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**LINZR10300**

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**Surveyor-General's Ruling  
2007/1**

**Representation of movable  
marginal strips in cadastral  
survey datasets**

**LINZ Ruling**

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Land Information New Zealand

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The Surveyor-General considers that compliance with the requirements of the *Surveyor-General's Rules for Cadastral Survey 2002/2* is impractical or unreasonable insofar as those Rules relate to movable marginal strips and, under s 47(5) of the Cadastral Survey Act 2002, hereby grants an exemption from the requirements of those Rules and specifies alternative requirements to those Rules.

Don Grant  
Surveyor-General

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## TERMS AND DEFINITIONS

<b>Term/Abbreviation</b>	<b>Definition</b>
CSD	a cadastral survey dataset as defined in section 4 of the Cadastral Survey Act 2002
LINZ	Land Information New Zealand
movable marginal strip	a marginal strip reserved pursuant to sections 24(1), 24 (2), 24A, 24AA, or 24E of the Conservation Act 1987
Rules	Rules made by the Surveyor-General under section 49 of the Cadastral Survey Act 2002

## FOREWORD

Section 24D(3) of the Conservation Act 1987 requires the Surveyor-General to, “...in the manner the [Surveyor-General] considers most appropriate, cause the proper plans of every land registration district to show the marginal strips...within that district.”. The current method of showing marginal strips is to annotate survey plans, which means that very limited spatial information is ordinarily provided. This Ruling has been promulgated to improve the way that marginal strips are depicted in cadastral survey datasets (CSDs).

Depiction of a marginal strip in a CSD is not required by this Ruling and is normally discretionary. However, the Government has directed its departments, when disposing of Crown-owned land on or after 1 July 2007, to identify and survey waterways that qualify for the reservation of marginal strips in accordance with the Surveyor-General’s requirements.

This Ruling applies if a client instructs that a marginal strip is to be depicted.

### Purpose of Ruling

The purpose of this Ruling is to provide interim requirements for the representation of marginal strips reserved from 1 July 2007.

### Rationale for the Ruling

Land Information New Zealand (LINZ) is tasked with meeting the Government’s desired economic, social, and environmental outcomes in relation to its mandated subject areas. Accordingly, end outcomes, intermediate outcomes, objectives, and sub-objectives have been developed to clearly articulate the regulatory framework for each subject area.

A risk-based approach is then used to determine the optimum level of intervention. If there is a high risk of not achieving an objective or sub-objective, then generally a higher level of intervention is required. Similarly, a low risk of not achieving an objective or sub-objective means a low level of intervention is necessary. The desired intervention is then developed to manage the identified risks and thereby achieve the relevant sub-objectives, objectives and, therefore, the outcome.

The Surveyor-General has issued this Ruling to mitigate the risk of not achieving one of the cadastral survey end outcomes:

<b>Cadastral survey end outcome</b>
Holders of rights and responsibilities (restrictions) in land confidently know the boundaries to which they apply so that they can efficiently identify, trade and use their rights.

## Brief history of the Ruling

This is a new Ruling and specifies interim requirements for the representation of movable marginal strips. It is intended that the Ruling will be replaced by a new version of the Rules, which are currently under development.

## Feedback on the Ruling

When developing the Rules, LINZ will take into account any feedback from users of this Ruling.

- (a) Comments are invited, preferably in electronic format, on the technical content, wording, and general arrangement of this Ruling.
- (b) Electronic comments should be sent by email to [regulatorysubmissions@linz.govt.nz](mailto:regulatorysubmissions@linz.govt.nz) or on a disc. Other formats - comments should preferably be typewritten. Please do not return a marked-up document in place of comments.
- (c) Please provide your name and organisation (if applicable). Please place relevant clause numbers beside each comment.
- (d) Please provide supporting reasons and suggested wording for each comment. Where you consider that specific content is too simplistic, too complex, or too detailed, provide an alternative.
- (e) Normally no acknowledgement of comment is sent. All comments received will be put before the relevant drafting committee.

LINZ is required to undertake its functions with a high degree of transparency. Accordingly, please be aware that any information provided to LINZ may be discussed with or provided to other parties. Please identify any information that you wish to remain confidential and provide reasons for this. You should also be aware that LINZ is subject to the Official Information Act 1982.

## References

The Ruling must be read in conjunction with the following:

Cadastral Survey Act 2002

Conservation Act 1987

LINZ 2002, *Surveyor-General's Rules for Cadastral Survey 2002/2*, Office of the

Surveyor-General, LINZ, Wellington

# **1 INTRODUCTION**

## **1.1 Scope**

This Ruling specifies requirements for the representation of movable marginal strips in CSDs.

This Ruling does not cover marginal strips reserved pursuant to s 24(3) of the Conservation Act 1987, which for survey purposes should be treated as normal primary parcels.

## **1.2 Intended use of Ruling**

This Ruling is intended for use by licensed cadastral surveyors when depicting movable marginal strips in CSDs lodged with LINZ.

This Ruling does not require movable marginal strips to be depicted on CSDs. However, if a movable marginal strip is depicted on a CSD, it must comply with the requirements of this Ruling.

## **1.3 Effective date**

This Ruling applies from 1 July 2007.

# **2 ALTERNATIVE REQUIREMENTS AND EXEMPTIONS**

The following are alternative requirements and exemptions to the Rules, insofar as they relate to movable marginal strips.

## **2.1 Rule 2: Interpretation**

Notwithstanding Rule 2, a movable marginal strip is not a primary parcel.

## **2.2 Rule 10: Form of parcel boundaries**

Notwithstanding Rule 10, an irregular line depicting the boundary of a marginal strip offset from a natural boundary may be used as a parcel boundary.

## **2.3 Rule 11: Natural boundaries**

The requirement in Rule 11(3) for line-marking does not apply to the boundaries of a movable marginal strip.

Notwithstanding Rule 11, a natural boundary also includes the line of maximum flood level of a lake controlled by artificial means.

## **2.4 Rule 12: Survey to be connected to witness marks**

Rule 12 does not apply to a movable marginal strip boundary except where that boundary is also a new boundary for a primary parcel.

## **2.5 Rule 14: Information must be enough to fix boundaries and marks**

Rule 14(1)(a) does not apply to an irregular boundary of a movable marginal strip.

## **2.6 Additional requirements**

### **2.6.1 Movable marginal strip to be a non-primary parcel**

- (a) The land in a movable marginal strip must be depicted as a parcel, but it must not be a primary parcel.
- (b) Notwithstanding that a marginal strip remains in Crown ownership, the land in a movable marginal strip must be included in the associated primary parcel that is being disposed of by the Crown.

### **2.6.2 Annotation on digital title plan**

A CSD that defines land for the purpose of disposal by the Crown must include the following annotation on the digital title plan:

*“Subject to Part IVA of the Conservation Act 1987 upon disposal from the Crown.”*

### **2.6.3 Form of parcel boundaries**

- (a) The boundary of a movable marginal strip parcel must be an irregular boundary where it is defined at a regular offset from a natural boundary.
- (b) The offset distance is applicable to each point on the natural boundary.

### **2.6.4 Accuracy of irregular boundary**

Any irregular boundary of a movable marginal strip must be delineated to the same accuracy as the related natural boundary.

### **2.6.5 Information to be shown in a cadastral survey dataset**

The following additional requirements apply if a movable marginal strip is to be shown in a CSD:

- (a) The position and extent of each movable marginal strip parcel within the associated primary parcel must be identified.

- (b) A plan must clearly indicate that the primary parcel extends to the natural boundary, or in the case of a lake controlled by artificial means, to the maximum operating level.
- (c) Any standard offset defining the width of a movable marginal strip must be stated on the plan. Where there is more than one standard offset, the position on the natural boundary where this offset changes must be clearly defined in the CSD.
- (d) Each movable marginal strip parcel must be given the identifier “*Marginal Strip*”.
- (e) In addition to the requirements of Rule 42(2), the survey report must:
  - (i) describe the method used for determining whether any river or stream qualifies, or does not qualify, for the reservation of a movable marginal strip; and
  - (ii) refer to the application of this Ruling to the survey.