

# Surface development guideline 3

Development in mine subsidence districts under s22  
of the *Coal Mine Subsidence Compensation Act 2017*

# 1. Introduction

Subsidence Advisory NSW is the NSW Government agency responsible for administering the NSW *Coal Mine Subsidence Compensation Act 2017* (the Act).

The construction or alteration of any building or infrastructure in a declared Mine Subsidence District requires Subsidence Advisory approval under s22 of the Act.

## Surface Development Guidelines

Subsidence Advisory's Guidelines outline the requirements for complying development on properties located in Mine Subsidence Districts.

Properties within a Mine Subsidence District are each assigned a specific Guideline based on an assessment of the type of mining and predicted subsidence impact which may affect that property.

The Guidelines may include requirements related to the nature and class of any development on a property, the size, height and location of new structures, and the use of certain building materials and construction methods.

The Guidelines aim to:

- help prevent damage to improvements should mine subsidence occur
- ensure structures remain safe for residents should mine subsidence occur
- ensure that mitigating the risk of subsidence damage for residential construction is as simple and inexpensive as practicable.

The Guidelines are listed at **Table 1**.

The Guideline that applies to a particular property can be identified by searching for that property on the NSW Planning Portal's ePlanning Spatial Viewer. Find out more:

[nsw.gov.au/subsidence-advisory/districts#toc-nsw-planning-portal-eplanning-spatial-viewer](https://nsw.gov.au/subsidence-advisory/districts#toc-nsw-planning-portal-eplanning-spatial-viewer)

**Table 1 – Guidelines**

<b>Surface Development Guideline</b>	<b>Mining type / predicted subsidence impact</b>	<b>Assessment Authority</b>
Guideline 1	Historical mine workings – risk of pothole subsidence	Subsidence Advisory
Guideline 1A	Historical mine workings – risk of goaf consolidation	Subsidence Advisory
Guideline 2	Historical mine workings – possible subsidence risk	Council* Certifier* Subsidence Advisory
<b>Guideline 3</b>	<b>Historical mine workings – remote subsidence risk</b>	<b>Council*</b> <b>Certifier*</b> <b>Subsidence Advisory</b>
Guideline 3A	Historical mine workings – low subsidence risk	Council* Certifier* Subsidence Advisory
Guideline 4	Current mining areas – high predicted subsidence impact	Subsidence Advisory
Guideline 5	Current mining areas – moderate predicted subsidence impact	Subsidence Advisory
Guideline 6	Current mining areas – minimal predicted subsidence impact	Council* Certifier* Subsidence Advisory
Guideline 7	On application	Subsidence Advisory
Guideline 8	No restrictions	Council* Certifier* Subsidence Advisory

*\*Pursuant to section 24 of the Act, Subsidence Advisory NSW has exempted works that comply with Guidelines 2, 3, 3A, 6 and 8 from the operation of section 21 of the Act provided that certification is provided by a council or registered certifier (as defined in the Environmental Planning and Assessment Act 1979) as compliant with the relevant guideline.*

## 2. Surface Development Guideline 3

This document explains the requirements for constructing a complying development on a property in a Mine Subsidence District that has been assigned **Guideline 3**.

**Guideline 3** applies to properties with a remote risk of subsidence. This subsidence forms as a result of underlying, potentially unstable, abandoned coal mine workings being present.

## 3. Allowable residential construction

**Guideline 3** allows for complying developments that conform with the following description:

Up to four storey residential developments designed and constructed in accordance with the current editions of AS1684, AS 2870, AS3600, AS3700, AS4773, the National Construction Code, and applicable Australian Standards. Site classification “P” for Mine Subsidence Site is to be ignored for these structures.

- Masonry is to be articulated, in accordance with the current editions of Australian Standards AS3700 and AS4773.
- Ground floor commercial use is permitted
- Single level basements are permitted and will be included in the total number of storeys

### Other allowable additions and improvements

The below types of additions and improvements are also permitted on properties subject to **Guideline 3**:

- Concrete swimming pools, both in-ground and above-ground
- Retaining walls designed and constructed in accordance with applicable Australian Standards.

### Exempt developments

In addition to the above, Subsidence Advisory has exempted some minor construction works from requiring approval under s22 of the Act. For a full list of exempt developments, please refer to Subsidence Advisory’s Exempt Development list available at:

[nsw.gov.au/subsidence-advisory/exempt-developments](https://nsw.gov.au/subsidence-advisory/exempt-developments)

## 4. Proposed developments that do not comply with the applicable Guideline

Applications for proposed improvements that do not comply with the Guideline assigned to the property may be assessed under Subsidence Advisory’s Merit Assessment Policy.

Please refer to Subsidence Advisory’s website for further information on requirements for proposed developments that do not comply with the Guideline:

[nsw.gov.au/subsidence-advisory/merit-policy](https://nsw.gov.au/subsidence-advisory/merit-policy)

## 5. Who can assess whether development complies with Guideline 3

Applications for proposed development that complies with this Guideline can be assessed by Subsidence Advisory, the relevant council or a registered certifier as defined in the *Environmental Planning and Assessment Act 1979*.

## 6. Disclaimer

Please note that Subsidence Advisory's Surface Development Guidelines are subject to change.