Surface Development Guideline 8 – No restrictions

Requirements, information and guidance for development on properties not affected by active or non-active coal mine workings
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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 damage to surface structures from mine subsidence within proclaimed mine subsidence districts.

In areas within active mining leases, the 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 guidelines has been applied to each property within a mine subsidence district. The guideline applied will depend on the subsidence risk at the 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 8

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)

The purpose of this guideline is to allow development to proceed without restriction where subsidence is not expected.

4. Areas where Guideline 8 applies

Areas subject to Guideline 8 are identified on the NSW Planning Portal at www.planningportal.nsw.gov.au/find-a-property.

Guideline 8 is applied to properties within mine subsidence districts assessed by SA NSW as not being at risk from subsidence, including properties that are not undermined and where future mining is not likely.
5. Allowable construction

SA NSW does not apply restrictions on development for properties subject to Guideline 8.

6. Who can assess development on properties subject to Guideline 8

The relevant council or an accredited certifier as defined in the Environmental Planning and Assessment Act 1979 can assess development applications on properties subject to Guideline 8.

7. 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.

8. Disclaimer

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