



# **Cadastral survey requirements**

**Version 5.0**  
**3 April 2008**

**Document status:**

**Made by the Chief Executive on 3 April 2008**

**Approved by the Minister for notification in the Gazette**

**Takes effect on 23 October 2008**

## Amendment history

Showing all changes since NRMSR v4.0

Section amended	Amendment	Reason
All relevant sections	Replace NR&M with 'the department' and define 'the department' as referring to the state government department that is responsible for the making of these standards	Avoids future amendment of the document to reflect changes in the name of the department.
All relevant sections	Correction to the term 'permanent mark'	Permanent mark is now shown as permanent survey mark to agree with SMI Act. 'PM' or 'PSM' are both acceptable abbreviations.
All relevant sections	Replace 's.' with 'section'	Grammatical consistency.
All relevant sections	Replace 'shall' with 'must'	Grammatical consistency.
All relevant sections	Replace 'registrar' with 'Registrar of Titles'	Grammatical consistency.
All relevant sections	Insert reference to the standard under which the guideline is made	Compliance with requirement of SMI Act.
All relevant sections	Amend formatting of headings, text, tables, number/bullet listings, diagrams, examples and symbols	Application of departmental style guidelines. Format consistency.
1.5 Departure from standards	Text deleted	Requirements for submission of information for unconventional survey methods or equipment moved to section 3.35.
2.1 Access restriction strips	Text deleted and added	Reference to specific section of Act.
2.3 Administrative boundaries—county, parish, locality and local government	Heading amended; text added	Locality boundaries are also gazetted administrative boundaries.
2.9 Reservations in title	New subsections added; text added; guideline added; information added	Requirements for new reservations as a consequence of LOLA Act. Format for the allocation certificate. Guideline to clarify the survey process when purchasing the reservation in title. Information that a floating reservation only exists for life of the title.
3.2.1 Access to public use land	Text deleted and added	Clarifying requirements for access to public use land as a consequence of LOLA Act.
3.3.1 Endorsement of plans by an accredited surveyor	Text added	Personal signature affixed by hand required.
3.6.1 Calculated areas	Text added	Examples of calculating areas moved from section 3.6.4.1.
3.6.4 Multiple line areas	Text deleted	Section now in agreement with sections 9.47.1 and 10.5.2.
3.6.4.1 Examples of dealing with existing multiple line areas	Text deleted	Examples of calculating areas moved to section 3.6.1. Abbreviations correctly shown.
3.7 Authorisation of a surveyor to act for another surveyor	Text amended	Clarifying the registration status and extent of application for authorisations.
3.8 Cancelling clause	Text deleted and added	Text from RTDPP section 4.10 deleted. Clarifying cancelling clause requirements for non-freehold land as a consequence of LOLA Act.

3.9 Certification by surveyor	Text added	Personal signature affixed by hand required.
3.9.1 Certificate for cadastral plans—Form 13	Text added	Clarifying the certificate for the case where a cadastral surveyor and a registered person are both involved in the survey.
3.9.2 Certificate for compiled cadastral plans—Form 18	Text added	As per section 3.9.1. Legislative references correctly shown. Use of a generic information source.
3.9.3 Certificate for survey records—Form 12	Text added	As per section 3.9.1.
3.9.4.3 – 3.9.4.8, 3.9.4.11 and 3.9.4.12 (all being examples)	Text deleted	The term ‘registered’ is not required in these examples. Examples 5–8 amended to be consistent with section 3.9.2.
3.10 – 3.10.7 Changing deeds of grant, reserves, leases and trust land—Adding part of a deed of grant in trust to a lease, reserve or trust land	Sections rewritten	Requirements for changing deeds of grant, reserves, leases and trust land as a consequence of LOLA Act.
3.11 Compiled plans	Text deleted	Section now in agreement with section 3.20.
3.11.4 Compiled plan of large unsurveyed parcel	Text amended	Section now in agreement with sections 3.18 and 9.47. Station or holding name no longer required to identify a lease.
3.14.1 Coordinates—General	Text amended	Grammatical amendment.
3.14.3 Coordinates of cadastral corners	Text deleted and added	Section now in agreement with sections 3.23, 9.16 and 9.34.2.
3.17 Description of parcels	Text deleted and added; note added	Interests in land under the <i>Land Act 1994</i> added to or deleted from table as a consequence of LOLA Act.
3.18 Dimensions	Text added	All distances required to be shown at mean terrain height. Clarifying boundary dimension requirements. Clarifying the dimensioning of internal roads for different cases.
3.19.2 Easements—surveys of long line easements—Specific requirements	Text added	Clarifying that long line easement boundaries established without running the boundaries are not shown as calculated.
3.20 Encroachment	Text added	Clarifying the requirements for reinstated or compiled boundaries.
3.20.1 Meaning of encroachment	Text added	Grammatical amendment.
3.21.1 Placement of additional reference marks on subdivision surveys	Text added	Notation referring to Identification Survey of additional survey marks required on plans. Timeframes set for lodgement of Identification Survey.
3.22.1 Boundary marking	Text deleted and added	Part 4 of SMI Regulations apply regardless of the method of boundary determination. Clarifying the marking required for new and reinstated corners.
3.22.2 Reference marks	Text added	Permanent improvements required to be located.
3.22.3 Cadastral survey marks	Text added	Public safety to be also considered when marking a boundary.
3.23 Meridian	Text added	Section now in agreement with sections 3.14.3, 9.16 and 9.34.2.

3.26.1 Connection to permanent survey marks	Text added	Additions made to requirements to ensure marks connected to provide good geometry and to ensure corners connected by bearing and distance. Surveyors are encouraged to prepare a PMSP for PMs that don't have one.
3.28 Profit a prendre	References added	Links to Acts and manuals added. Terminology is now profit a prendre to align with the Land Title Act. Clarifying requirements for profit a prendre involving non-freehold land.
3.28.1.2 Profit a prendre—Reduced survey standard	Text deleted and added	Clarifying that the reduced survey standard set out in the section applies.
3.29 Public use land	Section rewritten	Requirements for public use land as a consequence of LOLA Act.
3.31.2 Specification for surveys of land in remote areas	Text deleted and added	Clarifying the marking of corners and internal roads. Generic term for GPS technology. Deposit of map sheets no longer required.
3.32 – 3.32.7.1 Resumption actions—Resumption of possession of reservation in title	Sections rewritten	Other Acts also enable land to be resumed. Clarifying the requirements for different resumption purposes as a consequence of LOLA Act.
3.33 Resurveys	Text added	Clarifying the plan requirements as a consequence of LOLA Act. Grammatical amendments.
3.35 Survey records	Text added	Section now in agreement with sections 2.3 and 9.31. Requirements for submission of information for unconventional survey methods or equipment.
3.36 <i>Transport Infrastructure Act 1994</i>	Text added	Information clarifying full extent of and requirements for transport corridors under the <i>Transport Infrastructure Act 1994</i> .
3.36.3 Common areas for Queensland Transport over rail corridor land	Text added	Clarifying full extent of common areas and permissions under <i>Transport Infrastructure Act 1994</i> .
3.36.3.1 Common area in rail corridor land	Text added	The survey status of certain boundaries of the common area is to be maintained.
3.36.3.2 Common area in road adjacent to rail corridor land	New subsection added	Requirements for dealing with a common area in road adjacent to rail corridor land.
3.38.1 Opposite side of road unsurveyed	Text added	Section now in agreement with sections 3.18 and 9.47.
3.40 Unallocated State land (USL)	New section	Requirements for dealing with unallocated State land (USL).
3.41 Town and pasturage reserves	New section	Requirements for dealing with town and pasturage reserves.
3.42 Permits	New section	Requirements for dealing with permits as a consequence of LOLA Act.
4.3 Boundary watercourses	Text amended; diagram amended	River points table required for all watercourse boundaries used to calculate an area. Clarifying referencing of points table.
4.4.1.2 Directions to surveyors	Text added	Missing historical references added.

4.5 Redefinition of ambulatory boundaries	Text added	Maps of declared tidal limits can be downloaded. Clarifying that boundaries of reclaimed land are right lines.
5.2 Amalgamations	Reference amended	Reference updated to match legislative change.
5.5 Canals	Text added	Clarifying the description of canals on plans.
5.8 Easements	Text amended	Grammatical amendments.
5.9 Forest entitlement areas (FEAs)	Reference amended; text amended	Reference updated to match legislative change. Grammatical amendments.
5.13.1 Consent shown on plan only	Text deleted	Grammatical amendments.
5.15 State land actions	Section rewritten	Requirements for approvals for non-freehold land actions as a consequence of LOLA Act.
6.4.1 Easements over land shown as public use land	Text deleted and added	Clarifying that the requirements apply to any public use land, but exclude road.
6.5 Easements—Non-freehold	Text deleted and added	Deletion of unnecessary text. Clarifying the ending of easements when a DOGIT, lease or licence expires.
6.5.1 Easements over reserves and unallocated State land	Text added	Easements affecting a State lease over a reserve may require two separate easements. Clarifying the discontinuance of an easement when a reserve is revoked.
6.7.4 Road dedications over easements in all tenures	Text added	Clarifying consent requirements for road dedications over easements.
7.3.1 Lease types—Whole of the land	Text added	Clarifying that a lease over the whole of a lot is not to appear on a survey plan.
7.3.8 A lease covering more than one lot	Text added	Clarifying that a lease within a building over multiple lots is acceptable.
7.6.6 Reclaimed land	New subsection added	Information on actioning reclaimed land.
8.2 Native title—Definitions	Text amended	Grammatical amendment.
8.10 Native title—Principle 5	Text amended	Grammatical amendment.
9.2 – 9.2.3 Action statements—Simultaneous road opening and road closing	Sections rewritten	Requirements for action statements as a consequence of LOLA Act.
9.3 Adjoining description	Text added	Clarifying which adjoining information is required to be shown. Grammatical amendment.
9.3.1 Adjoining easements	Text font amended	Easements now shown correctly.
9.3.2 Adjoining leases	Text amended	Reference is now to leases of part of the building.
9.7 Buildings and other improvements on or near a boundary	Heading amended; text added	All permanent improvements on or near a boundary are to be located.
9.8 Calculated lines	Text added	Section now in agreement with section 3.22.1.
9.9 Canals	Text deleted	Deletion of unnecessary text, as section 5.5 now contains all information on Canals.
9.11 Centre lines	Text amended	Grammatical amendment.
9.14 Connections to distant points	Text amended	Grammatical amendment.

9.16.1 Corner information— General guidelines	Text added and deleted	Clarifying the treatment of corner information, particularly ‘on face’ and tabulated presentation of reference mark information.
9.16.2 Corner marks	Text amended and added	Typographical amendments. Examples amended.
9.16.3 Original corner marks	Text amended	The term ‘orig’ should be ‘o’. Typographical and grammatical amendments. Examples amended.
9.16.4 New corner marks	Text deleted and amended	Correction of note. Typographical amendments.
9.16.4.1 Occupation referenced at new corner	Text amended	Typographical amendments.
9.16.5 Corner references (reference marks)	Text amended	Separate PSM table required when tabulated presentation used. Typographical amendments.
9.16.6 Original reference marks and occupation	Text amended; sample added	Best practice is to state origin of reference marks. Clarifying ‘unknown’. Typographical and grammatical amendments. Examples amended and samples expanded.
9.16.7 New reference marks and occupation	Text deleted and added	Deletion of unnecessary text. Typographical amendments.
9.16.8 Notations	Text amended	Typographical amendments.
9.16.9 New permanent survey marks	New section	Mark type is required for new PSMs.
Diagram A	Diagram amended	Technical amendments to be consistent with section 9.16.
Diagram B	Diagram amended	Technical amendments to be consistent with section 9.16.
9.19 Datum	Text deleted	The use of datum for multiple plans is no longer necessary.
9.20.2.3 Descriptions in title block—Secondary interest— Examples	Text deleted and added	Examples amended to correct grammatical error and to reflect that USL now has a lot on plan reference.
9.25 Forest entitlement areas (FEAs)	Text deleted	Deletion of unnecessary text, as section 5.9 now contains all information on FEAs.
9.30 Linework	Text and linetype added	Linetype for ‘about’ dimensions added to table. Clarifying the linetype for adjoining boundaries.
9.31 Locality	Text added	Clarifying the requirements for multiple localities on the subject lots.
9.32 Lots	Text deleted; Reference added	Text from RTDPP section 8.3 deleted and reference inserted instead.
9.33 Measurement only	Text amended	Grammatical amendment.
9.34.1 Meridian—From previous plan	Text amended	Zone added as part of meridian reference. Grammatical amendments.
9.34.2 Meridian—By observation	Text added; table columns deleted	References to other sections to assist in the presentation of marks. Zone required as part of meridian reference. Generic term for GPS technology. Grid distances are no longer required.
9.39 Original dimensions	Text added	Text added to be in agreement with section 3.9.2 Form 18.
9.45 Plotting	Text deleted	Deletion of unnecessary text, as sections 9.48 and 9.59 now contain all information on drawing plans.

9.47 Roads	Text amended	Section now in agreement with sections 3.18 and 3.38.1.
9.47.1 Reserved roads	Diagram amended	Deletion of 3 line area and reference to 'reserved' to be in agreement with section 10.5.2.
9.48 Scale of plans	Text amended	Clarifying plan scale requirements.
9.49 Secants	Text amended	Grammatical amendment.
9.54 Tabulations	Text added	Clarifying which dimensions related to a boundary can be tabulated.
9.56 Traverses	Text amended	Grammatical amendment.
9.59 Plan presentation	New section	Plan presentation to be clear and unambiguous.
10.2.1 Creation of roads in freehold land	Reference added; text amended	Reference to RTDPP section 4.8.1 added. Grammatical amendments. Example amended.
10.2.2 Creation of roads in leases, reserves, trust land	Text deleted and added	Requirements for creating roads in leases, reserves, trust land and USL as a consequence of LOLA Act.
10.2.3 Creation of roads in State forest or timber reserves	Text deleted and added	Requirements for creating roads in state forest or timber reserves as a consequence of LOLA Act.
10.2.4 Creation of roads in scheme land	Section rewritten	Section now in agreement with RTDPP section 12.3.
10.3.1 Addition to adjoining lot or lots	Text deleted	Deletion of unnecessary text, as sections 3.10 and 9.2 now contain all information on adding closed road to lots.
10.4 Simultaneous opening and closure of road	Text deleted	Deletion of unnecessary text, as sections 3.10 and 9.2.3 now contain all information on simultaneous opening and closing of roads.
10.5.1 Esplanades	Text amended and added; diagrams added	Clarifying when an esplanade boundary is shown as curvilinear or right lines.
10.5.2 Reserved roads and reserved esplanades	Text deleted and added	Reserved roads are considered to have been dedicated for public use and therefore excluded from the lot containing them.
11.2 Amalgamations	Reference amended	Reference updated to match legislative change.
11.7.2 Crown action plans	Text deleted and added	Text amended to be historically correct.
Appendix A	Text deleted and added	Glossary terms amended as a consequence of LOLA Act.
Appendix B section B1	Abbreviations amended	'PM' or 'PSM' may be used for permanent survey mark. References to the department updated.
Appendix B section B5	Text deleted	Deletion of unnecessary text as references are within body of document.
Appendix B section B6	Abbreviations amended	Full stops removed. Permanent survey mark grouping added. Covenant, intersection, pillar, position, profit a prendre, original mile post, water tower terms added.

\* DOGIT = deed of grant in trust

\* LOLA Act = *Land and Other Legislation Amendment Act 2007*

\* PMSP = permanent mark sketch plan

\* RTDPP = *Registrar of Titles directions for the preparation of plans*



\* SMI Act = *Survey and Mapping Infrastructure Act 2003*

**Note to surveyors:**

**This document does not contain the requirements for mining tenure surveys.**

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ISBN 978-1742300016

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**Surveying**

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**Registrar of Titles directions for the preparations of plans**

[www.nrw.qld.gov.au/property/titles/rdpp/index.html](http://www.nrw.qld.gov.au/property/titles/rdpp/index.html)

**Policies under the Provisions of the *Land Act 1994***

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[www.legislation.qld.gov.au/OQPChome.htm](http://www.legislation.qld.gov.au/OQPChome.htm)

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# 1. Introduction

## 1.1 Legislation

The *Survey and Mapping Infrastructure Act 2003* provides for the making of standards and guidelines for achieving an acceptable level of survey quality (section 3(2)(a)).

## 1.2 Authority for standards

Section 6(1) of the *Survey and Mapping Infrastructure Act 2003* states that the chief executive may make written standards for surveying, and section 7(1) states that the chief executive may make written guidelines for surveying.

## 1.3 Compliance with standards and guidelines

Standards and guidelines made by the chief executive under the *Survey and Mapping Infrastructure Act 2003* are identified as such in this document.

Section 13 of the *Survey and Mapping Infrastructure Act 2003* requires surveyors to comply with the relevant standards.

The Act states that survey guidelines are ‘ways of complying with survey standards’ (section 7), and states in section 14 that:

*‘A surveyor, surveying associate or surveying graduate may comply with a survey standard by adopting and following—*

- (a) the ways stated in a survey guideline for complying with the survey standard; or*
- (b) other ways that achieve an equal or better level of compliance.’*

The implication of this is that, while compliance with guidelines is not compulsory and may be adopted at the professional discretion of the surveyor, if a surveyor chooses to adopt a different approach, then the onus is on the surveyor to be able to demonstrate that the approach is capable of achieving the relevant standard.

## 1.4 Review

Persons wishing to comment on the appropriateness of these standards are invited to provide comments in writing. In such cases, please consider submitting an alternative to the current standard, to assist the process of ongoing review of the standards.

## 1.5 Departure from standards

See section 3.35, ‘Survey records’, page 53.

A surveyor may use any method and/or equipment in performing a survey where it can be demonstrated that such method and/or equipment is capable of achieving the survey standard.

Sections 18 to 20 of the *Survey and Mapping Infrastructure Act 2003* provide a mechanism for exemption from the standards, by application to the chief executive.

## 1.6 Purpose of this document

This document sets out a range of information that surveyors may require in relation to the conduct of cadastral surveys. It includes:

- standards and guidelines under the *Survey and Mapping Infrastructure Act 2003*
- information about requirements under other legislation
- specific requirements related to actions under other legislation.

### **1.6.1 Standards and guidelines under the *Survey and Mapping Infrastructure Act 2003***

Standards and guidelines under the *Survey and Mapping Infrastructure Act 2003* are identified respectively in the document. Where a number of subsections form part of the same standard or guideline, each is not separately identified as such (e.g. if, under section 3.3, there are subsections 3.3.1, 3.3.2, 3.3.3, 3.3.3.1 and 3.3.3.2, and each of these is a ‘standard’, only 3.3 will be identified as being a ‘standard’).

### **1.6.2 Requirements of other legislation**

In addition to the standards and guidelines issued under the *Survey and Mapping Infrastructure Act 2003*, this document contains information about the operation of other legislation. Where the text is simply a description of the operation of that legislation, it is shown as an ‘information’ item. However, if the item spells out specific requirements with which surveyors must comply in relation to that legislation, then the item is shown as a ‘standard’ in relation to that legislation, (e.g. ‘Standard under the Land Act’).

## 2. General

### 2.1 Access restriction strips

**Standard under the Integrated Planning Act**

See the *Land title practice manual*, clauses 1-2570 and 1-2580.

Access restriction strips are no longer acceptable as a condition on a plan under the provisions of section 3.5.32 of the *Integrated Planning Act 1997*.

### 2.2 Administrative advices

**Information**

See the *Land title practice manual*, Part 52.

See the *Registrar of Titles directions for the preparation of plans*, section 22.6.9, 'Existing administrative advices', <[www.nrw.qld.gov.au/property/titles/rdpp/part\\_22.html](http://www.nrw.qld.gov.au/property/titles/rdpp/part_22.html)>.

An administrative advice is a noting, placed on a file attached to the register, of a present or future action or condition, affecting the subject title, to alert interested parties searching the register, of such action or condition. The administrative advice is usually authorised by statute, but is not a registrable estate or interest in, or charge on the subject land.

The objective of administrative advices is to provide the mechanism to alert registered owners and other interested parties to the existence of matters affecting land under the provisions of:

- Queensland legislation including:
  - the *Acquisition of Land Act 1967*
  - the *Land Title Act 1994*
  - the *Land Act 1994*
  - the *Queensland Building Service Authority Act 1991*
- other determinations by government
- other determinations by interested parties.

While these advices do not encumber the title of the land they may prevent the registration of a dealing.

Interested parties are to be alerted to any advice of an administrative nature by a noting in the register.

Where a certificate of title is found to be in error due to incorrect survey information, the Registrar of Titles may enter an administrative advice over the title and notify the registered owner that a survey plan will be required to register future dealings.

The *Land title practice manual* contains a full listing of acceptable administrative advices (clause 52-2000).

Further information relating to these advices should be obtained from the relevant authority.

### 2.3 Administrative boundaries—county, parish, locality and local government

**Standard under the SMI Act**

See section 9.18, 'County boundary', page 104.

See section 9.31, 'Locality', page 110.

See section 9.41, 'Parish boundary', page 114.

See the *Registrar of Titles directions for the preparation of plans*, section 22.7, 'Local government allocation', <[www.nrw.qld.gov.au/property/titles/rdpp/part\\_22.html](http://www.nrw.qld.gov.au/property/titles/rdpp/part_22.html)>.

County, parish, locality and local government boundaries must be shown on survey plans.

Administrative boundaries require gazettal for any change to their location. If an administrative boundary coincides with a lot boundary, the location of which is subsequently changed, the administrative boundary does not change and must therefore retain its original location.

## 2.4 Adverse possession

### Information

See the *Land title practice manual*, clause 14-2290.

Adverse possession cannot be claimed against State land (section 6(4) of the *Limitation of Actions Act 1974*).

For adverse possession of freehold land see Part 6, Division 5 of the *Land Title Act 1994*.

## 2.5 Commonwealth titles

### Information

For historical information, see section 11.5 ‘Commonwealth titles’, page 128

Under section 207 of the *Land Title Act 1994*, the *Real Property (Commonwealth Titles) Act 1924* was repealed.

Any Commonwealth-acquired land can now be brought under the provisions of the *Land Title Act 1994* by lodgement of an application by the Commonwealth Government solicitor.

If no plan of the land exists in the Land Registry, a plan suitable for registration under the *Land Title Act 1994* is required to be lodged accompanying the application. An indefeasible title is created in the name of the Commonwealth of Australia on registration of the plan and application. (*Land Title Act 1994*)

This process applies to any Commonwealth-acquired land, whether it was acquired as Commonwealth-transferred land in 1901 or has been acquired subsequently through resumption.

State leasehold land can be acquired by the Commonwealth and brought under the *Land Title Act 1994* by this process.

## 2.6 *Land title practice manual* (Queensland)

### Information

A manual prepared by the department, which gives detailed information on forms and subject areas which impact on titling transactions. Each section that relates to a form sets out the requirements of the forms, completed examples, Land Registry practice, the relationship to legislation, and summaries of relevant case law. The manual is available from the Queensland Law Society.

## 2.7 Registrar of Titles directions for the preparation of plans

### Information

A set of directions prepared by the Registrar of Titles under section 50 of the *Land Title Act 1994*. While a significant part of the directions relate to actions under the provisions of the *Land Title Act 1994*, the directions relate to any plan lodged in the Land Registry. The directions are available on the department’s website

<[www.nrw.qld.gov.au/property/titles/rdpp/index.html](http://www.nrw.qld.gov.au/property/titles/rdpp/index.html)>.

## 2.8 Rejected plans

### Information

See section 157 of the *Land Title Act 1994*.

The Registrar of Titles may reject a lodged plan under section 157 of the *Land Title Act 1994*. A rejected plan may be relogged but will be regarded as a new plan in all respects.

## 2.9 Reservations in title

*Standard under the Land Act*

See section 3.6.4, 'Multiple line areas', page 13.

See section 3.32.7.1, 'Resumption of possession of reservation in title', page 52.

See section 5.9, 'Forest entitlement areas (FEAs)', page 71.

See section 9.47, 'Roads', page 116.

See section 10.5, 'Existing roads', page 124.

See departmental policy *Land allocation: public purpose reservations PUX/901/112*,

<[www.nrw.qld.gov.au/about/policy/documents/3309/index.html](http://www.nrw.qld.gov.au/about/policy/documents/3309/index.html)>.

### 2.9.1 New reservations

Section 23 of the *Land Act 1994* allows the creation of a reservation for public purposes.

Section 23(4) (also sections 159(2) and 167(3)) refers to a 'future conservation area'. This reservation must be defined. It is not a 'floating' reservation.

The location of the reservation should be at the same survey status as the subject parcel. A new plan will be required showing both the lease and the new reservation.

### 2.9.2 Existing reservations

See sections 23A, 24, 25, 26 and 26A of the *Land Act 1994*

It is a policy of the department that, wherever possible, a reservation for a public purpose in a deed of grant or lease is to be extinguished. The policy refers to a reservation being defined or otherwise.

When a lot that is subject to a reservation in title (e.g. a road/esplanade reservation), is subdivided, or the registered owner wishes to purchase the reservation, the reservation must be dealt with in accordance with departmental policy *Land allocation: public purpose reservations PUX/901/112*. In general terms the policy requires one of the following:

- purchase of the reservation by the registered owner without competition
- an allocation of the reservation (only if it is not in a defined location) to one or more of the subdivision lots normally with a requirement to purchase at a later date.

In both of the above cases, an application must be lodged with a departmental office.

Since lots that are subject to reservation in title must have action taken to deal with the reservation, early application should be made to the department so that the necessary formalities can be completed without unduly delaying the registration of the survey plan. A decision on the reservation may be made using the subdivisional design plan. In most cases the department will require the applicant to purchase the reservation. The department will advise the applicant of its requirements in relation to the allocation of the reservation and the form of the allocation certificate that must appear on the plan. The allocation certificate must be signed by the departmental delegate prior to the lodgement of the plan with the Registrar of Titles.

The certificate should be in the following form, as appropriate:

Where the reservation is to be allocated to a single lot in a subdivision:

The area \_\_\_\_ ha reserved for \_\_\_\_\_ purposes in Lot \_\_\_\_ on \_\_\_\_\_ may be allocated to Lot \_\_\_\_ as shown hereon.

Power exercised: Section 23A of the *Land Act 1994*

\_\_\_\_\_ (signature) \_\_\_\_\_

(full name)

Date

(position title)

a duly authorised delegate of the Minister under the current *Land Act* (Ministerial) Delegation

Where the reservation is to be allocated to more than one lot in a subdivision:

*Of the area \_\_\_ ha reserved for \_\_\_\_\_ purposes in Lot \_\_\_ on \_\_\_\_\_, \_\_\_ ha may be allocated to Lot \_\_\_ and \_\_\_ ha may be allocated to Lot \_\_\_ as shown hereon.*

*Power exercised: Section 23A of the Land Act 1994*

\_\_\_\_\_  
(signature)

(full name)

\_\_\_\_\_  
Date

(position title)

*a duly authorised delegate of the Minister under the current Land Act (Ministerial) Delegation*

Where the reservation is in a fixed location, there is no requirement for an allocation certificate to be shown on the plan.

### **Guideline under Standard 2.9 'Reservations in title'**

When the reservation in title is being purchased, the presentation of the original survey plan will determine whether that original survey plan can be amended to reflect the change, or whether a new compiled plan will be required. The local departmental office will advise of the process required. This confirms the need to contact the local departmental office from the outset of the job. Refer to sections 23A, and 24 or 26A of the *Land Act 1994*.

#### **Information**

A floating reservation exists solely for the life of the subject title. If the title for the land is surrendered absolutely, or extinguished by any other means, the ownership of the land reverts to the State. In effect, the reversion extinguishes the reservation in title.

## **2.10 State land policies**

#### **Information**

The department's website provides access to departmental policies regarding dealings in State land <[www.nrw.qld.gov.au/land/state/policies/index.html](http://www.nrw.qld.gov.au/land/state/policies/index.html)>.

## **2.11 Withdrawal and relodgement of plans**

#### **Information**

To ensure that a plan is registered in the correct sequence such that the plan and associated documentation will give effect to the intention expressed, the Registrar of Titles under section 159 of the *Land Title Act 1994*:

- may withdraw the instrument (i.e. plan) and relodge the instrument to follow the lodgement of some other instrument
- or
- may, if it is an instrument that should not have been lodged, permit the instrument to be withdrawn. On receiving a written application, the Registrar of Titles may relodge the instrument.

Withdrawal and relodgement of a plan does not affect the period of validity for local government consent, the date for which remains at the date of original lodgement.

## **2.12 Withdrawn plans**

#### **Information**

Plans may be withdrawn from the registration process on request. The request must be in writing by the lodger or registered owner (under seal if a company).

A copy of the plan is imaged and the original returned to the lodger.

A withdrawn plan may be relodged for registration. When a withdrawn plan is relodged, it is regarded as a new plan in all respects.



## 2.13 Water allocation register

### Information

As part of the implementation of the State's agenda for water reform, the *Water Act 2000* has provided for the creation of a new registry of personal property rights in water—the water allocation register. The instrument registered is called a water allocation.

The water allocation register operates within the department as an adjunct to the service already provided by the Registrar of Titles. The existing Registrar of Titles has been appointed as the Registrar of Water Allocations. The register commenced on the 2nd June 2003. Title references commence at 46000001.

Once recorded on the register, water allocation holders and persons who have an interest will be able to lodge dealings and conduct searches in the same manner as now exists for the land titles register.

A lot and a plan number is required for the lodgement of a land dealing, the same format will also be used to identify water allocation related dealings. The Registrar will be using an administrative plan (AP) reference for all the water allocations granted within a resource operations plan (ROP). The associated water allocations become 'lots' on that plan.

For example for the Fitzroy plan, the plan number will be AP6829, for all allocations (or 'lots'). Water allocation 40 in the Fitzroy ROP can be described on all the title dealing forms as being Lot 40 on AP6829. For the Burnett plan, the plan number will be AP6975. Water allocation 144 in the Burnett ROP can be described on all the forms as Lot 144 on AP6975. Each water allocation will also have its own titles reference number.

Other resource operations plans will be given AP plan numbers as they progress to draft status.

All ROPs can be viewed on the water resource planning page of the department's website <[www.nrw.qld.gov.au/wrp/index.html](http://www.nrw.qld.gov.au/wrp/index.html)>.

## 3. Survey

### 3.1 *Aboriginal Land Act 1991 and Torres Strait Islander Land Act 1991*

#### Information

See section 3.31, 'Remote area surveys—standard for surveys of land in remote areas', page 47.  
See section 8, 'Native title', page 86.

The Governor-in-Council, under the powers of the *Aboriginal Land Act 1991*, may issue deeds of grant over transferable land to Aboriginal people or may issue a deed of grant in trust to Aboriginal people under the *Land Act 1994*.

Similar provisions apply under the *Torres Strait Islander Land Act 1991* for grants of land to Torres Strait Islanders.

Under these Acts, the Minister may direct the way in which land is described in deeds of grant or leases, as an alternative to survey of the land. The Minister has endorsed a policy that provides three possibilities regarding the description of land:

1. without survey, in which case an application must be made to the Minister addressing certain matters
  2. by normal survey
- or
3. where the land is remote or survey costs are high in relation to the value of the land, in which case an alternate survey specification may be approved by the Minister.

The details of these requirements are set out in the departmental policy PBO/900/119, which deals with methods for cadastral surveys for grant or lease under the *Aboriginal Land Act 1991* and the *Torres Strait Islander Land Act 1991* and for deeds of grant in trust for Aborigines and Torres Strait Islanders under the *Land Act 1994*. PBO/900/119 is not available on the department's website.

#### Standard under the SMI Act

Under the provisions of Division 2 of Part 5 of the *Aboriginal Land Act 1991* and the *Torres Strait Islander Land Act 1991*, an interest, such as a lease or an easement, may be transferred, granted or otherwise created. The requirements for survey of these interests are those applying to any other freehold parcel.

### 3.2 Access

#### Information

For the subdivision of freehold land under the provisions of the *Land Title Act 1994*, access is a matter for consideration by the local government in its approval process. However, if public use land is to be created on the registration of the plan, access to the public use land is required to be addressed in accordance with section 3.2.1

#### 3.2.1 Access to public use land

#### Standard under the Land Act

See section 3.29, 'Public use land', page 46.  
See departmental policy *Creation of trust land PUX/901/207*,  
<[www.nrw.qld.gov.au/about/policy/documents/3315/index.html](http://www.nrw.qld.gov.au/about/policy/documents/3315/index.html)>.

Plans creating public use land, either as parks or reserves, must provide for a legal means of access to these areas. Under section 290JB of the *Land Act 1994* and section 51A(b) of the *Land Title Act 1994*, land cannot be created as a reserve, or any other public use land that is not a road, unless dedicated access (road or public thoroughfare easement) is provided, except if the Minister approves otherwise. As any public use land shown on a plan is intended to be created as a reserve for some purpose, this access **must** be provided at the time the public use land is created.

There are two exceptions where dedicated access is not required:

1. Where the land is to be included in an existing reserve which itself has dedicated access. Note that this reserve must be a reserve for the same purposes and under the same trusteeship as is intended for the land being defined as public use land. Adjoining land held in fee simple by the local government as trustee and

being used for the same purpose, such as a park, is not acceptable. However, the adjoining land can be public use land that is to be dedicated as reserve for the same purposes and under the same trusteeship as is intended for the land being defined as public use land

2. Where the public use land is not a community purpose reserve (e.g. national park) and the administering department has advised the Minister that it does not require access.

For the above exceptions, the Minister must approve that the plan of subdivision may be registered without access to the lot being available. Application for the Minister's approval is by way of letter to the department stating the reason for the request (e.g. land to be joined with an existing reserve of same purpose and trusteeship) and stating through where access will be available. The Minister's approval will be in the form of Form 18, 'General consent'.

Where the public use land lot forms, or is intended to form, part of a continuous trail or promenade, often occurring as part of a staged development, access for the lot is to be dealt with according to its location within the staged releases. Where the public use land lot adjoins part of the continuous trail that already has dedicated access, Ministerial approval to create the public use land without access is required as outlined in item 1 above. Where the public use land does not adjoin part of the continuous trail that already has dedicated access, such as where the road access will not be available until a later stage of the development, a public thoroughfare easement should be created over the proposed road corridor, so that the easement is absorbed through the subsequent dedication of the road.

If there is any doubt as to what type of access is required, contact your local departmental office early in the development process.

### 3.3 Accredited surveyors and endorsement of plans

#### *Standard under the SMI Act*

See departmental procedure *Survey plan processing and pre-lodgement advice RPS/2004/1706*  
<[www.nrw.qld.gov.au/about/policy/documents/1706/index.html](http://www.nrw.qld.gov.au/about/policy/documents/1706/index.html)>.

Accredited surveyors must send a copy of endorsed plans to the department as soon as the plan is endorsed. This will ensure that plans lodged for registration will not be delayed by administrative actions such as entry into the CISP database. Where survey records are to be lodged, these must accompany the copy of the plan.

Surveyors who continuously fail to lodge copies of their endorsed plans in a timely way will be asked to show cause why their accreditation should not be withdrawn.

#### 3.3.1 Endorsement of plans by an accredited surveyor

Accredited surveyors must endorse a plan as soon as practical following completion of their survey. Only an original plan of survey may be endorsed. It is not acceptable to produce a copy of the plan, and endorse that copy. Immediately following endorsement, a copy must be deposited with the department. It is considered by the department that a plan is not acceptable for endorsing until the barcoded label has been attached. Consequently, all copies deposited under this requirement must show the barcoded label.

Endorsements must be signed by personal signature affixed by hand. The use of scanned signatures is not acceptable.

It is expected that a plan of survey will be endorsed at the time that the plan is certified indicating that the plan is accurate and survey is completed. The definition of 'accuracy' in section 3.4.1 should be noted.

If a copy of the endorsed plan is not received prior to lodgement of the original plan, a Form 10 (SMI Act) will be required to be completed and lodged. Failure to deposit copies of plans in time for them to be processed prior to lodgement of the original plans may be grounds for removal of accreditation. Copies of endorsed plans must be received at least five (5) working days prior to lodgement, unless exceptional circumstances exist. It is the department's preferred position that copies of endorsed plans are deposited as soon as they are endorsed.

##### 3.3.1.1 Self endorsement

Plans are endorsed by completing item 11 of the survey plan (Form 21, Version 2) by:

- inserting into the 'by' field the name of the endorsing surveyor. In the case of a corporation, this must be the registered corporation name

- inserting into the ‘date’ field the date the endorsement was made. In the case of plans that are amended and re-endorsed, this date should be struck out and the new date inserted

The endorsement must be signed by either:

- the surveyor personally
- or
- in the case of a corporation, by the nominated liaison officer or a cadastral surveyor/director

The designation of the signatory must be noted (i.e. cadastral surveyor, cadastral surveyor/director or liaison officer).

### 3.3.1.2 Third party endorsement

Plans are endorsed by completing item 11 of the survey plan (Form 21, Version 2) by:

- inserting into the ‘by’ field the name of the endorsing surveyor. In the case of a corporation, this must be the registered corporation name
- inserting into the ‘date’ field the date that the endorsement was made. In the case of plans that are amended and re-endorsed, this date should be struck out and the new date inserted

The endorsement must be signed by either:

- the endorsing surveyor personally
- or
- in the case of a corporation, by a cadastral surveyor/director

The designation of the signatory must be noted (i.e. cadastral surveyor, cadastral surveyor/director).

### 3.3.2 Provision of endorsed copies to the department

Where the office of the department accepts the endorsed copy by email, the attachment must be an image of the endorsed original plan.

### 3.3.3 Alteration to endorsed plans prior to lodgement

All amendments to endorsed plans require a new copy of the plan to be submitted to the department. This new copy must be accompanied by a copy of the previously submitted plan that has the changes highlighted.

### 3.3.4 Re-endorsement

Plans that have been amended prior to lodgement should be re-endorsed by striking out the existing date of endorsement and inserting the new date. The amendment must be initialled by the signatory noted in sections 3.3.1 or 3.3.2 as appropriate. There is no limit to the number of times that a plan may be re-endorsed.

A new copy of the endorsed plan must be forwarded to the department immediately, together with a copy of the new plan highlighting the changes made to the previously endorsed plan.

## 3.4 Accuracy

### *Standard under the SMI Act*

### 3.4.1 Certificates on plans

In certificates on cadastral plans, the word ‘accurate’ has the commonly understood meaning—precise, exact, correct in accordance with a standard—and so has a wider meaning than that frequently used by surveyors when referring to accuracy of measurement.

Certification of the words used in Form 13, ‘that the plan is accurate’, implies a declaration that the plan is correct in every detail and is in accordance with the standards of accuracy specified under the *Survey and Mapping Infrastructure Act 2003* and is suitable for the intended action.

For compiled plans, the word ‘accurate’ also applies to the available information from which the plan is compiled, regardless of the surveyed status of that available information (section 18 of the Survey and Mapping Infrastructure Regulation 2004).

### 3.4.2 Measurement accuracy

The accuracy of a cadastral survey must be determined by either:

- computation of the angular and linear misclosure in a surround
  - comparison with coordinated permanent survey marks
- or
- a method appropriate to the technology being used for the survey.

The angular misclosure in a surround or the angular deviation from the adopted meridian must not exceed the lesser of:

- 2.5 times ten seconds of arc multiplied by the square root of the number of angles
- 2 minutes.

The linear misclosure in a surround must not exceed either:

- 10 millimetres plus 1 part in 5000 of the total distance traversed
  - 20 millimetres plus 1 part in 2500, if the survey is in rough or broken terrain
  - 20 millimetres plus 1 part in 2000, if another surveyor’s work is included in the surround
- or
- 20 millimetres plus 1 part in 1000, if a survey effected before 1890 is included in the surround.

All surveyed lines (e.g. boundary lines, connections) must have a vector accuracy of 10 millimetres + 50 ppm.

## 3.5 Adjoining information

***Standard under the SMI Act***

**For drafting standards, see section 9.3, ‘Adjoining description’, page 91.**

There are three interacting principles regarding the depiction of adjoining information on plans.

1. First and foremost, it is a well-established principle of Queensland’s cadastral system (based on legal precedent) that the extent of a parcel of land is limited by the extent of the adjoining land—there are no gaps or overlaps between titles. Consequently, it is critical that the adjoining land is correctly identified.
2. Secondly, the survey plan is the only place where a parcel of land is depicted in relation to its adjoiners (there is no longer a diagram, or a written description of the metes and bounds of the land, on the title). Consequently, it is critical that the plan correctly depicts the adjoining land.
3. The title history, together with the cadastral plan record, provides a traceable history of the reconfiguration of land. Consequently, it is possible to trace with certainty the particular configuration of the adjoining land, over time.

Based on these principles, it is a requirement that all plans deposited or lodged in the Land Registry have correct adjoining information for the subject land shown on face. This includes lots, easements, road names, watercourse names etc. that immediately adjoin the subject land. The adjoining information must be correct at the time the plan is certified as accurate by the cadastral surveyor.

### ***Guideline under Standard 3.5, ‘Adjoining information’***

The implications of the above principles, which lead to the above requirement, are as follows:

- All plans must correctly depict and identify adjoining descriptions on the date the plan is certified as accurate by the cadastral surveyor. Any plan that incorrectly identifies adjoining land on that date must be corrected. Surveyors should, however, take all reasonable steps to ensure that adjoining information is correct at the time of deposit and lodgement.

- Plans must not show as adjoining information parcel descriptions which are anticipated to be, but are not yet, created. Plans should show the adjoining descriptions relevant at the date the plan was certified as accurate by the cadastral surveyor.

Where a series of plans is prepared from the one survey, instead of using a single plan with multiple sheets, each plan should be prepared as if it stands on its own (i.e. each plan should show the current adjoining descriptions, not those that will exist after other plans in the series have been registered). In addition, the plan may show the plan numbers of the adjacent plans in the series as DPs (but not the proposed lot numbers or proposed boundaries from those plans). An exception to this is when the sequence of lodgement of plans is certain (e.g. successive stages of a subdivision, in which case each plan should be prepared on the assumption that the previous plan is registered; or all plans to be lodged at once, in which case each plan should be prepared on the assumption that the other plans are registered).

- As there is no uncertainty in the titles register, if the land adjoining a lot is reconfigured by subsequent instruments in the register, there is no imperative to correct adjoining information that was correct at the time the plan was certified as accurate and has altered prior to the plan being registered. A plan that correctly depicts adjoining descriptions on the date it is certified, but is later found to have incorrect adjoining information as a result of reconfiguration of the adjoining land, will not be requisitioned to have the adjoining information updated (if that is the only item identified on the plan as being incorrect.)

However, should the situation arise where the Land Registry has concerns about the correctness of the plan at the time it was certified as accurate, and is unable to readily identify the status of the adjoining information on that date, the onus will be on the surveyor who certified the plan to provide evidence (e.g. SmartMap) of the adjoining information at the time the plan was signed.

- Accredited surveyors should ensure that they deposit plans with the department as soon as practicable after the plan is certified as accurate, in order to minimise the likelihood of questions being raised about the correctness of the plan on the date it was certified.

As there is a greater likelihood of changes occurring on non-endorsed plans, due to the greater time between certification and lodgement than between certification and deposit, surveyors lodging non-endorsed plans are more likely to be requested to provide evidence of the surrounding information at the date the plan was certified as accurate.

- If the situation arises where a surveyor, after certifying a plan as accurate but before the plan is lodged, becomes aware of an adjoining plan being registered, the surveyor has a responsibility to ensure that the adjoining survey does not have adverse implications for the reinstatement adopted for the subject plan.

## 3.6 Areas

*Standard under the SMI Act*

See section 17 of the Survey and Mapping Infrastructure Regulation 2004.

### 3.6.1 Calculated areas

A calculated area is preferred where lots close within prescribed limits.

Lots which show a calculated area must be deduced by closure and adjustment of the misclosure by the Bowditch method and shown:

- in hectares to four significant figures where the area exceeds one hectare
- in square metres to the nearest square metre where the area is less than one hectare
- in square metres to the nearest 0.1 of a square metre where the area is less than one square metre and the land is of high value.

Where a lot is separated by a dividing feature (e.g. road, railway, watercourse) and the area of the feature is calculated, the area of the lot is calculated as follows:

<i>gross area of lot</i>	184·4746378	ha
<i>area of excluded feature (e.g. road)</i>	20·5822597	ha
<i>by subtraction the net area is</i>	163·8923781	ha
<b><i>Plan presentation will be</i></b>	<b>163·9</b>	<b>ha</b>

**Note:** The ‘rounded’ net area is adopted.

Where a lot is separated by a dividing feature (e.g. road, railway, watercourse) and the area of the feature exists in imperial units, the area of the lot is calculated as follows:

<i>gross area of lot</i>	184·4746378	ha
<i>conversion of imperial feature (such as Road) (e.g. 50ac 3r 17p)</i>	20·5808	ha
<i>by subtraction the net area is</i>	163·8938378	ha
<b><i>Plan presentation will be</i></b>	<b>163·9</b>	<b>ha</b>

**Note:** The ‘rounded’ net area is adopted.

### 3.6.2 Balance areas

See section 3.6.4.1, ‘Examples of dealing with existing multiple line areas’, page 14.

In the case of balance lots, a balance area is acceptable if that lot does not close within the prescribed limits.

Where a balance area is adopted, the balance area is determined by adding or subtracting the new calculated areas of lots etc. (rounded as appropriate) from the existing net area of the parcel or parcels.

**Note:** There is no rounding off of this resulting area. However, the resulting area must not be shown to less than one square metre.

Balance or approximate areas must be qualified as such on the face of the plan and shown as ‘Bal.’ or ‘Abt’ respectively.

### 3.6.3 About areas

An ‘about’ area is shown to **three significant figures** only.

### 3.6.4 Multiple line areas

See section 2.9, ‘Reservations in title’, page 5.

See section 3.39, ‘Vincula’, page 57.

See section 9.25, ‘Forest entitlement areas (FEAs)’, page 108.

See section 9.47, ‘Roads,’ page 116.

See section 10.5, ‘Existing roads’, page 124.

It is no longer a requirement to show multiple line areas on new plans, except where a reservation in terms of section 23 of the *Land Act 1994* exists. These include reservations in:

- a ‘non-fixed’ position—such as a road reservation (eg SP132657)
- a ‘fixed’ position—such as a forest entitlement area.

In all other cases, the only area to be shown is the true net area of the lot, regardless of other lots, roads, watercourses, etc., and whether these are fully surrounded or not.

Where the area of the original exclusions (road reservation, forest entitlement area, etc.) are imperial, these are converted to the nearest square metre and a three-line area shown on the plan. For example:

34·5401	ha
1·9501	ha Rd Resn
32·59	ha

### 3.6.4.1 Examples of dealing with existing multiple line areas

See section 3.6.2, 'Balance areas', page 13.

Where an existing plan shows a 3 line area in acres, roods and perches (a.r.p):

<i>gross area</i>	85.1.17		
<i>road</i>	4.3.11	Rd	
<i>net area</i>	80.2.6		
<i>by survey a new lot is created:</i>	4.19	ha	
<i>convert existing imperial net area to metric</i>	32.5924	ha	
	– 4.19	ha	(new lot)
<i>by subtraction the new net deduces</i>	28.4024	ha	
<b>Plan presentation will be</b>	<b>28.4024</b>	<b>ha</b>	<b>Bal.</b>

**Note:** The 'unrounded' net area is adopted.

Where an existing plan shows a calculated 3 line area:

<i>gross area</i>	158.534	ha	
<i>road</i>	2.134	ha	Rd
<i>net area</i>	156.4	ha	
<i>by survey a new lot is created:</i>	1234	m <sup>2</sup>	
<i>by subtraction the new net deduces</i>	156.2766	ha	
<b>Plan presentation will be</b>	<b>156.2766</b>	<b>ha</b>	<b>Bal</b>

**Note:** The 'unrounded' net is adopted.

### 3.6.5 Part lots

See section 3.18, 'Dimensions', page 33.

See section 3.39, 'Vincula', page 57.

See the Registrar of Titles directions for the preparation of plans, section 8.4, 'Part lots',

<[www.nrw.qld.gov.au/property/titles/rdpp/part\\_8.html](http://www.nrw.qld.gov.au/property/titles/rdpp/part_8.html)>.

Where a lot is in parts, the area of each part must be determined by the requirements of sections 3.6.1 or 3.6.2. The total area of the lot must be the mathematical sum of the areas of the parts with no further rounding.

**Note:** Where a lot is severed by roads, watercourses, etc. it may be defined as either part lots or by using vincula. It is not permissible to mix vincula and part lots for the one lot.

## 3.7 Authorisation of a surveyor to act for another surveyor

### Standard under the SMI Act

Section 32 of the *Survey and Mapping Infrastructure Act 2003* provides for a surveyor to authorise another cadastral surveyor to take action in relation to requirements of the registering authority regarding the surveyor's plans (for example, to attend to a requisition). If such an authorisation is given, the Act requires that a copy of the authorisation be given to the Surveyors Board of Queensland as soon as practicable.



The Act requires the registering authority to accept anything done by the authorised surveyor on behalf of the authorising surveyor, if a copy of the authorisation has been given to the registering authority.

An authorisation given under this section of the Act should meet the following requirements:

- It should be made on the business letterhead of the authorising surveyor, and signed by both the authorising and authorised surveyor. It is necessary for both the authorising surveyor and the authorised surveyor to hold current registration as a surveyor with a cadastral endorsement at the time of signing.
- The authorised surveyor should be properly identified, and the surveyor's contact details including business address should be provided.
- The authorisation must state either:
  - that it applies to particular plans, which must be identified  
or
  - that it applies for a nominated period, the commencement and completion dates of which must be specified (it is permissible for the completion date of the period to be 'until ended by the authorising surveyor').
- Any limitations on the authorisation should be specified (e.g. plans of a particular format, plans certified after a particular date).
- A copy of the authorisation given to the registering authority should be either an original copy (i.e. with original signatures) or a copy certified by a JP or commissioner for declarations (C Dec) that the original has been sighted and that it is a true copy of the original.

The Registrar of Titles will image any authorisation with the dealing number of the plan.

Section 23.2.2 of the *Registrar of Titles directions for the preparation of plans* specifies the form of an amendment certificate on a plan signed by a surveyor who is authorised under section 32. If the original copy or certified copy of the authorisation has been provided to the registering authority previously in relation to another lodged plan, it is not necessary to supply another certified copy provided that a further line is added at the bottom of the amendment certificate, quoting the dealing number under which the previous plan was lodged:

*(copy of authorisation recorded with dealing xxxxxxxxx)*

In cases where a person acting under an authorisation makes amendments to an original deposited plan that was signed by the authorising surveyor, prior to lodgement: any amendments made by the authorised surveyor must be by ~~strikeout~~, accompanied by the relevant amendment certificate, as the changes are being made to a plan signed by another person; and if a copy of the authorising letter has not previously been supplied to the Registrar of Titles, is to be supplied at the time the plan is lodged.

### 3.8 Cancelling clause

*Standard under the SMI Act*

See section 3.37, 'Undescribed balances', page 56.

See section 3.40, 'Unallocated State land (USL)', page 58.

See section 9.20, 'Descriptions in title block', page 105.

See the *Registrar of Titles directions for the preparation of plans*, section 4.9, 'Plan description and cancelling clause', <[www.nrw.qld.gov.au/property/titles/rdpp/part\\_4.html](http://www.nrw.qld.gov.au/property/titles/rdpp/part_4.html)>.

It is imperative that the 'cancelling clause' be correctly completed in the title block of the plan. The cancelling clause is an essential part of maintaining the history of the cadastre through the parent-child relationship between the lots. This relationship is recorded in the CISP database and forms the cornerstone of the CISP historical searching facility.

For plans of freehold and non-freehold tenures, the plan must cancel the whole or part of a lot on a plan from which the current tenure is issued. Undescribed balances are not allowed without approval of the Registrar of Titles. See the *Registrar of Titles directions for the preparation of plans*, section 4.17, 'Undescribed balances', <[www.nrw.qld.gov.au/property/titles/rdpp/part\\_4.html](http://www.nrw.qld.gov.au/property/titles/rdpp/part_4.html)>. For freehold tenures, as long as a plan of the balance of the parcel is lodged together with the plan cancelling the part lot, the requirement is considered to be satisfied. For non-freehold tenures, the Registrar of Titles will generally only approve plans cancelling part of a lot where the action involves a town reserve or development lease where the reserve or lease is currently described by exclusions from an undescribed balance.

Common property in a cancelling clause must be described as ‘*Common Property of <scheme name> Community Titles Scheme <cms/cts number>*’. ‘Community Titles Scheme’ may be abbreviated to CTS. See the *Registrar of Titles directions for the preparation of plans*, section 11.3, ‘Description of common property’, <[www.nrw.qld.gov.au/property/titles/rdpp/part\\_11.html](http://www.nrw.qld.gov.au/property/titles/rdpp/part_11.html)>.

As this method of showing common property does not give the requisite linkages for CISP, the lot-on-plan descriptions of common property must be noted in brackets at the bottom of the title block (i.e. CP on BUP123, CP on SP1234). As the CP/plan description is only incidental to and not part of the cancelling clause noted in the preceding paragraph, it should be shown in a smaller font and must not be shown immediately after the description.

Most parcels of USL now have a valid lot-on-plan description, which is available from SmartMap. Where USL is referred to in a cancelling clause, refer to the *Registrar of Titles directions for the preparation of plans*, section 4.10, ‘Cancelling clause containing reference to unallocated State land’, <[www.nrw.qld.gov.au/property/titles/rdpp/part\\_4.html](http://www.nrw.qld.gov.au/property/titles/rdpp/part_4.html)>.

### 3.9 Certification by surveyor

#### **Standard under the SMI Act**

See section 9.26, ‘Ink’, page 108.

See section 9.39, ‘Original dimensions’, page 113.

See the *Registrar of Titles directions for the preparation of plans*, section 4.11, ‘Surveyors certificate’, <[www.nrw.qld.gov.au/property/titles/rdpp/part\\_4.html](http://www.nrw.qld.gov.au/property/titles/rdpp/part_4.html)>.

Forms 12, 13 and 18 are issued under the *Survey and Mapping Infrastructure Act 2003*. (Note that for the sake of consistency, the form numbers have not changed.)

All cadastral survey plans are required to show a certificate in accordance with Form 13 or Form 18. Any plan signed after 1 August 2004 must bear these new certificates.

The surveyor’s name must be shown in full. The surveyor should be a cadastral surveyor at the time of survey and signing of the plan.

The manner of execution of a plan by a corporation must be in accordance with its constitution, which will specify whether or not the common seal is to be affixed. Whenever a corporation signs a plan, the individual who undertook the survey must be identified on the certificate, along with their registration status.

The date of signature must not precede the survey completion date. The plan should be signed and dated prior to lodgement for sealing with the local government.

Certificates must be signed by personal signature affixed by hand. The use of scanned signatures is not acceptable.

All notations and signatures must be in black ink.

Where a plan contains a mixture of survey information and information compiled from other sources, Form 13 should be used. Form 13 has relevance to the survey information. A statement indicating the origin of compiled information should be shown on the face of the plan.

**3.9.1 Certificate for cadastral plans—Form 13****Form 13 – Version 3***Survey and Mapping Infrastructure Act 2003***Certificate for cadastral plans**

1 \_\_\_\_\_ hereby certify that the land comprised in this plan was surveyed by  
 2 \_\_\_\_\_ and that the plan is accurate, that the said survey was performed in accordance with the  
*Survey and Mapping Infrastructure Act 2003* and *Surveyors Act 2003* and associated Regulations and Standards and that the  
 said survey was completed on

3 \_\_\_\_\_

4 \_\_\_\_\_  
 Cadastral Surveyor

5 \_\_\_\_\_  
 Director

Date : \_\_\_\_\_

5 \_\_\_\_\_  
 Director

- 
1. I, (full name of Cadastral Surveyor (Individual)) or  
 (name of the corporation)
  2. *If the certificate is signed by an individual, one of the following—*  
     me personally or  
     me personally and by\_(full name of registered person), (registration status of registered person) for whose work I accept  
     responsibility or  
     (full name of registered person), (registration status of registered person) for whose work I accept responsibility  
*If the certificate is signed by a corporation, either –*  
     the corporation, by (full name of cadastral surveyor), cadastral surveyor, for whose work the corporation accepts responsibility  
     or  
     the corporation, by (full name of registered person), (registration status of registered person), for whose work the corporation  
     accepts responsibility, under the supervision of (full name of individual cadastral surveyor), cadastral surveyor
  3. Date
  4. Cadastral Surveyor Signature (only if Individual)
  5. Corporation Signature (only if corporation registered as a Cadastral Surveyor)

Note:- A corporation must sign in accordance with its constitution.

### 3.9.2 Certificate for compiled cadastral plans—Form 18

#### Form 18 – Version 3

*Survey and Mapping Infrastructure Act 2003*

#### Certificate for cadastral plans - compiled

1 \_\_\_\_\_ hereby certify that 2 \_\_\_\_\_ made this plan under Section 17 of the *Survey and Mapping Infrastructure Regulation 2004* and pursuant to the *Survey and Mapping Infrastructure Act 2003* and *Surveyors Act 2003* and associated Regulations and Standards and that the plan is accurate, and compiled from

3 \_\_\_\_\_ .

4 \_\_\_\_\_  
Cadastral Surveyor

5 \_\_\_\_\_  
Director

Date: \_\_\_\_\_

5 \_\_\_\_\_  
Director

1. I, (full name of Cadastral Surveyor (Individual)) or (name of the corporation)
2. *If the certificate is signed by an individual, one of the following –*  
I have or  
I, and (full name and registration status of supervised persons), for whose work I accept responsibility, have or  
(full name and registration status of supervised persons), for whose work I accept responsibility, has or  
*If the certificate is signed by a corporation, either –*  
the corporation, by (full name of cadastral surveyor), cadastral surveyor, for whose work the corporation accepts responsibility, has or  
the corporation, by (full name of registered person), (registration status of registered person), for whose work the corporation accepts responsibility, under the supervision of (full name of individual cadastral surveyor), cadastral surveyor, has
3. Identify source documents (e.g. plans, field notes, topographic data, aerial photographs) and the agency from which the documents were obtained. If source documents are not publicly accessible, a copy must be deposited with the survey records and the certificate must add “a copy of which is included in the survey records”.
4. Cadastral Surveyor Signature (only if Individual)
5. Corporation Signature (only if corporation registered as a Cadastral Surveyor)

Note:- A corporation must sign in accordance with its constitution.

**3.9.3 Certificate for survey records—Form 12****Form 12 – Version 3***Survey and Mapping Infrastructure Act 2003***Certificate for survey records**

**1** \_\_\_\_\_ hereby certify that these survey records  
are accurate records of the survey performed by **2** \_\_\_\_\_.

**3** \_\_\_\_\_  
Cadastral Surveyor

**4** \_\_\_\_\_  
Director

Date: \_\_\_\_\_

**4** \_\_\_\_\_  
Director

- 
1. I, (full name of Cadastral Surveyor (Individual)) or  
(name of the corporation)
  2. *If the certificate is signed by an individual, one of the following—*  
me personally or  
me personally and by (full name of registered person), (registration status of registered person) for whose work I accept responsibility or  
(full name of registered person) (registration status of registered person) for whose work I accept responsibility  
*If the certificate is signed by a corporation, either –*  
the corporation, by (full name of cadastral surveyor), cadastral surveyor, for whose work the corporation accepts responsibility or  
the corporation, by (full name of registered person), (registration status of registered person), for whose work the corporation accepts responsibility, under the supervision of (full name of individual cadastral surveyor), cadastral surveyor
  3. Cadastral Surveyor Signature (only if Individual)
  4. Corporation Signature (only if Corporation registered as a Cadastral Surveyor)

Note: A corporation must sign in accordance with its constitution.

### 3.9.4 Examples for certificates

#### 3.9.4.1 Example 1—Form 13—individual cadastral surveyor

*Survey and Mapping Infrastructure Act 2003*

##### Certificate for cadastral plans

**I, John William Brown** hereby certify that the land comprised in this plan was surveyed by ***me personally*** and that the plan is accurate, that the said survey was performed in accordance with the *Survey and Mapping Infrastructure Act 2003* and *Surveyors Act 2003* and associated Regulations and Standards and that the said survey was completed on ***1/9/2004***.

**JW Brown**  
Cadastral Surveyor

Date : ***1/8/2005***

#### 3.9.4.2 Example 2—Form 13—corporation cadastral surveyor

*Survey and Mapping Infrastructure Act 2003*

##### Certificate for cadastral plans

**J W Brown Surveys Pty Ltd (ACN or ABN 123456789)** hereby certify that the land comprised in this plan was surveyed by ***the corporation, by Peter Andrew Smith cadastral surveyor for whose work the corporation accepts responsibility*** and that the plan is accurate, that the said survey was performed in accordance with the *Survey and Mapping Infrastructure Act 2003* and *Surveyors Act 2003* and associated Regulations and Standards and that the said survey was completed on ***1/9/2004***.



**John William Brown, Director**

**Brian Lloyd Gardiner, Director**

Date : ***1/8/2005***

**Note:** A common seal may not be required, depending on the corporation's constitution.

#### 3.9.4.3 Example 3—Form 13—individual cadastral surveyor supervising a registered person

*Survey and Mapping Infrastructure Act 2003*

##### Certificate for cadastral plans

**I, John William Brown** hereby certify that the land comprised in this plan was surveyed by ***Peter Andrew Smith surveying associate for whose work I accept responsibility*** and that the plan is accurate, that the said survey was performed in accordance with the *Survey and Mapping Infrastructure Act 2003* and *Surveyors Act 2003* and associated Regulations and Standards and that the said survey was completed on ***1/9/2004***.

**JW Brown**  
Cadastral Surveyor

Date : ***1/8/2005***

**Note:** See section 75 of the *Surveyors Act 2003* regarding the requirements for supervision.

### 3.9.4.4 Example 4—Form 13—corporation cadastral surveyor, survey by registered person other than a cadastral surveyor

*Survey and Mapping Infrastructure Act 2003*

#### Certificate for cadastral plans

***J W Brown Surveys Pty Ltd (ACN or ABN 123456789)*** hereby certify that the land comprised in this plan was surveyed by ***the corporation, by Peter Andrew Smith surveying graduate, for whose work the corporation accepts responsibility, under the supervision of John William Brown, cadastral surveyor*** and that the plan is accurate, that the said survey was performed in accordance with the *Survey and Mapping Infrastructure Act 2003* and *Surveyors Act 2003* and associated Regulations and Standards and that the said survey was completed on ***1/9/2004***.



***John William Brown, Director***

***Brian Lloyd Gardiner, Director***

Date : ***1/8/2005***

Note: A common seal may not be required, depending on the corporation's constitution.

### 3.9.4.5 Example 5—Form 18—individual cadastral surveyor

*Survey and Mapping Infrastructure Act 2003*

#### Certificate for cadastral plans—compiled

***I, John William Brown*** hereby certify that ***I have*** made this plan under Section 17 of the Survey and Mapping Infrastructure Regulation 2004 and pursuant to the *Survey and Mapping Infrastructure Act 2003* and *Surveyors Act 2003* and associated Regulations and Standards and that the plan is accurate, and compiled from ***CP842126 and RP181275 in the Department of Natural Resources and Water***.

***JW Brown***  
Cadastral Surveyor

Date : ***1/10/2004***

**3.9.4.6 Example 6—Form 18—corporation cadastral surveyor***Survey and Mapping Infrastructure Act 2003***Certificate for cadastral plans—compiled**

***J W Brown Surveys Pty Ltd (ACN or ABN 123456789)*** hereby certify that ***the corporation, by Peter Andrew Smith cadastral surveyor, for whose work the corporation accepts responsibility, has*** made this plan under Section 17 of the Survey and Mapping Infrastructure Regulation 2004 and pursuant to the *Survey and Mapping Infrastructure Act 2003* and *Surveyors Act 2003* and associated Regulations and Standards and that the plan is accurate, and compiled from ***CP842126 and RP181275 in the Department of Natural Resources and Water.***

***John William Brown, Director******Brian Lloyd Gardiner, Director***Date : ***1/8/2005***

**Note:** A common seal may not be required, depending on the corporation's constitution.

**3.9.4.7 Example 7—Form 18—individual cadastral surveyor supervising a registered person***Survey and Mapping Infrastructure Act 2003***Certificate for cadastral plans—compiled**

***I, John William Brown*** hereby certify that ***Peter Andrew Smith surveying associate, for whose work I accept responsibility, has*** made this plan under Section 17 of the Survey and Mapping Infrastructure Regulation 2004 and pursuant to the *Survey and Mapping Infrastructure Act 2003* and *Surveyors Act 2003* and associated Regulations and Standards and that the plan is accurate, and compiled from ***CP842126 and RP181275 in the Department of Natural Resources and Water.***

***JW Brown***  
Cadastral Surveyor

Date : ***1/8/2005***

**Note:** See section 75 of the *Surveyors Act 2003* regarding the requirements for supervision.



**3.9.4.8 Example 8—Form 18—corporation cadastral surveyor, plan prepared by registered person other than a cadastral surveyor**

*Survey and Mapping Infrastructure Act 2003*

**Certificate for cadastral plans—compiled**

***J W Brown Surveys Pty Ltd (ACN or ABN 123456789)*** hereby certify that ***the corporation, by Peter Andrew Smith surveying graduate, for whose work the corporation accepts responsibility, under the supervision of John William Brown cadastral surveyor, has*** made this plan under Section 17 of the Survey and Mapping Infrastructure Regulation 2004 and pursuant to the *Survey and Mapping Infrastructure Act 2003* and *Surveyors Act 2003* and associated Regulations and Standards and that the plan is accurate, and compiled from CP842126 and RP181275 in the Department of Natural Resources and Water.



***John William Brown, Director***

***Brian Lloyd Gardiner, Director***

Date : *1/8/2005*

**Note:** A common seal may not be required, depending on the corporation's constitution.

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**3.9.4.9 Example 9—Form 12—individual cadastral surveyor**

*Survey and Mapping Infrastructure Act 2003*

**Certificate for survey records**

***I, John William Brown*** hereby certify that these survey records are accurate records of the survey performed by ***myself personally.***

***JW Brown***

Date : *1/8/2005*

Cadastral Surveyor

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**3.9.4.10 Example 10—Form 12—corporation cadastral surveyor**

*Survey and Mapping Infrastructure Act 2003*

**Certificate for survey records**

***J W Brown Surveys Pty Ltd (ACN or ABN 123456789)*** hereby certify that these survey records are accurate records of the survey performed by ***the corporation, by Peter Andrew Smith cadastral surveyor, for whose work the corporation accepts responsibility.***



***John William Brown, Director***

***Brian Lloyd Gardiner, Director***

Date : *1/8/2005*

**Note:** A common seal may not be required, depending on the corporation's constitution.

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### 3.9.4.11 Example 11—Form 12—individual cadastral surveyor supervising a registered person

*Survey and Mapping Infrastructure Act 2003*

#### Certificate for survey records

***I, John William Brown*** hereby certify that these survey records are accurate records of the survey performed by ***Peter Andrew Smith surveying graduate for whose work I accept responsibility.***

***JW Brown***

Date : ***1/8/2005***

Cadastral Surveyor

**Note:** See section 75 of the *Surveyors Act 2003* regarding the requirements for supervision

### 3.9.4.12 Example 12—Form 12—corporation cadastral surveyor, survey performed by registered person other than a cadastral surveyor

*Survey and Mapping Infrastructure Act 2003*

#### Certificate for survey records

***J W Brown Surveys Pty Ltd (ACN or ABN 123456789)*** hereby certify that these survey records are accurate records of the survey performed by ***the corporation, by Peter Andrew Smith surveying graduate, for whose work the corporation accepts responsibility, under the supervision of John William Brown cadastral surveyor.***



***John William Brown, Director***

***Brian Lloyd Gardiner, Director***

Date : ***1/8/2005***

**Note:** A common seal may not be required, depending on the corporation's constitution.

## 3.10 Changing deeds of grant, reserves, leases and trust land

### Information

See section 9.2, 'Action statements', page 90.

Changes to deeds of grant, reserves, leases and trust land are effected using the following provisions of the *Land Act 1994*:

- section 358 for deeds of grant, including deeds of grant in trust
- section 31A and 34D for reserves
- section 360(1)(e) for freeholding leases
- section 360A(2)(d) for term leases, and perpetual leases.

There may be instances where the above actions can be combined on the one plan.

### 3.10.1 Changing deeds of grant under section 358 of the *Land Act 1994*

#### Information

Section 358(1) allows a registered owner to surrender the current title if the description of the land is no longer correct because of an exchange, addition of land or closing of a road.

Section 358(3) states that 'on surrender of the land' the current title is cancelled and 'a new deed must be issued containing the land to which the registered owner or trustee is entitled'. Freehold land surrendered to the State under section 358 is surrendered by registration of a transfer in the freehold land register. On registration of the new deed, the land 'to which the registered owner' is **not** entitled becomes unallocated (and unencumbered) State land.

Section 182 of the *Land Title Act 1994* states:

*'On registration of an instrument that is expressed to transfer or create an interest in the lot, the interest:*

- (a) is transferred or created in accordance with the instrument; and*
- (b) is registered; and*
- (c) vests in the person identified in the instrument as the person entitled to the interest.'*

Consequently, freehold land is surrendered to the State (for further dealing under section 358 of the *Land Act 1994*) from the moment the transfer (surrender) is registered in the freehold land register.

### 3.10.2 Changing leasehold land

#### Information

Land is added to or excised from leases by amending the description under sections 360 and 360A of the *Land Act 1994*.

### 3.10.3 Exchange of land

#### Standard under the SMI Act

See section 9.2, 'Action statements', page 90.

See section 18(1) and section 358(1)(a) of the *Land Act 1994*.

#### 3.10.3.1 Exchange deed of grant with a lease, reserve or trust land

Section 18(1) allows the Governor-in-Council to grant unallocated State land in exchange for freehold land and, as advised in the note to section 18(1), 'a deed of grant issued because of an exchange of land is issued under section 358'.

Where less than whole lots are exchanged, if the land to be added to the deed of grant is currently part of a *Land Act 1994* lease, reserve or trust land, the land to be added to the freehold has to be excised from that lease, reserve or trust land.

Where part of a deed of grant is exchanged with part of a lease, reserve or trust land under section 18, the grant must adjoin the lease, reserve or trust land, and one plan must be used. Land separated by a dividing feature (e.g. road, railway, watercourse) is acceptable (refer to section 3.39). The documentation lodged with the plan will set out the steps required to change both the deed of grant, and the lease, reserve or trust land. No action statement is required.

#### 3.10.3.2 Exchange between leases, reserves, trust land or USL

Section 18(2) allows the Governor-in-Council to grant unallocated State land in exchange for land subject to a freeholding lease and, as advised in the note to section 18(2), 'a freeholding lease amended because of an exchange of land is issued under section 360(1)(f)'.

Section 18(3) allows the Minister to lease unallocated State land in exchange for land subject to a term lease (other than a term lease over a reserve) or perpetual lease and, as advised in the note to section 18(3), 'a term or perpetual lease amended because of an exchange of land is issued under section 360A(3)(c)'. Section 327A allows a lessee to surrender all or part of a lease on terms agreed between the lessee and the Minister.

The description of a term lease over a reserve (a State lease) is amended under section 360B but the land included or excised from a State lease is trust land.

Where parts of a lease, reserve, trust land or USL are exchanged, the lease, reserve, trust land or USL must be adjoining, and one plan must be used. In effect, this is prepared as a plan of subdivision. Land separated by a dividing feature (e.g. road, railway, watercourse) is acceptable. (Refer to section 3.39.) No action statement is required unless ‘undescribed’ USL, such as road or creek, is added. (Refer to sections 3.10.4, 3.10.5, 3.10.6.) The documentation lodged with the plan will set out the steps required to amend the lots.

### 3.10.4 Permanently closing road

**Standard under the SMI Act**

See section 9.2, ‘Action statements’, page 90.

Permanent closure of road is effected by registration of a plan of subdivision (section 108 of the Act). The plan either creates a lot for the permanently closed road, or adds the land to an adjoining lot (section 109 of the Act). An action statement describing the closed road is required.

### 3.10.5 Simultaneous opening and closing road

**Standard under the SMI Act**

A simultaneous road opening and road closure action can be processed in two ways. The options are to:

1. close the entire length of the existing road, and open the entire length of the new road, as two discrete parcels  
or
2. deal with each of the individual segments of the new road and road to be closed.

It is not essential that the intersection of a new road and the road to be closed be surveyed, provided that the surveyed status of the amended road system and any affected land is maintained. If the whole of the length of the road is not addressed, intersections of the road opening and road closure may need to be determined.

The survey plan must show the areas of each segment to be opened and closed defined by station numbers, with relevant action statements.

#### 3.10.5.1 Freehold land (excluding deeds of grant in trust)

See section 9.2, ‘Action statements’, page 90.

See sections 109A and 358(1)(e) of the *Land Act 1994*.

Section 109A of the *Land Act 1994* allows the simultaneous opening and closure of a road within or adjoining a deed or deeds of grant under the same ownership. The simultaneous road action is completed using a section 358 surrender and issuing of a new deed of grant.

Under section 109A, multiple deeds cannot be amalgamated or subdivided. However, a severance caused by the opening of the new road may be included in the other deed under section 109A(2)(a), with the approval of the Minister.

#### 3.10.5.2 Leases, reserves and deeds of grant in trust

See section 9.2, ‘Action statements’, page 90.

See sections 109B and 358(1)(e) of the *Land Act 1994*.

Section 109B of the *Land Act 1994* allows the simultaneous opening and closure of a road within or adjoining leases, reserves and deeds of grant in trust. The simultaneous road action is completed using section 358 for deeds of grant in trust, section 31A for reserves, section 360(1)(e) for freeholding leases, and section 360A(2)(d) for term leases and perpetual leases.

When there are two separate lots that are affected on either side of the road, section 109B can be used only if the lots have the same tenure type and the same registered owner. In such a case, one plan may be used. Severances can be transferred on the same plan.

Land cannot be included in a deed of grant in trust for Aboriginal and Torres Strait Islanders unless the land is transferable land under the *Aboriginal Land Act 1991* (section 42A).

### 3.10.6 Adding USL or part of a reserve or deed of grant in trust to a deed of grant by sale without competition

**Standard under the SMI Act**

See section 3.40, 'Unallocated State land (USL)', page 58.

See section 9.2, 'Action statements', page 90.

See sections 122(1) and 358(1)(f) of the *Land Act 1994*.

Section 122(1) *Land Act 1994* allows for the sale without competition of USL. If the sale is conditional on adding the USL to an existing deed, section 358(1)(f) is used to issue the new deed of grant amalgamating the USL with the existing grant. A plan of subdivision is required, showing the land that is the subject of the new deed of grant.

If the part to be added is currently part of a reserve or a deed of grant in trust or a USL lot described on a survey plan, the plan must also show the balance lot of the reserve, deed of grant in trust or USL lot. The surveyed status of affected lots must be maintained. No action statement is required.

If the part to be added is currently part of a lot not described on a survey plan, the balance of the lot must be shown on an administrative plan as a minimum. If the balance is to be described on an AP, the AP will show separate lots for the part to be added and the balance, with the plan of subdivision then cancelling the AP lot being the part to be added. However, if the part to be added is currently part of a town reserve or development lease where the reserve or lease is currently described by exclusions from an undescribed balance, the Registrar of Titles may approve that a plan of the balance of the lot is not required.

### 3.10.7 Adding part of a deed of grant in trust to a lease, reserve or trust land

**Information**

To add part of a deed of grant in trust to a lease, reserve or trust land, a plan is prepared under the *Land Title Act 1994* to subdivide the deed of grant in trust. There is a following action to surrender the required lot and add it to the lease, reserve or trust land.

## 3.11 Compiled plans

**Standard under the SMI Act**

See section 3.20, 'Encroachment', page 35.

See section 3.35, 'Survey records', page 53.

See section 9.7, 'Buildings and other improvements on or near a boundary', page 93.

See section 9.39, 'Original dimensions', page 113.

See section 11.11, 'Paper subdivisions', page 131.

See sections 16 to 18 of the *Survey and Mapping Infrastructure Regulation 2004*.

See the *Registrar of Titles directions for the preparation of plans*, section 4.16, 'Plans may be compiled', <[www.nrw.qld.gov.au/property/titles/rdpp/part\\_4.html](http://www.nrw.qld.gov.au/property/titles/rdpp/part_4.html)>.

All source information used to compile any plan **must** be publicly searchable. Any information that is not publicly searchable should be included in survey records and lodged with the plan. 'Publicly searchable' means that the information is part of the records made available to the public from the department.

The compilation certificate (Form 18) on the face of the plan must be in accordance with section 17 of the *Survey and Mapping Infrastructure Regulation 2004*.

Compiled plans are subject to the following:

- Where the land is in a fully surveyed state, all corners must have been previously marked.

- Dimensions of the boundaries may be compiled from any source that is part of a public record in accordance with sections 16 and 17 of the Survey and Mapping Infrastructure Regulation 2004 where this information provides a satisfactory closure for the subject lot.
- Where the lot closes within prescribed limits, a calculated area is preferred.
- Where the lot does not close within prescribed limits, the original areas must be added (the result is not rounded off). If the original areas are imperial, the areas must be added together first and then converted to the nearest square metre.

### 3.11.1 Subdivision by compiled plan

#### **Standard under the SMI Act**

See section 3.38, 'Unsurveyed and/or calculated boundaries', page 57.

Where parcels have previously been amalgamated, they may be subdivided by a compiled plan provided that the monuments indicating the separate lots have not been removed (section 17 of the Survey and Mapping Infrastructure Regulation 2004).

### 3.11.2 Consolidated titles

#### **Standard under the SMI Act**

A consolidated title is one in which two (2) or more lots are shown on the one certificate of title. A single title for two or more lots that have the same registered owner may be created, pursuant to a set of specific circumstances, under section 39 of the *Land Title Act 1994*. Separate indefeasible titles may be created, from a consolidated title, pursuant to a set of specific circumstances, under section 40 of the *Land Title Act 1994*.

Separate indefeasible titles may be issued for each of the lots in an existing single title if:

- the description in the existing single title indicates that there is more than one lot
- each of the lots is described on either a plan held in the Land Registry (freehold or State land action plan) and each lot is fully dimensioned and has an area
- if there is no conditional consent, requiring the land to be held in the one ownership, noted on the plan or plans of the lots.

#### 3.11.2.1 General

##### **Guideline under Standard 3.11.2, 'Consolidated titles'**

Where a lot that is contained within a consolidated title is adjusted using section 358 of the *Land Act 1994*, it is necessary to identify and dimension only the affected lot on the face of the plan. The new deed will issue on the existing descriptions of the unaffected lot(s) and the new plan.

Separate titles may be issued, if requested, subsequent to that issue of the new deed for each of the lots in the new deed if:

- the description in the existing single deed indicates that there is more than one Lot
- each of the lots is described on either a plan held in the Land Registry (freehold or State land action plan) and each lot is fully dimensioned and has an area
- if there is no conditional consent, requiring the land to be held in the one ownership, noted on the plan or plans of the lots.

Where a lot that is contained within a consolidated title is affected by the registering of a dealing (e.g. a plan of survey) in the Land Registry pursuant to the *Land Title Act 1994*, separate titles will be issued for each of the lots in an existing consolidated single title if:

- the description in the existing single title indicates that there is more than one lot
- each of the lots is described on either a plan held in the Land Registry (freehold or State land action plan) and each lot is fully dimensioned and has an area
- if there is no conditional consent, requiring the land to be held in the one ownership, noted on the plan or plans of the lots.

The issue of the new titles for the lots will happen as an internal process and precede the registration of the dealing.

### 3.11.2.2 Compiled plans for resumptions affecting consolidated titles

#### **Guideline under Standard 3.11.2, 'Consolidated titles'**

In situations when all of the following apply::

- an existing consolidated title was affected by a resumption action
- the resultant State land action plan did not contain complete dimensions and areas for the affected parcels
- the owner is unable to obtain a certificate of title for the individual lots

a request for the correction of the resumption plan should be lodged with the local senior surveyor. The local senior surveyor will arrange for the appropriate action at no cost to the applicant.

### 3.11.3 Compiled plan of an unsurveyed parcel

#### **Standard under the SMI Act**

See section 3.11.4, 'Compiled plan of large unsurveyed parcel', page 29.

See section 3.6.3, 'About areas', page 13.

See section 9.30, 'Linework', page 110.

When a lot is surveyed off an unsurveyed lot, the balance lot may be shown on the same plan as the plan of survey. In these cases, the provisions of sections 16 and 17 of the Survey and Mapping Infrastructure Regulation 2004 apply.

The following table may be used as a guideline for approximating dimensions:

Bearings	Nearest 0° 15'
Distances	(According to scale of plans)
Up to 1:1250	Nearest 0.5 metre
1:1500 to 1:2500	Nearest 1 metre
1:3000 to 1:8000	Nearest 2 metres
1:10000 to 1:25 000	Nearest 10 metres
1:30 000 to 1:80 000	Nearest 20 metres
1:100 000 and above	Nearest 50 metres

**Table 1 Rounding dimensions for unsurveyed boundaries (compiled plans)**

**Note:** Any dimension may be shown to a better accuracy if the base data supports it.

The accuracy for closure of unsurveyed lots must not be less than 1 part in 2000.

Where a bearing and/or distance has not been previously surveyed, each must be qualified by the addition of 'Abt'. The use of 'Abt ..... Orig' and 'Abt ..... Bal' are not necessary for subsequent plans of the parcel.

The Form 18 certificate must include all of the information sources used in the process of compiling the plan and include such items as maps, aerial photography, sketches, reports etc. Survey records may be used to 'store' this information if it is not publicly searchable within the department. The dimensions of the parcel should reflect the accuracy of the base information from which the dimensions were determined.

### 3.11.4 Compiled plan of large unsurveyed parcel

#### **Standard under the SMI Act**

See section 5.11, 'Local government boundary', page 72.

For accuracies of metes and bounds and areas, see section 3.11.3, 'Compiled plan of an unsurveyed parcel', page 29.

This section generally applies to pastoral holding/grazing farms.

The name of the station/holding may be shown under the subject lot number on the face of the plan.

Allocation and plotting of local governments is required.

Roads within the lot shown as dotted lines on departmental working maps are by legislation (section 96 of the *Land Act 1994*) 60 metres wide unless otherwise specified. Roads, surveyed or unsurveyed, are to be shown in accordance with section 3.18, 'Dimensions'.

Statement concerning '*Fences to be adopted as boundaries*' etc. is to be shown if applicable.

The plan is compiled by collating the latest available data surrounding the lot. This may vary from surveyed information to 'scaling' and approximating information from published maps, sketches on lands files, etc. The plan is **not** drafted purely by tracing or digitising from a published map.

### 3.12 Confused boundaries

#### Information

Where a surveyor identifies a survey problem that is of such a nature that it affects a local community and a single client could not reasonably be expected to pay for the rectification of the problem, a confused boundary area may exist. This does not apply to areas where the reinstatement of boundaries is merely difficult or complex.

If the surveyor believes that a confused boundary area exists, it should be referred to the local departmental office for an assessment as to whether the department will undertake an investigation. Although there is no mechanism available at present to rectify all of the boundaries in a confused boundary area, it may be possible to reach agreement amongst the landholders to a plan of resurvey of all of the affected parcels.

### 3.13 Connection of surveys

#### Standard under the SMI Act

A surveyor must adequately connect a survey to existing surveys. If there are no existing surveys (e.g. the first survey on an island) the position of the survey can be determined by another method that enables the survey to be accurately shown in relation to a natural feature or occupation.

### 3.14 Coordinates

See section 3.26, 'Permanent survey marks', page 43.

#### 3.14.1 General

#### Standard under the SMI Act

Coordinates should be provided in GDA 94, but other datums would be acceptable if GDA is not possible.

Any coordinate, GDA 94 or otherwise, should quote the datum, and provide sufficient information to permit subsequent re-computation of the coordinates if the datum is improved. As a minimum, this information would be:

- the connection between the survey and coordinate source (e.g. permanent survey mark)
- the coordinates and datum of the coordinate source.

MGA coordinates are to be computed in accordance with the *GDA technical manual*, <[www.icsm.gov.au/icsm/gda/gdatm](http://www.icsm.gov.au/icsm/gda/gdatm)>.

AMG coordinates are to be computed in accordance with *The Australian Geodetic Datum technical manual*—special publication number 10.

Standards of accuracy, (class and order) and recommended practices for surveys, reductions and marking are set out in *ICSM standards and practices for control surveys* (SP1), <[www.icsm.gov.au/icsm/publications/index.html#surveying\\_sp1](http://www.icsm.gov.au/icsm/publications/index.html#surveying_sp1)>.



### 3.14.2 Hierarchy of coordinate types

#### **Guideline under Standard 3.14.1, 'Coordinates—General'**

**Primary coordinates** result from a geodetic adjustment of Australia (e.g. NRW QLD 100 km network).

**Provisional coordinates** result from a suitable adjustment technique applied to a local control system, the position and orientation of which has been established by connections to control stations with coordinates.

**Derived coordinates** result from simple unadjusted connections, traverses, radiations etc from existing control stations with known coordinates.

**Approximate coordinates** are coordinates that have not been obtained by computational methods, but by careful scaling from a published map, or methods that are not in agreement with the previous adjustments.

### 3.14.3 Coordinates of cadastral corners

#### **Guideline under Standard 3.14.1, 'Coordinates—General'**

See section 3.22, 'Marking', page 38.

See section 3.23.1, 'MGA connections', page 43.

See section 3.26, 'Permanent survey marks', page 43.

If necessary, coordinates for corners of the subject lot may be shown on a plan, only if that information is an integral part of the definition of the lot's boundaries. In this case, the origin of the coordinates (PMs, as shown in the Survey Control Data Base—SCDB), together with a connection to those permanent survey marks, should be shown. Plans showing coordinates for lot corners may need to provide a statement of terrain heights used to determine the distances shown on the plan.

Existing coordinates may be shown on the plan, when the meridian and/or control information is required for coordinating cadastral corners.

The accuracy is required to be tabulated for coordinates shown on the face of the plan as class and order as determined in *ICSM standards and practices for control surveys* (SP1)

<[www.icsm.gov.au/icsm/publications/index.html#surveying\\_sp1](http://www.icsm.gov.au/icsm/publications/index.html#surveying_sp1)>.

Depending on the method of the survey, it may be necessary to also show the meridian table as shown in section 9.34.2, 'By observation', and/or the connections to permanent survey marks as presented in diagrams A and B at the end of section 9.16, 'Corner information'.

Plan presentation of coordinates on any plan should conform to the following:

#### **MGA COORDINATES GDA-94**

<b>Station</b>	<b>East</b>	<b>North</b>	<b>Zone</b>	<b>Class</b>	<b>Order</b>	<b>Adjustment</b>	<b>Remarks</b>
PM43067	436572.111	7256243.605	56	C	3		SCDB
PM43606	436672.21	725600.662	56	D	4		SCDB
1	436600.15	7256111.52	56	D	4	Derived	Peg
3	436651.32	7256200.11	56	D	4	Derived	No Mark

**Note:** The two PMs are the datum used for the coordination of the new corners or to derive the coordinates of the new corners and the source is the SCDB.

The practice of showing **new** coordinates for existing PMs on the face of survey plans is discouraged. The SCDB is the primary database for coordinate information on any control marks. As more accurate information or network adjustments are made, the coordinates of PMs may change.

Scaled coordinates are not acceptable to be shown on the face of any survey plan.

### 3.15 Covenants

#### **Information**

See sections 373A and 373D of the *Land Act 1994*.

See the *Land titles practice manual*, clauses 21-0150 and 21-0160.

See the *Registrar of Titles directions for the preparations of plans, Part 21, 'Covenants'*, <[www.nrw.qld.gov.au/property/titles/rdpp/part\\_21.html](http://www.nrw.qld.gov.au/property/titles/rdpp/part_21.html)>.

### 3.16 Curved boundaries

#### **Standard under the SMI Act**

Curved boundaries may be accepted by the department for new lot boundaries where the boundary is readily and unambiguously discernible on the ground at the completion of the survey as is required by section 10 of the Survey and Mapping Infrastructure Regulation 2004.

By way of example a curved boundary may be used where it coincides with a curved feature such as a canal wall.

Where a curved boundary is permitted, the boundary must be defined. For example, a circular boundary must be defined by:

- tangent points of the curve
- bearing and distance of the chord between the tangent points
- radius
- arc length.

### 3.17 Description of parcels

#### **Standard under the SMI Act**

See also departmental policies under the *Land Act 1994*, <[www.nrw.qld.gov.au/about/policy/themes.php](http://www.nrw.qld.gov.au/about/policy/themes.php)>.

#### **Actions under the *Land Act 1994***

Section of <i>Land Act 1994</i>		Primary, secondary interest	Lot <num>	Lot <alpha>	Sample	Survey plan	AP
14(1)	D/G	P	Yes		Lot 1	Yes	
14(2)	D/G in trust	P	Yes		Lot 1	Yes	
14(2)	D/G in trust—ATSI	P	Yes		Lot 1	Yes	
15(2)(a)	Lease of USL	P	Yes		Lot 1	Yes	
15(2)(b)	Lease in a reserve	S		Yes	Lot A	Yes	
31	Reserve	P	Yes		Lot 1	Yes	
57	Trustee lease (reserve)	S		Yes	Lease A <sup>1</sup>	Yes	
57	Trustee lease (DOGIT)	S			Lease A	Yes	
60	Trustee permit	S		Yes	Lot A		Yes
89	Survey of trust land	P	Yes		Lot 1	Yes	
103	Road licence	S		Yes	Lot A		Yes
124	Lease of SF or NP	S		Yes	Lot A	Yes	
126(1)	Strategic port land above HWM—D/G or lease	P	Yes		Lot 1	Yes	
126(2)	Strategic port land below HWM—lease only	P	Yes		Lot 1	Yes	
127	Reclaimed land—D/G or lease	P	Yes		Lot 1	Yes	
177	Permit over USL	S		Yes	Lot A		Yes
177	Permit over reserve	S		Yes	Lot A		Yes
177	Permit over road	S		Yes	Lot A		Yes
178	Permit over land below HWM	S		Yes	Lot A		Yes
335(2)(a)	Sublease of a lease	S			Lease A <sup>2</sup>		
335(2)(b)	Sublease of a lease	S			Lease A <sup>2</sup>	Yes	
363 & 364	Easements	S			Emt A	Yes	
373A	Covenant	S			Cov A	Yes	
373G	Profit a prendre	S			Profit A	Yes	
multiple	USL	P	Yes		Lot 1	Yes	Yes

Table 2 Actions under the *Land Act 1994*

- Note:** 1. Leases over State forest/timber reserves under the *Forestry Act 1959* or over protected areas under the *Nature Conservation Act 1992* are statutory leases and description should be lot <alpha>.
2. For subleases under section 335(2) the description of Lot <alpha> may also be used.

### Actions under the *Land Title Act 1994*

Interest	Primary, secondary interest	Number	Alpha	Sample	Survey plan
Lot	P	Yes		Lot 1	Yes
Lease	S		Yes	Lease A	Yes
Easement	S		Yes	Easement A	Yes
Covenant	S		Yes	Covenant A	Yes
Profit a prendre	S		Yes	Profit a Prendre A	Yes

**Table 3** Actions under the *Land Title Act 1994*

**Note:** Leases within a building may use a sketch in certain circumstances

### Explanatory plan

See the *Registrar of Titles directions for the preparation of plans*, Part 20, 'Explanatory plan', <[www.nrw.qld.gov.au/property/titles/rdpp/part\\_20.html](http://www.nrw.qld.gov.au/property/titles/rdpp/part_20.html)>.

Secondary interest	<i>Land Title Act 1994</i>	<i>Land Act 1994</i>
Lease	Yes	No
Easement	Yes	Yes
Covenant	Yes	Yes
Profit a prendre	Yes	No

**Table 4** Explanatory plan actions

**Note:** Registrar of Titles consent required in first instance for any EP.

## 3.18 Dimensions

### Standard under the SMI Act

See section 3.6.5, 'Part lots', page 14.

See section 3.19.2 'Easements—surveys of long line easements—Specific requirements', page 34.

See section 3.38.1, 'Opposite side of road unsurveyed', page 57.

See section 3.39, 'Vincula', page 57.

See section 4.3, 'Boundary watercourses', page 60.

See section 9.6, 'Bearings', page 93.

See section 9.39, 'Original dimensions', page 113.

See section 9.47, 'Roads', page 116.

See section 10.5.1, 'Esplanades', page 124.

Complete dimensions, including the total 'through' distance for every lot or secondary interest boundary, must be shown on the face of the plan for each lot or secondary interest on that plan.

Distances shown on plans must be corrected so that they are a horizontal distance at the mean terrain height of the line. (section 48B of the *Land Title Act 1994*).

With the ability to use multiple sheets, boundary dimensions must not be tabulated (except for the use of points tables on ambulatory boundaries). Tabulation is acceptable to depict the location of line pegs.

In a subdivision where a number of identical lots are created adjacent to each other, the bearing and distance must be shown on all lines.

A bearing on a line with multiple segments must indicate explicitly the bearing for each line segment, by showing the bearing against each line segment, or by indicating the stations between which the bearing applies.

With the introduction of single line areas, the concept of excluding roads etc. from a parcel no longer applies. The same parcel now consists of several severances, which together make up the whole parcel. Every severance of the

subject land is required to be fully dimensioned. The following special cases apply for existing internal roads and railways:

1. Where a road has been surveyed on one side only and the opposite side of the road has not been marked, the unsurveyed side of the road does not require dimensioning. The road width must be shown. In such circumstances, the lot will have a balance area.
2. Where a road has been surveyed on one side and the opposite side of the road has been marked, the opposite side of the road must be calculated and dimensioned.
3. Where a road has been surveyed on both sides, the road must be dimensioned.
4. In land other than freehold, internal roads unsurveyed on both sides do not require dimensioning.
5. In cases 1–3 above for heavily congested plans, dimensions need not be shown for internal roads and railways provided that all plan catalogue numbers from which this data can be obtained are shown. The road width must be shown where applicable.

See section 9.47 for the method of showing internal roads.

Any balance distance must be deduced from the plan from which the title or deed was issued. However, where the dimensions of the balance are found to be imperfect, or a calculated area is to be adopted, data may be sourced from any registered survey in order to determine the boundaries of the parcel.

No line is to show two distances between the same two corners. Hence a line may be labelled as ‘measured and balance’ or ‘measured and original’ and the occupation etc. at the corner is referenced to that distance. The use of two distances on the one line and a label of ‘measured’ assigned to one and the label ‘balance’ or ‘original’ assigned to the other is unacceptable.

### 3.19 Easements—surveys of long line easements

#### *Standard under the SMI Act*

Surveys of easements should generally be carried out to the same standard as other cadastral surveys.

In recent years there has been a significant increase in easements for infrastructure corridors (e.g. gas, water, and slurry pipelines) in remote/rural areas. These easements range from a few kilometres to many tens of kilometres in length. Many of the road and property boundaries in these remote/rural areas may be unsurveyed. These infrastructure corridors provide an opportunity to integrate the cadastre across large tracts of remote/rural land and assist in developing a homogeneous coordinate system.

Further infrastructure development in remote/rural areas may lead to the need to identify other long-term interests in land. The following are **minimum** requirements that should apply to all long line cadastral surveys .

#### 3.19.1 Basic criteria

1. The marking of the survey must be such that the property owner can unambiguously identify the easement.
2. All corners must be capable of reinstatement and be appropriately marked.
3. The survey must be capable of unambiguous interpretation.
4. The existing cadastre must be maintained and enhanced.
5. The requirements of the Survey and Mapping Infrastructure Act must be met in relation to the placement of permanent survey marks.

#### 3.19.2 Specific requirements

1. Intersections with the underlying cadastre are to be marked according to the *Survey and Mapping Infrastructure Act 2003* (i.e. with boundary marks and reference marks). This applies to both existing surveyed and unsurveyed boundaries.
2. The existing cadastre, where it is reinstated, is to be preserved and additional reference marks placed wherever possible to enhance the cadastre.

3. Boundary marks and reference marks are to be placed at bend points along the corridor, as well as at appropriate spacings along the corridor. Appropriate spacings for boundary marks and reference marks are at nominal 1-kilometre intervals.
4. Permanent survey marks (e.g. star pickets with concrete collars, marks in above ground structures) are to be placed or located at strategic locations along the corridor, such as at boundary intersections, bends points or at nominal 5-kilometre intervals.
5. The boundary marks would normally include pegs or alternative durable marks. Reference marks are to be placed in accordance with best practice. Consideration should be given to placing a range of subsurface and visible surface marks (including connections to above ground structures within the infrastructure corridor). This is considered to be particularly applicable on surveys of large extent.  
  
The use of reference trees and blazed trees can assist in the reinstatement of surveys in remote/rural areas. However surveyors should be aware that in some localities the taking of reference trees and the blazing of trees may be prohibited or not prudent for a range of reasons, including landholder, environmental and aboriginal cultural heritage reasons.
6. Where the project has been coordinated or where GPS is to be used as part of the cadastral survey, MGA coordinates are to be shown for relevant permanent survey marks, boundary marks and/or reference marks.  
  
Survey records should contain details of the methodology and the origin used.
7. Where the boundaries of the easement are established by running the centre line or a single traverse line along the corridor or through Global Navigation Satellite System (GNSS) observations, the boundaries are to be shown as surveyed and not as calculated.

### 3.20 Encroachment

#### *Standard under the SMI Act*

See section 3.11, 'Compiled plans', page 27.

See section 9.7, 'Buildings and other improvements on or near a boundary', page 93.

See sections 18 and 19 of the Survey and Mapping Infrastructure Regulation 2004.

See the *Registrar of Titles directions for the preparation of plans*, section 9.20, 'Building format plans', <[www.nrw.qld.gov.au/property/titles/rdpp/part\\_9.html](http://www.nrw.qld.gov.au/property/titles/rdpp/part_9.html)>.

See departmental policy *General issues on roads PUX/901/236*, <[www.nrw.qld.gov.au/about/policy/documents/3316/index.html](http://www.nrw.qld.gov.au/about/policy/documents/3316/index.html)>.

The size, nature and location of any encroachment must be shown on the plan.

Notification of encroachments is required pursuant to sections 11(2)(e), 18 and 19 of the Survey and Mapping Infrastructure Regulation 2004 where encroachments are identified on reinstated (field surveyed) subject parcel boundaries. This includes encroachments previously shown on other plans, even where notifications have already been sent, unless there has been no change in ownership of the land affected by the encroachment. In the latter case, the notification on the plan should include a reference to the plan under which the notices were first issued to the current owner.

There is nothing preventing a surveyor from showing encroachments compiled from original information on compiled subject parcel boundaries, providing that the encroachment is still extant at the time of the survey. Refer to section 3.11, 'Compiled plans' for fully compiled plans. When showing encroachments identified on reinstated (field surveyed) non-subject parcel boundaries, or on new boundaries including resumption boundaries, the surveyor should use professional judgment as to the satisfying of sections 18 and 19 of the Survey and Mapping Infrastructure Regulation 2004.

For reinstated subject parcel boundaries, if an encroachment from an adjoining parcel is shown on the subject land, **or** if there is an encroachment from the subject parcel onto an adjoining parcel, the surveyor should either:

- in the case of a lodged plan, following notification of affected owners, place a note on the back of the plan '*Encroachment notice issued to the owner(s) of Lot X on SPxxxxxx and ZZZZ Road on dd/mm/yyyy, in accordance with s.19 of the Survey and Mapping Infrastructure Regulation 2004*'
- or
- in the case of an identification survey

- without delay, take all reasonable steps to give any affected owner written notice of the intention to deposit the plan with the reinstated boundary
- place a note on the plan '*Encroachment notice issued to the owner(s) of Lot X on SPxxxxxx and ZZZZ Road on dd/mm/yyyy*' or words indicating action taken to advise the affected owner.

Encroachments affecting State land (including public use land, road) must be referred to the senior lands officer, State Land Asset Management, in the local departmental office.

### 3.20.1 Meaning of encroachment

#### **Standard under the SMI Act**

Surveyors have a professional responsibility to disclose all matters of encroachment.

To protect the interests of adjoining owners, the nature and extent of encroachment must be shown on all survey plans deposited with the department. Eaves and guttering that extends beyond the boundary of a lot, is one example of such encroachment.

#### **Information**

The procedures relating to the application for relief of a building encroachment are dealt with under Division 1 of Part 11 of the *Property Law Act 1974*.

The following definitions are from section 182 of the *Property Law Act 1974*:

- **building** means a substantial building of a permanent character. The term includes a wall
- **encroaching owner** means the owner of land contiguous to the boundary beyond which an encroachment extends
- **adjacent owner** means the owner of land over which an encroachment extends
- **boundary** means the boundary line between contiguous parcels of land
- **owner** means any person entitled to an estate of freehold in possession:
  - i. whether in fee simple or for life or otherwise
  - ii. whether at law or in equity
  - iii. whether absolutely or by way of mortgage, and includes a mortgagee under a registered mortgage of a freehold estate in possession in land under the Real Property Acts
- **subject land** means that part of the land over which an encroachment extends.

The intention of the legislation was to deal with man-made encroachments made with the buildings materials of the day and which are of a substantial and lasting character. The courts have used its discretion in the interpretation of what defines a building.

In *ExParte Van Achterberg (1984) 1 Qd.R 160* the court held that 'a weldmesh fence set in concrete foundations of up to two feet deep and one foot wide' was a building under the Act. Interstate cases decided under similar legislation have ruled concrete driveways to be buildings.

It should be noted that either the encroaching or the adjacent owner may apply to the court for relief under the *Property Law Act 1974* in respect of any building encroachment.

In Queensland the problem of a building erected entirely on the wrong parcel of land is dealt with under Division 2, 'Improvements under mistake of title', of Part 11 of the *Property Law Act 1974*.

### 3.21 Identification surveys

#### **Standard under the SMI Act**

Any identification survey must bear a completed Form 13 certificate.

Identification surveys must be presented in A3 size, and must be numbered using a barcoded label affixed in the bottom right hand corner with the plan held in portrait mode. The label must be affixed to the plan being deposited with the department such that its long side is parallel to the short side of the plan form immediately adjacent to the margin.

Identification surveys are not generally examined or registered. However, on request and payment of a fee an identification survey plan may be examined, and if in order will be endorsed by the department. Details of identification surveys are recorded in CISP. There is no objection for an accredited surveyor to endorse an identification survey.

It is important for the maintenance of the integrity of the cadastre that identification survey plans show all of the survey information relied on for the purpose of reinstating the boundaries of the subject land, including the existing reference marks and any new marks placed.

It is important for the purpose of providing an efficient service to clients that identification survey plans prepared as above are lodged in one central repository, presently the department, which is available for timely public searching.

There is nothing to prevent surveyors from preparing a special additional plan responsive to an individual client's needs. This plan does not need to be deposited in the public record but could be based on a subset of the information presented on a formal identification survey plan prepared for lodgement with the department.

An identification survey should demonstrate:

- sufficient detail to be capable of lodgement in CISP
- that relevant legislation, including the *Surveyors Act 2003* and the *Survey and Mapping Infrastructure Act 2003*, is satisfied.

An identification plan should display the following, as a minimum:

- the department's barcode in the designated space on face
- description, referring to the lot-on-plan or secondary interest being identified
- Form 13, issued under the *Survey and Mapping Infrastructure Act 2003*
- Parish/county
- original portion
- local government
- survey data in a manner that satisfies general plan presentation requirements.

### 3.21.1 Placement of additional reference marks on subdivision surveys

Surveyors dealing with subdivisions that involve considerable earthworks have lodged plans for registration that do not show all of the reference marks that are intended to be placed as part of the survey. Once lodged in the Land Registry, the original plan is unable to be amended. An identification survey may be lodged to record the additional marks associated with the subdivision.

The original plan of survey must be noted on the face of the plan with the Identification Survey number, with a note similar to:

*Additional reference marks to be placed following road construction (see IS123456).*

The surveyor must lodge a final copy of the identification survey within 60 business days of the registration of the original plan of survey. This does not alter a surveyor's obligation to lodge a survey plan within 40 business days of placing a survey mark as required under section 16 of the *Survey and Mapping Infrastructure Act 2003*.

In these cases, the identification survey plan may be a reproduction of the registered plan annotated with the additional reference mark information. The requirements for plans produced by this method are that:

- any additional reference marks must be **tabulated**
- the tabulation must clearly state '*Additional reference marks placed after registration of SPxxxxxx*'
- the original Form 13 certificate must be ruled through and a new, correctly executed, Form 13 added to the plan
- the title must indicate that the plan is an '*Identification survey of additional reference marks affecting Lots x on SPxxxxxx*'

- an identification plan number (IS prefix number) in the form of a barcoded label must be affixed to the copy of the plan being deposited in the plan number box.

## 3.22 Marking

See section 9.7, 'Buildings and other improvements on or near a boundary', page 93.

See section 9.16, 'Corner information', page 96.

See section 9.29, 'Line pegs', page 109.

See section 9.56, 'Traverses', page 119.

See Part 4 of the Survey and Mapping Infrastructure Regulation 2004.

### 3.22.1 Boundary marking

#### Information

Section 10 of the Survey and Mapping Infrastructure Regulation 2004 establishes the following principles for the marking of boundaries on a cadastral survey:

- '3) A boundary of land must be marked on the land in a way that a person on the land can identify the boundary.
- 4) However, subsection (3) does not apply if—
  - (a) the client of the surveyor marking the boundary gives the surveyor written notice that the client does not require the boundary to be marked as required by subsection (3); and
  - (b) the surveyor complies with the relevant survey standard for the marking; and
  - (c) the reference points used for the survey include a recognised permanent survey mark placed in carrying out a State control survey.'

It should be noted that the reference in section 10(4)(a) to 'marking the boundary' is a reference to marks between the end points (e.g. line pegs, clearing, blazing of trees). It does not remove the need to mark the end points (i.e. the corners)—see the standard below.

#### Standard under the SMI Act

While it is recognised that many boundaries are not physically run, but are determined through traverses, offsets and in some instances through GNSS observations, all boundaries must be surveyed and marked in accordance with the requirements of Part 4 of the Survey and Mapping Infrastructure Regulation 2004.

The following requirements apply to the marking of cadastral corners:

- Recognisable survey marks must be placed at each new corner unless it is physically impractical to do so.
- A clear description of cadastral survey marks placed, including reference marks, must be shown on the plan, and where applicable in the survey records.
- A surveyor should mark all existing corners on the subject land that are reinstated in the course of a survey, unless an original mark or suitable occupation exists at the corner. However there are instances where revisiting these corners to mark them may be impractical, such as when traversing to an existing mark, many corners away. In such cases, as a minimum requirement, when a new boundary intersects an existing boundary, both terminal points of that existing boundary must be marked unless one of the following applies:
  - the terminal points are not fully reinstated
  - other marks are used for reinstatement along the boundary (e.g. original line pegs)
  - the survey is a secondary interest action only
  - the survey is an identification survey where a client requires certain corners marked only.
- Where a survey is under section 10(4) of the Survey and Mapping Infrastructure Regulation 2004, the relevant survey standard for the marking of the corners is the standard for surveys of land in remote areas (see section 3.31).



### 3.22.2 Reference marks

#### ***Standard under the SMI Act***

A cadastral surveyor must place sufficient reference marks on a cadastral survey to facilitate future reinstatement of a cadastral survey.

A cadastral surveyor must record the location of permanent improvements (e.g. buildings, retaining walls) on the land that will assist in the future reinstatement of boundaries.

### 3.22.3 Cadastral survey marks

#### ***Standard under the SMI Act***

A cadastral survey mark that identifies a boundary must be a peg capable of resisting destruction, corrosion or decay that is at least 350 millimetres in length and has a minimum cross-section of 50 millimetres square for a sufficient distance from the top to provide for branding.

If a surveyor considers that it is impracticable or unsuitable to use a mark of this type, the surveyor may place a survey mark of equivalent durability and stability.

A cadastral reference mark may be any of:

- a suitably marked tree or fence post
- a durable mark on a building or other immovable object
- a pin made of a durable material that is at least 300 millimetres in length and 15 millimetres in diameter
- a permanent survey mark
- any other mark of equivalent durability and stability.

Factors to consider when marking a boundary are:

- standard forms of marking
- recognition of a mark as a survey mark
- durability—expect 60+ years
- clear and unambiguous
- reference marks
- line pegs
- occupation
- public safety.

### 3.22.4 Other survey marks

#### ***Standard under the SMI Act***

A survey mark that does not identify a boundary must not have a square cross-section, and must be sufficiently different to avoid confusion with a cadastral boundary mark (e.g. 3:2 cross-section ratio).

### 3.22.5 Survey mark information on plans

#### ***Standard under the SMI Act***

Survey plans must show all relevant information regarding the marks placed or found on the survey, clearly, unambiguously and in as consistent a manner as is possible (refer to the guidelines for recommended methods).

Specific requirements are as follows:

- Where there is no survey mark or the existing survey mark is removed, and a new mark placed at the original corner, the new mark is quoted and the term 'placed' is used.
- Where the survey establishes new corners, the survey marks placed at these corners are shown by statement on face.

- The term ‘replaced’ should not be used on plans.
- When the origin of the reference marks recovered at the corner is known, the mark is classified as ‘original’ and shown as such by the abbreviation ‘O’. Occupation as evidence of the location of boundaries should be shown.

### 3.22.6 Guidelines for marking boundaries

#### **Guideline under Standard 3.22.1, ‘Boundary marking’**

Lot numbers should be marked on corner pegs.

For rural surveys, where a fence post is used as a corner it should be branded with a broad arrow and the lot number except where a reference tree is taken.

For rural surveys, alternate marks such as a survey post, a galvanised iron pipe or star picket may be placed at corners where circumstances so dictate, provided such marks are identifiable as survey marks.

New boundaries should be marked sufficiently to enable the boundary to be readily and unambiguously discernible on the ground at the completion of survey.

Where clearing is required to undertake the survey, this should be done in a way that minimises the impact on native flora and fauna (e.g. lopping of branches rather than removal of trees). Surveyors should be aware of Vegetation Protection Orders, Voluntary Conservation Management Agreements, cultural heritage legislation (*Aboriginal Cultural Heritage Act 2003*) and other environmental considerations (e.g. *Vegetation Management Act 1999*). Further information is given below in relation to clearing of vegetation for survey purposes.

Unless fencing is to proceed immediately, subject to environmental considerations, trees standing nearest to the line may be blazed with a horseshoe shaped mark cut into the heart-wood on opposite sides of the tree in such positions that the marks face along the survey line.

Trees through which the boundary line passes should be double blazed on opposite sides so that the marks face along the boundary line.

Where corner marks are not intervisible, sufficient marks should be placed on line between the corners so that the boundary is readily and unambiguously discernible on the ground.

#### 3.22.6.1 Clearing of trees for survey purposes

##### *Background*

Vegetation Management is regulated through the *Vegetation Management Act 1999* (VMA) and the *Integrated Planning Act 1997* (IPA). General information about this legislation is available from the department’s website <[www.nrw.qld.gov.au/vegetation/index.html](http://www.nrw.qld.gov.au/vegetation/index.html)> including links to the legislation and the State policy for vegetation management.

The legislation regulates all clearing of woody vegetation, other than in state forests and national parks. Clearing of vegetation in state forests and national parks is governed by the *Nature Conservation Act 1992* and the *Forestry Act 1959* respectively.

Clearing of vegetation on lands other than in state forests and national parks requires a permit, unless an exemption applies under Schedule 8 of the IPA. Exemptions are provided for a variety of activities, and differ from tenure to tenure. Many of the exemptions are determined by the way in which the vegetation is mapped on regional ecosystem maps, remnant maps and property maps of assessable vegetation (PMAVs) where they exist. For this reason, it is always recommended to consult vegetation staff of the department before clearing any vegetation to find out what is detailed in the mapping for the area in question. All of these maps are available for viewing and purchase from the department.

Clearing of trees is primarily regulated by the VMA, but in certain cases it is also regulated by other state and federal acts. Other Acts are set up to regulate issues relating to endangered, threatened or rare plants, commercial timber trees and plants in and around watercourses. These acts include the *Water Act 2000*, the *Nature Conservation Act 1992*, the *Forestry Act 1959* and local council clearing rules. In some cases, permits may be required under multiple acts. As

with all activities, it is vital to make sure that you are aware of the ownership of the land and its estate (e.g. trees on road reserves, unallocated State lands, neighbouring properties).

### *Survey lines*

Schedule 8, Part 1 of the IPA specifies when it is not necessary to obtain a permit to clear vegetation, for various tenure types. Surveyors are encouraged to examine this schedule for information relevant to the land being surveyed.

It should be noted that lopping of branches from trees is not regulated under the VMA and surveyors are not prevented from lopping branches from trees as long as it does not lead to the death of the tree.

On freehold land, the most important exemption provided in IPA Schedule 8 is for clearing vegetation in areas shown on regional ecosystem maps as non-remnant or shown on PMAVs as category X. In these areas on freehold land, any tree can be destroyed or removed for any purpose.

Most other exemptions are based on the purposes of the clearing activity (e.g. clearing for a fenceline, clearing for a single residence, clearing for a forest practice). No specific exemption is given for carrying out survey activities. However, there are a number to do with fencelines, firebreaks, and building infrastructure.

Firstly, a general exemption is provided for constructing a single residence and reasonably associated buildings that have IPA building approval. This would include any clearing reasonably required for surveying to construct the house. This exemption applies to freehold land, no matter how the vegetation is mapped.

In areas that are mapped as 'not of concern vegetation' on freehold land, a landholder can utilise the routine management exemption. The routine management exemption includes clearing for a 'necessary fence' up to a width of 10 metres. Boundary fences would generally be regarded as necessary. Where this activity is going to take place, the clearing may start in order to carry out the **necessary surveying for the fence**. However, the resulting clearing must only be for the extent necessary for the fence, and only to a maximum width of 10 metres. This exemption **cannot** be used in order to clear to carry out surveying prior to the subdivision of a lot. The reason for this is that the lots have not yet been subdivided so the fence itself is not necessary in most cases, and therefore the exemption for the clearing for fence is not yet available.

When carrying out surveying of a subdivision in areas mapped as 'remnant', there is no exemption, or means to apply for a permit provided to clear trees for surveying. Surveyors operating in this scenario cannot destroy, remove, kill, poison, drive over, trample or burn any trees for the purpose of the survey, regardless of any planned land use activities in the area.

For freehold land, regional ecosystems that have been mapped as 'of concern' and 'endangered' have a higher level of protection. The routine management exemption is not available in these areas. An application is required for clearing for new fencelines through these areas, and therefore any surveying associated with the fenceline would need to wait for the permit to be acquired. There is no scope to apply for an exemption for the surveying activities only.

In situations where the local government approval for the subdivision requires the clearing of boundaries for fire management purposes, the clearing can be carried out without a permit under the exemption for 'essential management', which includes 'clearing native vegetation for establishing a necessary fire management line if the maximum width of the clearing for the fire management line is 10 metres'; however, it should be noted that this clearing is for the purposes of the fire management line, and can only take place to provide a fire management line that is necessary. This generally would be inappropriate until the local government has given approval to subdivide.

A series of fact sheets regarding the legislation, and guides for applicants, are available from the website <[www.nrw.qld.gov.au/vegetation/information\\_sheets.html](http://www.nrw.qld.gov.au/vegetation/information_sheets.html)>.

## **3.22.7 Guidelines for reference marking**

### ***Guideline under Standard 3.22.2, 'Reference marks'***

#### **3.22.7.1 Iron pins**

The positions and depths at which pins are placed should be decided by the surveyor so as to minimise the chance of disturbance from any cause and the depth at which the pin is placed should be recorded if the depth is excessive.

Where original iron pins are found, the depth of the pin should be recorded where the depth is excessive.

### 3.22.7.2 Rural areas

In rural areas, reference marks include reference trees (where there is little likelihood of the tree being destroyed in the foreseeable future), iron pins, and other appropriate marks.

Surveyors should, at all times, have regard to the local environment when marking reference trees.

### 3.22.7.3 Urban areas

In urban areas, reference marks include iron pins, screws/nails in kerbing or manhole surrounds, corners of shops, buildings or other appropriate structures.

Surveyors should be aware that some electricity authorities are opposed to the placement of nails and other marks in power poles.

### 3.22.7.4 Estate development

In residential estate development, it is essential that an adequate number of reference marks are placed to allow reinstatement of lot boundaries at reasonable cost.

A variety of surface and subsurface marks (mark in kerb, pin, etc.) should be placed to minimise the destruction of reference marks by machinery and earthworks and support future reinstatement.

Permanent survey marks should be placed to facilitate future coordination and reinstatement.

## 3.23 Meridian

### *Standard under the SMI Act*

See section 9.19, 'Datum', page 104.

See section 9.34, 'Meridian', page 111.

The meridian of a cadastral plan must be one of the following:

- the MGA, to an accuracy of twenty seconds of arc, by derivation from either coordinated permanent survey marks or astronomical or GNSS observations
- County Arbitrary Meridian
- the meridian of the original survey
- the meridian of an adjoining survey.

All survey information on any plan must be on one common meridian. A survey covering many plans should be on the same meridian.

The origin of the meridian must be noted in the meridian box on the face of the plan, or if insufficient space, a meridian table on the face of the plan.

The meridian of surveys is preferred to be on the azimuth of the MGA, Map Grid of Australia.

Where connections to coordinated marks are used, full details (including the MGA coordinates at the date of the survey) of these marks, and the direct bearing, as derived from the survey, between them, must be noted on the face of the plan (in the meridian table), as well as a connection from at least one station of the survey to at least one of the coordinated marks. Careful consideration should be given to the class and order of any mark to be used for meridian determination to ensure that the PMs are suitable for this purpose.

For presentation of the permanent survey marks refer to the meridian table as shown in section 9.34.2, 'By observation', the connections to permanent survey marks as presented in diagrams A and B at the end of section 9.16, 'Corner information', and the MGA coordinates table as shown in section 3.14.3, 'Coordinates of cadastral corners'.

Survey records may be supplied to support any determination of meridian, eg stellar observations, GPS information and adjustments. Information from the Survey Control Data Base (SCDB) is not required to be repeated in survey records.

If considered necessary, a line on the plan may be noted as datum. It is no longer a requirement to note any line on the plan as 'datum'.

### 3.23.1 MGA connections

Whenever any survey has been connected to the State control survey, and MGA coordinates are computed, this must be done in accordance with the *GDA technical manual* <[www.icsm.gov.au/icsm/gda/gdatm/](http://www.icsm.gov.au/icsm/gda/gdatm/)>.

## 3.24 Natural boundaries

*Standard under the SMI Act*

See section 4.3, 'Boundary watercourses', page 60.

See section 4.7, 'Natural features as boundaries', page 68.

See section 9.58, 'Watersheds', page 120.

If a natural feature is to be adopted as a new boundary:

- the feature must be surveyed by a method that accurately locates the feature
- an unambiguous description of the feature must be shown on the plan and survey records.

If a boundary abuts a non-tidal watercourse or lake as defined in the *Water Act 2000*, the landward edge of the bed and banks (as defined in the *Water Act 2000*) of the watercourse or lake must be adopted as the boundary.

If a boundary abuts tidal waters, the high water mark (as defined in the *Land Act 1994*) must be adopted as the boundary.

## 3.25 New lot boundaries intersecting registered secondary interests

*Information*

See the *Land title practice manual*, clause 9-2020.

See the *Registrar of Titles directions for the preparation of plans*, section 4.21, 'New lot boundaries and secondary interests', <[www.nrw.qld.gov.au/property/titles/rdpp/part\\_4.html](http://www.nrw.qld.gov.au/property/titles/rdpp/part_4.html)>.

## 3.26 Permanent survey marks

*Standard under the SMI Act*

See section 3.14, 'Coordinates', page 30.

See section 3.23, 'Meridian', page 42.

### 3.26.1 Connection to permanent survey marks

A cadastral surveyor must make connections to a minimum of two (2) permanent survey marks on all field surveys to be lodged for registration. This requirement includes surveys on standard, building and volumetric format plans, but does not apply to compiled plans or subdivisions of existing building format lots.

In the interests of furthering the concepts of survey integration and contribution to a coordinated cadastre, the following are minimum requirements that should apply to all field surveys presented on survey plans intended for lodgement.

- The density of existing permanent survey marks in the proximity of the survey should be examined to determine whether it is necessary to place additional permanent survey mark(s). As a guideline, in urban areas connections should be made to the closest existing permanent survey marks if they are within 500 metres of the survey.
- It is preferred that connections to existing PMs be made in lieu of placement of new PMs.
- The status of existing permanent survey marks should be established to determine the availability of coordinated marks.
- Otherwise, the survey should be connected to at least **two** existing or new permanent survey marks that are of good geometry relative to the survey. When placing a new mark, its site should also be selected to

facilitate future coordination by GNSS. However, this does not negate the requirement to connect to existing marks that are within a reasonable distance of the survey.

- The location of the connection should be selected having regard to the preservation of significant nodes in the cadastre. The corners that show the references to the permanent survey marks, must be connected by bearing and distance to the subject parcel, either directly or indirectly.

Any new PMs must have a completed permanent survey mark sketch plan (PMSP) forwarded to the department, in accordance with the provisions of section 15(2) of the *Survey and Mapping Infrastructure Act 2003*. Where the PMSP for an existing PM is found to be deficient, information to rectify the PMSP should be forwarded to the local senior surveyor for the department to amend and re-image the PMSP. If there is no PMSP in existence for an existing PM, surveyors are encouraged to prepare and submit a PMSP.

The blank PMSP is available in digital format from the local senior surveyor.

### 3.26.2 Specification for permanent survey marks

Permanent survey marks are not limited to the traditional brass plaques set in concrete but may include a range of options. To facilitate this the specifications for permanent survey marks have been revised using performance criteria rather than the previous prescriptive dimensional specification.

In order for a survey mark to be accepted as a permanent survey mark it must conform to the following criteria:

- The mark must be made of a durable material, preferably metal.
- When installed, the mark must be permanent and stable (i.e. have the expectation of longevity).
- It must be capable of being readily identifiable as a survey mark.
- It must be able to be identified with a unique survey control number (as per the SCDB number) either on the mark itself or attached to the mark (e.g. on a concrete collar)
- The mark must be recorded in the State's register of survey control points, currently the SCDB.
- The mark must be stable when installed.
- It should be capable of occupation, preferably in a location suitable for measurement by GNSS.

### 3.27 Photogrammetric surveys

#### ***Guideline under Standard 3.31, 'Remote area surveys—standard for surveys of land in remote areas'***

See section 3.31, 'Remote area surveys—standard for surveys of land in remote areas', page 47.

With prior approval, the Registering Authorities are able to accept the use of photogrammetry for some types of cadastral survey. Features of a photogrammetric survey are:

- the survey is over sufficiently large distances to enable computed bearings and distances to meet the approved accuracy standards; and
- boundaries are clearly identifiable on the ground, eliminating the need for marking; and
- the photogrammetric survey connects to and supports field survey.

Photogrammetric surveys are appropriate where the boundary can be readily identified on the ground and on the aerial photograph. This implies that the boundary will follow an existing structure (e.g. fence) or a prominent natural feature such as a ridge or watercourse.

The accuracy required will determine the minimum scale of photography to be used. In many cases suitable photography may already be available from the department or private operators. The accuracy of the survey should be shown on the plan.

Clearly identifiable points on the photographs are measured in the field and connected to the local cadastral survey datum, generally through the MGA coordinate system to provide control for the photogrammetry.

Photogrammetric measurement and computation must be undertaken by a suitably qualified person.

## 3.28 Profit a prendre

### Information

See section 61J of the *Forestry Act 1959*.

See sections 373E–373Q of the *Land Act 1994*.

See sections 97E–97M of the *Land Title Act 1994*.

See Schedule 2, ‘Definition’, of the *Land Title Act 1994*.

See the *Land title practice manual*, clause 29-2050.

See the *Registrar of Titles directions for the preparation of plans*, Part 19, ‘Profits a prendre’,

<[www.nrw.qld.gov.au/property/titles/rdpp/part\\_19.html](http://www.nrw.qld.gov.au/property/titles/rdpp/part_19.html)>.

A profit a prendre is an interest that arises by agreement between two parties and relates to the right of one party to enter on the land of the other and extract or remove part of the land’s substance (e.g. sand, gravel, trees). In simple terms, it is the right to take soil or produce (wood, turf, fish, etc.) from another’s land or to graze animals on it.

A profit a prendre may be registered in the Land Registry against the title to the land. There is no obligation or statutory requirement that requires a profit a prendre to be registered in the Land Registry.

If a profit a prendre involves non-freehold land, under provisions of the *Land Act 1994*, the recording of a profit a prendre against a lease requires the consent of the Minister and is limited to trees and vegetation only.

On registration, a profit a prendre becomes a legal interest that may be sold, mortgaged, gifted, or passed to a beneficiary by a will or intestacy. It is an encumbrance on the title. If the encumbrance is not over the whole of a lot (or lots) and is to be registered in the Land Registry, a survey of the area to be subject to the profit a prendre must be registered in the Land Registry.

### 3.28.1 Options for survey

#### Standard under the SMI Act

Three options are available for the survey plan for a profit a prendre:

- full cadastral survey
- reduced survey standard survey
- survey plan prepared by compilation.

#### 3.28.1.1 Full cadastral survey

Full cadastral survey is a normal cadastral survey meeting all the requirements of the *Survey and Mapping Infrastructure Act 2003*.

#### 3.28.1.2 Reduced survey standard

Survey of a profit a prendre may be undertaken using the reduced survey standard set out in this section.

Using this method, the boundaries of a profit a prendre are determined by visible and durable monuments and reference marks, located by a cadastral surveyor and delineated on survey plan capable of registration in the Land Registry. The survey depicting the profit a prendre must be capable of unambiguous interpretation. While reduced standard surveys are not GPS specific, it is envisaged that GPS would normally be the accepted technology adopted to satisfy the requirements. The surveyor must guarantee that the profit a prendre lies within the parent lot.

The following specifications apply:

1. The accuracies specified in this section are approved by the department for use in surveys of profit a prendre.
2. Where a corner of a profit a prendre lies on a boundary of the parent lot, a mark must be placed on that boundary to standards as specified in section 3.4.2, ‘Measurement accuracy’.
3. Other corners of the profit a prendre may be located to a reduced accuracy that must be no less than:
  - up to 10 hectares                    +/- 1 metre
  - 10 to 50 hectares                    +/- 2.5 metres
  - over 50 hectares                    +/- 5 metres.

The method of survey used is at the discretion of the surveyor.

4. The plan must show the following:

- the dimensions (bearings and distance format) of each profit a prendre
- an area
- details of the method of determination of the corners of the profit a prendre
  - where the dimensions (bearings and distances) are derived from observed coordinates, the coordinates, the method of determination and the datum of the coordinates must be shown;
  - where the dimensions (bearings and distances) are derived from other than a normal cadastral survey or observed coordinates, the method of determination must be shown;
- statement as to the accuracy of the positioning of the corners of the profit a prendre
- description of the marks and recoveries placed at each corner;
- sufficient connections to reinstate the profit a prendre from the corners of the parent lot. These connections must be in bearing and distance format.

### 3.28.1.3 Survey plan prepared by compilation

The survey plan prepared must satisfy section 17 of the Survey and Mapping Infrastructure Regulation 2004. About dimensions are not acceptable. Information used by a surveyor to determine the boundaries of a profit a prendre, and quoted in the Form 18 certification, must be searchable and may be:

1. Existing Land Registry records (e.g. lodged / registered survey plans, survey records, lease sketches)
2. Held by the department as survey plan archival information (e.g. deposited survey plans, identification surveys, other survey records; cadastral connections)
3. Available from the department (e.g. air photo library, DCDB; digital topographic data, digital imagery; paper or digital maps or products)
4. Other source information lodged with the plan as survey records and a report, if necessary.

When compiled information of a reduced survey standard (i.e. not survey accurate) is used to define the profit a prendre boundary, the following statements are required on the face of the plan.

*Certain boundaries of the Profit a Prendre have been determined from coordinates (+/- 1.0 metre) using GPS.*

and

*For information about marking or improvements on or near the boundaries of the Profit a Prendre, see the survey records of this plan.*

Survey records will also be required, in this situation, containing the appropriate information relating to the accuracy of the coordinate information, data collection methods, etc.

The profit a prendre boundaries and their location in relation to the boundaries of the affected lot must be determined and delineated on the survey plan capable of registration in the Land Registry.

## 3.29 Public use land

### **Standard under the SMI Act**

See section 3.2.1, 'Access to public use land', page 8.

See the *Land title practice manual*, clause 21-2140.

See the *Registrar of Titles directions for the preparation of plans*, section 4.8, 'Parcels to be described', <[www.nrw.qld.gov.au/property/titles/rdpp/part\\_4.html](http://www.nrw.qld.gov.au/property/titles/rdpp/part_4.html)>.

Sections 290J, 290JA and 290K of the *Land Act 1994* and section 51 of the *Land Title Act 1994* refer to the dedication of public use land (e.g. reserves) on a plan of subdivision.

A plan of subdivision registered under the *Land Act 1994*, that identifies public use land for a community purpose, must be approved by the Minister administering the Act.



A plan of subdivision registered under the *Land Title Act 1994*, that identifies public use land for a community purpose defined in Schedule 1 of the *Land Act 1994* other than road, either:

- requires dedication action under the provisions of the *Land Act 1994* to complete the process
- or
- when approved by the Minister, dedicates the reserve on registration of the plan.

For plans registered under either Act that are approved by the Minister, the approval (statement of intent) will need to be lodged with the plan. The statement of intent will identify the trustees of the new reserve.

All new roads and public use land lots must be clearly shown on the plan.

For plans with public use land with a community purpose defined in Schedule 1 of the *Land Act 1994*, that are approved by the Minister, the purpose must be identified on the face of the plan and any additional sheets.

e.g.      *Lot 4*                                      **or**      *Lot 7*                                      **or**      *Lot 8*  
             *Public Use Land*                                      *Public Use Land*                                      *Public Use Land*  
             *(Park)*    *(Drainage)*    *(Heritage and Historical)*

For plans with public use land with a community purpose defined in Schedule 1 of the *Land Act 1994* other than road, that are lodged under the *Land Title Act 1994* without a Ministerial approval, the lot is to be shown as ‘Public Use Land’ and need not show a purpose, as the land becomes USL on registration of the plan.

For plans of subdivision that create public use land for a purpose other than those defined in Schedule 1 of the *Land Act 1994* (e.g. National Park, Forest Reserve), the lot is shown as ‘Public Use Land’. The purpose is not to be shown on the face of the plan. Additional documentation (Form 20) will need to be lodged with the plan identifying the agency that will be responsible for that public use land. A USL title will be created identifying that agency as the responsible agency. The notation on the Form 20 will be in the following form:

*Lot XX is Public Use Land and will be under the control of the Environmental Protection Agency.*

*Lot YY is Public Use Land and will be under the control of the Department of Primary Industries and Fisheries.*

### 3.30 Redrawn plans

#### **Information**

A plan may be redrawn using the same plan number. It is the surveyor’s responsibility to ensure that duplicate plans are not released for general circulation.

### 3.31 Remote area surveys—standard for surveys of land in remote areas

#### **Standard under the SMI Act**

Methods for cadastral surveys where the land is remote and of low value, or surveys would otherwise be uneconomical or unnecessary.

#### 3.31.1 Application

Alternative survey methods may be used for carrying out cadastral surveys of land where one or more of the following criteria apply:

- The cost of conventional survey methods is inappropriate in relation to the value of the subject land and adjoining land. The nature of the terrain and density of vegetation cover may also affect this cost.
- The general amenity of the area is underdeveloped, as may be indicated by the following:
  - value of infrastructure
  - value of capital investment
  - population density
  - tourist facilities.

- The subject land is remote from any appropriate commercial centre (i.e. access is difficult in relation to distance to be travelled or the length of travelling time required).
- There is no need for the boundary to be marked, taking into account the requirements of the client, the State and the community and recognising good survey practice.

Alternative survey methods must meet the specification for surveys of land in remote areas forming part of this standard.

A cadastral surveyor undertaking a survey using alternative methods should lodge with the survey plan a report providing details of:

- the reason why conventional survey methods are unsuitable
- how the criteria in paragraph 1 are satisfied
- the alternative survey method used.

### 3.31.2 Specification for surveys of land in remote areas

Corner points of the subject land must:

- be marked with durable monuments unless it is impracticable to do so
- be capable of ready identification by surveyors and landholders  
(If requested by Aboriginal or Torres Strait Islander communities involved, notice boards must be placed in close proximity to monuments to give notice of their purpose.)
- be capable of description on a plan
- have sufficient reference marks to facilitate future reinstatement.

Any previously surveyed corners of boundaries of the subject land must be reinstated, and marks replaced if necessary.

Surveys of small exclusions of land from the subject land must be carried out to conventional cadastral survey standards unless:

- permanent evidence as to the location of the boundaries exists
- an application for exemption from survey in terms of section 40(2) of the *Land Act 1994* is granted (this section applies to deeds of grant in trust for Aborigines and Torres Strait Islanders).

Internal roads are to be surveyed to the following minimum standard:

- The positions of road centre lines are surveyed at sufficient intervals and accuracy:
  - to ensure existing road formations are entirely contained within dedicated roads
  - to facilitate calculation of one side of the road boundaries.
- Selected corners on one side of the road are marked by durable monuments at intervals generally no greater than 2.5 kilometres.
- Intersections of road boundaries with cadastral boundaries and with other road boundaries are marked by durable monuments.

The location of the durable monuments marking the corners of the subject land must be pointed out or described in some manner acceptable to interested landholders.

Bearings and distances of boundaries or coordinates of corners must be determined by appropriate means with the preferred means being Global Navigation Satellite System (GNSS) survey, ground survey, photogrammetric survey or a combination of these methods.

Where photogrammetric survey methods are used to determine the positions of monuments marking corners of the subject land, a report on the accuracy of the photogrammetric determination and copies of the aerial photographs used must be deposited as a permanent record.

Queensland or national topographic mapping at appropriate scales may be used to define natural features and ambulatory boundaries.

Surveys must be connected to the state control survey. The connections to the state control survey should be made at a precision of Class C in accordance with the 'Standards and practices for control surveys' which is special publication 1 of the Intergovernmental Committee on Surveying and Mapping (ICSM).

If the cadastral survey itself is done using GNSS techniques, it must be to a precision of Class C and completed in accordance with the Best Practice Guidelines for the use of the GPS for surveying applications in Part B of special publication 1 issued by ICSM.

The plan of survey should clearly describe the method used to conduct the survey, the boundaries that have not been marked, and the source of any original information used in the survey such as maps and aerial photography.

### 3.32 Resumption actions

#### Information

This section deals with the acquisition of land under the *Acquisition of Land Act 1967*, the *Land Act 1994* and other Acts authorising resumption of land including the *Electricity Act 1994*, the *State Development and Public Works Organisation Act 1971* and the *Transport Planning and Coordination Act 1994*.

Under these Acts, land is resumed in the following manner:

- Land granted in fee simple resumed by and vested in the State becomes USL, until dealt with under the *Land Act 1994* (section 12(2) of the *Acquisition of Land Act 1967*).
- Land granted in fee simple resumed by and vested in a constructing authority for an estate in fee simple, remains freehold land in the name of the constructing authority (section 12(2A) of the *Acquisition of Land Act 1967*).
- Land granted in fee simple resumed by and vested in a local government, remains freehold land in the name of the local government (section 12(2A) of the *Acquisition of Land Act 1967*).
- Land granted in fee simple in trust resumed by and vested in the State, a constructing authority or a local government becomes USL, until dealt with under the *Land Act 1994* (section 12(4) of the *Acquisition of Land Act 1967*).
- Leasehold land resumed under the *Land Act 1994* becomes USL, until dealt with under the *Land Act 1994* (sections 219 and 225 *Land Act 1994*).
- Leasehold land resumed by and vested in a constructing authority under the *Acquisition of Land Act 1967* or any other authorising Act, remains leasehold land until dealt with under the other authorising Act and the *Land Act 1994* (section 12(2A) of the *Acquisition of Land Act 1967*).
- Freehold land or leasehold land containing a reservation for a public purpose and stating the area of land reserved resumed under the *Land Act 1994*, becomes USL until dealt with under the *Land Act 1994* (section 230 of the *Land Act 1994*).

#### 3.32.1 Notice of intention to resume (NIR)

##### Standard under the SMI Act

Notices of intention to resume (NIR) may require notation or allocation on any plan of survey that affects the subject land.

#### 3.32.2 Notice of realignment

##### Standard under the Local Government Act

Under section 902 of the *Local Government Act 1993*, a local government may cause any road to be realigned in order to widen the road.

Section 902(5) of the Act states 'The local government must lodge a copy of the notice of realignment with the Registrar of Titles for the registration on the instrument of title to the land'.

A search of the Automated Titles System (ATS) will reveal any notice of realignment.

When a local government does not proceed with a realignment, section 911 of the *Local Government Act 1993* provided for the removal of a notice of realignment.

Resumption of land to effect the realignment occurs under the *Acquisition of Land Act 1967*

### 3.32.3 Resumptions for road purposes

#### **Standard under the SMI Act**

See section 10.2.1, 'Creation of roads in freehold land', page 122.

See section 10.2.2, 'Creation of roads in leases, reserves, trust land', page 123.

See section 10.2.3, 'Creation of roads in State forest or timber reserves', page 123.

Land may be resumed for road purposes by the State, a local government or a constructing authority (such as the chief executive under the *Transport Planning and Coordination Act 1994*).

Unless the whole of a lot is taken, the land that is taken by resumption must be shown as a lot on a survey plan prepared for the resumption. Regardless of the resumption notice being gazetted, no action is taken to correct the affected title for the land until the lodgement of the resumption dealings in the Land Registry. The resumption dealings (resumption document(s) and the survey plan) are required to record the resumption in the register and a further document is required to dedicate the resumed parcel as road.

The resumed land is dedicated as road in the following manner:

- All land (excluding State lease over reserve) resumed by and vested in the State, which becomes USL on resumption, is dedicated as road by lodgement of a dedication notice under section 94 of the *Land Act 1994*.
- Leasehold land resumed by and vested in a constructing authority, which continues to be leasehold tenure on resumption, is dedicated as road by lodgement of a surrender notice (to surrender the acquired leasehold land) and a dedication notice under section 94 of the *Land Act 1994*.
- Where the leasehold land is a State lease over reserve and it is resumed by and vested in either the State or a constructing authority, the underlying reserve is not affected by the resumption. The underlying reserve must be revoked before the land can be dedicated as road (land is not resumed from a reserve, but rather is revoked under section 33 of the *Land Act 1994*).

State lease over reserve resumed under a resumption Act is dedicated as road by lodgement of a surrender notice (to surrender the acquired leasehold land) and a plan of subdivision identifying the area of road to be revoked from the underlying reserve (the plan must show the balance of the reserve and the new road). The plan must be accompanied by a statement of intent revoking part of the reserve and dedicating it as road.

However, a surrender notice is not required where all or part of a State lease over reserve is resumed under the *Land Act 1994* (the resumption extinguishes the affected lease or part).

Where the resumption affects only part of a State lease over reserve, a separate survey plan, identifying the land to be resumed from the State lease (lots described by alpha descriptions), is lodged as part of the resumption dealings to effect the resumption.

- Freehold land resumed by and vested in a local government or a constructing authority for an estate in fee simple can be dedicated as road by either of two methods:
  - i. by lodging a dedication notice under section 12B of the *Acquisition of Land Act 1967*
  - ii. by lodging an additional plan of new road cancelling the lot. (See section 10.2.1, 'Creation of roads in freehold land', page 122). The local authority is not required to seal the plan, as in this case it is exempt pursuant to section 3.8.1 of the *Integrated Planning Act 1997*, and, as such, the plan requires a notation on the back of the plan indicating this. The notation should be in the following form:

*This plan is for a purpose set out in Schedule 2 of the Acquisition of Land Act 1967 and is exempt from Local Government approval pursuant to Section 3.7.8 (1) (c) of the Integrated Planning Act 1997.*

### 3.32.4 Resumption for transport corridor purposes

**Standard under the SMI Act**

See section 3.36, '*Transport Infrastructure Act 1994*', page 54.

Under the *Transport Planning and Coordination Act 1994*, land can be resumed for transport purposes. Transport purposes is defined under the Act as including 'any purpose for which the Minister is responsible' and also incidental purposes such as facilitating the construction of ancillary works and plant, the amelioration of negative environmental impacts or providing facilities for transport users. Transport purposes specifically named in the Act are State toll road, local government tollway, rail transport, busway and light rail.

The chief executive of the department responsible for the administration of the transport purpose for which the land is being resumed is a constructing authority within the meaning of the *Acquisition of Land Act 1967*. Land resumed for transport purposes (other than road) and vested in the chief executive as constructing authority remains as freehold or leasehold land until it is ready to be dealt with under the *Transport Infrastructure Act 1994*.

The land that is taken by resumption must be shown as a lot, or easement if applicable, on the survey plan. A resumption document is required for recording the resumption in the register. If the resumed land is to become part of a transport corridor, a further action is then required to make the land transport corridor land.

The land can be declared as corridor land for a specific transport purpose. On declaration, the resumed land becomes USL and the land is then created as or added to a lease to the State in perpetuity for the declared transport purpose under section 17 of the *Land Act 1994*. Transport corridor land is then subleased to transport corridor operators who operate the specific toll road, tollway, railway, busway or light rail.

### 3.32.5 Resumptions for other purposes

**Information**

The *Acquisition of Land Act 1967* enables land to be resumed for any purpose described in the schedule to the Act. If land is resumed for one of these purposes (other than road) and the purpose is also a community purpose under the *Land Act 1994*, then the land (if unallocated State land) is dedicated as a reserve for community purposes by lodgement of a dedication notice under section 31 of the *Land Act 1994*. If the land is resumed for any other purpose that is not a community purpose under the *Land Act 1994*, then the land (if unallocated State land) is granted to the constructing authority by deed or by way of lease.

### 3.32.6 Freehold land

**Standard under the SMI Act**

Plans using the provisions of the *Acquisition of Land Act 1967*:

- must deal only with the action being implemented by the resumption
- must show all resumed areas as lots or easements, as appropriate
- cannot dedicate new road
- are registered under the provisions of the *Land Title Act 1994*
- must be signed by the resuming authority as constructing authority
- do not require local government consent.

All registered interests affecting land being resumed (but not including resumption for easement purposes only) are automatically cancelled by section 12(5) of the *Acquisition of Land Act 1967*, and must not be shown on the plan in the lot to be resumed. However, allocations are required to be shown on the reverse of the plan.

The purposes for which land may be taken and by whom are set out in section 5 of the *Acquisition of Land Act 1967*. Land acquired under the *Acquisition of Land Act 1967* may be taken for multiple purposes. Also refer to section 12(4) of the *Acquisition of Land Act 1967*.

Where a subdivision of a balance parcel is required, eg as part of a compensation agreement, the subdivision plan must follow the resumption plan. The subdivision plan is subject to the same requirements as any other plan of subdivision.

### 3.32.7 Resumptions from non-freehold land

#### **Standard under the SMI Act**

See section 6.5.1, 'Easements over reserves and unallocated State land', page 78.

See section 9.2, 'Action statements', page 90.

See Chapter 5, Part 3, Division 1 of the *Land Act 1994*, 'Resumption of a lease or easement'.

The resumed land must be shown in a form that is consistent with the purpose for which the interest in the land is being resumed (i.e. lot or easement). Refer to section 216(2) of the *Land Act 1994*.

The plan of subdivision lodged to effect a resumption must be consented to by the chief executive of the constructing authority as the acquiring entity and, where applicable, must include a statement<sup>1</sup> identifying each lot created by the plan that is to remain subject to the title reference for the lease affected by the resumption.

Land is not resumed from certain State land (e.g. transferable land under the *Aboriginal Land Act 1991*, reserves, road). In these cases, where the intended action is to open road, the plan will be prepared as a normal road opening in State land, with an appropriate action statement. Alternatively, the requirement could be to subdivide the land to create a separate lot, with further action to deal with the lot to follow.

Under the provisions of the *Acquisition of Land Act 1967* an interest may be resumed from a lease under section 216 of the *Land Act 1994*, section 125A of the *State Development and Public Works Act 1971* or section 25 of the *Transport Planning and Coordination Act 1994*. Land resumed from a lease under the *Land Act 1994* becomes USL, while land resumed under other legislation remains as a lease.

#### 3.32.7.1 Resumption of possession of reservation in title

#### **Standard under the SMI Act**

See section 2.9, 'Reservations in title', page 5.

Under section 229 of the *Land Act 1994* an area reserved for a public purpose (or part thereof) within a lease, deed or DOGIT may be resumed. In accordance with section 26(1) of the *Land Act 1994*, if all or part of a public purpose reservation is resumed and the boundaries of the reservation are not stated in the title to the land (i.e. a floating reservation), the Minister may decide the boundaries of the reservation. In this regard, the plan of resumption must identify the area resumed as a lot and an allocation certificate must allocate the area of public purpose reservation resumed to the lot. If only part of the public purpose reservation area is resumed, the balance area of the public purpose reservation must be allocated to the balance title.

Signature of the allocation certificate by the Minister's delegate is required and will be accepted as the Minister's decision in terms of section 26(1).

If the land is intended for road purposes or a community purpose under the *Land Act 1994*, the plan of resumption must identify the area resumed as a lot and a dedication notice must be lodged with the plan.

### 3.33 Resurveys

#### **Standard under the SMI Act**

A resurvey is a plan of subdivision under section 49 of the *Land Title Act 1994* and section 290E of the *Land Act 1994*.

A resurvey is usually carried out with the view to correcting the dimensions of a parcel of land.

On registration, the description of the land changes to the new lot on plan shown on the plan of resurvey and a new title, deed, lease or deed of grant in trust will issue.

The title of the plan is to be shown as:

*e.g.* Lot 1 being a Resurvey of Lot 1 on RP123687  
Cancelling Lot 1 on RP123687

<sup>1</sup> The statement is part of the resumption documentation (i.e. Surrender and/or further dealing notice for acquired non freehold land) prepared by the acquiring entity and lodged as part of the resumption dealings to effect the resumption.

It is preferable to use the original lot description as the new lot number.

Resurveys do not require local government consent.

There can be more than one resurvey on the one plan or a resurvey and a secondary interest etc.

For **State land** where the lot has not been previously surveyed, the plan should **not** be presented as a plan of resurvey of the lot, but rather a plan of the lot. For a resurvey of a freeholding lease, term lease (other than a State lease) or a perpetual lease, the plan must be accompanied by a statement of intent.

If a lot is the subject of a conditional consent, the plan of resurvey should make reference to the conditional consent on the original plan in item 6 on the reverse of the plan of resurvey (see section 5.13.1, 'Consent shown on plan only', page 73).

### 3.34 Staking of land

*Standard under the SMI Act*

#### 3.34.1 Application

'Staking' to indicate proposed boundaries in a new subdivision prior to final marking is acceptable as a means of assisting construction or other works involved in the new subdivision under the *Land Sales Act 1984*.

In this standard, a new subdivision process terminates with the registration of the survey plan.

#### 3.34.2 Definition in this standard

'**Staking**' means placing appropriate marks, other than standard cadastral survey marks, to indicate the location of proposed boundaries and/or corners of allotments in a new subdivision as a preliminary part of, but prior to the completion of, a cadastral survey.

#### 3.34.3 *Land Sales Act 1984*

'Staking' of allotments under the *Land Sales Act 1984*, through the placement of marks, other than standard cadastral survey marks is allowed as follows:

The definition of staking set out in section 3.34.2 is to be noted.

- A cadastral surveyor may place or supervise the placement of temporary marks of an appropriate nature, other than survey marks, which are suitable for the circumstances and which are clear and intelligible both to surveyors and to the public.
- The cadastral surveyor must maintain records of the placement of stakes which were placed for the purpose of pre-selling of allotments under the Land Sales Act. Such records must be maintained until the surveyor places survey marks under the provisions of the *Survey and Mapping Infrastructure Act 2003*.
- The position of any stake placed for the purpose of pre-selling proposed allotments must not vary by more than 0.2 metres from the final position of each boundary mark.
- Should a cadastral surveyor be required by the vendor or the purchaser to place standard cadastral survey marks to identify the boundaries on corners of the allotment, the standards regarding cadastral surveys must be met.

### 3.35 Survey records

*Standard under the SMI Act*

See section 3.11, 'Compiled plans', page 27.

Survey records must be lodged where information cannot be conveniently shown on the plan or is additional in support of the survey. The survey records would include information such as reinstatement reports, creek traverses, encroachment advices, information which is not publicly searchable in the department, etc. Survey records for

lodgement must be clearly identified as survey records and must include a completed Form 12 certificate in accordance with section 22(1) of the Survey and Mapping Infrastructure Regulation 2004.

Sufficient survey records must be deposited with the plan of survey to ensure that a complete record of the survey is available to the department. The survey records need not be in the traditional field note form but should be no larger than A4. Survey records must have a cover or cover sheet that contains the following information:

- a description of the survey (in most cases the lots numbers being created)
- a description of the lots being cancelled
- the parish, county and locality names
- the surveyor's name
- the plan number to which they refer.

Ideally the cover or cover sheet should be of heavier-grade paper than the other pages.

If a report is to accompany survey records, the report and survey records must be the same size and be securely bound together.

Where a surveyor uses methods and/or equipment that involve a significant departure from conventional survey practice, in order to demonstrate that such method and/or equipment is capable of achieving the survey standard, the surveyor must submit with the survey records sufficient information to identify the methods and/or equipment used.

When additional data is lodged in support of the survey (e.g. creek traverse offsets), this information must be indicated in the appropriate box on the face of the plan:

F/Ns: YES / NO

When the plan of survey refers to a set of survey records for a different plan, the box should be completed referring to that plan:

F/Ns: YES / Under SP123456

### 3.36 **Transport Infrastructure Act 1994**

#### **Information**

The objective of the *Transport Infrastructure Act 1994*, in association with the *Transport Planning and Coordination Act 1994*, is to achieve overall transport effectiveness and efficiency through strategic planning and management of transport resources. Land tenure management of transport land under these Acts is effected through declared transport corridors for specific transport purposes—State toll road, local government tollway, rail transport, busway and light rail. Corridor land is held by the State under perpetual leases for a gazetted transport purpose with subleases to transport corridor operators. Sections 157, 183, 204, 211 and 336(2)(a) of the *Land Act 1994* do not apply to a lease or sublease of transport corridor land.

A transport perpetual lease may cover a large number of lots (see rail transport corridor perpetual lease no. 208003). The Registrar of Titles may decide it is more appropriate for separate transport infrastructure titles to be created for particular corridors or for particular regions (e.g. transport infrastructure title no. 4800011 was created for rail transport corridor land in the Shire of Carpentaria). The purpose of transport corridor land may change in response to government or community requirements.

Ministerial consent is not required for a plan of subdivision that subdivides or amalgamates land subject to a transport perpetual lease (i.e. transport corridor land) or excludes land from a transport corridor lease due to a declaration under the *Transport Infrastructure Act 1994*. However, ministerial consent is required if the transport corridor land is being amalgamated with adjoining land, dedicated as public use land (including road) or surrendered from a transport perpetual lease. Land surrendered from a transport perpetual lease becomes USL.

Land may be included into and surrendered from a transport perpetual lease. Land may also be included into and surrendered from a sublease of a transport perpetual lease. Ministerial approval is not needed for an amendment of a sublease. Consequently, the descriptions of transport perpetual leases and subleases held by the relevant transport corridor operator may be continually amended. Any amendment to the description of the transport perpetual lease is accompanied by an amendment to the description of the sublease to the transport corridor operator. Land subject to a sublease to a transport corridor operator cannot be defined by part of a lot.



All transport corridor land, except for rail corridor land, needs to be declared under the *Transport Infrastructure Act 1994*. The survey requirements for State toll road, local government tollway, busway and light rail corridors are the same as for the rail corridor.

### 3.36.1 Queensland Transport rail corridor lease and sublease

#### **Information**

Over a number of years the rail network within Queensland (formerly owned and operated by Queensland Rail) has undergone a tenure change.

In general terms, the rail network has been fully identified and leased in perpetuity to The State of Queensland (represented by the Department of Transport)<sup>2</sup>. The lease reference is perpetual lease no. 208003 (title reference 40008706).

The major part of perpetual lease no. 208003 was then subleased to Queensland Rail, being a body corporate established pursuant to the *Government Owned Corporations Act 1993*. The sublease reference is sublease no. 701720343.

Survey plans, consisting of both fully surveyed and compiled (unsurveyed), exist for the whole of the perpetual lease and the sublease.

Because the land is subject to the provisions of the *Land Act 1994* and the *Transport Infrastructure Act 1994*, plan requirements are different to those of a lease issued under the *Land Act 1994* alone.

### 3.36.2 Amendments of Queensland Transport rail corridor lease and sublease

#### **Standard under the Transport Infrastructure Act**

As the rail network forms part of the State's transport corridor land, it will be necessary to adjust parts of the perpetual lease and the sublease.

For example:

- Queensland Rail may surrender its interest in part of the sublease and the part surrendered may then be subleased to another railway manager
- Queensland Rail may surrender its interest in part of the sublease and Queensland Transport may then surrender that part of the land to the State in order that it may be opened as road
- road may be closed and included into the perpetual lease and then added to a railway manager's sublease.

Section 336(2)(a) of the *Land Act 1994* states that a document of amendment may not increase or decrease the area subleased but section 262 of the *Transport Infrastructure Act 1994* states that rule does not apply to a lease of existing rail corridor land, new rail corridor land or non-rail corridor land (perpetual lease no. 208003 covers existing rail corridor land, new rail corridor land and non-rail corridor land).

By provision of section 262 above, the area of a railway managers sublease may be increased or decreased by a document of amendment.

In consequence, normal procedures relevant to plan preparation and presentation to adjust a lease under the *Land Act 1994* do not apply.

Land subleased to a railway manager must cover the whole of a lot.

#### 3.36.2.1 Excisions from or subdivision of Queensland Transport rail corridor lease and sublease

##### **Standard under the SMI Act**

The whole of the rail corridor lot being affected must be dealt with. The area to be excised or subdivided is required to be described as a separate lot on a plan and a new lot for the balance must be created. The use of statements such as 'area to be excised, 1-2-3-1 10 m<sup>2</sup>' is unacceptable. Freehold and leasehold land cannot be dealt with on the same plan.

<sup>2</sup> The Department of Transport is now Queensland Transport.

### 3.36.2.2 Additions to Queensland Transport rail corridor lease and sublease

#### **Standard under the SMI Act**

Additions to the perpetual lease, or to a railway manager's sublease, are required to be described as a separate lot on plan.

### 3.36.3 Common areas for Queensland Transport over rail corridor land

#### **Standard under the SMI Act**

The *Transport Infrastructure Act 1994* (sections 26, 84B, 85A, 105I, 249 and 303A) enables 'common area' to be declared where certain road corridors (State-controlled road, State toll road, franchised road and local government tollway) cross railway and busway. Sections 253 and 358 of the *Transport Infrastructure Act 1994* allow the Minister to give permission for a local government to construct, maintain and operate a road on rail and light rail corridor land. A permission given under these sections is dealt with in the same manner as common areas.

#### 3.36.3.1 Common area in rail corridor land

Section 24 of the *Transport Infrastructure Act 1994* allows the Minister to declare a State-controlled road. Section 26 empowers the Minister to declare a road or route, or part of a road or route, that is declared a State-controlled road, that crosses rail corridor land and continues on the other side of the rail corridor land to be a State-controlled road.

If the Minister decides to declare the road or route, or part of the road or route, to be a State-controlled road, the Minister must, when making the declaration, declare in the gazette notice the part of the rail corridor land where it is crossed by the road or route to be a 'common area' for the rail corridor land and the State-controlled road.

The 'common area' to be declared is required to be described on a survey plan as a secondary interest. That is, the title of the plan will be '*Lot <alpha> in Lot <number> on Plan <number>*'.

The surveyed status of the common area will be the same as the affected lot. However, where the common area intersects any boundary of the affected lot, which is in a surveyed state, then that common area boundary must also be fully surveyed. This applies even if the whole of the affected lot is not in a fully surveyed status.

The Registrar of Titles must record the declarations on the relevant lease of the rail corridor land to the State and any affected sublease in the leasehold land register (section 26(7)(b) of the *Transport Infrastructure Act 1994*).

#### 3.36.3.2 Common area in road adjacent to rail corridor land

Section 249 of the *Transport Infrastructure Act 1994* allows the Minister to declare part of a road as common area.

The 'common area' to be declared must be described on a survey plan as a secondary interest. The title of the plan will be '*Lot <alpha> in road adjacent to <Lot-on-plan>*'.

A notation is required on the back of the plan to assist in the registration process. The notation required is:

*Lot <Alpha> is proposed to be declared as a Common Area under Section 249 of the Transport Infrastructure Act 1994*

The surveyed status of the common area must be the same as the adjoining lots. However, where the common area intersects any boundary, which is in a surveyed state, that common area boundary must also be fully surveyed. This applies even if the whole of the adjoining lots are not fully surveyed.

### 3.37 Undescribed balances

#### **Standard under the SMI Act**

See section 3.8, 'Cancelling clause', page 15.

See section 11.11, 'Paper subdivisions', page 131.

See the *Registrar of Titles directions for the preparation of plans*, section 4.17, 'Undescribed balances', <[www.nrw.qld.gov.au/property/titles/rdpp/part\\_4.html](http://www.nrw.qld.gov.au/property/titles/rdpp/part_4.html)>.

Any plan which cancels an undescribed balance requires local government consent since it is deemed to be a subdivision under the provisions of section 50 of the *Land Title Act 1994*. The description will be:

*Lot .... cancelling balance of Lot ... on RP.....*

### 3.38 Unsurveyed and/or calculated boundaries

**Standard under the SMI Act**

See section 3.11.1, 'Subdivision by compiled plan', page 28.

See section 9.8, 'Calculated lines', page 94.

See section 11.11, 'Paper subdivisions', page 131.

Unsurveyed and calculated boundaries may be used as lot boundaries in the following circumstances.

#### 3.38.1 Opposite side of road unsurveyed

See section 3.11.1, 'Subdivision by compiled plan', page 28.

Where a road boundary is surveyed on one side only, but all the secant points on the unsurveyed side have previously been marked, the unsurveyed side may be used as a boundary. The dimensions on the unsurveyed side must be shown as calculated ('Calc') if they have not been shown on a previous plan, or as original ('Orig') if they have been shown on a previous plan. In each case, the boundaries must be shown as full lines.

#### 3.38.2 Other unsurveyed boundaries

See section 3.11.3, 'Compiled plan of an unsurveyed parcel', page 29.

See section 9.8, 'Calculated lines', page 94.

In general, the boundaries of a freehold parcel must be fully surveyed. However, small sections of a boundary that can be calculated from other plans may be accepted in isolated areas. The unsurveyed part of the boundary is shown as a broken line, with a statement on the plan advising that specified lines on the plan have not been surveyed and that future actions (dealings) may require that these unsurveyed boundaries be fully surveyed.

#### Example

*Lines 1–4 have not been fully surveyed and future dealings may require these boundaries to be surveyed.*

Where lengthy sections of boundaries have never been surveyed (boundaries not marked or cleared)—for example, in extremely rough and broken terrain—they may be accepted on subsequent plans. The dimensions may be compiled from the original plan of the land, and a balance area determined. In cases of doubt, the local senior surveyor should be contacted for advice.

### 3.39 Vincula

**Standard under the SMI Act**

See section 3.6.4, 'Multiple line areas', page 13.

See section 3.6.5, 'Part lots', page 14.

See section 3.18, 'Dimensions', page 33.

See the *Registrar of Titles directions for the preparation of plans*, section 8.4.2, 'Part lots joined by vincula', <[www.nrw.qld.gov.au/property/titles/rdpp/part\\_8.html](http://www.nrw.qld.gov.au/property/titles/rdpp/part_8.html)>.

Vincula may be used to bind several parts of the same lot where the land is severed by:

- a watercourse
- a road
- a railway
- a stock route
- a channel/drain
- a reserve
- any other transport infrastructure corridor
- any combination of the above features.

A vinculum cannot be used to bind together parts of land that are severed by lot(s) that do not form part of a transport infrastructure corridor. In this case, the provisions of *Registrar of Titles directions for the preparation of plans*, section 8.4, 'Part lots', <[www.nrw.qld.gov.au/property/titles/rdpp/part\\_8.html](http://www.nrw.qld.gov.au/property/titles/rdpp/part_8.html)>, may be applicable.

Where vincula are created:

- the parts of the land being bound must be adjacent across the dividing feature, for at least part of their frontages to the feature
- the area of the lot may be calculated from the sum of the areas of each individual part, or be obtained by calculating the total area enclosed within the outer boundaries and subtracting the area of any enclosed feature. In either case, only the net area is shown and calculated to four significant figures. A three (or more) line area is not to be shown, unless there are section 23 of the *Land Act 1994* exclusions.

Where one or more of the parts of a new lot is fully or partly surveyed along the dividing feature on the plan creating that lot, the relationship of those parts of the lot to each other such part must be clearly shown by surveyed connections.

Where one or more of the parts of a lot is compiled along the dividing feature, it is preferred, but not necessary, to show surveyed connections; however, it must be possible to accurately plot the relative location of the parts of the lot from the relationships shown on previous maps or plans, or from other information acceptable to the department (e.g. GPS connections). The meridian used must be common to all parts of the lot.

**Note:** Where a lot is severed by roads, watercourses, etc. it may be defined as either part lots or by using vincula. It is not permissible to mix vincula and part lots for the one lot.

### 3.40 Unallocated State land (USL)

#### **Information**

See section 3.10, 'Changing deeds of grant, reserves, leases and trust land', page 24.

See section 5.15, 'State land actions', page 74.

See section 9.2 'Action statements', page 90.

As of 2 October 2006, all unallocated State land (USL) other than roads, watercourses and land below HWM was allocated a lot-on-plan description and recorded in the Automated Titles System (ATS) with a USL title.

#### **Standard under the SMI Act**

For **all** actions involving the allocation or dedication of part of an area of USL that currently has a lot-on-plan description, a plan of the respective lot and the balance of the USL showing its amended area must be prepared as part of the dealing and recorded against the USL title.

The survey status of the new lot and the balance lot must not be any lesser than the status of the USL that is being dealt with. That is, if the action involves USL that is fully surveyed, both the new lot and the balance lot must be fully surveyed, to maintain the fully surveyed status of the parcel.

- If the action involves USL that is a lot on a survey plan, it must be actioned by a survey plan.
- If the action involves USL that is a lot on an administrative plan, it may be actioned by an administrative plan or a survey plan. However, if the respective lot or balance lot is to be granted in fee simple, leased, dedicated as reserve or dedicated as road adjoining a surveyed parcel, then it must be actioned by a survey plan. An exception to this is when the dimensions of the USL are not readily identifiable, in which case it may be actioned by an administrative plan with the new lot then being cancelled by a survey plan.

### 3.41 Town and pasturage reserves

#### **Standard under the SMI Act**

See section 5.15, 'State land actions', page 74.

See section 9.2, 'Action statements', page 90.

For **all** actions involving the allocation or dedication of part of an area of a town or pasturage reserve, a plan of the respective lot and the balance of the reserve showing its amended area must be prepared as part of the dealing and recorded against the reserve title.

The survey standard of the new lot and the balance lot must not be any lesser than the standard that applies to the reserve that is being dealt with. That is, if the action involves reserve that is fully surveyed, both the new lot and the balance lot must be fully surveyed, to maintain the fully surveyed status of the parcel.

For those reserves that are not described by a current survey plan, the department will progressively prepare a compiled plan of each reserve as it currently exists taking into account all the areas that have been excised out over the years. Once this new compiled plan has been prepared and an area of the reserve calculated, a requirement for all future dealings involving excisions from the reserve will be the preparation of a balance plan of the reserve. The surveyor who is undertaking the excision survey will be able to obtain a copy of the digital file for the reserve in order to prepare the balance plan.

### 3.42 Permits

#### *Standard under the SMI Act*

See section 3.17, 'Description of parcels', page 32.

See section 5.15 'State land actions', page 74.

See section 9.4 'Administrative plans (APs)', page 92.

Permits are dealt with under sections 60, 177 and 178 of the *Land Act 1994*.

A tenure document will issue for a permit. If the term of a permit is 12 months or more, the permit's tenure document will be recorded (registered) in the Land Registry (ATS). Because a permit to occupy is a secondary interest, the permit will be noted on the reserve title or USL title for the permit land (similar to the issue of a State lease over a reserve). No noting will be made on any other title if the registered permit is over 'undescribed' land: road, river, creek or land below HWM.

All permits are secondary interests and hence all descriptions must refer to lot alpha descriptions and should be in the following format.

<b>Section of <i>Land Act</i> 1994</b>	<b>Type of permit (over):</b>	<b>Description</b>
60	Trust land	Lot alpha in lot-on-plan
177	Road	Lot alpha in road adjacent to lot-on-plan
177	Creek	Lot alpha in Six Mile Creek adjacent to lot-on-plan
177	River	Lot alpha in Nogoia River adjacent to lot-on-plan
177	Reserve	Lot alpha in lot-on-plan
177	USL with a lot-on-plan title reference	Lot alpha in lot-on-plan
178	Land below HWM (river)	Lot alpha in Brisbane River adjacent to lot-on-plan
178	Land below HWM (ocean)	Lot alpha in Pacific Ocean adjacent to lot-on-plan

**Table 5 Permit descriptions**

## 4. Ambulatory boundaries

### 4.1 General

#### **Information**

In this document, ambulatory boundaries (unless specified otherwise) refer to both tidal and non-tidal situations. In general, surveys that include ambulatory boundaries need to be assessed by departmental surveyors, even if they are submitted by an accredited surveyor. This assessment should, in the first instance, be limited to confirmation that the ambulatory boundary is more or less positioned in the same location as on the previous surveys. If this is the case, and no encroachments exist, the plan may be processed without further assessment.

Where the new ambulatory boundary is shown in a different location to previous surveys, this matter must be investigated to confirm that the appropriate action has been taken.

### 4.2 Non-boundary watercourses

#### **Information**

The beds and banks of non-boundary watercourses are usually included within the original grant. The control of the flow of the water rests with the department (*Water Act 2000*).

When a parcel of freehold land with an internal watercourse is subdivided and the watercourse (or part of the watercourse) is adopted as the boundary of the new lots (i.e. the watercourse is not included within any of the new lots), then that watercourse (or part thereof) may be given a lot number and noted as public use land or the creek may be absolutely surrendered to the State.

### 4.3 Boundary watercourses

#### **Standard under the SMI Act**

See section 3.18, 'Dimensions', page 33.

See section 3.35, 'Survey records', page 53.

See section 9.39, 'Original dimensions', page 113.

See section 9.57, 'Watercourses', page 119.

See section 10.5.2, 'Reserved roads and reserved esplanades', page 126.

See *Randel & Reinicke v Brisbane City Council, No 1891 of 1983, Justice GN Williams*.

The direction of flow of a non-tidal boundary watercourse must be clearly indicated by an arrow pointing in the direction of the flow (i.e. downstream). Where it is necessary to indicate the left or right bank of the watercourse, this will be taken in relation to the direction of flow.

Section 6 of the *Rights in Water and Water Conservation and Utilization Act 1910* changed boundaries from the centre thread of a stream (ad medium filum) to its banks.

When locating the position of the bank of a watercourse, surveyors should consider the definitions contained in the *Water Act 2000* for 'bed' and 'bank'.

A check of the original deed of grant should also be made to ascertain the actual description of the ambulatory boundary.

Where it is decided to accept the original location of the ambulatory boundary as the current location, it is not necessary to re-traverse the watercourse boundary. A calculated area can be determined for the lot(s), using information in relation to the original traverse and offsets from the survey records of the original survey. The new plan of survey should be prepared in accordance with the requirements of section 9.57, 'Watercourses', page 119. If the original survey records cannot be located, the position of the watercourse may be determined by scaling off the original plan. The boundary remains curvilinear as per the original survey.

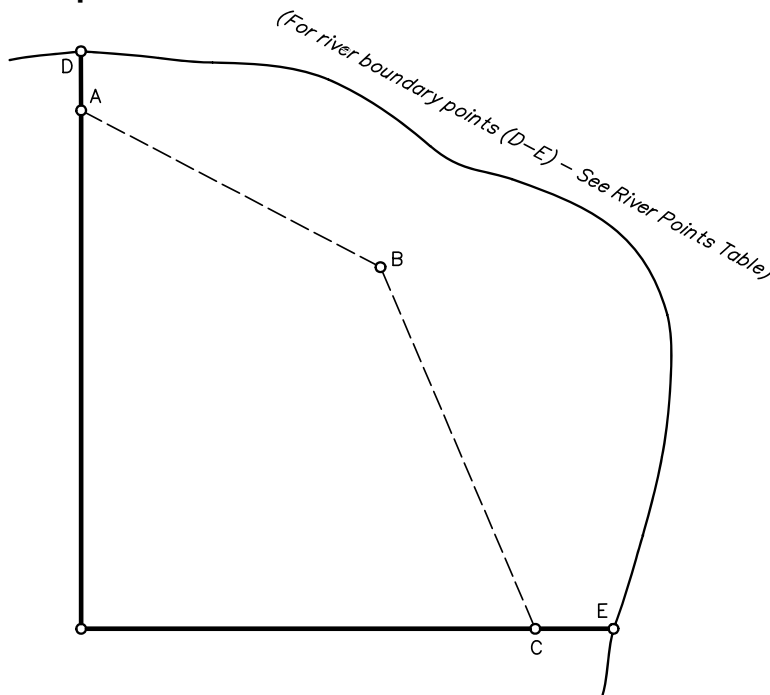
An example where the above may be applicable could be where the feature defining the watercourse has disappeared (e.g. by filling).

Where the previous watercourse traverse and the original offsets are used to calculate the area, a river points table must be provided. A report addressing the reasons for adopting the original determination is required to be submitted with the plan, or appropriate notations made on the plan.

In instances where the locations of the watercourse is determined by direct measurement of a series of points along the watercourse, using means of measurement such as radiations, traverse and offset or GNSS, the following requirements apply, to ensure that all measurement information is available on the survey plan:

- Right line boundaries leading to the watercourse should be marked to a high standard with a reasonable level of redundancy, because the reinstatement of the watercourse survey relies on its connection to these ‘side boundaries’ (as an option to strengthen the redundancy, this could include connection to the state control survey).
- The plan must not show station symbols at every measured point along the watercourse boundary. Instead, there must be a tabulation of the bearings and distances between the points measured along the watercourse, without station numbers, and a statement along the boundary that the measured points lie on the boundary (e.g. D–E in the diagram below). A limited number of points may need to be shown on the boundary to indicate the location of the tabulated information (e.g. D and E in the diagram). There must be a statement along the ambulatory boundary referring to the tabulated measurements between the points (e.g. ‘for river boundary points (D–E) see River Points Table’, ‘for creek boundary points (D–E) see Creek Points Table’, ‘for HWM boundary points (D–E) see HWM Points Table’, etc).
- The plan **must** show a curvilinear presentation of the boundary.
- The plan may show a connection between marks placed at stations at or near the end of the right line boundaries intersecting the watercourse, to allow calculation of the closure of the pegged boundaries (e.g. A–B–C in the diagram below).

**Sample**



RIVER POINTS	
BEARING	DISTANCE
Bearing 1	Distance 1
Bearing 2	Distance 2
*	*
*	*
Bearing n	Distance n

**4.4 High water mark (HWM)**

**4.4.1 Surveys of HWM**

*Standard under the SMI Act*

See section 10.5.2, ‘Reserved roads and reserved esplanades’, page 126.

See Part 4 of the Survey and Mapping Infrastructure Regulation 2004.

See sections 8 to 13 of the *Land Act 1994*.

See *Nestor Svendsen v. State of Qld*, Supreme Court of Qld, Rockhampton, Number 32 of 1996 delivered J Demack on 29/04/1999.

See LIT alert no. 10, <[www.nrw.qld.gov.au/property/publications/alert\\_archive.html](http://www.nrw.qld.gov.au/property/publications/alert_archive.html)>.

High water mark is defined in Schedule 6 of the *Land Act 1994*.

- Land bounded by tidal waters should be described on the face of the plan as HWM with an adjoining description (e.g. ‘Coral Sea’).
- No reference to any RL value of the tidal boundary is to be shown against the boundary of the parcel;
- Where the HWM boundary is surveyed based on MHWS, the method of determination of MHWS is to be documented:
  - It is acceptable to make a statement on the plan relating to the datum, what AHD value was adopted as MHWS and details of any tidal observations, provided it is short in content;  
An example of a statement on the plan could be ‘*HWM was defined as MHWS which was determined by adopting the value of MHWS at Cairncross Dock as published by Queensland Transport. This value of 1.05 metres AHD was observed on site as representing MHWS*’.
  - Alternatively, field notes may be used to record this detail.

#### 4.4.1.1 Temporary stay on the registration of plans of tidal boundaries

##### **Standard under the SMI Act**

Under Chapter 7, Part 3B of the *Land Act 1994* or Part 10A of the *Land Title Act 1994*, the chief executive or the Registrar of Titles respectively may not register certain plans of tidal boundaries. These provisions apply to plans of tidal boundaries lodged on or after 8 November 2005, and before 8 November 2008. Under the provisions, a number of cases of plans of tidal boundaries are contemplated. The requirements for plan presentation in each of these cases are set out below.

##### **Case 1: Compiled plan, with tidal boundary in same location as previous registered survey**

- Boundary is labelled as ‘HWM’, with the plan catalogue number of the most recent field survey of the boundary positioned along the feature.

##### **Case 2: Plan of survey, with tidal boundary compiled from previous registered plan**

- Boundary is labelled as ‘Orig HWM’, with the plan catalogue number of the most recent field survey of the boundary positioned along the feature.

##### **Case 3: Plan of survey, with tidal boundary resurveyed in the same location as the previous registered plan**

- Boundary is labelled as ‘HWM’.
- Plan contains a statement on the face using wording similar to:  
*‘HWM determined using the feature adopted on RPxxxxxx, in accordance with the directions dated xxxxxx’.*
- See section 4.4.1.2 for directions made in Queensland.
- The information normally required for the redefinition of an ambulatory boundary must be included in the survey records (see section 4.5.1).

##### **Case 4: Plan of survey with a tidal boundary resurveyed in a different location to the previous registered plan, with the difference resulting from natural accretion or erosion of the feature surveyed in the previous survey.**

- Boundary labelled as ‘HWM’.
- Plan contains a statement on the face using wording similar to:  
*‘HWM determined using the feature adopted on RPxxxxxx, in accordance with the directions dated xxxxxx. The difference in the location of the feature from RPxxxxxx is due to accretion/erosion’.*
- See section 4.4.1.2 for directions made in Queensland.
- The information normally required for the redefinition of an ambulatory boundary must be included in the survey records (see section 4.5.1), together with:
  - evidence that the feature surveyed in the previous survey has moved due to accretion or erosion resulting from natural processes
  - relevant information to assist the Minister in reaching a decision on whether the new location of the boundary is contrary to the public interest or not, or relevant information to indicate that the public interested is protected by a development condition under the *Integrated Planning Act 1997* (IPA).



**Case 5: Plan of survey with a tidal boundary resurveyed in a different location to the previous registered plan, with the difference due to the previous survey not complying with the directions applicable at the time.**

- Boundary is labelled as 'HWM'.
- Plan contains a statement on the face using wording like:  
*'HWM determined in accordance with the directions dated xxxxxx, which were applicable at the time of survey of RPxxxxxx. The difference in the location of the feature is due to RPxxxxxx not complying with the applicable directions'*.
- See section 4.4.1.2 for directions made in Queensland.
- The information normally required for the redefinition of an ambulatory boundary must be included in the survey records (see section 4.5.1), together with:
  - evidence that the previous survey did not survey the feature in accordance with the directions that were applicable at the time
  - evidence that the variation is not due to instructions issued in relation to this land by the Surveyor-General
  - relevant information to assist the Minister in reaching a decision on whether the new location of the boundary is contrary to the public interest or not; or relevant information to indicate that the public interest is protected by a development condition under the IPA.

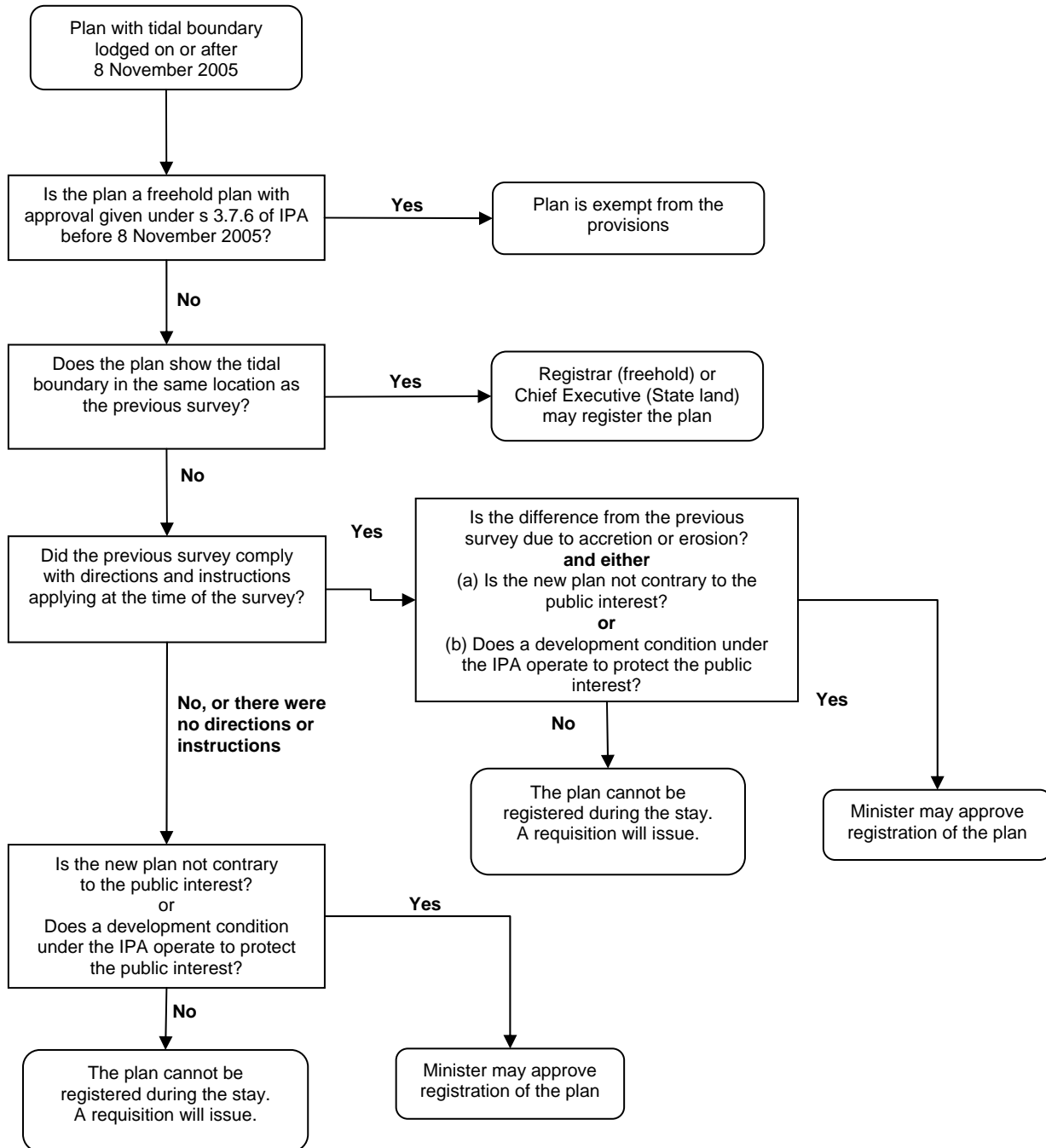
In this case, searching of State archives for survey instructions and the surveyor's report will be required, and as such early contact with the department is warranted.

**Case 6: Plan of survey with a tidal boundary resurveyed in a different location to the previous registered plan, and there were no directions or instructions applicable at the time of the previous survey.**

- Boundary is labelled as 'HWM'.
- See section 4.4.1.2 for directions made in Queensland.
- The information normally required for the redefinition of an ambulatory boundary must be included in the survey records (see section 4.5.1), together with:
  - evidence that research has been carried out to determine what instructions were issued for the previous survey
  - relevant information to assist the Minister in reaching a decision on whether the new location of the boundary is contrary to the public interest or not, or relevant information to indicate that the public interest is protected by a development condition under the IPA.

In this case, searching of State archives for survey instructions and the surveyor's report will be required, and as such early contact with the department is warranted.

The diagram below illustrates the amendments under Chapter 7, Part 3B of the *Land Act 1994* or Part 10A of the *Land Title Act 1994*.



#### 4.4.1.2 Directions to surveyors

#### Information

The table below indicates the date of effect for directions made in Queensland:

Date of effect	Name of directions	Statutory basis
July 1863	Directions to Surveyors attached to a letter	Pursuant to practice in the Surveyor-General's department
24 March 1871	Memorandum relative to the description of Boundaries of Land granted with Frontage to the Sea, Navigable Rivers—or Water Courses	Pursuant to practice in the Surveyor-General's department

Date of effect	Name of directions	Statutory basis
25 January 1875	General Instructions for the Guidance of District Surveyors	Pursuant to practice in the Surveyor-General's department
18 July 1878	General Directions for the Guidance of Surveyors	Various statutes dealing with land
15 October 1889	Directions for the Guidance of Surveyors	Various statutes dealing with land
7 March 1890	General Directions for the Guidance of Licensed Surveyors	<i>Real Property Act 1877</i>
12 October 1898	Rules and Directions for the Guidance of Surveyors	<i>Land Act 1897</i>
26 May 1910	Directions for the Guidance of Surveyors effecting Surveys under the Real Property Acts 1861 and 1877	<i>Land Surveyors Act 1908</i>
21 August 1916	Rules and Directions for the Guidance of Surveyors	<i>Land Act 1910</i>
11 August 1928	Directions for the Guidance of Surveyors effecting Surveys under the Real Property Acts 1861 and 1877	<i>Real Property Act 1861 and Real Property Act 1877</i>
19 April 1945	Letter from Secretary of Lands requiring use of iron pins as permanent survey marks	<i>Land Surveyors Act 1908 to 1916</i>
31 March 1964	Rules and Directions for the Guidance of Surveyors	<i>Land Surveyors Act 1908 to 1916</i>
4 May 1978	Directions to Surveyors	<i>Surveyors Act 1977</i>

**Table 6 Historical directions to surveyors**

#### 4.4.2 Land below HWM

##### **Standard under the SMI Act**

For dealings under the *Land Act 1994*, land below HWM is identified by a separate lot number to land above HWM.

#### 4.5 Redefinition of ambulatory boundaries

##### **Standard under the SMI Act**

In a strict legal sense, the limit of land bounded by a river or stream is the bed and banks of the watercourse or HWM, and not necessarily the position where the surveyor thinks or locates those limits to be. That is to say, at a point in time, the owner of land bounded by a watercourse will hold the same land, no matter which plan is the relevant registered plan or what feature has been adopted by the surveyor. In the last resort, should the matter result in a legal dispute, a court will decide the boundary position.

Where an ambulatory boundary is surveyed, each case will be decided on the basis of the relevant legislation, case law, present evidence on the ground, previous legal opinions and the original survey to ensure that interests of the State and the registered owner are protected. Surveyors should firstly ascertain whether the watercourse is tidal or non-tidal. A limited number of watercourses have downstream or upstream tidal limits declared under the Water Regulation 2002. Maps of these declared limits can be downloaded from the department's website <[www.nrw.qld.gov.au/water/declaredareas/downstream.html](http://www.nrw.qld.gov.au/water/declaredareas/downstream.html)>. The department, in consultation with the Environmental Protection Agency, is in the process of working towards declaring the tidal point on all watercourses that meet tidal waters.

It is the responsibility of a cadastral surveyor to reinstate any boundary after considering all the facts (evidence) that may influence that decision. This includes ambulatory boundaries.

Any change in the location of an ambulatory boundary through the application of the doctrine of 'gradual and imperceptible' movement must be justified. The onus of 'proof' lies with the claimant.

A change in an ambulatory boundary may not be the result of a movement of the feature, but a ‘misidentification’ or ‘misdescription’ of the boundaries of the land. These terms are used to indicate that the original survey did not correctly identify the boundary of the land. For any such cases, the investigation of the facts substantiating the claim and report to be supplied is the same.

The construction of a retaining wall outside the line of natural ambulatory boundary does not, in itself, alter the boundaries of a lot. Encroachments over ambulatory boundaries are unacceptable and must be resolved with a State Land Asset Management (departmental) action. Resolution of an encroachment may be by way of removal of the encroachment or by action to seek tenure for the reclaimed land. The boundaries of reclaimed land must be right line boundaries. Encroachment in this context applies to any artificial structure or improvement, noting that it usually applies to buildings, but in the case of ambulatory boundaries, would include **any** construction of rock (or other substance including landfill) walls beyond the original ambulatory boundary (i.e. reclamation).

If, by extending original boundaries to intersect the new ambulatory boundary, the rights and interests of adjoining owners are affected, or may in the future be affected, the extension of the original boundary should be made at right angles to the centre thread of the stream.

#### 4.5.1 Reports of redefinition surveys

Where plans of survey purport to ‘redefine’ an ambulatory boundary, regardless of what caused the necessity for the redefinition, the following information must be deposited as survey records, regardless of whether the surveyor is accredited or not:

- substantial report addressing:
  - location as determined by original surveyor and any subsequent surveys
  - extant evidence of determination by previous surveyor(s)
  - description, stability and permanency of the feature(s)
  - application of statute to the new determination
  - relevant photographs demonstrating case
  - a specific statement regarding the extent of any movement and whether that movement is **significant** or **not significant** (see below).
- evidence that the new boundary does not affect or encroach onto the property on the opposite side. If an encroachment is apparent, the requirements as per sections 18 and 19 of the Survey and Mapping Infrastructure Regulation 2004 apply
- copy of subject plan showing, plotted on the face, the boundary position as determined by previous surveyors
- for cases of **significant** movement or difference, a report on the investigation undertaken to establish that such movement has satisfied the doctrine of accretion (or erosion). If this doctrine can not be satisfied, then on what basis is the additional land claimed
- such other evidence as is considered appropriate.

##### 4.5.1.1 Use of section 358(2)(b) of the Land Act for non-tidal boundaries

See section 9.2, ‘Action statements’, page 90.

Section 358(2)(b) permits an owner to surrender a deed where the boundaries of the land have significantly changed because of erosion or by gradual and imperceptible degrees, so that a new deed can be issued. For three years from 8 November 2005, section 358(2)(b) does not apply to tidal boundaries.

The following is part of an opinion by the Principal Legal Officer in the department where he notes the presence of the word ‘significantly’ in section 358(2) of the *Land Act 1994* and states:

<sup>3</sup>*In my opinion, the presence of the word “significantly” in paragraph (b) is important.*

*The word “significant” is defined by the Shorter Oxford English Dictionary to mean, among other things, “important” or “notable”, while the Macquarie Dictionary gives its meaning as “important” or “of consequence”.*

<sup>3</sup> Principal Legal Officer, Department of Natural Resources 1995

*Thus in the context of the question (whether Section 358(2) must be used to adjust an ambulatory boundary that has had slow and imperceptible movement, either erosion or accretion), the provisions of Section 358(2) need not be implemented unless it can be shown that the change in the boundary has been significant. As to what is a significant change in any particular case will be a question of fact to be answered by appropriately qualified persons by reference to all of the relevant circumstances affecting that case.'*

In dealing with movement of ambulatory boundaries, a surveyor should provide sufficient information in his report to justify his determination as to whether the movement of such a boundary is significant or not significant. In making his determination, the following factors should be considered:

- the location, value, zoning and size of the parcel affected by the ambulatory boundary
- the extent of the change
- the age, accuracy and scale of the original determination
- the regulations in force at the time of that determination.

In general, the department would consider movement to be **not significant** where the differences can be explained by:

- differences in measurements caused by differences in measurement techniques
- errors in scaling off an old plan
- an obviously erroneous location of a watercourse boundary
- minor differences in location.

The department reserves the right to carry out its own investigation and inspection of any ambulatory boundary that has moved and to make its own assessment as to whether the movement is gradual and imperceptible, and/or significant or not significant.

## 4.6 Title amendment for riparian boundaries

### **Standard under the SMI Act**

1. Title amendment where the movement, whether accretion or erosion, is gradual and imperceptible and **not significant**:

Where it is found on resurvey of a freehold riparian boundary that, according to the interpretations of the laws in place at the time of resurvey, the watercourse or high water mark boundary has moved by gradual and imperceptible means, and that the difference is not significant, the riparian boundary may be adjusted to the new determination by the lodgement and registration of a freehold plan of resurvey (section 50 of the *Land Title Act 1994*; section 358 of the *Land Act 1994*). Under Part 10A of the *Land Title Act 1994*, the Minister's consent will be required for the registration of a plan of a tidal boundary that has moved due to accretion or erosion.

2. Title amendment where the movement, whether accretion or erosion, is gradual and imperceptible and **significant**:

Where it is found on resurvey of a freehold riparian boundary that, according to the interpretations of the laws in place at the time of resurvey, the watercourse boundary has moved by gradual and imperceptible means, and that the difference is significant, the riparian boundary may be adjusted to the new determination by the lodgement of a State land plan of resurvey, and the surrender of the current title to the land and regrant of a new deed under the provisions of section 358(2) of the *Land Act 1994*. Under Chapter 7, Part 3B of the *Land Act 1994*, this process cannot be used for a tidal boundary that has moved due to accretion or erosion.

3. Where the movement, whether addition or loss, is not gradual and imperceptible:

Where it is found on resurvey of a freehold riparian boundary that the watercourse or high water mark boundary has moved by other than gradual and imperceptible means, including by reclamation or dredging, the riparian boundary may be adjusted to the new determination by the lodgement of a State land plan of resurvey, and the surrender of the current title to the land and regrant of a new deed under the provisions of section 358(1) of the *Land Act 1994*.

In the case of addition, arrangements must be made with the department to purchase the additional land (see section 10 of the *Land Act 1994*).

In certain cases, some of the land abutting a riparian boundary may, on investigation, be considered to be by accretion while the balance may be deemed to be reclaimed. The land that is deemed to be accreted is included at no cost, while the reclaimed land has to be purchased from the State. The different areas must be delineated on the plan, given an area and covered by appropriate action statements.

In the case of loss (i.e. by dredging), it may be possible to deal with the amendment of the riparian boundary by the lodgement and registration of a freehold plan of survey subdividing the lost land off into a lot for transfer to the State. Application should be made to the department to ensure that they will accept the transfer. If this approach is adopted, the boundary between the land retained and the land to be transferred, although shown as a curvilinear boundary is not considered to be an ambulatory boundary. Generally, this method of dealing with a loss is not recommended.

## 4.7 Natural features as boundaries

### *Standard under the SMI Act*

See section 3.24, 'Natural boundaries', page 43.

See section 9.58, 'Watersheds', page 120.

Other natural features may be adopted as cadastral boundaries (e.g. a cliff, watershed). With the passage of time and the influence of natural events, these boundaries may change. For any plans that purport to define such boundaries in changed positions, the requirements of this section will need to be satisfied.

For an example of a cliff boundary, see RP97503.

## 5. Approvals

### 5.1 General

#### **Information**

Approvals and/or consents referred to in this section are not necessarily a survey requirement but may be required to enable the plan to register or, in the case of State land, for the proposed action to be completed.

Generally, consents etc. are noted on the back of the plan.

### 5.2 Amalgamations

#### **Information**

See section 50(h) of the *Land Title Act 1994*.

### 5.3 Beach Protection Authority

#### **Standard under the Beach Protection Act**

See section 45 of the *Beach Protection Act 1968* (now repealed).

See section 179 of the *Coastal Protection and Management Act 1995*.

The *Beach Protection Act 1968* has been repealed and is replaced by the *Coastal Protection and Management Act 1995*.

Where local government development approval prior to 20 October 2003 required the consent of the Beach Protection Authority on the reverse of the plan, there are transitional arrangements that allow for that Authority to provide such consent.

For development approval after 20 October 2003, for reconfiguration of land wholly or partially within a coastal management control district, the local government acting as assessment manager grants approval to the plan. As the Environmental Protection Agency (EPA) is a concurrence agency to the development approval, no endorsement by the EPA is required on the plan.

### 5.4 Border surveys (state border of Queensland)

#### **Standard under the SMI Act**

See section 9.50, 'State boundary', page 117.

See the *Queensland Boundaries Declaratory Act 1982*.

See *Redefining the Queensland – New South Wales border: guidelines for surveyors*, <[www.lands.nsw.gov.au/about\\_us/publications/guidelines/border\\_guidelines](http://www.lands.nsw.gov.au/about_us/publications/guidelines/border_guidelines)>.

All surveys in areas adjoining state borders must be undertaken in collaboration with the organisation responsible for surveying in the adjoining state.

Where a survey is adjacent to a state border the local senior surveyor should be contacted for advice and coordination of the survey activity with the adjoining jurisdiction.

For surveys abutting New South Wales, the requirements of the approval process can be found in the publication *Redefining the Queensland–New South Wales border: guidelines for surveyors*<sup>4</sup>.

Information on sovereignty and maritime boundaries between Australia and the former Independent State of Papua New Guinea can be found within the *Torres Strait Fisheries Act 1984*, wherein the Torres Strait Treaty is repeated in the schedule.

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<sup>4</sup> Completed plans should be forwarded to the local senior surveyor. The local senior surveyor will arrange for the plan to be approved by the Director of Surveys in Queensland and the Surveyor-General in New South Wales prior to being returned to the surveyor for lodgement.

## 5.5 Canals

### **Standard under the Land Title Act**

See section 9.9, 'Canals', page 94.

The *Canals Act 1958* has been repealed however there are transitional arrangements under the *Coastal Protection and Management Act 1995*:

- If development approval for the creation of a canal has been granted prior to 20 October 2003, subsequent endorsement of the plan with respect to the canal is carried out under transitional arrangements by *Beach Protection Authority*.

The lot is given a lot number and described as '(CANAL)'.

- If development approval is granted subsequent to 20 October 2003 for the creation of a canal, access channel, or artificial waterway, such approval would be granted by the local government acting as assessment manager under the *Integrated Planning Act 1997*.

In Item 2 on the survey plan, additional words are required to be endorsed by the local government:

*XYZ Local Government certifies that the waterway shown on this plan, and any access channel associated with the waterway, is constructed in accordance with the development approval for the waterway and/or if the waterway is not a canal, satisfactory arrangements have been made, or will be made, for the maintenance and management of the waterway.*

*S119(2)(a) Coastal Protection and Management Act 1995*

*S119(2)(b) Coastal Protection and Management Act 1995*

***Signed and sealed by XYZ Local Government***

Subsequent sealing of the plan is carried out by the local government.

The lot is given a lot number and described as '(CANAL)' or '(ACCESS CHANNEL)' or '(ARTIFICIAL WATERWAY)' as appropriate.

On subsequent plans, these lots are described with the lot/plan description and the word '(CANAL)' or '(ACCESS CHANNEL)' or '(ARTIFICIAL WATERWAY)' as appropriate is shown on the face of the plan.

### 5.5.1 Freehold land

#### **Standard under the SMI Act**

Under section 9(d) of the *Canals Act 1958*, canals can only be created by a plan, which is endorsed with the details of the relevant executive minute. The date that the clerk of the executive council signs the plan must follow the date of the local government consent. There is no time limit on the executive minute.

The canal must be transferred to the State. Registration of the plan will be delayed until the transfer to the State is also capable of registration.

If encumbrances exist, these must be surrendered before the transfer to the State.

### 5.5.2 State land

#### **Standard under the SMI Act**

For canals created on State land development leases, show the word 'CANAL' as appropriate.

## 5.6 Catchment areas

### **Information**

See section 11.4, 'Declared catchment areas', page 128.

Section 258 of the *Water Act 2000* allows a regulation to declare a catchment area. Catchment areas are defined in Schedule 5 of the *Water Regulation 2002*. They are described on administrative plans (APs).



## 5.7 Channel/drain areas

**Information**

See section 9.17, 'Channel/drain', page 104.

Unless the plan is signed by the Director-General of the department, or his delegate, as registered owner, the plan must be endorsed by the Director-General of the department to precede local government consent and a transfer to the State must be lodged. There is no time limit on the approval of the Director-General of the department.

## 5.8 Easements

**Standard under the Land Title Act**

Section 83(2) of the *Land Title Act 1994* commenced on 25 May 2001.

- Any plan of survey not registered in the Land Registry prior to 25 May 2001, and which is referred to in an instrument of easement for access to a lot from a constructed road executed on or after 25 May 2001, must be approved by the local government in the appropriate item on the reverse of the Form 21, Version 2.
- Plans of survey registered in the Land Registry prior to 25 May 2001 and referred to in an instrument of easement for access to a lot from a constructed road executed on or after 25 May 2001, will not require an approval by the local government.
- Where an instrument of easement for access to a lot from a constructed road uses one or more existing easement descriptions as shown on one or more registered plans of survey, all of those plans of survey will need to satisfy (1) or (2) above as appropriate.
- Plans of proposed easements only, lodged on or after 25 May 2001 will continue to be accepted by the Land Registry without local government approval (the purpose of easement is not disclosed (nor permitted) on the plan. However, if this plan is to be referred to in an instrument of easement for access to a lot from a constructed road that is executed on or after 25 May 2001, (1) above must be satisfied.
- The term 'constructed' in section 83(2) of the *Land Title Act 1994* is to be taken to mean a dedicated road.

## 5.9 Forest entitlement areas (FEAs)

**Information**

See section 2.9, 'Reservations in title', page 5.

See section 3.6.4, 'Multiple line areas', page 13.

See section 9.25, 'Forest entitlement areas (FEAs)', page 108.

See sections 26B and 26C of the *Land Act 1994*.

Forest entitlement areas (FEAs) were first introduced into the *Land Act 1962* in 1974 in order that the State may manage areas for the production of indigenous timber and associated products in perpetuity. FEAs applied to leases under the Land Act that could be converted to a freeholding tenure such as GHPL and GHFL. (See 'Glossary' for a definition of forest entitlement areas.)

When first introduced, the leases were issued over the gross area of the lease without any adjustment for the FEA reservation. This occurred since in most cases there were no surveyed dimensions available for the FEA and areas were not known with any degree of certainty.

While FEAs appear on plans held by the department and show calculated areas they are not cadastral surveys in terms of the *Survey and Mapping Infrastructure Act 2003*. In general, FEAs were surveyed by persons who are not endorsed to perform cadastral surveys.

**Standard under the SMI Act**

State leases that are subject to an FEA must show the FEA as a reservation in title. If the FEA is surveyed, the extent of the FEA must be shown on the face of the plan in hairline. The area of the lot must show a multiple line with an exclusion for the FEA.

If the State has not taken possession of the land that is covered by the FEA under the *Acquisition of Land Act 1967*, a deed of grant is issued with the FEA as a reservation in the grant. Alternatively, if the State is to take possession of the land covered by the FEA at the time of freeholding, a survey plan may be required to correctly define that land to be freeholded and the land to be held by the State.

### **Guideline under Standard 5.9, 'Forest entitlement areas'**

Since an FEA is a reservation in title no dedicated access to the FEA is required.

## **5.10 Leases**

### **Standard under the Land Title Act**

See the *Land title practice manual*, clause 7-0050.

Refer to sections 1.3.2, 1.3.5 and 3.7.1A of the *Integrated Planning Act 1997*.

For leases under the *Land Title Act 1994*, local government approval is required, if options and term exceed 10 years. The lease document requires approval. The plan does not require approval.

For any leases in leasehold land, including reserves, State forests, and national parks, the approval of the Minister is required and the local departmental office should be contacted. Refer to Chapter 6, Part 4, Division 3, of the *Land Act 1994*.

**Note:** Leases in lots under the *Building Units and Group Titles Act 1980*, may require local government approval. See section 8(2)(b) of that Act.

## **5.11 Local government boundary**

### **Information**

See section 3.11.4, 'Compiled plan of large unsurveyed parcel', page 29.

If land represented on a plan falls within more than one local government, the consent of each local government is required

## **5.12 Local government consent**

### **Information**

Local government consent is required for all plans of subdivision of freehold land whether by compilation or survey **except:**

- acquisitions only—sections 3.7.8.(1)(a) and 3.7.8.(1)(b) of the *Integrated Planning Act 1997* (IPA):
  - if section 3.7.8(1)(b) is utilised, the registered owner **must** sign the plan in Item 1 and the constructing authority's or authorised electricity entity's certification of the use of section 3.7.8 (1)(b)
  - if separate lots are created in addition to the acquisition, local government consent is required in addition to the constructing authority's certification of the use of section 3.7.8 of the IPA
- plans lodged for and on behalf of the State—section 3.7.8.(1)(c) of the IPA
- subdivisions under the *Property Law Act 1974*, Part XI, section 185 (1)(b), 'Order of Supreme Court for relief in respect of encroachment'
- plans of amalgamation (section 50(h) of the *Land Title Act 1994*)
- easement (other than easement of access to a lot from a constructed road, see note below), covenant, lease and profit a prendre plans (not a subdivision as per section 49 of the *Land Title Act 1994*)
- plans of resurvey only (section 50(h) of the *Land Title Act 1994*)
- actions by a port corporation for actions within lands vested in those corporations under an Act. Note section 3.7.8.(1)(d) of the *Integrated Planning Act 1997*. (By section 504 of the *Land Act 1994* it is envisaged that all strategic port land will either have a deed of grant or a perpetual lease under the provisions of the *Land Act 1994*. With the removal of vested land, these corporations will be subject to normal approval processes of the estate of the land so held).

The requirements for the local government to approve a plan of subdivision are contained in Chapter 3, Part 7 of the IPA. The prescriptive requirements of the Local Government (Planning and Environment) Act have not been continued in the IPA. The IPA provisions concentrate more specifically on the local government checking whether the plan is consistent with relevant approvals under the Integrated Development Assessment System.

### **Standard under the Integrated Planning Act**

The responsibility for ensuring that the survey plan is correct at the time of presentation to the local government rests with the surveyor. Plans must be lodged in the Land Registry within six (6) months of local government consent or a fresh consent obtained, section 3.7.6 of the IPA (see note below).

Subdivision includes standard, building and volumetric format lots as defined in sections 49–49C of the *Land Title Act 1994*.

**Note:** The IPA does not require any instrument of easement be approved by the local government. However, section 83(2) of the *Land Title Act 1994* requires plans of easements creating access from a lot to a constructed road be approved by the local government. See section 5.8, ‘Easements’, page 71.

**Note:** Withdrawal and relodgement under sections 53 and 159(6) of the *Land Title Act 1994* does not affect the lodgement date for local government consent. See section 2.11, ‘Withdrawal and relodgement of plans’, page 6.

## **5.13 Local government conditional consent**

### **Information**

**Return to section 5.2, ‘Amalgamations’, page 69.**

**See section 5.13.1, ‘Consent shown on plan only’, page 73.**

**See section 5.13.2, ‘Consents registered on title’, page 73.**

For new surveys, the Registrar of Titles has advised that under the IPA there is no legislative provision that allows for conditions to be included in the local government approval on the plan. The provisions of section 97A of the *Land Title Act 1994* may be utilised by local government to register a condition that lots may not be transferred separately.

However, conditional consents may exist on a registered plan or on the title of a lot and may need to be addressed if the lot is affected by survey.

### **5.13.1 Consent shown on plan only**

#### **Information**

**See section 3.33, ‘Resurveys’, page 52.**

Where multiple parcels of land are compulsorily held in one title by virtue of a condition in a local government consent on a plan only, separate titles may be issued if the appropriate local government grants approval to the removal of the conditional consent and submits this decision in writing to the Registrar of Titles.

Prior to 1948 there was no legislative authority for local governments to conditionally consent to a plan of subdivision. The *Local Government Act 1936* was amended in 1948 to add section 34A(3) (12 Geo.VI No 49, 1948, assented to and commenced 9 December 1948), and provide this authority. Accordingly, conditions placed on plans prior to 1948 are invalid. A common noting on these plans was ‘lots to be held in the one ownership’.

Where an application is received for separate titles to lots over a plan that bears a notation of this nature, the Registrar of Titles will, prior to issuing separate titles:

- on plans with the consent prior to 9 December 1948, issue titles with no further action
- on plans after 1948, require local government consent. As a minimum, the council will have to provide their consent in writing on paper that contains their letterhead.

The plan will be noted that the conditional consent no longer applies.

### **5.13.2 Consents registered on title**

#### **Information**

**See the *Land title practice manual*, clause 21-2240, ‘Cancellation of agreement’.**

Conditional consents under section 5.8 (3) or section 4.17 of the *Local Government (Planning and Environment) Act 1990* are registered on the title. These consents may be varied in whole or in part. See the *Land title practice manual*.

### 5.13.3 Consent affected by survey

#### **Standard under the Land Title Act**

See the *Land title practice manual*, clause 21-2215, 'Agreement under *Local Government (Planning and Environment) Act 1990*'.

See the *Land title practice manual*, clause 21-2240, 'Cancellation of agreement'.

Conditions (either on the plan or on the title) in a prior local government consent must be waived or varied when one of the parcels being the subject of the condition is being subdivided.

There are two options, namely:

- local government must vary or remove its condition by the lodgement of appropriate documents with the Registrar of Titles
- the survey must satisfy the condition.

### 5.14 State development leases

#### **Information**

Surveys for state development leases should conform with the usual local government subdivision requirements (see the approval conditions of development lease) but are endorsed by the local departmental delegate prior to the plan being lodged in the Land Registry.

### 5.15 State land actions

#### **Information**

See section 7.6.5, 'State forests', page 84.

See section 9.2, 'Action statements', page 90.

Actions such as road closures, subdivision of, easements in, or other actions on, State leasehold land or any other plan dealing with State land are dealt with under the provisions of the *Land Act 1994*. A formal application is required to be made to the department for any action under the *Land Act 1994*. The department will investigate the matter and provide a formal response to the applicant. If the application is approved, the department's letter of offer will detail any actions required, the applicable sections of the *Land Act 1994*, and other general departmental processes relevant to the application.

Plans in this category all require the consent of the Minister, and are then subsequently lodged in the Land Registry for completion of the necessary action. Your attention is drawn to section 299A of the *Land Act 1994* regarding the non registration of documents. It is recommended that any required survey not be carried out until written approval of the proposal is received. It is the responsibility of the surveyor to ensure any plan is suitable for the action, and is in agreement with the department's letter of offer. Where the surveyor is unclear or uncertain of the requirements, the surveyor should contact the writer of the letter and/or the local senior surveyor for clarification. Any changes, should be discussed, and approved, prior to finalising the plan.

A plan completing a State land action is to identify the eLVAS file reference in item 4 on the back of the plan.

Plans for which the department is simply a depositary (not an action under the *Land Act 1994*) include plans prepared under the Harbours Act, Port of Brisbane leases, etc.

## 6. Easements

### 6.1 Definition

#### Information

See section 9.20.2, 'Secondary interest', page 105.

See section 9.30, 'Linework', page 110.

See the *Land title practice manual*, clause 9-0000.

See the *Registrar of Titles directions for the preparation of plans*, Part 6, 'Easements',

<[www.nrw.qld.gov.au/property/titles/rdpp/part\\_6.html](http://www.nrw.qld.gov.au/property/titles/rdpp/part_6.html)>.

From the *Land title practice manual*:

*'An easement is a right annexed to land to utilise other land in a particular manner. It does not involve the taking of any part of natural produce of the land or any part of its soil. It may, however, prevent the owner of the other land from utilising his/her land in a particular manner.'*

*An example of an easement is where one owner (of the "burdened lot") allows another owner (of the "benefited lot") to pass over his/her land.*

*The land advantaged by the easement is called the "benefited lot" or "dominant tenement". The land over which the easement is granted is called the "burdened lot" or "servient tenement". The benefit of an easement runs with the benefited lot, i.e. it passes from one owner to the next, and the burden of the easement runs with the burdened lot. Therefore, all future owners of the burdened lot are bound by the easement, unless it is surrendered or extinguished.*

*Generally, for an easement to exist there must be a benefited and a burdened lot. The exception to this is the case of an "easement in gross" (where there is a burdened lot only) to serve the purposes of local government or a government instrumentality.*

*An easement (other than an easement in gross) must accommodate the benefited lot and contribute to the full enjoyment of the benefited lot. Although the burdened lot need not necessarily be adjacent to the benefited lot, the easement must be capable of being reached by the owner of the benefited lot without trespass on other property (*Re Maiorana and the Conveyancing Act (1970) 92 WN (NSW) 365*). *Re Ellenborough Park [1956] 1 Ch 131* is the landmark case which established the essential characteristics of an easement, namely:*

- (a) There must be a benefited lot and a burdened lot.*
- (b) An easement must 'accommodate' the benefited lot.*
- (c) Benefited and burdened lot owners must be different persons. [However, see \* below.]*
- (d) A right over land cannot amount to an easement unless it is capable of forming the subject matter of a grant.*

**Note:**

- (i) As previously mentioned, easements in gross are not required to exhibit the characteristics in (a) and (b) above.*
- (ii) Section 86 of the Land Title Act 1994 allows easements to be granted if the benefited and burdened lot are owned by the same person. It is sometimes a matter of great difficulty to determine whether a particular 'right' is capable of forming the subject matter of a grant. Some examples will demonstrate this:*
  - An easement over the whole of the land is capable of forming the subject matter of a grant;*
  - But it cannot confer **exclusive** rights, since it would then effectively be a lease or transfer (*Copeland v Greenhalf [1952] 1 Ch 488*);*
  - A right to provide a wind break is capable of forming the subject matter of a grant (*Ford v Heathwood [1946] QWN 11*);*
  - But a right to privacy is not (*Brown v Flower [1911] 1 Ch 219*).*

*Many other examples could be given of these difficulties. A further difficulty arises in attempting to distinguish easements from other rights.'*

\* Although the common law position is that benefited and burdened lot owners must be different persons, this has been modified by section 14 of the *Property Law Act 1974* and section 86 of the *Land Title Act 1994*.

## 6.2 Cane railway easements

### **Standard under the SMI Act**

See Appendix A, ‘Deemed tramway easements’, page 134.  
See the *Sugar Industries Act 1999*.

These were formerly referred to as tramway easements or deemed tramway easements. Under the provisions of the *Land Title Act 1994*, a cane railway easement (now referred to as a sugar access right under the provisions of section 63 (4) of the *Sugar Industries Act 1999*) is not registered against a title in the Land Registry, section 71 (5) of the *Sugar Industries Act 1999*. It may be recorded as an administrative advice under the *Land Title Act 1994*, and requires allocation if the land is subdivided.

However, some tramways are registered easements under the *Land Title Act 1994*. Where no plan of the easement is available, the centreline of the tramline track should be located relative to the lot boundaries. There is no requirement to mark the easement boundaries or their intersection with the lot boundaries. Recovery marks should be placed near the intersection of the centreline with the lot boundaries as well as at the tangent points and traverse points on curves. The plan must show the dimensions of straights and chords, the radii of curves, areas of the easement and the recovery marks placed.

## 6.3 Creation of easements

### **Standard under the SMI Act**

Easements, whether in freehold or non-freehold land, may be standard, restricted or volumetric.

Easements that do not cover the whole of the vertical extent of the lot are considered to be ‘restricted’. See the *Registrar of Titles directions for the preparation of plans*, section 6.5, ‘Easements limited vertically’, <[www.nrw.qld.gov.au/property/titles/rdpp/part\\_6.html](http://www.nrw.qld.gov.au/property/titles/rdpp/part_6.html)>.

Where an easement is to be created that affects multiple lots or separate parts of the same lot, a separate easement is required for each lot or part lot. See the *Registrar of Titles directions for the preparation of plans*, section 6.3, ‘Easements in parts’, <[www.nrw.qld.gov.au/property/titles/rdpp/part\\_6.html](http://www.nrw.qld.gov.au/property/titles/rdpp/part_6.html)>.

Overlapping easements are permitted. Other existing registered easements should be shown if they are located adjacent to the new easement.

An acceptable severance closure between the easement and lot boundaries in accordance with section 3.4.2, ‘Measurement accuracy’, is required. Where a satisfactory close cannot be obtained, sufficient check measurements should be shown in the survey records to ensure the integrity of the surveyor’s own work.

The parcel over which the easement is to be created does not need to be fully shown or dimensioned. However, sufficient information must be shown to enable the easement to be accurately located within the parcel.

### 6.3.1 Purpose of easement

#### **Standard under the SMI Act**

By direction of the Registrar of Titles, the purpose of an easement is not to be shown on the face of the plan. The easement document creates the easement and identifies the purpose. This requirement applies to any easement plan lodged in the Land Registry.

### 6.3.2 Standard easements

#### **Guideline under Standard 6.3, ‘Creation of easements’**

A standard easement covers the whole of the vertical extent of the parent lot that the easement refers to. Hence an easement in a volumetric lot, that is limited vertically only by the bounding surfaces of that lot, may be referred to as a standard easement and shown on a standard format plan.

### 6.3.3 Restricted easement

#### **Information**

See the *Registrar of Titles directions for the preparation of plans*, Part 6, ‘Easements’, <[www.nrw.qld.gov.au/property/titles/rdpp/part\\_6.html](http://www.nrw.qld.gov.au/property/titles/rdpp/part_6.html)>.

A restricted easement does not cover the whole of the vertical extent of the lot and is restricted by single continuous horizontal plane in either height or depth or both.

### 6.3.4 Volumetric easement

#### Information

See the *Registrar of Titles directions for the preparation of plans*, section 10.2, 'Volumetric format plans', <[www.nrw.qld.gov.au/property/titles/rdpp/part\\_10.html](http://www.nrw.qld.gov.au/property/titles/rdpp/part_10.html)>.

See the *Registrar of Titles directions for the preparation of plans*, section 10.6, 'Volumetric easements' <[www.nrw.qld.gov.au/property/titles/rdpp/part\\_10.html](http://www.nrw.qld.gov.au/property/titles/rdpp/part_10.html)>.

A volumetric easement must be bounded in all dimensions. A volumetric format easement does not cover the whole of the vertical extent of the lot and may not be bounded by a single continuous horizontal plane in either height or depth.

## 6.4 Freehold

#### Information

See section 9.20.2.2, 'Use of 'proposed'', page 106.

See section 11.6, 'Easement with titles issued', page 129.

See the *Land title practice manual*, clause 9-2020.

See the *Registrar of Titles directions for the preparation of plans*, Part 6, 'Easements',

<[www.nrw.qld.gov.au/property/titles/rdpp/part\\_6.html](http://www.nrw.qld.gov.au/property/titles/rdpp/part_6.html)>.

See the *Registrar of Titles directions for the preparation of plans*, Part 22, 'Allocations',

<[www.nrw.qld.gov.au/property/titles/rdpp/part\\_22.html](http://www.nrw.qld.gov.au/property/titles/rdpp/part_22.html)>

Easements may be created over undescribed balances.

### 6.4.1 Easements over land shown as public use land

#### Standard under the Land Act

Only registered easements for public utility purposes are able to remain over land shown as public use land on a survey plan, provided that the Minister's consent has been provided prior to the lodgement of the plan. If the easement is **not** to be continued on the public use land, it is not to be plotted on the face of the plan—see the *Land title practice manual*, clause 21-2140. No easements are able to remain over land dedicated as road.

Three alternatives are available for the creation of easements over land to be shown as public use land on a survey plan:

- prior to transfer
- at the time of transfer
- or
- after the transfer.

#### 6.4.1.1 Creation prior to transfer

Where new easements for public utility purposes are required over land shown as public use land that is to be transferred to the State on registration of a plan, the easements may be registered prior to the registration of the plan. Once registered, the easements may be dealt with as noted in section 372 of the *Land Act 1994*

#### 6.4.1.2 Creation at the time of transfer

Where new easements are required over land shown as public use land that is to be transferred to the State on registration of a plan, the easements may be defined on the plan that effects the transfer. The instrument of easement, duly executed by the delegate of the Minister, must be lodged with the plan. Hence the easement must not be described as 'proposed'. Practice Decision 1999-009 refers.

**Note:** Only easements for public utility purposes may be treated in this manner, and then only with the consent of the Minister. Easements created at the time of transfer may be charged for by the State.

### 6.4.1.3 Creation following the transfer

Following registration of a plan of subdivision showing public use land, or following the transfer of a lot to the state, any easements required must be created on a State land action plan.

## 6.5 Non-freehold

### *Standard under the Land Act*

See Chapter 6 Part 3 Division 8 *Land Act 1994*

In terms of section 362 of the *Land Act 1994*, easements may be created over non-freehold land, other than road, with the written approval of the Minister.

The use of 'proposed' for the State land action plans is the same as that for freehold land.

All easements over State land must be registered in the Land Registry. All plans of this nature (State land) will require approval by the delegate of the Minister **prior** to lodgement.

To obtain Ministerial consent for an easement, a draft of the easement document must be lodged with the department. The Minister's consent for easements **must** be provided to the applicant on a Land Registry Form 18 ('General consent') with any additional conditions of the Minister's consent provided on a Land Registry Form 20 (enlarged panel).

A native title assessment is performed prior to the registration of easements over State land.

An easement over land granted in trust, a lease or a licence ends when the deed of grant in trust, lease or licence ends, except if the easement is a public utility easement which may continue over USL with the Minister's approval.

### 6.5.1 Easements over reserves and unallocated State land

### *Standard under the Land Act*

See section 3.32.7, 'Resumptions from non-freehold land', page 52.

See departmental policy *Easement PUX/901/527*,  
<[www.nrw.qld.gov.au/about/policy/documents/3329/index.html](http://www.nrw.qld.gov.au/about/policy/documents/3329/index.html)>.

The State is the owner of reserves or parts of reserves, which are not subject to a term lease, and therefore the grantor of such easements.

Easements may be created over any reserve under the provisions of the *Land Act 1994*. However, there are no provisions in legislation that allow for the resumption for easement purposes over a reserve under the *Land Act 1994*. The rationale is that 'instead of excising land from reserves, it is more efficient to grant an easement over the reserve which continues to allow it to be used for its gazetted purpose' (PUX/901/527).

Where a reserve under the *Land Act 1994* has an easement registered against it, and a lease under the *Land Act 1994* has been applied for, and that lease affects the existing easement, it is a requirement that the applicant arrange for the creation of a new easement over the new lease and for the subsequent surrender of that part of the existing easement covered by the lease.

Conversely, when establishing an easement over a reserve that contains an existing State lease and that lease will be affected by the easement, it may be necessary to create separate easements for both the reserve and the lease. In such cases the senior lands officer, State Land Assesment Management, should be contacted in the local departmental office for advice.

When a reserve burdened by an easement is revoked, the easement must be resumed or surrendered, except if the easement is a public utility easement which may continue over USL with the Minister's approval.

### 6.5.2 Easements in leases over reserves for State forest or national park

### *Standard under the SMI Act*

As State forests and national parks are not reserves under the provisions of the *Land Act 1994*, easements cannot be created by resumption or agreement, **except** for easements in a State forest under the provisions of section 116A of



the *Electricity Act 1994*. These easements are arranged by the department, but are subject to the same provisions as other public utility easements.

However, where a lease issued under the provisions of the *Land Act 1994* exists over any reserve, including State forest, national park or park and recreation, etc., an easement may be created within the lease. An easement may be resumed from the lease. The easement is extinguished at the expiration of the term of the lease.

The easement must be described as:

*Easement <alpha> in Lease <alpha> on <plan that created the lease>*

## 6.6 Partial surrender of easement

### **Standard under the SMI Act**

The following is an extract from Part 10, ‘Surrender of easement’, *Land title practice manual*, clause 10-2000:

*‘Where the easement is to be only partly surrendered, the surrendered portion must be capable of precise definition. If the surrendered portion is not capable of precise definition, the area to be surrendered, or the area to remain in the easement, must be defined by a plan of survey drawn in accordance with direction 6 of the Registrar of Titles Directions for the Preparation of Plans. Alternatively the easement should be surrendered and a new easement created.’*

The use of sketch plans is not acceptable.

Some examples of ‘precise definition’ are:

- ‘All that part of Easement A in Lot 7 on SP123456’
- ‘Proposed Easement X on SP123456’

The use of an identification plan for the ‘precise definition’ is not acceptable. If a plan is required, it must be a plan of survey lodged in the Land Registry. Plan of survey is defined in Part 4 Division 2A of the *Land Title Act 1994*.

## 6.7 Specific actions

### 6.7.1 Easements by resumption

#### **Information**

See section 3.32, ‘Resumption actions’, page 49.  
See Chapter 5, Part 3, Division 1 of the *Land Act 1994*.

### 6.7.2 Easements over the whole of a lot

#### **Information**

Where an easement is over the whole of a lot, a plan of the easement is not required. In subsequent plans it is shown as an encumbrance on the plan in the normal manner with the description ‘Lot 1 on SP123456 (Easement), <Dealing Number>’.

### 6.7.3 New lot boundaries intersecting existing easements

#### **Information**

See the *Land title practice manual*, clause 9-2020.  
See the *Registrar of Titles directions for the preparation of plans*, section 4.21, ‘New lot boundaries and secondary interests’, <[www.nrw.qld.gov.au/property/titles/rdpp/part\\_4.html](http://www.nrw.qld.gov.au/property/titles/rdpp/part_4.html)>.

### 6.7.4 Road dedications over easements in all tenures

#### **Standard under the Land Act**

See section 10.2.1, ‘Creation of roads in freehold land’, page 122.  
See the *Registrar of Titles directions for the preparation of plans*, section 22.6.5, ‘Easements absorbed in new road’, <[www.nrw.qld.gov.au/property/titles/rdpp/part\\_22.html](http://www.nrw.qld.gov.au/property/titles/rdpp/part_22.html)>.

The dedication of road extinguishes all interests in that land, including any easements. Where a road is dedicated over a registered easement (other than a right-of-way easement or an easement for local government purposes to the local government consenting to the plan) by plan or by document, the consent of the grantee of the easement is required. The grantees consent is not required for dedication of a road over an access or a right-of-way easement, including a public thoroughfare easement, as the benefit is superseded by the road.

There are four possible situations for road dedications over easements. These are:

- where the grantee (other than the grantee of an access or a right-of-way easement) is the owner or lessee of another lot, their approval should be on a consent form (Form 18, *Land Title Act 1994*)
- where the grantee is a public utility, their approval should be on a consent form (Form 18, *Land Title Act 1994*)
- where the grantee is a local government but the easement lies in another local government area the grantee local government approval should be on a consent form (Form 18, *Land Title Act 1994*) and the approval should be under seal
- where the grantee is a local government and the easement lies within that local government's area, the local government's consent to the plan is sufficient approval.

## 7. Leases

### 7.1 Application of this section

#### Information

This section refers to leases under the provisions of Part 6, Division 2 of the *Land Title Act 1994* and to subleases under the provisions of Chapter 6, Part 4, Division 3 of the *Land Act 1994* only. Term leases under the provisions of Chapter 4, Part 3 of the *Land Act 1994* are a primary tenure and are not covered in this section.

### 7.2 Definition: freehold land

#### Information

The *Land title practice manual*, at clause 7-0000, defines a freehold lease as follows:

*'A lease is a contract between a lessor and a lessee whereby the lessor as registered proprietor grants to the lessee an estate or interest in land for a fixed term in consideration of the lessee paying rent. The lessee holds the leasehold estate during the term of the lease and the lessor holds the reversion, being the lessor's estate in the land subject to the lease. The leasehold estate is an asset of the lessee and may be assigned during the lessee's lifetime or upon his/her death.'*

*The lessee acquires exclusive possession of all or part of a lot as defined in s 4 of the Land Title Act 1994. The building or land being leased is called 'the demised premises'. Section 64 of the Land Title Act 1994 authorises registration of a lease or sub-lease over the whole or part of a lot. A lease may therefore cover:*

- *The whole of a lot;*
- *Part of a lot;*
- *The whole of a building erected on a lot;*
- *Part of a building erected on a lot;*
- *The whole of a lot in a building units plan or group titles plan;*
- *Part of a lot or the common property in a building units plan or group titles plan;*
- *Part of the common property in a community titles scheme.*

*A lease does not require registration to be valid (s 71 of the Land Title Act 1994), but if its initial term exceeds three years, it must be registered to achieve indefeasibility (s 184 and 185(1)(b) of the Land Title Act 1994).'*

In many respects, leases in State land are similar to leases in freehold land except that the Minister's approval is required before the lease may be registered. In State land, secondary interests are called 'subleases'. (See Chapter 6, Part 4, Division 3 of the *Land Act 1994*). A sublease may cover:

- the whole of a lot
- part of a lot.

### 7.3 Lease types

#### 7.3.1 Whole of the land

#### Standard under the SMI Act

Where a lease is to be registered over the whole of a lot, the lease is not to be described on a survey plan.

If a lease covers the whole of the lot, and it is desired to restrict it vertically, it must be dealt with as per section 7.3.9, 'Volumetric leases'.

#### 7.3.2 Leases for part of the land only

#### Standard under the SMI Act

##### 7.3.2.1 Freehold

See section 7.3.9, 'Volumetric leases', page 83.

See the *Land title practice manual*, Part 7.

See the *Registrar of Titles directions for the preparation of plans*, Part 5, 'Sketches', <[www.nrw.qld.gov.au/property/titles/rdpp/part\\_5.html](http://www.nrw.qld.gov.au/property/titles/rdpp/part_5.html)>.

A lease of part of a roof of a building is treated as a lease of part of the land

Leases of part of the land under the *Land Title Act*, must be on a standard, or volumetric format plan. Where applicable an explanatory plan may be utilised.

Many leases can be shown on the one plan, but at least one lease document must be lodged with the plan (*Boundarylines 9*, October 1998). The practice of using 'proposed' cannot be adopted for leases.

### 7.3.2.2 Leasehold

See section 335 of the *Land Act 1994*.

A lease of part of the land under the *Land Act 1994* (subleases) requires the approval of the Minister. Section 335 of the *Land Act 1994* states that a sketch may be lodged. However, as the lease is to be registered in the Land Registry, the Registrar of Titles requirement for a common plan form may take precedence. Reference to the 'approval letter' or the local departmental office should confirm the survey requirement prior to the survey.

Any long-term sublease (e.g. condominium and villa leases) is required to be surveyed (e.g. SP125981, SP131569). These plans do not conform to normal practice and the consent of the Registrar of Titles should be sought in the first instance if a similar plan is contemplated.

### 7.3.3 Leases for part of the building only

#### 7.3.3.1 Freehold

#### **Standard under the Land Title Act**

See section 65 of the *Land Title Act 1994*.

See the *Land title practice manual*, clauses 7-2205 to 7-2370.

See the *Registrar of Titles directions for the preparation of plans*, Part 5, 'Sketches', <[www.nrw.qld.gov.au/property/titles/rdpp/part\\_5.html](http://www.nrw.qld.gov.au/property/titles/rdpp/part_5.html)>.

Part of a building on a lot must be sufficiently identified either by means of a description satisfactory to the Registrar of Titles, or a sketch which conforms to the standard required by the Registrar of Titles.

#### 7.3.3.2 Leasehold

#### **Information**

In general, subleases under the *Land Act 1994* for part of a building are treated as a lease of part of the land.

### 7.3.4 Leases for the whole of a building

#### **Information**

#### 7.3.4.1 Freehold

See section 65 of the *Land Title Act 1994*.

See the *Land title practice manual*, clauses 7-2210 and 7-2220.

#### 7.3.4.2 Leasehold

In general, subleases under the *Land Act 1994* for the whole of a building are treated as a lease of part of the land.

### 7.3.5 Lease for the whole of a lot on a building format plan or group titles plan

**Information**

No plan is required. (See section 7.3.1.)

### 7.3.6 Lease for part of the common property in a community titles scheme

**Information**

If the lease in common property is not within a building, see section 7.3.2, 'Leases for part of the land only'.

If the lease is wholly within a building, see section 7.3.3, 'Leases for part of the building only'.

### 7.3.7 Lease for part of land and part of building

**Standard under the Land Title Act**

See the *Land title practice manual*, clause 7-2210.

The preferred option is to have a lease sketch for the 'part of the building', conforming to section 7.3.3, 'Leases for part of the building only', and a lease plan for the 'part of the land' conforming to section 7.3.2, 'Leases for part of the land only'.

Another option would be to have the 'part of the building' lease, prepared as a volumetric lease, conforming to section 7.3.9. This would entail two survey plans, one a standard format plan (for the part of land), the other a volumetric format plan (for the part of building).

### 7.3.8 A lease covering more than one lot

**Standard under the Land Title Act**

A lease over multiple lots is unacceptable (see the *Registrar of Titles directions for the preparation of plans*, section 4.8.2), except for a lease within a building over multiple lots (see section 5.1 of that document).

### 7.3.9 Volumetric leases

**Standard under the Land Title Act**

See section 7.3.1, 'Whole of the land', page 81.

A lease within a volumetric lot that covers the whole of the vertical extent of that lot is not a volumetric lease.

It is treated as a lease within a standard format lot.

Leases that are restricted in vertical extent are volumetric leases and must conform to the *Registrar of Titles directions for the preparation of plans*, section 10.7, 'Volumetric leases', <[www.nrw.qld.gov.au/property/titles/rdpp/part\\_10.html](http://www.nrw.qld.gov.au/property/titles/rdpp/part_10.html)>.

## 7.4 Description of leases

**Standard under the Land Title Act**

See section 3.17, 'Description of parcels', page 32.

See the *Registrar of Titles directions for the preparation of plans*, section 4.8, 'Parcels to be described', <[www.nrw.qld.gov.au/property/titles/rdpp/part\\_4.html](http://www.nrw.qld.gov.au/property/titles/rdpp/part_4.html)>.

The description conforms to that for secondary interests, and the *QSIC parcel identification standard*, <[www.qsic.qld.gov.au/QSIC/QSIC.nsf/CPByUNID/517BD8047A53D1E54A2570C00081EF77](http://www.qsic.qld.gov.au/QSIC/QSIC.nsf/CPByUNID/517BD8047A53D1E54A2570C00081EF77)>.

## 7.5 Subleases

**Standard under the Land Act  
Standard under the Land Title Act**

See the *Land title practice manual*, clause 7-2170.

For the preparation of a plan, a sublease is treated in the same manner as another new lease in the lot. Documentation lodged with the plan will clarify that the lease is a sublease. This applies to leases under the provisions of the *Land Title Act 1994* and the *Land Act 1994*.

## 7.6 Specific estates

See section 3.17, 'Description of parcels', page 32.

### 7.6.1 Deed of grant in trust

**Standard under the Land Act**

See section 7.3.2, 'Leases for part of the land only', page 81.

A deed of grant in trust is a freehold estate held in trust for a particular purpose. The empowerment and enabling legislation for the creation of leases within deeds of grant in trust is contained in the document that creates the estate. The legislation creating the estate will determine the type of plan and the approval required.

Section 57 of the *Land Act 1994* applies to the ministerial consent required before the lease can be registered under the provisions of the *Land Title Act 1994*. In all other respects it is a lease in freehold land.

### 7.6.2 National parks

**Information**

See section 124 of the *Land Act 1994*.

**Note:** Secondary tenure leases over part of the land in national parks require approval by the relevant authorities and the local departmental office should be contacted.

The approval letter will specify survey requirements, which is usually the lodgement of a standard format plan.

### 7.6.3 Vested land

**Information**

Refer to section 393(4) of the *Land Act 1994* and section 174(1) of the *Transport Infrastructure Act 1994*.

Dealings in vested land (e.g. ports) may be extremely complex and contact should be made with the local senior surveyor in the first instance.

### 7.6.4 Reserves

**Standard under the Land Act**

See sections 32, 57 and 59, and Chapter 6, Part 4, Division 3 of the *Land Act 1994*.

A lease over a reserve or part of a reserve requires the approval of the Minister, and is a lease between the State and the lessee as defined in the definitions of the lease. A sublease of such a lease would also require the approval of the Minister and be a sublease in terms of section 335 of the *Land Act 1994*.

For a trustee lease over a reserve the plan format requirement is at the discretion of the chief executive of the department that administers the *Land Act 1994*.

Reference should be made to the letter of offer, or the local departmental office to determine the lease being offered.

### 7.6.5 State forests

**Standard under the Land Act**

See section 3.17, 'Description of parcels', page 32.

See section 5.15, 'State land actions', page 74.

See section 124 of the *Land Act 1994*.

See section 35(2) of the *Forestry Act 1959*.

Queensland Parks and Wildlife Service (QPWS) manages State forests in Queensland. Approval of QPWS is required in the first instance. Secondary tenure leases over part of the land in a State forest are approved by QPWS under the provisions section 35 (2) of the *Forestry Act 1959*. The local office of the department administers that approval and issues the lease under the provisions of the *Land Act 1994*.

**Note.:** When excising from State forest, the plan should only cancel part of the State forest. The balance is dealt with by later actions. If the excision affects an existing secondary lease (e.g. term lease) a new plan is required to re-dimension the existing lease. It is suggested that the plan of the lease uses a new alpha descriptor, and not repeat the existing one.

The plan should be presented on a standard plan form

### 7.6.6 Reclaimed land

#### ***Standard under the SMI Act***

See section 4.5, 'Redefinition of ambulatory boundaries', page 65.

See section 5.15, 'State land actions', page 74.

See section 127 of the *Land Act 1994*.

Section 127 of the *Land Act 1994* refers to reclaimed land. The reclaimed land is USL, and under sections 14 and 15, the Governor-in-Council may grant a deed of grant or issue a lease over USL. If adding reclaimed land to an existing grant, the action is effected under section 358(f), and if to an existing lease, under section 360(f).

Survey requirements are no different to any other survey of USL for a deed to issue or a lease to issue. The boundaries of reclaimed land must be defined by right lines. Under section 127(4), if only part of the reclaimed land is being granted or leased, then a lot on plan description is required for the balance of the reclaimed area, so that it may be dealt with as a reserve or road.

## 8. Native title

### *Guideline under Standard 3.1, 'Aboriginal Land Act 1991 and Torres Strait Islander Land Act 1991'*

See section 3.1, 'Aboriginal Land Act 1991 and Torres Strait Islander Land Act 1991', page 8.

### 8.1 Acronyms

- 24KA Section 24KA of the *Native Title Act 1993* (Cth)
- AP Administrative plan
- ATS Automated Titles System
- CISP Computer Inventory of Survey Plans
- DCDB Digital Cadastral Data Base
- DMR Department of Main Roads
- DP&C Department of the Premier and Cabinet
- GPS Global Positioning System
- ILUA Indigenous land use agreement
- NTIC Native Titles Issues committee of the department
- NTS Native Title Services, Department of the Premier and Cabinet
- QSIIC Queensland Spatial Information Infrastructure Council
- SOM Surveyors Operations Manual, Surveyors Board of Queensland

### 8.2 Definitions

**24KA** Section 24KA of the *Native Title Act 1993* (Cth) <[www.austlii.edu.au/cgi-bin/disp.pl/au/legis/cth/consol%5fact/nta1993147/s24ka.html](http://www.austlii.edu.au/cgi-bin/disp.pl/au/legis/cth/consol%5fact/nta1993147/s24ka.html)> permits the authorisation, construction, operation, use, etc. of certain types of facilities to the public. This occurs after notification and consideration of any comments. The non-extinguishment principle applies to the dealing. This means that any native title rights and interests are not extinguished by the dealing notwithstanding that the dealing may affect native title.

**acquisition** An action where the native title rights and interests are compulsorily acquired by legislation such as the *Acquisition of Land Act 1967*. The acquisition action may:

- remove the whole of any native title rights. If proven in the future to have existed, any native title rights and interests are converted to a right to claim compensation. This action is known as an extinguishing action
- or
- remove only those native title rights and interests in so far as they are inconsistent with the purpose of the acquisition (e.g. acquisition of an easement for a specific purpose such as a power transmission line). If proven in the future to have existed, any native title rights and interests are converted to a right to claim compensation. This action is known as an extinguishing action, albeit partial.

**administrative plan (AP)** This term refers to an administrative plan deposited in the department (unless specifically stated to the contrary), and available for searching by the public. Description of the parcel satisfies the *QSIC parcel identification standard*, <[www.qsic.qld.gov.au/QSIC/QSIC.nsf/CPByUNID/517BD8047A53D1E54A2570C00081EF77](http://www.qsic.qld.gov.au/QSIC/QSIC.nsf/CPByUNID/517BD8047A53D1E54A2570C00081EF77)>, August 1997.

**determinations** Relevantly, this is defined in section 225 of the *Native Title Act 1993* (Cth) <[www.austlii.edu.au/au/legis/cth/consol\\_act/nta1993147/s225.html](http://www.austlii.edu.au/au/legis/cth/consol_act/nta1993147/s225.html)> to mean a determination whether or not native title exists in relation to a particular area. The determination is in the form of a court order.



**DMR R Plan** Plans prepared and held by Department of Main Roads for managing their requirements in relation to the development of road networks and relevant associated infrastructure.

**ILUA** Indigenous land use agreement. An ILUA may or may not be registered with the National Native Title Tribunal (NNTT) and may or may not extinguish native title rights and interest.

**R Plan** See DMR

**sketch plan** See **administrative plan**.

**survey plan** A survey satisfying the requirements of the *Surveyors Act 2003* and *Survey and Mapping Infrastructure Act 2003* and shown on a common plan form (Form 21, Version 2) as described in the *Registrar of Titles directions for the preparation of plans*. All parcels are described as a lot-on-plan.

[**Note:** There are many terms within the native title legislation that can be confusing to persons with a surveying background. The term ‘plan’ in this document is not to be confused with a native title claim plan which may consist in whole or in part of any combination of maps, survey plans, diagrams, written descriptions or similar.]

**surveyed status** The status of the boundaries and/or corners of a parcel in relation to having been previously marked by a surveyor. A parcel is referred to as ‘fully surveyed’ if all the boundaries and corners have been marked at some time. A parcel is referred to as ‘partially surveyed’ or ‘unsurveyed’ if at least one boundary or corner remains in an unmarked status. Surveyed means that the boundaries and corners have been marked in a manner that satisfies the requirements of the *Surveyors Act 2003* and *Survey and Mapping Infrastructure Act 2003*.

### 8.3 Introduction

Native title is a difficult and complex issue that is continuing to evolve. This section should assist in the determination of the need for and, if necessary, the type of plan required when an action affects native title rights and interests.

Situations may exist where the existing lot is unsurveyed and full survey is required for the action involving native title rights and interests. Clarity and certainty are paramount when dealing with native title rights and interests, and varying standards of information used in the past for dealings under the *Land Act 1994* may not be acceptable for native title rights and interests.

### 8.4 Native title

The term ‘native title’ can be misleading and is not to be confused with the term ‘title’ as used in the Torrens system. Where the term ‘native title’ is used, it has a meaning of ‘native title rights and interests’.

The *Native Title Act 1993*, section 223, defines native title or native title rights and interests as:

*‘the communal, group or individual rights and interests of Aboriginal peoples or Torres Strait Islanders in relation to land or waters, where:*

- (a) the rights and interests are possessed under the traditional laws acknowledged, and the traditional customs observed, by the Aboriginal peoples or Torres Strait Islanders; and*
- (b) the Aboriginal peoples or Torres Strait Islanders, by those laws and customs, have connection with the land and waters; and*
- (c) the rights and interests are recognised by the common law of Australia.’*

### 8.5 Legislation

See the *Native Title Act 1993* (Cwlth) <[www.austlii.edu.au/au/legis/cth/consol\\_act/nta1993147](http://www.austlii.edu.au/au/legis/cth/consol_act/nta1993147)>.

*Native Title (Queensland) Act 1993*.

Acquisitions—*Acquisition of Land Act 1967*, *State Development and Public Works Organisation Act 1971* and similar legislation.

## 8.6 Principle 1

If a determination of native title rights and interests has been made in a court of law, there should be a survey plan with a suitable lot-on-plan description for any parcel where native title rights and interests are either:

- proven to exist
- proven not to exist.

## 8.7 Principle 2

A parcel is required to be described in accordance with the *QSIC parcel identification standard*, <[www.qsic.qld.gov.au/QSIC/QSIC.nsf/CPByUNID/517BD8047A53D1E54A2570C00081EF77](http://www.qsic.qld.gov.au/QSIC/QSIC.nsf/CPByUNID/517BD8047A53D1E54A2570C00081EF77)> (August 1997), (e.g. lot-on-plan), if:

- a non extinguishment action under section 24KA of the *Native Title Act 1993* (Cth) attempts to define a specific area
- or
- an ILUA attempts to describe a specific area.

**Notes:** 1. A description on an AP is deemed suitable in these cases.  
2. If catalogued other than by an AP, plans should be entered into CISP and publicly searchable, but not necessarily held by the department (e.g. DMR plans)

## 8.8 Principle 3

When acquiring native title rights and interests, as per the *Acquisition of Land Act 1967* (or similar legislation), a sketch plan may be used (e.g. AP); however, if, in the future, native title rights and interests are proven to have existed over the subject land, a plan of survey **may** be required for clarity and certainty.

## 8.9 Principle 4

Where a plan is prepared for any purpose and that plan adequately describes the area subject to the native title rights and interests, no additional plan is required to address those native title rights and interests (e.g. native title rights and interests in Easement A in Lot 5 on RP123456 would be satisfactory for addressing native title rights and interests, as well as recording the easement).

## 8.10 Principle 5

The surveyed status of any parcel is not to be diminished.

## 8.11 Plan searching

Plans or sketches for native title rights and interests **only** are not part of the State's base cadastre and will not be recorded in the ATS. Consequently, such plans may not appear in the DCDB, but will be entered into CISP.

Constructing authorities using the *Acquisition of Land Act 1967* may produce sketch plans that are catalogued with the AP series and recorded in CISP and held in the department's plan registry. DMR plans may not be held in the department's plan registry, but should be recorded in CISP.

## 8.12 Hypothetical examples

These examples are illustrative only and are not to be used in the context that they are binding, as a number of alternatives may be available for any case. Care should be exercised that any alternative adopted does not impede future dealings with the land.

1. A constructing authority is widening an existing road by acquiring part of an adjoining reserve.

*Solution:* Prepare a survey plan of two lots—one lot for the new road and the other lot for the balance of the reserve. The lot for the new road can also be used for extinguishing native title rights and interests, and dedicated as road under the *Land Act 1994*.

2. A major infrastructure project involving an easement. An ILUA is entered into with the local native title holders. The easement route crosses creeks and rivers.  
*Solution:* AP acceptable. A survey plan using the adjoining survey information would be more appropriate.
3. Botanical gardens: It is proposed to construct a bitumen formation for the purpose of allowing the public and visitors easier access around the gardens. This is not a dedicated road; however, the construction of the pavement is likely to have an effect on the native title rights and interests.  
*Solution:* (a) Construction may be consistent with the purpose of the reserve—no action is required.  
(b) Section 24KA notification may be suitable—AP required.  
**Note:** The metes and bounds of the reserve are not changed.
4. Botanical gardens revisited: The road is for a public purpose.  
*Solution:* Excise the road from the reserve as per example 1; use a section 24KA notification.
5. An easement exists in a fully surveyed state and native title rights and interests are to be compulsorily acquired.  
*Solution:* No additional plans required.
6. DMR is constructing a new road that crosses a river and native title rights and interests are to be extinguished.  
*Solution:* AP is satisfactory. As the road up to the river will usually be surveyed, a survey plan for the river crossing could also be prepared.
7. DMR is constructing a new road and native title rights and interests are to be suppressed using section 24KA of the *Native Title Act 1993*  
*Solution:* AP is satisfactory. DMR 'R plan' could be used if the land is identified as per the *QSIC parcel identification standard*,  
<[www.qsic.qld.gov.au/QSIC/QSIC.nsf/CPByUNID/517BD8047A53D1E54A2570C00081EF77](http://www.qsic.qld.gov.au/QSIC/QSIC.nsf/CPByUNID/517BD8047A53D1E54A2570C00081EF77)> (August 1997) and the R plan has a catalogue number in the AP series.
8. Local government is dedicating a road through an **unsurveyed** pastoral holding over a road formation that was constructed illegally by the council.  
*Solution:* Prepare a survey plan of 2 Lots (Pastoral Holding balance and the road lot). Native title interests will be dealt with by section 24KA Notification or *Acquisition of Land Act 1967*. The road need not be fully surveyed; however, the road lot must be compiled from reliable searchable information, such as recent aerial photography or low order GPS centreline traverses. Small-scale (e.g. 1:100 000) topographic maps are not suitable as source information due to changing situations on the ground not reflected on the maps or inaccuracies in the plotted information shown on the maps.
9. A dam wall is to be raised to increase the storage capacity. Storage water will inundate watercourses, freehold and leasehold land, USL and roads.  
*Solution:* (a) Freehold land—not affected by native title interests  
(b) Leasehold land—acquisition of required areas; adjust lease  
(c) Watercourses—acquisition; AP could be used  
(d) Roads—acquisition; AP could be used

## 9. Plan standards

This section should be read in conjunction with the *Registrar of Titles directions for the preparation of plans* <[www.nrw.qld.gov.au/property/titles/rdpp/index.html](http://www.nrw.qld.gov.au/property/titles/rdpp/index.html)>.

### 9.1 Abbreviations

#### **Guideline under Standard 9.59, 'Plan presentation'**

See section 9.59, 'Plan presentation', page 121.

See Appendix B6, page 144.

Abbreviations may be used where space prevents the use of the full word.

A limit of three consecutive letters is preferred (e.g. Cen. face S.F.P. or C face SFP; not C.F.S.F.P.).

The full stops denoting an abbreviation may be omitted.

### 9.2 Action statements

#### **Standard under the SMI Act**

See section 3.10, 'Changing deeds of grant, reserves, leases and trust land', page 24.

See section 5.15, 'State land actions', page 74.

See the *Land Act 1994*.

See the *Registrar of Titles directions for the preparation of plans*, section 4.10, 'Cancelling clause containing reference to unallocated State land', <[www.nrw.qld.gov.au/property/titles/rdpp/part\\_4.html](http://www.nrw.qld.gov.au/property/titles/rdpp/part_4.html)>.

An action statement is required for opening or closing road, and must appear on the first sheet of the plan.

#### 9.2.1 Road opening

Where a single parcel is the subject of the approval, the action statement should take the following form:

*Area of new road (1-5-7-9-1)*      85 m<sup>2</sup>

Where road is to be opened from more than one lot, the area of the excision from each tenure type is required to be identified. The action statements may be grouped and a total area of new road is required. The action statement should take the following form:

<i>Area of new road</i>	(1-4-6-7)	45 m <sup>2</sup>
	(8-1-8)	272 m <sup>2</sup>
	(27-2-12-13-5-27)	1.254 ha
<i>Total</i>		<u>1.2857 ha</u>

#### 9.2.2 Road closure

See section 10.2.2, 'Creation of roads in leases, reserves, trust land and USL', page 123.

See the *Registrar of Titles directions for the preparation of plans*, section 4.10, 'Cancelling clause containing reference to unallocated State land', <[www.nrw.qld.gov.au/property/titles/rdpp/part\\_4.html](http://www.nrw.qld.gov.au/property/titles/rdpp/part_4.html)>.

Where road is added to an existing parcel (including USL), the action statement should take the following form:

*Area of closed road (1-2-3-4-6-1)*      1.256 ha

Where road is to be closed and included into more than one lot, the area added to each lot is required to be identified. The statements may be grouped. A total area is required. The action statement should take the following form:

<i>Area of closed road</i>	(1-3-4-5)	2564 m <sup>2</sup>
	(9-8-11-9)	127 m <sup>2</sup>
<i>Total</i>		<u>2691 m<sup>2</sup></u>

### 9.2.3 Simultaneous road opening and road closing

See section 3.10.5, 'Simultaneous opening and closing', page 26.

See section 10.4 'Simultaneous opening and closure of road', page 124.

See the *Registrar of Titles directions for the preparation of plans*, section 4.10, 'Cancelling clause containing reference to unallocated State land', <[www.nrw.qld.gov.au/property/titles/rdpp/part\\_4.html](http://www.nrw.qld.gov.au/property/titles/rdpp/part_4.html)>.

Action statements for simultaneous road opening and closing in a single parcel should take the following form:

Area of new road (4-5-6-7-8)	2560 m <sup>2</sup>
Area of closed road (1-2-11-12-1)	3056 m <sup>2</sup>

Where there are many lots on the one plan, action statements for simultaneous road opening and closing in multiple parcels should take the following form:

Area of new road	(1-4-6-7)	45 m <sup>2</sup>	Total
	(8-1-8)	272 m <sup>2</sup>	
	(27-2-12-13-5-27)	1.254 ha	
		<u>1.2857 ha</u>	
Area of closed road	(1-3-4-5)	2564 m <sup>2</sup>	Total
	(9-8-11-9)	127 m <sup>2</sup>	
		<u>2691 m<sup>2</sup></u>	

## 9.3 Adjoining description

### *Guideline under Standard 3.5, 'Adjoining information'*

See section 3.5, 'Adjoining information', page 11.

See Appendix B, 'Abbreviations', page 142.

All adjoining information should be shown in sloping hairline. For all registering authorities, the latest adjoining registered descriptions and relevant catalogue numbers are to be shown as follows:

<b>21</b>	<b>42</b>	<b>ML 4</b>	<b>16</b>	<b>16</b>
SL10432	CP808793	MP34567	RP123456	SP123458

Where the adjoining land consists of a number of lots on the same plan, it is not necessary to show the adjoining plan number separately on each lot, provided there is no ambiguity as to the relevant plan number for each lot.

For adjoining information that is either volumetric or 'below the depth' it should be shown in broken sloping hairline style.

### **Samples**

<b>56</b>	<b>24</b>
SP123456 (Volumetric)	RP123456

It is not necessary to show secondary interests in adjoining land, if they do not abut the subject boundary.

For the requirements for showing adjoining descriptions of common property, see the *Registrar of Titles directions for the preparation of plans*, section 11.3, 'Description of common property',

<[www.nrw.qld.gov.au/property/titles/rdpp/part\\_11.html](http://www.nrw.qld.gov.au/property/titles/rdpp/part_11.html)>.

County Prefixes (e.g. SL, WD), no longer form part of the catalogue number for new plans of State tenure. These have been replaced by a generic SP (survey plan), which will form part of the catalogue number and is shown as such for adjoining descriptions (see above example).

### 9.3.1 Adjoining easements

#### **Guideline under Standard 3.5, 'Adjoining information'**

See section 3.5, 'Adjoining information', page 11.

Show registered easements and registered plan numbers that abut the subject boundary.

<i>Emt A</i>	<i>Emt G</i>	<i>Emt J</i>
SL20657	SP213175	CP12345

### 9.3.2 Adjoining leases

#### **Guideline under Standard 3.5, 'Adjoining information'**

See section 3.5, 'Adjoining information', page 11.

Leases of part of a building registered under the *Land Title Act 1994* need not be shown as adjoining information.

### 9.3.3 Adjoining railway

#### **Guideline under Standard 3.5, 'Adjoining information'**

See section 3.5, 'Adjoining information', page 11.

Show railway name in all cases in addition to the lot-on-plan description.

### 9.3.4 Adjoining building units or group titles plans

#### **Standard under the SMI Act**

See section 9.20.1.2, 'Common property', page 105.  
See **BoundaryLines No 7**

With the introduction of the *Body Corporate and Community Management Act 1997*, comatose titles as per the *Building Units and Group Titles Act 1980* no longer exist. Accordingly, where the adjoining information is scheme land (including BUP or GTP), it will be shown as a lot/plan description or a common property/plan description as appropriate. It is not necessary to show the scheme name. For showing common property see the *Registrar of Titles directions for the preparation of plans*, section 11.3, 'Description of common property'

<[www.nrw.qld.gov.au/property/titles/rdpp/part\\_11.html](http://www.nrw.qld.gov.au/property/titles/rdpp/part_11.html)>.

## 9.4 Administrative plans (APs)

#### **Information**

See departmental procedure SLM/2004/1700, *Administrative plans for dealing in terms of the Land Act 1994* (not available on the department's website).

See departmental standard RPS/2004/1602, *Administrative plans*,  
<[www.nrw.qld.gov.au/about/policy/documents/1602/index.html](http://www.nrw.qld.gov.au/about/policy/documents/1602/index.html)>.

Government departments produce plans of survey for administrative purposes, such as administrative plans (AP), national parks and wildlife (NPW) plans and State forest (FTY) plans. These plans are prepared and used mainly for government-related purposes (e.g. issuing of permits and licenses).

Except for NPW and FTY plans, all survey plans, including administrative plans, reside with the department and can be searched through CISP. The Environmental Protection Agency (EPA) is the custodian of NPW and FTY plans, and copies of these plans should be obtained from the EPA.

Surveyors are reminded that many administrative plans are not based on conventional field surveys, and may be to a lower accuracy (similar to leases of low value or short term under Chapter 5 of the *Registrar of Titles directions for the preparation of plans*.)

If surveyors identify issues with administrative plans, the same action should be taken as for other survey plans (i.e. refer the matter to the local senior surveyor).

## 9.5 Alignment offsets

### *Guideline under Standard 3.22.1, 'Boundary marking'*

See section 3.22, 'Marking', page 38.

See section 9.16.5, 'Corner references (reference marks)', page 99.

See section 9.38, 'Offsets', page 113.

See section 11.1, 'Alignments', page 127.

Offset lines should be avoided if possible. Offset marks should be referenced as a direct connection from corners.

## 9.6 Bearings

### *Standard under the SMI Act*

See section 3.18, 'Dimensions', page 33.

See section 9.39, 'Original dimensions', page 113.

See section 9.46, 'Ranged only and reads bearings', page 115.

Bearings are shown:

- in degrees, minutes and seconds, rounded as appropriate
- outside the parcel
- in a clockwise direction for completed blocks
- reduced to the meridian of the survey
- upright on face of plan
- sloping in all tabulations.

It is preferable that the following use of '0' be adopted:

*e.g.* 270°0'; 270°03'; 270°00'30"

**Note:** The use of 270°00'00" is to be avoided.

## 9.7 Buildings and other improvements on or near a boundary

### *Guideline under Standard 3.20, 'Encroachment'*

See section 3.11, 'Compiled plans', page 27.

See section 3.20, 'Encroachment', page 35.

See section 3.22.2, 'Reference', page 39.

See section 9.16.6, 'Original reference marks and occupation', page 99.

See section 18 and section 19 of the Survey and Mapping Infrastructure Regulation 2004.

See the *Registrar of Titles directions for the preparation of plans*, Part 9, 'Building format plans', <[www.nrw.qld.gov.au/property/titles/rdpp/part\\_9.html](http://www.nrw.qld.gov.au/property/titles/rdpp/part_9.html)>.

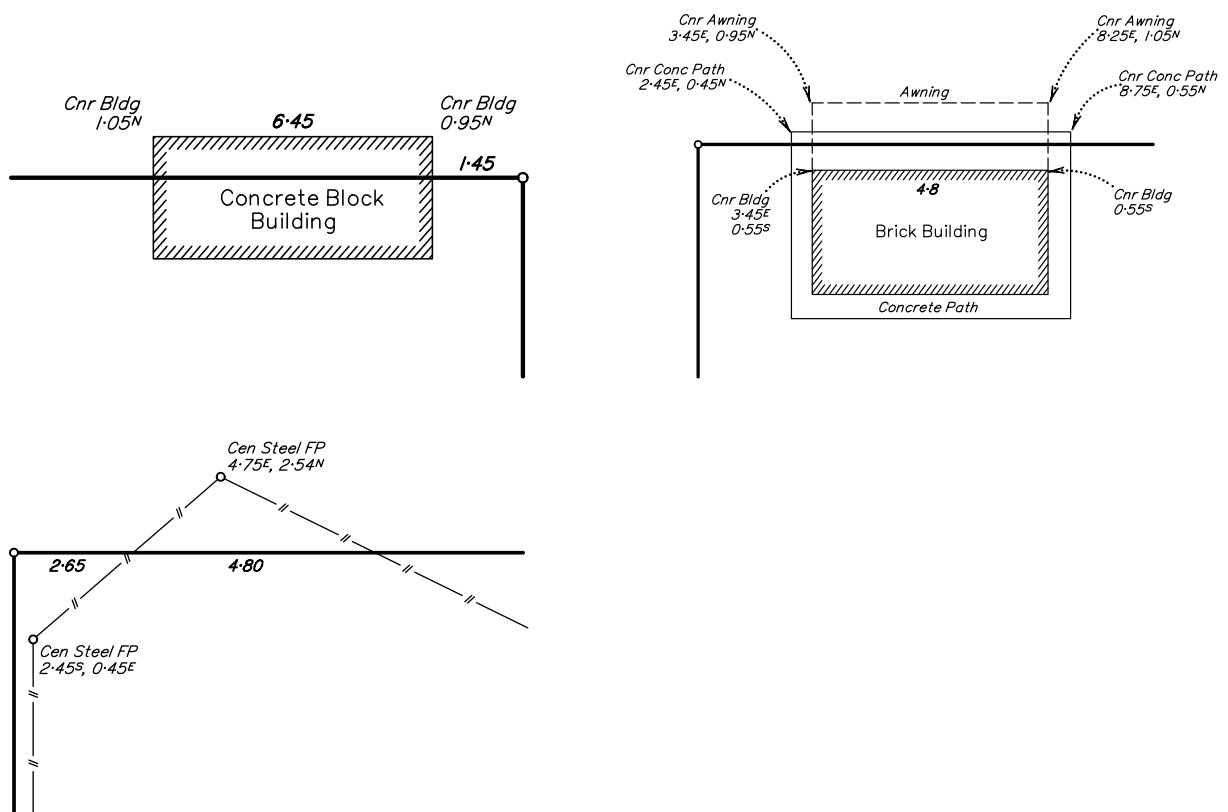
Encroachment must be clearly illustrated. As a minimum, the following would be required on a plan to satisfy the requirement that the size, nature and location of an encroachment must be shown on the plan:

- The encroaching structure should be described (e.g. block wall, house).
- The encroaching edges of the structure should be depicted on the plan, not just one or more corners without any indication of how these relate to the structure.
- The plan should show dimensions to indicate:
  - the size and extent of the encroachment
  - the relationship to cadastral corners.

Alternatively, the structure should be plotted at sufficiently large scale to allow these dimensions to be measured on the plan.

Encroachments may be shown as follows:

## Samples



When classified as a reference mark (immovable object), connections thereto may be shown 'on face' or tabulated in required manner.

Standard 3.22.2 requires a cadastral surveyor to record the location of permanent improvements (e.g. buildings, retaining walls) on the land that will assist in the future reinstatement of boundaries. Other improvements such as bridges, dams, mine shafts, etc. may be shown if connected to in the course of survey.

## 9.8 Calculated lines

### Standard under the SMI Act

See section 3.18, 'Dimensions', page 33.

See section 3.38, 'Unsurveyed and/or calculated boundaries', page 57.

See section 9.47, 'Roads', page 116.

See section 9.56, 'Traverses', page 119.

Calculated boundaries can be broadly categorised as:

- corners marked (e.g. unsurveyed side of an internal road). The lines must be shown as full lines and correctly labelled
- corners not marked (e.g. remote and inaccessible terrain). Lines shown broken on the plan and successive plans and correctly labelled.

Lines with computed bearings and distances should show the word 'Calc'. On successive plans these lines would be shown as 'Orig'.

## 9.9 Canals

Return to section 5.5, 'Canals', page 70.

### Information



## 9.10 Cancelled boundaries

**Guideline under Standard 9.30, 'Linework'**

See section 9.30, 'Linework', page 110.

Once cancelled they are no longer shown on plans.

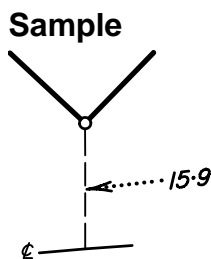
## 9.11 Centre lines

**Guideline under Standard 3.22.1, 'Boundary'**

See section 3.22, 'Marking', page 38.

See section 9.38, 'Offsets', page 113.

Road centre lines—when shown, indicate as follows:



Railway centre lines—

Connections to 'Rly' are to be shown either on face or by tabulation in the 'Traverses etc.' table.

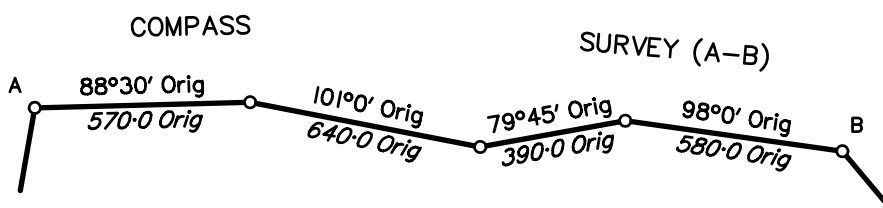
## 9.12 Compass survey

**Standard under the SMI Act**

See section 9.58, 'Watersheds', page 120.

When parts of the boundary of a block have been previously surveyed by compass, these boundary lines should be noted by the term 'compass survey' on face.

### Sample



## 9.13 Computer assisted drafting (CAD)

**Guideline under Standard 9.59, 'Plan presentation'**

See section 9.59, 'Plan presentation', page 121.

See Appendix C, 'Styles', page 147.

This method of plan preparation must follow the same guidelines as set out in this manual.

The presentation of lettering styles may vary to those recommended to accommodate the commercial CAD packages available.

The size and boldness of the text however must comply with the objective for clarity of information when the plan is reproduced at a reduced scale.

## 9.14 Connections to distant points

### *Guideline under Standard 9.6, 'Bearings'*

See section 9.6, 'Bearings', page 93.

See section 9.46, 'Ranged only and reads bearings', page 115.

'Reads' bearings to beacons, TV towers, etc. can be shown on face or entered in the 'Traverses, etc.' table if the plan is crowded.

## 9.15 Conversions

### *Standard under the SMI Act*

See section 9.35, 'Metric documentation', page 112.

See section 9.39, 'Original dimensions', page 113.

Conversion factors to be adopted are as follows:	
Links to metres:	links x 0.201168
<b>Note: Distances to be converted to three (3) decimal places</b>	
Perches to square metres:	perches x 25.29285264
Perches to square metres	$m^2 = (\text{perches} \times 625) \times 0.201168^2$
Acres to hectares:	acres x 0.404 685 64
Acres to hectares	$ha = (\text{acres} \times 10) \times 0.201168^2$
<b>Note: Acres to be converted to the nearest square metre (40 perches = 1 rood; 4 roods = 1 acre)</b>	

Table 7 Conversion factors

## 9.16 Corner information

### *Guideline under Standard 3.22.5, 'Survey mark information on plans'*

See section 3.22, 'Marking', page 38.

Corner information deals with the method of presentation on the face of the plans for:

- corner marks  
(i.e. 'original' corner marks and 'new' corner marks)
- corner references  
(i.e. 'original' reference marks and occupation and 'new' reference marks and occupation)
- notations.

### 9.16.1 General guidelines

See diagrams A and B following this section.

Corner information should generally be shown as in Diagram A (i.e. 'on face' presentation) provided the plan can be reproduced at a reduced scale without loss of clarity, otherwise the tabulated presentation method as in Diagram B, where reference mark (including permanent mark) information is referred to a table(s), should be used. A mixture of 'on face' and tabulated presentation is to be avoided.

Information on the marking of the corner (i.e. monument at the corner) should be written first, and information on or referring to reference marks and/or occupation should be written in order of proximity after the corner mark. Information on the marking of the corner is shown at all corners that are reinstated by the survey.

Occupation references are generally shown 'on face', but can be referred to the Reference Marks table where the reference 'on face' does not lead to ambiguity as to the marking of the corner. It is preferred that occupation references are determined 'square' from the principal lines run (e.g. station 3—Diagrams A and B); except where a bearing and distance is required to avoid ambiguity (e.g. station 23—Diagrams A and B).

The methods of presentation are influenced by the criteria that ensures clarity of information is maintained on reduction and reproduction of the plan.

### 9.16.2 Corner marks

See section 3.22, 'Marking', page 38.

See Part 4 of the Survey and Mapping Infrastructure Regulation 2004.

Refers to survey marks and/or branded occupation recovered, placed or adopted at the corner (e.g. pegs, survey posts or survey marks recovered or placed in occupation at the corner to represent the corner.

*e.g.* Peg pld; Rmns OSP; O Ramset In Br Wall; Screw in Conc fd

The type of nail can be shown if indicated in the survey records (e.g. clout, ramset, spring head).

### 9.16.3 Original corner marks

See section 9.16.4, 'New corner marks', page 98.

See diagrams A and B following this section.

When the origin of the mark recovered at the corner is known (i.e. recorded on a previously registered survey or a lodged Identification Survey or lodged Redundant Catalogue Plan), the mark is classified as 'original' and shown by the abbreviation 'O'. The mark may be identified by the addition of the catalogue number of the plan of origin.

*e.g.* OP; OSP; O Nail in Cen RFP; O Screw in Conc (IS2345); O Ramset in Br Wall (RC98765)

**Note:** The decision to utilise corner marks shown on identification survey and redundant catalogue plans for reinstatement purposes rests with the surveyor.

When the origin of the mark recovered at the corner is unknown (i.e. no previous cadastral connection on a registered plan, identification survey or redundant catalogue plan) the mark should be classified as being 'found' (fd).

*e.g.* Peg fd; Screw in Conc. fd

When there is no original survey mark or evidence of any type remaining at the position of the previously surveyed corner, the term 'No O Mk' is used.

**Note:** The term 'No Mk' is never shown on a plan.

When the original corner mark has become inaccessible since the original survey and hence is not able to be connected to, then the term 'not fd', suitably qualified is used.

*e.g.* OP not fd (in deep fill); O D/H not fd (under conc.)

When remains of a survey mark or evidence of a survey mark position is found at the corner, the following terms may be used where applicable.

*e.g.* Rmns OP; OP hole; Rmns OSP; OSP hole

When an existing survey mark is found disturbed and that same mark is reset in the original corner position, the following terms may be used where applicable.

*e.g.* OP distd Reset; OSP lying out Reset

**Note:** The term 'replaced' should **not** be used.

When an existing survey mark or remains thereof is removed at time of survey, and is replaced by a new mark of the same type, the term 'renewed' is used.

*e.g.* OP burnt Renwd; Butt OSP Renwd

**Note:** The term 'replaced' should **not** be used.

When an existing survey mark or remains thereof is removed at time of survey, and is replaced by a new mark of a different type, the term 'removed' is used and the new mark quoted.

#### Sample

OP remvd  
Post pld

Butt OSP remvd  
Peg pld

Peg pld  
OP 0.14s, 0.05w remvd

When an existing survey mark or remains thereof has been disturbed at the time of construction works (fencing, retaining wall) and the occupation is adopted at the corner, indicate as follows:

### Sample

<i>Cen RFP ↑ OP 0.25N</i>	<i>GI Nail in RFP OP at ft 0.25W</i>
-------------------------------	--

## 9.16.4 New corner marks

When there is no survey mark or the existing survey mark is removed, and a new mark is placed at the **original** corner, the new mark is quoted and the term 'placed' is used.

### Sample

<i>No O Mk Peg pld</i>	<i>OSP hole Survey Post pld</i>
----------------------------	-------------------------------------

**Note:** 'Peg pld' and 'Survey Post pld' etc. are only shown on face of plan when placed at an **original** corner. These pegs are included in the listing of 'New Pegs' shown in the statement on face of plan even though they are placed at an original corner,

*e.g. Peg placed at Stns 3–9, 11–15 and 19*

*e.g. Peg placed at all new and original comers unless otherwise stated.*

When the survey establishes new corners, the survey marks placed at these corners are shown by statement on face.

### Sample

<i>Peg placed at Stns 2, 9–11</i>	<i>Peg placed at all new corners</i>	<i>Survey Post placed at Stns 4, 7, 11–14</i>
---------------------------------------	--	---

If new survey marks placed are branded, this information must also be quoted in statement on face.

### Sample

<i>Peg Branded (↑) placed at Stns 2, 5, 7, 11–13</i>	<i>Branded Peg placed at all new corners</i>
--	--

*Survey Post branded (↑ 3) placed  
at Stns 1–4, 5, 9 and 13*

Variations such as 'Peg pld in cairn of stones', 'Peg driven flush', 'Plastic or Concrete Peg placed', 'Star Picket Pld' must be indicated either 'on face' or by statement.

The term 'No Mark Pld', suitably qualified, may be used if appropriate.

### Sample

<i>No mk pld (in swamp)</i>	<i>No mk pld (inaccessible)</i>
---------------------------------	-------------------------------------

### 9.16.4.1 Occupation referenced at new corner

If a new corner is established at which occupation exists (e.g. fence post, walls, buildings, poles, manholes or any such immovable object), the position of the occupation is referenced from the corner.

**Sample**

<i>Cen RFP</i> <i>0-3s 0-06W</i>		<i>Cor Br Bldg</i> <i>0-02N</i> <i>0-05E</i>		<i>C face SFP</i> <i>220°15', 2-657</i>
-------------------------------------	--	--	--	--

When nails, screws, etc. are placed as a new survey mark in occupation to establish the corner, the occupation is referenced.

**Sample**

<i>Nail in RFP</i> <i>Cen RFP 0-015s</i> <i>(shown at corner on face)</i>		<i>Ramset in Cor Br</i> <i>Cor Br 0-12W</i>		<i>Nail in Cen RFP at</i> <i>Stns 1, 4, 6-9</i> <i>(statement on face)</i>
---	--	--	--	--

If occupation is adopted as the new corner and is branded, this must also be quoted.

**Sample**

<i>N.E Cor SFP (↑ R)</i> <i>(shown at corner on face)</i>		<i>Cen RFP(↑2) at</i> <i>Stns 2, 3, 5-8</i> <i>(statement on face)</i>
--	--	--

**9.16.5 Corner references (reference marks)**

See diagrams A and B following this section.

Corner references are the reference marks (e.g. iron pins, permanent survey marks, spikes, nails, screws, star pickets, broad arrows, drill holes, pointer pegs, marks on poles, branded trees, bench marks) or occupations (e.g. fence posts, walls, buildings, poles, manholes, gully traps or any such immovable objects) that are placed or connected to in the course of the survey.

These marks are in addition to the monument denoting the corner. All connections will be from the corner to the reference mark or occupation.

Reference marks may be shown on the face of the plan. Where space does not permit, references may be shown by diagram or in the 'Reference marks' table. A mixture of 'on face' and tabulated presentation is to be avoided.

Permanent survey marks may be shown either on face or tabulated in a separate table headed 'Permanent marks'.

**9.16.6 Original reference marks and occupation**

See section 9.7, 'Buildings and other improvements on or near a boundary', page 93.

See section 18 of the Survey and Mapping Infrastructure Regulation 2004.

See diagrams A and B following this section.

When the origin of the reference marks recovered at the corner is known (i.e. recorded on a previously registered survey or a lodged identification survey or lodged redundant catalogue plan, enabling the true position of the existing corner to be re-established), the mark is classified as 'original' and shown as such by the abbreviation 'O'. Occupation as evidence of ownership should be recorded. Best practice is to identify the mark by the addition of the station number and catalogue number of the plan—either on the face of the plan or in the reference marks table. See diagrams A and B at the end of this section.

*e.g.* OIP (7/RP1234); ORT (11/C4321); O Nail in Cen RFP (3/RP1234);  
O Screw in Conc. (9/RP1234); OIP (I.S. 1568)

**Note:** The decision to utilise reference marks shown on identification surveys and redundant catalogue plans for reinstatement purposes rests with the surveyor.

When the origin of the mark recovered away from the corner is unknown (i.e. no previous cadastral connection on a registered plan, identification survey or redundant catalogue plan), the mark should be described by 'found' (fd).

e.g. *Pin fd; Nail in Bit fd.*

When it is evident the original reference mark is missing or destroyed, the following terms are used.

e.g. *OIP gone; ORT gone (burnt out).*

Connections are shown on the plan if recorded in the survey records.

When the original reference mark has become inaccessible since the original survey, and hence is not able to be found, the term 'not fd' suitably qualified is used.

### Sample

<i>OIP not fd (under conc.)</i>		<i>O Nail in Cen RFP not fd (in Dam)</i>
-------------------------------------	--	--

When the remains of an original reference mark or evidence thereof is found, the following terms are used.

### Sample

<i>ORT hole (burnt out)</i>		<i>Rmns OIP (rusted out)</i>
---------------------------------	--	----------------------------------

When the existing reference mark is found disturbed or out of position, and that same mark is reset in the original position, the following terms are used.

### Sample

<i>OIP distd reset</i>		<i>Old S Pkt lying out reset</i>
------------------------	--	----------------------------------

When an original reference mark is removed at the time of survey, and is replaced by a new mark of the same type, the term 'renewed' is used.

### Sample

<i>OIP distd renwd</i>		<i>OPM damaged renwd</i>
----------------------------	--	------------------------------

**Note:** The term 'replaced' should **not** be used.

When an existing reference mark is found disturbed or out of position and the same mark is re-referenced, the following terms are used.

### Sample

<i>OIP distd (New Ref)</i>		<i>OIP distd 180°0', 1·008 (New Ref)</i>
--------------------------------	--	--

When an existing corner is reinstated in a new position, and an original reference mark is re-referenced, the following terms are used.

### Sample

<i>OIP (New Ref)</i>		<i>OIP 180°0', 1·008 (New Ref)</i>
----------------------	--	--

When an original reference mark is removed at the time of survey and replaced by a new mark of a different type, the term 'removed' is used and the new mark quoted.

**Sample**

<i>OIP remvd</i>		<i>O Ptr remvd</i>
<i>PM pld</i>		<i>Pin pld</i>

When an existing reference mark is found and connected to a different corner, show as a new connection.

**Sample**

<i>OIP New Conn</i>		<i>ORT Stp New Conn</i>
---------------------	--	-------------------------

**Note:** In addition to the connection to the new corner, a connection to the original corner may also be shown in the usual manner.

**9.16.7 New reference marks and occupation**

See diagrams A and B following this section.

When showing new reference marks by the method of tabulation, no reference to the mark is shown on face.

New references to occupation are generally shown on face unless a survey mark has been placed in or on the occupation.

**Sample**

<i>Screw in N.E. face Br Pillar</i>		<i>Nail in Cen RFP</i>
<i>Cor Br 0.75E</i>		<i>Cen RFP 180°11', 1.31</i>

In these cases the survey mark (i.e. screw, nail) takes priority over the occupation and is thus treated as a reference mark.

**9.16.8 Notations**

See section 9.16.4, 'New corner marks', page 98.

Notations on face of plan are used in situations where:

- a survey establishes new corners
- space for clear presentation of information 'on face' is limited
- the markings of a number of corners have been treated in the same manner.

**Sample**

<i>Peg placed at</i>		<i>Survey Post branded (↑ R) placed</i>
<i>Stns 3–9, 11–15</i>		<i>at all new corners.</i>
<i>Peg branded (↑ 4)</i>		<i>Cen RFP (↑ R) at</i>
<i>placed at all new corners</i>		<i>Stns 2, 3, 5–9, 8–12</i>
<i>Nail in Conc. placed at</i>		<i>Iron Pin placed at</i>
<i>Stns 1, 4, 6, 9–12</i>		<i>Stns 1–7, 9–12</i>

**9.16.9 New permanent survey marks**

See section 3.26, 'Permanent survey marks', page 43.

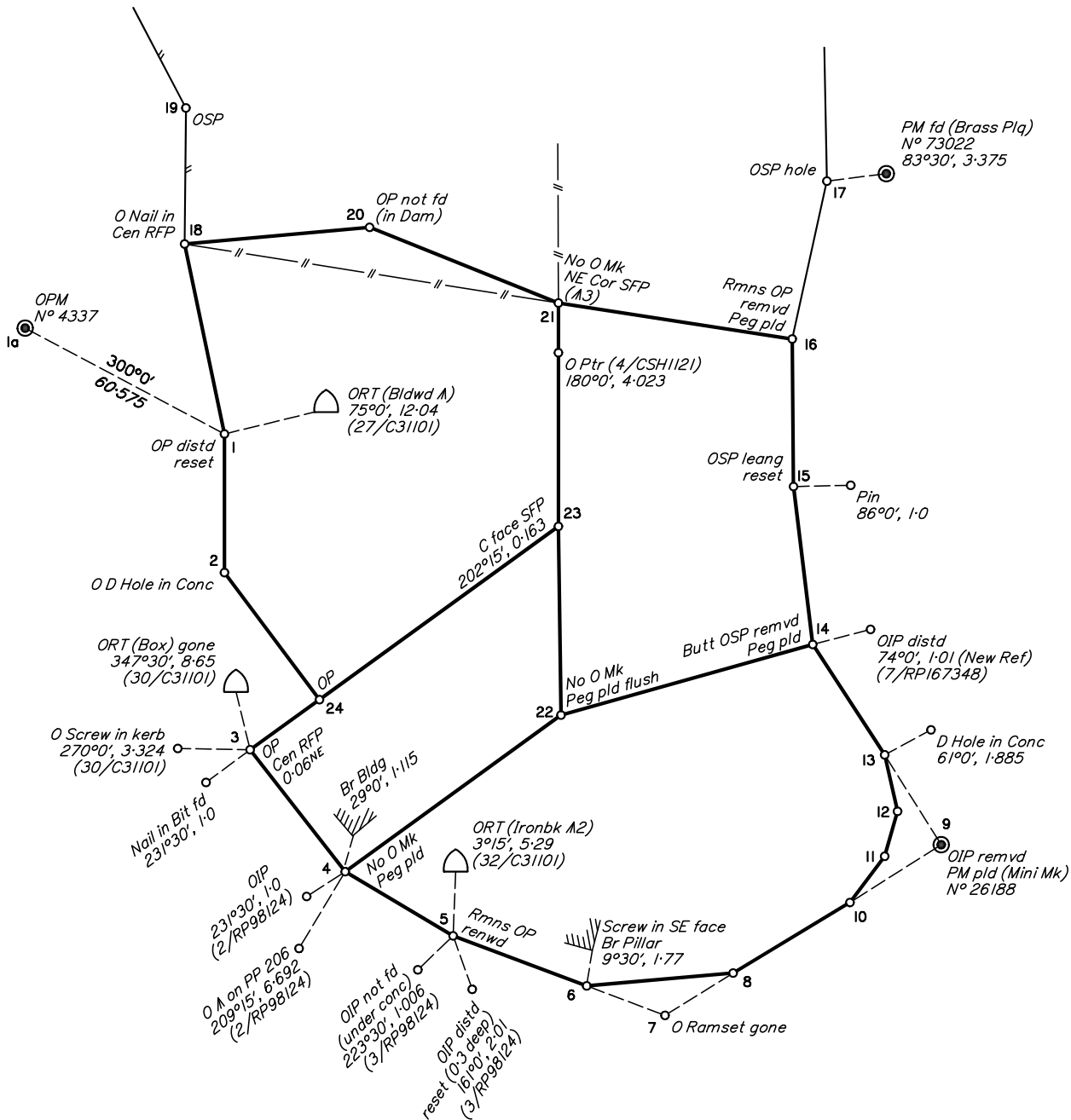
See diagrams A and B following this section.

The plan must show the mark type for any new permanent mark (i.e. brass plaque, star picket, deep driven mark, mini mark). If a permanent mark table is used, there should be a column headed 'type'.

**Diagram A (On face presentation)**

**Note:** A mixture of ‘on face’ presentation and tabulated presentation (Diagram B) must be avoided.

In this example, stations 6, 8, 10–13 and 23 are new corners.



Peg placed at stations 16, 22, 23.

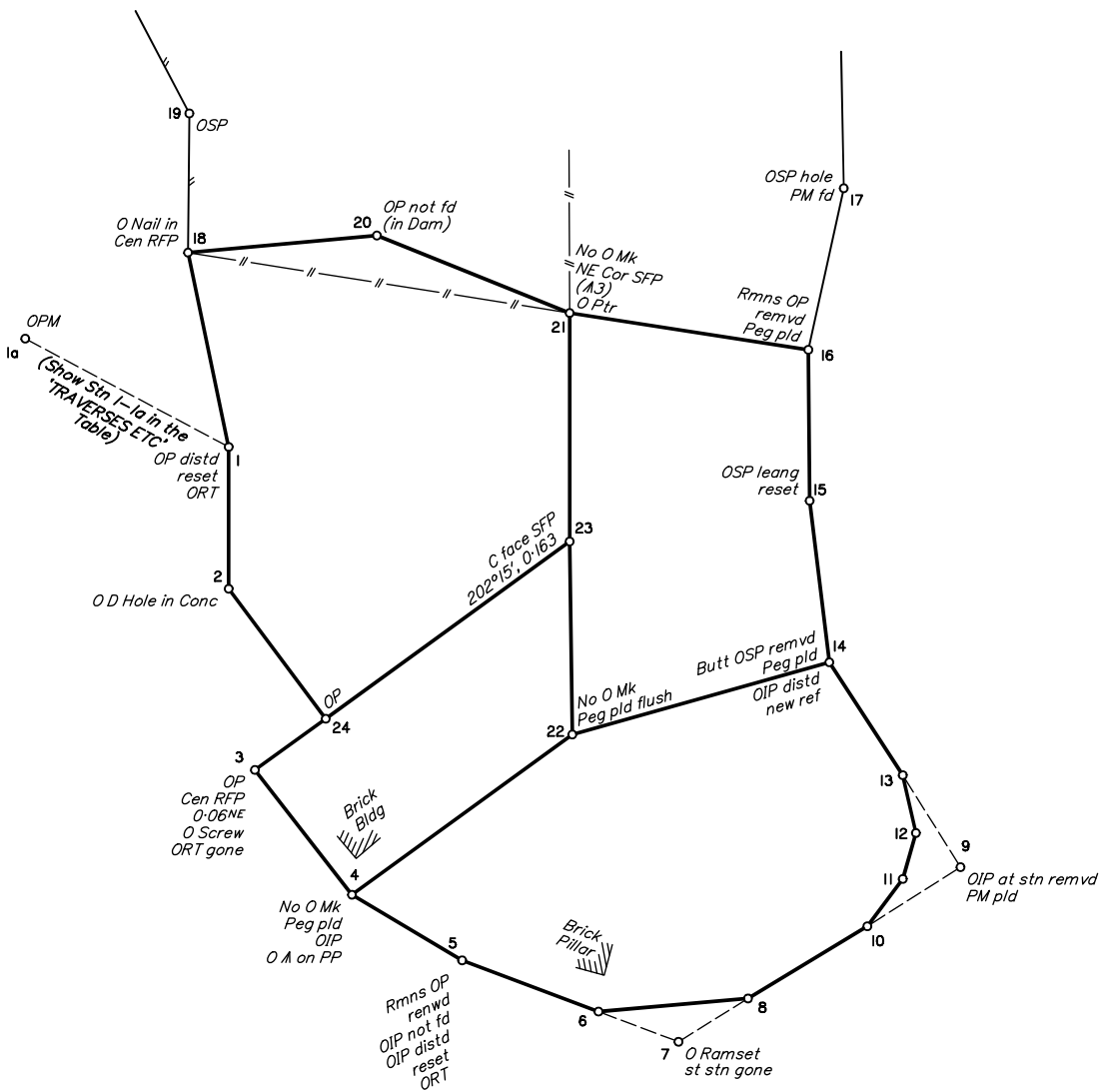
Peg branded (MR) placed at stations 4–6, 8 and 10–14.



**Diagram B (Tabulated presentation)**

**Note:** For Tabulations, listings are consecutive, showing all marks referenced from the station. All reference marks for a station must be kept together and shown listed at their progressive distances from the station.

In this example, stations 6, 8, 10–13 and 23 are new corners.



**REFERENCE MARKS**

STN	TO	ORIGIN	BEARING	DIST
1	ORT (bldwd A)	27/C31101	75°0'	12.04
3	Nail fd in Bit		231°30'	1.0
3	O Screw in kerb	30/C31101	270°0'	3.324
3	ORT (Box) gone	30/C31101	347°30'	8.65
4	OIP	2/RP98124	231°30'	1.0
4	Cor Br Bldg		29°0'	1.115
4	O A on PP 206	2/RP98124	209°15'	6.692
5	OIP not fd (under conc)	3/RP98124	223°30'	1.006
5	OIP reset (0.3 deep)	3/RP98124	161°0'	2.01
5	ORT (Ironbk A2)	32/C31101	3°15'	5.29
6	Screw in SE face Br Pillar		9°30'	1.77
13	D Hole in Conc		61°0'	1.885
14	OIP distd (New Ref)	7/RP167348	74°0'	1.01
15	Pin		86°0'	1.0
21	O Ptr	4/CSH1121	180°0'	4.023

Peg branded (AR) placed at stations 4–6, 8 and 10–14.

Peg placed at stations 16, 22, 23.

**PERMANENT MARKS**

PM	ORIGIN	BEARING	DIST	NO	TYPE
1a-OPM	RP98124	at station		4337	
9-PM		at station		26188	Mini Mark
17-PM fd		83°30'	3.375	73022	Brass Plaque

### 9.17 Channel/drain

**Standard under the SMI Act**

See section 5.7, 'Channel/drain areas', page 71.

A channel or drain area must be given lot numbers and the words '(CHANNEL AREA/DRAIN AREA)' shown in brackets on the face of the plan but not in the description.

For an adjoining description, a channel/drain area is described with the lot/plan description and '(CHANNEL/DRAINAGE AREA)' in brackets on the face of the plan.

### 9.18 County boundary

**Guideline under Standard 2.3, 'Administrative boundaries—county, parish, locality and local government'**

See section 2.3, 'Administrative boundaries—county, parish, locality and local government', page 3.

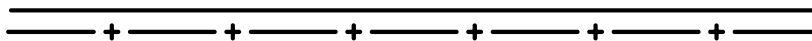
See section 9.41, 'Parish boundary', page 114.

See section 9.30, 'Linework', page 110.

County boundaries are shown outside and as close as possible to the subject block and are never broken for dimensions.

#### Sample

**4**



*County of Anstead  
Parish of Claytons*

County boundaries are not to be shown in the middle of the roadway if both sides of the road are shown.

If the opposite side of the road is not shown, the county boundary may be shown in the road, as close as possible to the subject block, but not within the subject block.

Show the county boundary in the middle of a creek or river if space permits. Show county boundary on the opposite side of the creek or river to the subject block if space is limited.

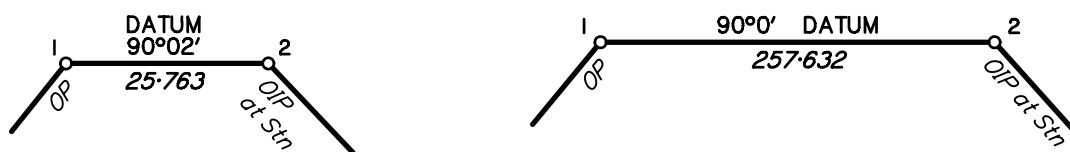
### 9.19 Datum

**Guideline under Standard 3.23, 'Meridian'**

See section 3.23, 'Meridian', page 42.

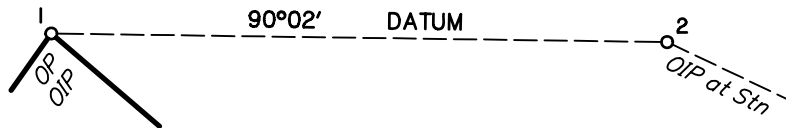
Datum is no longer a requirement on plans. However, where it is used it is shown as follows:

#### Sample



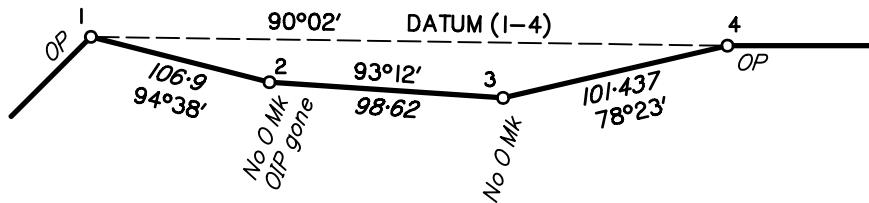
For a cancelled boundary or traverse, show as follows:

#### Sample



Where there are insufficient marks for a datum on one line, the following may be adopted:

### Sample



## 9.20 Descriptions in title block

### Information

See section 3.8, 'Cancelling clause', page 15.

See the *Registrar of Titles directions for the preparation of plans*, section 4.8, 'Parcels to be described', <[www.nrw.qld.gov.au/property/titles/rdpp/part\\_4.html](http://www.nrw.qld.gov.au/property/titles/rdpp/part_4.html)>.

See the *Registrar of Titles directions for the preparation of plans*, section 4.9, 'Plan description and cancelling clause', <[www.nrw.qld.gov.au/property/titles/rdpp/part\\_4.html](http://www.nrw.qld.gov.au/property/titles/rdpp/part_4.html)>.

See the *Registrar of Titles directions for the preparation of plans*, section 4.10, 'Cancelling clause containing reference to unallocated State land', <[www.nrw.qld.gov.au/property/titles/rdpp/part\\_4.html](http://www.nrw.qld.gov.au/property/titles/rdpp/part_4.html)>.

### 9.20.1 Primary estate

#### 9.20.1.1 General

See section 10.2.1, 'Creation of roads in freehold land', page 122.

See the *Registrar of Titles directions for the preparation of plans*, section 4.9, 'Plan description and cancelling clause', <[www.nrw.qld.gov.au/property/titles/rdpp/part\\_4.html](http://www.nrw.qld.gov.au/property/titles/rdpp/part_4.html)>.

#### 9.20.1.2 Common property

See section 9.3.4, 'Adjoining building units or group titles plans', page 92.

See the *Registrar of Titles directions for the preparation of plans*, section 11.3, 'Description of common property', <[www.nrw.qld.gov.au/property/titles/rdpp/part\\_11.html](http://www.nrw.qld.gov.au/property/titles/rdpp/part_11.html)>.

#### 9.20.1.3 Unallocated State land (USL)

See section 3.40, 'Unallocated State land (USL)', page 58.

See the *Registrar of Titles directions for the preparation of plans*, section 4.10, 'Cancelling clause containing reference to unallocated State land', <[www.nrw.qld.gov.au/property/titles/rdpp/part\\_4.html](http://www.nrw.qld.gov.au/property/titles/rdpp/part_4.html)>.

### 9.20.2 Secondary interest

See section 3.25, 'New lot boundaries intersecting registered secondary interests', page 43.

See section 7.3.2, 'Leases for part of the land only', page 81.

#### 9.20.2.1 General

See section 50(d) of the *Land Title Act 1994*.

See the *Registrar of Titles directions for the preparation of plans*, section 4.8, 'Parcels to be described', <[www.nrw.qld.gov.au/property/titles/rdpp/part\\_4.html](http://www.nrw.qld.gov.au/property/titles/rdpp/part_4.html)>.

### 9.20.2.2 Use of 'proposed'

See section 83A of the *Land Title Act 1994*.

See section 364 of the *Land Act 1994*.

### 9.20.2.3 Examples

#### **Guideline under Standard 3.8, 'Cancelling clause'**

The following examples use 'Zzz' as a generic term, and it is to be replaced by the appropriate secondary interest term for your survey (e.g. Emt).

Where a secondary interest is to be created in an existing lot:

*Zzz A in Lot 1 on RP123456*

Subdivisions with secondary interests in the new lots should be described as:

*Lots 1 to 5 and Zzcs B, J & E in  
Lots 3, 4 & 5 respectively  
Cancelling Lot 1 on RP123456*

Secondary interests in common property in a community titles scheme should be described as:

*Zzcs B, J & E in Common Property of  
<Scheme Name> Community Titles Scheme <CTS Number>  
(CP on BUP1234)*

Secondary interests in common property in a community titles scheme where the common property was created on different plans, should be described as:

*Zzcs B, J & E in Common Property of  
<Scheme Name> Community Titles Scheme <CTS Number>  
(CP on SP123456, SP134562 and SP154328)*

**Note:** Where the common property was created on multiple plans the common property must be shown in the lot allocation table with the secondary interests allocated.

Subdivisions with secondary interests created in adjoining lots should be described as:

*Lots 1 and 2  
Cancelling Lot 1 on RP123456 and of  
Zzz G in Lot 2 on RP45678*

Resurveys with a secondary interest in the same parcel should be described as:

*Lot 24 being a Resurvey of Lot 24 on RP123456  
and of Zzz E in Lot 24  
Cancelling Lot 24 on RP123456*

Resurveys with a secondary interest in an adjoining lot should be shown as:

*Lot 217 being a Resurvey of Lot 217 on RP123456  
Cancelling Lot 217 on RP123456  
and of Zzz G in Lot 218 on RP123456*

Secondary interest over a lease of part of land (e.g. easement).

*Zzz A in Lease A on SP123456*

**Note:** Also acceptable is 'Zzz A in Lease A on SP123456 in Lot 23 on SP117654', where Lot 23 is the parent parcel. This extended description may assist in CISP entry of the plan.

Secondary interest over undescribed balances.

*Zzz A in Lot 1 on RP121345*

(where Lot 1 on RP 121345 is the original parcel)

Secondary interest over unallocated State land.

Zzz A in Lot 543 on USL3453

## 9.21 Description of country

**Guideline under Standard 9.59, 'Plan presentation'**

See section 9.59, 'Plan presentation', page 121.

Description of country may be shown for surveys in rural areas.

## 9.22 Diagrams

**Guideline under Standard 9.59, 'Plan presentation'**

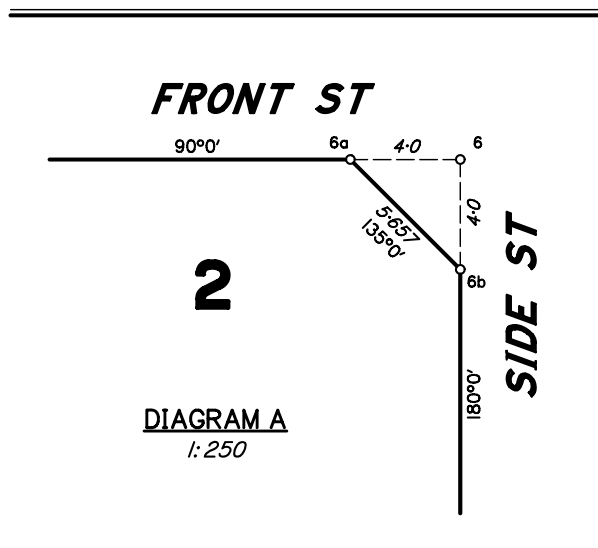
See section 9.37, 'Not to scale', page 113.

See section 9.59, 'Plan presentation', page 121.

Diagrams should be presented as follows:

- Refer to the diagram on face of plan, (e.g. **SEE DIAGRAM A**).
- Repeat the lot number on the diagram.
- If roads and streets are subject on plan, show hairline on diagram.
- Enclose all diagrams in a border to separate them from the rest of the plan (straight lines preferred).
- Draw diagrams to scale if possible.
- Where more than one diagram is shown on the one plan, diagrams should be labelled consecutively (A, B, C, etc.).

### Sample



**Note:** 6-6a and 6-6b may be tabulated as required.

## 9.23 Distances

**Standard under the SMI Act**

See section 3.18, 'Dimensions', page 33.

See section 9.8, 'Calculated lines', page 94.

See section 9.35, 'Metric documentation', page 112.

See section 9.39, 'Original dimensions', page 113.

Distances are shown sloping on face of plan and in all tabulations.

Always shown inside block.

### 9.23.1 Brackets

When intermediate distances are shown, the ‘through’ distance is to be shown with brackets.

Station numbers should be used for clarity.

### 9.24 Fences

#### *Guideline under Standard 9.6, ‘Bearings’*

See section 9.6, ‘Bearings’, page 93.

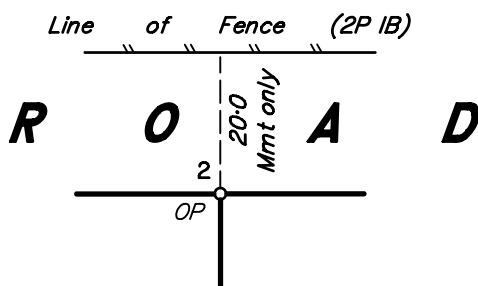
Type of fence to be shown if possible (e.g. 2P1B, Netting)

‘Reads’ bearings may be shown on fences that exist on previous boundary lines.

If useful, ‘Reads’ bearings may be shown on internal fences.

Connections across roads to fence lines to be treated as follows:

#### Sample



### 9.25 Forest entitlement areas (FEAs)

#### *Information*

Return to section 5.9, ‘Forest entitlement areas (FEAs)’, page 71.

See section 2.9 ‘Reservations in title’, page 5.

See section 3.6.4 ‘Multiple line areas’, page 13.

See sections 26B and 26C of the *Land Act 1994*.

### 9.26 Ink

#### *Standard under the SMI Act*

See section 9.59, ‘Plan presentation’, page 121

All plans within the definition of the *Survey and Mapping Infrastructure Act 2003*, lodged or deposited with a registering authority for registration, must be drawn in **black**. The ink used for drafting, signing (black ink only), amending and noting plans must be of a permanent and waterproof variety. Biro's and felt pens etc. will not be considered acceptable.

### 9.27 Insets

#### *Guideline under Standard 9.59, ‘Plan presentation’*

See section 9.22, ‘Diagrams’, page 107.

See section 9.59, ‘Plan presentation’, page 121.

This method of plan presentation is to be avoided.

## 9.28 Lease plans

**Information**

See section 7, 'Leases', page 81.  
See the *Land title practice manual*, clause 7-2210.

## 9.29 Line pegs

**Standard under the SMI Act**

See section 3.22, 'Marking', page 38.  
See section 9.54, 'Tabulations', page 118.

When survey records are not lodged, new line pegs must be shown on the plan.

Placement of line pegs will be indicated by one of the following methods.

### Statement

*e.g.* Line Peg placed at intervals of 200·0  
from Stns 1, 3, 6, 12 & 15

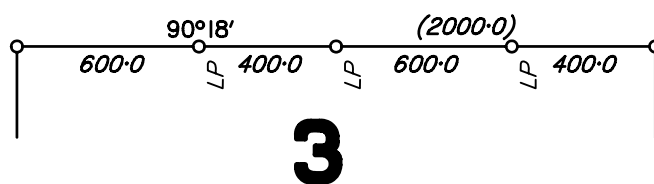
### Tabulation

*e.g.*

LINE PEGS		
STN	BEARING	DIST.
2	180° 42'	203·53
	180° 42'	406·22
	180° 42'	600·3
5	272° 33'	201·42
	272° 33'	400·63

### On face of plan

*e.g.*



### 9.29.1 Original line pegs

Show ... 'OLP' on face

Measured distances shown in survey records which serve to fix position of OLP are to be shown on face of plan.

Approximate distances are not shown.

**Note:** If intermediate pegs are not shown on the plan, survey records showing the position of these pegs must be lodged.


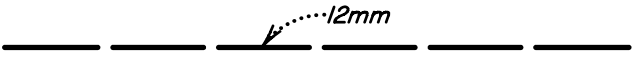

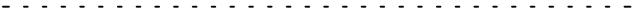
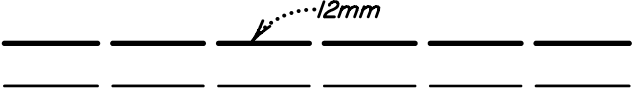
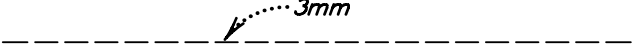







Kilometre pegs are treated in the same manner as line pegs. If branded, indicate 'on face' or tabulate.

### 9.30 Linework

*Standard under the SMI Act*

See section 9.59, 'Plan presentation', page 121.

**Note:** Boundaries of adjoining land are the same style as boundaries of subject land but at a reduced thickness.

<b>Boundaries of subject land</b>	
<b>Boundaries of subject land with about dimensions</b>	
<b>Boundaries of subject land across roads</b> (This requirement has lapsed with the introduction of single line areas)	
<b>Original portion boundaries</b>	
<b>Easements and leases:</b> subject adjoining	
<b>Traverse, secants, etc.</b>	
<b>Cancelled boundaries</b>	
<b>Unsurveyed line</b>	
<b>Parish boundary</b>	
<b>County boundary</b>	
<b>Locality boundary</b>	
<b>Local government boundary</b>	
<b>State boundary</b>	

The above is a recommended format for line thickness.

Line length and thickness may be varied if clarity of plan will benefit.

### 9.31 Locality

*Standard under the SMI Act*

See section 2.3, 'Administrative boundaries—county, parish, locality and local government', page 3.

See section 9.30, 'Linework', page 110.



Locality must be completed on the reverse of the survey plan. The correct locality name may be found from SmartMap.

If there is more than one locality affecting any of the subject parcel or parcels, each locality must be shown on the reverse of the plan and plotted on the face of the plan. Refer to section 9.30, 'Linework', for locality boundary. No allocation of localities is required.

### 9.32 Lots

#### **Guideline under Standard 3.17, 'Description of parcels'**

See section 3.17, 'Description of parcels', page 32.

See the *Registrar of Titles directions for the preparation of plans*, section 8.3, 'Lot numbers', <[www.nrw.qld.gov.au/property/titles/rdpp/part\\_8.html](http://www.nrw.qld.gov.au/property/titles/rdpp/part_8.html)>.

Having regard to the lot identification on marks from previous (or original) surveys, it is recommended that the lot number for the balance of a lot or for an amended lot should retain the original numerical identifier, and consequently be in agreement with the marks on the ground.

The *Registrar of Titles directions for the preparation of plans* contain specific requirements for lot numbering on standard format plans (section 8.3), building format plans (section 9.4) and volumetric format plans (section 10.3).

### 9.33 Measurement only

#### **Guideline under Standard 3.18, 'Dimensions'**

See section 3.18, 'Dimensions', page 33.

Show as required on face of plan or tabulated in the 'Traverses, etc.' table. May be abbreviated to 'mmt only'.

### 9.34 Meridian

#### **Guideline under Standard 3.23, 'Meridian'**

See section 3.23, 'Meridian', page 42.

See diagrams A and B following section 9.16.

#### 9.34.1 From previous plan

Where the meridian is referenced to a previous plan, and no reference to MGA is known, or not required, then the plan number only is required in the meridian box. Where previous plans have a reference to MGA or AMG or CAM, the meridian box should be completed as follows:

##### **Example**

MGA Zone 55  
vide WD4829

Add 5°48' for  
MGA Zone 55  
vide RP801576

CAM  
vide SL 1234

CAM – add 7'15" for  
MGA Zone 56  
vide SP123456

Detail is generally shown in the meridian box; however, where space is limited, the meridian information should be shown directly above the title block.

##### **Example**

Meridian: Add 6°11' for MGA Zone 56 vide Plan W31639

#### 9.34.2 By observation

Plans may be related to MGA by using previous plans, stellar observations, Global Navigation Satellite System (GNSS), or connections to coordinated marks.

Where GNSS or stellar observations are used, the meridian box may be completed by reference to MGA and the observation technique (e.g. 'MGA Zone 56 vide GNSS', or 'MGA Zone 56 vide Sun Obs.'). The relevant MGA zone must be shown.

When the meridian is determined from coordinated PMs, a meridian table is required, and the meridian box is completed with 'MGA Zone 56 vide meridian table'.

For presentation of the permanent survey marks refer to the meridian table as shown below, the connections to permanent survey marks as presented in diagrams A and B at the end of section 9.16, 'Corner information', and the MGA coordinates table as shown in section 3.14.3, 'Coordinates of cadastral corners'.

### Example

<i>MERIDIAN TABLE</i>		
<i>Line</i>	<i>Plan Bearing</i>	<i>MGA Zone 56 Bearing</i>
<i>PM43651 to PM43562</i>	<i>145°25'25"</i>	<i>145°25'25"</i> <i>vide SCDB</i>

## 9.35 Metric documentation

*Standard under the SMI Act*

See section 9.23, 'Distances', page 107.

See section 9.39, 'Original dimensions', page 113.

The symbol 'm' will not be shown following a length

*e.g.* 20·115 **not** 20·115 m

The decimal point is to be prominently shown at the mid height of the figures where possible.

Numbers should be grouped in threes right or left from the decimal point, and a space should be used instead of a comma.

*e.g.* 65 093·762 13 **not** 65,093·76213

However, except in tabular work (e.g. coordinates), the space may be omitted in groups of only four figures.

*e.g.* 4076·3012

A space should be left between the numeral and the unit or unit symbol.

*e.g.* 2076 m<sup>2</sup> **not** 2076m<sup>2</sup>

*e.g.* 5·273 ha **not** 5·273ha

No full stops should follow symbols.

### 9.35.1 Use of zeros

Where the figure is less than one, use a zero before the decimal point.

*e.g.* 0·745 **not** ·745

For whole numbers, a zero will be shown as the last character of length to the right of the decimal point.

*e.g.* 4·0 or 51·0 or 200·0 **not** 4·00 or 501·20 or 67·530

However, when showing (1) road widths or (2) areas, the above procedure is **not** to be adopted

*e.g.* ROAD 60 WIDE **not** ROAD 60·0 WIDE

*e.g.* 12 ha **not** 12·0 ha

### 9.35.2 Rounding

When rounding to fewer digits than the total number available, the following procedure is adopted.

Where the digit immediately following the last digit to be retained is less than 5, that digit should be left as is.

e.g. 7.624 25 to four digits = 7.624

When the digit immediately following the last digit to be retained is 5 or greater, that digit should be increased by one.

e.g. 4.624 51 to four digits = 4.625

If the digit to be discarded is exactly 5 and there is no indication of what the following digits might be, the last digit retained should be rounded to the nearest even digit.

e.g. 5.4665 rounded to 3 decimals becomes 5.466

e.g. 5.4655 rounded to 3 decimals becomes 5.466

**Note:** It is essential that the decimal point be shown as prominently and clearly as possible.

### 9.36 North point and data orientation

**Information**

See the *Registrar of Titles directions for the preparation of plans*, section 4.12, 'North point', <[www.nrw.qld.gov.au/property/titles/rdpp/part\\_4.html](http://www.nrw.qld.gov.au/property/titles/rdpp/part_4.html)>..

### 9.37 Not to scale

**Standard under the SMI Act**

See section 9.27, 'Insets', page 108.

See section 9.48, 'Scale of plans', page 117.

All lots or secondary interests (e.g. easement) in the description of the plan must be drawn to the scale of the plan in an uninterrupted manner. Diagrams drawn not to scale may be included as well for clarity of detail, etc.

Use with discretion. Break line for each block affected. Advantageous to plot this work to 'some scale' for sake of proportional representation. The wording 'not to scale' is to be shown on appropriate line or lines.

### 9.38 Offsets

**Guideline under Standard 3.22.1, 'Boundary marking'**

See section 3.22, 'Marking', page 38.

See section 11.1, 'Alignments', page 127.

Not shown on plan in normal circumstances.

### 9.39 Original dimensions

**Standard under the SMI Act**

See section 3.9, 'Certification', page 16.

See section 3.11 'Compiled plans', page 27.

See section 3.18 'Dimensions', page 33.

See section 9.15 'Conversions', page 96.

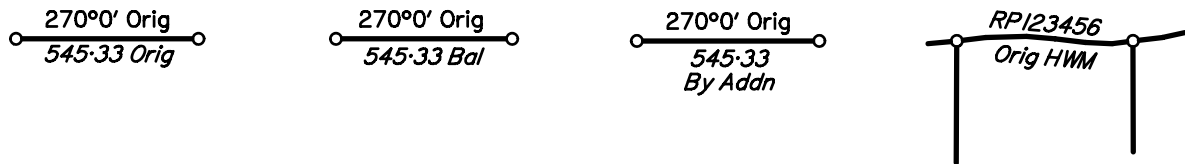
See section 9.35 'Metric documentation', page 112.

See section 9.57 'Watercourses', page 119.

Shown with 'Orig' written in conjunction with each bearing and distance. For dimensions derived by addition or subtraction, 'Bal' should be used. 'By Addn' may be used for additions.

Subject parcels containing an original ambulatory boundary must show the plan catalogue number of the most recent field survey of the boundary. The plan number is to be positioned along the feature to provide a link to the definition of the ambulatory boundary at the time of the original survey.

### Example



**Note:** The terms ‘Bal Orig’, ‘Bal by Addn’, and ‘Calc Orig’ are not used.

When utilising original information, an endorsement is required stating the source of this information and the agency from which the documents were obtained. If source documents are not publicly accessible, a copy must be deposited with the survey records and the certificate must add ‘a copy of which is included in the survey records’.

### Example

Original information compiled from plans RP213546, CP808763 and MP10537 in the Department of Natural Resources and Water.

The word ‘original’ is not shown on plans prepared under section 17 of the Survey and Mapping Infrastructure Regulation 2004.

## 9.40 Original portions

### Standard under the SMI Act

Where the lot or lots of a new survey affects more than one original portion, the original portion boundaries must be accurately plotted on the plan in black ink as broken hairline line where they are not coincidental with a boundary. The original portion numbers must be noted in a fine dotted style in ink.

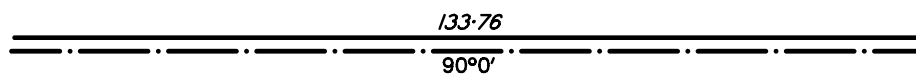
## 9.41 Parish boundary

### Guideline under Standard 2.3, ‘Administrative boundaries—county, parish, locality and local government’

See section 2.3, ‘Administrative boundaries—county, parish, locality and local government’, page 3.  
See section 9.18, ‘County boundary’, page 104.  
See section 9.30, ‘Linework’, page 110.

### Sample

# 12



*Parish of Anstead*

Show outside subject block and as close to line as possible. Parish boundary is never broken by dimensions.

## 9.42 Plan formats

### Information

See the *Registrar of Titles directions for the preparation of plans*, section 4.7, ‘Format to be noted’, <[www.nrw.qld.gov.au/property/titles/rdpp/part\\_4.html](http://www.nrw.qld.gov.au/property/titles/rdpp/part_4.html)>.

See the *Registrar of Titles directions for the preparation of plans*, Part 8, ‘Standard format plans’, <[www.nrw.qld.gov.au/property/titles/rdpp/part\\_8.html](http://www.nrw.qld.gov.au/property/titles/rdpp/part_8.html)>.

See the *Registrar of Titles directions for the preparation of plans*, Part 9, ‘Building format plans’, <[www.nrw.qld.gov.au/property/titles/rdpp/part\\_9.html](http://www.nrw.qld.gov.au/property/titles/rdpp/part_9.html)>.

See the *Registrar of Titles directions for the preparation of plans*, Part 10, ‘Volumetric format plans’, <[www.nrw.qld.gov.au/property/titles/rdpp/part\\_10.html](http://www.nrw.qld.gov.au/property/titles/rdpp/part_10.html)>.

See the *Registrar of Titles directions for the preparation of plans*, Part 20, 'Explanatory plans', <[www.nrw.qld.gov.au/property/titles/rdpp/part\\_20.html](http://www.nrw.qld.gov.au/property/titles/rdpp/part_20.html)>.

### 9.43 Plan forms

**Information**

See the *Registrar of Titles directions for the preparation of plans*, Part 3, 'Plan forms', <[www.nrw.qld.gov.au/property/titles/rdpp/part\\_3.html](http://www.nrw.qld.gov.au/property/titles/rdpp/part_3.html)>.

### 9.44 Plan types

**Information**

See section 11.7, 'Historical plan information', page 129.

All plans are now archived at the Landcentre, Brisbane.

The standard plan form (prefix SP commencing at SP100000) commenced in July 1997 and is used for all surveys.

An instrument, as defined under section 4 of the *Land Title Act 1994*, includes a plan of survey.

Freehold plan/State land action plan		
Prefix	Type of plan	Other information
SP	Survey plan	Standard plan form
IS	Identification survey	Standard plan format
AP	Administrative plan	Used for administrative actions such as tree clearing permits, permits to occupy, and various road actions.

**Table 8 Current plan types**

Within the department plans pass through various stages before the action depicted on the plan can occur. During these stages, the plan status is indicated by the following terms.

Plan process stages	
Stage	Notation
Copy of endorsed plan from accredited surveyors	Deposited (DP)
Original plan for registration	Lodged (SP)
Copy of plan (or original) not intended to proceed to registration	Red Cat (RC)

**Table 9 Plan process stages**

### 9.45 Plotting

**Information**

See section 9.48, 'Scale of plans', page 117.

### 9.46 Ranged only and reads bearings

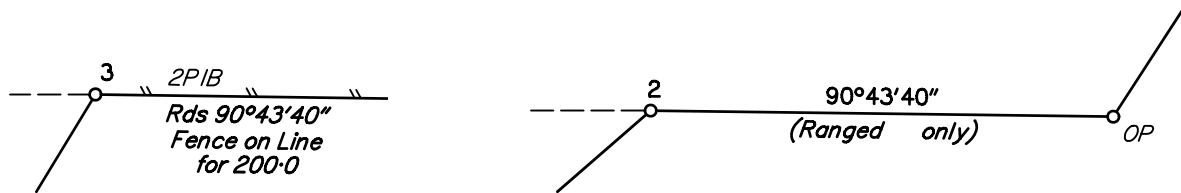
**Guideline under Standard 9.6, 'Bearings'**

See section 9.6, 'Bearings', page 93.

See section 9.14, 'Connections to distant points', page 96.

Show as follows:

## Sample



## 9.47 Roads

### Standard under the SMI Act

Return to section 3.6.4, 'Multiple line areas', page 13.

See section 3.18, 'Dimensions', page 33.

See section 9.2, 'Action statements', page 90.

See section 9.8, 'Calculated lines', page 94.

See section 10, 'Roads', page 122.

The present name of roads, streets and esplanades must be shown and be in accordance with the relevant local government nomenclature.

Refer to the Main Roads gazette for correct **highway** and **main road** name.

Esplanades are shown and treated in the same manner on plans as for roads.

Dimensions (bearings and distances) are to be shown for internal roads as specified in section 3.18, 'Dimensions'. The qualifying use of 'Orig' may be used where applicable.

Where only one side of an original road has been surveyed, and calculated dimensions are shown on the unsurveyed side, the lines may be shown as full lines and correctly labelled. Lines with calculated dimensions should show the word 'Calc' in the first instance and 'Orig' on successive plans.

For unsurveyed internal roads, the road is to be shown as a double dashed line, with the road width indicated (similar to the presentation for reserved road in section 9.47.1).

For roads forming boundaries of subject parcels, when the opposite side is shown, the width must be indicated and the road plotted to scale.

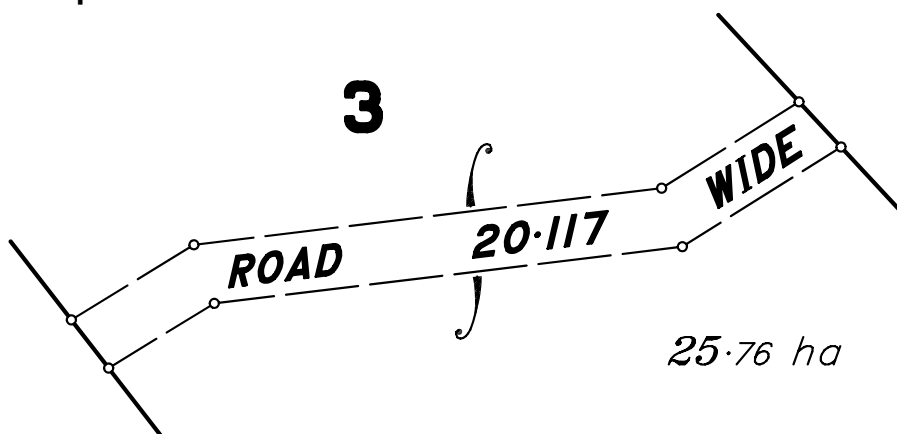
*e.g.* ROAD 60.35 WIDE

**Note:** By section 96 (b) of the *Land Act 1994*, the width of 60 metres applies to any road not shown on the lease or the plan. This is different to the width that was stated under the *Land Act 1962*.

### 9.47.1 Reserved roads

Reserved roads and reserved esplanades, either surveyed or unsurveyed, are shown on the face of the plan in a specific location and are also shown as being excluded from the parcel on the face of the plan.

## Sample



### 9.48 Scale of plans

*Standard under the SMI Act*

See section 9.37, 'Not to scale', page 113.

See section 9.45, 'Plotting', page 115.

See the *Land title practice manual*, clause 7-2360, 'Scale of sketches'.

See the *Registrar of Titles directions for the preparation of plans*, section 4.14, 'Scale'

<[www.nrw.qld.gov.au/property/titles/rdpp/part\\_4.html](http://www.nrw.qld.gov.au/property/titles/rdpp/part_4.html)>.

See the *Registrar of Titles directions for the preparation of plans*, section 9.12, 'Level diagrams'

<[www.nrw.qld.gov.au/property/titles/rdpp/part\\_9.html](http://www.nrw.qld.gov.au/property/titles/rdpp/part_9.html)>.

Plans must be drawn accurately to a scale that will allow all details and annotations being clearly shown on an A4 second-generation copy of the original. This requirement should assist in determining the selection of the appropriate plan scale.

A complete plot of the subject block or blocks is drawn on the plan in an uninterrupted manner to the scale as shown in the title.

Plans and diagrams are to be drawn at one of the following scales, or multiples to the power of 10 thereof.

Plan scales			
1:1	1:2	1:4	1:7.5
1:1.25	1:2.5	1:5	1:8
1:1.5	1:3	1:6	

**Table 10** Plan scales

If required, diagrams may be drawn 'Not to scale' for clarification.

### 9.49 Secants

*Standard under the SMI Act*

See section 9.30, 'Linework', page 110.

See section 9.56, 'Traverses', page 119.

Dimensions of secants are shown 'on face' or tabulated in the 'Traverses, etc.' table.

### 9.50 State boundary

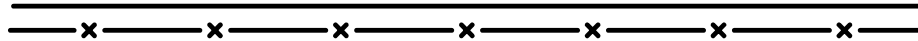
*Guideline under Standard 5.4, 'Border surveys (state border of Queensland)'*

See section 5.4, 'Border surveys', page 69.

See section 9.18, 'County boundary', page 104.

See the *Queensland Boundaries Declaratory Act 1982*.

Sample

**31***NEW SOUTH WALES***9.51 Station numbers*****Guideline under Standard 9.59, 'Plan presentation'***

See section 9.59, 'Plan presentation', page 121.

Station numbers may be shown on the plan to describe survey lines, qualify action statements and other 'on face' statements.

Station numbers are to be shown upright in as simple a format as possible (i.e. 1, 2, 3, with 1a, 1b, etc. for secants and close proximity work only).

**9.52 Symbols*****Guideline under Standard 9.59, 'Plan presentation'***

See section 9.59, 'Plan presentation', page 121.

See Appendix D, 'Symbols', page 148.

Guidelines for symbols on plans are in Appendix D, 'Symbols'.

**9.53 Surveys in strata*****Information***

See section 11.8, 'In strata', page 131.

See the *Registrar of Titles directions for the preparation of plans*, section 10.2.3, 'Restricted or "in strata" lots', <[www.nrw.qld.gov.au/property/titles/rdpp/part\\_10.html](http://www.nrw.qld.gov.au/property/titles/rdpp/part_10.html)>.

See the *Registrar of Titles directions for the preparation of plans*, section 6.5, 'Easements limited vertically', <[www.nrw.qld.gov.au/property/titles/rdpp/part\\_6.html](http://www.nrw.qld.gov.au/property/titles/rdpp/part_6.html)>.

**9.54 Tabulations*****Standard under the SMI Act***

See section 3.18, 'Dimensions', page 33.

See section 9.16, 'Corner information', Diagram B, page 96.

See section 9.36, 'North point and data orientation', page 113.

See section 9.56, 'Traverses', page 119.

See the *Registrar of Titles directions for the preparation of plans*, section 4.12, 'North point', <[www.nrw.qld.gov.au/property/titles/rdpp/part\\_4.html](http://www.nrw.qld.gov.au/property/titles/rdpp/part_4.html)>.

When a plan has been 'rotated', tabulations are to be rotated likewise so as to facilitate easy reading of plan.

With the ability to use multiple sheets, boundary dimensions must not be tabulated (except for the use of points tables on ambulatory boundaries). Tabulation is acceptable to depict the location of line pegs.

**9.55 Text styles*****Standard under the SMI Act***

See section 9.59, 'Plan presentation', page 121.

See Appendix C, 'Styles', page 147.



Text styles used on plans should have the following characteristics:

- The plan displays the information in a clear and concise manner.
- Variable pen sizes, lettering heights, etc. are used to indicate the information in an unambiguous manner, attempting to demonstrate the guidelines contained within the pages of this manual.
- The plan can be reproduced at a reduced scale to enable scanning to take place.

Guidelines for text styles are in **Appendix C, 'Styles'**.

**9.56 Traverses**

**Guideline under Standard 3.22.1, 'Boundary marking'**

See section 3.22 'Marking', page 38.

See section 3.35 'Survey records', page 53.

See section 9.8 'Calculated lines', page 94.

See section 9.49 'Secants', page 117.

Extraneous field traverse information is generally not shown.

When traverse lines are shown, dimensions are shown on face or tabulated in the 'Traverses, etc.' table.

When tabulation is adopted, numerical order is preferred.

**Sample**

<i>TRAVERSES, etc.</i>		
<i>LINE</i>	<i>BEARING</i>	<i>DIST.</i>
1-2	180° 07'	13.13
3-4	236° 43' 30"	105.26
5-5a	355° 32' 40"	20.117

Where a traverse has been run to establish a new boundary along an **inaccessible area**, the traverse is shown in the normal manner and the boundary shown calculated.

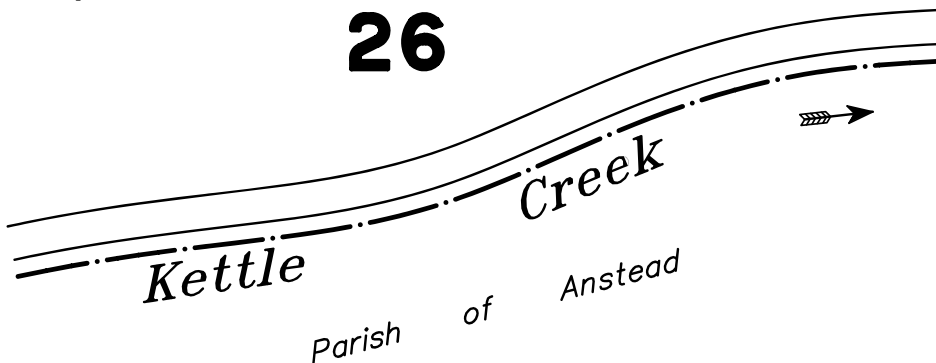
**9.57 Watercourses—tidal and non-tidal**

**Standard under the SMI Act**

See section 4, 'Ambulatory boundaries', page 60.

Show opposite bank of watercourse if practicable. It is not always necessary, however, to show information on the other side of watercourse forming boundaries except for adjoining parish and county names.

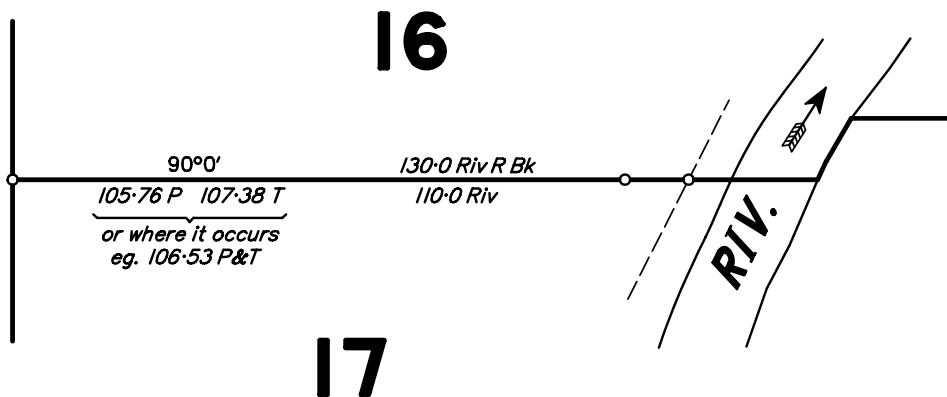
**Sample**



Distances on the boundary terminating at a watercourse are to include distances to:

- post or peg
- traverse
- watercourse boundary (Ck, Riv, etc.).

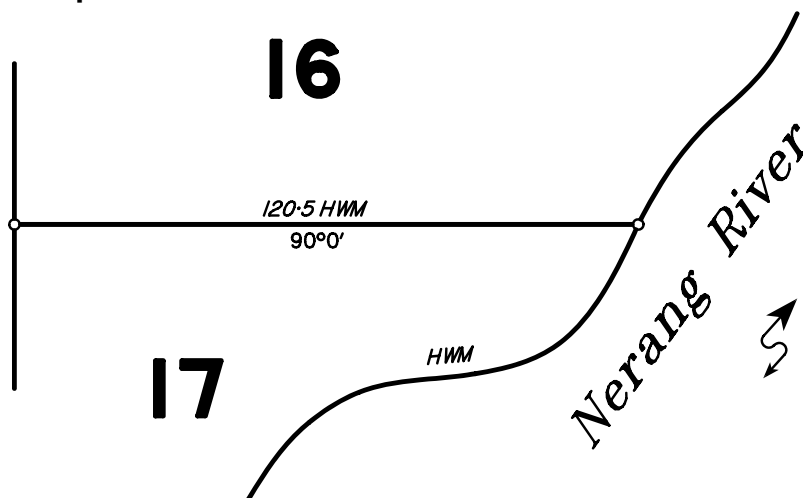
## Sample



For non-tidal watercourses, an arrow indicating ‘downstream’ **only** must always be shown.

For tidal watercourses, a double-headed arrow is to be shown to indicate that the stream is subject to tidal influence. A larger arrow head should indicate the direction of downstream flow.

## Sample



While traverses of watercourses are to be indicated on plan when run, there is no necessity to show when original. The original catalogue number shown along the watercourse will suffice.

Where original traverses of watercourses are used to obtain a new area of a lot, it is required that the original traverse dimensions be shown on the plan, and additional information supporting the calculation of the area recorded in the survey records lodged with the plan.

A statement indicating origin of original offsets is also to be shown.

For cases involving vast original traverse data, the original plan number shown along the watercourse boundary will suffice, provided survey records are lodged.

## 9.58 Watersheds

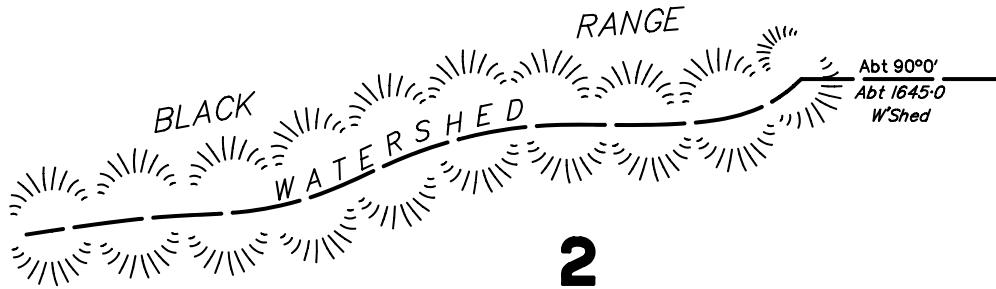
### *Guideline under Standard 3.24, ‘Natural boundaries’*

See section 3.24, ‘Natural boundaries’, page 43.

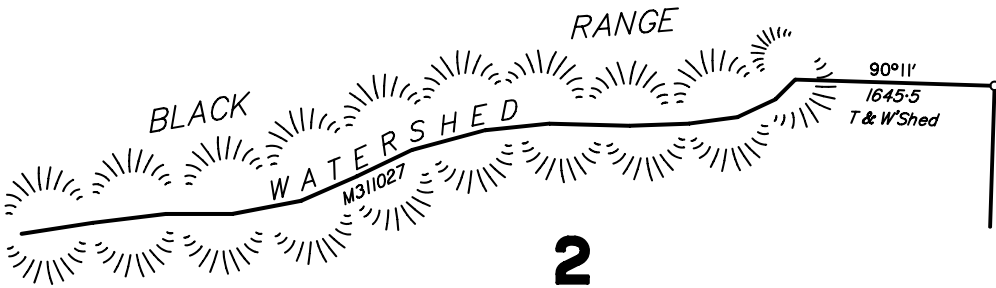
See section 4 ‘Ambulatory boundaries’, page 60.  
 See section 9.12 ‘Compass survey’, page 95.

When ‘watershed’ is the boundary, the following guidelines should apply:

**Sample : Unsurveyed watershed**

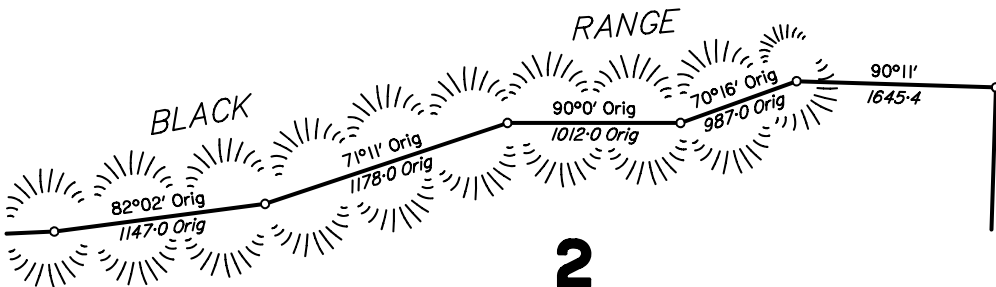


**Sample : Surveyed watershed**



**Sample: Surveyed watershed adopting traverse lines**

If traverse lines have been adopted as the boundary and comers have been marked, then right lines are shown.



(The word WATERSHED is not shown)

**Note :** If in doubt as to which of the above methods is to be used, a search of the original tenure document should be made.

Relevant boundaries are labelled ‘compass survey’ as required.

**9.59 Plan presentation**

**Standard under the SMI Act**

See the Registrar of Titles directions for the preparation of plans,  
[www.nrw.qld.gov.au/property/titles/rdpp/index.html](http://www.nrw.qld.gov.au/property/titles/rdpp/index.html).

Plans should be capable of clearly and unambiguously conveying the survey information to any reasonable user of the plan. To achieve this, plans must be drafted in accordance with accepted presentation formats, use consistent abbreviations, linework, styles and symbols, and be capable of being imaged by mechanical or digital processes to produce a copy or a reduced size copy satisfactory to the registering authority.

## 10. Roads

See section 2.9, 'Reservations in title', page 5.

See section 9.47, 'Roads', page 116.

See 'Glossary', page 134.

See the *Registrar of Titles directions for the preparation of plans*, section 4.9, 'Plan description and cancelling clause', <[www.nrw.qld.gov.au/property/titles/rdpp/part\\_4.html](http://www.nrw.qld.gov.au/property/titles/rdpp/part_4.html)>.

See the *Registrar of Titles directions for the preparation of plans*, section 4.10, 'Cancelling clause containing reference to unallocated State land', <[www.nrw.qld.gov.au/property/titles/rdpp/part\\_4.html](http://www.nrw.qld.gov.au/property/titles/rdpp/part_4.html)>.

See departmental policy *Land allocation : public purpose reservations PUX/901/112*, <[www.nrw.qld.gov.au/about/policy/documents/3309/index.html](http://www.nrw.qld.gov.au/about/policy/documents/3309/index.html)>.

### 10.1 Definition

#### Information

See section 93 of the *Land Act 1994*.

A road is land set apart from a primary estate in land (either an estate in fee-simple, leasehold or other State land) and is dedicated to public use. Roads, once dedicated, are vested in the State under the provision of section 95 of the *Land Act 1994*.

### 10.2 Creation of road

See section 3.32.3, 'Resumptions for road purposes', page 50.

See section 6.7.4, 'Road dedications over easements in all tenures', page 79.

Road may be created under legislation such as the provisions contained in the *Land Act 1994* or the *Land Title Act 1994*.

#### 10.2.1 Creation of roads in freehold land

#### Standard under the SMI Act

See section 3.32.3, 'Resumptions for road purposes', page 50.

See section 3.32.5, 'Resumptions for other purposes', page 51.

See section 6.7.4, 'Road dedications over easements', page 79.

See section 9.20.1.1, 'General', page 105.

See the *Registrar of Titles directions for the preparation of plans*, section 4.8.1, 'Lots', <[www.nrw.qld.gov.au/property/titles/rdpp/part\\_4.html](http://www.nrw.qld.gov.au/property/titles/rdpp/part_4.html)>.

Road is created in freehold land under the provisions of sections 50(a) and 51(2) of the *Land Title Act 1994*. The effect of these provisions being that new roads shown on plans are opened and dedicated for public use on the registration of the plan. Any affected secondary interests may need to be addressed prior to the lodgement of the plan.

The only method to dedicate land as new road under the provisions of the *Land Title Act 1994* is by registration of a plan of survey. Each parcel of land to be dedicated as road should be clearly shown as 'new road' on the face of the plan. If more than one parcel is dedicated as new road on the plan, a total area is required and should be shown as:

*e.g.*      *Total Area of New Road*    1.234 ha

A plan may show new road only.

*e.g.*      *Plan of New Road cancelling Lot 12 on RP123456*

Pathways or lanes are not a prescribed community purpose for land under Schedule 1 of the *Land Act 1994*, and are to be shown as new road.

Alternatively, a lot may be surrendered to the State for subsequent dedication of the road in terms of sections 327 and 94 of the *Land Act 1994*. It should be noted that section 327 of the *Land Act 1994* requires the Minister's approval. That approval will not be forthcoming without the written concurrence of all interested parties, in particular the authority with whom the new road is to be vested. (See the *Land title practice manual*, clause 21-2210.)

## 10.2.2 Creation of roads in leases, reserves, trust land and USL

**Standard under the SMI Act**

See section 9.2, 'Action statements', page 90.

Section 96 of the *Land Act 1994* clarifies when a road may be considered dedicated and that if a width is not indicated it is to be taken to be 60 metres.

Road is created in leases, reserves, trust land and unallocated State land under the provisions of section 94 of the *Land Act 1994*. Land may be dedicated as a road for public use by the registration of a dedication notice, or a plan of subdivision. Each parcel of land to be dedicated as road should be clearly shown as 'new road' on the face of the plan. If more than one parcel is dedicated as new road on the plan, a total area is required and should be shown as:

*e.g.* Total Area of New Road 1.234 ha

A plan may show new road only.

*e.g.* Plan of New Road cancelling Lot 2 on AP123456

Where road is to be created in a reserve and the reserve contains a State lease that is affected by the road, the action can be completed on one survey plan (plan of area of new road and balance of the reserve parcel, and new lease alpha in the balance parcel).

## 10.2.3 Creation of roads in State forest or timber reserves

**Standard under the SMI Act**

Revocation actions are effected under section 32 of the *Forestry Act 1959*. Revocations for road and 'tourism' purposes **do not** require parliamentary approval.

Revocations are made by amendment to the Schedule (State forests) to the Forestry (State Forests) Regulation 1997 by the Governor-in-Council.

The written submission, accompanied by a plan illustrating the area is required to be submitted to the administering agency, being the Environmental Protection Agency. The plan is to meet the department's survey requirements. Equally, the surveyed status of any parcel should not be diminished.

Once excluded vide amendment to the Schedule of the Forestry (State Forests) Regulation 1997, the land becomes USL. The area is then dedicated as road by the registration of the dedication document.

If a State lease administered under the *Land Act 1994* is currently registered over the area proposed to be excised, a signed surrender of the lease area involved must be obtained by negotiation from the lessee in the first instance. A plan is then produced to show the area to be excised and the new lease area (exclusive of the excised area). The lease must be partially surrendered prior to the partial revocation of the State forest or timber reserve.

Again, the dedication of the road and amendment of the lease would only take place **after** the State forest has been amended and the department has been advised.

## 10.2.4 Creation of roads in scheme land

**Standard under the Land Title Act**

See the *Registrar of Titles directions for the preparation of plans*, section 12.3, 'Common property to be excised', <[www.nrw.qld.gov.au/property/titles/rdpp/part\\_12.html](http://www.nrw.qld.gov.au/property/titles/rdpp/part_12.html)>.

Road may be created directly from lots and/or common property within a community titles scheme in the following circumstances:

- If the new road is to be directly created from part of the common property only and the area of new road does not affect any part of a building or structure on a building format plan, a plan of new road only cancelling part of the common property is required.
- If the new road is to be directly created from part of a lot only and the area of new road does not affect any part of a building or structure on a building format plan, a plan of subdivision creating a new lot and new road cancelling the lot is required.

Alternatively the area of new road required may be created as a lot with a following action to dedicate and open the new road.

### 10.3 Closure of road

#### **Standard under the SMI Act**

Road closures are affected under the provisions of section 98 of the *Land Act 1994*.

There are several options to deal with closed road and the letter of offer from the senior lands officer, State Land Asset Management, will indicate the option to be adopted.

#### 10.3.1 Addition to adjoining lot or lots

See section 3.10.4, 'Permanently closing road', page 26.

See section 9.2, 'Action statements', page 90.

#### 10.3.2 Separate title

If it is intended to issue a separate title over the area of closed road, a plan showing the new lot is required. The separate title could be a lease or a deed of grant under the provisions of the *Land Act 1994*.

#### 10.3.3 Temporary closure of road

Roads may be temporarily closed by gazettal pursuant to section 98 of the *Land Act 1994*. A road licence may be issued over the temporarily closed road subject to conditions (sections 103 and 104 of the *Land Act 1994*). The road licence area is to be defined on an administrative plan (AP) and the licence area is defined as a secondary interest. The temporarily closed road is still dedicated road (a primary interest) and may be reopened by gazettal action (sections 106 and 107 of the *Land Act 1994*).

Temporarily closed road is to be shown as adjoining information as 'road' together with the secondary interest identifier.

*e.g.* SMITH ROAD  
Lot <alpha>  
AP 1234

### 10.4 Simultaneous opening and closure of road

#### **Standard under the SMI Act**

See section 3.10.5, 'Simultaneous opening and closing', page 26.

See section 9.2.3, 'Simultaneous road opening and road closing', page 91.

See section 9.47, 'Roads', page 116.

See sections 94 to 98 and section 109 of the *Land Act 1994*.

### 10.5 Existing roads

#### **Standard under the SMI Act**

See section 2.9, 'Reservations in title', page 5.

See section 3.6.4, 'Multiple line areas', page 13.

See section 4.3, 'Boundary watercourses', page 60.

See section 4.4, 'High water mark', page 61.

See section 9.47, 'Roads', page 116.

#### 10.5.1 Esplanades

A deed of grant will disclose whether an esplanade is excluded from the grant or reserved from the grant. If it is excluded from the grant (see 20371234), the esplanade is not a reservation under section 23 of the *Land Act 1994*.

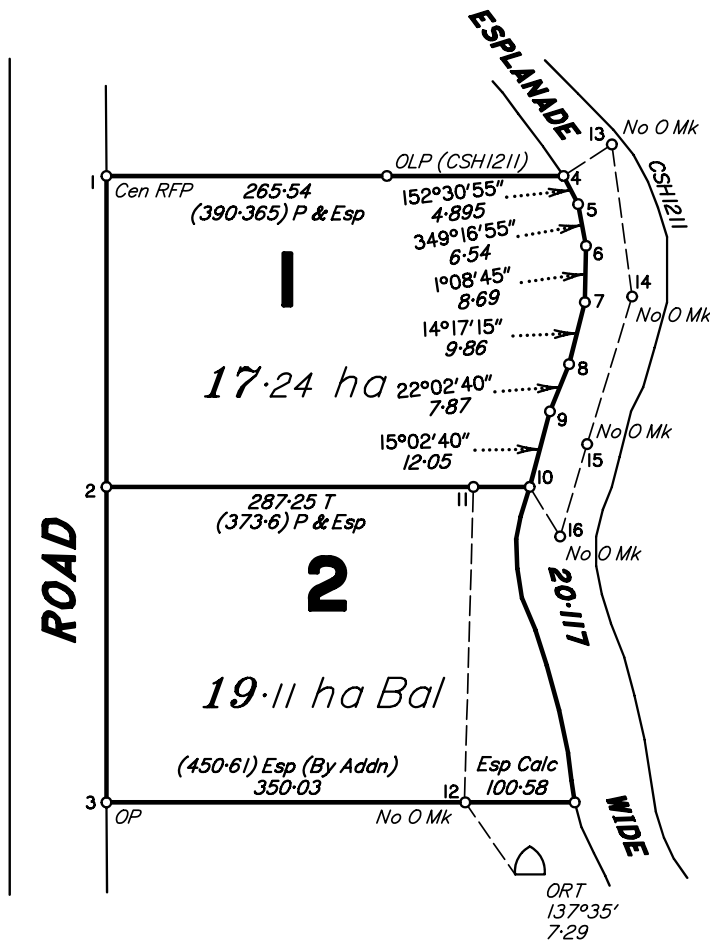
Accordingly the subject lot/s will not show an exclusion for the esplanade. The landward side of the esplanade (the boundary of the lot) must be shown in subject style.

For an unmarked esplanade, the position of the esplanade is fixed at the time of alienation of the lot. The landward boundary of the esplanade is also fixed at the time of alienation, but remains curvilinear, irrespective of when the feature was surveyed, and is not subject to accretion or erosion (McGrath v. Williams NSW Law Reports 1912 Vol. XII). The seaward boundary of the esplanade is subject to the doctrine of accretion and erosion.

When surveying any part of the landward side of the esplanade, that part of the boundary must be marked by right lines. These lines must be coincident with the reinstated boundary and the plan be noted with a statement that the right lines (marked) and the esplanade are coincident. The remainder of the esplanade remains as curvilinear.

When depicting a curvilinear part of the landward side of the esplanade, in lots with a calculated area, an esplanade points table should show the dimensions of the boundaries. The dimensions should be shown as 'Calc'

**Sample : Surveying the landward side of the esplanade**

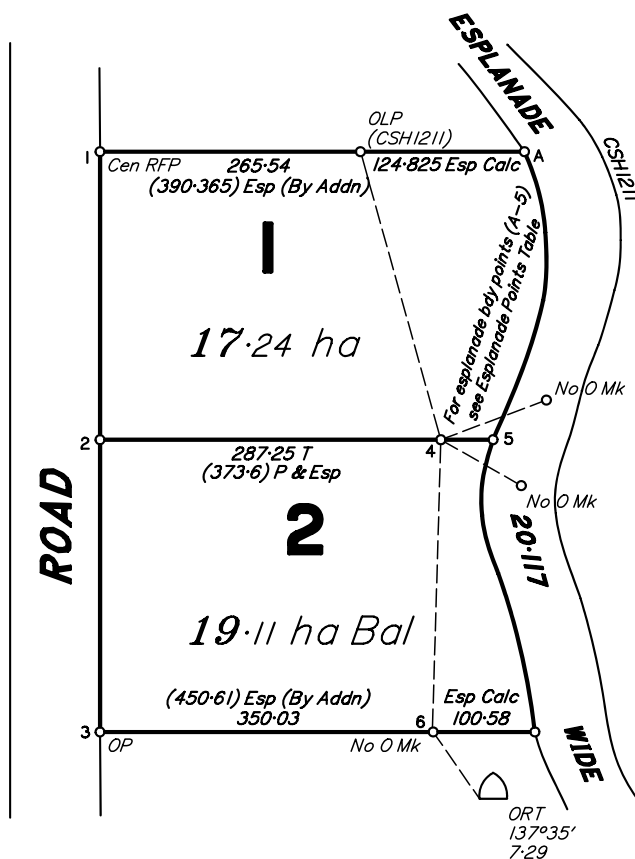


The right line boundaries (stns 4-10) are coincident with the Esplanade boundary as defined on CSH1211.

Peg placed at stations 2, 4-10.

**Sample : Not surveying the landward side of the esplanade**

**Note:** Survey records may be required to support the calculation of the esplanade boundary points.



ESPLANADE POINTS	
BEARING	DISTANCE
152°35'10" calc	14.63 calc
168°42'25" calc	18.75 calc
181°10'15" calc	25.22 calc
194°40'30" calc	29.0 calc
201°15'05" calc	22.78 calc
195°05'50" calc	35.33 calc

Esplanade Points calculated from CSH1211

Peg placed at stations 2 & 5.

**10.5.2 Reserved roads and reserved esplanades**

Reserved roads and reserved esplanades, are considered to have been dedicated for public use and are excluded from the lots containing them. Existing reserved roads or reserved esplanades are shown on the face of plans as either surveyed or unsurveyed.

The position of the reserved road and reserved esplanade is fixed at the time of alienation of the lot. The landward boundary of the reserved esplanade is fixed at the time of alienation, but remains curvilinear, irrespective of when the feature was surveyed, and is not subject to accretion or erosion (McGrath v. Williams NSW Law Reports 1912 Vol. XII.) The seaward boundary of the reserved esplanade is subject to the doctrine of accretion and erosion.

Reserved roads and reserved esplanades cannot be burdened by easements, secondary interest leases, profits a prendre, etc.



# 11. Historical information

Information

## 11.1 Alignments

See section 9.5, 'Alignment offsets', page 93.

See section 9.38, 'Offsets', page 113.

See 'Law relating to land boundaries and surveying', AG Brown, appendixes A and B

### 11.1.1 Declared alignments

Declared alignments become boundaries. The declaration was made by the Minister for Local Government under section 35(8)(7) of the *Local Government Act 1936*

The provisions referred to above were repealed under the *Local Government Act 1993*.

These plans are recorded in departmental systems with a plan prefix of DA.

### 11.1.2 Official alignments

An official alignment, not being a declared alignment indicates a building line only, which may or may not coincide with the property boundary.

## 11.2 Amalgamations

See section 5.2, 'Amalgamations', page 69.

Plans of amalgamation outside the Brisbane City Council lodged prior to 25 May 1985 did not require local government consent. The *Land Title Act 1994* was amended in 1997 to include section 50(h), and consequently remove the need for plans of amalgamation to be approved by a local government.

## 11.3 Barrier fences

**Note:** The *Barrier Fences Act 1954* was repealed by the *Rural Lands Protection Act 1985*.

Under section 180 of the *Rural Lands Protection Act 1985* (repealed) the Minister could issue an order for the establishment and maintenance of barrier fences. Section 202 provided for the establishment of a ring fence by an Order-in-Council. These orders were endorsed on the title to which they related.

For an order under the Barrier Fences Act, see RP165728.

In general, orders under the *Rural Lands Protection Act 1985* are no longer enforced since the department or the local government undertake the maintenance of the fences.

When lots, which were subject to an order under section 180 of the *Rural Lands Protection Act 1985*, were subdivided, the plan of subdivision was submitted to the local district office of the department. The district office arranged for certification by the Minister's delegate whether the new lots were subject to the order.

Allocation, if required, was similar to that for a reservation in title.

**Note:** The *Rural Lands Protection Act 1985* was repealed by the *Land Protection (Pest and Stock Route Management) Act 2003*.

Section 324 requires that an endorsement made in the register kept under the *Land Act 1994* or the *Land Title Act 1995* under section 185(1) of the *Rural Land Protection Act 1985* must be removed.

## 11.4 Declared catchment areas

See section 5.6, 'Catchment areas', page 70.

Surveyors undertaking surveys in declared catchment areas would be aware of a requirement for the department's approval of plans of subdivision in these areas.

On 1 October 2000, the catchment areas provisions of the *Water Act 2000* commenced. These are found in Chapter 2, Part 7 of the Act. Under the provisions it is possible to make a regulation that both declares an area to be a declared catchment area (DCA) and regulates the use of land in the DCA. The provisions of the *Water Act 2000* provide the same powers that are provided in section 27 of the *Water Resources Act 1989*.

Because of the saving of the Water Resources (Areas and Boards) Regulation 2000, the DCAs that existed on 1 October 2000 continue to exist. However, the chief executive's powers over land use in the DCA are not found in that regulation and have expired.

On 10 August 2001, the Integrated Planning Amendment Regulation (No. 1) 2001 (Subordinate Legislation 2001 No. 136) introduced declared catchment areas into Schedule 2, 'Referral agencies and jurisdictions'. The department, as a concurrence agency under the *Integrated Planning Act 1997*, holds powers over subdivision and certain land uses within declared catchment areas that it previously held under old regulations made under water management legislation.

## 11.5 Commonwealth titles

See section 2.5, 'Commonwealth titles', page 4.

### 11.5.1 Background

See the *Real Property (Commonwealth Titles) Act 1924*.  
(Note: Section 207 of the *Land Title Act 1994* repealed this Act.)

Lands such as 'post and telegraph reserves' and some 'rifle range reserves' were not part of the 'old system register' as they were never alienated from the State.

They were lands that vested in the State (Crown) prior to the formation of the Commonwealth. Pursuant to the constitution (section 85), these lands were passed to the Commonwealth. A list of them was drawn up in 1908 and certain arrangements made for payment, but the Commonwealth did not necessarily take a title out over them.

The above Act enabled the Commonwealth to apply to the Registrar of Titles to have these lands registered under the *Real Property Act 1861*.

When the Commonwealth wished to deal with these lands, a survey was required if a subdivision was involved. A request to bring the land under the *Real Property Act 1861* required a freehold plan. Dimensions came from the original plan of the land.

### 11.5.2 Previous procedures

A plan was required for the land that was subject to a Commonwealth application.

The Surveyor-General certified that 'at the time of transfer to the Commonwealth, no deed of grant had issued for this land'.

The plan, together with the application documents was lodged by the Australian Government solicitor and relevant fees were charged.

The plan and application were examined by the Master of Titles and the plan was then examined and passed by the surveyor in charge.

Because the Act made no provision for registration by either of the local district registrars, the plan was processed differently depending in which district the plan was located.

**Brisbane registry plans**

The plan was stamped on the back. The Registrar of Titles signed this stamp under seal.

**Rockhampton or Townsville registry plans**

The application and plan was lodged, examined and subsequently registered in Brisbane.

When the application had satisfied the Registrar of Titles, a photocopy of the plan was made. This photocopy (called 'the original') was then stamped and signed as previously described. This 'original' (i.e. the photocopy) was then kept in Brisbane.

The plan (called 'the copy') was also stamped, but the Registrar of Titles did not sign it under seal. The words 'signed Registrar of Titles' and a circle with the letters 'L.S.' were added.

This plan was then sent to the relevant district office where the Brisbane plan number was ruled through (but not made illegible) and its own district plan number was added.

Finally a certificate of title issued for the land in the name of the Commonwealth from the particular district registrar.

**11.5.3 Current procedures**

See section 2.5, 'Commonwealth titles', page 4.

**11.6 Easement with titles issued**

See section 6.4, 'Freehold', page 77.

In rare cases, titles for easements have been issued. See Title 10967023 or Title 11685016/17 and RP50663.

**11.7 Historical plan information**

See section 9.44, 'Plan types', page 115.

The common plan form (from 800000) was introduced in 1989 and was used for both freehold action and State action surveys.

When Form 21, Version 1, was introduced under the *Land Title Act 1994* in late 1997, the plan series, identified with a barcode label commenced from 100000, the previous pre-numbered series had reached about 914000.

Prefixes for the various types of plans are:

Freehold action plans			
Prefix	Type of plan	Other information	Active
BC	Building units plan (central)	No more plans being added to this series	No
BN	Building units plan (northern)	No more plans being added to this series	No
BPA	Building units plan of amalgamation		Yes
BRP	Building units plan of resubdivision		Yes
BS	Building units plan (southern)	No more plans being added to this series	No
BUP	Building units plan		Yes
GC	Group title plan (central)	No more plans being added to this series	No
GN	Group title plan (northern)	No more plans being added to this series	No
GRP	Group title plan of resubdivision		Yes
GS	Group title plan (southern)	No more plans being added to this series	No
GTA	Group title plan of amalgamation	No more plans being added to this series	No
GTP	Group titles plan		Yes
PGT	Pre-examined GTP		Yes
RP	Registered plan		Yes
SBA	Leasehold building units plan of amalgamation		Yes
SBP	Leasehold building units plan		Yes
SP	Survey plan		Yes

Freehold action plans			
Prefix	Type of plan	Other information	Active
SPA	Stratum plan of amalgamation	SouthBank	Yes
SPS	Stratum plan of subdivision	SouthBank	Yes
SRP	Leasehold building units plan of resubdivision		Yes
SSP	Stratum plan		Yes
UB	Upper building units plan		Yes

Table 11 Freehold action plan types

Mixed Use Development Act plans			
Prefix	Type of plan	Other information	Active
MCP	Mixed community plan		Yes
MPP	Mixed precinct plan		Yes
MSP	Mixed stratum plan		Yes

Table 12 Mixed Use Development Act plan types

Crown action plans			
Prefix	Type of plan	Other information	Active
AP	Administrative plan		Yes
CP	Crown plan		Yes
MPH	Mining plan (homestead tenure)	No more plans being added to this series	Yes
SF	State forest (tenure description)	Dept of Primary Industries and Fisheries	Yes
NPW	National parks and wildlife	Environmental Protection Agency plan	Yes
FTY	Forestry plan	Dept of Primary Industries and Fisheries	Yes
RA	Road action plan		No
RX	Road excision plan		No
SP	Survey plan		Yes

Table 13 Crown action plan types

Freehold plan/Crown action plan			
Prefix	Type of plan	Other information	Active
DP	Deposited plan		Yes
IS	Identification survey		Yes
RC	Red cat		Yes
SP	Survey plan		Yes

Table 14 Plan types that are common to both freehold and Crown action plans

CISP may be used to check on the location or archival office of a plan.

### 11.7.1 Freehold action plans

In order to conform with statutory requirements under the *Land Title Act 1994* the surveyors certificate was required to be executed in accordance with the following timeframe:

- plans numbered 191500 to < 800000 executed by 30 June 1990
- plans numbered 800000 to 863500 executed by 30 June 1994
- plans numbered 863500 to 869500 executed by 31 March 1995.

The above timeframe requirement no longer applies; however, the plan must have been capable of registration at the date of certification, and satisfy the requirements of the Land Registry, for the action proposed, at the date of lodgement.

The custodian for plans numbered between 1 and 799999 was as follows:

- southern (Brisbane) 1 to 299999
- central (Rockhampton) 600000 to 699999

- northern (Townsville) 700000 to 799999.

### 11.7.2 Crown action plans

In 1992, the county/town prefix for all Crown action plans was removed and replaced with the initials CP—Crown plan. The CP prefix was subsequently replaced by the survey plan (SP) prefix, introduced in 1997.

While the ‘county/town prefix’ is no longer used, the plan archive contains many plans that are catalogued in accordance with the historical ‘county/town’ prefix.

### 11.8 In strata

See section 9.53, ‘Surveys in strata’, page 118.

Refers to surveys where the lots were defined by a surface that was referred to:

- the surface of the land  
or
- a reduced level.

These plans often contained a statement like ‘to the depth of 50 feet below the surface’.

### 11.9 Irrigation areas

The *Water Act 2000* abolished irrigation areas

The provisions of the *Water Resources Act 1989* required the following:

- A local government may not approve a plan of subdivision in an irrigation area unless the plan has first been approved by notation thereon by the Director-General of the department.
- The approval of the local government must be applied for not later than twelve months after the date of notation by the Director-General of the department. (Schedule Part 1, Clause 31A (7) of the *Water Resources Act 1989*.)
- A plan by a constructing authority is not a subdivision for the purposes of section 31A of the *Water Resources Act 1989* and does not require the approval of the Director-General of the department.

### 11.10 Old system land—resurvey

There is no known old system land in Queensland. In bringing this land under the provisions of the *Land Title Act 1994*, a lot-on-plan reference has been determined for these parcels and referred to in the certificate of title. Where the plan is of an area not previously surveyed and shown on a prior plan, use the description as given in lot-on-plan conversion on the certificate of title.

### 11.11 Paper subdivisions

See section 3.11, ‘Compiled plans’, page 27.

See section 3.37, ‘Undescribed balances’, page 56.

See section 11.15, ‘Subdivision without survey’, page 132.

The term refers to the creation of new parcels by title transfers

Section 48 of the *Real Property Act 1861* (now repealed) dealt with transfers of land. Section 48 stated:

*‘When land under the provisions of this Act is intended to be transferred the transferor shall execute a memorandum of transfer in form D of the Schedule hereto and every such memorandum shall be attested to by a witness and shall for description of the land intended to be transferred refer to the grant or certificate of title of such land or shall give such description as may be sufficient to identify that particular portion of land intended to be transferred and shall contain an accurate statement of the estate or interest intended to*

*be transferred and a memorandum of all mortgages and other encumbrances affecting the same and if such land be leased the name and description of the lessee with a memorandum of the lease.'*

The part underlined above allowed the Registrar of Titles to register a transfer over part of a title provided it was sufficiently described. These transfers occurred without a survey plan being available of the land being transferred. When the transfer document was lodged, it was accompanied by a metes and bounds description of the land being transferred. Often these transfers related to the subdivision of a rectangular parcel into two equal parts. The parts created by the transfer were normally described as subs A and B or resubs A and B of the parent parcel and became known as 'pencil subdivisions'. This name was applied because of the practice of pencil-plotting the subdivisions on the original plan of survey of the parent parcel. When the department implemented the shortened lot-on-plan description for parcels in the register, compiled plans were prepared for those lots that had no plan with dimensions available. There are still some outstanding lots that require plans to be prepared.

For an example see title 30015085 and RP619400.

## 11.12 Proclaimed survey area

When in the opinion of the chief executive of the department, the state control survey had been sufficiently developed within any area, and permanent survey marks had been established over such area, the Governor-in-Council could declare such area to be a proclaimed survey area under the *Survey Coordination Act 1952*.

A number of proclaimed survey areas in Queensland lapsed due to the provisions of the *Statutory Instruments Act 1992*.

## 11.13 Railway boundaries

Prior to 1914, railway land was not normally surveyed unless the land was being resumed from a surveyed parcel of land. Section 92(1)(3) of the *Railway Act 1914* vested in the Commissioner of Railways, all land within railway fences. It is generally accepted that this section only applied to land fenced prior to 1914.

Where unsurveyed railway land is being surveyed the fence should be adopted if it was erected prior to 1914. (*Railway Act 1914*)

The standard width for unsurveyed and unfenced railways is:

- 150 links (30·175 metres) in urban areas
- 300 links (60·35 metres) in rural areas.

With the railway being centred on the centreline of the constructed rails.

Valuable information that may assist in the determination of the boundaries may be found in the original railway books, archived at Landcentre. All railway books have been enrolled in CISP and many are imaged. Care should be exercised in that the construction of the railway may not have been centred within the boundaries of the railway land, and the fences extant may not have been constructed on the same alignments as the original fences.

## 11.14 River Improvement Trust Act 1940

See section 10(5A) of the *River Improvement Trust Act 1940*.

For an example of a plan subject to the River Improvement Trust see RP167212 and Lot 2 on RP116442. Title 15515100.

## 11.15 Subdivision without survey

See section 11.11, 'Paper subdivisions', page 131.

## 11.16 Surveyor's book

Surveyor's book corrections are no longer permitted.

The surveyor's book was a system that allowed for plans to proceed to registration even though minor amendments and/or the addition of reference mark information were required to be made to the plan. The Registrar of Titles requires any plan to be correct in all respects at the time of registration.

### 11.17 Total deed areas

See section 3.6, 'Areas', page 12.

In the past, the plan showed a statement of the total deed area of the consolidated title as well as a list of the lots contained within the consolidated title. This information was required for the preparation of the deed of grant.

#### Example

*Total deed area*  
*Lots 1 & 2 on RP432167 and*  
*Lots 5-7 on SL32114*  
*144.2523 ha*

**Note:** Where workers' homes perpetual town leases and State housing perpetual town leases were freeholded, it is not uncommon to find that the description in the deed of grant consists of two separate lots that are separate identities on an original registered plan. It is also noted in the deed of grant that it was granted under the Workers Homes Corporation Act or the State Housing Act. Whether or not separate titles may be issued is a matter for determination by the Registrar of Titles.

## Appendix A. Glossary

This glossary of some of the most commonly used terms is intended to assist the user in understanding these Requirements. It is to be used in association with specific legislation.

### access

See **dedicated access**.

Under the *Local Government (Planning and Environment) Act 1990*, ‘access’ was defined as a ‘practical’ means of entry. However, practical means of entry does not always guarantee ‘dedicated access’. Access is not defined in the *Integrated Planning Act 1997*.

### access restriction lots

An access restriction lot is a separate lot in a subdivision. They may also be called buffer strips and were a town planning requirement of local government to restrict access from roads to adjacent land.

### administrative advice

A document which is deposited by a local, commonwealth or state government authority or other authorised parties to record an interest in the lot in the ATS (e.g. notice of intention to resume).

### administrative plan (AP)

Used for administrative actions such as tree clearing permits, permits to occupy, and various road actions.

### allocation

Interests in land are carried forward from one title to the next through the allocation of the interests of old lots to the new lots. These interests may include easements, portions, mortgages, etc.

### associated documents

Associated documents are instruments that are lodged in the department with the plan (e.g. easements, leases, mortgages, nomination of trustees, transfers).

### ATS

ATS (Automated Titles System) is the computerisation of the Torrens Title System of registration for all freehold and leasehold dealings in land in Queensland.

### blind roads

Blind roads are roads which have no access from a contiguous road system and are no longer of concern to the Registrar of Titles, being a matter for the local government.

### borrowing out of plans

Any unregistered survey plan lodged in the department may be borrowed out by the lodger for correction by the surveyor. The amended plan must be returned to the department.

### cadastral survey

Any process of determining the boundaries of a piece of land or waters, including preparation of plans, required or authorised:

- under any Act dealing with the alienation, leasing, and occupation of State lands or with mining, or affecting titles to land  
or
- by the proprietor, lessee or mortgagee under any Act affecting titles to land  
or
- by the owner, proprietor, lessee, mortgagee or occupier of, or any person holding a registered interest in, any land for the re-establishment of, or identification of, or adjustment of any boundary of such land



or

- under any Act to be made or certified by a cadastral surveyor.

**calc. book**

A numbered, linen-bound book formerly held by each examiner. The book contained an index of all plans examined by that examiner and a copy of any requisition. This has been replaced by CISP.

**caveat**

A notice to the Registrar of Titles by a person claiming an interest in the land. It prevents the registration of any instrument affecting such land until the caveat is withdrawn, removed or lapses. Caveats are recorded in the ATS.

**certificate of title**

A certificate that may be issued by the Registrar of Titles that provides evidence of the ownership of a freehold interest in a parcel of land.

**CISP**

CISP (Computer Inventory of Survey Plans) is a textual database of all survey plans in the department.

**comatose title (historical)**

This was the title to the underlying parcel of land over which a building unit plan or group title plan had been registered. On extinguishment of a BUP or GTP any dealing with the parcel reverted to this title. With the commencement of the *Body Corporate and Community Management Act 1997*, all comatose titles were cancelled.

**court order**

An order of the Supreme Court regarding the transfer of land or the creation of a benefit easement where an encroachment exists. No local government consent is required for the associated survey plan.

**Crown land (*Land Act 1962*)**

*See State land.*

**Crown lease**

A lease that is issued under the *Land Act 1994*.

**dealing**

An action relating to a parcel of land, such as a transfer of an interest.

**dealing number**

A unique number allocated to each document and survey plan when lodged in the department. It determines the priority of registration of plans and associated documents in relation to a title.

**dedicated access**

*See access.*

A dedicated road formed or unformed, surveyed or unsurveyed providing legal access to a lot, reserve or State land. There is no definition of access in the *Integrated Planning Act 1997*. See 'Access' in the *Local Government (Planning and Environment) Act 1990*.

**deed of grant**

Land granted in fee simple by the State, or the document evidencing the grant, including an indefeasible title under the *Land Title Act 1994*. The deed is enrolled in the freehold registry and the registered owner's indefeasible title is created.

**deed of grant in trust**

Land granted in fee simple in trust by the State, or the document evidencing the grant, including an indefeasible title under the *Land Title Act 1994*.

**deemed tramway easements**

See section 6.2, 'Cane railway easements', page 76.

See the *Surveyors operation manual*, B2 3.1, 'Deemed tramway easements'.

Tramway easements are defined by law and were originally created by section 41 of the *Sugar Experiment Station Act 1900* and subsequently preserved by section 84 of the regulation of the *Sugar Cane Prices Act No 45 of 1962*. The tramway easement rights were preserved under section 203 of the *Sugar Industries Act No 20 of 1991*, provided it was registered in the register of easements (*Sugar Industries Act 1991*) prior to 30/06/1996. The *Sugar Industries Act 1999* now registers these tramway easements in an access rights register, section 69. The person to whom the access right is granted must advise the Registrar of Titles (section 71 (2)) and the Registrar of Titles is required to enter an administrative note in his register (section 71 (4)). The administrative note is not evidence of the registration of the access right in the Land Registry (section 71 (5)).

**defeasance**

A condition relating to a title that can void the title if performed. Such conditions are contained in a separate instrument (not the title itself).

**department**

The State government agency that administers the *Survey and Mapping Infrastructure Act 2003*.

**deposited plan**

A plan or copy of a plan deposited with the department for the purposes of endorsement as being correct in respect of survey content. It includes:

- plans deposited for pre-examination and endorsement
- original State land action plans deposited for passing and recording
- copies of plans endorsed by accredited surveyors
- plans that have been lodged for registration but are marked 'no further action'
- plans deposited pursuant to section 16 of the *Survey and Mapping Infrastructure Act 2003*.

**easement**

A right enjoyed over the lands of a registered owner. The dominant tenement is the land to which a right is granted. The servient tenement is the land that is burdened by the granting of a right to another parcel of land. For easements in gross there is no dominant–servient relationship.

**encroachment**

Encroachment by a building, including encroachment by overhang of any part as well as encroachment by intrusion of any part in or on the soil. (*Property Law Act 1974*). (See section 3.20, 'Encroachment', page 35.)

**endorsed plan**

A plan that has passed survey examination and has been officially endorsed as being correct in survey content only for the intended action.

**fee simple**

An estate of inheritance in land which is absolute and without limitation to inheritance. It implies full ownership in land, the tenure of which is called freehold.

**forest entitlement area**

A reservation of commercial timber, and the land on which it stands, to the State in a deed of grant or freeholding lease to enable the State to undertake long-term management of timber.

**freehold**

Land that has been alienated from the State.

**freehold title**

An estate in fee simple created by a deed of grant when land is granted by the State, or an indefeasible title created on registration of subsequent dealings.

**fully withdrawn plan**

A lodged plan that is no longer required to be registered by the interested parties. The consent of the registered owner or the lodger is required prior to withdrawal.

**geodetic control point**

Positions established and marked on the ground, which are coordinated in a geodetic coordinate system.

**geodetic datum**

A set of constants used for defining the coordinate reference system for geodetic control surveys.

**holding**

State land held by any lessee. A 'pastoral holding' is a State lease used for grazing purposes (*Land Act 1962*). There is no definition of 'holding' in the *Land Act 1994*.

**indefeasible title**

The indefeasible title for a lot is created on the recording of the particulars of the lot in the freehold land register.

**identification survey/plan**

A cadastral survey carried out for the purpose of identification, re-establishment, marking or remarking of existing boundaries of a piece of land or waters. No interests are created or altered as a result of these surveys/plans. In general, the survey content of these plans has not been examined.

**instrument**

Instruments include:

- a deed of grant or certificate of title
- a will, grant of representation, or exemplification of a will, that may be used to deal with a lot
- a deed that relates to or may be used to deal with a lot
- a power of attorney that may be used to deal with a lot
- a request, application or other document that deals with a lot and may be registered under the *Land Title Act 1994*
- a map or plan of survey that may be lodged.

**interest in land**

Rights, duties, liabilities connected with the land. The extent of the rights depending on the level of interest held (e.g. leasehold interest, freehold interest, joint interest, interest in common).

**lease (*Land Title Act 1994*)**

A lease is an instrument creating an interest in land for a fixed period, usually in consideration of the payment of rent. It is a requirement of a lease that there must be a lessor, a lessee, a demised premise or demised area and a term granted.

**leasehold**

State land leased to a person or company, for a term of years or in perpetuity.

**lodged plan**

A plan which has been lodged with the department for the purpose of registration as an instrument to give effect to a dealing(s) and is recorded in the ATS.

**lodgement**

The act of acceptance for registration purposes, by a registering authority of a registrable instrument such as a plan of survey.

**lot (*Land Act 1994*)**

A separate, distinct parcel of land created on:

- the registration of a plan of subdivision  
or
- the recording of particulars of a lease.

**lot (*Land Title Act 1994*)**

A separate, distinct parcel of land created on:

- the registration of a plan of survey  
or
- the recording of particulars of a deed of grant.

**lot-on-plan**

Lot-on-plan is a unique identifier for a parcel of land.

**metes and bounds**

‘Metes’ are the dimensions of the parcel and ‘bounds’ are the adjoining. It was common for titles and grants to have a word description of the land, the metes and bounds. An example is deed of grant 20361102, which states in part:

*‘Commencing at the south corner of portion 177, and bounded thence on the north east by that portion bearing 318 degrees 46 chains 59 ½ links, on the north-west by portion 175 bearing 228 degrees 19 chains 97 ½ links, and on the south west and on the south-east by roads bearing 138 degrees 46 chains 60 3/10 links and 48 degrees 19 chains 97 6/10 links to the point of commencement.’*

**natural feature**

A topographical feature suitable for use as a boundary in a cadastral survey, including:

- a mountain range
- a cliff
- a river
- a watercourse
- a seashore.

**notice of intention to resume (NIR)**

A notice lodged in the department by a statutory authority of their intention to resume. It is noted in ATS as an administrative advice.

**nomination of trustees**

*See transfer to trustees.*

**original grant**

The original deed of grant for any parcel of land issued by the State detailing therein the reservation of rights to the State.

**patent error**

A minor error on a survey plan, which can be corrected by the Registrar of Titles pursuant to section 155 (1) of the *Land Title Act 1994*.

**proclaimed survey area (PSA)**

See section 11.12 'Proclaimed survey area', page 132.

**public use land**

Includes roads and other lots that are to be dedicated for public use on registration of a plan of survey or plan of subdivision.

**red cat plan (redundant catalogue plan)**

A copy of a survey plan lodged pursuant to section 16 of the *Survey and Mapping Infrastructure Act 2003*. The copy is held as a record of survey data only and as soon as the original survey plan is lodged the copy is no longer accessible. Derived from the term 'redundant catalogue plan number', which was given to such a copy.

**register** (noun)

A record of information about land maintained by the Registrar of Titles, under the authority of the *Land Title Act 1994* (i.e. the freehold land register) and under the authority of the *Land Act 1994* (i.e. leasehold land register).

**register** (verb)

To record the particulars of a lot, interest, instrument or other thing in the appropriate register in the Land Registry.

**registered plan**

A lodged plan that has proceeded to registration with or without accompanying documentation and is now recorded within the land titles register.

**rejected plan**

A lodged plan that is prevented from proceeding to registration and is rejected by the Registrar of Titles. The original plan is returned to the lodger.

**requisition**

A formal notification that a document has defects and those defects should be clarified or corrected before the document may be passed for registration.

**reservation in a deed or lease**

A clause in a deed or lease where the grantor (the State) reserves something to itself (e.g. gold and petroleum, or a certain amount of land) within the lease or deed.

**reservation in title**

See **road reservation**.

Reservations in title are areas of land set aside in deeds of grant for the express use of the State (Crown) in the process of the closer settlement of Queensland. They are non-delineated areas of land within the external boundaries of a lot (or other parcel of land). Reservations in title are mainly for road purposes but can be for railway, telegraph, or other defined purposes.

**reserve**

A parcel of land that has been set aside, through the provisions of the *Land Act 1994*, for a community purpose (e.g. for park and recreation purposes).

**reserved road**

A reserved road, either surveyed or unsurveyed, is shown on a plan in a specific location and reserved from the title.

**resumption**

The procedure under which an authority, empowered by the State government, compulsorily acquires land for a specific purpose.

**road action plan**

*See administrative plan.*

A sketch plan that was drawn for the purpose of road opening and/or closure under the *Land Act 1994*.

**road excision plan**

*See administrative plan.*

A sketch plan that was drawn for the purpose of excising an area of land from a Land Act lease for the purpose of dedicating the area as road.

**road reservation**

*See reservation in title.*

A road reservation does not have a specific location within a lot but is reserved from the title. Note that on some older plans, a road reservation is referred to as 'reserved for road purposes'.

**State land (*Land Act 1994*)**

All land in Queensland, except freehold land.

**statutory area**

An area of land wherein either:

- another statutory authority, in addition to the local government, must consent to the plan (e.g. within a coastal management control district)
- or
- some extra condition must be complied with.

**statutory authority**

An authority that is created through an Act of Parliament.

**surrender**

To surrender an interest in land (e.g. a lease) is to give it back to the person or body (e.g. the State) from whom it was granted.

**survey**

The act or process of determining the form, contour, position, area, height, depth or any other similar particulars of the earth's surface, whether on land or water, or of any natural or artificial features on, below or above any part of that surface. It also refers to planning the position or the length and direction of the bounding lines of any part of that surface, or of any natural or artificial features, and includes the making or obtaining of a plan or plans.

**tenure**

The form in which property is held, set aside or dealt with under an Act (e.g. freehold, reserve, road or unallocated State land). Tenure is also used to describe an interest in land that has a term (e.g. leasehold as opposed to freehold).

**transfer and request to amalgamate**

The transfer and request to amalgamate are documents used to resolve cases of joint ownership created by the movement of title boundaries by survey when two or more different registered owners are involved.

**transfer to trustees (formerly nomination of trustees)**

The document that is often used in dealing with access restriction lots as it transfers the land to the relevant local government in trust, usually for town planning purposes.

**unallocated State land (USL)**

All land in Queensland, except land that is:

- freehold land or land granted, or contracted to be granted, in fee simple by the State  
or
- road or reserve, including national park, conservation park, State forest or timber reserve  
or
- land subject to any lease or licence issued by the State.

**unregistered dealing**

An instrument that has been lodged with the Registrar of Titles but not yet registered.

**vacant Crown land**

*See unallocated State land.*

**vested land**

State land, the control of which has been ceded to a statutory authority (e.g. Port of Brisbane).

If an Act does not authorise the grant of a tenure over the vested land, the vested land must be surrendered to the State before the land may be further dealt with as unallocated State land. See departmental procedure PUX/952/062 for more information. (PUX/952/062 is not available on the department's website).

## Appendix B. Abbreviations

### B.1 General

Title	Abbreviation
Automated Titles System	ATS
Australian Height Datum	AHD
Australian Map Grid	AMG
Building unit plan	BUP
Certificate of title	C/T
Computer Inventory of Survey Plans	CISP
Contaminated land	C/L
Crown action plan	CP
Digital Cadastral Data Base	DCDB
Deed of grant	D/G
Deposited plan	DP
Document Imaging of Survey Plans	DISP
The department that administers the <i>Survey and Mapping Infrastructure Act 2003</i> and is responsible for making these standards and guidelines (currently the Department of Natural Resources and Water)	the department
Easement	Emt
Global Positioning System	GPS
Global Navigation Satellite System	GNSS
Forest entitlement area	FEA
Freehold action plan	RP
Group title plan	GTP
<i>Land title practice manual</i>	LTPM
Map Grid of Australia	MGA
Permanent survey mark	PM or PSM
Proclaimed survey area	PSA
<i>Registrar of Titles directions for the preparation of plans</i>	RTDPP
Resumption	Resump
Survey Control Data Base	SCDB
Vegetation protection order	VPO

### B.2 Crown tenures—*Land Act 1962*

Freeholding tenures	Abbr	Leasehold tenures	Abbr
Agricultural farm	AF	Grazing homestead perpetual lease	GHPL
Auction perpetual lease	APL	Non-competitive lease	NCL
Auction purchase freehold	APF	Pastoral development holding	PDH
Development lease	DL	Pastoral holding	PH
Freeholding sale	F	Perpetual country lease	PCL
Grazing homestead freeholding lease	GHFL	Perpetual suburban lease	PSL
Perpetual country lease converted	PCL(C)	Perpetual town lease	PTL
Perpetual lease selection	PLS	Preferential pastoral holding	PPH
Perpetual suburban lease converted	PSL(C)	Special lease	SL
Perpetual town lease converted	PTL(C)	Stud holding	SH
Special lease purchase freehold	SLPF		
Special purchase	SP		
<b>Occupations</b>	<b>Abbr</b>		
Occupation licence	OL		
Permit to occupy	PO		
Road licence	RL		



**B.3 State tenures—Land Act 1994**

<b>Freeholding tenures</b>	<b>Abbr</b>	<b>Leasehold tenures</b>	<b>Abbr</b>
Freeholding sale	F	Term lease	TL
Grazing homestead freeholding lease	GHFL	Perpetual lease	PPL
Freeholding lease	FL		
<b>Permits</b>	<b>Abbr</b>		
Permit to occupy	PO		
Road licence	RL		

**B.4 Department of Housing**

<b>Leasehold tenures</b>	<b>Abbr</b>
State housing freeholding lease	SHFL
State housing perpetual town lease	SHPTL
Workers' homes perpetual town lease	WHPTL

**B.5 Acts and Regulations and their abbreviations**

Acts and Regulations are referred to in full in the document.

## B.6 Commonly used plan abbreviations

About .....	Abt	Easement .....	Emt
Addition .....	Addn	East .....	E
Alignment Spike .....	A Spk	Electric Light Pole .....	ELP
Alluvial Mining Claim .....	AMC	ESPLANADE .....	ESP
Application Post .....	Appln Post	Exploration Permit .....	EP
Approximately .....	Approx	Coal .....	EPC
ARCADE .....	ARC	Minerals .....	EPM
Australian Geodetic Datum .....	AGD	Petroleum .....	EPP
Australian Height Datum .....	AHD	EXPRESSWAY .....	EXPWY
Australian Map Grid .....	AMG	Extended .....	Extd
Avenue .....	Ave		
		<b>Fence Posts:</b>	
Balance .....	Bal	Round Fence Post .....	RFP
Bank .....	Bk	Square Fence Post .....	SFP
Bitumen .....	Bit	Square Concrete Fence Post .....	Conc SFP
Block .....	Blk		
BOULEVARD .....	BLVD	Round Steel Fence Post ).....	either
BOUNDARY .....	BDY	Round Galv. Iron Fence Post ).....	Steel FP
Brick .....	Br or Bk	Steel Fence Post ).....	or
BROADWAY .....	BDWY	Tubular Steel Fence Post ).....	GIFP
Brook .....	Brook		
Building .....	Bldg	Corner Square Fence Post .....	Cor SFP
Building Unit Plan .....	BUP	Centre Round Fence Post .....	Cen RFP
Business Area .....	BA	Centre Face Square Fence Post ).....	Cen Face SFP
		).....	(CFace SFP)
Calculated .....	Calc	Fences: E.g. 2 Barbed Wire, 1 Plain Wire .....	2B 1P
Centre .....	Cen (C)		
CHANNEL .....	CHNL	FREEWAY .....	FWY
CHASE .....	CH	Foot .....	Ft
CIRCLE .....	CCL	Found .....	Fd
CIRCUIT .....	CCT		
CLOSE .....	CL	Galvanized .....	Galv
Coal Mining Lease .....	CML	Galvanized Iron .....	GI
Concrete .....	Conc	Gold Field Homestead .....	GFH
Connection .....	Conn	Gold Mining Lease .....	GML
Construction .....	Constn	Ground .....	Gnd
Continued .....	Contd	Group Title Plan .....	GTP
Corner .....	Cor	GROVE .....	GR
County .....	Cty	Gully Trap .....	G/T
COURT .....	CT		
Covenant .....	Cov	Headwall .....	Hdwl
Creek .....	Ck	Hectares .....	ha
CRESCENT .....	CRES	HIGHWAY .....	HWY
crown plan .....	CP	High Water Mark .....	HWM
		Holding .....	Hldg(H)
Datum Post .....	D Post		
Dead .....	Dd	Identification .....	Ident
Deep Driven Mark .....	DDM	Identification Survey .....	IS
Department of Mines and Energy (D.M.E.) Plan .....	MP	Instruction .....	Inst
Departmental .....	Deptl	Intersection .....	Intsn or Int
Developmental .....	Dev	Iron Pin .....	I Pin (IP never used)
Diagram .....	Diag	ISLAND .....	IS
Distance .....	Dist		
Disturbed .....	Distd	Kerb .....	Kb
Dog Spike .....	D Spk	Kilometre(s) .....	Km
Dredging Area .....	DA		
Dredging Claim .....	DC	LANE .....	LA
Dredging Lease .....	DL	Leaning .....	Leang
Drill Hole (& Wing) .....	D Hole, D/H or D/H & W	Left Bank .....	LBk
DRIVE .....	DR	Licensed Gem Claim .....	LGC
		Line Peg .....	LP

Local Government .....	Local Govt	Placed .....	Pld
Low Water Mark .....	LWM	PLAZA .....	PLZ
		Plinth .....	Plth
Manhole .....	M/H	Pointer .....	Ptr
Map Grid of Australia.....	MGA	Portion .....	Por
Market Garden Area .....	MGA	Position .....	Posn
Mark .....	Mk	Power Pole .....	PP
Measurement .....	Mmt	Profit a Prendre .....	Profit or PaP
Metre(s) .....	m	PROMENADE .....	PROM
Mineral Claim .....	MC		
Mineral Development Licence .....	MDL	QUAY .....	QY
Miners Homestead .....	MH		
Miners Homestead Lease .....	MHL	RAILWAY .....	RLY
Miners Homestead Perpetual Lease .....	MHPL	Ranged .....	Rgd Only
Mining Lease .....	ML	Reads .....	Rds
Mining Title Freehold Lease .....	MTFL	Recreation .....	Rec.
Mount .....	Mt	Redundant Catalogue Plan .....	RC
Mountain .....	Mtn	Registered Plan .....	RP
		Reinstated .....	Reinstd
<b>Nails:</b>		Remains .....	Rmns
Galv. Iron Nail .....	GINail	Remarked .....	Remkd
Lead Head Nail .....	LHNail	Removed .....	Remvd
Ramset Nail .....	Ram Nail	Renewed .....	Renwd
Round Head Nail .....	RHNail	Reset .....	Reset
Spring Head Nail .....	SHNail	Reserve .....	Res
		Reserved .....	Resd
No Original Mark .....	No O Mk	Reservation (Road Reservation) .....	Rd Resn
North .....	Nth (N)	Reservoir .....	Rsvr
Noted & Checked .....	N & C	Residence Area .....	RA
Number .....	No	Restricted Mining Claim .....	RMC
		Restricted Mining Purposes Claim .....	RMPC
Obliterated .....	Obltd	Right Bank .....	RBk
Occupation .....	Occupn	Right of Access .....	R of A
Old .....	Old	Right of Way .....	R of W
Original .....	Orig (O)	RIVER.....	RIV(R)
Original Iron Pin .....	OIP	ROAD .....	RD
Original Line Peg .....	OLP		
Original Peg .....	OP	Section .....	Sec
Original Mile Post .....	OMP	Sheet .....	Sh
Original Permanent Survey Mark .....	OPM or OPSM	South .....	Sth(S)
Original Pointer Peg .....	O Ptr	Special Bauxite Mining Lease .....	SBML
Original Reference Tree .....	ORT	Special Coal Mining Lease .....	SCML
Original Survey Post .....	OSP	Special Gem Claim .....	SGC
Overhead .....	O/H	Special Mining Lease .....	SML
		Special Perpetual Mining Purposes Lease .....	SPMPL
<b>Permanent Marks:</b>		Spike .....	Spk
Permanent Survey Mark .....	Perm Mk, PM or PSM	Split .....	Split
Brass Plaque .....	Brass Plq	Standard .....	Stand
Deep Driven Mark .....	DDM	Star Picket .....	S Pkt
Mini Mark .....	Mini Mk	Station .....	Stn
Star Picket .....	S Pkt	Straightened .....	St'd or Strghd
		Strainer .....	Strnr
PARADE .....	PAR.	STREET .....	ST
PARKWAY .....	PKWY	Stump .....	Stp
PATHWAY .....	PTHWY	Suburban .....	Subn
Peg .....	Peg(P)	Surface .....	Surf
Permanent .....	Perm	Surface Area .....	Surf Area (SA)
Permanent Survey Mark .....	Perm Mk, PM or PSM	Surveyed .....	Survd
Petroleum Lease .....	PL		
Petroleum Well Location .....	PWL	Tailings Area .....	TA
Pillar .....	Plr	Telegraph Pole .....	TP
Pipeline license .....	P Lic	TERRACE .....	TER
PLACE .....	PL	Traverse .....	Trav

Unallocated State Land .....	USL	Water Hole .....	WH
Underground .....	U/G	Water Right .....	WR
Very Old .....	V Old	Water Tower .....	Wt Twr
		Watershed .....	W'shed
		West .....	W

If upper and lower case is used for a word to be abbreviated, then use upper and lower case for the abbreviation.

e.g.:           **RAILWAY = RLY**  
**Railway Fence = Rly fence;**  
**CHANNEL = CHNL**  
**Kerb and Channel = Kerb & Chnl**

### Abbreviations—common trees

Bauhinia	Bauh	Mahogany	Mahog
Beefwood	Beefwd	Mangrove	Mgrove
Blackbutt	Bkbutt	Messmate	Mmate
Blackwood	Blackwd	Milkwood	Milkwd
Bloodwood	Bldwd	Moreton Bay ash	MB Ash
Bollywood	Bollywd		
Bonewood	Bonewd	Nutwood	Nutwd
Bottle brush	Bot Brush		
Bottle tree	Bot Tree	Peppermint	Pmint
Boxwood	Boxwd	Pepperwood	Pepperwd
Brigalow	Brig	Poplar gum	Pop Gum
Cabbage gum	Cab Gum	Quandong	Qdong
Camphorwood	Camphwd		
Candlenut	Candnt	Rosewood	Rosewd
Cheesewood	Cheesewd		
Coachwood	Coachwd	Saffron heart	Saf Heart
Coolibah	Coolbh	Sandalbox	Sandbox
Corkwood	Corkwd	Sandalwood	Sandwd
Cottonwood	Cottonwd	Sassafras	Sasfras
Cypress pine	Cy Pine	Satinwood	Satinwd
		Scrubtree	Scrub
Dead finish	Dd Fin	Scrubwood	Scrub
		Silkwood	Silkwd
Fibrewood	Fibrewd	Spotted gum	Sp Gum
		Stringybark	Stybk
Gum topped box	GT Box		
		Tallowwood	Tallowd
Ironbark	Ironbk	Tulipwood	Tulipwd
Ironwood	Ironwd	Turpentine	Turp
Johnson River hardwood	JR Hardwd	Whitewood	Whitewd
Kurrajong	Kjong		
		Yellowjacket	Y Jacket
Lancewood	Lancewd	Yellowwood	Yellowd

## Appendix C. Styles

### *Guideline under Standard 9.55, 'Text styles'*

See section 9.55, 'Text styles', page 118.

The following are guidelines for text styles on plans

- subject lot, mining tenure (where used as legal property descriptions), easement, island and diagram

**ABCDEFGHIJKLMNOPQRSTUVWXYZ**  
**1234567890**

- adjoining dtyle to above and their catalogue numbers, adjacent (non-adjoining) road, street, railway, channel and drainage area, all distances and all column headings and entries, statements and endorsements, corner information, plan title (where applicable), features (gully, bldg, 2B 1P fence, etc.), read and ranged only bearing, area (right of decimal)

**ABCDEFGHIJKLMNOPQRSTUVWXYZ**  
**1234567890** *abcdefghijklmnopqrstuvwxy*

- subject road, street, lane, pathway, drain and channel area, railway, highway, expressway, freeway and plan title (where applicable)

**ABCDEFGHIJKLMNOPQRSTUVWXYZ**  
**1234567890**

- subject bay, sea, ocean, river, creek, area (left, of decimal), plan title (where applicable), adjoining state (e.g. NSW)

**ABCDEFGHIJKLMNOPQRSTUVWXYZ**  
**1234567890** *abcdefghijklmnopqrstuvwxy*

- adjacent (non-adjoining) river, parish name (upper and lower case), bay, ocean, sea

**ABCDEFGHIJKLMNOPQRSTUVWXYZ**

- adjoining county name, adjoining or internal creek (note: for capitals, use style above)

*abcdefghijklmnopqrstuvwxy*

- subject holding, parish name on face (when applicable)

**ABCDEFGHIJKLMNOPQRSTUVWXYZ**  
**1234567890** *abcdefghijklmnopqrstuvwxy*

- all bearings (except column entries and reads), station numbers

**1234567890** *abcdefghijklmnopqrstuvwxy*

# Appendix D. Symbols

## Guideline under Standard 9.59, 'Plan presentation'

The following are guidelines for symbols on plans

adit



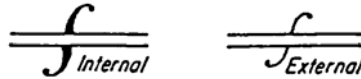
astronomical station



bench mark



binder (vinculum)



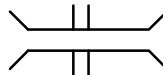
bore



bore and drain



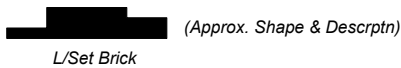
bridge and culvert



broad arrow



building



cliff or escarpment (traversed)



creeks and rivers (traversed)



creeks and rivers (not traversed)



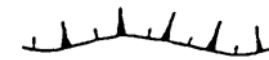
cutting



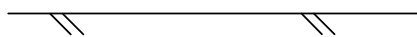
dam



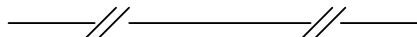
embankment or steep bank



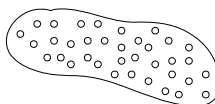
fence—on boundary



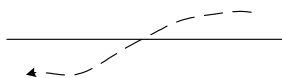
fence—internal



gravel pit



gully

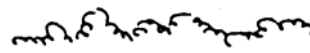


horizontal control point

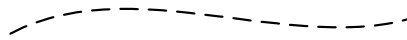


lake or lagoon	
lighthouse	
mangroves	
mining district mining field	
observation station	
peak	
permanent survey mark	
permanent water hole	
photogrammetric control point	
power line	
quarry	
railway single track	
railway double track	
range or ridge	
retaining wall	
road overbridge	
rocky foreshore	
sand	
scrub or timber ridge	
shaft	
subway under railway	
survey station	
swamp	
tank (earth)	
telephone and telegraph line	

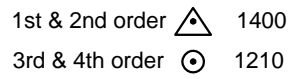
timber ridge



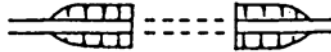
track



trigonometrical station



tunnel



vertical control point



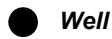
waterhole



weir



well



windmill

