

Torrens*talk*

Survey and Title Information for Land Professionals

December 2003

ISSUE 27

Final Component of **Landonline** Rolled Out

On 3 November 2003 LINZ released **Landonline** eSurvey, its digital lodgement service for surveyors. eSurvey is the final step in the development of an integrated survey and title service for New Zealand, and the provision of a survey-accurate digital cadastral database (SDC).

The nationwide release of **Landonline** eSurvey follows a pilot last year involving 13 survey firms in Christchurch. The full release version of eSurvey includes some important enhancements made on the recommendation of pilot customers.

eSurvey includes a plan generation tool that will satisfy the needs of surveyors, LINZ and third party customers. The system has also been enhanced to allow territorial authorities to digitally certify eSurveys directly into **Landonline**.

Coupled with the data exchange format LandXML, **Landonline** now facilitates a true end-to-end digital data solution for surveyors and the subdivision process.

As well as enabling surveyors to search the LINZ database electronically and download existing records, **Landonline** eSurvey also allows them to prepare all types of cadastral surveys digitally, check that their datasets comply with the official survey rules and guidelines using a new pre-validation tool, and submit them to LINZ online.

Using **Landonline** eSurvey

All types of cadastral survey datasets can be lodged using **Landonline** eSurvey. At a high level the **Landonline** eSurvey process follows these steps:

- The surveyor searches **Landonline** for relevant information to undertake the survey, and 'extracts' a LandXML file from the survey-accurate digital cadastral database to use in the field and as the basis for their survey computations

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Changes to customer communication

As a result of recent research the format of some of our customer communications – such as *Torrenstalk* – will change. We will let you know of any changes well in advance.

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One of the most significant milestones in the history of surveying in New Zealand was achieved with the national implementation of a process for digital lodgement of cadastral survey datasets (eSurvey). This major achievement is a credit to the LINZ staff, consultants, contractors, survey software developers and industry representatives who have contributed to the design, development and testing of this system over several years. A parallel achievement, which underpins digital lodgement, is the completion of the Survey Conversion project in December 2003, resulting in survey-accurate digital cadastral data (SDC) covering all urban areas and areas of significant development activity.

Landonline eSurvey was released on 3 November 2003. The full release version of eSurvey includes some important enhancements to the plan generation tool. The facility for online certification of cadastral surveys by Territorial Authorities (TA Certification) was also implemented in conjunction with eSurvey.

Survey software vendors have further enhanced their products with functionality to exchange data with Landonline using the LandXML data transfer format, which is important for the successful implementation of eSurveys.

The Surveyor-General's Rules for Cadastral Survey were modified last year to provide for digital lodgement (version 2002/2).

This issue of Torrenstalk provides an overview of the eSurvey process and information about supporting documentation including education material and guidelines.

Tony Bevin
Surveyor-General

eSurvey Cadastral Survey Guidelines and Education Material

The eSurvey Cadastral Survey Guidelines (version 5.0) are published on the **Landonline** web site at: www.landonline.govt.nz/registereduser/esurvey.htm

You can also navigate to this page from the **Landonline** homepage. Click on the 'I'm a Registered User' button and then on the 'eSurvey' link.

This page includes a link to the eSurvey education material which provides an explanation of the eSurvey processes and concepts. eSurvey users will also be provided with training material on how to use the eSurvey system.

You do not need to be a registered user to view the eSurvey education material and guidelines.

The eSurvey version of the Cadastral Survey Guidelines (version 5.0) was published for the eSurvey pilot. The eSurvey Guidelines will be updated early next year to incorporate changes resulting from the pilot and other new developments.

Please note that the Cadastral Survey Guidelines Version 4 (including updates 4.1 and 4.2) continue to cover the requirements for hardcopy survey plans. Some recent updates, including additional material on Origins of Survey in terms of NZGD2000, also apply to eSurvey and will be incorporated into the next update of the eSurvey Guidelines.

Check out the latest quarterly statistics for activity volumes and performance information on the Titles and Records section of the LINZ website www.linz.govt.nz

Did you know you can access back issues of *Torrenstalk* on the Internet? Check out the Publications section of the LINZ website www.linz.govt.nz

Online Territorial Authority Certification of Cadastral Survey Datasets

Territorial Authorities (TAs) can now use **Landonline** TA certification to certify consents for both eSurveys or conventional paper-based cadastral survey datasets. This process has been introduced to facilitate an end-to-end electronic solution for the creation, processing, approval and deposit of eSurveys.

TAs with a **Landonline** eSearch Plus TA licence can log into **Landonline** and locate an eSurvey or paper survey. TAs are able to request a LandXML copy of the eSurvey at the time of certification which can be used to update GIS and other information systems.

In many ways **Landonline** TA Certification mirrors the current paper-based certification regime. Certificates still appear as part of the Cadastral Survey Dataset but now with the added security of LINZ digital certification used by solicitors and surveyors in the **Landonline** system.

More information about TA Online Certification is available from the homepage of the **Landonline** website www.landonline.govt.nz

Landonline eSurvey Plan Formats

A significant change introduced by **Landonline** eSurvey is a new format for survey plan presentation.

Currently plan images are in the pre-1972 imperial or post-1972 metric 'black and white' formats. **Landonline** eSurvey has introduced a third 'electronic' format, where the underlying data, rather than its visual representation, is the authoritative record.

The ability of **Landonline** eSurvey to pre-validate and incorporate data directly into the **Landonline** database creates a system underpinned by an integrated national dataset rather than individual static visual representations. Plan images created using the **Landonline** plan generation tool are accurate graphic representations of the underlying authoritative digital data from the **Landonline** database.

Three new plan presentation formats were developed to cater for the differing information needs of land professionals. They are:

- **Digital Survey Plan**, which is a complete dataset depicting all of the information a surveyor would require including both survey and title graphic sheets.
- **Digital Title Plan** which depicts all the information needed to assess and distinguish property rights, restrictions and ownership.
- **Digital Title Diagram**, which is a shortened version of the Digital Title Plan.

Plans now contain two page formats:

- A4 portrait pages containing information such as easement schedules, Territorial Authority certificates and plan header information including dates of approval and deposit. (See example on page 4).
- A3 landscape pages that show the spatial components of the survey including the boundaries, parcel identifiers and abuttal information. (See example on page 5).

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- Once a surveyor has completed the field survey and undertaken the necessary computations, they use their LandXML capable survey software to generate a LandXML data file
- A new eSurvey is created in **Landonline** eSurvey and the LandXML file is imported
- The surveyor links the information in the new eSurvey with existing points and parcels in the **Landonline** database
- Pre-validation (an option allowing the surveyor to test the survey using the automated LINZ business rules) is run, and conflicts need to be resolved or reported on by the surveyor
- The surveyor uses the plan generation tool to automatically create the survey plans. The surveyor can also use the plan generation tool to enhance the presentation
- The surveyor gains territorial authority certification using the new online certification option (TA certification). Alternatively a scanned image of the TA certification can be used
- Supporting documentation such as survey reports, field notes and occupation diagrams are attached to the eSurvey in a digital image format
- The surveyor digitally certifies the eSurvey and submits it to LINZ for Approval as to Survey
- LINZ processes the eSurvey using the **Landonline** system (90 percent of transactions processed within 10 days under the current eSurvey processing standards).

More information about eSurvey is available from the home page of the **Landonline** website www.landonline.govt.nz



Digital Survey Plan - LT 327931

Survey Number LT 327931
Surveyor Reference Hogg - Korini 87 - 3525
Surveyor Jeffrey Fraser Irving
Survey Firm Clark Land Surveyors PC20
Surveyor Declaration I, Jeffrey Fraser Irving, being a person entitled to practise as a licensed cadastral surveyor, certify that -
 (a) The surveys to which this dataset relates are accurate, and were undertaken by me or under my direction in accordance with the Cadastral Survey Act 2002 and the Surveyor-General's Rules for Cadastral Survey 2002/2;
 (b) This dataset is accurate, and has been created in accordance with that Act and those Rules.
 Declared on 19/11/2003.

Survey Details

Dataset Description Lots 1 & 2 Being Subdivision of Lot 1 DP 71727
Purpose LT Subdivision
Status Approved as to Survey **Type** Survey
Land District Canterbury **Survey Class** Class 1 Cadastral Survey
Coordinate System Mean of Picassart 2000

Survey Dates

Surveyed Date 18/09/2003 **Certified Date** 19/11/2003
Submitted Date 19/11/2003 13:38:58 **Survey Approval Date** 24/11/2003
Registered Date

Referenced Surveys

Survey Number	Land District	Bearing Correction
DP 71727	Canterbury	0°00'00"
DP 47608	Canterbury	0°00'05"
DP 43405	Canterbury	-0°00'25"
DP 42840	Canterbury	0°00'00"
DP 322214	Canterbury	
DP 317772	Canterbury	
DP 306801	Canterbury	

Territorial Authorities

Christchurch City

Comprised In

CT CB410751
 CT CB4201159

Created Parcels

Parcels	Parcel Intent
Lot 1 Deposited Plan 327931	Fee Simple Title
Lot 2 Deposited Plan 327931	Fee Simple Title
Method A Deposited Plan 327931	Easement

LT 327931 - Digital Survey Plan

Generated on 24/11/2003 7:53pm

Survey header information

Lodgement, approval and deposit dates

Schedule / Memorandum

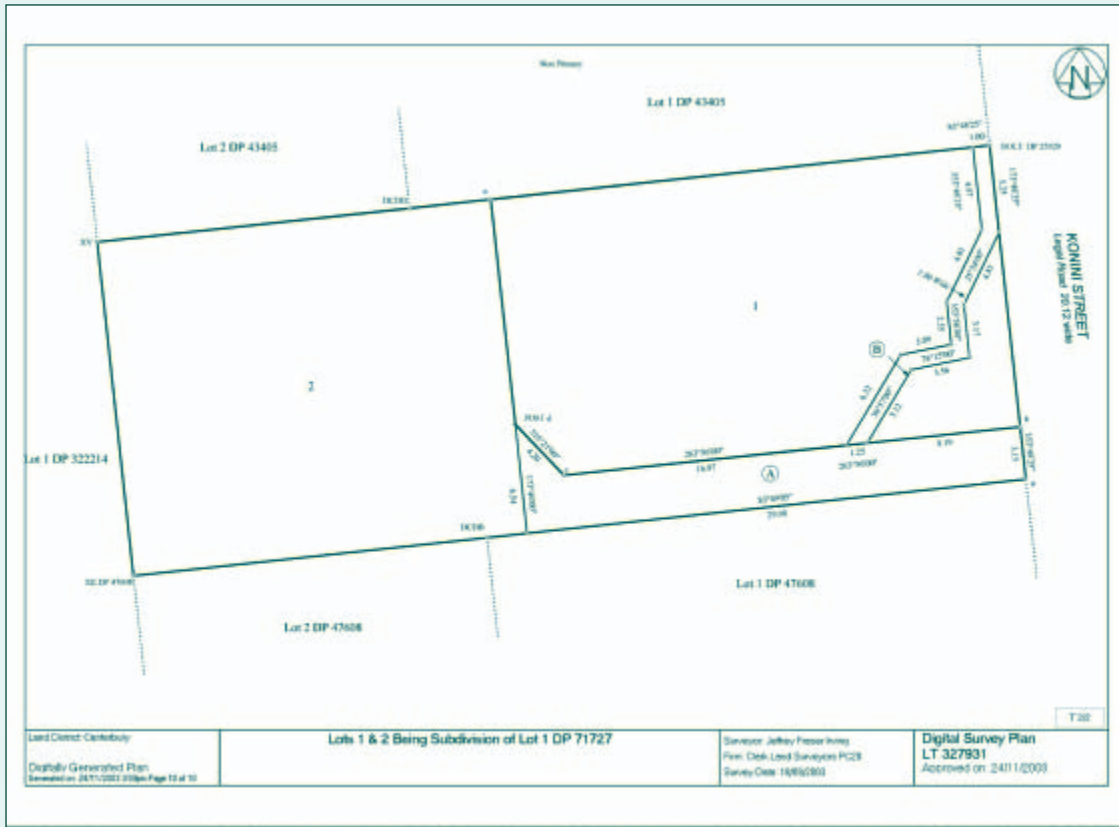
Land Registration District Canterbury **Plan Number** DP 327931

Territorial Authority (the Council) Christchurch City

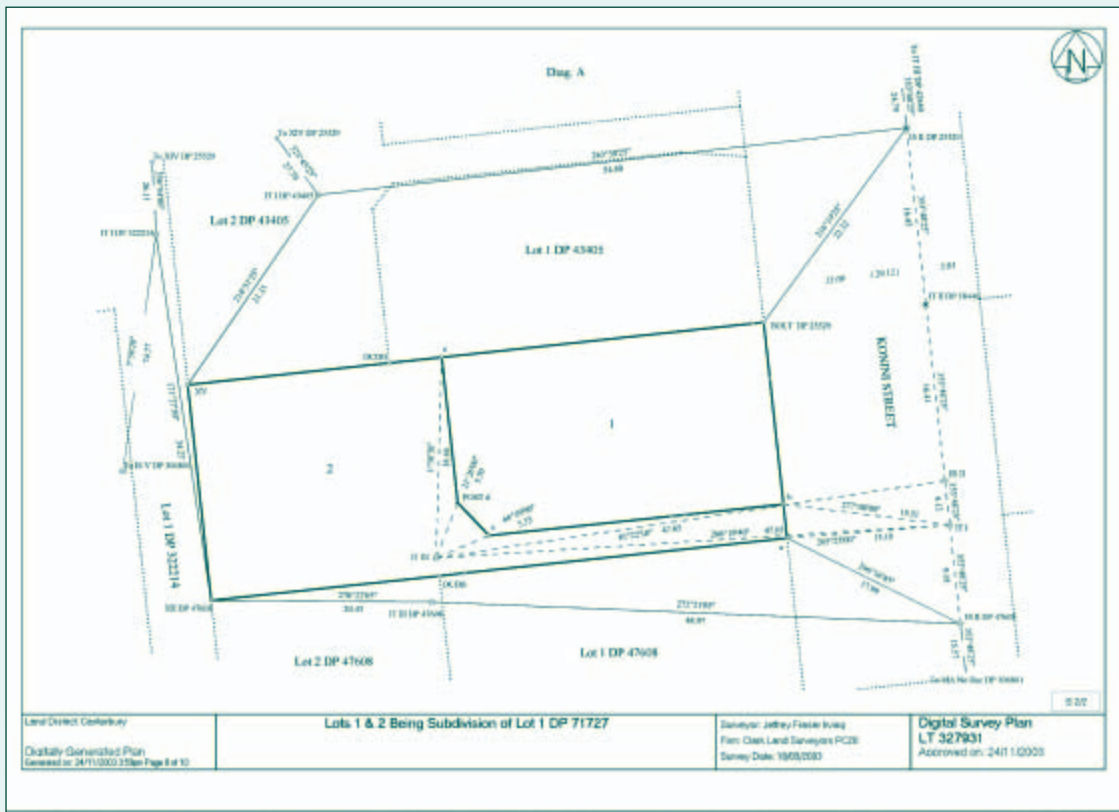
Memorandum of Easements (Pursuant to s229(2) of the Resource Management Act 1991)			
Purpose	Shown	Benefit Tenement	Dominate Tenement
Right to drain water and sewage.	A	Lot 2	Lot 1
Right to convey electricity, telephonic communications and computer media.	B	Lot 1	Lot 2

Certifying parties must sign or initial in boxes

Memorandum of Easements



One of the title graphic sheets showing easements and dimensions.



One of the survey graphic sheets showing technical surveying data.

RGL Rulings



This section contains rulings and decisions of the Registrar-General of Land arising from appeals, legal opinions and practice issues agreed to by all Senior Advisers Regulatory (Titles). A principal aim has been standardisation of interpretation and practice nationwide. The information is applicable in all LINZ offices.

Robbie Muir
Registrar-General of Land

Accretion Applications

Introduction

From time to time the Registrar-General of Land is called upon to adjust title boundaries to riverside or lakefront properties so as to incorporate areas of accretion. This occurs where the property affected has a moveable water boundary which has changed over time due to a gradual and imperceptible accumulation of land. Accretion applications are often triggered by subdivision or other development activity, when it becomes necessary for the landowner to formalise title to the accreted land.

Such title adjustments are made according to the common law doctrine of accretion and pursuant to the general powers of correction under section 80 of the Land Transfer Act 1952. These adjustments do not constitute an alienation of land by the Crown, as the title correction process merely formalises the ownership rights that already exist in favour of the applicant under common law.

The key elements of the application process are outlined in the following paragraphs.

Legal Prerequisites

The applicant must establish that the doctrine of accretion applies. This requirement will be met if the applicant is able to demonstrate that:

- the land in question has a water boundary; and
- the doctrine of accretion was not excluded at the time of the original grant or conveyance of the land; and
- the area claimed as accretion has formed gradually and imperceptibly.

Survey Plan

The application must be supported by an adequate level of survey definition. This requirement will be met if:

- the land claimed as accretion is shown on a plan prepared in terms of section 167(1) Land Transfer Act 1952 and the Surveyor General's Rules; and
- the plan shows all of the land in the applicant's current certificate of title.

Note: *The plan showing the accretion may also show a subdivision in terms of the Resource Management Act 1991, so long as the plan shows all of the land in the existing certificate of title.*

Application Requirements

The application must be in an acceptable form, ie, it must:

- be presented in writing, and
- be executed by the applicant in

accordance with section 157 Land Transfer Act 1952, and

- comply with the Land Transfer Regulations 2002.

Supporting Evidence

The application must be supported by sufficient evidence to establish that accretion has occurred. This requirement will be met if:

- the application refers to records held by Land Information New Zealand that show that the land in question has a water boundary and that the doctrine of accretion was not excluded at the time of the original grant or conveyance of the land; and
- the applicant provides, in the form a statutory declaration (accompanied by relevant supporting material such as diagrams and photographs), an account of the circumstances surrounding the movement of the water boundary that indicates the change occurred gradually and imperceptibly and not as the result of a sudden occurrence or event; and
- at least one disinterested party (ie, someone who is not employed by or related to the applicant and does not have any vested interest in the outcome of the application) provides a statutory declaration that corroborates the applicant's declaration; and

- a person qualified to give expert testimony as to the soil composition of the area claimed as accretion provides, in the form of a statutory declaration, evidence that corroborates the applicant's declaration.
- notification of access arrangements
- recording of terminations of permits already in the Land Transfer Register
- searching of existing permit records and the making of certified copies of those records.

Objections

Any interested party may object in writing to an accretion application. If the party lodging the objection provides reliable evidence which conflicts with the accretion application in some material way, the application will be declined.

Note: *The RGL will notify interested parties once the applicant has met the initial evidentiary requirements. This includes adjoining owners, local and regional authorities and the Commissioner of Crown Lands.*

The Crown Minerals Amendment Act 2003

Background

The Crown Minerals Amendment Act 2003 ('the Amendment Act') came into force on 21 August 2003 and repeals and amends various provisions in the Crown Minerals Act 1991 (CMA).

Prior to the Amendment Act, CMA permits and related documents recorded in the register held by the Ministry for Economic Development (MED) were forwarded to LINZ for noting against any titles affected. This included transfers, leases, extensions, revocations and surrenders of permits and notices of access arrangements relating to permits.

Scope of the Changes

The Amendment Act removes the requirement for permits and changes to permits to be lodged with LINZ. This essentially removes most of the Registrar-General of Land's former functions and responsibilities related to permits except for the following:

Documents that Can No Longer be Lodged with LINZ

The following documents under the CMA can no longer be lodged with LINZ:

- permits
- extensions to permits (even if the permit is already recorded in the Land Transfer Register)
- transfers and leases of permits (even if the permit is already recorded in the Land Transfer Register).

Any such documents lodged with LINZ will be refused.

Documents that Can Still be Lodged with LINZ

The following documents may still be lodged with LINZ:

- notices of access arrangements associated with permits
- terminations of permits noted on the register prior to 21 August 2003 (this includes surrenders, revocations and expiries).

Searching Existing Records

The Crown Minerals division of MED holds the authoritative records under the CMA.

Because LINZ will no longer be receiving any new permits or related documents (apart from notices of access arrangements and termination of current permits) most of the records held by LINZ under the CMA will not be kept up to date.

Customers wanting to search CMA permits and related documents should therefore access the records held by the Crown Minerals division of MED in order to obtain the authoritative information (for more information see www.crownminerals.govt.nz).

Errors in Mortgage Documentation

The New Zealand Bankers' Association has asked LINZ to remind practitioners about the importance of ensuring that mortgage documentation is properly completed.

While minor errors or omissions may not lead to a rejection by LINZ, banks are understandably concerned to see that their mortgage documentation is free of any error that could affect the obligations secured. Though the mortgage may in fact be recorded against the correct title, a defect such as an incorrect description of the estate affected or a wrong title reference will invariably result in a request from the bank to register fresh documentation in order to correct the error.

LINZ therefore recommends that practitioners undertake a simple pre-registration check to ensure all mortgage details are properly completed. This will avoid the additional costs of preparing new mortgage documentation.

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- Change of address details Delete my name from the mailing list
 Add a new reader I require extra copies for my office

Name: Title:

Organisation:

Postal Address:

Email Address:

Profession: (eg Lawyer, Surveyor, Local government)

Tell us what you thought of this issue:

Please return to: The Editor, *Torrenstalk*, Land Information New Zealand, Private Box 5501, Wellington

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How to contact LINZ

National Office

Functions

- Chief Executive
- GM Policy
- GM Business Support
- Registrar-General of Land
- Surveyor-General
- Chief Topographer/Hydrographer
- GM Property Regulation including:
 - Valuer-General
 - Commissioner of Crown Lands
- GM Contracts
- GM Operations
- National Operations

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