

**Midland Brick –
Capitary No 3**

**COMPLIANCE ASSESSMENT PLAN
(Ministerial Statement 1124)**

Middle Swan Operations

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1. INTRODUCTION

This Compliance Assessment Plan has been prepared to meet conditions 3-1 and 3-2 of Ministerial Statement 1124 (Statement 1124) issued on 29 January 2020 for the Midland Brickworks.

2. PURPOSE

In accordance with conditions 3-1 and 3-2 of Statement 1124, a Compliance Assessment Plan must be prepared and maintained to the satisfaction of the Chief Executive Officer (CEO) of the Department of Water and Environmental Regulation (DWER) prior to the implementation of the operations.

This Compliance Assessment Plan has been prepared by the proponent, Capitary No. 3, in accordance with the OEPA's *Post Assessment Guideline for Preparing a Compliance Assessment Plan* (OEPA 2012). The Compliance Assessment Plan includes the following information:

- frequency of compliance reporting;
- approach and timing of compliance assessments;
- retention of compliance assessments;
- method of reporting of potential non-compliances and corrective actions taken;
- table of contents of Compliance Assessment Reports; and
- public availability of Compliance Assessment Reports.

3. FREQUENCY OF COMPLIANCE ASSESSMENT REPORTING

As per the conditions outlined in Statement 1124, the proponent will submit the first Compliance Assessment Report to the CEO on 29 April 2021 (15 months from Statement 1124 issue date) and thereafter annually by 29 April. One hard copy and one electronic copy will be submitted.

4. APPROACH AND TIMING OF COMPLIANCE ASSESSMENT REPORTS

Compliance with the conditions of Statement 1124 will be assessed as outlined in the Approach and Timing Table (Table 1).

Table 1: Approach and Timing Table

Audit Code (see Audit Table)	Assessment	Timing
1124:M1.1	To be summarised in the Current Status section of Compliance Assessment Report.	Annually
1124.M2.1	Correspondence with DWER.	Within 28 days
1124:M3.1 & 3.2	Compliance with DWER and Compliance Assessment Plan.	On or before 30 October 2020
1124:M3.3	Compliance Assessment Report.	Annually
1124:M3.4	Compliance Assessment Reports available at request.	Annually
1124:M3.5	Correspondence with DWER.	Within seven days of non-compliance.
1124:M3.6	Compliance Assessment Report.	Annually by 29 April
1124:M5:1	Decommissioning and Rehabilitation Plan.	At least six months prior to decommissioning
1124:M6:1	Compliance Assessment Report.	Ongoing
1124:M6:3	Vegetation Health Survey	Every five years from 29 Jan 2020
1124:M6:4	Compliance Assessment Report.	Ongoing
1124:M6:5	Correspondence with DWER.	Within 21 days of detrimental impact being identified

5. RETENTION OF COMPLIANCE ASSESSMENT REPORTS

In accordance with Statement 1124 (Condition 3-4), all Compliance Assessment Reports will be retained in electronic format, for the life of the proposal, and a minimum of seven years following the end of the life of the proposal, in the proponent's document management system. These documents will be made available should they be requested by the CEO.

6. REPORTING OF NON-COMPLIANCES AND CORRECTIVE MEASURES

In accordance with Statement 1124 (Condition 3-5), the proponent will advise the CEO of any potential non-compliance within seven (7) days of the non-compliance being known. Non-compliances and the corrective and preventative measures taken will also be outlined in the annual Compliance Assessment Report.

7. TABLE OF CONTENTS OF COMPLIANCE ASSESSMENT REPORT

The table of contents of the proponent's Compliance Assessment Reports is detailed in Table 2. The structure of the report is guided by the EPA's *Post Assessment Guideline for Preparing a Compliance Assessment Plan* (OEPA 2012).

Table 2: Table of Contents of Compliance Assessment Reports

Heading	Description
Introduction	<ul style="list-style-type: none">• Brief details about the operations including:<ul style="list-style-type: none">○ reference to Statement 1124;○ period of time covered by report; and○ other information deemed appropriate.
Current Status	<ul style="list-style-type: none">• Summary of the current status of the operation.• Outline any proposed changes to the Compliance Assessment Plan.
Compliance	<ul style="list-style-type: none">• Inclusion of a statement as to whether the proponent has complied with the conditions of Statement 1124 over the reporting period.• Reference to the Audit Table.• Reporting all potential non-conformances and non-compliances, and a description of the corrective and preventative actions taken.
Endorsement	<ul style="list-style-type: none">• Endorsement by the proponent's CEO or delegate.
Tables	<ul style="list-style-type: none">• Ministerial Statement Audit Table.
Figures	<ul style="list-style-type: none">• Any relevant figures.
Appendices	<ul style="list-style-type: none">• Any relevant appendices.

8. PUBLIC AVAILABILITY OF COMPLIANCE ASSESSMENT REPORTS

Compliance Assessment Reports relating to this Proposal will be made publicly available, with the approved Compliance Assessment Plan, within 14 days of submission to DWER. The web address at which the documents can be accessed will be provided to the DWER's Compliance Branch within 14 days of the documents becoming publicly available.

9. REFERENCES

Office of the Appeals Convenor, (2020) Ministerial Statement 1124.


Office of the Environmental Protection Authority (2012) *Post Assessment Guideline For Preparing a Compliance Assessment Plan*. Office of the Environmental Protection Authority, Government of Western Australia.

Office of the Environmental Protection Authority (2012) *Guidelines for Proponents – Preparing an Audit Table – Draft*, Office of the Environmental Protection Authority, Government of Western Australia.

10. REVISION HISTORY

Date	Rev	Description	By	Checked	Approved
14/09/2020	1	First draft	AS	AS	TS
6/10/2020	2	Draft to be reviewed	AS	ALB	BC
14/10/2020	3	ASB Changes implemented – amended proponent to Capitary no 3	AS	ALB	ALB

Final Approvals

Date	Rev	CEO or Equivalent Approval	Signature
2/11/2020	3	NIGEL SALTER – GM – OPERATIONS	

11. APPENDICES

APPENDIX A - AUDIT TABLE

Audit Code	Subject	Requirement	How	Evidence	Phase	Timeframe	Status	Further Information
1124:M1.1	Proposal Implementation	When implementing the proposal, the proponent shall not exceed the authorised extent of the proposal as defined in Table 2 of Schedule 1, unless amendments to the proposal and the authorised extent of the proposal have been approved under the EP Act.	Implement the proposal as per Statement 1124, Schedule 1.	Compliance Assessment Report.	Overall	Ongoing		
1124:M2.1	Contact Details	The proponent shall notify the CEO of any change of its name, physical address or postal address for the serving of notices or other correspondence within twenty-eight (28) days of such change. Where the proponent is a corporation or an association of persons, whether incorporated or not, the postal address is that of the principal place of business or of the principal office in the State.	Notify the CEO of DWER of any change of name or address.	Copy of correspondence to the CEO of DWER advising of change of name and address.	Overall	Within 28 days of such a change		
1124:M3.1	Compliance Reporting	The proponent shall prepare, submit and maintain a Compliance Assessment Plan to the CEO at least six (6) months prior to the first Compliance Assessment Report required by condition 3-6.	Prepare, submit and maintain Compliance Assessment Plan and forward to CEO of DWER.	Compliance Assessment Plan and copy of correspondence to the CEO of DWER.	Overall	Prior to 30 October 2020		
1124:M3.2	Compliance Reporting	The Compliance Assessment Plan shall indicate: (1) the frequency of compliance reporting; (2) the approach and timing of compliance assessments; (3) the retention of compliance assessments; (4) the method of reporting of potential non-compliances and corrective actions taken; (5) the table of contents of Compliance Assessment Reports; and (6) public availability of Compliance Assessment Reports.	Prepare, submit and maintain Compliance Assessment Plan and forward to CEO of DWER.	Approved Compliance Assessment Plan and Audit Table.	Overall	Ongoing		
1124:M3.3	Compliance Reporting	After receiving notice in writing from the CEO that the Compliance Assessment Plan satisfies the requirements of condition 3-2, the proponent shall assess compliance with conditions in accordance with the Compliance Assessment Plan required by condition 3-1.	As specified in the Compliance Assessment Plan.	Compliance Assessment Report.	Overall	Ongoing		
1124:M3.4	Compliance Reporting	The proponent shall retain reports of all compliance assessments described in the Compliance Assessment Plan required by condition 3-1 and shall make those reports available when requested by the CEO.	Records and reports shall be retained and maintained in accordance with Midland Bricks document management	Availability of records at the request of the CEO.	Overall	Ongoing		

Audit Code	Subject	Requirement	How	Evidence	Phase	Timeframe	Status	Further Information
			requirements so they can be retrieved if requested.					
1124:M3.5	Compliance Reporting	The proponent shall advise the CEO of any potential non-compliance within seven (7) days of that non-compliance being known.	Notify the CEO in writing.	Copy of correspondence to the CEO advising of non-compliance.	Overall	Within 7 days of being known		
1124:M3.6	Compliance Reporting	The proponent shall submit to the CEO the first Compliance Assessment Report fifteen (15) months from the date of issue of this Statement addressing the twelve (12) month period from the date of issue of this Statement and then annually from the date of submission of the first Compliance Assessment Report, or as agreed in writing by the CEO. The Compliance Assessment Report shall: (1) be endorsed by the proponent's CEO or a person delegated to sign on the CEO's behalf; (2) include a statement as to whether the proponent has complied with the conditions; (3) identify all potential non-compliances and describe corrective and preventative actions taken; (4) be made publicly available in accordance with the approved Compliance Assessment Plan; and (5) indicate any proposed changes to the Compliance Assessment Plan required by condition 3-1.	Provide the CEO with Compliance Assessment Report in accordance with the Compliance Assessment Plan.	Compliance Assessment Report. Endorsement by Capitary No 3 (or delegate) 30of the Compliance Assessment Report. Copies of the Compliance Assessment Report available on Midland Brick website (www.midlandbrick.com.au).	Overall	Prior to 30 April 2021 and annually thereafter		
1124:M4.1	Public Availability of Plans and Reports	Subject to condition 3-2, within a reasonable time period approved by the CEO of the issue of this Statement and for the remainder of the life of the proposal the proponent shall make publicly available, in a manner approved in writing by the CEO, all environmental plans and reports required under this Statement.	Make publicly available all Compliance Assessment Plan and Reports.	Copies of the Compliance Assessment Plan and Reports available on Midland Brick website (www.midlandbrick.com.au).	Overall	Ongoing		
1124:M4.2	Public Availability of Plans and Reports	If any parts of the plans and reports referred to in condition 4-1 contains particulars of: (1) a secret formula or process; or (2) confidential commercially sensitive information, the proponent may submit a request for approval from the CEO to not make those parts of the plans and reports publicly available. In making such a request the proponent shall provide the CEO with an explanation and reasons why the data should not be made publicly available.	Explanation to the CEO as to why data (if any) should not be made publicly available.	Copy of correspondence to the CEO.	Overall	Ongoing		

Audit Code	Subject	Requirement	How	Evidence	Phase	Timeframe	Status	Further Information
1124:M5.1	Decommissioning	At least six (6) months prior to decommissioning, the proponent shall prepare and submit a Decommissioning and Rehabilitation Plan, to the satisfaction of the CEO.	Decommissioning and Rehabilitation Plan.	Approved Decommissioning and Rehabilitation Plan.	Decommissioning	6 months prior to decommissioning		
1124:M5.2	Decommissioning	The proponent shall implement the Decommissioning and Rehabilitation Plan required by condition 5-1.	Implement the Decommissioning and Rehabilitation Plan.	Compliance with Decommissioning and Rehabilitation Plan.	Decommissioning	Ongoing		
1124:M6.1	Flora and Vegetation - Impacts of Fluorides	The proponent shall manage the implementation of the proposal to meet the following objective: (1) minimise the impact of fluorides on vegetation health in the vicinity of the brickworks, as far as practicable.	Implement the proposal as per Statement 1124, Schedule 6.	Compliance Assessment Report.	Overall	Ongoing		
1124:M6.2	Flora and Vegetation - Impacts of Fluorides	In order to meet the objective of condition 6-1, the proponent will undertake vegetation health surveys in accordance with condition 6-3, as approved by the CEO, to assess the impacts of fluorides on vegetation in the vicinity of the brickworks.	Undertake Vegetation Health Survey.	Compliance Assessment Report.	Overall	Ongoing		
1124:M6.3	Flora and Vegetation - Impacts of Fluorides	The vegetation health survey required by condition 6-2 will be undertaken every five (5) years, from the date of issue of this Statement.	Undertake Vegetation Health Survey.	Completed Vegetation Health Survey.	Overall	Every five years from the date of issue of 30 January 2020		
1124:M6.4	Flora and Vegetation - Impacts of Fluorides	The proponent shall provide the results of the vegetation health survey in the annual Compliance Assessment Report required by condition 3-6.	Results published in the Compliance Assessment Report.	Compliance Assessment Report.	Overall	Ongoing		
1124:M6.5	Flora and Vegetation - Impacts of Fluorides	If the surveys required by condition 6-2 detect a detrimental impact on vegetation health from fluoride emissions, the proponent shall report to the CEO within twenty-one (21) days of the detrimental impact being known, and provide proposed mitigation measures and timeframes for implementation, to the satisfaction of the CEO, to reduce further impact on vegetation in the vicinity of the brickworks.	Notify the CEO in writing of impacts where there is an adverse effect on total plant growth or plant reproduction. Provide mitigation measures.	Copy of correspondence to the CEO.	Overall	Within 21 days of detrimental impact being identified		

