

<b>Authorisation</b>	<b>Exploration licence No. 9155 (Act 1992)</b>
Licence Holder	Catalina Resources Limited (ACN: 130 618 683) (formerly known as Shree Minerals Limited)
Legislation	Section 240AA and 240B of the <i>Mining Act 1992</i>
Decision maker	Peter Day Executive Director, NSW Resources Regulator Department of Regional NSW

## SECTION 240AA & 240B – REVOCATION OF SUSPENSION NOTICE

As authorised by Section 240AA and 240B of the *Mining Act 1992* (**Act**), I Peter Day, having delegated authority from the Secretary, Regional NSW, have decided to issue a direction **revoking** Suspension Notice RDOC22/81643 issued in relation to Exploration Licence No. 9155 (Act 1992) (**EL 9155**) on 28 June 2022.

This revocation is effective from the date of this decision.

### REASONS FOR DECISION

#### Legislation

- Section 240AA(1) of the Act provides that the Secretary may, by written notice (a **suspension notice**), direct a responsible person to suspend (for such period as is specified in the direction or until further notice) all, or any specified, operations under an authorisation or suspend any activity approval relating to the operations if the Secretary considers that:
  - circumstances exist that could constitute a ground for cancellation of the authorisation under section 125(1)(b)-(g), 203(1)(b)-(e) or (h) or 233(1)(b)-(d), or
  - circumstances exist that could constitute a ground for cancellation of the authorisation under section 125(1)(h), 203(1)(i) or 233(1)(f), in relation to a breach of a direction under section 240 only.
- Section 240B of the Act provides that the Secretary may vary or revoke a suspension notice by issuing a subsequent direction.

3. Section 363(2) of the Act provides that the Secretary may delegate any functions conferred under the Act to another person; and the Secretary has delegated the functions to issue a suspension notice (including its variation or revocation) to the Executive Director of the NSW Resources Regulator (**Regulator**).

## Requirements of the Suspension Notice (RDOC22/81643)

4. On 28 June 2022, I made the decision pursuant to section 240AA of the Act to immediately suspend all operations under EL 9155 with the exception of those activities required to maintain a safe workplace or as otherwise directed by the NSW Resources Regulator under a notice issued pursuant to section 240 of the Act. Suspension Notice RDOC22/81643 (the **Suspension Notice**) was issued on Catalina Resources Limited (**CRL**).
5. In making this decision, I advised CRL, that consideration would be given to revoking the suspension notice once it had:
  - a. Commissioned a suitably qualified independent person, to the satisfaction of the Regulator, to conduct a review of the licence holder's systems and processes for meeting its compliance obligations under the Act for EL 9155 [to include the management systems applying to activity approvals].
  - b. Commissioned a suitably qualified independent person, to the satisfaction of the Regulator, to conduct an ecological review and assessment of the vegetation community within Project Area 1 identified in the Application, with particular emphasis on the significance of the site in terms of the floral and faunal components. The review must be conducted in accordance with the principles of the NSW Biodiversity Assessment Method 2020 (DPIE 2020).
  - c. Submitted a detailed report, to the satisfaction of the NSW Resources Regulator, that details the key findings, recommendations and corrective actions required by SML arising from the reviews undertaken at points a) and b) above (including copies of both reports completed by the independent persons).
  - d. Submitted a detailed report, to the satisfaction of the Regulator, that details SML's intended responses to the sediment and erosion issued and rehabilitation requirements resulting from the works undertaken under the Activity Approval not otherwise covered the report provided at point c) above.

- e. Applied for and been granted from Heritage NSW, an Aboriginal Heritage Impact Permit (AHIP) in response to the work already undertaken, the remaining work approved under the Activity Approval, and any other work otherwise required to be undertaken under the Activity Approval, including rehabilitation. The AHIP application must include:
  - i. Appropriate documentation and mapping as outlined in Applying for an Aboriginal Heritage Impact Permit, Guide for Applicants (OEH 2011) and with reference to the requirements of the Guide to Investigating, assessing and reporting on Aboriginal cultural heritage in NSW (OEH 2011).
  - ii. Include fully documented consultation with the Aboriginal community undertaken in accordance with the Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (DECCW 2010).
  - iii. Complete records satisfying the requirements of the Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW 2010).
- f. Note: Further information on applying for an AHIP can be found at [www.heritage.nsw.gov.au](http://www.heritage.nsw.gov.au), including information on applying for an AHIP.

## Response to suspension notice

6. I note that the Regulator has been closely monitoring CRL's response to the Suspension Notice, and that CRL has complied with the above considerations [paragraph 5] and has indicated a willingness to continue to explore EL 9155.
7. On 24 May 2023, CRL provided a Compliance Review Report on Exploration Systems and Processes for EL 9155, as prepared by an independent consultant.
8. On 4 August 2023, CRL provided the Regulator a final Biodiversity Assessment Statement, as prepared by an independent consultant following feedback by the Regulator.
9. On 31 January 2024, CRL provided the Regulator with a copy of an AHIP (Permit #5187) obtained in relation to EL 9155.
10. Also on 31 January 2024, CRL provided the Regulator with a final report detailing the key findings, recommendations and corrective actions drawn from the reports prepared by the two consultants. This report also provided a response in relation to the intended responses to the sediment and erosion issues and rehabilitation requirements resulting from the works undertaken.

11. I also note that, following engagement with the Regulator, CRL sought to have the Activity Approval relating to the Suspension Notice cancelled and replaced with a new Assessable Prospecting Operation Application (**APO**) which considered the above outcomes following the suspension of EL 9155; and that the new APO was granted on 16 May 2024 (APO001743) and the previous activity approval was cancelled pursuant to s23A(9)(a) of the Act on 21 May 2024.

## Representations

12. On 22 April 2024, David Muxlow, Director Compliance with the Regulator wrote to CRL, as a delegate of the Secretary, proposing a direction be issued revoking the Suspension Notice. This letter was sent by email on 29 April 2024.
13. In accordance with section 240AA(2) of the Act, CRL was invited to make submissions in relation to the proposed decision by 5pm 10 May 2024.
14. CRL responded on 1 May 2024, stating, “*We look forward to revocation of the Suspension ...*”. No further representations were received in relation to the proposed revocation of the Suspension Notice.

## Considerations and findings

15. I am satisfied that a comprehensive review has been carried out by the Regulator in relation to the actions and documentation provided by CRL in response to the suspension notice.
16. In this respect I note that the CRL complied with the considerations detailed in the Suspension Notice in engaging third-party consultants to review its systems and processes and to complete an ecological review; reporting to the Regulator on the outcomes of the reviews and its intended response; and in obtaining an AHIP.
17. In addition, CRL has applied for and been granted a new APO, replacing the previous Activity Approval (which is now cancelled); which will ensure the findings and recommendations from the reviews and the AHIP are taken into consideration in conducting any future works on EL 9155.
18. I am also satisfied that CRL immediately suspended exploration activities on EL 9155 following the issue of the suspension notice and have not undertaken any exploration activities since.
19. Accordingly, I am satisfied that CRL have met the requirements set out in the suspension notice, and it is therefore appropriate to revoke the Suspension Notice issued in relation **EL 9155** on 28 June 2022 [RDOC22/81643]. This revocation takes effect immediately.

20. Please note that the revocation of the Suspension Notice in no way precludes the Regulator from taking any other action against the licence holder in relation to this matter.

Date of decision: 27 May 2024



**Peter Day**

Executive Director

NSW Resources Regulator

**Note:** In accordance with its Public Comment Policy, a copy of this decision will be published on the NSW Resources Regulator's website: [www.resourcesregulator.nsw.gov.au](http://www.resourcesregulator.nsw.gov.au)