

Surface development guideline 5

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

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
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 5

This document explains the requirements for constructing a complying development on a property in a Mine Subsidence District that has been assigned **Guideline 5**.

Guideline 5 applies to properties that are likely to be undermined in the future with moderate subsidence-induced ground movements.

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

Maximum Horizontal Ground Strain:	3mm/m tensile or compressive
Maximum Tilt:	7mm/m
Minimum Radius of Curvature:	5km (hogging and sagging).

3. Allowable residential construction

Guideline 5 allows for a single residential building that (a) is not a dual occupancy or unit development and (b) conforms with the following description:

Single storey or two storey, clad frame or articulated brick veneer residential building, erected on reinforced concrete footings/slabs, designed and constructed to comply with AS2870-2011 for a minimum Class H2 site classification. Site classification “P” for Mine Subsidence is to be ignored for these structures.

- These buildings are limited to a maximum length of 24 metres and a maximum footprint of 400m².
- The buildings are to be designed and constructed in accordance with the current editions of AS1684, AS2870-2011, AS3600, AS3700, AS4773, the National Construction Code, and applicable Australian Standards. Masonry is to be articulated, in accordance with the current editions of Australian Standards AS3700 and AS4773.
- The gradients on wet area floors, roof gutters and drainage shall be increased to ensure that they remain serviceable when subjected to 7mm/m tilts.
- Flexible joints in pipes shall be designed and constructed to comply with AS2870-2011 for a minimum Class H2 site classification to accommodate curvature in any plane, coupled with tensile or compressive strain.
- Branches, bends and valve stems shall be protected by flexible wrapping or shrouds to prevent shearing of the pipes as ground movement occurs. Flexible joints shall be provided where pipes are connected to chambers or gullies.

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 residential 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 5** provided they are designed such that their connections to existing structures are articulated/flexible and any finished roof, walls and floors are not contiguous with the existing structures:

- Balconies, decks, patios, pergolas, terraces and verandas
- Driveways and hard stand spaces
- Fences
- Swimming pools (concrete or fiberglass) subject to the below:
 - Limit of 8m length unless the parameters detailed in this section (Section 3) are designed for
 - Any wet edge/infinity is adjustable and designed with sufficient freeboard to ensure that it remains operational within the parameters detailed in this section (Section 3).

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

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

5. Who can assess whether development complies with Guideline 5

Applications for proposed development that complies with this Guideline must be assessed by Subsidence Advisory.

6. Disclaimer

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