

ROBIN CHAPPLE MLC

Member for the
Mining and Pastoral Region



Committee Secretary
Senate Standing Committees on Environment and Communications
Department of the Senate
PO Box 6100
Parliament House
CANBERRA ACT 2600
AUSTRALIA

Dear Committee

In reference to the Senate Standing Committees on Environment and Communications enquiry into “the Commonwealth's responsibility under the Environment Protection and Biodiversity Conservation Act 1999 to protect the globally significant and National Heritage listed Aboriginal rock art of the Burrup Peninsula including the impact of industrial pollution and matters related to the Commonwealth and Western Australian Governments’ conditions regulating and overseeing industries on the Burrup Peninsula”, I respond to the terms of reference as outlined below.

Please note that I am attaching the submission I originally made on the project which deals with all the terms of reference. I also attach additional documents, including:

- A recent letter from the Premier of WA to myself indicating that the risks are too great from this plant to have an interpretative centre within the distance of the plant.
- Two documents with the original EPA conditions for the plant and then the variations.
- Several documents demonstrating breaches of the conditions as per the original EPA conditions, which shows the plant cannot be managed.

Terms of Reference

The Commonwealth’s responsibility under the *Environment Protection and Biodiversity Conservation Act 1999* to protect the globally significant and National Heritage listed Aboriginal rock art of the Burrup Peninsula in Western Australia, with particular reference to:

- a. the total industrial pollution load from existing industrial activities and port zone on the Burrup Peninsula in Western Australia, and its existing impacts on Aboriginal rock art;
- b. the projected additional pollution load from the Yara Pilbara Fertilisers Pty Ltd ammonium nitrate plant, including the likely impacts on the Aboriginal rock art, human health and the environment;
- c. the accuracy and adequacy of reports used by the Western Australian and Commonwealth governments when setting the relevant technical, environmental and cultural conditions regulating the construction and operation of the Yara Pilbara Fertilisers Pty Ltd ammonium nitrate plant in an area of highly significant Aboriginal rock art;
- d. the rigour and adequacy of the monitoring, analysis, compliance and enforcement performed by the Western Australian and Commonwealth government agencies in carrying out their legislated responsibilities in overseeing industries on the Burrup Peninsula;

PORTFOLIO AREAS:

ENERGY & CLIMATE CHANGE; MINES AND PETROLEUM; STATE DEVELOPMENT & INDUSTRY; NUCLEAR ENERGY; LOCAL GOVERNMENT; WASTE MANAGEMENT; PORTS; PASTORAL ISSUES; ABORIGINAL ISSUES; RACING AND GAMING; AND REGIONAL SUSTAINABILITY.

- e. the projected level of fugitive gas and nitric acid leaks from the Yara Pilbara fertiliser and ammonium nitrate plants, their effects on human health, likely effects on rock art and the general environment, and the adequacy of the company responses;
- f. the failure by Yara Pilbara Fertilisers Pty Ltd, the Western Australian Government or the Federal Government to include risk analysis of establishing an ammonium nitrate plant in close proximity to the rock art, a gas hub and major port and in a cyclone surge zone;
- g. the adequacy of the Yara Pilbara plans to protect the communities of Dampier and Karratha and the rock art sites from the consequences of any explosion caused by 'sympathetic detonation' or other factors, including the ability to douse the nitrate stores with sufficient water to prevent a spontaneous explosion; and
- h. any related matters.

I support the enquiry on the grounds listed below:

1. The World Heritage values attributed to the area.
2. The National Heritage listed values of the area surrounding the Yara site.
3. The Aboriginal Heritage values of the area, including adjacent location.
4. Potential for elevated and cumulative airborne emission impacts on petroglyphs.
5. Risks to tourist, residential and recreation areas by adverse health impacts.
6. The land zoning of the area is no longer applicable being in conflict with current and future heritage values.
7. No site assessment as to the heritage values involving a determination by the Minister of Indigenous Affairs or the Aboriginal Cultural Materials Committee have been referred or concluded in respect of the Yara Technical Ammonia plant.
8. The Yara land in question is unsuitable for industrial development due to flood impact associated with cyclonic tidal surge and climate change sea level impacts.

That the elements and both Yara projects should all have been addressed by testing all against the precautionary principle and the principle of intergenerational equity and identified future heritage values.

Yours Sincerely

Hon Robin Chapple MLC
Member for Mining and Pastoral Region
20 January 2017

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