



**NSW
Resources
Regulator**

MONTHLY BUSINESS ACTIVITIES REPORT

February 2020



Document control

Published by NSW Department of Planning, Industry and Environment, NSW Resources Regulator

Title: Monthly business activities report – February 2020

First published: March 2020 (data current at 4 March 2020)

Authorised by: Executive Director Resources Regulator

CM9 reference: DOC20/248298-1

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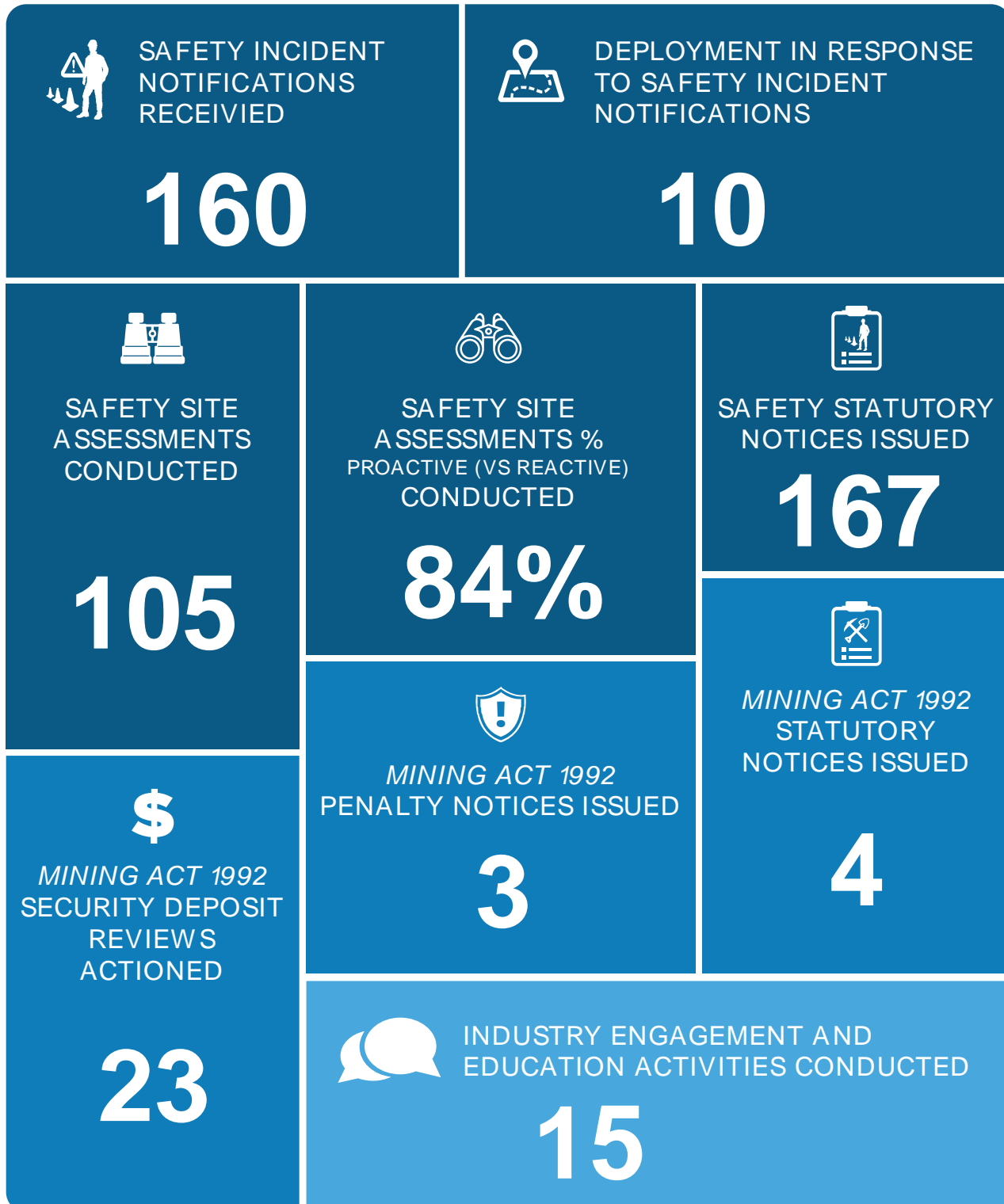
Disclaimer: The data in this report was extracted from the NSW Resources Regulator's compliance database on **4 March 2020**. However, users are reminded that since then, new information February have been received. If you are concerned about the currency of any of the information in the report, please check with the appropriate officer at the NSW Department of Planning, Industry and Environment.

Contents

Activities at a glance	4
Key enforcement actions of note.....	5
Safety incidents of note	5
Work health and safety activities	6
Safety incident notifications	6
Safety assessments	7
Safety site targeted assessment program	9
Safety compliance activities.....	10
Safety mining competencies activities.....	12
Mining Act regulatory activities.....	14
Mining Act statutory notices.....	14
Security deposit reviews	15
Safety legislation and Mining Act notified compliance concerns.....	16
Industry engagement activities	18
Committees and other industry body involvement.....	18
External education and engagement activities.....	18
Publications and alerts.....	19

Activities at a glance

SUMMARY OF OUR REGULATORY ACTIVITIES FEBRUARY 2020



Key enforcement actions of note

A work health and safety enforceable undertaking submitted by Clarence Coal Pty Ltd in January 2020 has been rejected by the NSW Resources Regulator. The undertaking submitted for consideration proposed various obligations by Clarence Coal to deliver benefits to workers, industry and the community. It was submitted after an investigation into an incident at the mine on 4 July 2018, where two workers were seriously injured when material from a rib and cornice fell on them. The Regulator considered the undertaking and on 24 February 2020 rejected the proposal, being of the view the circumstances of the incident warranted strong specific and general deterrence. See [WHS undertaking proposal](#) and [reasons for decision](#).

The NSW Resources Regulator cancelled Mining Lease 1259 (ML1259 Act 1973) on 24 February 2020 for contraventions of title conditions. The title holder contravened the conditions by not submitting a mining operations plan prior to its expiry and failing to employ at least two competent people and expend an amount of not less than \$35,000 per year on operations carried out in the course of prospecting or mining the lease. See [Section 125\(1\)\(c\) decision to cancel ML 1259](#).

Safety incidents of note



Ground or Strata Failure

A continuous miner was buried when an intersection fell in during a breakaway that was being supported in accordance with the mine's support plans. The fall was about 9 metres x 5.4 metres x 2.5 metres. No injuries were reported.

Recommendation: Mines must have adequate trigger action response plans in place to effectively react to changing strata conditions. Workers must be trained to use these TARPs to ensure they are acted on appropriately. Workers should constantly monitor strata conditions to identify areas that pose risks. When strata conditions change or mining commences in new areas, the risk assessment and controls identified should be reviewed and the principal hazard management plan should be updated.



Work Environment – Slips, Trips and Falls

An operator was accessing a haul truck via the stairs when the handrail gave way and the operator fell sideways to the ground, from a height of between one to one-and-a-half metres. The operator suffered a broken wrist and broken leg. The Regulator has commenced an investigation into this incident.

Recommendation: Mines are reminded of the need to identify, assess, manage and rectify defects that affect the safety of plant or structures.



Escape or release of substance or thing / Escape of substance

A loader was feeding a hopper, as it reversed it hit a red gas cylinder that was buried upside down. The gas cylinder was one of several that were being used as bollards for a collision barrier for a building. The gas cylinder was punctured, causing a pressure release that propelled it into the air where it hit buildings, before landing on the ground.

Recommendation: In developing control measures to manage the risks of interaction between mobile plant and fixed structures, mines need to ensure that the control itself does not introduce a new level of risk. Under no circumstances should gas cylinders be used for anything other than their intended use.

The Resources Regulator's [weekly incident summary](#) references any recently published safety publications.

Work health and safety activities

Safety incident notifications

FIGURE 1. SAFETY INCIDENT NOTIFICATIONS RECEIVED BY SECTOR - FEBRUARY 2019 TO FEBRUARY 2020

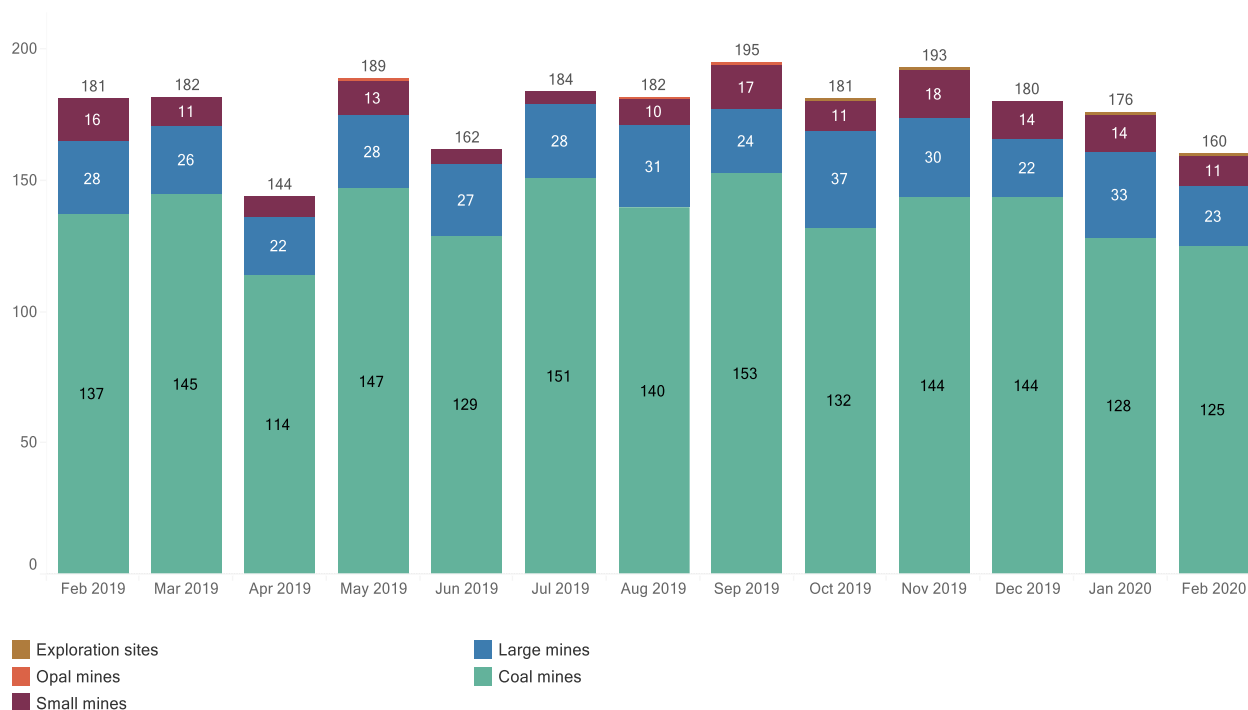


TABLE 1. DETAILS OF SAFETY INCIDENTS WHERE INSPECTORS WERE DEPLOYED - FEBRUARY 2020

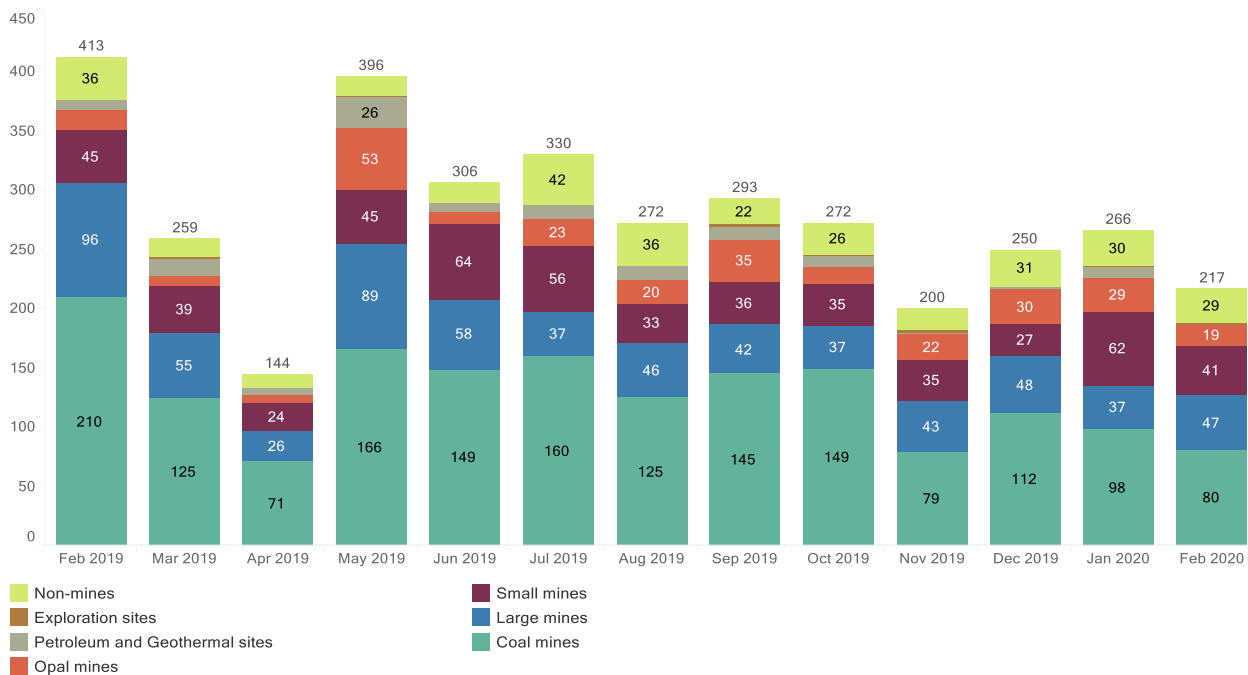
Date notified	Sector	Incident
6 February	Coal mines - underground	A burst of coal has occurred on a longwall face panel. There were no injuries.
9 February	Coal mines - Surface	An operator sustained an injured hand requiring medical treatment while exiting a bogged dozer.
12 February	Coal mines – Underground	During a weekly electrical function test on a winder a low speed brake pad dislodged from the braking calliper. While examining the fault it was identified that the brake unit had a brake pad missing, four of the five brake pad retaining bolts had fallen out and the fifth bolt had sheared off in place. Further investigation identified that the internal threads of the calliper block were worn, creating a loose bolt fit and allowing the bolts to unwind under operational load conditions.
13 February	Coal mines - Underground	A Continuous Miner was buried when an intersection had fallen in during a breakaway. The fall was approximately 9m x 5.4m x 2.5m and standing support was installed. There were no injuries. The other Continuous Miner in the panel was stopped.
15 February	Small mines – Metalliferous, Quarries and Other Gemstones	A loader hit a gas bottle that had been installed upside down in the ground to serve as a bollard. Its contents released and the cylinder was propelled into the air causing property damage. No-one was injured and the scene was preserved.
18 February	Coal mines – Surface	An operator was accessing a CAT haul truck via its steps when the handrail gave way. The operator fell approximately one metre and suffered a broken wrist. All haul trucks were stood down pending inspection.

Date notified	Sector	Incident
23 February	Large mines – Metalliferous and Quarries	A worker suffered a suspected heart attack outside the surface first aid room. CPR was performed on site and an ambulance transported worker to hospital.
24 February	Large mines – Metalliferous and Quarries	A continuous miner operator’s exposure monitoring device recorded a respirable quartz exceedance.
26 February	Small mines – Metalliferous, Quarries and Other Gemstones	A truck operator was injured when his head became caught between the truck’s tailgate and the truck body. The worker had been trying to identify what was preventing the tailgate from releasing and was struck by the swinging tailgate. The worker was able to free himself and was later transported to hospital.
27 February	Large mines – Metalliferous and Quarries	A worker was offsideing a jumbo which was bolting the 4 level BD pillar incline. After the worker manually scaled the work area, he commenced installing retaining caps resin capsules when a 20 kg rock slid from beneath the mesh and contacted him on the back of the head. The worker briefly lost consciousness and was later transported to hospital. The worker was wearing a hard hat.
Total		10

Safety assessments

Safety assessments commenced

FIGURE 2. SAFETY ASSESSMENT ACTIVITIES COMMENCED BY SECTOR - FEBRUARY 2019 TO FEBRUARY 2020



Proactive and reactive safety assessments

Proactive assessments include targeted assessments and planned inspections. Assessments conducted in response to incident notifications, targeted interventions, high risk activity notifications and action requests are reported as reactive assessments. In February 2020, just over 40% of all site and desktop safety assessments were proactive. Of the 105 site assessments conducted, almost 85% were proactive.

FIGURE 3. SAFETY ASSESSMENT ACTIVITIES BY CATEGORY AND NATURE - FEBRUARY 2019 TO FEBRUARY 2020

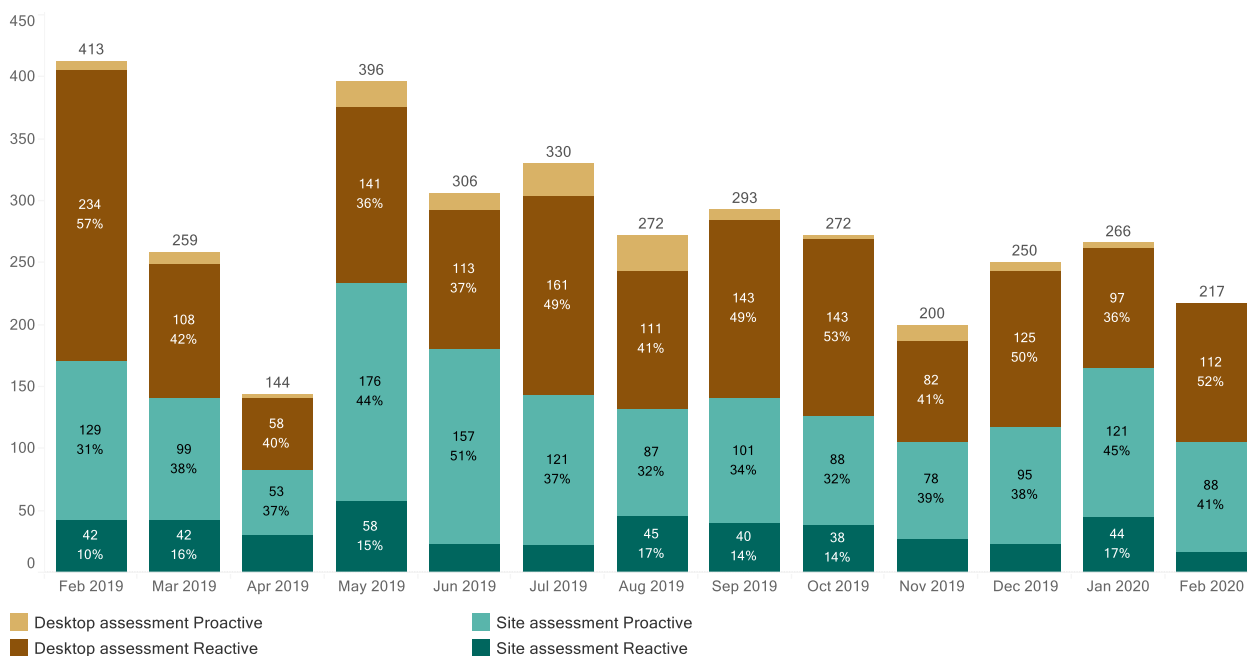
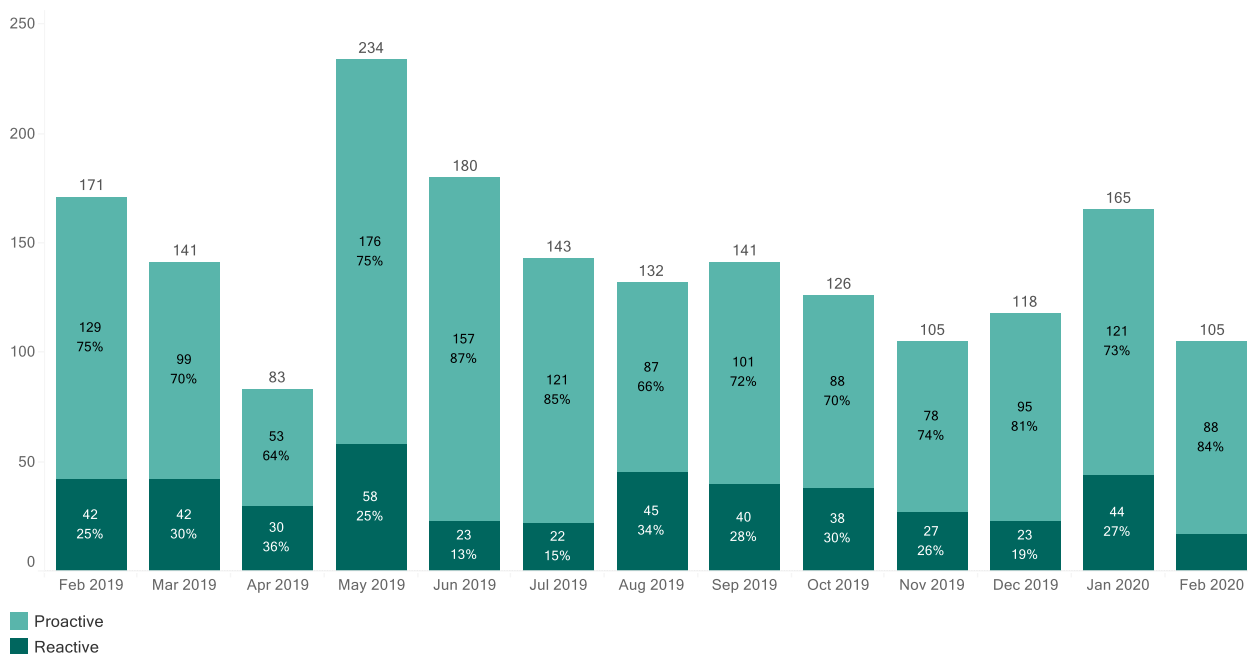


FIGURE 4. SAFETY SITE ASSESSMENT ACTIVITIES BY NATURE - FEBRUARY 2019 TO FEBRUARY 2020



Safety site targeted assessment program

Under its safety site targeted assessment program, the NSW resources Regulator conducted seven site-based assessments targeting three different hazards in February 2020.

FIGURE 5. SAFETY SITE TARGETED ASSESSMENTS - FEBRUARY 2019 TO FEBRUARY 2020

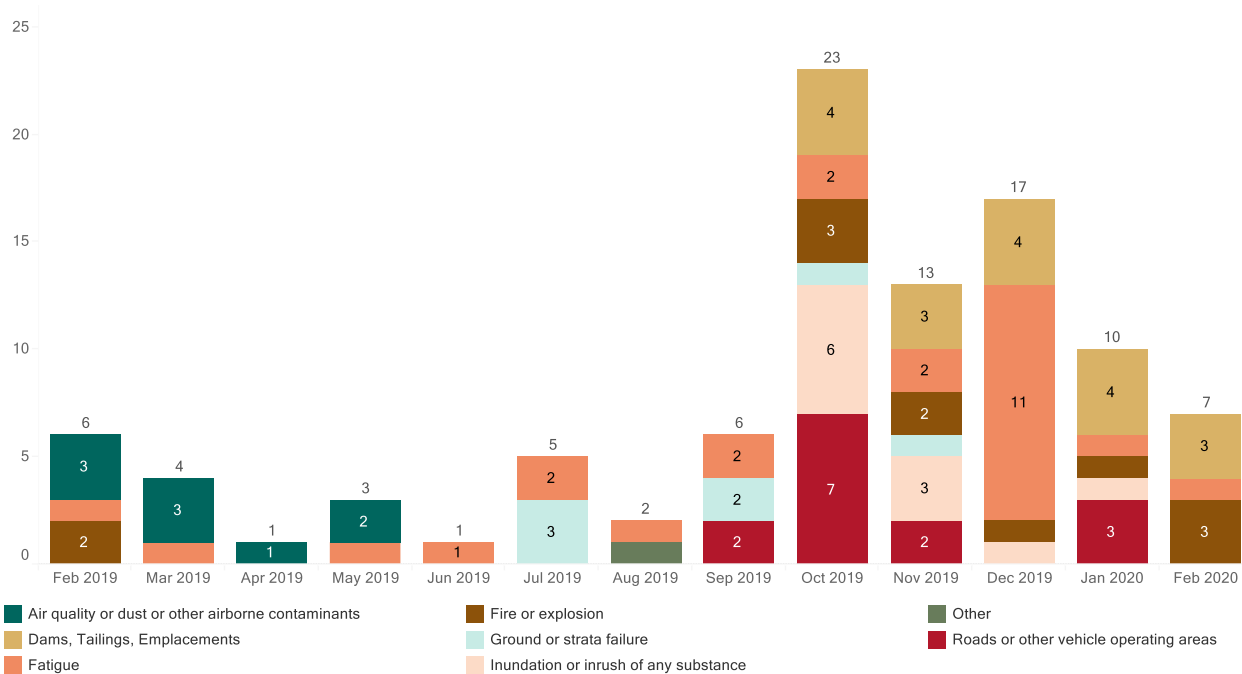


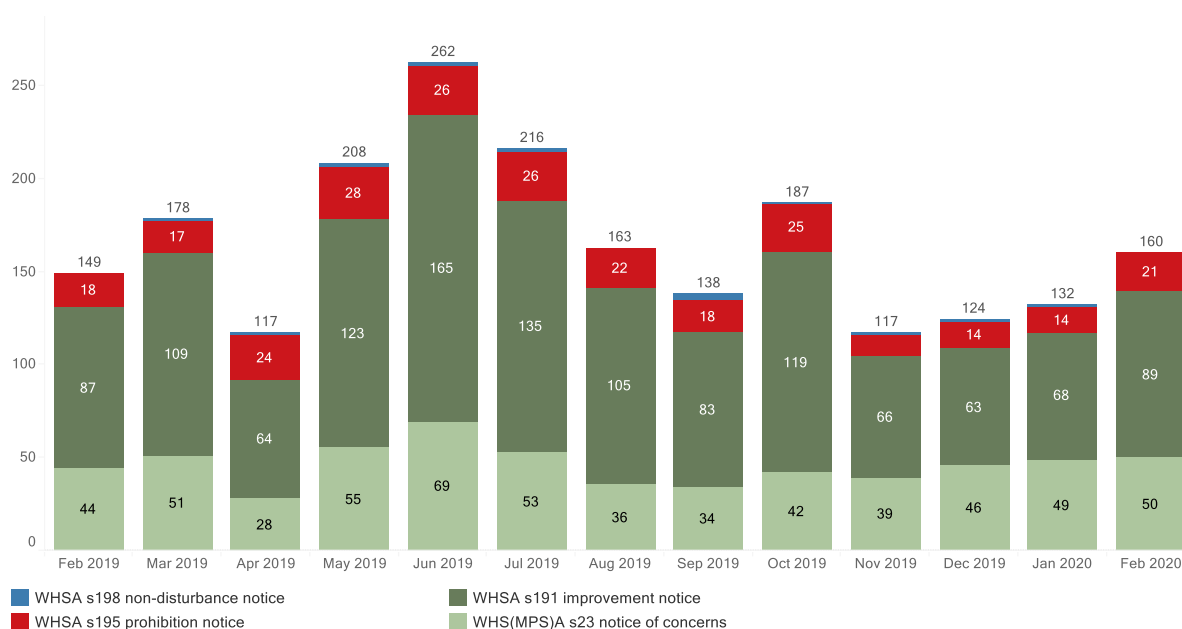
TABLE 2. DETAILS OF SAFETY SITE TARGETED ASSESSMENT PROGRAMS - FEBRUARY 2020

Hazard	Sector	Mine
Tailings dams	Coal Mines	Bulga Surface Operations
		Clarence Colliery
		Springvale Coal Services Operation / Western Coal Services
Fatigue	Coal Mines	Moolarben Coal Operations – Open cut
Fire or explosion – Mechanical focus	Coal Mines	Maules Creek Mine
Fire or explosion – Electrical focus	Coal Mines	Bengalla Mine
		Mt. Arthur North (incl. CHPP)
Total		7

Safety compliance activities

Safety notices issued

FIGURE 6. SAFETY NOTICES ISSUED BY NOTICE TYPE - FEBRUARY 2019 TO FEBRUARY 2020



Prohibition notices issued

In February 2020, 21 prohibition notices were issued under section 195 of the *Work Health and Safety Act 2011*.

TABLE 3. PROHIBITION NOTICES ISSUED - FEBRUARY 2020

Issued to PCBU	Mine Location	Prohibited activity
John Clauss	MC56991	Persons riding the hoist to access and egress the shaft.
Aurelia Metals Limited	Hera Mine	Using Pybar Mining Services' Jacon shotcrete spray rig.
Aurelia Metals Limited	Hera Mine	Using Pybar Mining Services' Normet agitator.
Endeavour Coal Pty Ltd	Appin Colliery	Coal cutting activities.
Centennial Mandalong Pty Limited	Mandalong Mine	Holing through into the Southern up-cast shaft of the preliminary inrush barrier - Main Headings between MG28 and MG29.
Mt Boppy Resources Pty Ltd	Mt Boppy Gold Mine	Operating the blue water transfer pump used to fill the water trucks at the standpipe area.
Endeavour Coal Pty Ltd	Appin Colliery	Persons located on the return airway side of coal cutting equipment on a longwall face that is cutting coal or stone.
Tronox Mining Australia Limited	Ginkgo Mineral Sands Mine	Conducting repair and maintenance activities on screen 2A is prohibited.
Sand Quarries Australia Pty Limited	Sand Quarries Australia Pty Limited**	Persons proceeding beyond the driver's door of the Caterpillar 740 Articulated dump truck unless it is to enter the cabin.

Issued to PCBU	Mine Location	Prohibited activity
Sand Quarries Australia Pty Limited	Sand Quarries Australia Pty Limited (formally Dubbo Sands)	Operating the Komatsu PC 300 Excavator on stockpiles above ground level or on the edge of a bench where there is a risk of fall or toppling over. Accessing the back deck of the PC 300 Excavator.
Endeavour Coal Pty Ltd	Appin Colliery	Mining of coal on the longwall face beyond the chainage 1400m.
Maules Creek Coal Pty Ltd	Maules Creek Mine	The recovery of Caterpillar dozer (fleet number 301)
Moolarben Coal Operations Pty Ltd	Moolarben Coal Operations - Underground	Production in the UG4 Highway panel until an independent geotechnical assessment has been carried out in relation to the fall at 10 c/t A hdg and an initial report and recommendations are given to and acted on by the mine.
Tahmoor Coal Pty Ltd	Tahmoor Colliery	Mobile equipment accessing the area of drainage ditches and trenches adjacent to and East of 7C conveyor on the surface.
Graymont (Nsw) Pty Ltd	Galong Limestone Mine	Using the current ramp at Mill 4 to load the feed bin with mobile equipment.
Graymont (Nsw) Pty Ltd	Galong Limestone Mine	Pedestrians and mobile equipment coming within 2m of the carbon dioxide gas cylinders being used as site bollards except for the purposes of complying with the directions in this notice.
Tronox Mining Australia Limited	Ginkgo Mineral Sands Mine	Working from height around the hopper within the Ginkgo WHIMS plant without first conducting a risk assessment and developing adequate controls to manage the risk a fall from height poses to workers.
Tronox Mining Australia Limited	Ginkgo Mineral Sands Mine	Workers coming within 50m of heavy mobile plant when operating, with the exception of conducting maintenance of heavy mobile plant.
Tronox Mining Australia Limited	Ginkgo Mineral Sands Mine	Truck tipping within 20m of the tip edge.
Glencore Coal (NSW) Processing Pty Ltd	Ravensworth Central Coal Processing	Operating or running the 106 conveyor belt.
Broken Hill Operations Pty Ltd	Rasp Mine	Advancing the BDP 3 level incline current development face.
Total		21

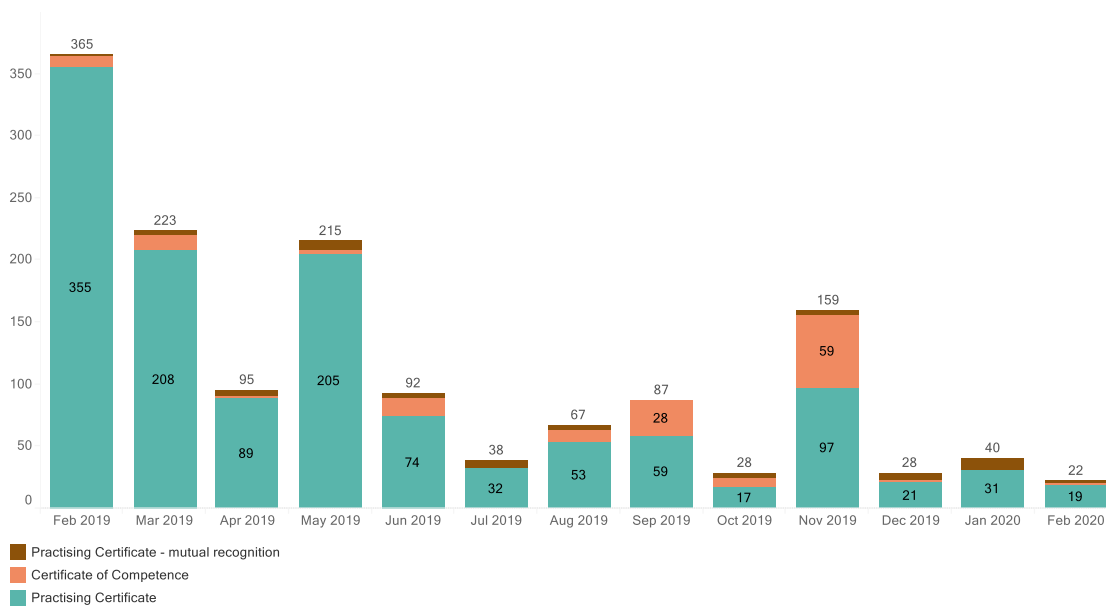
*Person Conducting Business or Undertaking **Formerly Dubbo Sands

Safety mining competencies activities

Competence and practising certificates granted

Safety mining competence activities include certificate of competence (mutual recognition). In February 2020, 19 practising certificates and three practising certificates for mutual recognition were granted.

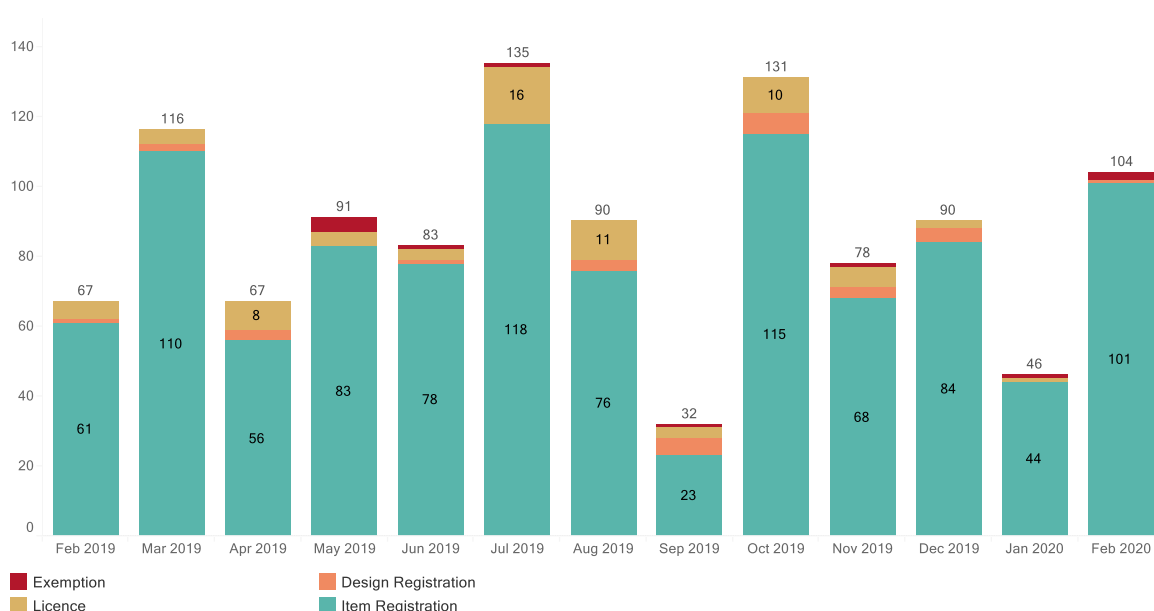
FIGURE 7. COMPETENCE AND PRACTISING CERTIFICATES GRANTED - FEBRUARY 2019 TO FEBRUARY 2020



Safety mining authorisation activities

Safety mining authorisations include licence applications to carry out prescribed high-risk activities, plant item registrations. During February 2020, one design registration, two exemptions and 101 item registrations were granted.

FIGURE 8. MINING AUTHORISATIONS GRANTED - FEBRUARY 2019 TO FEBRUARY 2020



High risk activity notifications

In February 2020, the NSW Resources Regulator received 11 high risk activity notifications under clause 33 of the Work Health and Safety (Mines and Petroleum Sites) Regulation 2014.

FIGURE 9. HIGH RISK ACTIVITY NOTIFICATIONS BY ENGINEERING DISCIPLINE - FEBRUARY 2019 TO FEBRUARY 2020

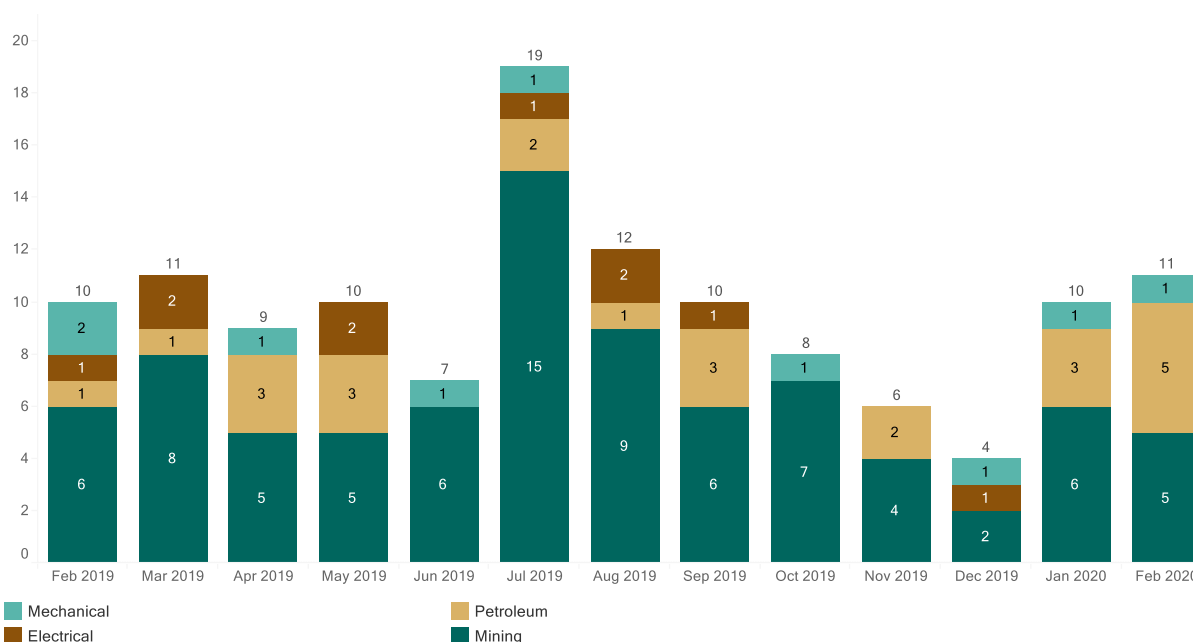


TABLE 4. HIGH RISK ACTIVITY NOTIFICATIONS RECEIVED - FEBRUARY 2020

Mine	Legislation*	Type of notification	No
Tahmoor Colliery	Schedule 3 Clause 15	The formation of a pillar other than a conforming pillar	1
PPL0001 Elizabeth Macarthur 20	Schedule 3 Clause 31	Well workover	1
PPL0004 Elizabeth Macarthur 39	Schedule 3 Clause 31	Well workover	1
PPL0004 Elizabeth Macarthur 8	Schedule 3 Clause 32	Decommissioning a well	1
PPL0004 Glenlee 9	Schedule 3 Clause 32	Decommissioning a well	1
Ulan West Operations	Schedule 3 Clause 11	The conduct of hot work in a hazardous zone	1
PPL0004 Menangle Park 14	Schedule 3 Clause 32	Decommissioning a well	1
Ulan Underground Mine	Schedule 3 Clause 10	Sealing (other than emergency sealing), but only if notice has not been given as part of a notice for secondary extraction	1
Manuka Mine	Schedule 3 Clause 35	The establishment, operation, alteration or decommissioning of a tailings storage facility	1
Metropolitan Colliery	Schedule 3 Clause 12	Driving an underground roadway with a width greater than 5.5 metres	1
Metropolitan Colliery	Schedule 3 Clause 18	Carrying out mining operations in an outburst control zone	1
Total			11

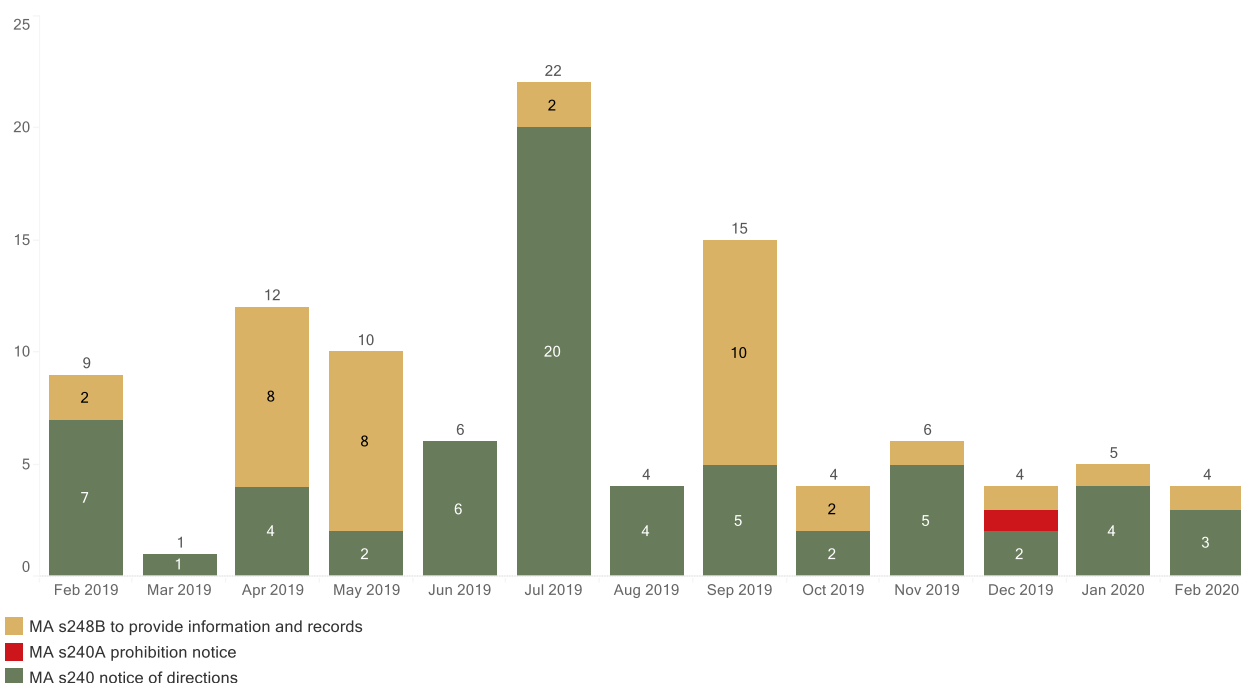
* Work Health and Safety (Mines and Petroleum Sites) Regulation 2014

Mining Act regulatory activities

Mining Act statutory notices

In February 2020, the NSW Resources Regulator issued four statutory notices under the *Mining Act 1992*.

FIGURE 10. MINING ACT STATUTORY NOTICES ISSUED BY NOTICE TYPE - FEBRUARY 2019 TO FEBRUARY 2020



In February 2020, three notice of directions were issued under section 240 of the *Mining Act 1991*.

TABLE 5. NOTICES OF DIRECTIONS ISSUED DETAILS - FEBRUARY 2020

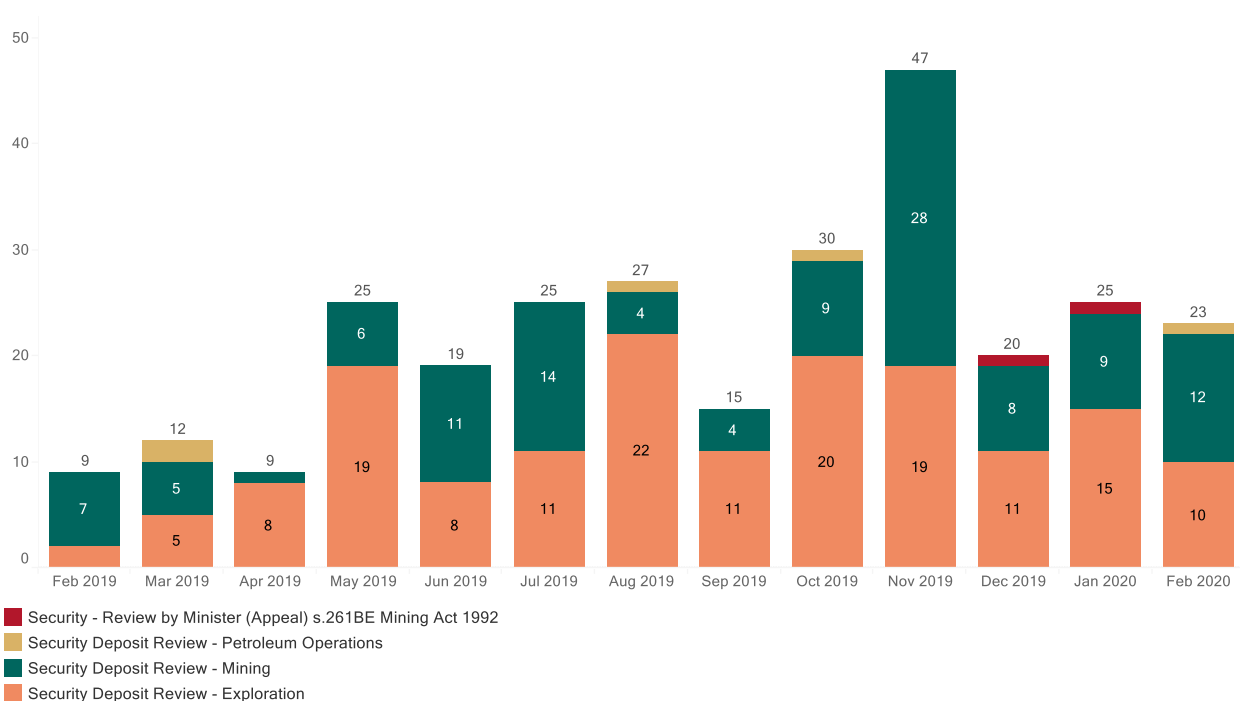
Issued to	Location	Section 240 of the <i>Mining Act 1992</i> Direction
Shoalhaven Coal Pty Ltd	Cullen Valley Mine ML1455, ML1488, ML1556 and ML1557	<p>Submit an updated Mining Operations Plan (MOP) for the Cullen Valley Mine prepared in accordance with the applicable MOP guidelines.</p> <p>The MOP must:</p> <ul style="list-style-type: none"> include an updated Plan of Works for the containment and extinguishing of subsurface heating prepared by a suitably qualified person include details of rehabilitation for all areas affected by subsurface heating and surface water erosion monitoring program that identifies the locations of subsurface burning coal material and addresses the risk of changes in subsurface temperature on an ongoing basis include details of soil and water management at the site, prepared in consultation with a suitably qualified person address issues related to steep batters and slopes, control of surface water and prevention and management of gully erosion a Plan of Works addressing (but not limited to) the repair of existing erosion areas, updates to existing water management systems and ongoing monitoring and appropriate Trigger Action Response Plan (TARP) which addresses items 1a - 1e above where relevant, as well as any other potential risks to rehabilitation success and be accompanied by a Rehabilitation Cost Estimate.

Issued to	Location	Section 240 of the <i>Mining Act 1992</i> Direction
Liddell Tenements Pty Limited	Liddell Coal Operations CCL 708 ML 1313 ML 1552 and ML 1597	Appoint a suitably qualified independent expert to complete a site-based closure risk assessment in accordance with AS NZS ISO 31000:2009 specifically addressing the tailings management strategy for Liddell Coal Operations including active and in-active tailings dams as well as dams being actively capped and rehabilitated. Prepare and submit a report providing details of the risk assessment to the Regulator by 29 May 2020.
Doris Adelene Fuller	Lightning Ridge Mineral Claims District MPL 219 and MPL298	Rehabilitate all surface disturbances associated with activities conducted on MPL 219 and MPL298. This includes but is not limited to: <ul style="list-style-type: none"> removal of all buildings, machinery, rubbish and agitators removal of all mullock to an approved mullock dump silt dam bund walls made stable and surface of silt covered with soil. Alternatively, when soil is not available, mullock spread to a depth of 0.5m, site shaped, ripped, and vegetation spread across the surface and seeded. <p>Note: Water dams have a beneficial use as a stock watering point during the activity and following closure. Generally, the water dams can be retained provided they are stable.</p>
Total		3

Security deposit reviews

In February 2020, the NSW Resources Regulator completed 23 exploration and mining rehabilitation security deposit reviews under the *Mining Act 1992*. A review of security deposits is undertaken when an authorisation holder applies to vary approved activities.

FIGURE 11. SECURITY REVIEWS COMPLETED – FEBRUARY 2019 TO FEBRUARY 2020



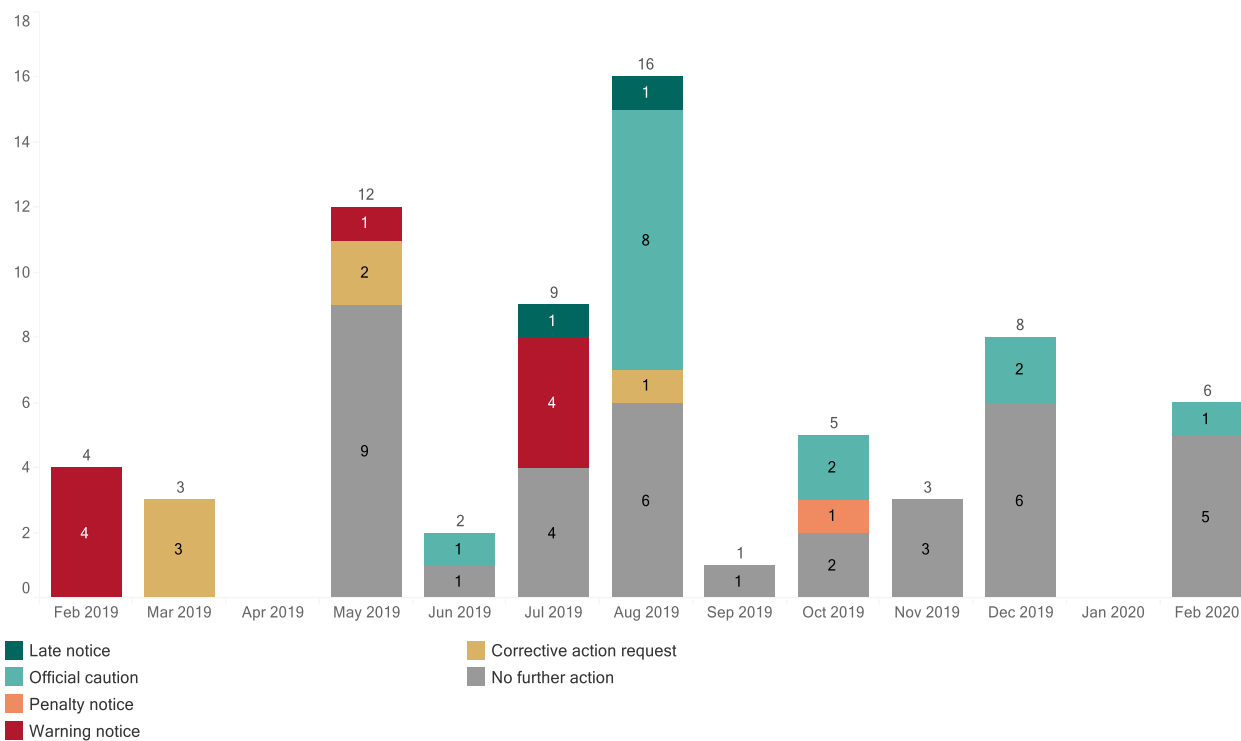
Safety legislation and Mining Act notified compliance concerns

The NSW Resources Regulator uses a variety of enforcement tools under work health and safety legislation and the *Mining Act 1992* to ensure compliance. The approach taken depends on the significance and impacts of the breach, the tools available under the legislation and the NSW Resource Regulator’s [compliance and enforcement approach](#).

Safety legislation non-compliance breaches

In February 2020, there were six sustained non-compliance breaches determined under the Work Health and Safety (Mines and Petroleum Sites) legislation which resulted in one official caution and five with no further action.

FIGURE 12. SAFETY LEGISLATION - SUSTAINED NON-COMPLIANCE BREACHES FEBRUARY 2019 TO FEBRUARY 2020



Mining Act non-compliance breaches by regulatory response

In February 2020, the Resources Regulator finalised 20 sustained non-compliance breaches under the *Mining Act 1992* which resulted in one title cancellation, three penalty infringement notices, nine official cautions and seven no further action. Details are listed below under key enforcement actions.

FIGURE 13. MINING ACT 1992 - SUSTAINED NON-COMPLIANCE BREACHES FEBRUARY 2019 TO FEBRUARY 2020

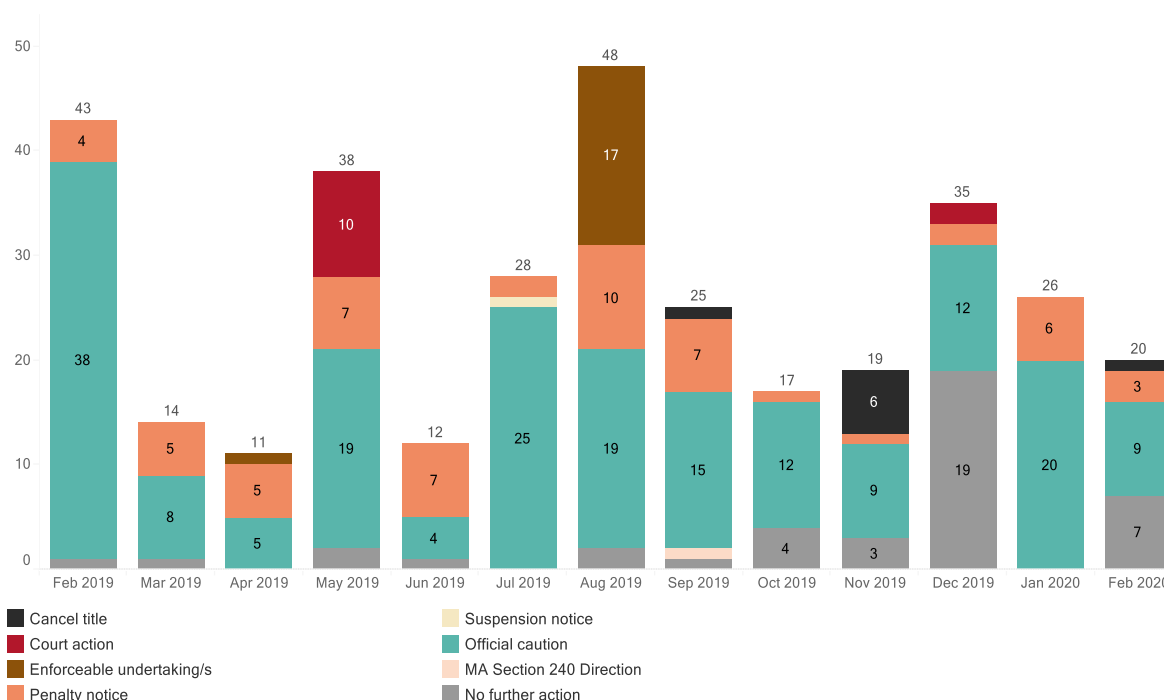


TABLE 6. KEY MINING ACT 1992 ENFORCEMENT ACTIONS - FEBRUARY 2020

Date	Entity	Authority	Action	Amount	Details / Direction
24 Feb	Individuals	ML 1259	Cancellation of title	N/A	Cancellation of Authorisation – on the grounds of contraventions of condition of authority ML 1259. Condition 2 – Mining Operations Plan (MOP) & Condition 4 – Working Requirement.
19 Feb	Dronvisa Pty Limited	PLL 1294 (1924)	Penalty Notice	\$2,500	Penalty Notice issued for failing to conduct operations in accordance with the Mining Operations Plan. A breach of s378(D).
26 Feb	Biacil Holdings Pty Ltd	EL 6483	Penalty Notice	\$1,000	Penalty Notice issued for failing to pay annual rent and levy fee. A breach of s292C
27 Feb	Coal & Allied Operations Pty Ltd	CCL 755	Penalty Notice	\$2,500	Penalty Notice issued for failing to conduct operations in accordance with the Mining Operations Plan. A breach of s378(D).
Total					4

Industry engagement activities

The Resources Regulator's industry engagement activities for February 2020 are outlined below.

Committees and other industry body involvement

In February 2020, the NSW Resources Regulator participated in the following committees and working groups.

TABLE 7. COMMITTEES AND OTHER INDUSTRY BODY INVOLVEMENT - FEBRUARY 2020

Date	Committee / Body	Detail
1 February	EL-023-12-01	Sub-committee for the development of an Australian standard for Battery Electric Vehicles in Underground Coal Mines.
5 February	Aust Standards (EL 23-12)	Scoping meeting regarding underground battery powered equipment.
13 February	Local Emergency Management Committee	Wollondilly Local Emergency Management Committee (LEMC) meeting attended. Ongoing emergency planning engagements with local mines in relation to the development of local response arrangements. Bushfire impacts on local mines was discussed.
18 February	Mining and Petroleum Competence Board	Quarterly meeting of the Board.
26 February	Local Emergency Management Committee	Illawarra Local Emergency Management Committee (LEMC) meeting attended. After Action Review conducted of recent responses to bushfires and floods in the area. Discussions about future mine emergency response exercises in the LEMC area and possible emergency services involvement held. Further consideration of a mining subgroup to be held with committee to maintain ongoing consultation.
27 - 28 February	ME-063	Australia Standard – Earthmoving Equipment – Modified text adoption of ISO3450:2011 Wheeled or high-speed rubber-tracked machines – Performance requirements and test procedures for brake systems.
Total		6

External education and engagement activities

TABLE 8. WORKSHOPS AND INFORMATION SESSIONS - FEBRUARY 2020

Date	Type of activity	Location	Detail
4 February	Industry Forum	Muswellbrook	Open Cut Coal Mechanical Engineers Forum.
6 February	Industry Forum	Penrith	Underground Coal Mechanical Engineers Forum.
6 February	Forum	Dubbo	Electrical engineers and supervisors from the Metex sector 28 attendees
5-6 February	Industry Forum	Dubbo	Western NSW Electrical Engineers Forum 30 attendees

Date	Type of activity	Location	Detail
19 February	Forum	Dubbo	Metalliferous Mechanical Engineers Forum.
20 February	Engineer forum	Penrith	Southern and Western Electrical Engineers forum. 51 attendees
20 February	Training course	Thornton	Training for roadway dust samplers. 19 attendees
21 February	Forum	Kurri Kurri	HVEC MEMMES meetings. Hunter Valley electrical engineers 48 attendees
27 February	Information session	Kurri Kurri	Automation Presentation.
Total			9

Publications and alerts

In February 2020, the NSW Resources Regulator published one investigation information release and one media release on our website.

TABLE 9. MEDIA RELEASES, SAFETY BULLETINS AND PUBLICATIONS - FEBRUARY 2020

Date	Type	Summary
7 February	Gazette	NSW Government Gazette No 26 Powered winding systems
7 February	Weekly summary	Week ending 31 January 2020
11 February	Investigation Information Release	IIR20-03 Ravensworth dangerous incident – light vehicle drives over open edge
14 February	Weekly summary	Week ending 7 February 2020
17 February	Report	Audit report – Woodlawn mine
19 February	Compliance Priorities	Jan to June 2020 Compliance Priorities updated
19 February	Fact sheet	Amendments to notification requirements WHS (MPS) Regulation
19 February	Webpage	Historical catalogue
20 February	Weekly summary	Week ending 14 February 2020
20 February	Web update	Prosecution summaries updated
21 February	Web update	MCPB meeting minutes November 2019 published
21 February	Media release	NSW unveils strategy to stamp out silicosis
24 February	Web page	Fossicking in NSW (includes guidance materials and infographic)
27 February	Weekly summary	Week ending 21 February 2020
Total		14