

23 August 2017

The President
Institute of Cadastral Surveying
Post Box 775
Timaru 7940

Wellington Office
Radio New Zealand House
155 The Terrace
PO Box 5501
Wellington 6145
New Zealand
T 04 460 0110
E info@linz.govt.nz
www.linz.govt.nz

Dear Simon,

Cadastral Survey Amendment Rules 2017 (Cadastral survey rules for greater Christchurch)

I am writing in response to your letter of 24 June 2017 to the Surveyor-General in which you made three specific requests. My response to each of these is provided below.

1) Please Identify the value and significance to the public and the landowner of an SO plan redefining the boundaries of earthquake moved land.

There is not a lot of value to the public or the landowner of such an SO plan. The primary purpose of rule 8.5 is to have a record in the cadastre of the placement of a boundary mark and the licensed surveyor responsible. There is value in that the public and the landowner can have confidence that the boundary marking has been officially accepted into the cadastre by LINZ. So for instance if an error was subsequently detected, the provisions in the Cadastral Survey Act 2002 could be used to hold the surveyor to account. Adjoining landowners may also benefit when a future surveyor uses this record to undertake a boundary survey.

If however the landowner wished to gain further value resulting from an updated title, they should instruct their lawyer appropriately and ask the surveyor to lodge a suitable LT plan.

2) Please confirm and/or clarify the legal status of an SO plan redefining earthquake moved land in light of the provisions of Section (8)(3) of the Act.

The primary purpose of section 8 is to say that legally the boundaries before the earthquakes are still the boundaries after the earthquake, even though the land might have moved (and have different dimensions). The SO plan has no effect on the estate or interest in land recorded in the Register. Nevertheless the SO plan does record the surveyor's determination of the location of the land and the boundary.

3) Please confirm whether or not an approved as to survey SO plan is sufficient evidence to present to the Registrar with a request to 'correct the title'.

I have discussed this with the Registrar. If a property owner wanted to redefine their boundary to reflect earthquake movement as per the Canterbury Property Boundaries and Related Matters

Act 2016, an LT plan would need to be deposited in the usual way under s167 of the Land Transfer Act. Titles cannot be redefined in terms of one of these SO plans which don't form part of the register under the Land Transfer Act.

In relation to these scenarios surveyors have the option of submitting either (1) a CSD to record the boundary re-instatement (which must be an SO); or (2) a CSD to enable the issue of a new title (which must be an LT).

Yours sincerely

A handwritten signature in black ink, appearing to read 'A. Haanen', with a long horizontal stroke extending to the right.

Anselm Haanen
Deputy Surveyor-General