

Remake of the Surveying and Spatial Information Regulation: Possible and Probable Changes

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ABSTRACT

The legislative processes of New South Wales require a review of each regulation every 5 years. This is governed by section 10 of the Subordinate Legislation Act 1989 and ensures that the requirements of each regulation remain up to date and future focused. The Surveying and Spatial Information Regulation 2017 is scheduled to be replaced on 1 September 2022. The review process requires a substantial amount of time and input from many sectors. An online survey has been distributed to the industry for comment in the first half of 2021, and there will be further industry consultation throughout the process. This paper provides a sneak peek at some of the changes that are being considered at this time.

KEYWORDS: *Regulation, legislation, surveying, standards.*

1 INTRODUCTION

Under the Subordinate Legislation Act 1989 (NSW Legislation, 2020a), all statutory rules, i.e. regulations, must be remade every 5 years to ensure they remain relevant to government, community and industry needs. The Surveying and Spatial Information Regulation 2017 (NSW Legislation, 2020b) is due for repeal on 1 September 2022. An online survey has been distributed to the industry in March 2021 for comment, and there will be further industry consultation throughout the process. This paper briefly provides a first exposure of issues, amendments and reforms that are proposed to ensure the surveying industry is enabled and capable to provide modern surveying services. The reforms and amendments outlined in this document are generally minor in nature and do not make significant changes to survey practice in New South Wales.

2 PROCESS

The review process has begun in March 2021, with the release of this paper and a corresponding series of presentations to the survey industry. In addition, an online survey has been developed to determine the views, comments and suggestions for improvement from the survey industry. The results will be collated to develop and refine the final draft proposals that will be circulated to all surveyors, users of surveying services, government agencies and relevant industry associations in a final draft exposure regulation.

A Regulatory Impact Statement will accompany a draft exposure version of the proposed regulation in late 2021 or early 2022 to gain final industry, government and community

comments in order to ensure that all alternatives, options, costs and benefits have been considered and determined for the final regulation.

3 SUMMARY OF PROPOSED CHANGES TO DATE

A summary of the proposed changes from the Surveying and Spatial Information Regulation 2017 to the proposed Surveying and Spatial Information Regulation 2022 is outlined in Table 1. The sequence of numbers in the table is based upon the clause numbers in the current Regulation.

Table 1: Summary of proposed changes to the Surveying and Spatial Information Regulation 2017 for implementation in 2022.

Clause No.	Proposed Change	Justification
5. Definitions	Include: “Bed” “Lake” “Mean High Water” “Mean High Water Mark” “Natural Feature” “Present Waterline” “River” (including “Stream”) “Established” as approved.	Move from current water boundary clauses. Better understanding & structure of Regulation. Greater flexibility of Regulation.
12. Datum Line	All survey plans adopt MGA orientation.	No 300 m / 1000 m rule anymore. Simplification of requirements. Empower surveyor for best result. Only 2.5% of DPs use MM orientation.
14. Equipment	No firm proposal at this stage.	
16. Validation of Measurement Technologies	GNSS, remote (sensing) technologies will require validation on every survey project and be shown on plan.	Ensure measurement standards are met.
19. Re-Survey of Property Boundaries	Surveyor must ensure sufficient land is available to satisfy adjoining titles. Surveyor must reinstate original intent of documentation if no original survey marks.	Ensure greater cadastral integrity.
28. Boundary Marks	Use Obstructed Boundary symbol if no available surface to mark, e.g. tunnels, permanently under water or elevated (air). Remove requirement to clear & blaze unfenced boundaries.	Less admin for exemptions if common situation is encountered. Outcome is not in conflict with environmental outcomes often encountered.
29. Boundary Marks	Place RMs at MHWB/bank side boundary extremities.	Better cadastral integrity at important boundaries.
30. Marking Rural Surveys	Place RMs at MHWB/bank side boundary extremities.	Better cadastral integrity at important boundaries.
31. Roads	Connections made across the road at each intersection to be shown on the plan. Connection across rural road if RM placed. Place 2 RM tokens if RM placed.	Better cadastral integrity at important boundaries. Better cadastral integrity at important boundaries. Consistency with DH&W.

Clause No.	Proposed Change	Justification
36. Reference Marks	If a reference tree is found, an RM must be placed.	Better cadastral integrity at important boundaries.
38. Deferment of Survey Marks	Delete.	Very little use. Not admin friendly.
42. Connections to PSM	Closed connections. Direct connections.	Better cadastral integrity at important boundaries. Better State Control Survey.
43. New PSMs	Lodge Locality Sketch Plan within 2 months or before plan lodged with LRS.	Ensure cadastral integrity and State Control Survey records are integrated and managed.
44-48. MHWB & Water Boundaries	Move all definitions to Clause 5. Consolidate all requirements for comprehensive report. Improved determination of MHWB based upon AHD values. Ensure traceability of AHD values by using BMs. MHWB consent required after 25 years.	Logical arrangement of documentation. Better cadastral integrity at important boundaries. One report for many (all) situations. Ensure better records of departmental consents maintained.
50. Survey Reports	All reports under one requirement.	Better cadastral integrity at important boundaries.
60. Names, Street Addresses, Type of Survey	Use GNB Online Portal to ensure correct names & street addresses.	Better cadastral integrity.
61. Recording Datum Line	Show basis of datum adjacent to North Point.	Better cadastral integrity & understanding of datum's origin.
63. Showing Boundaries	Complete dimensions including bearings, distances & area of each parcel and road.	Better cadastral integrity.
64. Showing Water Boundaries	If MWHM/bank is different to the adopted, then show actual position in addition to boundary.	Moved from Cl 47.
65. Surveys Adjoining MHWB, Bank, Natural Feature.	Show location of retaining walls, slip rails, jetties, boat sheds, etc.	Better cadastral integrity at important boundaries.
66. GNSS Validation	Show validation of remote sensing technologies in addition to GNSS.	Better cadastral integrity.

4 CONCLUDING REMARKS

The current Surveying and Spatial Information 2017 is due to cease operation on 31 August 2022 and a new Regulation is proposed to commence on 1 September 2022. This paper has provided an early look at some of the changes that are being considered at this time. Considerable liaison, presentations and communication with industry groups, associations and government agencies and utilities is proposed over the next year to obtain comment and ideas for the new Regulation. In addition, it is planned to ensure that new documentation, e.g. updated Surveyor General's Directions and updated Registrar General's Guidelines, along with updated communication and education programs are provided to inform surveyors of the proposed changes before and after the new Regulation commences.

REFERENCES

- NSW Legislation (2020a) Subordinate Legislation Act 1989, <https://www.legislation.nsw.gov.au/view/html/inforce/current/act-1989-146> (accessed Mar 2021).
- NSW Legislation (2020b) Surveying and Spatial Information Regulation 2017, <https://www.legislation.nsw.gov.au/view/html/inforce/current/sl-2017-0486> (accessed Mar 2021).