

Guideline

Plan requirements for state land dealings

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Approval

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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 the Registrar of Titles directions for the preparation of plans and the Department of Resources (the department) 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 following webpages:

Departments cadastral survey requirements - <https://www.business.qld.gov.au/industries/building-property-development/titles-property-surveying/surveying/standards-forms>

Registrar of Titles directions for the preparation of plans - https://www.dnrme.qld.gov.au/_data/assets/pdf_file/0007/1426804/directions-preparation-plans.pdf

Guideline

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. If it does not, the lessee is required 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 15 and 16 of the Survey and Mapping Infrastructure Regulation 2014.

The notification reflects the requirements stated in Guideline Conversion of leasehold tenure SLM/2013/397.

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* (Land Act), 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:

1. A sketch plan identifying the land being subleased, drawn to a standard to the chief executive's satisfaction; or

2. If required by the chief executive, a plan of survey or a building lease plan 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 regarding a sketch plan or a plan of survey apply to trustee leasing of reserves under section 57 of the Land Act.

Section 5.7 of the directions for the preparation of plans identifies the minimum standard for a sketch plan for trustee leasing.

While the chief executive 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 directions for the preparation of plans and the cadastral survey requirements.

Floating reservations - Allocation certificates on plans of subdivision

A person may apply to the chief executive for allocation of a floating reservation for a public purpose when seeking registration of a plan of subdivision of a deed of grant, deed of grant in trust or lease to some or all of the lots created by the plan. Refer to section 23A(1) of the Land Act.

If it is decided to allocate a floating reservation to a lot or lots under section 23A(1) of the Land Act, including after consideration is given to Public Purpose Reservations Guideline SLM/2013/480, 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 chief executive under the current Land Act (chief executive) Delegation

More than one lot - 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 chief executive under the current Land Act (chief executive) 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

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, - Guideline Public Purpose Reservations SLM/2013/480 provides guidance in respect of sale of a reservation.

Further, Guideline Public Purpose Reservations SLM/2013/480 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 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) of the Land Act, 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 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 (ECM) 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) of the Land Act.

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

Further, reference to the ECM, including No. and date may be quoted on the dealing (which is registered) to amend the plan, however, a copy of the ECM 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. For example 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 (USL).

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 directions for the preparation of plans.

Refer to administrative plans specification SIG/2013/571 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 USL

Where the area of USL, 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 USL, 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 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 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".

Legislation

Land Act 1994

Survey and Mapping Infrastructure Regulation 2014

Acquisition of Land Act 1967

Related documents

Guideline – Conversion of leasehold tenure (SLM/2013/397)

Guideline – Public purpose reservations (SLM/2013/480)

Administrative plans specification SIG/2013/57

Human Rights

The department is committed to respecting, protecting and promoting human rights. Under the *Human Rights Act 2019*, the department has an obligation to act and make decisions in a way that is compatible with human rights and, when making a decision, to give proper consideration to human rights. To the extent an act or decision under this document may engage human rights under the *Human Rights Act 2019*, regard will be had to that Act in undertaking the act or making the decision.

Further information

- Contact your nearest business centre (https://www.dnrme.qld.gov.au/?contact=state_land), or
- Refer to <https://www.qld.gov.au/environment/land/state>, or
- Call 13 QGOV (13 74 68).