

12. REQUIREMENT FOR CERTIFIED SURVEY

A certified survey is required for Deposited and Filed Plans with the exceptions as described below. In a particular case the Registrar-General may require the certificate of a licensed surveyor to be provided in relation to a plan of division or other dealing even though the requirement for the certificate is waived by the following criteria.

See 7.35.4 for criteria for balance parcels, resulting from division (including subdivision), to be surveyed.

12.1 Deposited Plans

- 12.1.1 A certified survey is not required for the plan purpose of amalgamation, provided there is no conflict with linear or angular data.
- 12.1.2 Easement boundaries cannot be used as a new boundary without a certified survey.
- 12.1.3 A certified survey is not required for road closing or channel reserve division (only if the portion of channel reserve being dealt with is merged with abutting land and no new parcels are created, other than the balance of the channel reserve) provided the new boundary is:
- A join between existing corners
 - A production of a side boundary
 - Square off an existing corner
- 12.1.4 A certified survey is not required for a new boundary that is a join between boundary corners created through previous certified survey(s)
- 12.1.5 A certified survey is not required for a division of an allotment comprising pieces into separate allotments (eg. no new boundaries are being created).

12.2 Plans of Division into Two Allotments Outside Designated Survey Areas (DSAs)

Subject to the requirements of Regulation 5 of the Real Property Regulations 2009 a certified survey is not required for plans of division into two allotments (minor road widening will not be counted as a separate allotment, eg corner cuts six metres (or less) outside DSAs provided:

- 12.2.1 There is no new boundary related to occupation (including party walls) or natural features.
- 12.2.2 The division does not involve the creation of a new road or the substantial widening of an existing road (eg. a corner cut of over 6 metres).
- 12.2.3 The land is not Crown (see Cadastral Survey Guidelines Sec 8 for plan presentation of limited survey for division of some waterfront reserves and pastoral leases).
- 12.2.4 The subject land boundary data is complete and satisfies prescribed tolerances, and a prior survey does not disclose shortage or excess outside prescribed tolerances.
- 12.2.5 A new boundary is not close to a natural boundary that is no longer coincident with its natural feature.
- 12.2.6 A new boundary is not close to a curvilinear reserve boundary that is no longer at original width from the natural boundary (due to movement in the latter).

12.3 Plans of Division Pegged in Accordance

A certified survey is not required for plans of division pegged in accordance with a prior certified survey provided:

- 12.3.1 The division is into five or less allotments.
- 12.3.2 There is no new boundary related to occupation (including party walls) or natural features.
- 12.3.3 The new boundaries do not require additional reference marks.
- 12.3.4 The division does not involve the creation of a new road or the substantial widening of an existing road.
- 12.3.5 The land is not commercial.
- 12.3.6 The land is not Crown.
- 12.3.7 The existing parcel to be divided within the prior certified survey must be inside the bold black lines and all of the boundaries surveyed.
- 12.3.8 The prior certified survey's date of field work is after the date of operation of the DSA. If the date of the field work is before the date of operation of the DSA, or if not in a DSA, the prior certified survey's date of field work is within two years of lodgement of the proposed division.
- 12.3.9 The plan is certified as Pegged in Accordance (see Table 3.1 – Certification Decision Table)

Where the surveyors field measurements does not agree (within tolerances) with the prior certified survey a new fully certified survey must be lodged.

12.4 Land Acquisition Act 1969 Tielines

Infrastructure projects extending over multiple ownerships may require survey of proposed boundaries (certified file plan) followed by individual plans of division. A certified survey is not required for those plans of division provided:

- 12.4.1 The new boundary data is the same as that shown for tielines on the prior certified file plan.
- 12.4.2 The prior certified file plan placed PSMs and reference marks necessary for the proposed boundaries.
- 12.4.3 The prior certified file plan placed showed all occupation adjacent to the proposed boundary tielines.
- 12.4.4 The prior certified file plan's date of field work is after the date of operation of the DSA. If the date of the field work is before the date of operation of the DSA, or if not in a DSA, the prior certified file plan's date of field work is within two years of lodgement of the proposed division.
- 12.4.5 The plan is certified as Pegged in Accordance (see Table 3.1 – Certification Decision Table).
- 12.4.6 The requirement of rule 7.35.4 for survey of the whole of the subject parcel for substantial widening of a road does not apply to these proposed acquisition certified file plans. However, rule 7.35.4 may apply for subsequent development of the resulting parcels, that is, certified survey of the whole of the subject parcel may be required for division of land beyond that being transferred in the acquisition.

12.5 Easements

Under Section 90D of the RPA 1886 the Registrar-General may require a certified survey for the creation or variation of an easement. Plans client advice should be contacted to confirm whether the following criteria are applicable.

12.5.1 A certified survey may be required for easements being varied, new or proposed where the easement:

- Is extensive or winds through an area unrelated to parcel boundaries
- Is through land where large discrepancies with data exist or where there is very little data.
- Boundary is defined by a monument or natural feature either horizontally or vertically. See Figures 12.1 and 12.2.

12.5.2 Figure 12.1 is an example that shows when a survey is required. The boundary of the Party Wall is defined by monument.

This same principle will apply to vertical monuments that use Australian Height Datum's (AHD)

Note: Hachuring is only shown for illustration purposes and must not be shown on the plan diagrams

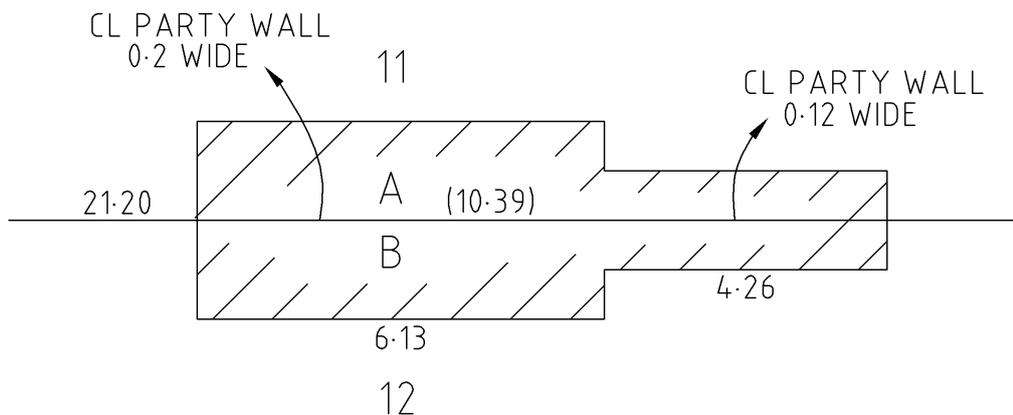


Figure 12.1

12.5.3 Figure 12.2 is an example that shows when a survey is not required, an eaves and gutters structure is indicated by hatching. The boundary of the easement for eaves and gutters is not directly defined by monument. The easement extends beyond the physical structure without showing a relationship between them.

This same principle will apply to vertical monuments that use Australian Height Datum's (AHD)

Note: Hachuring is only shown for illustration purposes and must not be shown on the plan diagrams

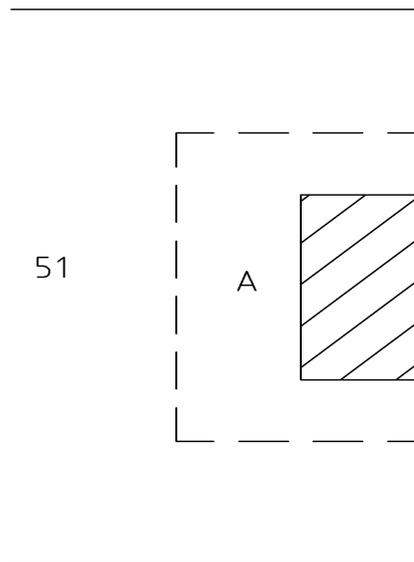


Figure 12.2

12.6 Leases

12.6.1 A certified survey is not required for leases unless:

- Monuments are fixed by data to a title or easement boundary
- Monuments are close to or co-incidental to a title or easement boundary. (Use of the title or easement boundary as the lease boundary, instead of the monument, negates the survey requirement)
- Monuments are defined by data
- Data is shown along the entire length of a monument
- The lease is of an easement or right of way (See 12.4)