

Environmental Protection (Swan Coastal Plain Lakes) Policy 1992

The Lakes Environmental Protection Policy (EPP) protects the environmental values of selected wetlands on the Swan Coastal Plain.

A wetland is identified under this EPP if it contained an area of standing water of more than 1000 square metres as at 1 December 1991. The policy prohibits the filling, excavating, mining, discharge or disposal of effluent into and construction or alteration of a drainage system for the drainage into or out of an identified wetland, unless authorised under the Act or under any other written law.

Maps of wetlands protected by the Lakes EPP are available for viewing at the DEC Perth Library.

Environmental Protection (South West Agricultural Zone Wetlands) Policy 1998

The South West Wetlands EPP prohibits filling, excavating, mining, discharging or disposal of effluent, damaging or clearing native vegetation and construction or alteration of the water drainage system of protected wetlands, unless authorised under the Act or under any other written law.

Copies of the South West Wetlands EPP Register are available for viewing at the DEC Perth Library.

Penalties

The Act includes penalties for breaches of the law. For example, under s. 50A(2) of the Act, the penalty for causing serious environmental harm is:

Individual: \$250,000 and/or 3 years imprisonment and a daily penalty of \$50,000,
Corporation: \$500,000 and a daily penalty of \$100,000

There is also a higher penalty under s. 50A(1) for causing serious environmental harm intentionally or with criminal negligence.

Individual: \$500,000 and/or 5 years imprisonment and a daily penalty of \$100,000
Corporation: \$1,000,000 and a daily penalty of \$200,000

Referral to the Environmental Protection Authority

A proposal that is likely to have a significant impact on a wetland of high conservation significance, such as a conservation category wetland, is considered to be a significant proposal under s38 of the Act for referral to the Environmental Protection Authority (EPA). Proposals affecting wetlands protected by the Lakes EPP or South West Wetlands EPP also require referral to the EPA.

Need more information?

For more information about wetland protection or to view copies of the above legislation, visit the DEC and EPA websites, www.dec.wa.gov.au and www.epa.wa.gov.au

Wetland mapping (showing Conservation category wetlands) and Environmentally Sensitive Areas can be viewed and downloaded at: www.dec.wa.gov.au > Tools, systems and data > Geographic Data Atlas. A guide to viewing the mapping is also available at wetlands.environment.wa.gov.au > Data > Wetland Mapping. Information on wetland locations and values is available on the Statewide Wetlands Database at www.naturebase.net/projects/wetlands_database.html

Or contact your regional DEC office:

Perth library	6364 6500
Kununurra	9168 4200
Karratha	9144 2000 or 9143 1488
Geraldton	9964 5978 or 9921 5955
Kalgoorlie	9080 5555
Narrogin	9881 9222
Victoria Park	6250 8000
Kensington	9423 2900
Kwinana	9411 1777
Bunbury	9726 4111 or 9725 4300
Manjimup	9771 7988
Albany	9842 5760 or 9842 4500

Protecting our wetlands in Western Australia



Photo - Jennifer Higbid/DEC

The information contained in this brochure is general information only and not legal advice. Anyone with legal issues should seek professional legal advice.



Photo - Justine Lawn/DEC

Why are wetlands important?

Wetlands are a fundamental part of the natural environment. Wetlands have been forming in the Western Australian landscape over millions of years, and are part of a complex link between the landscape, soil, groundwater, rivers, plants and animals. They support a great richness and abundance of wildlife, providing habitat, refuge, breeding grounds and food sources for animals. Australia has among the highest wetland diversity in the world and a large number of the world's internationally recognised wetlands.

There are many types of wetlands including the well-recognised, permanent wetlands with water at the surface all year and seasonally waterlogged wetlands with damp soils during and after the main rainfall season. Seasonal wetlands, particularly seasonally waterlogged wetlands, often have a higher plant and animal species richness than permanent wetlands.

Wetlands have great significance to both indigenous and non-indigenous cultures and are valued, not only for their wildlife, but also as spiritual places, sources of food and water and areas for recreation and relaxation. They also provide an important function for flood control by storing and detaining storm water.

What can I do to help protect my wetland?

The Department of Environment and Conservation (DEC) offers programs to help landowners and community groups with funding and support services to manage wetlands.

These include the Nature Conservation Covenant Program, Land for Wildlife, Healthy Wetland Habitats and Urban Nature programs. If you would like more information about these programs contact:

Nature Conservation Covenant Program	9334 0477
Land for Wildlife	9334 0427
Healthy Wetland Habitats	9334 0570
Urban Nature	9423 2900

In addition, many Natural Resource Management (NRM) catchment councils provide funding for similar projects. Refer to www.nrm.gov.au to locate your regional NRM catchment council.

What are the existing mechanisms to help protect wetlands?

Wetlands are protected by provisions under the *Environmental Protection Act 1986* (the Act).

Environmental harm

Under the Act, an 'alteration of the environment to its detriment or degradation or potential detriment or degradation' or an 'alteration of the environment to the detriment or potential detriment of an environmental value' is considered environmental harm.

The definition of environmental harm also specifically includes harm involving removal or destruction of, or damage to native vegetation or the habitat of native vegetation or indigenous aquatic or terrestrial animals. The objective of the Act is not to outlaw day-to-day activities which cause some trivial harm to the environment. To be an offence under the Act, the harm must be more than trivial or negligible.

Clearing of native vegetation

The clearing provisions of the Act prohibit clearing of native vegetation, unless a clearing permit is granted by DEC or the clearing is for an exempt purpose. The exemptions allow for low impact day-to-day activities involving clearing to be undertaken if done in accordance with the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*. People who wish to clear native vegetation are required to obtain a permit if an exemption does not apply.

It should be noted that under a notice declared by the Minister for the Environment certain wetlands are defined as environmentally sensitive areas. These defined wetlands include:

- Wetlands identified as internationally significant under the Ramsar Convention.
- Nationally significant wetlands in *A Directory of Important Wetlands in Australia*.
- Conservation category wetlands identified by DEC geomorphic wetlands datasets.
- Wetlands mapped in *A Systematic Overview of Environmental Values of the Wetlands, Rivers and Estuaries of the Busselton-Walpole Region*.
- Wetlands mapped in Mapping and Classification of Wetlands from Augusta to Walpole in the South West of Western Australia.

Exemptions do not apply in these wetlands or within 50 metres of their boundary.

Other wetlands listed as environmentally sensitive areas where exemptions do not apply include those areas covered by the:

- *Environmental Protection (Swan Coastal Plain Lakes) Policy 1992*;
- *Environmental Protection (South West Agricultural Zone Wetlands) Policy 1998*; and
- *Environmental Protection (Swan and Canning Rivers) Policy 1997*.