



# Australian Government

Department of the Environment, Water, Heritage and the Arts

## ENFORCEABLE UNDERTAKING

### *Environment Protection and Biodiversity Conservation Act 1999*

#### Section 486DA

Undertaking to the Minister for the Environment, Heritage and the Arts  
given for the purposes of s 486DA

by

Hardies Hill Pty Ltd

ACN 005 573 651

#### 1. Person giving undertaking

The person giving the undertaking is Hardies Hill Pty Ltd (ACN 005 573 651) (Hardies Hill). Hardies Hill conducts farming operations in Victoria.

#### 2. Background

Between 1 March 2007 and 17 April 2007 Hardies Hill took an action, through engaging, instructing and contracting the clearance of rocks and native vegetation in an area of approximately 8 hectares on the property known as Chatham's Paddock, at 680 Cressy Shelford Road, Barunah Plains, Victoria. The land contained habitat for an important population of the Striped Legless Lizard (*Delma impar*), a listed threatened species under the *Environment Protection and Biodiversity Conservation Act 1999*.

At the time of the clearing, Hardies Hill was not aware that the land contained important habitat for the Striped Legless Lizard and did not hold an approval pursuant to Part 9 of the EPBC Act.

This clearing has had and will continue to have significant impact on the Striped Legless Lizard, in that it destroyed the habitat for an important population.

#### 3. The Minister's conclusion as to breach of the EPBC Act

The Minister for the Environment, Heritage and the Arts (the Minister) believes that Hardies Hill contravened the EPBC Act in that, contrary to s 18(4) of that Act, Hardies Hill undertook an activity, without approval, that had a significant impact on a listed threatened species in the vulnerable category by:

clearing approximately 8 hectares of native grassland at 680 Cressy-Shetford Road, Barunah Plains, Victoria.

#### 4. The undertaking

Hardies Hill hereby undertakes, for the purposes of s 486DA of the EPBC Act:

- 4.1 To pay to the Victorian Government Department of Sustainability and Environment the total sum of \$20,000.00 for the purpose of activities directed towards the protection and conservation of the Striped Legless Lizard. The monies are payable in the following instalments:

\$5,000 made on or before 5.00pm on 30/09/2008 or the next business day;

\$5,000 made on or before 5.00pm on 01/02/2010 or the next business day;

\$5,000 made on or before 5.00pm on 01/02/2011 or the next business day;

\$5,000 made on or before 5.00pm on 01/02/2012 or the next business day.

Hardies Hill shall report on progress of the payments by sending a written report to the Assistant Secretary of the Compliance and Enforcement Branch, Department of the Environment, Water, Heritage, and the Arts, GPO Box 787, Canberra 2601 on or by the next business day following each payment.

Unless otherwise varied, the activities required by this undertaking must be completed by the dates specified.

5. Hardies Hill further agrees to

5.1 Construct fencing on the property known as 680 Cressy-Shelford Road for the purpose of creating a habitat corridor for the Striped Legless Lizard, pursuant to expert ecological advice, by 1 June 2009.

6. Acknowledgements

Hardies Hill 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 or officers thereof, may from time to time publicly refer to this undertaking including through, but not limited to, media releases;
- c. this undertaking will be held on a public register.

---

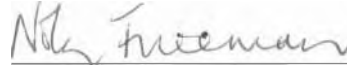
Signed by Hardies Hill Pty Ltd by:



Signature of director

J.E. FREEMAN

Name of director (print)

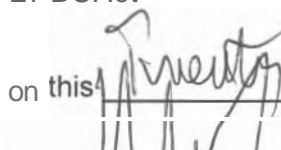


Signature of director/secretary

N.E. FREEMAN

Name of director/secretary (print)

Accepted by the Minister for the Environment, Heritage and the Arts under s486DA of the EPBC Act

on this  Twenty Fifth day of August 2008

Signature of Minister