



Institute of Cadastral Surveying (Inc)

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3 October 2018

Deputy Chief Executive Strategy and Stewardship
Land Information New Zealand
Wellington

Attn: Mr Robbie Muir

Via email (rmuir@linz.govt.nz)

Dear Robbie

Land Transfer Act 2017 Factsheet for surveyors.

I refer to the above Factsheet recently released by LINZ and seek further clarification on the matters therein.

Memorandum of Easement Template and Schedule

It would appear that use of the terms “Burdened Land” and “Benefited Land” will be shown additional to (not in place of) the existing terms of “Servient Tenement” and “Dominant Tenement” in memoranda and schedules. Can you please confirm?

Qualified Titles

We note the introduction of the Qualified Record of Title, where the Registrar can qualify the title where *“the boundaries of the land are not adequately defined in a registered instrument or in a deposited plan or other plan”* (amongst other things).

It would appear that the Registrar can make such a qualification without the need to consult or seek survey expertise when making such a qualification. Can you please clarify?

The factsheet infers that such Qualified records of title will be those provisionally registered under the 1952 Act. However, could you please advise under what circumstances an existing record of title may be qualified for “survey” matters?

Is there any intention to use Qualified titles, for example, in areas of earthquake deformation/land movement or to reduce Crown liability where survey errors are disclosed?

As a general comment, introduction of these provisions has escaped our gaze, and may have impacts on surveyors, cadastral survey and the cadastre which have not been considered. We would like to be able to provide commentary to our Members accordingly.

Limited Titles

The factsheet notes that "*...however no new limited titles can be created.*"

Can you please confirm that new "balance" records of title will continue to be created, where "limitations" are not being uplifted for the balance of the land where allowed by the Rules for Cadastral Survey 2010?

New Standards and Guidelines

The factsheet notes the intention to produce two new guidelines which do not yet appear to be available. Could you please circulate these when drafted so we may have the opportunity to review them?

We note previous correspondence indicated that there was likely to be a seminar series on the new Act. I am sure our members would welcome this opportunity, particularly where a session could be tailored to any changes applicable to cadastral surveyors. Could you please advise when/if this is to take place?

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Pat Sole', is written over a faint horizontal line.

Pat Sole
President

cc: Acting Surveyor-General (Anselm Haanen)