

3rd March 2026

**Stephen Cain
Chief Executive Officer
City of Swan
PO Box 196
Midland WA 6936**

**Application to Amend Development Approval and Renewal of Extractive Industry Licence
Bullsbrook North (Walyunga) Quarry**

Dear Stephen,

Midland Brick Pty Ltd (the applicant) makes the following application to amend the Development Approval (DA - 399/2016) relating to the “Bullsbrook North (Walyunga) Quarry” and applies for an Extractive Industry Licence (EIL) renewal for a period of 10 years.

The application to amend the DA is made in accordance with Clause 77(1) of the Deemed Provisions for Local Planning Schemes as set out in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. The application for an EIL is made in accordance with the “City of Swan By-law Relating to Extractive Industries”. This application has been prepared to address the requirements of the “City of Swan Local Planning Policy POL-E11.2 Clay Extraction”, as well as the requirements in Appendix 2 of the draft “City of Swan Local Planning Policy POL-LP-1.19 Extractive Industries”.

Site Description

The Bullsbrook North-Walyunga Quarry is located at Lot 5 (No 91) Walyunga Road, Bullsbrook, approximately 5.5km south of the Bullsbrook townsite. Midland Brick currently operate extractive industry on a portion of the property. The quarry is located in the central northern portion of Lot 5, with a stockpiling area located to the south-east of this. The quarry access is from Walyunga Road. A separate extractive industry operator and landfill operator occupies a different portion of the property. These operations are separate from Midland Brick.

The Midland Brick operation is currently subject to Development Approval DA-399/2016 issued on the 16th October 2016 and Extractive Industry Licence (DA-399/2016) issued on the 24th November 2016. The Quarry also has approval under the MRS (21-5986-13) issued on the 24th November 2016 for a period of 10 years. All approvals are valid for a

period of 10 years from the respective issue date. A copy of all approvals is provided at **Attachment 1**. It should be noted that the DPLH have confirmed that further approval is not required for the extractive industry operation under the MRS. In an email dated 5th December 2025 the Department confirmed that “we consider that further approval under the MRS is not required, provided there is no clearing of native vegetation or direct drainage into the Bush Forever Area (refer to the Clause 28 notice), and noting that you will be seeking approval under the local planning scheme.”

Midland Brick operate the site in accordance with the above approvals and the “Renewal of Extractive Industries Licence Application – Lot 5, on Plan 7892 Walyunga Road, City of Swan” (SERS, 2016) which forms part of the approval. A copy of the current approved plan of the site is included at **Attachment 2**. The areas outlined in red relate to the approved extraction area and stockpiling area. The plan at **Attachment 3** shows the approved areas overlaid with the current aerial photo to provide a better resolution plan.

The property details are provided in the table below. It should be noted that Midland Brick is not the owner of the property and has a separate legal arrangement with the landowner to operate the quarry. A copy of the Certificate of Title is provided at **Attachment 4**.

Lot Number	Plan	Volume	Folio	Landowner
5	7892	1927	635	Stargaze Asset Pty Ltd

Midland Brick (the applicant) seeks approval to amend Conditions 1, 15 and 16 on the Development Approval. Further detail is provided below.

Amendment Request – Conditions 1 and 2

Condition 1 – This approval is valid for ten (10) years from the date of approval. Following this period, the development should not be continued and the land must be returned to the sites pre-excavation conditions as reasonably practicable unless further development approval is sought and granted.

Midland Brick seek to amend Condition 1 to change “ten (10) years” to “twenty (20) years”. This request is made because the extractive industry continues to operate in accordance with the current approvals and management plans and a longer period is required to allow for continued operation and extraction of basic raw materials.

Condition 2 – The extraction operation and rehabilitation of the land is to be carried out in accordance with the “Renewal of Extractive Industries License Application, lot 5 on Plan 7892 Walyunga Road May 2016” by Site Environmental Remediation Services, received by the City of Swan on the 23 May 2016.

Midland Brick seek to amend Condition 2 by replacing the current approved plan (at **Attachment 2**) with the Updated Extraction Plan (**Attachment 3**).

Draft Local Planning Policy – Extractive Industries

To support this request, information has been provided below to address Section 6.1.6 of the draft LPP addressing timeframes for approvals. The draft LPP states that the City will use the following in considering the length of time of the approval period for extensions of time. The considerations for an extension of 10 years have been addressed in the table below to provide justification to enable to City to support this application.

Requirement of draft LPP	Comment
<i>Where there are no substantiated concerns regarding the operator complying with planning conditions or where the proponent can demonstrate that they have successfully managed their operations to address any concerns raised for a significant length of time (at least 2 years).</i>	There have been no substantiated concerns regarding Midland Brick not complying with the planning conditions since the approval was issued. No concerns have been raised, and no complaints have been received from the public.
<i>The applicant has provided all the information the City requires to confirm that excavation has not exceeded what was previously approved.</i>	Further information is provided below.
<i>That rehabilitation is on track with the approved program.</i>	Further information on rehabilitation is provided below.
<i>That the operation is being successfully managed to ensure good environmental outcomes, and avoid amenity impacts on the surrounding locality.</i>	The operation is managed in accordance with best practice environmental management and in accordance with the approved “Renewal of Extractive Industries Licence Application – Lot 5, on Plan 7892 Walyunga Road, City of Swan” (SERS, 2016). Midland Brick undertake internal compliance auditing against their conditions of approval and the management plan. No specific monitoring is required in the management plan or the conditions of approval. There have been no environmental concerns regarding the management of the operation and no complaints from the public regarding impacts to amenity. This demonstrates the successful environmental and operational management of the site.

Operation Update

Details relating to the approved operation are provided in the “Renewal of Extractive Industries Licence Application – Lot 5, on Plan 7892 Walyunga Road, City of Swan” (SERS, 2016). Condition 2 of the DA and Condition 1 of the EIL and WAPC approval require compliance with this report (the “management plan”). This section will refer to the requirements of the management plan to demonstrate that the operation has not exceeded what is approved.

The date stamped approved plan (**Attachment 2**) shows the outline of the existing extraction area, the proposed extraction area and the new stockpile area. The original stages of extraction were also shown on the “Proposed Extraction Site Layout” plan contained within the approved management plan (**Attachment 2**). The Updated Extraction Plan at **Attachment 3** shows the boundary of the extraction and stockpiling areas with current aerial photography. There is a small area at the south-west corner which is not used for extraction, including a small dam which forms part of the overall site water management and a small area used to stockpile material. It is requested that the approved operational area is expanded slightly to include this. However, it should be noted that the excavation has not exceeded beyond the approved area and no expansion of the approved extraction area is sought as part of this application. The total area of excavation set out in the approved management plan is 20 hectares for the excavation area and 10 hectares for the sand excavation and clay stockpiling area. The actual extent of both areas is within the approved size.

The stages on the 2016 approval are also labelled on the Updated Extraction Plan at Attachment 3 to visually demonstrate the areas being worked. Stages 1 and 2 on the eastern side of the operation have been largely excavated, with the northern portion now used as a water detention basin (to retain water runoff within the operation area) and a portion already rehabilitated. Excavation is still ongoing within the southern portion of Stage 1. Excavation has also commenced within Stages 3 and 4 on the western side of the approved area. Excavation within each stage is concurrent as slightly different material needs to be accessed in each stage.

The recent Annual Report for financial year 2024-2025 provides detail on the extraction rates (tonnage) for the operation. The approved management plan states that the resource extraction is 100,000 – 150,000 tonnes per year (clay and schist) and “sand as opportunities arise”. The tonnage of clay extracted and carted from the site was below 150,000 tonnes for the last financial year.

The depth of excavation proposed in the approved management plan is 5-30 metres, depending on resource and grade. The deepest excavation is approximately 20-22m below the natural ground level.

Rehabilitation

The approved Closure Plan (contained within “Renewal of Extractive Industries Licence Application – Lot 5, on Plan 7892 Walyunga Road, City of Swan” (SERS, 2016)) states that “the rehabilitation of the clay extraction area will take place following the course of the extraction” and “will take place on a progressive basis as clay is removed from the site”.

Rehabilitation has occurred within the central portion of Stages 1 and 2 as labelled on the plan at Attachment 3. This area has been backfilled with clean fill and aggregate to the required level as indicated in the “Proposed Finished Landforms” Plan provided in approved management plan. The height of the rehabilitated area is approximately 63-64m AHD which is compliant with the “Proposed Finished Landforms” plan which shows an indicative height of 65m AHD at this part of the operation. This area will be overlain with topsoil and revegetated at a later date, once a larger area has been backfilled. The rehabilitation is compliant with the “Closure Plan” as areas no longer required for extraction have been rehabilitated. Further rehabilitation (landfill) will occur as additional areas are exhausted of resource. The extension of the approvals for the operation will facilitate in this.

Planning considerations

In addition to the above assessment criteria, it is understood that in assessing the application, the City will consider whether the development remains, in substance, the same or if it is changed to such an extent that a new and different use or development is proposed. The development remains the same (Extractive Industry) and no operational changes (extent of extraction, tonnage, hours of operation, site access, traffic movements etc) are proposed as part of this application. The extent of the operation will continue to be contained within the area outlined in the updated plan at **Attachment 3**.

It is also understood that a relevant consideration of the City will be whether the planning framework has changed substantially since the development approval was granted and whether a material change has occurred to either the site to which the development approval relates or the surrounding locality since the development approval was granted.

The Metropolitan Region Scheme indicates that the site is zoned “Rural” and a majority of the surrounding land in a 1km radius is also zoned “Rural” or “Regional Open Space”. The Local Planning Scheme No 17 indicates that the site remains within the “Landscape” zone. Adjoining land to the north and south is also zoned “Landscape”, with

“General Rural” and “Special Use” located to the west and “Regional Open Space” to the east. There have been no significant changes to the zoning on and within a 1km radius of the site which will have implications on the continued use of the land for extractive industry. The City of Swan Local Planning Strategy indicates that the site is a “Raw Materials Area” and does not propose any significant change in planning on or within the site.

The City of Swan “Local Planning Policy POL-E11.2 Clay Extraction” provides some guidance to the City on the consideration of development applications for extractive industry. As this site is already an established extractive industry with existing management plans, and there are no changes proposed to the operation/development, it is considered that this application complies with the requirements of this Policy. The requirements in Appendix 2 of the draft “City of Swan Local Planning Policy POL-LP-1.19 Extractive Industries” is addressed in this letter.

Amendment Request – Condition 15

Condition 15 – A Dieback survey of the site is undertaken by an accredited professional to determine if dieback is present on the site. If dieback is present on the site a management plan is to be prepared, approved by the City of Swan and implemented to prevent the spread within the site and to other sites to the satisfaction of the City.

Midland Brick operate the site in accordance with the approved “Renewal of Extractive Industries Licence Application – Lot 5, on Plan 7892 Walyunga Road, City of Swan” (SERS, 2016). A Dieback Management Plan for the Midland Brick operation is included at page 21 of this report. The area outlined in the Updated Extraction Plan (Attachment 3) is “the site” for the purpose of this approval. As can be seen from a copy of the current aerial photo of the site (Attachment 3), there is no remnant vegetation located within the approved area, and therefore, no vegetation to survey for dieback.

It should also be noted that Midland Brick are not the landowner of Lot 5 and is therefore not responsible for the management of vegetation (including dieback monitoring) on the remainder of the property outside of the approved extractive industry operation.

It is therefore requested that the City of Swan delete Condition 15 from the DA.

Amendment Request – Condition 16

Condition 16 – The monitoring and treatment of weeds is to be undertaken on a quarterly basis to the satisfaction of the City of Swan.

Similar to the above, the management of weeds outside of the approved site (operation area) is the responsibility of the landowner. As can be seen from the plan at Attachment 3, there is no vegetation within the approved site to protect from weed encroachment. There is also minimal undisturbed land which necessitates weed control (i.e. areas that don’t have earthworks). A Weed Management Plan is provided at page 23 of the approved “Renewal of Extractive Industries Licence Application – Lot 5, on Plan 7892 Walyunga Road, City of Swan” (SERS, 2016) which provides best practice weed management, including prevention of weed introduction and management of Declared Weeds. As there is minimal undisturbed land, it is unnecessary to undertake monitoring and treatment of weeds on a quarterly basis.

Midland Brick will continue to undertake weed management consistent with the Weed Management Plan within the approved site boundary. It is therefore requested that the City of Swan delete Condition 16.

Conclusion

The quarry operated by Midland Brick on Lot 5 Walyunga Road, Bullsbrook has been operated without substantial concerns over the last 10 years. It has also been managed with good environmental outcomes and without amenity concerns (or complaints) from the public. The extraction has not extended beyond the approved area and progressive rehabilitation has taken place. No operational changes are proposed in this application (such as extent of extraction, tonnage, hours of operation, site access, traffic movements etc). As a result, it is considered that the current management plans are sufficient, and this application will not require an update to the environmental management plans already in place for the site as all management provisions are considered adequate. The site has a history of compliance with the management plans and approvals.

We thank the City of Swan for the consideration of the above and look forward to hearing further. If you have any queries regarding the application or require further information, please do not hesitate to contact me.