

Navigating Complex Boundaries: Delimitation and Adverse Possession in Urban Land Titling

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ABSTRACT

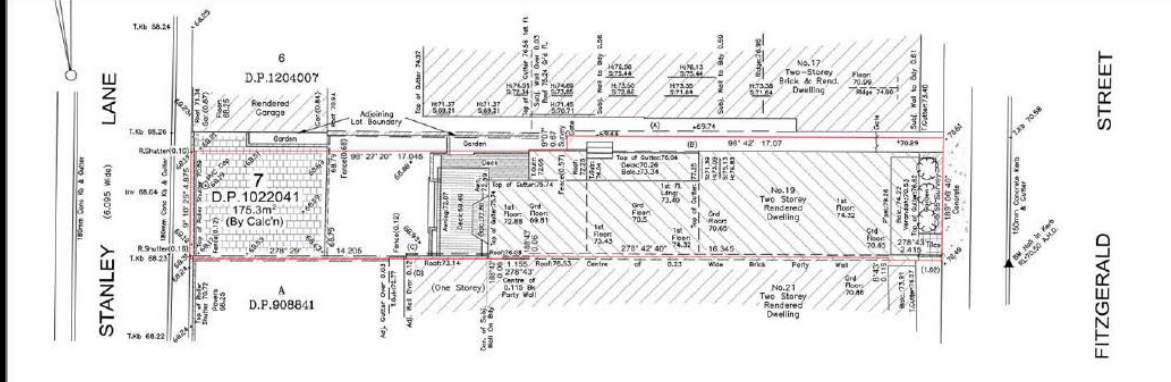
Beveridge Williams was engaged by the landowners of 19 Fitzgerald St, Queens Park, in Sydney, to perform a delimitation survey as part of Council's consent condition for the construction of a new garage. What initially appeared to be a routine task soon evolved into a complex adverse possession claim, involving two reasonable survey plans for adjoining sites. The challenge arose from the assumption that both sites were Torrens title, making the project particularly intriguing. The project scope expanded to include a consolidation plan, addressing a limited title lot defined by metes and bounds, along with a residue in the adjoining title and a small hiatus between deeds, which became part of the adverse possession claim. This complexity and attention to detail earned the project the 2024 NSW Excellence in Surveying and Spatial Information (EISSI) Award for Urban Cadastral and Land Titling Excellence. Notably, Beveridge Williams was also awarded in the same year for Rural Cadastral and Land Titling Excellence, marking the first time a single company has won in both the urban and rural cadastral categories. This presentation outlines this award-winning project, highlighting the challenges and innovative solutions employed in a particularly complex urban land titling endeavour.

KEYWORDS: *Urban land titling, laser scanning, cadastral traversing, innovation, point cloud.*



Project complexities

- Type of Survey
- Surrounding street definition
- Type of titles



Overcoming complexities

- Access Constraints
- Survey Control
- TLS
- Data Verification
- Point Cloud Registration

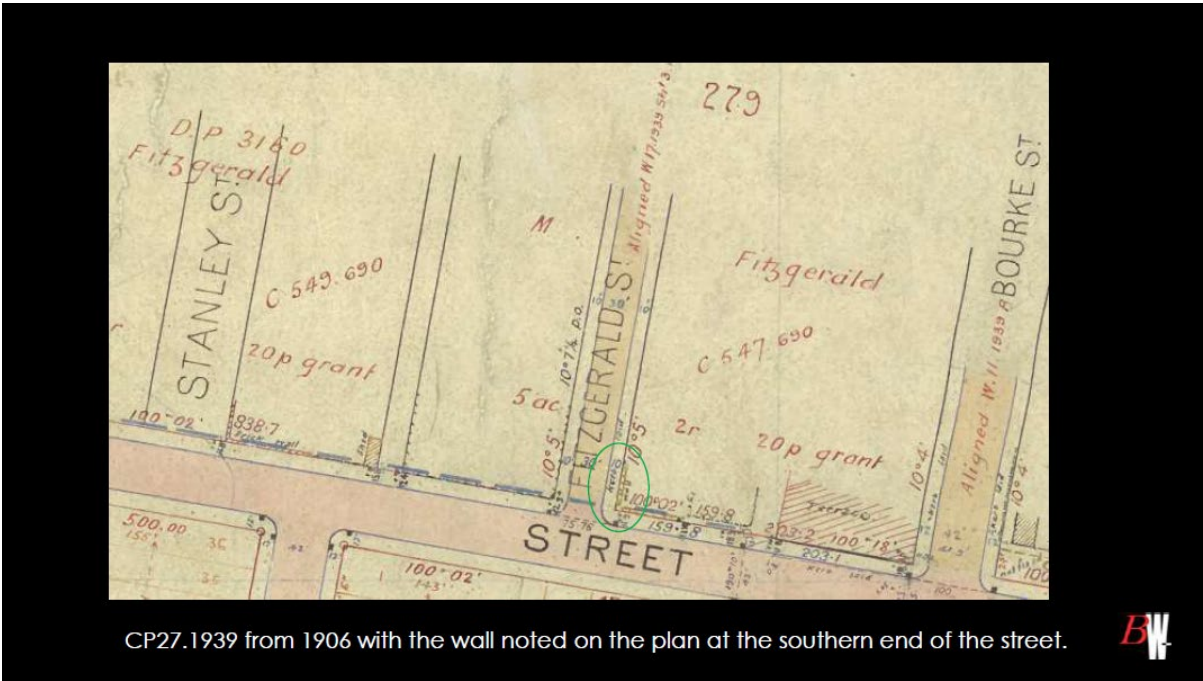
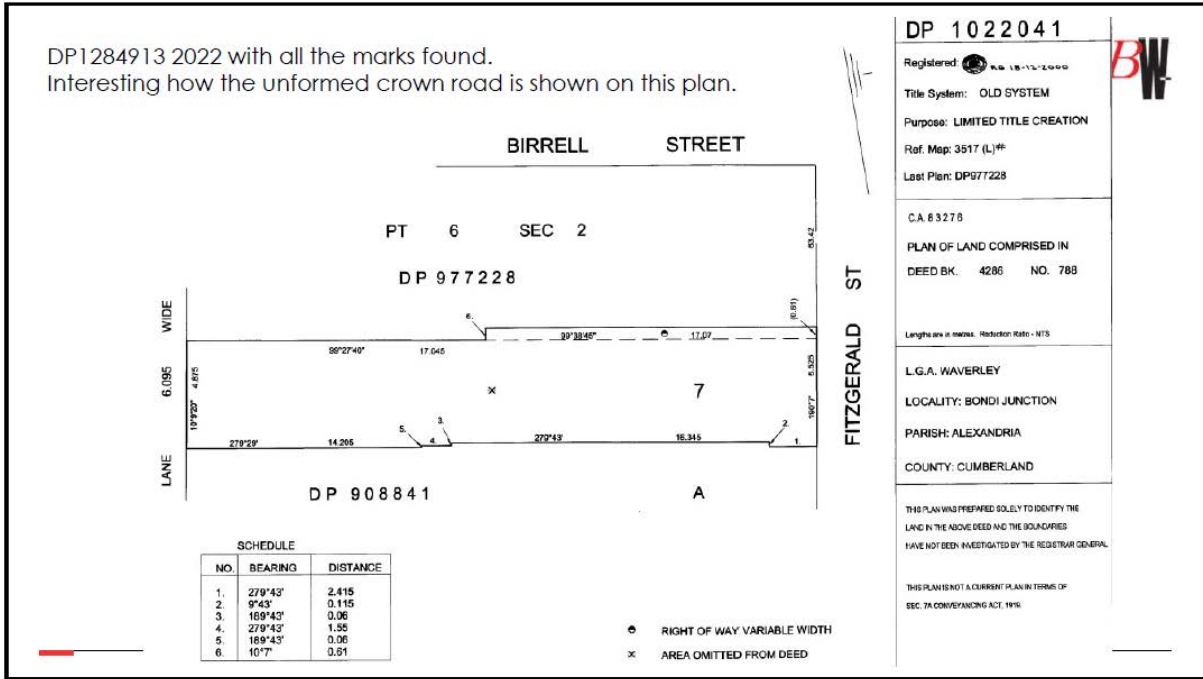


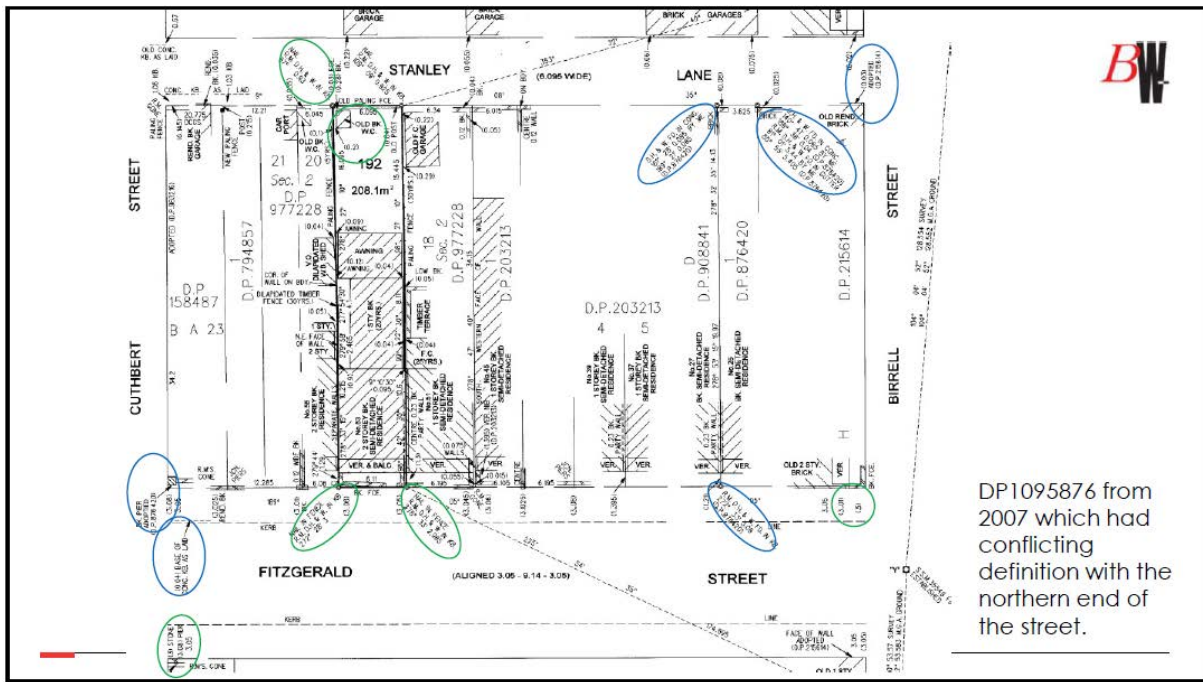
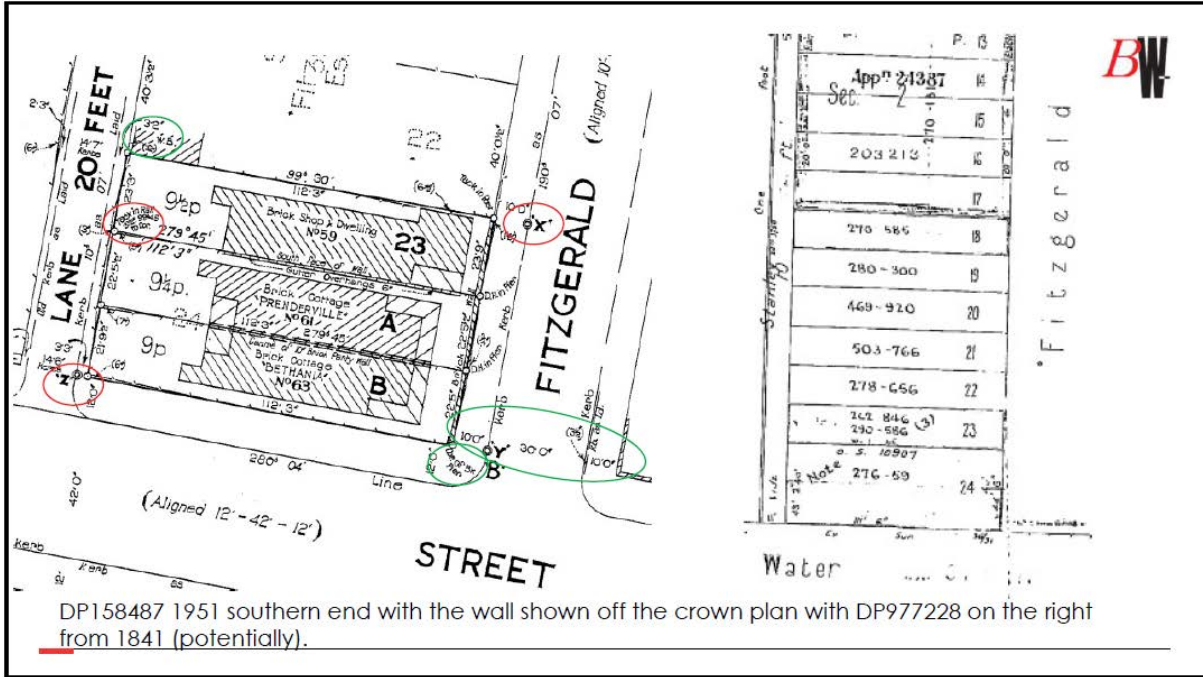
Cadastral Search

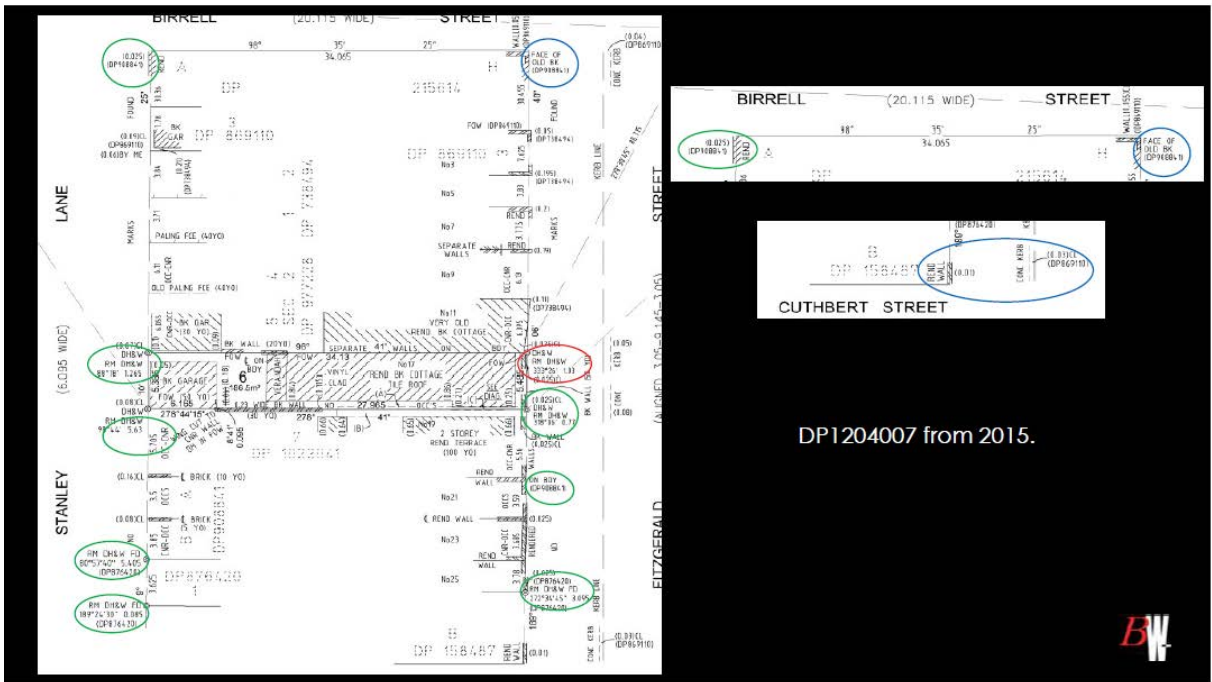
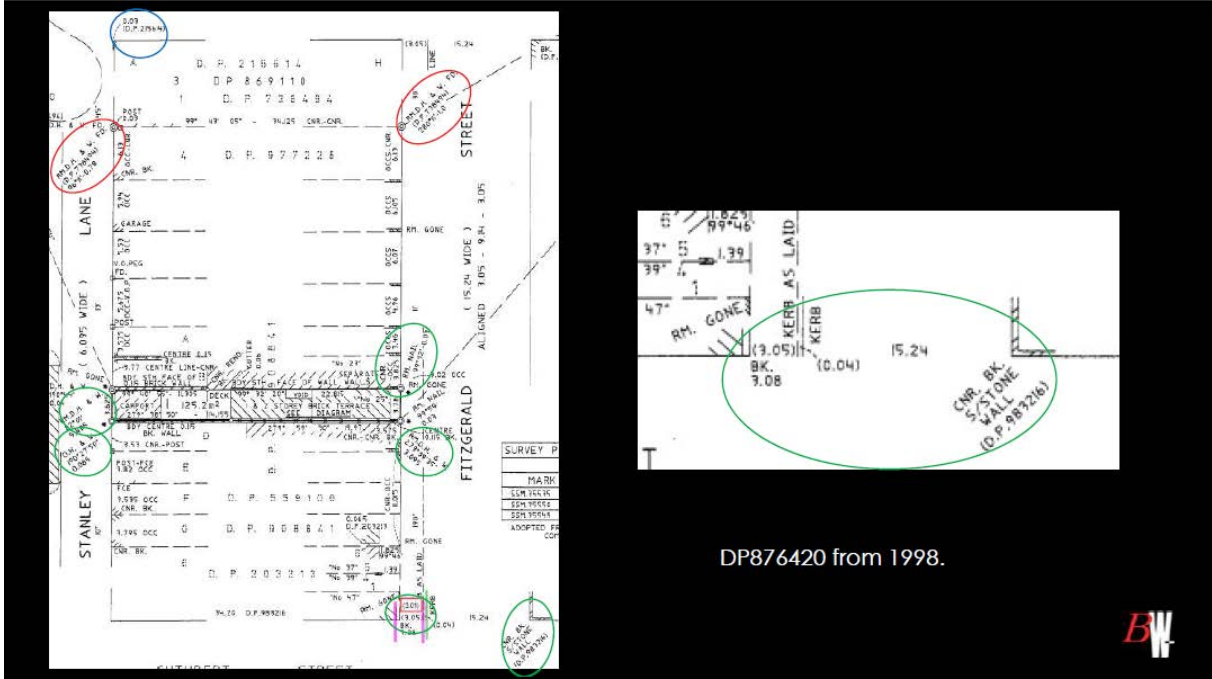
SECOND SCHEDULE (6 NOTIFICATIONS)

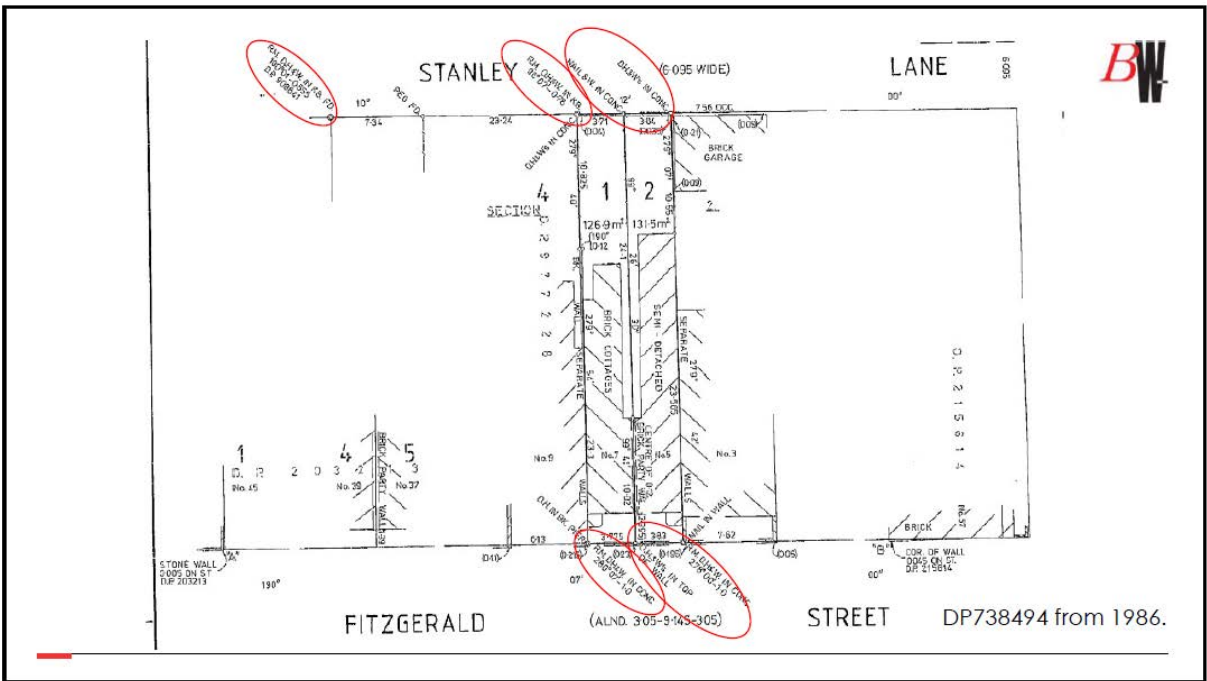
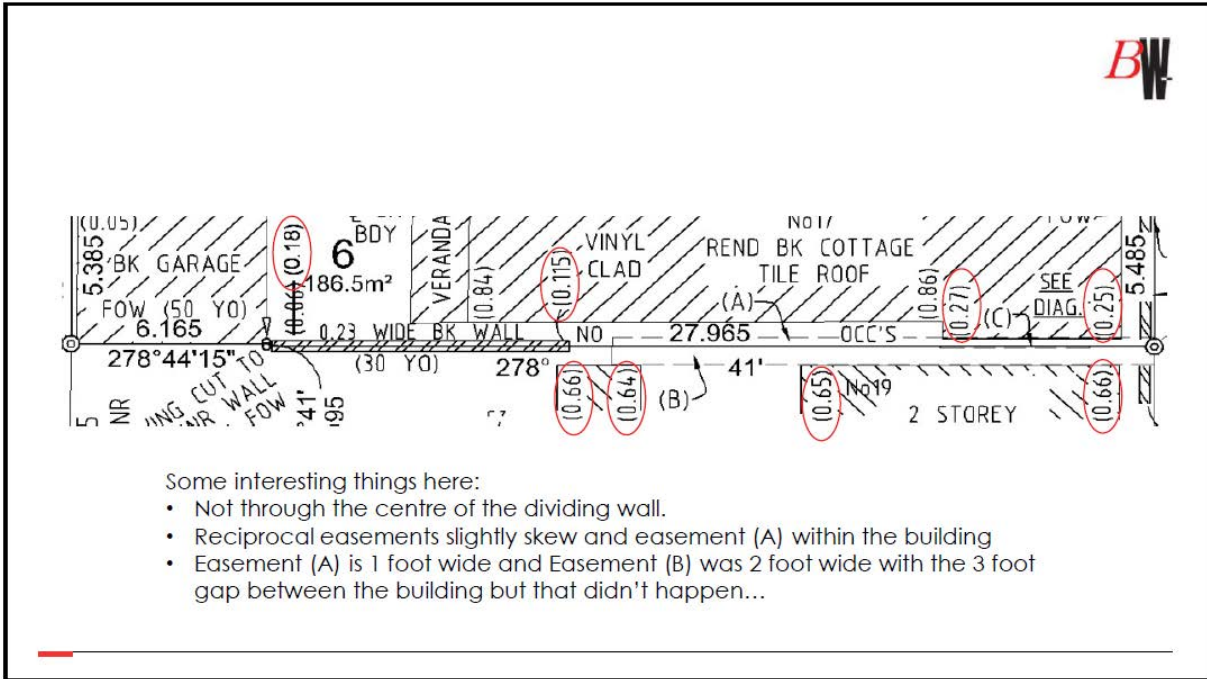
- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 LIMITED TITLE. LIMITATION PURSUANT TO SECTION 28T(4) OF THE REAL PROPERTY ACT, 1900. THE BOUNDARIES OF THE LAND COMPRISED HEREIN HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL.
- 3 RIGHT OF WAY VARIABLE WIDTH AFFECTING THE PART OF THE LAND ABOVE DESCRIBED SHOWN SO BURDENED IN THE TITLE DIAGRAM AND MORE FULLY REFERRED TO IN BK 4286 NO 788
- 4 BK 4286 NO 788 EASEMENT FOR SUPPORT VARIABLE WIDTH AFFECTING THE PART OF THE LAND ABOVE DESCRIBED DESIGNATED (A) IN PLAN ANNEXED TO BK 4286 NO 788
- 5 BK 4286 NO 788 EASEMENT FOR OVERHANG 0.06 WIDE AFFECTING THE PART OF THE LAND ABOVE DESCRIBED DESIGNATED (B) IN PLAN ANNEXED TO BK 4286 NO 788
- 6 AD760585 MORTGAGE TO AUSTRALIA AND NEW ZEALAND BANKING GROUP LIMITED

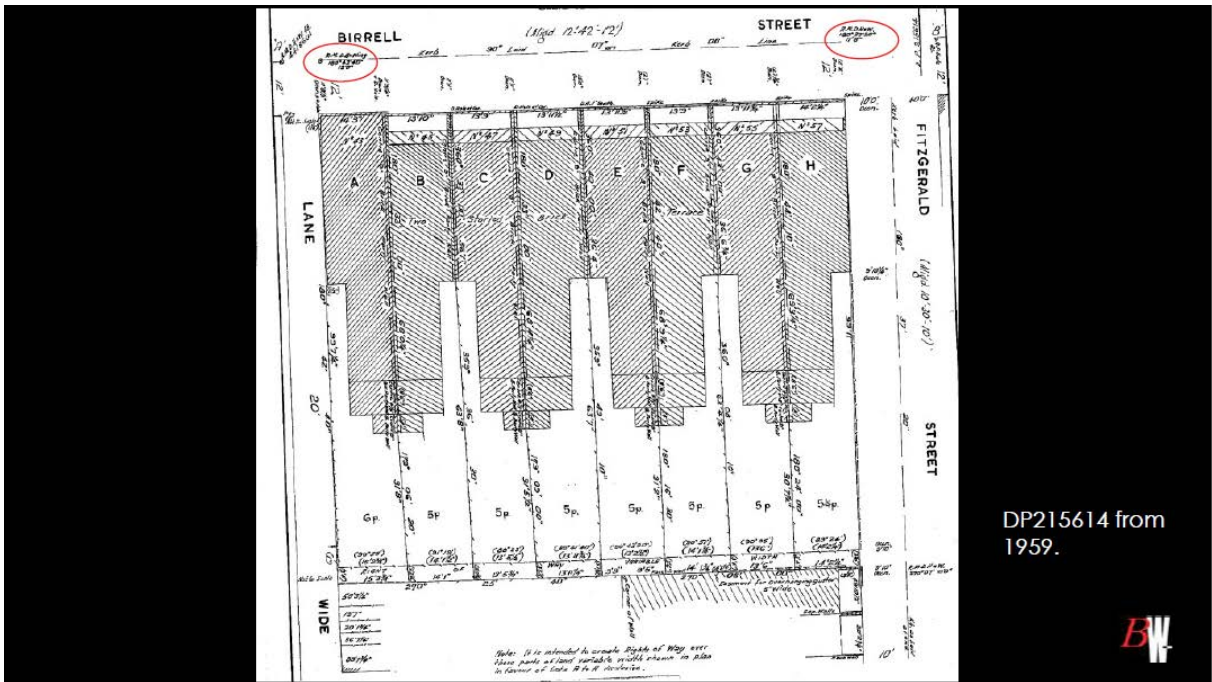
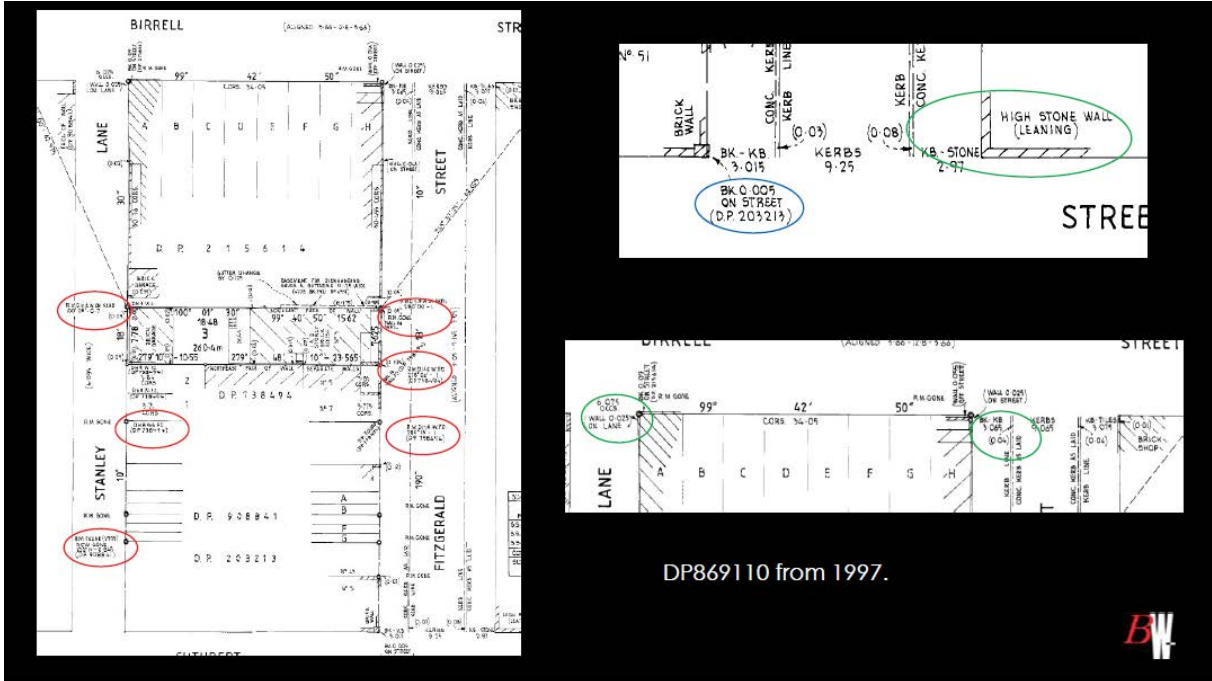


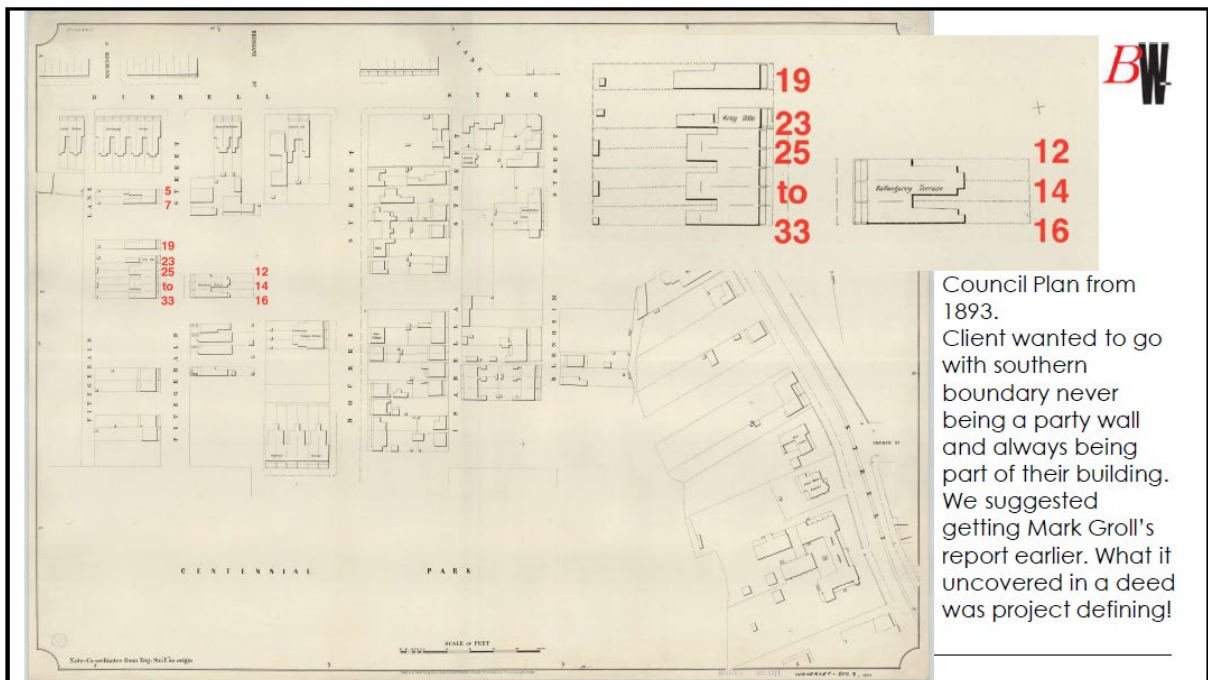
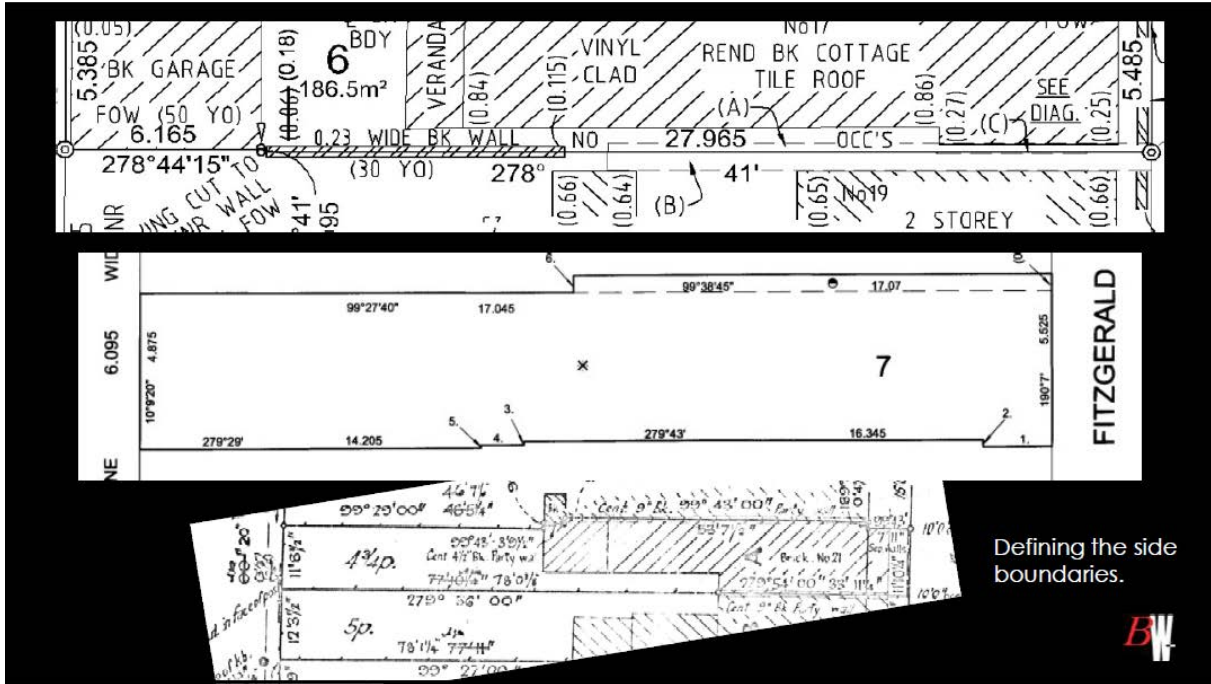


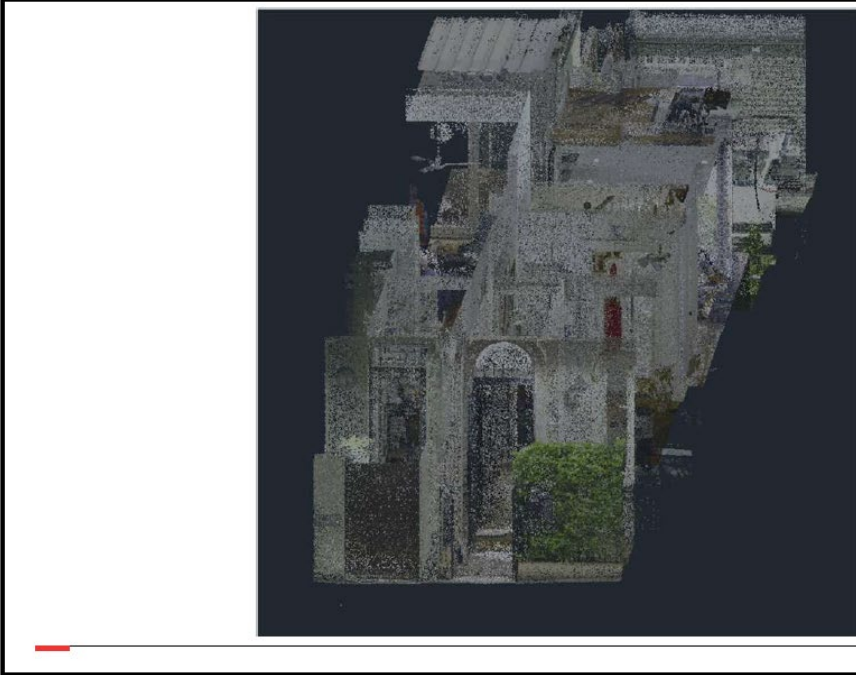




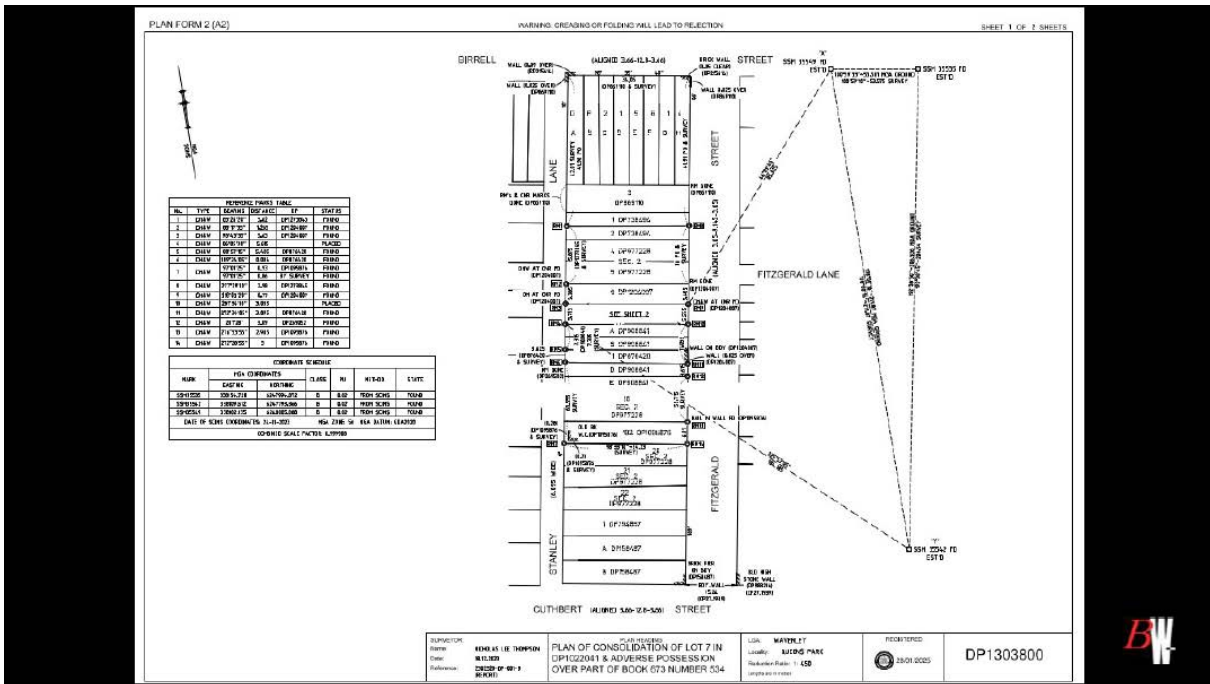


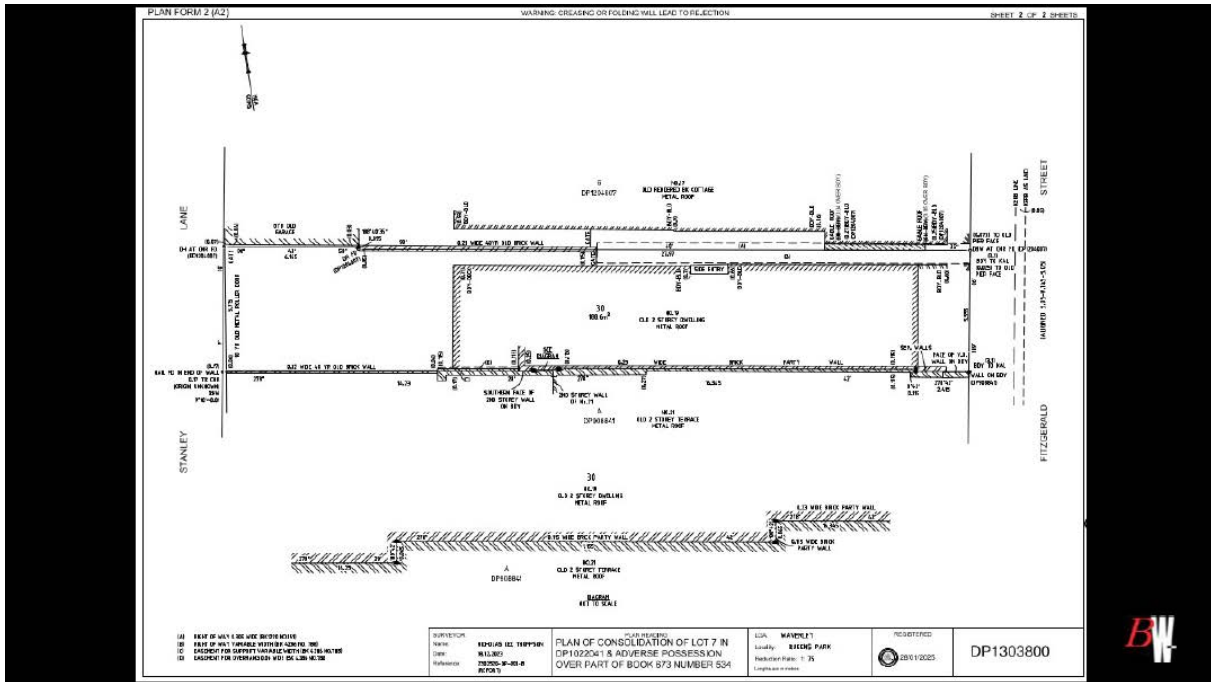






Over 2 days we scanned both side of the wall, top to bottom and tied the scans to survey control with some additional check radiations.





Review of Survey

FOLIO: A/908841

SEARCH DATE	TIME	EDITION NO	DATE
8/12/2023	2:48 PM	9	1/9/2018

LAND

LOT A IN DEPOSITED PLAN 908841
 AT BONDJUNCTION
 LOCAL GOVERNMENT AREA WAVERLEY
 PARISH OF ALEXANDRIA COUNTY OF CUMBERLAND
 TITLE DIAGRAM DP908841

FIRST SCHEDULE

(T AP906353)

SECOND SCHEDULE (3 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 LIMITED TITLE, LIMITATION PURSUANT TO SECTION 287(4) OF THE REAL PROPERTY ACT, 1900. THE BOUNDARIES OF THE LAND COMPRISED HEREIN HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL
- 3 MORTGAGE TO AUSTRALIA AND NEW ZEALAND BANKING GROUP LIMITED

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

- The street and lane fix was fairly simple with a few decisions needing to be made and a re-reference occurring.
- Ordering the adjoining titles at the start of the survey is a life lesson.
- Mark Groll producing a report at the start of the job not towards the end.
- Trying to use all the tech we have available to complete a project and start discussion internally in BW and with the wider profession.