

Cadastral survey requirements

Version 6.0

June 2010

Reprint 1

Prepared by: Spatial Policy

Department of Environment and Resource Management

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Document status:

Standards under the *Survey and Mapping Infrastructure Act 2003*

The Standards under the *Survey and Mapping Infrastructure Act 2003* which are contained in this document were made by the chief executive on 4 June 2010, by Dr Russell Priebbenow, Director of Surveys, delegate of the chief executive for section 6, under the current *Survey and Mapping Infrastructure Act* delegation.

This reprint of Cadastral survey requirements Version 6.0 contains the approved standards, with some minor modifications to correct typographical errors.

The notification of the standards was approved by the Minister for Natural Resources Mines and Energy and Minister for Trade on 16 July 2010.

The standards take effect on 1 August 2010

Guidelines under the *Survey and Mapping Infrastructure Act 2003*

The guidelines under the *Survey and Mapping Infrastructure Act 2003* which are contained in this document were made by the Chief Executive on 26 July 2010, by Dr Russell Priebbenow, Director of Surveys, delegate of the chief executive for section 7, under the current *Survey and Mapping Infrastructure Act* delegation.

This reprint of Cadastral survey requirements Version 6.0 contains the approved guidelines, some aspects of which have been updated since the original document was approved on 4 June 2010. The guidelines in the original document have been repealed (prior to their commencement).

The guidelines take effect on 1 August 2010

Amendment history

Showing all changes since Cadastral survey requirements v5.0

Section amended	Amendment	Reason
Web and Email addresses	Updated to reflect change in domain name	Ensures currency with electronic communications
3.6.1 Calculated areas	Text added	No need to show trailing zeros for areas.
3.6.4.1 Examples of dealing with existing multiple line areas	Text deleted	Examples of calculating areas moved to section 113.33.6.1. Abbreviations correctly shown.
3.6.5 Part lots	Text added	Area of new road must be the sum of parts with no rounding
3.7 Authorisation of a surveyor to act for another surveyor	Text amended	Standard amended to agree with amendments to <i>Surveyors Act 2003</i> to allow former surveyors to authorise registered surveyors.
3.11.3 Compiled plan of an unsurveyed parcel	Text deleted	Removal of accuracy closure statement.
3.14.3 Coordinates of cadastral corners	Text added	New coordinates to be shown only where necessary for the definition of boundaries.
3.18 Dimensions	Text added	Where a parcel is wholly contained within another lot (e.g. island lots), its relationship to the boundaries of the outer lot must be shown.
3.22.2 Reference marks	Text added	Surveyor to ensure sufficient reference marks exist.
3.24 Natural boundaries	Text amended	Standard amended to agree with amendments to ambulatory boundaries (NROLA 2010).
3.32.7 Resumption actions	Text deleted	Deletion of requirement to show statement of lot(s) remaining subject to affected lease.
3.36.2 Amendments of Queensland Transport rail corridor lease and sublease	Text added	Road to be dedicated or created as lot and whole of railway land to be dealt with.
3.36.3 Common areas for Queensland Transport over rail corridor land	Text added	Land may also be amalgamated with the adjoining corridor lot in accordance with the letter of offer.
3.39 Vincula	Text amended	Parts of lots or part lots replaced with “severance” through text.
4 Ambulatory Boundaries	Chapter rewritten	Chapter rewritten in accord with significant changes made by NROLA 2010.
5.4 Border surveys (state border of Queensland)	Text added	Where practicable, surveys should be connected to the NSW cadastre.
5.10 Future Conservation areas	New Text	How to deal with Future Conservation Areas
6.2 Cane railway easements	Text amended and added	New easements require survey as with normal easements.
6.4 Freehold (easements)	Text added	Wording ‘proposed easement’ may be used whether or not documentation is lodged with plan, however must be used if no documentation is lodged.
9.2.2 Road closure	Text added	Where road isn’t to be added to lot, must be given a lot number and statement of road closure to shown on plan.

9.47 Roads	Text added	Where a road width is not shown on an original plan or other source material, it is taken to be 60m after 1.10.1973, otherwise 60.35m.
Appendix B section B6	New abbreviation added	Tidal boundary added.

* department = the department administering the *Survey and Mapping Infrastructure Act 2003* (at the time of publication, the Department of Environment and Resource Management)

* NROLA 2010 = *Natural Resources and Other Legislation Amendment Act 2010*

* 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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The department's website:

Home page <www.derm.qld.gov.au/>

Service Centres <<http://www.derm.qld.gov.au/contactus/businesscentres.html>>

Land Titles <<http://www.derm.qld.gov.au/property/titles/industry.html>>

Land Titles Alerts <<http://www.derm.qld.gov.au/property/publications/alerts.html>>

Surveying <<http://www.derm.qld.gov.au/property/surveying/index.html>>

Surveying Alerts <http://www.derm.qld.gov.au/property/surveying/products_services.html#alerts>

Registrar of Titles directions for the preparations of plans <<http://www.derm.qld.gov.au/property/titles/rdpp/index.html>>

Policies under the Provisions of the *Land Act 1994* <www.derm.qld.gov.au/land/state/policies/index.html>

Surveyors Board <www.surveyorsboard.com.au>

Queensland Parliamentary Counsel <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 65.

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 that Act and 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.derm.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*
 - the *Survey and Mapping Infrastructure Act 2003*
- 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 148.

See section 9.31 *Locality*, page 156.

See section 9.41 *Parish boundary*, page 160.

See the *Registrar of Titles directions for the preparation of plans*, section 22.7 *Local government allocation*, <www.derm.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 178

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.derm.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 relodged 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 15.

See section 3.32.7.1 *Resumption of possession of reservation in title*, page 63.

See section 5.9 *Forest entitlement areas (FEAs)*, page 107.

See section 9.47 *Roads*, page 163.

See section 10.5 *Existing roads*, page 174.

See departmental policy *Land allocation: public purpose reservations PUX/901/112*, <http://www.derm.qld.gov.au/services_resources/item_details.php?item_id=100441&topic_id=11>.

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, if it is decided by the department that the reservation is no longer needed. 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. However, if it is approved to allocate 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 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.derm.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.derm.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 57.

See section, 8 *Native title*, page 125.

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 112.103.2.1

3.2.1 Access to public use land

Standard under the Land Act

See section 3.29 *Public use land*, page 56.

See departmental policy *Creation of trust land PUX/901/207*, <[Policies: Land management \(Department of Environment and Resource Management\)](#)>.

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* <[Survey standards \(Department of Environment and Resource Management\)](#)>.

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 113.33.4.1 should be noted.

If a copy of the endorsed plan is not received prior to lodgement of the original plan, a Form 10 (under the 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 *Adjoining description*, page 132.

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 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.

It is not necessary to show trailing zeros to the right of the decimal point (see 99.249.35.1 Use of zeros)

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>	<i>184.4746378</i>	<i>ha</i>
<i>area of excluded feature (e.g. road)</i>	<i>20.5822597</i>	<i>ha</i>
<i>by subtraction the net area is</i>	<i>163.8923781</i>	<i>ha</i>
<i>Plan presentation will be</i>	<i>163.9</i>	<i>ha</i>

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
Plan presentation will be	163.9	ha

Note: The ‘rounded’ net area is adopted.

3.6.2 Balance areas

See section *Examples of dealing with existing multiple line areas*, page 16.

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 69.

See section 9.25 *Forest entitlement areas (FEAs)*, page 153.

See section 9.47 *Roads*, page 163.

See section 10.5 *Existing roads*, page 174.

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 (e.g. 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 15.

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

gross area	85.1.17		
road	4.3.11	Rd	
net area	80.2.6		
by survey a new lot is created:	4.19	ha	
convert existing imperial net area to metric	32·5924	ha	
	– 4.19	ha	(new lot)
by subtraction the new net deduces	28·4024	ha	
Plan presentation will be	28·4024	ha	Bal.

Note: The ‘unrounded’ net area is adopted.

Where an existing plan shows a calculated 3 line area:

gross area	158·534	ha	
road	2·134	ha	Rd
net area	156·4	ha	
by survey a new lot is created:	1234	m ²	
by subtraction the new net deduces	156·2766	ha	
Plan presentation will be	156·2766	ha	Bal

Note: The ‘unrounded’ net is adopted.

3.6.5 Part lots

See section 3.18 *Dimensions*, page 40.

See section 3.39 *Vincula*, page 69.

See the *Registrar of Titles directions for the preparation of plans*, section 8.4, ‘Part lots’, www.derm.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.

Similarly, where multiple areas of new road are created on a plan, the area of each part must be determined by the requirements of sections 3.6.1 or 3.6.2. The total area of new road 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 person who was or is a surveyor (the authorising surveyor) to authorise another cadastral surveyor to take action in relation to requirements of the registering authority regarding the authorising 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 (if applicable) of the authorising surveyor, and signed by both the authorising and authorised surveyor. It is necessary for the authorised surveyor to hold a 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 68.

See section 3.40 *Unallocated State land (USL)*, page 70.

See section 9.20 *Descriptions in title block*, page 149.

See the *Registrar of Titles directions for the preparation of plans*, section 4.9 *Plan description and cancelling clause*, <www.derm.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.derm.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.derm.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.derm.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 153.

See section 9.39 *Original dimensions*, page 160.

See the *Registrar of Titles directions for the preparation of plans*, section 4.11 *Surveyors certificate*, <www.derm.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	
<i>Survey and Mapping Infrastructure Act 2003</i>	
Certificate for cadastral plans - compiled	
<p>1 _____ hereby certify that 2 _____ made this plan under Section 17 of the <i>Survey and Mapping Infrastructure Regulation 2004</i> and pursuant to the <i>Survey and Mapping Infrastructure Act 2003</i> and <i>Surveyors Act 2003</i> and associated Regulations and Standards and that the plan is accurate, and compiled from</p> <p>3 _____ .</p>	
<p>4 _____</p> <p>Cadastral Surveyor</p>	<p>5 _____</p> <p>Director</p>
<p>Date: _____</p>	<p>5 _____</p> <p>Director</p>
<p>1. I, (full name of Cadastral Surveyor (Individual)) <u>or</u> (name of the corporation)</p> <p>2. <i>If the certificate is signed by an individual, one of the following –</i> I have <u>or</u> I, and (full name and registration status of supervised persons), for whose work I accept responsibility, have <u>or</u> (full name and registration status of supervised persons), for whose work I accept responsibility, has <u>or</u> <i>If the certificate is signed by a corporation, either –</i> the corporation, by (full name of cadastral surveyor), cadastral surveyor, for whose work the corporation accepts responsibility, has <u>or</u> 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</p> <p>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”.</p> <p>4. Cadastral Surveyor Signature (only if Individual)</p> <p>5. Corporation Signature (only if corporation registered as a Cadastral Surveyor)</p> <p>Note:- A corporation must sign in accordance with its constitution.</p>	

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 _____

4 _____

Cadastral Surveyor

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

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

Cadastral Surveyor

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

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

Cadastral Surveyor

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 ***1/7/2005***.



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 Environment and Resource Management.***

JW Brown

Date : ***1/10/2010***

Cadastral Surveyor

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 Environment and Resource Management.***



John William Brown, Director

Brian Lloyd Gardiner, Director

Date : ***1/8/2010***

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 Environment and Resource Management.***

JW Brown

Date : ***1/8/2010***

Cadastral Surveyor

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 Environment and Resource Management.



John William Brown, Director

Brian Lloyd Gardiner, Director

Date : ***1/8/2010***

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

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

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.

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 130.

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 130.

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 43.39). 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 43.39). No action statement is required unless ‘undescribed’ USL, such as road or creek, is added. (Refer to sections 43.103.10.4, 43.103.10.5, 43.103.10.6). 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 130.

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 130.

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 130.

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 70.

See section 9.2 *Action statements*, page 130.

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

Section 122(1) of the *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 43.

See section 3.35 *Survey records*, page 65.

See section 9.7 *Buildings and other improvements on or near a boundary*, page 134.

See section 9.39 *Original dimensions*, page 160.

See section 11.11 *Paper subdivisions*, page 183.

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.derm.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 68.

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 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 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 35.

See section 3.6.3 *About areas*, page 15.

See section 9.30 *Linework*, page 155.

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.

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 5.12 *Local government boundary*, page 108.

For accuracies of metes and bounds and areas, see section 3.11.3 *Compiled plan of an unsurveyed parcel*, page 34.

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 52.

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>.

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>.

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. DERM 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 46.

See section 3.23.1 *MGA connections*, page 52.

See section 3.26 *Permanent survey marks*, page 52.

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.derm.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

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

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, unless the new coordinates are necessary for the definition of boundaries. 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 to 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.derm.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*,

http://www.derm.qld.gov.au/services_resources/item_list.php?category_id=215&topic_id=16.

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	
23	Future Conservation Area (FCA)	S		Yes	FCA 1	See 5.10	
31	Reserve	P	Yes		Lot 1	Yes	
57	Trustee lease (reserve)	S		Yes	Lease A ¹	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 tidal boundary—D/G or lease	P	Yes		Lot 1	Yes	
126(2)	Strategic port land below tidal boundary—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 tidal boundary	S		Yes	Lot A		Yes
335(2)(a)	Sublease of a lease	S			Lease A ²		
335(2)(b)	Sublease of a lease	S			Lease A ²	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.derm.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 3.65 *Part lots*, page 16.

See section 3.19.2 *Easements—surveys of long line easements—Specific requirements*, page 42.

See section 3.38.1 *Opposite side of road unsurveyed*, page 69.

See section 3.39 *Vincula*, page 69.

See section 4 *Ambulatory boundaries*, page 60.

See section 9.6 *Bearings*, page 134.

See section 9.39 *Original dimensions*, page 160.

See section 9.47 *Roads*, page 163.

See section 10.5.1 *Esplanades*, page 174.

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.

Where a parcel is wholly contained within another lot (e.g. island lots), its relationship to the boundaries of the outer lot must be shown.

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 99.47 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 2003* 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 32.

See section 9.7 *Buildings and other improvements on or near a boundary*, page 134.

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.derm.qld.gov.au/property/titles/rdpp/part_9.html>.

See departmental policy *General issues on roads PUX/901/236*, <http://www.derm.qld.gov.au/services_resources/item_details.php?item_id=100445&topic_id=11>.

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 134.

See section 9.16 *Corner information*, page 138.

See section 9.29 *Line pegs*, page 154.

See section 9.56 *Traverses*, page 166.

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 43.31).

3.22.2 Reference marks

Standard under the SMI Act

A cadastral surveyor must ensure sufficient reference marks exist 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.derm.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.derm.qld.gov.au/vegetation/information_sheets.html>.

3.22.7 Guidelines for reference marking

Guideline under Standard 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 148.

See section 9.34 *Meridian*, page 157.

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 99.249.34.2 *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, e.g. 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/>.

3.24 Natural boundaries

Standard under the SMI Act

See section 4 *Ambulatory boundaries*, page 60.

See section 3.24 *Natural features and boundaries*, page 109.

See section 9.58 *Watersheds*, page 169.

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 *Survey and Mapping Infrastructure Act 2003* (SMI Act), the location of the boundary watercourse or lake must accord with provisions in the SMI Act (Part 7).

If a boundary abuts tidal waters, the tidal boundary is defined in the SMI Act and if surveyed or compiled the appropriate location must accord SMI Act (Part 7). Also refer to chapter 4 – Ambulatory boundaries.

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.derm.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 36.

See section 3.23 *Meridian*, page 51.

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 3.31 Standard 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 57.

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.derm.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 9.

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.derm.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

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 171.*

See section 10.2.2 *Creation of roads in leases, reserves, trust land, page 172.*

See section 10.2.3 *Creation of roads in State forest or timber reserves, page 172.*

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 99.2410.2.1 *Creation of roads in freehold land*, page 171). 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 65.

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, e.g. 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 116.

See section 9.2 *Action statements*, page 130.

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.

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

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 4.15.14.1 *Consent shown on plan only*, page 109).

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 1984*. 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 32.

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. 48000011 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)¹. 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:

¹ The Department of Transport is now Queensland Transport.

- 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 shown as new road and a new lot for the balance must be created. Supporting documents will be lodged with the plan to amend the description of the corridor lot and to dedicate the new road.

Alternatively the area required as new road could be shown as a new lot with a following action to dedicate that land as new road. The use of statements such as 'area to be excised, 1-2-3-1 10 m²' is unacceptable. Freehold and leasehold land cannot be dealt with on the same plan.

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 either a separate lot on plan or amalgamated with the adjoining corridor lot, in accordance with the letter of offer.

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 18.

See section 11.11 *Paper subdivisions*, page 183.

See the *Registrar of Titles directions for the preparation of plans*, section 4.17 *Undescribed balances*, <www.derm.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 33.

See section 9.8 *Calculated lines*, page 136.

See section 11.11 *Paper subdivisions*, page 183.

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 33.

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 34.

See section 9.8 *Calculated lines*, page 136.

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 15.

See section 3.6.5 *Part lots*, page 16.

See section 3.18 *Dimensions*, page 40.

See the *Registrar of Titles directions for the preparation of plans*, section 8.4.2 *Part lots joined by vincula*, <www.derm.qld.gov.au/property/titles/rdpp/part_8.html>.

Vincula may be used to bind severances 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 land that is 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.derm.qld.gov.au/property/titles/rdpp/part_8.html>, may be applicable.

Where vincula are created:

- the severances 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 the individual severances, 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 severances of a new lot is fully or partly surveyed along the dividing feature on the plan creating that lot, the relationship of those severances of the lot to each other severance must be clearly shown by surveyed connections.

Where one or more of the severances 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 severances from the relationships shown on previous maps or plans, or from other information acceptable to the department. 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 29.

See section 5.16 *State land actions*, page 110.

See section 9.2 *Action statements*, page 130.

As of 2 October 2006, all unallocated State land (USL) other than roads, watercourses and land beyond a tidal boundary 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 5.16 *State land actions*, page 110.

See section 9.2 *Action statements*, page 130.

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 survey 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 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 39.

See section 5.16 *State land actions*, page 110.

See section 9.4 *Administrative plans (APs)*, page 133.

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 tidal boundary.

All permits are secondary interests and hence all descriptions must refer to lot alpha descriptions and should be in the following format.

Section of <i>Land Act</i> 1994	Type of permit (over):	Description
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

This document uses the term ‘ambulatory boundaries’ in the same way as the survey profession generally, to refer to all natural boundaries that are not right line boundaries, including water boundaries (tidal or non-tidal), watersheds or cliffs (see sections 3.24 and 4.10). Note that this term in Part 7 of the *Survey and Mapping Infrastructure Act 2003* is more specific than the term in general use and refers only to boundaries of land bounded by tidal or non-tidal water.

4.1.1 Water boundaries

Note: Due to the complexity of the new legislation defining water boundaries, this chapter contains extensive explanatory material as *Information* items. This material is an overview only, and reference should be made to the Act for full detail in relation to any particular situation. The associated Explanatory Notes <<http://legislation.govnet.qld.gov.au/Bills/53PDF/2010/NROLAB10Exp.pdf>> may also provide some assistance with interpretation or intent of the legislation.

Part 7 of the *Survey and Mapping Infrastructure Act 2003* establishes new feature-based definitions for tidal and non-tidal boundaries and boundary location criteria for both types (s. 72 and s. 100). The common law rules about accretion and erosion have been codified in the ambulatory boundary principles (s. 64). Boundaries of land adjoining water are no longer located by referring to ‘normal flow’ for land adjoining non-tidal boundary watercourses, or, apart from certain exceptions, the high-water mark for tidal land.

Tenure of non-tidal boundary watercourses is now dealt with in the *Land Act 1994*, the jurisdictional extent of all non-tidal watercourses is now dealt with in the *Water Act 2000*, and the determination of the boundaries of land adjoining tidal and non-tidal water is dealt with in the *Survey and Mapping Infrastructure Act 2003*.

The legislation describes the ‘location at law’ of ambulatory boundaries in different circumstances, and for each circumstance establishes rules for determining the location of the boundary. A boundary determined at law over-rides a boundary depicted on a plan, if there is a difference between them.

The table below sets out when a rule applies, and the exceptions to the rule. For example, the current adopted natural feature rule defines the location of a tidal boundary immediately after commencement of the new provisions. If land with a non-tidal watercourse boundary is being resurveyed, then the boundary location criteria rule (or one of the exceptions to it) applies. A *new plan of survey* (s. 62) is a plan registered after commencement of the new rules. A *subsequent new plan of survey* (s. 62) adopts the natural feature or other thing that constituted the boundary in the new plan of survey.

The table also identifies the categories of land to which a rule does not apply (s. 66 and s. 95). For instance, existing strategic port land is exempt from the new rules.

In some instances, the new rules do not apply to land when a plan is registered after commencement of the new provisions, such as where a development approval applied to the land immediately before commencement, or where action being taken in relation to the land is for a public purpose. Such a plan is referred to as a ‘reserved plan of survey’ (s. 65)

In some cases, it will be permissible to prepare a new plan of survey which uses compiled information for the ambulatory boundary, provided that the compiled representation of the ambulatory boundary is, to the greatest practicable extent, consistent with the location of the boundary at law (see sections 79, 85, 107 and 112).

The new feature-based definition relies very much on the source documents (deed of grant, map or plan of survey contemporaneous with grant, instrument dedicating a road or reserve, or instrument of lease, licence or permit) that supported the original deed of grant.

Cadastral survey requirements

The chief executive may declare the location of an ambulatory boundary, where a natural feature no longer exists or it is otherwise impossible to apply the boundary location criteria. Some new survey plan notations are also introduced to assist in future interpretations of any survey plans with an ambulatory boundary.

All plans which resurvey an ambulatory boundary will be assessed by the Department, regardless of the accreditation status of the surveyor.

	Applies when?	Does not apply to	Rule <i>Exception</i>	SMI Act section.	
Tidal boundary	after commencement and before a new plan of survey is registered	Land with a Specified Tidal Boundary	Current adopted natural feature	76	
		Indigenous Lands	<i>Exception – if rule cannot be applied because there is no old plan of survey, or the natural feature cannot be identified, or it is not practicable to identify the natural feature – boundary is located where a new plan of survey would put it</i>	77	
		Strategic Port Land			
		Land protected by s. 14 of <i>Nature Conservation Act 1992</i>			
		State Forests			
	after registration of the first new plan of survey			Original adopted natural feature	80
				<i>1 alternative natural feature exception (only freehold)</i>	81
		<i>2 applied criteria exception – follows tidal boundary location criteria</i>	82		
			<i>3 chief executive single lot declaration exception</i>	83	
	after registration of a subsequent plan of survey		First new plan of survey adopted feature rule	86	
	if land is being surveyed for a new grant where new source material will result	Indigenous Lands, Land protected by s. 14 of <i>Nature Conservation Act 1992</i>	New source material adopted feature rule	89	
Non-tidal boundary watercourse	after commencement and before a new plan of survey is registered	Indigenous Lands, Land protected by s. 14 of <i>Nature Conservation Act 1992</i> State Forests	Current adopted natural feature rule (non-tidal)	103	
			<i>Exception – if rule cannot be applied – boundary where a new plan of survey would put it</i>	104	
	after registration of the first new plan of survey		Boundary location criteria rule (non-tidal)	108	
			<i>1 chief executive single lot declaration exception</i>	109	
		<i>2 previous sudden change exception</i>	110		
		after registration of a subsequent plan of survey		First new plan of survey adopted feature rule	113
	if land is being surveyed for a new grant where new source material will result	none	New source material adopted feature rule	116	

4.2 Key concepts for water boundaries

Information

4.2.1 Location at law

The new rules refer to the location at law of a boundary. This rule reflects the principle that the location of ambulatory boundaries may be subjected to continuous change, because of naturally occurring processes. It recognises that a plan of survey reflects the location of the boundary at a specific time, which may change because of the effect of natural processes on the natural feature which constitutes the boundary over time. If there is a difference between the plan of survey and the location of the boundary on the land, the boundary is determined by applying the relevant rules in division 2 dealing with tidal boundaries, or division 4 dealing with non-tidal boundaries; and considering whether the ambulatory boundary principles should be applied. The importance of the plan of survey is that it identifies the natural feature or other thing which constitutes the boundary.

4.2.2 Ambulatory boundary principles

The ambulatory boundary principles (s. 64) are a codification of the common law principles of accretion and erosion and their impact on the location of an ambulatory boundary. If a change to a natural feature occurs by gradual and imperceptible degrees, then the location at law of the boundary changes in the same way. If a natural feature is subject to sudden change (either as a result of a storm or by human activity), then there is no change in the location at law of the boundary.

4.2.3 Source material

Source material comprises the documents forming the identity of land. For freehold land, it includes the currently registered deed, and for land dealt with by the *Land Act 1994*, such as roads, reserves, leasehold, licences, or permits, the relevant instrument is the source material. Where a plan of survey, a map or another instrument (such as an entry in a register) is contemporaneous with the grant, it may also be a source document.

4.2.4 Associated material

Associated material for a plan of survey includes the survey records relating to a plan of survey.

4.2.5 Plans of survey—old, new and reserved

An old plan of survey is a plan of survey registered before commencement of the provisions.

A new plan of survey is one that has been registered after commencement, but is not a reserved plan of survey. A new plan of survey may be the first new plan of survey (i.e. a plan that has resurveyed the ambulatory boundary pursuant to subdivision 3 of the tidal or non-tidal rules) or a subsequent new plan of survey (i.e. a plan that adopts a resurveyed ambulatory boundary pursuant to subdivision 4 of the tidal or non-tidal rules).

A reserved plan of survey (s. 65) is a plan of survey that is registered after the commencement of the new rules, but it has been carried out under the old rules, and the chief executive or registrar has certified that it is a reserved plan of survey. Plans that may be treated in this way include:

- plans prepared for a Land Act dealing only with a public purpose
- plans required to finalise a development approval in force at commencement
- land surveyed before commencement for the purposes of works directed or authorised under the *State Development and Public Works Act 1971*.

4.2.6 Exemption from the rules for surveying boundaries

Specific categories of land have been exempted from the new rules. This reflects the importance of not changing the boundaries of some existing categories of land that have been granted for specific purposes, including Indigenous lands, certain lands protected in the *Nature Conservation Act 1992*, State Forests, and strategic port lands. For some of these types of land that may be granted in future, it is important that there be greater flexibility in determining the natural feature that should form the boundary of the land. Accordingly, the following categories of land are exempted from the new rules:

When source material created	Exempted land with a tidal boundary (s.66)	Exempted land with a non-tidal watercourse boundary (s. 95)
For land with source material in existence before commencement (subdivision 2 to subdivision 4)	land with a specified tidal boundary Indigenous lands, strategic port land, forest reserve or a protected area under the Nature Conservation Act 1995 (but excluding coordinated conservation areas, wilderness areas, World Heritage management areas, and international agreement areas), and State forests.	Indigenous land, forest reserve or a protected area under the Nature Conservation Act 1995 (but excluding coordinated conservation areas, wilderness areas, World Heritage management areas, and international agreement areas), and State forests.
For land where source material issues after commencement (subdivision 5, s89(3))	Land that is, or is about to become: Indigenous land, protected land under the Nature Conservation Act 1995 (but excluding coordinated conservation areas, wilderness areas, World Heritage management areas, and international agreement areas)	No land is exempt

The chief executive may make a multiple lot declaration for exempt land.

4.2.7 Boundary location criteria

There are two sets of boundary location criteria in the new legislation. One set applies in the context of tidal boundaries (s. 72), and the other in the context of non-tidal watercourse boundaries (s. 100). The objective of using criteria is to achieve a consistency in determining the location of boundaries that are sustainable and stable in the long term.

The tidal boundary location criteria are applied when an existing lot of land is resurveyed and one of the three exceptions to the original adopted natural feature applies to the land. In applying the exceptions, some if not all of the criteria must be considered. Thus in the context of a tidal boundary, the tidal boundary location criteria may not apply if there is an old plan of survey that adopted a natural feature for the tidal boundary that was not a line of intersection with a tidal plane.

The third tidal boundary location criterion requires that a public interest test be applied to the proposed location of a boundary. There is no equivalent requirement in the non-tidal boundary location criteria.

The non-tidal boundary (watercourse) location criteria apply to all resurveys of existing lots of land. There are no exceptions to following these criteria. If a surveyor seeks further guidance to the determination of a non-tidal watercourse boundary, it may be necessary to refer to the *Survey and Mapping Infrastructure Regulation 2004* which contains detailed descriptions of watercourse landforms that are intended to support the interpretation of the boundary location criteria.

4.2.8 Declarations

A significant new feature in the legislation is a statutory power for the chief executive to declare the location of the boundary. This declaratory power is available for land with either a tidal or a non-tidal boundary, and it may be made for a single lot, or for a number of lots.

Declarations	Tidal	Non-tidal
Single lot	s. 83	s. 109
Multiple lot	s. 93	s. 120

A single lot declaration can be made after a plan of survey has been lodged for registration.

A multiple lot declaration may be made for lots subdivided from a single earlier lot, and may be made by the chief executive at any time whether or not a survey plan has been lodged. The chief executive may take a reasonable time to investigate the making of a declaration, and must take reasonable steps to ascertain the views of registered owners of the lots about a proposed declaration and to give written notice of a proposed declaration decision. Such a decision is subject to internal review, and may subsequently be appealed by the registered owner of the land. After a declaration is made, for any lot of land affected by such a decision, the boundary remains at its location immediately prior to the declaration until the next new plan of survey for the lot, when it must coincide with the declared line. While the boundary that is declared under a multiple lot declaration is fixed in its location, it remains a tidal boundary. A declaration cannot be made until the review and appeal provisions have been exhausted. A gazette notice gives effect to the declaration.

The chief executive or the registrar of titles may make an administrative annotation of the register if a declaration has been made in relation to land. Such an annotation is searchable.

4.2.9 Review and Appeals

A registered owner or a lessee affected by a declaration decision (i.e. a decision that the chief executive intends to make a proposed declaration) may appeal the decision. The first step is to apply to the Minister for review of the decision within 42 days of being given a notice about the decision. The Minister must review the declaration decision and may confirm it, amend it or substitute another decision; and give the applicant notice of the decision including how appeals may be made to the Land Court. The Land Court may rehear the matter, and may confirm the decision, set it aside and substitute another, or set it aside and return it to the chief executive with directions about how a new decision must be made. A declaration cannot be made until the review and appeal provisions have been exhausted.

4.3 Jurisdiction over watercourses (non-tidal)

Information

Under the *Water Act 2000*, the State has jurisdiction over activities that may be carried out in any watercourse, whether or not it is a boundary watercourse. The land within non-boundary watercourses is usually included within the original grant, while the land within a boundary watercourse is the property of the State.

Note that amendments of the *Water Act 2000* made by NROLA 2010 provided a new definition for the extent of jurisdiction of the Water Act in non-tidal watercourses, based on natural features (s. 5A) and generally further away from the water than the boundary. Surveyors may be called upon to provide advice on the extent of jurisdiction under this new definition. Reference should be made to the *Water Act 2000* and the relevant regulations under that Act for the particular criteria that must be used. The chief executive may declare the location of the outer bank of watercourses, for the purpose of defining the extent of jurisdiction.

4.4 Non-boundary watercourses (non-tidal)

Standard under the SMI Act

When a parcel of freehold land with an internal (i.e. non-boundary) 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 subject to any planning requirement, the lot must be surveyed as an ambulatory boundary and align with the relevant watercourse location criteria and the feature adopted be appropriately described in the field records.

Example of a planning requirement: a local government may require that the entire watercourse, and a buffer zone on either side of the watercourse, be surrendered as public use land, in which case the public use land would be bounded by right lines and not by an ambulatory boundary.

Information

In these cases the 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 (Land Act 1994 s. 327).

4.5 Non-tidal boundary watercourses

Information

See **Part 7 of the Survey and Mapping Infrastructure Act 2003**.

See **Explanatory Notes to Natural Resources and Other Legislation Amendment Act 2010**

In 1910, Queensland departed from the common law method for determining watercourse boundaries based on the centre thread of a stream, to vest the bed and banks of non-tidal boundary watercourses in the State, and to vest the ownership of all water in the State. The bed and banks were defined so that they contained the normal flow of water.

This approach based on normal flow was retained until 2010 when tenure and jurisdiction in watercourses were separated, and a feature based approach replaced the former reliance on natural flow. The case of *Randel* no longer justifies the location of a non-tidal boundary watercourse.

The new regime for definition of non-tidal boundary watercourses is established under Part 7, Division 4 and Division 5, of the *Survey and Mapping Infrastructure Act 2003*. The regime is summarised below, followed by a series of flow charts which are designed to assist surveyors in identifying the provisions relevant to the survey that is to be undertaken. This material is a concise overview only, and reference should be made to the Act for full detail in relation to any particular situation. The associated Explanatory Notes <http://legislation.govnet.qld.gov.au/Bills/53PDF/2010/NROLAB10Exp.pdf> may also provide some assistance with interpretation or intent of the legislation.

On commencement (Subdivision 2 of Division 4)

On commencement of the new provisions, the location of the boundary at law is established in one of the following ways:

1. If the land is exempt from the new provisions (s.95), the boundary is defined in the same way as it was before commencement.
2. Using the *Current adopted natural feature rule (non-tidal)* (s. 103), under which the natural feature on the currently registered plan is the boundary, or
3. Using the *Current adopted natural feature rule (non-tidal) exception* (s. 104), under which the *Current adopted natural feature rule (non-tidal)* does not apply or cannot practicably be applied to establish the location. The boundary is defined by either the boundary location criteria (non-tidal), or is location where it would be surveyed on a new plan of survey.

To determine which of these is appropriate, it will be necessary to investigate:

- (i) the type of land to determine whether it is exempt, and
- (ii) the *source material* (s. 62), including the original deed of grant, to ascertain the original description of the ambulatory boundary.

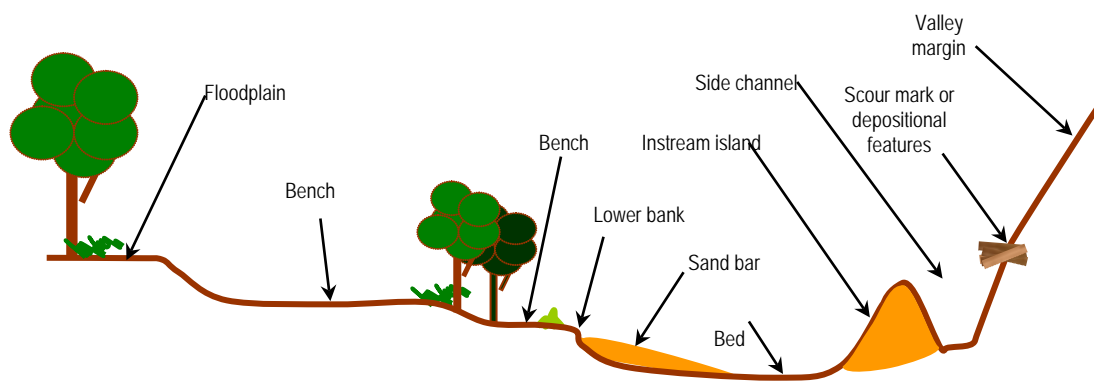
Note that if the location of an existing boundary is being determined by applying the *Current adopted natural feature rule* (s.103), or the *Current adopted natural feature rule (non-tidal) exception* (s.104), that s. 105 prevents the boundary from being located at law closer to the opposite side of the watercourse than it was previously located. In general terms, the practical effect of this is that, if the application of the exception provision leads to a feature that is closer to the watercourse than the feature adopted on the current plan, then this feature cannot be used as the boundary.

On registration of first new plan of survey (Subdivision 3 of Division 4)

On registration of the first new plan of survey, the location of the boundary at law is established in one of the following ways:

1. In accordance with the *Boundary location criteria (non-tidal) rule* (s. 108), under which the non-tidal boundary location criteria are applied to identify a natural feature that is the boundary. However, if these rules identify a feature closer to the opposite bank than immediately before commencement of the provisions, then at law the boundary stays at its location immediately before registration of the first new plan of survey. The subsequent location of the boundary may be affected by the ambulatory boundary principles.
2. Using the *Chief executive single lot declaration (non-tidal) exception* (s. 109), under which the boundary follows the line declared by the chief executive.
3. Using the *Previous sudden change exception* (s. 110), under which the ambulatory boundary principles are applied to the feature which was the boundary at law under the *Current adopted natural feature rule (non-tidal)*.
4. If the land is a lot affected by a multiple lot declaration (s. 120) then its boundary must be surveyed consistently with that declaration.

Some natural features typically found in a non-tidal watercourse and defined in the Act (s62) are shown in the diagram below. These terms are particularly relevant when interpreting the *non-tidal boundary (watercourse) location criteria* (s100).



Cross-sectional view of typical features to be found in a stream channel

On registration of a plan subsequent to the first new plan of survey (Subdivision 4 of Division 4)

On registration of a subsequent plan of survey, the location of the boundary at law is established by adopting the feature or line adopted on the first new plan of survey for the land, taking into account the ambulatory boundary principles.

On creation of new source material (Subdivision 5 of Division 4)

If there is a new deed of grant for land, or a new lease, granted after the commencement of the new provisions, the watercourse boundary is defined as the natural feature, or other thing, identified in the instrument or the corresponding plan as forming the boundary (e.g. the top of a bank).

Special provisions about compilation of non-tidal watercourse boundaries on survey plans (s.107 & 112) (See also 4.9)

It is permissible to prepare a first new plan of survey or a subsequent new plan of survey, in which part, or all of the watercourse boundary is compiled. The following should be noted in relation to this:

1. Even if the boundary is compiled, the location of the boundary at law is where it would have been determined under the relevant provisions for that type of plan (i.e. Subdivision 3 for a first new plan of survey, and Subdivision 4 for a subsequent new plan of survey).
2. The location of the compiled boundary must be consistent with the location of the boundary at law, to the greatest practicable extent.
3. A first new plan of survey may compile the watercourse boundary, if both of the following conditions are met:
 - a. there is not a new right line boundary intersecting the watercourse boundary; and
 - b. the size and nature of the land and the watercourse boundary make it impracticable to survey the watercourse boundary.

If a new right line boundary intersects the watercourse boundary, that part of the watercourse boundary must be surveyed.

4. A subsequent new plan of survey may compile the watercourse boundary in either of the following situations:
 - a. The watercourse boundary was surveyed on the first new plan of survey, and the information from that survey is used to compile the watercourse boundary on the subsequent plan; or
 - b. The watercourse boundary was compiled on the first new plan of survey, and both of the following conditions are met:
 - i. the information used to compile the watercourse boundary on the first plan is used to compile the watercourse boundary on the subsequent plan;
 - ii. there is not a new right line boundary intersecting the watercourse boundary; and

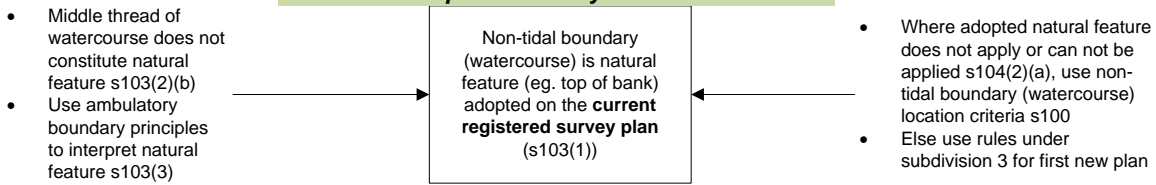
If a new right line boundary intersects the watercourse boundary, that part of the watercourse boundary must be surveyed.

Suggested decision process for survey of a non-tidal watercourse boundary

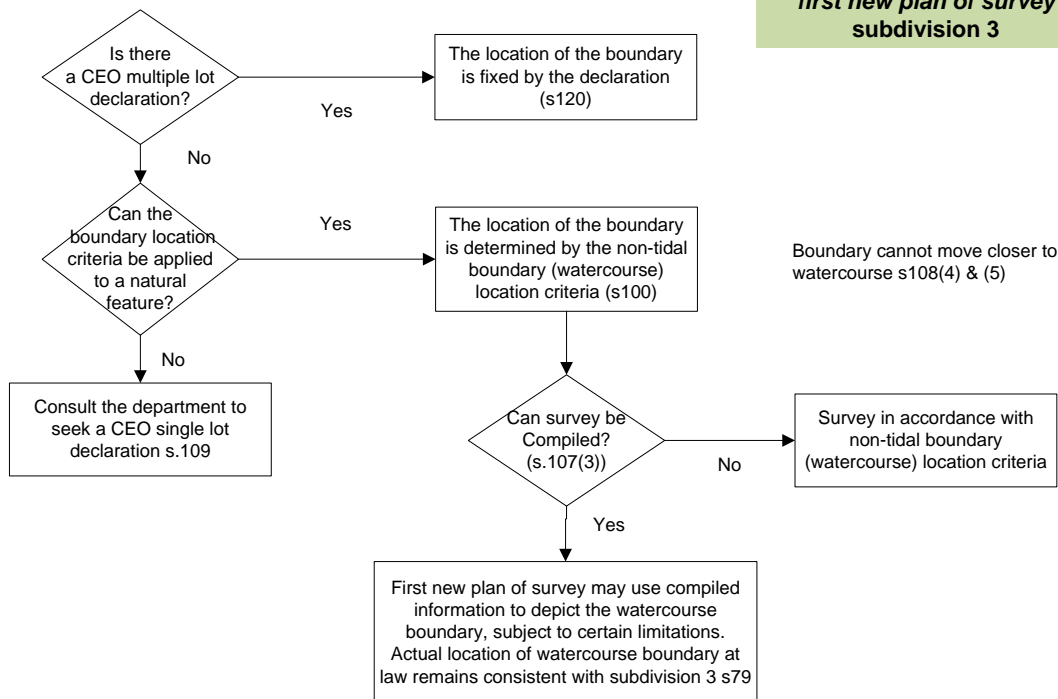
Particular land or plans not subject to the general non-tidal boundary provisions in subdivisions 2 to 4 of division 4

- A reserved plan of survey (s65), that is the first plan registered for land after the commencement of the new regime, but is not a first new plan of survey. Plan prepared:
 - . for acquisition of land for a public purpose;
 - . under a current development approval; or
 - . from a prior survey for particular works under the *State Development and Public Works Organisation Act 1971*
- A non-tidal watercourse of particular types of land:
 - . Indigenous land;
 - . Forest reserve or protected area under *Nature Conservation Act 1992*
 - . State forest
- A non-tidal lake

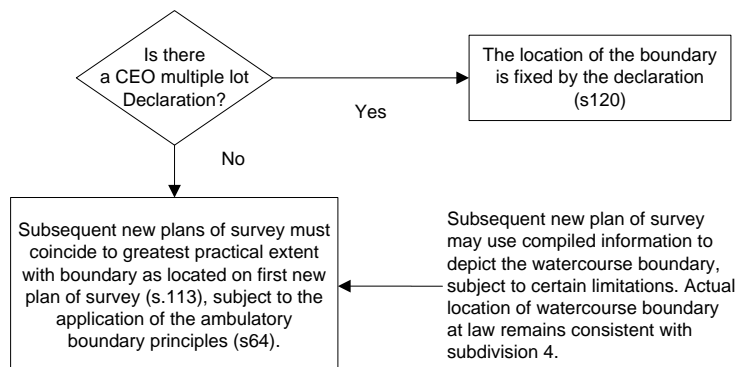
Non-tidal boundary from commencement to first new plan of survey - subdivision 2



Non-tidal boundary – from first new plan of survey subdivision 3



Non-tidal boundary – from subsequent plan of survey subdivision 4



4.6 Tidal boundaries

Information

See **Part 7 of the *Survey and Mapping Infrastructure Act 2003***.

See **[Explanatory Notes to *Natural Resources and Other Legislation Amendment Act 2010*](#)**.

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

See **sections 8 to 13 of the *Land Act 1994***.

The term “high-water mark” is no longer the central concept for defining the boundary of tidal land, but at the same time the concept has been retained because of its importance in a large number of administrative schemes. Instead, the important concept is the “tidal boundary” defined in s 70 of the *Survey and Mapping Infrastructure Act 2003* and reflects a shift to a feature based determination. The case of *Svendsen* is no longer relevant to determining the boundaries of land adjoining the sea or tidal rivers. The stay on the registration of tidal boundary plans of subdivision which commenced on 8 November 2005, ceased on commencement NROLA 2010.

The new regime for definition of tidal boundaries is established under Part 7, Division 2 and Division 3, of the *Survey and Mapping Infrastructure Act 2003*. The regime is summarised below, followed by a series of flow charts which are designed to assist surveyors in identifying the provisions relevant to the survey that is to be undertaken. This material is a concise overview only, and reference should be made to the Act for full detail in relation to any particular situation. The associated Explanatory Notes may also provide some assistance with interpretation or intent of the legislation.

On commencement (Subdivision 2 of Division 2)

On commencement of the new provisions, the location of the boundary at law is established in one of the following ways:

1. If the land is exempt from the new provisions (s.66), the boundary is defined in the same way as it was before commencement.
2. If the land is the subject of a plan approved during the stay, the plan is a first new plan of survey, and the tidal boundary is the natural feature or thing represented on the plan (s.74).
3. Using the *Current adopted natural feature rule (tidal)* (s.77), under which the natural feature on the currently registered plan is the boundary.
4. Using the *Current adopted natural feature rule (tidal) exception* (s.77), under which the *Current adopted natural feature rule (non-tidal)* does not apply or can not practicably be applied to establish the location. The boundary is where it would be surveyed under Subdivision 3.

To determine which of these is appropriate, it will be necessary to investigate:

- (i) the type of land to determine whether it is exempt, and
- (ii) the *source material* (s. 62), including the original deed of grant, to ascertain the original description of the ambulatory boundary.

On registration of first new plan of survey (Subdivision 3 of Division 2)

On registration of the first new plan of survey, the location of the boundary at law is established in one of the following ways:

1. In accordance with the *Original adopted natural feature rule (tidal)* (s.80), under which the natural feature first surveyed as the tidal boundary of the land is the tidal boundary. The location of the boundary may be affected by the ambulatory boundary principles. A tidal plane must not be adopted as the natural feature

which locates the boundary (s.80(2)).

2. In accordance with the *First exception for the original adopted natural feature rule (tidal)* (s.81), under which a different feature to the natural feature first surveyed as the tidal boundary of the land is the tidal boundary. The feature must satisfy the first four tidal boundary location criteria, taking into account the ambulatory boundary principles. Note this section applies only to land that was freehold before commencement.
3. In accordance with the *Second exception for the original adopted natural feature rule (tidal)* (s.82), under which there is no previous plan for the land that clearly adopted a natural feature, and the tidal boundary is determined in accordance with the tidal boundary location criteria. The location of the boundary may be affected by the ambulatory boundary principles.
4. Using the *Chief executive single lot declaration (tidal) exception*, (s.83) under which the boundary follows the line declared by the chief executive.
5. If the land is a lot to which a multiple lot declaration (s. 93) applies, then its boundary must be surveyed consistently with that declaration.

On registration of a plan subsequent to the first new plan of survey (Subdivision 4 of Division 2)

On registration of a subsequent plan of survey, the location of the boundary at law is established by adopting the feature or line adopted on the first new plan of survey for the land, taking into account the ambulatory boundary principles.

On creation of new source material (Subdivision 5 of Division 2)

If there is a new deed of grant for land, or a new lease, granted after the commencement of the new provisions, the tidal boundary is defined as the natural feature, or other thing, identified in the instrument or the corresponding plan as forming the boundary (e.g. the top of a cliff).

Special provisions about compilation of tidal boundaries on survey plans (s.79 & 85)

It is permissible to prepare a first new plan of survey or a subsequent new plan of survey, in which part or all of the tidal boundary is compiled. The following should be noted in relation to this:

1. Even if the boundary is compiled, the location of the boundary at law is where it would have been determined under the relevant provisions for that type of plan (i.e. Subdivision 3 for a first new plan of survey, and Subdivision 4 for a subsequent new plan of survey).
2. The location of the compiled boundary must be consistent with the location of the boundary at law, to the greatest extent practicable. Note that because of subsection 80(2) which states that a first new plan of survey must not adopt a tidal plane as the tidal boundary, it is not possible to compile to a plan of survey where high-water mark has been surveyed as a tidal plane.
3. A first new plan of survey may compile the tidal boundary, if the original adopted natural feature rule (tidal) applies to locate the boundary. The information used to compile the boundary must be either the information from the original survey, or information from a subsequent survey that is consistent with the location of the boundary at law.
4. A subsequent new plan of survey may compile the watercourse boundary in either of the following situations:
 - a. The watercourse boundary was surveyed on the first new plan of survey, and the information from that survey is used to compile the watercourse boundary on the subsequent plan; or
 - b. The watercourse boundary was compiled on the first new plan of survey, and the information used to compile the watercourse boundary on the first plan is used to compile the watercourse boundary on the subsequent plan.

Suggested decision process for survey of a tidal boundary

Particular land or plans not subject to the general tidal boundary provisions in subdivisions 2 to 5 of division 2

- A reserved plan of survey (s65), that is the first plan registered for land after the commencement of the new regime, but is not a first new plan of survey. Plan prepared:
 - . for acquisition of land for a public purpose;
 - . under a current development approval; or
 - . from a prior survey for particular works under the *State Development and Public Works Organisation Act 1971*
- A tidal boundary of particular types of land:
 - . Indigenous land;
 - . Strategic port land under the *Transport Infrastructure Act 1994*
 - . Forest reserve or protected area under *Nature Conservation Act 1992*
 - . State forest
- A specified tidal boundary:
 - . A tidal boundary that is explicitly defined with reference to a tidal plane (e.g. MHWS) in the source material
 - . The tidal boundary has been amended under the provisions of s358(3)(b) of the Land Act

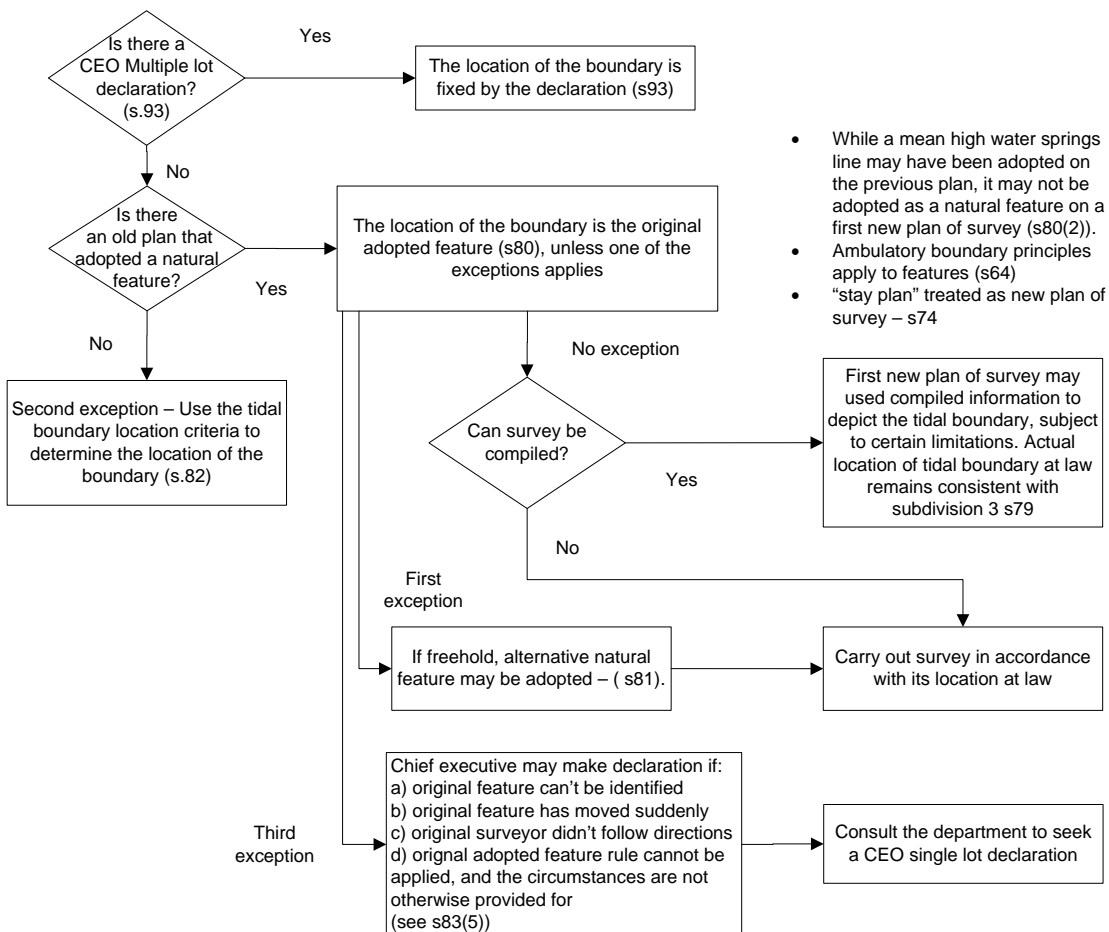
Tidal boundary from commencement to first new plan of survey subdivision 2

- If current survey plan adopted mean high water springs for tidal boundary, boundary remains at MHWS until first new plan of survey s.76(2), taking into account the application of the ambulatory boundary principles on the natural feature s.64

Tidal boundary (watercourse) is current natural feature (eg. seaward edge of grassy dune (s76(3))) approximating the tidal boundary as depicted on the **current registered survey plan**

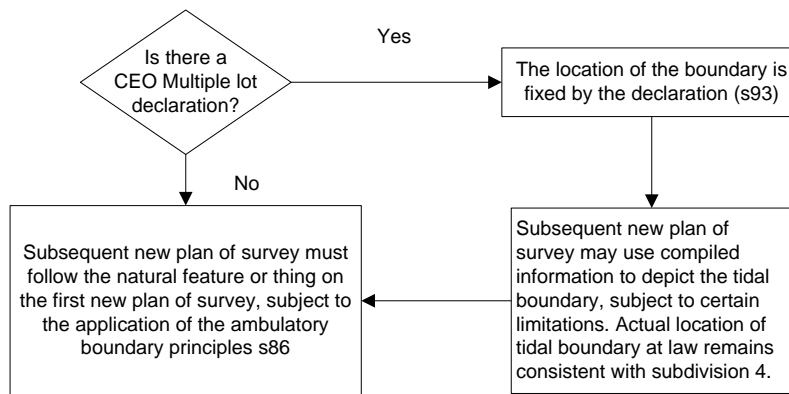
- Where current adopted natural feature rule can not be applied or does not apply (s.77), the tidal boundary is where it would most reasonably be located under subdivision 3 (tidal)

Tidal boundary from first new plan of survey subdivision 3



- While a mean high water springs line may have been adopted on the previous plan, it may not be adopted as a natural feature on a first new plan of survey (s80(2)).
- Ambulatory boundary principles apply to features (s64)
- "stay plan" treated as new plan of survey – s74

Tidal boundary – from subsequent plan of survey subdivision 4



4.6.1. Esplanades adjoining tidal water

Information

Sections 90 to 92 now contain provisions that clarify the rules about the location of boundaries on esplanades. Esplanades may be created by reservation (nominal esplanade area reserved on original plan only) or by exclusion (esplanade shown on original plan and actual esplanade width specified), depending on the form of words on the deed. Esplanades have a tidal boundary (between land and sea), and an esplanade boundary (between the esplanade and the adjoining lot of land). The Explanatory Notes to the *Natural Resources and Other Legislation Amendment Act 2010* provide useful detail to interpreting the amendments and should be read in conjunction with these notes. <http://legislation.govnet.qld.gov.au/Bills/53PDF/2010/NROLAB10Exp.pdf>

The provisions deal with the following cases:

Case 1—The source material for the land comes into force before commencement of these sections and provides for the exclusion of land for an esplanade (s.90).

If the tidal boundary of the esplanade was surveyed, the location of the esplanade boundary is determined by the specified offset from the feature surveyed as the tidal boundary, in its location at the time the source material came into force.

If the tidal boundary of the esplanade was not surveyed, the location of the esplanade boundary is determined by the specified offset from the location at law of the tidal boundary, at the time the source material came into force. Generally, this would be HWM.

Case 2—The source material for the land comes into force before commencement of these sections and provides for the reservation of land for an esplanade, and the esplanade has been dedicated (s.90).

The location of the esplanade boundary is determined by the specified offset from the feature surveyed as the tidal boundary, in its location at the time of the dedication.

Case 3—The source material for the land comes into force after commencement of these sections and provides for the exclusion of land for an esplanade (s.91).

If the tidal boundary of the esplanade was surveyed, the location of the esplanade boundary is determined by the specified offset from the feature surveyed as the tidal boundary (as identified on the survey plan), in its location at the time the source material came into force.

If the tidal boundary of the esplanade was not surveyed, the location of the esplanade boundary is determined by the specified offset from the location at law of the tidal boundary, at the time the source material came into force—i.e. in accordance with Subdivision 5.

Case 4—The source material for the land comes into force after commencement of these sections and provides for the reservation of land for an esplanade, and the esplanade has been dedicated (s.91).

The location of the esplanade boundary is determined by the specified offset from the feature surveyed as the tidal boundary, in its location at the time of the dedication.

Case 5—The source material for the land provides for the reservation of land for an esplanade, and the esplanade has not been dedicated (s.92).

The location of the tidal boundary of the land is determined in the same way as for any other parcel of land under Division 2.

In Cases 1 to 4, the esplanade boundary, while curvilinear, is fixed in its location.

See also *10.5.1 Esplanades*, page 138

4.7 Downstream limits of non-tidal watercourses

Information

In deciding whether a watercourse adjoining land is tidal or non-tidal, particular note should be taken where a “downstream limit” had been declared under the *Water Act 2000*. Where a downstream limit has been declared, they are described in schedule 8 of the *Water Regulations 2002*. These declarations are also provided at <http://www.derm.qld.gov.au/water/declaredareas/downstream.html>.

By s. 70(2) of the *Survey and Mapping Infrastructure Act 2003*, and despite any indications otherwise provided by original survey plan notations or symbols, where a downstream limit has been declared, the boundary of land adjoining the watercourse upstream of the declared limit is defined in accordance with the provisions of Division 3 and Division 4 *Non tidal land*. Where no declared limit has been determined, tidal water is determined by observation and reference to s.70(1) of the *Survey and Mapping Infrastructure Act 2003*.

The department is working towards the mapping of many more downstream limits and while not declared under the Act as yet, limits have also been identified for the following rivers and creeks (Brisbane, Bremer, Logan, Albert, Coomera and Bohle Rivers and Oxley Creek). The department should be consulted should boundary surveys near the natural tidal / non-tidal interface of any of these waterways be contemplated.

4.8 Surveying tidal and non-tidal ambulatory boundaries

Standard under the SMI Act

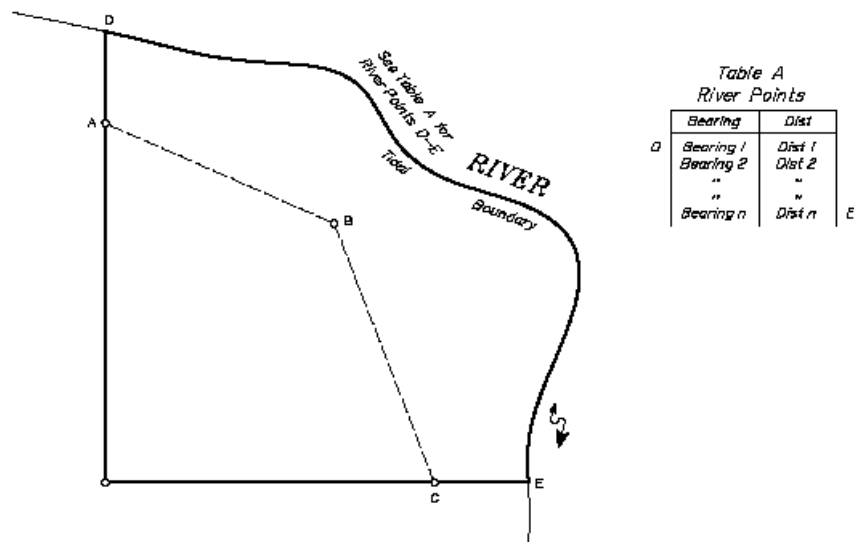
Where the location of an ambulatory boundary is determined by direct measurement of a series of points along the watercourse, using means of measurement such as radiations, traverse and offset or GNSS, the following requirements apply, to ensure that all measurement and attribute information is available on the survey plan:

- Where new source material is being introduced, the plan must clearly identify and describe the natural feature or other thing that constitutes the ambulatory boundary, either on the plan itself or in the field notes or report.
- Right line boundaries leading to the ambulatory boundary should be marked to a high standard with a reasonable level of redundancy, because the later reinstatement of the 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 ambulatory boundary. Instead, there must be a tabulation of the bearings and distances between the points measured along the boundary, 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 tidal boundary points (D–E) see *Tidal*

Boundary Points Table, etc).

- The plan **must** show a curvilinear presentation of the boundary.
- On the watercourse or tidal water side of the ambulatory boundary, the appropriate water body must be named (e.g. Nerang River, Baffle Creek, Moreton Bay, Sandy Strait, Portland Road, Cooper Creek etc). In the case of tidal boundaries the ambulatory boundary **must** also use the term ‘tidal boundary’ (or abbreviation ‘tdl bdy’) along its frontage, reflecting the new term as used in Part 7 of the *Survey and Mapping Infrastructure Act 2003*. Terms such as High Water Mark or HWM must not be used.
- The plan may show a connection between marks placed at stations at or near the end of the right line boundaries intersecting the ambulatory boundary, to allow calculation of the closure of the pegged right line boundaries (e.g. A–B–C in the diagram below).
- Where the land contains a secondary interest in the vicinity of the ambulatory boundary, the relationship between the surveyed location of the ambulatory boundary and the secondary interest must be determined, to establish whether or not the secondary interest is affected by the ambulatory boundary.
- On a plan of survey of a secondary interest only, the representation of the ambulatory boundary of the land, and if applicable the ambulatory boundary of the secondary interest, must be consistent, to the greatest practicable extent, with the location of the boundary at law. Where the secondary interest has an ambulatory boundary, the location of the ambulatory boundary of the secondary interest may be determined by surveying the relevant part of the ambulatory boundary of the land. Evidence must be presented that the feature being surveyed is the feature that constitutes the boundary at law. The plan must be clear that the secondary interest is bounded by the ambulatory boundary. The remainder of the boundary of the land may be compiled. It should be noted that a plan of survey which is a survey of secondary interests only (i.e. it does not reconfigure the land) is not a plan of survey for the land, so does not affect the location at law of the ambulatory boundary. Such a plan is not a first new plan of survey or a subsequent new plan of survey for the land.
- 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.
- Also see *Watercourses—tidal and non-tidal* for further details on the plan presentation of ambulatory boundaries.

Sample



4.8.1 Plan notations

To assist with the future use of the plan, each plan of survey of land that is lodged for registration after 7 May 2010 (including plans signed before 7 May) and has an ambulatory boundary, must bear the required notation which relates

the method of defining the ambulatory boundary to the relevant provision of the *Survey and Mapping Infrastructure Act 2003*, regardless of whether the ambulatory boundary is surveyed or compiled. The required notation, and the supporting evidence required, is set out in the table below. The notation should be placed as close as possible above the description box on sheet 1.

Notation	Evidence Required
<p>For a reserved plan of survey <i>Reserved plan of survey under section 65(4)(a)(i), (ii) or (iii) * of the SMI Act</i> [*include only the relevant subsection reference]</p>	<p>The approval letter from the Registrar of Titles or from the chief executive must be lodged</p>
<p>For an exempt plan with a tidal boundary <i>Exempt plan of survey under section 66(1)(a), (b), (c), (d) or (e) * of the SMI Act (specified tidal boundary, indigenous land, strategic port land, forest reserve, protected area or State Forest #)</i> [*include only the relevant subsection reference] [#include only the relevant descriptor]</p>	<p>A report with the plan or in field notes must contain evidence that the plan satisfies exemption rules.</p> <p>Note: If the status of land relating to the exemption is revoked, a noting of advice can be placed on the register using the power in s. 69(1)(a) that a resurvey is likely to result in the tidal boundary being in a different location</p>
<p>For an exempt plan with a non-tidal watercourse boundary <i>Exempt plan of survey under section 95(1)(a), (b) or (c) * of the SMI Act (indigenous land, forest reserve, protected area or State Forest #)</i> [*include only the relevant subsection reference] [#include only the relevant descriptor]</p>	<p>A report with the plan or in field notes must contain evidence that the plan satisfies exemption rules.</p> <p>Note: If the status of land relating to the exemption is revoked, a noting of advice can be placed on the register using the power in s.98(1)(a) that a resurvey is likely to result in the tidal boundary being in a different location.</p>
<p>For a first new plan of survey <i>First new plan of survey under section 80, 81, 82, 83, 108, 109 or 110 * of the SMI Act</i> [*include only the relevant section reference]</p>	<p>A report with the plan or in field notes must contain evidence that the plan satisfies the standards.</p>
<p>For a subsequent new plan of survey No notation is required</p>	<p>A report with the plan or in field notes must contain evidence that the plan satisfies the standards.</p>
<p>For any plan of survey using new source material <i>Tidal boundary defined using new source material under section 89 of the SMI Act or</i> <i>Watercourse boundary defined using new source material under section 116 of the SMI Act</i></p>	<p>A report with the plan or in field notes must contain sufficient information to identify unambiguously the feature or other thing adopted as the boundary.</p>
<p>For a plan of secondary interests only No notation is required.</p>	<p>Note: A plan of survey which is a survey of secondary interests only (i.e. it does not reconfigure the land) is not a plan of survey for the land, so does not affect the location at law of the ambulatory boundary. Such a plan is not a first new plan of survey or a subsequent new plan of survey for the land.</p>
<p>Single lot declaration <i>First new plan of survey under section 83 or 109 * of the SMI Act</i> [*include only the relevant section reference]</p>	<p>See Single lot declarations (tidal and non-tidal)</p>
<p>Multiple lot declaration <i>Tidal boundary follows multiple lot declaration under section 93 of the SMI Act, on AP123456* or</i> <i>Watercourse boundary follows multiple lot declaration under section 120 of the SMI Act, on AP123456*</i> [*Refer to AP Plan containing Gazettal date.]</p>	<p>Note: The declaration process involves making an AP showing the line on which the proposed declaration decision is based. Once all avenues of review and appeal regarding the proposed declaration have been exhausted, the declaration is Gazetted and the AP is updated to include the date of the Gazettal notice.</p>

4.9 Compiling tidal and non-tidal ambulatory boundaries

4.9.1 Introduction

Information

The ambulatory boundaries provisions of the *Survey and Mapping Infrastructure Act 2003* provide that the location of the ambulatory boundary at law may change on registration of a first new plan of survey (section 78 for a tidal boundary; section 106 for a non-tidal watercourse boundary).

Under certain circumstances it is permissible to represent the ambulatory boundary on a first new plan of survey or a subsequent new plan of survey using compiled information, provided that the representation is “to the greatest practicable extent ... consistent with the location at law of the boundary”.

The new provisions regarding compilation of ambulatory boundaries are more restrictive than was permitted prior to their commencement. This is because, either at commencement of the legislation or on registration of the first new plan of survey, the location of the boundary at law is different to its location before commencement, and it is appropriate to ensure that plans realistically depict the location of the boundary under the new regime.

4.9.1.1 Governing Legislative Framework

The provisions of the *Survey and Mapping Infrastructure Act 2003* regarding compilation of ambulatory boundaries are as follows:

- Section 62—the definition for *compiled plan of survey* permits the ambulatory boundary to be compiled “using searchable registered, or otherwise authoritative, information held by the chief executive (land) or the registrar of titles”
- Section 79— rules for a first new plan of survey for a tidal boundary
- Section 85—rules for a subsequent new plan of survey for a tidal boundary
- Section 107—rules for a first new plan of survey for a non-tidal watercourse boundary
- Section 112—rules for a subsequent new plan of survey for a non-tidal watercourse boundary

The common elements of these sections are summarised as follows:

- Each section contains a requirement that the representation of the ambulatory boundary on the plan must, to the greatest practicable extent, be consistent with the location at law of the boundary.
- Each section contains an explicit requirement that the plan may not compile the ambulatory boundary, except in the circumstances set out in the section.
- Each section sets out the circumstances in which a compiled plan of survey may be prepared in relation to a length of the ambulatory boundary, although there is some difference between the circumstances under each section (see below).
- Each section contains a note to the effect that, although the section allows for a compiled plan of survey in certain circumstances, this does not affect the location at law of the ambulatory boundary.
- The sections refer to compilation of a “relevant length” of the ambulatory boundary. In some circumstances this may mean that while part of the ambulatory boundary must be surveyed, another part (the “relevant length”) may be able to be compiled.

The circumstances in which a compiled plan of survey may be prepared in relation to a length of the ambulatory boundary differ for each of the four types of plans listed above. They are summarised as follows:

Section 79—for a first new plan of survey for a tidal boundary, a length of the boundary may be compiled if the original adopted natural feature rule applies, and the location of the feature is depicted either using the information from the original survey, or from other information held by the chief executive or the registrar.

Section 85—for a subsequent new plan of survey for a tidal boundary, a length of the boundary may be compiled if either:

- (a) the first new plan of survey did not depict the boundary using compiled information and the boundary is depicted using information from the first new plan of survey, or
- (b) the first new plan of survey depicted the boundary using compiled information and the boundary is depicted using the same information that was used for the first new plan of survey.

Section 107—for a first new plan of survey for a non-tidal watercourse boundary, a length of the boundary may be compiled if a new right line boundary does not intersect the non-tidal watercourse boundary and the size and nature of the land and the ambulatory boundary make it impracticable to resurvey the non-tidal watercourse boundary.

Section 112—for a subsequent new plan of survey for a non-tidal watercourse boundary, a length of the boundary may be compiled if either:

- (a) the first new plan of survey did not depict the boundary using compiled information and the boundary is depicted using information from the first new plan of survey, or
- (b) the first new plan of survey depicted the boundary using compiled information and the boundary is depicted using the same information that was used on the first new plan of survey and a new right line boundary does not intersect the non-tidal watercourse boundary.

It is also pertinent to note that the provisions for a subsequent new plan of survey rely on the existence of ‘the natural feature or other thing that constituted the boundary’ (section 86 (tidal); section 113 (non-tidal watercourse)). It is for this reason that, for a tidal boundary, the boundary can be depicted on a first new plan of survey using compiled information only if the original adopted natural feature rule applies. Similarly, for a non-tidal watercourse boundary, the boundary can be depicted on a first new plan of survey using compiled information only if it can be established that a feature exists that satisfies the non-tidal boundary location criteria.

4.9.1.2 Consideration of practicability

The governing legislative framework determining whether or not an ambulatory boundary can be depicted using compiled information is largely definitive, apart from two considerations of practicability:

Firstly, the representation of the ambulatory boundary must, to the greatest **practicable** extent, be consistent with the location at law of the boundary, whether or not the boundary is depicted using compiled information.

Secondly, in the case of a first new plan of survey for a non-tidal watercourse boundary, the boundary may be compiled if, in addition to other requirements, the size and nature of the land and the ambulatory boundary make it **impracticable** to resurvey the ambulatory boundary.

Notes regarding practicability:

- The consideration of practicability does not override the need to meet the objective criteria under which compiled information may be used—i.e. these criteria must be met, and then the question of practicability comes into play. For example, in Section 107, the relevant length of a watercourse boundary can be compiled only if: firstly a new right line boundary does not intersect the relevant length (the objective criterion); and secondly, it is impracticable to resurvey the boundary.

- The question of whether or not it is impracticable to survey the ambulatory boundary is a matter that depends on the particular circumstances, and surveyors will need to make a professional judgement having regard to the fact that they are signing a certificate that the plan complies with the *Survey and Mapping Infrastructure Act 2003* (including the requirement that the representation of the ambulatory boundary is “to the greatest practicable extent ... consistent with the location at law of the boundary”). In considering this, surveyors will need to make an assessment of the extent to which the available information is generally representative of the location of the boundary at law. This may involve comparison of a physical inspection of (at least part of) the boundary with the available information, or for tidal boundaries some historical analysis to demonstrate that there has not been significant change since the original survey. It is envisaged that aerial photography or imagery will be relied on as one possible source of information – either to compile the boundary in its new location or to provide the historical analysis.
- Case law on the question of practicability allows consideration to be given to the balance between the cost of undertaking the task and the risk incurred by not undertaking it. The additional cost of surveying the boundary, in comparison to the overall cost of the survey, will be a consideration, particularly if the prime purpose of the survey is to deal with land that is not close to the ambulatory boundary (e.g. a small parcel being subdivided from the front of a large rural parcel that backs onto a watercourse).

4.9.2 Compilation of tidal or non-tidal ambulatory boundary on a plan of survey for the land

Standard under SMI Act

Where a plan is to be prepared using compiled information to depict the location of the ambulatory boundary, the presentation of the plan of survey must be consistent with the requirements of Standard *Surveying tidal and non-tidal ambulatory boundaries*. A calculated area can be determined for the lot(s) using the source information (e.g. the original traverse and offsets from the survey records of the original survey). A river points table must be provided, for both surveyed and compiled information along the ambulatory boundary if a calculated area is provided.

A report addressing the reasons for adopting the compiled information is required to be submitted with the plan, or appropriate information provided on the plan (see *Reporting requirements for surveys*).

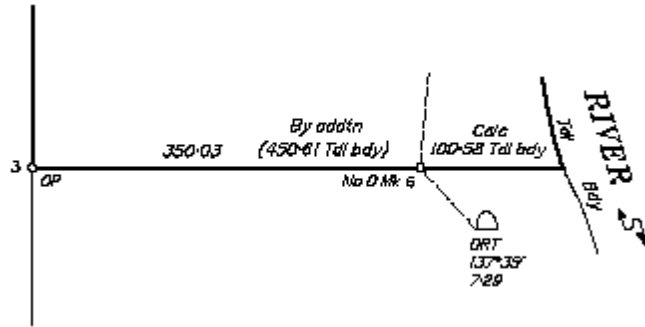
Information from a source other than a previous plan of survey (e.g. aerial or satellite imagery) may be used to compile an ambulatory boundary, provided it meets the requirement of Section 62 that the information must be “searchable registered, or otherwise authoritative, information held by the chief executive (land) or the registrar of titles”. To achieve this, the following requirements apply:

- If the source is imagery held by DERM (e.g. in the State remotely sensed image library held under the *Survey and Mapping Infrastructure Act 2003*) a copy of the image on which the boundary is indicated must be attached to the survey records. Some comment must identify the natural feature adopted on the image. The image must be capable of being related to the cadastre. It cannot be a satellite image without metadata.
- If the source is not held by DERM, in addition to the above requirements, a copy of the image and associated metadata must be provided with the survey records in a form that would enable a surveyor to compile the location of the ambulatory boundary from the image.

Where the land contains a secondary interest in the vicinity of the ambulatory boundary, the relationship between the compiled location of the ambulatory boundary and the secondary interest must be determined, to establish whether or not the secondary interest is affected by the ambulatory boundary.

Where a new right line boundary intersects an existing **tidal** ambulatory boundary, and the location of the ambulatory boundary is adopted from original survey information, the newly surveyed right line boundary would be surveyed in part to a mark, with the remaining segment of that boundary being calculated to intersect with the original ambulatory boundary. The last segment of this line would be qualified as “calc” with an additional qualification as ‘Tdl bdy’ or ‘Tidal boundary’. The overall distance for the line must be shown as ‘by addition’.

Note that while a calculated distance to the watercourse is permissible for a tidal boundary, this is not permissible for a non-tidal watercourse boundary.



4.9.2.1 Compilation of tidal boundary

Guideline under Standard 4.9.2

Process for a first new plan of survey for tidal boundary:

1. Does the original adopted natural feature rule apply (i.e. does the original feature currently exist, or is there accurate information about where it was immediately prior to any 'sudden change')? If not, the tidal boundary must be surveyed.
2. If so, is there information about the current location of the boundary at law, to enable the boundary to be compiled? If not, the tidal boundary must be surveyed.
3. If so, is the information consistent, to the greatest practicable extent, with the location of the boundary at law?

Example 1

Land with a tidal boundary is being subdivided into two lots—a small lot remote from the tidal boundary, and the remaining balance. A site inspection shows that the original feature is generally in the same location as on the original survey. The tidal boundary is compiled from the original plan.

Example 2

Land with a tidal boundary is being developed into a number of residential lots, and the local government has identified a specific tract of land adjoining the tidal boundary that is to be surrendered for public use. A site inspection shows that the original feature appears to have moved over time, but there is no evidence of human activity modifying the land. Recent aerial photography clearly shows the current location of the original feature. The tidal boundary is compiled from the aerial photography.

Example 3

Land with a tidal boundary is being developed into a number of residential lots, and the developer proposes to surrender the land adjoining the tidal boundary for public use. The local government has a requirement for a minimum area to be surrendered for public use. A site inspection shows that the original feature appears to have moved over time, but there is no evidence of human activity modifying the land. Recent aerial photography clearly shows the current location of the original feature. However, the scale of the photography is such that there is some doubt about whether the minimum area will be achieved. The tidal boundary is surveyed.

Example 4

Land with a tidal boundary is being developed into a number of lots, each with tidal boundaries. Each lot is close to the minimum area. A site inspection shows that the original feature is generally in the same location as on the original survey. The tidal boundary is surveyed to ensure the minimum areas are achieved.

Process for a subsequent new plan of survey for tidal boundary:

Case 1—For the first new plan of survey, the tidal boundary was surveyed

Is the tidal boundary generally in the same location as it was when the first new plan of survey was prepared? If not, the tidal boundary must be surveyed.

Example 1

The tidal boundary is to be shown on the plan as the boundary of a ‘balance lot’. A site inspection shows that the current location of the feature or other thing that constitutes the tidal boundary is generally consistent with its location as shown on the first new plan of survey. The boundary is depicted on the plan using information compiled from the first new plan of survey.

Example 2

One or more of the lots on the plan has a tidal boundary, and it is proposed to calculate the area(s) of the lot(s). A site inspection shows that the current location of the feature or other thing that constitutes the tidal boundary is different from that shown on the first new plan of survey, but there is no evidence of human activity modifying the land. Recent aerial photography clearly shows the current location of the feature or other thing that constitutes the boundary. The boundary is surveyed, because the aerial photography was not the information included in the first new plan of survey or its associated material.

Case 2—For the first new plan of survey, the tidal boundary was compiled

Is the tidal boundary generally in the same location as it was when the first new plan of survey was prepared? If not, the tidal boundary must be surveyed.

Example 3

The tidal boundary is to be shown on the plan as the boundary of a ‘balance lot’. A site inspection shows that the current location of the feature or other thing that constitutes the tidal boundary is generally consistent with its location as shown on the first new plan of survey. The boundary is depicted on the plan using the same information that was used to compile the boundary on the first new plan of survey.

Example 4

One or more of the lots on the plan has a tidal boundary, and it is proposed to calculate the area(s) of the lot(s). A site inspection shows that the current location of the feature or other thing that constitutes the tidal boundary is different from that shown on the first new plan of survey, but there is no evidence of human activity modifying the land. Recent aerial photography clearly shows the current location of the feature or other thing that constitutes the boundary. The boundary is surveyed, because the aerial photography was not the information that was used to compile the boundary on the first new plan of survey or its associated material.

4.9.2.2 Compilation of non-tidal watercourse boundary**Guideline under Standard 4.9.2****Process for a first new plan of survey for non-tidal watercourse boundary:**

1. Does a new right line boundary intersect the non-tidal watercourse boundary? If so, the relevant length non-tidal watercourse boundary must be surveyed.

Example 1

Land with a non-tidal watercourse boundary is to be subdivided into two lots by a line generally perpendicular to the watercourse. The relevant length would be the non-tidal watercourse boundary of at least one of the lots. If such survey confirms that the feature that satisfies the non-tidal boundary location criteria is the same feature as surveyed on an earlier plan of survey, and the current location of the feature is generally the same as on the earlier plan of survey, the balance of the non-tidal watercourse boundary may be compiled using the information from the earlier plan of survey.

Example 2

Land with a non-tidal watercourse boundary is being developed into a number of lots, each with watercourse boundaries. Each lot is close to the minimum area. A site inspection determines that the original feature satisfies the non-tidal boundary location criteria and that the original feature is generally in the same location as on the original survey. The watercourse boundary is surveyed to ensure the minimum areas are achieved.

2. If not, does the size and nature of the land and the ambulatory boundary make it impracticable to resurvey the ambulatory boundary?

Example 3

Land with a non-tidal watercourse boundary is being subdivided into two lots – a small lot remote from the watercourse, and the remaining balance. A site inspection determines that the original feature satisfies the non-tidal boundary location criteria and is generally in the same location as on the original survey. The watercourse boundary is compiled from the original plan, because of the cost and effort involved with undertaking additional work to survey the watercourse boundary, beyond that required to achieve the desired outcome for the survey.

Example 4

Land with a non-tidal watercourse boundary is being subdivided into two lots – a small lot remote from the watercourse, and the remaining balance. A site inspection determines that the original feature satisfies the non-tidal boundary location criteria but is not in the same location as on the original survey and there is no evidence of human activity modifying the land. Recent aerial photography clearly shows the current location of the original feature. The watercourse boundary is compiled from the aerial photography, because of the cost and effort involved with undertaking additional work to survey the watercourse boundary, beyond that required to achieve the desired outcome for the survey.

Example 5

Land with a non-tidal watercourse boundary is being subdivided into two lots – a small lot remote from the watercourse, and the remaining balance. A site inspection determines that the original feature does not satisfy the non-tidal boundary location criteria, and identifies another feature that satisfies the criteria and is further from the water than the original feature. Recent aerial photography clearly shows the current location of the feature. The watercourse boundary is compiled from the aerial photography, because of the cost and effort involved with undertaking additional work to survey the watercourse boundary, beyond that required to achieve the desired outcome for the survey.

Example 6

Land with a non-tidal watercourse boundary is being developed into a number of residential lots, and the local government has identified a specific tract of land adjoining the watercourse boundary that is to be surrendered for public use. A site inspection determines that the original feature satisfies the non-tidal boundary location criteria and that the original feature appears to have moved over time, but there is no evidence of human activity modifying the land. Recent aerial photography clearly shows the current location of the original feature. The watercourse boundary is compiled from the aerial photography.

Example 7

Land with a non-tidal watercourse boundary is being developed into a number of residential lots, and the developer proposes to surrender the land adjoining the watercourse boundary for public use. The local government has a requirement for a minimum area to be surrendered for public use. A site inspection determines that the original feature satisfies the non-tidal boundary location criteria and that the original feature appears to have moved over time, but there is no evidence of human activity modifying the land. Recent aerial photography clearly shows the current location of the original feature. However, the scale of the photography is such that there is some doubt about whether the minimum area will be achieved. The watercourse boundary is surveyed.

Process for a subsequent new plan of survey for non-tidal watercourse boundary:

Case 1—For the first new plan of survey, the non-tidal watercourse boundary was surveyed

Is the watercourse boundary generally in the same location as it was when the first new plan of survey was prepared? If not, the watercourse boundary must be surveyed.

Example 1

The watercourse boundary is to be shown on the plan as the boundary of a ‘balance lot’. A site inspection shows that the current location of the feature or other thing that constitutes the watercourse boundary is generally consistent with its location as shown on the first new plan of survey. The boundary is depicted on the plan using information compiled from the first new plan of survey.

Example 2

One or more of the lots on the plan has a watercourse boundary, and it is proposed to calculate the area(s) of the lot(s). A site inspection shows that the current location of the feature or other thing that constitutes the watercourse boundary is different from that shown on the first new plan of survey, but there is no evidence of

human activity modifying the land. Recent aerial photography clearly shows the current location of the feature or other thing that constitutes the boundary. The boundary is surveyed, because the aerial photography was not the information included in the first new plan of survey or its associated material.

Case 2—For the first new plan of survey, the non-tidal watercourse boundary was compiled

1. Does a new right line boundary intersect the non-tidal watercourse boundary? If so, the relevant length of the non-tidal watercourse boundary must be surveyed.

Example 1

Land with a non-tidal watercourse boundary is to be subdivided into two lots by a line generally perpendicular to the watercourse. The relevant length would be the non-tidal watercourse boundary of at least one of the lots. If such survey confirms that the current location of the feature is generally the same as on the first new plan of survey, the balance of the non-tidal watercourse boundary may be compiled using the information from the first new plan of survey.

Example 2

Land with a non-tidal watercourse boundary is being developed into a number of lots, each with watercourse boundaries. Each lot is close to the minimum area. A site inspection determines that the current location of the feature or other thing that constitutes the non-tidal boundary is generally in the same location as on the first new plan of survey. The watercourse boundary is surveyed to ensure the minimum areas are achieved.

2. If not, is the feature or thing generally consistent with the first new plan of survey? If not, the relevant length of the non-tidal watercourse boundary must be surveyed.

Example 3

The watercourse boundary is to be shown on the plan as the boundary of a ‘balance lot’. A site inspection shows that the current location of the feature or other thing that constitutes the watercourse boundary is generally consistent with its location as shown on the first new plan of survey. The boundary is depicted on the plan using the same information that was used to compile the boundary on the first new plan of survey.

Example 4

One or more of the lots on the plan has a watercourse boundary, and it is proposed to calculate the area(s) of the lot(s). A site inspection shows that the current location of the feature or other thing that constitutes the watercourse boundary is different from that shown on the first new plan of survey, but there is no evidence of human activity modifying the land. Recent aerial photography clearly shows the current location of the feature or other thing that constitutes the boundary. The boundary is surveyed, because the aerial photography was not the information that was used to compile the boundary on the first new plan of survey or its associated material.

4.9.3 Compilation of tidal or non-tidal ambulatory boundary on a plan of survey of a secondary interest

Information

A plan of survey which is a survey of secondary interests only (i.e. it does not reconfigure the land) is not a plan of survey for the land, so does not affect the location at law of the ambulatory boundary. Such a plan is not a first new plan of survey or a subsequent new plan of survey for the land.

Standard under SMI Act

On a plan of survey of a secondary interest only, the representation of the ambulatory boundary of the land, and the secondary interest, must be consistent, to the greatest practicable extent, with the location of the boundary at law. Where the secondary interest has an ambulatory boundary, the location of the ambulatory boundary of the secondary interest may be compiled using the information that was used to prepare the current plan of survey for the land. The plan must be clear that the secondary interest is bounded by the ambulatory boundary.

Where a plan is to be prepared using compiled information to depict the location of the ambulatory boundary, the presentation of the plan of survey must be consistent with the requirements of Standard 4.8 *Surveying tidal and non-tidal ambulatory boundaries*. A calculated area can be determined for the secondary interests using the source information (e.g. the original traverse and offsets from the survey records of the original survey). A river points table must be provided, for both surveyed and compiled information along the ambulatory boundary if a calculated area is

shown.

If a secondary interest extends to the ambulatory boundary, the intersection of any right line boundaries of the secondary interest with the ambulatory boundary may be calculated using the information that was used to prepare the current plan of survey for the land. The newly surveyed right line boundary would be surveyed in part to a mark, with the remaining segment of that boundary being calculated to intersect on to the original ambulatory boundary. The last segment of this line would be qualified as 'calc' with an additional qualification as to the particular feature 'Ck' or 'Riv' or 'Tidal boundary'. The overall distance for the line must be shown as 'by addition'.

Guideline under Standard 4.9.3

In certain circumstances, consideration should be given to surveying the tidal boundary of the secondary interest (for example, where the area of a lease over freehold land is relevant to its definition). Where the tidal boundary of a secondary interest is surveyed, the survey should identify the current location at law of the tidal boundary. In general, this will be the natural feature or other thing that constitutes the boundary on the current plan of survey for the land.

4.10 Single lot declarations (tidal and non-tidal)

Information

Section 83 (tidal) and section 109 (non-tidal) provide for the chief executive to make a single lot declaration about the location of the ambulatory boundary, but only where the circumstances set out in the relevant section apply (s.83(5) (tidal) or 109(4) (non-tidal)). The declaration may be made only after a surveyor has lodged a plan, or has deposited a plan with the intention to lodge it at a later date. The chief executive or registrar can defer dealing with the plan in order to investigate the matter and make a declaration. There is an extensive notification and appeal process which must be exhausted before the declaration can be made. Therefore, where a surveyor anticipates that it may be necessary to obtain a declaration in relation to the boundary, it is desirable that the surveyor seek advice from the department prior to finalizing and depositing a plan, to minimise delays in the registration of the plan.

Standard under the SMI Act

If it is considered that a single lot declaration will be required, the surveyor must provide the following in relation to the ambulatory boundary:

- evidence that the relevant circumstances exist for a declaration
- documented reasons, supported by evidence of any investigations carried out, why one of the other rules cannot, or should not, be adopted to define the boundary
- a proposed location for the boundary and the rationale and supporting evidence for that location, based on the provisions of the relevant single lot declaration section.

4.11 Sudden change of ambulatory boundary

Information

The common doctrine of erosion and accretion provides for the movement of ambulatory boundaries by 'gradual and imperceptible degrees', and conversely no movement of ambulatory boundaries due to sudden changes in the land adjacent to the water. These rules have been codified by the *Survey and Mapping Infrastructure Act 2003* and refers to this doctrine by using the term 'ambulatory boundary principles', in section 64. It gives an example of a shift of the feature constituting the boundary that is not 'gradual and imperceptible', i.e. 'modification caused by flood or storm or another rapidly occurring natural process, or by substantial modification of land through human activity'. Such events do not result in a movement of the boundary, and the boundary at law remains in the location it was prior to the event, regardless of whether the event was of natural or of human origin.

Standard under the SMI Act

Where a survey is performed of a tidal or non-tidal ambulatory boundary subject to such events, the surveyor must

provide sufficient evidence to confirm such an event caused the change (and it was not a gradual and imperceptible change over an extended period). The surveyor must also provide sufficient evidence to support the adopted location for the ambulatory boundary, taking into account the ambulatory boundary principles. The surveyor's report must accord with 4.13 *Reporting requirements for surveys*.

The chief executive may make a declaration of an ambulatory boundary where there has been a sudden change event on the land adjacent to tidal water (s. 83 (5)(a)(ii)), see 4.10 *Single lot declarations (tidal and non-tidal)*.

4.12 Certification of a reserved plan of survey

Standard under the SMI Act

A reserved plan of survey is a plan registered after commencement of section 65, but is not taken to be a first new plan of survey for the land. In order to be a reserved plan of survey, the plan must be certified by the chief executive or registrar of titles as being a reserved plan of survey. This certification can be achieved by obtaining a letter from the chief executive or the registrar certifying that the plan, a copy of which is attached to the letter, is a reserved plan of survey under section 65(4)(a)(i), (ii) or (iii) of the *Survey and Mapping Infrastructure Act 2003*. The letter must be lodged with the plan.

Subsection 65(4)(a)(ii) provides that a plan of survey for a development approval in force at the commencement of section 65 is a reserved plan of survey. To enable the chief executive or registrar to be satisfied that the plan is a reserved plan of survey (subsection 65(4)(b)), the development approval must precede the commencement of the provisions on 7 May 2010.

A reserved plan of survey must bear a notation on the face (see 4.8.1 *Plan notations*).

4.13 Reporting requirements for surveys

Standard under the SMI Act

4.13.1 Plans of survey

Where plans of survey involve a survey of an ambulatory boundary, the following information must be deposited as survey records:

- substantial report addressing:
 - a clear description of the natural feature or other thing that constitutes the ambulatory boundary, supported by relevant photographs
 - an assessment of the stability and permanency of the feature
 - reference to the relevant provisions of the *Survey and Mapping Infrastructure Act 2003* under which the ambulatory boundary has been surveyed
 - if boundary location criteria are being used to identify the feature that constitutes the boundary, how each of these are satisfied by the adopted feature in its surveyed location (including, where relevant, the public interest assessment. See 4.14 *Public interest assessment (tidal)*)
 - where relevant to the current determination, a description and location and extant evidence of the natural feature adopted by the original surveyor and/or any subsequent surveys
 - where human activity has affected the land, evidence of the former location of the adopted feature
 - where the feature that constitutes the ambulatory boundary was adopted on a previous survey, an assessment of whether there has been any significant movement of the feature, and if so, a report on the investigation undertaken, and the evidence identified, to establish how such movement has satisfied the relevant aspect of the *ambulatory boundary principles* (see s. 62) (i.e. was it, or was it not, 'gradual and imperceptible', and what is the basis for that conclusion?).
- copy of subject plan showing, plotted on the face, the boundary position as determined by previous surveyors

- evidence that the new location of the boundary does not affect the property on the opposite side of a watercourse. If it is apparent that there has been such a significant change in the watercourse and subject to the ambulatory boundary principles, the new location of the boundary extends into the area that is included on a current survey plan of land on the other side of the watercourse, the requirements as per sections 18 and 19 of the *Survey and Mapping Infrastructure Regulation 2004* apply
- such other evidence as considered appropriate.

4.13.2 Plans with compiled ambulatory boundary information

Where plans of survey involve the compilation of an ambulatory boundary, the following additional information (as appropriate) must be deposited as survey records:

- a description of how the requirements of the relevant section of the *Survey and Mapping Infrastructure Act 2003* (Section 79, 85, 107 or 112) have been met, to allow the relevant length of the ambulatory boundary to be compiled
- evidence to confirm that the compiled boundary is, to the greatest practicable extent, consistent with its location at law, taking into account the ambulatory boundary principles
- such other evidence as considered appropriate.

4.14 Public interest assessment (tidal)

Information

In the tidal boundary location criteria, the third criterion is that the location of the boundary is consistent with the public interest (s. 72(3)). Public interest as defined in section 62 includes the 'cultural, environmental, heritage, land protection, planning, recreational, social, and strategic interests of the public'. Where assessment of the public interest is relevant to the location of the tidal boundary, it is clear that this assessment must be integral to the survey itself. It is not sufficient to undertake a survey of a tidal boundary independent of consideration of the public interest and to present a public interest assessment that is designed to justify a particular survey outcome.

The primary purpose of the public interest assessment is to determine whether incorporating land in the adjoining parcel would be contrary to the public interest, in the following circumstances:

- (a) under s. 81, applying the alternative natural feature exception, the public interest assessment will apply to the land between the original natural feature and the alternative natural feature
- (b) under s. 82, applying the applied criteria exception, the public interest assessment will apply to ensure that, if a feature or other thing satisfies the other tidal boundary location criteria, it is not contrary to the public interest to incorporate into the adjoining parcel any of the land on the landward side of the proposed location of the boundary
- (c) under s. 83, making a single lot declaration, the public interest assessment will apply to ensure that, if the proposed location of the boundary satisfies the first and second tidal boundary location criteria, it is not contrary to the public interest to incorporate into the adjoining parcel any of the land on the landward side of the proposed location of the boundary.

On registration of the plan, all land seaward of the tidal boundary will become or remain the property of the State (see Section 9 of the *Land Act 1994*).

Standard under the SMI Act

It is the responsibility of the surveyor conducting the survey to come to a conclusion about whether the location of the boundary is consistent with the public interest. The Public Interest Criteria set out below are designed to assist

surveyors in coming to a conclusion regarding public interest.

The information used to undertake the public interest assessment must be provided by the surveyor for review by the department. Surveyors should source and access any available reports or datasets pertaining to each of the Public Interest Criteria to assist in making an objective assessment against that criterion. Surveyors should quote and lodge copies of any material used to base the assessment upon (however any DERM searchable material need not be lodged). Sources may include print and electronic media, photos or images, web based material, personal accounts (appropriately authenticated) etc. Comments provided by the surveyor must be objective and unbiased in terms of both the compilation of material and the conclusions drawn on the basis of that material.

The location of a boundary is considered to be consistent with the public interest in instances where, under the alternative feature exception, the proposed boundary adjustment involves an insignificant amount of land—for example, having regard to the value of the land in question, the amount of land may be insignificant where the average width of the land is less than 0.5 metres, averaged over the length of the tidal boundary, or where the total area involved is less than 10 square metres.

In certifying the accuracy of a survey plan (Form 13 or 18) the surveyor must be satisfied with the accuracy of any information the surveyor relies on to undertake the survey. Where a surveyor obtains information to undertake a public interest assessment, including where the surveyor relies on other professional persons to compile a report, the surveyor must be satisfied with the accuracy of such information.

The assessing surveyor must assess the overall impact of the proposed tidal boundary against the public interest assessment criteria provided below. Where the assessment finds that the proposed tidal boundary location does not comply with one or more of the Public Interest Criteria, it fails the third criterion of the *Tidal boundary location criteria* (s.72(3)) and cannot be approved.

Public Interest Criteria

1. The proposed boundary location cannot be adopted where it involves land that the public has previously enjoyed access to, or could reasonably expect to have access to.

Note—for example, it would be inappropriate to locate a tidal boundary:

- *on land that is currently used, or has previously been used, by the public for open space or recreational purposes*
- *in a position that would inhibit the public's access to land that forms part of a beach.*

2. The proposed boundary location cannot be adopted where it is inconsistent with any planning provisions pertaining to the subject land, or land within the vicinity of the site, unless it can be demonstrated that the location of the boundary would not compromise the desired outcomes sought by these provisions.

Note: planning provisions encompass existing and proposed planning controls, requirements, intents and objectives. Examples include:

- *the designation of the land in a local government planning scheme as being for open space, recreation, public access or like designations*
- *policies (e.g. expressed through overlays, local planning policies, or codes in planning schemes) that intend for the boundary to be set back from the waterway or coastline, where the boundary is proposed to be located closer to the water than the setback allows*
- *plans for a public access way or park along the river, as documented in an existing or draft state or local planning instrument, where the boundary location encroaches into this area.*

3. The proposed boundary location cannot be adopted where the subject land and/or adjacent land is proposed to be used for community purposes as part of a current development application, unless it can be demonstrated that the location of the boundary would not adversely affect the public's recreational, social and strategic interests in the land.

Note—for example, where a development application has been lodged over an adjoining lot which seeks to dedicate land along the waterway or coastline for public access purposes, if the proposed boundary location will compromise the potential for the access way to be extended along the waterway or coastline in the future.

4. The proposed boundary location cannot be adopted where it would conflict with development conditions applying to the subject land and/or adjacent land, where such conditions have been designed to protect the public interest.

Note: an example of a development condition that has been designed to protect the public interest is one that requires land to be dedicated as parkland.

5. The proposed tidal boundary location does not encroach onto land that is associated with natural heritage or Indigenous or European cultural heritage, unless it can be demonstrated that the boundary location would not increase the vulnerability of heritage values to potential damage or loss.

Note—for example, where the boundary is proposed to be located on land that is listed on the Queensland Heritage Register and the proposed boundary location would increase the vulnerability of heritage values to potential damage or loss .

6. The proposed boundary location cannot be adopted where it would increase the risk of damage to or loss of environmental values associated with the subject land and/or adjacent land.

Note— examples of environmental values could include, but would not be limited to, native vegetation that is shown as remnant vegetation on regional ecosystem mapping or an ecological corridor identified by the federal, state or local government.

7. The proposed boundary location cannot be adopted where it would lead to decreased management of land degradation resulting from soil erosion, landslip, or weed or pest infestation.

Note—for example, where the boundary location would compromise an active management program being undertaken by the state or local government to manage land degradation.

4.15 Former watercourse land

Information

Section 13B of the *Land Act 1994* deals with former non-tidal watercourse land. This is land that was a boundary watercourse and ceases to become part of the functioning watercourse due to a change and is not likely to again become part of the watercourse. Section 13B provides for an adjoining owner to apply for the land to be declared as former watercourse land, the powers for the chief executive (water) to make the declaration, and for the land to be dealt with as if it were unallocated State land.

Standard under the SMI Act

Where former watercourse land is to be freeholded, a plan must be prepared identifying the land with a lot number and showing an area so that it can be dealt with under the *Land Act 1994*. The survey plan **must** contain the notation 'Lot XX is former watercourse land'. The boundaries of the former watercourse land will be located where the watercourse boundary was at law, immediately before the sudden event(s) occurred. The boundary of the former watercourse land, other than the common boundary between the former watercourse and the applicant's land, must be surveyed as right line boundaries. The former watercourse boundary common with the applicant's land may be compiled for the purpose of plan presentation and calculating the new lot area, provided that the information used to compile the boundary is, to the greatest practicable extent, consistent with its location at law.

4.16 Stay plans for tidal boundaries

Information

Section 74 provides that a plan of survey approved for registration by the Minister during the tidal stay for registration (8 Nov 2005 to the repeal of the stay provisions on 7 May 2010) will be treated as if it has been surveyed under the new rules. The Registrar will annotate these plans to the effect that they may be treated as first new plans of survey. The natural feature or other thing depicting the high-water mark boundary on the plan of survey approved during the stay will be adopted as the tidal boundary. The feature or other thing that constitutes the tidal boundary on the stay plan should be used for any subsequent survey of the land under subdivision 4.

4.17 Identification survey plans involving an ambulatory boundary

Information

Identification surveys are not new plans of survey, therefore where required they should identify the current location of the boundary at law.

4.18 Directions to surveyors

Information

The table below indicates the date of effect for directions made in Queensland. Note that this table is abbreviated particularly with respect any intervening memoranda and revisions of the BOM, SOM and CSR documents. For a comprehensive listing of such material the department has released the 2nd edition of a CD product “Directions to Surveyors CD” which is available at no cost to cadastral surveyors. Surveyors may request a copy from senior surveyors of the department. The product includes numerous memoranda or circulars to surveyors dating from 1847. While every effort has been made to source a complete record of such memoranda issued by Surveyors-General, it is not possible to guarantee that this is the case.

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 Watercourses	Pursuant to practice in the Surveyor-General’s department
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>

Date of effect	Name of directions	Statutory basis
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>
Nov 1992	Board Operations Manual Rev 0	<i>Surveyors Act 1977</i>
Jan 1996	Survey Operations Manual Rev 4	<i>Surveyors Act 1977</i>
1 August 2004	Cadastral Survey Requirements V 2.3	<i>Survey and Mapping Infrastructure Act 2003</i>

Table 6 Historical Directions to Surveyors

4.19 Land beyond a Tidal Boundary

Standard under the SMI Act

For dealings under the *Land Act 1994*, land that is on the tidal water side of a tidal boundary or a right line tidal boundary must be identified by a separate lot number to land above the tidal boundary.

4.20 Title amendment for ambulatory boundaries

Information

Where it is found on resurvey of a freehold riparian boundary that the tidal or non-tidal boundary has moved by gradual and imperceptible degrees in accordance with the *ambulatory boundary principles* (s. 62), either as a *new plan of survey* or a *subsequent new plan of survey*, the new location of the feature can be recorded by the lodgement and registration of a freehold plan of resurvey (s. 50 *Land Title Act 1994*).

Where land that is bounded by an ambulatory boundary has changed by *other than* gradual and imperceptible degrees, whether addition or loss, the ambulatory boundary itself does not move (see the *ambulatory boundary principles* (s. 62)).

- In such cases, if the land owner wished to have the boundary surveyed in accordance with the physical shape of the land, this can be achieved by the lodgement of a State land plan, and the surrender of the current title to the land and re-grant of a new deed under the provisions of section 358(2) of the *Land Act 1994*.

- Where land has been lost, and the owner wishes to surrender the 'lost' land, this can also be achieved by a freehold plan of subdivision which surrenders the land as public use land, subject to the consent of the local government.
- In the case of addition, arrangements must be made with the department to purchase the additional land (see s. 10 & 127 of the *Land Act 1994*).

Standard under the SMI Act

Where a plan of resurvey is prepared under the *Land Title Act 1994*, the boundary is to be surveyed in accordance with Standard 4.8 *Surveying tidal and non-tidal ambulatory boundaries*.

Where a plan is prepared under the *Land Act 1994*, there are two possible situations:

1. Land has been added. The new seaward boundary is to be surveyed as a right line tidal boundary, and the plan is a plan of the following type:
Lot X cancelling Lot X and USL (being part of the Pacific Ocean).
2. Land has been removed. The new boundary is to be surveyed as a right line boundary, and the plan is a plan of Lot X and Lot Y cancelling Lot X. Lot Y is shown as Public Use land (PUL) and would become USL on registration of the plan, through the lodgement of a Statement of Intent with the plan.

4.21 Natural features as boundaries

Standard under the SMI Act

See section 3.24 *Natural boundaries*, page 52.

See section 9.58 *Watersheds*, page 169.

Other natural features may be adopted as cadastral boundaries (e.g. a cliff, watershed). Surveys of such natural features should comply with Standard 4.8 *Surveying tidal and non-tidal ambulatory boundaries*, except those aspects that are specific to water boundaries.

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 department is a concurrence agency to the development approval, no endorsement by the department 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 165.

See the *Queensland Boundaries Declaratory Act 1982*.

See *Redefining the Queensland – New South Wales border: guidelines for surveyors*, <http://www.derm.qld.gov.au/property/surveying/pdf/qld_nsw_border.pdf>.

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. Where practicable, connections should be made to the cadastre in 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*².

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.

5.5 Canals

Standard under the Land Title Act

See section 9.9 Canals, page 136.

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

² 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.

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 178.

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 148.

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 15.

See section 9.25 *Forest entitlement areas (FEAs)*, page 153.

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 freehold 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 Future Conservation areas

Future conservation areas (FCA) are a reservation in a grant that are in a fixed position. The FCA may be surveyed or not surveyed. Where a grant is subject to a reservation for an FCA and that land is being dealt with, the survey plan for that land must show the FCA.

State leases that are subject to an FCA must show the FCA as a reservation in title. The area of the FCA must be shown on the face of the plan in broken hairline. If the FCA is to be surveyed it must be surveyed to the same status as the surveyed status of the underlying land. All FCA’s must be identified with a numeric identifier e.g. FCA1.

5.11 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.

5.12 Local government boundary

Information

See section 3.11.4 *Compiled plan of large unsurveyed parcel*, page 35.

If land represented on a plan falls within more than one local government, the consent of each local government is required

5.13 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 106.

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 7.

5.14 Local government conditional consent

Information

Return to section 5.2 Amalgamations, page 104.

See section 5.14.1 Consent shown on plan only, page 109.

See section 5.14.2 Consents registered on title, page 110.

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.

5.14.1 Consent shown on plan only

Information

See section 3.33 Resurveys, page 63.

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:

- issue titles with no further action on plans with the consent prior to 9 December 1948,
- require local government consent on plans after 1948. 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.

5.14.2 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*.

5.14.3 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.

5.15 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.

5.16 State land actions

Information

See section 7.6.5 *State forests*, page 123.

See section 9.2 *Action statements*, page 130.

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 150.

See section 9.30 *Linework*, page 155.

See the *Land title practice manual*, clause 9-0000.

See the *Registrar of Titles directions for the preparation of plans, Part 6 Easements*, www.derm.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 186.

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 tramway easement (now referred to as a permit to pass under the provisions of section 63 of the *Sugar Industry Act 1999*) is not registered against a title in the Land Registry, see section 71 (5) of the *Sugar Industry Act 1999*. All existing tramway easements have been recorded as administrative advices under the *Land Title Act 1994*, and requires allocation if the land is subdivided. No future tramway easements will be created under the *Sugar Industry Act 1999* in this manner.

For new easements, a survey plan is required with standard requirements for easements. Sections 81A and 89 of the *Land Title Act 1994* now provide for cane railway easement to be registered as an easement in gross to a public utility provider, being a mill owner.

Some existing tramways are registered easements under the *Land Title Act 1994*. Where no plan of the easement is available and the easement boundaries are to be surveyed, 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.derm.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.derm.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.derm.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.derm.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.derm.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 150.

See section 11.6 *Easement with titles issued*, page 179.

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

See the *Registrar of Titles directions for the preparation of plans, Part 6 Easements*, <www.derm.qld.gov.au/property/titles/rdpp/part_6.html>.

See the *Registrar of Titles directions for the preparation of plans, Part 22 Allocations*, <www.derm.qld.gov.au/property/titles/rdpp/part_22.html>

Easements may be created over undescribed balances.

A plan of survey may describe an easement as a ‘proposed easement’ whether or not the instrument creating the easement interest is lodged immediately following the plan. Where the easement instrument is not lodged with the plan, the plan must describe the easement as a ‘proposed easement’.

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
- 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 62.

See departmental policy *Easement PUX/901/527*,

<http://www.derm.qld.gov.au/services_resources/item_details.php?item_id=100456&topic_id=11>.

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 Assets 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 59.

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.derm.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 171.

See the *Registrar of Titles directions for the preparation of plans*, section 22.6.5 *Easements absorbed in new road*, <www.derm.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 74.37.3.9, *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 121.

See the *Land title practice manual*, Part 7.

See the *Registrar of Titles directions for the preparation of plans*, Part 5 *Sketches*, <www.derm.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. 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.derm.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 119.

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.derm.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 39.

See the *Registrar of Titles directions for the preparation of plans*, section 4.8 *Parcels to be described*, <www.derm.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>.

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 39.

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 120.

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 39.

See section 5.16 *State land actions*, page 110.

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 4.8 *Surveying tidal and non-tidal ambulatory boundaries*, page 86

See section 5.16 *State land actions*, page 110.

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 Aboriginal Land Act 1991 and Torres Strait Islander Land Act 1991'

See section *Aboriginal Land Act 1991 and Torres Strait Islander Land Act 1991*, page 9.

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> 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>, 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> 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>.

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> (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 (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.derm.qld.gov.au/property/titles/rdpp/index.html>.

9.1 Abbreviations

Guideline under Standard Plan presentation

See section 9.59 *Plan presentation*, page 170.

See Appendix B6, page 198.

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 29.

See section 5.16 *State land actions*, page 110.

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.derm.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 m²

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 ²
	(8-1-8)	272 m ²
	(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 172.

See the *Registrar of Titles directions for the preparation of plans*, section 4.10 *Cancelling clause containing reference to unallocated State land*, <www.derm.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:

<i>Area of closed road (1-2-3-4-6-1)</i>	<i>1.256 ha</i>
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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 (1-3-4-5)</i>	<i>2564 m²</i>
<i>(9-8-11-9)</i>	<i>127 m²</i>
	<hr/>
<i>Total</i>	<i>2691 m²</i>
	<hr/>

Where the road closure action creates a lot (or lots) and does not add the closure to any existing lot

<i>Area of closed road (Lot 1)</i>	<i>2564sqm</i>
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9.2.3 Simultaneous road opening and road closing

See section 3.10.5 *Simultaneous opening and closing*, page 31.

See section 10.4 *Simultaneous opening and closure of road*, page 174.

See the *Registrar of Titles directions for the preparation of plans*, section 4.10 *Cancelling clause containing reference to unallocated State land*, <www.derm.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:

<i>Area of new road (4-5-6-7-8)</i>	<i>2560 m²</i>
<i>Area of closed road (1-2-11-12-1)</i>	<i>3056 m²</i>

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:

<i>Area of new road (1-4-6-7)</i>	<i>45 m²</i>
<i>(8-1-8)</i>	<i>272 m²</i>
<i>(27-2-12-13-5-27)</i>	<i>1.254 ha</i>
	<hr/>
<i>Total</i>	<i>1.2857 ha</i>
	<hr/>
<i>Area of closed road (1-3-4-5)</i>	<i>2564 m²</i>
<i>(9-8-11-9)</i>	<i>127 m²</i>
	<hr/>
<i>Total</i>	<i>2691 m²</i>
	<hr/>

9.3 Adjoining description

Guideline under Standard Adjoining information

See section 3.5 *Adjoining information*, page 13.

See Appendix B, *Abbreviations* page 195.

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:

<i>21</i>	<i>42</i>	<i>ML 4</i>	<i>16</i>	<i>16</i>
<i>SL10432</i>	<i>CP808793</i>	<i>MP34567</i>	<i>RP123456</i>	<i>SP123458</i>

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

<i>56</i>	<i>24</i>
<i>SP123456</i> <i>(Volumetric)</i>	<i>RP123456</i>

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.derm.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 Adjoining information

See section 3.5 *Adjoining information*, page 13.

Show registered easements and registered plan numbers that abut the subject boundary.

<i>Emt A</i>	<i>Emt G</i>	<i>Emt J</i>
<i>SL20657</i>	<i>SP213175</i>	<i>CP12345</i>

9.3.2 Adjoining leases

Guideline under Standard Adjoining information

See section 3.5 *Adjoining information*, page 13.

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 Adjoining information

See section 3.5 *Adjoining information*, page 13.

The railway name may be shown 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 150.

See **Boundary Lines 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.derm.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* <http://www.derm.qld.gov.au/services_resources/item_details.php?item_id=100538&topic_id=11>.

See departmental standard RPS/2004/1602, *Administrative plans*, <http://www.derm.qld.gov.au/services_resources/item_details.php?item_id=100161>.

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).

All survey plans including administrative plans and NPW and FTY plans reside with the department and can be searched through CISP.

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 Boundary marking

See section 3.22 *Marking*, page 46.

See section 9.16.5 *Corner references (reference marks)*, page 142.

See section 9.38 *Offsets*, page 159.

See section 11.1 *Alignments*, page 177.

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 40.

See section 9.39 *Original dimensions*, page 160.

See section 9.46 *Ranged only and reads bearings*, page 162.

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 Encroachment

See section 3.11 *Compiled plans*, page 32.

See section 3.20 *Encroachment*, page 43.

See section 3.22.2 *Reference*, page 47.

See section 9.16.6 *Original reference marks and occupation*, page 142.

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.derm.qld.gov.au/property/titles/rdpp/part_9.html>.

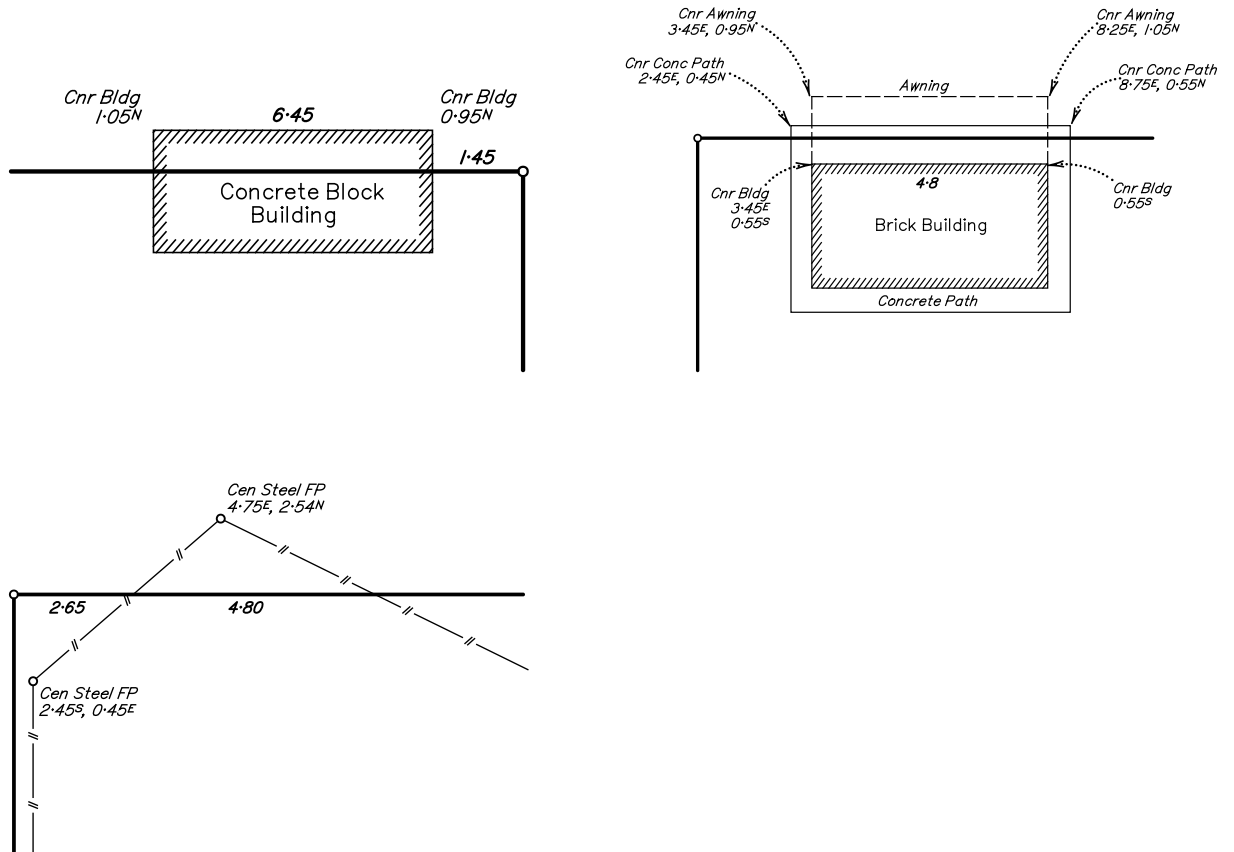
Encroachment must be clearly illustrated. As a minimum, the following would be required on a plan to satisfy the requirement that the size, nature and location of an encroachment must be shown on the plan:

- 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 40.

See section 3.38 *Unsurveyed and/or calculated boundaries*, page 68.

See section 9.47 *Roads*, page 163.

See section 9.56 *Traverses*, page 166.

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

Information

Return to section 5.5 *Canals*, page 105.

9.10 Cancelled boundaries

Guideline under Standard 99.30 Linework

See section 9.30 *Linework*, page 155.

Once cancelled they are no longer shown on plans.

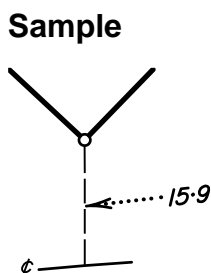
9.11 Centre lines

Guideline under Standard 3.22.1 Boundary

See section 3.22 *Marking*, page 46.

See section 9.38 *Offsets*, page 159.

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.

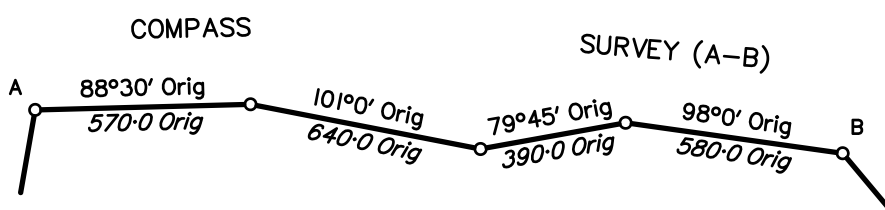
9.12 Compass survey

Standard under the SMI Act

See section 9.58 *Watersheds*, page 169.

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 99.59 Plan presentation

See section 9.9 *Plan presentation*, page 170.

See Appendix C, *Styles*, page 204.

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 134.

See section 9.46 *Ranged only and reads bearings*, page 162.

'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 158.

See section 9.39 *Original dimensions*, page 160.

Conversion factors to be adopted are as follows:	
Links to metres:	links x 0.201168
Note: Distances to be converted to three (3) decimal places	
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	$ha = (\text{acres} \times 10) \times 0.201168^2$
Note: Acres to be converted to the nearest square metre (40 perches = 1 rood; 4 roods = 1 acre)	

Table 7 Conversion factors

9.16 Corner information

Guideline under Standard Survey mark information on plans

See section 3.22 *Marking*, page 46.

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 46.

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 140.

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

<i>OP remvd</i>	<i>Butt OSP remvd</i>	<i>Peg pld</i>
<i>Post pld</i>	<i>Peg pld</i>	<i>OP 0.14s, 0.05w remvd</i>

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 ↑</i>	<i>GI Nail in RFP</i>
<i>OP 0.25N</i>	<i>OP at ft</i>
	<i>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</i>	<i>OSP hole</i>
<i>Peg pld</i>	<i>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</i>	<i>Peg placed at</i>	<i>Survey Post placed</i>
<i>Stns 2, 9–11</i>	<i>all new corners</i>	<i>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

*Peg Branded (↑) placed
at Stns 2, 5, 7, 11–13*

*Branded Peg placed
at all new corners*

*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

*No mk pld
(in swamp)*

*No mk pld
(inaccessible)*

19.16.4.1 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

*Cen RFP
0.3S 0.06W*

*Cor Br Bldg
0.02N
0.05E*

*C face SFP
220°15', 2.657*

When nails, screws, etc. are placed as a new survey mark in occupation to establish the corner, the occupation is referenced.

Sample

*Nail in RFP
Cen RFP 0.015S*

*Ramset in Cor Br
Cor Br 0.12W*

*Nail in Cen RFP at
Stns 1, 4, 6–9*

(shown at corner on face)

(statement on face)

If occupation is adopted as the new corner and is branded, this must also be quoted.

Sample

N.E Cor SFP (↑ R)

*Cen RFP(↑2) at
Stns 2, 3, 5–8*

(shown at corner on face)

(statement on face)

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 134.

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 which was the origin of the current reference—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 140.

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

*Peg placed at
Stns 3–9, 11–15*

*Survey Post branded (↑ R) placed
at all new corners.*

*Peg branded (↑ 4)
placed at all new comers*

*Cen RFP (↑ R) at
Stns 2, 3, 5–9, 8–12*

*Nail in Conc. placed at
Stns 1, 4, 6, 9–12*

*Iron Pin placed at
Stns 1–7, 9–12*

9.16.9 New permanent survey marks

See section 3.26 *Permanent survey marks*, page 52.

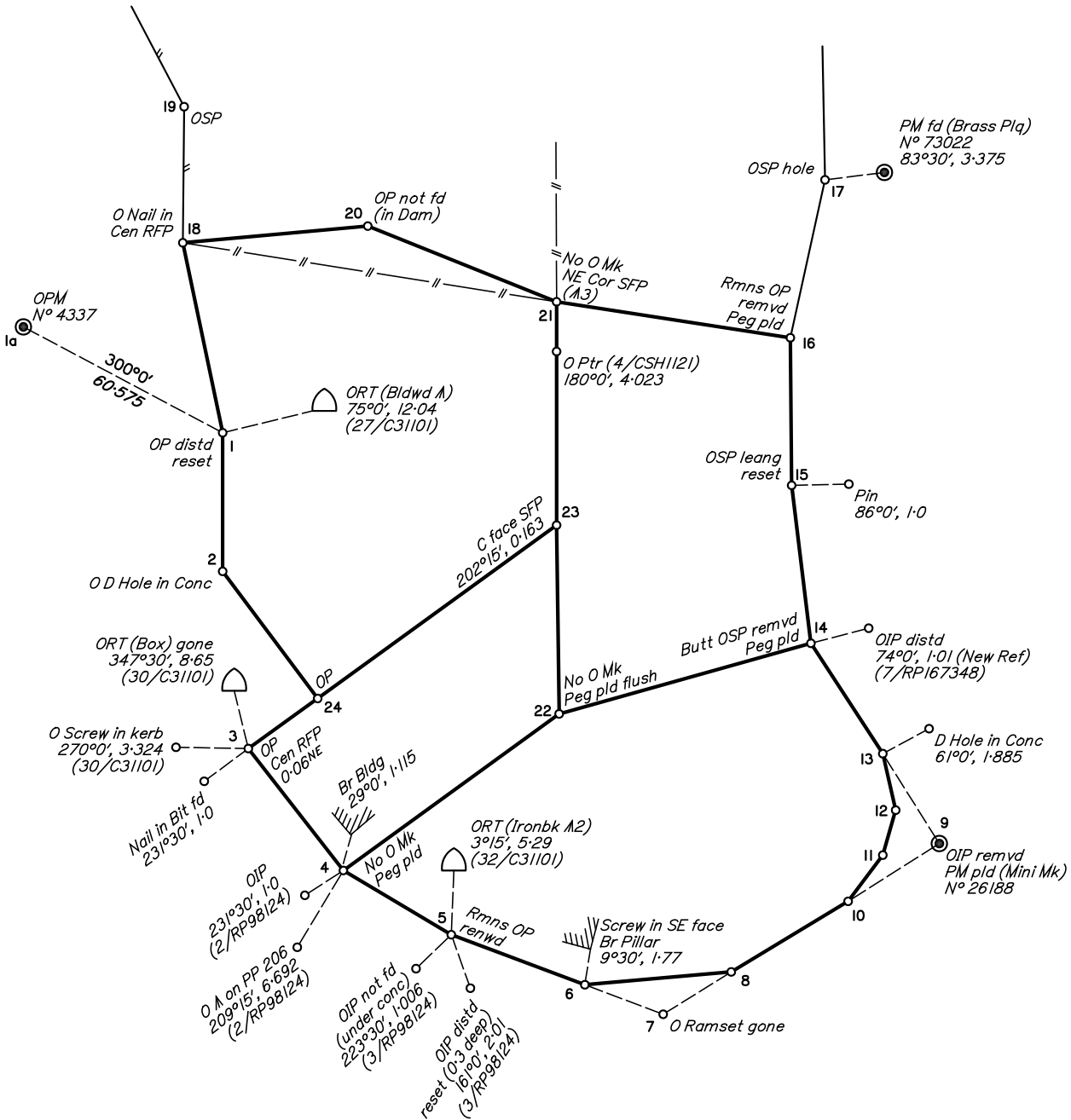
See diagrams A and B following this section.

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.



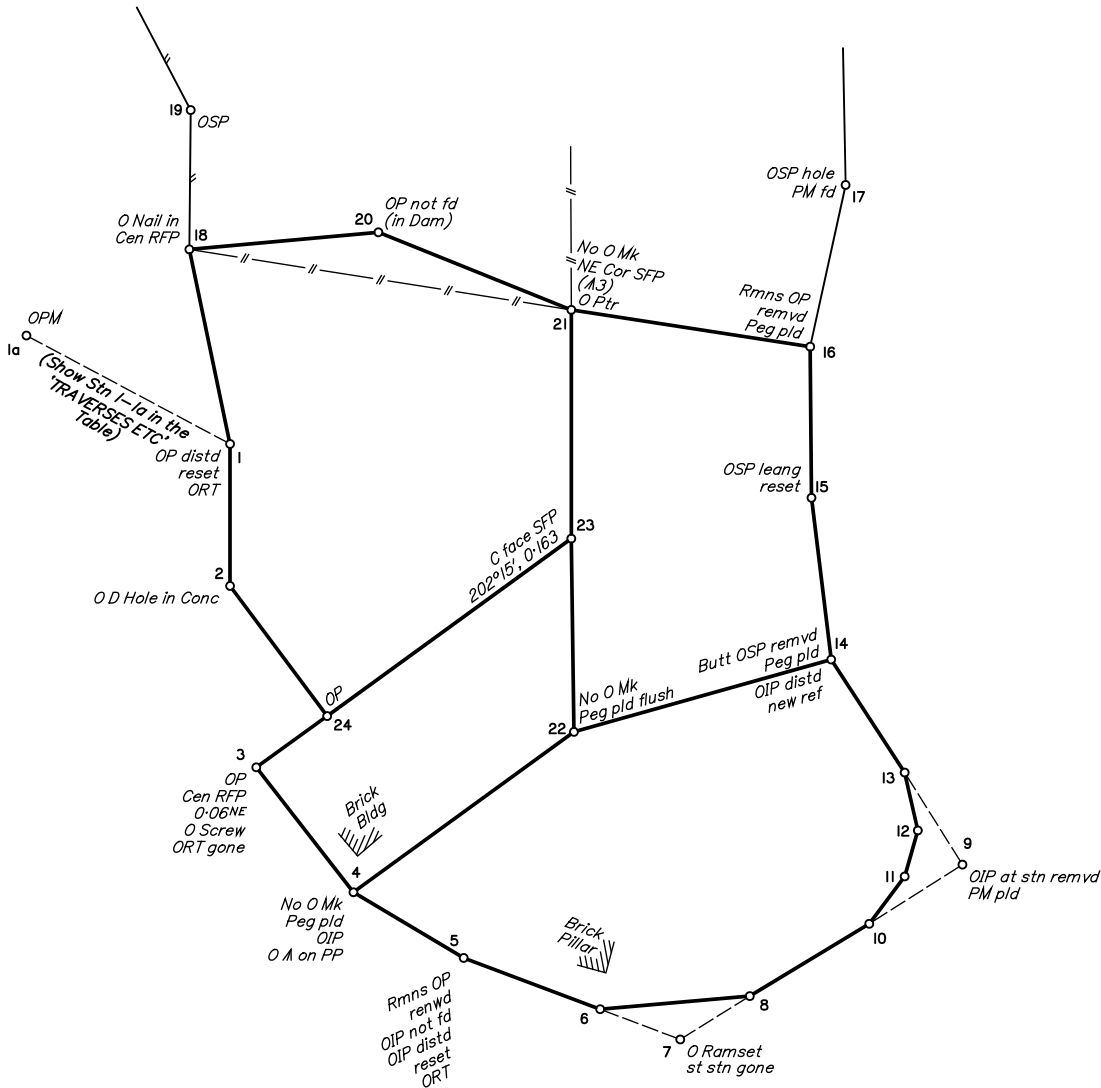
Peg placed at stations 16, 22, 23.

Peg branded (AR) 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 (MR) 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	Mini Mark Brass Plaque
9-PM		at station		26188	
17-PM fd		83°30'	3.375	73022	

9.17 Channel/drain

Standard under the SMI Act

See section 5.7 *Channel/drain areas*, page 106.

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 Administrative boundaries—county, parish, locality and local government

See section 2.3 *Administrative boundaries—county, parish, locality and local government*, page 4.

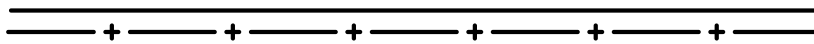
See section 9.41 *Parish boundary*, page 160.

See section 9.30 *Linework*, page 155.

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.

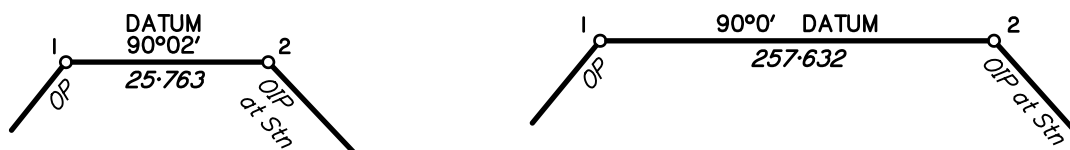
9.19 Datum

Guideline under Standard Meridian

See section 3.23 *Meridian*, page 51.

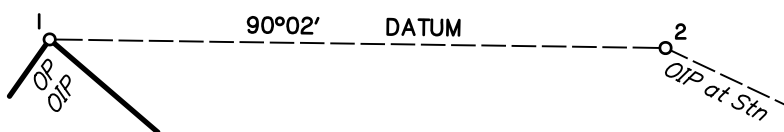
Datum is no longer a requirement on plans. However, where it is used it is shown as follows:

Sample



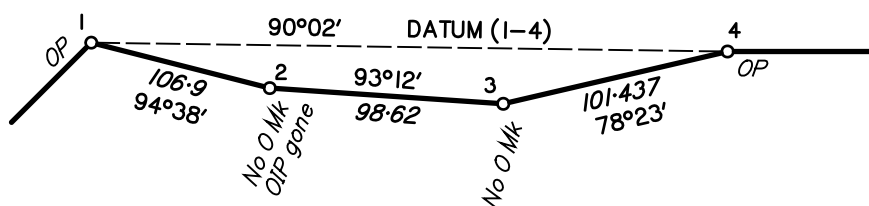
For a cancelled boundary or traverse, show as follows:

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 18.

See the *Registrar of Titles directions for the preparation of plans*, section 4.8—Parcels to be described, <www.derm.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.derm.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.derm.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 171.

See the *Registrar of Titles directions for the preparation of plans*, section 4.9 *Plan description and cancelling clause*, <www.derm.qld.gov.au/property/titles/rdpp/part_4.html>.

9.20.1.2 Common property

See section 10.2.1 *Adjoining building units or group titles plans*, page 133.

See the *Registrar of Titles directions for the preparation of plans*, section *Description of common property*, <www.derm.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 70.

See the *Registrar of Titles directions for the preparation of plans*, section 4.10 *Cancelling clause containing reference to unallocated State land*, <www.derm.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 52.

See section 7.3.2 *Leases for part of the land only*, page 120.

19.20.2.1 General

See section 50(d) of the *Land Title Act 1994*.

See the *Registrar of Titles directions for the preparation of plans*, section *Parcels to be described*, <www.derm.qld.gov.au/property/titles/rdpp/part_4.html>.

29.20.2.1 Use of 'proposed'

See section 83A of the *Land Title Act 1994*.

See section 364 of the *Land Act 1994*.

Examples

Guideline under Standard 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:

*Zzss 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 Plan presentation

See section 9.59 *Plan presentation*, page 170.

Description of country may be shown for surveys in rural areas.

9.22 Diagrams

Guideline under Standard Plan presentation

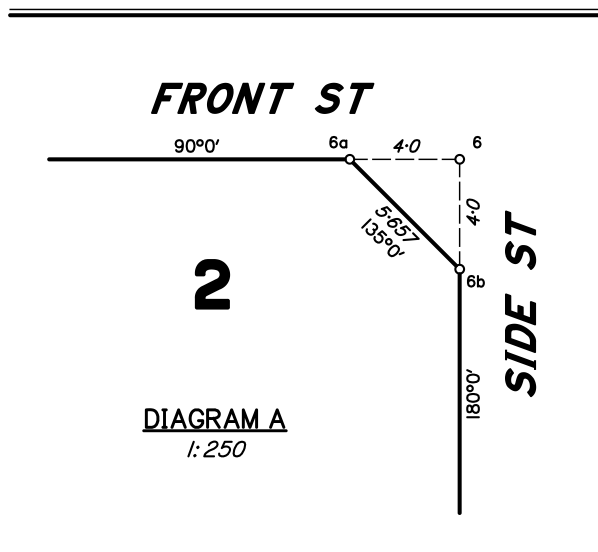
See section 9.37 *Not to scale*, page 159.

See section 9.59 *Plan presentation*, page 170.

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 40.

See section 9.8 *Calculated lines*, page 136.

See section 9.35 *Metric documentation*, page 158.

See section 9.39 *Original dimensions*, page 160.

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 134.

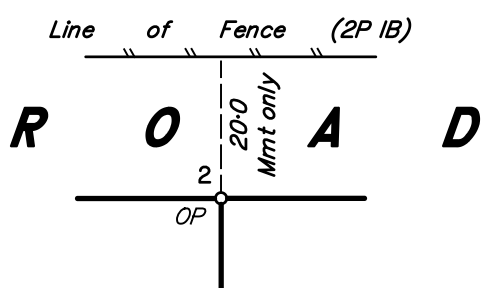
Type of fence to be shown if possible (e.g. 2P1B, Netting)

'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 107.

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

See section 3.6.4 *Multiple line areas*, page 15.

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 170

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 Plan presentation

See section 9.22 *Diagrams*, page 151.

See section 9.59 *Plan presentation*, page 170.

This method of plan presentation is to be avoided.

9.28 Lease plans

Information

See section 7. *Leases*, page 119.

See the *Land title practice manual*, clause 7-2210.

9.29 Line pegs

Standard under the SMI Act

See section 3.22 *Marking*, page 46.

See section 9.54 *Tabulations*, page 166.

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

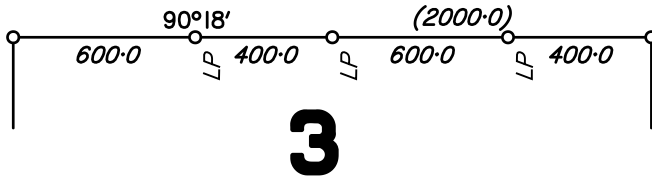
e.g.

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

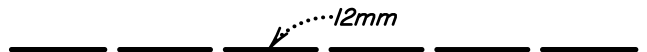
See section 9.59 *Plan presentation*, page 170.

Note: Boundaries of adjoining land are the same style as boundaries of subject land but at a reduced thickness.

Boundaries of subject land



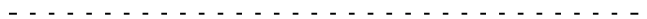
Boundaries of subject land with about dimensions



Boundaries of subject land across roads
(This requirement has lapsed with the introduction of single line areas)



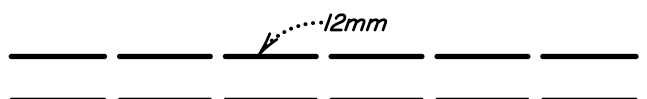
Original portion boundaries



Easements and leases:

subject

adjoining



Traverse, secants, etc.	
Cancelled boundaries	
Unsurveyed line	
Parish boundary	
County boundary	
Locality boundary	
Local government boundary	
State boundary	

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 4.

See section 9.30 *Linework*, page 155.

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 Description of parcels

See section 3.17 *Description of parcels*, page 39.

See the *Registrar of Titles directions for the preparation of plans*, section 8.3 *Lot numbers*, www.derm.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 Dimensions

See section 3.18 *Dimensions*, page 40.

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 Meridian

See section 3.23 *Meridian*, page 51.

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 *Coordinates of cadastral corners*.

Example

MERIDIAN TABLE

<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 152.

See section 9.39 *Original dimensions*, page 160.

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 m² **not** 2076m²

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 51·2 or 67·53 **not** 4·00 or 51·20 or 67·530

However, when showing (1) road widths or (2) areas, the following procedure is preferred

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.derm.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 154.

See section 9.48 *Scale of plans*, page 164.

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 Boundary marking

See section 3.22 *Marking*, page 46.

See section 11.1 *Alignments*, page 177.

Not shown on plan in normal circumstances.

9.39 Original dimensions

Standard under the SMI Act

See section 3.9 *Certification*, page 18.

See section 3.11 *Compiled plans*, page 32.

See section 3.18 *Dimensions*, page 40.

See section 9.15 *Conversions*, page 137.

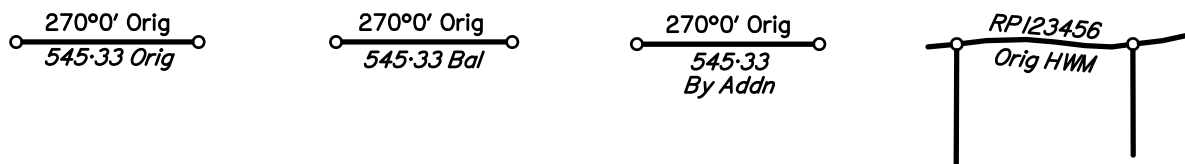
See section 9.35 *Metric documentation*, page 158.

See section 9.57 *Watercourses—tidal and non-tidal*, page 167.

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 Environment and Resource Management.

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 Administrative boundaries—county, parish, locality and local government

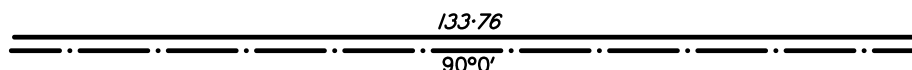
See section 2.3 *Administrative boundaries—county, parish, locality and local government*, page 4.

See section 9.18 *County boundary*, page 148.

See section 9.30 *Linework*, page 155.

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.derm.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.derm.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.derm.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.derm.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.derm.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.derm.qld.gov.au/property/titles/rdpp/part_3.html>.

9.44 Plan types

Information

See section 11.7 *Historical plan information*, page 179.

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 164.

9.46 Ranged only and reads bearings

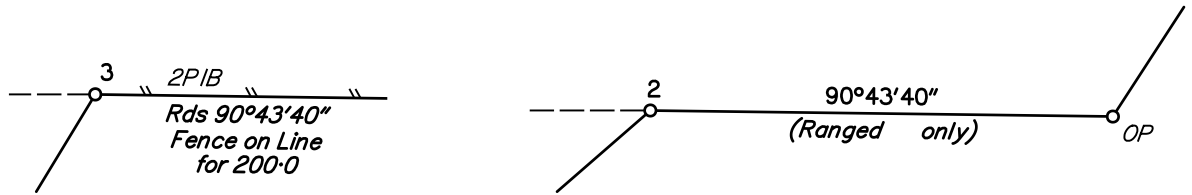
Guideline under Standard 9.6 Bearings

See section 9.6 *Bearings*, page 134.

See section 9.14 *Connections to distant points*, page 137.

Show as follows:

Sample



9.47 Roads

Standard under the SMI Act

Return to section 3.6.4 *Multiple line areas*, page 15.

See section 3.18 *Dimensions*, page 40.

See section 9.2 *Action statements*, page 130.

See section 9.8 *Calculated lines*, page 136.

See section 10 *Roads*, page 171.

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 an unsurveyed road without a shown width, is declared prior to the commencement of the *Metric Conversion Act 1972* (1 Oct 1973), which amended the *Land Act 1962*, the road is taken to be 60.35m wide on the map or plan. Thereafter these roads without shown widths are taken to be 60m wide.

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 99.249.47.1).

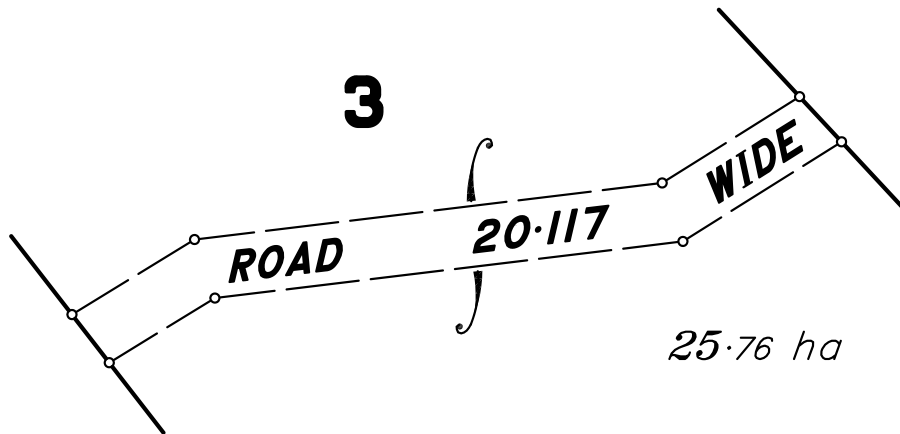
For roads forming boundaries of subject parcels, when the opposite side is shown, the width must be indicated and the road plotted to scale.

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 159.

See section 9.45 *Plotting*, page 162.

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.derm.qld.gov.au/property/titles/rdpp/part_4.html>](http://www.derm.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.derm.qld.gov.au/property/titles/rdpp/part_9.html>](http://www.derm.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 155.

See section 9.56 *Traverses*, page 166.

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)

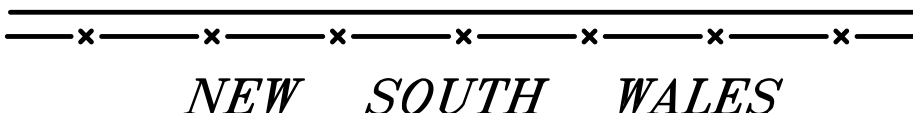
See section 5.4 *Border surveys (state border of Queensland)*, page 104.

See section 9.18 *County boundary*, page 148.

See the *Queensland Boundaries Declaratory Act 1982*.

Sample

31



9.51 Station numbers

Guideline under Standard 9.59 Plan presentation

See section 9.59 *Plan presentation*, page 170.

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 170.

See Appendix D, *Symbols*, page 205.

Guidelines for symbols on plans are in Appendix D, *Symbols*.

9.53 Surveys in strata

Information

See section *11.8 In strata*, page 182.

See the *Registrar of Titles directions for the preparation of plans*, section *10.2.3 Restricted or “in strata” lots*, <www.derm.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.derm.qld.gov.au/property/titles/rdpp/part_6.html>.

9.54 Tabulations

Standard under the SMI Act

See section *3.18 Dimensions*, page 40.

See section *9.16 Corner information Diagram B*, page 138.

See section *9.36 North point and data orientation*, page 159.

See section *9.56 Traverses*, page 166.

See the *Registrar of Titles directions for the preparation of plans*, section *4.12 North point*, <www.derm.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 170.

See *Appendix C, Styles*, page 204.

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 46.

See section *3.35 Survey records*, page 64.

See section *9.8 Calculated lines*, page 136.

See section 9.49 *Secants*, page 165.

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

TRAVERSES, etc.

<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.

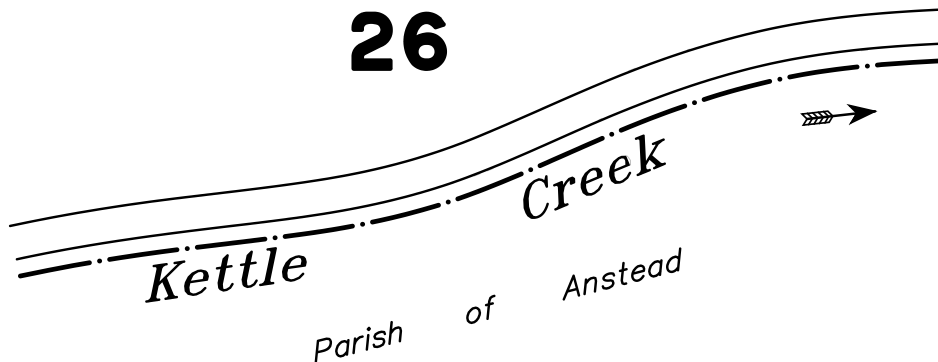
9.57 Watercourses—tidal and non-tidal

Standard under the SMI Act

See section 4 *Ambulatory Boundaries*, page 73.

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

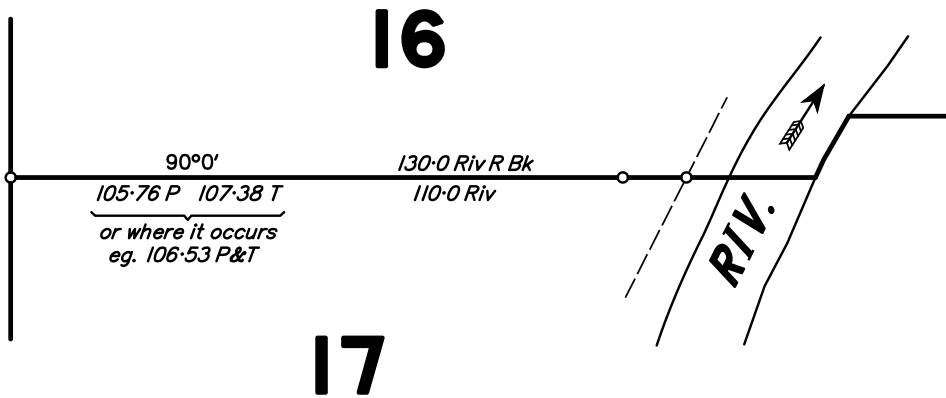


Distances on the boundary terminating at a watercourse are to include distances to:

- post or peg
- traverse

- watercourse boundary (Ck, Riv, etc.).

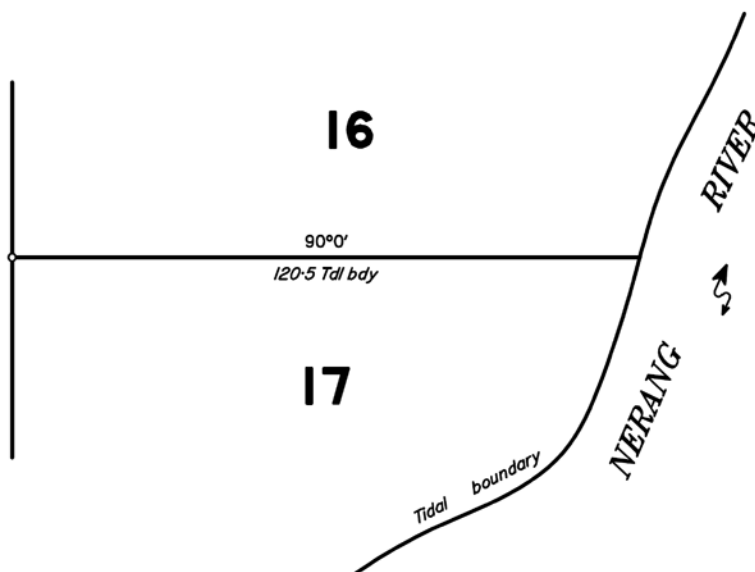
Sample



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 Natural boundaries

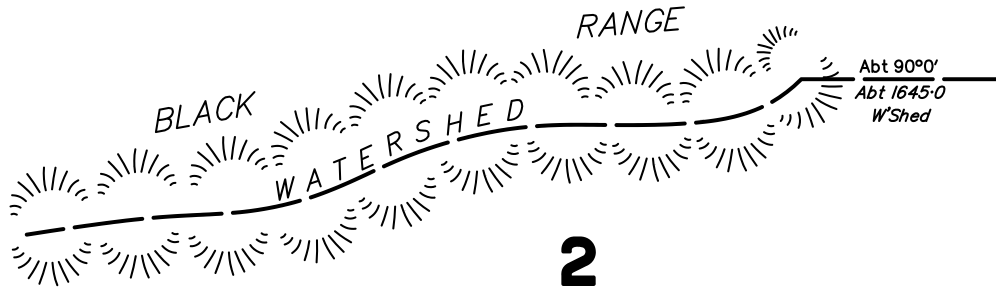
See section 3.24 *Natural boundaries*, page 52.

See section 4 *Ambulatory Boundaries*, page 73.

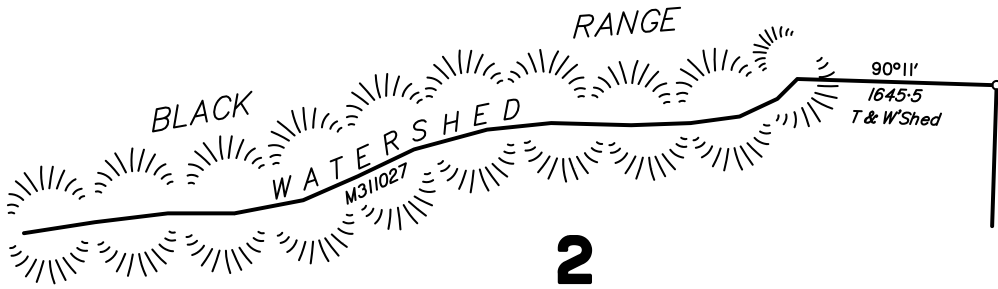
See section 9.12 *Compass survey*, page 137.

When 'watershed' is the boundary, the following guidelines should apply:

Sample : Unsurveyed watershed

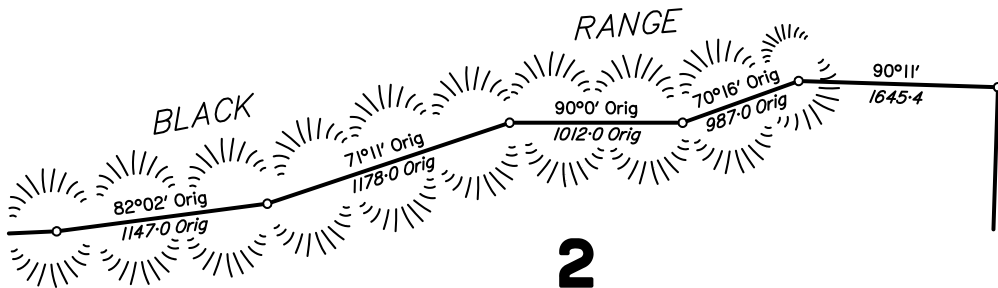


Sample : Surveyed watershed



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.derm.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 163.

See *Glossary*, page 186.

See the *Registrar of Titles directions for the preparation of plans*, section 4.9 *Plan description and cancelling clause*, <www.derm.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.derm.qld.gov.au/property/titles/rdpp/part_4.html>.

See departmental policy *Land allocation : public purpose reservations PUX/901/112*, <http://www.derm.qld.gov.au/services_resources/item_details.php?item_id=100441&topic_id=11>.

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 60.

See section 6.7.4 *Road dedications over easements in all tenures*, page 118.

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 60.

See section 3.32.5 *Resumptions for other purposes*, page 62.

See section 6.7.4 *Road dedications over easements in all tenures*, page 118.

See section 9.20.1.1 *General*, page 149.

See the *Registrar of Titles directions for the preparation of plans*, section 4.8.1 *Lots*, <www.derm.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 130.

Section 96 of the *Land Act 1994* clarifies, in lease land, 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 department. 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.derm.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 30.

See section 9.2 *Action statements*, page 130.

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 31.

See section 9.2.3 *Simultaneous road opening and road closing*, page 131.

See section 9.47 *Roads*, page 163.

See sections 94 to 98 and section 109 of the *Land Act 1994*.

10.5 Existing roads

Standard under the SMI Act

See section 3.10.5 *Reservations in title*, page 5.

See section 3.6.4 *Multiple line areas*, page 15.

See section 4.6.1 *Esplanades adjoining tidal water*, page 85.

See section 4.8 *Surveying tidal and non-tidal ambulatory boundaries*, page 86.

See section 4.9 *Compiling tidal and non-tidal ambulatory boundaries*, page 89.

See section 9.47 *Roads*, page 163.

10.5.1 Esplanades

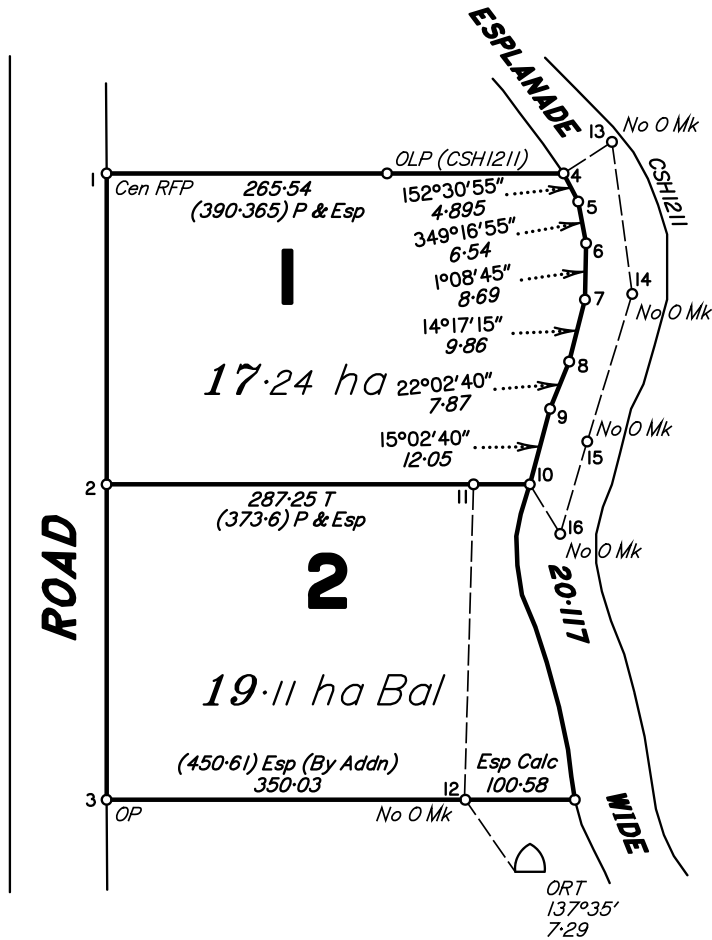
A deed of grant will disclose whether an esplanade is excluded from the grant or reserved from the grant. If it is excluded from the grant (see 20371234), the esplanade is not a reservation under section 23 of the *Land Act 1994*. Accordingly the subject lot/s will not show an exclusion for the esplanade. 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

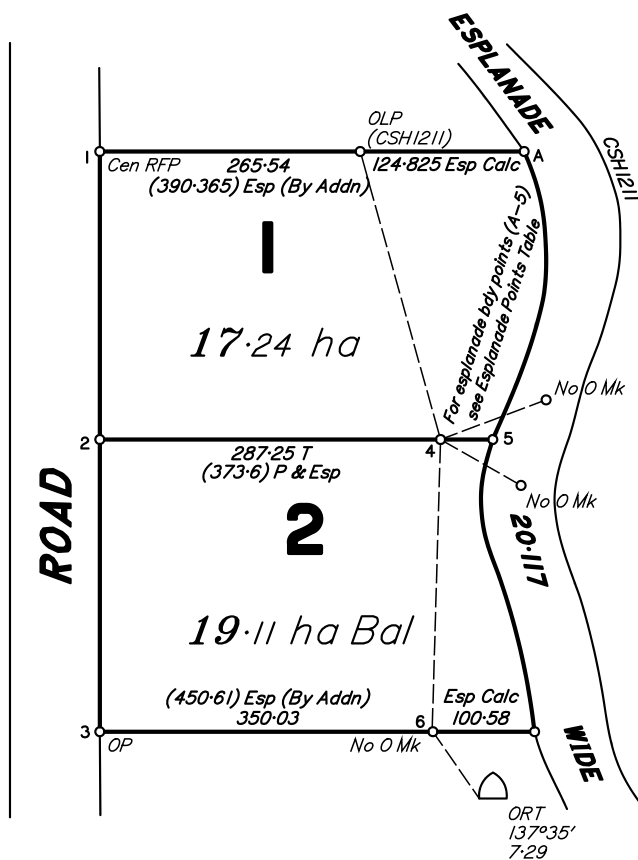


The right line boundaries (stns 4-10) are coincident with the Esplanade boundary as defined on CSH1211.

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 134.

See section 9.38 *Offsets*, page 159.

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 104.

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 106.

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 114.

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 161.

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
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:

Cadastral survey requirements

- 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 166.

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 32.

See section 3.37 *Undescribed balances*, page 68.

See section 11.15 *Subdivision without survey*, page 184.

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 183.

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 14.

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 *Cane railway easements*, page 113.

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 *Encroachment*, page 43.)

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 adjoiners. 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 *Proclaimed survey area*, page 183.

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 Environment and Resource Management)	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		
Occupations	Abbr		
Occupation licence	OL		
Permit to occupy	PO		
Road licence	RL		

B.3 State tenures—*Land Act 1994*

Freeholding tenures	Abbr	Leasehold tenures	Abbr
Freeholding sale	F	Term lease	TL
Grazing homestead freeholding lease	GHFL	Perpetual lease	PPL
Freeholding lease	FL		
Permits	Abbr		
Permit to occupy	PO		
Road licence	RL		

B.4 Department of Housing

Leasehold tenures	Abbr
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	CIRCLE	CCL
Addition	Addn	CIRCUIT	CCT
Alignment Spike	A Spk	CLOSE	CL
Alluvial Mining Claim	AMC	Coal Mining Lease	CML
Application Post	Appln Post	Concrete	Conc
Approximately	Approx	Connection	Conn
ARCADE	ARC	Construction	Constn
Australian Geodetic Datum	AGD	Continued	Contd
Australian Height Datum	AHD	Corner	Cor
Australian Map Grid	AMG	County	Cty
Avenue	Ave	COURT	CT
		Covenant	Cov
Balance	Bal	Creek	Ck
Bank	Bk	CRESCENT	CRES
Bitumen	Bit	crown plan	CP
Block	Blk		
BOULEVARD	BLVD	Datum Post	D Post
BOUNDARY	BDY	Dead	Dd
Brick	Br or Bk	Deep Driven Mark	DDM
BROADWAY	BDWY	Department of Mines and Energy (D.M.E.) Plan	MP
Brook	Brook	Departmental	Deptl
Building	Bldg	Developmental	Dev
Building Unit Plan	BUP	Diagram	Diag
Business Area	BA	Distance	Dist
		Disturbed	Distd
Calculated	Calc	Dog Spike	D Spk
Centre	Cen (C)	Dredging Area	DA
CHANNEL	CHNL	Dredging Claim	DC
CHASE	CH	Dredging Lease	DL

Cadastral survey requirements

Drill Hole (& Wing)	D Hole, D/H or D/H & W	Foot	Ft
DRIVE	DR	Found	Fd
Easement	Emt	Galvanized	Galv
East	E	Galvanized Iron	GI
Electric Light Pole	ELP	Gold Field Homestead	GFH
ESPLANADE	ESP	Gold Mining Lease	GML
Exploration Permit	EP	Ground	Gnd
Coal	EPC	Group Title Plan	GTP
Minerals	EPM	GROVE	GR
Petroleum	EPP	Gully Trap	G/T
EXPRESSWAY	EXPWY		
Extended	Extd	Headwall	Hdwl
		Hectares	ha
Fence Posts:		HIGHWAY	HWY
Round Fence Post	RFP	High Water Mark	HWM
Square Fence Post	SFP	Holding	Hldg(H)
Square Concrete Fence Post	Conc SFP		
		Identification	Ident
Round Steel Fence Post).....	either	Identification Survey	IS
Round Galv. Iron Fence Post).....	Steel FP	Instruction	Inst
Steel Fence Post).....	or	Intersection	Intsn or Int
Tubular Steel Fence Post).....	GIFP	Iron Pin	I Pin (IP never used)
		ISLAND	IS
Corner Square Fence Post	Cor SFP		
Centre Round Fence Post	Cen RFP	Kerb	Kb
Centre Face Square Fence Post).....	Cen Face SFP	Kilometre(s)	Km
).....	(CFace SFP)		
Fences: E.g. 2 Barbed Wire, 1 Plain Wire	2B 1P	LANE	LA
		Leaning	Leang
FREEWAY	FWY	Left Bank	LBk

Cadastral survey requirements

Licensed Gem Claim	LGC	Number	No
Line Peg	LP		
Local Government	Local Govt	Obliterated	Obltd
Low Water Mark	LWM	Occupation	Occupn
		Old	Old
Manhole	M/H	Original	Orig (O)
Map Grid of Australia	MGA	Original Iron Pin	OIP
Market Garden Area	MGA	Original Line Peg	OLP
Mark	Mk	Original Peg	OP
Measurement	Mmt	Original Mile Post	OMP
Metre(s)	m	Original Permanent Survey Mark	OPM or OPSM
Mineral Claim	MC	Original Pointer Peg	O Ptr
Mineral Development Licence	MDL	Original Reference Tree	ORT
Miners Homestead	MH	Original Survey Post	OSP
Miners Homestead Lease	MHL	Overhead	O/H
Miners Homestead Perpetual Lease	MHPL		
Mining Lease	ML	Permanent Marks:	
Mining Title Freehold Lease	MTFL	Permanent Survey Mark	Perm Mk, PM or PSM
Mount	Mt	Brass Plaque	Brass Plq
Mountain	Mtn	Deep Driven Mark	DDM
		Mini Mark	Mini Mk
Nails:		Star Picket	S Pkt
Galv. Iron Nail	GINail		
Lead Head Nail	LHNail	PARADE	PAR.
Ramset Nail	Ram Nail	PARKWAY	PKWY
Round Head Nail	RHNail	PATHWAY	PTHWY
Spring Head Nail	SHNail	Peg	Peg(P)
		Permanent	Perm
No Original Mark	No O Mk	Permanent Survey Mark	Perm Mk, PM or PSM
North	Nth (N)	Petroleum Lease	PL
Noted & Checked	N & C	Petroleum Well Location	PWL

Cadastral survey requirements

Pillar	Plr	Residence Area	RA
Pipeline license	P Lic	Restricted Mining Claim	RMC
PLACE	PL	Restricted Mining Purposes Claim	RMPC
Placed	Pld	Right Bank	RBk
PLAZA	PLZ	Right of Access	R of A
Plinth	Plth	Right of Way	R of W
Pointer	Ptr	RIVER.....	RIV(R)
Portion	Por	ROAD	RD
Position	Posn		
Power Pole	PP	Section	Sec
Profit a Prendre	Profit or PaP	Sheet	Sh
PROMENADE	PROM	South	Sth(S)
		Special Bauxite Mining Lease	SBML
QUAY	QY	Special Coal Mining Lease	SCML
		Special Gem Claim	SGC
RAILWAY	RLY	Special Mining Lease	SML
Ranged	Rgd Only	Special Perpetual Mining Purposes Lease	SPMPL
Reads	Rds	Spike	Spk
Recreation	Rec.	Split	Split
Redundant Catalogue Plan	RC	Standard	Stand
Registered Plan	RP	Star Picket	S Pkt
Reinstated	Reinstd	Station	Stn
Remains	Rmns	Straightened	St'd or Strghd
Remarked	Remkd	Strainer	Strn
Removed	Remvd	STREET	ST
Renewed	Renwd	Stump	Stp
Reset	Reset	Suburban	Subn
Reserve	Res	Surface	Surf
Reserved	Resd	Surface Area	Surf Area (SA)
Reservation (Road Reservation)	Rd Resn	Surveyed	Survd
Reservoir.....	Rsvr		

Cadastral survey requirements

Tailings Area	TA		
Telegraph Pole	TP	Very Old	V Old
TERRACE	TER	Water Hole	WH
Tidal Boundary	Tdl Bdy	Water Right	WR
Traverse	Trav	Water Tower	Wt Twr
		Watershed	W'shed
Unallocated State Land	USL	West	W
Underground	U/G		

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	Cabbage gum	Cab Gum
Beefwood	Beefwd	Camphorwood	Camphwd
Blackbutt	Bkbutt	Candlenut	Candnt
Blackwood	Blackwd	Cheesewood	Cheesewd
Bloodwood	Bldwd	Coachwood	Coachwd
Bollywood	Bollywd	Coolibah	Coolbh
Bonewood	Bonewd	Corkwood	Corkwd
Bottle brush	Bot Brush	Cottonwood	Cottonwd
Bottle tree	Bot Tree	Cypress pine	Cy Pine
Boxwood	Boxwd		
Brigalow	Brig	Dead finish	Dd Fin

Cadastral survey requirements

Fibrewood	Fibrewd	Quandong	Qdong
Gum topped box	GT Box	Rosewood	Rosewd
Ironbark	Ironbk	Saffron heart	Saf Heart
Ironwood	Ironwd	Sandalbox	Sandbox
		Sandalwood	Sandwd
Johnson River hardwood	JR Hardwd	Sassafras	Sasfras
		Satinwood	Satinwd
Kurrajong	Kjong	Scrubtree	Scrub
		Scrubwood	Scrub
Lancewood	Lancewd	Silkwood	Silkwd
		Spotted gum	Sp Gum
Mahogany	Mahog	Stringybark	Stybk
Mangrove	Mgrove		
Messmate	Mmate	Tallowwood	Tallowd
Milkwood	Milkwd	Tulipwood	Tulipwd
Moreton Bay ash	MB Ash	Turpentine	Turp
Nutwood	Nutwd	Whitewood	Whitewd
Peppermint	Pmint		
Pepperwood	Pepperwd	Yellowjacket	Y Jacket
Poplar gum	Pop Gum	Yellowwood	Yellowd

Appendix C. Styles

Guideline under Standard Text styles

See section *Text styles*, page 166.

The following are guidelines for text styles on plans

- subject lot, mining tenure (where used as legal property descriptions), easement, island and diagram

ABCDEFGHIJKLMNOPQRSTUVWXYZ
1254567890

- adjoining style 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
1254567890 *abcdefghijklmnopqrstuvwxy*z

- subject road, street, lane, pathway, drain and channel area, railway, highway, expressway, freeway and plan title (where applicable)

ABCDEFGHIJKLMNOPQRSTUVWXYZ
1254567890

- subject bay, sea, ocean, river, creek, area (left, of decimal), plan title (where applicable), adjoining state (e.g. NSW)

ABCDEFGHIJKLMNOPQRSTUVWXYZ
1254567890 abcdefghijklmnopqrstuvwxyz

- 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*z

- subject holding, parish name on face (when applicable)

ABCDEFGHIJKLMNOPQRSTUVWXYZ
1254567890 *abcdefghijklmnopqrstuvwxy*z

- all bearings (except column entries and reads), station numbers

1254567890 *abcdefghijklmnopqrstuvwxy*z

Appendix D. Symbols

Guideline under Standard 9.59 Plan presentation

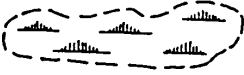


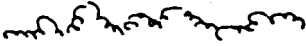
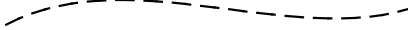


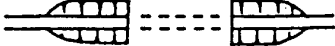


The following are guidelines for symbols on plans

adit	
astronomical station	
bench mark	● B.M. Number
binder (vinculum)	
bore	● Bore
bore and drain	
bridge and culvert	
broad arrow	
building	(Approx. Shape & Descriptn) L/Set Brick
cliff or escarpment (traversed)	 OR
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	

Cadastral survey requirements

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	

Cadastral survey requirements

swamp	
tank (earth)	 Tank
telephone and telegraph line	
timber ridge	
track	
trigonometrical station	1st & 2nd order  1400 3rd & 4th order  1210
tunnel	
vertical control point	○ Cadastral Traverse ⊙ Permanent Mark ⊖ Bench Mark
waterhole	 W.H.
weir	 Weir
well	● Well
windmill	