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Caring for the Swan and Canning rivers

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Swan and Canning Rivers Management Act 2006 at a glance

Key points of the Act

The *Swan and Canning Rivers Management Act 2006* came into effect on 25 September 2007 providing a new direction for the future protection and management of the rivers.

Key features of the legislation include:

- establishing the Swan Canning Riverpark;
- developing targets for river use and environmental health;
- improving coordinated management of activities which may affect the rivers;
- enabling more streamlined and flexible assessment of planning approvals;
- introducing the option to use River Protection Notices to manage activities that affect the rivers; and

- increasing opportunities for public involvement in planning and decision-making.

The focus of the new legislation is to develop better ways for government, industry and the community to work together to sustain the health and uses of the rivers.

Consultation and binding collaborative arrangements will support the implementation of management programs including a River Protection Strategy.

The River Protection Strategy replaces *Riverplan* and sets out what needs to be done to maintain the health of our rivers.

Riverpark will see a new era of protection for the rivers, acknowledging and managing their iconic status in a style similar to Kings Park.



New era of river protection

On 25 September 2007, the *Swan and Canning Rivers Management Act 2006* and associated legislation came into effect.

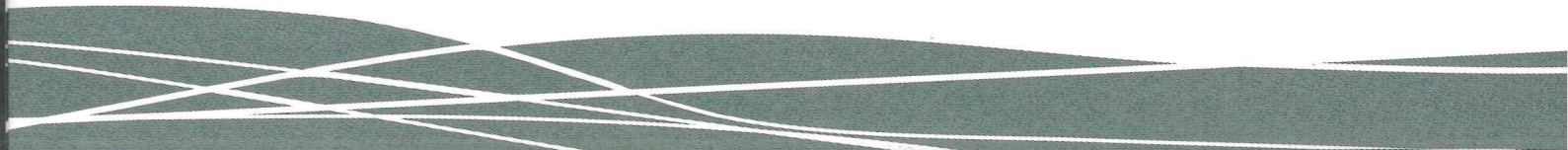
The legislation provides mechanisms to better protect the rivers, and sets up a more coordinated management framework to deal with commercial and recreational activities, and urban and rural influences on the rivers.

The new legislation replaces the *Swan River Trust Act 1988* and the *Environmental Protection (Swan and Canning Rivers) Policy 1997*. However, many of their provisions will continue to have the same effect, as they have been incorporated into the new legislation.

Copies of the following new legislation can be found at the State Law Publisher's website www.slp.wa.gov.au:

- *Swan and Canning Rivers Management Act 2006*
- *Swan and Canning Rivers (Consequential and Transitional Provisions) Act 2006*
- *Swan and Canning Rivers Management Regulations 2007*
- *Swan and Canning Rivers (Transitional) Regulations 2007*

The main features of the new legislation are summarised in this booklet.



Swan Canning Riverpark

The legislation recognises the importance of the rivers as an icon, similar to Kings Park, by establishing the Swan Canning Riverpark. The Riverpark consists of the waterways and adjacent public land of the Swan, Canning, Helena and Southern rivers. No private property is included in the Riverpark.

The legislation recognises the importance of the rivers as an icon, similar to Kings Park.

The legislation establishes the River Reserve, which includes most of the waterways, and vests it in the Swan River Trust. The legislation establishes joint management arrangements for shorelines, and requires preparation of a Riverpark Management Program to integrate management of the waterways and the adjacent public land of the Riverpark.

Riverbed leases will continue to be managed by the Department for Planning and Infrastructure. However, decisions on granting of leases and the conditions that apply will be made by the Trust. Existing boating, mooring and jetty licensing legislation will continue to apply. Existing riverbed leases, as well as mooring and jetty licences will remain in effect.

Targets for the rivers

Targets will be set for the health and use of the Riverpark. Management targets may also be set in the Swan Avon Catchment, where these are needed to meet Riverpark targets. Targets will be developed in consultation with stakeholders and the community, and require approval by Parliament.

River Protection Strategy

A River Protection Strategy will be developed to set out what needs to be done to meet the Riverpark targets and who needs to do it. Management programs, which are consistent with the strategy, will be developed to deal with specific issues in more detail. Stakeholders and the community must be consulted during development of the strategy and management programs.

To ensure consistency and avoid duplication, the legislation also allows management programs that have been developed by others to be approved under this legislation where this is useful in achieving the objectives of the River Protection Strategy.

The River Protection Strategy will replace *Riverplan* in the Swan Avon Catchment. Work already undertaken to implement the Swan Canning Environmental Protection Policy and its associated *Riverplan* will contribute to developing the River Protection Strategy.



Responsibilities for river management

The new legislation clarifies the roles, powers and accountability for activities that affect the Swan and Canning rivers.

Public authorities are required to take into account the objectives and principles of the *Swan and Canning Rivers Management Act 2006* when they carry out their functions, unless this would be inconsistent or substantially interfere with the application of their legislation.

Binding collaborative arrangements between the Swan River Trust and government, industry and community will support the implementation of management programs.

The provisions of the legislation, together with the River Protection Strategy, will develop more effective ways to work together to manage the needs of the rivers.

Binding collaborative arrangements between the Swan River Trust and government, industry and community will support the implementation of management programs.

Native title rights

Native title rights will not be affected by the new legislation.

Membership of the Board

... Knowledge of and experience in, the fields of conservation, natural resource management, recreation, tourism, planning, development, matters of interest to rural and Nyungah communities.

The Swan River Trust consists of a chairman and seven members who, between them, are to have knowledge of and experience in the fields of conservation, natural resource management, recreation, tourism, planning, development and matters of interest to rural and Nyungah communities.

One member is appointed from local government and one from the Department for Planning and Infrastructure. The appointment of the remaining six members by the Minister for the Environment provides the opportunity for involvement from a wide cross section of the community.



Development in and around the rivers

There has been no change to the geographical area in which development approvals are required. However, the name of the area has changed from the Swan River Trust Management Area to the Development Control Area. All existing approvals will remain in effect.

... the name of the area has changed from the Swan River Trust Management Area to the Development Control Area.

Decisions on a number of activities, which previously required assessment as developments, including signs, emergency and maintenance work, some temporary structures, commercial activities and erosion control, will be more appropriately made under regulations. Planning approvals may result in a permit or license and new application forms and guidelines are available from the Trust.

Applications made under Clause 30(A) of the Metropolitan Region Scheme will now be considered by the Swan River Trust and the Western Australian Planning Commission, and will only require the involvement of Ministers where agreement cannot be reached.

Extensions of time, errors and minor variations to development approvals will now be able to be made without the need to submit a new application.

These changes enable more streamlined consideration of applications.

River Protection Notices

The focus of the new legislation is to establish better ways for government, industry and the community to work together to sustain the health and uses of the rivers. However, it is essential to have a way to ensure that these efforts are not undermined.

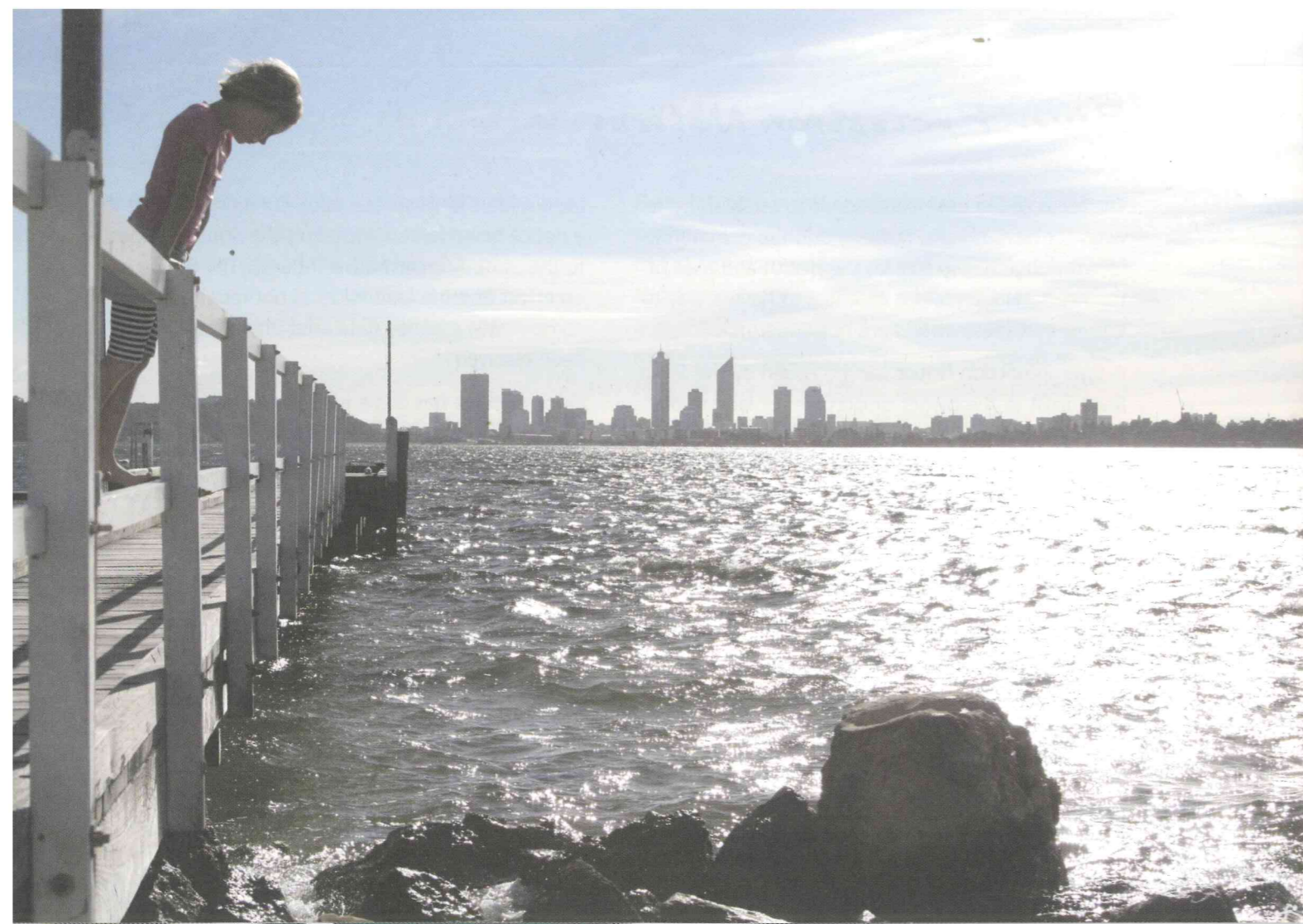
A River Protection Notice can be issued by the Swan River Trust to the owner or occupier of land in the Swan Avon Catchment, when the Trust has established that the landholder needs to take action to ensure the health of the rivers is not jeopardised. River Protection Notices can only apply where there is a link between the health of the Swan and Canning rivers, and activities in the catchment.

Notices must be property specific. Working with individual landholders on a case by case basis will be a more flexible and effective way to manage complex issues rather than trying to develop 'one size fits all' regulations.

Landholders have several opportunities to object to a notice being issued, including the right to appeal to the State Administrative Tribunal. The notice has no effect and the landholder is not required to comply with a notice until after any appeal has been resolved.

Once a notice has come into effect, failure to comply with a notice is an offence. The penalty is a fine of up to \$50,000.

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For more information:

Copies of the new Acts and Regulations can be obtained at www.slp.wa.gov.au or by contacting the State Law Publisher on (08) 9321 7688.

To find out more, or discuss specific aspects of the legislation, please contact the Swan River Trust.

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Detailed maps of the River Reserve (Reserve Numbers 48325, 48326 and 48327), Swan Canning Riverpark (Deposited Plan 47465), the Development Control Area (Deposited Plan 47465) and the Swan Avon Catchment (Deposited Plan 47464) are available from Landgate on telephone 9273 7373 or 1300 556 224 or website at www.landgate.wa.gov.au.