

Mr Stephen Barry  
Director of Planning  
Office of the Independent Planning Commission NSW

Via email: [REDACTED]  
Cc: [REDACTED]

Dear Mr Barry

### **Russell Vale Underground Expansion Project: Confirmation of Resources Regulator's Position**

I refer to the meeting between Resources Regulator staff and the Independent Planning Commission (IPC) on Tuesday 13 October 2020. I understand that at the meeting Resources Regulator staff provided comment on potential concerns, specifically in relation to 'marginally stable pillars', that had not been detailed in previous submissions made by Resources Regulator to the IPC. The purpose of this correspondence is to clarify those comments and confirm the Resources Regulator's position in relation to the matter.

#### **Marginally stable pillars**

In summary, the following comments were made to the IPC at Tuesday's meeting:

- Russell Vale Colliery's proposed first workings in the Wongawilli Seam are located under two layers of old workings in the Balgownie and Bulli Seams
- The subsidence prediction report by SCT Operations notes the existence of "marginally stable pillars" within the overlying Bulli Pillar Workings. The peer review by Prof Hebblewhite of the subsidence prediction suggests that the areas of marginally stable pillars needs to be identified.
- The mining of first workings may have a potential to trigger the instability of the marginally stable pillars in the overlying Bulli Seam.
- The identification of the marginally stable pillars in relation to the first workings was critical to determine the potential subsidence impacts.
- Resources Regulator staff had not seen clear results of the mine operator's investigation to identify the locations of the marginally stable pillars.

As you can see from the above, the crux of the comments was to stress the importance of the identification of the areas of the marginally stable pillars, before first workings are carried out.

We note that Prof Hebblewhite has reviewed the proposed mitigation and discussion about addressing the subsidence risks for surface features in this area and the department has recommended conditions which include requirements for an Extraction Plan and a Built Features Management Plan.

## Confirmation of the Resources Regulator position

I confirm that the Resources Regulator's position remains that the identified risks can be suitably and appropriately managed post approval provided that appropriate inquiries and investigations are undertaken by the proponent to further identify and define the existence and distribution of the marginally stable pillars in the overlying Bulli Seam.

In this respect, it is recommended that mining operations commence from the western side of Mount Ousley Road to allow time to investigate and clearly identify the marginally stable pillars in areas east of Mount Ousley Road. This will also allow time to implement effective controls to manage subsidence under critical infrastructure and the escarpment on the eastern side of Mount Ousley Road.

Further, it is our view that the NSW work, health and safety laws can be appropriately applied to manage risks to the health and safety of workers and other persons to deal with the above identified risks. In this respect, clause 24 of the Work Health and Safety (Mine and Petroleum Sites) Regulation 2014 reference to clause 3C(d) of Schedule 1, of the Regulation and requires the development of a principal hazard management plan in relation to subsidence. Notably, the subsidence PHMP requires consideration of the following when developing the control measures to manage the risks of subsidence:

*“the existence, distribution, geometry and stability of significant voids, standing pillars or remnants within any old pillar workings that may interact with any proposed or existing mine workings”*

I trust the above clarifies the Resources Regulator's position in relation the matter. Should you require any further information or clarification, please feel free to contact me on [REDACTED] or at [REDACTED]

Yours sincerely,



**Anthony Keon**  
**Executive Director**  
**Resources Regulator**

16 October 2020