



Environmental Protection Authority

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

PROPOSAL: New Perth Stadium Project
LOCATION: Burswood Peninsula
LOCALITY: Perth
PROPONENT: Department of Treasury - Strategic Projects
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 19 November 2012. Information on the appeals process is available through the Office of the Appeals Convenor's website, www.appealsconvenor.wa.gov.au, or by telephoning 6467 5190.


Mark Jefferies
A/Director
Assessment and Compliance Division

5 November 2012

Encl

**PUBLIC ADVICE UNDER SECTION 39A(7)
Environmental Protection Act 1986**

Summary

The Environmental Protection Authority (EPA) has received a referral from the Department of Treasury – Special Projects (DoT-SP) for the development of the Perth Major Stadium Project (the proposal) on the Burswood Peninsula. Although the proposal raises environmental issues, the EPA considers that the proposal is not likely to have a significant impact on the environment and does not warrant formal environmental impact assessment and the subsequent setting of formal conditions by the Minister for Environment under the *Environmental Protection Act 1986* (EP Act). The EPA considers that any potential environmental impacts of the proposal can be adequately addressed and managed by government departments through relevant legislation and the Design and Construct contract for the project.

Proposal and potential environmental impacts

The referral received by the EPA is for the construction and operation of the stadium. The EPA considers that the main environmental issues are associated with the pre-construction site works, which will stabilise and prepare parts of the site before the main construction phase.

The site was previously used as a landfill facility and has been classified as “possibly contaminated – investigation required” under the *Contaminated Sites Act 2003*. Preconstruction site works will effectively compress the unstable fill layer, which has resulted from historical use as a landfill. Surcharging techniques will be applied, where clean fill is placed to load the ground and compact the site. Wick drains will also be installed to increase the rate that groundwater drains from the Swan River Alluvium soils beneath the fill layer. Once settlement is achieved, excess clean fill will be removed.

Surcharging of the site will take approximately 15 months. The surcharging will result in an increase in groundwater flow beneath the site, including towards the Swan River. The rate of groundwater flow will gradually decrease over the surcharging period and is anticipated to return to pre-surcharging rates approximately 3 months after the removal of the surcharge fill.

The EPA considers the key environmental issues associated with the pre-construction site works to be the:

- potential to increase the seepage of contaminated groundwater to the Swan River;
- potential for cross contaminating groundwater aquifers during surcharging; and
- potential for contaminated groundwater to be discharged to the surface during surcharging, requiring treatment and disposal.

EPA consideration and decision

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 Administrative Procedures 2010*.

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

- Although the preconstruction site works associated with the proposal will temporarily increase the rate at which groundwater seepage occurs, groundwater flow will be monitored. If necessary, groundwater will be recovered, treated and disposed of to prevent additional impacts to the Swan River.
- Over the longer term, the construction of the stadium will reduce surface water infiltration to the underlying fill material, resulting in a decrease in groundwater seepage that has the potential to migrate to the Swan River.
- The deeper aquifers which are important for water supply (the Kings Park and Leederville Aquifers) are not considered to be hydraulically connected to the overlying superficial aquifer, which contains evidence of contamination. Therefore the risk that there is cross contamination to the deeper aquifers is low.
- The likelihood of groundwater discharging to the surface due to surcharging is considered to be low.
- The State Government has set up a governance structure for the proposal which provides the following independent input:
 - The Site Conditions Working Group includes the Department of Environment and Conservation (DEC), Swan River Trust (SRT) and Department of Water (DoW), who will provide input into the project environmental management plans.
 - The DEC-accredited independent Contaminated Sites Auditor who will have ongoing involvement in the project. The auditor will oversee the works and has the power to stop work on-site if the environment or sensitive receptors, including the Swan River, are at risk.
- The DEC, DoW and SRT can manage and regulate potential impacts through relevant legislation, including the:
 - *Contaminated Sites Act 2003*
 - *Rights in Water and Irrigation Act 1914*
 - *Swan and Canning Rivers Management Act 2006*
- The management and mitigation of the key potential environmental impacts will be addressed in the environmental management plans that will be legally binding components of the Design and Construct contract between the State and the Lead Contractor.

EPA advice

The EPA's goal for the proposal is that there is no increase in impacts to groundwater and the Swan River. However the EPA recognises that there are opportunities to improve the condition of the site and quality of groundwater seeping into the Swan River to achieve a net environmental benefit.

It is the EPA's opinion that the potential environmental impacts of the proposal can be adequately addressed and managed by other government departments through relevant legislation and the Design and Construct contract for the project.

The EPA understands that the State intends to revive the Metropolitan Region Scheme (MRS) over the proposal site for the construction and operation phases of the project. The SRT would then have a formal advisory role to the Western Australian Planning Commission, as the determining authority.

The EPA recommends the following:

- that the Site Conditions Working Group continues its oversight throughout the preconstruction, construction and operation phases of the project;
- that the Department of Treasury – Special Projects and the Lead Contractor prepare management plans to the satisfaction of the agencies on the Site Conditions Working Group and the Contaminated Sites Auditor, prior to approval by the Department of Treasury – Special Projects; and
- the MRS should be revived for the construction and subsequent phases of the proposal.