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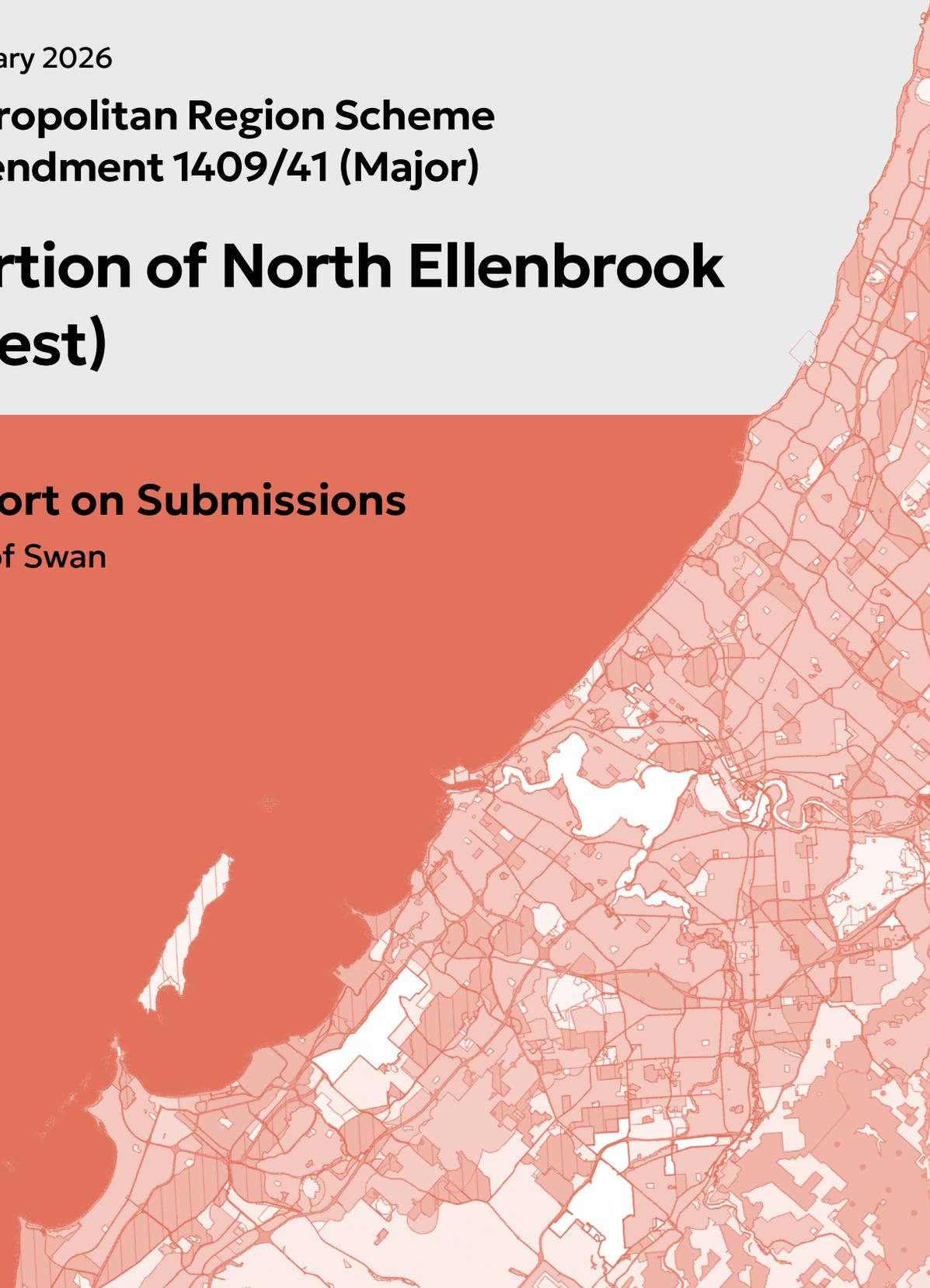
February 2026

**Metropolitan Region Scheme  
Amendment 1409/41 (Major)**

**Portion of North Ellenbrook  
(West)**

**Report on Submissions**

City of Swan



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### Acknowledgement of Country

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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Amendment 1409/41 (Major)  
Report on Submissions

File: RLS/1112

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This document is available in alternative formats on application to the  
Department of Planning, Lands and Heritage Communications Branch.

# 1. Introduction

At its July 2023 meeting, the Western Australian Planning Commission (WAPC) resolved to proceed with this amendment to the Metropolitan Region Scheme (MRS), in accordance with the provisions of former section 41 of the *Planning and Development Act 2005*.

## 2. The proposed amendment

The purpose of the amendment (as advertised) is to rezone approximately 393.12 ha in Bullsbrook from the Rural zone to the Urban Deferred zone and Regional Open Space reservation in the MRS. The amendment also extends Bush Forever Sites 298 and 399.

The proposed amendment will primarily facilitate future residential and light industrial/service commercial development, a high school and primary schools and areas of public open space (POS) and environmental conservation.

### Lifting of Urban Deferment Requirements

- A mesoscopic transport model and subsequent transport assessment being prepared and undertaken by Main Roads Western Australia (MRWA) in collaboration with the Department of Planning, Lands and Heritage (the Department) and the City of Swan. The traffic impact assessment (TIA) that accompanies the North Ellenbrook (West) District Structure Plan (DSP) 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
- Consideration of the existing sand mining buffer and/or suitable transitional arrangements.

## 3. Environmental Protection Authority advice

On 20 June 2024, the EPA determined that the amendment did not require assessment under Part IV of the *Environmental Protection Act 1986*, and provided advice on flora and vegetation, terrestrial fauna and inland waters which need further consideration as the planning of the site progresses.

A copy of the notice from the EPA is in Appendix A of the ***Amendment Report***.

## 4. Call for submissions

The amendment was advertised for public submissions for a total of three months from 13 September to 13 December 2024.

The amendment was made available for public inspection online at the Department of Planning, Lands and Heritage website and during ordinary business hours at the following display locations:

- Department of Planning, Lands and Heritage, Perth Office
- The offices of the Cities of Swan, Perth, Fremantle and Wanneroo
- The State Reference Library of Western Australia, Northbridge

During the public inspection period, notice of the amendment was published in *The West Australian*, the *Sunday Times* and relevant local newspapers circulating in the locality of the amendment on three occasions.

## 5. Submissions

Twenty-two submissions (including one late submission) were received on the amendment; five submissions were of support, five submissions were of objection and twelve were of general comments, non-objection or no comment.

Copies of all written submissions are contained within this report.

## 6. Hearings

The former section 46 of the *Planning and Development Act 2005* provided for each person who makes a submission be offered the opportunity of being heard by a committee formed by the WAPC for that purpose. No submissions requesting a hearing were received.

## 7. Main issues raised in submissions

### Urban Deferred Zone

Submissions have requested that the amendment be modified to propose Urban zoning instead of Urban Deferred zoning.

**WAPC Response:** The modification of the amendment to an Urban zone is not supported, as all lifting of Urban Deferment requirements have not been satisfactorily addressed, as follows:

1. A mesoscopic transport model and subsequent transport assessment being prepared and undertaken by Main Roads Western Australia (MRWA) in collaboration with the Department of Planning, Lands and Heritage (the Department) and the City of Swan. The traffic impact assessment (TIA) that accompanies the North Ellenbrook (West) District Structure Plan (DSP) 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.

A mesoscopic transport model has been prepared by MRWA in collaboration with the Department to guide and inform both the Tonkin Highway interchange design and subsequent local structure plans. The TIA for the North Ellenbrook (West) DSP will need to be updated to reflect these transport outcomes.

2. Confirmation of the location and land requirements for a road interchange with Tonkin Highway.  
MRWA has confirmed the land requirements for the Tonkin Highway road interchange and this area has been excluded from the amendment. A future Metropolitan Region Scheme amendment will be undertaken to reserve the entire interchange area (including areas outside this amendment) as Primary Regional Roads accordingly.
3. Agreement with the Water Corporation regarding the funding of water and wastewater headworks to service the site.

The Water Corporation notes this proposal is subject to investigation led by the Department of Treasury and Finance (Housing Support Unit). In accordance with Water Corporation's infrastructure funding model and *State Planning Policy 2.9 - Planning for Water*, water infrastructure remains unfunded due to the current land use planning status.

The implementation of the proposed water service headworks to service North Ellenbrook is likely to require infrastructure intersecting significant other public infrastructure (roads, rail and gas) and environmental values, which may potentially require 3 years to complete scoping, design and approvals, contracting and construction.

The Water Corporation advises that a North Ellenbrook water services alignment assessment study has commenced (funded by the Housing Enabling Infrastructure Fund). It has been advised that the North Ellenbrook infrastructure alignments are proposed to be finalised by December 2025 for progressing to design, on the basis the development is prioritised for funding by Government.

Water Servicing: Long-term conceptual water infrastructure planning is in place to respond to the proposed development which includes:

- Precincts 1 and 1B will require a distribution main extending approximately 5 km from the Ellenbrook tank. This may be deferred until the commencement of development within Precinct 2, subject to staging and demand considerations.
- A staging strategy to service initial development (approximately 400 lots) is proposed via the existing reticulation mains for the Centre for National Resilience.
- 3 capital water works projects are planned to be operational by 2029-30 to unconstrain initial development and a fourth capital project is planned to be operational during 2031.
- The 4 water capital works projects are estimated to require funding of \$31 million.
- Initial funding of \$24 million is required between 2026-27 and 2029-30 to support development beyond the initial stages (approximately 400 lots), the remaining \$7 million is required between 2030-31 to 2032-33.

Wastewater Servicing: Long-term conceptual sewer infrastructure planning is in place to respond to the proposed development which includes:

- Long-term planning sewer discharge to a future pumping station on Stock Road, Bullsbrook, transferring flows to the Alkimos wastewater treatment plant, downstream infrastructure to support the long-term plan is not expected to be required until 2055.
- A staging strategy to connect North Ellenbrook to the existing Ellenbrook sewer scheme will require approximately 2 kms of gravity main, 4 kms of pressure main and a series of interim pumping stations at an estimated cost of approximately \$52 million. This will require approximately 3 - 4 years to deliver.
- Subject to confirmed funding commencing 2026-27, the sewer capital works projects are planned to be operational by 2029-30 to remove constraints for initial development.
- Meeting developer timelines with temporary tankering options (limited to approximately 300 lots).

The Corporation has advised that in order to accelerate delivery of the required infrastructure, it can enter into Developer Constructed Works Agreements allowing developers to build infrastructure on its behalf, enabling parallel progress to reduce delays. However, formal agreements cannot proceed until funding has been confirmed.

Therefore, agreement with the Water Corporation regarding the funding of water and wastewater headworks to service the site is not considered to be addressed.

4. Consideration of the existing sand mining buffer and/or suitable transitional arrangements.

The southern part of the amendment area is located within a 300 - 500 metre buffer to sand mining operations. However, the North Ellenbrook (West) DSP requires consideration of transitioning and staging land uses. The conclusion of mining operations is expected to coincide with the first stages of development with extractive industry operations to cease prior to landholdings being developed for residential use. The existing extraction operations are also likely to provide fill, supporting development minimising the transportation of material.

## 8. Modifications

After consideration of submissions, the proposed amendment is to be modified as follows:

- Exclusion of the area required for the North Ellenbrook Tonkin Highway interchange.
- The final lifting of Urban Deferment requirement is to be as follows:
  - Agreement with the Water Corporation regarding the funding of water and wastewater headworks to service the site.

The total area of the modified amendment is approximately 381.60 ha. As the above modifications do not alter the intent of the advertised amendment, and do not include any new areas, readvertising is not considered necessary.

## 9. Responses and determinations

The responses to all submissions are detailed in Schedule 2. It is recommended the amendment be adopted for finalisation as modified.

## 10. Coordination of local and region planning schemes

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.

## 11. Conclusion and recommendation

This report summarises the background to Amendment 1409/41 and examines the various submissions made on it.

The Western Australian Planning Commission (WAPC), after considering the submissions, is satisfied that the amendment as shown generally on the **Amendment Figure - Proposal 1** in Schedule 4 and in detail on the Amending Plan listed in Appendix B should be approved and finalised.

Having regard to the above, the WAPC recommends that the Minister for Planning and Lands presents the amendment to His Excellency the Governor of Western Australia for his consideration and approval and subsequently commend the amendment to both Houses of Parliament.

# Schedule 1

listing of submissions

# Metropolitan Region Scheme Amendment 1409/41 (Major) Portion of North Ellenbrook (West)

Submission Number	Submitter
1	Robert Wood
2	Name removed at the request of the submitter
3	Department of Water and Environmental Regulation
4	Water Corporation
5	Name removed at the request of the submitter
6	Mikaela Armstrong
7	Name removed at the request of the submitter
8	Name removed at the request of the submitter
9	Name removed at the request of the submitter
10	Name removed at the request of the submitter
11	Name removed at the request of the submitter
12	Main Roads Western Australia
13	APA Group
14	Department of Energy, Mines, Industry Regulation and Safety
15	Department of Education
16	Department of Fire & Emergency Services
17	Department of Transport
18	Name removed at the request of the submitter
19	Department of Primary Industries and Regional Development
20	City of Swan
21	Department of Health
Late Submissions	Submitter
22	Department of Biodiversity, Conservation and Attractions

# Schedule 2

summary of submissions and determinations

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**Submission:** 1

**Submitter:** Robert Wood

**Summary of Submission:** OBJECTION

Would like to see the Ellenbrook railway station line extended to New Norcia and eventually to Geraldton.

**Planning Comment:** Comments noted. The extension of the Ellenbrook railway line to New Norcia and Geraldton is outside the scope of this MRS amendment process.

**Determination:** Submission dismissed.

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**Submission:** 2

**Submitter:** Name removed at the request of the submitter

**Summary of Submission:** SUPPORT

**Planning Comment:** No comments were provided.

**Determination:** Submission noted.

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**Submission:** 3, 13, 14, 15, 16, 17, 19 & 21

**Submitter:** Department of Water and Environmental Regulation, APA Group, Department of Energy, Mines, Industry Regulation and Safety, Department of Education, Department of Fire and Emergency Services, Department of Transport, Department of Primary Industries and Regional Development & Department of Health

**Summary of Submission:** COMMENT

The above state government agencies and infrastructure organisations raise no objections, no comment or provide general comments that relate to the subsequent more detailed stages of the planning and development process.

**Planning Comment:** Comments noted. Where applicable, the proponent has been advised of the above comments.

**Determination:** Submissions noted.

---

**Submission:** 4

**Submitter:** Water Corporation

**Summary of Submission:** COMMENT

The Water Corporation raises no objections to the proposed Urban Deferred zone, subject to the various requirements listed in the amendment report being addressed prior to the lifting of Urban Deferment.

Water and wastewater planning for this area north of Ellenbrook is currently conceptual and at a low level of maturity.

Major infrastructure required to service this land is not included in the Corporation's capital funding programme. Water storage and conveyance planning for the broader north-east corridor up to Bullsbrook is currently being reviewed over the next calendar year.

Wastewater conveyance planning for North Ellenbrook is, among other things, critically dependent on gaining support across various agencies for the identification of a common infrastructure corridor/s to accommodate trunk service extension into the area. This work is ongoing in collaboration with the Department.

Infrastructure planning, utility land requirements and capital funding should be finalised before the land is transferred to the Urban zone.

The Water Corporation has confirmed the subject land forms part of the broader North Ellenbrook urban expansion area. The Corporation has undertaken conceptual water and wastewater planning for the area, which is subject to ongoing review. Servicing of the planned development of North Ellenbrook is subject to delivery of significant off-site water (distribution mains from Ellenbrook tank) and sewerage infrastructure (wastewater pump stations, sewer pressure mains, and a large gravity sewer along Drumpellier Drive.

We're currently progressing a route investigation for the main sewer and two pressure mains to service the broader area. This work has just commenced and is expected to be completed by the end of the year.

At this stage, funding for the construction of the required headworks infrastructure is not included in the Corporation's current Asset Investment Program due to budget constraints. As such, any future delivery of these works will be dependent on future decisions of government and the availability of funding through appropriate channels. No funding has been committed at this point in time.

Funding of the required headworks infrastructure is currently not able to be considered through the Corporation's base Asset Investment Program for budgetary reasons. The distribution of funds from the Housing Enabling Infrastructure Fund (HEIF) is managed through a prioritization process overseen by the State's Housing Supply Unit (Department of Treasury) and Priority Corridors Working Group and approved through a process involving the Infrastructure and Residential Lands Oversight Group, Ministerial Oversight Committee and the Expenditure Review Committee. However, this funding has not yet been committed to the Water Corporation and is still awaiting decision from the State Government.

**Planning Comment:** Comment noted. Refer to Part 7 of the *Report on Submissions*.

**Determination:** Submission noted.

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**Submission:** 5

**Submitter:** Name removed at the request of the submitter

**Summary of Submission:** OBJECTION

The current boundary allows the residents of Annie's Landing to enjoy the surrounding fauna and flora. Bringing additional people into the area means unnecessary destruction of this valuable ecosystem. It also means that with the abundant presence of an overkill of schooling in this proposed area that we will be exposed to lower socioeconomic residents and the antisocial behaviour that follows them. The current zone is graced with peacefulness, safety, security and nature.

**Planning Comment:** Comments noted. The amendment area is located on predominately cleared land approximately 2.5 km from 'Annie's Landing.' Schools would be provided at subsequent stages of planning and development and in accordance with the requirements of *Operational Policy 2.4 - Planning for School Sites*.

The amendment area will connect onto Tonkin Highway via the proposed North Ellenbrook Interchange. This connection proposes to mitigate potential impacts around connectivity to, or impact on, the existing community within Annie's Landing.

**Determination:** Submission dismissed.

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**Submission:** 6

**Submitter:** Mikaela Armstrong

**Summary of Submission:** SUPPORT

More housing development for people that love Ellenbrook but would like more land and the ability to build.

**Planning Comment:** Support noted.

**Determination:** Submission noted.

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**Submission:** 7

**Submitter:** Name removed at the request of the submitter

**Summary of Submission:** OBJECTION

The submitter strongly objects to the proposed development, citing concerns about existing congestion due to limited road access, and expresses a preference for the area to remain a Rural zoning.

**Planning Comment:** Comments noted. Refer to Part 7 of the **Report on Submissions**.

The amendment area is located approximately 2.5 km from Banrock Drive. The amendment will connect to the Tonkin Highway and is not proposed to impact on Banrock Drive.

**Determination:** Submission dismissed.

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**Submission:** 8

**Submitter:** Name removed at the request of the submitter

**Summary of Submission:** OBJECTION

The submitter objects to the proposed amendment, noting several reasons, however the submitter highlights that their main concern relates to the rezoning of the Bush Forever sites (therefore effecting biodiversity within the area) and higher traffic flow in an area that is poorly equipped in adequate urban traffic requirements.

Higher population density within an area that has yet been fully developed, for example lack of a public swimming pool, transport is already under duress, with trains only starting to operate in early December.

Water pressure is already an issue in the area with residents having low flows of water. Intensified crime in an area that has lack of police patrols and existing problems with hooning and vandalism.

**Planning Comment:** Comments noted. The amendment area partly contains the extension of Bush Forever Sites 298 and 399 which are proposed to be reserved as Regional Open Space. Subsequent more detailed planning stages will ensure the appropriate protection and interface with these bushland areas.

The other comments raised are noted but are outside the region scheme amendment process and are typically considered the subsequent more detailed planning stages.

**Determination:** Submission dismissed.

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**Submission:** 9

**Submitter:** Name removed at the request of the submitter

**Summary of Submission:** OBJECTION

The submitter expresses concern regarding increased noise pollution and traffic in the area, noting that they recently relocated to enjoy a peaceful environment surrounded by bushland and nature, The submitter is

apprehensive that the proposed development may result in further road closures and question whether this could lead to additional road construction in the future.

This proposal would likely block more of the roads that allow access to Stock Road and Tonkin Highway. Does this mean the Government/Council will next want to build more roads? Where does it stop?

**Planning Comment:** Comments noted. Refer to Part 7 of the **Report on Submissions**.

The amendment is consistent with the strategic planning of the region as shown in the *Perth and Peel@3.5million / North-East Subregional Planning Framework*.

The WAPC has since approved the North Ellenbrook (West) DSP which guides the planning and development of site which provides for the residential development of the site, schools and areas of Regional Open Space (ROS) and Public Open Space (POS). The detailed planning of the site will continue with the subsequent local structure planning which includes a separate public consultation process.

The strategic planning of the site proposes that the primary access point to and from the amendment area is from the future Tonkin Highway interchange and not via Stock Road.

**Determination:** Submission dismissed.

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**Submission:** 10 & 11

**Submitter:** Name removed at the request of the submitter

**Summary of Submission:** SUPPORT

**Planning Comment:** Support noted.

As owner of Lot 2946 Halden Road and Lot 2 Warbrook Road, Bullsbrook the submitter supports the rezoning of the adjacent land in accordance with the approved District Structure Plan for the area.

**Determination:** Submissions noted.

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**Submission:** 12

**Submitter:** Main Roads Western Australia

**Summary of Submission:** COMMENTS

Main Roads Western Australia (MRWA) notes that the requirements to lift the Urban Deferment should be:

1. A cumulative traffic impact assessment be undertaken for the greater area comprising Bullsbrook and North Ellenbrook. The capacity of the road network to accommodate the scale of land uses proposed in the North Ellenbrook West and other adjacent structure plans requires further investigation and additional connectivity to these areas will need to be considered and planned for as part of the planning for these areas.
2. The Planning for the new interchange with Tonkin Highway needs to be progressed and the required land identified for the interchange. (MRWA supports the wording used for the 2nd dot point under the 'requirements').
3. Suitable local road network connectivity being provided to access Ellenbrook Secondary Activity Centre.

**Planning Comment:**

Comments noted. Refer to Part 7 of the **Report on Submissions**.

The Ellenbrook Secondary Activity Centre (ESAC) is located on the east of Tonkin Highway. The amendment area is to have access onto Tonkin Highway via the new interchange, which will enable appropriate access to the ESAC.

It should be noted that MRWA has since provided the Department of Planning, Lands and Heritage with the road widening plans for the Tonkin Highway interchange area, which requires a modification to the advertised amendment.

**Determination:**

Submission noted.

**Submission:**

18

**Submitter:**

Name removed at the request of the submitter

**Summary of Submission:**

SUPPORT

The submitter owns Lot 122 Cunningham Road (corner Raphael Road) and Lot 2 Savy Close, Bullsbrook. These properties are approximately 440 m north of the amendment area. The submitter supports the amendment as follows:

- The lifting of the Urban Deferment shall be in accordance with the four dot points detailed under 'Requirements to lift the Urban Deferment' in the Amendment Report.
- Their properties are identified for Industrial Expansion under the *Perth and Peel@3.5million / North East Sub-Regional Planning Framework* and the *Draft Bullsbrook Freight and Industrial Land Use Planning Strategy*. The submitter wishes to develop their land for industrial purposes and will be lodging a region scheme amendment request.
- The submitter does not want urban/residential development encroaching on land near or adjoining their property. They expect land uses near Lot 122 to fit in with the industrial activity/development planned for Lots 122 and 2435.

- That the industrial buffer requirement does not become a burden for them to bear and that any industrial buffer requirement between the industrial land uses and the sensitive residential land uses must be considered and taken into consideration as part of the MRS Amendment 1409/41.
- They have no issue with the Light Industry Zone, Service Commercial Zone, or Commercial Zone near or adjoining their property.

**Planning Comment:** Comments noted. Refer to Part 7 of the **Report on Submissions**.

The closest point of Lot 122 to the amendment area is approximately 440 m away and most of the lot is separated by the Tonkin Highway road reserve. The majority of Lots 122 and 2435 are well over 1 km from the amendment area.

**Determination:** Submission noted.

**Submission:** 20

**Submitter:** City of Swan

**Summary of Submission:** COMMENT

The City of Swan supports the amendment subject to the following additional requirement to be addressed prior to lifting of Urban Deferment:

- An agreement between the funding parties (Developers, State and Federal Agencies) being entered into, to fund the total cost of a road interchange with Tonkin Highway.
- The City does not and will not have the capacity or financial means to be in a position to undertake or accept any responsibility for a Developer Contribution Plan for the construction/provision of any Regional Infrastructure such as the proposed North Link Interchange.

**Planning Comment:** Comments noted. Refer to Part 7 of the **Report on Submissions**.

**Determination:** Submission noted.

**Submission:** 22 (late)

**Submitter:** Department of Biodiversity, Conservation and Attractions

**Summary of Submission:** COMMENT

The Department of Biodiversity, Conservation and Attractions (DBCA) provided the following comments:

Strategic Planning Processes

In addition to reservation as Regional Open Space in the Metropolitan Region Scheme (MRS), the protection of significant environmental values, such as wetlands and regionally significant vegetation within regional and local open space will be facilitated by amendments City of Swan's Local Planning Scheme (LPS) and allocation of areas of conservation public open space. Surveys for conservation significant flora, fauna and vegetation and assessments of wetland values and additional hydrological information are required to inform the location of local reserves, enable an assessment of the potential impacts from development within the Urban deferred area and to prepare local structure plans.

It is noted however that the area subject of the proposed Urban Deferred zone in the current amendment, is predominantly degraded and disturbed from previous rural land uses. As the significant environmental values within the Amendment area are to be retained in the Regional Open Space reservation the requirement for the requested further surveys is reduced. Further environmental assessment will be required if additional areas of the North Ellenbrook (West) District Structure Plan (DSP) are proposed for rezoning in the future.

#### Existing Environmental Approvals

It is noted that several lots within the Amendment area, namely part Lots 1808, 1876 & 5889 are subject to clearing approval in accordance with Part VI of the *Environmental Protection Act 1986* (EP Act) (CPS 5981/2) and the Commonwealth *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act) (EPBC 2014/7120). Consistent with relevant conditions of these environmental approvals, areas within the amendment area are required to be protected and rehabilitated and these areas are therefore proposed as Regional Open Space (ROS) reservation. The amendment and subsequent planning stages should recognise the need for resolution and consideration of the future management requirements and appropriate land manager of these areas of ROS including the identification of mechanisms to cede proposed ROS areas as part of future planning.

#### Threatened and Priority Flora and Ecological Communities

A comprehensive assessment of flora and vegetation has not yet been undertaken to inform the current amendment. The *District Structure North Ellenbrook (Bullsbrook) - Environmental Assessment Report* (360 Environmental, 2021) (EAR) submitted as part of the previous MRS and DSP referrals, was informed by previous surveys undertaken by 360 Environmental in 2011 and 2019. Review of the limitations of the previous surveys in relation to survey extent, timing and methods, indicate that further detailed assessment to identify the site's flora and vegetation values is required.

As noted above however, given the majority of vegetation mapped in Good or better condition within the current amendment area is proposed to be retained in Regional Open Space reservation, potential impacts to conservation significant flora and ecological communities are unlikely. Further survey will be required to inform MRS amendments to areas outside the current amendment and within the North Ellenbrook (West) DSP.

### Western Swamp Tortoise

The amendment area is located approximately 2.5km from the Twin Swamps Nature Reserve which is managed by the department and contains the Critically Endangered Western Swamp Tortoise (WST) *Pseudemydura umbrina* and a number of occurrences of threatened flora and ecological communities (TEC). The WST reserves, and their supporting habitat is protected by the EPA's *Environmental Protection (Western Swamp Tortoise Habitat) Policy (2011)*.

The amendment area occupies a portion of the historic range of the WST which was historically recorded in the eastern Swan Coastal Plain between Guildford and Bullsbrook. Individuals tracked as part of monitoring of the Twin Swamps Nature Reserve population have been recorded up to one kilometre from the reserve within the surrounding rural area, in various habitat types which include farm dams and remnant wetlands. In addition, historical records have noted the presence of WST within wetlands on the periphery of the Amendment area. Given these historical records and noting the historical range of the WST, there is the possibility that WST individuals may occupy the Amendment as a relic or vagrant population.

Consideration should be given to undertake targeted surveys for WST to determine their presence with the Amendment area. It is recommended that the proponent engage with DBCA prior to undertaking targeted fauna surveys to ensure that the survey methods and timing are appropriate to locate WST occurring within the subject area. Should WST require relocation, the proponent should be made aware that there may be a requirement to apply for a section 40 Ministerial Authorisation (s40) requirement under in accordance with the BC Act.

### Threatened Black Cockatoos

It is noted that development of the Amendment area may result in the loss of habitat for threatened fauna species such as Carnaby's black cockatoo (*Zanda latirostris*) and the Forest red-tail black cockatoo (*Calyptorhynchus banksii naso*), located outside of the remnant vegetation designated for retention in the Regional Open Space reservation and Bush Forever. A Black Cockatoo Habitat Assessment identified several vegetation types within the site as being representative of threatened black cockatoo habitat.

The cumulative impacts associated with the loss of black cockatoo habitat, including that identified in the Amendment area, is reducing the amount of habitat and the number of birds that can be supported in the region. In the respective black cockatoo recovery plans it is noted that reversal of threats (including loss of habitat) is required before significant increases in the cockatoo populations can occur. The recovery plans identify the need to protect and manage as much habitat as possible to minimise the impacts of habitat loss. Therefore, all remaining resources are significantly important to black cockatoos.

It is acknowledged that the proposed retention of bushland in P&R reservation and the reduction in the Urban Deferred area to that presented in the previous DSP and MRS amendment, has reduced the potential impacts to black cockatoo habitat. There remain opportunities however to

retain important areas of Black Cockatoo breeding, roosting and foraging habitat, such as that associated with the waterway in the northern portion of Lot 1767, within conservation local open space (LOS) in the future urban design.

#### Bush Forever Additions

In addition to the allocation of 56.81 hectares of Regional Open Space reservation within the amendment area, it is noted that the proposal includes a 33.48 ha addition as to the existing Bush Forever sites 298 (*Della Road South Bushland, Bullsbrook*) and 399 (*Melaleuca Park and Adjacent Bushland, Bullsbrook/ Lexia*). Future planning processes should identify appropriate tenure protection mechanisms and long-term land management arrangements for these areas in addition to the preparation and implementation of relevant environmental management plans. It is acknowledged that the extension of the ROS reserve and Bush Forever sites should avoid the urban interface directly abutting the adjacent DBCA managed Gnangara-Moore River State Forest.

DBCA has identified a section of proposed Urban deferred zone extending west along the unmade section of the Chitty Road reserve. Including this road reserve in the Urban zone will bisect the existing and proposed Bush Forever site at the northern boundary of Lot 1876 Chudalup Road.

This road also doesn't appear to service any existing or future residential properties. The urban corridor also encroaches the mapped wetland (UFI 15046) and bisects an intact natural nonperennial watercourse. To protect the wetland and waterway values and enable a consolidated future conservation reserve boundary, DBCA recommends that the unmade road reserve north of Lot 1876 be instead reserved for Regional Open Space and incorporated into the addition to Bush Forever site 298.

#### Kangaroo Management

Urban expansion in this area may result in the displacement of kangaroos which currently utilise the rural/bushland habitat. DBCA notes that the current Amendment report has not identified or acknowledged the need to undertake Kangaroo management at future planning stages. Displaced kangaroos can create problems for nearby urban landowners, along major transit corridors and public open space areas, resulting in excessive grazing and safety issues particularly during summer months when food and water is scarce. Proponents are encouraged to implement early planning measures to ameliorate potential management issues and costs during later stages of development. The relocation of kangaroos post development is often challenging, expensive and can raise issues regarding animal welfare.

A Kangaroo Management Plan should be prepared and implemented early in the planning process, in consultation with the City of Swan and DBCA, to address the management of kangaroos predevelopment, during construction activities and following development. The plan should include as a minimum the following:

- A baseline survey to record of the number of kangaroos in the proposed development area.

- Adaptive kangaroo management options, including the preferred management approach and alternate options.
- A community engagement, education and communication strategy, inclusive of a communications role to respond to community concerns relating to kangaroo management.
- A framework for implementation of the plan through each stage of development, for the life of the development.
- Contingencies to suit the subsequent stages of development; and
- DBCA is able to provide advice on a range of management strategies that mitigate the impacts of kangaroo displacement.

### Wetlands

The Department of Biodiversity, Conservation and Attractions Geomorphic Wetland mapping identifies the following wetlands within the MRS Amendment area:

- UFI 15045 Conservation Category Wetland
- UFI 15046 Conservation Category Wetland
- UFI 8538 Resource Enhancement Wetland
- UFI 15057 Multiple Use Wetland; and
- UFI 15732 Multiple Use Wetland.

The proposed MRS Amendment does not include the REW to the south (UFI 13387) but includes the CCW to the north (UFI 15045 and 15046) within Regional Open Space Reserve and an extension of Bush Forever sites. Multiple use wetlands ('MUWs') also exist over a large portion of the east of the site, as well as smaller portions spread out in the north, west and south-west of the amendment area. All MUWs (with the exception of UFI 8524) are proposed to be zoned Urban Deferred under this proposal.

The DSP retained the Conservation Category Wetlands ('CCWs') with a generic buffer of 50m within areas of restricted public open space (in accordance with current EPA guidelines). Final wetland definition and buffers will be determined during the local structure planning process.

Consistent with the advice provided by the Environmental Protection Authority (EPA) in relation to the wetlands within the amendment area, the EPA 'supports the retention of the CCWs and REWs in Regional Open Space reserves and recommends that appropriate buffers to the wetlands are established through future planning processes, as informed by wetland assessments.' In addition, as part of proposed local structure plans, wetlands to be protected should be subject of relevant wetland management plans to ensure ongoing protection of wetland values and mitigation of impacts from changes in adjacent land uses.

Stormwater systems that utilise wetlands for flood storage should be designed to maintain predevelopment surface water flow rates, runoff volumes and flood level and shallow groundwater recharge rates for receiving water bodies, unless otherwise established in an approved

management strategy or plan and subject to the advice of the relevant agency.

Ecological water requirements of receiving systems should be a primary consideration within any water management strategy and if changes in hydrology are proposed then it should be demonstrated that there will be no significant impacts to the ecology of the wetland system.

Allocation of areas to accommodate alternate stormwater infrastructure may need to be considered outside wetlands and their buffers in some precincts.

#### Sawpit Gully, Ellen Brook and Swan and Canning River System

DBCA has responsibilities under *the Swan and Canning Rivers Management Act 2006* (SCRM Act) which seeks to protect the ecological and community benefits and amenity of the Swan Canning development control area and promote and facilitate the good management of the catchment area to meet this objective. The catchment area as shown in Schedule 1 of the SCRM Act includes the land and waters contained within the MRS Amendment area. The development therefore should be consistent with the good management of the catchment.

*State Planning Policy 2.10 - Swan-Canning River System* (SPP 2.10) states that "land use changes should not result in further water quality degradation but should, if possible, improve the situation.

The development of North Ellenbrook West should therefore be undertaken in accordance with best management practice to ensure that water quality from future development will be appropriate prior to entering Sawpit Gully and the Ellen Brook and ultimately the Swan river.

The Swan Canning Water Quality Improvement Plan calls for a marked reduction in nutrients entering the Swan and Canning rivers. Of the 31 catchments on the Swan Coastal Plain the Ellen Brook catchment is the greatest contributor of both nitrogen and phosphorus to the Swan and Canning rivers. For the nutrient reduction targets to be met, land use within the catchment needs to be carefully managed. To be consistent with this plan, the development of North Ellenbrook West should ensure there are no new inputs of contaminants to the site and there is no change in the quantity or quality of water entering Sawpit Gully and the Ellen Brook. The area has high ground water levels and is prone to regular inundation and flooding and any changes to the predevelopment flow rates may result in the mobilisation of historical inputs and result in decreased water quality in the Ellen Brook and ultimately the Swan and Canning River system.

The amendment area omits the extent of Sawpit Gully to the west but proposes to include a portion of Sawpit Gully within Lot 1808 which is shown as Regional Open Space reserve. Given the extension of Sawpit Gully occurs outside of the subject amendment area, DBCA advises if the MRS amendment area determines a foreshore width, then assessments should be undertaken for the entirety of Sawpit Gully so as not to prejudice the implementation of suitable foreshore areas throughout the remaining area. Deferral of required environmental assessments to later planning stages

may not ensure environmental values are afforded adequate planning protection resulting in potential issues and delays at subsequent strategic and statutory planning stages.

DBCA previously commented on the DSP, noting that the retention and revegetation of a foreshore area of at least 30 metres should be provided for Sawpit Gully along with the incorporation of best practice stormwater management strategies consistent with the *Stormwater Manual for Western Australia* to assist in managing impacts to the waterway. The retention of the watercourses/drainage lines, through further on-site investigations including a biophysical assessment should be undertaken to determine the final foreshore areas and buffers.

A foreshore management plan for Sawpit Gully and any adjoining watercourses should also be prepared and implemented as part of future subdivision applications.

The EPA also recommended in their advice on the amendment that future planning stages prioritise revegetation in public open space areas and landscaped and drainage areas with locally endemic species that provide foraging for species of black cockatoo. DBCA supports the revegetation of foreshore areas of Sawpit Gully and notes that it should be assumed areas of Local Open Space adjacent to the Sawpit Gully should be rehabilitated to reflect the vegetation classification naturally occurring within the location, which DBCA anticipates should be classified as a Class A-Forest. This is to ensure that development does not impede future revegetation efforts of the foreshore reserve and that ecological values are not only being maintained but are enhanced.

#### Urban Water Management

Stormwater management over the amendment area shall address *Corporate Policy Statement 49 - Planning for Stormwater Management Affecting the Swan Canning Development Control Area*, the Department of Water and Environmental Regulation's *Stormwater Management Manual for Western Australia* and *Decision Process for Stormwater Management in Western Australia* and water sensitive urban design principles.

The **Amendment Report** notes the DWMS prepared for the amendment area was approved as part of the DSP, on the advice of the Department of Water and Environmental Regulation.

To maintain ecological stability and channel flow of the minor tributaries across the amendment area, pre-development peak flow rates, frequency of flows, and total volume runoff for the critical 1 exceedance per year (1EY) event are to be maintained for outlets from development discharging to tributaries of the river system. DBCA recommends a Local Water Management Strategy (LWMS) be prepared to address this matter across the amendment area.

#### DBCA Managed Land Interface

While the current amendment no longer proposes urban development immediately abutting the adjacent DBCA managed Gngangara-Moore River

State Forest, the proposed urban land use significantly increases the number of adjoining neighbours and may directly and indirectly impact the conservation values and operations undertaken within DBCA managed estate.

DBCA regularly undertakes operations and management of the State forest which may impact adjacent residents such as prescribed burning and feral animal control. If the urban development is not appropriately managed it may result in an increase in rubbish dumping, weed encroachment, illegal off-road access and dieback spread. Local groundwater and surface water changes associated within urban development may also cause detrimental impacts to groundwater dependent ecosystems and Conservation Category wetlands. This is particularly evident in cases where sub-surface drainage systems are implemented.

In accordance with the *State Planning Policy - 3.7 Planning in Bushfire Prone Areas* and associated guidelines, the proposed development should not place impositions or reliance upon the management of the adjoining DBCA managed estate to achieve acceptable bushfire risk. The adjacent State Forest represents a significant landscape scale bushfire threat, which presents a high fire risk to future urban developments. This risk could be exacerbated by the design of the boundary interface exposing sections of the proposed urban area to bushfire risk in multiple directions (ie. Western and northern interfaces). There should be no expectation that DBCA will undertake additional mitigation or fuel reduction activities within the adjacent State forest to reduce fire risk following a change in land use to urban.

As a minimum, in addition to relevant fire mitigation setbacks, the development interface should include a perimeter road between development and conservation reserves (LOS and ROS) and areas of conservation significance, for reasons of public safety, protection of bushland and fire safety for residents.

**Planning Comment:**

Comments noted. Comments relating to the Strategic Planning, Existing Environmental Approvals, TECs, Western Swap Tortoise, Black Cockatoos, Bush Forever Additions matters are noted.

Further environmental surveys will be undertaken as part of subsequent planning stages and more detailed site-specific investigation and design work.

The proponent raises no objection to the preparation of a Kangaroo Management Plan if required.

Support for the retention of wetlands and wetland buffers as identified by the DSP is noted.

Regarding the comments relating to the Sawpit Gully and Urban Water Management matters, a foreshore management plan and local water management strategy will be undertaken as part of subsequent more detailed planning stages, in accordance with established practice.

The interface with the DBCA land will be managed through subsequent planning stages and more detailed design work.

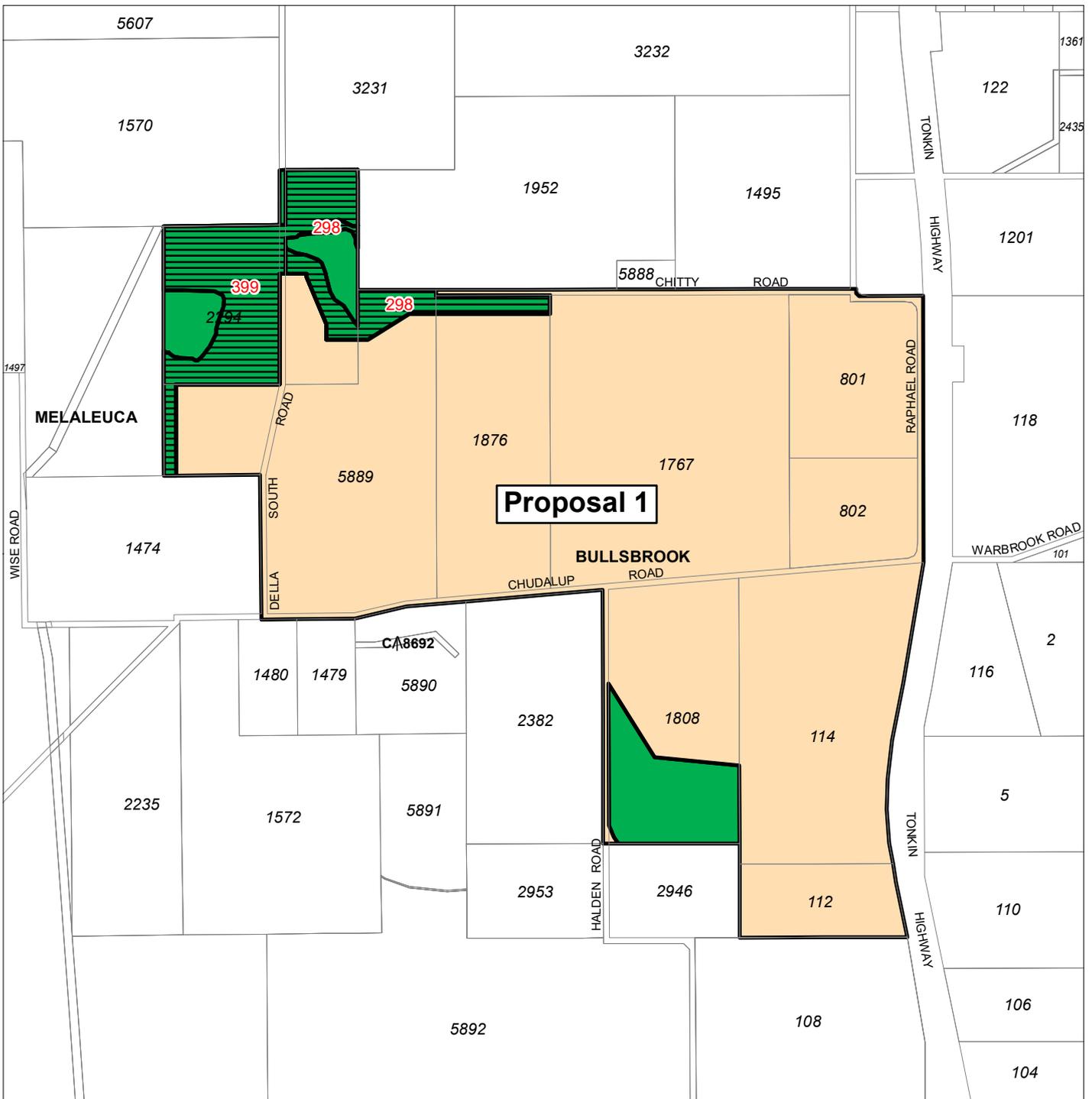
Compliance with SPP 3.7 will be required as detailed planning progresses and it is acknowledged that no impacts on the abutting DBCA managed lands should occur.

**Determination:**

Submission noted.

# Schedule 3

amendment figure (as advertised)



**Portion of North Ellenbrook (West)  
Proposed major amendment  
as advertised**

19 July 2023

Proposal 1

Proposed Amendment:

 Parks and recreation reservation

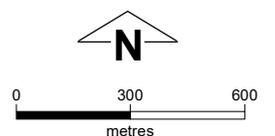
 Urban deferred zone

Notice of Delegation

 (Sites 298 & 399) Bush forever area addition

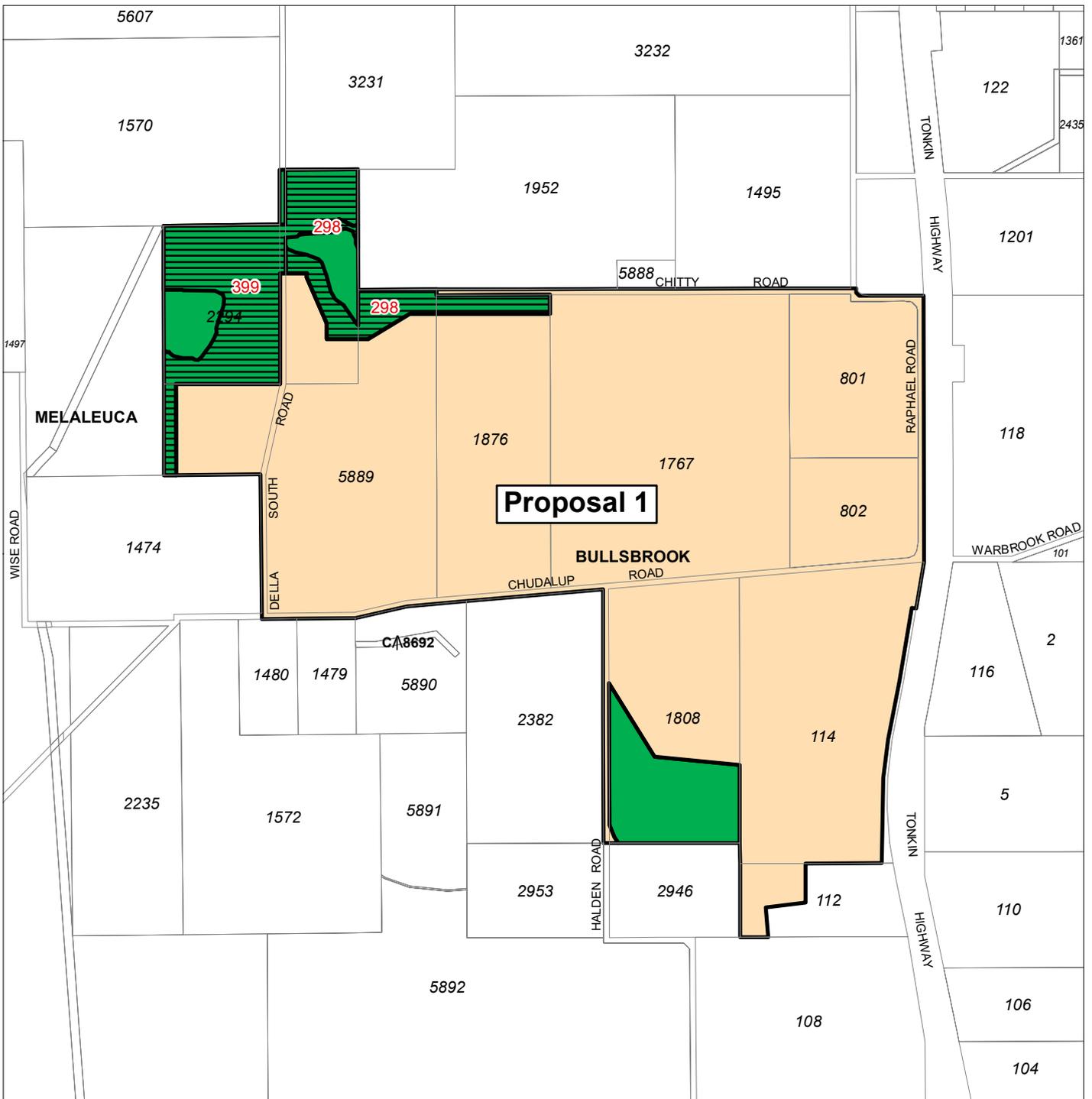
Oracle reference no: 4377

Version number: 3



# Schedule 4

amendment figure (as modified)



**Portion of North Ellenbrook (West)  
Proposed major amendment  
as modified**

26 November 2025

Proposal 1

Proposed Amendment:

-  Rural zone to Regional Open Space reservation
-  Rural zone to Urban Deferred zone
-  (Sites 298 & 399) Bush forever area addition

Oracle reference no: 4377

Version number: 5

# Appendix A

list of plans (as advertised)

# Metropolitan Region Scheme Amendment 1409/41 (Major) Portion of North Ellenbrook (West)

as advertised

**Amending Plan 3.2815**

Detail Plans: 1.5864 & 1.5893

# Appendix B

list of plans (as modified)

# Metropolitan Region Scheme Amendment 1409/41 (Major) Portion of North Ellenbrook (West)

as modified

**Amending Plan 3.2815/2**

Detail Plans: 1.5864 & 1.5893

# Appendix C

submissions

**Respondent No:** 1**Login:** Anonymous**Email:** n/a**Responded At:** Sep 13, 2024 19:21:35 pm**Last Seen:** Sep 13, 2024 19:21:35 pm**IP Address:** n/a

- Q1. **What is your name?** Robert
- 
- Q2. **What is your surname?** Wood
- 
- Q3. **What is your email address?** rjwood2705@gmail.com
- 
- Q4. **What is your address?** kalamunda
- 
- Q5. **What is your contact number?** 0438906200
- 
- Q6. **Submissions may be published as part of the consultation process. Do you wish to have your name removed from your submission?** No
- 
- Q7. **Are you responding on behalf of an organisation?** No
- 
- Q8. **What is the name of the organisation?** not answered
- 
- Q9. **Do you support/oppose the proposed amendment to the Metropolitan Region Scheme?** Oppose
- 
- Q10. **Please type your submission (reasons for support/opposition) into the box below. Any supporting documents may be uploaded below.**
- Would like to see the ELLENBROOK railway station line extended to NEW NORCIA and eventually to Geraldton
- 
- Q11. **Upload supporting documents** not answered
- 
- Q12. **Upload supporting documents** not answered
- 
- Q13. **Upload supporting documents** not answered
-

**Respondent No:** 2**Login:** Anonymous**Email:** n/a**Responded At:** Sep 16, 2024 11:48:18 am**Last Seen:** Sep 16, 2024 11:48:18 am**IP Address:** n/a

Q1. What is your name?

*Details removed at the request of the submitter*

Q2. What is your surname?

Q3. What is your email address?

Q4. What is your address?

Q5. What is your contact number?

Q6. Submissions may be published as part of the consultation process. Do you wish to have your name removed from your submission? Yes

Q7. Are you responding on behalf of an organisation? No

Q8. What is the name of the organisation? not answered

Q9. Do you support/oppose the proposed amendment to the Metropolitan Region Scheme? Support

Q10. Please type your submission (reasons for support/opposition) into the box below. Any supporting documents may be uploaded below.

not answered

Q11. Upload supporting documents not answered

Q12. Upload supporting documents not answered

Q13. Upload supporting documents not answered

**From:** Jim Mackintosh <jim.mackintosh@dwer.wa.gov.au>  
**Sent:** Monday, 30 September 2024 10:01 AM  
**To:** Region Planning Schemes  
**Subject:** RE: Proposed Metropolitan Region Scheme Amendment 1409/41 (Major) - Portion of North Ellenbrook (West) - City of Swan (RLS/1112)

**Follow Up Flag:**  
**Flag Status:** Completed

OFFICIAL

Dear DPLH,

Thank you for the above referral. The Department of Water and Environmental Regulation (DWER) has endorsed a District Water Management Strategy (RPS, July 2024) and therefore supports the proposed amendment.

Regards

**Jim Mackintosh**

**Department of Water and Environmental Regulation**

**Program Manager**

**Swan Avon Region**

**Planning Advice Section**

T 08 6250 8043 |

E [jim.mackintosh@dwer.wa.gov.au](mailto:jim.mackintosh@dwer.wa.gov.au)

Visit our website [www.dwer.wa.gov.au](http://www.dwer.wa.gov.au)

Development  
Services

629 Newcastle Street  
Leederville WA 6007

PO Box 100  
Leederville WA 6902

T (08) 9420 2099  
F (08) 9420 3193



Your Ref: RLS/1112  
Our Ref: MRS398711  
Enquiries: Matt Calabro

25 September 2025

Secretary  
Department Of Planning Lands and Heritage  
140 William St  
PERTH WA 6000

Attention of: Anthony Muscara

**Re: Updated Comments Requested - Proposed Metropolitan Region Scheme Amendment 1409/41 (Major) - North Ellenbrook (West)**

Thank you for your letter dated 13<sup>th</sup> September 2025. We offer the following comments regarding this proposal.

The subject landforms part of the broader North Ellenbrook urban expansion area. The Corporation has undertaken conceptual water and wastewater planning for the area, which is subject to ongoing review. Servicing of the planned development of North Ellenbrook is subject to delivery of significant off-site water (distribution mains from Ellenbrook tank) and sewerage infrastructure (wastewater pump stations, sewer pressure mains, and a large gravity sewer along Drumpellier Drive).

We're currently progressing a route investigation for the main sewer and two pressure mains to service the broader area. This work has just commenced and is expected to be completed by the end of the year.

At this stage, funding for the construction of the required headworks infrastructure is not included in the Corporation's current Asset Investment Program (AIP) due to budget constraints. As such, any future delivery of these works will be dependent on future decisions of government and the availability of funding through appropriate channels. No funding has been committed at this point in time.

Funding of the required headworks infrastructure is currently not able to be considered through the Corporation's base Asset Investment Program for budgetary reasons. The distribution of funds from the HEIF is managed through a prioritization process overseen by the State's Housing Supply Unit (Department of Treasury) and Priority Corridors Working Group and approved through a process involving the Infrastructure and Residential Lands Oversight Group (IRLOG), Ministerial Oversight Committee (MOC) and the Expenditure Review Committee (ERC). However, this funding has not yet been committed to the Water Corporation and is still awaiting decision from the State Government.

Should you have any queries or require further clarification on any of the above issues, please do not hesitate to contact me at [matt.calabro@watercorporation.com.au](mailto:matt.calabro@watercorporation.com.au)

Regards,

Matt Calabro  
Senior Planner – Land Use Planning  
Development Services

**Respondent No:** 3**Login:** Anonymous**Email:** n/a**Responded At:** Oct 25, 2024 23:17:23 pm**Last Seen:** Oct 25, 2024 23:17:23 pm**IP Address:** n/a

Q1. What is your name?

*Details removed at the request of the submitter*

Q2. What is your surname?

Q3. What is your email address?

Q4. What is your address?

Q5. What is your contact number?

Q6. Submissions may be published as part of the consultation process. Do you wish to have your name removed from your submission? Yes

Q7. Are you responding on behalf of an organisation? No

Q8. What is the name of the organisation? not answered

Q9. Do you support/oppose the proposed amendment to the Metropolitan Region Scheme? Oppose

Q10. Please type your submission (reasons for support/opposition) into the box below. Any supporting documents may be uploaded below.

The current boundary allows the residents of Annie's Landing to enjoy the surrounding fauna and flora. Bringing additional people into the area means unnecessary destruction of this valuable ecosystem. It also means that with the abundant presence of an overkill of schooling in this proposed area that we will be exposed to lower socioeconomic residents and the antisocial behaviour that follows them. The current zone is graced with peacefulness, safety, security and nature.

Q11. Upload supporting documents not answered

Q12. Upload supporting documents not answered

Q13. Upload supporting documents not answered

**Respondent No:** 4**Login:** Anonymous**Email:** n/a**Responded At:** Oct 26, 2024 00:15:23 am**Last Seen:** Oct 26, 2024 00:15:23 am**IP Address:** n/a

Q1. What is your name?	Mikaela
Q2. What is your surname?	Armstrong
Q3. What is your email address?	mangosugar6@gmail.com
Q4. What is your address?	31 oakhill heights ellenbrook
Q5. What is your contact number?	0449692896
Q6. Submissions may be published as part of the consultation process. Do you wish to have your name removed from your submission?	No
Q7. Are you responding on behalf of an organisation?	No
Q8. What is the name of the organisation?	not answered
Q9. Do you support/oppose the proposed amendment to the Metropolitan Region Scheme?	Support
Q10. Please type your submission (reasons for support/opposition) into the box below. Any supporting documents may be uploaded below.  More housing development for people that love ellenbrook but would like more land and the ability to build.	
Q11. Upload supporting documents	not answered
Q12. Upload supporting documents	not answered
Q13. Upload supporting documents	not answered

**Respondent No:** 5**Login:** Anonymous**Email:** n/a**Responded At:** Oct 26, 2024 02:33:28 am**Last Seen:** Oct 26, 2024 02:33:28 am**IP Address:** n/aQ1. **What is your name?***Details removed at the request of the submitter*Q2. **What is your surname?**Q3. **What is your email address?**Q4. **What is your address?**Q5. **What is your contact number?**

Q6. **Submissions may be published as part of the consultation process. Do you wish to have your name removed from your submission?** Yes

Q7. **Are you responding on behalf of an organisation?** No

Q8. **What is the name of the organisation?** not answered

Q9. **Do you support/oppose the proposed amendment to the Metropolitan Region Scheme?** Oppose

Q10. **Please type your submission (reasons for support/opposition) into the box below. Any supporting documents may be uploaded below.**

Terrible development idea . This area is already over saturated with 1 road in and out to the main shops being bannock drive. Disgusting to see this happening it will just be filled with migrants and low socio-economic types and become the new armadale. Keep this land rural!!!

Q11. **Upload supporting documents** not answered

Q12. **Upload supporting documents** not answered

Q13. **Upload supporting documents** not answered

**Respondent No:** 6**Login:** Anonymous**Email:** n/a**Responded At:** Oct 26, 2024 06:23:10 am**Last Seen:** Oct 26, 2024 06:23:10 am**IP Address:** n/a

Q1. What is your name?

*Details removed at the request of the submitter*

Q2. What is your surname?

Q3. What is your email address?

Q4. What is your address?

Q5. What is your contact number?

Q6. Submissions may be published as part of the consultation process. Do you wish to have your name removed from your submission? Yes

Q7. Are you responding on behalf of an organisation? No

Q8. What is the name of the organisation? not answered

Q9. Do you support/oppose the proposed amendment to the Metropolitan Region Scheme? Oppose

Q10. Please type your submission (reasons for support/opposition) into the box below. Any supporting documents may be uploaded below.

There are several reason however I will only highlight the main concerns Bush forever sites that will be changed to urban therefore effecting biodiversity within the area Higher traffic flow in an area that is poorly equipped in adequate urban traffic requirements Higher population density within an area that has yet been fully developed, for example lack of a public swimming pool, transport is already under duress, with trains only starting to operate early december. Etc. Water pressure is already an issue in the area with residents having low flows of water Intensified crime in an area that has lack of police patrols and existing problems with hooning and vandalism

Q11. Upload supporting documents not answered

Q12. Upload supporting documents not answered

Q13. Upload supporting documents not answered

**Respondent No:** 7**Login:** Anonymous**Email:** n/a**Responded At:** Oct 26, 2024 10:47:55 am**Last Seen:** Oct 26, 2024 10:47:55 am**IP Address:** n/a

Q1. What is your name?

*Details removed at the request of the submitter*

Q2. What is your surname?

Q3. What is your email address?

Q4. What is your address?

Q5. What is your contact number?

Q6. Submissions may be published as part of the consultation process. Do you wish to have your name removed from your submission? Yes

Q7. Are you responding on behalf of an organisation? No

Q8. What is the name of the organisation? not answered

Q9. Do you support/oppose the proposed amendment to the Metropolitan Region Scheme? Oppose

Q10. Please type your submission (reasons for support/opposition) into the box below. Any supporting documents may be uploaded below.

We get enough noise pollution and traffic passing through the area. Just moved here to build a life in a nice calming quiet zone where there is lot of bush land and nature. This would likely block up more of the roads that allow access to stock road and tonkin highway. Does this mean the government/council will next want to build more roads after? Where does it stop?

Q11. Upload supporting documents not answered

Q12. Upload supporting documents not answered

Q13. Upload supporting documents not answered

**Respondent No:** 8**Login:** Anonymous**Email:** n/a**Responded At:** Nov 04, 2024 16:57:29 pm**Last Seen:** Nov 04, 2024 16:57:29 pm**IP Address:** n/a

Q1. What is your name?

*Details removed at the request of the submitter*

Q2. What is your surname?

Q3. What is your email address?

Q4. What is your address?

Q5. What is your contact number?

Q6. Submissions may be published as part of the consultation process. Do you wish to have your name removed from your submission? Yes

Q7. Are you responding on behalf of an organisation? Yes

Q8. What is the name of the organisation?

Q9. Do you support/oppose the proposed amendment to the Metropolitan Region Scheme? Support

Q10. Please type your submission (reasons for support/opposition) into the box below. Any supporting documents may be uploaded below.

As landowner of Halden Road, Bullsbrook, we support the rezoning of the adjacent land in accordance with the approved District Structure Plan for the area.

Q11. Upload supporting documents not answered

Q12. Upload supporting documents not answered

Q13. Upload supporting documents not answered

**Respondent No:** 9**Login:** Anonymous**Email:** n/a**Responded At:** Nov 04, 2024 16:58:52 pm**Last Seen:** Nov 04, 2024 16:58:52 pm**IP Address:** n/a

Q1. What is your name?

*Details removed at the request of the submitter*

Q2. What is your surname?

Q3. What is your email address?

Q4. What is your address?

Q5. What is your contact number?

Q6. Submissions may be published as part of the consultation process. Do you wish to have your name removed from your submission? Yes

Q7. Are you responding on behalf of an organisation? Yes

Q8. What is the name of the organisation?

Q9. Do you support/oppose the proposed amendment to the Metropolitan Region Scheme? Support

Q10. Please type your submission (reasons for support/opposition) into the box below. Any supporting documents may be uploaded below.

As landowner of Warbrook Road, Bullsbrook, we support the rezoning of the nearby land in accordance with the approved District Structure Plan for the area.

Q11. Upload supporting documents not answered

Q12. Upload supporting documents not answered

Q13. Upload supporting documents not answered



Enquiries: Harrison Blinman (08) 9323 4668  
Our Ref: 19/2348 (D24#1207607)  
Your Ref: RLS/1112

Date: 6 November 2024

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

Email: [regionplanningschemes@dplh.wa.gov.au](mailto:regionplanningschemes@dplh.wa.gov.au)

Attention: Anthony Muscara

**PROPOSED METROPOLITAN REGION SCHEME AMENDMENT 1409/41 (MAJOR) - PORTION OF NORTH ELLENBROOK (WEST) - RLS/1112**

Thank you for your correspondence dated 13 September 2024 inviting Main Roads to comment on the above proposal.

Main Roads has no objection to the proposal but the "Requirements to lift Urban Deferment" as included in the Amendment Report (Page 1) are not consistent with previous advice from Main Roads. The requirements should be:

1. A cumulative Traffic Impact Assessment to be undertaken for the greater area comprising Bullsbrook and North Ellenbrook. The capacity of the road network to accommodate the scale of land uses proposed in the North Ellenbrook West and other adjacent structure plans requires further investigation and additional connectivity to these areas will need to be considered and planned for as part of the planning for these areas.
2. The Planning for the new interchange with Tonkin Highway needs to be progressed and the required land identified for the interchange. (Main Roads supports the wording used for the 2<sup>nd</sup> dot point under the 'requirements').
3. Suitable local road network connectivity being provided to access Ellenbrook Secondary Activity Centre.

Main Roads requests a copy of the WAPC's final recommendation to be sent to [planninginfo@mainroads.wa.gov.au](mailto:planninginfo@mainroads.wa.gov.au) quoting the file reference above.

If you require any further information, please contact Harrison Blinman via email at [Harrison.Blinman@mainroads.wa.gov.au](mailto:Harrison.Blinman@mainroads.wa.gov.au).

Yours sincerely

Lindsay Broadhurst  
**Director Road Planning**

28<sup>th</sup> November 2024

APA Reference: 505335

Your Reference: RLS/1112

Anthony Muscara  
Department of Planning Lands and Heritage  
Bunbury Tower, 61 Victoria Street  
Bunbury WA 6230

**EMAIL OUT:**

[regionplanningscheme@dplh.wa.gov.au](mailto:regionplanningscheme@dplh.wa.gov.au)

Dear Anthony,

**RE: Proposed Metropolitan Region Scheme Amendment – Portion of North Ellenbrook (West)**

Thank you for your referral request received on 24<sup>th</sup> September 2024 in relation to the proposed MRS Amendment – Portion of North Ellenbrook (West) – RLS/1112

APA Group (APA) is a leading Australian owned and operated energy infrastructure business with a \$22 billion portfolio of assets, delivering essential energy services across all of Australia. Our focus is on providing safe, reliable, affordable, and low emissions energy to Australian communities. Our investments are also critical to supporting Australian jobs, manufacturing and industry. APA is a trusted owner and operator of a range of energy infrastructure – from renewable energy, to electricity interconnectors and transmission, through to gas generation plants and transmission pipelines. APA is the Pipeline Licensee for the Parmelia Gas Pipeline, located approximately 460m west from the most western point of the subject site.

The subject site is outside the Notification Area of any applicable APA assets, as such, APA has no comments to make in relation to this application.

For any further enquiries in relation to this correspondence, please contact myself on 03 8626 8523 or APA's Urban Planning team by email at [PlanningWA@apa.com.au](mailto:PlanningWA@apa.com.au)

Yours faithfully,



**ZIJAD BAJREKTAREVIC**  
**URBAN PLANNER**  
**INFRASTRUCTURE PLANNING AND APPROVALS**  
**APA GROUP**



Your ref RLS/1112  
Our ref DMS0508/2024  
Enquiries Steven Batty — 9222 3104  
Steven.BATTY@demirs.wa.gov.au

Anthony Muscara  
Principal Planner  
Department of Planning, Lands and Heritage  
Sent by Email — Anthony.muscara@dplh.wa.gov.au  
140 William Street, Perth WA 6000

Dear Anthony Muscara

**MRS AMENDMENT 1409/41 - PORTION OF NORTH ELLENBROOK WEST - RLS/1112**

Thank you for your letter dated 13/09/2024 inviting comment on the Metropolitan Region Scheme (MRS) Amendment 1409/41, (major) - portion of north Ellenbrook (west) - RLS/1112.

The Department of Energy, Mines, Industry Regulation and Safety (DEMIRS) has assessed this proposal with respect to mineral and petroleum resources, geothermal energy, and basic raw materials and makes the following comments.

- As noted in the report the SW boundary is overlain by the 500m buffer to an SPP2.4 extraction area for sand.
- The report states “The North Ellenbrook (West) DSP requires consideration of transitioning and staging land uses. The conclusion of mining operations is expected to coincide with the first stages of development with extractive industry operations to cease prior to landholdings being developed for residential use. The existing extraction operations are likely to provide fill, supporting development minimising the transportation of material.”
- The report states “The amendment zones the subject land Urban Deferred with the requirement to address the buffer to sand mining operations and/or suitable transitional arrangements prior to the lifting of Urban Deferment.” This issue will need to be resolved prior to DEMIRS approving development, and we are in agreement that sequential land use allowing for extraction of sand resources should be applied.
- There is currently a pending exploration licence E 70/5144 held by Australian Silica Quartz Pty Ltd. over the majority of the area.

DEMIRS lodges no objections to the above MRS amendment.

Yours sincerely

**Steven Batty** | Senior Geologist  
Resource Security Directorate  
19 November 2024

A84575152  
Release Classification: - Addressee Use Only

Mineral House 100 Plain Street East Perth Western Australia 6004  
Postal address: Locked Bag 100 East Perth WA 6892  
Telephone +61 8 9222 3333 Facsimile +61 8 9222 3862  
[www.demirs.wa.gov.au](http://www.demirs.wa.gov.au)  
ABN 69 410 335 356



Department of  
Education

Your ref: 1409/41 (Major)  
Our ref: D24/0918737  
Enquiries: Sharnie Stuart

The Secretary  
Western Australian Planning Commission

Email: [regionplanningschemes@dplh.wa.gov.au](mailto:regionplanningschemes@dplh.wa.gov.au)

Attention: Anthony Muscara, Principal Planner

Dear Sir / Madam,

**Proposed Metropolitan Region Scheme Amendment 1409/41 (Major) – Portion of North Ellenbrook (West) – RLS/1112**

Thank you for your email dated 13 September 2024 providing the Department of Education (the Department) with the opportunity to comment on the proposed Metropolitan Region Scheme (MRS) Amendment to reclassify approximately 393.12 hectares (ha) of land in North Ellenbrook (West) District Structure Plan (DSP) from the Rural zone to the Urban Deferred zone and Parks and Recreation reservation

The proposed MRS Amendment generally aligns with the broader intent of the DSP and that the recognition of the WAPC's Operational Policy 2.4 – Planning for School Sites (OP 2.4) under the 'Strategic Context' section in the MRS Amendment Report is commendable. Notwithstanding this, the Department would like to bring the following matters to your attention:

- As correctly noted in the Report, there will be, amongst other matters, a public high school site within the MRS Amendment area. Accordingly, the Department expects that the subject high school site be ultimately reserved under the MRS following the approval of a future local structure plan (covering the relevant precinct) which would ascertain/secure the location and size of the school site in accordance with the OP 2.4.
- The Report states that the size of school sites to be 4 ha and 8 ha for primary and secondary schools respectively. This information is inaccurate as school sites are to be of 4 ha and 10 ha for stand-alone primary and secondary school sites respectively. However, for school sites which are co-located with a shared use active public open space, the site area could be reduced to 3.5 ha and 8 ha for primary and secondary school sites respectively. Further, additional land of up to 2,500m<sup>2</sup> for childcare services and/or up to 1 ha for education support facilities are required on every new public school site identified on new structure plans.

Accordingly, the Department recommends that the following sentence under the 'Operational Policy 2.4 – Planning for School Sites' section of the Report to be deleted:

*"OP 2.4 requires one primary school (4 hectares) to be provided for every 1,500 dwellings and one secondary school (8 hectares) for every four-five primary schools."*

Instead, it could be replaced by the following sentence:

“The number, size and location of public school sites shall comply with the provisions of the OP 2.4 requirements.”

- Under the same section, there is an error on the title of the relevant approved DSP. It should be North Ellenbrook (West) DSP instead of North Bullsbrook (West) DSP

In view of the above, the Department has no in principle objection to the proposed MRS Amendment subject to the above matters being addressed. The Department requests to be engaged at the earliest possible opportunity during the preparation of future local structure plans or further MRS Amendments to ensure compliance with the OP 2.4 requirements.

Should you have any questions in relation to the above, please do not hesitate to contact Sharnie Stuart, Senior Consultant - Land Planning on 9264 4046 or email [sharnie.stuart@education.wa.edu.au](mailto:sharnie.stuart@education.wa.edu.au).

Yours sincerely



Matt Turnbull  
**Manager Land and Planning**

4 December 2024



Our Ref: D27518  
Your Ref: RLS/0804

Anthony Muscara  
Western Australian Planning Commission  
[mrs@dplh.wa.gov.au](mailto:mrs@dplh.wa.gov.au)

Dear Mr Muscara

**RE: PRE-LOGEMENT COMMENTS – PROPOSED METROPOLITAN REGION SCHEME AMENDMENT – VARIOUS LOTS NORTH ELLENBROOK (WEST)**

I refer to your email dated 8 February 2023 regarding the submission of the above proposed MRS Amendment and Bushfire Management Plan (BMP) (Reference 18PER-11742 – Version 3), prepared by Eco Logical Australia and dated 22 January 2021, for the above proposal. The BMP is accompanied by a report from the applicant titled “Proposed Amendment to the Metropolitan Region Scheme” dated January 2023.

This advice relates only to *State Planning Policy 3.7: Planning in Bushfire Prone Areas* (SPP 3.7) and the *Guidelines for Planning in Bushfire Prone Areas* (Guidelines). It is the responsibility of the proponent to ensure the proposal complies with relevant planning policies and building regulations where necessary. This advice does not exempt the applicant/proponent from obtaining approvals that apply to the proposal including planning, building, health or any other approvals required by a relevant authority under written laws.

**Assessment**

- It is noted the BMP has been prepared in accordance with v1.3 of the Guidelines, which has now been rescinded. DFES have assessed the BMP against version 1.4 of the Guidelines.

**1. Policy Measure 6.3 a) (i) Preparation of a BHL assessment**

Issue	Assessment	Action
<b>Vegetation classification</b>	<p>Vegetation Plots 2 and 3 cannot be substantiated as Class B Woodland with the limited information and photographic evidence available. The scale of the aerial combined with the number of photographs does not allow for an accurate assessment of the canopy cover.</p> <p>The BMP should detail specifically how the Class B Woodland classification was derived as opposed to Class A Forest.</p> <p>If unsubstantiated, the vegetation classification should be revised to consider the vegetation as per AS3959, or the resultant BAL ratings may be inaccurate.</p>	Modification to the BMP is required.

	<p>It is noted that this will not change the BHL rating of this area as it will remain extreme, however further evidence should be provided at later planning stages to support this classification.</p> <p>It is noted that extensive areas of vegetation will require modification in the future, and a suitable mechanism will be required for future planning stages to ensure this is achievable and enforceable. In particular, it is noted that the District Structure Plan indicates areas of Open Space that have been excluded for the “Post Development” scenario.</p> <p>Some areas of vegetation outside the site (e.g. grassland to the north east) appear to be under some form of management regime. Where the grassland classification is relied upon, details of ongoing management should be provided.</p> <p>Additionally, a number of administrative inaccuracies were identified in relation to the vegetation classification map, which should be addressed for subsequent stages. These include:</p> <ul style="list-style-type: none"> <li>• Photo point 9 was located on the vegetation classification map outside of the assessment area;</li> <li>• photo point 23 could not be located on the map;</li> <li>• Photo points 11 and 12 indicate toward Plot 2 (Woodland) but have been provided to support Plot 4 (Scrub);</li> <li>• Photo point 14 indicates toward Plot 2 (Woodland) but has been provided to support Plot 5 (Scrub); and</li> <li>• Photo point 24 has been orientated toward the west, while it appears to show Tonkin Highway.</li> </ul>	
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## 2. Policy Measure 6.5 c) Compliance with the Bushfire Protection Criteria

Element	Assessment	Action
<b>Vehicular access</b>	<p><b>A3.2, A3.4 – insufficient information</b></p> <p>The BMP at page 13 acknowledges that <i>BMPs supporting future planning applications (e.g. Structure Plans and subdivisions) will provide greater detail on road networks and ensure that all stages of development are provide with two forms of access at all times where relevant and possible.</i></p> <p>The scheme amendment area is of a scale that warrants additional access point(s) providing connectivity to the public road network. The provision of a safe access and egress route in the event of a fire approaching from the east should be further investigated and addressed in the BMP.</p>	<p>Modification to the BMP required.</p>

	<p>The district structure plan plans included in the BMP indicate only one connection point on to Tonkin Highway. While it is noted that the proposed scheme amendment is not the planning stage to consider detailed access arrangements, it is critical that a development area of this scale is not reliant on a single access point to the broader transport network. A second connection to Tonkin Highway, or an agreement to be secure to enable connection to public roads to the north, south or west should also be considered.</p> <p>A perimeter road should also be incorporated into the strategic plans and all subsequent stages to provide for increased hazard separation and improved access/egress.</p>	
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**Recommendation – advice only**

The BMP has adequately identified issues arising from the bushfire hazard level assessment and considered how compliance with the bushfire protection criteria can be achieved at subsequent planning stages.

However, modifications (as detailed in the table above) to the BMP are necessary to ensure it accurately identifies the bushfire risk and necessary mitigation measures. As these modifications will not affect the MRS amendment, DFES recommends the amendment proceed and the applicant be advised that these modifications be undertaken to support subsequent stages of the planning process (structure plan, subdivision and development applications).

Should you require further information, please contact me on telephone number 9395 9819.

Yours sincerely



**Michael Ball**  
**SENIOR LAND USE PLANNING OFFICER**

8 March 2023  
CC [anthony.muscara@dplh.wa.gov.au](mailto:anthony.muscara@dplh.wa.gov.au)

**From:** [Golestani, Shanthi](#)  
**To:** [Region Planning Schemes](#)  
**Cc:** [Anthony Muscara](#)  
**Subject:** DoT response FW: Proposed Metropolitan Region Scheme Amendment 1409/41 (Major) - Portion of North Ellenbrook (West) - City of Swan (RLS/1112)  
**Date:** Wednesday, 11 December 2024 9:06:55 AM  
**Attachments:** [image001.png](#)  
[image003.jpg](#)  
**Importance:** High

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OFFICIAL

**OFFICIAL**

Your ref: RLS/1112  
Our ref: DT/24/00348  
Enquiries: Shanthi Golestani (9216 8774)

Ms Sam Fagan  
Secretary, Western Australian Planning Commission  
Department of Planning, Lands and Heritage  
140 William Street  
PERTH WA 6000  
Attention: Anthony Muscara  
Dear Sam

**RE: PROPOSED Metropolitan Region Scheme Amendment 1409/41 (Major) - Portion of North Ellenbrook (West) - City of Swan (RLS/1112)**

Thank you for your email dated 13 September 2024 inviting the Department of Transport (DoT) to provide comment on the above proposed amendment. The Urban Mobility (UM) division of DoT has reviewed the submitted documents and advises that DoT has no comments to provide.

We understand Main Roads WA and the Public Transport Authority are sending their responses directly. DoT would welcome the opportunity to comment at further planning stages.

If you wish to follow up, please do not hesitate to contact me.

Kind regards,

**Shanthi Golestani**

**Senior Project Officer - Transport Planner|Urban Mobility|Department of Transport**

GPO Box C102, Perth WA 6839

Tel: (08) 92168774

Email: [Shanthi.Golestani@transport.wa.gov.au](mailto:Shanthi.Golestani@transport.wa.gov.au)|Web: [www.transport.wa.gov.au](http://www.transport.wa.gov.au)

*Part time - Tues/Thurs/Fri*



Government of Western Australia  
Department of Transport

Proudly supports this initiative  
[16days.wa.gov.au](http://16days.wa.gov.au)



We acknowledge the Traditional Custodians of this land and pay respect to the Elders past and present.

**Respondent No:** 10**Login:** Anonymous**Email:** n/a**Responded At:** Dec 11, 2024 13:21:23 pm**Last Seen:** Dec 11, 2024 13:21:23 pm**IP Address:** n/a

Q1. What is your name?

*Details removed at the request of the submitter*

Q2. What is your surname?

Q3. What is your email address?

Q4. What is your address?

Q5. What is your contact number?

Q6. Submissions may be published as part of the consultation process. Do you wish to have your name removed from your submission? Yes

Q7. Are you responding on behalf of an organisation? Yes

Q8. What is the name of the organisation?

Q9. Do you support/oppose the proposed amendment to the Metropolitan Region Scheme? Support

Q10. Please type your submission (reasons for support/opposition) into the box below. Any supporting documents may be uploaded below.

Refer to the attached submission letter.

Q11. Upload supporting documents

[https://s3-ap-southeast-2.amazonaws.com/ehq-production-australia/f07257f1291b95ced67eb824434a842fefcac98b/original/1733883673/de2db19abc02b6e74a37d979ca27597e\\_241210\\_Submission\\_on\\_MRS\\_Amendment\\_1409-41.pdf?1733883673](https://s3-ap-southeast-2.amazonaws.com/ehq-production-australia/f07257f1291b95ced67eb824434a842fefcac98b/original/1733883673/de2db19abc02b6e74a37d979ca27597e_241210_Submission_on_MRS_Amendment_1409-41.pdf?1733883673)

Q12. Upload supporting documents

not answered

Q13. Upload supporting documents

not answered

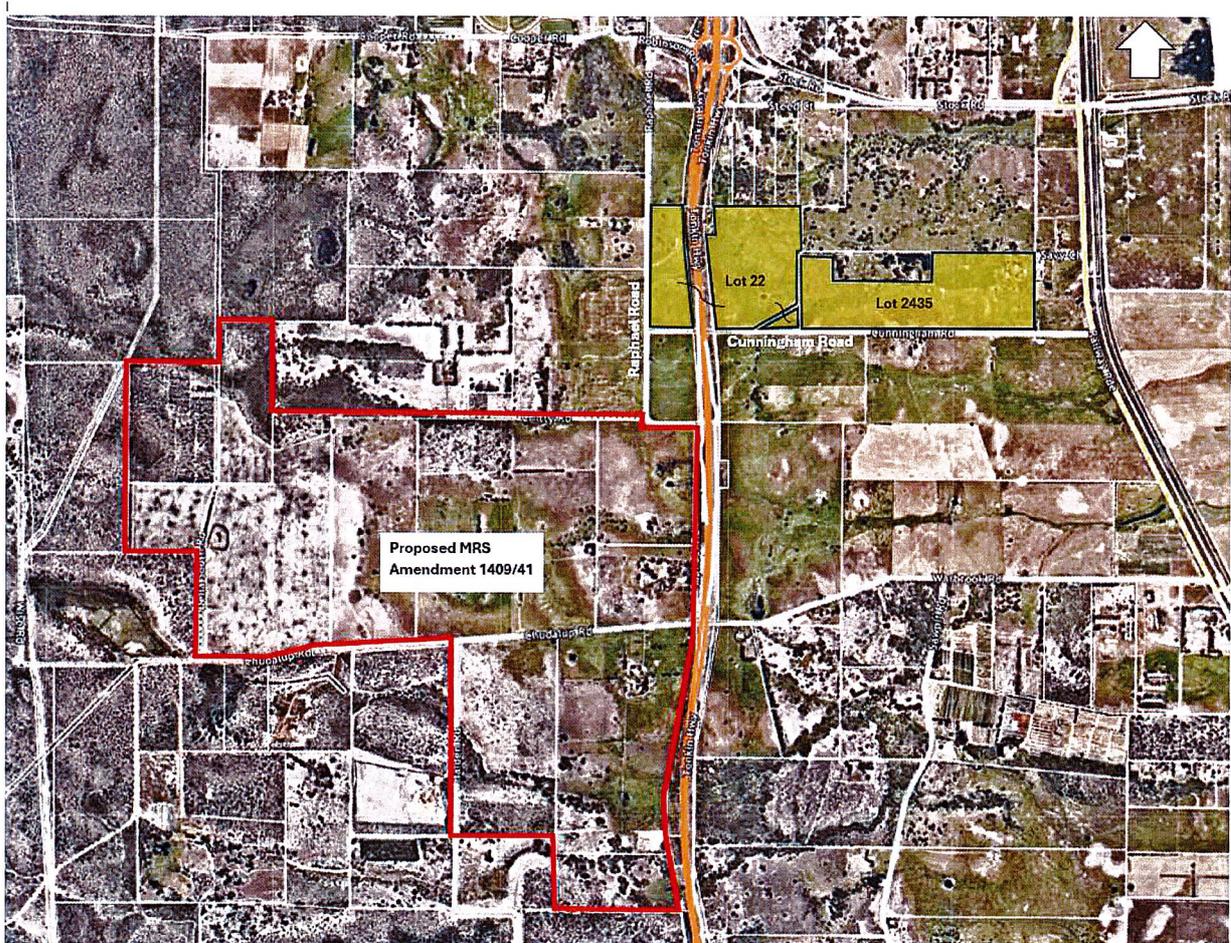
10 December 2024

Department of Planning, Lands and Heritage  
140 William Street  
PERTH WA 6000

Attention: [regionplanningschemes@dplh.wa.gov.au](mailto:regionplanningschemes@dplh.wa.gov.au)

**Submission on Metropolitan Region Scheme Amendment 1409/41 (Major Amendment) Portion of North Ellenbrook (West)**

Thank you for the opportunity to comment on the Proposed MRS Amendment 1409/41 (Major Amendment) relating to the Portion of North Ellenbrook (West).



We have reviewed the MRS amendment report posted on the DPLH's website and wish to make the following comments:

We have no objection to the MRS amendment proposal being rezoned to 'Urban Deferred' zone, subject to the following:

1. The lifting of the Urban Deferment shall be in accordance with the four (4) dot points detailed under 'Requirements to lift the Urban Deferment' in the Amendment Report.
2. Our properties are identified for Industrial Expansion under the Perth and Peel@3.5million/ North-East Sub-Regional Planning Framework and the Draft Bullsbrook Freight and Industrial Land Use Planning Strategy. We want to develop our land for Industrial purposes and will be lodging an MRS amendment proposal shortly to reflect this under the MRS.
3. We do not want urban/residential development encroaching on land near or adjoining our property. We expect land uses near our Lot 122 to fit in with the Industrial activity/development planned for Lots 122 and 2435.
4. That the Industrial buffer requirement does not become a burden for us to bear and that any industrial buffer requirement between the Industrial land uses and the sensitive residential land uses must be considered and taken into consideration as part of the MRS Amendment 1409/41.

We have no issue with the Light Industry Zone, Service Commercial Zone, or Commercial Zone near or adjoining our property.

I trust the above clarifies our position.

Yours sincerely



Department of  
**Primary Industries and  
Regional Development**

Your reference: 1409/41  
Our reference: LUP 1963 & 1064  
(A5966885)  
Enquiries: Louise Murray

Marija Bubanic, Senior Planning Support Officer  
Department of Planning, Lands and Heritage  
140 William Street, Perth WA 6000

Email: [regionplanningschemes@dplh.wa.gov.au](mailto:regionplanningschemes@dplh.wa.gov.au)

Date: 13 December 2024

Dear Sir/Madam

**PROPOSED METROPOLITAN REGION SCHEME AMENDMENT 1409/41 (MAJOR) -  
PORTION OF NORTH ELLENBROOK (WEST) - RLS/1112**

Thank you for inviting the Department of Primary Industries and Regional Development (DPIRD) to comment on the above proposal.

DPIRD previously provided comment on the Draft North Ellenbrook (West) District Structure Plan (DSP) in 2021. In summary:

- DPIRD did not object to the draft DSP, noting that the area is not considered high quality agricultural land.
- The land degradation hazards associated with the area's soils include waterlogging and inundation, wind erosion, and phosphorus export to waterways.

If you have any queries regarding the comments, please contact Louise Murray at [Louise.Murray@dpiird.wa.gov.au](mailto:Louise.Murray@dpiird.wa.gov.au).

Yours sincerely

Mr Timothy Overheu  
**Acting Director**  
**Agriculture Resource Management Assessment**  
**Sustainability and Biosecurity**

Department of Planning, Lands and Heritage  
Locked Bag 2506  
PERTH WA 6000

18 December 2024

Dear Mr Muscara,

**RE: PROPOSED MRS AMENDMENT 1409/41 NORTH-ELLENRBOOK (WEST)**

Thank you for providing the City of Swan the opportunity to comment on the above-mentioned MRS Amendment.

Council, at its meeting of **11 December 2024**, considered the amendment and resolved as follows:

1. MRS Amendment 1409/41 as advertised is supported subject to the following additional requirement to be addressed prior to lifting of Urban Deferment:  
An agreement between the funding parties (Developers, State and Federal Agencies) being entered into, to fund the total cost of a road interchange with Tonkin Highway.
2. The City does not and will not have the capacity or financial means to be in a position to undertake or accept any responsibility for a Developer Contribution Plan (DCP) for the construction/provision of any Regional Infrastructure such as the proposed Northlink Interchange.

Please find **attached** the Council Minutes from 11 December 2024.

Yours sincerely,



Leon van der Linde  
**EXECUTIVE DIRECTOR – PLANNING AND DEVELOPMENT**

Enc.

## 14.2 COMMUNITY PLANNING AND DEVELOPMENT

### 14.2.1 MRS AMENDMENT 1409/41 PORTION OF NORTH-ELLENBROOK (WEST)

Ward	Pearce Ward
Disclosure of Interest	Nil
Business Unit	Strategic Planning
Authorised Officer	Executive Director Planning and Development
Voting Requirements	Simple Majority

#### KEY ISSUES

- The Western Australian Planning Commission (**WAPC**) is seeking comment on an amendment (the **Amendment**) to the Metropolitan Region Scheme (**MRS**) which, if approved, would facilitate future residential, educational, light industrial/service commercial development and areas for Public Open Space and environmental conservation.
- The Amendment area is 393.12 ha consisting of:
  - Urban Deferred zone - 336.31 ha
  - Parks and Recreation reservation - 56.81 ha (incorporating Bush Forever Sites 298 and 399)
- The Amendment is being advertised for public comment for three months from 13 September 2024 to 13 December 2024.
- The Amendment follows approval of the North Ellenbrook (West) District Structure Plan by the WAPC on 21 November 2022.
- The majority of the subject land is proposed to be zoned Urban Deferred under the MRS with the following requirements to be addressed prior to lifting of Urban Deferment:
  - A mesoscopic transport model and subsequent transport assessment being prepared and undertaken by Main Roads WA (**MRWA**) in collaboration with the Department of Planning, Lands and Heritage and the City of Swan. The Traffic Impact Assessment (**TIA**) that accompanies the North Ellenbrook (West) District Structure Plan (**DSP**) 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.

- Consideration of the existing sand mining buffer and/or suitable transitional arrangements.
- Although these four conditions proposed to be addressed prior to lifting of the Urban Deferred Zoning in the MRS are supported, the Council’s concerns raised in its previous resolution on the North Ellenbrook West District Structure Plan, in regard to the need for a formal agreement to be put in place to secure the funded delivery of the Tonkin Highway interchange have not yet been addressed.
- With no formal agreement in place for the delivery of the Tonkin Highway interchange, which is required to facilitate the proposed development, it is necessary to emphasise this requirement yet again in the Council’s response on this proposal.

## DETAILS

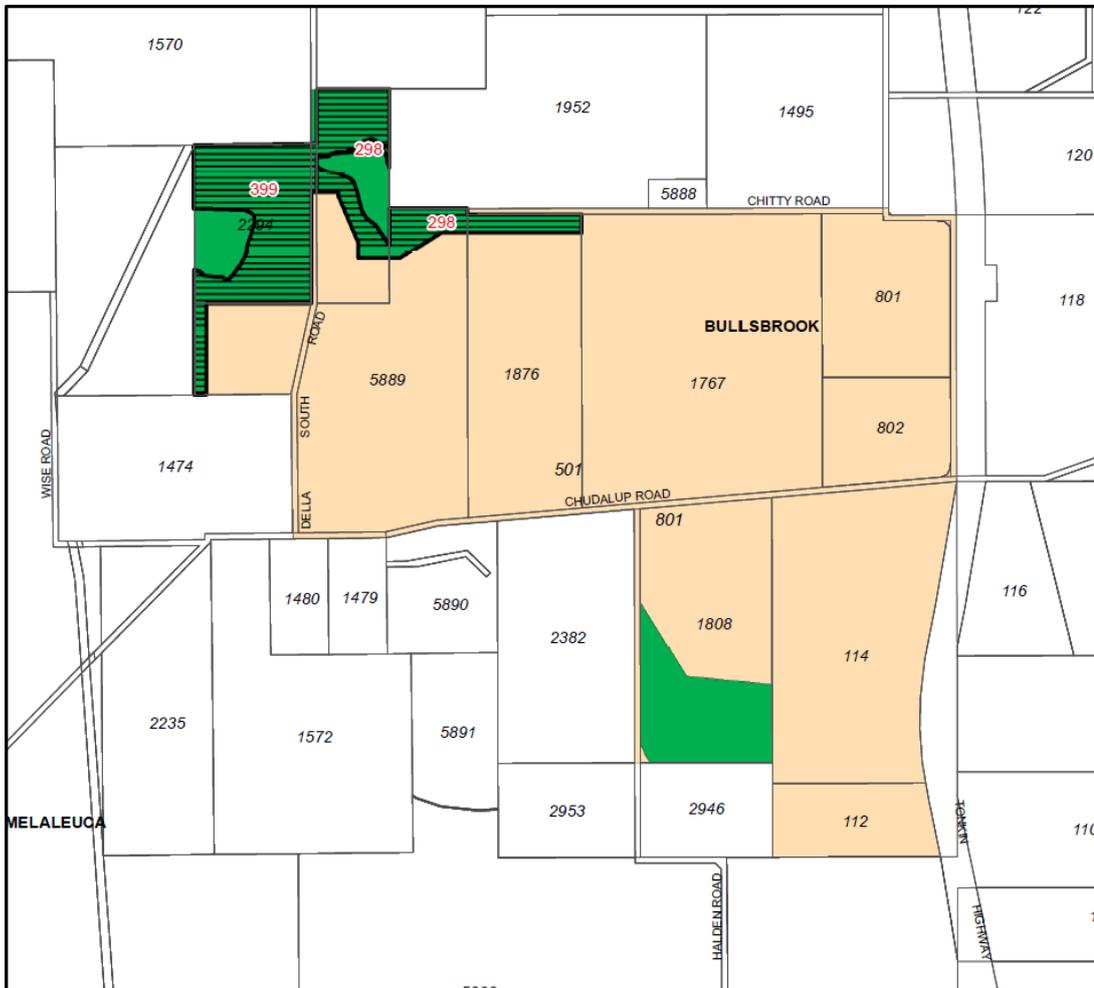
<b>Applicant:</b>	Rowe Group
<b>Owner:</b>	Multiple landowners (91% form the landowner group who prepared the North Ellenbrook (West) DSP.)
<b>Subject Land Description:</b>	30 km north-east of the Perth CBD  6.5 km north of the Ellenbrook town centre.  West of the Tonkin Highway and is generally bound by Chitty Road to the north, the Gnangara-Moore River State Forrest to the west and rural land to the south – total of 16 lots.
<b>Subject Land Area:</b>	Total 393.12 ha. <ul style="list-style-type: none"> <li>• Urban Deferred zone: 336.31 ha</li> <li>• Parks and Recreation reservation: 56.81 ha</li> </ul>
<b>Existing Land Use:</b>	Used for a range of rural land pursuits including a small number of existing dwellings and associated outbuildings.  The majority of the subject site was previously cleared of native vegetation and subdivided for rural land uses including pasture paddocks.  A silica and sand quarry operates to the south of the amendment area.
<b>Surrounding Area:</b>	Rural land, state forest (Gnangara pine plantation), extractive industries and residential further south (Ellenbrook).

## OVERVIEW OF THE PROPOSAL

The WAPC has invited the City to comment on a proposed amendment to the MRS which would facilitate future residential, educational, light industrial/commercial development and areas for Public Open Space and environmental conservation, subject to more detailed planning.

## Amendment Plan

The Amendment proposes to rezone approximately 393.12 ha in Bullsbrook from the Rural zone to Urban Deferred and Parks and Recreation reservation, incorporating Bush Forever Sites 298 and 399 – see **Figure 1**.



### Legend

-  Excluded from rural zone and included in parks and recreation reservation
-  Excluded from rural zone and included in urban deferred zone
-  Included in Bush Forever area

Figure 1: Proposed MRS Amendment Plan

## DEFINITIONS

**Bush Forever** - a classification of land in the Metropolitan Region Scheme to protect and manage regionally significant bushland in accordance with State Planning Policy 2.8 Bushland Policy for the Perth Metropolitan Area.

**Parks and recreation:** land of regional significance for ecological, recreation or landscape purposes.

Urban: areas in which a range of activities are undertaken including residential, commercial, recreational and light industry.

Urban deferred: land identified for future urban uses following the extension of urban services, the progressive development of adjacent urban areas, and resolution of any environmental and planning requirements relating to development.

## **AMENDMENT TYPE**

The WAPC has resolved to process the amendment as a 'major' amendment given its size and scale and the establishment of a new urban area.

## **BACKGROUND**

### **NORTH-EAST SUB-REGIONAL PLANNING FRAMEWORK (NESRPF)**

The spatial plans forming part of the NESRPF (see **Figure 2**, below) identify the Amendment area as both 'Urban Investigation' and 'Industrial Expansion'.

Urban Investigation: land that may be suitable for urban development but requires further investigation to determine its suitability and/or refine the area available for urban use.

Industrial Expansion: land identified for future industrial development.

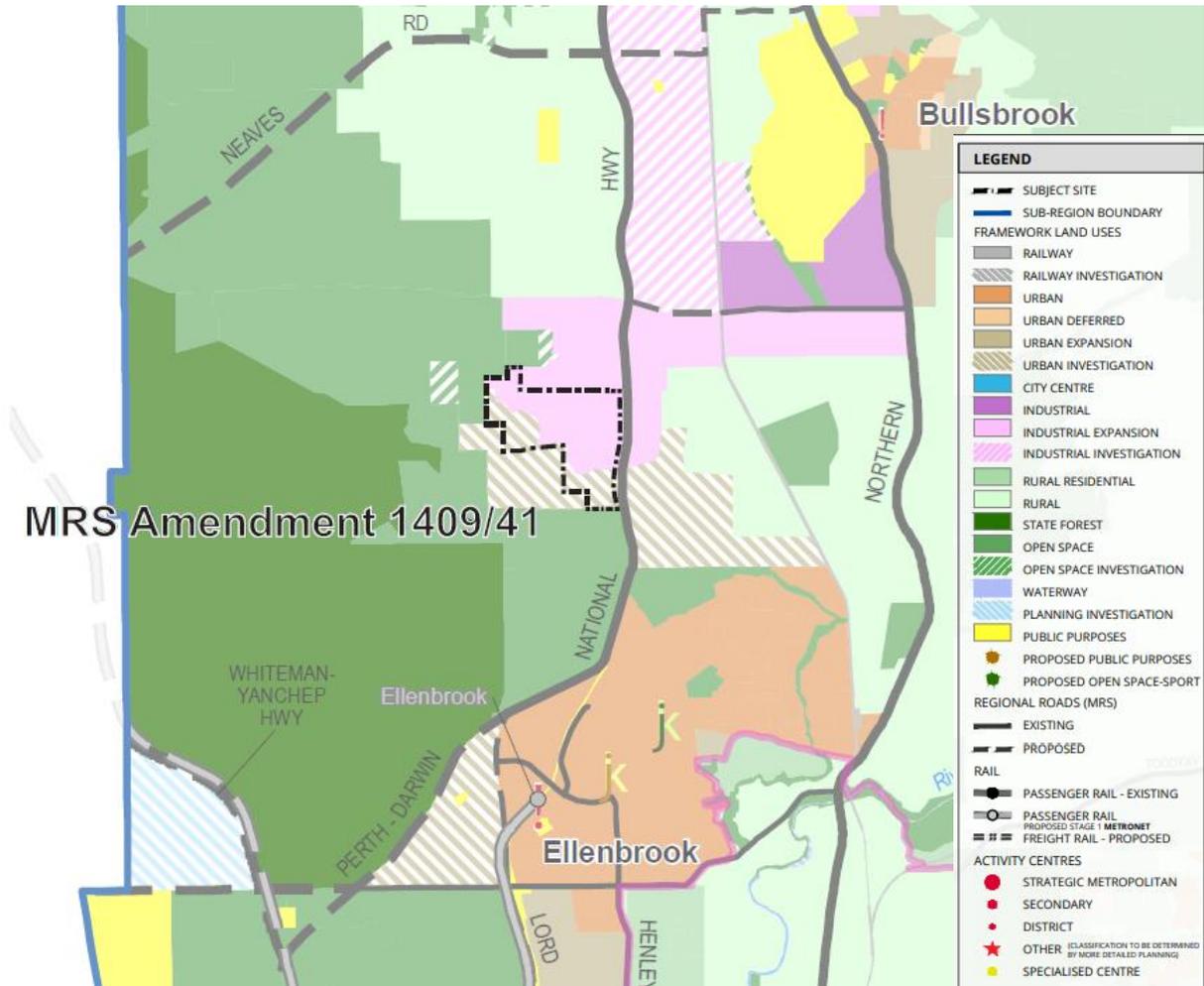


Figure 2: MRS Amendment 1409/21 superimposed on the North East Sub Regional Planning Framework

The NESRPF has identified 'Key Considerations' for both Urban Investigation and Industrial Expansion areas in North Ellenbrook, set out below.

### Urban Investigation Considerations

1. Protection of Bush Forever areas and conservation category wetlands
2. Protection of high value Carnaby's Black Cockatoo habitat and vegetation with 10-30% remaining in Perth and Peel regions
3. Protection of threatened ecological communities and flora populations
4. Offsite impacts on Western Swamp Tortoise habitat (Environmental Planning Policy - **EPP**)
5. Best practice drainage and nutrient management
6. Impacts, risks and management of Gngalara groundwater resources (existing Priority 3 Source Protection Area)
7. Pearce Airbase operations (Department of Defence)
8. Transition/interface with regional open space areas

9. Bushfire risk
10. Access to the regional road network
11. Basic raw materials – sequential land use allowing for extraction of sand resources.

#### Industrial Expansion Considerations

1. Land supply should be aligned with the timing for development of the planned Bullsbrook intermodal freight terminal
2. Best practice drainage and nutrient management
3. Protection of Bush Forever areas and conservation category wetlands
4. Protection of remnant native vegetation of a complex with less than 30% of its original Perth and Peel regions extent remaining
5. Protection of threatened flora populations
6. Offsite impacts on Western Swamp Tortoise habitat (EPP)
7. Proposed Rutland Road regional road alignment
8. Land use interface issues relating to adjacent land in Shire of Chittering (North Ellenbrook Extension only)

### **DRAFT BULLSBROOK FREIGHT AND INDUSTRIAL LAND USE PLANNING STRATEGY**

The draft Bullsbrook Freight and Industrial Land Use Planning Strategy (**BFILUPS**) covers land identified as 'Industrial Investigation' in the NESRPF.

BFILUPS provides a long-term strategic vision for future industrial development with service infrastructure and transport requirements supporting a proposed intermodal terminal in the long term.

The Amendment is located within the southern part of the draft BFILUPS (Precinct C) where large portions are identified as 'Rural', 'Light Industry' and 'Potential Inclusion in Urban Investigation' (see **Figure 3**).

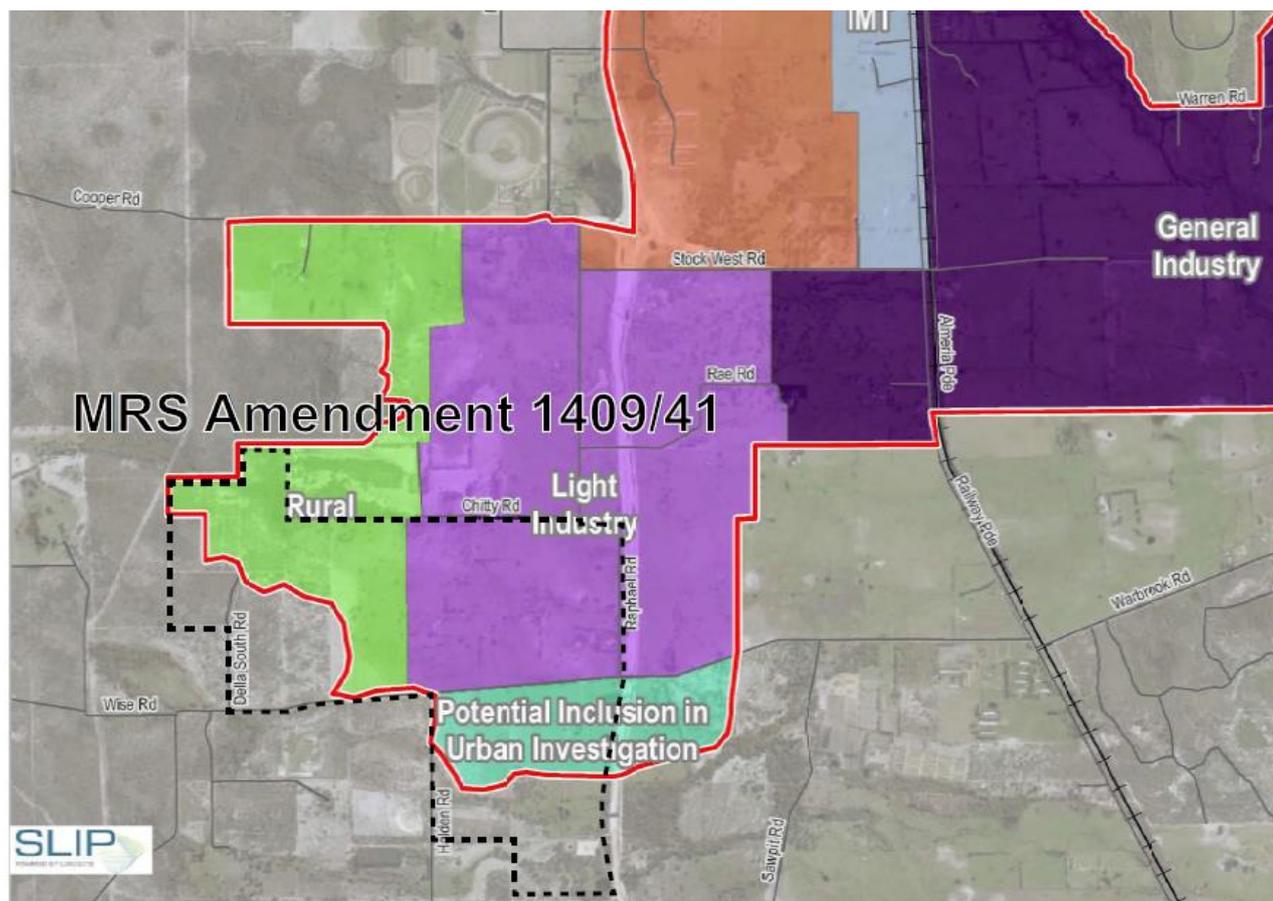


Figure 33: MRS Amendment 1409/41 outline superimposed on the Draft BFILUPS's study area

### NORTH ELLENBROOK (WEST) DISTRICT STRUCTURE PLANS

The North Ellenbrook (West) District Structure Plan (**NEWDSP**), approved by the WAPC on 21 November 2022, provides a framework for the urbanisation of land identified in the NESRPF.

The NEWDSP covers approximately 611 hectares, with some 556 hectares or 91% held by the main landowner group.

The NEWDSP will ultimately provide for an estimated 4,000 – 4,500 new dwellings, accommodating a population of 12,000 – 13,500 people and will provide for the needs of this population through the provision of District and Neighbourhood Centres, school locations and areas of open space, while responding to key environmental, heritage and hydrological features (NEWDSP, 2022).

The NEWDSP has addressed the 'Key Considerations' and refined the industrial and urban boundaries depicted in the NESRPF:

ITEM	TOTAL
Land area	611 hectares
Area Breakdown:	261 hectares
• Urban Residential	106 hectares
	60 hectares

<ul style="list-style-type: none"> <li>• Light Industrial / Service Commercial</li> <li>• Parkland / Open Space <ul style="list-style-type: none"> <li>- Parks and Recreation Reserves</li> <li>- District Open Space</li> <li>- Other Open Space</li> </ul> </li> </ul>	<p>9 hectares (co-located with linear POS)</p> <p>137 hectares</p>
<b>Dwellings</b>	4,000 – 4,500
<b>Population</b>	12,000 – 13,500
<b>Commercial Floor Space:</b>	32,000 net lettable area / ~10ha
District Centre	3,300 net lettable area / ~2ha
Neighbourhood Centre	1,200 net lettable area*
Local Centre	
<b>Employment</b>	10,800
Construction Phase Jobs	1,300
Ongoing Local Employment	
<b>High Schools</b>	1
<b>Primary Schools</b>	3*
*Subject to final demand review at Local Structure Plan stage	

Previous recommendation to the WAPC by Council

Council considered the North Ellenbrook (West) and North Ellenbrook (East) DSPs at its meeting of 9 June 2021.

Council resolved to not support these DSPs in their current form due to concerns regarding the funding, staging and connectivity of infrastructure, particularly the Tonkin Highway Interchange and changes to traffic volumes.

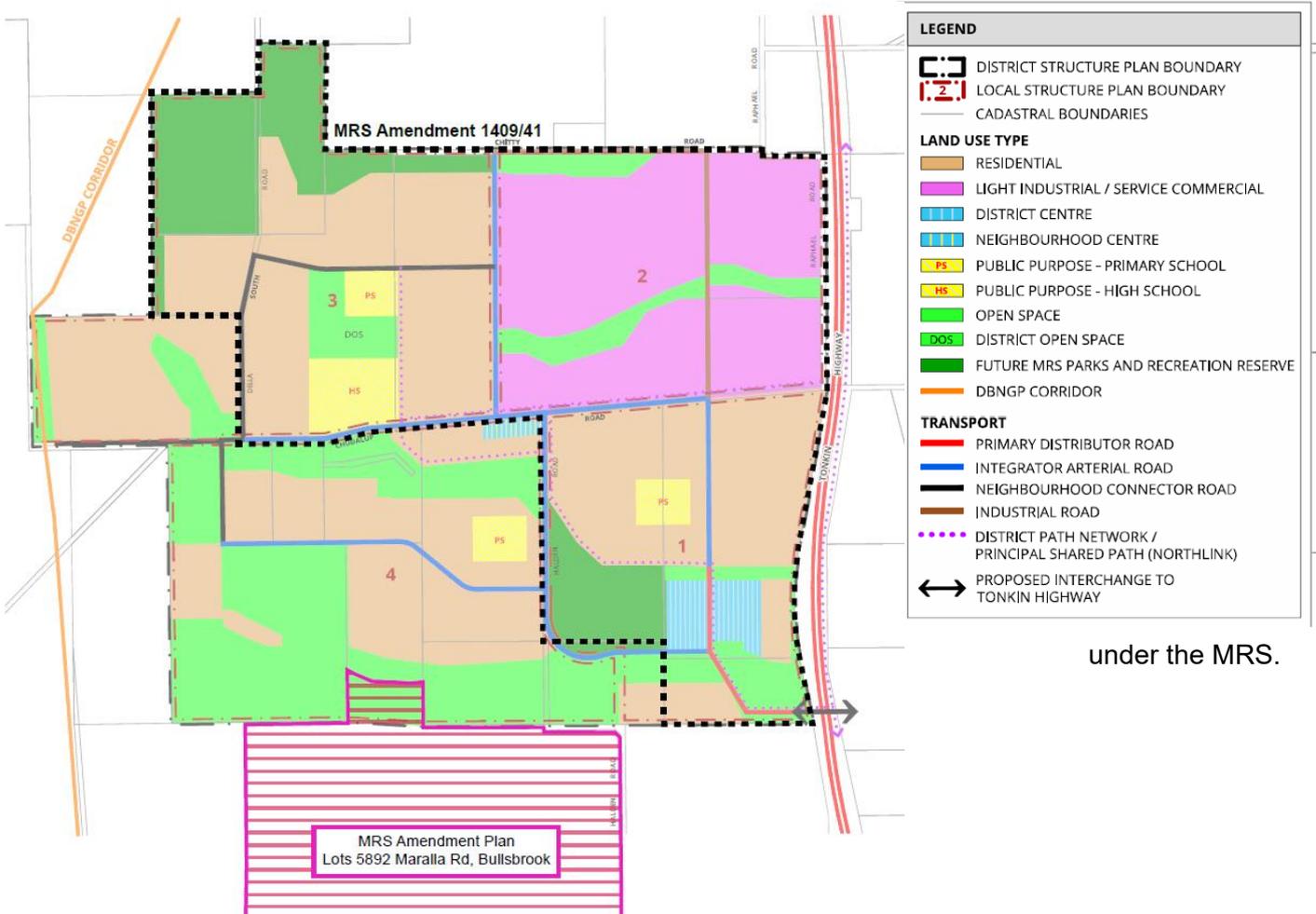
Council's resolution was as follows:

- 1) *Notify the WAPC that Council does not support the North Ellenbrook District Structure Plan (East) and the North Ellenbrook District Structure Plan (West) in their current form.*
- 2) *Notify the WAPC that should they wish to progress both or either of the proposed North Ellenbrook District Structure Plans, then Council would request the following:*

- a. An amendment to the North-East Sub-Regional Framework to “Urban Expansion” is undertaken for the relevant area prior to any further progression of the North Ellenbrook District Structure Plans.
  - b. Require significant amendments to and additional information be provided within the proposed North Ellenbrook District Structure Plan (East) and the North Ellenbrook District Structure Plan (West) as set out in attachments 1 and 2 to this report.
- 3) Notify the WAPC that the City does not, and will not have the financial means to be in a position to undertake or accept any responsibility for a Developer Contribution Plan (DCP) where the City would be required to prefund or manage the funding through such a DCP, for the construction/provision of any Regional Infrastructure such as the proposed Northlink Interchange.

**WAPC Decision**

Following Council’s initial resolution, the NEWDSP underwent various modifications prior to approval by the WAPC in November 2022. – see **Figure 4**, below . The NEWDSP now acts as the basis for rezoning



under the MRS.

Figure 4 – Subject MRS Amendment superimposed on the NEWDSP

**NORTH ELLENBROOK (WEST) DISTRICT STRUCTURE PLAN – AMENDMENT NO. 1**

Following the approval of the North Ellenbrook (West) and (East) District Structure Plans by the WAPC, Amendment 1 to the NEWDSP was prepared on behalf of the joint venture between Stockland and the owners of Lot 5892 Maralla Road. The Amendment has been prepared in accordance with the approved version of the NEWDSP

The Amendment proposed the inclusion of the whole of Lot 5892 into the DSP, representing an additional 158 ha south of the existing DSP area – see **Figure 4**, above.

#### Previous Council recommendation to the WAPC

Council considered draft Amendment 1 to the North Ellenbrook (West) DSP at its meeting of 14 February 2024 and resolved as follows:

1. *Notify the WAPC that should they be inclined to progress the proposed Amendment 1 to the North Ellenbrook District Structure Plan (West), then Council would request that:*
  - a) *The retention of identified listed Banksia Woodlands (now a listed Matter of National Environmental Significance under the EPBC Act) within the DSP area be considered by the EPA, including consideration of its referral under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), prior to the approval of the DSP amendment and/or the progression of any request for a Metropolitan Regional Scheme amendment from its current Rural delineation for this land;*
  - b) *The Tonkin Highway interchange is developed in a location that services the Amendment 1 area and that it be demonstrated through the future local structure plans that access to the site can be achieved without exceeding the limits of existing local road infrastructure.*
  - c) *Further investigation occurs in relation to the potential for a fifth primary school site within the DSP area or increasing the size of one of the existing primary school sites; and*
  - d) *In addition to a. above, significant amendments to and additional information be provided within the proposed Amended North Ellenbrook District Structure Plan (West) to address the impact of the now listed Banksia Woodlands as a Matter of National Environmental Significance under the EPBC Act on the sand mining potential within the approved Mine Tenement on site and therefore the potential of residential development of the site.*

Note that this MRS amendment does not include this Amendment 1 area but is relevant to its consideration.

#### WAPC Decision

At the time of writing, Amendment No. 1 to the NEWDSP has not been determined by the WAPC.

## **LOCAL AREA PLANS**

The Amendment sits within both the Ellenbrook and Bullsbrook Local Area Plans.

The Bullsbrook Local Area Plan was adopted by Council in July 2024.

Community consultation from residents in this area value its rural lifestyle, the natural environment and the 'community feel.'

Community priorities relevant to this amendment are:

*Priority Two: Advocate for more public transport options.*

*Priority Four: Protect the natural environment.*

*Priority Five: Facilitate and advocate for more employment opportunities.*

Consideration of these priorities is provided under 'Details', below.

## **DETAILS**

### **ENVIRONMENT**

The Amendment was referred to the Environmental Protection Authority (**EPA**) which resolved as follows:

"The EPA considers that the proposed scheme should not be assessed under Part IV Division 3 of the Environmental Protection Act 1986 (EP Act) but nevertheless provides advice and recommendations."

The EPA's advice was as follows:

"Potential Significant Effects: Implementation of the scheme may result in the clearing of native vegetation, including a priority flora species, 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.

Protection: Potential impacts may be mitigated through the proposed rezoning of areas to 'Parks and Recreation' reserve and through future planning and statutory processes. EPA advice is also provided recommending actions to protect and restore environmental values and manage and mitigate potential environmental impacts."

And

"...The EPA considers opportunities to further mitigate and manage impacts to abovementioned environmental values may become available through a future [local planning scheme] amendment process and should be adopted. Including, for example, through insertion of scheme text and/or refinement of proposed Public Open Space (POS) areas."

And

"The EPA supports the proposed reservation of 51.3 ha of the amendment area to 'Parks and Recreation' reserve... The EPA also supports the addition of a further 4.95 ha of land along Chitty Road to 'Parks and Recreation' reservation as proposed in the post-referral information provided by the

proponent. The area contains Black cockatoo habitat and its addition to the adjacent proposed 'Parks and Recreation' reservation area will support a consistent management approach across the site.

And

"The EPA concludes that the scheme amendment can be managed to meet the EPA's environmental objectives for the above factors through the scheme mechanisms, particularly the proposed retention of values within 'Parks and Recreation' reserves. The EPA notes that further impacts may be mitigated through existing and proposed planning controls and implementation of future planning processes and legislative requirements..."

Further details on this advice can be found on the WAPC Amendment Report in its Appendix A: Notice of Environmental Assessment (Refer to **Attachment 1**).

#### Previous environmental approvals

Portions of the subject land have received State (CPS 5981/2) and Federal (EPBC 2014/7120) environmental approvals for clearing native vegetation for agricultural use.

The conditions of these approvals aim to reduce the removal of Black Cockatoo foraging habitat as well as require the permit holders to acquire environmental offset properties.

### **PLANNING CONSIDERATIONS**

A summary of other key planning considerations is set out in the table, below.

<b>Subject</b>	<b>Topic</b>	<b>Assessment</b>
<b>Environment</b>	Bushfire Risk Management	A Bushfire Management Plan ( <b>BMP</b> ) has been prepared.  The Department of Fire and Emergency Services advises that the amendment can proceed, as minor modifications to the BMP can be undertaken in subsequent planning stages.
<b>Heritage</b>	Aboriginal Cultural Heritage	The amendment area partly contains registered Aboriginal Heritage Sites 3525 – Ellenbrook Tributary and 4143 (yet to be registered) and was pre-referred to South West Aboriginal Land and Sea Council ( <b>SWALSC</b> ).  No advice was received from SWALSC.
<b>Water</b>	Water Resource Management	DWER has approved a District Water Management Strategy ( <b>DWMS</b> ) for the site.
<b>Transport and Community Infrastructure</b>	Road Noise	As Tonkin Highway abuts to the east, there is the potential for noise attenuation to be required.  The proponent has acknowledged that the exact nature of these measures is to be determined at the detailed structure planning stage.
	School Sites	The NEWDSP has considered the need for education facilities and provides for 3 primary schools and a high

		school site within the amendment area (see Figure 4, <b>above</b> )
	Tonkin Highway Interchange	Matters related to the future interchange with Tonkin Highway have been discussed separately, below.
<b>Land Use</b>	Sand mining	Extractive industry operations are intended to cease prior to landholdings being developed for residential use.  The existing extraction operations are likely to provide fill, supporting development by minimising the transportation of material.

## REQUIREMENTS TO LIFT THE URBAN DEFERMENT

Should an Urban Deferred classification be applied to the land, the Amendment proposes certain conditions which must be fulfilled to 'lift' the Urban Deferment and for an Urban zone to apply:

1. A **mesoscopic transport model and subsequent transport assessment** being prepared and undertaken by MRWA in collaboration with the Department of Planning, Lands and Heritage and the City of Swan.

The TIA that accompanies the NEWDSP 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.

2. Confirmation of the location and land requirements for a **road interchange** with Tonkin Highway.
3. Agreement with the Water Corporation regarding the funding of **water and wastewater** headworks to service the site.
4. Consideration of the existing **sand mining buffer** and/or suitable transitional arrangements.

### Assessment

The four conditions above are generally consistent with the NEWDSP approved by the WAPC.

However, the Tonkin Highway interchange and future transport networks bear further discussion, set out below.

### Tonkin Highway Interchange

Delivery of the Tonkin Highway interchange must be resolved prior to development occurring within the Amendment area.

Council's resolution on the NEWDSP was that it is not in a position to fund any part of the new Tonkin Highway interchange.

Subsequent to this decision, as part of the 2022-23 State Budget, the Government allocated \$25 million, an additional \$25 million through private investment and \$50 million from Commonwealth Government towards this interchange, with delivery at the time anticipated in 2026-2028 (refer to line item 60: [Link](#)).

With Government funding of the Tonkin Highway interchange now committed, various options are being explored for the sequencing of funding such that outlay by private investment occurs in rapid succession to development to enable cost recovery.

None of these options, however, have been confirmed by agreement - leaving any funding shortfall that may occur and administration of funding arrangements unaddressed.

With this matter unresolved, but within the context of an approved District Structure Plan formally guiding the MRS amendment process, this report recommends that Council supports the Amendment subject to an additional requirement to be addressed prior to lifting of Urban Deferment. This additional requirement would be an agreement.

- An agreement between the funding parties (which does not involve funding or administrative requirements being applied to the City) being entered into to fund the total cost of a road interchange with Tonkin Highway.

## **EMPLOYMENT LAND**

There has been a progressive contraction of proposed employment (light industrial) land within the Amendment area.

As set out in the City's Draft Economic Development Strategy:

"Economic development in the City is about attracting and supporting businesses to create jobs. The wealth created by jobs allows businesses and the wider community to meet their needs and pursue their goals. Economic development is therefore closely linked to our community's health, wellbeing and sustainability..."

Land zoned for light industry/service commercial is one means of attracting and supporting businesses to create jobs necessary for wellbeing and sustainability.

The proposed Urban Deferred zone of the land does not preclude consideration of a future light industrial zone under the City's local planning scheme.

### Rail Reservation - METRONET Extension

Since the endorsement of the DSPs for North Ellenbrook East and West, advocacy for the extension of the passenger rail services through Ellenbrook to North Ellenbrook has and will be continued.

In the event that the extension of passenger rail services is likely to require land within and/or implicate the amendment area, such requirements should be appropriately reflected within the planning framework prior to subsequent planning stages.

This is aligned with community priorities identified in the Bullsbrook Local Area Plan to '*advocate for more public transport options*'.

## CONSULTATION

The WAPC has advertised the Amendment for public comment three months from 13 September 2024 to 13 December 2024.

The Department of Planning, Lands and Heritage has extended the City comment period until the following week (20 December 2024) to allow for a Council resolution at its December Meeting.

## ATTACHMENTS

1. MRS 1409-41 Amendment Report Portion of North Ellenbrook ( West) Sept 2024 [14.2.1.1 - 39 pages]
2. MRS 1409-41 Amendment Plan - Portion of North Ellenbrook ( West) [14.2.1.2 - 1 page]

## STRATEGIC IMPLICATIONS

### Built Environment

B1 Planned and facilitated growth

B1.1 Create community places to live, relax and work

## STATUTORY IMPLICATIONS

Planning and Development (Local Planning Schemes) Regulations 2015

Local Planning Scheme No.17

## FINANCIAL IMPLICATIONS

The MRS amendment proposes to facilitate future residential, light industrial/service commercial development and areas for Public Open Space and environmental conservation that will impact the cost of the City's service delivery in the longer term.

## RECOMMENDATION

That Council resolve to advise the WAPC that:

1. MRS Amendment 1409/41 as advertised is supported subject to the following additional requirement to be addressed prior to lifting of Urban Deferment:

An agreement between the funding parties (Developers, State and Federal Agencies) being entered into, to fund the total cost of a road interchange with Tonkin Highway.

2. The City does not and will not have the capacity or financial means to be in a position to undertake or accept any responsibility for a Developer Contribution Plan (DCP) for the construction/provision of any Regional Infrastructure such as the proposed Northlink Interchange.

**MOTION** that Council resolve to:

1. Advise the WAPC that MRS Amendment 1409/41 Portion of North Ellenbrook for rezoning of the land under the MRS as advertised is not supported.

**Reason for Motion (provided by Cr Catalano)**

The City does not and will not have the capacity or financial means to undertake or accept responsibility for construction/provision of any Regional Infrastructure such as proposed Northlink interchange.

No agreement has been reached between the funding parties (Developers, State and Federal Agencies) to fund the total cost of a road interchange with Northlink.

The City should not continue to support urban sprawl.

(Cr Catalano - Cr Howlett)

**MOTION WAS PUT TO THE VOTE AND LOST (5/10)**

For: Deputy Mayor Johnson, Cr Catalano, Cr Dorn, Cr Howlett and Cr Knight

Against: Mayor Richardson, Cr Aringo, Cr Bowman, Cr Henderson, Cr Jones, Cr McCullough, Cr Miles, Cr Predovnik, Cr Singh and Cr Zannino

**MOTION TO ADOPT THE OFFICER'S RECOMMENDATION**

(Cr Miles - Cr Bowman)

**MOTION WAS PUT TO THE VOTE AND CARRIED (10/5)**

**RESOLVED** that Council advise the WAPC that:

1. MRS Amendment 1409/41 as advertised is supported subject to the following additional requirement to be addressed prior to lifting of Urban Deferment:  
An agreement between the funding parties (Developers, State and Federal Agencies) being entered into, to fund the total cost of a road interchange with Tonkin Highway.
2. The City does not and will not have the capacity or financial means to be in a position to undertake or accept any responsibility for a Developer Contribution Plan (DCP) for the construction/provision of any Regional Infrastructure such as the proposed Northlink Interchange.

For: Mayor Richardson, Cr Aringo, Cr Bowman, Cr Henderson, Cr Jones, Cr McCullough, Cr Miles, Cr Predovnik, Cr Singh and Cr Zannino

Against: Deputy Mayor Johnson, Cr Catalano, Cr Dorn, Cr Howlett and Cr Knight



Government of **Western Australia**  
Department of **Health**

Your Ref: RLS/1112  
Our Ref: F-AA-90521-18 / D-AA-24/195261  
Contact: Bethany Angus 9222 2000

Ms Lainy Collisson  
Senior Planning Support Officer  
Department of Planning, Lands and Heritage  
61 Victoria Street  
BUNBURY WA 6230

Via email: [regionplanningschemes@dplh.wa.gov.au](mailto:regionplanningschemes@dplh.wa.gov.au)

Dear Ms Collisson,

**PROPOSED METROPOLITAN REGION SCHEME AMENDMENT 1409/41  
(MAJOR) – PORTION OF NORTH ELLENBROOK (WEST) – RLS/1112**

Thank you for your email dated 13 September 2024, requesting comment from the Department of Health (DoH) on the above proposal.

The DoH provides the following comment:

**1. Water Supply and Wastewater Disposal**

The DoH has no objection to the above proposal subject to connection to drinking water and sewage services provided by a licensed service provider.

Any non-drinking water (i.e., water that is not intended or suitable for drinking) must be managed to ensure it cannot be confused with or contaminate the drinking water supply. This requires satisfactory labelling of non-drinking water taps and, depending on system configuration, suitable backflow prevention arrangements in accordance with Australian/New Zealand Standards AS3500 – Plumbing and Drainage.

Sewage intended to be or recycled for beneficial purposes such as landscape and garden bed irrigation, toilet flushing or other purposes, will require prior approval from the DoH. Please refer to the DoH document 'Application process for approval of a recycling water scheme', which can be downloaded from:

[https://ww2.health.wa.gov.au/Articles/A\\_E/Application-process-for-approval-of-recycling-water-scheme](https://ww2.health.wa.gov.au/Articles/A_E/Application-process-for-approval-of-recycling-water-scheme).

**2. Medical Entomology**

The City of Swan is a member of the East Swan River Mosquito Contiguous Local Authorities Group, which undertakes an extensive program of health-driven mosquito

monitoring and management in conjunction with the DoH. Despite considerable efforts to manage mosquitoes and mosquito-borne disease in the City, there continues to be cases of Ross River virus and Barmah Forest virus disease, including around Ellenbrook.

To protect the health and lifestyle of communities, all land use planning decisions should include consideration of mosquitoes and their management. While it is well documented that mosquito-borne diseases occur in the Perth metropolitan area, the risk of exposure to mosquitoes and their diseases for future residents in Ellenbrook is not clearly defined. The DoH recommends that:

- The proponents work with the City of Swan environmental health team to determine the extent of risk from mosquitoes and mosquito-borne disease for the subject locations.
- If that risk is considered medium or high by the City, a mosquito management plan should be established and adequately funded.
- The City of Swan ensures they have sufficient resources to continue mosquito management for any future development associated with the amendment following the handover of responsibility from the developer.

### **3. Chemical Hazards**

As noted in section 2.1.2 'Contaminated Sites' of the proposed 'District Structure Plan – North Ellenbrook (West)', the subject site has experienced historical and current use for sand extraction and other agricultural activities. As such, the site may have soil or groundwater contamination from pesticide, herbicide, fertiliser or hydrocarbon use. Since the proposal seeks to rezone the subject site from 'Rural' to 'Urban', which opens the potential for sensitive land use development, the DoH recommends that thorough soil and groundwater investigations should be undertaken prior to any future development.

Further, it is important that any asbestos associated with past or future building removals is properly managed, as failure to do so may contaminate the site with asbestos fragments.

The DoH also notes that there is a sand extraction operation to the south of the subject site which has permission to process ore and is authorized to expand northwards in the direction of the subject site. The DoH recommends that the potential dust impacts from the operation, including silica, be assessed and acted upon if necessary in relation to the nearest parts of the subject site. Please also be aware that stricter management arrangements have recently been introduced in Western Australia about respirable crystalline silica dust: [Working with crystalline silica substances: Guide - WorkSafe - DEMIRS](#).

Since there are plans for some light industry and commercial areas as part of the overall development, any air emissions that may arise from them should be

sufficiently separated from sensitive uses such as residential areas and schools.  
This would include proper placement of any service stations.

Should you have any queries or require further information, please contact Bethany  
Angus on 9222 2000 or [eh.eSubmissions@health.wa.gov.au](mailto:eh.eSubmissions@health.wa.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to read 'R Theobald', with a horizontal line underneath.

Richard Theobald  
**A/EXECUTIVE DIRECTOR**  
**ENVIRONMENTAL HEALTH DIRECTORATE**

20 December 2024



Department of Biodiversity,  
Conservation and Attractions



We're working for  
Western Australia.

Your ref: RLS/1112  
Our ref: PRS 52905  
Enquiries: Jacqui Clinton  
Phone: 9442 0312  
Email: jacqui.clinton@dbca.wa.gov.au

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

**Att: Anthony Muscara**

## **PROPOSED METROPOLITAN REGION SCHEME AMENDMENT 1409/41 – PORTION OF NORTH ELLENBROOK (WEST)**

I refer to your correspondence of 13 September 2024 requesting comments on proposed Metropolitan Region Scheme (MRS) amendment over a portion of North Ellenbrook (West). The Department of Biodiversity, Conservation and Attractions' (DBCA) Parks and Wildlife Service has reviewed the amendment report and provides the following advice pursuant to responsibilities under the *Biodiversity Conservation Act 2016* (BC Act), *Conservation and Land Management Act 1984* and the *Swan and Canning Rivers Management Act 2006* (SCRM Act) and in the context of the State Planning Policy 2.10: Swan-Canning River System (SPP 2.10).

DBCA provided preliminary advice to the Department of Planning Lands and Heritage (DPLH) dated 28 March 2023, regarding the larger MRS amendment area referred to as North Ellenbrook (West). Comments provided below reflect DBCA's previous advice following consideration of the revised amendment area and report provided. As limited supporting documentation was provided with the current MRS Amendment referral, DBCA has drawn on relevant reports and information, submitted to support previous planning referrals, in providing the below advice.

### **Strategic Planning Processes**

In addition to reservation as Parks and Recreation in the MRS, the protection of significant environmental values, such as wetlands and regionally significant vegetation within regional and local open space will be facilitated by amendments City of Swan's Local Planning Scheme (LPS) and allocation of areas of conservation public open space. Surveys for conservation significant flora, fauna and vegetation and assessments of wetland values and additional hydrological information are required to inform the location of local reserves, enable an assessment of the potential impacts from development within the Urban deferred area and to prepare local structure plans. It is noted however that the area subject of the proposed Urban Deferred zone in the current amendment, is predominantly degraded and disturbed from previous rural land uses. As the significant environmental values within the Amendment area are to be retained in the Parks and Recreation reservation the requirement for the requested further surveys is reduced. Further environmental assessment will be required if additional areas of the North Ellenbrook (West) District Structure Plan (DSP) are proposed for rezoning in the future.

## Existing Environmental Approvals

It is noted that several lots within the Amendment area, namely part Lots 1808, 1876 and 5889 are subject to clearing approval in accordance with Part VI of the *Environmental Protection Act 1986* (EP Act) (CPS 5981/2) and the Commonwealth *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act) (EPBC 2014/7120). Consistent with relevant conditions of these environmental approvals, areas within the Amendment area are required to be protected and rehabilitated and these areas are therefore proposed as Parks and Recreation reservation or regional open space (ROS). The MRS amendment and subsequent planning stages should recognize the need for resolution and consideration of the future management requirements and appropriate land manager of these areas of ROS including the identification of mechanisms to cede proposed ROS areas as part of future planning.

## Threatened and Priority Flora and Ecological Communities

A comprehensive assessment of flora and vegetation has not yet been undertaken to inform the current MRS Amendment. The 'District Structure North Ellenbrook (Bullsbrook) - Environmental Assessment Report' (360 Environmental, 2021) (EAR) submitted as part of the previous MRS and DSP referrals, was informed by previous surveys undertaken by 360 Environmental in 2011 and 2019. Review of the limitations of the previous surveys in relation to survey extent, timing and methods, indicate that further detailed assessment to identify the site's flora and vegetation values is required.

As noted above however, given the majority of vegetation mapped in Good or better condition within the current amendment area is proposed to be retained in Parks and Recreation reservation, potential impacts to conservation significant flora and ecological communities are unlikely. Further survey will be required to inform MRS amendments to areas outside the current amendment and within the North Ellenbrook (West) DSP.

## Western Swamp Tortoise

The Amendment area is located approximately 2.5km from the Twin Swamps Nature Reserve which is managed by the department and contains the Critically Endangered Western Swamp Tortoise (WST) *Pseudemydura umbrina* and a number of occurrences of threatened flora and ecological communities (TEC). The WST reserves, and their supporting habitat is protected by the EPA's Environmental Protection Policy (EPP) Western Swamp Tortoise habitat protection area.

The Amendment area occupies a portion of the historic range of the WST which was historically recorded in the eastern Swan Coastal Plain between Guildford and Bullsbrook. Individuals tracked as part of monitoring of the Twin Swamps Nature Reserve population have been recorded up to one kilometre from the reserve within the surrounding rural area, in various habitat types which include farm dams and remnant wetlands. In addition, historical records have noted the presence of WST within wetlands on the periphery of the Amendment area. Given these historical records and noting the historical range of the WST, there is the possibility that WST individuals may occupy the Amendment as a relic or vagrant population.

Consideration should be given to undertake targeted surveys for WST to determine their presence within the Amendment area. It is recommended that the proponent engage with DBCA prior to undertaking targeted fauna surveys to ensure that the survey methods and timing are appropriate to locate WST occurring within the subject area. Should WST require relocation, the proponent should be made aware that there may be a requirement to apply for a section 40 Ministerial Authorisation (s40) requirement under in accordance with the BC Act.

## Threatened Black Cockatoos

It is noted that development of the Amendment area may result in the loss of habitat for threatened fauna species such as Carnaby's black cockatoo (*Zanda latirostris*) and the Forest red-tail black cockatoo (*Calyptorhynchus banksii naso*), located outside of the remnant vegetation designated for retention in the Parks and Recreation reservation and Bush Forever. A Black Cockatoo Habitat Assessment identified several vegetation types within the site as being representative of threatened black cockatoo habitat.

The cumulative impacts associated with the loss of black cockatoo habitat, including that identified in the Amendment area, is reducing the amount of habitat and the number of birds that can be supported in the region. In the respective black cockatoo recovery plans it is noted that reversal of threats (including loss of habitat) is required before significant increases in the cockatoo populations can occur. The recovery plans identify the need to protect and manage as much habitat as possible to minimise the impacts of habitat loss. Therefore, all remaining resources are significantly important to black cockatoos.

It is acknowledged that the proposed retention of bushland in P & R reservation and the reduction in the Urban Deferred area to that presented in the previous DSP and MRS Amendment, has reduced the potential impacts to black cockatoo habitat. There remain opportunities however to retain important areas of Black Cockatoo breeding, roosting and foraging habitat, such as that associated with the waterway in the northern portion of Lot 1767, within conservation local open space (LOS) in the future urban design.

## Bush Forever additions

In addition to the allocation of 56.81 hectares of P&R reservation within the amendment area, it is noted that the proposal includes a 33.48 ha addition as to the existing Bush Forever sites 298 (*Della Road South Bushland, Bullsbrook*) and 399 (*Melaleuca Park and Adjacent Bushland, Bullsbrook/Lexia*). Future planning processes should identify appropriate tenure protection mechanisms and long-term land management arrangements for these areas in addition to the preparation and implementation of relevant environmental management plans. It is acknowledged that the extension of the P & R reserve and Bush Forever sites should avoid the urban interface directly abutting the adjacent DBCA managed Gngangara-Moore River State Forest.

DBCA has identified a section of proposed Urban deferred zone extending west along the unmade section of the Chitty Road reserve. Including this road reserve in the Urban zone will bisect the existing and proposed Bush Forever site at the northern boundary of Lot 1876 Chudalup Road. This road also doesn't appear to service any existing or future residential properties. The urban corridor also encroaches the mapped wetland (UFI 15046) and bisects an intact natural non-perennial watercourse. To protect the wetland and waterway values and enable a consolidated future conservation reserve boundary, DBCA recommends that the unmade road reserve north of Lot 1876 be instead reserved for Parks and Recreation and incorporated into the addition to Bush Forever site 298.

## Kangaroo Management

Urban expansion in this area may result in the displacement of kangaroos which currently utilise the rural/ bushland habitat. DBCA notes that the current Amendment report has not identified or acknowledged the need to undertake Kangaroo management at future planning stages. Displaced kangaroos can create problems for nearby urban landowners, along major transit corridors and public open space areas, resulting in excessive grazing and safety issues particularly during summer months when food and water is scarce. Proponents are encouraged to implement early planning measures to ameliorate potential management issues and costs during later stages of development. The relocation of kangaroos post development is often challenging, expensive and can raise issues regarding animal welfare.

A Kangaroo Management Plan should be prepared and implemented early in the planning process, in consultation with the City of Swan and DBCA, to address the management of kangaroos pre-development, during construction activities and following development. The plan should include as a minimum the following:

- A baseline survey to record of the number of kangaroos in the proposed development area;
- Adaptive kangaroo management options, including the preferred management approach and alternate options;
- A community engagement, education and communication strategy, inclusive of a communications role to respond to community concerns relating to kangaroo management;
- A framework for implementation of the plan through each stage of development, for the life of the development; and
- Contingencies to suit the subsequent stages of development.

DBCA is able to provide advice on a range of management strategies that mitigate the impacts of kangaroo displacement

### **Wetlands**

The Department of Biodiversity, Conservation and Attractions Geomorphic Wetland mapping identifies the following wetlands within the MRS Amendment area:

- UFI 15045 Conservation Category Wetland;
- UFI 15046 Conservation Category Wetland;
- UFI 8538 Resource Enhancement Wetland;
- UFI 15057 Multiple Use Wetland; and
- UFI 15732 Multiple Use Wetland.

The proposed MRS Amendment does not include the REW to the south (UFI 13387) but includes the CCW to the north (UFI 15045 and 15046) within Parks and Recreation Reserve and an extension of Bush Forever sites. Multiple use wetlands ('MUWs') also exist over a large portion of the east of the site, as well as smaller portions spread out in the north, west and south-west of the amendment area. All MUWs (with the exception of UFI 8524) are proposed to be zoned Urban Deferred under this proposal.

The DSP retained the Conservation Category Wetlands ('CCWs') with a generic buffer of 50m within areas of restricted public open space (in accordance with current EPA guidelines). Final wetland definition and buffers will be determined during the local structure planning process.

Consistent with the advice provided by the Environmental Protection Authority (EPA) in relation to the wetlands within the amendment area, the EPA "supports the retention of the CCWs and REWs in 'Parks and Recreation' reserves and recommends that appropriate buffers to the wetlands are established through future planning processes, as informed by wetland assessments". In addition, as part of proposed local structure plans, wetlands to be protected should be subject of relevant wetland management plans to ensure ongoing protection of wetland values and mitigation of impacts from changes in adjacent land uses.

Consistent with water sensitive urban design principles and in accordance *Decision Process for Stormwater Management in WA* (DWER 2017), any stormwater management systems should be located outside wetlands and their buffers to minimise hydrological impacts. Any overflow of runoff towards waterways and wetlands should be via overland flow paths across vegetated surfaces. Stormwater systems that utilise wetlands for flood storage should be designed to 'Maintain pre-development surface water flow rates, runoff volumes and flood level and shallow groundwater recharge rates for receiving water bodies, unless otherwise established in an approved management strategy or plan and subject to the advice of the relevant agency.'

Ecological water requirements of receiving systems should be a primary consideration within any water management strategy and if changes in hydrology are proposed then it should be demonstrated that there will be no significant impacts to the ecology of the wetland system. Allocation of areas to accommodate alternate stormwater infrastructure may need to be considered outside wetlands and their buffers in some precincts.

### **Sawpit Gully, Ellen Brook and Swan and Canning River System**

DBCA has responsibilities under *the Swan and Canning Rivers Management Act 2006* (SCRM Act) which seeks to protect the ecological and community benefits and amenity of the Swan Canning development control area and promote and facilitate the good management of the catchment area to meet this objective. The catchment area as shown in Schedule 1 of the SCRM Act includes the land and waters contained within the MRS Amendment area. The development therefore should be consistent with the good management of the catchment.

*State Planning Policy 2.10: Swan-Canning river system* (SPP 2.10) states that "land use changes should not result in further water quality degradation but should, if possible, improve the situation." The development of North Ellenbrook West should therefore be undertaken in accordance with best management practice to ensure that water quality from future development will be appropriate prior to entering Sawpit Gully and the Ellen Brook and ultimately the Swan river.

The Swan Canning Water Quality Improvement Plan calls for a marked reduction in nutrients entering the Swan and Canning rivers. Of the 31 catchments on the Swan Coastal Plain the Ellen Brook catchment is the greatest contributor of both nitrogen and phosphorus to the Swan and Canning rivers. For the nutrient reduction targets to be met, land use within the catchment needs to be carefully managed. To be consistent with this plan, the development of North Ellenbrook West should ensure there are no new inputs of contaminants to the site and there is no change in the quantity or quality of water entering Sawpit Gully and the Ellen Brook. The area has high ground water levels and is prone to regular inundation and flooding and any changes to the predevelopment flow rates may result in the mobilisation of historical inputs and result in decreased water quality in the Ellen Brook and ultimately the Swan and Canning river system.

The MRS Amendment area omits the extent of Sawpit Gully to the west, but proposes to include a portion of Sawpit Gully within Lot 1808 which is shown as Parks and Recreation reserve. Given the extension of Sawpit Gully occurs outside of the subject amendment area, DBCA advises if the MRS amendment area determines a foreshore width, then assessments should be undertaken for the entirety of Sawpit Gully so as not to prejudice the implementation of suitable foreshore areas throughout the remaining area. Deferral of required environmental assessments to later planning stages may not ensure environmental values are afforded adequate planning protection resulting in potential issues and delays at subsequent strategic and statutory planning stages.

DBCA previously commented on the DSP, noting that the retention and revegetation of a foreshore area of at least 30 metres should be provided for Sawpit Gully along with the incorporation of best practice stormwater management strategies consistent with the Stormwater Manual for Western Australia (DoW, 2007) to assist in managing impacts to the waterway. The retention of the watercourses/drainage lines, through further on-site investigations including a biophysical assessment should be undertaken to determine the final foreshore areas and buffers.

A Foreshore Management Plan for Sawpit Gully and any adjoining watercourses should also be prepared and implemented as part of future subdivision applications.

The EPA also recommended in their advice on the MRS Amendment that future planning stages prioritise revegetation in public open space areas and landscaped and drainage areas with locally endemic species that provide foraging for species of black cockatoo. DBCA supports the

revegetation of foreshore areas of Sawpit Gully and notes that it should be assumed areas of Local Open Space adjacent to the Sawpit Gully should be rehabilitated to reflect the vegetation classification naturally occurring within the location, which DBCA anticipates should be classified as a Class A-Forest. This is to ensure that development does not impede future revegetation efforts of the foreshore reserve and that ecological values are not only being maintained but are enhanced.

### **Urban Water Management**

Stormwater management over the amendment area shall address *Corporate Policy Statement 49: Planning for Stormwater Management Affecting the Swan Canning Development Control Area*, the Department of Water and Environmental Regulation's *Stormwater Management Manual for Western Australia (2004-2007)* and *Decision Process for Stormwater Management in Western Australia (2017)* and water sensitive urban design principles.

The Amendment Report notes the District Water Management Strategy (DWMS) prepared for the amendment area was approved as part of the DSP, on the advice of the Department of Water and Environmental Regulation.

To maintain ecological stability and channel flow of the minor tributaries across the amendment area, pre-development peak flow rates, frequency of flows, and total volume runoff for the critical 1 exceedance per year (1EY) event are to be maintained for outlets from development discharging to tributaries of the river system. DBCA recommends a Local Water Management Strategy (LWMS) be prepared to address this matter across the amendment area.

### **DBCA managed land Interface**

While the current amendment no longer proposes urban development immediately abutting the adjacent DBCA managed Gnangara-Moore River State Forest, the proposed urban land use significantly increases the number of adjoining neighbours and may directly and indirectly impact the conservation values and operations undertaken within DBCA managed estate. DBCA regularly undertakes operations and management of the State forest which may impact adjacent residents such as prescribed burning and feral animal control. If the urban development is not appropriately managed it may result in an increase in rubbish dumping, weed encroachment, illegal off-road access and dieback spread. Local groundwater and surface water changes associated within urban development may also cause detrimental impacts to groundwater dependent ecosystems and Conservation Category wetlands. This is particularly evident in cases where sub-surface drainage systems are implemented.

In accordance with the Western Australian Planning Commission's State Planning Policy 3.7 *Planning in Bushfire Prone Areas (2015)* and associated guidelines, the proposed development should not place impositions or reliance upon the management of the adjoining DBCA managed estate to achieve acceptable bushfire risk. The adjacent State Forest represents a significant landscape scale bushfire threat, which presents a high fire risk to future urban developments. This risk could be exacerbated by the design of the boundary interface exposing sections of the proposed urban area to bushfire risk in multiple directions (ie. western and northern interfaces). There should be no expectation that DBCA will undertake additional mitigation or fuel reduction activities within the adjacent State forest to reduce fire risk following a change in land use to urban.

As a minimum, in addition to relevant fire mitigation setbacks, the development interface should include a perimeter road between development and conservation reserves (LOS and ROS) and areas of conservation significance, for reasons of public safety, protection of bushland and fire safety for residents.

OFFICIAL

Thank you for the opportunity to comment on the proposed MRS amendment. Please contact Jacqui Clinton at Parks and Wildlife's Swan Region office on 9442 0312 or by email at [jacqui.clinton@dbca.wa.gov.au](mailto:jacqui.clinton@dbca.wa.gov.au) if you have any queries regarding this advice.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Benson Todd', with a stylized, cursive flourish at the end.

Benson Todd  
REGIONAL MANAGER

19 December 2024