



Environmental Protection Act 1986

Hon Stephen Dawson MLC
Minister for Environment

MINISTER'S APPEAL DETERMINATION
APPEALS AGAINST REPORT AND RECOMMENDATIONS
BALANNUP WASTEWATER PRESSURE MAIN (EPA REPORT 1592)

Purpose of this document

This document sets out the Minister's decision on appeals lodged under section 100(1)(d) of the *Environmental Protection Act 1986* in objection to Environmental Protection Authority's Report and Recommendations in respect to the above proposal. This document is produced by the Office of the Appeals Convenor for the Minister but is not the Appeals Convenor's own report, which can be downloaded from the Appeals Convenor's website at www.appealsconvenor.wa.gov.au.

Appellants:	Mr James & Ms Fremlin; Urban Bushland Council WA Inc
Proponent:	Water Corporation
Proposal description:	The proposal is to construct and operate the Balannup wastewater pressure main.
Minister's Decision:	The Minister dismissed the appeals.
Date of Decision:	4 September 2017

REASONS FOR MINISTER'S DECISION

Pursuant to section 106 of the *Environmental Protection Act 1986* (the Act), the Minister obtained a report from the Environmental Protection Authority (EPA) on the matters raised in the appeals. The Minister also received a report from the Appeals Convenor. The Appeals Convenor's report sets out the background and other matters relevant to the appeals.

By way of summary, the appellants concerns related to possible direct and indirect impacts to Bush Forever site 342, which includes a Threatened Ecological Community (TEC), a Priority Ecological Community (PEC) and the Anstey-Keane dampland, a Conservation Category Wetland (CCW).

The appellants were particularly concerned about the impact of the installation of the pipeline on adjacent vegetation and the disturbance to the clay layers that support the damplands, and the adequacy of the hydrological and stratigraphic mapping undertaken for the proposal. The appellants also considered that the construction of a 1.5 kilometre (km) pipeline will require heavy vehicles, potentially causing major soil disturbance.

Other appeal grounds included that the proposal should not be implemented on the basis that Bush Forever sites are for conservation purposes and that infrastructure corridors would

compromise the environmental values of the site. Furthermore, one of the appellants was of the view that alternative alignment options were not adequately considered by the EPA. It was also submitted that the previously assessed Keane Road strategic link extension was considered unacceptable by the EPA on similar environmental grounds to the current proposal, and on this basis, the proposal should not be implemented.

In relation to direct impacts to vegetation, the EPA considered the potential impacts to be small in scale and will not result in permanent alteration of vegetation substrate and habitat, or fragmentation of Bush Forever site 342. As the pipeline will be installed within an existing track, the EPA does not expect the proposal to directly impact on the TEC, although 0.04 hectares (ha) of the PEC will be disturbed where the track is at its narrowest width, due to trampling and pruning. The EPA considered this a small incremental loss and unlikely to result in a significant impact to this community. The proponent also advised that the pipeline, due to its flexibility, can be aligned within the middle of the track, leaving 1.5 metres (m) to the edge of the track. The proponent also advised that given the height and nature of the vegetation along the track it is unlikely that roots will be impacted to the degree that the health of the vegetation will be affected.

In relation to hydrology, the former Department of Parks and Wildlife (Parks and Wildlife) (now the Department of Biodiversity, Conservation and Attractions) advised that the small footprint of disturbance and the small size of the pipeline are unlikely to result in significant impacts on the recharge rates through the soil profile or horizontal water flow over the shallow perched layers. The Minister was also advised that the results from investigations undertaken by the proponent indicate that the clay layers supporting the TEC are discontinuous and at a depth of 2.5 metres below ground surface (mbgs) and that the installation of the pipeline at a depth of 1.2 mbgs is expected to have a minimal impact on the integrity of the clay layer. In regards to the rigor of the hydrological report and associated mapping, Parks and Wildlife advised that it was satisfied with the approach undertaken by the proponent and the results were consistent with other hydrogeological studies in the area.

In order to ensure that the impacts to the TEC are minimised, the EPA noted that schedule 1, Table 2 of the draft conditions identifies the authorised extent of the proposal and defines that trenching, excavating and dewatering are not permitted in the Bush Forever site. The Minister also noted that recommended condition 7 requires the proponent to prepare and implement a Baseline Survey and Monitoring Plan to demonstrate that the proposal will not result in indirect impacts to the health of the TEC, as a result of changes to hydrological processes.

In relation to other indirect impacts to the Bush Forever site 342, the Minister noted that the EPA considered potential impacts such as the risk of spills and leaks of waste water, acid sulphate soils (ASS), weeds and dieback. In summary, the EPA advised that, in order to reduce the risk of spills and leaks within the Bush Forever site, the pipeline will be constructed of a High Density Poly Ethylene (HDPE) pipe, with an absence of weak points such as air and scour valves along the section of pipeline. In relation to ASS, the risk is considered to be low as no dewatering is permitted within the Bush Forever site. In regards to weeds and dieback, the EPA advised that dieback is already present in some areas of the development envelope, but considered that the proponent's proposed management measures will prevent the further introduction or spread of weeds and disease.

In regards to the concerns raised around the construction of a 1.5 km pipeline and the use of heavy vehicles, the EPA acknowledged that the language used in its report was ambiguous. The EPA advised that the pipeline is not one continuous piece, rather it will be formed on site by welding smaller lengths together, within the 4 m width of the existing fire track, to form one piece.

In relation to alternative options for the pipeline route, the Minister was advised that the proponent undertook an options analysis for alternative routes including two that avoided the Bush Forever site, and considered a range of environmental, economic and social factors which resulted in the proposed pipeline alignment being the preferred option. The Minister noted that the proponent applied the mitigation hierarchy by avoiding and minimising potential impacts to the environment by installing the pipeline within a cleared track using a trenchless technology and designed the pipeline to minimise the risk of spills and leaks to the surrounding environment.

In relation to compatibility of infrastructure within Bush Forever sites, the Minister noted that due to the area being an Environmentally Sensitive Area, the proposal was referred to the EPA for assessment under section 38 of the Act. *Policy 2.8 Bushland Policy for the Perth Metropolitan Region* (2010) applies to Bush Forever sites and while it aims to protect regionally significant vegetation, it does not prevent development but ensures that management issues are addressed and integrated with broader land use planning and decision making.

In relation to the proposed Keane Road strategic link, the EPA noted that all proposals are assessed on their individual merits and for the wastewater pressure main, the likely environmental effects are not so significant to be considered environmentally unacceptable. The EPA noted that this proposal has a small magnitude and geographic footprint, is located within an existing fire access track, will have a short duration of construction within the Bush Forever site and any ongoing indirect impacts such as fragmentation and separation of vegetation communities, as thought to occur in the Keane Road proposal, are not expected.

Taking into account the information presented in respect to the appeals, the Minister formed the view that the EPA adequately considered the environmental impacts of the proposal and that its assessment was consistent with section 44 of the Act. The Minister was also satisfied that the EPA has applied appropriate conditions to manage environmental risks to the Bush Forever site 342 and its associated environmental values. The Minister therefore dismissed the appeals.

The decision as to whether or not the proposal is to be implemented, and the conditions which apply to any such implementation, will be made under section 45 of the EP Act.

Note: this decision is published pursuant to the terms of section 110 of the *Environmental Protection Act 1986* and regulation 8 of the *Environmental Protection Regulations 1987*.

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