

PLANNING — DEVELOPMENT CONDITIONS

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

I refer to the answer to question 863 about guided development schemes, attached town planning scheme 12, Shire of Harvey guided development scheme text, the associated scheme/golf course map and letter from the Western Australian Planning Commission dated 23 July 1997, which was tabled previously today.

President, I do not think what I am about to ask is asking for an opinion.

The PRESIDENT: Order, member. Please ask your question. If you wish to dissent from the ruling of the chair, there is another way to do that. There is no need to defend your question now. Please ask your question. I may make some suggestions and/or I may refer it to the minister.

Hon BEN DAWKINS: I will need to seek advice from the clerks on this going forward. I ask —

- (1) Does the minister agree that condition 28 in the Western Australian Planning Commission letter regarding the vesting of land to the community association and paragraph (i) in the WAPC letter regarding developer compliance with TPS 12 have not been complied with?
- (2) Does the minister agree that town planning schemes and guided development schemes have statutory force given that the heading of TPS 12 is “Town Planning and Development Act 1928”?
- (3) Does the minister agree that clause 6.2 of TPS 12 states—it is quite simple to say yes or no to this—that “The Developer shall carry out the development of the Golf Course” and “provided so that the Golf Course can function effectively at least at the level of an 18-hole international standard Golf Course”?
- (4) Given that the minister has demonstrated uncertainty over whether there has been enforcement of TPS 12 by the Shire of Harvey and enforcement of development conditions by the Western Australian Planning Commission and the Shire of Harvey, is it not appropriate to refer TPS 12 to the State Administrative Tribunal under section 211 of the Planning and Development Act in accordance with aggrieved person, community association committee member and resident on the closed seventh fairway, Fred Flanagan and his email to the minister of 22 June 2023? I just need a yes or no answer.

The PRESIDENT: I also refer to standing order 105 in relation to concise questions. I will see whether the minister is able to provide a concise answer. Minister for Agriculture and Food.

Hon JACKIE JARVIS replied:

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.