Minister for Transport; Planning; Lands

Our Ref: 72-02064 (prev. 40-16062)

Ms Kirsten Robinson
Clerk of the Legislative Assembly
Parliament House
PERTH WA 6000

Dear Ms Robinson

TABLING OF ORDER AND REASONS IN ACCORDANCE WITH SECTION 76(5) OF THE PLANNING AND DEVELOPMENT ACT 2005 RELATING TO PROPOSED AMENDMENT NO. 142 TO CITY OF SWAN LOCAL PLANNING SCHEME NO. 17 - BRABHAM DEVELOPMENT CONTRIBUTION PLAN

Section 76(5) of the Planning and Development Act 2005 requires that, following an order to a local government by the Minister under section 76(1), a copy of that order and reasons is to be laid before each House of Parliament.

Please arrange to have the attached order and reasons laid before the Legislative Assembly as soon as possible.

Yours sincerely

HON RITA SAFFIOTI MLA
MINISTER FOR PLANNING; LANDS

28 MAR 2018

Att
Planning and Development Act 2005

Order to the City of Swan, pursuant to section 76(1) of the Act

1. I, the Hon Rita Saffioti, Minister for Planning, pursuant to section 76(1) of the Planning and Development Act 2005, order the City of Swan to initiate draft Amendment No. 142 to Local Planning Scheme No. 17 to include an additional item of transport infrastructure, being a dual lane roundabout, at the junction of Lord Street and Part Street in Schedule 13 (Development Contribution Plan for DCA 1 Brabham)

2. The City of Swan is to comply with this order within 60 days of the date of the order.

Signed this 8th day of March 2018

HON RITA SAFFIOTI MLA
MINISTER FOR PLANNING; LANDS
Planning and Development Act 2005
Order to the City of Swan under section 76(1) of the Act

Reasons for Decision

I, the Hon Rita Saffioti MLA, Minister for Planning, am satisfied on representation before me that the City of Swan has failed to initiate an amendment to its Local Planning Scheme No. 17 as proposed by the applicant on behalf of the owners of the Avonlee Estate, Brabham in a case where such an amendment ought to be initiated, for the following reasons:

1. The need for the roundabout was identified by traffic modelling and structure planning for the Brabham locality. A preliminary assessment indicates the roundabout fulfils a key principle (need and nexus) of State Planning Policy 3.6: Development Contributions for Infrastructure. As the roundabout will service landowners within the wider Brabham estate, and was pre-funded by a single developer, the question of equitable cost sharing arrangements has been raised.

I consider it is appropriate that an amendment be initiated to allow for it to be advertised for public comment and further detailed assessment to be undertaken through the scheme amendment process.

Signed this 8th day of March 2017.

HON RITA SAFFIOTI MLA
MINISTER FOR PLANNING; LANDS