



COMPLIANCE ASSESSMENT REPORT
(Ministerial Statement 1124)

1 February 2022 - 31 January 2023

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 2022 – 31 January 2023 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 2022-2023

During the reporting period, the main activities on site focused on clay brick manufacture from Kilns 9, 10 and 11. Kiln 11 was turned off at the end of January 2023 and subsequently decommissioned. Concrete masonry was produced in the masonry plant on site throughout the reporting period.

An application to amend the prescribed premise boundary was submitted to DWER on 26 April 2022. The application included a further revision of the Site Water Management Plan. This application was approved on 02 August 2022 and the boundary of the premises changed as reflected in Appendix C.

Demolition of various structures located within the blue shaded envelope of Appendix C continued in the reporting period and is still ongoing in accordance with the Decommissioning and Rehabilitation Plan approved by DWER on 23 December 2020.

2.3. Proposed Activities for 2023-2024

An application to further amend the prescribed premise boundary to remove lease area E was submitted to DWER in April 2023. Demolition of various structures located within the blue-shaded envelope of Appendix C and former Lease Area E will continue in accordance with the Decommissioning and Rehabilitation Plan. 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 2022 to 31 January 2023. The compliance status for each of the relevant conditions is indicated in Table 2.

3.1. Proposal and Proponent Details

Proposal Title	The proposal is to operate a clay brickmaking facility at 102 Great Northern Highway, Middle Swan 6065.
Statement Number	MS 1124
Proponent Name	Midland Brick Pty Ltd (Midland Brick)
Proponent's Australian Company Number	005736005

3.2. Statement of Compliance Details

Reporting Period	1/02/22 to 31/01/23
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Implementation phase(s) during reporting period							
Pre-construction		Construction		Operation	✓	Decommissioning	✓

Compliance status terms and an audit table for the reporting period are included in Table 2 and Table 3 respectively.

3. DETAILS OF COMPLIANCE STATUS

Details of the compliance status for each characteristic are provided in Table 2 below. There were no non-compliances for the reporting period (1124:M3.5).

Table 1: Compliance Status Terms

Compliance Status Terms	Abbrev	Definition	Notes
Compliant	C	Implementation of the proposal has been carried out in accordance with the requirements of the audit element.	This term applies to audit elements with: <ul style="list-style-type: none"> ongoing requirements that have been met during the reporting period; and requirements with a finite period of application that have been met during the reporting period, but whose status has not yet been classified as 'completed'.
Completed	CLD	A requirement with a finite period of application has been satisfactorily completed.	This term may only be used where: <ul style="list-style-type: none"> audit elements have a finite period of application (e.g. construction activities, development of a document); the action has been satisfactorily completed; and the DWER has provided written acceptance of 'completed' status for the audit element.
Not required at this stage	NR	The requirements of the audit element were not triggered during the reporting period.	This should be consistent with the 'Phase' column of the audit table.
Potentially Non-compliant	PNC	Possible or likely failure to meet the requirements of the audit element.	This term may apply where during the reporting period the proponent has identified a potential non-compliance and has not yet finalized its investigations to determine whether non-compliance has occurred.
Non-compliant	NC	Implementation of the proposal has not been carried out in accordance with the requirements of the audit element.	This term applies where the requirements of the audit element are not "complete" have not been met during the reporting period.

Table 2: 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	C	No change to the proposal during the reporting period.
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	C	No change of name or address warranted during the reporting period.
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	CLD	The Compliance Assessment Plan was prepared by the proponent and submitted on 5/11/2020. It was approved by the EPA on 24/11/2020.
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	C	No change to compliance assessment plan or audit table during the reporting period.
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	C	A Compliance Assessment Report was submitted on 29/04/2022

Audit Code	Subject	Requirement	How	Evidence	Phase	Timeframe	Status	Further Information
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 requirements so they can be retrieved if requested.	Availability of records at the request of the CEO.	Overall	Ongoing	C	Reports are maintained on a secure internal network.
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	C	There were no non-compliances during the reporting period.
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 Midland Brick (formerly 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	C	A Compliance Assessment Report was submitted on 29/04/2022.
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	C	2021-22 plans and reports made publicly available via www.midlandbrick.com.au/Resources/Environmental-Reports

Audit Code	Subject	Requirement	How	Evidence	Phase	Timeframe	Status	Further Information
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	NR	
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	CLD	Decommissioning and Rehabilitation Plan approved by DWER on 23 December 2020
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	C	Demolition of former kilns 7 and 8 was conducted in accordance with the approved Decommissioning and Rehabilitation Plan during the reporting period.
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	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:M6.2	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	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.


Audit Code	Subject	Requirement	How	Evidence	Phase	Timeframe	Status	Further Information
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	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:M6.4	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	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:M6.5	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	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.

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
April 2023	4	Fourth Draft	ND	CB	DC

5. ENDORSEMENT

I, Daniel Cooper, Chief Executive Officer, declare that I am authorised on behalf of Midland Brick Pty Ltd to submit this Compliance Assessment Report and that the information contained within is true and not misleading.

Date	Rev	CEO Approval	Signature
28 April 2023	4	Daniel Cooper	

6. APPENDICES

1. Appendix A - Ministerial Statement 1124
2. Appendix B - Decommissioning and Rehabilitation Plan
3. Appendix C - Current Prescribed Premises Boundary
4. Appendix D - Proposed New Prescribed Premises Boundary
5. Appendix E - Compliance Assessment Plan