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Commission

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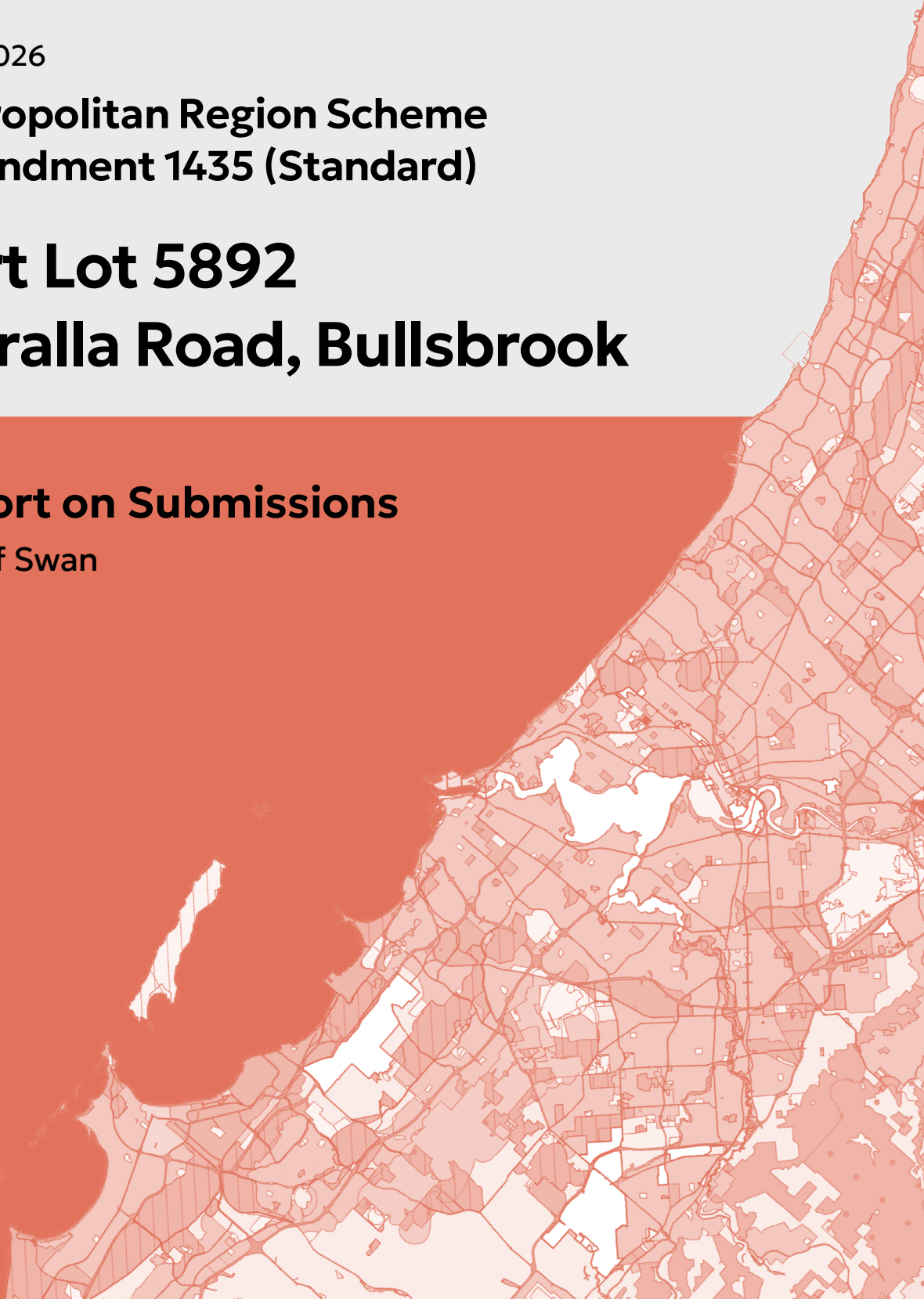
April 2026

Metropolitan Region Scheme Amendment 1435 (Standard)

Part Lot 5892 Maralla Road, Bullsbrook

Report on Submissions

City of Swan



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Report on Submissions

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Acknowledgement of Country

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

Disclaimer

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Western Australian Planning Commission

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Amendment 1435 (Standard)
Report on Submissions

File: RLS/1149

Published April 2026

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

1. Introduction

At its November 2024 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 5 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 to rezone approximately 125.86 ha in Bullsbrook from the Rural zone to the Urban Deferred zone in the Metropolitan Region Scheme (MRS), as shown on the **Amendment Figure - Proposal 1**.

The proposed amendment will primarily facilitate future residential development and areas of public open space (POS).

Lifting of Urban Deferment Requirements

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

- A mesoscopic transport model and subsequent transport assessment being prepared and undertaken by Main Roads Western Australia (MRWA) in collaboration with the Department of Planning, Lands and Heritage (the Department) and the City of Swan.
 - The Traffic Impact Assessment (TIA) that accompanies the North Ellenbrook (West) District Structure Plan is to be updated to reflect the outcomes of the State Government transport assessment. The updated TIA will inform subsequent stages of planning, specifically TIA's that accompany local structure plans.
 - A mesoscopic transport model has been prepared by MRWA in collaboration with the Department to guide and inform both the Tonkin Highway interchange design and subsequent local structure plans. The mesoscopic model tests a series of potential network connections, each with different challenges and with varying impacts on private land and network performance.
 - The appropriateness of the potential network options are currently under consideration by the Department. The TIA for the North Ellenbrook (West) District Structure Plan will need to be updated to reflect these transport outcomes.
- 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 relevant MRS amendments (outside the subject site). A future MRS amendment will be undertaken to reserve the entire interchange as Primary Regional Roads.
- Agreement with the Water Corporation regarding the funding of water and wastewater headworks to service the site.
 - The Water Corporation has advised that the funding of water and wastewater headworks to service the site has not been confirmed therefore this requirement is not considered to be addressed.
- Finalisation of existing sand mining operations or suitable transitional arrangements.

- As sand mining is currently occurring within the site further information on the status of these mining operations and/or appropriate transitional land uses will be required prior to the lifting Urban Deferment. Therefore, this requirement is not considered to be addressed.

3. Environmental Protection Authority advice

On 13 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. These matters will require further consideration in subsequent more detailed planning stages.

Ministerial Statement 956 (MS956) and Mining Tenement M70/326

The EPA noted that MS956 applies to the amendment area and authorises the extraction of sand from mining tenement M70/326 by Urban Resources Pty Ltd. The current extent of the proposal MS956 which can be implemented under M70/326 and the conditions associated with M70/326, have been considered by the EPA in reaching the determination to not assess this amendment, as follows:

- that environmental protection consistent with its factor objectives is likely to be able to be achieved through planning processes without EPA assessment, provided the 33 ha of the amendment area (which is not able to be cleared under M70/326) is subject to substantial avoidance and environmental management.
- that it is likely to be satisfied that the end use of land under M70/326 be residential and does not need to be significantly rehabilitated with native vegetation, if the balance of the amendment area (i.e. 33 ha) is subject to substantial avoidance and environmental management.

MS956 and M70/326 permit clearing of up to 92 ha and any additional clearing will be a relevant consideration for any other proposal. Should any other proposal seek to clear environmental values within the amendment area, a decision-making authority should consider its obligation to potentially refer any significant proposal to the EPA under Part IV of the *Environmental Protection Act 1986* (EP Act) and the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). This includes any subsequent mining application for the remaining 33 ha (within the amendment area) not subject to current mining approvals.

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

4. Call for submissions

The amendment was advertised for public submissions for a total of 42 days from 22 April to 03 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, a notice of the amendment was published in *The West Australian* newspaper, 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

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

Copies of all written submissions are contained within this report.

6. Main issues raised in submissions

Environmental Considerations

Submitters advise that the proposed amendment will negatively impact on the existing flora and fauna values including drainage impacts in the locality.

WAPC Response: The amendment area is identified for urban purposes in the North Ellenbrook (West) District Structure Plan. Large areas of land immediately to the south and west of the amendment area, as well as further to the north-west and south-east, are reserved as Regional Open Space under the MRS, are Bush Forever Areas and form a contiguous area of protected open space and vegetation in the immediate proximity. When considered in context, there is significant areas of reserved and vegetated open space in the immediate proximity of the amendment area.

Large areas of local open space are also proposed to be protected by the North Ellenbrook (West) and (East) District Structure Plans, including the Conservation Category Wetland (CCW) located partially within the amendment area. The entire CCW and its 50 m buffer, including vegetation and habitat within this area, are to be retained and protected for conservation as part of the local structure planning which also includes a public consultation process.

The amendment area is currently an operating extractive industry (sand mine) pursuant to Mining Tenement M70/326. The extractive industry has recently secured a planning approval that is valid until 2036. The amendment area is aligned with the extent of Mining Tenement M70/326. The mining activities within tenement M70/326 are subject to statutory approvals under the *Environmental Protection Act 1986* (EP Act) and *Mining Act 1978*. Mining tenement M70/326 is subject to environmental approval in accordance with the EP Act, specifically Ministerial Statements 024 and 956, which provides the authority to clear vegetation within the mining tenement. Ministerial Statement 956 is the statutory environmental approval which permits the clearing of vegetation and sand mining to be undertaken within the amendment area.

Accordingly, the current approved sand mining operations are progressively removing existing vegetation to mine sand. In this context, the impact on the flora and fauna values of this amendment has been considered noting the amendment area is being progressively cleared of vegetation and mined for sand resources under valid environmental and planning approvals. However, the entire CCW and Resourced Enhanced Wetland (REW) and buffers within Lot 5892, including portion of the CCW within the amendment area, is proposed for protection in accordance with the North Ellenbrook (West) District Structure Plan.

In regard to water management matters, the Department of Water and Environmental Regulation (DWER) have approved a District Water Management Strategy (DWMS) that supports the North Ellenbrook (West) District Structure Plan and presents a preliminary drainage strategy for the amendment area. The DWMS addresses the objectives of *Better Urban Water Management* and demonstrates that the amendment area can support future urban development in terms of water supply planning, flood mitigation, drainage management, groundwater management and water quality protection. Current sand mining operations within the amendment area ensure that final ground levels post extraction of sand are a minimum of 2 m

above Maximum Groundwater Level (MGL) as part of sand mining operations to enable future urban development. Further water management investigations will occur as the planning of the site progresses such as the subsequent local structure planning and subdivision stages.

7. Modifications

The proposed amendment is to be finalised as advertised with the final lifting of Urban Deferment requirements to be as follows:

- Agreement with the Water Corporation regarding the funding of water and wastewater headworks to service the site.
- Finalisation of existing sand mining operations or suitable transitional arrangements.

As this modification does not alter the intent of the advertised amendment, 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 advertised.

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 1435 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 3, and in detail on the Amending Plan listed in Appendix A should be approved and finalised.

Having regard to the above, the WAPC recommends that the Minister for Planning and Lands approves the amendment.

11. Minister decision

Amendments to the Metropolitan Region Scheme being progressed as a standard amendment in accordance with the *Planning and Development Act 2005* and regulation 5 of the Planning and Development (Region Planning Schemes) Regulations 2023 require the WAPC to provide a report and recommendation to the Minister for Planning and Lands for approval. The Minister may approve, approve with modification, or decline to approve the proposed amendment.

The Minister, after considering the amendment, has agreed with the recommendation of the WAPC and approved the amendment.

Amendment 1435 is now finalised as advertised and shown on Amending Plan 3.2855 and has effect in the Metropolitan Region Scheme from the date of notice in the *Government Gazette* on Friday 17 April 2026.

Schedule 1

listing of submissions

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

Submission Number	Submitter
1	Tanika Groves
2	APA Group
3	Department of Water and Environmental Regulation
4	ATCO Gas Australia
5	Department of Communities
6	Department of Primary Industries and Regional Development
7	Department of Transport
8	Water Corporation
9	Department of Energy, Mines, Industry Regulation and Safety
10	Department of Health
11	Department of Fire and Emergency Services
12	CDP Town Planning and Urban Design
13	Friends of the Western Swamp Tortoise
14	Public Transport Authority
15	Main Roads Western Australia
16	Stockland
17	Urban Bushland Council Inc
18	Jan Zeck
Late Submissions	Submitter
19	Department of Education
20	City of Swan

Schedule 2

summary of submissions and determinations

Submission: 1
Submitter: Tanika Groves
Summary of Submission: OBJECTION

The submitter objects to the amendment, expressing concern about construction impacts on their nearly completed street and recently built homes. Key issues raised include potential damage to their property from construction activities (such as dust, vibration, and cracking), increased noise affecting shift workers in the household, and adverse effects on the local environment and native wildlife.

Planning Comment: Comments noted.

The amendment is located within the WAPC approved North Ellenbrook (West) District Structure Plan (DSP), confirming its strategic role in the broader planning vision for the area. The DSP identifies the site for residential development, together with the protection of a significant wetland and provision of a primary school. The DSP recognises the site as a logical and integrated future urban footprint, ensuring alignment with regional growth objectives and infrastructure coordination.

As the detailed planning of the sites continues, further consultation with the community will occur as part of the local structure planning where matters such as the location of local roads, lot layout and the allocation of Public Open Space (POS) is further considered.

Determination: Submission dismissed.

Submission: 2, 3, 4, 5, 6, 7, 8, 9, 11, 14, 15 & 19 (Late)

Submitter: APA Group, Department of Water and Environmental Regulation, ATCO Gas Australia, Department of Communities, Department of Primary Industries and Regional Development, Department of Transport, Water Corporation, Department of Energy, Mines, Industry Regulation and Safety, Department of Fire and Emergency Services, Public Transport Authority, Main Roads Western Australia, Department of Education

Summary of Submission: COMMENT

The above State Government agencies and infrastructure providers raise no objections, no comment or provide general comments on the amendment.

Planning Comment: Comments noted.

Determination: Submissions noted.

Submission: 10

Submitter: Department of Health

Summary of Submission: OBJECTION

The Department of Health (DoH) advises as follows:

- **Chemical Hazards:** The land is an active silica sand quarry and may be rehabilitated in the future, potentially using imported waste or fill. The site is not currently classified as contaminated but could have unrecorded risks. The DoH requires evidence that the site is suitable for residential use before agreeing to reclassification, warning that unresolved issues could delay land release.
- **Medical Entomology:** Mosquito-borne diseases are present in the area. The DoH recommends risk assessment and, if needed, an integrated mosquito management plan, with adequate resources for ongoing management after development.
- **Wastewater Management:** No objection provided on-site wastewater treatment complies with regulations and policies. The site is sewerage sensitive and near key water source areas, requiring secondary treatment systems until future residential development connects to a licensed sewage service.
- **Drinking Water:** All drinking water must meet health standards. The site's proximity to important water source areas means sand extraction must not compromise water safety. For future residential use, DoH has no objection if connected to licensed drinking water services.
- **Further Information:** DoH requests more details once quarrying ends and rehabilitation is validated as suitable for residential use.

Planning Comment: Comments noted.

The Department of Health's (DoH) advice has been provided to the proponent for further consideration as planning of the site progresses. It is noted that the intent of the amendment is to zone the site Urban Deferred only, a subsequent lifting of Urban Deferment process which needs to occur prior to the transfer of the site to the Urban zone. This will involve further consultation with the DoH and the provision of any additional information (if required).

Determination: Submission noted.

Submission: 12

Submitter: CDP Town Planning and Urban Design (on behalf of Stockland)

Summary of Submission: SUPPORT

The submitter supports the amendment, citing alignment with the Sub-Regional Planning Framework and the need to increase housing supply and affordability. The submission highlights the amendment areas proximity to Ellenbrook and planned transport infrastructure, expected benefits to community infrastructure and local employment, use of previously

disturbed sand mining land, and notes MS956 and wetland protections as supporting environmental considerations.

Planning Comment: Support noted.

Determination: Submission noted.

Submission: 13

Submitter: Friends of Western Swamp Tortoise

Summary of Submission: OBJECTION

The submitter objects to the proposed rezoning due to concerns about environmental impacts, particularly on creek systems, tortoise reserves, and native vegetation.

The submitter emphasises the need to balance new housing development with nature conservation, citing insufficient drainage plans and scientific evidence of declining water levels that threaten the Western Swamp Tortoise and risk pollution.

They highlight the importance of ecological connectivity and advocate for the application of the WHO 3-30-300 rule, ensuring nature is accessible within 300 metres of every resident.

The submission calls for specific conditions to be included in the MRS: protecting wetlands, waterways, and native vegetation; maintaining robust buffers for endangered species; prioritising Carnaby Cockatoo recovery; and aligning with legislation that guarantees a healthy natural environment for current and future generations.

The submitter stresses that children in local schools are highly concerned about deforestation and climate change, and that newly developed areas lack mature tree coverage, impacting their wellbeing and connection to nature.

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

Determination: Submission dismissed.

Submission: 16

Submitter: Stockland

Summary of Submission: SUPPORT

The submitter supports the proposed rezoning amendment, citing its alignment with regional growth projections and the North-East Sub-Regional Planning Framework.

They argue that the site is well-positioned to meet increasing residential demand, address housing shortages and affordability, and take advantage of nearby transport infrastructure, such as the Ellenbrook train station and future Tonkin Highway interchange.

The development is expected to enhance community infrastructure, support local businesses, and contribute to employment self-sufficiency by creating additional local jobs.

The submission also challenges the EPA's interpretation of Ministerial Statement 956, stating that sand extraction is authorized across the entire mining tenement, with key environmental protections in place for wetland areas.

Overall, the submission contends that the rezoning is a logical and necessary step to meet the housing, employment, and infrastructure needs of the North-East Sub-Region.

Planning Comment: Support noted.

Determination: Submissions noted.

Submission: 17

Submitter: Urban Bushland Council

Summary of Submission: OBJECTION

The submitter objects to the amendment, noting the site is intended as green space in the North-East Sub-regional Planning Framework and raising concerns about sand mining, vegetation clearing, drainage and hydrological impacts, and limited environmental assessment (including for Western Swamp Tortoise and Carnaby's Black Cockatoo habitat). The submission requests strong protections for CCWs and buffers, ecological connectivity and restoration requirements, and bushfire risk mitigation that avoids further impacts to surrounding native vegetation.

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

Determination: Submission dismissed.

Submission: 18

Submitter: Jan Zeck

Summary of Submission: OBJECTION

The submitter strongly objects to the proposed amendment, citing a lack of supporting documents, particularly the absence of a draft structure plan.

The submission emphasises the importance of comprehensive environmental, water, bushfire, and engineering assessments before any

urban development proceeds, referencing longstanding EPA warnings against piecemeal planning.

Key environmental concerns raised include the loss of ecological linkages, unsustainable urban sprawl not based on Transit Oriented Design principles, and inadequate protection of Conservation Category Wetlands, Banksia Woodlands, and black cockatoo habitats.

The submitter details drainage and flooding issues across the Swan Urban Growth Corridor, noting unsuitable geology, costly fill requirements, extensive tree removal, and negative impacts on local ecology and identity.

Problems with acid sulphate soils and unmanaged discharge threaten highly endangered species such as the Western Swamp Tortoise.

The submitter questions the effectiveness of current water management strategies, expresses concerns about future development impacts, and asks for specific actions to address flooding, weed incursion, and tree survival.

Overall, the submitter argues that without thorough assessments and improved management, the amendment risks irreversible environmental harm and unsustainable outcomes.

The submitter includes a letter to the City of Swan highlighting recent flooding, drainage failures, and health and environmental risks, and a supported by a number of photos.

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

Determination: Submission dismissed.

Submission: 20 (Late)

Submitter: City of Swan

Summary of Submission: OBJECTION

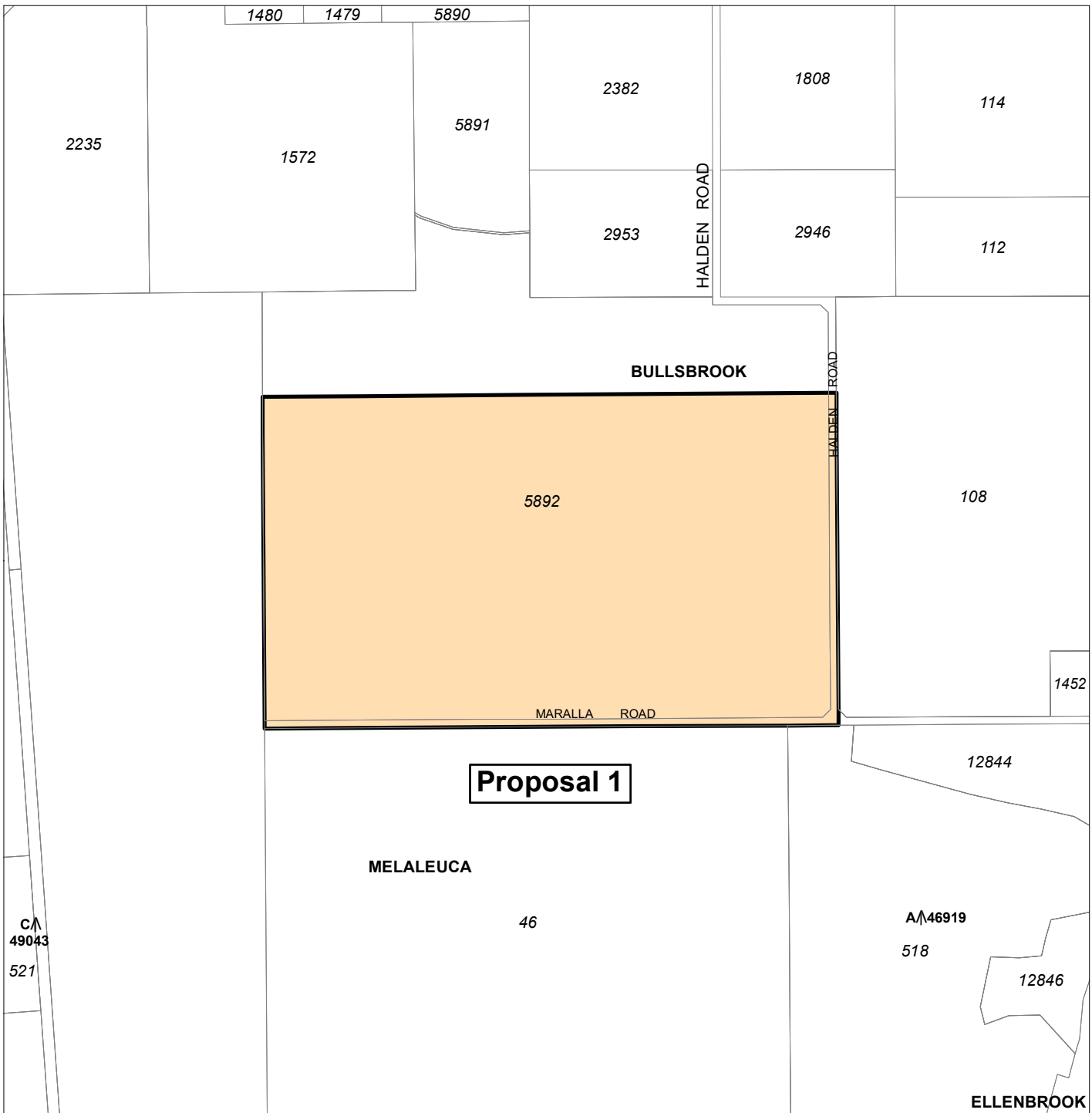
The submitter advises that the Council resolved at its 13 August 2025 Ordinary Meeting to object the amendment. Reasons cited include the intention to retain Banksia Woodlands (a matter of national environmental significance under the EPBC Act) as Carnaby's Black Cockatoo habitat, uncertainty regarding identification of the 33 ha proposed for retention, and the absence of environmental assessment for black cockatoo habitat and hydrological assessment of future drainage impacts from urbanisation.

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

Determination: Submission noted.

Schedule 3

amendment figure (as advertised)




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

20 November 2024

Proposal 1

Proposed Amendment:

 Rural zone to Urban Deferred zone

Oracle reference no: 4954

Version number: 4

Appendix A

list of plans (as advertised)

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

as advertised

Amending Plan 3.2855

Appendix B

submissions

**Respondent No:** 1**Login:** Anonymous**Email:** n/a**Responded At:** Apr 22, 2025 16:31:49 pm**Last Seen:** Apr 22, 2025 16:31:49 pm**IP Address:** n/a

Q1. What is your first name?	Tanika
Q2. What is your surname?	Groves
Q3. Submissions may be published as part of the consultation process. Do you wish to have your name removed from your submission?	No
Q4. What is your email address?	tanikagroves@gmail.com
Q5. What is your address?	39 Maralla Road, Ellenbrook
Q6. What is your contact number?	0425661019
Q7. Are you responding on behalf of an organisation?	No
Q8. What is the name of the organisation?	not answered
Q9. Do you support/oppose the proposed amendment to the Metropolitan Region Scheme?	Oppose
Q10. Please type your submission (reasons for support/opposition) in the box below. Any supporting documents may be uploaded below.	
	<p>I oppose this due to the impact the development stage will have on our neighborhood and our beautiful new houses in a brand new street that's finally close to completion. The damage from construction on our house, such as dust cracking from vibration, damage we will not be compensated for. Change in noise, increased construction noise impacting a household of shiftworkers. Impact on the environment and the 1000's of local native animals that live in our area.</p>
Q11. Upload supporting documents	not answered
Q12. Upload supporting documents	not answered
Q13. Upload supporting documents	not answered

23 April 2025

APA Reference: 507070
Your Reference: RLS/1149

Anthony Muscara
Western Australian Planning Commission
140 William Street
Perth WA 6000

EMAIL OUT: RegionPlanningSchemes@dplh.wa.gov.au

Dear Anthony,

RE: Proposed MRS amendment at Part Lot 5892 Maralla Road, Bullsbrook

Thank you for your referral request received on 22nd April 2025 in relation to the proposed Metropolitan Region Scheme Amendment 1435 (Standard) at part Lot 5892 Maralla Road, Bullsbrook – RLS/1149.

APA Group (APA) is a leading Australian owned and operated energy infrastructure business with a \$22 billion portfolio of assets, delivering essential energy services across all of Australia. Our focus is on providing safe, reliable, affordable, and low emissions energy to Australian communities. Our investments are also critical to supporting Australian jobs, manufacturing and industry. APA is a trusted owner and operator of a range of energy infrastructure – from renewable energy, to electricity interconnectors and transmission, through to gas generation plants and transmission pipelines. APA is the Pipeline Licensee for the Parmelia Gas Pipeline, located approximately 620 metres west from the western boundary of the subject site.

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

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

Yours faithfully,



ZIJAD BAJREKTAREVIC
URBAN PLANNER
INFRASTRUCTURE PLANNING AND APPROVALS
APA GROUP

From: Jim Mackintosh <jim.mackintosh@dwer.wa.gov.au>
Sent: Wednesday, 30 April 2025 2:28 PM
To: Region Planning Schemes
Cc: Anthony Muscara
Subject: FW: Proposed Metropolitan Region Scheme Amendment 1435 (Standard) - Part Lot 5892 Maralla Road, Bullsbrook - City of Swan (RLS/1149)

Importance: High

Categories: LC, SUB

OFFICIAL

Dear DPLH,

Thank you for the above referral. The Department of Water and Environmental Regulation supports the proposal as a supporting District Water Management Strategy has previously been endorsed by DWER.

Regards

Jim Mackintosh

Department of Water and Environmental Regulation

Program Manager

Swan Avon Region

Planning Advice Section

T 08 6250 8043 |

E jim.mackintosh@dwer.wa.gov.au

Visit our website www.dwer.wa.gov.au

From: Engineering Services <eservices.archive@atco.com>
Sent: Friday, 2 May 2025 4:42 PM
To: Region Planning Schemes
Subject: RE: LM01628019 - Proposed Metropolitan Region Scheme Amendment 1435 (Standard) - Part Lot 5892 Maralla Road, Bullsbrook - City of Swan (RLS/1149)
Attachments: Plan WA - TRIGGER DISTANCE - LM01628019.pdf

Categories:

OFFICIAL

Re: Proposed Metropolitan Region Scheme Amendment 1435 (Standard) - Part Lot 5892 Maralla Road, Bullsbrook - City of Swan (RLS/1149)
ATCO Reference: LM01628019

ATCO Gas Australia (ATCO) has **no objection** to the proposed application, based on the information and plan provided.

Advice notes:

- Anyone proposing to carry out construction or excavation works must contact 'Before You Dig Australia' (www.byda.com.au) to determine the location of buried gas infrastructure. Refer to ATCO document AGA-O&M-PR24- Additional Information for Working Around Gas Infrastructure <https://www.atco.com/en-au/for-home/natural-gas/wa-gas-network/working-around-gas.html>
- Proposed construction and excavation works need to be managed in accordance with the ATCO document Additional Information for Working Around Gas Infrastructure - AGA-O&M-PR24 <https://www.atco.com/en-au/for-home/natural-gas/wa-gas-network/working-around-gas.html>

Please accept this email as ATCO's written response.

Should you have any queries regarding the information above, please contact us on 13 13 56 or eservices@atco.com.

Gary Middleton

Land Management Coordinator
ATCO Australia, Gas Division

M. 0456 623 921

P. 08 61635153

A. 81 Prinsep Road, Jandakot, Western Australia, Australia, 6164





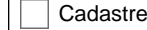
ATCO.com.au [LinkedIn](#) [Facebook](#)

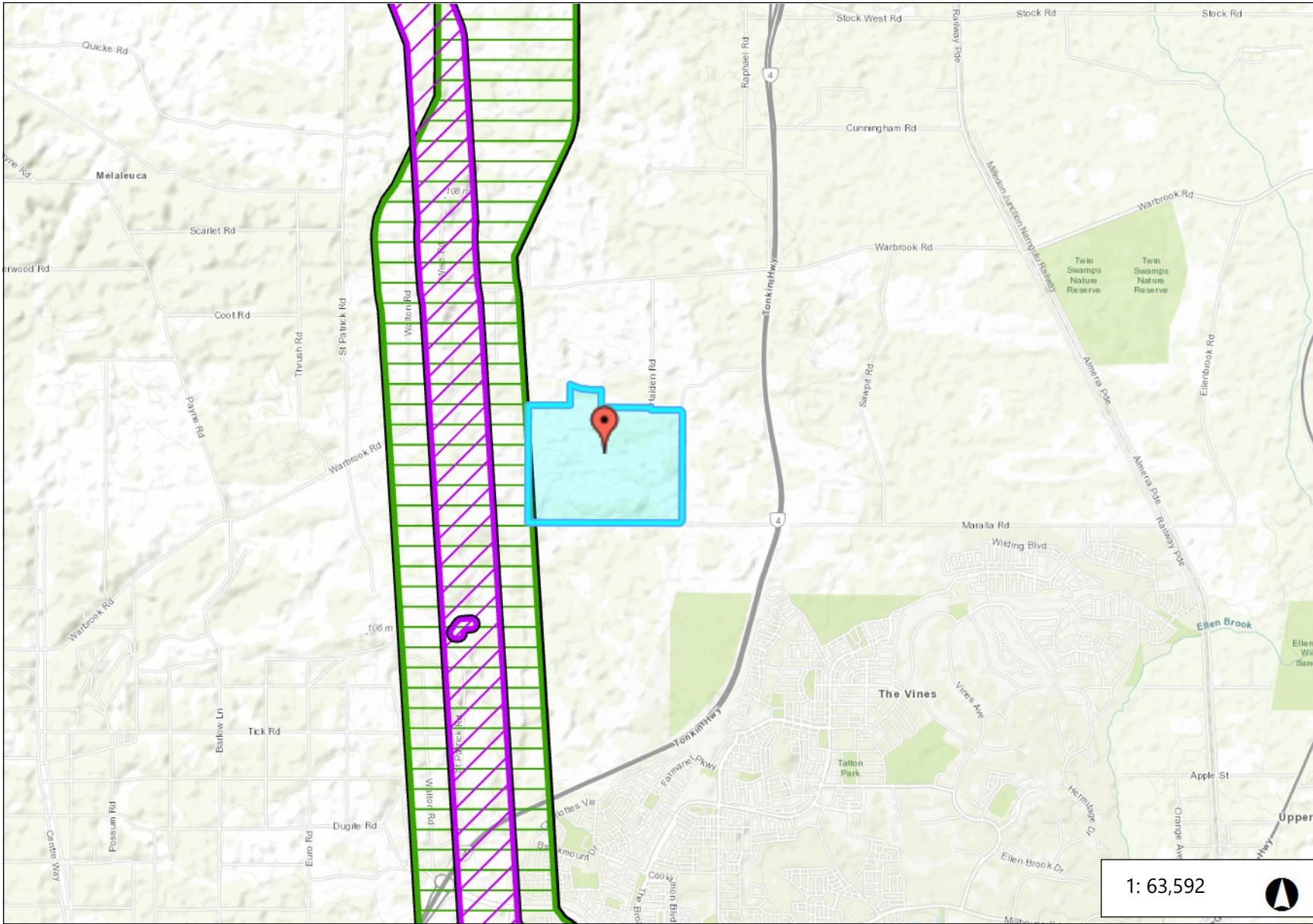
ATCO acknowledges the Traditional Owners of country throughout Australia and their continuing connection to land, sea and community. We pay respect to their Elders past, present and emerging, and in the spirit of reconciliation, we commit to working together for our shared future.

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Legend

-  APA Trigger Distance
-  DBP - AGIG Trigger Distance
-  Cadastre



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Notes

3.2 0 1.62 3.2 Kilometers

Date produced: 02-May-2025

This map is a user generated static output from PlanWA (a public interactive mapping tool provided by the Department of Planning, Lands and Heritage and accessed via wa.gov.au) and is for reference only.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

From: Hannelie Evans <Hannelie.Evans@communities.wa.gov.au>
Sent: Thursday, 8 May 2025 1:22 PM
To: Region Planning Schemes
Subject: RE: Proposed Metropolitan Region Scheme Amendment 1435 (Standard) - Part Lot 5892 Maralla Road, Bullsbrook - City of Swan (RLS/1149) [SEC=OFFICIAL]

Follow Up Flag:
Flag Status: Completed

Categories:

OFFICIAL

Good day,

Thank you for the opportunity to provide comment on the proposed MRS Amendment 1435.

Communities, in principle, support urbanisation in this location, as outlined in the North Ellenbrook District Structure Plan.

It is understood that more detailed planning will determine appropriate land use outcomes to meet the needs of future residents. Communities look forward to providing further input during these planning stages.

Regards,

Hannelie Evans

Urban Planning, Design & Approvals
Portfolio and Asset Services | Housing & Homelessness
P 08 6414 1873 M 0430 888 631
Level 5, Boorloo Campus, 130 Stirling Street, Northbridge
W communities.wa.gov.au



Government of **Western Australia**
Department of **Communities**



Department of
**Primary Industries and
Regional Development**

Your reference: RLS/1149 (AMD 1435)
Our reference: LUP 2155
Enquiries: Louise Murray

Western Australian Planning Commission
140 William Street
Perth WA 6100

Email: regionplanningschemes@dplh.wa.gov.au (Attn: Lainy Collisson)

Date: 13 May 2025

Dear Sir/Madam

Proposed Metropolitan Region Scheme Amendment 1435 (Standard) - Part Lot 5892 Maralla Road, Bullsbrook - City of Swan (RLS/1149)

Thank you for inviting the Department of Primary Industries and Regional Development (DPIRD) to comment on the above proposal, which seeks to rezone the land to 'Urban Deferred'.

DPIRD does not object to the proposal, and offers the following comments:

- Mining Lease M70/326 is subject to the conditions listed at Attachment 1, including requirements for environmental management, monitoring, reporting and rehabilitation. (**Attachment 1** – Conditions applying to M70/326)
- DPIRD supports the comments made by the Environmental Protection Authority on Amendment 1435, which refer to the conditions on M70/326 and suggest that, to minimise future rehabilitation requirements, the rezoning proponent and the tenement holder agree to retain high-value vegetation within the approved mining area, and protect the remnant vegetation in the balance 33ha lot.

For more information, please contact Louise Murray on 9368 3833 or louise.murray@dpird.wa.gov.au

Yours sincerely

A handwritten signature in black ink that reads 'Timothy Overheu'.

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

Attachment 1: Conditions applying to M70/326

Attachment 1: Conditions applying to M70/326

5/12/25, 5:36 PM

eMITS - Mineral Titles Online



Tenement Register

Register for Tenement M 70/326

Identifier: **M 70/326**

Status: Live
Area: 120.75000 HA
Markout: 08/04/1987 11:00:00
Received: 08/04/1987 13:45:00
Term Granted: 21 Years (Renewed)
Commence: 27/05/1988
Expiry: 26/05/2030
Death:

Rent Status

Due for Year End 26/05/2025: PAID IN FULL
Rental for Year End 26/05/2026: \$0.00

Expenditure Status

Expended Year End 26/05/2024: EXPENDED IN FULL
Current Year Commitment: \$12,100.00

- Holdings
- Description
- Relationships
- Survey
- General
- Shire
- Grant
- Conditions**
- Dealing
- Payments
- Expenditure
- Combined Reporting
- Bond
- Map
- Native Title
- Warden's Court
- Documents

Conditions Endorsements

Show history

Cond No	Version	Text	Start
1	1	Survey.	27/05/1988
2	1	Compliance with the provisions of the Aboriginal Heritage Act, 1972 to ensure that no action is taken which is likely to interfere with or damage any Aboriginal Site.	27/05/1988
3	1	The terms and conditions expressed in a certain Agreement dated 22nd January 1985 between the lessee and the owners of Swan Location 5892.	27/05/1988
4	1	The lessee adhering to the proposal as assessed by the Environmental Protection Authority and fulfilling the commitment given for environmental management.	27/05/1988
5	1	The lessee ensuring that all waste oils and vehicle washdown water is collected and treated, or disposed offsite, to the satisfaction of the Water Authority of Western Australia.	27/05/1988
6	1	The lessee constructing and operating all fuel storage facilities in accordance with the requirements of the Water Authority of Western Australia.	27/05/1988
7	1	The lessee submitting brief annual reports to the satisfaction of the Department of Mines describing rehabilitation programmes and summarising monitoring results with respect to environmental management programmes adopted for the project.	27/05/1988
8	1	Rehabilitation on private land being an end land use agreed with the land owner, provided that the lessee shall ensure that disturbed areas are left in a condition acceptable to the Environmental Protection Authority.	27/05/1988
9	1	Prior to commissioning, a dust management programme be developed by the lessee to control dust migration from unbalanced operations areas, to the satisfaction of the Department of Mines. This programme to include a proposal to install an appropriate dust suppression system such as mobile water cannon to control dust during adverse weather conditions.	27/05/1988
10	1	The lessee shall not carry out processing activities or place electrical equipment or power lines within 500 metres of the Gngangara Magnetic Observatory for such a period that the Magnetic Observatory is in operation.	27/05/1988
11	1	In order to reduce the effects of vibration and magnetic disturbances on the Gngangara Magnetic Observatory, the lessee ensuring that mining and heavy vehicle access to and from the project is kept at a distance of at least 200 metres from the Gngangara Magentic Observatory. (Except for the intrusion caused by the current alignment of Gaskell Avenue).	27/05/1988
12	1	If, following detailed testing (by the operators of the observatory) it is shown that the vibration and magnetic disturbances associated with the proposal are unacceptable, the Environmental Protection Authority shall modify the requirements of conditions 10 and 11 to ensure that the integrity of the observatory is maintained.	27/05/1988
13	2	The construction and operation of the project and measures to protect the environment being carried out generally in accordance with the document titled: <ul style="list-style-type: none"> • "Maralla Road Sand Mine - Mining Proposal M70/326" (Reg. ID 24201) dated 6 October 2009 signed by Ian Gale and Andrew Mack and retained on Department of Mines and Petroleum file No. EARS-MP-24201; • Letter titled "Mining Proposal Registration ID: 24201 M70/326 Sand Extraction Operation Lot 5892. Maralla Road, Bullsbrook" dated 11 December 2009 signed by Andrew Mack and retain on Department of Mines and Petroleum file No. EARS-MP-24201; • "Maralla Road Sand Mine Closure Plan (Tenement M70/326)" (Reg ID 45717) dated 25 November 2013 signed by Laura Todd and retained on Department of Mines and Petroleum File No. EARS-MCP-45717 Where a difference exists between the above document(s) and the following conditions, then the following conditions shall prevail.	19/03/2014
14	1	The development and operation of the project being carried out in such a manner so as to create the minimum practicable disturbance to the existing vegetation and natural landform.	16/06/2011
15	1	All topsoil and vegetation being removed ahead of all mining operations and being stockpiled appropriately for later respreading or immediately respread as rehabilitation progresses.	16/06/2011
16	1	At the completion of operations, all buildings and structures being removed from site or demolished and buried to the satisfaction of the Director, Environment Division, DMP.	16/06/2011
17	1	All rubbish and scrap is to be progressively disposed of in a suitable manner.	16/06/2011
18	1	Any alteration or expansion of operations within the lease boundaries beyond that outlined in the above document(s) not commencing until a plan of operations and a programme to safeguard the environment are submitted to the Director, Environment, DMP for his assessment and until his written approval to proceed has been obtained.	16/06/2011
19	2	The Lessee submitting to the Executive Director, Environment Division, DMP, a brief annual report outlining the project operations, minesite environmental management and rehabilitation work undertaken in the previous 12 months and the proposed operations, environmental management plans and rehabilitation programmes for the next 12 months. This report to be submitted each year in: <ul style="list-style-type: none"> • October. 	03/09/2013
21	2	A Mine Closure Plan is to be submitted in the Annual Environmental Reporting month specified in tenement conditions in the year specified below, unless otherwise directed by the Executive Director Resource and Environmental Compliance Division, Department of Mines, Industry Regulation and Safety. The Mine Closure Plan is to be prepared in accordance with the Department's "Guidelines for Preparing Mine Closure Plans": <ul style="list-style-type: none"> • 2028 	18/07/2023

From: Golestani, Shanthi <Shanthi.Golestani@transport.wa.gov.au>
Sent: Tuesday, 20 May 2025 10:30 AM
To: Region Planning Schemes
Cc: Anthony Muscara
Subject: 20250520 DoT Response RE: Proposed Metropolitan Region Scheme Amendment 1435 (Standard) - Part Lot 5892 Maralla Road, Bullsbrook - City of Swan (RLS/1149)

Importance: High

Categories:

OFFICIAL

Your ref: RLS/1149

Our ref: DT/24/00348

Enquiries: Shanthi Golestani (9216 8774)

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

Attention: Anthony Muscara

Dear Anthony

RE: Proposed Metropolitan Region Scheme Amendment 1435 - Lot 5892 Maralla Road, Bullsbrook

Thank you for your email dated 22 April 2025 inviting the Department of Transport (DoT) to provide comment on the above proposed amendment. The Urban Mobility (UM) division of DoT previously provided comment at pre-lodgement stage, dated 26/7/24. UM has reviewed the submitted documents and advises that DoT has no objection to the proposal.

The following advice is provided, to be addressed as part of the work to support any lifting of the proposed Urban Deferred to Urban:

1. Section 3 of the Amendment Report (pg6) notes MRWA requirements, stating '...suitable local road network connectivity being provided to access the Ellenbrook Secondary Activity Centre'. Active transport is an essential component of the movement network, and must be incorporated into any local road network planning.
 - a. DoT's strategic cycle network plan is the Long Term Cycle Network (LTCN) which was endorsed by the City of Swan Council at its meeting of 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.

- b. A Primary LTCN route runs along Tonkin Hwy, however no other LTCN routes exist in the vicinity of the proposed urban area. Suggested LTCN routes for the North Ellenbrook (West) and (East) have previously been provided by DoT and are proposed within the approved DSP for North Ellenbrook (West).
 - c. It is important that an active transport network (including additions to the LTCN) be developed for this MRS Amendment area that is integrated with that proposed for the broader District Structure Plan (DSP) area as part of the next stages of planning. This will ensure a consistent network as future urban areas are developed in the future, at different stages. 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.
2. DoT notes that a cumulative Transport Impact Assessment (TIA) is being prepared to support of the next stage of planning, per the Amendment Report. As DoT previously recommended, safe walk to school assessments should be included in the TIA.

DoT liaised with the Public Transport Authority (PTA) at pre-lodgement stage, who had no comment to provide. DoT has not liaised with PTA or Main Roads WA (MRWA) for this current stage. DPLH should contact PTA and MRWA directly if updated information is required.

DoT would welcome the opportunity to comment at further planning stages.

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

Kind regards,

Shanthi Golestani
Senior Project Officer - Transport Planner | Urban Mobility | Department of Transport
GPO Box C102, Perth WA 6839
Tel: (08) 92168774
Email: Shanthi.Golestani@transport.wa.gov.au | Web: www.transport.wa.gov.au

Part time - Tues/Thurs/Fri



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

Development
Services

629 Newcastle Street
Leederville WA 6007

PO Box 100
Leederville WA 6902

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



Your Ref: RLS/1149
Our Ref: 175863846 (MRS412075)
Enquiries: Brett Coombes
Direct Tel: 9420 3165
Email: land.planning@watercorporation.com.au

20 May 2025

Secretary
Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6001

Attention: Anthony Muscara

Re: Lot 5892 Maralla Road, Bullsbrook

Thank you for your correspondence inviting comments on the above proposal. Water Corporation has no objections to the proposed rezoning of this land from "Rural" to "Urban Deferred", as this is consistent with the North Ellenbrook (West) District Structure Plan as amended.

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 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 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).

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.

If you have any queries or require further clarification on any of the above issues, please contact the Enquiries Officer.

Brett Coombes
Senior Planner, Land Use Planning
Development Services



Department of **Energy, Mines,
Industry Regulation and Safety**
Resource and Environmental Regulation

Your ref RLS/1149
Our ref DMS00038/2025
Enquiries Steven Batty — 9222 3104
Steven.BATTY@demirs.wa.gov.au

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

Dear Sir/Madam

MRS AMENDMENT - PART LOT 5892 MARALLA ROAD, BULLSBROOK - CITY OF SWAN (RLS/1149)

Thank you for your letter dated 22/04/2025 inviting comment on the Metropolitan Region Scheme (MRS) Amendment for Part Lot 5892 Maralla Road, Bullsbrook - City of Swan (RLS/1149).

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

- The area hosts a recognised SPP2.4 significant geological supply of sand and silica and within sand mining tenement area (M70/326). The documentation in the MRS amendment clearly acknowledges this resource, and highlights that the proposed sequential land use for the area is suitable to be zoned Urban Deferred.

DEMIRS lodges no objections to the above MRS amendment.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'S Batty'.

Steven Batty | Senior Geologist
Resource Security Directorate
27 May 2025



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

Your Ref: RLS/1149
Our Ref: F-AA-90444-89/D-AA-25/116102
Contact: Yashvee Manrakhan-Field 9222 2000

Ms Lainy Collisson
Senior Planning Support Officer
Department of Planning, Lands and Heritage
Bunbury Tower, Level 6, 61 Victoria Street
BUNBURY WA 6230

Attention: Anthony Muscara

Via email: Anthony.muscara@dph.wa.gov.au;
regionplanningschemes@dph.wa.gov.au

Dear Ms Collisson

**PROPOSED METROPOLITAN REGION SCHEME AMENDMENT 1435
(STANDARD) - PART LOT 5892 MARALLA ROAD, BULLSBROOK**

Thank you for your email dated 22 April 2025, requesting comment from the Department of Health (DoH) on the above proposal.

DoH position

- No objection – no comments or advice to provide.
- No objection – with comments and/or recommended conditions and advice notes provided below.
- Do not support – reasons provided below, i.e. additional reports, studies, plans or other information that should be provided to determine public health risk / legislative compliance.

DoH advice and recommendations

1. Chemical Hazards

The site is currently a large operational silica sand quarry operated under Mining Tenement (M70/326) and [Ministerial Statements 024/956](#) that includes a condition requiring the rehabilitation of the site to a condition “agreed with the landowner”. It is understood that the quarry may cease operations in 5-7 years’ time however it is not clear whether rehabilitation of the site would include the importation of waste/fill.

The site has not been classified as a Contaminated-Remediation Required, Contaminated-Restricted Use, Remediated for Restricted Use as recorded on the Contaminated Sites database (CS Act 2003). However, although this site does not appear on Department of Water and Environmental Regulation ([DWER](#)) [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. [Schedule 1 — Forms \(www.wa.gov.au\)](#)

The site is currently used for mineral extraction which is a potentially contaminating land use as set out in DWER's "*Assessment and management of contaminated sites*" (DWER Nov 2021) Appendix B. In addition, it is possible that the site may be rehabilitated in the future through the importation of waste or uncontrolled fill which may not be suitable for the future residential land uses.

Advice Note:

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

If the site is provided planning zoning/approval to allow development to proceed without first addressing these matters, DoH may be unable to agree reclassification of the site, delaying the release of Titles for sale.

2. Medical Entomology

The City of Swan is a member of the East Swan River Mosquito Contiguous Local Authorities Group, which undertakes an extensive program of health-driven mosquito monitoring and management in conjunction with the DoH. Despite considerable efforts to manage mosquitoes and mosquito-borne disease in the City, there continues to be cases of Ross River virus and Barmah Forest virus disease, including around Bullsbrook.

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 Bullsbrook is not clearly defined. The DoH recommends that:

- The proponents work with the City of Swan to determine the extent of risk from mosquitoes and mosquito-borne disease for the location.
- If that risk is considered medium or high by the City, an integrated mosquito management plan shall be developed and adequately funded to manage mosquitoes to reduce the risk of exposure for future residents.
- The City of Swan ensures they have sufficient resources for ongoing mosquito management for future development associated with the amendment following the handover of responsibility from the developer.

3. Wastewater Management:

In relation to the management of wastewater and the site's current industrial usage and purpose, the DoH has no objection to the proposal subject to ensuring the treatment and disposal of the wastewater that is generated on site complies with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations, 1974*, and meet the *Government Sewerage Policy, 2019*, requirements.

As the site is located within a sewerage sensitive area and in proximity to the Gngangara Underground Water Pollution Control Area, Public Drinking Water Source Areas – P1 and P3, the proponent is to ensure that a secondary onsite wastewater treatment system is installed and used by the current land users as zoned Urban.

Current or future sewage intended to be reused or recycled for beneficial purposes such as landscape and garden bed irrigation, toilet flushing or other purposes, will require prior approval from the DoH. Please refer to the "Application Process for approval of a recycling water scheme":

https://ww2.health.wa.gov.au/Articles/A_E/Application-process-for-approval-of-recycling-water-scheme

When the future residential development of land follows the lifting of Urban Development, the DoH will have no objection to the proposal subject to being connected to sewage services provided by a licensed service provider.

4. Drinking Water

As currently zoned Urban, all drinking water provided on site must meet the health-related requirements of the Australian Drinking Water Guidelines 2011.

As the site is located partly within the Gngangara Underground Water Pollution Control Area, Public Drinking Water Source Area – P3, and in proximity to the Public Drinking Water Source Areas – P1, the proponent is to ensure the extraction of sand or other minerals as industrial works do not compromise the integrity of these Public Drinking Water Source Areas. It is recommended that DWER are contacted and consulted.

In relation to drinking water, when the future residential development of land follows the lifting of Urban Development, the DoH has no objection to the proposal subject to being connected to drinking water services provided by a licensed service provider.

Requested further information and/or revised plans

Considering the comment under Chemical Hazards, the DoH is unable to determine whether the site will be suitable for urban/residential uses now or in the future, and request that the proponent resubmit a rezoning application once the quarry operations have ceased and rehabilitation works have been completed and validated as appropriate for residential land use.

Should you have any queries or require further information, please contact System Performance on 9222 2000 or eh.eSubmissions@health.wa.gov.au.

Yours sincerely



Peter Gray
**A/EXECUTIVE DIRECTOR
ENVIRONMENTAL HEALTH DIRECTORATE**

30 May 2025

From: DFES Land Use Planning <advice@dfes.wa.gov.au>
Sent: Friday, 30 May 2025 1:52 PM
To: Region Planning Schemes
Cc: Anthony Muscara
Subject: RLS/1149 - Part Lot 5892 Maralla Road, Bullsbrook - Proposed Metropolitan Region Scheme Amendment 1435 (Standard) - DFES Response

Categories:

Our Ref: D35471
Your Ref: RLS/1149

Dear Sir/Madam,

I refer to your email dated 22 April 2025 regarding the referral of the proposed Metropolitan Region Scheme Amendment 1435 (Standard) – Part Lot 5892 Maralla Road, Bullsbrook. The referral is not accompanied by a Bushfire Management Plan (BMP) however previous bushfire risk assessment documents have been provided at the relevant preliminary advice referral stage, including:

- A BMP (Version 1.0) prepared by Bushfire Prone Planning and dated 18 February 2022;
- An addendum to the abovementioned BMP and dated 13 June 2024; and
- A supplementary advice from Bushfire Prone Planning dated 23 October 2024

DFES provided advice on 24 July 2024 (DFES Ref D35471) on the abovementioned BMP and addendum which were prepared to address the 2015 *State Planning Policy 3.7 Planning in Bushfire Prone Areas* planning framework. DFES' previous comments focused on Element 1: Location and Element 3: Vehicular Access.

The new *State Planning Policy 3.7 Bushfire* (SPP 3.7) and associated *Planning for Bushfire Guidelines* (Guidelines) were published on 24 September 2024 and became operational for applications lodged with decision makers from 18 November 2024.

Furthermore, as stated in the Metropolitan Region Scheme (MRS) amendment report, the WAPC has adopted Amendment No. 1 to the North Ellenbrook (West) District Structure Plan (DSP), which identified the subject site as 'Future Residential' and 'Public Open Space'.

Accordingly, DFES' advice on the current proposal is updated as follows, in relation to compliance with Bushfire Protection Criteria 4: Strategic planning of the Guidelines:

- Element 1: Location. As the WAPC has adopted Amendment 1 to Amendment No. 1 to the DSP, in accordance with Section 1.3.1 of the Guidelines, DFES accepts that an assessment under the new methodology for Element 1: Location is no longer required.
- Element 2: Siting and Design. As the Bushfire Attack Level (BAL) Contour Map (Figure 3.3 of the BMP) identifies portions of proposed residential cells subject to BAL-40 and/or BAL-FZ, DFES recommends that the implementation section (Table 6.2) of the BMP be modified to require that at the subdivision stage, each lot shall include a development site of BAL-29 or below, to the satisfaction of the WAPC.
- Element 3: Vehicular Guidelines. As the DSP Amendment Plan (Figure 1.1 of the BMP) shows a secondary public road access linking the western portion of the subject site to Chudalup Road to the north, DFES accepts that public road access in two directions, as required by Acceptable Solution A3.2, can be achieved at subsequent planning stages.

On the basis of the above, DFES does not object to the MRS amendment moving forward, however expects future stages of the planning process to demonstrate compliance with SPP 3.7 and the Guidelines.

Land Use Planning staff are available to discuss planning proposals and provide general bushfire advice at any stage of the planning process. Please do not hesitate to contact me on the number below, should you require clarification of any of the matters raised.

Kind Regards

Sean He
Senior Land Use Planning Officer | Land Use Planning

Department of Fire and Emergency Services
Cockburn Emergency Services Complex | 20 Stockton Bend, Cockburn Central WA 6164
T: 08 9395 9702 / E: advice@dfes.wa.gov.au / W: dfes.wa.gov.au



FOR A SAFER STATE

30 May 2025
Our Reference: StoNe MRS Amendment



Town Planning & Urban Design

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a. 2/464 Murray St,
Perth WA 6000
PO Box 8002
Cloisters Square 6850
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The Secretary
Western Australia Planning Commission
Locked Bag 2506
PERTH WA 6001

E-Lodgement Via RegionPlanningSchemes@dplh.wa.gov.au

SUBMISSION - MRS AMENDMENT 1435 - PORTION OF LOT 5892 MARALLA ROAD, BULLSBROOK - RURAL TO URBAN DEFERRED

On behalf of Stockland and the owners of Lot 5892 Maralla Road in Bullsbrook, CDP Town Planning and Urban Design is pleased to express our **support** for MRS Amendment 1435, being the proposed rezoning of a portion of Lot 5892 Maralla Road, Bullsbrook (the subject land) from 'Rural' to 'Urban Deferred' under the Metropolitan Region Scheme (MRS).

We acknowledge the criteria identified by the Western Australian Planning Commission (WAPC) for the lifting of Urban Deferment, including:

- Preparation of a mesoscopic transport model and accompanying transport assessment by Main Roads WA, in collaboration with the Department of Planning, Lands and Heritage (DPLH) and the City of Swan. Updating of the Traffic Impact Assessment (TIA) to align with the outcomes of the State Government's transport modelling, informing subsequent structure plans;
- Confirmation of the future Tonkin Highway interchange location and land requirements;
- Agreement with the Water Corporation regarding the funding and delivery of water and wastewater headworks to service the site; and
- Finalisation of sand mining operations or suitable transitional arrangements.

Alignment With Strategic Considerations

The subject site represents a strategic urban opportunity that directly supports the growth projections outlined in *Perth and Peel @ 3.5 million*, particularly within the North-East Sub-Regional Planning Framework where the land is situated. As the sub-region is expected to more than double in population, this site offers significant potential to accommodate future residential demand and plays a pivotal role in addressing the current housing shortfall and broader affordability pressures impacting the Perth and Peel region.

Its proximity to Ellenbrook positions the site to effectively integrate with existing and planned public transport infrastructure, including the nearby Ellenbrook train station and the future interchange to the Tonkin Highway at North Ellenbrook. This enables the creation of a robust residential catchment to support transit services. Moreover, rezoning the land will allow the area to meet forecast population targets, facilitate the timely delivery of essential physical and community infrastructure, and promote local self-sufficiency.



The future urban development of Lot 5892 has the capabilities of:

- Increase the catchment for critical community infrastructure and local businesses;
- Utilise land that adjoins the development front and which will be predominantly cleared by approved sand mining activities;
- Support the early delivery of the proposed Tonkin Highway interchange;
- Support employment self-sufficiency within the sub-region by generating an additional local labour force of 3,529;
- Support employment self-containment within the sub-region by reducing the shortfall in the local labour force required to meet a projected oversupply of strategic employment opportunities in the Bullsbrook Freight and Industrial Zone, and in so doing retain a larger share of income earned within the local economy; and
- Utilise land that is predominantly cleared and that does not require imported fill, making it easier and more cost-effective to develop; thereby contributing to the supply of affordable and sustainable urban development.

North Ellenbrook (West) District Structure Plan

The strategic urban opportunity described above resulted in the subject site being included in the approved North Ellenbrook (West) District Structure Plan (DSP), confirming its strategic role in the broader planning vision for the area. The District Structure Plan identifies the site for residential development, together with the protection of a significant wetland and provision of a primary school. The DSP recognises the site as a logical and integrated future urban footprint, ensuring alignment with regional growth objectives and infrastructure coordination.

Alignment With Orderly and Proper Planning Principles

The proposed rezoning aligns with the principles of orderly and proper planning for the following reasons:

- The subject site has been strategically identified for future urban development, having been incorporated into the approved North Ellenbrook (West) District Structure Plan.
- It will support the achievement of dwelling targets identified for the area by the North East Sub Regional Planning Framework;
- It will support essential community, social and hard infrastructure delivery, development, and viability in the district;
- It will contribute to providing a proximate labour force for the industrial areas in Bullsbrook and Muchea and will contribute to achieving employment self-sufficiency within the district and within the City of Swan; and
- The majority of the site is currently being and will continue to be cleared as part of approved sand mining operations. Thus, the additional vegetation clearing to facilitate urbanisation is limited.

Response To EPA Advice

We acknowledge the EPA's advice in relation to MRS Amendment 1435 and, following detailed liaison with the Western Australian Planning Commission (WAPC) officers, provide the following clarification.

Ministerial Statement (MS) 956 applies to the full extent of Mining Tenement ML70/326, which encompasses 121 hectares. MS 956 does not impose conditions limiting sand extraction to any area less than the full tenement boundary. Accordingly, the approval granted under MS 956 permits sand extraction and associated vegetation clearing across the entire 121 ha, not solely the 92 ha referenced in the EPA's advice. Furthermore, the current Mining Proposal under the *Mining Act 1978* can be amended to extend



extraction within the tenement without requiring referral or reassessment under the *Environmental Protection Act 1986*, reaffirming the primacy and scope of the MS 956 approval.

In addition, the Department of Energy, Mines, Industry Regulation and Safety (DEMIRS) has confirmed that ML70/326 lies within a Significant Geological Supplies (SGS) area, and has advised the Department of Planning, Lands and Heritage (DPLH) to maximise resource extraction prior to urban development. Importantly, the proposed rezoning is entirely consistent with the approved North Ellenbrook (West) District Structure Plan which identifies residential land uses outside of the protection of the Conservation Category Wetland and its 50m buffer.

Conclusion

We reiterate our full and unequivocal support for the rezoning of a portion of Lot 5892 Maralla Road, Bullsbrook to 'Urban Deferred'. The rezoning is consistent with the North Ellenbrook (West) DSP which nominates the site for residential development. The subject land offers a viable opportunity to facilitate the development of a resilient, well-connected, and economically sustainable community. This rezoning presents a timely and necessary response to the housing, employment, and infrastructure needs of the North-East Sub-Region, delivering enduring social and economic benefits for the City of Swan and the broader Perth metropolitan area.

Should you require any additional information, please do not hesitate to contact Candice Halleen or the undersigned on 6333 1888.

Yours sincerely,

Candice Halleen

pp

KASIA BETKA

ASSOCIATE DIRECTOR



**Respondent No:** 3**Login:** Anonymous**Email:** n/a**Responded At:** Jun 03, 2025 11:41:42 am**Last Seen:** Jun 03, 2025 11:41:42 am**IP Address:** n/a

Q1. What is your first name?	Cathy
Q2. What is your surname?	Levett
Q3. Submissions may be published as part of the consultation process. Do you wish to have your name removed from your submission?	No
Q4. What is your email address?	clevett50@gmail.com
Q5. What is your address?	62 Throssell Road Swan View
Q6. What is your contact number?	0892941536
Q7. Are you responding on behalf of an organisation?	Yes
Q8. What is the name of the organisation?	Friends of the Western Swamp Tortoise
Q9. Do you support/oppose the proposed amendment to the Metropolitan Region Scheme?	Oppose

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

I understand that the rezoning will provide for future residential areas. While I understand the need to provide new housing areas it is very important to balance the needs of nature with the needs of people. As vice chair of the Friends of the Western Swamp Tortoise Group I am concerned that drainage plans proposed by developers do not adequately address impacts on creek systems and the tortoise reserves. How will conditions of this MRS address drainage and water levels in a changing climate and the potential for major impact on the tortoises. There are many scientific evidence that the water levels in the reserves and surrounding areas are no longer sufficient and they do not include potential impacts of pollution. The WHO 3-30-300 rule recommends that nature to be within 300m of every resident and the SPP-7 can enable this "It seeks to deliver the broad economic, environmental, social and cultural benefits that derive from good design outcomes and supports consistent and robust design review and assessment processes across the State." https://www.wa.gov.au/system/files/2021-06/SPP-7-0-Design-of-the-Built-Environment_0.pdf Developments south of the rezoned area (eg in the Malaga to Ellenbrook urban growth corridor) are failing the families who live there and don't meet the intent of SPP 7. I work with children in schools throughout these areas. In every school students top issues are Trees (deforestation) and Climate Change. They know about trees. They know about the impacts of loss of trees on nature and people. They want to see trees and connected areas of native vegetation retained not regrown. Due to the years needed for newly planted trees to grow children in many of the schools in these new developments will not experience the shade of trees on their school grounds for their entire time in primary school. Where are our priorities for current and future generations to be connected with nature in line with the WHO 3-30-300 rule? I wish that conditions of this MRS include 1. Addressing ecological connectivity and function (SPP7.0) 2. No interference with adjoining native vegetation to protect urban development from perceived (or real) bushfire risk on this site. EPA guidance. 3. Protection of wetlands and waterways especially near known populations of Western Swamp Tortoises 4. Addressing Carnaby Cockatoo recovery is a priority for children 5. Maintaining ecologically robust buffer areas protecting habitat for the critically endangered Western Swamp Tortoise. 6. All possible alignment with current legislation the provides for healthy natural environment within 300m of families and future generations

Q11. Upload supporting documents

not answered

Q12. Upload supporting documents

not answered

Q13. Upload supporting documents

not answered

From: WAPCreferrals <WAPCreferrals@pta.wa.gov.au>
Sent: Tuesday, 3 June 2025 11:46 AM
To: Region Planning Schemes
Subject: RE: PTA Response - Proposed Metropolitan Region Scheme Amendment 1435 (Standard) - Part Lot 5892 Maralla Road, Bullsbrook - City of Swan (RLS/1149)
Attachments: MRS_4954_v4_APlan3.2855.pdf; 1435 (Standard) - Part Lot 5892 Maralla Road Bullsbrook Amendment Report (publication April 2025).pdf
Categories: LC, SUB

OFFICIAL

Hi Lainy,

RE: PROPOSED METROPOLITAN REGION SCHEME AMENDMENT 1435 (STANDARD) - PART LOT 5892 MARALLA ROAD, BULLSBROOK - CITY OF SWAN (RLS/1149)

Thank you for your email dated 22 April 2025, providing the Public Transport Authority (PTA) with the opportunity to review and comment on the above proposal (RLS/1149). The proposal is consistent with the recent amendment to the Ellenbrook North-West District Structure Plan which the PTA has provided comments on. These comments remain current.

The PTA requests a copy of the WAPC final determination on the proposal be provided via wapcreferrals@pta.wa.gov.au

Kind regards,

Rashidah MacLeod

Senior Transport and Land Use Planner | Infrastructure Planning and Land Services

Public Transport Authority of Western Australia
Public Transport Centre, West Parade, Perth, 6000
PO Box 8125, Perth Business Centre, WA, 6849
Tel: (08) 9326 5658

Email: WAPCReferrals@pta.wa.gov.au | Web: www.pta.wa.gov.au



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mainroads
WESTERN AUSTRALIA

Enquiries: Harrison Blinman (08) 9323 4668
Our Ref: 24/5566 (D25#402525)
Your Ref: RLS/1149

Date: 03 June 2025

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

Email: regionplanningschemes@dplh.wa.gov.au

Attention: Anthony Muscara

**PROPOSED METROPOLITAN REGION SCHEME AMENDMENT 1435 (STANDARD) -
Part Lot 5892 Maralla Road, Bullsbrook - City of Swan (RLS/1149)**

Thank you for your correspondence dated 22nd of April 2025, inviting Main Roads to comment on the above proposal.

Main Roads has no objection to the proposal as presented.

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

If you require any further information, please contact Harrison Blinman via email at Harrison.Blinman@mainroads.wa.gov.au.

Yours sincerely

Lindsay Broadhurst
Director Road Planning



Respondent No: 4

Login: Anonymous

Email: n/a

Responded At: Jun 03, 2025 14:43:22 pm

Last Seen: Jun 03, 2025 14:43:22 pm

IP Address: n/a

- Q1. What is your first name? *Details removed at the request of the submitter*
-
- Q2. What is your surname?
-
- Q3. Submissions may be published as part of the consultation process. Do you wish to have your name removed from your submission? Yes
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- Q4. What is your email address?
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- Q5. What is your address?
-
- Q6. What is your contact number?
-
- Q7. Are you responding on behalf of an organisation? Yes
-
- Q8. What is the name of the organisation? Stockland
-
- Q9. Do you support/oppose the proposed amendment to the Metropolitan Region Scheme? Support
-
- Q10. Please type your submission (reasons for support/opposition) in the box below. Any supporting documents may be uploaded below.
- Please refer to our uploaded letter submission that details Stockland's support for MRS Amendment 1435.
-
- Q11. Upload supporting documents https://s3-ap-southeast-2.amazonaws.com/ehq-production-australia/4cc5da5256a8f64bdbcff21a637e7bca22c923c4/original/1748925754/40f5a7139628215eb2aacd5d5163ed27_Ellenbrook%20North-Ltr%20-%20MRS%20Amendment%201435%20Submission-20250603-FINAL.pdf?1748925754
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- Q12. Upload supporting documents not answered
-
- Q13. Upload supporting documents not answered
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3 June 2025

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

E-Lodgement Via RegionPlanningSchemes@dplh.wa.gov.au

RE: Submission - MRS Amendment 1435 – Portion of Lot 5892 Maralla road, Bullsbrook

Stockland and the landowners of Lot 5892 Maralla Road supports MRS Amendment 1435, being the proposed rezoning of a portion of Lot 5892 Maralla Road, Bullsbrook (the subject land) from 'Rural' to 'Urban Deferred' under the Metropolitan Region Scheme (MRS).

The proposed rezoning represents a strategic urban opportunity that directly supports the growth projections outlined in Perth and Peel @ 3.5 million, particularly within the North-East Sub-Regional Planning Framework where the land is situated.

As the sub-region is expected to more than double in population, this site offers significant potential to accommodate future residential demand and plays a pivotal role in addressing the current housing shortfall and broader affordability pressures impacting the Perth and Peel region.

Its proximity to Ellenbrook positions the site to effectively integrate with existing and planned public transport infrastructure, including the nearby Ellenbrook train station and the future interchange to the Tonkin Highway at North Ellenbrook. This enables the creation of a robust residential catchment to support transit services. Moreover, rezoning the land will allow the area to meet forecast population targets, facilitate the timely delivery of essential physical and community infrastructure, and promote local self-sufficiency.

The future urban development of Lot 5892 increases the catchment for critical community infrastructure and local businesses and will utilise land that adjoins the development front and which will be predominantly cleared by approved sand mining activities.

Importantly, it will help support employment self-sufficiency within the sub-region by generating an additional local labour force of 3,529 and also support employment self-containment within the sub-region by reducing the shortfall in the local labour force required to meet a projected oversupply of strategic employment opportunities in the Bullsbrook Freight and Industrial Zone.

EPA Advice on MRS Amendment 1435

The EPA advice provided to the WAPC for Amendment 1435 advised that no formal assessment is required. As part of their advice the EPA incorrectly advised that Ministerial Statement 956 only permits clearing of the ~92ha current mining footprint and that the balance ~33ha of the proposed MRS Amendment is not subject to current authorisation to be cleared and is to be predominantly retained/protected.

The ~33ha comprises of the balance ~29ha of the approved mining tenement ML70/326 and ~4ha of the adjacent constructed Halden Road to the east and the unconstructed Maralla Road to the south.



The EPA advice is not correct given Ministerial Statement (MS) 956 applies to the full extent of Mining Tenement ML70/326, which encompasses 121 hectares. MS 956 does not specify any conditions that limit the approved sand mining area to less than the tenement boundary. On this basis, MS 956 authorises the extraction of sand from the entire mining tenement ML70/326.

Further, the Department of Energy, Mines, Industry Regulation and Safety (DEMIRS) has advised the Department of Planning, Lands and Heritage (DPLH) that ML70/326 is within a designated Significant Geological Supplies (SGS) area. Accordingly, they have recommended maximising the sand extraction before the implementation of the proposed sequential urban land use.

The urban land uses outlined in the WAPC approved Amendment 1 North Ellenbrook (West) District Structure Plan (DSP) within the tenement boundary of ML70/326, aligns with MS 956 and the DEMIRS objective to maximise the sand resource, noting that the ~4.7ha portion of the Conservation Category Wetland located within the tenement boundary will be protected under the proposed future urban land use.

In summary, we reiterate our support for MRS Amendment 1435 given it provides a logical and strategic inclusion for a portion of Lot 5892 Maralla Road to be developed for urban purposes. The rezoning is consistent with the North Ellenbrook (West) DSP which nominates the site for residential development and the rezoning presents a timely and necessary response to the housing, employment, and infrastructure needs of the North-East Sub-Region within the City of Swan.

Should you require any additional information, please do not hesitate to contact

Yours sincerely

**Respondent No:** 5**Login:** Anonymous**Email:** n/a**Responded At:** Jun 03, 2025 18:17:41 pm**Last Seen:** Jun 03, 2025 18:17:41 pm**IP Address:** n/a

- Q1. What is your first name? *Details removed at the request of the submitter*
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- Q2. What is your surname?
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- Q3. Submissions may be published as part of the consultation process. Do you wish to have your name removed from your submission? Yes
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- Q4. What is your email address?
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- Q5. What is your address?
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- Q6. What is your contact number?
-
- Q7. Are you responding on behalf of an organisation? Yes
-
- Q8. What is the name of the organisation? Urban Bushland Council Inc
-
- Q9. Do you support/oppose the proposed amendment to the Metropolitan Region Scheme? Oppose
-
- Q10. Please type your submission (reasons for support/opposition) in the box below. Any supporting documents may be uploaded below.
- Contrary to Perth to Peel at 3.5millions NE sub regional planning framework, insufficient environmental assessment consideration
-
- Q11. Upload supporting documents https://s3-ap-southeast-2.amazonaws.com/ehq-production-australia/fa4b699e03506b5eec1a6a256f25eb88d594c711/original/1748938657/0fc36e78f6bfdc4cd0e287edec058208_MRS%201435%203June%2025%20Bullsbrook%20UBC.pdf?1748938657
-
- Q12. Upload supporting documents not answered
-
- Q13. Upload supporting documents not answered
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Regionalplanningschemes@dplh.wa.gov.au

2nd June 2025

MRS 1435 Bullsbrook

Part lot 5892 Maralla Road

Dear Officer,

Introduction to the Urban Bushland Council

The UBC is an association of over 90 volunteer bushcare community groups and 100 individual supporter members with a common interest in conservation, protection and management of publicly owned areas of urban bushland in WA. Our member groups collaborate with their respective land managers in Bushcare and management activities. The UBC is the peak community organisation for urban bushland conservation in WA and has been active for 30 years

The Urban Bushland Council WA Inc comments for MRS 1435 to deferred urban are as follows:

- 1) We applaud that conditions of rezoning include investigations that will take place on mesoscopic transport model and subsequent transport assessment so that urban deferred is feasible.
- 2) We understand that this property is outside the district structure plan.
- 3) We understand that this property is planned as green space in the NE sub regional planning framework.
- 4) We understand that the native vegetation is being cleared for sand mining which will continue for another 6 years but we fail to understand where the infill for the sandmining will come from to build an urban development. We understand that the sandmining here is being used to raise the urban developments along the Metronet to Ellenbrook, so they don't flood. So where will the fill come from to develop this site?
- 5) Every drainage plan proposed by developers in Brabham/Dayton along this urban growth corridor has been signed off by DWER and are failing causing further tree deaths from rising water tables then radical drop in water levels with man made dewatering. The impacts to hydrology are a financial burden on the local government authority. How will conditions of MRS 1435 address this?
- 6) We agree that the CCW (conservation category wetland) should be retained but not as 10% POS requirement but as support to POS with sufficient buffers for ecosystem function. The wetlands are on the north edge of the 125ha site and the accepted international guide for liveability is for nature to be within 300m of every resident. We understand that DPLH have a 400m figure. This is a good planning strategy for our wildlife and for our health. This needs to be a condition of the MRS as despite our submissions at the structure plan stage with best practice State Planning policies being ignored at the Structure Plan stage.
- 7) We are concerned that no environmental assessment has been undertaken. We are very concerned that no investigation of Western Swamp Tortoise has been undertaken since it was only recently discovered in the area.

8) That habitat supporting trees are returned to the development and incorporated into the urban development giving sense of place. Developments in the Malaga to Ellenbrook urban growth corridor are failing our planning policies SPP 7. Therefore, it is important that these are conditions of the MRS as despite our insistence at the Structure Plan level they are being approved:

- without the 400m rule to nature (native vegetation),
- without connecting 30% canopy cover,
- without planting to retain landscape value.

9) That as much of the native vegetation that has not been cleared by sandmining, including the 30ha not to be mined, are retained.

10) Carnaby's Black Cockatoos are faring poorly in SWWA were once the Banksias of the Swan Coastal plain supported large flocks. We ask that conditions of this approval show how this development will address the Cockatoo recovery plan.

11) We are concerned that sand mining is to continue and may have been approved prior to Banksia Woodlands of the Swan coastal Plain being listed Federally as threatened with extinction in 2016. Conditions of mining would have been conditional to restoration. We are concerned that rezoning this land in a marginal area for urban development is an easy option to excuse the sand miner of not restoring the native vegetation.

12) The integrity of the ecological connectivity and ecological function (SPP7.0) of the area has to be a condition of this MRS as our experience is that it will be dismissed at the structure plan stage.

13) Bushfire risk mitigation conditions on this development need to state that the ecological value of the surrounding native vegetation will not be adversely impacted according to the [latest science](#) not our current practice of using fire to prevent fire. In particular the threat of fire due to urban proximity which was part of the 2022 [report](#) by DCCEEW of the key threats to biodiversity from changes in fire regimes.

Conclusion: The Urban Bushland Council could only support this rezoning if our requests to follow our good planning policies as stated above, occurred and short term decisions which impact future generations due to loss of biodiversity and increase climate instability.

Kind regards

Objection: MRS Amendment 1435 Part Lot 5892 Maralla Road, Bullsbrook

Jan Zeck

72 Fergusson Close, West Swan, 6055

The amending document states that a draft structure plan was prepared to support the amendment. I can't find it and it is not attached to the MRS Amendment. It is difficult to comment on the amendment without support documents.

The draft structure plan should, as a minimum, contain the following;

- Environmental Assessment including flora and fauna assessments and targeted black cockatoo habitat assessment, particularly as there are 33ha outside of the mining tenement area
- Local Water Assessment
- Bushfire Assessment
- Engineering services including sewerage, drainage and earthworks assessments

This would hopefully provide sufficient information to determine whether the land is suitable for urban development.

Thirty years ago the EPA warned of piecemeal planning in the new NE Corridor that would result in unacceptable outcomes for the environment and development that would be unsustainable in the long term (50+ years). It cautioned that the style of planning utilized by state agencies would only deliver sustainable outcomes if all necessary studies were undertaken, successful management strategies established and planning integrated the management and protection of the environment. The EPA further warned that once committed, it would be impossible to undo these decisions, even when the land proved unacceptable for urban development on environmental grounds.

If the assessments noted above have not been completed to accompany this amendment there is a very real risk that the outcome warned of by the EPA will become a reality.

Ecological linkages

- This lot was intended to be part of the green space linking the Ellen Brook and Bush Forever sites to the East including Twin Swamps and the Ellenbrook Nature Reserve to Bush Forever 399 site to the east of the State Forest. There are no ecological linkages within the LSP only isolated small POS areas. This will not increase tree canopy or reduce the impacts of rising temperatures with climate change. This development is unsustainable in the long term.

TOD

- This development is not designed on Transit Orientated Design principles. It is more of the same urban sprawl that covers Perth only crammed closer together. This is unsustainable development in the long term.

CCW

- UFI 8907 is a Conservation Category Wetland which requires a 50m buffer all round. It should not be used as Public Open Space but should be protected and managed, including rehabilitation as required, to ensure it remains in good condition. Linkages to other remnant bushland are essential for longterm survival.

Banksia Woodlands and Black Cockatoos

- Banksia Woodlands are diminishing at an alarming rate across the Swan Coastal Plain. Further loss within this lot will be a significant addition to the cumulative toll within the region.
- Black Cockatoos are in a critical state and the loss of further habitat, particularly Banksia Woodlands, will have a significant adverse impact on these species.

Drainage issues

- The Perth and Peel region urban water management strategy was developed for areas where there is deep sand and very good drainage.

- This concept does not appear to be suitable for areas which have sand over clay geology as occurs along the eastern edge of the Swan Coastal Plain such as the Swan Urban Growth Corridor (SUGC). Here the sand fills with water and can't penetrate the lower clay layer to drain away.
- Local water, surface and ground water is managed by engineering to allow urban development to be constructed on areas that have previously been classified as palusplain, which is seasonally inundated wetlands. These areas acted as the nutrient stripping and holding areas for surface and ground water during wetter months as it penetrated lower soil profiles and moved towards the river.
- A great deal of sand is required to fill areas for urban development. Estimates have put the cost of fill for the SUGC at over half a billion dollars. This does not result in affordable housing, it is the opposite.
- In the SUGC south of Gnangara Road 95,000 trees are estimated to have been removed to date. When development is complete that will rise to 160,000 trees.
- The land is systematically denuded of vegetation and filled with sand to ensure buildings have the requisite clearance from maximum groundwater level. It is then generally leveled to make the next stage of construction easier and cheaper. This does not contribute to sense of place, it does the opposite. It robs it of all identity.
- Development has been rolled out from west to east so some drainage issues were not immediately apparent.
- The closer development comes to the eastern boundary the more problematic the geology and hydrology resulting in more difficult drainage management.
- Contributing to this is the failure to construct water management infrastructure at the bottom end of the drainage system at the commencement. This results in excess discharge and nutrients/contaminants being directed into waterways and eventually the river.
- There have also been instances where bioretention basins do not function as intended because of design faults and/or malfunctions resulting from poor construction.
- Planting to bioretention areas often dies because it was planted at the wrong time of the year or wasn't cared for over the hotter period.
- Bioretention areas are not managed sufficiently and become infested with weed species which eventually crowd out vegetation planted to strip nutrients.
- Local Water Management Strategies also utilise existing waterways and wetlands to dispose of discharge from urban areas. Wetlands classified as Resource Enhancement or Multiple Use along with existing creeklines are regularly used to host bioretention and flood storage basins and are perceived by engineers and planners as defacto drainage infrastructure. In many cases drainage is directed into the buffer areas of Conservation Category Wetlands.
- Geology and hydrology in the urban development area north of Ellenbrook is similar to the SUGC to the south. It is expected that similar problems will result.
- One of the results of this engineered drainage strategy is that a large portion of groundwater that previously moved from NW to SE through the soil profile is now directed overland in waterways and piped drains to lower in the system. This reduces the groundwater in areas closer to the river which contributes to the adverse impacts of long hot dry periods and further stresses vegetation. Many trees are dying in areas some distance away from new urban development but it is highly probable that redirection of groundwater contributes to these deaths.

Acid Sulphate soils

- Acid sulphate soils have been breached in the Brooklands, Henley Brook precinct. When combined with air and water these can produce sulphuric acid. This effluent has been discharged directly into waterways because downstream processing has not been installed as noted earlier.
- In the areas north of Ellenbrook this discharge will be directed into surface waterways which drain directly into the Western Swamp Tortoise reserves of Twin Swamps and Ellenbrook Nature Reserve. This will result in a significant adverse risk for this highly endangered species.

- Drainage within Lot 5892 must be managed more successfully than drainage in southern areas to avoid the same issues arising.



Iron sulphides, from earthworks in the Brooklands precinct, directed into drains which now discharge directly into St Leonards Creek Henley Brook. (15/12/24)



Iron sulphides, from earthworks in the Brooklands precinct, directed into drains which discharge into St Leonards Creek Henley Brook. Photo of drain on northern side of Park St, Henley Brook(15/12/24)

Following is the letter to Finn MacLeod at the City of Swan dated 4/10/24, outlining the significant flooding that occurred last year within the Brookland, Henley Brook precinct. Flooding persisted within the lower SUGC for 5 months last year from August until late December.

Hi Finn, I expect you are aware by now of the flooding that has been occurring in the Dayton, Brabham and Henley Brook area over the last 2 months and that this seriously undermines the integrity of the drainage strategies for these areas. I understand that groundwater levels have been rising over the last several years, however this year the compounding effect from further development has become evident. (Harry Gratte, 2024)

This has been a drier than average year and yet flooding has occurred where it has not occurred previously, even in much wetter years. I have been keeping a photographic record on the area in Henley Brook and attach a couple of photos for your information. The first was taken on August 28 a few days after I noticed rising water levels. The second was taken on September 29, just over one month later. In the intervening period we have had only 63ml of rain and yet the level of water has not reduced, if anything it has increased. We have also had a period of almost three weeks dry

weather prior to the last rain event on 27th and 28th of September.



Park St, Henley Brook 28/08/2024



Park St, Henley Brook 29/09/2024

The factor that has changed in Henley Brook this year is the encroachment of urban development from the west and the earthworks (fill) to the east.

As this flooding has persisted for at least a month there are probably serious health issues arising as both the properties which appear to be the most impacted (248 and 236 Park St), do not have deep sewer and rely on septic tanks and leach drains.

Flooding in Dayton has also been an ongoing saga with discharge having to be piped away and adjoining farmland being inundated.



Citrus Ave, Dayton 05/09/24

Seven trees in Lot 822 intended for POS 1 have died over the last year. These are *Eucalyptus todtiana*, a dryland species that does best on well drained soils. (Harry Gratte, 2024) Although the trees were struggling with the extreme heat over summer, it is highly likely that the discharge from the Brabham Stage 1 development during last winter also contributed to their deaths. Continuous inundation kills tree roots and considering how much discharge is accumulating in their vicinity from the drain under Youle-Dean Rd it is more than likely that this played a major part in their demise. Rainfall to the end of September 2024 is similar to rainfall for all of 2023 and the image below indicates how much discharge is directed to this area.



Youle-Dean Rd, Brabham 25/08/24

Drains constructed along Youle-Dean Rd east of Everglades Ave, which have incorporated existing trees, have been inundated for an extended period. There are a number of species located in the drain so survival may be patchy depending on how well each species tolerates continuous water logged soil.



Trees in drain along Youle-Dean Rd east of Everglades Ave, Brabham 25/08/24

Mature trees that were incorporated into the drain along Everglades Ave and Youle-Dean Rd (west) have been under water for a considerable length of time and about half have already died, another quarter are on the way out and the remainder will probably die as well. The proposal to incorporate retained trees in 'tree pits' where this type of continuous inundation can occur must be seriously challenged if trees are to survive.



Trees in drain corner of Everglades Ave and Youle-Dean Rd, Brabham 16/07/24



Eucalyptus camaldulensis – River Red Gum (Eastern Australia) tolerates extended flooding but not permanent flooding of soil. (Harry Gratte, 2024)

Since this photo was taken in July a number of other trees have died within this drain.

Trees that have died or dying along Youle-Dean Rd (west), Brabham 16/07/24



Drainage basins along Woollcott Ave, Brabham following rain event 27th and 28th September 29/09/24

It would appear that there have been difficulties achieving effective operation of the series of basins along Woollcott Ave. Water has persisted in a couple of these throughout autumn and resulted in algal growth, mosquitoes breeding and a foul odour emanating prior to water being pumped into the lower system.

The brown tone of the water, in the image above, probably indicates it's ground water. If this is the case it would highly likely be the result of a super saturated soil profile, ie the ground is at capacity to hold any more water.

The effectiveness of the capacity for nutrient and pollutant stripping within the basins across all localities must also be questioned as many are already being invaded by weed species. Arum Lily has become prevalent this year and if immediate work to control it is not undertaken, it will out compete all the species intended to strip pollutants as well as native species intended to be conserved within wetland ecosystems.

In some cases planted vegetation has not survived the summer and has not been replaced. Winter planting has been inundated before plants have established. The recent planting along Woollcott Ave has seen many basin and fringing plants die because they have not been watered during recent hot days.

In all, successful growth of nutrient and pollutant stripping vegetation in basins has not been achieved which would indicate that discharge into the lower channel wetlands is highly likely to be nutrient rich and contain pollutants detrimental to the health of the Swan River.

The flooding experienced this year could be due to a number of reasons, some of which are impossible to mitigate against although many are a function of staging and timing. Staging work to begin in the west rather than eastern areas has created problems with excessive groundwater levels moving from the west (established urban areas) to the east, (the direction of flow) and timing earthworks to coincide with winter rainfall has added to the dilemma. Where historic channel wetlands have been interrupted due to earthworks and new drainage work is occurring or has yet to be installed, discharge has nowhere to go and as soil profiles are already full, it persists above ground level.

Dewatering in winter adds enormous additional water into the drainage system that has not been effectively established and dewatering in summer robs areas to the east of ground water critical to the maintenance of existing vegetation especially during extreme summer temperatures experienced of late.

These factors were known before any of this development occurred and it is hard to fathom why they were not considered in initial staging of development and drainage strategies.

Thirty years ago the EPA warned of piecemeal planning in the new NE Corridor that would result in unacceptable outcomes for the environment and development that would be unsustainable in the long term (50+ years). It cautioned that the style of planning utilized by state agencies would only deliver sustainable outcomes if all necessary studies were undertaken, successful management strategies established and planning integrated the management and protection of the environment. The EPA further warned that once committed, it would be impossible to undo these decisions, even when the land proved unacceptable for urban development on environmental grounds.

It would appear that the hydrology of the areas closer to the river where underlying clay soils alter performance is not fully understood and this is highly likely to have compounded the issues currently being encountered. The Swan Urban Growth Corridor Drainage and Water Management Plan was designed and based on the western areas (Whiteman Edge) where ground water was able to percolate down through deep sands with no or minimal clay layers within subsoils. It would appear that this model does not work for the areas closer to the river that do have a clay under sand profile.

Water discharged from stormwater and groundwater systems was supposed to accumulate in the compensation basin/s system in the lot on the corner of Murray Road and Woollcott Ave, but this has minimal water retained in it. Whereas the drain that traverses this lot, which is a much earlier construction following the creek line, does have considerable water within it. St Leonards Creek has been moving swiftly with considerable volumes being drained through the lower sections east of West Swan Road into the river. In fact, all the creek lines and drains in the St Leonards system have had excessive water moving through them this year.

In contrast, there has been no more than average water movement through Wandoo Creek this year. The creek line that passes through our property ran for about 3 weeks and the water level was low within the creek. On a few occasions over the last 37 years the creek has run bank to bank but this is a rare event in recent times. The exception was the period when Brabham Stage One was under construction and summer dewatering directed discharge into Wandoo Creek northern line. This resulted in the creek flowing for around three months over two summers after which we also experienced tree deaths on our property which were highly likely the consequence of groundwater being directed into the creek system rather than moving through the soil profile towards the east.

The situation is similar in the southern section of Wandoo creek that comes from around Harrow Street and crosses West Swan Road just south of George Street, there has been minimal flow this year.

The point I am making is that discharge from the urban areas was supposed to be retained within drainage basins on the way to the lower sections of the creeks. This was to mimic the ecological processes previously performed by the palusplains of this area, ie, to filter water before it enters the river. If discharge is not being held within these basins as designed and is making its way through channels directly to the river, as it appears to be doing, what is preventing pollutants and nutrients entering the river?

One of the objectives of the local water management strategies is to maintain ground water at predevelopment levels to conservation and adjacent areas like the Swan Valley Act area. From observations, record keeping and flooding this year, this does not appear to be happening. It is also extremely difficult to monitor groundwater and impacts in adjoining areas when there are minimal, if any, monitoring bores, despite these being requested in numerous submissions.

Interrogation of Pentium Water's Local Water Management Strategy for Brabham Stage 3 reveals a serious flaw that is highly likely to have significant and consequential impact on Matters of National Environmental Significance. The consultant notes that Bush Forever 200 is '*located directly adjacent to the development area, with vegetation including Melaleuca raphiophylla and Eucalyptus rudis closed forest, Melaleuca preissiana low woodland, Hypocalymma angustifolium and Pericalymma ellipticum open low heath.*' Most of these plants are wetland species and only occur in much smaller patches within Bush Forever 200, **the remainder is predominantly Banksia Woodlands.**

There is no mention of the Banksias that are both within the development (4.35ha plot in Park 5 to be conserved by the developer) and directly adjacent in BF200. Both these areas are down gradient (groundwater) of the much wetter areas in the north of Brabham Stage 3 mentioned previously. The consultant's attitude is that a higher watertable will help with a drying climate but they have not factored in the Banksias and how they will cope with consistently higher groundwater levels. Considering how effectively the Local Water Management Strategies have worked this dryer than average winter and the omission of Banksias on the doorstep of Brabham Stage 3, I am extremely concerned about the risk to the survival of these endangered Banksias and loss of extensive foraging habitat to endangered black cockatoos. The Banksia Woodlands within BF200 also have the added impact of excessive discharge being directed towards and held within drainage basins constructed and to be constructed within Dayton along Harrow Street. These are directly across the road from the protected Banksia Woodlands within BF200 which have not been acknowledged or factored into drainage management strategies.

The same degree of concern is held for areas within the adjoining Swan Valley Act area. If there is so much flooding in all three localities in this, a drier than average year, how much reliance can be placed on the LWMS for Brabham Stage 3 when it is eventually developed? There is considerable risk that the volume of discharge being directed into Wandoo Creek (north) will result in flooding within rural properties. If discharge is not held and treated as designed, as is the case this year, not only will the quality be severely compromised but also groundwater that is crucial to the survival of vegetation over extreme summer temperatures will not be available.

The same condition applies to Wandoo Creek south and rural land within that area.

Similar concerns apply to conservation wetland Horse Swamp. This year there have been decent volumes directed to the wetland resulting in beneficial conditions for its operation. This extra discharge has come from urban areas within the developed area of Brabham, not Stage 3. Considering how much ground and storm water is being discharged from the current urban area and knowing how wet Lot 822 is, there is considerable concern that excessive volumes will be directed into the wetland. If this happens there is a high probability that surrounding areas will become inundated and may result in the death of surrounding vegetation, dependent upon the species of vegetation involved.

The concern is not confined to the operational period of the LWMS but also to the construction stage when drainage infrastructure has not been commenced, is partially complete or not completed but earthworks are underway, as is the case in Henley Brook. There does not appear to be any planning undertaken to manage this phase of the development and it is at this time that development is highly likely to have severe impacts to surrounding areas.

- Considering that local water management strategies have been designed for the urban development in Dayton, Brabham and Henley Brook can you inform me why, this winter, we have had incidence of flooding in all three localities?
- Considering that Dayton North and South have further development yet to commence, what mitigating actions have been undertaken or are intended to be taken to prevent flooding as seen this year impacting on Bush Forever 200 site, especially changes to ground water regimes that are likely to impact Banksia Woodlands of the Swan Coastal Plain TEC, and priority agricultural land in the Swan Valley Act area?
- Considering the adverse impacts to surrounding areas from inundation this year, what additional monitoring installations, such as bores, are being planned within adjoining land to monitor hydrological changes from current and future urban development?
- What mitigating action has been developed, or is intended to be developed, to prevent flooding as experienced this year from occurring in future years?
- What action is planned or proposed to address the under performance of the drainage management strategy along Woollcott Avenue?
- What action is planned or proposed to prevent the premature discharge of storm and groundwater into lower creek systems and subsequently in to the Swan River?
- What action is planned or proposed to prevent and/or control weed incursion, now and in the future, into wetlands and drainage basins designed to strip nutrients which are integral to effective local water management strategies?

- What action is planned or proposed to prevent or mitigate against continued inundation and ultimate death of retained trees, or those intended to be retained, within drainage systems or where drainage is discharged as an interim measure?
- What mitigating action has been developed, or is intended to be developed, to prevent the type of flooding as described above from occurring during the **construction stage** of Brabham Stage 3?
- Considering the apparent lack of understanding of hydrology within this area closer to the river where clay underlies sand, can you also guarantee that the development of Brabham Stage 3 will result in no changes to groundwater levels and quality in surrounding areas?
- Considering how ineffectively local water management strategies have performed this year, what additional measures have been included to ensure there are no changes to the groundwater regime within Bush Forever 200 which is likely to impact Banksia Woodlands of the Swan Coastal Plain TEC?

The questions above are in reference to years with similar rainfall to this year.

- What happens in the event of an AEP 20%, 5% and 1% event, or in a period of well above average rainfall when the present drainage system is not coping?



Department of
Education

Your ref: RLS/1149
Our ref: D25/0502599
Enquiries: Sharnie Stuart

Department of Planning, Lands and Heritage

Email: regionplanningschemes@dplh.wa.gov.au

Attention: Anthony Muscara – Principal Planning Officer

Dear Sir / Madam,

Proposed Metropolitan Region Scheme Amendment 1435 (Standard) - Part Lot 5892 Maralla Road, North Ellenbrook (West)/Bullsbrook - City of Swan (RLS/1149)

Thank you for your email dated 22 April 2025 providing the Department of Education (the Department) with the opportunity to comment on the proposed Metropolitan Region Scheme (MRS) Amendment to rezone approximately 125.86 hectares of land from Rural to Urban Deferred zone.

The Department understands the subject site is south of the approved North Ellenbrook (West) District Structure Plan (DSP). On 10 July 2024 the Western Australian Planning Commission (WAPC) approved Amendment No. 1 to the DSP identifying the subject site as 'Future Residential' and 'POS'.

As per the WAPCs Operational Policy 2.4 – Planning for school sites, for a threshold of every 1,500 dwellings, one public primary school site is required. It is noted that the amended DSP map (Plan: Stone-5-007, Rev D) depicts four public primary school sites. However, preliminary analysis reveals that based on the anticipated dwelling yield of 6,600 – 7,500 lots within the DSP, five public primary schools will be required. To align with OP 2.4, the Department'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 local 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.

In view of the above, the Department has no in principle objection to the proposed MRS Amendment. Should the WAPC resolve to support the MRS Amendment to Urban Deferred, and subsequently Urban, adequate public education must be provided to support quality educational outcomes. It is recommended that the proponents continue consultation with the Department prior to the local structure planning phase.

Should you have any queries on the above, please contact Sharnie Stuart, Senior Consultant – Land Planning on (08) 9264 4046, or by email at sharnie.stuart@education.wa.edu.au.

Yours sincerely

A handwritten signature in blue ink that reads 'Matt Turnbull'.

Matt Turnbull
Manager Land and Planning

5 June 2025



25 September 2025

Anthony Muscara
Region Planning Schemes
Department of Planning, Lands and Heritage
140 William Street
PERTH WA 6000

Dear Anthony,

RE: CITY OF SWAN SUBMISSION – METROPOLITAN REGION SCHEME AMENDMENT 1435 – PT LOT 5892 MARALLA ROAD, BULLSBROOK

Thank you for inviting the City of Swan to provide a submission on Amendment 1435 to the Metropolitan Region Scheme (**MRS**) for Portion of Lot 5892 Maralla Road, Bullsbrook (the **Amendment**).

Council considered the Amendment at the 13 August 2025 Ordinary Meeting of Council and resolved as follows:

1. *Object to the proposed Metropolitan Region Scheme Amendment 1435 and provide the advice to the Western Australian Planning Commission accordingly.*

The reason given for the successful motion for this resolution, as recorded in the minutes of the Council meeting, is as follows:

- 1) *Council has expressed an intention to retain Banksia woodlands which are a matter of national environmental significance under the EPBC because the woodlands provide habitat and food for critically endangered species including Carnaby Cockatoos.*
- 2) *The 33 hectare of banksia woodland said to be retained has not been identified and council should not make comment without all of the facts.*
- 3) *There has been no environmental assessment of including for black cockatoo habitat in respect of destruction of the remaining banksia woodland over the mining tenement.*
- 4) *There have been no hydrological assessments of future drainage impacts from urbanisation.*

Should you have any further enquiries in relation to this matter, please contact **Stuart Thiele** of the City's Strategic Planning Business Unit.

Yours sincerely,



Ian Humphrey
MANAGER STRATEGIC PLANNING

14.3.3 MRS AMENDMENT 1435 - PT LOT 5892 MARALLA ROAD, BULLSBROOK

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

KEY ISSUES

- The Western Australian Planning Commission (**WAPC**) is currently seeking comment on Metropolitan Region Scheme (**MRS**) Amendment 1135 – Part Lot 5892 Maralla Road, Bullsbrook (**the Amendment**).
- The Amendment proposes to rezone approximately 125.86 hectares of the 162.93 lot from Rural to Urban Deferred.
- The amendment is generally consistent with the approved North Ellenbrook (West) District Structure Plan as amended by the WAPC in July of 2024.
- The lot is subject of a sand mining tenement pursuant to the Mining Act 1978 and a Ministerial Statement that provides for the mining of silica sand and the consequent clearing of vegetation on the land. The tenement expires in 2030.
- The sand mining has been subject of planning approvals pursuant to both the Metropolitan Region Scheme and the City's Local Planning Scheme No.17. The most recent planning approval has expired and an application to extend the term of the approval is currently with the City for determination. The applicant has requested the application be placed on hold pending the WAPC decision on the proposed MRS amendment.
- The advertised Amendment report specifies four requirements for the future lifting of Urban Deferral on the subject land inclusive of the finalisation of existing sand mining operations or suitable transitional arrangements. The report does not articulate what such transitional arrangements might be.
- It is understood by the City that the owner of the land intends for sand extraction and urban development to occur on the land concurrently on a staged basis. Upon the completion of sand excavation from a portion of the land, that portion would be earth worked for subdivision and the next stage of sand excavation would occur on the adjoining portion of land.
- It is understood the intent of such an arrangement is not to delay provision of housing supply from the land pending the finalisation of extraction (which could take 5 years) whilst also making beneficial utility of the proximate sand resources in the urban development process.
- City staff note that the EPA acknowledge the fact that the Ministerial Statement applicable to the land provides consent to clear the existing native vegetation and as such the environmental value of such vegetation is redundant as a consideration in this proposed MRS amendment.
- Where sand mining and urban development are proposed to occur concurrently, the land management mechanisms would need to be in place to protect sensitive urban uses from any adverse impact from emissions from sand mining operations.

DETAILS

Landowners:	Brajkovich Holdings Pty Ltd
Subject land description:	<p>The land subject of the Amendment comprises around three quarters of Lot 5892 Maralla Road, Bullsbrook.</p> <p>The northernmost portion of the lot is not proposed to be rezoned by the Amendment.</p> <p>The subject land is approximately 4.5 km north of the Ellenbrook Secondary Centre and Railway Station, and around 26 km north of the Perth CBD.</p>
Subject land area:	<p>Lot 5892: 162.93 ha (approx.)</p> <p>Amendment area: 125.86 ha (approx.)</p> <p>Balance to remain MRS Rural</p>
Existing land use:	<p>Sand mining - extraction of silica sand and other construction grade sands, taking place generally from east to west.</p> <p>The remainder of the site is native vegetation, much of which is to be progressively removed as part of sand mining in accordance with environmental and extractive industry approvals.</p> <p>A Conservation Category wetland is partly located within the northern portion of the site.</p>
Surrounding area:	<p>Bushland to the south and west is in the MRS Parks and Recreation Reserve or State Forest Reserve and contained in Bush Forever Sites 300 and 399. The land to the west is also within the Gnangara – Moore River State Forest.</p> <p>Land to the north and east is either native vegetation or farmland.</p> <p>The land to the north (including the subject site) falls within the North Ellenbrook (West) District Structure Plan.</p>

PROPOSAL

The WAPC has sought comment on the Amendment which would primarily facilitate future residential development and areas for Public Open Space, subject to more detailed planning.

Submissions close on 3 June 2025, but the City has been granted an extension of time to make a submission. This will enable this report to be considered by Council at its meeting of 13 August 2025 and Council's resolution to be forwarded to the WAPC.

The Amendment proposes to reclassify approximately 125.86 ha of land in Bullsbrook from the Rural Zone to the Urban Deferred Zone.

The Amendment area comprises around 77% of Lot 5892 Maralla Road.

The Amendment Area coincides with the extent of Mining Tenement M70/326 on the subject land.

The WAPC has resolved to treat the amendment as a 'standard' region scheme amendment, taking the view that the amendment generally aligns with the intent of the *North-East Sub-regional Planning*

Framework and that urbanisation of the site is a transitional land use which would complement abutting urbanisation to the north.

The proposed Amendment Plan is at **Figure 1**. An aerial photograph of the site and surrounding area is at **Figure 2**.

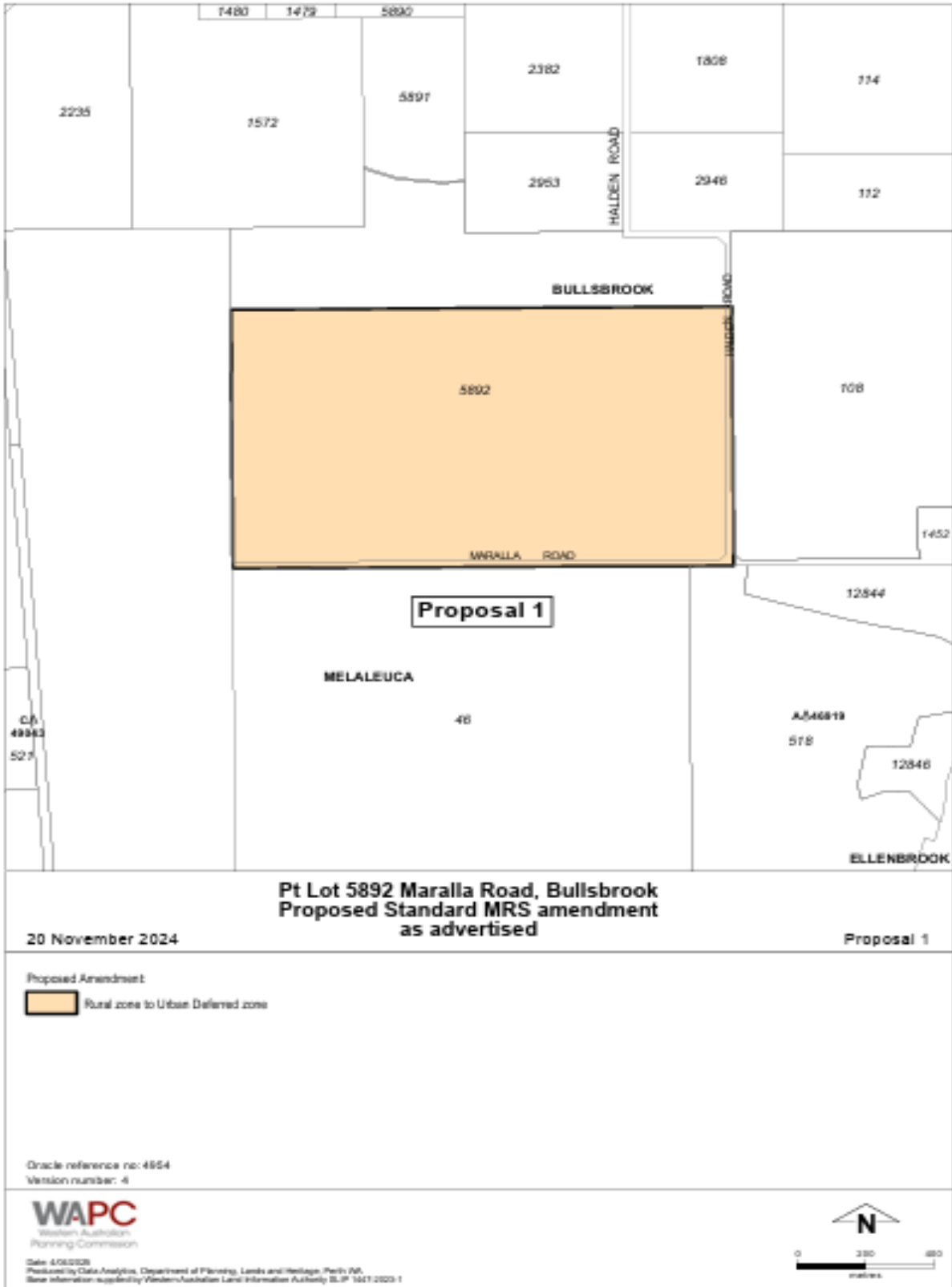


Figure 1: Proposed MRS Amendment Plan

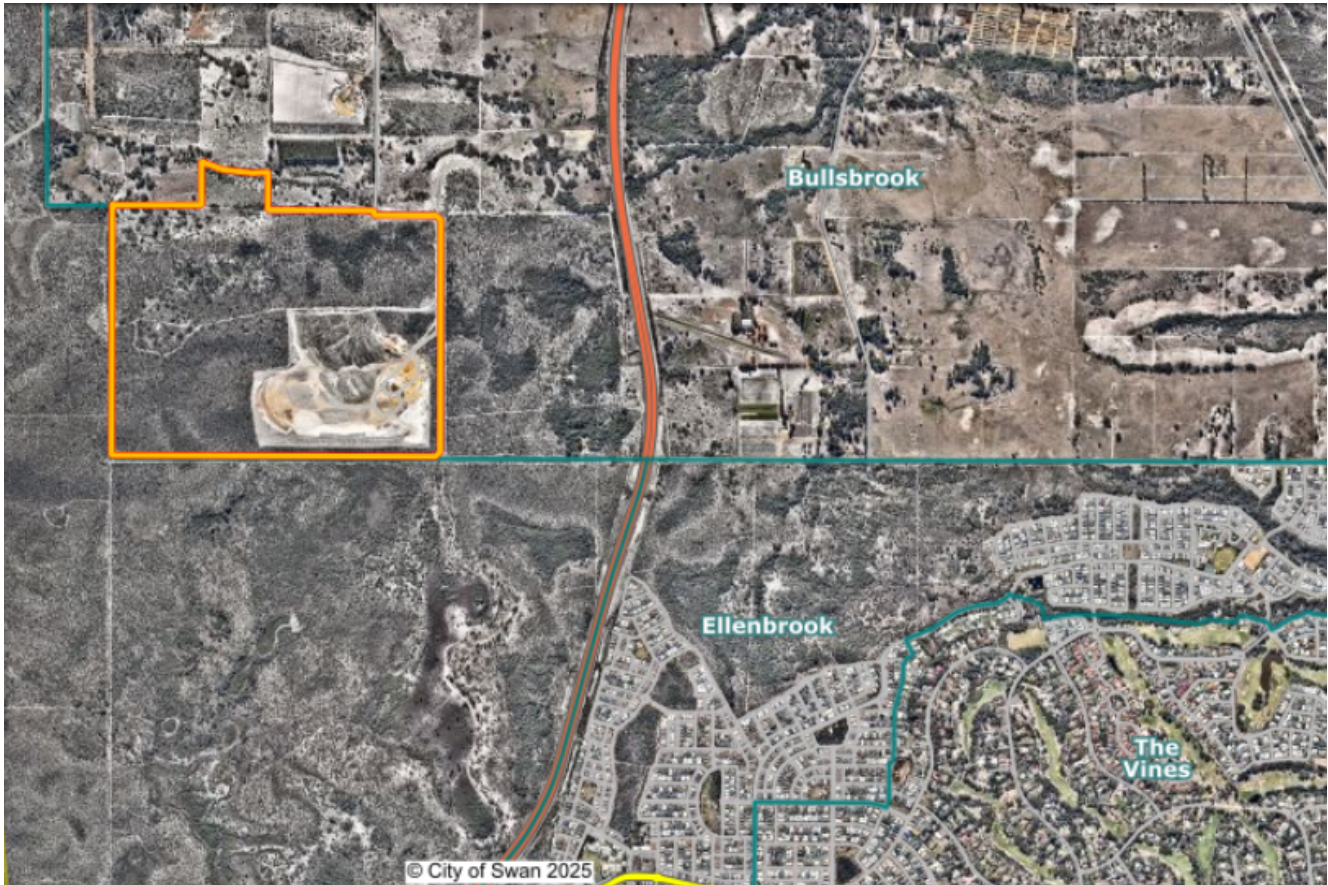


Figure 2: Aerial photo: Lot 5892 Maralla Road, Bullsbrook

DEFINITIONS

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

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

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

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

BACKGROUND

NORTH-EAST SUB-REGIONAL PLANNING FRAMEWORK (NESRPF)

The State Government's March 2018 NESRPF did not identify the subject land for urban development. Rather, it identified the subject land as Open Space.

However, this designation has been effectively superseded by way of Amendment No.1 to the North Ellenbrook (West) District Structure Plan (see below).

NORTH ELLENBROOK (WEST) DISTRICT STRUCTURE PLAN

The North Ellenbrook (West) DSP, along with the North Ellenbrook (East) DSP, approved by the WAPC in August 2022, provide a framework for the urbanisation of land identified in the NESRPF.

Council considered the North Ellenbrook (West) and North Ellenbrook (East) DSPs at its meeting of 9 June 2021. Council resolved not to support these DSPs due to concerns regarding the funding, staging and connectivity of infrastructure, particularly the Tonkin Highway Interchange and changes to traffic volumes.

The WAPC however approved the North Ellenbrook (West) DSP on 30 August 2022, on the condition that the provision of Regional Infrastructure be confirmed prior to the area being zoned Urban under the MRS.

At the time of its approval by the WAPC, the North Ellenbrook (West) did not include Lot 5892 Maralla Road, which was located immediately south of the DSP boundary.

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

Amendment No. 1 to the North Ellenbrook (West) DSP was prepared on behalf the joint venture between Stockland and the owners of Lot 5892 Maralla Road. The Amendment proposed to include Lot 5892 into the DSP. A copy of the DSP Amendment Map is at **Figure 3**.

Inclusion of Lot 5892 land into the DSP would provide for a further 2,200 – 2,500 dwellings, equating to a total increase in estimated population of 7,500 people.

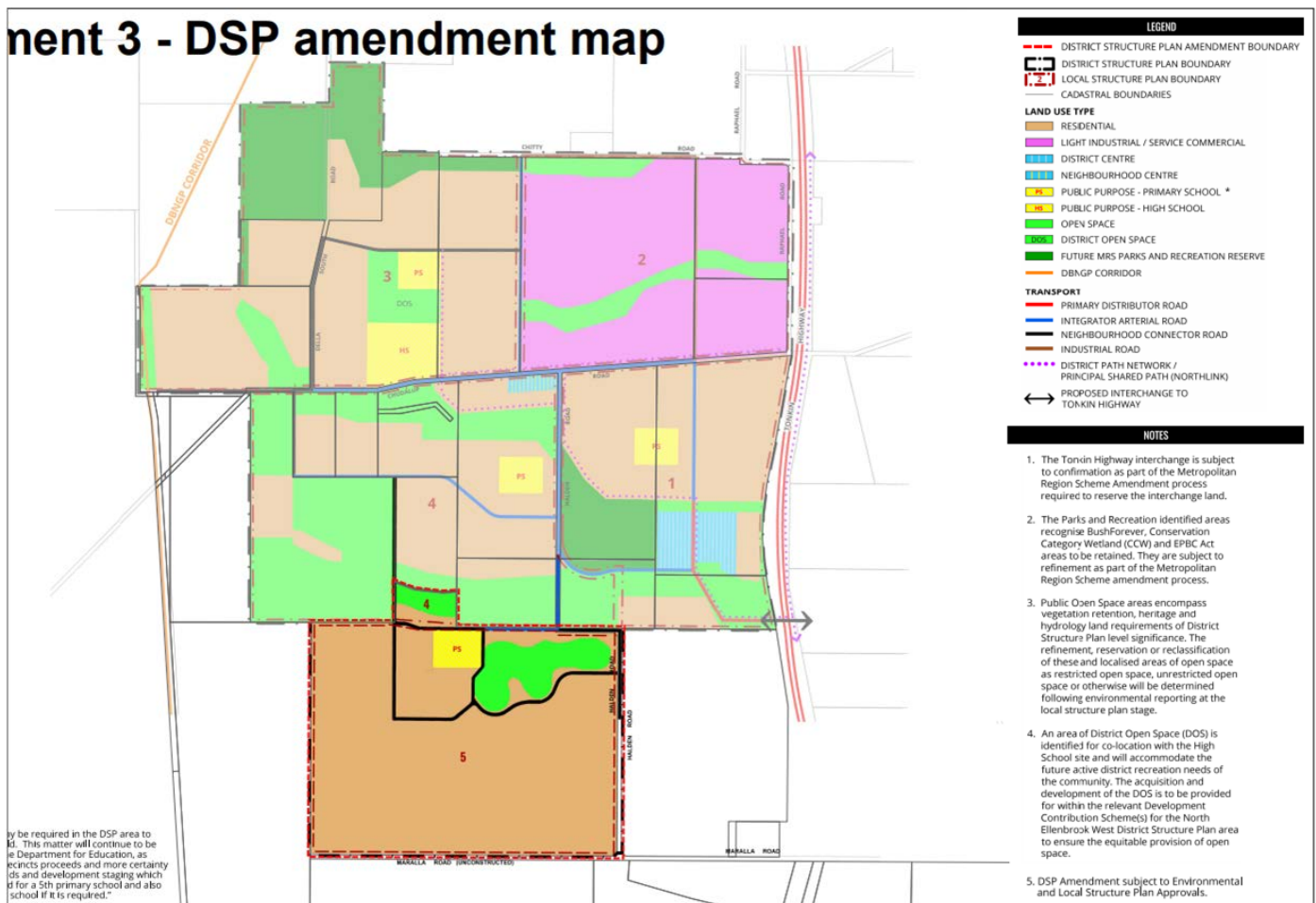


Figure 3: Amendment No. 1 to the North Ellenbrook (West) District Structure Plan

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

- 1) *Notify the WAPC that Council does not support Amendment 1 to the North Ellenbrook District Structure Plan (West) (DSP) in its current form;*

- 2) *Notify the WAPC that should they be inclined to progress the proposed Amendment 1 to the North Ellenbrook District Structure Plan (West), then Council would request that:*
 - a. *The retention of identified listed Banksia Woodlands (now a listed Matter of National Environmental Significance under the EPBC Act) within the DSP area be considered by the EPA, including consideration of its referral under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), prior to the approval of the DSP amendment and/or the progression of any request for a Metropolitan Regional Scheme amendment from its current Rural delineation for this land;*
 - b. *The Tonkin Highway interchange is developed in a location that services the Amendment 1 area and that it be demonstrated through the future local structure plans that access to the site can be achieved without exceeding the limits of existing local road infrastructure;*
 - c. *Further investigation occurs in relation to the potential for a fifth primary school site within the DSP area or increasing the size of one of the existing primary school sites; and*
 - d. *In addition to a. above, significant amendments to and additional information be provided within the proposed Amended North Ellenbrook District Structure Plan (West) to address the impact of the now listed Banksia Woodlands as a Matter of National Environmental Significance under the EPBC Act on the sand mining potential within the approved Mine Tenement on site and therefore the potential of residential development of the site.*
- 3) *Request the WAPC to ensure that any shortfall to the expected \$100M construction cost of the interchange currently agreed to be funded through an agreement between the State- and Federal government and the landowners/developers be addressed in such agreement, noting that the City does not and will not have the financial means to be in a position to undertake or accept any responsibility to prefund or manage such shortfall.*

In a report to a July 2024 meeting of the Statutory Planning Committee of the WAPC, the Department of Lands, Planning and Heritage (DPLH) advised that the Open Space designation over the land in the NESRPF was made in the knowledge of the mining tenement over the land, but on the basis that mining of the full resource might not be realised, making conservation a viable alternative.

The report indicated, however, that since the NESRPF was finalised in 2018, extraction of the sand resource had accelerated, with the landowners confirming their intent to fully exhaust the resource within 5 to 7 years. The report noted the various approvals in place for sand extraction and associated vegetation clearing under the *Mining Act 1978* and *Environmental Protection Act 1986*.

The report noted that the full extent of the viable resource was not known and that the Mining Proposal approved in 2009 did not extend across the entire Mining Tenement area. The report further indicated that the landowner's intent "can be accepted with a degree of confidence, given the expected strong demand for fill in this location in the near future" and that as the resource is identified by the Department of Energy, Mines, Industry Regulation and Safety (**DEMIRS**) as a Significant Geological Supply (**SGS**), the full extraction of the resource within the Mining Tenement would be consistent with *State Planning Policy 2.4 Basic Raw Materials*.

The Statutory Planning Committee of the WAPC approved Amendment No. 1 to the North Ellenbrook (West) DSP at their July 2024 meeting, subject to minor modifications.

With respect to the matters raised by the City, the DPLH report to the Statutory Planning Committee of the WAPC noted:

"The concerns of the City are acknowledged, however, are considered to have already been addressed in preceding sections of this report or are outside the authority of the WAPC to impose, including the proponent's referral obligations under the EPBC Act and the already approved environmental impacts from the mining tenement. ... The [Tonkin Highway] interchange is considered fully funded through a combination of Federal, State and proponent commitments which will be included as part of the Deed of Agreement currently being prepared by MRWA prior to construction. In this respect, there is no proposal to rely on the City to fund any shortfall and the cost of the interchange will not be included in the district development contribution plan to be managed by the City."

CURRENT MRS AMENDMENTS NEARBY

At its Ordinary Meeting of Council in December 2024, Council considered MRS Amendment 1409, relating to land in the North Ellenbrook (West) DSP area.

Council resolved to advise the WAPC that it supported that Amendment subject to an additional requirement for lifting of urban deferment, as well as indicating Council’s funding limitations regarding infrastructure.

MRS Amendment 1141, relating to the land within the North Ellenbrook (East) DSP, proposes to reclassify approximately 504.23 ha of land in Bullsbrook from the Rural Zone to the Urban Deferred Zone and Parks and Recreation Reserve. A report on this Amendment was considered by Council at its ordinary meeting of June 2025 where it was resolved to support its proposed Urban Deferred Zoning.

A map showing the locations and extent of those MRS Amendments relative to the one to be considered now is shown at **Figure 4**.

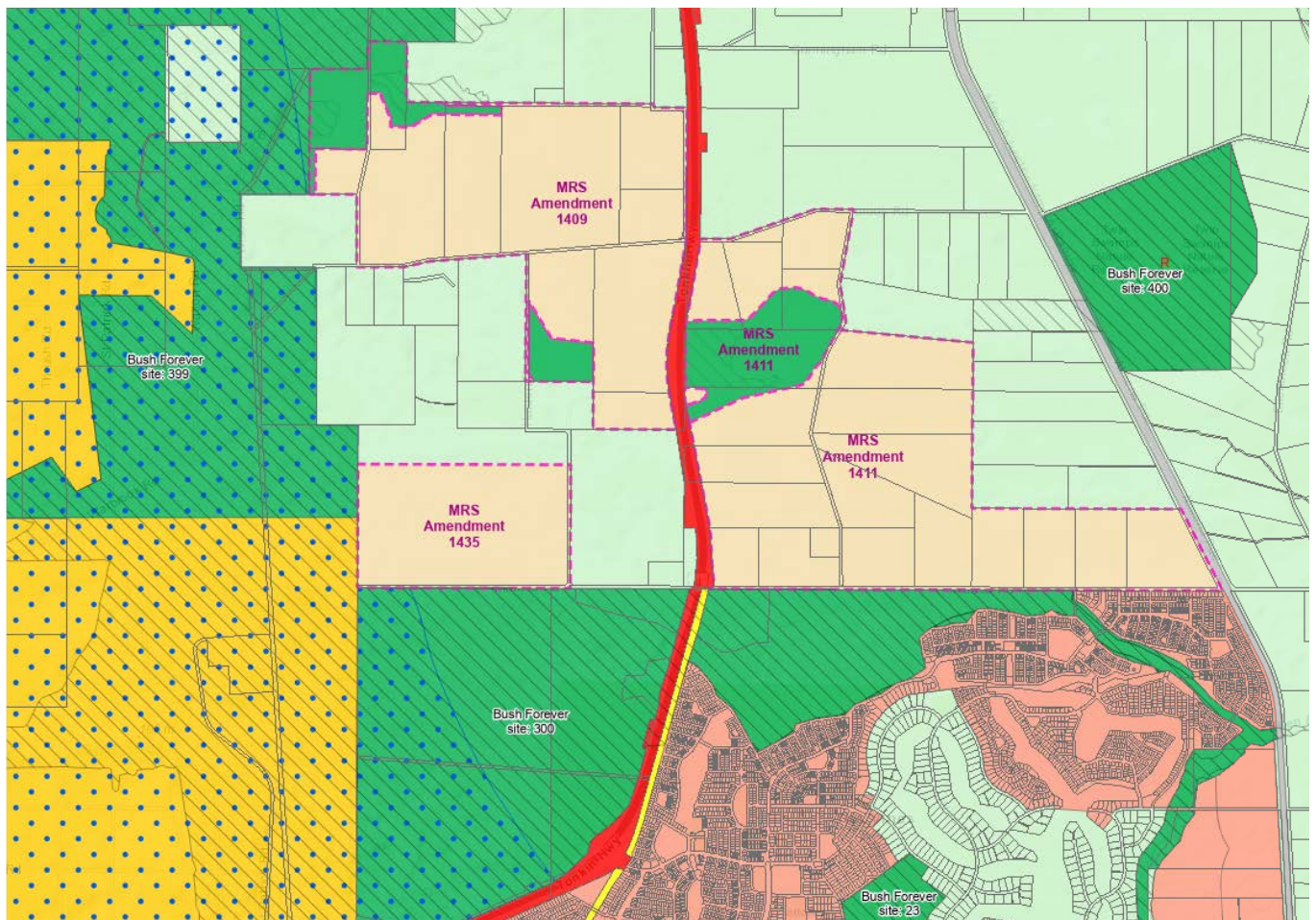


Figure 4: North Ellenbrook - current MRS Amendments (map source: Plan WA website)

CITY OF SWAN PRELIMINARY COMMENTS

In August 2024, the City provided preliminary officer-level comment on the proposed MRS amendment for Lot 5892 Maralla Road.

As well as providing a background with the City’s previous comments on the proposed North Ellenbrook (West) DSP and Amendment No. 1 to that DSP, the comments addressed the following matters:

Existing vegetation

Noting Council's previous intention to retain Banksia Woodlands on the site, it may be considered that only if vegetation is removed pursuant to the mining approvals should it be excluded from environmental consideration/protection. Including the land yet to be mined in Urban Deferred potentially offers a mechanism for this protection.

Access to Tonkin Highway

It is imperative that access between the site and Tonkin Highway be provided by construction of the new interchange with Tonkin Highway prior to any release of lots within the site. The current distance of road access from the site to Tonkin Highway (5 km, in the opposite direction of most desired travel) potentially renders the site too remote for urban development, even on an interim basis, based on current road access.

In terms of development sequencing, access between the site and the Tonkin Highway interchange (the precise location of which has not yet been finalised) would pass through land still zoned Rural under the MRS. It would be a requirement that the entire road access route (i.e. both within and beyond the subject land) be constructed to an appropriate urban standard as a condition of development of the subject land.

While the Amendment Report indicates the landowner/developer of Lot 5892 will contribute to the cost of the Tonkin Highway interchange, Council would likely want an assurance that agreement has been reached that ensures the funding shortfall (i.e. that beyond Federal and State Government funding) will be entirely met by landowners/developers, prior to any Urban zoning over the subject land.

Development sequencing

There may be advantages in the subject land being considered as part of a wider amendment, allowing cost sharing mechanisms and coordination of roads and servicing to be more easily addressed.

Bushfire hazard

A ramification of urban development of the subject land ahead of other adjacent land would be the difficulty in creating two routes of access/egress. The Bushfire Management Plan and Addendum accompanying the Amendment application identifies two scenarios for addressing access to/from the subject land. One is construction of a western road link to Chudalup Road, which would require construction of a new road on land outside of the subject land. Alternatively, the Addendum raises the scenario of the sand mine constituting a Suitable Destination in a bushfire event. This latter scenario would require further consideration by relevant City staff and the Department of Fire and Emergency Services.

Servicing

The support of the Water Corporation (licensed infrastructure providers of potable water and reticulated sewerage within the area) should be a prerequisite for the Urban zoning of a portion of the site. As per the North Ellenbrook (West) DSP (section 4.8.4), resolving funding of any headworks should be a prerequisite to Urban zoning. No information has been provided indicating such funding has been resolved.

Buffers from sand mining

The issue of adequate buffer distances between new residential development and ongoing sand mining on the subject land, noted at 4.1.6 of the Amendment report, will be important. The original DSP achieved separation distances based on Public Open Space between residential development and the sand mining on the subject land. Inclusion of the subject land in the DSP means that lesser separation distances might be proposed. Noting the landowners' stated intent to pursue concurrent sand mining and urban development the City is of the view that, if any part of the land is reclassified to Urban Deferred then satisfactory arrangements for mitigating impacts from sand mining on surrounding urban development need to be established before urban deferment is lifted.

WAPC response to City of Swan preliminary comments

DPLH, in its report to the WAPC on the Amendment, provided the following response to points raised in the City's preliminary comments:

The City of Swan's comments have been noted. The proposed MRS amendment is being progressed to an Urban Deferred zone only with similar lifting of Urban Deferment requirements to nearby MRS Amendments 1409/41 – Pt of North Ellenbrook (West) and 1411 (Complex) – North Ellenbrook (East) to the north which are also seeking to zone land to the Urban Deferred zone.

If the proposed MRS amendment is initiated by the WAPC, and following an EPA decision, the MRS amendment will be formally referred to the City of Swan for comment prior to a final determination being made on the amendment. In addition, any future lifting of Urban Deferment request would also be referred to the City of Swan and relevant State Government agencies for advice prior to any land being considered to be transferred to the Urban zone. This includes the need to address all lifting of Urban Deferment requirements and the WAPC's Lifting of Urban Deferment Guidelines.

TONKIN HIGHWAY INTERCHANGE AND ANY OTHER REGIONAL INFRASTRUCTURE

Council's resolution on MRS Amendment 1409/41 (North Ellenbrook (West)) at its December 2024 meeting included advising the WAPC regarding the City's incapacity to accept responsibilities for regional infrastructure. As similar regional infrastructure abuts this proposal, the same position should again be expressed. Accordingly, the advice to WAPC on this Amendment should include the following:

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

Although an Australian Government commitment toward the \$100 million Tonkin Highway/North Ellenbrook interchange project has been secured, an agreement with developers have not yet been signed.

SAND MINING ON THE SUBJECT LAND

Sand mining has been carried out on a large portion of the subject land. The remainder of the site is native vegetation, much of which is to be progressively removed as part of sand mining in accordance with environmental and extractive industry approvals.

Mining Tenement Area M70/326 (for sand mining) applies to the exact portion of the site that is proposed to be rezoned by the Amendment.

The proponent has indicated that sand mining will be completed within the next five to seven years.

The accelerated extraction of the sand resource, along with the landowners' intention to fully exhaust the resource within a 5 to 7 year timeframe was a key factor in the WAPC supporting Amendment No. 1 to the North Ellenbrook (West) DSP, which included Lot 5892 Maralla Road in the DSP area and designated the majority of the subject land as Residential.

As noted above, in the DPLH report to the July 2024 meeting of the Statutory Planning Committee of the WAPC, the Department took the view that the landowner's intent "can be accepted with a degree of confidence, given the expected strong demand for fill in this location in the near future". That report also notes that the resource is identified by the Department of Energy, Mines, Industry Regulation and Safety (DEMIRS) as a Significant Geological Supply (SGS). Hence, the full extraction of the resource within the Mining Tenement would be consistent with *State Planning Policy 2.4 Basic Raw Materials*.

It should be noted that, according to that report, the full extent of the viable resource was not known and that the Mining Proposal that received approval in 2009 (under the *Mining Act 1978*) had a specified footprint of 92 ha, only approximately three quarters of the Mining Tenement area. However, the relevant legislation allows for the proponent to initiate an amendment to the approved Mining Proposal to extend the footprint of the sand extraction.

In addition to approvals under the *Mining Act 1978* (the Mining Tenement and Sand Mine Mining Proposal) and the *Environmental Protection Act 1986*, (Ministerial Statements to clear the environmental values over the land for the Mining Tenements), planning approval is also required from both the WAPC and the City of Swan.

A planning application to renew approval for Sand Extraction is also currently under consideration but has been placed on hold by the applicant pending the WAPC resolution on this proposed MRS Amendment.

PROTECTION OF VEGETATION

As outlined above, the continued extraction of sand from the site was considered an important justification by the WAPC in its inclusion of the subject land in the North Ellenbrook (West) DSP.

In its report to a July 2024 meeting of the Statutory Planning Committee of the WAPC, DPLH advised that the Open Space designation over the land in the NESRPF was made in the knowledge of the mining tenement over the land, but on the basis that mining of the full resource might not be realised, making conservation a viable alternative. The accelerated sand extraction from the site, clarity around the local demand for the resource, and the intentions and timeframes provided by the landowners for full extraction of the resource were primary reasons for the inclusion of the site in the DSP and its effective change in identified future land use from open space/conservation to residential development.

Council's previous position on the issue of native vegetation on the subject land (specifically Banksia Woodlands) is clear from its resolution at its meeting of 14 February 2024, which included the following:

- *[Requesting] The retention of identified listed Banksia Woodlands (now a listed Matter of National Environmental Significance under the EPBC Act) within the DSP area be considered by the EPA, including consideration of its referral under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), prior to the approval of the DSP amendment and/or the progression of any request for a Metropolitan Regional Scheme amendment from its current Rural delineation for this land;*
- *In addition to the above, significant amendments to and additional information be provided within the proposed Amended North Ellenbrook District Structure Plan (West) to address the impact of the now listed Banksia Woodlands as a Matter of National Environmental Significance under the EPBC Act on the sand mining potential within the approved Mine Tenement on site and therefore the potential of residential development of the site.*

The Department of Biodiversity, Conservation and Attractions (DBCA), in its preliminary comments on the Amendment, noted that the mineral resource approved for extraction under Mining Tenement M70/326 did not cover the entire tenement area, with some areas (around 30 ha) within the tenement that are not proposed for clearing and resource extraction, including areas of banksia woodland and vegetated setbacks from adjacent Bush Forever sites. The urbanisation of Lot 5892 Maralla Road envisaged by Amendment No. 1 to the DSP would lead to additional vegetation clearing and the cumulative environmental impacts should be considered.

In its response to this submission in its report to the Statutory Planning Committee of the WAPC, DPLH noted that additional environmental investigations may also need to be undertaken for any areas that are not within the approved Mining Proposal. DPLH also advised that further consultation with DBCA would occur upon proposed lifting of Urban Deferment.

OTHER PLANNING CONSIDERATIONS

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

Subject	Topic	Assessment
Environment	Bushfire Risk Management	A Bushfire Management Plan (BMP) and addendum has been prepared in support of this MRS Amendment and Amendment No. 1 to the North Ellenbrook (West) DSP. That DSP Amendment was approved by the WAPC subject to the BMP being modified in accordance with advice from the Department of Fire and Emergency Services (addressing matters of secondary access to the site and the use of perimeter roads). The WAPC has concluded that the BMP (subject to modifications) has satisfied the requirements of <i>SPP 3.7 - Bushfire</i> .
Heritage	Aboriginal Cultural Heritage	The amendment was pre-referred to South West Aboriginal Land and Sea Council (SWALSC) with no advice received. The amendment is also being formally referred to SWALSC during the current public advertising period.
Water	Water resource management	The Department of Water and Environmental Regulation (DWER) has advised that a revised District Water Management Strategy has satisfactorily addressed their requirements. The DWER raises no objection to the proposal proceeding to the next stage of the planning process, noting that additional water licenses will need to be traded and transferred to meet additional POS requirements.
Transport Infrastructure	Main roads network	Main Roads WA (MRWA) raised no objections to the Amendment in its preliminary comments and provided requirements for the lifting of Urban Deferment. These have been addressed by the WAPC in the first point under the requirement to lift Urban Deferment.
Servicing	Potable water and reticulated sewerage	In its preliminary comments, the City indicated that resolving funding of any headworks for water or sewerage should be a prerequisite to Urban zoning. The Water Corporation also provided preliminary comment on the Amendment to DPLH. A requirement to lift Urban Deferment has been included which requires agreement with the Water Corporation regarding the funding of water and wastewater headworks to the site.

REQUIREMENTS FOR LIFTING URBAN DEFERMENT

The advertised Amendment report lists four requirements that are to be addressed prior to lifting of Urban Deferment over that part of the subject land proposed to be zoned Urban Deferred:

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

Comment:

The first three requirements to lift Urban Deferment are supported. As outlined above, should the Amendment be approved to rezone the entire Amendment area to Urban Deferred, a further requirement should be added addressing protection of native vegetation on any portion of the subject land not subject to sand mining and associated approved clearing.

With respect to the final requirement and as already noted, no information has been provided in the amendment report to indicate what might constitute suitable transitional arrangements. A 300 to 500 metre buffer is required between sand and limestone extraction under the Environmental Protection Authority guidance on separation distances between Industrial and Sensitive Land Uses. As the landowner has communicated to City staff their intent for concurrent sand mining and urban development on the land there will need to be appropriate mechanisms to ensure that sensitive urban uses are protected from adverse impact from sand mining emissions.

City staff would recommend a more articulated criterion for the lifting of urban deferred designation over the land being a Co-ordinated Staging Plan for Concurrent Urban Development and Sand Extraction with such plan:

- Identifying the location, extent and order of the various stages of extraction over the land;
- identifying the separation distance between an extraction area and proposed adjoining urban development; and
- identification of works and measures to be deployed by either the extractive operator and/or the urban development subdivider to mitigate against adverse impact from the extractive operations on sensitive urban uses with such measures supported by appropriate technical justification.

CONSULTATION

The WAPC has advertised the Amendment for public comment for a period of 42 days from 22 April 2025 to 3 June 2025. DPLH has granted the City of Swan an extension of time to enable this report to be considered by Council at its meeting of 13 August 2025 and Council's resolution to be forwarded to the WAPC.

ATTACHMENTS

1. MRS Amendment 1435 (Standard) - Amending Plan 3.2855 [**14.3.3.1** - 1 page]
2. MRS Amendment 1435 (Standard) - Amendment Report [**14.3.3.2** - 30 pages]

STRATEGIC IMPLICATIONS

Natural Environment

N1 Sustainable natural environment
N1.3 Protect our green environment

Built Environment

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

STATUTORY IMPLICATIONS

Planning and Development (Local Planning Schemes) Regulations 2015
Local Planning Scheme No.17

FINANCIAL IMPLICATIONS

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

RECOMMENDATION

That Council resolve to:

1. Note proposed Metropolitan Region Scheme Amendment 1435 and provide to the Western Australian Planning Commission the following comment on it:
 - 1) The City acknowledges the implications that Ministerial Statement 956 and Mining Tenement ML70/326 have with respect to the capacity to retain native vegetation on the land subject of the proposed Amendment;
 - 2) The City expects that native vegetation over those portions of the land not otherwise subject to the above instruments be substantially retained and protected through any subsequent planning processes should the Amendment proceed;
 - 3) On the basis that the owner of the land has expressed an intention for concurrent sand mining and urban development to occur on the land, that the following criterion for the lifting of any Urban Deferment designation be applied:

Where sand mining and urban development is proposed to occur concurrently on the land, before any portion of the land is transferred from Urban Deferred to Urban, a co-ordinated Staging Plan for concurrent urban development and sand extraction be prepared and submitted to the satisfaction of the WAPC with such plan:

- identifying the location, extent and order of the various stages of extraction over the land;
- identifying the separation distance between an extraction area and proposed adjoining urban development; and
- identifying works and measures to be deployed by either the extractive operator and/or the urban development subdivider to mitigate against adverse impact from the extractive operations on sensitive urban uses with such measures supported by appropriate technical justification.

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

MOTION that Council resolve to:

1. Object to the proposed Metropolitan Region Scheme Amendment 1435 and provide the advice to the Western Australian Planning Commission accordingly.

Reasons for Motion (provided by Cr Catalano)

- 1) Council has expressed an intention to retain Banksia woodlands which are a matter of national environmental significance under the EPBC because the woodlands provide habitat and food for critically endangered species including Carnaby Cockatoos.
- 2) The 33 hectare of banksia woodland said to be retained has not been identified and council should not make comment without all of the facts.
- 3) There has been no environmental assessment of including for black cockatoo habitat in respect of destruction of the remaining banksia woodland over the mining tenement.
- 4) There have been no hydrological assessments of future drainage impacts from urbanisation.

(Cr Catalano - Cr Howlett)

RESOLVED UNANIMOUSLY TO:

1. Object to the proposed Metropolitan Region Scheme Amendment 1435 and provide the advice to the Western Australian Planning Commission accordingly.

For: Mayor Richardson, Deputy Mayor Johnson, Cr Bowman, Cr Catalano, Cr Henderson,
Cr Howlett, Cr Jones, Cr McCullough, Cr Miles, Cr Predovnik and Cr Zannino

Against: Nil