

Surface Development Guideline 3 – Remote subsidence risk non-active workings

Requirements, information and guidance for development on
properties above non-active coal mine workings

SUBSIDENCE
ADVISORY NSW

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1. Introduction

Subsidence Advisory NSW (SA NSW) is the NSW Government agency responsible for regulating and administering the mine subsidence compensation system in NSW.

SA NSW has developed and applied surface development guidelines (Guidelines) in accordance with the *Coal Mine Subsidence Compensation Act 2017*, to support, inform, and guide prospective home builders, property developers, local councils and other stakeholders to mitigate or eliminate the damage to surface structures from mine subsidence within proclaimed mine subsidence districts.

In areas within active mining leases, the development guidelines are designed to effectively balance the interests of property owners and coal mine proprietors, providing mitigation measures against subsidence damage without imposing unreasonable costs and restrictions on the landowner or unreasonably sterilising coal resources.

2. Surface Development Guidelines

One of eight development guidelines is assigned to each property within a mine subsidence district. The guideline applied depends on the subsidence risks at each property as detailed below:

Guideline 1.	Non-active mine workings at risk of pothole subsidence
Guideline 2.	Non-active mine workings possible subsidence risk
Guideline 3.	Non-active mine workings remote subsidence risk
Guideline 4.	Active mining areas – high predicted subsidence impact
Guideline 5.	Active mining areas – moderate predicted subsidence impact
Guideline 6.	Active mining areas – minimal predicted subsidence impact
Guideline 7.	On Application
Guideline 8.	No Restrictions

3. Objective of Guideline 3

This guideline explains what home builders and property developers must do in relation to obtaining approval for proposed development under the:

- *Coal Mine Subsidence Compensation Act 2017* (the Act)
- *Coal Mine Subsidence Compensation Regulation 2017* (the Regulation)

Compliance with this guideline is a requirement for persons planning to develop property within a mine subsidence district that has been assigned **Guideline 3**.

The purpose of **Guideline 3** is to ensure that when residential construction in abandoned mining affected areas occurs, compliance with the Act and Regulation is as simple and inexpensive for the home builder as practicable.

4. Areas where Guideline 3 applies

Areas subject to **Guideline 3** are identified on the NSW Planning Portal at www.planningportal.nsw.gov.au/find-a-property.

Guideline 3 applies to properties within mine subsidence districts assessed by SA NSW to have a remote risk of damage due to trough subsidence. Trough subsidence forms as a result of the presence of underlying, potentially unstable, abandoned coal mine workings.

5. Allowable residential construction

Guideline 3 applies to applications for single or multiple buildings that conform with the following description.

The following residential / commercial construction is allowable on properties subject to **Guideline 3**:

1. Up to four storey residential developments designed and constructed in accordance with the current editions of AS1684, AS 2870, AS3600, AS3700, AS4773, the Building Code of Australia, any other relevant applicable Australian Standards and good engineering practice. Site classification "P" for Mine Subsidence Site is to be ignored for these structures.
2. Masonry is to be articulated, in accordance with the current editions of Australian Standards AS3700 and AS4773.
3. Ground floor commercial use is permitted
4. Single level basement's permitted and will be included in the total number of storeys

6. Other allowable additions and improvements

SA NSW also allows the below types of additions and improvements on **Guideline 3** properties:

- In-ground concrete & fibreglass pools
- Retaining walls

7. Who can assess whether development complies with Guideline 3

The relevant council or an accredited certifier as defined in the *Environmental Planning and Assessment Act 1979* assesses whether development complies with **Guideline 3**.

8. Proposed developments that do not comply with the guideline

Proposed improvements that do not comply with the guideline for the property must be assessed by SA NSW risk engineers on merit.

An application for approval must be lodged with SA NSW in accordance with section 22 of the Act.

Depending on the type of construction and nature of the mine workings, SA NSW may require specific engineering design measures being applied to the improvement, further geotechnical investigation to better understand the subsidence risk or stabilisation of the mine workings.

9. Certification requirements

Following construction, a certifier must be engaged to certify that an improvement has been constructed in accordance with **Guideline 3**. A copy of this certification must be provided to SA NSW.

10. How this guideline was developed

SA NSW's development guidelines were developed by SA NSW in consultation with an expert reference group comprising of structural engineers, mining experts and key mining and development industry stakeholders.

11. Disclaimer

Please note SA NSW's surface development guidelines are subject to change.