

## Frequently Asked Questions - Review of Environmental Protection (Western Swamp Tortoise Habitat) Policy 2011

### **Review of *Environmental Protection (Western Swamp Tortoise Habitat) Policy 2011***

#### **Is there a current Environmental Protection Policy in place for the western swamp tortoise during the review?**

Yes. There is an existing Environmental Protection Policy (EPP) for the Western Swamp Tortoise habitat, the *Environmental Protection (Western Swamp Tortoise Habitat) Policy 2011* (WST EPP 2011), which remains in force until the review is completed and a new EPP is gazetted.

#### **Has the EPP been reviewed before?**

The Environmental Protection Authority (EPA) conducted a statutory review of the 2002 EPP in 2010, resulting in a largely unchanged new EPP on 14 February 2012: *Environmental Protection (Western Swamp Tortoise Habitat) Policy 2011*.

The EPA is reviewing the WST EPP 2011 to ensure continued protection of the only remaining naturally occurring population of the Critically Endangered Western Swamp Tortoise.

#### **What does the current review focus on?**

The current review proposes amendments relating to:

- Strengthening recognition and protection of habitat in the EPP area;
- Importance of hydrology and hydrological processes;
- Latest scientific and management information for the Western Swamp Tortoise;
- Compatibility of development and activities with the protection of the Western Swamp Tortoise habitat;
- Declaration of environmental values; and
- Policy area map and description.

#### **Has the overall EPP boundary changed?**

There has been no change to the EPP boundary since the EPP was first gazetted in 2003, and no boundary changes are proposed as part of this current review.

#### **What is a Western Swamp Tortoise habitat management area?**

In the draft revised *Environmental Protection (Western Swamp Tortoise Habitat) Policy 2026*, habitat management areas include:

- (a) the Ellen Brook Nature Reserve, which is comprised of the nature reserve identified as Reserve No. 27620
- (b) the Twin Swamps Nature Reserve, which is comprised of the nature reserve identified as Reserve No. 27621
- (c) lot 505 on deposited plan 50920
- (d) lot 507 on deposited plan 41642

- (e) an area of the policy area that becomes a habitat management area for the Western Swamp Tortoise.

An area of the policy area becomes a habitat management area for the Western Swamp Tortoise if any of the follow happen in relation to the area:

- a) the area is identified as the location of critical habitat of the Western Swamp Tortoise under an order made under the *Biodiversity Conservation Act 2016*
- b) the area becomes a nature reserve or is added to the area of a nature reserve
- c) the area becomes the subject of a section 8A agreement under which the CEO (Conservation) agrees to manage the area as though it were a nature reserve
- d) the area is acquired by the State, the Conservation and Parks Commission or another entity and managed by the conservation department as though it were a nature reserve.

**What is the ‘*Guidance for the Assessment of Environmental Factors - Protection of the Western Swamp Tortoise Habitat, Upper Swan/Bullsbrook No.7*’, and how does it relate to the *Environmental Protection (Western Swamp Tortoise Habitat) Policy 2026*?**

Guidance Statement No.7 was prepared in 2006 under section 16(k) of the *Environmental Protection Act 1986*, to support the *Western Swamp Tortoise Habitat Policy 2002*. It provides information and guidance to ensure activities are undertaken in a manner that minimises impacts on the environment in the EPP area.

Similarly, any new EPP will be accompanied with a guideline to reflect any changes made to the EPP and include further guidance for landowners within the EPP area on how to minimise impacts on the Western Swamp Tortoise habitat.

**How does the EPP relate to the Western Swamp Tortoise Recovery Plan?**

While these two documents are related, they have distinct processes with different consultation requirements.

The Recovery Plan for the Western Swamp Tortoise is prepared under the *Biodiversity Conservation Act 2016* (BC Act) and sets out the science and management actions to stop the decline of and support the recovery of the Western Swamp Tortoise to maximise its chances of long-term survival in the wild. The Recovery Plan is managed separately by Department of Biodiversity, Conservation and Attractions (DBCA). For more information on the recovery plan, please visit DBCA’s website: [Home | Department of Biodiversity, Conservation and Attractions](#).

The EPP provides a mechanism not available under the BC Act, to protect the habitat critical for the long-term survival of the western swamp tortoise, guiding activities within the EPP area to be carried out in a manner that avoids and minimises impacts on the habitat. The EPP is prepared under the *Environmental Protection Act 1986*.

**What are the next steps for the EPA after public consultation?**

Once public comments have been received an analysis of submissions will be prepared and considered. A revised draft EPP and recommendations will be prepared and submitted to the Minister for the Environment for consideration.

# **The Western Swamp Tortoise**

## **Where do the tortoises live?**

The main habitat of the Western Swamp Tortoise is the seasonal ephemeral wetlands within the Twin Swamps and Ellen Brook Nature Reserves in the WST EPP area. These wetlands provide habitat in wetter months. The lands surrounding the Nature Reserves within the EPP area are also essential to the survival of the species, providing habitat for aestivation (when the tortoises become inactive in summer in response to the hot and dry conditions) and nesting; and facilitating the movement of the tortoises as they move around on land and in water throughout the EPP area to forage for food, find shelter and breed.

## **Where do the tortoises travel?**

Radio tracking studies undertaken by DBCA show that tortoises have been recorded travelling outside of the nature reserves to search for suitable habitat between aestivation, wetland and nesting sites.

The Western Swamp Tortoises are not territorial and have been recorded to move (walk) large distances, including between the Twin Swamps and Ellen Brook Nature Reserves and along and across the railway line.

## **Can the tortoises move outside the nature reserves within the EPP?**

The boundary fences around the two nature reserves within the EPP are designed to enable movement of the tortoises in and out of the reserves while keeping predators out.

Twin Swamps Nature Reserve has a cyclone mesh fence with regular two-way gates installed to allow movement. Ellen Brook has rectangular apertures to allow free movement by tortoises along the entire boundary where it is installed.

There are anecdotal records of the tortoises in a wetland on the western side of the railway line in proximity of Ellen Brook Nature Reserve, which the tortoises may use as a drought refuge, suggesting they have the ability to navigate obstacles such as rail lines, fences and other man-made infrastructure in the EPP area.

## **How do the tortoises cross the railway reserve?**

The Western Swamp Tortoise can climb and navigate over obstacles such as the railway line and fences. Movement of Western Swamp Tortoises between the rails at Ellen Brook, and west of Twin Swamps between the road and railway line in the railway reserve have been confirmed.

## **What is being done to help the Western Swamp Tortoise?**

### **1. Environmental Protection (Western Swamp Tortoise Habitat) Policy**

The [Environmental Protection \(Western Swamp Tortoise Habitat\) Policy 2011](#) protects habitat critical to the survival of the Western Swamp Tortoise and guides activities within the policy area to avoid and minimise adverse impacts.

## **2. Western Swamp Tortoise Recovery Plan**

The Western Swamp Tortoise [Recovery Plan](#) is managed by the DBCA and focuses on research and management actions to support the species' long-term survival in the wild.

## **3. Western Swamp Tortoise Breeding Program**

The breeding program at Perth Zoo began in 1989 and a Western Swamp Tortoise Recovery Team was established in 1990. Perth Zoo's on-site breeding facility is home to an 'insurance population' of around 150–200 Western Swamp Tortoises, to help boost population numbers in the wild. Since 2003, additional insurance populations have been established at Adelaide Zoo and Monarto Safari Park to safeguard against sudden loss or significant decline of the Perth Zoo colony.

## **The Western Swamp Tortoise EPP**

### **What is an EPP?**

EPPs are statutory instruments prepared under Part III of the *Environmental Protection Act 1986*. They protect specific parts of the environment and have the force of law, establishing the basis for protection, and how pollution or environmental harm to that portion of the environment is to be prevented, controlled or abated. They may relate to any activity directed towards the protection, prevention, control or abatement of pollution or environmental harm, create offences and provide penalties.

The EP Act is binding on the Crown, and the wider community as well as all government departments and agencies are required to comply with both the Act and EPPs prepared under the Act.

### **What is the purpose of having an EPP for the Western Swamp Tortoise?**

The purpose of the EPP is to protect habitat that is critical for the long-term survival of wild populations of the critically endangered western swamp tortoise.

The EPP protects the western swamp tortoise habitat by setting an environmental quality objective and a programme for achieving and maintaining that objective.

### **How was the EPP boundary determined?**

The need to protect the western swamp tortoise habitat was first identified by the EPA in its *EPA Redbook Recommended Conservation Reserves 1976-1991*. This was further supported in 1983 when the EPA recommended the establishment of protective buffers around the Ellen Brook and Twin Swamps Nature Reserves (Recommendation M17.1 of the *Conservation Reserves for WA - The Darling System - System Six* report). In 1993, the EPA wrote to the Minister for the Environment proposing an EPP to formalise protection of these buffers.

The boundary for the WST EPP area follows cadastre (i.e. property and other cadastral boundaries) and considers natural drainage to the wetlands within the Ellen Brook and Twin Swamps Nature Reserves.

## **What development and land use is allowed in the Western Swamp Tortoise Policy area?**

Development and land use, including the keeping of horses and stock, are subject to local planning schemes, land use zoning and other requirements administered by the City of Swan. Please contact the City of Swan for further information: [swan@swan.wa.gov.au](mailto:swan@swan.wa.gov.au).

## **Why can surrounding areas be capable of urban and industrial development but not the EPP area?**

The EPP protects the habitat critical for the survival of the western swamp tortoise. Project proposals and land use planning and development must have regard to the EPP and ensure that any potential impacts to the western swamp tortoise habitat are avoided or minimised.

Parts of the EPP are considered as a Special Use area under City of Swan's Local Planning Scheme 17, which provides statutory controls to support the implementation of the Western Swamp Tortoise EPP.

## **Why are some industries within the EPP area subjected to additional requirements?**

Some industries have the potential to detrimentally impact local hydrology and water quality, and interfere with the movement and seasonal behaviour of tortoises, which poses risks to their survival (for example, attracting them to water-filled clay pit voids exposes the tortoises to an unsuitable environment and water quality; higher risk of predation; changes to aestivation periods and resulting risks of heat stress). Some of these industries are subject to a licence or Ministerial Statement under the *Environmental Protection Act 1986*.

## **Why are some industries allowed in the EPP area and not others?**

Approval of some of the existing land use and development in the EPP area pre-dated the EPP or were assessed based on the knowledge of the species at the time in areas that we now know are crucial and commonly used Western Swamp Tortoise habitat.