

## ENFORCEABLE UNDERTAKINGS

### *Environment Protection and Biodiversity Conservation Act 1999 - section 486DA*

#### Undertakings given to the Minister for the Environment

#### 1. Person giving undertakings

- a) The person giving the undertaking is **Anglo Coal (Grosvenor) Pty Ltd** (ABN 82 081 022 344), the registered office of which is Level 11, 201 Charlotte Street Brisbane 4000 QLD.

#### 2. Conduct to which undertakings relate

- a) Between December 2014 and 1 October 2021, Anglo Coal (Grosvenor) Pty Ltd disturbed 146.92 hectares of land comprising habitat for listed endangered and vulnerable species, and endangered communities (as set out in Schedule 1), for the construction of gas drainage and ventilation infrastructure for the Grosvenor Mine (**the action**).
- b) The delegate considers that the action contravened a civil penalty provision of Part 3 of the Act, as:
  - a. section 18 of the *Environment Protection and Biodiversity Conservation Act 1999* (**EPBC Act**) applies to the action;
  - b. it has had, or is likely to have, a significant impact on the habitat of listed endangered and vulnerable species, and on endangered communities, contrary to subsections 18(3), 18(4) and 18(6) of the EPBC Act.
- c) In coming to this view, the delegate has concluded that none of the circumstances of the action give rise to an exemption from the operation of section 18 (pursuant to section 19 of the EPBC Act).

#### 3. Undertakings

Without conceding that it has breached the EPBC Act or any other Act, but acknowledging that its activities resulted in the loss of the habitat and endangered communities described in Schedule 1, Anglo Coal (Grosvenor) Pty Ltd hereby undertakes, for the purposes of section 486DA of the EPBC Act, to do the following:

- a) By 31 December 2022, purchase from the landowner of Ellensfield (or the landowner of another property nominated by Anglo Coal (Grosvenor) Pty Ltd that the Department is satisfied contains the relevant protected matters) to the value of no less than \$1,100,000:

- i. the right to establish a 565 hectare ecological offset for Squatter Pigeon Habitat, Koala Habitat, Greater Glider Habitat and in accordance with the *Environment Protection and Biodiversity Conservation Act 1999 Environmental Offsets Policy (October 2012) (Offsets Policy)*;
  - ii. the right to establish a 201 hectare ecological offset for Brigalow TEC, Australian Painted Snipe Habitat and Ornamental Snake Habitat in accordance with the Offsets Policy.
- b) By 31 December 2022:
- i. purchase from the landowner of Ellensfield (or the landowner of another property nominated by Anglo Coal (Grosvenor) Pty Ltd that the Department is satisfied contains the relevant protected matters) to the value of no less than \$450,000, the right to establish a minimum 210 hectare ecological offset for the Poplar Box TEC in accordance with the Offsets Policy; or
  - ii. contribute a single \$500,000 (GST exclusive) payment to a program specified by the Delegate in writing, to advance the protection and long-term conservation of Poplar Box TEC. Anglo Coal (Grosvenor) Pty Ltd must provide written notice to the Department of Agriculture, Water and the Environment, with documentary evidence, that the single \$500,000 payment to the nominated program has been made, within 5 business days of making the payment.
- c) Within 6 months after the date of the Delegate's acceptance of this undertaking, Anglo Coal (Grosvenor) Pty Ltd must submit for the written approval of the Minister one or more Offset Management Plan/s for the offset areas mentioned above to satisfy the requirements of the Environmental Offsets Policy in respect of the residual significant impacts on the protected matters specified in Schedule 1. The Offset Management Plan(s) must be prepared in accordance with the Environmental Offset Policy and the Environmental Management Plan Guidelines.
- d) Procure that the owners of the land the subject of the offsets seek a declaration that the land the subject of the offsets is an area of high nature conservation value under section 19F of the *Vegetation Management Act 1999 (Qld)*.

#### 4. Definitions

**Environmental Management Plan Guidelines:** The Environmental Management Plan Guidelines (2014), or subsequent revision. Available at: <https://www.environment.gov.au/epbc/publications/environmental-management-plan-guidelines>

**protected matters:** Any matter protected under the provisions of the EPBC Act.

#### 5. Acknowledgements by Anglo Coal (Grosvenor) Pty Ltd

Anglo Coal (Grosvenor) Pty Ltd acknowledges that:

- a) the Minister will make this undertaking available for public inspection including on a public register;
- b) the Minister, and/or the Commonwealth, may from time to time publicly refer to this undertaking including through, but not limited to, media releases; and
- c) giving false or misleading information is a serious offence.

**6. Acknowledgement by the delegate**

The delegate acknowledges that acceptance of this undertaking (and subject to Anglo Coal (Grosvenor) Pty Ltd fulfilling the requirements of the clauses above) is an alternative to the Minister pursuing further action against Anglo Coal (Grosvenor) Pty Ltd in relation to the action.

Signed for and on behalf of **Anglo Coal (Grosvenor) Pty Ltd** (ABN 82 081 022 344), in accordance with section 127 of the *Corporations Act 2001* (Cth) by

[Redacted signature]

Signature of director

[Redacted signature]

Signature of director/secretary

[Redacted name]

Name

[Redacted name]

Name

**Acceptance of undertakings**

In accordance with s 486DA of the *Environment Protection and Biodiversity Conservation Act 1999*, I Andrew Keith Tongue a delegate of the Minister for the Environment, hereby accept the undertakings set out herein.

Dated:

15/12/21

Signed:

[Handwritten signature]

## SCHEDULE 1

PROTECTED MATTER	DISTURBANCE IMPACT AREA (HA)
Brigalow TEC	3.3
Poplar Box TEC	41.84
Squatter Pigeon Habitat	75.4
Koala Habitat	131
Greater Glider Habitat	131
Ornamental Snake Habitat	46.9
Australian Painted Snipe Habitat	24.18
<b>Total* Area of MNES habitat</b>  *Noting the total area is <u>not</u> the sum of the combined habitats as there are overlapping habitats.	<b>146.92</b>