



Code of Practice

Lodgement of Boundary Identification Surveys

Surveyors Board of South Australia
16 September 2017

Document History

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|------------|------|--|
| 15/05/2014 | 1.0 | Document released |
| 7/04/2015 | 2.0 | Implementation feedback revision |
| 17/03/2016 | 3.0 | Update Terms, Definitions and Acronyms |
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Terms, Definitions and Acronyms

For the purpose of this code the following apply:

Table 1 – Terms, Definitions and Acronyms

| Term/Acronym | Means |
|---------------------------|---|
| Accepted survey | plan approved/accepted by the Registrar-General or Surveyor-General, excluding Information Purposes. |
| Cadastral survey | as defined in section 4 of the <i>Survey Act 1992</i> . |
| CBA | Confused Boundary Area |
| Certified survey | survey with endorsed SGD3 certification, or equivalent under legislation at time of survey. |
| CSG | Cadastral Survey Guidelines |
| CT | Certificate of Title |
| Identification survey | any cadastral survey of existing boundaries of land that is not required, other than by this code, to be lodged in the LTO. |
| Information Purposes | certified survey plan lodged in the LTO which is neither examined nor approved; no fees are charged (see also PPG 2.24 & and CSG 4.12). |
| Lodge | submit a plan to the LTO. |
| LTO | Land Titles Registration Office |
| OB (Outer Boundary Plan) | certified survey plan lodged (fees charged) in the LTO which is examined and approved (see PPG 2.28). For the purposes of this code OB may suffice where Redefinition Purposes mentioned, however may not correct CT. |
| Partial certification | any certification of a licensed surveyor other than that on a certified survey. |
| PPG | Plan Presentation Guidelines |
| Redefinition Purposes | certified survey plan lodged (fees charged) in the LTO which is examined and approved (see PPG 2.33). CT correction requires the purpose to also be Redesignation (see PPG 2.34). |
| Rural boundary | common boundary separating land parcels, both of which are more than 0.5ha in area. |
| SGD | Surveyor-Generals Direction |
| Start point | original mark, or road or allotment corner redefined by certified survey (assuming adequate marking remains). |
| Uncertified resubdivision | division without certified survey. |
| Urban boundary | common boundary separating land parcels, one or both of which are 0.5ha or less in area. |

1 About this Code of Practice

1.1 Introduction

Identification surveys in South Australia cover a wide variety of client requirements: generally any re-marking of boundaries, providing a plan with boundary dimensions, and/or relating boundaries by measurement to physical features. Identification surveys in some other jurisdictions have different meanings, for example re-marking boundaries may fall outside their use of the term, or are required to be provided to Government agencies for different purposes to this code.

This code of practice is approved by the Surveyors Board of South Australia for licensed surveyors performing cadastral surveys in South Australia. The code aims to improve:

- accuracy of the cadastre
- survey practice certainty
- public confidence in the surveying profession.

1.2 Background

The need for this code for lodging identification surveys has arisen due to the difficulties (emotional as well as financial) encountered by landowners and their surveyors in boundary disputes. Differing opinions often arise through later surveyors being unaware of the evidence and/or opinions of the earlier. Courts are loath to overthrow accepted surveys in favour of identification surveys (unless there is cogent evidence of the original boundary position).

It is fundamental that a surveyor's identification survey of existing boundaries, for example, marking for the purpose of erecting a boundary fence, redefines the same position as they would if the client later requested a division of that land parcel. The need for this code in uncertain cadastres is also due to the sometimes unnecessary rectification of 'encroachments' (not always disputed; surveyor trusted). They are unnecessary as the above fundamental has been misunderstood and the encroachment determined apparently without considering any evidence other than CT distances laid from some start point.

1.3 Scope

This code requires lodgement of identification surveys under certain criteria. It also recommends lodgement of identification surveys in areas of boundary uncertainty.

Conduct of other aspects of identification surveys including (if relevant) marking, accuracy, plans, reports, identifying other interests, partial certifications, and content of disclaimers or explanatory notes are outside the scope of this code (see Bibliography for publications that may deal with some of these aspects).

Guidance on boundary redefinition principles, and appropriate connection, is outside the scope of this code (see Bibliography).

2 Accepting Instructions for Boundary Identification Surveys

When considering accepting a commission to undertake an identification survey, and the fee to be quoted to perform the survey, a surveyor should first consider the possibility that the survey may have to be lodged as an Information or Redefinition Purposes plan. Only after assessing a low risk of boundary dispute should the surveyor be satisfied that the survey can be undertaken without the need to lodge a plan.

There are various approaches in explaining to clients that uncertainties in the cadastre may result in situations where identification surveys do not provide a high enough level of certainty for the client's needs:

- written statement advising the client about this possibility when initially taking instructions
- a letter provided with appropriate identification survey plan recommending a Redefinition Purposes plan be lodged
- letter advising the client that the surveyor cannot find an acceptable solution within the scope of the engagement (this possibility should be detailed in the initial statement).

Section 4 includes discussion of evaluation of risk that may lead to a recommendation to lodge a Redefinition Purposes plan, which unlike an Information Purposes plan is examined (for a fee) and approved. The surveyor should explain to their client how lodging a Redefinition Purposes plan may offer greater protection, and ensure their client understands the consequences of the boundary uncertainty if this recommendation is not accepted. If, after the consideration of such advice, the client is unwilling to pay the LTO fees for this lodgement it is not expected that surveyors fund these fees on their client's behalf.

Sections 50 & 51 of the *Survey Act 1992* provide for the declaration of, and adjustment of boundaries in, CBAs. Surveyors may provide evidence of this confusion to the Surveyor-General for possible declaration of a CBA, however, the boundary resolution will often not meet the client's timeframe. See CSG 6.3 for important criteria for CBA declaration, in particular that the Surveyor-General has been advised not to declare CBAs where neighbours are disputing common boundaries.

3 Identification Surveys Required to be Lodged

Identification surveys of urban boundaries **shall** be lodged as an Information Purposes plan where the boundary, or any part or corner of the boundary, being surveyed was created:

- prior to 1921, or
- without certified survey

unless adjacent lodged surveys eliminate all uncertainty in the position of boundaries being surveyed.

The plan must be lodged within 60 days of identification survey pegs being placed or an identification survey plan or report being provided to the client, whichever occurs first.

4 Identification Surveys Recommended to be Lodged

Uncertainty in the cadastre is not confined to boundaries created under section 3 above. If uncertainty in the cadastre creates a risk of boundary dispute it is recommended that identification surveys not covered above also be lodged as an Information or Redefinition Purposes plan. Similarly, Information Purposes plans required under section 3 may instead be lodged as a Redefinition Purposes Plan.

Consideration should also be given to lodging a plan to record the location of valuable evidence, such as original marks or old buildings, potentially unavailable to future surveyors.

Development risk to surveyors and their clients increases with land value, which is generally related to parcel size/density. Urban boundaries therefore carry higher risk than rural. While many rural boundary positions are uncertain, the consequent development risk may generally be low to medium.

Development risk to surveyors and their clients also increases with the value of improvements (both existing and proposed) and their proximity to the boundary. As such, identification surveys for building to the boundary carry greater risk in areas of medium and high risk boundaries. In accepting instructions for identification survey for lower risk improvements surveyors should consider the potential of their survey being used for other purposes or more extensive improvements.

Warning signs of potential boundary uncertainty include:

- boundary created without certified survey
- original reference marking lost¹
- no start points in the street block² for the subject land's road alignment, or the subject land's position along that alignment
- boundary dispute.

Boundaries are not necessarily uncertain (to surveyors) in these cases. However, where there are no start points risk increases as subsequent

¹ Generally not placed on subdivisions before D2336.

² The start point does not have to be at a road corner; it could be a certified survey of an allotment between the road corner and the subject land.

surveyors will be unaware of a start point adopted for a previous identification survey.

A Redefinition Purposes plan is recommended in urban areas under one or more of the conditions in Table 2 (adapt tolerances for rural boundary lodgement in higher risk situations). The conditions in Table 2 are not exhaustive and other scenarios may exist which also justify lodging a Redefinition Purposes plan.

If a decision is made not to lodge a Redefinition Purposes plan due to the discrepancies being less than the tolerances in Table 2, an Information Purposes plan is recommended if the discrepancy exceeds 0.05m, especially condition 5.

Table 2 – Redefinition Purposes Recommended - Urban

| # | Condition | More Than |
|---|---|---------------|
| 1 | Discrepancy between original reference marks | 0.2m |
| 2 | Discrepancy in distance between road alignments, or between start points either side of the subject land | 0.2m + 1/2000 |
| 3 | Building at shortage from either start point such that laying CT data results in encroachment | 0.2m + 1/2000 |
| 4 | Fairly consistent occupation trend relative to start points either side | 0.2m |
| 5 | Excess taken in subject land | 0.2m |
| 6 | Subject land boundary adoption leaves shortage to start point | 0.2m + 1/2000 |
| 7 | Building adopted for subject land boundary where laying CT data instead, from either start point, would have resulted in encroachment | 0.2m |

Condition 3:

- not applicable for certified boundaries whose original reference marks remain.
- includes buildings on allotments other than the subject land between the start points, but excludes less substantial buildings such as tin sheds and carports.
- gutters not meeting the tolerance may be ignored for the purpose of this test.
- becomes more significant with building age and appropriate discretion should be applied to the tolerance.

Condition 4 not applicable for certified boundaries whose original reference marks remain.

Condition 7:

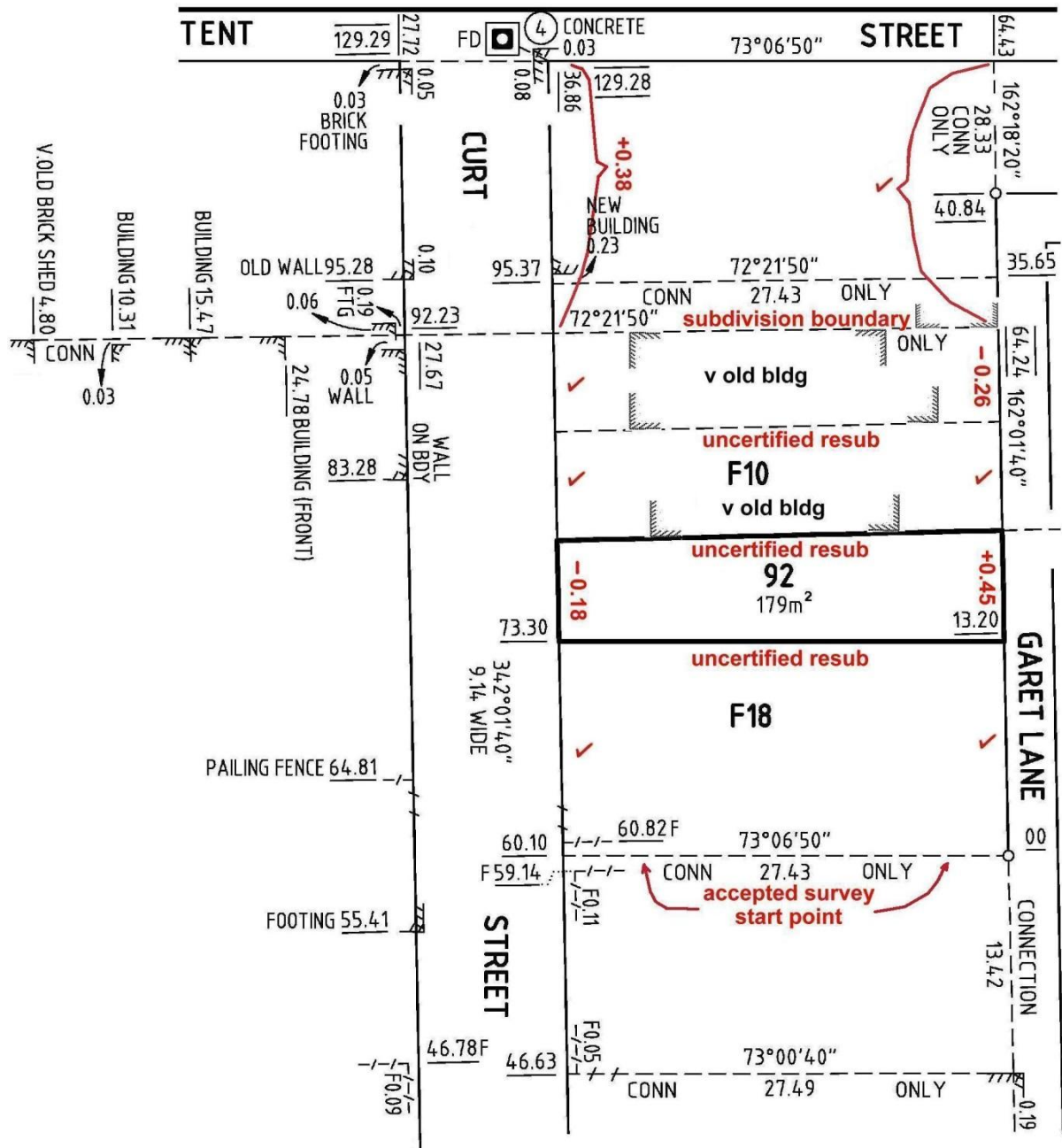
- excludes less substantial buildings such as tin sheds and carports.
- gutters not meeting the tolerance may be ignored for the purpose of this test.
- becomes more significant with building age and appropriate discretion should be applied to the tolerance.

5 Examples

5.1 Boundary Created Without Certified Survey

- 1879 subdivision
- uncertified resubdivisions in mid 1880's
- 0.2m excess in overall frontage of both Curt Street and Garet Lane between start points, however shortage taken in allotment 92 and suggested in allotment to north of F10

Information Purposes plan required as boundaries created without certified survey, however Redefinition Purposes instead recommended under conditions 5, 6 & 7.



5.2 Boundary Created Prior to 1921

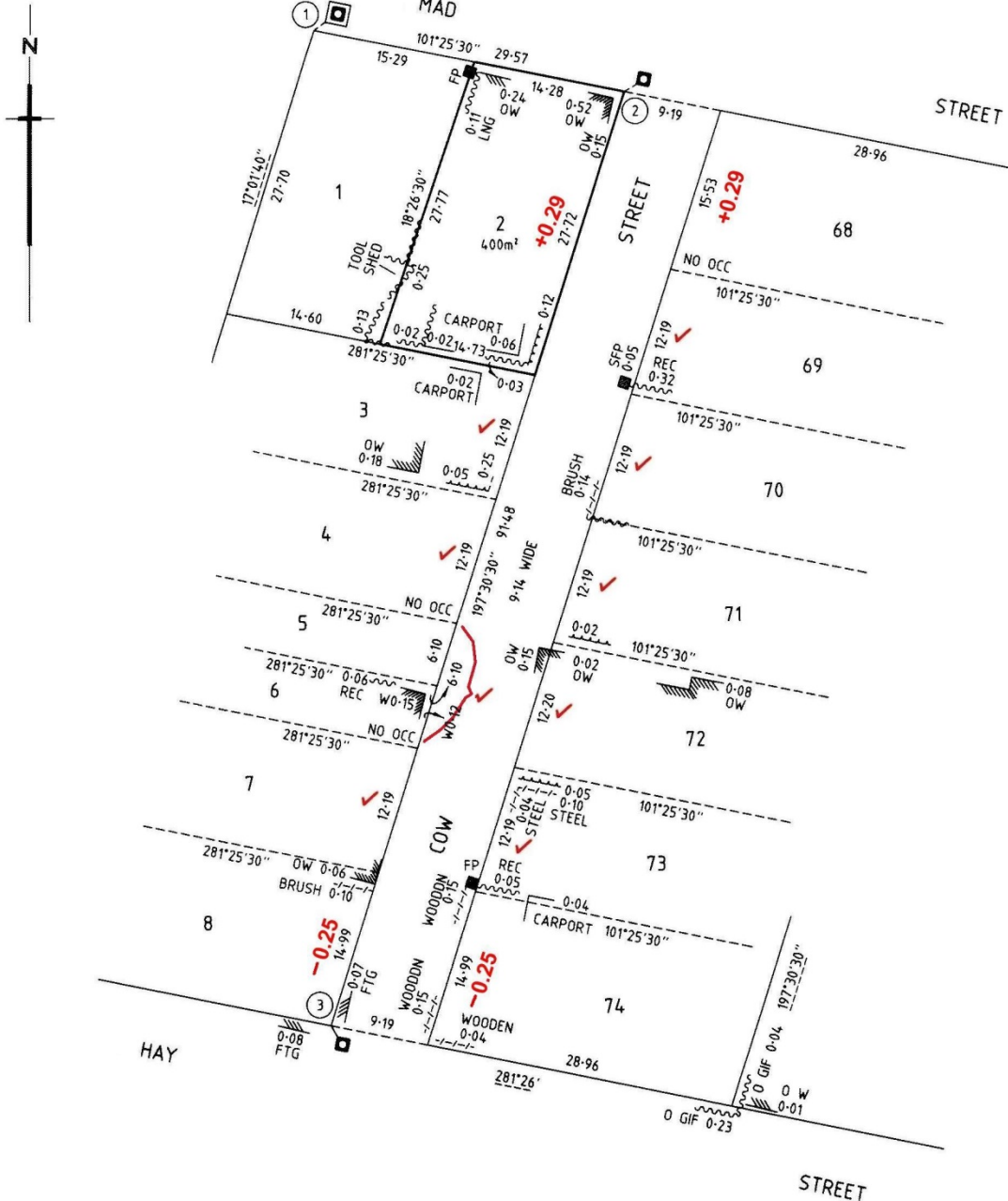
- 1875 subdivision
- PSMs placed on 1914 statutory alteration of road alignments
- overall frontage of Cow Street within 0.04m, however 0.25m occupation trend apparent on this identification survey and further afield on other lodged plans

Information Purposes plan required as subdivision prior to 1921, however Redefinition Purposes plan instead recommended under conditions 4, 5 & 6.

REFERENCE MARKS

| CNR | BEARING | FROM | DIST | PM NO |
|-----|---------|--------|------|-------|
| 1 | 233°37' | PSM FD | 1.24 | |
| 2 | 239°28' | PSM FD | 1.37 | |
| 3 | 329°28' | PSM FD | 1.23 | |

| BEARING DATUM | DERIVATION P.S. | TOT |
|---------------|-----------------|-----|
| F | | |



5.3 Plan List

See the following sample lodgements:

| | |
|---------------------------------|--------|
| Information Purposes: | F55498 |
| | F56770 |
| | F57122 |
| | F57152 |
| | F57214 |
| | F57404 |
| | F57435 |
| OB/Redefinition Purposes: | F52132 |
| | F52962 |
| | F57517 |
| Redefinition and Redesignation: | F49818 |
| | F56654 |
| | F57706 |
| | F57712 |

6 Bibliography

[Cadastral Survey Guidelines](#)

[Plan Preparation Guidelines](#)

[Skalkos v Gebski \(2011\) SASC 213](#)

ACSIS Ltd (2003), *A Practitioners' Guide to Risk Management and Loss Prevention for the Surveying and Geospatial Industries*

Blume, Gibbons & Gill (1984), *Surveyors and Their Professional Liability – A Manual of Loss Prevention*, ISA Australia, 2nd edition