

# Notice

To Lodging Parties

2 September 2024 No. 266

## Real Property Regulations 2024 What the changes mean for the Surveying Industry

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Following industry consultation by the Registrar-General, the South Australian Government has approved the *Real Property Regulations 2024* to remake the *Real Property Regulations 2009*. The *Real Property Regulations 2024* came into operation on Thursday 8 August 2024 and have been published in the [SA Government Gazette](#).

### **Changes to Regulation 5**

#### **5—Certificate of licensed surveyor**

- (1) The certificate of a licensed surveyor that must accompany an application for the division of land must be included on the plan of division that accompanies the application and must comply with the requirements prescribed by the regulations made under the *Survey Act 1992*.
- (2) A certificate of a licensed surveyor is not required under section 223LD(3)(b) of the Act in the circumstances identified for the purposes of this subregulation in the requirements issued by the Registrar-General under regulation 16.

The change to Regulation 5 means that, from the date of operation (8 August 2024), all plans of land division (except those exempted by sub-regulation 5(2) and noted below) are required to be certified by a licensed surveyor using the certification required under Regulation 19 of the *Survey Regulations 2020* that has been approved by the [Surveyor-General in Notice of the Surveyor-General No. 6 – Approved Form of Certificate](#) (NSG N°6 certificate).

The Registrar-General has approved a transition period to allow uncertified surveys to continue to be lodged until 1 January 2025. From this date, uncertified surveys will not be accepted by Land Services SA.

## **Changes to Regulation 16**

### **16—Plans and maps to comply with requirements**

A plan or map lodged with the Registrar-General for the purposes of the Act must comply with any requirements issued, from time to time, by the Registrar-General.

Changes to Regulation 16 to make reference to “any requirements issued, from time to time, by the Registrar-General” results in the current plan ‘guidelines’ (Plan Presentation Guidelines) becoming ‘requirements’ and are now known as the Plan Presentation Requirements (PPR).

Amendments to section 12 of the PPR have been made to provide detail of the requirements of the Regulation changes. The new version of the PPR is now available on the [LSSA website](#).

### **Surveys requiring the NSG N°6 certificate**

Following the transition period, from 1 January 2025, all plans of land division outside of Designated Survey Areas will be required to be certified surveys carrying the NSG N°6 certificate.

Additionally, any land division that is a join between two existing corners will be required to be certified surveys and carry the NSG N°6 certificate unless that survey satisfy the requirements of a “Pegged in Accordance” plan.

### **Surveys not requiring the NSG N°6 certificate**

Regulation 5(2) of the *Real Property Regulations 2024* allows for the Registrar-General to provide for exemptions to the requirement for a NSG N°6 certificate in specific circumstances that will be identified in the Plan Presentation Requirements.

Circumstances where the NSG N°6 certificate is not required include “Pegged in Accordance” plans and plans of division that are preceded by *Land Acquisition Act 1969* Tie-line plans. The certification and requirements for these types of plans remain unchanged.

Furthermore, provided there is no conflict with linear or angular data and the parcel closes within the required survey tolerances, certified survey is not required for the plan purpose of amalgamation or a division of an allotment comprising pieces into separate allotments where no new boundaries are being created.

Plans for road closing or channel reserve division (only if the portion of channel reserve being dealt with is merged with abutting land and no new parcels are created, other than the balance of the channel reserve) do not require certified survey provided the new boundary is:

- A join between existing corners
- A production of a side boundary
- Square off an existing corner

The requirements for these types of plans remain unchanged.

## **Changes to the Survey Regulations 2020**

Consequential amendments to Regulation 18 of the *Survey Regulations 2020* to refer to 'requirements issued by the Registrar-General' instead of 'the plan presentation guidelines' have also come into operation on 8 August 2024.

*Survey (Requirements for Lodgement of Plans) Amendment Regulations 2024* were published in the [SA Government Gazette](#) on Thursday 8 August 2024.

### **Part 2—Amendment of *Survey Regulations 2020***

#### **3—Amendment of regulation 18—Plans**

Regulation 18—delete "the plan presentation guidelines published by the Surveyor-General and the Registrar-General" and substitute:

any requirements issued by the Registrar-General pursuant to regulation 16 of the *Real Property Regulations 2024*

No further changes to the *Survey Regulations 2020* have been made.

Any queries relating to the requirements of the *Real Property Regulations 2024* or the Plan Presentation Requirements detailed in this Notice should be directed to Land Services SA at [clientadviceplanexaminer@landservices.com.au](mailto:clientadviceplanexaminer@landservices.com.au).



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