

# Port Hedland Dust Management Taskforce Report to Government

## Public Submission

From: Name Withheld

Date: 24 September 2017

Document: Letter

### **PUBLIC SUBMISSION**

#### **PORT HEDLAND DUST MANAGEMENT TASKFORCE REPORT 2016**

Dear Sir,

In response to the request for public comment reference the above listed report, I wish to formally advise that as part of a group of owners, we have purchased an ocean front house in [REDACTED] and totally oppose the proposed "Special Control Area" rezoning.

We also recommend that the Task Force should be dissolved and an independent body take responsibility with no industry representation (The Port Hedland Industries Council) that has extreme influence of political and monetary resources as was witnessed in the last state election.

It is understood that Port Hedland properties are subject to boom and bust cycles, however blocking development in the West End has never been part of the equation and puts us and our neighbours in a position of substantial loss should the proposal be approved. Today they are asking for the West End to be rezoned however with monitoring results attached, we can see ultimately, they will change the boundary to the Redbank Bridge.

It is also of concern that the report informs ourselves and all the residents of the West End have possibly been exposed to airborne heavy metal contamination they may have been polluting for years.

I cannot believe that the Task Force would be so insensitive to state that "acceptable risk is based on population size" and its ok to contaminate a few but not a lot to please industry. Is that the same strategy companies use regarding safety and the 'Duty of Care' (enforceable law) responsibilities that a few employees can be damaged but not a lot?

It can be seen by the biased report that its ok to contaminate a town by one particular polluter (as will be identified in later in the response) as opposed to making the polluter comply to the EPA regulations and take responsibility for their inactions within the community in which they operate.

We dispute and or question the following report recommendations;

#### Health Risk Assessment - Interim Guideline

##### Recommendation 1:

The Taskforce recommends that the current interim guideline of 24-hour PM10 of 70 µg/m<sup>3</sup> be continued however under the circumstances the acceptable level should be reduced to 50 µg/m<sup>3</sup> as per World Health Organisations (WHO) Recommendations. After all we are not a third world country and should expect best industry practice especially regarding the export monetary values and the importance to the country as stated in the document.

#### Industry Dust and Noise Management Regulation

##### Air Quality Monitoring

##### Recommendation 2:

*The Port Hedland Industries Council continue operating and maintaining its air quality network, with responsibility for oversight of the network, including data verification, storage and publication, transferred to the Department of Environment Regulation.*

This is a classic example of having Dracula being made responsible for the Blood Bank! Funding should be provided via Iron Ore Royalties to a DER via an independent source.

In the report results presented, it is noted that the Kingsmill St monitor (immediately west of the spoil bank) has values FIVE times that of Taplin St (immediately east of the spoil bank) and of the actual port monitor on Richardson St.

The drastic reduction in concentration between 2013 and 2014 is obvious over all sites – including those well away from the port such as Yule River to South Hedland. It would appear that there was a natural event which exacerbated the situation in 2013. However, if we exclude Kingsmill Street result until we ascertain why it is three to five times higher than the majority of the monitors, then the only real "Fail" is that at Neptune Place – the most eastern monitoring location.

As such, why are we restricting development to west of Taplin?

As can be seen from the following Light Detecting and Ranging (LiDAR) reports / images the contamination would certainly be greater than reported from the Taskforce Document with a level of >1000 µg/m<sup>3</sup> recorded a great deal further East than Taplin Street!

It's certainly seems suspicious that these finding were taken down off the Public Web once the results were made known to the public that clearly identifies the polluter emitting airborne heavy metal contaminates and has the influence to remove information in an public arena?



# DER Port Hedland Real-time Data Re



Government of Western Australia  
Department of Environment

Finucane Taplin Street Council Neptune Redbank Information

|           |                               |
|-----------|-------------------------------|
| FINUCANE  | 24 $\mu\text{g}/\text{m}^3$   |
| JN STREET | 74 $\mu\text{g}/\text{m}^3$   |
| COUNCIL   | 1080 $\mu\text{g}/\text{m}^3$ |
| EPTUNE    | 64 $\mu\text{g}/\text{m}^3$   |
| EDBANK    | 24 $\mu\text{g}/\text{m}^3$   |



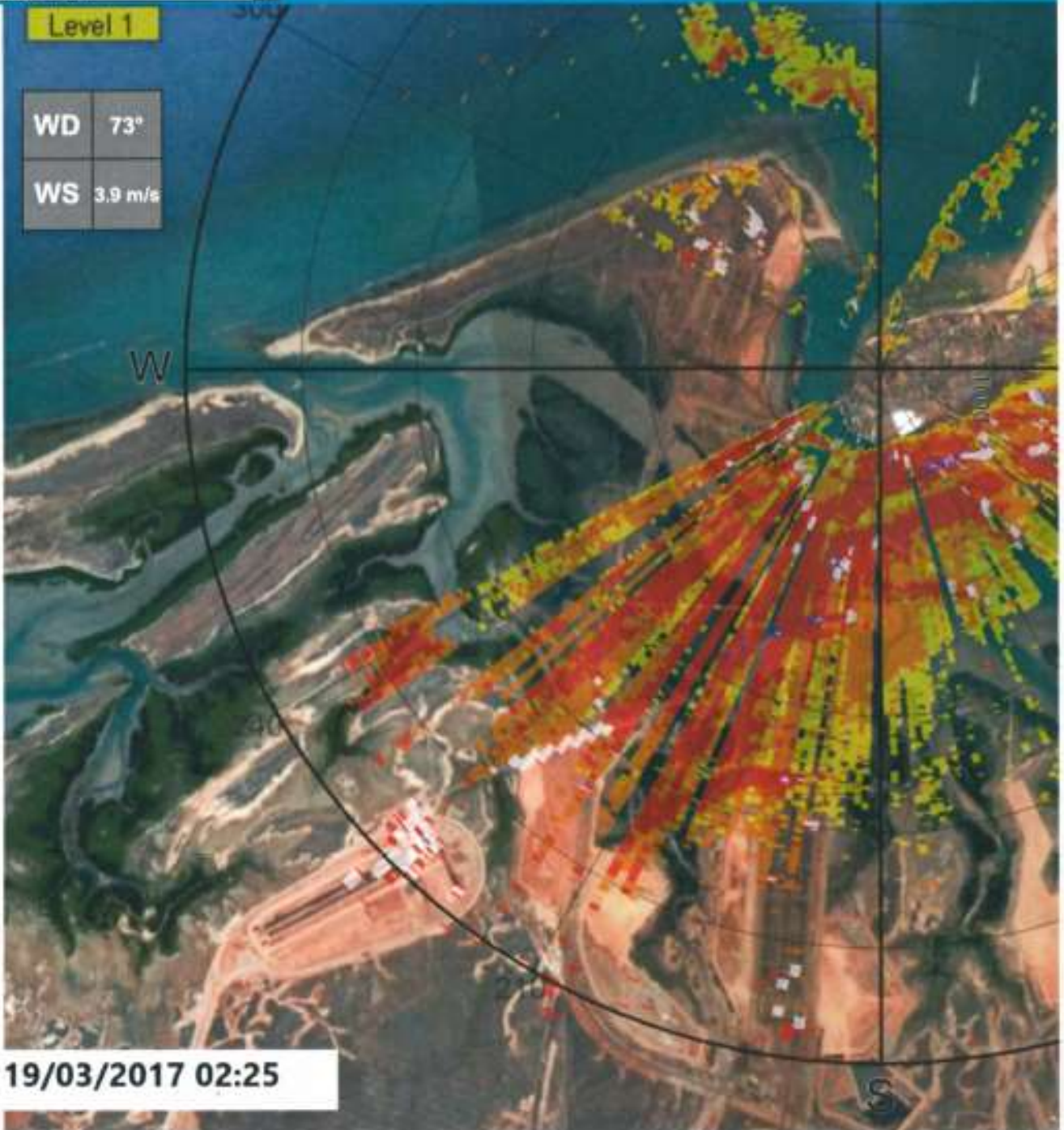


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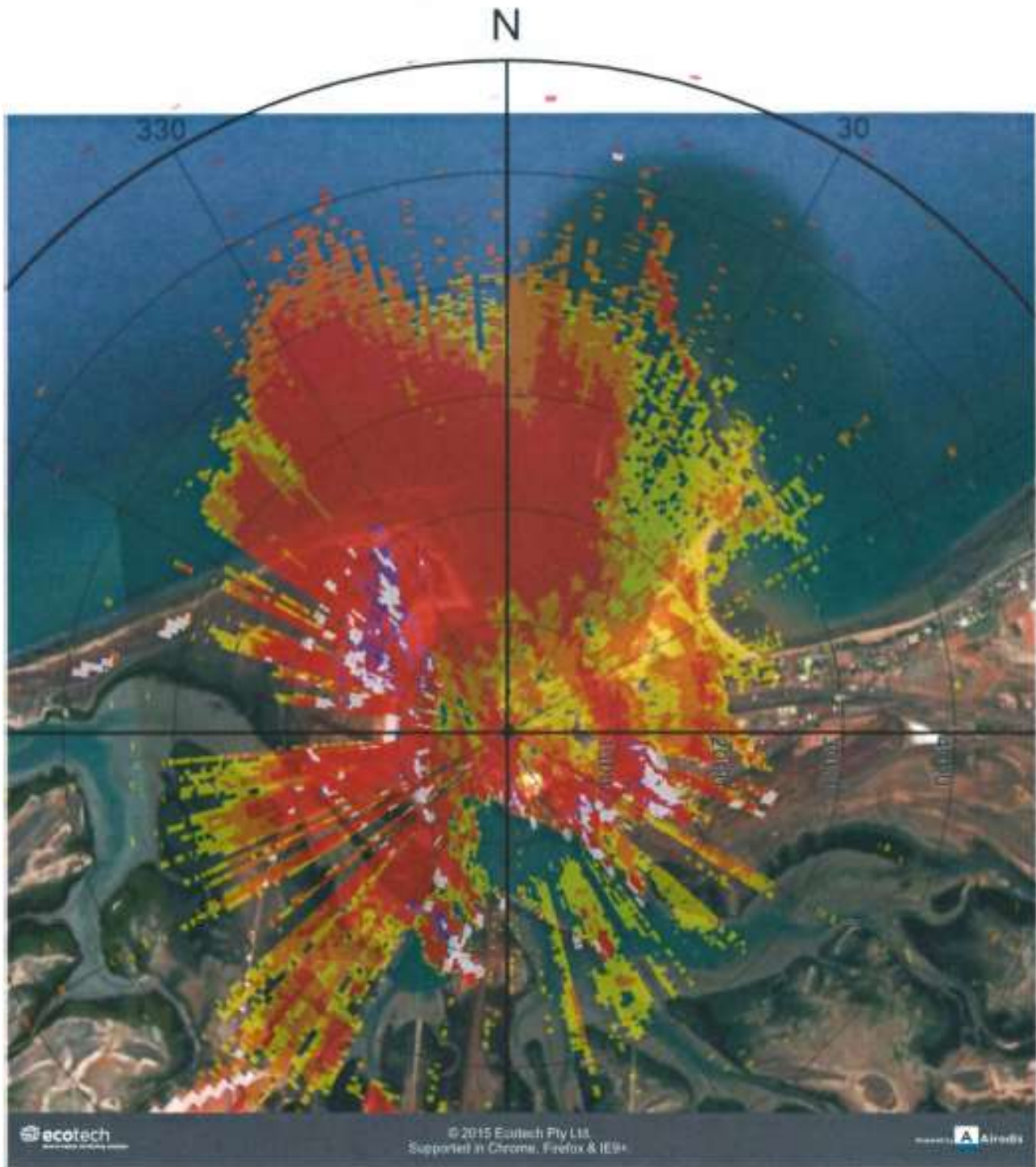
Level 1

WD 73°

WS 3.9 m/s



19/03/2017 02:25

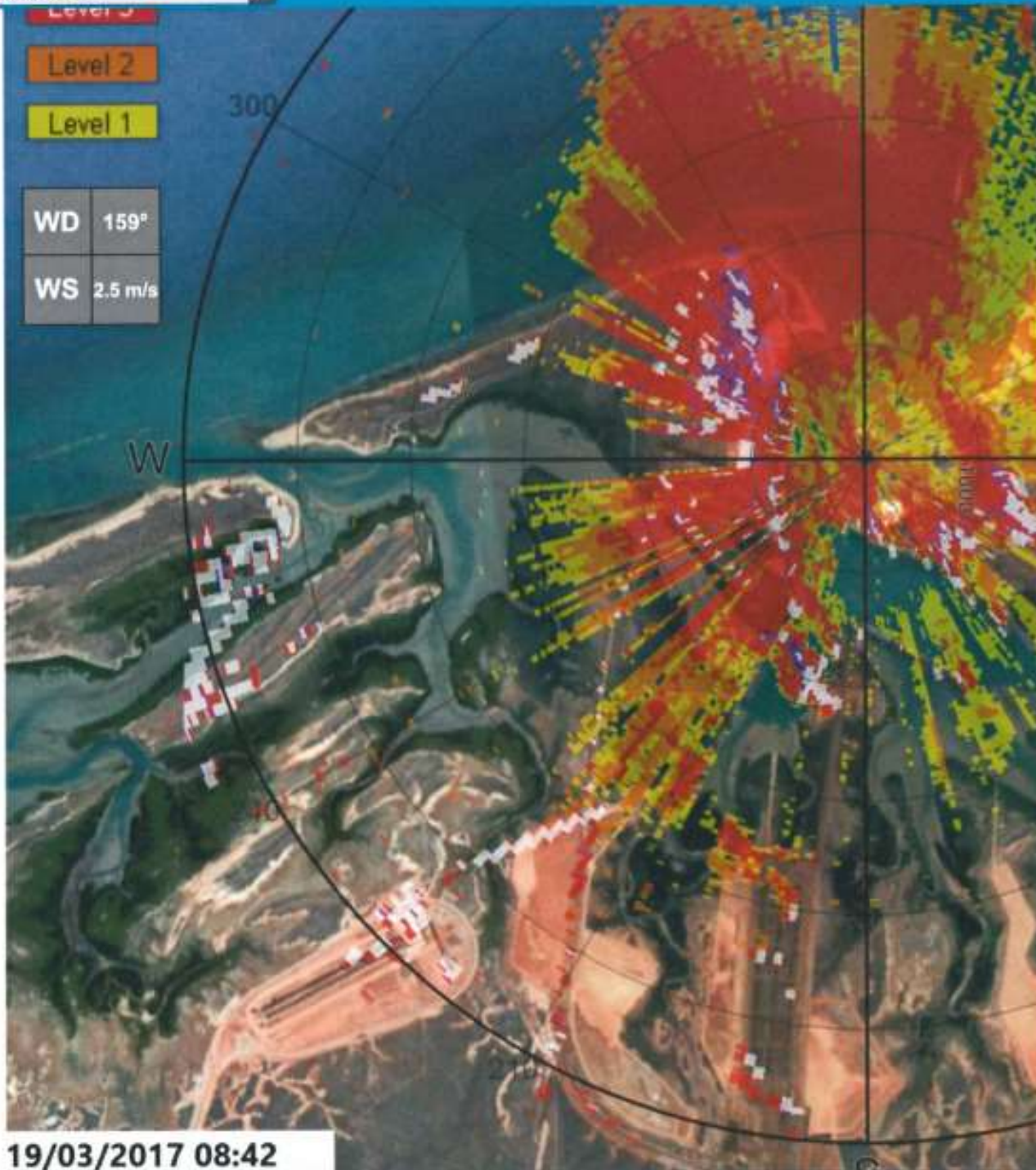




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- Level 3
- Level 2
- Level 1

|    |         |
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| WD | 159°    |
| WS | 2.5 m/s |



19/03/2017 08:42

## Industry Regulation

### Recommendation 3:

The Taskforce recommends that:

*3.1 The Department of Environment Regulation implements a coordinated risk-based review and assessment approach to managing dust and noise in Port Hedland through a review of all port premises licences under Part V, Division 3 of the Environmental Protection Act 1986.*

*3.2 Where premises are subject to Ministerial Statements, the Department of Environment Regulation will provide the findings and recommendations of its risk-based review and assessment to the Environmental Protection Authority and the Office of the Environmental Protection Authority.*

*3.3 The Environmental Protection Authority and the Office of the Environmental Protection Authority will consider the Department of Environment Regulation's assessments, and the appropriateness of conditions in Ministerial Statements.*

*3.4 Where the Environmental Protection Authority inquires under section 46 of the Environmental Protection Act 1986 into the conditions within Ministerial Statements, the Environmental Protection Authority will provide the Minister for Environment with a report on whether the conditions in the Statement/s should be changed.*

*3.5 The Department of Environment Regulation finalises and implements dust management guidelines for bulk handling port premises, outlining its expectations in relation to the assessment of dust impacts, dust control and monitoring requirements from these premises.*

It's all well implementing guidelines but what happens to companies that breach the rules? To date it is obvious there are no repercussions and they carry on "business as usual".

## Noise

### Recommendation 4:

The Taskforce recommends that:

*4.1 The Department of Environment Regulation assesses unacceptable noise levels and assesses whether additional controls can be introduced as part of its review of all port premises licences under Part V, Division 3 of the Environmental Protection Act 1986.*

*4.2 The Town of Port Hedland uses the Port Hedland Cumulative Noise Study to inform its land use planning for the West End of Port Hedland.*

Many noise surveys have been conducted over the years and the simplest option would be to construct a noise buffer (green environmental levee) parallel to Wilson Street or have Main Roads look at a better Asphalt surface treatment instead of a large course stone running surfaces. Main Roads could also review road widths so trucks don't travel on unsealed shoulders kicking up dust.



## Land-use planning

### Recommendation 5:

The Taskforce recommends that:

*5.1 The Minister for Planning asks the Town of Port Hedland to implement a Special Control Area westwards from McGregor Street as part of its Town Planning Scheme No. 5.*

As can be seen from images above the contamination travels much further East than McGregor Street!

*5.2 The Special Control Area prohibits new permanent residential development and other sensitive land uses, including aged care and child care premises, west of Taplin Street.*

I find this ironic that apparently the contamination ceases within 180m of an existing Primary School and an Aboriginal Community housing establishment. Maybe the Taskforce doesn't want to alarm the Dept. of Education and others in case the cost of building a new school transpires let allow the children's future health or maybe they are a part of the 'acceptable few' as noted above.

*5.3 Low-density (R20) residential development be permitted in the predominantly residential area between Taplin and McGregor Streets, but higher-density residential development and other sensitive land uses be prohibited.*

Again, it would appear that it is alright to contaminate a few people and let them suffer as they appear to expendable compared to making industry "cradle the grave" and responsible to the community in which they work.

*5.4 The zoning in the Special Control Area aligns with the Town of Port Hedland Local Planning Strategy's Precinct 1, taking into consideration the findings of the Health Risk Assessment.*

The current zoning for this area is R30 min / R80 max. It's not the council's responsibility to enforce DER laws and prosecute breaches of mining companies under State Agreements. If the companies creating the contamination cleaned up their act, there would be no need to consider changing zoning.

## Local Government and Community

### Recommendation 6:

The Taskforce recommends that:

• *The Town of Port Hedland works with key stakeholders to identify and mitigate dust from non-industry sources, with a focus on:*

- *Identifying and implementing dust mitigation options for the spoil bank;*

The Spoil Bank was created by BHP and effectively contaminated the adjacent reef where Crayfish once survived.

- *Sealing unsealed roads and undertaking regular and effective street sweeping operations;*



The companies should also seal roads and invest in contamination mitigation measures as the Pilbara Port Authority have undertaken and have led by example.

- *Considering greening options, including coastal dune revegetation and the establishment of a green belt around the port; and*

This was discussed above however the question would why does Local Gov. take on this responsibility and not the polluter of contaminated air and noise?

- *Reviewing and improving the efficacy of municipal services associated with dust control.*

Again, with limited funding and resources, why should the Local Gov. take responsibility for industry?

## Governance

### Recommendation 7:

The Taskforce recommends that:

*7.1 The Taskforce continues to operate, with a focus on sharing information and co-ordinating agency activities when needed.*

*7.2 The Taskforce reports annually to the Minister for State Development on progress in implementing the recommendations in this report and on the overall status of dust and noise management in Port Hedland.*

The Task Force should be terminated and restructured with independence as the key driver.

## In Summary

For the Government and Local Council to make an informed decision, we all need more transparency.

It would appear that companies working on Licences issued under Part V of the Environmental Protection Act 1986 in the Port Hedland area have a much greater responsibility to the community than BHP working on the 1969 State Agreement.

Is the reason why BHP don't want to move their expansions to Boodarie is because of the Harriet Point Agreement? Pilbara Port Authority forecasts indicate that the Boodarie Stockyard can potentially support up to 200Mtpa additional iron ore exports.

Has BHP recently realised that if they move or establish infrastructure at Boodarie they will have to comply to the same requirements as FMG and Roy Hill and others which will be an additional cost?



Are the windborne dust mitigation measures employed by BHP world class? In the report findings, they only mention airborne contamination generated from Finucane Island and Nelson Point and no mention of Anderson Point, Utah Point or Roy Hill. Is then obvious that those companies are ahead of the game.

It disappointing but not surprising that there is no mention about the damage to Port Hedland's natural fauna, flora and waterways being destroyed by dust contamination of heavy metals.

We are of the understanding that companies working near towns cannot legally contaminate the environment around them. How does the concentration with airborne contaminants compare to other "residential" ports such as Esperance, Geraldton, Bunbury and Fremantle?

How do the dust measurements encountered in Port Hedland relate to measurements taken in similar proximity to FMG, Roy Hill and Rio Tinto? From the report, it would also indicate that none of this monitoring and reporting is truly independent!

We believe that BHP make annual "compensation payments" to Dampier Salt for contaminating their salt stockpiles and have done so for many years costing tens to hundreds of millions of dollars. It can only be assumed that these payments would not be made unless BHP were guilty? It would also be inappropriate to compensate industry but not the community under the circumstances.

Wedgefield is not really involved in the West End decision however having been there and observed the dust storm generated from the undeveloped land at Kingsford's Industrial estate and Landcorp's industrial lots on the east side of Wedgefield as well as the number of illegally parked trucks on unsealed lots, I am not surprised it's so high.

The mitigation method recommended by the Port Hedland Dust Management Taskforce seems to be to minimise the number of people harmed by the airborne contaminants generated by BHP and not to eliminate the problem. The question we ask is, is it an acceptable public solution to harm a lesser number of people in the name of industry profitability? Surely the response should be, if the risk cannot be eliminated, the industry creating the problem cannot expand beyond the capacity that takes it beyond legislative limits. Or if the population (should they agree to acceptable terms) be relocated out of harm's way.



It would appear the main reason for the restriction on the West End is to limit development including but not limited to the new residential proposal at the hospital site and the new Marina etc, and the only company that would benefit from that decision is BHP.

It would also appear that lines are being drawn on maps to suit one particular argument and not about the welfare of the community or the environment in general.

It's very disappointing that BHP have tried to buy the Town of Port Hedland Councillor's decisions with a pledge of money in circ. of \$350million dollars to change the planning scheme. Maybe some of that money could fix the problem and have some left over for the towns infrastructure. This offer of money should not be seen as a gift as per the 'State Agreement 1969' requirement where the company is legally compelled to make annual payments of 1% of their pre-tax profit to the "host communities" where they operate.

We also believe a change in zoning would be detrimental to the town and life style of persons who have chosen to make Port Hedland their home.

It should also be noted that the West End was here before BHP!

\*Please do not publish my name or address on the web responses.