[redacted]

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Document Reference: EP18-117(15)—037A SCM

[redacted]

2 March 2021

Attention: Native Vegetation Regulation
Department of Water and Environmental Regulation
Locked Bag 10
JOONDALUP WA 6919

Delivered by email to: info@dwer.wa.gov.au

Dear Sir/Madam

CLEARING PERMIT (AREA PERMIT) APPLICATION TO DEVELOP AN ASBESTOS CONTAINMENT CELL WITHIN PART LOT 9008 ON DEPOSITED PLAN 404824, PORT HEDLAND

Overview

Emerge Associates (Emerge) has been engaged by the Port Hedland International Airport (PHIA) Asset Trust ('the applicant') to provide environmental consultancy services to support the proposed development of the Port Hedland International Airport, within Lot 9008 on Deposited Plan 404824, Port Hedland.

As part of the works undertaken to support development, it has been identified that a substantial amount of asbestos is present within parts of Lot 9008. It is proposed that the areas containing asbestos are remediated by moving any asbestos containing material to an on-site containment cell. An area in the southern portion of Lot 9008 has been identified as a suitable location for the containment cell. This area contains native vegetation that will need to be cleared to facilitate the containment cell's construction.

The area proposed for construction of the containment cell is herein referred to as 'the application area' and is shown in **Figure 1**. Lot 9008 is owned by the Town of Port Hedland, with the applicant leasing the land for the purposes of operating the Port Hedland International Airport.

The application area is 6.95 ha in size, and contains a total of 6.56 ha of native vegetation.

The following letter is provided in support of a clearing permit application (area permit) pursuant to Part V of the *Environmental Protection Act 1986* (EP Act) and includes the following attachments required by the Department of Water and Environmental Regulation (DWER):

- **Attachment 1** – Signed clearing permit application form (Form C2).
- **Attachment 2** – Certificate of Title for Lot 9008 on Deposited Plan 408424.
- **Attachment 3** – Extract of the lease between the applicant and Town of Port Hedland.
- **Email attachments** – a .shp file of the application area has been submitted to DWER as part of the application.

1 INTRODUCTION AND BACKGROUND

The applicant is intending to construct an asbestos containment cell within the application area, in order to safely dispose of asbestos that has been identified within the broader Port Hedland International Airport landholding. The applicant is currently progressing the development of the Port Hedland International Airport, including the development of industrial lots adjacent to Great Northern Highway. As part of this development, a significant amount of asbestos has been identified within the future development area. In order to appropriately dispose of this waste, it has been proposed that a containment cell is constructed within the application area, which will involve the excavation of soil within the application area, the removal of the asbestos from the development area, and the containment of the asbestos in the application area underneath a sealed cap.

The application area is zoned 'Airport' under the Town of Port Hedland Town Planning Scheme (TPS) No. 5. It is approximately 6.95 ha in area, and is located within the broader Lot 9008, which covers a total of approximately 310 ha.

The land is owned by the Town of Port Hedland, who lease the land to the applicant. An extract from the lease demonstrating the applicant's authority to access and use the land.

The application area is bounded by undeveloped airport land to the west, the main runway area to the north-east and a freight railway line to the south. The application area is currently undeveloped, and supports native vegetation in varying condition.

A site-specific flora or fauna survey has not been undertaken within the application area. A flora and fauna survey undertaken in 2018 by Emerge to support a separate clearing permit within Lot 9008 (CPS 8325/1), approximately 850 m to the north-east of the application area, has been referred to support this application. In addition, photographs of the vegetation in the application area have been assessed by Emerge ecologists in order to determine plant communities and vegetation condition.

A summary of the environmental conditions identified through the flora and vegetation and fauna assessments are outlined below.

2 SUMMARY OF ENVIRONMENTAL CONDITIONS

The application area boundary reflects the extent of the development footprint required to facilitate the construction of the containment cell. The location of the application area was chosen as it is an area that has previously been disturbed, and there is existing asbestos contamination within the application area. This has allowed the applicant to minimise the impact to native vegetation within the application area, which is discussed below in response to the mitigation hierarchy.

Figure 1 illustrates the boundary of the application area and its location relative to the broader Port Hedland International Airport landholding. The application area is approximately 6.95 ha in size, and comprises 6.56 ha of native vegetation, of which a single plant community was identified. Plant community **TeTs/AsTeTs** was identified as ranging in condition from 'excellent' to 'good' using the methodology described in the *Measuring Vegetation Condition for the Eremaean and Northern Botanical Provinces* (Trudgen 1991). The remaining 0.39 ha of the application area is largely devoid of native vegetation, was identified to be in 'completely degraded' condition and does not comprise a native plant community.

2.1 Historical clearing

A review of publicly available historical aerial imagery indicates that the majority of the application area was cleared prior to 1964 (Landgate 2020). Between 1964 and 1995, the majority of the vegetation within the application area has regrown. Vegetation management occurred in the eastern portion of the application area between 2017 and 2018, with this vegetation since regrowing. The vegetation in the western portion of the application area that has not previously been disturbed is contiguous with remnant vegetation that extends further to the west, and is in better condition due to a lack of disturbances.

2.2 Flora and vegetation values

The vegetation within the application area ranges is in varying condition, with remnant vegetation located in the south-western portion of the application area. One native plant community was identified within the application area, **TeTs/AsTeTs**. This plant community is described below and the extent is shown in **Figure 2**:

- **TeTs/AsTeTs** – *Triodia epactia, T. secunda* hummock grassland/very open *Acacia colei* or low *Acacia stellaticeps* shrubland over *T. epactia* and *T. secunda* hummock grassland (**Plate 1**).
- **Cleared** – areas devoid of native vegetation and does not comprise a plant community (**Plate 2**).

*Plate 1: Plant community **TeTs/AsTeTs** in 'very good' condition*

*Plate 2: Plant community **TeTs/AsTeTs** in 'good' condition*

The vegetation identified within the application area is not representative of any Commonwealth or Western Australian listed threatened ecological communities (TECs).

Vegetation condition within the application area was assessed as ranging from 'excellent' to 'completely degraded' using methods from Trudgen (1991). Vegetation condition within the application area is shown in **Figure 3**.

The most intact native vegetation was identified within the western portion of the application area, adjacent to the broader areas of remnant vegetation within Lot 9008 which extends to the west and north-west. The vegetation in the central portion of the application area was assessed as being in 'good' condition, due to historical disturbances, whilst the vegetation within the eastern portion was assessed as being in 'very good' condition due to the recent vegetation management that has occurred within this portion of the application area.

2.3 Fauna values

The fauna likely to occur within the application area are likely to be similar to those recorded in the previous fauna survey undertaken to support CPS 8325/1 due to the similarity in the vegetation. The 2018 fauna survey (Emerge Associates 2018) identified habitat, mixed tussock and hummock grasslands with low shrubland), that would potentially represent habitat for several conservation significant species, notably the night parrot, crest-tailed mulgara and bilby.

Due to the historical disturbance, the small size of the application area, and the location of the application area adjacent to major infrastructure, notably the main runway and the freight railway, the application area is unlikely to represent significant fauna habitat. In addition, larger contiguous patches of vegetation are located to the immediate west, and further south of the application area that represent better quality fauna habitat.

In addition, a review of the DBCA threatened fauna database indicates that there have not been any historical recordings of threatened or priority fauna species (as listed under the *Biodiversity Conservation Act 2016*) within the application area.

3 APPLICATION OF MITIGATION HIERARCHY

In accordance with *A guide to the assessment of applications to clear native vegetation* (DER 2014), the impact mitigation sequence has been considered as part of the proposed clearing, in order to ensure the environmental impact was kept to a minimum as part of the project.

3.1 Avoidance

Significant quantities of asbestos have been identified within the footprint of development within the broader Port Hedland International Airport. In order to facilitate future development, this asbestos needs to be appropriately disposed of, in accordance with best practice management of contaminated sites.

Due to the significant financial cost of disposing asbestos at the public waste facility, disposing of the contaminated material on-site is a viable alternative. Therefore, the opportunities to avoid the clearing of the vegetation are limited.

Due to the need for clearing to occur, a location was chosen that demonstrated historical disturbance, in order to minimise the impact to native vegetation. The application area was chosen due to the historical clearing and degraded condition of vegetation (relative to the remainder to the airport site), in addition to the area already being impacted by asbestos contamination. Where possible, the vegetation in better quality condition will not be cleared, limiting clearing to the areas of degraded quality vegetation.

3.2 Mitigation

Clearing for the construction of the containment cell will occur in a staged process, as development occurs within the broader Lot 9008 and space is required for the disposal of the asbestos. This will ensure vegetation will only be cleared when needed. Post-disposal of the asbestos, the containment cell will be capped, and soil placed over the top. This will allow for the natural regeneration of vegetation.

3.3 Offset

Whilst avoidance and mitigation measures have been explored and implemented as part of the proposed clearing, if significant residual impact(s) remain, an offset may be required to counterbalance the significant residual impact(s) of a project.

Due to the degraded quality of the vegetation within the application area, the absence of significant environmental features and the avoidance and mitigation measures that have been considered in the design of the containment cell, it is not considered that an offset will be required.

4 PLANNING INSTRUMENTS AND OTHER ENVIRONMENTAL APPROVALS

No other approvals are required to support the construction of the containment cell, excluding this clearing permit application.

5 PROPOSED CLEARING OF NATIVE VEGETATION

As outlined above, the proposed clearing is sought to facilitate the development of the site for an asbestos containment cell. A breakdown of the vegetation contained within the application area, grouped by plant community and vegetation condition, is shown in **Table 1**.

Table 1: Vegetation proposed to be cleared within the application area

Plant community	Vegetation condition	Area (ha)
TeTs/AsTeTs	'Excellent'	2.19
	'Very good	0.68
	'Very good – good'	3.33
	'Good'	0.36
Cleared	'Completely degraded'	0.39
	Total	**6.95**

6 RESPONSE TO EP ACT CLEARING PRINCIPLES

Under Section 51C of the EP Act, clearing of native vegetation is an offence unless a clearing permit has been obtained or an exemption applies. When assessing clearing permit applications, DWER has regard to the ten clearing principles contained in Schedule 5 of the EP Act so far as they are relevant to the matter under consideration.

In support of this area permit clearing application, we have considered and responded to the ten clearing principles in **Table 2**. Based on a desktop review of all available information, the clearing is not considered to be at variance to any of the clearing permit principles.

Table 2: Summary of response to each clearing principle

Clearing principle	Response to clearing permit principle
Principle (a)	Due to the degraded nature of vegetation, the small size of the clearing, the impact of weeds and that no threatened flora are likely to occur within the application area, the application area is not considered to represent a high level of flora diversity. In addition, due to the degraded nature of vegetation and small size of the application area, the vegetation provides only limited fauna habitat. Therefore, this vegetation does not represent a high level of biological diversity.
Principle (b)	A review of the DBCA threatened fauna database indicates that no threatened species have previously been recorded within the application area, or within the area immediately adjacent to the application area. Whilst there was no fauna assessment undertaken for the application area, the fauna assessment undertaken by Emerge (Emerge Associates 2018), which recorded vegetation similar to that within the application area, did not record any conservation significant fauna within the CPS 8325/1 clearing area. In addition, the vegetation within the fauna survey was not considered significant habitat for fauna species. Given that the application area is located within a large and relatively consistent landscape that is not known to specifically provide habitat for any threatened fauna, it is considered unlikely that any such fauna occur within the application area. In addition to the above, there are also large contiguous areas of better-quality vegetation surrounding the application area that would provide better-quality habitat than the vegetation within the site.
Principle (c)	Based on a review of DBCA's threatened flora database, there are no historical records of threatened flora species that have been identified within the application area. Given that the application area is located within a large and relatively consistent landscape that is not known to specifically provide habitat for any threatened flora, it is considered unlikely that any such flora occur within the application area. In addition, it is noted that as the application area is a small size and there is existing degradation of vegetation within the application area, the application area is unlikely to support any threatened flora specimens.
Principle (d)	A review of the DBCA threatened ecological community (TEC) database indicates that there are no mapped TECs within the application area or within the immediate proximity of the application area. In addition, the vegetation present within the application area is not considered representative of any TECs.

Table 2: Summary of response to each clearing principle (continued)

Clearing principle	Response to clearing permit principle
Principle (e)	The application area is located within vegetation association 647 'hummock grasslands, dwarf-shrub steppe; *Acacia translucens* over soft spinifex' (Beard 1975). Based on the *Statewide Vegetation Statistics 2018*, vegetation association 647 has 97.81% of its pre-European extent remaining (Government of Western Australia 2018). Therefore, the vegetation within the application is not representative of a remnant of native vegetation in an area that has been extensively cleared. In addition, given that no threatened flora, fauna or threatened ecological communities are identified within the application area, combined with the significant amount of the vegetation association remaining, the vegetation to be cleared is not representative of a significant remnant located within an extensively cleared area.
Principle (f)	A review of the Australian Wetlands Database (DAWE 2020) indicates that there are no significant wetlands mapped within the application area. In addition, a review of the publicly available Hydrography Linear dataset (DWER 2020b) indicates that there are no water features mapped within the application area.
Principle (g)	The proposed clearing will not cause appreciable land degradation. Wind erosion is the main risk for the application area, and due to the small amount of vegetation within the application area, and the staged manner in which clearing will occur, this will reduce the potential for this to occur.
Principle (h)	No conservation areas are mapped as occurring within or in close proximity to the site.
Principle (i)	As there are no waterways or wetlands within the application area, the proposed clearing is not considered to pose a risk in terms of the deterioration of surface water. In addition, due to the small amount of vegetation within the application area, and the staged manner in which clearing will occur, it is unlikely that the clearing will impact groundwater quality.
Principle (j)	As there are no wetlands or waterways mapped within the application area, and the application area is not identified as being within an floodplain area (DWER 2020a), the proposed clearing is not likely to cause or exacerbate the risk of flooding.

7 SUMMARY AND CLOSING

The application area is 6.95 ha in size, and contains a total of 6.56 ha of native vegetation. No environmentally significant values have been identified within the application area, as outlined above.

Emerge believe that the proposed clearing is consistent with the EP Act Clearing Principles, based on a review of all available information.

Should you have any questions regarding the content of this letter, please do not hesitate to contact the undersigned.

Yours sincerely
Emerge Associates

cc: [redacted]

Encl: Figure 1: Application Area Location
Figure 2: Plant Communities
Figure 3: Vegetation Condition
Attachment 1: Clearing Permit Application C1 Form
Attachment 2: Certificate of Title
Attachment 3: Extract of Lease

General References

Beard, J. S. 1975, *Vegetation survey of Western Australia, 1:1,000,000 Vegetation series, Map sheet 5 - Pilbara*, University of Western Australia Press, Perth.

Department of Environment Regulation (DER) 2014, *A guide to the assessment of applications to clear native vegetation under Part V Division 2 of the Environmental Protection Act 1986*, Perth.

Department of Water and Environmental Regulation (DWER) 2020a, *FPM Floodplain Area (DWER-020)*.

Department of Water and Environmental Regulation (DWER) 2020b, *Hydrography Linear (Heirarchy) (DWER-031)*.

Emerge Associates 2018, *Technical Memorandum - Flora and Fauna Survey Port Hedland International Airport - Highway Precinct 2*, EP18-117 (05)—010, Version A.

Government of Western Australia 2018, *Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). Current as of December 2017*, WA Department of Biodiversity, Conservation and Attractions, Perth.

Trudgen, M. E. 1991, *'Vegetation condition scale' in National Trust (WA) 1993 Urban Bushland Policy*, National Trust of Australia (WA), Wildflower Society of WA (Inc.), and the Tree Society (Inc.), Perth.

Online References

Department of Agriculture, Water and the Environment (DAWE) 2020, *Australian Wetlands Database,* viewed August 2020, http://www.environment.gov.au/water/wetlands/australian-wetlands-database

Landgate 2020, *Map Viewer*, viewed August 2020, https://maps.landgate.wa.gov.au/maps-landgate/registered/.

Part Lot 9008 on Deposited Plan 404824 Native Vegetation Clearing Permit Application – Supporting Information

Figures

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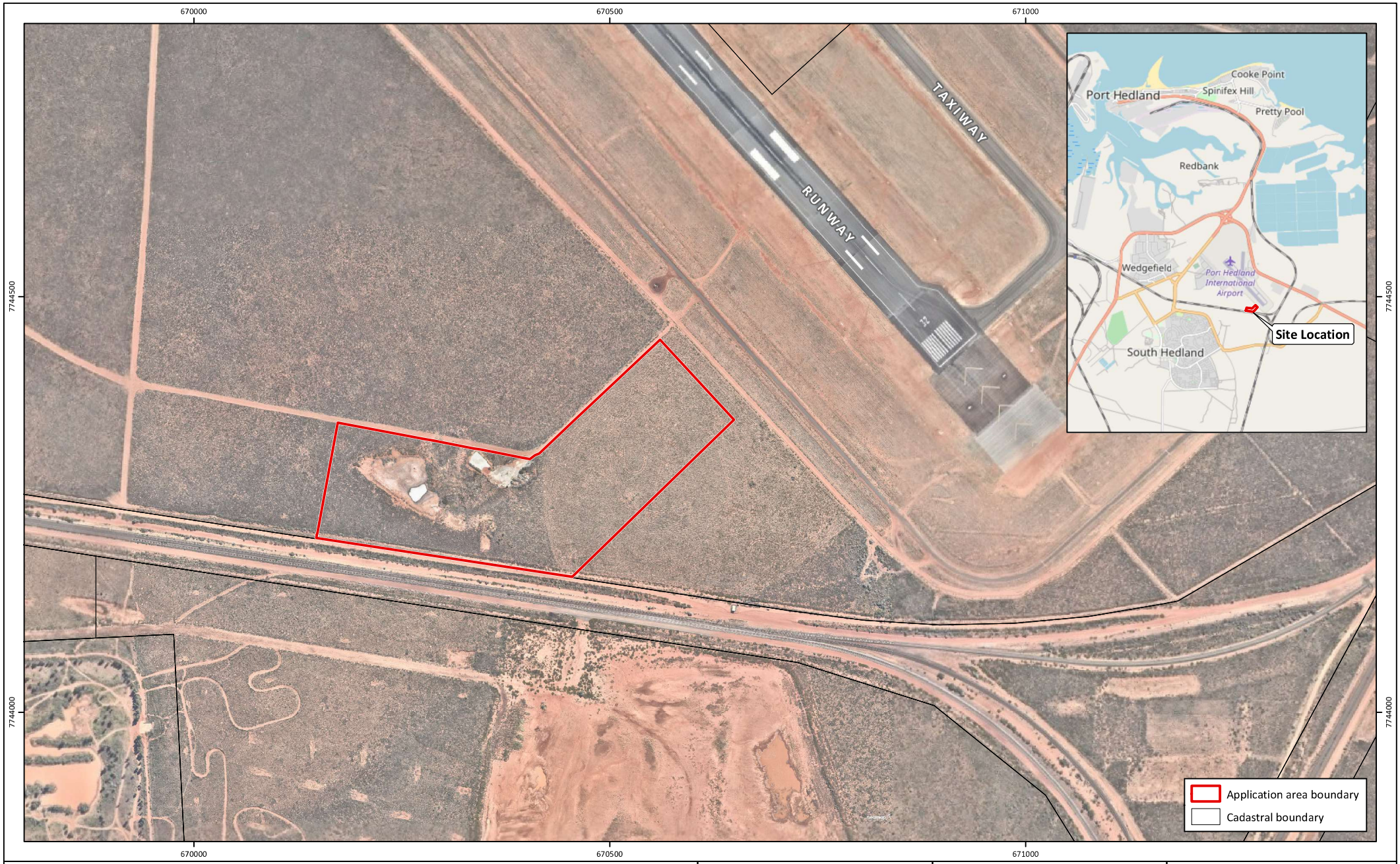

Figure 1: Application Area Location

Project:	Clearing Permit Application Asbestos Containment Cell, Port Hedland International Airport
Client:	Port Hedland International Airport Asset Trust

Plan Number:
EP18-117(15)--F73

Drawn:	GAR
Date:	04/09/2020
Checked:	SCM
Approved:	TAA
Date:	11/09/2020

N

0 100 200
Metres

Scale: 1:6,000@A4

GDA 1994 MGA Zone 50

emerge ASSOCIATES

Figure 2: Plant Communities

Project: Clearing Permit Application
Asbestos Containment Cell, Port Hedland International Airport

Client: Port Hedland International Airport Asset Trust

Plan Number:
EP18-117(15)--F74

Drawn:	GAR
Date:	04/09/2020
Checked:	SCM
Approved:	TAA
Date:	11/09/2020

N

0 50 100
Metres

Scale: 1:2,500@A4

GDA 1994 MGA Zone 50

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Figure 3: Vegetation Condition

Project: Clearing Permit Application
Asbestos Containment Cell, Port Hedland International Airport

Client: Port Hedland International Airport Asset Trust

Plan Number:
EP18-117(15)--F75

Drawn:	GAR
Date:	04/09/2020
Checked:	SCM
Approved:	TAA
Date:	11/09/2020

N

0 50 100
Metres

Scale: 1:2,500@A4

GDA 1994 MGA Zone 50

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