

PART B: Site planning controls

Section B3 Mine subsidence

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1.0 Introduction

Mine subsidence is the movement of the ground that can occur after underground mining. Parts of the local government area have been subject to underground coal mine workings or are located within the zone of influence to old mine workings.

Mine Subsidence Districts (districts) are proclaimed in areas where there are potential subsidence risks from active or non-active underground coal mining. A district is a land zoning tool administered by Subsidence Advisory NSW under the *Coal Mine Subsidence Compensation Act 2017*. Subsidence Advisory NSW regulates building and subdivision works within districts to ensure new homes, buildings and structures are built to an appropriate standard that reduces the risk of damage should subsidence occur.

Mine subsidence must be considered in the preliminary design of all development and approval from Subsidence Advisory NSW is sought prior to the lodgement of development applications (DA).

Note: Applicants can contact Subsidence Advisory NSW or City of Newcastle to find out if a site is located within a proclaimed mine subsidence district. The [NSW ePlanning Spatial Viewer](#) can also be used to check if a site is located within a declared mine subsidence district. Search for the property by using the address or Lot and DP. The 'Mine Subsidence Development' heading in the 'Search Results' heading on the right of the map will show which [Subsidence Advisory NSW Development Guideline](#) applies to development on the site.

2.0 Application

This section applies to all development consisting of a new building or structure, extension or structural alteration, or subdivision located on land within a proclaimed mine subsidence district subject to the *Coal Mine Subsidence Compensation Act 2017* (as amended or replaced).

Note: Certain minor construction works do not require approval from Subsidence Advisory NSW and are covered under the following exempt development list at: nsw.gov.au/subsidence-advisory/exempt-developments

3.0 Objectives

1. Ensure that development proposed within a declared mine subsidence district is appropriately designed to reduce the risk of damage should mine subsidence occur.

4.0 Definitions

A word or expression has the same meaning as it has in *Newcastle Local Environmental Plan 2012* ([LEP 2012](#)), unless otherwise defined. Other words and expressions include:

- **Subsidence** - is due to:
 - a. the extraction of coal or shale
 - b. the prospecting for coal or shale carried out within a colliery holding by the proprietor of the holding and includes all vibrations or other movements of the ground related to any such extraction or prospecting (whether or not the movements result in actual subsidence), but does not include vibrations or other movements of the ground that are due to blasting operations in an open cut mine and that do not result in actual subsidence

5.0 Application requirements

Development category	Application requirements	Explanatory notes
All development, or subdivision on land identified as being within a Mine Subsidence District require assessment from Subsidence Advisory NSW prior to approval.	Endorsed plans stamped by Subsidence Advisory NSW are to be submitted with the DA.	This is applicable for development proposed within mine subsidence districts where special consideration of the likely subsidence issues is required prior to approval or where Subsidence Advisory NSW requires plans to be submitted.

6.0 General requirements

Objectives		
1. Minimise the risk of potential mine subsidence damage.		
Controls (C)	Acceptable solutions (AS)	Explanatory notes
C-1.All development proposed within a declared mine subsidence district is designed to mitigate the risks of potential mine subsidence.	AS-1.Development is designed in accordance with relevant development guidelines from Subsidence Advisory NSW. Documentation must include appropriate notes and detail to confirm compliance with the guidelines.	<p>Subsidence Advisory NSW has set Development Guidelines to help landowners building within a mine subsidence district. The guidelines set out the requirements for building on a property based on potential subsidence risks.</p> <p>The guidelines can be different in districts and 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.</p> <p>Copies of the Development Guidelines can be accessed from the Subsidence Advisory NSW website: https://www.nsw.gov.au/subsidence-advisory</p> <p>Proposals that are inconsistent with the Development Guidelines will require a merit assessment by Subsidence Advisory NSW.</p>