

Enforceable Undertaking

This is an Enforceable Undertaking given under Section 9.5 of the *Environmental Planning and Assessment Act 1979* (NSW) (**EP&A Act**) by Tronox Mining Australia Limited (ABN 60 009 247 858) (**Tronox**).

1. Persons giving the Undertaking

- 1.1 This Enforceable Undertaking is given to the Department of Planning, Housing and Infrastructure (**Department**) by Tronox Mining Australia Limited (ABN 60 009 247 858), for the purposes of section 9.5 of the *Environmental Planning and Assessment Act 1979* (NSW).

2. Background

- 2.1 Tronox has the following two mineral sands mining operations in NSW:
- (a) The Ginkgo Mineral Sands Mine (**Ginkgo Mine**), which was granted development consent under the EP&A Act on 30 January 2002. The development consent for the Ginkgo Mine has been modified on numerous subsequent occasions, most recently with the approval of Modification 15 in July 2022. The development consent for the Ginkgo Mine as so modified is referred to in this undertaking as the **Ginkgo Consent**.
 - (b) The Snapper Mineral Sands Mine (**Snapper Mine**), which was granted project approval under the EP&A Act on 28 August 2007. The project approval for the Snapper Mine has been modified on numerous subsequent occasions, most recently with the approval of Modification 8 in July 2022. The project approval for the Snapper Mine as so modified is referred to in this undertaking as the **Snapper Consent**.
- 2.2 In 28 June 2024, active mining operations at the Ginkgo Mine ceased and, since that time, the Ginkgo Mine has been in the rehabilitation phase.
- 2.3 In 26 March 2022, active mining operations at the Snapper Mine ceased and, since that time, the Snapper Mine has been in the rehabilitation phase.
- 2.4 Amongst other environmental management plans, Tronox has in place the following approved environmental management plans that it is required to implement:
- (a) Flora and Fauna Management Plan (dated August 2020), that is required for the Ginkgo Mine pursuant to condition 22 of Schedule 3 to the Ginkgo Consent and that is required for the Snapper Mine pursuant to condition 16 of Schedule 3 to the Snapper Consent (**Ginkgo / Snapper FFMP**).
 - (b) Offset Management Plan (dated July 2019), that is required for the Ginkgo Mine pursuant to condition 20 of Schedule 3 to the Ginkgo Consent and that is required for the Snapper Mine pursuant to condition 17 of Schedule 3 to the Snapper Consent (**Ginkgo / Snapper OMP**).
- 2.5 The Department has raised the following allegations of non-compliance:
- (a) Tronox failed, during the period from or around February 2021 to December 2024 to implement the Ginkgo / Snapper FFMP as required by condition 22 of Schedule 3 to

the Ginkgo Consent and condition 16 of Schedule 3 to the Snapper Consent, including alleged failures to undertake monitoring / surveys of the Western Blue-tongue lizard, Bolam's mouse and Marble-faced Delma as required by sections 4.5.3, 5, 5.2 and 6 of the Ginkgo / Snapper FFMP at each of the Ginkgo Mine and the Snapper Mine.

- (b) Tronox failed, during the period from or around February 2021 to December 2024, to implement the Ginkgo / Snapper OMP required for the Ginkgo Mine by condition 20 of Schedule 3 to the Ginkgo Consent and condition 17 of Schedule 3 to the Snapper Consent, including alleged failures to undertake environmental monitoring in accordance with section 3 (Table 10), section 4 and section 10 of the Ginkgo / Snapper OMP.
- (c) Tronox failed, during the period from or around 2021 to 2024, to pay annual contributions to the Wentworth Shire Council (**Council**) in accordance with condition 7 of Schedule 3 and Appendix 7 to the Ginkgo Consent for the maintenance of auxiliary roads.

2.6 Tronox acknowledges the alleged non-compliances raised by the Department as recorded in paragraph 2.5 of this undertaking. Tronox further acknowledges that the failure to comply with a development consent constitutes a breach of section 4.2(1)(b) of the EP&A Act.

2.7 Subsequent to the non-compliances, Tronox has implemented improvements to the Tronox Eastern Operations Compliance Management System, with a view to ensuring ongoing compliance with the requirements of the Ginkgo / Snapper FFMP and the Ginkgo / Snapper OMP, by expanding its coverage to the Ginkgo Mine and Snapper Mine by:

- (a) validating and standardising all obligations (approvals, licences, leases, plans and internal commitments), correcting inconsistencies and gaps;
- (b) deploying the 2026 compliance register with fields for owner, status, recurrence, risk, actions and evidence;
- (c) migrating all obligations, linking evidence and flagging critical/high-risk items for enhanced oversight;
- (d) integrating with Microsoft Planner to assign, remind and track recurring tasks; and
- (e) establishing governance (version control and updates) and providing training with a Ginkgo-specific and Snapper-specific communication plan.

Further, with respect to the non-compliance recorded in paragraph 2.5(c), Tronox has paid the outstanding annual contribution amounts that are owed by it to the Council.

2.8 In response to the Department's investigation, Tronox:

- (a) acknowledged that the Department considers that the alleged non-compliances by Tronox, as recorded in paragraph 2.5 of this undertaking, amount to conduct that contravenes section 4.2(1)(b) of the EP&A Act; and

- (b) offered this undertaking to the Department.

3. **Commencement of this undertaking**

3.1 This undertaking comes into effect when:

- (a) this undertaking is executed by Tronox; and
- (b) this undertaking so executed is accepted by the Planning Secretary of the Department or delegate.

4. **Undertaking**

4.1 Tronox undertakes on acceptance of this undertaking to do the following:

- (a) Provide \$96,000 in funding to the Australian Wildlife Conservancy to be dedicated to its efforts in protecting fragile mallee ecosystems and the species that depend on them at the Scotia Wildlife Sanctuary (acknowledging that the Australian Wildlife Conservancy's work on feral predators extends beyond the 8,000 hectare feral predator-free fenced area, and directly benefits the Western Blue-tongue lizard, Bolam's mouse and Marble-faced Delma).
- (b) Pay a total amount of \$5,000 to the Department in full and final satisfaction of:
 - (i) the Department's investigation and legal costs associated with the subject matter of this undertaking; and
 - (ii) the Department's costs in monitoring Tronox's compliance with this undertaking.

The payment will be deposited into the following account:

Bank: Westpac Account Name:

DPHI Operating ACC No. 2

BSB: 032-001

Account No. 114428

4.2 Unless otherwise agreed with the Department in writing, for each amount that is specified as payable in paragraph 4.1 of this undertaking, the amount will be payable by Tronox to the Department within 30 days of receipt of an invoice from the Department indicating that the relevant amount is payable.

4.3 Tronox will provide written evidence of each payment made in accordance with clause 4 of this undertaking to the Department within 14 days of the payment being made.

5. **Acknowledgements**

5.1 Tronox acknowledges the following:

- (a) The Planning Secretary's acceptance of this undertaking has the effect that no other compliance or enforcement actions will be taken by the Planning Secretary or the

Department against Tronox in respect of the alleged non-compliances that are recorded in paragraph 2.5 of this undertaking.

- (b) The non-compliances are regrettable, however the failures have been remedied or are otherwise in the process of being addressed and none have resulted in material environmental harm to flora or fauna that is subject to the Ginkgo / Snapper FFMP or the Ginkgo / Snapper OMP.
- (c) The Department will make this undertaking publicly available. This includes publishing it on the Department's public register of Section 9.5 undertakings on its website.
- (d) The Department will, from time to time, make public reference to this undertaking.

Executed as an undertaking

Executed by Tronox Mining Australia Limited (ABN 60 009 247 858) pursuant to section 127(1) of the *Corporations Act 2001* by:

Paul Gilman

Signature of director

Paul Gilman

Name

31 / 03 / 2026

Date

Christine Williams

Signature of director/secretary

Christine Williams

Name

31 / 03 / 2026

Date

Accepted by the Planning Secretary (or delegate) of the Department of Planning, Housing and Infrastructure pursuant to Section 9.5 of the *Environmental Planning and Assessment Act 1979* (NSW) on:

Date: 02/04/2026

and signed on behalf of the Department of Planning, Housing and Infrastructure:

[Signature]