

ENFORCEABLE UNDERTAKINGS

Environment Protection and Biodiversity Conservation Act 1999 - section 486DA

Undertakings given to the Minister for the Environment and Energy

1) Person giving undertakings

The person giving the undertaking is **Coal & Allied Operations Pty Ltd** (ABN 16 000 023 656), the registered office of which is Level 26, 363 George St Sydney 2000 NSW.

2) Conduct to which undertakings relate

- a) Between 7 May and December 2015, Coal & Allied Operations Pty Ltd caused to be cleared 31.5 ha of vegetation, comprised of Central Hunter Valley Eucalypt Forest and Woodland ecological community (CHVEF) from the Riverview Pit Extension Area at the Hunter Valley Operations South Coal Mine located near Singleton NSW as part of pre-stripping operations in advance of mining (the action).
- b) The cleared area is estimated to represent approximately 0.1% of the total occurrence of the CHVEF.
- c) The delegate considers that section 18 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) applies to the action, and that it has had, or is likely to have, a significant impact on listed critically endangered ecological community (being CHVEF), contrary to subsection 18(5).
- d) 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 CHVEF, Coal & Allied Operations Pty Ltd hereby undertakes, for the purposes of section 486DA of the EPBC Act, the following:

- a) Purchase from landowner of Mitchell Hill (West and East) of 180.5 hectares to the value of no less than \$1 million for the establishment of an ecological offset for the CHVEF in accordance with the EPBC Act Environmental Offsets Policy (DSEWPaC) 2012a).
- b) Provision of no less than \$815,000 over no less than 5 years, for conservation and management of the offset.
- c) Provision of no less than \$220,500 for the purchase cost of land, re-establishment and maintenance of 31.5 hectares of Derived Native Grassland at Mitchell Hill (West and East) with species consistent with CHVEF
- d) Development of a Biodiversity Offset Management Plan for the offset and re-establishment area at Mitchell Hill (West and East)
- e) Provision of an annual report to the Department documenting the implementation of the undertaking from December 2018 until December 2022.

4) Acknowledgements by Coal & Allied Operations Pty Ltd

- a) Coal & Allied Operations Pty Ltd acknowledges that the performance of the undertakings will be monitored by the Department assisting the Minister responsible for administration of the EPBC Act, which may include the Department seeking, and Coal






- b) Coal & Allied Operations Pty Ltd acknowledges and accepts that the Minister may publish these undertakings as the Minister sees fit.
- c) Coal & Allied Operations Pty Ltd acknowledges that giving false or misleading information is a serious offence.

5) Acknowledgement by the delegate

The delegate acknowledges and agrees that, on the basis that Coal & Allied Operations Pty Ltd fulfils the requirements of the clauses above, the Minister will not pursue further action against Coal & Allied Operations Pty Ltd in relation to the action or its impacts.

Dated

Signed for and on behalf of Coal & Allied Operations Pty Ltd (ABN 16 000 023 656) in accordance with section 127 of the *Corporations Act 2001* (Cth) by

 <hr/> Name of Director (print)  <hr/> Signature of Director  <hr/> Date	 <hr/> Name of Director / Company Secretary (print) Lei Zhang <hr/> Signature of Director / Company Secretary  <hr/> Date
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Acceptance of undertakings

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

Dated: 3 - Nov - 17
 Signed: 