



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

PERMIT DETAILS

Area Permit Number: CPS 10027/1
 File Number: DWERVT11700
 Duration of Permit: From 16 June 2026 to 16 June 2037

ADVICE NOTE

Revegetation and rehabilitation referred to in condition 8 of this permit is intended to facilitate the *revegetation and rehabilitation* of 0.78 hectares with peppermint (*Agonis flexuosa*) trees within Lot 43 on Deposited Plan 69043, Capel, to provide suitable habitat for western ringtail possum (*Pseudocheirus occidentalis*).

Revegetation and rehabilitation referred to in condition 9 of this permit is intended to facilitate the *revegetation and rehabilitation* of 2.18 hectares of *native vegetation* within Lot 43 on Deposited Plan 69043, Capel which is representative of the *D2 vegetation unit* type in a good (Keighery, 1994) condition.

PERMIT HOLDER

Ludlow Holding Pty Ltd

LAND ON WHICH CLEARING IS TO BE DONE

Lot 43 on Deposited Plan 69043, Capel

AUTHORISED ACTIVITY

The permit holder must not clear more than 0.55 hectares of *native vegetation* within the area cross-hatched yellow in Figure 1 of Schedule 1.

CONDITIONS

1. Period during which clearing is authorised

The permit holder must not clear any *native vegetation* after 16 June 2031

2. Clearing not authorised

The permit holder must not undertake any clearing activities within the area cross-hatched red in Figure 1 of Schedule 2.

3. Avoid, minimise, and reduce impacts and extent of clearing

In determining the *native vegetation* authorised to be cleared under this permit, the permit holder must apply the following principles, set out in descending order of preference:

- (a) avoid the clearing of *native vegetation*;
- (b) minimise the amount of *native vegetation* to be cleared; and

- (c) reduce the impact of clearing on any environmental value.

4. **Weed and dieback management**

When undertaking any clearing authorised under this permit, the permit holder must take the following measures to minimise the risk of introduction and spread of *weeds* and *dieback*:

- (a) clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;
- (b) ensure that no known *dieback* or *weed*-affected soil, *mulch*, *fill*, or other material is brought into the area to be cleared; and
- (c) restrict the movement of machines and other vehicles to the limits of the areas to be cleared.

5. **Directional clearing**

The permit holder must:

- (a) conduct clearing authorised under this permit from one direction to the other towards adjacent *native vegetation*; and
- (b) allow a reasonable time for fauna present within the areas being cleared to move into adjacent *native vegetation* ahead of the clearing activity.

6. **Staged clearing – soil erosion management**

The permit holder shall not clear *native vegetation* unless extractive industry begins within three months of the clearing being undertaken.

7. **Fauna management – western ringtail possums**

- (a) In relation to the area cross-hatched yellow in Figure 1 of Schedule 1, the permit holder must engage a *fauna specialist* to inspect that area immediately prior to, and for the duration of clearing activities, for the presence of western ringtail possum(s) (*Pseudocheirus occidentalis*).
- (b) Clearing activities must cease in any area where fauna referred to in condition 7(a) are identified until either:
 - (i) the western ringtail possum(s) individual has moved on from that area to adjoining *suitable habitat*; or
 - (ii) the western ringtail possum(s) individual has been removed by a *western ringtail possum specialist*.
- (c) Any western ringtail possum(s) individual removed in accordance with condition 7(b)(ii) must be relocated by a *western ringtail possum specialist* to a *suitable habitat* or as otherwise approved by the *CEO*.
- (d) Where fauna is identified under condition 7(a), the permit holder must within 14 calendar days provide the following records to the *CEO*:
 - (i) the number of individuals identified;
 - (ii) the date each individual was identified;
 - (iii) the location where each individual was identified recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 2020 (GDA2020), expressing the geographical coordinates in Eastings and Northings or decimal degrees;
 - (iv) the number of individuals removed and relocated;

- (v) the relevant qualifications of the *western ringtail possum specialist* undertaking removal and relocation;
- (vi) the date each individual was removed;
- (vii) the method of removal;
- (viii) the date each individual was relocated;
- (ix) the location where each individual was relocated to, recorded using a GPS unit set to GDA2020, expressing the geographical coordinates in Eastings and Northings or decimal degrees; and
- (x) details pertaining to the circumstances of any death of, or injury sustained by, an individual.

8. **Revegetation and rehabilitation – Western ringtail possum habitat**

- (a) Within 12 months of commencing clearing authorised under this permit and no later than 16 June 2027, the permit holder must undertake the deliberate *planting* of at least 78 peppermint (*Agonis flexuosa*) trees that provides habitat for western ringtail possum, within the area cross hatched red in Figure 2 of Schedule 2 by:
 - (i) ensuring only *local provenance* species are used;
 - (ii) ensuring *planting* is undertaken at the *optimal time*; and
 - (iii) undertaking *weed* control and watering of *plantings* for at least two years post *planting*.
- (b) Within 24 months of *planting*, in accordance with condition 8(a) of this permit, the permit holder must:
 - (i) Engage an *environmental specialist* to make a determination on whether at least 78 peppermint (*Agonis flexuosa*) trees will persist and survive; and
 - (ii) if the determination made under condition 8(b)(i) is that at least 78 peppermint (*Agonis flexuosa*) trees will not survive, undertake additional *planting* that will result in at least 78 peppermint (*Agonis flexuosa*) trees persisting within the area cross hatched red in Figure 2 of Schedule 2.
- (c) Where additional *planting* of 78 peppermint (*Agonis flexuosa*) trees is undertaken in accordance with condition 8(b)(ii), the permit holder must repeat the activities required by conditions 8(a) and 8(b).

9. **Revegetation and rehabilitation- Post extraction**

- (a) The permit holder must retain the topsoil removed by clearing authorised under this permit and stockpile the topsoil in an area that has already been cleared.
- (b) Within three months following completion of extraction activities, and no later than 16 September 2031, the permit holder must *revegetate* and *rehabilitate* the area cross hatched red on Figure 3 of Schedule 2 by implementing and adhering to the “Revegetation and Monitoring Plan – Lot 43 Plantation Road, Ludlow, May 2026’ (MBS Environmental, 2026), including but not limited to the following actions:
 - (i) re-shaping the surface of the land so that it is consistent with the surrounding five (5) metres of uncleared land;
 - (ii) ripping the ground on the contour to remove soil compaction;
 - (iii) laying the topsoil retained under condition 9(a) on the cleared area(s)
 - (iv) deliberately *direct seeding* and/or *planting* tube stock, at an *optimal time*, of which represents *D2 vegetation unit*, including but not limited to a mixture of native flora species listed in Schedule 3;

- (v) ensuring only *local provenance* seeds and propagating material are used to *revegetate* and *rehabilitate* the area.
 - (vi) water planted vegetation at the *optimal time* for the first three years post *planting*;
 - (vii) establish no less than two 10 x 10 metre quadrat monitoring sites per hectare within the *revegetated* area;
 - (viii) undertake annual *weed* control activities, as required;
 - (ix) achieve the completion criteria listed in Table 1 of Schedule 2, after a five-year monitoring period for areas *revegetated* and *rehabilitated*; and
 - (x) engage an *environmental specialist* to undertake annual monitoring of the areas *revegetated* and *rehabilitated*, until the completion criteria detailed in Table 1 of Schedule 2 are met.
- (c) The permit holder must undertake *remedial actions* for areas *revegetated* and *rehabilitated* where monitoring indicates that the *revegetation* has not met the completion criteria specified in Table 1 of Schedule 2, including;
- (i) *revegetate* the area by deliberately *planting* and/or *direct seeding native vegetation* seeds that will result in the minimum targets specified in the completion criteria in Table 1 of Schedule 2 ensuring only *local provenance* seeds and propagating material are used;
 - (ii) undertake further *weed* control activities; and
 - (iv) undertake annual monitoring of the *revegetated* and *rehabilitated* areas by an *environmental specialist* until the completion criteria specified in Table 1 of Schedule 2 are met.

10. Records that must be kept

The permit holder must maintain records relating to the listed relevant matters in accordance with the specifications detailed in Table 1.

Table 1: Records that must be kept

No.	Relevant matter	Specifications
1.	In relation to the authorised clearing activities generally	(a) the species composition, structure, and density of the cleared area; (b) the location where the clearing occurred, recorded using a Global Positioning System (GPS) unit set to GDA2020, expressing the geographical coordinates in Eastings and Northings; (c) the date that the area was cleared; (d) the direction of clearing; (e) the date the extraction activities commenced; (f) the size of the area cleared (in hectares); (g) actions taken to avoid, minimise, and reduce the impacts and extent of clearing in accordance with condition 3; and (h) actions taken to minimise the risk of the introduction and spread of <i>weeds</i> and <i>dieback</i> in accordance with condition 4; and (i) actions taken in accordance with conditions 5 and 6.
2.	In relation to the fauna	(a) the relevant qualifications of the <i>fauna</i>

No.	Relevant matter	Specifications
	management pursuant to condition 7 of this permit.	<i>specialist/ western ringtail possum specialist</i> ; (b) a description of the <i>western ringtail possum specialist</i> inspection methodology employed; and (c) a copy of the western ringtail possum specialist report that includes the information required in accordance with condition 7(d).
3.	In relation to the <i>revegetation</i> of areas pursuant to condition 8 permit	(a) the size of the <i>planted</i> peppermint trees; (b) the date(s) on which the <i>planting</i> was undertaken; (c) the boundaries of the <i>planted</i> area, recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 2020 (GDA2020), expressing the geographical coordinates in Eastings and Northings or decimal degrees; (d) a description of the <i>planting</i> activities undertaken pursuant to condition 8, including action taken to implement watering and weed control; (e) a copy of the <i>environmental specialist's</i> monitoring report and determination; and (f) a description of any action taken in accordance with condition 8(c).
4.	In relation to the <i>revegetation</i> of areas pursuant to condition 9 of the permit	(a) the location of any area <i>revegetated</i> and <i>rehabilitated</i> recorded as a shapefile; (b) a description of the <i>revegetation</i> and <i>rehabilitation</i> activities undertaken; (c) the size of the area <i>revegetated</i> and <i>rehabilitated</i> (in hectares); (d) the date that the area was <i>revegetated</i> and <i>rehabilitated</i> ; (e) a description of any remedial activities required; and (f) a copy of the <i>environmental specialist</i> monitoring reports; and (g) the date that completion criteria are considered to be met.

11. Reporting

- (a) The permit holder must provide to the *CEO* on or before 30 June of each year, a written report:
 - (i) of records required under condition 10 of this permit; and
 - (ii) concerning activities done by the permit holder under this permit between 1 January and 31 December of the preceding calendar year.
- (b) If no clearing authorised under this permit was undertaken between 1 January and 31 December of the preceding calendar year, a written report confirming that no

clearing under this permit has been carried out, must be provided to the *CEO* on or before 30 June of each year.

- (c) Prior to 16 March 2037, the permit holder must provide to the *CEO* a written report of records required under condition 10 of this Permit where these records have not already been provided under condition 11(a) of this Permit.

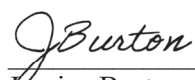
DEFINITIONS

In this permit, the terms in Table 2 have the meanings defined.

Table 2: Definitions

Term	Definition
CEO	Chief Executive Officer of the department responsible for the administration of the clearing provisions under the <i>Environmental Protection Act 1986</i> .
clearing	has the meaning given under section 3(1) of the EP Act.
condition	a condition to which this clearing permit is subject under section 51H of the EP Act.
fauna specialist	means a person who holds a tertiary qualification specialising in environmental science or equivalent, and has a minimum of 2 years work experience in fauna identification and surveys of fauna native to the region being inspected or surveyed, or who is approved by the <i>CEO</i> as a suitable fauna specialist for the bioregion, and who holds a valid fauna licence issued under the <i>Biodiversity Conservation Act 2016</i> .
fill	means material used to increase the ground level, or to fill a depression.
dieback	means the effect of <i>Phytophthora</i> species on native vegetation.
department	means the department established under section 35 of the <i>Public Sector Management Act 1994</i> (WA) and designated as responsible for the administration of the EP Act, which includes Part V Division 3.
direct seeding	means a method of re-establishing vegetation through the establishment of a seed bed and the introduction of seeds of the desired Plant species;
D2 vegetation unit	Medium very open woodland of <i>Agonis flexuosa</i> , <i>Banksia ilicifolia</i> or <i>Nuytsia floribunda</i> over tall shrubland of <i>Kunzea glabrescens</i> over low shrubland of <i>Acacia semitrullata</i> , <i>A. stenoptera</i> , <i>Adenanthos meisneri</i> , <i>Dasypogon bromeliifolius</i> , <i>Hypocalymma angustifolium</i> , <i>Melaleuca thymoides</i> and <i>Xanthorrhoea brunonis</i> over open forbland of <i>Patersonia occidentalis</i> , <i>Phlebocarya ciliata</i> on grey sand – as described in Revegetation and Monitoring Plan – Lot 43 Plantation Road, Ludlow, May 2026 (MBS Environmental, 2026)..
environmental specialist	means a person who holds a tertiary qualification in environmental science or equivalent, and has a minimum of 2 years work experience relevant to the type of environmental advice that an environmental specialist is required to provide under this permit, or who is approved by the <i>CEO</i> as a suitable environmental specialist.
EP Act	<i>Environmental Protection Act 1986</i> (WA)
local provenance	means native vegetation seeds and propagating material from natural sources within 50 kilometres and the same Interim Biogeographic Regionalisation for Australia (IBRA) subregion of the area cleared.
mulch	means the use of organic matter, wood chips or rocks to slow the movement of water across the soil surface and to reduce evaporation.
native vegetation	has the meaning given under section 3(1) and section 51A of the EP Act.
optimal time	means the period from May to July for undertaking planting.

Term	Definition
planting	means the re-establishment of vegetation by creating soil conditions and planting seedlings of the desired species.
remedial action/s	means for the purpose of this permit, any activity that is required to ensure successful re-establishment of understorey to its pre-clearing composition, structure and density, and may include a combination of soil treatments and revegetation.
rehabilitate / rehabilitated / rehabilitation	means actively managing an area containing native vegetation in order to improve the ecological function of that area.
revegetate / revegetated / revegetation	means the re-establishment of a cover of local provenance native vegetation in an area using methods such as natural regeneration, direct seeding and/or planting, so that the species composition, structure and density is similar to pre-clearing vegetation types in that area
suitable habitat (western ringtail possum)	means habitat known to support western ringtail possums (<i>Pseudocheirus occidentalis</i>) within the known current distribution of the species, typically characterised by abundant foliage, presence of suitable nesting structures such as tree hollows, as well as high canopy cover and continuity. Known habitat includes peppermint (<i>Agonis flexuosa</i>) dominated woodlands, jarrah (<i>Eucalyptus marginata</i>) and marri (<i>Corymbia calophylla</i>) forests, riparian vegetation with a canopy of Bullich (<i>Eucalyptus megacarpa</i>) or flooded gum (<i>Eucalyptus rudis</i>), karri (<i>Eucalyptus diversicolor</i>) forests, sheoak (<i>Allocasuarina fraseriana</i>) dominated woodlands, and other stands of myrtaceous trees growing near swamps, watercourses or floodplains.
weeds	means any plant – <ul style="list-style-type: none"> (a) that is a declared pest under section 22 of the <i>Biosecurity and Agriculture Management Act 2007</i>; or (b) published in a Department of Biodiversity, Conservation and Attractions species-led ecological impact and invasiveness ranking summary, regardless of ranking; or (c) not indigenous to the area concerned.
western ringtail possum specialist	means a <i>fauna specialist</i> who holds a tertiary qualification specialising in environmental science or equivalent, has a minimum of two years of work experience in western ringtail possum (<i>Pseudocheirus occidentalis</i>) identification, surveys of western ringtail possums and capture and handling of western ringtail possums, and holds a valid fauna licence issued under the <i>Biodiversity Conservation Act 2016</i> .

END OF CONDITIONS


 Jessica Burton

MANAGER

NATIVE VEGETATION REGULATION

*Officer delegated under Section 20
of the Environmental Protection Act 1986*

15 June 2026

SCHEDULE 1

The boundary of the area authorised to be cleared is shown in the map below (Figure 1).

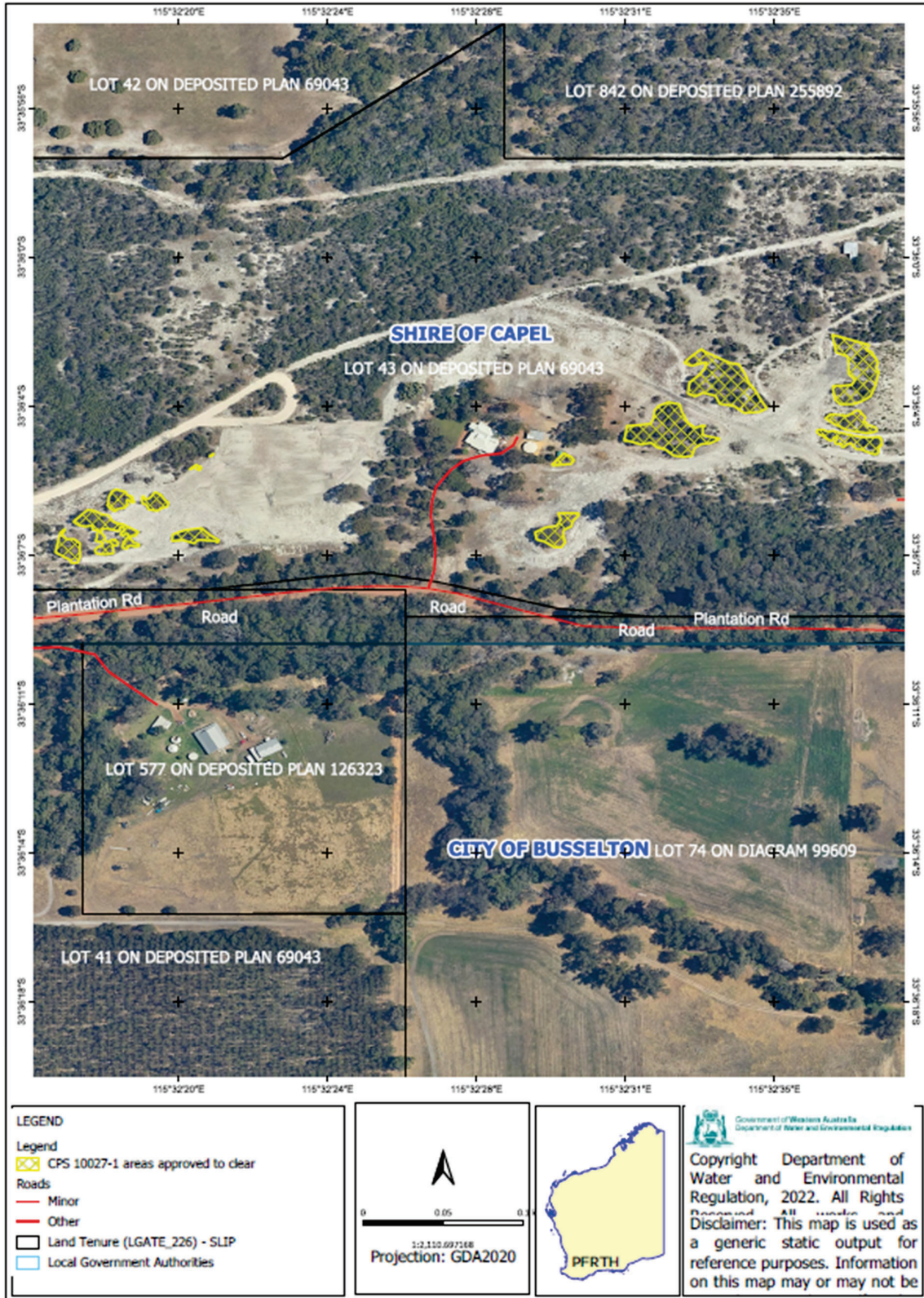


Figure 1: Map of the boundary of the area within which clearing may occur

SCHEDULE 2

The boundary of the areas subject to conditions is shown in the maps below (Figure 1, Figure 2 and Figure 3).

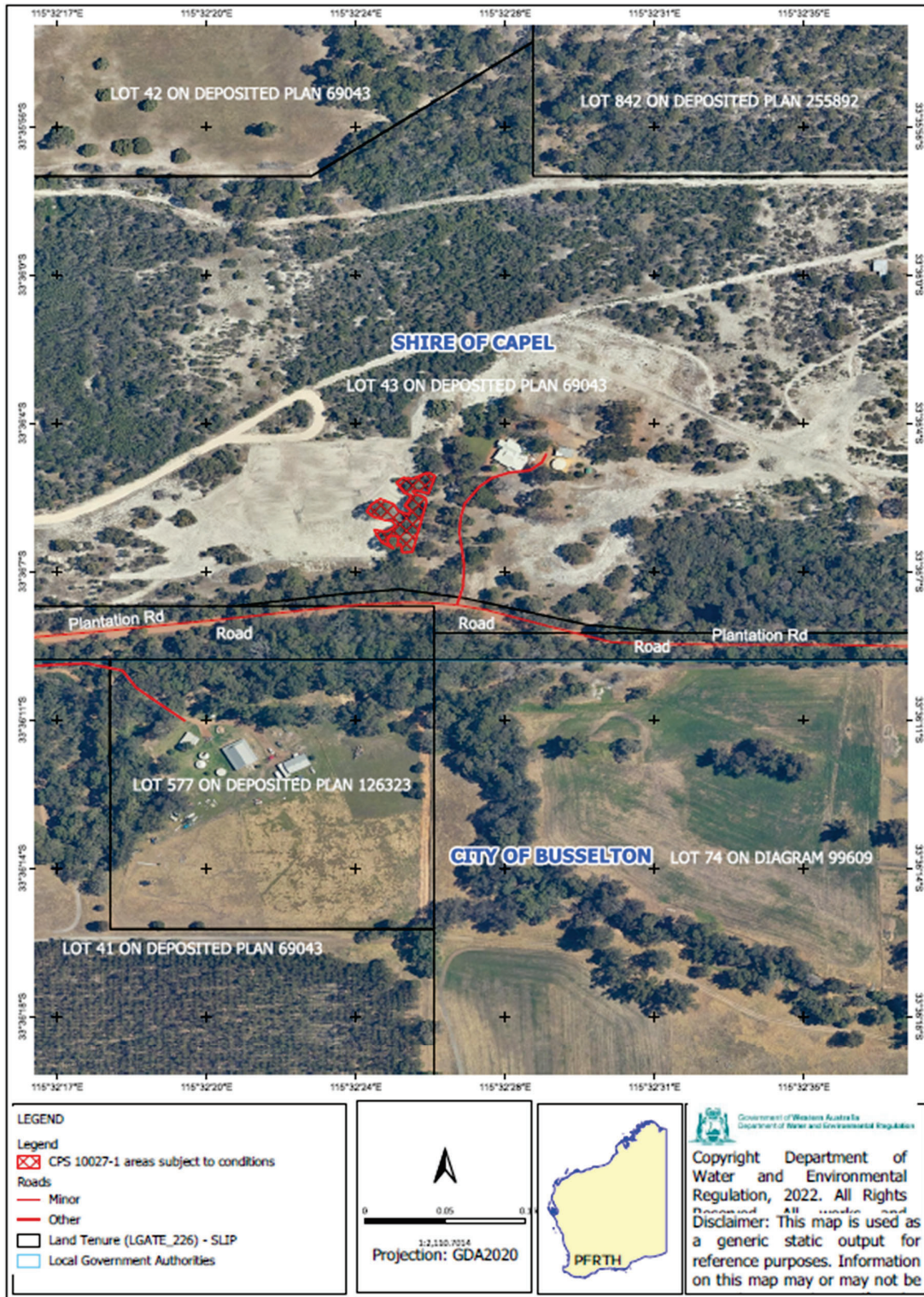


Figure 1: Map of the area where clearing is not authorised pursuant to condition 2 of this permit.

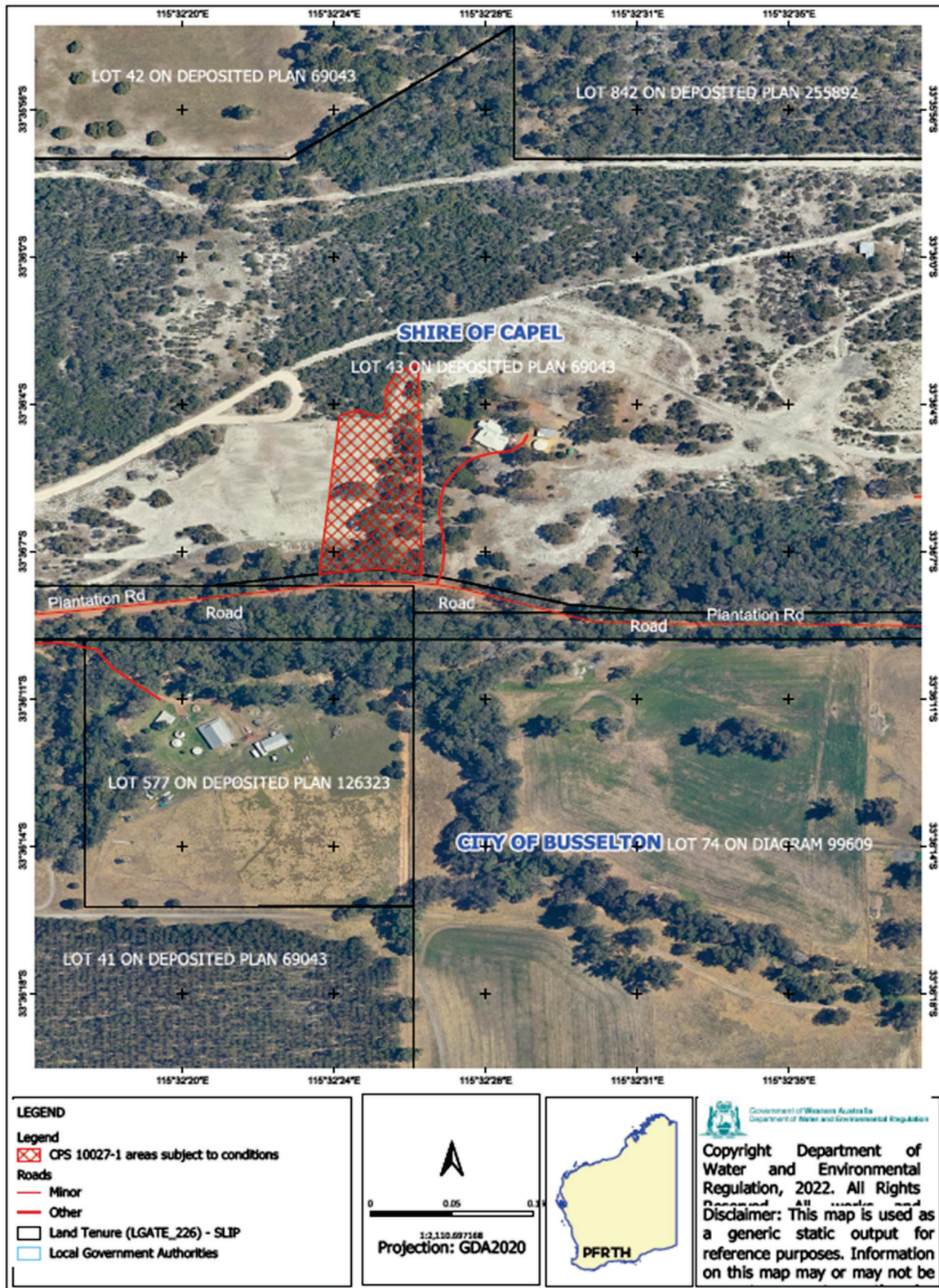


Figure 2: Map of the area subject to rehabilitation and revegetation in accordance with condition 8 of this permit

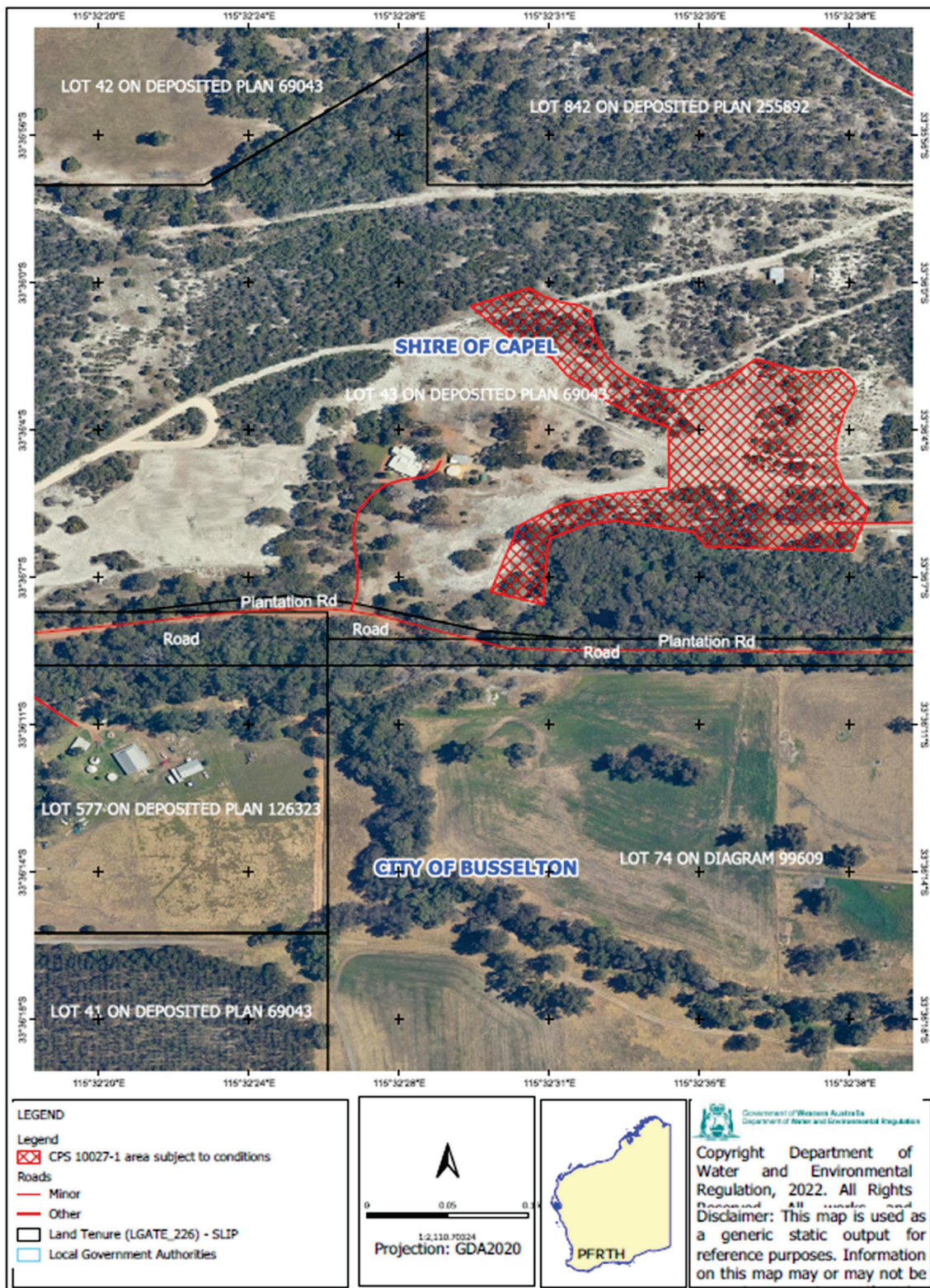


Figure 3: Map of the area subject to rehabilitation and revegetation in accordance with condition 9 of this permit.

Table 1: Completion criteria for the *revegetation* within the area cross-hatched red in Figure 3 of Schedule 2.

Aspect	Completion Criteria	Monitoring
Vegetation condition	Vegetation in the revegetation site to be representative of <i>D2 vegetation unit</i> type in good (Keighery, 1994) or better condition and be self-sustaining.	Annually in spring by an <i>environmental specialist</i> for a minimum of 5 years.
Vegetation composition	Vegetation in the <i>revegetation</i> site to be broadly representative of <i>D2 vegetation unit</i> type	Annually in spring for a minimum of 5 years.
Species diversity	Minimum of 20 native species occurring within the revegetation site.	Annually in spring by an <i>environmental specialist</i> for a minimum of 5 years.
Vegetation density	On average, across the revegetation site, the target stem densities of: <ul style="list-style-type: none"> • 600 native tree species per hectare • 400 native mid-storey species per hectare • 800 native herb/grasses/climbers (understorey) per hectare 	Annually in spring by an <i>environmental specialist</i> for a minimum of 5 years.
Percentage of weeds present	Weed coverage is no greater than the 20% across the revegetation site.	Monitor the <i>revegetation</i> site for <i>weeds</i> by quadrats annually in spring for a minimum of 5 years
Patch size of bare ground	The <i>revegetation</i> site has no more than 30 m ² of bare ground.	The patch size of bare ground is to be assessed annually by an <i>environmental specialist</i> in spring for a minimum of 5 years after the last year plants were established.
Declared weeds	No Declared Weeds under the <i>Biosecurity and Agricultural Management Act 2007</i> present	Monitor the <i>revegetation</i> site for Declared weeds by quadrats annually in spring for a minimum of 5 years after the last year plants were established.

SCHEDULE 3

Indicative species list for revegetation

Family	Species	Form	Dieback ¹			Rehab Selected	
			R	S	U	Flat	Slope
Dasygogonaceae	<i>Dasygogon bromeliifolius</i>	Herb		x		x	x
Dilleniaceae	<i>Hibbertia cunninghamii</i>	Shrub			x	x	x
Dilleniaceae	<i>Hibbertia ferruginea</i>	Shrub			x	x	x
Dilleniaceae	<i>Hibbertia hypericoides</i>	Shrub		x		x	x
Dilleniaceae	<i>Hibbertia racemosa</i>	Shrub	x	x		x	x
Dilleniaceae	<i>Hibbertia vaginata</i>	Shrub	x		x	x	x
Ericaceae	<i>Brachyloma preissii</i>	Shrub			x		x
Fabaceae	<i>Acacia extensa</i>	Shrub	x			x	x
Fabaceae	<i>Acacia huegelii</i>	Shrub	x			x	x
Fabaceae	<i>Acacia pulchella</i>	Shrub	x			x	x
Fabaceae	<i>Acacia stenoptera</i>	Shrub		x		x	x
Fabaceae	<i>Bossiaea eriocarpa</i>	Shrub		x		x	x
Fabaceae	<i>Daviesia divaricata</i> subsp. <i>divaricata</i>	Shrub			x	x	x
Fabaceae	<i>Euchilopsis linearis</i>	Shrub			x	x	x
Fabaceae	<i>Gompholobium tomentosum</i>	Shrub	x			x	x
Fabaceae	<i>Hardenbergia comptoniana</i>	Climber	x			x	x
Fabaceae	<i>Jacksonia furcellata</i>	Shrub		x		x	x
Fabaceae	<i>Jacksonia horrida</i>	Shrub		x		x	x
Fabaceae	<i>Mirbelia dilatata</i>	Shrub	x			x	x
Haemodoraceae	<i>Conostylis aculeata</i>	Herb	x			x	x
Haemodoraceae	<i>Conostylis serrulata</i>	Herb	x			x	x
Iridaceae	<i>Patersonia occidentalis</i>	Herb			x	x	x
Lamiaceae	<i>Hemiandra pungens</i>	Shrub	x			x	x
Myrtaceae	<i>Aponis flexuosa</i>	Tree	x			x	x
Myrtaceae	<i>Astartea scoparia</i>	Shrub			x	x	
Myrtaceae	<i>Beaufortia squarrosa</i>	Shrub			x	x	x
Myrtaceae	<i>Calytrix fraseri</i>	Shrub			x	x	x
Myrtaceae	<i>Corymbia calophylla</i>	Tree	x			x	
Myrtaceae	<i>Eremaea pauciflora</i>	Shrub			x	x	x
Myrtaceae	<i>Eucalyptus marginata</i>	Tree		x			x
Myrtaceae	<i>Hypocalymma angustifolium</i>	Shrub	x			x	
Myrtaceae	<i>Hypocalymma robustum</i>	Shrub		x		x	x
Myrtaceae	<i>Kunzea glabrescens</i>	Shrub			x	x	x
Myrtaceae	<i>Melaleuca preissiana</i>	Tree	x			x	
Myrtaceae	<i>Melaleuca raphiophylla</i>	Tree			x	x	
Myrtaceae	<i>Melaleuca thymoides</i>	Shrub		x		x	x
Myrtaceae	<i>Taxandria fragrans</i>	Shrub			x	x	
Proteaceae	<i>Adenanthos meisneri</i>	Shrub		x		x	x
Proteaceae	<i>Adenanthos obovatus</i>	Shrub		x		x	x
Proteaceae	<i>Banksia attenuata</i>	Tree		x			x
Proteaceae	<i>Banksia grandis</i>	Tree		x			x
Proteaceae	<i>Banksia ilicifolia</i>	Tree		x		x	x
Proteaceae	<i>Xylomelum occidentale</i>	Tree		x			x
Xanthorrhoeaceae	<i>Xanthorrhoea brunonis</i>	Monocot			x		x
Zamiaceae	<i>Macrozamia riedlei</i>	Cycad		x			x



Clearing Permit Decision Report

1. Application details and outcome

1.1. Permit application details

Permit number:	CPS 10027/1
Permit type:	Area permit
Applicant name:	Ludlow Holdings Pty Ltd
Purpose of clearing:	Sand Extraction
Property:	Lot 43 on Deposited Plan 69043
Location (LGA area/s):	Shire of Capel

1.2. Description of clearing activities

The application is for the proposed clearing of 0.55 hectares (revised) of native vegetation within Lot 43 on Deposited Plan 69043, Ludlow for the purpose of sand extraction. The grant of this permit is to give effect to the determination made by the Minister for Environment, Community Services and Homelessness (the Minister) in relation to an appeal received against the refusal of permit 10027/1.

1.3. Decision on application and key considerations

Decision:	Granted
Decision date:	15 June 2026
Decision area:	0.55 hectares of native vegetation (revised from 0.66 hectares of native vegetation)

1.4. Reasons for decision

On 27 June 2024, the Department of Water and Environment Regulation (DWER) determined to refuse to grant Clearing Permit CPS 10027/1 for the clearing of 0.66 hectares of native vegetation, by Ludlow Holding Pty Ltd, within Lot 43 on Deposited Plan 69043, Ludlow, for the purpose of sand extraction.

One appeal was lodged, which objected to the refusal of Clearing Permit CPS 10027/1 and included three grounds of appeal.

On the 10 December 2025, the Minister determined that the appeal should be upheld in part with the majority of clearing being granted subject to certain conditions (Appeal number: 041 of 2024).

The Minister determined that, the consideration of the appeal within the context of the assessments of clearing permits is constrained to only consider the impacts of the proposal that fairly and reasonably relate to the clearing the native vegetation that is subject of the application. That is, the Minister cannot take into account impacts of sand extraction in areas already mostly cleared of native vegetation.

In coming to this view, the Minister considered that the majority of the native vegetation can be granted subject to the below:

- The vegetation in the central area of the application area, as shown in Figure 9 of the Appeals Committee (2025) report, should not be cleared as it is likely to be an active habitat for critically endangered western ringtail possum (WRP).
- The remaining 0.55 hectares of native vegetation could be cleared.
- To compensate for the loss of the drey in the small area of native vegetation in the northeast, the applicants proposed ecological linkage to be established post mining (as shown in Figure 7 of the Appeals Committee's report) is to be included as a condition of the permit.
- The applicant should be required to employ a WRP fauna specialist during the works to identify any individual WRP's that could be impacted by the works and to take necessary protection measures which could include temporary cessation of works, and

- Other standard conditions determined by the department, where appropriate.

To give effect to the Minister's determination, the Delegated Officer determined to grant Clearing permit CPS 10027/1 in accordance with the Minister's determination with the following clearing permit conditions:

- Condition 2 - exclude the area of active WRP habitat in accordance with Figure 7 of the Appeal's Committee report;
- Condition 8 – the permit holder to revegetate and rehabilitate a linkage for WRPs with native vegetation, to be established post mining;
- Condition 7 – the permit holder must employ a WRP fauna specialist during the works to identify any WRP's that could be impacted by the works and cessation of works until WRPs has moved on to adjacent habitat or relocated by a WRP fauna specialist.

In addition, the following standard permit conditions are to be included on the permit:

- avoid and minimise the need for clearing;
- weed and dieback management;
- directional clearing to allow fauna to move ahead of clearing activities into adjacent vegetation;
- staged clearing to manage risk of soil erosion; and
- revegetation and rehabilitation of areas post extraction.

1.5. Site map

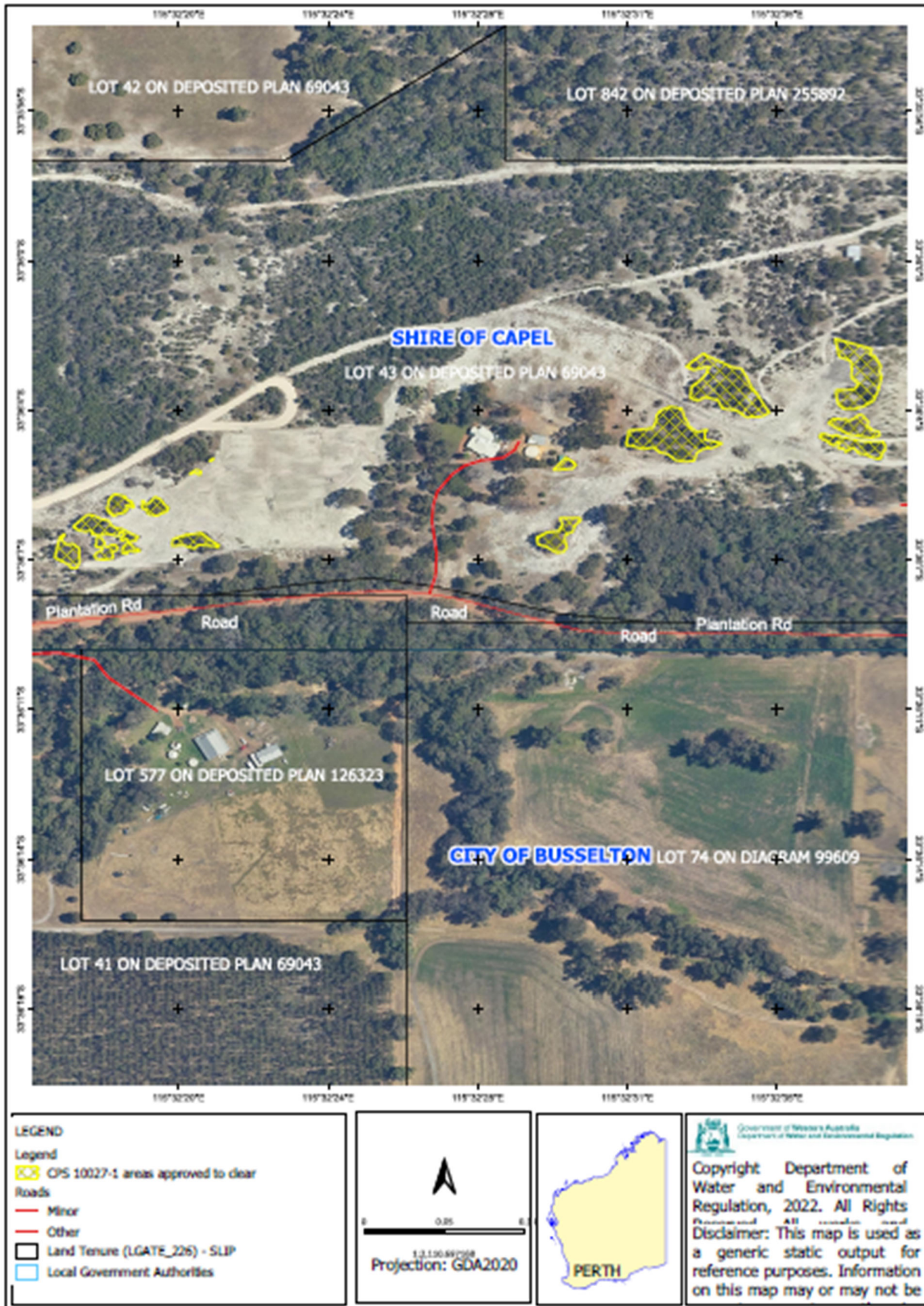


Figure 1. Map of the application area. The areas cross hatched yellow indicate the areas authorised to be cleared under the granted clearing permit.



Figure 2. The area cross hatched red indicates the area subject to permit condition 8 - the permit holder must revegetate and rehabilitate a linkage for WRPs with native vegetation.

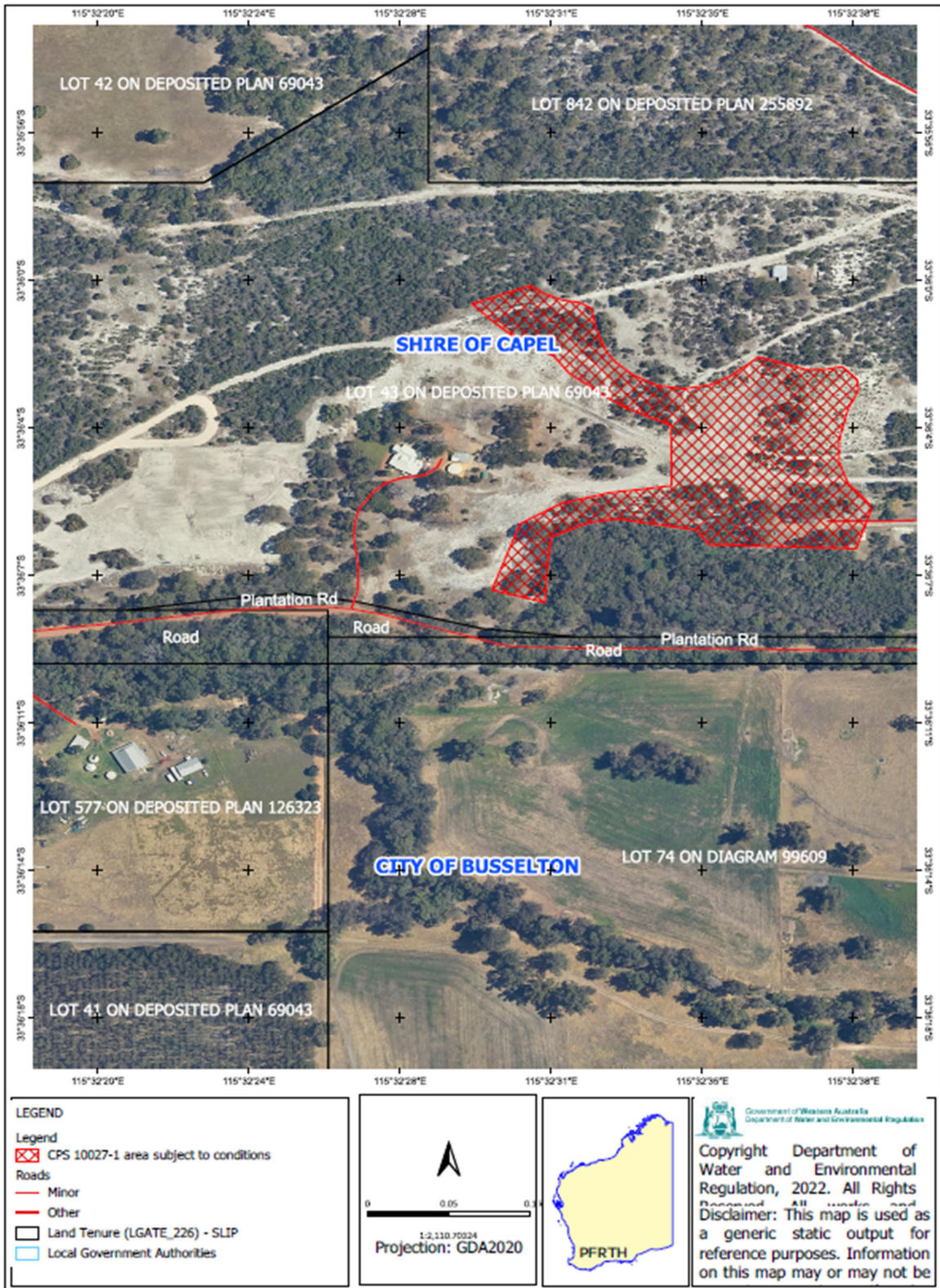


Figure 3. The area cross hatched red indicates the area subject to permit condition 9 - the permit holder must revegetate and rehabilitate and area post extractive industry.

2. Assessment of application

2.1. Assessment

This clearing permit is the result of an appeal determination made by the Minister to grant Clearing Permit CPS 10027/1. As a result of the appeal determination, the assessment against the clearing principles and planning and other matters has changed.

The department's initial assessment considered the proposed clearing to be at variance to clearing principles (e), (d) and (f) and identified that the proposed clearing was likely to result in:

- the potential introduction and spread of weeds and dieback into adjacent vegetation, which could impact on the quality of the adjacent vegetation and its habitat values;
- the loss of native vegetation that is suitable habitat for *Pseudocheirus occidentalis* (Western Ringtail Possums), three threatened black cockatoo species and other conservation significant fauna species;
- the likely mortality of conservation significant fauna through the clearing activities;
- the loss of native vegetation which, while not formally mapped as such, is likely to support a recognised ecological linkage;
- the loss of significant remnant native vegetation in an area that has been extensively cleared;
- indirect impacts to the Critically Endangered Threatened Ecological Community (TEC) 'Southern *Corymbia calophylla* woodlands on heavy soils' (FCT1b) due to lack of a buffer between the extractive industry and the TEC;
- indirect impacts to significant wetland dependent vegetation, including wetland vegetation likely to have values commensurate with a conservation category wetland (CCW) due to the lack of a buffer between the extractive industry and the wetland.

The Minister determined that, when considering the applicant's proposed rehabilitation plan, ensuring the final outcome post sand extraction would have more native vegetation than predevelopment, the clearing was 'may be at variance' to principle (e). In regard to principle (d) and (f), the Minister took into account the Appeal Committee advice regarding the buffers to the TEC and CCW and whether the department is constrained to only take into account the impact of the proposed mining on land not the subject of the proposed clearing. The Minister reviewed this advice and concluded that the department is constrained to only consider the impacts of the proposal that fairly and reasonably relate to clearing of native vegetation that is subject of the application. Given this, the Minister determined that the clearing 'may be at variance' to principle (d) and (f) and that the majority of clearing could be granted subject to conditions.

Appendix A - References and databases

1. GIS datasets

Publicly available GIS Databases used (sourced from www.data.wa.gov.au):

- Aboriginal Heritage Places (DPLH-001)
- Cadastre Address (LGATE-002)
- DBCA – Lands of Interest (DBCA-012)
- DBCA Legislated Lands and Waters (DBCA-011)
- Directory of Important Wetlands in Australia – Western Australia (DBCA-045)
- Environmentally Sensitive Areas (DWER-046)
- IBRA Vegetation Statistics
- Regional Parks (DBCA-026)

Restricted GIS Databases used:

- ICMS (Incident Complaints Management System) – Points and Polygons
- Threatened Flora (TPFL)
- Threatened Flora (WAHerb)
- Threatened Fauna
- Threatened Ecological Communities and Priority Ecological Communities

2. References

Department of Water and Environmental Regulation (DWER) (2025) *Initial Decision Report for CPS 10027/1*. Department of Water and Environmental Regulation, Western Australia (DWER Ref: DWERT11700).

Office of the Appeals Convenor (2025) *Appeals Committee Report to the Minister for Environment: Appeal against Clearing Permit CPS 10027/1*. Available from [Office of the Appeals Convenor](#)

Minister for Environment (2026). *Minister's Appeal Determination: Appeal against refusal of a Clearing Permit CPS 10027/1, Ludlow Holdings Pty Ltd*