Memo

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| To: | Steve Peart & Ryan Falkenmire |
| From: | Matt Doherty |
| cc: |  |
| Date: | September 16, 2020 |
| Re: | Proposed Kings Hill Development (PSC ref: DA 16/2018/772/1) |
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At the request of Council, an independent ecological review of the assessment documentation informing the Kings Hill Concept Development Application (PSC ref: DA 16/2018/772/1) has been completed. A summary of the documents reviewed, overview and summary of my position in relation to the potential for a significant impact to occur to threatened species, populations and ecological communities assessed as a result of the proposal has been presented herewith.

Reviewed four items as follows:

1. Kings Hill Development: Species Impact Statement. Final Version 6 – 13/3/2020. Prepared by RPS
2. Kings Hill Conservation Area: Biodiversity Management Plan. Final Version 5 – 13/3/2020. Prepared by RPS
3. Kings Hill Development: Vegetation Management Plan – Sage 1 subdivision Works (Initial Site Preparation). Final Version 3 – 13/3/2020. Prepared by RPS
4. Memo: The KHD Concept Development Application and NSW Koala Inquiry Recommendations. PR130430 – 2/7/2020. Prepared by RPS.

A meeting was held with PSC and the KHD team on 7th July 2020 to discuss matters arising from an initial review. On the basis of discussions held during the meeting, KHD have made amendments to the documentation and reissued the following documents:

1. Kings Hill Development: Species Impact Statement. Final Version 7 – 24/7/2020. Prepared by RPS
2. Kings Hill Conservation Area: Biodiversity Management Plan. Final Version 6 – 24/7/2020. Prepared by RPS
3. Kings Hill Development: Vegetation Management Plan – Sage 1 subdivision Works (Initial Site Preparation). Final Version 4 – 24/7/2020. Prepared by RPS

In addition, the following supporting documents have been supplied and partly reviewed to appreciate proposal context:

1. SoEE - Concept Development Application: Kings Hill Urban Release Area. Final Version – 27/7/2020. Prepared by JW Planning.
2. Proposed Kings Hill Concept Plan: Revision A – 27/7/2020. Prepared by Peterson Design Studio/ Landscape Architects.
3. Kings Hill Urban Release Area: Development Application – Masterplan. Preliminary Engineering Design. NL120526 Revision K – 14/7/2020. Prepared by Northrop.

Overview

* The SIS has been prepared in accordance with the Chief Executive’s Requirements (CERs) issued by OEH 9/9/2018 and underpinned by the legislation and policy appropriate to the assessment with specific regard to the NSW Biodiversity Conservation (Savings and Transitions) regulation 2017.
* Field survey and methods have been designed and conducted in accordance with appropriate guidelines. The survey effort has been well documented in the SIS report.
* Results have been clearly presented and documented in the report by general context and species specific. Mapping of results and predictive modelling adequately inform documentation of results.
* Detailed alternatives, avoidance and minimisation have been set out in the SIS in response to the CERs. The measures and responses are well considered and have been backed up where necessary via consultation, documentation and provision of mitigative response measures captured in the SIS and proposed BMP and VMP documentation.
* A thorough and detailed assessment has been provided in the SIS on the Koala, as summarised in section 5.1.4. The assessment has considered the PSC CKPoM requirements both in terms of field survey and assessment of impact. In addition, several newer techniques have been employed in the field survey including the use of a Koala detection dog and engagement of recognised Koala expert, Steve Phillips. Notwithstanding the consideration of impact on site and conservation of existing bushland, a package of ameliorative measures has been proposed in direct response to the assessment completed for the SIS. The measures include (but are not limited to) frontline controls such as augmentation of Koala fencing and crossing (detailed in Figure 7.14); and innovative measures relating to foliar enrichment via plantings in the Conservation Offset area. The latter founded on scientific research undertaken as part of the study and validation provided by Dr Frank Lemckert who has considerable experience in fauna and forestry management.
* A VMP has been provided as part of the assessment documentation to guide phased site construction and development. The VMP acknowledges the proposed ameliorative and mitigation measures along with recommendations in the SIS.
* A BMP has been provided as part of the assessment documentation to guide establishment and management of the Conservation Area. The BMP acknowledges the proposed ameliorative and mitigation measures along with recommendations in the SIS. Monitoring and reporting underpins the BMP performance. Of key note, all measures detailed in the SIS relating to the Koala have been detailed in the BMP.
* Chapter 6 and 8 of the SIS presents a detailed assessment of significance for each entity assessed within the report. The assessment duly considers an initial assessment of all potential threatened species, populations and ecological communities occurring in the locality (Chapter 3). The impact assessment draws on field survey results, appropriate consideration of cumulative impacts. The assessment has determined that no significant impact will occur to threatened species, populations and ecological communities assessed as a result of the proposal.

Summary

Based on my review, the SIS field survey, reporting of results and consideration of alternatives including avoidance and proposed mitigation measures are supported. Information and assessment presented in the SIS report relating to impacts and assessment of significance is supported. The detailed assessment and measures presented in the SIS and supporting VMP and BMP relating to the Koala are supported.

The VMP and BMP must be implemented on site as proposed. It is my firm opinion that the BMP is to be delivered by the applicant (or person having the benefit of the consent) via a mechanism that achieves fully funded management of the Conservation Area in perpetuity. Any opportunity to include adjacent land in the conservation area management is strongly encouraged.

It is on this basis that I agree with and support the conclusions detailed by RPS in their SIS, that the proposed Kings Hill Concept DA will not have a significant impact on threatened species, populations and ecological communities as assessed in the SIS such that a local extinction will occur.