

DRAFT WESTERN SWAMP TORTOISE ENVIRONMENTAL PROTECTION POLICY 2026

Via EPA consultation process

<https://consultation.epa.wa.gov.au/policy-and-guideline-development-and-review/draft-western-swamp-tortoise-epp/>

Introducing the Urban Bushland Council

The Urban Bushland Council WA Inc. (UBC) is the peak WA community organisation for urban bushland recognition and protection. UBC is an incorporated, not-for-profit organisation registered as a charity. We are a voluntary community association with more than 90 member groups and additional individual supporters, all with a common interest in the conservation and protection of urban bushland, wetlands and ecological linkages in Western Australia.

UBC advocates for

- the protection, conservation and active management of urban bushlands, wetlands and ecological linkages;
- ending the clearing of native vegetation in urban areas;
- increasing tree canopy cover; better management of threatening processes; and
- urban planning that results in net positive vegetation outcomes and conserves biodiversity.

UBC welcomes the opportunity to comment on the draft Environmental Protection (Western Swamp Tortoise Habitat) Policy 2026 (WST EPP).

Submission position

UBC supports the EPA's proposal to strengthen the WST EPP. The draft 2026 WST EPP is a significant improvement on the 2011 version because it gives clearer recognition to the whole policy area as habitat, places stronger emphasis on hydrology and water quality, identifies habitat management areas, and links the WST EPP to the Western Swamp Tortoise Recovery Plan (WST RP).

However, UBC submits that the draft WST EPP must be strengthened further if it is to provide the level of statutory protection needed for one of Australia's most endangered species. And this is the right time to do so given the urban development occurring in close proximity to the WST habitat and that the WST RP calls for the protection of potential habitat.

UBC's key concerns are that:

1. the policy area in the WST EPP is not sufficient. It should be expanded to include known and potential ancillary habitat, drought refuges, hydrological support areas and movement habitat needed for the long-term survival of the Western Swamp Tortoise;
2. greater certainty for habitat protection is needed. UBC believes that the EPA should not rely on other planning mechanisms such as the MRS Amendment 1411 and the North Ellenbrook East District Structure Plan, to protect the wetland and associated ancillary habitat on the northern portions of Lots 29–32 Maralla Road; and
3. the WST EPP does not optimise the statutory context for the draft WST Recovery Plan to succeed.

Policy Area

UBC submits that this WST EPP review provides a critical opportunity for the EPA to protect future habitat options for the WST. This species remains at extreme risk in the wild. The draft Recovery Plan depends on

increasing the extent and quality of protected habitat, maintaining water quality and quantity over suitable hydroperiods, and securing habitat capable of supporting existing and future subpopulations.

In the draft WST EPP, the EPA has recognised that habitat extends beyond the existing nature reserves and that drought refuges, hydrology, movement pathways and surrounding ecological function are essential to long-term survival.

An increase to the WST EPP policy area can secure a better outcome for the Western Swamp Tortoise. UBC strongly supports such an amendment.

UBC requests that the EPA amend the draft WST EPP to expand the policy area where land outside the current boundary is known or likely to contribute to the long-term survival of the Western Swamp Tortoise.

This should include land that functions as ancillary habitat, potential drought refuge, hydrological support area, wetland buffer, movement habitat, nesting or aestivation habitat, aquatic prey habitat, or land required to buffer core habitat from development pressure.

UBC requests that the EPA either:

1. expand the WST EPP policy area to include the wetland and associated habitat on the northern portions of Lots 29–32 Maralla Road; or
2. include explicit provisions in the final WST EPP and implementation guideline requiring that this land be legally secured and protected before any urban development, subdivision, filling, drainage works or infrastructure design proceeds.

Habitat Protection through Planning

UBC also believes that the EPA's reliance on later planning mechanisms will not work for a species this close to extinction. UBC requests the EPA to use this review to expand the EPP boundary and give the Western Swamp Tortoise the strongest available statutory protection while there is still an opportunity to save the species in the wild.

UBC requests specific consideration be given to including in the policy area the northern portions of Lots 29–32 Maralla Road, North Ellenbrook East. This is a large urban expansion area in a sensitive landscape. It contains wetlands, shallow groundwater, remnant native vegetation, Bush Forever land, ecological linkages and proximity to Twin Swamps and Ellen Brook Nature Reserves.

UBC and its member groups see evidence of environmental protection being weakened when deferred to later planning stages. Habitat areas shown as "potential" or indicative conservation outcomes at a strategic stage may later be reduced, fragmented or compromised by roads, drainage, infrastructure, asset protection zones, urban edge effects or competing development objectives.

That risk is unacceptable for the Western Swamp Tortoise.

Habitat protection: hydrology, groundwater and drainage

UBC strongly supports the draft EPP's increased emphasis on hydrology and water quality.

UBC requests that the final EPP and guideline require public authorities to demonstrate that planning, drainage, water management, roads, fill and infrastructure decisions will not adversely affect groundwater levels, wetland hydroperiods, surface-water flows, drainage volumes, water quality, nutrient and sediment loads, aquatic prey, wetland vegetation, or terrestrial aestivation and movement habitat.

UBC believes that groundwater and drainage impacts must be assessed at the district and catchment scale, not deferred to piecemeal local water management plans after urban design has already been locked in.

Public authority obligations

UBC supports the inclusion of obligations on public authorities, and we believe these obligations should be strengthened.

The WST EPP should require public authorities to demonstrate that their decisions are compatible with the policy and do not frustrate implementation of the WST Recovery Plan. And for a Critically Endangered

species, compatibility means more than administrative consultation. It means that decisions do not degrade habitat values, hydrology, drought refuges or recovery prospects.

UBC further believes that the WST EPP must set a statutory context for the WST Recovery Plan to succeed.

Integration with the WST Recovery Plan

UBC submits that the draft WST EPP must be considered together with the draft Western Swamp Tortoise Recovery Plan, 5th Edition, May 2026 (WST RP).

The draft WST RP has been prepared under the **Biodiversity Conservation Act 2016** and provides the research and management actions needed to stop the decline of the Western Swamp Tortoise and support its recovery so that its chance of long-term survival in the wild is maximised.

The first objective of the draft Recovery Plan is to enhance the extent and quality of habitat for existing wild and translocated subpopulations.

The actions include increasing the area of protected WST habitat through acquisition of suitable land, undertaking habitat management and restoration based on long-term monitoring of wetland ecosystem health, maintaining water quality and quantity over a suitable hydroperiod, and preparing fire response and fuel management approaches for each subpopulation.

These Recovery Plan actions cannot succeed unless the WST EPP provides a strong statutory habitat-protection framework and includes an expanded policy area.

The draft WST Recovery Plan also requires long-term monitoring of habitat use and wetland ecosystem health variables, including water quality, depth, aquatic prey availability, hydrology, geology and vegetation.

These requirements reinforce UBC's concern that the WST EPP must not be limited to narrow reserve boundaries or passive land-use guidance. It must provide the strongest possible protection for the ecological and hydrological systems that make recovery possible.

As indicated previously, UBC believes that the ancillary habitat and potential drought refuge that is within Lots 29–32 Maralla Road should either be included in the EPP policy area or secured through an equally binding, enforceable and publicly accountable statutory mechanism

Critical habitat, future habitat management areas and implementation guidance

UBC supports the draft WST EPP's inclusion of habitat management areas, including Ellen Brook Nature Reserve, Twin Swamps Nature Reserve, Lot 505 and Lot 507. UBC also supports the mechanism for future habitat management areas within the policy area.

UBC requests that the final WST EPP and implementation guideline:

- clearly explain the relationship between “habitat”, “critical habitat”, “habitat critical to survival”, “habitat management area”, “ancillary habitat” and “drought refuge”;
- identify land outside the current boundary that is known or likely to support WST survival;
- provide a clear pathway for adding such land to the EPP policy area;
- identify when the EPA will recommend EPP boundary expansion, critical habitat listing, land acquisition, a section 8A management agreement or other binding protection mechanism.

UBC also requests that a new implementation guideline be released with the final EPP.

The existing guidance is outdated and does not reflect the draft EPP's stronger recognition of hydrology, groundwater, ecological function, habitat management areas, drought refuges and Recovery Plan alignment.

Requested modifications to the WST EPP

In summary, UBC requests that the EPA modify the draft WST EPP and supporting implementation framework to require:

1. expansion of the policy area to include known and potential ancillary habitat, drought refuges, hydrological support areas and movement habitat needed for Western Swamp Tortoise survival;
2. specific inclusion, or equivalent statutory protection, of the wetland and associated habitat on the northern portions of Lots 29–32 Maralla Road;
3. stronger public authority obligations requiring demonstrated consistency with both the EPP and the Recovery Plan;
4. a clear statement that public authority decisions must not frustrate implementation of the Recovery Plan;
5. explicit alignment of the EPP with the draft Recovery Plan's objectives, especially actions to increase protected habitat, maintain water quality and quantity over suitable hydroperiods, monitor wetland ecosystem health, and support future climate-resilient subpopulations;
6. mapping of known habitat, potential habitat, drought refuges, movement corridors, hydrological support areas and external habitat relied upon for WST survival;
7. stronger hydrology, groundwater, surface-water, water-quality and wetland hydroperiod protections;
8. public reporting on habitat condition, hydrology, water quality, Recovery Plan support and public authority decisions affecting the EPP area;
9. a new implementation guideline released with the final EPP;
10. a clear process for adding future habitat to the policy area where new information identifies land as critical habitat, ancillary habitat, drought refuge or hydrological support area; and
11. explicit recognition that reliance on external planning mechanisms is only acceptable where those mechanisms provide binding, enforceable and publicly accountable conservation outcomes.

Conclusion

UBC supports the EPA's proposal to strengthen the Western Swamp Tortoise EPP. The draft 2026 WST EPP is a positive and necessary improvement, but it does not yet go far enough.

The Western Swamp Tortoise remains Critically Endangered and is still at real risk of extinction in the wild. The EPP must therefore provide the strongest possible statutory protection for habitat, hydrology, drought refuges and surrounding land-use conditions.

For a species this close to extinction, protection should occur at the front end of decision-making, not after roads, drainage, fill levels, subdivision and urban design have narrowed the options.

UBC therefore urges the EPA to treat this review as a recovery intervention, not a routine policy update, and to expand the EPP policy area wherever necessary to protect the habitat, hydrology and drought refuges required to save the Western Swamp Tortoise in the wild.

Thank you for the opportunity to comment.

Yours sincerely

Christine Richardson
Chairperson

christine.richardson@bushlandperth.org.au

Urban Bushland Council WA Inc
City West Lotteries House
2 Delhi Street
West Perth WA 6005
ubc@bushlandperth.org.au
www.bushlandperth.org.au