

## Important:

This article was published on Saturday, 1 September 2012 - 7:38am. The information is accurate at the time and is used for reference purposes only.

For up-to-date information please [visit the Land Information New Zealand website \(http://www.linz.govt.nz\)](http://www.linz.govt.nz).



## [Landwrap September 2012 - Issue 92 \(/news/2012-09/landwrap-september-2012-issue-92\)](/news/2012-09/landwrap-september-2012-issue-92)

Landwrap September 2012 - Issue 92

- [Separate Request Manual Copy searches for each document you require \(/kb/247\)](/kb/247)



Members of LINZ Survey & Title Operations staff are noticing that Request Manual Copy (RMC) searches are not being filled in correctly.

Landonline

- [Certificates under ss 223 and 224 Resource Management Act 1991 - when to include as part of the dealing to deposit the plan \(/kb/235\)](/kb/235)

It is now common practice for most Territorial Authorities (the TA) to attach certifications under sections 223 and 224 of the Resource Management Act 1991 (the RMA) to the Cadastral Survey Dataset (CSD) as supporting documents, or for a surveyor to attach the certifications by scanning them.

Survey Territorial Authority

- [Resubmitting dealings \(/kb/226\)](/kb/226)

LINZ is often asked by customers for a progress update on requisitioned dealings only to find that the dealing has not been resubmitted to LINZ.

- [\*\*Bodies corporate created under the Unit Titles Act 1972 –1 October 2012 and the Unit Titles Act 2010 \(/kb/234\)\*\*](#)

Information for solicitors working with body corporate clients.

Titles

- [\*\*CSD Fee problem in Landonline \(/news/2012-10/csd-fee-problem-landonline\)\*\*](#)

Since the implementation of the 'Return Survey Dataset' e-request for surveyors, some incorrect fees have been charged where this e-request has been used.

Land Survey Landonline

- [\*\*Interim standard for mark protection \(Canterbury Earthquake\) \(/kb/238\)\*\*](#)

The Surveyor-General has published the Interim standard for mark protection surveys (Canterbury earthquake).

Survey

- [\*\*'Unit' or 'Principal Unit' on staged unit developments \(/kb/239\)\*\*](#)

Unit parcels within a staged unit development are initially captured on either a proposed unit development (PUD) or a substituted proposed unit development (SPUD).

Survey

- [\*\*Survey of Existing Non-LINZ Structures to Provide Orientation \(/kb/240\)\*\*](#)

Survey of existing, non-LINZ structures can provide more options for orientation and connection for surveys using non-GNSS equipment.

Survey Geodetic

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## Articles referenced within this issue

### [\*\*Separate Request Manual Copy searches for each document you require \(/kb/247\)\*\*](#)

Members of LINZ Survey & Title Operations staff are noticing that Request Manual Copy (RMC) searches are not being filled in correctly.

**There is a limit of one document per request.** The 'Requestor Comments' field is for supporting information about the item being requested and should not be used to request additional items.

A RMC request should only be used for items that do not have an image in Landonline. Before submitting an RMC search please make sure that the document is not already imaged in Landonline.

### Information required in each Field

The screenshot shows a software window titled "CDE\_515 - Request Manual Copy". The form contains the following fields and sections:

- Document Type:** A drop-down menu.
- Reference Number:** A text input field.
- Linked Record (eg. title ref):** A text input field.
- Land District:** A drop-down menu.
- Request Id:** A text input field.
- User Id:** A text input field containing "hdoughty".
- Request Date:** A text input field containing "05/09/2012 11:30:24".
- Client Reference:** A text input field containing "hdoughty".
- Status:** A text input field containing "Pending".
- Certified Copy:** A checkbox.
- Requested By:** A text input field.
- Requestor Comments:** A large text area.
- Delivery Method:** A drop-down menu containing "Email".
- Delivery Details:** A section with two radio buttons: "Use Landonline Contact Details" (selected) and "Enter a different delivery address (unique to this request)".
- User Contact Details:** A section with fields for Phone (04 471 6235), Mobile (027 242 4393), Fax (04 498 3837), Email (hdoughty@linz.govt.nz), and Postal Address (Heather Doughty, Private Box 5501, Wellington 6011).

Buttons at the bottom include "Print", "OK", and "Cancel".

"Document Type" – Select from the drop-down box for the type that best reflects what you require.

"Reference Number" – This is the LINZ reference number, not your client or file reference number. E.g. B524614.1

"Linked Record" – This is usually the title reference or plan associated with the document you require. In the case where the required document cannot be found then including the linked record will allow staff to search the record to see if there is an error in the recording of the document or the RMC.

"Land District" – Select the appropriate Land District for the record from the drop down list. Document numbers are not always unique to one land district therefore including the correct land district will ensure LINZ staff are searching for the correct document.

“Certified Copy” checkbox – Check the checkbox if you require a certified copy of the record.

“Requested By” – Please put the name you prefer to be called by in this field as there may be occasions when LINZ staff will need to contact you about your search.

“Requestor Comments” – Enter any relevant or additional details that will assist in identifying the document.

“Delivery Method” – Select the appropriate delivery method you require from the drop down list. The method you select displays highlighted in the User Contact Details area.

“Delivery Details” – This defaults to the Use Landonline Contact Details option and displays your current contact details in the User Contact Details area. If the document is to be sent to a different address (1) select the Enter a different delivery address (unique to this request) option and (2) enter the address details in the Delivery Address field in the User Contact Details area.

If you require more than one document then you must create a new RMC search for each document. This will ensure that you receive appropriate responses for each document you require, the correct images are attached to each search response, and LINZ recoups the actual costs incurred

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## **Certificates under ss 223 and 224 Resource Management Act 1991 – when to include as part of the dealing to deposit the plan (/kb/235)**

It is now common practice for most Territorial Authorities (the TA) to attach certifications under sections 223 and 224 of the Resource Management Act 1991 (the RMA) to the Cadastral Survey Dataset (CSD) as supporting documents, or for a surveyor to attach the certifications by scanning them.

Sometimes the certificates are also lodged as instruments in the dealing to deposit the CSD. Thus the certificates are unnecessarily duplicated.

The duplication is not desirable but requisitioning the dealing to have the certificates removed may negatively impact on the landowner’s timeframes. Where the certificates are lodged with both the CSD and the dealing, LINZ will register the certificates in the dealing and charge registration fees if it appears the certificates lodged are still current.

Conveyancers should search the CSD supporting documents to check if the section 223 & 224 certificates have been attached to the plan and that they are current. You should also check that the certificates attached are still current.

- If the s223 consent certificate attached to the CSD has lapsed under s224(h) then a new C223 s223 certificate is required for registration.
- If the s223 & 224 certificates contain different information from those attached to the CSD then you should confirm with the TA which are the correct certificates. If the certificates attached to the plan are correct then there is no need to lodge the certificates with the dealing, however if they are incorrect you will need to lodge the certificates as C223 & C224 instruments in the dealing (and remove the obsolete certificates from the plan).

If you determine that certificates under ss223 & 224 are required to be registered as instruments please ensure the order of registration places the instruments prior to the Order for New Certificate of Title (OCTN) in the dealing and links the titles being subdivided (the head title(s)) to the instruments as affected.

If any consent notices have been issued under s221 of the RMA (CONO) then they are required to be registered as instruments in the dealing in all instances - s224(d) RMA. These should be placed after the OCTN instrument.

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## **[Resubmitting dealings \(/kb/226\)](#)**

LINZ is often asked by customers for a progress update on requisitioned dealings only to find that the dealing has not been resubmitted to LINZ.

Lodging customers are reminded that they must resubmit and release the dealing in order for it to be resubmitted to LINZ for registration.

If you are a certifying customer of a requisitioned instrument but are not the lodging customer please ensure you release the instrument so that the dealing can be resubmitted to LINZ.

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## **[Bodies corporate created under the Unit Titles Act 1972 -1 October 2012 and the Unit Titles Act 2010 \(/kb/234\)](#)**

Information for solicitors working with body corporate clients.

Section 220 of the Unit Titles Act 2010 (the 2010 Act) provides that section 37 and Schedules 2 and 3 of the Unit Title Act 1972 (the 1972 Act) continue in force for bodies corporate created under the 1972 Act until 15 months from the first day of the month following the date of commencement of the 2010 Act. This means from 1 October 2012 section 37 and Schedules 2 and 3 of the 1972 Act are were repealed, and the provisions of the 2010 Act prevail.

For solicitors with body corporate clients that have did not utilised section 221 of the 2010 Act and passed a special resolution to adopt sections 105 and 106 of the 2010 Act, you need to consider the impact of the forced changes to the body corporate rules that will occurred on 1 October 2012. The Ministry of Business, Innovation & Employment paper on [Body Corporate Operational Rules \(http://www.dbh.govt.nz/unit-titles-body-corp-operational-rules\)](http://www.dbh.govt.nz/unit-titles-body-corp-operational-rules) indicates that all rules created or modified under the 1972 Act will no longer apply, however the Courts have not had to consider the issue so it is unclear whether modified 1972 Act rules continue in effect where they are not inconsistent with the 2010 Act. In light of this uncertainty you may wish to consider changing the body corporate rules in accordance with the 2010 Act.

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## **[CSD Fee problem in Landonline \(/news/2012-10/csd-fee-problem-landonline\)](#)**

Since the implementation of the 'Return Survey Dataset' e-request for surveyors, some incorrect fees have been charged where this e-request has been used.

When a dataset's return is requested using this e-request, and no work has been completed by LINZ, fees are being re-charged when the dataset is submitted a second time.

An investigation into this issue has been completed, and all the incorrectly charged fees have been identified and refunded.

Until the matter is resolved, LINZ will continue to identify the datasets that have been incorrectly charged and automatically refund the fees. We apologise for the inconvenience that this has caused and hope to have a solution for the issue soon.

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## [Interim standard for mark protection \(Canterbury Earthquake\) \(/kb/238\)](#)

The Surveyor-General has published the Interim standard for mark protection surveys (Canterbury earthquake).

Post-earthquake reconstruction in areas affected by the Canterbury earthquakes may result in many of the existing survey marks, including boundary marks, being removed or disturbed.

Before survey marks are affected by reconstruction, it is important that evidence of their positions is recorded by establishing survey connections to threatened marks from alternative survey marks in positions free from disturbance. This will enable the reliable location of new infrastructure services, and assist in the correct re-establishment of cadastral boundaries in the future. It also has the potential to significantly reduce the costs of relocating services and boundaries.

It is a statutory requirement to obtain the approval of the Surveyor-General prior to removing a survey mark under s 55 of the Cadastral Survey Act 2002. This is normally done on a case by case basis. However in the post-earthquake context the Surveyor-General has approved the removal of survey marks for the purpose of post-earthquake reconstruction subject to compliance with the interim standard. The standard also sets out requirements for protection surveys to be carried out by surveyors.

The interim standard, which replaces an earlier specification prepared for the Stronger Christchurch Infrastructure Rebuild Team (SCIRT), came into effect on 10 September 2012 and is available.

Feedback is sought on the interim standard so that this can be considered before the standard is finalised.

## Related Content

- [Interim Standard for mark protection surveys \(Canterbury Earthquake\) - LINZS10004 \(/regulatory/10004\)](#)

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## **'Unit' or 'Principal Unit' on staged unit developments (/kb/239)**

Unit parcels within a staged unit development are initially captured on either a proposed unit development (PUD) or a substituted proposed unit development (SPUD).

When a unit parcel is developed on a 'Stage Plan' (whether the first or a subsequent stage), the existing 'Parcel Type' (from the latest PUD or SPUD) must remain unchanged. The Landonline process is to search for the existing parcel associated with the PUD or SPUD and change the 'Parcel Action' field from 'Proposed' to 'Created'.

Where the PUD or SPUD was certified under the Rules for Cadastral Survey 2010 the parcel type should have been captured as 'Principal Unit' or 'Accessory Unit' as appropriate (refer rule 5.5.2) and this should be retained.

Where the PUD or SPUD was certified prior to the 2010 Rules and the parcel type was captured as 'Unit' this should be retained on subsequent stage plans (CSD's) certified under the 2010 Rules.

Where a new SPUD is being produced, new parcels should be captured as a 'Principal Unit' or 'Accessory Unit', even though other units on earlier stages certified prior to the 2010 Rules may have been captured as 'Units'. Alternatively, where it is desirable to retain the parcel type 'Unit' for a new SPUD, for consistency with earlier stages, a dispensation from rule 5.5.2 will need to be sought.

Where previous plans have depicted the appellation as 'Unit' for a principal unit on the diagrams, a new principal unit can also be abbreviated as 'Unit' [in terms of Rules 9.6.3(d) and 10.4.2(d)(ii)].

The reference document that details the capture requirements for unit datasets has been updated and is available on the Landonline website. View the updated Aspatial Capture for Unit Developments - Unit Titles Act 2010 document (attachment below).

### **File Attachments**

- [Capture for Unit Developments in Landonline – Unit Titles Act 2010 \(https://www.linz.govt.nz/system/files\\_force/media/knowledgebase-attachments/Capture%20for%20Unit%20Developments%20in%20Landonline%20-%20Unit%20Titles%20Act%202010.pdf?download=1\)](https://www.linz.govt.nz/system/files_force/media/knowledgebase-attachments/Capture%20for%20Unit%20Developments%20in%20Landonline%20-%20Unit%20Titles%20Act%202010.pdf?download=1) PDF | 317.74 KB

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## **Survey of Existing Non-LINZ Structures to Provide Orientation (/kb/240)**

Survey of existing, non-LINZ structures can provide more options for orientation and connection for surveys using non-GNSS equipment.

These structures would not have and should not suffer from many of the problems associated with the existing trig beacons, which can be difficult to access for maintenance and are sometimes rendered unusable by substantial vegetation growth.

These existing structures need to:

1. Be highly visible over a wide area
2. Be stable
3. Have a well-defined horizontal reference point
4. Have a horizontal reference point that is unlikely to be modified in the future

There are a number of these structures already in the Geodetic Database. One of the most widely-used is the Auckland Sky Tower (geodetic code SKYT), which has had over 170 usages recorded in Landonline over 10 years. Other examples include water towers, lighthouses, TV masts and radar domes.

LINZ is looking for suggestions of structures that would meet the criteria outlined above, to survey as part of the control programme to provide a source of orientation. Please send any recommendations to [CRM\\_Geodetic@linz.govt.nz \(mailto:CRM\\_Geodetic@linz.govt.nz?subject=Survey%20of%20Existing%20Structures%20to%20Provide%20Orientation\)](mailto:CRM_Geodetic@linz.govt.nz?subject=Survey%20of%20Existing%20Structures%20to%20Provide%20Orientation).

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