

Minister for Water

Minister Kelly

Subject Proposed Limestone Quarry, Lot 4 Binningup Rd, Binningup

Dear Minister Kelly,

We call in the Minister to review the above proposed sand and limestone extractive industry, on Lot 4 Binningup Road. Lot 4 is on the Parkfield Drain, which is managed under the Waterways Conservation Act 1976.

The proposal (attached) had been submitted to the Shire of Harvey for Development and Extractive Industry Licence approval. The proposal has not been referred to Environmental Protection for formal assessment under the Act

The proposed 26ha extraction area, runs north- south with a proposed 30m clearance to the Parkfield Drain running parallel to the west of the extraction area.

The proposed actions from construction to limestone extraction, crushing and screening along with vehicle and machinery movements provide potential for contamination of the Parkfield Drain system and hydrological linkages of Resource Enhanced wetlands, 130m south of the proposed extraction site.

The Parkfield Drain discharges directly into the northern catchment area of supratidal flats with saltmarsh, of Leschenault Estuary. Ref: Semeniuk et al, Overview of Leschenault Inlet.

The agricultural monitoring station at Mylaup provides weather details for the Binningup site, which include high rainfall averaging 700-800mm over the past 5 years. The alluvial plain is susceptible to high winds with frequent dust storms (personal comment).

The underlying hydrogeology of the area is complex and poorly researched there is a lack of groundwater monitoring data available. (Ref: Data Gap Analysis, DoW 2015).

The proponent's report( attached) states - no groundwater monitoring for water quality or quantity has been undertaken, therefore no data is available for the Lot 4, Binningup site.

Potential impacts -

Surface water runoff, stormwater and groundwater at the site, all drain into underlying soils and travel in a westerly direction, eventually to Parkfield Drain. Transportation of lime dust, weeds, organic material, chemicals, fuels, lubricants, hydraulic fluids via, groundwater, surface runoff or stormwater all have potential to effect the water chemistry of the Parkfield Drain and northern catchment of Leschenault estuary .

Extraction of water for dust suppressant, quoted in the report 1500kl , we contend the proponent has overestimated intended reliance on adjacent dam's capacity, given the areas high winds and evaporation rate, to provide sufficient water for dust suppression, during excavation site works, and wash down of vehicles, crushing and screening machinery.

These actions also likely have potential to mobilized dust contaminants into waterways. Lime dust mixing with rainwater runoff forms calcium bicarbonate, which can be harmful to estuarine health.

Soil disturbance and water chemistry of Lot 4: fertilisers and chemical residue from adjoining horticulture properties, likely to be present in Lot 4 soils, have remained undisturbed, clearing will mobilized contaminants which have the potential to alter soil and water chemistry impacting critical ecosystems of adjoining Tuart/Peppermint woodland( TEC), Melaleuca and Sedgelands ( TEC) on the western and southern boundary of Lot 4.

#### Threatened Species Protection

Resource Enhanced Wetlands 130m south west of Lot 4, provide critical ecological linkages to the northern Estuary catchment. Parkfield Drain discharges into Supratidal flats of saltmarsh, with Samphire surrounded by closed Sedgelands ( TEC).

**These intratidal mudflats, of Parkfield Drain's catchment, are rich feeding and nesting areas for water fowl, ducks, Grey Teal and Black Swan also feeding grounds for resident and migratory wading species–this habitat of conservation value supports Eastern Great Egret ( Endangered, WA)– feeding and grazing areas for migratory waders and waterbirds eg White Faced Heron, Red Necked Stint**

*The Leschenault Estuary is an extremely important habitat for avifauna internationally, nationally and regionally. Indeed the estuary is a dry season refuge (mid spring and summer) for waterbirds, ranks among the top wetlands in the state's southwest in terms of numbers and richness of waterbird species (Semeniuk et al. 2000a)*

*The estuary's northern section (Parkfield catchment ), which consists of extensive areas of samphire surrounded by closed sedgeland, was identified by CALM (1998) as being of high conservation value as habitat for waterbirds Ref Leschenault Estuary water quality improvement plan, 2012 Department of Water.*

Parkfield Drain catchment area of the northern estuary has been heavily impacted over many years due to the cumulative affects to groundwater chemistry from land clearing, horticulture use of fertilisers and chemicals, extractive industries drawdown.

The drain's water quality is currently reported as 'intervention' classification due to high TP and TN levels.

Ref Leschenault Estuary water quality improvement plan, 2012 Department of Water.

*The chosen water quality objectives and the classification scheme for reporting subcatchments provide a framework for water quality management in the Leschenault catchment that does the following-*

- *sets nutrient concentration targets for Leschenault Estuary tributaries that take into account subcatchment character*
- *recognises the importance of preventing a shift from acceptable water quality to poor water quality, as well as achieving improvements in areas that have already declined*
- *aims to improve the ecological health of the waterway reaches associated with each reporting subcatchment*
- *places a high value on protecting the quality of inflows to the Leschenault Estuary.*

Parkfield Drain is managed under Waterways Conservation Act, 1976,

Under the Waterways Conservation Act 1976, the Minister for Water and the Department of Water and Environmental Regulation have responsibility for the conservation of the waters and associated land in five declared Management Areas. The declared Management Areas are Albany waterways, Avon River, Wilson Inlet, Peel Inlet and **Leschenault Inlet**.

The Department of Water and Environmental Regulation has an approval process for certain works affecting waterways and foreshore areas and can provide advice on other developments affecting, or likely to affect, the condition and public amenity of these waterways.

Key aspects of the Act relate to protecting and managing the condition and amenity of waterways when there are disturbance activities within or adjacent to the Management Areas. Activities within or adjacent to the Management Area that should be referred to the Department of Water and Environmental Regulation for discussion or licensing include:

- changes or intensification of land use adjacent to or impacting on waterways or their foreshore areas (e.g. land planning, development, mining, mineral exploration, drainage or flood risk management proposals)
- dredging, reclamation, dewatering, drainage and construction activities including retaining walls, jetties, private boat ramps or public facilities
- other activities that may affect declared management areas, for example, those that may increase nutrients

Summary -

These proposed actions, impacting on sensitive waterways are contrary to Key aspects of the Act and management responsibilities as outlined in the Waterways Conservation Act 1976, also impacting the health of the Leschenault Estuary contrary to objectives of Leschenault Estuary Water Quality Improvement Plan 2012, DoW

We, the undersigned, do not believe such a proposal in this Lot 4 location, on the Parkfield Drain, can be made environmentally acceptable.

Altering drainage, surface or groundwater into Parkfield Drain, pose significant risk of increasing nutrients, which could, be considered as a breach of the Act

Therefore we contend that the extraction of the raw materials from Lot 4 Binningup Road, cannot proceed in any manner that will prevent likely significant impacts to occur to Parkfield Drain ( Waterways conservation Act, 1976) or high conservation value habitat of Leschenault Estuary (CALM 1998)

We request the Minister review the proposed extraction proposal, writing to the EPA with direction for formal assessment under the Act.

This proposal does not offer due protection for the Parkfield Drain, adjacent wetlands catchment nor does it give sufficient recognition to the values, sensitivity and quality of the environment of Leschenault Estuary or its high conservation value habitat

The precautionary principle should apply in regard to any actions that may affect the health or integrity of sensitive wetland ecosystems.

We look forward to your earliest attention to this matter,

Yours faithfully



Signed

Carolyn Bloye- Conservation Council, WA Citizen Science Network

Board Member -Leschenault Catchment Council

Philip Jennings- Waterbird Group

Addendum:

Sincere apologies for the delay in my response. I forwarded your request on to the LCC Board and they considered your request. Unfortunately, the Board have decided not to endorse the Letter to the Minister for Water. This is not due to lack of concern or interest, rather it is due to the current limited capacity of the LCC to deviate efforts towards issues other than delivering our current Projects and ensuring the organisation's long-term operational security.

A Board member provided the following feedback:

"The points made all appear valid but as they are put as assertions and opinions they can be easily dismissed.

I believe a better approach would be to advise the Minister that the proposal has not adequately identified and assessed a range of issues and impacts and it is difficult for LCC and the community to determine the risk to the Estuary and high-conservation areas.

Rather than recommending a referral to the EPA, ask the Minister to consider the matter (Section 38) and request the Department of Water and Environmental Regulation to consider a risk-based assessment to determine if it should be referred to the EPA. Also request the Minister to advise the Shire to hold off exercising its power until the Shire has been able to consider the recommendations from the Minister (DWER) (Section 26(5))"

I hope that the information is useful for you and wish you all the best.

Kind Regards,  
**Chris Howe, Manager**

**Leschenault Catchment Council**