The Plan That Spans Two 'States'

Mike Stapleton
Lovell Property Consulting
Mikestapleton65@gmail.com

ABSTRACT

Oake Estate is a small estate which existed in New South Wales (NSW) prior to the creation of the Australian Capital Territory (ACT). It is located immediately north of the town of Queanbeyan and was established on both sides of the Bombala to Goulburn railway line. When the ACT was created, the boundary with NSW was determined to be the northern side of the railway reserve. The existing block boundaries were originally retained and the estate plan DP2207 was used in both jurisdictions, where NSW adopted the Torrens system of title and the ACT the leasehold system. The plan is thus somewhat unique in that it is still current in both jurisdictions, although only a few lots in NSW remain as originally created. It may indeed be the only plan still current in two state/territorial jurisdictions. This paper describes the history of the estate in its regional context, along with plans and aspects of the boundary definition in both jurisdictions. These include a court case requiring a redefinition on the ACT side and examination surveys on the NSW side, resolving ambiguities in boundaries inadequately defined in early subdivisions or redefinitions. This paper follows on from the APAS2025 paper "A Brief History of NSW Titles within the ACT and Their Redefinition" by Billy Steer with minimal duplication. Regretfully, there are apparent shortfalls in neither jurisdiction connecting across the railway line into the other side of the estate. Early surveys are described including the relatively very accurate ACT/NSW boundary survey. Oaks Estate, whilst not one of the glamour areas of either Canberra or Queanbeyan, is featured in the National Trust's Heritage tours. Thus an opportunity exists to promote this site from a surveying perspective due to its unique situation in the development of both Canberra and Queanbeyan. Some of the structures such as the railway station and water tower have specific relevance. The early surveys of Canberra by Charles Scrivener were based on a benchmark located at the Queanbeyan railway station. This year's conference theme "Now That's a Boundary!" is well illustrated by the very accurate boundary between the ACT and NSW and the lesser accurate boundaries requiring amendment on either side thereof!

KEYWORDS: *Boundary surveys, border, heritage, railway*.

1 INTRODUCTION

Oaks Estate is a suburb of Canberra, separated from Queanbeyan in New South Wales (NSW) by the Canberra to Bombala railway line. The area was developed with Queanbeyan before the railway was built and the Australian Capital Territory (ACT) created in the mid and late 19th century. The residential estate itself was surveyed shortly after the railway line reached Queanbeyan in 1887. The land on which the estate was created was bisected by the railway line and consequently part of the estate lies north of the railway line and part of the land south of the railway line. When the ACT was created in 1914, the land north of the railway line fell in the ACT and the lots south of the railway line in NSW. The land south of the railway line was developed as part of the Queanbeyan Municipality (ACT Heritage Council, 2017).

Under the Seat of Government (Administration) Act 1910, no land could be held by freehold title. The acquisition of the land in the estate took place over a long period. Oaks Estate's freehold land tenure was consequently retained until 1974. In 1910, a bill was passed that formally excised Oaks Estate from New South Wales for the proposed Federal Capital Territory. The estate then essentially became a settlement of construction workers for the new capital. Due to its unique history, Oaks Estate has been identified as a National Trust venue.

Whilst numerous subdivisions and consolidations have occurred since the creation of the estate, lots in NSW and (now) blocks in the ACT still exist from the original estate, and the original Deposited Plan (DP) 2207 is still the current plan referred to in the title. This possibly makes the plan unique in the surveying world!

This paper describes the plan of survey of the estate DP2207, along with associated anomalies, subsequent plans and cadastral issues. Map Grid of Australia (MGA2020) coordinates and dimensions are derived for both sides of the estate using recent plans with respect to the NSW side and fieldnotes of a survey connecting existing control to reference marks on the ACT side. This enables one to assess the relative positions of the northern and southern side of the estate. Then some of the plans associated with the estate are discussed, highlighting some areas which may have been surveyed to enhance the definition. The author's interest in the site was stimulated by Steer (2025), having been responsible for a survey of one of the properties in the ACT affected by the court case described therein. The author had also undertaken a survey of a site within the original site of DP2207 in NSW.

2 PLANS BEFORE DP2207

2.1 CP39.1057

Crown Plan (CP) 39.1057 is a resurvey in 1881 by Smith of the original boundaries of the town of Queanbeyan originally surveyed by Larmer in 1838 (Figure 1). The north-western boundary of the town is the south-eastern boundary (in NSW) of DP2207. A reference tree was placed at the north-eastern corner. However, it appears that this corner was destroyed when the railway line was constructed (POSI, or the Protection of Survey Infrastructure, did not exist in the 19th century!).

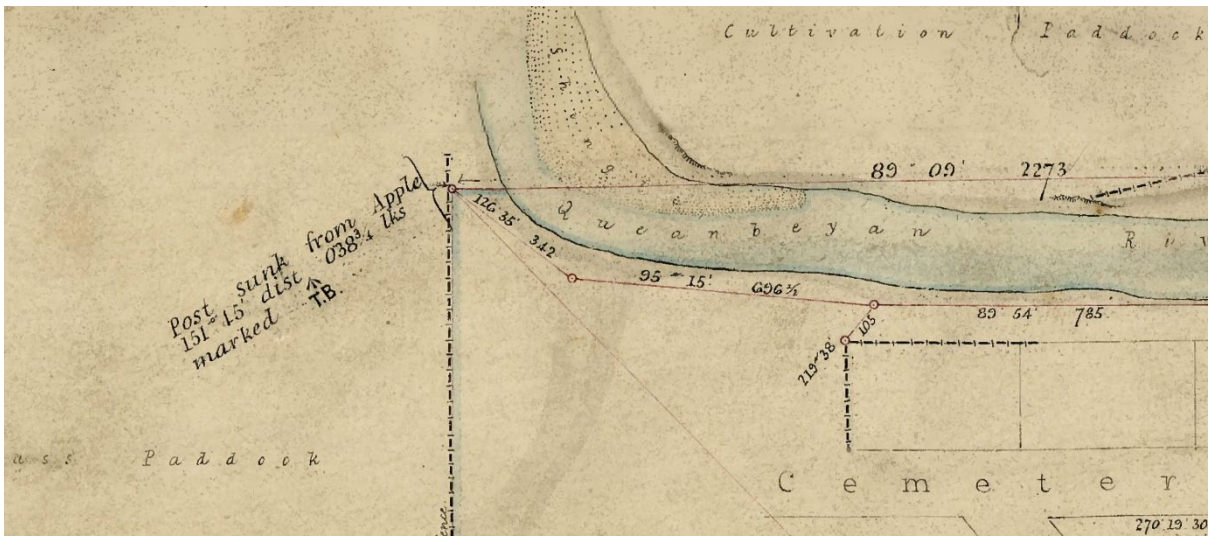


Figure 1: CP39.1057 – resurvey of Queanbeyan town boundaries.

2.2 Railway Plan BR5A

BR5A shows the railway line and railway land in relation to features existing at the time. The author has been unable to obtain a copy of the original BR5A plan but was provided with a working version on which notes have been annotated (Figure 2). The boundaries of the site are defined by distances from the centreline of the railway line. The only subsequent plans which reference the railway line are DP1002170 and DP552193. Benchmarks are also shown on the plan. The date of the plan is probably before 1887 as it does not show any indications of boundaries from DP1892 surveyed in 1886.

The railway station was built in 1887 and is a heritage item. A benchmark at the station was the origin of levels in the original detail survey of the ACT by Charles Scrivener, but its exact location is unknown. The plan shows two benchmarks south of the rail reserve, BM114 and BM115. Both are significantly higher than the platform level (Evans, 2022) – see section 5.

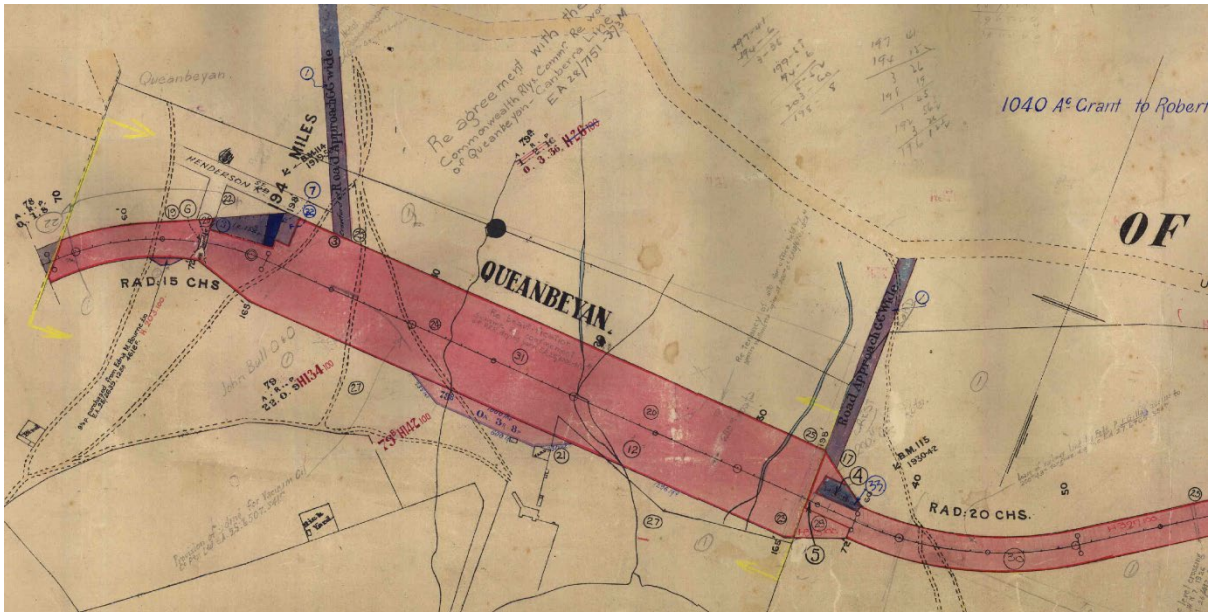


Figure 2: BR5A – railway reserve.

2.3 DP56456

DP56456 defines four parcels on George Campbell's land on which DP2207 was surveyed (Figure 3). These parcels include two parcels excluded from the land in DP2207 and described as "the Oaks" and "Hazelbrook". Also defined in DP56456 are the roads which are shown on the NSW side of DP2207. The plan's date is illegible, but it is anticipated to be around the time of the railway plan described above. The plan shows a peg found at the north-western corner of Queanbeyan township within the land on which the railway is built. External dimensions differ significantly from DP2207.

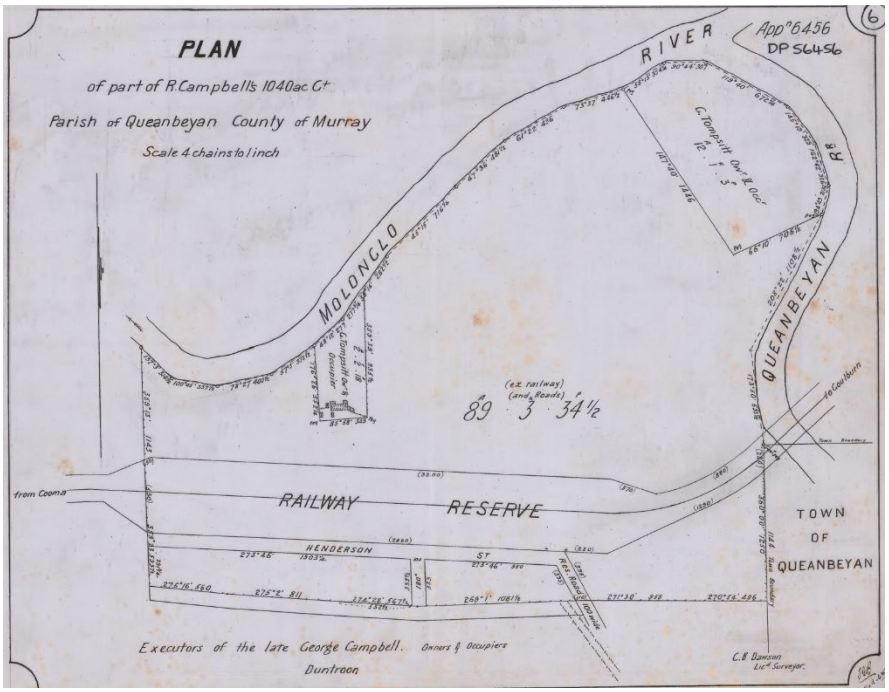


Figure 3: DP56456 – boundaries before DP2207.

2.4 DP1892

DP1892 shows a survey of Duntroon Estate (Figure 4). It also includes land on both sides of the railway line. However, the parcels have been renamed and DP1892 is no longer a current plan. The survey was done at the same time as that for DP2207 in 1886. The plan shows the proposed subdivision in DP2207, although the lot numbering is not consistent with DP2207. Most of the southern and western boundaries of the land in DP2207 abut on the boundaries of the land in DP1892.

Figure 4: DP1892 – Duntroon Estate adjacent to DP2207 site.

2.5 CP3303.1603

CP3303.1603 is a road plan showing a road through the land which was to become the Oaks Estate (Figure 5). The road was surveyed in 1887 and became River Street in DP2207. In 1889, the road was partially realigned near the crossing of the Molonglo River, necessitating the first boundary change from the original plan. The plan shows a connection from a point on River Street to the Glory Trig Station (TS2230), which unfortunately no longer exists. The Glory Trig Station is also referenced in the Alignment Plan 2-2245 (1887) thus linking the estate to the centre of Queanbeyan. The plan shows pegs found from DP2207.

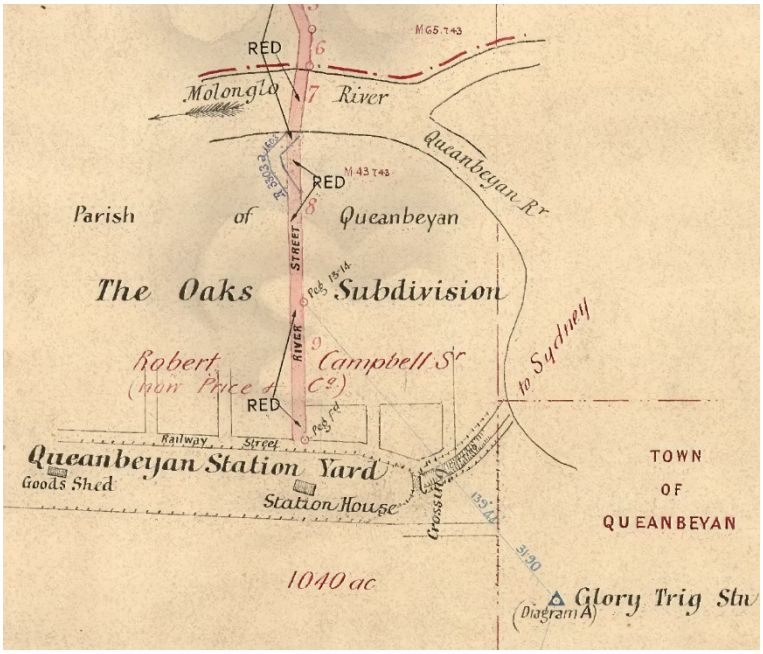


Figure 5: Connection from Glory Trig Station.

3 THE SUBJECT SITE

3.1 DP2207 Oakes Estate

Oakes Estate is defined within external fences of the land and fences surrounding the railway land (Figure 6). However, only a single connection is provided across the railway land, and the connection does not appear to be reliable. The plan also shows connections to the railway station building (Figures 7). While the connection to the western side of the building appears to fit with the existing building, the eastern connection does not (Figures 8). It is not certain what structures were in place at the time of the survey. DP2207 was surveyed in September 1887, and the construction of the station was completed in March 1887. It has been determined that the connection across the railway line should have been shown to the bend on the northern side of Railway Street (Figure 9). It has also been determined that the connection to the eastern side of the railway station should refer to the western intersection of Crawford and Henderson Streets. The plan shows the connection to the eastern intersection.

Whilst numerous parcels in the ACT still retain their DP2207 identifiers, only four are still lots in DP2207 with two for sale at the time of writing (see Figure 6). There have been numerous subdivisions and consolidations on both sides of the border. In the ACT, the alphabetical sections of DP2207 have been replaced by numerical sections.

Interestingly, the NSW Land Registry Services (LRS) Historical Land Records Viewer (HLRV) has a version which shows a different connection, but this also appears to be incorrect (Figures 10 & 11). The plan is useful, as it not only has numerous annotation notes of activities after the plan, but shows additional survey plans for lease purposes on the railway land abutting the ACT/NSW border. The lease plans, whilst plans of surveys which included placing of reference marks on the ACT/NSW border, do not connect to any marks from the border survey.

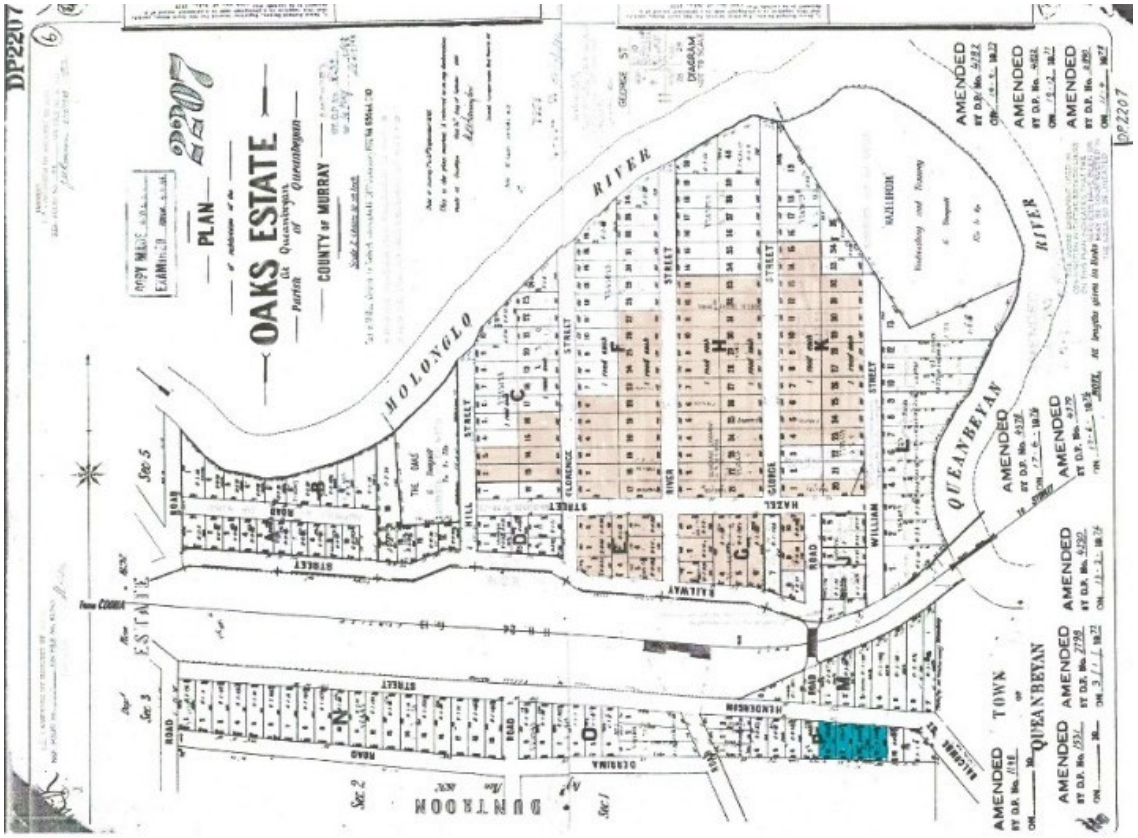


Figure 6: DP2207 site with ACT north of the railway and NSW south of the railway (lots still referenced to DP2207 are coloured).

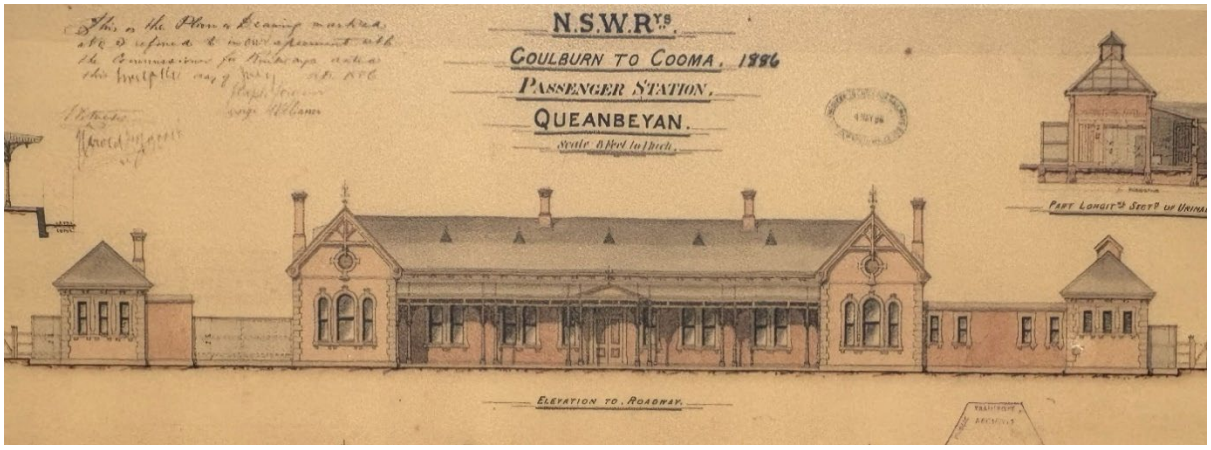


Figure 7: Railway station.

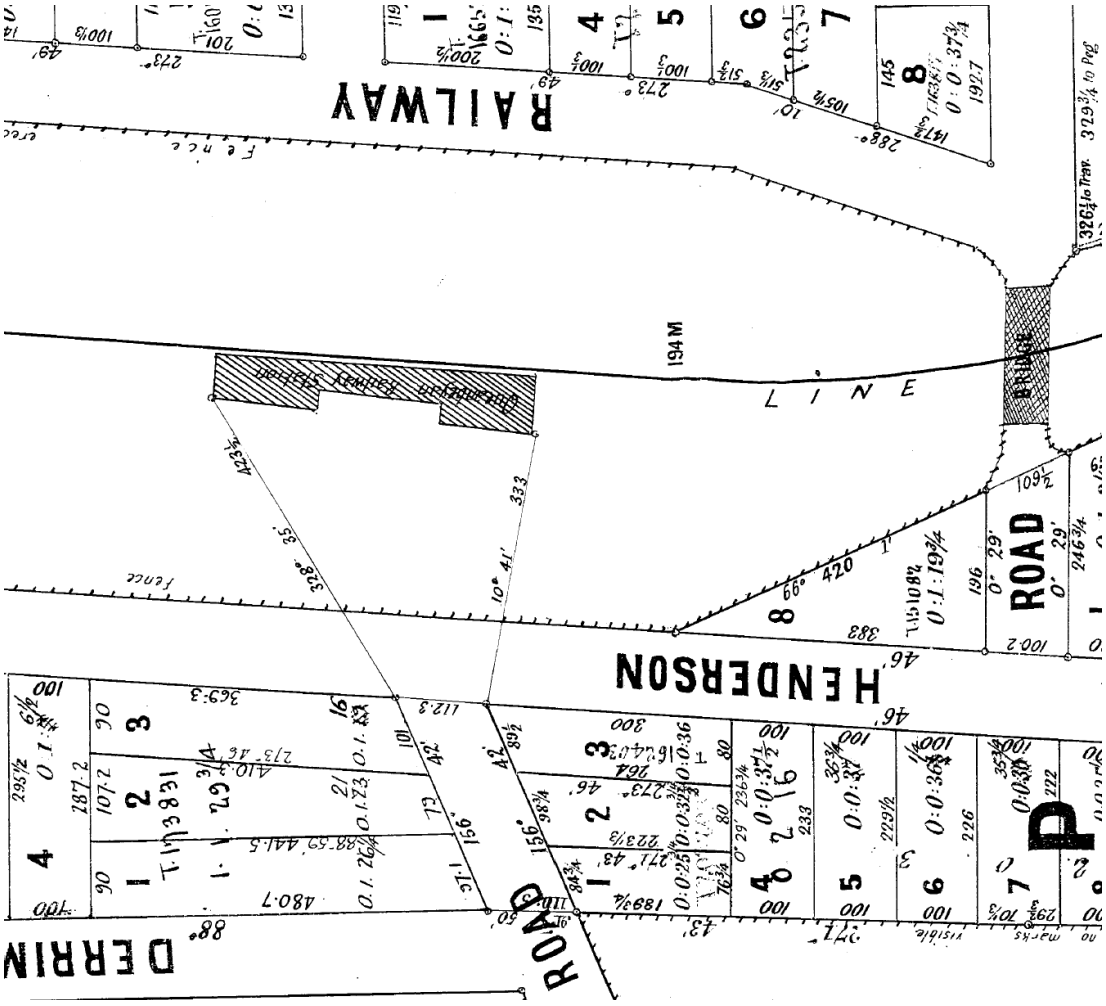


Figure 8: Connection to railway station – both should be to the western side of the street.

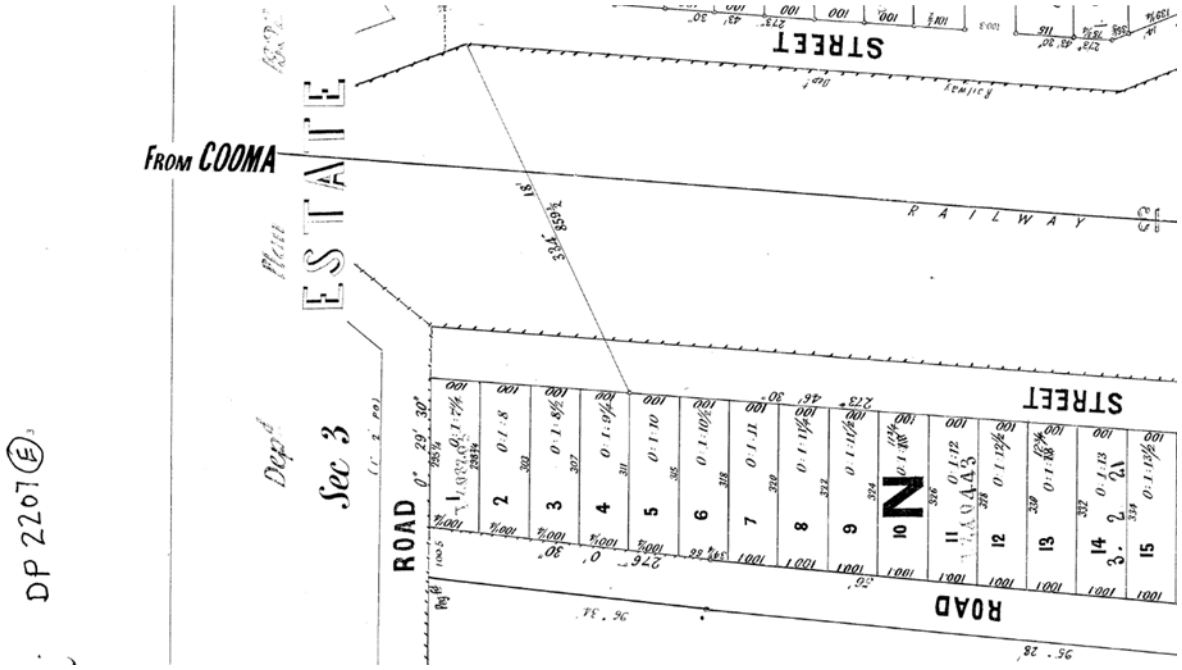


Figure 9: Connection between ACT and NSW lots – incorrectly shown.

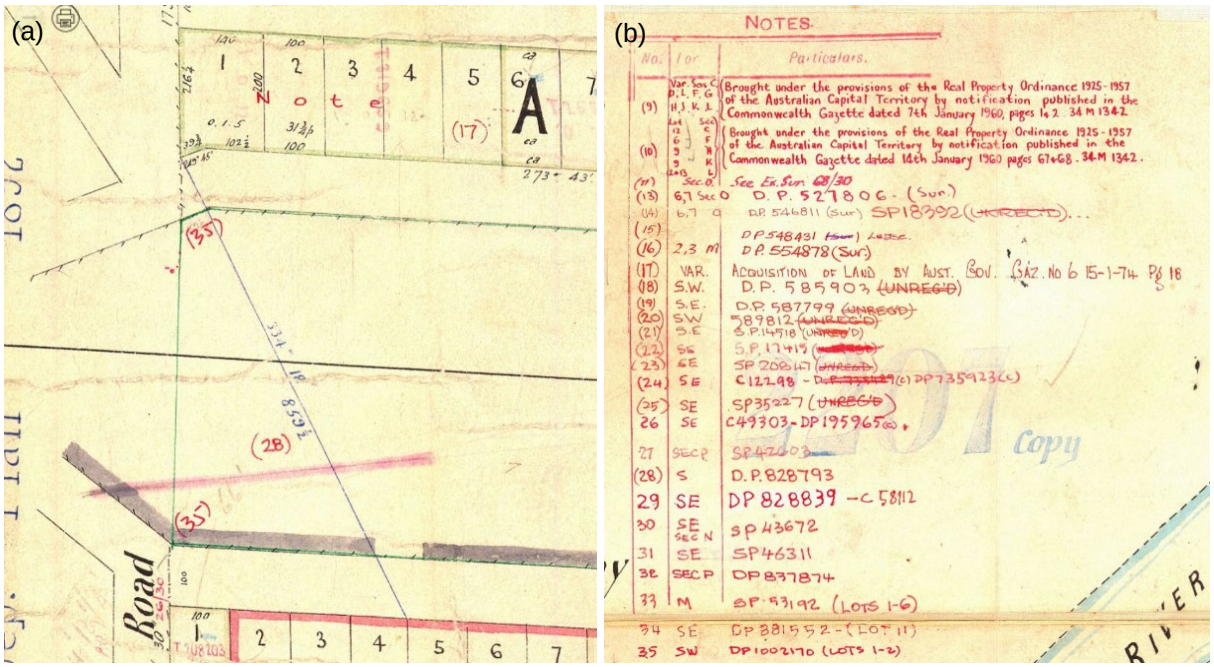


Figure 10: (a) NSWLRS HLRV connection and (b) HLRV DP2207 notes.

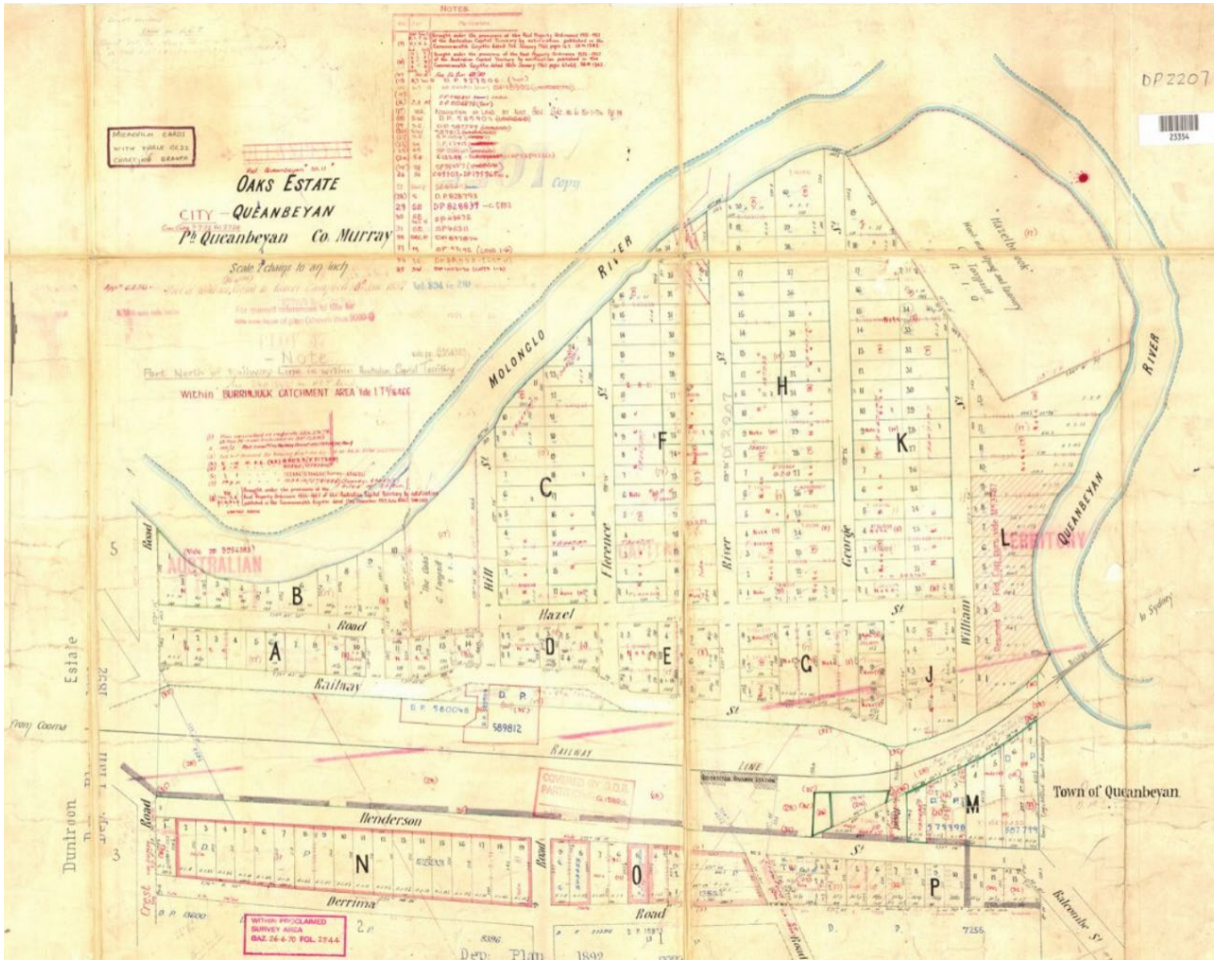


Figure 11: HLRV DP2207.

4 SURVEYS AFTER DP2207

4.1 ACT/NSW Border Survey

The most prominent plan since DP2207 was the border survey to define the boundary between the ACT and NSW in 1912. This survey undertaken by a few surveyors across the extent of the border is characterised by its accuracy. Whilst in many parts of the border connections were made to adjacent cadastral boundaries which crossed or were close to the border, in Oaks Estate the northern railway boundary was selected as the border (Figure 12). Unfortunately, besides the railway fence which was largely adopted no connections were made to pegs or other marks on either side of the railway.

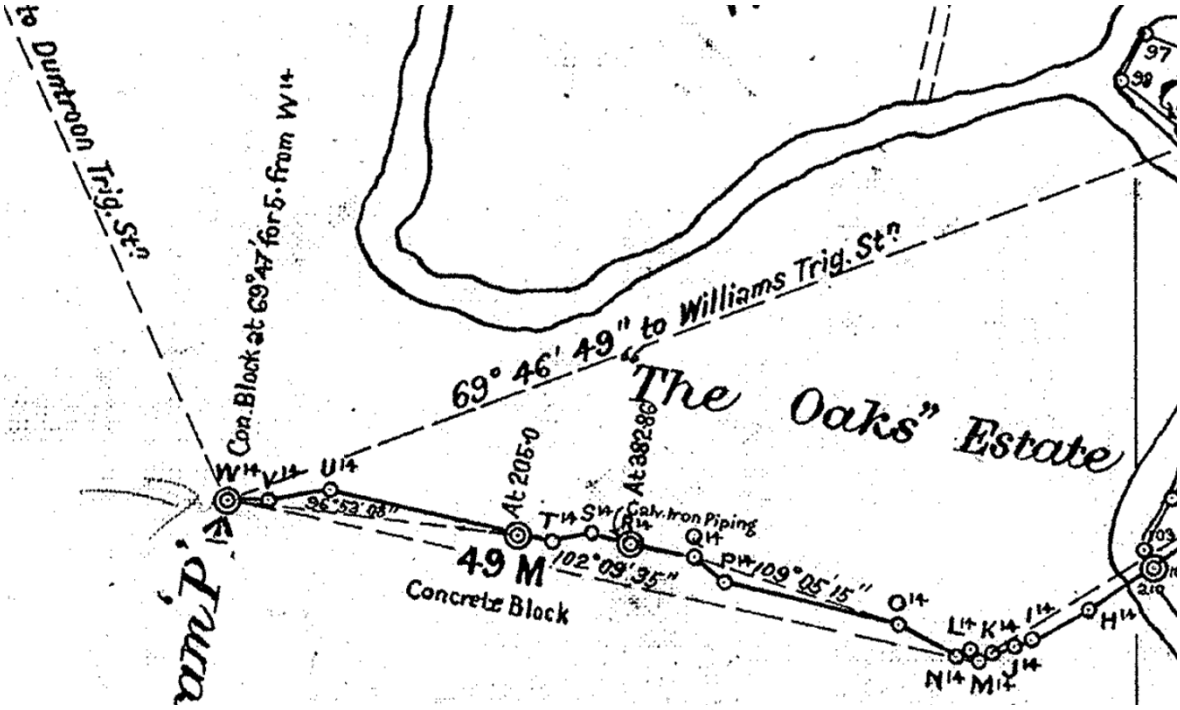


Figure 12: ACT border survey adjacent to the Oaks Estate.

Nonetheless, significant reference marks were placed which were connected to in a survey by Surveyor Elgood in 1980 (Fieldbook (FB) K8585, see ACT Government, 2026). He also connected to the adopted definition of the streets of the ACT side of DP2207 as defined in Miscellaneous Survey (MS) 1077. The border survey (FC18) did not survey the railway line or building corners shown in DP2207. However, the surveyor of the section through Oaks Estate (FC_05), Sheaffe, did survey the finials (decorative attachments to the roof) of the station building connecting to his survey of the border (Figures 13 & 14). Whilst the finials no longer exist, the pointed roof apexes on which the finials were attached do and could serve as an additional boundary reference (FB A497). Unfortunately, no subsequent plans show connections to either the border control marks or railway station.

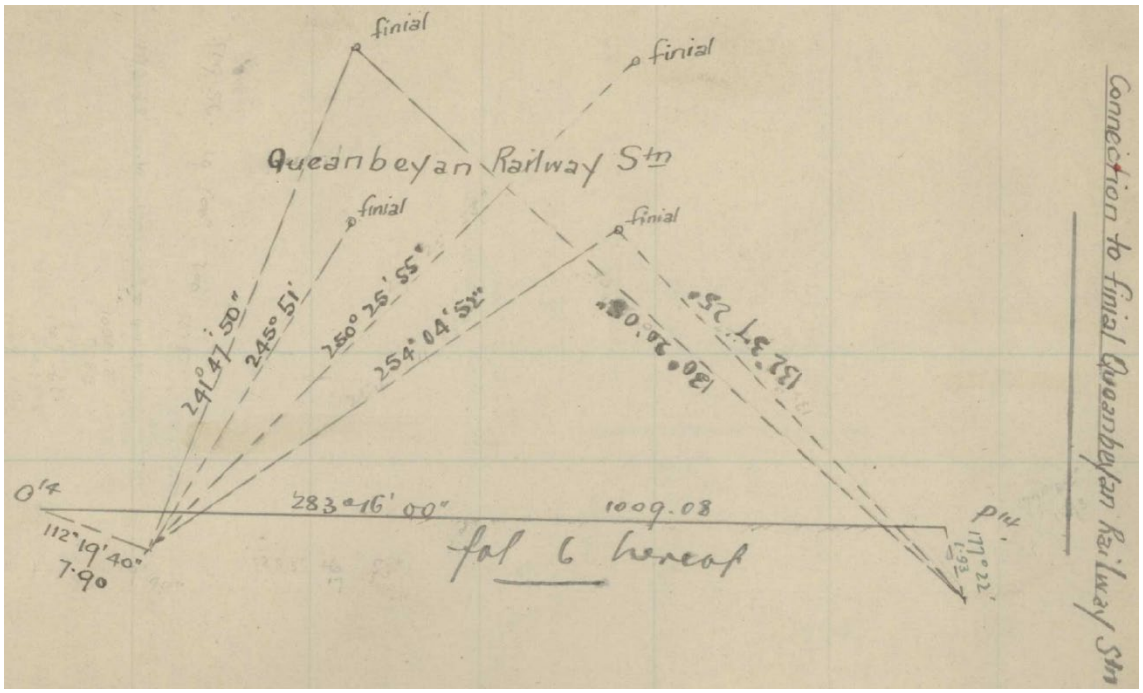


Figure 13: Connection of the railway station.

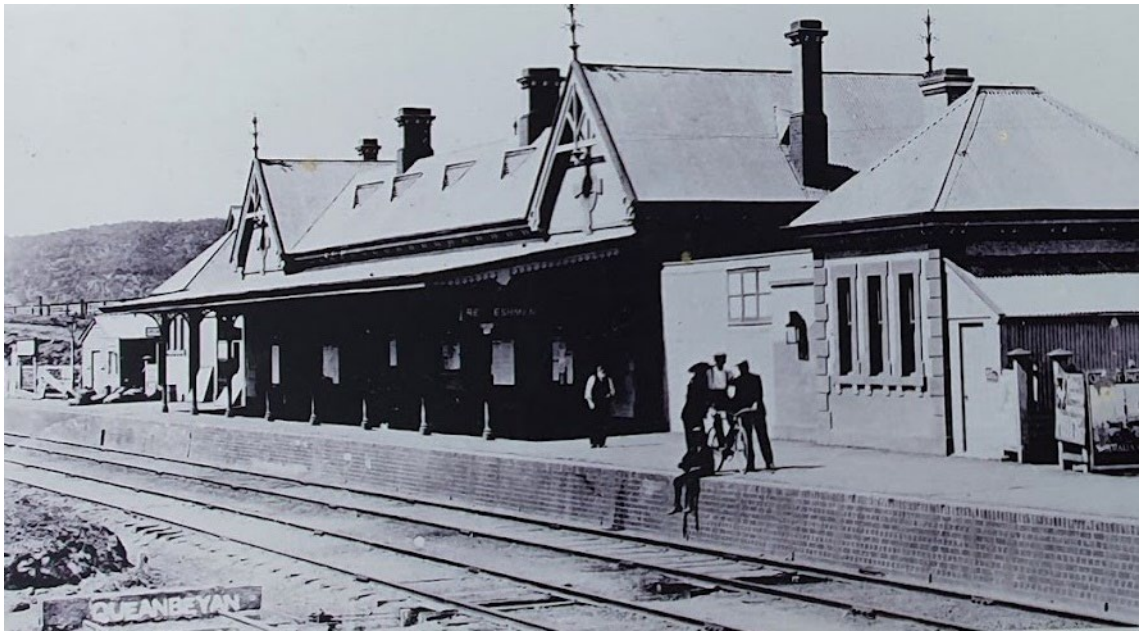
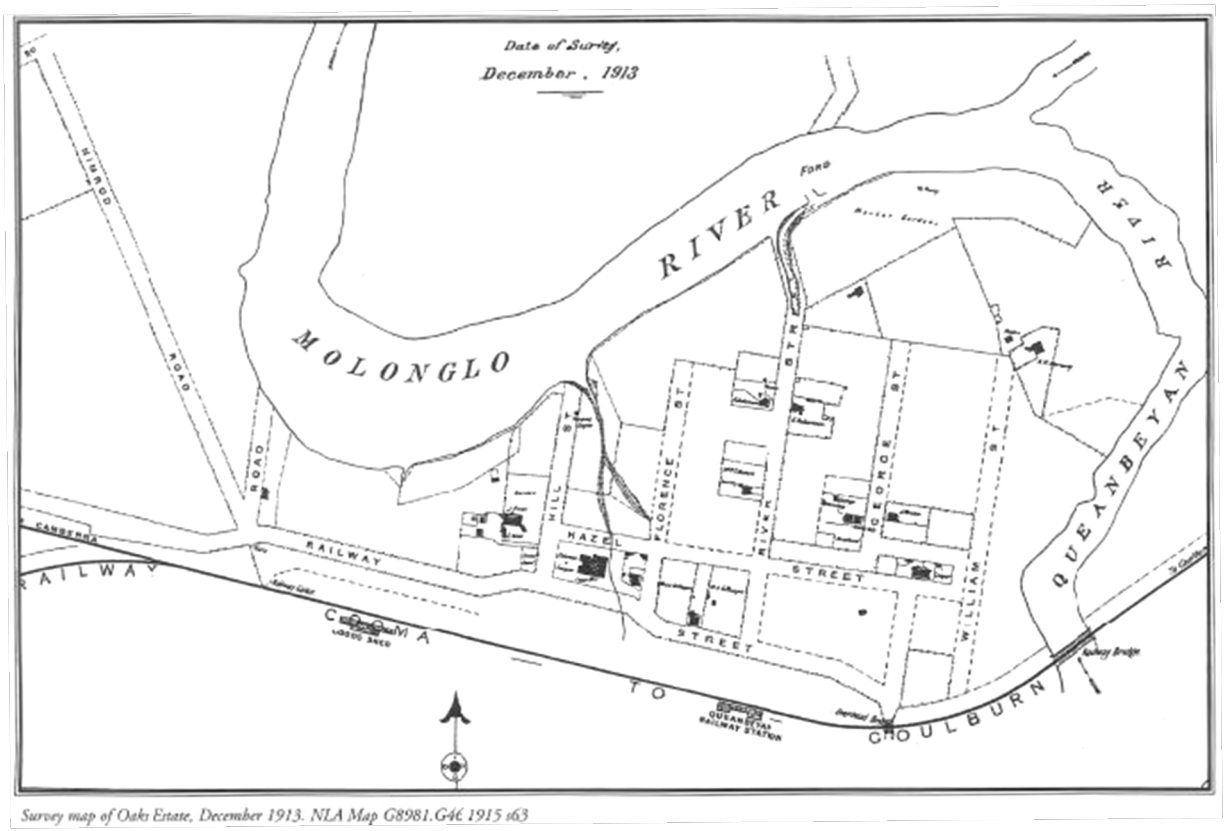


Figure 14: Finials on the railway station.

4.2 Detail Survey 1913

In 1913, Surveyor Percival undertook a comprehensive survey of buildings and other features including fences on the ACT side of Oaks Estate. This survey is connected to the ACT border but does not appear to be directly connected to DP2207, although numerous fences were surveyed. Apparently, no plan specific to Oaks Estate was prepared, but the field notes in books A610, F1311, F1317 and F1318 are accessible via ACT Government (2026) and the data must have been used (Figure 15). It does not appear that Surveyor Schunke (see MS1077) in his survey connected directly with the Percival surveys.



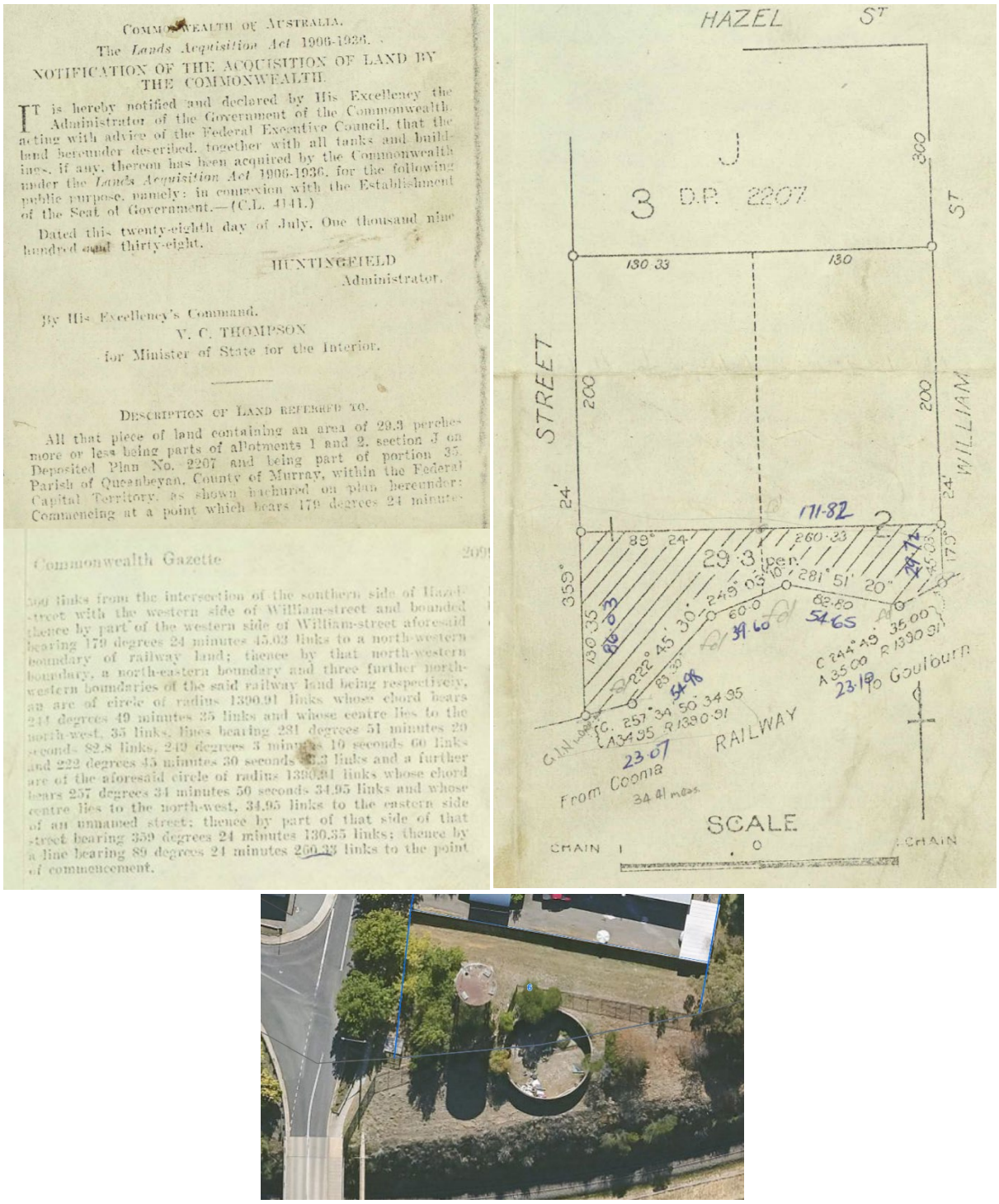
Survey map of Oaks Estate, December 1913. NLA Map G8981.G46 1915 s63

Figure 15: Probable plan based on the Percival survey.

4.3 Water Tank Survey and Acquisition

The metal reservoir tank at the end of McEwan Avenue was installed in 1938 as Oaks Estate's first permanent water supply. The larger adjacent cement railway reservoir was built in 1926, storing water piped from the river to supply steam trains. Interestingly, it stood partially in the ACT and NSW, clearly ignoring the border. In 1938, the Commonwealth acquired the land on which the reservoir stood. The Commonwealth Gazette appears to indicate the intention to add it to the railway land (Commonwealth of Australia, 1938). However, the land remains as "Territory Land" in the ACT.

Surveys associated with the water tank and reservoir were undertaken by Davidson in 1938 (FB S1439) and Oliver in 1970 (FB K5949). A copy of the Gazette is included in the fieldbook (Figure 16).



COMMONWEALTH OF AUSTRALIA.

The *Lands Acquisition Act* 1906-1936.

NOTIFICATION OF THE ACQUISITION OF LAND BY THE COMMONWEALTH.

IT is hereby notified and declared by His Excellency the Administrator of the Government of the Commonwealth, acting with advice of the Federal Executive Council, that the land hereunder described, together with all tanks and buildings, if any, thereon has been acquired by the Commonwealth under the *Lands Acquisition Act* 1906-1936, for the following public purpose, namely: in connexion with the Establishment of the Seat of Government.—(C.L. 4141.)

Dated this twenty-eighth day of July, One thousand nine hundred and thirty-eight.

HUNTINGFIELD
Administrator.

By His Excellency's Command.
V. C. THOMPSON
for Minister of State for the Interior.

DESCRIPTION OF LAND REFERRED TO.

All that piece of land containing an area of 29.3 perches more or less being parts of allotments 1 and 2, section J on Deposited Plan No. 2207 and being part of portion 35, Parish of Queanbeyan, County of Murray, within the Federal Capital Territory, as shown hachured on plan hereunder: Commencing at a point which bears 179 degrees 24 minutes

Commonwealth Gazette 2091

200 links from the intersection of the southern side of Hazel-street with the western side of William-street and bounded thence by part of the western side of William-street aforesaid bearing 179 degrees 24 minutes 45.03 links to a north-western boundary of railway land; thence by that north-western boundary, a north-eastern boundary and three further north-western boundaries of the said railway land being respectively, an arc of circle of radius 1390.91 links whose chord bears 244 degrees 49 minutes 35 links and whose centre lies to the north-west, 35 links, lines bearing 281 degrees 51 minutes 20 seconds 82.8 links, 249 degrees 3 minutes 10 seconds 60 links and 222 degrees 45 minutes 30 seconds 89.3 links and a further arc of the aforesaid circle of radius 1390.91 links whose chord bears 257 degrees 34 minutes 50 seconds 34.95 links and whose centre lies to the north-west, 34.95 links to the eastern side of an unnamed street; thence by part of that side of that street bearing 359 degrees 24 minutes 130.35 links; thence by a line bearing 89 degrees 24 minutes 260.33 links to the point of commencement.

HAZEL ST
J
3 D.P. 2207
300
ST
130.33
130
STREET
200
200
WILLIAM
24'
24'
171-82
2
89° 24'
260·33
29·3 perch.
359°
281° 51' 20"
249° 03' 10"
60·0
82·80
222° 45' 30"
89·30
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C 244° 49' 35·00
A 35·00 R 1390·91
To Goulburn
C. 257° 34' 50" 34·95
A 34·95 R 1390·91
RAILWAY
From Cooma
34·41 mes.
SCALE
CHAIN 1 0 CHAIN

Figure 16: Gazettal of acquisition and ACTMAPI image showing the reservoir.

4.4 New South Wales

In NSW, subsequent subdivisions and redefinitions of lots in DP2207 have reduced the number of remaining lots to four. New plans were based on occupations or found pegs associated with DP2207. Things seemed to go awry fairly early with DP2207 showing a bend in the southern boundary of Section P occurring on the frontage of Lot 7 and differing significantly from the underlying plan DP56456. Following this, DP7255 in 1913 shows the bend being on the frontage of Lot 10, with a difference of over 254 links to the eastern corner and differing also with DP56456! (The recent examination plan adopted the DP7255 version.) The heritage-listed

Bull's Cottage, built in the 1880s on Lots 10 & 11, has structures extending to or very close to the boundaries. One might have anticipated the buildings to be within the newly created boundaries. Unfortunately, plans show no connections to buildings.

Surveys remained ad hoc and often did not extend observations to terminals of lines, particularly before the advent of Electronic Distance Measurement (EDM) instrumentation. Consequently, anomalies occurred in Henderson Street and Derrima Road, eventually requiring three examination surveys to be carried out. DP983470 (1925) redefined Derrima Road between Crest Road and Federal Avenue. DP978235 (1968) redefined the boundaries of Henderson Street and Derrima Road between Ross Road and Crawford Street. (The plan incorrectly refers to Henderson Street as Henderson Road.) Recently, DP1198432 (2014) redefined Henderson Street and Derrima Road between Crawford and Campbell Streets. Recent plans have connected to established survey control marks, enabling the relatively easy determination of the boundaries as defined in the respective plans.

No plans connected to the ACT border marks, even though land in DPs for lease purposes within the railway land abutted the border. Fences appear simply to have been adopted. Interestingly, DP552193 (north of the railway line) and DP1002170 (south of the railway line) show offsets of the boundary to the railway line.

4.5 Australian Capital Territory

In the ACT, development of lots in DP2207 (now referred to as blocks) started to occur in the 1960s. Prior to this, Surveyor Schunke undertook a survey in 1958 of the lots in DP2207 to define the road boundaries, titling his fieldbook as "Alignment of Streets Oaks Estate". Whilst Surveyor Schunke surveyed fences of the railway boundary, he does not appear to have connected to the border survey by Sheaffe (FC_05). In 1972, 14 years after the survey, a plan was compiled from Schunke's field notes (K1060 and K1341), and an apparently unexamined plan MS1077 was adopted for subsequent surveys in the estate. His "alignment" appears to have been based on his assessment of occupations surveyed.

4.6 MS1077

MS1077 is a plan "drawn" and "traced" by "M.G.O." with no approval of any surveyor or government official (Figure 17). Nonetheless, it has been used since and before the date of the plan in 1972 as the source of definition for Oaks Estate. The plan was compiled from the field notes of Surveyor Schunke in 1958 prior to the date of MS1077 and prior to the advent of EDM instrumentation. He does not describe himself as a licensed or registered surveyor. One hopes he was. Interestingly, the survey did not extend to roads west of Hill Street. His fieldbook is titled "Alignment of Streets Oaks Estate"!

4.7 Elgood Survey 1980 (FB K8585)

In 1980, Registered Surveyor Elgood connected some marks from MS1077 to both the ACT border survey and existing survey control (FB K8585). It does not appear that any analysis of his survey has been undertaken or a more recent MS plan been prepared to show the relationships between the MS1077 marks to the ACT border.

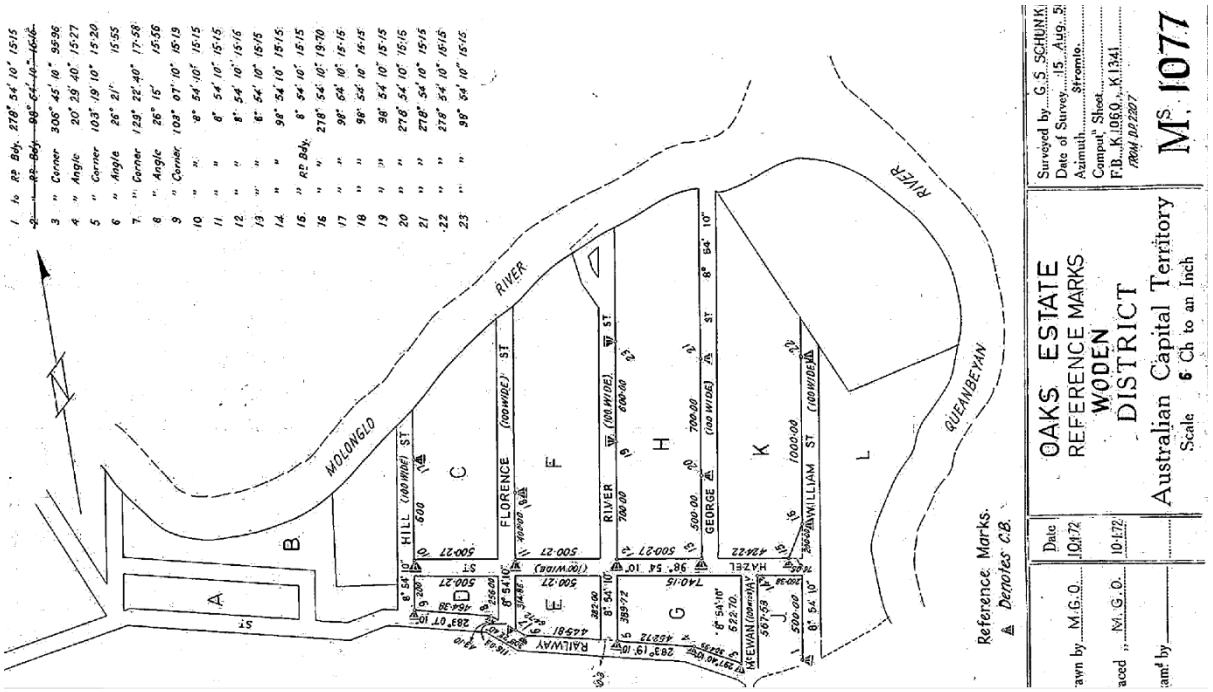


Figure 17: MS1077 – "Alignment" survey of streets.

4.8 DP4379

In the survey of DP4379 (1975), the orientation of the survey are marks placed by Schunke. This plan is the one described in Steer (2025) as being found in the ACT Supreme Court to have been incorrectly defined. Surveyor-General Sleep had certified that the plan was done in accordance with the Districts Ordinance 1966-1967. Steer (2025) described numerous possibilities for the error in the plan, and this author concurs. However, Steer also states "the Commonwealth had no examination section for DPs." The field notes K7311 refer to requisitions and amendments to bearings "after request from Examinations." This indicates there was sufficient protection in the Districts Ordinance for the Surveyor-General's approval of the plan! It is unlikely that a government official would endorse a plan these days without thorough examination. Plans undertaken after DP4379 used both the unendorsed MS1077 and the incorrect, approved DP4379 to prepare their definitions, and these plans were examined and approved (e.g. DP4822 and DP9130). It appears that changes to their boundaries as a consequence of the error have not been challenged. It would be interesting to anticipate what the respective responsibilities of the subsequent surveyors and ACT government represented by their Surveyor-General would be if a challenge had eventuated.

4.9 DP16471

DP16471 (2025) was undertaken by the ACT Office of the Surveyor-General as a consequence of the ACT Supreme Court judgement and described by Steer (2025). The survey definition in William Street is based on two concrete blocks from MS1077 an old peg "60+ years old" and old occupations. This author has no issue with the definition but believes that, as a plan coming from the ACT Office of the Surveyor-General, it would have been improved by connections to the ACT/NSW border survey. It should also have been connected to survey control as established marks exist within 300 m of the site.

The survey practice directions (ACT Government, 2023) state that for infill surveys "a surveyor must connect to established survey control marks within the limits of the survey in an infill

area", and in Guideline 4 (ACT Office of the Surveyor-General and Land Information, 2021) the requirement is for connections to be made to marks ≤ 300 m from the subject land. FY100 and PM55019 are located within 300 m of the subject land, and FY101 is arguably also within 300 m. An easier connection would be to survey NSW control marks in Henderson Street, Queanbeyan. Connection to survey control, or the inclusion of new control, would have enhanced the plan and subsequently the ACT cadastral database.

4.10 DP16606

With a precedence having been set in DP16471, no connection was made to nearby survey control in DP16606 (2025). The definition is largely based on MS1077, DP16471 and the underlying plan DP9130. The author has no issue with this definition.

5 SURVEY CONTROL IN THE LAND COVERED BY DP2207

Oaks Estate (ACT) is the only "suburb" or residential area without a survey control point with adequate accuracy to require their connection. Two marks, FY100 and FY101 are within 300 m of the estate but located in rural land north and east of the Molonglo River. PM55019, located in NSW close to the railway line east of Oaks Estate, is also within 300 m of the estate. Consequently, no plans are connected to control, although strictly in accordance with current requirements the latest two plans should have been connected to these marks, or alternative marks in the easily accessible Henderson Street in Queanbeyan. Oaks Estate is regarded as the neglected suburb with respect to infrastructure in the ACT (Figure 18), and it is clearly neglected with respect to survey infrastructure.

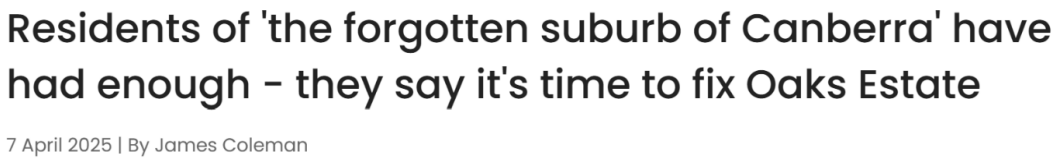


Figure 18: News article headline.

In 1980 Surveyor Elgood (FB K8585) connected FY100 and FY101 to both the ACT border control marks (FC18_05) and control marks placed in the plan of alignment of roads in Oaks Estate (MS1077). It is a pity that a Miscellaneous Plan was not prepared to show these connections (Figure 19).

In NSW, four marks are surviving of eight marks placed in Henderson Street (Figure 20). These have been connected to in recent plans as required by regulations, and coordinates of the property boundaries can be calculated. PM55019 is located adjacent to the railway line outside of the image shown in Figure 20. In addition to the marks shown in Figure 20, a State Rail "PM-type" mark exists on the eastern side of the platform. Unfortunately, these rail marks are not included in the NSW database for more general use.

Figure 19: Aerial showing ACT control.

Figure 20: Aerial showing NSW control.

It is interesting to note connections to trigonometrical (trig) stations in the early surveys. The Trigonometrical Survey of New South Wales register of stations (NSW Department of Lands, 1895) includes the trig station “Glory” located close to the estate in DP2207, yet neither the survey for DP2207 nor the border survey connected to it. The border survey includes connections to the trig stations “Ainslie” and “Rob Roy” which are in the register. It also connects to trig stations “Williams”, “Relic” and “Duntroon”, which were probably trig stations created and surveyed in the contour survey of the ACT and are not listed in the register. Duntroon trig is still shown in the ACT database (ACTMAPI), while the NSW database (SCIMS) shows TS2230 Glory as ‘destroyed’.

An annual report of the Lands and Survey Branch by the Commonwealth Department of Home Affairs in 1913 contains a map illustrating works undertaken in the area (Commonwealth of Australia, 1913). It shows the level run from Queanbeyan to Canberra, and “Old” and “New” trig stations. It is interesting to note that neither the nearby Queanbeyan trigs such as “Glory” and “Garryowen” (listed in the 1895 NSW register of stations) nor the trigs “Williams” and

"Relic" (shown in the border survey FC18_05) are shown on the map.

The ACT level datum originated from a benchmark at the Queanbeyan railway station whose exact location is not known. The Railway Plan shows BM locations and a plan G66E shows a plan of land between Queanbeyan and Canberra with benchmarks and levels annotated on it. Near the station, the Railway Plan benchmarks appear to be about 20 feet higher than the level traverse values (Figure 21). The early Scrivener survey (1909) does not appear to have extended as far as Oaks Estate but refers to the level datum as the Cooma Railway (Figure 22).

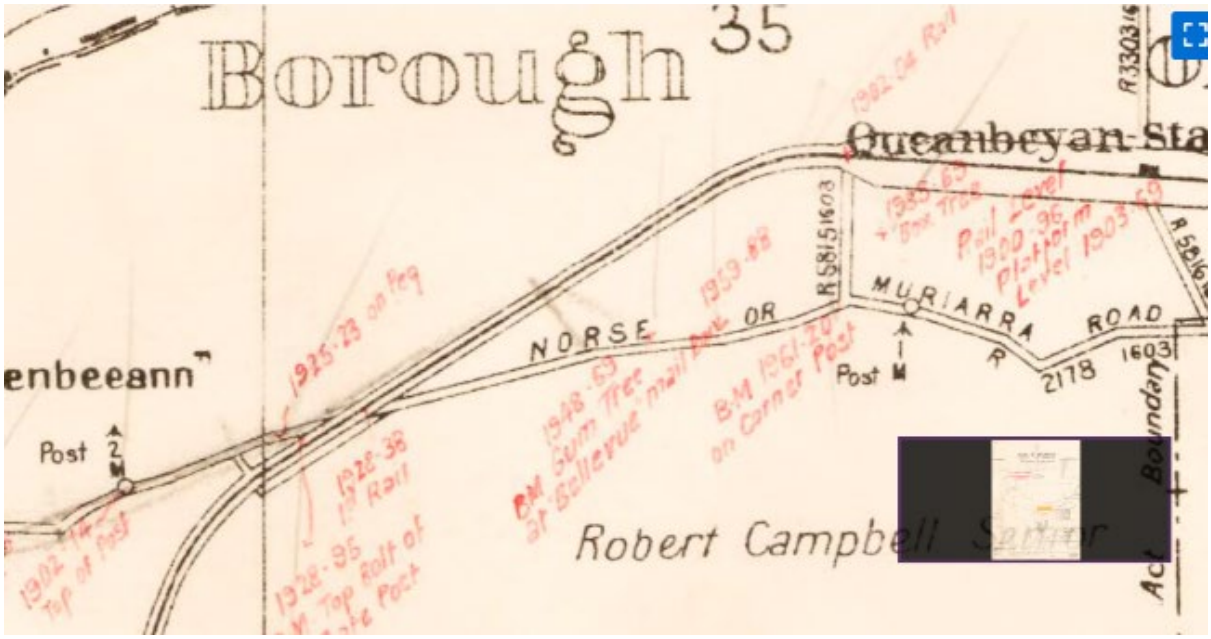


Figure 21: ACT levels from Queanbeyan Railway Station.

Figure 22: (a) Canberra Contour Plan heading and (b) eastern extremity.

6 GENERAL ISSUES WITH THE DEFINITION AND CONTROL IN OAKS ESTATE

Definition of boundaries in the ACT is largely based on an unapproved plan in 1972 based on a survey in 1958 by a "Surveyor" Schunke. There are no control marks in the suburb. Whilst due to subsequent adoption of marks from MS1077, no changes should necessarily be made, the author believes that a new survey needs to be done to connect the cadastre as currently defined to the ACT border survey, place survey control marks and connect to marks nearby.

In NSW, the author is concerned about the impact of examination surveys on definitions which have been based on plans approved by NSW LRS (or the NSW Land Titles Office before it) but are now deemed to be incorrect on the basis of an examination survey. While it is probable that the impact on the site of DP2207 is not significant, clarity should be obtained possibly from a legal opinion and discussed with surveyors in more detail by NSW LRS and the Office of the Registrar-General.

The Registrar-General Guidelines describes a "Monument" as follows (NSW Land Registry Services, 2026):
Schedule 9 of the Surveying and Spatial Information Regulation 2024 defines a monument as "a natural or artificial object, or a point on a natural or artificial object, that is shown on a survey plan held by the Registrar-General or a public authority to locate or relocate a boundary or a point in a survey". For a building, wall or other permanent structure to be acceptable as a monument for the purpose of defining a title boundary, it must be shown in the registered plan or described in the deed between the parties that created the boundary. The relationship between the monument and the boundary must be shown or described in the plan or deed. If undisturbed, the position of the monument can then be used to re-establish the boundary in a new plan and will prevail over the measurements set out in the base plan, title or deed.

Based on this definition, the correct connection to the railway station could have been used in subsequent definitions. It is uncertain if the corrected connection could be used. The connection of Surveyor Sheaffe to the finials is only found in his fieldbook and thus probably does not constitute a monument. The railway lines are shown on the railway plan, but it is uncertain whether this plan was registered and hence whether the lines constitute a monument. Regardless of the status, the connections to the railway station building, finials and railway lines do constitute evidence as to the location of boundaries.

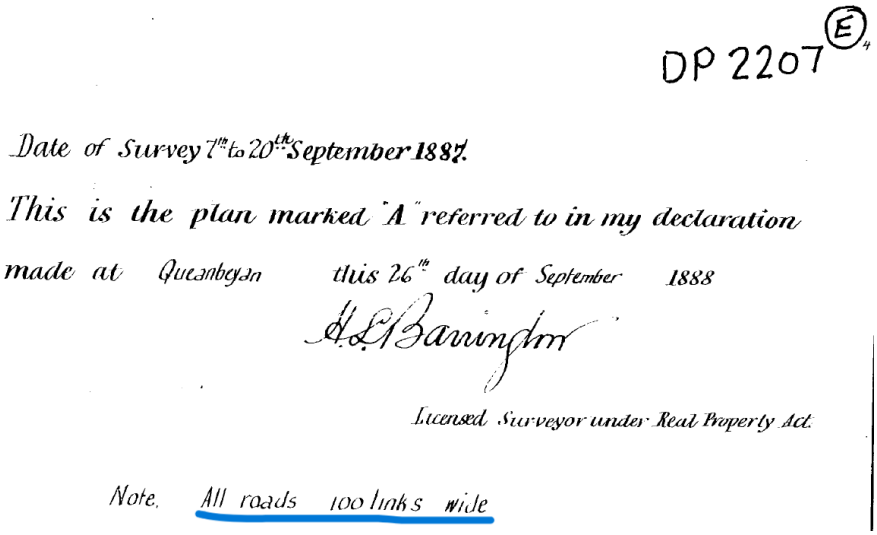
7 EXERCISE

To determine the current situation in relation to what was intended in DP2207, a database was compiled from existing surveys and plans on MGA2020. In NSW, this was relatively easy as recent plans are connected to established survey control. In the ACT, it required relying on Surveyor Elgood's survey in which he not only connected to nearby ACT control marks but also connected to marks from the ACT/NSW border plan FC18_05 and FC18_06, along with reference marks placed in MS1077.

Conclusions included:

- DP2207 connected to the railway station building referencing the western corner of the intersection of Henderson and Crawford Streets. No subsequent survey has connected to the corners defined in DP2207, although the field notes associated with the border survey did locate the finials located on the end of the ridges of the roof. No subsequent survey used these observations to confirm locations of the border. Unfortunately, DP2207 has two significant errors. The connection across the railway line is shown from the southern side of Railway Street, while the dimensions shown are consistent with the northern side of the road. Two connections are shown to the railway station building – one from each side of the intersection of Crawford and Henderson Streets. The dimensions are consistent with both the connections to the eastern and western side of the building, referencing the western corner of the intersection. Notwithstanding these errors, it is a pity that no subsequent plan connected to the railway station building.

- The railway line was built around the same time as the survey for DP2207. Connection with the railway line would have enabled use of the provided centreline offsets to define the railway boundaries fronting Henderson Street in NSW and Railway Street in the ACT.
- The border survey undertaken in 1912 appeared to make little attempt to connect to the recently surveyed DP2207. It is likely that pegs could have been connected to, which would have improved connectivity with surrounding land. Two common fence corners were surveyed east of William Street.
- MS1077 appears to be consistent within itself with subsequent surveys confirming its accuracy. However, it appears to be based largely on occupations, and no connection was made with the border survey (FC18). Consequently, the width of Railway Street is not the stated width of 100 links as intended. The survey did not extend west of Hill Street.
- Surveys on the NSW (southern) side of the railway land were very ad hoc, necessitating examination surveys to be undertaken. Unfortunately, these surveys covered only short pieces of the Henderson Street frontage and neither plan defined the intersection of Crawford Street on the basis of the connections shown in DP2207. Consequently, there are bends in the southern frontage of Henderson Street and the road width is not consistently 100 links as indicated in DP2207 (Figure 23).
- Modern surveys in Oaks Estate in the ACT should connect to survey control, and the ACT survey control network should be extended into the village.


DP 2207 (E)

Date of Survey 7th to 20th September 1887.

This is the plan marked "A" referred to in my declaration made at Queanbeyan this 26th day of September 1888

H. L. Bawden

Licensed Surveyor under Real Property Act

Note. All roads 100 links wide

Figure 23: DP2207 certificate with road width definition.

8 TITLE

Whilst the plan DP2207 is common to both sides of the border, the ACT terminology has changed. Lots are now called "blocks" and sections are now numbered numerically and no longer by letters. Initially, the land in DP2207 was held under freehold title, and it appears that although the Seat of Government (Administration) Act 1910 did not allow freehold title, the freehold title remained until the land was acquired by the Commonwealth. This took until 1974!

As stated in ACT Heritage Council (2017): "*The Seat of Government (Administration) Act 1910 provided for the Commonwealth acquisition of the land within its borders. It stated that no land could be held by freehold and froze the price of land for government procurement. Many of the farmlands in the area were already under a leasehold system. Those under freehold could be*

compulsorily acquired by the Government and converted to leasehold until required for Commonwealth use. As it was not feasible to acquire all the land at once, this took place over a long period. Oaks Estate's freehold land tenure was retained until 1974."

9 HERITAGE

The site of DP2207 is characterised by heritage sites, reflecting its important part in the development of Queanbeyan and Oaks Estate in the ACT. These include:

- Bulls Cottage on Lots 10 & 11 Section P.
- The railway cottage formerly in the railway reserve and now on Lot 2 DP816124 (now demolished).
- The railway precinct on Lot 2 DP1002170 and Lot 79B DP910710, formerly in the railway reserve site (Figure 24).
- The house on Lot 15, DP12593 in Derrima Road.
- The "Oaks" residence, which was excluded from the DP2207 subdivision.
- The Robertson house located on what was originally Lot 7 Section G (now Blocks 11 & 12 Section 7).

Figure 24: Railway precinct.

An application was made for the heritage listing of the subdivision of Oaks Estate. Unfortunately, this was rejected – maybe due to heritage listings traditionally being done by architects and professions other than surveyors. It is hoped that someday a new application can be submitted with the plan's uniqueness being emphasised, together with connections to existing heritage items.

The National Trust included the following comment (Martin, 2021): "*The heritage values of Oaks Estate have been highlighted in two previous reports that supported listing the area as a Conservation Area. However this was not supported by the ACT Heritage Council at the time. It is believed that Oaks Estate has significant heritage value as a unique and different part of Canberra that requires official recognition. It could be listed in a similar way to Blandfordia 4 with streetscape and character controls and reasonable freedom to develop new buildings.*"

The National Trust provides for unguided tours of the area (National Trust of Australia, 2026), including a pamphlet describing historic features which contains reference to a survey undertaken by Surveyor Dixon, describing the insertion of a peg by his "chainy" Docker (Figure 25). Further discussions with the National Trust regarding the uniqueness of DP2207 may result

in a new application for heritage recognition and surveying interest. We need to take every opportunity to market our profession!

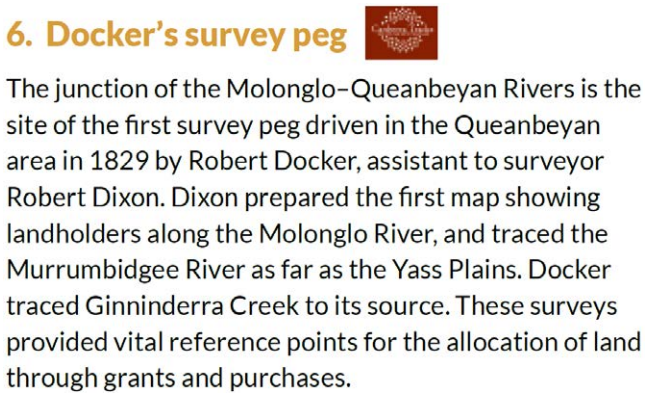


Figure 25: National Trust surveying reference.

10 CONCLUDING REMARKS

This paper has described the history of Oaks Estate in its regional context, along with plans and aspects of the boundary definition in both the ACT and NSW. It has highlighted the uniqueness of the plan DP2207, which may be the only plan in the country that is current in two states or territories. In addition, it is likely to be the only plan where different parcels defined in the plan are held in different forms of title, i.e. freehold and leasehold. The early surveys before and at the time of the survey for DP2207 have been outlined, followed by surveys after the creation of DP2207 and the establishment of the ACT. The paper has indicated shortfalls in the surveys and how definitions may have been improved. Summarising the surveying events, Appendix A includes a timeline showing the development in Queanbeyan and Oaks Estate, while Appendix B contains a list of significant surveyors in the survey of the estate and its surroundings.

Heritage aspects of most towns have a surveyor involved. The wider community is generally interested in the origin of things, and consequently surveyors and surveying bodies have an opportunity to market the profession by illustrating that the surveyor was, is and hopefully always will be at the forefront of development. Aspects of boundary definition and cadastral surveying were deliberately included in this paper – the reader can decide which boundary best fits "*Now That's a Boundary!*"

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APPENDIX A: TIMELINE OF SURVEYS

1.	43.743	Hoddle	1835	underlying portion plan
2.	1.1016	Larmer	1838	Reserve for township of Queanbeyan
3.	172.743	Larmer	1838	Town and Por 33 &34
4.	496.730	Mann	1852	Presby Church
5.	27.1057	Weever	1855	Hospital Balcombe
6.	?	Briand	1862	Illustrated town
7.	579.1603	Houghton	1866	Road plan
8.	620.1603	Houghton		Road plan
9.	448a.1603	Deering	1868	Road plan
10.	772.1603	Thompson	1868	Road plan
11.	579a.1603	Smith	1877	Road plan through Queanbeyan
12.	2178.1603	Bayliss	1880	Road plan
13.	1.2245	Smith	1880	Alignment plan
14.	39.1057	Smith	1881	Queanbeyan town boundaries
15.	38.2070	Nash	1882	Temporary Common
16.	Rail plan BR5A		1886	
17.	DP1892	Schleichel	1886	West and south of DP2207

18.	3303.1603	Wood	1886	Connection Glory to Oaks Estate
19.	2-2246	Lucas	1887	Alignment plan
20.	DP56456	Dawson	1887	Land on which DP2207 created
21.	DP2207	Barrington	1887	Oaks Estate
22.	3303.1603	Stonewood	1887	Road through Oaks Estate
23.	3-2246	Riddle	1891	Campbell Street alignment
24.	Trig Stations		1895	Queanbeyan and ACT
25.	5816.1603	Compiled	1898	Crawford Street
26.	FC18.05	Sheaffe	1913	ACT-NSW border
27.	FB F896	Sheaffe	1913	3&4 Section K
28.	DP7255 NSW	Sheaffe	1913	South of DP2207
29.	FB F1311,7,8 & A610	Percival	1913	Detail survey of ACT side
30.	FB S1439	Davidson	1938	Reservoir and acquisition
31.	FB S1951	Various	1944+	Oaks Estate
32.	6194.1956	Courtenay	1952	Portion 57 east of DP 2207
33.	K1060 and K1341	Schumke	1958	Alignment of Oaks Estate roads
34.	K5949	Oliver	1971	Reservoir
35.	MS1077	MGO?	1972	MS plan based on Schumke survey
36.	DP4379	Tweedie	1975	Blocks 20-25 Section L
37.	DP4822	Sawkins	1977	Blocks 2005 and 2006
38.	K8585	Elgood	1980	Connection of George St to control/border
39.	DP5830	Groutch	1982	Blocks 20-25 Section 12
40.	DP7019	Tybell	1985	Block 37 Section 11
41.	DP9130	Tybell	1994	Block 4 Section 14
42.	DP16471	Steer	2024	8/14 & 26-28/12
43.	DP16606	McNiven	2025	10 & 11/14

APPENDIX B: SIGNIFICANT SURVEYORS

Pre Oaks Estate

Dixon	1829	Topographical
Hoddle	1835	Portion Plan
Larmer	1838	Queanbeyan Town Boundary
Smith	1877-1881	Queanbeyan Town Boundary and first Alignment Plan
Lucas	1887	Second Alignment Plan and Queanbeyan Control

Oaks Estate

Dawson	1887	
Barrington	1887	DP2207

Post Oaks Estate

Sheaffe	1913	ACT/NSW border
Schunke	1958	(MS1077) Oaks Estate “Alignment”
Tweedie	1975	DP4379 with wrong boundary
Elgood	1980	Connection of Schunke survey with ACT control and border
Steer	2025	Re-established boundaries in William Street