



Queensland Government
Natural Resources and Mines

**DEPARTMENT OF
NATURAL RESOURCES
AND MINES**

**CADASTRAL SURVEY
REQUIREMENTS**

Document Status:
Made by the Chief Executive
Approved by the Minister to be notified in the Gazette
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15 June 2005

Amendment History

Showing all changes since NRMSR v2.3

Section Amended	Amendment	Reason
2.2 Administrative Advices	Insert cross reference to RTDPP	
2.3 Administrative Boundaries - County, Parish and Local Government	Insert cross reference to RTDPP	
3.1 Aboriginal Land Act 1991 and Torres Strait Islander Land Act 1991	Insert cross reference to Policy	
3.3.1.1 Self Endorsement & 3.3.1.2 Third Party Endorsement	Words added	Self endorsement can be by cadastral surveyor/director
3.3.1.1, 3.3.1.2, 3.28.1.2, 9.32	Update references to Licensed Surveyor	Should be Cadastral Surveyor
3.5 Adjoining information	Clarification of requirement regarding adjoining information	
3.7 Authorisation of a Surveyor to Act for Another Surveyor	Text added	Clarification
3.7 Authorisation of a Surveyor to Act for Another Surveyor	Words added	Specify requirements for DPs
3.9 Certification by Surveyor	Certificates changed	Inclusion of name of individual on plans signed by a corporation
3.10.4 Adding USL or part of a Reserve or Deed of Grant in Trust to a Deed of Grant by sale without competition	New section	
3.17 Description of Parcels	Status of Road licence changed	Underlying land is still road (s 106)
3.18 Dimensions	Minor text change	Relate requirement to all secondary interests
3.20 Encroachment	Changed requirement	Remove the need to a copy of the letter to be provided to the department, and make requirement explicit in relation to identification surveys.
3.20.1 Meaning of Encroachment	Remove reference to GTP	Redundant
3.21 Identification Surveys	Text added	General Statements regarding the purpose of identification survey plans have been added. These arose from the review of ident plan requirements initiated by a Suveyors Board proposal.
3.22.6 Guidelines for Marking Boundaries	Text edited	Guidelines modified in recognition of requirements to protect native vegetation.
3.22.6.1 Clearing of Trees for Survey Purposes		To provide guidance for application of VMA
3.26.1 Connection to Permanent Survey Marks	Act reference corrected	
3.26.1 Connection to Permanent Survey Marks	Wording clarification	
3.28.1.3 Survey Plan Prepared by Compilation	Added part (e)	Statements required regarding the accuracy and marking of land on the plan
3.33 Resurveys	Section rewritten	Clarify requirements

Section Amended	Amendment	Reason
3.36.2.1 Excisions from or Subdivision of Queensland Transport Rail Corridor Lease and Sublease	Minor changes	Applies also to subdivision. Clarify that freehold and leasehold land cannot be dealt with on the same plan.
3.39 Vincula	Words added	To make note consistent with the note in 3.6.5
4.3 Boundary Watercourses	Requirement added	Specify plan presentation requirements where a watercourse location is measured by direct measurement, as opposed to traverse and offsets.
4.5 Redefinition of Ambulatory Boundaries	Text and title edited	Clarify that the requirements to provide evidence in relation to the determination of ambulatory boundaries apply whenever the boundary is surveyed, irrespective of whether or not the boundary is in the same location as previously surveyed.
5.5 Canals	Certification requirement included	
5.13.1 Consent Shown on Plan Only	Dot point replaced	Clarify situation regarding plans with pre-1948 consent
6.3 Creation of Easements	Text added	Clarify that it is not a requirement to fully show the base parcel.
7.6.4 Reserves	Words added	Explain requirements of s57
9.2.1 General	Words added	Clarify that action statements cannot be used on freehold plans
9.2.3 Road Closure & 9.2.4 Road opening and Road Closure	Modification of action statement requirements	
9.3 Adjoining Description	Words and diagram added	Requirements for adjoining information, where there are a number of adjoining lots from the one plan. Requirements for depicting 'volumetric' and 'below the depth' adjoining information
9.7 Buildings (Improvements on or Near a Boundary)	Words added	Further material included in the guideline to indicate how the standard can be satisfied
9.30 Linework	New linework added for Locality and Local Government	No standard symbolisation available previously
9.39 Original Dimensions	Paragraph added	Specify the requirement for depicting the source of original information for ambulatory boundaries
9.47 Roads	Words re-written for consistency with 9.39 and 3.18	
9.51 Station Numbers	Wording changed	Clarification
9.57 Watercourses – Tidal and Non-tidal	Words and diagram added	Specify method of depiction of watercourse direction, for tidal watercourses
10.2.1 Creation of Roads in Freehold Land	Text modified	Explain why pathways must be shown as road
10.2.3 Creation of Roads in State Forest or Timber Reserves	Text modified	Clarification
10.3.3 Temporary Closure of Road	New section added	Set out plan requirements for temporary road closure
Appendix B	Abbreviation for 'reservoir' added	
General	Change NRM&E to NR&M	Departmental name change

Note to Surveyors:

Although the Department of Natural Resources and Mines was created, incorporating the former Department of Mines, on the 22nd February 2001, this document does not contain the requirements for mining tenure surveys.

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Land Titles

<http://www.nrm.qld.gov.au/property/titles/index.html>

Surveying

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

Registrar of Titles Directions for the Preparations of Plans

<http://www.nrm.qld.gov.au/property/titles/rdpp/index.html>

Policies under the Provisions of the Land Act 1994

<http://www.nrm.qld.gov.au/land/state/policies/index.html>

BLIT Alerts and Registry Xpress

<http://www.nrm.qld.gov.au/property/publications/index.html>

ResourceNet - Boundarylines

<http://www.nrm.qld.gov.au/property/surveying/boundarylines/index.html>

Surveyors Board

<http://www.surveyorsboard.com.au/>

Queensland Parliamentary Council

<http://www.legislation.qld.gov.au/Legislation.htm>

Table of Contents

1. INTRODUCTION	1
1.1 LEGISLATION	1
1.2 AUTHORITY FOR STANDARDS	1
1.3 COMPLIANCE WITH STANDARDS AND GUIDELINES	1
1.4 REVIEW	1
1.5 DEPARTURE FROM STANDARDS	1
1.6 PURPOSE OF THIS DOCUMENT	1
1.6.1 <i>Standards and Guidelines under Survey and Mapping Infrastructure Act 2003</i>	2
1.6.2 <i>Requirements of Other Legislation</i>	2
2. GENERAL	3
2.1 ACCESS RESTRICTION STRIPS	3
2.2 ADMINISTRATIVE ADVICES	3
2.3 ADMINISTRATIVE BOUNDARIES - COUNTY, PARISH AND LOCAL GOVERNMENT	3
2.4 ADVERSE POSSESSION	4
2.5 COMMONWEALTH TITLES	4
2.6 LAND TITLE PRACTICE MANUAL (QUEENSLAND)	4
2.7 REGISTRAR OF TITLES DIRECTIONS FOR THE PREPARATION OF PLANS	4
2.8 REJECTED PLANS	4
2.9 RESERVATIONS IN TITLE	4
2.10 STATE LAND POLICIES	5
2.11 WITHDRAWAL AND RE-LODGE MENT OF PLANS	5
2.12 WITHDRAWN PLANS	5
2.13 WATER ALLOCATION REGISTER	6
3. SURVEY	7
3.1 ABORIGINAL LAND ACT 1991 AND TORRES STRAIT ISLANDER LAND ACT 1991	7
3.2 ACCESS	7
3.2.1 <i>Access to Public Use Land</i>	7
3.3 ACCREDITED PLANS	8
3.3.1 <i>Endorsement of Plans by an Accredited Surveyor</i>	8
3.3.2 <i>Alteration to Endorsed Plans Prior to Lodgement</i>	8
3.3.3 <i>Re-Endorsement</i>	9
3.4 ACCURACY	9
3.4.1 <i>Certificates on Plans</i>	9
3.4.2 <i>Measurement Accuracy</i>	9
3.5 ADJOINING INFORMATION	9
3.6 AREAS	11
3.6.1 <i>Calculated Areas</i>	11
3.6.2 <i>Balance Areas</i>	11
3.6.3 <i>About Areas</i>	11
3.6.4 <i>Multiple Line Areas</i>	11
3.6.5 <i>Part Lots</i>	12
3.7 AUTHORISATION OF A SURVEYOR TO ACT FOR ANOTHER SURVEYOR	13
3.8 CANCELLING CLAUSE	13
3.9 CERTIFICATION BY SURVEYOR	14
3.9.1 <i>Certificate for Cadastral Plans – Form 13</i>	15
3.9.2 <i>Certificate for Compiled Cadastral Plans – Form 18</i>	16
3.9.3 <i>Certificate for Survey Records – Form 12</i>	17
3.9.4 <i>Examples for Certificates</i>	18
3.10 CHANGING DEEDS OF GRANT UNDER SECTION 358 OF THE LAND ACT 1994	22
3.10.1 <i>Exchange of Land</i>	23
3.10.2 <i>Adding Permanently Closed Road</i>	23
3.10.3 <i>Simultaneous Opening and Closing</i>	24
3.10.4 <i>Adding USL or part of a Reserve or Deed of Grant in Trust to a Deed of Grant by sale without competition</i>	24
3.11 COMPILED PLANS	25
3.11.1 <i>Subdivision by Compiled Plan</i>	25
3.11.2 <i>Consolidated Titles</i>	25
3.11.3 <i>Compiled Plan of an Unsurveyed Parcel</i>	26

3.11.4	<i>Compiled Plan of Large Unsurveyed Parcel</i>	27
3.12	CONFUSED BOUNDARIES.....	27
3.13	CONNECTION OF SURVEYS.....	27
3.14	COORDINATES.....	27
3.14.1	<i>General</i>	28
3.14.2	<i>Hierarchy of Coordinate Types</i>	28
3.14.3	<i>Coordinates of Cadastral Corners</i>	28
3.15	COVENANTS.....	29
3.16	CURVED BOUNDARIES.....	29
3.17	DESCRIPTION OF PARCELS.....	29
3.18	DIMENSIONS.....	30
3.19	EASEMENTS – SURVEYS OF LONG LINE EASEMENTS.....	31
3.19.1	<i>Basic criteria</i>	31
3.19.2	<i>Specific requirements</i>	32
3.20	ENCROACHMENT.....	32
3.20.1	<i>Meaning of Encroachment</i>	33
3.21	IDENTIFICATION SURVEYS.....	33
3.21.1	<i>Placement of Additional Reference Marks on Subdivision Surveys</i>	34
3.22	MARKING.....	34
3.22.1	<i>Boundary marking</i>	34
3.22.2	<i>Reference marks</i>	35
3.22.3	<i>Cadastral Survey marks</i>	35
3.22.4	<i>Other survey marks</i>	35
3.22.5	<i>Survey mark information on plans</i>	35
3.22.6	<i>Guidelines for Marking Boundaries</i>	36
3.22.7	<i>Guidelines for Reference Marking</i>	37
3.23	MERIDIAN.....	38
3.23.1	<i>MGA Connections</i>	38
3.24	NATURAL BOUNDARIES.....	38
3.25	NEW LOT BOUNDARIES INTERSECTING REGISTERED SECONDARY INTERESTS.....	39
3.26	PERMANENT MARKS.....	39
3.26.1	<i>Connection to Permanent Survey Marks</i>	39
3.26.2	<i>Specification for Permanent Marks</i>	39
3.27	PHOTOGRAMMETRIC SURVEYS.....	40
3.28	PROFIT À PRENDRE.....	40
3.28.1	<i>Options for Survey</i>	40
3.29	PUBLIC USE LAND.....	42
3.30	REDRAWN PLANS.....	42
3.31	REMOTE AREA SURVEYS: STANDARD FOR SURVEYS OF LAND IN REMOTE AREAS.....	42
3.31.1	<i>Application</i>	42
3.31.2	<i>Specification for Surveys of Land in Remote Areas</i>	43
3.32	RESUMPTION ACTIONS.....	44
3.32.1	<i>Notice of Intention to Resume (NIR)</i>	44
3.32.2	<i>Notice of Realignment</i>	44
3.32.3	<i>Resumptions for Road and Transport Corridors</i>	44
3.32.4	<i>Resumptions for Other Authorities</i>	45
3.32.5	<i>Freehold Land</i>	45
3.32.6	<i>Resumptions from Non-freehold Land</i>	45
3.33	RESURVEYS.....	46
3.34	STAKING OF LAND.....	47
3.34.1	<i>Application</i>	47
3.34.2	<i>Definition in this Standard</i>	47
3.34.3	<i>Land Sales Act</i>	47
3.35	SURVEY RECORDS.....	47
3.36	TRANSPORT INFRASTRUCTURE ACT 1994.....	48
3.36.1	<i>Queensland Transport Rail Corridor Lease and Sublease</i>	48
3.36.2	<i>Amendments of Queensland Transport Rail Corridor Lease and Sublease</i>	48
3.36.3	<i>Common Areas for Queensland Transport over Rail Corridor Land</i>	49
3.37	UNDESCRIBED BALANCES.....	49
3.38	UNSURVEYED AND/OR CALCULATED BOUNDARIES.....	50
3.38.1	<i>Opposite Side of Road Unsurveyed</i>	50
3.38.2	<i>Other Unsurveyed boundaries</i>	50
3.39	VINCULA.....	50

4. AMBULATORY BOUNDARIES.....	52
4.1 GENERAL.....	52
4.2 NON BOUNDARY WATERCOURSES.....	52
4.3 BOUNDARY WATERCOURSES.....	52
4.4 HIGH WATER MARK.....	53
4.5 REDEFINITION OF AMBULATORY BOUNDARIES.....	54
4.5.1 <i>Reports of redefinition surveys</i>	54
4.6 TITLE AMENDMENT FOR RIPARIAN BOUNDARIES.....	55
4.7 NATURAL FEATURES AS BOUNDARIES.....	56
5. APPROVALS.....	57
5.1 GENERAL:.....	57
5.2 AMALGAMATIONS.....	57
5.3 BEACH PROTECTION AUTHORITY.....	57
5.4 BORDER SURVEYS (STATE BORDER OF QUEENSLAND).....	57
5.5 CANALS.....	57
5.5.1 <i>Freehold Land</i>	58
5.5.2 <i>State Land</i>	58
5.6 CATCHMENT AREAS.....	58
5.7 CHANNEL/DRAIN AREAS.....	58
5.8 EASEMENTS.....	59
5.9 FOREST ENTITLEMENT AREAS.....	59
5.10 LEASES.....	59
5.11 LOCAL GOVERNMENT BOUNDARY.....	60
5.12 LOCAL GOVERNMENT CONSENT.....	60
5.13 LOCAL GOVERNMENT CONDITIONAL CONSENT.....	61
5.13.1 <i>Consent Shown on Plan Only</i>	61
5.13.2 <i>Consents Registered on Title</i>	61
5.13.3 <i>Consent Affected by Survey</i>	61
5.14 STATE DEVELOPMENT LEASES.....	62
5.15 STATE LAND ACTIONS.....	62
6. EASEMENTS.....	63
6.1 DEFINITION.....	63
6.2 CANE RAILWAY EASEMENTS.....	64
6.3 CREATION OF EASEMENTS.....	64
6.3.1 <i>Purpose of Easement</i>	64
6.3.2 <i>Standard Easements</i>	64
6.3.3 <i>Restricted Easement</i>	64
6.3.4 <i>Volumetric Easement</i>	65
6.4 FREEHOLD.....	65
6.4.1 <i>Easements Over Land Shown as Public Use Land</i>	65
6.5 NON-FREEHOLD.....	66
6.5.1 <i>Easements over Reserves and Unallocated State Land</i>	66
6.5.2 <i>Easements in Leases over Reserves for State Forest or National Park</i>	66
6.6 PARTIAL SURRENDER OF EASEMENT.....	67
6.7 SPECIFIC ACTIONS.....	67
6.7.1 <i>Easements by Resumption</i>	67
6.7.2 <i>Easements over the Whole of a Lot</i>	67
6.7.3 <i>New Lot Boundaries Intersecting Existing Easements</i>	67
6.7.4 <i>Road Dedications over Easements</i>	67
7. LEASES.....	69
7.1 APPLICATION OF THIS SECTION.....	69
7.2 DEFINITION: FREEHOLD LAND.....	69
7.3 LEASE TYPES.....	69
7.3.1 <i>Whole of the Land</i>	69
7.3.2 <i>Leases for Part of the Land Only</i>	70
7.3.3 <i>Leases for Part of the Building Only</i>	70
7.3.4 <i>Leases for the Whole of a Building</i>	70
7.3.5 <i>Lease for the Whole of a Lot on a Building Format Plan or Group Titles Plan</i>	71
7.3.6 <i>Lease for Part of the Common Property in a Community Titles Scheme</i>	71

7.3.7	<i>Lease for Part of Land and Part of Building</i>	71
7.3.8	<i>A Lease Covering More Than One Lot</i>	71
7.3.9	<i>Volumetric Leases</i>	71
7.4	DESCRIPTION OF LEASES	71
7.5	SUB-LEASES	71
7.6	SPECIFIC ESTATES	72
7.6.1	<i>Deed of Grant in Trust (See Glossary)</i>	72
7.6.2	<i>National Parks</i>	72
7.6.3	<i>Vested Land</i>	72
7.6.4	<i>Reserves</i>	72
7.6.5	<i>State Forests</i>	72
8.	NATIVE TITLE	74
8.1	ACRONYMS.....	74
8.2	DEFINITIONS:.....	74
8.3	INTRODUCTION:.....	75
8.4	NATIVE TITLE:.....	75
8.5	LEGISLATION:.....	75
8.6	PRINCIPLE 1:.....	76
8.7	PRINCIPLE 2:.....	76
8.8	PRINCIPLE 3:.....	76
8.9	PRINCIPLE 4:.....	76
8.10	PRINCIPLE 5:.....	76
8.11	PLAN SEARCHING:.....	76
8.12	HYPOTHETICAL EXAMPLES:	76
9.	PLAN STANDARDS.....	78
9.1	ABBREVIATIONS	78
9.2	ACTION STATEMENTS	78
9.2.1	<i>General</i>	78
9.2.2	<i>Road Opening</i>	79
9.2.3	<i>Road Closure</i>	79
9.2.4	<i>Road opening and Road Closure</i>	80
9.2.5	<i>Excision and Addition between Parcels</i>	80
9.2.6	<i>State Forest</i>	81
9.2.7	<i>Vested Land</i>	81
9.3	ADJOINING DESCRIPTION.....	81
9.3.1	<i>Adjoining Easements</i>	82
9.3.2	<i>Adjoining Leases</i>	82
9.3.3	<i>Adjoining Railway</i>	82
9.3.4	<i>Adjoining Building Units or Group Titles Plans</i>	82
9.4	ADMINISTRATIVE PLANS (AP).....	82
9.5	ALIGNMENT OFFSETS	82
9.6	BEARINGS.....	82
9.7	BUILDINGS (IMPROVEMENTS ON OR NEAR A BOUNDARY).....	83
9.8	CALCULATED LINES	84
9.9	CANALS	84
9.10	CANCELLED BOUNDARIES	85
9.11	CENTRE LINES	85
9.12	COMPASS SURVEY	85
9.13	COMPUTER ASSISTED DRAFTING.....	85
9.14	CONNECTIONS TO DISTANT POINTS.....	86
9.15	CONVERSIONS	86
9.16	CORNER INFORMATION.....	86
9.16.1	<i>General Guidelines</i>	86
9.16.2	<i>Corner Marks</i>	86
9.16.3	<i>Original Corner Marks</i>	87
9.16.4	<i>New Corner Marks</i>	88
9.16.5	<i>Corner References (Reference Marks)</i>	89
9.16.6	<i>Original Reference Marks & Occupation</i>	89
9.16.7	<i>New Reference Marks & Occupation</i>	91
9.16.8	<i>Notations</i>	91
9.17	CHANNEL / DRAIN	95

9.18	COUNTY BOUNDARY	95
9.19	DATUM	95
9.20	DESCRIPTIONS IN TITLE BLOCK	96
9.20.1	<i>Primary Estate</i>	96
9.20.2	<i>Secondary Interest</i>	96
9.21	DESCRIPTION OF COUNTRY	98
9.22	DIAGRAMS	98
9.23	DISTANCES	98
9.23.1	<i>Brackets</i>	98
9.24	FENCES	99
9.25	FORESTRY ENTITLEMENT AREAS (FEA)	99
9.26	INK	99
9.27	INSETS	99
9.28	LEASE PLANS.....	100
9.29	LINE PEGS.....	100
9.29.1	<i>Original Line Pegs</i>	100
9.30	LINWORK	100
9.31	LOCALITY	101
9.32	LOTS	101
9.33	MEASUREMENT ONLY	101
9.34	MERIDIAN.....	102
9.34.1	<i>From Previous Plan</i>	102
9.34.2	<i>By Observation</i>	102
9.35	METRIC DOCUMENTATION.....	102
9.35.1	<i>Use of "Zeros."</i>	103
9.35.2	<i>Rounding</i>	103
9.36	NORTH POINT AND DATA ORIENTATION	104
9.37	NOT TO SCALE.....	104
9.38	OFFSETS.....	104
9.39	ORIGINAL DIMENSIONS.....	104
9.40	ORIGINAL PORTIONS.....	105
9.41	PARISH BOUNDARY	105
9.42	PLAN FORMATS	105
9.43	PLAN FORMS.....	105
9.44	PLAN TYPES.....	105
9.45	PLOTTING	106
9.46	RANGED ONLY AND READS BEARINGS	106
9.47	ROADS	106
9.47.1	<i>Reserved Roads</i>	107
9.48	SCALE OF PLANS	107
9.49	SECANTS.....	108
9.50	STATE BOUNDARY	108
9.51	STATION NUMBERS.....	108
9.52	SYMBOLS	108
9.53	SURVEYS IN STRATA.....	108
9.54	TABULATIONS.....	108
9.55	TEXT STYLES.....	109
9.56	TRAVERSES.....	109
9.57	WATERCOURSES – TIDAL AND NON-TIDAL.....	109
9.58	WATERSHEDS	111
10.	ROADS	113
10.1	DEFINITION	113
10.2	CREATION OF ROAD.....	113
10.2.1	<i>Creation of Roads in Freehold Land</i>	113
10.2.2	<i>Creation of Roads in Non-Freehold Land</i>	113
10.2.3	<i>Creation of Roads in State Forest or Timber Reserves</i>	114
10.2.4	<i>Creation of Roads in Scheme Land</i>	114
10.3	CLOSURE OF ROAD	114
10.3.1	<i>Addition to Adjoining Lot or Lots</i>	114
10.3.2	<i>Separate Title</i>	114
10.3.3	<i>Temporary Closure of Road</i>	115
10.4	SIMULTANEOUS OPENING & CLOSURE OF ROAD	115

10.5	EXISTING ROADS	115
10.5.1	<i>Esplanades</i>	115
10.5.2	<i>Reserved Roads and Reserved Esplanades</i>	116
11.	HISTORICAL INFORMATION	117
11.1	ALIGNMENTS	117
11.1.1	<i>Declared Alignments</i>	117
11.1.2	<i>Official Alignments</i>	117
11.2	AMALGAMATIONS	117
11.3	BARRIER FENCES	117
11.4	DECLARED CATCHMENT AREAS	118
11.5	COMMONWEALTH TITLES	118
11.5.1	<i>Background</i>	118
11.5.2	<i>Previous Procedures</i>	118
11.5.3	<i>Current Procedures</i>	119
11.6	EASEMENT WITH TITLES ISSUED	119
11.7	HISTORICAL PLAN INFORMATION	119
11.7.1	<i>Freehold Action Plans</i>	120
11.7.2	<i>Crown Action Plans</i>	121
11.8	IN STRATA	121
11.9	IRRIGATION AREAS	121
11.10	OLD SYSTEM LAND - RESURVEY	121
11.11	PAPER SUBDIVISIONS	121
11.12	PROCLAIMED SURVEY AREA	122
11.13	RAILWAY BOUNDARIES	122
11.14	<i>RIVER IMPROVEMENT TRUST ACT 1940</i>	122
11.15	SUBDIVISION WITHOUT SURVEY	122
11.16	SURVEYOR'S BOOK	122
11.17	TOTAL DEED AREAS	123
APPENDIX A.	GLOSSARY OF TERMS	124
APPENDIX B.	ABBREVIATIONS	131
B.1	GENERAL	131
B.2	CROWN TENURES — LAND ACT 1962	131
B.3	STATE TENURES — LAND ACT 1994	132
B.4	DEPARTMENT OF HOUSING, LOCAL GOVERNMENT & PLANNING	132
B.5	ACTS AND REGULATIONS & THEIR ABBREVIATIONS	132
B.6	COMMONLY USED PLAN ABBREVIATIONS	134
	ABBREVIATIONS - COMMON TREES	136
APPENDIX C.	STYLES	137
APPENDIX D.	SYMBOLS	138

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” (s7), and states in s14 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

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.

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.

Where a surveyor uses methods and/or equipment which involve a significant departure from conventional survey practice, the surveyor shall submit with the survey records sufficient information to identify the methods and/or equipment used.

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 *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 (for example, 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’, then only 3.3 will be identified as being a ‘standard’).

1.6.2 Requirements of Other Legislation

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

2. GENERAL

2.1 Access Restriction Strips

Standard under Integrated Planning Act

See Land Title Practice Manual 1-2570 and 1-2580

In general terms, access restriction strips are no longer acceptable as a condition on a plan under the provisions of the *Integrated Planning Act 1997*.

2.2 Administrative Advices

Information

See Registrar of Titles Directions for the Preparation of Plans 22.6.9 Existing Administrative Advices
See Land Title Practice Manual Part 52

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*; and
 - *The Queensland Building Service Authority Act 1991*;
- Other determinations by Government;
- Other determinations by interested parties.

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

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

Where a Certificate of Title is found to be in error due to incorrect survey information, the Registrar 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 (52-2000).

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

2.3 Administrative Boundaries - County, Parish and Local Government

Standard under SMI Act

See Registrar of Titles Directions for the Preparation of Plans 22.7 Local Government Allocation
See 9.18 County Boundary, Page 95,
See 9.41 Parish Boundary, Page 105

County, Parish 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 **Land Title Practice Manual 14-2290**

Adverse possession cannot be claimed against State Land. (Section 6(4) *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 11.5 Commonwealth Titles, Page 118

Under s.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 of Natural Resources and Mines, 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 s.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 of Natural Resources and Mines website, ResourceNet, at this address <http://www.nrm.qld.gov.au/property/titles/rdpp/index.html>.

2.8 Rejected Plans

Information

See **s.157 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 re-lodged but will be regarded as a new plan in all respects.

2.9 Reservations in Title

Standard under Land Act

See **3.6.4 Multiple Line Areas, Page 11**

See **5.9 Forest Entitlement Areas, Page 59**

See **9.47 Roads, Page 106**

See State Land Asset Management Policy PUX/901/112 Land Allocation – Reservations - Public Purpose Reservations In Title

It is a policy of NR&M that, wherever possible, a reservation for a public purpose in a Deed of Grant or lease is to be extinguished. The policy refers to a reservation being defined or otherwise.

When a lot that is the subject to a reservation in title, eg a road/esplanade reservation or a reserved road/esplanade, is subdivided, or the registered owner wishes to purchase the reservation, the reservation must be dealt with in accordance with State Land Asset Management Policy PUX/901/112 Land Allocation – Reservations - Public Purpose Reservations In Title. In general terms the policy requires one of the following:

- ◆ Purchase of the reservation by the registered owner without competition; or
- ◆ 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 NR&M Centre.

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 NR&M 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 NR&M will require the applicant to purchase the reservation. The NR&M 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 NR&M delegate prior to the lodgement of the plan with the Registrar of Titles.

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

2.10 State Land policies

Information

The NR&M web site provides access to departmental policies regarding dealings in State land www.nrm.qld.gov.au/land/state/policies/intro_policy.html

2.11 Withdrawal and Re-lodgement 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 re-lodge 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 and on receiving a written application, the Registrar of Titles may re-lodge 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 Queensland Resource Registry as an adjunct to the service already provided by the land titles registrar. The existing land titles registrar 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 reference (AP) 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 ROP's can be viewed on the Water Resource Planning page of the NR&M website, ResourceNet. (<http://www.nrm.qld.gov.au/wrp/>)

3. SURVEY

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

Guideline under Aboriginal Land Act and Torres Strait Islander Land Act
See Department of Natural Resources Policy PBO/900/119

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 *Act*, 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:

- (i) without survey, in which case an application must be made to the Minister addressing certain matters;
- (ii) by normal survey; or
- (iii) 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 Department of Natural Resources 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 ResourceNet.

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 the 3.2.1

3.2.1 Access to Public Use Land

Standard under Land Act

Plans creating Public Use Land, either as Parks or Reserves, must provide for a legal means of access to these areas. Your attention is drawn to *Land Use Policy PUX/901/207* of the NR&M which states that land cannot be created as a reserve unless dedicated access (Road) is provided. 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.

The Policy provides for two exceptions:

- Dedicated access is not required 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 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.
- Where the Public Use Land forms, or is intended to form, part of a continuous trail or promenade and which, when linked with other areas that are being progressively acquired will have dedicated access, legal access may be provided by way of an easement over the adjoining land linking it to a dedicated road. This

easement, to be in favour of the Local Government, is a temporary measure until dedicated access is provided. The acceptance of such an easement is still subject to departmental approval.

If there is any doubt as to what type of access is required, contact your local NR&M Centre early in the development process.

3.3 Accredited Plans

Standard under SMI Act

See Plan Processing & Pre-Lodgement Advice (PBO/015/000)

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 accredited 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 shall endorse a plan as soon as practical following completion of their survey. Immediately following endorsement, a copy shall be deposited with the Department. It is considered by the Department that a plan is not acceptable for endorsing until the bar-coded label has been attached. Consequently, all copies deposited under this requirement must show the bar-coded label.

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 company, this shall be the registered company 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 shall be signed by either;
 - The surveyor personally,
 - Or in the case of a company, by the nominated liaison officer or a cadastral surveyor/director.
- The designation of the signatory shall 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 company, this shall be the registered company 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 shall be signed by either;
 - The endorsing surveyor personally,
 - Or in the case of a company, by a Licensed Surveyor/Director.
- The designation of the signatory shall be noted, i.e. Cadastral Surveyor, Cadastral Surveyor/Director.

3.3.2 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.

3.3.3 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 3.3.1 or 3.3.2 as appropriate.

3.4 Accuracy

Standard under SMI Act

3.4.1 Certificates on Plans

In certificates on cadastral plans, the word “accuracy” 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. (s18 of *Survey and Mapping Infrastructure Regulation 2004*.)

3.4.2 Measurement Accuracy

The accuracy of a cadastral survey must be determined—

- (a) by computation of the angular and linear misclosure in a surround; or
- (b) by comparison with coordinated permanent marks; or
- (c) by 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—

- (d) 2.5 times ten seconds of arc multiplied by the square root of the number of angles; or
- (e) 2 minutes.

The linear misclosure in a surround must not exceed—

- (f) 10 mm plus 1 part in 5 000 of the total distance traversed; or
- (g) 20 mm plus 1 part in 2 500, if the survey is in rough or broken terrain; or
- (h) 20 mm plus 1 part in 2 000, if another surveyor’s work is included in the surround; or
- (i) 20 mm plus 1 part in 1 000, if a survey effected before 1890 is included in the surround.

All surveyed lines (eg boundary lines, connections) must have a vector accuracy of 10mm + 50 ppm.

3.5 Adjoining information

For drafting standards see 9.3 Adjoining Description, Page 81

Standard under SMI Act

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

1. First and foremost, it is a well-established principle of our 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.

Guidelines for the Standard, under SMI Act

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

- (a) 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.
- (b) 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).

- (c) 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.

- (d) 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.

- (e) 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 SMI Act

See s.17 of *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.

3.6.2 Balance Areas

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 2.9 Reservations in Title, Page 4

See 3.39 Vincula, Page 50

See 9.25 Forestry Entitlement Areas (FEA), Page 99

See 9.47 Roads, Page 106

See 10.5 Existing Roads, Page 115

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

- A “non fixed” position - such as a road reservation (eg SP132657); or
- A “fixed” position – such as a reserved road, reserved esplanade or Forestry Entitlement Area (eg SP135754).

In all other cases, the only area to be shown is the true nett 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, Forestry Entitlement Area etc.) are imperial, these are converted to the nearest square metre and a three-line area shown on the plan. E.g.

34.5401	Ha
1.9501	Ha Rd Resn
32.59	Ha

3.6.4.1 Examples of Multiple Line Areas:

By computation and adjustment, information from the computer is:

Case 1

gross area	184.4746378	Ha
and road area	20.5822597	Ha
by subtraction the nett area is	163.8923781	Ha
Plan presentation will be	163.9	Ha

NOTE: The “rounded” nett area is adopted.

If the road was existing and:

Case 2

-- in imperial units, say 50ac 3r 17p		
-- calculate gross area as above	184.4746378	
-- conversion of imperial road area gives	20.5808	Ha
-- calculation provides a 'nett' area of	163.8938378	Ha
Plan presentation will be	163.9	Ha

NOTE: The “rounded” nett area is adopted.

Case 3

See 3.6.2 Balance Areas, Page 11

existing plan shows in acres roods and perches (a.r.p)	85.1.17		
	4.3.11	Rd	
	80.2.6		
by survey lot 4 is created:	4.19	Ha	
convert existing imperial nett area to metric	32.5924	Ha	
	- 4.19	Ha	(New Lot 4)
by subtraction the new nett deduces	28.4024	Ha	
plan presentation will be	28.4024	Ha	Bal

NOTE: The “unrounded” nett area is adopted.

Case 4

existing plan shows	158.534	Ha	
	2.134	Ha	Rd
	156.4	Ha	
by survey lot 4 is created:	1234	M ²	
by subtraction the new nett deduces	156.2766	Ha	
Plan presentation will be	156.2766	Ha	Bal

NOTE: The “unrounded” nett is adopted.

3.6.5 Part Lots

See Registrar of Titles Directions for the Preparation of Plans 8.4 Part Lots

See 3.18 Dimensions, Page 30

See 3.39 Vincula, Page 50

Where a lot is in parts, the area of each part shall be determined by the requirements of section 3.6.1 or 3.6.2. The total area of the lot shall 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 SMI Act

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

- It should be made on the business letterhead of the authorising surveyor, and signed by both the authorising and authorised surveyor. (It is not necessary for the authorising surveyor to hold a current cadastral endorsement, or a current registration as a surveyor.)
- The authorised surveyor should be properly identified, and the surveyor's contact details including business address should be provided.
- The period of the authorisation should be specified (commencement and completion dates).
- Any limitations on the authorisation should be specified (e.g. a particular plan only, or plans of a particular format).
- 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's Directions for the Preparation of Plans specifies the form of an amendment certificate on a plan signed by a surveyor who is authorised under s32. 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)

- (a) 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
- (b) if a copy of the authorising letter has not previously been supplied to the registrar, is to be supplied at the time the plan is lodged.

3.8 Cancelling Clause

Standard under SMI Act

See 3.37 Undescribed Balances, Page 49

See 9.20 Descriptions in Title Block, Page 96

See Registrar of Titles Directions for the Preparation of Plans 4.9 Cancelling Clause

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 (See Registrar of

Titles Directions for the Preparation of Plans 4.17). However, as long as a plan of the balance of the parcel is lodged together with plans creating undescribed balances, the requirement is considered to be satisfied.

Common property in a cancelling clause shall be described as “Common Property of <Scheme Name> Community Titles Scheme <cms/cts number>. Community Titles Scheme may be abbreviated to CTS. Registrar of Titles Directions for the Preparation of Plans 11.3

As this method of showing Common Property does not give the requisite linkages for CISP, the lot-on-plan descriptions of Common Property shall 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.)

A similar situation exists for USL, wherein most parcels of USL now have a valid lot-on-plan description. This is available from SMARTMAP. Where USL is referred to in a cancelling clause (See Registrar of Titles Directions for the Preparation of Plans 4.10) and there is a valid lot-on-plan description, the lot-on-plan description shall be added in brackets after the word “USL”.

Cancelling part of USL (being lot 9 on USL10960).

Where there is no valid description for the USL, eg River, the cancelling clause should make reference to a valid lot-on-plan nearby and be in the following format:

Cancelling Part of USL, being part of the <name> River (adjacent to <lot-on-plan>)

3.9 Certification by Surveyor

Standard under SMI Act

See 9.26 Ink, Page 99

See 9.39 Original Dimensions, Page 104

See Registrar of Titles Directions for the Preparation of Plans 4.11

Note: 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 the 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.

All Notations and signatures must be in black ink.

Where a plan contains a mixture of survey information and information compiled from other sources, a Form 13 should be used. The 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 2**

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, either –*
me personally 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 2**

Survey and Mapping Infrastructure Act 2003

CERTIFICATE FOR CADASTRAL PLANS - COMPILED

1 _____ hereby certify that 2 _____ made this plan pursuant to the *Survey and Mapping Infrastructure Act 2003* and *Surveyors Act 2003* and associated Regulations and Standards and that the plan is accurate, and compiled from 3 _____ in the Department of Natural Resources and Mines.

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, either –*
I have or
(full name and registration status of supervised persons), for whose work I accept responsibility, has or
If the certificate is signed by a corporation, either –
the corporation, by (full name of cadastral surveyor), cadastral surveyor, for whose work the corporation accepts responsibility, has or
the corporation, by (full name of registered person), (registration status of registered person), for whose work the corporation accepts responsibility, under the supervision of (full name of individual cadastral surveyor), cadastral surveyor, has
 3. Identify source documents (e.g. plans, field notes, topographic data, aerial photographs)
 4. Cadastral Surveyor Signature (only if Individual)
 5. Corporation Signature (only if corporation registered as a Cadastral Surveyor)

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

3.9.3 Certificate for Survey Records – Form 12

Form 12 – Version 2005-01

Survey and Mapping Infrastructure Act 2003

CERTIFICATE FOR SURVEY RECORDS

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

3 _____
Cadastral Surveyor

4 _____
Director

Date: _____

4 _____
Director

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

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

3.9.4 Examples for Certificates

3.9.4.1 Example 1 – Form 13 – Individual Cadastral Surveyor

Survey and Mapping Infrastructure Act 2003

CERTIFICATE FOR CADASTRAL PLANS

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

JW Brown
Cadastral Surveyor

Date : *1/8/2005*

3.9.4.2 Example 2 – Form 13 – Corporation Cadastral Surveyor

Survey and Mapping Infrastructure Act 2003

CERTIFICATE FOR CADASTRAL PLANS

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



John William Brown, Director

Brian Lloyd Gardiner, Director

Date : *1/8/2005*

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

3.9.4.3 Example 3 – Form 13 – Individual Cadastral Surveyor supervising a registered person

Survey and Mapping Infrastructure Act 2003

CERTIFICATE FOR CADASTRAL PLANS

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

JW Brown
Cadastral Surveyor

Date : *1/8/2005*

Note: see s75 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 registered surveying graduate, for whose work the corporation accepts responsibility, under the supervision of John William Brown, cadastral surveyor* and that the plan is accurate, that the said survey was performed in accordance with the *Survey and Mapping Infrastructure Act 2003* and *Surveyors Act 2003* and associated Regulations and Standards and that the said survey was completed on *1/9/2004*.

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

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

3.9.4.5 Example 5 – Form 18 – Individual Cadastral Surveyor

Survey and Mapping Infrastructure Act 2003

CERTIFICATE FOR CADASTRAL PLANS - COMPILED

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

JW Brown

Date : 1/10/2004

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 pursuant to the *Survey and Mapping Infrastructure Act 2003* and *Surveyors Act 2003* and associated Regulations and Standards and that the plan is accurate, and compiled from CP842126 and RP181275 in the Department of Natural Resources and Mines.

*John William Brown, Director**Brian Lloyd Gardiner, Director*

Date : 1/8/2005

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

3.9.4.7 Example 7 – Form 18 – Individual Cadastral Surveyor supervising a registered person

Survey and Mapping Infrastructure Act 2003

CERTIFICATE FOR CADASTRAL PLANS - COMPILED

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

JW Brown

Date : 1/8/2005

Cadastral Surveyor

Note: see s75 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 registered surveying graduate, for whose work the corporation accepts responsibility, under the supervision of John William Brown, cadastral surveyor, has* made this plan pursuant to the *Survey and Mapping Infrastructure Act 2003* and *Surveyors Act 2003* and associated Regulations and Standards and that the plan is accurate, and compiled from CP842126 and RP181275 in the Department of Natural Resources and Mines.



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.

3.9.4.9 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 registered surveying graduate for whose work I accept responsibility.

JW Brown

Date : 1/8/2005

Cadastral Surveyor

Note: see s75 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 registered 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 under Section 358 of the Land Act 1994

Information

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

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 is entitled”. Freehold land surrendered to the State under Section 358 is surrendered by registration of a transfer in the freehold land registry. From that moment, 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.

3.10.1 Exchange of Land

Standard under SMI Act

Section 18(1) and Section 358(1)(a) *Land Act 1994*

As the land being added to the freehold estate must be unallocated State land, the land must be unallocated State land before the surrender of the freehold estate is registered. Therefore if the Land to be added to the Grant is contained within 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 prior to the lodgment of the survey plan to deal with the freehold addition and surrender actions. i.e. A separate survey plan is required to action the excision from the lease, reserve or trust land.

Trust land in this section is not Deed of Grants in Trust (DOGITS) for Aboriginals and Torres Strait Islanders created under Chapter 3 Division 4 of the *Land Act 1994* as land contained within these deeds is “Transferable Land” under the *Aboriginal Land Act 1991*.

Two survey plans should be prepared:

1. A survey plan to subdivide the Lease, Reserve or Trust land (to allow the partial revocation or partial surrender to be executed);
2. A survey plan to create:
 - a lot amalgamating the balance of the freehold lot with the area excised from the Lease, Reserve or Trust land; and
 - a lot amalgamating the area being excised from the freehold with the remaining Lease, Reserve or Trust land.

The second survey plan (with the Section 358 surrender) would be lodged against both the freehold title and the Lease, Reserve or Trust land title. An addition to a lease would be executed under Section 360, an addition to a Reserve would be executed using Section 31 and an addition to Trust Land would be executed under Section 36 and 358.

The Land Act allows land to be excluded from a reserve (a partial revocation under Section 33) and for unallocated State land to be added to a reserve (an amendment of boundaries under Section 31). In both instances the amendment is made by gazette notice and the notice is effective from the date the notice is published in the gazette (s.32 (1)(a) *Statutory Instruments Act 1992*). The date of the addition to trust land is also effective from the Gazettal date. In the case of a lease amendment the effective date can be stated in the executive minute published in the gazette. This effective date is also stated in the Land Title Act Form 14 request lodged to record the amendment in the registry.

3.10.2 Adding Permanently Closed Road

Standard under SMI Act

Section 108(2) and Section 358(1)(e) *Land Act 1994*

Section 108(2) allows for the adding of permanently closed road to a freehold grant under a Section 358(1)(e) surrender of the deed.

On lodgment of the plan into the freehold land register the land to be added must be already closed road. A consequence of this is that the road closure action should not be on the plan and therefore the action statement should only state “area to be added” (See Action Statements). It should not state “road to be closed” as on lodgment of the

plan it must be permanently closed road. The cancelling statement will show “cancelling Lot <numeric> on Plan <numeric>) and part of USL, being closed road”.

The road closure can be described in the gazette notice by stations on the DP copy of the plan deposited in the Department of Natural Resources Mines and Energy. The plan should not be lodged in the registry before the closure action is gazetted.

It is also permissible to use an AP plan to describe the road to be closed in the gazette notice as a Lot. The cancelling statement on the survey plan amending the freehold estate would then be “cancelling lot <numeric> on plan <numeric> and part of USL (lot <numeric> on AP <numeric>)”.

3.10.3 Simultaneous Opening and Closing

Standard under SMI Act

Section 109(1) and Section 358(1)(e) Land Act 1994

Section 109(1) *Land Act 1994* allows for 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 of the deed of grant. This Section does not allow for the same action on leases and therefore separate closure and opening actions would have to occur under Sections 94 and 98 and amendment of the lease under Section 360 of the *Land Act 1994*.

The surrender of the deed of grant will occur with the registration in the registry of the surrender document. (The surrender document and the plan must be lodged together.) The opening and closure of the road occurs from the date the notice is published in the government gazette, which must be after the date of registration of the surrender. The new deed of grant will be prepared after the road actions are gazetted. All these actions will occur within a few days of each other.

Under Section 109 where two deeds are involved, 2 new deeds must issue. However, a severance caused by the opening of the new road may be included in the other deed under Section 109(2)(a), with the approval of the Minister. A complete amalgamation of the two deeds into one is not permitted.

The survey plans will show the areas to be opened and closed defined by station numbers, with relevant:

- addition and road closure action statement;
- excision and road opening action statement; and
- excision and addition statements for dealing with severances, if requested.

The plan will show the new lot/s over which the deed/s are to issue.

3.10.4 Adding USL or part of a Reserve or Deed of Grant in Trust to a Deed of Grant by sale without competition

Standard under SMI Act

Section 122(1) and Section 358(1)(f) Land Act 1994

Section 122(1) *Land Act 1994* allows for the sale without competition of USL. If the sale is conditional upon 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.

The surrender of the deed of grant will occur with the registration in the registry of the surrender document. (The surrender document and the plan must be lodged together.)

At the time of lodgement of the surrender document and survey plan describing the new lot over which the Deed of Grant will issue, the area being added must be USL. Therefore if the part to be added is currently part of a Reserve or Deed of Grant in Trust a separate action on a separate survey plan must be completed first so that the area being added is USL at time of lodgement.

The first survey plans will show separate lots for the balance area and the lot to be revoked from part of the reserve under Section 33(1) or separate lots of the balance and the area to be surrendered from part of the Deed of Grant in Trust under Section 55. An action statement will describe the area to be excised in the case of a Reserve, or surrendered in the case of a Deed of Grant in Trust, on the face of the plan. An action statement is required on the survey plan describing the area being added to the existing deed of grant.

If the area being added to the current Deed of Grant is currently USL a new AP plan of the balance of the USL is required as a minimum. If the USL affected is currently surveyed the survey status should be maintained and the lot describing the balance of the USL can be included on the survey plan being actioned for the issue of the new deed (i.e. the new deed lot and the balance USL lots can be on the same plan).

3.11 Compiled Plans

Standard under SMI Act

See 3.20 Encroachment, Page 32

See 3.35 Survey Records, Page 47

See 9.7 Buildings, Page 83

See 9.39 Original Dimensions, Page 104

See 11.11 Paper Subdivisions, Page 121

See s.16, s.17, s.18 *Survey and Mapping Infrastructure Regulation 2004*

See Registrar of Titles Directions for the Preparation of Plans 4.16

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 NR&M.

The compilation certificate (Form 18) on the face of the plan must be in accordance with s.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 s. 16 and s.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.

Where there is evidence of building encroachments that affect the subject land, and the encroachment still exists, the encroachment information must be carried forward on the face of the new plan. The size, nature and location of the encroachment must be shown on the new plan. This information may be compiled.

3.11.1 Subdivision by Compiled Plan

Standard under SMI Act

See 3.38 Unsurveyed and/or Calculated Boundaries, Page 50

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. (s.17 of the *Survey and Mapping Infrastructure Regulation 2004*)

3.11.2 Consolidated Titles

Standard under SMI Act

A consolidated title is one in which 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 s.39 *Land Title Act 1994*. Separate indefeasible titles may be created, from a consolidated title, pursuant to a set of specific circumstances, under s.40 *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; and
- ◆ 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 SMI Act

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; and
- ◆ 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 (eg 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; and
- ◆ 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 SMI Act

Where an existing consolidated title:

- ◆ Was affected by a resumption action and;
- ◆ The resultant State Land Action Plan did not contain complete dimensions and areas for the affected parcels and;
- ◆ 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 SMI Act

See 3.11.4 Compiled Plan of Large Unsurveyed Parcel, Page 27

See 3.6.3 About Areas, Page 11

See 9.30 Linework, Page 100

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 s.16 and s.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 1:25000	Nearest 10 metres

1:30000 to 1:80000	Nearest 20 metres
1:100000 and above	Nearest 50 metres

Table 1 Rounding Dimensions for Unsurveyed Boundaries (Compiled Plans)

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

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

Where a bearing and/or distance has not been previously surveyed, each shall 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 NR&M. 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 SMI Act

See 5.11 Local Government Boundary, Page 60

This section generally applies to Pastoral Holding/Grazing Farms

The name of the Station/Holding shall 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 (s.96 *Land Act 1994*) 60 metres wide unless otherwise specified. Roads, surveyed or unsurveyed, are to be shown as a series of double straight lines.

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 Department Files etc. The plan is not drafted purely by tracing or digitising from a published map.

See 3.11.3 Compiled Plan of an Unsurveyed Parcel, Page 26 for accuracies of Metes and Bounds & Areas.

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 NR&M Centre for an assessment as to whether the NR&M 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 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 3.26 Permanent Marks, Page 39

3.14.1 General

Standard under 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:

- (i) The connection between the survey and coordinate source (eg PSM): and
- (ii) The coordinates and datum of the coordinate source.

MGA coordinates are to be computed in accordance with The GDA Technical Manual.

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)

3.14.2 Hierarchy of Coordinate Types

Standard under SMI Act

Primary Coordinates result from a Geodetic Adjustment of Australia, eg. DNR QLD 100km 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 un-adjusted 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 SMI Act

See 3.22 Marking, Page 34

See 3.23.1 MGA Connections, Page 38

See 3.26 Permanent Marks, Page 39

The practice of showing new coordinates for PMs on the face of survey plans is discouraged. The SCDB is the primary database for co-ordinate information on any control marks. As more accurate information or network adjustments are made, the coordinates of PMs may change. Consequently, co-ordinate information on the survey plan may be incorrect or misleading if used by subsequent users.

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

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 SCDB), together with a connection to those permanent marks, should be shown. Plans showing coordinates for lot corners may need to provide a statement of terrain heights used to determine the coordinates.

Existing coordinates may be shown on the plan, when the meridian and/or control information is required for co-ordinating 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)

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

MGA COORDINATES GDA-94

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

Table 2 MGA Coordinates

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

3.15 Covenants*Information*

See Registrar of Titles Directions for the Preparations of Plans 21.0

See Land Titles Practice Manual 21-0150, 21-0160

See Land Act 1994 sections 373A – 373D

3.16 Curved Boundaries*Standard under SMI Act*

Curved boundaries may be accepted by the NR&M 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 s.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; and
- ◆ Bearing and distance of the chord between the tangent points; and
- ◆ Radius; and
- ◆ Arc length.

3.17 Description of Parcels*Standard under SMI Act*

See also Policies under the Land Act 1994

<http://www.nrm.qld.gov.au/land/state/policies/index.html>

Actions under the *Land Act 1994*

Section of Land Act 1994		Primary, Secondary, Interest	Lot <Num>	Lot <alpha>	Sample	Survey Plan	AP
31	Reserve	P	Yes		Lot 1	Yes	
32	Term Lease over a Reserve	S		Yes	Lot A	Yes	
41	D/G in trust - ATSI	P	Yes		Lot 1	Yes	
57	Trustee lease (Reserve)	S		Yes	Lot A	Yes	
57	Trustee lease (DOGIT)	S			Lease A	Yes	
89	Survey of Trust Land	P	Yes		Lot 1	Yes	
103	Road Licence	S		Yes	Lot A		Yes
121	Lease of USL	P	Yes		Lot 1	Yes	
122	D/G of USL	P	Yes		Lot 1	Yes	
124	Lease of SF or NP	S		Yes	Lot A	Yes	
125(1)	D/G in trust over Reserve	P	Yes		Lot 1	Yes	
125(2)	Lease over Reserve	S		Yes	Lot A	Yes	
126(1)	Strategic port Land above HWM – D/G or lease	P	Yes		Lot 1	Yes	
126(2)	Strategic port Land below HWM – lease only	P	Yes		Lot 1	Yes	
127	Reclaimed land – D/G or lease	P	Yes		Lot 1	Yes	
177	Permit over USL	P	Yes		Lot 1		Yes
177	Permit over Reserve	S		Yes	Lot A		Yes
177	Permit over Road	S		Yes	Lot A		Yes
335(2)(a)	Sublease of a lease	S			* Lease A		
335(2)(b)	Sublease of a lease	S			* Lease A	Yes	
363 & 364	Easements	S			Emt A	Yes	

Table 2 Actions under the *Land Act 1994*

* Note: 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

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

See Registrar of Titles Directions for the Preparation of Plans 20.0

Secondary Interest	Land Title Act 1994	Land Act 1994
Lease	Yes	No
Easement	Yes	Yes
Covenant	Yes	Yes
Profit a Prendre	Yes	No

Table 4 Explanatory Plan Actions**3.18 Dimensions*****Standard under SMI Act***

See 3.6.5 Part Lots, Page 12

See 3.39 Vincula, Page 50

See 9.6 Bearings, Page 82

See 9.39 Original Dimensions, Page 104

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.

With the ability to use multiple sheets, boundary dimensions must not be tabulated. 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.

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

Metes and bounds shall be shown for all internal roads, railways etc. For heavily congested plans, metes and bounds need not be shown for internal roads, railways etc. provided all plan catalogue numbers from which this data can be obtained are shown in lieu thereof.

Any balance distance shall 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 shall 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 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 (for example, 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

- a) The marking of the survey must be such that the property owner can unambiguously identify the easement.
- b) All corners must be capable of reinstatement and be appropriately marked.
- c) The survey must be capable of unambiguous interpretation.
- d) The existing cadastre must be maintained and enhanced.
- e) The requirements of the Survey and Mapping Infrastructure Act must be met in relation to the placement of permanent marks.

3.19.2 Specific requirements

- a) Intersections with the underlying cadastre are to be marked according to the *Survey and Mapping Infrastructure Act 2003*, ie with boundary marks and reference marks. This applies to both existing surveyed and unsurveyed boundaries.
- b) The existing cadastre, where it is reinstated, is to be preserved and additional reference marks placed wherever possible to enhance the cadastre.
- c) 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 km intervals.
- d) Permanent Marks (for example star pickets with concrete collars, marks in above ground structures, etc.) are to be placed or located at strategic locations along the corridor, such as at boundary intersections, bends points or at nominal 5 km intervals.
- e) 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 sub-surface 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.

- f) 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 marks, boundary marks and/or reference marks.

Survey records should contain details of the methodology and the origin used.

3.20 Encroachment

Standard under SMI Act

See 3.11 Compiled Plans, Page 25

See 9.7 Buildings, Page 83

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

See Registrar of Titles Directions for the Preparation of Plans 9.20 Building Format Plans

See NR&M Document PUX/901/236 Roads — General

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

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:

- (a) 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 s19 of the *Survey and Mapping Infrastructure Regulation 2004*”; or:
- (b) in the case of an identification survey,
 - (i) without delay, take all reasonable steps to give any affected owner written notice of the intention to deposit the plan with the reinstated boundary; and
 - (ii) 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, etc.) must be referred to the Senior Lands Officer, SLAM, in the local NR&M Centre.

3.20.1 Meaning of Encroachment

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

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 S183, *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:

- (a) whether in fee simple or for life or otherwise;
- (b) whether at law or in equity;
- (c) 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.

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.

In Queensland the problem of a building erected entirely on the wrong parcel of land is dealt with under Division 2 (Improvements Under Mistake in Title) of Part 11 of the *Property Law Act 1974*.

3.21 Identification Surveys

Standard under SMI Act

Any identification survey must bear a completed Form 13 certificate.

Identification surveys shall be presented in A3 size, and shall be numbered using a bar-coded label affixed in the bottom right hand corner with the plan held in portrait mode. The label shall be affixed to the plan being deposited with the NR&M 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 NR&M. 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 re-instating 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 NR&M, 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 sub-set of the information presented on a formal Identification Survey plan prepared for lodgement with NR&M.

An identification survey should demonstrate:

- Sufficient detail to be capable of lodgement in CISP; and
- 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:

- NR&M barcode in the designated space on face; and
- Description, referring to the lot-on-plan or secondary interest being identified; and
- Form 13 issued under the *Survey and Mapping Infrastructure Act 2003*, and
- Parish / County, and
- Original Portion; and
- Local Government; and
- 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.

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 SP987654**;
- 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 SP123456”;
- An identification plan number (IS prefix number) in the form of a bar-coded label must be affixed to the copy of the plan being deposited in the plan number box.

3.22 Marking

See 9.16 Corner Information, Page 86

See 9.29 Line Pegs, Page 100

See *Survey and Mapping Infrastructure Regulation 2004 Part 4*

3.22.1 Boundary marking

Standard under SMI Act

A cadastral surveyor must mark a boundary so that—

- (a) the boundary is readily and unambiguously discernible on the ground after completion of a cadastral survey; and
- (b) a clear description of the cadastral survey marks placed, including reference marks, is shown in the survey records and on the plan.

However, the above requirement does not apply if—

- (a) the surveyor's client informs the surveyor in writing that the client does not require the boundary to be marked in the above manner; and

- (b) the surveyor complies with the Standard for Surveys of Land in Remote Areas (section 3.31); and
- (c) the survey is connected to the State control survey.

The above exception does not remove the requirement to place corner marks.

3.22.2 Reference marks

Standard under SMI Act

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

3.22.3 Cadastral Survey marks

Standard under SMI Act

A cadastral survey mark that identifies a boundary shall be a peg capable of resisting destruction, corrosion or decay that is at least 350 mm in length and has a minimum cross-section of 50 mm 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:

- (i) a suitably marked tree or fence post; or
- (ii) a durable mark on a building or other immovable object; or
- (iii) a pin made of a durable material that is at least 300 mm in length and 15 mm in cross-section;
- (iv) a permanent survey mark;
- (v) any other mark of equivalent durability and stability.

Factors to consider when marking a boundary are:

- (a) Standard forms of marking;
- (b) Recognition of a mark as a survey mark;
- (c) Durability - expect 60+ years;
- (d) Clear and unambiguous;
- (e) Reference marks;
- (f) Line pegs;
- (g) Occupation.

3.22.4 Other survey marks

Standard under SMI Act

A survey mark that does not identify a boundary shall not have a square cross-section, and 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 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:

- (a) 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.
- (b) Where the survey establishes new corners, the survey marks placed at these corners are shown by statement on face.
- (c) The term "replaced" should not be used on plans.
- (d) 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 SMI Act

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 web site at www.nrm.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 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 (PMAV's) where they exist. For this reason, it is always recommended to consult Vegetation staff of NR&M 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 NR&M.

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 etc.

Survey lines

Schedule 8, Part 1 of 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 PMAV's 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 10m. 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 10m. **However** 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 will be 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 m;”. 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 www.nrm.qld.gov.au/vegetation/information_sheets.html

3.22.7 Guidelines for Reference Marking

Guideline under SMI Act

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 sub-surface 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 marks should be placed to facilitate future co-ordination and reinstatement.

3.23 Meridian

Standard under SMI Act

See 9.34 Meridian, Page 102

See 9.19 Datum, Page 95

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 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 shall be on one common meridian. A survey covering many plans should be on the same meridian.

The origin of the meridian shall 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 co-ordinated marks are used, full details (including the MGA coordinates at the date of the survey) of these marks, and the direct bearing (and distance if measured), as derived from the survey, between them, shall 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 co-ordinated 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.

Survey records may be supplied to support any determination of meridian, eg stellar observations, GPS information and adjustments. Information from the 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](#).

3.24 Natural Boundaries

Standard under SMI Act

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

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

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

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

3.25 New Lot Boundaries Intersecting Registered Secondary Interests

Information

See Land Title Practice Manual 9-2020

See Registrar of Titles Directions for the Preparation of Plans 4.21

3.26 Permanent Marks

Standard under SMI Act

See 3.14 Coordinates, Page 27

See 3.23 Meridian, Page 38,

3.26.1 Connection to Permanent Survey Marks

A cadastral surveyor must make connections to a minimum of two (2) permanent 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 co-ordinated cadastre, the following are minimum requirements that should apply to all field surveys presented on Survey Plans intended for lodgement.

- i) Examine the density of existing permanent marks in the proximity of the survey to determine whether it is necessary to place additional permanent mark/s. As a guideline, in urban areas connections should be made to the closest existing permanent marks if they are within 500m of the survey.
- ii) It is preferred that connections to existing PM's be made in lieu of placement of new PM's.
- iii) Establish the status of existing permanent marks to determine the availability of coordinated marks.
- iv) Otherwise, the survey should be connected to at least **two** existing or new permanent marks. When placing a new mark, its site should be selected to facilitate future co-ordination by GNSS. However, this does not negate the requirement to connect to existing marks that are within a reasonable distance of the survey.
- v) The location of the connection should be selected having regard to the preservation of significant nodes in the cadastre.

Any new PMs must have a completed Permanent Mark Sketch Plan (PMSP) forwarded to the NR&M, in accordance with the provisions of s.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 NR&M to amend and re-image the PMSP.

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

3.26.2 Specification for Permanent Marks

Permanent 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 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 Mark it must conform to the following criteria: -

1. The mark must be made of a durable material, preferably metal;
2. When installed the mark must be permanent and stable (i.e. have the expectation of longevity);
3. It must be capable of being readily identifiable as a survey mark;
4. 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);
5. Be recorded in the State's register of survey control points, currently the Survey Control Data Base;
6. The mark must be stable when installed; and,
7. Should be capable of occupation, preferably in a location suitable for measurement by GNSS.

3.27 Photogrammetric Surveys

Guideline under SMI Act

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 (eg 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 co-ordinate system to provide control for the photogrammetry.

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

3.28 Profit Á Prendre

Information

See [Registrar of Titles Directions for the Preparation of Plans, Part 19](#)

A Profit á Prendre is an interest that arises by agreement between two parties and relates to the right of one party to enter upon the land of the other and extract or remove part of the land's substance (e.g. sand, gravel, trees, etc.) 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 á 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 á Prendre to be registered in the Land Registry.

On registration, a Profit á 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 á Prendre must be registered in the Land Registry.

3.28.1 Options for Survey

Standard under SMI Act

Three options are available for the survey plan for a Profit á 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 à Prendre may be undertaken using a reduced survey standard approved by the Department of Natural Resources and Mines (NR&M) under the provisions of Section 10 of the *Survey and Mapping Infrastructure Regulation 2004*.

Using this method, the boundaries of a Profit à 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 à 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 à Prendre lies within the parent lot.

The following specifications shall apply:

1. The accuracies specified in this section are approved by the Department for use in surveys of Profit à Prendre.
2. Where a corner of a Profit à Prendre lies on a boundary of the parent lot, a mark shall be placed on that boundary to standards as specified in Section 3.4.2 Measurement Accuracy.
3. Other corners of the Profit à Prendre may be located to a reduced accuracy which shall be no less than:
 - up to 10ha +/- 1m
 - 10ha to 50ha +/- 2.5m
 - over 50ha +/- 5m

The method of survey used shall be at the discretion of the surveyor.

4. The plan shall show the following:
 - The dimensions (bearings and distance format) of each Profit à Prendre;
 - An area
 - Details of the method of determination of the corners of the Profit à Prendre,
 - Where the dimensions (bearings and distances) are derived from observed coordinates, the coordinates, the method of determination and the datum of the coordinates shall be shown;
 - Where the dimensions (bearings and distances) are derived from other than a normal cadastral survey or observed coordinates, the method of determination shall be shown;
 - Statement as to the accuracy of the positioning of the corners of the Profit à Prendre;
 - Description of the marks and recoveries placed at each corner;
 - Sufficient connections to reinstate the Profit à Prendre from the corners of the parent lot. These connections shall be in bearing and distance format.

3.28.1.3 Survey Plan Prepared by Compilation

The survey plan prepared must satisfy s.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 à Prendre, and quoted in the Form 18 certification must be searchable and may be: -

- a) Existing Land Registry records;
 - eg lodged / registered survey plans, survey records, lease sketches, etc
- b) Held by NR&M as Survey Plan Archival Information;
 - eg deposited survey plans, identification surveys, other survey records,
 - cadastral connections, etc
- c) Available from the NR&M;
 - eg air photo library, DCDB (Digital Cadastral Data Base),
 - Digital Topographic Data, Digital Imagery,
 - Paper or digital maps or products, etc
- d) Source information and a report, if necessary, lodged with the plan as survey records.
- e) When compiled information of a reduced survey standard (ie not survey accurate) is used to define the Profit à Prendre boundary, the following statements are required on the face of the plan.

“Certain boundaries of the Profit à Prendre have been determined from co-ordinates (+/- 1.0 metre) using GPS”

And

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

Survey records will also be required, in this situation, containing the appropriate information relation to the accuracy of the co-ordinate information, data collection methods etc.

The Profit à 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 SMI Act

See 3.2.1 Access to Public Use Land, Page 7 (Access)

See Registrar of Titles Directions for the Preparation of Plans 4.8 Parcels to be Described

See Land Title Practice Manual 21-2140

In general, a plan that identifies Public Use Land requires reservation action under the provisions of the *Land Act 1994* to complete the process. For the reservation action, the purpose needs to be identified. Surveyors are encouraged to identify the purpose for each lot shown as Public Use Land on the face of the plan to allow for the orderly reservation action after registration of the plan. This includes the first sheet where the complete survey is drawn to scale and any additional sheets where dimensions of the lot are shown.

The purposes must conform to Schedule 1 of the *Land Act 1994*.

Eg	“Lot 4 Public Use Land (Park)”	OR	“Lot 7 (Park)”	OR	“Lot 8 Reserve (Drainage)”
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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 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:

- (a) 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.
- (b) The general amenity of the area is under-developed, as may be indicated by the following:
 - (i) value of infrastructure;
 - (ii) value of capital investment;
 - (iii) population density; and

- (iv) tourist facilities.
- (c) The subject land is remote from any appropriate commercial centre, eg. access is difficult in relation to distance to be travelled or the length of travelling time required.
- (d) 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:

- (a) the reason why conventional survey methods are unsuitable;
- (b) how the criteria in paragraph 1 are satisfied; and
- (c) the alternative survey method used.

3.31.2 Specification for Surveys of Land in Remote Areas

Corner points of the subject land must:

- (a) be marked with durable monuments in a way acceptable to interested landholders;

["landholders" in this specification includes Aboriginal or Torres Strait Islander community land owners, or other adjacent land owners or lessees under the Land Act, the Aboriginal Land Act or the Torres Strait Islander Land Act.]
- (b) be capable of ready identification by surveyors and landholders;
(If requested by Aboriginal or Torres Strait Islander communities involved, notice boards shall be placed in close proximity to monuments to give notice of their purpose).
- (c) be capable of description on a plan; and
- (d) 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 shall be carried out to conventional cadastral survey standards unless:

- (a) permanent evidence as to the location of the boundaries exists; and
- (b) either:
 - (i) 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); or
 - (ii) the purpose of the exclusion does not relate to a use of significant commercial value such as residential use or for telecommunications towers (for example, the exclusion is for a cultural heritage site such as an historical grave).

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

- (a) The positions of road centre lines are surveyed at sufficient intervals and accuracy:
 - (i) to ensure existing road formations are entirely contained within dedicated roads; and
 - (ii) to facilitate calculation of one side of the road boundaries.

- (b) Selected corners on one side of the road are marked by durable monuments at intervals no greater than 2.5 kilometres.
- (c) 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 shall be pointed out or described in some manner acceptable to interested landholders.

Bearings and distances of boundaries or coordinates of corners shall be determined by appropriate means with the preferred means being Global Positioning System (GPS) 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 shall be deposited as a permanent record.

Queensland or National topographic mapping at appropriate scales may be used to define natural features and ambulatory boundaries. The map sheets used, with the adopted boundaries inscribed thereon shall be deposited as a permanent record in support of the cadastral plan of survey.

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 GPS techniques, it must be to a precision of Class C and completed in accordance with the "Best Practice Guidelines Use of the GPS for Surveying Applications" 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

This section deals with the acquisition of land under the *Acquisition of Land Act 1967*.

3.32.1 Notice of Intention to Resume (NIR)

Standard under 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 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 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 and Transport Corridors

Standard under SMI Act

See 10.2.1 Creation of Roads in Freehold Land, Page 113

If land is taken by the Department of Main Roads (DMR) for “road purposes and vested in the State”, it becomes road at the time of the initial proclamation. However, if land is taken by the DMR for a transport corridor, a title issues in the name of the State of Queensland with DMR as the administering department. (TI(Road) Act)

Land may be resumed by the Department of Main Roads (DMR):

- (1) “for road purposes and vest in the State”; or
- (2) “for road purposes and as an estate in fee simple”.

The land that is taken by resumption must be shown as a lot on the plan. Regardless, no action is taken to correct the underlying title until the lodgement of a dealing in the land registry. A resumption document is required for recording the resumption in the register. (*Acquisition of Land Act 1967*) The land becomes USL ((1) above) or a separate lot ((2) above) on the registration of the resumption document.

A subsequent action is required to dedicate the resumed parcel as road, and depending on the manner of the resumption, this may be achieved by using the provisions of s.94 *Land Act 1994*, or the lodgement of an additional plan of new road cancelling the lot in the freehold land registry..

3.32.4 Resumptions for Other Authorities

Information

See 10.2.1 Creation of Roads in Freehold Land, Page 113

If land is resumed by an Authority other than the DMR, the land vests in that Authority in fee simple. If the land is required for road purposes, further action is necessary to convert the freehold resumed lot to road.

3.32.5 Freehold Land

Standard under 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, and;
- Do not require Local Government consent.

Encumbrances 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.

Where a subdivision of a balance parcel is required, eg as part of a compensation agreement, the subdivision plan must follow the resumption plan. The subdivision plan is subject to the same requirements as any other plan of subdivision. Since the subdivision plan must follow the resumption plan, it will be necessary for it to show the resumed area with the status it will have when the resumption action is completed, e.g. Road.

3.32.6 Resumptions from Non-freehold Land

Standard under SMI Act

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.

3.32.6.1 Roads/Lots

Standard under SMI Act

See 9.2 Action Statements, Page 78

Land is not resumed from State Land. 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 a lot, with an appropriate action statement.

3.32.6.2 Resumption for Easement Purposes from Non-Freehold Land

Information

See 6.5.1 Easements over Reserves and Unallocated State Land, Page 66

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

Under the provisions of the *Acquisition of Land Act 1967* an interest may be resumed from a lease under the *Land Act 1994*.

3.32.6.3 Resumption of Possession of Reservation in Title

Standard under SMI Act

See www.nrm.qld.gov.au/land/state/policies/901_462

Under s.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 s.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 s.26(1).

If the land is intended for road purposes, further action is required to convert the resumed lot to road.

3.33 Resurveys

Standard under SMI Act

A resurvey is a plan of subdivision under s.49 of the Land Title Act 1994

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

Upon registration, the description of the land changes to the new lot on plan shown on the plan of resurvey and a new title will issue.

The title of the plan is to be shown as:

Example:

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.

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 5.13.1 Consent Shown on Plan Only, Page 61).

3.34 Staking of Land

Standard under 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 placement of 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

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

The definition of staking set out in 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 shall maintain records of the placement of stakes which were placed for the purpose of pre-selling of allotments under the *Land Sales Act*. Such records shall 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 shall not vary by more than 0.2m 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 shall be met.

3.35 Survey Records

Standard under SMI Act

See 3.11 Compiled Plans, Page 25

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 NR&M etc. Survey records for lodgement must be clearly identified as survey records and must include a completed Form 12 certificate in accordance with s.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 NR&M. 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 and County Names;
- The surveyors name; and
- 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.

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

F/N's: 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, eg

F/N's: YES / Under SP123456

3.36 Transport Infrastructure Act 1994

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 Railways) 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). 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 Transport Infrastructure Act

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

For example:

- Queensland Rail may surrender its interest in part of the sublease and the part surrendered may then be subleased to another railway manager;
- Queensland Rail may surrender its interest in part of the sublease and the Department of 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 SMI Act

The whole of the rail corridor lot being affected must be dealt with. The area to be excised or subdivided is required to be described as a separate lot on a plan and a new lot for the balance must be created. The use of statements such as “area to be excised, 1-2-3-1 10m²” 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 SMI Act

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

3.36.3 Common Areas for Queensland Transport over Rail Corridor Land

Standard under SMI Act

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.

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*.)

3.37 Undescribed Balances

Standard under SMI Act

See 3.8 Cancelling Clause, Page 13

See 11.11 Paper Subdivisions, Page 121

See Registrar of Titles Directions for the Preparation of Plans 4.17

Any plan which cancels an undescribed balance requires Local Government consent since it is deemed to be a subdivision under the provisions of s.50 of the *Land Title Act 1994*.

The description will be "*Lot cancelling balance of Lot ... on RP.....*".

3.38 Unserved and/or Calculated Boundaries

Standard under SMI Act

See 3.11.1 Subdivision by Compiled Plan, Page 25

See 9.8 Calculated Lines, Page 84

See 11.11 Paper Subdivisions, Page 121

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

3.38.1 Opposite Side of Road Unserved

See 3.11.1 Subdivision by Compiled Plan, Page 25

Where a road boundary is surveyed on one side only, but all the secant points on the unserved side have previously been marked, the unserved side may be used as a boundary. The distance on the unserved side must be shown either as original, if available on the original plan, or as calculated if not. In each case the boundary must be shown as full lines.

3.38.2 Other Unserved boundaries

See 9.8 Calculated Lines, Page 84

See 3.11.3 Compiled Plan of an Unserved Parcel, Page 26

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 unserved 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 unserved 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 SMI Act

See Registrar of Titles Directions for the Preparation of Plans 8.4.2

See 3.6.4 Multiple Line Areas, Page 11

See 3.6.5 Part Lots, Page 12

See 3.18 Dimensions, Page 30

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

- a watercourse;
- a road;
- a railway;
- a stock route;
- a channel/drain;
- a reserve;
- any other Transport Infrastructure corridor; or
- any combination of the above features.

A vinculum cannot be used to bind together parts of land that are severed by lot(s) that do not form part of a Transport Infrastructure corridor. In this case, the provisions of Registrar of Titles Directions for the Preparation of Plans 8.4 (Part Lots) may be applicable.

Where vincula are created:

- The parts of the land being bound must be adjacent across the dividing feature, for at least part of their frontages to the feature.
- The area of the lot may be calculated from the sum of the areas of each individual part, or be obtained by calculating the total area enclosed within the outer boundaries and subtracting the area of any enclosed feature. In either case, only the net area is shown and calculated to four significant figures. A three (or more) line area is not to be shown, unless there are s.23 *Land Act 1994* exclusions.

Where one or more of the parts of a new lot is fully or partly surveyed along the dividing feature on the plan creating that lot, the relationship of those parts of the lot to each other such part must be clearly shown by surveyed connections.

Where one or more of the parts of a lot is compiled along the dividing feature, it is not necessary (but preferred) to show surveyed connections, but it must be possible to accurately plot the relative location of the parts of the lot from the relationships shown on previous maps or plans, or from other information acceptable to the NR&M (For example GPS connections). The meridian used must be common to all parts of the lot.

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

4. AMBULATORY BOUNDARIES

4.1 General

Information

In this document, ambulatory boundaries (unless specified otherwise) refer to both tidal and non-tidal situations. In general, surveys which include ambulatory boundaries need to be assessed by Departmental surveyors, even if they are submitted by an accredited surveyor. This assessment should, in the first instance, be limited to confirmation that the ambulatory boundary is more or less positioned in the same location as on the previous surveys. If this is the case, and no encroachments exist, the plan may be processed without further assessment.

Where the new ambulatory boundary is shown in a different location to previous surveys, this matter must be investigated to confirm that the appropriate action has been taken.

4.2 Non Boundary Watercourses

Information

The beds and banks of non-boundary watercourses are usually included within the original grant. The control of the flow of the water rests with the NR&M, Water & Catchment Area (*Water Act 2000*).

When a parcel of freehold land with an internal watercourse is subdivided and the watercourse (or part of the watercourse) is adopted as the boundary of the new lots (i.e. the watercourse is not included within any of the new lots), then that watercourse (or part thereof) may be given a lot number and noted as Public Use Land or the creek may be absolutely surrendered to the State.

4.3 Boundary Watercourses

Standard under SMI Act

See 9.39 Original Dimensions, Page 104

See 3.35 Survey Records, Page 47

See 9.57 Watercourses, Page 109

See 10.5.2 Reserved Roads and Reserved Esplanades, Page 116

See *Randel & Reinicke v Brisbane City Council, No 1891 of 1983, Justice GN Williams*.

The direction of flow of a non-tidal boundary watercourse must be clearly indicated by an arrow pointing in the direction of the flow (i.e. downstream). Where it is necessary to indicate the left or right bank of the watercourse, this will be taken in relation to the direction of flow.

Section 6 of the *Rights in Water and Water Conservation and Utilization Act 1910* changed boundaries from the centre thread of a stream (ad medium filum) to its banks.

When locating the position of the bank of a watercourse, surveyors should consider the definitions contained in the *Water Act 2000* for "Bed" and "Bank".

A check of the original Deed of Grant should also be made to ascertain the actual description of the ambulatory boundary.

Where it is decided to accept the original location of the ambulatory boundary as the current location, it is not necessary to re-traverse the watercourse boundary. A calculated area can be determined for the lot(s), using information in relation to the original traverse and offsets from the survey records of the original survey. The new plan of survey should be prepared in accordance with the requirements of 9.57 Watercourses, Page 109. If the original survey records cannot be located, the position of the watercourse may be determined by scaling off the original plan. The boundary remains curvilinear as per the original survey

An example where the above may be applicable could be where the feature defining the watercourse has disappeared (eg by filling)

Where the previous watercourse traverse and the original offsets are used to calculate the area, sufficient information must be provided to show how the area was determined (e.g. survey records or information on the plan). A report addressing the reasons for adopting the original determination is required to be submitted with the plan.

In instances where the locations of the watercourse is determined by direct measurement of a series of points along the watercourse, using means of measurement such as radiations or GPS, the following requirements apply:

- Right line boundaries leading to the watercourse should be marked to a high standard with a reasonable level of redundancy, because the reinstatement of the watercourse survey relies on its connection to these 'side boundaries' (as an option to strengthen the redundancy, this could include connection to the state control survey)
- The plan must not show station symbols at every measured point along the watercourse boundary. Instead, there should be a tabulation of the bearings and distances between the points measured along the watercourse, without station numbers, and a statement along the boundary that the measured points lie on the boundary (see D-E in 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 Table A", "For HWM boundary points (D-E) see Table A" etc.
- The plan **must** show a curvilinear presentation of the boundary.
- The plan may show a connection between marks placed at stations at or near the end of the right line boundaries intersecting the watercourse, to allow calculation of the closure of the pegged boundaries (for example A-B-C in the diagram below).

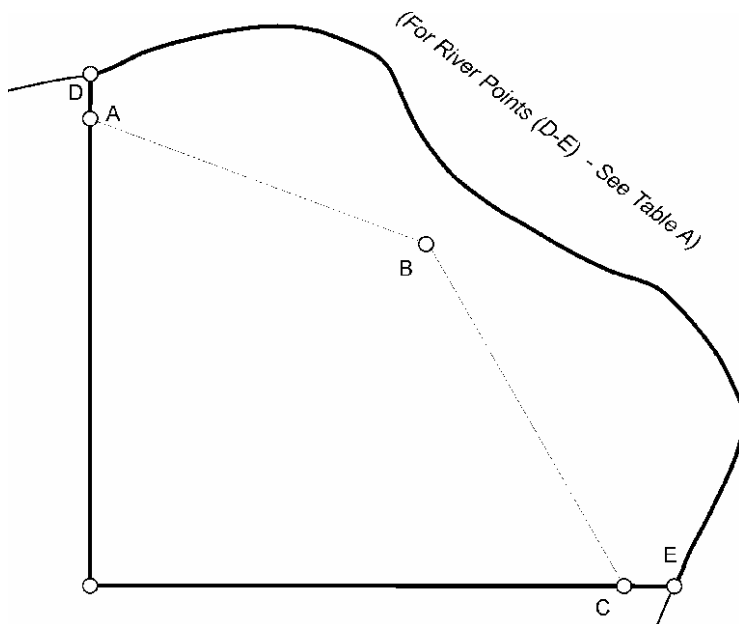


TABLE A
River Points

D	Bearing 1	Distance 1	
	Bearing 2	Distance 2	
	•	•	
	•	•	
	•	•	
	Bearing n	Distance n	E

4.4 High Water Mark

Standard under SMI Act

See 10.5.2 Reserved Roads and Reserved Esplanades, Page 116

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

See s.8 to s.13 of *Land Act 1994*

Nestor Svendsen-v-State of Qld, Supreme Court of Qld, Rockhampton, Number 32 of 1996 delivered J Demack on 29/04/1999.

See [QRR Alert Issue No 10](#)

High watermark is defined in Schedule 6 of the *Land Act 1994*.

- Land bounded by tidal waters should be described on the face of the plan as HWM with an adjoining description eg "Coral Sea";
- No reference to any RL value of the tidal boundary is to be shown against the boundary of the parcel;
- The method of determination of MHWS is to be documented;

- a. It is acceptable to make a statement on the plan relating to the Datum, what AHD value was adopted as MHWS and details of any tidal observations, provided it is short in content;
 - i. An example of a statement on the plan could be "HWM was defined as MHWS which was determined by adopting the value of MHWS at Cairncross Dock as published by the Queensland Department of Transport. This value of 1.05m AHD was observed on site as representing MHWS";
- b. Alternatively field notes may be used to record this detail;

For dealings under the *Land Act 1994*, land below HWM is identified by a separate lot number to land above HWM. (SLAM Notification pending)

4.5 Redefinition of Ambulatory Boundaries

Standard under SMI Act

In a strict legal sense, the limit of land bounded by a river or stream is the bed and banks of the watercourse or HWM, and not necessarily the position where the surveyor thinks or locates those limits to be. That is to say, at a point in time, the owner of land bounded by a watercourse will hold the same land, no matter which plan is the relevant registered plan or what feature has been adopted by the surveyor. In the last resort, should the matter result in a legal dispute, a court will decide the boundary position.

Where an ambulatory boundary is surveyed, each case will be decided on the basis of the relevant legislation, case law, present evidence on the ground, previous legal opinions and the original survey to ensure that interests of the State and the registered owner are protected.

It is the responsibility of a Cadastral Surveyor to reinstate any boundary after considering all the facts (evidence) which may influence that decision. This includes ambulatory boundaries.

Any change in the location of an ambulatory boundary through the application of the doctrine of "gradual and imperceptible" movement must be justified. The onus of "proof" lies with the claimant.

A change in an ambulatory boundary may not be the result of a movement of the feature, but a "mis-identification" or "mis-description" of the boundaries of the land. These terms are used to indicate that the original survey did not correctly identify the boundary of the land. Such cases may be related to MHWS or the appropriate bank of a stream. For any such cases, the investigation of the facts substantiating the claim and report to be supplied is the same.

The construction of a retaining wall outside the line of natural ambulatory boundary does not, in itself, alter the boundaries of a lot. Encroachments over ambulatory boundaries are unacceptable and must be resolved with a State Land Asset Management (NR&M) action. This may require the creation of a right line boundary. Encroachment in this context applies to any manmade structure or improvement, noting that it usually applies to buildings, but in the case of ambulatory boundaries, would include **any** construction of rock (or other substance including landfill) walls beyond the original ambulatory boundary, i.e. reclamation.

If, by extending original boundaries to intersect the new ambulatory boundary, the rights and interests of adjoining owners are affected, or may in the future be affected, the extension of the original boundary should be made at right angles to the centre thread of the stream.

4.5.1 Reports of redefinition surveys

Where plans of survey purport to "redefine" an ambulatory boundary, regardless of what caused the necessity for the redefinition, the following information must be deposited as survey records, regardless of whether the surveyor is accredited or not:

- ◆ Substantial report addressing:
 - Location as determined by original surveyor and any subsequent surveys;
 - Extant evidence of determination by previous surveyor(s);
 - Description, stability and permanency of the feature(s);
 - Application of statute to the new determination;
 - Relevant photographs demonstrating case; and
 - A specific statement regarding the extent of any movement and whether that movement is **significant** or **not significant**. (see below)

- ◆ Evidence that the new boundary does not affect or encroach onto the property on the opposite side. If an encroachment is apparent, the requirements as per s.18 and s.19 of the *Survey and Mapping Infrastructure Regulation 2004* apply;
- ◆ Copy of subject plan showing, plotted on the face, the boundary position as determined by previous surveyors;
- ◆ For cases of **significant** movement or difference, a report on the investigation undertaken to establish that such movement has satisfied the doctrine of accretion (or erosion). If this doctrine can not be satisfied, then on what basis is the additional land claimed; and
- ◆ Such other evidence as is considered appropriate.

The word significant is used above. The following is part of an opinion by the Principal Legal Officer in the NR&M where he notes the presence of the word "significantly" in Section 358(2) of the *Land Act 1994* and states:

¹*"In my opinion, the presence of the word 'significantly' in paragraph (b) is important."*

"The word 'significant' is defined by the Shorter Oxford English Dictionary to mean, among other things, 'important' or 'notable', while the Macquarie Dictionary gives its meaning as 'important' or 'of consequence'."

"Thus in the context of the question (whether Section 358(2) must be used to adjust an ambulatory boundary that has had slow and imperceptible movement, either erosion or accretion), the provisions of Section 358(2) need not be implemented unless it can be shown that the change in the boundary has been significant. As to what is a significant change in any particular case will be a question of fact to be answered by appropriately qualified persons by reference to all of the relevant circumstances affecting that case."

In dealing with movement of ambulatory boundaries, a surveyor should provide sufficient information in his report to justify his determination as to whether the movement of such a boundary is significant or not significant. In making his determination, the following factors should be considered:

- The location, value, zoning and size of the parcel affected by the ambulatory boundary;
- The extent of the change;
- The age, accuracy and scale of the original determination; and
- The regulations in force at the time of that determination.

In general, the NR&M would consider movement to be **not significant** where the differences can be explained by:

- Differences in measurements caused by differences in measurement techniques;
- Errors in scaling off an old plan;
- An obviously erroneous location of a watercourse boundary;
- Minor differences in location;

The NR&M reserves the right to carry out its own investigation and inspection of any ambulatory boundary that has moved and to make its own assessment as to whether the movement is gradual and imperceptible, and/or significant or not significant.

4.6 Title Amendment for Riparian Boundaries

Standard under SMI Act

- ◆ Title Amendment where the movement, whether accretion or erosion, is gradual and imperceptible and **not significant**:
Where it is found upon resurvey of a freehold riparian boundary that, according to the interpretations of the laws in place at the time of resurvey, the watercourse or high water mark boundary has moved by gradual and imperceptible means, and that the difference is not significant, the riparian boundary may be adjusted to the new determination by the lodgement and registration of a freehold plan of resurvey. (Section 50, *Land Title Act 1994*) (Section 358, *Land Act 1994*)
- ◆ Title Amendment where the movement, whether accretion or erosion, is gradual and imperceptible and **significant**:
Where it is found upon resurvey of a freehold riparian boundary that, according to the interpretations of the laws in place at the time of resurvey, the watercourse or high water mark boundary has moved by gradual

¹ Principal Legal Officer, Department of Natural Resources 1995

and imperceptible means, and that the difference is significant, the riparian boundary may be adjusted to the new determination by the lodgement of a State Land Plan of resurvey, and the surrender of the current title to the land and regrant of a new deed under the provisions of Section 358(2) of the *Land Act 1994*.

- ◆ Where the movement, whether addition or loss, is not gradual and imperceptible:

Where it is found upon resurvey of a freehold riparian boundary that the watercourse or high water mark boundary has moved by other than gradual and imperceptible means, including by reclamation or dredging, the riparian boundary may be adjusted to the new determination by the lodgement of a State Land Plan of resurvey, and the surrender of the current title to the land and regrant of a new deed under the provisions of Section 358(1) of the *Land Act 1994*.

In the case of addition, arrangements must be made with the NR&M to purchase the additional land. (See Section 10, *Land Act 1994*)

In certain cases, some of the land abutting a riparian boundary may, on investigation, be considered to be by accretion while the balance may be deemed to be reclaimed. The land that is deemed to be accreted is included at no cost, while the reclaimed land has to be purchased from the State. The different areas shall be delineated on the plan, given an area and covered by appropriate action statements.

In the case of loss, i.e. by dredging, it may be possible to deal with the amendment of the riparian boundary by the lodgement and registration of a freehold plan of survey subdividing the lost land off into a lot for transfer to the State. Application should be made to the NR&M to ensure they will accept the transfer. If this approach is adopted, the boundary between the land retained and the land to be transferred, although shown as a curvilinear boundary is not considered to be an ambulatory boundary. Generally, this method of dealing with a loss is not recommended.

4.7 Natural Features as Boundaries

Standard under SMI Act

See 3.24 Natural Boundaries, Page 38.

See 9.58 Watersheds, Page 111

Other natural features may be adopted as cadastral boundaries, eg a cliff, watershed. With the passage of time and the influence of natural events, these boundaries may change. For any plans that purport to define such boundaries in changed positions, the requirements of this section will need to be satisfied.

For an example of a cliff boundary see RP97503

5. APPROVALS

5.1 General:

Information

Approvals and/or Consents referred to in this section are not necessarily a survey requirement but may be required to enable the plan to register or, in the case of State Land, for the proposed action to be completed.

Generally consents etc are noted on the back of the plan.

5.2 Amalgamations

Information

See s.50(g) of the Land Title Act 1994

5.3 Beach Protection Authority

Standard under Beach Protection Act

See Section 45 *Beach Protection Act 1968 (now repealed)*
Section 179 *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 20/10/2003 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 20/10/2003, 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 EPA is a concurrence agency to the development approval, no endorsement by the EPA is required on the plan.

5.4 Border Surveys (State Border of Queensland)

Standard under SMI Act

See 9.50 State Boundary, Page 108
See Queensland Boundaries Declaratory Act 1982

All surveys in areas adjoining State borders shall be undertaken in collaboration with the organisation responsible for surveying in the adjoining State.

Where a survey is adjacent to a State border the local Senior Surveyor should be contacted for advice and coordination of the survey activity with the adjoining jurisdiction.

For surveys abutting New South Wales, the requirements of the approval process can be found in the publication "Redefining the Queensland – New South Wales Border: Guidelines for Surveyors".

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

Information

See 9.9 Canals, Page 84

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 20/10/2003, subsequent endorsement of the plan with respect to the canal is carried out under transitional arrangements by *Beach Protection Authority*.
- If development approval is granted subsequent to 20/10/2003 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.

5.5.1 Freehold Land

Standard under SMI Act

Under Section 9(d) of the *Canals Act 1958*, canals can only be created by a plan, which is endorsed with the details of the relevant Executive Minute. The date that the Clerk of the Executive Council signs the plan must follow the date of the Local Government consent. There is no time limit on the Executive Minute.

The canal must be transferred to the State. Registration of the plan will be delayed until the transfer to the State is also capable of registration.

If encumbrances exist, these must be surrendered before the transfer to the State.

5.5.2 State Land

Standard under SMI Act

For canals created on State Land Development Leases, show the word "CANAL" as appropriate.

5.6 Catchment Areas

Information

See 11.4 Declared Catchment Areas, Page 118

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 AP's.

5.7 Channel/Drain Areas

Information

See 9.17 Channel / Drain, Page 95

Unless the plan is signed by the Director General, NR&M, or his delegate, as registered owner, the plan must be endorsed by the Director General, NR&M 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, NR&M.

5.8 Easements

Standard under Land Title Act

Section 83(2) of the *Land Title Act 1994* commenced on the 25/05/2001.

1. Any plan of survey not registered in the Land Registry prior to the 25th 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;
2. Plans of survey registered in the Land Registry prior to the 25th 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;
3. 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;
4. Plans of proposed easements only, lodged on or after 25th 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;
5. The term “constructed” in s.83(2) *Land Title Act 1994* is to be taken to mean a dedicated road.

5.9 Forest Entitlement Areas

Guideline under SMI Act

See 2.9 Reservations in Title, Page 4

See 3.6.4 Multiple Line Areas, Page 11

See 9.25 Forestry Entitlement Areas (FEA), Page 99

See s.175 *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 of Terms for a definition of Forestry 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 NR&M 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.

Since an FEA is a reservation in title no dedicated access to the FEA is required.

State Leases that are subject to an FEA must show the FEA as a reservation in title. If the FEA is surveyed, the extent of the FEA must be shown on the face of the plan in hairline. The area of the lot must show a multiple line with an exclusion for the FEA.

If the State has not taken possession of the land that is covered by the FEA under the *Acquisition of Land Act 1967*, a deed of grant is issued with the FEA as a reservation in the grant. Alternatively, if the State is to take possession of the land covered by the FEA at the time of freeholding, a survey plan may be required to correctly define that land to be freeholded and the land to be held by the State.

5.10 Leases

Standard under Land Title Act

See Land Title Practice Manual 7-0050

Refer *Integrated Planning Act 1997*, sections 1.3.2, 1.3.5 and 3.7.1A

For Leases under the *Land Title Act 1994*, Local Government Approval is required, if options and term exceed 10yrs. 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 NR&M Centre should be contacted. Refer to Chapter 6, Part 4, Division 3, of the *Land Act 1994*

NOTE: Leases in Lots under *Building Units and Group Titles Act 1980*, may require Local Government Approval see Section 8(2)(b) of that act.

5.11 Local Government Boundary

Information

See 3.11.4 Compiled Plan of Large Unsurveyed Parcel, Page 27

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

5.12 Local Government Consent

Information

Local Government Consent is required for all plans of subdivision of freehold land whether by compilation or survey **except:**

- Acquisitions only. 3.7.8.(1)(a) and 3.7.8.(1)(b) of *Integrated Planning Act 1997*.
 - If 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 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 3.7.8 of IPA;
- Plans lodged for and on behalf of the State Section 3.7.8.(1)(c) of *Integrated Planning Act 1997*;
- 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 (s.50 (g) *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 s.49 *Land Title Act 1994*);
- Plans of resurvey only (s.50 (g) *Land Title Act 1994*);
- Actions by a Port Corporation for actions within lands vested in those corporations under an Act. Note s.3.7.8.(1)(d) of *Integrated Planning Act 1997*. (By s.504 *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*, by early 2001. 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 Ch 3, Part 7 of *Integrated Planning Act 1997(IPA)*. The prescriptive requirements of the *Local Government (Planning and Environment) Act* have not been continued in the *Integrated Planning Act 1997*. The IPA provisions concentrate more specifically on the Local Government checking whether the plan is consistent with relevant approvals under IDAS.

Standard under 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 6 months of Local Government consent or a fresh consent obtained, s.3.7.6 *Integrated Planning Act 1997* (See note below).

Subdivision includes standard, building and volumetric format lots as defined in s.49 to s.49C of *Land Title Act 1994*.

Note: The *Integrated Planning Act 1997* does not require any instrument of easement be approved by the Local Government. However, s.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 5.8 Easements, Page 59

Note: Withdrawal and relodgement under Section 53 and 159(6) of the *Land Title Act 1994* does not affect the lodgement date for Local Government consent. See 2.11 Withdrawal and Re-lodgement of Plans, Page 5

5.13 Local Government Conditional Consent

Information

Return to 5.2 Amalgamations, Page 57

See 5.13.1 Consent Shown on Plan Only, Page 61

See 5.13.2 Consents Registered on Title, Page 61

For new surveys, the Registrar of Titles has advised that under the *Integrated Planning Act 1997* there is no legislative provision that allows for conditions to be included in the Local Government Approval on the plan. The provisions of s.97A of the *Land Title Act 1994* may be utilised by Local Government to register a condition that lots may not be transferred separately.

However, conditional consents may exist on a registered plan or on the title of a lot and may need to be addressed if the lot is affected by survey.

5.13.1 Consent Shown on Plan Only

Information

See 3.33 Resurveys, Page 46

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 s.34A(3) (12 Geo.VI No 49, 1948, assented to and commenced 9th December 1948), and provide this authority. Accordingly, conditions placed on plans prior to 1948 are invalid. A common noting on these plans was "lots to be held in the one ownership".

Where an application is received for separate titles to lots over a plan that bears a notation of this nature the Registrar of Titles will, prior to issuing separate titles:

- On plans with the consent prior to 9th December 1948, issue titles with no further action;
- On plans after 1948, require Local Government consent. As a minimum, the council will have to provide their consent in writing on paper that contains their letterhead.

The plan will be noted that the conditional consent no longer applies.

5.13.2 Consents Registered on Title

Information

See Land Title Practice Manual 21-2240 Cancellation of Agreement

Conditional consents under s.5.8 (3) or s.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 Land Title Practice Manual.

5.13.3 Consent Affected by Survey

Standard under Land Title Act

See Land Title Practice Manual 21-2215 Agreement under *Local Government (Planning and Environment) Act 1990*

See Land Title Practice Manual 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 vary or remove its condition by the lodgement of appropriate documents with the Registrar of Titles, **OR**
- The survey must satisfy the condition.

5.14 State Development Leases

Information

Surveys for state development leases should conform with the usual Local Government subdivision requirements (see the approval conditions of development lease) but are endorsed by the local NR&M delegate prior to the plan being lodged in the Land Registry

5.15 State Land Actions

Standard under Land Act

See 7.6.5 State Forests, Page 72

See 9.2.6 State Forest, Page 81

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*. 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. For any proposed dealings with State Land an application should be made to the senior land officer at the local NR&M Centre. It is recommended that any required survey not be carried out until written approval of the proposal is received.

Plans for which the NR&M is simply a depository (not an action under the *Land Act 1994*) include plans prepared under the Harbours Act, Port of Brisbane Leases, etc. See 9.2.7 Vested Land, Page 81 and Appendix B, Page 124

6. EASEMENTS

6.1 Definition

Information

See Registrar of Titles Directions for the Preparation of Plans 6.0 Easements

See 9.20.2 Secondary Interest, Page 96

See 9.30 Linework, Page 100

See 9-0000 Land Title Practice Manual

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.
- (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.”

6.2 Cane Railway Easements

Standard under SMI Act

See Appendix A Page 124 Deemed Tramway Easements
See *Sugar Industries Act 1999*

Formerly referred to as Tramway Easements or Deemed Tramway Easements. Under the provisions of the *Land Title Act 1994* a cane railway easement (now referred to as a sugar access right under the provisions of s.63 (4) *Sugar Industries Act 1999*) is not registered against a title in the Land Registry, s71 (5) *Sugar Industries Act 1999*. It may be recorded as an administrative advice under the *Land Title Act 1994*, and requires allocation if the land is subdivided.

However, some tramways are registered easements under the *Land Title Act 1994*. Where no plan of the easement is available, the centreline of the tramline track should be located relative to the lot boundaries. There is no requirement to mark the easement boundaries or their intersection with the lot boundaries. Recovery marks should be placed near the intersection of the centreline with the lot boundaries as well as at the tangent points and traverse points on curves. The plan must show the dimensions of straights and chords, the radii of curves, areas of the easement and the recovery marks placed.

6.3 Creation of Easements

Standard under 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 [Registrar of Titles Directions for the Preparation of Plans 6.5](#)

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 [Registrar of Titles Directions for the Preparation of Plans 6.3](#).

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 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 SMI Act

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 [Registrar of Titles Directions for the Preparation of Plans, Section 6, Easements](#).

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 Registrar of Titles Directions for the Preparation of Plans 10.2 and Registrar of Titles Directions for the Preparation of Plans 10.6

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 9.20.2.2 Use of “Proposed”, Page 97

See 11.6 Easement With Titles Issued, Page 119

See Registrar of Titles Directions for the Preparation of Plans 6.0 Easements

See Land Title Practice Manual, 9-2020

Easements may be created over undescribed balances.

6.4.1 Easements Over Land Shown as Public Use Land

Standard under Land Act

Only registered easements for public utility purposes are able to remain over land shown as Public Use Land on a freehold 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 Land Titles Practice Manual 21-2140.

Three alternatives are available for the creation of easements over land to be shown as Public Use Land on a freehold action plan:

- Prior to Transfer;
- At the time of Transfer; or,
- After the Transfer.

6.4.1.1 Creation Prior to Transfer

Where new easements for public utility purposes are required over land shown as Public Use Land that is to be transferred to the State on registration of a plan, the easements may be registered prior to the registration of the plan. Once registered, the easements may be dealt with as noted in s.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 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.

By *Natural Resources Legislation Amendment Act 2001*, (No 33, 2001), section 363(1)(a) of the *Land Act 1994* was amended to remove the word “proposed”. Accordingly, the requirement for the use of “proposed” for the State Land Action plans is the same as that for freehold land. However, the use of “proposed” on State Land action plans is envisaged to be extremely rare due to the following:

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. This registration process is controlled by not allowing a plan to be registered showing an easement over State land, unless the subject easement document is also lodged for registration following the registration of the plan (*State Land Practice Manual-Chapter 5.1.6*).

To obtain Ministerial consent for an easement, a draft of the proposed easement must be lodged with NR&M. The Minister’s consent for easements must be provided to the applicant on a Land Registry Form (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.

6.5.1 Easements over Reserves and Unallocated State Land

Standard under Land Act

See 3.32.6.2 Resumption for Easement Purposes from Non-Freehold Land, Page 46

See PUX/901/527 – Registration and Dealings – Dealings Affecting Land - Easement

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.

6.5.2 Easements in Leases over Reserves for State Forest or National Park

Standard under SMI Act

As State Forests and National Parks are not reserves under the provisions of the *Land Act 1994*, easements can not 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 Resource Management (Estates) NR&M, 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 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” may be:

- All that part of Emt A in Lot 7 on SP123456; or
- 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 3.32 Resumption Actions, Page 443.24
See Chapter 5 Part 3 Division 1 *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 Land Title Practice Manual 9-2020
See Registrar of Titles Directions for the Preparation of Plans 4.21

6.7.4 Road Dedications over Easements

Standard under Land Act

See 10.2.1 Creation of Roads in Freehold Land, Page 113
See Registrar of Titles Directions for the Preparation of Plans 22.6.5

Where a road is dedicated over a registered easement (other than an easement of Right of Way 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.

There are three possible situations for road dedications over easements. These are:

- 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 sub-leases 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 Paragraph 7-0000 defines a freehold lease as:

“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 Sub-Leases. (See **Chapter 6 Part 4 Division 3 Land Act 1994**). A sub-lease may cover:

- The whole of a lot;
- Part of a lot.

7.3 Lease Types

7.3.1 Whole of the Land

Information

Where a lease is over the whole of a lot, no lease plan is required.

If a lease covers the whole of the lot, and it is desired to restrict it vertically, it shall be dealt with as per section 7.3.9 Volumetric Leases.

7.3.2 Leases for Part of the Land Only

Standard under SMI Act

7.3.2.1 Freehold

See 7.3.9 Volumetric Leases, Page 71

See Registrar of Titles Directions for the Preparation of Plans 5.0

See Land Title Practice Manual, Part 7

A lease of part of a roof of a building is treated as a lease of part of the land

Leases of part of the land under the *Land Title Act*, must be on a Standard, or Volumetric format plan. Where applicable an explanatory plan may be utilised.

Many leases can be shown on the one plan, but at least one lease document must be lodged with the plan (Boundarylines 9, October 1998). The practice of using “Proposed” cannot be adopted for leases.

7.3.2.2 Leasehold

See s.335 *Land Act 1994*

See Policy PUX/901/522 Sub-lease of a Lease

A lease of part of the land under the *Land Act 1994* (sub-leases) 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 NR&M Centre, should confirm the Survey requirement prior to the survey.

Any long-term sub-lease (e.g. condominium and villa leases) is required to be surveyed. For example 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 Land Title Act

See s 65 Land Title Act 1994

See Registrar of Titles Directions for the Preparation of Plans 5.0

See Land Title Practice Manual 7-2205-2370.

Part of a building on a lot must be sufficiently identified either by means of a description satisfactory to the Registrar, or a sketch which conforms to the standard required by the Registrar.

7.3.3.2 Leasehold

Information

In general, sub-leases 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 s.65 Land Title Act 1994

See Land Title Practice Manual 7-2210 and 7-2220.

7.3.4.2 Leasehold

In general, sub-leases 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 7.3.1 above)

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 7.3.2 Leases for Part of the Land Only.

If the lease is wholly within a building See 7.3.3 Leases for Part of the Building Only.

7.3.7 Lease for Part of Land and Part of Building

Standard under Land Title Act

See Paragraph 7-2210 Land Title Practice Manual

The preferred option is to have a lease sketch for the “part of the building”, conforming to **Leases for Part of the Building Only 7.3.3**, and a lease plan for the “part of the land” conforming to **Leases for Part of the Land Only 7.3.2**.

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 Land Title Act

A lease over multiple lots is unacceptable – see RTDPP 4.8.2.

7.3.9 Volumetric Leases

Standard under Land Title Act

See 7.3.1 Whole of the Land, Page 69

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 10.7.

7.4 Description of Leases

Standard under Land Title Act

See 3.17 Description of Parcels, Page 29

See Registrar of Titles Directions for the Preparation of Plans 4.8

The description conforms to that for secondary interests, and the QSIIS Standard No 2 – Parcel Identification.

7.5 Sub-Leases

**Standard under Land Act
Standard under Land Title Act**

See Land Title Practice Manual 7-2170

For the preparation of a plan, a sub-lease 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 sub-lease. This applies to leases under the provisions of the *Land Title Act 1994* and the *Land Act 1994*.

7.6 Specific Estates

See 3.17 Description of Parcels, Page 29

7.6.1 Deed of Grant in Trust (See Glossary)

Standard under Land Act

See Leases for Part of the Land Only 7.3.2.

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 s124 *Land Act 1994*

See Registration of Dealings – Sub-Lease of a Lease PUX/901/522

Note: Secondary tenure leases over part of the land in National Parks require approval by the relevant authorities and the Local NR&M Centre 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

See 9.2.7 Vested Land, Page 81

Refer to s393 (4) *Land Act 1994* and s174 (1) *Transport Infrastructure Act 1994*

Dealings in Vested Land (eg. 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 Land Act

See s 32, 57 and 59, and Chapter. 6, Part 4, Division 3 *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 sub-lease of such a lease would also require the approval of the Minister and be a sublease in terms of s.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.

Reference should be made to the letter of offer, or Local NR&M Centre to determine the lease being offered.

7.6.5 State Forests

Standard under Land Act

See 3.17 Description of Parcels, Page 29

See 9.2.6 State Forest, Page 81

See s.124 *Land Act 1994*

See s.35 (2) *Forestry Act 1959*

Queensland Parks and Wildlife Service (QPWS) manage 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 s.35 (2) of the *Forestry Act 1959*. The local office of the NR&M 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 (eg 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

8. Native Title

Guideline under SMI Act

8.1 Acronyms

- 24KA Section 24KA of the *Native Title Act 1993* (Cth)
- AP Administrative Plan
- ATS Automated Titling System
- CISP Computer Inventory of Survey Plans
- DCDB Digital Cadastre Data Base
- DMR Department of Main Roads
- DP&C Department of the Premier and Cabinet
- GPS Global Positioning System
- ILUA Indigenous Land Use Agreement
- NR&M Department of Natural Resources and Mines
- NTIC Native Titles Issues Committee, DNR
- NTS Native Title Services, Dept 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) permits the authorization, 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: -

- i 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
- ii 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) An Administrative Plan (AP), deposited in the NR&M (unless specifically stated to the contrary), and available for searching by the public. Description of the parcel shall satisfy the QSIIS Standard No2, Parcel Identification, August 1997.

Determinations Relevantly, this is defined in s.225 of the *Native Title Act 1993* (Cth) 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 ver.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 and the like.]

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*, s.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:

Native Title Act 1993 (Cth)

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:

- (i) proven to exist, or
- (ii) proven not to exist.

8.7 Principle 2:

A parcel is required to be described in accordance with QSIIS Standard No2, Parcel Identification, August 1997, (e.g. lot-on-plan), if:

- (i) a non extinguishment action under s.24KA *Native Title Act 1993 (Cth)* attempts to define a specific area, or
- (ii) an ILUA attempts to describe a specific area.

Notes: (a) A description on an AP is deemed suitable in these cases;
(b) If catalogued other than by an AP, plans should be entered into CISP and publicly searchable, but not necessarily held by NR&M, 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, eg AP, however, if in the future, native title rights and interests are proven to have existed over the subject land, then 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, eg, 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 shall not 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 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 NR&M plan registry. DMR plans may not be held in the NR&M 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: 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) s.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 s.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 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 constructing a new road and native title rights and interests are to be suppressed using s.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 QSIIS Standard No2, Parcel Identification, August 1997 and the R Plan has a catalogue number in the AP series.
8. Local Government dedicating a road through an unsurveyed pastoral holding over a road formation which 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 s.24KA Notification or *Acquisition of Land Act 1967*. The road need not be fully surveyed, however must be compiled from reliable searchable information, such as recent aerial photography or low order GPS centreline traverses. Small scale (eg 1:100000) 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.

9.1 Abbreviations

Guideline under SMI Act

See **Appendix B.6, Page 134**

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 S.F.P. (Not C.F.S.F.P.)

The full stops denoting an abbreviation may be omitted.

9.2 Action Statements

See *Land Act 1994*

See Registrar of Titles Directions for the Preparation of Plans 4.10

9.2.1 General

Standard under Land Act

In general, all plans for proposed State Land actions (actions under the *Land Act 1994*), require an Action Statement. The *Land Act 1994* refers to “by gazette notice”, as the means to legalise the proposed action eg: s94 (road opening) or s98 (road closure) etc. The gazette notice referred to is the Government Gazette (GG) and it refers to information from the survey plan, normally the action statement. The plan of survey serves to enable several procedures to occur, eg:

- The publication of a Government Gazette notice to allow the proposed action to be completed eg a road closure; and
- The issue of a new deed for the amended parcel

Actions generally:

- Create a new estate;
- Add to an existing estate; or
- Excise from an existing estate

Estates can include, reserves, freeholding leases, term leases, freehold land, etc. For obvious reasons USL is considered to be an estate.

It should be noted that an area may not be excised from USL, as there is actually no tenure to excise from. Actions can add USL to another estate, or may create a new estate, wholly from USL

When any USL is added to freehold land, or vice versa, that action must be under the *Land Act 1994*, and action statements will be required on the plan.

A formal application is required to be made to the NR&M for any action under the *Land Act 1994*. The NR&M will investigate the matter and provide a formal response to the applicant. If the application is approved, the NR&M approval letter will detail any actions required, the applicable sections of the *Land Act 1994*, and other general Departmental processes relevant to the application.

It is the responsibility of the surveyor to ensure any plan is suitable for the action, and is in agreement with the NR&M approval letter. 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 finalizing the plan.

Summary: For simplicity, this section refers to the most common forms of actions. Modifications of the action statements to suit a particular purpose may be applied at any time, so long as clarity of the action is maintained, and

the plan is suitable to satisfy the requirements of the NR&M approval offer. Where secondary interests are affected, reference to the relevant secondary interest is to be identified. For the examples, an easement is used.

Action statements are to appear on State Land Plans only, and must not appear on freehold plans.

9.2.2 Road Opening

Standard under SMI Act

9.2.2.1 Plan with a Single Parcel

Where a single parcel is the subject of the approval,

Area to be excised (road to be opened) (1-5-7-9-1)	85 m ²
Area of Emt A on SP123456 affected (1-10-11-1)	27 m ²

9.2.2.2 Plan with multiple parcels

Where road is to be opened from more than one lot, the excision from each lot is required to be identified. The statements may be grouped and a total area is required

Areas to be excised (roads to be opened)		
Lot 12 on Ln1234	(1-4-6-7)	45 m ²
	(8-1-8)	272 m ²
	(27-2-12-13-5-27)	1.254 ha
	Total	1.2857 ha
Lot 3 on SP123456	(3-4-6-3-12)	2745 m ²
Lot 8 on Liv40156	(7-8-9-12-23-6-1)	1.256 ha
Area of Emt A on SP123456 affected	(1-10-11-1)	27 m ²

9.2.2.3 USL

See 10.2.2 Creation of Roads in Non-Freehold Land, Page 113

See Registrar of Titles Directions for the Preparation of Plans 4.10

Note: land is not excised from USL. For any USL lot, the plan for road opening will refer to Road to be Opened.

9.2.3 Road Closure

Standard under SMI Act

See 10.2.2 Creation of Roads in Non-Freehold Land, Page 113

See Registrar of Titles Directions for the Preparation of Plans 4.10

Action statements for road closure also apply to any USL parcel.

9.2.3.1 Single Parcel

Where road is added to an any existing parcel (including USL),

Area to be added (being closed road) (1-2-3-4-6-1)	1.256 ha
--	----------

Note: The words “(being closed road)” may be omitted

9.2.3.2 Plan with multiple parcels

Where road is to be closed and included into more than one lot, the addition to each lot is required to be identified. The statements may be grouped. A total area is required

Areas to be added (being closed road)

Note: The words "(being closed road)" may be omitted

Lot 1 on SP123456 (1-3-4-5)	2564 m ²
(9-8-11-9)	127 m ²
Total	2691 m²
Lot 2 on RP145632 (2-6-7-8-9)	1.256 ha

9.2.4 Road opening and Road Closure**Standard under SMI Act**

See 10.4 Simultaneous Opening & Closure of Road, Page 115

Plans may have multiple action statements:

9.2.4.1 Single Parcel

Area to be excised (road to be opened) (4-5-6-7-8)	2560 m ²
Area to be added (being closed road) (1-2-11-12-1)	3056 m ²

Note: The words "(being closed road)" may be omitted

9.2.4.2 Multiple Parcels

Where there are many lots on the one plan, the action statements are required to be identified to the lots affected, and in a presentation similar to 9.2.2.2 and 9.2.3.2.

9.2.5 Excision and Addition between Parcels**Standard under SMI Act****9.2.5.1 USL**

When USL is involved, no excision statement is required. As most USL is now defined by a lot-on-plan reference, the statement should make reference to it:

Area of USL (being Lot 5 on CTN625) to be added (1-2-3-4)	2500 m ²
---	---------------------

9.2.5.2 Multiple Lots

Where adding to, and excising from two or more existing estates, the action in relation to each estate must be identified.

For example: leasehold/freehold, the freehold parcel is generally the parcel being added to, and the leasehold parcel is the one being excised from.

Area to be excised from Lot 125 on Liv40152 and added to Lot 12 on RP615243 (1-2-3-4-6)	23.45 ha
---	----------

Where there are multiple lots affected, then "groupings", similar to 9.2.2.2 and 9.2.3.2, may be used;

Area to be excised from Lot 12 on Liv40123 (5-7-6-8-5)	3.36 ha
Added to be added to Lot 1 on RP123456 (1-3-5-7)	2.125 ha
Added to be added to Lot 6 on RP612345 (2-4-6-8)	1.235 ha

9.2.6 State Forest

Standard under SMI Act

See 3.17 Description of Parcels, Page 29

See 5.15 State Land Actions, Page 62

See 7.6.5 State Forests, Page 72

A statement is required on the face of the plan that reflects that the subject lot is within a State Forest

As well as the other action statements that may appear, it should be shown similar to the following:

Lot B is a Lease within State Forest SF126

9.2.7 Vested Land

Standard under SMI Act

See 5.15 State Land Actions, Page 62

See 7.6.3 Vested Land, Page 72

See GLOSSARY OF TERMS, Page 124

A statement needs to be on the face of the plan that reflects that the subject Land is within Vested Land, e.g. Ports.

As well as the other action statements that may appear, it should be shown similar to the following:

Lot 4 is within the Gladstone Port Authority Area (Vested Land)

9.3 Adjoining Description

Guideline under SMI Act

See 3.5 Adjoining information, Page 9

See ABBREVIATIONS, Page 131

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:

21	42	ML 4	16	16
SL10432	CP808793	MP34567	RP123456	SP123458

Where the adjoining land consists of a number of lots on the same plan, it is not necessary to show the adjoining plan number separately on each lot, provided there is no ambiguity as to the relevant plan number for each lot.

For adjoining information that is either volumetric or “below the depth” it should be shown in broken sloping hairline style.

Samples

56	24
SP123456 (Volumetric)	RP123456

For the requirements for showing adjoining descriptions of Common Property, see [Registrar of Titles Directions for the Preparation of Plans 11.3](#)

County Prefixes, e.g. SL, WD etc., 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 shall be shown as such for adjoining descriptions. (See above example.)

Ongoing surveys involving several plans should show the most recent adjoining descriptions pertinent to that survey (i.e. show the new description created on the survey as adjoining information)

9.3.1 Adjoining Easements

Guideline under SMI Act

Show registered Easements and Registered Plan numbers that abut the subject boundary.

Emt A	Emt G	Emt J
SL20657	SP213175	CP12345

9.3.2 Adjoining Leases

Guideline under SMI Act

Leases registered under the *Land Title Act 1994* are not shown as adjoining information.

9.3.3 Adjoining Railway

Guideline under SMI Act

Show Railway Name in all cases in addition to the lot-on-plan description.

9.3.4 Adjoining Building Units or Group Titles Plans

Standard under SMI Act

See Boundary Lines No 7

See 9.20.1.2 Common Property, Page 96

With the introduction of the *Body Corporate and Community Management Act 1997*, common 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 Registrar of Titles Directions for the Preparation of Plans 11.3

9.4 Administrative Plans (AP)

Information

See PBO/800/002 Specifications for Administrative Plans (Not yet published on NR&M web site)

9.5 Alignment Offsets

Guideline under SMI Act

See 9.16.5 Corner References (Reference Marks), Page 89

See 9.38 Offsets, Page 104

See 11.1 Alignments, Page 117

Offset lines should be avoided if possible. Offset marks should be referenced as a direct connection from corners.

9.6 Bearings

Standard under SMI Act

See 3.18 Dimensions, Page 30

See 9.46 Ranged Only And Reads Bearings, Page 106

See 9.39 Original Dimensions, Page 104

Bearings are shown:

- In degrees, minutes & 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 (Improvements on or Near a Boundary)

Guideline under SMI Act

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

See 3.20 Encroachment, Page 32

See 3.11 Compiled Plans, Page 25

See 9.16.6 Original Reference Marks & Occupation, Page 89

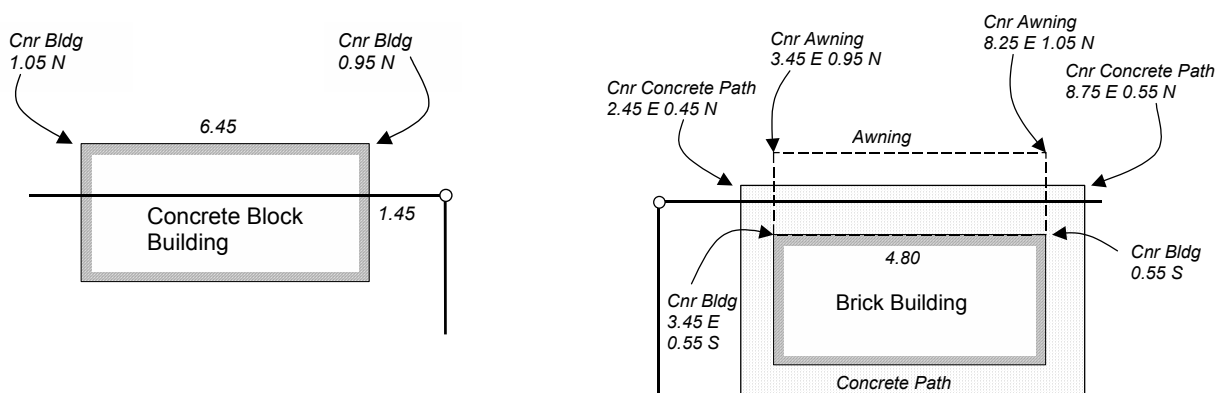
See Registrar of Titles Directions for the Preparation of Plans 9.0 Building Format Plans

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:
 - (a) the size and extent of the encroachment; and
 - (b) 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.

Other improvements such as bridges, dams, mine shafts, etc., may be shown if connected to in the course of survey.

9.8 Calculated Lines

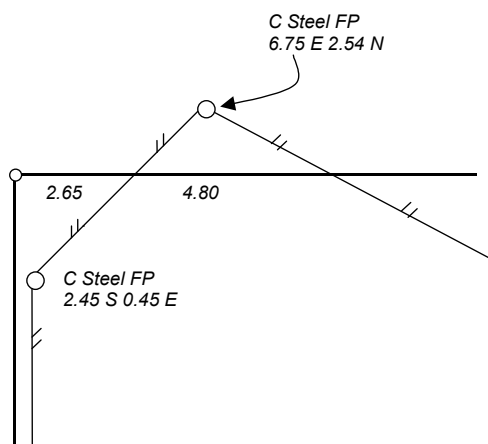
Standard under SMI Act

See 3.38 Unsurveyed and/or Calculated Boundaries, Page 50

See 9.56 Traverses, Page 109

Calculated boundaries can be broadly categorised as:

- Corners marked - eg unsurveyed side of an internal road. The lines must be shown as full lines and correctly labelled.



- Corners not marked - eg. inaccessible. Lines shown broken on the plan and successive plans and correctly labelled. Eg SP136685.

Lines with computed bearings and distances should show the word “Calc”. On successive plans these lines would be shown as “Orig”.

9.9 Canals

Standard under Land Title Act

See 5.5 Canals, Page 57

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 20/10/2003, 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 20/10/2003 for the creation of a “Canal, Access Channel, or Artificial Waterway” such approval would be granted by the Local Authority acting as Assessment Manager under the *Integrated Planing Act 1997*.

Subsequent sealing of the plan is carried out by the Local Authority.

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.

9.10 Cancelled Boundaries

Guideline under SMI Act

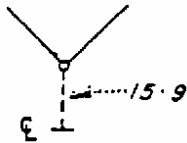
Once cancelled they are no longer shown on plans.

9.11 Centre Lines

Guideline under SMI Act

Road Centre Lines - When shown indicate as follows:

Sample



Railway Centre Lines – 

Connections to “Rly“ are to be shown either on face or by tabulation in the “TRAVERSES ETC” column.

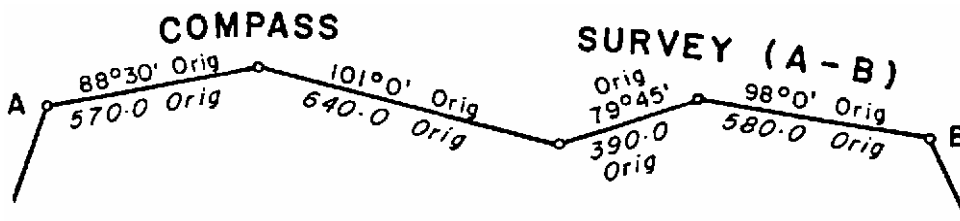
9.12 Compass Survey

Standard under SMI Act

See 9.58 Watersheds, Page 111

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

Guideline under SMI Act

See Appendix B ABBREVIATIONS (Styles), Page 131

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 SMI Act

See 9.46 Ranged Only And Reads Bearings, Page 106

“Reads” Bearings to Beacons, TV Towers etc. can be shown on face or entered in the TRAVERSESES ETC.” column if the plan is crowded.

9.15 Conversions

Standard under SMI Act

See 9.35 Metric Documentation, Page 102

See 9.39 Original Dimensions, Page 104

Conversion factors to be adopted are as follows:

Links to metres:

links x 0.201168

Note: Distances to be converted to 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 = (Acres x 10) x 0.201168²

Note: Acres to be converted to the nearest square metre (40 perches = 1 rood; 4 roods = 1 acre)

Table 3 Conversion Factors

9.16 Corner Information

Guideline under SMI Act

See 3.22 Marking, Page 34

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 (& Occupation) and NEW Reference Marks (& Occupation)
- **Notations**

9.16.1 General Guidelines

See Diagrams “A” and “B” following this section.

Information marking the corner (i.e. Monument at the corner) should be written first, and information referring to Reference Marks and/or Occupation should be written in order of proximity after the corner mark.

It is preferred that occupation references are determined “square” from the principal lines run (eg. Stn 3 - Diagrams “A” & “B”); except where a bearing and distance is required to avoid ambiguity. (eg. Stn 23 - Diags. “A” & “B”)

Corner information should generally be shown as in Diagram “A” (i.e. on face”) provided the plan can be reproduced at a reduced scale without loss of clarity, otherwise the Tabulated method as in Diagram “B” should be used. A mixture of “on face” and Tabulated presentation is to be avoided.

The word “found” (fd) written after a mark e.g. Peg fd, Pin fd etc. denotes a mark at a surveyed position with no origin or cadastral connection shown on a Registered Plan, Identification Survey, Redundant Catalogue Plan, sketch in a Registered Document, or Alignment Marking Files lodged in a Registering Authority.

The methods of presentation are influenced by the criteria that ensures clarity of information is maintained upon reduction and reproduction of the plan.

9.16.2 Corner Marks

See Part 4 Survey and Mapping Infrastructure Regulation 2004

See 3.22 Marking, Page 34

Refers to Survey Marks and/or Branded Occupation recovered, placed or adopted at the corner E.g. Pegs, Pins, Survey Posts, Star Pickets or Survey Marks recovered or placed in occupation at the corner to represent the corner.

eg 0 Nail in Cen RFP; 0 Ram set In Br Wall ; 0 Screw in Conc.

(The type of nail can be shown if indicated in the survey records E.g. Clout, Ramset, Spring Head etc).

9.16.3 Original Corner Marks

See Diagrams “A” & “B” following this section.

See 9.16.4 New Corner Marks, Page 88

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 “Orig

<i>OP;</i> <i>0 Ramset In Br Wall</i> <i>Screw in Conc.;</i>	<i>OSP;</i> <i>0 Screw in Conc;</i> <i>0 Nail in Conc. (R.C.800361);</i>	<i>0 Nail in Cen RFP;</i> <i>Nail in Cen RFP;</i> <i>Etc.</i>	<i>OP (I. S. 2345);</i> <i>Ramset in Br Wall;</i>
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NOTE: The decision to utilize 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 known, the mark may be identified by the addition of the catalogue number of the plan of origin.

See - Diagrams “A” and “B” at the end of this section.

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”

Eg Peg fd ; Screw in Conc. fd ; etc.

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.

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.

Eg OP not fd ; 0 D/H not fd (in deep fill) (under conc.) etc.

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.

Eg Rmns OP ; OP hole ; Rmns OSP ; OSP hole etc.

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.

Eg OP distd Reset ; OSP lying out Reset etc.

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.

<i>OP burnt renwd</i>	<i>Butt OSP renwd</i>	<i>Peg pld</i> <i>OP O. 14S; 0.05 w remvd</i>
Etc.		

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.

<i>OP remvd</i> <i>Post pld</i>	<i>Butt OSP remvd</i> <i>Peg pld</i>
etc.	

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:

<i>Cen RFP ↑</i> <i>OP 0.25N</i>	<i>G.I. Nail in RFP</i> <i>OP at ft</i> <i>0.25 W</i>
Etc.	

9.16.4 New Corner Marks

When 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.

<i>No O Mk</i> <i>Peg pld</i> <i>Etc.</i>	<i>OSP hole</i> <i>S Pkt 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,

Eg Peg placed at Stns 3- 9, 11-15 and 19

Eg Peg placed at all new and original comers unless otherwise stated etc.

e.g. For extensive estate development where a significant number of original corners are reinstated.

When the survey establishes new corners, the survey marks placed at these corners are shown by statement on face.

<i>Peg placed at</i> <i>Stns 2,9-11</i> <i>Etc.</i>	<i>Peg placed at</i> <i>all new corners</i>	<i>Survey Post placed</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,

<i>Peg Branded (↑) placed</i> <i>at Stns 2, 5,7,11-13</i> <i>Survey Post branded (↑ 3) placed</i> <i>at Stns 1 - 4,5, 9 and 13</i>	<i>Branded Peg placed</i> <i>at all new corners</i> <i>etc.</i>
---	---

Variations such as “Peg pld in cairn of stones, Peg driven flush, Plastic or Concrete Peg placed, Star Picket Pld” etc must be indicated either “on face” or by statement.

The term “No Mark Pld” suitably qualified may be used if appropriate.

<i>No mk pld</i> <i>(in swamp)</i> <i>Etc.</i>		<i>No mk pld</i> <i>(inaccessible)</i>
--	--	---

9.16.4.1 Occupation referenced at new corner.

If a new corner is established at which occupation exists, E.g. Fence Post, Walls, Buildings, Poles, Man Holes or any such immovable object, the position of the occupation is referenced from the corner.

<i>Cen RFP</i> <i>0.3s 0.06w</i> <i>etc.</i>		<i>Cor Br Bldg</i> <i>O.02N</i> <i>O.05E';</i>		<i>C face SFP</i> <i>220°15', 2.657</i>
--	--	--	--	--

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

<i>Nail in RFP</i> <i>Cen 0.015s;</i> <i>(shown at corner on face)</i> <i>etc.</i>	<i>Ramset in Cor Br</i> <i>Cor Br O. 12w</i>		<i>Nail in Cen RFP at</i> <i>Stns 1,4,6-9</i> <i>(statement on face)</i>
--	---	--	---

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

<i>N.E Cor SFP (↑ R)</i> <i>(shown at corner on face)</i>		<i>Cen RFP(↑2) at</i> <i>Stns 2,3,5- 8</i> <i>(statement on face)</i>
---	--	--

9.16.5 Corner References (Reference Marks)

See Diagrams “A” & “B” following this section.

Refers to 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 etc) or Occupation (E.g. Fence Posts, Walls, Buildings, Poles, Man Holes, Gully Traps or any such immovable objects) which 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” Column. A mixture of “on face” and Tabulated presentation is to be avoided.

Exception:

Permanent Marks: Show in separate column headed “PERMANENT MARKS”

9.16.6 Original Reference Marks & Occupation

See Diagrams “A” & “B” following this section.

See 9.7 Buildings, Page 83

See s.18 of *Survey and Mapping Infrastructure Regulation 2004*.

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.

eg OIP ; ORT ; 0 nail in Cen RFP ; 0 Screw in Conc. ; OIP (I.S. 1568) etc.

NOTE: The decision to utilize 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, the mark should be described by “found”.

eg Pin fd ; Nail in Bit fd etc.

When it is evident the original reference mark is missing or destroyed, the following terms are used.

eg OIP gone ORT gone (burnt out) etc.

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.

<i>OIP not fd</i> <i>(under conc.)</i> <i>etc.</i>		<i>0 Nail in Cen RFP not fd</i> <i>(in Dam)</i>
--	--	--

When the remains of an original reference mark or evidence thereof is found, the following terms are used.

<i>ORT hole</i> <i>(burnt out)</i> <i>etc.</i>		<i>Rmns OIP</i> <i>(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.

<i>OIP distd reset</i> <i>etc.</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.

<i>OIP distd</i> <i>renwd</i> <i>etc.</i>		<i>OPM damaged</i> <i>renwd</i>
---	--	------------------------------------

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.

OIP distd
(New Ref)
etc.

OIP distd
180° 0' 1.008 (New Ref)

When the origin of a Reference Mark is known, the mark may be identified by the addition of the catalogue number of the plan of origin -either on the face of the plan or in the Reference Marks column.

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.

OIP remvd
PM pld
etc,

O Ptr remvd
Pin pld

When an existing reference mark is found and connected to a new comer of the survey, show as a new connection.

OIP New Conn | *ORT Stp New Conn*

NOTE: In addition to the connection to the new comer, a connection to the original corner should also be shown in the usual manner.

9.16.7 New Reference Marks & Occupation

See Diagrams "A" & "B" following this section.

When new Reference Marks are placed or established during the course of the survey, the new Reference Marks are shown either on face or tabulated in the "REFERENCE MARKS" Column.

Exception:

New Permanent Marks: Show in separate column headed "PERMANENT MARKS"

The new references to Occupation are shown on face unless a survey mark has been placed in or on the Occupation,

Sample

Screw in N.E. face Br Pillar
Cor Br 0.75E
etc.

Nail in Cen RFP
Cen RFP 180°11', 1.31

In these cases the survey mark (i.e.. Screw, Nail) takes priority over the occupation and is thus treated as a Reference Mark.

When showing New Reference Marks by the method of tabulation, no reference to mark is shown on face.

9.16.8 Notations

See 9.16.4 New Corner Marks, Page 88

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.
- When the marking 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*

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

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

*Iron Pin placed at
Stns 1 - 7, 9-12*

Diagram A (On face presentation)

NOTE : A MIXTURE OF "ON FACE" PRESENTATION AND "TABULATED" PRESENTATION (Diagram B) - MUST BE AVOIDED.

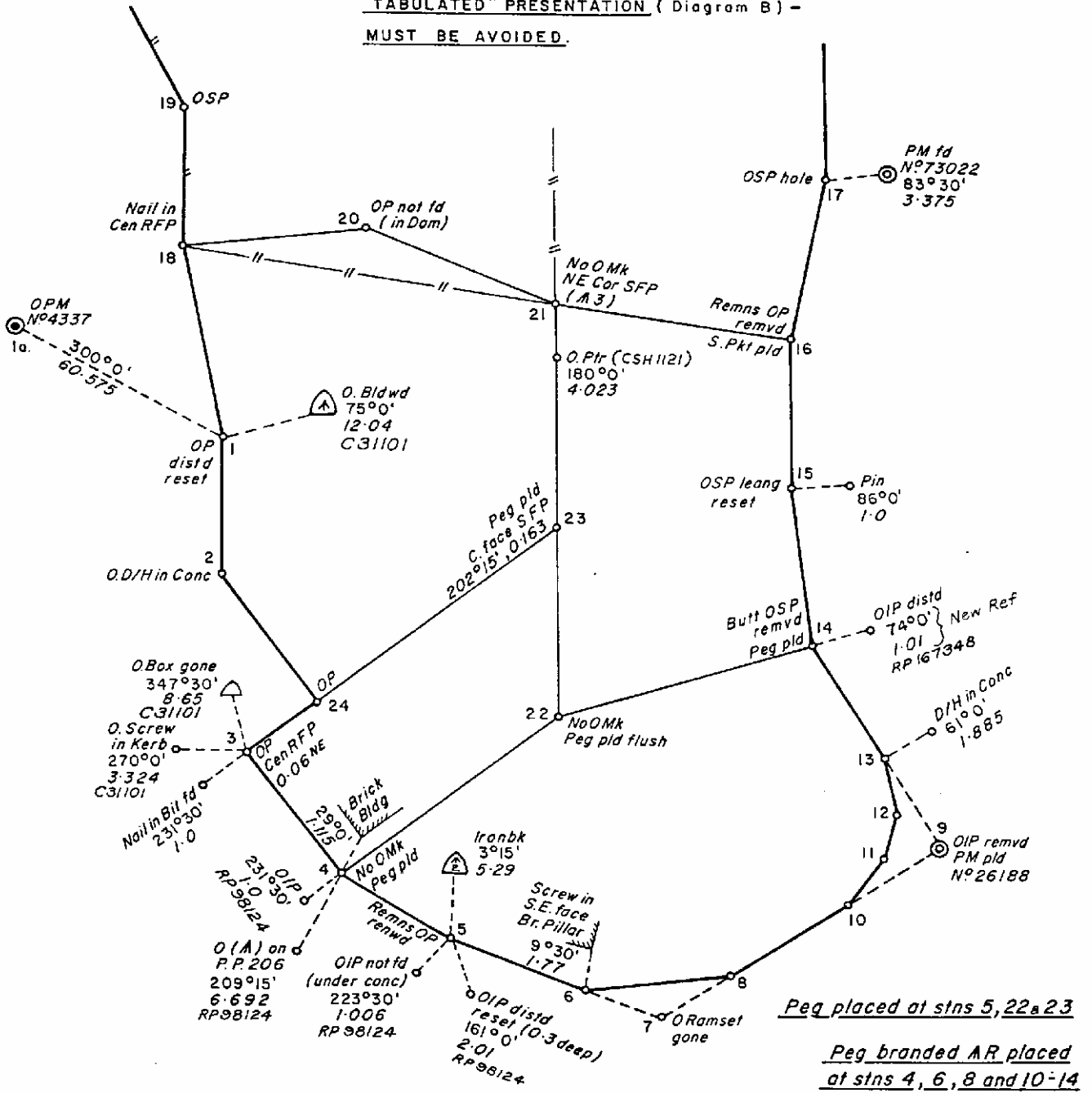
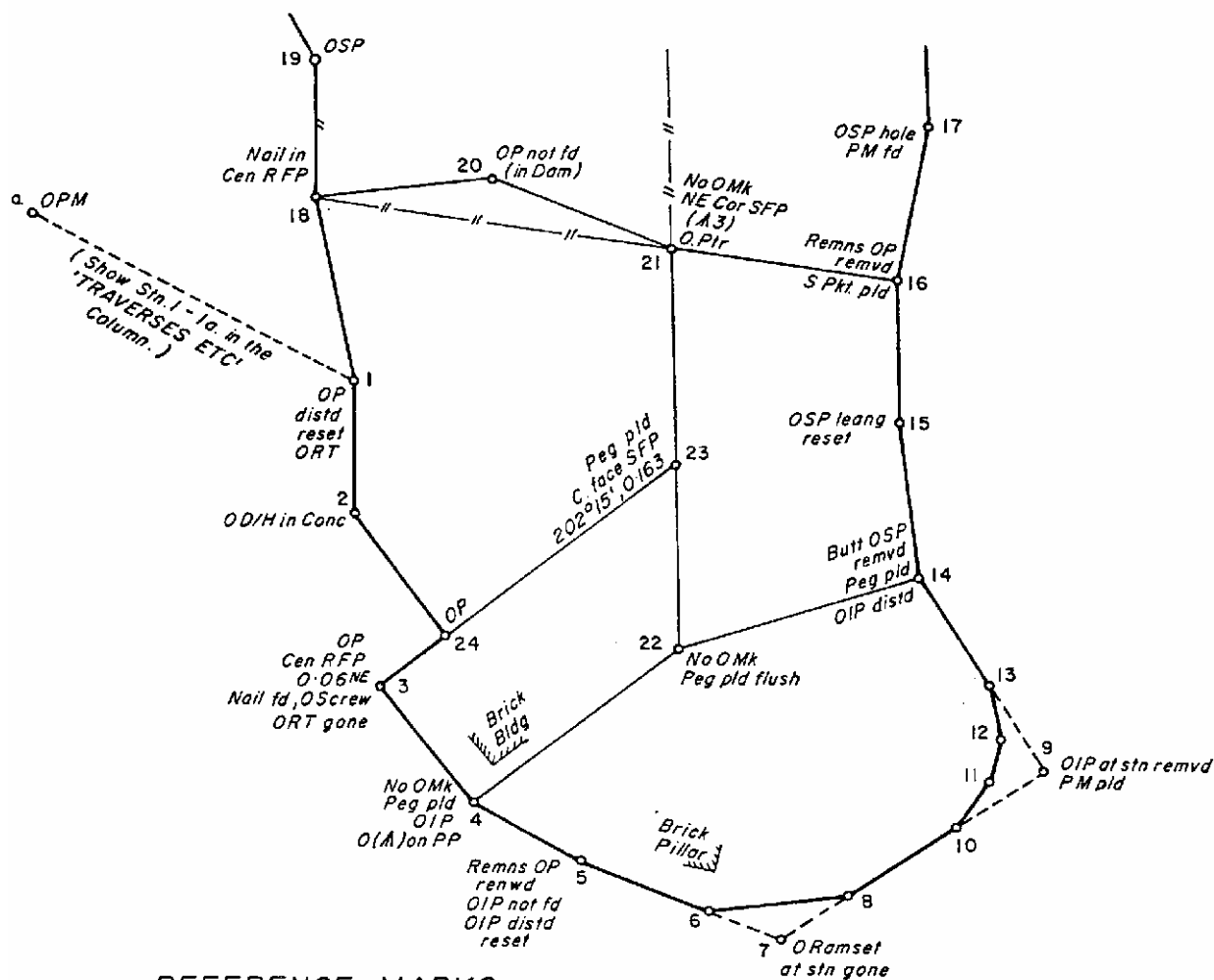


Diagram B (Tabulated presentation)



REFERENCE MARKS

STN	TO	ORIGIN	BEARING	DIST
1	O.B.lawa (A)	C31101	75°0'	12.04
3	Nail fd in Bit	C31101	231°30'	1.0
	O Screw in Kerb	C31101	270°0'	3.324
	O Box Gone	C31101	347°30'	8.65
4	OIP	RP98124	231°30'	1.0
	Cor Br Bldg		29°0'	1.115
	O A. on PP206	RP98124	209°15'	6.692
5	OIP not fd under conc	RP98124	223°30'	1.006
	OIP reset 0.3 deep	RP98124	161°0'	2.01
	Ironbk A.2		3°15'	5.29
6	Screw in SE face BR Pillar		9°30'	1.77
13	D/H in Conc		61°0'	1.685
14	OIP distd (New Ref)	RP167348	74°0'	1.01
15	Pin		66°0'	1.0
21	O Pir	C5H1121	180°0'	4.023

Peg branded MR placed at stns 4, 6, 8 and 10-14.

Peg placed at stns 5, 22 & 23.

PERMANENT MARKS

PM	BEARING	DIST	Nº	ORIGIN
1a - OPM	at station		4337	RP98124
9 - PM	at station		26188	
17 - PMfil	83°30'	3.375	73022	

(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.)

9.17 Channel / Drain

Standard under SMI Act

See 5.7 Channel/Drain Areas, Page 58

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.

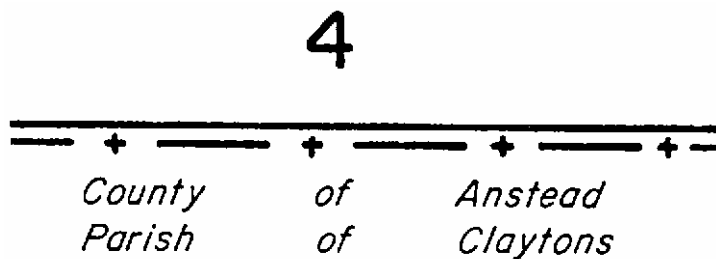
For an adjoining description, a channel/drain area is described with the Lot/Plan description and "(CHANNEL/DRAINAGE AREA)" in brackets on the face of the plan.

9.18 County Boundary

Guideline under SMI Act

See 2.3 Administrative Boundaries - County, Parish and Local Government, Page 3

County boundaries are shown outside and as close as possible to the subject block and are never broken for dimensions.



Sample

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.

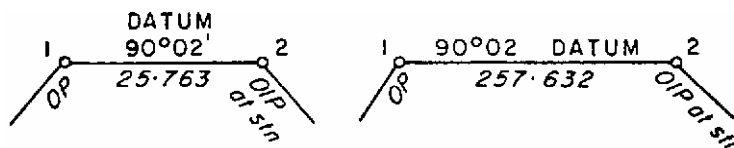
Show County boundary in middle of Creek or River if space permits. Show County boundary on opposite side of Creek or River to the subject block if space is limited.

9.19 Datum

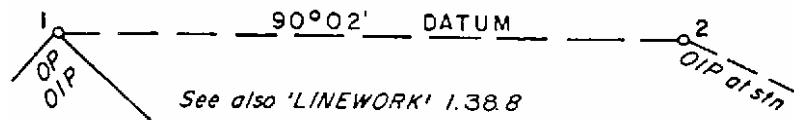
Information

See 3.23 Meridian, Page 38

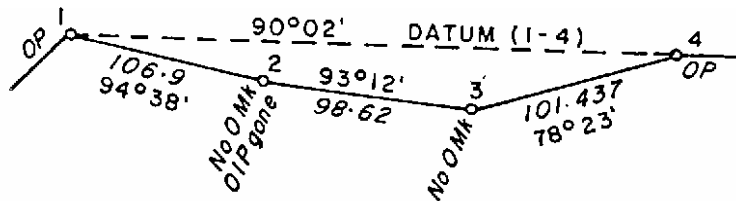
Datum is no longer a requirement on plans. However, where it is used it is shown thus:



For cancelled boundary or traverse,

Sample

Where there are insufficient marks for a datum on one line, the following may be adopted.

Sample

When more than one plan is drafted from the one set of survey records (e.g. new estates) and the DATUM line is located on one plan only, the following note should be shown on all plans.

Sample

This is one of plans (.... Catalogue Nos) from the one survey.
For DATUM see plan

9.20 Descriptions in Title Block

Standard under Land Title Act

See 3.8 Cancelling Clause, Page 13

See Registrar of Titles Directions for the Preparation of Plans 4.8

See Registrar of Titles Directions for the Preparation of Plans 4.9

See Registrar of Titles Directions for the Preparation of Plans 4.10

9.20.1 Primary Estate**9.20.1.1 General**

See 10.2.1 Creation of Roads in Freehold Land, Page 113

See Registrar of Titles Directions for the Preparation of Plans 4.9

9.20.1.2 Common Property

See Registrar of Titles Directions for the Preparation of Plans 11.3

See 9.3.4 Adjoining Building Units or Group Titles Plans, Page 82

9.20.1.3 Unallocated State Land (USL)

See 9.2.2.3 USL, Page 79

See Registrar of Titles Directions for the Preparation of Plans 4.10

9.20.2 Secondary Interest

See 3.25 New Lot Boundaries Intersecting Registered Secondary Interests, Page 39

See 7.3.2 Leases for Part of the Land Only, Page 70

9.20.2.1 General

See Registrar of Titles Directions for the Preparation of Plans 4.8

See s.50 (d) *Land Title Act 1994*

9.20.2.2 Use of “Proposed”

See s.83A *Land Title Act 1994*

See s.363 (1)(a) *Land Act 1994*

9.20.2.3 Examples**Guideline under SMI Act**

The following examples use “Zzz” as a generic term, and it is to be replaced by the appropriate secondary interest term for your survey, eg 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 Zzss 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:

*Zzss 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 (eg easement).

Zzz in Lease A on SP123456

Note: also acceptable is *Zzz 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 part of Unallocated State Land (Lot 543 on USL3453)

9.21 Description Of Country

Guideline under SMI Act

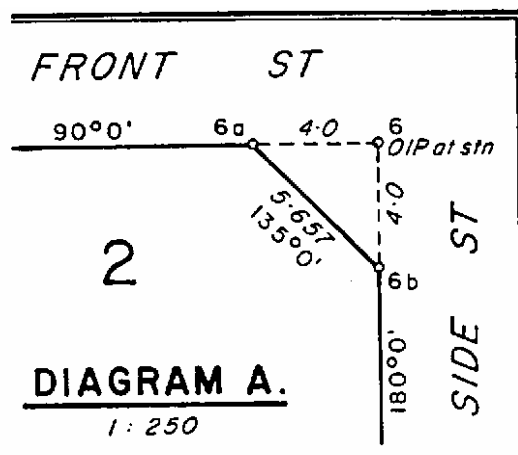
Description of country may be shown for surveys in rural areas.

9.22 Diagrams

Guideline under SMI Act

- On face of plan show E.g. **SEE DIAGRAM A**
- Lot number - repeat on diagram.
- Roads and Streets, if subject on plan, are shown hairline on diagram.
- Enclose all diagrams in a border to separate from rest of plan (straight lines preferred).
- Diagrams should be drawn to scale if possible.
- Where more than one diagram is shown on the one plan they 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 SMI Act

See 3.18 Dimensions, Page 30
See 9.8 Calculated Lines, Page 84
See 9.35 Metric Documentation, Page 102
See 9.39 Original Dimensions, Page 104

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 SMI Act

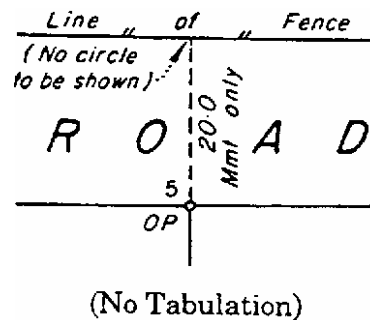
Type of fence to be shown if possible, e.g. 2PIB, Netting etc

“Read” bearings may be shown on fences that exist on previous boundary lines.

If useful, “Read” bearings may be shown on internal fences.

Connections across roads to fence lines to be treated as follows.

Sample



9.25 Forestry Entitlement Areas (FEA)

Standard under SMI Act

Return to 5.9 Forest Entitlement Areas, Page 59

See 3.6.4 Multiple Line Areas, Page 11

See *Land Act 1994* s.175

While FEAs appear on plans held by the NR&M 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 surveyors of the Department of Primary Industries who are not endorsed to perform cadastral surveys.

Since an FEA is a reservation in title no dedicated access to the FEA is required.

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.

9.26 Ink

Standard under SMI Act

All plans within the definition of the *Survey and Mapping Infrastructure Act 2003*, lodged or deposited with a Registering Authority for registration, shall be drawn in **BLACK**. The ink used for drafting, signing (black ink only), amending and noting plans shall be of a permanent and waterproof variety. Biro's and felt pens etc. will not be considered acceptable.

9.27 Insets

Guideline under SMI Act

This method of plan presentation is to be avoided.

9.28 Lease Plans

Information

See 7 LEASES, Page 69
 See Land Title Practice Manual 7-2210

9.29 Line Pegs

Guideline under SMI Act

When survey records not lodged, new Line Pegs shall be shown on the plan.

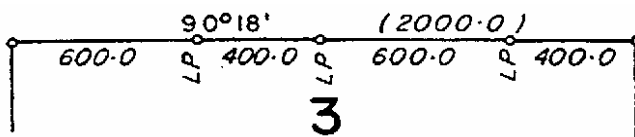
Placement of line pegs will be indicated by one of the following methods.

Statement e.g. **Line Peg placed of 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 SMI Act

See 9.49 Secants, Page 108

Boundaries of Subject Land



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

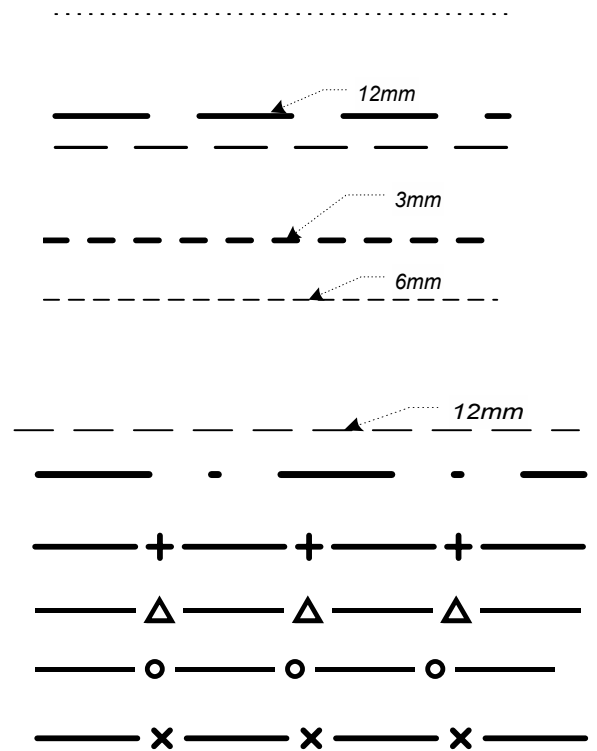
Parish Boundary

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 SMI Act

Locality should be completed on the reverse of the survey plan. The correct locality name may be found from SmartMap

9.32 Lots

Guideline under SMI Act

Lot numbers are generally shown on Street frontages for urban lands and approximately 1/3 from the top boundary of the Lot for rural lands.

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 numbering of newly created lots can be at the discretion of the Cadastral Surveyor provided the numbering is:

- Unique on a plan;
- Avoids repetitive use of numbers 1 and 2;
- Not similar to numbers of adjoining lots;
- Limited to a number digits as per QSIIS Standard, Parcel Identification, presently 5 digits.

9.33 Measurement Only

Guideline under SMI Act

Show as required on face of plan or tabulated in the “TRAVERSESES ETC” column. May be abbreviated to “mmt only”.

9.34 Meridian

Guideline under SMI Act

See 3.23 Meridian, Page 38

See Diagrams “A” & “B” following section 9.16.

9.34.1 From Previous Plan

Where the datum 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:

Sample

<p>MGA Vide WD4829</p>	<p>Add 5°48' for MGA Vide RP801576 Zone 55</p>	<p>CAM Vide SL 1234</p>	<p>CAM – add 7'15" for MGA vide SP123456 Zone 56</p>
------------------------	--	-----------------------------	--

Detail is generally shown in the Meridian Box however where space is limited the Meridian information should be shown directly above the Title Block.

Sample

MERIDIAN: Add 6°11' for MGA Vide Plan W31639, Zone 56.

9.34.2 By Observation

Plans may be related to MGA by using previous plans, stellar observations, GPS, or connections to co-ordinated marks.

Where GPS or stellar observations are used, the meridian box may be completed by reference to MGA and the observation technique, eg MGA vide GPS, or MGA vide Sun Obs.

When the meridian is determined from co-ordinated PMs, a meridian table is required, and the meridian box is completed with “MGA vide meridian table”.

Sample

Meridian Table

Line	Plan Bearing	Plan Distance	MGA Bearing	MGA Distance
PM43651 to PM43562	145°25'25"	256.359	145°25'25"	256.398
			Vide SCDB	Vide SCDB

Line	Plan Bearing	Plan Distance	MGA Bearing	MGA Distance
PM1234 to PM25689	145°45'45"	Ranged Only	145°45'45"	1879.968
			Vide SCDB	Vide SCDB

9.35 Metric Documentation

Standard under SMI Act

See 9.23 Distances, Page 98

See 9.39 Original Dimensions, Page 104

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 coma.

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, 51.0, 200.0 not 4.00 or 501.20 or 67.530

However, when showing (1) Road widths or (2) Areas, the above procedure is NOT to be adopted

e.g. ROAD 60 WIDE not ROAD 60.0 WIDE

e.g. 12 ha not 12.0 ha

9.35.2 Rounding

When rounding to fewer digits than the total number available, the following procedure is adopted.

Where the digit immediately following the last digit to be retained is less than 5, that digit should be left as is.

e.g. 7.624 25 to four digits = 7.624

When the digit immediately following the last digit to be retained is 5 or greater, that digit should be increased by one.

e.g. 4 624.51 to four digits = 4.625

If the digit to be discarded is exactly 5 and there is no indication of what the following digits might be, the last digit retained should be rounded to the nearest even digit.

e.g. 5·4665 rounded to 3 decimals becomes 5·466

e.g. 5·4655 rounded to 3 decimals becomes 5·466

NOTE: It is essential that the decimal point be shown as prominently and clearly as possible.

9.36 North Point And Data Orientation

Information

See Registrar of Titles Directions for the Preparation of Plans 4.12 North Point

9.37 Not To Scale

Standard under SMI Act

See 9.27 Insets, Page 99

See 9.48 Scale Of Plans, Page 107

All lots or secondary interests (eg easement etc) 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 SMI Act

See 11.1 Alignments, Page 117

Not shown on plan in normal circumstances.

9.39 Original Dimensions

Standard under SMI Act

See 3.9 Certification, Page 14

See 3.11 Compiled Plans, Page 25

See 3.18 Dimensions, Page 30

See 9.15 Conversions, Page 86

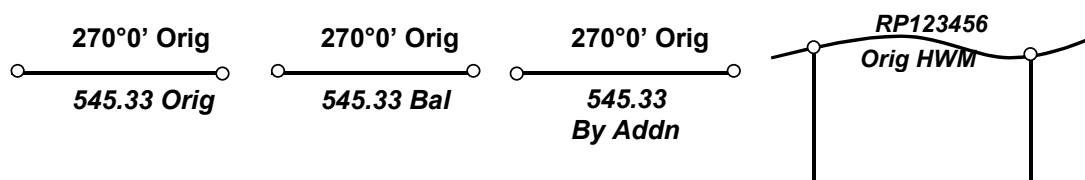
See 9.35 Metric Documentation, Page 102

See 9.57 Watercourses Page 109

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.

Sample



NOTE: The terms "Bal Orig", "Bal by Addn", and "Calc Orig" are not used.

When utilizing original information, an endorsement is required stating the source of this information.

Sample

Original information compiled-from plans RP213546, CP808763 and MP10537 in the Department of Natural Resources and Mines.

The word "Original" is not shown on plans prepared under s.17 of the *Survey and Mapping Infrastructure Regulation 2004*.

9.40 Original Portions

Standard under SMI Act

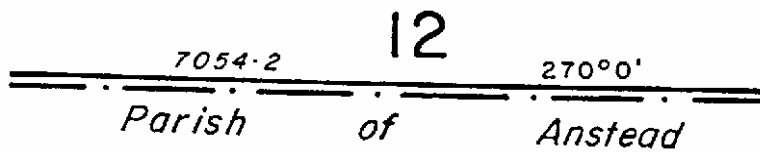
Where the lot or lots of a new survey affects more than one original Portion, the original portion boundaries must be accurately plotted on the plan in black ink as broken hairline line where they are not coincidental with a boundary. The original Portion numbers shall be noted in a fine dotted style in ink.

9.41 Parish Boundary

Guideline under SMI Act

See 2.3 Administrative Boundaries - County, Parish and Local Government, Page 3
 See 9.18 County Boundary, Page 95
 See 9.30 Linework, Page 100

Sample



Show outside subject block and as close to line as possible. Parish boundary is never broken by dimensions.

9.42 Plan Formats

Information

See [Registrar of Titles Directions for the Preparation of Plans 4.7](#)
 See [Registrar of Titles Directions for the Preparation of Plans 8.0 Standard Format Plans](#)
 See [Registrar of Titles Directions for the Preparation of Plans 9.0 Building Format Plans](#)
 See [Registrar of Titles Directions for the Preparation of Plans 10.0 Volumetric Format Plans](#)
 See [Registrar of Titles Directions for the Preparation of Plans 20.0 Explanatory Plans](#)

9.43 Plan Forms

Information

See [Registrar of Titles Directions for the Preparation of Plans 3.0 Plan Forms](#)

9.44 Plan Types

Information

See 11.7 Historical Plan Information, Page 119

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 s.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 4 Current Plan Types

Within the NR&M 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 5 Plan Process Stages

9.45 Plotting

Standard under SMI Act

See 9.48 Scale Of Plans, Page 107

Plans shall be accurately drawn to scale.

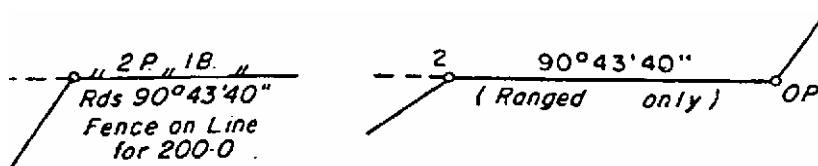
9.46 Ranged Only And Reads Bearings

Guideline under SMI Act

See 9.14 Connections To Distant Points, Page 86

Sample

Show as follows:



9.47 Roads

Standard under SMI Act

Return to 3.6.4 Multiple Line Areas, Page 11

See 9.2 Action Statements, Page 78

See 10 ROADS, Page 113

The present name of Roads, Streets and Esplanades shall be shown and be in accordance with the relevant Local Government nomenclature.

Refer to 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) for all internal roads are to be shown. The qualifying use of “Orig” may be used where applicable. Showing the width of the road is optional. For heavily congested plans, the dimensions need not be shown for internal roads, railways etc. provided all the plan catalogue numbers from which this data can be obtained are shown, on the face of the plan, in lieu thereof.

Where only one side of an original road has been surveyed, calculated distances on the unsurveyed side shall be shown. The lines may be shown as full lines and correctly labelled. Lines with computed bearings and distances should show the word “Calc” and “Orig” on successive plans.

For unsurveyed internal roads, the road is to be shown a double dashed line, with the road width indicated (similar to the presentation for reserved road in 9.47.1).

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

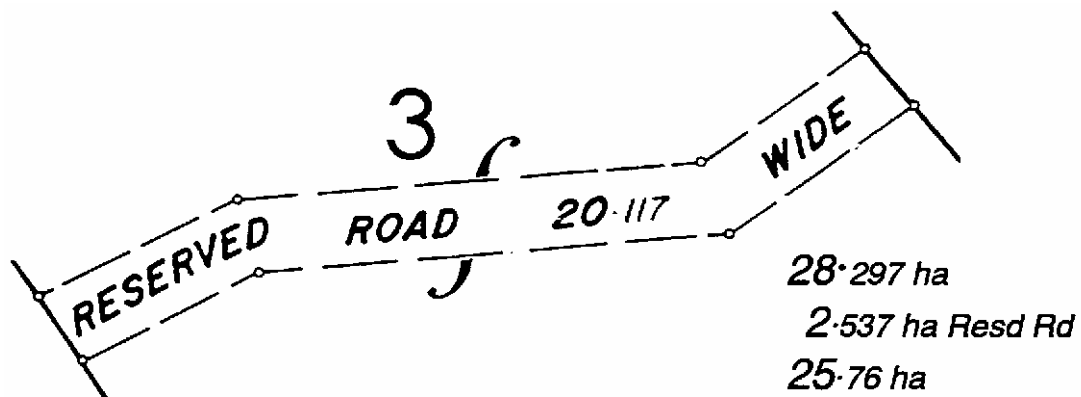
e.g. ROAD 60.35 WIDE

Note : By s.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 & 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 SMI Act

See 9.37 Not To Scale, Page 104

See 9.45 Plotting, Page 106

See Land Title Practice Manual 7-2360 Scale of Sketches

See Registrar of Titles Directions for the Preparation of Plans 4.14 Scale

See Registrar of Titles Directions for the Preparation of Plans 9.12 Level Diagrams

Plans shall 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.

Diagrams drawn either

- To another suitable scale; and/or
- 'Not to scale' may be used for clarification.

It is suggested that plans and diagrams be drawn to one of the following scales, or multiples to the power of 10 thereof.

Suggested 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	

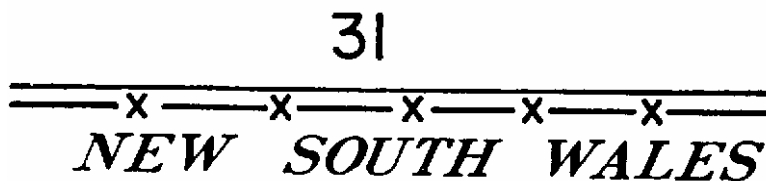
9.49 Secants**Standard under SMI Act**

See 9.30 Linework, Page 100
 See 9.56 Traverses, Page 109

Dimensions of secants are shown “on face” or tabulated in the “TRAVERSES ETC” column.

9.50 State Boundary**Guideline under SMI Act**

See 5.4 Border Surveys, Page 57
 See 9.18 County Boundary, Page 95
 See *Queensland Boundaries Declaratory Act 1982*

Sample**9.51 Station Numbers****Guideline under SMI Act**

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 SMI Act**

See Appendix D SYMBOLS, Page 138

Guidelines for symbols on plans are in Appendix D SYMBOLS

9.53 Surveys In Strata**Information**

See 11.8 In Strata, Page 121
 See Registrar of Titles Directions for the Preparation of Plans 10.2.3 (Volumetric) and 6.5 (Easements)

9.54 Tabulations**Standard under SMI Act**

See 9.16 Corner Information, Page 86 “CORNER INFORMATION” Diag. B
 See 9.36 North Point And Data Orientation, Page 104
 See 9.56 Traverses, Page 109

See Registrar of Titles Directions for the Preparation of Plans 4.12 North Point

When a plan has been 'rotated', tabulations are to be rotated likewise so as to facilitate easy reading of plan,

9.55 Text Styles

Standard under SMI Act

See Appendix C STYLES, Page 137

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.
- That 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 SMI Act

See 3.34 Survey Records, Page 47

See 9.8 Calculated Lines, Page 84

See 9.49 Secants, Page 108

Extraneous field traverse information is generally not shown.

When traverse lines are shown, dimensions are shown on face or tabulated in the "TRAVERSES ETC" column.

When tabulation is adopted, numerical order is preferred.

Sample

<i>TRAVERSES ETC</i>		
<i>LINE</i>	<i>BEARING</i>	<i>DIST</i>
<i>1 – 2</i>	<i>180° 07'</i>	<i>13.13</i>
<i>3 – 4</i>	<i>236° 43' 30"</i>	<i>105.26</i>
<i>5 – 5a</i>	<i>355° 32' 40"</i>	<i>20.117</i>

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.

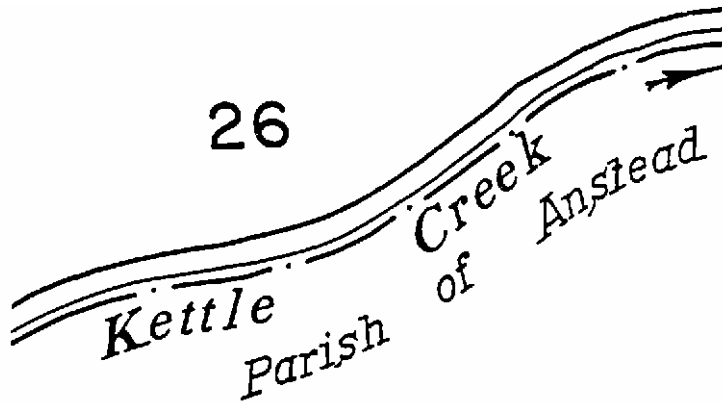
9.57 Watercourses – Tidal and Non-tidal

Standard under SMI Act

See 4 AMBULATORY BOUNDARIES, Page 52

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.

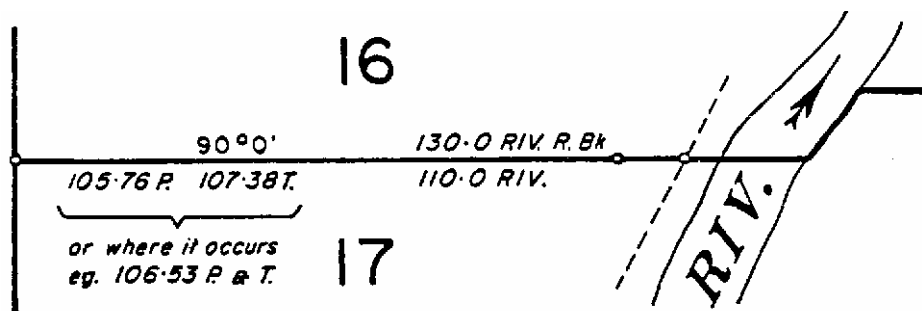
Sample



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

- Post or Peg; and
- Traverse; and
- Watercourse Boundary (Ck, Riv, etc).

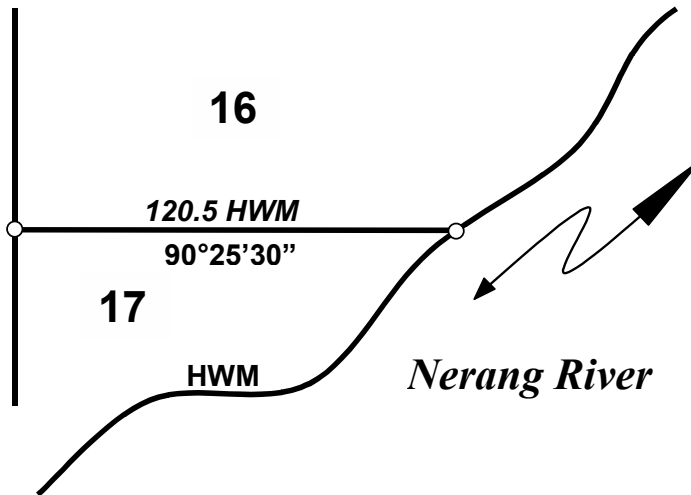
Sample



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.

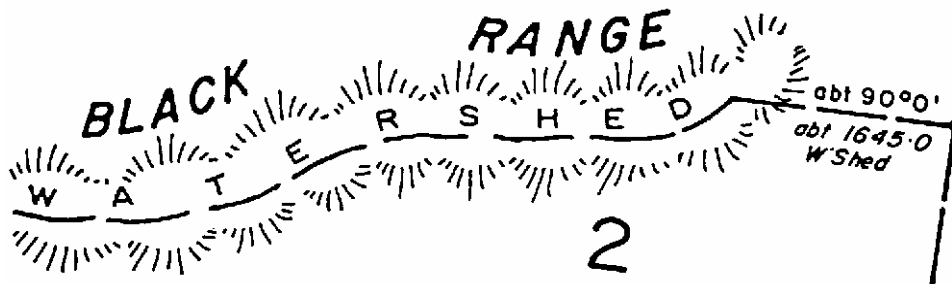
9.58 Watersheds

Guideline under SMI Act

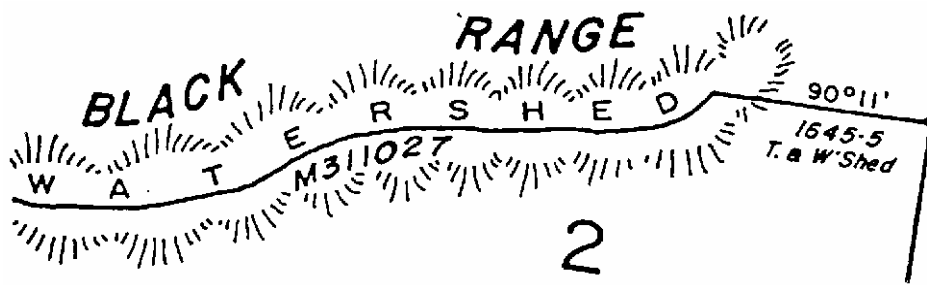
See 4 AMBULATORY BOUNDARIES, Page 52
 See 9.12 Compass Survey, Page 85

When “WATERSHED” is the boundary, the following guidelines should apply:

Sample : Unsurveyed Watershed

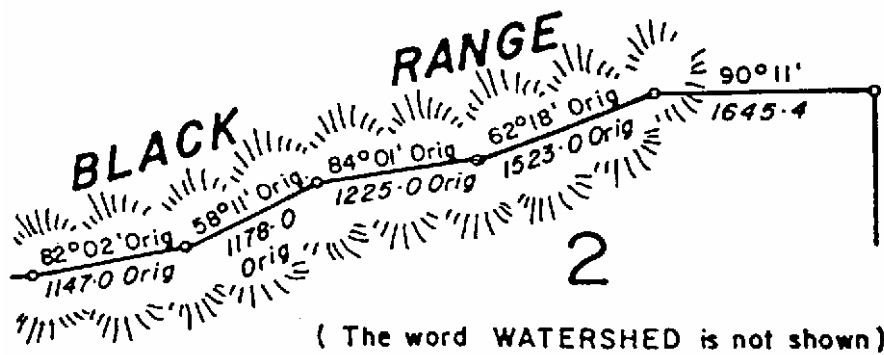


Sample : Surveyed Watershed



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.

10. ROADS

See 2.9 Reservations in Title, Page 4

See 9.47 Roads, Page 106

See GLOSSARY OF TERMS, Page 124

See Registrar of Titles Directions for the Preparation of Plans 4.10 Cancelling Clause

See PUX/901/112 Land Allocation – Reservations - Public Purpose Reservations In Title

10.1 Definition

Information

See s.93 *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 s.95. of the *Land Act 1994*.

10.2 Creation of Road

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 SMI Act

See 3.32.4 Resumptions for Other Authorities, Page 45

See 6.7.4 Road Dedications over Easements, Page 67

See 9.20.1.1 General, Page 96

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 on the plan, a total area is required and shown as “Total Area of New Road”. The plan may show new road only.

Eg *Plan of New Road cancelling Lot 12 on RP123456*

Alternatively, a lot may be surrendered to the State for subsequent gazettal as a road in terms of s.327 and s.94. of the *Land Act 1994*. It should be noted that s.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 shall be vested. Land Title Practice Manual 21-2210

The total area of new road must be shown. 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.

10.2.2 Creation of Roads in Non-Freehold Land

Standard under SMI Act

See 9.2 Action Statements, Page 78

Section 96 of the *Land Act 1994* clarifies when a road may be considered dedicated and that if a width is not indicated it is to be taken to be 60 metres.

Road is created in Non-Freehold Land by the publication of a gazette notice under the provisions of s.94. of the *Land Act 1994*. The area of road to be opened must be shown on a plan prior to the gazette notice, and it may be the whole

of a lot. The plan must bear an action statement for each affected lot on the plan. The effect of the provision is that the road is dedicated for public use from the date of the publication of the notice.

10.2.3 Creation of Roads in State Forest or Timber Reserves

Standard under SMI Act

Revocation actions are effected under s.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 and an action statement “*area to be excised*”, is required to be submitted to the administering agency, being the Environmental Protection Agency. The plan is to meet NR&M’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 opened as road by gazettal under s.94 of the *Land Act 1994*.

If a lease 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).

Again, the gazettal of the road opening and amendment of the lease would only take place after the State Forest has been amended and NR&M were advised.

10.2.4 Creation of Roads in Scheme Land

Standard under Land Title Act

See Registrar of Titles Directions for the Preparation of Plans 12.3 Common Property to be Excised.

Road cannot be created directly from lots within a Community Titling Scheme.

To open road within part of the Common Property of a Community Titling Scheme, a lot, being the area required to be opened as road, must be excised from the Scheme first. This new lot can then be opened as road as per 10.2.1 Creation of Roads in Freehold Land. However, if the body corporate desires to open the road and the excision does not affect any building or structure on a building format plan, a plan of new road is acceptable.

10.3 Closure of Road

Standard under SMI Act

Road closures are affected under the provisions of s.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 9.2 Action Statements, Page 78

Where closed road is added to an adjoining lot or lots the plan must show the completed lot, or lots, and bear an action statement for each affected lot on the plan.

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 s.98 of the *Land Act 1994*. A road licence may be issued over the temporarily closed road subject to conditions (s.103 & s.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 (s106 & s.107 of the *Land Act 1994*).

Temporarily closed road is to be shown as adjoining information as "Road" together with the secondary interest identifier.

Eg SMITH ROAD
 Lot <alpha>
 AP 1234

10.4 Simultaneous Opening & Closure of Road

Standard under SMI Act

See 3.10.3 Simultaneous Opening and Closing, Page 24

See 9.2.4 Road opening and Road Closure, Page 80

See 9.47 Roads, Page 106

See *Land Act 1994*, s.94 – s.98 and s.109

Roads in freehold and non-freehold land may be realigned by the process of opening the new road alignment and closure of the existing road and addition of the closed road to adjoining lots. Roads can only be closed under the provision of s98. of the *Land Act 1994* and may be repositioned under the provisions of s109. *Land Act 1994*. The provisions of s109. only apply when the lots affected by the opening and closure are in the same ownership.

Issuing new deeds of grant for the lots adjoining the realigned roads is under s358. of the *Land Act 1994*.

Where a road is being repositioned by a simultaneous road opening and road closure 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. Areas will also need to be determined.

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

10.5 Existing Roads

Standard under SMI Act

See 2.9 Reservations in Title, Page 4

See 3.6.4 Multiple Line Areas, Page 11

See 4.3 Boundary Watercourses, Page 52

See 04.4 High Water Mark, Page 53

See 9.47 Roads, Page 106

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.

It is advisable when surveying the landward side of the esplanade, that the boundary 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.

10.5.2 Reserved Roads and Reserved Esplanades

Reserved Roads and Reserved Esplanades, in general, may or may not have been dedicated for public use but are excluded from the lots containing them. In all other respects a Reserved Road or Reserved Esplanade is treated the same as a dedicated road. 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 à prendre, etc. and may be used as road, subject to its dedication.

11. HISTORICAL INFORMATION

Information

11.1 Alignments

See 9.5 Alignment Offsets, Page 82

See 9.38 Offsets, Page 104

See “Law Relating to Land Boundaries and Surveying”, AG Brown, Appendix 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 *LG 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 5.2 Amalgamations, Page 57

Plans of amalgamation outside the Brisbane City Council lodged prior to 25th May 1985 did not require Local Government consent. The *Land Title Act 1994* was amended in 1997 to include s.50 (g), 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 BF Act, See RP165728.

In general, orders under the *Rural Lands Protection Act 1985* are no longer enforced since the NR&M or the Local Government undertake the maintenance of the fences.

When lots, which were subject to an order under s.180 of the *Rural Lands Protection Act 1985* were subdivided, the plan of subdivision was submitted to the local District Office of the Department of Natural Resources and Mines. 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 s.185(1) of the *Rural Land Protection Act 1985* must be removed.

11.4 Declared Catchment Areas

See 5.6 Catchment Areas, Page 58

Surveyors undertaking surveys in Declared Catchment Areas would be aware of a requirement for NR&M approval of plans of subdivision in these areas.

On 1st 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 1st 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 the 10th 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 NR&M, as a concurrence agency under the *Integrated Planning Act*, 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 2.5 Commonwealth Titles, Page 4

11.5.1 Background

See **The Real Property (Commonwealth Titles) Act of 1924.**
(Note: s.207 of the *Land Title Act 1994* repealed this Act)

Lands such as 'Post & 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, (Sec 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.

A. For a Brisbane Registry Plan:

The plan was stamped on the back. The Registrar of Titles signed this stamp under seal.

B. For Rockhampton or Townsville Registry Plans:

The application and plan was lodged, examined and subsequently registered in Brisbane.

When the application etc. 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 2.5 Commonwealth Titles, Page 4

11.6 Easement With Titles Issued

See 6.4 Freehold, Page 65

In rare cases, titles for Easements have been issued. See Title 10967023 or Title 11685016/17 and RP50663.

11.7 Historical Plan Information

See 9.44 Plan Types, Page 105

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 100 000, 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

Freehold Action Plans			
Prefix	Type of Plan	Other Information	Active
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 6 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 7 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	Yes
NPW	National Parks & Wildlife	Dept of Environment and Heritage Plan	Yes
FTY	Forestry Plan	Dept of Primary Industries	Yes
RA	Road Action Plan		No
RX	Road Excision Plan		No
SP	Survey Plan		Yes

Table 8 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 9 Plan Types that are common to both Freehold and Crown Action Plans

CISP may be used to check on the location or archival office of a plan.

11.7.1 Freehold Action Plans

In order to conform with statutory requirements under the *Land Title Act 1994* the surveyors certificate was required to be executed in accordance with the following timeframe:-

- Plans numbered 191500 to < 800000 executed by 30 June 1990
- Plans numbered 800000 to 863500 executed by 30 June 1994
- Plans numbered 863500 to 869500 executed by 31 March 1995

The above timeframe requirement no longer applies, however the plan must have been capable of registration at the date of certification, and satisfy the requirements of the Land Registry, for the action proposed, at the date of lodgement.

The Custodian for plans numbered between 1 and 799999 was as follows:

- Southern (Brisbane) 1 to 299999
- Central (Rockhampton) 600000 to 699999
- Northern (Townsville) 700000 to 799999

11.7.2 Crown Action Plans

In 1992, the County/Town prefix for all Crown Action Plans was removed and replaced with the initials CP — Crown Plan.

While the "County/Town prefix" is no longer used for Crown Action Plans the plan archive contains many plans that are catalogued in accordance with the historical "County/Town" prefix.

11.8 In Strata

See 9.53 Surveys In Strata, Page 108

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:

- 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, NR&M.
- The approval of the Local Government must be applied for not later than twelve months after the date of notation by the Director General, NR&M. 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 31.A of the *Water Resources Act 1989* and does not require the approval of the Director General, NR&M.

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 3.11 Compiled Plans, Page 25

See 3.37 Undescribed Balances, Page 49

See 11.15 Subdivision without Survey, Page 122

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:

"48. 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 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 NR&M, the state control survey had been sufficiently developed within any area, and Permanent 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) in urban areas; and,
- 300 links (60.35) 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 *River Improvement Trust Act 1940 s.10 (5A)*

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 11.11 Paper Subdivisions, Page 121

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 3.6 Areas, Page 11

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:

<p style="text-align: center;">TOTAL DEED AREA Lots 1 & 2 on RP432167 and Lots 5 - 7 on SL32114 144.2523 ha</p>

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 issue is a matter for determination by the Registrar of Titles.

Appendix A. GLOSSARY OF TERMS

This Glossary of some of the most commonly used terms is intended to assist the user in understanding NR&M 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 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 which are lodged in the NR&M with the plan. e.g. Easements, Leases, Mortgages, Nomination of Trustees, Transfers etc.

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 NR&M may be borrowed out by the lodger for correction by the Surveyor. The amended plan must be returned to the NR&M.

Cadastral survey

any process of determining the boundaries of a piece of land or waters, including preparation of plans, required or authorised:

- (a) under any Act dealing with the alienation, leasing, and occupation of State lands or with mining, or affecting titles to land; or
- (b) by the proprietor, lessee or mortgagee under any Act affecting titles to land; or
- (c) 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
- (d) 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 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 NR&M.

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. Upon 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 NR&M. 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 Local Government (Planning and Environment) Act 1990*.

Deed of Grant

Means 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

Means 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 6.2 Cane Railway Easements, Page 64****See 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, s.69. The person to whom the access right is granted must advise the Registrar of Titles (s.71 (2)) and the Registrar of Titles is required to enter an administrative note in his register (s.71 (4)). The administrative note is not evidence of the registration of the access right in the Land Registry (s.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).

Deposited Plan

A plan or copy of a plan deposited with the NR&M 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 upon the soil. (*Property Law Act 1974*). (See 3.20 Encroachment, Page 32)

Endorsed Plan

A plan which 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 which 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 co-ordinated in a geodetic co-ordinate system.

Geodetic datum

A set of constants used for defining the co-ordinate 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

Instrument includes:

- ◆ a deed of grant or certificate of title; and
- ◆ a will, grant of representation, or exemplification of a will, that may be used to deal with a lot; and
- ◆ a deed that relates to or may be used to deal with a lot; and
- ◆ a power of attorney that may be used to deal with a lot; and
- ◆ a request, application or other document that deals with a lot and may be registered under the *Land Title Act 1994*; and
- ◆ 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 NR&M for the purpose of registration as an instrument to give effect to a dealing(s) and is recorded in 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 Title Act 1994*)

Means 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, and includes-

- (a) a mountain range; and
- (b) a cliff; and
- (c) a river; and
- (d) a watercourse; and
- (e) a seashore.

Notice of Intention to Resume (NIR)

A notice lodged in the NR&M 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 **11.12 Proclaimed Survey Area, Page 122**

Public Use Land (*Land Title Act 1994*)

Includes roads and other lots that are to be dedicated for public use on registration of a freehold plan of survey.

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.

Register (verb)

The recording of the particulars of a lot, interest, instrument or other thing in the freehold land register.

Registered Plan

A lodged plan which 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, for instance gold and petroleum, or a certain amount of land within the lease or deed.

Reservation in title (see Road Reservation below)

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; for example, 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. This may or may not be dedicated as a road, and if it is planned to be used for access, its status should be referred to NR&M for clarification before use.

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 drawn for the purpose of road opening and/or closure under the *Land Act 1994*.

Road Excision Plan (see Administrative Plan)

A sketch plan 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 above)

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 land which is, for the time being:

- ◆ Granted or contracted to be granted in fee simple by the State; or
- ◆ Reserved for or dedicated to public purposes; or
- ◆ Subject to any lease or licence lawfully granted by the State (land held under an occupation licence is deemed to be State 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 or set aside, for example, freehold. 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)

This is the document which 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

State land, as previously defined, but excluding land under occupation licence or some other interest.

Unregistered Dealing

An instrument which 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.

No longer exists see NR&M State Land Administration Notification PUX/952/062 for more information.

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
Department of Natural Resources	DNR
Department of Natural Resources and Mines	NR&M
Easement	Emt
Global Positioning System	GPS
Forest Entitlement Area	FEA
Freehold Action Plan	RP
Group Title Plan	GTP
Land Title Practice Manual	LTPM
Map Grid of Australia	MGA
Permanent Mark	PM
Proclaimed Survey Area	PSA
Registrar of Titles Directions for the Preparation of Plans	RTDPP
Resumption	Resump
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, Local Government & Planning

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 & their Abbreviations

The Acts and Regulations cited herein may not be a comprehensive list of legislation that affect the survey aspects of land transactions.

Title	Abbreviation
Current Legislation	
Aboriginal Land Act 1991	ALA
Acquisition of Land Act 1967	AofL
Administrative Boundaries Declaratory Act 1982	ABD
Beach Protection Act 1968 and Regulations	BP
Body Corporate and Community Management Act 1997	BCCM
Canals Act 1958 and Regulation 1992	C
City of Brisbane Act 1924	CofB
Contaminated Land Act 1991 and Regulation 1991	CL
Dividing Fences Act 1953	DF
Integrated Planning Act 1997	IPA
Integrated Resort Development Act 1987	IRD
Land Act 1994 and Regulation 1995	L
Land Title Act 1994 and Regulation 1994	LT
Land Title Practice Manual	LTPM
Local Government Act 1993	LG
Local Government (Planning & Environment) Act 1990 & Regulation 1991	LG(P&E)
Mixed Use Development Act 1993	MUD
Property Law Act 1974 and Regulation 1993	PL
Registrar of Titles Directions for the Preparation of Plans	RTDPP
Queensland Boundaries Declaratory Act 1982	QBD
Registration of Plans (HSP [Nominees] Pty Ltd) Enabling Act 1980	RPHSP
River Improvement Trust Act 1940 and Regulation 1987	RIT
Rural Lands Protection Act 1985	RLP
<u>Surveyors Act 2003</u>	SA
<u>Survey and Mapping Infrastructure Act 2003</u>	SMIA
South Bank Corporation Act 1989 and Regulation 1992	SC
State Housing Act 1945	SH
Torres Strait Islander Land Act 1991	TSILA
Transport Infrastructure Act 1994	TI
Transport Infrastructure (Roads) Act 1991 and Regulation 1991	TI(Road)
Water Act 2000	WA
Superseded and Repealed Legislation	
Building Units and Group Titles Act 1980 and Regulations	BUGT
Harbours Act 1955 (Repealed) and Regulations	H
Main Roads Act 1920 (Repealed)	MR
Miners Homestead Leases Act 1913 (Repealed)	MHL

Mining Titles Freeholding Act 1980 (Repealed)	MTF
Railways Act 1914 (Repealed)	R
Real Property Act 1861 (Repealed)	RP
Real Property Commonwealth Titles Act (Repealed)	RPCT
Rights in Water & Water Conservation & Utilisation Act 1910 (Repealed)	RWWCU
Survey Co-Ordination Act 1952	SCO
Surveyors Act 1977 and Regulation 1992	SA
Transport Infrastructure (Rail) Act 1991 and Regulations (Repealed)	TI(Rail)
Water Act 1926 (Repealed) and Regulation 1991	W
Water Resources Act 1989 (repealed)	WR
Workers Homes Act 1919 (Repealed)	WHC

B.6 Commonly Used Plan Abbreviations

About	Abt	DRIVE	DR.
Addition	Addn	Easement	Emt
Alignment Spike	A. Spk.	East	E.
Alluvial Mining Claim	A.M.C.	Electric Light Pole	E.L.P.
Application Post	Appln Post	ESPLANADE	ESP.
Approximately	Approx.	Exploration Permit	E.P.
ARCADE	ARC.	Coal	E.P.C.
Australian Geodetic Datum	AGD	Minerals	E.P.M.
Australian Height Datum	AHD	Petroleum	E.P.P.
Australian Map Grid	AMG	EXPRESSWAY	EXPWY
Avenue	Ave.	Extended	Extd
Balance	Bal.	Fence Posts:	
Bank	Bk	Round Fence Post	R.F.P.
Bitumen	Bit.	Square Fence Post	S.F.P.
Block	Blk	Square Concrete Fence Post	Conc. S.F.P
BOULEVARD	BLVD	Round Steel Fence Post).....	either
BOUNDARY	BDY	Round Galv. Iron Fence Post).....	Steel FP
Brick	Br or Bk	Steel Fence Post).....	or
BROADWAY	BDWY	Tubular Steel Fence Post).....	G.I.F.P.
Brook	Brook	Corner Square Fence Post	Cor S.F.P.
Building	Bldg	Centre Round Fence Post	Cen R.F.P.
Building Unit Plan	B.U.P.	Centre Face Square Fence Post).....	Cen. Face S.F.P.
Business Area	B.A.).....	(C.Face S.F.P.)
Calculated	Calc.	Fences: E.g. 2 Barbed Wire, 1 Plain Wire	2B. 1P
Centre	Cen. (C)	FREEWAY	FWY
CHANNEL	CHNL	Foot	Ft
CHASE	CH.	Found	Fd
CIRCLE	CCL.	Galvanized	Galv.
CIRCUIT	CCT.	Galvanized Iron	G.I.
CLOSE	CL.	Gold Field Homestead	G.F.H.
Coal Mining Lease	C.M.L.	Gold Mining Lease	G.M.L.
Concrete	Conc.	Ground	Gnd
Connection	Conn	Group Title Plan	G.T.P.
Construction	Constn	GROVE	GR
Continued	Contd	Gully Trap	G/T
Corner	Cor.	Headwall	Hdwall
County	Cty	Hectares	ha.
COURT	CT	HIGHWAY	HWY
Creek	Ck	High Water Mark	H.W.M.
CRESCENT	CRES.	Holding	Hldg(H.)
CROWN PLAN	C.P.	Identification	Ident
Datum Post	D Post	Identification Survey	I.S.
Dead	Dd	Instruction	Inst
Deep Driven Mark	D.D.M.	Intersection	Intsn
Department of Mines & Energy	D.M.E.	Iron Pin	I. Pin (I.P. never used)
Department of Natural Resources	D.N.R.	ISLAND	IS.
Department of Natural Resources and Mines	NR&M	Kerb	Kb
D.M.E. Plan	M.P.	Kilometre (s)	Km
Departmental	Deptl	LANE	LA.
Developmental	Dev.	Leaning	Leang
Diagram	Diag.	Left Bank	L.Bk
Distance	Dist.	Licensed Gem Claim	L.G.C.
Disturbed	Distd		
Dog Spike	D. Spk.		
Dredging Area	D.A.		
Dredging Claim	D.C.		
Dredging Lease	D.L.		
Drill Hole (& Wing)	D. Hole, D/H. or D/H. & W.		

Line Peg	L.P.	QUAY	QY
Local Government	Local Govt		
Low Water Mark	LW.M	RAILWAY	RLY
		Ranged	Rgd Only
Manhole	M/H	Reads	Rds
Map Grid of Australia.....	MGA	Recreation	Rec.
Market Garden Area	M.G.A.	Redundant Catalogue Plan	R.C.
Mark	Mk	Registered Plan	R.P.
Measurement	Mmt	Reinstated	Reinstd
Metre (s)	m	Remains	Rmns
Mineral Claim	M. C	Remarked	Remkd
Mineral Development License	M.D.L	Removed	Remvd
Miners Homestead	M.H	Renewed	Renwd
Miners Homestead Lease	M.H.L	Reset	Reset
Miners Homestead Perpetual Lease	M.H.P.L.	Reserve	Res.
Mining Lease	M.L.	Reserved	Resd
Mining Title Freehold Lease	M.T.F.L	Reservation (Road Reservation)	Rd Resn
Mount	Mt	Reservoir	Rsvr
Mountain	Mtn	Residence Area	R.A.
		Restricted Mining Claim	R.M.C.
		Restricted Mining Purposes Claim	R.M.P.C.
Nails:		Right Bank	R.Bk
Galv. Iron Nail	G.I.Nail	Right of Access	R. of A.
Lead Head Nail	L.H.Nail	Right of Way	R. of W.
Ramset Nail	Ram. Nail	RIVER.....	RIV.(R)
Round Head Nail	R.H.Nail	ROAD	RD
Spring Head Nail	S.H.Nail		
		Section	Sec.
No Original Mark	No O.Mk.	Sheet	Sh.
North	Nth (N.)	South	Sth(S.)
Noted & Checked	N & C.	Special Bauxite Mining Lease	S.B.M.L.
Number	No.	Special Coal Mining Lease	S.C.M.L.
		Special Gem Claim	S.G.C.
Obliterated	Obltd	Special Mining Lease	S.M.L
Occupation	Occupn	Special Perpetual Mining Purposes Lease	S.P.M.P.L.
Old	Old	Spike	Spk.
Original	Orig. (O.)	Split	Split
Original Iron Pin	O.I.P.	Standard	Stand
Original Line Peg	O.L.P.	Star Picket	S.Pkt
Original Peg	O.P.	Station	Stn
Original Permanent Mark	O.P.M.	Straightened	St'd or Strghd
Original Pointer Peg	O.Ptr	Strainer	Strnr
Original Reference Tree	O.R.T.	STREET	ST
Original Survey Post	O.S.P.	Stump	Stp
Overhead	O/H	Suburban	Subn
		Surface	Surf.
PARADE	PAR.	Surface Area	Surf. Area (S.A.)
PARKWAY	PKWY	Surveyed	Survd
PATHWAY	PTHWY		
Peg	Peg(P)	Tailings Area	T.A.
Permanent	Perm.	Telegraph Pole	T.P.
Permanent Mark	Perm Mk (P.M.)	TERRACE	TER.
Petroleum Lease	P.L.	Traverse	Trav.
Petroleum Well Location	P.W.L.		
Pipeline license	P.Lic.	Unallocated State Land	U.S.L.
PLACE	P.L.	Underground	U/G
Placed	Pld		
PLAZA	PLZ.	Very Old	V.Old
Plinth	Plth		
Pointer	Ptr	Water Hole	W.H.
Portion	Por.	Water Right	W.R.
Power Pole	P.P.	Watershed	W'shed
PROMENADE	PROM.	West	W.

If Upper and Lower case is used for a word to be abbreviated, then use Upper and Lower case for abbreviation e.g.:
 RAILWAY - RLY; Railway Fence - Rly fence;
 CHANNEL- CHNL; Kerb and Channel - Kerb & Chnl

Abbreviations - Common Trees

Bauhinia	Bauh	Mahogany	Mahog.
Beefwood	Beefwd	Mangrove	Mgrove
Blackbutt	Bkbutt	Messmate	Mmate
Blackwood	Blackwd	Milkwood	Milkwd
Bloodwood	Bldwd	Moreton Bay Ash	M.B. Ash
Bollywood	Bollywd.		
Bonewood	Bonewd	Nutwood	Nutwd
Bottle Brush	Bot. Brush		
Bottle Tree	Bot. Tree	Peppermint	Pmint
Boxwood	Boxwd	Pepperwood	Pepperwd
Brigalow	Brig.	Poplar Gum	Pop. Gum
Cabbage Gum	Cab. Gum	Quandong	Qdong
Camphorwood	Camphwd		
Candlenut	Candnt	Rosewood	Rosewd
Cheesewood	Cheesewd		
Coachwood	Coachwd	Saffron Heart	Saf. Heart
Coolibah	Coolbh	Sandalbox	Sandbox
Corkwood	Corkwd	Sandalwood	Sandwd
Cottonwood	Cottonwd	Sassafras	Sasfras
Cypress Pine	Cy. Pine	Satinwood	Satinwd
		Scrubtree	Scrub
Dead Finish	Dd Fin.	Scrubwood	Scrub
		Silkwood	Silkwd
Fibrewood	Fibrewd	Spotted Gum	Sp. Gum
		Stringybark	Stybk
Gum Topped Box	G.T. Box		
		Tallowwood	Tallowd
Ironbark	Ironbk	Tulipwood	Tulipwd
Ironwood	Ironwd	Turpentine	Turp.
Johnson River Hardwood	J.R. Hardwd	Whitewood	Whitewd
Kurrajong	Kjong		
		Yellowjacket	Y Jacket
Lancewood	Lancewd	Yellowwood	Yellowd

Appendix C. STYLES

Guideline under SMI Act

See 9.55 Text Styles, Page 109

The following are guidelines for text styles on plans

- Subject Lot, Mining Tenure (where used as legal property descriptions), Easement, Island and Diagram.

ABCDEFGHIJKLMNOPQRSTUVWXYZ
1234567890

- Adjoining Style to above and their catalogue numbers. Adjacent (non-adjoining) Road, Street, Railway, Channel & Drainage Area. All distances and all column headings and entries. Statements & Endorsements. Corner Information, Plan Title (where applicable), Features (Gully, Bldg, 2B 1P fence etc), Read and Ranged Only Bearing, Area (right of decimal).

ABCDEFGHIJKLMNOPQRSTUVWXYZ
1234567890 *abcdefghijklmnopqrstuvwxy*

- Subject Road, Street, Lane, Pathway, Drain and Channel Area, Railway, Highway, Expressway, Freeway and Plan Title (where applicable).

ABCDEFGHIJKLMNOPQRSTUVWXYZ
1234567890

- Subject Bay, Sea, Ocean, River, Creek. Area (left, of decimal), Plan Title (where applicable), Adjoining State E.g. NSW

ABCDEFGHIJKLMNOPQRSTUVWXYZ
1234567890 *abcdefghijklmnopqrstuvwxy*

- Adjacent (non-adjoining) River, Parish Name (Upper and Lower Case), Bay, Ocean, Sea

ABCDEFGHIJKLMNOPQRSTUVWXYZ

- Adjoining County Name, Adjoining or Internal Creek NOTE: For Capitals use style above

abcdefghijklmnopqrstuvwxy

- Subject Holding, Parish Name on face (when applicable).

ABCDEFGHIJKLMNOPQRSTUVWXYZ
1234567890 *abcdefghijklmnopqrstuvwxy*

- All bearings (except Column entries and Reads), Station Numbers

1234567890 *abcdefghijklmnopqrstuvwxy*

Appendix D. SYMBOLS

Guideline under SMI Act

The following are guidelines for symbols on plans

ADIT



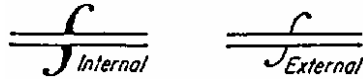
ASTRONOMICAL STATION



BENCH MARK



BINDER (VINCULUM)



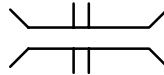
BORE



BORE & DRAIN



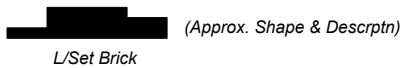
BRIDGE & CULVERT



BROAD ARROW



BUILDING



CLIFF or ESCARPMENT (traversed)



CREEKS & RIVERS (traversed)



CREEKS & RIVERS (not traversed)



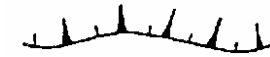
CUTTING



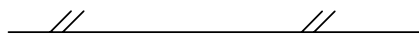
DAM



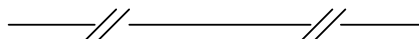
EMBANKMENT or STEEP BANK



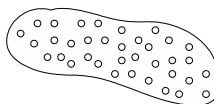
FENCE - on Boundary



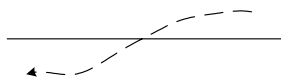
FENCE - Internal



GRAVEL PIT



GULLY

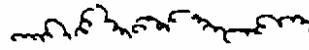


HORIZONTAL CONTROL POINT

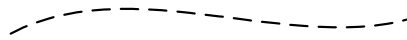


LAKE or LAGOON	
LIGHTHOUSE	
MANGROVES	
MINING DISTRICT	
MINING FIELD	
OBSERVATION STATION	
PEAK	
PERMANENT MARK	
PERMANENT WATER HOLE	
PHOTOGRAMMETRIC CONTROL POINT	
POWER LINE	
QUARRY	
RAILWAY SINGLE TRACK	
RAILWAY DOUBLE TRACK	
RANGE or RIDGE	
RETAINING WALL	
ROAD OVERBRIDGE	
ROCKY FORESHORE	
SAND	
SCRUB or TIMBER RIDGE	
SHAFT	
SUBWAY UNDER RAILWAY	
SURVEY STATION	
SWAMP	
TANK (earth)	
TELEPHONE and TELEGRAPH LINE	

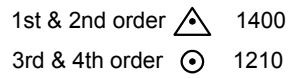
TIMBER RIDGE



TRACK



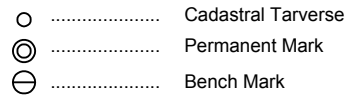
TRIGONOMETRICAL STATION



TUNNEL



VERTICAL CONTROL POINT



WATER HOLE



WEIR



WELL



WINDMILL

