

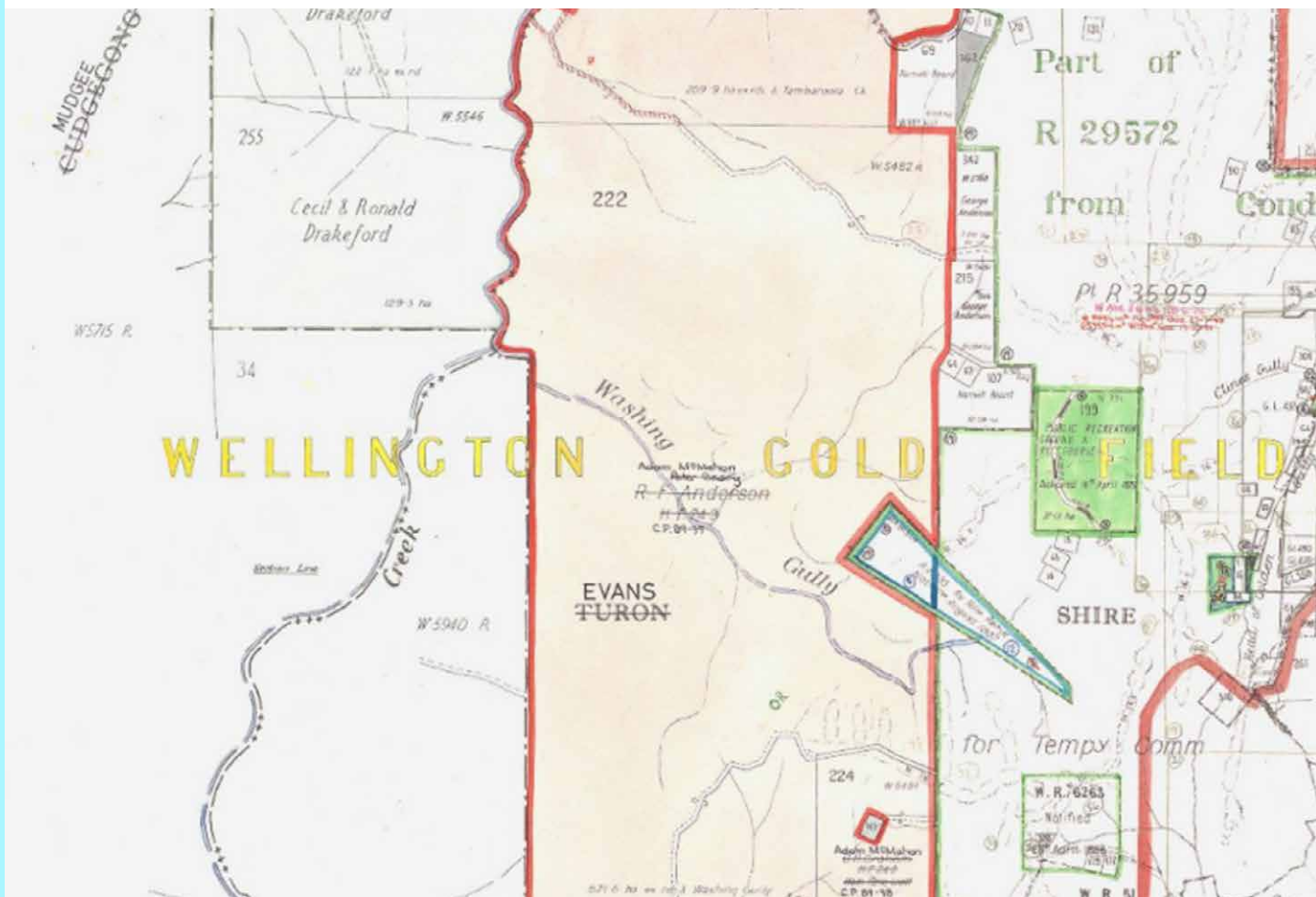
Surveyor - General's Direction

No. 8

Mining Tenure Surveys

Version 3.0

October 2023



Title:

Surveyor-General's Direction No. 8
Mining Tenure Surveys

Published by:

DCS Spatial Services
A Unit of the Department of Customer Service
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Bathurst NSW 2795
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<https://www.spatial.nsw.gov.au/>

Cover image shows part of the Wellington Gold Field
Image: Parish of Tambaroora, County of Wellington, Regional

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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 Revision - Departmental restructure
3.0	October 2023	Major Revision

Document Approval:

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Surveyor-General of NSW

Date of Approval: October 2023

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Definitions

In this Direction, the following terms have the meaning as indicated below.

Surveyor-General	Shall have the same meaning as in the Surveying and Spatial Information Act, as in force from time to time.
Registered Land Surveyor	<i>Shall have the same meaning as in the Surveying and Spatial Information Act, as in force from time to time.</i>
Department	Shall have the same meaning as in the <i>Mining Act</i> , as in force from time to time.
Mining Lease	Shall have the same meaning as in the <i>Mining Act</i> , as in force from time to time.
Mining Act	<i>The Mining Act</i> , as in force from time to time.
Mining Regulation	<i>Mining Regulation</i> , as in force from time to time.
Surveying Act	<i>The Surveying and Spatial Information Act</i> , as in force from time to time.
Regulation	<i>Surveying and Spatial Information Regulation</i> , as in force from time to time.

Abbreviations:

AHD71	The Australian Height Datum 1971
DIGS	Digital Imaging Geological System
MGA	As defined by the Regulation.
PSM/s	Permanent Survey Mark/s
RM/s	Reference Mark/s

1. Preamble

The *Real Property Act 1900* defines land as expressly - including mines, minerals and quarries. The *Surveying and Spatial Information Act* defines a land survey as any survey that creates an interest in land or identifies the boundaries of a parcel of land. The *Surveying Act* also defines a mining survey as a survey carried out for the purposes of the *Work Health and Safety (Mines and Petroleum Sites) Act 2013*.

The purpose of a mining tenure survey is to define the horizontal boundaries of the area of land (a parcel of land) that are to include a mining lease. A mining tenure survey is a requirement of the *Mining Act*, and even though it may be undertaken on a mine site, it is not a mining survey by definition. Therefore a mining tenure survey is a Land Survey as it is not undertaken as a requirement of the *Work Health and Safety (Mines and Petroleum Sites) Act 2013*.

A mining lease forms part of the Mining Titles Management System. A mining tenure survey provides a link between the Torrens Title Register and the Mining Titles Management System, identifying which whole certificate of title(s) or what parts of a certificate of title(s) will be included in that mining lease.

The mining tenure plan is a 2D horizontal representation of a 3D mining lease. The vertical limits of the lease are defined in the instrument that creates the lease between the Department and the lessee.

2. Introduction

Surveyor-General's Direction No. 8 – Mining Tenure Surveys outlines or clarifies the requirements of the *Surveying Act* and Regulation. If there is any discrepancy the *Surveying Act* or Regulation takes precedence.

Below are some significant points to note:

- All requirements of the Regulation apply to mining tenure surveys.
- All mining tenure plans must be certified by a Registered Land Surveyor.
- A mining tenure survey is lodged with a public authority being the Department.
- All surveys required for lodgement at the Department shall comply with the instructions issued by, or with the authority of, the Secretary of the Department or their nominee.
- This Direction does not apply to 'Small-scale Titles' as defined under the *Mining Act*.
- All surveys and compiled plans for mining tenure (except Small Scale Titles) shall be completed to the standards specified in the current Regulation excluding Clause 9 (Surveys not requiring strict accuracy).
- All coordinates must be MGA ellipsoidal coordinates and all heights must be AHD71 Reduced Level values.
- All plans must state the coordinate epoch of the datum used.
- All bearings and distances must be stated as horizontal plane distances at ground level and grid bearings.
- 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 Registered Land Surveyor.
- Should any dispute remain unresolved following negotiation between the Registered Land Surveyor and the Department, the matter will be referred to the Surveyor-General whose decision will be final.
- Surveys made under this Direction are undertaken to comply with section 66 of the *Mining Act*.
- A Standard Map as defined in the *Mining Act* is not suitable to be used as a mining tenure survey.

3. Existing mining tenure surveys

The survey instruction provided by the Department will contain copies of current mining tenure survey plans that adjoin the proposed mining tenure site. The surveyor will be responsible for carrying out a search of historical titles for any relevant information.

Mining tenure surveys of granted Mining Leases are stored in the Geological Survey of NSW public online document archive – DIGS® (Digital Imaging Geological System). To access and for more information:

DIGS application <https://search.geoscience.nsw.gov.au> DIGS stores both current and historical information.

User Guide https://search.geoscience.nsw.gov.au/assets/help/DIGS_Help.pdf

DIGS contains a wide range of information however, DIGS requires precise search terms to provide exact matches. Use simple search terms and variations e.g. 'Parish of Name', 'Parish Name', 'Name Parish' or 'Name'. As this database contains a wide range of information the best way to access the relevant survey plans is to:

1. Set the 'Search Area' to focus the search on the area of interest.
2. Search using relevant key words i.e.
 - County or Parish – "County of", "Parish of",
 - Mining Lease Portion Number – "ML...."
 - Mining Lease Application number (MLA) – "MLA...."
 - Granted Mining Lease number (ML) – "ML....."
 - Survey Plan Number (M) – "M...."
3. Filter the results by setting 'Type' as 'Survey Plan'

Plans approved under the current Mining Act are prefixed by the letter M followed by a 5 digit number. Leases granted under historical Acts may use other prefixes.

Table 1 below contains a list of the applicable prefixes and the corresponding lease types and number of digits required for the DIGS reference.

Prefix	Mining Lease Type	DIGS ref. digits required
D	Miscellaneous plans prepared for a range of lease types granted under the Mining Act 1973. Mostly plans compiled from previous surveys	4 Eg D0123
G	Gold lease	5 Eg G00123
M	Mineral/Mining Lease	5 Eg M00123
P	Leases on Private Lands (PML)	4 P0123
S	Mining Permit (MP)	4 Eg S0123
T	Mining Tenement	4 Eg T0123

Table 1: Mining Lease type and corresponding prefix and minimum number of digits.

In conducting a search of available Mining tenure information it is recommended that two additional information sources be consulted. These are:

- **NSW Land Registry Service's (NSW LRS) Historical Land Records Viewer (HLRV).**
Historical information on mining tenure and types can be found on County, Parish and other reference maps stored within HLRV. <https://hlrv.nswlrs.com.au>.
- **Geological Survey of NSW (GSNSW) MinView.**
MinView is a web mapping application that provides access to a wide range of geoscientific and geological information, including current mining titles. This service provides a direct link between the mining title polygons and the corresponding DIGS information if available. MinView is available at <https://minview.geoscience.nsw.gov.au>. More information and User Guide available at <https://minview.geoscience.nsw.gov.au/assets/docs/minview-user-manual-20180901.pdf>.

More information on mining tenure title types is available at <https://commonground.nsw.gov.au/#!/title-types>.

4. Land to be surveyed

Mining leases may include the surface, may exclude the surface totally or may be a combination of both surface and underground. Before undertaking a mining tenure survey, a written survey instruction must be obtained from the Department. The description in the survey instruction will determine the extent of land to be surveyed.

Variations from the instruction will only be accepted to avoid creating a hiatus between the land surveyed and adjacent mining and/or cadastral surveys. Variations not acceptable include situations where the change would affect additional lands not included in the notifications given to landowners and occupiers by the applicant at the time the application was lodged.

All mining tenure surveys are considered Land Surveys under the Surveying Act, this is regardless of location or stratum held under the mining lease. All mining tenure surveys must be certified by a Registered Land Surveyor. All mining tenure surveys are considered to be the equivalent of a Plan of Subdivision for Lease Purposes and the same marking of boundaries is required under the Regulation.

In addition to the requirements stipulated in the Regulation, the survey instruction supplied by the Department may have additional survey requirements such as all relevant improvements should be shown on the survey plan. Relevant improvements include dwellings that are the principal residence of the occupier, gardens or any other 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) are required to be identified on the mining tenure plan as required by section 62 of the Mining Act.

5. Nature and position of marks

Where the surface is included, the undisturbed mark shall remain the accepted location of the corner. Coordinates shown in the co-ordinate schedule of the plan are used to indicate the corners of the measured portion, the coordinate value shall serve to indicate the location of the corner marking or monument.

Where the surface is not included in the lease no marking of the survey is required. The coordinate for each corner must be shown in the co-ordinate schedule of the plan.

PSMs and RMs are to be located outside the lease area wherever possible to ensure that the survey marks are accessible to surveyors undertaking cadastral surveys in the surrounding area.

Accuracies are to be in accordance with the Regulation for cadastral applications.

6. Drafting Standards

- Drafting and presentation standards that are to be adopted for mining tenure plans will be supplied by the Department with the Survey Instruction.
- The Plan Form to be used as supplied by the Department.
- The Survey Certificate must be completed as per the Regulation.
- The plan is a 2D location of the mining lease,
- no heights or depths are to be shown on the plan face.
- All surface boundaries must be shown as marked.
- All stratum boundaries must be shown as obstructed corners.
- All plans compiled, surveyed or calculated are to show horizontal plane distances at ground level and grid bearings.
- All corners are to be numbered to correspond to the numbering in the co-ordinate schedule.
- Each number is only permitted to be used once per plan for any reason. That is there cannot be a short line 1 and a corner 1.
- All mining tenure corners are required to have the coordinate value shown on an Administration Sheet in the approved schedule.
- No co-ordinates are to be shown on the plan drawing.
- All co-ordinates are to use the MGA2020 Datum and be expressed on the ellipsoid.
- All co-ordinates are to be expressed in the same zone being the predominate zone for the land surveyed.
- All mining tenure corners are required to have the coordinate value shown on an Administration Sheet in the approved schedule.
- No co-ordinates are to be shown on the plan drawing.
- All co-ordinates are to use the MGA2020 Datum and be expressed on the ellipsoid.
- All co-ordinates are to be expressed in the same zone being the predominate zone for the land surveyed.

6.1 Approved Co-ordinate Schedule.

Corner Schedule			
Corner ID	Easting	Northing	Mark Type

Datums:
Horizontal: MGA2020 Combined Scale Factor: _____
Vertical: AHD71