

PLANNING — DEVELOPMENT CONDITIONS

Questions without Notice 888 and 901 — Answer

HON JACKIE JARVIS (South West — Minister for Agriculture and Food) [5.05 pm]: I provide respective answers to Hon Ben Dawkins' questions 888 and 901 asked on 17 August. I seek leave to have the response incorporated into *Hansard*.

[Leave granted for the following material to be incorporated.]

Question without notice 888 —

- (1)–(3) The conditions of subdivision are set out in the Subdivision Approval advice issued by the Western Australian Planning Commission dated 23 July 1997 of which the Honourable member has a copy, as he made two separate Section 211 requests to the former Minister for Planning on this matter.

The former Minister for Planning advised the Member that it was not appropriate to refer his representation to the SAT for further consideration as:

- Neither Planning Scheme No. 12 (TPS 12) nor Development Planning Scheme (DPS) 1 contain specific provisions requiring the development of the golf course within a specific period; for it to be maintained; or for it to remain operational. TPS 12, clause 1.6(c) states provide a framework for the progressive subdivision and development of land within the Scheme Area which simply facilitates the staging of development over time;
- the reference at clause 6.2 of TPS 12, so that the Golf Course can function effectively at least at the level of an 18-hole international standard Golf Course, relates to the developer's ability to make changes to the course design, but does not compel the development of the course, its ongoing maintenance or operation;
- the land is currently zoned Residential Development and is subject to the Binningup Beach Local Structure Plan (2014), which provides for a 9-hole golf course only. The stages of development undertaken to date are generally in accordance with the current planning framework, including the zoning provisions of TPS 12 and the Shire of Harvey's 2016 development approval; and
- the Shire's obligations to reinforce its schemes are specified in Part 13 of the Planning and Development Act 2005.

Regarding any possible future use or development of the golf course land, the local community can continue to engage with the Shire and the landowner, so that as part of the planning and consultation processes, their views can be considered.

The former Minister for Planning previously determined in 2021 and 2022 that the matter does not require referral to the State Administrative Tribunal under section 211 of the Act.

Question without notice 901 —

- (1)–(4) Answers to the Honourable Member's general questions in relation to the Shire of Harvey's Town Planning Scheme No. 12 (TPS 12) and the specific issues that he has previously raised have been provided to him both as a private person and more recently as a Member of the Legislative Council by the Department of Planning, Lands and Heritage (Department) and the Western Australian Planning Commission (WAPC).

Both the Department and WAPC have repeated their position that planning approval, either to a proposed development or subdivision operates as a consent, not obligation, to undertake activities proposed. A proponent's failure to undertake a development proposal to completion is not a matter for referral under section 211 of the Planning and Development Act 2005 (Act).

The former Minister for Planning previously determined in 2021 and 2022 that the matter does not require referral to the State Administrative Tribunal under section 211 of the Act.
