

4.03 Mine Subsidence

Amendment history

Version Number	Date Adopted by Council	Commencement Date	Amendment Type
1	15/11/2011	15/06/2012	New
2	27/09/2022	1/11/2022	Amended

Introduction

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

Subsidence Advisory NSW administers 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 with the Council.

Note 1: Applicants can contact Subsidence Advisory NSW or Council 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.

Savings provisions

Any development application lodged but not determined prior to this section coming into effect will be determined as though the provisions of this section did not apply.

Development to which this section applies

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 1: Subsidence Advisory NSW offers deemed approval for some minor construction works. Visit the Subsidence Advisory NSW website or contact Subsidence Advisory NSW to confirm if your development is subject to a deemed approval. Subsidence Advisory NSW: <https://www.nsw.gov.au/subsidence-advisory/contact>

Applicable environmental planning instruments

The provisions of the following listed environmental planning instrument/s also apply to development applications to which this section applies:

- Newcastle Local Environmental Plan 2012.

In the event of any inconsistency between this section and the above environmental planning instrument, the environmental planning instrument will prevail to the extent of the inconsistency.

Note 1: Additional environmental planning instruments may also apply in addition to those listed above.

Note 2: The *Environmental Planning and Assessment Act 1979* enables an environmental planning instrument to exclude or modify the application of this DCP in whole or part.

Associated technical manual/s

- Nil

Additional information

- Subsidence Advisory NSW Development Guideline (as amended or replaced)

Definitions

A word or expression used in this development control plan has the same meaning as it has in Newcastle Local Environmental Plan 2012, unless it is otherwise defined in this development control plan.

Other words and expressions referred to within this section are defined within Part 9.00 – Glossary, of this plan, and include:

- **Subsidence** - 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.

Aims of this section

1. Ensure that development is appropriately designed to respond to the potential mine subsidence hazard.

4.03.01 Mines Subsidence

Objectives

1. Ensure that all development proposed within a declared mine subsidence district is designed in accordance with the Subsidence Advisory NSW Development Guideline (as amended or replaced) including obtaining any the relevant approval/s.

Controls

1. Development is designed in accordance with relevant Subsidence Advisory NSW Development Guideline (as amended or replaced). Documentation must include appropriate notes and detail to confirm compliance with the Development Guideline.
2. Where required development plans are submitted to Subsidence Advisory NSW for assessment and determination prior to the lodgement of a development application. Endorsed plans stamped by Subsidence Advisory NSW are to be submitted with the development application. Where required applications for subdivision are lodged to Subsidence Advisory NSW for assessment and determination prior to the lodgement of a development application. Endorsed plans stamped by Subsidence Advisory NSW are to be submitted with the development application.

Note 1: 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.

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.

Copies of the Development Guidelines can be accessed from the Subsidence Advisory NSW website: <https://www.nsw.gov.au/subsidence-advisory>.

Note 2: Proposals that are inconsistent with the Development Guidelines will require a merit assessment by Subsidence Advisory NSW.