

29 May 2017

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Dear Simon,

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

The Minister for Land Information asked the Surveyor-General to respond to the letter you wrote to him on 12 April 2017 expressing your concern with the Cadastral Survey Amendment Rules 2017 and in particular LINZ's allowing the lodgement of SO datasets that define affected primary parcel boundaries. You believe that LINZ should require the submission of LT datasets for boundaries deformed by the earthquakes.

You raised the same issues in an identical letter to LINZ's Chief Executive, so I am also responding on his behalf.

It would be helpful if any future concerns you have were addressed to the Minister, Chief Executive or Surveyor-General as relevant, as they each have distinct roles (refer Cadastral Survey Act 2002).

#### **Requirement to Update the Register**

What you really appear to be arguing is that property owners should be required to obtain updated titles whenever they are having their boundaries re-surveyed.

A survey undertaken for title purposes is required to be presented as an LT CSD, for deposit under the Land Transfer Act 1952. A boundary location survey that is not being undertaken for title purposes is not for a 'Land Transfer' purpose, and should not be represented as an LT CSD.

Section 8(3) Canterbury Property Boundaries and Related Matters Act 2016 (CPBRM Act) says that the validity of titles to land are unaffected by the Canterbury earthquake movement. In terms of the Act, the affected titles are not 'incorrect' and do not require correction to reflect any earthquake movement. We cannot therefore justify a requirement for surveyors to use a Land Transfer CSD whenever they are defining a boundary affected by earthquake movement. In fact there is no power under the Cadastral Survey Act 2002 or the CPBRM Act to require the preparation and deposit of a Land Transfer CSD in these circumstances.

That aside, the lodgement of a LT CSD and its integration in the cadastre does not, in itself, ensure that the boundary information will be reflected in the title system. This only occurs where the land owner completes all the necessary documents required under the Land Transfer Act 1952 and the

dataset is deposited. Even if LINZ could require the submission of an LT dataset it would not necessarily result in the issue of a new title, as there is no legal requirement to submit documents for deposit in the Register.

### **Confidence in the Cadastre**

Recording these datasets (whether SO or LT) in the cadastre would not result in loss of confidence in the cadastre, but should improve it as it would record the location of the boundaries (and where applicable the dimensions) in their new positions.

Similarly, I note your concern that survey dimensions may be in conflict with the dimensions on 'guaranteed' titles (which is not uncommon in any case). However I would point out that boundaries are defined by the marks in the ground (reflected in the provisions of the CPBRM Act) and that the dimensions are not guaranteed.

Any difference in dimensions between the post-earthquake positions recorded in the cadastre and the pre-earthquake positions registered in the title system is undesirable. However the cost of requiring property owners to update their title is considered to significantly exceed the benefits that would result, noting that the CPBRM Act maintains the protection offered by the Land Transfer Act 1952.

### **The Rule Setting Process**

While you clearly disagree with the Surveyor-General's decision on this matter, the process itself and the decisions were in terms of the Cadastral Survey Act 2002 and are not flawed.

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