

Plan requirements for State land dealings PUX/952/124

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Version History

Version	Date	Description/Comments
1.00	5/08/2014	Combines content of PUX/952/102, PUX/952/063, PUX/952/007 & PUX/952/019
1.01	24/01/2017	Minor amendment to include text in new template

Approval

Position	Name	Date
Director, Operations Support - Land	Rod Kent	24/01/2017



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Purpose

The purpose of this document is to set out plan requirements for State land dealings and should be read in conjunction with Registrar of Titles directions for the preparation of plans and the Department's Cadastral Survey Requirements. Any plan prepared for a State land dealing must comply with the Registrar of Titles directions for the preparation of plans and the Department's Cadastral Survey Requirements.

These documents are available on the webpage - www.dnrm.qld.gov.au/land/titles-valuations/titles-professionals/survey-plan-requirements/directions-plan-preparation and www.business.qld.gov.au/industry/property-construction-trades-engineering/surveying/standards-forms.

Policy

Conversion, renewal or extension of a lease

When a term lease is to be converted to freehold, renewed or extended, the department's surveyors assess the current plan for the land and determine whether or not the current description is adequate.

If the decision is that the current description is inadequate, the requirement to produce a new survey plan will be contained in the offer requirements for the conversion of the lease and issue of a new tenure.

Where a term lease is to be converted to freehold the land must be in a fully surveyed state.

When a term lease expires, it is normal departmental practice to consider whether the existing description of the lease meets certain minimum requirements, and if it does not, to require the lessee to obtain a survey plan that meets those minimum requirements, as a condition of lease renewal, or in the case of rolling term leases, as a condition of extension.

It is not necessary in all circumstances for a field survey to be undertaken in order to prepare a plan that meets the requirements for renewal or extension. In some instances a 'compiled survey plan' may be suitable. A compiled plan is a plan of land where all the corners of the land have previously been marked and the plan is compiled from public records in accordance with sections 16 and 17 of the *Survey and Mapping Infrastructure Regulation 2004*.

The Notification reflects the requirements stated in Conversion of leasehold tenure PUX/952/121.

Standard requirements for the lodgement of a suitable plan for a sublease and trustee leases

As stated in section 335 of the *Land Act 1994*, if a lease issued under this Act is subleased, the sublease must be registered. If the sublease is for part of a lease, the appropriate form for the sublease must also include—

- (a) a sketch plan identifying the land being subleased, drawn to a standard to the chief executive's satisfaction; or
- (b) if required by the chief executive—a plan of survey identifying the land being subleased.

However, the chief executive may allow the land being subleased to be identified by a description alone if the chief executive is satisfied the land is adequately identified by the description in the document.

The same provisions apply to trustee leasing of reserves under section 57 of the Land Act.

Section 5.7 of the Registrar of Titles directions for the Preparation of Plans identifies the minimum standard for a sketch plan for trustee leasing -

http://www.dnrm.qld.gov.au/_data/assets/pdf_file/0008/97199/rdpp-section-5.pdf

While the Chief Executive's delegations under the Land Act allow for the delegated officer to determine whether or not a sketch plan can be used, the standard of the sketch plan must meet the requirements of the Registrar of Titles directions for the preparation of plans and the Department's Cadastral Survey Requirements.

Floating Reservations - Allocation Certificates on Plans of Subdivision

A person may apply to the Minister for allocation of a floating reservation for a public purpose when seeking registration of a plan of subdivision of a deed of grant (i.e. freehold), deed of grant in trust or lease to some or all of the lots created by the plan - section 23A(1) of the Land Act 1994 (LA).

Subsections 23A(3) and (4) though allows the Minister to consider the sale or disposal of all or part of a reservation if satisfied that all or part of the reservation is no longer needed.

Land Allocation Public Purpose Reservations Policy PUX/901/112 requires that, other than for the limited special circumstances outlined in that Policy, a reservation ("floating" or "fixed") is to be sold or disposed of if it is decided by the department administering the *Land Act 1994* that the reservation is no longer needed.

The Policy also outlines the issues to consider if and when allocating a reservation in terms of section 23A(1). Note: a person may appeal against the decision made under section 23A(1).

If it is decided to allocate a floating reservation to a lot or lots under section 23A(1), including after consideration is given to Land Allocation Public Purpose Reservations Policy PUX/901/112, the allocation certificate should be in the following form, as appropriate –

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

The area ____ha reserved for _____ purposes in Lot ____ on _____ may be allocated to Lot ____ as shown hereon.

Date

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

Name of delegate

Position Title etc a duly authorised delegate of the Minister under the current Land Act (Ministerial) Delegation

.....

More than one lot i.e. Where the reservation is to be allocated to more than one lot in a subdivision:

Of the area ____ha reserved for _____ purposes in Lot ____ on _____, ____ha may be allocated to Lot ____ and ____ha may be allocated to Lot ____ as shown hereon.

Date

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

Name of delegate

Position Title etc a duly authorised delegate of the Minister under the current Land Act (Ministerial) Delegation

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

Sale of a Reservation in Title

The purpose of this Notification is to provide guidance on the procedure when an existing plan may be suitable for use for the sale of a reservation for a public purpose in a deed of grant (freehold) or a freeholding lease, and not on the procedure or requirements to determine whether the reservation is still required, or for the sale of such reservation - Policy PUX/901/112 Land Allocation Public Purpose Reservations provides guidance in respect of sale of a reservation.

Further, the Notification does not deal with any plan requirements for the disposal of a reservation for a public purpose in a deed of grant in trust, a term lease, or a perpetual lease in terms of section 26A of the Land Act.

In terms of section 24 of the Land Act, the Governor in Council may sell all or part of a reservation for a public purpose in a deed of grant (freehold) or a freeholding lease to the owner or lessee, if that reservation is no longer needed.


The existing plan may be suitable for the issue of a new deed (under section 358 of the Land Act) or amendment of the freeholding lease by gazette notice [under section 360(1)(f) - the Governor in Council considers it necessary for another reason to correct the lease] by correcting the plan to account for the sale of the reservation.

At the time of offer, the local Senior Surveyor or Principal Surveyor is to be consulted to determine whether the existing plan is suitable for such correction or whether a new plan is required. The surveyed status of each parcel must always be maintained.

The sale of only part of a reservation or other "exclusion" will always require a new plan.

If the existing plan is suitable, the conditions of any offer of sale of the reservation will not require a new plan; however, if not suitable, a condition of offer will be the requirement of a new plan.

If the plan is suitable, once all conditions of offer are met etc and Governor in Council approval is sought for the sale of the reservation in terms of section 24 of the Land Act, a copy of the Executive Council Minute is to be forwarded to the local Senior Surveyor or Principal Surveyor with a request to make the appropriate correction to the plan.



The local Senior Surveyor or Principal Surveyor will arrange for the registration in the Land Registry of the amendment to the plan and will return a copy of the "corrected" plan to enable either the issue of the new deed under Section 358 of the Land Act, or amendment of the freeholding lease under section 360(1)(f).

Note: The Executive Council Minute is a CONFIDENTIAL CABINET DOCUMENT NOT FOR COPYING OR EXTERNAL DISTRIBUTION. A copy of the Executive Council Minute may be circulated internally (i.e. within the Department), but a copy must not be provided to anyone outside the Department. A scanned copy of the Executive Council Minute cannot be saved on to any departmental computer program which can be accessed and viewed by the public.

Further, reference to the Executive Council Minute, including No. and date may be quoted on the dealing (which is registered) to amend the plan, however, a copy of the Executive Council Minute is not to form part of that dealing.

Administrative Plans

Administrative Plans (AP) are plans that define areas of land subject to dealings under an Act of Parliament where a cadastral survey is not required.

An AP may be used to describe the area of land that is subject to a proposed Land Act action to enable the area to be more clearly identified (eg to describe an area of road subject to a road closure application, or to describe an area of land subject to an application to lease or purchase.)

The dealings are generally for short-term tenures, such as permits to occupy or licences, but can also be for other actions including actions involving undescribed unallocated State land.

APs **are not suitable** for recording or amending the description of a deed of grant, lease or reserve.

An AP is usually compiled by a spatial information officer within the department from a range of non-survey specific information sources, for a defined administrative purpose under an Act. They are not a plan of survey and as such are not contemplated by either the Cadastral Survey Requirements or the Registrar of Titles Directions for the Preparation of Plans.

Refer to Administrative Plans Specification SIG/2013/6571 for detailed information on the minimum requirements that AP's are to comply with.


The following additional information on an AP provides clarification -

Temporary Road Closures, Road Licences and Re-opening of Temporarily Closed Road

An AP with an appropriate parcel identifier is to be used to identify and describe an area of road that is being temporarily closed or when amending the boundaries of an existing temporary road closure and/or Road Licence.

Once an area of temporarily closed road is identified as a parcel on an AP, the same identifier is to be used for any future road licences that issue over the same area of temporarily closed road.

An AP can be used to identify and describe an area of temporarily closed road that is being re-opened.



When amending the lot on plan details of an existing Road Licence, an AP is also used (including to delete any existing metes and bounds description).

Permits to Occupy over dedicated road

An AP with an appropriate parcel identifier is to be used to identify and describe an area of road over which a Permit to Occupy is issued.

Once an area of land is identified as a parcel on an AP, the same identifier is to be used for any future Permits to Occupy that issue over the same area.

Permits to Occupy over Unallocated State Land

Where the area of unallocated State land, that is to be the subject of the permit to occupy, is not identified by a lot on a survey plan, an AP with an appropriate lot identifier is to be used to identify the land in the new Permit to Occupy.

Where a permit to occupy is over an area of unallocated State land, part of which is identified by a lot on a survey plan and the balance not identified, an AP with an appropriate lot identifier is to be used to identify the area of land not identified on a survey plan. In this case the permit to occupy would require multiple lot/plan identifiers referencing the survey plan and the AP.

Once an area of land is identified by lot on an AP, the same identifier is to be used for any future Permits to Occupy that issue over the same area

Permits to Occupy over Reserves

Where a permit to occupy is over part of a reserve and the area is not identified by a lot on a survey plan, an AP with an appropriate parcel identifier is to be used to identify the area of land subject to the proposed permit to occupy.

Once an area of land is identified by a parcel on an AP, the same identifier is to be used for any future Permits to Occupy that issue over the same area.

Trustee Permits

Section 5.9 of the Registrar of Titles Directions for the Preparation of Plans identifies the minimum standard for a sketch plan for trustee permits. However, an AP may be used to describe the area of land subject to a Trustee Permit.

Amending an Occupation Licence

An AP may be used to depict the amended boundary of an Occupation Licence provided the existing plan for the licence has an "OL" plan reference and is not a survey plan.

Land Resumption

An AP may be used to depict an area of land being resumed in terms of the *Acquisition of Land Act 1967* or *Land Act 1994* if a survey plan is not available. Typically the AP will be used as part of the negotiated acquisition process as well as the recording of a formal notice of intention to resume and also may be used for the description of the land in the "Taking of Land Notice". Typically a survey plan is then required for the area to be resumed to be defined precisely and for the subsequent "Amending Taking of Land Notice".



Drawings

When an application is received, the applicant is asked to provide a description of the state land that is the subject of their application, preferably with a sketch or plan of the area.

A district drawing reference (DWG references) can be used to identify a parcel of land that is subject to an action or investigation eg. road closure application.

A drawing maybe prepared by a spatial information officer within the department, using the sketch, plan or description provided, that shows the location and size (area) of the land affected by the application.

This drawing can then be included in any requests for views and reports.

In road cases, the drawing is used as part of the public notice erected by the applicant to advertise the area of road proposed to be closed.

The information to be included on a drawing varies according to the application type and the locality of the application area. However, the following items will always be included:

- area of application shown hatched or shaded with size shown as an about area
- parish, county and locality, with local government and departmental region
- eLVAS case id
- land referred to or proposed use *e.g. road to be closed*
- lot/plan details of surrounding land parcels
- feature names *e.g. Quart Pot Creek, Tea Tree Lane*
- scale of drawing
- north point
- the drawing number for example CNS08/130b.

It is important that the drawing provides enough information for an interested party or member of the public to understand the size and location of the application area.

In cases where the resultant action is a permit to occupy or road licence, the spatial information officer within the department will use the drawing to prepare an AP. This AP will describe the tenure area.

Drawings are not suitable for the issue of a deed of grant, lease, licence, permit to occupy or reserve or a amending the description of a these tenures.

This includes USL drawings, which were introduced to identify a parcel of unallocated State land to only allow a USL title to be created in the Land Registry.

Responsibilities

SLAM Officers processing State land dealings under the *Land Act 1994*.

References

Land Act 1994 - sections 23A, 24, 25, 26A and 335 of the *Land Act 1994*



Land Allocation: Public Purpose Reservations Policy PUX/901/112

Conversion of leasehold tenure PUX/952/121

Administrative Plans Specification SIG/2013/6571