

From: SANSW Queue / SERVICES
Sent: 4 Nov 2019 16:23:26 +1100
To: Official Mail
Subject: NO REPLY - DA2019/01150 requires Merit Based Assessment - 163,169-185 Hunter Street Newcastle - TBA19-06682 CRM:0049189
Attachments: Guideline 2.pdf

Dear Newcastle City Council

Thank you for your recent Building Application at 163,169-185 Hunter Street Newcastle.

Your application has had an initial assessment and exceeds the current guideline on the property (see attached).

The application will now be assessed on its merit under section 22 of the *Coal Mine Subsidence Compensation Act 2017*.

As part of the assessment process for development applications that do not comply with SA NSW's guidelines, SA NSW will consider the:

- likelihood that mine subsidence events will occur.
- consequence of mine subsidence events on surface infrastructure and public safety.
- reliability of information used to determine the above, including mine plans, assumed pillar and extraction dimensions, and assumptions regarding geotechnical modelling.
- risks arising from the proposed engineering controls.

All merit based approvals under section 22 of the Act will be determined within **40 calendar days** of receipt unless additional information is requested by SA NSW to progress the application.

If you have any further enquiries please contact our office on 02 4908 4300

Kind Regards,
Subsidence Advisory NSW

Subsidence Advisory NSW | Better Regulation Division | Department of Customer Service
p (02) 4908 4300 | e sa-risk@finance.nsw.gov.au | www.subsidenceadvisory.nsw.gov.au
Ground Floor, Government Offices, 117 Bull Street Newcastle West NSW 2302



***PLEASE DO NOT REPLY TO THIS EMAIL AS THE INBOX IS NOT MONITORED. IF YOU HAVE ANY FURTHER QUESTIONS OR QUERIES ABOUT THIS APPLICATION PLEASE SEND THEM TO: SA-Risk@finance.nsw.gov.au OR CALL 02 4908 4300.**

Surface Development Guideline 2 – Potential subsidence risk non-active workings

Requirements, information and guidance for development on
properties over non-active coal mine workings

SUBSIDENCE
ADVISORY NSW

Contents

1. Introduction	3
2. Surface Development Guidelines	3
3. Objective of Guideline 2	3
4. Areas where this guideline applies	4
5. Allowable residential construction	4
6. Other allowable additions and improvements	5
7. Who can assess whether development complies with Guideline 2	5
8. Proposed developments that do not comply with the guideline	5
9. Certification requirements	5
10. How this guideline was developed	5
11. Disclaimer	5

1. Introduction

Subsidence Advisory NSW (SA NSW) is the NSW Government agency responsible for regulating and administering the mine subsidence compensation system in NSW.

SA NSW has developed and applied surface development guidelines (Guidelines) in accordance with the *Coal Mine Subsidence Compensation Act 2017*, to support, inform, and guide prospective home builders, property developers, local councils and other stakeholders to mitigate or eliminate the damage to surface structures from mine subsidence within proclaimed mine subsidence districts.

In areas within active mining leases, the development guidelines are designed to effectively balance the interests of property owners and coal mine proprietors, providing mitigation measures against subsidence damage without imposing unreasonable costs and restrictions on the landowner or unreasonably sterilising coal resources.

2. Surface Development Guidelines

One of eight guidelines was applied to each property within a mine subsidence district. The guideline applied depends on the subsidence risks at each property as detailed below:

Guideline 1.	Non-active mine workings at risk of pothole subsidence
Guideline 2.	Non-active mine workings possible subsidence risk
Guideline 3.	Non-active mine workings remote subsidence risk
Guideline 4.	Active mining areas – high predicted subsidence impact
Guideline 5.	Active mining areas – moderate predicted subsidence impact
Guideline 6.	Active mining areas – minimal predicted subsidence impact
Guideline 7.	On Application
Guideline 8.	No Restrictions

3. Objective of Guideline 2

This guideline explains what home builders and property developers must do in relation to obtaining approval for their development under the:

- *Coal Mine Subsidence Compensation Act 2017* (the Act)
- *Coal Mine Subsidence Compensation Regulation 2017* (the Regulation)

Compliance with this guideline is a requirement for persons planning to develop property within a mine subsidence district that has been assigned **Guideline 2**.

Guideline 2 applies to properties within proclaimed mine subsidence districts assessed by SA NSW to be at risk of damage due to trough subsidence. Trough subsidence forms as a result of the presence of underlying, potentially unstable, abandoned coal mine workings.

The purpose of **Guideline 2** is to:

- prevent or minimise damage to a residential building should subsidence occur on the site
- ensure the residential building remains safe to persons inhabiting the residence

- ensure that when residential construction in abandoned mining affected areas occurs, compliance with the Act and Regulation is as simple and inexpensive for the home builder as practicable.

4. Areas where this guideline applies

Areas subject to Guideline 2 are identified on the NSW Planning Portal at www.planningportal.nsw.gov.au/find-a-property.

Guideline 2 is applied to properties that have been:

- undermined by coal mine workings in the past
- assessed by SA NSW as having the potential to be impacted by subsidence due to historical coal mine workings.

5. Allowable residential construction

Guideline 2 applies to applications for up to two residential buildings that conform with the following description. Commercial buildings or applications for more than two separate residential buildings will be assessed on merit.

The following residential construction is permitted within areas subject to **Guideline 2** without further approval from SA NSW:

Single or two storey brick veneer residential developments erected on reinforced concrete footings/slab to comply with AS 2870. These improvements are limited to a maximum length of 24 metres and maximum footprint size of 400m².

- The buildings are to be designed and constructed in accordance with the current editions of AS1684, AS 2870, AS3600, AS3700, AS4773, the Building Code of Australia, any other relevant applicable Australian Standards and good engineering practice. Ignore class “P” under AS2870 on this site.
- Masonry is to be articulated, in accordance with the current editions of Australian Standards AS3700 and AS4773.
- Both slab on ground and lightweight bearers and joists permitted.

The following are not permitted:

- Basements
- Suspended slabs

Masonry internal walls

An application for approval must be lodged in accordance with Section 22 of the Act.

6. Other allowable additions and improvements

SA NSW also allows the below types of additions and improvements on properties subject to **Guideline 2**:

- Concrete / fibreglass swimming pools, both in-ground and above-ground
- Retaining walls designed and constructed in accordance with relevant applicable Australian Standards and good engineering practice.

7. Who can assess whether development complies with Guideline 2

The relevant council or an accredited certifier as defined in the *Environmental Planning and Assessment Act 1979* assesses whether development complies with **Guideline 2**.

8. Proposed developments that do not comply with the guideline

Proposed improvements that do not comply with the guideline for the property must be assessed by SA NSW risk engineers on merit.

Depending on the type of construction and nature of the mine workings, SA NSW may require specific engineering design measures to be applied to the improvement, further geotechnical investigation to better understand the subsidence risk, or stabilisation of the mine workings.

9. Certification requirements

Following construction, a certifier must be engaged to certify that an improvement has been constructed in accordance with **Guideline 2**. A copy of this certification must be provided to SA NSW.

10. How this guideline was developed

SA NSW's development guidelines were developed by SA NSW in consultation with an expert reference group comprising of structural engineers, mining experts and key mining and development industry stakeholders.

11. Disclaimer

Please note SA NSW's surface development guidelines are subject to change.