



The Consulting Surveyor

The Newsletter of the
Association of Consulting Surveyors (Victoria) Inc

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CSV Board of Directors October 2021/October 2022 & Staff

Office Bearers	Member	Telephone	Email
President	Mr. James Canning KLM Spatial Suite 1, Building 2, No 3 Ordish Road, DANDENONG SOUTH 3175	9794 1600 0408 318 630	jamesc@klms.com.au
Treasurer	Mr Rohan Bakker SMEC PO Box 23027, DOCKLANDS 8012	9869 0873 0431 651 229	rohan.bakker@smec.com
Board Members	Mr Leo Bateman Taylors 8/270 Ferntree Gully Road NOTTING HILL 3168	9501 2800 0408 991 426	l.bateman@taylorsds.com.au
	Ms. Emma Crowther Beveridge Williams PO Box 61 MALVERN 3144	9524 8888 0427 434 884	crowthere@bevwill.com.au
	Mr Michael Degg Charlton Degg Suite 1, Level 1, 84 Mt Eliza Way, MT ELIZA 3930	9775 4555 0487 133 777	michaeld@charltondegg.com.au
	Mr Timothy George Thomas & George Licensed Surveyors 4/4 Clarke Street, LILYDALE 3140	03 9735 1338 0419 253 649	tim@tgsurveys.com.au
	Mr. Ray Mawson Vicland Surveying 53, Rose Street, ESSENDON 3040	9331 4266 0407 058 155	ray@vland.com.au
	Mr Nic Moore Hellier McFarland PO Box 1206 DARLING 3145	9532 9951 0458 884 855	nmoore@hmf.com.au
	Mr. Brendan Munari Veris Australia PO Box 5075, SOUTH MELBOURNE 3205	7019 8400 0408 100 514	b.munari@veris.com.au
	Mr. Paul Murrhly Head & Humphreys Suite 3, 47 Railway Road, BLACKBURN 3130	9875 8777 0402 015 524	paul@hhsurvey.com.au
	Mr. Alan Norman Reeds Consulting GPO Box 2240 MELBOURNE 3001	8660 3000 0438 625 202	alan.norman@reedsconsulting.com.au
Executive Officer	Ms. Carmen Olson Suite 416, 370 St Kilda Road, MELBOURNE 3004	9690 6660 0411 328 068	carmen@acsv.com.au
Executive Advisor	Mr Gerry Shone Suite 416, 370 St Kilda Road, MELBOURNE 3004	9690 6660 0409 131 992	gerry.shone@acsv.com.au
Training Co-ordinator	Mr. Rob Steel Suite 416, 370 St Kilda Road, MELBOURNE 3004	9690 6660 0418 301 956	rob@acsv.com.au
Administration Officer	Ms. Cherie Pereira Suite 416, 370 St Kilda Road, MELBOURNE 3004 <i>Monday, Tuesday & Thursday</i>	9690 6660 0431 784 711	cherie@acsv.com.au
Administration Officer	Ms. Trish Holmes Suite 416, 370 St Kilda Road, MELBOURNE 3004 <i>Tuesday through to Friday</i>	9690 6660 0411 950 279	trish@acsv.com.au
Administration Officer	Ms. Rita Gasparroni Suite 416, 370 St Kilda Road, MELBOURNE 3004 <i>Monday, Tuesday & Wednesday</i>	9690 6660 0409 260 701	rita@acsv.com.au

ARTICLES WANTED AND FPET POINTS AVAILABLE

SRBV ' Guidelines for FPET ' effective from 30 August 2020 provide for allocation to a Licensed Surveyor of 3 points for writing a substantial article, see 6.6.6 extract below:

6.6.6 Writing a journal/magazine article and/or presenting a conference paper of direct relevance to the practises of a licensed surveyor— 3 points in the appropriate category for writing/preparing and presenting a substantial article/presentation, up to a maximum of 6 points in each FPET period.

Articles are accepted at any time and newsletters are collated and published bi-monthly.





Update from your Incoming President

Well, has there ever been a better time to be a consulting surveyor in Victoria?

With just over a month in the president's chair it has already been a highly productive period for CSV.

I'd firstly like to congratulate outgoing President Leo Bateman on the conclusion of his excellent term, particularly for assisting Victorian survey businesses to navigate the State Government Covid 19 rules.

Secondly, I am pleased to acknowledge the consistent work of Michael Wilson, stepping down from CSV board after a decade of great service, advocating for small business operators in urban and regional areas of Victoria.

Thirdly, I welcome incoming member Timothy George to the board and look forward to his fresh contributions to the Small Business sector and Continuing Professional Development committee.

As we enter the summer of 2021 our business environment will undoubtedly change as Covid rules become more relaxed. I'd like to encourage CSV members to congratulate themselves upon their tenacity for holding our industry together through some particularly challenging times.

Managing lockdowns, staff isolation, logistics and client expectations has required many, if not all, Victorian survey businesses to shift

gears, embrace flexibility and think outside the square. The high levels of productivity achieved in this period is a testament to the successful adaptation of our skills to a new environment.

I have always believed that surveyors are particularly adaptable due to the very nature of our profession; one day knee deep in mud, measuring a rural property and the next day briefing a QC in Collins Street for a complex legal case.

This month we were especially excited to see the completion of our first CSV Business Academy course. The Academy program will be exclusively offered to a very limited cohort of CSV members in 2022. It is recommended to book early as the feedback from our recent graduates tells me that the course content is excellently paired with the needs of a Victorian Consulting Surveyor. Michelle Blicavs from CSNSW proposes to bring the course to a Victorian audience annually and is personally supporting the CSV graduates with the offer of ongoing business coaching. A terrific opportunity to expand the business capability of our membership.

In the year ahead, it is my presidency goal to



increase CSV exposure to kindred industry business groups, government decision makers and public authority leaders. I believe CSV advocacy in these areas would greatly benefit from becoming a 'well-known' player on the field. It is my view that the only way to become known is to actively promote the role of CSV members and the important work we do for the Victorian community. By turning our CSV leadership focus outward, there will be opportunities to promote and grow our professional recognition amongst a wider audience. Throughout my career I have heard complaints like 'surveying is a hidden profession' and 'surveyors are not adequately recognised for our professional skills'. In my opinion, there is only one way that this can ever change; become less hidden !



Collectively, we may be a fairly conservative and introspective profession, but that does not mean we cannot participate vigorously in public discourse. To 'stand up straight with our shoulders back' and proudly talk about what we do in public forums is the first step to becoming 'less hidden'.

In a recent CSV meeting with Victorian Surveyor General; Craig Sandy this month, I outlined this approach and received a strong vote of support with a wholehearted agreement about building a more 'Public' profile for the role of Victorian surveyors.

To that end, I will be asking the CSV board and membership to actively pursue opportunities to address industry on land surveying matters in 2022.

The success of 2021 CSV Education programs with Seminars, Webinars Newsletter and PTA modules has been built from a strong commitment by CSV board, Executive, Suppliers and Members.

I look forward to enhancing and expanding these services in 2022 and have been notably impressed with the members feedback regarding the Webinar format.

Your feedback will definitely play out into greater offerings for 2022 which will also be enhanced by the hard work done on our new upcoming website.

The CSV team continues to work in advocacy for members with notable

recent contributions to the SRBV licensing review, Planning Scheme Amendments and Member concerns about Council Planning Matters.

Resolution of some recent advocacy regarding drainage works within transmission line easements will soon be brought to a conclusion – so stay tuned for that one.

Members are invited to raise matters of advocacy concern, particularly where it may affect more than one member.

Looking ahead, we may still have many challenges in the coming term, with global inflation, a skills shortage and potential for further Covid variants.

I am confident however, that the adaptability of Consulting Surveyors will continue to prevail in our new market conditions.

Please do contact CSV office if you have any suggestions for further investigation in 2022.

In closing, I wish you and your families every joy over the upcoming holiday season and recommend a well-earned rest.

Let us all face 2022 with a renewed vigour to 'get out amongst it' and 'make our world a better place'

James Canning
KLM Spatial

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COMMENCEMENT OF THE OWNERS CORPORATION AND OTHER ACTS AMENDMENT ACT 2021

With the commencement of the Owners Corporation and Other Acts Amendment Act 2021, on 1st December, I thought it would be a good time to review the major impacts that this new Act will have on our activities.

The Act will result in significant changes to the Owners Corporation Act and a small number of important changes to the Subdivision Act.

In this article I have highlighted the Subdivision Act amendments that I think will have the biggest immediate impact on surveyors with some comments based on my assessment to date.

Separately, there is a CSV Subcommittee working to prepare a paper to help members understand and adapt to the changes impacting on our day to day work processes. We anticipate that this will be available early in the new year.

Division 2 – Amendment of Subdivision Act 1988

New section 27EA inserted

27EA Initial owner to engage surveyor

1. For the purposes of preparing a plan under this Part, an initial owner must engage a licensed surveyor to set out the initial allocation of lot liability and lot entitlement in the plan.
2. Subsection (1) does not apply to a tier five owners corporation within the meaning of section 7(6)(a) of the **Owners Corporations Act 2006.**

Comment; This is not a significant change as all plans of subdivision are prepared by Licensed Surveyors and the current practice would be, in almost every instance, that the Entitlement and Liability schedules are prepared as part of the plan by the Licensed Surveyor. In large complex projects the determination of Entitlements and Liabilities is often done in consultation with other relevant professionals such as Lawyers and Owners Corporation Managers. I assume that the use of the term

“set out” is intended to mean that the Licensed Surveyor is to “document” the E&L values in the plan (current practice) and is not intended to imply that the surveyor is to be solely responsible for the “determination” of E&L’s. It is essential, particularly on large and/

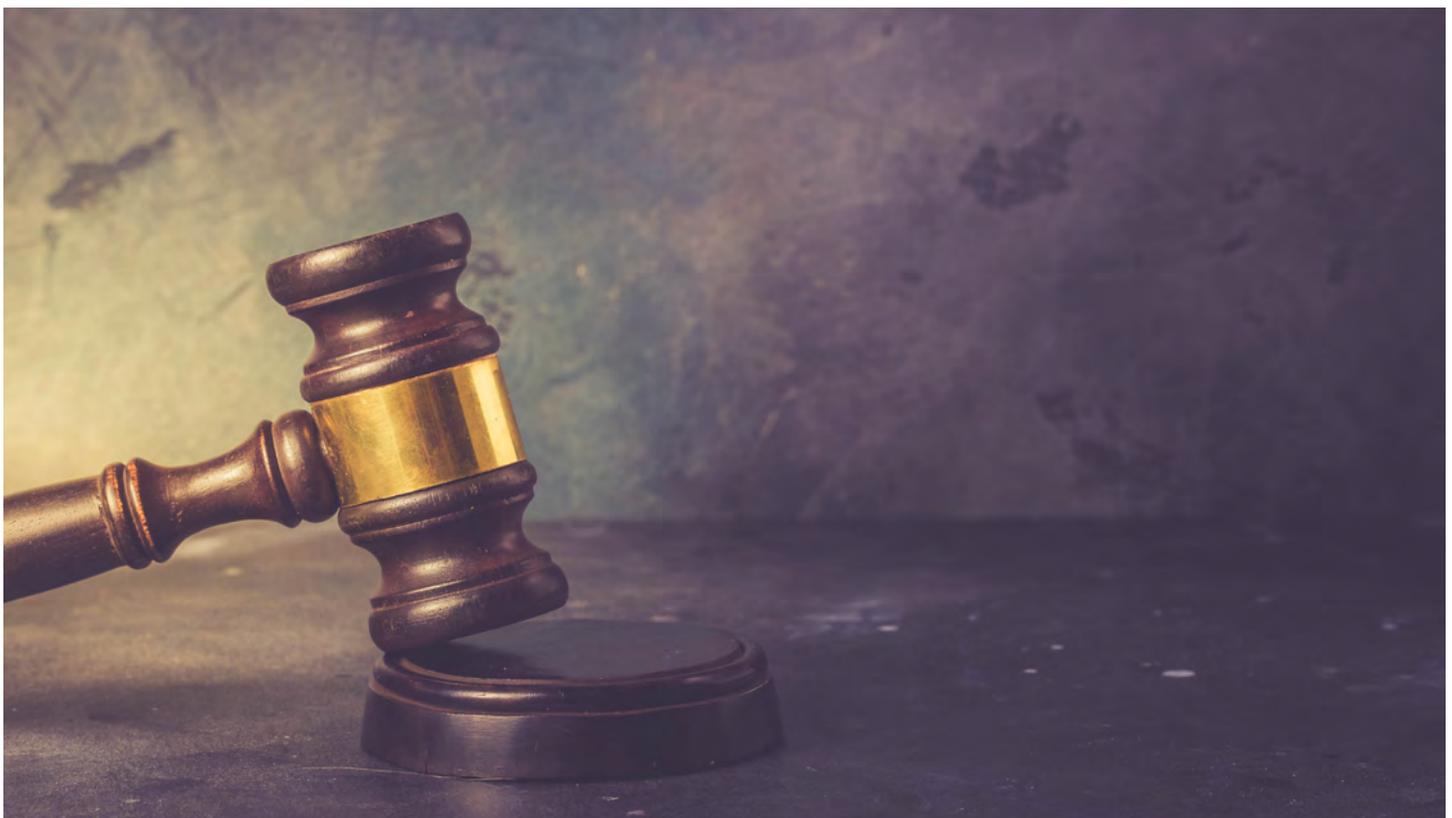
or complex projects that the determination of appropriate E&L’s can be done as a collaborative process in conjunction with others such as the client, Owners Corporation Managers, Valuers etc.

Plan must specify lot entitlement and lot liability

For section 27F(1) of the **Subdivision Act 1988** substitute –

1. A plan providing for the creation of an owners corporation or for the merger of owners corporations **must-**
 - a. Specify details of lot entitlement and lot liability; and
 - b. Be accompanied by a statement detailing how the lot entitlement and lot liability is allocated in accordance with subsection (4)

Comment; I anticipate that (a) will continue to be satisfied by the OC Schedules in the Plan of Subdivision with no changes required to our current practice. The requirement in part (b) is currently dealt with by the lodging party using the OCAI form (Owners Corporation Additional



Information). In the short term there is not likely to be any immediate changes to this process as a result of the introduction of the new legislation. However, I understand that these amendments will allow Land Registry to implement changes to the OCAI forms. It is likely that these changes will come in next year (maybe in Q2 or Q3 TBC) and the intention will be to move to a single source on information. I expect that the Entitlement and Liability details required to satisfy 27F(1)(b) will be provided by the Licensed Surveyor, in SPEAR, when preparing the plan, using a form similar to the current OCAI. The details of this are yet to be confirmed but there should be no immediate impact on 1st December.

New section 27F(4) and (5) inserted

4. For the purposes of this section -
 - a. Lot liability in the plan **must** be allocated equally between the lots unless-
 - i. there is a substantial difference in size between the lots; or
 - ii. different lots have a bearing on the consumption of common utilities or the cost of maintaining the common property; or;
 - iii. the number of occupiers in each lot has a greater bearing on the consumption of the common utilities or the cost of maintaining the common property than the size of the lot; and
 - b. lot entitlement in the plan **must** be allocated on the basis of the market value of the lot and the proportion that value bears to the total market value of the lots.
5. For the purposes of subsection (4)(a), lot liability **must** be allocated on the basis of -
 - a. In the case of subsection (4)(a)(i) – the size of the lot and the proportion that size bears to the total size area of the lots; or
 - b. In the case of subsection (4)(a)(ii) – the size of the lot and level of consumption or use by that lot of the common utilities and the common property; or
 - c. In the case of subsection (4)(a)(iii) – the number of bedrooms in the lot.

Comment; There is nothing currently within the Subdivision Act which suggests or prescribes how lot Entitlements and/or Liabilities are to be calculated or determined when a new Owners Corporation is created on a plan. Sections 33(2) and 33(3) currently provide direction but only in the case where existing Entitlements and/or Liabilities are proposed to be changed. These new sections 27F(4) and (5) will significantly change the way that we calculate entitlements and liabilities.

The concept of providing some standards and guiding principles certainly has merit but having a limited number of very prescriptive options will not cater for the complexity and variety of developments we are now experiencing.

In regard to the determination of liability the basic concepts outlined in proposed subdivision sections (i), (ii) and (iii) above are generally sound and could be applied successfully to a significant majority of small to medium sized "simple" residential developments. In many cases, most of us would adopt principles similar to (i), (ii) and (iii) when determining lot liabilities. However, the increasing complexity of developments means that in many cases these proposed simple principles may not be adequate to provide the best possible outcomes.

Sub-section (iii) refers to the number of bedrooms as a determining factor. Certainly, I have used this methodology to good effect in many instances over the years, but it is limited to residential lots and has no relevance to commercial/retail or industrial lots. In many instances now, developments contain significant mixed-use components, and it is very common for a plan to contain residential, retail and commercial/office lots with other common mixed uses such as Hotel, Serviced Apartment, affordable

housing, community facilities and even schools being incorporated into developments. Owners Corporations are regularly being created to deal with special uses within a development such as car stackers, health clubs and wine stores etc. These large mixed-use developments are normally staged over many years and require the creation of complex, multi layered Owners Corporation structures to manage the development successfully. The determination of the Entitlements and Liabilities within these complex owners corporation structures may require the ability to go beyond the simple prescriptive principles contained in proposed section 27F(4) and (5) in order to obtain the best possible "fit for purpose" outcomes for each development. This is something we will need to manage carefully to ensure that we are still acting within the provisions of the Act.

In regard to proposed section 27F(4)(b) relating to the determination of lot Entitlement we agree that the basic principle of using the "market value" is relevant in most cases, particularly in simple small to medium single use developments.

The initial Plans of Subdivision (including the proposed Owners Corporation Entitlement and Liability schedules) are prepared to go into Contracts of Sale to allow pre-selling of the lots. This is often well before the development has even started construction and is likely to be 1 to 3 years (or more) before the plan can be registered. The lot Entitlements are currently being determined (for the initial plan) based on the anticipated market value at the time the lots are actually being contracted for sale.

The process of "staged subdivisions" must also be considered as these will normally take place over a period of many years. It is essential to ensure that lots in early (or later) stages are not disadvantaged because of movements in the market over time. For example, **it is not appropriate that an apartment in stage 1 would have a significantly different entitlement to an identical apartment in stage 5 just because of movements in the property market values over a five year period.** Any fair and proper determination of Entitlements, especially for staged subdivisions must allow for the ability to standardise values over time to a baseline.

To summarise my comments in relation to proposed section 27F(4)(b) I agree that relative values are an appropriate method of **calculating** lot Entitlements in many instances (noting that the Act uses the word "MUST" so we have no choice). However, due to the complexity of many developments, we will need to take care to ensure we anticipate future issues. It is also essential that, as Surveyors, we do not under any circumstances take responsibility for the determination of values. This "MUST" be done by our client and their valuers or agents.

In regard to sections 27F(4)(a) and 27F(5), both of these again use the word "MUST" so our options are limited and we "MUST" be careful to ensure that we are complying with this new legislation whilst carefully considering the inherent requirements of each individual development. It is our responsibility to create good title and this includes the most appropriate structure for any Owners Corporations and the fairness and equity of the Entitlements and Liabilities.

Achieving this for large complex developments is quite likely to become **more difficult than it ever has been now that we have a limited set of effectively mandatory rules that "MUST" be followed.**

Alan Norman
Reeds Consulting

Planning Scheme Amendments

The following planning scheme amendments may be of interest to some members.

APPROVED

Campaspe and Greater Shepparton Planning Schemes – Amendment GC 151 – Approved 22nd October, 2021.

The Amendment was prepared by the Minister for Planning at the request of Goulburn Murray Water (GMW). The Amendment realigns the extent of the Land Subject to Inundation Overlay and Floodway Overlay to include land subject to the Upper Deakin, Cornella Creek Catchment and Guilfus Congupna Drainage Course Declarations declared under Section 218 of the Water Act 1989

Central Goldfields Planning Scheme – Amendment C 31 – Approved 22nd October, 2021.

The amendment applies to 754 properties in both Carisbrook and Dunolly and surrounding rural areas, that have been identified as being liable to flooding from McCallum Creek, Tullaroop Creek, Burnt Creek and their tributaries by the Carisbrook Flood and Drainage Management Plan 2013, the Dunolly Flood Investigation 2014 and mapping of rural land mostly along Tullaroop Creek based on information captured during the January 2011 flood event.

PROPOSED

Darebin Planning Scheme Amendment C186. This amendment proposes to increase the Public Open Space contribution from a sliding scale of 2.5-5% to a flat rate of 10%. Current open space per capita in Darebin is 19.6m², however based on international standards, the recommended open space criteria is 30m² per capita. According to consultants reports to meet the 30m² per capita standard would require a Public Open Space contribution of 18.2%. The current 10% recommendation purports to provide 16m² per capita. According to the explanatory documentation it is proposed to apply to all land in the municipality. Submissions will be accepted by Darebin Council up to 31 October, 2021. A directions hearing has been set for 28 March 2022 and

panel hearing on 23 May 2022.

Glen Eira Planning Scheme – Amendment C218. Submissions close 23 December, 2021. Proposes to replace Clause 22.12 Public Open Space Contribution with a new Clause 22.12; amend the Schedule to Clause 53.01 to replace the existing Schedule to Clause 53.01 Public Open Space Contribution and Subdivision with a revised Schedule that includes a flat public open space contribution requirement of 8.3% for all subdivisions with the exception of the areas known as Caulfield Village and East Village; and amend the Schedule to Clause 72.08 to insert the following documents City of Glen Eira Open Space Strategy Refresh 2020 (adopted 9 June 2020) and City of Glen Eira Open Space Strategy Refresh Update of the Public Open Space Contributions Program (2 November 2020).

Melbourne Planning Scheme – Amendment C384. Proposes to implement updated flood modelling undertaken for local catchments within the City of Melbourne by introducing and applying new schedules to the Land Subject to Inundation Overlay (LSIO) and Special Building Overlay (SBO) and making other consequential changes to the Melbourne Planning Scheme.

The Amendment updates the LSIO and SBO extents in certain catchments in the Melbourne Planning Scheme to reflect updated flood modelling which includes an 18.5% increase in rainfall intensity and an 0.8m sea level rise by 2100.

The Amendment applies to land identified as being subject to inundation from riverine flooding in the Moonee Ponds Creek and Lower Yarra River waterways, and drainage flooding in the Arden, Macaulay and Moonee Ponds Creek, Elizabeth Street, Fishermans Bend, Hobsons Road and Southbank catchments

Submissions about the Amendment must be received by Monday 29 November 2021.

The following panel hearing dates have been set for this Amendment:

Directions hearing: To commence in the week of Monday 18 July 2022 •



Panel hearing: To commence in the week of Monday 5 September 2022

LAPSED

Monash Planning Scheme – Amendment C148 - Lapsed 21st October, 2021.

This amendment proposed to update the public open space contribution rates to 10% for all subdivisions, by amending the schedule to Clause 53.01: Public Open Space Contribution and Subdivision and introducing a new Local Planning Policy - Clause 22.15: Public Open Space Contributions Policy. The Amendment also sought to replace Clause 21.10 in the Municipal Strategic Statement with a new Clause 21.10.

A subsequent Planning Panel report recommend that Amendment C148 not proceed and Council should review the Amendment documents to develop a detailed justification for the application of the same open space levy rate to residential and non-residential subdivisions and develop an implementation plan which nominates precincts in which land acquisition will be sought and projects and works in open spaces with cost estimates which nominates precincts in which land acquisition will be sought and projects and works in open spaces with cost estimates or abandon the Amendment all together. The amendment lapsed on 21st October, 2021, at least for the present.

Improving the operation of ResCode: have your say

DELWP is seeking feedback on the Improving the operation of ResCode discussion paper. The paper introduces a potential new assessment

model and how it may be applied to ResCode, Victoria's residential design and development provisions in the Victoria Planning Provisions and all planning schemes. It will provide a more clear, certain and efficient way to assess planning permit applications under ResCode. Public consultation on the discussion paper is open until 17 December 2021. To read, review and make a submission on the discussion paper, visit Engage Victoria.

Inquiry to examine the Planning & Environment Act, 1987

The Legislative Councils Environment & Planning Committee is seeking submissions to its enquiry into the adequacy of the Planning & Environment Act and the Victorian Planning Framework. The committee is seeking views on:-

- The high cost of housing in the context of the planning system
- Environmental sustainability and vegetation protection within the planning framework
- Delivering certainty and fairness in planning decisions for communities
- Protecting heritage in Victoria

Submissions should be received by 28 January, 2022. It is proposed to hold public hearings in the first half of 2022 and table a report mid 2022.

Members are advised that the above is for information purposes only and is not intended to be a legislation advice service. Members should refer to their own resources to obtain the latest legislative updates.

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- Lanco group have played a key role in providing civil engineering services to the private sector as well as Water Corporations and major developers / builders since 1998.
- Senior staff have in excess of 4 decades in the land development sector.
- Lanco group strive to excel in all aspects. Our team provides a strategic and significant differentiation to others. The staff work closely as one team all focused on delivering the client's needs and meeting their expectations. The result is a highly productive team that uses colleagues and experience to produce innovative and quality designs that reduce risks.

“ We don't purely just design; we help our customers realize their goal, if you give us an idea we can provide a efficient and effective engineering solution. ”



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When you engage with Lanco group, you're dealing with the best. We offer experience and versatility, so you get:

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- Project Management
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- Liaising with and instructing other development project consultants including planners, urban designers, cultural heritage, environmental architects, trafficengineers, geotechnical, surveyors, etc

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Murray Walter, Executive Manager of GlobalX Terrain commented:

“Access to high resolution imagery will allow ACSV Search clients to view their projects and assets clearly without ever leaving the office.

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To access this exclusive offer please call us on 1300 001 560 or email support@globalxterrain.com



What does the Surveying Task Force do?

It is a question we are often asked, and we would love to answer it for you...

In the simplest of terms, we are here to make Surveying a commonplace career choice.

Instead of doctor, lawyer, accountant, hairdresser our mission is to make it....
doctor, lawyer, accountant, hairdresser, surveyor!

Our focus for the next twelve months is to create clever ways to roll out specific above the line marketing strategies that have a wide reach.

“We don’t stop connecting. We have created touchpoints from primary school through to when Surveyors are out in industry” says Kellee Ireland, Director of Business and Projects.

A New Direction

We are launching new projects to promote Surveying:

- In Primary Schools
- In Secondary Schools
- On Social Media
- Via Video Campaigns
- Through Events and Field Days
- Through Scholarships
- Via Job Placement Programs

Would you like to join our movement? Contact us for information on how your business can be involved.

Kellee Ireland
Director of Business and Projects
kellee@alifewithoutlimits.com.au

Kim Hesse
Marketing Coordinator
kim@alifewithoutlimits.com.au

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30/11/21

A life without limits



Marshal Melbourne

Marshal first came into operation 1st October 2020. The company is owned by Heath Woodman who purchased the workbook / clients and staff of Watsons Pty Ltd from his father John Woodman.

To capture changes for CSV members between Marshal Melbourne Pty Ltd and Watsons Pty Ltd below is a brief summary.

marshal

- John Woodman has no input or association with Marshal and the company does not provide any service to re-zone land.
- Marshal has a narrower scope of services compared to Watsons by specialising in greenfield subdivision consulting and is no longer servicing smaller developments that were historically on the Mornington Peninsula.
- There is only one office located at 448 St Kilda Road Melbourne, compared to both a Mornington and Melbourne Office.
- Marshal has a team size of 40 staff, slightly less than Watsons.
- Culturally there has been a number of significant changes, Of note staff aren't overloaded with work and have enough time to complete workload, collaborate on experiences, and continue on-going professional development without regularly needing to exceed 38 hours of work a week. We have embraced flexible hours and a percentage of remote working that we foresee will continue regardless of Government upcoming easing of office restrictions and requirements. A larger use of HR has been used to help upskill and increase flexibility within the company.



The survey department is currently a team of nine led by Jono Neate L.S. and well supported by Kevin Walsh L.S., Matt, Kade (both in PTA's), Louise, Tom, Steve, Raymond and John.

The company recently celebrated (albeit via video) its first anniversary! We are grateful for our clients, staff, industry associations (such as CSV) and authorities that we work with and allow us to provide the service we do.

We also internally feel great privilege to contribute to the growth and development of Victoria and providing a survey legacy for the next survey consultant to tie into with confidence.

Notice Board

Advocacy

CSV has been working on the following advocacy, all submissions were emailed to the relevant bodies in October 2021

- Yarra Council - Yarra C286yarr Yarra Planning Scheme

Survey Practice for Sale/Merger

We are a very well-established boutique consultancy in the Murrindindi and surrounding Shires since 1970.

Our principal is considering retirement and is offering to merge or sell to parties interested in taking up this offer to grow their consultancies in this rapidly expanding region.

Contact Rodney Aujard 0418 346 380."



Reflections of 2021

Another year with lock downs has been and gone! I am told members are busier than ever, this is a good thing and members should be making the most of these times.

Thankfully in March we were able to have our full day seminar face to face. Once again, we provided great speakers, registrants were given the opportunity to network, and of course there was some robust conversations around the room in the breaks. Fortunately, the CSV/ISV joint seminar was also held as a face to face at Moonee Valley Racecourse. After the May seminar Victoria was back in and out of lockdown and the rest of CSV's FPET events were held online including the AGM.

In March, CSV partnered with ACSNSW for the Association of Consulting Surveyors Business Academy. The academy program is designed by Surveyors for Surveyors which includes presentations from Surveyors who have been successful in their own consultancy. Whether you are new to business, wanting to learn more, or looking to revitalise your surveying business, the academy provides registrants with so many learnings and opportunities. 10 Victorians have graduated as Graduate Association Consulting Surveyors (GACS). The academy will be back in 2022.

This year we planned to hold a number of training modules, with everything that went on, we were able to hold two sessions of module one and two and one session of module three. In December we will be holding the following sessions:

- Module 1 - 13 December 2021
- Module 2 - 3 December 2021
- Module 4 - 15 December 2021

Sadly, our social events had to be cancelled again this year due to the lockdowns. We are hopeful CSV's social events will return in 2022. We are kicking off with an inaugural event in February - Barefoot Bowls.

It's that time of the year again when most will be looking at their FPET

points for 2021, certificates can be downloaded from <http://fpetbank.com.au> if you require assistance with logging in please contact the CSV office and if you require more points please remember the Dseminars are always an option. Dseminars are available for all the FPET events held in 2021.



Next year's events have been booked in, the professional development team have worked hard, and the program will have face to face seminars as well as Zoom webinars again to cater for everyone.

There has been delays with launching the new website, the CSV team has worked very hard to ensure the look and feel, the data and what we have on offer is all correct. We are in the final stages and hope to go live soon. When we do go live you will receive an email with all the instructions you require to log in.

In closing I would like to take this opportunity to thank all our members for all your support. The CSV office will be closing on Wednesday, 20 December 2021 at 12 noon and reopening on Monday, 10 January 2022. I would also like to take this opportunity to thank my team, Cherie, Trish and Rita who work extremely hard behind the scenes and CSV is so fortunate to have such dedicated people. Thank you to Gerry and Rob for always availing themselves. Gerry answering and helping with the technical side of CSV and Rob running the training modules.

Last but not least, I would like to make a special mention to CSV's retired President - Leo Bateman. Leo was president for two years. During Leo's tenure as president the unprecedented happened - COVID19. During these trying times, Leo's vision was always about the members and the best way to communicate all the changes that were happening. Leo and I advocated to government, we were invited

to attend the stakeholder meetings held by state government and this provided an opportunity to have a voice, ask questions specific to the industry which enabled us to send out succinct communication. To the CSV Board thank you for your support, its always a pleasure to work with such dedicated individuals that make up the greater board. Cherie, Rita, Trish, Gerry, Rob, the CSV Board and I would like to wish you and your family a Merry Christmas and a safe and Prosperous New Year.

Carmen Olson
Executive Officer



From CSV President, Board of Directors and Staff

We look forward to another productive and busy year ahead.
Please note our office will be closed from Wednesday, 22 December 2021,
and reopen on Monday 10 January 2022.

Our next newsletter will be the February edition.



Surveyors Registration Board of Victoria

Newsletter

Issue No. 44: November 2021

Newly Licensed Surveyors

The Board would like to congratulate the following new licensed surveyors who have recently achieved registration after completing their Professional Training Agreements in July, September, and October 2021.

Candidate	Regn No.	Supervising Surveyor (Employer)
Sebastian Withycombe	LS 2092	Glenn Smith LS (Smith Land Surveyors)
James Tyrrell	LS 2093	Michael Meehan LS (Spiire)
Matthew Bowers	LS 2094	Alastair Kemp LS (Oxley & Co)
Eleanore Doolan	LS 2095	Alan Norman LS (Reeds Consulting)
Thomas Hardman	LS 2096	Donald Perry LS (Ferguson Perry)
Troy Ryan	LS 2097	Brent O'Grady LS (Cardno TGM)
Andrew Humphries	LS 2098	Alan Norman LS (Reeds Consulting)



Craig Sandy LS
Chair

Annual Registration Renewal

The Secretariat will be sending out annual registration renewal fee notices via email in late November/early December. Invoices will be made available to view and pay by logging into our website.

It is expected that you notify the Board of any changes to your contact details, either by emailing or by logging into your profile via our website and making the changes. It is also expected that you inform the Board if you wish to vary your class of registration, or resign from the Register altogether.

Registration fees must be paid by 31 December 2021, otherwise the Board may only renew your registration upon payment of an additional late fee as per s.7(2) of the *Surveying Act 2004*. Please arrange to make payment well in advance of the end of year.

As part of the registration renewal program, the Board selects approximately 10 per cent of practising licensed surveyors for compliance with 2021 Further Professional Education or Training (FPET) requirements. Licensed surveyors who are audited for FPET compliance will receive formal notification of the audit.

Secretariat Staff Leave

Secretariat staff will be taking some annual leave over the Christmas and New Year period. We realise that this coincides with the annual registration renewal period, so please be mindful of this when arranging your annual renewal payments. No secretariat staff will be available on 24 December or on the public holidays, and at least one staff member will be absent at other times, so please be patient while we respond to your queries.



www.surveyorsboard.vic.gov.au

info@surveyorsboard.vic.gov.au

PO Box 527, Melbourne VIC 3001

(03) 9194 0258





Profiling Notable Licensed Surveyors - Mary Rabling

To continue our series of articles about notable licensed surveyors, we have been lucky enough to hear from **Mary C Rabling LS** (pictured):

Growing up if you had told me I would chose a career in surveying, I would have laughed at you and then probably asked what that was. I was fortunate to have two excellent Math teachers, Mrs Taylor and Mrs Healy, in senior school who recognised that I enjoyed the applicable side of mathematics and not the pure. Up until Year 12, I was more inclined to follow into a Bachelor of Fine Arts degree than anything scientific.

It was by chance that on an Open Day at RMIT I walked past the Surveying Department and decided to have a look. Graduating from RMIT in 1989, I undertook my training under Mr Philip O'Brien at Culliver & Sim. Along with Mr Ted Sim and my work colleagues Peter McCarthy and Dan Mannix, they guided and encouraged me to become licensed, which I did in May 1992. At times the journey has been tough going but I am proud to be a Licensed Surveyor and working in the spatial industry.

Ted and Phil were also very supportive of belonging to ISV and being active within the profession. I have been fortunate to have served on several committees in various roles, including RMIT Surveying Students Association, ISV (YSG President, Social sub-committee and Treasurer), SSI (Victorian Regional Chair in 2007-08), SSSI (Treasurer) and the Surveying Task Force (Treasurer). Dr Allison Kealy, Peter Ramm, Malcom McCoy and Lindsay Perry have been mentors in my Institutional activities over the years.

My passion is still being in the field. I would rather be outside than in. Perhaps this is why I have embraced and been an early adopter of SPEAR and now SCFF (Single CAD Format File) for eplan. It is hard to conceive the effort that was required submitting plans to Council before SPEAR. Multiple sheets and multiple copies, lost Abstracts and plans on the way to lodging parties a reminder of days gone. SCFF is an expansion on the ever evolving profession that we are a part of. It has been a challenge to embrace eplan at times, however with the new SCFF pilot program and the portal, preparing plans in this format has become easier. SCFF is not the same as just drafting a plan, but creating a plan with intelligence. An intelligence that will help steer our profession into the future and provide data to enhance the digital data we rely on. I see this as our responsibility to embrace SCFF and be part of the decision making process. I would encourage all to give it a go.

As a member of the Space, Spatial and Surveying Diversity Leaders Network, I am encouraged that the next generation of women and men have taken the lead to provide work place environments that best represent the world we live in. If you have not heard about the network click the links -

<https://2026agenda.com/2021/07/29/launch-of-the-sssdln-strategic-plan-2021-2025/>

<https://www.womeningeospatial.org/>





SRBV Prize Winner - University of Melbourne: Christian Dizon

Each year, the Board sponsors a prize for two university students to acknowledge exceptional achievement in cadastral surveying studies. The 2021 winner from the University of Melbourne is **Christian Dizon** (pictured), based on results achieved during the final year of his degree in 2020. Congratulations Christian!

Christian has provided us with a few words of thanks:

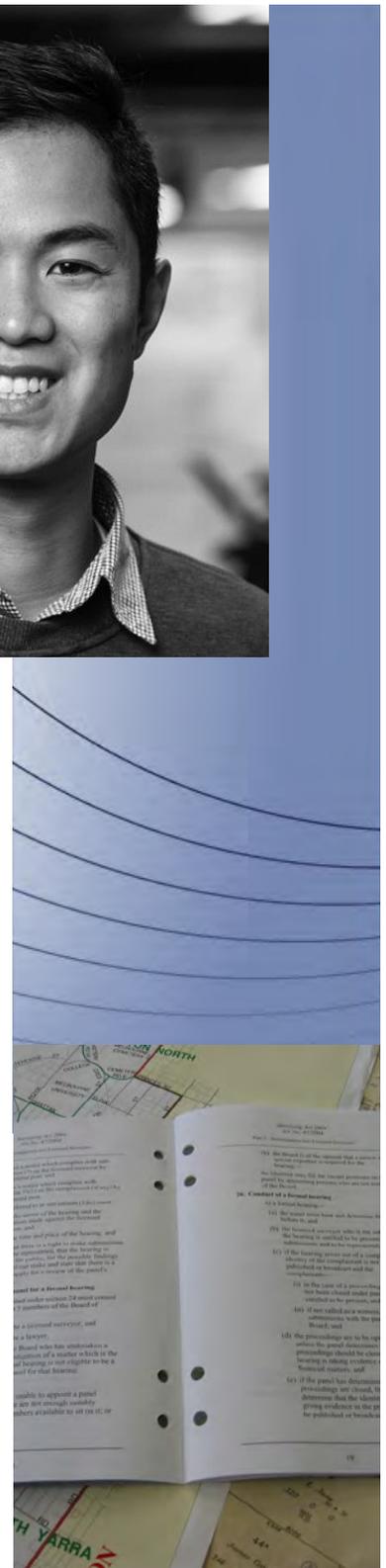
I express my appreciation to the Surveyors Registration Board of Victoria for presenting me with the 2020 Surveyors Registration Board of Victoria Prize. I am grateful that my efforts in completing my Master of Engineering (Spatial) degree have been recognised with this prize.

A big thank you also to the academic staff and industry professionals who have imparted their expert knowledge onto us students. And a bigger shout out should go to my Master of Engineering (Spatial) classmates where we shared the same classes together for many years and always helped each other through the same assessments and I wouldn't have been able to receive this award if not for them! I wish them all the very best for the next chapters of their professional lives.

Looking back, I did not know what I wanted to do after graduating from my Bachelor of Science degree in 2017. However, I knew that I had this keen fascination for maps, ever since I was a kid - especially with Melways and it was this interest that drove me to enrol in the spatial degree. From here, I discovered geospatial and surveying for the first time. I was instantly attracted to the power of geospatial analysis to inform decision making in many applications and also the outdoors aspect of surveying where I could use cutting edge measuring devices to generate highly accurate maps and plans.

I am currently working as a Graduate Surveyor at Spiire where I am assisting in surveys of new greenfield estates being developed in Melbourne's growth areas. In this role, I am developing my skills in conducting different types of field surveys, as well as drafting up different survey plans in the office. I aspire of eventually becoming a Licensed Surveyor in the distant future but in the meantime, I am enjoying my role and I'm focussed on developing my skills to become a professional surveyor.

Again, thank you very much to the SRBV for this prize and for continuing to support students studying surveying and geospatial.





Self-service SRBV Web Portals

More information has recently been sent to licensed surveyors and PTA candidates about the self-service functions you can access if you log in to the Board’s website— www.surveyorsboard.vic.gov.au .

PTA candidates have the ability to check the status of their submitted projects, check or amend contact details, and submit bi-annual reports.

Licensed surveyors also have the ability to check or amend contact details, as well as pay invoices (once available) and record their FPET activities.

Please take the time to ensure you are able to log in and check your details are current in the process. If you are unsure about your login details, please contact the secretariat. It is hoped that providing these self-service options will reduce the number of related queries to the secretariat.



Professional Training Agreements (PTAs)

The Board approved the following **Professional Training Agreements**.

** denotes a PTA transfer*

Candidate	Supervising Surveyor (Employer)
Jack Pandolfo	Emma Crowther LS (Beveridge Williams & Co)
Jessica Lynch*	James Gleeson LS (Spiire)
Matthew Rix	Andrew Merrett LS (Price Merrett Consulting)
Mark Green	Terry Mawson LS (Spiire)
Jayson Di Sebastiano	Myles Sewell LS (Land Surveys)
Christopher Dodds	Troy Cooper LS (T Cooper & Associates)
Jarryd Ledjott	Adam Criddle LS (MNG Survey)
Michael Danaher	Adrian Thomas LS (Charter Keck Cramer)
Timothy Dawson*	Christopher Powell LS (Veris Australia Pty Ltd)
Riley Ulbrich*	Scott Jukes LS (Lyssna Group Pty Ltd)
Mitch Moroney*	James McLellan LS (Peak Survey & Development)





PTA Projects (July to November 2021)

The Board congratulates the following candidates on passing their **projects** and thanks their respective supervising surveyors for their support and encouragement.

Rural Cadastral Project	
Candidate	Supervising Surveyor (Employer)
Scott Loft	Geoffrey Forster LS (Realserve Pty Ltd)
Benjamin Sansom	Stephen Bodey LS (Veris Australia)
Dumudu Rambukwella	Adrian Thomas LS (Charter Keck Cramer)
Robert Spiby-Jones	Bradley Sanders LS (Chris Smith & Associates)
Simon Bambridge	Peter McCarthy LS (Terrain Consulting Group)
Lachlan Gunst	Geoffrey Ladner LS (Millar & Merrigan)

Urban Cadastral Project	
Candidate	Supervising Surveyor (Employer)
Richard South	Jason Parker LS (Tomkinson Group)
Rodd Missen	Matthew McGrath LS (St Quentin Consulting)

Cadastral Law Project	
Candidate	Supervising Surveyor (Employer)
Liri Mernica	Stanley Jeffreys LS (Nilsson Noel & Holmes)
Matthew Vorbach	Jonathan Neilson LS (Christopher C. Morris & Associates)
Gavin Smith	Bruce Walpole LS (Walpole Surveying Pty Ltd)
Neil Shaw	Geoffrey Shaw LS (Geoff Shaw & Associates)

Amy Ryan, Executive Officer
(Monday to Friday)

Candice Shao, Finance Officer
(Tuesday, Wednesday, Friday)

Emma Eren, Administration Officer
(Monday to Friday)

Hosai Totakhil, Administration Officer
(Monday to Friday)



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Creation of Prescriptive Easements on a Plan of Subdivision.

A number of recent enquiries have been received by CSV in relation to easements, specifically the creation of prescribed and implied easements as part of the subdivision process, rather than as part of a stand-alone Creation of Easement Plan / planning permit.

The creation of new easements often occurs as an additional action on a Plan of Subdivision. New easements may be created over an existing asset in favour of the relevant service authority (easement in gross), where previously that easement was created on a lodged plan in favour of the other lots on that plan. Alternatively, easement(s) may be created in favour of land within or adjacent to the Plan of Subdivision.

The creation of such easements on a Plan of Subdivision does not require the creation of that easement to be specified in the purpose of a Planning Permit issued under the Planning & Environment Act 1987. If a Planning Permit's purpose is "2 lot subdivision" for example, then the permitted Plan of Subdivision can also create easement(s) on that plan, without "a creation of easement" being an additional purpose of the permit.

From time to time an inexperienced Council planner may advise an applicant that the purpose of the planning permit application needs to be amended to also include 'creation of easement'. This may also be accompanied by a request for an additional 50% of the application fees (for a secondary purpose application). In such instances, it is often difficult for the surveyor or the applicant to argue against the requested amendment to the application as neither the Subdivision Act nor P&E Act specifically addresses this issue.

An important resource that can be provided to a Council officer is the Subdivision Act User Guide - November 2012, published by DELWP. Section 8.2 (pg 39) discusses subdivision issues in relation to Easements, Restrictions and Reserves. A key extract is the following;



" In addition, a planning permit is not required to create an easement if it is proposed as part of a plan of subdivision or consolidation"

Providing Council with a publication from DELWP is much more likely to win the argument with a suspicious planner!

Sections of the Subdivision Act 1988 also may be of assistance when making a case to a Council officer, as the Act does make reference to what the Subdivision Act applies to. See extract of Section 4 below, with key elements in red;

4. What does this Act apply to?
 1. This Act applies to—
 - a. subdivision of land; and
 - b. consolidation of land; and
 - c. the creation, variation or removal of any easement or restriction—
 - i. as part of a plan of subdivision or consolidation; or
 - ii. in accordance with a planning scheme or permit; or
 - iii. in any other circumstances set out in section 6(1)(j) or (k); or
 - iv. under Division 3 of Part 5 or section 36(2)(b); and

s.4(1)(a) confirms that the Act applies to the "subdivision of land; and", with s.4(1)(c)(i) specifying that the Act also applies to the creation of an easement "as part of a plan of subdivision", while s.4(1)(c)(ii) would apply when a stand-alone Plan of Creation / Removal / Variation of Easement is submitted for certification.

With regard to the Planning Scheme, Clause 52.02 specifies that;

"A permit is required before a person proceeds:

Under Section 23 of the Subdivision Act 1988 to create, vary or rename an easement or restriction or vary or remove a condition in the nature of an easement in a Crown Grant. ----- "

However, a Plan of Subdivision is most often prepared under s.22 of the Sub Act, which means that the creation of easement is not an action under s.23, and therefore would not require separate planning approval (through a planning permit / planning scheme).

It should be remembered that the variation or removal of an easement does require that action to be part of the purpose of a permit (e.g., "2 lot subdivision and removal of easement"), unless the easement removal is by merger.

The Creation of Implied Easements.

In the same manner as a prescriptive easement can be created on a Plan of Subdivision [s.12(1)(b) Subdivision Act 1988], implied easements can also be created on a plan in accordance with s.12(3). s.12(2) clearly species to what land an implied easement relates.

2. Subject to subsection (3), there are implied—

- a. over—
 - i. all the land on a plan of subdivision of a building; and
 - ii. that part of a subdivision which subdivides a building; and
 - iii. any land affected by an owners corporation; and
 - iv. any land on a plan if the plan specifies that this subsection applies to the land; and
 - b. for the benefit of each lot and any common property—
 - c. all easements and rights necessary to provide—
 - d. support, shelter or protection; or
 - e. passage or provision of water, sewerage, drainage, gas, electricity, garbage, air or any other service of whatever nature (including telephone, radio, television and data transmission); or
 - f. rights of way; or
 - g. full, free and uninterrupted access to and use of light for windows, doors or other openings; or
 - h. maintenance of overhanging eaves—
- if the easement or right is necessary for the reasonable use and enjoyment of the lot or the common property and is consistent with the reasonable use and enjoyment of the other lots and the common property.
3. A plan may provide that some, all or none of the easements and rights referred to in subsection (2) are implied as a burden or benefit over all or any of the land on the plan.

(3A) Subsection (3) does not apply to—

- a. any part of a plan that subdivides a building; or
- b. easements or rights for existing services provided to a lot, if the lot and the land on which the service is located are not in common ownership.

s.12(2)(a)(iv) requires that the Plan of Subdivision must specify that s.12(2) applies to the land*. Current conventions are for a statement adjacent to the easement table on the plan identifying to which land in the

plan implied easements are created in favour of.

A statement specifying that implied easements have been created on the plan is a requirement for any plan that subdivides a building or where the existing services to that lot are not located on land in common ownership [s.12(3A)]. When a subdivision does not fall into these categories (e.g., a land subdivision with no Owners Corporation), implied easements can be created at the discretion of a surveyor, in favour of some or all of the lots on a plan; details of which are required to be noted on the plan.

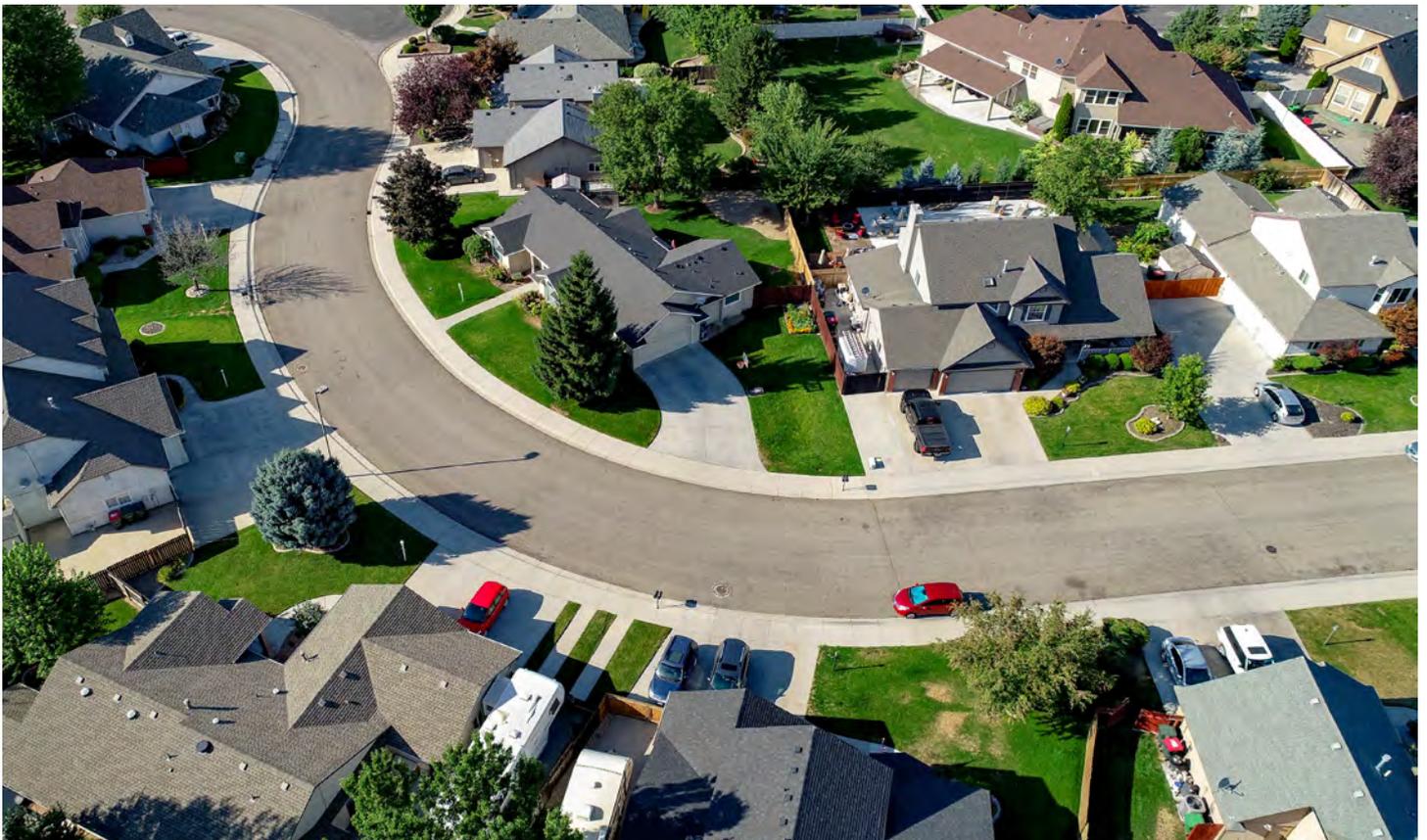
While s.12(3) allows for flexibility in which implied easement rights listed in s.12(2) can be assigned, this flexibility does not exist for “any part of a plan that subdivides a building” or any easements or rights that exist for services to a lot (as stated in s.12(3A)). I.e. in these instances all of the implied easements rights listed within s.12(2) are created in favour of the lots on the plan.

An understanding of implied easements is often not widespread beyond the surveying profession. Recent queries have highlighted that some referral authorities have made requirements for s.12(2) easements to be created on all Plans of Subdivision (to date these requirements have usually come from ill-informed engineers with regard to the provision of drainage services).

In such instances it is advised that the referral contact be provided an annotated copy of part of the Act, with notes identifying which subsections do and do not apply to the relevant subdivision. This will confirm the surveyor has correctly applied the relevant subsections of s.12(2) and also hopefully assist in educating the relevant referral contact.

Out of interest, I have not heard of a Council planner requesting the creation of a s.12(2) easement as an additional purpose on a planning permit!

Paul Murrphy
Head & Humphreys



2022 SOCIAL / OTHER EVENTS:

Date	Event Name
Friday, 25 February	Barefoot Bowls Venue: City of Melbourne Bowling Club
Tuesday, 8 March	SSSI International Women's Day Breakfast Venue: Crown Melbourne, Southbank
Friday, 29 July	CSV / ISV Gala Dinner Venue: Encore, St Kilda
Thursday, 11 August	Industry Network Evening Venue: Grand Hyatt, Melbourne
Friday, 21 October	CSV AGM Venue: Sandhurst Club, Sandhurst
Friday, 14 October	30th Allan Van Tennis Challenge Venue: Kooyong Lawn Tennis Club, Kooyong
Friday, 18 November	CSV Golf Day Venue: Woodlans Golf Club, Mordialloc
Friday, 25 November	The Presidents Lunch Venue: The Emerald Hotel, South Melbourne

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C R Kennedy & Company Pty Ltd

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Tel: 98231533
Email: NPawley@crkennedy.com.au
Website: www.crkennedy.com.au



Lightwave Technology

14 Stephenson Rd, BAYSWATER NORTH VIC 3153
Tel: 97206222
Email: sales@lightwavetechnology.com.au
Email: careers@bwsrecruitment.com.au Website: <http://www.bwsrecruitment.com.au>

2022 FPET EVENTS:

At least one month's notice will be given on any changes made. Every effort will be made to keep to the draft

Date	TOPIC/FPET POINTS
Friday, 18 March	CSV Full Day Seminar Venue: Caulfield Race Course, Caulfield
Friday, 20 May	CSV/ISV Joint Seminar Venue: Moonee Valley Racecourse, Moonee Ponds
15 to 17 June	National Congress 2022
August 2021 – 16 August – 18 August – 23 August – 25 August	Webinar Series
Friday, 21 October	October Seminar & AGM Venue: Sandhurst Club, Club House lane, Sandhurst



**Prepared and published by
Association of Consulting Surveyors (Victoria) Inc**

ABN 89641957484
Suite 416, 370 St Kilda Road
Melbourne, Victoria 3004
Telephone: (03) 9690 6660
Email: acsv@acsv.com.au

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