

**UNIVERSITY OF SOUTH AUSTRALIA
SCHOOL OF GEOINFORMATICS, PLANNING AND BUILDING**

Cadastral Surveying N

Semester 1, 2004

Time Allowed: 3 hours + 10 minutes reading time

Lecturer: Kim Nisbet

Total Marks = 100

Marks for questions shown in brackets.

QUESTION 1

(5 marks)

Explain the difference between statute law and common law. What prevails when there is conflict and why?

What do you understand by the doctrine of precedents in case law?

QUESTION 2

(5 marks)

What do you understand by the term tenure, or title, in relation to land? What forms of tenure can be held over land, and what distinguishes them from each other?

QUESTION 3

(15 marks)

Original marks hold a fairly high degree of evidentiary value in the hierarchy (only monuments being preferred). Under what circumstances though, could the status of pegs presumably marking a boundary be downgraded?

QUESTION 4

(15 marks)

The position of occupation in the hierarchy of evidence is only a general guide. Explain the relevant factors that must be considered in determining when occupation does or does not prevail over measurement. Include in your answer reference to a Court case that established precedents that guide us in the weight we give to occupations. Feel free to illustrate your answer with examples.

QUESTION 5

(15 marks)

See figure 1. Allotment 10, originally granted as bounded by the coast, was divided into allotments 100 & 101, 45 years ago. Allotment 100 was sold together with a right of way 2m wide. At the time of division the mean high water mark was along the face of the stone wall, but by process of gradual and imperceptible accretion is now about 20m further seaward.

A further plan of division of allotment 101 is to be prepared and from the information in figure 1 you are required to show the boundaries and measurements of allotment 101. **Briefly** explain the reason for your decisions.

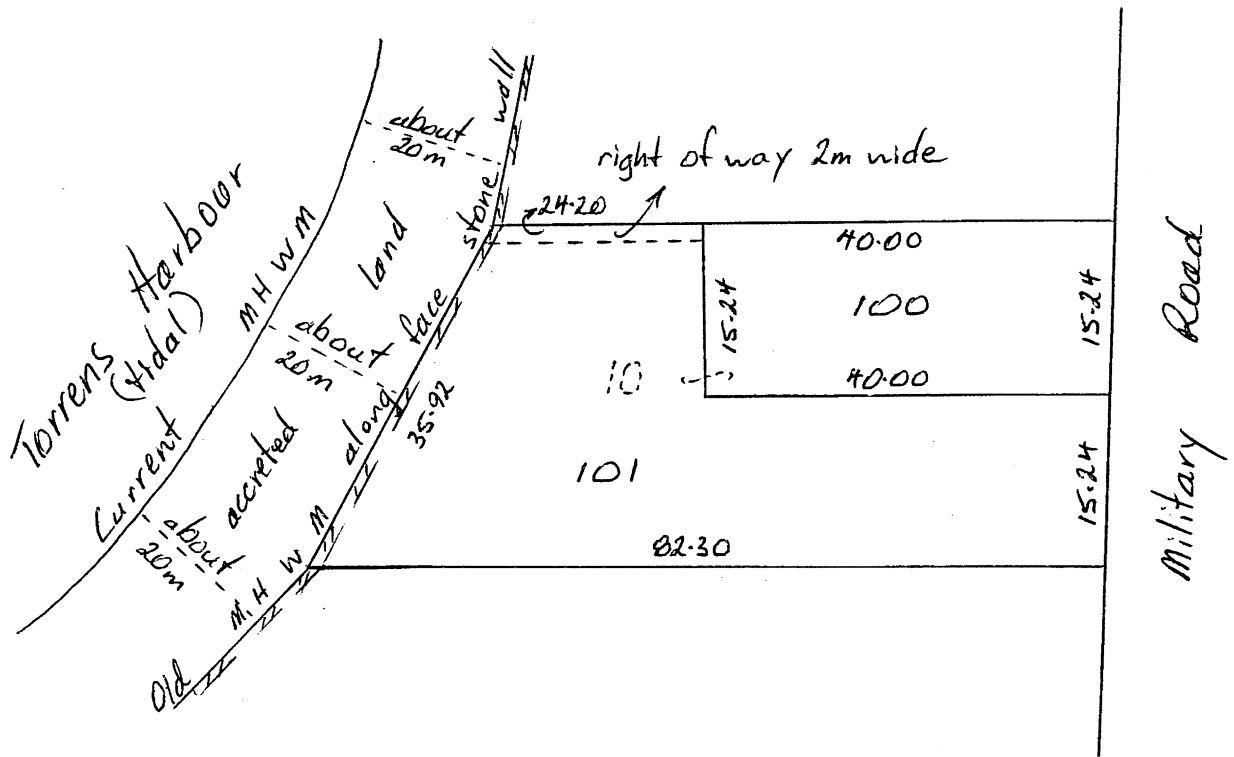


Figure 1

QUESTION 6

(15 marks)

You have been instructed to peg out allotment 2 in GRO 215/1856, upon which your client wishes to build up to the boundaries.

Search reveals that the old building on allotment 1 was the subject of an Application survey, the Certificate of Title that issued thereon being bounded by the faces of the five sides of the brick walls of this building. Allotments 2 and 3 remain under the Old System title.

You have no difficulty in accurately relocating the original documentary rectangular boundaries of GRO 215/1856. The relationship of current buildings and fences to these rectangular documentary boundaries are shown in Figure 2.

State where you would mark the boundaries of allotment 2, *briefly* giving your reasons. What other advice should be offered to your client?

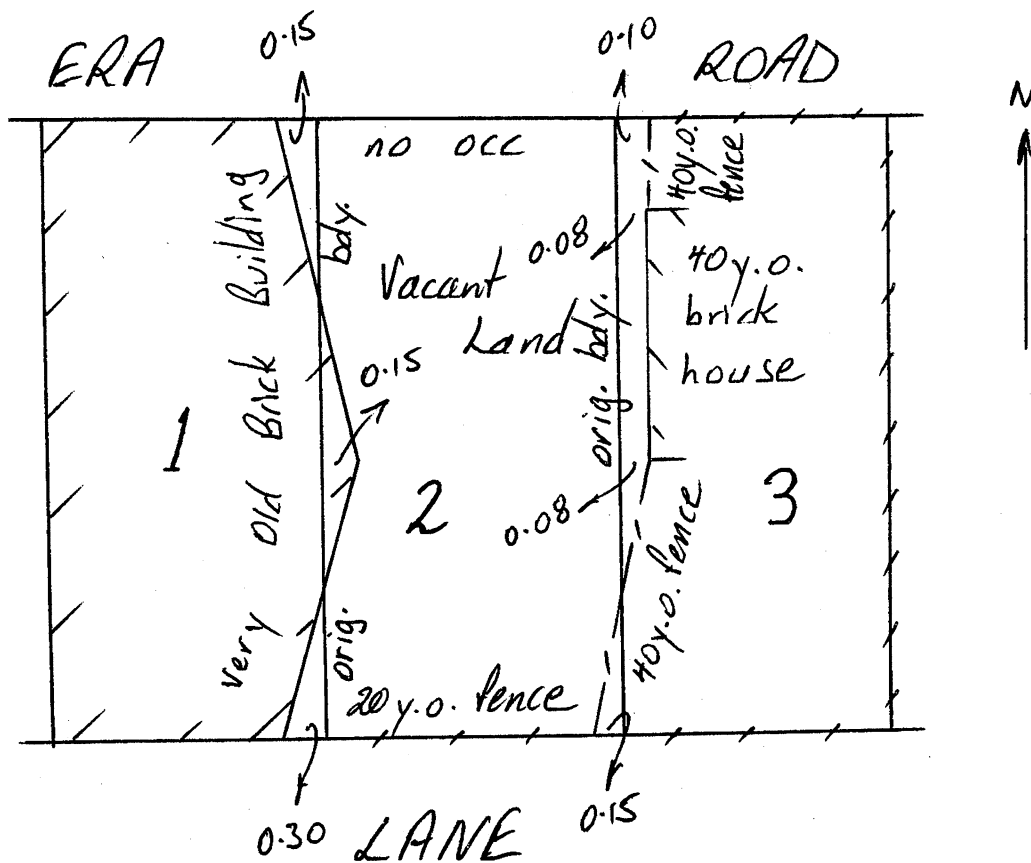


Figure 2

QUESTION 7

(30 marks)

Figure 3 shows original Crown survey of Sections 1-6 and abutting roads in 1880. In 1900 the area to the east was divided by Crown survey into Sections 29-32 as shown in figure 4.

In 1950 Road C was closed and merged with Section 29 for the purpose of division, by uncertified data plan, into allotments 51-53 as shown in figure 5.

In 1984 Section 3 was divided by uncertified data plan into allotments 63 and 64 as shown in figure 6.

In 1985 a certified survey redefined Section 30 leaving a reference mark at its south western corner. Later surveyors would not overthrow this reference, as evidence demonstrated by this survey was adequate, without being totally reliable.

Figure 7 shows measurements between features found in 2004. From this evidence indicate by sketch:

- what frontages you would redefine Sections 2, 4, 5 & 6 and allotments 51, 52, 63 and 64 at, and
- offsets from boundaries adopted to features located.

Briefly explain the reasons for your decision.

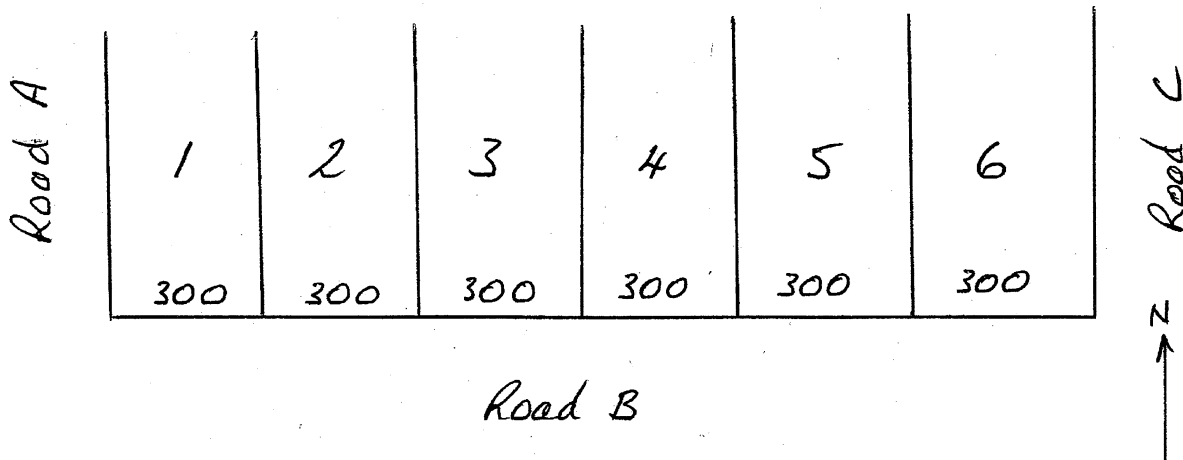


Figure 3

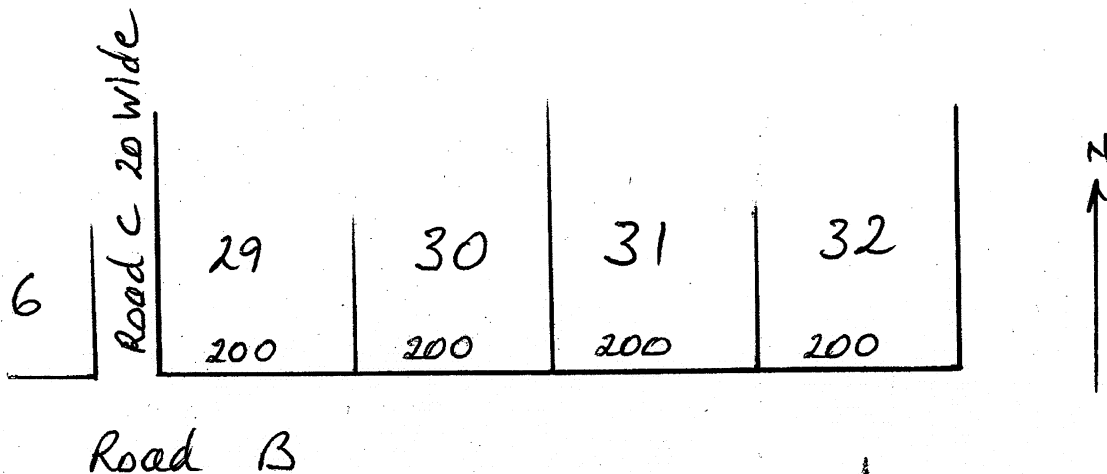


Figure 4

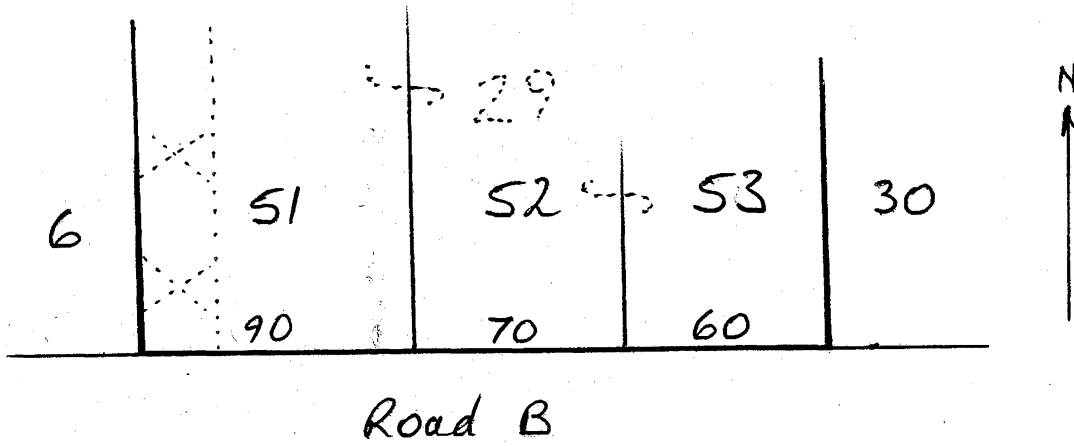


Figure 5

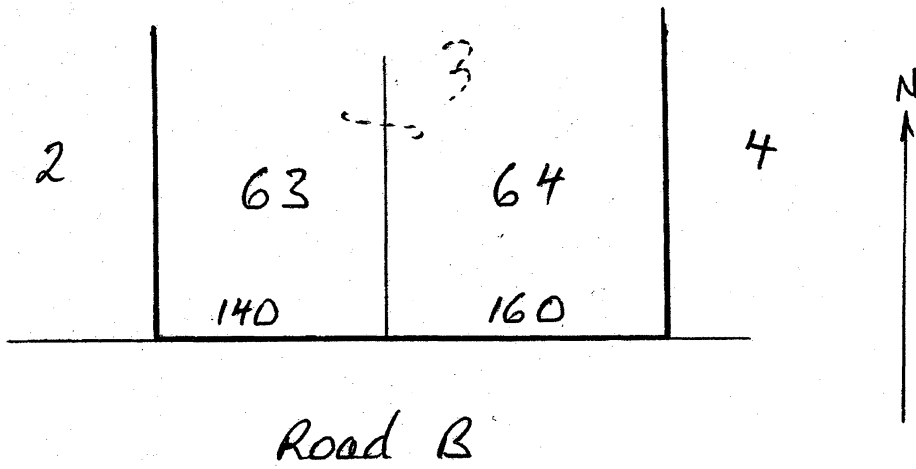


Figure 6

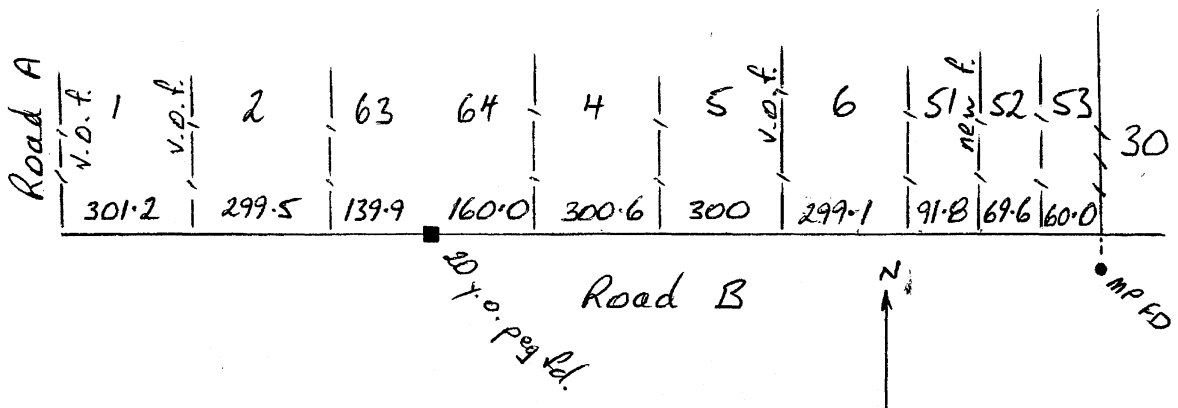


Figure 7