



COMPLIANCE ASSESSMENT REPORT  
(Ministerial Statement 1124)

*1 February 2021 - 31 January 2022*

Middle Swan Operations

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## 1. INTRODUCTION

This Compliance Assessment Report has been prepared to meet conditions 3-1 and 3-2 of Ministerial Statement 1124 issued on 30 January 2020 for the Midland Brickworks.

## 2. CURRENT STATUS

This annual Operational Summary covers the reporting period of 1 February 2021 – 31 January 2022 per Condition 3.6.

### 2.1. Current Approvals

The following list details the current approvals pertaining to Midland Brick.

Approval is in place from the Minister for the Environment via Ministerial Statement 1124.

Prescribed premise licence L4511/1967/14 is in place from the Department of Water and Environmental Regulation (DWER).

Development Approval is in place under the City of Swan Town Planning Scheme.

Development Approval is in place from the Western Australian Planning Commission under the Perth Metropolitan Region Scheme.

### 2.2. Operational Overview 2021-2022

During the reporting period, the main activities on site focused on clay brick manufacture from Kilns 9, 10 and 11. Kiln 11 was originally planned to shut down in April 2022, however due to the current market demand for building materials including bricks, a lease extension was agreed with the landowner for Kiln 11 to remain operational until April 2023. Concrete masonry was produced in the masonry plant on site.

Change in control of Capitary No.3 Pty Ltd occurred through an acquisition by BGC (Australia) Pty Ltd on 1 April 2021. A Form 3 notification of change of proponent address was submitted to DWER on 23 April 2021. Capitary No. 3 Pty Ltd was renamed to Midland Brick on 30 June 2021. A Form 3 notification of change of proponent address was submitted to DWER on 6 July 2021. Midland Brick Pty Ltd remains the person responsible for the Proposal.

The address of Midland Brick Pty Ltd changed to:

Level 6, 18 Mount Street, Perth, WA 6000,

PO Box 7223, Cloisters Square PO WA 6850.

- A new hardstand area was developed on the "Whitemans" side of the site to allow for fired brick storage and truck loading areas given the orderly rationalisation of storage and activities at the western end of the site. This occurred through clearing some areas around the existing clay pit site under clearing permit CPS 8745/1 issued on 18 March 2020.
- The hardstand reduced the storage capacity of the settlement pond in the former clay pit with associated stormwater engineering supported by an updated Site Water Management Plan submitted to DWER on 4 March 2021.
- A raised container wall was built to the west side of the site to be used as a temporary sound barrier for residential developments.
- An application to renew licence L4511/1967/13 was submitted to DWER on 15 December 2021 which was granted 8 April 2022.

### 2.3. Proposed Activities for 2022-2023

An application to amend the prescribed premise boundary was submitted to DWER on 26 April 2022. The extent of the proposed boundary change is shown in Appendix C. The application included a further revision of the Site Water Management Plan. A further application to amend the prescribed premise boundary to remove lease area E is anticipated in the current reporting period. Demolition of various structures located within the blue shaded envelope of Appendix C are anticipated to commence in the current reporting period and in accordance with the Decommissioning and Rehabilitation Plan approved by DWER on 23 December 2020. There are no proposed changes to the Compliance Assessment Plan.

## 3. STATEMENT OF COMPLIANCE

Midland Brick has complied with all the conditions of Ministerial Statement 1124 over the reporting period of 1 February 2021 to 31 January 2022. The compliance status for each of the relevant conditions is indicated in Table 1.

### 3. DETAILS OF COMPLIANCE STATUS

Details of the compliance status for each key characteristic are included in Table 1 below. There were no non-compliances for the reporting period (1124:M3.5).

Table 1: Compliance Status

Audit Code(s)	Subject	Requirement	Status	Further Information
1124:M2.1	Contact Details	Notify the CEO of DWER any name or address changes	Compliant	Form 3 notifications sent 23 April 2021 after BGC (Australia) Pty Ltd acquired Capitary No.3 Pty Ltd and 6 July 2021 when Capitary No.3 Pty Ltd was renamed to Midland Brick Pty Ltd.
1124:M3.1/M3.2 / M3.3/M3.4	Compliance Reporting	Compliance Assessment Plan with Audit Table	Compliant	The Compliance Assessment Plan was approved by DWER on 24/11/2020.
1124:M3.6	Compliance Reporting	Compliance Assessment Report	Compliant	A Compliance Assessment Report was submitted on 29/04/2021 as per MS 1124:M3.1
1124:M4.1/M4.2	Public Availability of Plans and Reports	Public Reporting	Compliant	Publicly available via <a href="http://www.midlandbrick.com.au/Resources/Environmental-Reports">www.midlandbrick.com.au/Resources/Environmental-Reports</a>
1124:M5.1/M5.2	Decommissioning	Decommissioning and Rehabilitation Plan	Compliant	Infilling of the inundated clay pit in the northern section of the site and decommissioning of settlement pond 4 was conducted in accordance with the approved Decommissioning and Rehabilitation Plan. No infrastructure demolition work occurred during the reporting period.
1124:M6.1/M6.2	Flora Vegetation Impacts of Fluoride	Reporting detrimental impacts where there is an adverse effect on total plant growth or plant reproduction.	NR	Impacts where there is an adverse effect on total plant growth or plant reproduction will be reported if noted in the next Vegetation Health Survey.
1124:M6.3/M6.4 /M6.5	Flora Vegetation Impacts of Fluoride	Vegetation Health Survey due 2024	NR	The Vegetation Health Survey will be undertaken in 2024 as per Ministerial Condition 6.3.

#### 4. REVISION HISTORY

Date	Rev	Description	By	Checked	Approved
June 2020	1	First Draft	JC	AS	NS
April 2021	2	Second Draft	AS	CB	DC
April 2022	3	Third Draft	ND	CB	DC

#### 5. ENDORSEMENT

Date	Rev	CEO Approval	Signature
28 April 2022	3	Daniel Cooper	

Table 2: Compliance Assessment 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) of 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 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	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
		with an explanation and reasons why the data should not be made publicly available.						
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	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		

## 6. APPENDICES

1. Appendix A - Ministerial Statement 1124
2. Appendix B - Decommissioning and Rehabilitation Plan
3. Appendix C - Proposed new boundary