



Madison

13 October 2010

Ms Mary Porter AM MLA
Chair
Standing Committee on Planning, Public Works
and Territory and Municipal Services
Legislative Assembly for the Australian Capital Territory
GPO Box 1020
Canberra ACT 2601

Dear Ms Porter

**DRAFT VARIATION TO THE TERRITORY PLAN NO.298 – HOLT
RESPONSE TO ADVERSE REFLECTIONS IN A SUBMISSION TO THE
COMMITTEE**

1. I refer to your letter dated 6 October 2010 concerning statements made by a party in a submission relating to DVP 298 which the Committee believes could be considered as adverse reflections on this company.
2. The submission claims that:
 - i. Woodhaven conspired with the Magpies Golf club to close the 19th to 27th holes of the Belconnen Golf Course based on claims that the holes were uneconomic because of low levels of usage and high costs of water. The submission claims that the reasons given were 'demonstrably wrong';
 - ii. Rezoning was based on claims by Woodhaven that the land subject to rezoning was a disused part of the golf course;
 - iii. That the claims had to be retracted by Woodhaven and ACTPLA;
 - iv. Woodhaven has made misleading statements to Government and the community on what is a key issue regarding the status of some of the land cited for rezoning;
 - v. That the proposal has been subsequently amended because of these claims;
 - vi. The proponent has not addressed the impacts of the proposal on areas of the golf course not surplus to the needs of an 18 hole golf course;
 - vii. Clause 2.2.14 (of the ACTPLA Report on consultation) acknowledges that the proponent has 'grossly misled the Government and the community in both the consultation process and the original development proposal. The submission states that the Proponent 'has admitted' the statement that the

land is a disused part of the Belconnen Golf Course is incorrect and has amended the submission.

- viii. The proponent's admission that the land was not disused casts doubt over the integrity of the full consultation process and the way it has been conducted.
3. With respect to the claim that the Woodhaven and Magpies conspired to close 19th to 27th holes on incorrect claims that the holes were uneconomical, in November 2002 the Club General Manager of Magpies (the lessees of the Golf Club from Woodhaven) recommended to the Board that the holes be closed because the 27 holes course was operating at only 50% of the peak capacity of an 18 hole course. At that time the club was running at a loss, even with a rent subsidy and this financial pattern was forecast to continue. Water costs for the course were \$3400 per month but this was based on limiting water to the 19th-27th holes below the level required to properly maintain the course. Costs included bore water which at that time was not subject to abstraction costs. These were anticipated to commence in 2003.
4. The Board was told that closure of the holes would generate savings of \$50,000 p.a. which could be applied to improving the 18 hole Championship Course and allowing the Golf Club to operate without or with a lesser subsidy from the Sports Club.

The decision to close the 18th -27th holes was taken solely by the Magpies Club Board of Management and on the basis of the facts in the matter, it is wrong to impugn either the Board or Woodhaven for any inappropriate behaviour.

5. With respect to the second claim that Woodhaven misled the Government and the community as to the uses on the land the claim is disingenuous at best. The Planning Report prepared by Woodhaven in support of the draft variation refers to 'disused golf course fairways' on p.37 in the following context:

"The proposed estate will replace a degraded open landscape of disused golf course fairways with the formality of a low rise residential estate".

6. Further reference is made in a table on pages 57-58 to land that is now disused when reporting the outcomes of public consultation events. Reference is made to the existing pro shop on p.44 and the need for its demolition and relocation. The removal and relocation of the existing clubhouse is discussed on page 9.

Woodhaven considers that nothing in the planning report would lead a reasonable person to conclude that it is claiming all facilities and buildings on the site are disused. Facilities and buildings are neither labelled in that manner nor discussed as disused. The planning report was not amended, contrary to the claim made in the submission presently under discussion.

7. Paragraph 2.2.14 of the Report to the Minister by ACTPLA on consultation does NOT

"...acknowledge that the proponent has grossly misled both the Government and the ACT public in statements made both in the consultation process and in the original development proposal".

The Report states:

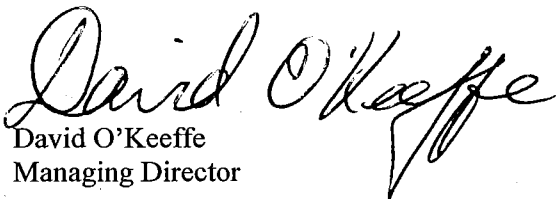
"The proponent's planning report and the explanatory statement suggest the area proposed to be rezoned is disused. This inaccuracy is acknowledged and the explanatory statement in the final draft variation has been amended to recognise that part of the site is not disused, to more accurately reflect the current use of the land. It is acknowledged that part of the site proposed to be rezoned is currently being used for the club house, car park pro shop and some golf course infrastructure. This land has been identified in the report as being surplus to an 18 hole golf course at the estate. The proponent has acknowledged that the club house is an important part of the golf course and has provided an indicative site plan and staging plan which reflects ongoing access to these facilities during any future construction works". (emphasis added).

8. To claim that the Proponent deliberately or otherwise "grossly misled" the ACT Government and the community is preposterous. However, Madison accepts the ACTPLA response and the amendment to its Explanatory Statement. Madison was of the view that a reasonable person with sufficient interest in the matter to read the planning report and subsequent documents and to attend the various public consultation exercises ought to have reached the conclusion that references to disused land did not refer to the club house car parks and other facilities. Madison acknowledges that the planning report might have included a more detailed description of the extant facilities but does not believe the matter to be of any import as after seven years of negotiation with the ACT Government and its agencies, public meetings, discussion with and by Magpies, it is difficult to believe that any person with some *bona fide* interest or concern about the proposal would not have made it his or her business to resolve that concern.
9. With respect to the concerns of the person making the submission that the proposal will affect other land outside the land proposed to be rezoned, the planning report indicates that development of the estate will ultimately result in the upgrading of the existing 18 holes course to modernise the facility and improve its attractiveness and interest to members of the Golf Club and the Community.
10. The proposal to relocate the clubhouse was at the request of Magpies and this resulted in changes to the layout of the 18 hole course. The proposal required some of the original areas identified for development (i.e. the 19th-27th holes) being used for the revised holes on the 18 holes Championship Course, while a very small portion of the current 3rd hole was incorporated into the area proposed for rezoning.
11. A master plan has been prepared by a golf course architect and adopted by the Club. The relocation of the Clubhouse will require the redesign or realignment of individual holes and this work is being undertaken by a leading golf course architect. This work is being carried out by Woodhaven for the benefit of the Golf Club and the broader community.

Conclusion

12. Madison rejects any claim of impropriety on its part over the years during which this proposal has been developed. It considers the initial claims by the person making the submission regarding the reasons for closing the holes as unsubstantiated supposition lacking any evidence to support of the statements made. It regards the suggestions made about Madison's integrity as a developer as scurrilous and is disappointed that the comments are being made under privilege.
13. With respect to the apparent lack of clarity about what part of the land is disused, Madison acknowledges that statements in advertisements for public meetings might have been a little less brief, and that it would have been possible for some people to presume that all the subject land was disused, however, given the long period over which this proposal has been developed and the level of publicity and discussion, particularly in the Holt area, it would be impossible for any person whose interests were or are affected, to claim that the facts of the matter were being concealed from them intentionally or otherwise.
14. The Committee should note that approval of the Variation constitutes only the very beginning of a long process that subjects the proposal to intense scrutiny under the Territory Plan and which will involve further public consultation at each stage, particularly during the development application stage.

Yours sincerely


David O'Keeffe
Managing Director