

# Surface development guideline 3A

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**

Surface Development Guideline	Mining type / predicted subsidence impact	Assessment Authority
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
Guideline 3	Historical mine workings – remote subsidence risk	Council* Certifier* Subsidence Advisory
<b>Guideline 3A</b>	<b>Historical mine workings – low subsidence risk</b>	<b>Council*</b> <b>Certifier*</b> <b>Subsidence Advisory</b>
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 3A

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

**Guideline 3A** applies to properties with either a remote risk of subsidence, or at a very low residual subsidence risk. Guideline 3A will apply to areas above previous longwall mining operations and where pillars have been fully extracted.

Development that complies with this Guideline will generally accommodate the following subsidence-induced ground movements:

Maximum Horizontal Ground Strain:	1mm/m tensile or compressive
Maximum Tilt:	1mm/m
Minimum Radius of Curvature:	12km (hogging and sagging).

## 3. Allowable residential construction

**Guideline 3A** allows for up to two complying developments that conform with the following description:

Up to two storey brick veneer developments or up to three storey lightweight clad frame developments erected on reinforced concrete footings/slab to comply with AS 2870-2011. These improvements are limited to a maximum length of 36 metres and maximum footprint size of 600m<sup>2</sup>.

- These buildings are to be 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 is to be ignored for these structures.
- Masonry is to be articulated, in accordance with the current editions of Australian Standards AS3700 and AS4773.

### Prohibited works

The following works are not permitted under this Guideline:

- Integral retaining walls supporting the structure of the building
- Basements (including partial basements where one or more walls acts as a retaining wall)
- Suspended, drop edge or stepped slabs
- Masonry internal walls

Commercial buildings or applications for more than two separate buildings require assessment by Subsidence Advisory in accordance with its Merit Assessment Policy.

### Other allowable additions and improvements

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

- Concrete swimming pools, both in-ground and above-ground
- Retaining walls designed and constructed in accordance with relevant 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 3A

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.