

SURVEY CO-ORDINATION ACT.

Act No. 27, 1949.

An Act to provide for the co-ordination of surveys; for the establishment of a central plan office for the recording of surveys, plans and information relating thereto; and for purposes connected therewith. [Assented to, 1st November, 1949.]

George VI.
No. 27, 1949.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Survey Co-ordination Act, 1949."

Short title
and
commence-
ment.

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2.

Survey Co-ordination Act.

No. 27, 1949. **2.** In this Act, unless the context or subject-matter otherwise indicates or requires:—

Interpreta-
tion.

cf. Act No.
4732 (Vic.),

s. 2;
7 & 8

Geo. VI,
No. 86

(Tas.), s. 2.

“Central plan office” means the central plan office established under this Act.

“Central plan register” means the central plan register established under this Act.

“Council” has the meaning ascribed thereto in the Local Government Act, 1919, as amended by subsequent Acts.

“Establish” with respect to a permanent mark means the precise determination of its position in relation to the State triangulation survey or to a local triangulation survey or standard traverse, and words derived therefrom have a corresponding meaning.

“Permanent mark” means a permanent mark placed, adopted or established under the provisions of this Act.

“Plan” includes any survey plan, map, aerial photograph or description made or obtained as part of any survey or surveys.

“Prescribed” means prescribed by this Act or by regulations under this Act.

“Proper officer” means the officer or servant of a public authority appointed by it as the proper officer thereof for the purposes of this Act.

“Public authority” includes any department of the State, and any council, and any board, commission, trust or other body, whether corporate or unincorporate, established or constituted by or under any Act for any public purpose, whether in respect of the whole or any part of the State, which is authorised or required by any Act or regulation to make surveys, or the functions of which are such as to require surveys to be made by, or plans of surveys to be lodged with, it.

“Recorded plan” means a plan of which a record has been entered in the central plan register in pursuance of this Act.

“Standard

“Standard survey mark” includes any survey monument or reference mark whose relative position to permanent marks has been or is proposed to be established to the satisfaction of the Surveyor-General. No. 27, 1949

“Survey” means the act or process of determining the form, contour, position, area, height, depth, or any other similar particulars of any part of the earth’s surface, whether on land or water, or of any natural or artificial features on, below, or above any part of that surface, or the length and direction of the bounding lines of any part of that surface, or of any such natural or artificial features thereof, and includes the making or obtaining of a plan or plans thereof.

“Surveyor” has the meaning ascribed thereto in the Surveyors Act, 1929-1946.

“Surveyor-General” means the officer of the Department of Lands who bears that designation or the officer for the time being performing his duties.

3. For the purposes of this Act there shall be established, in the Department of Lands, a central plan office.

Establishment of central plan office.

cf. Act No. 4732 (Vic.), s. 3; Act 7 & 8 Geo. VI, No. 86 (Tas.) s. 3.

4. (1) Every public authority shall, as soon as practicable after the commencement of this Act, appoint a suitable person as the proper officer of that authority for the purposes of this Act and notify the Surveyor-General of such appointment.

Public authorities to appoint proper officers and forward to Surveyor-General information as to surveys and plans.

(2) The Surveyor-General may, from time to time, make such inquiry of any public authority as he may consider necessary for ascertaining the types of surveys carried out and of plans held by such authority.

The Surveyor-General may, after making any such inquiry of any public authority, by notice in writing require the proper officer of such public authority to

No. 27, 1949. forward to him within the time specified in such notice, or within such further time as he may allow, such particulars as may be specified in such notice of the plans made, obtained or held by such public authority relating to such types of survey as may be specified in such notice.

The proper officer of any public authority to whom any notice has been given under the foregoing provisions of this subsection shall cause a correct and complete list to be compiled setting out the particulars required by such notice and forward it to the Surveyor-General within the time specified in such notice, or within such further time as the Surveyor-General may allow, as the case may be.

Public authorities to give notice of intention to commence new surveys.

5. Any public authority before commencing any survey of a type with respect to which the Surveyor-General has required the proper officer thereof to forward to him particulars of plans in pursuance of the provisions of section four of this Act shall deliver or forward to the Surveyor-General notice in or to the effect of the prescribed form of the intention of such public authority to commence the survey:

Provided that where it is impracticable by reason of the urgency of any particular survey to give such notice beforehand, notice of having commenced such survey shall be given by the public authority to the Surveyor-General as early as is practicable in the circumstances.

Power to Surveyor-General to require connection of proposed surveys to existing surveys, permanent marks, etc. cf. Act No. 4732 (Vic.), s. 6; Act 7 & 8 Geo. VI, No. 86 (Tas.), s. 6.

6. (1) Without limiting the generality of the provisions of this Act relating to surveys in or contiguous to survey areas proclaimed in pursuance of the provisions of section eleven of this Act, the Surveyor-General may, by writing addressed to the proper officer of any public authority, require, in relation to any survey being carried out or proposed to be carried out by or on behalf of such public authority, that—

(a) such survey shall be connected to an existing local or general survey and that any plan thereof based upon a datum as to levels other than the standard datum shall show the correction required to reduce the levels to the standard datum;

(b)

(b) the surveyor carrying out such survey or, where No. 27, 1949. such survey is a survey other than a survey defined by the Surveyors Act, 1929-1946, the person carrying out or supervising such survey on behalf of such public authority shall cause permanent marks of the prescribed kind to be placed within or adjacent to the area to be surveyed as the Surveyor-General directs, and that such survey shall be connected to any permanent mark or marks already placed, adopted or established;

(c) a true copy—

(i) of any plan made or obtained as part of such survey and showing the date of the survey; and

(ii) of any sketch plan showing the position of permanent marks placed and the connection if any of such survey to a local or general survey or to any permanent mark or marks already placed, adopted or established;

certified as correct by the surveyor or person referred to in paragraph (b) of this subsection, as the case may be, be forwarded to the Surveyor-General within one month after the preparation of such plans;

(d) the original of any plan referred to in paragraph (c) of this subsection be made available to the Surveyor-General for inspection.

The Surveyor-General shall not be entitled to require a public authority to forward to him any plan or copy of a plan of any survey based upon a datum as to levels until the work to which the survey relates has been completed and the plans have been adjusted to show the work as executed.

(2) The public authority affected by any requirements of the Surveyor-General under subsection one of this section shall carry out or cause the survey to which such requirements relate to be carried out in accordance with such requirements and the proper officer of any such public

Survey Co-ordination Act.

No. 27, 1949. public authority shall forward the plans or copies thereof to the Surveyor-General in accordance with such requirements.

(3) Every survey commenced by or on behalf of any public authority after the commencement of this Act, whether the subject of a requirement by the Surveyor-General under the provisions of this section or not, shall be carried out in accordance with the standards of measurement and accuracy prescribed by regulations under this Act relating to surveys of the appropriate kind.

This subsection shall not apply to a survey carried out in accordance with the provisions of the Surveyors Act, 1929-1946.

Supple-
mentary
information
as to
plans to be
forwarded
to
Surveyor-
General.

7. Where the proper officer of any public authority has caused a list (in this section referred to as the "original list") to be compiled in accordance with the provisions of section four of this Act he shall, within twenty-eight days after the first day of July next following the compilation of the original list, and in each year thereafter—

- (a) cause a correct and complete list (in this section referred to as the "supplementary list") to be compiled of the plans, relating to the types of survey in respect of which the original list was compiled, made or obtained by or on behalf of or lodged with such public authority after the compilation of the original list and before the first day of July next following, or during the period of twelve months preceding the said first day of July, as the case may be;
- (b) set forth in the supplementary list in relation to plans relating to any type of survey made, obtained or lodged as aforesaid the like particulars as were set forth in the original list in relation to plans of such type of survey; and
- (c) forward the supplementary list to the Surveyor-General.

8. (1) For the purposes of this Act there shall be established and maintained in the central plan office a register, to be called the central plan register, which shall be in the form prescribed and shall contain the prescribed classifications and particulars.

No. 27, 1949.

Establishment of central plan register and recording of plans.

(2) The Surveyor-General, after such inquiry as he considers necessary, shall cause to be entered in the central plan register a record of such of the plans—

cf. Act No. 4732 (Vic.) s. 8; Act 7 & 8, Geo. VI, No. 86 (Tas.), s. 8.

- (a) set out on any list forwarded to him in pursuance of the provisions of section four or section seven of this Act, or
- (b) forwarded to him in pursuance of the provisions of section six of this Act,

as appear to him to be of general value for the purposes of this Act, and shall cause to be marked or stamped upon every such plan, whether in the central plan office or not, such particulars of its recording and classification as are prescribed.

(3) Where it appears to the Surveyor-General that any recorded plan in the possession of any public authority is of such general value for the purposes of this Act that it should be kept in the central plan office—

- (a) in the case of any plan in the possession of a Department of the State—with the consent of the Minister administering that Department; and
- (b) in the case of any plan in the possession of any other public authority—with the consent of such public authority,

such plan or a copy thereof certified as correct by the proper officer shall, when required by the Surveyor-General, notwithstanding anything to the contrary contained in any enactment other than this Act, be lodged by such public authority and kept in the central plan office.

(4) No recorded plan which remains in the possession of any public authority shall be destroyed or, except in pursuance of this Act, be removed out of the possession of such authority without the consent, in writing, of the Surveyor-General.

(5)

Survey Co-ordination Act.

No. 27, 1949.

(5) Where any alteration is effected in any recorded plan in the possession of any public authority, and such alteration is in respect of the survey to which such plan relates, the proper officer thereof shall, within fourteen days after such alteration is effected—

- (a) notify the Surveyor-General thereof, in writing, and
- (b) if a copy of the recorded plan has been lodged with the Surveyor-General, forward or lodge with the Surveyor-General a plan showing the details of such alteration.

(6) For the purpose of the recording and classification of plans pursuant to this Act, every person authorised by the Surveyor-General shall, at all reasonable times, have free access to all plans set out in any list forwarded to the Surveyor-General in pursuance of the provisions of this Act which are in the possession of any public authority, and shall be entitled to mark or stamp on any of such plans such particulars as are required for the purposes of subsection two of this section.

Inspection
of recorded
plans.

cf. Act No.
4732 (Vic.),
s. 10;
Act 7 & 8
Geo. VI, No.
86 (Tas.),
s. 9.

9. (1) Every person authorised in writing by the Surveyor-General shall, at all reasonable times, be entitled to inspect any recorded plan kept in the central plan office, and the Surveyor-General may authorise any person to inspect any recorded plan which is kept elsewhere than in the central plan office.

(2) Every person authorised in writing by the Surveyor-General, whether generally or in any particular case, upon production of the authority issued to him by the Surveyor-General and upon satisfying a public authority having possession of any recorded plan as to his purpose for inspecting such plan, shall at all reasonable times be entitled to inspect and copy any recorded plan in the possession of such public authority.

Provision of
copy of
recorded
plan.

cf. Act No.
4732 (Vic.),
s. 11;
Act 7 & 8
Geo. VI, No.
86 (Tas.),
s. 10.

10. A public authority shall, when so required by the Surveyor-General by writing addressed to the proper officer thereof, provide an accurate copy of any recorded plan in its possession to the Surveyor-General or to any person, upon payment, but subject to any reciprocal arrangements to which such public authority may be a party, of such charge, if any, as is provided by or under any

any other Act therefor, and where there is no such provision, of such a charge as shall not exceed the cost of preparation of the copy as determined by such public authority plus ten per centum thereof. No. 27, 1949.

11. (1) When, in the opinion of the Surveyor-General, the State triangulation survey has been sufficiently developed within any area and the plans relating thereto and such other information as he requires are available, the Surveyor-General, after consultation with the Board of Surveyors of New South Wales and such public authorities as he considers proper, may, with the approval of the Minister, cause to be carried out in that area such surveys as he considers necessary for the establishment of permanent marks for the convenient connection of local or general surveys to the State triangulation survey.

Surveys for the establishment of permanent survey marks in certain areas.
cf. Act No. 4732 (Vic.), s. 12; Act 7 & 8 Geo. VI, No. 86 (Tas.), s. 11.

(2) If the Surveyor-General reports, in writing, to the Minister that—

- (a) the provisions of subsection one of this section have been given effect to with respect to any area and that permanent marks have been established for such area; or
- (b) there are in any area sufficient permanent marks established by a local system of triangulation or standard traverse survey for such area,

the Governor may by proclamation published in the Gazette declare such area to be a proclaimed survey area for the purposes of this Act.

(3) After the publication of any proclamation under subsection two of this section every survey made for any purpose under any Act of any area which is wholly or partly within or contiguous to the proclaimed survey area, shall be connected, as prescribed, to at least two placed, adopted or established permanent marks, or to at least two placed or established survey marks which are acceptable to the Surveyor-General as standard survey marks for the proclaimed survey area, either—

- (a) directly; or
- (b) where the Surveyor-General or some person authorised in writing in that behalf by the Surveyor-General

No. 27, 1949.

Surveyor-General so authorises in writing, indirectly, by way of connection to existing permanent or survey marks already connected or proposed to be connected, to permanent marks or standard survey marks,

and no plan of any such survey shall be lodged with, or accepted or otherwise used by any public authority or be of any validity whatever for any purpose under any Act unless it shows the connections required by this section or is accompanied by a sketch plan showing the connections so required.

(4) It shall be the duty of the Surveyor-General when requested so to do to advise the person carrying out any survey referred to in subsection three of this section as to how proposed surveys may be connected to the placed, adopted or established permanent marks or standard survey marks and to authorise any indirect connection as provided by this section which appears to him to be more convenient or economical than a direct connection, and any survey carried out, or plan prepared in accordance with the written authority of the Surveyor-General shall, if such authority is submitted with the plan, be deemed for all purposes a sufficient compliance with the requirements of this section.

Surveyor-General to advise as to avoidance of duplication of surveys, etc.
cf. Act No. 4732 (Vic.), s. 13 (1); Act 7 & 8 Geo. VI, No. 86 (Tas.), s. 12.

12. It shall be the duty of the Surveyor-General to—

- (a) advise the proper officer of any public authority or, when requested so to do, advise any surveyor of all recorded plans and of all proposed surveys which may render unnecessary or limit the scope of any survey proposed to be carried out by or on behalf of that authority or by the surveyor; and
- (b) take all such steps as may be expedient for avoiding unnecessary duplication of surveys, including the—
 - (i) carrying out for or on behalf of and with the consent of any two or more public authorities of any survey which may be required by such authorities; or
 - (ii)

- (ii) arranging for the carrying out, with No. 27, 1949.
the consent of the public authorities
concerned of any such survey by any
one of such authorities,

upon such terms as to payment of the costs of the survey as are agreed upon by those authorities and the Surveyor-General or, in default of such agreement, as may be determined by the Minister.

13. The Surveyor-General may at any time cause to be carried out any survey which he considers necessary or desirable for the purposes of this Act, and may establish upon the area surveyed such permanent marks as he considers necessary and a record of the plan of every such survey shall be entered in the central plan register.

General power to Surveyor-General to carry out surveys for purposes of this Act.
Act No. 4732 (Vic.), s. 14;
Act 7 & 8 Geo. VI, No. 86 (Tas.), s. 13.

14. (1) The Surveyor-General may adopt any particular reference marks or other survey marks, or any class of reference marks or other survey marks placed or established, by any person or public authority, whether before or after the commencement of this Act, as permanent marks for the purposes of this Act by publication of a notice in the Gazette specifying the marks or class of marks so adopted.

Adoption of existing survey marks as permanent marks and maintenance thereof.
cf. Act No. 4732 (Vic.), s. 15;
Act 7 & 8 Geo. VI, No. 86 (Tas.), s. 14.

(2) Any permanent mark required or authorised to be placed or established under this Act, whether by the Surveyor-General or by any public authority, may be so placed or established—

- (a) upon any unoccupied Crown land;
- (b) upon any land vested in, or under the care and management of any public authority;
- (c) upon any road, street, pathway, lane or thoroughfare;
- (d) with the consent of the owner or occupier thereof upon any privately owned land; or

(e)

No. 27, 1949.

- (e) with the consent of the holder or occupier thereof upon any land held under any tenure from the Crown,

and every person authorised by the Surveyor-General or by the proper officer of the public authority by which or on whose behalf any survey is being carried out shall, at all reasonable times, have access to such land, road, street, pathway, lane or thoroughfare for the purpose of the establishment, inspection and maintenance of any permanent mark thereon or the connection of any survey with any permanent mark.

No action, claim or demand whatsoever shall lie or be made or allowed by or in favour of any person whomsoever against the Commissioner for Railways for or in respect of any damage, loss or injury sustained or alleged to be sustained by any person whilst upon any land vested in the Commissioner for Railways for the purpose of placing, establishing, inspecting or maintaining any permanent mark thereon or connecting any survey therewith.

(3) (a) All permanent marks placed or established by the Surveyor-General under this Act, for any survey area proposed to be proclaimed in pursuance of section eleven of this Act, shall be placed or established out of moneys provided by Parliament for survey purposes.

(b) The cost of all permanent marks placed by any public authority in compliance with any requirements of the Surveyor-General under section six of this Act in relation to any survey carried out by or on behalf of such public authority shall be provided for out of such moneys as are available to such public authority for the purposes of such survey.

(4) All permanent marks adopted under the provisions of this section and all permanent marks placed or established under this Act whether by the Surveyor-General or any public authority shall be maintained in good order and condition—

- (a) if upon any land vested in or under the care and management of any public authority—by such public

public authority out of such moneys as are available for the care and management of such land; or

- (b) if upon a road, street, pathway, lane or thoroughfare, the maintenance whereof is charged upon any public authority—by such public authority out of such moneys as are available for the maintenance of such road, street, pathway, lane or thoroughfare; or
- (c) if upon any privately owned land, unoccupied Crown land, or land held under any tenure from the Crown—by the Surveyor-General or by the public authority placing or establishing the mark as the case may be:

Provided that where the Minister is satisfied upon the application of any public authority that the maintenance of any such mark involves undue expense or inconvenience to such public authority, he may direct that such maintenance shall be carried out by the Surveyor-General or by such other public authority as he may direct and such maintenance shall be carried out accordingly.

15. (1) The Surveyor-General shall, where necessary, give notice, in writing, of the placement, adoption, establishment, removal or alteration of any permanent mark to the public authority charged under this Act with the maintenance thereof.

Notice of placement, etc., of permanent mark to public authority charged with maintenance.
cf. Act No. 4732 (Vic.), s. 17; Act 7 & 8 Geo. VI, No. 86 (Tas.), s. 15.

(2) The Surveyor-General shall give notice, in writing, to the Registrar-General of the placement, adoption, establishment, removal or alteration of any permanent mark in any case where he considers that the placement, adoption, establishment, removal or alteration thereof is likely to affect any plan lodged or retained in the office of the Registrar-General.

16.

No. 27, 1949.

Surveyors
to report
irregulari-
ties in
position of
permanent
marks.

cf. Act
No. 4732
(Vic.),
s. 18;
Act 7 & 8
Geo. VI,
No. 86
(Tas.),
s. 16.

16. (1) Any surveyor who discovers any apparent irregularity in the position of any permanent mark, or that any permanent mark has been destroyed or removed, or is in disrepair, or that any measurements made by him differ from those shown upon any recorded plan, shall furnish a report thereon, in writing, to the Surveyor-General.

(2) Any officer or employee of any public authority, not being a surveyor, who discovers that any permanent mark has been destroyed or removed or is in disrepair, shall report the same to the proper officer of such public authority who shall thereupon notify the same, in writing, to the Surveyor-General.

Cost of
surveys, etc.

cf. Act
No. 4732
(Vic.),
s. 19;
Act 7 & 8
Geo. VI,
No. 86
(Tas.),
s. 17.

17. (1) The cost of any survey authorised to be carried out by the Surveyor-General under this Act shall be defrayed out of moneys provided by Parliament for survey purposes.

(2) The additional costs occasioned to any public authority in relation to any survey by reason of the operation of this Act or any requisition of the Surveyor-General thereunder shall be deemed to be part of the costs of such survey and shall be met out of such moneys as are available to such public authority for such survey.

Annual
report of
Surveyor-
General.

18. The Surveyor-General shall as soon as is practicable after the close of each financial year prepare and submit to the Minister a report upon the administration of this Act during such financial year. A copy of such report shall be laid before each House of Parliament.

Exemption
of plans,
surveys, etc.,
from
operation
of this
Act.

cf. Act
No. 4732
(Vic.),
s. 21;
Act 7 & 8
Geo. VI,
No. 86
(Tas.),
s. 19.

19. Upon the application of any public authority, or any surveyor, or any person who carries out or supervises any survey other than a survey defined by the Surveyors Act, 1929-1946, on behalf of any public authority, the Surveyor-General may, for any reason which he shall consider sufficient, by writing exempt from all or any of the provisions of this Act relating to surveys or plans, either permanently or for any specified period and subject to such conditions, if any, as the Surveyor-General considers necessary, any particular survey being carried out, or proposed to be carried out by such public authority, surveyor or person, or any particular plan of survey.

survey in the possession of, or to be prepared by such public authority, surveyor or person, or any class of such surveys or plans. No. 27, 1949.

20. (1) No person shall destroy, remove, injure or deface, or directly or indirectly cause any alteration in the position of any permanent mark placed, adopted or established under this Act: Penalty for destruction, etc., of permanent marks.

Provided that the removal or alteration of any permanent mark for the purpose of any building reconstruction or other work, or for any reason which renders such removal or alteration necessary, in accordance with such provisions as to notice, supervision, re-establishment and report to the Surveyor-General as are prescribed shall not be deemed a breach of this subsection. cf. Act 7 & 8 Geo. VI, No. 86 (Tas.), s. 20.

Any person who commits a breach of this subsection shall be liable to a penalty not exceeding fifty pounds.

(2) Upon the conviction of any person for any offence against this section, the court may, in addition to imposing a penalty under subsection one of this section, order that the defendant shall pay to the Surveyor-General or public authority charged with the maintenance of the permanent mark in respect of which the proceedings were instituted, such amount as the court thinks reasonably necessary to reimburse the Surveyor-General or public authority for any expenses incurred in replacing or re-establishing the mark.

Any order for payment made under the authority of this subsection by a court of petty sessions shall operate as an order for the payment of money under the Small Debts Recovery Act, 1912, as amended by subsequent Acts, and be enforceable as such under the provisions of that Act.

21. Any penalty imposed by this Act or the regulations may be recovered in a summary manner in a court of petty sessions holden before a stipendiary magistrate. Penalties.

22. (1) The Governor may make regulations not inconsistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Act. Regulations.

Without

Survey Co-ordination Act.

No. 27, 1949. Without prejudice to the generality of the foregoing provisions the Governor may make regulations for or with respect to:—

- (a) the form of and the particulars to be contained in notices of intention to commence surveys or of having commenced surveys;
- (b) the form of the central plan register and the classifications and particulars of plans to be recorded therein and the particulars to be marked upon recorded plans;
- (c) the kinds and specifications of permanent marks to be placed under this Act, and empowering the Surveyor-General to authorise departures from such prescribed permanent marks;
- (d) regulating the placing, adoption or establishment of permanent marks under this Act;
- (e) prescribing the conditions as to notice supervision re-establishment and report to the Surveyor-General under which permanent marks may be altered or removed for the purpose of any building reconstruction or other work, or for any reason which may render such removal or alteration necessary;
- (f) prescribing standards of measurement and of accuracy to be adopted for the purposes of any survey not required to be carried out in accordance with the Surveyors Act, 1929-1946, or the regulations thereunder, and the connection of any survey to any existing survey mark or permanent mark pursuant to this Act;
- (g) prescribing conventional signs to be used on plans required to be prepared and forwarded to the Surveyor-General under this Act;
- (h) empowering the Surveyor-General to call for the production of the field notes of any survey a plan of which is recorded or forwarded or set out on any list forwarded to the Surveyor-General under this Act.

(2) The regulations may impose a penalty not exceeding twenty pounds for any breach thereof.

(3)

- (3) The regulations shall—
- (a) be published in the Gazette;
 - (b) take effect from the date of publication or from a later date to be specified in the regulations; and
 - (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is then in session, and if not, then within fourteen sitting days after the commencement of the next session.

No. 27, 1949.

(4) If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.
