

PROPERTY LAW REVIEW

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ARTICLES

Ambulatory boundaries in New South Wales: Real lines in the sand – *John R Corkill OAM*

Uncertainties as to how ambulatory boundaries formed by tidal waters move and how these movements affect land title and property rights have concerned private and public coastal landowners for many years. Recent amendments to the *Coastal Protection Act 1979* (NSW) have added to this uncertainty, producing more confusion. The central “uncertainty” is the effect of property law on New South Wales land titles when the ambulatory boundary formed by the receding shoreline crosses a “right-line” private property boundary originally defined by survey. Since it is likely that such scenarios will occur increasingly frequently as sea levels continue to rise, the legal implications of this are examined closely. This article resolves this uncertainty, discusses the effect of a moving shoreline on coastal land titles in New South Wales under climate change conditions, briefly canvasses options for the future and concludes that planned relocation is preferable rather than attempting to defend against rising seas and receding shorelines for centuries.

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English commonhold: A failed experiment? – *James Brown*

This article has four aims: first, to examine the nature of English commonhold as a relatively new form of landholding; second, to examine certain contemporary academic concerns with the current English commonhold scheme as expressed in current literature; third, in the light of empirical evidence, to seek to understand the reasons why the English property industry itself has not embraced commonhold in any meaningful way; and fourth, to consider the future of commonhold as a form of landholding in England and Wales.

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Strata title law reform in New South Wales

The New South Wales Government has recently completed a review of that State’s strata and community title legislation. The *NSW Government – Strata Title Law Reform: Strata & Community Title Law Reform Position Paper* highlights some of the complexities that arise in multi-owned strata and community schemes and demonstrates the ways in which a legislature can attempt to respond.

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