

Authorised Version No. 002
Surveying (Cadastral Surveys)
Regulations 2015

S.R. No. 43/2015

Authorised Version incorporating amendments as at
1 November 2018

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1 Objectives

The objectives of these Regulations are to—

- (a) prescribe standards for cadastral surveys; and
- (b) regulate and control the making of cadastral surveys by licensed surveyors; and
- (c) prescribe forms and other matters relating to cadastral surveys.

2 Authorising provision

These Regulations are made under section 63 of the **Surveying Act 2004**.

3 Commencement

These Regulations come into operation on 14 June 2015.

4 Revocation

The Surveying (Cadastral Surveys) Regulations 2005¹ are **revoked**.

5 Definitions

In these Regulations—

abstract of field records means a summary of results of the cadastral survey information recorded in the field;

Australian Height Datum means the datum of mean sea level as determined by the National Levelling Adjustment undertaken in 1971 and adopted by the National Mapping Council of Australia at its 29th meeting as the datum to which all vertical control for mapping is to be referred;

connection means the lengths and bearings which relate to a point, or points, of known location;

Map Grid of Australia 2020 (MGA2020) has the same meaning as in the Survey Co-ordination Regulations 2014²;

Reg. 5 def. of
*Map Grid of
Australia 1994
(MGA94)*
substituted as
*Map Grid of
Australia 2020
(MGA2020)* by
S.R. No.
189/2018
reg. 5.

permanent mark means a permanent mark adopted under, or established in accordance with, the **Survey Co-ordination Act 1958**;

Registrar of Titles has the same meaning as ***Registrar*** has in the **Transfer of Land Act 1958**;

subject land means the land to which a cadastral survey, plan, abstract of field records or surveyor's report primarily relates.

6 Survey equipment

- (1) A licensed surveyor—
- (a) must use survey equipment which has been compared to a standard of measurement in units of measurement specified in regulation 12(a) of the Survey Co-ordination Regulations 2014; and

- (b) must ensure that the following are adequate to obtain the accuracy required by these Regulations for a cadastral survey—
 - (i) the process of comparison;
 - (ii) the basis of comparison.
- (2) A licensed surveyor must retain the records of the comparisons and make them available to the Surveyor-General for inspection upon request by the Surveyor-General.

7 Accuracy of surveys

- (1) A licensed surveyor must ensure that—
 - (a) the internal closure of any cadastral survey is such that the length of the misclosure vector does not exceed 15 millimetres + 100 parts per million of the perimeter; and
 - (b) the misclosure vector is determined as $\sqrt{a^2+b^2}$ where "a" is the misclosure in eastings and "b" is the misclosure in northings; and
 - (c) all lengths are measured or determined to an accuracy of 10 millimetres + 60 parts per million.
- (2) A licensed surveyor must ensure that all directional and angular measurements are verified.
- (3) If a cadastral survey requires the determination of a boundary to be related to the Australian Height Datum, a licensed surveyor must ensure that the precision of the levelling survey is $12\sqrt{k}$ millimetres where "k" is the length of the survey in kilometres measured in one direction along the levelling route.
- (4) In making a cadastral survey to determine the location of boundaries to be defined on a plan by reference to buildings or parts of buildings for

which no dimensions are to be shown, a limit of error of 50 millimetres in any one measurement or one part in 200 (whichever is greater) is allowable.

8 Primary cadastral marks

A licensed surveyor must ensure that primary cadastral marks—

- (a) are made of a durable material and are permanent and stable in construction; and
- (b) are placed so that they can be readily found and accessed; and
- (c) are placed in locations where they are unlikely to be damaged or destroyed.

9 Marking of boundaries

- (1) A licensed surveyor making a cadastral survey must ensure that boundaries—
 - (a) are marked with pegs together with any additional markings that are necessary to assist in locating the pegs and the direction of boundaries; or
 - (b) if pegs are not practical, are marked with other suitable marks approved by the Surveyor-General.
- (2) A licensed surveyor must ensure that line identification and marking is implemented in a manner so that the defined boundary can be readily identified.
- (3) A licensed surveyor must ensure that pegs—
 - (a) are not less than 50 millimetres square and not less than 300 millimetres long; and
 - (b) are made of sound, seasoned timber or other durable material; and

- (c) are set with the top not more than 20 millimetres above the ground.
- (4) In the case of a partial survey, only the relevant boundaries of the survey need to be marked.
- (5) In dealings with Crown land, the Surveyor-General may waive the requirement to mark the boundary if sufficient information is available to accurately mark each boundary at a later date.

10 Survey boundaries

A licensed surveyor must relate the cadastral survey to the boundaries of the subject land and adjoining parcels of land.

11 Field requirements of a cadastral survey

- (1) A licensed surveyor making a cadastral survey must—
 - (a) adopt and verify a datum in accordance with a previous cadastral survey or plan; and
 - (b) if an abstract of field records is to be lodged with the Surveyor-General or the Registrar of Titles, bring the bearing datum on to the Map Grid of Australia 2020 (MGA2020) as is reasonable in the circumstances; and
 - (c) if the position of the subject land is shown by a connection, measure that connection unless the position of the subject land has been satisfactorily determined in previous surveys; and
 - (d) connect the cadastral survey to relevant permanent marks, pegs and other survey marks; and
 - (e) locate and clearly describe any feature on or near the boundaries of the subject land likely to affect those boundaries; and

**Reg. 11(1)(b)
amended by
S.R. No.
189/2018
reg. 6.**

- (f) locate and clearly describe any feature within the subject land the description and position of which is necessary for the purpose of the survey; and
 - (g) determine the length and bearing of each surveyed boundary of the subject land and independently check the accuracy of each determination.
- (2) A licensed surveyor making a cadastral survey must ensure that an irregular boundary is determined at all conspicuous changes in direction at such intervals as are necessary to accurately determine the boundary.
- (3) A licensed surveyor making a cadastral survey must connect the cadastral survey to permanent marks and primary cadastral marks in accordance with the following principles—
- (a) for up to and including 10 allotments or lots at ground level, to at least three permanent marks or primary cadastral marks in the immediate vicinity of the subject land;
 - (b) if there are more than 10 allotments or lots at ground level, further permanent marks or primary cadastral marks must be placed within the subdivision so that the distance between these marks is not greater than—
 - (i) 100 metres; or
 - (ii) an alternate distance approved by the Surveyor-General;
 - (c) if more than four marks are required to be placed by paragraph (b), one in every five marks placed must be a permanent mark;

- (d) if the design or layout is unusual, place additional permanent or primary cadastral marks, within the subdivision, as is reasonable in the circumstances.
- (4) If a licensed surveyor connects the survey of a subdivision to a minimum of three permanent marks or primary cadastral marks in situations where they are unlikely to be disturbed, the licensed surveyor may postpone the placement of any further permanent marks or primary cadastral marks within the subdivision if the construction of roads or buildings or other works are to be undertaken which are likely to displace those permanent marks or primary cadastral marks during construction.
- (5) A licensed surveyor who postpones the placement of further marks under subregulation (4) must lodge with the Registrar of Titles a supplementary abstract of field records showing the particulars and connections to the marks placed, within 45 days after the completion of the construction.

12 Information to be recorded in field records

- (1) A licensed surveyor must ensure that—
 - (a) the recording of cadastral survey information gathered in the field is undertaken in a systematic manner and is readily comprehensible; and
 - (b) information in the field records includes—
 - (i) a list identifying the instruments used; and
 - (ii) all measurements made in the field; and
 - (iii) sufficient information to prepare an abstract of field records; and

Reg. 12(2)(b)
amended by
S.R. No.
189/2018
reg. 7.

Reg. 12(2)(c)
amended by
S.R. No.
189/2018
reg. 7.

- (c) all field records are kept readily available for submission to, or perusal by, any person authorised by the Surveyor-General to do so.
- (2) A licensed surveyor must ensure that the information to be recorded in an abstract of field records of a cadastral survey provides—
 - (a) clear details of the cadastral survey datum; and
 - (b) the Map Grid of Australia 2020 (MGA2020) relationship to the cadastral survey datum as appropriate; and
 - (c) bearings on the Map Grid of Australia 2020 (MGA2020) datum as appropriate; and
 - (d) boundaries and dimensions of the subject land, adjacent parcels and road alignments as appropriate; and
 - (e) the method of marking the perimeter boundaries of the subject land; and
 - (f) any relevant information external to the subject land which has aided in the determination of boundaries and the relationship with existing and new survey marks.
- (3) A licensed surveyor must ensure that—
 - (a) a plan of a cadastral survey is prepared using conventional signs and symbols; and
 - (b) the plan clearly portrays—
 - (i) all relevant information from the abstract of field records which relates to the boundaries of the subject land and road alignments; and

- (ii) any registered easements or reservations or conditions in the nature of an easement which relate to the subject land.

13 Certification of abstract of field records

A licensed surveyor must ensure that the first sheet of an abstract of field records of a cadastral survey shows a certificate in the form of Schedule 1 signed by the licensed surveyor.

14 Certification of plan

- (1) If a plan made by a licensed surveyor sets out particulars of a cadastral survey carried out for the purpose of making that plan, the surveyor must endorse it with a certificate in the form of Schedule 2.
- (2) If a plan is prepared under the direction and supervision of a licensed surveyor but is not based on a cadastral survey carried out for the purpose of making the plan, the surveyor must endorse it with a certificate in the form of Schedule 3.
- (3) Subregulations (1) and (2) do not apply to plans prepared in accordance with section 5(3)(a) of the **Subdivision Act 1988**.

15 Report by the licensed surveyor

- (1) A licensed surveyor who prepares an abstract of field records, which the surveyor knows is required for lodging with the Surveyor-General or the Registrar of Titles, must prepare, sign and date a detailed survey report to accompany that abstract.
- (2) The report must—
 - (a) set out the relevant facts concerning abutments and encumbrances, existing occupation details, relationship with other relevant cadastral surveys and the manner in which

- the boundaries of the subject land have been determined; and
- (b) provide details of the calibration of the measuring equipment used in the cadastral survey; and
 - (c) specify whether the connection of the survey to permanent marks and primary cadastral marks required by regulation 11(3) has been made or postponed in accordance with regulation 11(4); and
 - (d) if the survey was performed by methods other than direct determination of directions and distances, include information about the method and procedures used.
- (3) A report that has been lodged with the Surveyor-General or the Registrar of Titles must, at the request of the Surveyor-General or the Registrar of Titles (as the case requires), be accompanied by—
- (a) a copy of any computations made by the licensed surveyor that are associated with the survey and determination of the boundaries; and
 - (b) a copy of any mathematical or other information considered necessary by the Surveyor-General or the Registrar of Titles that is associated with the survey and determination of the boundaries.

16 Record of having re-established a cadastral boundary

Within 60 days of re-establishing a boundary as part of a cadastral survey, a licensed surveyor must lodge a record of the re-establishment survey with the Surveyor-General in the form of Schedule 4.

17 Amendment of surveyor's report, abstract of field records or plan

- (1) A licensed surveyor who has carried out a cadastral survey may provide written authorisation for another licensed surveyor to do all or any of the following—
 - (a) note or amend the surveyor's report, abstract of field records or plan relating to the subject land prepared and signed by the first-mentioned surveyor;
 - (b) bring the survey up to date by undertaking an additional field survey to—
 - (i) re-mark the subject land; or
 - (ii) connect the survey to more recent fencing, other structures or surveys of adjoining land.
- (2) A licensed surveyor may note or amend any surveyor's report, abstract of field records or plan prepared and certified by another licensed surveyor and lodged—
 - (a) in the Central Plan Office, with the consent of the Surveyor-General; or
 - (b) in the Office of Titles, with the consent of the Registrar of Titles.

Surveying (Cadastral Surveys) Regulations 2015

S.R. No. 43/2015

Schedule 1—Certificate by licensed surveyor for abstract of field records

Schedule 1—Certificate by licensed surveyor for abstract of field records

Regulation 13

I, *[insert full name]* of *[insert office address]* certify that this abstract of field records correctly represents the results of the survey effected under my direction and supervision and marked on the ground in accordance with the **Surveying Act 2004**, that the survey accuracy accords with that required by regulation 7(1) of the Surveying (Cadastral Surveys) Regulations 2015 and that this abstract of field records correctly represents the adopted boundaries and the related features existing on *[insert date]*.

Date: *[insert date of certificate]*

[signature]
Licensed Surveyor
Surveying Act 2004

Surveying (Cadastral Surveys) Regulations 2015

S.R. No. 43/2015

Schedule 2—Certificate by licensed surveyor for plan prepared from survey

Schedule 2—Certificate by licensed surveyor for plan prepared from survey

Regulation 14(1)

I, [*insert full name*] of [*insert office address*] certify that this plan has been prepared from a survey made under my direction and supervision in accordance with the **Surveying Act 2004** and completed on [*insert date of completion*], that this plan is accurate and correctly represents the adopted boundaries and that the survey accuracy accords with that required by regulation 7(1) of the Surveying (Cadastral Surveys) Regulations 2015.

Date: [*insert date of certificate*]

[*signature*]

Licensed Surveyor
Surveying Act 2004

Surveying (Cadastral Surveys) Regulations 2015
S.R. No. 43/2015
Schedule 3—Certificate by licensed surveyor
for plan not prepared from survey

**Schedule 3—Certificate by licensed surveyor
for plan not prepared from survey**

Regulation 14(2)

I, [*insert full name*] of [*insert office address*] certify that this plan correctly represents the information obtained by me from the sources indicated on this plan.

Date: [*insert date of certificate*]

[*signature*]
Licensed Surveyor
Surveying Act 2004

Surveying (Cadastral Surveys) Regulations 2015
S.R. No. 43/2015
Schedule 4—Record of having re-established a cadastral boundary

Schedule 4—Record of having re-established a cadastral boundary

Sch. 4
substituted by
S.R. No.
189/2018
reg. 8.

Regulation 16

RECORD OF HAVING RE-ESTABLISHED A CADASTRAL BOUNDARY		
<p>LOCATION OF LAND</p> <p>Property Address:</p> <p>Property Title Description:</p> <p>Last Plan Reference:</p>	<p>SURVEY INFORMATION</p> <p>Datum: (including previous survey references)</p> <p>MGA2020 co-ordinates: (of approximate centre of land in plan) Zone: E: N:</p>	
<p>DIAGRAM OF SURVEY MARKS AND RELATIONSHIP WITH ADOPTED ALIGNMENTS</p>		
<p>Name of Firm / Logo</p>	<p>CERTIFICATION BY SURVEYOR</p> <p>I, _____ of _____ certify that this plan has been prepared from a survey made under my direction and supervision in accordance with the Surveying Act 2004 and completed on _____, that this plan is accurate and correctly represents the adopted boundaries and that the survey accuracy accords with that required by regulation 7(1) of the Surveying (Cadastral Surveys) Regulations 2015.</p> <p>Date: _____</p> <p style="text-align: right;">Licensed Surveyor Surveying Act 2004</p>	
<p>SURVEYOR REFERENCE NUMBER</p>	<p>SHEET SIZE</p> <p>SHEET OF SHEETS</p>	

Endnotes

1 General information

See www.legislation.vic.gov.au for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.

The Surveying (Cadastral Surveys) Regulations 2015, S.R. No. 43/2015 were made on 2 June 2015 by the Governor in Council under section 63 of the **Surveying Act 2004**, No. 47/2004 and came into operation on 14 June 2015: regulation 3.

The Surveying (Cadastral Surveys) Regulations 2015 will sunset 10 years after the day of making on 2 June 2025 (see section 5 of the **Subordinate Legislation Act 1994**).

INTERPRETATION OF LEGISLATION ACT 1984 (ILA)

Style changes

Section 54A of the ILA authorises the making of the style changes set out in Schedule 1 to that Act.

References to ILA s. 39B

Sidenotes which cite ILA s. 39B refer to section 39B of the ILA which provides that where an undivided regulation, rule or clause of a Schedule is amended by the insertion of one or more subregulations, subrules or subclauses the original regulation, rule or clause becomes subregulation, subrule or subclause (1) and is amended by the insertion of the expression "(1)" at the beginning of the original regulation, rule or clause.

Interpretation

As from 1 January 2001, amendments to section 36 of the ILA have the following effects:

- **Headings**

All headings included in a Statutory Rule which is made on or after 1 January 2001 form part of that Statutory Rule. Any heading inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, forms part of that Statutory Rule.

This includes headings to Parts, Divisions or Subdivisions in a Schedule; Orders; Parts into which an Order is divided; clauses; regulations; rules; items; tables; columns; examples; diagrams; notes or forms.

See section 36(1A)(2A)(2B).

- **Examples, diagrams or notes**

All examples, diagrams or notes included in a Statutory Rule which is made on or after 1 January 2001 form part of that Statutory Rule. Any examples, diagrams or notes inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, form part of that Statutory Rule. See section 36(3A).

- **Punctuation**

All punctuation included in a Statutory Rule which is made on or after 1 January 2001 forms part of that Statutory Rule. Any punctuation inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, forms part of that Statutory Rule. See section 36(3B).

- **Provision numbers**

All provision numbers included in a Statutory Rule form part of that Statutory Rule, whether inserted in the Statutory Rule before, on or after 1 January 2001. Provision numbers include regulation numbers, rule numbers, subregulation numbers, subrule numbers, paragraphs and subparagraphs. See section 36(3C).

- **Location of "legislative items"**

A "legislative item" is a penalty, an example or a note. As from 13 October 2004, a legislative item relating to a provision of a Statutory Rule is taken to be at the foot of that provision even if it is preceded or followed by another legislative item that relates to that provision. For example, if a penalty at the foot of a provision is followed by a note, both of these legislative items will be regarded as being at the foot of that provision. See section 36B.

- **Other material**

Any explanatory memorandum, table of provisions, endnotes, index and other material printed after the Endnotes does not form part of a Statutory Rule. See section 36(3)(3D)(3E).

Surveying (Cadastral Surveys) Regulations 2015
S.R. No. 43/2015
Endnotes

2 Table of Amendments

This publication incorporates amendments made to the Surveying (Cadastral Surveys) Regulations 2015 by statutory rules, subordinate instruments and Acts.

Surveying (Cadastral Surveys) Amendment Regulations 2018, S.R. No. 189/2018
Date of Making: 30.10.18
Date of Commencement: 1.11.18: reg. 3

3 Amendments Not in Operation

There are no amendments which were Not in Operation at the date of this publication.

4 Explanatory details

¹ Reg. 4: S.R. No. 56/2005.

² Reg. 5 def. of *Map Grid of Australia 2020 (MGA2020)*: S.R. No. 39/2014 as amended by S.R. No. 44/2015.