



LANDS surveying alert

Cadastral Survey Requirements consultation draft

1 June 2021
Issue 45

Proposed changes to Cadastral Survey Requirements

A draft of a proposed new version (version 8) of the Cadastral Survey Requirements has been released for comment. Links to the draft are given at the end of this Alert. Feedback on the draft should be sent to the department by 28 June 2021.

The proposed changes will also be discussed at the next Surveying Reference Group meeting to be held on 14 June 2021.

Overview of changes

The document includes an amendment table which lists all of the proposed amendments, and a brief explanation of the reason for the changes. Due to the number of changes, comments have also been embedded into each section of the document to provide further explanation on the changes.

Rationale for changes

The changes are aimed at creating a regulatory environment that provides the necessary consumer protections whilst ensuring that cadastral surveying is not inhibited by unnecessarily restrictive regulation.

The changes contained in the proposed version 8 of the Cadastral Survey Requirements (CSR) reflect the input that has been provided to the department by the profession through the consultation that was undertaken in 2019/20.

Some of the key changes are described below:

Signing of plans

There has been a migration away from hardcopy survey plans to an increased use of image files, particularly for submission of DP and IS plans to the department, and more recently in the uptake of eLodgment of survey plans with the Titles Registry.

In order to facilitate these activities, the signature requirements for plans are to be changed to enable the signature to be an embedded image in the plan image file.

Survey accuracy

The existing survey accuracy requirements are to be modernised to express measurements in terms of uncertainty, which aligns with internationally accepted concepts of measurement.

The inclusions of survey uncertainty into the requirements will enable the methods of assessment of accuracy to reflect the different methods by which measurements are made. However, the underlying requirement for individual measurements is to still remain at 10 millimetres + 50 ppm.

Improvements on or near a boundary

Improvements, encroachments and notifications are impacted by a complex legislative environment from a number of different Acts. The requirements in the CSR are to be rewritten to provide clarity of the requirements for improvements, requirements for encroachments, and requirements for notification regarding improvements.

The basis of the changes is that all improvements that exist on or near any boundary in the survey are to be recorded on a plan.

Clear definitions are to be provided as to which of those improvements are classified as encroachments. The application of the *Property Law Act 1974* and the *Neighbourhood Disputes (Dividing Fences and Trees) Act 2011* determines whether a fence is to be treated as a trespass or as an encroachment.

The requirements for notification are to be subject to where the encroachment is greater than the uncertainty of the survey. Notifications are to be required where an encroachment exists or where an improvement, such as a retaining wall, may be adversely affected by the surveyed boundary.

Large scale land development surveys

The scope of surveys that the Large scale land development survey standard may be applied

to is to be expanded to include surveys that are typically undertaken for infrastructure projects. However, the standard may also be applied to any survey where the lot or lots span more than 1km.

Marking

As corner pegs mark the boundary between a parcel and its adjoiner, it is imperative for certainty of the boundary between those owners that corners are marked where it is physically possible to do so.

A clear definition of 'physically impractical' is to be provided, and further, there will be a requirement to state what that impracticability is as a qualifier for any such corner.

There will also be a requirement to describe all reference marks that exist at a corner. This is to be introduced to encourage all reference marks that exist at a corner to be considered in researching and conducting the survey.

Connection to datum

Connection to datum has been an initiative to capitalise on the increased access to datum through GNSS technologies, which provides flow on benefits to the land administration and spatial information systems. A number of further changes are proposed to expand the number of surveys that are connected to datum.

Where a survey does not need to connect to datum under the requirements, but connects anyway for meridian or PSM connection purposes, such a survey will be required to meet all the requirements of connection to datum.

The requirement to connect to datum is to be extended to include a survey of any lot or series of lots (including secondary interest lots) that span more than 1km.

Previous Surveying Alerts have advised of the importance of geometry in connecting a survey to datum. It is proposed that the marks from which the connection to datum is made are required to be of good geometry spanning the survey.

A number of surveys are conducted where the underlying plan being cancelled is already connected to datum. In order to reduce the administrative burden, such surveys will not require the surveyor to seek written exemption from the department.

Reinstatement reports

The introduction of the reinstatement report in version 7 of the CSR has gained wide support within the surveying profession. In consultation on items for review of the CSR, members of the profession submitted that the reporting requirements should apply to all survey plans.

As a result, the requirement to prepare a reinstatement report is to be extended to include secondary interest survey plans.

It is also proposed to require a report even where all boundaries of the subject land have been reinstated directly from existing monuments. This will provide consistency of application of the standard, and reports for such plans will be very quick and simple to prepare.

Water boundaries

Whilst the legislation for water boundaries has not been altered since its introduction in 2010, there are elements of the application of the water boundaries legislation that need to be reflected in the CSR.

Version 7 of the CSR introduced the requirement to label water boundaries that had been subject to sudden change as being 'fixed'. This terminology is at odds with the doctrine of accretion and erosion as the doctrine enables a water boundary that has been subject to sudden change, to ambulate past the point of sudden change where that occurs from natural gradual and imperceptible processes. Therefore, the term 'fixed' is to be discontinued and the treatment of boundaries subject to sudden change is to be the same as any other compiled boundary.

The plan notation relating to the provision of the SMI Act that applies to the definition of a water boundary is information that was replicated in the survey report. As describing the provisions that apply are integral to the survey report, the notation on the face of the plan is to be discontinued.

Both the SMI Act and the CSR have been silent on how water boundaries are to be dealt with for lots that are created on the water side of a tidal or non-tidal water boundary. New requirements will provide for how the 'wet' lot is to be defined.

Document Links

The consultation draft of the Cadastral Survey Requirements version 8 is provided in two formats:

1. A document showing all changes in 'tracking' mode is available [here](#) (pdf 2.74 MB).
2. A document with all the changes accepted is available [here](#) (pdf 2.52 MB).

Address for comments

Feedback on the draft should be sent to the department by cob on Monday 28 June 2021.
Submissions can be lodged by email or post.

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