



Our ref: ED19/281
Senders ref: D19/29098

3 Sep 2019

Mr Greg Piper MP
Chair
Public Accounts Committee
Parliament of New South Wales
Macquarie Street
SYDNEY NSW 2000

By email: pac@parliament.nsw.gov.au

Dear Mr Piper

Thank you for your letter of 5 August 2019 about the Auditor-General's report. The Department of Planning, Industry and Environment has been progressing implementation of the report's various recommendations.

In relation to Recommendation 1, actions articulated in the Operational Rehabilitation Compliance and Reporting Reform (ORCRR) are being implemented by the Resources Regulator directorate. Machinery of Government changes following this year's state election have impacted progress on the reforms but we anticipate a consultation draft of amendments to the Mining Regulation, currently being developed by the Parliamentary Counsel Office, will be released during September, subject to office's priorities. The amendments will allow for application of new standardised conditions on mining titles. This will require a minimum 28-day public consultation period in accordance with requirements under the *Mining Act 1992*.

Guidance developed to support the ORCRR program will address requirements for the development of rehabilitation management plans and closure plans. Specifically, the *Code of Practice: Rehabilitation Management Plans* will define the rehabilitation outcomes to be achieved and set out strategies to ensure that mine disturbed land is returned to a condition that supports the approved final land use.

The code requires the level of detail related to mine closure and rehabilitation outcomes to increase over the life of an operation, based on learnings from rehabilitation monitoring and trials, detailed studies as well as general advances in rehabilitation methodologies and best practices. Copies of the draft codes are available on the Resources Regulator's website at www.resourcesregulator.nsw.gov.au and searching for 'operational rehabilitation'.

In relation to Recommendation 2B, the new rehabilitation cost estimation tool, published on the department's website on 1 June 2017, significantly increases the rigour of the security deposit calculation process. Key improvements include:

- updated cost schedule based on third party industry rates and actual costs derived from projects across NSW and Queensland
- clearer guidance on the process for using alternative rates
- application to exploration and a wider range of rehabilitation activities to be considered
- clearer guidance on understanding the application of the rehabilitation activity

- advice regarding contingencies and how to calculate them.

The new tool includes a significant increase in contingency amounts to 30 per cent, representing:

- 10 per cent for general contingency
- 10 per cent for post closure environmental monitoring
- 10 per cent for project management and surveying.

This is double the amount of 15 per cent required under the previous tool, comprising of 10 per cent for project management and surveying and 5 per cent for post closure environmental monitoring.

Importantly the Resources Regulator can continue to apply higher contingencies to account for site specific uncertainties. For example, the security deposit for the Austar Coal Mine in the Hunter Valley increased by an additional contingency of \$995,700 to account for increasing the capping thickness from 1 metre to 2 metre over the Aberdare East Reject Emplacement Area to address uncertainties in relation to the treatment of potential issues associated with acid mine drainage and spontaneous combustion.

In relation to Recommendation 2C, for the financial year 2017/18 the Resources Regulator undertook 205 cost estimates. Security deposit reviews are also now included in the Resources Regulator's monthly business activity reports which are published on the Resources Regulator's website at www.resourcesregulator.nsw.gov.au/compliance-and-enforcement/business-activity-reports. A copy of the June 2019 report is attached for your information at Attachment A.

The outcome of the five most recent security deposit reviews for large-scale mining operations are:

Mine	Outcome	Decision date	Change (\$)	Change (%)
Austar Coal Mine (coal)	Increase in security	22 Aug 2019	10,528,000	63
Mt Owen Complex (coal)	Increase in security	5 Jun 2019	31,428,000	54
Peak Gold Mine (gold)	Increase in security	16 July 2019	3,323,000	15
Mount Pleasant Coal Mine (coal)	Increase in security	8 Jul 2019	28,073,000	117 ^a
Rix's Creek Mine (coal)	Increase in security	28 May 2019	4,218,000	9

Note a: Significant increase in security is primarily due to mine progressing from construction to operational phase

In relation to Recommendation 2D, the timeframes for the five most recent large-scale mining operations reviews where the updated security deposit has been received are:

Mine	Revision of security deposit	Updated deposit received
Hunter Valley Energy Coal P/L (coal)	26 Sept 2018	10 Jan 2019
Aston Coal 2 Pty Ltd (coal)	12 Dec 2018	1 Mar 2019
Warkworth Mining Ltd (coal)	29 Jan 2019	18 Mar 2019
Bengalla Mining Company Pty Limited (coal)	11 Apr 2019	21 Jun 2019
Wilpinjong Coal Pty Ltd (coal)	11 Jun 2019	12 Aug 2019

In relation to **Recommendation 3A**, the Resources Regulator has developed a number of site inspection protocols to enhance oversight of mine rehabilitation including:

- progressive rehabilitation
- exploration activities
- tailings dam management
- compliance management systems.

Further protocols, particularly in relation to the effectiveness of critical risk controls for rehabilitation, are being developed in the ORCRR program.

The Resources Regulator has adopted a more proactive regulatory approach to compliance under the *Mining Act 1992* during the past 18 months.

State-wide compliance campaigns in 2018 and 2019 specifically targeted issues relating to mine rehabilitation, including topsoil management, landform stability and revegetation establishment. Arising from the 2019 operation a number of statutory notices were issued to improve the quality of rehabilitation, address risks, improve progressive rehabilitation and to revise rehabilitation cost estimates.

In one case, a statutory direction issued to address an area of landform instability and poor rehabilitation caused the mining operator to undertake works estimated \$1.2 million to ensure compliance. Copies of the results of the compliance blitz campaigns can be found on the Resources Regulator's website¹ and are attached for your information, Attachments B and C.

Furthermore, the Resources Regulator publishes reports on incidents to disseminate learnings to industry, including rehabilitation matters. An example of this was the Investigation Information Release (August 2019) in relation to improving the progressive rehabilitation at Whitehaven Coal's open cut coal mines. A copy is attached for your information Attachment D.

The Resources Regulator has demonstrated that it will take strong action to address poor compliance, environmental performance and rehabilitation practices by taking strict enforcement action, such as the suspension and cancellation of mining titles. For example, in the last 12 months the Resources Regulator has suspended exploration and mining operations at the following sites due to failure to comply with their environmental and rehabilitation obligations: Narrabri Coal; Young Mining Company; Ausgold Mining Group; and Total Iron/Total Minerals. Full details of each suspension (including reasons for decision) are published on the Resources Regulator's website.²

In relation to Recommendation 3B, the Resources Regulator has developed guidance as part of the ORCRR program on how mines are to provide ongoing reports on environmental changes, including analysis of long-term surface water and groundwater trends. This includes:

- Rehabilitation Objectives and Completion Criteria (guidance on specific objectives and completion criteria relating to surface and groundwater)
- Code of Practice - Rehabilitation Management Plan (requirements for detail on final void management, including groundwater modelling and water quality assessments; and how monitoring will be undertaken to track performance against meeting to rehabilitation objectives and completion criteria)

¹ www.resourcesregulator.nsw.gov.au/compliance-and-enforcement

² www.resourcesregulator.nsw.gov.au/compliance-and-enforcement/mining-act-cancellations-and-suspensions



- Code of Practice – Annual Rehabilitation Report and Forward Program (requirements for reporting on the results of the rehabilitation monitoring program, including surface water and groundwater trends).

Copies of the draft codes can be viewed on the Resources Regulator's website.³

In relation to Recommendation 3D, as part of the Resources Regulator's published compliance priorities, a focused campaign on the management of mines being placed into care and maintenance has been undertaken.

The Resources Regulator is working with other agencies within the department on the Rehabilitation Policy and Framework Action Plan and this will help inform reforms required for a clear policy position on care and maintenance. This issue will be specifically addressed in the planned review of the *Mining Act 1992* legislative framework to be undertaken next year, as detailed in the *NSW Minerals Strategy*⁴.

Yours sincerely

A handwritten signature in blue ink that reads 'Jim Betts'.

Jim Betts
Secretary

³ www.resourcesregulator.nsw.gov.au/environment/rehabilitation/operational-rehabilitation-compliance-and-reporting-reforms

⁴ <https://www.resourcesandgeoscience.nsw.gov.au/miners-and-explorers/programs-and-initiatives/nsw-minerals-strategy>



**NSW
Resources
Regulator**

MONTHLY BUSINESS ACTIVITIES REPORT

JUNE 2019



Document control

Published by NSW Resources Regulator

Title: Monthly business activities report – June 2019

First published: August 2019

Authorised by: Executive Director, Resources Regulator

CM9 reference: DOC19/593021-1

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Activities snapshot

Activities at a glance



Key enforcement actions

On 31 May 2019, prosecution proceedings were commenced against Mudgee Stone Co Pty Ltd and one of its directors for alleged contraventions of the *Mining Act 1992* including unauthorised mining and breaches of prohibition notices at the quarry.

On 20 June 2019, three prosecutions were finalised for five offences under the *Mining Act 1992*, at Far Western Stone Quarry Pty Ltd, near Bourke. The operator was convicted of three offences including failing to comply with a notice that required environmental remediation works to be undertaken; failing to submit a mandatory Annual Environmental Management Plan; and failing to pay annual levies and charges. The operator was fined \$8000 and ordered to pay the NSW Resources Regulator's legal costs of \$10,000.

Mr Antony Martin, a director of Western Stone Quarry Pty Ltd, was placed on a conditional release order, without conviction, for failing to ensure the company submitted a revised Mine Operation Plan, including a Mine Closure Plan. The order is conditional on Mr Martin being of good behaviour for 12 months, and on a mine closure plan being submitted within six months. Mr Martin received a further conditional release order, with conviction, for failing to ensure the company paid a mandatory mine rehabilitation security deposit of \$63,000.

Safety incidents

On 5 June, unintended movement of a Joy CM12 remote controlled continuous miner at Ashton Mine put three workers at risk of serious injury. A major investigation has commenced in response.

On 9 June, at Appin Colliery an operator was standing on a mesh guard when his right foot fell into the scavenger conveyor. The operator sustained injuries to his right foot, including serious lacerations and possible broken bones. Safety inspectors were deployed in response to this incident and a major investigation has commenced.

On 28 June, a worker at Springvale Mine was struck by nylon rope when conducting maintenance on the goaf side of spill plates resulting in right ankle fracture. A major investigation has commenced in response.

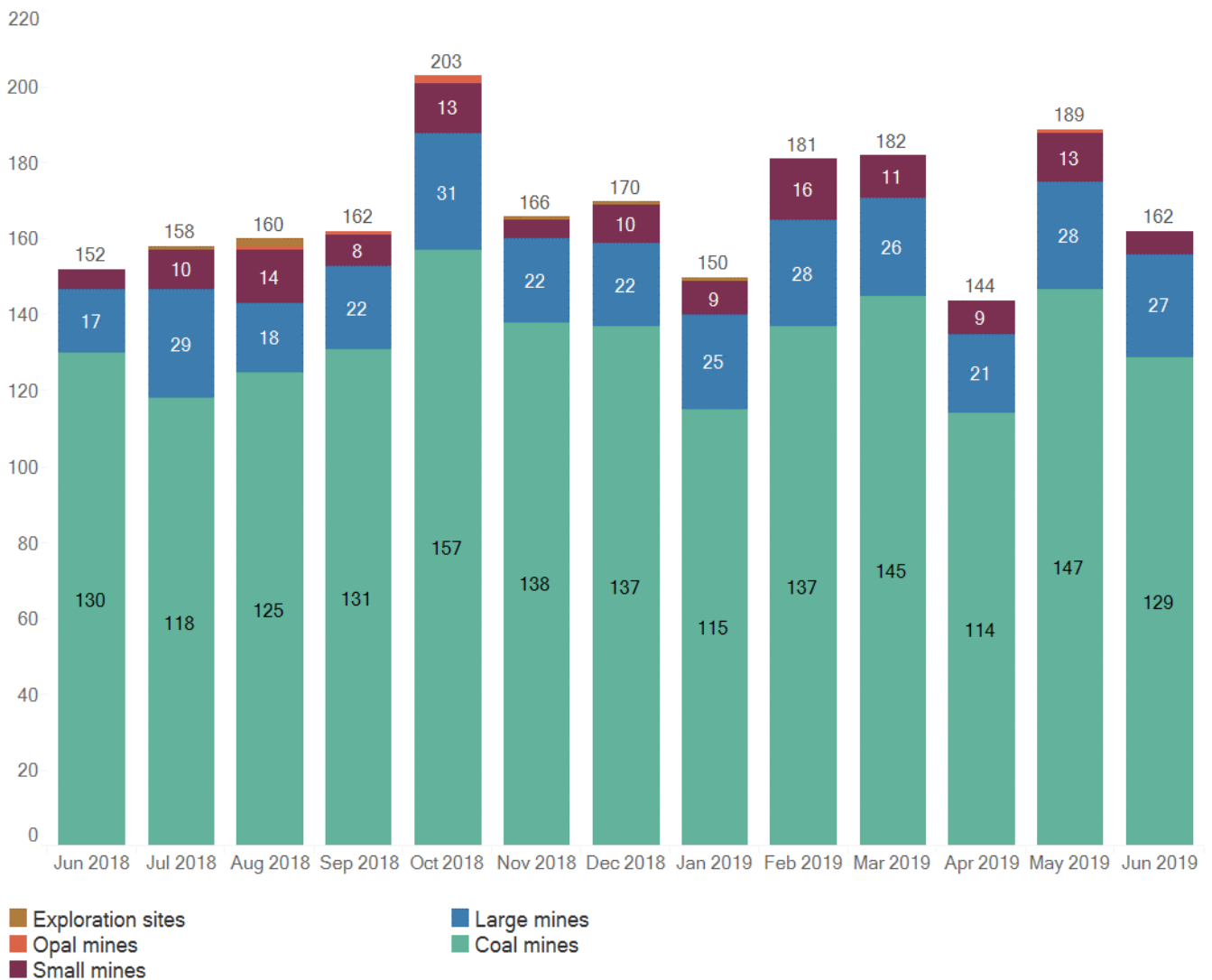
The NSW Resources Regulator's [weekly incident summary](#) references any recently published safety publications. The alerts section provides further details about any dangerous and serious safety incident notifications received in June 2019.

Work health and safety activities

Safety incident notifications received

In June 2019, 162 incidents were notified to the NSW Resources Regulator by mining operations. This was down 27 from the 189 received in May 2019.

FIGURE 1 SAFETY INCIDENT NOTIFICATIONS BY SECTOR - JUNE 2018 TO JUNE 2019



The NSW Resources Regulator deployed inspectors to the following safety incidents described in the table below.

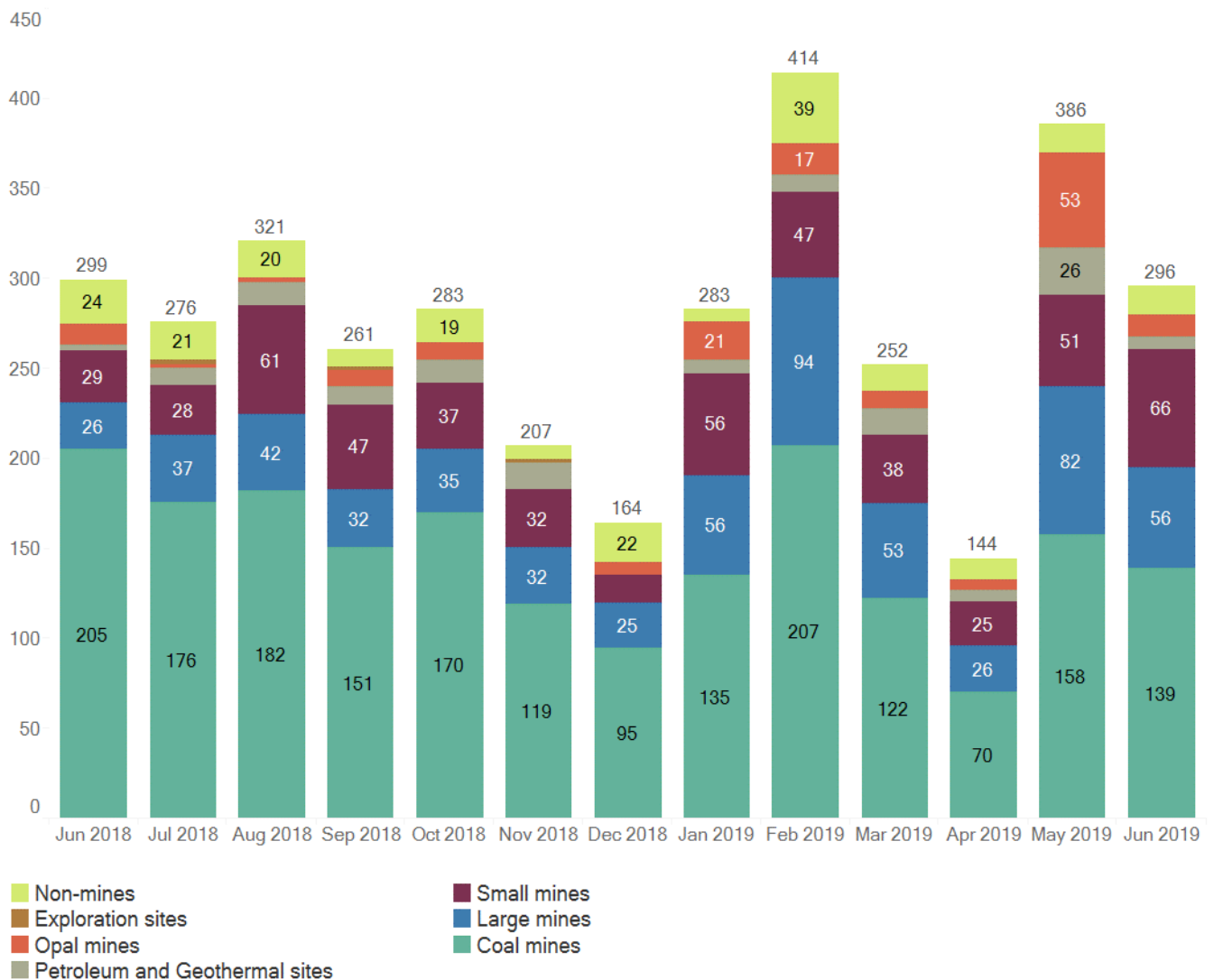
TABLE 1. DETAILS OF SAFETY INCIDENTS WHERE INSPECTORS WERE DEPLOYED – JUNE 2019

Date notified	Location	Incident
3 Jun	Coal mine - Underground operation	As the dayshift crew entered the mine, they discovered a fall of ground in the main travel road. A drill rig was near the fall. The mine implemented its emergency management procedure to confirm all personnel had been accounted for. The site administration system indicated that there would not have been anyone in the location at the time.
3 Jun	Large mines - Metalliferous and Quarries	Two workers were underground, in a work basket attached to an integrated transporter. One worker reportedly bent down to pick up an impact wrench and felt intense pain upon rising.
4 Jun	Coal mine - Underground operation	A coal burst occurred on the tail gate road of the longwall. Remote mining was under way and no workers were in the vicinity. The longwall was shut down and the scene was preserved. No injuries occurred.
9 Jun	Coal mine – Underground operation	An operator was standing on a mesh guard when his right foot fell into the scavenger conveyor. The operator sustained injuries to his right foot, including serious lacerations and possible broken bones.
13 Jun	Coal mine – Underground operation	Coal Mines Technical Services undertook respirable dust sampling on 17 May 2019. A final summary report, issued on 11 June 2019, stated that three longwall operators recorded results exceeding the Occupational Exposure Limit for respirable quartz (>0.1mg/m ³).
23 Jun	Coal mine - Underground	A worker was repairing a broken conveyor chain. While pulling the chain on, a flight became jammed in the foot sprocket, resulting in the flight fracturing and ejecting. Part of the flight hit a worker’s left shoulder.
Total		6

Safety assessments commenced

In June 2019, a total of 296 safety assessments had been commenced across all mining sectors, down 90 on the previous month. Of the 296 assessments, 139 (47%) occurred in the coal mines sector.

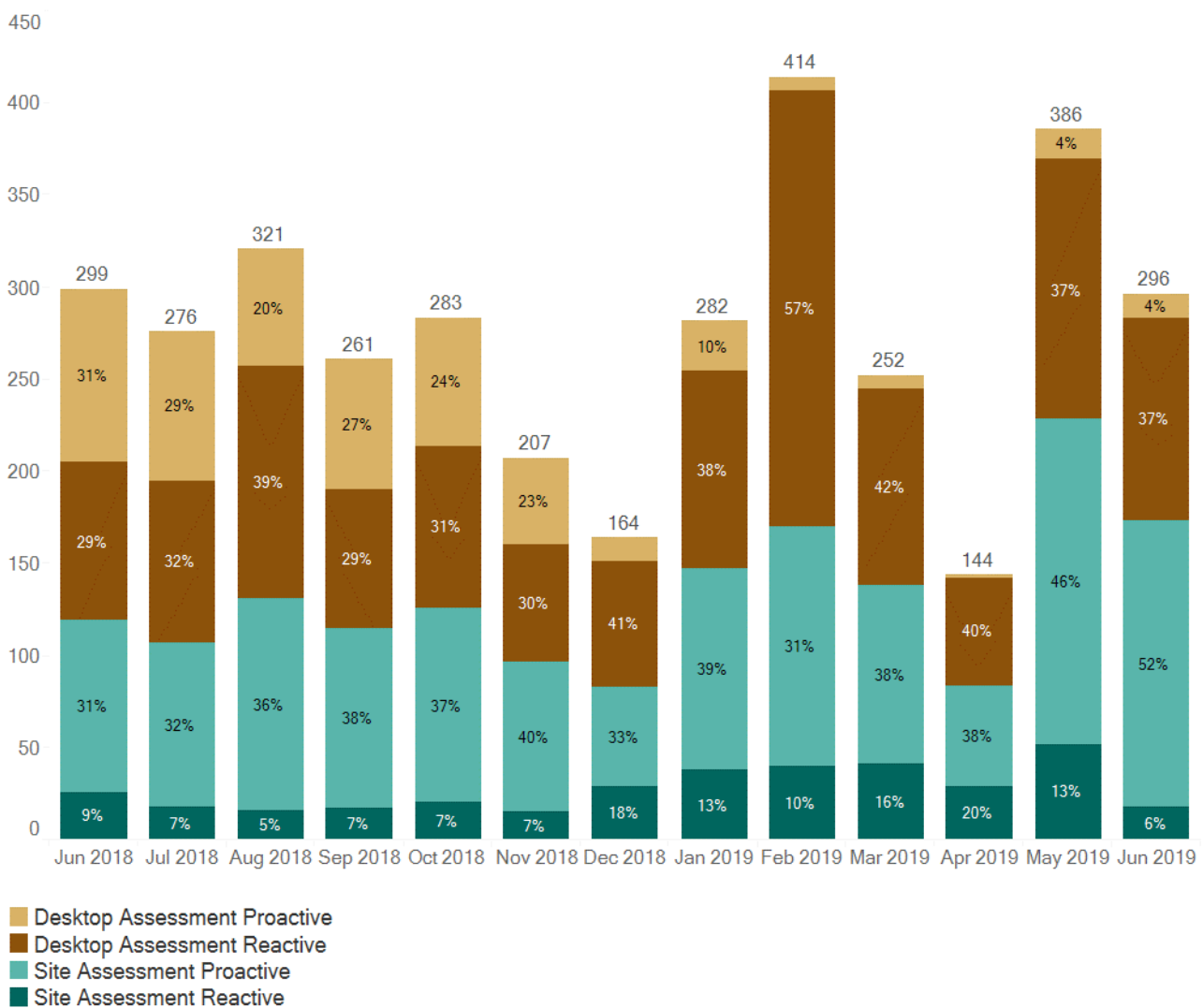
FIGURE 2. SAFETY ASSESSMENT ACTIVITIES COMMENCED BY SECTOR - JUNE 2018 TO JUNE 2019



Proactive and reactive safety assessments

In June 2019, 56% (168) of the NSW Resources Regulator’s 296 assessments were proactive. Proactive assessments include targeted assessments and planned inspections. Reactive assessments include assessments conducted in response to incident notifications, targeted interventions, high risk activity notifications and action requests.

FIGURE 3. SAFETY ASSESSMENT ACTIVITIES BY NATURE - JUNE 2018 TO JUNE 2019



Safety targeted assessment program

Under the safety proactive assessment program, in June 2019 the NSW Resources Regulator conducted one site-based targeted assessment (TAP). Details are in the table below.

FIGURE 4. SAFETY TAP ASSESSMENTS - JUNE 2018 TO JUNE 2019

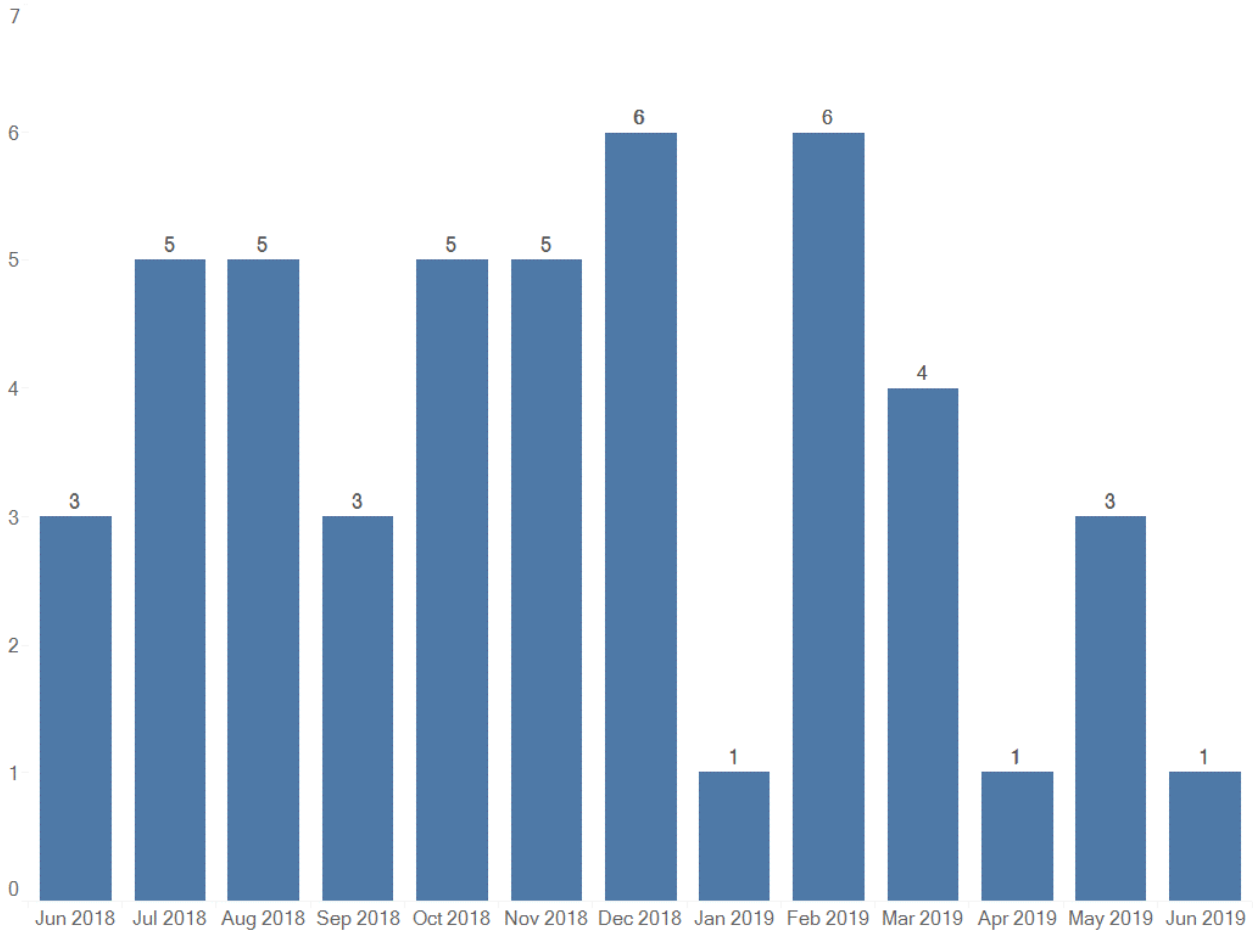


TABLE 2. DETAILS OF SAFETY TARGETED ASSESSMENTS - JUNE 2019

Hazard	Mine
Fatigue	Hera Mine
Total	1

Safety statutory notifications and exemptions

High risk activity notifications

The figure below summarises high risk activity notifications received by engineering discipline under the Work, Health and Safety (Mines & Petroleum Sites) Regulation 2014.

FIGURE 5. HIGH RISK ACTIVITY BY NOTIFICATIONS RECEIVED BY ENGINEERING DISCIPLINE - JUNE 2018 TO JUNE 2019

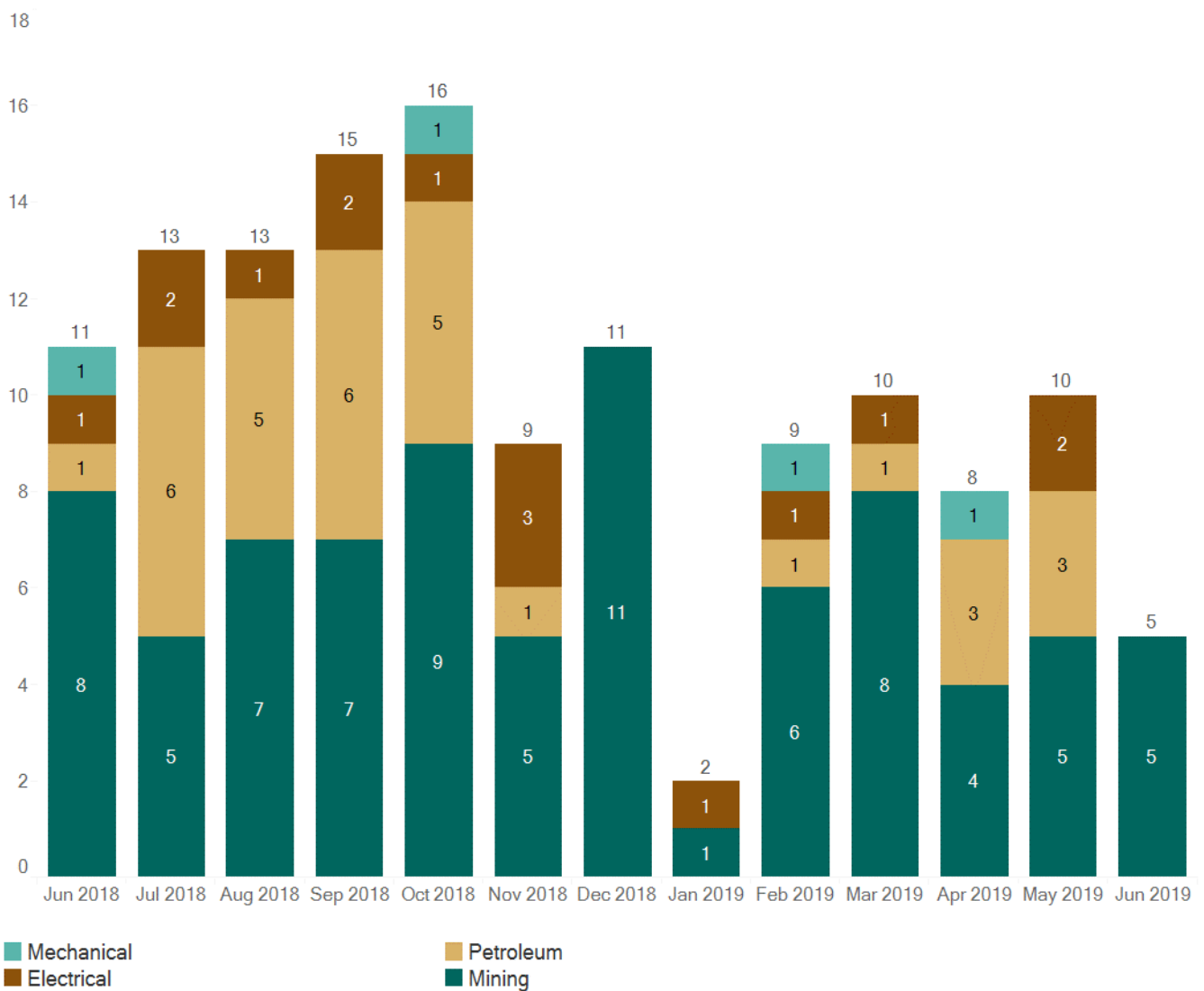


TABLE 3. HIGH RISK ACTIVITY NOTIFICATIONS RECEIVED - JUNE 2019

Mine	Legislation*	Type of notification	No
Tahmoor Colliery	Schedule 3 Clause 15	The formation of a pillar other than a conforming pillar.	1
Tahmoor Colliery	Schedule 3 Clause 15	The formation of a pillar other than a conforming pillar.	1
Chain Valley Colliery	Schedule 3 Clause 15	The formation of a pillar other than a conforming pillar.	1
Springvale Mine Underground Operation	Schedule 3 Clause 7(2)(b)	Working in inrush control zone - potential source of inrush cannot be inspected.	1
Mandalong Mine	Schedule 3 Clause 15	The formation of a pillar other than a conforming pillar.	1
Total			5

* Work Health and Safety (Mines and Petroleum Sites) Regulation 2014

Exemption applications

In June 2019, the NSW Resources Regulator granted one application requesting exemption from compliance with specific provisions of the Work Health and Safety (Mines and Petroleum Sites) Regulation 2014.

TABLE 4. EXEMPTION APPLICATIONS FINALISED AND GRANTED - JUNE 2019

Mine/PCBU*	Details	Status
Dendrobium Colliery	Exemption from having at least two trafficable exits to the surface.	Granted
Total		1

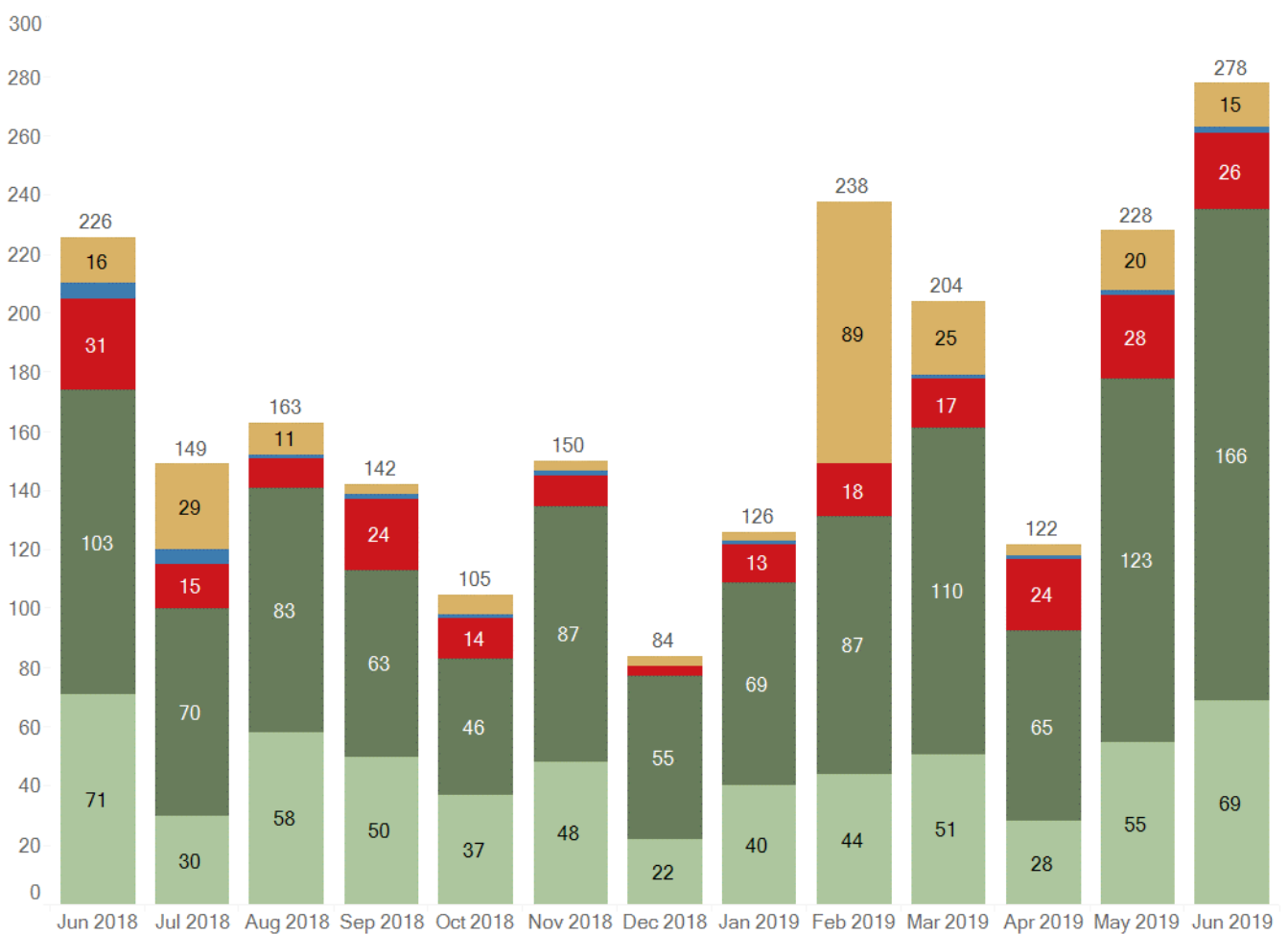
*Person Conducting Business or Undertaking

Compliance activities

Safety notices issued

In June 2019, the NSW Resources Regulator issued 278 safety notices, an increase of 50 compared to the 228 safety notices in the previous month.

FIGURE 6. SAFETY NOTICES ISSUED BY NOTICE TYPE - JUNE 2018 TO JUNE 2019



- WSA s155 to obtain information
- WSA s198 non-disturbance notice
- WSA s195 prohibition notice
- WSA s191 improvement notice
- WHS(MPS)A s23 notice of concerns

Details of prohibition notices issued

In June 2019, the NSW Resources Regulator issued 26 prohibition notices under section 195 of the *Work Health and Safety Act 2011*.

TABLE 5. PROHIBITION NOTICES ISSUED - JUNE 2019

Issued to PCBU*	Mine Location	Prohibited activity
Ashton Coal Mine (Underground)	Ashton Coal Mine (Underground)	Operating the continuous miner in the longwall install roadway 203 development panel.
Peats Ridge Quarry (Boral)	Boral Resources (NSW) Pty Ltd	Using the Komatsu PC 850 excavator.
Appin Colliery	Endeavour Coal Pty Ltd	Accessing and operating sludge scraper conveyor inbye, syntron feeder at Appin North BCW Drift Conveyor.
Bylong Quarry	Mudgee Dolomite & Lime Pty Ltd	Operating the Caterpillar 769C dump truck for production purposes (haulage).
Ashton Coal Mine (Underground)	Ashton Coal Operations Pty Limited	Operating any continuous miner for the function of developing the roadway in the longwall install roadway 203 development panel.
Bylong Quarry	Mudgee Dolomite & Lime Pty Ltd	Accessing the back-tray area of the Mitsubishi fuel truck.
North Wambo Underground	Wambo Coal Pty Limited	Operating the MG18 conveyor belt.
North Wambo Underground	Wambo Coal Pty Limited	Mining Operations in MG18 install road.
Cowal Gold Mine	Evolution Mining (Cowal) Pty Limited	Undertaking live electrical work other than 'testing for dead' as per clause 155 of the WHS Regulation.
Bogo Quarry	Bogo Operations Pty Ltd	Using or lifting the portable access platform using the tynes fitted to the front-end loader.
Cadia East Project	Newcrest Mining Limited	Constructing any raise or lift above the current constructed height.
Petersons Quarry	Quarry Solutions Pty Ltd	Undertaking maintenance activities along the walkways on both sides of the operator's cabin until identified fall from height issues are addressed.
Rasp Mine	Broken Hill Operations Pty Ltd	Tailing above the top lip of the Backwoods in pit tailings storage facility.
Rasp Mine	Broken Hill Operations Pty Ltd	Placing the contractor go line for heavy equipment underneath overhead pipelines.

Issued to PCBU*	Mine Location	Prohibited activity
Bogo Quarry	Bogo Operations Pty Ltd	Operating the Komatsu PC 270 Excavator on stockpiles above ground level or on the edge of a bench where there is a risk of fall or toppling over.
Bogo Quarry	Bogo Operations Pty Ltd	Proceeding beyond the door (drivers' side), unless it is to enter cabin. Proceeding beyond the designated walkway (offside of cabin) to undertake maintenance tasks. Operating the Volvo BM 120 loader for production activities on site.
Tharwa Sands - Murrumbidgee Dredging Operation	Tharwa Sands Pty Ltd	Proceeding beyond the door (drivers' side), unless it is to enter cabin. Using ladder or platform (opposite side of cabin) to proceed up for any task.
Lismore City Council - Northern Rivers Quarry and Asphalt Plant	Lismore City Council	Undertaking maintenance activities along the walkways on both sides of the operator's cabin until the identified fall from height issues are addressed.
Lismore City Council - Northern Rivers Quarry and Asphalt Plant	Lismore City Council	Using the precision screen scorpion pugmill and screen.
Tharwa Sands - Murrumbidgee Dredging Operation	Tharwa Sands Pty Ltd	Proceeding beyond the door (drivers' side), unless it is to enter cabin. Using ladder or platform (opposite side of cabin) to proceed up for any task.
Newman Quarrying Pty Ltd	Mark Newman	Undertaking maintenance activities along the walkways on both sides of the operator's cabin until the identified fall from height issues are addressed.
Tegra Australia Jugiong Quarry	Tegra Australia Pty Ltd	Entering or exiting the Komatsu Dump truck from the driver's side until the identified fall from height issue (gap in guardrail) is addressed.
Coastal Quarry Products	Coastal Quarry Products Pty Ltd	Using all lifting devices (chains, slings, endless chains) that have defects and are not tagged with a current compliance tag.
MC46071	Wayne Hottes	Using the emergency exit due to poor installation.
North Wambo Underground	Wambo Coal Pty Limited	Pulling a conveyor chain onto a continuous miner with a QDS winch.
MC3265	Steven Bavdek	Riding the hoist to access and egress the shaft.
Total		26

*Person Conducting Business or Undertaking

Mining Act 1992 activities

Regulatory audits

In June 2019, the NSW Resources Regulator conducted seven site-based regulatory audits under the *Mining Act 1992*. At the time of reporting outcomes had not yet been determined.

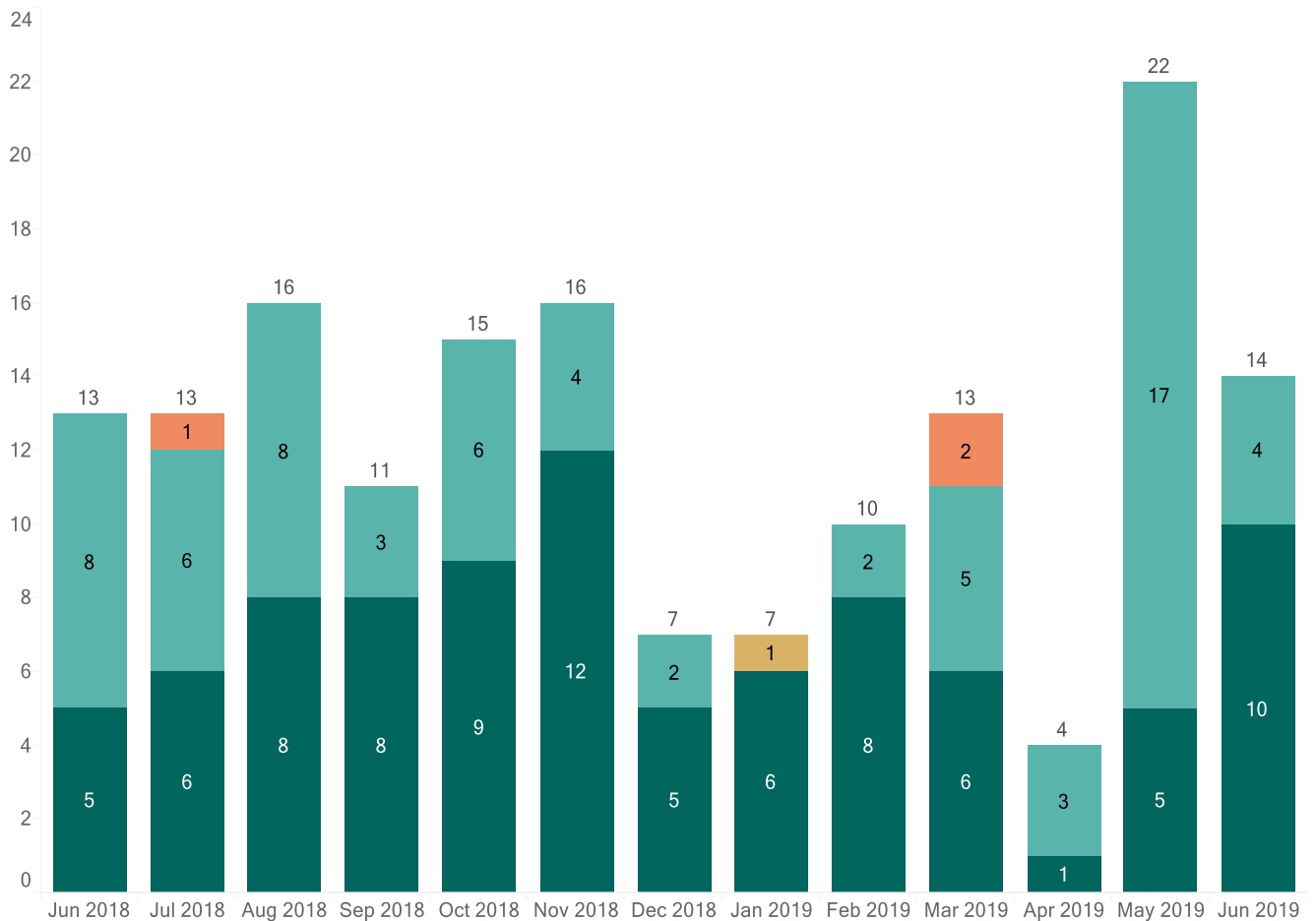
TABLE 6. REGULATORY AUDITS UNDERTAKEN ON SITE – JUNE 2019

Date	Entity	Scope
5 June	Hunter Valley Operations Pty Ltd	Topsoil management audit – Hunter Valley Operations South.
6 June	Mt Owen Pty Ltd	Topsoil management audit – Mount Owen Mine.
11 June	Wambo Coal Pty Ltd	Topsoil management audit – Wambo Mine.
18 June	Perilya Broken Hill Pty Ltd	General mining compliance – Southern Operations.
19 June	Perilya Broken Hill Pty Ltd	General mining compliance – North Mine.
19 June	Perilya Broken Hill Pty Ltd	General mining compliance – Potosi Mine.
20 June	Perilya Broken Hill Pty Ltd	Exploration compliance – CML5 and EPL2379.
Total		7

Security reviews

In June 2019, the NSW Resources Regulator completed 14 exploration and mining security deposit reviews under the *Mining Act 1992*. Of note, a review of held security deposits is always undertaken when an authorisation holder applies to vary approved activities.

FIGURE 7. SECURITY REVIEWS COMPLETED - JUNE 2018 TO JUNE 2019



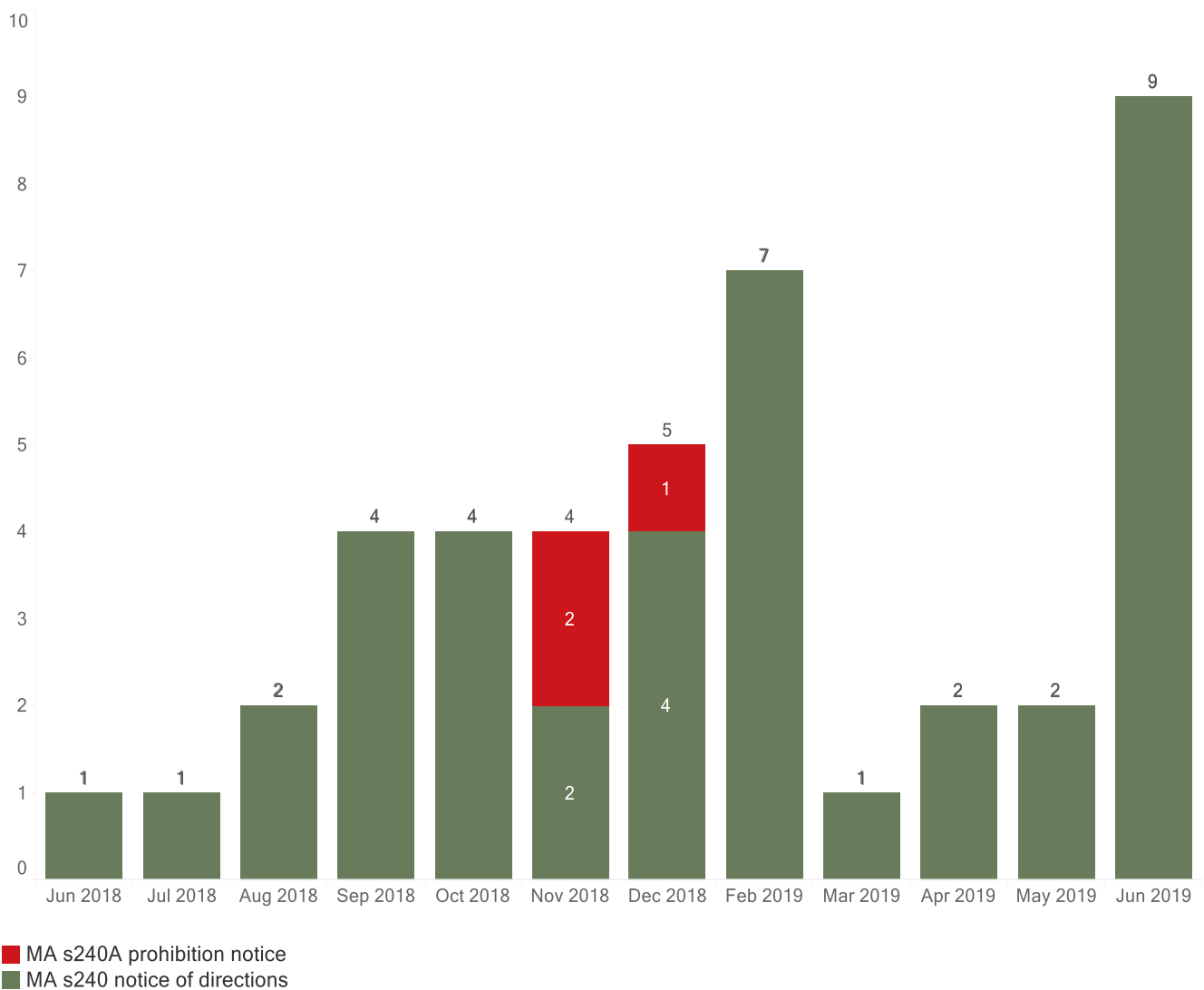
- Security Deposit Review - Petroleum Operations
- Security - Review by Minister (Appeal) s.261BE Mining Act 1992
- Security Deposit Review - Exploration
- Security Deposit Review - Mining

Compliance activities

Mining Act 1992 notices issued

In June 2019, the NSW Resources Regulator issued nine s240 direction notices under the *Mining Act 1992*.

FIGURE 8. MINING ACT 1992 NOTICES ISSUED BY NOTICE TYPE - JUNE 2018 TO JUNE 2019



Details of notices issued

In June 2019, the NSW Resources Regulator issued nine Section 240 direction notices under the *Mining Act 1992* details below.

TABLE 7. NOTICES ISSUED DETAILS - JUNE 2019

Issued to	Location	<i>Mining Act 1992</i>	Directions
Silver Orchid Pty Ltd	GL5801, 5812 and DL1231 (1906)	s240(1)(d)	Repair collapsed fencing of stopes in the Union Shaft area (GL5801) to restrict access by personnel and wildlife. Install appropriate signage. Undertake appropriate housekeeping to make safe and restrict access by personnel and wildlife to the disused shed north of the union air shaft and winder shed.
Boral Limited	Consolidated Coal Lease (CCL) 748 (Act, 1973), Mining Purposes Lease (MPL) 603 (Act, 1906) and MPL 604 (Act, 1906)	s240(1)(a)	1. Recommence groundwater monitoring at the bore monitoring sites referenced in Section 3.2.2 of the Berrima Colliery, CCL No. 748, Environmental Management Plan, South West 1 Panel, 406 and 407 Panels, and 59 Panel, June 2013 (Approved EMP) as per the commitments in the approved EMP. Investigate the potential causes of the groundwater level drop at the monitoring bores identified in Section 3.2.2 of the approved EMP.
		s240(2A)	2. Prepare and submit an investigation report following completion of the actions, outlined in direction 1 of this notice.
		s240(1)(a)	3. Implement the required actions outlined in the approved EMP, including Appendix A - Trigger Action Response Plan - Table 1 relating to groundwater & water level.
Coalex Pty Ltd		s240(B)	Revocation of notice issued on 21/07/2015.
Cadia Holdings Pty Limited	Authorisations ML 1405 (1992), ML 1449 (Act 1992), ML 1472 (Act 1992), ML 1481 (Act 1992), ML 1689 (Act 1992), ML 1690 (Act 1992)	s240(1)(c) and s240(2A)	Engage a suitably qualified independent person(s) to undertake a rehabilitation cost estimate (RCE) for the authorisations in accordance with ESG1: Rehabilitation cost estimate guidelines (June 2017) which utilises the Department's rehabilitation cost estimate tool (May 2019). Submit the RCE electronically along with a completed form (ESF2): Rehabilitation completion and/or review of rehabilitation cost estimate.

Issued to	Location	Mining Act 1992	Directions
Kandos Collieries Pty Ltd Authorisation CCL726 (1973)		s240(1)(e)	1. Rehabilitate the collapsed ventilation shaft in the old Kandos Colliery No 3 pit top area within the excised portion of CCL726 (1973) to the satisfaction of the NSW Resources Regulator.
		s240(2A)	2. Submit a rehabilitation completion report to the satisfaction of the NSW Resources Regulator, which details the rehabilitation methodology and the works undertaken. This report must be provided to the NSW Resources Regulator by email.
Sibelco Australia Limited	Authorisation ML5106 (Act 1906)	s240(1)(e)	NTCE0003122 is a variation of DI 0801 2018
Tahmoor Coal Pty Ltd	Authorisations Consolidated Coal Lease (CCL) 716 (Act 1973), Mining Lease (ML) 1308 (Act 1992), ML 1376 (Act 1992), ML 1539 (Act 1992) and ML 1642 (Act 1992)	s240(B)	This is a revised Notice (NTCE0003132), supersedes and replaces NTCE0002519 and extends the submission date for a revised and updated version of the Redbank Creek Corrective Management Action Plan from 28 June to 1 July 2019. There are no other content changes in comparison to NTCE0002519.
P & D Whyte Pty Ltd	Authorisation ML1775 (Act 1992)	s240(1)(a)	Prepare a Mining Operations Plan (MOP). The MOP must be prepared in accordance with ESG3: Mining Operations Plan (MOP) Guidelines, September 2013 as published. The MOP must address the inconsistencies in domains identified during the inspection undertaken by the NSW Resources Regulator in May 2019.
Gibsonvale Alluvials Pty. Ltd	Authorisations ML 1132 (1973) and ML 1182 (1973)	s240(1)(a)	Prepare and submit a Mining Operations Plan (MOP) to the NSW Resources Regulator. The MOP submission is required to comply with the further information request Letter dated 17 May 2019 to the satisfaction of the NSW Resources Regulator.
Total			9

*Mining Act 1992

Mining Act 1992 key enforcement actions

In June 2019, the NSW Resources Regulator undertook six enforcement actions under the *Mining Act 1992*. This included finalising two prosecutions and issuing four penalty notices, details below.

FIGURE 9. MINING ACT 1992 ENFORCEMENT ACTIONS FINALISED – JUNE 2018 TO JUNE 2019

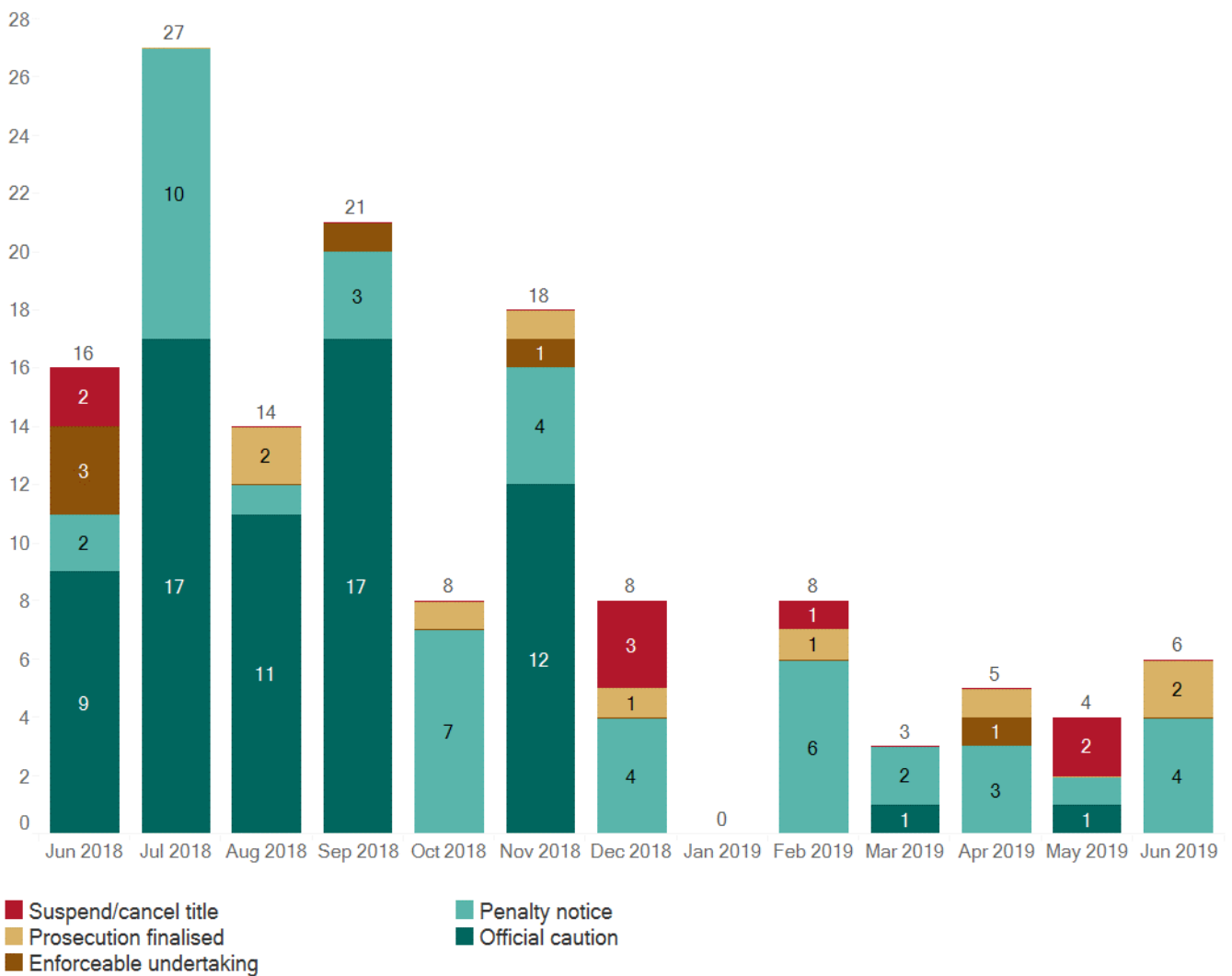


TABLE 8. KEY MINING ACT 1992 ENFORCEMENT ACTIONS - JUNE 2019

Date	Entity	Authority	Action	Amount	Details / Direction
5 June	Elsmore Resources	EL8005	Penalty Notice	\$2,500	Provide false or misleading information section 378C. Provide false information within statement of corporate compliance for title renewal.
6 June	Individual	MPL 296	Penalty Notice	\$500	Fail to pay rent and levy fees section 292C.
6 June	Individual	MPL 297	Penalty Notice	\$500	Fail to pay rent and levy fees s292C.
27 June	Sonshel Pty Ltd	ML 1584	Penalty Notice	\$1,000	Fail to pay rent and levy fees s292C.
Total					4

Industry engagement activities

The NSW Resources Regulator's industry engagement activities for June 2019 are outlined below.

Workshops and information sessions

TABLE 9. WORKSHOPS AND INFORMATION SESSIONS - JUNE 2019

Date	Type of activity	Location	Detail
5 June	Illawarra Local Emergency Management Committee	Metropolitan Mine	Quarterly meeting. Discussions regarding multi-agency emergency simulation exercise at Metropolitan Mine by emergency services.
6 June	Singleton Muswellbrook Local Emergency Management Committee	Mount Thorley Warkworth mine	Quarterly meeting. Mine emergency planning discussion, including a mine familiarisation tour and discussions about Hunter Valley mine operators' emergency response arrangements.
6 June	Presentations	Caves Beach	Mine Managers Association of Australia Seminar. Presentations on critical control focused assessments, airborne contaminants in surface coal operations, and diesel exhaust emissions in underground coal mines.
13 June	Central and Far West Regional Emergency Management Committee	Dubbo	Quarterly meeting. Discussions about the Regulator's incident notification fact sheet and consultation requirements for central and western NSW mines.
20 June	Workshop	Dubbo	Practising certificates and maintenance of competence.
20 June	Workshop	Dubbo	Presentation to Mining Electrical and Mining Mechanical Engineering Society on practising certificates.
25 June	Training	Lightning Ridge	Opal mining safety awareness course.
26 June	Meeting	Maitland	Briefed Forsythes registered training organisation on maintenance of competence changes.
27 June	Workshop	Orange	Presentation on Mining Act compliance for explorers. Part of NSW Geological Survey's exploration data workshop.
27 June	Workshop	Lightning Ridge	Opal mining Mine Operators Course.
Total			10

Committees and other industry body involvement

In June 2019, the NSW Resources Regulator participated in the following committees and working groups.

TABLE 10. COMMITTEES AND OTHER INDUSTRY BODY INVOLVEMENT - JUNE 2019

Date	Committee / Body	Detail
5 June	QLD Electrical Inspectors meeting	Attended meeting.
6 June	Mine Safety and Environment Award Committee	Periodic meeting.
6 June	MSAC	Provided MSAC with an update on the Learning from Disasters training materials.
7 June	JAS-ANZ ANZEx Rules Working Group	Revision of the rules for the ANZEx scheme for certification of equipment for use in explosive atmospheres.
11 June	Project working group meeting for mine supervisors	AQF RII training package units and qualifications for supervisors (final meeting).
19 June	EL-023	Australian Standards technical committee meeting.
Total		6

Publications and alerts

In June 2019, the NSW Resources Regulator published 12 media releases, news articles and safety alerts on our website.

TABLE 11. MEDIA RELEASES, SAFETY NEWS AND PUBLICATIONS - JUNE 2019

Date	Type	Summary
5 June	Media release	NSW Resources Regulator begins proceedings against Mudgee Stone Co and a director.
7 June	Weekly incident summary	Week ending 31 May 2019.
7 June	Mine safety news	Week starting 3 June 2019.
11 June	Media release	NSW Resources Regulator declares causal investigation for incident at Wilpinjong Coal Mine.
13 June	Mine safety news	Week starting 10 June 2019.
14 June	Weekly incident summary	Week ending 7 June 2019.
17 June	Media release	New compliance blitz for NSW mines.
21 June	Weekly incident summary	Week ending 14 June 2019.
21 June	Media release	Mining leases granted for coal project.
24 June	Media release	Far Western Stone Quarries convicted.
28 June	Weekly incident summary	Week ending 21 June 2019.
28 June	Mine safety news	Week ending 28 June 2019.
Total		12



State-wide compliance operation

The safety of workers in our mining industry is a priority for the NSW Government and a state-wide compliance operation conducted on 28 May to 1 June 2018 has focused the NSW mining and petroleum sectors on their compliance obligations into issues ranging from work health and safety to mine site rehabilitation.

Eighty inspectors and regulatory officers from the safety, environment and compliance teams visited 109 mine and petroleum sites across the state in the largest operational deployment of personnel and resources ever conducted by the Resources Regulator.

The Resources Regulator issued a [media release](#) on Friday 25 May 2018 prior to the operation commencing on Monday 28 May 2018.

What we focused on

The operation gave greater attention to physical inspections as opposed to documentation review although both aspects of safety management were targeted. The main focus was on four areas of current concern:

- Roads and vehicles operating areas at large surface mines and underground metalliferous mines.
- Ground and strata failure in all underground mines.
- Safe operation of mobile plant at quarrying operations.
- Rehabilitation and dam monitoring

Where we went

The compliance operation saw inspectors and regulatory officers visit 109 sites across the state including:

Region	No.	Region	No.
Hunter Valley	30	Far West	13
South East	17	Sydney Region	13
North West	16	North Coast	6
Central West	13	South West	1

What we found

Overall the operation identified that mine operators were generally in compliance with legislative obligations for the targeted issues. However, some significant issues were identified at a number of sites.

- Issues relating to plant and equipment were found at 12 sites resulting in 26 prohibition notices being issued pursuant to s195 *Work Health and Safety Act 2011* (WHS Act). Of the 26 notices, 17 were issued across three sites primarily relating to inadequate guarding on fixed plant and the absence of fall protection on mobile plant.
- 35 improvement notices were issued pursuant to s191 WHS Act and 33 notices of concern were issued pursuant to s23 *Work Health and Safety (Mines and Petroleum Sites) Act 2013*
- Eight potential breaches of the Mining Act were identified for further investigation.

Details of the WHS prohibition notices are provided in Appendix A of this report.

Outcomes

- ✓ The operation has given the regulator valuable data on the level of industry compliance in relation to the target areas that were the focus of the operation.
- ✓ The industry has received clear notice of the regulators zero-tolerance approach to non-compliance with their obligations.
- ✓ The operation has provided important information to the regulator with regard to the nature, location and priority of future assessment activities.

Next steps

Inspectors and regulatory officers will continue to work with the NSW mining and petroleum sectors to ensure that nothing less than the highest standards of compliance are maintained in the workplace at all times.

Data from the operation will be analysed to identify trends and this will inform future planned inspections.

Recommendations

Mine operators need to remain vigilant and constantly review their operations to ensure compliance obligations are being met and workers are not exposed to risk.



Appendix A

Prohibition notices issued

Prohibition notices issued (s 195 WHS Act 2011)

Mine	PCBU	Details	Prohibited activity
Cleary Bros - Albion Park	Cleary Bros (Bombo) Pty Ltd	An inspection of a front-end loader identified that the plant has not been satisfactorily maintained to OEM standards and the defect management system in place is deficient in identifying and undertaking expedient repairs.	The use of the Caterpillar 980C Front End Loader is prohibited.
Duncan's Pit - Main Creek	McLennan Earthmoving	An inspection of four articulated trucks identified inadequate fall protection systems.	Activities in the work areas that don't have fall protection are prohibited for two Caterpillar 740 B articulated trucks and two Volvo A 30D articulated trucks.
Gunnedah Quarry Products Pty Ltd	Gunnedah Quarry Products Pty Ltd	A site inspection identified that the Scania 93M fuel truck on site had no guardrails around the top of the fuel tanker to prevent falls.	No person to proceed beyond trucks/tanks external access ladder on the Scania 93 M fuel truck.
Gunnedah Quarry Products Pty Ltd	Gunnedah Quarry Products Pty Ltd	A site inspection identified that the Mack Metro lines water truck on site had insufficient guardrails around the top of the water tank to prevent falls.	No person to proceed beyond trucks external access ladder on the Mack Metro lines water truck.
Gunnedah Quarry Products Pty Ltd	Gunnedah Quarry Products Pty Ltd	An inspection of the Hyster 11B 8 Forklift identified that it did not have Roll Over Protection (ROP'S) and no evidence could be provided of a high-risk licence for the operation of the forklift.	The Hyster 11B 8 Forklift is not to be used for any activity on the mine site.

Mine	PCBU	Details	Prohibited activity
Gunnedah Quarry Products Pty Ltd	Gunnedah Quarry Products Pty Ltd	A site inspection identified that a C44 Cone crusher had missing guardrails.	Access to the steps on the C 44 Cone Crusher at the radiator hydraulic level is prohibited as is access to the steps on the first platform to the magnet on the C 44 Cone Crusher. No person is to proceed beyond the first platform from the ground on the C 44 Cone Crusher.
Hebden Quarry	Hebden Quarries Pty Ltd	An inspection of an articulated dump truck and an articulated water truck identified inadequate fall protection systems.	Activities in work areas that do not have adequate fall protection is prohibited for the following trucks: CAT 740 articulated dump truck; CAT 725 articulated water truck; and Volvo A40D.
Holcim - Boambee Quarry	Holcim (Australia) Pty Ltd - North Coast Region	An inspection of a dump truck identified inadequate fall protection systems.	Activities on in the work areas that don't have fall protection are prohibited on the 'Mc Nae' Caterpillar Dump truck.
Perilya Broken Hill Southern Operations	Perilya Broken Hill Limited	A site inspection identified that fire extinguishers on some vehicles were not maintained and a water cart had a damaged seat belt mechanism.	The operation of the CAT 740 water cart unit; Toyota land cruiser; and CAT IT28G is prohibited.
Perilya Broken Hill Southern Operations	Perilya Broken Hill Limited	A site inspection identified that mobile plant did not have handrails past the cabin door to prevent falls from height when accessing the platforms.	No person is to proceed beyond the cabin doors of CAT IT28 G to access the platforms to the top of the engine compartment for any task.
Runnymede Quarry	Johnstone Concrete & Quarries Pty Ltd	A site inspection identified missing and non-compliant guarding around the fixed crushing and screening plant.	The fixed crushing and screening plant on site is not to be operated until all guarding has been brought into compliance with clause 208 of the Work Health & Safety Regulations 2017
Runnymede Quarry	Johnstone Concrete & Quarries Pty Ltd	A site inspection identified missing and non-compliant	The pre-coat screening plant on site is not to be operated until all guarding has been brought into

Mine	PCBU	Details	Prohibited activity
		guarding around the pre-coat screening plant.	compliance with clause 208 of the Work Health & Safety Regulations 2017
Runnymede Quarry	Johnstone Concrete & Quarries Pty Ltd	A site inspection identified missing and non-compliant guarding around the washing screening plant.	The washing screening plant on site is not to be operated until all guarding has been brought into compliance with clause 208 of the Work Health & Safety Regulations 2017
Runnymede Quarry	Johnstone Concrete & Quarries Pty Ltd	A site inspection identified inadequate and non-compliant guarding around the pug mill.	The pug mill plant on site is not to be operated until all guarding has been brought into compliance with clause 208 of the Work Health & Safety Regulations 2017
Runnymede Quarry	Johnstone Concrete & Quarries Pty Ltd	A site inspection identified inadequate and non-compliant guarding around the Sandvik QE 340 scalper screening plant.	The Sandvik QE 340 scalper screening plant on site is not to be operated until all guarding has been brought into compliance with clause 208 of the Work Health & Safety Regulations 2017
Runnymede Quarry	Johnstone Concrete & Quarries Pty Ltd	An inspection of an articulated dump truck identified that it had a broken side windscreen; was missing the driver's seatbelt; did not have guardrails adjacent to the driver's cabin; and it did not enable three points of contact whilst accessing and egressing the plant.	The mine operator is prohibited from operating the Caterpillar D400 Articulated Dump Truck
Runnymede Quarry	Johnstone Concrete & Quarries Pty Ltd	An inspection of a front-end loader identified that workers could not maintain three points of contact whilst accessing and exiting the plant; that both access doors and the driver's seat belt were missing; that the truck had no lighting system or	The mine operator is prohibited from operating the Caterpillar 966C Front End Loader.

Mine	PCBU	Details	Prohibited activity
		indicators; and that there were missing guards in engine bay.	
Runnymede Quarry	Johnstone Concrete & Quarries Pty Ltd	An inspection of a water tanker identified that the water tank did not have any baffles in place to minimise the movement of water within the tank.	The water tanker attached to the UD prime mover on site is not be operated/moved around the site with any volume of water within the tank.
Snapper Mineral Sands Mine	Cristal Mining Australia	An inspection of an aluminium boat identified damage and cracks in the transom that would affect the safe operation of the boat.	The operation of the aluminium boat is prohibited.
Wild Quarry	Texas Class Pty Ltd T/AS Wild Quarries & Civil	An inspection of an articulated dump truck identified inadequate fall protection systems.	Activities in work areas that do not have adequate fall protection is prohibited for the Moxy MT1 articulated dump truck.
Woolgoolga Quarry	Coastal Homesites Pty Ltd	An inspection of an articulated truck identified inadequate fall protection systems.	Activities on in the work areas that don't have fall protection are prohibited on the Terex TA 40 articulated truck.
Willow Tree Gravels	Willow Tree Gravel Quarry	A Manitou Forklift did not have Roll Over Protection fitted and there was limited evidence of operators having high-risk licences to operate the forklift.	The Manitou forklift is not to be used for any activity on the mine site.
Willow Tree Gravels	Willow Tree Gravel Quarry	The front-end loader does not have adequate fall protection in place.	No task to be undertaken on the loader cabin platforms without the operator taking reasonably practicable steps to manage the risk from fall of height.

Mine	PCBU	Details	Prohibited activity
Willow Tree Gravels	Willow Tree Gravel Quarry	The Caterpillar 740 Articulated Dump Truck does not have adequate fall protection in place.	No task to be undertaken on the prime mover cabin platforms without the operator taking reasonably practicable steps to manage the risk from fall of height.
Willow Tree Gravels	Willow Tree Gravel Quarry	The Volvo A40D Articulated Dump Truck does not have adequate fall protection in place.	No task to be undertaken on the prime mover cabin platforms without the operator taking reasonably practicable steps to manage the risk from fall of height.
Willow Tree Gravels	Willow Tree Gravel Quarry	The C 44 Cone Crusher does not have adequate fall protection in place.	No tasks to be undertaken beyond the first platform from the ground on the C 44 Cone Crusher without the Mine Operator taking reasonably practicable steps to ensure that no person is exposed to a risk of fall.

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Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (April 2018). However, because of advances in knowledge, users are reminded of the need to ensure that information upon which they rely is up to date and to check currency of the information with the appropriate officer of the NSW Department of Planning and Environment or the user's independent advisor.

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COMPLIANCE BLITZ

High Visibility Operation - June 2019

Overview

The NSW Resources Regulator ran a state-wide, high-visibility compliance blitz during the week of 17 June 2019. A [media release](#) was issued on 17 June, advising industry of the initiative.

In addition to examining general compliance with site safety management systems, the operation focussed on the standard of supervision and its impact on the implementation of key risk controls, with a particular focus on the behaviours and effectiveness of supervisors in dealing with non-compliances to the mine's own safety management system.

During the blitz, 85 inspectors were deployed to coal, metalliferous and quarrying operations across the state, visiting a total of 112 mine sites, petroleum sites and exploration programs.

We observed high levels of compliance. On balance, the majority of compliance issues identified were considered minor.

However, of the sites inspected, eight were identified as being potentially non-compliant with the mining laws and six were issued prohibition notices under the work health and safety laws.

In comparison, the [2018 state-wide compliance operation](#) resulted in 26 prohibition notices being issued and eight potential breaches under the Mining Act.

Work health and safety inspections

Of the 112 sites visited during the blitz, 76 were WHS inspections, completed at mines from the following sectors:

- 35 coal mines
- 20 large mines – metalliferous and quarries (Metex)
- 19 small mines – metalliferous and quarries
- 2 petroleum and geothermal sites

Mine Safety Outcomes

Although compliance rates were observed to be high, the following statutory notices were issued during the blitz.

Coal

- Twenty-one s23 notices of concern were issued in relation to:
 - attendance of contractors at pre-start meetings
 - damaged ground and strata support
 - disposal of diesel particulate filters
 - emergency communications
 - fundamental stability of parked mobile plant
 - incomplete mobile plant pre-starts
 - preventative maintenance
 - worker consultation arrangements.
- Seventeen s191 improvement notices were issued in relation to:
 - communication between shifts
 - compliance with the mine's own safety management system
 - direct supervision for inexperienced mine workers
 - failure of systems regarding appointment and confirmation of worker competencies
 - general strata support
 - inspection of open faces in surface operations
 - supervision of hot work permits
 - surface road design
 - timely review of systems following changes to the organisation's structure
 - training regarding respirable dust exposure
 - up to date organisational charts.

- No significant issues warranting prohibition notices were identified.

Large metalliferous mines and quarries (Metex)

- Nine s23 notices of concern were issued in relation to:
 - emergency procedures
 - high risk work applications
 - location of firefighting equipment
 - overlapping work areas for mobile plant and supervision
 - supervision arrangements for inexperienced workers
 - use of out-of-service tags
 - workers knowledge of emergency procedures
 - workers knowledge of supervisory arrangements.
- Twenty-two s191 improvement notices were issued in relation to:
 - communication between shifts
 - damaged hydraulic hoses
 - electrical wiring and enclosure issues
 - housekeeping
 - managing responsibilities of statutory functions
 - managing statutory position vacancies
 - mechanical guarding
 - respirable dust mitigation.
- One s195 prohibition notice was issued to a contractor at RASP Mine in relation to parking excavators under powerlines.
- One s195 prohibition notice was issued to RASP Mine to prohibit a tailings dam from being filled above its current capacity. Works are being undertaken to increase its capacity (refer to Appendix A).

Small mines

- Five s23 notices of concern were issued in relation to:
 - appropriate storage of personal protective equipment (PPE)
 - inappropriate use of front-end loader
 - lack of dust extraction
 - out of date organisational charts
 - statutory position leave arrangements
 - use of compressed air to clean dusty surfaces.
- Fourteen s191 improvement notices were issued in relation to:
 - compliance with the mine's electrical engineering control plans
 - compliance with the mine's mechanical engineering control plans
 - contractor management and appropriate supervision
 - inadequate dangerous goods storage
 - mechanical guarding
 - pre-start inspections
 - statutory position holder absence arrangements
 - training workers in the emergency response plan
 - updating organisational charts to reflect supervisory structures
 - use of seat belts in mobile plant.
- One s195 prohibition notice was issued to Petersons Quarry in relation to a fall from height risk on mobile plant.
- One s195 prohibition notice was issued to Northern Rivers Quarry in relation to defective guarding, visible structural damage to hopper bins supports and electrical cable damage.
- One s195 prohibition notice was issued to Northern Rivers Quarry in relation to a fall from height risk on mobile plant.

- One s195 prohibition notice was issued to Bald Hill Jugiong in relation to a fall from height risk on mobile plant.
- One s195 prohibition notice was issued to Coastal Quarry Products Pty Ltd in relation to significant failures of lifting equipment including:
 - absence of current compliance tags to confirm that devices have been tested by a competent person
 - chains modified with non-rated fixtures (bolts)
 - lifting hooks missing safety latches
 - missing safe working load (SWL) tags to indicate the safe working limit of the device
 - slings damaged and not discarded.

Petroleum

- One s23 notice of concern was issued in relation to out of date organisational charts.
- One s191 improvement notice was issued in relation to statutory position holders.

WHS inspections by region

Figure 1: WHS inspections by region

REGION	INSPECTIONS	N191	N195	N23	TOTAL NOTICES
Central West	8	6	1	4	11
Cobar	5	8	0	2	10
Far West	6	11	2	5	18
Hunter Valley	24	10	0	14	24
North Region	11	9	4	1	14
South East	22	10	0	10	20
Totals	76	54	7	36	97

Mining Act inspections

Of the 112 sites visited during the blitz, 36 were Mining Act inspections, completed at mines and exploration programs from the following sectors:

- 10 coal mines
- 13 metalliferous mines and quarries
- 13 exploration programs (covering 22 exploration licences)

Mining Act Outcomes

Although compliance rates were observed to be high regarding progressive rehabilitation and general requirements under the *Mining Act 1992*, the following compliance concerns were identified.

Coal Mines

- Six s240 notices were issued to Mt Thorley Warkworth, Muswellbrook, Ravensworth and Rix's Creek coal mines to ensure compliance with environmental management and rehabilitation obligations (refer to Attachment B).
- Further inquiries are being made in relation to Russell Vale Mine about information supplied to the Regulator and the status of rehabilitation and bunding around chemical storage areas.

Small Mines

- Four s240 notices were issued to Byers Pit, Bald Hill Gold Mine, Nelungaloo Limestone Mine and Macquarie Marble and Lime Mine to ensure compliance with environmental management and rehabilitation obligations (refer to Attachment B).
- Further inquiries are being made in relation to:
 - Ulan Stone Quarry regarding its Mining Operations Plan and the location of certain stockpiles.

- ❑ Bald Hill Gold Mine regarding water and sediment controls and adherence to its Mining Operations Plan.
- ❑ Byers Pit in the Central West region regarding water and sediment controls and adherence to its Mining Operations Plan.
- ❑ Swan Bay Kaolin Mine regarding the status of rehabilitation activities and compliance with a previous s240 Direction.

Exploration Sites

- Two s240 notices were issued to exploration programs near Broken Hill to address compliance with environmental management and rehabilitation obligations.
- Further inquiries are being made in relation to:
 - ❑ EL8475 Broken Hill regarding adherence to activity approvals and rehabilitation requirements
 - ❑ EL7390 Broken Hill regarding the status of authorisations and drilling activities
 - ❑ EL6243 Narrabri exploration operations regarding adherence to rehabilitation requirements and activity approvals.

Mining Act inspections by region

Figure 2: Mining Act inspections by region

REGION	INSPECTIONS	S240 NOTICE	TOTAL NOTICES
Central West	6	3	3
Cobar	0	0	0
Far West	10	2	2
Hunter Valley	11	6	6
North Region	5	1	1
South East	4	0	0
Totals	36	12	12

Appendix A

Prohibition notices issued (s195 WHS Act 2011)

Mine	Issued to	Details	Prohibited activity
Bald Hill Jugiong Quarry	Bald Hill Quarry Pty Ltd	<p>A site inspection identified a Komatsu face loader on site did not have handrails around the back-inspection point to prevent falls when undertaking pre-start or maintenance activities on the machine.</p> <p>Operators were operating the Komatsu face loader with the window down, exposing workers to airborne dust and other contaminants.</p>	<p>No person to access the platform areas on the back of the Komatsu face loader where pre-starts and maintenance activities occur without the mine operator taking reasonably practicable steps to ensure no person is exposed to a risk of fall.</p> <p>Discuss with employees at pre-shift toolbox meeting the site/company's dust and airborne contaminants control plan to ensure all plant operators are fully aware of the controls in place for managing dust while operating mobile plant on site.</p>
Coastal Quarry Products	Coastal Quarry Products Pty Ltd	<p>A site inspection identified the use of lifting devices (chains, slings and endless chains) that have defects, were not tagged with a current compliance tag and did not identify safe working limits.</p>	<p>Prior to the use of any non-compliant lifting device the following is to occur:</p> <ol style="list-style-type: none"> 1. All lifting devices must be inspected by a suitably competent person and fixed with a compliance tag to confirm that they meet industry inspection standards. 2. All non-compliant lifting devices are to be removed from site. 3. The mine operator will implement a system to manage the testing and use of all lifting devices on site including a register of lifting devices that records testing dates and results method of storage.
Lismore City Council - Northern Rivers Quarry and Asphalt Plant	Lismore City Council	<p>An inspection of a precision screen scorpion pugmill and screen identified that:</p> <ul style="list-style-type: none"> • guarding had been removed on the hopper bin exposing a nip point on the tail drum and the conveyor tail drum was not guarded 	<p>The precision screen scorpion pugmill and screen is not to be operated until it is fitted with adequate guards to prevent access to all nip points, has been inspected by a structural engineer to confirm its structural integrity and electrical cables are protected by a cover.</p>

		<ul style="list-style-type: none"> • visible structural damage to the hopper bin supports • damage to the protective cover on the electrical cable. 	
Lismore City Council - Northern Rivers Quarry and Asphalt Plant	Lismore City Council	A site inspection identified a Komatsu front end loader was missing handrails on both sides of the operator's cabin which exposes a worker to a fall from height hazard when undertaking maintenance tasks.	No tasks to be undertaken on the Komatsu front end loader without the mine operator taking reasonably practicable steps to ensure that no person is exposed to a risk of fall.
Petersons Quarry	Quarry Solutions Pty Ltd	A site inspection identified a Caterpillar 930G front end loader with missing handrails on both sides of the operator's cabin which exposes a worker to a fall from height hazard when undertaking maintenance tasks.	No tasks to be undertaken on the Caterpillar 930G front end loader without the mine operator taking reasonably practicable steps to ensure that no person is exposed to a risk of fall from height.
Rasp Mine	Broken Hill Operations Pty Ltd	A site inspection identified an excavator and articulated rock truck parked underneath a live powerline placing workers at risk of electrocution.	Remove the go line from the power line corridor. Audit the mines electrical engineering control plan and associated high voltage code of practice in relation to overhead powerlines.
Rasp Mine	Broken Hill Operations Pty Ltd	The preparation of the inundation and inrush principal hazard management plan has not considered all aspects of the risks to underground workers with reference to the design and construction of the Blackwood pit tailings storage facility raise.	<p>The Blackwood in-pit tailings storage facility is not to be filled above the top lip until:</p> <ul style="list-style-type: none"> • an inundation and inrush risk assessment has been completed. • a review of the Principal Hazard Management Plan for inundation and inrush has occurred.
Total			7

Appendix B

Mining Act notices issued (s 240 Mining Act 1992)

Mine / Exploration Licence	Assessment details	Action taken
Mt Thorley Warkworth	An inspection identified: <ul style="list-style-type: none"> ongoing delays in the progression of rehabilitation areas. limited documented records to address the risks to rehabilitation. limited documented measures or actions to improve progressive rehabilitation performance. 	Two s 240 Notices were issued which requires the mine to: <ul style="list-style-type: none"> engage a suitably qualified independent person to assess the adequacy of progressive rehabilitation strategies carried out and performance against the implementation of those progressive rehabilitation strategies to date. outline the proposed measures or actions to improve progressive rehabilitation performance provide a timeline and outline of the implementation of works for the proposed measures/actions.
Muswellbrook Coal	An inspection identified several risks to the successful rehabilitation of the mine that may require considerable time and resources to mitigate/rectify. The risks are of concern given how close the site is to mine closure.	A s 240 Notice was issued which requires the mine to: <ul style="list-style-type: none"> undertake an assessment of the risks to the rehabilitation of the mine. prepare a Mine Rehabilitation Risk Assessment Report. revise the Rehabilitation Cost Estimate for the mine.
Ravensworth Operations	An inspection identified erosion features on the lower slopes of the Western Emplacement Area, including scours and gully features, had not been repaired in accordance with the commitments in the approved Mining Operations Plan.	A s 240 Notice was issued to carry out a program of works to backfill or otherwise repair all scours and gullies on the Western Emplacement Area.
Rix's Creek North Coal Mine	An inspection identified: <ul style="list-style-type: none"> areas of high weed density. unexplained areas of low species diversity within pasture rehabilitation areas. 	A s 240 Notice was issued to update the current Mining Operation Plan to address the risks to satisfactory rehabilitation progress identified during the review of rehabilitation monitoring against completion criteria.

Mine / Exploration Licence	Assessment details	Action taken
Rix's Creek South Coal Mine	<p>An inspection identified:</p> <ul style="list-style-type: none"> • areas of high weed density. • unexplained areas of low species diversity within pasture rehabilitation areas. • a disconnect between monitoring records for rehabilitation areas against completion criteria and rehabilitation maintenance activities. 	<p>A s 240 Notice was issued to update the current Mining Operation Plan to address the risks to satisfactory rehabilitation progress identified during the review of rehabilitation monitoring against completion criteria.</p>
Byers Pit	<p>An inspection identified various issues relating to soil and water management including:</p> <ul style="list-style-type: none"> • poorly maintained and failed sediment fences. • earthen bund walls that had breached and not been reinstated. • check dams that had been de-silted and the silt deposited immediately above the check dam. • truck tyres that had been used to construct check dams as a substitute for rock ballast. • large amounts of sediment that had been released into a previously undisturbed native vegetation gully. 	<p>A s 240 Notice was issued to remediate and rectify the soil and water management issues identified on site.</p>
Bald Hill Gold Mine	<p>An inspection identified:</p> <ul style="list-style-type: none"> • a large stockpile of waste material placed on a working platform outside an active adit, most of which had spilled down a steep sloping hillside and towards a first order stream. • the waste material was dispersive in texture and eroding following rainfall. • no sediment and erosion measures had been put in place to prevent sediment laden 	<p>A s 240 Notice was issued to remediate and rectify the issues identified on site.</p>

Mine / Exploration Licence	Assessment details	Action taken
	<p>water entering drainage lines at the base of the slope.</p> <ul style="list-style-type: none"> • a corrugated iron flume designed to direct sediment and water downslope to a sediment dam, was not sound and sediment and water were actively leaking from the flume. 	
<p>Nelungaloo Limestone Mine</p>	<p>An inspection identified the potential for off-site movement of surface water. The construction of the pit bund, access road and placement of the temporary topsoil stockpiles had changed the drainage of the site, with water from this area no longer reporting to the sediment basin.</p>	<p>A s 240 was issued to undertake works to ensure sediment laden water is managed appropriately and does not leave the site.</p>
<p>Macquarie Marble and Lime Mine</p>	<p>An inspection identified:</p> <ul style="list-style-type: none"> • unstable ore stockpiles, overburden and product. • wastes, including drums of lubricant (some partially filled with liquid), rubber, oil filters, oily rags, domestic waste, wood pallets, demolition material, unserviceable equipment, cleaning fluid containers. • sediment controls in disrepair. 	<p>A s 240 was issued to:</p> <ul style="list-style-type: none"> • stabilise disturbed areas to minimise erosion and dust. • remove all rubbish and unserviceable equipment. • engage a suitably qualified independent person(s) to undertake a rehabilitation cost estimate. • report back to the Regulator regarding the above.
<p>EL 8475 Alloy Minerals Pty Ltd</p>	<p>An inspection identified:</p> <ul style="list-style-type: none"> • excess spoils remaining at different drill sites. • sample bags left at various drill sites. 	<p>A s 240 was issued to remove excess spoil material and sample bags and to complete rehabilitation of all drill sites.</p>
<p>EL 7390 Siouville Pty Ltd</p>	<p>An inspection identified that rehabilitation has not been completed in accordance with the conditions of the exploration activity approvals, including:</p> <ul style="list-style-type: none"> • drill pads that had not been ripped and recontoured to match the original landform. 	<p>A s 240 was issued to rehabilitate the site in accordance with the requirements of the exploration activity approvals.</p>

Mine / Exploration Licence	Assessment details	Action taken
	<ul style="list-style-type: none"> • tracks to various drill pads had not been recontoured to original slope angles or ripped. 	
Total		12

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INVESTIGATION INFORMATION RELEASE

AUGUST 2019

Improving progressive rehabilitation at Whitehaven's open cut coal mines

Overview

The NSW Resources Regulator's pro-active inspection and assessment program has detected poor rehabilitation outcomes at a number of mines operated by the Whitehaven Group.

This information release aims to provide guidance about achieving sustainable rehabilitation outcomes.

The mines

Tarrawonga

The Tarrawonga Coal Mine is located approximately 16 kilometres east of Boggabri. The mine produces a mix of low ash, low sulphur, low phosphorous and medium to high volatility coal.

The rehabilitation obligations for the Tarrawonga Coal Mine are set out in the approved [Mining Operations Plan](#).

Rocglen

The Rocglen Coal Mine is located approximately 28 kilometres north of Gunnedah. The mine produces medium to high ash, low sulfur, low phosphorous and medium to high volatility coal.

The rehabilitation obligations for the Rocglen Coal Mine are set out in the approved [Mining Operations Plan](#).

Sunnyside

The Sunnyside Coal Mine is located approximately 15 kilometres west of Gunnedah. Coal extraction is expected to cease in November 2019. As with the Tarrawonga and Rocglen mines, coal is trucked to

Whitehaven's Gunnedah Coal Handling and Preparation Plant, then transported by rail to Newcastle for export. The Tarrawonga, Rocglen and Sunnyside Coal Mines are operated by Whitehaven Coal Mining Pty Limited.

The rehabilitation obligations for the Sunnyside Coal Mine are set out in the approved [Mining Operations Plan](#).

Maules Creek

The Maules Creek Mine is about 18 km north east of Boggabri. The mine produces thermal and metallurgical coals, which is transported by rail to Newcastle for export. The Maules Creek Mine is operated by Maules Creek Coal Pty Ltd, a subsidiary of Whitehaven Coal Limited. The rehabilitation obligations for the Maules Creek Mine are set out in the approved [Mining Operations Plan](#).

Rehabilitation concerns

Tarrawonga

The Tarrawonga Coal Mine started producing coal in late 2006. The Regulator expects that a mine operating for 13 years would be able to demonstrate significant areas of progressive rehabilitation reaching ecosystem establishment.

Figure 1 shows poor revegetation at Tarrawonga. This area was shaped five to six years ago, with an open woodland rehabilitation objective.

Figure 1 Tarrawonga Coal Mine's poorly wooded revegetation



This photograph shows no visible signs of established tree species. Rather, the rehabilitation area has a thick cover of exotic grasses and weed species. Under these circumstances, establishing a woodland area would be difficult and resource intensive.

Rocglen

Figure 2 depicts the third attempt of woodland revegetation at the Rocglen Mine Northern Emplacement Area. Its target rehabilitation objective was open woodland. This area is three to five years old and is **not progressing well**. Tubestock has been planted in this area on three occasions without success.

Figure 2 Woodland revegetation at Rocglen Mine



Compliance activities

The Regulator has issued statutory notices pursuant to section 240(1)(c) of the *Mining Act 1992* to Whitehaven Coal Mining Ltd requiring it to engage suitably qualified experts across its four operations (Tarrawonga, Rocglen, Sunnyside and Maules Creek) to:

- provide information regarding the status of progressive rehabilitation
- advise whether progressive rehabilitation has been undertaken in accordance with approved plans and strategies
- identify measures or actions to improve progressive rehabilitation performance

- submit a report to the Regulator that includes a timeline to improve progressive rehabilitation at each site.

The Regulator will continue to closely monitor and enforce compliance with rehabilitation obligations in accordance with the *Mining Act 1992*. A further information release will be prepared following Whitehaven's completion of the actions required by the abovementioned section 240 notices.

Recommendations

The Regulator expects mine operators to achieve sustainable rehabilitation outcomes by:

- planning for progressive rehabilitation
- undertaking rehabilitation progressively
- monitoring rehabilitation progress
- seeking progressive approvals for rehabilitation outcomes
- maintaining rehabilitation records.

Further information

- [NSW Resources Regulator Exploration and mining rehabilitation fact sheet](#)
- [Australian Government, Department of Industry, Innovation and Science 2016: Leading Practice Sustainable Development Program for the Mining Industry – Mine Rehabilitation](#)
- [Australian Government, Department of Industry, Innovation and Science 2016: Leading Practice Sustainable Development Program for the Mining Industry – Mine Closure and Completion](#)

About this information release

The information contained in this publication is based on knowledge and understanding at the time of writing. However, because advances in knowledge, users are reminded of the need to ensure that the information upon which they rely is up to date and to check the currency of the information with the appropriate officer of the NSW Resources Regulator or the user's independent advisor.

Visit resourcesregulator.nsw.gov.au to:

- learn more about your rehabilitation obligations
- view our publications on other causal investigations.

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DOCUMENT CONTROL

CM9 reference	DOC19/566247
Compliance operations reference	IIR19-08
Date published	1 August 2019
Authorised by	Director Compliance Operations