

Slivers of land

Info Sheet

www.nswlrs.com.au

January 2021

Slivers are small strips of land that are sometimes created when an Old System or Limited Torrens Title parcel is surveyed for conversion to full Torrens Title. They arise through the process of adverse possession, where the right to claim title to part of an Old System or Limited Torrens parcel may have been acquired by an adjoining owner through the continued occupation and use of that land for a period of 12 years or more.

In these situations, the documentary (or registered) owner of the sliver is only able to include the adversely occupied land in a new title with the consent of the adjoining owner in possession.

From 1 January 2021 the Registrar General will require landholders, developers and surveyors, when preparing deposited plans of survey over Old System or Limited Title land, to deal with and fully survey the whole of the land in the subject Deed or Limited Folio. These requirements seek to minimise the creation of small sliver parcels of land.

1. Consent of adjoining owners

The owner/developer of the subject land should always attempt to deal with the whole of the land prior to lodging the plan to avoid a potential sliver situation being created. For example, the owner/developer can obtain the consent of the adjoining owner(s) in possession of the sliver for the whole of the land in the Deed to be included in the delimitation lot(s) or primary application. This continues the existing process of obtaining adjoining owner consent or providing evidence to the satisfaction of NSW LRS which justifies the adoption of a boundary outside occupations.

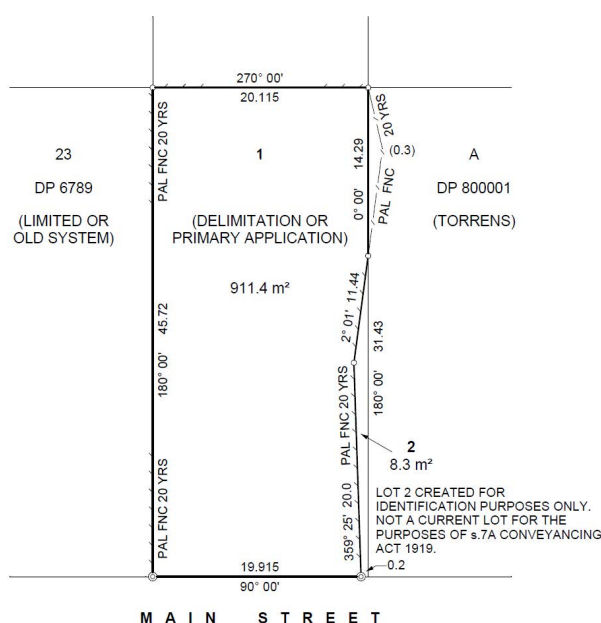
2. Showing the Sliver

Where the creation of a sliver lot is unavoidable, it is to be identified as a separate, fully dimensioned lot (including area) in the new plan (see Diagram A below). The owner/developer, by creating a sliver lot, acknowledges that their ownership and any rights or claims over the sliver lot have been lost.

The sliver lot(s) are created for identification purposes only within the plan and titling system. Consequently, the marking of the extremities of sliver lots adjoining the possessors land (that is, the original Deed boundaries) will not be required. The surveyor will include the following standard statement (as shown in Diagram A below) on the plan to clearly indicate the creation of a sliver lot and the purpose for its creation:

LOT (X) CREATED FOR IDENTIFICATION PURPOSES ONLY. NOT A CURRENT LOT FOR THE PURPOSES OF SECTION 7A CONVEYANCING ACT 1919.

Diagram A: Plan of Delimitation or Primary Application over Lot 24 in DP6789



3. Lodgment and Registration of the plan

A simple proforma document has been made available for completion by an adjoining owner in possession of the land shown in the sliver lot, indicating their intention to maintain their interest in the occupied land.

If this proforma document is provided at the time of lodgment then, subject to any other requirements and/or requisitions, the plan will proceed to registration. NSW LRS will also correspond with the adjoining owner and provide information on the process to follow to pursue their possessory claim.

Where the proforma document is not provided, and where there is potential for an adjoining owner to claim the sliver by possession, registration of the plan will await a formal notification process whereby the adjoining owner(s) will be contacted by NSW LRS to ascertain their intentions regarding possession.

4. Claiming a sliver lot

An adjoining owner in possession intending to formally claim the land shown in a sliver lot must lodge a plan of consolidation, prepared by a registered land surveyor, consolidating their adjoining land with the sliver lot. The plan must be accompanied by a statutory declaration detailing the adjoining owner's period of possession. Additional evidence may be required by NSW LRS. Where the adjoining land is Old System, a primary application will need to be lodged. The statutory evidence supporting possession will form part of the primary application.

It is recommended you seek your own independent legal and surveying advice on adverse possession, primary applications and claiming of slivers of land.

For further information please see Registrar Generals Guidelines or [Contact Us](#).

NOTE: Information contained in this fact sheet relates to freehold land. Where the adjoining land is Crown Land, the provisions of section 13.1 Crown Land Management Act 2016 will apply.

Further information

Further information can be obtained by visiting our website: www.nswlrs.com.au.

Or contact the NSW LRS Customer Service Centre on **T: (02) 8776 3575** or email GeneralEnquiry@nswlrs.com.au.

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PRO FORMA SLIVER LOT

EXPRESSION OF INTEREST IN CLAIMING SLIVER LOT(S)

The attached plan has identified sliver lot(s) _____ that may be the subject of a claim for possession in
[insert Lot(s) No.#]

accordance with the information set out in the attached fact sheet. You can indicate your interest in becoming the legal owner of the sliver lot(s) by completing the declaration below and having the form returned with the attached plan.

Please note that by expressing an interest in claiming the sliver lot at this time, you are not required to proceed to make a formal claim for possession of the sliver lot. NSW LRS will subsequently correspond with you and provide information on the process to follow to pursue your possessory claim. Any party intending to claim a sliver lot should consider seeking independent legal and surveying advice.

I/ We the registered proprietors of _____ also known as
[insert Lot No.# in DP No.#]

[insert residential address]

express my/our intention to claim by way of possession the sliver shown as _____
[insert Lot No.#]
in the attached plan of registered surveyor _____ dated _____

[insert name]

[insert date]

Sign and witness

NOTE: This expression of interest must be executed by all the registered proprietors of the adjoining land. Additional information concerning execution can be found on the Registrar General's Guidelines.

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express my/our intention to claim by way of possession the sliver shown as _____
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in the attached plan of registered surveyor _____ dated _____

[insert name]

[insert date]

Sign and witness

Signature of witness:

Signature of Registered Proprietor:

Name of witness:

Address of witness:

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