



Report and recommendations of the Environmental Protection Authority



Champion Lakes Masterplan Development Lake Road, Armadale - inquiry under section 46 of the *Environmental Protection Act 1986* to amend Ministerial Statement 632

Western Australian Sports Centre Trust
(trading as Venues West)

Report 1594

April 2017

ENVIRONMENTAL PROTECTION AUTHORITY
REPORT AND RECOMMENDATIONS TO THE MINISTER FOR ENVIRONMENT

**CHAMPION LAKES MASTERPLAN DEVELOPMENT LAKE ROAD, ARMADALE –
INQUIRY UNDER SECTION 46 OF THE *ENVIRONMENTAL PROTECTION ACT 1986*
TO AMEND MINISTERIAL STATEMENT 632**

The Minister for Environment has requested that the Environmental Protection Authority (EPA) inquire into and report on the matter of changing implementation conditions relating to the Champion Lakes Masterplan Development proposal.

The following is the EPA's Report and Recommendations (No. 1594) to the Minister pursuant to section 46(6) of the *Environmental Protection Act 1986*.

Section 46(6) requires the EPA Report to include:

- a) a recommendation on whether or not the implementation conditions to which the inquiry relates, or any of them, should be changed; and
- b) any other recommendations that it thinks fit.

Background

The Champion Lakes Masterplan Development proposal is a water-based recreation park incorporating an international rowing course and other facilities, including a residential component on land situated on Lake Road in the City of Armadale. The EPA assessed the proposal at the level of Public Environmental Review and considered the following key environmental factors relevant to the proposal required detailed evaluation in its Report and Recommendations to the Minister:

- Terrestrial flora:
 - Vegetation complexes;
 - Threatened Ecological Communities;
 - Bush Forever site No 260, Weeds and Disease.
- Fauna;
- Wetlands;
- Water quality;
- Groundwater quantity;
- Acid sulfate soils; and
- Noise.

In applying the current Statement of Environmental Principles, Factors and Objectives (2016) these factors are now represented by:

- Flora and Vegetation;
- Terrestrial Fauna;
- Hydrological Processes;
- Inland Waters Environmental Quality;
- Terrestrial Environmental Quality; and
- Social Surroundings.

The EPA concluded in EPA Report 1100 that it was likely the EPA's objectives would be achieved, provided there was satisfactory implementation by the proponent of the EPA's recommended conditions.

The then Minister for Environment approved the proposal for implementation, subject to the implementation conditions of Ministerial Statement 632 (2 September 2003).

Requested changes to conditions

The proponent for the proposal, Western Australian Sports Centre Trust (trading as Venues West), has requested changes to the implementation conditions 6-1 and 6-2 of Ministerial Statement 632 relating to Water Quality.

Condition 6-1 of Ministerial Statement 632 requires the proponent to have in place an operating system for water quality management of the water body to ensure that water quality in the water body is maintained within acceptable ranges of target criteria at all times. The proponent has requested this condition be changed so that the Department of Health (DoH) can specify the target criteria for the water body.

Condition 6-2 requires within two months following the initial filling of the total water body and at all times thereafter, the proponent shall meet the water quality criteria required to maintain a level of water quality sufficient to support the recreation and aesthetics, as published from time to time by the Australian and New Zealand Environment and Conservation Council (ANZECC). The proponent has requested this condition be deleted as the ANZECC guidelines have been superseded by the National Health and Medical Research Council, 2008, *Guidelines for Managing Risks in Recreational Water* (NHMRC Guidelines). The proponent's view is that there should be flexibility in the application of guidelines and they should not be specified in the conditions as they can change given the long-term nature of the proposal.

While reviewing the proponent's request to only change conditions 6-1 and 6-2, the EPA considered that it was also appropriate to amend conditions 6-3 to 6-5, to reflect recent changes to decision-making authority responsibilities for the Swan River Trust and the Department of Parks and Wildlife and to ensure a coherent water quality condition set.

The relevant factor relating to this change to conditions is Inland Waters Environmental Quality.

Application of relevant EPA policies and guidelines

In inquiring into the change to conditions, the EPA has given due consideration to relevant published EPA policies and guidelines, noting that a number of published policies and guidelines pertaining to this proposal were considered but not determined to be relevant.

On 13 December 2016 the EPA released a new suite of environmental impact assessment policy and guidance documents.

The Minister requested the section 46 inquiry on 17 August 2015, prior to the release of the new *Environmental Impact Assessment (Part IV Divisions 1 and 2) Administrative Procedures 2016* and environmental impact assessment policy and guidance documents.

In its assessment, the EPA has considered and given due regard to, where relevant, its current and any applicable former environmental impact assessment policy and guidance documents (Table 1).

Inquiry into the requested change to conditions

The EPA has discretion as to how it conducts this inquiry. This inquiry has considered the currency of the EPA's last assessment (Report 1100) and the issue of Ministerial Statement 632 (September 2003) as these documents are instructive in determining the extent and nature of the inquiry under section 46.

Inquiry findings

In conducting this inquiry, the EPA reviewed the information provided by the proponent. In considering whether it should recommend changing the implementation conditions the EPA also considered whether there is any new relevant information in relation to the assessment of the potential impacts of the proposal.

Inland Waters Environmental Quality

The EPA's objective for this factor is: "*to maintain the quality of groundwater and surface water so that the environmental values are protected.*"

The wetland system has a significant beneficial use as a rowing course which includes high levels of active and passive recreation. During the ongoing operation of the rowing course bacteriological water quality issues have developed. Avian fauna faeces has been identified as the primary source of bacteriological water quality issues in the rowing course and hence there is an increased need for bacterial water quality monitoring to determine when the rowing course can be used for primary contact recreational activities.

As noted above, the ANZECC Guidelines have been superseded by NHMRC Guidelines for Managing Risks in Recreational Water. The DoH has advised that the NHMRC Guidelines are the applicable guidelines in Australia for bacteriological water quality monitoring for primary contact recreational activities. The intent of using the NHMRC Guidelines is to enable the health status of a body of recreational water to be assigned on the basis of its long-term performance in terms of bacterial water quality. The DoH has also provided advice regarding bacterial trigger levels to prompt

responses that are more short-term in nature so that further investigation signage or other appropriate management actions can take place at the rowing course.

The EPA notes the advice of the DoH. The EPA is of the view that the DoH is the authority that has the necessary skills and experience relating to specifying the appropriate guidelines and water quality criteria that should apply to the waterbody of the rowing course.

The EPA also recognises there is a need for flexibility in the recommended conditions to apply specific guidelines given that the guidelines may change from time to time over the life of the proposal and to address the specific circumstances of the proposal. Hence, the EPA concurs with the proponent's view that guidelines should not be specified in the condition. The EPA also notes the proponent has in place an existing Drainage, Nutrient, Irrigation and Water Quality Management Plan to monitor and manage water quality of the rowing course and its surrounds.

In view of the above, the EPA has recommended new conditions to replace the existing Water Quality conditions 6-1 and 6-2. The EPA has recommended a new condition 6-1 that the proponent should prepare a Water Quality Management Plan. To give effect to the requirement for revised target criteria, condition 6-2-1 has been recommended whereby the Water Quality Management Plan shall include the water quality criteria, trigger criteria, management actions and monitoring to be applied to maintain a level of water quality sufficient to support recreation. This Plan is to be prepared to the requirements of the DoH, reflecting DoH's experience in assessing water quality criteria where primary contact recreational activities are involved.

The initial assessment also proposed that water may be discharged from the water body to the groundwater or surface waters. There are no significant changes to what was proposed in the initial assessment with the water body remaining as a closed system during summer with no discharges, and water discharged to prevent over topping of the rowing course water body during rainfall events. However, it should be noted that the Department of Parks and Wildlife has now assumed the statutory functions of the former Swan River Trust relating to this proposal.

In view of the above, the EPA recommends conditions 6.3 to 6.5 are deleted and replaced with a revised condition. Revised condition 6-2-2 retains the requirement for discharge criteria but reflects the change of decision-making authority responsibilities and hence it now requires that any discharges to the Southern River would need to meet water quality criteria set by the Department of Parks and Wildlife rather than the former Swan River Trust.

To ensure a coherent water quality condition set the EPA has recommended a new condition (6-3) that the proponent shall implement the Water Quality Management Plan.

The EPA considers its objective for Inland Waters Environmental Quality can be met by implementing the recommended changed conditions.

EPA conclusions and recommendations

Having inquired into this matter, the EPA submits the following recommendations to the Minister for Environment:

1. That, while retaining the environmental requirements of the original conditions, it is appropriate to delete implementation conditions 6-1 to 6-5 and replace them with new implementation conditions; and
2. if the Minister agrees with these recommendations, and after consulting relevant decision making authorities, the Minister issues a statement of decision to change condition 6-1 to 6-5 of Statement 632 in the manner provided for in the attached recommended Statement.

Table 1 – Relevant EPA Policies and Guidelines

Process/ Factor/s	Policies and guidelines considered relevant	Applied Yes/No	Comments
Change to conditions	<i>Environmental Impact Assessment (Part IV Divisions 1 and 2) Administrative Procedures 2016</i>	Yes	<p>The Administrative Procedures provide the principles and practices around the environmental impact assessment process undertaken by the Office of the Environmental Protection Authority under Part IV of the EP Act.</p> <p>Relevantly, the Administrative Procedures provide guidance on the process for changing conditions under section 46 of the EP Act.</p>
Change to conditions	<i>Environmental Impact Assessment (Part IV Divisions 1 and 2) Procedures Manual, December 2016</i>	Yes	<p>The Procedures Manual supports the Administrative Procedures and contains more detailed information on each step of the EIA process, including section 46 changes to conditions, under section 5.3.</p> <p>More relevantly, section 5.3 details the process for changing implementation conditions.</p>
Change to conditions	<i>Statement of Environmental Principles, Factors and Objectives (December 2016) (SEPFO).</i>	Yes	<p>Relevantly, the SEPFO:</p> <ul style="list-style-type: none"> • considers the object and principles of the <i>Environmental Protection Act 1986</i>; • uses environmental factors and objectives to organise and systemise environmental impact assessment and reporting; • takes a holistic view of the environment and a proposal or scheme’s potential impact on the environment; and • considers significance when determining whether or not to assess a proposal or scheme and recommend whether or not an assessed proposal or scheme may be implemented. <p>In this case the SEPFO was applied in:</p> <ul style="list-style-type: none"> • confirming the key environmental factors identified for the original assessment in the current policy context; • determining whether the identified environmental factors are still relevant and if any new factors should be considered; and • preparing advice on whether the EPA’s environmental objectives can be met.

Process/ Factor/s	Policies and guidelines considered relevant	Applied Yes/No	Comments
Change to conditions	<i>Environmental Factor Guideline Inland Waters Environmental Quality (December 2016)</i>		<p>The purpose of this guideline is to communicate how Inland Waters Environmental Quality are considered by the EPA in the Environmental Impact assessment process.</p> <p>The Guideline was used to determine the environmental values dependent on inland waters environmental quality, in particular the significant beneficial use of active recreation on the wetland system and its use as a rowing course involving high levels of active and passive recreation.</p>

Statement No. xxx

RECOMMENDED ENVIRONMENTAL CONDITIONS

STATEMENT TO CHANGE THE IMPLEMENTATION CONDITIONS APPLYING TO A PROPOSAL

(Section 46 of the *Environmental Protection Act 1986*)

CHAMPION LAKES MASTERPLAN DEVELOPMENT
LAKE ROAD, ARMADALE

Proposal: The development of a water-based recreation park incorporating an international rowing course and other facilities, including a residential component on land situated on Lake Road in the City of Armadale, as documented in Schedule 1 of Statement 632.

Proponent: Western Australian Sports Centre Trust (trading as Venues West)
Australian Business Number 47 894 197 015

Proponent Address: 100 Stephenson Avenue, MT CLAREMONT WA 6010

Report of the Environmental Protection Authority: 1594

Preceding Statement/s Relating to this Proposal: 632

Pursuant to section 45 of the *Environmental Protection Act 1986*, as applied by s46(8), it has been agreed that implementation conditions set out in Ministerial Statement No. 632, be changed as specified in this Statement.

1. Conditions 6-1 to 6-5 of Ministerial Statement No. 632 are deleted and replaced with new conditions 6-1 to 6-3:

6 Water Quality

6-1 Within 6 months of the date of this Statement, or as otherwise agreed by the CEO, the proponent shall submit to the CEO a Water Quality Management Plan for the Champion Lakes water-based recreation park.

6-2 The Water Quality Management Plan shall include:

- (1) water quality criteria, trigger criteria, management actions and monitoring to be applied to maintain a level of water quality sufficient to support recreation to the requirements of the Department of Health; and

- (2) Discharge water quality criteria for the discharge of water from the water body into other surface waters, including the Southern River, set in consultation with the Department of Parks and Wildlife and the Department of Water.
- 6-3 After receiving notice in writing from the CEO that the Water Quality Management plan satisfies the requirements of condition 6-2 The proponent shall implement the Water Quality Management Plan and continue implementation until otherwise agreed by the Chief Executive Officer*, on advice of the Department of Health, the Department of Parks and Wildlife and the Department of Water.

*The Chief Executive Officer of the Department of the Public Service of the State responsible for the administration of section 48 of the *Environmental Protection Act 1986*, or his delegate.

**HON STEPHEN DAWSON MLC
MINISTER FOR ENVIRONMENT; DISABILITY SERVICES**