

Surface Development Guideline 7 – On application

Requirements, information and guidance for development on properties affected by active or 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 surface development guidelines are designed to effectively balance the interests of property owners and coal mine operators, 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 guidelines has been applied 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 7

This guideline explains what home builders and property developers must do in relation to obtaining approval for their 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 7**.

The purpose of this guideline is to:

- prevent or minimise damage to a residential building should subsidence occur on the property
- ensure the residential building remains safe to persons inhabiting the residence should subsidence occur
- ensure that when residential construction in subsidence affected areas occurs, compliance with the Act and Regulation is as simple and inexpensive for the home builder as practicable.

4. Areas where Guideline 7 applies

Areas subject to **Guideline 7** are identified on the NSW Planning Portal at www.planningportal.nsw.gov.au/find-a-property.

Guideline 7 applies to properties within mine subsidence districts where special consideration of the likely subsidence issues are required prior to approval of development. This includes properties assessed as being at risk of subsidence with unknown or severe parameters, properties affected by shallow mine entries or shafts, and properties that are only partially undermined.

5. Allowable residential construction

All development on **Guideline 7** sites is assessed by SA NSW risk engineers to consider suitability of the development given the risk of subsidence damage.

6. Who can assess development applications on Guideline 7 properties

Due to the complexity involved in assessing development in these areas, SA NSW must assess all development applications for properties that have been assigned **Guideline 7**.

7. Certification requirements

Following construction, a certifier must be engaged to sign off that the improvements have been constructed in accordance with the approved plans and conditions of approval. A copy of this certification must be provided to SA NSW.

8. 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.

9. Disclaimer

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