

April 2025

**Metropolitan Region
Scheme Amendment
1435** (Standard Amendment)



**Part Lot 5892 Maralla Road
Bullsbrook**

Amendment Report

City of Swan

**Metropolitan Region Scheme
Amendment 1435
(Standard Amendment)**

Part Lot 5892 Maralla Road, Bullsbrook

Amendment Report

City of Swan



April 2025

The Western Australian Planning Commission acknowledges Aboriginal people as the traditional custodians of Western Australia. We pay our respects to the Ancestors and Elders, both past and present, and the ongoing connection between people, land, waters, and community. We acknowledge those who continue to share knowledge, their traditions and culture to support our journey for reconciliation. In particular, we recognise land and cultural heritage as places that hold great significance for Aboriginal people.

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MRS Amendment 1435 (Standard) Amendment Report
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This document is available in alternative formats on application to the Department of Planning, Lands and Heritage Communications Branch.

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Abbreviations

ACH	Aboriginal Cultural Heritage
AHA	<i>Aboriginal Heritage Act 1972</i>
BMP	Bushfire Management Plan
BRM	Basic Raw Materials
CCW	Conservation Category Wetland
DPLH	Department of Planning, Lands and Heritage
DSP	District Structure Plan
DWER	Department of Water and Environmental Regulation
EPA	Environmental Protection Authority
LPS	Local Planning Scheme
MRS	Metropolitan Region Scheme
MRWA	Main Roads Western Australia
PDWSA	Public Drinking Water Source Area
POS	Public Open Space
SPP	State Planning Policy
SWALSC	South West Aboriginal Land and Sea Council
TIA	Traffic Impact Assessment
WAPC	Western Australian Planning Commission
WWPS	Wastewater Pump Station

Amendment Report

Metropolitan Region Scheme Amendment 1435 (Standard)

Part Lot 5892 Maralla Road, Bullsbrook

Amendment Report

1 Planning objective

The purpose of the amendment to rezone approximately 125.86 ha in Bullsbrook from the Rural zone to the Urban Deferred zone in the Metropolitan Region Scheme (MRS), as shown on the **Amendment Figure - Proposal 1**. The proposed amendment will primarily facilitate future residential development and areas of public open space (POS).

Lifting of Urban Deferment Requirements

The following matters will need to be considered prior to lifting the Urban Deferment:

- A mesoscopic transport model and subsequent transport assessment being prepared and undertaken by Main Roads WA in collaboration with the DPLH and the City of Swan. The Traffic Impact Assessment (TIA) that accompanies the North Ellenbrook (West) District Structure Plan is to be updated to reflect the outcomes of the State Government transport assessment. The updated TIA will inform subsequent stages of planning, specifically TIA's that accompany local structure plans.
- Confirmation of the location and land requirements for a road interchange with Tonkin Highway.
- Agreement with the Water Corporation regarding the funding of water and wastewater headworks to service the site; and
- Finalisation of existing sand mining operations or suitable transitional arrangements.

2 Background

The proposed amendment is approximately 30 km north-east of the Perth CBD and is approximately 6.5 km north of the Ellenbrook town centre. The site is located within the southern part of the WAPC approved North Ellenbrook (West) District Structure Plan, westwards of the Tonkin Highway and is bound by Halden Road to the east, Maralla Road to the south and Parks and Recreation and State Forests reservations to the west.

The amendment site is within sand mining tenement area (M70/326) and is subject to Ministerial Statements 024 and 956 which provides for the extraction of silica sand and other construction grade sands. Mining is taking place generally from east to west. The proponent indicates that sand mining will be completed in the next 5-7 years and Lot 5892 would form a sequential extension of the urban area to the north.

The current sand mining operations are progressively removing existing vegetation and modifying the landform in accordance with environmental and extractive industry approvals. A portion of a Conservation Category Wetland (CCW) is located within the northern portion of the site and this wetland and buffer are to be retained as POS. A small western portion of the site is also located within a Priority 3 (P3) Public Drinking Water Source Area (PDWSA) and no existing water extraction bores affect the site.

Land use and development within the amendment area is generally controlled by the City of Swan Local Planning Scheme No. 17 (LPS 17). The subject is currently zoned 'General Rural' in LPS 17.

Draft Structure Plan

The amendment will allow for the future residential development of the land, following the lifting of Urban Deferment, a local scheme amendment, structure planning and subdivision approval. A draft structure plan has been prepared in support of the amendment, which proposes primarily residential development, areas of POS, a neighbourhood connector road and local activity centre. Part of the amendment area also contains a CCW and associated buffer area which is to remain in POS.

Statutory Approval Framework for Mining Tenement M70/326

The sand mining operation has the necessary statutory approvals to extract the resource, as follows:

Mining Act 1978

- Mining Tenement M70/326 - issued in May 1988 and covers 121 ha of Lot 5892 Maralla Road.
- Maralla Road Sand Mine Mining Proposal issued by the then Department of Mines and Petroleum in 2009. This provides approval for the operational activities associated with the mine. The mining footprint approved under the Mining Proposal covers an area of 92 ha.
- Tenement M70/326 is identified as a Significant Geological Supply by the Department of Energy, Mines, Industry Regulation and Safety due to the size of the quartz sand, relative scarcity and proximity to growth areas and transport routes.

The area of the mining footprint approved under the Mining Proposal is less than the area of the mining tenement itself. However, the mining legislation does allow the landowners to initiate an amendment to the approved Mining Proposal which to extend the footprint to a wider area within the tenement.

Environmental Protection Act 1986

- Under Part IV of the Environmental Protection Act 1986 (EP Act) tenement M70/326 has received environmental approval to clear the environmental values over the land through Ministerial Statements 024 (1988) and 956 (2013).
- Ministerial Statement 956 (current applicable Ministerial Statement) applies to the entire 121ha extent of mining tenement M70/326.

There are no environmental conditions imposed on the mining of the sand under Ministerial Statement 956. The Environmental Protection Authority's (EPA) report to the Minister for Environment stated that the tenement conditions and Mining Proposal approved under the mining legislation were sufficient, including a condition relating to the rehabilitation of the site. However, once sand extraction activities have been completed the site is to transition to urban development land uses in accordance with relevant planning and development approvals.

3 Discussion

Strategic Context

Perth and Peel@3.5million / North-East Sub-Regional Planning Framework

The *Perth and Peel@3.5million* document provides a snapshot of the Perth and Peel regions in the future. It makes the case for change to a more considered, connected, consolidated urban form. It links four Frameworks and encourages the consideration of new urban growth opportunities. Future areas for urban development have been determined in order to avoid and protect areas which have significant regional environmental value.

The *North-East Sub-Regional Planning Framework* identifies the subject site as 'Open Space - nature/passive recreation.' However, the WAPC has approved amendment No. 1 to the North Ellenbrook (West) DSP which provides the strategic basis for the urbanisation of the site. The urbanisation of the Amendment No. 1 area directly abuts the North Ellenbrook (West) area to the north where the planning of the site is currently being progressed.

North Ellenbrook (West) District Structure Plan

The North Ellenbrook (West) DSP was approved by the WAPC in August 2022 and provides for approximately 4,000-4,500 new dwellings and accommodates a population of 12,000-13,500 people. The DSP establishes four local structure plan precincts.

Supporting the sustainable development of this community, the DSP provides for district and local centres, school locations and areas of POS that respond to key environmental, heritage and hydrological features. The DSP has also further refined the industrial and urban boundaries of this area.

The sites close proximity to Ellenbrook provides the opportunity for the integration of public transport options and provides a population base to support the Ellenbrook station catchment. In summary, the North Ellenbrook (West) DSP provides a strategy for the growth of the townsite to service this growing community.

On 10 July 2024, the WAPC adopted Amendment No.1 to the North Ellenbrook (West) DSP and identified the amendment site as 'Future Residential' and 'Public Open Space.' Amendment No. 1 identifies two local structure plan (LSP) areas with this MRS amendment relating to the LSP Area No.1. A separate MRS amendment is proposed over the LSP No. 2 area.

A copy of the North Ellenbrook (West) DSP is available on the Department's [website](#).

State Planning Policy 2.4 - Planning for Basic Raw Materials

State Planning Policy 2.4 - Planning for Basic Raw Materials (SPP 2.4) seeks to ensure basic raw materials (BRM) and extractive industries matters are considered during planning and development decision-making, to facilitate the responsible extraction and use of the State's BRM resources.

The subject land is identified under SPP 2.4 as 'Sites with Prior State Environment Minister Approval' with 'the land being identified as having a 'Significant Geological Supply - Sand.' In accordance with SPP 2.4, the subject land is to be zoned Urban Deferred as it is currently operated for the purposes of sand extraction. Therefore, the completion of the sand extraction operations or suitable transitional arrangements has been included as a lifting of Urban Deferment requirement.

State Planning Policy 2.8 - Bushland Policy for the Perth Metropolitan Region

State Planning Policy 2.8 - Bushland Policy for the Perth Metropolitan Region (SPP 2.8) aims to provide a policy and implementation framework that will ensure bushland protection and management issues are addressed and integrated with broader land use planning and decision-making. In general, the policy does not prevent development where it is consistent with policy measures and other planning and environmental considerations.

The vegetation mapping across Lot 5892 ranges from 'Completely Degraded' to 'Excellent.' However, current sand mining operations are progressively removing existing vegetation and modifying the landform in accordance with environmental and extractive industry approvals. A portion of a CCW and associated buffer is located within the northern portion of the site and is to be retained as POS.

Draft State Planning Policy 2.9 - Planning for Water

Draft State Planning Policy 2.9 - Planning for Water (Draft SPP 2.9) seeks to ensure that planning and development considers water resource management and includes appropriate water management measures to achieve optimal water resource outcomes at the various stages of the planning process. A District Water Management Strategy has been approved for this site.

It is also noted that the western portion of the site is located within a Priority 3 (P3) Public Drinking Water Source Area (PDWSA) and no existing water extraction bores affect the site. However, in accordance with DWER's Water Quality Protection Note 25 - Land Use Capability Tables for PDWSA for P3 areas there is a need for future development to be connected to reticulated sewerage and the implementation of best management practices.

State Planning Policy 3.7 - Bushfire

State Planning Policy 3.7 - Bushfire (SPP 3.7) forms the foundation for land use planning to address bushfire risk management in Western Australia. It is used to inform and guide decision-makers, referral authorities and proponents to achieve acceptable fire protection outcomes on planning proposals in bushfire-prone areas.

A Bushfire Management Plan (BMP) and addendum has been prepared to support this MRS amendment request and Amendment No. 1 to the North Ellenbrook (West) DSP. In order to achieve compliance with SPP 3.7 and the Guidelines the WAPC resolved to approve Amendment No. 1 to the North Ellenbrook (West) DSP subject to the BMP being modified in accordance with the Department of Fire and Emergency Services' advice.

Specifically, to acknowledge that secondary access is reliant on connecting to future development to the north, and that in the absence of any connection, an alternative approach will need to be considered, including potential use of emergency access ways. Also, to address the need for perimeter roads to be identified as part of future planning, including at the local structure planning stage.

Therefore, the WAPC has concluded that the BMP (subject to modifications) has satisfied the requirements of SPP 3.7, and the planning of the site can progress.

Statutory Context

Environment

DWER noted that the amendment is to be progressed to an Urban Deferred zone with a requirement for the existing sand mining operations (amongst other requirements) to be completed prior to the lifting of Urban Deferment.

The proposed amendment area is located within mining tenement M70/326 which is subject to environmental approval under the *Environmental Protection Act 1986* and provides for the clearing of the vegetation on-site.

Water and Wastewater Infrastructure

The Water Corporation advises the following:

Water

The Corporation is conducting a review of regional water planning to include North Ellenbrook east and west and the planned expansion of Bullsbrook townsite in the long-term planning for the Perth Integrated Water Supply System. This water planning review will focus on long-term storages and future water trunk and distribution mains.

This planning relies on the planned ultimate service numbers for the northeast urban corridor. To provide certainty for the long-term water planning and the sizing, timing and staging of this infrastructure clarification on the final urban footprint for North Ellenbrook and expected dwelling yields for the whole area is required. This will allow the Corporation to complete its water planning and staging strategy.

Wastewater

The Corporation has prepared a high level, conceptual wastewater plan for the area north of Maralla Road, which includes North Ellenbrook east and west, the strategic employment areas to the west of Bullsbrook, and the Bullsbrook townsite urban expansion areas. This concept planning is under review given the additional inclusion in the North Ellenbrook (West) DSP.

Wastewater will need to be pumped southwards and discharged into the catchment. The North Ellenbrook land is higher than the Barrambie Way Wastewater Pump Station (WWPS), and a large diameter gravity sewer will need to be to a suitable high point near the intersection with The Promenade.

To provide certainty for the timing, sizing and staging of the major wastewater infrastructure required, clarification of final urban footprint and anticipated dwelling yields for the whole area is required. This information will allow the Corporation to complete its planning and staging strategy.

Staging of wastewater infrastructure involves complex hydraulic engineering. Staging of wastewater from Bullsbrook to the Barrambie Way WWPS may require another transfer WWPS within North Ellenbrook (East) on Maralla Road. Once the overall, long-term wastewater planning has been revised, the Corporation will engage with the developer of North Ellenbrook (East) to identify and acquire a suitable WWPS site.

Developers within North Ellenbrook will be expected to coordinate their development staging and work towards a common wastewater strategy. The transfer of wastewater also relies on other investigations and approvals. These matters need to be resolved before any land in North Ellenbrook is subdivided and developed.

Water Corporation's requirements have been included as matters to be addressed prior to the lifting of Urban Deferment.

Transport Infrastructure

MRWA raises no objections and advises of the following lifting of Urban Deferment requirements:

- The planning for the new interchange with Tonkin Highway needs to be progressed and the required land identified for the interchange.
- A cumulative TIA to be undertaken for the greater area, comprising Bullsbrook and North Ellenbrook. MRWA is assisting the DPLH with progressing mesoscopic level traffic modelling for North Ellenbrook and Bullsbrook areas.
- Suitable local road network connectivity being provided to access the Ellenbrook Secondary Activity Centre.

MRWA's requirements which have been included as matters to be addressed prior to the lifting of Urban Deferment.

4 Aboriginal cultural heritage

The process of rezoning or reservation of land in a region scheme is broad by nature and does not physically interfere with the land. Consideration of Aboriginal cultural heritage (ACH) is addressed more specifically at later stages of the planning process, typically when preparing a local structure plan or at the subdivision and development approval stages. All ACH is protected whether or not it has been previously recorded or reported.

Nevertheless, in recognising the importance of having reliable Aboriginal cultural heritage information, the WAPC and the Department of Planning, Lands and Heritage have entered into a Memorandum of Understanding with the South West Aboriginal Land and Sea Council (SWALSC) for the provision of Aboriginal consultative services. All amendment proposals likely to be of interest to Aboriginal persons are pre-referred to SWALSC for comment. SWALSC is the recognised Native Title Representative Body for Western Australia's southwest region and as such is well placed to provide advice on Aboriginal heritage.

The proposed amendment was referred to SWALSC and no advice was received. However, the amendment will be formally referred to SWALSC during the public submission period.

5 Coordination of local and region scheme amendments

Pursuant to section 126(3) of the *Planning and Development Act 2005* (the Act), where land is being transferred to the Urban zone under a region scheme, the WAPC can resolve to concurrently amend the respective local planning scheme to transfer this land to a zone which is consistent with the objective of the Urban zone.

As no land is being zoned Urban, section 126(3) of the Act is not applicable to this amendment.

6 Substantiality

The Planning and Development (Region Planning Schemes) Regulations 2023 allows for amendments to a region scheme to be processed as either 'complex', 'standard' or 'basic' amendments, depending on the alteration to the scheme. In this regard, the WAPC has resolved to treat this amendment as a standard region scheme amendment for the following reasons:

- The proposal generally aligns with the intent of *Perth and Peel@3.5million / North-East Sub-Regional Planning Framework* as the urbanisation of the site is a transitional land use which would complement the abutting urbanisation to the north.
- The proposed amendment is consistent with the North Ellenbrook (West) District Structure Plan which identifies the site for future urbanisation.
- The proposed amendment is a continuation of *MRS Amendment 1409/41 - Portion of North Ellenbrook (West)* to the north which seeks to rezone approximately 393.12 ha from the Rural zone to the Urban Deferred zone and Parks and Recreation reservation; and
- The City of Swan and key State Government agencies raise no objections to the amendment or advise of matters which are routinely addressed in the subsequent more detailed stages of the planning and development process.

7 Environmental Protection Authority advice

The proposed amendment was referred to the EPA for advice on whether environmental assessment would be required.

The EPA has advised that the proposed amendment does not require formal assessment under Part IV of the *Environmental Protection Act 1986*. However, it has provided advice on the key environmental factors for the amendment. A copy of the notice from the EPA is included at Appendix A.

8 The amendment process

The procedures for amending a region scheme are prescribed by the *Planning and Development Act 2005* and the Planning and Development (Region Planning Schemes) Regulations 2023. In essence, the procedure for a standard amendment involves:

- formulation of the amendment by the WAPC
- referral to the EPA for environmental assessment
- completion of an Environmental Review (if required) in accordance with EPA instructions
- public submissions being sought on the proposed amendment (including Environmental Review if required)
- consideration of submissions
- approval, with or without any modifications in response to submissions, or refusal to approve, by the Minister
- the amendment takes legal effect with Gazettal of the Minister's approval.

An explanation of the [region scheme amendment process](#) can be found on the Department of Planning, Lands and Heritage's website, along with further information for [your property and planning region schemes](#)

9 Submissions on the amendment

The WAPC invites people to comment on this proposed amendment to the MRS.

The amendment is being advertised for public submissions for a period of 42 days from Tuesday 22 April 2025 to Tuesday 03 June 2025.

The amendment report and plans showing the proposed changes are available for public inspection [online](#).

Online submissions are encouraged via <https://haveyoursay.dplh.wa.gov.au/>

However, written submissions commenting on the amendment can be sent to:

RegionPlanningSchemes@dplh.wa.gov.au

or posted to:

The Secretary
Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6001

and **must be received by 03 June 2025**.

All submissions received by the WAPC will be acknowledged.

For your convenience a submission form is contained in this report (Appendix D). Additional copies of the form are available from the Department of Planning, Lands and Heritage [website](#).

You should be aware that calling for submissions is a public process, and all submissions lodged will become public. All submissions are published and made available when the Minister has made a determination on the amendment. Advice of disclosure and access requirements are shown on side two of the submission form.

Before making your submission, it is recommended that you read the information in Appendix C of this report regarding preparing a submission.

10 Modifications to the amendment

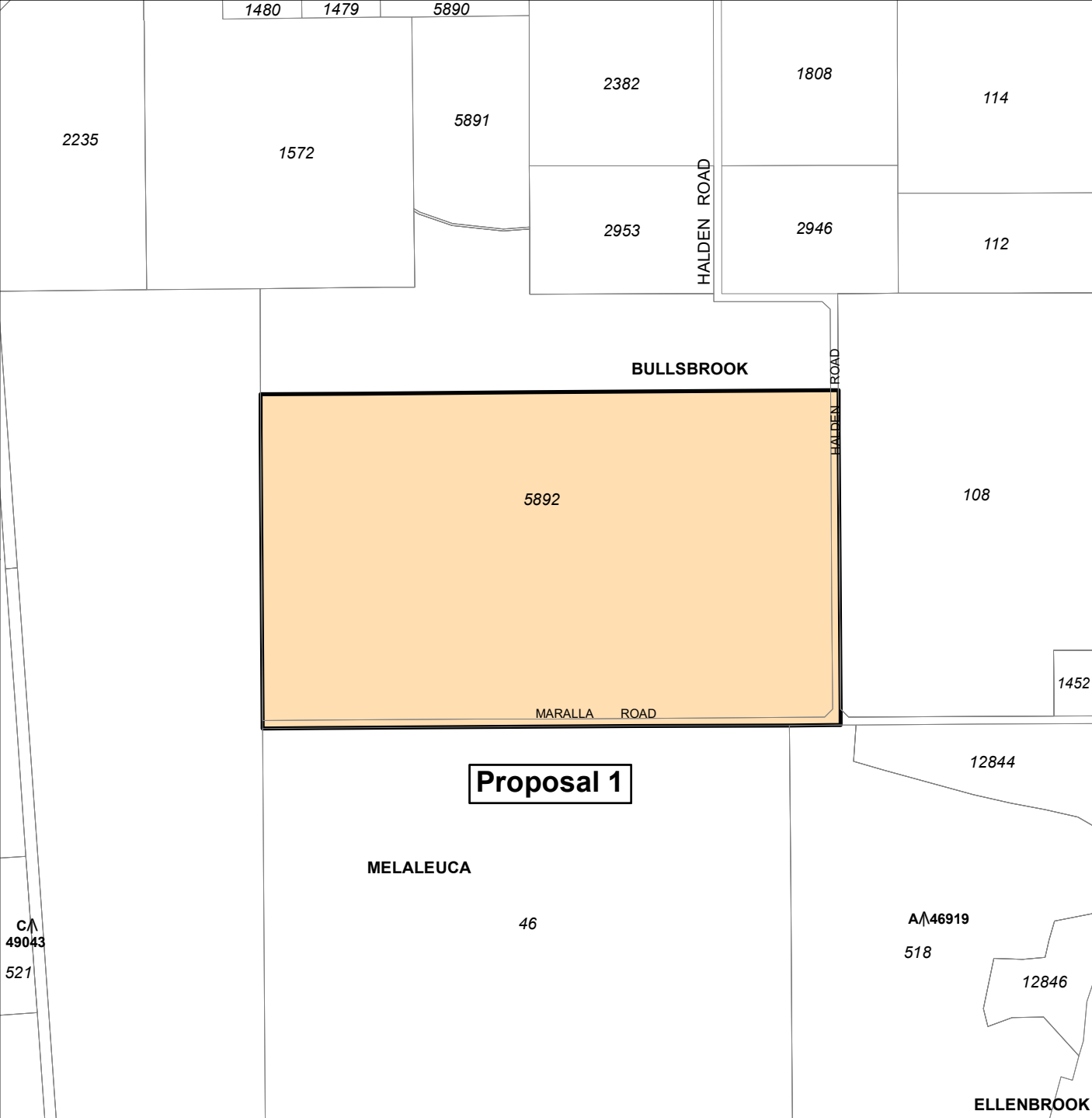
After considering any comments received the WAPC may recommend that the Minister for Planning modify the amendment. The Minister may approve the amendment, with or without any modifications in response to submissions, or decline to approve.

11 Final outcome

The recommendations of the WAPC, including any modifications, along with the determination of the Minister, are published in a report on submissions. Anyone who has made a submission, along with affected landowners, will be notified of the outcome when the amendment is gazetted to give it legal effect.

**Metropolitan Region Scheme
Amendment 1435 (Standard)
Part Lot 5892 Maralla Road, Bullbrook**

Amendment Figure - Proposal 1




**Pt Lot 5892 Maralla Road, Bullsbrook
Proposed Standard MRS amendment
as advertised**

20 November 2024

Proposal 1

Proposed Amendment:

 Rural zone to Urban Deferred zone

Oracle reference no: 4954
Version number: 4

Appendix A

Notice of environmental assessment



Environmental Protection Authority

s.48A Referrals

Title:	Metropolitan Region Scheme Amendment 1435		
Location:	Part Lot 5892 Maralla Road Bullsbrook		
Description:	The amendment proposes to rezone Part Lot 5892 Maralla Road Bullsbrook from the 'Rural' zone to the 'Urban Deferred' zone. The amendment will primarily facilitate future residential development. Future development within the amendment area is proposed to be consistent with the North Ellenbrook (West) District Structure Plan Amendment 1.		
Ref ID:	APP-0026484		
Date Received:	21/11/2024	Date Sufficient Information Received:	21/11/2024
Responsible Authority:	Western Australian Planning Commission, 140 William Street PERTH WA 6000		
Contact:	Anthony Muscara		
Preliminary Environmental Factors:	Flora and vegetation; Terrestrial fauna; Inland waters; Social surroundings		
Potential Significant Effects:	Implementation of the scheme may result in the clearing of native vegetation representative of the Banksia Woodlands of the Swan Coastal Plain ecological community, and habitat for threatened species of black cockatoo. Implementation of the scheme may also result in local hydrological changes. Sensitive receptors (residential development) may be impacted existing extractive industry.		
Protection:	The implementation of the proposal associated with Ministerial Statement 956 will result in impacts to Flora and vegetation values and associated Terrestrial fauna values within the amendment area and therefore reduce the extent of environmental values within the amendment area which are able to be managed and protected as part of future urban development. Potential residual impacts may be mitigated through future planning and statutory processes. The Environmental Protection Authority (EPA) expects that environmental values within the 33 hectare (ha) balance of the amendment area outside of the 92 ha mining footprint area will be avoided and protected. EPA advice is also provided recommending actions to protect and restore environmental values and manage and mitigate potential environmental impacts.		
Determination:	Referral Examined, Preliminary Investigations and Inquiries Conducted. Scheme Amendment Not to be Assessed under Part IV of the EP Act. Advice Given. (Not Appealable).		

The EPA has carried out some investigations and inquiries before deciding not to assess this scheme. In deciding not to formally assess schemes, the EPA has determined that no further assessment is required by the EPA.

This Determination is not appealable.

Deputy Chair's Initials:

13 December 2024

**ADVICE UNDER SECTION 48A(1)(a)
ENVIRONMENTAL PROTECTION ACT 1986**

Metropolitan Region Scheme Amendment 1435

Location: Part Lot 5892 Maralla Road Bullsbrook

Determination: Scheme Not Assessed – Advice Given (not appealable)

Determination Published: 18 December 2024

Summary

Metropolitan Region Scheme (MRS) Amendment 1435 proposes to rezone approximately 125 hectares (ha) of Lot 5892 Maralla Road Bullsbrook from the 'Rural' zone to the 'Urban Deferred' zone. The amendment will primarily facilitate future residential development.

The Environmental Protection Authority (EPA) has considered the scheme amendment in accordance with the requirements of the *Environmental Protection Act 1986* (EP Act). The EPA considers that the scheme amendment is unlikely to have a significant effect on the environment and does not warrant formal assessment under Part IV of the EP Act, subject to implementation of this public advice. The EPA has based its decision on the original referral documentation and additional information provided by the Western Australian Planning Commission (WAPC) and the North Ellenbrook (West) District Structure Plan Amendment 1 (DSP). Having considered this matter, the following advice is provided.

Environmental Factors

Having regard to the EPA's (2021) *Statement of Environmental Principles, Factors, Objectives and Aims of Environmental Impact Assessment*, the EPA has identified the following preliminary environmental factors relevant to this scheme amendment:

- Flora and vegetation
- Terrestrial fauna
- Inland waters
- Social surroundings.

Advice and Recommendations regarding the Environmental Factors

Context: Ministerial Statement 956 and ML70/326

The EPA notes that Ministerial Statement (MS) 956 applies to the amendment area and authorises the extraction of sand from mining tenement ML70/326 by Urban Resources Pty Ltd.

The current extent of the proposal MS 956 which is able to be implemented under ML70/326, and the conditions associated with ML70/326, has been considered by the EPA in reaching the determination to not assess this amendment, including:

- The implementation of the proposal associated with MS 956/ and ML70/326 will result in impacts to flora and vegetation values (and associated terrestrial fauna values) within much of the amendment area, therefore reducing the extent of environmental values within the amendment area which are able to be managed and protected as part of future urban development.

- MS 956/ ML70/326 (and exemptions under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act)) only permits clearing at the site associated with the 92 hectare (ha) mining proposal within a 121 ha mining envelope as currently approved by the Department of Energy, Mines, Industry Regulation and Safety under the *Mining Act 1978*. This means 33 ha of the amendment area is not subject to current authorisation to be cleared, and any clearing of this 33 ha is likely to be significant for both State and Commonwealth environmental laws.
- ML 70/236 conditions require “rehabilitation on private land being an end land use agreed with the land owner, provided that the lessee shall ensure that disturbed areas are left in a condition acceptable to the Environmental Protection Authority”.
- The amendment area is identified under SPP 2.4 as ‘Sites with Prior State Environment Minister Approval’ with ‘the land being identified as having a ‘Significant Geological Supply – Sand’

After considering this context, the EPA considers:

- that environmental protection consistent with its factor objectives is likely to be able to be achieved through planning processes without EPA assessment, provided the 33 ha of the amendment area (which is not able to be cleared under ML70/326) is subject to substantial avoidance and environmental management;
- that it is likely to be satisfied that the end use of land under MS 70/236 be residential and does not need to be significantly rehabilitated with native vegetation, if the balance of the amendment area (i.e. 33 ha) is subject to substantial avoidance and environmental management.

The existence of MS 956 and /ML70/326 which permits clearing of up to 92 ha does not mean that additional clearing will not a relevant consideration for the purpose of any other proposal. Should any other proposal (that is not the current proposal for MS 956) propose clearing of the environmental values within the amendment area, a Decision Making Authority should consider its obligation to potentially refer any significant proposal to the EPA under Part IV of the EP Act and the EPBC Act.

Further advice regarding specific environmental factors and the environmental protection which the EPA expects be implemented through planning processes, is provided below.

Flora and vegetation and Terrestrial fauna

The amendment area contains of remnant vegetation representative of the Banksia woodlands of the Swan Coastal Plain Priority/Threatened Ecological Community (PEC/TEC) (state-listed priority 3, endangered under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act)), with a patch of Xanthorrhoea shrubland also present.

The amendment area also contains black cockatoo foraging habitat for Carnaby’s Cockatoo (*Zanda latirostris*) (endangered under the *Biodiversity Conservation Act 2016* and EPBC Act) and may contain potential breeding trees. The foraging habitat is of particular importance given the proximity of the amendment area to known local black cockatoo roosting and breeding sites.

It is the expectation of the EPA that future planning processes (including DSP amendments, local planning strategy, local planning scheme, local structure plans and subdivision) will significantly avoid (all or most) and provide substantial protection to environmental values (flora and vegetation and terrestrial fauna (habitat)) within the 33 ha balance of the amendment area outside of the 92 ha mining footprint.

This has informed the EPA's consideration of both significance of impacts and cumulative impacts through implementation of the amendment. The EPA considers that protection of environmental values within the balance of the amendment area through future planning processes can manage the residual and cumulative impacts of the amendment to meet the EPA's environmental factor objectives.

Where the amendment area is cleared in accordance with MS956 prior to implementation of urban development, rehabilitation of future proposed open space areas with native species to provide additional habitat for black cockatoos is recommended.

The amendment area is also adjacent to Bush Forever sites containing the Banksia Woodland PEC/TEC and habitat for species of black cockatoo.

Future development within the area should consider:

- Appropriate interfaces, linkages and connections to, corridors with and buffers to surrounding environmental values.
- Restoration opportunities within the 33 ha balance, and public open space areas.
- Retaining and avoiding the most valuable vegetation, and concentrating development on already cleared areas.
- Seeking agreement with the proponent of ML 70/236 to retain and avoid the most valuable vegetation, and concentrating mining on already cleared areas – noting this is more likely to satisfy the EPA that condition 8 of ML70/326 does not require substantial re-vegetation;
- Ongoing environmental management of the 33 ha balance of the amendment area, to ensure protection and delivery of environmental outcomes
- The opportunity which retention and management of the 33 ha presents to reduce cumulative impacts in the area, and therefore to facilitate environmental planning and certainty of land use for other areas;
- Have regard to the EPA's submission on the Urban Greening Strategy (July 2024); and
- Have regard to the EPA's (2021) *Guidance for planning and development: Protection of naturally vegetated areas in urban and peri-urban areas*.

Inland waters

One Conservation Category Wetland (CCW) (UFI: 8907) is mapped within the amendment area. The EPA understands that future development within the amendment area is proposed to be consistent with the DSP Amendment 1 which proposes a public open space designation over the mapped occurrence of CCW and associated buffer.

The CCW is within the MS 956 area, however it is outside the footprint approved under the Mining Proposal associated with ML70/326, and so it consistent with the public open space designation.

The EPA expects the CCW will be protected by appropriate zoning and management under future planning processes. It also recommends that a site specific wetland buffer study and a wetland management plan are undertaken to inform future stages of planning and ensure that the specific environmental values associated with the CCW are protected.

The EPA notes that Department of Water and Environmental Regulation (DWER) has endorsed a District Water Management Strategy (DWMS) over the amendment area and that future stages of planning will require further water management plans that will provide additional management of potential impacts to Inland waters values.

Social Surroundings

Proposed future land uses that will be facilitated by the 'Urban Deferred' zoning (such as residential development and school sites) are likely to constitute sensitive land use types. There are potential noise and dust impacts from the ongoing extractive industry within and nearby the amendment area on the proposed sensitive land uses. Accordingly, in the context of the existing emitting land uses within and around the amendment area, implementation of the amendment may cause the introduction of new land use conflicts.

The EPA expects that the introduction of potential land use conflicts within the amendment area will be considered by the WAPC as part of subsequent determinations to lift the 'Urban Deferred' zoning. Noting that State Planning Policy 2.4 provides for sequential urban development following the extraction of basic raw materials further detail will be required to demonstrate how sequential land use will be achieved within the amendment area as part of the subsequent planning phases. These future planning instruments should:

- identify separation distances and establish transitional land uses and interface areas to protect the Basic Raw Materials from encroachment by urban land uses and avoid health risks and amenity implications for urban land uses, and
- address sequential land use and demonstrate staging.

The EPA's (2005) Guidance Statement No. 3 Separation Distances between Industrial and Sensitive Land Uses should be considered to advise decision making on the potential impacts to sensitive land uses and separation distances.

Conclusion

The implementation of the proposal associated with MS 956 will result in flora and vegetation values (and associated terrestrial fauna values) on 92 ha within the amendment area being cleared. This would reduce the extent of environmental values within the amendment area, meaning implementation of future urban development within the amendment area should be prioritised to occur on already cleared land.

The EPA expects that future planning processes will significantly avoid and provide substantial protection to environmental values within the balance of the amendment area outside of the 92 ha mining footprint. In such a scenario, implementation of the scheme amendment would not be inconsistent with the EPA's environmental objectives. Future planning requirements including amendments to the local planning scheme, development of a structure plan, and other statutory processes could manage residual impacts.

The EPA recommends its advice is implemented to further mitigate potential impacts to the above factors.

Appendix B

List of plans supporting the amendment

**Metropolitan Region Scheme
Amendment 1435 (Standard)**

Part Lot 5892 Maralla Road, Bullsbrook

as advertised

Amending Plan 3.2855

Appendix C

Preparing a submission

Preparing a Submission

The WAPC welcomes comment on proposed amendments to the MRS from interested individuals, groups, and organisations.

What is a submission?

A submission is a way to express your opinion and provide information. It is an opportunity to explain why the amendment should be supported, withdrawn, or modified. Suggestions of alternative courses of action are also welcomed.

Making a submission is not the same as voting in an election. The number of submissions received for or against a proposal will not in itself determine the result. Rather, it is the reasoned argument of why a particular thing should or should not be done. Your submission will assist the WAPC in reviewing its planning proposal before proceeding. Advertised proposals are often modified in response to the public submission process.

What should I say?

Your comments should focus on the particular issues that arise from the proposed amendment. If there are a number of components in the amendment, please indicate exactly which ones you are addressing.

It is important that you state your point of view clearly and give reasons for your conclusions and recommendations. These may include an alternative approach or other ways for the WAPC to improve the amendment or make it more acceptable. Indicate the source of your information or argument where applicable.

If you prefer not to write your own comments, you may consider joining a group interested in making a submission on similar issues. Joint submissions can increase the pool of ideas and information.

Before lodging your submission

The WAPC prefers to receive submissions online at <https://haveyoursay.dplh.wa.gov.au>, however, hardcopy submissions can also be accepted (Appendix D).

Please remember to complete all fields in the submission form including your name and contact details. Please limit the number of attachments, where possible, ensuring they are directly relevant to the proposed amendment you are commenting on.

The closing date for submissions and how to lodge them is shown on the submission form and in the submissions on the amendment section of the amendment report.

Some amendments may be subject to an environmental review. Under these circumstances, the WAPC will forward a copy of any submission raising environmental issues to the EPA.

You should be aware that all submissions lodged with the WAPC are subject to regulations on disclosure and access, and your submission will become a public document.

Appendix D

Submission form for this amendment

FILE
RLS/1149

Title (*Mr, Mrs, Miss, Ms*) First Name

Surname (PLEASE PRINT CLEARLY)

Address Postcode

Contact Number Email Address

Submissions may be published as part of the consultation process. Do you wish to have your name removed from your submission? ☐ Yes ☐ No

Submission

(Please attach additional pages if required. It is preferred that any additional information be loose rather than bound)

[illegible]

turn over to complete your submission

This image shows a full page of white paper with horizontal dotted lines. The lines are evenly spaced and run across the entire width of the page, providing a guide for handwriting practice. There are no margins, text, or other markings on the page.

- The Western Australian Planning Commission (WAPC) is subject to the *Freedom of Information Act 1992* and as such, submissions made to the WAPC may be subject to applications for access under the Act.
- In the course of the WAPC assessing submissions, or making its report on these submissions, copies of your submission or the substance of that submission, may be disclosed to third parties.

Signature Date

**Note: Submissions MUST be received by the advertised closing date on 03 June 2025.
Late submissions will NOT be considered.**