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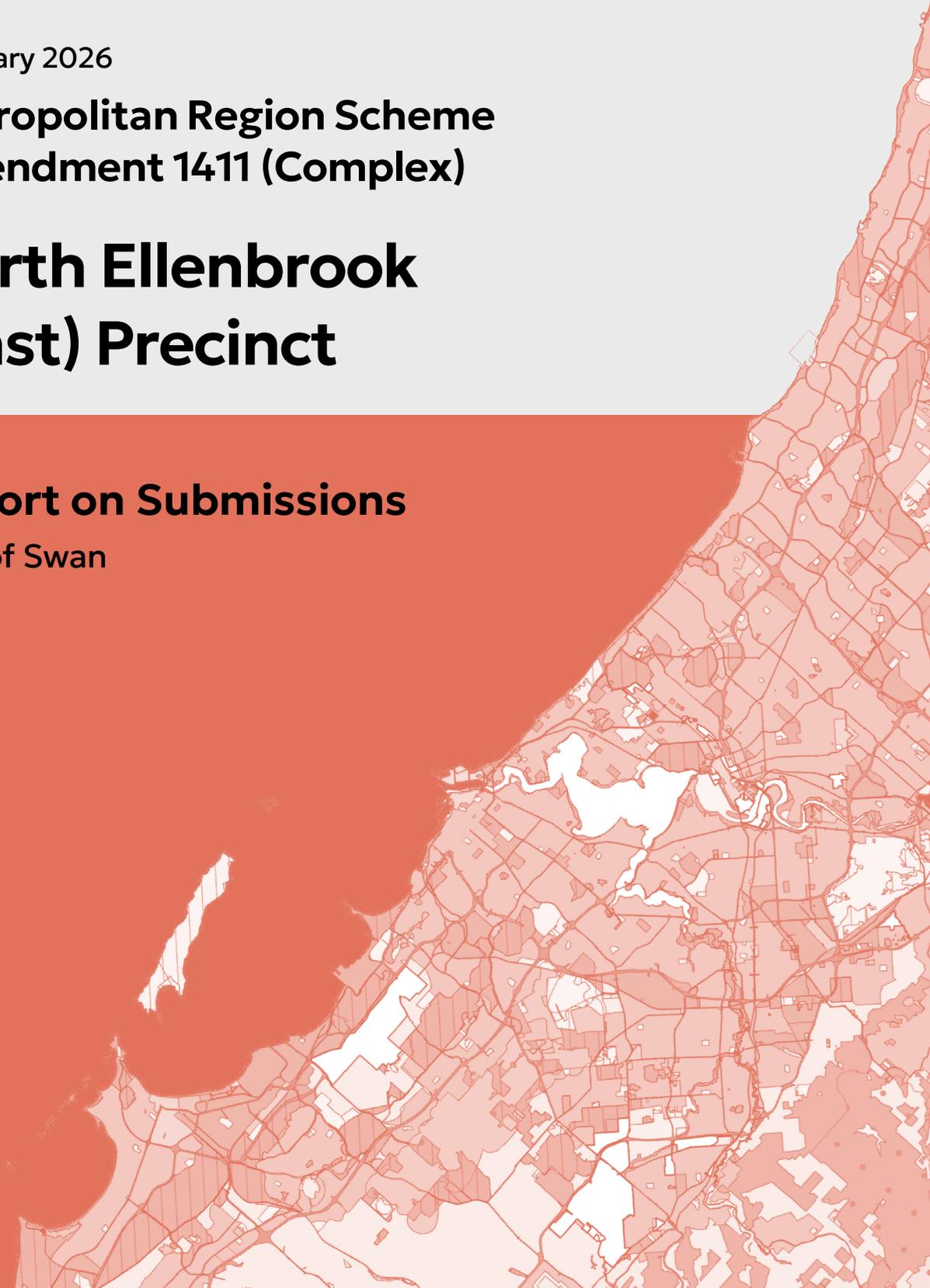
February 2026

Metropolitan Region Scheme Amendment 1411 (Complex)

North Ellenbrook (East) Precinct

Report on Submissions

City of Swan



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Report on Submissions

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Published under separate cover

Submissions

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 1411 (Complex)
Report on Submissions

File: RLS/1083

Published February 2026

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

1. Introduction

At its September 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 section 35 of the *Planning and Development Act 2005* and regulation 4 of the Planning and Development (Region Planning Schemes) Regulations 2023.

2. The proposed amendment

The amendment proposal was described in the previously published **Amendment Report**, and a description of the proposal is repeated below.

The purpose of the amendment is to transfer approximately 504.23 ha in Bullsbrook from the Rural zone to the Urban Deferred zone and Regional Open Space reservation in the MRS. The proposed amendment will primarily facilitate future residential development, school sites, district open space and areas for 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 and the City of Swan. The Traffic Impact Assessment (TIA) that accompanies the *North Ellenbrook (East) 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 on 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 poultry farm and plant nursery buffers and/or suitable transitional arrangements.

3. Environmental Protection Authority advice

On 12 December 2024, the Environmental Protection Authority (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, inland waters and social surroundings.

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

The EPA considered the modification of the amendment to remove the Tonkin Highway interchange area and notes that Main Roads Western Australia (MRWA) has received environmental approval to construct the interchange.

The EPA also noted that further consideration will be given to environmental values which are affected by the interchange, which can occur in subsequent planning stages such as the lifting of Urban Deferment or more detailed local structure planning stage.

The WAPC notes the advice of the EPA on the MRS amendment, in particular the demonstration of additional public open space in future planning stages

4. Call for submissions

The amendment was advertised for public submissions for a total of 66 days from 11 April to 16 June 2025. The amendment was made available for public inspection online at the Department of Planning, Lands and Heritage website.

During the public inspection period, notice of the amendment was published in *The West Australian* newspaper on two occasions, and the WAPC made reasonable attempts to notify and invite affected landowners, local government/s and other public authorities to comment on the amendment.

5. Submissions

Forty-three submissions (including one late submission) were received on the amendment; six submissions were of support, twenty-two were of objection and seventeen were of general comments, non-objection or no comment.

Copies of all written submissions are contained within this report.

6. Main issues raised in submissions

Environmental Considerations

Submitters advise that the environment will be negatively impacted by the proposed development.

WAPC Response: The EPA determined that the MRS Amendment is unlikely to have significant impacts on the environment and decided not to formally assess the proposal. Future planning stages, such as local structure planning and subdivision, will provide further opportunities for the consideration of impact avoidance at the more detailed design stage including the consideration of regional and local reserve buffers and significant wetland values. This includes tree retention assessments providing opportunities to retain individual trees at the subdivision stage. Additionally, future planning stages and management plans will address interface planning with Bush Forever sites, including local reserves.

Notwithstanding, it is acknowledged that further surveys are likely to be required to inform the more detailed local structure planning with further consideration of ecological corridors to be undertaken.

The North Ellenbrook (East) DSP identifies additional areas of POS and should be viewed in conjunction with the MRS amendment. The EPA provided recommendations for proposed amendments to the DSP to accommodate additional impact avoidance of environmental values within the DSP design. This included the expansion of areas proposed for local reserves to capture additional areas of fauna habitat for conservation significant species. A separate DSP Amendment (subject to public consultation) is being progressed to respond to these recommendations and will result in improved environmental outcomes and associated increase in local reserves and POS providing opportunities for further impact avoidance on identified environmental values.

It is noted that the consideration of Black Cockatoo and aquatic fauna species including the Western Swamp Tortoise were considerations in the MRS Amendment and DSP design. Implementation of the MRS Amendment with the Regional Open Space reservation areas in addition to the local reserves on the DSP map provide for the protection of environmental values.

The existing District Water Management Strategy (DWMS) and future Local Water Management Strategy/s will outline how groundwater and surface water will be managed as part of urban development to avoid impacts on existing hydrological regimes within no onsite or offsite hydrological impacts proposed.

Urban Deferred Zone

Submitters requested the be modified to propose an Urban Zone instead of an Urban Deferred zone.

WAPC Response: The WAPC does not support the modification of the amendment to an Urban zone as all lifting of Urban Deferment requirements, particularly point c), have not been satisfactorily addressed, as per the below:

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 (DPLH) and the City of Swan. The TIA that accompanies the North Ellenbrook (West) 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 DPLH to guide and inform 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 Corporations infrastructure funding model and *State Planning Policy 2.9 - 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 FY2029/30 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 km of gravity main, 4 km 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 Water 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. 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 poultry farm and plant nursery buffers and/or suitable transitional arrangements.

The North Ellenbrook (East) DSP identifies buffer impacts from nearby land uses as a matter to be addressed at the local structure planning stage, providing an appropriate mechanism to ensure it is considered in subsequent stages of the planning process.

A technical note has been prepared in support of the MRS Amendment which demonstrates that the existing plant nursery and poultry farms outside the amendment area do not present an impediment to future development. Any potential impacts can be managed through the structure plan design by locating non-sensitive land uses in areas where amenity constraints may exist.

In addition, prior to the transfer of any land from the Urban Deferred zone to the Urban zone, further consideration of surrounding land uses will be undertaken in consultation with the City of Swan and State Government agencies prior to a WAPC determination.

Lots 29 & 30 Maralla Road, Bullsbrook

A submission was received which requested that Lots 29 & 30 Maralla Road be modified to an Urban zone and concurrently zoned Residential Development in the City of Swan Local Planning Scheme No. 17 (LPS 17). The proponent advises that engineering investigations conclude that water, sewer and power capacity exists from the abutting Annie's Landing Estate to enable 450 residential lots to be development.

WAPC Response: The Water Corporation has confirmed that it can service Lots 29 & 30 with water and sewer infrastructure from the abutting Annie's Landing Estate, but only to a maximum of 280 residential lots. Therefore, agreement with the Water Corporation for water and sewerage headworks infrastructure is considered addressed.

However, the provision of power to enable residential development to proceed has not been confirmed by Western Power. Although this was not a requirement to be addressed prior to the lifting of Urban

Deferment, it is considered an essential part of rezoning any land to Urban to enable the subsequent development of the site. Therefore, given power requirements have not been confirmed (this also applies to the remainder of amendment area) no change to the Urban Deferred zoning of Lots 29 & 30 Maralla Road is proposed.

Strategic Planning Context

Submissions have advised that the proposal does not accord with the sense of place of the locality and will negatively impact on the existing amenity.

WAPC Response: The proposed amendment has been identified in the *Perth and Peel@3.5million/North-East Sub-regional Planning Framework* as partly Industrial Expansion, and partly Urban Investigation with a Medium-Long Term (2022+) staging timeframe.

In 2022, the WAPC approved the North Ellenbrook (East) District Structure Plan which provides a planning framework to guide future planning processes towards developing the land for urban purposes. Development of the DSP area will occur sequentially and coordinated by the individual local structure plans.

The DSP identifies future State and Local reserves, an internal hierarchy of higher order roads, a neighbourhood centre and land for future residential development. The DSP also coordinates access to the regional road network via a future planned interchange with Tonkin Highway.

The intent of the proposed amendment is to implement the recommendations of these endorsed strategic planning documents by zoning the site to Urban Deferred in the MRS. The actual designation of land uses occurs in the subsequent more detailed local structure planning stage which is subject to consideration by the City of Swan, State Government agencies and includes a separate public consultation period.

7. Modifications

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 492.71 ha in area. 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.

8. Responses and determinations

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

9. 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.

10. Conclusion and recommendation

This report summarises the background to Amendment 1411 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 1411 (Complex) North Ellenbrook (East) Precinct

Submission Number	Submitter
1	Department of Water and Environmental Regulation
2	Department of Health
3	Water Corporation
4	Department of Primary Industries and Regional Development
5	Main Roads Western Australia
6	Department of Energy, Mines, Industry Regulation and Safety
7	Public Transport Authority
8	Department of Education
9	Davco Holdings Pty Ltd
10	Department of Fire and Emergency Services
11	City of Swan
12	Dorothy Mulder & Ingrid Mulder
13	Edward Benfield (on behalf of the Bullsbrook Resident and Ratepayers Association)
14	Hatch (on behalf of the owners of Lots 29 & 30 Maralla Road, Bullsbrook)
15	Jan Zeck
16	Department of Transport
17	Tanika Groves
18	Peter & Cara Holschier
19	Connor Pike
20	Name removed at the request of the submitter
21	Name removed at the request of the submitter
22	Name removed at the request of the submitter
23	Name removed at the request of the submitter
24	Name removed at the request of the submitter
25	Name removed at the request of the submitter
26	Kirsty Lea
27	Name removed at the request of the submitter
28	Name removed at the request of the submitter
29	Ellen Brockman Integrated Catchment Group
30	Name removed at the request of the submitter
31	Hatch (on behalf of Satterley North Ellenbrook Pty Ltd)
32	Parcel Property
33	Lateral Planning (on behalf of the owner of 166 Halden Road, Bullsbrook)
34	Michelle Davies
35	CLE Town Planning + Design
36	Name removed at the request of the submitter
37	North Swan Land Conservation District Committee
38	Wendy Claxon
39	Urban Bushland Council Inc
40	Name removed at the request of the submitter
41	Hatch (on behalf of EEDB Property Pty Ltd)
42	Hatch (on behalf of GM Property Group)
Late Submissions	Submitter
43	Department of Biodiversity, Conservation and Attractions

Schedule 2

summary of submissions and determinations

Submission: 1 & 10

Submitter: Department of Water & Environmental Regulation and Department of Fire and Emergency Services

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. Where applicable, the proponent has been advised of the above comments.

Planning Comment: Comments noted.

Determination: Submissions noted.

Submission: 2

Submitter: Department of Health

Summary of Submission: COMMENT

The Department of Health (DoH) advises as follows:

Land Use and Amenity Considerations

The submission is in support of the proposal to rezone 504 ha from Rural to Urban Deferred and Regional Open Space to facilitate future subdivision and residential/POS redevelopment.

The site is a large area of low lying, remnant bush, ephemeral ponds and creeks, partly cleared and use as agricultural (grazing) land with associated numerous small farmhouses and outbuildings. There is a 'turf farm' on Lot 10 Maralla Road in the south of the site, large linear earthworks (Lots 12 & 13) on Sawpit Road and a small shooting range on Lot 110 to the west of Sawpit Road.

The site is surrounded by The Vines residential subdivision to the south, Tonkin Highway reserve to the west, other remnant bushland and cleared grazing land to the north and south east, a large market garden/plant nursery immediately adjacent to the east and an intensive poultry farm 700m to the east.

The site has not been classified as a C-RR, CRU, RRU as recorded on DWER's Contaminated Sites database (CS Act 2003). However, although this site does not appear on DWERs public access database, it may be subject to other important classifications not recorded on that database. The proponent should obtain a Basic Summary of Records relating to the land and its surroundings to complete their assessment of the site's suitability for a rezoning to a more sensitive land use.

The site has been used for intensive agricultural (Turf Production) and shooting range land uses which are potentially contaminating land uses as set out in DWER's 'Assessment and management of contaminated sites'. DoH advises that the storage and use of agricultural chemicals, fuels and wastes are associated with these contaminated sites, and other hazardous materials including asbestos should be safely removed from buildings prior to demolition and clearance to avoid the creation of new contaminated sites.

It is appropriate and efficient that these matters are comprehensively addressed as early as possible in the land planning process to avoid delays and additional costs later. DoH recommends that the following conditions and advice be included in DPLH advice.

Condition

- a) Prior to commencement of development works, investigation for soil, groundwater and landfill gas/vapour contamination (as required) is to be carried out to determine if remediation is required.
- b) If required, remediation, including validation of remediation, of any contamination identified shall be completed prior to completion of construction works and occupation to the satisfaction of City of Swan on advice from the Department of Health, to ensure that the site is suitable for the proposed use and poses no unacceptable risk to human health. Investigations and remediation are to be carried out in compliance with the *Contaminated Sites Act 2003* and current contaminated sites guidelines and best practice.

Advice

In relation to Condition [X] and in accordance with regulation 31(1)(c) of the *Contaminated Sites Regulations 2006*, a Mandatory Auditor's Report, prepared by an accredited Contaminated Sites Auditor, will need to be submitted to the Department of Health as evidence of compliance with Condition [X].

Planning Conditions requiring a soil and groundwater contamination risk assessment, and if required a Remediation and Validation Report should be conducted in accordance with NEP(ASC)M guidelines and supervised by an independent accredited Contaminated Sites Auditor in accordance with *Contaminated Sites Regulations 2006* reg 31(1).

Under section 13(5) of the *Contaminated Sites Act 2003*, if DoH is required to agree a classification for the site, this will be based on evidence provided by the proponent that the site is suitable for the proposed land use and the risk to public health is low.

EPA (2005) guideline 'Separation Distances between Industrial and Sensitive Land Uses' recommends that a default separation/buffer distances of 300-500m be established around market gardening land uses (and up to 1,000m for other land uses), where they may be significant noise, dust and odour impacts and risks arising.

DoH policy allows for the creation and use of a 40m wide vegetative buffer around sensitive land uses where spray drift is an issue and provides detailed

guidance of the designed and establishment of vegetative buffers for this purpose. Amenity related to public health needs to be considered during early planning stages to ensure developments do not impact negatively on the health and wellbeing of future populations living in or around the area and to mitigate possible risk to human health or safety.

Water Supply and Wastewater Disposal (SPP 2.9)

The amendment is to require that all development is subject to connection to drinking water and sewage services are provided by a licensed service provider. Future developments/subdivisions are required to connect to scheme water, reticulated sewerage and be in accordance with the *Government Sewerage Policy 2019*.

Medical Entomology

The proposal is located in an area that may be prone to mosquitoes as wetlands are in the vicinity. Despite considerable efforts to manage mosquitoes and mosquito-borne disease by the City of Swan in collaboration with DoH, 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 this area of Ellenbrook is not clearly defined. The Department recommends that:

- The proponent works with the City of Swan environmental health team to determine the extent of risk from mosquitoes and mosquito-borne disease for the location.
- If that risk is considered to be medium or high by the City, a mosquito management plan should be established for the development area 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.

Stormwater management infrastructure such as culverts, road drainage systems, etc. should be in accordance with the Department of Water publication *Stormwater Management Manual for Western Australia*, to the satisfaction of the local government.

Planning Comment:

Comments noted. Refer to Part 6 of the ***Report on Submissions***.

Contamination

Based on a review of DWER's Assessment and Management of Contaminated Sites Guidelines, the existing rural-residential land uses across most of the site are not identified as potentially contaminating land uses.

The Guidelines do identify 'market gardens', 'orchards', 'poly-tunnels' and 'plant nurseries' (which may incorporate turf farms, such as that within Lot 10) as potentially contaminating land uses, with common contaminant types

associated with these land uses listed as including heavy metals, pesticides, insecticides and hydrocarbons. The requirements for further site-specific investigations relating to potential contaminants including hazardous materials such as asbestos will be determined at the local structure planning and future subdivision stages. If determined to be required, remediation, including validation of remediation, will then be completed.

Water Supply

The requirement to provide water and sewerage services to all lots is noted. All lots will be connected to reticulated sewer and water.

Medical Entomology

It is noted that the site is within an area that may be prone to mosquitoes. Future planning and development will include consultation with the Local Government to address mosquito management requirements and, if required, future subdivision approvals may include conditions requiring a Mosquito Management Plan (or similar) and notifications on title.

Determination: Submission noted.

Submission: 3

Submitter: Water Corporation

Summary of Submission: COMMENT

The Water Corporation advises that 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). The staging and funding of these major headworks is dependent on capital funding being secured and approvals being obtained.

Funding of the required headworks infrastructure is currently not able to be considered through the Water Corporation's base Asset Investment Program for budgetary reasons. Funding could be secured through the State Government's Housing Enabling Infrastructure Fund (HEIF). The HEIF, announced by the State Government as part of the 2024-25 mid-year budget review, sets aside \$100 million per annum over the next four years to strategically invest in future Water Corporation and Western Power enabling infrastructure projects that will increase and bring forward residential development in priority locations across Perth and regional Western Australia.

The distribution of funds from the HEIF is managed through a prioritisation 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).

The Corporation supports the requirement outlined in the Amendment Report that water and wastewater servicing requirements and funding are to be satisfied prior to the lifting of Urban Deferment.

Additional Information

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).

The Corporation is 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 awaiting decision from the State Government.

Additional Information - Lots 29 & 30 Maralla Road, Bullsbrook

The Water Corporation has reviewed the additional information from the developer of Lots 29 & 30 Maralla Road in conjunction with new planning data following a number of upgrades that have taken place to the network in the last month.

The Water Corporation can accept a maximum of 280 lots into the Roxborough Catchment temporarily, until the ultimate network for North Ellenbrook (East) is constructed and implemented.

Wastewater Servicing: is contingent on the second stage of the Roxborough Road PM upgrade being complete which is planned to be funded and delivered in the FY2027 minor works program. Given the Corporation is currently pumping at 17+hours per day in winter, they

can't receive any flows from this development until this new pressure main is delivered.

The internal reticulation should be designed and the diversion constructed so flows can be diverted to the long-term pump station (Bullsbrook PS I) when it is constructed. A site will need to be allocated for this WWPS within the proposed development.

Water Servicing: requires Ellenbrook DN700 The Broadway and The Vines Tank PRV 1 & 2 which are both set to be completed by the end of 2026. Water servicing connections can be provided to the Lots 29 & 30 Maralla Road by extending the DN250 at Dal milling Drive/Dunnett Drive junction to Maralla Road and the DN200 at the Saltriver Street/Lyndhurst Street Junction to Maralla Road.

Therefore, having regard to the above the Corporation we can support a maximum of 280 lots, anything further will require the rest of the North Ellenbrook (East) infrastructure in place.

Planning Comment: Comments noted. Refer to Part 6 of the **Report on Submissions**.

Determination: Submission noted.

Submission: 4

Submitter: Department of Primary Industries & Regional Development

Summary of Submission: COMMENT

The Department of Primary Industries & Regional Development (DPIRD) raises no objections. However, notes the omission of *State Planning Policy 2.5 - Rural Planning* (SPP 2.5) from the Amendment Report, and the ongoing lack of any buffer to intensive agricultural operations in the approved *North Ellenbrook (East) District Structure Plan* (DSP), despite previous DPIRD advice.

State Planning Policy 2.5

In relation to SPP 2.5 it is relevant to the proposal as:

- the proposed rezoning area is currently zoned Rural; and
- adjacent Rural land uses include intensive agricultural operations, which is a land use that SPP 2.5 supports. Specifically, DPIRD is aware of a poultry farm at 355-357 Warbrook Road, a tree production nursery at 208 & 228 Sawpit Road and a floriculture operation at 405 Warbrook Road.

By omitting SPP 2.5 from consideration in the Amendment Report, the risk increases that the WAPC will fail to take into account the impact of a proposal on agricultural production in its decision-making. It also increases the likelihood of future land use conflict.

[Previous DPIRD comment on Draft North Ellenbrook \(East\) DSP](#)

DPIRD previously advised the WAPC of nearby intensive agricultural operations in comments provided on the Draft North Ellenbrook (East) DSP.

DPIRD's comments included a recommendation that a buffer be 'clearly identified on Lot 15 (Stage 1B)' of the DSP to ensure the future separation of residential development from the operating tree farm/nursery and poultry farm.

Notwithstanding DPIRD's advice, a buffer was not included in the DSP when it was approved by the WAPC in August 2023. The Amendment Report states that 'consideration of poultry farm and plant nursery buffers are matters to be addressed prior to the lifting of Urban Deferment', but it does not state how they will be addressed. DPIRD suggests that the correct way to address the issue, is to require a buffer to be shown on the DSP, as provided for in Clause 5.12.5 of SPP 2.5.

Planning Comment: Comments noted. Refer to Part 6 of the *Report on Submissions*.

SPP 2.5 was considered in the preparation of the MRS Amendment and the North Ellenbrook (East) DSP. The consideration of potential poultry farm and plant nursery buffers, in addition to the EPA's Guidance Statement No. 3 and the Environmental Guidelines (Edition 2) for the Australian Egg Industry is set out in a Technical Note which has been provided in support of the MRS amendment. This outlines the requirements for separation buffers for sensitive land uses consistent with the relevant state policies and guidance.

The Technical Note demonstrates that the existing plant nursery and poultry farms outside the amendment area do not present an impediment to future development, and that mitigation measures are unlikely to be required. Further, any potential impacts can be managed through the structure plan design by locating non-sensitive land uses in areas where amenity constraints may exist.

The DSP identifies this as a matter to be addressed at the local structure planning stage, providing an appropriate mechanism to ensure it is considered in subsequent stages of the planning process.

Determination: Submission noted.

Submission: 5

Submitter: Main Roads Western Australia

Summary of Submission: COMMENT

Main Roads Western Australia (MRWA) supports the MRS amendment subject to:

- Modifications being made to the proposed Regional Open Space area on Lot 110 to reflect the land required for the new interchange connection with Tonkin Highway. The land required for the new interchange should be included in the area to be zoned as Urban Deferred. The new interchange is required to support the proposed development of North Ellenbrook District Structure Plans (east and west).

It is noted that the EPA considered the Regional Open Space included in the MRS amendment (and other future open space or reserves proposed within the DSP). MRWA recommends including an equivalent area of Regional Open Space with comparable environmental values in the proposed MRS amendment.

Planning Comment: As requested by MRWA and consistent with abutting *MRS Amendment 1409/41-Portion of North Ellenbrook (West)*, the land required for the Tonkin Highway interchange is to remain in the Rural zone and will be reserved as Primary Regional Roads as part of a future MRS amendment.

Regarding the proposed Tonkin Highway North Ellenbrook Interchange impacts on the Regional Open Space reserve, MRWA has received environmental approval via an amendment to Ministerial Statement 1036 (Perth-Darwin National Highway).

Determination: Submission noted.

Submission: 6

Submitter: Department of Energy, Mines, Industry Regulation and Safety

Summary of Submission: COMMENT

The Department of Energy, Mines, Industry Regulation and Safety (DEMIRS) raises no objections and advises as follows:

- Over the SW corner of the proposal there is a 0.77% encroachment on pending E70/5144 held by Australian Silica Quartz Pty Ltd. and a:
 - 0.04% encroachment on petroleum exploration permit EP 494 held by Macallum Group Ltd.
 - The tenement holders were not contacted as the encroachment is minor and the current change to the land use will not significantly impact exploration.
- In the SW corner of the area is a proposed extractive industry licence for sand, MINEDEX site Code S0236055, Project Code J05263, proposed open pit Sawpit Rd Lot 10/Robinson. Note, no significant activity is evident from a review of historic aerial photography.
- It is noted that the amendment acknowledges the presence of Basic Raw Materials, and that consideration will be made for sequential land use allowing for extraction of sand resources.

Planning Comment: The DEMIRS advice has been noted and provided to the developer for further consideration in the subsequent more detailed local structure planning stage.

Determination: Submission noted.

Submission: 7

Submitter: Public Transport Authority

Summary of Submission: COMMENT

Public Transport Authority (PTA) is intending to seek an extension of the existing transit corridor further north which will have impact on Lot 101 Maralla Road and Lots 104 and 106. Sawpit Road

This will need to be accommodated within a future amendment to change the zoning to Urban. The local structure planning for this area will need to consider and provide for a transit corridor, station and associated interchange facilities so that this is not precluded in the future. This may accommodate for rail or buses and will be subject to future planning and a business case.

Planning Comment: The PTA's advice has been provided to the proponent for further consideration. It is noted that proposed extension of the transit corridor north of Maralla Road is a matter which can be further considered prior to the lifting of Urban Deferment and/or in the future local structure planning for the site.

Determination: Submission noted.

Submission: 8

Submitter: Department of Education

Summary of Submission: COMMENT

The Department of Education (DoE) advises that the amendment aligns with the North Ellenbrook (East) DSP and the recognition of *Operational Policy 2.4 - Planning for School Sites* (OP 2.4) is commendable. The DoE would like to advise of the following:

- There will be a public high school site within the MRS Amendment area. The DoE acknowledges that it is deemed premature to include the subject school site on the proposed MRS map at this stage. The ultimate location, size and configuration of the high school site and the four public primary school sites will be defined through subsequent local structure planning. In addition, it is expected that an omnibus amendment will be required to reserve the subject high school site as indicated in the MRS Amendment Report.
- The Report states that the size of school sites to be 4 hectare (ha) and 8 ha for primary and secondary schools respectively. To align with OP 2.4, the DoE's default position is that it will request for additional land of up to 2,500m² on every new public primary school site identified on new structure plans. In addition, it is worth noting that additional land may be further required for the establishment of other supplementary services such as education support facilities or childhood health services.

The DoE has identified the need for an Education Support facility to be established for the public high school and first built public primary school within the DSP which would result in an additional land for both educational establishments. The DoE assumes that the high school site is proposed to be shared use with an adjoining oval, otherwise it is required to be 10 ha consistent with OP 2.4.

- Accordingly, the DoE 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.'*

- 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.'*
- The title of the DSP should be North Ellenbrook (East) DSP. The DoE has no in principle objections to the proposed MRS Amendment and welcomes further discussions with the proponents to ensure the above elements are considered prior to the preparation of future local structure plans.

Planning Comment: Comments noted. The DoE's advice has been noted and provided to the developer for further consideration in the subsequent more detailed local structure planning stage.

Determination: Submission noted.

Submission: 9

Submitter: Davco Holdings Pt Ltd

Summary of Submission: OBJECTION

The submitter objects to the amendment as their land (Lot 5 Sawpit Road) has been in the Yozzi family since 1983 and they are disappointed that most of the land is reserved as POS. They request that the DPLH reconsider and spread out the POS evenly within the 504.23ha and not penalise one owner.

Planning Comment: Comments noted. The MRS Amendment proposes to reserve Regional Open Space areas consistent with the WAPC endorsed North Ellenbrook (East) DSP. The proposed Regional Open Space reserve includes Yanga complex vegetation predominantly in 'very good' condition as well as foraging, roosting and breeding habitat for Carnaby's Cockatoos. Should the amendment be finalised and the subject land is reserved as Regional Open Space then access the compensation is available from the WAPC.

It is also noted that the location and size of POS areas is considered in further detail as part of the subsequent local structure planning which is subject to a public consultation process.

Determination: Submission dismissed.

Submission: 11

Submitter: City of Swan

Summary of Submission: COMMENT

The City of Swan Council considered the amendment on 11 June 2025 and resolved to support the proposed amendment as per the officer recommendation, with the following addition of point 4:

- MRS Amendment 1411 as advertised is supported subject to deleting the fourth dot point under the Requirements to Lift the Urban Deferment and adding the following additional three Requirements to Lift the Urban Deferment:
 - a. Confirmation of the existing plant nursery buffers (unless ceased) and the need for suitable transitional arrangements.
 - b. The northern portion of the site is partly located within the recommended separation distance between sensitive land uses and existing poultry farms on Lots 20 & 21 Warbrook Road and Lot 22 Railway Road, Bullsbrook. Prior to the transfer of the affected land to the Urban zone in the MRS, the WAPC will require the demonstration that these poultry farms have permanently ceased operating, or it being determined that a reduced separation distance would be appropriate pursuant to the recommendations of *State Planning Policy 2.5 - Rural Planning* and upon the advice of the Department of Water and Environmental Regulation and the Department of Primary Industries and Regional Development.
 - c. Confirmation of road upgrading requirements to support the proposed scale of development, specifically those roads identified as integrators.

Council recommends that the entire wetland core and buffer of the Resource Enhancement Wetland located partly in the southeast of the Amendment area, and also extending onto 471 (Lot 52) and 481 (Lot 53) Railway Parade, to the north be included in the Regional Open Space reserve to allow holistic protection of the wetland.

The City does not and will not have the capacity or financial means 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.

Inform the WAPC that the City supports the EPA position on both the formalisation of the proposed expanded local reserve areas and the identification of potential additional POS areas (including on lot 8247/ 35 Sawpit Road) to be included as additional criteria for the lifting of the Urban Deferment.

Planning Comment:

Comments noted. Refer to Part 6 of the ***Report on Submissions***.

The modification of the fourth dot point is not required to be updated as the MRS Amendment includes a Technical Note assessing the plant nursery and poultry farms in proximity to the Amendment area. If required, future local structure plans can incorporate the appropriate buffers consistent with policy and guidance objectives.

Regarding the inclusion of integrator road requirements, as the internal road network including the final configuration, width and extent of integrator arterial roads will be determined following more detailed local structure planning. The

key integrator roads once defined can either remain in the Urban Deferred zone (if appropriate) or they can be reserved in a future MRS amendment process.

Resource Enhancement Wetland

While the DSP identifies these areas for retention they are not considered to meet the threshold of regionally significant Regional Open Space reservation. This Amendment also does not consider land outside the endorsed North Ellenbrook (East) DSP area. While a portion of the wetland is accommodated within the amendment and DSP area, there is no proposed change in land use outside the amendment boundary to the north (Lot 52 and 53).

Development Contribution Plan

The proponent advises that it is undertaking ongoing engagement with the City regarding the delivery of community infrastructure. All considerations with respect to DCP's will be undertaken in consultation with the City and WAPC in accordance with *State Planning Policy 3.6 - Infrastructure Contributions*.

Determination: Submission noted.

Submission: 12

Submitter: Dorothy & Ingrid Mulder

Summary of Submission: OBJECTION

The submitters oppose the amendment and advise they have been associated with this area since 1981. They have repeatedly engaged with CALM, DPAW, DBCA and DWER pertaining to the Natural Environment (Flora and Fauna) and hydrology of the area. We continue to be involved in studies including the East Gngangara Mound Spring Monitoring for DWER. In addition, we now take part in a further study by DWER with the other mound springs to monitor water levels.

There is a Birdlife registered Black Cockatoo Roost Night Roost (SWABUL005) on Lot 8247 (with recommended 500m Buffer). The same trees are also used as a Day roost. The regular use of the roost by both Endangered Carnaby's Cockatoo (*Calyptrorhynchus latirostris*) and (vulnerable) Forest redtails (*Calyptrorhynchus banksia naso*) is supported by photographic and /or video documentation since 2017. This information is consistent with information provided in our submission in 2021. (Not supporting the DSP).

They continue to monitor the use of lot 8247 by both Carnaby's and Forest redtails for foraging and roosting (day and night roosting).

Birdlife

- The cockatoo roost includes non-native trees on Lot 8247, Lot 104, Lot 10, Lot 11 and Lot 12 Sawpit Rd and they use the roost on a regular basis.
- According to Dr. Christine Groom (PhD on Carnaby's Cockatoos) night roosting trees should be at least 20 years old. (Groom et al., 2020)
- Main trees include - Lemon scented gums (*Corymbia Citriodora*), Flooded Gums (*E. grandis*) and Pinus Pinaster.

- Day roosts are also important during the hottest part of the day. Large dense shady trees including Pines, Eucalyptus and Ficus.
- These trees form part of the SWABUL005 roost and must all be retained.

According to Methods for mapping of Carnaby's cockatoo habitat By Brett Glossop, Karen Clarke, David Mitchell and Geoff Barrett Swan Region, Department of Environment and Conservation:

'A night roost can include tall trees (>8m) within 1km of the central roosting area of larger roost sites (>150 birds recorded at any given time) and within 500m of smaller roost sites (<150 birds recorded). Therefore, the night roost points were buffered to 1000 m at sites where at least 150 birds had been recorded and buffered to 500m at roost sites where fewer than 150 birds had been recorded. This produced a GIS data layer of areas or polygons that will accommodate the use by Carnaby's cockatoo of multiple trees in close proximity to the roost site, rather than any single tree.'

- Due to the cumulative impact of habitat loss in surrounding areas, all native vegetation must be protected regardless of condition.

The DSP site (North Ellenbrook (East) is an Ecologically sensitive area with complicated hydrology. The water is close to or on the surface even in mid-summer on much of the site. It is within in the Ellen Brook Catchment area and the Sawpit Gully traverses the site which forms the drainage for the area via smaller waterways flowing into the Ellenbrook. The Ellen Brook is a natural ephemeral waterway, a major tributary of the Swan River.

On the provided maps for this amendment, several smaller drains are not shown, including:

- a. Maralla creek which is on lot 30 Maralla rd. is not shown but it is a connecting waterway to Sawpit Gully under Maralla Rd.
- b. There are two bodies of water on lot 104, at least one is spring fed with a drain connecting to Sawpit Gully (shown on a historic Cadastral and topographical map). A drain emanating from that location and feeding into Sawpit gully through the property, through a culvert on Sawpit Rd and through lot 12 and 13 into Sawpit Gully.
- c. On the same map there is a spring on Lot 5 near Maralla Rd.

All waterways and inland waters must be protected to maintain connection.

Map information- Lands and surveys Western Australia, SWAN. Shire of Swan. ID BG35/5.2

Mostly to the East of Sawpit Rd the plains of the catchment are prone to inundation in the winter through either rising of the water table or waterlogging on surfaces with low permeability. Even in Summer water remains close to the surface.

- This area will require a lot (unspecified amount) of fill, even then is there a guarantee that problems with the water table will not have future effect on urban development and the environmental areas?

- The amounts of imported fill required and its potential impact on the Environmental assets in and around the DSP including the Western Swamp tortoise reserves and buffers, Maralla Road reserve The Sawpit Gully and Euph tributaries and Ellenbrook and catchment, mature/significant tree retention and hydrology.

In relation to the protection of WDEs, groundwater modelling undertaken as part of the DWMS indicates that the proposed subsoil drains will not impact the hydrology of the Twin Swamps Nature Reserve. Subsoil flows will be treated in bioretention areas or living streams prior to discharging. Where will these be located?

Hydrology to the west of the spring and altering the undulating sand dunes

- The map 3.3 Geology and landform P Cossill and Webly engineering report shows areas of peaty clay. One area on lot 10 is directly west of the spring on lot 8247.
- It is stated - 'Sections of Peaty Clay indicated within the western portion of the site may require removal or remediation prior to development.'

Removing peaty clay to the west of the mound spring with water flow from west to east will surely negatively impact the spring. Have these studies been carried out?

Acid Sulphate soils (ASS)- While much of the site shows moderate to low-risk ASS, there are areas particularly to the west of Sawpit rd. showing High to Moderate risk. The recommendation of CW report p6 is that these areas might require treatment and further testing.

Have these tests been carried out? What are the results and what is the planned approach? There are two areas with profiles consistent with water flow direction (west to east), will the remediation of these soils affect the spring?

Lot 10 is used as the turf farm. Movement of soil (sand) on or from lot 10 could negatively impact hydrology. A comprehensive analysis of chemicals used on the site should be undertaken to determine the half-life of the chemicals and contamination.

- The Ellen Brook catchment is already known for high phosphorus levels in its surface and groundwater, making it particularly vulnerable to additional nutrient inputs from Turf farms and development. It is already one of the highest contributing catchments with elevated nutrients, nitrogen and phosphorus, to the Swan-Canning estuarine system.

In the SPC Agenda, August 30, 2022, p240 DBCA Wetlands:

'The DSP and subsequent planning stages should ensure the protection of the mound spring, including appropriate hydrological studies to ensure impacts from the change in land use and associated impacts on water quality and quantity are mitigated.'

And on page 94 SPC Agenda:

'The Barnard Springs Trough and Wetland

The DBCA confirmed the presence of the CCW and requires that the draft DSP and subsequent planning stages ensure that impacts from the change in land

use and associated impacts on water quality and quantity are mitigated. The subject wetland was reclassified to CCW post-advertising of the draft DSP and modifications are required to address the matter in the form of a local reserve coinciding with the CCW. Textual modifications are also required to the Part 1 report to require that future local structure planning is to be supported by hydrological studies to inform design and preservation of environmental values such as the Barnard Springs Trough and Wetland.'

And P247/248 SPC Agenda (Aug 30, 2022)

'Modify the draft DSP in relation to Lot 8247 to reflect the CCW which has been reclassified since lodgement -refer Attachment 8. The draft DSP to outline that future local structure planning is to be supported by hydrological studies in this location to inform structure plan design and preservation of environmental values.

Modify the draft DSP in relation to Lot 8247, that do not accurately reflect the CCW. The draft DSP to outline that future local structure planning is to be supported by hydrological studies in this location to inform structure plan design and preservation of environmental values.'

Understand that there is advice from the EPA regarding a Reserve on parts of Lot 8247 and Lot 5 Sawpit Rd. When will the hydrological studies begin and how will the impacts of surrounding Urban development be mitigated?

The WAPC comment on p228 SPC Agenda meeting August 30, 2022, states *'the Fauna Bridge provided by MRWA further south connects two areas two areas that were once a continuous natural area which Tonkin Hwy bisected.'*

- The fauna that traverse west to east do not remain in the Maralla Road reserve but forage and use the subject site on a regular basis.
- There is no ecological linkage between the proposed reserves.
- Isolated islands of vegetation are not large enough to sustain the terrestrial fauna and will have a catastrophic impact on flora in retained areas of vegetation.
- It is imperative to address how fauna displacement will be mitigated. Urban development, while necessary, has often been detrimental to local ecosystems. Comprehensive strategies, including habitat restoration and wildlife corridors, must be integrated alongside hydrological studies to ensure the ecological integrity of the area.

They are not convinced that connection and balance and therefore integrity of this Amendment have been met. They continue to Enhance the Conservation and Environmental attributes of Lot 8247 and we do not support being a part of the Development.

Planning Comment:

Comments noted. Refer to Part 6 of the **Report on Submissions**.

Environmental

The occurrence of the black cockatoo roost site within Lot 8247 is noted, with the roost site to be accommodated within a local reserve in accordance with the DSP, with the extent of the reserve to be refined at future planning stages (local

structure planning and subdivision). Reserve Management Plan/s will be prepared for the proposed local reserves, which will be required to outline how the reserves will be managed to maintain existing terrestrial fauna values. Proponents of any proposed actions impacting matters of national environmental significance (MNES) such as black cockatoos will also need to consider their obligations under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Hydrology

The hydrological conditions of the DSP area have been addressed in the District Water Management Strategy (DWMS) which was informed by on-site groundwater and surface water monitoring. The ecological sensitivity of the DSP and surrounds has been addressed in the DWMS which has been endorsed by the DWER. Maralla Creek is identified in the DWMS and is shown as a surface water discharge/outlet location in the post-development stormwater management concept within the DWMS.

Groundwater modelling and eco-hydrological assessments were also undertaken to demonstrate that the proposed development and groundwater level control (subsoil drainage) approach will not have adverse impacts on Twin Swamps Nature Reserve. Exact treatment locations for subsoil drainage are a detail to be resolved at the next phase of planning and design and documented in a Local Water Management Strategy/s that will support future local structure plans.

Future works to remediate peat or clay material would be cognisant of potential impacts to hydrology and would need to be addressed in future LWMS/s, which are required to detail preliminary earthworks designs to demonstrate finished levels, surface water flow paths and groundwater level controls. Nutrients from historical/existing landuses forms part of the pre-development monitoring program that has informed the DWMS and will be continued to inform subsequent LWMS/s and Urban Water Management Plans. This monitoring program includes a monitoring bore immediately down-gradient of the turf farm on Lot 10.

Earthworks

Regarding earthworks, the design will be undertaken to avoid impact on environmentally sensitive areas and will not encroach into reserves.

Determination: Submission dismissed.

Submission: 13

Submitter: Edward Banfield (on behalf of Bullsbrook Residents & Ratepayers Association)

Summary of Submission: OBJECTION

The Bullsbrook Residents & Ratepayers Association (BRRA) opposes the amendment and advises as follows:

Inadequate environmental protections within the Amendment wording

There are three key aspects of environmental risk associated with this: hydrology, flora and fauna which are all inter-related and inter-dependent. Any development with North Ellenbrook (East) needs to be done sensitively, with rigorous environmental protections, to preserve the current hydrology which support the existing, particularly native woodland. Native woodland needs to be properly preserved, not merely subject to destruction and like-for-like replanting, which destroys fragile ecosystems. If the hydrology and flora are compromised, the fauna will be also, black cockatoo and western swamp tortoise being the 'poster fauna' but the whole ecosystem within North Ellenbrook (East) is at risk.

BRRR recommendation is that the any Amendment place binding environmental commitments on developers to protect key natural areas including strategic ecological corridors, remnant vegetation, current levels of biodiversity, natural drainage lines and wetlands. These commitments should be supported by robust hydrological assessments, spatial mapping of threatened & priority ecological habitats and regular reporting of environmental management focused key performance indicators.

Lack of recognition of lessons learned from similar large-scale developments regarding environmental degradation within the Swan Valley and the Ellen Brook catchment

There have been numerous submissions to Council regarding the significant detrimental environmental impacts, and need for remediations, of recent urban developments to the South, in particular Brabham, Henley Brook and Dayton. Without sufficient, well-defined, environmental protections, there is a risk that the same story will be repeated in North Ellenbrook (East) at significant cost to the City of Swan taxpayers.

BRRR recommendation is that any Amendment specifically lay out clear actions to mitigate the risk of repeating adverse environmental impacts acknowledged to have occurred in recent urban developments in Brabham, Henley Brook and Dayton.

Lack of evidence of an adequate plan for sufficient infrastructure investment to support the large population increase from rezoning North Ellenbrook (East) to Urban Deferred

Another lesson from the recent urban developments in Ellenbrook and the Swan Valley is the social issues arising from the lag between urban development and the provision of adequate infrastructure to support the growth in population as a result of that development. The rapid expansion of large, piecemeal, developments in the Swan Valley - Ellenbrook - Bullsbrook corridor risks exacerbating traffic congestion and overloading local amenities and ruining the very thing that developers are using to attract buyers: the beauty and the 'close to nature' lifestyle of the area North of Ellenbrook. To mitigate the risk of significant environmental degradation within the Swan Valley - Ellenbrook - Bullsbrook corridor, the current rapid expansion needs to be replaced with a more measured, considered, expansion to enable the environment and landscape values of the Swan Valley and the Ellen Brook catchment to be preserved and for there to be a, holistic, effective plan for sustainable

communities, preserving the unique characteristics of the area, instead of creating yet more, uniform, non-descript, bland, suburbs to the East of Perth.

BRRR recommendation is that any Amendment specifically state the various infrastructure improvements required to support the anticipated population increase, associated with this Amendment, and a clear timetable to deliver them.

Contradiction with the City of Swan Local Biodiversity Strategy

The stated aim of the City of Swan's Local Biodiversity Strategy (LBS) is to retain and enhance remnant vegetation; with an emphasis on conserving areas with significant ecological value, including remnant native vegetation and natural drainage lines. Based on the experience of developments to the south of Ellenbrook, there is a high risk that rezoning the North Ellenbrook area for urban development will lead to the clearing and destruction of valuable ecosystems, undermining the objectives of the LBS.

BRRR recommendation is that any Amendment specifically states the protections to be included in associated development applications to ensure adherence to the City of Swan Local Biodiversity Strategy.

In conclusion, BRRR requests that WAPC carefully consider this objection and provide more substantive environmental protections as part of any MRS rezoning.

Planning Comment: Comments noted. Refer to Part 6 of the **Report on Submissions**.

Determination: Submission dismissed.

Submission: 14

Submitter: Hatch Urban Solutions (on behalf of landowners of Lots 29 & 30 Maralla Road, Bullsbrook)

Summary of Submission: COMMENT

Hatch Urban Solutions, on behalf of the landowners of Lots 29 and 30 Maralla Road, Bullsbrook support the MRS amendment. However, requests modification to lift the Urban Deferment for the subject lots and to be zoned Urban under the MRS.

Should the modification be supported, a concurrent amendment to rezone the lots to 'Residential Development' under the City of Swan's LPS 17 will be sought.

Furthermore, a local structure plan and subdivision application for Lots 29 and 30 can be prepared and progressed alongside the finalisation of the Amendment subject to support from the WAPC.

The Amendment provides an opportune planning pathway for the short-term release of land for the development of affordable housing in the fast-growing

north-eastern metropolitan corridor. The proposed modification will facilitate the early delivery of approximately 450 affordable residential lots as shown on the Concept Plan.

The residential lots could be delivered in 2026/27 while the more complex servicing and infrastructure issues associated with the broader North Ellenbrook land holding are resolved. The support for the early release of the subject lots will remove the timely pressure associated with the cross-agency negotiation of servicing and infrastructure provision.

The submitters report presents the rationale for the proposed modification and confirms that the subject lots are suitable for development whereby planning approvals can proceed by leveraging existing infrastructure and services, with only minor extensions required and no major upgrades necessary. Moreover, the projected traffic volumes from the development can be accommodated within the existing road network through minor upgrades and targeted traffic management measures, which have been identified as necessary to address current traffic conditions.

The Concept Plan informed by site-specific investigations, addresses environmental considerations raised by the EPA and liaison following onsite meetings with the DBCA providing an outcome that protects environmental values and is capable of being managed through sequential planning stages.

This submission was supported by an Engineering Servicing Report.

Planning Comment: Comments noted. Refer to Part 6 of the **Report on Submissions**.

Determination: Submission noted.

Submission: 15

Submitter: Jan Zeck

Summary of Submission: OBJECTION

The submitter opposes the amendment and advises as follows:

This Area Is Subject To Very High Groundwater

North Ellenbrook (East) DSP DWMS notes historic average annual maximum groundwater levels (AAMGLs) range from approximately 24 to 44m AHD and groundwater flows in an easterly and south-easterly direction. The majority of the site is inundated or has very low clearance to groundwater with approximately:

- 25% of the DSP area with groundwater which is at or above natural surface level (NSL)
- 50% of the DSP area with groundwater which is between 0 and 1 m below NSL
- 25% of the DSP area with groundwater which is at a depth of greater than 1 m below NSL.

As groundwater rises due to urban development it will impact on an already extremely wet area. Groundwater levels have risen by one meter in land adjacent to Dayton in the last ten years due to urban development.

It is highly probable that groundwater levels in North Ellenbrook-East will rise a similar amount, particularly as drainage from North Ellenbrook-West, both stormwater and groundwater, flow into this area. A rise in groundwater level of this nature will highly likely result in 75% of the site experiencing groundwater at or above natural ground level.

Understanding High Groundwater Environments

'Numerous state government land developments in Western Australia already act as exciting demonstration sites for sustainable development, urban water management, energy management and resilience (Development WA, 2021a, 2021b). However, none of these have been located specifically on a high groundwater site.'

'For example, the optimal management of urban water cycles and urban development in the presence of high groundwater has received relatively little attention...'

'The Expert Panel's study found that the status quo for predicting and mitigating the impacts of high groundwater on urban development in the Swan Coastal Plain of Western Australia is not always adequate.'

Unlike the deep, free draining sands closer to the coast, the geomorphology of this site is complex with sand over clay soils along with palusplain wetlands and related waterways associated with floodplain environments. This complex geology translates into highly complex hydrology. The palusplain features and channels, along with nutrient stripping functions, store and release vast volumes of stormwater and groundwater over extended periods.

To date, models for Better Urban Water Management and best practice management strategies have been based on studies with deep sand profiles. There have been very few, if any, studies based on high groundwater sites such as those found in the southern Swan Urban Growth Corridor (SUGC) and the North Ellenbrook areas.

Managing risks

'At present, such detailed drainage and water management assessment is not available across the entirety of Perth's urban development frontier. Therefore, sites zoned for development may face significant - potentially unacceptable - water-related risks. Bringing forward water management assessments earlier in the planning process and allowing water related risks to exclude some sites from urban development could help avoid significant social, economic and environmental costs flowing from these risks.'

'Mitigating the changing surface flood risks is costly. Moreover, fill use on floodplains entails a potentially complex trade-off between mitigating groundwater and surface water flood risks.'

Areas with high groundwater in the SUCG already completed, or substantially completed, need to be assessed prior to committing to further development in high groundwater areas in North Ellenbrook.

Last year, which was a lower than average rainfall year, saw serious flooding² in this lower region with some areas continuously inundated for 5 months. It wasn't until late December that flood waters receded. For five months 236 and 248 Park St, Henley Brook were flooded. Both these properties have operating septic tanks and leach drains and have been continuously inhabited during this period. My understanding is that 248 Park St is owned by DPLH and that it is leased by the inhabitants who complained to the leasing agent but to my knowledge nothing was done to alleviate the problem. This family had two small children and the parent was reluctant to allow them outside because of the state of the property and risk to the children's health and safety.

There has also been, as noted above, a steady increase in groundwater levels in land adjacent to new urban development³. Adjacent agricultural properties located in the adjacent Swan Valley Act area and designated as Priority Agricultural Soils are being impacted by rising groundwater. The tree farm at 51 Harrow St, West Swan has already suffered losses due to trees no longer being salable and loss of stock. As the groundwater does not subside sufficiently during the dryer months, it is becoming increasingly difficult to maintain and successfully replace stock.

It would appear that these and other adverse impacts such as unintended tree deaths, algal blooms⁴, elevated mosquito populations, noxious odours and suspected unmitigated breach of acid sulphate soils⁵ are due to a number of factors related to development such as:

- flooding
- dewatering
- continuous inundation of swales and tree pits
- incomplete, poorly designed and/or poorly executed drainage infrastructure
- poor monitoring and oversight
- no mitigation plans
- no controls during construction phase
- poor understanding of water management in areas with high groundwater
- little, if any, consideration of impacts on areas surrounding development
- piecemeal approach to water management to the detriment of regional water management

Following a review of these southern areas it may be found that modification to the water management model and its implementation can sufficiently reduce risks to an acceptable level or it may be prudent to delay approval until further modelling has achieved this outcome. To continue without adequate assessment and understanding is foolhardy. The environmental risks in this area are too great to 'wing it'.

The DWMS Needs To Be Reviewed In Light Of The Drainage Management Outcomes And Practices In Southern Areas Of The SUCG

'A lack of data, information and knowledge, along with process, regulatory and capacity barriers currently prevent the urban water management sector from achieving best-practices in groundwater management.'

The DWMS for North Ellenbrook-East was prepared in 2019. This is prior to the report noted in italics which outlines numerous issues associated with urban development in high groundwater areas. To my knowledge there have not been any modifications to the DWMS.

There is so much development occurring across the LGA it is difficult keeping track of it all but there is one thing for certain, there is insufficient responsibility being taken by the City of Swan to monitor how management strategies like Water Sensitive Urban Design and best practice water management are performing in the complex geology and hydrology of land on the river plains. These strategies may have worked in theory and in deeper sands where drainage is free flowing but they are not producing the expected outcomes here.

There are a number of reasons, I believe, why these management strategies are not working to optimal levels such as:

- insufficient understanding of local geology and hydrology
- insufficient knowledge and application of knowledge, where it exists, of local climatic conditions
- poor design of management strategies such as sub soil drainage and bio-retention basins
- insufficient construction stage provisions of temporary management infrastructure
- insufficient construction stage controls and monitoring
- insufficient provision of end of drainage system infrastructure at commencement of development
- insufficient consideration of impact of development on surrounding areas
- insufficient sharing of knowledge across disciplines and incorporation of local knowledge
- too much reliance on consultants who have little knowledge of local conditions
- insufficient mitigation strategies, determination of trigger points, collection and publication of data for construction and post development stages
- insufficient independence of drainage management infrastructure from local wetlands and waterways which prevents mitigation management of the adverse impacts of chronic and/or acute events entering waterways and environmentally sensitive areas
- insufficient ongoing monitoring of water quality and quantity including groundwater levels
- removal of thousands of trees which results in significant rise in ground water levels
- insufficient collection of data and assessment of performance of water management strategies during construction and post development
- willingness of local government, government agencies, government regulators and professionals/consultants to keep rolling out management strategies with no ongoing assessment of performance

All of these contribute to the situation we are currently facing in the City of Swan, and no doubt all along the river flats below the escarpment, where we have massive tree loss through clearing and impacts of altered hydrology and climate change. The impacts and outcomes are widespread and highly significant as they contribute in no small way to the condition of our environment, health, commerce and standard of living.

There is a very real risk that without these issues being addressed we will lose many of our local and regional environmental assets, including endangered flora and fauna, waterways, wetlands and bushlands.

The loss of these will have a highly significant influence on the quality of the landscape and the lifestyle we live. They are the elements that mitigate against rising temperatures and adverse climate events, decreasing air and water quality and which moderate our health and wellbeing.

Once development has been completed and handover occurs, the local government, in this case the City of Swan, is responsible for 'making good' adverse conditions. I don't believe the City and its residents and ratepayers should be carrying the sole burden of repair and/or compensation for outcomes forced on them, to a great degree, by state decisions, policies and strategies. I do believe that the City needs to acknowledge that there are serious and significant problems with current strategies and they urgently require review and amelioration before we commit more of our valuable environmental assets to this unsustainable rollout of urban development.

The City and Councillors have over the last year received numerous emails, data, questions, statements, deputations, phone calls and offers of local tours to make them familiar with the adverse impacts of the particular style of urban development being practised in the City of Swan and its significant adverse impacts on surrounding areas.

Insufficient Elevation Differences to Obtain Fall And /Or Grade Separations for Hydraulic Infrastructure for the Majority of The Site

There is minimal fall across the site and, in association with high groundwater, drainage required for urban development is severely compromised. Minimal vertical separation between upstream and end of pipe treatment will require the site to be filled.

Extensive Quantities of Fill Are Required to Make Urban Development Possible

'Filled sites are often designed to drain internally to subsoils, but they also create a new land surface within which groundwater can mound. Due to the high permeability of sand fill, water table mounding is often established rapidly after development. The implications of this additional hydraulic head for groundwater flow and quality around developed lots are poorly understood.'

'Elevating the land surface with fill also changes the shape, nature and connectivity of surface flow pathways. Fill is routinely used where high groundwater environments occur on floodplains. In these locations, fill may reduce floodplain storage or isolate the stream channel from the floodplain. The

implications of such changes in connectivity and storage on extreme flood processes may be significant.'

Due to high groundwater and minimal falls across the site, extensive fill will be required to raise floor levels above flood levels, provide structural security to urban infrastructure and achieve required falls for drainage and sewerage.

The disassociation of waterways and wetlands due to filling for development can be problematic creating significant alteration to local hydrological regimes. Sand mining is associated with loss of Banksia Woodlands which is a further adverse impact on black cockatoo habitat and contributes to the increasing loss of this threatened ecological community and biodiversity. Sand mining resources are diminishing around Perth which will result in rising costs for the resources along with greater transport distances.

It is estimated that up to 15,000,000m³ of fill may be required to prepare the site for urban development. Issues associated with extensive fill:

- cost
- transport
- carbon footprint
- loss of Banksias
- loss of vegetation
- loss of amenity
- loss of waterways and connectedness with wetlands

Environmental Risks Are Extensive and Highly Significant

This site drains into extensive areas of highly sensitive environmental sites within and immediately adjacent to its borders.

'Undeveloped sites with high groundwater are riskier than sites with deep water tables.' *'Sites located near environmentally significant areas are higher risk.'*

- *Twin Swamps and the Ellenbrook Nature Reserve:* are the only two registered habitats for the critically endangered Western Swamp Tortoise. They are highly sensitive to changes in hydrology including water quality and quantity. These reserves are immediately downstream of creeklines that transit the site. This makes these reserves and the WST highly vulnerable to any adverse impacts eventuating within the site.
- *Bush Forever 13:* is contained wholly within the site and although it is proposed to be retained in a larger Regional Open Space reservation it will be impacted by rising groundwater. The DWMS indicates that at least two BRA are to be located within the intended reserve and adjacent areas are planned to be drained into the Northern Creek and Sawpit Gully that transits the proposed reserve.
- *Tumulus Spring:* on Lot 8247 is critically endangered and will be adversely impacted by changes to hydrology that will occur due to clearing, earthworks, filling and drainage.
- *Maralla Road Reserve (Bush Forever site 300):* contains significant Banksia Woodlands protected by the EPBC Act. Banksias are highly reactive to changes in hydrology. Dewatering in adjacent areas north of Maralla Road will highly likely adversely impact these as will rising groundwater following urbanization. Alterations in groundwater levels cannot be contained on site,

as experienced in southern SUCG areas, and impacts. In addition to these impacts will be higher volumes of discharge directed through four culverts under Maralla Road from BRAs and FSAs including Sawpit Gully located in the urban area to the north.

The DWMS also intends using the Maralla Road Reserve as a drainage channel by directing discharge from Catchment 19 into the Reserve then directing it back through a culvert into Catchment 6. A Bush Forever reserve, or any adjacent land, should not be used as an adjunct to facilitate drainage that should be managed and contained wholly within the development site.

Adverse impacts being experienced in areas adjacent to urban development areas in the southern SUGC as mentioned above are:

- Tree deaths due to dewatering
- Tree deaths due to localised inundation
- Tree deaths due to raised groundwater levels
- Suspected unmitigated breach of Acid Sulphate soils
- Inundation of septic tanks and leach drains

Considering that the proposed DWMS for this area is basically the same as that for the lower SUGC and the issues that have arisen there due to:

- insufficient understanding of local geology and hydrology
- insufficient knowledge and application of knowledge, where it exists, of local climatic conditions
- poor design of management strategies such as sub soil drainage and bio-retention basins
- insufficient construction stage provisions of temporary management infrastructure
- insufficient construction stage controls and monitoring
- insufficient provision of end of drainage system infrastructure at commencement of development
- insufficient consideration of impact of development on surrounding areas
- insufficient sharing of knowledge across disciplines and incorporation of local knowledge
- too much reliance on consultants who have little knowledge of local conditions
- insufficient mitigation strategies, determination of trigger points, collection and publication of data for construction and post development stages
- insufficient independence of drainage management infrastructure from local wetlands and waterways which prevents mitigation management of the adverse impacts of chronic and/or acute events entering waterways and environmentally sensitive areas
- insufficient ongoing monitoring of water quality and quantity including groundwater levels
- removal of thousands of trees which results in significant rise in ground water levels
- insufficient collection of data and assessment of performance of water management strategies during construction and post development

and the outcomes which have resulted, along with the high probability that more adverse outcomes are likely but have not yet come to light, it would appear that these highly sensitive environmental areas are in imminent danger of severe adverse impacts.

Poorly understood and managed rising groundwater levels due to urbanization as experienced in the southern areas would highly likely result in death of proposed remnant bushland and adversely impact native fauna reliant on this habitat in every one of these highly significant environmental places. Can this risk even be considered?

Loss of Urban Tree Canopy

Between 40,000 to 60,000 trees are estimated to exist on this site. As many as 75% will be cleared for urban development and, as the DWMS is basically the same as that used for the southern SUCG, many of the proposed retained trees and vegetation will be lost through dewatering, rising groundwater and/or inundation. Attempts to retain trees in 'tree pits' and swales have not been highly successful in areas with high groundwater.

The retention of 'potential' trees and habitat in areas with high groundwater which have been largely filled has not eventuated in southern sections of the SUCG. These developed precincts have been recorded as 0-5% tree canopy⁶ although it is closer to 1%.

Loss of Black Cockatoo Habitat

The three WA black cockatoo species are protected by the EPBC Act for a good reason, they are endangered species. The Carnaby's black cockatoo are critically endangered. The loss of habitat across the Swan Coastal Plain is already extensive and increasing at a previously unseen rate.

Since 2010 there has been widespread land clearing in the City of Swan with somewhere in the vicinity of 95,000 trees already cleared in the 1260ha SUCG south of Gnangara Road. By the time this section of the corridor has been completed that number will rise closer to 160,000 trees. Around 65% of the trees on site are highly likely to be black cockatoo habitat.

Land clearing in North Ellenbrook-East will remove around 75% of the trees currently exist on the site. The trees that are earmarked to be retained for black cockatoo habitat along with those proposed to be planted in the potential restoration area within the proposed Regional Open Space reservation are highly likely to be adversely impacted by rising groundwater associated with urban development.

Banksia Woodlands are highly susceptible to changes in groundwater. Sudden lowering during dewatering and continuous higher groundwater will severely impact survival. Without intervention to stop wholesale land clearing and start replacing habitat already lost, already diminished populations of endangered black cockatoos will not exist beyond the next few decades. Urgent action is required to turn this situation around and requires legislated protection of habitat.

Risk Of Serious and Severe Adverse Impact to Western Swamp Tortoise Reserves

4.4.4.3 Offsite impacts to existing Western Swamp Tortoise habitat through altered hydrology Specific portions of the site experience some hydrological (surface or groundwater) connectivity with Twin Swamps Nature Reserve (850 m east of the site) and Ellen Brook Nature Reserve (1.4 km southeast of the site), which support the only two known wild populations of the WST species. Potential offsite impacts to WST habitat are related to hydrological considerations and as such, have been considered in the context of the Inland Waters factor, discussed in Section 4.5.5.4. In summary, potential offsite impacts to WST habitat as a result of implementing the proposed DSP can be suitably mitigated such that no significant impact to WST will occur.

It is acknowledged that surface water is unlikely to impact Twin Swamps as creeklines travel to the south of the reserve but there is a real risk that adverse impacts may occur due to groundwater because the reserve is down gradient to the site. A rise in groundwater is highly probable as this site is already extremely wet and in light of experience in the southern SUGC. If this scenario does eventuate, there is a real risk that the wetlands within the Twin Swamps reserve would be wetter for longer which would have a serious and severe impact on the Western Swamp Tortoise.

Dewatering may have the potential to impact Twin Swamps as it is down gradient of the site. It may be a minimal risk due to the separation distance involved but this may increase depending on when dewatering occurs, duration of operation, groundwater levels at the time and how much rainfall has been received or will be received post dewatering.

A potential phenomenon which requires investigation is the capture of groundwater via subsoil drainage and its redirection within the surface water management system to another area. This may have a long-term adverse impact if it robs groundwater from water sensitive environments.

Risk of Similar Situation to the Spearwood Sewage Spill

The recent sewerage spill in Spearwood is a problem because of the risks it raises for newly developed areas in the City of Swan. In new urban development areas Water Corporation is usually well behind the development in providing urban infrastructure.

For the last 20 years, raw sewage has been transferred to trucks and transported to a treatment plant from Aveley.

Sewage is being pumped out of sewerage pipes from a manhole in the middle of Brooklands, Henley Brook, because no connection has yet been made to the main sewer line. My concern is that the majority of parks, or Public Open Space, in new areas are used for storm and ground water drainage. Many of them drain into wetlands and creeklines with drainage infrastructure actually located in creeklines.

If a situation like Spearwood eventuates in North Ellenbrook East, raw sewage would go straight into the Western Swamp Tortoise reserves with minimal or no

provisions to prevent this from happening. This would be catastrophic for the Western Swamp Tortoise.

Insufficient Ecological Linkages Between Wetlands and Bush Forever Sites

Numerous Commonwealth, State and City of Swan legislative and non-legislative planning instruments require ecological linkages to be included in the planning of new urban areas. These are routinely ignored leading to fragmentation and loss of biodiversity.

There is no connection between Bush Forever 13 and bushland to the west. There is no connection between the wetland UFI 12283 and the endangered *Grevillea curviloba* subsp. *curviloba* to other bushland areas. There is no connection between the critically endangered Tumulus Spring UFI 9185 and any other remnant bushland on the site nor any connection to the Maralla Road Reserve (Bush Forever 300 site).

These deficiencies need to be rectified.

Incorporation Of Drainage In Waterways And Wetlands Does Not Allow For Problems To Be Dealt With Before They Enter Waterways, Wetlands And Environmentally Sensitive Areas

The incorporation of drainage infrastructure is of serious concern. The attitude that a degraded creek is of no value and can be used to host drainage measures is short sighted and facilitates piecemeal planning. When seen in the regional context they are connectors between areas and interconnected with areas that more often than not are of significant environmental importance. The rehabilitation of creeks would be of greater value to the environment as ecological corridors.

When seen in a regional context it is much easier to understand the importance of creeks and waterways because they transport surface waters into wetlands, remnant bushland and other waterways that may be many kilometres away. The quality and quantity of discharge into these creeks results in it being dispersed over large distances and often into environmentally significant features.

Locating BRAs and FSAs in creek lines and waterways does not allow any spatial dimension to treat contaminants that may originate on the site before entering the waterways. This is of particular importance during the construction phase as the practice in the southern SUGC appears to be simply to direct any and all discharge straight into the creeks and drain prior to drainage infrastructure being operational. I have not seen nor do I have knowledge of any temporary BRAs within the southern SUGC and only the occasional temporary FSA. Unless there is proper control of material being transported off site there is the potential to adversely impact areas offsite.

The Mitigating Actions Proposed In The Additional Information Provided By The WAPC Are Insufficient - While Commendable, Go Nowhere Near Enough To Provide Habitat For The Black Cockatoos Or Increasing Tree Canopy

The additional considerations provided by the WAPC to mitigate against loss of habitat and environmental concessions, when seen in the light of development that has occurred in the southern SUGC, is no concession at all. The only binding

agreement is the inclusion of the 61.07ha in a 'Parks and Recreation' reserve. All others are reliant on the whim of the developer. With conditional language like 'could be' and 'may include' there is no real commitment to include these 'concessions'.

As has happened so many times, initial proposals get changed and lost as development progresses, trees die during the process of development, amendments are made and features are sacrificed. Of the '600 trees retained' claim by Mirvac in Brooklands, Henley Brook, how many actually survived development and of those, how many will still be alive in 2 years or 10 years' time?

The initial LSP for Brooklands indicated a small park along Park St, POS 15, in which the last small stand of Banksias was located. Only 0.66ha but the only patch which remained in the Brooklands precinct. Somewhere between LSP 1 and the LSP as amended in 2024, POS 15 and the retained Banksias has been lost without a word of explanation.

Seven Eucalyptus tottiana and two Corymbia calophylla intended to be retained within POS 1 in Brabham Stage 3 have already died due to drainage from Brabham Stage 1 being released directly onto the Brabham Stage 3 site instead of being managed appropriately⁸. These mature trees died due to localised inundation.

Mature trees along Everglades Avenue and Youle-Dean Road which were contained in a roadside 'swale' because the surrounding ground level had to be raised by 1.5 to 2m to facilitate development. More than half have already died and more are dying. These were over 40 years old and not regarded important enough to ensure their survival.

As described in many sections of this submission, high groundwater makes retention of existing trees and remnant bushland extremely difficult because of the need to fill the land to create a new ground level above high water mark and the inevitable rise in groundwater level due to urban development which results in retained vegetation being drowned.

The concessions provided by the WAPC do not go far enough to ensure its offerings become a reality.

It is a measure of the credibility, integrity, and professionalism of the EPA and WAPC that both bodies have provided and endorsed this proposal and advice without any knowledge or assessment of the reality on the ground. The indifference of both bodies for the care of the environment is shameful. It is even more shameful that people with firsthand knowledge of and expertise in issues associated with water management in areas with high groundwater sit on bodies such as the WAPC in silence.

Cumulative Impacts Have Not Been Considered

Cumulative Impacts associated with high groundwater and drainage

'Finally, regional water assessments are needed to improve our understanding of cumulative impacts of development on sensitive environments and flood risk in urbanised areas of the floodplain. As Perth encroaches on high groundwater regions, the findings of these assessments should be incorporated into land zoning and planning processes to limit some of the risks currently assumed by land owners and LGAs.'

'Risks can also be hydraulic, and could be associated with cumulative impacts of development, or with cumulative risks. For example, areas of high groundwater that are also located on floodplains would face the risk of both surface water and groundwater flooding and consequently would require a high standard of investigation and design.'

'Therefore, although some guidance is available, there is no planning mechanism routinely followed to formally assess and mitigate the cumulative impacts of fill use (DoW, 2008).'

'Examples can be found in the Perth area where wetlands or remnant bushland are encircled by developments with raised land surfaces (Figure 4). It is difficult to accept that this can occur without a cumulative adverse impact on groundwater processes in the encircled area. However, only anecdotal information describes wetlands' responses to the cumulative impacts of urbanisation in many locations. Local urban water management plans and associated detailed modelling are typically required only at the level of subdivision planning (WAPC, 2008).'

'Eutrophication in the lake is primarily driven by groundwater inflows and became problematic approximately 15-20 years following urbanisation of the surrounding area.'

Groundwater and stormwater from North Ellenbrook (West) which covers 737ha flows into North Ellenbrook (East). This is a substantial area with its own complexities. Water management strategies are required to manage stormwater and groundwater within the precinct along with the stormwater and ground water emanating from North Ellenbrook-West.

Other Cumulative Impacts

Extensive areas of black cockatoo habitat have been lost across the Swan Coastal Plain due to clearing for urban development. The loss of trees on the North Ellenbrook-East and West sites, estimated to be close to 70,000, due to clearing and the development process will significantly contribute to substantial loss of black cockatoo habitat, biodiversity and urban tree canopy. In all, there could be up to 250,000 trees lost in the SUGC alone. As these are not the only areas being cleared for housing that figure could rise higher.

Banksia Woodlands are routinely lost due to fragmentation where minimal areas are retained. To meet TEC thresholds. they must be of sufficient quality and size. This often leads to small patches and those that do not qualify because of standard of condition being cleared instead of rehabilitated.

The cumulative impact of loss of habitat due to all these factors, death by a thousand cuts, on the black cockatoos is unforgivable. The rate of loss is eye-watering. Developers, government agencies, regulatory bodies and local government have to do better than this. The pretence at complying with regulations to support black cockatoos and the environment has to stop, and real actions must be undertaken right now.

This Is Not Sustainable Development

The Use Of Extensive Fill

'Sourcing fill has environmental impacts. Fill comes from sand quarries, which typically require clearing of vegetation. Quarrying operations and haulage to development sites impose both carbon costs and the other disturbances such as noise, traffic, and wear and tear on roads. We are not aware of dedicated studies that quantify these impacts, but they would all scale directly with the quantity of fill required at a development site.'

'At the development site itself, a broad range of under-studied environmental impacts follow from extensive fill use. In the developed landscape, the variation of the land surface does not follow any geomorphic logic but is discontinuous and incongruous across the boundaries of separate developments. These so-called 'Frankenstein' landscapes (e.g. Figure 1) substantially reduce visual and physical amenity, and at times impose privacy and erosion concerns - e.g. where large grade separations occur between neighbouring developments. The use of fill also contributes to the loss of tree cover (Brunner & Cozens, 2013), as trees growing in the natural land surface cannot be retained if the surrounding land surface must be substantially raised.'

Economic Impacts and Affordable Housing

'LGAs are exposed to significant risk where groundwater management fails.'
'Resolving such problems is often expensive (see examples in Figure 3), and generally falls on homeowners or LGAs. Because LGAs are responsible for approving local urban stormwater management plans, they often require that development plans use a certain depth of fill.'

'From an economic standpoint, the excessive use of fill creates an unnecessary and disproportionate impact on house prices. On average, the cost of fill in Perth is approximately A\$30/m³ and rising. Importing clean fill can consequently represent up to 30% of on-lot development costs, which are typically passed on to home buyers.'

'In Perth, construction norms are predicated on a relatively deep groundwater level, overlain by sandy soil, allowing the use of thin slab foundations supporting double brick exteriors and tile roofs, with a flat grassy backyard. This ubiquitous design is not resilient to shallow groundwater flooding. The consequences of high groundwater within urban lots are therefore expensive for both homeowners and LGAs responsible for damaged assets.'

'This kind of 'remedial' use of alternative technologies can be costly, especially in areas with high nutrient content in the groundwater. However, these measures

may be considerably more cost-effective if designed upfront and integrated into the overall development strategy for subdivisions.'

Based on estimated fill required for the site and the cost as noted above, the supply of fill could be around half a billion dollars. This undermines the potential to supply affordable housing to the market.

Whole Picture Planning

'Local water management strategies are currently initiated at this local structure planning stage. This is problematic for several reasons. Firstly, the scale is often too small to address regional water issues such as floodplain function or cumulative impacts of the use of fill. Thus, it promotes a piecemeal approach to water management, when water management in many sites includes extensive regional components. Secondly, there has often been significant investment in potential development sites before the necessary and appropriate urban water management plans are considered. If 'deal breaker' issues are identified relating to water at this stage, developers are placed in a difficult situation due to sunk costs and hard-to-manage environmental risks. If these risks are not adequately managed, problems tend to arise post-development, exposing LGAs to liability.'

Impacts on Environment

Potential to lose the majority of remnant and other vegetation on site due to water management and construction methods along with the risk of severe adverse impacts affecting surrounding areas, the majority of which are of high environmental significance.

Loss of Identity

'The use of fill has enabled the ongoing use of construction and design techniques that are increasingly poorly aligned with local site characteristics.'

To realise a sense of place, firstly the place any alteration has to enhance it and at the very least have no net loss of amenity. Filling the site with 2 to 3 metres of fill does the complete opposite.

Remedial Costs

Numerous references are made in the document 'When urban stormwater meets high groundwater - Parts 1 & 2, Thompson S, Shanafield M., Manero A., Claydon G. (2021) Water e-Journal Vol 6 No1' to adverse outcomes to both buildings and urban infrastructure that can eventuate due to high groundwater. The cost of repair generally falls on the local government authority and ratepayers. There is no equity in this scenario. Sustainable development requires the incorporation of the following:

- solar orientation & opportunities for passive solar design
- orientation to cooling breezes
- space between buildings for breezes
- shade and cooling influence of vegetation
- insufficient space on lots for vegetation/trees
- no restrictions on astro turf, use of dark heat absorbing colours of finishes
- everyone needs to travel
- cost of materials

- minimal public transport opportunities - need to be EW as well as NS and radial centered on CBD public transport needs to be included early so patterns of use established
- access to parks, shops and employment
- ecological linkages to parks
- species planted
- cost of urban infrastructure increases with expansion of city footprint
- maintenance cost is even higher

Style of urban development of new suburbs like Brabham result in extremely low (reported as 0-5% tree canopy but highly likely to be closer to 1%) tree canopies. Hard surfaces contribute to heat sink effect.

Temperatures recorded in Brabham will be similar to North Ellenbrook-East. Last summer when it was 45.1°, the temperature in Brabham recorded on the road was 63C and on astro turf 81C.

With minimal shade and suburbs dominated by hard surfaces, air conditioning is essential over summer. This is highly likely to be 24/7 contributing to:

- heat sink effect
- cost of living
- high electricity use
- likelihood of power outages due to high number of homes switching on at the same time

Conclusion

More studies are required

'Finally, there is a need to critically reappraise the timing of drainage and water management evaluation within the Western Australian planning process. This is evidenced by the environmental challenges emerging at some high groundwater sites in the Swan Coastal Plain and the difficulties associated with flood control following extensive use of fill in floodplain environments'

At the broadest level, detailed regional drainage and flood modelling studies should be extended across the development frontiers on the Swan Coastal Plain to better identify areas where the use of fill increases flood risk (e.g. due to disconnection of floodplains from channels).

The submitter believes the rezoning of this land from Rural to Urban Deferred is premature. To do so without a review of the performance of the DWMS in the southern section of the Swan Urban Growth Corridor is extremely foolhardy. It risks the loss of thousands of mature trees, over half of which are black cockatoo habitat, along with the survival of critically endangered and threatened native flora and fauna.

This submission included supporting information.

Planning Comment:

Comments noted. Refer to Submission No. 12 and Part 6 of the **Report on Submissions**.

Earthworks

The future earthworks design will need to consider both existing and finished levels and ensure an appropriate depth to groundwater is achieved. This will be undertaken at later stages of the planning process.

Ecological Linkages

There are currently no significant mapped regional ecological linkages within the MRS amendment area, with one significant linkage mapped to the south within Bush Forever Site 300.

Through the MRS amendment Regional Open Space reservation and the North Ellenbrook (East) DSP design, ecological linkages will be maintained throughout the amendment area in form of local reserves linking waterways and areas comprising intact native vegetation.

Determination: Submission dismissed.

Submission: 16

Submitter: Department of Transport

Summary of Submission: COMMENT

The DoT considers the proposal to be premature whilst the transport related issues are still under further planning and investigation. The following comments are provided:

The Amendment report refers to further investigations in relation to:

- 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 and the City of Swan. The Traffic Impact Assessment (TIA) that accompanies the North Ellenbrook (East) 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 on the location and land requirements for a road interchange with Tonkin Highway.
- The Amendment report also refers to SPP 5.4 and 4.1, as well as further detail investigations at the structure planning stage:
 - a. There is no technical information provided on the above issues.
 - b. DoT queries the status of these issues and the associated technical investigations. It appears premature to progress the Amendment without confirmation that the outcomes are acceptable to DPLH, MRWA, PTA and other relevant State and Local Govt agencies.

DoT's strategic cycle network plan is the Long Term Cycle Network (LTCN) which was endorsed by the City of Swan Council on 1 July 2020. This strategic cycling network has been developed in collaboration with respective Local Governments

and aims to ensure State and Local Governments continue to work together towards the delivery of a continuous cycling network providing additional transport options, recreational opportunities and support for tourism and commercial activity.

- a. There are no LTCN routes within the Amendment area, however it is situated in proximity to a the primary route along Tonkin Hwy.
- b. There is an opportunity to identify an active transport network (and LTCN) for the DSP area as part of the next stage of planning. This will ensure a consistent network as DSP precincts are developed in the future, at different stages.
- c. The process of determining the LTCN should include collaboration between the DSP applicant, DoT's Active Transport branch and the City to ensure that the LTCN within this DSP area aligns with the City's aspirations and provides integration with the wider LTCN.
- d. The process to amend the LTCN.

The internal street and path network should accommodate people of all ages and abilities walking, wheeling and riding. This is particularly important along the roads adjacent to schools.

- a. Planning and Designing for Active Transport in Western Australia: All Ages and Abilities Contextual Guidance provides recommendations on appropriate bicycle facilities based on road function.

Supporting Transport Impact Assessment (TIA) should include Safe Walk to School assessment to each of the schools within the DSP area, and any school within 800m distance from the DSP area for future planning stages.

DoT has not liaised with MRWA with regards to this response and has confirmed that the PTA will send their own response. DoT would welcome the opportunity to comment at further planning stages particularly regarding the active transport network within the DSP area.

Planning Comment:

Comments noted. Refer to Part 6 of the **Report on Submissions**.

The WAPC notes that since the DoT's comments were received MRWA has received environmental approval to construct the Tonkin Highway interchange and has requested that the WAPC provide for this interchange area. Therefore, the land required for the Tonkin Highway interchange is to remain in the Rural zone and will be reserved a Primary Regional Roads as part of a future MRS amendment. This is also consistent with the abutting *MRS Amendment 1409/41 - Pt of North Ellenbrook (West)*.

The North Ellenbrook (East) DSP has been endorsed by the WAPC and the MRS amendment seeks to zone the site to Urban Deferred in accordance with the endorsed DSP. The DoT will be further consulted in future prior to the transfer of the site from the Urban Deferred zone to an Urban zone.

Matters relating to A Safe Walk to School Assessment is typically undertaken at local structure planning stage, once the local transport network is developed and the location of the primary school sites is known.

Determination: Submission noted.

Submission: 17

Submitter: Tanika Groves

Summary of Submission: OBJECTION

The submitter objects to the amendment given the impact of the construction phase on their property. Damages we won't be compensated for on their house from the dust, vibrations cause cracking and damages to their beautiful new houses.

Impact of noise on the quite family friendly street. Noise impacting sleep on our shift working household.

The displacement on the local native animals that frequent the parks and vacant land across the road.

Planning Comment: Comments noted. Refer to Part 6 of the **Report on Submissions**.

The MRS amendment seeks to rezone the subject land from the Rural zone to the Urban Deferred zone and Regional Open Space reservation. Matters related to future construction impacts, noise etc are outside the scope of the MRS amendment process and are considered in the subsequent more detailed planning stages.

Determination: Submission dismissed.

Submission: 18

Submitter: Peter & Cara Holschier

Summary of Submission: SUPPORT

No comments were provided.

Planning Comment: Support noted.

Determination: Submission noted.

Submission: 19

Submitter: Connor Pike

Summary of Submission: OBJECTION

The submitter objects to the amendment as the existing wildlife will be heavily affected by this change, with nowhere for these native animals to go. Also, during the construction of their current residence, they were sold the property with the stipulation that it would not be developed.

Current traffic on these roads is a concern as well. With these developments, they will increase traffic and traffic accidents/dangers.

Planning Comment:

Comments noted. Refer to Part 6 of the **Report on Submissions**.

The MRS amendment seeks to rezone the subject land from the Rural zone to the Urban Deferred zone and Regional Open Space reservation. Matters related to future construction impacts, noise etc are outside the scope of the MRS amendment process and are considered in the subsequent more detailed planning stages.

It is also noted that matters relating to traffic and transport are routinely considered in the subsequent more detailed planning stages, such as a local structure plan with further consideration by the City of Swan and MRWA accordingly.

Determination:

Submission dismissed.

Submission:

20

Submitter:

Name removed at the request of the submitter

Summary of Submission:

COMMENT

The submitter owns Lot 25 Railway Parade, Bullsbrook and Lots 15 & 16 Warbrook Road, Bullsbrook. The submitter's husband (deceased), son and themselves have operated a beef cattle farm since 1975 on the above three lots. All their farming properties are in the buffer zone for the Twin Swamps Reserve, in deference to the survival and status of the western swamp tortoise.

The submitter brings to the WAPC's attention the following from the *State Planning Policy 4.1 - Industrial Interface (SPP 4.1)* 'ensures planning decisions consider the locational constraints of land uses, the significant investments represented, and the current and future benefits and costs to communities when assessing proposals where land use conflict may exist or result. This will achieve:

- appropriate siting and long-term operational certainty for industry
- appropriate siting of sensitive land uses for the protection of health and amenity for people and the environment
- sustainable land use planning and development outcomes consistent with broader State strategic planning objectives.

The objectives of this policy are to:

- Ensure the impacts of industrial land uses are considered at all stages of the planning process.

- *Adequately separate industrial land uses and any resulting off-site impacts and/or safety risks from incompatible land uses to:*
 - *protect industrial areas to improve long-term operational certainty*
 - *avoid, mitigate or manage potential impacts on the health and amenity of people and the environment*
 - *promote co-location of like uses to minimise the impact area*
- *Plan the land use transition between industrial land uses/infrastructure facilities and sensitive land uses by providing compatible zones, reserves and land uses.*

There appears to be negligible consideration given to the working farms which will be adjacent to the proposed housing and how the two could co-exist compatibly. People who are raised in suburban areas mostly have little or no knowledge of the complexities and risks associated with farming. I would urge the WAPC to consider the following:

- Buffers be established separating homes and farms. Ideally, the buffers would be in the form of a physical, cement barrier, similar to those seen along major highways; and/or have land set aside (reserved as buffers) between homes and the farms. The benefits of this would be to:
 - Reduce the risk to homeowners and their families from being directly exposed to farm operations such as from chemical sprays used for firebreaks and weed control; creation of dust when making hay or harrowing paddocks; and drift when spreading fertilisers.
 - Reduce homeowners and their families from being affected by farmers working outside usual work hours and on weekends such as for seasonal machinery work or calving periods, where noise could be a problem.
 - Discourage people in the housing estate from entering the farms. This will allow calving season to be undertaken in a stress-free way from activities in the housing estate. Cows can also become very aggressive should trespassers go near their newborn calves.
 - Reduce the threat of trespassers and vandalism to fences, animals and property. The risk posed by essential electric fences also requires consideration.
 - Reduce wildfire risk for homes. Wildfires, at times of prevailing easterly winds, especially during summer and autumn months, have occurred a number times in the past. The strength of the easterly winds makes the grass fires difficult to control. Reduced rainfall and reduced ground water add to the risk. A physical barrier could provide fire protection for homes.
- Dumping of rubbish on road verges or properties is an on-going problem as residential communities develop nearby. It is expected that this will be much worse for our properties as the North Ellenbrook (East) community is established. This causes landowners stress and disrupts the amenity of the area. I would expect the developers would establish ways to mitigate the dumping of rubbish by homeowners.
- Ongoing problems as large populations of kangaroos are being driven into ever diminishing areas. Kangaroos cause a lot of damage to fences as they seek food and water. Cattle escaping through damaged fences then create road hazards. With the expected increase in road traffic, it is imperative that the kangaroo population is controlled or contained.
- Quality of drinking ground water after development of housing estate. Our cattle rely on good quality water for drinking. As farmers we need to be

confident the quality of ground water will not be negatively affected by the development.

Planning Comment: Comments noted. Refer to Part 6 of the **Report on Submissions**.

It is noted that the MRS amendment seeks to zone the site from the Rural zone to the Urban Deferred zone only, further consideration of SPP 4.1 and surrounding landuses is undertaken prior to any transfer of the site to an Urban zone.

Determination: Submission noted.

Submission: 21

Submitter: Name removed at the request of the submitter

Summary of Submission: SUPPORT

The submitter owns Lot 2 Warbrook Road, Bullsbrook and supports the amendment in accordance with the endorsed North Ellenbrook (East) District Structure Plan. They consider the Urban Deferred reasons have either been addressed or are capable of being addressed through the Local Structure Planning process.

The submitter requests that the Urban Deferred be set aside and that the land be rezoned to Urban. This will support the timely delivery of new housing, provide certainty for developers, and contribute positively to addressing the current housing supply crisis in Perth.

Planning Comment: Support noted. Refer to Part 6 of the **Report on Submissions**.

Determination: Submission noted.

Submission: 22

Submitter: Name removed at the request of the submitter

Summary of Submission: OBJECTION

The submitter advises this area is busy enough and was sold as a Bush Forever site and this will ruin the natural feel of the Ellenbrook area. Disgusting money grab.

Planning Comment: Comments noted. Refer to Part 6 of the **Report on Submissions**.

Determination: Submission dismissed.

Submission: 23

Submitter: Name removed at the request of the submitter

Summary of Submission: OBJECTION

The submitter opposes this development as if it were to go ahead it would likely cause residents who unknowingly move to the area to complain about the Speedway venue nearby that has operated for more than 40 years. This club has a strong history and is vital to the WA and National Speedway industry.

Planning Comment: Comments noted. Refer to Part 6 of the **Report on Submissions**.

It is noted that the MRS amendment seeks to zone the site from the Rural zone to the Urban Deferred zone only, further consideration of SPP 4.1 and surrounding landuses is undertaken prior to any transfer of the site to an Urban zone.

Determination: Submission dismissed.

Submission: 24

Submitter: Name removed at the request of the submitter

Summary of Submission: SUPPORT

The submitter advises using underutilised land for housing is the best outcome compared to more natural areas. The area is in between urban areas already.

Planning Comment: Support noted.

Determination: Submission noted.

Submission: 25

Submitter: Name removed at the request of the submitter

Summary of Submission: OBJECTION

The submitter advises their horses are on a paddock at 140 Sawpit Road. They have black cockatoos roosting on the property. The dams have Western Swamp Turtles in them. Where are they going to go? Who's going to make sure that they have homes to go to. These animals have been living here for many years, and you want to rip away more of their homes? The submitter does not agree with it.

Planning Comment: Comments noted. Refer to Part 6 of the **Report on Submissions**.

Determination: Submission dismissed.

Submission: 26

Submitter: Kirsty Lea

Summary of Submission: OBJECTION

This submitter opposes the amendment as it will impact wildlife and stock. Black cockatoos roost in the trees, the swamp turtles are in the dams, a family of emus reside in the area.

The submitter has also horses agisted on Sawpit Road. It's getting harder to find places to keep horses, more than 100 horses will need to find homes or be put to sleep. The area on Sawpit Road is a beautiful place that's like a paradise in the city. Please reconsider rezoning.

Planning Comment: Comments noted. Refer to Part 6 of the ***Report on Submissions***.

Determination: Submission dismissed.

Submission: 27

Submitter: Name removed at the request of the submitter

Summary of Submission: OBJECTION

The submitter opposes the amendment as this area is not only ecologically significant but also supports a delicate balance of native wildlife and rural livelihoods that would be severely impacted by any zoning changes.

The land currently provides essential habitat for a variety of native species, including the endangered black cockatoo, emus, and swamp turtles. These animals rely on this environment for feeding, breeding, and shelter, any disturbance or destruction of their habitat could contribute to further population decline and irreversible ecological damage.

The land is actively used for livestock grazing, which supports local agricultural activity and contributes to the rural character of the region. Rezoning would threaten the viability of these farming operations, displacing livestock and potentially leading to the loss of generational farming practices. Rezoning this land risks sacrificing biodiversity, displacing vulnerable species, and undermining sustainable land use practices.

The submitter requests decision-makers to consider the long-term environmental and social costs and to preserve this land in its current zoning to protect both native wildlife and agricultural heritage.

Planning Comment: Comments noted. Refer to Part 6 of the ***Report on Submissions***.

Determination: Submission dismissed.

Submission: 28

Submitter: Name removed at the request of the submitter

Summary of Submission: OBJECTION

The submitter opposes the amendment as there are endangered species in the area including black cockatoos and swamp turtles and home to emus, kangaroos, numerous birds and livestock.

This area represents a vital ecological habitat that supports numerous native and endangered species, including black cockatoos and the southwestern snake-necked turtle (often referred to as a 'swamp turtle'). It is also a home to emus, kangaroos, and a wide variety of native birdlife. The environmental impact of urban development in this area would be devastating.

Black cockatoos are listed as endangered, and their habitat is already under significant pressure. Clearing land in North Ellenbrook would result in the destruction of critical foraging and nesting grounds for these birds, as well as the fragile ecosystems that support swamp turtles and other native fauna.

The area supports agricultural and pastoral activity, with existing livestock operations that contribute to the local economy. Urban expansion into this region will not only disrupt wildlife but also displace existing land uses that are more sustainable in the long term.

Requests the WAPC to prioritise the preservation of this important natural habitat. Development should not come at the cost of biodiversity, environmental heritage, and the well-being of our native species. I request that this proposal be reconsidered and that alternative sites be explored that do not threaten such ecologically valuable land.

Planning Comment: Comments noted. Refer to Part 6 of the *Report on Submissions*.

Determination: Submission dismissed.

Submission: 29

Submitter: Rosanna Hindmarsh (on behalf of the Ellen Brockman Integrated Catchment Group Inc.)

Summary of Submission: OBJECTION

The Ellen Brockman Integrated Catchment Group recommends that more areas be dedicated to reserves and public open space. These can be incorporated into the scheme and would enhance the development for better living outcomes. The addition of further reserves developed for recreation and natural areas created and preserved for biodiversity will:

- Provide open areas for recreation within an urban hub.
- Increase the tree canopy for shade and cooling to provide pleasant surrounding for people and prevent creating a heat sink.
- The creation of vegetated corridors for the safer movement of fauna and avifauna particularly along the degraded waterways that flow to the Ellen Brook.
- Provide food and protection for native fauna including the Carnaby's Black Cockatoos.
- The vegetated corridors will protect the surface water flows through the area during winter months and reduce the transport of nutrients into the Ellen Brook.
- The hardstand areas created from the housing development will be substantial and run off into the waterways inevitable. Vegetated riparian corridors will reduce nutrient, non-nutrient contaminants, and sediment input in to the Ellen Brook.
- Hardstand runoff will also contribute to the groundwater with a very real outcome of a rising water table as has happened in other housing developments. More vegetated areas and retention of large trees can reduce the problems for infrastructure such as roads.
- Consideration for revegetation and protection of existing vegetation needs to be given to part of the drainage system along the Warbrook Road to the north that flows directly into the southern boundary of Twin Swamps Reserve, an area dedicated to providing habitat for the critically endangered Western Swamp Tortoise.
- Areas within the development containing large trees for roosting, feeding and possibly breeding of Carnaby's Cockatoos and other birds need to be protected.

The Ellen Brockman Group has completed many projects over the past 30 years to protect the Ellen Brook and its catchment. This would be a great opportunity to plan for good environmental outcomes within a development area that is situated in a sensitive area of the Swan Coastal Plain.

This submission included supporting information.

Planning Comment: Comments noted. Refer to Part 6 of the ***Report on Submissions***.

Determination: Submission dismissed.

Submission: 30

Submitter: Name removed at the request of the submitter

Summary of Submission: OBJECTION

The submitter advises that further north along Tonkin Highway from the recently highlighted black cockatoo feeding fiasco lies what was once hailed as the crown jewel of the Tonkin corridor: the fauna bridge. An ambitious and costly piece of infrastructure, built to safeguard native wildlife and preserve fragile ecosystems.

It was a symbol of foresight, of coexistence, and of WA's commitment to balancing development with ecological integrity.

Yet with the proposed North Ellenbrook housing developments that symbol is at risk of being hollowed out. What once guided animals to safety will now lead them straight into destruction—an engineered death trail through the heart of their vanishing habitat. This bridge, once just concrete and steel, now represents something far grimmer: a death march into the relentless sprawl of suburbia.

It stands as the gateway through which nature is funnelled into oblivion, one housing lot at a time. North Ellenbrook both east and west development plans are spread across multiple documents, and the fragmented presentation makes it challenging for the general public - and even engaged stakeholders—to understand the full scale of habitat loss, ecological fragmentation and displacement.

The submitter has familiarity of the area—particularly the Maralla Road Reserve, which is managed by the DBCA— they have serious concerns about how native fauna, including endangered black cockatoos, are being accounted for in the planning process. The environmental assessments appear fragmented, inconsistent, or in some cases entirely absent. The Tonkin Highway fauna bridge was constructed to enable wildlife to safely move between the Lexia Wetlands in Melaleuca and the Maralla Road Reserve and Sawpit Road habitats—both of which contain important mound springs and watercourses.

Yet if residential development proceeds on both sides of the highway, the remaining habitat will be so severely reduced and fragmented that displaced fauna will have nowhere viable to go. Maralla Road Reserve, while ecologically important, does not possess the size, water resources, or structural protection to support large numbers of animals relocated through this corridor. To assume otherwise is to ignore the ecological reality.

This raises an unavoidable question: what was the purpose of investing millions of taxpayer dollars into a fauna bridge if the surrounding bushland is to be cleared for housing? If the bridge is to fulfil its intended ecological role, then decisive action must be taken to protect and connect the surrounding natural areas.

Specifically, significant portions of existing Banksia woodland, particularly on the western side of Tonkin Highway, must be preserved; All mound springs, watercourses, and remnant vegetation east of the highway must be protected; And, critically, there must be the creation of a continuous ecological corridor linking the fauna bridge to Maralla Road Reserve, Sawpit Gully, Barnard Springs, and the Bush Forever site to the north. Without these connections, the fauna bridge will not be a corridor of life, but a path to nowhere.

This is not simply a question of environmental concern, but one of public accountability. Western Australians deserve transparency in how infrastructure decisions are aligned with long-term land use and conservation goals. If we are to genuinely support coexistence between urban expansion and native ecosystems, we cannot allow short-term planning to undermine long-term

ecological investments. The Tonkin fauna bridge was meant to be a legacy of leadership. Let us ensure it does not become a monument to what could have been.

This submission included supporting information.

Planning Comment: Comments noted. Refer to Part 6 of the ***Report on Submissions***.

Determination: Submission dismissed.

Submission: 31, 42

Submitter: Hatch Urban Solutions (on behalf of the landowners of Lots 10, 104 & 106 Sawpit Road, Bullsbrook)

Summary of Submission: SUPPORT

The submitter acts for the landowners of Lots 10, 104 and 106 Sawpit Road, Bullsbrook. The subject lots are located on the western and southern boundary of the amendment area and have frontage to Sawpit Road and Maralla.

The landowners are supportive of the amendment and request that the be rezoned to Urban under the MRS and Residential Development under the City of Swan Local Planning Scheme No. 17 under section 126(3) of the P&D Act.

It is noted that there are four requirements to be addressed prior to the Amendment area being rezoned to Urban, are considered to be addressed as follows:

1) *A mesoscopic transport model and subsequent transport assessment being prepared and undertaken by Main Roads Western Australia (MRWA), DoT and City of Swan and the Traffic Impact Assessment (TIA) that accompanies the North Ellenbrook (East) District Structure Plan (DSP) is to be updated to reflect the outcomes of the State Government transport assessment.*

It is understood that MRWA have finalised the mesoscopic transport model. The MRS Amendment proponents are updating the TIA submitted as part of the original DSP to address mesoscopic transport model outcomes.

2) *Confirmation on the location and land requirements for a road interchange with Tonkin Highway.*

MRWA have provided a plan showing the interchange location and land requirements.

3) *Agreement with the Water Corporation regarding the funding of water and wastewater headworks to service the site.*

This is a key matter requiring progression by Water Corporation (servicing and funding) who are actively engaging with agencies and developers. TAG meetings with all agencies are being re-instigated in concert with the DPLH.

It is noted that the entire Bullsbrook South Precinct had its 'Urban Deferment' lifted to the Urban zone at the WAPC meeting of 30 April 2025. The Bullsbrook South Precinct will connect to the same water and sewer network at the MRS Amendment 1411 area, noting that the first 500 to 560 lots will be serviced by an interim WWPS. The minutes of the 30 April 2025 meeting stated:

'Members queried the potential risks of zoning the entire area as urban. Members were informed that there are no potential risks, and that the decision ultimately involves balancing whether to lift the urban deferment for the entire land area or just a portion of it, with both perspectives being valid. Members were also advised that structure planning and subdivision processes ensures that future planning stages will not proceed without appropriate infrastructure provision in place.'

As there is no potential risks in zoning the area Urban as the structure planning and subdivision processes ensure that future planning stages will not proceed without appropriate infrastructure provision in place, this requirement is considered addressed.

4) *Consideration of the existing poultry farm and plant nursery buffers and/or suitable transitional arrangements.*

The MRS Amendment environmental consultants are preparing a strategy to best address this requirements given poultry farms are no longer operational. Potential impacts of any buffer will likely see the affected area remain partially as Urban Deferred.

Planning Comment: Comments noted. Refer to Part 6 of the ***Report on Submissions***.

Determination: Submissions noted.

Submission: 32

Submitter: Jackson Tomich (on behalf of Parcel Property)

Summary of Submission: SUPPORT

The submitter is the proprietor of various lots within the North Ellenbrook West District Structure Plan (DSP) area. The DSP West area is the counterpart to DSP East and is located immediately adjacent to the site, across Tonkin Highway. As the primary landholder and proponent within DSP West, Parcel Property is actively committed to the planning and delivery of the broader North-East Corridor. They fully support and advocate for the timely delivery of housing within the State identified growth corridor, recognising its critical role in meeting Perth's future housing needs.

Parcel Property acknowledges and supports the importance of unlocking development-ready land within the North-East Corridor. While we support the proposed Amendment, they strongly advocate that the land be rezoned to Urban.

Submission Summary

Parcel Property supports the proposed amendment and provides the following key comments for consideration:

- The amendment should proceed straight to Urban zone, as opposed to Urban Deferred.
- The matters identified for resolution prior to lifting of Urban Deferred (LUD) are already well advanced, with significant progress made by the relevant State agencies, including Water Corporation and MRWA.
- The recent decision by the WAPC to support full Urban zoning in Bullsbrook demonstrates a precedent for advancing Urban zoning in the North-East Corridor, where State-led infrastructure planning has been sufficiently progressed.

Amendment to Urban and Addressing LUD Criteria

Upon review of the advertised documentation, Parcel Property are of the view that, by the time the amendment is finalised, the matters identified for resolution prior to LUD will be sufficiently addressed to support the development of the area. These matters are outlined below.

Tonkin Highway Intersection and Mesoscopic Modelling: The proposed intersection at Tonkin Highway is currently being progressed by Main Roads and its appointed Technical Advisory Group (TAG). Based on advice received through the TAG, it is anticipated that the intersection location and associated land take requirements will be finalised prior to the completion of this Amendment. Furthermore, it is widely understood that the progression of the intersection has been undertaken in coordination with the mesoscopic transport model for the broader catchment.

In light of the above, Parcel Property supports the amendment progressing straight to Urban zone, on the basis that Items 1 and 2 will be resolved prior to finalisation of the Amendment.

Funding of Water and Wastewater Headworks: Parcel Property understands that the Water Corporation are providing significant resources towards planning infrastructure to service the North-East Corridor, including North Ellenbrook West, North Ellenbrook East, Bullsbrook South, and ultimately Bullsbrook North.

It is also understood that the Water Corporation has identified a preferred servicing route from Ellenbrook to Bullsbrook and have detailed design work underway. This progress has been achieved through extensive engagement between DPLH and developers in order to assist the Water Corporation with its corridor planning.

Given the State Government's commitment to funding enabling infrastructure, such as through the Housing Enabling Infrastructure Fund, Parcel Property is of

the view that Item 3 will be adequately resolved prior to the finalisation of the Amendment.

Consideration of Poultry Farm and Nurseries: Parcel Property is of the opinion that buffer zones, such as those relating to poultry farms and nurseries, is a matter that can be addressed through the Local Structure Planning process. Given the high-level nature of an MRS amendment, it is not necessary for land use buffers to be fully resolved at this stage.

Instead, this matter can be addressed through concept planning as part of the MRS process, which is already a requirement for LUD, and through the progression of adequate reporting and mapping within the applicable Local Structure Plan. Technical reporting can and should be provided at the subdivision stage to demonstrate, in accordance with the Structure Plan requirements, that land within the mapped buffer zone is capable of supporting development.

Parcel Property supports the amendment progressing straight to Urban zone, on the basis that Item 4, relating to poultry farms and nurseries, can be resolved through the ongoing Local Structure Planning process and should not hold up housing supply in this priority corridor.

MRS Amendment - Bullsbrook South Precinct — Determination

It is requested that the assessment and ultimate determination of this proposed Amendment be undertaken in the context of the recent Bullsbrook South Precinct lifting of Urban Deferment. This amendment supported a full Urban rezoning, despite infrastructure planning in the North East Corridor being progressed but not yet finalised. The level of advancement at the time provided the WAPC with sufficient confidence to proceed.

Parcel Property considers that the current Amendment presents a similar scenario to that of Bullsbrook South, with infrastructure planning more advanced than suggested in the advertised documentation. The WAPC's decision on Bullsbrook South sets a contemporary planning precedent for supporting full Urban rezoning in the context of sufficiently progressed infrastructure planning, enabling the Commission to approve with confidence.

Consideration of Early Infrastructure

Notwithstanding the above, Parcel Property would like to acknowledge DPLH's commitment to advancing discussions around early infrastructure. DPLH, through the advertised amendment report, makes consistent reference to the need for a coordinated Tonkin Highway intersection location. Parcel Property supports DPLH's continued commitment to the current Technical Advisory Group process and the intersection location and early infrastructure being progressed through that process.

Parcel Property acknowledges the reference to utilising the disused transit corridor reserve through Ellenbrook for a sewer pressure main, as well as a future WWPS transfer at Maralla Road. Future decisions regarding this wastewater infrastructure are key to unlocking both North Ellenbrook East and West. Given

Parcel Property's landholdings and the associated impact, we respectfully request to be included in ongoing discussion relating to its planning and delivery.

Conclusion and Recommendation

Parcel Property is conscious that the items required to be addressed prior to LUD are currently being progressed by various State agencies. As such, Parcel Property believe that, by the time the Amendment is finalised, the North Ellenbrook East area will be able to progress straight to Urban.

Planning Comment: Comments noted. Refer to Part 6 of the ***Report on Submissions***.

Determination: Submission noted.

Submission: 33

Submitter: Lateral Planning (on behalf of the landowner of No. 166 Halden Road, Bullsbrook)

Summary of Submission: COMMENT

Lateral Planning acts on behalf of the landowner of No. 166 Halden Road, Bullsbrook. While No. 166 Halden Road is not located within the area included in the proposed amendment, the site is within the DSP.

They are broadly supportive of the amendment, which aligns with the State Government's strategic intent to deliver new urban growth areas in Perth's north-eastern corridor. We respectfully submit that the Urban Deferred designation proposed for the subject land should instead be advanced directly to Urban zoning.

The North Ellenbrook DSP area, including the subject land, has already been subject to comprehensive detailed planning and technical investigations. These include extensive environmental, traffic, infrastructure servicing, and land use planning studies, which together provide a robust and informed basis for the district structure planning and future development.

We consider that the reasons for the current Urban Deferred zoning have either already been addressed or are capable of being addressed through the Local Structure Planning process.

We acknowledge that subdivision and development of the land will not proceed until the planned freeway interchange is constructed and operational. However, advancing the land to an Urban zoning at this stage will provide greater certainty to landowners and agencies involved in infrastructure coordination and investment planning.

In conclusion, while we support the intent of the MRS amendment, we submit that the land is capable of immediate progression to the Urban zone, in recognition of the thorough investigations already undertaken and the strategic imperative to bring well-located land to market efficiently in alignment with infrastructure delivery.

Planning Comment: Comments noted. Refer to Part 6 of the *Report on Submissions*.

Determination: Submission noted.

Submission: 34

Submitter: Michelle Davies

Summary of Submission: OBJECTION

The submitter opposes the amendment as it does not adequately prioritise environmental protection and community wellbeing. The lack of allocation for environmental reserves and public open spaces undermines the essential balance between urbanization and ecological sustainability.

While addressing the housing crisis is important, we cannot overlook the equally pressing climate, environmental, and mental health crises. Continually approving developments that do not adequately address these crucial aspects will only exacerbate the situation, leading to long term harm to both ecosystems and community well-being.

A development approach that places environmental preservation at the forefront is essential for long-term sustainability. Integrating open recreational spaces, expanding tree canopy coverage, and protecting ecological corridors will not only support biodiversity but also create a healthier, more liveable urban setting. Access to green spaces is well-documented to enhance mental health, providing residents with areas for relaxation, socialization, and stress relief.

Vegetated corridors are vital for ecological connectivity, enabling native fauna, including endangered Black Cockatoos, to move safely through urban areas and find food and shelter. These green networks also play a crucial role in waterway protection, reducing nutrient and sediment pollution, maintaining surface water flow, and safeguarding the Ellen Brook ecosystem and its surrounds, which contribute to the health of the Swan River.

The environmental consequences of hardstand runoff from housing developments must also be considered. Without effective mitigation, rising groundwater levels could threaten infrastructure suitability and the viability of surrounding ecology. The retention of vegetated riparian buffers will help filter contaminants, reduce surface runoff, and protect fragile ecosystems such as Twin Swamps Reserve, which serves as a critical habitat for the endangered Western Swamp Tortoise.

In light of these considerations, the submitter recommends:

- The allocation of more land for environmental reserves and public open spaces, particularly those noted in the EPA report related to this amendment.
- The protection of all ecologically sensitive and environmentally valuable areas to enhance biodiversity.
- The expansion of tree cover to improve urban cooling, ecosystem health, and mental wellbeing.

- The preservation of large trees, which are vital for the survival of native bird species.
- The establishment of vegetated corridors to support wildlife movement and protect.
- Waterway integrity.
- The implementation of stringent runoff management strategies to prevent environmental degradation.

By embedding these recommendations into planning and development efforts, urban growth can be harmonized with ecological sustainability and mental health priorities, ensuring a thriving, resilient environment and community for current and future generations. It will also support the protection of our most precious resource - water.

The submitter requests that the amendment be revised and resubmitted before any rezoning is approved.

Planning Comment: Comments noted. Refer to Part 6 of the **Report on Submissions**.

Determination: Submission dismissed.

Submission: 35

Submitter: CLE Planning + Design

Summary of Submission: COMMENT

CLE Town Planning + Design on behalf of Abadeen Group Pty Ltd and Bravestar Group Pty Ltd support the principle of the land being developed for urban purposes and note the proposed zoning and reservations are consistent with the North Ellenbrook (East) DSP.

However, request that the Urban Deferred zone be replaced by an Urban zone. This request excludes the land affected by the Tonkin Highway interchange. In response to the lifting of urban deferment requirements the rezoning the land directly to Urban is warranted for the following reasons:

Requirement

A mesoscopic transport model and subsequent transport assessment being prepared and undertaken by Main Roads WA in collaboration with DPLH and the City of Swan ('City'). The Traffic Impact Assessment ('TIA') that accompanies the 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.

Response

The mesoscopic transport model has been completed by Main Roads WA but has not been provided to the project team to enable the TIA to be updated. Nevertheless, the outcomes of any updates to the TIA are unlikely to render any

changes to the DSP's arterial road network, which are already planned as 'Integrator A' roads.

Requirement

Confirmation on the location and land requirements for a road interchange with Tonkin Highway.

Response

Main Roads WA has confirmed the location and land requirements for the Tonkin Highway interchange.

Requirement

Agreement with the Water Corporation regarding the funding of water and wastewater headworks to service the site.

Response

The Water Corporation has allocated funding and resources to progress infrastructure planning for this corridor. Multiple funding mechanisms are available, with the final capital source/s able to be confirmed separate to the MRS Amendment process and prior to the creation of titles.

Requirement

Consideration of the existing poultry farm and plant nursery buffers and/or suitable transitional arrangements.

Response

Assessment of the plant nursery and poultry farms in proximity to the Amendment area has confirmed they do not pose a constraint to future development. Any buffers that may be required can be addressed in a future local structure plan.

Also request that the WAPC concurrently amend the area being zoned Urban to the 'Residential Development Zone' in City of Swan LPS 17 pursuant to Section 126(3) of the *Planning and Development Act 2005*.

Rezoning the land directly to Urban with a concurrent LPS 17 Amendment represents the most efficient planning approach to unlock additional land for housing, noting this land has been identified for future Urban Expansion since the release of the Sub-regional Planning Framework in 2018.

The commitment to this land being urbanised in the short term is evidenced by Main Roads WA's progression of the Tonkin Highway interchange project, which will provide the key point of access to the DSP upon completion. Main Roads WA has confirmed the location of the interchange and obtained the relevant environmental approvals, with the project now progressing to the procurement phase.

Construction of the interchange is anticipated to commence in 2026 and be completed in late 2027. Significant commitments have been made to the delivery of this interchange to unlock additional land for housing, with approximately \$75 million of State and Federal funding allocated to the project. It is therefore

critical that the land is rezoned to facilitate timely local structure planning and subdivision approvals to align with the delivery of this interchange.

Accordingly, the zoning of the land should support these substantial levels of public investment and the State and Federal Government's commitment to the supply of housing in North Ellenbrook.

Background

The WAPC initiated an amendment to the MRS to zone the land Urban Deferred, subject to the following requirements for the lifting of urban deferment being addressed:

- 1. A mesoscopic transport model and subsequent transport assessment being prepared and undertaken by Main Roads Western Australia in collaboration with the DPLH and the City. The TIA that accompanies the 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.*
- 2. Confirmation on 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 poultry farm and plant nursery buffers and/or suitable transitional arrangements.*

Whilst the Amendment was initiated as set out above, the WAPC has the option of rezoning the proposed Urban Deferred portion of the Amendment directly to Urban. In addition, the WAPC also has the option to concurrently rezone the land under the City's LPS 17 to 'Residential Development Zone' pursuant to Section 126(3) of the *Planning and Development Act 2005*.

Since initiation of the Amendment, the project team has continued discussions with agencies regarding more detailed site planning for the DSP area, as well as servicing and infrastructure requirements. This has included targeted meetings and discussions with DPLH, Main Roads WA and Water Corporation, in addition to attending regular North Ellenbrook Technical Advisory Group ('TAG') meetings hosted by DPLH and Tonkin Highway North Ellenbrook Interchange ('THNEI') TAG meetings hosted by Main Roads WA.

As a result of this ongoing engagement and further advancement of service and infrastructure planning for the corridor by agencies, the future Urban land is not required to be held in the Urban Deferred zone. The proposed requirements for lifting of urban deferment have either been addressed or are capable of being addressed at the local structure planning stage.

Further discussion on the requirements for the lifting of urban deferment, as well as our request to concurrently amend the City's LPS 17, is set out in further detail below.

Requirement 1 - TIA updates to address Main Roads' mesoscopic transport model

The project team has discussed the matter of addressing this requirement with Main Roads WA, both at an in-person meeting in June and via several emails to Main Roads WA officers, in which the mesoscopic modelling data and outcomes of the subsequent transport assessment have been requested. Main Roads WA has confirmed that the mesoscopic transport model has been completed but that it will not be provided to proponents.

Nevertheless, the outcomes of this model are highly unlikely to require any changes to the DSP road hierarchy, given the primary links of Sawpit Road, Maralla Road and the connector road to the Tonkin Highway interchange are all proposed as 'Integrator A' roads (four lanes with minimum reserve widths ranging between 37.8m - 52.6m). It is therefore improbable that the modelling outcomes will result in changes to the internal DSP road network, as the arterial roads are already designated at the highest standard contemplated (Integrator A at up to 52.6m wide). Any changes that may be required to the balance of roads can be dealt with as part of TIA's at the local structure plan stage.

This is expressly contemplated in Section 5.3.2 of the DSP Part 2 - Explanatory Report, where it is stated that '*...subsequent local structure planning processes should be adaptive to consider and respond to refinements in the traffic modelling as development progresses over time. Further traffic investigations are therefore required at the local structure plan stage to refine the movement network to achieve an optimum result that reflects contemporary travel behaviour (work from home), aligns with the objective of encouraging sustainable travel methods (walking, cycling, public transport) and supports good urban design outcomes.*'

In addition, the proposed Amendment is not seeking to reserve any land as either Primary or Other Regional Road. Subsequently, even if an updated TIA recommended modifications to the road hierarchy this can and should be addressed at the local structure planning stage as per the above and reflected in a future amendment to the MRS once the road reservations are defined.

Given the above, any updates to the TIA will not alter the outcomes of the proposed Amendment and therefore do not present a need to retain the land in the Urban Deferred zone.

Requirement 2 - Tonkin Highway interchange and land requirements

The Tonkin Highway interchange and supporting land requirements have been confirmed by Main Roads WA. This interchange will provide the key access and egress into the DSP area upon completion.

In response to the confirmed Tonkin Highway interchange location and footprint, it is recommended that the land required to accommodate the interchange be retained in the 'Rural' zone. As agreed with Main Roads WA, this land will be subject to its own amendment at a later date to reserve the land as 'Primary Regional Road'. An updated

It is recommended that DPLH confirm the extent of the Tonkin Highway interchange land requirement with Main Roads WA, to inform the final extent of land to be rezoned and reserved under MRS Amendment 1411.

For these reasons, this lifting of urban deferment requirement has been satisfied.

Requirement 3 - Water and wastewater services

The Water Corporation is currently progressing infrastructure planning for North Ellenbrook and Bullsbrook. Significant progress has been made over recent months by the Water Corporation with regards to wastewater planning, in conjunction with other utility providers and government agencies. It is our understanding that Water Corporation's water planning is already well advanced and is expected to be completed by December 2025.

As part of this infrastructure planning, consideration is being made by Water Corporation with regards to the funding of these assets. With the announcement of the Housing Enabling Infrastructure Fund ('HEIF') by the State Government to unlock housing and land supply, North Ellenbrook is a priority growth corridor that the Water Corporation is considering in their allocation of the HEIF. In addition, the Water Corporation's Capital Investment Program ('CIP') provides a potential funding mechanism for headworks projects. North Ellenbrook is not currently on the CIP, however this represents an alternative mechanism in the unlikely event that funding through the HEIF is not secured.

The Water Corporation has allocated funding and internal resources to progress infrastructure planning for North Ellenbrook, which will include consideration of funding mechanisms for the delivery of infrastructure.

Although an agreement for the funding of water and wastewater headworks has not yet been finalised by the Water Corporation, substantial progress has been made and a range of suitable mechanisms are available to ultimately support the delivery of the required infrastructure. Importantly, the choice of funding mechanism will not affect the proposed zoning under the MRS Amendment or the spatial layout of the DSP.

Accordingly, it is not considered necessary to retain the land in the Urban Deferred zone pending final agreement with Water Corporation on the headworks funding. The proceeding planning stages (local structure planning and subdivision) will take time to advance once the land is rezoned, meaning that funding of service infrastructure can continue to progress in parallel. As has been demonstrated, sufficient planning has been undertaken and appropriate mechanisms exist to ensure future delivery of this infrastructure at the time it is required (subdivision construction and creation of titles).

This approach is consistent with the WAPC's recent decision to lift the urban deferment over the land subject to the MRS Amendment 1323/41: Bullsbrook South Precinct.

Requirement 4 - Consideration of poultry farm and plant nursery buffers

The amendment is in proximity to the following rural uses:

1. Ellenby Tree Farm located on Lots 16 (208) and 17 (228) Sawpit Road and Lot 18 (405) Warbrook Road, Bullsbrook; and
2. Oakland Poultry Farm located on Lot 22 (675) Railway Parade, Bullsbrook.

A Technical Note has been prepared to assess the potential impact of these uses on the Amendment area, with reference to the applicable policy framework. This includes the Environmental Protection Authority's ('EPA') '*Guidance Statement No. 3: Separation Distances Between Industrial and Sensitive Land Uses*' and the Department of Health '*Guidelines for Separation of Agricultural and Residential Land Uses*' (DoH Guidelines).

In addition to the above, AAA Egg Company previously operated a poultry farm on Lot 20 (357) and Lot 21 (355) Warbrook Road, Bullsbrook. They have relocated their poultry operations to a facility in Muchea, and whilst the poultry sheds remain on-site, they are no longer operational. Notwithstanding this, the Technical Note has evaluated the potential impacts of the existing poultry sheds on the Amendment area to ensure a conservative assessment of potential risks. The Technical Note with the key findings summarised as follows:

- The nearest poultry shed to the Amendment area is 355m from the northern boundary and is not operational. This exceeds the minimum generic separation distance of 300m set out in the EPA's Guidance Statement No. 3.
- The existing poultry sheds along the southern boundary of Lot 21, which are not operational, are surrounded by strands of trees that provide a level of buffering to surrounding land uses.
- Lot 23 Railway Parade, which separates most of the poultry sheds from the Amendment area, forms part of Bush Forever Site No. 400. This site contains approximately 214m of Banksia and Eucalypt remnant vegetation ranging in height from 6m-10m between the poultry sheds and Amendment area, providing an effective buffer between the sites.
- The plant nursery is within the generic separation distance of 100m of the Amendment area as recommended by EPA's Guidance Statement No. 3. The DoH Guidelines allow for a reduced separation distance of 40m to agricultural uses where a vegetation buffer is in place.
- The plant nursery has a 78m wide and 780m long vegetative buffer along its southern boundary, appropriately mitigating any perceived risks to the north-eastern portion of the Amendment area, being Lot 15 Sawpit Road.
- The plant nursery is effectively separated from the northern portion of the Amendment area by Sawpit Road, being Lot 2 Sawpit Road and Lot 481 Warbrook Road.
- The plant nursery uses organic techniques to control pests, further minimising any perceived impacts from spray drift.
- A risk assessment in accordance with the Department of Water and Environmental Regulations '*Risk Assessment Guidelines*' concluded a 'low' level of risk of both the poultry farm and plant nursery impacting future residential development within the Amendment area.

The Technical Note demonstrates that the existing plant nursery and poultry farms do not present an impediment to future development, and that mitigation measures are unlikely to be required.

Should any minor mitigation be required, this can be appropriately addressed through provisions included in the implementation section of a future local structure plan, following more detailed on-site technical assessments. Alternatively, potential impacts can be managed through the structure plan

design by locating non-sensitive land uses in areas where amenity constraints may exist. Part 1 of the DSP identifies this as a matter to be addressed at the local structure planning stage, providing an appropriate mechanism to ensure it is considered in subsequent stages of the planning process.

It is therefore not considered necessary for any part of the Amendment area to be held in the Urban Deferred zone.

This approach is consistent with MRS Amendment 1424/27, whereby Lots 877 and 878 Stakehill Road, Karnup were rezoned from Urban Deferred to Urban, notwithstanding the existence of two operational poultry farms and a market garden in proximity to the subject land.

Concurrent Amendment to City of Swan Local Planning Scheme No. 17

Pursuant to section 126(3) of the Act, we request that the WAPC concurrently amend the City's LPS 17 by rezoning the proposed Urban zoned land to 'Residential Development Zone'.

A concurrent amendment is requested as it represents the most efficient process to progress a planning framework over the land to facilitate land for housing, in accordance with the intended urban outcome.

North Ellenbrook is a key growth corridor that will support the State and Federal government's objectives of delivering land to meet housing supply needs. Supporting a streamlined planning process is a key to facilitating more land for housing in the most efficient manner possible. It will also enable the planning framework to align with the delivery and completion of the Tonkin Highway interchange and supports the circa \$75 million of State and Federal government investment in the project, as discussed above.

A concurrent amendment to LPS 17 will avoid the need for a separate local scheme amendment process, which is anticipated to take approximately 18 months to complete and would delay submission of a local structure plan.

Importantly, there are no scheme text provisions needed to coordinate the future, more detailed planning for the land that may otherwise necessitate the need for a separate amendment to the City's LPS 17. The land is already subject to an approved DSP that sets out matters to be addressed at the local structure planning stage. The 'Residential Development Zone' requires a local structure plan to be prepared and approved prior to subdivision and development, which ensures all necessary details and technical reports are prepared to support preparation of a comprehensive structure plan to guide future subdivision.

Prescribing structure plan requirements within the scheme text is not necessary, given the detailed guidance provided by the DSP and the WAPC's Planning Manual for Structure Plans.

Environmental Considerations - EPA Advice

In its advice on the Amendment dated 16 December 2024, the EPA noted the ability for future planning processes to appropriately mitigate environmental impacts, and as such elected to 'not assess' the Amendment. The EPA's advice

in determining to not assess the Amendment was premised on an amendment being progressed to the DSP to address:

- Expansion of the existing areas proposed for local reservation under the DSP, some of which will capture additional consolidated areas of black cockatoo foraging habitat.
- Identification of potential additional 'public open space' areas that could be implemented through future local structure planning stages.
- Modifications to the DSP text to introduce provisions for the retention of further black cockatoo foraging habitat, additional to those areas already identified on the DSP map, with compliance to be demonstrated at the local structure planning stage and supported by management strategies for the reserve areas that contain black cockatoo foraging habitat.

Through introduction of these amendments to the DSP, the EPA's advice noted that this demonstrates suitable application of their mitigation hierarchy and meaningfully minimises the environmental impacts of the proposal.

An amendment to the DSP has subsequently been submitted with DPLH specifically to address the EPA's advice. As set out in the draft amended DSP, the requirements of the EPA will be implemented through future local structure plans, achieving the objective that scheme text provisions would otherwise deliver.

Summary

For the reasons outlined in this submission, rezoning the urban portion of the North Ellenbrook East MRS Amendment 1411 directly to the Urban zone is warranted, as there are no fundamental constraints preventing the progression of local structure planning over the land.

Main Roads WA has finalised the location and land requirements for the Tonkin Highway interchange, obtained the relevant environmental approvals and completed the mesoscopic transport modelling.

They are progressing the design, procurement and delivery of the interchange and are targeting a construction completion date of late 2027. Given the significant commitment of funding from both the State and Federal Government it is important that the rezoning process aligns with the delivery of this infrastructure, to support a coordinated planning and infrastructure framework and the timely delivery of land for housing.

Whilst Water Corporation has not yet finalised an agreement for the funding of water and wastewater there are suitable options in place and the supporting infrastructure planning is advancing. Rezoning of the land directly to Urban will ensure that the Water Corporation continues to prioritise these investigations and finalisation of a servicing strategy and avoids delaying the progression of local structure planning of land that is otherwise unconstrained. These matters can be progressed in parallel with the subsequent planning processes (local structure planning and subdivision).

The Technical Note demonstrates appropriate consideration of nearby rural activities, being a plant nursery and poultry farm, which do not present a constraint to development. Any mitigation measures, if required, can be managed through the design and implementation of a future local structure plan following further on-site technical assessment.

An approved DSP is also in place, with an amendment being progressed to address the EPA's advice on the MRS Amendment.

Accordingly, the four lifting of urban deferment requirements have either been addressed or can be appropriately addressed at subsequent stages of the planning process, consistent with the WAPC's Lifting of Urban Deferment Guidelines.

A concurrent amendment to the City LPS 17 is also requested and warranted, given the detailed framework for the preparation and assessment of local structure plans established by the DSP, which will include the EPA's advice following finalisation of Amendment No. 1 to the DSP. This will avoid the need for unnecessary processes and support a streamlined planning framework and the housing supply continuum.

Planning Comment: Comments noted. Refer to Part 6 of the **Report on Submissions**.

Determination: Submission noted.

Submission: 36

Submitter: Name removed at the request of the submitter

Summary of Submission: OBJECTION

The submission is opposed to the amendment and concerned about the impacts on the remnant Banksia Woodlands, the sensitive hydrology of the area and the Ellen Brook catchment.

The Banksia Woodlands of the Swan Coastal Plain are listed as an endangered ecological community under the EPBC Act. The clearing of native vegetation/ Banksia Woodlands leads to habitat fragmentation and loss for threatened species including our Black Cockatoos.

Hardstand runoff and cleared vegetation leads to nutrient and sediment pollution of the Ellen Brook and Swamp Reserve, threatening critical habitat, including for our endangered Western Swamp Tortoise. Urge a revision of the proposed amendment to take the above-mentioned concerns into consideration.

Planning Comment: Comments noted. Refer to Part 6 of the **Report on Submissions**.

Determination: Submission dismissed.

Submission: 37

Submitter: Leanne Fried (on behalf of the North Swan Land Conservation District Committee)

Summary of Submission: OBJECTION

The North Swan Land Conservation Committee is concerned with ensuring that any development within the North Swan region is conducted sensitively, with consideration for the natural fauna, vegetation and hydrology of the area. This is not the case as this amendment stands. We believe the amendment in its current form will be detrimental to the sensitive hydrology of the area.

The site is within the Ellen Brook catchment area. The Ellen Brook is a major tributary of the Swan River - It is the largest sub catchment for the Swan Canning catchment. Development in this area needs consideration of the complex hydrology including surface run off and nutrient flow into the Ellen Brook. It doesn't appear that the necessary hydrological considerations have been made in the amendment, for example any plan to protect surface run off in the winter months or reduction in nutrients and sediment flowing into the Ellen Brook or commitment to preventing a rising water table, which often results from such housing developments. Consideration is also needed of the impact of development on flora and fauna in the area.

Strategic planting, retention of mature trees and planning for wildlife corridors are necessary components of any development in the area. These will not only ensure sustainability of local flora and fauna and connection with those of other areas but will also provide people living in the region access to nature, with its associated mental and physical health benefits. It is important also to protect the established Black Cockatoo habitats in the region and the habitat of the endangered Western Swamp Tortoise.

The North Swan Land Conservation Committee recommends that the amendment be revised to show a greater consideration for the hydrology of the area with plans for surface water retention, and prevention of a rising water table and excess nutrient run off. Greater consideration also needs to be given to the natural fauna and flora of the area including planning for wildlife corridors, protection of sensitive ecologies and retention of mature trees.

Planning Comment: Comments noted. Refer to Part 6 of the ***Report on Submissions***.

Determination: Submission dismissed.

Submission: 38

Submitter: Wendy Claxon

Summary of Submission: OBJECTION

The submission is opposed to the amendment as it does not adequately prioritize environmental protection and community well-being. The lack of allocation for environmental reserves and public open spaces undermines the essential balance between urbanization and ecological sustainability. While addressing the housing crisis is important, continually approving developments that do not adequately address environmental aspects and community wellbeing will only lead to further social issues in the future.

A development approach that places environmental preservation at the forefront is essential for long-term sustainability. Integrating open recreational spaces, expanding tree canopy coverage, and protecting ecological corridors will not only support biodiversity but also create a healthier, more liveable urban setting. Access to green spaces is well-documented to enhance mental health.

Vegetated corridors are vital for ecological connectivity, enabling native fauna, including endangered Black Cockatoos, to move safely through urban areas and find food and shelter. These green networks also play a crucial role in waterway protection, reducing nutrient and sediment pollution, maintaining surface water flow, and safeguarding the Ellenbrook ecosystem and its surrounds, which contribute to the health of the Swan River. The environmental consequences of hardstand runoff from housing developments must also be considered. Without mitigation, rising groundwater levels could threaten infrastructure stability and the viability of surrounding ecology. The retention of vegetated areas will help filter contaminants, reduce surface runoff, and protect fragile ecosystems such as Twin Swamps Reserve, which serves as a critical habitat for the endangered Western Swamp Tortoise.

The following recommendations are proposed:

- The allocation of more land for environmental reserves and public open spaces, particularly those noted in the EPA report related to this amendment.
- The protection of all ecologically sensitive and environmentally valuable areas to enhance biodiversity.
- The expansion of tree cover to improve urban cooling, ecosystem health, and mental wellbeing.
- The preservation of large trees, which are vital for the survival of native bird species.
- The establishment of vegetated corridors to support wildlife movement and protect waterway integrity.
- The implementation of stringent runoff. A management strategy to prevent environmental degradation.

Planning Comment: Comments noted. Refer to Part 6 of the ***Report on Submissions***.

Determination: Submission dismissed.

Submission: 39

Submitter: Urban Bushland Council Inc.

Summary of Submission: OBJECTION

The Urban Bushland Council (UBC) opposes the amendment and advises as follows:

Appropriate Zoning

That decisions on ecosystems, sustainability, liveability and hard infrastructure will be left to the structure plan stage, which is too late, instead of being addressed at this rezoning stage. The precedence for poor environmental outcomes is with the recent 100ha lot at Caversham Airbase (Braham Stage 3) that was rejected by City of Swan on very good grounds - but the developer then took the structure plan to WAPC and it was approved.

Size

This is a huge area, 504Ha north of Ellenbrook on the extreme outskirts of our sprawling city which will degrade ecological function, hydrology and landscape.

Bush Forever sites

The 504ha sits between four Bush Forever (BF) sites with no definite plan of ecological linkages between these sites and these are just as important as Bush Forever.

Vegetation extent

UBC agree with City of Swan that all mature trees should be assessed for retention to support liveability, black cockatoo recovery plan and ecosystem services.

Ecological linkages

UBC request that the ecological linkages are planned at this MRS stage to give clear guidance of development parameters so that ecological systems are Functioning.

- We request that the retained native vegetation ecological linkages and BF is classified as regional public open space for the purpose of conservation. This would mean rezoning regional open space to Parks and Recreation before this rezoning MRS 1411.
- We request that these conservation areas must be monitored so that conservation values are not degraded from recreational use when development to urban occurs.

Buffers

There are no buffers to Bush Forever on the boundary or in the MRS amendment zone. Buffers to Environmentally Sensitive Areas (ESAs) (including as Bush Forever sites and wetlands) is an Environmental Protection Agency (EPA) requirement.

Conservation Category Wetland (CCW)

UBC agree with the City of Swan that the entire CCW within MRS 1411 and outside this boundary should be rezoned to Parks and Recreation for conservation immediately.

Meeting targets of 30% Canopy Cover

- What is the current canopy cover of the 504ha identified to be amended?

- City of Swan canopy cover has dropped from 35% to 12% in a very short time. How will this trend be reversed and enhanced to 30% if the same development style continues to be approved?
- Tree retention is important to City of Swan and the Perth community, but City of Swan has no capacity to look after more than 10% POS. Where will the 30% tree canopy come from on public realm if there is no legislation for private land to have 30% canopy cover? Although it is a planning requirement to have a 2x2m deep soil plot to grow a large tree on every urban plot, the reality is that this is not happening. Declining tree canopy, resulting increasing temperatures and the prohibitive cost of cooling are going to make Perth dangerously hot and unliveable.
- Development in this urban growth corridor has seen most of development sites cleared of all trees, sand fill added to raise the building pad to stop flooding dwellings. This has caused the loss of hundreds of thousands of trees, biodiversity loss, amenity loss and destruction of the habitat of black cockatoos and many creatures that support ecosystem services. The resulting flooding, often followed by dewatering, has seen death of trees which were supposed to be retained. (Youle Dean Rd to Whiteman Park Train Station)

Public Open Space

This MRS does not address where local POS will be located so that each dwelling is within 400 m of nature? We request that this is determined before the structure plan stage as refusal to approve structure plans by City of Swan has resulted in the developer bypassing the Local Government Authority (LGA) and getting approval directly from the WAPC (e.g. Caversham Air base development of 100ha).

City of Swan Black Cockatoo Protection Action Plan

This plan highlights:

- The importance of City of Swan to these birds under threat from extinction within 20 years. If these clear felling, hot heat island sink developments continue, our black cockatoos face extinction sooner than 2045.
- The importance of large trees is not just local for roosting, resting and cooling. We agree with the City of Swan that an assessment of every mature tree should be assessed for its importance to black cockatoos. This includes location, size, structural condition and health of all mature trees and a plan for the continued management plan of the trees to be retained.
- The DPLH response to the City of Swan was that 61ha of regionally significant vegetation was to be retained. This appears to be only Bush Forever. Where are Bush Forever buffers and ecological linkages to the four regionally close Bush Forever sites that Black Cockatoos and other wildlife need?
- The DPLH say further identification of environmental features could be identified at the structure plan stage. This is too late! Thousands of trees will be cleared as at the old Caversham airbase on 100ha because of exactly this issue. The City of Swan rejected the structure plan of Brabham Stage 3 and the developer took the unmodified structure plan directly to WAPC where it was approved.
- Fig 1 pg 5 of 5 MRS 1411, proposed amendment to DSP marks possible additional POS. We urge that this and further vegetation on the east is retained for POS improving liveability.

- We request that the tree retention plan supports the City of Swan black cockatoo protection action plan which uses the latest research by Murdoch University on vegetation requirements necessary for black cockatoos such as suitable linkages as flyovers.

Hydrology

The approved water resource management plans by the Department of Water and Environmental Regulation (DWER) for the Urban growth corridor to Ellenbrook are failing, causing impacts much greater than the development sites.

The impact of flooding and dewatering on:

- Private land will result in costly remediation and possible lawsuits.
- Public land is too much for CoS to remediate.
- The Swan River from unfiltered run off is considered by the Department of Biodiversity, Conservation and Attractions (DBCA) Swan Canning Protection Strategy Draft as the biggest threat to our rivers. This will leave a legacy of intergenerational inequity.

Research of the collapse of our bushland, forests and mature trees Autumn 2024 Studies by Murdoch University showed that the bushland and forest collapse autumn 2024 were most likely caused by fire, shallow soils or decrease in the freshwater lens of ground water. With research by the University of Western Australia's Water and Spatial Science Department reaching similar conclusions. Australia Living Atlas also ran a project to investigate tree deaths in Perth by citizen science records a year ago.

The data shows that the urban growth corridor is having a significant impact on groundwater. This impact now on the adjoining Bush Forever sites will escalate with further development and infrastructure such as raised roads.

Urban Bush care groups are seeing the impact firsthand: in the Marralla Road BF 300 site at The Vines the largest mature Marri, a critical food source for the Black Cockatoos has died. With Fires and shallow soil ruled out as a cause of death, it is clear that a drop in ground water is now killing long established trees. We request that the water table change be investigated in the approved developments before further rezoning occurs. The impact of removing vegetation, hard-surfacing and over-extraction for urban development is overwhelming stormwater systems creating dangerous flooding and causing a loss of recharge to the aquifer and/or a drop in the water table. The findings released this week by the Auditor General, Caroline Spencer, highlight the failures of water management. This must not be allowed to continue.

In light of the Auditor General's findings on water management, it is appropriate to use the precautionary principle, and buffers to all ESA's be significantly increased from the current guidelines to protect critical ESAs.

The EPA advice is that minimal impact is expected on hydrology. We feel that this assessment is contradicted by the ongoing tree deaths. We are concerned that changes in hydrology will adversely impact conservation category wetlands and the survival of the western swamp tortoise and has the capacity to kill the

surrounding native vegetation including important habitat trees for the black cockatoos. We request that baseline water table data for this rezoning area is recorded before rezoning to deferred urban occurs.

Furthermore, we request that the EPA is asked to review its advice based on the changes to hydrology in the Brabham/Dayton area. This case study demonstrates that an ecosystem collapse is likely to be catastrophic, rather than gradual.

Infrastructure such as a raised Henley Brook Avenue through Bush Forever 200 banksia woodland has pressure to progress as further urban development continues. This road may be deemed necessary for the urban development of MRS 1411. This road proposal has never had an environmental assessment of its entirety since it was proposed decades ago. The City of Swan has agreed to undertake this assessment before further segments of the road are proposed to be constructed.

Aboriginal Heritage and Culture

The UBC support comments by the South West Aboriginal Land and Sea Council (SWALSC) for protection and recognition of the Aboriginal heritage site.

We consider the importance of the *Local Government Act 1995* 3.1 General Function in this rezoning i.e. *the need*: -

(i) to recognise the particular interests of Aboriginal people; and

(ii) to involve Aboriginal people in decision making processes

As an international signatory to the IPBES 2022 December Kunming Montreal Biodiversity targets, point ii is a requirement of all levels of Australian Government.

Road and rail pollution from Tonkin highway and Geraldton rail line

This is a concern for both residents and wildlife. The lack of safe crossings for wildlife threatens biodiversity. UBC suggest that a mix of tall trees, mid story and ground cover lining the transport corridor would be a win for nature and liveability.

Tonkin Highway Interchange

UBC agree with the City of Swan that until there is an agreement between Commonwealth Government and the developer for the cost of Tonkin Highway interchange and surrounding infrastructure that this MRS should not proceed. The City of Swan have said they cannot afford to undertake this infrastructure. We also request that provisions are made for wildlife crossing in this interchange or at suitable areas of Tonkin Highway.

Bushfires

Urban development increases fire risk, posing a threat to surrounding biodiversity from increased bushfires. Although there might be regulations on building standards for bushfires there are no policies or regulations to protect bushland biodiversity from the increase in fires as determined in the 2022 federal review by the Threatened Species Committee.

The Committee found that changes in fire regimes are a Matter of National Environmental Significance from the loss of biodiversity. The research showed the increased fire risk around urban areas. We are concerned of the loss of biodiversity from increased fires in the adjoining bushland started by more humans and our governments continuation with harmful burning programs to save life and infrastructure but causing biodiversity loss.

Conclusion

UBC's position on this rezoning is that it is premature. The serious questions raised above need to be resolved. They are significant as individual items, but the cumulative effect of all of them is very harmful. If this rezoning occurs there is an expectation that urban development would follow, and yet the environmental safeguards are not yet identified.

Planning Comment: Comments noted. Refer to Submission No. 12 and Refer to Part 6 of the **Report on Submissions**.

Determination: Submission dismissed.

Submission: 40

Submitter: Name removed at the request of the submitter

Summary of Submission: OBJECTION
The submission is opposed to the amendment and advises as follows:

Environmental Impact - Habitat for Black Cockatoos and Carnaby's Cockatoos

The proposed amendment threatens critical roosting and foraging habitat for the endangered Black Cockatoo and Carnaby's Cockatoo populations. These birds are listed under the Environment Protection and Biodiversity Conservation Act 1999, and their survival is closely tied to the mature native trees found on private properties throughout this area. Many of these trees are essential night-time roosting sites, and development would lead to habitat fragmentation, tree removal, and a further decline in these already vulnerable species.

Threats to the Western Swamp Turtle, Western Long-necked Turtle, & Wetland Habitat

The amendment is home to the critically endangered Western Swamp Turtle (*Pseudemydura umbrina*) as well as the more widespread but increasingly vulnerable Western Long-necked Turtle (*Chelodina colliei*). Both species rely on ephemeral wetlands, natural soaks, and small dams scattered across private properties in the area.

These habitats— often dismissed as 'man-made'—now serve as critical refuges for breeding, foraging, and seasonal movement. Urban development threatens these turtles through habitat loss, fragmentation, water pollution, and altered hydrological regimes.

The loss of even small, isolated wetlands could have devastating consequences for local populations, particularly in the face of ongoing climate variability and reduced rainfall.

Loss of Rural Character and Community Amenity Bullsbrook and the surrounding region are valued for their semi-rural, peaceful lifestyle—something deeply cherished by both residents and visitors. The proposal to subdivide the area into small residential lots would irrevocably alter this character, replacing open spaces, native bushland, and rural land uses with dense housing estates. To retain the area's identity and rural atmosphere, consideration should be given to larger lot sizes (e.g., min 10-acre blocks) that reflect current land use patterns and community expectations.

Traffic and Infrastructure Concerns

The existing road network and associated infrastructure are not equipped to support the significant increase in traffic and service demands that this development would generate.

Increased congestion would compromise safety, reduce accessibility for current residents, and exacerbate existing infrastructure challenges. Moreover, the lack of adequate public transport, schools, healthcare services, and community facilities would place unsustainable pressure on local government resources.

Climate and Environmental Sustainability

The clearing of native vegetation for urban development weakens the region's climate resilience. Trees and bushland in the area contribute to carbon sequestration, reduce the urban heat island effect, and maintain biodiversity corridors essential for wildlife movement. Their removal would not only destroy roosting sites for Black Cockatoos and Carnaby's Cockatoos but also reduce the area's natural defences against bushfires, floods, and other climate-related challenges.

Cumulative Impacts and Precedent Approval

This amendment may set a precedent for further piecemeal developments across Perth's outer regions, resulting in fragmented ecosystems and diminished community identity.

Without a comprehensive and environmentally informed strategic plan, the cumulative impacts of such development risk irreversible harm to local biodiversity, water systems, and quality of life.

Request the WAPC to reject the amendment on the basis that:

- It threatens endangered and vulnerable species, including the Black Cockatoo, Carnaby's Cockatoo, Western Swamp Turtle, and Western Long-necked Turtle.
- It would result in the loss of critical wetland and woodland habitats that support biodiversity and ecological health; It undermines the rural character and amenity of Bullsbrook.
- It places unsustainable demands on infrastructure and services.
- It contributes to environmentally and climatically unsustainable development.

The submitter recommends exploring planning alternatives such as low-density rural zoning (e.g., min 10-acre blocks) that maintain the semi-rural character of the area, while protecting sensitive habitats and preserving environmental values for future generations.

Planning Comment: Comments noted. Refer to Part 6 of the ***Report on Submissions***.

Traffic

The development of the North Ellenbrook area is supported by the delivery of an interchange with Tonkin Highway by the State and Federal Governments as well as landowners. The interchange is intended to minimise potential impacts of traffic on the external road network thereby mitigating impacts on existing residents in the locality. The majority of DSP traffic is expected to utilise the interchange for daily vehicle trips.

Significant work is being undertaken by the PTA and MRWA in collaboration with the City in relation to transport demand within the precinct and to identify transport services and infrastructure to provide for that demand. The outputs of that assessment will be further considered and incorporated as part of future local structure plans as required.

Determination: Submission dismissed.

Submission: 41

Submitter: Hatch Urban Solutions (on behalf of EEDB Property Group)

Summary of Submission: COMMENT

The submitter acts on behalf of the landowners of Lot 27 Railway Parade, Bullsbrook (EEDB Property Pty Ltd). The subject lot abuts the eastern boundary of the Amendment area and has frontage to Railway Parade.

The landowners are supportive of the Amendment and believe there are opportunities to assist in the delivery of the proposed high school and to increase the residential lot yield, which will assist in contributions for the interchange and other district infrastructure.

It is understood that the current location of the high school, as annotated on the *North Ellenbrook (East) District Structure Plan* may be impacted by environmental constraints and the Tonkin Highway interchange access road.

There is an opportunity to relocate the proposed high school site to western portion of Lot 27. This site is considered a suitable alternative for the high school site for the following reasons:

- The subject land is flat and devoid of vegetation;
- It is central to the catchment of the DSP area. This proposed site is also considered to service the Clementine (Upper Swan) and Annie's Landing (Ellenbrook) projects. Refer to the attached a Catchment Plan (Attachment 1) demonstrating the proposed site is far more accessible (e.g. distance and

road legibility) than both Ellenbrook Secondary College and Aveley Secondary College; and

- The site is in proximity to a proposed primary school site but not directly adjoining.

The alternative high school location can easily be accommodated on Lot 27 and it has good accessibility to the proposed DSP road network and the surrounding road network via Railway Parade. Refer to the high school concept plan.

The land between the proposed high school and Railway Parade could be developed low density residential to the east to allow for a transition of land uses from urban to rural.

It is acknowledged that Lot 27 is located within the Western Swamp Tortoise Environmental Protection Policy area. A key matter for the Western Swamp Tortoise Habitat is that the hydrology, both surface and ground water, for the Twin Swamps Nature Reserve and Ellen Brook Nature Reserve is protected to ensure the health and integrity of the habitat. It has been acknowledged by the EPA that Lot 27 is not within the surface water catchment of the habitat reserves. The landowners environmental and hydrology consultants, Emerge and Associates, have undertaken a review of the hydrology and have concluded that while the subject site is currently identified within the EPP area, the information available indicates that there is unlikely to be a direct hydrological connection between the site and either the Ellen Brook or the Twin Swamps Nature Reserves. This includes extending the water balance modelling undertaken in support of the North Ellenbrook (East) DSP to incorporate the site assuming full Urban concept.

Emerge have also undertaken a review of the environmental values present over the subject sites. Specifically, the purpose of the survey was to assess the flora, vegetation and fauna values within the sites with a particular focus on identifying potential habitat for *Pseudemydura umbrino* (Western Swamp Tortoise). The survey concluded that there are no threatened or priority flora species were recorded within the site and that the remnant vegetation in the site is not considered to represent a Threatened Ecological Community or Priority Ecological Community.

As a result of the investigations, the development of Lot 27 for a high school is unlikely to have a detrimental impact on the Western Swamp Tortoise habitat, subject to the implementation of a coordinated rezoning, structure planning, subdivision and development process.

It is understood that EPA are currently undertaking a review of the EPP and the landowner will be engaging with them to facilitate the removal of Lot 27 from the EPP area having regard to the information provided above.

As a result of the above it is requested that Lot 27 be identified as Urban Deferred with a requirement to lift the deferment being the removal of the Western Swamp Tortoise EPP boundary from the subject lot.

It is noted that the *North Ellenbrook (East) District Structure Plan* is currently being amended, and it is recommended that the high school site be included on Lot 27, with the remainder of the lot being identified as residential.

Planning Comment: Comments noted. Refer to Part 6 of the ***Report on Submissions***.

The request to relocate the high school within Lot 27 Railway Parade is outside the scope of the advertised MRS amendment, given it seeks to implement the outcomes of the North Ellenbrook (East) DSP which has been endorsed by the WAPC.

Determination: Submission noted.

Submission: 43 (Late)

Submitter: Department of Biodiversity, Conservation and Attractions

Summary of Submission: COMMENT

The Department of Biodiversity, Conservation and Attractions (DBCA) advises as follows:

Strategic Planning Processes

It is noted that the associated North Ellenbrook (East) District Structure Plan (DSP) was approved by the WAPC in August 2022. DBCA provided advice to the WAPC regarding the North Ellenbrook (East) DSP.

DBCA also provided advice to the DWER to assist the EPA's assessment of the Amendment. DBCA's advice followed DWER's provision of the updated 'Environmental Assessment Report - North Ellenbrook (East) - Metropolitan Region Scheme Amendment (Emerge 2023) (EAR), which included the 'Western Swamp Tortoise Eco-hydrological Impact Assessment' (Emerge Associates & Pentium Water 2023). It is noted that the updated EAR document does not include additional vegetation or wetland assessments, which were requested in DBCA's earlier DSP advice.

Documentation provided to date has not addressed many of the previous issues raised and DBCA therefore reiterates the advice provided to the WAPC and DWER, on consideration of the previous and updated technical information prepared to inform assessment of the current MRS Amendment.

The protection of significant biodiversity and environmental values, such as threatened flora and ecological communities, wetlands and regionally significant vegetation within regional and local open space should be facilitated through amendments to the Metropolitan Region Scheme, the City of Swan's Local Planning Scheme (LPS) and the preparation of local structure plans. The deferral of assessments and surveys may result in important values not being afforded adequate protection and cause potential issues and delays at subsequent strategic and statutory planning stages.

It is noted that the EPA advice recommended the 'retention of additional vegetation and threatened fauna habitat through the designation of further local reserve areas'. DBCA supports this approach to protect the significant environmental values and their supporting habitat, identified within the amendment area. As these additional areas form part of the local open space network, they should be shown appropriately in future local planning scheme amendments.

Threatened Ecological Communities

The EAR identifies the likely occurrence of State and Commonwealth listed threatened ecological communities (TEC) within the DSP area. The EAR includes reference to the potential occurrence of the State listed TEC *Forests and woodlands of deep seasonal wetlands of the Swan Coastal Plain* (SCP15), protected under the BC Act. This occurrence has not yet been confirmed onsite. It also identified up to 9.3 hectares of the TEC 'Banksia woodlands of the Swan Coastal Plain', listed under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Banksia woodlands also provide suitable habitat for State and Commonwealth listed threatened fauna.

It is noted that 11 lots within the MRS Amendment area have not yet been surveyed and therefore, the presence of further State or Commonwealth TECs has not yet been assessed. Prior to future planning stages, including the lifting of Urban Deferment and local planning scheme amendments, the location and mapped extent of TEC occurrences across the amendment area should be confirmed. To confirm the TEC occurrences, detailed vegetation assessments should be provided to DBCA, which include the statistical analysis of floristic community types. Proponents should be advised to contact DBCA for further information on survey and analysis methods for TECs. Confirmed occurrences of TECs should be considered for retention and reserved for conservation wherever possible. Proponents for development proposals that are likely to modify areas of State-listed TEC may be required to submit an application for an authorisation to modify a TEC under Section 45 of the BC Act.

Threatened flora

Detailed flora surveys, undertaken in accordance with Technical Guidance - Flora and Vegetation Surveys for Environmental Impact Assessment (EPA 2016), are to be undertaken to inform the future planning stages. The 'Flora and Vegetation Assessment - Various Lots North Ellenbrook' (Emerge 2019) provided at Appendix B of the EAR has not included a targeted flora survey to identify threatened flora populations which may occur within the amendment area.

The EAR has highlighted the requirement for further detailed flora and vegetation assessments to identify any conservation significant flora for consideration and retention in future planning processes. Several populations of listed threatened and priority flora are located within or in close proximity to the amendment area, including the grand spider orchid (*Caladenia huegelii*) (critically endangered) and the narrow curved-leaf grevillea (*Grevillea curviloba* subsp. *curviloba*) (critically endangered). While it is acknowledged that the requirement for further survey should not preclude progression of the current MRS amendment, DBCA recommends that a targeted flora survey be conducted to inform future planning

processes, to ensure identified threatened flora populations are appropriately retained and protected in regional and local conservation open space.

Grevillea curviloba subsp. curviloba

The 'Lots 29 & 30 Maralla Road, North Ellenbrook - Flora and Vegetation Survey' (PGV Environmental, 2019) included in Appendix E of the EAR, identified two sub-populations of *G. curviloba subsp. curviloba* (as occurring within Lot 29 Maralla Road). This species is listed as threatened under the BC Act and EPBC Act due to the limited distribution of known occurrences and limited reservation of known occurrences in secure tenure. DBCA considers this population may represent one of the largest populations of the species recorded on the Swan Coastal Plain. The long-term protection of this threatened flora population is therefore considered to be important to the survival of the species.

While it is noted the DSP proposes retention of this population within a local reserve, it is important to ensure that the population and its surrounding supporting habitat is not impacted by incompatible land uses. The inappropriate location of active open space, such as playing fields and turfed areas, may indirectly impact the threatened flora population. DBCA should be consulted during future detailed planning stages to ensure the proposed conservation reserve is designed and managed to facilitate the long-term protection of the threatened flora population and to consider the required management options.

Due to the location of known populations of this species within and outside the amendment area, it is important that further targeted surveys for the species are undertaken, particularly over those lots that have not been previously surveyed. It should be noted that *G. curviloba subsp. curviloba* is known to occur in areas subject to historical disturbance such as rail and road reserves. It is therefore likely that new populations may occur in proposed urban areas, which have not been intensively surveyed due to the degraded nature of the existing vegetation.

Western Swamp Tortoise

DBCA understands the 'Western Swamp Tortoise Eco-Hydrological Impact Assessment' (Emerge, 2023) (EHIA) was prepared by the proponent to provide additional environmental information in relation to the potential hydrological impacts to western swamp tortoises (WST) and their habitat. The EHIA was informed by additional groundwater monitoring and modelling outlined within the 'Groundwater Modelling Report Update' (Pentium, 2023). It should be noted that while DBCA can provide advice in relation the WST and their general habitat requirements, advice in relation the adequacy and accuracy of the hydrological modelling is deferred to the DWER Science and Planning hydrologists.

DBCA acknowledges the information provided in Section 4 of the EHIA generally provides an accurate summary of the hydrological habitat characteristics of both the Ellen Brook and Twin Swamps Nature Reserves. DBCA understands that the WST habitat within the Ellen Brook Nature Reserve relies predominantly on winter rainfall and surface water flows with little interaction with groundwater. The habitat within Twin Swamps Nature Reserve however is highly dependent on the maintenance of ground and surface water quality and levels to ensure the wetlands in the reserve are able to provide viable long-term habitat for the WST.

It is recognised that maximum groundwater levels and annual rainfall are following a decreasing trend due to groundwater abstraction and climate change, which has detrimentally impacted the WST habitats within both reserves.

If DWER's hydrological review of the modelling undertaken confirms that there is adequate information available to provide confidence in the future groundwater simulations presented, it is possible to conclude that the hydrological impacts from future urban development of the North Ellenbrook (East) area may be able to be managed to minimise and mitigate hydrological impacts to the WST habitats.

Confidence in the groundwater modelling methods and report conclusions does not negate the requirement for identifying and designing adaptive storm water management systems within the North Ellenbrook (East) urban area. If long-term ground and surface water monitoring indicates hydrological impacts to the WST habitats and other significant ground water dependant ecosystems that are attributable to the change in land use, these contingencies should be implemented. The EAR and supporting documents do not address or recognise hydrological contingency measures.

Aquatic Fauna survey

The MRS 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 area. Given these historical records and noting the historical range of the WST, there is the possibility that WST individuals may occupy the amendment area as a relic or vagrant population, as recognised in the EAR.

It is noted that the 'Survey of Listed Aquatic Fauna Within the North Ellenbrook Development' (Indo-Pacific Environmental, 2023) (Appendix G of the EAR) reports on the results of a recent survey of aquatic fauna, including a targeted survey for western swamp tortoise individuals. DBCA was consulted regarding the survey methodology and considers that the technical aspects used in the surveys are generally adequate regarding the detection of conservation significant aquatic fauna. DBCA agrees that the habitat within the proposed urban development is not critical for the conservation significant aquatic species, *Pseudemydura umbrina* (Western Swamp Tortoise), *Galaxiella nigrostriata* (Black-stripe Minnow) and *Westralunio carteri* (Carter's Freshwater Mussel).

While no WST were located during the surveys and it is reasonable to conclude that populations do not persist in the area (page 19), due to cryptical nature and the individual longevity of WSTs, the timespan of the survey was not considered adequate to conclude that it is '...highly unlikely that ... *P. umbrina*... currently reside within the Study Area' (p 23). It therefore remains possible that WST individuals may move into and/ or through the area in the future.

On this basis DBCA have previously recommended that future clearing and earthworks within proximity of the known WST habitats should be subject of pre-clearing surveys to identify and relocate any WST individuals. 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.

Bush Forever Site 13

The MRS Amendment request includes the proposed reservation of an area, which includes Bush Forever Site 13 (*Sawpit Road Bushland, Bullsbrook*) and a section of Sawpit Gully Creek, from Rural to Regional Open Space (ROS). The proposed ROS reserve should be ceded as part of the future development and created as a conservation reserve.

As the proposed regional reserve is relatively small, isolated from other areas of DBCA managed estate and will be surrounded by urban development, DBCA is not identified as an appropriate end land manager.

Wetlands

Recent review of the environmental values of the wetlands, currently mapped in the Geomorphic Wetlands of the Swan Coastal Plain (GWSCP) dataset as Multiple Use and Resource Enhancement wetlands (REW), indicates that many wetlands within the amendment area have values commensurate with Conservation category wetlands (CCW). A revision to the GWSCP dataset, which is currently underway by DBCA, is likely to assist in informing future strategic planning decisions regarding the retention and protection of high conservation wetlands values within the MRS amendment area and their buffers. DBCA's Wetlands Section should be contacted for further information regarding the updated wetland mapping within the North Ellenbrook area.

Areas currently proposed as urban include wetlands which the revised mapping indicates may be commensurate with REWs and CCWs. This includes the palusplain wetlands associated with the Sawpit Gully creekline. Prior to future planning processes, including the lifting of Urban Deferment, local scheme amendments and local structure planning, wetland assessments should be undertaken to ensure the appropriate reservation of wetlands and their buffers within public open space and local reserves. Despite this matter being raised in previous DBCA advice, the Amendment Report makes no reference to the requirement for wetland assessments to inform future planning stages. Deferring this requirement to local structure planning or subdivision stages can result in planning approval delays and ultimately potential direct wetland impacts. It is noted however that the ROS areas in addition to the potential local reserve and additional open space areas, shown as Figure 1 of the EPA advice, should accommodate a majority of the areas of high value wetland within the amendment area.

The guidance document *A methodology for the evaluation of wetlands on the Swan Coastal Plain, Western Australia* (DBCA 2017) and associated information sheet *Wetland identification and delineation: information for mapping and land use planning on the Swan Coastal Plain* (DBCA 2017) should be utilised by

proponents and consultants reviewing wetland boundaries and management categories.

In accordance with the EPA's Guidance Statement 33 *Environmental Guidance for Planning and Development* (2008), all wetlands that are to be protected should be allocated a minimum 50 metre buffer to maintain wetland values and mitigate impacts from adjacent land uses. 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.

Barnard Springs & Trough wetland

The results of a recent on-ground wetland assessment undertaken by DBCA at Lot 8427 Sawpit Road, Bullsbrook, determined that a section of UFI 9185 (now UFI 16148) be re-evaluated from REW to CCW. The mound spring associated with this wetland is also referred to as 'The Barnard Springs Trough & Wetland', contains a known Carnaby's black cockatoo roost site and is also recognised by the City of Swan as a heritage place. While this mound spring has been subject of historical excavation, it has high conservation value and could be significantly impacted by changes in the surrounding surface and groundwater catchments.

It is noted that this area and its buffer is shown as a local reserve in the DSP with additional surrounding areas of local open space included in Figure 1 of the EPA Advice.

District Water Management Strategy

Further to the provision of comments regarding the previous DSP, DBCA undertook a subsequent review of the District Water Management Strategy (DWMS) prepared to support the DSP. This review was undertaken in consultation with the Department of Water and Environmental Regulation (DWER), with both agencies submitting comments and raising issues to be addressed, to allow endorsement of the document. DBCA's advice related to concerns regarding potential hydrological impacts to the WST habitats, important wetlands and water dependent ecosystems and the waterways and tributaries of the Ellen Brook, including Saw Pit Gully. As a result of the comments provided by both agencies a revised DWMS (dated July 2022) was endorsed on the 16 August 2022.

A number of issues raised by DBCA, including a requirement for additional monitoring and groundwater modelling (Class 3 model), confirmation of modelled groundwater reductions in high value wetlands and the location of drainage infrastructure, were proposed to be addressed at the Local Water Management Strategy stage. Given the highly significant water dependent ecosystems within and surrounding the amendment area, it is important that the proposed Ecohydrological Impact Assessments (EHIA) and updated groundwater modelling report inform the current MRS amendment. It is noted by the proponent the updated Groundwater Modelling Report has been prepared in accordance with the approved DWMS.

An additional outstanding issue not addressed in the revised 'District Water Management Strategy - North Ellenbrook East' (RPS 2022) relevant to the current

DSP and MRS amendment, relates to the southern section of the Resource Enhancement wetland (UFI 16149) not being shown as an environmental constraint in Figure G of the DWMS. While it is recognised that further wetland assessment is required to evaluate this section of the wetland, current mapping shows this wetland as a Resource Enhancement Wetland. It is noted that Figure G currently shows all other 'REW's' as 'constraints' with the exception of UFI 16149.

DBCA expects referral of future Local Water Management Strategy's and other hydrological reports prepared to support future planning and environmental processes, to ensure a continuation of the collaborative approach to consultation given the complex environmental and hydrological issues associated with the North Ellenbrook East development.

Sawpit Gully, Ellen Brook and Swan and Canning River System

DBCA has responsibilities under the SCRMA 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 SCRMA Act includes the land and waters contained within the DSP. The development therefore should be consistent with the good management of the catchment. Sawpit Gully flows from the DSP area, through a culvert under Maralla Road and into the Maralla Road Nature Reserve, managed by DBCA under the CALM Act.

State Planning Policy 2.10 - Swan-Canning River System 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 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 and Canning rivers.

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 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 pre-development 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 systems.

Additional information should be provided to demonstrate that the development of North Ellenbrook will not result in significant adverse environmental impact on the Ellen Brook and ultimately the Swan and Canning Rivers, noting that additional investigations are being undertaken including the preparation of an

Ecohydrological Impact Assessment and an updated Groundwater Modelling Report to support the MRS Amendment.

Future planning processes need to be consistent with water sensitive urban design principles and should be in accordance with the Department of Water and Environmental Regulation's *Stormwater Management Manual for Western Australia* and *Decision Process for Stormwater Management in WA* and/or *Stormwater Manual for Western Australia*. Noting any stormwater management systems, should, for example, 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.

The DSP shows Sawpit Gully as retained as a local reserve for drainage, which is proposed to include a 30 metre foreshore buffer. The retention and revegetation of a foreshore buffer of at least 30 metres, and the incorporation of best practice stormwater management strategies, as referred to above, would assist in managing impacts to the waterway. A Foreshore Management Plan for Sawpit Gully and any adjoining waterway should be prepared and implemented as part of future planning applications in consultation with DWER and DBCA.

It should be noted that 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 a waterway or wetland system. Allocation of areas to accommodate alternate stormwater infrastructure may need to be considered outside wetlands and their buffers in some precincts.

Wastewater disposal strategies

The DWMS for North Ellenbrook (West) notes that preliminary advice from Water Corporation indicates there is no wastewater system in place for the area but Water Corporation have agreed to start planning to service the area north of Marshall Road in 2020. Further information is required on the proposed management of wastewater and the timing of the construction of the necessary infrastructure to service the development.

Kangaroo Management

Urban expansion in this area may result in the displacement of large numbers of kangaroos which currently utilise the rural habitat. 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 at, or prior to, the local structure planning stage, 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.

Tonkin Highway Interchange location

DBCA previously provided preliminary advice to the Department of Planning, Lands and Heritage (DPLH) in January 2021 in relation to options presented regarding the location and design of the proposed Tonkin Highway interchange. It is noted that the reservation of land to accommodate the Tonkin Highway interchange will be subject of a separate MRS amendment process.

DBCA expects that an interchange, associated with the development of the North Ellenbrook area, is designed and constructed to minimise vegetation disturbance and maintain the natural flow regimes of waterways. Further detailed environmental, engineering and alignment definition studies will be required to guide the finalisation of the future interchange design and consultation with DBCA is ongoing.

Bushfire Management

It is noted that the EPA advice includes the recognition of opportunities for rehabilitation, particularly around waterways and within local reserves and wetland buffers. Bush fire management planning at future planning stages should include accurate reflection of the post development vegetation classification, with consideration of future rehabilitation requirements. This will ensure that adequate setbacks and BAL classifications are applied within future bushfire management plans prepared to support the local scheme amendment and local structure planning stages.

Matters of National Environmental Significance

The native vegetation proposed to be cleared to facilitate the future development of the North Ellenbrook (East) area may impact Matters of National Environmental Significance including populations of the threatened flora species *G. curviloba subsp. curviloba*, occurrences of the threatened ecological community 'Banksia woodlands of the Swan Coastal Plain' and the breeding, roosting and foraging habitat of threatened species listed under State and Commonwealth legislation including Carnaby's black cockatoo (*Zanda latirostris*) and forest red-tailed black

cockatoo (*Calyptorhynchus banksii naso*). The MRS area is also in close proximity to known populations of the Western Swamp Tortoises (WST) (*Pseudemydura umbrina*) and may contain habitat for this species.

Consideration should therefore be given to the obligations for assessment of future proposals in accordance with the Commonwealth EPBC Act. Please be aware that proponents may have notification responsibilities under the EPBC Act and should contact the Commonwealth Department of Climate Change, Energy, the Environment and Water for further information on these responsibilities, prior to further planning stages.

Planning Comment:

Comments noted. Refer to Part 6 of the **Report on Submissions**.

Flora and Fauna Investigations (TEC's / BF 13)

The level of flora and vegetation surveys as detailed in the Environmental Assessment Report inform the MRS Amendment process and referral to the EPA. It is noted that the EPA determined that the MRS Amendment is unlikely to have significant impacts on the environment and decided not to formally assess the proposal. As such, no further survey is considered to be required to inform the proposed MRS Amendment. Notwithstanding, the applicant acknowledges that further surveys, including for threatened flora and ecological communities and conservation significant fauna (including black cockatoo and WST), are likely to be required as part of more detailed future stages of the planning process, for areas which do not have adequate spatial coverage from existing surveys.

Fauna Management Plan/s will be prepared at future planning stages to outline measures to minimise the risk of fauna interactions and potential injury or mortality during the construction process. This is anticipated to include requirements for pre-clearing surveys to identify and relocate particularly (if required) any WST individuals in consultation with the City and DBCA.

Wetlands, surface and groundwater catchments

Potential impacts on wetland values identified within the site (based on DBCA's revised geomorphic wetland mapping) will be suitably mitigated through avoidance measures, including the proposed RoS reserve and the future local reserve network accommodated set out on the DSP map. No impacts on CCW's are anticipated including CCW UFI 16148 accommodated within a local reserve. There are further opportunities at future stages of the planning process to accommodate revised wetland mapping should it become available, or to undertake additional wetland assessments.

The existing DWMS and future LWMS/s will outline how groundwater and surface water will be managed as part of urban development to avoid impacts on existing hydrological regimes. Based on these strategies, no onsite or offsite hydrological impacts are anticipated.

Kangaroo Management

Fauna Management or Kangaroo Management Plan/s will be prepared prior to works commencing on site to outline measures to minimise the risk of kangaroo displacement and interactions resulting in potential injury or mortality during the future construction process. This is anticipated to be a condition of subdivision to

be implemented prior to any works commencing. This is note relevant to the MRS Amendment.

Bushfire Management

Bushfire Management Plans (BMPs) will be prepared to support local structure plan and subdivision applications. BMPs will assess the post-development conditions within the site, with consideration of vegetation conditions (including any rehabilitation), resulting in BAL ratings and any necessary setbacks.

MNES

Proponents of any proposed actions impacting MNES will consider their obligations under the EPBC Act.

DWMS / Hydrology

The consideration of UFI 16149 is not relevant to the MRS Amendment process. The environmental attributes of this wetland will be assessed by the landowner in preparation of a future local structure plan.

It is acknowledged that the DSP falls within the Swan River catchment is not within the Swan Canning Development Control Area. The DWMS outlines best management practices in regard to water quality treatment, with these measures to be further detailed in future LWMS/s and UWMP/s, and the change in land use represents a reduction in nutrient loads compared to the existing rural uses (e.g. horse paddocks) and turf farm.

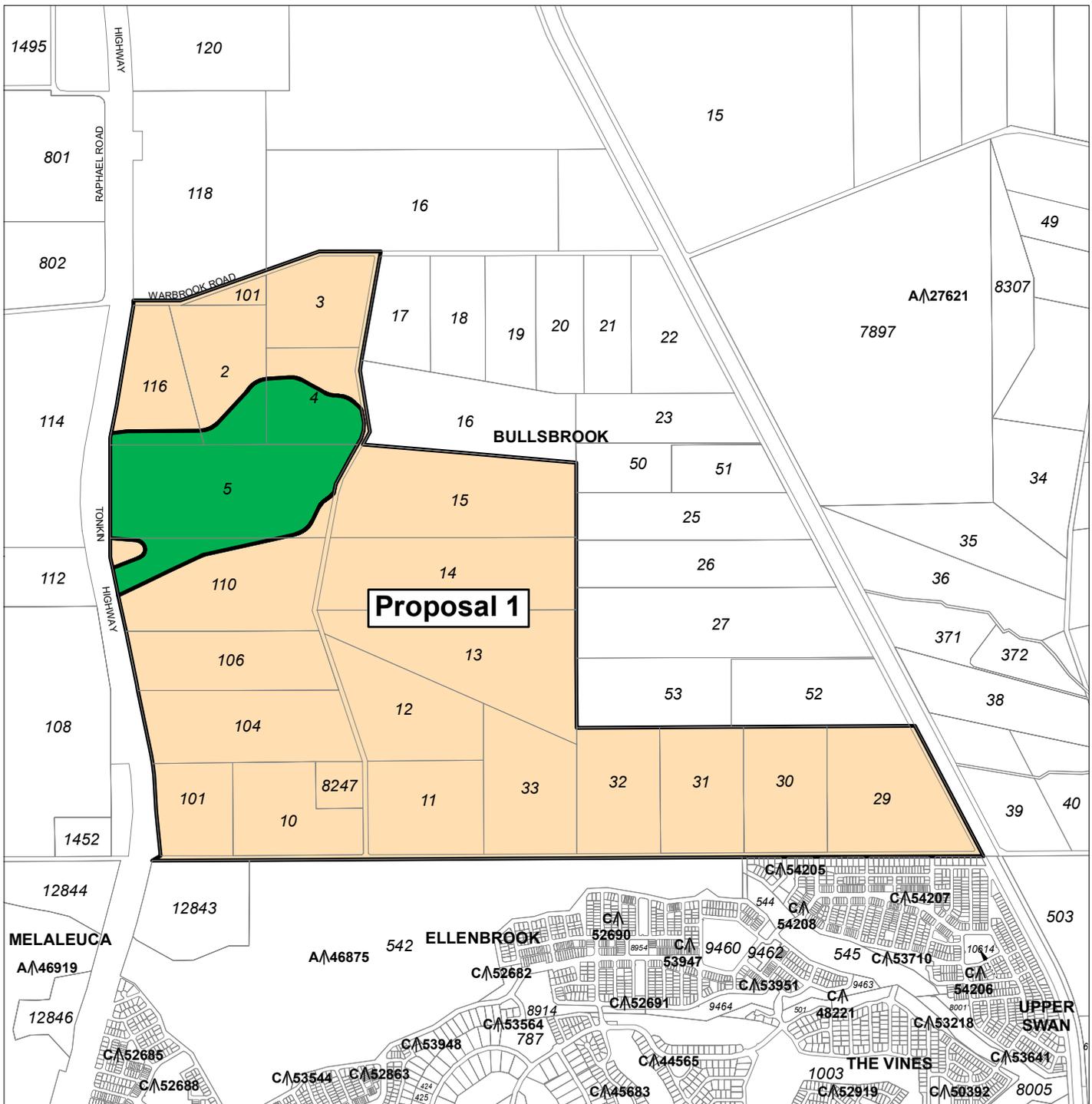
The DWMS demonstrates groundwater quantity/level management as well as stormwater management measures including Water Sensitive Urban Design and has been endorsed by DWER. More detailed information regarding structural controls will be provided in subsequent LWMS/s to be reviewed by DWER at the appropriate time, including consideration of a more detailed foreshore area definition and supporting management plan informed by the corresponding local structure plan.

Determination:

Submission noted.

Schedule 3

amendment figure (as advertised)



**North Ellenbrook (East)
Proposed Complex MRS amendment
as advertised**

13 September 2023

Proposal 1

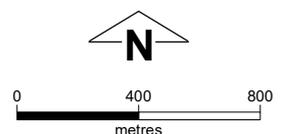
Proposed Amendment:

- Rural zone to Regional Open Space reservation
- Rural zone to Urban Deferred zone

Reference no: 4438
File no: RLS/1083
Version number: 2

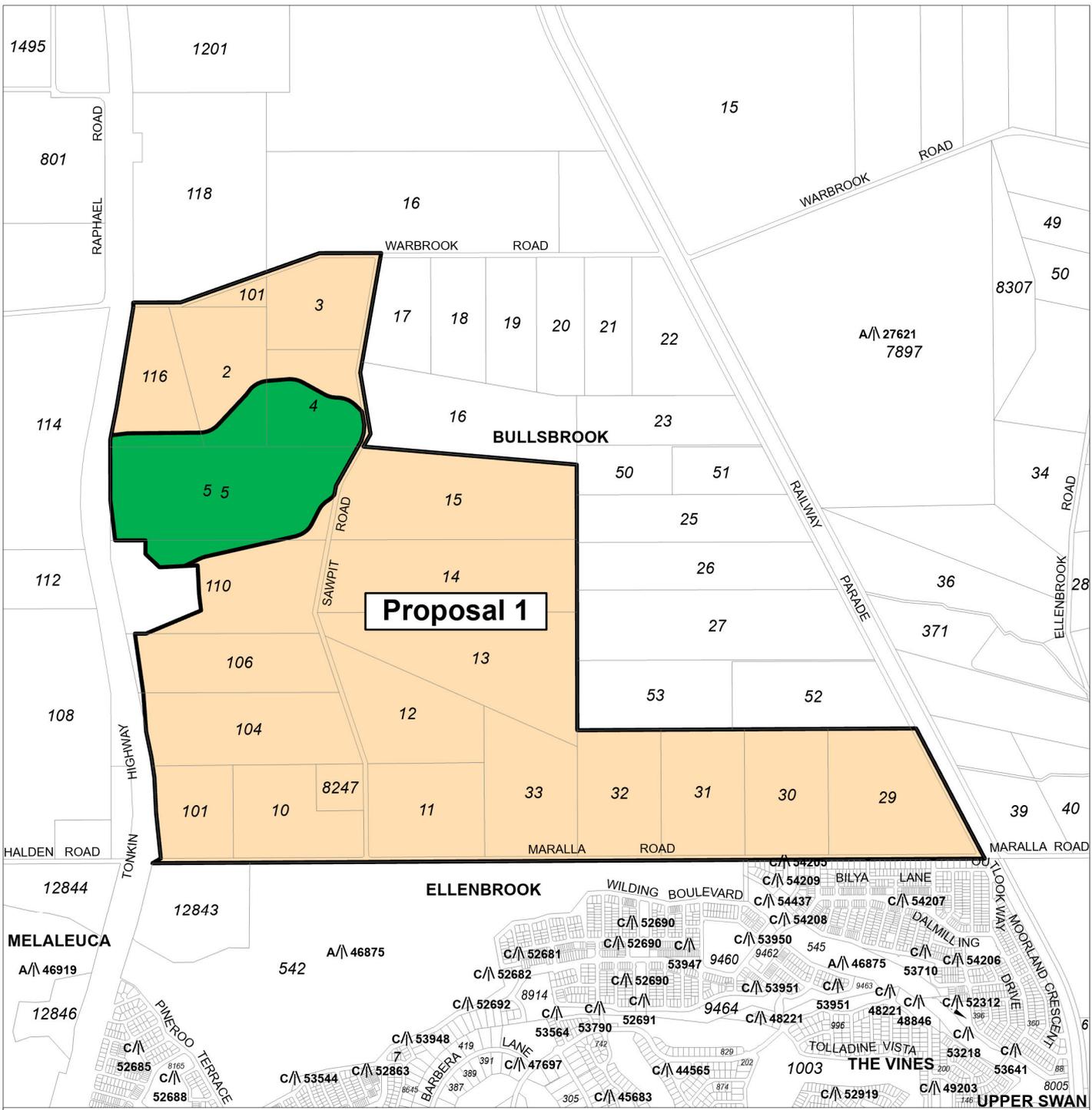


Date: 2/04/2025
Produced by Data Analytics, Department of Planning, Lands and Heritage, Perth WA
Base information supplied by Western Australian Land Information Authority SLIP 1180-2020-1



Schedule 4

amendment figure (as modified)



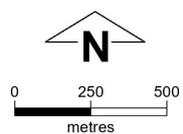
**North Ellenbrook (East)
Proposed Complex MRS amendment
as modified**

25 February 2026

Proposal 1

- Proposed Amendment:
- Rural zone to Regional open space reservation
 - Rural zone to Urban deferred zone

Reference no: 4438
File no: RLS/1083
Version number: 3



Appendix A

list of plans (as advertised)

Metropolitan Region Scheme Amendment 1411 (Complex) North Ellenbrook (East) Precinct

as advertised

Amending Plan 3.2820

Detail Plans: 1.5864, 1.5869, 1.5893 & 1.5894

Appendix B

list of plans (as modified)

Metropolitan Region Scheme Amendment 1411 (Complex) North Ellenbrook (East) Precinct

as modified

Amending Plan 3.2820/1

Detail Plans: 1.5864, 1.5869, 1.5893 & 1.5894