



How to lodge an application for a boundary determination

Under Part 14A of the *Real Property Act 1900*, an application may be made to the Registrar General for the determination of the position of the common boundary of adjoining lands. The application may only be made by or on behalf of:

- an owner of land on either side of the boundary
- a purchaser under a contract for sale of land on one side of the boundary who has paid the purchase price in full or obtained the owner's consent
- a public or local authority or the head of a government department.

An application must be accompanied by such evidence as the Registrar General may require. This would typically consist of a sketch and/or report, prepared by a registered surveyor and drawn in association with an identification survey or markout survey, which shows a discrepancy with an earlier survey or plan.

Before proceeding with a determination the Registrar General must give notice to the adjoining owner(s), inviting the owner(s) to make written submissions on the application.

If the Registrar General decides that a survey or other investigation should be carried out to assist with the determination, the applicant may be required to pay reasonable costs.

Unless satisfied that there is doubt as to the position of the boundary concerned, the Registrar General must refuse the application and inform the applicant accordingly.

The Registrar General must, through consultation with a registered surveyor, determine the position of the boundary on the basis of all the evidence available. If that evidence is inconclusive, the Registrar General may determine the boundary on the basis of what appears to be just and reasonable in the circumstances. Notice of the determination is given to the applicant and the adjoining owner.

An owner or applicant who is dissatisfied with a determination may, within 28 days after receiving notice, appeal to the Land and Environment Court for a determination by the Court on the position of the boundary.

The Registrar General may request that an applicant lodge a deposited plan showing the details of a boundary which has been determined under Part 14A of the *Real Property Act 1900*.

Inquiries regarding boundary determinations should be made by contacting the Customer Service Centre T: 1300 052 637 or E: surveyenquiry@lpi.nsw.gov.au.

Disclaimer

This fact sheet must not be relied on as legal advice. For more information about this topic, refer to the appropriate legislation.

© November 2012 LPI (B) P12/10/060

Copyright

© State of New South Wales through NSW Land and Property Information. This work may be freely reproduced and distributed for most purposes, however some restrictions apply. See the copyright notice on www.lpi.nsw.gov.au or contact Land and Property Information.

Customer Services

T 1300 052 637
T +61 2 9228 6666
F +61 2 9233 4357
www.lpi.nsw.gov.au