

LEGISLATIVE COUNCIL**Question on notice****Tuesday, 18 November 2014**

2205. Hon Robin Chapple to the Minister for Mental Health representing the Minister for Environment.

In regard to land clearing activities by the Broome Port Authority in October 2014, I ask:

- (a) what was the total area of land cleared;
- (b) what were the conditions imposed on the clearing;
- (c) for what purpose was the clearing carried out;
- (d) who will develop the land, for what purpose and when will this occur;
- (e) did the Broome Port Authority have a permit to clear all of the land in question, or was some clearing done without a permit:
 - (i) if so, how much clearing was undertaken without a permit and what was the conservation, heritage or other status of that portion of land;
 - (ii) were any rare, threatened or endangered species destroyed or harmed by the clearing, and if so, what were they and how many of each species;
 - (iii) were any sites of cultural significance destroyed or harmed by the clearing, and if so, has this been reported to the Minister for Aboriginal Affairs;
 - (iv) what action has the Minister taken, or will the Minister take, to investigate the over-clearing and what steps will the Minister take to prosecute those responsible; and
 - (v) has the Minister discussed, or will the Minister discuss the situation with the Shire, Traditional owners, native title holders and the Broome community stakeholders; and
 - (f) given the wet season will soon commence, will the Minister require the Broome Port Authority to protect the cleared area and surrounding (downstream) environment from erosion prior to its development, and if not, why not?

Answer

The Minister for Environment has provided the following response.

- (a) Preliminary assessment, subject to verification, indicates that between 26.25 and 26.85 hectares (ha) of native vegetation were cleared.
- (b) That the permit holder must not clear more than 24.55 ha of native vegetation within the area identified in the clearing permit. In determining the amount of native vegetation to be cleared, authorised under this permit, the permit holder is also required to have regard to the following principles, set out in order of preference:
 - (i) avoid the clearing of native vegetation;
 - (ii) minimise the amount of native vegetation to be cleared; and
 - (iii) reduce the impact of clearing on any environmental value.

The permit holder is required to keep records of clearing and submit annual reports to the Chief Executive Officer of the Department of Environment Regulation (DER).

- (c) The clearing was authorised for the purpose of commercial development, relocation of utilities corridor and the relocation of a Telstra line.
- (d) The entity responsible for developing the land is not a matter considered by DER in determining the clearing permit. The purpose is outlined in part (c). The permit is currently valid until 28 October 2016.
- (e) The Kimberly Port Authority, incorporating the Broome Port Authority, has a permit authorising the clearing of no more than 24.55 ha of native vegetation.
 - (i)-(v) An investigation is currently underway by DER aimed at establishing the facts. It would be inappropriate for me to comment prior to those facts being established.

A Senior Investigator has attended the site and conducted additional inquiries, including the interview of witnesses. The outcome of the investigation will be considered in accordance with DER's *Enforcement and Prosecution Policy* (July 2013).

- (f) It is understood that the Kimberley Port Authority has committed to the site being rehabilitated and is currently working in conjunction with the traditional owners to bring this into effect.

