



Tom Hatton

Chairman

Environmental Protection Authority

by email: [info@epa.wa.gov.au](mailto:info@epa.wa.gov.au)

1st September 2020

Dear Dr Hatton,

**Referral for assessment: Limestone Quarry Proposal, Lot4 Binningup Road, Binningup**

We write to formally refer a proposal for a limestone quarry described in the attached referral form and proponent information for assessment by the EPA under Section 38 of the Environmental Protection Act. We believe the proposal is likely to present significant direct and indirect impacts on the environment which require assessment under Part IV of the Act.

**Summary of the proposal**

The proposal is described in the Works and Excavation Plan, Proposed Extractive Industry, Lot 4 Binningup Road, Binningup, in the Shire of Harvey. The subject site, of 26ha, is located within the south-eastern portion of Lot 4 on Deposited Plan 24320, Volume 1853, Folio 291. The site is owned by Coast Pastoral Company Pty Ltd, and zoned General Farming' pursuant to the Shire of Harvey's Local Planning Scheme No. 1.

The proponent is The GM Giacci Family Trust, (08) 9791 5600. 26 Stirling Street, Bunbury WA 6230.

The documentation at the link provided below indicates the Shire of Harvey received the Proposed Works and Excavation Plan in November 1999. <https://www.harvey.wa.gov.au/wp-content/uploads/sites/161/2020/03/Proposed-Extractive-Industry-Lot-4-Binningup-Road.pdf>

This document provides some information describing the proposal but is not a comprehensive description of all the activities that are proposed. In particular, we note that the details of the quarrying activities, and associated works which would have a bearing on the environmental impacts of the project (such as crushing and screening, transport routes and other activities) are poorly defined, incomplete, or ignored entirely. Given this, we wish to make it clear that this referral concerns ALL aspects of the development that are likely to cause environmental impacts, including offsite and indirect impacts, and is not limited to the description of the proposal provided in the proponents documentation.

## **Potential significant environment impacts**

The Works and Excavation Plan referred to above outlines environmental impacts and management actions for land clearing, hydrology, vegetation and fauna, dieback, weeds, noise, dust emissions, visual impact, heritage sites, hydrocarbons, dangerous goods and rehabilitation.

Based on the proponent information and other research that has been undertaken by volunteers, experts and environment groups, we believe the project is likely to have a number of potential significant environmental impacts which justify assessment by the EPA, including:

- Impacts to the conservation values of underlying hydrologic and geomorphic linkages of the Yalgorup wetlands system, including impact on localised and downstream hydrology and inland waters
- Pollution, including dust & noise
- Impact on social surrounds including the State Heritage Listed Springhill Homestead
- Direct impacts on threatened fauna including herpetofauna protected under IUCN, EPBC & WA Biodiversity Conservation Act.
- Offsite impact to threatened or protected species including Western Ringtail Possum, Black Cockatoo and Quenda along transport route.

## **Sustainability considerations and justification for proposal**

In addition, we believe the proposal raises a number of sustainability issues regarding the use of basic raw materials which should also be examined by the EPA in relation to this proposal. In particular, we do not believe that the proposal is justified when demand for basic raw materials can be minimized through better planning and development in the region, and these demands can be substantially met through the use of recycled and alternative materials. As such, we do not believe the proposal presents a sustainable development option which satisfies the principle of avoidance of pollution and environmental harm under the Act.

We note that the proponent has publicly acknowledged the Bunbury Outer Ring Road (BORR) project as the 'customer' for the material to be quarried, however we note that environmental approvals have not been provided for the BORR project and the EIA for the southern section of this project has not concluded. As you are aware, the BORR project is of great concern to the local community and conservation groups and it is our strong view that alternative and less environmentally destructive options should be found.

As a separate matter we urge the EPA to consider the increased demand for basic raw materials (including the impacts of their extraction) and potential alternatives as part of its assessment of the BORR and other infrastructure projects, and to recommend conditions that ensure recycled materials are used wherever possible should such projects proceed. We note that the Government has 'encouraged' contractors for the BORR to utilise recycled materials in the project, however this encouragement would be strengthened significantly by enforceable conditions.

## **Community and expert concerns**

As part of the process for consideration of this development by the Shire of Harvey, limited community consultation has already been undertaken.

A range of members of the community, environment organisations and highly regarded experts have raised serious concerns regarding the environmental impacts of this proposal. These include

- WA Waterbird Society
- Leschenault Catchment Council
- Prof Vic Semeniuk
- Prof Margaret Brocx (see attached presentation to Shire of Harvey)

In addition, a number of local representatives have raised concerns about the project including the Member for Murray Wellington Robyn Clarke (MLA), the Liberal candidate for the seat of Murray Wellington Michelle Boylan, and Hon Diane Evers Greens MLC for the South West.

A petition containing some 697 signatures has also been presented to the WA Parliament in opposition to the proposal stating: “The location of proposed Quarry with potential impact to Binningup residents and environment is unacceptable”.

While limited consultation has occurred, it has not sufficiently addressed the range of community and environmental concerns in a rigorous manner and the proponent has yet to respond to many of the concerns that have been raised. We believe this further reinforces the need for the EPA to assess this proposal including through a formal community consultation process.

### **Current status of proposal**

To our understanding, this proposal has not been referred to the EPA by any other party. The Shire of Harvey has considered the proposal and a resolution of the Council states that the Shire is opposed to the development and has refused the application for development approval.

Undeterred, the proponent has stated that they will continue to seek approvals for the development through other decision makers including through challenging the council’s decision in the State Administrative Tribunal (SAT). While these processes will no doubt consider impacts and that are relevant to planning, we do not believe they are the appropriate forum to address environmental considerations issues such as those outlined in this referral and which are within the scope of the EPA and the Environmental Protection Act.

We understand a hearing by the SAT on this matter is imminent and we respectfully suggest that timely advice from the EPA regarding its consideration of this referral would be important to any determination by that authority.

### **Assessment of the proposal by the EPA**

Given the above, we believe that assessment of this proposal under Part IV of the Environmental Protection act is necessary before any further consideration is given to the development. It is important that the EPA make a timely decision regarding the need for assessment of this project. This would provide clarity for the proponents, community and other stakeholders, it would place on hold any approvals by other decision-making authorities, and it would ensure the EPA’s responsibilities under the Act were appropriately discharged.

Thank you for your attention to this matter.

Please note, we can arrange meetings with experts to provide further information to support this referral should it be considered advantageous.

Yours sincerely,

A handwritten signature in blue ink, appearing to be 'Piers Verstegen', with a stylized, flowing script.

Piers Verstegen

Director

Att.

- 1) Completed referral form
- 2) Statement from Carolyn Bloye providing a timeline of recent events and actions related to the proposal
- 3) Petition provided to WA Parliament against the proposal
- 4) Prof. Margaret Brocx presentation to the Shire of Harvey