



Your reference : E15.9191  
Our reference : DOC16/589096  
Document no. : C0002317  
Contact : Damon Oliver

Eurobodalla Shire Council  
PO Box 99  
MORUYA, NSW 2537

Attention: Deborah Lenson

Dear Ms Lenson

**RE: Variation to approval conditions of Section 95 Certificate C0001958 to disperse the Grey-headed Flying-fox camp at Batemans Bay**

I refer to your letter received by the Office of Environment and Heritage (OEH) on 19 October 2016 to vary the conditions of approval of the S95 Certificate C0001958 granted to Eurobodalla Shire Council on 15 June 2016.

The OEH understands you have requested for the following variation to the approval condition:

Condition 2(b):

"Dispersal activities must not occur:

during extreme weather events or climatic extremes that trigger animal welfare issues. Consideration of the weather will be determined on the local conditions and severe weather warnings (as issued by the Bureau of Meteorology, and temperatures above 38 degrees Celsius)".

I have assessed your licence application in accordance with the provisions of the *Threatened Species Conservation Act 1995* (TSC Act) and concluded that the proposal is unlikely to have a significant impact on threatened species, endangered populations or endangered ecological communities. The TSC Act makes provision for the issue of a certificate under section 95(2) for actions which technically constitute damage to the habitat of threatened species, but which are unlikely to have a significant impact. Accordingly, I have decided to authorise your activities and issue you with a Section 95(2) certificate.

If you have any further questions in relation to this matter, please contact Damon Oliver on 6229 7112.

Yours sincerely

MICHAEL SAXON

Senior Manager, South East Region

Regional Operations

NSW Office of Environment and Heritage

Document No.: C0002317

Application Ref No. A08418-2016

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# Section 95(2) Certificate - Variation



Office of  
Environment  
& Heritage

Threatened Species Conservation Act 1995

## Issued To:

Eurobodalla Shire Council  
PO Box 99  
MORUYA, NSW 2537

**Certificate no. :** C0002317  
**Issue Date:** 22 November 2016  
**Expiry Date:** 31 July 2018

## BACKGROUND

- A. The OEH issued Certificate No. C0001958 to Eurobodalla Shire Council on 15 June 2016.
- B. On 19 October 2016, Eurobodalla Shire Council requested a variation to approval condition 2(b).

## VARIATION OF SECTION 95(2) CERTIFICATE

1. By this notice the OEH varies Certificate No. C0001958 in the following manner:  
The approval condition 2(b) which states that:

"Dispersal activities must not occur:

during our immediately after extreme weather events, severe weather events (being weather events for which a Severe Weather Warning is issued by the Bureau of Meteorology) or climatic extremes (for example, temperatures above 38 degrees Celsius)".

is replaced by:

"Dispersal activities must not occur:

during extreme weather events or climatic extremes that trigger animal welfare issues. Consideration of the weather will be determined on the local conditions and severe weather warnings (as issued by the Bureau of Meteorology, and temperatures above 38 degrees Celsius)".

MICHAEL SAXON

Senior Manager, South East Region

Regional Operations

NSW Office of Environment and Heritage