

LEGISLATIVE COUNCIL Question On Notice

Tuesday, 13 September 2016

4397. Hon Robin Chapple to the Minister for Planning representing the Minister for Environment

I refer to question on notice No. 4203, asked in the Legislative Council on 28 June 2016, by Hon Robin Chapple to the Minister for the Environment regarding the Broome North wastewater treatment plant on Lot 535 on deposited plan 73704 Crab Creek Road, Roebuck, and I ask:

- (a) will the Minister please provide the details of the lease held by Wirildi Pty Ltd and Barton Cecil Jones, including how long the lease is for, what the purpose of the lease is, how much the lease holders pay and when the lease expires;
- (b) will the Minister please provide details of why Wirildi Pty Ltd cleared the land, including the purpose and/or reason for clearing;
- (c) does the lease allow for the clearing of vegetation;
- (d) if the answer to (c) is no, is the lessee required to rehabilitate the cleared area;
- (e) if no to (d), why not;
- (f) is a letter of warning, as an enforcement action, in proportion to the magnitude or seriousness of the offence and/or the environmental impact of the illegal land clearing of 50 hectares by Wirildi Pty Ltd;
- (g) did the letter of warning state that the lessee must rehabilitate the cleared area;
- (h) will the Minister table the letter of warning;
- (i) if no to (h), why not; and
- (j) who owns Wirildi Pty Ltd?

Answer

The Minister for Environment has provided the following response.

- (a) The Lease of Crown Land for Lot 535 on Deposited Plan 73704 by lessees Wirildi Pty Ltd (ACN 064 514 987) and Barton Cecil Jones both of PO Box 4188 Kalgoorlie WA 6430 as tenants in common in equal shares is for a term of 10 years, commencing on 1 October 2012 with an option for a further 10 years. Permitted uses for the land are cattle yards, associated workshops, pasture improvement and grazing. At the time the lease was signed the lessees were paying \$6 000 plus GST of \$600 per year. The rent was due to be reviewed on 1 October 2015, with further review dates on 1 October 2018 and 1 October 2021.
- (b) The clearing undertaken was for the purposes of facilitating the building of large water tanks for stock to drink from, to create room to erect and maintain fences which divide the property into smaller sections (stock lots) for cattle, for laneways to run the cattle through when entering and leaving the stock yard, and for external boundary firebreaks.
- (c) No.
- (d) The Department of Environment Regulation (DER) has not imposed any statutory notices for the rehabilitation of the cleared area.

- (e) DER has determined that the environmental impact of the clearing was not sufficient to justify revegetation of the cleared areas in accordance with the Department's Enforcement and Prosecution Policy.
- (f) Decisions made by DER are in accordance with its Enforcement and Prosecution Policy taking into account the environmental impact of the clearing and the conduct of the parties involved.
- (g) No.
- (h) Yes. [See Tabled Paper No. #].
- (i) Not applicable.
- (j) The major shareholders and Directors of the company are David John Cecil Jones and Leslee Michelle Mordaunt.

A handwritten signature in black ink, appearing to be the initials 'AJ' or 'AG' with a large loop at the bottom.



Government of Western Australia
Department of Environment Regulation

Your ref:
Our ref: ICMS 38942
Enquiries: Stuart Barter
Phone: [REDACTED]
Fax:
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The Directors
Wirildi Pty Ltd (ACN 064 514 987)
Unit 6, Level 3
170 Burswood Road
BURSWOOD WA 6100

By registered post & by email: [REDACTED]

Dear Directors

LETTER OF WARNING FOR NON COMPLIANCE WITH THE ENVIRONMENTAL PROTECTION ACT 1986

The Department of Environment Regulation (*DER*) has conducted an investigation into the mechanical clearing of native vegetation on Lot 535, Deposited Plan 73704, Roebuck (*the Land*).

DER has determined that there is prima facie evidence of a breach of section 51C of the *Environmental Protection Act 1986 (EP Act)* – unauthorised clearing of native vegetation by Wirildi Pty Ltd (ACN 064 514 987) (*Wirildi*), the joint registered lessee of the Land.

The clearing of native vegetation in this instance was not for exempt purposes or authorised by a clearing permit granted under the EP Act.

For an offence of this nature, the EP Act provides penalties upon conviction of up to \$500,000 for a body corporate and \$250,000 for an individual. There is also an ongoing daily penalty for this offence of \$100,000 for a body corporate and \$50,000 for an individual.

After careful consideration of the circumstances in this instance, and in accordance with DER's Enforcement and Prosecution Policy, DER has elected to deal with Wirildi's alleged breach of the EP Act by way of this letter of warning.

Please be aware that any further clearing of native vegetation within the area cleared, including regrowth of native vegetation, will require authorisation through a clearing permit granted under the EP Act unless for exempt purposes.

information in relation to exemptions under the EP Act and the Regulations can be found under 'Guide 1 – Exemptions and regulations for clearing native vegetation'. This guide and further information about native vegetation clearing and Clearing Permits can be found at www.der.wa.gov.au/our-work/clearing-permits.

The Atrium, 168 St Georges Terrace, Perth WA 6000
Phone (08) 6467 5000 Fax (08) 6467 5562
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www.der.wa.gov.au

If you have any queries or require further information, please contact Senior Investigator Stuart Barter of Environmental Enforcement on [REDACTED], or via email at [REDACTED]

Yours sincerely,

[REDACTED]

Germaine Healy
EXECUTIVE DIRECTOR – COMPLIANCE & ENFORCEMENT

|| July 2016