

## 4.03 Mine Subsidence

### Amendment history

Version Number	Date Adopted by Council	Commencement Date	Amendment Details
1	15/11/2011	15/06/2012	New

### Savings provisions

Any development application lodged but not determined prior to this section coming into effect will be determined taking into consideration the provisions of this section.

### Land to which this section applies

This section applies to all land within a mine subsidence area to which the Newcastle Local Environmental Plan 2012 applies.

Note: Maps of land mine subsidence areas are available from the Mine Subsidence Board or contact Council's Customer Enquiry Centre.

### Development (type/s) to which this section applies

This section applies to all development consisting a new building or structure, extension or structural alteration.

### Applicable environmental planning instruments

The provisions of the Newcastle Local Environmental Plan 2012 also applies to development applications to which this section applies.

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: Section 74E (3) of 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

### 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. To raise awareness to potential applicants and the development industry that mine subsidence is a significant issue for some sites.

### **Objectives**

1. Ensure that all developments proposed within an area that is subject to mine subsidence are referred to the Mine Subsidence Board for investigation and approval.

### **Controls**

1. All developments located in areas affected by mine subsidence must have approval from the Mine Subsidence Board prior to lodgement with The City of Newcastle.