

# How to Lodge an Application for a Boundary Determination

Under Part 14A of the Real Property Act, 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 be made only 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 can be made under Part 14A whether or not the adjoining parcels are under the Real Property Act.

An application must be accompanied by such evidence as the Registrar General may require. Usually this consists of an identification survey or pegout survey, which shows a discrepancy with an earlier survey or plan or is at variance with the occupation of the land.

Before determining an application, the Registrar General must consult with a registered surveyor and give notice to the adjoining owner, inviting the owner to make written submissions on the application. If the Registrar General decides that a survey or other investigation should be carried out to assist him, he may require the applicant to fund these requirements.

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

The Registrar General must determine the position of the boundary on the basis of all the evidence available to him but, if that evidence is inconclusive, may determine it on the basis of what appears to him to be just and reasonable in the circumstances. Notice of the determination is given to the applicant and the adjoining owner.

An owner 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 an applicant to lodge a deposited plan showing the details of a boundary which has been determined under Part 14A.

Inquiries regarding boundary determination should be made to the Investigating Surveyors, by telephone on 02 9228 6606 or by fax on 02 9233 4133.

**Application forms must be lodged in person.**

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## Disclaimer

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