheme amendment (in one form or another) is initiated.

It is important to note that the Victorian Guidelines are quite broad, as they have been prepared to include assessment of both publicly and privately owned golf courses proposed for full or partial redevelopment. Some of the considerations raised, have greater applicability to the redevelopment of publicly owned assets, as opposed to privately owned land (as is the case in this instance).



Should the land be redeveloped?

The former golf course would need extensive capital expenditure if it were to reopen as viable proposition, including:

- replacement of the golf course maintenance machinery fleet
- replacement of the entire irrigation system
- club house major refurbishment
- on-course replacements including all greens.

Eastcourt have repeatedly advised that they have no intention of investing the significant capital necessary to reinstate the former golf course use, or of on selling the land to a third party for this purpose.

The City has no statutory authority to force the landowner to either sell the land or reinstate the former use, in fact without a similar scheme amendment, expiry of the non-conforming use rights over Lot 512 means there is now an impediment to that occurring over the former driving range portion of the site.

Of note, whilst the current zonings don't preclude redevelopment, development under this framework would be ad-hoc and highly unlikely to deliver a coordinated development outcome respectful of existing, surrounding land use and neighbourhood character.

For example, those lots zoned Special Use No.1 require inclusion of an integrated golf course in order to develop a range of residential, commercial, and community facilities. TPS3 does not define the use 'Golf Course' however or set any minimum standards (such as the number of holes, or the minimum proportion of the site to be set aside for this purpose).

Conversely, the former club house land (Lot 512 – Special Use No.6) may be developed with Private Recreation, Hotel, Convention Centre and Associated Uses but does not require construction of an integrated golf course.

A wide range of land uses are currently approvable under the 'Residential' (R40) zoning of the former driving range, including subdivision down to a minimum of 180m² (with an average of 220m²), without the need for any preceding structure plan to be approved.

Regardless of the redevelopment outcome, adopting a Development zone over the total site that requires the preparation of one comprehensive structure plan, will best enable community scrutiny and participation in the redevelopment process and afford Council the greatest influence over the ultimate form of redevelopment.

What is the strategic direction for the site?

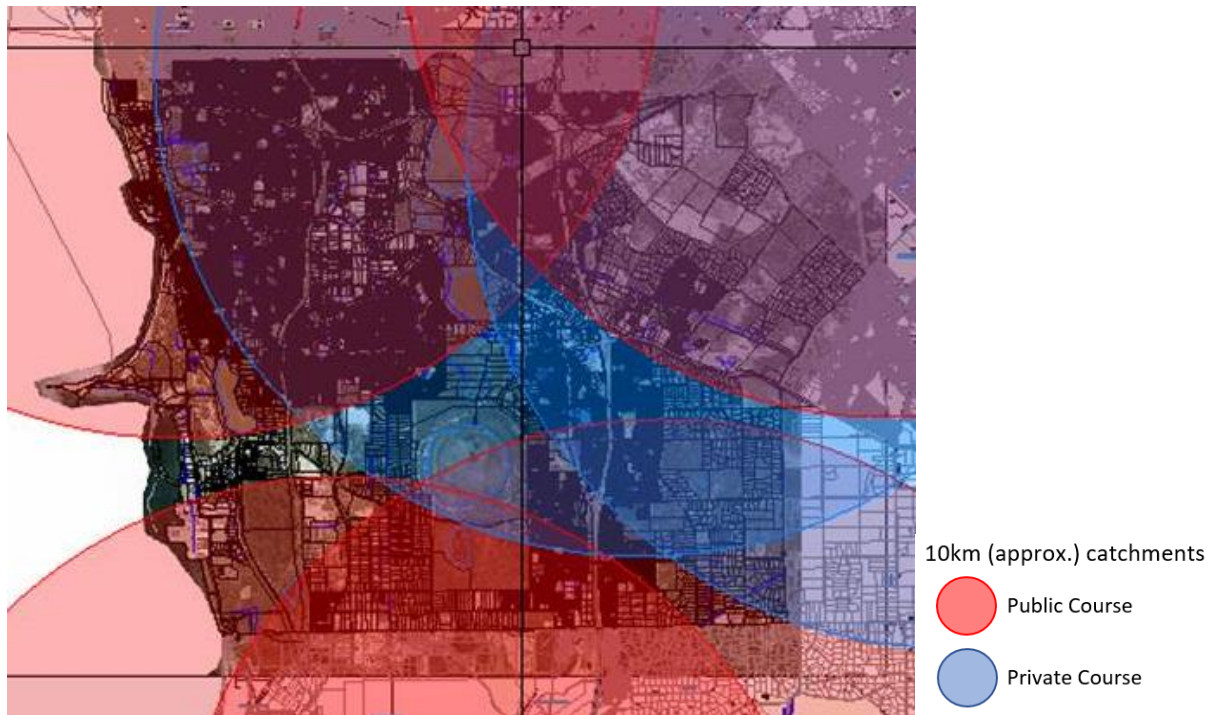
The land is both identified for 'Urban' purposes in the South Metropolitan Sub-Regional Planning Framework (the WA State Government's long-term integrated framework for land use and infrastructure provision), and zoned 'Urban' under the Metropolitan Region Scheme (MRS). It is not, nor has the golf course ever been identified or reserved for public use.



In terms of determining the need for a golf course in this locality, of relevance is the Parks & Leisure Australia (WA) *Guidelines of Community Infrastructure (2020)*, which specifically discourages the creation of additional golf courses within the Perth and Peel Regions (based on an oversupply of existing facilities).

Notably, the guidelines also suggest that golf courses have a 10km population catchment, with there being a number of private and publicly accessible courses within that distance of the City's local authority boundary, including:

- Melville (Private) – approx. 1km (to the north-east);
- Fremantle (Public & Private) – approx. 3km (to the north);
- Gosnells (Private) – approx. 5km (to the east);
- Marri Park (Public) – approx. 6km (to the south);
- Kwinana (Public) – approx. 8km (to the south); and
- Whaleback (Public) – approx. 8km (to the north east).



As demonstrated by the above graphic, despite the recent closure of Glen Iris therefore, the vast majority of the City's residents continue to have access to golf course facilities in line with the recommendations of the above guidelines.

In this context, it is appropriate that alternate land uses, consistent with the MRS Urban zoning of the land now be considered. This amendment seeks to enable such a process, via the most appropriate, coordinated, and transparent planning process available.

The proposal also presents an opportunity for a number of broader social, economic and environmental objectives to be achieved, including (but not limited to):

- Maximising the efficiency of existing urban zoned land, consistent with the sustainable growth objectives in Perth and Peel @ 3.5 Million;
- Generating additional infill development, consistent with the City's housing and growth objectives under both its current and draft Local Planning Strategies;
- Improving housing diversity (including age-in-place opportunities) consistent with the City's Age Friendly Strategy (2016), Housing Affordability and Diversity Strategy (2018), and Strategic Community Plan (2020);
- Delivering important upgrades to existing services and key road infrastructure (in particular, improvements to the future operation of Berrigan Drive);
- Significantly reducing annual groundwater usage over a Priority 3 Public Drinking Water Source; and
- Allowing for long term protection of a significant number of existing trees, via transfer into public ownership.

What assessments and approvals are required?

In effect, proposed Scheme Amendment 152 is an enabling mechanism, in that it proposes to rezone the entirety of the site into the 'Development' zone, whose objective is:

*To provide for **future residential, industrial or commercial** development to be guided by a comprehensive **Structure Plan** prepared under the Scheme.*

The Amendment also proposes to include the site within a 'Development Area'. This designation is a Special Control Area which provides the City with the ability to require specific provisions when considering structure plan proposals.

Scheme Amendment 152 proposes to insert the site into 'Development Area No.45' (DA45) within Table 9 of the Scheme. The specific provisions required for DA45 are proposed to be as follows:

REF. NO.	AREA	PROVISIONS
DA 45	Glen Iris Estate, Jandakot	1. An approved Structure Plan together with all approved amendments shall be given due regard in the assessment of applications for subdivision and development in accordance with clause 27(1) of the Deemed Provisions. 2. The Structure Plan is to provide an appropriate mix of residential and compatible land uses.

The above provisions are considered acceptable, as they provide a further head of power for a structure plan to be lodged. Further, provision 2 considers that residential and compatible land uses are a logical development outcome for the site (industrial and large-scale commercial would not be appropriate).



The means to address critical issues identified later through the rezoning process can be inserted (where or if required), prior to final approval.

In recognition of the Special Use zonings being removed, the Amendment also proposes the deletion of the existing special land uses and conditions listed in Table 8 of the scheme that relate to different portions of the site.

Should Council resolve to initiate the amendment, the amendment must then be referred to the EPA, whom have 28 days to determine whether it requires formal environmental assessment. If it is not assessed, the developer and relevant planning authorities are still obliged to follow the recommendation of any advice given.

To be processed via the 'complex' local scheme amendment stream, the amendment must also be referred to the WAPC, whom have 60 days to determine whether to grant 'consent to advertise'.

If formal assessment is not required by the EPA, and consent is granted by the WAPC, the City must then advertise the scheme amendment for a minimum period of 60 days.

Consistent with TPS3 Supplemental Provision 18(6) (and the City's previous processing of similar proposals), WAPC permission would also be sought to prepare a structure plan over the site, and for its advertising to be extended to match the length and period of time as the scheme amendment.

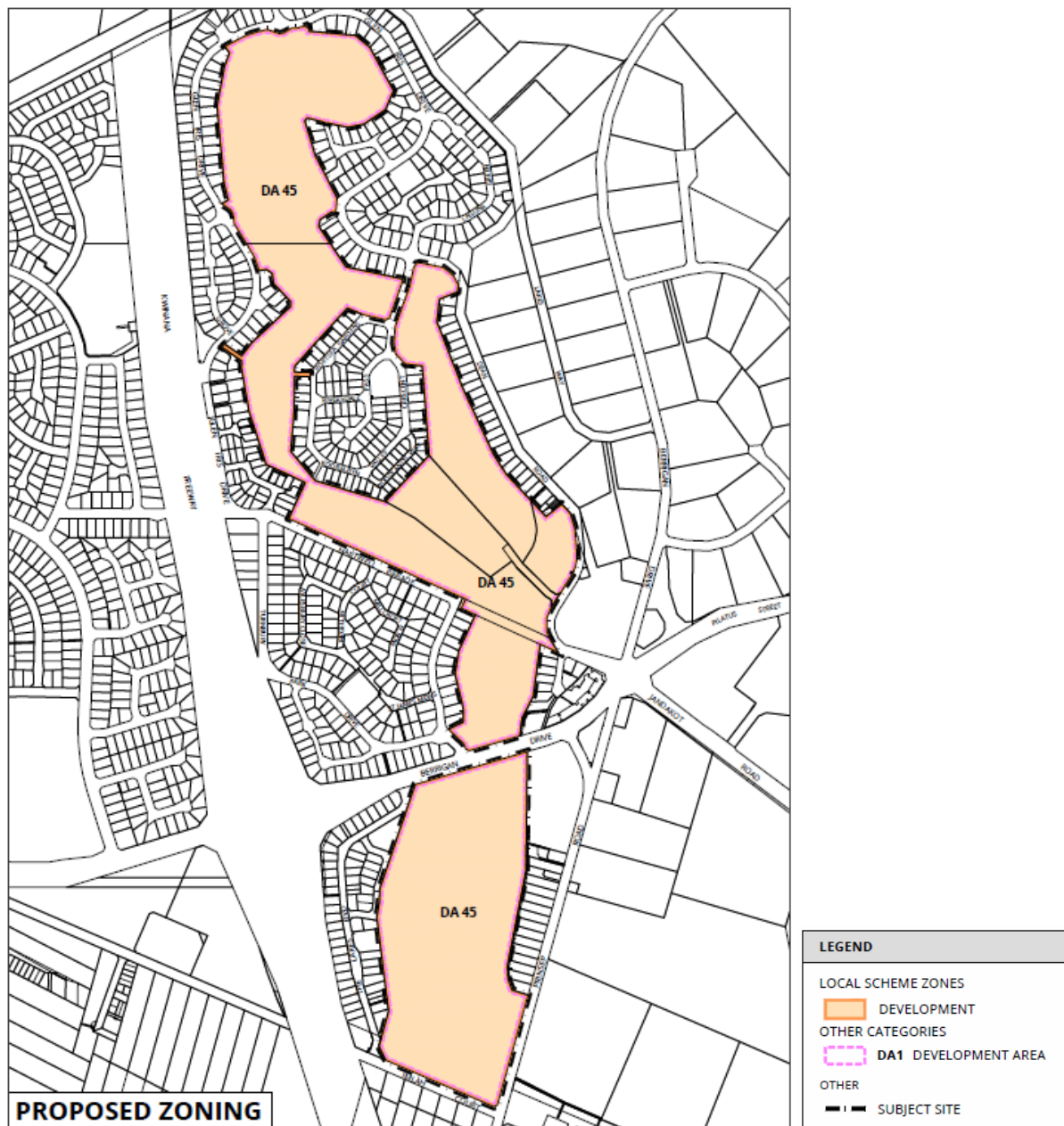
It's important to note that in no way does initiating the scheme amendment, or WAPC granting consent to advertise, oblige those agencies to recommend final approval to the scheme amendment or approve the draft structure plan.

The City is required to compile and consider the content of the submissions received, and whether any changes are warranted before making a final recommendation to the Minister for Planning on the scheme amendment, and to the WAPC on the draft structure plan (whom are the ultimate decision bodies).



What would the rezoning permit on the land?

Rezoning the site to 'Development' will not in itself permit any development, rather it mandates the preparation of a structure plan to establish appropriate land use and guide future subdivision and development of that land.



What issues have been considered?

Given its location within an established residential area, the former golf course land presents significant challenges for redevelopment, particularly with respect to site limitations (e.g. levels, drainage, vegetation retention), and community values and expectations.



Whilst the cumulative impact of the proposed development on surrounding landowners and the broader character of the area are best considered through the more detailed structure planning process, before agreeing to present the scheme amendment for Council's consideration, the City specifically sought and obtained:

- a comprehensive Environmental Assessment Report – examining the environmental attributes of the land (against relevant legislation);
- a Bushfire Management Plan – confirming the site can be redeveloped in a manner that is not reliant on compromising environmentally sensitive areas, or the safety of future or surrounding landowners; and
- Main Roads WA confirmation (in the form of a Stage 1 Intersection Control Approval) that the prospect of introducing a new traffic light-controlled intersection on Berrigan Drive, was a realistic proposition.

With respect to the latter, the City is aware of the existing traffic congestion issues and difficulties with accessing Berrigan Drive during peak periods. In the absence of the new intersection, Berrigan Drive is unlikely to be capable of accommodating the additional 5,000 vehicles per day the structure plan development concept is expected to generate on that road.

What's the status of the Local Structure Plan?

Clause 15 of the *Planning and Development (Local Planning Schemes) Regulations 2015* Deemed Provisions for Local Planning Schemes limits the City's ability to prepare or process structure plans to specific circumstances (such as where an enabling Development Zone is already in place).

As such, the draft Structure Plan submitted by the applicant with the scheme amendment proposal is yet to be receipted as a valid application, after which strict timeframes would apply to its future processing.

Clause 15(c) of the Deemed Provisions however, allows permission to be sought from the WAPC to prepare a structure plan where it accepts "*that a structure plan for the area is required for the purposes of orderly and proper planning.*" Such a request is reflected in the recommendation.

Arguably, it is this proposal which will be of greatest interest to the community as it includes far more detail, including the specific land uses proposed, the range of residential densities, key roads and the public open space network. It also includes a comprehensive development concept demonstrating the proposed interface treatment with surrounding land and analysis of neighbourhood character (both existing and desired).

If accepted by the WAPC, it would also avoid an unnecessary duplication of the advertising process, whilst affording a longer advertising period for consideration of the structure plan component.



There is also the opportunity to remove the uncertainty around what is proposed to be developed and if it will be supported by the agencies and Minister who make the final decision. If not accepted, then the advertising of a scheme amendment proposal will not have an informing plan (only a scheme amendment map to annotate a development zone and development area number).

City Officers (consistent with standard operating procedures and the City's Code of Conduct) have been liaising with the applicant and its technical consultants for several months regarding the required content and level of detail necessary for a local structure plan. This occurs for all strategic planning proposals in the interests of ensuring sufficient information is provided to enable proper scrutiny of planning proposals by both the public and government agencies. Put more simply, if this did not occur, applications would be advertising often missing critical information that our community and government agencies need.

In addition to more detailed versions of the documents discussed above, included in that documentation are:

- an Environmental Noise / Acoustic Assessment – assessing the likely impact on development and necessary amelioration techniques from noise generated by the surrounding regional road network, freight and passenger rail lines;
- a Servicing Report – identifying key infrastructure requirements and confirming the existing utility network's ability to accommodate the proposed development;
- a Transport Impact Assessment – examining the existing transport conditions, the adequacy of the proposed site layout, traffic generating characteristics of the development and its anticipated impact on the surrounding road network (for example looking at current traffic counts and what a new development would generate and whether that creates the need for road upgrades);
- a Local Water Management Strategy – providing a comprehensive assessment of the existing water management system (for example impacts to the groundwater levels and surface water flows from stormwater), and how it will be modified/integrated with the new development to improve water sensitive urban design outcomes;
- a Landscape Strategy – identifying how the proposed network of public open space (and other public realm areas), are to be landscaped to provide an attractive green link network that both acts as a buffer to surrounding development, and connects a series of smaller 'pocket' parks and focal open space spread throughout the site;
- a Retail Needs Assessment – assessing the potential for sustainable retail development opportunities resulting from the additional population generated by the development (having regard for the potential impact on nearby centres) as well as alignment with the City's draft local planning strategy analysis (which suggests an additional centre in the City's north east might be needed); and
- a Local Centre Concept – based on the above findings, that indicates how a local centre might be arranged (adjacent the existing commercial sites on Berrigan Drive), to service the needs of both existing and future residents.



There remain a number of relatively minor items that require correction and/or further refinement prior to public advertisement, but in general the content of the proposal and accompanying technical information submitted, is consistent with the requirements of the WAPC's *Structure Plan Framework (2015)*.

Strategic Plans/Policy Implications

Local Economy

A sustainable and diverse local economy that attracts increased investment and provides local employment.

- Increased Investment, economic growth and local employment.
- Thriving local commercial centres, local businesses and tourism industry.

Environmental Responsibility

A leader in environmental management that enhances and sustainably manages our local natural areas and resources.

- Sustainable resource management including waste, water and energy.
- Protection and enhancement of our natural areas, bushland, parks and open spaces.

Community, Lifestyle & Security

A vibrant healthy, safe, inclusive and connected community.

- Accessible and inclusive community, recreation and cultural services and facilities that enrich our community.
- A safe and healthy community that is socially connected.

City Growth & Moving Around

A growing City that is easy to move around and provides great places to live.

- An attractive, socially connected and diverse built environment.
- An integrated, accessible and improved transport network.

Listening & Leading

A community focused, sustainable, accountable, and progressive organisation.

- High quality and effective community engagement and customer service experiences.

Budget/Financial Implications

N/A

Legal Implications

Planning and Development Act (2005)

Planning and Development Regulations (2009)

Planning and Development (Local Planning Scheme) Regulations (2015)



Community Consultation

Preliminary engagement

While under no obligation to do so, the landowner has undertaken their own community engagement process to inform their proposal. Whilst pre-application engagement with surrounding landowners is always encouraged, the City will have much higher regard for the results of the its own consultation undertaken during the formal process.

In response to increasing community interest regarding the future of the golf course land, since the land was sold in early 2020 the City has:

- issued a number of media releases regarding its knowledge of the likely forthcoming redevelopment proposal;
- responded to a relatively large number of telephone enquiries;
- researched and responded to more than 250 email enquiries (many of which involved multiple exchanges);
- investigated and responded to over 200 questions at Council meetings;
- received four Freedom of Information requests;
- written (at key milestones) directly to Glen Iris estate residents (refer Attachment 2);
- Responded to the petition lodged by concerned residents to the Standing Committee on Environmental and Public Affairs (refer Attachment 3), and
- met directly with the Jandakot Residents and Ratepayers Association (refer Attachment 4);
- created and periodically updated a dedicated webpage to inform the public on the relevant planning processes, including a series of frequently asked questions.

The cumulative efforts to deliver the above have far exceeded the comparatively limited time City officers have spent across the preliminaries of the actual proposal itself (i.e. providing initial feedback about the level of information presented, and preparing this report to be considered). These efforts are unusual, even in the context of a high interest proposal but are perhaps reflective of the openness the current landowner has with regard to their intentions.

Knowing how the Glen Iris community value their current neighbourhood character and the angst they may feel to any changes proposed, City officers have been more than happy to engage with landowners to ‘demystify’ what can seem a confusing process.

Formal consultation

As per Part 5 of the *Planning and Development (Local Planning Schemes) Regulations*, there are several amendment types: basic, standard and complex. These are defined in Part 5, Division 1, Regulation 34.



A complex amendment (such as this) requires 60 days consultation in recognition that such proposals have a greater impact on the community. Whereas a basic amendment requires no consultation and a standard amendment is 42 days consultation.

Section 18 of the Deemed Provision of the *Planning and Development (Local Planning Schemes) Regulations 2015* requires a structure plan to be advertised for 42 days.

Should the amendment be initiated, consistent with the intent of TPS3 Supplemental Provision 18(6), WAPC permission to extend and align the structure plan advertising to allow concurrent assessment with the enabling zoning should be requested.

Risk Management Implications

It's important to note that when initiating an Amendment for advertising, it does not infer that it will ultimately be supported by the Local Government, the WAPC or approved by the Minister for Planning.

Should Council resolve to not initiate this amendment, the applicant has the ability under s.76 of the *Planning and Development Act 2005* to request the Minister for Planning direct Council to initiate the amendment.

In this event, the City's statutory role in the process is largely the same, however its opinion and ability to influence the final outcome is likely to be diminished.

The other risk is that similar landowner approaches to the Minister for Planning are made as part of the new local planning scheme.

Advice to Proponent(s)/Submitters

N/A

Implications of Section 3.18(3) *Local Government Act 1995*

Nil





Our Ref: 109/152

15 November 2021

Glen Iris Residents

GLEN IRIS ESTATE, JANDAKOT - PLANNING UPDATE

Dear Resident,

Further to the City's update provided to all residents on 4 May 2021, I am writing to advise you that as of 15 October 2021 the City of Cockburn has received a formal proposal from the owners of the closed Glen Iris Golf Course land.

The request is to initiate an amendment to the City of Cockburn Town Planning Scheme No. 3 (TPS3) seeking to rezone the land from its current 'Special Use' and 'Residential' zones to 'Development' zone (including complimentary textual modifications).

The first step in the process is for City's officers to consider the scheme amendment and supporting documentation in the context of State Government planning frameworks/policies and any other applicable legislation.

A report will be presented for Council's consideration at its Ordinary Council Meeting (OCM) on Thursday 9 December 2021. The report to Council will consider the request on its planning merits, with an officer's recommendation based on this assessment.

The OCM agenda item will be published on the City's website at 8:00pm on Thursday 2 December, the week prior to the Council meeting. Please note all Council meetings are livestreamed or you can register to attend in person. Please go to www.cockburn.wa.gov.au/agendas-and-minutes for the agenda and visit www.cockburn.wa.gov.au/attend if you wish to attend the meeting in person.

At its meeting, Council can resolve to:

1. initiate the amendment
2. initiate the amendment with modifications
3. refuse to initiate the amendment

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T: 08 9411 3444 E: customer@cockburn.wa.gov.au
W: cockburn.wa.gov.au ABN 27 471 341 209

Should Council resolve to initiate the amendment (with or without modifications), the documentation will then be submitted to the Environmental Protection Authority (EPA) and the Western Australian Planning Commission (WAPC) seeking consent to advertise the proposal.

Following their assessment, the EPA and WAPC would determine whether to grant approval for the amendment to be advertised, and if granted, the City would seek comments from the public, local residents and all other stakeholders for a minimum of 60 days. All comments received during this period will be fully considered by Council prior to a final recommendation being made.

Given the importance of this proposed amendment, the City requested that the landowner also prepare a Structure Plan detailing their development intentions. If the amendment is initiated, it is the City's desire to advertise this Structure Plan concurrent with the amendment, should the WAPC grant their consent.

Enclosed is an overview of the scheme amendment process and Structure Plan process. Please note that these are highly simplified versions of complex processes. A more detailed explanation of what a scheme amendment is can be found on the City's website which also includes links to the City's Town Planning Scheme No. 3. Visit www.cockburn.wa.gov.au/scheme.

The City is in the process of updating its webpage, including the frequently asked questions on Glen Iris (www.cockburn.wa.gov.au/gleniris).

It should be stressed that the City's officers have made no decisions regarding the proposed redevelopment of the closed golf course and that they are still determining an appropriate recommendation.

Any enquiries should be directed to the City's Strategic Planning team on 9411 3444 or at stratplanning@cockburn.wa.gov.au in the first instance.

Yours sincerely,

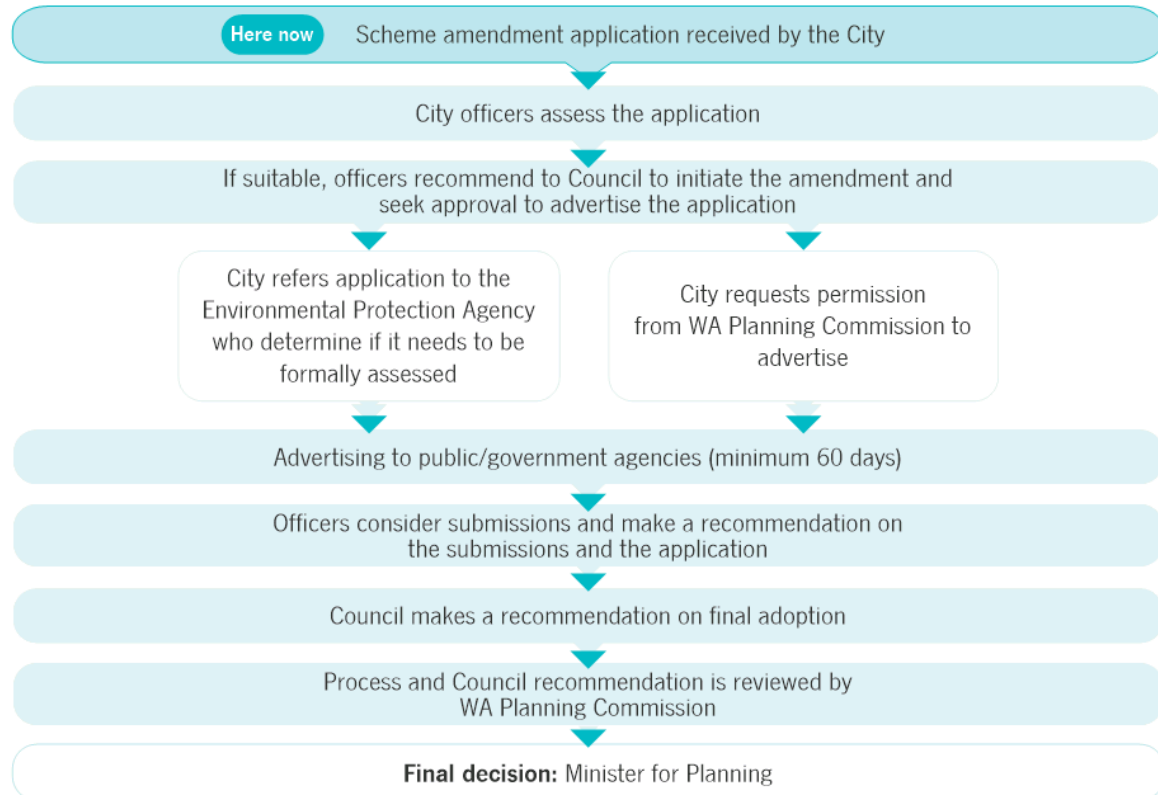


Daniel Arndt
Chief of Built and Natural Environment



'Complex' Scheme Amendment Process

A 'Complex' Scheme Amendment typically seeks to change the zoning and/or high-level development standards that apply to specific land.



This is a simplified view of the complex amendment stream process.

Scheme Amendment application considerations:

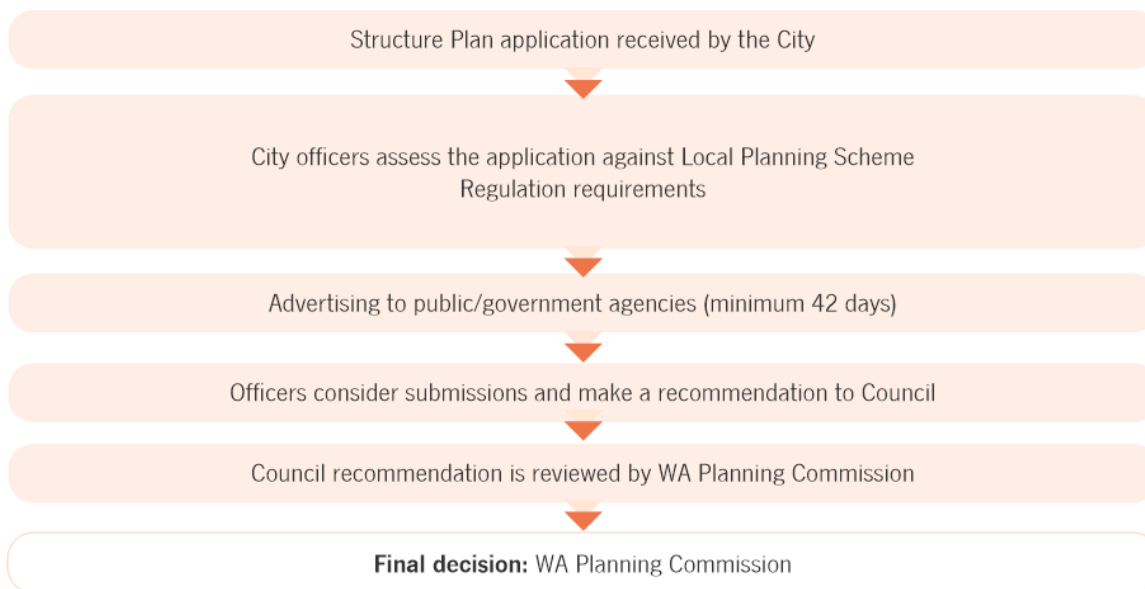
- ✓ Alignment with state level planning (Sub-Regional Planning Framework, state planning policies and Metropolitan Region Scheme)
- ✓ Why the zoning change is being requested
- ✓ If changed, what is the appropriate zoning
- ✓ Analysis of supporting assessments (e.g. environmental, servicing capability, traffic, bushfire, drainage etc.)
- ✓ Community submissions (highlights local issues and concerns)
- ✗ Feedback that relates to non-planning matters such as perceived loss of property value or the impact of future construction activity work cannot be considered in the City's assessment.

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Structure Planning Process

Where enabled by an appropriate zone, a Structure Plan may be prepared.

A Structure Plan outlines the broad layout of development, including land use, residential densities, key roads and public open space, as informed by detailed technical studies.



Structure Planning application considerations:

- ✓ Alignment with state and local planning policies
- ✓ Broad level design and interface with surrounding development land uses, density, traffic, movement and public open space
- ✓ Analysis of supporting assessments (e.g. environmental, servicing capability, traffic, bushfire, drainage etc.)
- ✓ Key matters to be addressed at subdivision and development stages of development.

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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

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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

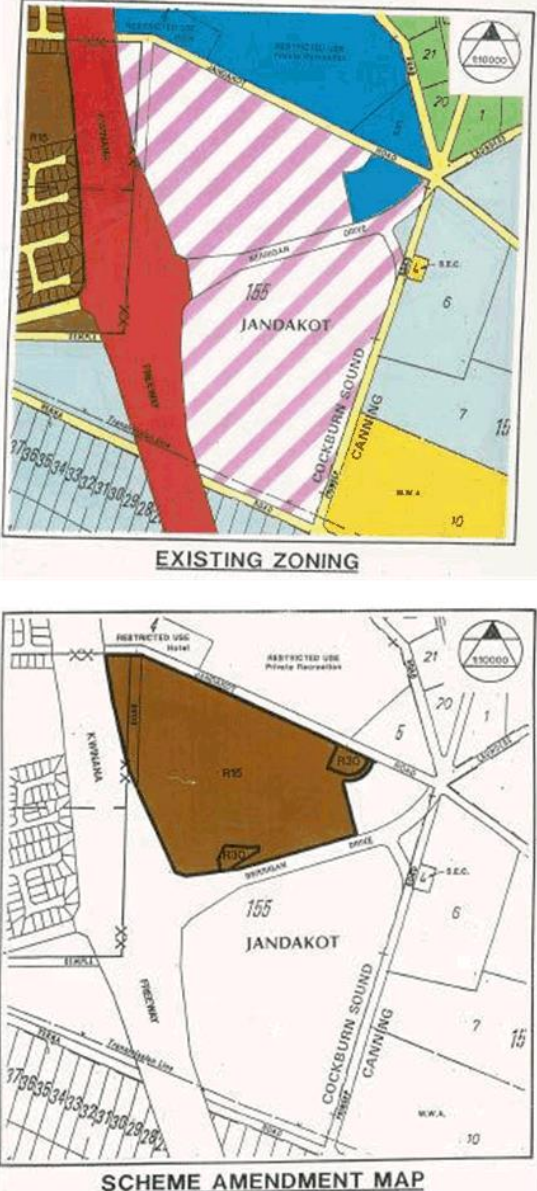
Attch.

1. Zoning History – Glen Iris



Amdt #	Description	Date Gazetted
56	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. ONCEPT PLAN FOR "THE LAKES" at Jandakot.	OCM meeting July 1990 (gazette date not clear)

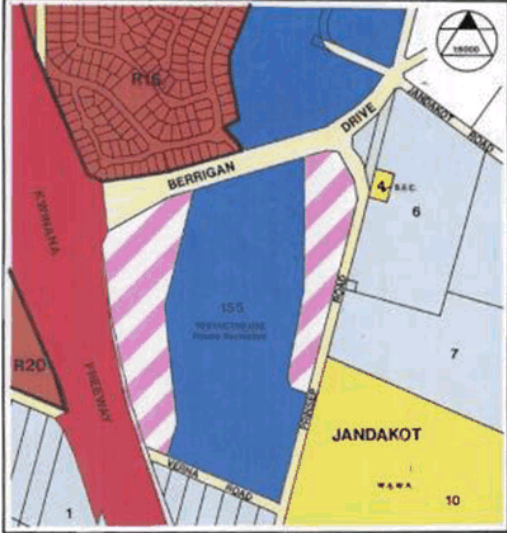
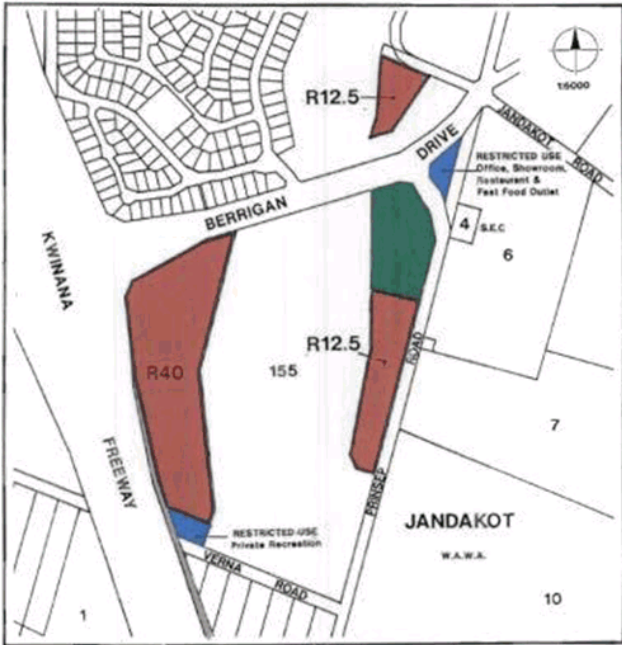
Amendment 56 was supported by the above Concept Plan which was adopted in 1990 as a Structure Plan to guide development.

Amdt #	Description	Date Gazetted
64	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.  EXISTING ZONING SCHEME AMENDMENT MAP	2 October 1992

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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. EXISTING ZONING SCHEME AMENDMENT MAP	15 October 1993

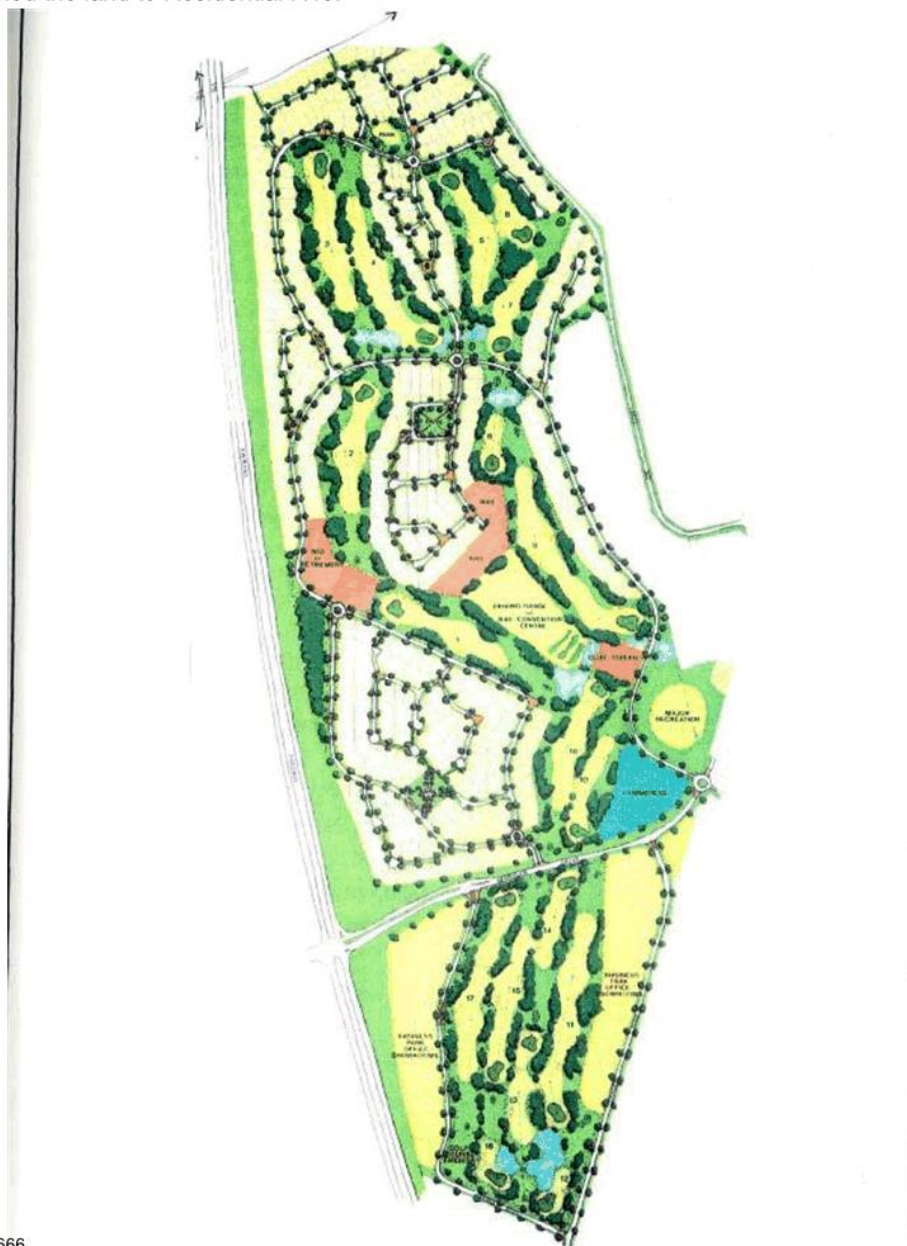
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Amdt #	Description	Date Gazetted
119	Rezoning portion of Lot 139 and JAA Lot 155 Berrigan Drive, Prinsep Road, Imlah Court, Jandakot from Light Industry, Commercial Restricted Use – Private Recreation and Rural to Residential R12.5 and R40, Commercial – Restricted Use (Office, Showroom, Restaurant & Fast Food Outlet), Parks and Recreation and Railways.  EXISTING ZONING  SCHEME AMENDMENT MAP	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.



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Ref: 103/004

17 May 2021

Jandakot Residents and Ratepayers Association
156 Glen Iris Drive
JANDAKOT WA 6164

Dear Leanne and Wolfgang

Meeting regarding Concept Plan for the former Glen Iris Golf Course

Thank you for coming to meet with the City's CEO, Mr. Brun and I on 11 May 2021 to discuss the Jandakot Residents and Ratepayers Association's (JRRA) input into the redevelopment of the former Glen Iris Golf Course.

As we discussed, while the Concept Plan recently released provides an indication of the landowner's vision for redevelopment of the land, without a formal application and the relevant explanatory and supporting technical reports, we are unable to provide any detailed assessment or comment.

At the meeting and in your letter, you have raised a number of important matters that we expect to be addressed in the documentation submitted, and subsequently considered through the formal application process.

I commend JRRA in taking a constructive approach to the redevelopment of the former golf course and making a positive contribution to the proposal, and encourage your continued engagement with the proponent (both individually and through the JRRA) throughout the total planning process.

Otherwise, until the City commences advertising a formal application (which is likely to still be some months from now) the best place to monitor this project remains the Glen Iris page on the City's website (<https://www.cockburn.wa.gov.au/Building-Planning-and-Roads/Town-Planning-and-Development/Glen-Iris>), which we will continue to update as new information comes to hand.

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Once again, thank you for your time and continued interest in this project and we look forward to further positive collaboration on the redevelopment project.

Should you require further information, please contact **Andrew Davis** on 9411 3444 in the first instance as he will be leading the City's assessment and response to the formal proposal once received.

Kind regards



DANIEL ARNDT
Acting Chief Built and Natural Environment

