

On 7 May 2010, the ambulatory boundary provisions of the *Natural Resources and Other Legislation Amendment Act 2010* commenced.

The ambulatory boundary provisions include key amendments to the *Survey and Mapping Infrastructure Act 2003* (SMIA), *Land Act 1994*, *Land Title Act 1994* and *Water Act 2000*.

There are also a number of consequential amendments to other Acts, including the *Aboriginal Land Act 1991*, *Coastal Protection and Management Act 1995*, *State Development and Public Works Organisation Act 1971*, and *Torres Strait Islander Land Act 1991*.

The new scheme:

- introduces a feature-based method for determining the location of tidal and non-tidal ambulatory boundaries into the SMIA;
- clarifies the State's ownership of land in non-tidal watercourses and seawards of tidal boundaries;
- retains existing riparian rights;
- repeals the stay on the registration of plans of survey with tidal boundaries of land; and
- clarifies the extent of State management powers in the *Water Act 2000*.

Attached to this Alert is a document that has been circulated by DERM at legislation update sessions held jointly with the Surveying and Spatial Sciences Institute throughout Queensland. DERM will progressively make available further information necessary for implementation.

From 7 May 2010, for a plan of survey to be registered it must have been prepared under the new rules, unless it is a reserved plan of survey or it relates to an exempt category of land. The exempt categories are as follows:

Category	Tidal	Non-tidal
For land with source material in existence before commencement  (Subdivision 2-4)	<ul style="list-style-type: none"> <li>• Indigenous lands</li> <li>• strategic port land</li> <li>• forest reserve or a protected area under the <i>Nature Conservation Act 1995</i> (but excluding coordinated conservation areas, wilderness areas, World Heritage management areas, and international agreement areas)</li> <li>• State forests</li> <li>• land with a specified tidal boundary.</li> </ul>	<ul style="list-style-type: none"> <li>• Indigenous lands</li> <li>• forest reserve or a protected area under the <i>Nature Conservation Act 1995</i> (but excluding coordinated conservation areas, wilderness areas, World Heritage management areas, and international agreement areas)</li> <li>• State forests.</li> </ul>
For land with source material in existence after commencement  (Subdivision 5)	Mean high water springs may be used to survey: <ul style="list-style-type: none"> <li>• Indigenous lands</li> <li>• Protected area under the <i>Nature Conservation Act 1995</i>.</li> </ul>	No exempt land.

A reserved plan of survey is one that has been prepared for:

- disposing of or dealing with land or part of the land for a public purpose under the *Land Act 1994*;
- the purposes of an approval under the *Sustainable Planning Act 2009* in force at the commencement of this section, or;
- the purposes of works directed or authorised under a regulation under the *State Development and Public Works Organisation Act 1971*; and
- that has been certified by the chief executive.

**Further information**

Further information on the impact of the scheme can be found on the Department of Environment and Resource Management's (DERM) website at <[www.derm.qld.gov.au](http://www.derm.qld.gov.au)> by searching for "Ambulatory Boundaries".

Please refer any queries in the first instance to the DERM Senior Surveyor in your local area, or phone (07) 3896 3464 or email [ambulatoryboundaries@derm.qld.gov.au](mailto:ambulatoryboundaries@derm.qld.gov.au).

