



## FACT SHEET – BOUNDARY ADJUSTMENTS

Boundary adjustments are a common form of subdivision in rural and urban areas. Generally, two types of approvals paths exist for boundary adjustments - exempt development and local development.

### Exempt Development

State Environmental Planning Policy (Exempt and Complying Development) Codes 2008 (The Codes SEPP) sets out a range of criteria in order for a subdivision to be considered as exempt development. Essentially, where all of the pre-determined criteria are met under the Subdivision Code, Council approval is not generally required. Boundary adjustments may occur as exempt development in the following circumstances:

- For widening of a public road;
- A realignment of boundaries:
  - (i) that is not carried out in relation to land on which a heritage item or draft heritage item is situated, and
  - (ii) that will not create additional lots or increase the number of lots with a dwelling entitlement or increase the opportunity for additional dwellings, and
  - (iii) that will not result in any lot that is smaller than the minimum size specified in an environmental planning instrument in relation to the land concerned (other than a lot that was already smaller than that minimum size), and
  - (iv) that will not adversely affect the provision of existing services on a lot, and
  - (v) that will not result in any increased fire risk to existing buildings, and
  - (vi) if located in Zone RU1, RU2, RU3, RU4, RU6, E1, E2, E3 or E4—that will not result in more than a minor change in the area of any lot, and
  - (vii) if located in any other zone—that will not result in a change in the area of any lot by more than 10%,
- To rectify an encroachment on a lot;
- To create a public reserve; and
- To excise a lot for public purposes (eg a Rural Fire Service Shed).

A land surveyor can assist you through the entire exempt development process. Contact details for local surveyors are located in the Yellow Pages of the phone book or via the NSW Consulting Surveyors Association website [www.ascnsw.com.au](http://www.ascnsw.com.au).

To assist your surveyor in compiling the necessary documentation required for your subdivision, it is recommended that a Section 10.7(2) Planning Certificate be obtained from Council. The S10.7 Certificate includes a range of planning-related information including the zoning of your land and the applicable minimum lot size.





## Local Development

In addition to the Codes SEPP, a Local Environmental Plan (LEP) applies shire-wide. The LEP sets out a range of additional development related requirements including specific planning rules relating to subdivisions. If your proposal does not meet the exempt criteria specified under the Codes SEPP, you may still have the opportunity to lodge a Development Application (DA) for a boundary adjustment under the LEP as local development. To determine whether or not your proposal will meet the requirements for local development, you are encouraged to contact Council's Environment and Projects Department following consultation with your land surveyor.

## COMMON BOUNDARY ADJUSTMENT FAQs

### ***My shed is built over the lot boundary and is partly on my neighbour's block. Who do I see to fix it?***

Your solicitor and/or land surveyor can coordinate rectification of the encroachment with the adjoining property owner. In most cases there is no need to involve Council.

### ***I want to sell part of my farm to my neighbour. What do I need to do?***

Firstly, do up a rough sketch of the block that you'd like to transfer on a map along with the estimate of land areas in acres or hectares (Council can provide you with a base plan of your farm to get you started). Your sketch should also indicate the location of any major improvements eg houses or sheds on both of the properties. After you complete your sketch, take a copy of your rate notice along with it to your surveyor for an initial consultation. Your surveyor will provide an outline of costs and if you decide to proceed they will then liaise with Council to determine any constraints applying to the land eg flooding, bushfire and any minimum lot size (MLS) requirements. Your surveyor will generally do this by obtaining a Section 10.7(2) Planning Certificate.

There is no 'one size fits all' for boundary adjustments, as a number of property-specific matters need to be considered. Therefore, your surveyor may need to consult with Council directly to determine what is the applicable approvals path, ie, as exempt development or as local development (where approval is obtained through lodgement of a DA to Council).

## NEED TO FIND OUT MORE?

Further information in relation to boundary adjustments can be obtained from the following sources:

The website [www.planning.nsw.gov.au/exemptandcomplying](http://www.planning.nsw.gov.au/exemptandcomplying) for information on exempt development and NSW policy and legislation.

- The Council website [www.lachlan.nsw.gov.au](http://www.lachlan.nsw.gov.au) for general planning and development related information and S10.7 application forms
- Contact the friendly Environment & Projects team at the Council Administration Office, 58-64 Molong Street, Condobolin or telephone 02 6895 1900.

