

SUPPLEMENTARY SUBMISSION**DRAFT AMENDMENT NO. 1 TO THE NORTH ELLENBROOK EAST DISTRICT STRUCTURE PLAN****WESTERN SWAMP TORTOISE (WST) IMPLICATIONS — LOTS 29–32 MARALLA ROAD**

Via email: neeastdsp@dplh.wa.gov.au

Western Australian Planning Commission
c/- Department of Planning, Lands and Heritage

Dear Sir/Madam,

The Urban Bushland Council WA Inc. (UBC) provides this supplementary submission to its submission dated 6 June 2026 on Draft Amendment No. 1 to the North Ellenbrook East District Structure Plan.

UBC lodged its submission before the EPA released the consultation material for the review of the Environmental Protection (Western Swamp Tortoise Habitat) Policy 2011 and the draft WST EPP 2026 on 16 June 2026. That material materially changes the context for the DSP Amendment. We also note that DBCA opened a consultation on the Draft Western Swamp Tortoise Recovery Plan on 16 July 2026.

1. New WST information directly affects North Ellenbrook East

The EPA's WST EPP Review Report identifies a wetland on the south-western boundary of the WST EPP area as ancillary habitat for potential Western Swamp Tortoise drought refuge. It identifies the relevant land outside the EPP boundary as the northern portions of Lots 29–32 Maralla Road. The report states that MRS Amendment 1411 proposes to zone this wetland area as Local Reserve to create an 18.8 ha contiguous reserve across Lots 29–32, providing habitat for the Western Swamp Tortoise.

The EPA did not propose to expand the WST EPP boundary to include this land because it considered that the land could be protected through the North Ellenbrook District Structure Plan East and associated planning mechanisms. That EPA review also records that the EPA's decision not to assess MRS Amendment 1411 under Part IV relied on those planning mechanisms to protect this potential ancillary WST habitat.

The proposed reserve across Lots 29–32 is therefore not optional. It is the planning mechanism the EPA has relied upon instead of EPP boundary expansion and Part IV assessment.

2. Lots 29–32 Maralla Road must be legally secured

UBC requests that the full Lots 29–32 drought refuge wetland and associated habitat be secured as a binding conservation outcome before Urban Deferment is lifted or any local structure plan is approved. The reserve must not remain a flexible "potential local reserve" that can be reduced, relocated, fragmented or traded off at later planning stages.

If this land is not legally secured, the basis for the EPA's decision not to expand the EPP boundary and not to assess MRS Amendment 1411 is undermined.

3. Hydrology must be protected before urbanisation proceeds

The draft WST EPP 2026 gives strong emphasis to hydrology, groundwater, surface water, wetlands, water quality and ecological function. It recognises that WST habitat includes places for tortoises to move, forage, shelter, breed and aestivate, and identifies hydrology and water quality of surface water, wetlands and groundwater as key ecosystem health conditions.

UBC's original submission raised concerns about shallow groundwater, wetland systems, drainage, filling, Sawpit Gully, downstream impacts and deferral of water management to later planning stages. Those concerns are now reinforced by the WST EPP material.

4. Infrastructure must be WST-compatible

The WST material also requires a stronger approach to infrastructure. The EPA FAQ states that lands surrounding the nature reserves are essential for WST aestivation, nesting and movement, and that tortoises have been recorded travelling outside reserves, including between Twin Swamps and Ellen Brook and across railway infrastructure.

Any roads, rail interfaces, drainage works, culverts, basins, fencing, paths or urban-edge treatments near Lots 29–32 must therefore be designed to avoid harm to WST habitat and movement.

5. Requested action

UBC requests that the WAPC:

- require the DSP Amendment to legally secure the full WST drought refuge reserve before further planning proceeds;
- defer lifting Urban Deferment for land affecting Lots 29–32 until WST habitat, hydrology and infrastructure issues are resolved;
- require all future local structure plans and water management plans to demonstrate consistency with the final WST EPP; and
- publicly document how the WST EPP review findings have been incorporated into the North Ellenbrook East planning framework.

Conclusion

The WST EPP review has materially changed the planning context for North Ellenbrook East. The EPA has identified the northern portions of Lots 29–32 Maralla Road as part of a wetland that provides ancillary habitat and potential drought refuge for the Critically Endangered Western Swamp Tortoise.

Because the EPA has relied on the North Ellenbrook planning framework to protect this land, the reserve must now be made binding, enforceable and hydrologically secure. UBC submits that the Lots 29–32 reserve must be legally protected before Urban Deferment is lifted or further structure planning, subdivision, clearing, filling, drainage or infrastructure design proceeds.

UBC asks that this addendum be considered before any decision is made on the DSP Amendment, future local structure plans, subdivision design, infrastructure design, or lifting of Urban Deferment.

Yours sincerely,

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Chairperson

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