



WESTERN AUSTRALIA
MINISTER FOR THE ENVIRONMENT

**STATEMENT THAT A PROPOSAL MAY BE IMPLEMENTED (PURSUANT
TO THE PROVISIONS OF THE ENVIRONMENTAL PROTECTION ACT
1986)**

**CLAY EXCAVATION, PART LOT 1 & LOTS 222,27,26,25,28 & 7 HALLETT & COPLEY
ROADS, UPPER SWAN (504)**

MIDLAND BRICK COMPANY PTY LTD

This proposal may be implemented subject to the following conditions:

1. Commitments

In implementing the proposal, the proponent shall fulfil the commitments (which are not inconsistent with the conditions or procedures contained in this statement) made in the Consultative Environmental Review and included in Environmental Protection Authority Bulletin 599 as Appendix 1. (A copy of the commitments is attached).

2. Detailed Implementation

Subject to these conditions, the manner of detailed implementation of the proposal shall conform in substance with that set out in any designs, specifications, plans or other technical material submitted by the proponent to the Environmental Protection Authority with the proposal. Where, in the course of that detailed implementation, the proponent seeks to change those designs, specifications, plans or other technical material in any way that the Minister for the Environment determines on the advice of the Environmental Protection Authority, is not substantial, those changes may be effected.

3. Length of Tenure

Approval for the proposal shall be for a maximum of ten years from the date of this statement. Subsequent applications will be reviewed in the light of the proponent's environmental performance at the site.

4. Environmental Management Programme

A comprehensive environmental management programme should be prepared to enable the proponent to detect, report on and manage any impacts on the environment.

- 4-1 Prior to the start of quarrying activities, the proponent shall prepare an Environmental Management Programme, following consultation with the appropriate government departments, to the satisfaction of the Minister for the Environment on advice of the Environmental Protection Authority. Plans to be prepared as part of the Environmental Management Programme shall include, but not necessarily be limited to:

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- (1) a staged quarrying strategy;
- (2) drainage management;
- (3) lakewater management;
- (4) groundwater management and protection;
- (5) excavation and rehabilitation procedures;
- (6) end-use and progressive rehabilitation of the site;
- (7) procedures to minimise noise, dust and visual impacts associated with the quarrying and transportation operations;
- (8) periodic reporting of monitoring results; and
- (9) consequential changes to project management to remedy unacceptable environmental impacts.

4-2 The proponent shall implement the Environmental Management Programme required by condition 4-1 to the satisfaction of the Environmental Protection Authority.

4-3 The proponent shall periodically review the Environmental Management Programme required by condition 4-1 to the satisfaction of the Environmental Protection Authority.

5. Regional Development, Drainage and Rehabilitation

The proponent shall contribute, to the satisfaction of the Environmental Protection Authority, to the preparation of a regional development, drainage and rehabilitation strategy for the Upper Swan locality in consultation with the appropriate government departments, including the Main Roads Department, the Department of Conservation and Land Management and the Department of Planning and Urban Development, the Shire of Swan and other current and known proposed clay producers in the area, such that the plan can be prepared within two years of the date of this statement.

6. Decommissioning

The proponent shall be responsible for decommissioning and removal of the plant and installations and rehabilitating the site and its environs, to the satisfaction of the Environmental Protection Authority. At least six months prior to decommissioning, the proponent shall prepare and subsequently implement a decommissioning and rehabilitation plan, to the satisfaction of the Environmental Protection Authority.

7. Proponent

No transfer of ownership, control or management of the project which would give rise to a need for the replacement of the proponent shall take place until the Minister for the Environment has advised the proponent that approval has been given for the nomination of a replacement proponent. Any request for the exercise of that power of the Minister shall be accompanied by a copy of this statement endorsed with an undertaking by the proposed replacement proponent to carry out the project in accordance with the conditions and procedures set out in the statement.

8. Time Limit on Approval

If the proponent has not substantially commenced the project within five years of the date of this statement, then the approval to implement the proposal as granted in this statement shall lapse and be void. The Minister for the Environment shall determine any question as to whether the project has been substantially commenced. Any application to extend the period of five years referred to in this condition shall be made before the expiration of that period, to the Minister for the Environment by way of a request for a change in the condition under Section 46 of the Environmental Protection Act. (On expiration of the five year period, further consideration of the proposal can only occur following a new referral to the Environmental Protection Authority).

9. Compliance Auditing

The proponent is responsible for complying with the environmental conditions and commitments.

- 9-1 The proponent shall prepare an "Audit Programme" in consultation with and to the satisfaction of the Environmental Protection Authority. The programme shall include, but not be limited to, the preparation of regular "Compliance Reports" to show the progress of the proposal, any changes to the original proposal, and how the proponent has complied with the environmental conditions.
- 9-2 Subsequent to condition 9-1, the proponent shall implement the approved Audit Programme to the satisfaction of the Environmental Protection Authority.

Bob Pearce, MLA
MINISTER FOR THE ENVIRONMENT

22 APR 1992

Proponent's Environmental Management Commitments (504)

In addition to the conditions of their existing approval, Midland Brick Company Pty Ltd agree to:

- (1) Consult with planning authorities to facilitate the derivation of a long term strategic plan for the Upper Swan locality which recognizes and accepts the interim priority land use of clay extraction.
- (2) Ensure that the company's present rehabilitation concept is consistent with the overall rehabilitation goal for the locality once this has been formally agreed by the parties concerned.
- (3) Comply with excavation licence conditions negotiated with the Shire of Swan and in consultation with the Environmental Protection Authority and the Swan River Trust.