

DEPARTMENT OF ENVIRONMENT - PROJECTS APPROVED SUBJECT TO
MINISTERIAL CONDITIONS

4770. Hon Paul Llewellyn to the Parliamentary Secretary representing the Minister for the Environment
With reference to the issue of ministerial conditions and compliance thereof, I ask -

- (1) How may projects approved by the Department of Environment over the past five years had ministerial conditions attached to them?
- (2) Can the Minister provide a list of those projects?
- (3) If no to (2), why not?
- (4) Approximately how many of the abovementioned ministerial conditions are in place?
- (5) Approximately how many breaches of these conditions have been recorded?
- (6) How many breaches have resulted in legal action by the Department?
- (7) If no breaches, as referred to in (6), why not?
- (8) How many legal actions have resulted in prosecution of the entity causing the breach?
- (9) Can the Minister provide a list of these prosecutions?

Hon SALLY TALBOT replied:

- (1) The Department of Environment and Conservation does not approve projects and set Ministerial conditions. This is done by the Minister for the Environment. A total of 150 projects, made up of 109 new proposals, 32 changes of conditions to existing projects, and 9 town planning schemes/amendments, had conditions attached to Implementation Statements of approval given under Section 45 of the Environmental Protection Act 1986 from 1 May 2002 until 16 May 2007.
- (2) Yes. [See paper 2780.]
- (3) Not applicable.
- (4) All conditions set over the 5-year period are in place, unless they have been superseded by a changed condition.
- (5) The Department of Environment and Conservation has advised that there have been approximately 120 recorded non-compliances with individual elements of environmental conditions or commitments under Implementation Statements of approval.
- (6) There has been one prosecution mounted concerning two alleged failures to comply with an Implementation Statement Condition under Section 47(1) of the Environmental Protection Act 1986.
- (7) The vast majority of non-compliances are dealt with by the Department of Environment and Conservation taking steps requiring the proponent to bring the project back into compliance with the relevant Conditions. This is an option for resolution of a non-compliance set out in Section 48(4) of the Environmental Protection Act 1986.
- (8) One.
- (9) The prosecution was against a quarry and concerned the discharge of water from the quarry into a watercourse.