



Ass # 121

Bull # 610

State # 265

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, LOTS 21 & 22 APPLE STREET, UPPER SWAN (121)

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 in response to issues raised following public submissions. These commitments have been consolidated and are included in Environmental Protection Authority Bulletin 610 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. Duration of Approval

This approval is for a period of ten years from the date of this statement. Subsequent applications for approval shall be referred to the Environmental Protection Authority and will be reviewed in the light of the proponent's environmental performance at the site.

4. Drainage Management

A drainage management plan should be prepared to protect the fenced-off habitat of the Western Swamp Tortoise at Ellen Brook Nature Reserve and those areas identified in figure 1 of Environmental Protection Authority Bulletin 610 as "proposed additions to tortoise habitat" if acquired by the Department of Conservation and Land Management (hereafter referred to as the Wildlife Sanctuary) from external surface water drainage impacts affected by this proposal.

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- 4-1 Prior to the start of quarrying activities and in consultation with the appropriate government departments, including the Department of Conservation and Land Management, the Main Roads Department and the Swan River Trust, and the Shire of Swan, the proponent shall prepare a drainage management plan as part of the Environmental Management Programme required by condition 6, to the satisfaction of the Minister for the Environment on advice of the Environmental Protection Authority. This plan shall enable the proponent to:
- (1) detain all drainage waters on site for the duration of the clay excavation operation, so that they do not enter the Wildlife Sanctuary nor create an unacceptable impact elsewhere;
 - (2) divert all drainage waters from the south-western side of the Great Northern Highway from entering the Wildlife Sanctuary within two years of the date of this statement, and in so doing, ensure that this action does not create an unacceptable impact elsewhere;
 - (3) monitor drainage to detect, report on, and manage any drainage impacts on the Wildlife Sanctuary; and
 - (4) remedy any unacceptable drainage impacts on the Wildlife Sanctuary caused by this proposal.
- 4-2 The proponent shall subsequently implement the drainage management plan required by condition 4-1.
- 4-3 The proponent shall periodically review the drainage management plan required by condition 4-1.

5. Wildlife Sanctuary Buffer

The proponent shall not quarry within 100 metres of the boundaries of the Wildlife Sanctuary at Ellen Brook Nature Reserve and any additions thereto (as identified in condition 4) until further investigations demonstrate, to the satisfaction of the Environmental Protection Authority on advice of the Department of Conservation and Land Management, that adverse effects will not occur to the tortoise habitat.

6. 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, particularly on the Wildlife Sanctuary of the Western Swamp Tortoise at Ellen Brook Nature Reserve (as identified in condition 4).

- 6-1 Prior to the start of quarrying activities and following consultation with the appropriate government departments, the proponent shall prepare an Environmental Management Programme 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:
- (1) a staged quarrying strategy;
 - (2) drainage management (see condition 4);
 - (3) groundwater management and protection;
 - (4) progressive rehabilitation of the site;
 - (5) procedures to minimise noise, dust and visual impacts associated with the quarrying and transportation operations;

- (6) public safety and mosquito breeding;
- (7) periodic reporting of monitoring results; and
- (8) consequential changes to project management to remedy unacceptable environmental impacts.

6-2 The proponent shall subsequently implement the Environmental Management Programme.

6-3 The proponent shall periodically review the Environmental Management Programme.

7. Regional Development, Drainage and Rehabilitation

The proponent shall contribute 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.

8. Decommissioning

The proponent is responsible for decommissioning and removal of the plant and installations and rehabilitation of the site and its environs.

8-1 At least six months prior to decommissioning, the proponent shall prepare a decommissioning and final rehabilitation plan.

8-2 The proponent shall implement the plan required by condition 8-1.

9. 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.

10. 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).

11. Compliance Auditing

In order to ensure that agreed environmental conditions and commitments are met, an audit system is required.

11-1 The proponent shall prepare periodic "Compliance Reports" to help verify the environmental performance or otherwise of this project, in consultation with the Environmental Protection Authority.

Procedure

The conditions contained in this statement are to be complied with to the satisfaction of the Environmental Protection Authority except where they are required to be carried out to the satisfaction of either the Minister for the Environment or any other government agency.

Should the Environmental Protection Authority, other government agency and/or proponent be unable to resolve any dispute that occurs concerning these conditions and commitments, that dispute will be determined by the Minister for the Environment.

Bob Pearce, MLA
MINISTER FOR THE ENVIRONMENT

27 MAY 1992

Environmental Management Commitments

Clay Excavation, Lots 21 & 22 Apple Street, Upper Swan (121)

The proponent hereby commits itself to the overall environmental management and rehabilitation philosophy outlined in the Consultative Environmental Review and subsequent modifications as outlined in Appendices 2 and 3 of Bulletin 610 of the Environmental Protection Authority. In specific terms, this means the proponent will;

- (1) Consult with Planning Authorities to facilitate the derivation of a long term strategic plan for the locality which recognises and accepts the interim priority land use of clay extraction.
- (2) Establish an inter-company liaison mechanism to enable a co-ordinated approach between all three proponents with respect to addressing potential cumulative operational effects and overall rehabilitation goals.
- (3) Implement the management techniques described in both Sections 5 and 6 of the CER to ensure that adverse effects are not experienced in relation to:
 1. potential visual intrusion for residents at Upper Swan and through-traffic on Great Northern Highway;
 2. potential noise and dust disturbance of the residents at Upper Swan, particularly near the road junction of Apple Street and Almeria Parade;
 3. potential erosion of working areas and stockpiles and consequent silt transport to local drainage; and
 4. dewatering of accumulated rainfall and (perhaps) groundwater seepage from the working area of the pit which may be necessary to allow excavation to proceed.
- (4) Implement routine surveillance of the quarries at regular intervals throughout the year to assess the critical parameters identified in the monitoring programme.
- (5) Comply with excavation licence conditions negotiated with the Shire of Swan and in consultation with the Environmental Protection Authority.
- (6) Introduce sequential rehabilitation of previously worked area as soon as practicable in accordance with the rehabilitation objectives developed in consultation with Planning Authorities and the landowner (ie. in respect of leasehold arrangements).
- (7) During the mining activity, no silt-laden run-off water will enter the Ellen Brook Nature Reserve from Lots 21 and 22.
- (8) Undertake progressive restoration of the pits during the clay excavation at the site, to the greatest extent possible.

- (9) Prepare an Environmental Monitoring and Management Programme to the satisfaction of the Environmental Protection Authority prior to commencement of operations at the site.
- (10) Not excavate below the permanent water table and, in the unlikely event that the excavation did reach the water table, the area will be backfilled to maintain at least one metre of cover.