

October 6, 2017

Port Hedland Dust Management Taskforce
Department of Jobs, Tourism, Science and Innovation
Level 6, 1 Adelaide Terrace
EAST PERTH WA 6004

Email: porthedlanddust@jtsi.wa.gov.au

Dear Sir/ Madam

SUBMISSION - PORT HEDLAND DUST MANAGEMENT TASKFORCE REPORT TO GOVERNMENT

The Esplanade Hotel Port Hedland (Esplanade Hotel) has lodged several submissions by expert authors TPG + Place Match Town Planners and Aurora Environmental to the Dust Management Taskforce Public Inquiry.

They deal specifically with a recommendation approach in comprehensive fashion and require no further explanation.

The submission attached to this correspondence is again for the Esplanade Hotel. It is a helicopter level precis with a particular focus on Recommendation 5 which outlines a potential and simple public policy response.

The Esplanade Hotel would also like to take this opportunity to correct many of the myths circulating on this topic that we believe distort broader stakeholder and community perception on dust management.

Dust Management – Key Myths

1. *It is a nonsense argument that there is a trade-off between jobs/exports and dust control.*

Effective dust regulation, mitigation and better operational procedures from Port users would result in a cleaner town, more jobs in a more diverse economy, and a safer, healthier environment in which to live and work. The Esplanade Hotel's previous submissions to this Taskforce, expertly authored by Aurora Environmental, detail some of the measures that could be effectively deployed for greater dust control. The key is that the cost of these measures would be borne by the polluter – in other words Port users would be responsible for their own costs of business, and not transfer those costs onto the community. Compared to the profits generated by these exporters, these costs would be minimal.

2. *The regulatory framework is not consistent.*

Lawyers Iffla Wade's submission to the DER, as attached to the main Aurora submission, details how some Port users presently enjoy competitive advantage through lighter environmental regulation than other Port iron ore exporters.

3. *Measuring PM10 dust at Taplin Street is ineffectual on many levels.*

An oft repeated statement is that “PM10 dust monitoring at Taplin Street shows everything is in the clear”. Such monitoring does not deal with the issue of amenity or the “use of the environment for public benefit, public safety, or aesthetic enjoyment” as defined by the EPA (PM10 is invisible).

It is the suspended particulate matter which impacts on the amenity.

Further, it is incorrect to suggest that measuring at Taplin Street is relevant to the “true” West End. Other submissions have included results from Aurora Environmental’s dust sampling conducted at the Esplanade Hotel earlier this year (some three kilometres to the west of Taplin Street). The results speak for themselves – **deposition levels exceeding national standards every third day.**

Other submissions touch on the monitoring of Harbour and Richardson and how those sites should be used, as does point 5 below.

4. *The use by regulators of rolling 24 hour averages ignores the effect of the plumes of dust which frequently hit the West End in certain wind conditions.*

These plumes cause a significant spike in the dust levels which are lost in a 24 hour average. These plumes cause substantial environmental damage.

Further, the target set seven years ago for the PM10 levels is higher than Australian standards – it was an interim measure based on the technology which existed at that time and because the Australian (NEPM) standards could not be met.

5. *With the introduction of new technology, it is possible to track dust from operations in the West End.*

DER Lidar images of dust pollution, as published by [Fairfax’s WA Today](#) (April 22, 2017) and [Australian Mining Monthly](#) (April 24, 2017), reveal crisis levels of emissions over the West End as clearly emanating from specific Port operating areas, and finally the Port Hedland Industry Council’s online data (July and August 2017) reveals many peak exceedances of over 100 $\mu\text{g}/\text{m}^3$ at the Harbour monitoring station (nearest the hotel).

6. *It is not true that Port users are already doing everything they can to reduce dust levels.*

The Aurora Environmental submission, supported by its Iffla Wade appendix, outlines many simple mitigation mechanisms that could be implemented to reduce dust pollution at what would be a small marginal cost of production.

What is needed is not a “Special Control Zone”, but a program of regeneration and mitigation. The polluters should pay for their own costs of business, at a very small marginal cost of production, not the community and other businesses.

Yours faithfully


Clint Ford
Senior Consultant

“Regenerate. Mitigate. Compensate.”

A public policy paper for the Esplanade Hotel Port Hedland on the Dust Taskforce Recommendations (2016) with a particular focus on its Recommendation 5.

Background:

- Iron ore exports from Port Hedland have generated significant dust since the commencement of operations in the 60s and 70s.
- Export volumes have increased more than thirty-fold since then.
- There has been a doubling of export volumes since the owners of the Esplanade Hotel purchased it in 2012.
- The expert studies regarding dust have focussed on health and environmental degradation, with debate over an extended period seeking to “prove” negative health impact and damage to the natural environment and subsequent reductions in species and biodiversity.
- The studies are seriously flawed in terms of methodology and data.
- Expansion proposals from exporters will make the situation worse without urgent government action.
- The Dust Taskforce Recommendations (August 2016) (“Recommendations 2016”) prescribe a policy response akin to appeasement with the polluters, and will result in West Hedland becoming a social, economic and environmental wasteland. The *Dust Costs Report* as submitted with the Hotel’s other submissions details the costs of dust to the community.

Issues with the Action Group 2010-2016:

- As the Esplanade Hotel’s other submissions detail, the reports which inform the Recommendations 2016 have serious defects including:
 - human safety data is minimally developed although it was the DoH which published the key January 2016 report;
 - little medical or public health analysis or referees were included in the process;
 - the data is inaccurate and out of date;
 - measurements are taken in the wrong locations;
 - emissions targets have been arbitrarily set;
 - the precise locations of the dust generation are not identified;
 - the methods or costs of dust suppression were overlooked;
 - the remediation of the environmental and aesthetic impacts on the West End disregarded;
 - the compensation for the devaluation of assets and costs to operations in the West End neglected;
 - the licensing requirements and environmental responsibilities of each contributor to the dust are omitted.

Redefining the Problem:

- The process and reports to date have had no focus beyond potential health issues.
- The dust impact that is beyond scientific debate is centred on the real costs, reduction in quality of life and social amenity suffered by the wider community seeking to live and do business in West Hedland.
- The failure of the Port Authority to demand better work practices of exporters, and the failure of the exporters themselves to adequately mitigate dust results in the transfer of these costs of production to the residents and business operators in West Hedland. The lower cost of doing business for the Port and exporters that flows from sub optimal processes is transferred as real costs to the other parties; private businesses, ratepayers and taxpayers.
- The cost of doing business in Hedland is significantly increased while at the same time revenue for hospitality, tourism and residential developers is decreased due to a fall-off of tourism, visits and demand for residential land and dwellings.

Policy to Match the Problem:

- The move to establish restricted zones in West Hedland is understandable – but it represents lazy and ineffective “appeasement” based public policy.
- It gives no direct compulsion or incentives to polluters to pollute less, whilst at the same time radically reducing the value of investments made by businesses, home owners and local government. Depopulating West Hedland at no cost to polluters is inequitable, unfair and ineffective.
- Zoning has no positive impact on the marine and coastal environment.
- The polluters must be confronted with real cost consequences and real cost signals.
- The Port operator and/or exporters should pay a fair share of the costs borne by others.
- The Port may be an appropriate body to administer a scheme, or an independent structure such as that set up by ALCOA and independently administered by a retired senior member of the legal profession may be acceptable.
- In the first instance this is not compensation for loss of property – it is reimbursement for the recurring costs of doing business or living in a dust impacted environment which of course include the loss of capital value due to reduced financial performance.
- If the government does adopt the “appeasement” approach of the Recommendations (2016) then clearly **Compensation** would be needed to be expanded to cover the scale of loss for affected stakeholders.

Short and Long Term Measures:

- The immediate measures indicated above could be characterised as **Regeneration**.
- They are focussed on enlivening West Hedland as a residential, business and tourism precinct into the future. A failure to act will result in business failures and the loss of value in family homes.
- The longer term answer lies in **Mitigation**.
- So long as the polluters are given a low cost/no cost option of carrying on business as usual then nothing will change.
- An exporter/Port funded **Regeneration** scheme is an incentive to change export related processes in the longer term.

- Long term mitigation will be achieved by changing *What* is done in the Port controlled footprint, *How* it is done, *Where* it is done and at *What* times. This has been expanded upon by the *Aurora Environmental* submission to this Taskforce. It is also outlined in the submission by Iffla Wade lawyers.

Summary:

- Study and debate on the scientific analysis of health and environmental impacts will and should continue.
- A policy approach to depopulate West Hedland is economically and socially undesirable.
- Closing the Port would be ridiculous, as would reducing its throughput or stalling its growth.
- The way forward lies in having the polluters pay for the negative impacts of their activities on other Hedland residents and businesses in the short term **(Regeneration)** and a move to significantly re-engineer their processes in the long term **(Mitigation)**.
- If the “appeasement” approach of a control zone is adopted then the cost of doing so should be borne by the polluters **(Compensation)**.