

PLANNING — BINNINGUP GOLF COURSE

Petition

HON BEN DAWKINS (South West) [5.00 pm] — by leave: I present an e-petition containing 16 signatures couched in the following terms —

To the President and Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled. We the undersigned ...

1. refer you to Parts IV, V and VI of the Shire of Harvey's Town Planning Scheme No. 12 Lakewood Shores Guided Development Scheme (TPS 12) which requires the developer from time to time (Developer), as conditions of the development, to: (a) carry out development of a "Golf Course" (as defined by TPS 12) (Golf Course); (b) vest (Vesting Obligation) the "Community Open Space" (as defined by TPS 12) (Community Space) in the "Community Association" (as defined by TPS 12) (Community Association); 2. Note that TPS 12 requires the Golf Course to be at least an 18-hole international standard golf course; 3. Note that the Developer constructed only 9 holes of the Golf Course, and although the Developer cleared the area for the remaining 9 holes, the Developer has not constructed the remaining 9 holes and the Shire of Harvey has not sought to enforce the obligations of TPS 12 relating to the Golf Course (Golf Course Obligations); 4. Note that the Shire of Harvey has sought to have the Developer vest the Community Space to the Shire of Harvey instead of the Community Association contrary to the Vesting Obligation (before this transfer can go ahead lawfully, permission must be sought from the Community Association prior to this transfer and terms of ongoing maintenance agreed/fixed); and 5. Note that under section 211 of the Planning and Development Act 2005 (WA) (Section 211), a person aggrieved by the failure of the Shire of Harvey to enforce TPS 12 may make representations to the Minister for Planning who then may take action to enforce TPS 12 or refer the representations to the State Administrative Tribunal (SAT) for SAT's report and recommendations, and we, as persons aggrieved under Section 211 making representations in this petition to the Minister for Planning of the failure of the Shire of Harvey to enforce the Golf Course Obligations and the Vesting Obligation, call upon the Legislative Council to urge the Minister for Planning to take action to enforce the Golf Course Obligations and Vesting Obligation or direct the Shire of Harvey to do so or otherwise refer these representations to the SAT for SAT's report and recommendations.

And your petitioners as in duty bound, will ever pray.

[See paper 2888.]