

PLANNING — DEVELOPMENT CONDITIONS

888. Hon BEN DAWKINS to the minister representing the Minister for Planning:

I refer to the answer to question without notice 863 regarding guiding development schemes and the attached town planning scheme 12 Shire of Harvey guided development scheme text, the associated scheme/golf course map and a letter from the Western Australian Planning Commission dated 23 July 1997. I seek leave to table these documents.

The PRESIDENT: Are they part of the answer to the question that you asked?

Hon BEN DAWKINS: No, they are part of my question; I submitted them with the question.

[Leave granted. See paper [2447](#).]

Hon BEN DAWKINS: I ask —

- (1) As the minister suggested in her answer to question without notice 863, enforcement depends on the scheme, and clauses 7.2 and 7.3(c) state that implementation and enforcement is the responsibility of the Shire of Harvey. Can the minister confirm that this is also the department's legal position?
- (2) Can the minister confirm that, to use her words, the proposal is the subdivision of 200 home sites, and the conditions are set out in TPS 12 and the letter from the WAPC, which refers to development conditions?
- (3) I agree that proposals do not have to be completed; however, once they have, as in this case whereby subdivision has been completed and 200 families have bought land and homes in the golf course estate, does the minister agree that the conditions associated with the proposal of the subdivision have now become crystallised conditions with which the developer must comply?
- (4) Does the minister agree that clause 5.5.1 of TPS 12 contains the following words verbatim —

The Community Open Space shall be vested in the Community Association ...

The PRESIDENT: Before I give the call to the minister, honourable member, there are a number of points in that question that I would like to bring to your attention in relation to standing order 105. Firstly, from what I understood of the question, there were several parts to the question that sought a legal opinion. Standing order 105 requires questions not to seek a legal opinion. Secondly, from what I heard, the question also seeks an opinion of the minister separate from a legal opinion. Thirdly, it seeks to receive an amount of information that might not be able to be applied within the very brief window that the minister and the departments have in the turnaround of the question. I have concerns in relation to standing order 105, but I will ask the minister whether she is able to respond to the question, and then consider anything, if needed, after that.

Hon JACKIE JARVIS replied:

Thank you for your direction. The Minister for Planning has advised that given that the member has tabled a significant number of documents, the minister is not able to provide a response in the time available. However, the minister will endeavour to provide a response on 29 August 2023.

The PRESIDENT: I will leave in that question at the moment, but I strongly advise the member not to seek a legal opinion or an opinion in the text of questions without notice.