

Surveyors (Surveyor-General) Practice Directions 2021 (No. 1)

Disallowable Instrument DI2021-51

made under the

Surveyors Act 2007, s 55 (Surveyor-General practice directions)

EXPLANATORY STATEMENT

Background

The *Surveyors Act 2007* provides for the issuing of instructions to surveyors and section 55, in particular, provides for the Surveyor-General to issue Surveyor-General Practice Directions.

This instrument establishes the Surveyors (Surveyor-General) Practice Directions 2021 (No 1) and revokes the Surveyors (Surveyor-General) Practice Directions 2013 (No 1) (DI2013-217). The new instrument makes the following amendments to the earlier Directions:

Changes identified below are primarily designed to:

1. Modernise the Directions to reflect current best practice and surveying techniques.
2. Improve the clarity of the wording in some of the previous Directions.
3. Remove the previous Subdivisions C and D and Schedule 1, relating to Units Plans, and place them into a new Surveyor-General Guideline No. 17.

Consultation

This process has involved much discussion and debate over an 18-month timeframe. However, there is now broad agreement within the profession to the suggested changes, and there is also support within other areas of land administration and development. Other changes are relatively minor.

All amendments have been provided to all registered surveyors for comment and have been approved by the Survey Practice Advisory Committee.

The Amendments

The changes made to the new Surveyors (Surveyor-General) Practice Directions include amendments to:

1. the definitions for:
 - a. Define: Adjustment Report, Approved Survey Plan, Calculation Sheet, Corner, Estate Development Plan, Global Navigation Satellite Systems (GNSS), Greenfield Survey; Infill Survey, Reduced Level, Road, Spline curve, Survey Certificate; and, Surveyor;
 - b. Refine the definition: Coordinated Reference Mark (CRM); Established Survey Control Mark; Monument; Plan, Road, Stratum, Surveyor-General; and, Urban Survey;
 - c. Clarify the types of mark which may be used as a reference mark; and,
 - d. Clarify the relevant version of the document known as SP1, a national standard relating to control survey practices and accuracies. This document was recently revised. However, these Directions refer to the previous version which is still available and relevant.

2. Direction 6: to remove the requirement for surveyors to connect to road kerbs where no surface marks exist.

3. Direction 9: to clarify how a Plan of Survey may be amended post-registration.

4. Direction 10 (b) and (c): to amend the term “sketch” to “plan”.

5. Direction 11 (b): to ensure that a registered surveyor, when performing an identification survey, acts in accordance with the requirements of Direction 7 (Power of Entry) and Directions 29 to 33 (measurement and accuracy standards).

6. Direction 12 (a): to replace the term “register” with the term “record”.

7. Direction 12 (b): to replace the reference to the *Building Act 2004* with the *Building (General) Regulation 2008*.
8. Direction 12 (c): to clarify the term ‘Survey Certificate’ pursuant to the *Planning and Development Act 2007*.
9. Direction 12 (d) and (e): requirement for the surveyor to lodge CRMs coordinates pursuant to Direction 39, and for reference marks.
10. Direction 12 (f) and (g): requires the surveyor to lodge the adjustment report and survey calculation sheet, if requested by the Surveyor-General.
11. Direction 13: to clarify requirements for supervision by surveyors.
12. Direction 15 (a); to clarify the requirements for marks that are to be used for the Datum Line of Orientation.
13. Direction 15 (b): to clarify the process for adoption of marks, in Greenfield and Infill Surveys, for the Datum Line of Orientation. Removing the option for determining a datum line from astronomical observations: this is a recognition of the ubiquity of GNSS surveying.
14. Direction 15 (c): to prescribe a time limit for the use of coordinates in Direction 15 (b) (i) and (ii) and verification procedures.
15. Direction 15 (d): to prescribe adoption requirements and verification procedures for the adoption of reference marks in Direction 15 (b) (iii).
16. Direction 16: Generalised to include “control marks” rather than just “benchmarks”.
17. Direction 17 (b – c): re-written to include upgrades or changes to software and firmware as used in measuring equipment, including GNSS receivers.

18. Direction 17 (d): amended to clarify the requirements for the lodgement of results of equipment calibrations or verifications.

19. Direction 18 (b): to require surveys of natural features such as rivers to be done in accordance with Guideline No. 10.

20. Direction 21: sub-section (2) added, requiring that partial surveys be made in accordance with Guideline No 1.

21. Direction 22: re-written with a new sub-section (a) regarding easements for utilities services.

22. Direction 23: re-written with a new section requiring that all boundaries be re-determined in accordance with Guideline No. 22.

23. Direction 24: “fence” has been generalised to “occupation”, and a new requirement to determine heights of structures (where this is practicable) has been added.

24. Direction 26: “fence” again generalised to “occupation”.

25. Direction 28 (b): “not found” is no longer to be a descriptor for the condition of a monument being searched for.

26. Direction 29: astronomical observations no longer acceptable to check angular measurements.

27. Direction 30: amended such as to increase the accuracy requirement for measuring angles (angular misclose in traverse) with theodolites, from 2 minutes to 1 minute of arc. This recognises the greater accuracies attainable with modern instruments and is consistent with similar provisions in the NSW Regulation.

28. Direction 32: 32 (b) has been amended to increase the accuracy requirements for rural surveys.

29. Direction 33: 33 (b) & (c) amended to remove the 5000m² block size stipulation. “Old” 33 (4) deleted as being redundant. 33 (d) now formalises the requirement that pegs be painted

white. 33 (9) requires that chiselled wings be placed closer to the marks at which they point.

30. Direction 34: Former 34 (1)(a), describing the concrete block (CB) mark, has been deleted. 34 (a) (iv) introduces the galvanised star-iron picket. Except for the CB, all other types of reference marks are retained, but are listed in a revised sub-sectional order.

Note: Direction 36 –Other Marks- does not prohibit use of CBs as reference marks if so desired.

31. Direction 35: essentially unchanged, but now refers to 4 pattern plans that specify the essential dimensions of CRMs, and materials to be used for their manufacture or construction.

32. Direction 37 (c): amended to clarify how line marks are to be placed along unfenced boundaries.

33. Direction 38: 38 (a)(ii) the maximum spacing between reference marks has been increased to 200 metres;

38 (a)(iii) specifies actions to be taken where it can be seen that reference marks have been disturbed;

38 (b) specifies marking actions to be taken where rear block boundaries abut territory land;

38 (c) is the former 38 (b).

34. Direction 39: has been re-written, specifying that relevant provisions in Direction 38 and Guideline No. 2 be referred to when acting in accordance with this Direction. Former 39 (b), pertaining to recording of CRM coordinates on the plan, has been deleted.

35. Direction 40: re-written for clarity.

36. Direction 42: re-written for clarity.

37. Direction 43

Direction 43 (a): re-written specifying explicitly the conditions that apply when placing CRMs and reference marks. Direction 43 (b): specifies a new ratio of 2 CRMs per 100 blocks (or part thereof) and that at least one these must be a Deep Driven Rod (SR-type). Direction 43 (c) specifies the maximum distance between CRMs where they are intervisible. Direction 43 (d) prescribes the data lodgement

requirements for CRMs.

38. Direction 45:

45 (a) varies the maximum distance required to connect the survey to an established control mark in accordance with Guideline No.2.

45 (b) now also requires that all connections between control marks be shown on the plan.

39. Direction 48 (b) requires a surveyor to seek approval for a new high water determination as well as for a changed position of the same. Note: *There are some areas within the Jervis Bay Territory where the mean high water boundary has not yet been defined.*

40. Direction 51: requires that surveyors directly survey the line of a natural feature, rather than locate such features by traverse and offset. This new provision aligns with the technique now required in the NSW Regulation and recognises the increased use of GNSS to more accurately and efficiently locate natural features.

41. Direction 52: new sub-section 52 (d) requires additional information about marks found and placed.

42. Direction 53 (a); re-written to clarify the nature of the data to be retained by the surveyor.

43. Direction 56 of the 2013 Survey Practice Directions with respect to astronomical observations has been deleted. “New” Direction 56 relaxes the recording requirements for information that is material to the survey. Direction numbers from here on refer to the 2013 document.

44. Direction 58: was formerly Direction 59, but now includes a section that explicitly states that the metre is the unit to be used for measurement of distance.

45. Direction 59: a revised Direction which sets out requirements and preconditions for lodgement of plans.

Direction 59 (2) covers provisions formerly in Direction 66 (5).

46. Direction 60: notifies that the Standards and Specifications for Deposited Plans document will become known as Guideline No. 6 – Deposited Plans Standards and Procedures.

47. Direction 61: Former 61 (2) deleted.

48. Direction 62 (a – c); re-written for clarity.

49. Direction 63: some clarification to the text of 63 (a) (ii) regarding party walls. 63 (b) and (c) require heights of structures to be shown.

63 (d) was formerly Direction 65 (4).

63 (e) deals with requirements for compiled or computed boundaries.

50. Direction 64: now also provides for boundary lines determined by photogrammetric or remote sensing methods.

51. Direction 65: 65 (a - b) amended to specify electronic certification only.

65 (d) stipulates that all marking must be completed before certification will be issued.

52. Direction 66: 66 (a) now stipulates that marking must be stable, durable and accessible. 66 (b) is a new section that stipulates requirements for completing a stratum survey. 66 (g) stipulates the requirements for vertical control marks that are to be shown on the plan.

53. Direction 68: all provisions relating to Unit Title -except the former Subdivision A- are now part of the new Guideline No 17.

54. Schedule 1 Form 2; re-written to refer to a “plan” and not a “sketch”.

55. Schedule 2: re-written to clarify the horizontal datum and also names the source document that defines the vertical datum.

Regulatory Impact Statement

In accordance with section 36(1)(e) of the Legislation Act 2001, a regulatory impact statement is not required as the amendments made by this instrument do not fundamentally affect the law's application or operation.

Human Rights

This disallowable instrument does not affect any human rights contained in the Human Rights Act 2004.