

Lovedale Farm – Master Planned Residential Golf Resort

Application Number: **03386**

Commencement Date:
25/03/2026

Status: **Locked**

1. About the project

1.1 Project details

1.1.1 Project title *

Lovedale Farm – Master Planned Residential Golf Resort

1.1.2 Project industry type *

Residential Development

1.1.3 Project industry sub-type

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1.1.4 Estimated start date *

01/02/2027

1.1.4 Estimated end date *

01/02/2037

1.2 Proposed Action details

1.2.1 Provide an overview of the proposed action, including all proposed activities. *

The Lovedale Farm Project (the project and/or the proposed action) involves the construction of an integrated residential and tourist development incorporating tourism, golfing, recreation and environmental rehabilitation on Lot 1, DP1302850. The master plan community (ATT 1 – Master Plan) will provide both permanent and short-term accommodation, as well as a range of recreational facilities for residents and guests.

The project area is 244.94 ha, while the affected area is 164.05 ha and contains 161.95 ha of vegetation, and 2.10 ha of access tracks, existing infrastructure and buildings, planted vegetation and unvegetated waterbodies (ATT 2 – Site Vegetation)[RD2]. The Proposed Action will disturb 164.05 ha of land, including native vegetation (approximately 70 ha, of which approximately 47 ha is disturbed secondary grassland and 23 ha is forest or woodland) and agricultural pasture (approx. 94 ha, including some native species). Furthermore, approximately 100 ha of the site will be improved in the form of planting, riparian corridor restoration and management of existing remnant vegetation.

The development includes:

- 590 dwelling Residential Subdivision
- 50 residential apartments
- 300 key tourist accommodation in the form of a mix of hotel rooms and villas
- 18-hole Championship Golf Course and Maintenance Facility
- Golf Clubhouse
- Conference facilities
- Community facilities (including gymnasium, sporting and other formal recreational spaces)
- Access roads and associated infrastructure
- Roundabout on Wine Country drive

The Subject Land is zoned 'SP3 Tourist' with the proposed development being permissible with consent. The proposal is consistent with the relevant strategies for the Local Government Area, objectives of the zone under the CLEP 2011 and the development controls under Cessnock Development Control Plan 2010.

The development comprises the following works:

- Site clearing of vegetation within the area of the Subject Land
- Bulk earthworks to create level development pads for future construction
- Creation of construction access and lay-down area
- Associated drainage works, inclusive of stormwater detention basins, services and landscaping
- Restoring and rehabilitation of riparian corridors
- Restoring and rehabilitation of vegetation on site
- Provision of water, sewer electrical and communications infrastructure and services
- Provision of roundabout on Wine Country drive
- Site fencing
- Remediation Management Plan
- Vegetation Management Plan

1.2.2 Is the project action part of a staged development or related to other actions or proposals in the region?

No

1.2.6 What Commonwealth or state legislation, planning frameworks or policy documents are relevant to the proposed action, and how are they relevant? *

- Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) – The Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) is the Australian Government’s central piece of environmental legislation that provides a legal framework to protect and manage environmental values considered to be of national environmental significance. The EPBC Act provides protection for listed Matters of National Environmental Significance (MNES). The EPBC Act provides protection for listed Matters of National Environmental Significance (MNES), which are:
 - World heritage properties
 - National heritage properties
 - Wetlands of international importance
 - Listed threatened species and ecological communities
 - Listed migratory species
 - Protection of the environment from nuclear actions
 - Commonwealth marine areas
 - The Great Barrier Reef Marine Park
 - Nuclear actions
 - Water resources
- Biodiversity Conservation Act 2016 (NSW) (BC Act) – sets out the regulatory framework for the assessment and approval of development and clearing activities that impact biodiversity. Biodiversity Development Assessment Report (BDAR) was prepared in accordance with the requirements of the BC Act and was assessed and approved as part of the state and local development approval processes.
- Biodiversity Conservation Regulation 2017 (NSW) (BC Regulation) – sits under the BC Act with the prescriptive details to deliver on the requirements of the BC Act.
- Biodiversity Assessment Method (BAM) (DPIE 2020a) – sets out the field assessment and methodologies that were followed in the preparation of the BDAR.
- Biosecurity Act 2015 (NSW) – a framework to prevent, eliminate, and minimise biosecurity risks from pests, diseases, weeds, and contaminants. The site is highly disturbed, and several noxious weeds exist. Their removal needs to consider this act.
- National Parks and Wildlife Act 1974 (NPW Act) provide protection for Aboriginal cultural heritage in New South Wales, including Aboriginal objects and declared Aboriginal places. An Aboriginal Cultural Heritage Assessment report has been prepared for the development to provide methods to manage the protection of Aboriginal objects and places.
- Environmental Planning and Assessment Act 1979 (NSW) (EP&A Act) requires that environmental impacts are considered in land-use planning and development approval processes. The EP&A Act contains provisions enabling the making of environmental planning instruments. These include State environmental planning policies (SEPPs), which deal with matters of State or regional environmental planning significance within NSW; and Local Environmental Plans (LEPs), which guide planning decisions for local government areas (LGAs). Development for the proposed development has been prepared and assessed within the context of the EP&A Act.
- Water Management Act 2000 (NSW) (WM Act) – The purpose of the Water Management Act 2000 (NSW) is to provide for the sustainable, integrated, and efficient management of New South Wales' water resources for present and future generations. It focuses on protecting ecosystem health, facilitating equitable water sharing, and establishing secure, tradeable water access rights. Consideration has been given to the WM Act (2000), and in accordance with Controlled Activity Guidelines (May 2022), five (5) mapped watercourses occur within the Project.
- State Environmental Planning Policy (Biodiversity and Conservation) 2021 (SEPP B&C) – SEPP B&C commenced on 1 March 2022 and combines 11 separate SEPPs into one consolidated document. SEPP B&C replaces and repeals those consolidated SEPPs, which includes amongst others, both the SEPP (Koala Habitat protection) 2020 and SEPP (Koala Habitat protection) 2021. SEPP B&C applies to the site.

- Tree species belonging to the koala use tree species - Chapter 4, listed in Schedule 3 for the relevant koala management area (Central Coast), occur within the Project and are subject to the proposal and therefore assumed to be removed as part of future works
- A Koala Assessment Report was produced and attached to the BDAR. Twenty-two (22) SATs were undertaken over the Project within areas where these Schedule 3 trees occur with more than a 15% canopy cover, and call playbacks were conducted (over two nights).
- Cessnock Local Environmental Plan (LEP) 2011 – zones and contemplates development of the site in accordance with the proposed scope of development outlined in this application.
- Cessnock Development Control Plan (DCP) 2010 – contemplates development of the site in accordance with the proposed scope of development outlined in this application.

1.2.7 Describe any public consultation that has been, is being or will be undertaken regarding the project area, including with Indigenous stakeholders. Attach any completed consultation documentations, if relevant. *

Extensive[RD1] consultation has been and continues to be undertaken with the relevant stakeholders for the Project. Capital Corporation has worked closely with all required and relevant stakeholders to provide consultation and the opportunity to assess the proposal on its merits.

Stakeholder engagement for the proposed action includes but is not limited to:

- Commonwealth DCCEEW (currently undertaking);
- NSW DCCEEW;
- NSW DPHI;
- Transport for NSW;
- Hunter and Central Coast Regional Planning Panel;
- Local Government – Cessnock City Council;
- Local Aboriginal community;
- Local Community;
- Local landholders;
- Neighbouring industry; and
- Local service providers.

Consultation is ongoing and will continue throughout the approvals process and consultation documents have been compiled for ease of reference (ATT 3-LF-Consultation Documents).

1.3.1 Identity: Referring party

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Personal information means information or an opinion about an identified individual, or an individual who is reasonably identifiable.

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Confirm that you have read and understand this Privacy Notice *

1.3.1.1 Is Referring party an organisation or business? *

Yes

Referring party organisation details

ABN/ACN 66627181453
Organisation name MJD ENVIRONMENTAL (AUST) PTY LTD
Organisation address 2292 NSW

Referring party details

Name Matthew Doherty
Job title Director
Phone 0240549539
Email info@mjdenvironmental.com.au
Address PO Box 360 Waratah NSW 2298

1.3.2 Identity: Person proposing to take the action

1.3.2.1 Are the Person proposing to take the action details the same as the Referring party details? *

No

1.3.2.2 Is Person proposing to take the action an organisation or business? *

Yes

Person proposing to take the action organisation details

ABN/ACN 107658471
Organisation name Capital Hunter Pty Limited (as Trustee for Capital Hunter Unit Trust)
Organisation address Level 2, 50 Carrington Street, Sydney

Person proposing to take the action details

Name James Hunter
Job title Managing Director
Phone 0415 782 603
Email jhunter@capcorp.com.au
Address Level 2, 50 Carrington Street, Sydney

1.3.2.14 Are you proposing the action as part of a Joint Venture? *

No

1.3.2.15 Are you proposing the action as part of a Trust? *

Yes

1.3.2.16 Describe the nature of the trust arrangement in relation to the proposed action. *

Capital Hunter Pty Limited is the Trustee of the Capital Hunter Unit Trust. (ATT 4-LF-Unit Trust Deed)

1.3.2.17 Describe the Person proposing the action's history of responsible environmental management including details of any proceedings under a Commonwealth, State or Territory law for the protection of the environment or the conservation and sustainable use of natural resources against the Person proposing to take the action. *

Yes, Capital Hunter Pty Limited has a satisfactory record of responsible environment management.

While Capital Hunter Pty Limited does not hold a specific Environmental Policy and Framework, any Environmental Management undertaken by Capital Hunter Pty Limited is done so in accordance with a relevant Plan of Management or in accordance with approval conditions (State concurrence or local).

There are no past or present proceedings under any relevant Commonwealth, State or Territory law associated with Capital Hunter Pty Limited.

1.3.2.18 If the person proposing to take the action is a corporation, provide details of the corporation's environmental policy and planning framework

While Capital Hunter Pty Limited does not hold a specific Environmental Policy and Framework, any Environmental Management undertaken by Capital Hunter Pty Limited is done so in accordance with a relevant Plan of Management or in accordance with approval conditions (State concurrence or local).

1.3.3 Identity: Proposed designated proponent

1.3.3.1 Are the Proposed designated proponent details the same as the Person proposing to take the action? *

Yes

Proposed designated proponent organisation details

ABN/ACN	107658471
Organisation name	Capital Hunter Pty Limited (as Trustee for Capital Hunter Unit Trust)
Organisation address	Level 2, 50 Carrington Street, Sydney

Proposed designated proponent details

Name	James Hunter
Job title	Managing Director
Phone	0415 782 603
Email	jhunter@capcorp.com.au
Address	Level 2, 50 Carrington Street, Sydney

1.3.4 Identity: Summary of allocation

✔ Confirmed Referring party's identity

The Referring party is the person preparing the information in this referral.

ABN/ACN	66627181453
Organisation name	MJD ENVIRONMENTAL (AUST) PTY LTD
Organisation address	2292 NSW
Representative's name	Matthew Doherty
Representative's job title	Director
Phone	0240549539
Email	info@mjdenvironmental.com.au
Address	PO Box 360 Waratah NSW 2298

✔ Confirmed Person proposing to take the action's identity

The Person proposing to take the action is the individual, business, government agency or trustee that will be responsible for the proposed action.

ABN/ACN	107658471
Organisation name	Capital Hunter Pty Limited (as Trustee for Capital Hunter Unit Trust)
Organisation address	Level 2, 50 Carrington Street, Sydney
Representative's name	James Hunter
Representative's job title	Managing Director
Phone	0415 782 603
Email	jhunter@capcorp.com.au
Address	Level 2, 50 Carrington Street, Sydney

✔ Confirmed Proposed designated proponent's identity

The Person proposing to take the action is the individual or organisation proposed to be responsible for meeting the requirements of the EPBC Act during the assessment process, if the Minister decides that this project is a controlled action.

Same as Person proposing to take the action information.

1.4 Payment details: Payment exemption and fee waiver

1.4.1 Do you qualify for an exemption from fees under EPBC Regulation 5.23 (1) (a)? *

No

1.4.3 Have you applied for or been granted a waiver for full or partial fees under Regulation 5.21A? *

No

1.4.5 Are you going to apply for a waiver of full or partial fees under EPBC Regulation 5.21A?

No

1.4.7 Has the department issued you with a credit note? *

No

1.4.9 Would you like to add a purchase order number to your invoice? *

No

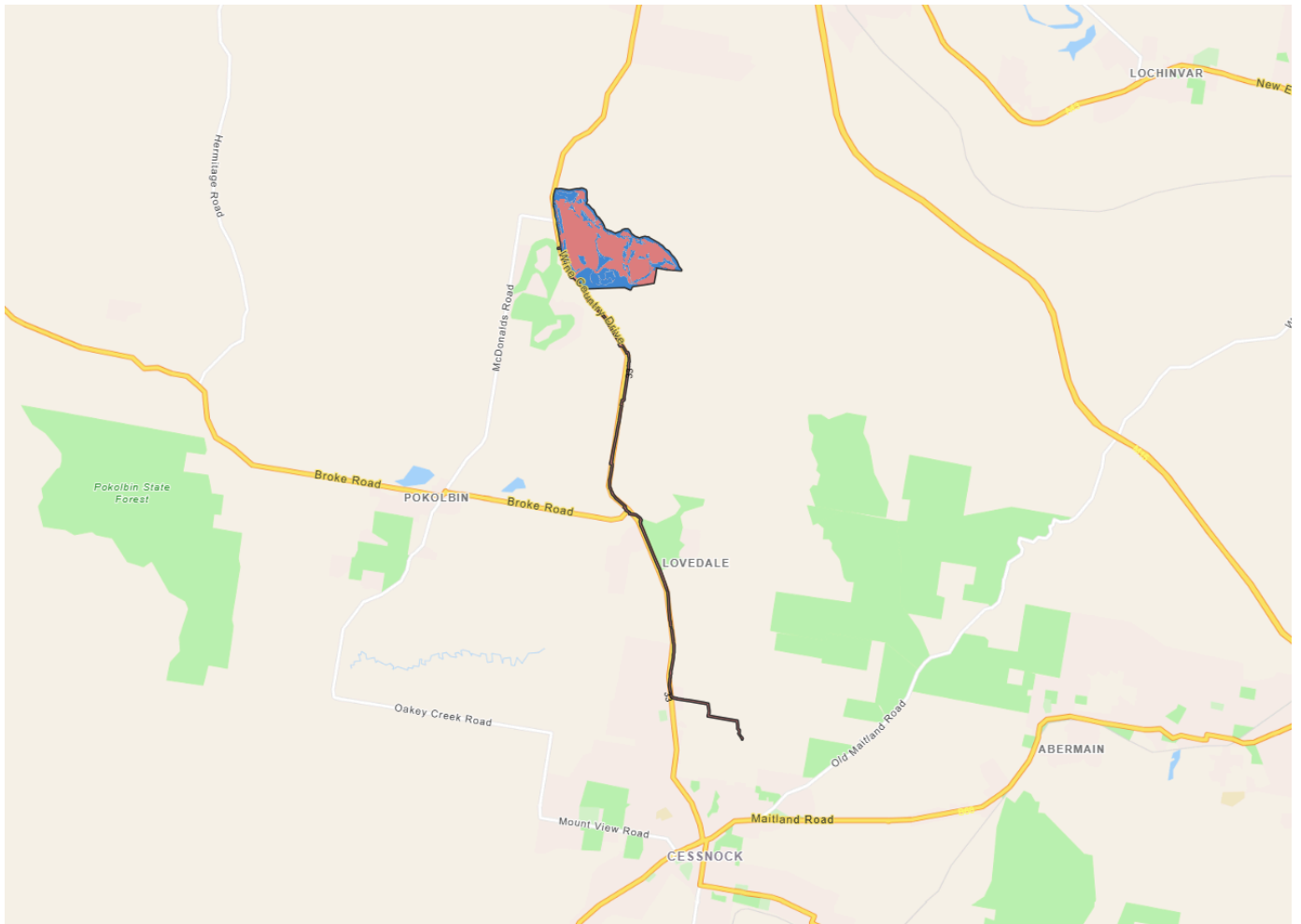
1.4 Payment details: Payment allocation

1.4.11 Who would you like to allocate as the entity responsible for payment? *

Person proposing to take the action

2. Location

2.1 Project footprint



Project Area: 256.88 Ha Disturbance Footprint: 177.37 Ha Avoidance Area: 79.49 Ha

2.2 Footprint details

2.2.1 What is the address of the proposed action? *

1058 Wine Country Drive, Lovedale (1/-/DP1302850)

2.2.2 Where is the primary jurisdiction of the proposed action? *

New South Wales

2.2.3 Is there a secondary jurisdiction for this proposed action? *

No

2.2.5 What is the tenure of the action area relevant to the project area? *

The proposed action is located predominantly on freehold land, most of which is in private ownership (ATT 5-LF-Site Location) with the exception of land owned by Transport for NSW, local road reserves and Hunter Water Corporation land (associated with Wastewater treatment). Cessnock City Council is the relevant roads authority for all roads except the Wine Country Drive, which is a state road.

As part of the proposed action, a roundabout will be constructed on Wine Country Drive that will service the proposed action and the adjacent development (ATT 6-LF-Roundabout Site Location). Furthermore, services connecting to the proposed action will be upgraded to service other consumers, developments and the community in general (ATT 7-LF-Sewer Upgrade Site Location). It should be noted that these two aspects of the proposed action will incorporate freehold land in private ownership and Crown land. Only the portions included within Lot 1/-/DP1302850 are incorporated into the project area.

3. Existing environment

3.1 Physical description

3.1.1 Describe the current condition of the project area's environment.

The project area is located in Lovedale in the Cessnock City LGA, within the Hunter Valley of NSW. It is approximately 12.5 km from Cessnock to the south and 9.6 km to Branxton to the north (ATT 5-LF-Site Location). The project area is bound by Wine Country Road, which runs along the western boundary. Black Creek runs along the northeast boundary, with large rural lots occurring to the south. The project area is currently zoned SP3 Tourist across its entirety.

The project area was previously managed as an active dairy farm with intensive agricultural practices that are still evident within the landscape. Whilst farming practices are not as intensive, the site is still actively used for cattle grazing across its full extent. The vegetation within the site is defined as a mosaic of cleared pastured land with areas of modified open forest and riparian forest. Disturbance in the form of historic land clearing, tillage and hard-hooved grazing is evident across the site, especially in riparian areas and consequently, condition states for vegetation across the site vary considerably with vegetation existing in both an intact, modified and derived state. Current land use within the project area includes active cattle grazing, subsequently, the condition state of native vegetation communities occurring within the project area are reflective of the hard-hooved grazing presence.

First, third and fourth order watercourses are present within the project area, all of which feed into Black Creek, a sixth order stream that runs along the northeast boundary of the project area. Two ephemeral streams bisect the study area from south to north. One stream is more vegetated and runs from the adjacent rural land to the south, forming a narrow band of forested wetland that becomes discontinuous in the centre of the project area. The other stream runs from the western boundary of the project area to the east, connecting to Black Creek. This stream is fed by a dam located in Vintage Golf Course to the west of Wine Country Drive and is connected to the project area by a drainage culvert. All water courses eventually join the Hunter River, which is approximately 12 km north of the project area. The watercourses are in moderate to poor condition, exhibiting indicators of disturbance such as eroded banks and weed infestations, likely a result of land use history.

The current and historic land use practices have modified the vegetation within the project area, resulting in the alteration of the structural composition. Four (4) Plant Community Types (PCTs), as defined in the BioNet Vegetation Classification database, were identified within the Project area. All PCTs occur within the Hunter subregion of the Sydney Basin Bioregion. The identified PCTs are as follows:

- *PCT 3446 - Lower North Foothills Ironbark - Box-Gum Grassy Forest*
- *PCT 3315 - Central Hunter Ironbark-Spotted Gum Forest*
- *PCT 4023 - Coastal Valleys Swamp Oak Riparian Forest*
- *PCT 3975 - Southern Lower Floodplain Freshwater Wetland*

Detailed assessment of vegetation zones can be found section 3.2.2.

3.1.2 Describe any existing or proposed uses for the project area.

The proposed development involves the construction of an integrated residential and tourist development incorporating tourism, golfing, recreation and environmental rehabilitation on Lot 1, DP1302850. The master plan community (ATT 1-LF-Master Plan) will provide both permanent and short-term accommodation, as well as a range of recreational facilities for residents and guests.

The project area is 244.94 ha, while the affected area is 164.05 ha and contains 161.95 ha of vegetation, and 2.10 ha of access tracks, existing infrastructure and buildings, planted vegetation and unvegetated waterbodies (ATT 2-LF-Site Vegetation). The Proposed Action will disturb 164.05 ha of land, including native vegetation (approximately 70 ha, of which approximately 47 ha is disturbed secondary grassland and 23 ha is forest or woodland) and agricultural pasture (approx. 94 ha, including some native species). Furthermore, approximately 100 ha of the site will be improved in the form of planting, riparian corridor restoration and management of existing remnant vegetation.

The development includes:

- Residential Subdivision
- Residential Apartments
- 300 key Tourist Accommodation in the form of a mix of hotel rooms and villas
- 18-hole Championship Golf Course and Maintenance Facility
- Golf Clubhouse
- Conference facilities
- Community facilities (including gymnasium, sporting and other formal recreational spaces)
- Access roads and associated infrastructure
- Roundabout on Wine Country drive

The Subject Land is zoned 'SP3 Tourist' with the proposed development being permissible with consent. The proposal is consistent with the relevant strategies for the Local Government Area, objectives of the zone under the CLEP 2011 and the development controls under Cessnock Development Control Plan 2010.

The development comprises the following works:

- Site clearing of vegetation within the area of the Subject Land
- Bulk earthworks to create level development pads for future construction
- Creation of construction access and lay-down area
- Associated drainage works, inclusive of stormwater detention basins, services and landscaping
- Restoring and rehabilitation of riparian corridors
- Restoring and rehabilitation of vegetation on site
- Provision of water, sewer electrical and communications infrastructure and services
- Provision of roundabout on Wine Country drive
- Site fencing
- Remediation Management Plan
- Vegetation Management Plan

3.1.3 Describe any outstanding natural features and/or any other important or unique values that applies to the project area.

There are no outstanding natural features present within the project area.

Tiraki Nature Reserve is approximately 1.8 km NW of the project area, which is a 610 ha parcel of intact protected native vegetation communities. Belford National Park is further NW, approximately 7.9 km from the project area. Werakata National Park is also within the locality, being situated 4.5 km SE from the project area.

Black Creek, a sixth order stream that runs along the northeast boundary of the project area, is a major tributary within the locality. All water courses within the project area are tributaries to Black Creek, and therefore eventually join the Hunter River, which is approximately 12 km north of the project area. The watercourses are in moderate to poor condition, exhibiting indicators of disturbance such as eroded banks and weed infestations, likely a result of land use history.

3.1.4 Describe the gradient (or depth range if action is to be taken in a marine area) relevant to the project area.

The gradient within the project area is relatively homogenous, slightly gaining elevation from 40 m to 60 m ADH as the site moves away from the riparian corridor within a south-west direction.

3.2 Flora and fauna

3.2.1 Describe the flora and fauna within the affected area and attach any investigations of surveys if applicable.

Detailed assessment of biodiversity values on the site was informed by a Biodiversity Development Assessment Report (ATT 8-LF-BDAR-refer to Section 4, 5 and 7), which included iterative design to avoid and minimise impacts to threatened species and their habitat, and calculations of offset credits for residual impacts under the NSW BOS. This BDAR was certified and lodged with the local consent authority (Cessnock City Council) and approved as part of a package of development applications for the site.

Investigation of flora and fauna within the affected area is informed through desktop appraisal, vegetation delineation and sampling in accordance with BAM 2020, and threatened species surveys in accordance with the BAM 2020.

The Project consists of semi-cleared native pastures, with the majority of vegetation modified to some degree due to historic clearance and continuous agricultural practices. Currently, cattle actively graze the Project resulting in the alteration of the structural composition of the vegetation. Areas of modified and regenerating open forest exists in fragmented patches within portions of the affected area. Connectivity of the project area to the broader landscape is limited due to historic clearing and the continuation of cattle grazing, however, the riparian vegetation along Black Creek and its tributaries provides moderate connectivity to the broader region to the northwest and southeast.

Much of the wooded habitat has been avoided through project design to avoid and minimise impacts to this high value habitat.

Field surveys were undertaken by MJD Environmental between the 19 July 2022 and 27 November 2023 (ATT 8-LF-BDAR-refer to Section 5.5). Additional surveys were conducted between 27 August and 27 November 2025, post-approval. (See 4.1.4.5 for further details).

Flora Species

The Biodiversity Development Assessment Report (ATT 8-LF-BDAR-refer to Section 3.31 and Appendix D) identified 348 flora species on site.

Fauna Species

The Biodiversity Development Assessment Report (ATT 8-LF-BDAR-refer to Section 5.6 and Appendix D) identified 138 fauna species on site.

Summary of Findings

MNES recorded/known to occur in the Project Area (ATT 8-LF-BDAR-refer to App F)

- Ecological Communities
 - Coastal Swamp Oak (*Casuarina glauca*) Forest of New South Wales and South East Queensland ecological community
 - Central Hunter Valley eucalypt forest and woodland
- Flora
 - *Persicaria elatior* (Tall Knotweed)
 - *Eucalyptus glaucina* (Slatey Gum) – Species avoided and conserved on site.
- Fauna
 - *Pteropus poliocephalus* (Grey-headed Flying Fox) – No camps. Species seen flying over site.
 - *Delma vescolineata* (Hunter Valley Delma) – Species observed in secondary survey.

MNES likely to occur in the Project Area (ATT 8-LF-BDAR-refer to App F)

- Flora
 - *Persoonia pauciflora* (North Rothbury Persoonia) – Previous Biodiversity Values Mapping (BVM) attributed to species. No *Persoonia pauciflora* observed during surveys and BVM avoided and conserved on site.
- Fauna

- *Anthochaera phrygia* (Regent Honeyeater) – No *Anthochaera phrygia* observed during surveys.
- *Climacteris picumnus victoriae* (Brown Treecreeper (south-eastern)) – No *Climacteris picumnus victoriae* observed during surveys.
- *Lathamus discolor* (Swift Parrot) – No *Lathamus discolor* observed during surveys.

3.2.2 Describe the vegetation (including the status of native vegetation and soil) within the project area.

Detailed assessment of biodiversity values on the site was informed by a Biodiversity Development Assessment Report (ATT 8-LF-BDAR-refer to Section 4, 5 and 7), which included iterative design to avoid and minimise impacts to threatened species and their habitat, and calculations of offset credits for residual impacts under the NSW BOS. This BDAR was certified and lodged with the local consent authority (Cessnock City Council) and approved as part of a package of development applications for the site.

The project area is 244.94 ha, while the affected area is 164.05 ha and contains 161.95 ha of vegetation, and 2.10 ha of access tracks, planted vegetation and unvegetated waterbodies. The extent of native vegetation has been interpreted using API and ground truthing during field survey works. Vegetation within the project area shows evidence of disturbance due to historic clearing and cattle grazing practices.

The vegetation within the Project is predominately low-quality grassland, spanning across the north and east sections. Weed species are prevalent across the Project. Where the alteration of structural composition has occurred, Plant Community Type (PCT) assignment has been primarily driven by remnant canopy species.

Four (4) PCTs were identified within the Project:

- PCT 3446 - Lower North Foothills Ironbark - Box-Gum Grassy Forest
 - Occurs in a range of conditions, including secondary grassland
 - Parts of this PCT on the site are commensurate with Central Hunter Valley eucalypt forest and woodland ecological community
- PCT 3315 - Central Hunter Ironbark-Spotted Gum Forest
 - Occurs as a single condition class, considered to be moderate to good
 - Parts of this PCT on the site are commensurate with Central Hunter Valley eucalypt forest and woodland ecological community
- PCT 4023 - Coastal Valleys Swamp Oak Riparian Forest
 - Occurs in a range of conditions, including secondary grassland, as well as the parent PCT for assessment of pasture
 - Parts of this PCT on the site are commensurate with Coastal Swamp Oak (*Casuarina glauca*) Forest of New South Wales and South East Queensland ecological community
- PCT 3975 - Southern Lower Floodplain Freshwater Wetland
 - Occurs as two (2) wetlands on the site.
 - Not commensurate with any MNES ecological community.

The project area also contains small areas of cleared and degraded land. Areas that have been mapped as non-native vegetation in the form of exotic planted vegetation.

Detailed assessment of Vegetation Zones can be found in (ATT 8-LF-BDAR-refer to Section 3)

The project area occurs wholly within the Sydney Basin Interim Biogeographic Regionalisation of Australia (IBRA) Bioregion within the Hunter subregion. The Sydney Basin Bioregion is comprised of Mesozoic sandstones and shales; dissected plateaus: forest, woodlands and heaths: The soils are primarily skeletal soils, sands and podzolics. The project area is mapped Sydney Basin Hunter *Chf Central Hunter Foothills* containing undulating lowlands, rounded to steep hills with rock outcrop on ridges on Permian lithic sandstone, conglomerate, shale and coal, general elevation 40 to 300m with a few higher peaks, local relief 30 to 120m. Red-brown to yellow brown harsh texture-contrast soils on slopes, dark coloured clays in valleys and limited accumulations of sand and gravel in streams. A review of the Acid Sulphate Soils Risk mapping indicates the project area has not been assessed for ASS.

3.3 Heritage

3.3.1 Describe any Commonwealth Heritage Places Overseas or other places recognised as having heritage values that apply to the project area.

There are no National, State, or Local listed heritage items identified within the project area.

3.3.2 Describe any Indigenous heritage values that apply to the project area.

The project area is located within the Traditional Lands of the Wonnarua people.

An Aboriginal Cultural Heritage Assessment Report has been prepared for the project area (ATT 9-LF-ACHAR).

3.4 Hydrology

3.4.1 Describe the hydrology characteristics that apply to the project area and attach any hydrological investigations or surveys if applicable. *

The project area is located within the Cessnock City Council catchment in the Hunter region.

Several watercourses occur within the project area in the form of three first order streams, a third order stream and a fourth order stream. All of which feed into Black Creek, a sixth order stream located along the north/northeastern boundary of the lot.

The riparian corridor of the unnamed fourth order stream contains a canopy along the southern portion, forming a narrow band of forested wetland that becomes discontinuous in the centre of the project area. The unnamed third order stream runs from the western boundary of the project area to the east, connecting to Black Creek. This stream is fed by a dam located in Vintage Golf Course to the west of Wine Country Drive and is connected to the project area by a drainage culvert. All water courses eventually join the Hunter River, which is approximately 12 km north of the project area.

The project area is not mapped as a coastal wetland and has not been identified on the Coastal Environmental Area Map. The project area is not a wetland of international significance or declared Ramsar wetland. Four wetlands of international importance were nominated within a 10 km radius of the project area. However, no wetlands of international significance are in close proximity to the project area. The project area is located approximately 39 km north of the Hunter Estuary Wetlands.

The Bureau of Meteorology Atlas of Groundwater Dependant Ecosystems (GDEs) for the Hunter River catchment has identified areas of terrestrial or aquatic GDEs within the project area. The watercourse to the northeast of the project area contains mapped vegetation communities that are identified as high potential GDE – from regional studies (Bureau of Meteorology, 2017):

- Narrow-leaved Ironbark / Grey Box / Spotted Gum shrub / grass open forest of the central and lower Hunter

This GDE is related to Black Creek, a Strahler 6th order water course that constitutes the northern boundary of the project area. The project does not include the extraction of groundwater; mitigation measures will be taken to avoid contamination of GDE through construction and ongoing operations.

4. Impacts and mitigation

4.1 Impact details

Potential Matters of National Environmental Significance (MNES) relevant to your proposed action area.

EPBC Act section	Controlling provision	Impacted	Reviewed
S12	World Heritage	No	Yes
S15B	National Heritage	No	Yes
S16	Ramsar Wetland	No	Yes
S18	Threatened Species and Ecological Communities	Yes	Yes
S20	Migratory Species	No	Yes
S21	Nuclear	No	Yes
S23	Commonwealth Marine Area	No	Yes
S24B	Great Barrier Reef	No	Yes
S24D	Water resource in relation to large coal mining development or coal seam gas	No	Yes
S26	Commonwealth Land	No	Yes
S27B	Commonwealth Heritage Places Overseas	No	Yes
S28	Commonwealth or Commonwealth Agency	No	Yes

4.1.1 World Heritage

You have identified your proposed action will likely directly and/or indirectly impact the following protected matters.

A direct impact is a direct consequence of an action taken – for example, clearing of habitat for a threatened species or permanent shading on an ecological community as the result of installing solar panels.

An indirect impact is an 'indirect consequence' such as a downstream impact or a facilitated third-party action.

—

4.1.1.1 Is the proposed action likely to have any direct and/or indirect impact on any of these protected matters? *

No

4.1.1.3 Briefly describe why your action is unlikely to have a direct and/or indirect impact.

*

There are no World Heritage Properties in the vicinity of the project area.

4.1.2 National Heritage

You have identified your proposed action will likely directly and/or indirectly impact the following protected matters.

A direct impact is a direct consequence of an action taken – for example, clearing of habitat for a threatened species or permanent shading on an ecological community as the result of installing solar panels.

An indirect impact is an 'indirect consequence' such as a downstream impact or a facilitated third-party action.

—

4.1.2.1 Is the proposed action likely to have any direct and/or indirect impact on any of these protected matters? *

No

4.1.2.3 Briefly describe why your action is unlikely to have a direct and/or indirect impact.

*

There are no National Heritage Places in the vicinity of the project area.

4.1.3 Ramsar Wetland

You have identified your proposed action will likely directly and/or indirectly impact the following protected matters.

A direct impact is a direct consequence of an action taken – for example, clearing of habitat for a threatened species or permanent shading on an ecological community as the result of installing solar panels.

An indirect impact is an 'indirect consequence' such as a downstream impact or a facilitated third-party action.

Direct impact	Indirect impact	Ramsar wetland
Yes		Hunter Estuary Wetlands

4.1.3.1 Is the proposed action likely to have any direct and/or indirect impact on any of these protected matters? *

No

4.1.3.3 Briefly describe why your action is unlikely to have a direct and/or indirect impact.

*

The Proposal is located 20-30km upstream of Hunter Estuary Wetlands, a Ramsar site (a 3000 hectare wetland with nexus at Kooragang, NSW). No impact to the wetland will result from the proposal.

4.1.4 Threatened Species and Ecological Communities

You have identified your proposed action will likely directly and/or indirectly impact the following protected matters.

A direct impact is a direct consequence of an action taken – for example, clearing of habitat for a threatened species or permanent shading on an ecological community as the result of installing solar panels.

An indirect impact is an 'indirect consequence' such as a downstream impact or a facilitated third-party action.

Threatened species

Direct impact	Indirect impact	Species	Common name
No	No	<i>Acacia bynoeana</i>	Bynoe's Wattle, Tiny Wattle
Yes	No	<i>Anthochaera phrygia</i>	Regent Honeyeater
No	No	<i>Aprasia parapulchella</i>	Pink-tailed Worm-lizard, Pink-tailed Legless Lizard
No	No	<i>Botaurus poiciloptilus</i>	Australasian Bittern
No	No	<i>Calidris acuminata</i>	Sharp-tailed Sandpiper
No	No	<i>Calidris ferruginea</i>	Curlew Sandpiper
No	No	<i>Callocephalon fimbriatum</i>	Gang-gang Cockatoo
No	No	<i>Calyptorhynchus lathami lathami</i>	South-eastern Glossy Black-Cockatoo
No	No	<i>Chalinolobus dwyeri</i>	Large-eared Pied Bat, Large Pied Bat
Yes	No	<i>Climacteris picumnus victoriae</i>	Brown Treecreeper (south-eastern)
No	No	<i>Cynanchum elegans</i>	White-flowered Wax Plant
No	No	<i>Dasyurus maculatus maculatus</i> (SE mainland population)	Spot-tailed Quoll, Spotted-tail Quoll, Tiger Quoll (southeastern mainland population)
Yes	No	<i>Delma vescolineata</i>	Hunter Valley Delma
No	No	<i>Erythrotriorchis radiatus</i>	Red Goshawk
Yes	No	<i>Eucalyptus glaucina</i>	Slaty Red Gum
No	No	<i>Eucalyptus parramattensis</i> subsp. <i>decadens</i>	Earp's Gum, Earp's Dirty Gum
No	No	<i>Euphrasia arguta</i>	
No	No	<i>Falco hypoleucos</i>	Grey Falcon
No	No	<i>Gallinago hardwickii</i>	Latham's Snipe, Japanese Snipe
No	No	<i>Grantiella picta</i>	Painted Honeyeater

Direct impact	Indirect impact	Species	Common name
No	No	<i>Grevillea parviflora</i> subsp. <i>parviflora</i>	Small-flower Grevillea
No	No	<i>Heleioporus australiacus</i> <i>australiacus</i>	Giant Burrowing Frog, Eastern Owl Frog
No	No	<i>Hirundapus caudacutus</i>	White-throated Needletail
Yes	No	<i>Lathamus discolor</i>	Swift Parrot
No	No	<i>Litoria aurea</i>	Green and Golden Bell Frog
No	No	<i>Melanodryas cucullata cucullata</i>	South-eastern Hooded Robin, Hooded Robin (south-eastern)
No	No	<i>Neophema chrysostoma</i>	Blue-winged Parrot
No	No	<i>Nyctophilus corbeni</i>	Corben's Long-eared Bat, South-eastern Long-eared Bat
No	No	<i>Ozothamnus tessellatus</i>	
Yes	No	<i>Persicaria elatior</i>	Knotweed, Tall Knotweed
No	Yes	<i>Persoonia pauciflora</i>	North Rothbury Persoonia
No	No	<i>Petauroides volans</i>	Greater Glider (southern and central)
No	No	<i>Petaurus australis australis</i>	Yellow-bellied Glider (south-eastern)
No	No	<i>Petrogale penicillata</i>	Brush-tailed Rock-wallaby
No	No	<i>Phascolarctos cinereus</i> (combined populations of Qld, NSW and the ACT)	Koala (combined populations of Queensland, New South Wales and the Australian Capital Territory)
No	No	<i>Pomaderris brunnea</i>	Rufous Pomaderris, Brown Pomaderris
No	No	<i>Prasophyllum</i> sp. Wybong (C.Phelps ORG 5269)	a leek-orchid
No	No	<i>Prostanthera cineolifera</i>	
No	No	<i>Pseudomys novaehollandiae</i>	New Holland Mouse, Pookila
No	No	<i>Pteropus poliocephalus</i>	Grey-headed Flying-fox
No	No	<i>Pterostylis gibbosa</i>	Illawarra Greenhood, Rufa Greenhood, Pouched Greenhood
No	No	<i>Rhizanthella slateri</i>	Eastern Underground Orchid

Direct impact	Indirect impact	Species	Common name
No	No	Rhodamnia rubescens	Scrub Turpentine, Brown Malletwood
No	No	Rostratula australis	Australian Painted Snipe
No	No	Rutidosis heterogama	Heath Wrinklewort
No	No	Stagonopleura guttata	Diamond Firetail
No	No	Syzygium paniculatum	Magenta Lilly Pilly, Magenta Cherry, Daguba, Scrub Cherry, Creek Lilly Pilly, Brush Cherry
No	No	Thesium australe	Austral Toadflax, Toadflax
No	No	Thismia clavarioides	

Ecological communities

Direct impact	Indirect impact	Ecological community
Yes	No	Central Hunter Valley eucalypt forest and woodland
Yes	No	Coastal Swamp Oak (Casuarina glauca) Forest of New South Wales and South East Queensland ecological community
No	No	Coastal Swamp Sclerophyll Forest of New South Wales and South East Queensland
No	No	Hunter Valley Weeping Myall (Acacia pendula) Woodland
No	No	Kurri sand swamp woodland of the Sydney Basin bioregion
No	No	River-flat eucalypt forest on coastal floodplains of southern New South Wales and eastern Victoria
No	No	White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland

4.1.4.1 Is the proposed action likely to have any direct and/or indirect impact on any of these protected matters? *

Yes

4.1.4.2 Briefly describe why your action has a direct and/or indirect impact on these protected matters. *

Proposed Action

The Proposed Action will disturb approximately 164 ha of land, including native vegetation (approximately 70 ha), of which approximately 47 ha is disturbed secondary grassland and 23 ha is forest or woodland) and agricultural pasture (approx. 94 ha, including some native species). As such, the proposal is considered likely to impact on MNES as follows.

Ecological Communities

Four (4) Plant Community Types (PCT) were identified within the Proposed Action. The PCTs recorded on site are identified in the Biodiversity Development Assessment Report (ATT 8-LF-BDAR-refer to Section 3.31 and Appendix D), The identified PCTs are as follows:

- PCT 3446 - Lower North Foothills Ironbark - Box-Gum Grassy Forest
- PCT 3315 - Central Hunter Ironbark-Spotted Gum Forest
- PCT 4023 - Coastal Valleys Swamp Oak Riparian Forest
- PCT 3975 - Southern Lower Floodplain Freshwater Wetland

Flora Species

The Biodiversity Development Assessment Report (ATT 8-LF-BDAR-refer to Section 3.31 and Appendix D) identified 348 flora species on site.

Fauna Species

The Biodiversity Development Assessment Report (ATT 8-LF-BDAR-refer to Section 5.6 and Appendix D) identified 138 fauna species on site.

Threatened Ecological Communities

- Coastal Swamp Oak (*Casuarina glauca*) Forest of New South Wales and South East Queensland ecological community – removal of 1.79 ha.
- Central Hunter Valley eucalypt forest and woodland – removal of 13.39 ha.

Threatened Species

- *Anthochaera phrygia* (Regent Honeyeater) – Suitable foraging habitat (1.94 ha host to *Amyema cambagei* - *Needle-leaf Mistletoe*) avoided; removal of 20.85 ha potential suitable foraging habitat (conservatively, all timbered eucalypt vegetation within disturbance footprint)
- *Climacteris picumnus victoriae* (Brown Treecreeper (south-eastern)) – removal of 20.85 ha of suitable habitat (conservatively, all timbered eucalypt vegetation within disturbance footprint).
- *Delma vescolineata* (Hunter Valley Delma) – removal of 161.99 ha of suitable habitat, which is inclusive of the Project impact area.
- *Eucalyptus glaucina* (Slaty Red Gum) – removal of 33.46 ha of potential suitable habitat (species not detected, but associated with the plant community), with the retention of all 105 individuals detected on the site.
- *Lathamus discolor* (Swift Parrot) – highly suitable habitat (associated via NSW Important Areas map) on site avoided; removal of 20.85 ha potential suitable foraging habitat (conservatively, all timbered eucalypt vegetation within disturbance footprint)
- *Persicaria elatior* (Tall Knotweed) – removal of 1.8 ha of suitable habitat including 13 detected individuals.
- *Persoonia pauciflora* (North Rothbury Persoonia) – not recorded but previously associated via the NSW Biodiversity Values Map with 8.82 ha of habitat (since reviewed and no longer mapped) to be removed.

An AoS of impact for each of the above listed MNES has been conducted in accordance with the Significance Impact Guidelines, as provided under the EPBC Act (DoE 2013) (ATT 8-LF-BDAR-refer to Appendix F).

NB the AoS for *Delma vescolineata* has not been modified since submission and is attached as certified. See 4.1.4.5 for the circumstances which triggered referral.

4.1.4.4 Do you consider this likely direct and/or indirect impact to be a Significant Impact?

*

Yes

4.1.4.5 Describe why you consider this to be a Significant Impact. *

Proposed Action

The Proposed Action will disturb approximately 164 ha of land, including native vegetation (approximately 70 ha), of which approximately 47 ha is disturbed secondary grassland and 23 ha is forest or woodland) and agricultural pasture (approx. 94 ha, including some native species). As such, the proposal is considered likely to impact on MNES as follows.

Detailed assessment of biodiversity values on the site was informed by a Biodiversity Development Assessment Report (ATT 8-LF-BDAR-refer to Section 4, 5 and 7), which included iterative design to avoid and minimise impacts to threatened species and their habitat, and calculations of offset credits for residual impacts under the NSW BOS. This BDAR was certified and lodged with the local consent authority (Cessnock City Council) and approved as part of a package of development applications for the site.

Preliminary assessment was also undertaken having regard to those threatened entities listed under the Commonwealth EPBC Act 1999 (ATT 8-LF-BDAR-refer to Appendix E), which concluded that the proposed action is unlikely to have significant impacts to MNES assessed (8-LF-BDAR-refer to Appendix F).

Generally coincident with the planned timing of submission, substantial changes to the recognition of species, their predicted range, and the methods of determining presence or absence were published in the NSW Threatened Biodiversity Data Collection. Applicable to the site were updates to the species *Delma vescolineata*, at that time recognised and gazetted in NSW as a new species distinct from its previous classification as an outlying population of *Delma impar*. Further, the methodology which was required for determination of presence or absence under the BAM was modified, removing the method of Pitfall Traps (used in the BDAR and not resulting in records of the species), and replacing with Tile Arrays.

As pitfalls had been an approved methodology for several years, the submission was advanced on that basis – the lead time to implement and assess tiles prior to submission was not achievable within project constraints. Conservatively, due to the data-deficient nature of the species at the time and the desire to remain in compliance should the previous methods be deemed unacceptable, tile surveys were prepared concurrently with submission.

The new methodology yielded the unexpected result of detecting the species in locations without previous detection using pitfalls and habitat searches. As the species is known to utilise cleared as well as wooded land, a large potential area of habitat can be inferred from the results. Given it is also known to use exotic grasslands, conservatively the full extent of vegetated land, including agricultural pasture not otherwise assessed as native vegetation, is inferred as species habitat subject to impact under the proposal.

As the site falls outside of the predicted range for the species as gazetted under the EPBC Act and the potential quantum of utilised habitat proposed for removal is substantial, the significance of the impact can no longer to be said to be unlikely to be significant.

4.1.4.7 Do you think your proposed action is a controlled action? *

Yes

4.1.4.8 Please elaborate why you think your proposed action is a controlled action. *

Referral has primarily been triggered by new information gained through conservative survey (post-approval) using newly listed guidelines for specific species. This information prevents previous conclusions regarding the likelihood of significant impacts to MNES to require review. The proponent and MJD Environmental think that the new information and context warrants consideration by the Department.

4.1.4.10 Please describe any avoidance or mitigation measures proposed for this action and attach any supporting documentation for these avoidance and mitigation measures. *

Include any possible and practicable measures to best avoid impacts. If impacts cannot be avoided, then they should be minimised or mitigated as much as possible.

Detailed assessment of biodiversity values on the site was informed by a Biodiversity Development Assessment Report (ATT 8-LF-BDAR-refer to Section 9), which included iterative design to avoid and minimise impacts to threatened species and their habitat, and calculations of offset credits for residual impacts under the NSW BOS. This BDAR was certified and lodged with the local consent authority (Cessnock City Council) and approved as part of a package of development applications for the site.

The application was accompanied by a Vegetation Management Plan for the protection, management, maintenance, and restoration of 143.3 ha of riparian and terrestrial retained vegetation on the site. (ATT 10-LF-VMP)

Redesign of original Concept Plan Approval (ATT 8-LF-BDAR-refer to Appendix B) to not only avoid and minimise, but also to reduce the impacts on the better condition class remnant vegetation. The original concept plan incorporated facilities utilising all of the Subject Land, without realistically considering the avoidance of the ecological values present. In some areas, it aimed to utilise the ecological values present to improve the aesthetics of the proposal, with two statement golf holes, a golf practice fairway and the Tourist Villas to have significantly impacted on the highest quality remnant vegetation present in the Subject Land.

The redesign of the proposal has been an iterative process that was informed by the original concept plan, the appropriate legislation (to allow a Section 4.55 Modification to Consent) and legal advice, whilst considering the ecological values of the Subject Land. Consultation between the planners, design team, Council and ecologists has been collaborative, allowing for significant improvements to the functionality of the proposal, the avoidance of ecological assets and the long-term improvement of ecological resources provided by the Subject Land, including; the establishment of wildlife corridors (along Wine Country Drive, throughout the site and within the riparian corridors), restoration of remnant vegetation, revegetation within riparian areas, removal of earthworks and man-made structures from within riparian areas and the long-term conservation of local flora and fauna.

The following specific control measures, will be implemented by the Project as part of the Vegetation Management Plan (ATT 10-LF-VMP) and Biodiversity Management Plan (Condition of Consent):

- Vegetation Management Plan for the protection, management, maintenance, and restoration of 143.3 ha of riparian and terrestrial retained vegetation on the site
- Development of a Delma Management Plan for the protection and management of the species and its habitat on site.
- Further development of a Golf Course Management Plan.
- Delineation of clearing areas within the proposed action area prior to any disturbance to minimise the area of disturbance
- Implementation of pre-clearance and clearance procedures for all disturbance to minimise the potential for impacts on native fauna species (focusing on threatened species) as a result of the clearing of hollow bearing trees and grassland vegetation
- Development of an unexpected finds procedure to respond to the identification of unexpected threatened species during pre-clearance surveys
- Salvage of biodiversity features, including habitat resources (e.g. hollow logs, tree hollows, fallen timber and rocks/boulders)
- Retention of remnant vegetation (ATT 11-LF-Tree Retention plan)
- Weed management
- Fencing and access control
- Erosion and sedimentation control
- Providing appropriate environmental management measures as part of the construction and operation to minimise the potential for indirect impacts.

Biodiversity management measures and mitigation measures required for the proposed action will be documented in the Construction Environmental Management Plan (CEMP) prior to any construction work for the proposed action.

It should be noted that consideration has been given to the habitat requirements of *Delma vescolineata* (The Hunter Valley Delma) in the design and landscaping of the Project, and in the production of the VMP. The design incorporates large corridors of suitable habitat and the conservation of remnant grasslands within the Project. The VMP protects, manages, maintains, and restores 143.3 ha of riparian and terrestrial retained vegetation on the site. The staging of the Project allows time for the establishment of habitat, the study and translocation of individuals and the long-term management of the population. The Project provides long-term stability for the species, across a landscape that provides habitat and connection.

4.1.4.11 Please describe any proposed offsets and attach any supporting documentation relevant to these measures. *

Offsets are proposed under the NSW Biodiversity Offsets Scheme for residual impacts to native vegetation and candidate threatened species habitat as assessed in the BDAR (ATT 8-LF-BDAR-refer to Section 12 and Appendix I). Offsets are proposed for all areas of native vegetation impacted by the proposed action where a prescribed level of vegetation integrity arises from assessment, and for all areas of suitable habitat for threatened species identified in the BDAR. Offsets proposed:

- 924 Ecosystem (native vegetation) credits to offset removal of 68 hectares of vegetation.
- 54 Species credits to offset removal of 1.8 ha of suitable habitat for *Persicaria elatior* (Tall Knotweed) including 13 detected individuals.
- 341 Species credits to offset removal of 16.04 ha of suitable habitat for *Petaurus norfolcensis* (Squirrel Glider, BC Act listed Vulnerable, not listed EPBC Act).

4.1.5 Migratory Species

You have identified your proposed action will likely directly and/or indirectly impact the following protected matters.

A direct impact is a direct consequence of an action taken – for example, clearing of habitat for a threatened species or permanent shading on an ecological community as the result of installing solar panels.

An indirect impact is an 'indirect consequence' such as a downstream impact or a facilitated third-party action.

Direct impact	Indirect impact	Species	Common name
No	No	<i>Actitis hypoleucos</i>	Common Sandpiper
No	No	<i>Apus pacificus</i>	Fork-tailed Swift
No	No	<i>Calidris acuminata</i>	Sharp-tailed Sandpiper
No	No	<i>Calidris ferruginea</i>	Curlew Sandpiper
No	No	<i>Calidris melanotos</i>	Pectoral Sandpiper
No	No	<i>Cuculus optatus</i>	Oriental Cuckoo, Horsfield's Cuckoo
No	No	<i>Gallinago hardwickii</i>	Latham's Snipe, Japanese Snipe
No	No	<i>Hirundapus caudacutus</i>	White-throated Needletail
No	No	<i>Motacilla flava</i>	Yellow Wagtail
No	No	<i>Pandion haliaetus</i>	Osprey

4.1.5.1 Is the proposed action likely to have any direct and/or indirect impact on any of these protected matters? *

No

4.1.5.3 Briefly describe why your action is unlikely to have a direct and/or indirect impact.

*

Detailed assessment of biodiversity values on the site was informed by a Biodiversity Development Assessment Report (ATT 8-LF-BDAR-refer to Section 7), which included iterative design to avoid and minimise impacts to threatened species and their habitat, and calculations of offset credits for residual impacts under the NSW BOS. This BDAR was certified and lodged with the local consent authority (Cessnock City Council) and approved as part of a package of development applications for the site.

An AoS of impact for each listed MNES has been conducted in accordance with the Significance Impact Guidelines, as provided under the EPBC Act (DoE 2013) (ATT 8-LF-BDAR-refer to Appendix F).

It concluded that no impacts to migratory species were likely to result from the proposal.

4.1.6 Nuclear

4.1.6.1 Is the proposed action likely to have any direct and/or indirect impact on this protected matter? *

No

4.1.6.3 Briefly describe why your action is unlikely to have a direct and/or indirect impact.

*

The Proposal is unrelated to any Nuclear action

4.1.7 Commonwealth Marine Area

You have identified your proposed action will likely directly and/or indirectly impact the following protected matters.

A direct impact is a direct consequence of an action taken – for example, clearing of habitat for a threatened species or permanent shading on an ecological community as the result of installing solar panels.

An indirect impact is an 'indirect consequence' such as a downstream impact or a facilitated third-party action.

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4.1.7.1 Is the proposed action likely to have any direct and/or indirect impact on any of these protected matters? *

No

4.1.7.3 Briefly describe why your action is unlikely to have a direct and/or indirect impact.

*

There are no Commonwealth Marine areas in the vicinity of the project.

4.1.8 Great Barrier Reef

4.1.8.1 Is the proposed action likely to have any direct and/or indirect impact on this protected matter? *

No

4.1.8.3 Briefly describe why your action is unlikely to have a direct and/or indirect impact.

*

The Great Barrier Reef is not in the vicinity of the Project.

4.1.9 Water resource in relation to large coal mining development or coal seam gas

4.1.9.1 Is the proposed action likely to have any direct and/or indirect impact on this protected matter? *

No

4.1.9.3 Briefly describe why your action is unlikely to have a direct and/or indirect impact.

*

The Proposal is unrelated to any form of resource extraction

4.1.10 Commonwealth Land

You have identified your proposed action will likely directly and/or indirectly impact the following protected matters.

A direct impact is a direct consequence of an action taken – for example, clearing of habitat for a threatened species or permanent shading on an ecological community as the result of installing solar panels.

An indirect impact is an 'indirect consequence' such as a downstream impact or a facilitated third-party action.

—

4.1.10.1 Is the proposed action likely to have any direct and/or indirect impact on any of these protected matters? *

No

4.1.10.3 Briefly describe why your action is unlikely to have a direct and/or indirect impact.

*

The Proposal is unrelated to, and will have no impact on Commonwealth Lands

4.1.11 Commonwealth Heritage Places Overseas

You have identified your proposed action will likely directly and/or indirectly impact the following protected matters.

A direct impact is a direct consequence of an action taken – for example, clearing of habitat for a threatened species or permanent shading on an ecological community as the result of installing solar panels.

An indirect impact is an 'indirect consequence' such as a downstream impact or a facilitated third-party action.

—

4.1.11.1 Is the proposed action likely to have any direct and/or indirect impact on any of these protected matters? *

No

4.1.11.3 Briefly describe why your action is unlikely to have a direct and/or indirect impact.

*

None nominated in Protected Matters of National Environmental Significance report

4.1.12 Commonwealth or Commonwealth Agency

4.1.12.1 Is the proposed action to be taken by the Commonwealth or a Commonwealth Agency? *

No

4.2 Impact summary

Conclusion on the likelihood of significant impacts

You have indicated that the proposed action will likely have a significant impact on the following Matters of National Environmental Significance:

- Threatened Species and Ecological Communities (S18)

Conclusion on the likelihood of unlikely significant impacts

You have indicated that the proposed action will unlikely have a significant impact on the following Matters of National Environmental Significance:

- World Heritage (S12)
- National Heritage (S15B)
- Ramsar Wetland (S16)
- Migratory Species (S20)
- Nuclear (S21)
- Commonwealth Marine Area (S23)
- Great Barrier Reef (S24B)
- Water resource in relation to large coal mining development or coal seam gas (S24D)
- Commonwealth Land (S26)
- Commonwealth Heritage Places Overseas (S27B)
- Commonwealth or Commonwealth Agency (S28)

4.3 Alternatives

4.3.1 Do you have any possible alternatives for your proposed action to be considered as part of your referral? *

No

4.3.8 Describe why alternatives for your proposed action were not possible. *

The site of the proposed action is uniquely located in the Hunter Valley vineyards district. The district is characterized by viticulture, restaurants, resorts and hotels, golf courses and premium housing communities. The site of the proposed action is zoned appropriately and exceptionally well suited for the development of the proposed golf, residential and tourism development. Any alternative form of development on the site would be inconsistent with the existing character of the locality. The proposed development provides much needed housing supply to the region as well as supporting the viticulture, hospitality and tourism economy of the Hunter region.

Timeline.

The project timeline is largely determined by the opportunity to supply housing into the currently undersupplied housing market in the Hunter region. The project will increase housing choice and diversity in the region, supporting owner occupiers, families and the rental market. The second major driver of the timeline is the opportunity to supply much needed new tourism infrastructure in the form of a resort, wellness facilities and golf course to the Hunter Vineyard district which is Australia's oldest and most visited wine region. This new tourism investment will boost the Hunter tourism economy leading to higher visitation, employment and investment in the local tourism economy.

Location.

Capital Hunter Pty Ltd has owned the site of over 20 years. That 20-year period has been used to secure rezonings and development approvals and liaise and develop relationships with the local community, including the local aboriginal community. This preparatory work and engagement with community is site specific and cannot be transferred to another location. The site itself is ideally suited to the proposed golf course, residential and tourism development, having been historically disturbed by farming and agriculture. Despite being well located within the vineyard district, the site is unsuitable for viticulture due to the poor-quality alluvial soils and lack of slope. It is therefore a uniquely suitable location for the proposed development, taking advantage of its location without detracting from the surrounding landscape character.

5. Lodgement

5.1 Attachments

1.2.1 Overview of the proposed action

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att 1-LF-Master Plan.pdf Master Plan of the Project	10/02/2026		High
#2.	Document	Att 2-LF-Site Vegetation.pdf Map of the Site Vegetation	06/08/2025	No	High

1.2.7 Public consultation regarding the project area

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	ATT 3-LF-Consultation Documents.pdf Consolidation of Consultation Documents	27/04/2026	Yes	High
#2.	Document	ATT 3-LF-Consultation Documents- REDACTED.pdf Consolidation of Consultation Documents	22/05/2026	No	High

1.3.2.16 (Person proposing to take the action) Nature of the trust arrangement in relation to the proposed action

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att 4-Capital Hunter Unit Trust Deed.pdf	16/12/2003	Yes	

2.2.5 Tenure of the action area relevant to the project area

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att 5-LF-Site Location.pdf Map of the Site Location	06/08/2025	No	High
#2.	Document	ATT 6-LF-Roundabout Site Location.pdf Map of the Roundabout Site Location	29/04/2026	No	High
#3.	Document	ATT 7-LF-Sewer Upgrade Site Location.pdf Map of the Sewer Upgrade Site Location	29/04/2026	No	High

3.1.1 Current condition of the project area's environment

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att 5-LF-Site Location.pdf Map of the Site Location	07/08/2025	No	High

3.1.2 Existing or proposed uses for the project area

	Type	Name	Date	Sensitivity	Confidence
#1.	Document				

Att 1-LF-Master Plan.pdf Master Plan of the Project	11/02/2026	No	High
#2. Document Att 2-LF-Site Vegetation.pdf Map of the Site Vegetation	07/08/2025	No	High

3.2.1 Flora and fauna within the affected area

Type	Name	Date	Sensitivity	Confidence
#1. Document	Att 8-LF-BDAR.pdf Biodiversity Development Assessment Report for the project	20/08/2025	No	High

3.2.2 Vegetation within the project area

Type	Name	Date	Sensitivity	Confidence
#1. Document	Att 8-LF-BDAR.pdf Biodiversity Development Assessment Report for the project	20/08/2025	No	High

3.3.2 Indigenous heritage values that apply to the project area

Type	Name	Date	Sensitivity	Confidence
#1. Document	Att 9-LF-ACHAR-Executive Summary.pdf Executive Summary from the Aboriginal Cultural Heritage Assessment Report	06/05/2024	No	High

4.1.4.2 (Threatened Species and Ecological Communities) Why your action has a direct and/or indirect impact on the identified protected matters

Type	Name	Date	Sensitivity	Confidence
#1. Document	Att 8-LF-BDAR.pdf Biodiversity Development Assessment Report for the project	20/08/2025	No	High

4.1.4.8 (Threatened Species and Ecological Communities) Why you think your proposed action is a controlled action

Type	Name	Date	Sensitivity	Confidence
#1. Document	Att 8-LF-BDAR.pdf Biodiversity Development Assessment Report for the project	21/08/2025	No	High

4.1.4.10 (Threatened Species and Ecological Communities) Avoidance or mitigation measures proposed for this action

Type	Name	Date	Sensitivity	Confidence
#1. Document	ATT 10-LF-VMP.pdf Vegetation Management Plan for the	19/12/2024	No	High

project					
#2.	Document	ATT 11-LF-Tree Retention plan.pdf Tree Retention Plan for the project	21/11/2024	No	High
#3.	Document	Att 8-LF-BDAR.pdf Biodiversity Development Assessment Report for the project	20/08/2025	Yes	High

4.1.4.11 (Threatened Species and Ecological Communities) Proposed offsets relevant to avoidance or mitigation measures

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att 8-LF-BDAR.pdf Biodiversity Development Assessment Report for the project	20/08/2025	No	High

4.1.5.3 (Migratory Species) Why your action is unlikely to have a direct and/or indirect impact

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att 8-LF-BDAR.pdf Biodiversity Development Assessment Report for the project	20/08/2025	Yes	High

5.2 Declarations

Completed Referring party's declaration

The Referring party is the person preparing the information in this referral.

ABN/ACN	66627181453
Organisation name	MJD ENVIRONMENTAL (AUST) PTY LTD
Organisation address	2292 NSW
Representative's name	Matthew Doherty
Representative's job title	Director
Phone	0240549539
Email	info@mjdenvironmental.com.au
Address	PO Box 360 Waratah NSW 2298

Check this box to indicate you have read the referral form. *

Check this box to confirm these are the correct identification details. *

By checking this box, I, **Matthew Doherty of MJD ENVIRONMENTAL (AUST) PTY LTD**, declare that to the best of my knowledge the information I have given on, or attached to this EPBC Act Referral is complete, current and correct. I understand that giving false or misleading information is a serious offence. *

You may receive automated notifications that aim to assist you in tracking the progress of your project. You can opt out of these notifications by updating your communication preferences on your profile.

Completed Person proposing to take the action's declaration

The Person proposing to take the action is the individual, business, government agency or trustee that will be responsible for the proposed action.

ABN/ACN	107658471
Organisation name	Capital Hunter Pty Limited (as Trustee for Capital Hunter Unit Trust)
Organisation address	Level 2, 50 Carrington Street, Sydney
Representative's name	James Hunter

Representative's job title	Managing Director
Phone	0415 782 603
Email	jhunter@capcorp.com.au
Address	Level 2, 50 Carrington Street, Sydney

Check this box to indicate you have read the referral form. *

Check this box to confirm these are the correct identification details. *

I, **James Hunter of Capital Hunter Pty Limited (as Trustee for Capital Hunter Unit Trust)**, declare that to the best of my knowledge the information I have given on, or attached to the EPBC Act Referral is complete, current and correct. I understand that giving false or misleading information is a serious offence. I declare that I am not taking the action on behalf or for the benefit of any other person or entity. *

You may receive automated notifications that aim to assist you in tracking the progress of your project. You can opt out of these notifications by updating your communication preferences on your profile.

Completed Proposed designated proponent's declaration

The Proposed designated proponent is the individual or organisation proposed to be responsible for meeting the requirements of the EPBC Act during the assessment process, if the Minister decides that this project is a controlled action.

Same as Person proposing to take the action information.

Check this box to indicate you have read the referral form. *

Check this box to confirm these are the correct identification details. *

I, **James Hunter of Capital Hunter Pty Limited (as Trustee for Capital Hunter Unit Trust)**, the Proposed designated proponent, consent to the designation of myself as the Proposed designated proponent for the purposes of the action described in this EPBC Act Referral. *

You may receive automated notifications that aim to assist you in tracking the progress of your project. You can opt out of these notifications by updating your communication preferences on your profile.

