



COMPLIANCE ASSESSMENT REPORT
(Ministerial Statement 1124)

1st February 2025 – 31st January 2026

Midland Brickworks

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Revision History

Date	Rev	Description	By	Checked	Approved
Apr-26	A	Middle Swan Brickworks CAR	SR	CB	CB

1. Introduction

This Compliance Assessment Report (CAR) has been prepared to meet Conditions 3.1 and 3.2 of Ministerial Statement 1124 (previously 322) published on the 30th January 2020 (issued 6th October 1993) for the Midland Brickworks. The Midland Brickworks is located at 321 Great Northern Highway, Middle Swan. A copy of the Ministerial Statement is at Appendix A.

The CAR is for the period from the 1st February 2025 to the 31st January 2026 (the 'reporting period'). It provides information on the following:

- The status of implementation
- Statement of compliance (Appendix B)
- Details of compliance status
- Compliance with approved management plans
- Compliance audit table, which presents conditions in an auditable format.

The CAR is prepared in accordance with the requirements of the Compliance Assessment Plan (Appendix C).

2. Summary of Proposal's Implementation Status

This CAR covers the reporting period 1st February 2025 to the 31st January 2026, per the Compliance Assessment Plan dated November 2020.

2.1. Current Approvals

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

- Part IV Approval issued by the Minister for the Environment - Ministerial Statement 1124 (Appendix A). The original Ministerial Statement (No. 322) was issued on the 6th October 1993 and the current Statement 1124 was issued on the 30th January 2020.
- Part V Prescribed Premise Licence L4511/1967/14 issued by the Department of Water and Environmental Regulation (DWER) for Category 41 and Category 77 (Appendix D).

The Midland Brickworks is currently partially within the operational phase (the northern and central portions of the approved area) and partially within the decommissioning phase (the western and southern portions of the approved area).

2.2. Operational Overview 2025 to 2026

The Midland Brickworks is largely confined to the northern and central portions of the approved area and comprises the masonry shed, two kilns (kilns 9 and 10), a clay shed and yards. During the reporting period, the main activities on site focused on clay brick manufacture from Kilns 9 and 10 and concrete masonry manufacture at the masonry plant throughout the entire reporting period.

A Works Approval (W6957) was issued to an external party (Australian Precast Solutions Pty Ltd) in December 2024 for Category 77. The Works Approval relates to the western portion of the site and was for a temporary concrete batching plant and precast concrete moulding facility within a central portion of Lot 72 Eveline Road. The premises is intended as a temporary establishment anticipated

to be constructed and operated for approximately 18-24 months with construction completed by early 2025, production undertaken from April -October 2025 followed by decommissioning from November 2025 to April 2026.

A Decommissioning and Rehabilitation Plan (Appendix E) has previously been approved for the site. Throughout the reporting period, continued decommissioning of the western and southern portions of the site was undertaken by the landowner including filling, remediation, redirecting surface water flows for stormwater management, construction of a new stormwater basin and demolition of structures. A new stormwater basin at the south-west corner of the site was completed in mid-2025.

2.3. Proposed Activities for 2026 to 2027

Clay brick and concrete product manufacturing within the Midland Brick operations will continue throughout 2026 and 2027.

Further decommissioning activities in accordance with the Decommissioning and Rehabilitation Plan are anticipated to be continued by the landowner.

3. Statement of Compliance

Midland Brick has complied with all the conditions of Ministerial Statement 1124 over the reporting period of 1 February 2025 to 31 January 2026. The compliance status for each of the relevant conditions is provided in Table 2.

A statement of compliance is attached separately (Appendix B).

4. Details of Compliance Status and Performance

The definition of each compliance status term used in this report is based on the definitions set out in the EPA’s *Post Assessment Guideline for Preparing an Audit Table* (2012). The definitions are replicated in Table 1 below for reference.

Details of the compliance status for each condition, including the requirements of Schedule 1, are provided in the Audit Table provided at Table 2. Midland Brick has complied with the conditions of approval and the Environmental Management Plans (i.e. the Decommissioning and Rehabilitation Plan) throughout the reporting period. There were no non-compliances for the reporting period.

Table 1: Compliance Status Definitions

Compliance Status Term	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: Compliance Audit of Implementation Conditions

Audit Code	Subject	Requirement	How	Evidence	Phase	Timeframe	Status	Further Information	
1124:M1.1	Project 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, further detail below.	Overall	Ongoing	C	This Compliance Assessment Report (CAR) 2025-2026 demonstrates that the proposal is being implemented in accordance with Schedule 1 of this statement.	
		Element	Authorised Extent						
		Project Life	50 years	Ensure the proposal is not implemented beyond a 50 year timeframe.	Compliance Assessment Report	Overall	Ongoing	C	MS 1124 was approved in January 2020.
		Area of disturbance	65.83 hectares	Ensure the proposal does not extend beyond the	Compliance Assessment Report	Overall	Ongoing	C	The size of the brickworks operation is significantly reduced and has not extended beyond the approved area.
		Brickworks and associated infrastructure	Five kilns, four stacks and associated storage and laydown facilities	Ensure the operation does not extend beyond the approved facilities.	Compliance Assessment Report recent aerial photo showing the operation areas.	Overall	Ongoing	C	The brickworks comprise two kilns and two stacks and associated storage and laydown facilities. Other uses (masonry, decommissioning) are also implemented within the approved area.
		Brick manufacturing	No more than 1,000,000 tonnes per year	Keep record of production tonnage.	Internal records.	Overall	Ongoing	C	Tonnage from FY24-25 was reported to DWER as part of the Part V licence. Two kilns do not have the capacity to produce 1,000,000 tonnes per annum.
		Water management	Five settlement ponds	Ensure water management does not extend beyond five settlement ponds.	Compliance Assessment Report	Overall	Ongoing	C	There are two settlement ponds within the Midland Brick operational area. Overall, the approved area has five settlement ponds, although the

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Audit Code	Subject	Requirement	How	Evidence	Phase	Timeframe	Status	Further Information
								decommissioning of some settlement ponds is set out in the approved Decommissioning and Rehabilitation Plan, and this is being undertaken by the landowner.
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. Or the “Notice of Nomination of Proponent” published by the Department.	Overall	Ongoing	C	A “Notice of Nomination of Proponent” was published by the Department on the 9 th October 2020 identifying Capitary No. 3 Pty Ltd as the proponent. No changes were made 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 th 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	Prior to 30 th October 2020	CLD	No change to Compliance Assessment Plan during the reporting period. The CAP was approved by the EPA on 24/11/2020.

Table 2: Compliance Audit of Implementation Conditions

Audit Code	Subject	Requirement	How	Evidence	Phase	Timeframe	Status	Further Information
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.	Compliance Assessment Report and audit.	Compliance Assessment Report.	Overall	Ongoing	C	The 2024-2025 Compliance Assessment Report was submitted in April 2025.
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 noncompliance being known.	Notify the CEO in writing.	Copy of correspondence to the CEO advising of noncompliance.	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.	Provide the CEO with Compliance Assessment Report in accordance with the Compliance Assessment Plan.	Compliance Assessment Report. Endorsement by Midland Brick (Capitary No 3) (or delegate) of the Compliance Assessment Report.	Overall	Prior to 30 April 2021 and annually thereafter	C	A Compliance Assessment Report was submitted in April 2025. A copy is available on the Midland Brick website.

Table 2: Compliance Audit of Implementation Conditions

Audit Code	Subject	Requirement	How	Evidence	Phase	Timeframe	Status	Further Information
		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.		Copies of the Compliance Assessment Report available on Midland Brick website (www.midlandbrick.com.au).				
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	Compliance Assessment Plan and Compliance Assessment Reports 2021, 2022, 2023, 2024 and 2025 are made publicly available via www.midlandbrick.com.au/Resources/Environmental-Reports
699: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	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	No information in this report is considered to be confidential.

Table 2: Compliance Audit of Implementation Conditions

Audit Code	Subject	Requirement	How	Evidence	Phase	Timeframe	Status	Further Information
		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	CLD	Decommissioning and Rehabilitation Plan approved by DWER on 23 December 2020
1124:5.2	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	Decommissioning is ongoing by the landowner 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.	Compliance Assessment Report	Overall	Ongoing.	C	The “Fluoride Impacts to Vegetation Survey” (Del Botanics, 2026) concluded that “no detrimental impact was recorded on vegetation health from fluoride emissions.” A copy of the report is at Appendix F.
1124:6.2	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 assessment	Compliance Assessment Report	Overall	Ongoing	C	A vegetation assessment was undertaken in November 2025 (Appendix F), which is 5 years after the approval was issued (January 2020). The survey was undertaken during the 5 th year of the approval being issued, during the spring as it was considered that this would be an optimal time of the year to undertake the survey.

Table 2: Compliance Audit of Implementation Conditions

Audit Code	Subject	Requirement	How	Evidence	Phase	Timeframe	Status	Further Information
1124:6.3	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 assessment	Completed Vegetation Health Survey Report	Overall	Every 5 years from the date of issue	C	As above. Advice was received which recommended that the survey is undertaken in spring as this was considered the best time to observe new leaf growth (Appendix G).
1124:6.4	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	C	The “Fluoride Impacts to Vegetation Survey” (Del Botanics, 2026) concluded that “no detrimental impact was recorded on vegetation health from fluoride emissions.”
1124:6.5	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 CEO	Overall	Within 21 days of detrimental impact being known	NR	The “Fluoride Impacts to Vegetation Survey” (Del Botanics, 2026) concluded that “no detrimental impact was recorded on vegetation health from fluoride emissions” and no notification to the CEO was required.

5. Environmental Management Plans

The proponent continues to comply with the implementation of Management Plans required under the Ministerial Statement, including the following:

- Decommissioning and Rehabilitation Plan (DRP) (Emerge Associates, 2020) in relation to Condition 5.1

This Plan sets out the decommissioning of various buildings, structures, settlements ponds and hardstand areas within the western and southern portions of the site. The decommissioning is being undertaken on a staged basis, commencing in the west and progressively moving eastward to meet Bassett Road, in accordance with the Plan. It states that the areas to be decommissioned will be redeveloped for residential or industrial purposes and therefore no specific revegetation rehabilitation plan is required.

The Decommissioning and Rehabilitation Plan notes that it will be updated at a later date to include decommissioning and rehabilitation of other elements of the site, once the timing is appropriate.

6. Endorsement

This Compliance Assessment Report is endorsed by the CEO.