

ENVIRONMENT — LOT 20 ADELAIDE STREET HAZELMERE — CONTAMINATION ASSESSMENT

5314. Mr C.J. Tallentire to the Minister for Environment:

- (1) I refer to Lot 20 Adelaide Street, Hazelmere. A contamination assessment was undertaken by Parsons Brinckerhoff in 2006 which summarised the extent and general nature of uncontrolled fill present, however the Westerock Works Approval Application notes that the depth and extent of contamination will need to be determined during the excavation/remediation process and I ask:
  - (a) should appeals against the level of assessment be dismissed, will the Department of Environment Regulation conduct a more rigorous assessment of the extent and depth of contaminated waste ahead of the issue of a works approval licence, and if not why not?
- (2) Will a more rigorous assessment of the extent and depth of contaminated waste occur prior to any excavation/remediation work, and if not, why not?
- (3) Which department/agency will monitor the excavation/remediation works throughout the life of the project, should a works approval licence be issued:
  - (a) what penalties apply if regulatory safeguards are breached; and
  - (b) what is the process to ensure a successful prosecution?
- (4) Westerock Pty Ltd has indicated the remediation work will take approximately 5 years to complete:
  - (a) what is the excavation/remediation process for this site that warrants a works period of 5 years;
  - (b) what measures could be imposed through the works approval license to ensure excavation/remediation is done in a 6-month period; and
  - (c) in what circumstances would the Department require that a site be domed during the excavation/remediation works?

**Mr A.P. Jacob replied:**

- (1) (a) The Department of Environment Regulation (DER) is assessing a works approval application in accordance with the *Environmental Protection Act 1986* (EP Act). However, no decision will be made until after I have determined the appeals. The Department undertakes a risk-based assessment which considers any environmental impacts that may be associated with emissions and discharges from the proposal.
- (2) See response to question (1)(a).
- (3) Should DER grant a works approval and licence under Part V of the EP Act, DER will monitor compliance with conditions of the works approval and licence.
  - (a) Contravening a condition in a works approval or licence under the EP Act has a maximum penalty of \$125,000 for a body corporate and \$62,500 for an individual. There is also an ongoing daily penalty for this offence of \$25,000 for a body corporate and \$12,500 for an individual.

Breach of conditions may also constitute grounds for suspension or revocation of the works approval or licence.

- (b) Admissible evidence is gathered to establish a prima facie case to the standard required by the Courts. If a prima facie case exists, the Department will assess whether a prosecution is in the public interest in accordance with its Enforcement and Prosecution Policy.
- (4) (a) See response to question (1)(a).
- (b) Under section 62 of the EP Act, a works approval or licence may be granted subject to conditions as the Chief Executive Officer considers necessary for the prevention, control, abatement or mitigation of pollution or environmental harm. All works approvals and licences are granted for a specific duration.
- (c) See response to question (1)(a).