

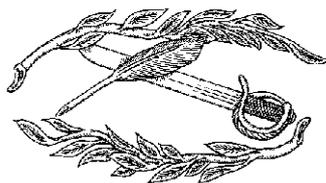


New South Wales Government

Surveyor General's Directions

No. 8

Mining Tenure Surveys





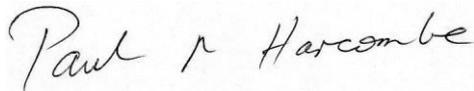
DOCUMENT CONTROL SHEET

Record of Document Issues

Version No	Issue Date	Nature of Amendment
1.0	December 2004	Initial Release
2.0	November 2014	Final Draft including major revision & updates
2.1	June 2016	Minor changes accounting for departmental restructure

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Approved By:



Paul Harcombe
Surveyor General of NSW
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1. General

1.1 These directions are issued by the Surveyor General for the assistance of surveyors conducting mining tenure surveys for the purposes of the Mining Act, 1992.

1.2 These Directions are in addition to the requirements of:

1.2.1 Surveying and Spatial Information Act, 2002 and Regulation

1.2.2 Real Property Act and Regulation

1.2.3 Conveyancing Act and Regulation

Where these Directions contradict these Acts and Regulations, then the Acts and Regulations take precedence.

1.3 Unless otherwise directed, all surveys and compiled portions shall be completed to the standards specified in the current Surveying and Spatial Information Regulation excluding Clause 9 (Surveys not requiring strict accuracy).

1.4 All surveys required for lodgement at Resources and Energy – Department of Industry shall be effected under instructions issued by, or with the authority of, the Secretary of the Department of Industry or his nominee and shall be in accordance with the design and directions of that instruction.

1.5 A plan of survey, prepared by or under supervision of the surveyor, in accordance with these directions, shall be lodged within the period specified in the instruction.

1.6 All surveys and plan preparation will be carried out at the expense of the lease applicant. The applicant and surveyor shall indemnify the Minister and the Department of Industry from any claims for wages, allowances or claims under the Work Cover Act.

1.7 Surveys which involve the definition or redefinition of portion or lot boundaries on the surface must only be carried out by, or under the supervision of, a registered land surveyor.

1.8 Surveys, compilations or calculated portions which do not involve the physical definition or redefinition of portion or lot boundaries must be carried out by, or under the supervision of, a registered land surveyor or a Departmental officer.

1.9 Surveys and/or plans suspected to be in error or in contravention of the survey instruction shall be subject to requisition. Requisitions regarding suspected errors or omissions must be met with prompt attention and reply by the surveyor.

1.10 Should any dispute remain unresolved following negotiation between the surveyor, the applicant, or the Department of Industry, the matter will be referred to the Surveyor General whose decision will be final.



2. Definitions

2.1 Surveyor General

Shall mean the person appointed to the position of Surveyor-General within Spatial Services – Department of Finance, Services & Innovation, or a person acting in that position.

2.2 Surveyor

Shall mean a registered surveyor.

2.3 Registered Surveyor

Shall mean any person whose name appears in a Register kept by the Board of Surveying and Spatial Information in accordance with Part 3 of the Surveying and Spatial Information Act, 2002.

2.4 Departmental Officer

Shall mean a Land Information Officer who has been deemed qualified in accordance with Appendix 1 to NSW Trade & Investment Land Information Officers Award.

2.5 Survey

Shall mean the measurement, marking, calculation, drawing of the plan of survey, and report.

2.6 Applicant

Shall have the same meaning as in the Mining Act, 1992.

2.7 Minister

Shall have the same meaning as in the Mining Act, 1992.

2.8 Department

Shall have the same meaning as in the Mining Act, 1992.

2.9 Lease

Shall have the same meaning as in the Mining Act, 1992.

2.10 Agricultural Land

Shall have the same meaning as in Schedule 2 of the Mining Act, 1992.



2.11 Relevant Authority

Relevant Authority means the Secretary of the Department of Industry or any officer of that Department authorised by the Secretary of that Department to exercise such functions.

2.12 Relevant Date

Relevant date means the date as defined in Schedule 2 of the Mining Act, 1992.

2.13 Standard Map

Shall have the same meaning as in Clause 9 of the Mining Regulation 2010.

3. Land over which a lease may be granted

3.1 General

Section 43 (Assessment Leases) and Section 69 (Mining Leases), Mining Act, 1992 provide that the area over which an assessment or mining lease is granted may differ in size or shape, **but may not include land other than the land over which the lease was sought.**

The Mining Regulation 2010 details requirements for application and renewal for an Assessment Lease or a Mining Lease.

The prescribed methods are:

3.1.1 In the case of minerals other than coal

A plan drawn in accordance with the current Surveying and Spatial Information Regulation; or a **standard map** showing the land to which the application relates by distinctive marking or colouring and indicating the distance and bearing of each side of the area and a connection, scaled by bearing and distance to a survey mark; or a plan (certified by a registered land surveyor as being accurate) showing coordinate values in relation to the Map Grid of Australia (MGA) at each point at which the boundaries of the land change direction and indicating the land to which the application relates by means of distinctive marking or colour.

3.1.2 In the case of coal

A **standard map** showing the coordinates (either by reference to MGA or by reference to latitude and longitude) of all points where there is a change in direction of the boundaries.



3.2 The land to be surveyed

- 3.2.1** The applicant's description is to be the guiding factor in determining the area to be surveyed and as a general rule the area surveyed must be confined to those limits.
- 3.2.2** Variations from this general rule will be accepted to avoid creating a hiatus between the area surveyed and adjacent surveys (mining and others); to permit regularity of form; where the bearing, angle or distance supplied by the applicant is in conflict with the sketched area or dimensions of previously surveyed lines; and where the distances supplied are clearly slope distances.
- 3.2.3** Variations not acceptable include situations where the change would affect additional lands not included in the notifications given to land owners and occupiers by the applicant at the time the application was lodged.

3.3 Improvements

The Mining Act makes specific reference to certain improvements situated on lands.

Without the written consent of the owner and occupier of any land, Section 49 (Assessment Lease) provides that the lessee of an assessment lease may not exercise any of the rights conferred by the lease and Section 62 (Mining Leases) provides that a mining lease may not be granted:

within 200 metres of a dwelling house which is the principal residence of its occupier;

within 50 metres of a garden; or

on which is located any improvement being a substantial building, dam, reservoir, contour bank, graded bank, levee, water disposal area, soil conservation work or other valuable work or structure (except those constructed for mining purposes).

All relevant improvements should be shown on the survey plan. Identification of improvements away from lease boundaries by use of recent aerial photographs is acceptable.

The written consent of the owner and/or occupier is irrevocable.

3.4 Agricultural land

Instructions will include directions to exclude lands where the lease is to be granted exclusive of agricultural land.

The owner and/or occupier of private land and the occupier of Crown land may object to the grant of a mining lease on the grounds that the land or any part of the land over which the mining lease is sought is agricultural land.



These objections, if lodged, will generally be resolved before a survey instruction is issued.

4. Mining portion surveys

Mining portion surveys may include the surface; may exclude the surface totally or may be a combination of both surface and underground.

Surveys which include the surface may be effected in accordance with the current Surveying and Spatial Information Regulation, or the “Standards and Practices for Control Surveys – ICSM Publication No.1 (SP1) (version 1.7)”.

Surveys and compilations which do not include the surface are to be effected in accordance with the “Standards and Practices for Control Surveys - ICSM Publication No.1 (SP1) (version 1.7)”.

4.1 Surveys involving the surface

Where all the surface is to be included in the lease proposed to be granted, the surface area is required to be surveyed by a registered land surveyor. If only part of the surface is to be included in a lease, then only that part is required to be surveyed.

At least four major corners of the survey shall be marked. Marking of corners and placement of and connection to reference and permanent marks is to be in accordance with the current Surveying and Spatial Information Regulation and any additional requirements set out in the survey instructions. If the MGA coordinates of the corners have been established during the course of the survey, those values should be shown on the plan.

4.2 Surveys not including the surface

Mining leases may be granted for stratum which does not include the surface.

In these cases the area granted may be defined on the surface by survey; the area may be defined by both survey and calculation; or, the area may be defined by calculation alone.

The area may be calculated from adjoining information or by design. Where the area is calculated from adjoining information the figure shall close within twice the allowable limit as established in the current Surveying and Spatial Information Regulation.

When the boundaries of a mine or lease are not established on the surface, the Department will normally require a base line to be established in accordance with the principles of Survey Integration as part of the State Survey Control Network. The survey framework of the mine is to be developed from this base line.



5. Nature and position of marks

Where the surface is included and MGA coordinates are used to indicate the corners of the measured portion, the coordinate value shall serve to indicate the approximate location of the corner marking or monument. The undisturbed mark shall remain the accepted location of the corner.

Where the surface is not included in the lease, MGA coordinates will be used to describe the corners of the portion. These coordinates are to be established to an accuracy of Class D as defined in "Standards and Practices for Control Surveys - ICSM Publication No. 1" (SP1) (version 1.7). Where these coordinates are used to describe a surveyed corner or mark on the surface, the marking of the corner on the surface will remain the absolute definition of the corner or mark.

5.1 Surface portions

Where any line or corner is required to be marked in accordance with this Direction, marking of corners and use of reference and permanent marks are to be as set out in the current Surveying and Spatial Information Regulation and any additional requirements set out in the survey instructions.

5.2 Non-surface portions

Where the area to be granted under the proposed lease does not involve the surface and the survey is compiled from existing survey information, no marking of the survey is required, but MGA coordinates for each corner must be shown on the plan.

6. Plans of survey

Drafting and presentation standards to be adopted for submission of plans to the Department are those standards set down by Titling & Registry Services for the preparation of plans to be lodged with that organisation.

7. Detail to be shown on plans of survey

Plans shall contain the standard information that would be required to be accepted by Titling & Registry Services under that organisation's plan lodgement process and any additional requirements which may be set out in the survey instructions issued by the Department for a particular lease survey.

End of Direction