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To Mr Luke O'Donoghue

The Town of Port Hedland (the Town) welcomes the opportunity to present this submission to the Port Hedland Dust Management Taskforce (the Taskforce).

## **BACKGROUND**

### **2009**

The Town acknowledges that in 2009, the Environmental Protection Authority raised concerns about the possible effects of dust on the health of Port Hedland residents, prompted by reports of high dust levels, and that the former Premier established the Port Hedland Dust Task Management Taskforce, of which the Town of Port Hedland was invited to join as a member. The Taskforce focus from its inception was that of developing a comprehensive management plan and implementation strategy for on-going dust and noise reduction and management in Port Hedland. These factors were recognised as having co-existed since the town's establishment, and that growth of both industry and community over the years had increased exposure to noise and dust.

### **2010**

The Air Quality and Noise Management Plan for Port Hedland released by Government in March 2010 discussed the potential health risks from exposure to Port Hedland dust, and the significantly high concentrations of dust in the far West End area. This plan included recommendations for further work on identifying dust levels and sources across Port Hedland and on the health effects of the types of dust found in Port Hedland. As required by the plan, the Western Australian Department of Health was tasked with undertaking a Health Risk Assessment (HRA) on air quality in Port Hedland.

### **2011**

Subsequent modelling of future projects indicated that dust concentrations in the area west of Taplin Street were never likely to meet the National Environmental Protection Measure as a consequence of expanding mining and port activities. An interim guideline was therefore set for this area, and the Town initiated Scheme Amendment 22 to its Town Planning Scheme No.5 in June 2011, to minimise public exposure to dust in the residential zone west of Taplin Street.

## **2012**

The Town's precautionary approach to dust impacts was implemented in 2012, with the introduction of development controls for the West End as part of Scheme Amendment 22. During 2012 the Town also implemented a number of strategic documents that addressed vision, aspirations, priorities and projections for growth in the future.

The Town's vision included in its Strategic Community Plan (SCP) was and still is that of *"Creating a national significant friendly city where people want to live and are proud to call home"*. The SCP is closely linked to the Town's Growth Plan which outlines the following vision in relation to the West End: *"it is the Port City's soul – perhaps like Fremantle to Perth, it and a unique and interesting place. It supports the growing port activity, yet remains people friendly and accessible. It is busy with day time workers, many of whom leave their offices to enjoy lunch in outdoor cafes and bars. As evening arrives, the West End transforms into a place popular with tourists observing Australia's largest tonnage port and the coastline, while travellers and the wider city population enjoy the many cultural, dining and entertainment activities."*

## **2013**

To achieve its strategic priorities the Town therefore commenced to work in earnest, and started with the review of the Town's Town Planning Scheme No. 5 in 2013. However, its progress was stalled, due to ongoing concerns of dust within the West End of town and the delays in the release of the HRA. This uncertainty and delays impacted on the Town's Council decision making in relation to proper and orderly planning, and for this reason it grew increasingly frustrated, and resolved to call for the disbandment of the taskforce in August 2013. Nevertheless the Taskforce continued to operate under promises that the HRA would be released soon.

## **2015**

From this time onwards limited progress was achieved by the Taskforce and its current status is unknown. This meant that as part of the consideration of the Spoilbank Waterfront Development Project in May 2015 Council endorsed the investigation of a suitable Town Planning instrument to be applied across the West End to restrict future densification of residential development. This however was not progressed in light of the HRA failing to be released within a reasonable timeframe.

## **RECENT DEVELOPMENTS**

### **2016**

The HRA was eventually released in early 2016 and found there was sufficient evidence of potential impacts on human health from dust to warrant dust management controls and land-use planning to reduce exposure; the HRA was presented to the Town's Council in May 2016. Town officers' review of the report indicated that, due to limitations in data surrounding the origins of Contaminants of Concern (COC's), further comprehensive air quality monitoring and assessment was required. This additional data would be crucial to allow for effective controls to be established and enforced. It was also recognised by the Town that pending the completion of further air quality monitoring, the Town could best demonstrate its commitment to improving air quality by undertaking initiatives to reduce dust generated from Town controlled sites, and coordinating with enforcement agencies to ensure that best practice dust management techniques were employed across both current activities and new developments. For this reason the Council (in part) resolved to (attachment 1):

- Encourage the Department of Health to undertake ongoing comprehensive air quality monitoring and assessment of the Port Hedland West End.
- Invite the Department of Health and key agencies to undertake community engagement forums in Port Hedland in respect to the Health Risk Assessment.
- Continue to apply comprehensive dust management conditions for all West End Residential zone developments as prescribed through LPS Amendment 22.
- *Request an increase in the frequency of Department of Environment and Regulation inspections on all activities within Port Hedland licensed under the Western Australian Environmental Protection Act 1986; and*
- *Request the Chief Executive Officer prepare a list of initiatives for Port Hedland that address the key concerns emanating from the Health Risk Assessment including, but not limited to:*
  - *Dust suppression opportunities for unsealed roads with a focus on the Spoilbank roads and the Port Hedland Yacht Club carpark,*
  - *Collaborating with the Pilbara Port Authority, Port users, industry and key stakeholders to investigate and implement green belts of vegetation to reduce dust."*

Following this the Town also decided to fund its own report to review the data relating to Air Quality in Australia (attachment 2). The report prepared by Professor Jack C. Ng, PhD, CChem, DABT, mACTRA, mISTEB, of Queensland Alliance for Environmental Health Science (QAES), Incorporating the former National Research Centre for Environmental Toxicology (Entox), at the Faculty of Health and Behavioural Sciences, the University of Queensland. The report agreed with conclusions and recommendations provided in the Port Hedland health risk assessment reports and states that it may be appropriate for the Town to implement a Town Planning Dust Minimisation Strategy that targets elderly, young children and individuals with predisposed health conditions, in addition to best practice in emission controls. Whether this is practical and desirable remains a subject of debate.

The Town was also very active between June and August 2016 and corresponded with the Minister for Planning, the Deputy Director General Strategic Policy, and the Assistant Director General at the Department of Health to put forward its concerns in relation to the HRA, how it was still unclear how the Town could move forward in relation to planning matters, as well as its views on the perceived lack of transparency and engagement surrounding the Taskforce meetings.

In August 2016, the Taskforce submitted a report to Government with further recommendations for managing dust in Port Hedland. The report was presented to the Town's Council in October 2016, where its decision (in part) was to (attachment 3):

- Reject all recommendations provided in the confidential Port Hedland Dust Management Taskforce Report to Government on the basis that there has been a lack of transparency shown by the state government and the Port Hedland dust management taskforce, and no engagement with Council or the community.
- Request the Acting Chief Executive Officer to engage the Minister for State Development, Minister for Planning, Minister for Health and Minister for Environment to meet with the Council of the Town of Port Hedland and to engage with the community as a whole to redevelop the recommendations in the Confidential Port Hedland Dust Management Taskforce Report to Government.

## **2017**

In February 2017 the Department of Environment Regulation, through consultants Ecotech, commenced a 3 month dust monitoring program using LiDAR (Light Detection and Ranging) technology in the Port Hedland West End. This was completed to assess regulatory compliance of dust producing activities in the port and in response to numerous concerns from the public regarding air quality. The findings of this trial have as yet not been released.

The Town has since welcomed the August 2017 announcement from the current State Government to release the 2016 Port Hedland Dust Management Taskforce Report for public comment and community consultation, and has supported the community open day on 1 September 2017.

## **CONCLUSION AND RECOMMENDATIONS**

From the background information presented to you, it is clear that nearly a decade has gone past since the Taskforce first came together, and today, despite having actively participated in numerous state government initiatives on the subject, having communicated repeatedly its views on the matter, and been very proactive in attempting to find solutions for its community, the Town still finds itself unclear in relation to the strategic development direction of the Town, in particular the West End and the Port.

As you would be aware, since 2009 the Town has been working closely with industry and key government agencies to progress this matter further, but for reasons outside of its immediate control, has not been able to make any significant progress in achieving a permanent solution to the current and future use and development of the West End.

The Town's vision is that of "Creating a national significant friendly city where people want to live and are proud to call home". This vision is included in the Town's Growth Plan which aims to support the Town's growth through:


1. Sustained and Diversified Economic Growth
2. Strengthening Local Communities & Culture
3. Housing Diversity & Land Supply Capacity
4. Environmental Protection and Change Adaptation
5. Building & Maintaining Infrastructure Capacity

The Town's focus today remains that of achieving a balance of economic diversification and job creation through the growth of the Port, the appropriate use and development of the West End and the environmental and social prosperity of the Town. Resulting ultimately in jobs for the local community, and the population growth across the Town that benefit local commerce and spin-off across the community. However this cannot be achieved without a clear direction and a permanent solution from the State Government on the model and methods to be utilised.

The Town believes that up to today's date it has done everything in its powers as a Local Government to seek a final, permanent, practical, resolution on a matter which falls outside of its immediate jurisdiction. The Town acknowledges that this is a multifaceted issue that involves Port, State and Federal Governments, industry and residents.

For this reason the Town of Port Hedland request the current State Government of Western Australia to urgently work towards achieving a permanent solution to address the dust issue of Port Hedland and the strategic growth and development of the Town, in particular that of the Port as a nationally significant asset and the historic West End and its associated residential community, coastal access and potential high amenity.

Yours sincerely,



David Pentz.

Disclaimer: This submission has not been resolved by the Council of the Town of Port Hedland.

