

RESERVE ACTION SHEET: CONSERVATION RESERVES

RESERVE No. A49299

LOCAL GOVERNMENT: City of Gosnells

NAME : "Gay Street Nature Reserve"

PURPOSE: Conservation of Flora and Fauna

VESTING: Conservation Commission of W.A.

ACTION

The land described as Lot 103 on Plan 44622 has been set aside as a nature reserve of class "A".

Total Area: 5.4521 ha

REASON FOR ACTION

The construction of Roe Highway (Stage 7) and a Western Power transmission line at Kent Hurst Park involve the loss of up to 63 hectares of habitat for a species of declared rare flora, the king spider orchid (*Caladenia huegelii*), as well as the destruction of a significant number of plants.

As part of the offset involved with the proposal, the Western Australian Planning Commission bought Lot 103, in the Perth suburb of Huntingdale, to enable the creation of the nature reserve, containing habitat for the orchid. In November 2003 twelve plants of were recorded there.

Date of amendment: 29/10/2007

Maps: pp. 6, 8 & 14

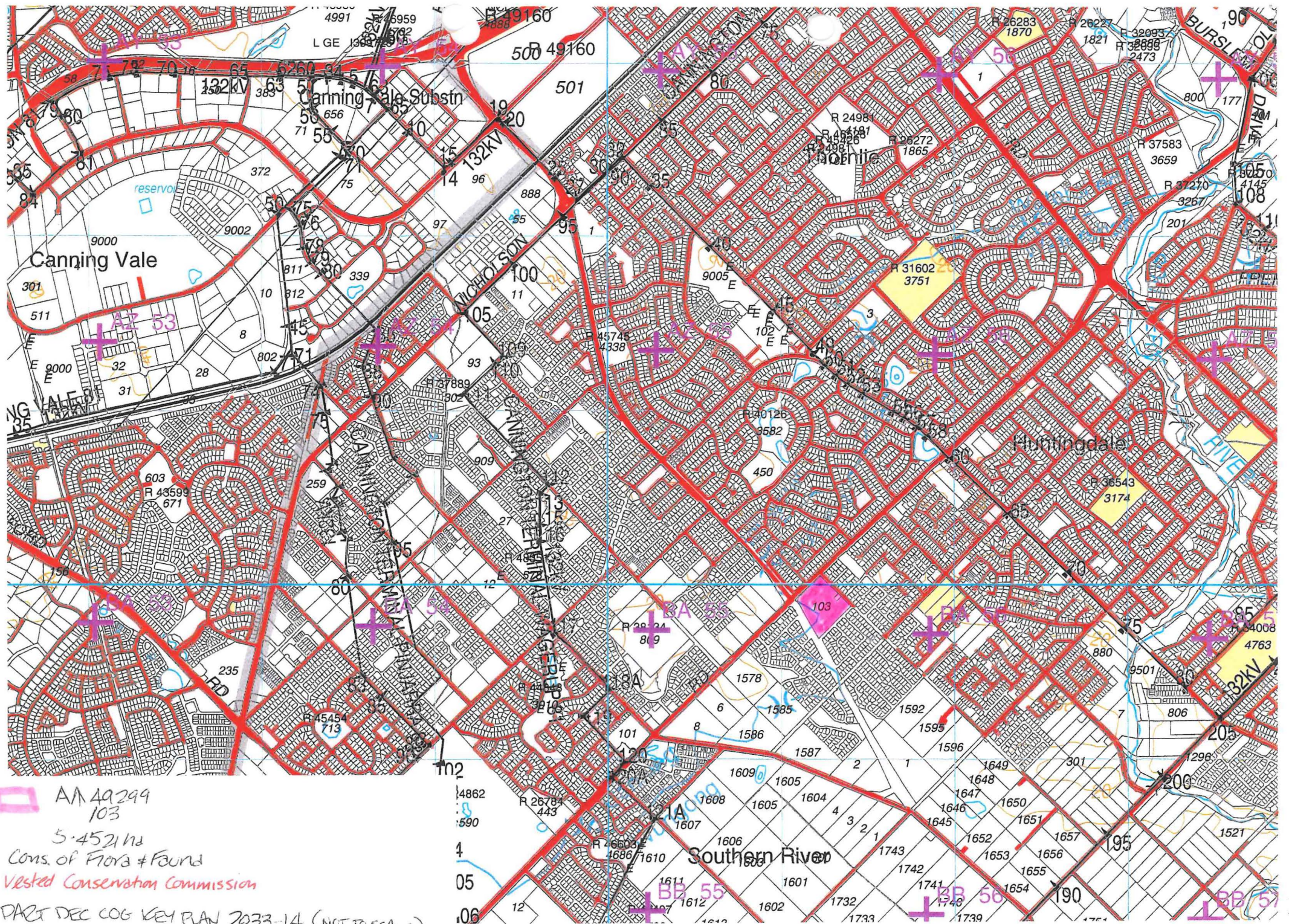
Customer advice: p. 11A (above green sheet)

Proposal Summary: 5-14, 27-31 (below the green sheet)

Recommended IUCN classification: To be decided.

Native Title: freehold before December 1996

1	LAND SERVICES CO-ORDINATOR	To note	<i>SL</i>
2	LAND UNIT	Send copies of advice and maps to: <ul style="list-style-type: none"> • Lisa Wright (Woodvale) • District Manager • Regional Manager Attach TENIS gazettal history to file Add report to Conservation Commission summary	
3	SENIOR POLICY OFFICER, P.V.S.	To note re native title	
4	SENIOR POLICY OFFICER, CRAWLEY (for purchases)	To note	
5	DIRECTOR, NATURE CONSERVATION/ DIRECTOR, PARKS AND VISITOR SERVICES	To note	
6	C.I.S.	Please rename file/create new file	
	LAND UNIT	Delete from District Proposals spreadsheet	



Reserve Enquiry Detail [5100L]

[Screen Friendly](#) [Print Page](#)

Reserve 49299 **Legal Area (ha)** 5.4521
Name **Status** Current
Type **Current Purpose** CONSERVATION OF FLORA AND FAUNA
Notes
File Number
Additional Reserve Information RESERVE COMPRISES LOT 103 ON DP44622 (K392272)

Class	Responsible Agency	Date of Last Change
A	DEPARTMENT OF ENVIRONMENT AND CONSERVATION	29/10/2007

Management Orders	Document	Land Use	Local Government Authority
CONSERVATION COMMISSION OF WESTERN AUSTRALIA	K392273	CONSERVATION OF FLORA AND FAUNA	GOSNELLS, CITY OF

Add Item	CLT Number	Parcel Identifier	Street Address	Suburb	File Number	PIN
<input type="checkbox"/>	LR3149-817	Lot 103 On Plan 44622	1 GAY ST	HUNTINGDALE	50170-2006-01RO	11386917

Reserve Number 49299

Previous Certificates of Title

Historic Crown Allotments

Gaz Page/Document	Date	Type	Text
K392272	29/10/2007	Current Area	5.4521
K392272	29/10/2007	Class	A
K392272	29/10/2007	Current Purpose	CONSERVATION OF FLORA AND FAUNA
K392273	29/10/2007	Current Vesting	MANAGEMENT ORDER CONSERVATION COMMISSION OF WESTERN AUSTRALIA

This product is for information purposes only. A search of the original documentation is required for all legal purposes
 Western Australian Land Information Authority (Landgate)

IUCN category to be decided at next CAPAD delivery

LGA: Gosnells

*Region: Swan
 District: Swan Coastal*

IBRA: SWAL

⊖ 32 05 00 - 32 00 0000

⊕ 115 37 15 115.953333

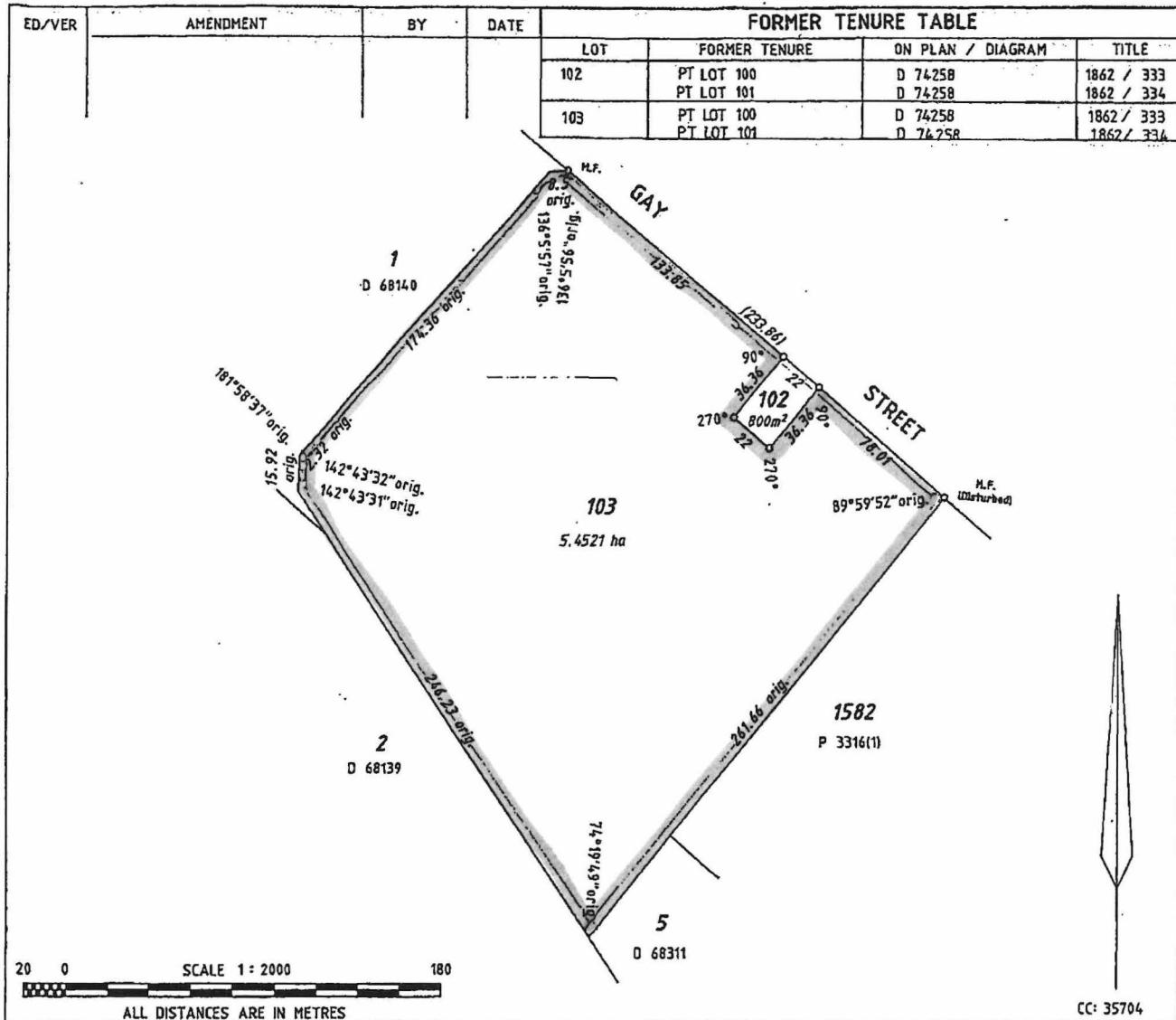
*TENIS updated
 White Folder updated*

*CRB
 28.2.08*

**Customer Advices for Reserve Actions
1/04/2008 - 30/04/2008**

City of Gosnells 1/04/2008 - 30/04/2008

Reserve No.	Land Description	DPI File No.	Volume/Folio	Action	Document No.	Registered	Street Name	Area	Public Plans
49299	Lot 103 on Deposited Plan 44622.	50170-2008-01RO	0000-000 0000-000	Management Order to Conservation Commission of Western Australia, Corner of Hackett Drive and Australia II Drive, CRAWLEY WA 6009. To be utilised for the designated purpose of "Conservation of Flora and Fauna", only. for the designated purpose of "Conservation of Flora and Fauna"	K392273	29/10/2007	Bounded by Warton Road, Garden and Gay Street's and Copperback Circle, Huntingdale.	5.4521 Ha	BG34 (2) 19.10
49572	Lot 301 on Deposited Plan 48889	50596-2007-01RO	3147-617	Reserve Creation for the designated purpose of "Pedestrian Accessway".	K570218	18/04/2008	Southern River Road, Gosnells	29 sqm	BG34 (2) 20.10



INTERESTS AND NOTIFICATIONS						
SUBJECT	PURPOSE	STATUTORY REFERENCE	ORIGIN	LAND BURDENED	BENEFIT TO	COMMENTS

TYPE FREEHOLD	
PURPOSE SUBDIVISION	SSA - NO
PLAN OF LOTS 102 & 103	
DISTRICT CANNING FILE	
LOCALITY HUNTINGDALE	
LOCAL AUTHORITY CITY OF GOSNELLS	
FORMER TENURE SEE FORMER TENURE TABLE	ON INDEX B634 (2) 19.10
FIELD BOOK 94549	
SCALE: 1:2000 A3 ALL DISTANCES ARE IN METRES	
<p>SURVEYOR'S CERTIFICATE - Reg 54</p> <p>I CRAIG McALLISTER hereby certify that:</p> <p>this plan of survey is a correct representation of the survey and/or calculations from measurements recorded in the field book lodged for the purposes of this plan and that it complies with the relevant written law(s) in relation to which it is lodged.</p> <p>Licensed Surveyor <i>Craig McAllister</i> Date 26.11.2004</p>	
LODGED DATE 29.11.04 FEE PAID \$ 285 ASSESS No. 439790	TYPE OF VALIDATION FULL AUDIT LEGAL COMPONENT J. GOURLAY DOCKET PLAN DP 43632 P 45 CERTIFIED CORRECT 7.12.04 L.S.C. F.S.D.
APPROVED BY WESTERN AUSTRALIAN PLANNING COMMISSION FILE 807-2-25-386 DATE 10.12.2004	
IN ORDER FOR DEALINGS SUBJECT TO	
DEPOSITED PLAN 44622	
APPROVED <i>Approved</i> 17.12.04 INSPECTOR OF PLANS & SURVEYS/ AUTHORIZED LAND OFFICER	
SHEET 1 OF 1 EDITION 1 VERSION 1	



NO ORIGINAL

Landgate MAP VIEWER

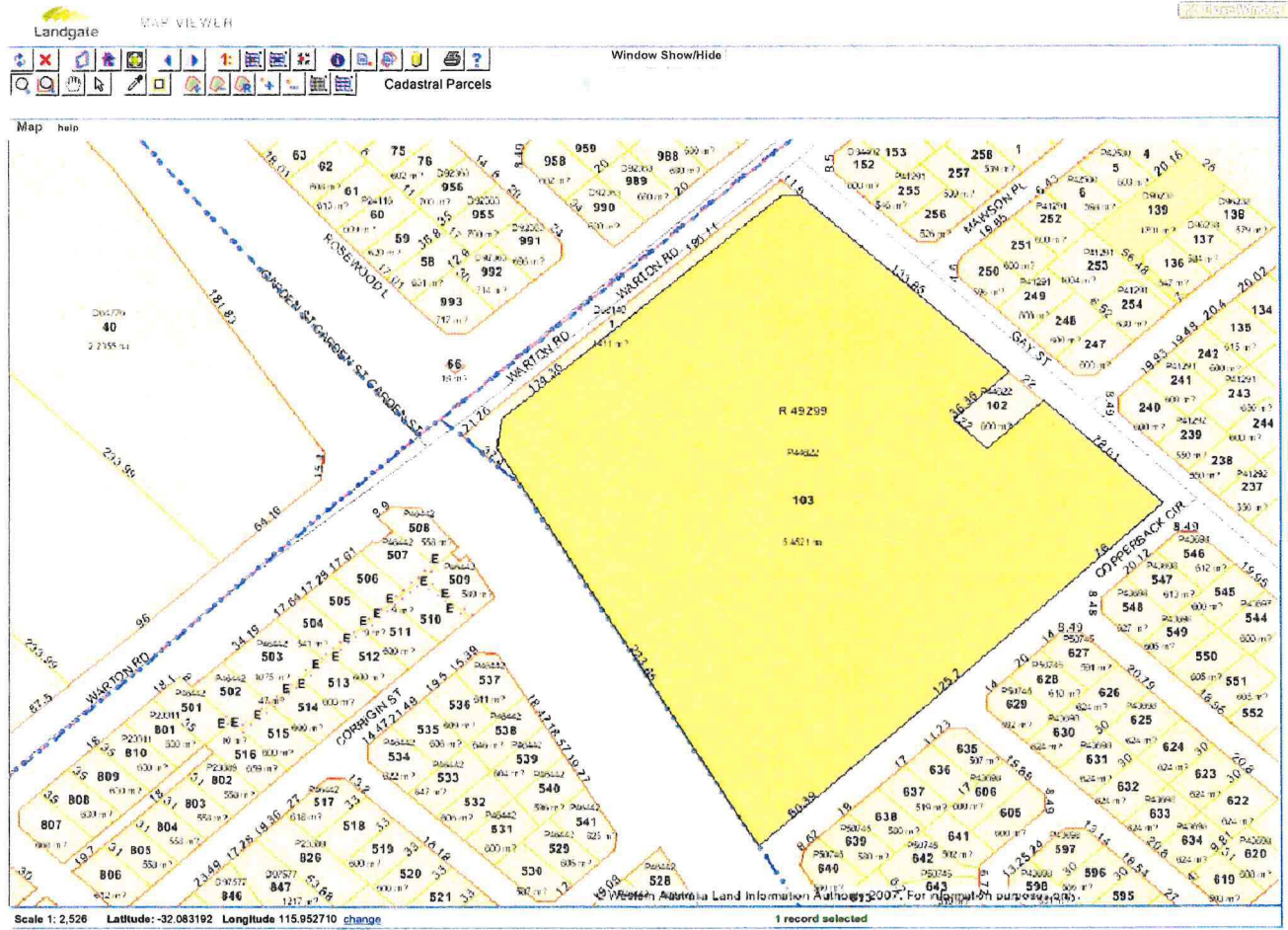
Window Show/Hide

Cadastral Parcels

Map help

Scale 1: 2,919 Latitude: -32.083187 Longitude 115.952049 [change](#)

1 record selected

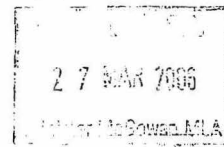




Department of Conservation
and Land Management

2003F000336V03. Jpec

17-005763



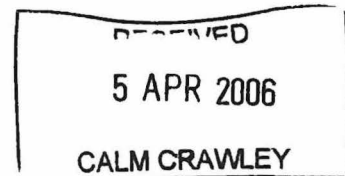
Conserving the
nature of WA

Your ref: GBN0011
Our ref: eA115673
Enquiries: Gordon Wyre
Phone: 9442 0302
Fax: 9386 1286
Email: kylied@calm.wa.gov.au

E-MAILED
to M Carter 27/3/06

MINISTER FOR THE ENVIRONMENT

Attention: Murray Carter, Policy and Liaison Officer



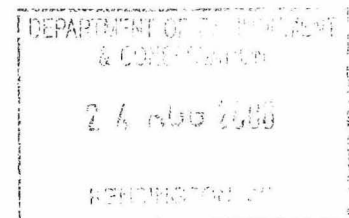
BRIEFING NOTE: CALADENIA HUEGELII

In response to the request from your office on 11 March 2006, please find attached an updated briefing note on the declared rare flora *Caladenia huegelii*.

Keiran McNamara
EXECUTIVE DIRECTOR

24 March 2006

Att



File

BRIEFING NOTE: DECLARED RARE FLORA CALADENIA HUEGELII

ISSUE

The Minister for the Environment has requested a briefing note on the declared rare flora *Caladenia huegelii* following the recent publicity concerning the South Street station on the Perth to Mandurah Railway.

BACKGROUND

Caladenia huegelii (King Spider Orchid) is declared as rare flora under the State *Wildlife Conservation Act 1950*, and is ranked as 'Critically Endangered'. It is listed in the Schedule to the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) as 'Endangered'.

This orchid species survives for most of its life underground and is only visible above the soil when flowering. The potential for conflict with proposed developments is compounded by the fact that the plants can only be identified when flowering (about four weeks in Spring) each year, and that not all plants flower every year.

Caladenia huegelii (picture at Attachment 1) is found in scattered populations between Wanneroo and Busselton on the Swan Coastal Plain. In the Perth and Peel areas, where the majority of populations occur, much of its remaining habitat is threatened by further development pressure. Conservation of the species is dependent on maintaining adequate viable populations of the species across its range. This involves retaining adequate habitat to support its specific mycorrhizal (soil fungi) and pollinator (specific species of wasp) requirements.

DISCUSSION

Recent survey effort

As a consequence of development applications impacting on *Caladenia huegelii*, targeted field survey programs were undertaken in the flowering seasons in 2004 and 2005. A total of over 500 person hours was spent in surveying sites across its range. These surveys involved over 55 Department of Conservation and Land Management (CALM) staff, consultants and volunteers from other agencies and the broader community.

Based on the outcomes of these surveys, the current status of the species is summarised in the table at Attachment 2. The previous highest population estimates obtained in years prior to 2004 are included to demonstrate the variability of survey outcomes for the species between years, and to give a better overall understanding of its population status.

Caladenia huegelii is currently known from 37 extant populations (which may include sub-populations). Another eight previously recorded populations have been destroyed due to urban development.

The surveys in 2004 and 2005 located six new populations, some new sub-populations at previously known locations, and also significantly increased the number of known plants.

Eighty six per cent (86%) of plants recorded during the 2005 surveys were found at four populations: Ken Hurst Park (Leeming) and Jandakot Airport (Jandakot); Fraser Road (Banjup); and Kooljenerrup Nature Reserve (south-east of Peel Inlet). The first two sites are adjacent to each other, and Fraser Road is five kilometres to the south. While these sites are of high value for the conservation of the species, maintenance of a range of other sites

across the distribution of the species is important to ensure the conservation of the species with its genetic variation.

Twenty one of the 37 extant populations each have less than five flowering plants recorded at any time over the past decade. In many cases no plants were recorded, but the habitat conditions suggest that the population still exists.

Only 265 plants, representing 18% of known plants occur on formal CALM-managed public conservation reserves, at three sites: Ruabon (16 plants), Wandi (2 plants), and Kooljenerrup (247 plants) nature reserves.

In addition, there are a number of populations within Bush Forever sites that are in some cases still subject to development pressure but have some (varying) form of protection. These include Ken Hurst Park, Jandakot Airport, Fraser Road, Denis de Young, Holmes Road, Lowlands Farm, Warton Road and Canning Vale.

Further surveys for this species are proposed to be undertaken during the Spring 2006 flowering season.

The 2004 and 2005 surveys have confirmed the status of the species and while some significant new finds have been made, the surveys do not provide any data that would suggest alteration of the threatened status and 'Critically Endangered' threat category of *Caladenia huegelii*. Concerns for the long-term security of the species remain. Secure conservation protection at the most significant population sites, including Jandakot airport, Ken Hurst Park and Fraser Road is a key goal in working towards long-term security for the species.

Contentious issues in the conservation of *Caladenia huegelii*

- Loss of approximately three hectares of habitat at the proposed South Street train station and car park. The design of the car park and on-ramp has been modified and a remnant 0.8 hectare conservation area protecting up to 25 plants has been retained. This site is currently under the management of the Public Transport Authority (PTA) and the PTA is proposing to negotiate for the area to be transferred to the City of Melville for management for *C. huegelii* conservation.
- Loss of up to 63 hectares of habitat and a significant number of plants at Ken Hurst Park during the construction of Roe Highway Stage 7 and a Western Power transmission line. The offset for this loss includes a research program, translocation of affected plants, management of the remaining population, transfer of some Main Roads lands into conservation management and contributions to protection of populations at Fraser Road and Lot 103 Warton Road, Huntingdale.
- Lot 103 Warton Road (Huntingdale) has been purchased by the Western Australian Planning Commission (WAPC), for formal reservation, to be vested in the Conservation Commission of Western Australian and managed by CALM as a nature reserve. This conserves approximately 5.5 hectares of the original 8.8 hectare area of *Caladenia huegelii* habitat on site, and 12 known plants, adding to the 265 known in current reserves. This acquisition was part of a conservation offset for the development of Roe Highway Stage 7 and the South Street train station and car park, which both impact on populations of this species.

- The proposed purchase of land at Fraser Road is being investigated to protect this large population (between 155 and 452 plants) as part of the proposed offset for Roe Highway Stage 7 and implementation of Bush Forever. The population extends over four Lots and the WAPC has proposed an arrangement to protect the majority of the area. A boundary of the area to be purchased has recently been determined. However there is still some threat to the population from proposed sand mining and special rural subdivision.
- In addition, a wildfire early in 2004 at Fraser Road affected one of the largest concentrations of *Caladenia huegelii*. None of the over 100 *Caladenia huegelii* plants that were recorded in this area in 2004 were recorded within the wildfire boundary in the 2005 survey. It is not known if the wildfire has simply prevented growth of the affected plants this season and the plants will grow next year, or if the wildfire has killed these plants. *C. huegelii* can survive fires, particularly those occurring when the plant is not flowering. Repeat surveys in 2006 and subsequently will provide answers.
- The survey in 2005 located a significant new sub-population of 169 plants at Jandakot Airport. Unfortunately this sub-population is within an area identified for industrial development in the Jandakot Airport Master Plan. Because the Jandakot Airport is Commonwealth land, assessment of environmental impact of this proposal is through the Commonwealth EPBC Act.
- The survey in 2005 also located a significant new sub-population of over 240 plants at Kooljerrenup Nature Reserve south-east of the Peel Inlet. Previously only single plants had been recorded from this reserve. A copy of the media statement of 8 February 2006 on this subject is at Attachment 3.
- The Botanic Gardens and Parks Authority is conducting research into *Caladenia huegelii* as part of the conservation offset package developed for Roe Highway Stage 7. This research includes studies into the translocation requirements of this species, and other aspects of its ecology (including genetics, mycorrhizal specificity and pollinators) that will assist in managing the plants in the future.

Commonwealth EPBC Act Role in Environment Approvals

As *Caladenia huegelii* is also listed as Endangered under the EPBC Act, Commonwealth Government approval has also been required for development proposals. Recently the Commonwealth has been involved in the approvals to take this species at Warton Road, South Street and for Roe Highway Stage 7. In the cases of the Warton Road site and Roe Highway Stage 7, the proposals were assessed by the Western Australian Environmental Protection Authority, and the Commonwealth supported the assessment recommendations, while adding some further conditions on the approvals. In the case of South Street, due to the retention of the main occurrence of the species in the 0.8ha reserve, the Commonwealth determined that the proposal was not a controlled action, and did not formally assess the proposal (but it is clear that it would have done if the State process had delivered a "lesser" conservation outcome).

COST IMPLICATIONS


As *Caladenia huegelii* occurs in Swan coastal plain areas that are attractive for urban and related developments, it occurs in areas where land values are very high. Consequently acquisition of land for the conservation of *Caladenia huegelii* is very expensive.

The WAPC, through the Metropolitan Region Improvement Fund, has purchased *Caladenia huegelii* habitat at Lot 103 Warton Road, and is negotiating the purchase of land containing *Caladenia huegelii* at Fraser Road. This needs to be seen in the context that over the past 12 years, the WAPC has spent more than \$173 million on land purchases in the Perth Metropolitan Area for conservation and open space, including for regional park and Bush Forever purposes.

RECOMMENDATION

It is recommended that the Minister notes the recent survey findings and the current status of *Caladenia huegelii*.

Department of Conservation and Land Management
24 March 2006

NOTED
By Minister
3/3


29/5/04

COPY



Department of Conservation
and Land Management



Conserving the
nature of WA

Your ref: TS1767
Our ref:
Enquiries: Dr Ken Atkins
Phone: 9442 0302
Fax: 9386 1286
Email: kylieed@calm.wa.gov.au

URGENT

MINISTER FOR THE ENVIRONMENT

Attention: Peter Dans, Policy and Liaison Officer

CONTENTIOUS ISSUES: CALADENIA HUEGELII

Further to your request dated 30 April 2004, please find attached a briefing note concerning *Caladenia huegelii* in contentious issues format.

A handwritten signature in black ink that reads "Keiran McNamara".

Keiran McNamara
EXECUTIVE DIRECTOR

3 May 2004

KD:KD KEIRANMINISTER/CI - CALADENIA HUEGELII

Att.

Key messages:

- Premier Grove is a residential subdivision proposal in the City of Gosnells.
- Subdivision approval was given by the WA Planning Commission (WAPC) subject to the protection of significant vegetation. *Caladenia huegelii* (Grand Spider Orchid), which is flora declared rare under the Wildlife Conservation Act, was known to occur in the area.
- The proponent conducted a flora survey which recorded this rare flora over the site.
- Negotiations are occurring with the State Government on how the orchid can be protected, while allowing some development of the site.
- The proponent is also required to obtain Commonwealth approval as the orchid is listed as Threatened Flora under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Background:

- 2001: Lot 100 subdivision approval subject to protecting significant vegetation. Declared rare flora (DRF) *Caladenia huegelii* was known to occur in the area. No action taken on this condition.
- Mt Barker Nominees purchased Lots 100, 101 (Huntingdale) and 1580 (Southern River) and applied for (new) subdivision approval.
- Prior to receiving approval, Mt Barker Nominees began selling housing blocks in Lots 100 and 101 on assumption that there would be no impediment.
- Subdivision approval gained from WAPC – again with condition to protect significant vegetation, and advice to liaise with CALM over *Caladenia huegelii*.
- Rare flora survey undertaken in Spring 2003 to clear condition of approval, and DRF *Caladenia huegelii* discovered over three Lots.
- CALM negotiated for protection of suitable area for the species, but no resolution.
- Option of purchase of suitable area (Lots 100 and 101) explored, with offset requirements by New MetroRail for South Street bus transfer station and carpark, and Main Roads for Roe Highway Stage 7 (subject to outcome of EPA assessment), as potential sources of funds.
- Agreement reached with WAPC to purchase Lots 100 and 101 (and possibly the adjacent Lot 1582 owned by City of Gosnells) as part of offset strategy.
- 7/4/04: Ministerial agreement to the taking of *Caladenia huegelii* on Lot 1580 to allow some development, on understanding that Mt Barker Nominees will transfer prospective land purchasers from Lots 100 and 101 to Lot 1580, and Lots 100 and 101 will be purchased.
- 13/4/04: Mt Barker Nominees submitted referral to clear *Caladenia huegelii* on Lot 1580 to Commonwealth Department of Environment and Heritage under EPBC Act. Plants to be translocated to conservation land.
- 29/4/04: Channel 9 news story on situation with first home buyers.

Current status:

- Agreement reached with State for development of Lot 1580, and purchase by State of Lots 100 and 101.
- Awaiting approval of Commonwealth under EPBC Act.
- WAPC conducting negotiations with Mt Barker Nominees to purchase Lots 100 and 101.

Questions:

1. *Why is the Premier Grove subdivision being held up?*

Subdivision approval by the WA Planning Commission required the protection of significant vegetation. A species of declared rare flora, the Grand Spider Orchid was found on the site by the developer. Negotiations are continuing on how this rare flora can be protected at the site.

2. *Is the Minister aware that there are home buyers, including first home buyers, waiting to build there?*

Yes. The government is working with the developer to achieve an outcome that provides for the conservation of the rare flora at the site, while also providing for these land purchasers.

3. *Why is this plant more important than home buyers?*

It is not a question of what is more important. The Grand Spider Orchid is Critically Endangered and is thus in urgent need of conservation action. The government is confident it can negotiate an outcome that will provide for this species' conservation while still catering for the needs of the home buyers.

4. *When will the home buyers be told what is going on?*

Unfortunately this is subject to confidential negotiations with the property developer, and thus cannot be made public at this time. Also, the developer is still waiting for Commonwealth approval, so there is not yet a final position to advise. Public advice will be provided as soon as there is a resolution.

Contact details:

- Dr Ken Atkins, A/Director Nature Conservation, 9442 0302.
- Keiran McNamara, Executive Director, 9442 0325.

Other:

Approval has also been given for the taking of *Caladenia huegelii* at South Street by New MetroRail, on proviso that the least number are taken. New MetroRail are currently re-designing the bus transfer station and carpark at South Street, which is expected to result in most plants being protected.

Roe Highway Stage 7 is undergoing formal assessment under the Environmental Protection Act. This project, if approved, is expected to take a large number of *Caladenia huegelii* plants in the largest known population at Ken Hurst Park.

Memorandum

To: EXECUTIVE DIRECTOR

*KMA
28/4*

*A/D. NC
28/4*

Our Ref:
Enquiries: Dr Ken Atkins
Phone: 9334 0425
Fax: 9334 0278
email: kena@calm.wa.gov.au

*Discussed with Minister 28/4;
her office will take up urgency with
Min for PI office.*

Subject: CALADENIA HUEGELII

*Please provide update by 3pm each
Fri a'noon for me to forward to
Minister, plus advice of any
significant developments as they occur*

Update advice:

- Alex Errington replied (10.55am, 28 April 2004) with advice from Tim Hillyard.
- The meeting of the WAPC on Tuesday again ran out of time and did not get to the item of consideration of the purchase of Lots 100 & 101.
- Tim spoke to Paul Frewer with the view that they could not keep delaying this, and it was agreed that he commence negotiations with Mt Barker Nominees.
- Tim was today getting his papers together and will email John Preuss this afternoon to commence negotiations
- Tim is getting further valuation advice on the property.
- Tim expects that there will be considerable difficulties with the purchase negotiations as he is aware that Mr Preuss is expecting to be compensated in full for all losses and expenses.

*KMA
29/4/04*

In addition to the above:

- a news article appeared in the local 'Comment News' concerning a prospective purchaser who has paid a deposit (plus government stamp duty) and it being held up in building his house due to the Caladenia huegelii.
- Channel 9 is chasing the story and has contacted CALM (Nigel Higgs) and DPI (advice from Alex). I advised (Nigel and Alex) that we should not discuss the issue as it was a private company's commercial activity, unless requested to do so by the company.
- Alex Errington has contacted John Preuss to see if he is happy for DPI to give his contact details to Channel 9 (given that Mt Barker Nominees has been referred to in the news story).
- John Preuss advised that he had already been contacted by the newspaper, and was happy for his details to be released (was appreciative of the contact). He advised that he would say that there had been the delay that was unfortunate, but that he could not advise further as it was subject to sensitive commercial negotiations.
- Alex will advise DPI and Nigel Higgs accordingly.



Dr K Atkins
A/DIRECTOR OF NATURE CONSERVATION

*copied to P. Daws
pm 28/4*

28 April 2004



Comment News Tuesday 27/4/2004
General News Page 3
Circulation: 56,573
Size: 326.02 sq.cms.

Grand spider orchid puts kibosh on estate

A RARE spider orchid is holding up the works for a Huntingdale housing subdivision.

Lots in the proposed Premier Grove subdivision were sold in April last year but titles have not been issued because the grand spider orchid *caladenia huegelii* was found on the site during a rare flora survey.

Since the discovery of the plant, the subdivision's developer Mt Barker Nominees has been negotiating with the Department of Conservation and Land Management to find a way for the plant population to be preserved.

Chris Payne, who paid a deposit for a block in the subdivision said he was becoming frustrated as the delays were adding to the cost of his building his first home.

Although the title has not been issued for his block, he has had to pay State Government

stamp duty on it.

He said because of the delays, it was becoming more difficult for him to build a house.

"The house we purchased to put on the block has had a \$10,000 increase on the original price," he said. "We've had to pull out of that."

"I had to pay \$1500 in stamp duty to the Government in October last year for something I haven't got yet."

He said the delays were putting the price of a house beyond his and his partner's reach.

"We decided we would take the plunge and build," he said. "If we can't get the block, we basically can't afford to build."

He said he was keen to hear from other people who were in the same situation.



Chris Payne has paid stamp duty on a block, but he hasn't yet got the title. Picture: Marcelo Palacios

Memorandum

Wildlife Branch

To: EXECUTIVE DIRECTOR

Our Ref:
Enquiries: Dr Ken Atkins
Phone: 9334 0425
Fax: 9334 0278
email: kena@calm.wa.gov.au

Subject: CALADENIA ISSUES

LS
(mid a'noon
each Friday)

The current situation regarding the *Caladenia huegelii* issues are:

- New MetroRail advised verbally that they were redesigning the South Street proposal, but have not yet sent a revised plan through. The advice was that only a small number of plants will be taken, due to a proposal to use pylons to support the bus station, and a smaller car park at the south end.
- The Roe Stage 7 Alliance has produced a draft *Caladenia huegelii* management plan, which the Department is providing comments on. They have also produced an offset strategy document, which was only recently forwarded to the Department.
- Mt Barker Nominees has submitted the application to take rare flora on Lot 1580 to the Commonwealth under the EPBC Act. This has gone up on their web site for 10 public comment. A Departmental response has been prepared, including information on the land purchase option and the conservation status of *Caladenia huegelii* at the request of the Commonwealth.
- WAPC was to have discussed the purchase proposal at their meeting last week. The Department has not been advised yet of the outcome of this meeting.
- Mt Barker Nominees have supported the idea of preparing a joint information sheet for land purchasers. This will be prepared for when transfers of prospective land purchasers occur.
- Mt Barker Nominees has indicated that they will be expecting full compensation for costs and profit denied in losing Lots 100 & 101, including for the paying of 'compensation' to any land purchasers who cannot be transferred to Lot 1580 (currently numbering 7). There may be some difficulty in negotiating the purchase of Lots 100 & 101 due to this position.
- There has been no developments with regard to the City of Gosnells land (Lot 1582).

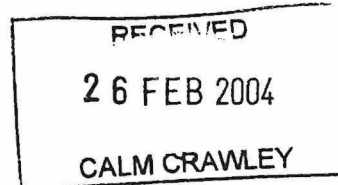
Ken Atkins

Dr K Atkins
A/DIRECTOR OF NATURE CONSERVATION

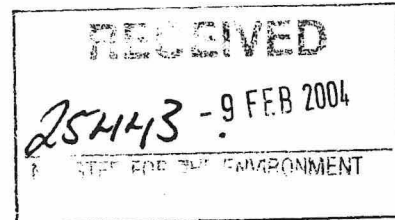
copied to P. Duns
pm 27/4
KMW

27 April 2004

Your Ref:
Our Ref: E001012
Enquires: Dr KJ Atkins
Phone: (08) 9334 0425
Fax: (08) 93340278
Email: kena@calm.wa.gov.au



Mr John Preuss
Mt Barker Nominees Pty Ltd
PO Box 1646 Osborne Park Business Centre
OSBORNE PARK WA 6916



Dear Mr Preuss

Lots 100 & 101 Gay Street and Lot 1580 Warton Road

I refer to your facsimile letter dated 2 February 2004 regarding the above Lots and the conservation of *Caladenia huegelii*. *→ Green flag.*

The letter to which you refer was addressed to Shaun Grein of ATA Environmental regarding issues pertaining to land that you do not own, but that is adjacent to the above Lots which your company does own. Given that you were not the intended recipient, and that, to the Department's knowledge, you have not been included by the landowner in dealings pertaining to that land, it is not surprising that you might misinterpret statements included in that letter.

In your facsimile you claim that the letter states that "CALM would like to reserve all of the land as significant habitat for DRF". CALM's letter does not say this. It does, however, refer to the presence of the DRF *Caladenia huegelii* in the area, including your Lots, and concludes:

"... that the combined area of Lots 100, 101, and 1582 (with Lots 1580, 976, and 1363 proposed to be separated from this combined area by roads) should be considered a significant habitat for *Caladenia huegelii*, which now requires the approval of the Minister for the Environment prior to any disturbance to the vegetation, in accordance with the provisions of the *Wildlife Conservation Act 1950*. Referral to the Environmental Protection Authority (EPA) may also be required to determine requirements for environmental impact assessment under the *Environmental Protection Act 1986*."

The letter does not refer to CALM wishing to reserve the entire area, but reiterates advice previously given to you in relation to your land, that the entire area is habitat for this species, and that any development involving the taking of the rare flora must be approved by the Minister, with the possibility of referral to the EPA. As has also been previously advised to you, however, the Department does have a preferred position to conserve a significant area for the protection of this rare flora habitat at this site, and such an area would be focused on Lots 100, 101 and 1582 as they are, and can remain, contiguous habitat for this species.

With regard to your comments in your third paragraph, I am advised that the option to which you refer, as detailed in your letter dated 22 January 2004, was not agreed by Mr Wyre and Dr Atkins as an accepted outcome. Rather, I understand that it was agreed that it had some merit and warranted being included in the submission to the Minister, for her consideration.

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Postal Address: Locked Bag 104, Bentley Delivery Centre, Bentley, Western Australia 6983

I understand that this position was explained by Dr Atkins to you over the phone during the morning prior to you forwarding your facsimile.

Your applications to take the declared rare flora have been forwarded by the Department to the Minister for the Environment for her consideration.

Yours sincerely

Keiran McNamara

Keiran McNamara
EXECUTIVE DIRECTOR

9 February 2004
GW:XD KEIRAN/LETTERS/E001012

cc Minister for the Environment (Attention: Peter Dans)

*Minister
noted
25/2/04.*