



Office of  
Environment  
& Heritage

Our Ref: DOC16/498888  
Your Ref: 27 September 2016

Mr David K Andrews - Project Development Manager  
Roads and Maritime Service  
PO Box 546  
Grafton NSW 2460

Dear Mr Andrews

**Re: Concurrence application: Removal of Sportsmans Creek Bridge, Lawrence**

Thank you for your letter dated 27 September 2016 seeking concurrence from the Office of Environment and Heritage (OEH) for the removal of the Sportsmans Creek Bridge at Lawrence within the Local Government Area of Clarence Valley, Northern New South Wales.

Concurrence was requested on the grounds that the proposed bridge removal had a potentially significant impact on the large-footed myotis (*Myotis macropus*). The large-footed myotis is listed as Vulnerable under Schedule 2 of the *Threatened Species Conservation Act 1995*. The Sportsmans Creek Bridge has a breeding population of approximately 300 adult and juvenile large-footed myotis and forms part of the species breeding habitat in the area. Large breeding colonies such as this one are uncommon in the lower Clarence and are not in close proximity to the Sportsmans Creek Bridge.

We have reviewed the Species Impact Statement (SIS) dated September 2016, and other supporting documentation for the proposed removal of the Sportsmans Creek Bridge, Lawrence for which the Roads and Maritime Service (RMS) is the determining authority under Part 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The OEH has considered the application by the RMS for concurrence in accordance with Section 79B of the EP&A Act and I have decided to grant concurrence to the proposal subject to the concurrence conditions set out in **Attachment 1** to this letter.

If you have any further questions about this issue, Mr Krister Waern, Senior Operations Officer, Regional Operations, OEH, can be contacted on 6640 2503 or at [krister.waern@environment.nsw.gov.au](mailto:krister.waern@environment.nsw.gov.au).

Yours sincerely

20 February 2017

**DIMITRI YOUNG**  
**Senior Team Leader Planning, North East**  
**Regional Operations**

## **ATTACHMENT 1 – OEH Concurrence Conditions – Sportsmans Creek Bridge Removal SIS**

1. The proposal must be undertaken in accordance with:
  - a. these concurrence conditions;
  - b. the Species Impact Statement (SIS) prepared by Geolink dated September 2016, in particular section 6 Ameliorative Measures; and
  - c. the further information responses prepared by Geolink dated 5 and 21 December 2016.

*Reason: To ensure that the project is undertaken as described in the SIS and the further information provided, and that it incorporates amelioration measures for large-footed myotis as agreed to by the Minister administering the Threatened Species Conservation Act 1995 in this Concurrence.*

2. The applicant must provide the Office of Environment and Heritage (OEH), with annual (as a minimum) monitoring reports regarding the results of the microbat inspections as stated in section 6.5 Reporting and Communication of the SIS up until the comprehensive report as described in concurrence condition 7 below has been provided to the OEH.

*Reason: To ensure the progress of the project is within reasonable expectations of having limited impacts on the large-footed myotis while providing suitable compensatory habitat.*

3. The applicant must provide the OEH with the baseline data used to determine the average population number of the existing bridge prior to exclusion commencing. The number of large-footed myotis that make up a significant proportion of the population (65%) will be determined from this information by the project ecologist and reported to OEH.

*Reason: To ensure the OEH is made aware of the number of large-footed myotis that comprise the 65% threshold which relates to other monitoring and potential offset obligations.*

4. Exclusion of large-footed myotis from the last stage of the existing Sportsmans Creek bridge that is subject to the exclusion process must be modified as per concurrence condition 5 below if the 65% population threshold for the large-footed myotis has not been accounted for in the new bridge and/or in the surrounding 10km survey area.

*Reason: To ensure that the last stage of the exclusion process only commences as planned if the 65% threshold for the large-footed myotis has been accounted for in the new bridge and/or in the surrounding 10km survey area.*

5. Subject to concurrence condition 4 above, exclusion of large-footed myotis within the last stage must only involve small sections of exclusion at a time to progressively complete total exclusion of the existing bridge. Each small exclusion section will be no more than one third of this exclusion stage at a time. There must be a period of one week in between each smaller section of exclusion in this exclusion stage to allow time to monitor the response of the large-footed myotis population. If at any time during exclusion in this part of the existing bridge the monitoring shows that 65% or more of the population has been recorded in the new bridge and/or in the surrounding 10km survey area, then complete exclusion of the remaining part of the existing bridge can occur.

*Reason: To allow for the final exclusion stage to be completed in smaller sections if the 65% threshold for the large-footed myotis has been accounted for in the new bridge and/or in the surrounding 10km survey area.*

6. In addition to the stated monitoring effort provided in the SIS and the response to further information requests, a greater survey effort will be implemented if, after year 1, the threshold of 65% of the population is not accounted for. This will increase the Year 2 and potentially Year 3 monitoring to three monitoring events at the new Sportsmans Creek Bridge and in the 10 km radius area (same as Year 1).

*Reason: To provide an increase of the monitoring to determine the location(s) to which the large-footed myotis are likely to have gone.*

7. A comprehensive report must be provided to the OEH for review within two months after completion of the Year 3 monitoring program, as identified in section 6.6 Monitoring of the SIS, or within two months after completion of the Year 4 monitoring as identified in concurrence condition 5 above.

*Reason: To provide the OEH with a final report showing the outcomes of the project.*

8. If the comprehensive report prepared in accordance with concurrence condition 7 above indicates that the project has not been successful with respect to the 65% population threshold for the large-footed myotis utilising the compensatory habitat in the new bridge and/or in the surrounding 10km survey area, then a biodiversity offset will be required in accordance with concurrence condition 9 below.

*Reason: To ensure that the removal of the Sportsmans Creek Bridge does not negatively impact on the large-footed myotis by providing a suitable offset.*

9. If the project is deemed unsuccessful by the OEH after reviewing the comprehensive report and other relevant information, then the applicant will offset the impacts of the project on the large-footed myotis generally in accordance with BioBanking Assessment Methodology and the BioBanking Scheme. This offset will be to the satisfaction of the OEH and will be finalised 12 months after the date of the comprehensive report.

*Reason: To provide an offset solution for the long term benefit of the large-footed myotis in a timely manner should the project be deemed unsuccessful.*