National Native Title Tribunal

Guidelines for written descriptions associated with native title determination applications and indigenous land use agreements

Geospatial Services

National Native Title Tribunal

2018

Introduction

Clear, non-ambiguous descriptions of areas, along with any accompanying maps, form an essential part of the consideration for registration of a native title determination application (NTDA) or indigenous land use agreement (ILUA). These guidelines have been prepared as a reference when preparing written boundary descriptions for NTDAs or ILUAs. It sets out the requirements and provides guidance and examples for the preparation of written boundary descriptions. Geospatial Services can provide guidance on other terms that may be used to suit particular circumstances.

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What is a written boundary description?

A word description that defines an area of the earth's surface without ambiguity and having legal integrity. The description should be easy to read and clearly identify the intent.

A description may simply include reference to a single feature or multiple features which together defined the area. These could include reference to land parcels, natural features, mining tenements, administrative boundaries, or coordinates.

A description may also be described using a structure called 'metes and bounds'

Metes and bounds (measure and going)
Is a system or method of describing an area. Typically, it uses features, along with directions and distances, to define and describe the boundaries of an area. The boundaries are described in a running prose style, working around the area in sequence, from a point of beginning and returning to that same point.

The term "metes" refers to a boundary defined by the measurement of each straight run, specified by a distance between the terminal points, and an orientation or direction.

The term "bounds" refers to a more general boundary description, such as along a certain watercourse, a road reserve, a land parcel boundary or an administrative boundary.

Commencement points
To assist the reader, and where possible, a prominent point or feature should be used as a commencement point. This could include:

- Position on a land parcel boundary, or tenure identifier (e.g. northernmost corner of Lot 17 on Plan CP123)
- Position on a physical feature (e.g. junction of the centrelines of the Darling river and the northern bank of the Murray rivers)
- Position on an administrative boundary (e.g. intersection of Local Government Area {LGA} boundaries of Swan and Kalamunda) or
- Coordinate position (e.g. latitude and longitude, including reference datum).

The commencement point should be identifiable on the map accompanying the description.

When using a feature, the source reference should be included by way of a note or disclaimer.

Direction of description

A clockwise direction is preferred when describing the boundaries (if only by convention) and it also aids consistency.

Describable features

Examples may include but are not limited to:

- State or territory administrative boundaries. (LGA, electoral, land district, high water mark (HWM), and other gazetted boundaries)
- cadastral boundaries (lot on plan, lease, reserve)
- topographic / geographic features (rivers, shorelines, water catchment areas, roads, wells etc.)
- other boundaries (mining tenements, native title determination applications, ILUAs etc.)

Features versus coordinate points

- Where the intent is to use an existing boundary (cadastral, administrative etc.) or a feature as part of the area being described, the use of coordinate positions to also describe that boundary or feature are not required and should be avoided. Where an administrative boundary is used it is important to place an 'as at date' associated with that boundary.
- Occasions will arise where the use of coordinate points is the only option available such as areas over sea, parts of land parcels following 'arbitrary' boundaries, etc.
- If the boundary you are describing intersects a known boundary at some point along that boundary use either a longitude or latitude to describe that intersection, rather than both, e.g. 'Then south westerly to a northern boundary of Lot 23 on Plan 1234 at Longitude 123.23456° East'.
- If coordinate points or pairs are included in the description the preferred formats are:

Longitude/Latitude

Longitude (East)	Latitude (South)
124.496064	12.680254

Decimal degrees to six decimal places

Map Grid of Australia (MGA)

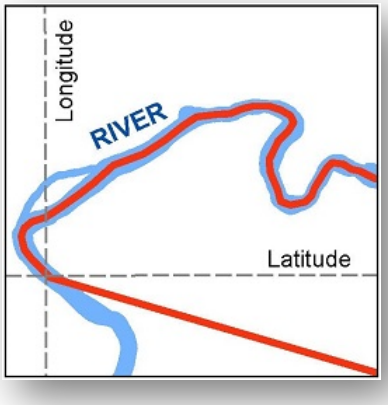
Easting	Northing
500000.00	6690000.00

Grid values to two decimal places

When using coordinate points the datum must be included. When using MGA values both the datum and zone reference must be included.

Some specific terms and phrases

The consistent use of specific terms and phrases is important in a description as it will improve the readability and generally avoid misinterpretation.

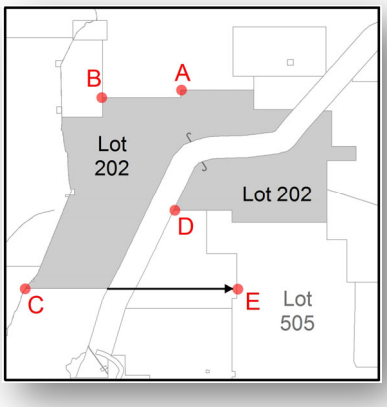


Referencing features boundaries.

to the centreline of the river at latitude.....

In this instance you would not use a longitude as this can place the boundary at two separate locations along the said river.

along the centreline of the main channel of the river.....



Referencing land parcels boundaries

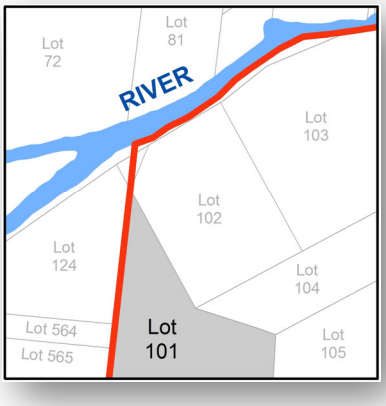
to the northernmost northwest corner of Lot 202 (point A)

to a northwest corner of Lot 202 at approx. longitude..... (point B)

to the westernmost point of Lot 202 (point C)

to the westernmost corner of the easternmost severance of Lot 202 (point D)

to the intersection of the prolongation easterly of the southernmost boundary of Lot 202 with the western boundary of Lot 505 (point E)



Combining land parcels and features

along the western boundary of Lot 101 and onwards to the southern bank of.....

OR

Along the western boundary of Lot 101 and the prolongation northerly of that boundary to the southern bank of .....

Other option could include:

to the eastern / western bank of the river;

to the right / left bank of the river

Right / left bank is in relation to when facing in the direction of flow or downstream.

Describing coastlines

generally southerly along the high water mark of the....

Other options could include:

along the low water mark;

along the lowest astronomical tide

It is also useful to include the following when describing a boundary along a particular coastline:

.....crossing the mouths of any waterways between the seaward extremities of each of the opposite banks of each such waterway.

Other terms

Other common terms and phrases used are:

- shoreline of Lake….
- centreline
- cardinal directions—e.g. north, south, east or west, northeast, etc. (use between two points)
- generally north westerly (generally use when a boundary has a number of points or deviations)
- northernmost eastern
- intersection of……..with…….
- a 10m buffer east of ……

Exclusions

- To clarify the intent of the area being described and to avoid misinterpretations, excluded native title determination applications or areas, such as land parcels or mining tenements, should be specifically listed as exclusions.
- If the National Native Title Tribunal is assisting in preparing a description under sections 24 or 78 of the Native Title Act it will not include general exclusions clauses within its descriptions. This is for the individual client to include.

Notes, disclaimers and date stamping

This is an important part of any description as it identifies all data sources and date stamps any form of boundary, topographic feature or coordinate point referenced in the description.

Reference datum

The reference datum is used to provide unambiguous coordinates. Without a reference datum, locations can be displaced. For example:

- Geographic Coordinates are in decimal degrees referenced to the Geocentric Datum of Australia (GDA94).

- Grid Coordinates are in metres (Zone 53) referenced to the Map Grid of Australia 1994 (MGA94).

- Geographic Coordinates are in degrees minutes, seconds referenced to the Geocentric Datum of Australia (GDA94).

Data reference and source

This includes all references and sources to the relevant spatial datasets used to describe and to construct the area, for example:

- Rivers and topographic features referenced to 1:100,000 National Topographic Mapping Series sourced from GeoImage Pty Ltd. Dated (dd/mm/yyyy).

- Land parcel/Cadastral boundaries sourced from the Department of Natural Resources and Mines (Qld) dated (dd/mm/yyyy).

- 12 Nm Limit referenced to AMBIS digital data sourced from Geoscience Australia dated (dd/mm/yyyy).

- Native title determination application SG66/1998 Dieri Mintha (SC1995/002) as filed in the Federal Court of Australia on dd/mm/yyyy and sourced from the National Native Title Tribunal.

These references and date stamps inform users of how the geographic boundary was constructed and provide some insight into the intent; this in turn allows others to reconstruct the boundaries of the area using the same information that was used to prepare the initial description. It also allows users with access to spatial data the ability to upgrade a spatial boundary based on updated reference data without affecting the intent of the area being described.

Example – written boundary description

Boundary description

The application area covers all the land and waters within the external boundary described as:

- Lot 4340 on Plan PH562 (Broadleigh Downs pastoral holding);
- Lot 1 on Plan FX3 (Devon Park pastoral holding); and
- That part of Lot 4319 on Plan SP279594 (Egera pastoral holding) north of the Cape River.

Data reference and source

- Cape River based on casement data sourced from Department of Natural Resources and Mines (QLD) - August 2015.
- Cadastre data sourced from the Department of Natural Resources and Mines (QLD) - August 2015.

Example – metes and bounds written boundary description

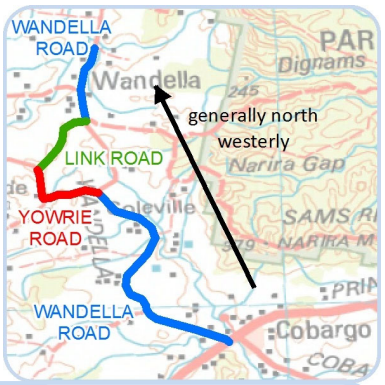
External boundary

Commencing at the easternmost point of the Low Water Mark of the NSW coastline at Cape Dromedary, approximately 10km south of Narooma; then generally south westerly along that coastline crossing the mouths of any waterways between the seaward extremities of each of the opposite banks of each such waterway to the northern boundary of the Bermagui River drainage catchment boundary in the vicinity of the month of the Bermagui River; then generally north westerly and generally westerly along the northern boundary of that catchment to the eastern boundary of the parish of Narira; then generally northerly along that parish boundary to the southern bank of Dignams Creek; then generally north westerly along that creek to the centreline of the Princes Highway; then generally south westerly along that highway to Wandella Road at Cobargo; then generally north westerly along the centrelines of that road, Yowrie Road, Link Road and again Wandella Road to intersect the prolongation westerly of the northern boundary of Reserve 752164 (Lot 178 on Plan D752164); then north westerly to the intersection of a line between the peaks of Peak Alone and Jeffers Mountain and the eastern boundary of Wandella State Forest; then generally northerly along the boundaries of that state forest to a corner also being the northernmost corner of Lot 1 on Plan DP125807; then north westerly to the intersection of the centreline of an unnamed creek with Wandella Creek at approx. Latitude 36.227277° South; then generally northerly along the western bank of that creek to the southern bank of the Tuross River, also being a point on the southern boundary of native title determination application NSD572/2005 Deua Regional Claim (NC2005/009); then generally north easterly along the boundary of that native title determination application to the western boundary of the parish of Wagonga, further described as:

> *Generally north easterly along the southern bank of the Tuross River to the north west corner of Lot 1 on Plan DP608542; then generally easterly along the northern boundaries of that lot and Lot 1 on Plan DP125580 to its north eastern corner; then due east to the* western boundary of the parish of Wagonga.

Then generally southerly and generally easterly along the western and southern boundaries of the parish of Wagonga to it southernmost corner; then north easterly to the high water mark of the southern bank

Provides context for people that maybe unfamiliar with Cape Dromedary by referencing it to a well-known feature.



No need to describe all direction changes in the boundary as these can be combined and the 'general' direction noted instead.
Also, useful where possible to join a series of individual features together. This avoids describing the boundary as along a feature to another, then along that feature and so on.

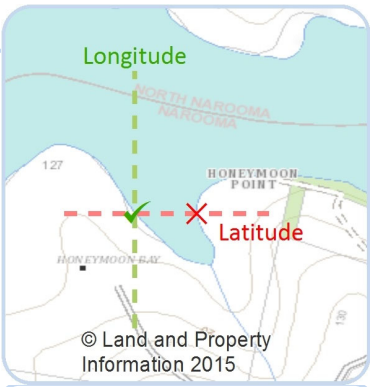
Use an approx. Latitude to assist in identifying the unnamed creeks in question as there are several that flow into Wandella Creek.

Instead of just referring to 'following a native title application boundary'. It is helpful to include a description of what features that boundary follows. This enables this description to stand on its own without the need to source further information regarding what the referenced native title boundary actually follows.

of Wagonga Inlet at Honeymoon Bay at Longitude 150.083738° East; then generally easterly and generally north easterly along the southern bank of that Inlet to its mouth at the Pacific Ocean; then generally south westerly through the following coordinate points:

Longitude (East)	*Latitude (South)*
150.168609	*36.211338*
150.209693	*36.224712*

Then south westerly to the low water mark of the northernmost point of Montague Island; then generally easterly, generally southerly and generally westerly around that island along the low water mark to its southernmost point; then south westerly back to the commencement point.



Refers to only a Longitude value so as to not place this point at multiple locations on the bay.

Exclusions

When the National Native Title Tribunal assists in preparing a description under sections 24 or 78 of the Native Title Act it will not include any general exclusions clauses within its descriptions. This is for the individual client to include.

- Bermague Water Supply Dam – Lot 1 on Plan DP562933;
- Bobundara swamp including that area to a distance of 50 metres surrounding the swamp; and
- Any area covered by native title determination application NSD572/2005 Deua Regional Claim (NC2005/009).

Although already described as along and not including any area of this native title application, to avoid any doubt it is also advisable to include this as a specific exclusion.

Reference datum

Geographic Coordinates are in decimal degrees referenced to the Geocentric Datum of Australia (GDA94).

As coordinates are mentioned in the description, the appropriate datum must also be mentioned.

Data reference and source

Identifies all the reference information used to define features described in the description and date stamps them.

- Topographic data sourced from the NSW Digital Topographic Database, © Land and Property Information [2015].
- Drainage catchment boundary data sourced from Department of Environment, Climate Change and Water (NSW) - July 2010.
- Parish boundary data sourced from Land and Property Information (NSW) – August 2016.
- Coastline based on GEODATA Coast 100K data sourced from Geoscience Australia – 2004.
- Cadastral data sourced from the Land and Property Information (NSW) - March 2015.
- Native title determination application NSD572/2005 Deua Regional Claim (NC2005/009) as accepted for registration on 7 July 2012. Data sourced from the National Native Title Tribunal.