

Despite vows by the NT Government to stop the practice, illegal land clearing continues across the Top End. What is being done about it? **CHRISTOPHER WALSH** reports

A clear issue

NUMEROUS instances of improper land clearing were discovered in Marrakai by Government officials in 2015, but none were referred for prosecution, according to Freedom of Information documents given to the NT News.

Up to 10 blocks of property in the area, some with multiple cleared sections, were noted as being in "clear breach" of the Planning Act, but no action outside of letters was taken against the offenders.

Most of the incidents follow the improper clearing of land off Boulter Road that forced Government officials to pledge to beef up penalties for clearing land without a permit late last year.

Despite assurances a crack down would occur, most of the Marrakai landowners who breached the Planning Act were instead simply told to cease clearing or apply for a retroactive permit or development application.

Environment Centre NT director Ian Harris said the Government needed to show they were serious about protecting the environment.

"Their approach is not working, it's not offering any deterrent to people," he said. "It shouldn't be up to community groups and the general public to do the planning authority's work."

"The system is broken. This just happens over and over again. Land is cleared with no penalties."

He added the soft approach is sending the wrong message at a time when the NT Government has moved to reassure Territorians strict regulations will be developed

to monitor the gas industry and fracking practices.

"People shouldn't have any faith whatsoever in the Territory's (monitoring) system," he said. "Especially at a time when the Government is pushing development of oil and gas without a correct, transparent and robust regulatory framework set up."

The Boulter Road incident caused public outrage after it was revealed four of the seven hectares of the Berrimah property were cleared of native vegetation without a permit.

The matter was dropped after the DCA and NT Police reportedly could not compile enough evidence to pursue prosecution.

According to the FOI documents, one letter to a landowner who cleared native vegetation along Scott Creek states that the Department of Land Resource Management determined improper clearing was occurring and could have been happening as far back as 2009.

"I consider that you did not develop the land in accordance with a permit to clear native vegetation and as such you have breached s75A (1) of the Act," the letter, dated October 19, 2015, states. "After considering the circumstances I have decided to take no further action at this time."

A brochure on "sensitive vegetation" was sent to the land owner.

Another internal memo dated December 21, 2015, from the senior resource management officer with the Department of Land Resource Management, to the



Landcare member Lesley Alford pictured in 2014 at the illegally cleared land on Boulter Road

executive director rangelands James Pratt, highlights a number of penalties to be imposed on another land owner for improper clearing on McGorrie Road.

Among those was the option to prosecute, which the memo states would send "a message to the wider community that clearing ecologically sensitive areas without consent is inappropriate".

Instead, Mr Pratt opted for the recommended option of writing to the owner to request a "revegetation plan".

A spokeswoman with the department said they take the clearing of ecological areas without permits "very seriously".

"The cost of native vegetation rehabilitation can be, dependant on the circumstances, more expensive to implement for

the landholder than the maximum penalty available through prosecution (\$30,600 for individuals and \$153,000, for corporations) and can result in enhanced long-term environmental outcomes," she said in an email.

Last October, Lands and Planning Minister Dave Tollner said a review would be undertaken "with a view to increasing the department's investigatory and enforcement powers".

Mr Tollner did not respond to questions about the high incidences of illegal land clearing posed by the NT News. Mr Harris said that was unacceptable because the buck ultimately stops with the Minister.

"He is the Minister responsible for planning and if his department is not doing

what it's supposed to be doing, he should tell them to apply the law properly," he said. "The public deserve some answers from Minister Tollner — ultimately he's responsible."

A spokeswoman with the Department of Lands and Planning said the review into strengthening the department's ability to deal with illegal clearing was still moving ahead.

"Investigations into enhancements to the investigatory and enforcement provisions of the Planning Act are continuing so that changes can be included in the legislative program," she said.

No time frame for implementing the recommendations of the review was offered.