

8 February 2024

Our ref: 23WOL-7382

Via email: Gabrielle.Chidiac@colliers.com

Attention: Gabrielle Chidiac

The Maltings Redevelopment Modification Application & Development Application: Koala Assessment Report Addenda

ELA understands that Colliers proposes a modification application (s4.55) regarding redevelopment of the Maltings, located at 2 Colo Street, Mittagong. The modification application would apply to the Southern Sheds, M1, M2, Northern Shed and Malsters House. Furthermore, Colliers propose a development application for the alterations, additions, and adaptation of M3 and minor internal changes to M4, in addition a Façade change.

Considering the Koala Assessment Report (KAR) (ELA, 2020) for the Maltings site is now over three years old, re-assessment of the site is necessary to ensure validity of this report to current conditions. ELA understands that no additional trees or vegetation are proposed for removal, as there are no changes to the building footprint.

ELA Ecologist, Stacey Wilson inspected the site on 16 January 2024. There were no changes in the condition of the vegetation present, therefore the Koala Assessment Report (ELA, 2020) remains valid.

The KAR (ELA, 2020) addressed the requirements of the State Environmental Planning Policy (SEPP) (Koala Habitat Protection) 2019, which has since been incorporated into the *State Environmental Planning Policy (Biodiversity and Conservation) 2021*. Part 4.2 of the SEPP (Biodiversity and Conservation) 2021 addresses development control of koala habitats. As there is no approved Koala Plan of Management (KPoM) for this land, Section 4.9 of the Biodiversity Conservation SEPP 2021 applies to the Maltings site. Table 1 addresses Section 4.9 requirements, as per Part 4.2 of the SEPP (Biodiversity and Conservation) 2021.

Table 1: Section 4.9, Part 4.2 - SEPP (Biodiversity and Conservation) 2021

4.9 Development assessment process—no approved koala plan of management for land	ELA Response
(1) This section applies to land to which this Chapter applies if the land—	(a) Yes, the subject land is >1 hectare.
(a) has an area of at least 1 hectare (including adjoining land within the same ownership), and	(b) There is no approved koala plan of management which applies to the land.
(b) does not have an approved koala plan of management applying to the land.	

4.9 Development assessment process—no approved koala plan of management for land	ELA Response
<p>(2) Before a council may grant consent to a development application for consent to carry out development on the land, the council must assess whether the development is likely to have any impact on koalas or koala habitat.</p>	<p>The Maltings development required assessment of the proposed development on koalas as the site is located within an LGA to which the Koala Habitat Protection SEPP applies. The study area is mapped on the Koala Development Application Map (DPIE 2020). Therefore Eco Logical Australia provided <i>'The Maltings Koala Assessment Report (2020)</i> Prepared for Halcyon Hotels Pty Ltd.</p>
<p>(3) If the council is satisfied that the development is likely to have low or no impact on koalas or koala habitat, the council may grant consent to the development application.</p>	<p>The proposed development could not demonstrate low or no impact on koalas or koala habitat, therefore a Koala Assessment Report was required under the Koala Habitat SEPP (2019).</p>
<p>(4) If the council is satisfied that the development is likely to have a higher level of impact on koalas or koala habitat, the council must, in deciding whether to grant consent to the development application, take into account a koala assessment report for the development.</p>	<p>Eco Logical Australia provided <i>'The Maltings Koala Assessment Report (2020)</i> Prepared for Halcyon Hotels Pty Ltd.</p>
<p>(5) However, despite subsections (3) and (4), the council may grant development consent if the applicant provides to the council—</p> <p>(a) information, prepared by a suitably qualified and experienced person, the council is satisfied demonstrates that the land subject of the development application—</p> <p>(i) does not include any trees belonging to the koala use tree species listed in Schedule 3 for the relevant koala management area, or</p> <p>(ii) is not core koala habitat, or</p> <p>(b) information the council is satisfied demonstrates that the land subject of the development application—</p> <p>(i) does not include any trees with a diameter at breast height over bark of more than 10 centimetres, or</p> <p>(ii) includes only horticultural or agricultural plantations.</p>	<p>5 (a) (ii) The KAR (ELA, 2020) did not include evidence to suggest that the land is core koala habitat. The report concluded that the land was unlikely to be significant to the local population of koalas for breeding, and was not considered of high value to the Koala.</p>
<p>(6) In this section—</p> <p>koala assessment report, for development, means a report prepared by a suitably qualified and experienced person about the likely and potential impacts of the development on koalas or koala habitat and the proposed management of those impacts.</p>	<p>The KAR (ELA, 2020) meets these requirements.</p>

If you have any questions, please do not hesitate to contact me on 9574 8712.

Regards,



Hannah Fabish
Environmental Consultant