



Regional
NSW

Mining Act undertaking

Undertaking to the Secretary,
Department of Regional NSW
given for the purposes of Part 17A, Division 4B of the *Mining Act 1992*

by

Catalina Resources Ltd
(formerly Shree Minerals Ltd)

ACN 130 618 683

ABN 74 130 618 683

Purpose

The purpose of this Mining Act undertaking is to document the undertaking given to the Secretary of the Department of Regional NSW (**Regulator**), for the purposes of Part 17A, Division 4B of the *Mining Act 1992* (**Mining Act**) in connection with a matter relating to a contravention or alleged contravention of the Mining Act.

Section A - general information

1. details of the company or individual proposing the undertaking

Name of company or individual	Catalina Resources Ltd (ACN 130 618 683)
Registered address	UNIT 38, 18 Stirling Highway, Nedlands WA 6009
Mailing address (if different from above)	
Contact Officer	Sanjay Loyalka
Position	Director
Telephone	██████████
Email address	████████████████████████████████████████
Legal structure	Australian Public Company
Type of business	Mineral exploration and mine development company
Commencement date of the entity	6 June 2008

2. alleged contravention

It is alleged that between October 2021 and April 2022, Catalina Resources Ltd (ACN 130 618 683) contravened section 378D of the Mining Act 1992.

3. details of the events surrounding the alleged contravention

Catalina Resources Ltd is the holder of EL9155, which comprises an area of 59 units and is located about 25km south-south-west of Cooma in New South Wales.

Catalina Resources Ltd is based in Western Australia. The employees of Catalina Resources Ltd are also based in Western Australia.

On or around 15 June 2021, Catalina Resources Ltd's Technical Director (at that time) flew from Western Australia to conduct a site visit of the land over under EL9155 in New South Wales.

The purpose of the site visit was to assess existing access tracks, consult with landowners, assess logistics, validate previous exploration (including geological mapping and drill hole locations) and obtain rock chip samples for analysis.

Following the above site visit by Catalina Resources Ltd's Technical Director, a travel ban between Western Australia and New South Wales was imposed due to the unprecedented global pandemic COVID-19.

Due to strict COVID-19 border restrictions between Western Australia and New South Wales, Catalina Resources Ltd decided to engage a suitable company to perform a range of works including but not limited to, completing the ESF4 form seeking approval for ground disturbing activities including drilling (**Application**); carrying out

environmental, reporting and Native Title works; and managing and supervising site preparation work and drilling activities at site.

After extensive due diligence with respect to suitable companies who could provide services required at EL9155 and who also had a long history of mineral exploration in New South Wales, Catalina Resources Ltd engaged Rangott Mineral Exploration Pty. Limited to perform a range of works including but not limited to:

- a) assist with preparation of the Application (as Rangott Mineral Exploration Pty. Limited staff had greater experience and expertise to complete the form); and
- b) carry out all fieldwork at the Rock Lodge Prospect, including:
 - i. conducting soil sampling program;
 - ii. liaising with and confirming landowners;
 - iii. arranging access agreements;
 - iv. carrying out a search of Aboriginal sites as part of preparation of the Application;
 - v. supervising and managing of site preparatory works for drilling;
 - vi. supervising and managing track clearing for commencement of exploration works; and
 - vii. supervising and managing exploration works including drilling activities.

On 1 October 2021, the Regulator granted the activity approval [MAAG0012185 – LETT0006595] (**Activity Approval**) under section 23A (7) of the Mining Act.

On 21 April 2022, the Regulator issued Catalina Resources Ltd a commencement of investigation letter and a Notice under section 240(1)(d) of the Mining Act [NTCE0010106] (**Suspension Notice**) directing Catalina Resources Ltd to immediately cease all works associated with the Activity Approval until it is notified that this Notice has been revoked.

In subsequent correspondences, the Regulator alleges the following contraventions have been committed between 1/10/2021 and 21/04/2022:

No.	Alleged Offence	Alleged Offence - Particulars
1	Failure to have sediment and erosion controls - No adequate erosion and sediment controls were implemented at any of the drilling traverses to mitigate against the migration of sediment and drilling wastes. No measures congruent with measures outlined in <i>Managing Urban Stormwater: Soils and Construction Volume 2E, Mines and Quarries (DECC 2008b)</i> were implemented.	This has occurred at (indicative location) Drilling Traverse SRL013 – SRL016 per Figure 3 in MAAG00012185
2		This has occurred at (indicative location) Drilling Traverse SRL008-SRL011 per Figure 3 in MAAG00012185.
3		This has occurred at (indicative location) Drilling Traverse SRL004-SRL005 per Figure 3 in MAAG00012185.
4	Unapproved clearing of vegetation. Trees including canopy and understory have been cleared beyond the commitments specified in MAAG0012185. No measures were implemented to comply with the <i>Code of Practice: Environmental Management (EM Code)</i> .	No mitigation measures were implemented to protect against impacts to fauna. This has occurred across the footprint of the Project Area 1 as specified in Figure 3 in MAAG0012185.
5		No mitigation measures (including inspection) were implemented to demarcate hollow bearing trees. This has occurred across the footprint of the Project Area 1 as specified in Figure 3 in MAAG0012185.
6		No records (including photos where relevant) of fauna habitat inspections, fauna habitat demarcation and any fauna relocation were taken of any actions undertaken in the protection / identification / demarcation of trees, habitat and other vegetation.
7	Streambank or stream works including, to but not limited to, the augmentation of a bed level crossing over Jinny Brother Creek (>=3 order stream) at 55H 688758E, 5961470N. This and other works including track / pad construction along the eastern bank of Jinny Brother Creek (less than 40 metres from channel) within Project Area 1 were conducted without any other	

Mining Act undertaking

	approval and in contravention of the commitments in MAAG0012185 and the EM Code (s.2.1)	
8	Failure to comply with safeguards- Aboriginal heritage sites to comply with the <i>Exploration Code of Practice: Environmental Management (EM Code)</i> .	No physical measures were implemented to delineate Aboriginal Heritage sites, despite an AHIMS search being conducted and, that no further administrative searches or assessments were conducted in accordance with <i>Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales</i> .
9		No records were taken of any actions undertaken in the protection of Aboriginal Cultural heritage and non-indigenous cultural heritage.
Total number of alleged offences: 9		

On or around 16 May 2022, Max Rangott of Rangott Mineral Exploration Pty Limited made a submission stating:

- a) almost all of the relevant work was carried out under supervision of Rangott Mineral Exploration Pty. Limited's Principal Geologist Max Rangott in late 2021 and early 2022 and the balance of works were carried out under supervision of a Geologist sub-contracted by Rangott Mineral Exploration Pty. Limited; and
- b) accepting responsibility for infringements, which related mainly to the preparation of the drill pads and access tracks, not the drilling operations. The drilling operations were carried out under supervision and management of a Geologist sub-contracted by Rangott Mineral Exploration Pty. Limited.

Catalina Resources Ltd reiterates its submissions on 23 May 2022 and 16 June 2022 in particular:

- a) The alleged contraventions were not caused by Catalina Resources Ltd, rather by Rangott Mineral Exploration Pty. Limited who had extensive mining exploration experience, and who had been engaged to supervise and manage the works as a result of COVID-19 travel restrictions; and
- b) Catalina Resources Ltd took all reasonable steps practically possible to prevent any contravention and met its obligations of environmental care under the Mining Act.

Catalina Resources Ltd as the holder of EL9155 accepts ultimate responsibility for the aforesaid alleged contraventions. Catalina Resources Ltd seeks to enter into this enforceable undertaking to jointly carry out strategies with Rangott Mineral Exploration Pty. Limited to carry out rectification activities in respect of the alleged contraventions.

Rangott Mineral Exploration Pty. Limited has accepted the responsibility for the alleged contravention under the aid and abet the commission of an offence - section 378EA of the Mining Act 1992 and offered a separate enforceable undertaking committing a minimum of \$87,500 to deliver benefits in relation to the management of the title, industry and community.

4. an acknowledgement that the regulator alleged a contravention has occurred

Catalina Resources Ltd acknowledges that the Regulator has alleged Catalina Resources Ltd has contravened section 378D of the Mining Act in connection with the alleged contravention.

5. any rectifications made as a result of the contravention

Catalina Resources Ltd acknowledges the Suspension Notice issued to Catalina Resources Ltd on 28 June 2022 which suspended all operations under EL9155 with the exception of those activities required to maintain a safe workplace or as otherwise directed by the Regulator. Catalina Resources Ltd acknowledges and intends to comply with and fulfil all conditions and rectification works required under Suspension Notice [NTCE0010106] to revoke the suspension.

6. an acknowledgement that the undertaking and reasons for decision will be published and publicised

Catalina Resources Ltd acknowledges that the undertaking and reasons for decision will be published on the Regulator's website and may be referenced in NSW Resources Regulator material.

7. a statement of ability to comply with the terms of the undertaking

Catalina Resources Ltd has the financial ability to comply with the terms of this enforceable undertaking and have provided evidence with this enforceable undertaking to support this declaration.

8. statement regarding relations with beneficiaries

Catalina Resources Ltd acknowledge that there are no known current relationships with any of the beneficiaries outlined within the enforceable undertaking.

Catalina Resources Ltd gives a commitment that no person involved or employed by Catalina Resources Ltd will receive a direct financial benefit from the donations offered in this enforceable undertaking.

9. intellectual property licence

Catalina Resources Ltd grant the Regulator a permanent, irrevocable, royalty-free, world-wide, non-exclusive licence to use, reproduce, publish, distribute, electronically transmit, electronically distribute, adapt and modify materials developed as a result of this undertaking.

10. a commitment to participate constructively in all compliance monitoring activities of the undertaking

Catalina Resources Ltd acknowledges that responsibility for demonstrating compliance with this enforceable undertaking rests with Catalina Resources Ltd who has given this enforceable undertaking. Evidence to demonstrate compliance with the terms will be provided to the Regulator by the due date for the term.

Catalina Resources Ltd acknowledges that the Regulator may undertake other compliance monitoring activities to verify the evidence that is provided and compliance with the relevant terms of this enforceable undertaking. The evidence provided to demonstrate compliance with the enforceable undertaking will be retained by the organisations who have given this enforceable undertaking until advised by the Regulator that the enforceable undertaking has been completely discharged.

Catalina Resources Ltd acknowledges that the Regulator may initiate additional compliance monitoring activities of compliance with the terms of the enforceable undertaking, such as inspections, as considered necessary.

Catalina Resources Ltd will prepare and submit a report to the Regulator on or before 12 months following the acceptance of this enforceable undertaking regarding compliance with all terms of the undertaking and compliance with the Mining Act.

11. a commitment that the behaviour that led to the alleged contravention has ceased and will not reoccur.

Catalina Resources Ltd commits that the behaviour that led to the alleged contravention has ceased and will not reoccur.

12. acknowledgement of enforceable undertaking guidelines

Catalina Resources Ltd have read and understood:

NSW Resources Regulator Enforceable Undertaking Guidelines version August 2020

Section B – enforceable terms

Pursuant to Division 4B of Part 17 of the *Mining Act 1992*, Catalina Resources Ltd has committed to the following enforceable terms.

1. Strategies that will deliver community benefits

Catalina Resources Ltd will make a donation to the following organisation for the purposes of delivering community benefits:

Mining Act undertaking

a) A payment of \$67,500 will be made to the Monaro District of the NSW Rural Fire Service to be used for the purchase of training aids, within 30 days of receiving invoice or payment instructions from the Monaro District of the NSW Rural Fire Service.

Catalina Resources Ltd has entered into an MOU/ letter agreement as attached with the Monaro District of the NSW Rural Fire Service to report within 3 months of their completion of the purchase.

Minimum cost \$67,500.00

2. Strategies that will deliver benefits to the management of the title and to industry.

Catalina Resources Ltd will engage Umwelt (Australia) Pty Ltd to author an article focusing on 'best practice requirements for ensuring Aboriginal ecological requirements are met'. Prior to publishing, Catalina Resources Ltd will provide a copy of the article to the Regulator for approval. Once approved by the Regulator, the article is to be published in the 'Digging and Drilling Magazine' on or before 12 months following the acceptance of this enforceable undertaking. Evidence of publication will be provided to the Regulator.

Minimum cost \$6,964

3. Additional Strategies that will deliver community benefits.

Catalina Resources Ltd will make a donation to the following organisation for the purposes of delivering community benefits:

Catalina Resources Ltd will, within 30 days of the Regulator accepting the enforceable undertakings, make a payment of \$52,500 to Upper Snowy Landcare Network, NSW to be used towards undertaking project/s to assist with improving local vegetation and protecting the natural environment in the region of the central Monaro. Catalina Resources Ltd will provide the Regulator with evidence of payment within 14 days of making the payment. Catalina Resources Ltd will enter into an MOU or other similar agreement with Upper Snowy Landcare Network, NSW to report within 3 months of their completion of the work.

Minimum cost \$52,500.00

4. Reimbursement of the Regulator's agreed costs associated with this enforceable undertaking

Catalina Resources Ltd must pay the Regulator's recoverable costs associated with the undertaking, including investigation, administrative and compliance monitoring costs itemised below, and acknowledges that payment is due **30 days** after receipt of the Regulator's invoice.

- Investigation and administration costs - \$12,000
- Compliance monitoring costs - \$3,000

5. Minimum spend

Catalina Resources Ltd must spend a minimum of \$141,964, excluding GST, in complying with and fulfilling all conditions and rectification works; carrying out its undertakings in this enforceable undertaking; and reimbursing the Regulator's recoverable costs associated with the undertaking.

Catalina Resources Ltd acknowledges the minimum spend comprises of:

Activities to deliver	Total estimated cost, excluding GST
Benefits to community	\$67,500
Benefits to industry	\$6,964
Additional Benefits to community	\$52,500
Regulator recoverable costs	\$15,000

Mining Act undertaking

Estimated total value of the undertaking	\$141,964
-------------------------------------------------	------------------

6. Project of undertaking

Where a project or projects are proposed to deliver benefits in relation to the management of the title, industry and community Catalina Resources Ltd offers and commits to carry out the projects set out in Section B Item 5 of this enforceable undertaking.

7. Timeframe for delivery

The activities to deliver the benefits of this enforceable undertaking must be completed on or before **12 months** following acceptance of this enforceable undertaking by the Regulator.

Section C - Offer of undertaking

BY A CORPORATION

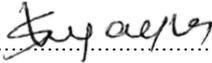
As a duly appointed and authorised officer or agent of

Catalina Resources Ltd

I offer this undertaking and commit

Catalina Resources Ltd

to the terms herein.

Signed: .....

[Director or company secretary]

Name: **Sanjay Loyalka**.....

[Print name]

Position: Director

Dated at **Perth**..... this

4th day of **July**....., 20**23**.

Signed: .....

[Director or company secretary]

Name: **Richard Beazley**.....

[Print name]

Position: **Director**.....

Dated at **Perth**..... this

4th day of **July**....., 20**23**

Section D – Regulator’s acceptance of undertaking

I accept this undertaking as an enforceable undertaking under section 378ZFB of the *Mining Act 1992*.

Signed: .....

Position: **Executive Director**..... delegate of the Secretary,

Department of Regional NSW

Dated at **Orange**.....this **17th** day of **July**....., 20**23**