



Government Gazette

of the State of

New South Wales

Number 88—Mining and Primary Industries

Friday, 5 March 2021

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Offshore Minerals (Compliance and Enforcement) Instrument of Delegation 2021

I, JOHN BARILARO, M.P., Deputy Premier, Minister for Regional New South Wales, Industry and Trade, under section 439(1) of the *Offshore Minerals Act 1999* (the Act) delegate the functions of the Minister identified in Column 1 of Schedules 2 and 3 to a person within Regional New South Wales of the delegate level (as defined in Schedule 1) specified in the corresponding row in Column 3 of Schedules 2 and 3.

The summary of a function identified in Column 2 of Schedules 2 and 3 (including any notes) is only for general explanation and does not limit the delegation of functions under the provisions identified in Column 1 of Schedules 2 and 3.

This Instrument does not revoke or affect any other instrument made under section 439 of the Act.

Dated this 24th day of February 2021.

JOHN BARILARO, M.P.

Deputy Premier, Minister for Regional New South Wales, Industry and Trade

Note: Instrument of Delegation (Offshore Minerals Act 1999 – Minister) 2020 dated 13 October 2020 and published in the New South Wales Government Gazette No 275 on 19 October 2020 delegates functions of the Minister under the Act and *Offshore Minerals Regulation 2020* to the Secretary and the Deputy Secretary, Mining, Exploration and Geoscience, Regional New South Wales.

SCHEDULE 1 – Delegate levels

Delegate level means the holder of an office listed below, or any person who is for the time being acting in, or performing the duties and responsibilities of, that office:

Column 1 Delegate	Column 2 Delegate level
Deputy Secretary, Strategy Delivery and Performance Executive Director, Resources Regulator	A
Director Compliance within the Resources Regulator Director Regulatory Programs within the Resources Regulator	B
Chief Inspector within the Resources Regulator appointed under section 18(5) of the <i>Work Health and Safety (Mines and Petroleum Sites) Act 2013</i>	C
Chief Investigator within the Resources Regulator	D

SCHEDULE 2

Offshore Minerals Act 1999

Column 1 Section	Column 2 Summary of functions delegated	Column 3 Delegate level
CHAPTER 4 – ADMINISTRATION		
Part 4.1 Information management		
<p>Note. A person must not, without reasonable excuse, fail to comply with a request under sections 367, 368, 369, 370 or 371 Part 4.1 (see section 372).</p> <p>Note. Certain information given in response to a request under sections 367 368, 370 or 371, or a question under section 369(1), (summarised below) will not be admissible in evidence against the person in any proceedings, other than proceedings for an offence against s 372(3) (see section 373).</p>		
367	The Minister may ask a person to give information.	A, B and D
368	The Minister may ask a person to appear personally to give information that is relevant to the operation of the Act, and answer questions about the activity to which the information relates.	A, B and D
369	Power to administer an oath or affirmation and request a person to answer any question that comes within the terms of a notice given under section 368.	A, B and D
370	<p>The Minister may ask a person to produce a document if the document is relevant to the operation of the Act and the Minister has reasonable grounds for believing that the person is able to produce the document.</p> <p>Note. Clause 15 of the <i>Offshore Minerals Regulation 2020</i> provides for a copy to be taken of any document produced in accordance with this section.</p>	A, B and D
371	The Minister may ask a person to produce a sample taken from the seabed or subsoil in coastal waters if the sample is relevant to the operation of the Act and the Minister has reasonable grounds for believing that the person is able to produce the sample.	A, B and D
375(1)	The Minister may make confidential information available in the circumstances in section 375(1).	A, B and D
375(2)	The Minister may make details of a confidential sample available to any person and allow any person to inspect a sample in the circumstances in section 375(2)	A, B and D
Part 4.2 Monitoring and enforcement		
Division 2 Directions		
387	<p>Subject to conditions, the Minister may direct a licence holder or special purpose consent holder to do or not to do the thing specified in the direction.</p> <p>Note. Section 390 provides for a direction to extend to an associate specified in the direction. An associate is defined in</p>	A and B

Column 1 Section	Column 2 Summary of functions delegated	Column 3 Delegate level
	section 26. (An associate includes associated contractors of the holder and both their employees.	
391	The Minister may give the licence holder or special purpose consent holder a supplementary direction that specifies the manner in which or places at which, copies of a direction are to be displayed (where a direction under section 387 extends to an associate).	A and B
392	Directions may be given in relation to undischarged obligations of a former licence holder or associate after the licence ends. Note. Sections 131, 191, 266 and 314 provide for undischarged obligations to continue to bind a former licence holder or associate after the licence ends.	A and B
394	The Minister may specify time for compliance with a direction given under sections 387 or 392.	A and B
395	The Minister may do all or any of the things required by a direction under section 387 or 392 if not complied with. Note. Section 396 provides for the treatment of any costs and expenses incurred by taking action under section 395.	A
Division 3 Securities		
399	The Minister may determine that a person who has been provisionally granted a licence must lodge a security with the Minister. If the Minister provisionally renews a licence, the Minister may determine that the licence holder must lodge a security with the Minister.	A and B
400	The Minister may use the security lodged with the Minister to discharge a person's obligations arising from a failure to comply with the Act or the regulations, or the licence conditions, or a direction under section 387 or 392.	A and B
Division 4 Restoration of environment (see Regulation)		
Division 5 Safety zones		
403	The Minister may, by order published in the Gazette, establish a safety zone around a structure or equipment in coastal waters. Note. Section 443 provides for proceedings of an offence to be disposed of in a summary manner before the Local Court subject to section 404 in relation to safety zones.	A and C
404(1)	If a safety zone is established by order under section 403, a vessel to which the order applies is not to enter or remain in the safety zone without the written consent of the Minister.	A and C
Part 4.3 Inspectors		
421	The Minister may appoint, in writing, a person to be an inspector for the purposes of the Act and the regulations.	A

Column 1 Section	Column 2 Summary of functions delegated	Column 3 Delegate level
	Note. Inspectors have powers under sections 367, 368, 369, 370, 371, 378, 379, 380 and 381.	
422	The Minister must issue an inspector with an identity card in the form approved by the Minister.	A
423	A person who stops being an inspector must, as soon as is practicable, return the person's identity card to the Minister or to an official specified by the Minister in a written notice given to the person.	A

Offshore Minerals Regulation 2020

Column 1 Clause	Column 2 Summary of functions delegated	Column 3 Delegate level
Part 4 Restoration of Environment		
9	The Minister may, by written notice given to the holder or former holder of a licence, direct the holder or former holder to remove from coastal waters, within the period specified in the notice, any unused mining property that the holder or former holder has brought into those waters, and may extend the period by further written notice. Note. Unused mining property is defined in clause 8.	A and B
10	The Minister may cause unused mining property not removed in accordance with a direction, to be removed and may direct that the property be sold by public auction.	A
11	The Minister may, by written notice given to the holder or former holder of a licence, direct the holder or former holder to take steps specified in the notice, within the period specified in the notice, to rehabilitate an area in coastal waters that has been damaged or affected by offshore exploration or mining activities of the holder or former holder. The Minister may also extend the period specified by a further written notice. If a person fails to comply with a direction, the Minister may cause to be taken any steps specified in the notice in which the direction was given.	A
Part 6 - Miscellaneous		
15	The Minister may take a copy of any document produced in accordance with section 370 of the Act. Note. This also applies to an inspector.	A and B
16	The Minister (or an inspector) may test or analyse any sample given to the Minister or the inspector in accordance with section 371 of the Act.	A and B

FISHERIES MANAGEMENT ACT 1994
FISHERIES MANAGEMENT (AQUACULTURE) REGULATION 2017

Clause 39 (4) - Notice of Aquaculture Lease Renewal

The Minister has renewed the following class 1 Aquaculture Leases:-

OL89/046 within the estuary of the Camden Haven, having an area of 0.5602 hectares to Brett and Tracey Harper of Laurieton, NSW, for a term of 15 years expiring on 30 December 2035.

OL68/223 within the estuary of the Brisbane Water, having an area of 2.0441 hectares to Michael South of Empire Bay, NSW, for a term of 15 years expiring on 06 August 2035.

OL61/023 within the estuary of Port Stephens, having an area of 4.1099 hectares to Graham & Lynette Dessent of Soldiers Point, NSW, for a term of 15 years expiring on 26 November 2035.

OL75/008 within the estuary of the Pambula River, having an area of 0.6841 hectares to Jason and Jasmine Moore of Merimbula, NSW, for a term of 15 years expiring on 15 October 2035.

OL74/244 within the estuary of the Hawkesbury River, having an area of 3.0846 hectares to Denis Christie & Associates Pty Ltd of Greenwich, NSW, for a term of 15 years expiring on 08 November 2035.

OL59/375 within the estuary of Wallis Lake, having an area of 0.621 hectares to Colin Wren of Tuncurry, NSW, for a term of 15 years expiring on 8 November 2035.

OL60/196 within the estuary of the Hastings River, having an area of 0.8064 hectares to Port Oyster Co Pty Ltd of Port Macquarie, NSW, for a term of 15 years expiring on 12 November 2035.

OL96/072 within the estuary of the Brisbane Water, having an area of 0.9512 hectares to Whittens Organic Oyster Farms Pty Ltd of West Gosford, NSW, for a term of 15 years expiring on 12 November 2035

OL61/006 within the estuary of the Wapengo Lake, having an area of 1.8330 hectares to GRM Nominees Pty Ltd of Subiaco, WA, for a term of 15 years expiring on 19 December 2035.

OL96/073 within the estuary of the Brisbane Water, having an area of 1.0605 hectares to Michael O'Connor, Richard Leslie Farley and Andrew William Aldis of Karuah, NSW, for a term of 15 years expiring on 12 November 2035.

OL99/006 within the estuary of Brisbane Water, having an area of 0.5914 hectares to Permyard Pty Ltd of Davistown, NSW, for a term of 15 years expiring on 03 November 2035.

AL04/052 within the estuary of the Bellinger River, having an area of 1.0607 hectares to Michael Henry Swanston & Mark Edward White of Urunga, NSW, for a term of 15 years expiring on 03 November 2035.

PETER TURNELL
Director Fisheries and Aquaculture Management
Fisheries Division
NSW Department of Primary Industries

FISHERIES MANAGEMENT ACT 1994
FISHERIES MANAGEMENT (AQUACULTURE) REGULATION 2017

Clause 39 (4) - Notice of Aquaculture Lease Renewal

The Minister has renewed the following class 2 Aquaculture Leases:-

AL06/002 within the estuary of Twofold Bay, having an area of 12.000 hectares to South Coast Mariculture Pty Ltd of Pyrmont, NSW, for a term of 15 years expiring on 19 January 2036.

PETER TURNELL
Director Fisheries & Aquaculture Management

Fisheries Division

NSW Department of Primary Industries

FISHERIES MANAGEMENT ACT 1994

FISHERIES MANAGEMENT (AQUACULTURE) REGULATION 2017

Clause 37 (3) — Notice of Granting of Class 1 Aquaculture Lease

The Minister has granted the following Class 1 Aquaculture Lease:

OL67/406 within the estuary of Port Stephens, having an area of 3.654 hectares to Phillips Oysters Pty Ltd of Tea Gardens, NSW, for a term of 15 years expiring on 23 November 2035.

OL85/111 within the estuary of Port Stephens, having an area of 0.991 hectares to Phillips Oysters Pty Ltd of Tea Gardens, NSW, for a term of 15 years expiring on 23 November 2035.

OL87/128 within the estuary of Port Stephens, having an area of 0.821 hectares to Phillips Oysters Pty Ltd of Tea Gardens, NSW, for a term of 15 years expiring on 23 November 2035.

OL72/326 within the estuary of Port Stephens, having an area of 0.8166 hectares to Mark Hunter of Anna Bay, NSW, for a term of 15 years expiring on 16 November 2035.

OL76/057 within the estuary of the Hawkesbury River, having an area of 0.3065 hectares to Broken Bay Pearls Pty Ltd of Mooney Mooney, NSW, for a term of 15 years expiring on 23 November 2035.

OL85/121 within the estuary of the Hawkesbury River, having an area of 0.4584 hectares to Broken Bay Pearls Pty Ltd of Mooney Mooney, NSW, for a term of 15 years expiring on 23 November 2035.

OL68/498 within the estuary of Port Stephens, having an area of 0.5822 hectares to GRM Nominees Pty Ltd ATF G R Major Family Trust of Subiaco, WA, for a term of 15 years expiring on 25 November 2035.

OL78/048 within the estuary of Port Stephens, having an area of 1.0021 hectares to GRM Nominees Pty Ltd ATF G R Major Family Trust of Subiaco, WA, for a term of 15 years expiring on 25 November 2035.

OL83/274 within the estuary of Port Stephens, having an area of 0.6083 hectares to GRM Nominees Pty Ltd ATF G R Major Family Trust of Subiaco, WA, for a term of 15 years expiring on 25 November 2035.

OL59/377 within the estuary of Wallis Lake, having an area of 0.2182 hectares to Jarpay Pty Ltd of Minimbah, NSW, for a term of 15 years expiring on 18 November 2035.

OL84/029 within the estuary of Port Stephens, having an area of 0.4667 hectares to Michael O'Connor of Karuah, NSW, for a term of 15 years expiring on 25 November 2035.

AL20/011 within the estuary of Port Stephens, having an area of 0.7507 hectares to Michael O'Connor of Karuah, NSW, for a term of 15 years expiring on 25 November 2035.

OL67/421 within the estuary of Port Stephens, having an area of 1.3496 hectares to B J Armstrong Pty Ltd of Laurieton, NSW, for a term of 15 years expiring on 25 November 2035.

OL73/190 within the estuary of Port Stephens, having an area of 8.1727 hectares to B J Armstrong Pty Ltd of Laurieton, NSW, for a term of 15 years expiring on 25 November 2035.

OL81/247 within the estuary of Port Stephens, having an area of 1.9135 hectares to B J Armstrong Pty Ltd of Laurieton, NSW, for a term of 15 years expiring on 25 November 2035.

PETER TURNELL
Director Fisheries & Aquaculture Management
Fisheries Division
NSW Department of Primary Industries

Pursuant to section 136 of the *Mining Act 1992* and section 16 of the *Petroleum (Onshore) Act 1991*

NOTICE is given that the following applications have been received:

EXPLORATION LICENCE APPLICATIONS

(TMS-APP429)

No. 6206, BUNGY RESOURCES PTY LTD (ACN 643 408 173), area of 33 units, for Group 1, dated 5 February 2021. (Sydney Mining Division).

(TMS-APP436)

No. 6232, BENGALLA MINING COMPANY PTY LIMITED (ACN 053 909 470), area of 556 hectares, for Group 9, dated 23 February 2021. (Singleton Mining Division).

(APP-2021-55)

No. 6233, AWATI RESOURCES PTY LTD (ACN 106 020 419), area of 7 units, for Group 1, dated 1 March 2021. (Broken Hill Mining Division).

NOTICE is given that the following applications have been granted:

EXPLORATION LICENCE APPLICATIONS

(TMS-APP40)

No. 5931, now Exploration Licence No. 9041, FREEPORT-MCMORAN EXPLORATION AUSTRALIA PTY LTD (ACN 626423845), County of Westmoreland, Map Sheet (8830), area of 26 units, for Group 1, dated 8 February 2021, for a term until 8 February 2027. As a result of the grant of this title, Exploration Licence No. 6525 has partly ceased to have effect.

(TMS-2020-381)

No. 6129, now Exploration Licence No. 9065, BULLSEYE GOLD PTY LTD (ACN 640 740 576), County of Goulburn, Map Sheet (8325, 8326), area of 18 units, for Group 1, dated 25 February 2021, for a term until 25 February 2022.

(TMS-2020-428)

No. 6148, now Exploration Licence No. 9060, CROWN GOLD RESOURCES PTY LTD (ACN 644327364), County of Wellington, Map Sheet (8832), area of 36 units, for Group 1, dated 18 February 2021, for a term until 18 February 2027.

NOTICE is given that the following applications have been withdrawn:

EXPLORATION LICENCE APPLICATIONS

(TMS-APP170)

No. 6055, SENTINEL RESOURCES (AUSTRALIA) PTY LTD (ACN 643 738 194), County of Forbes and County of Montegale, Map Sheet (8530). Withdrawal took effect on 1 March 2021.

(TMS-APP171)

No. 6057, SENTINEL RESOURCES (AUSTRALIA) PTY LTD (ACN 643 738 194), County of Parry, Map Sheet (9134, 9135). Withdrawal took effect on 1 March 2021.

(TMS-APP176)

No. 6064, SENTINEL RESOURCES (AUSTRALIA) PTY LTD (ACN 643 738 194), County of Murray, Map Sheet (8727). Withdrawal took effect on 1 March 2021.

(TMS-APP177)

No. 6065, SENTINEL RESOURCES (AUSTRALIA) PTY LTD (ACN 643 738 194), County of King, Map Sheet (8628, 8629, 8728). Withdrawal took effect on 1 March 2021.

(TMS-APP178)

No. 6066, SENTINEL RESOURCES (AUSTRALIA) PTY LTD (ACN 643 738 194), County of Buccleuch, Map Sheet (8627). Withdrawal took effect on 1 March 2021.

(TMS-APP188)

No. 6078, SENTINEL RESOURCES (AUSTRALIA) PTY LTD (ACN 643 738 194), County of Yancowinna, Map Sheet (7134). Withdrawal took effect on 1 March 2021.

(TMS-APP192)

No. 6082, SENTINEL RESOURCES (AUSTRALIA) PTY LTD (ACN 643 738 194), County of Dampier, County of Murray and County of St Vincent, Map Sheet (8826). Withdrawal took effect on 1 March 2021.

(TMS-APP195)

No. 6084, SENTINEL RESOURCES (AUSTRALIA) PTY LTD (ACN 643 738 194), County of Beresford, Map Sheet (8725). Withdrawal took effect on 1 March 2021.

(TMS-APP203)

No. 6091, SENTINEL RESOURCES (AUSTRALIA) PTY LTD (ACN 643 738 194), County of Murray, Map Sheet (8727). Withdrawal took effect on 1 March 2021.

(TMS-APP263)

No. 6121, SENTINEL RESOURCES (AUSTRALIA) PTY LTD (ACN 643 738 194), County of Darling and County of Inglis, Map Sheet (9036, 9037). Withdrawal took effect on 1 March 2021.

(APP-2021-5)

No. 6196, GEOSCIENCE AUSTRALIA PTY LTD (ACN 646845267), County of St Vincent, Map Sheet (9027). Withdrawal took effect on 26 February 2021.

NOTICE is given that the following applications for renewal have been received:

(REN-2021-2)

Authorisation No. 346, ASTON COAL 2 PTY LTD (ACN 139 472 567), ICRA MC PTY LTD (ACN 147657074) AND J-POWER AUSTRALIA PTY LTD (ACN 002 307 682), area of 1270 hectares. Application for renewal received 26 February 2021.

(TMS-REN572)

Exploration Licence No. 7728, PETER WARREN ENGLISH, area of 1 unit. Application for renewal received 23 February 2021.

(TMS-2020-526)

Mining Lease No. 1481 (Act 1992), CADIA HOLDINGS PTY LIMITED (ACN 062 648 006), area of 584.1 hectares. Application for renewal received 1 March 2021.

RENEWAL OF CERTAIN AUTHORITIES

Notice is given that the following authority has been renewed:

(TMS-2020-365)

Exploration Licence No. 7635, LASSETER GOLD PTY LTD (ACN 139 612 427), Counties of Mootwingee and Yungnulgra, Map Sheet (7336, 7436), area of 8 units, for a further term until 25 October 2023. Renewal effective on and from 23 February 2021.

TRANSFERS

(TMS-TRF52)

Exploration Licence No. 6288, formerly held by MOOLARBEN COAL MINES PTY LIMITED (ACN 108 601 672), KORES AUSTRALIA MOOLARBEN COAL PTY LIMITED (ACN 129132501) AND SOJITZ MOOLARBEN RESOURCES PTY LTD (ACN 126287027) has been transferred to MOOLARBEN COAL MINES PTY LIMITED (ACN 108 601 672), KORES AUSTRALIA MOOLARBEN COAL PTY LIMITED (ACN 129132501) AND YANCOAL MOOLARBEN PTY LTD (ACN 638 942 588). The transfer was registered on 24 February 2021.

(TMS-TRF52)

Exploration Licence No. 7073, formerly held by MOOLARBEN COAL MINES PTY LIMITED (ACN 108 601 672), KORES AUSTRALIA MOOLARBEN COAL PTY LIMITED (ACN 129132501) AND SOJITZ MOOLARBEN RESOURCES PTY LTD (ACN 126287027) has been transferred to MOOLARBEN COAL MINES PTY LIMITED (ACN 108 601 672), KORES AUSTRALIA MOOLARBEN COAL PTY LIMITED (ACN 129132501) AND YANCOAL MOOLARBEN PTY LTD (ACN 638 942 588). The transfer was registered on 24 February 2021.

(TMS-TRF52)

Exploration Licence No. 7074, formerly held by MOOLARBEN COAL MINES PTY LIMITED (ACN 108 601 672), KORES AUSTRALIA MOOLARBEN COAL PTY LIMITED (ACN 129132501) AND SOJITZ MOOLARBEN RESOURCES PTY LTD (ACN 126287027) has been transferred to MOOLARBEN COAL MINES PTY LIMITED (ACN 108 601 672), KORES AUSTRALIA MOOLARBEN COAL PTY LIMITED (ACN 129132501) AND YANCOAL MOOLARBEN PTY LTD (ACN 638 942 588). The transfer was registered on 24 February 2021.

(TMS-TRF53)

Mining Lease No. 1605 (Act 1992), formerly held by MOOLARBEN COAL MINES PTY LIMITED (ACN 108 601 672), KORES AUSTRALIA MOOLARBEN COAL PTY LIMITED (ACN 129132501) AND SOJITZ MOOLARBEN RESOURCES PTY LTD (ACN 126287027) has been transferred to MOOLARBEN COAL MINES PTY LIMITED (ACN 108 601 672), KORES AUSTRALIA MOOLARBEN COAL PTY LIMITED (ACN 129132501) AND YANCOAL MOOLARBEN PTY LTD (ACN 638 942 588). The transfer was registered on 24 February 2021.

(TMS-TRF53)

Mining Lease No. 1606 (Act 1992), formerly held by MOOLARBEN COAL MINES PTY LIMITED (ACN 108 601 672), KORES AUSTRALIA MOOLARBEN COAL PTY LIMITED (ACN 129132501) AND SOJITZ MOOLARBEN RESOURCES PTY LTD (ACN 126287027) has been transferred to MOOLARBEN COAL MINES PTY LIMITED (ACN 108 601 672), KORES AUSTRALIA MOOLARBEN COAL PTY LIMITED (ACN 129132501) AND YANCOAL MOOLARBEN PTY LTD (ACN 638 942 588). The transfer was registered on 24 February 2021.

(TMS-TRF53)

Mining Lease No. 1715 (Act 1992), formerly held by MOOLARBEN COAL MINES PTY LIMITED (ACN 108 601 672), KORES AUSTRALIA MOOLARBEN COAL PTY LIMITED (ACN 129132501) AND SOJITZ MOOLARBEN RESOURCES PTY LTD (ACN 126287027) has been transferred to MOOLARBEN COAL MINES PTY LIMITED (ACN 108 601 672), KORES AUSTRALIA MOOLARBEN COAL PTY LIMITED (ACN 129132501) AND YANCOAL MOOLARBEN PTY LTD (ACN 638 942 588). The transfer was registered on 24 February 2021.

CANCELLATIONS

(TMS-CAN46)

Exploration Licence No. 6413 (Act 1992), AUSMON RESOURCES LIMITED (ACN 134 358 964), County of Canbelego, Map Sheet (8135), area of 3 units. Request for cancellation was received on 22 February 2021.