

**Draft Environmental Protection
(Swan Coastal Plain Wetlands) Policy 1991**

ISBN 0 7309 3532 9

**DRAFT ENVIRONMENTAL PROTECTION
(SWAN COASTAL PLAIN WETLANDS)
POLICY 1991**

Citation

1. This policy may be cited as the Environmental Protection (Swan Coastal Plain Wetlands) Policy 1991.

Background to, and purpose of, policy

2.
 1. Wetlands have high environmental, social and economic values, but those values can be reduced or destroyed if wetlands are wholly or partly filled in with material, if they are mined or excavated, if they are polluted or if water is drained into or out of them.
 2. Since European settlement, the values of more than two-thirds of wetlands on the Swan Coastal Plain have been reduced or destroyed as a result of filling in, mining, excavation, pollution or changes in drainage, and the purpose of this policy is to protect the values of wetlands on the Swan Coastal Plain from being reduced or destroyed any further by those activities.
 3. It is intended that no more filling in, mining, excavation, pollution or changes in drainage capable of reducing or destroying the values of wetlands on the Swan Coastal Plain will take place than is absolutely necessary.

Interpretation

3. In this policy -
 - "daily penalty" has the meaning given by Section 70 (4) of the Interpretation Act 1984;
 - "material" includes waste;
 - "Policy Area" means area of the Swan Coastal Plain as defined in Schedule 1;
 - "this policy" means this environmental protection policy; and
 - "wetlands" means those portions of the environment to which this policy applies.

Application of policy

4. This policy applies to those portions of the environment situated in the Policy Area and defined in Schedule 2.

Plan

5. The plan referred to in Schedules 1 and 2 is -
 - a) certified under the hand of an authorized land officer within the meaning of the Land Act 1933; and
 - b) open to public inspection during normal office hours at the head office of the Environmental Protection Authority in Perth.

Filling in of wetlands

6. A person shall not cause or allow any material to be placed in such a position that the whole or any portion of a wetland is filled in, unless, before the placing of that material in that position -
 - a) the person has under Section 38 of the Act referred to the Authority the proposal constituted wholly or in part by causing or allowing that material to be so placed;
 - b) a copy of a statement referred to in Section 45 (5) of the Act has been served on the person in respect of the proposal referred to in paragraph (a); and
 - c) the person has in implementing the proposal referred to in paragraph (a) -
 - (i) compiled with any conditions; and

- (ii) followed any procedures,
set out in the statement referred to in paragraph (b)

Penalty: in the case of an individual, \$5,000 and a daily penalty of \$1,000 or, in the case of a body corporate, \$10,000 and a daily penalty of \$2,000.

Mining and excavation of wetlands

7. A person shall not cause or allow mining or excavation of the whole or any part of a wetland, unless, before that mining or excavation takes place -

- a) the person has under Section 38 of the Act referred to the Authority the proposal constituted wholly or in part by causing or allowing that mining or excavation;
- b) a copy of a statement referred to in Section 45 (5) of the Act has been served on the person in respect of the proposal referred to in paragraph (a); and
- c) the person has in implementing the proposal referred to in paragraph (a) -
 - (i) complied with any conditions; and
 - (ii) followed any procedures,
set out in the statement referred to in paragraph (b)

Penalty: in the case of an individual, \$5,000 and a daily penalty of \$1,000 or, in the case of a body corporate, \$10,000 and a daily penalty of \$2,000.

Pollution of wetlands

8. A person shall not cause or allow the whole or any portion of a wetland to be polluted, unless, before that pollution takes place -

- a) the person has under Section 38 of the Act referred to the Authority the proposal constituted wholly or in part by causing or allowing that pollution;
- b) a copy of a statement referred to in Section 45 (5) of the Act has been served on the person in respect of the proposal referred to in paragraph (a); and
- c) the person has in implementing the proposal referred to in paragraph (a) -
 - (i) complied with any conditions; and
 - (ii) followed any procedures,
set out in the statement referred to in paragraph (b)

Penalty: in the case of an individual, \$5,000 and a daily penalty of \$1,000 or, in the case of a body corporate, \$10,000 and a daily penalty of \$2,000.

Drainage into or out of wetlands

9. A person shall not cause or allow any water to be drained into or out of the whole or any portion of a wetland, unless, before that drainage takes place -

- a) the person has under Section 38 of the Act referred to the Authority the proposal constituted wholly or in part by causing or allowing that drainage;
- b) a copy of a statement referred to in Section 45 (5) of the Act has been served on the person in respect of the proposal referred to in paragraph (a); and
- c) the person has in implementing the proposal referred to in paragraph (a) -
 - (i) complied with any conditions; and
 - (ii) followed any procedures,
set out in the statement referred to in paragraph (b)

Penalty: in the case of an individual, \$5,000 and a daily penalty of \$1,000 or, in the case of a body corporate, \$10,000 and a daily penalty of \$2,000.

SCHEDULE 1 (CLAUSE 3)

AREA OF SWAN COASTAL PLAIN

All that portion of land bounded by lines starting from the intersection of the High Water Mark of the Indian Ocean with the left bank of the Moore River and extending generally north-easterly upwards along that bank to its intersection with the summit line of the Gingin Scarp; thence generally south-easterly along that summit line to the summit line of the Darling Scarp; thence generally southerly along that summit line to the summit line of the Whicher Scarp; thence generally south-westerly, generally westerly and generally north-westerly along that line and onwards to the High Water Mark of the Indian Ocean aforesaid at Eagle Bay and thence generally easterly and generally northerly along that High Water Mark to the starting point, as delineated and shown bordered in red on Land Administration Miscellaneous Plan 1700.

SCHEDULE 2 (CLAUSE 4)

PORTIONS OF ENVIRONMENT TO WHICH POLICY APPLIES

All those portions of significant perennial and non-perennial hydrographic features (including lakes, swamps, land subject to inundation, features associated with watercourses and integral adjacent natural features) comprised within the Swan Coastal Plain, as delineated by Letratone LT25 40% and shown coloured in blue on Land Administration Miscellaneous Plan 1700.