



The Consulting Surveyor

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

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June



CSV Board of Directors October 2021/October 2022 & Staff

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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 President

As we progress toward the end of another financial year CSV, members will no doubt be taking a close look at macro-economic conditions to assess how they might affect our businesses.

The FY2022/2023 milestone presents a perfect opportunity for reviews of strategic goals, company resources, staff remuneration and fees for services. CSV have recently updated & published the 'Guide for Survey Fees' giving reference to published CPI inflation rates. The new financial year also presents an opportunity for strategic planning activities. Your CSV leadership has locked in a 'Strategic Planning Day' in September to inform the 2022-2027 CSV Strategic Plan. If you have not already done-so, please respond to the recent questionnaire to 'have your say' about how you would like your association to focus in the upcoming term. Many things have changed in the 5 years since our last strategy work was undertaken; a world health crisis, the cessation of immigration, a land development boom, a deeper skills shortage, supply chain challenges, the great retirement, working from home, just to name a few. As our association grows to accommodate firms who may not have a cadastral focus, we also need to consider alternate models required for setting and maintaining professional standards for all types of membership firms. We look forward to hearing as many members ideas as possible before the Strategy day.

The recent CSV / ISV Seminar at Moonee

Ponds was heralded as a great success by those in attendance. The event participation was up on previous years with more than 70 'in-person' registrations and 160 participants 'on-line'. Congratulations are owing to the respective organising committees who chose an engaging program and recruited some excellent speakers who challenged our joint membership to 'think outside the square'. The welcome raft of topics included; how we can open our minds to greater diversity in surveying, how the Surveying Task Force is planting seeds to grow our next generation of surveyors, how DELWP 'Artificial Intelligence' tools may change survey drafting forever and how the Surveyors Registration Board of Victoria is responding to a long list of industry challenges.

Most of the SRBV members were in physical attendance at this special event. This welcome strength of support enabled a detailed portrayal of proactive board activities and a unique opportunity for the 70 members in attendance, to gain deeper insights directly from the board members during the session breaks. The opportunity to engage in conversations with the SRBV members was reason enough to attend the event, so whilst the convenience of 'on-line' attendance may be attractive, members are encouraged to consider the additional



networking knowledge that grows from in-person events.

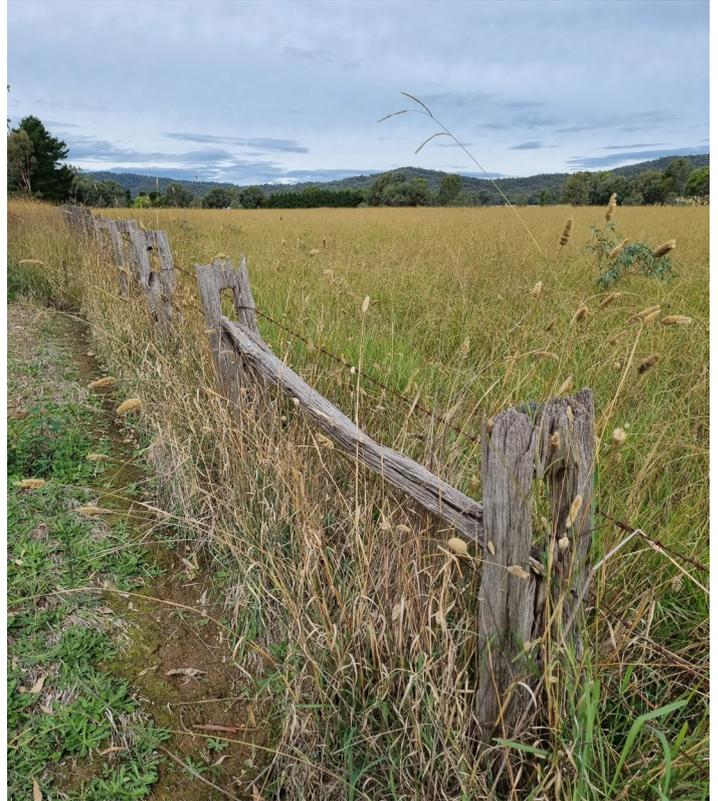
Of particular interest is the SRBV discussion on 'what constitutes a cadastral survey plan'. SRBV seeks to answer this question with great clarity in upcoming publications. CSV is keen to propagate this information to surveyors, planners, architects, councils and the general public in an educational program which will protect both the public consumer of land surveying services and the valued role of the Licensed Surveyor.

After two years of covid postponements, members of your CSV board will attend the upcoming National Surveying Congress at Port Douglas in June, providing an opportunity to meet with both CSN and CSNSW boards. I am personally looking forward to the knowledge-sharing which occurs at this level of engagement. It is always gratifying to see how our broader surveying communities rise to the challenges of our profession in different locations. This type of event always provides an impetus for learning new ideas and to tap into the minds of industry leaders. If you have already booked your seat at the congress, we look forward to seeing you there.

In closing, CSV wish you a prosperous new financial year and encourage you to build 'life-long professional education' into both your technical survey work and your business strategies.

James Canning
KLM Spatial





Feel free to circulate among your staff

- How would you describe this fence?
- How old do you estimate it to be?

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Land Registration Services Update

Following a period of hiatus as a result of COVID lockdowns we have finally been able to recommence our industry liaison meetings with LRS. Our recent meeting discussed a number of matters which are worthy of communication to our members including the following:

SURVEYORS REPORTS

LRS strongly encourages the provision of detailed and comprehensive Surveyors Reports that fully address the re-establishment of the parcel, connections to adjoining surveys and other matters of relevance to assist in timely examination. This has been previously noted in Customer Information Bulletin (CIB) 214, (December 2021):

SURVEYORS REPORT REQUIREMENT

Licensed surveyors must adhere to the Victorian Cadastral Surveys Practice Directives when submitting survey documentation to Land Registry Services (LRS). LRS will either refuse lodgement of the application or requisition licensed surveyor's reports if the Directive is not complied with. If requisitions are not answered adequately, the application may be rejected, with fees forfeited.

Requisitions may include content relating to purpose, folio (title) particulars, Crown description, municipality, road abutments, survey information used/perused, need for amendment of the title diagram and currency.

Key components that must be accurately and comprehensively described within the surveyor's report to assist in accepting the survey re-establishment of the subject land are:

Datum relationship

Clearly describe the derivation of the cadastral datum and document comparisons between the survey and the prior survey(s) for any datum points nominated that assist in confirming a rotation.

Alignments and boundaries adopted

How road alignments, intersections and parcel boundaries were adopted must be comprehensively described and easily verified by the information shown on the abstract of field records. Any differences to title diagram and/or other registered surveys, however minor, must also be reported and justified.

While LRS reviews the surveyor's report and abstract of field records, it is not the role of LRS to re-establish the subject land.

For more information refer to the Surveyors report template.

The good news is that LRS indicated that most reports being received are generally of an adequate standard, but it is noticeable that deficiencies or substandard reports inevitably lead to issues and delays.

PENCIL NOTES ON AFR'S

We would all be familiar with going through the Survey information and seeing the examiners notes, comments and comparisons penciled onto the old survey AFR's. These pencil notes are often useful (or even enlightening) and regularly contain the sort of information that probably could have been documented on the AFR's in the first place. As a result of covid (and progress) the current and future work environment will mean that the examinations will be done remotely and/or online in a digital environment, meaning no "pencils." Notations placed digitally may in some instances be difficult to clearly distinguish from the surveyors original work. It is undesirable, both for us and LRS, if it appears that the examiner has "amended" the AFR's by the addition of notes that are not clearly and obviously NOT part of the original document.

We can reduce this problem by including in the AFR's notations such as the relationship between datum points, adoption of "Title same" or noting differences to original title dimensions, identifying the original survey for reference marks or pegs, noting which previous surveys have used the same alignment or adopt corner etc. All of these are typical issues that we address in our computations and will need to be verified as part of



an examination. Placing these notes in our AFR's will avoid the need for duplication as part of the examination.

OVERLAP DIAGRAMS

When examining Section 99 T.L.A .applications, LRS will request the provision of an Overlap Diagram. These diagrams will assist in the examination and facilitate notice to affected owners and amendment of affected titles. The diagrams can be included within the Surveyors Report or as an additional document in SPEAR.

Applications under Section 60 T.L.A will also require a similar diagram which clearly shows the balance of the affected title remaining after the possessed land is removed. Again, this will facilitate notices to affected owners and preparation of new titles.

N.I.C.O

As advised in CIB 210, April 2021:

CHANGE IN PRACTICE WHEN SUBDIVIDING EXISTING NOT IN COMMON OWNERSHIP (NICO) FOLIOS

Following industry consultation, Land Use Victoria (LUV) is changing requirements for NICO folio/s to be resolved by transfer prior to lodging a subsequent plan of subdivision as advised in [Customer Information Bulletin 162](#).

From 3 May 2021, LUV will accept plans of subdivisions affecting NICO folios where a supporting plan diagram overlay is supplied. The plan diagram overlay will depict where the parent title boundaries lie for the new parcels and assist in determining the proprietorship for new folios. An example of the required diagram which can be attached in SPEAR as an additional document by the surveyor is available in the guide [What is a NICO?](#) available at www.land.vic.gov.au/land-registration/fees-guides-and-forms.

The provision of these overlay diagrams will save considerable time and effort for the examiner when preparing and building the new titles to issue following registration of the plan of subdivision. This **will certainly be the** case for large developments with multiple NICO parcels. The NICO status of the new lots may extend to part lots such as car spaces or storage



cages. In the most complex cases it may be beneficial to also include a spreadsheet to supplement the overlay diagrams. In the complex plans the provision of these overlay diagrams (and spreadsheets) will also be of considerable assistance to your clients' solicitors. The time and effort required to prepare these documents properly should be taken into account when determining your fee for professional services.

ENCUMBRANCES AS TO PART

Similar to the N.I.C.O. situation above, many plans involving multiple parent titles may result in existing encumbrances (covenants, restrictions, caveats etc) being carried forward onto only some of the new lots being created. Provision of Overlay diagrams in these circumstances will also result in considerable time savings in plan examination and building of new titles.

REGISTER OR STOP

LRS have amended their internal processes so that when a plan examination is complete, the plan will either be registered or recorded as stopped pending satisfaction of requisitions. As soon as the requisition response is received (within the currently accepted timeframes) the dealing will re-activate and proceed to registration. It will not be put to the back of the queue. This change should not affect the time frame for registration but it will allow LRS to more accurately assess the actual time they spend on examination and registration by not keeping the clock ticking while the dealing is in the hands of the Surveyor or Lodging Party.

LRS will ensure that any advice regarding practice changes will be contained in upcoming CIB's and CSV will continue to highlight relevant information from these bulletins to our members.

Alan Norman
Reeds Consulting Pty Ltd



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Surveyors Registration Board of Victoria

Newsletter
Issue No. 46: May 2022

Newly Registered 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 March and May 2022.

Candidate	Regn No.	Supervising Surveyor (Employer)
Morgan Granger	LS 2104	Kenneth Adams LS (Level Crossing Removal Project)
Michael Barca	LS 2105	Peter Farren LS (Farren Group Pty Ltd)
Riley Ulbrich	LS 2107	Scott Jukes LS (Lyssna Group Pty Ltd)
Matthew Congues	LS 2108	Andrei Fijan LS (Veris)
Simon Bambridge	LS 2109	Peter McCarthy LS (Terrain Consulting Group)
Scott Loft	LS 2110	Geoffrey Forster LS (Realserve Pty Ltd)



Craig Sandy LS
Chair

The Board also welcomes **Sanjeev Singh** (LS 2106) who was registered in Victoria under mutual recognition arrangements in May.

Fees for 2022-23

The fees payable to the Surveyors Registration Board of Victoria are expressed in fee units and are subject to the annual automatic indexation of the amount of a fee unit by the Treasurer. The Treasurer has set the value of a fee unit from 1 July 2022 at \$15.29. Our most common fees are listed below:

Annual Renewal of Registration for Practising Surveyors	\$235.50
Annual Renewal of Registration for Non-Practising Surveyors	\$65.40
Each Written Exam (Urban, Rural, Cadastral law)	\$235.50

Payments for PTA Projects—Reminder

Please note that an examination fee applies when submitting PTA projects for examination. To pay this fee, please submit your project, including 'Form 5', and wait to be issued an invoice. The invoice will contain EFT details.

It is no longer feasible for the secretariat to receive project examination fees in the form of a cheque. This is due to our team often working from home and the closure of the nearest bank branch to our office. We are also unable to accept cash.



www.surveyorsboard.vic.gov.au
info@surveyorsboard.vic.gov.au
 GPO Box 527, Melbourne VIC 3001
 (03) 9194 0258





Pilot Study - PTA Project Interviews

As part of the Licensing Review the SRBV is assessing the merits of candidates presenting their Rural Cadastral Projects to the moderator and examiner as an alternative to the current examination process. It is hoped that an interview/meeting will reduce the examination time and provide candidates with direct and unambiguous feedback. This is a departure from the usual anonymity of examiners and it is not compulsory for candidates and examiners to participate. If either party are opposed to the interview the examination is completed as per usual practices.

Interviews can take place face to face at the SRBV office (2 Lonsdale Street, Melbourne) or online using MS Teams. It is expected to take approximately 1 to 1.5 hours. Supervising surveyors are not permitted to attend. There is no need for candidates to prepare but they may wish to take along notes and even a laptop.

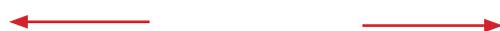
To date, four interviews have occurred and another three are planned in the coming weeks. Feedback from candidates and examiners has been very positive and it is possible that the scheme will be expanded to the Urban Cadastral Project.

Professional Training Agreements (PTAs)

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

** denotes a PTA transfer*

Candidate	Supervising Surveyor (Employer)
Jordan Busch	Samuel Brewin LS (Linear Land Surveying)
Dylan Moroney	James Gleeson LS (Spiire)
Liam Russell	Stephen Motta LS (Spiire)
Vassili Achkar*	Lachlan McCleary LS (Veris)
Raymond Dao*	Michael Meehan LS (Spiire)
Rupert Leigh*	Mark Baden Rennick LS (Vic Roads)
Matthew Baker*	Damien Marc Rivalland LS (KLM Spatial)





PTA Projects (March to May 2022)

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

Urban Cadastral Project	
Candidate	Supervising Surveyor (Employer)
Shaun Field	Jeremy Pearce LS (Adept Surveys)

Rural Cadastral Project	
Candidate	Supervising Surveyor (Employer)
Cory Gilbert	Rachael Musgrave-Evans LS (Musgrave-Evans & Gilbert Consulting)
Christopher White	Michael Wilson LS (TGM Group)
Jack Grant	Adam Carter LS (SMC Land Surveyors)

Cadastral Law Project	
Candidate	Supervising Surveyor (Employer)
Beau Mikus	Roger Blakeman LS (All Spatial)
Anthony Quinn	Douglas Gow LS
Robert Graham	Jonathan Neilson LS (Christopher C. Morris & Associates)
Andrew James	Timothy Baird LS (Madigan Surveying)
Cameron Holley	Graeme Schneider LS
Alex Fairburn	Grant Napper LS (Nilsson, Noel & Holmes)
Brenton Metcalf	Craig Stewart LS (A Line Surveying)
Angus McKenzie	Wesley Pye LS (Northern Land Solutions)



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)



Airborne Gravity Survey Operations in Victoria - Update

Please be advised that the 2022 airborne gravity survey across southern and eastern Victoria is about to commence operations over land in the Colac-Otway region, having nearly completed survey areas in the Gippsland and Hume regions.

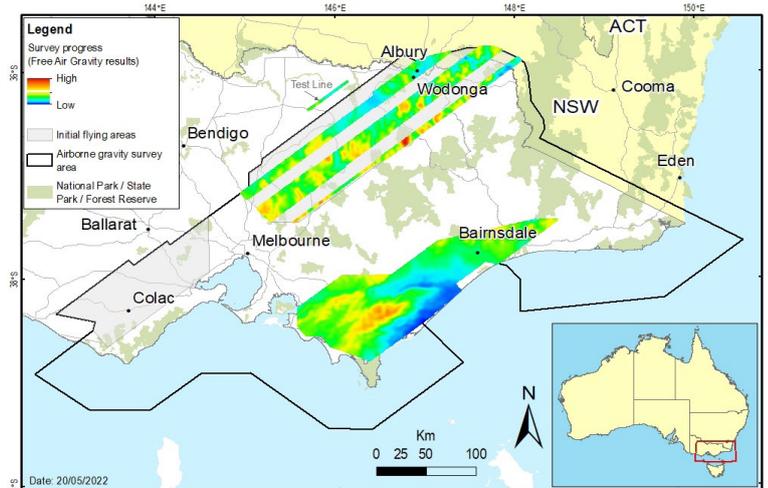
Attached is an image of the survey project area showing progress to date

The airborne survey is being collaboratively organised through Surveyor-General Victoria (SGV) within the Department of Environment Land Water and Planning, Geological Survey of Victoria within the Department of Jobs, Precincts and Regions (DJPR) and Geoscience Australia.

The objective of the project is to collect consistent and evenly distributed gravity measurements. The new gravity data will significantly improve Victoria's gravity model which is used to provide accurate and reliable heights from GPS positioning.

The airborne gravity survey is being performed in stages through 2022 and stakeholders are being notified at least two weeks prior to commencing operations across regions.

If you would like more information regarding the airborne gravity survey, please contact smes.support@delwp.vic.gov.au or visit the project webpage - <https://www.land.vic.gov.au/surveying/projects-and-initiatives/airborne-gravity-survey>



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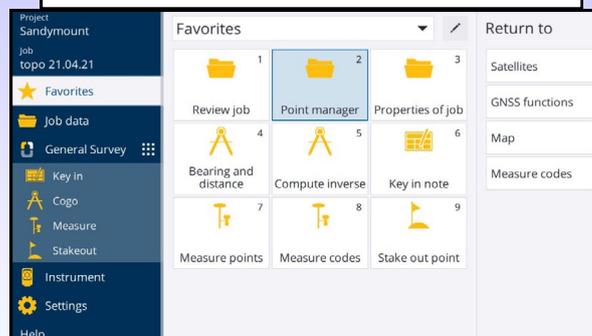
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Web : www.spalco.com.au
Address: 2 / 16 Simms Road,
Greensborough, Vic 3088**

New '.au' domain names – 7 things your business should know

If you run a business in Australia, you probably already have a website – or have at least thought about getting one.

Your website can be a great place to showcase what you do or what you sell, attract new customers, and create trust in your business.

Most businesses in Australia will have registered a .com.au domain name. You need to have a valid ABN to register one, so it's a quick and easy way of letting your customers know that you are an entity with a presence in Australia.

But from March 2022 the way we register domain names in Australia is changing, and it's the biggest shake-up to domain names in the last 20 years.

So, what do you need to know and what are the opportunities and risks for your business?

1. What are the changes to Australian domain names?

From 24 March 2022, Australians have access to shorter and simpler domain names with the introduction of direct .au domain names.

Previously, it was only possible to license lower level .au domain names, such as com.au, net.au, org.au, and so on.

This means you're now able to register and use a shorter domain name, such as yourbusiness.au rather than yourbusiness.com.au.

If you already have a domain name ending in .au, and you registered it before 24 March 2022, the matching .au direct domain has been placed on a 6-month priority hold for you – meaning that you have the first choice to register it.

So, for example, if Joe owns joesbusiness.com.au, he has until 20 September 2022 to register joesbusiness.au as well.

After this priority period, the .au domain will become available to the general public on a 'first come, first served' basis.

It's for this reason that the Australian Cyber Security Centre (ACSC) recommends that all Australian businesses with existing domain names register the .au equivalents.

In addition to protecting your cybersecurity, shorter and simpler domains can be helpful for branding and marketing, making them more memorable to your customers and clients.

2. Who is eligible for a .au domain?

To be eligible for a .au domain, you must have a current Australian presence. This includes:

- an Australian registered company
- an Australian partnership or sole trader
- an owner of an Australian registered trade mark
- an Australian registered charity
- an Australian registered political party
- a trust where the trustee is an Australian citizen
- a foreign company licensed to trade in Australia
- a permanent Australian resident or citizen (not supported at the time of launch)

A domain name ending in the .au namespace (com.au, .net.au, .org.au, .edu.au etc.) tells us that the business, organisation or individual using it has a connection to Australia. There are also specific rules around whether you can register domains in the .au namespace.

You'll see businesses and companies using domains such as .com.au or .net.au, a charity using .org.au and governments using .gov.au, as some examples.

These rules are administered by the [.au Domain Administration](#), known as the [auDA](#), a not-for-profit organisation that works with a range of stakeholders including industry, government and the Australian and international community.

3. How much does a .au domain name cost?

auDA lists the wholesale [price of a .au domain](#) at \$8.67 per year including GST. Registrars set the retail price so it's worth shopping around to find a registrar with a competitive price and whose services meet your needs.

You should also be aware that the initial registration price may change or increase when it comes time to renew.

Generally, you can register a domain name for between one and 5 years, with extensions available if you continue to meet the eligibility requirements for the domain.

4. What action should you take?

Be prepared to register your .au direct domain by following these steps:

- Review your current domain's contact information to ensure that everything is current and accurate.
- Check [Whois lookup](#) to ensure the eligibility info (that is, ABN, ACN, etc.) listed on your domain is current and accurate.
- Check if your domain is eligible for priority status by using [auDA's priority status tool](#).
- Once you're ready, you can apply for your .au domain through your existing domain name registrar, or by visiting any [auDA accredited registrar](#). Read on for more information about this process.

5. How can you reserve a .au direct domain during the priority period?

The .au direct domain priority period runs from 24 March 2022 to 20 September 2022.

During this time, you can:

- apply for the exact match of any existing .au domain name that you are the registrant of. If there is more than one claim to the same domain, such as the registrants of businessname.com.au and businessname.net.au both applying, these names will be allocated according to the [Priority Allocation Process](#).
- register new .au direct names that are not already registered in the .au registry (i.e. names are not registered in any existing .au namespace such as com.au or org.au etc.)

You can reserve your .au domain name through your existing domain name registrar, or by visiting any [auDA accredited registrar](#).

Once your application is approved, you should be able to complete your registration and start using the .au direct domain shortly after that.

6. What are the benefits of a .au domain name for your business?

This new category of domain name allows users to register shorter, more memorable online names.

This can be good for your branding, marketing and advertising – after all, the more memorable your brand is, the better.

Registering the different variations makes it easier for people to find your website and provides you with the simplest website possible for your branding and marketing.

Even if you don't plan on using the new .au direct domain name, registering it now ensures you have access to it in the future. This will also help you protect yourself, your business or your organisation from attempts at fraud or types of cybercrime.

7. What happens if your business doesn't register a .au direct domain?

You don't have to register the .au direct domain if you don't want to. This process is optional and does not affect your existing .au domain names. Your existing name in the .au domain will continue to operate as it does today, provided you keep your registration up to date.

However, it's important to consider the risks of not doing so, including cybersecurity risks.

Your domain name is an important part of your business – its identity, brand and marketing. If you choose not to buy your .au direct domain, then following the end of the priority period on 20 September 2022, it will become possible for others to register it.

It's generally a good idea to register the different endings of domain names, such as the .com and the .com.au versions. The same thinking applies to new .au domains.

That's why the ACSC recommends that all Australian businesses with existing domain names register the .au equivalents.

If you don't register the .au alternative, it's also possible that someone else could step in and take it. Consider this risk carefully and how it might affect your business and its operation in the future.

This could create an opportunity for someone to impersonate your business and conduct fraudulent cyber activity, such as creating a fake website or sending emails to people pretending to be your business.

Your clients might not spot that the invoice they've just received was from accounts@yourbusiness.au and not your actual email address accounts@yourbusiness.com.au.

Activity such as this can result in you and your clients losing money and it can also be a hit to your reputation and the level of trust your customers have with you.

Tracing cybercriminals can be difficult, and it can also be complicated to regain a domain name once it is registered to someone else, so as always, prevention is key.

The new .au domain names can be a good opportunity for you to secure a shorter website name for your business, helping you appeal to customers, create trust and improve your marketing.

However, it's also important to protect your business, your clients or customers, and yourself during this process.

It's important to use the priority registration period from now until 20 September 2022 to register any .au domains that you're entitled to claim. This will ensure no one else can access them once the priority registration period ends.

Take this opportunity and secure your .au name through your existing domain name registrar, or by visiting any auDA accredited registrar – and share this information with friends and fellow business owners to ensure they're ready as well.

Acknowledgement: This article was originally published on the Business Victoria Website. CSV would like to thank Business Victoria for giving us permission to republish. © State of Victoria.



Land Use Victoria Clarifies Excess Land Rules in Surveys Supporting *Subdivision Act 1988 (Subdivision Act) Plans*

In August 2021 Land Use Victoria issued Customer Information Bulletin (CIB) 213 which included a reminder regarding the use of surveys supporting Subdivision Act plans to inappropriately amend title.

Land Use Victoria issued the CIB as it noticed an increase in the number of surveys supporting plans of subdivision, consolidation and boundary plans being used to amend title boundaries by taking up significant amounts of occupied excess land.

As these Subdivision Act plans are not the appropriate mechanism to amend title boundaries, CIB 213 introduced a guideline to limit the amount of excess land that can be included within title boundaries in a Subdivision Act plan. A ratio of '1 in 100' has been set as a limit of the total area of excess land which can be taken up in a Subdivision Act plan. See examples below for further detail.

If the area added by adopting mature occupation will result in an increase in the area in title by more than 1%, it should be addressed by an appropriate amendment application under the Transfer of Land Act 1958.

Please note that an amended boundary taking up excess land should be adopted along mature occupation. A title boundary cannot be created solely to match up with the 1%, 1 in 100 increase in area guideline unless it accords with occupation or a previously defined title boundary.

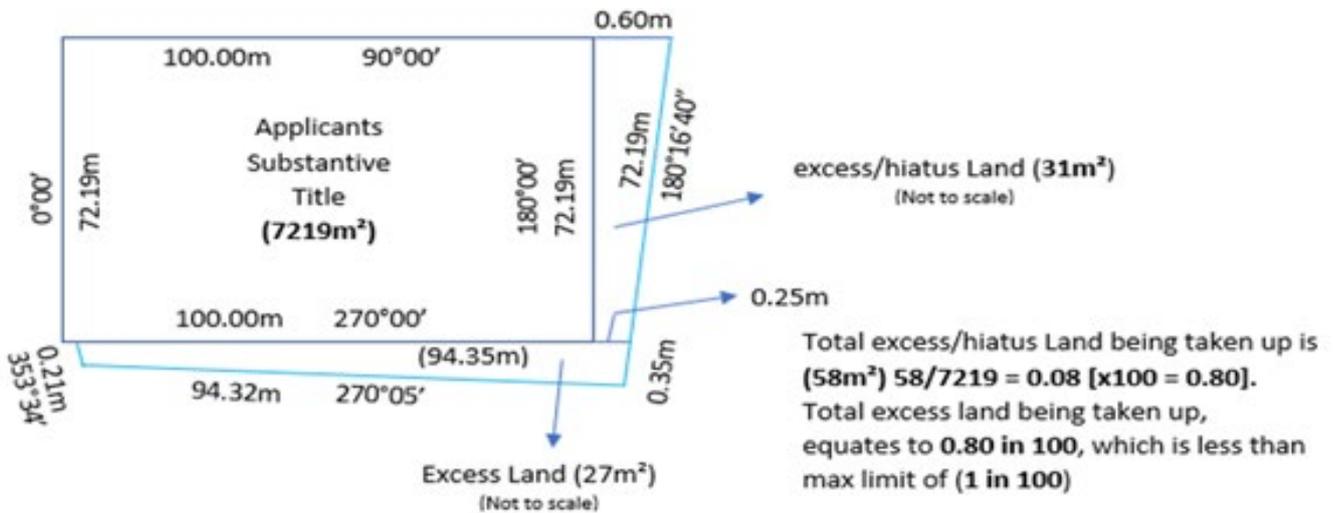
However, title boundaries that adopt:

- Crown boundaries; or
- common boundaries with approved abutting surveys where it can be shown that they define title boundaries,

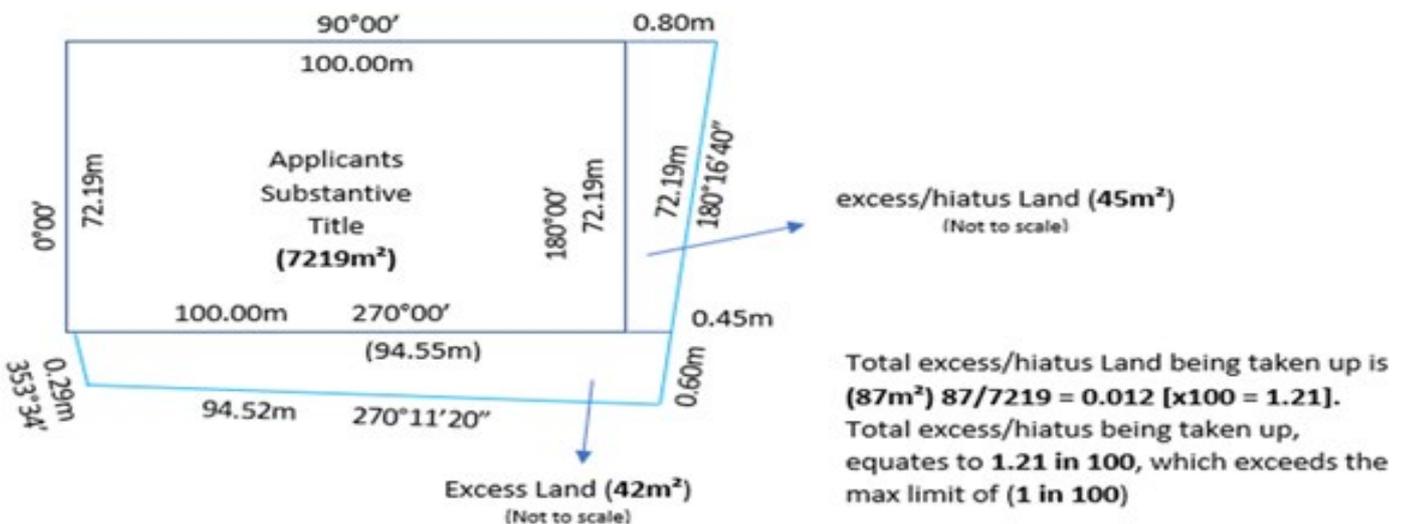
would not be considered an amendment of title subject to the '1 in 100' guideline and can continue to be adopted in Subdivision Act plans.

All survey-based dealings including plans of subdivision, consolidation and boundary plans should be supported by a comprehensive surveyor's report justifying any differences to title.

Acceptable – Where the **Total Area** of Excess/hiatus land is less than 1 in 100 Ratio.



Unacceptable – Where the **Total Area** of Excess/Hiatus land exceeds the allowable limits of 1 in 100 Ratio.



The Business Academy

The Business Academy delved deeply into the true operation of a business. With an open forum, fellow business owners and managers could bounce ideas and issues around. A great initiative.

Mark Ednie
PM Kennedy Land Surveyor



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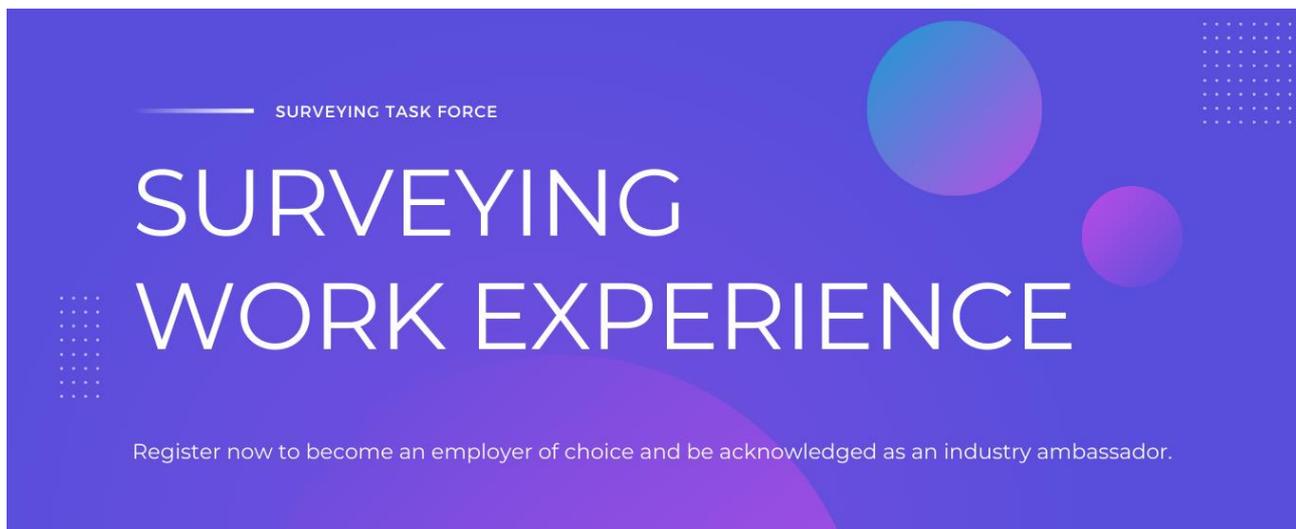
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Executive Officer Report

As winter approaches and the cold weather settles in, we are all counting the days for when we are graced with better weather. With the EOFY almost upon us, it is time to start thinking about the end of year checklist. Below is a small list to get you started.

- Review last year's revenue goals
- Run year-end financial reports
- Update employee and payroll information
- Update your vendor files
- Audit your company website
- Staff performance reviews
- Consider your staffing needs for next year:

The CSV/ISV Joint Seminar at Moonee Valley Racecourse was well attended on Friday, 20 May 2022. Thank-you to our speakers on their presentations, the content that was delivered was varied, interesting and planted many seeds. The event was delivered F2F as well as on-line, it was good to see so many of the F2F attendees stay back and network when the event finished.

Performance Reviews

Every June I perform performance reviews for the CSV staff, this year I decided to do something a little different as I wanted to not only do the reviews but to have a team building day. With the help of one of the directors, the girls and I braved the cold and wet weather and drove to Sassafras with a couple of maps with permanent survey marks on them to try and locate them. Sadly, we will never make great surveyors as we only found a survey mark that a survey instrument was set up on. It was a lot of fun, and we can truly appreciate the work surveyors perform as well as braving the elements.

This month Trish and I will be travelling to Port Douglas for the National Congress. We are both looking forward to warmer weather whilst assisting the ACSNSW staff, attend meetings, welcome drinks, the congress on the Thursday and Friday and the dinner on the Thursday night where the Consultancy awards will be presented. It is always good to catch up with everyone at this national event.

In June the training modules kick off again, we have scheduled the following sessions. Numbers fill very quickly for the training sessions and if you are interested in attending please contact trish@acsv.com.au

- Training Module 1 – 14 July 2022
- Training Module 2 – 15 July 2022
- Training Module 3 – 2 July 2022 and 22 July 2022
- Training Module 4 – 4 August 2022

Our next FPET gathering will be a webinar series, we have scheduled 4 x 1 hour webinars commencing at 9am on the following dates:

- 16 August 2022, 18 August 2022, 23 August 2022, 25 August 2022

National Annual Wage Review Decision

The Fair Work Commission's annual wage review decision, was handed down on Wednesday, 15 June 2022.

The *Fair Work Act 2009* requires the Fair Work

Commission, constituted by an expert panel for annual wage reviews to conduct and complete a review of the national minimum wage. The panel received submissions from the Australian Government, most state governments, parties that represent the interests of employers and employees and other bodies.



From the 1 July 2022 the National minimum wage after the decision was handed down will be:

- \$21.38 per hour
- \$812.60 per week
- \$42,336.00 per year.

For more information <https://www.fwc.gov.au/hearings-decisions/major-cases/annual-wage-reviews/annual-wage-review-2021-22>

ACSV Search

Any member not using ACSV Search for their searching are encouraged to contact me to discuss the benefits you may be missing out on. I can be contacted via email carmen@acsv.com.au

Sponsor Partners

Thank you to ACSIS, CR Kennedy and UPG for your continued support in being CSV's Gold Sponsor Partners. I would like to welcome Gough Recruitment as our newest Gold Sponsor Partner. A lot of our members would be familiar with Sebastian Leeder, Sebastian is a Director at Gough Recruitment and looks after Property and Construction. A special thank you goes out to CSV's Silver Sponsor Partners for their continued support.

Membership Renewals

The CSV staff are working behind the scenes to get the membership renewals out prior to 1 July 2022. This will enable members that wish to pay for their renewals prior to EOFY to be able to do so.

In closing, if you have any questions or any ideas please don't hesitate to contact me.

Carmen Olson
Executive Officer



MNG Group

More than thirty years ago McMullen Nolan Group (MNG) was founded. The vision, which remains true today, has been to provide personalised and innovative spatial solutions to all clients. With three offices in WA and having established in Melbourne 5 years ago, MNG is rapidly building a significant workforce and long-term pipeline of work across all the East Coast of Australia. Land Development has been a foundation of the business in both WA and Victoria, however with four Mobile Laser Scanners in operation the Geospatial business units are now driving expansion on the East Coast in the infrastructure and civil construction sectors.

Recognising and embracing advancements in technology and big data has further empowered the company to be acknowledged as a market leader within the laser scanning market across Australia. Our 3D spatial team are sought after for their knowledge and expertise in all scanning systems from ground-based system, bespoke road and rail vehicles, through to airborne solutions.

With innovation at the core of our values, MNG is excited to announce the launch of MNG SubSpatial, a new business unit focussed to geophysical investigations utilising advanced sub-surface 3D spatial modelling. MNG will build upon its strength in geospatial modelling above the ground to encompass the world beneath the earth's surface with MNG SubSpatial.

Aligned with the company's strategic plan MNG SubSpatial builds upon its core business in supporting East Coast growth in the land development market and infrastructure sectors. Additionally, MNG SubSpatial will further strengthen MNG's Spatial Modelling and Analysis with Real-time Technologies (SMART) surveying initiatives. The SMART solutions provide highly detailed surveys of complex structures, inclusive of subsurface utilities, to create highly accurate 3D models (digital twins) which can be intuitively visualised in Extended Reality.

Geophysical surveys in the land development sector have proven to be invaluable across greater Melbourne in the past few years as MNG launched the business in Victoria. Unlike other capital cities, two thirds of greater Melbourne is situated on igneous rock in the form of basaltic lava flows from Victoria's active volcanic fields. This rock is extremely hard and exists at highly variable depths across development sites, which regularly leads to costly and timely overruns in both excavation and construction. The mapping of depth to rock (alongside other rock metrics,



like ripability) has been proven to reduce site uncertainty, unforeseen earthwork costs and financial risk to developers, engineering firms and construction companies. Working hand in glove with traditional intrusive geotechnical methods (boreholes), this data can be presented in a variety of ways, which can be encompassed with a topography model, producing a very comprehensive site classification package.

This is an exhilarating period for MNG to once again raise the bar in



the delivery of spatial services across Australia. True to the core beliefs of the business, Teamwork – Innovation – Knowledge, MNG is bringing a myriad of value-added services to the traditional land development industry.

Qualified and trained professionals in virtually every field of surveying and geospatial services are at the heart of MNG. With a diverse workforce employed across the country, safety and management in excellence forms a strong culture within the group. Developing and delivering bursary programs for tertiary institutions along with mentoring of student and trainee surveyors to create career pathways is imperative to the business and the profession alike.

MNG has and continues to embrace technology to deliver award winning projects. From the very first terrestrial laser scanner in the country, to engineering a mobile laser scanner system, followed by developments in aerial and cart LiDAR systems MNG has led the way. Today the business persists at the forefront of technology with bespoke systems for all scenarios including longitudinal infrastructure, environmental modelling and asset management. As 3D modelling and visualisation continues to evolve, this has led to further developments in virtual and augmented reality solutions for project delivery. Capturing complex structures in high accuracy and creating intricately detailed 3D models is engrained within the company's geospatial team.

Mapping the world where we live to develop digital twins empowering engineers and scientists to run scenarios to further develop outcomes that will benefit everyone is fundamental to our industry. From aerial surveys to geophysical investigations beneath the ground is where MNG excels. The future is an exhilarating period where MNG raise the bar in the delivery of spatial services across Australia. True to the core beliefs of the business, Teamwork – Innovation – Knowledge, MNG is bringing a myriad of value-added services to the traditional land development industry.



Unreasonable Requests to Formally Amend Planning Permit Applications

Practitioners may have noticed that some Councils are increasingly including unreasonable requests in their pro-forma correspondence. The specific issue pertains to several Councils making demands and inferences, as part of their requests for further information, that purport to require applicants to lodge formal amendments as part of their RFI response.

Regular permit applicants will be aware that:

Section 50 of the Planning & Environment Act states: *An applicant may ask the responsible authority to amend an application before notice of the application is first given...*

Section 50A provides that: *With the agreement of the applicant and after giving notice to the owner, the responsible authority may make any amendments to an application that it thinks necessary before notice of the application is first given under section 52*

Section 57A provides: *An applicant may ask the responsible authority to amend an application after notice of the application is given under section 52.*

In all three of the above instances the formal amendment of the permit application restarts the 60-day statutory clock, in which Council is required to make a decision, to day zero. Therefore, the implications for permit applicants are significant.

Notably, VCAT has previously held that anything short of a substantial rethinking' of the permit application/proposal would not normally constitute an amendment to the application. This generally means that; changes to plans that result from concerns raised in the RFI, the tweaking of envelopes, easements or boundaries, the rewording of the application form and other similar changes, that do not constitute a 'substantial rethinking' of the proposal, would not normally require a formal amendment pursuant to s.50, s.50A or s.57A.

However, some Councils appear to be inferring otherwise. Below are some examples of correspondence from Council's that have raised an eyebrow or two:

One south eastern-metropolitan Council includes the following sentence in their RFIs:

Should you wish to make any changes to your proposal, you will need to apply to Council to amend the application pursuant to Section 50 of the Planning and Environment Act 1987.

Another south-eastern municipality writes:

Any changes to the plans/proposal will need to be submitted with a request to amend the application in accordance with Section 50 of the Planning and Environment Act 1987 (the Act)

Whilst a municipality in the north-west goes even further, stating:

If changes are made or additional information is provided as part of this request then Council may consider this as the applicant's consent to amend the application in accordance with Section 50A of the Planning and Environment Act 1987.

Any inference that "any changes" to your proposal triggers the need for a formal amendment or that Council can make such an amendment without the permit applicant's expressed permission, is simply not true.

The following VCAT cases provide empowering reading for practitioners that want to push back on these type of unreasonable requests from Councils:

In [Nelco Holdings Pty Ltd v Yarra Ranges SC \[2006\] VCAT 1480 \(25 July 2006\)](#) the Tribunal noted, among other things:

10. *In my view, permit applicants should not be penalised when*

attempting to improve their applications to address concerns raised by councils or objectors, by councils attempting to treat any suggested modifications as amendments to the application. This will only operate as a disincentive to permit applicants to consult meaningfully with councils and further delay the decision making process. Clearly, if proposed changes involve a substantial rethinking of the application, then an amendment to the application may be required, in which case resetting the statutory clock to give the responsible authority more time to consider the amendment will be appropriate. It is not possible to be categorical as to where the line will be drawn, but it is clear from the wording of the relevant provisions in the Act that an amendment to a permit application must be the subject of an explicit request and cannot be made inadvertently.[Emphasis added]

In [ML Design v Boroondara CC \(Red Dot\) \[2005\] VCAT 2088 \(10 October 2005\)](#) the Tribunal also noted:

18. *I find that there is no specified form that a request must take – it must simply be an unambiguous request in writing by the applicant for the responsible authority to amend the permit application.[Emphasis added]*

Clause 1 Planning recommends that permit applicants include the following paragraph (or similar), at the bottom of RFI responses to Council's that infer a formal amendment is automatically required:

Any changes to the application have been made to address the issues raised in Council's request for further information letter. The applicant considers that these changes do not constitute a formal s.50 or s.50A amendment to the application and no request is made, or permission granted for such an amendment. We are hopeful the above and attached information, along with that previously supplied, is sufficient for Council to now determine the application. Should, for whatever reason, Council conclude that the provided information is not sufficient we request a 30 day extension to the application's existing lapse date, for any such matters to be resolved.

Ashley Thompson
Director

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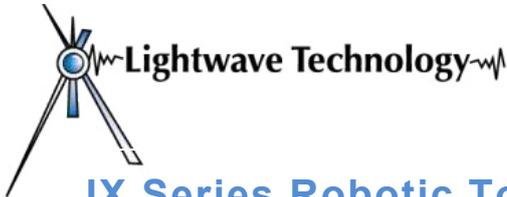


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2022 SOCIAL / OTHER EVENTS:

Date	Event Name
Friday, 25 February	Barefoot Bowls - Postponed 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: Woodlands Golf Club, Mordialloc
Friday, 25 November	The Presidents Lunch Venue: The Emerald Hotel, South Melbourne

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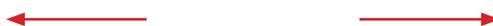
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2022 BUSINESS AND PROFESSIONAL DEVELOPMENT EVENTS:

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

Date	EVENT / FPET POINTS
Friday, 18 March	CSV Full Day Seminar Venue: Caulfield Race Course, Caulfield FPET Points: 3 Cadastral Survey Practice, 1 Development Planning and 1.75 'Other' points
Friday, 20 May	CSV/ISV Joint Seminar Venue: Moonee Valley Racecourse, Moonee Ponds FPET Points: 1.75 Cadastral Survey Practice and 1.75 'Other' points
22 to 24 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



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