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23 April 2024

██████████
Branch Head

Environmental Approvals (NSW and ACT) Branch

Department of Agriculture, Water and the Environment

Via email to: ██████████

Dear ██████████

**Request to vary Referral 2020/8631 to undertake an action pursuant to the
Environment Protection and Biodiversity Conservation Act 1999 (Act)**

Further to the conversation and email with your colleague Yin Phyu on 15 March 2024, Bowmans Creek Wind Farm Pty Ltd requests that the above referral, in relation to the Bowmans Creek Wind Farm project, be varied with a decrease in the number of turbines on the land from eighty (80) to fifty-four (54), to reflect the number of wind turbines approved by the NSW Department of Planning, Housing and Infrastructure (DPHI) and Independent Planning Commission on the 6 February 2024.

Details of the proposed variation to the action:

1. *Reasons for the proposed variation*

Change in turbine numbers from the time of the original referral to the final number approved by the NSW DPHI.

2. *Details for the proposed variation to the action including:*

(a) *details of the proposed variation to the action;*

Details of the proposed variation are provided in the tables below.

Project elements	Original proposed action (at referral stage)	Varied proposed action
Project Boundary (ha)	16, 527 ha	14, 912 ha
Development Footprint (Disturbance footprint) (ha)	350 ha	417 ha (the department refer to two numbers in the report, 411ha on pg 40 and 417 ha on pg 62, the latter is correct in line with our amendment report October 2021).
Number of Wind Turbines	80	54

(b) *the reasons for the proposed variation;*

The proposed variation is a result of changes to the number of turbines over the assessment period with the NSW DPHI.

(c) how the impacts of the proposed variation on matters of national environmental significance compare with those of the original proposal

Project elements	Original proposed action (at referral stage)	Varied proposed action	Analysis on the change in nature or extent of impacts to MNES
Proposed clearance of Native vegetation (ha)	245 ha	280 ha	Increased area of Native Vegetation clearance by 35 ha
Proposed clearance of Exotic vegetation (ha)	105 ha	131 ha	Increased area of Exotic Vegetation by 26 ha.
EPBC Act listed ECs or TECs	178 ha of Box-Gum Grassy Woodland (35 ha of woodland and 143 ha of DNG)	215.5ha of Box-Gum Woodland (37 ha is woodland and 178.6 ha is DNG)	Increased area of Box-Gum Woodland clearance by 37.5 ha (additional 2 ha of woodland and additional 35.5 ha of DNG.)
	33 ha of Central Hunter EC.	22.9 ha Central Hunter EC	Reduction in impact.
	71 ha potential habitat Regent honey eater	62.56 ha potential habitat Regent honey eater	Reduction in impact.
	72.5 ha of swift parrot potential foraging habitat	19.94 ha of swift parrot potential foraging habitat	Reduction in impact.
	101.4 potential foraging habitat and breeding habitat for spotted quoll	99.96 potential foraging habitat and breeding habitat for spotted quoll	Reduction in impact.
	57.42 ha of potential habitat for large-eared Pied Bat	0.18 ha of potential habitat for large-eared Pied Bat	Reduction in impact.
	34.46 ha of Koala foraging habitat	18.39 ha of koala foraging habitat	Reduction in impact.
	N/A	3.4 ha of Hunter Valley Weeping Myall Woodland	Occurs within the same area of vegetation associated with Central Hunter Valley eucalypt forest and woodland and has been assumed present on the basis that <i>Acacia pendula</i> is present.

(d) if applicable, the impacts of the proposed variation on matters of national environmental significance not considered in the referral or assessment of the original proposal;

Increased area of Box-Gum Woodland clearance by 37.5 ha (additional 2 ha of woodland and additional 35.5 ha of DNG.). An increase in 3.4 ha of Hunter Valley Weeping Myall Woodland, which was not recognised in the initial referral but occurs within the same area of vegetation associated with Central Hunter Valley eucalypt forest and woodland and has been assumed present on the basis that *Acacia pendula* is present. The presence of the Hunter Valley Weeping Myall was included in the revised BDAR. The conditions of consent require Ark to avoid impacts on *Acacia Pendula*, a SAIL entity under the BC Act. By avoiding impacts on this SAIL Species impacts on the Hunter Valley Weeping Myall (*Acacia pendula*) Woodland would also be avoided.

(e) if applicable, alternatives, mitigation measures and offsets to compensate for additional impacts on matters of national environmental significance.

Ark has offered to implement additional and appropriate measures beyond biodiversity offsets to further minimise potential impacts on Box Gum Woodland. Accordingly, as a precautionary measure, the Department has imposed a condition requiring Ark to enhance and protect, in perpetuity, 37 ha of Box Gum Woodland DNG (PCT 618 - DNG) to a condition state commensurate with Box Gum Woodland (PCT 1608 - Woodland).

We look forward to your determination of the project referral. If you require further information or we can be of assistance in any way, please call [REDACTED] directly on [REDACTED]

Yours sincerely,

[REDACTED]

Project Manager

Bowmans Creek Wind Farm Pty Ltd