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Attn: Peter Martinovich - Executive Director Infrastructure

**NOTICE UNDER SECTION 39A(3)**  
***Environmental Protection Act 1986***

**PROPOSAL:** The Swan River Pedestrian Bridge Linking the East Perth  
Foreshore to the Burswood Peninsula  
**PROPONENT:** Public Transport Authority of Western Australia  
**DECISION:** Not Assessed – Public Advice Given

Thank you for your letter referring the above matter to the Environmental Protection Authority (EPA).

This proposal raises a number of environmental issues. However, the EPA has decided not to subject this proposal to the environmental impact assessment process and the subsequent setting of formal conditions by the Minister for Environment under Part IV of the *Environmental Protection Act 1986* (EP Act). Nevertheless, the staff of the Office of the EPA has provided the attached advice to you as the proponent, and other relevant authorities on the environmental aspects of the proposal.

The EPA's decision to not assess the proposal is open to appeal. There is a 14-day period, closing 2 December 2013. Information on the appeals process is available through the Office of the Appeals Convenor's website, [www.appealsconvenor.wa.gov.au](http://www.appealsconvenor.wa.gov.au), or by telephoning 6467 5190.



Anthony Sutton  
Director  
Assessment and Compliance Division

18 November 2013

Encl

**PUBLIC ADVICE UNDER SECTION 39A(7)  
ENVIRONMENTAL PROTECTION ACT 1986**

**Summary**

The Public Transport Authority of Western Australia (PTA) proposes to develop a pedestrian bridge over the Swan River linking the East Perth foreshore to the Burswood Peninsula and the construction of a bus hub at East Perth. The proposal forms the third component (Part 3) of the new Perth Stadium Project, Part 1 being the construction of the Stadium and associated Sports Precinct, and Part 2 being the construction of the Transport Corridor Infrastructure including rail works and upgrades to the Belmont Park train station and the Victoria Park Drive road bridge.

**1. Environmental Factors**

The Environmental Protection Authority (EPA) gave consideration to the significance of the impacts to the following preliminary environmental factors:

- Inland water environmental quality; and
- Marine Fauna.

The EPA considers that based on the information provided by the proponent in its referral information, it does not warrant formal assessment under the EP Act as the potential environmental impacts of the proposal can be adequately regulated and mitigated by other statutory decision - making processes to meet the EPA's objectives and principles as discussed below.

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

In determining whether the proposal is likely to have a significant effect on the environment the EPA used its professional judgment and had regard for the points in clause 7 of the *Environmental Impact Assessment (Part IV Divisions 1 and 2) Administrative Procedures 2012*. The EPA has considered the high values and sensitivity of the Swan River environs and the extent of the potential impacts from the proposal (principles (a) and (b)), however a key consideration was the extent to which other decision-making processes can regulate the mitigation of the potential effects on the environment to meet the EPA's objectives and principles for environmental impact assessment (principle (i)).

In considering the potential impacts to inland water environmental quality and marine fauna the EPA considers the main potential impacts are:

- the mobilisation of potential contaminants into the water column of the Swan River; and
- the potential for marine fauna to display avoidance behaviour or sustain injury in the area adjacent to the works as a result of underwater noise from construction activities such as piling.

Based on referral information provided the EPA considers that the proposal is not likely to have a significant impact on the environment because:

- Dredging is not required to facilitate the construction of the proposal and minor sediment disturbance from activities such as pile driving can be managed

through the development approval process under the Metropolitan Regional Scheme (MRS).

- The likelihood of exposing Potential Acid Sulfate Soils (PASS) during dewatering activities is considered to be low. This is due to the shallow nature of the proposed excavations at approximately 2 m below ground level with PASS occurring around 3 m below ground level.
- The State Government has established a governance structure for the proposal which provides the following independent input:
  - The Swan River Pedestrian Bridge Working Group includes the PTA, Main Roads Western Australia, City of Perth, Swan River Trust (SRT) and the Metropolitan Redevelopment Authority (MRA), who provide an understanding of current land ownership, title, legislative and statutory planning framework and site considerations to progress the environmental and planning approvals for the Swan River Pedestrian Bridge.
  - The Site Conditions Working Group includes the PTA, Water Corporation, SRT, Western Power, Department of Planning, Department of Environment Regulation (DER), The Burswood Park Board, Department of Water (DoW), who will provide input into the project environmental management plans.
- The management and mitigation of the key potential environmental impacts will be addressed in the environmental management plans which will be developed to the satisfaction of the decision-making authorities.
- The proposal will require development approval by the Western Australian Planning Commission (WAPC), under the MRS and the MRA.
- The majority of the proposal area is within the SRT's Development Control Area, and as such the SRT is able to provide binding advice and impose conditions on the development approval.
- The SRT has advised that it considers the proposal can be managed to avoid and minimise impacts to the Swan River through the planning approval process.

The EPA recommends:

- that the Swan River Pedestrian Bridge Working Group and the Site Conditions Working Group continue their oversight of the project;
- the PTA and the lead contractor prepare management plans to the satisfaction of the agencies on the Site Conditions Working Group; and
- the SRT provide advice to the WAPC on development applications in relation to the management of potential impacts from the construction of the proposal on the potential key environmental impacts.

The EPA considers that the mitigation of the potential environmental impacts of the proposal can be adequately regulated by other government departments through the planning approval process.

The EPA recommends the proponent work closely in consultation with the relevant decision making authorities prior to the implementation of the proposal. The EPA expects the relevant decision-making authorities to consider and implement this advice through the approvals process.