

## *Environmental Protection Act 1986*

### Section 39A(7)

#### PUBLIC ADVICE

**Proposal** Tompkins Park Wave Park Project

**Proponent** URBN SURF (Perth) Pty Ltd

#### **Decision**

The Environmental Protection Authority (EPA) considers that the proposal is unlikely to have a significant impact on the environment and does not warrant formal assessment.

#### **Background**

On 2 January 2018, URBN SURF (Perth) Pty Ltd referred the Tompkins Park Wave Park Project (the proposal) to the EPA under section 38 of the *Environmental Protection Act 1986* (EP Act) for environmental impact assessment. The proposal is to construct and operate a surf sports, recreation and leisure facility at the western end of Tompkins Park in Alfred Cove.

The proposal was advertised for public comment, and the EPA notes that 740 public comments were received. Key issues raised in the public comments included: impacts to the Swan River, impacts to the Alfred Cove Nature Reserve, impacts to vegetation and fauna values, amenity impacts, impacts to ground water quality and quantity, human health impacts, impacts to Aboriginal heritage values, increased traffic and pollution, and concerns regarding the historical landfill contamination.

At the time of referral, the EPA considered that it did not have enough information regarding the potential impacts of the proposal to make a decision as to whether or not to assess the proposal, and if so the level of assessment. Since January 2018 the EPA has requested further information from the proponent, which has resulted in the provision of a *Construction-Water Management Plan* (CWMP) (Urbaqua 2018). The EPA has also requested and received advice from the Department of Water and Environmental Regulation (DWER) and the Department of Biodiversity, Conservation and Attractions (DBCA).

#### **Relevant Statutory and Administrative Provisions**

The EPA has considered the proposal in accordance with the requirements of the EP Act and the *Environmental Impact Assessment (Part IV Divisions 1 and 2) Administrative Procedures 2016* and *Procedures Manual*.

### **Materials considered in making this decision**

The EPA has considered and had regard to the referral information, which is available on the EPA's consultation hub, any comments received during the 14-day public comment period, general correspondence, information conducted through its own inquiries and any further information requested from the proponent and government agencies.

### **Consideration**

In making its decision on whether to assess the proposal, the EPA had regard to various matters, including the following (as outlined in the EPA's *Statement of Environmental Principles, Factors and Objectives*):

- a) values, sensitivity and quality of the environment which is likely to be impacted
- b) extent (intensity, duration, magnitude and geographic footprint) of the likely impacts
- c) consequence of the likely impacts (or change)
- d) resilience of the environment to cope with the impacts or change
- e) cumulative impact with other projects
- f) connections and interactions between parts of the environment to inform a holistic view of impacts to the whole environment
- g) level of confidence in the prediction of impacts and the success of proposed mitigation
- h) public information that informs the EPA's consideration of the likely effect of the proposal, if implemented, on the environment

In considering the potential direct and indirect impacts of the proposal on the Flora and Vegetation, Terrestrial Fauna, Terrestrial Environmental Quality, Hydrological Processes, Inland Waters Environmental Quality, Social Surroundings and Air Quality, the EPA has had particular regard to:

- the existing highly modified environment of the proposal, being located on existing cleared land currently used for recreation purposes (sporting ovals with night lighting and the Melville Bowls Club) and is adjacent to Canning Highway, a high traffic road;
- the high values of the environment adjacent to the proposal including the Swan River and the A-Class Alfred Cove Nature Reserve;
- the results of the CWMP commissioned by the proponent to determine the potential impacts to groundwater quality, with an improvement in groundwater quality predicted through the operation of the facility;
- the proposal area's historical use as an inert landfill facility, and that the site classified under the *Contaminated Sites Act 2003* as 'remediated for restricted use';
- the results of the proponent's soil investigations which confirmed non-putrescible materials beneath the proposal area, with some asbestos material;

- the proposal area does not contain any Aboriginal Heritage Sites listed in the Department of Planning, Lands and Heritage Aboriginal Heritage Inquiry System list of registered Aboriginal sites;
- the site is currently used for active recreation and is zoned 'Urban' under the Metropolitan Region Scheme and 'Parks and Recreation' under the City of Melville Local Planning Scheme No. 6;
- modelling on similar projects has demonstrated that a wave park 'surf lagoon' noise and vibration levels are not significantly greater than current background noise and vibration levels at the proposal area;
- proposal may represent a small increase in traffic in the order of 2.5% of Canning Highway's existing 45,000 vehicle movements per day, which assumes a 'worst case scenario' that the facility is operating at maximum capacity numbers per day, meaning air quality impacts are minor;
- the mitigation strategies proposed by the proponent to avoid and minimise impacts, including the development and implementation of the following plans to be provided with a future development application:
  - an Integrated Water Management Plan to address water sourcing and disposal, water treatment, site drainage, construction management including potential dewatering, and water quality management and monitoring;
  - a Construction Environmental Management Plan with sub-management plans to address noise, dust, unexpected finds, sediment and erosion;
  - a DWER accredited Contaminated Sites Auditor endorsed Acid Sulfate Soils (ASS) and Soil Management Plan to ensure any potential ASS, dewatering or contaminated soil impacts are appropriately managed;
  - an acoustic assessment accompanying a Noise and Vibration Management Plan to address construction and operation noise;
  - a Foreshore Rehabilitation Plan and Landscape Master Plan to address ongoing management of adjacent wetland and foreshore vegetation and appropriate landscaping; and
  - an Operational Management Plan to address litter management, pest bird mitigation, and lighting design supported by a lighting model.
- additional mitigation strategies proposed by the proponent to avoid and minimise impacts, including rehabilitating the degraded open swale stormwater drain adjacent to the site into a 'living stream', housing the facility's wave generating plant in sound-proofed rooms, and the use of best practice lighting measures as described in the *Control of Obtrusive Effects of Outdoor Lighting AS4282-1997* which are dimmable, temperature controlled, glare reduced, and directional to provide an improved lighting environment;

- the advice from DWER that:
  - the CWMP water quality modelling provided demonstrates that the potential water to be discharged from the facility via irrigation or a horizontal soak will be of better quality than when abstracted; and
  - operation of the facility will not pose a risk to groundwater sources, but will require an abstraction licence in accordance with the *Rights in Water and Irrigation Act 1914* (RIWI Act).

In addition to the above, the EPA notes the presence of other statutory processes that can manage the potential impacts to Flora and Vegetation, Terrestrial Fauna, Terrestrial Environmental Quality, Hydrological Processes, Inland Waters Environmental Quality, Social Surroundings and Air Quality, including:

- a groundwater abstraction licence from DWER under the RIWI Act, to operate the facility using groundwater, and any abstraction of groundwater for dewatering purposes during construction (if required);
- a development application approval is required under the *Planning and Development Act 2005* (PD Act), with the application required to be in accordance with the provisions of the Metropolitan Region Scheme (MRS);
- the Decision Making Authority (DMA) for the development application will be either a Joint Development Assessment Panel (JDAP) or the Western Australian Planning Commission (WAPC), which will depend on the estimated cost of the proposal in accordance with the *Planning and Development (Development Assessment Panels) Regulations 2011*;
- The MRS requires the Swan River Trust to provide binding advice to the DMA regarding how the application should be determined, including any conditions to which the development approval should be made subject. The Swan River Trust will also consider how to manage any potential impacts to the Swan Estuary Marine Park, Alfred Cove Nature Reserve and the wider Swan River;
- As the site is classified as 'remediated for restricted use' under the *Contaminated Sites Act 2003*, DWER will be required to provide advice and recommendations for the development application regarding contamination, ASS and dewatering impacts and management for the to the DMA, including potential conditions;
- construction and operational noise will need to demonstrate compliance with the *Environmental Protection (Noise) Regulations 1997*, regulated by the City of Melville.

In summary, although the proposal raises a number of environmental issues, the EPA considers that its objectives for Flora and Vegetation, Terrestrial Fauna, Terrestrial Environmental Quality, Hydrological Processes, Inland Waters Environmental Quality, Social Surroundings and Air Quality, can be met.

This is primarily on the basis that the predicted extent and consequences of the impacts on the inland waters and terrestrial environment are minor, and because the proposal is located within a highly-modified environment. As a result, the EPA

considers that the likely environmental effects of the proposal are not so significant as to warrant formal assessment. The EPA is of the view that the potential impacts can be adequately managed through the implementation of the proposal in accordance with the referral documentation, which includes the proponent's management and mitigation measures, implementation of the EPA's advice given to other relevant decision making authorities, and dealt with by other statutory processes. These include the RIWI Act, *Contaminated Sites Act 2003*, and the development approval requirements of the *Planning and Development Act 2005* and Metropolitan Region Scheme.

## 1. Environmental Factors

The EPA has identified the following environmental factors relevant to this proposal:

- a) Flora and Vegetation;
- b) Terrestrial Fauna;
- c) Terrestrial Environmental Quality;
- d) Hydrological Processes;
- e) Inland Waters Environmental Quality;
- f) Social Surroundings; and
- g) Air Quality.

There were no factors that were determined to be key environmental factors that would require formal assessment under Part IV of the EP Act.

Human health is also not listed as a factor above, as the EPA's consideration of possible impacts to human health is largely confined to the environmental impact assessment (EIA) of harmful emissions to air and harmful discharges to soil and inland waters. This means that the consideration of possible impacts to human health is generally considered by the EPA through impacts to the physical environment. EPA guidance with respect to emissions to air and discharges to soil and inland waters are dealt with in the EPA's *Environmental Factor Guidelines* for Air Quality, Terrestrial Environmental Quality and Inland Water Environmental Quality respectively. These factors are discussed further below.

The EPA notes that impacts to human health with respect to the water quality of the Wave Park is subject to the requirements of the *Health Act 1911*. Based on the information available, it is understood that the 'surf lagoon' fits the definition for a 'recreational water body' as described in both the World Health Organisation (WHO) *Guidelines for Safe Recreational Water Environments, Volume 2: Swimming Pools and Similar Environments* (2006) and the Australian Government National Health and Medical Research Council (NHMRC) *Guidelines for Managing Risks in Recreational Water* (2008).

The EPA considers that the mitigation of the potential effects on the environment can be regulated by other statutory decision-making processes and through the implementation of proponent commitments and best practice measures in accordance with this advice.

## **2. Advice and Recommendations regarding Environmental Issues**

### **a) Flora and Vegetation, and Terrestrial Fauna**

The EPA notes that while the proposal area is within Bush Forever Site 331, the area has been historically cleared for recreational parkland and the Melville Bowling Club. As such there are no direct impacts to Flora and Vegetation or Terrestrial Fauna as a result of the proposal. The proposal is located adjacent to the Swan Estuary Marine Park and the associated Alfred Cove Nature Reserve. The proponent's *Environmental Assessment Report* (EAR) (PGV Environmental 2018) states that the area of Alfred Cove closest to the proposal is mostly deep water which does not typically host habitat for migratory wading birds.

The EPA does not expect any potential indirect impacts to fauna from noise, vibration or lighting. No additional noise and light impacts are expected from the proposal which would be greater than the existing impacts as this location has been used as a sports field, with night lighting, and is adjacent to Canning Highway with high vehicular traffic. These potential impacts are further discussed under the Social Surroundings factors below.

Impacts to water quality and quantity which may indirectly impact Flora and Vegetation and Terrestrial Fauna are considered under the Hydrological Processes and Inland Waters Environmental Quality below.

The EPA considers that the proposal, in the proposed location, will not result in a significant impact to Flora and Vegetation or Terrestrial Fauna values. The EPA expects that minor impacts to these values will be managed through the following plans to be required as a condition of the development application by the DMA, prepared in consultation with DBCA and DWER:

- Foreshore Rehabilitation Plan
- Landscape Masterplan
- Noise and Vibration Management Plan
- Operational Management Plan

### **b) Terrestrial Environmental Quality**

The EPA notes that the proposal is located on a site classified under the *Contaminated Sites Act 2003* as 'remediated for restricted use', and that the proposal has potential to directly and indirectly impact Terrestrial Environmental Quality, in particular during construction.

The EPA notes that the proposal area was used as an inert landfill facility over 60 years ago, and that the EAR states that soil investigations confirmed non-putrescible materials beneath the proposal area, with some asbestos material.

The EPA also notes and supports the independent appointment of the Contaminated Sites Auditor who will oversee the works and report to DWER on any potential contamination impacts to the environment or sensitive receptors, including the Swan River.

The EPA expects that in considering the development application, the future DMA will implement DWER advice regarding management of contamination issues and ASS impacts, including requirements for conditions on the development application. The EPA considers DWER to be the agency with appropriate expertise regarding management of contamination (including asbestos material) and ASS impacts.

The EPA also expects that the DMA will require the preparation and implementation of an ASS and Soil Management Plan as a condition of the development application, on advice from DWER. Asbestos management will be further addressed through a Construction and Environmental Management Plan discussed below under the Air Quality factor.

### **c) Hydrological Processes and Inland Waters Environmental Quality**

The EPA notes that the EAR and the CWMP commissioned by the proponent have predicted that impacts to Hydrological Processes and Inland Waters Environmental Quality as a result of the implementation of the proposal are not significant.

The EAR and CWMP state that the water design for the facility currently anticipates the abstraction, treatment and controlled discharge of water from the facility via irrigation of the playing fields or a horizontal soak, depending on the salinity levels of the discharge water. This will have the effect of recharging the superficial aquifer.

DWER has supported the water model in the CWMP demonstrating that the water quality to be discharged from the facility via irrigation or a horizontal soak will be of better quality than when abstracted, having removed nutrients and contaminants from the groundwater consistent with an urban environment. In addition, the proponent has committed to ensure that water discharge complies with the water quality criteria of the *ANZECC Fresh and Marine Water Quality Guidelines* (Oct 2000).

The EPA notes the RIWI Act requirements for a licence from DWER for potential construction dewatering, and operational groundwater abstraction. The licencing process will assess the risks to the environment and other groundwater uses. As discussed above, DWER has advised that the abstraction of groundwater for the operation of the facility can be managed under the RIWI Act.

The EPA expects in considering the development application the future DMA require the proponent to prepare the Integrated Water Management Plan (IWMP) in

