Down the Rabbit Hole: Where a Simple Request Can Lead You

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ABSTRACT

This paper shows how a simple request to determine the location of a tree can lead to cadastral discoveries that date back over 150 years. From the investigation of the current cadastral layout, via the collection and discovery of lost cadastral infrastructure and an investigation spanning different organisations, through to presenting what was unearthed to identify the cadastre. Tasked with determining the location of a tree near the common boundary of Crescent Lane and 9 Arthur Street in Forest Lodge, we leapt into the project to resolve the question for both the landowner and the City of Sydney. As the initial survey was undertaken, it became clear that it may not be a "simple" tree identification and that the cadastral pattern was more complicated than anticipated. The first indication that there may be more to this was the Cadastral Records Enquiry (CRE) showing a strip of unidentified land between Crescent Lane and 9 Arthur Street. Questions such as "Does the tree sit in this section?", "Does this strip exist on the ground?" and "Who owns this strip?" started to be asked. To answer these questions, further investigation of City of Sydney, Sydney Water and NSW Archives records as well as a deep dive into the Historical Land Records Viewer and other land records was undertaken. As a result of this survey, we were able to identify Crescent Lane, 9 Arthur Street, the unidentified land as shown on the CRE and another wedge of land that would sit in the estate of G. Allen.

KEYWORDS: *Identification, cadastre, investigation, survey, land records.*

1 INTRODUCTION

The survey team at the City of Sydney (CoS) receive enquiries from across the organisation with regards to a range of survey matters. Common enquiry types include requests to identify buildings, walls or features and provide comment as to their relationship with a boundary common with land owned by CoS. Related to these, there is another niche enquiry type from the CoS's Greening and Leisure department asking for confirmation on which property a tree is located.

As the neighbouring property owner (generally as the owner of the road or park abutting privately owned land), when there is a tree that requires trimming or maintenance, the adjoining owner will often ask the City of Sydney to undertake the works. When the tree is close to a property boundary, particularly when it has not already been identified as a CoS tree asset, the City's survey team is asked to make comment. The subject of this paper is the examination of one such request at Crescent Lane in Forest Lodge. It presents the history of the road, the surrounding streets and subdivisions, how and why we were involved, the investigation, the resolution and recommendations.

2 THE REQUEST

We received a request from a member of the Greening and Leisure department to identify on which land a tree sat. An initial desktop investigation identified that there were three portions of land that it could be located on:

- No. 9 Arthur Street, Forest Lodge.
- An adjoining 6’ reserve.
- Crescent Lane.

3 CRESCENT LANE

Crescent Lane is located in Forest Lodge, originally positioned between the Sydney to Balmain tram line and the Third Subdivision of the Toxteth Park Estate. Commencing at Wigram Road, it ran in a westerly direction, then southerly before heading east again to meet up with Wigram Road again. It appears to have been created as a border around the Third Subdivision of the Toxteth Park Estate and ran at the base of a cliff (Figure 1).

Crescent Lane was aligned over three plans: CP45-1825 and CP46-1825 (CP27455-1603), widened and altered by CP15576-1603. The southern part of the lane (from just north of Upper Road) has subsequently been closed and consolidated into an abutting development. Crescent Lane, along with the surrounding streets and subdivisions, is part of the original grant of “Glebe” which was subsequently subdivided and purchased by George Allen who would later subdivide out Toxteth Park Estate, which abuts and is bordered by Crescent Lane and Wigram Road.

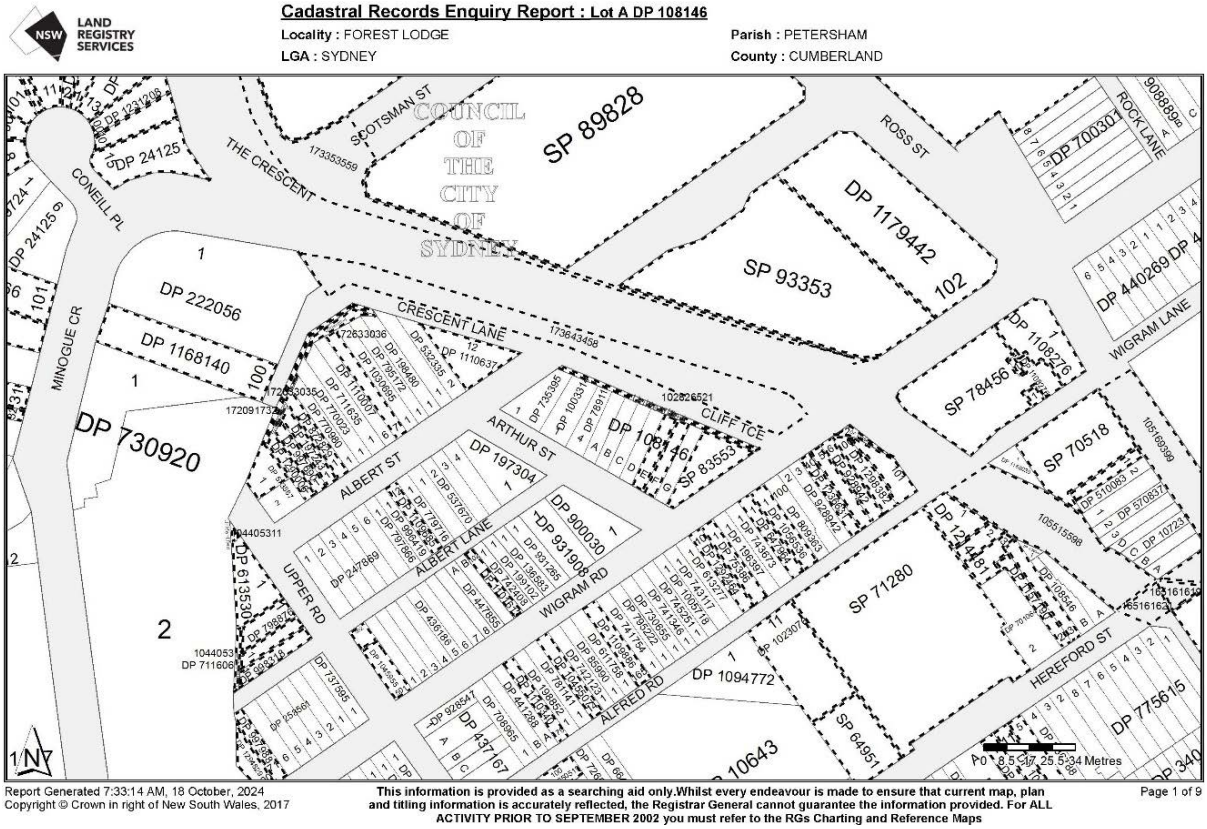

Figure 1: Cadastral Records Enquiry (CRE) taken on 18/10/2024.

4 THIRD SUBDIVISION OF TOXTETH PARK ESTATE

The Third Subdivision of Toxteth Park Estate (Figure 2), also known as DP979381, was first advertised for the purpose of land sale in about 1884 with subsequent sale events over the following years. It continued the subdivision of portion of the Toxteth Estate, this saw the subdivision of the land into six sections with one located on the northern side of Ross Street, another on the eastern side of Wigram Road (south of Upper Road) and the rest on the western side of Wigram Road and bounded by Crescent Lane and Cliff Terrace (the 6' reserve previously mentioned). The land within the subdivision was old system title with subsequent plans of survey removing qualifications and limitations.

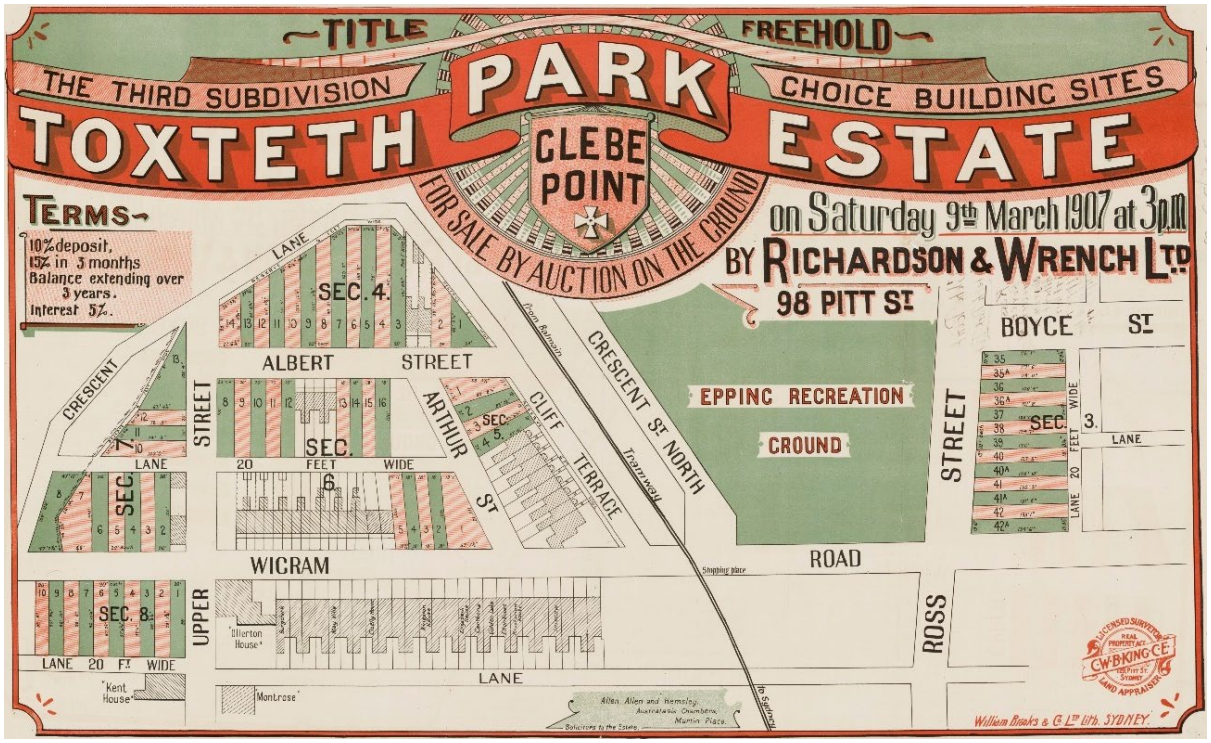

Figure 2: Sales map for the Third Subdivision of Toxteth Park Estate.

5 No. 9 ARTHUR STREET & THE 6' RESERVE

No. 9 Arthur Street, Forest Lodge, known as Lot 4 in DP78911, resulted from the subdivision of part of lots 3 and 4 of section 5 of the Third Subdivision of the Toxteth Park Estate. It came about with Primary Application 28911 removing any qualification and limitation. The site fronts Arthur Street, with a rear boundary to the reserve (Cliff Terrace) and then Crescent Lane (see Figure 1).

Between the lots formed in the Third Subdivision of the Toxteth Park Estate and Crescent Lane, a 6' reserve was created. This may have been created as a buffer between a substantial cliff face and the private properties. It has been referred to as both a reserve and a right of way in different titling instruments.

6 INVESTIGATIONS

6.1 Crescent Lane

The section of Crescent Lane between Wigram Road in the east and the intersection with Albert Street in the west and abutting the rear of No. 9 Arthur Street was aligned by Government Gazette on 4 February 1927, Folio 686, shown in G45.1825 with alignment details 1’06”, 17’, 1’06” (Figures 3 & 4). G45.1825 shows that alignment pins were placed on the alignment of Wigram Road at the intersection with Crescent Lane and on the alignment of Crescent Lane.

At the bend corresponding with the intersection with Albert Street, an alignment pin was placed on the northern side of Crescent Lane but not on the southern side. The northern side of a stone retaining wall is shown to run along the southern boundary of Crescent Lane with an offset to the alignment of 1’01½” shown at the intersection with Wigram Road. As Crescent Lane continues west, further alignment information is shown including alignment pins and where it meets G46.1825.

G46.1825 is an alignment plan of the remaining section of Crescent Lane south until it meets with Wigram Road again. Part of this section was closed and a subsection road plan R15576.1603 and alignment plan G46.1825 were created over the altered route.

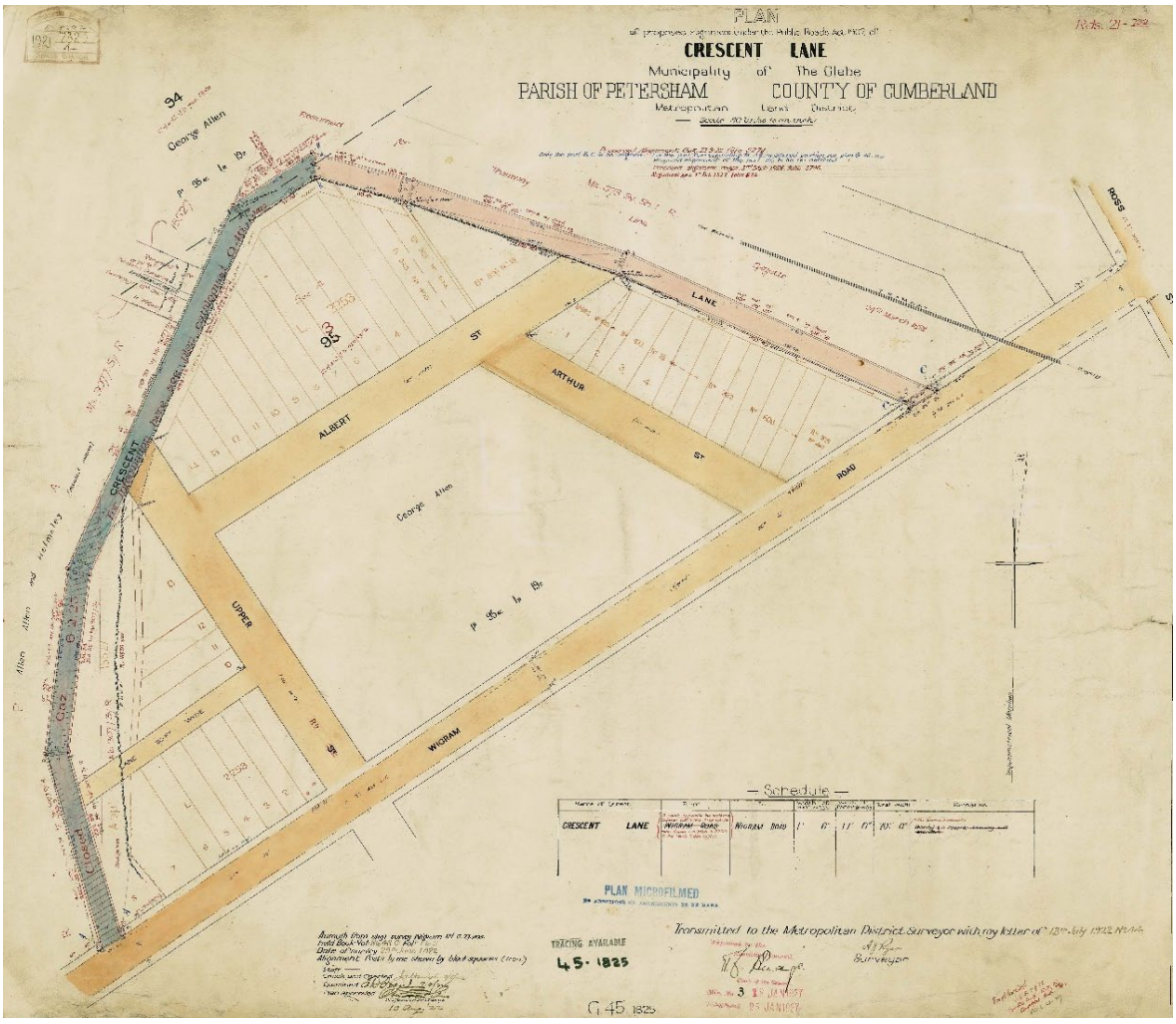

Figure 3: G45.1825.

No alignment pins were found at the intersection of Crescent Lane and Wigram Road. The hole for the alignment pin was found on the northern side off the intersection with Albert Street (Figures 4 & 5). Searches of the City of Sydney records showed surveys had been completed along this section of Crescent Lane and they had located the alignment pins and placed Drill Hole and Wings (DH&Ws) in the face of the cliff, which were found (Figure 6). Further alignment marks were found in G45.1825 and G46.1825 (Figure 7). Traverse marks placed by the City of Sydney surveyors for the survey of the remains of the tramway line were also found (Figure 8).

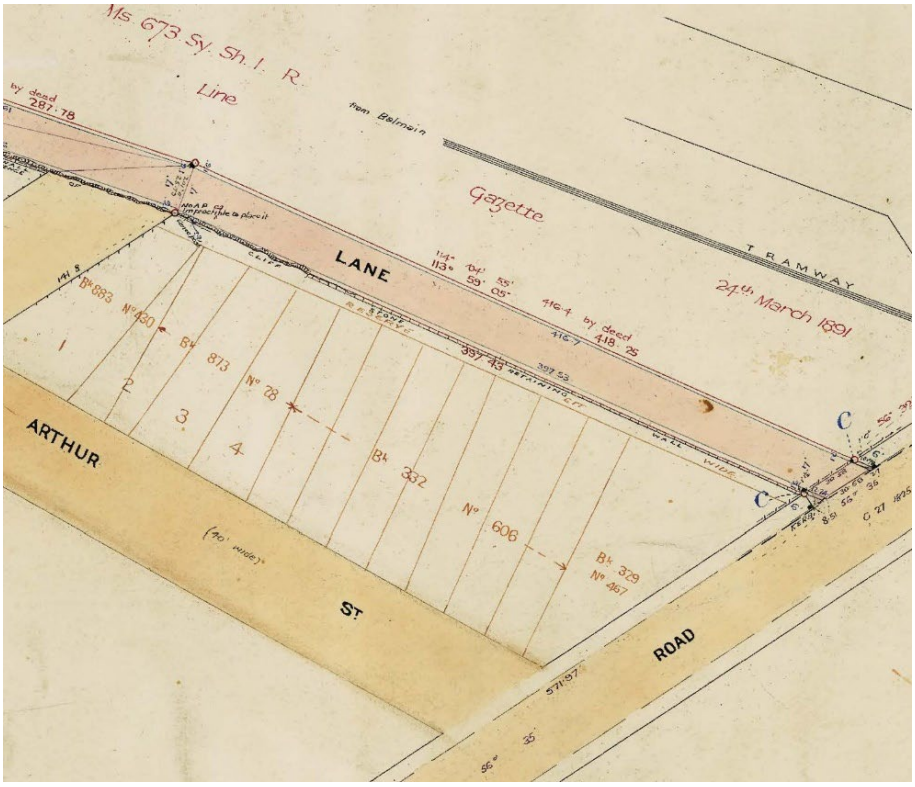

Figure 4: G45.1825, cropped section between Wigram Road and Albert Street.

Figure 5: Alignment pin hole found from G45.1825.

Figure 6: DH&W recovery mark found.

Figure 7: Alignment pin found from G45.1825.

Figure 8: Traverse station bolt found, placed by surveyor K. Cadogan.

6.2 No. 9 Arthur Street

Arthur Street was created with the subdivisions of the Toxteth Park Estate and runs between Albert Street and Wigram Road. Through searches of plans of survey, it appears that it was marked with alignment pins, but no evidence was found showing that it was ever formally aligned. These plans have used the alignment pins to define Arthur Street and searches of the Sydney Water field books show that Albert Street, Upper Road and Albert Lane were all at one time marked with alignment pins. However, none remain today.

Plans of survey DP78911, DP108146, DP625046 and DP1149994, and then subsequently registered plans DP1314049 and DP1315872, were used to define Arthur Street and the side boundaries of DP78911.

6.3 Preliminary Results

The Toxteth Park Estate Subdivision installed no reference marks. Subsequent plans on record for the area included departmental plans created to remove qualifications from titles, as well as plans of survey that made further subdivisions. Some of these plans refer to the streets as having been aligned at some point – the evidence for these included plans referencing alignment pins having been found at the intersections. Further investigation has not revealed that there has ever been an alignment plan registered. Where did these marks come from? Is there an unregistered alignment plan out there? Could this help the surveyor in determining the common boundary between Crescent Lane and the Toxteth Park Estate subdivision?

Extensive searching of the Historical Land Records Viewer (HLRV – see LRS, 2026), Cadastral Records Enquiry (CRE – see LRS, 2018) and City of Sydney records had shown nothing indicating an alignment plan. Therefore, it was decided to search the Sydney Water and NSW State Archives to see if they had any further information of use.

6.4 Sydney Water Records

Sydney Water archives provided numerous records for the area including plan 468, detail sheet 468, field book no. 1472 (Figure 9) and sheet no. 35 of Glebe. These records showed the alignment pins that had been referenced in other plans of survey, as well as connections to buildings and other features that could be used to re-establish the traverse and the location of survey marks placed and located for the Sydney Water survey.

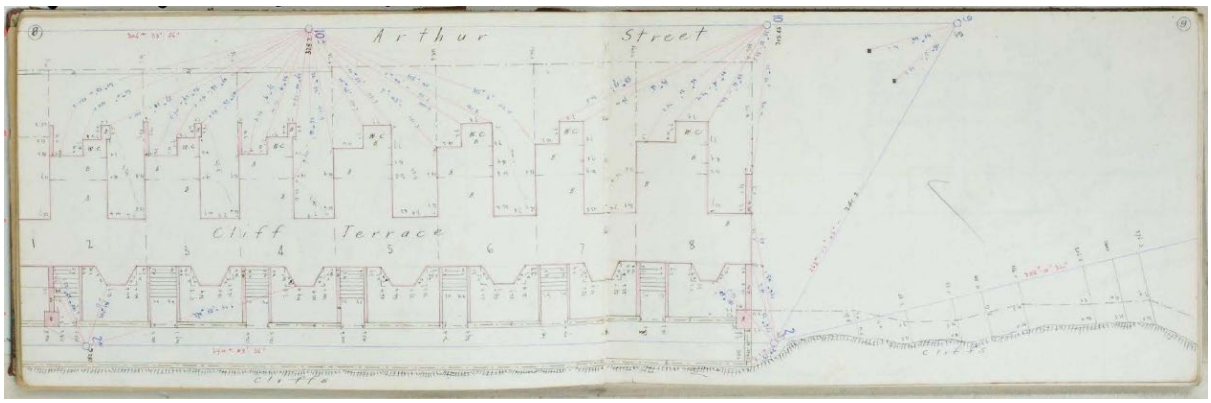

Figure 9: Page 7 of Sydney Water field book no. 1472.

6.5 NSW State Archives Records

A search of NSW State Archives provided surveyor A.J. Ryan's field books (Figure 10) for the alignments of Crescent Lane. These were useful to determine where the high wall sat and confirm that the alignment plan correctly represented the field notes.

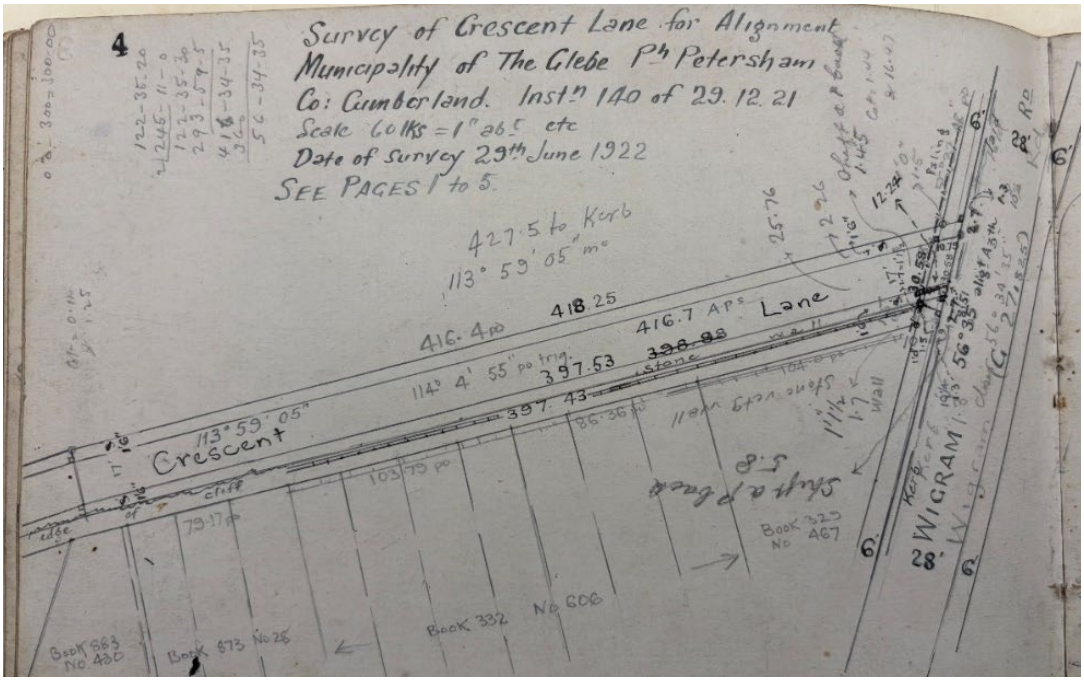

Figure 10: Page 4 of A.J. Ryan's field book no. 8648.

7 RESULTS & RECOMMENDATIONS

Analysis of the surveyed data resulted in the discovery of a hiatus between the southern side of Crescent Lane and the 6' reserve at the rear of the lots fronting Arthur Street. This takes the form of a wedge that is 1.38 m at the intersection with Wigram Road and narrows to approximately 0.125 m at Albert Street. Investigations to the west of Albert Street revealed no hiatus.

So, where does the tree sit? It was determined to be substantially within the unidentified wedge between the 6' reserve and Crescent Lane, with part of the trunk being inside Crescent Lane. A report and sketch were prepared (Figure 11) and issued to the Greening and Leisure department, which has since added the tree to their maintenance program.

After resolving the question of the tree location, the question remains – what to do about the hiatus? As mentioned, Crescent Lane is an unformed road that is unlikely to ever be used for vehicle access purposes and for all intents and purposes forms part of Lewis Head Reserve. The City of Sydney's Property Services department was contacted regarding how to best proceed with the following options put forward:

- A plan of survey identifying the wedge, claiming it from the estate of G. Allen.
- A plan of survey over Crescent Lane, Cliff Terrace, the wedge and Lewis Head Reserve, claiming the relevant sections from the estate of G. Allen and closing Crescent Lane.
- Do nothing. It has been operating as is for a substantial amount of time, but notes should be made against Crescent Lane that there is a hiatus.

To date, nothing has been done, and we continue to wait for instructions on how to proceed.

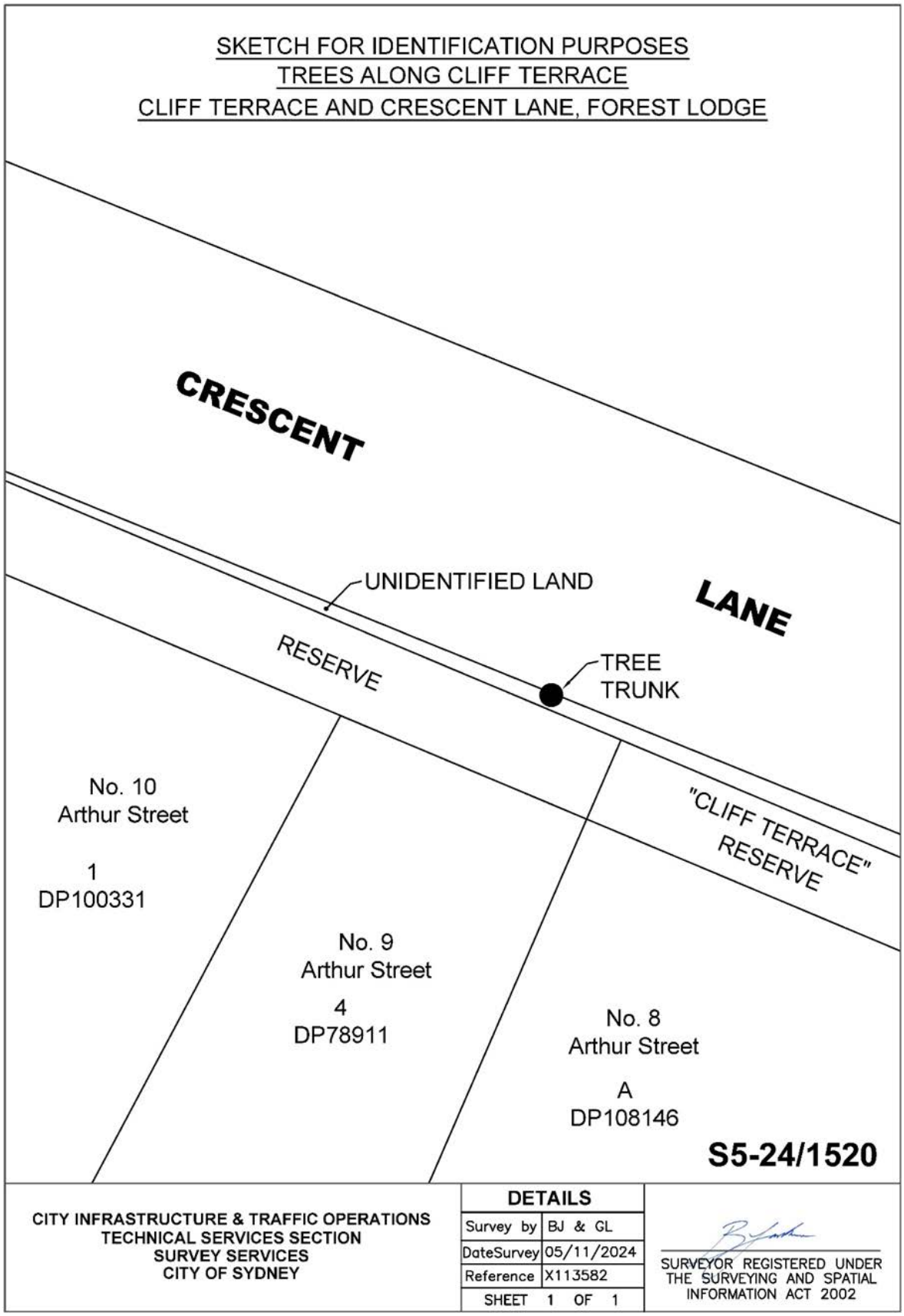

Figure 11: Sketch issued identifying the location of the tree.

8 CONCLUDING REMARKS

This paper has outlined how a simple request to determine the location of a tree can lead to cadastral discoveries dating back over 150 years and requiring surveyors to explore the discovered rabbit hole in detail. The examination of a request to determine the location of a tree near the common boundary of Crescent Lane and 9 Arthur Street in Forest Lodge unearthed unidentified land and required us to delve into the history of the road, the surrounding streets and subdivisions. As a result, the City of Sydney survey team was able to identify Crescent Lane, 9 Arthur Street, the unidentified land as shown on the CRE and another wedge of land that would sit in the estate of G. Allen.

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