



DEPARTMENT OF THE ENVIRONMENT
AND WATER RESOURCES

Evidentiary Certificate

Environment Protection and Biodiversity Conservation Act 1999
Section 25B

I, Malcolm Bligh Turnbull, the Minister for Environment and Water Resources for the purposes of Section 25B of the *Environment Protection and Biodiversity Conservation Act 1999* ("the Act"), HEREBY CERTIFY that

Rocky Lamattina and Sons Pty Ltd (RLSPL) has contravened Section 18(3)(b) of the Act, being a specified civil penalty provision of the Act as follows:

- 1) At all material times RLSPL was the registered proprietor of the property known as "Acacia Downs" more properly described as Certificate of Title Volume 5400 Folio 622 Sections 324, 325, 326, 327 and 328 in the Hundred of Hynam in the State of South Australia ("the property");
- 2) In or about September and October 2004 RLSPL took an action ("the action") namely an activity or series of activities being that it caused the clearance of approximately 170 trees of the species *E.leculoxylon*, *E.camaldulenis* and *E.fasciculosa* from the property;
- 3) The action is likely to have had a significant impact on a listed threatened species included in the endangered species category namely the South Eastern Red Tailed Black Cockatoo (*Cayptorynchus banksii graptogyne*) ("the RTBC");

Particulars of significant impact

- a) The action has, will or is likely to lead in a long term decrease in the size of a population of the species in that the removal of that number of potential nest trees has led, or is likely to lead to reduced nesting success by the RTBC nesting in the area. Reduced nesting success in turn will lead to reduced recruitment of new animals into the population, which is likely to lead to a decrease in total population size.
- b) The action has, or will or is likely to reduce the area of occupancy of the RTBC in that by reducing the local breeding population, the action will, or is likely to also reduce the area of occupancy of stringybark feeding habitat which adjoins the site. Because the area will support fewer nesting pairs, fewer cockatoos will occupy and utilise the adjoining feeding habitat.
- c) The action has, will or is likely to adversely affect habitat critical for the survival of the RTBC in that the property is part of an area mapped as nesting habitat critical for the survival of the species, and also is within a region recognised as one of the strongholds of nesting RTBC in South Australia. The action has or is likely to have removed habitat critical for the survival of the taxon.
- d) The action has, will or is likely to disrupt the breeding cycle of the population in that the RTBC return to the same areas to breed therefore pairs which nested in the affected area will return to this area and be unable to find suitable hollows. The loss of nesting habitat will, or is likely to cause at least temporary, and possibly permanent disruption to nesting by affected breeding birds.
- e) The action has, will or is likely to modify, destroy, remove, isolate or decrease the availability or quality of habitat to the extent that the RTBC is likely to decline in that the RTBC has a small breeding population of approximately 300 pairs. Cockatoos have traditional nesting colony areas to which they return to breed. The location of all RTBC nesting areas is not known, however the property is within the modelled habitat range. The area where the action occurred could have supported up to six nesting pairs of RTBC. Removal of such a number of potential nesting trees will, or is likely to lead to reduced nesting success in this area. Reduced nesting success will, or is likely to in turn lead to reduced recruitment of new animals into the population which will lead to a decrease in total population size.
- f) The action has, will or is likely to interfere with the recovery of the RTBC in that the main actions as outlined in the recovery plan for the RTBC are to protect existing habitats and improve nesting success. The RTBC is considered endangered because of its small population size and because habitat loss is continuing. The action has removed existing and future nesting habitat and will, or is likely to interfere with the recovery of the taxon.

DATED this 11th day of October 2007


