

Revised Draft Environmental Protection (Swan Coastal Plain Wetlands) Policy and Regulations 2004



Environmental Protection Authority

November 2004

Foreword

This report contains the Environmental Protection Authority's (EPA) recommendations to the Minister for the Environment relating to the *Revised Draft Environmental Protection (Swan Coastal Plain Wetlands) Policy 2004* and the *Revised Draft Environmental Protection (Swan Coastal Plain Wetlands) Regulations 2004* (hereafter referred to as the Policy and Regulations).

The Policy was prepared by the EPA following remittal by the Minister for the Environment of an earlier revised draft Policy. The earlier Policy, the *Revised Draft Environmental Protection (Swan Coastal Plain Wetlands) Policy 1999* was remitted to the EPA on 22 October 2003. The EPA then developed and released the 2004 draft Policy for a 10 week public comment period. This was later extended by three weeks until 15 October 2004.

A large number of submissions were received in relation to the draft Policy, associated Regulations and the Wetlands Register. The EPA appreciates that people have taken the time to prepare comprehensive submissions in response to the draft Policy. A summary of submissions has been provided along with the EPA's response and recommendations to those submissions.

This report has been prepared in accordance with section 28 (c)(ii) of the *Environmental Protection Act 1986* following consideration of public submissions on the draft Policy. Included in the report is the *Revised Draft Environmental Protection (Swan Coastal Plain Wetlands) Policy 2004* and the *Revised Draft Environmental Protection (Swan Coastal Plain Wetlands) Regulations 2004*.

I am pleased to release and transmit this report on the *Revised Draft Environmental Protection (Swan Coastal Plain Wetlands) Policy and Regulations 2004* to the Minister for the Environment. The EPA recommends that the Minister receives the report and adopts the recommendations set out in section 3.



Walter Cox
Chairman

8 November 2004

Contents

Page

1	Background	1
2	Analysis of submissions	3
2.1	Policy and Regulations	3
2.2	Register	3
3	EPA consideration and recommendations	5
3.1	Policy and Regulations	5
3.2	Register	5
3.3	Recommendations	6
4	References	7
5	Appendices	8
	Appendix 1: List of submitters.....	8
	Appendix 2: Summary of Submissions	13
	Table 1: Summary of Submissions related to the draft Policy and Regulations and EPA response and recommendations	13
	Table 2: Summary of submissions related to changes to the draft Wetland Register and EPA response and recommendations	28
	Appendix 3: Changes to the draft Environmental Protection (Swan Coastal Plain Wetlands) Policy and Regulations 2004	30
	Appendix 4: Wetlands requiring further scientific assessment.....	31
	Appendix 5: Revised draft Environmental Protection (Swan Coastal Plain Wetlands) Policy and Regulations 2004	33
	Appendix 6: Revised draft Wetlands Register (compact disc)	34

1 Background

The *Revised Draft Environmental Protection (Swan Coastal Plain Wetlands) Policy 2004* (hereafter referred to as the Policy) seeks to protect wetlands of high ecological value on the Swan Coastal Plain. The Policy establishes the purposes of the Policy, the Policy area and a Wetlands Register. The *Revised Draft Environmental Protection (Swan Coastal Plain Wetlands) Regulations 2004* (hereafter referred to as the Regulations) establishes the environmental quality criteria to determine wetland significance, prescribed alterations of wetlands and the boundaries of the Swan Coastal Plain for the purposes of the Policy. Those wetlands to be protected under the Policy are identified on a revised draft Register of Protected Wetlands (hereafter referred to as the Register). The Register depicts in map form the wetlands that are proposed for protection.

The *Wetlands Conservation Policy for Western Australia* was released in 1997 and recognises the importance of management and conservation of the State's wetlands (Government of Western Australia, 1997). Through the Wetlands Conservation Policy, the State Government is committed to identifying, maintaining and managing wetlands for the long term benefit of the people of Western Australia. The revised draft Swan Coastal Plain Wetlands Policy implements significant action items identified in the Wetlands Conservation Policy, principally:

Provide for a statutory environmental protection framework under the Environmental Protection Act 1986 for the conservation of important wetlands on private and public lands throughout Western Australia, and assist the EPA in the development and review of statutory environmental protection policies.

and to

Promote, implement and monitor the effectiveness of wetland environmental protection policies and associated regulations.

The EPA developed the Policy under section 26 of the *Environmental Protection Act 1986*. This decision followed the statutory review in 1999 of the *Environmental Protection (Swan Coastal Plain Lakes) Policy 1992* (1992 Lakes EPP) in which a *Revised Draft Environmental Protection (Swan Coastal Plain Wetlands) Policy 1999* was transmitted to the Minister for the Environment by the EPA. The Minister consulted on the 1999 revised draft and required amendments which were considered sufficiently different from the revised draft that it was necessary for the revised draft Policy to be remitted to the EPA. This allowed for extensive public consultation through the EPA. On 22 October 2003, the Minister for the Environment remitted the 1999 revised draft Policy to the EPA under section 31(c) of the Act.

A *Draft Environmental Protection (Swan Coastal Plains Wetlands) Policy 2004* and *Draft Environmental Protection (Swan Coastal Plains Wetlands) Regulations 2004* (hereafter referred to as the draft Policy and Regulations), together with an explanatory document and draft Wetlands Register, were released by the EPA for public inspection and review on 19 July 2004. The initial public comment period of 10 weeks was extended by three weeks until 15 October 2004. The EPA conducted a series of extensive mail outs notifying affected landowners. In addition, notification was published in the Government Gazette, State and local newspapers and a large number of information packages were sent to stakeholder groups including community bodies, local libraries and interested parties. A public

enquiry telephone line was also established. Since the release of the draft Policy there have been a significant number of public queries and submissions received. In response to public concerns regarding the draft Policy the EPA has issued a number of press releases and Departmental staff have also attended a range of briefings with community and landowner groups to facilitate general awareness of the draft Policy. The EPA considers that it has made all reasonable endeavours to undertake extensive and exhaustive consultation on the draft Policy and associated Regulations.

2 Analysis of submissions

A total of 664 submissions were received in relation to the draft Policy. This includes submissions related to the draft Policy (and associated Regulations) and the draft Wetlands Register. A list of submitters and their area of interest can be found in Appendix 1. In order to protect the privacy of individuals, names have not been published and these are listed as “Private individual”.

The nature of submissions have been categorised into interest groups as follows:

Nature of interest	Number of submissions	Percentage (%)
Individual landowners	547	82
Consultant	4	<1
Development	16	2
Industry	12	2
Landcare	2	<1
Conservation	46	7
Ratepayer group	2	<1
Indigenous	1	<1
University	3	<1
Members of Parliament	1	<1
State Government	13	2
Local Government	15	2
Utility	1	<1
Total	664	

2.1 Policy and Regulations

Submissions that have identified particular issues with the draft Policy and Regulations, including general comments on the draft Register, have been summarised in Table 1 in Appendix 2.

Fifty-one submissions generally supported the intent of the draft Policy.

One-hundred and fifty-five submissions were opposed to the intent of the draft Policy. One-hundred and twenty-five of these submissions were form letters which gave no specific comments on the draft Policy, Regulations or draft Wetlands Register.

2.2 Register

Submissions that requested changes to the draft Register have been summarised in Table 2 in Appendix 2. Table 2 also details the EPA’s response and recommendations on changes to the draft Register. Analysis of these submissions involved identifying the property and wetland concerned and determining the issues of concern.

The issues raised by the landowners ranged from having no wetland on their property, acknowledging that they have a wetland on their property but not wanting it on the draft Register, suggested boundary

changes to the wetland, through to requesting additional wetlands be placed on the draft Register. Local and State Government agencies have also identified wetlands within their jurisdiction that require modification of the draft Register. In particular, some have identified proposals relating to Registered Wetlands that are either approved or in progress.

The EPA has committed to a site inspection prior to a wetland remaining on the Register if the landowner has stated that a particular wetland is not on their property. Site visits have been conducted responding to 60 submissions. These visits have resulted in Registered Wetlands being removed, boundaries being altered or wetlands remaining on the Register as is. The remaining 300 submissions related to wetlands on the draft Register have not been site verified. Of these, some wetlands have been removed from the draft Register with the view to further scientific investigation following gazettal of the Policy. All of these changes are reflected in the revised draft Register.

3 EPA consideration and recommendations

3.1 Policy and Regulations

Based on submissions a number of changes to the draft Policy and Regulations have been made (Appendix 3). The changes are related to clause 8 of the Regulations – environmental harm. A number of rural landowners were concerned that as a result of clause 8 (1) they would not be able to carry out existing activities on their properties. It is the EPA’s intent that landowners are able to carry out existing activities such as grazing stock, using a vehicle or maintain a firebreak in a Registered wetland to the extent that it does not cause environmental harm. It is recognized that the activities listed under clause 8 (a) are degrading activities, however, only to the extent that they cause a substantial alteration of the registered wetland and are deemed to be environmental harm. The clause has been modified to reflect this intent.

A number of public authorities sought exemptions from clause 8 (1) in respect to their statutory requirement to carry out activities under their Act. It is the EPA’s position that relevant public authorities, both State and Local Government, must make decisions and take actions that are consistent with the protection of Registered wetlands. Public authorities need to manage their own Acts so that activities are controlled that could have a negative impact on Registered wetlands. However, Clause 8 (2) has been extended to include approvals under other parts of the EP Act such as licenses, permits and works approvals. In addition, after examination of the recently gazetted clearing provisions and in consultation with the Native Vegetation Protection Unit in the Department of Environment, exemptions for clearing for firebreaks under Schedule 6 of the Act have been extended to include clearing under section 33 of the *Bushfires Act 1954* and section 54 of the *Energy operations (Powers) Act 1979*. This allows for Local Government requirements on landowners to clear fire breaks and for clearing in order to maintain existing power supplies to continue.

The revised draft Policy and Regulations are contained in Appendix 5.

3.2 Register

A total number of 3681 wetlands were contained on the draft Wetlands Register. Six-hundred and four Registered Wetlands have been re-examined and the wetland boundaries edited as a result of the 360 submissions received in relation to the draft Register. This equates to 16.4% of the draft Register.

Of those Registered Wetlands re-examined, 159 were related to the 1992 Lakes EPP. As these wetlands are currently protected under the 1992 Lakes EPP, it is the EPA’s position that these wetlands remain protected unless there has been significant development on the wetland. Significant development constitutes visible development such as housing and sealed roads. Unsealed roads, fence lines and utility easements are not classed as significant development. In some cases the Lakes EPP boundary has been modified to more fully reflect the current wetland boundary.

Approximately 172 Registered Wetlands have had minor boundary changes. These minor changes were considered to have negligible impact on the Registered Wetland, however have resulted in some properties no longer containing a Registered Wetland. With the remaining submissions, 274 wetlands require further scientific assessment. These wetlands have been removed from the Register and following gazettal of the Policy these wetlands may be reinstated to the Register once a detailed assessment has occurred. Appendix 4 lists those wetlands that have been removed from the revised

draft Register but will be subject to further assessment by the EPA. The EPA will contact those landowners affected by this recommendation following gazettal of the Policy.

Thirty-nine Registered Wetlands are recommended to remain on the draft Register as no justification was provided in the submission for removal. Eighteen Registered Wetlands were totally removed from the draft Register as the draft Registered Wetland boundary was reviewed in conjunction with the submission and more recent 2004 aerial photography.

3.3 Recommendations

The EPA recommends that the Minister for the Environment:

1. Approves the revised draft Policy and Regulations;
2. Notes that following gazettal of the draft Policy the EPA intends to undertake further scientific assessment be undertaken of those wetlands set aside from the revised draft Wetland Register and listed in Appendix 4; and
3. Notes that further resources are required to undertake the scientific assessment and maintenance of the Wetland Register following gazettal.

4 References

Government of Western Australia (1997) *Wetlands Conservation Policy for Western Australia*.

Hill, A. L., Semeniuk, C. A., Semeniuk, V. and Del Marco, A. (1996) *Wetlands of the Swan Coastal Plain*. Volume 2A. Water and Rivers Commission, Perth.

5 Appendices

Appendix 1: List of submitters

Submission No	Name	Nature of interest
1 - 8	Private Individual	Landowner
9	Member for Vasse	Member of Parliament
10	Office of Deputy Premier	State Government
11 - 13	Private Individual	Landowner
14	City of Stirling	Local Government
15 - 22	Private Individual	Landowner
23	City of Armadale	Local Government
24	Department of Land Information	State Government
25 - 34	Private Individual	Landowner
35	Private Individual	Conservation
36	Pastoralists and Graziers Association	Industry
37 - 42	Private Individual	Landowner
43	Bunbury Cemetery	Landowner
44 - 58	Private Individual	Landowner
59	Private Individual	Conservation
60 - 64	Private Individual	Landowner
65	Minister for Health	State Government
66 - 67	Private Individual	Landowner
68	Private Individual	Conservation
69 - 78	Private Individual	Landowner
79	Private Individual	Conservation
80 - 83	Private Individual	Landowner
84	Armadale City River Care Group	Conservation
85	Private Individual	Landowner
86	Private Individual	Conservation
87	Private Individual	Landowner
88	North East Catchment Committee	Conservation
89 - 91	Private Individual	Landowner
92	Hanson Construction Pty Ltd	Industry
93	Private Individual	Landowner
94	Private Individual	Conservation
95	Private Individual	Conservation
96 - 99	Private Individual	Landowner
100	Private Individual	Conservation
101	Private Individual	Conservation
102	WA Broiler Growers Association	Industry
103 - 109	Private Individual	Landowner
110	Powerwide Enterprises Pty Ltd	Landowner
111	Department of Agriculture	State Government
112	Private Individual	Conservation
113 - 116	Private Individual	Landowner

Submission No	Name	Nature of interest
117	Wetlands Conservation Society (Inc)	Conservation
118 - 126	Private Individual	Landowner
127	Private Individual	Conservation
128 - 133	Private Individual	Landowner
134	Swan Valley Nyungah Community	Indigenous
135 - 136	Private Individual	Landowner
137	Minister for Agriculture	State Government
138	Private Individual	Landowner
139	Dandalup Districts Community Assoc.	Ratepayer group
140 - 148	Private Individual	Landowner
149	Iluka Resources Ltd	Industry
150 - 175	Private Individual	Landowner
176	Private Individual	Conservation
177 - 178	Private Individual	Landowner
179	Racing and Wagering WA	Industry
180 - 193	Private Individual	Landowner
194	Shire of Dardanup	Local Government
195 - 205	Private Individual	Landowner
206	Department of Housing and Works	State Government
207	Elad Holdings Pty Ltd	Development
208 - 211	Private Individual	Landowner
212	Urban Bushland Council WA Inc.	Conservation
213 - 244	Private Individual	Landowner
245	Private Individual	Conservation
246	Private Individual	Conservation
247 - 253	Private Individual	Landowner
254	Peel Preservation Group Inc.	Conservation
255 - 257	Private Individual	Landowner
258	The Chamber of Minerals & Energy	Industry
259	City of Wanneroo	Local Government
260 - 269	Private Individual	Landowner
270	Water Corporation	Utility
271	Town of Vincent	Local Government
272	The Western Australian Farmers Federation (Inc.)	Industry
273	Design Right	Consultant
274	Peel-Harvey Catchment Council Inc.	Conservation
275	Geo & Hydro Environmental Management Pty Ltd	Consultant
276	City of Gosnells	Local Government
277 - 278	Private Individual	Landowner
279	Lake Mealup Preservation Society (Inc)	Conservation
280	City of Stirling	Local Government
281	Nature Reserve Preservation Group Inc.	Conservation
282	Private Individual	Conservation
283	Jylland Vineyard	Landowner
284	Property Council of WA	Development

Submission No	Name	Nature of interest
285	Private Individual	Landowner
286	Private Individual	Conservation
287	Wildflower Society of WA	Conservation
288 - 290	Private Individual	Landowner
291	Private Individual	Conservation
292 - 296	Private Individual	Landowner
297	City of Cockburn	Local Government
298	Private Individual	Landowner
299	Forest Products Commission	State Government
300	Private Individual	Landowner
301	Conservation Commission of WA	State Government
302 - 303	Private Individual	Landowner
304	Fire & Emergency Services Authority of WA	State Government
305	City of Canning	Local Government
306 - 308	Private Individual	Landowner
309	Syrinx Environmental	Consultant
310	Serpentine Jarrahdale Land Care District Committee	Landcare
311 - 317	Private Individual	Landowner
318	Private Individual	Conservation
319 - 323	Private Individual	Landowner
324	Waterbird Conservation Group	Conservation
325	Shire of Gingin	Local Government
326 - 331	Private Individual	Landowner
332	MGA Town Planners	Development
333 - 335	Private Individual	Landowner
336	Shire of Harvey	Local Government
337	Gingin Property Owner's Group	Ratepayer group
338 - 342	Private Individual	Landowner
343	Friends of Forrestdale	Conservation
344 - 346	Private Individual	Landowner
347	Private Individual	Conservation
348 - 369	Private Individual	Landowner
370	Wilson Wetlands Action Group Inc.	Conservation
371 - 377	Private Individual	Landowner
378	McGees Property	Development
379 - 401	Private Individual	Landowner
402	Department of Environment	State Government
403	Northcliffe Environment Centre	Conservation
404	Private Individual	Conservation
405 - 406	Private Individual	Landowner
407	City of Belmont	Local Government
408 - 419	Private Individual	Landowner
420	Landstal Pty Ltd	Development
421 - 424	Private Individual	Landowner
425	South West Development Commission	Development

Submission No	Name	Nature of interest
426 - 440	Private Individual	Landowner
441	Department for Planning & Infrastructure	State Government
442	Perth Airport	Landowner
443	Chamber of Commerce and Industry	Industry
444	Property Resources Management Pty Ltd	Development
445 - 446	Private Individual	Landowner
447	Gingin Land Conservation District Committee	Landcare
448 - 458	Private Individual	Landowner
459	Landform Research	Consultant
460	Satterley Property Group	Development
461	Multiplex	Development
462	Secret Harbour	Development
463	Private Individual	Landowner
464	School of Physics UWA	University
465 - 468	Private Individual	Landowner
469	South East Regional Centre for Urban Landcare	Conservation
470	Town of Kwinana	Local Government
471	Private Individual	Conservation
472	Private Individual	Landowner
473	Private Individual	Conservation
474	Conservation Council of WA	Conservation
475	Private Individual	Conservation
476	Private Individual	Landowner
477	City of Bunbury	Local Government
478	Leschenault Catchment Council Inc.	Conservation
479	Urban Development Institute of Australia	Development
480	Private Individual	Landowner
481	Murdoch University	University
482	Curtin University	University
483 - 485	Private Individual	Landowner
486	Kemerton Silica Sand Pty Ltd	Industry
487	The Margaret River Regional Environment Centre	Conservation
488 - 490	Private Individual	Landowner
491	Private Individual	Conservation
492	Private Individual	Landowner
493	Department of Industry and Resources	State Government
494 - 506	Private Individual	Landowner
507	Midland Brick Company	Industry
508	Glenariff Holdings Pty Ltd	Development
509	Claymont Land Pty Ltd	Development
510	Riopoint Holdings Pty Ltd	Industry
511	Private Individual	Landowner
512	Landcorp	Development
513	Seaport Pty Ltd	Industry
514 - 515	Private Individual	Landowner

Submission No	Name	Nature of interest
516	Landcorp	Development
517	Private Individual	Landowner
518	Landcorp	Development
519	World Wide Fund for Nature Australia (WWF)	Conservation
520	Private Individual	Landowner
521	Shire of Capel	Local Government
522 - 531	Private Individual	Landowner
532	Private Individual	Conservation
533	Private Individual	Landowner
534	Kanyana Wildlife	Conservation
535	Public Transport Authority	State Government
536 - 661	Private Individual	Landowner
662	Friends of Big Swamp	Conservation
663	Private Individual	Landowner
664	Wetlands Coordinating Committee	Conservation

Appendix 2: Summary of Submissions

Table 1: Summary of Submissions related to the draft Policy and Regulations and EPA response and recommendations

Issue raised	Specific comments (submission no.)	EPA comments	EPA recommendation
Policy			
<i>Part 1 - Preliminary</i>			
Clause 2 - Purpose 2 (b)	<ul style="list-style-type: none"> • Support the purposes of the Policy (212) • Use of wetlands for study, recreation etc on private property does not apply (294, 337, 350) • The inclusion of wetlands used for recreation is inappropriate (297) 	<p>Noted</p> <p>A range of wetland values have been identified in the draft Policy. It is not expected that all wetland values will apply to each wetland in the Policy. Normal property rights remain.</p>	<p>No change</p> <p>No change</p>
Clause 4 –Terms	<ul style="list-style-type: none"> • Definition of “wetlands” too broad (9, 36, 109, 325, 349, 350, 353, 354, 397, 480, 538, 539) • Remove “whether natural or otherwise” (9) • Define dampland (187) • Supportive of extending protection from open water bodies to a range of wetlands (79, 84, 88, 94, 117, 127, 176, 301, 407, 475, 482, 491, 519, 534, 662, 664) • Extend protection to other high value wetland areas such as rivers and estuaries and resource enhancement wetlands (35, 79, 84, 100, 101, 112, 117, 176, 212, 245, 246, 254, 271, 281, 286, 297, 309, 324, 347, 370, 469, 471, 474, 481, 519) 	<p>This definition of wetlands is consistent with the EP Act.</p> <p>Dampland does not need to be defined in the Policy</p> <p>Noted</p> <p>It is not the intent of the EPP to cover rivers and estuaries. Other protective mechanisms operate in these areas eg. Swan Canning and Peel-Harvey EPPs, and Greater Bunbury Region Scheme for the Leschenault.</p> <p>Resource enhancement wetlands (REW) are not the highest quality wetlands on the Swan Coastal Plain. The EPA’s priorities for the Policy are to protect the highest quality wetlands ie. Conservation Category Wetlands (CCW). Other wetlands such as REWs can be added at a later stage subject to meeting the environmental quality criteria (EQCs) of the Policy.</p> <p>Explanatory document amended to provide further clarification</p>	<p>No change</p> <p>No change</p> <p>No change</p>
Clause 5 – Swan coastal plain	<ul style="list-style-type: none"> • Expand the definition of the Swan coastal plain to the Dandaragan Plateau and areas to the north west and north east of Moore 	<p>The EPA determined to maintain the existing Lakes 1992 Policy area for reasons of consistency.</p>	<p>No change</p>

Issue raised	Specific comments (submission no.)	EPA comments	EPA recommendation
Clause 6 – Environmental quality criteria	<p>River (246)</p> <ul style="list-style-type: none"> • Support the criteria (212, 274, 336) • A similar assessment protocol to that used by DoE is required to identify the environmental values of a wetlands to ensure a rigorous process (206, 297) • The criteria are too broad, poorly defined and open to interpretation (206, 301, 397, 479, 482, 539) • The criteria should be based on specific, uniform ecological/biological criteria rather than published lists of important wetlands (301, 482) • Many wetlands of value do not meet the criteria required for inclusion (309, 337, 350) • Wetlands on the Register do not meet the criteria (537, 538, 539) • There is no link between CCWs and the criteria (272, 478, 538, 539) • Amended to explicitly identify that wetlands under the 1992 Lakes EPP and CCWs are to be protected (except those that no longer meet the criteria) rather than at the EPA’s discretion (111) • Concept of sustainability should be included in the criteria (275) 	<p>Noted</p> <p>The Environmental Quality Criteria (EQCs) are based on the evaluation assessment used by the DoE for wetland management. These criteria are derived from the wetland evaluation and classification methodology of Hill et al. (1996) which is currently the most extensive and best available methodology to date. These evaluation criteria were used in the mid-1990s for the first comprehensive mapping of wetlands on the Plain. The mapping was undertaken by the Department of Environment (DoE) in which wetlands were mapped, classified according to wetland type and evaluated into one of three management categories; Conservation, Resource Enhancement or Multiple Use (Hill et al., 1996). Areas considered by the EPA to be placed on the Register were the Swan Coastal Plains Lakes, already protected under the 1992 EPP, and Conservation Category Wetlands on the Swan Coastal Plain. These are identified as wetlands of high ecological value.</p> <p>These are <u>environmental</u> quality criteria and will be used to provide the environmental bottom line in triple bottom line decisions.</p>	<p>No change</p> <p>No change</p>
Clause 6 (b) – Significant natural attributes	<ul style="list-style-type: none"> • Concern with the requirement to meet only one of the criteria in regulation 6 (206, 337) 	<p>The criteria are based on the evaluation assessment used by the DoE for wetland management.</p>	<p>No change</p>
Clause 7 – Public and local government access to information	<ul style="list-style-type: none"> • Support public inspection of Register (79, 88, 95, 117, 127, 254, 343, 347, 318, 474, 475, 491, 519, 534, 662) • Include statement that the Register is publicly available (270) • Clear maps and data to be generally available and updates easily accessible (254, 274, 336, 519) 	<p>Noted</p> <p>The Register is publicly available (Clause 7)</p> <p>The Register will be regularly updated and available on the EPA website.</p>	<p>No change</p> <p>No change</p> <p>No change</p>
<i>Part 2 – Registration of wetlands</i>			
Clause 8 – Registration of	<ul style="list-style-type: none"> • Agrees the EPA and land owners 	<p>Noted</p>	<p>No change</p>

Issue raised	Specific comments (submission no.)	EPA comments	EPA recommendation
wetlands	<p>should have the capacity to Register a wetland (212, 519)</p> <ul style="list-style-type: none"> • The public, local government and interested bodies should be able to nominate wetlands (84, 88, 101, 117, 212, 254, 279, 297, 309, 318, 324, 343, 347, 471, 474, 475, 491, 519, 534, 662) • Landowner consent required (272, 294, 337, 349, 353, 354, 397, 447) 	<p>Third parties can approach the EPA to consider the nomination of a wetland however the EPA's decision will be based on its assessment against the EQCs. Vexatious nominations should be eliminated.</p> <p>The Policy is implementing the Wetlands Conservation Policy for WA (1997) which is endorsed by this Government. This aims to protect high quality wetlands. Land owners are required to be notified by the EPA when it considers a wetland for registration under the Policy.</p> <p>Explanatory document amended to provide further clarification</p>	No change
Clause 10 – Public consultation about registration	<ul style="list-style-type: none"> • The EPA must contact the owner if a wetland is to be put on their title (271, 294, 337, 446) • Terms “reasonable steps” and “materially affected” are open to interpretation (370, 469, 479) • The process for consultation is fair (336) • Insufficient public consultation has been undertaken (27, 36, 57, 134, 208, 325, 350, 447, 477, 479, 493, 537, 538, 539) • Public meetings and briefings needed to be undertaken (284, 294, 337, 477) • Insufficient comment time (187, 294, 325) • Not all affected land owners contacted (36, 181, 310, 325, 350) • Many land owners cannot access on line documents (57, 310) • Copies of documents were not widely available (310) • EPA to provide those that provided a submission with the revised Policy so people have the opportunity to take the matter further with the Minister (294) 	<p>Clause 10 of the Policy provides for this.</p> <p>Current practice informs these terms</p> <p>The EPA has made all reasonable endeavours to contact those affected by the Policy both directly and indirectly. The EPA has conducted a series of five postal mail outs totalling 3683 notifications to affected landowners. In addition, notification has been published in State and local newspapers and over 200 information packages have been sent to stakeholder groups including peak bodies, landcare groups, community bodies, local libraries and interested parties. Since the Policy's release there have been a number of public queries via a telephone hotline which was maintained throughout the consultation process to enable direct contact with the public, as well as submissions received about the draft Policy. In response to public concerns regarding the draft Policy the EPA has issued a number of press releases during the</p>	<p>No change</p> <p>No change</p> <p>No change</p>

Issue raised	Specific comments (submission no.)	EPA comments	EPA recommendation
		<p>consultation period and Departmental staff have also attended a range of briefings with community and landowner groups to ensure people are aware of the draft Policy.</p> <p>The need for an accurate landowner address data base for whole of Government policy purposes has been highlighted through this process.</p>	
<i>Part 3 - The Wetlands Register</i>			
Clause 11 – The Register	<ul style="list-style-type: none"> • Support the Register (88, 94, 95, 127, 212, 287, 343, 336, 318, 475, 491, 519, 534, 662) • Concern the EPA may not have resources to maintain the Register accurately (336) • The database must be publicly available and published regularly so changes can be recorded over time (370, 469) 	<p>Noted</p> <p>The EPA has recognised that additional resources are required and has sought support from the government.</p> <p>The Wetlands Register will be available on the EPA website. The EPA will undertake to get Register updates to those that use the Register as part of their business. The process for doing this is will be defined.</p> <p>Explanatory document amended to provide further clarification</p>	<p>No change</p> <p>No change</p> <p>No change</p>
Clause 12 – Registration procedure	<ul style="list-style-type: none"> • Insert “any wetland registered must be ground proven” (337) 	<p>Wetlands to be placed on the Register will be scientifically verified.</p> <p>Explanatory document amended to provide further clarification</p>	<p>No change</p>
Clause 13 – Amendment of registration	<ul style="list-style-type: none"> • Support provision (258, 474) • Landowner consent required (294, 337, 397) 	<p>Noted</p> <p>The Policy is implementing the Wetlands Conservation Policy for WA (1997) which is endorsed by this Government. This aims to protect high quality wetlands. Land owners are required to be notified by the EPA when it considers a wetland for registration under the Policy.</p>	<p>No change</p> <p>No change</p>
Clause 14 – Cancellation of registration	<ul style="list-style-type: none"> • Support provision (258) • The process for cancellation is fair (336) • The onus of proof should not be on the landowner to demonstrate that the wetland does not meet the criteria (443, 479, 537, 538, 539) • The EPA should remove a 	<p>Noted</p> <p>The EPA has a mandate under the Wetlands Conservation Policy for WA to protect high quality wetlands. The current Register was initially based on the Lakes EPP</p>	<p>No change</p> <p>No change</p>

Issue raised	Specific comments (submission no.)	EPA comments	EPA recommendation
	<p>Registered Wetland if it does not meet the criteria (258, 337)</p> <ul style="list-style-type: none"> • There is no real provision for removal of a wetland (397) • What would constitute a deregistration and would an EPA assessment be required (254) • Cancellation of registration should be subject to public review (101, 370, 469) 	<p>and CCW datasets. CCW is a wetland management category. Some landowners were not aware their land contained a wetland of CCW status. Future registrations will also be scientifically verified and based on the EQC. The EPA will undertake this assessment process.</p> <p>Clause 14 of the Policy provides for cancellation.</p> <p>Clause 14 outlines what constitutes deregistration and it is determined by the EPA.</p> <p>There is further opportunity to review EPA decisions regarding amendments to the Register as part of the 7 year statutory review of the Policy.</p> <p>Explanatory document amended to provide further clarification</p>	<p>No change</p> <p>No change</p> <p>No change</p>
<i>Part 4 – Notices for the Land Titles Register</i>			
Clause 15 – Notification of Registrar of Titles	<ul style="list-style-type: none"> • Support wetlands listed on titles (117, 212, 254, 291, 347, 519) • Oppose wetlands listed on titles (187, 325, 337, 447) 	<p>Noted.</p> <p>Noted. The connections to land title is considered important. It will be a notice on the title instead.</p>	<p>No change</p> <p>No change</p>
Clause 16 – Notification of interested parties	<ul style="list-style-type: none"> • Memorials are not an appropriate mechanism for notifying the existence of a wetland – a Notification is more appropriate. Remove “memorial or” (24) • Support wetlands being registered with the Registrar of Titles (254) • Copy of the notice should be available to other interested parties (370, 469) 	<p>A notice rather than memorial on the title is a more appropriate mechanism.</p> <p>Noted.</p> <p>This is not normal practice unless associated with sale or transfer of the land.</p>	<p>Text of Policy and Regulations revised</p> <p>No change</p> <p>No change</p>
Regulations			
Clause 5 - International, national or regional recognition	<ul style="list-style-type: none"> • Publications are very general and outdated - further research needs to be undertaken to determine significance (249, 397, 444, 482, 537, 538, 539) • Consideration should be given to existing and future international agreements (370, 469) 	<p>The criteria to determine the international, national or regional significance of a wetland and are based on generally accepted evaluation criteria used by the DoE. These may be updated from time to time.</p>	<p>No change</p>
Clause 6 - Significant attribute of wetlands	<ul style="list-style-type: none"> • Publications are very general and outdated (482) • Proponents need guidelines to establish the significance of a 	<p>The criteria to establish the significant attributes of a wetland and are based on generally accepted evaluation criteria used by the DoE.</p>	<p>No change</p>

Issue raised	Specific comments (submission no.)	EPA comments	EPA recommendation
	<p>system (270)</p> <ul style="list-style-type: none"> • The interpretation with respect to wetlands is too broad (444) • The definitions are too limited eg. include biodiversity (370, 469) • Terms “significant” and “concentration” open to interpretation (258, 370, 443, 469) 	<p>Clause 6(g) “supports a concentration...” removed. The significance of a habitat or refuge is determined by the EPA.</p> <p>Explanatory document amended to provide further clarification</p>	<p>Text of Regulations revised No change</p>
6 (a) - Protected flora	<ul style="list-style-type: none"> • Wetland flora must be biologically diverse or have high environmental significance (9) 	<p>‘declared to be protected flora’ provision in the definition of ‘protected flora’, s 6(1) of the Wildlife Conservation Act 1950 has been incorporated in the Policy.</p>	<p>Text of Regulations revised</p>
6 (g) – Protected fauna	<ul style="list-style-type: none"> • Insert “significant” concentrations of species (9) 	<p>Subclause deleted - covered by subclause 6(f).</p>	<p>Text of Regulations revised</p>
Clause 7 – Other environmental values	<ul style="list-style-type: none"> • The interpretation with respect to wetlands is too broad (444) • The term “significant” open to interpretation (258, 272, 443) • The requirement to have two of these values may reduce potential for abuse (272) • Should include more community values of wetlands eg. interests of community groups (370, 469) 	<p>The criteria to establish other environmental values of a wetland and are based on generally accepted evaluation criteria used by the DoE.</p>	<p>No change</p>
7 (b)	<ul style="list-style-type: none"> • Recreation causes environmental harm – delete clause (443) 	<p>A range of wetland values have been identified in the Policy including recreation. Passive recreation does not necessarily cause environmental harm</p>	<p>No change</p>
Clause 8 – Environmental harm	<ul style="list-style-type: none"> • Support environmental harm clause (84, 88, 94, 95, 117, 127, 291, 343, 475, 491, 519, 534). • Definition of environmental harm is too broad (349, 537, 538, 539) • Duplicate provisions in the EP Act (36) • The types of activities listed as environmental harm should be increased (301) • Regulations do not give guidance regarding land use activities near the wetlands which could cause degradation (336) • Amend to provide that the activities listed are prescribed for the purposes of s38(5)(b) of the EP Act and are to be referred to the EPA for impact assessment (111) • Indirect impacts can be defined as environmental harm - to what extent will development on adjacent land of a Registered Wetland be controlled (111) 	<p>Noted</p> <p>Noted. The title of the clause has been revised to wetland alterations prescribed as environmental harm to reflect that environmental harm is defined in the EP Act as “alteration of the environment to the detriment or degradation of the environment or any environmental value”. To be an offence under the EP Act the harm must be material and serious environmental harm. The intent is not to prevent day-to-day activities that cause some trivial harm to the environment. Clause 8(1) lists some of the more common activities that could cause environmental harm in a wetland.</p> <p>This list is not exhaustive and any activity that results in significant environmental harm is as offence, however only to the extent that it</p>	<p>No change</p> <p>Text of Regulations revised</p>

Issue raised	Specific comments (submission no.)	EPA comments	EPA recommendation
	Wetland be controlled (111)	causes a substantial alteration. The text has been revised to include “substantial” alteration of a Registered Wetland by any of the listed activities to qualify that the clause relates to excessive alteration of a Registered Wetland.	
8 (1) (b) – Dumping	<ul style="list-style-type: none"> Clarify intent of the clause – eg. treatments to remove nutrients will require dumping (388, 479) 	<p>Dumping to the extent that it causes a substantial alteration of a Registered Wetland</p> <p>Explanatory document amended to provide further clarification</p>	Text of Regulations revised
8 (1) (c) – Mining or excavation	<ul style="list-style-type: none"> Clarify intent of the clause – eg. prevents fencing and planting trees (388, 480) 	<p>Mining or excavation to the extent that it causes a substantial alteration of a Registered Wetland</p> <p>Explanatory document amended to provide further clarification</p>	Text of Regulations revised
8 (1) (d) – Discharging or taking water	<ul style="list-style-type: none"> Uses term environmental harm to define itself (270, 479) Clarify intent of the clause – eg. stormwater discharges into wetlands (294, 444, 482) 	<p>Noted. Reference to environmental harm removed.</p> <p>Discharging or taking water to the extent that it causes a substantial alteration of a Registered Wetland.</p> <p>Explanatory document amended to provide further clarification</p>	Text of Regulations revised
8 (1) (e) – Taking groundwater	<ul style="list-style-type: none"> Clarify intent of the clause – eg. prevents using bores (294, 270, 365, 388, 444, 479, 480) Should only refer to new or replacement bores (337) Disappointed there is no provision for controlling groundwater use near wetlands (95) 	<p>Taking groundwater to the extent that it causes a substantial alteration of a Registered Wetland</p> <p>Clause refers to both existing and new bores.</p> <p>Explanatory document amended to provide further clarification</p>	<p>Text of Regulations revised</p> <p>No change</p> <p>No change</p>
8 (1) (f) – Removing, killing or destroying native vegetation	<ul style="list-style-type: none"> Clarify intent of the clause – eg. maintaining firebreaks, drains, removing weeds will require clearing, prevents grazing of stock (294, 388, 444, 447, 449, 480, 521) 	<p>Removing, killing or destroying native vegetation to the extent that it causes a substantial alteration of a Registered Wetland</p> <p>Explanatory document amended to provide further clarification</p>	Text of Regulations revised
8 (1) (g) – Severing or ringbarking native vegetation	<ul style="list-style-type: none"> Clarify intent of the clause – eg. prevents grazing of stock (294, 480) 	<p>Severing or ringbarking native vegetation to the extent that it causes a substantial alteration of a Registered Wetland</p> <p>Explanatory document amended to provide further clarification</p>	Text of Regulations revised
8 (1) (h) – Burning native vegetation	<ul style="list-style-type: none"> Clarify intent of the clause – eg. controlled burning is required to reduce the fire hazard (243, 480, 521) 	<p>Burning native vegetation to the extent that it causes a substantial alteration of a Registered Wetland</p> <p>Explanatory document amended to provide further clarification</p>	Text of Regulations revised

Issue raised	Specific comments (submission no.)	EPA comments	EPA recommendation
8 (1) (i) – Discharging waste	<ul style="list-style-type: none"> Clarify intent of the clause (270) 	<p>Discharging waste to the extent that it causes a substantial alteration of a Registered Wetland</p> <p>Explanatory document amended to provide further clarification</p>	Text of Regulations revised
8 (1) (j) – Using a vehicle or boat	<ul style="list-style-type: none"> Clarify intent of the clause – eg. maintaining firebreaks, fencing and weed control require the use of a vehicle in a wetland (138, 243, 270, 294, 388, 447, 449, 479, 480) Local governments and research institutes should be excluded (297) 	<p>Using a vehicle or boat to the extent that it causes a substantial alteration of a Registered Wetland</p> <p>Local governments and research institutes must have authorisation if they are to use a vehicle or boat to the extent that it causes a substantial alteration</p> <p>Explanatory document amended to provide further clarification</p>	Text of Regulations revised No change
8 (1) (k) – Bringing in any fauna	<ul style="list-style-type: none"> Clause is inconsistent with the explanatory information with regard to ongoing land use practices (36, 187, 294, 272, 276, 325, 337, 349, 350, 480) Flora is discussed in the clause concerned with fauna (270) Domestic livestock must be exempt to enable grazing (126, 198, 273, 274, 310, 337, 349, 353, 354, 388, 446) Grazing by livestock should be prohibited (25, 100, 112, 117, 176, 212, 245, 276, 286, 291, 347, 519) Should include introduction of pathogens, non-native plants, fungi and algae (370, 469) 	<p>Noted. Sub-clause revised to refer to flora.</p> <p>Any substantial alteration of a Registered Wetland that results from grazing will be covered under sub-clauses 8(1)(b),(f),(g) and (h). This is consistent with the land clearing provisions recently gazetted under the EP Act, which also do not permit grazing of stock to the extent that it results in clearing of native vegetation.</p> <p>Explanatory document amended to provide further clarification</p> <p>Clause refers to all Flora</p>	Text of Regulations revised No change
8 (1) (l) – Taking from a wetland	<ul style="list-style-type: none"> Clarify intent of clause - are permits required for taking from a wetland for research purposes (309) 	<p>Taking from a wetland for research purposes to the extent that it causes a substantial alteration of a Registered Wetland would require authorisation.</p> <p>Explanatory document amended to provide further clarification</p>	Text of Regulations revised
8 (2) – Activities not prescribed as an alteration	<ul style="list-style-type: none"> Provisions should not apply to public works and other activities undertaken by local governments 	<p>Relevant public authorities, both State and local government, must make decisions and take actions</p>	Text of Regulations revised

Issue raised	Specific comments (submission no.)	EPA comments	EPA recommendation
	<p>under the <i>Local Government Act</i> (325, 336, 407)</p> <ul style="list-style-type: none"> • Provisions should not apply to fire prevention and suppression works and clearing for fire hazard reduction that have existing authorisation under the EP Act (304) • Provisions should not apply to normal agricultural practices and existing drainage works and systems (111) • Provisions should not apply to activities conducted under the <i>Conservation and Land Management Act</i> and actions approved under the <i>Wildlife Conservation Act</i> (301) • Provisions should not apply to activities conducted under the <i>Health Act 1911</i> (65) • Provisions should not apply to activities conducted by the Water Corporation that have existing authorisation under the EP Act (270) • Provisions should be in line with the existing code of practice for plantation development and maintenance (299) • Provisions do not apply to activities undertaken by the Westralia Airports Corporation at Perth Airport under the <i>Commonwealth Airports Act 1996</i> (442) 	<p>that are consistent with the protection of Registered Wetlands. Public authorities need to manage their own Acts so that activities are controlled that could have a negative impact on these Registered Wetlands.</p> <p>Regulation 8 (2) has been revised to allow for other approvals under the EP Act such as licenses, permits etc. to be exempt under 8 (1)</p> <p>Regulation 8 (2) (b) has been revised to include section 33 of the Bushfires Act 1954 to allow for Local government requirements for landowners to clear fire breaks</p> <p>A separate clause referring to section 54 of the Energy Operators (Powers) Act 1979 included to allow for clearing in order to maintain existing power supplies</p> <p>Noted. An MOU is in place between the State and Commonwealth with regard to Perth Airport.</p>	<p>Text of Regulations revised</p> <p>Text of Regulations revised</p> <p>Text of Regulations revised</p>
8 (2) (a) – Part IV of the Act	<ul style="list-style-type: none"> • Concern that wetlands in areas zoned urban will not be protected (117, 347, 519) • Seek clarification on how properties with existing urban or commercial zoning and approved and currently progressing developments with an EPP wetland will be addressed (276, 479) • Seek clarification on how the Policy will affect the development application approvals process and future restoration works (407, 482). • Seek clarification as to whether a building licence application will constitute a proposal to be referred to the EPA (276) • Landowners are currently 	<p>Regulation 8 (2) allows for exemptions from the provisions of the Policy if prior approval has been given by the EPA under Part IV of the EP Act. Clause 8 (2) has been revised to allow for other approvals under the EP Act such as licenses, permits etc. to be exempt under 8 (1)</p> <p>Explanatory document amended to provide further clarification</p> <p>The Policy does not affect the existing definition of a proposal under the EP Act.</p>	<p>Text of Regulations revised</p> <p>No change</p> <p>No change</p>

Issue raised	Specific comments (submission no.)	EPA comments	EPA recommendation
	<p>compensated through existing planning mechanisms if their property contains a CCW however DPI may consider an EPP wetland undevelopable and not eligible for compensation (276)</p> <ul style="list-style-type: none"> • Need to acknowledge existing mining tenements (493) • Schemes should be assessed (65) • It must be an offence for a person to undertake certain activities that impact on a Registered Wetland without approval under Parts IV and V of the EP Act (111) 	<p>Compensation provisions under the Town Planning legislation apply only if land is affected by a reserve under a town planning scheme. The Policy will not change this.</p> <p>The EPA is not retrospective - existing approvals stand. If there is a new proposal to mine it would be subject to Part IV of the EP Act.</p>	<p>No change</p> <p>No change</p>
8 (2) (b) – Authorized clearing	<ul style="list-style-type: none"> • Amend to include clause 9 of schedule 6 (479) 	<p>Regulation 8 (2) allows for exemptions from the provisions of the Policy if prior approval has been given by the EPA under Part IV of the EP Act.</p>	<p>No change</p>
Clause 9 – Registration of notices in Land Titles Register	<ul style="list-style-type: none"> • Notification is the most appropriate mechanism for notifying the existence of a wetland (24) • Need a provision for the modification and removal of the notification from the Land Title Register in a form approved by the Registrar of Titles (24) • Any costs involved with registration must be borne by the Government (447) 	<p>Noted. Regulation 9(1)(a) has been revised to reflect this advice. The new provisions have been drafted on the direct advice of the Registrar of Titles.</p> <p>Land owners should not have to pay for the notice on their land title. The EPA recommends that the Government investigate the situation.</p>	<p>Text of Regulations revised</p> <p>No change</p>
Register			
Maps	<ul style="list-style-type: none"> • Mapping discrepancies (57, 142, 186, 208, 272, 276, 279, 294, 310, 325, 349, 336, 337, 353, 354, 356, 388, 425, 444, 449, 447, 470, 477, 479, 480) • The physical extent of a Registered Wetland area is unclear (297, 299) • Wetlands on the Register should be reviewed to ensure the lists are appropriate (68, 301, 305, 470, 477) • Clear numbering system to be used to identify wetlands (407) • Require advice on if the Register provides the administrative boundaries for the Policy underpinned by the science-based 	<p>The EPA has reviewed the boundaries on the draft Register. Initial areas considered by the EPA to be placed on the Register were the Swan Coastal Plains Lakes, already protected under the 1992 EPP, and CCWs on the Swan Coastal Plain. The datasets for the 1992 Lakes EPP and CCWs were first amalgamated and were then reviewed to correct spatial inaccuracies. The EPA attempted to have all data on the draft Register as accurate as possible, but recognised that there may be discrepancies. Consequently, landowners were encouraged to make a submission to the EPA to indicate potential errors. The boundaries of the wetlands on the current draft Register have</p>	<p>Text of Regulations revised and Wetland Register amended</p>

Issue raised	Specific comments (submission no.)	EPA comments	EPA recommendation
	<p>geomorphic wetlands dataset (276)</p> <ul style="list-style-type: none"> • The gazetted wetland boundaries need to accord with planning approvals particularly in areas committed for urban development (441) • Maps don't discriminate those on 1992 Lakes EPP and CCWs (493) 	<p>undergone further verification based on submissions, site visits and aerial photographs to improve their accuracy.</p> <p>Registered Wetlands have been given an identification number.</p> <p>The legal boundaries of the Registered Wetlands under the Policy are identified as green shaded areas on the maps. These areas represent the door the purposes of the Policy. The boundaries are determined from a set of map coordinates, so that these can be checked on the ground if necessary.</p> <p>It is not necessary that the final Wetlands Register distinguishes between boundaries initiated from the 1992 Lakes EPP and those initiated from the CCW data base. All registered wetlands have the same status under the Policy.</p> <p>Explanatory document amended to provide further clarification</p>	
Site inspections	<ul style="list-style-type: none"> • Need for scientific verification and site inspections prior to registration (9, 57, 142, 258, 272, 275, 284, 287, 294, 305, 325, 350, 353, 354, 388, 441, 446, 447, 470, 477, 480, 521, 537, 538, 539) • Original assessment reports for a Registered Wetland should be available to affected landholders upon request (111, 538, 539) 	<p>The EPA undertook a number for field inspections for the draft Register with an independent wetland expert. For those submissions that were not inspected further scientific assessment is required so the wetlands in question have been removed from the Register. Following gazettal of the draft Policy these wetlands may be reinstated to the Register in accordance with the provisions of the Policy and once the further assessment has occurred.</p> <p>The EPA has previously explained its assessment methodology for preparation of the draft Register in the Policy documentation. Assessment reports for further registrations will be available to affected landowners.</p>	Wetland Register amended
Geomorphic wetlands/Lakes EPP	<ul style="list-style-type: none"> • Concerns with automatically adopting 1992 Lakes EPP boundaries without scientific verification (407, 441) • A number of amendments to the 	The EPA has reviewed the 1992 Lakes boundaries as part of the preparation of the draft Register. The draft Register was initially based on the 1992 Lakes EPP and	Wetland Register amended

Issue raised	Specific comments (submission no.)	EPA comments	EPA recommendation
	<p>geomorphic wetlands dataset have been made since it was used for the Register however they may still be appropriate for the Register (402).</p> <ul style="list-style-type: none"> • The status of resource enhancement and multiple use wetlands should be made clear (297, 407, 441, 493) • Need improved system of identifying CCWs (347) • The geomorphic wetlands dataset contains errors associated with watercourses (402) • The EPP should clearly indicate status of CCWs and why some have not been included and why some CCW boundaries do not accord with the EPP mapping (407, 441) 	<p>CCWs datasets as these are considered wetlands of high ecological value. These datasets were first amalgamated and were then reviewed to correct spatial inaccuracies. Following submissions the current draft Register has undergone further modification based aerial photographs and site visits. A number of wetlands in question have been temporarily removed from the Register and are subject to further field verification following gazettal.</p> <p>Amendments to the geomorphic wetlands dataset that have been made since preparation of the draft Register can be nominated under the Policy to be reflected on the wetlands for Register.</p> <p>The process of wetland classification is managed by the DoE not the EPA. The EPA has used the wetland classification data (ie CCWs) for the initial preparation of the Register.</p> <p>Resource enhancement wetlands (REW) are not the highest quality wetlands on the Swan Coastal Plain. The EPA's initial priorities for the Policy are to protect the highest quality wetlands ie. Conservation Category Wetlands (CCWs). Other wetlands such as REWs can be added at a later stage subject to meeting the environmental quality criteria (EQCs) of the Policy.</p> <p>The EPP mapping is a separate data base to that of the wetland classification data (ie CCWs). The later is geomorphologically based. The former is legally and administratively based.</p> <p>Explanatory document amended to provide further clarification</p>	
Buffers	<ul style="list-style-type: none"> • Buffer requirements should be clarified (246, 284, 297, 309, 477, 482) • Agrees with the non-statutory 	The Policy does not include buffer requirements. The EPA and DoE provides separate guidelines on buffer requirements for appropriate	No change

Issue raised	Specific comments (submission no.)	EPA comments	EPA recommendation
	<p>requirement for buffers as it allow case-by-case determination (206)</p> <ul style="list-style-type: none"> • The standard buffer requirements should be reviewed (444) • Buffers should not be less than 100m and connectivity to other wetlands should be maintained (474) • Extend protection beyond immediate boundaries of the wetlands (370, 403, 469) 	<p>land use near wetlands. The EPA expects that potential developments should be planned and managed to protect wetland values, as identified in the EPP. This may include having an appropriate buffer for that wetland, which can vary on a case by case basis due to the conditions of local hydrology and native vegetation.</p>	
Wetlands protected	<ul style="list-style-type: none"> • Including wetlands on private property is important (287) • Only wetlands on crown land should be on the Register (274, 353, 354, 445) • Policy should be implemented on vacant land, regional park land and land holdings over 10 ha (22) 	<p>The Policy seeks to protect all wetlands of high ecological value on the Swan Coastal Plain regardless of whether they are on private land or Crown land. This is consistent with the Wetlands Conservation Policy.</p>	No change
Property rights, compensation and incentives	<ul style="list-style-type: none"> • Threatens freehold property rights (36, 57, 68, 102, 181, 182, 186, 243, 258, 272, 284, 294, 325, 350, 365, 388, 398, 443, 445, 531, 537, 538, 539) • Need to recognise existing stewardship by landowners (27, 57, 183, 189, 272, 310, 349, 519, 539, 350, 531) • Landowners need adequate incentives for the protection of wetlands (36, 111, 272, 275, 309, 336, 521) • Support incentives for land owners (84, 271, 283, 318, 324, 443, 474, 519) • Consider financial incentives for land owners such as reductions in land tax rates, local government rates and other (111, 142, 519) • Support education and training for land owners (117, 272, 283, 287, 474, 482, 519, 539) • If registration is imposed on landowners compensation is required (9, 36, 68, 181, 182, 183, 245, 272, 273, 275, 284, 294, 309, 310, 325, 337, 349, 350, 353, 354, 365, 398, 443, 444, 446, 447, 477, 478, 479, 521, 531, 537, 538, 539) • Landowners should have rights to appeal registration of wetlands (206, 258, 397, 444, 479) • Need to establish an independent arbitration mechanism for dispute (310, 325, 444, 447) 	<p>A number of landowners have expressed concern over the implications of the draft EPP with regard to the development potential of their property. The development potential of a property containing a wetland on the draft Register should not be significantly affected as these areas are already recognised in the DoE's wetland classification data base and potential developments are already subject to a range of existing approval processes. These approval processes include environmental assessment of development proposals under Part IV of the EP Act, the 1992 Swan Coastal Plain Lakes EPP and assessment of Town Planning Schemes and Amendments. Unauthorised Land Clearing Regulations recently Gazetted as part of the EP Act also require a permit before any clearing can take place, and this includes wetlands. Therefore, the draft Policy is not imposing any significant additional constraints on freehold property beyond those statutory controls that already exist. However, it does recognise them together under one instrument.</p> <p>While compensation is not provided under the EP Act, the Government has published information on the available</p>	No change

Issue raised	Specific comments (submission no.)	EPA comments	EPA recommendation
	<p>resolution (310, 325, 444, 447)</p> <ul style="list-style-type: none"> • EPP targets rural areas rather than urban developments (182, 189, 273, 349, 365, 388) • The addition of proposed buffers zones will have impacts on land owners (310) 	<p><i>Biodiversity Incentive Programs in Western Australia</i> (June 2004) in order to assist landowners with wetland protection.</p> <p>The Policy is consistent with the Government’s position in the Wetlands Conservation Policy (1997). While no appeal rights exist under the Policy, provisions are included to amend the Register if a Registered Wetland does not comply with EQC’s under the Policy.</p> <p>The Policy applies to areas on the Swan Coastal Plain where wetland with high ecological values exist.</p> <p>Buffer requirements are not part of the Policy.</p>	
General			
Impacts on wetlands	<ul style="list-style-type: none"> • Urban development has had a significant impact on wetlands (212, 254) • Concern that so many wetlands have been lost on the SCP (35, 84, 88, 95, 127, 403, 474, 475, 491, 534) • Concern for specific wetlands on the SCP (71, 86) • Groundwater use and low groundwater levels are significantly affecting wetlands (22, 86, 126, 246, 354, 388) • High drainage levels impact on wetlands (109) • Climate change is the biggest impediment to maintaining wetlands (275) • Dispute that 80% of SCP wetlands have been lost or degraded (9, 36) • Question the value of small isolated wetlands if they are surrounded by incompatible land uses (102, 444) • Wetlands pose a bio-security risk with respect to disease carried by migratory birds (102) • Concern with acid sulphate soil risk with wetland development (246, 254, 403, 481) 	The impacts of various activities including groundwater levels, drainage and climate change on wetlands specifically and generally is acknowledged. For this reason it is considered important for the Policy to be finalised and implemented so that the remaining high quality wetlands on the Swan Coastal Plain are identified and protected.	No change
Sustainability	<ul style="list-style-type: none"> • Policy to consider social and economic considerations along 	The purpose of the Policy is to protect and conserve wetlands of	No change

Issue raised	Specific comments (submission no.)	EPA comments	EPA recommendation
	<p>with its environmental imperative (272, 273, 276, 284, 325, 444, 447, 470, 493, 538, 539)</p>	<p>high ecological value. The EQC's under the Policy provide the environmental bottom line for triple bottom line decisions. Social and economic values are considered via other mechanisms.</p>	
<p>Management and enforcement</p>	<ul style="list-style-type: none"> • There is no provision for ongoing management of the wetlands (65, 92, 186, 189, 276, 310, 350, 353, 354, 446, 482) • There is a need for resources to manage the wetlands (474) • There are not the resources or staff to police the protection of wetlands (92, 287, 353, 354) • Who is responsible for enforcement (92, 276) • Management plans would achieve better environmental outcomes than the EPP (284) • Protection must be carried out at a grass roots level (271) • A "State of Wetlands" report to be to be produced on a regular basis (519) • Provisions for ongoing monitoring of wetlands is required (370, 469) • Evaluation of existing Lakes EPP is required to determine effectiveness of approach (92, 482) • A more cooperative approach to wetland management should be taken (57, 92, 182, 482) 	<p>The Policy is concerned with the protection of high quality wetlands. It identifies the wetlands to be protected. It is expected that the Policy will be implemented via various and separate management mechanisms and policies including Private landowners, State agencies, NRM groups, the Wetlands Conservation Policy, Biodiversity Incentives Program and NRM Strategies and management plans.</p> <p>The Government established the Wetlands Coordinating Committee to facilitate an integrated approach to wetland management and reporting under the Wetland Conservation Policy (1997).</p> <p>The EPA has requested more funding from Government to implement the Policy.</p> <p>The Policy provides legally binding statutory protection to those wetlands with high ecological values.</p> <p>Enforcement of the Policy will occur via the environmental harm provisions under the EP Act. These provisions have associated penalties related to causing material and serious environmental harm.</p> <p>The land clearing provisions recently Gazetted as part of the EP Act also require a permit before any clearing can take place. Provisions on land clearing relate to protecting native vegetation against unauthorised removal, destruction, or damage and this includes wetlands.</p>	<p>No change</p>

Table 2: Summary of submissions related to changes to the draft Wetland Register and EPA response and recommendations

Submission comment	EPA Comment	EPA recommendation
Landowner requests removal of wetland that is currently protected under the 1992 Lakes EPP	The EPA has resolved that a wetland should stay on the Register if the wetland was originally protected under the Lakes Environmental Protection Policy.	The wetland boundaries have been re-examined and minor boundary changes made where appropriate, others have remain unchanged. The EPA understands that some of the wetlands protected under the 1992 Lakes EPP that have been identified through the submission process have little value remaining. In these circumstances landowners are encouraged to apply through the amendment process after finalisation of the Policy.
Landowner acknowledges that a wetland exists but does not want it on the Register or states their objection to the Policy.	The EPA considers these submissions to be an objection to the Policy.	The wetland will remain on the Register as is.
Landowner acknowledges that a wetland exists and suggests boundary change.	The suggested changes varied from minor changes on the edge of the property boundary to major changes.	The minor changes on the edge of the property boundary have been made where appropriate. The other wetlands (unless originally protected in the 1992 Lakes EPP) will be removed from the Register until a site inspection has occurred to ascertain whether a change is appropriate. They will then be processed according to the Policy once it is gazetted.
Landowner states that there is no wetland on their property that meets the definition.	In some cases landowners received letters if their property was abutting a property that contained a wetland. Some received the letter in error.	Those properties with no wetlands have been identified and removed from the Register.
	In many cases there was misunderstanding as to what constituted a wetland, in particular compared to watercourses. The Policy excludes creeks, rivers and estuaries except where they were already protected under the 1992 Lakes EPP. Many wetlands stated to be creek in submissions are technically palusplain, sumpland or dampland not watercourses. These will continue to be protected.	These wetlands (unless originally protected in the 1992 Lakes EPP) will be removed from the Register until a site inspection has occurred to ascertain whether the wetland is the kind that the Policy is specifically aimed at protecting. They will then be processed according to the Policy once it is gazetted.

	In some cases landowners stated in their submission that they have never seen water or the wetlands have disappeared due to drainage or dry climate.	These wetlands (unless originally protected in the 1992 Lakes EPP) will be removed from the Register until a site inspection has occurred to ascertain whether there remains a wetland or not.
Landowner wishes to add a wetland to the Register	Numerous landowners have written in to request for a wetland on their property to be added to the Register. These additions are greatly appreciated.	These wetlands will remain off the Register for the time being. After gazettal of the Policy further information and a site visit will be required prior to any wetland being placed on the Register.
Local Governments/ State Government suggesting wetland removed, kept or added to the Register.	These submissions are comprehensive and require further thorough investigation.	These wetlands will remain on the Register as is. After finalisation of the Policy Local Governments/ State Government will be approached to assist in identifying landowners of these wetlands with the view to investigating the concerns.
Local Governments, State Government and others have listed approved proposals and subdivisions	These submissions are comprehensive and require further thorough investigation.	Wetlands associated with these approved proposals and subdivisions will remain on the Register. After gazettal of the Policy these will be further investigated to ascertain the practicality of the wetland boundaries proposed.

Appendix 3: Changes to the draft Environmental Protection (Swan Coastal Plain Wetlands) Policy and Regulations 2004

<i>Page No.</i>	<i>Section /Clause</i>	<i>Change</i>	<i>Reason</i>
Policy Pg. 9 Regulations Pg. 8	15 & 16 of Policy and 9 of Regulations	Text of Policy and Regulations revised to reflect the recommendations of the Registrar of Titles.	To more accurately reflect established processes involving the Land Title Register.
Regulations Pg. 4	6(a)	Text revised to 'declared to be protected flora'.	To ensure the 'declared to be protected flora' provision in the definition of 'protected flora', section 6(1) of the Wildlife Conservation Act 1950, is incorporated in the Policy.
Regulations Pg. 5	6(g)	Subclause deleted.	Covered by subclause 6(f).
Regulations Pg. 6	8	Wording of title revised to wetland alterations prescribed as environmental harm.	Environmental harm is defined in the Act.
Regulations Pg. 6	8(1)	Text revised to include substantial alteration of a Registered Wetland.	To qualify that the clause relates to significant alteration of a Registered Wetland.
Regulations Pg. 6	8(1)(k)(i)	Subclause deleted.	Covered by subclauses 8(1)(b),(f),(g) and (h).
Regulations Pg. 7	8(2)(c)	Text revised to include other approvals under the EP Act.	Existing approvals under the EP Act such as licenses, permits etc. may continue to be in force.
Regulations Pg. 7	8(2)(d)	Include section 33 of the <i>Bushfires Act 1954</i> .	To exclude clearing of native vegetation for firebreaks.
Regulations Pg. 7	8(2)(e)	Include a separate clause referring to section 54 of the <i>Energy Operators (Powers) Act 1979</i> .	To exclude the clearing of native vegetation under existing power lines.

Appendix 4: Wetlands requiring further scientific assessment

No.	Wetland number
1	2
2	196
3	199
4	322
5	397
6	400
7	453
8	460
9	483
10	545
11	557
12	575
13	581
14	583
15	586
16	592
17	595
18	596
19	599
20	600
21	603
22	606
23	608
24	612
25	615
26	616
27	618
28	620
29	624
30	699
31	778
32	786
33	787
34	812
35	817
36	818
37	819
38	838
39	862
40	870
41	878
42	879
43	885

No.	Wetland number
44	886
45	888
46	889
47	895
48	903
49	904
50	905
51	907
52	912
53	925
54	935
55	1143
56	1151
57	1169
58	1191
59	1192
60	1193
61	1202
62	1203
63	1204
64	1240
65	1293
66	1307
67	1311
68	1315
69	1324
70	1334
71	1368
72	1370
73	1371
74	1372
75	1388
76	1397
77	1401
78	1402
79	1403
80	1404
81	1409
82	1410
83	1411
84	1412
85	1413
86	1416

No.	Wetland number
87	1417
88	1479
89	1480
90	1489
91	1490
92	1491
93	1492
94	1493
95	1501
96	1508
97	1521
98	1534
99	1538
100	1548
101	1551
102	1560
103	1562
104	1563
105	1567
106	1571
107	1580
108	1613
109	1620
110	1630
111	1638
112	1669
113	1679
114	1681
115	1684
116	1685
117	1717
118	1718
119	1776
120	1796
121	1952
122	1953
123	2043
124	2049
125	2118
126	2144
127	2176
128	2210
129	2263

No.	Wetland number
130	2285
131	2286
132	2287
133	2288
134	2289
135	2290
136	2292
137	2294
138	2296
139	2297
140	2298
141	2345
142	2358
143	2365
144	2367
145	2428
146	2439
147	2458
148	2463
149	2465
150	2466
151	2470
152	2471
153	2495
154	2506
155	2533
156	2569
157	2576
158	2577
159	2578
160	2579
161	2580
162	2581
163	2582
164	2583
165	2584
166	2586
167	2588
168	2595
169	2620
170	2621
171	2672
172	2673

No.	Wetland number
173	2715
174	2724
175	2725
176	2726
177	2727
178	2728
179	2729
180	2730
181	2731
182	2778
183	2779
184	2810
185	2812
186	2813
187	2851
188	2870
189	2875
190	2876
191	2944
192	2945
193	2953
194	2954
195	2955
196	2956
197	2957
198	2958
199	2959
200	2960
201	2967
202	2979
203	2980
204	2981
205	2982
206	2985
207	3073
208	3088
209	3092
210	3098
211	3189
212	3190
213	3232
214	3248

No.	Wetland number
215	3253
216	3255
217	3304
218	3306
219	3313
220	3314
221	3323
222	3332
223	3343
224	3355
225	3374
226	3378
227	3381
228	3382
229	3383
230	3388
231	3396
232	3399
233	3400
234	3401
235	3402
236	3407
237	3408
238	3412
239	3414
240	3419
241	3510
242	3533
243	3556
244	3561
245	3562
246	3577
247	3582
248	3584
249	3602
250	3614
251	3615
252	3623
253	3624
254	3626
255	3629
256	3631

No.	Wetland number
257	3634
258	3635
259	3637
260	3639
261	3656
262	3659
263	3664
264	3665
265	3699
266	3716
267	3753
268	3754
269	3760
270	3776
271	3793
272	3823
273	3824
274	3838

**Appendix 5: Revised draft Environmental Protection (Swan Coastal Plain
Wetlands) Policy and Regulations 2004**

Western Australia

Environmental Protection (Swan Coastal Plain Wetlands) Policy Order 2004

CONTENTS

1.	Citation	1
2.	Approval of environmental protection policy	1
3.	Repeal	1
	Appendix 1 — Environmental Protection (Swan Coastal Plain Wetlands) Policy 2004	2
	Part 1 — Preliminary	2
1.	Citation	2
2.	Purposes of policy	2
3.	Relationship of policy with regulations	3
4.	Terms used in this policy	3
5.	The Swan coastal plain	4
6.	The environmental quality criteria	4
7.	Public and local government access to plans and records	4
	Part 2 — Registration of the wetlands that are to be protected	6
8.	Registration of wetlands that meet environmental quality criteria	6
9.	Registration of wetland at owner's request	6
10.	Public consultation about registration of wetlands	6
	Part 3 — The Swan coastal plain wetlands register	7

**Environmental Protection (Swan Coastal Plain Wetlands) Policy
Order 2004**

Contents

11.	The Swan coastal plain wetlands register	7
12.	Registration procedure	7
13.	Amendment of particulars of registration	7
14.	Cancellation of registration	8
	Part 4 — Notices for purposes of land titles register	9
15.	Notification of Registrar of Titles	9
16.	Notification of interested parties	9
	Schedule 1 — The Swan coastal plain as shown on Environmental Protection Plan No. 2	10
	Environmental Protection Policy map SCPSEP03	10

Environmental Protection Act 1986

Environmental Protection (Swan Coastal Plain Wetlands) Policy Order 2004

Made by the Minister under section 31(d) of the Act.

1. Citation

This order may be cited as the *Environmental Protection (Swan Coastal Plain Wetlands) Policy Order 2004*.

2. Approval of environmental protection policy

The *Environmental Protection (Swan Coastal Plain Wetlands) Policy 2004*, set out in Appendix 1 to this order, is approved.

3. Repeal

The *Environmental Protection (Swan Coastal Plain Lakes) Policy Approval Order 1992* is repealed.

**Appendix 1 — Environmental Protection (Swan Coastal
Plain Wetlands) Policy 2004**

Approved by the Minister under section 31(d) of the Act.

Part 1 — Preliminary

1. Citation

This policy may be cited as the *Environmental Protection (Swan Coastal Plain Wetlands) Policy Order 2004*.

2. Purposes of policy

- (1) This policy establishes the basis on which —
 - (a) the environmental values of certain wetlands of the Swan coastal plain are to be protected as an intrinsic part of the natural hydrology and the surface and groundwater system of the Swan coastal plain; and
 - (b) pollution of, and environmental harm to, those wetlands are to be prevented or controlled.
- (2) The environmental quality objectives of the policy are —
 - (a) the protection of the ecosystem health conditions of wetlands in the Swan coastal plain that meet the environmental quality criteria and of certain other wetlands, including the protection of the ecological structure, ecological function and ecological processes of those wetlands; and
 - (b) the protection of the beneficial uses of those wetlands, including the use of the wetlands for study, education, recreation, aesthetic enjoyment and the benefit of the public generally.
- (3) The policy, in conjunction with the regulations, establishes a programme for achieving the environmental quality objectives by —
 - (a) setting out criteria for measuring the environmental quality of the wetlands of the Swan coastal plain;

- (b) providing for the identification and registration of wetlands that meet the environmental quality criteria and for the registration of certain other wetlands;
- (c) providing for identifying and recording, for each registered wetland, the particular environmental values of the wetland that are to be protected; and
- (d) providing a basis for the regulations to identify activities that cause, or have the potential to cause, material environmental harm or serious environmental harm to a registered wetland.

3. Relationship of policy with regulations

This policy is to be read with the *Environmental Protection (Swan Coastal Plain Wetlands) Regulations 2004* as if the policy and the regulations formed a single instrument.

4. Terms used in this policy

- (1) In this policy, unless the contrary intention appears —
 - “**Environmental Protection Plan No. 2**” means a hard copy of the map entitled “Environmental Protection Policy Map SCPSEP03”, being a hard copy kept in the Department and marked in red to show the boundary of the Swan coastal plain;
 - “**environmental quality criteria**” means the criteria set out in clause 6;
 - “**owner**”, in relation to a wetland, means the owner of the land in which part or all of the wetland is located;
 - “**registered**”, in relation to a wetland, means registered in the Swan coastal plain wetlands register in accordance with Part 2;
 - “**regulations**” means the *Environmental Protection (Swan Coastal Plain Wetlands) Regulations 2004*;
 - “**Swan coastal plain**” means the area described in clause 5(1);
 - “**Swan coastal plain wetlands register**” means the register established and maintained by the Authority under clause 11(1);
 - “**wetland**” means —
 - (a) an area of seasonally, intermittently or permanently waterlogged or inundated land on the Swan coastal plain,

Part 1 Preliminary

whether natural or otherwise, and includes a lake, swamp, marsh, spring, dampland, tidal flat or estuary; or

(b) part of such an area.

(2) A term used in this policy that is given a meaning in the Act or the regulations has that meaning in this policy unless the contrary intention appears in this policy.

5. The Swan coastal plain

(1) The Swan coastal plain is the area that —

(a) is shown outlined in red on Environmental Protection Plan No. 2, a representation of which is shown in Schedule 1 of this policy; and

(b) is bounded by the boundary defined in Schedule 1 of the regulations.

(2) If there is any discrepancy between the boundary of the Swan coastal plain as defined in the regulations and the boundary of the area shown outlined in red on Environmental Protection Plan No. 2, the definition in the regulations prevails.

6. The environmental quality criteria

For the purposes of this policy, a wetland meets the environmental quality criteria if —

(a) the wetland is recognised internationally, nationally or regionally as provided in regulation 5 of the regulations;

(b) the wetland has at least one of the significant natural attributes referred to in regulation 6 of the regulations; or

(c) the wetland has at least 2 of the environmental values listed in regulation 7 of the regulations.

7. Public and local government access to plans and records

(1) The Department must make the information recorded on the Swan coastal plain wetlands register and a copy of Environmental Protection Plan No. 2 available for inspection by members of the public during normal office hours at the Department's head office in

Perth and each of its regional offices situated on the Swan coastal plain.

- (2) The Department must also provide the information recorded on the Swan coastal plain wetlands register and a copy of Environmental Protection Plan No. 2 to each local government whose district is wholly or partly within the Swan coastal plain.

Part 2 Registration of the wetlands that are to be protected

**Part 2 — Registration of the wetlands that are to
be protected**

8. Registration of wetlands that meet environmental quality criteria

The Authority may, on its own initiative, register a wetland that is within the Swan coastal plain if the wetland meets one or more of the environmental quality criteria.

9. Registration of wetland at owner's request

- (1) The Authority may register a wetland within the Swan coastal plain on the application of the owner of the wetland.
- (2) An application must be in writing and must include the following —
 - (a) particulars of the name and address of the applicant;
 - (b) evidence of the ownership of the wetland;
 - (c) a map of the wetland of a sufficient scale to identify the wetland clearly at an individual lot level;
 - (d) an assessment, as far as practicable, of the extent to which the wetland meets the environmental quality criteria;
 - (e) any other relevant information that the Authority requires in the particular case.
- (3) If 2 or more persons own the wetland, the application must include —
 - (a) the name and address of each owner; and
 - (b) written evidence that the application is made by, or with the agreement of, each owner.

10. Public consultation about registration of wetlands

Before the Authority registers a wetland under clause 8 or 9, or amends the registered particulars of a wetland that was registered under clause 8 or 9, or cancels the registration of a wetland that was registered under clause 8 or 9, the Authority must take reasonable steps to consult persons who could be materially affected by the registration, amendment or cancellation.

Part 3 — The Swan coastal plain wetlands register

11. The Swan coastal plain wetlands register

- (1) The Authority must establish and maintain a register called the “Swan coastal plain wetlands register”.
- (2) The register must be in the form of an electronic database.

12. Registration procedure

A wetland is registered by entering in the register —

- (a) the name (if any) and location of the wetland;
- (b) particulars of the boundary of the wetland area —
 - (i) as shown on a 1:2000 scale map that includes the wetland; and
 - (ii) as defined by straight lines connecting the Map Grid of Australia coordinates (Geocentric Datum of Australia 1994) for zone 50;
- (c) particulars of the ownership of the wetland;
- (d) a summary of the grounds on which the wetland is registered;
- (e) a summary of any additional information known to the Authority about the condition of the wetland; and
- (f) any other information that the Authority thinks relevant.

13. Amendment of particulars of registration

- (1) The Authority may amend the registered particulars of a wetland in accordance with this clause —
 - (a) to increase or decrease the registered area of the wetland;
 - (b) to reflect a change in the condition of the wetland; or
 - (c) to reflect a change in ownership of the wetland.
- (2) The Authority may, on its own initiative, amend the registered particulars of a wetland that was registered under clause 8.
- (3) The Authority may, on the application of the owner of a wetland that was registered under clause 9, amend the registered particulars of the wetland.

Part 3 **The Swan coastal plain wetlands register**

- (4) An application under subclause (3) must be in writing and must include the following particulars —
 - (a) the name of the applicant;
 - (b) if the ownership of the wetland has changed since the wetland was registered — evidence of the ownership of the wetland;
 - (c) details of the proposed amendment and the reasons for it;
 - (d) any other relevant information that the Authority requires in the particular case.
- (5) If 2 or more persons own the wetland, the application must include —
 - (a) the name and address of each owner; and
 - (b) written evidence that the application is made by, or with the agreement of, each owner.
- (6) The Authority must not amend the registered particulars of a wetland that was registered under clause 9 unless the application for the amendment is made or agreed to in writing by each owner of the wetland.

14. Cancellation of registration

- (1) The Authority may cancel the registration of a wetland that was registered under clause 8 if the wetland does not meet or no longer meets at least one of the 3 environmental quality criteria.
- (2) The Authority may cancel the registration of a wetland that was registered under clause 9 if an application for the cancellation is made or agreed to in writing by each owner of the wetland.
- (3) An application must be in writing and must include the following —
 - (a) particulars of the name and address of the applicant;
 - (b) evidence of the ownership of the wetland;
 - (c) a map of the wetland of a sufficient scale to identify the wetland clearly at an individual lot level;
 - (d) an assessment, as far as practicable, of the extent to which the wetland currently meets the environmental quality criteria;
 - (e) any other relevant information that the Authority requires in a particular case.

Part 4 — Notices for purposes of land titles register

15. Notification of Registrar of Titles

- (1) When the Authority registers a wetland, amends the registered particulars of a wetland, or cancels the registration of a wetland, the Authority must give notice of the registration, amendment or cancellation to the Registrar of Titles.
- (2) A notice must be in a form approved by the Registrar of Titles under regulation 9 of the regulations.
- (3) A notice must include or be accompanied by the following —
 - (a) particulars of the location of the wetland;
 - (b) for a notice of registration or amendment, where the wetland forms only part of the land on the relevant certificate of title — a plan, in a form approved by the Registrar of Titles, showing the part of the land that constitutes the wetland;
 - (c) particulars of the ownership of the wetland;
 - (d) particulars of the date on which the wetland was registered under this policy, or on which particulars of the registration under this policy were amended, or the registration was cancelled under this policy, as the case requires;
 - (e) any other information required by the Registrar in a particular case.

16. Notification of interested parties

When the Authority gives a notice to the Registrar of Titles under clause 15, the Authority must give a copy of the notice to each of the following persons or bodies —

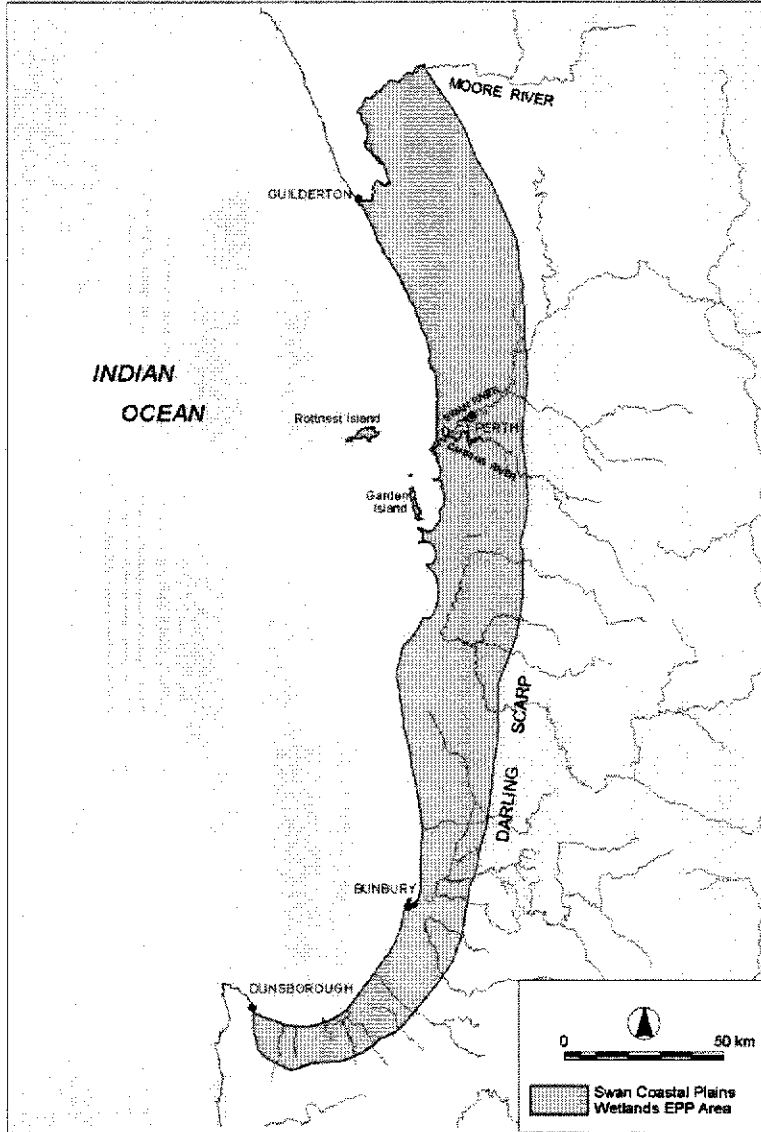
- (a) each owner of the wetland referred to in the notice;
- (b) each mortgagee of the land in which the wetland is located;
- (c) the Western Australian Planning Commission;
- (d) the local government of each local government district in which any part of the wetland is located.

Schedule 1 Swan coastal plain as shown on Environmental Protection Plan No. 2

Schedule 1 — The Swan coastal plain as shown on Environmental Protection Plan No. 2

[cl. 5]

Environmental Protection Policy map SCPSEP03



*Environmental Protection (Swan Coastal Plain Wetlands) Policy
Order 2004*

Swan coastal plain as shown on Environmental Protection
Plan No. 2

Schedule 1

Minister for the Environment

Date:

Environmental Protection (Swan Coastal Plain Wetlands) Regulations 2004

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Environmental Protection (Swan Coastal Plain Wetlands) Regulations 2004*.

2. Relationship with Swan Coastal Plain Wetlands Policy

These regulations are to be read with the *Environmental Protection (Swan Coastal Plain Wetlands) Policy 2004* as if the regulations and the policy formed a single document.

3. Terms used in these regulations

(1) In these regulations, unless the contrary intention appears —

“land titles register” means —

- (a) in relation to land registered under the *Transfer of Land Act 1893* — the register kept for the purposes of that Act; or
- (b) in relation to land registered under the *Registration of Deeds Act 1856* — the register kept for the purposes of that Act;

“policy” means the *Environmental Protection (Swan Coastal Plain Wetlands) Policy 2004*;

“Registrar of Titles” means —

- (a) in relation to land registered under the *Transfer of Land Act 1893* — the Registrar of Titles; or
- (b) in relation to land registered under the *Registration of Deeds Act 1856* — the Registrar of Deeds and Transfers;

“registered wetland” means a wetland or part of a wetland that is registered in the Swan coastal plain wetlands register under Part 3 of the policy;

“vehicle” has the same definition as it has in the *Road Traffic Act 1974*.

- (2) If a term used in these regulations is defined in the policy, the term has that definition in these regulations unless the contrary intention appears in these regulations.

4. Boundary of the Swan coastal plain

For the purposes of these regulations and the policy, the boundary of the area of the Swan coastal plain is defined in Schedule 1.

5. International, national or regional recognition of wetlands

- (1) For the purposes of the policy, a wetland is recognised internationally if the wetland is an important feeding, breeding or resting site for birds listed under either or both of the following agreements —
 - (a) the China-Australia Migratory Bird Agreement (CAMBA), being the *Agreement between the Government of Australia and the Government of the People’s Republic of China for the Protection of Migratory Birds and Their Environment 1986*, Australian Treaty Series No. 22, Department of Foreign Affairs and Trade, AGPS, Canberra, 1988;

- (b) the Japan-Australia Migratory Bird Agreement (JAMBA), being the *Agreement between the Government of Australia and the Government of Japan for the Protection of Migratory Birds in danger of extinction and Their Environment 1974*, Australian Treaty Series No. 6, Department of Foreign Affairs, AGPS, Canberra, 1981.
- (2) For the purposes of the policy, a wetland is recognised internationally, nationally or regionally if it is recognised in one or more of the following publications —
- (a) *A Directory of Important Wetlands in Australia*, 2nd edition, Australian Nature Conservation Agency, Canberra, 1996;
 - (b) *Conservation Reserves for Western Australia Systems 1, 2, 3, 5*, Department of Conservation and Environment, Perth 1976;
 - (c) *Conservation Reserves for Western Australia, The Darling System — System 6. Part I: General Principles and Recommendations and Part II: Recommendations for Specific Localities*. Report 13, Department of Conservation and Environment, Perth 1983;
 - (d) Pen L. *A Systematic Overview of Environmental Values of the Wetlands, Rivers and Estuaries of the Busselton-Walpole Region*, Water Resource Allocation and Planning Series, report no. WRAP 07, Waters and Rivers Commission, Perth, 1997;
 - (e) Le Provost, Semeniuk and Chalmer, *The Environmental Significance of Wetlands in the Perth to Bunbury Region*, Volumes 1 and 2, WRC 4/87, Western Australian Water Resources Council, Perth, 1987;
 - (f) *Bush Forever*, Volumes 1 and 2, Western Australian Planning Commission, Perth, 2000;
 - (g) *Convention on Wetlands of International Importance Especially as Waterfowl Habitat*, Ramsar 1971,

Australian Treaty Series No. 48, Department of Foreign Affairs, AGPS, Canberra, 1975.

6. Significant natural attributes of wetlands

For the purposes of the policy, a wetland has a significant natural attribute if —

- (a) it supports any flora for the time being declared to be protected flora for the purposes of the *Wildlife Conservation Act 1950*;
- (b) it supports fauna specified in a notice in operation under section 14(2)(ba) of the *Wildlife Conservation Act 1950* as fauna that is likely to become extinct, or is rare, or otherwise in need of special protection;
- (c) it supports vegetation in “good, very good, excellent or pristine condition” as described by B J Keighery in *Bushland Plant Survey. A Guide to Plant Community Survey for the Community*, Wildflower Society of WA (Inc), Nedlands, Western Australia, 1994;
- (d) it supports an ecological community listed as “threatened” in Category 1, 2, 3 or 4 as described by V J English and J Blyth in —
 - (i) “Identifying and Conserving Threatened Ecological Communities in the South West Botanical Province”, (Project N702) published in *Final Report to Environment Australia*, Department of Conservation and Land Management, Como, Western Australia, 1997; or
 - (ii) “Development and application of procedures to identify and conserve threatened ecological communities in the South West Botanical Province of Western Australia”, published in *Pacific Conservation Biology* No. 5, 1999, at pp. 124-38, Surrey, Beatty and Sons, New South Wales, 1999;

- (e) it is a wetland of a natural wetland type that is part of a natural wetland group of which fewer than 30% of wetlands of that type in that group are represented in the conservation estate on the Swan coastal plain, according to the wetland type and geomorphic classification system in Hill, AL, Semeniuk, CA, Semeniuk, V and Del Marco, A, *Wetlands of the Swan Coastal Plain*, Volume 2A: *Wetland Mapping, Classification and Evaluation — Main Report* and Volume 2B: *Wetland Mapping, Classification and Evaluation — Wetland Atlas*, Water and Rivers Commission and Department of Environmental Protection, Perth, Western Australia, 1996; or
- (f) it is a significant habitat or refuge for native or migratory fauna.

7. Other environmental values of wetlands

For the purposes of clause 6(c) of the policy, the following environmental values are listed —

- (a) the wetland is a significant site of pollen records, unusual sediments (as indicators of historical change), unusual geomorphology or hydrology for the scientific community;
- (b) the wetland is a public resource for water-based and land-based recreation;
- (c) the wetland is a significant archaeological or historical heritage site;
- (d) the wetland is an Aboriginal site as defined in section 4 of the *Aboriginal Heritage Act 1972*;
- (e) the wetland is a significant field study site for educational purposes.

8. Wetland alterations prescribed as environmental harm

- (1) Substantial alteration of a registered wetland by any of the following activities is an alteration of the environment of a prescribed kind for the purposes of paragraph (d) of the definition of “environmental harm” in section 3A(2) of the Act —
- (a) filling in the wetland with soil or any other material;
 - (b) dumping soil, waste or any other substance or thing in or on the wetland;
 - (c) carrying out mining operations as defined in section 8(1) of the *Mining Act 1978*, or carrying out any other excavation, on or in the wetland;
 - (d) discharging water into, or taking water from, the wetland;
 - (e) taking groundwater from beneath the wetland;
 - (f) removing, killing or destroying native vegetation in the wetland;
 - (g) severing or ringbarking the trunks or stems of native vegetation in the wetland;
 - (h) burning native vegetation in the wetland, or in any other way clearing native vegetation from the wetland;
 - (i) directly or indirectly disposing of or discharging waste material from industrial premises into the wetland;
 - (j) having or using a vehicle or a boat with a motor in the wetland;
 - (k) bringing any flora into the wetland except flora of a species indigenous to the wetland or its immediate surroundings;
 - (l) taking from the wetland —
 - (i) fauna of a species indigenous to the wetland or its immediate surroundings; or

- (ii) fauna of a migratory species some of which migrate to or pass through the wetland or its immediate surroundings from time to time.
- (2) However, subregulation (1) does not apply if —
- (a) the activity is carried out in accordance with —
 - (i) a proposal that has been or is being implemented in accordance with Part IV Division 2 of the Act following a referral to the Authority under section 38 of the Act; or
 - (ii) an assessed scheme that has been or is being implemented under Part IV Division 4 of the Act following a referral to the Authority under a scheme Act;
 - (b) the activity constitutes clearing that is done as mentioned in Schedule 6 of the Act clause 10, 11 or 12;
 - (c) the activity is done in accordance with —
 - (i) a standard prescribed for the purposes of Schedule 6 clause 2(c)(i) of the Act;
 - (ii) a works approval;
 - (iii) a licence;
 - (iv) a requirement contained in a closure notice, an environmental protection notice or a prevention notice;
 - (v) a declaration under section 6 of the Act;
 - (vi) an exemption under section 75 of the Act; or
 - (vii) a licence, permit, approval or exemption granted, issued or given under any other regulations under the Act;
 - (d) the activity is done in accordance with a notice under section 33 of the *Bush Fires Act 1954*; or
 - (e) the activity is done under section 54 of the *Energy Operators (Powers) Act 1979*.

9. Registration of notices in land titles register

- (1) The Registrar of Titles may —
 - (a) approve the form of a notice for the purposes of clause 15 of the policy; and
 - (b) require the Authority or the owner of a wetland to give to the Registrar any relevant information required for the purposes of registering a notice in the land titles register.
- (2) The Registrar of Titles, on receiving a notice under clause 15 of the policy in the approved form and any fee payable, must register the notice in the land titles register.
- (3) However, if the Registrar requires further information, the Registrar does not have to register a notice until the information is given.

Schedule 1 — Boundary of the Swan coastal plain

[r. 4]

1. Terms used in this Schedule

In this Schedule —

“**coordinate**” means a Map Grid of Australia coordinate (Geocentric Datum of Australia 1994) for zone 50;

“**Table**”, followed by a number, means the Table to this Schedule having that number.

2. Offshore islands and inland estuaries included

- (1) All islands off the coastline are taken to be within the boundary defined in clause 3.
- (2) All inland estuarine areas along the coastline are taken to be within the boundary defined in clause 3, except the Swan-Canning Estuary as specified in clause 3(4).

3. Boundary definition

- (1) The Swan coastal plain boundary begins at a point near Dunsborough on the first coordinate specified in Table 1, then generally follows the Darling Scarp to a point on the Moore River by extending along straight lines connecting the coordinates specified in Table 1, from the first coordinate to the last coordinate.

Table 1 — Dunsborough to Moore River coordinates

Point No.	Easting	Northing	Point No.	Easting	Northing
1	324412.0683	6279670.2156	46	409065.6776	6421551.7692
2	323741.9000	6276159.8393	47	407830.9412	6424374.2796
3	323971.1561	6273867.2788	48	409771.2163	6431606.3017
4	324506.0869	6271230.8341	49	410300.3556	6437250.8389
5	325809.2379	6267387.0408	50	409947.6749	6445717.3709
6	328102.3117	6264917.5073	51	408536.5461	6455771.4292
7	329689.8094	6263858.9846	52	408712.9330	6461239.4519
8	335863.4597	6260860.4712	53	409947.6724	6471646.4925

Environmental Protection (Swan Coastal Plain Wetlands) Regulations 2004

Schedule 1 **Boundary of the Swan coastal plain**

Point No.	Easting	Northing	Point No.	Easting	Northing
9	337803.7574	6261213.4575	54	410476.8566	6474821.4832
10	341684.3425	6262800.9590	55	410124.0831	6476761.9944
11	345035.7757	6263329.9770	56	409771.3098	6478878.5187
12	352267.8153	6263682.9414	57	409947.7161	6480819.0520
13	353855.3264	6264564.4438	58	410124.0870	6482583.0606
14	358088.7092	6265975.9761	59	409771.3376	6484346.5617
15	362498.4212	6268974.5330	60	409771.3383	6486110.5779
16	364085.8772	6270562.0779	61	409594.9595	6487345.5823
17	369201.2132	6272855.0686	62	409418.5618	6488933.0880
18	371494.3272	6274971.5580	63	409594.9749	6490167.5950
19	376609.6742	6281145.5870	64	409594.9683	6491755.1066
20	382959.7608	6289083.1428	65	409594.9574	6492460.6130
21	386840.2793	6294727.5444	66	409594.9550	6493166.1186
22	389662.5740	6303017.5950	67	409418.5445	6493695.6237
23	390897.3419	6310249.6814	68	409418.5465	6494401.1295
24	392308.4702	6318010.7291	69	409594.9571	6495106.6339
25	394601.3708	6324007.9040	70	409594.9593	6495635.6367
26	395130.7187	6328594.2558	71	409594.9632	6496341.1389
27	396365.4574	6333003.8082	72	409418.5658	6497399.6470
28	397600.2178	6337237.3519	73	409065.7924	6498458.1588
29	398482.1861	6344292.8587	74	408889.4116	6499340.1606
30	399187.8311	6349760.8565	75	408889.4203	6500751.1595
31	399540.5724	6356110.9328	76	408536.6476	6502691.1692
32	400422.5492	6359285.9235	77	409065.8083	6503749.6728
33	400775.3316	6362990.4540	78	407654.7284	6509729.2253
34	401304.4905	6368281.9951	79	407654.7307	6513962.7531
35	401304.4984	6371633.5014	80	406949.1557	6518196.2839
36	400951.7078	6374808.5268	81	404126.9107	6524546.3199
37	401128.1292	6377983.5443	82	399187.9542	6535834.9010
38	401304.4887	6380805.5614	83	394249.0342	6543596.4540
39	401128.1111	6381511.5664	84	390721.2553	6552768.4989
40	403597.5251	6387155.5637	85	387193.4491	6558413.0247

Boundary of the Swan coastal plain **Schedule 1**

Point No.	Easting	Northing	Point No.	Easting	Northing
41	406772.5461	6395622.5980	86	382254.5233	6565468.6064
42	408183.7012	6403560.1538	87	379917.0616	6569339.5409
43	408889.2631	6409204.7124	88	378726.7140	6571130.6202
44	408889.2741	6415554.7156	89	378373.9316	6571660.1300
45	408712.9018	6418906.2642	90	378280.0393	6571941.7602

- (2) The boundary then generally follows the Moore River to the coastline at a point near Guilderton by extending along straight lines connecting the coordinates specified in Table 2, from the first coordinate to the last coordinate.

Table 2 — Moore River to Guilderton coordinates

Point No.	Easting	Northing	Point No.	Easting	Northing
91	378282.7303	6571947.0629	257	359828.1103	6551590.0404
92	378033.6270	6572020.9132	258	359941.5889	6551516.1601
93	377796.1049	6571994.9023	259	360130.0435	6551467.6645
94	377582.7960	6572105.5154	260	360319.2030	6551293.8967
95	377332.7298	6572090.4348	261	360370.0894	6551194.7920
96	377219.3105	6572152.3104	262	360383.1867	6551069.6874
97	377045.1243	6572100.4100	263	360236.9292	6550668.6323
98	376682.7324	6572135.0055	264	360255.6511	6550335.1747
99	376432.5753	6572045.6303	265	360266.9340	6550131.3313
100	376334.0449	6571894.8294	266	360215.9717	6550020.8980
101	376348.3576	6571732.0402	267	360169.4815	6549932.6970
102	376675.1537	6571472.0089	268	360119.6215	6549811.1912
103	376701.8620	6571310.4718	269	359872.9166	6549439.8369
104	376291.4309	6571044.0788	270	359549.4738	6549249.2733
105	376131.1220	6570705.2106	271	359413.9398	6549049.0141
106	375994.7870	6570603.8488	272	359441.9897	6548661.3560
107	375946.3698	6570415.9382	273	359382.2642	6548423.3042
108	375959.7199	6570254.2462	274	359422.7024	6548035.8113
109	375774.2538	6570027.0405	275	359599.9171	6547825.3126
110	375649.1611	6570026.6834	276	359676.6266	6547575.7771

Environmental Protection (Swan Coastal Plain Wetlands) Regulations 2004

Schedule 1 **Boundary of the Swan coastal plain**

Point No.	Easting	Northing	Point No.	Easting	Northing
111	375586.9556	6570038.1481	277	359817.1711	6547327.0917
112	375411.0410	6570136.9617	278	359867.7717	6547176.9872
113	375335.4541	6570149.3763	279	359895.9157	6546852.5230
114	375285.3735	6570185.3699	280	359959.6895	6546714.7888
115	375148.7530	6570109.4899	281	361157.2577	6545650.8246
116	375148.9723	6570009.7227	282	361529.0867	6545416.2560
117	375123.7490	6569799.9093	283	361611.6120	6545154.5900
118	375045.8710	6569601.6696	284	361726.2008	6544917.7357
119	374887.1695	6569536.6112	285	361839.4593	6544781.7508
120	374575.0660	6569524.0566	286	362077.6530	6544708.3805
121	374303.9609	6569597.3376	287	362178.5005	6544646.5094
122	374252.7798	6569645.5075	288	362416.0648	6544402.3905
123	374219.5635	6569789.2261	289	362432.1950	6544261.8022
124	374011.9008	6569987.4107	290	362533.3882	6544100.1535
125	373835.5230	6570123.8843	291	362672.3595	6543963.3879
126	373722.6958	6570135.8446	292	362860.5238	6543852.7617
127	373623.1788	6570072.5802	293	362951.6082	6543515.8100
128	373448.3017	6570082.6896	294	363152.9807	6543267.8781
129	373360.7495	6570057.2565	295	363281.1816	6543005.6871
130	373210.6842	6570068.7668	296	363381.5290	6542907.2134
131	373098.6123	6570017.5414	297	363946.5580	6542673.9674
132	373074.2513	6569978.4503	298	364085.1626	6542562.6789
133	372954.4649	6569774.1493	299	364174.4295	6542288.8880
134	372705.9482	6569554.9998	300	364276.5304	6542127.2360
135	372306.6792	6569564.6119	301	364426.8607	6542065.9843
136	372082.1007	6569499.8260	302	364664.0022	6542067.9335
137	371995.1580	6569424.5030	303	364865.6145	6541944.1433
138	371796.7175	6569172.6781	304	365015.4542	6541920.5711
139	371699.1918	6568946.4589	305	365204.8369	6541710.1430
140	371776.5283	6568710.1602	306	365430.0728	6541674.2287
141	371764.6773	6568584.7484	307	365481.0842	6541707.0329
142	371417.8817	6568206.9595	308	365605.6185	6541650.9776

Environmental Protection (Swan Coastal Plain Wetlands) Regulations 2004

Boundary of the Swan coastal plain Schedule 1

Point No.	Easting	Northing	Point No.	Easting	Northing
143	371331.6134	6568156.0270	309	365668.3246	6541588.5871
144	371080.8745	6568203.9753	310	365706.8948	6541477.1073
145	370572.4040	6567698.9201	311	365708.6524	6541339.6579
146	370203.4671	6567107.9699	312	365634.8714	6541225.6323
147	370016.4790	6567019.2087	313	365647.8867	6541101.6306
148	369928.6600	6567018.1311	314	365652.0397	6540627.5235
149	369377.2656	6567138.8363	315	365926.7167	6540522.0476
150	369063.2833	6567361.1132	316	365988.7737	6540435.2570
151	368912.6316	6567422.4404	317	366054.7231	6540341.8638
152	368500.3846	6567406.2479	318	366093.9357	6540179.3934
153	368061.9252	6567501.6807	319	366246.6085	6539856.5071
154	367887.2189	6567500.6131	320	366362.9456	6539469.9636
155	367700.0890	6567424.0034	321	366519.4293	6538771.2921
156	367212.8866	6567370.2413	322	366521.6645	6538520.7668
157	366974.7197	6567404.9470	323	366423.6124	6538220.1844
158	366801.7416	6567266.4172	324	366400.1400	6538044.7194
159	366714.8470	6567115.6642	325	366414.2659	6537907.4271
160	366703.8595	6567002.4490	326	366477.8915	6537770.7651
161	366755.2249	6566865.6288	327	366736.2603	6537517.9541
162	366730.4000	6566789.9320	328	366933.4200	6537211.1457
163	366409.1811	6566522.0405	329	367035.5812	6536887.6086
164	366289.5689	6566468.4276	330	367175.5110	6536663.2187
165	366195.4051	6566365.2475	331	367264.1872	6536576.7589
166	366160.6041	6566248.4048	332	367314.9440	6536477.6234
167	366098.7140	6566160.0432	333	367328.1052	6536340.3181
168	365861.5094	6566120.4587	334	367299.1751	6536294.4974
169	365625.5717	6565981.1104	335	367234.6671	6536201.6631
170	365288.9422	6565878.1692	336	367139.1276	6536153.8895
171	365152.7741	6565701.2767	337	366814.6571	6536143.1199
172	365141.6414	6565525.9749	338	366676.2762	6536095.9061
173	364461.6284	6564732.3979	339	366516.1269	6535964.1560
174	364425.0433	6564607.7649	340	366355.5763	6535714.8811

Environmental Protection (Swan Coastal Plain Wetlands) Regulations 2004

Schedule 1 **Boundary of the Swan coastal plain**

Point No.	Easting	Northing	Point No.	Easting	Northing
175	364452.4212	6564333.1793	341	366275.7030	6535484.3715
176	364403.6021	6564195.0861	342	366115.9903	6535245.0808
177	364266.9882	6564055.8673	343	365976.4013	6535144.6262
178	364217.6771	6564030.8454	344	365766.6750	6535095.3782
179	363529.5784	6564099.6010	345	365596.6074	6535145.3050
180	363144.2257	6563858.4904	346	365316.6203	6535304.6825
181	363083.0265	6563645.9524	347	364957.0374	6535435.3110
182	362934.8134	6563519.8686	348	364717.5705	6535625.1291
183	362812.1062	6563193.4523	349	364447.6070	6535964.2169
184	362725.7690	6563080.3618	350	364167.5656	6536124.6734
185	362551.3294	6562990.5163	351	363938.4233	6536323.4780
186	362429.2637	6562689.6012	352	363628.4687	6536513.4665
187	362243.5542	6562513.1307	353	363328.4996	6536593.8188
188	362106.1670	6562437.0630	354	363129.2786	6536613.3932
189	362078.5974	6562428.9433	355	362959.3939	6536573.4793
190	361935.9788	6562388.2813	356	362859.3612	6536433.5879
191	361744.8728	6562333.6802	357	362719.2664	6536154.5874
192	361422.4376	6562105.5184	358	362579.0052	6535888.8864
193	361235.4464	6562028.7890	359	362557.8344	6535761.1118
194	360746.7028	6562112.1667	360	362672.3122	6535524.2485
195	360533.3784	6562223.5463	361	362623.9701	6535436.0300
196	360513.2828	6562227.7160	362	362526.1833	6535343.8368
197	360409.9126	6562250.7427	363	362299.6797	6535195.6270
198	360370.6752	6562259.0940	364	362240.2135	6535085.0869
199	360156.8602	6562407.0450	365	362220.2922	6534935.1542
200	359895.1385	6562280.5237	366	362120.4172	6534785.2782
201	359697.0727	6562103.8425	367	361960.3135	6534655.6725
202	359549.0134	6561826.9346	368	361859.7873	6534555.6755
203	359366.6551	6561618.3042	369	361819.8887	6534405.4782
204	359246.6494	6561529.1252	370	361800.2385	6534235.5916
205	359015.9041	6561371.9504	371	361862.3085	6534003.5883
206	358942.0612	6561184.7133	372	361936.5603	6533930.2860

Environmental Protection (Swan Coastal Plain Wetlands) Regulations 2004

Boundary of the Swan coastal plain **Schedule 1**

Point No.	Easting	Northing	Point No.	Easting	Northing
207	358957.6787	6560872.2831	373	362300.9516	6533795.3898
208	358848.6986	6560458.4119	374	362401.2260	6533696.9270
209	358851.4143	6560183.5032	375	362490.4528	6533497.4289
210	358655.5149	6559706.3837	376	362505.1224	6533322.4511
211	358506.6484	6559565.8107	377	362408.7269	6532908.7581
212	358346.5501	6559480.5175	378	362346.5841	6532858.0509
213	358258.3565	6559440.5324	379	362209.2340	6532881.7438
214	358071.9831	6559251.7776	380	362109.5144	6532793.9543
215	357885.2438	6559161.6845	381	362021.9778	6532792.8011
216	357687.9430	6558935.0810	382	361985.2335	6532692.5358
217	357594.2038	6558669.9577	383	361861.1158	6532578.9224
218	357502.4912	6558537.8997	384	361789.9451	6532203.2496
219	357507.6519	6558438.1900	385	361716.4220	6532078.1065
220	357498.3558	6558349.3719	386	361741.2031	6532003.0436
221	357441.2500	6558268.7781	387	361880.4893	6531903.9927
222	357403.7896	6558146.3200	388	361805.6941	6531803.2242
223	357394.7641	6558037.5495	389	361833.4010	6531578.5280
224	357441.1177	6557925.0917	390	361759.2677	6531427.8771
225	357494.4906	6557787.2293	391	361836.9425	6531166.1456
226	357487.4238	6557533.2508	392	361644.4405	6530900.8445
227	357651.9197	6557360.3006	393	361623.6468	6530746.4627
228	357865.0185	6557261.1738	394	361603.2918	6530630.8905
229	358127.2458	6557338.9794	395	361481.8082	6530536.1533
230	358178.0150	6557252.0773	396	360948.3682	6530583.4025
231	358192.0046	6557062.6848	397	360758.8110	6530599.7291
232	358205.9493	6556876.6175	398	360642.5554	6530541.6381
233	358257.8913	6556702.1469	399	360568.5858	6530451.9575
234	358186.5104	6556264.3771	400	360569.0528	6530345.5296
235	358225.0562	6556164.0068	401	360474.0836	6530261.1117
236	358554.0341	6555742.6949	402	360363.6338	6530267.3988
237	358542.5260	6555605.0671	403	360294.7472	6530367.3698
238	358769.8568	6555294.3612	404	360268.4265	6530699.6253

Schedule 1 Boundary of the Swan coastal plain

Point No.	Easting	Northing	Point No.	Easting	Northing
239	358783.7655	6555181.4642	405	360147.2322	6530868.7443
240	358986.2898	6554870.4223	406	359914.6820	6530968.7417
241	359052.1550	6554508.7714	407	359793.4908	6530852.9232
242	359115.4621	6554409.8377	408	359761.6798	6530599.7151
243	359228.6497	6554360.3503	409	359540.0010	6530457.0459
244	359291.0746	6554398.8773	410	359117.9902	6530424.7628
245	359428.3862	6554399.5989	411	358944.1848	6530472.3122
246	359717.4277	6554177.2805	412	358923.2416	6530473.1385
247	359855.5607	6554115.9230	413	358674.7995	6530551.8290
248	360007.7487	6553929.4726	414	358390.7591	6530589.0102
249	360012.7685	6553838.6296	415	358168.6214	6530551.6315
250	360022.3373	6553692.4144	416	357951.3739	6530434.4878
251	359741.5203	6552939.2330	417	357941.9213	6530429.9246
252	359806.5263	6552639.6516	418	357720.8751	6530382.5726
253	359745.9241	6552464.7866	419	357556.8625	6530409.1671
254	359773.5891	6552176.9037	420	357242.9843	6530401.5626
255	359686.5893	6552051.5765	421	357154.5582	6530370.2953
256	359852.3580	6551702.3372			

- (3) The boundary then continues generally south, following the coastline to the first coordinate specified in Table 3.
- (4) The boundary then generally follows the Swan-Canning Estuary back to the coastline by extending along straight lines connecting the coordinates specified in Table 3, from the first coordinate to the last coordinate.

Table 3 — Swan-Canning Estuary coordinates

Point No.	Easting	Northing	Point No.	Easting	Northing
	Swan River			Canning River	
422	393749.2047	6462931.1418		396197.7002	6455947.6069
423	393698.9779	6462208.3702		396291.3314	6455976.7416

- (5) The boundary then continues generally south, following the coastline to the first coordinate specified in Table 1.

By Command of the Governor,

Clerk of the Executive Council.

Appendix 6: Revised draft Wetlands Register (Compact disc)