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## MINISTER FOR PLANNING AND INFRASTRUCTURE

HON ALANNAH MacTIERNAN  
BA LLB BJuris JP MLA

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10 DEC 2003

Our Ref: 023279

Clerk Assistant and Usher of the Black Rod  
Legislative Council  
Parliament House  
PERTH WA 6000

Dear Sir

### **STANDING COMMITTEE REPORTS – GOVERNMENT RESPONSE LEGISLATIVE COUNCIL STANDING ORDER 337**

#### **GNARABUP WASTEWATER TREATMENT PLANT**

I refer to the request from the Standing Committee on Environment and Public Affairs report in relation to a petition opposing the Gnarabup Beach Waste Water Treatment Plant (WWTP) tabled on 16 October 2002.

I am aware that you have received separate responses from the Ministers for the Environment and for Government Enterprises. My delay in responding is due to the continued negotiations my office has had with various other parties required to respond to this Inquiry so as to provide a whole of government response. In addition, further inclusions have been provided so as to found a more constructive conclusion to the outstanding issues raised in the Committee's report. My office has also been in contact with the Chair of the Committee to ensure all matters were adequately addressed. The Chair is aware of the reasons for my delay.

The State Government response is as follows:

#### **Recommendation 1:**

**That, in line with the wishes of the majority of the local community, the Treatment Plant be converted into a pumping station and the water be pumped back to the Margaret River Treatment Plant for treatment and re-use on the Margaret River golf course and public open space.**

Recommendation 1 is not accepted in the absence of there being a justified need on environmental or health grounds.

The Water Corporation gave evidence to indicate that this option was not financially feasible. Advice provided to the Committee indicated that the associated costs, as of October 2000, would be in the order of \$3 million dollars. Further advice from the Minister for Government Enterprises, in correspondence dated 17 February 2003, put the preliminary estimate at \$4.6 million.

Consistent with the earlier advice given to the Committee, there is no obligation to relocate the Gnarabup Waste Water Treatment Plant as it has a valid operating licence and, since completion of the Stage II upgrade, there is no evidence that it has failed to meet environmental conditions or health standards.

Notwithstanding the above situation, the State Government is prepared to facilitate ongoing negotiations with Shire of Augusta - Margaret River and the Margaret River Golf Course to investigate options for water re-use. Both State government agencies and the Golf Course have expressed concern that the recommended conversion of the Treatment plant into a pumping station would effectively eliminate the golf course re-use options due to increased costs.

It is expected that the findings of these on-going negotiations will be reported back to the Minister for Government Enterprises to determine the suitability and feasibility of any re-use option.

**Recommendation 2: That the Department for Planning and Infrastructure be required to contribute to the cost of solving the problems created by the construction of the Treatment Plant, including a contribution towards the cost of converting the Treatment Plant into a pumping station.**

There is no basis on which to require the Department of Planning and Infrastructure to incur cost associated with the siting of the Gnarabup WWTP for the reasons given in the response to Recommendation 1.

The Gallop Government has significantly improved the planning requirements for similar subdivision proposals along the State's coast line through its Statement of Planning Policy No. 2.6 – State Coastal Planning Policy (copy attached).

Environmental problems reported in 1999 have been overcome with the approved WWTP upgrade. However, concern over the visual impact of the Gnarabup WWTP by some sections of the community is acknowledged. It is considered that proximity to, and elevation of, the Boodjidup Beach access road in relation to the WWTP and lack of screening vegetation are significant factors contributing to the visual impact. Screening the facility with vegetation may be difficult to achieve in this relatively harsh coastal environment. However, the Water Corporation is prepared to consider other suitable screening options (such as provision of netting) to ameliorate the visual impact.

**Recommendation 3: That the Government review its environmental and town planning legislation (and in particular section 32 of the Town Planning and Development Act 1928) with a view to giving greater legislative clarity to procedures required for the assessment of public works in a manner that more effectively integrates the State's environmental and town planning legislation in keeping with other related Government initiatives.**

Section 32 provides that where the Government of the State or a local government undertakes, constructs or provides any public work, approval is not required under a local government town planning scheme provided that the public works, as far as reasonably possible, accord with the intent of the scheme and the relevant local government has been consulted.

The siting and development of waste water treatment facilities, when undertaken by a body other than the Government of the State or a local government, clearly requires the issue of planning approval. The relevant question is the characterisation of the body and whether there has been a legislative intention to include or separate the body from the Crown. Section 5 of the Water Corporation Act 1995 clearly states, "The corporation is not an agent of the Crown and does not have the status, immunities and privileges of the Crown".

This makes it clear that all future development proposals for waste water treatment facilities will require compliance with statutory planning assessment requirements, as set out in local government town planning schemes.

**Recommendation 4: As the results of the water quality testing undertaken by the Water Corporation in the vicinity of the Treatment Plant become available, they are provided to the Shire of Augusta-Margaret River for public information.**

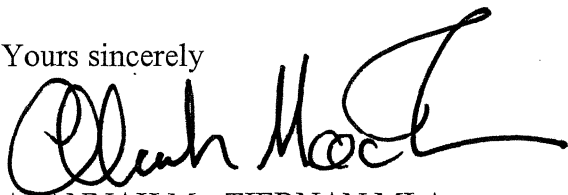
The Water Corporation already shares monitoring information with the Shire and has no objection to formalising this arrangement. It is prepared to commit to releasing the results of water quality testing undertaken in the vicinity of the Gnarabup WWTP to the Shire of Augusta-Margaret River for public information.

**Recommendation 5: That the water quality testing undertaken by the Water Corporation in the vicinity of the Treatment Plant take into account the topography of the area and in particular the cavernous and fractured nature of the limestone.**

The Water Corporation does take account of the topography and likely geology of the area in its monitoring program. The nature of the area makes it impossible to drill holes to monitor groundwater with certainty. Three observation bores that have been drilled were all 'dry' to bedrock. The broad-scale monitoring of Gas Bay which is currently undertaken is the only real means to measure any possible impact of the operation of the plant. This, to date, has shown there is no impact.

The Water Corporation undertook additional monitoring (beyond its licence) over the summer of 2002/03 to assess groundwater quality at the base of the primary dunes in Gas Bay. Should future monitoring indicate elevated contaminant levels, then the licence may need to be amended to require improvement works and/or ongoing monitoring.

Yours sincerely



ALANNAH MacTIERNAN MLA  
MINISTER FOR PLANNING AND INFRASTRUCTURE  
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