

June 2012

Metropolitan Region Scheme Amendment 1219/41



South Bullsbrook Industrial Precinct

Report on Submissions
Submissions
Transcript of Hearings

City of Swan

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Amendment 1219/41**

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Published by the
Western Australian Planning Commission,
140 William Street,
Perth Western Australia 6000

MRS Amendment 1219/41 Report on Submissions
 Submissions
 Transcript of Hearings

File 809-2-21-23 Pt. 1
Published June 2012

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Introduction to Metropolitan Region Scheme major amendments

The Western Australian Planning Commission (WAPC) is responsible for keeping the Metropolitan Region Scheme (MRS) under review and initiating changes where they are seen as necessary.

The MRS sets out the broad pattern of land use for the whole Perth metropolitan region. The MRS is constantly under review to best reflect regional planning and development needs.

A proposal to change land use reservations and zones in the MRS is regulated by the *Planning and Development Act 2005*. That legislation provides for public submissions to be made on proposed amendments.

For a substantial amendment, often referred to as a major amendment (made under section 41 of the Act), the WAPC considers all the submissions lodged, and publishes its recommendations in a report on submissions. This report is presented to the Minister for Planning and to the Governor for approval. Both Houses of Parliament must then scrutinise the amendment before it can take legal effect.

In the process of making a substantial amendment to the MRS, information is published as a public record under the following titles:

Amendment report

This document is available from the start of the public advertising period of the proposed amendment. It sets out the purpose and scope of the proposal, explains why the amendment is considered necessary, and informs people how they can comment through the submission process.

Environmental review report

The Environmental Protection Authority must consider the environmental impact of an amendment to the MRS before it can be advertised. Should it require formal assessment, an environmental review is undertaken and made available for information and comment at the same time as the amendment report.

Report on submissions

The planning rationale, determination of submissions and the recommendations of the WAPC for final approval of the amendment, with or without modification, is documented in this report.

Submissions

This document contains a reproduction of all written submissions received by the WAPC on the proposed amendment.

Transcript of hearings

A person who has made a written submission may also choose to appear before a hearings committee to express their views. The hearings proceedings are recorded and transcribed, and the transcripts of all hearings are reproduced in this volume.

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Submissions

Transcript of Hearings

Report on submissions

Metropolitan Region Scheme Amendment 1219/41

South Bullsbrook Industrial Precinct

Report on Submissions

1 Introduction

At its July 2011 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 41 of the *Planning and Development Act 2005*.

2 The proposed amendment

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

The purpose of the amendment is to transfer approximately 428.97 ha of Rural zoned land to the Industrial zone in the MRS. The amendment also seeks to reserve and widen Stock Road as an Other Regional Roads reservation and to adjust the associated Bush Forever (Site 296) Notification in the MRS.

The proposed Industrial zoning will allow for the staged, general and light industrial, development of the land following a local scheme amendment, detailed structure planning and subdivision approval.

3 Environmental Protection Authority advice

The proposed amendment was referred to the Environmental Protection Authority (EPA) for advice on whether environmental assessment would be required. The EPA advised that the proposed amendment does not require formal assessment under Part IV of the *Environmental Protection Act 1986*. The EPA provided advice on wetlands, surface and ground water, remnant vegetation and fauna, and acid sulfate soils. The EPA expects these matters to be addressed in subsequent stages of the planning process.

A copy of the notice from the EPA was included in the previously published Amendment Report.

4 Call for submissions

The amendment was advertised for public submissions from 8 November 2011 to 10 February 2012.

The amendment was made available free of cost for public inspection during ordinary business hours at:

- i) the Western Australian Planning Commission, 140 William Street, Perth;
- ii) the offices of the Cities of Perth, Fremantle, Swan and Wanneroo; and
- iii) the State Reference Library, Northbridge.

During the public inspection period, notice of the amendment was published in the *West Australian* and the *Sunday Times* newspapers and relevant local newspaper/s circulating in the locality of the amendment.

5 Submissions

Twenty-three submissions (including four late submissions) were received comprising seven supporting submissions, five objecting submissions and 11 submissions containing neutral comments or otherwise not objecting to the amendment.

A summary of each submission with WAPC comments and determinations is at Schedule 2. A complete copy of all written submissions is contained in this publication.

6 Hearings

Section 46 of the *Planning and Development Act 2005* provides that each person who makes a submission is to be offered the opportunity of being heard by a Committee formed by the WAPC for that purpose. All persons who made submissions were invited to present their submission to the Hearings Committee.

Two requests for hearings objecting to the amendment were received. The hearings occurred on 12 April 2012.

7 Main issues raised in submissions

7.1 Supporting Submissions

Supporting submissions were received from six nearby landowners and the Department of State Development. In general, submissions support the amendment as it is consistent with a range of state government strategic planning documents which identify the site for future industrial development, such as the *Economic and Employment Lands Strategy: non-heavy industrial (EELS)* and draft *Outer Metropolitan Perth and Peel Sub-Regional Strategy*.

Further, submissions refer to the amendment facilitating future industrial development and employment opportunities to benefit the wider Bullsbrook / Ellenbrook community and the protection and enhancement of the natural environment (Ellen Brook).

WAPC Response

The submissions of support have been noted.

7.2 Objecting Submissions

(a) **Aboriginal Heritage Issues**

A submission from the Swan Valley Nyungah Community, Aboriginal Corporation advises that:

- Indigenous Elders and people with knowledge, ties, links and associations with the area of the Swan River, Swan Valley and Swan Coastal Plains object to the

amendment and are the only people authorised to speak. The Native Title group is made up of many Nyungah families and family clans.

- Nyungah Elders wish to meet with the WAPC to discuss concerns in the area of the proposed development. They wish to meet in good faith and that an agreement in writing is signed by both parties on what is agreed to. Where possible they wish to meet under the *Native Title Act* and *Aboriginal Heritage Act*, and wish to meet under the First Law of the Land and common law (Mabo, 1992) and international laws for the protection of human rights, religion and culture.
- The main concern is preserving places of significance, therefore it may be necessary for an anthropologist, archaeologist and/or facilitator acceptable to both parties to come to an agreement. If no agreement is reached, then the group can meet a second and third time. If no agreement can be reached then both parties can appoint an independent mediator or the WAPC can appoint an independent facilitator or mediator who both parties can trust.
- All parties should attempt to come to an agreement when meeting, and that agreement be put in writing and signed by all parties. The group is not trying to stop 'progress' but have a right by international law to protect their sacred ways. Agreement (subject to the above process) has been reached with developers on other projects. If an on-site meeting is agreed, normal consultation expenses must also be covered.

WAPC Response

It is important to clarify the MRS amendment process and when is the appropriate stage of the planning process to consider the potential effect of development on significant sites. The transfer of land from the Rural zone to the Industrial zone does not itself have any physical effect on the land or significant sites. Further, the designation of the Industrial zone makes no requirements in terms of where roads and buildings will be or where public open space, which may include significant sites, should be. Therefore, the MRS amendment stage of the planning process is neither meant to be, nor can be, used to locate, acknowledge and arrange for the protection of significant sites.

Proponents of land development are free to conduct appropriate studies related to indigenous matters at any time, however, it is during the preparation of a detailed structure plan for a site that specific consideration is given as to whether identified significant sites should have some form of protection from development (for example, inclusion an open space area, interpretive signage etc). What sites are required to be protected from specific development proposals is decided by way of Section 18 of the Aboriginal Heritage Act (AHA), and detailed archaeological/ethnographic studies by the proponent at the subsequent structure planning stage.

Therefore, there is no requirement for written agreements between Nyungah Elders and the WAPC in relation to the MRS amendment process as the matters suggested to be the subject of such an agreement are actually matters for resolution through the local structure planning process, which is led by a Local Government but which requires WAPC approval.

The Department of Indigenous Affairs (DIA) advised that two registered sites (DIA 4362 and DIA 3583) and two 'other heritage places' (DIA 3525 and DIA 3941) are located within the vicinity of the amendment area. It is also noted that the South West Aboriginal Land and Sea Council has referred to an additional site (ID19138 - Wetlands and Water Courses Moore River to Bullsbrook) which will also need to be taken into consideration.

In this regard, the WAPC encourages the City of Swan to liaise with Nyungah elders to ensure that Aboriginal heritage sites are identified and protected in the subsequent planning stages in accordance with the AHA.

The submission is dismissed and no modifications to the amendment proposed.

(b) Environmental Issues

Submissions from the Swan River Trust, Ellen Brockman Catchment Council and a nearby landowner raised the following issues:

- It would be difficult to prevent pollutants from the proposed industrial development from entering the Ellen Brook and ultimately the Swan River (from surface and ground water sources). The subject land is waterlogged (high water table) for much of the year and would not be compatible with the industrial development of the site.
- Sewerage has not been confirmed by the Water Corporation and a District Water Management Strategy (DWMS) has not been approved by the Department of Water (DoW) for the site.
- The Ellen Brook foreshore area should be reserved as Parks and Recreation reservation in this amendment.

WAPC Response

- *The protection and management of the Ellen Brook has been addressed through a range of technical reports submitted by the proponent as part of the amendment, such as a Wetland and Waterway Assessment and a DWMS.*

The DWMS proposes that vegetation within water treatment areas would capture most minor and first flush rainfall events and any water leaving the site or infiltrating the groundwater will have been treated.

Groundwater within the amendment area has been assessed by the landowner using monitoring bores. The monitoring indicates that groundwater ranges between 0.5 m and 5.9 m below ground surface. The shallow depth of groundwater generally corresponds with waterway and wetland areas within the site. In accordance with the DWMS, the future development of the site does not propose to modify existing groundwater levels.

It is not proposed to undertake large scale draining and filling of the site. In accordance with the DWMS, it is proposed that imported fill will be utilised to elevate building pads and road pavement areas to achieve separation distances.

The implementation of water sensitive urban design will reduce nutrient and sediment export from the site, and will improve the water quality which is currently leaving the site. Currently there is no treatment for run-off within the site. The proponent advises that fertiliser use and grazing by stock are likely to be contributing nutrients from the site into the Ellen Brook. The change in land use will result in less fertiliser use and stock removed from the area, resulting in an improvement in stormwater quality and quantity management over the site.

Amendment No. 60 to the City of Swan Local Planning Scheme No. 17 proposes the use of scheme provisions which will require the preparation and implementation of Wetland and Waterway Management Strategies at the Local Structure Planning stage. These strategies will be supported by management plans prepared at the subdivision stage (by way of WAPC imposed subdivision conditions), which will provide additional detail on management and maintenance and be provided to the management body, who will take responsibility for the long term management of the Ellen Brook foreshore reserve.

The rezoning of the land to Industrial will not compromise water management activities occurring within the wider Ellen Brook catchment. The WAPC has also noted that the subsequent Local Water Management Strategy should have regard to the broader sub-regional water management planning initiatives to be undertaken for the north-east corridor of the Perth metropolitan region.

- *The Water Corporation has confirmed that the site can be serviced with reticulated sewerage and the DoW has approved a DWMS for the site.*
- *The Ellen Brook foreshore area (which remains zoned Rural and is not part of this amendment) is to be resumed by the WAPC to allow for a coordinated approach to any rehabilitation that may be undertaken and its vesting and management. This is similar to the majority of the Ellen Brook to the south, which is also under the ownership and management of the WAPC.*

The reservation of the Ellen Brook foreshore is to be undertaken in a future MRS amendment, the foreshore area would be required to be ceded to the Crown as part of the gradual subdivision and development of the land.

The reservation of the foreshore as Parks and Recreation is to occur as a separate process consistent with Commission practice. Until the reservation of the foreshore area occurs, any development on this land will be subject to standard planning approval requirements, including referral to appropriate State Government agencies.

The submissions are noted / dismissed and no modifications to the amendment proposed.

(c) Regional Road Issues

Submissions from Main Roads WA (MRWA), Department of Transport (DoT) and two nearby landowners raised the following issues:

- *Nearby landowners advise that there are existing congestion issues in the locality and the amendment will exacerbate these problems.*
- *There are no funds allocated to upgrading Great Northern Highway. Developer contributions should be considered, including from developers on the eastern side of Great Northern Highway. It is acknowledged that the Perth-Darwin National Highway may assist in meeting regional access demands, but the earliest it could be built is 2018. There are currently no funds allocated to the construction of this road.*
- *Stock Road is to be reserved as Other Regional Roads (ORR) in the MRS. Consideration should be given to the land requirements for the grade separation of Stock Road/railway line and Stock Road/Great Northern Highway.*

WAPC Response

- *In accordance with standard practice, road improvements are planned, prioritised and constructed when the need for such improvements are generated. They are subject to State and local government approval and funding arrangements. Therefore traffic and congestion issues are to be managed in the subsequent planning stages having regard to the extent of development proposed.*

It has been confirmed that a comprehensive traffic analysis will be prepared as part of the future local structure plan for the site, prior to development proceeding and will require MRWA approval. The proponent advises that future planning could allow for a road connection to the existing light industrial area (to the north) as suggested by MRWA. The road connection would be subject to relevant environmental approvals and funding arrangements.

- *MRWA has been liaising with landowners to the east and west of Great Northern Highway in order to prepare a collaborative road access strategy for the Great Northern Highway. MRWA has confirmed that all landowners have reached agreement regarding access from Great Northern Highway.*

The landowner acknowledges the need for upgrades to Great Northern Highway as development progresses, and that the precise nature of upgrades has yet to be determined. The City of Swan has initiated Amendment No. 60 to the LPS 17 which proposes a "Development Contribution Area" over the site creating a mechanism to share infrastructure costs (including road improvements).

This amendment is not reliant on the construction of the Perth-Darwin Highway. MRWA advises that the earliest timeframe for the construction of this road is 2018. It is noted that the WAPC has initiated an MRS amendment to reserve the Perth-Darwin National Highway which will contribute to alleviate existing congestion and traffic issues in the future.

- *In relation to the reservation of Stock Road as ORR, consultation with the DoT confirms that additional land is required to allow the future grade separation of Stock Road/railway line (to the west) and Stock Road/Great Northern Highway (to the east). The amendment has been modified to incorporate these changes.*

The submissions are dismissed / partly upheld as modification to Stock Road ORR reservation has been undertaken.

(d) Potential Inter Modal Terminal

A submission from the DoT raised the following issues:

- The requirement for an Inter Modal Terminal (IMT) in the South Bullsbrook/North Ellenbrook area is being investigated due to population growth and future industrial development.
- Preliminary options for an IMT have been identified, and an option will be selected based on detailed design, access and financial considerations. The grade separation of Stock Road over the existing railway line will be required in the future, however land requirements have not been determined.

WAPC Response

- *The WAPC notes that the zoning of the proposed amendment to Industrial does not preclude an IMT being developed at a future date. The EELS indicates that an IMT could be located to the west or south of the amendment area.*

The subject land has been identified as a priority industrial site in the EELS and would not be in conflict with the location and operation of a future IMT. Therefore, it is not appropriate to defer consideration of the amendment pending the DoT's investigations which can be undertaken as part of a separate process.

- *Matters such as the future location of the IMT and associated rail and regional road reserve requirements still need to be confirmed by the DoT. However, the WAPC can initiate a separate MRS amendment for rail and regional road reservations once the DoT has completed their investigations and confirmed a location for an IMT.*

The submission is noted and no modifications to the amendment proposed.

8 Modifications

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

- the retention of the Bush Forever overlay over portion of Stock Road to ensure that issue is addressed during consideration of planning approval for the road and associated bridge; and
- the inclusion of additional ORR reservation at the intersection of Stock Road and the railway line (to the west) and Stock Road and Great Northern Highway (to the east) to allow for the future upgrading of Stock Road.

Readvertising of the amendment is not required as the above modifications do not alter the intent of the amendment as advertised and are considered to be minor in nature.

9 Responses and determinations

The responses to submissions are detailed in this report. The submissions of objection are recommended to be dismissed. Minor modification to the amendment has been undertaken as discussed above.

10 Conclusion and recommendation

This report summarises the background to MRS Amendment 1219/41 and examines the various submissions made on it.

The WAPC, after considering the submissions, is satisfied that the amendment as shown generally on Figure 1 in Schedule 4 (as modified), and in detail on the MRS Amendment Plan listed in Appendix 2 (as modified) should be approved and finalised.

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

Schedule 1

Alphabetical listing of submissions

Alphabetical Listing of Submissions

MRS Amendment 1219/41

South Bullsbrook Industrial Precinct

Submission Number	Name
5	Agriculture and Food, Department of
17	Bates, Barbara L
16	Bates, Terrence Patrick
4	Education, Department of
10	Ellen Brockman Integrated Catchment Group Inc
7	Indigenous Affairs, Department of
15	Kelly, Marguerite Kaye
14	Kelly, Thomas Stephen Peter
12	Main Roads Western Australia
2	Mines and Petroleum, Department of
8	Pirozzi, A
18	Roberts Day (on behalf of Ellenbrook Management Pty Ltd)
6	Rolandi, J
9	Siviour, Kym
11	South West Aboriginal Land and Sea Council
19	State Development, Department of
3	Swan Valley Nyungah Community Aboriginal Corporation
13	Taylor Burrell Barnett (on behalf of Rangedale Corporation)
1	Western Power
Late Submissions	Name
	Swan River Trust
	Transport, Department of
	Water Corporation
	Water, Department of

Schedule 2

Summary of submissions and determinations

Submission: 1

Submitted by: Western Power

Summary of Submission:

COMMENT

Western Power raises no objections the amendment and advises that any changes to the existing power system is the responsibility of the developer/s.

Planning Comment:

Comments noted.

Determination:

Submission noted.

Submission: 2

Submitted by: Department of Mines and Petroleum

Summary of Submission:

COMMENT

The Department of Mines and Petroleum has no comment on the amendment.

Planning Comment:

Comment noted.

Determination:

Submission noted.

Submission: 3

Submitted by: Swan Valley Noongah Community, Aboriginal Corporation

Summary of Submission:

OBJECTION

Indigenous Elders and people with knowledge, ties, links and associations with the area of the Swan River, Swan Valley, Swan Coastal Plains and Darling Ranges are the only people authorised to speak. Our Native Title is made up of many Noongah families and family clans who we represent. Noongah Elders seek an on-site hearing with the WAPC to comment on the amendment.

Noongah Elders speak for this area by Noongah laws and customs, and have been authorised by their people and by the Registration Test of the *Native Title Act*. Noongah Elders are the only qualified experts who can give advice and assistance, not government departments or Noongah people that are not from this area.

Main concern is preserving places of significance, therefore it may be necessary for an anthropologist, archaeologist and/or facilitator acceptable to both parties. Draft copies of reports must be sent to the Noongah Elders for checking before being finalised.

Agreement (subject to the above process) has been reached with developers, mining companies, local and state government agencies. If an on-site meeting is agreed, normal consultation expenses must also be covered.

All parties should attempt to come to an agreement when meeting, and that agreement be put in writing and signed by all parties; not trying to stop 'progress' but have a right by international law to protect our sacred ways (religion, culture and human rights). There needs to be a balance for all parties involved.

This submission was supported by a Hearing.

Planning Comment:

Comment noted. Refer to Part 7.2 (a) of the Report on Submissions.

Determination:

Submission dismissed.

Submission: 4

Submitted by: Department of Education

Summary of Submission:

COMMENT

The Department of Education raises no objections.

Planning Comment:

Comments noted.

Determination:

Submission noted.

Submission: 5

Submitted by: Department of Agriculture and Food

Summary of Submission:

COMMENT

The Department of Agriculture and Food (DAF) raises no objections to the amendment. The DAF understands the EELS was endorsed by Cabinet in November 2011. The DAF made a submission during the advertising of the draft Industrial Land Strategy, identifying future industrial sites and issues of significance to the agricultural industry. The South Bullsbrook site is an important area for the agricultural industry due to:

- Proximity to the Muchea Employment Node (including Muchea saleyards);
- Location in the north-east Perth peri-urban hinterland where many agricultural producers are located;
- Limited opportunities in the north-east corridor for a "General Industrial" site that accommodates agricultural food processors.

There are a number of agricultural industries within the amendment area, including two poultry farms, one horse stud and one vineyard. The buffers and activities of these existing uses will need to be accommodated in any future development. This may reinforce the need for predominately "General Industrial" uses which will be more compatible with existing agricultural land uses.

There is also a small amount of prime agricultural land identified in the eastern portion of the amendment area. The DAF advises that an agricultural impact assessment will be required to be undertaken by the proponent.

Planning Comment:

Comments noted.

The Industrial zoning of the land under the MRS provides a framework for further detailed planning to occur, including the consideration of "General Industry" and "Light Industry" uses. Land use permissibility is generally considered in the subsequent Local Planning Scheme amendment and detailed structure planning stages, where matters such as the extent and location of permitted uses are determined.

The proponent has also confirmed that in the subsequent planning stages, consideration of agricultural industry and agricultural food processing uses would be undertaken as part of the ongoing market analysis of the site.

Determination:

Submission noted.

Submission: 6

Submitted by: J Rolandi (nearby landowner)

Summary of Submission:

OBJECTION

The submitter objects to the amendment as:

- It would be difficult to prevent pollutants entering the nearby Ellen Brook which would also pollute the groundwater. The proposed development of the site and will have a harmful effect on surrounding vegetation.
- There will be traffic congestion from the concentration of industrial activity in the location. There are existing congestion issues and the amendment will exacerbate these problems.
- Noise pollution from traffic movement and industrial activity could adversely affect the use and enjoyment of surrounding properties.
- Visual pollution through the loss of amenity of the rural landscape. There are existing businesses along Great Northern Highway which are not well maintained.

Planning Comment:

Comments noted. Refer to Parts 7.2 (b) & (c) of the Report on Submissions.

- Potential noise and impacts will be dealt with in the subsequent structure planning stage in accordance with the requirements of *State Planning Policy 5.4 - State Industrial Buffers Policy*, which sets out specific provisions to be addressed. In addition, proposals to establish future industrial uses would be subject to the EPA requirements. The EPA and DEC have comprehensive statutory requirements and guidelines that restrict and manage air and noise pollution.
- The landowner proposes that any potential visual impacts will be closely managed through a variety of controls including extensive landscaping in road verges and open space, developer implemented design / building guidelines and the location of heavier industry behind highway commercial. Therefore, visual and landscape impacts of development will be addressed in structure planning.

Determination:

Submission dismissed.

Submission: 7

Submitted by: Department of Indigenous Affairs

Summary of Submission:

COMMENT

The Department of Indigenous Affairs (DIA) advises that there are two registered Aboriginal sites and two 'other heritage places' within the amendment area. The other heritage places are places to which the provisions of the *Aboriginal Heritage Act 1972* (AHA) may apply but where not enough information is available to enable an assessment under the AHA to occur. These places are as follows:

- DIA 4362 (South Busllbrook) Registered
- DIA 3583 (Ki-It Monger Brook 2) Registered
- DIA 3525 (Ellen Brook: Upper Swan) 'Other Heritage Place'
- DIA 3941 (Ki-It Monger Brook 1) 'Other Heritage Place'

DIA 4362 (South Busllbrook) is unreliably mapped on the Register of Aboriginal Sites and may require location verification prior to any management strategies being implemented.

While the amendment does not impact on existing Aboriginal heritage values, developers should be made aware of the existence of registered sites and 'other heritage places' within the amendment. The proponent is encouraged to liaise with the DIA in relation to due diligence guidelines for assistance in identifying the risk that proposed activities may have on adversely impacting Aboriginal heritage values. Whilst rezoning is not included in the Guidelines, future activities that may facilitate residential development are included.

Planning Comment:

Comments noted. The landowner has been advised of the DIA's comments which will need to be taken into account in the subsequent detailed planning stages.

Determination:

Submission noted.

Submission: 8, 9, 14 - 17 & 19

Submitted by: A Pirozzi, K Siviour, T Kelly, M Kelly, T Bates, B Bates
(Separate submissions were received from six nearby landowners)
& Department of State Development

Summary of Submission:

SUPPORT

In general, the submitters support the amendment as it is in accordance with a range of state government strategic planning documents and will provide for industrial land in the north-east corridor of the Perth metropolitan region.

Planning Comment:

Support noted. Refer to Part 7.1 of the Report on Submissions.

Determination:

Submissions noted.

Submission: 10

Submitted by: Ellen Brockman Integrated Catchment Group

Summary of Submission:

OBJECTION

The Ellen Brook has been the subject of a significant number of reports which have been consolidated into the Ellen Brook Integrated Catchment Management Plan. The creek

contributes the highest levels of nutrient loads from a waterway on the Swan Coastal Plain to the Swan River.

The palusplain of the Ellen Brook comprises seasonal waterlogged flats. The proposed amendment area is waterlogged for much of the year and has been historically used as a dry season cattle feed area. Placing an industrial zone on this land raises some concerns.

The Ellen Brook Catchment Depth to Groundwater mapping indicates the area around Stock Road to have a 0 - 1 metre depth to groundwater over much of the proposed amendment area. Current landuses can accommodate a high water table due to significant distances between businesses.

The Ellen Brockman Group recommends that any development on this land should seek to increase the depth to groundwater distance. This could be done by drainage or by fill. Therefore, review by the EPA should occur with particular reference to the management of off-site impacts on the waterway.

Wastewater Management: The Water Corporation's investigations into the wastewater servicing of the site have not been completed. The draft Industrial Land Strategy did not specify if this needed to be resolved before rezoning, however if the amendment goes ahead and sewer is not available, there may be a large number of alternative wastewater disposal units adjacent to Ellen Brook. If no sewerage is available, the DoW would require additional information to support the DWMS.

The WAPC resolved that the proposed amendment be initiated and advertised but be held in abeyance (and not finalised), until the Water Corporation has advised on the timing for the provision of wastewater for the site. The Ellen Brockman Group supports this statement.

Waterway Management: No management authority has been identified for the proposed Parks and Recreation reserve. The vesting authority will be responsible for these works or the waterway will be managed as private open space. The DoW would expect that the reserve be vested with the City of Swan or Department of Planning and that it be rehabilitated. The DoW are reluctant to support the amendment until future management of the waterway is progressed and the DWMS can commit to the appropriate level of rehabilitation and revegetation.

The Ellen Brockman Group has been rehabilitating the Ellen Brook for over 20 years. The main channel of the Ellen Brook immediately south of this site is vested in the WAPC as are other sections of the waterway which have been rehabilitated. Once the rehabilitation has taken place very little maintenance is required.

The Group has approached the landowners regarding the installation of a nutrient stripping wetland, which would be similar to those used elsewhere where industrial zones are in close proximity to environmentally sensitive areas. The landowners have indicated that they are not adverse to the idea.

There should be a condition on the amendment requesting the EPA to review the amendment having regard to the impact that the Ellen Brook has on the Swan River. The Ellen Brockman Group believes that there are environmental issues that can be resolved through detailed planning process but would like to see recognition given to the impact of Ellen Brook on the Swan River in the amendment. The Greater Bunbury Region Scheme outlined that a water management and drainage plan should be part of the amendment process.

This submission was supported by a Hearing.

Planning Comment:

Comments noted. Refer to Part 7.2 (b) of the Report on Submissions.

The WAPC notes that the EPA determined that the amendment should not be formally assessed and provided advice on matters to be considered in the future planning stages. The DoW approved a DWMS which demonstrates that the site can be developed for industrial purposes without impacting on the Ellen Brook. Therefore, there are no fatal flaws relating to environmental and water management impacts which would prevent the finalisation of the amendment or which can't be addressed in the subsequent detailed planning stages.

Determination:

Submission noted.

Submission: 11

Submitted by: South West Aboriginal Land and Sea Council

Summary of Submission:

COMMENT

The South West Aboriginal Land and Sea Council (SWALSC) is the registered native title body for the Whadjuk People (WAD242/2011). It is requested that in accordance with the *Aboriginal Heritage Act 1972* (AHA) and the Memorandum of Understanding with SWALSC, a full heritage site identification survey be undertaken for the site and monitors are requested for any vegetation and clearance work.

As the amendment contains mythological site ID19138 - Wetlands and Water Courses Moore River to Bullsbrook, any development is subject to a section 18 clearance in accordance with the AHA. SWALSC seeks ongoing consultation regarding the development of site due to the significance of Bullsbrook, South Bullsbrook and Ellen Brook areas.

Planning Comment:

Comments noted. The landowner has been advised of SWALSC's comments which will be taken into consideration in the subsequent detailed planning stages.

Determination:

Submission noted.

Submission: 12

Submitted by: Main Roads WA

Summary of Submission:

OBJECTION

Main Roads WA will be able to support the proposed amendment once the following issues have been resolved as follows:

- Some areas of land which are proposed to be transferred to the Industrial zone may be required for future road purposes. There is a need to identify land requirements for the future grade separation of Stock Road/railway line and Stock Road/Great Northern Highway.
- A planning design concept should be developed based on an analysis of traffic movements from the amendment area. There have been discussions with the landowner and agreement in principle has been reached for an access strategy for Great Northern Highway.

Planning Comment:

Comments noted. Refer to Part 7.2 (c) of the Report on Submissions.

Determination:

Submission noted.

Submission: 13

Submitted by: Taylor Burrell Barnett (for a nearby landowner)

Summary of Submission:

COMMENT

Taylor Burrell Barnett acts on behalf of a nearby landowner who supports the amendment. It is requested that the WAPC defer a final decision on the amendment pending the release of the *Economic and Employment Lands Strategy: non-heavy industrial* (EELS) to confirm the suitability of the South Bullsbrook site for industrial development. The following comments have been provided:

North Ellenbrook and the draft Industrial Land Strategy: The landowner owns approximately 72 ha of land on Warbrook Road, Bullsbrook. The proponent has been informally advised that the North Ellenbrook cell has been upgraded to a Priority Industrial Site in the final version of the EELS.

Deferral of amendment: The proponent submits there are uncertainties regarding whether the South Bullsbrook site is the most strategically located industrial precinct for the corridor. There may be merit in delivering North Ellenbrook first, on the basis that it is less constrained, better located and supported by the necessary strategic framework.

The merit of North Ellenbrook: A multi criteria assessment was applied to the South Bullsbrook industrial precinct that led to it being deemed a priority site in the Industrial Land Strategy. If a similar evaluation were available for the North Ellenbrook, it would reveal a more beneficially located and less environmentally constrained site.

Planning Comment:

Comments noted. The amendment has been identified for industrial development purposes in the WAPC endorsed EELS and will provide a framework for further planning to occur. The amendment has been considered by a range of state government agencies, and approval to a DWMS by the DoW and connection to a sewerage service has been confirmed.

The City of Swan has initiated Amendment No. 60 to LPS 17 which compliments this amendment as it provides for scheme provisions which require the preparation and implementation of a range of management strategies and plans in subsequent planning stages (i.e. local structure plan and subdivision stages).

The WAPC does not support the deferral of the amendment as the proposed amendment has been confirmed for industrial development purposes in EELS and there are no fatal flaws that would prevent the finalisation of the amendment. The North Ellenbrook site has also been identified for industrial development purposes in the EELS, and would be the subject of a separate MRS amendment process in future.

Determination:

Submission dismissed.

Submission: 18

Submitted by: Roberts Day Town Planning and Urban Design (for a nearby landowner)

Summary of Submission:

COMMENT

Roberts Day acts on behalf of a nearby landowner who supports the amendment. The following comments have been provided:

Strategic infrastructure and traffic planning: The proposed amendment requires detailed traffic studies which detail the impact of the development of the site will have on traffic volumes and movement for the surrounding road network and for residents of Ellenbrook. Any traffic studies should include truck and heavy vehicle movements.

Potential traffic implications for surrounding urban areas: The amendment has the potential to increase truck and heavy vehicle traffic in Ellenbrook and surrounding urban areas. It is important that detailed strategic planning is undertaken to ensure that any increase in traffic is directed onto appropriately designed roads and does not affect the amenity of residential communities in Ellenbrook.

The proposed amendment identifies Stock Road as an important east-west arterial link connecting the future Perth-Darwin National Highway with the Great Northern Highway. The reservation of Stock Road and proposed widening is supported and considered necessary to facilitate the efficient and safe movement of truck and heavy vehicles. However, the widening and construction of Stock Road may increase traffic volumes on Railway Parade and Mueha South Road and will need to be managed.

It is noted that 2018 is the most optimistic timeframe for the construction of the Perth-Darwin National Highway, however there are currently no funds allocated for its upgrade. If the amendment area is developed before the Perth-Darwin Highway, the Great Northern Highway may not be capable of managing tourism and additional heavy vehicle traffic. As a result heavy vehicle traffic volumes and movements through Ellenbrook could increase.

Redevelopment of the surrounding road network: The proposed amendment is expected to result in an industrial precinct that will accommodate a workforce, many of whom may reside in Ellenbrook and surrounding areas. Muchea South Road and Railway Parade may require upgrading to accommodate increased levels of private vehicle traffic, as well as increased medium and heavy vehicle traffic.

Planning Comment:

Comments noted. Refer to Part 7.2 (c) of the Report on Submissions.

Determination:

Submission dismissed.

Submission: 20 (Late Submission)

Submitted by: Department of Water

Summary of Submission:

COMMENT

The Department of Water (DoW) has approved a District Water Management Strategy for the site and raises no objections to the progression of the amendment.

Planning Comment:

Comments noted.

Determination:

Submission noted.

Submission: 21 (Late Submission)

Submitted by: Swan River Trust

Summary of Submission:

OBJECTION

The Trust understands that the DoW has been working with the proponents to progress the DWMS and the following comments are provided on the basis of the information included in the advertised *Amendment Report*.

The Trust does not support the amendment as it has not been demonstrated that the land use change will not result in further water quality degradation to the Ellen Brook and the Swan River. The Trust considers that the amendment should not be approved until sewerage has been confirmed. In summary, the following issues have been raised:

- The draft DWMS indicates that fill will be used for building footprints however it must be demonstrated that land uses can be managed to minimise sediment transport and prevent nutrients or contaminants entering the Ellen Brook. The Trust does not support the filling and draining of environmentally sensitive areas without intensive management.
- Water sensitive urban design strategies that address industrial land uses should be identified in the DWMS, including oil and grease traps, gross pollutant traps and bunded chemical and fuel storage areas.
- The Ellen Brook foreshore is proposed to remain in the Rural zone as part of this amendment and reserved as Parks and Recreation in a future MRS amendment. It is not clear what will trigger the reservation of the foreshore. The Trust does not support this approach.
- *State Planning Policy 2.10 - Swan Canning River System* indicates that fringing riparian vegetation should be protected and re-established. The re-establishment and revegetation of the Ellen and Nambad Brooks should be addressed in the DWMS. Management and maintenance responsibilities should also be identified.

Planning Comment:

Comments noted. Refer to Part 7.2 (b) of the Report on Submissions.

Determination:

Submission dismissed.

Submission: 22 (Late Submission)

Submitted by: Department of Transport

Summary of Submission:

COMMENT

The Department of Transport (DoT) has liaised with MRWA and the Public Transport Authority (PTA). DoT does not raise any objections to amendment, but the amendment will need to consider future road requirements.

The DoT has been investigating the requirement for an Inter Modal Terminal (IMT) in the South Bullsbrook/North Ellenbrook area. A consultant has been engaged for the IMT study and the preliminary findings recommend that an IMT is required due to population growth and future industrial development.

Two site options for an IMT have been identified in the South Bullsbrook area adjacent to the existing railway and Stock Road, an option will be selected at a later stage based on more detail design, access arrangements and cost of land etc. The freight traffic associated with

this facility will utilise the future Perth-Darwin National Highway and Great Northern Highway (via Stock Road).

Stock Road has been identified as the east-west arterial link connecting the future Perth-Darwin Highway with Great Northern Highway. The grade separation of Stock Road over the existing railway line will be required in the future, however the land required to achieve this has not been determined.

Planning Comment:

Comments noted. Refer to Parts 7.2 (c) & (d) of the Report on Submissions.

Determination:

Submission noted.

Submission: 23 (Late Submission)

Submitted by: Water Corporation

Summary of Submission:

COMMENT

The Water Corporation has no objection to the amendment. The following relates to the status of the Corporation's planning for Bullsbrook, and should be considered in the timing of any future subdivision and development.

Wastewater treatment planning: The Corporation has recently concluded its wastewater treatment capacity study for Bullsbrook. The planning considered the physical, technical and financial aspects of various options to deal with the projected timing and growth of wastewater flows, treatment capacity at the plant, and treated wastewater disposal capacity and options. The Corporation's adopted planning proposed to retain the Bullsbrook Wastewater Treatment Plant (WWTP) and the current treated wastewater disposal arrangement at the plant in the short-term with a view to ultimately decommissioning the plant and diverting wastewater southwards into the Ellenbrook sewer district once the Bullsbrook WWTP reaches its maximum capacity.

Over the initial 5-6 year period, it is expected that wastewater from the town will continue to be conveyed northwards to the Bullsbrook WWTP for treatment and disposal. Future diversion of wastewater southwards to the Ellenbrook pump station will require substantial capital investment, including a transfer pump station and approximately 16-17 km of wastewater pressure main.

The Bullsbrook wastewater treatment capacity planning has included an allowance for the ultimate development of the proposed Industrial zone, the existing Urban and Urban Deferred land around the town, as well as other areas that have been indicated for possible future urban expansion in the Council's draft Bullsbrook townsite strategic plan or proposals which were known to the Corporation at the time the planning was initiated.

The wastewater flow forecasts underpinning the Corporation's planning has assumed that wastewater flows from the proposed South Bullsbrook Industrial Precinct will only commence around 2017 based on advice provided by prospective developers that the first stage of development of the industrial land would only commence construction around 2015-16.

Based on the Corporation's projections of land development rates and wastewater flow growth in Bullsbrook, it is expected that the current WWTP and treated wastewater disposal arrangement at the plant will have sufficient capacity for approximately the next 5 years. Capital expenditure on the proposed diversion of wastewater towards Ellenbrook Pump Station will be timed accordingly.

Wastewater disposal planning: The Corporation will soon commence a review of the wastewater conveyance planning for the Bullsbrook sewer district, which is anticipated to be completed around mid-2012. The conveyance planning will detail the long-term layout and sizing of the local wastewater collection network (gravity sewers, pump station/s etc.) within the Bullsbrook townsite area including the proposed South Bullsbrook Industrial Precinct.

Water planning: In 2010 the Corporation undertook a review of water supply planning for Bullsbrook. This planning has identified the extent, cost and approximate timing of capital works on major upgrades to the water system that will be needed to be undertaken in the short, medium and long term to cope with anticipated growth in service numbers.

Planning Comment:

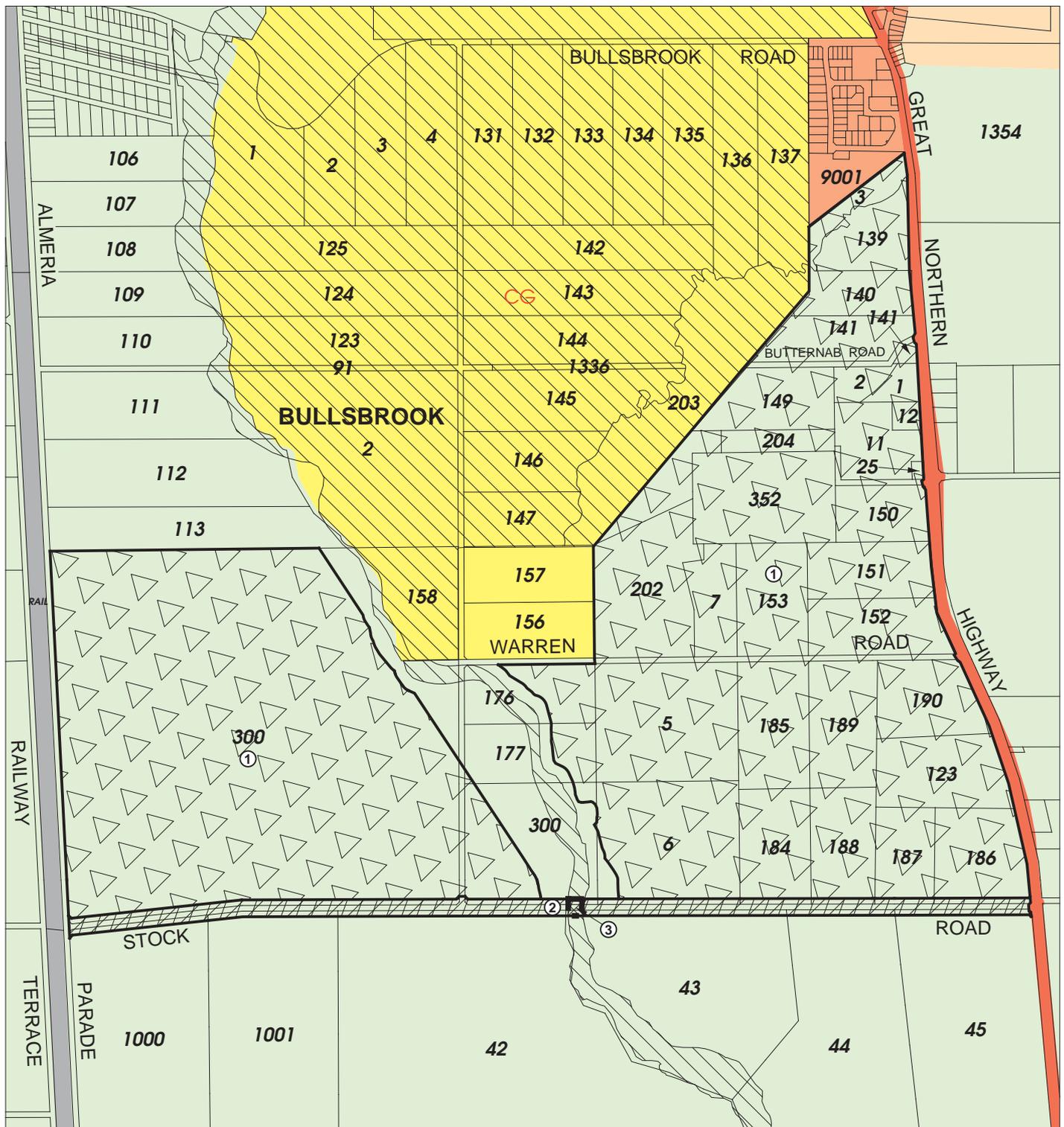
Comments noted. The comments provided by the Water Corporation satisfy the WAPC's request for confirmation that the site is capable of being serviced with wastewater infrastructure within a suitable timeframe. The Water Corporation confirms that the timing for delivery of waste water infrastructure is compatible with the timing for construction and delivery of the early stages of the South Bullsbrook Industrial Precinct.

Determination:

Submission noted.

Schedule 3

The amendment figure as advertised



South Bullsbrook Industrial Precinct - proposed major amendment as advertised

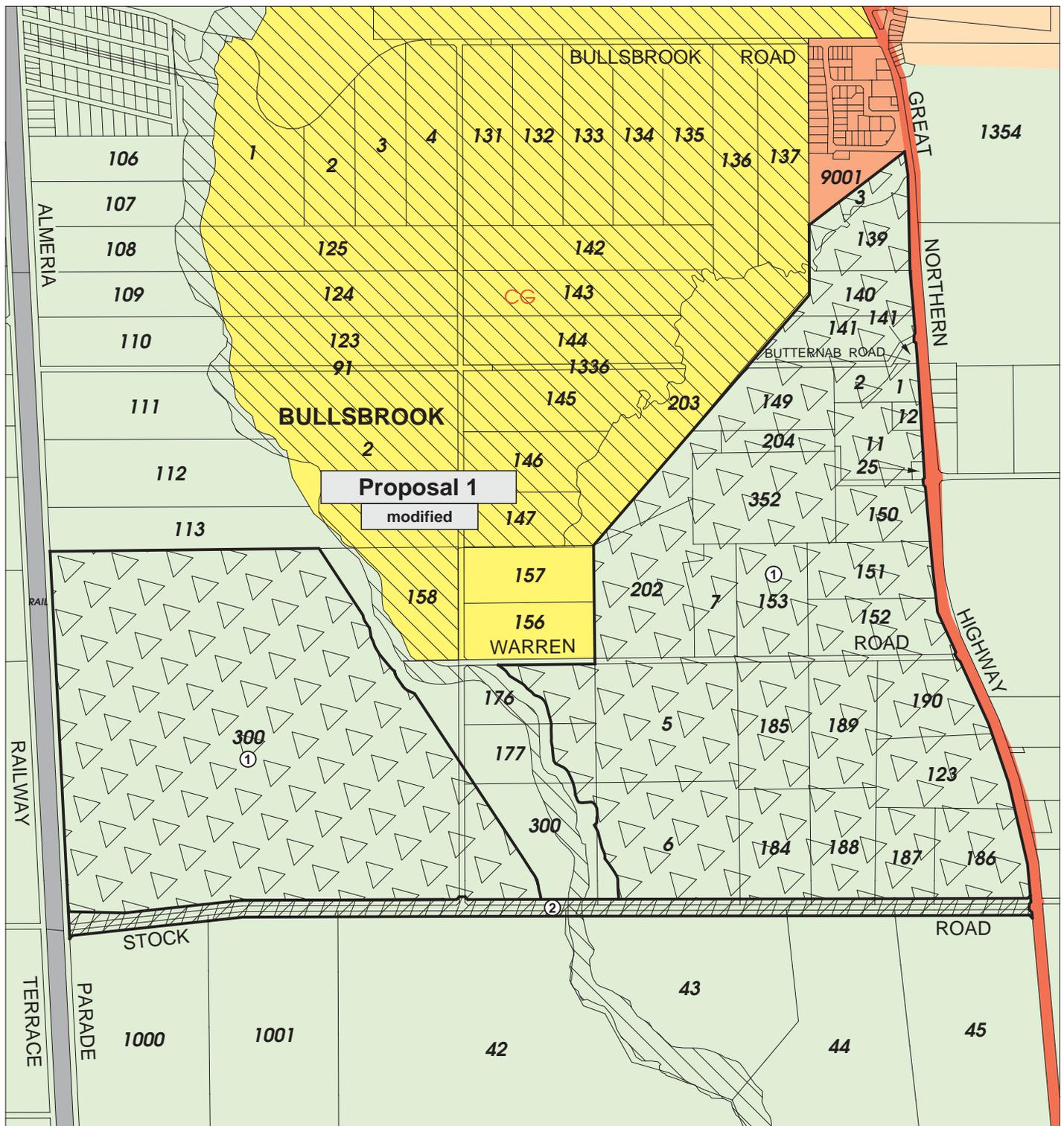
26 July 2011

Figure 1

Legend		
<p>Proposed:</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> <p> industrial zone</p> <p> other regional roads reservation</p> <p> Notice of delegation</p> <p> Bush Forever area removal</p> </div> <div style="width: 30%;"> <p>Existing:</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p> rural zone</p> <p> urban zone</p> <p> urban deferred zone</p> <p> railways reservation</p> </div> <div style="width: 45%;"> <p> public purposes (CG) reservation</p> <p> primary regional roads reservation</p> <p> Bush Forever area</p> </div> </div> </div> </div>		

Schedule 4

The amendment figure as modified



South Bullsbrook Industrial Precinct - proposed major amendment
as modified

22 May 2012

Figure 1

Legend		
Proposed:	Existing:	
industrial zone	rural zone	public purposes (CG) reservation
other regional roads reservation	urban zone	primary regional roads reservation
	urban deferred zone	Bush Forever area
	railways reservation	

Appendix 1

List of detail plans as advertised

South Bullsbrook Industrial Precinct

Proposed Major Amendment

Amendment 1219/41

as advertised

3.2418

Detail Plan

1.7157	-	BULLSBROOK	INDUSTRIAL
1.7158	-	BULLSBROOK	INDUSTRIAL

Bush Forever Area Plan

1.5345/1	-	BUSH FOREVER AREA 296
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Land Requirement Plan

1.7159	-	STOCK ROAD – ALMERIA PARADE TO GREAT NORTHERN HIGHWAY
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Appendix 2

List of detail plans as modified

South Bullsbrook Industrial Precinct

Proposed Major Amendment

Amendment No. 1219/41

as modified

3.2418/2

Detail Plan

1.7157/1 - BULLSBROOK INDUSTRIAL

1.7158/1 - BULLSBROOK INDUSTRIAL

Land Requirement Plan

1.7159/1 - STOCK ROAD – ALMERIA PARADE TO GREAT NORTHERN HIGHWAY

Submissions

From: Fran Leavy [mailto:fran.leavy@westernpower.com.au] **On Behalf Of** Works Admin General
Sent: Friday, 11 November 2011 8:17 AM
To: corporate
Subject: Ref: 809-2-21-23 Pt1 (RLS/0209) - Proposed Amendment 1219/14



Attention: Anthony Muscara

There are no objections, however, there are overhead powerlines and/or underground cables, adjacent to or traversing across the proposed area of works. Therefore, the following should be considered, prior to any proposed works commencing .

Working in proximity to Western Power Distribution Lines

All work must comply with Worksafe Regulation 3.64 - Guidelines for Work in the Vicinity of Overhead Power Lines.

If any work is to breach the minimum safe working distances a Request to Work in Vicinity of Powerlines form must be submitted.

For more information on this please visit the Western Power Website links below:

http://www.westernpower.com.au/safety/Electrical_Safety_at_Work.html
<http://www.westernpower.com.au/safety/DialBeforeYouDig.html> or www.1100.com.au
<http://www.commerce.wa.gov.au/WorkSafe/>

Please note:

Western Power must be contacted on 13 10 87, if your proposed works involve:

- A) Any changes to existing ground levels around poles and structures.
- B) Working under overhead powerlines and/or over underground cables.

Western Power is obliged to point out that any change to the existing (power) system; if required, is the responsibility of the individual developer.

Regards,
Customer Service Officer
Connections Administration
Western Power - Locked Bag 2520, Perth WA 6000 [[map](#)]

T: 13 10 87 | **F:** (08) 9225 2073
E: works.admin.general@westernpower.com.au
W: <http://www.westernpower.com.au/>

 Please consider the environment before you print this email.

Electricity Networks Corporation, trading as Western Power
ABN: 18 540 492 861

TO THE ADDRESSEE - this email is for the intended addressee only and may contain information that is confidential. If you have received this email in error, please notify us immediately by return email or by telephone. Please also destroy this message and any electronic or hard copies of this message.

Any claim to confidentiality is not waived or lost by reason of mistaken transmission of this email.

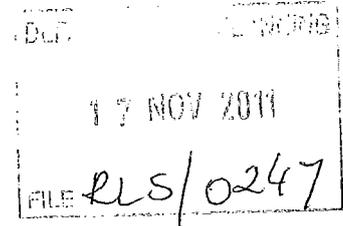
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VIRUSES - Western Power scans all outgoing emails and attachments for viruses, however it is the recipient's responsibility to ensure this email is free of viruses.



Government of **Western Australia**
Department of **Mines and Petroleum**

Your ref: 809-2-21-23 Pt 1(RLS/0209)
Our ref: A1763/200801
Enquiries: Colin Strickland - Ph 9222 3139 Fax 9222 3633
Email: colin.strickland@dmp.wa.gov.au



Mr Neil Thomson
Acting Secretary
Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6001

Dear Mr Thomson

**METROPOLITAN REGION SCHEME PROPOSED AMENDMENT 1219/41 -
SOUTH BULLSBROOK INDUSTRIAL PRECINCT**

Thank you for your letter dated 4 November 2011 inviting comment on the above proposed MRS amendment for the rezoning of 429 ha in South Bullsbrook from 'Rural' to 'Industrial'.

The Geological Survey of Western Australia (GSWA), on behalf of the Department of Mines and Petroleum (DMP), has assessed this amendment with respect to access to mineral and petroleum resources, geothermal energy, and basic raw materials and has no comment to make in this regard.

Yours sincerely

Rick Rogerson
Executive Director
GEOLOGICAL SURVEY OF WESTERN AUSTRALIA

16 November 2011

Planning and Development Act 2005
Section 41 Amendment (Substantial)
Form 41

DEPARTMENT OF PLANNING
02 DEC 2011
FILE *R150247*

Submission
Metropolitan Region Scheme Amendment 1219/41

South Bullsbrook Industrial Precinct

OFFICE USE ONLY

Submission 3

To: Secretary
Western Australian Planning Commission
Locked Bag 2506
Perth WA 6001

Name

SWAN VALLEY NYUNGAH COMMUNITY (PLEASE PRINT CLEARLY)

Address ABORIGINAL CORPORATION Postcode

c/- Post Office, Guildford

Contact phone (08) 9279 1636 Western Australia 6055 Email address

Telephone: (08) 9279 1636

Facsimile: (08) 9279 3003

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

SEE ATTACHED

turn over to complete your submission

Hearing of submissions

Anyone who has made a written submission on the amendment has the opportunity to personally present the basis of their submission to a sub-committee of the WAPC. **You do not have to attend a hearing.** The comments presented by you in this written submission will be considered in determining the recommendation for the proposed amendment.

For information about the submission and hearings process, please refer to the amendment report and in particular appendix D.

Please choose one of the following:

No, I do not wish to speak at the hearings. (Please go to the bottom of the form and sign)

OR

Yes, I wish to speak at the hearings. (Please complete the following details)

I will be represented by:

Myself – My telephone number (business hours):

or

A spokesperson

Name of spokesperson:

Contact telephone number (business hours):

Postal address:

I would prefer my hearing to be conducted in:

Public (members from the general public may attend your presentation)

OR

Private (only the people nominated by you or the hearings committee will be permitted to attend)

You should be aware that:

- The WAPC is subject to the *Freedom of Information Act 1992* and as such, submissions made to the WAPC may be subject to applications for access under the act.
- In the course of the WAPC assessing submissions, or making its report on these submissions, copies of your submission or the substance of that submission, may be disclosed to third parties.
- All hearings are recorded and transcribed. The transcripts of all hearings, along with all written submissions, are tabled in Parliament and published as public records should the Governor approve the proposed amendment. The WAPC recommendations are similarly published in a report on submissions and tabled in Parliament.

To be signed by person(s) making the submission

Signature Date

Note: Submissions MUST be received by the advertised closing date, being close of business (5pm) on 10 February 2012. Late submissions will NOT be considered.

TRADITIONAL OWNERS OF THE SWAN RIVER SWAN COASTAL PLAINS AND DARLING RANGES

c/o Post Office, Guildford, Western Australia 6055

T 08 9279 1636 F 08 9279 3093 T 08 9294 3943 M 0434 648435 M 0424 326380 M 0420 507621 M 0412 648522
acorunna@optusnet.com.au svnc@nyungah.org.au lt384508@bigpond.net.au

To: Secretary, WAPC, Locked Bag 2508, Perth WA 6001

Regarding MRSPA 1219/41, So Bullsbrook Industrial Precinct

We are writing to you as the Indigenous Elders and People with the Knowledge and Ties and Links and Associations with the Area of the Swan River, Swan Valley and Swan Coastal Plains. Our Native Title Claim is made up of many Nyungah Families.

Nyungah Elders would like to meet with you and your body to discuss our concerns in the area of your proposed development, but we will meet on the grounds and with the condition that you meet with us in good faith, and that an agreement in writing is signed by both parties of what we agree on. Where possible we will meet under the Native Title Act and the Aboriginal Heritage Act, but we meet under our First Law of the Land and the common law (Mabo, 1992) and international laws for the protection of our human rights and our Religion and Culture*. Our record speaks for itself that we are not trying to stop your 'progress' in the white society but at the same time and token, we have a right to protect our Sacred Things also. We don't sell our Sacredness or our Religion and Culture. We are the Experts.

- Are you prepared to meet with us in good faith? Please reply as soon as possible.
- Are you prepared to sign an agreement with us on what has been agreed on by both parties, yourselves and ourselves, after meeting together on site and discussing and coming to agreement together? Please reply as soon as possible.

Our main concern is saving and preserving places of serious concern to us. We are not here to stop your development but we are here in good faith with our concerns. It may be that it is necessary to appoint an anthropologist and archeologist, who must be acceptable to us.

If no agreement is reached between both parties, we agree to meet a second and a third time. If still no agreement is reached, both parties can together appoint an independent mediator. If both parties still cannot agree, then both parties can appoint a mediator or you could engage a facilitator or mediator who we and you trust to help us all to come to an agreement.

We have already reached agreement on these lines with mining companies and with Main Roads, Optus, Water Corporation, Education Department and other developers. If you agree to meet with us in this way, please put your agreement in writing and arrangements will be made for a meeting. Normal consultation expenses for each Elder must be covered and they in turn are responsible for whoever they choose to bring with them. This is our standard process we have followed for many years.

This letter is our official Objection until the consultation process as outlined above is undertaken in the proper way and agreement is reached.



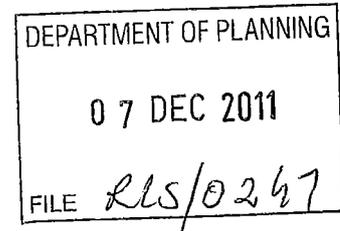
Combined Swan River and Swan Coastal Plains Native Title Claimants
Date: 24 November, 2011



Government of **Western Australia**
Department of **Education**

Your ref : 809-2-21-23
Our ref : D11/0719820
Enquiries :

Mr Neil Thomson
Acting Secretary
Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6001



Dear Mr Thomson

Thank you for your letter dated 4 November 2011 regarding the Metropolitan Region Scheme Amendment 1219/41 South Bullsbrook Industrial Precinct.

The Department of Education has reviewed the proposal to transfer rural zoned land to the Industrial zone.

This Scheme Amendment has no impact on educational facilities.

The Department therefore has no objection to the Proposed Amendment.

Yours sincerely

A handwritten signature in black ink, appearing to read "Sharyn".

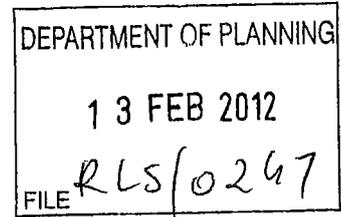
SHARYN O'NEILL
DIRECTOR GENERAL

05 DEC 2011



8 February 2012

Secretary
West Australian Planning Commission
Locked Bag 2506
PERTH WA 6001



Dear Sir / Madam

**METROPOLITAN REGION SCHEME AMENDMENT 1219/41
SOUTH BULLSBROOK INDUSTRIAL PRECINCT**

The purpose of the amendment is to transfer approximately 428.97 ha of Rural zoned land to the Industrial zone in the Metropolitan Region Scheme (MRS). The amendment also seeks to reserve and widen Stock Road as Other Regional Roads (ORR), and the adjustment of the associated Bush Forever (Site 296) Notification in the MRS.

The proposed Industrial zoning intends to allow for the staged primarily light industrial development of the land following a local scheme amendment, detailed structure planning and subdivision approval.

The Department of Agriculture and Food Western Australia (DAFWA) would like to make the following submission.

1. Proposed Land Uses

The amendment refers to the Perth and Peel Industrial Land Strategy (PPILS), which is a draft from 2009. DAFWA understand the final PPILS was recently endorsed by Cabinet in November 2011. The draft PPILS identifies the site should have greater concentration of land for General Industrial purpose, as opposed to the stated intent of the amendment for primarily light industrial development, extract as follows:

Preferred Uses and Potential End Users

It is recommended that the site contain a mix of both light and general industry. However, there is more scope within this site to have a greater concentration of land used for general industrial purposes rather than light industrial within the Industrial Development zone as its main interface is with the RAAF Pearce Airbase and adjoining rural land.

DAFWA made a submission to the 2009 advertising of the draft PPILS, identifying future industrial sites and issues of significance to the agri-industry sector. The Bullsbrook South site is an important site for Agri-Industry due to proximity to:

- Proximity to the Muchea Employment Node (including Muchea saleyards),
- Location in the north east Perth peri-urban hinterland in which many agri-producers are located,
- Limited opportunities in the North East corridor for a General Industrial site that accommodates agri-food processors.

As a result the Department of Planning amended the draft PPILS to include the following statement in regards to the South Bullsbrook site:

The inclusion of agri-food processor uses will be considered for this site due to its proximity to producers from the North East rural hinterland; as well as to the Muchea Employment Node, which can lead to the development of synergies with existing agri-industry users.

It is acknowledged that the recently released Muchea Employment Node (MEN) Structure Plan final report (August 2011) identifies a range of discretionary uses could be permitted on a case-by case basis in the MEN which may include agri-industry uses. However, it is also identified in the MEN that there are significant limitations in water, waste water and gas supply services.

Agri-food processors are intensive power and water consumers, and waste water producers. As such it is integral that they are located in well serviced General Industrial sites. Close proximity to a labour source is also required as agri-food processing is fairly labour intensive.

Accordingly DAFWA requests that the intent of the South Bullsbrook MRS Amendment 1219/41 is amended to focus on predominately General Industrial type uses, which includes agri-food processors.

2. Existing Land Uses

It is noted there are a number of agri-industries located in the South Bullsbrook MRS amendment area, including two poultry farms, one horse stud and one vineyard.

Without knowing landowner intent, the buffers and activities of the existing land use will need to be accommodated in any future development plans for the site. This may reinforce the need for predominately General Industrial uses which will be more compatible with existing agricultural land uses, as opposed to light industrial which will result in smaller lot sizes and expectation by future owners for land unencumbered by buffers.

There is also a small amount of Prime Agricultural land identified in the eastern sector of the proposed industrial area. Please note that an Agricultural Impact Assessment will be required to be undertaken by the proponent as part of the Scheme Amendment process, this may not been identified as a key action in the final PPILS list of actions for the South Bullsbrook site.

If you have any queries regarding the above, please don't hesitate to contact Trina Anderson, Senior Industrial Planner on 9368 3640 or trina.anderson@agric.wa.gov.au.

Yours sincerely



Terry Hill
EXECUTIVE DIRECTOR
IRRIGATED AGRICULTURE AND DIVERSIFICATION

Submission
Metropolitan Region Scheme Amendment 1219/41

South Bullsbrook Industrial Precinct

OFFICE USE ONLY

Submission 6

To: Secretary
Western Australian Planning Commission
Locked Bag 2506
Perth WA 6001

Name J. ROLANDI

(PLEASE PRINT CLEARLY)

Address P.O. Box 140, BULLSBROOK Postcode 6084

Contact phone number 9 571 2650 Email address

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

Industrial activity which could arise from the proposed rezoning of the subject land from "Rural" to "Industrial" could result in—

1. Water pollution. Due to the proximity of the land to a tributary of the Ellen Brook, it would be difficult to prevent the release of chemicals, oil, fuel and other toxic substances from polluting the ground water and run off into the waterway.
2. Air pollution. Fumes and gases generated by industrial processes could have a harmful effect on surrounding vegetation, e.g. pasture grass.
3. Noise pollution resulting from traffic movement and industrial activity could adversely affect the use and enjoyment of surrounding properties.
4. Visual pollution through further loss of amenity of the rural landscape. There are numerous commercial and industrial businesses (including drilling, signmaking, intensive poultry and egg production, stockfeed, fencing, machinery hire, tyre service, trucking depots, earthmoving, plumbing, and at Brand Highway an industrial hub for the livestock industry) all bordering Great Northern Highway.

turn over to complete your submission

(see over)

(cont.)

Although most of these present a fairly neat and well kept facade, unfortunately the untidy and ramshackle appearance of some could well be regarded as visual pollution.

5. Traffic congestion. Most importantly, the concentration of industrial activity in the proposed rezoned area will result in an even greater volume and congestion of traffic on the already overcrowded and congested Great Northern Highway.

Hearing of submissions

Anyone who has made a written submission on the amendment has the opportunity to personally present the basis of their submission to a sub-committee of the WAPC. **You do not have to attend a hearing.** The comments presented by you in this written submission will be considered in determining the recommendation for the proposed amendment.

For information about the submission and hearings process, please refer to the amendment report and in particular appendix D.

Please choose one of the following:

No, I do not wish to speak at the hearings. (Please go to the bottom of the form and sign)

OR

Yes, I wish to speak at the hearings. (Please complete the following details)

I will be represented by:

Myself – My telephone number (business hours):

or

A spokesperson

Name of spokesperson:

Contact telephone number (business hours):

Postal address:

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OR

Private (only the people nominated by you or the hearings committee will be permitted to attend)

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To be signed by person(s) making the submission

Signature

J. Kolandi

Date

5 Feb 2012

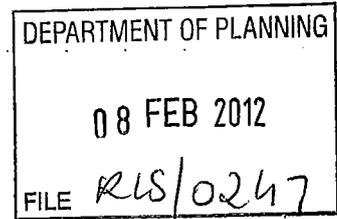
Note: Submissions MUST be received by the advertised closing date, being close of business (5pm) on 10 February 2012. Late submissions will NOT be considered.



ENQUIRIES : Simon Keenan - Ph 9235 8132

OUR REF: 11/0971

YOUR REF: 809-2-21-23 Pt 1 (RLS/0209)



Mr Neil Thompson
A/Secretary
Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6001

Dear Mr Thompson

**METROPOLITAN REGION SCHEME PROPOSED AMENDMENT 1219/41 -
SOUTH BULLSBROOK INDUSTRIAL PRECINCT**

Thank you for your letter of 4 November 2011 seeking comment regarding proposed Metropolitan Scheme Amendment 1219/41. It is understood the scheme amendment would allow the development of an industrial area to the south of Bullsbrook as well as the widening of Stock Road to the south of the proposed industrial precinct. I have reviewed the proposed amendment and provide the following comment.

There are two registered Aboriginal sites and two 'other heritage places' within the area being discussed within the proposed amendment. The 'other heritage places' are places to which the provisions of the *Aboriginal Heritage Act 1972* may apply but for which there is not enough information currently known to enable an assessment under the AHA to occur. These sites/places are as follows:

- DIA 4362 (South Bullsbrook) Registered
- DIA 3583 (Ki-It Monger Brook 2) Registered
- DIA 3525 (Ellen Brook: Upper Swan) 'Other Heritage Place'
- DIA 3941 (Ki-it Monger Brook 1) 'Other Heritage Place'

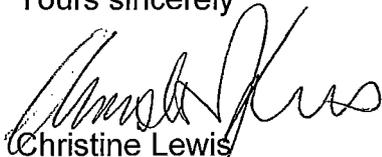
Please note that DIA 4362 (South Bullsbrook) is said to be unreliably mapped on the Register of Aboriginal Sites and may require location verification prior to any management strategies being implemented.

While the proposal is correct in that a change in land tenure will not represent a disturbance to an Aboriginal heritage site it can be seen as a prerequisite leading to

activities which may have an adverse effect on existing Aboriginal heritage values. All prospective developers should be made aware of the existence of registered sites and 'other heritage places' within the proposal area. The proponents should also be made aware of the Due Diligence Guidelines which are available at [http://www.dia.wa.gov.au/Documents/HeritageCulture/Heritage%20management/AH A Due Diligence Guidelines.pdf](http://www.dia.wa.gov.au/Documents/HeritageCulture/Heritage%20management/AH%20A%20Due%20Diligence%20Guidelines.pdf). These guidelines will assist proponents to assess their risk that a proposed development will have in relation to impacting upon Aboriginal heritage values and provide advice as to how to manage that risk.

Please contact Simon Keenan on 9235 8132 or at simon.keenan@dia.wa.gov.au should you wish to discuss the contents of this letter.

Yours sincerely



Christine Lewis
Manager - Heritage South

6 February 2012

Planning and Development Act 2005
Section 41 Amendment (Substantial)
Form 41

DEPARTMENT OF PLANNING

07 FEB 2012

FILE RLS/0247

Submission

Metropolitan Region Scheme Amendment 1219/41

South Bullsbrook Industrial Precinct

OFFICE USE ONLY

Submission 8

To: Secretary
Western Australian Planning Commission
Locked Bag 2506
Perth WA 6001

Name A Pirozzi
(PLEASE PRINT CLEARLY)
Address 46 B Edgcombe Street Como Postcode 6152
Contact phone number 0409 202351 Email address

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

FOR LOT 184 Stock Road Bullsbrook

I AM Very INTERESTED
FOR the LAND TO BE
REZONED TO INDUSTRIAL.
BUT I CAN NOT AFFORD
TO pay the higher RATES
UNTIL I start to DEVELOP
the LAND.

turn over to complete your submission

Hearing of submissions

Anyone who has made a written submission on the amendment has the opportunity to personally present the basis of their submission to a sub-committee of the WAPC. **You do not have to attend a hearing.** The comments presented by you in this written submission will be considered in determining the recommendation for the proposed amendment.

For information about the submission and hearings process, please refer to the amendment report and particular appendix D.

Please choose one of the following:



No, I do not wish to speak at the hearings. (Please go to the bottom of the form and sign)

OR



Yes, I wish to speak at the hearings. (Please complete the following details)

I will be represented by:



Myself – My telephone number (business hours):

or



A spokesperson

Name of spokesperson:

Contact telephone number (business hours):

Postal address:

I would prefer my hearing to be conducted in:



Public (members from the general public may attend your presentation)

OR



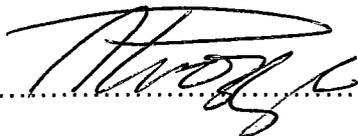
Private (only the people nominated by you or the hearings committee will be permitted to attend)

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To be signed by person(s) making the submission

Signature



Date

5-2-2012

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Planning and Development Act 2005
Section 41 Amendment (Substantial)
Form 41

DEPARTMENT OF PLANNING
07 FEB 2012
FILE RLS/0247

Submission
Metropolitan Region Scheme Amendment 1219/41

South Bullsbrook Industrial Precinct

OFFICE USE ONLY

Submission 9

To: Secretary
Western Australian Planning Commission
Locked Bag 2506
Perth WA 6001

Name KYM SIVIOUR
(PLEASE PRINT CLEARLY)
Address 2411 GREAT NORTHERN HWY BULLSBROOK Postcode 6084
Contact phone number 0427 855020 Email address SIVIOURS@Wn.COM.AU

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

I FULLY SUPPORT THE PROPOSED MRS AMENDMENT BECAUSE OF THE NEED OF SUCH AN AREA WITHIN THE BULLSBROOK AREA THE AREA ALREADY HAS "DEFACTO" BUSINESS WITHIN THE AREA WHICH DEMONSTRATES THE NEED FOR SUCH ZONING WHICH IS ALSO CONSISTANT WITH THE APPROACHES THAT I GET WITH PEOPLE ENQUIRING ABOUT USING MY EXISTING POULTRY FARM FOR OTHER USES. THE TOWN OF BULLSBROOK IS IN DESPERATE NEED TO EXPAND ITS COMMERCIAL/INDUSTRIAL AREA TO SERVICE THE RESIDENTIAL BASE FOR BOTH SERVICES AND EMPLOYMENT OPPORTUNITIES.

WITH THE NOISE FROM THE RAAF BASE THE AREA SEEMS PARTICULARLY WELL SUITED TO THE LIGHT INDUSTRY TYPE ZONING AND IT WOULD ENABLE ME TO CHANGE THE USE OF MY LAND TO A MORE PRACTABLE AND ENVIRONMENTALLY FRIENDLY USAGE THAN THE POULTRY FARM THAT IS PRESENTLY USED FOR WITH ALL THE ODOUR AND AFTER HOUR ACTIVITY PROBLEMS CURRENTLY ASSOCIATED WITH IT.

turn over to complete your submission

Hearing of submissions

Anyone who has made a written submission on the amendment has the opportunity to personally present the basis of their submission to a sub-committee of the WAPC. **You do not have to attend a hearing.** The comments presented by you in this written submission will be considered in determining the recommendation for the proposed amendment.

For information about the submission and hearings process, please refer to the amendment report and particular appendix D.

Please choose one of the following:



No, I do not wish to speak at the hearings. (Please go to the bottom of the form and sign)

OR



Yes, I wish to speak at the hearings. (Please complete the following details)

I will be represented by:



Myself – My telephone number (business hours):

or



A spokesperson

Name of spokesperson:

Contact telephone number (business hours):

Postal address:

I would prefer my hearing to be conducted in:



Public (members from the general public may attend your presentation)

OR



Private (only the people nominated by you or the hearings committee will be permitted to attend)

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To be signed by person(s) making the submission

Signature



Date

2.2.2012

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Planning and Development Act 2005
Section 41 Amendment (Substantial)
Form 41

DEPARTMENT OF PLANNING
03 FEB 2012
FILE RLS/0247

Submission
Metropolitan Region Scheme Amendment 1219/41

South Bullsbrook Industrial Precinct

To: Secretary
Western Australian Planning Commission
Locked Bag 2506
Perth WA 6001

OFFICE USE ONLY
Submission 10

Name Ellen Brockman Integrated Catchment Group

Address PO Box 62, Muohea Postcode 6501

Contact phone number 9571 0300 Email address sue.metcalfe@inet.net.au

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

Please see attached for background information - letter + local water quality improvement program.

Recommendation:

That resolution of vesting of waterways in the proposed area be achieved prior to approval of amendment.

That resolution of provision of water and sewerage be achieved before amendment is approved.

That prior to subdivision the developer be approached to establish nutrient reduction methodology and that such methodology be a condition of subdivision. While understanding this is not part of the amendment process it needs to be clearly articulated as early as possible.

Attached is the local water quality improvement plan for the Ellen Brook.

turn over to complete your submission

Hearing of submissions

Anyone who has made a written submission on the amendment has the opportunity to personally present the basis of their submission to a sub-committee of the WAPC. **You do not have to attend a hearing.** The comments presented by you in this written submission will be considered in determining the recommendation for the proposed amendment.

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OR

Yes, I wish to speak at the hearings. (Please complete the following details)

I will be represented by:

Myself – My telephone number (business hours): 9571 0300

or

A spokesperson

Name of spokesperson:

Contact telephone number (business hours):

Postal address:

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To be signed by person(s) making the submission

Signature Sue McKay Date

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Ellen Brockman Integrated Catchment Group Inc.

Metropolitan Region Scheme Amendment 1219/41 South Bullsbrook Industrial Precinct.

Background information for Submission

The Ellen Brook has been the subject of a significant numbers of reports. The creek is infamous for contributing the highest levels of nutrient loads to the Swan River from a waterway on the Swan Coastal Plain.

Some of the reports are as follows -

Modelling the effects of land use modification to control nutrient loads from an agricultural catchment in Western Australia (Zammit, et al)

*The impact of nutrients from Ellen Brook on the Swan River(Gerritse)
Ellen Brook Urban Surface Water Runoff Nutrient Study (Jarvis and Tan)*

*Land Use effects on water quality in the Ellen Brook Catchment
(Kin, Byrne, Hearne)*

All of these reports were consolidated into the Ellen Brook Integrated Catchment Management Plan.

Further reports such as the Waters and Rivers Commission Hydrological Information for Management Planning in the Ellen Brook Catchment (SLUI 11 2002) discusses the role of groundwater in nutrient discharge in the Ellen Book. The findings indicate that major nitrogen export is via surface water from the Dandaragan Plateau (east side of the amendment area) and major phosphorous export is via both surface water and groundwater from the Swan Coastal Plain (west side of the study area).

The palusplain of the Ellen Brook is a seasonal waterlogged flats. The proposed amendment area is waterlogged for much of the year and has been historically used as dry season cattle feed area due to some green pick being available for animals for most of the year.

Placing of an industrial zoning on this land raises some significant concerns.

The Ellen Brook Catchment Depth to Groundwater mapping clearly show the area around Stock Road to have a 0 -1 metre depth to groundwater over much of the proposed amendment area. Current landuse can cater for the high water table due to significant distance between businesses. Due to the close proximity of the groundwater to contamination possibly present in the soil, there is an increased potential for migration into the underlying groundwater aquifer.

The Ellen Brockman Group recommends that any development taking place on this land should seek to increase the depth to groundwater distance. This could be by drainage or by fill. To this end review by the EPA should occur with particular reference to the management of off site impacts on the waterway.

Inundation occurs frequently and with hardstand areas and roads providing rapid transport of stormwater it is deemed important that stormwater is slowed and treated before it enters Ellen Brook. Methods for achieving this are discussed further in Waterway Management.

Wastewater Management: The Water Corporation's investigations into how this site is serviced by sewer have not been completed and there does not appear to be agreement with Corporation on the provision of sewerage. The Industrial Land Strategy did not specify if this needed to be resolved before rezoning, however if the amendment goes ahead and sewer is not available, there may be a large number of alternative wastewater disposal units adjacent to Ellen Brook. If no sewerage is available, the DoW would require substantial more information in order to support the DWMS.

The Local Water Quality Improvement Plan for the Ellen Brook recommends that the more closely settled sites ie Muchea Townsite and West Bullsbrook should be connected to sewer and has a compliance date of 2025. Clearly this recommendation would apply to any development which would seek to increase the density of businesses or housing. This issue will need to be resolved prior to outline development plans being developed.

The Water Corporation is currently reviewing wastewater treatment planning for Bullsbrook, and is to be completed by mid 2011. Potentially this may identify 'fatal flaws' and it is recommended that initiation of the MRS amendment be delayed until the results of this study are known. Wastewater conveyance planning can commence upon completion of the wastewater treatment planning and is scheduled for completion by mid 2012. This planning will identify the cost of expanding the conveyance system, with the only potential 'fatal flaw' being related to financial feasibility.

In this regard, the WAPC has resolved that the proposed amendment be initiated and advertised. However, the amendment is to be held in abeyance (and not finalised), until the Water Corporation has advised on the timing for the provision of wastewater for the site. **The Ellen Brockman Group supports this statement.**

Waterway Management: No management authority has been identified to take over the proposed Parks and Recreation reserve. The DoW is concerned that remedial works that may be required for the waterway will not be done as part of the proposed development. In this regard, the vesting authority will be responsible for these works or the waterway will be managed as private open space. The DoW would expect that the reserve be vested with the Local Government or Department of Planning (DoP) and is rehabilitated beforehand. The DoW are reluctant to support the amendment until future management of the waterway is progressed and the DWMS can commit to the appropriate level of rehabilitation and revegetation.

The City of Swan is cautious about accepting a waterway reserve which they believe they may be responsible for rehabilitation.

In reality the Ellen Brockman Group has been actively rehabilitating the waterway of the Ellen Brook for over twenty years. The main channel of the Ellen Brook immediately below this site is vested in the Western Australian Planning Commission as are other sections of the waterway which have been rehabilitated. Once the rehab has taken place very little maintenance is required.

The Ellen Brockman Group recommends that discussion take place between the the WAPC, the major developer requesting initiation of the amendment, the Swan River Trust and the City of Swan. To this end the Group has approached the developers about installation of a nutrient stripping wetland similar to those used in other states of Australia in industrial zones in environmentally sensitive areas. The developers have indicated that they are not adverse to the idea. There should be a condition on the amendment requesting the EPA to review in light of the impact of the Ellen Brook on the Swan River.

The EPA advises that the above assessments indicate that the proposed amendment does not raise any significant environmental issues that cannot be adequately managed, where possible, through the detailed planning processes and in consultation with the Department of Environment and Conservation.

The Ellen Brockman group believes that there are significant environmental issues that can be resolved through the detailed planning process but would like to see recognition given to the impact of Ellen Brook on the iconic river of the State the Swan reflected in the amendment. .

This is not without precedent – the Bunbury Region Scheme outlined that criteria for a water management and drainage plan should be part of the amendment process due to the “high watertable and presence of significant wetlands and watercourses adjacent to the proposed industrial core. The criteria should aim to protect water levels and water quality in important wetlands and protect water quality... The criteria and drainage management plan should aim to protect water levels and water quality in significant wetlands and the Preston and Ferguson Rivers.”

Chittering Landcare Centre

175 Old Gingin Road, PO Box 62, MUCHEA WA 6501. Tel: (08) 9571 0400, Fax: (08) 9571 4350
chitteringlandcare@inet.net.au www.chitteringlandcare.org.au

Local Water Quality Improvement Plan Ellen Brook Catchment

Background

The Swan River Trust (Trust) works to reduce nutrients and other contaminants entering the Swan and Canning rivers. The annual contribution from Ellen Brook is modelled at 71 tonnes (28%) of the total nitrogen (TN) and 10 tonnes (39%) of the total phosphorus (TP) entering the Swan Canning river system.

Through the Australian Government's Coastal Catchments Initiative (CCI), the Trust is developing the **Ellen Brook Water Quality Improvement Plan (WQIP)**. The Ellen Brook WQIP will provide stakeholders in the Ellen Brook Catchment with a mechanism to prioritise recommendations and resources, and seek funding to improve water quality. This local WQIP should be reviewed annually and assessed after five years. Under the Healthy Rivers Action Plan (HRAP), the Ellen Brook Catchment is identified as one of eight priority catchments in the Swan Canning Catchment.

WQIPs trace the pathway of nutrients through catchments from their source to the discharge point.



Australian Government



Ellen Brook Water Quality Improvement Plan

Ellen Brook is a natural, ephemeral waterway with its headwaters just south of Gingin. At 71,500 hectares it is the Swan Canning Catchment's largest sub-catchment.

Much of the Ellen Brook Catchment has been cleared for agriculture and urban use. Land use is predominantly cattle grazing and horticulture in the north and urban settlements and small scale light industry in the south. Some remaining areas of vegetation have high conservation value, containing several threatened ecological communities, priority flora and the critically endangered western swamp tortoise.

The Ellen Brockman Integrated Catchment Group (EBICG) has been working with the shires of Chittering and Gingin and City of Swan since 1996 to improve the health of the Ellen Brook Catchment and reduce the amount of nutrients entering the Swan Canning river system.

Outcomes

The Water Quality Improvement Plan will:

- identify ecological condition and water quality;
- identify environmental values of water bodies and water quality objectives required to protect the values; and
- identify and commit to a set of cost-effective management measures to achieve and maintain those values and objectives.

Major land management issues in the Ellen Brook Catchment include:

- nutrient export
- salinity
- wind and water erosion
- water logging and flooding
- soil acidification
- stock access to Ellen Brook



1. Existing activities

What are we doing to improve water quality?

Local WQIPs link to existing projects and programs in the target area. They draw together activities contributing to improved water quality and direct future investment for optimal water quality outcomes. Projects are based on partnerships with local government, community and shared stakeholders.

Development of the Ellen Brook WQIP was funded by the Australian Government CCI as part of the Swan Canning Water Quality Improvement Plan (SCWQIP).

EBICG coordinates several environmental programs in the Ellen Brook Catchment, partnering with the Trust, Perth Region NRM and local governments to reduce the effects of nutrients and salinity on the waterways. The group's activities are guided by management actions outlined in the Ellen Brook Catchment Management Plan (2000).

In 2008 the Australian Government funded a water quality and biodiversity assessment in Ellen Brook through the development of a performance story. This indicated strong community involvement and visible greening of the catchment as a result of EBICG's activities. Despite external pressures water quality has been maintained since 2000.

Examples of EBICG activities include:

Water quality management

A holistic approach is taken to managing and improving water quality in the Ellen Brook Catchment through integrated catchment management, including drainage management and remediation initiatives.

To identify priority sub-catchments for remediation EBICG conducts regular water and sediment quality sampling. In 2008, 28 sites along Ellen Brook were tested on four occasions to determine water quality in the catchment. The parameters for nutrient and non-nutrients were measured against the Australian and New Zealand Guidelines for Freshwater and Marine Water Quality (ANZECC & ARMCANZ 2000).

Partners: EBICG, Department of Water, the Trust, Perth Region NRM

Sustainable land use planning

The Shire of Chittering Town Planning Scheme is based on land capability studies completed on behalf of the Western Australian Planning Commission. Capability assessment includes stock management (stocking rates and exclusions), the use of Water Sensitive Urban Design (WSUD) and stormwater management in new developments. The Shire of Gingin and City of Swan deal with sustainable land management in a number of ways, including total water cycle management.

Partners: Shires of Chittering and Gingin, City of Swan, EBICG, developers

Community capacity building

Community capacity building programs in the Ellen Brook Catchment upskill landholders, targeting whole of property management through increased understanding and ability to manage soils and nutrients.

Partners: Shires of Chittering and Gingin, City of Swan, EBICG, the Trust, landholders, community

Implementing Best Management Practices (BMPs)

Throughout the Ellen Brook Catchment the application of BMPs is promoted including perennial pastures, efficient fertiliser management, riparian fencing and revegetation, and the protection and maintenance of remnant vegetation.

Partners: Departments of Agriculture and Food WA, Water, and Environment and Conservation, EBICG, landholders



2. Condition

What are the water quality and quantity issues in the Ellen Brook Catchment?

High levels of nitrogen, phosphorus and non-nutrient contaminants

Water quality is monitored fortnightly by the Department of Water (DoW) on behalf of the Trust and reported through nutrient report cards at www.swanrivertrust.wa.gov.au.

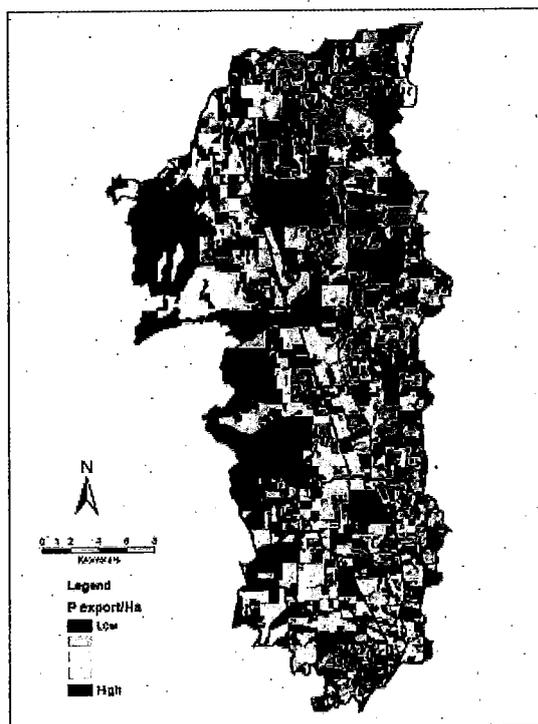
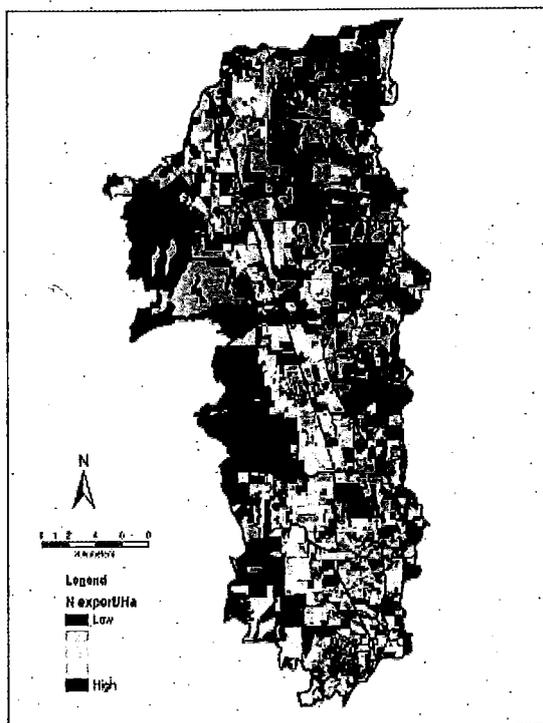
In 2008, EBICG water quality sampling of 28 sites conducted on four occasions showed the following results.

Nutrient	Exceed HRAP trigger values	Range
Total nitrogen	27 sites on most sampling occasions	0.25-6.9mg/L
Total phosphorus	20 sites on most sampling occasions	0.007-4.6mg/L

While ANZECC & ARMCANZ 2000 guidelines for non-nutrients were exceeded for aluminium and iron at every site monitored, this is likely to be a reflection of the soil type. A number of sites indicated the presence of acid sulphate soils.

Most nutrients came from sub-catchments to the west of Ellen Brook. YalYal and Lennards Brook catchments to the east also had high nutrient levels. This indicates soil types, geology and land use have a strong influence on nutrient export.

Modelled nitrogen and phosphorus export in the Ellen Brook Catchment, based on land use, is shown in the following maps, derived from the agricultural decision model Support Systems for Phosphorus and Nitrogen Decisions (SSPND).



Nutrient source modelling was conducted for the Ellen Brook Catchment. The main sources of nitrogen and phosphorus are shown in the following table. Modelling of proposed urban expansion predicts a 24% increase in TN and a 29% increase in TP.

Note: nitrogen fixation comprises 34% TN

Nitrogen sources		Phosphorus sources	
Horses, kennels, catteries	19.6%	Farms	64.9%
Farms	17.7%	Horses, kennels, catteries	19.1%
Horticulture	13.9%	Horticulture	8.8%
Residential	7.6%	Residential	2.7%
Point sources	4.0%	Viticulture	1.8%
Septics	2.2%	Point sources	1.1%

3. Values, objectives and targets

What water quality improvements would we like to achieve in the Ellen Brook Catchment?

Values	Objectives	Targets
<p>Aquatic ecosystem health (AH) Ellen Brook is a natural tributary valuable for biodiversity conservation, waterbird habitat, maintaining aquatic and riparian ecosystems and native fish breeding The Ellen Brook Nature Reserve provides habitat for one of the last wild western swamp tortoise populations Establishing and maintaining wildlife corridors is critical for the area's biodiversity</p>	<ul style="list-style-type: none">Maintain and protect ecosystem integrity, structure (biodiversity, biomass, abundance of biota) and function (food chains, nutrient cycles) by achieving short and long-term water quality targets and increasing riparian vegetation protection	<p>Nutrients</p> <p>Nitrogen *Current annual load 71.4 tonnes Short-term target 30% reduction by 2015 annual load 50 tonnes Long-term target modelled annual load 22.1 tonnes (69% load reduction)</p>
<p>River flow (RF) Flows in Ellen Brook provide an important flushing mechanism and protect environmental values in the system</p>	<ul style="list-style-type: none">Mimic natural inundation and drying patterns to protect floodplains and wetlandsMinimise the impact of dams and extraction on water quality by mimicking natural frequency, duration and seasonal flow	<p>Phosphorus *Current annual load 10 tonnes Short-term target 30% reduction by 2015 annual load 7 tonnes Long-term target modelled annual load 2.1 tonnes (79% load reduction) <i>*modelled from average annual flow data from 1997-2006</i></p> <p>The Ellen Brook Catchment has been passing HRAP interim short-term targets for TN and TP since 2004, but is exceeding HRAP interim long-term targets</p>
<p>Primary industries (PI) A large area of the catchment is used for agricultural activities Ellen Brook has been used for stock water since the mid-1800s, it is now only marginally viable for stock watering purposes Ellen Brook and its tributaries have some value to individual farmers for irrigation</p>	<ul style="list-style-type: none">Achieving aquatic ecosystem targets will provide water of adequate quality for irrigation and livestock waterIncrease the use of sustainable agricultural practices	
<p>Recreation and aesthetics (RA) Ellen Brook is used for passive recreation, its use for other water-based activities is limited Aesthetically, the Ellen Brook is generally only accessible to landowners whose properties front the brook</p>	<ul style="list-style-type: none">Achieving aquatic ecosystem targets will provide water of adequate quality to maintain the recreational opportunities and aesthetic values of the waterways	<p>River flows Flow quantity sufficient to maintain environmental values Extraction compliant with calculated sustainable diversion limits</p>
<p>Cultural and spiritual (CS) Ellen Brook Catchment has a number of identified Aboriginal sites of significance - Aboriginal people used Ellen Brook and adjacent wetlands to gather food, and Lake Chandala was well known to the Nyoongar people</p>	<ul style="list-style-type: none">Protect and enhance the cultural and spiritual integrity of the waterways through achieving aquatic ecosystem targets	<p>Non-nutrients Meet ANZECC guidelines for environmental health at all sites</p>

Maintaining seasonal flow variability

The amount of water entering the Swan River from the catchment is important to maintain environmental values in the river. Data collected from 1997-2006 showed annual flow for Ellen Brook ranged from

2.1 to 48.6 gigalitres per year. With climate change this variability is likely to continue. It is a priority to quantify the amount of flow required to maintain environmental values.

4. Implementation

How do we achieve the water quality targets?

The Ellen Brook Catchment WQIP aims to reduce nutrient loads entering the Swan River through nutrient intervention and changed management practices. An integrated approach to implementation will produce the most effective outcome. By using a treatment train approach, a combined set of management actions are applied along nutrient pathways to minimise nutrient and contaminant losses to waterways.

The lead organisations and supporting partners will implement this WQIP in the constraints of existing budgets and resources. They are committed to working together to actively seek new resource opportunities.

Treatment train approach	Management strategies	Implementation	Lead organisations	Supporting partners	Timing
1. Prevention Land use and planning	1.1 Policy development and review* 1.2 Better Urban Water Management 1.3 Subdivision conditions* 1.4 Water quality monitoring	<ul style="list-style-type: none"> **Councils should adopt Local Planning Policy 5.1.2 as developed by Eastern Metropolitan Regional Council and the Swan River Trust which requires developers to incorporate erosion and sediment control measures in local structure plans or outline development plans (http://www.emrc.org.au/displayfile-ID:87866.asp) (AH) **Develop and implement a Fertiliser Reduction Policy for the Bassendean and Yanga soils (100% P export risk) to use best management practices to reduce nutrient and other pollutant outputs which incorporate: <ol style="list-style-type: none"> issue analysis and soil sampling prior to broadcast fertilisation; and the use of low water soluble fertiliser in domestic gardens (AH, P) Explore the use of alternative policy mechanisms to protect the Ellen Brook and optimise water quality Ensure water sensitive urban design is incorporated into all relevant planning proposals consistent with the requirements of <i>Better Urban Water Management</i> (AH, RF) **Incorporate fencing and revegetation of all tributaries as a condition of subdivision for all developments (AH, PI, RA, CS) **New developments to be sewerered where possible or adopt best practice wastewater treatment technologies, including Muchea and West Bullsbrook townships (AH) Expand, review and continue water quality monitoring program (AH) **Prioritise sub-catchments with high discharge loads for remediation, as identified by predictive modelling and the Ellen Brook Sub-catchment Water Quality Analysis (EBSWQA) (AH) **Assess all licensed agricultural industry for compliance, with zero nitrogen and phosphorus discharge (AH) **Develop strategies to prevent any further discharge of water of unacceptable quality from agricultural industry sites which discharge effluent water (saleyards, sewerage plants, feed lots) (AH) Promote regular soil and groundwater testing by land managers to determine fertiliser application efficiencies for horticulture, viticulture and market gardens through nutrient and water retention in the root zone of plants (AH, PI) **Implement the Fertiliser Action Plan (AH, PI) Develop and implement fertiliser efficiency education and provide opportunities for landowners to examine alternative farming practices (including but not exclusively tree farming, alternative cropping and pastures, farming bush foods and maintenance of remnant vegetation) (AH) **Land managers on land units identified as having high discharge loads shall undertake actions including streamlining and revegetation, fertiliser management and alternative production regimes to reduce nutrient export (AH, PI, RA, CS) **Landowners in the Bassendean and Yanga soil types to trial soil amendments <i>in-situ</i> to determine effectiveness in reducing nutrient run-off and groundwater contamination (AH, PI) Implement soil amendment based on results from trials and land use change to perennial pastures (AH, PI) **Replace annual pastures with perennial pastures on all erosion-prone and high-leaching soils (PI) **Implement nutrient interventions: <ol style="list-style-type: none"> where "off paddock drains" enter Ellen Brook to prevent nutrient export to major waterways where appropriate to treat groundwater in drains where suitable (AH) Seek funding to continue fencing and revegetation of Ellen Brook tributaries until all are protected from stock incursion (AH, PI, RA, CS) Ensure full connection of all properties to deep sewerage in the Muchea and West Bullsbrook townships (AH) 	<p>City of Swan (CoS), Shires of Chittering (SoC) and Gingin (SoG), Department of Planning (DoP)</p> <p>DAF, landowners, CoS, SoC, SoG</p> <p>Swan River Trust (Trust)</p> <p>CoS, SoC, SoG, developers, Department of Water (DoW)</p> <p>CoS, SoC, SoG, developers</p> <p>DoP</p> <p>DoW, Trust, Perth Region NRM Trust, EBICG</p> <p>Department of Environment and Conservation (DEC)</p> <p>DEC</p> <p>Perth Region NRM, landowners</p> <p>DEC</p> <p>EBICG</p> <p>Landowners, EBICG</p> <p>Landowners, DAF, EBICG</p> <p>Landowners, EBICG, DAF</p> <p>Landowners, Trust</p> <p>Landowners, EBICG</p> <p>CoS, SoC, Water Corporation</p>	<p>Department of Agriculture and Food WA (DAF)</p> <p>Ellen Brockman Integrated Catchment Group (EBICG)</p> <p>Western Australian Planning Commission (WAPC)</p> <p>EBICG, DoP, Urban Development Institute of Australia (UDIA)</p> <p>EBICG, DoP, UDIA, DoW</p> <p>EBICG, Water Corporation (WC)</p> <p>EBICG, CoS, SoC, SoG</p> <p>CoS, SoC, SoG, DAF, landowners, DoW</p> <p>CoS, SoC, SoG</p> <p>CoS, SoC, SoG</p> <p>Trust, DEC</p> <p>Trust, DoW, DAF, EBICG</p> <p>DAF, DoW, CoS, SoC, Trust, landowners</p> <p>DoW, Trust, DAF, CoS, SoC, SoG</p> <p>DEC, Trust, WC</p> <p>CoS, SoC, SoG</p> <p>EBICG, DEC, DoW</p> <p>Trust</p> <p>EBICG</p>	<p>100% compliance by 2015</p> <p>100% landowners compliance by 2015</p> <p>Ongoing</p> <p>100% compliance by 2025</p> <p>Start immediately</p> <p>Ongoing</p> <p>Priorities completed by 2015</p> <p>100% compliance by 2012</p> <p>100% compliance by 2010</p> <p>100% compliance by 2015</p> <p>Ongoing</p> <p>Four events annually</p> <p>100% compliance by 2025</p> <p>100% compliance by 2015</p> <p>50% broadcast properties compliance by 2015</p> <p>Nutrient load reduction targets met by 2025</p> <p>100% compliance by 2025</p>
2. Minimisation Efficiency in nutrient use	2.1 Reduce agricultural industry nutrient output through discharge regulation* 2.2 Reduce agricultural industry nutrient losses through fertiliser management* 2.3 Reduce outputs through increasing community capacity				
3. Reduction Source control	3.1 Reduce agricultural industry nutrient losses through best management practices*				
4. Amelioration Conveyance and transmission	4.1 Nutrient intervention and improved drainage*				
5. Treatment - Reuse - Disposal	5.1 Full connection to inflill sewerage				

*new management actions

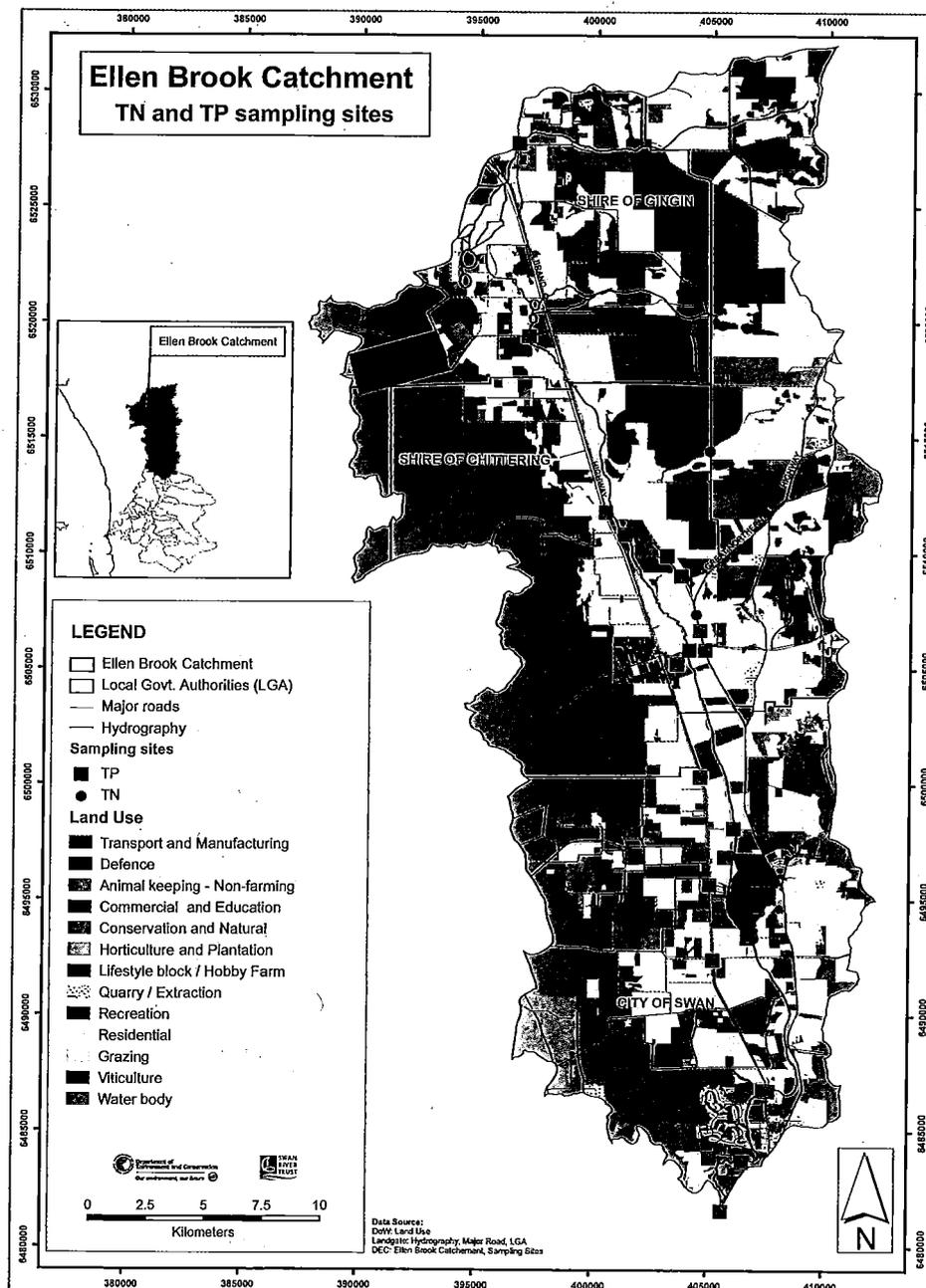
(AH) = aquatic ecosystem health, links to values for the catchment in Section 3

5. Monitoring, evaluation, reporting and improvement (MERI)

How do we measure our success?

- monitor water quality for nutrient loads
- monitor water quality for non-nutrient contaminants in sites of concern
- performance story – reporting on outcomes achievement – behaviour change
- number of people educated
- area of soil amended
- distance/percentage drains and creeks fenced

Maps

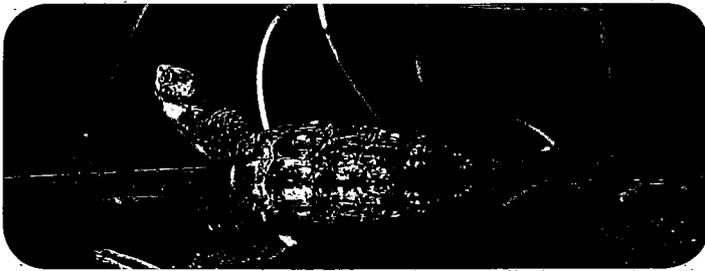


Coastal Catchments Initiative

In June 2006 the Swan Canning river system was identified as a hotspot for water quality issues as part of the CCI. The Trust is responsible for preparing the regional WQIP for the Swan Canning river system.

The regional WQIP provides a roadmap for reducing nutrient levels in the river system using scientific models and decision support tools prepared under this new initiative.

Integrating science and management actions, CCI and an accredited WQIP will underpin a long-term investment strategy to improve water quality in known hotspots such as the Swan Canning river system.



Western swamp tortoise, picture: Perth Zoo



Belhus Reserve, picture: Ellen Brockman Integrated Catchment Group

Partners

This WQIP was developed in consultation with the following stakeholders



Department of Water
Department of Environment and Conservation
Department of Planning
Department of Agriculture and Food



For more information contact

Ellen Brockman Integrated Catchment Group
Ph 9571 0400

Swan River Trust
Ph 9278 0900

www.swanrivertrust.wa.gov.au

Caring for the Swan Canning Riverpark



South West Aboriginal
Land & Sea Council

Our Ref: FTA.2162-DOC2012/00568
Your Ref: 809-2-21-23

1 February 2012

Mr Neil Thomson
Acting Secretary
Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6001



Dear Mr Thomson

**Metropolitan Region Scheme Proposed Amendment 1219/41 – South
Bullsbrook Industrial Precinct**

We acknowledge receipt of your letter dated 4 November 2011 regarding the above Notice seeking public comment.

The South West Aboriginal Land and Sea Council (SWALSC) is the registered native title representative body for the claimants the Whadjuk People (WAD242/2011).

The SWALSC on behalf of its clients will table this matter at the next Working Party meeting (WPM) scheduled in late March 2012 to obtain their instructions and submission.

The SWALSC will be in a position to advise shortly after the WPM.

If you wish to discuss this matter further, please contact me.

Yours sincerely

Carolyn Fennelle
Legal Officer
South West Aboriginal Land and Sea Council



Your Ref: 809-2-21-23
Our Ref: FTA2162

**South West Aboriginal
Land & Sea Council**

13 March 2012

Mr Neil Thomson
Acting Secretary
Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6000



Dear Neil

**METROPOLITAN REGION SCHEME PROPOSED AMENDMENT 1219/41 SOUTH
BULLSBROOK INDUSTRIAL PRECINCT**

The South West Aboriginal Land and Sea Council (SWALSC) is the registered native title representative body for the claimants the Whadjuk People (WAD242/2011).

The SWALSC on behalf of its clients will table this matter at the next Working Party Meeting (WPM) on 28 and 29 March 2012 and obtain their instructions and submission.

Subject to their instructions, the SWALSC reserves the right under the *Aboriginal Heritage Act 1972 (WA)* and MOU with the WAPC to request Aboriginal Heritage survey work.

The SWALSC will be in a position to advise shortly after the WPM.

If you wish to discuss this matter further, please contact me.

Yours sincerely,

Carolyn Fennelle
Legal Officer
South West Aboriginal Land & Sea Council



South West Aboriginal
Land & Sea Council

Your Ref: 809-2-21-23
Our Ref: FTA2162

5 April 2012

Mr Neil Thomson
Acting Secretary
Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6000

Dear Neil

**METROPOLITAN REGION SCHEME PROPOSED AMENDMENT 1219/41 SOUTH
BULLSBROOK INDUSTRIAL PRECINCT – MAJOR AMENDMENT**

The South West Aboriginal Land and Sea Council (SWALSC) is the registered native title representative body for the claimants the Whadjuk People (WAD242/2011).

The SWALSC on behalf of its clients tabled this matter at the Working Party Meeting (WPM) held on 28 and 29 March 2012 and obtained their instructions and submission.

We understand that the purpose of the Metropolitan Region Scheme Amendment 1219/41 is to transfer approximately 428.97 ha of Rural zoned land to the Industrial zone as shown on Figure 1 that was attached to the Report. We understand that the Amendment also seeks to reserve and widen Stock road as Other Regional Roads and the adjustment of the Bush Forever (Site 296).

Subject to the *Aboriginal Heritage Act 1972 (WA)* (AHA) and the MOU the SWALSC has with the WAPC to request Aboriginal Heritage survey work, we are instructed by our clients to submit that a full heritage site identification survey is required for the undertaking of the proposed Amendment. In addition, monitors are requested for any vegetation and clearance work.

Our research has identified Registered Aboriginal Heritage Sites in the South Bullsbrook, Bullsbrook and Ellen Brook area. This includes a mythological site ID19138 Wetlands & Watercourses Moore River to Bullsbrook. The proposed Amendment is therefore subject to s 18 Application in accordance with the AHA.

Due to the significance of the area of Bullsbrook, South Bullsbrook and Ellen Brook, our clients request ongoing consultation in respect of the proposed Amendment.

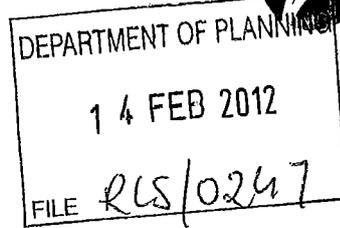
If you wish to discuss this matter further, please contact me.

Yours sincerely,

Carolyn Fennelle
Legal Officer
South West Aboriginal Land & Sea Council.



Enquiries: Ron Tolliday on (08) 9323 4536
 Our Ref: 09/3695 (D12#35013)
 Your Ref: 809-2-21-23 Pt 1 (RLS/0209)



ABN: 50 860 676 021

10 February 2012

The Secretary
 Western Australian Planning Commission
 Albert Facey House
 469 Wellington Street
 PERTH WA 6000

ATTENTION: ANTHONY MUSCARA

Dear Anthony,

MRS AMENDMENT 1219/41 – SOUTH BULLSBROOK INDUSTRIAL PARK

Thank you for your letter dated 4 November 2011, requesting Main Roads comments on the above proposal.

Main Roads cannot support the proposed amendment as presented as some areas that are proposed to be transferred from Rural zone to Industrial zone may be required for future road purposes. In particular, there is a need to identify the land requirements for the future grade separation of Stock Road over the railway line and for the proposed intersections from the industrial precinct onto Great Northern Highway.

A planning design concept will need to be developed for the grade separation of Stock Road over the freight rail line to inform the land requirements.

To inform the intersection requirements a planning design should also be developed based on an analysis of traffic movements from the industrial precinct. There have been discussions with the representatives of the development since our previous response and an agreement in principal has been reached for the access strategy for Great Northern Highway.

Once the above issues have been addressed Main Roads will be able to support the proposed amendment.

As copy of our previous correspondence dated 15 December 2010 (D10#290004) is attached.

If you require any further information please contact Mr Ron Tolliday on (08) 9323 4536. In reply please quote file reference 09/3695 (D12#35013).

Yours faithfully

Lindsay Broadhurst
 MANAGER ROAD PLANNING



Australian Business
 Excellence Awards
 Bronze Award 2007

Enquiries: Ron Tolliday on (08) 9323 4536
Our Ref: 09/3695 (D10#290004)
Your Ref: 809-2-21-23

15 December 2010

The Secretary
Western Australian Planning Commission
Albert Facey House
469 Wellington Street
PERTH WA 6000

COPY

ATTENTION: STEVEN RADLEY

Dear Steven,

PROPOSED METROPOLITAN REGION SCHEME AMENDMENT – SOUTH BULLSBROOK INDUSTRIAL PRECINCT

Thank you for your letter dated 15 November 2010, requesting Main Roads comments on the above proposal.

Main Roads has no objections to the proposal in principle. There are a number of road network issues which require consideration.

The development concept plan shows additional side road access to Great Northern Highway which is not acceptable to Main Roads. An access strategy for this section of Great Northern Highway is currently being developed by Main Roads, City of Swan, Department of Planning and the Department of Transport. The access regime for this area in question will need to be consistent with the overall access strategy for Great Northern Highway. This may require a reduction or relocation of some of the existing and proposed access points.

It is suggested that a road connection to the existing light industrial area in Bullsbrook would be advantageous, if possible. This may assist in reducing some of the congestion and traffic conflicts currently being experienced on Great Northern Highway within the Bullsbrook townsite.

At this early stage of the process, with no analysis yet conducted on potential traffic generation and movement, it is not possible to determine the adequacy of the existing and proposed transport network. It is possible that additional distributor roads may need to be created to cater for the ultimate demands. The impacts of such roads will likely be external to the proposed development but need to be considered in light of this application.

Great Northern Highway is suggested by the applicant as providing for the requirements of the proposed development. There are no funds currently allocated to upgrade Great Northern Highway, upgrades that would no doubt be necessary should this development proceed, and would involve developer contribution.



Australian Business
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Don Aitken Centre, Waterloo Crescent, East Perth or PO Box 6202 EAST PERTH Western Australia 6892
Telephone: 138 138 Facsimile: (08) 9323 4174 TTY: (08) 9428 2230
Email: roadtraff@mainroads.wa.gov.au Website: www.mainroads.wa.gov.au

Whilst it is acknowledged that the Perth Darwin National Highway may assist in meeting these demands, there are currently no funds allocated to the development or construction of this road. The time frame of development of this road is yet to be determined and Main Roads would like to clarify that the 2018 date mentioned in the application is the most optimistic timeframe should any decision be made in the near future regarding funding of this road. Perth Darwin National Highway has yet to be included in the Metropolitan Region Scheme north of Maralla Road.

As stated in the JDSI Consulting Engineers Servicing Strategy attachment, a more detailed traffic impact assessment and analysis will be required before development.

The Department of Planning has indicated that Stock Road will be classified as an Other Regional Road (Blue Road). Consideration should be given to making provision for the grade separation of Stock Road and the railway line which would be excluded from the proposed industrial zoning.

In summary, a great deal of work needs to be undertaken on the transport network strategy for the Bullsbrook area and surrounds to guide more detailed planning and implementation of this proposed development.

If you require any further information please contact Ron Tolliday on (08) 9323 4536. In reply please quote file reference 09/3695(D10#290004).

Yours faithfully

Kevin Smith
A/MANAGER ROAD PLANNING

Planning and Development Act 2005
Section 41 Amendment (Substantial)
Form 41

DEPARTMENT OF PLANNING
13 FEB 2012
FILE *RIS/0247*

Submission

Metropolitan Region Scheme Amendment 1219/41

South Bullsbrook Industrial Precinct

To: Secretary
Western Australian Planning Commission
Locked Bag 2506
Perth WA 6001

OFFICE USE ONLY

SUBMISSION NUMBER

Submission 13

Name *Isla Furlay of Taylor Burrell Barnett*
.....
(PLEASE PRINT CLEARLY)

Address *187 Roberts Road, Subiaco* Postcode *6008*
.....

Contact phone number *9382 2911* Email address *isla@tbbplanning.com.au*

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

SEE ATTACHMENT

turn over to complete your submission

Hearing of submissions

Anyone who has made a written submission on the amendment has the opportunity to personally present the basis of their submission to a sub-committee of the WAPC. **You do not have to attend a hearing.** The comments presented by you in this written submission will be considered in determining the recommendation for the proposed amendment.

For information about the submission and hearings process, please refer to the amendment report and in particular appendix D.

Please choose one of the following:

No, I do not wish to speak at the hearings. (Please go to the bottom of the form and sign)

OR

Yes, I wish to speak at the hearings. (Please complete the following details)

I will be represented by:

Myself – My telephone number (business hours):

or

A spokesperson

Name of spokesperson:

Contact telephone number (business hours):

Postal address:

I would prefer my hearing to be conducted in:

Public (members from the general public may attend your presentation)

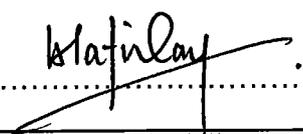
OR

Private (only the people nominated by you or the hearings committee will be permitted to attend)

You should be aware that:

- The WAPC is subject to the *Freedom of Information Act 1992* and as such, submissions made to the WAPC may be subject to applications for access under the act.
- In the course of the WAPC assessing submissions, or making its report on these submissions, copies of your submission or the substance of that submission, may be disclosed to third parties.
- All hearings are recorded and transcribed. The transcripts of all hearings, along with all written submissions, are tabled in Parliament and published as public records should the Governor approve the proposed amendment. The WAPC recommendations are similarly published in a report on submissions and tabled in Parliament.

To be signed by person(s) making the submission

Signature  Date **10 FEB 2012**

Note: Submissions MUST be received by the advertised closing date, being close of business (5pm) on 10 February 2012. Late submissions will NOT be considered.

Our Ref: 11/046 IKF

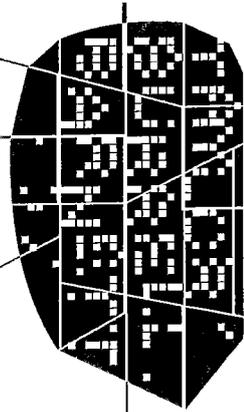
10 February 2012

Secretary
Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6001

187 Roberts Road Subiaco PO Box 8186 Subiaco East Western Australia 6008



Taylor Burrell Barnett Town Planning & Design
Telephone (08) 9382 2911 Facsimile (08) 9382 4586 admin@tbbplanning.com.au



Toddville Prospecting Pty Ltd ABN 74 831 437 925

Dear Sir

SUBMISSION – METROPOLITAN REGION SCHEME AMENDMENT 1219/41 – SOUTH BULLSBROOK INDUSTRIAL PRECINCT

Taylor Burrell Barnett is pleased to present this submission, on behalf of Rangedale Corporation, in respect of the above amendment. Rangedale owns lots 1474, 1479, 1480 and 5890 Warbrook Road, Bullsbrook. These properties are located to the south-west of the Amendment area. Please refer to the attached location and context plan.

The purpose of this submission is to express in-principle support for industrial growth in the north-east metropolitan region, as proposed by Amendment 1219/41. Furthermore we seek that the Western Australian Planning Commission considers deferring a final decision on the Amendment, pending the release of the Industrial Land Strategy. A deferment period would also enable further investigations to be undertaken into the suitability of South Bullsbrook for immediate industrial development and, having reviewed the Commission's Amendment report, we believe this is necessary. The basis of our submission follows.

BACKGROUND

Amendment 1219/41 represents an important change to the existing statutory planning framework in the north-east corridor, and thus a first step towards the broader development of land north of Ellenbrook town site. From this perspective the Amendment is favourably received.

In strategic planning terms the Amendment is welcomed because it represents the realisation of (a number of) State Government planning initiatives embodied in WAPC strategy, specifically 'Directions 2031' and the 2009 draft 'Industrial Land Strategy' (ILS). Both documents have identified a need for more industrial land within the north-east corridor and the consequent expansion of employment centres for the localised population.

The proposed Amendment is likely to be the first of a number of amendments that will be contemplated by the WAPC for this part of the corridor. This is obviously positive news for our client, which similarly has aspiration to develop its landholdings for an industrial purpose. In this regard Taylor Burrell Barnett considers the advertising of Amendment 1219/41 as an opportune time to introduce our client's development intentions to the WAPC. In so doing, we ask that the Commission consider the proposed Amendment in the context of North Ellenbrook, and the obvious advantages of its immediate development for industrial purposes.

NORTH ELLENBROOK AND THE DRAFT INDUSTRIAL LAND STRATEGY (2009)

Rangedale Corporation Pty Ltd owns ~72 hectares of land on Warbrook Road, Bullsbrook. These landholdings form part of a broader cell (of approximately 2,400 ha) that was identified in the Government's ILS for future industrial purposes. Specifically, the 2009 draft of the ILS identified the development cell, known as North Ellenbrook, as 'Possible Future Industrial Sites (Land Bank)'. Bullsbrook Townsite Precinct (South) was identified as a 'Priority Industrial Site'.

.../2



Taylor Burrell Barnett has been following the assessment of the draft ILS since the close of advertising in March 2010. Our office is in regular contact with the Department of Planning and other land owners gathering information relating to the finalisation of the document. As recently as last week we were advised that the ILS has now been finally approved for public release. It is understood that the Department of Planning is now packaging up the document for an internet launch.

Whilst our client's land was denoted as a 'Possible Future Industrial Site' under the advertised draft of the ILS, Taylor Burrell Barnett has been informally advised that the North Ellenbrook cell has since been upgraded to 'Priority Industrial Site' in the finalised version of the Strategy. If we are correctly advised, this change of status under the ILS is further recognition of the demand for industrial land in the corridor, and more particularly North Ellenbrook's suitability for industrial development in the more immediate term.

THE CASE FOR DEFERRAL OF AMENDMENT 1219/41

We note that there are some uncertainties regarding the South Bullsbrook proposal. These uncertainties; coupled with the imminent release of the ILS and the prospective upgrading of North Ellenbrook, suggest that there is merit in deferring a final decision on the Amendment.

Deferring finalisation of Amendment 1219/41 will afford the Commission the opportunity to consider whether South Bullsbrook is the most strategically located industrial precinct for the corridor. Indeed there may be merit in delivering North Ellenbrook first, on the basis that it is less constrained, more advantageously located and supported by the necessary strategic framework.

This proposition is partly borne out of the Commission's own Amendment report, which highlights some unresolved issues pertaining to South Bullsbrook that need be resolved before the Amendment is finalised. These observations follow.

In relation to waterways, the Amendment report states:

"No management authority has been identified to take over the proposed Parks and Recreation reserve. The DoW is concerned that remedial works that may be required for the waterway will not be done as part of the proposed development. The DoW are (sic) reluctant to support the amendment until future management of the waterway is progressed and the DWMS can commit to the appropriate level of rehabilitation and revegetation.

In this regard, the WAPC has resolved that the proposed amendment be initiated and advertised. However, the amendment is to be held in abeyance (and not finalised), pending final approval of the DWMS to the satisfaction of the DoW."

In relation to wastewater, the Amendment report states:

"The Corporation is currently reviewing wastewater treatment planning for Bullsbrook, and is to be completed by mid 2011. Potentially this may identify 'fatal flaws' and it is recommended that initiation of the amendment be delayed until the results of the study are known. In this regard, the WAPC has resolved that the proposed amendment be initiated and advertised. However, the amendment is to be held in abeyance (and not finalised), until the Water Corporation has advised on timing for the provision of wastewater for the site."



THE MERIT OF NORTH ELLENBROOK

A 'multi criteria assessment methodology' was applied to the South Bullsbrook industrial precinct that led to it being deemed a priority site when the ILS was formulated. It is interesting to note that, of 11 elements against which the precinct was evaluated, only 2 are seen as opportunities; 4 are constraints and 5 are either not applicable or of negligible impact.

The opportunities, which are presumably the strengths of the proposal, include 'Accessibility' and 'Close to Work Force'. The draft ILS provided the following commentary:

Accessibility:

- *"The site is located adjacent to the State Rail Network, to the west, providing opportunity for the development of an intermodal freight transport hub on the site.*
- *The site location ensures that it has effective transport linkages with the Great Northern Highway HWL route, heavy haulage and Restricted Access Vehicle network therefore ensuring the site has access to an appropriate road network for both freight and employment within the area.*
- *The site is further strengthened with a transport linkage to the planned Perth Darwin Highway via Stock Road."*

Close to Work Force:

- *"The site is located within very close proximity to the Bullsbrook townsite and Ellenbrook. This is likely to act as a strong impetus for developers and businesses to undertake development and activity within the area as linkages with existing residential (and associated land uses) development is able to be clearly seen."*

We submit that if a similar evaluation were publicly available for the North Ellenbrook cell, (as will be the case under the final ILS) it would reveal a precinct that is more beneficially located and less constrained from an environmental perspective. (We note that the South Bullsbrook amendment area traverses the Ellen Brook, a tributary of the Swan River).

Strategically, North Ellenbrook is potentially better placed for immediate development for a number of reasons, including:

- It is contiguous with the northern fringe of the corridor, and therefore more directly connected to the local workforce.
- It is well placed in terms of the regional road network, including the future alignment of the Perth Darwin Highway which traverses the precinct, making freight, workforce and customer movement highly efficient.
- It is well located to utilise the freight rail system.

Given the above considerations, we would urge the Commission to delay finalisation of the Amendment in order that the 'multi criteria assessment' is published for North Ellenbrook, as part of the final ILS.



CONCLUSION

Once the final ILS is released and North Ellenbrook's 'Priority Status' is confirmed, we would consider the planning of the precinct an immediate prospect. Indeed our client is on the cusp of initiating planning investigations with a view to seeking a rezoning of the land. We are also aware that neighbouring landowners to the east have already commissioned a planning consultant to prepare an Amendment to the Metropolitan Region Scheme. It is apparent on the basis of resources being applied that there is significant confidence within the planning and development industry that North Ellenbrook represents a strong and immediate development prospect.

We reiterate that we support the principle of industrial growth in the north-east metropolitan region as proposed by Amendment 1219/41. Acknowledging this position, we respectfully request that the WAPC consider deferring a final decision on the Amendment to allow release of the ILS. During this deferment we also ask that the Commission consider the merits of South Bullsbrook in the context of other opportunities within the corridor.

We trust that this submission will be given due consideration as part of the Commission's finalisation of the Amendment. Should you have any queries regarding this submission, or wish to discuss any aspect further, please do not hesitate to contact the undersigned or Lex Barnett on 9382 2911.

Yours faithfully
TAYLOR BURRELL BARNETT


ISLA FINLAY
ASSOCIATE

CC: Mr Graham Taylor – Taylor Robinson Architects

LEGEND

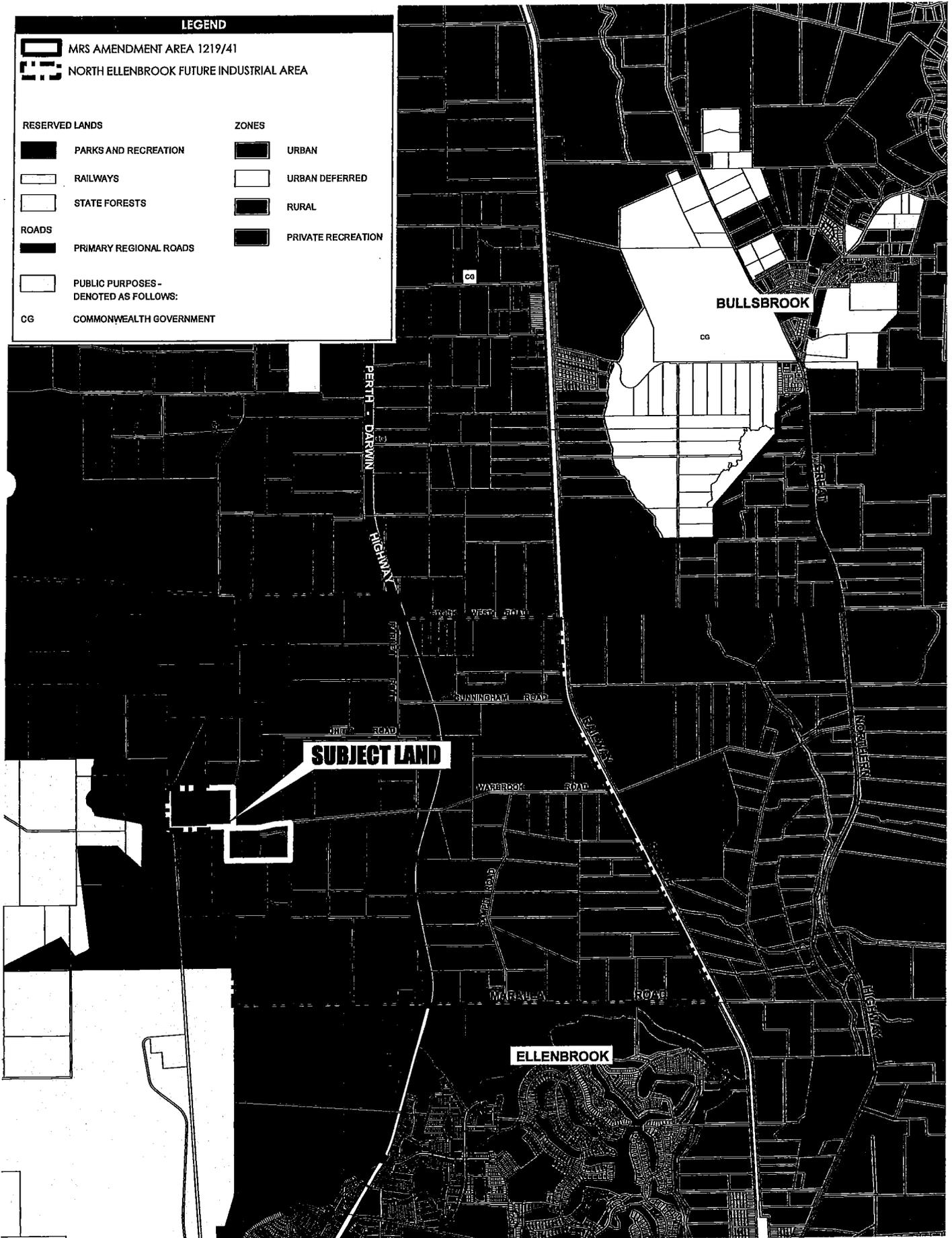
-  MRS AMENDMENT AREA 1219/41
-  NORTH ELLENBROOK FUTURE INDUSTRIAL AREA

RESERVED LANDS

-  PARKS AND RECREATION
-  RAILWAYS
-  STATE FORESTS
- ROADS**
-  PRIMARY REGIONAL ROADS
-  PUBLIC PURPOSES - DENOTED AS FOLLOWS:
-  CG COMMONWEALTH GOVERNMENT

ZONES

-  URBAN
-  URBAN DEFERRED
-  RURAL
-  PRIVATE RECREATION



Planning and Development Act 2005
Section 41 Amendment (Substantial)
Form 41

DEPARTMENT OF PLANNING
10 FEB 2012
FILE *RLS/0247*

Submission
Metropolitan Region Scheme Amendment 1219/41
South Bullsbrook Industrial Precinct

OFFICE USE ONLY
SUBMISSION NUMBER
Submission 14

To: Secretary
Western Australian Planning Commission
Locked Bag 2506
Perth WA 6001

Name *Thomas Stephen Peter HELLY*
(PLEASE PRINT CLEARLY)

Address ~~4521~~ *4521 Bindoon Moor Rd GILLINGARRA WA* Postcode *6510*

Contact phone number *0896519011* Email address *Caronite.wa.com.au*

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

*As part owner of lot 6 Stock Road Bullsbrook
I support the rezoning of the South Bullsbrook
Industrial Precinct.*

signed: TSP Helly

turn over to complete your submission

Planning and Development Act 2005
Section 41 Amendment (Substantial)
Form 41

DEPARTMENT OF PLANNING
10 FEB 2012
FILE RIS/0247

Submission
Metropolitan Region Scheme Amendment 1219741

South Bullsbrook Industrial Precinct

OFFICE USE ONLY

SUBMISSION NUMBER

Submission 15

To: Secretary
Western Australian Planning Commission
Locked Bag 2506
Perth WA 6001

Name MARGUERITE KAYE KELLY
(PLEASE PRINT CLEARLY)

Address 4521 Bindoon Moorabie Postcode 6510
GILLINGARRA

Contact phone number 08 96519011 Email address

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

AS PART OWNER OF LOT 6, STOCK RD
BULLSBROOK. I SUPPORT THE PROPOSED
AMENDMENT TO REZONE THE SOUTH
BULLSBROOK PRECINCT FROM RURAL
TO INDUSTRIAL.

Yours faithfully

M. K. Kelly

turn over to complete your submission

Planning and Development Act 2005
Section 41 Amendment (Substantial)
Form 41

DEPARTMENT OF PLANNING
10 FEB 2012
FILE RIS/0247

Submission

Metropolitan Region Scheme Amendment 1219/41

South Bullsbrook Industrial Precinct

To: Secretary
Western Australian Planning Commission
Locked Bag 2506
Perth WA 6001

OFFICE USE ONLY
SUBMISSION NUMBER
Submission 16

Name Terence Patrick Bates
(PLEASE PRINT CLEARLY)

Address 70 LORON Rd MILDENHALL 6086 Postcode

Contact phone number 99964139 Email address

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

I am in favour of the subdivision
and rezoning from General Rural to industrial

Bates

turn over to complete your submission

Planning and Development Act 2005
Section 41 Amendment (Substantial)
Form 41

DEPARTMENT OF PLANNING
10 FEB 2012
FILE R18/0247

Submission
Metropolitan Region Scheme Amendment 1219/41
South Bullsbrook Industrial Precinct

OFFICE USE ONLY

SUBMISSION NUMBER

Submission 17

To: Secretary
Western Australian Planning Commission
Locked Bag 2506
Perth WA 6001

Name BARBARA L. BATES
(PLEASE PRINT CLEARLY)

Address 70 LETON RD, MILLENDON Postcode 6054

Contact phone number (08) 92964132 Email address

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

AS PART OWNER OF LOT 6 STOCK RD
BULLSBROOK I HAVE NO OBJECTION
TO THE REZONING PROPOSAL AMENDMENT
NO 60 SCHEME NO 17 FROM GENERAL
RURAL TO INDUSTRIAL

[Signature]

turn over to complete your submission

Planning and Development Act 2005
Section 41 Amendment (Substantial)
Form 41

DEPARTMENT OF PLANNING
13 FEB 2012
RLS/0247
FILE

Submission

Metropolitan Region Scheme Amendment 1219/41

South Bullsbrook Industrial Precinct

OFFICE USE ONLY

SUBMISSION NUMBER

Submission 18

To: Secretary
Western Australian Planning Commission
Locked Bag 2506
Perth WA 6001

Name

ROBERTS DAY TOWN PLANNING + URBAN DESIGN

(PLEASE PRINT CLEARLY)

Address GPO Box 6369, LEVEL 1, 130 ROYAL ST Postcode 6892
EAST PERTH

Contact phone number 9218 8700 Email address david.doy@robertsdlay.com.au

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

PLEASE REFER TO ATTACHED LETTER

turn over to complete your submission

Hearing of submissions

Anyone who has made a written submission on the amendment has the opportunity to personally present the basis of their submission to a sub-committee of the WAPC. **You do not have to attend a hearing.** The comments presented by you in this written submission will be considered in determining the recommendation for the proposed amendment.

For information about the submission and hearings process, please refer to the amendment report and in particular appendix D.

Please choose one of the following:

No, I do not wish to speak at the hearings. (Please go to the bottom of the form and sign)

OR

Yes, I wish to speak at the hearings. (Please complete the following details)

I will be represented by:

Myself – My telephone number (business hours):

or

A spokesperson

Name of spokesperson:

Contact telephone number (business hours):

Postal address:

I would prefer my hearing to be conducted in:

Public (members from the general public may attend your presentation)

OR

Private (only the people nominated by you or the hearings committee will be permitted to attend)

You should be aware that:

- The WAPC is subject to the *Freedom of Information Act 1992* and as such, submissions made to the WAPC may be subject to applications for access under the act.
- In the course of the WAPC assessing submissions, or making its report on these submissions, copies of your submission or the substance of that submission, may be disclosed to third parties.
- All hearings are recorded and transcribed. The transcripts of all hearings, along with all written submissions, are tabled in Parliament and published as public records should the Governor approve the proposed amendment. The WAPC recommendations are similarly published in a report on submissions and tabled in Parliament.

To be signed by person(s) making the submission

Signature  Date 10/02/2012

Note: Submissions MUST be received by the advertised closing date, being close of business (5pm) on 10 February 2012. Late submissions will NOT be considered.

JOB REF: EJV ELL

10 February 2012

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

Dear Sir/Madam

SUBMISSION: METROPOLITAN REGION SCHEME AMENDMENT 1219/41 – SOUTH BULLSBROOK INDUSTRIAL PRECINCT

Roberts Day acts on behalf of Ellenbrook Management Pty Ltd in providing comment on the proposed amendment to the Metropolitan Region Scheme Amendment (MRS) which will facilitate the development of South Bullsbrook Industrial Precinct. We thank the Commission for the opportunity to comment on the proposed amendment.

Our client **supports** the proposed amendment in principle. The proposed South Bullsbrook Industrial Precinct will expand and diversify opportunities for employment, improving employment self sufficiency in the north east corridor and reducing the necessity for Ellenbrook residents to travel long distances to work. Decentralising employment opportunities is a key plank in addressing housing affordability and cost-of-living expenses.

We have reviewed the proposed amendment and have a number of comments and suggestions concerning the impact of the amendment on the road network and traffic volumes in Ellenbrook and other surrounding urban areas.

1.0 Strategic infrastructure and traffic planning;

The proposed amendment is not supported by detailed road planning and traffic modelling, which is of concern to our client. The amendment report states that:

- an 'access strategy' is currently being developed;
- the adequacy of the existing and proposed transport network has not been determined, and it is possible additional distributor roads may be required;
- there are no funds allocated for an upgrade to Great Northern Highway; and
- the Perth-Darwin Highway may assist in absorbing heavy vehicle traffic increases, but is not expected to be constructed until at least 2018.

The proposed amendment requires detailed traffic studies which detail the impact the South Bullsbrook Industrial Precinct has on traffic volumes and movement for the surrounding road network in general, and for residents of Ellenbrook in particular. Any traffic studies should include truck and heavy vehicle movements.

a. Potential traffic implications for surrounding urban areas

The proposed amendment has significant potential to increase truck and heavy vehicle traffic in Ellenbrook and surrounding urban areas. It is vital that detailed strategic planning is undertaken to

ensure that any increase in traffic volumes is directed onto appropriately designed roads and does not affect the amenity of established and developing residential communities in Ellenbrook.

The proposed amendment identifies Stock Road as an 'important east-west arterial link connecting the future Perth Darwin National Highway with the Great Northern Highway'. As a result, it is proposed to reserve Stock Road as an 'Other Regional Road' with a road reserve width of approximately 60 metres. The reservation of Stock Road and proposed widening is supported in principle and considered necessary to facilitate the efficient and safe movement of truck and heavy vehicles supporting the future industrial activity in the precinct. However, the widening and construction of Stock Road may increase traffic volumes on Railway Parade and Muchea South Road and as a result expose surrounding urban areas to increased traffic volumes.

Additional distributor roads may need to connect to the future Perth-Darwin National Highway in order to deter truck and heavy vehicle traffic passing through Ellenbrook. As explained above the necessary strategic planning has not been undertaken, with Main Roads WA stating:

At this early stage, it is not possible to determine the adequacy of the existing and proposed transport network. However, it is possible that additional distributor roads may be needed, and these roads may be located outside of the subject land.

These 'additional distributor roads' will need to be identified and comprehensively justified in regard to their impact on the amenity of Ellenbrook and other surrounding urban areas.

The amendment report also states that 2018 is the most optimistic timeframe for the construction of the Perth-Darwin National Highway. The City of Swan has listed the Perth Darwin National Highway as part of their 'lobbying activities' to both the State and Federal governments next year. Agenda item 7.1 from the City's Ordinary Council Meeting of 8 February 2012 states that:

The main benefit of the road is that it will provide opportunities for development of land north of Ellenbrook for industrial development. As a National Highway, the majority of this funding will probably come from the Federal Government but the State Government needs to make this a priority before they commit funding. This is a medium term project and pressure needs to continue to be placed on the State and Federal Governments to make this project a priority in future years.

The agenda item also states that the Great Northern Highway has an unfavourable mix of heavy vehicle and tourism-based traffic, with the Perth Darwin National Highway earmarked to carry the majority of heavy vehicles. The amendment report states that there are currently no funds allocated for an upgrade of Great Northern Highway. In the eventuality that the South Bullsbrook Industrial Precinct is developed **before** the Perth-Darwin Highway (which is still subject to a financial commitment), the Great Northern Highway may not be capable of effectively managing tourism traffic and additional heavy vehicle traffic. As a result heavy vehicle traffic volumes and movement through Ellenbrook could be further increased.

Therefore we consider that any increased vehicle traffic on Railway Parade resulting from the proposed amendment will need to be managed to mitigate the impact upon the safety and amenity of future residents within Ellenbrook and in particular Village 7B.

b. Redevelopment of the surrounding road network

Further to the above the proposed amendment does not allude to the redevelopment and/or widening of Muchea South Road and Railway Parade. The proposed amendment is expected to result in an industrial precinct that will accommodate a workforce, many of whom may reside in Ellenbrook and surrounding areas. The above roads will need to accommodate increased levels of private vehicle traffic, as well as increased medium and heavy vehicle traffic. As explained above, strategic infrastructure planning and cost sharing must be undertaken to ensure these roads are upgraded appropriately.

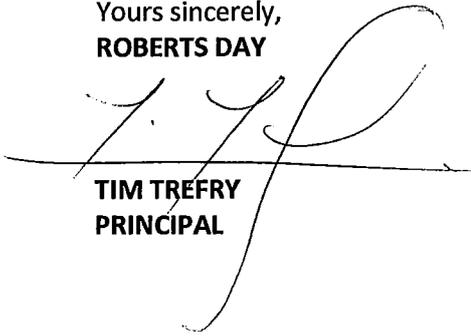
2.0 Summary

The proposed amendment to the MRS to allow for the future development of the South Bullsbrook Industrial Precinct is supported in principle. The Industrial Precinct will ultimately be an employment centre that will enhance the local employment opportunities for Ellenbrook residents and expand employment opportunities in the north east corridor. However detailed traffic studies and strategic infrastructure planning will need to be undertaken in order to ensure the road network is capable of sustaining increases in traffic – especially heavy vehicle traffic – and limit the impact upon surrounding urban areas.

A strategy for traffic movement will also need to be devised in the eventuality that the proposed amendment facilitates development of the South Bullsbrook Industrial Precinct prior to the construction of the Perth-Darwin National Highway. The Perth-Darwin National Highway is expected to carry much of the anticipated heavy vehicle traffic and as such an interim strategy is crucial to ensuring urban areas are not the subject of increased traffic volumes which threaten residential amenity.

We would welcome the opportunity to meet with you following the submission period to discuss our suggestion in further detail. Should you have any queries about our submission please do not hesitate to contact the undersigned or David Doy on 9218 8700, or email david.doy@robertsday.com.au.

Yours sincerely,
ROBERTS DAY



TIM TREFRY
PRINCIPAL



Government of Western Australia
Department of State Development

Your ref: 809-2-21-23 Pt (RSL/0209)
Our ref: S0089/200904
Enquiries: Jamie Brady - Ph 08 92220551
Email: jamie.brady@dsd.wa.gov.au

DEPARTMENT OF PLANNING
15 FEB 2012
FILE RLS/0247

Neil Thomson
Acting Secretary
Western Australian Planning Commission
140 William Street
PERTH WA 6000

Attention: Mr Anthony Muscara

Dear Mr Thomson

**METROPOLITAN REGION SCHEME PROPOSED AMENDMENT 1219/41
SOUTH BULLSBROOK INDUSTRIAL PRECINCT**

Thank you for your letter dated 4 November 2010 which invites comment from the Department of State Development regarding the Metropolitan Region Scheme Proposed Amendment 1219/41 – Bullsbrook Industrial Precinct.

The Department is supportive of the proposal as a means of facilitating the development of 'priority industrial land' as identified in the draft Industrial Land Strategy to address the shortfall in light industrial land supply in the Perth metropolitan area.

Should you have any queries regarding the above, please do not hesitate to contact Mr Jamie Brady 9222 0517.

Yours sincerely

Christine Ginbey
Director
STRATEGIC INDUSTRIAL LANDS

9 February 2012



Government of Western Australia
Department of Water



Your ref: 809-2-21-23
looking after all our water needs

File ref: RF8537

Enquiries: Brad Rimmer

Tel: 6250 8047

Western Australian Planning Commission
469 Wellington Street
PERTH WA 6000

Attention: Anthony Muscara

DEPARTMENT OF PLANNING
20 FEB 2012
FILE RIS/0247

Dear Mr Muscara

**RE: METROPOLITAN REGION SCHEME PROPOSED AMENDMENT 1219/41 –
SOUTH BULLSBROOK INDUSTRIAL PRECINCT**

Thank you for the above referral dated 4 November, 2011. The Department of Water is currently reviewing the District Water Management Strategy (DWMS) associated with the proposed Metropolitan Region Scheme Amendment. The DoW cannot support the proposed rezoning until the associated DWMS is satisfactory.

If you wish to discuss the matter further, please contact Brad Rimmer on 6250 8047.

Yours sincerely,

**James Mackintosh
A/Program Manager
Land Use Planning
Swan Avon Region**

15 February 2012

Addition to Submission



Government of Western Australia
Department of Water

looking after all our water needs

Your ref: V10009-009
File ref: RF8537
Enquiries: Tara Fox
Tel: 6250 8008

Cardno
PO Box 447
WEST PERTH WA 6005

Attn: Samuel Cleary

Dear Mr Cleary,

RE: METROPOLITAN REGION SCHEME PROPOSED AMENDMENT 1219/41 – GREAT NORTHERN GATEWAY INDUSTRIAL CELL - DWMS

Thank you for the above referral dated 12 March, 2012. The Department of Water has reviewed the District Water Management Strategy associated with the proposed Metropolitan Region Scheme Amendment 1219/41. The DoW is satisfied that the document is acceptable for this proposal to proceed to the next stage of the development approval.

If you wish to discuss the matter further, please contact Tara Fox on 6250 8008.

Yours sincerely,


James Mackintosh
A/Program Manager
Land Use Planning
Swan Avon Region

16 March 2012

Cc: Marija Bubanic (WAPC)

 Cardno West Perth Office	
RECEIVED	
20 MAR 2012	
SIGNED	
FILE	

Addition to Submission

WRD158952



Government of **Western Australia**
Department of **Water**



looking after all our water needs

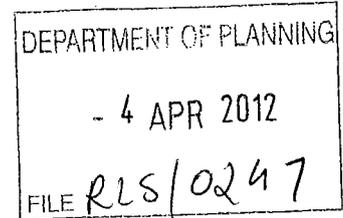
File ref: RF8537

Enquiries: Brad Rimmer

Tel: 6250 8047

Western Australian Planning Commission
469 Wellington Street
PERTH WA 6000

Attention: Anthony Muscara



Dear Mr Muscara

RE: MRS Amendment 1219/41 - South Bullsbrook Industrial Precinct

Thank you for the above referral dated 4 November, 2011. The Department of Water has reviewed the District Water Management Strategy associated with the proposed Metropolitan Region Scheme Amendment. The DoW is satisfied that the document is acceptable for this proposal to proceed to the next stage of the development approval.

If you wish to discuss the matter further, please contact Brad Rimmer on 6250 8047.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'James Mackintosh'.

James Mackintosh
A/Program Manager
Land Use Planning
Swan Avon Region

2 April 2012



Government of **Western Australia**
Department of **Transport**

Your ref : 809-2-21-23
Our ref : DT/10/ 02381
Enquiries : Neil Rippon
08 6551 6250

Anthony Muscara
Western Australian Planning Commission
Albert Facey House
469, Wellington Street
Perth
WA 6000

DEPARTMENT OF PLANNING
23 FEB 2012
FILE RLS/0247

17 February 2012

Attn: Anthony Muscara

Dear Mr Muscara

Re: Metropolitan Region Scheme Proposed Amendment 1219/41 South Bullsbrook Industrial Precinct

Reference made to your letter dated 4 November 2011 regarding the proposed amendments to the Metropolitan Region Scheme (MRS) with respect to South Bullsbrook Industrial Precinct.

The Department of Transport (DoT) has liaised with Main Roads Western Australia (MRWA) and the Public Transport Authority (PTA) and having assessed the proposed amendments provides the following comments.

DoT has been investigating the requirement for an Inter Modal Terminal (IMT) in the South Bullsbrook/North Ellenbrook area. A consultant has been engaged for the IMT study and the preliminary findings of the study recommend that an IMT is required in that area due to population growth and future industrial development. Two site options for an IMT have been identified in the South Bullsbrook area adjacent to the existing railway and Stock Road, one of these options will be selected at a later stage based on more detail design, access arrangements and cost of land etc. The freight traffic associated with this facility will utilise the future Perth Darwin National Highway and Great Northern Highway via Stock Road.

DoT does not in principal object to the proposal but the extent of the rezoning will need to be re-examined due to factors relating to future road requirements.

Stock Road has been identified as the east –west arterial link connecting future Perth Darwin Highway with Great Northern Highway. As an ORR, the need for a 60m road reserve for Stock Road has been discussed in this Amendment report. The Amendment report recognises that the grade separation of Stock Road over the existing railway line will be required in the future however, the land requirement to achieve this has not been determined. In addition, future access arrangements to the future industrial land and potential IMT site needs to be determined to identify the road reservation requirements. Until such time as sufficient traffic investigations

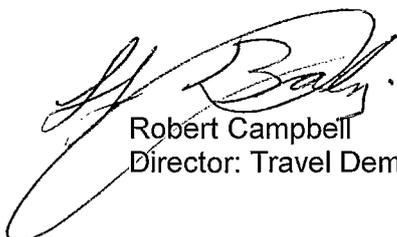
and/or planning design has been carried out, DoT is unable to support the MRS amendment as proposed.

DoT is aware that a separate response from MRWA has been provided to WAPC and the Department supports MRWA's comments.

The Department has no further comments in relation to the proposed MRS amendment.

Please feel free to discuss this application with Neil Rippon if you would like to clarify any of the above information.

Yours sincerely



Robert Campbell
Director: Travel Demand Management

cc Justin McKirdy – MRWA
Mohsin Muttaqui – DoP
Don Challiss - DoT

From: Howard, Katherine [mailto:Katherine.Howard@swanrivertrust.wa.gov.au]
Sent: Monday, 13 February 2012 11:24 AM
To: corporate
Subject: MRS Amendment 1219/41

Good Morning,

I am, writing regarding the proposed MRS amendment for the South Bullsbrook Industrial Precinct. Due to the time line of progress on the site's District Water Management Strategy and coordination with the Department of Water, the Trusts response to the MRS amendment has been delayed. We will submit our comments to you as soon as possible. I would prefer to wait until the final DWMS is received however if you require comments before then please let me know as soon as possible.

Could you please advise that you have received this and contact details of the officer dealing with this application?

Thank you very much,

Katherine Howard | Environmental Officer - Statutory Planning
Swan River Trust

Level 1, 20 Terrace Road, East Perth WA 6004

PO Box 6829, East Perth WA 6892

P: 08 9278 0944 | katherine.howard@swanrivertrust.wa.gov.au

Web: <http://www.swanrivertrust.wa.gov.au>

CARING FOR THE SWAN CANNING RIVERPARK

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Your Ref 1219/41
 Our Ref SRT3996
 Enquiries Katherine Howard, 9278 0944

Neil Thomson
 The Secretary
 Western Australian Planning Commission
 Locked Bag 2506
 Perth WA 6001

Attention: Anthony Muscara

23 February 2012

Dear Mr Thomson

Metropolitan Region Scheme Amendment 1219/41 – South Bullsbrook Industrial Cell

Thank you for the opportunity to comment on the above Metropolitan Region Scheme (MRS) Amendment. The Ellen Brook and a number of other small streams flow through the subject site. The Ellen Brook catchment has the highest nutrients of all the sub-catchments in the Swan Canning Catchment. It contributes 28% of the total nitrogen and 39% of the total phosphorus entering the Swan Canning river system. The Ellen Brook catchment is identified as a priority catchment in the *Healthy Rivers Action Plan* (SRT, 2008) and is the subject of a local water quality improvement plan. In accordance with *State Planning Policy 2.10: Swan Canning River System* (WAPC, 2006), any proposed land use changes should be managed to minimise sediment transport and to prevent the mobilisation of nutrients or contaminants from the site to the river. Land use changes should not result in further water quality degradation but should, where possible, improve the situation.

In July 2011, the Trust advised the Department of Water that the draft District Water Management Strategy (DWMS; Cardno, October 2010) was not adequate to support the proposed land use change. While the Trust understands that the Department of Water has been working with the proponents to progress the DWMS, the Trust has not received any updates to the draft DWMS and therefore the comments below are provided on the basis of the information included in the amendment report dated November 2011.

The Trust does not support the MRS Amendment 1219/41, which proposes to transfer approximately 428.97 ha of Rural zoned land to the Industrial zone, because the information provided has not adequately demonstrated that the land use change will not result in further water quality degradation to the Ellen Brook and the Swan River.

The Trust considers that the MRS Amendment should not be approved until wastewater management is addressed and it is confirmed that sewerage will be available. It is understood that this issue may have been resolved with the Water Corporation since the publication of the amendment report. While the provision of sewerage would go some way to reducing the impact of the proposed land use change, the following issues must also be addressed before the Trust can support the proposed amendment:

- The Trust has fundamental concerns regarding the ability of the land to support the land use change. The subject site is low-lying and is crossed by numerous tributaries and minor streams. Groundwater is relatively close to the surface, and during storm events a large portion of the site is expected to be flooded. The DWMS indicates that fill will be used exclusively for building footprints however the proposed large-scale transport and storage based land uses are unlikely to be contained within building footprint areas. It must be demonstrated that the proposed land use can be adequately managed to minimise sediment transport and to prevent the mobilisation of nutrients or contaminants from the site to the Ellen Brook. The Trust does not support the filling and draining of such an expansive and environmentally sensitive area without intensive management.
- Water sensitive urban design (WSUD) strategies that directly address the proposed industrial land uses should be identified in the DWMS, including oil and grease traps, gross pollutant traps and bunded chemical and fuel storage areas.
- The *Great Northern Gateway Wetland and Waterway Assessment* (Cardno, October 2010) identified an area adjacent to the Ellen Brook that should be reserved to accommodate the ecological and hydrological functions of the brook. The Amendment Report acknowledges a future Parks and Recreation reservation (Ellen Brook foreshore reserve), but the Ellen Brook foreshore is proposed to remain in the Rural zone as part of this amendment and it is not clear what will trigger the reservation of the foreshore in the 'future'. The Trust is strongly opposed to this approach and considers that the subject land should not be rezoned to industrial unless the foreshore is concurrently reserved for Parks and Recreation. There does not appear to be a sound planning purpose for maintaining the foreshore in the 'Rural' zone as the land has been identified as environmentally constrained and unsuitable for rural land uses, and is unlikely to support any productive rural use.
- *State Planning Policy 2.10 Swan Canning River System* (WAPC, 2006) indicates that fringing riparian vegetation should be protected and re-established. The potential for re-establishment and revegetation of the Ellen Brook and the Nambad Brook within the subject site should be addressed in the DWMS. Management and maintenance responsibilities for the 'conservation areas' identified in the DWMS must be identified before the proposed MRS amendment is approved, as these areas are likely to bear significant pressures as a result of the intensifying surrounding land use. The Trust does not consider it adequate to allow the MRS Amendment to proceed, then attempt to address the issue of foreshore tenure and management at subdivision stage; a coordinated approach early on in the planning process is needed to ensure adequate protection for the Ellen Brook.

Amendment of the MRS should not proceed until the issues outlined above have been completely resolved.

Government and community organisations have invested considerable resources in the Ellen Brook catchment to improve water quality, and there are a number of projects currently underway both upstream and downstream of the site, including two nutrient stripping filter systems, a nutrient stripping wetland and soil amendment trials. A feasibility study is also currently underway for an end of catchment nutrient treatment wetland, with \$3.2M earmarked for construction. The proposed MRS amendment has the potential to compromise these investments and may cause the mobilisation of nutrients and other contaminants whilst intensive water quality improvement is being undertaken within the same sub-catchment.

If you have any queries regarding this matter, please contact Katherine Howard, Environmental Officer, on 9278 0944. In all correspondence please quote the above reference number.

Yours sincerely

Paul Steph

pp Rod Hughes
General Manager

cc. James Mackintosh, Department of Water
Sue Metcalf, Chiltering Landcare Centre

Hearing of submissions

Anyone who has made a written submission on the amendment has the opportunity to personally present the basis of their submission to a sub-committee of the WAPC. **You do not have to attend a hearing.** The comments presented by you in this written submission will be considered in determining the recommendation for the proposed amendment.

For information about the submission and hearings process, please refer to the amendment report and in particular appendix D.

Please choose one of the following:

No, I do not wish to speak at the hearings. (Please go to the bottom of the form and sign)

OR

Yes, I wish to speak at the hearings. (Please complete the following details)

I will be represented by:

Myself – My telephone number (business hours):

or

A spokesperson

Name of spokesperson: *Jennifer Stritzke*

Contact telephone number (business hours): *9278 0947*

Postal address: *Level 1, 20 Terrace Road, East Perth 6004*

I would prefer my hearing to be conducted in:

Public (members from the general public may attend your presentation)

OR

Private (only the people nominated by you or the hearings committee will be permitted to attend)

You should be aware that:

- The WAPC is subject to the *Freedom of Information Act 1992* and as such, submissions made to the WAPC may be subject to applications for access under the act.
- In the course of the WAPC assessing submissions, or making its report on these submissions, copies of your submission or the substance of that submission, may be disclosed to third parties.
- All hearings are recorded and transcribed. The transcripts of all hearings, along with all written submissions, are tabled in Parliament and published as public records should the Governor approve the proposed amendment. The WAPC recommendations are similarly published in a report on submissions and tabled in Parliament.

To be signed by person(s) making the submission

Signature

Paul Steph

Date

8/3/2012

Note: Submissions MUST be received by the advertised closing date, being close of business (5pm) on 10 February 2012. Late submissions will NOT be considered.



Your Ref: 809-2-21-23 Pt1 (RLS/0209)
Our Ref: JT1 2010 11307 V01
Enquiries: Brett Coombes
Phone: 08 9420 3165 Facsimile 08 9420 3193

9 February 2012

Secretary
Western Australian Planning Commission
469 Wellington Street
PERTH WA 6000

629 Newcastle Street
Leederville 6007
Western Australia
PO Box 100
Leederville 6902
Perth Western Australia
Tel (+61 8) 9420 2420
www.watercorporation.com.au
ABN 28 003 434 917

Attention: Anthony Muscara

**Metropolitan Region Scheme Amendment 1219/41
South Bullsbrook Industrial Precinct**

I refer to your letter of 4 November 2011 requesting advice from the Water Corporation on the proposed rezoning of land for the proposed South Bullsbrook Industrial Precinct. The Water has no objections to the amendment proceeding.

In addition to the water and wastewater information contained in the Amendment Report, the following advice is provided in relation to the status of the Corporation's planning for Bullsbrook, which should be considered in the timing of any future subdivision and development of this land.

Wastewater treatment planning

The Corporation has recently concluded its wastewater treatment capacity study for Bullsbrook. The planning considered the physical, technical and financial aspects of various options to deal with the projected timing and growth of wastewater flows, treatment capacity at the plant, and treated wastewater disposal capacity and options. The Corporation's preferred, and now adopted planning is to retain the Bullsbrook WWTP and the current treated wastewater disposal arrangement at the plant in the short-term with a view to ultimately decommissioning the plant and diverting wastewater southwards into the Ellenbrook Sewer District once the Bullsbrook WWTP reaches its current maximum capacity.

Over the initial 5-6 year period, it is expected that wastewater from the town will continue to be conveyed northwards to the Bullsbrook WWTP for treatment and disposal. Future diversion of wastewater southwards to the Ellenbrook Pump Station will require substantial capital investment on new wastewater headworks assets, including a transfer pump station and approximately 16-17km of wastewater pressure main.

The Bullsbrook wastewater treatment capacity planning has included an allowance for the ultimate development of the proposed industrial precinct, the existing urban and urban deferred zoned land around the town, as well as other areas that have been indicated for possible future urban expansion in the Council's draft Bullsbrook strategic plan or proposals which were known to the Corporation at the time the project was initiated.

The wastewater flow forecasts underpinning the Corporation's planning has assumed that wastewater flows from the proposed South Bullsbrook Industrial Precinct will only commence around 2017 based on advice provided by prospective developers that the first stage of development of the industrial land would only commence construction around 2015-16.

Based on the Corporation's projections of land development rates and wastewater flow growth in Bullsbrook, it is expected that the current WWTP and treated wastewater disposal arrangement at the plant will have sufficient capacity for approximately the next 5 years. Capital expenditure on the proposed diversion of wastewater towards Ellenbrook Pump Station will be timed accordingly.

Wastewater conveyance planning

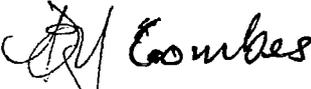
The Corporation will soon commence a review of the wastewater conveyance planning for the Bullsbrook Sewer District, which is anticipated will be completed around mid-2012. The conveyance planning will detail the long-term layout and sizing of the local wastewater collection network (gravity sewers, pump station/s etc.) within the Bullsbrook townsite area including the proposed South Bullsbrook Industrial Precinct.

Water planning

In 2010, the Corporation undertook a review of water supply planning for Bullsbrook. Among other things, this planning has identified the extent, cost and approximate timing of capital works on major upgrades to the water system that will be needed to be undertaken in the short, medium and long term to cope with anticipated growth in service numbers including:

- Installation of a separate outlet from the current Bullsbrook service tank, and new distribution mains to serve the town. These works are tentatively scheduled for around 2014-15, but may be later depending on capital availability and actual growth in service numbers.
- Installation of disinfection chlorinator at current Bullsbrook tank (tentatively around 2016-17 onwards).
- Acquisition of land for a new Bullsbrook high level tank, construction of a pump station for water transfer from current Bullsbrook tank up to the new high level tank, construction of the first stage of new high level storage tank, installation of approximately 4km of inlet and outlet mains to/from the new HL tank. Timing of these works is presently unclear but is not expected to be before 2017.

Should you have any queries on any of the above issues, please contact the officer indicated above. Please quote our reference number on any return correspondence.

for 

Peter Howard
Coordinator Land Planning
Development Services
Planning and Capability Group

Transcript of hearings

Minutes of the Committee hearing submissions on Metropolitan Region Scheme Amendment 1219/41 - South Bullsbrook Industrial Precinct

Thursday, 5 April 2012 Site Inspection

The composition of the hearings committee was endorsed by the Chairman of the Western Australian Planning Commission on 23 February 2012, in accordance with the 27 October 2009 resolution of the Commission.

Chairperson	Ms Elizabeth Taylor	Member of the Statutory Planning Committee
Members	Cr Charlie Zannino	Member of the Eastern Districts Planning Committee
In attendance	Mr Anthony Muscara	Department of Planning

The members of the Hearings Committee met with Senior Planner Officer, Mr Anthony Muscara at Municipal office of the City of Swan, 2 Midland Square Midland at 9.30 am for an inspection of the site.

Dr Bruce Hamilton was unable to attend the site inspection.

The Committee inspected the site, being the subject of the amendment.

The Committee concluded the site inspection at 11.30 am.

CHAIRPERSON: Elizabeth Taylor

DATE: 5th April 2012

Minutes of the Committee hearing submissions on Metropolitan Region Scheme Amendment 1219/41 - South Bullsbrook Industrial Precinct

Thursday, 12 April 2012, 140 William Street, Perth

The composition of the hearings committee was endorsed by the Chairman of the Western Australian Planning Commission on 23 February 2012, in accordance with the 27 October 2009 resolution of the Commission.

Chairperson	Ms Elizabeth Taylor	Member of the Statutory Planning Committee
Members	Dr Bruce Hamilton	Independent person with Environmental Expertise
	Cr Charlie Zannino	Member of the Eastern Districts Planning Committee
In attendance	Ms Marija Bubanic	Department of Planning
	Mr Anthony Muscara	Department of Planning
	Ms Steven Radley	Department of Planning

Presentations to the Committee commenced at 9.50 am.

The proceedings were recorded by 'Spark & Cannon Pty Ltd'.

The following people made presentations:

- 1) Mr Richard Wilkes, Mr Albert Corunna, Mr Victor Warrell, Ms Margaret Jefferies, Ms Bella Bropho, Ms Annette Garlett and Mr Stuart Fisher (Elders and Native Title Holders) for submission number 3.
Mr Wilkes, Mr Corunna, Mr Warrell, Ms Jefferies, Ms Bropho, Ms Garlett and Mr Fisher representing the Swan Valley Nyungah Community Aboriginal Corporation.
- 2) Ms Sue Metcalf for submission number 10.
Ms Metcalf represented the Ellen Brockman Integrated Catchment Group Inc.

Ms Elizabeth Taylor declared the hearings closed at 10.50 am.

Chairperson:

Elizabeth Taylor

Date:

24th April 2012.

Transcripts of public hearings

Thursday 12th April 2012

**Ms Bella Bropho, Mr Stuart Fisher, Ms Annette Garlett,
Ms Margaret Jeffries, Mr Victor Warrell and Mr Richard Wilkes
representing the Swan Valley Nyoongar Community**

MS TAYLOR: Good morning.

MS JEFFRIES: Good morning.

MR WARRELL: Good morning.

MS BROPHO: Good morning.

DR HAMILTON: Good morning.

MS TAYLOR: My name is Elizabeth Taylor. Lovely to meet you.

MS BROPHO: I'm Bella.

MS TAYLOR: Hello, Bella, how are you? We've met before, Elizabeth Taylor. Hello, Margaret.

MS JEFFRIES: Hello.

MS TAYLOR: Nice to see you again.

MS JEFFRIES: Thank you.

MS TAYLOR: Have a seat. Thank you, Anthony. Okay. Can you all sit somewhere. We've got three microphones here, so who would like to speak?

MS JEFFRIES: Shall I sit here?

MS TAYLOR: Yes, that would be good. Thank you. Thank you. Is anyone else coming or - - -

MR FISHER: Well, there are two other elders to be invited. One is on his way, the other we haven't been able to contact him.

MS TAYLOR: Okay. That was Richard?

MR FISHER: Richard Wilkes is on his way.

MS TAYLOR: Yes.

MR FISHER: I've spoken to him 10 minutes ago.

MS TAYLOR: All right.

MR FISHER: He said he really wanted to be here and he apologies.

MS TAYLOR: Okay. Well, we're kind of a bit tight for time because we have another hearing after this one, so if you don't mind, we'll just get going. That would be good. Now, you have met the panel. Charlie here is the eastern districts representative, planning

representative; Dr Hamilton and, of course, you've got Anthony. You've probably had some dealings with Anthony and Steven, who brought you in. He has been holding things together for us as well and, of course, my name is Elizabeth Taylor. So it's nice to meet you all.

Now, first of all, we are recording this. This goes up to Parliament, as you know. It goes to the Commission first and then that goes up to Parliament, so both sides of the house can hear what the hearings are all about. To start off with, of course, we do acknowledge the traditional owners of the land of which we meet today. Thank you all for coming in. It's really good. We have received your submission and we've gone through it. We've been on site, all of us, and had a look at all the land; had a look at the issues that have come through, so we'll leave it now over to you to give us any more information that you can and if you wouldn't mind leaving us about 10 minutes for questions to you or we can ask questions as we go along, if you like, whatever you prefer. Who's going to speak?

MS BROPHO: Look, I'll go first.

MS TAYLOR: All right then. Okay.

MS BROPHO: Yes. Because of the - I think there's a wetland up there.

MS TAYLOR: Yes. We find it a bit difficult to get to, but, yes, we know it's there.

MS BROPHO: Yes, yes. Yeah; and, look, I think it'd be very important if the elders - like us go up and do a - go in there and do a survey because of the sensitivity of the wetlands and also there's a brook called Nambag that I don't think we've seen or even been consulted about and I reckon it's very important that we get a chance to go back in there and see for ourselves - - -

MS TAYLOR: Yes.

MS BROPHO: - - - and, you know, that's what I'd like to recommend and - - -

MS TAYLOR: Yes.

MS BROPHO: - - - you know, that's all I'd like to say.

MS TAYLOR: Yes.

MS BROPHO: But I think that Victor - - -

MS TAYLOR: Could I just say, we have recognised that there are actually two sacred sites there?

MS BROPHO: Yeah, yeah.

MS TAYLOR: We have a rough idea of, you know, where they are.

MS BROPHO: Yeah.

MS TAYLOR: And we've got the numbers and DIA have given us some information. The wetlands, of course, we've had a good look at that and, as I say, it was a little bit difficult to get to, but we hear what your concerns are on the wetlands - - -

MS BROPHO: Yeah.

MS TAYLOR: - - - and we need to - after we've finished, we need to have a discussion about that.

MR WARRELL: Yeah, like what Bella just explained, I think it's important for us to, you know, go up on the sites and have a look around the area because of the significance in that area.

MS TAYLOR: Yes.

MR WARRELL: Like you've got the floodways and you've got the Bush Forever site 296.

MS TAYLOR: Yes.

MR WARRELL: And you've got environmental protection policy wetlands. I think because of this, there should be more further consultation meetings with the families of the elders. I think that that is most important because, you know, if it's a Bush Forever site, it should be left.

MS TAYLOR: Yes.

MR WARRELL: We don't want the bushland destroyed.

MS TAYLOR: You want it protected.

MR WARRELL: We want it protected.

MS TAYLOR: Yes. Okay.

MR WARRELL: And I think it's very important that you people should abide by protecting these bushlands and the wetlands.

MS TAYLOR: We have another map that we've just been given this morning which I can pass over, Anthony. I'll give them my copy; just to have a look at the area that you're discussing there. It has got the Bush Forever and the wetlands and the creeks and all of that on that map. This is one that we've been going over this morning and studying thoroughly, so I can hear what you have to say. Good morning.

MR WILKES: Good morning.

MS TAYLOR: It's Richard, isn't it?

MR WILKES: How are you? Yes, yes.

MS TAYLOR: Lovely to meet you, Richard.

MR WILKES: Yep, you too.

MS TAYLOR: It's Elizabeth, again. How are you.

DR HAMILTON: I think I've met you before, haven't I?

MS TAYLOR: We have met before.

MR WILKES: Yes.

DR HAMILTON: I'm Bruce Hamilton.

MR WILKES: Hello, Bruce.

MS TAYLOR: And we have got - - -

MR ZANNINO: Hello, Richard.

MR WILKES: Hello, how are you.

MS TAYLOR: Yes. You know each other.

MR ZANNINO: Yes.

MR WILKES: Yeah.

MS TAYLOR: Mayor Zannino.

MR WILKES: Yes, I do know him very well.

MS TAYLOR: Yes. We've just got started. I'm sorry we started without you - - -

MR WILKES: No, that's all right. I've been - - -

MS TAYLOR: - - - but we do have another hearing after this - - -

MR WILKES: Yeah.

MS TAYLOR: - - - so we thought we would get going, but we haven't really talked very much. We're talking about - - -

MR WILKES: He's doing alright - - -

MS TAYLOR: Yes, Bush Forever and wetlands and Bella has had a talk to us, too, so we're just making some notes about what your concerns are that we can actually put forward when we do our finishing touches to this recommendation that we have.

MR WILKES: Yeah, yeah.

MS TAYLOR: Okay. Sorry, I interrupted.

MR WARRELL: Yeah, that's all right. There's got to be more consultation, really, about the area. That's of most importance to us.

MS TAYLOR: Yes.

MR WARRELL: We don't want the bushlands to be destroyed.

MS TAYLOR: No, I can hear that. This is a new map that we just had tabled this morning, so we've just had a good look at that and you can have a look at that one yourselves. Can I leave that with the group, Anthony? It shows you Bush Forever, the wetlands and all the important areas that you have actually brought into your submissions that need to be looked at. Would you like to say something?

MS GARLETT: Yeah, I'm sort of in agreement, too, with the others that the elders should go back and have a look at the area because we do want it protected and because there's

also a creek that sort of runs into Ellenbrook as well just around that area.

MS TAYLOR: Yes.

MS GARLETT: I mean, as such, you know, the waterways are quite sacred to us.

MS TAYLOR: In our discussions what we've been saying, we recognise your concerns, but what we're also saying is that you need to go further than the map says because these tributaries and creeks, they all go somewhere else, so we're looking at discussing the regional water catchment area rather than just where the lines on the map are for today.

MS GARLETT: Yeah.

MS TAYLOR: So that might alleviate some of your concerns, but I mean, if there's anything else that you want us to look at, well, we'll be happy to take that down as well.

MS GARLETT: It also talks about an area there that's the - sort of like a flood - - -

MS TAYLOR: A flood plain.

MS GARLETT: Yeah, flood plains, yes, as well.

MS TAYLOR: Yes.

MS GARLETT: Sometimes we sort of don't want those taken away either because, I mean - - -

MS TAYLOR: No.

MS GARLETT: - - - if you lose that then you'd lose a lot of the wetlands as well if you sort of destroy that.

MS TAYLOR: Yes. And, of course, we've been there at a site visit in the summer, but Dr Hamilton - Bruce - is the natural resource manager local government - what's your position? Sorry. He's very well aware of the natural resource management strategies.

DR HAMILTON: Yes.

MS TAYLOR: Did you want to ask a question? Yes.

DR HAMILTON: Are you going to put any more points, Richard, or - - -

MR WILKES: Well, yeah, I'd like to just say that the development - it probably is a bit of a - we have to have it, but it is a curse in some ways for us because the thing is that the Aboriginal Heritage Act - it's a bit of a fraud because the thing is it doesn't look after our interests properly and there's always a loophole that people can get out of through the Aboriginal Heritage Act to be able to access these areas that we think are very important to us and like Victor was saying, the - and this young lady here was saying - all these waterways and that are very important.

Yes, they might run in different directions, but eventually they finish up into the main channel, which is the Swan River and we have the small booyi the small tortoise or turtle in that area there and that should be - - -

MS TAYLOR: Protected.

MR WILKES: Yeah, protected and the trees and the brush and all that are the cleansers of the water and to keep that area clean, so is the animals and the animals are going extinct, too, as well, and I mean all the time nobody gives a stuff about - nobody gives a damn about the wildlife and what Western Australia truly looked like. Everybody wants to bring Italy - and they want to bring England and all those trees for different countries to grow in place of all the - - -

MS TAYLOR: Natural.

MR WILKES: - - - natural trees and bush there. While that may be good to a lot of people, it's not good to the environment here because it's a different weed that's growing in our country.

MS TAYLOR: And the - - -

MR WILKES: Yeah; and it's no good. I went over to Canberra and all the acorns that are falling around over there, it's not funny and it's horrible. It's ugly. It's not our tree and I mean that's way over there. Even the Darling Range, I may as well say that now, too, as well and they're developing up there and while it's good for the developer, it's not good for the environment and the cockatoos and that are being - are starting slowly to die out and become extinct - the red and the gudark and the - the Karrak is the red tail and Ngoolark is the white tail and they're building up there and the Darling Range is a recorded site and let me tell you this, too, that it's recorded by all this area that we're talking about - was recorded by Robert Menli-Lyon through Yagan and Yagan went right there and he showed him the area of the map and that's the area that we're talking about and we have every right to talk about it because we are the descendants of that ancestor, Yagan and Midgegooroo and also Yellagonga and Mundy and Weeup and all the others that are in those six groups - our moort groups that we're talking about and we have a blood tie to them and so we have the right to talk about these areas.

Too many times the government steps in and overrides us - overrides the decisions and we miss out on preserving the rights and to look after those places. There should be bushland set aside in specific areas of each city area that you've got in the local governments and they should be set aside and they should be made reserves in a proper way so that we can preserve the native bush in those areas and also have a protection of the flora and fauna, too, as well in those areas.

I mean, you know, people are illegally mining on the environment of the - on the Murin Morda, which is the Darling Range and every time they move, they never ask for a section 18 from us. They do this illegally and the government is letting it; blue metals they're getting out of the hills, all over the place and soft sand that have been mined up around the RAAF Pearce - - -

(Reporter's note: fire alarm notification)

MR WILKES: Not a fire. Just when I was winding up.

MS TAYLOR: Sorry about that.

MR WILKES: And the thing is, too, that these are - all these areas that they are illegally taking out, they're mining and they're not - - -

(Reporter's note: beeping alert)

MS TAYLOR: Sorry.

MR WILKES: - - - asking for a section 18 - any section. They're not asking for any because the government sold them all that land there and when they go - - -

(Reporter's note: fire evacuation alert)

DR HAMILTON: This will be a loud one.

MS TAYLOR: The next one is a loud one, is it? All right. I think you can go again.

MR WILKES: Okay. Well, what I was saying is - - -

(Reporter's note: end of fire alarm notification)

MR WILKES: You've made your point.

MS TAYLOR: Take three.

MR WILKES: Well, as I was saying, you know, this is what we're concerned about - is that the government doesn't protect our Aboriginal Heritage Act and they reckon that we're manipulating it and I don't think that we are manipulating the section 18 by asking to attend these meetings, whether it's at the - whatever council it is or whatever development it is or whatever - and they seem to think that we're milking them for money and all this kind of thing and we're not. It's a fact. We used to go into meetings - or nothing at all, but we were paying our own way, miles and miles to go there and so this is how - - -

MS TAYLOR: It's about protection.

MR WILKES: It's about protection. It's not about the money. God, I mean, we'll never make millions out of that or even make thousands out of it for that matter. The thing is that at the end of the day, it's in there for the protection of our rights and the only thing that we can stand by is the sections that are in the Aboriginal Heritage Act that supposedly looks after us, but which doesn't protect us at all. It's a weak written protection order that's there and people can - the government can manipulate that any time they want to and this is where it's wrong.

So we can protest to the federal government and sometimes we have done that and sometimes we have been allowed to uphold or they've allowed us to - and helped us to uphold the ban until such time as - and we still negotiate with the people and that. For instance, we're with a mining company and we're negotiating with them and they have paid us for a few visits up there and we've gone there and we said to them, "Look, you need to look at it this way: you are mining towards a sensitive and a solid Aboriginal figure that's there and there's camping areas, too, as well, so you need to look at relocating yourselves somewhere else," and we said, "If you can find a place, we will go there and look at it and we will clear the area for you and you can mine in there as far as we're concerned," and there must be other places where they can go and mine their blue metal.

So we have offered that and the federal government has moved in and said to them, "Look, you can go ahead and proceed, but you can't go to the right. You have to go straight ahead," and so this is what they're doing," but eventually in another 10 years' time, they may run out of - or seven or eight, whatever, they may run out of blue metal and they might have to look elsewhere or they will try again. If we're dead in that time, then they may try again to go through there and I hope they don't get through there because the thing is that it is a sensitive Nyoongar site and this is what we're saying to them, "Look" - the only thing we can say is, "Look, we'll help you to go elsewhere if you want to go elsewhere," and I'm just making that for instance to say that - and also there's a - let me say there's a mosque that

wants to be built on a site on the - as you know, a mosque - they want to build a mosque there, the - what's those people called?

MR WARRELL: Muslims.

MR WILKES: For the mosque, what are they called, Serbs?

MS JEFFRIES: Bosnians.

MR WILKES: Bosnians.

MS JEFFRIES: Bosnian - - -

MR WILKES: And, look, we know that there's a lot of these mosques around the city area and they want to build it right on our site on the Bennett Brook and we don't want him to build it there and, as you know, Charlie, that we don't want them to build there because it's in the wrong spot and we said to them, "Look, if you look elsewhere, we will - even if it's in the country that we're in and you look elsewhere and if we can clear it, we will, but you can't build it here," and so not everything in it goes the way that people plan it and we want to say this will probably happen in a lot of places, but what we're saying on our behalf is that we're not against any development, any religion or whatever because we have our own religion to look after and their religion sitting on top of what we believe in wouldn't look - I don't think it would be a good thing at all.

MS TAYLOR: No. Okay.

MR WILKES: And we'd have to go past them.

MS TAYLOR: Yes.

MR WILKES: That's many of the things that is entailed around with what we're talking about around the Pearce area. It's sensitive, too, and I think that as Victor was saying that if they do need to develop in that area then they have to come back through us and we have to give that permission.

MS TAYLOR: I take the point and I think that to a point I agree with you that - I don't think you call (indistinct) is a religion, from my perspective. I think it's a belief in the natural environment; whatever that we - - -

MR WILKES: No. We have a spiritual - we believe in the dreamtime - - -

MS TAYLOR: The spiritual, yes.

(Reporter's note: fire alarm notification)

MS TAYLOR: Yes. So from my point of view, it's a spiritual thing, you know.

MR WILKES: Yes, thank you.

MS TAYLOR: The natural environment to me is also a spiritual thing - - -

MR WILKES: Thank you. That's right.

MS TAYLOR: - - - and I recognise that from what you - protection policies actually - where they come from and why you say that. I would like to say, however, though, that in the

system that we have, we have just been discussing this morning in a previous hearing where there is actually from Dr Hamilton's point of view, a layer missing here and I will let him, you know, talk to you about that because you probably have more questions than answers at that point and, you know, I think that where we can help with that, although we can't actually do much with this submission for this particular one, but we can put it into the system, like we did with meeting with you.

MR WILKES: Yes.

MS TAYLOR: You know, I mean, because before - I mean, I remember before when you weren't even told that these things were going to happen and at least now you're told you have got plenty of time, you can talk to us, you can talk to the staff and things come out that we don't know that you can actually help us, through these processes and make it as best as we can - make it right.

MR WILKES: Yes. Thank you for the opportunity.

MR WARRELL: I think what I'd like to say is about cultural awareness and I think this is where it's involved, cultural awareness. That's to the developers, to everyone that wants to build on that - in that area. You know, I think cultural awareness and our spiritual beliefs are the main things and it comes all under the Heritage Act.

MS TAYLOR: Yes.

MR WARRELL: And I think it's most important for the people to understand that.

MS TAYLOR: I agree. Could I just ask our guys to ask some questions? Is that all right with you now?

MR WILKES: Yeah, sure.

MS TAYLOR: Charlie, have you got anything to ask or shall I go to Bruce first?

MR ZANNINO: Go to Bruce - - -

MS TAYLOR: All right. Bruce?

DR HAMILTON: Yes, I agree that everything you've all said and for me the country is spiritual as a white fellow, so in my working life I have tried to get country protected and managed in the proper way, so I agree with everything that you say. I guess what I would like to get out of this is maybe we can use this as a bit of a case study, not just an MRS amendment, but the future stages of structure planning - - -

MR WILKES: Yeah, of course.

DR HAMILTON: - - - to give you what you want in that country. My background is I've worked in natural resource management for over 40 years and recently - - -

MR WILKES: Can I just say one last thing? Sorry to cut in.

DR HAMILTON: That's all right.

MR WILKES: We disagree with the government about selling land to them - selling our rights to them.

DR HAMILTON: Yes, yes.

MR WILKES: No way will we ever do that.

DR HAMILTON: Yes.

MR WILKES: I want youse to know that. Okay?

MS TAYLOR: Okay.

DR HAMILTON: Yes.

MR WILKES: Every one of us agree with that.

DR HAMILTON: Yes.

MS TAYLOR: Yes. Okay.

DR HAMILTON: So you've said in the submission and you've said clearly today that you would like to go on site and have a closer look; that you would like some sort of agreement and maybe also a more detailed study of the significance of that country for you people.

MR WILKES: Yep.

DR HAMILTON: I'm also very aware of the cultural awareness side. I've worked with a guy called Barry McGuire, you might know him, and he's taken us out on two cultural days to look at country around Midland, in the hills, so we're aware of it in the work we do. Have you got some stuff written up that has been written up about the importance of that area that could be built into the planning for this development or really are you saying that needs to be - - -

MR WILKES: Margaret, have we got anything written up about the area?

DR HAMILTON: - - - written up?

MR WILKES: We'll have to research it. Okay?

DR HAMILTON: Yes.

MS JEFFRIES: There's stuff about it in that - the Gngangara area and - - -

MR WILKES: Yeah.

MS TAYLOR: Yes.

MS JEFFRIES: - - - when - what was it, a road - - -

MR WILKES: Barry McGuire - look, I've got to say this, Barry McGuire shouldn't be speaking about our area because he's from the Northam area and that's where they come from and fair enough, he went out there and he probably was asked to do it and all that and he did it, but also in turn he should have asked us if he could do it, too, as well.

DR HAMILTON: Yes, yes. No, fair point.

MR WILKES: And I do know the family well. I've got nothing against him or anything like that except that they're out of turn when they say that. We can't go up to Northam and say that - do this and do that.

DR HAMILTON: No. All I was saying was that I'm fully aware of the issue that Victor raised about cultural awareness being very, very important - - -

MR WILKES: Yep.

DR HAMILTON: - - - in these things. So, you know, maybe there is some information around, but what I'm hearing you saying is that there should be more information about the significance of that area for you guys - - -

MR WILKES: Yep.

DR HAMILTON: - - - and taken into account right through the process of the rezoning and the development - - -

MS GARLETT: Yeah. I think there'd be stories about it, but it's not written down at the moment.

DR HAMILTON: Yes.

MS TAYLOR: So we've got to - - -

MR WILKES: See a lot of the stories may have - would have probably been passed on, but remember that the government took it over and the RAAF moved in there and a lot of land was taken up by them surrounding that area so that they could do their dummy runs with their bombs and shooting ammunition into the bush and trying - and doing them - and trying them out and testing the planes, you know what I mean?

DR HAMILTON: Yes.

MR WILKES: I mean, I grew up around Guildford there and the bombers were still coming in - the Blenheim bombers and Lancasters and all that. I could see the bloke sitting at the back - the back gunner sitting at the back there in the aeroplanes. This is true as I'm sitting here, I saw them and they used to land at the Perth Airport over there and then take off and then go back out to the RAAF there and land back out there and sometimes they used bombs in Hamersley - at Lockridge in the swamp down there. This is the swamp that we're talking about that's very important to us is at the back of the Lockridge camp site there and they used to do their dummy runs in there and drop these dummy bombs into this clay pit there because we didn't realise that we were - it could have been dangerous and that could have been a bomb that was unexploded and we'll pull them out and I mean - but we didn't know at that time.

DR HAMILTON: Yes.

MR WILKES: I mean, so I did see all that and the thing is that we weren't allowed into that property and so a lot of that has sort of been passed on, but the thing is that we know that Ki-it is the name of that creek - the small river that runs through Bullsbrook and that.

DR HAMILTON: Yes, yes.

MR WILKES: But, anyhow, I just wanted to mention that to you - - -

DR HAMILTON: Yes. No, no, that's good.

MR WILKES: - - - that I saw that with my own eyes and I was in that area in the forties as a kid.

DR HAMILTON: I'll just finish off quickly.

MS TAYLOR: Yes, go on.

DR HAMILTON: Yes. Sorry, Elizabeth.

MS TAYLOR: That's all right.

DR HAMILTON: Yes. So I want to be clear about what you want done so that your cultural awareness and links to country are fully recognised right through the process and in terms of future management of that land. So we can't - we're at the stage now where it's the overall rezoning, but at future stages we could see - - -

MS TAYLOR: The layers.

DR HAMILTON: - - - your layers and things you want in that development as it proceeds, built properly in a legal sense. So that's the message I've got from you and - - -

MS JEFFRIES: Maybe, you know, Stuart would be able to put - - -

MR WILKES: Can I just say the last thing before - - -

MS JEFFRIES: Yes, sorry, Richard.

MR WILKES: - - - Stuart says something, Margaret?

MS JEFFRIES: Yes. No, you're - - -

MR WILKES: Yep. Look, one of the ideas that I've got because of the short-necked turtle, the booyi is in that area there and I reckon that they're choking because there's not enough land surrounding that to make it a viable area for them to survive in there and it's got to be - the bush has got to be allowed to regenerate around there and give them a few acres so that - quite a lot of acreage - right around the lake - the central place and even if it touches on the base of Pearce there - because Pearce can go out towards the hills, on the foothill side of it, and - I mean, you wouldn't want to be living close to the Pearce base like they are living with all the noise of the jet planes coming in there and people who build there - of course, we reached Allawah Grove and I reckon - in the old days used to be an army camp there and a lot of us have gone deaf from those times from the aeroplanes coming in and this is true.

MS TAYLOR: I don't think they recognised the damage that could be done - - -

MR WILKES: Yes. So that's what I'd like to see more acreage around the, where the booyi are and even if the government has got to reclaim land or by the land off them as they move out and regenerate with the proper flora and fauna. Anyhow, that's one of the things I'd like to say.

MS TAYLOR: Thank you.

MS JEFFRIES: I want to ask - - -

MS TAYLOR: I've just been advised that our next one hasn't turned up yet, so we've got a little bit more time. Margaret?

MS JEFFRIES: Yes. I was just going to say, I would have thought it might be good if, say, you could take on Stuart to do - and sort of collate - - -

MR WILKES: Oh, yeah.

MS JEFFRIES: - - - the information that we've got which would be just sort of a few notes, but mostly from the elders about the sort of things you're talking about, Bruce. I mean, that just seemed to me to - - -

MS TAYLOR: Yes.

MS JEFFRIES: - - - be the obvious thing that - - -

DR HAMILTON: I think what I would like to do, if it's okay with Elizabeth, as the chair and Anthony as the planning officer, is we will do some words about what you want and we can say, "This should be built into the - - -"

MS TAYLOR: System.

DR HAMILTON: " - - - system and you should be fully involved at all the next stages of this process," but I mean, Elizabeth, what I would like to do is check those words back with you as traditional owners of the place.

MR WILKES: Sure. That would be good.

DR HAMILTON: And to me what I push for is the equivalent protection management of those natural areas that you spoke about, so as a white fellow I'm pushing for that stuff and, hopefully, it lines up with what you're pushing for so - - -

MS TAYLOR: Yes. I mean, what we're looking for really is your help for the protection to happen, even if it goes outside the area of the MRS amendment, we can still say that we have heard what you've got to say; the importance of those words and how we can move forward with the next stage of planning to help you with your protection vision - - -

MR WILKES: I mean, we've got a good working - as Charlie, the mayor of the City of Swan will tell you, we have a good working relationship with them and sometimes we don't get on, but we carry on and we meet again and we meet again and we meet again.

MS TAYLOR: You keep talking, which is the most important thing.

MR WILKES: Yes, but we've done a lot of good out there, too, as well and they've listened to us - - -

DR HAMILTON: Yes.

MR WILKES: - - - and they've carried out a lot of good things that we needed done in that area and I just have praise for them, whereas the others, sometimes they don't listen at all. All they want is - - -

DR HAMILTON: I'm aware of that really good work - - -

MR WILKES: Yeah.

DR HAMILTON: - - - particularly the Swan River - - -

MR WILKES: I wanted to give them a pat on the back because they really do a good job.

DR HAMILTON: Yes. So this will be just building on that good relationship - - -

MR WILKES: Yep.

MS TAYLOR: Yes.

DR HAMILTON: - - - and looking at how you can do it - be engaged in this area.

MS TAYLOR: Okay.

MR WILKES: Yep.

MS JEFFRIES: That's why I think it would really help to have Stuart, who's an expert in being able to - - -

MR WILKES: That could be done with the - - -

MS JEFFRIES: What is the word, like translate virtually - - -

MS TAYLOR: Yes.

MS JEFFRIES: - - - the concerns of Nyoongars to make them - - -

MR WILKES: Yeah. So it - - -

MS JEFFRIES: - - - so they can be - - -

MS TAYLOR: We'll take that on board.

MR WILKES: Stuart is - let me just say this to back up what Margaret is saying about Stuart, Stuart is probably - not probably, he is one of the most experienced people that have dealt with us, the Nyoongah people, around the Swan area and he knows us and he knows the impostors and he knows the ones who have the rights to talk about this area.

MS TAYLOR: Just for the tape, Stuart, what was your last name?

MR FISHER: Fisher; Stuart Fisher.

MS TAYLOR: Stuart Fisher? Okay. Thank you for that. I'll hand over to Charlie now. You may just want to enlighten us a bit more.

MR ZANNINO: Yes, thanks, Elizabeth. Yes, just to pick up on what Richard said, the City of Swan has had a very good working relationship with our indigenous groups - - -

DR HAMILTON: Very good.

MR ZANNINO: - - - for many years.

MR WILKES: Yeah.

MR ZANNINO: And we're not prepared to jeopardise that relationship and you're aware that any development that occurs within the boundaries of the City of Swan, we've always negotiated, we've sat down - - -

MR WILKES: Yes.

MR ZANNINO: - - - and we've come to a compromise which is suitable for us and yourselves. I mean, this amendment is in the City of Swan. It's in Bullsbrook. We're going to make sure that whatever it takes that we will work with you and obviously the developer because the developers that are doing this development will have to come to the negotiations as well.

MR WILKES: Yeah.

MR ZANNINO: And we are aware of, you know, your concerns.

MR WILKES: Yeah.

MR ZANNINO: And we respect, you know, your beliefs and your spiritual and religious beliefs and, as I said, we're not going to jeopardise that because, I mean, as far as the City of Swan is concerned, it's not as if this development is going to happen and then we're not going to have anything else because we're going to - we're a huge council. I mean, we're the biggest in the metropolitan area.

MR WILKES: Yep.

MR ZANNINO: And we've got many more developments that will happen in the future - - -

MR WILKES: Yep; and - - -

MR ZANNINO: - - - and therefore we need to be working with you.

MR WILKES: Yeah.

MR ZANNINO: So we'll be working with you side by side through all the stages of the development, you know, because we need to work with you for future developments and - - -

MR WILKES: Yeah.

MR ZANNINO: - - - we're not prepared to, you know, jeopardise that relationship. So I can assure that, you know, we are quite happy to sit down and make sure that things go according to - - -

MS TAYLOR: Yes.

MR ZANNINO: - - - for both parties.

MS TAYLOR: Yes, thank you for that, Charlie.

MR WILKES: Thank you.

MS TAYLOR: I mean, because this is a broad-bushed colour on the map really of the MRS amendment. The next stage down is really more important to your desires than to this, but what we can do is write down what you've told us today and Charlie has given you an agreement that he will work with you at the next stage - - -

MR WILKES: That's very good.

MS TAYLOR: - - - which is really where you need to be. If there aren't any further questions - have you got anything further? Anthony, are you - - -

MR WILKES: Oh, the last thing I wanted to say - - -

MS TAYLOR: Yes.

MR WILKES: - - - we even won a prize from - went over to Canberra to receive it, didn't we - - -

MR ZANNINO: That's right. We've got a photo with you and - - -

MR WILKES: - - - with the - the Yagan Memorial Park.

MS TAYLOR: Oh, yes. Yes. Yes, excellent. Yes, fantastic.

DR HAMILTON: We want to get all the local governments doing what the City of Swan does.

MS TAYLOR: Yes.

MR WILKES: Great stuff.

MS TAYLOR: So if you haven't got any further questions from us, I thank you for coming in.

MR WILKES: Thank you.

MS TAYLOR: We've taken notes and we'll put that altogether at the end of submission time to go up to the WAPC and you've got the recommendation agreement with Charlie that he'll work with you at the next stage.

MR WARRELL: Bella, did you want to thank them?

MS BROPHO: No, I just wanted to thank you and, you know, our concerns and - yeah, it's very important that these - - -

MS TAYLOR: It is.

MS BROPHO: - - - wetlands and the underground streams and everything that, you know, don't be interfered and preserved, you know, for the - - -

MS TAYLOR: Well, it's the birds and the animals.

MS BROPHO: Everything is really - - -

MS TAYLOR: Yes. Everything works together - - -

MS BROPHO: Yeah, it does. Yeah.

MS TAYLOR: - - - which I think, yes, we've got that picture. I do appreciate you coming in. Thank you for your time.

MR WARRELL: Thank you.

DR HAMILTON: Yes, thank you very much.

MR WILKES: Thank you.

MS JEFFRIES: Thank you.

Ms Sue Metcalf
representing the Ellen Brockman Integrated Catchment Group Inc.

MS TAYLOR: All right. Are you just by yourself?

MS METCALF: I am. Unfortunately, Rosanna's husband is still unwell, so she wasn't able to make it today.

MS TAYLOR: All right then. Well, you're it. Thanks for coming Sue. The normal process is that we are recording the hearings, as you would know.

MS METCALF: Yes.

MS TAYLOR: That goes up to WAPC and then eventually up to Parliament so any of our discussions are on tape.

MS METCALF: Yes.

MS TAYLOR: We have recognised the traditional owners of the land in which we meet and I'm sorry that we held you up a bit, but we had - - -

MS METCALF: That's perfectly all right.

MS TAYLOR: They were a bit late in getting here, all of them all at once, so apologies for being late on that. On my left, I've got Dr Bruce Hamilton, who is local government NRM, as you probably are aware and we've got Eastern Districts Planning Committee member and Mayor of Swan, Charlie and Anthony in our staff and Maria, of course. So that's us. Now, we've received your submission. We've met this morning. We've been on site and had a look at the land; walked through some of it and we have actually got more plans and studies and more information - - -

MS METCALF: Yes.

MS TAYLOR: - - - on some of the questions that you actually wrote in on your submission.

MS METCALF: Yes.

MS TAYLOR: We've also got as well the DVD of the district water management strategy plan which you have questions on as well.

MS METCALF: Yes.

MS TAYLOR: So we've tried to - in the short time we've tried as much as we could to study all of that booklet, but enough to keep us up to speed with your submission and the questions that you might have. So we've got your submission. What I'd like to do is hand over to you and give us extra - - -

MS METCALF: Information.

MS TAYLOR: - - - details and if you could give us some time to ask you questions. We might ask you as we go along because some of these are a bit complicated, but if we can leave them till the end we might just forget what we want to say so over to you and I recognise that we have a public gallery behind us as well.

MS METCALF: Yes. I think I know most of them. If they glare at me, let me know.

MS TAYLOR: Well, they haven't asked for a hearing, but they're welcome to sit in, so that's fine. Over to you, Sue.

MS METCALF: All right. Thank you, chairman. As you're aware, the Ellen Brockman Integrated Catchment Group has been operating in the areas and Shires of Chittering and Swan for a number of years, beginning in 1995. So, consequently, we've had a very good overview of the whole of the region and how the water operates within our region. When we looked at this strategy, or the amendment, rather, we compared it to the Ellen Brockman Integrated Catchment Management Plan. There were a number of issues with it. One of the ones was when the water catchment management plan first came out, there was general discussion as to whether or not it would be easier to control nutrients in an urban situation or in a rural situation.

The vote from the consultant Evangelisti at that stage was it was possibly easier to control nutrient export in an urban situation where you could rely upon the developer, or whomever, to actually put in a wetland or manage their nutrient export rather than from a rural situation where legislation is the most impossible to implement, controlling fertiliser use on ground. So although we have some reservations about closed settlement on the Ellen Brook, there are methods of controlling the nutrients.

You will have seen, undoubtedly, some of these documents which the design guideline is from Melbourne, but they certainly work in the same situations in the same sort of ground as what we have in the Ellen Brook. We would very much like to see some form - although this is at the amendment stage - some form of suggestion - and I haven't seen the district water management strategy. I've seen a number of papers leading up to it, but I actually haven't seen that one. So, consequently, I'm unable to comment on that at this stage.

MS TAYLOR: Well, we can answer questions about that.

MS METCALF: Yes. I would be very pleased to know exactly what's in it because that was one of the things that we did request - was that the management strategy be put in place before the amendment was really considered. So, consequently, it is mainly from the fact that we recognise that control can be obtained by proper drainage management of industrial land, but we need to make sure that before the amendment proceeds that these cautions are in place because, as you know, once subdivision occurs you've lost the ball - - -

MS TAYLOR: Too late.

MS METCALF: It is. So that's why we're pushing this at this particular stage.

MS TAYLOR: Yes, fair enough. Okay.

MS METCALF: I will tell you that I have actually met with the gentlemen who are behind me to push our case, to say we would really like you to look at this simply because we believe that it is a better way. I know the Swan River Trust have some reservations about undertaking that sort of nutrient stripping, but we've actually utilised it in other areas of the catchment and we believe it works fairly well.

MS TAYLOR: It works well.

MS METCALF: Yes. So it wouldn't be a full on treatment tray. What it would be, would be a series of nutrient stripping wetlands which we think are quite easy for the City of Swan to manage because they basically look after themselves after they've been developed. There

have been a number of studies on how effective nutrient stripping devices are in the Swan coastal plain. There's mixed results, but generally they do a fairly good job of stripping phosphorous and not so good at stripping nitrites.

That's the issue. The main issue with the Swan and the Ellen Brook, of course, is phosphorous so we believe it's a methodology of actually achieving an outcome.

MS TAYLOR: Yes. I think previously we had - four or five years ago - the same methodology was put forward by the EMRC, the East Metropolitan Regional Council, to use this as a kind of a template for, you know, a starting point of where these things might actually work.

MS METCALF: Yes.

MS TAYLOR: So as I said, we actually have got the district water management strategy. We actually got that sent to us on CD-ROM, but I asked for a hard copy for myself, so we've got that. We also got this morning - Anthony, what's the name of this?

MR MUSCARA: It shows the vesting arrangements for the Ellen Brook to the south.

MS TAYLOR: Can I show that to Sue?

MR MUSCARA: Yes.

MS TAYLOR: So that's where - - -

MS METCALF: I'm aware of the vesting arrangements.

MS TAYLOR: Yes.

MS METCALF: Yes; and how they work.

MS TAYLOR: Yes.

MS METCALF: Yes.

MS TAYLOR: Where it all comes from and what happens with it and who's in charge - - -

MS METCALF: Yep.

MS TAYLOR: - - - more or less and that's all been fixed. Yes. Okay. Can we ask you some questions now - - -

MS METCALF: Certainly.

MS TAYLOR: - - - or are you - - -

MS METCALF: There's one other thing I would like to - - -

MS TAYLOR: Just one other thing?

MS METCALF: - - - raise.

MS TAYLOR: Yes. Okay.

MS METCALF: The Department of Water currently has a document for public comment. It's assessing the need for setting average annual groundwater levels for development. I think that it should be taken into account in any proposal going forward from here. It's mainly a coalescence of other pieces of legislation, but it actually provides a really good grounding for methodologies of coping with groundwater discharge.

MS TAYLOR: All right.

MS METCALF: So I think that it would be an excellent starting point for this amendment.

MS TAYLOR: Okay. All right. I'll go to Bruce first, who has well studied all of this work and particularly what you've actually done and achieved in the past where it fits in with this MRS amendment - Bruce?

DR HAMILTON: Yes. Sue, what I believe about it - and I've read this, but Anthony tells me it's not a public document - - -

MS METCALF: Yep.

DR HAMILTON: - - - so I guess that's why you haven't seen it - - -

MS METCALF: Yes.

DR HAMILTON: - - - because I only read it yesterday. I agree with your concerns and it's sort of a comment and a question that I would want to see a good evidence base in the next stage of the development at the structure planning stage that the nutrient stripping mechanisms that are in - proposed in general terms in this document.

MS METCALF: Yes.

DR HAMILTON: That's my concern - is that it is very general; that there's an evidence base that whatever is put in will get the outcomes that are needed in terms of stripping nutrients.

MS METCALF: Yes.

DR HAMILTON: My other concern is that, as you know, in another life I've been involved indirectly in auditing light industrial areas and I'm aware of nearly around 8,000 audits that have been done across old and relatively new industrial areas, so my other concern is that we don't set up another situation where toxic pollutants gets into the key brooks and into Ellen Brook itself. I guess that's more of a comment than a question, but I think it's echoing your concerns that you've raised.

MS METCALF: My concern is that currently there are a lot of unregulated areas - businesses within that area now. I actually viewed this as a reasonable way of going forward to be able to manage their control.

DR HAMILTON: Yes, yes.

MS METCALF: There's a lot of businesses there that have the potential - I'm not saying that they do - to pollute and so seriously I believe that possibly designating it as a light industrial site would be a step forward because then you would have some form of control which currently it's really difficult for the City to police because: (1) it's a long way out; and (2) there's lots of them.

DR HAMILTON: Yes, yes.

MS METCALF: So that would be a way forward, I believe.

DR HAMILTON: Yes. What the City has already done in the information that we've seen is an amendment to their town planning scheme. Is it a local planning scheme now or is it still - - -

MS TAYLOR: Local planning scheme 17 - - -

DR HAMILTON: Yes; to cover this area and in that I'm very comfortable with all the different things that are going to be required. Again, I guess, my only concern is there's an evidence base for those measures so we've got confidence they're going to work.

MS METCALF: We have a couple of little concerns with the new - there's a draft proposal out on development requirements from the City of Swan. I'm a little bit concerned about one of their particular issues with their industrial sites. I don't believe it goes quite far enough in what they're actually stating.

DR HAMILTON: Yes.

MS METCALF: But we'll be making a submission on that as well.

DR HAMILTON: Yes.

MS METCALF: But at this stage, I think that it would probably solve a lot of headaches and resolve a number of issues in that area.

MS TAYLOR: Okay. For the next layer down, which is of course the City of Swan management practices - - -

MS METCALF: Yes.

MS TAYLOR: - - - have actually been put into place, but I'll let Charlie talk on that and if you've got any questions of Charlie that would be helpful for us to put into our wording as well.

MS METCALF: Certainly.

CR ZANNINO: Yes, thanks, Elizabeth. Just one thing, Sue, in your opening remarks you're very strong on the nutrient stripping.

MS METCALF: Yes.

CR ZANNINO: The land currently is all basically rural.

MS METCALF: Yes.

CR ZANNINO: And you well know in rural situations, you know, farmers are putting all sorts of fertilisers and things onto the soil - - -

MS METCALF: Yes.

CR ZANNINO: - - - and that obviously goes into the ground and into the groundwater - - -

MS METCALF: Yes.

CR ZANNINO: - - - and ends up in the streams and into the river.

MS METCALF: Yes.

CR ZANNINO: By changing the zoning to light industrial, wouldn't that have a significant - in your opinion, wouldn't that have a significant reduction in nutrient going into the waterways?

MS METCALF: That's what I said, Charlie, when I first - sorry, Mayor Zannino - - -

CR ZANNINO: It's okay.

MS METCALF: - - - when I first started is that when Evangelisti did the Ellen Brook Integrated Catchment Group - integrated catchment plan, I'll get it right because we've changed names a couple of times since then - that was one of the things that they said; that management would be easier if it was zoned for another use - - -

CR ZANNINO: Yes.

MS METCALF: - - - because it's very difficult to get legislation to control fertiliser use in Western Australia. It has been done in some other states, but it's proved to be a problematic thing in Western Australia. It's more problematic in the Ellen Brook, of course, and many other places, but of course the Peel is the same and even the legislation implemented for the Peel didn't effectively halt the supply of nutrients. So, yes, I think you are quite correct.

CR ZANNINO: Yes because most of the nutrients coming into the Swan River would be coming down the Ellen Brook because it's further north, coming up as far as Gingin, all those vast farmlands that drain into the brook and end up in the river.

MS METCALF: Ellen Brook has the highest nutrient input to the Swan River on the Swan coastal plain.

CR ZANNINO: Yes.

MS METCALF: Of course, the Avon is much larger again, but that drains an area the size of Queensland, I believe, so consequently - - -

DR HAMILTON: Nearly as big as Victoria - - -

MS METCALF: Yeah.

DR HAMILTON: - - - and three times the size of Tasmania.

MS METCALF: Someone I know has quoted that before, but I just thought I would make the point. So consequently, yes, you are quite correct that the drainage from the Ellen Brook is quite significant. However, the efforts that have been done in the brook with the nutrient stripping, with the trees that have been planted, with the setbacks from the waterways and the fencing off the major waterways has kept the level from rising. So that's a major achievement for a very small community group, I believe.

It has been a lot of effort and so consequently any time it comes up with the Ellen Brook, we are going to be making noises. We need to get it lower, but this is one way that we could actually see that we could make a difference, so that's why we've been so keen on approaching the nutrient stripping idea.

MS TAYLOR: I think you have to be really congratulated on all the work that's - you know, it's taken, what, 20 years or whatever - - -

MS METCALF: It has.

MS TAYLOR: - - - to get to this point and with our previous submission, we talked about, you know, a regional water plan.

MS METCALF: Yes.

MS TAYLOR: So, in other words, it doesn't just stop on the map there where the lines are, but overall strategy for the region is something that really needs to be considered.

MS METCALF: Yes. It was done when the extension to the north-east corridor was undertaken and that was back between 96 and 2000. There were significant plans drawn up then. A lot of them were land capability; what the land was actually capable of and the nutrient control. You may be aware that there's a number of reports done by Zamut, which were modelling effective land use on nutrients and also the impacts of the Ellen Brook, which was done by Geritisi, which is really quite clever, and that was actually in the submission we put in and the land use effects of water quality on the Ellen Brook catchment is very clear about what's actually causing the issues.

However, we can't actually prove everything of this. A lot of it is still unproven science because it is believed that there's a certain eastward flow of the Gngara Mound which takes nutrients through the water right from the mound and that's sort of groundwater issues. Groundwater issues are a big issue for the Ellen Brook because it discharges into the Ellen Brook at various levels during the year. So, consequently, it's not simply the land use, it's actually prior land use that is still having an effect.

MS TAYLOR: All right. Okay. Any questions?

DR HAMILTON: No, not at the moment.

MS TAYLOR: No? I guess what we'll be saying today, Sue, is that we are mostly in agreement, but we will make some comments on the submissions that have come through.

MS METCALF: Yes.

MS TAYLOR: But for the future, I think we will be looking at regional water strategies, you know, to make this work better for us, but from your point of view, I think, that you probably would be working more with the City of Swan when it gets to the next stage down.

MS METCALF: Yes.

MS TAYLOR: I'm sure that the City of Swan would be - - -

CR ZANNINO: Oh, we're very happy to work with Sue and her group. We've been working - - -

MS METCALF: Working for a long time.

CR ZANNINO: - - - for a long time and we acknowledge that, you know, they've done a great job and they've always had our support, so we will be working with Sue and her group without any problems. We've done it in the past and, hopefully, we'll do it in the future.

MS TAYLOR: Certainly.

MS METCALF: I would just like to leave those. I've got a couple of more notes that I'll leave for you, just virtually saying that the Ellen Brook now has a water quality improvement plan. It's very easy for the State then to link into that because it's a strategy that's adopted by the state.

MS TAYLOR: Existing.

MS METCALF: So that's really quite easy.

DR HAMILTON: And we've got that.

MS METCALF: Yes.

MS TAYLOR: I've got a copy.

MS METCALF: I thought you might do. The one that I looked at in Victoria when I was over there a few weeks ago was the Merri Creek project.

MS TAYLOR: Okay.

MS METCALF: That was one of the ones that I think would be a good one for anybody assessing to have a look at. It certainly has proven to be very - it's actually proven to be a beautiful area as well, but it's proven to be - - -

MS TAYLOR: Yes. So everyone should take that one?

MS METCALF: Yes, certainly. That's just the front - - -

MS TAYLOR: Is it? All right.

MS METCALF: - - - of it.

MS TAYLOR: All right, yes.

MS METCALF: But just so that you're aware of how they work.

MS TAYLOR: Okay.

MS METCALF: And, yes, I would be very pleased to - - -

MS TAYLOR: Work with the next stage.

MS METCALF: One of the things that I did mention to one of the subdividers who is intending to - one of the developers, if you like, was that the original reports were done on the Ellen Brook in 2010, which was the driest year on record. We've had a relatively wet year last year and there would be differences in the actual flows from that year to a dry year. So there may need to be some more reports done it.

MS TAYLOR: I did point out that when we did actually visit the site, it was summertime - - -

MS METCALF: Yes. That is correct.

MS TAYLOR: - - - and all of the talk about wetlands - you can actually visibly see, you know, where all of that has happened.

MS METCALF: Yes.

MS TAYLOR: And so you could well imagine in a wet year what would happen with that.

MS METCALF: In a wet year, you cannot drive on that place - on the western side. You will sink.

MS TAYLOR: Yes.

MS METCALF: We've done lots of work in the area in dry years and in wet years and in the wet years we just walk.

MS TAYLOR: Yes, yes. Okay. No further questions?

DR HAMILTON: No.

MS TAYLOR: Anthony, are you - - -

MR MUSCARA: Just one thing, Sue, to clarify - - -

MS METCALF: Yep.

MR MUSCARA: - - - I think in your submission you had reference to the provision of sewerage and that's now been confirmed by the Water Corporation, that reticulated sewerage would be provided for the development.

MS METCALF: I was hoping it was going to be in the overall water strategy, but if the reticulated sewerage is going to be put there, are they going to consider West Bullsbrook as well?

MR MUSCARA: In terms of both sites?

MS METCALF: Yes.

MR MUSCARA: Yes.

MS METCALF: Because West Bullsbrook is not far away and it would be excellent to get that site connected.

MS TAYLOR: Yes.

MR MUSCARA: Yes.

MS METCALF: Can you do that without having reticulated water supply?

MR MUSCARA: This development or - - -

MS METCALF: No, the West Bullsbrook.

MR MUSCARA: - - - any other development? It would need to have water and retic sewer, both, so that would be a pre-requisite to zoning land, whether it be urban or industrial.

MS METCALF: Yes. I understand that. My question was with the Water Corp coming in to do that sort of development, would they consider doing West Bullsbrook, which is just up the road?

MR MUSCARA: Look, I don't know. That would have to be a separate study, but I'm pretty sure that if there's a need for it that it would need to be connected into it. I'm pretty sure - - -

MS METCALF: Because we would really love that.

DR HAMILTON: The Water Corporation has put a very good submission in - - -

MS METCALF: Did they?

DR HAMILTON: - - - looking at the future needs for both reticulated water supply and sewerage.

MS METCALF: Yes.

DR HAMILTON: So it would be good to go straight to them, I guess.

MS METCALF: Yes.

DR HAMILTON: But I was, you know, quite comfortable with what they're doing. So they're talking about a five to seven year horizon for the existing treatment and then they'll move on to another scheme linking into Ellen Brook.

MS METCALF: Yes.

DR HAMILTON: I had the same concerns, but I was quite comfortable on reading their submission.

MS METCALF: Well, that's really good because if we can get West Bullsbrook done, that would solve a huge major point that solves pollution - - -

MS TAYLOR: Well, let's see if we can make it all happen.

MS METCALF: Okay.

MS TAYLOR: Any further questions?

CR ZANNINO: No, not from our point of view.

DR HAMILTON: It's very clear. Thank you, Sue.

MS METCALF: Yes.

MS TAYLOR: And Anthony is fine.

MR MUSCARA: I'm fine. Thank you.

MS TAYLOR: Yes. Thanks for coming in, Sue.

MS METCALF: Okay.

MS TAYLOR: It's lovely to see you again. We'll have to catch up some time.

MS METCALF: It might be - - -

MS TAYLOR: Yes. Okay. Thank you. I guess the process - Anthony, the next part of the process, would you like to cover that?

MR MUSCARA: The next stage will be that the hearings committee will make a recommendation to the Commission.

MS METCALF: Yes.

MR MUSCARA: The next Commission meeting is in May. I think it's toward the end of May, so hopefully that recommendation will go to that Commission meeting and then from there it goes to the Minister and Cabinet and it gets tabled in Parliament.

MS TAYLOR: Okay. Thank you for that.

MS METCALF: Thank you very much.

MS TAYLOR: Thank you, ladies and gentlemen.