

Important:

This article was published on Monday, 1 July 2013 - 1:28pm.
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 July 2013 - Issue 100 \(/news/2013-07/landwrap-july-2013-issue-100\)](/news/2013-07/landwrap-july-2013-issue-100)

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- [Landonline spatial data update delay \(/news/2013-07/landonline-spatial-data-update-delay\)](/news/2013-07/landonline-spatial-data-update-delay)



In the May issue of Landwrap, we advised you of a planned major update of coordinates in Landonline to account for deformation resulting from the Canterbury earthquakes. An estimated date for the roll-out of late July was provided.

Land Titles Survey Landonline

- [No survivorship \(/kb/133\)](/kb/133)

The Registrar-General of Land ("RGL") may be authorised to remove the words "No survivorship" from a title in certain circumstances.

- [A self-assessment tool to assess your e-dealing processes and controls \(/news/2013-07/self-assessment-tool-assess-your-e-dealing-processes-and-controls\)](/news/2013-07/self-assessment-tool-assess-your-e-dealing-processes-and-controls)

LINZ, in conjunction with the Property Law Section of the New Zealand Law Society and New Zealand Society of Conveyancers, has developed a new tool for law firms and conveyancers.

Land Titles

- [Post-Earthquake Normal Orthometric Heights Available for Canterbury \(/kb/128\)](/kb/128)

Normal-orthometric heights from precise levelling surveys undertaken after the Canterbury earthquakes are available for download from the LINZ website.

Survey

- [**Temporary Dispensation - Horizontal Datum Connection \(Rule 4.2\) for Canterbury \(/kb/135\)**](#)

Please note: the temporary dispensation from Rule 4.2, Horizontal datum connection, has been extended for Canterbury surveys until 30 April 2014.

- [**Unproven marks in areas of ground movement \(/news/2013-07/unproven-marks-areas-ground-movement\)**](#)

The KnowledgeBase has been updated for the capture of Unproven Marks in areas of ground movement (RCS 2010 18.3).

Land Survey

Articles referenced within this issue

[**Landonline spatial data update delay \(/news/2013-07/landonline-spatial-data-update-delay\)**](#)

In the May issue of Landwrap, we advised you of a planned major update of coordinates in Landonline to account for deformation resulting from the Canterbury earthquakes. An estimated date for the roll-out of late July was provided.

To enable us to thoroughly test and optimise the update process and to ensure minimum disruption to services we have delayed the roll-out until late August/early September at the earliest.

In the meantime, the current coordinates and heights for control points in Canterbury are available from the LINZ Data Service:

- [Canterbury Earthquake Geodetic Marks \(2010,2011\) – Simple](http://data.linz.govt.nz/layer/1589-canterbury-earthquake-geodetic-marks-2010-2011-simple/)
- [Canterbury Earthquake Geodetic Marks \(2010,2011\) – Comprehensive](http://data.linz.govt.nz/layer/1588-canterbury-earthquake-geodetic-marks-2010-2011-comprehensive/)
- [Canterbury Earthquake Precise-Levelling Heights \(2010, 2011\)](http://data.linz.govt.nz/#/layer/1688-canterbury-earthquake-precise-levelling-heights-2010-2011/)

The deformation model associated with the NZGD2000 datum will be updated in August 2013. You can view the coordinate shift contours on the LINZ Data Service:

- [NZGD2000 deformation model coordinate shifts contours \(http://data.linz.govt.nz/#/layer/1684-nzgd2000-deformation-model-version-2013-08-01-reverse-patch-coordinate-shifts-contours/\)](http://data.linz.govt.nz/#/layer/1684-nzgd2000-deformation-model-version-2013-08-01-reverse-patch-coordinate-shifts-contours/)
- [NZGD2000 deformation model coordinate shifts filled contours \(http://data.linz.govt.nz/#/layer/1685-nzgd2000-deformation-model-version-2013-08-01-reverse-patch-coordinate-shifts-filled-contours/\)](http://data.linz.govt.nz/#/layer/1685-nzgd2000-deformation-model-version-2013-08-01-reverse-patch-coordinate-shifts-filled-contours/)

We apologise for any inconvenience this delay causes. Please contact Matt Amos (mamos@linz.govt.nz (<mailto:mamos@linz.govt.nz>)) to be kept up to date with the latest developments.

No survivorship (/kb/133)

The Registrar-General of Land (“RGL”) may be authorised to remove the words “No survivorship” from a title in certain circumstances.

Effect on transfers and other dealings

If the words “No survivorship” are noted on a title any transfer, mortgage or other dealing with the land must involve no less than the number of joint proprietors who were registered when the words “No survivorship” were entered on the title. The only exception is where a dealing by fewer proprietors is sanctioned by the High Court (section 132 of the Land Transfer Act 1952 (LTA)).

For example, if there were two joint proprietors when the words were entered, they can transfer the land without Court sanction providing they are both involved. But if they transfer to a sole proprietor, that proprietor will need Court approval to transfer, mortgage or otherwise deal with the land.

E-dealings

When an e-dealing that affects a title noted with the words “No survivorship” is prepared, Landonline will display a message to that effect, and will only allow instruments involving all of the registered proprietors. At pre-validation a message will display that the e-dealing will step down for LINZ checking.

When the e-dealing is lodged it will be checked by LINZ. It will be registered only if the instrument transferring or otherwise dealing with the land:

- involves no less than the original number of joint proprietors as when “No survivorship” was entered, or
- is accompanied by a copy of High Court order sanctioning the dealing if fewer proprietors are involved.

Removal of notation by Court Order

The words “No survivorship” can be removed from a title by order of the High Court under s 133(2) LTA. Upon receiving a sealed duplicate of an order, LINZ will remove the words in accordance with s 133(3) LTA and the restriction will no longer apply.

Removal of notation on sale

While the Land Transfer Act 1952 does not expressly authorise the RGL to remove “no survivorship” notations, and otherwise contemplates High Court involvement and oversight around aspects of the regime, the recent judgment of Fogarty J in *Sell v Registrar-General of Land* [2013] NZHC 1219 suggests the RGL may have scope to remove these notations in certain circumstances.

In line with this decision, the RGL has reviewed procedures accordingly and, in line with this decision, will consider removing “no survivorship” notations in circumstances where it is clear that the land has been sold in exercise of an express power of sale in the trust. This may be evidenced by a statement in the form of a statutory declaration by the lawyer acting for the joint proprietors transferring the land, or the joint proprietors themselves:

- that the “No survivorship” notation on the relevant computer register refers to a trust of which the joint proprietors are trustees
- that the joint proprietors have sold the land in the relevant computer register to the transferees in exercise of an express power of sale under the trust
- that the “No survivorship” notation is no longer required, and
- requesting that the notation be removed from the relevant computer register on registration of the transfer.

Removal of notation in other circumstances

In any other case where removal of a “No survivorship” notation is sought without the sanction of the High Court, the registered proprietors’ legal representative should contact the Office of the RGL in the first instance before attempting to lodge any documentation for registration.

[A self-assessment tool to assess your e-dealing processes and controls \(/news/2013-07/self-assessment-tool-assess-your-e-dealing-processes-and-controls\)](#)

LINZ, in conjunction with the Property Law Section of the New Zealand Law Society and New Zealand Society of Conveyancers, has developed a new tool for law firms and conveyancers.

The tool, a self-assessment questionnaire, was piloted in early February 2013 to a group of twenty five certify and signers. Twenty one of the twenty five selected responded to the questionnaire. The quality of the responses and feedback from the pilot group was very encouraging in re-enforcing the benefits of the questionnaire for all who certify and sign e-dealings.

The benefits of the questionnaire are to:

- Enable firms to assess the robustness of their own conveyancing processes and controls for transactions lodged via the Landonline e-dealing system
- Provide guidance about the types of controls firms may use within their own office, and
- Inform both LINZ and NZLS about the level of sophistication of law firm control environments for conveyancing, and how we might best support the profession to strengthen and improve existing controls.

Due to the positive feedback received from the pilot group, LINZ and the NZLS have decided that the questionnaire should be available to all practitioners who certify and sign e-dealings.

What is going to happen?

Self-Assessment Questionnaire available to all firms

The questionnaire will be [available to all practitioners through the Landonline website \(\[//www.linz.govt.nz/edealing/regulatory-info-guidelines/self-assessment-questionnaire\]\(http://www.linz.govt.nz/edealing/regulatory-info-guidelines/self-assessment-questionnaire\)\)](http://www.linz.govt.nz/edealing/regulatory-info-guidelines/self-assessment-questionnaire). Practitioners can print and complete the questionnaire and share the results with those involved in the preparation and certification of e-dealings within their firm. This provides a basis for discussing the effectiveness of e-dealing controls and addressing any areas where improvements may be necessary. This form of self-assessment is purely for firms to consider for their own process improvement. The results will not be collated by LINZ or the NZLS.

Selected practitioners to complete the questionnaire for analysis

In addition to the self-assessments law firms may chose to undertake at any time for their own review, LINZ will be inviting a selection of firms to participate in the questionnaire on an annual basis.

The results of this annual selection will be collated to provide a view of the state of law firm control environments for conveyancing, and to inform how LINZ and the NZLS might best support the profession to strengthen and improve existing arrangements.

A key theme from the pilot group responses is the value the questionnaire has in encouraging learning and development around e-dealing controls and compliance requirements. Although responses are voluntary, the completion of the questionnaire is encouraged as the information gathered will assist in highlighting areas in which the profession would like more guidance and educational support. This will also provide a perspective on relevant areas of focus for the purposes of Continuing Professional Development (CPD).

The selection process will begin in *April 2014*.

LINZ will continue with the current methods of auditing, through both the processes and controls audits and the traditional compliance review regime.

We would like to thank the pilot group for their participation and valuable feedback.

[Post-Earthquake Normal Orthometric Heights Available for Canterbury \(/kb/128\)](#)

Normal-orthometric heights from precise levelling surveys undertaken after the Canterbury earthquakes are available for download from the LINZ website.

[Download normal-orthometric heights from precise levelling surveys \(\[//www.linz.govt.nz/survey-titles/canterbury-earthquake/canterbury-earthquake/geodetic-survey-control-coordinates\]\(http://www.linz.govt.nz/survey-titles/canterbury-earthquake/canterbury-earthquake/geodetic-survey-control-coordinates\)\)](http://www.linz.govt.nz/survey-titles/canterbury-earthquake/canterbury-earthquake/geodetic-survey-control-coordinates)

There are 600 marks, covering Christchurch and the Canterbury Plains. This information is additional to the coordinates from GNSS surveys already published at the same link.

It is important to note that the precise-levelled heights may differ from the already published post-earthquake Lyttelton Vertical Datum 1937 heights calculated using GNSS data and the NZGeoid2009 geoid model. These differences may be up to 0.1m. They are due to errors present in the GNSS data, precise levelling data, geoid model and vertical datum offsets used with the geoid model. For this reason it is important that precise levelling heights are not mixed with heights calculated using the geoid model.

Important information about how these precise levelled heights and the GNSS-derived coordinates already published were calculated can be found on the [questions and answers page](http://www.linz.govt.nz/survey-titles/cadastral-surveying/canterbury-earthquake/questions) ([//www.linz.govt.nz/survey-titles/cadastral-surveying/canterbury-earthquake/questions](http://www.linz.govt.nz/survey-titles/cadastral-surveying/canterbury-earthquake/questions)).

Temporary Dispensation - Horizontal Datum Connection (Rule 4.2) for Canterbury (/kb/135)

Please note: the temporary dispensation from Rule 4.2, Horizontal datum connection, has been extended for Canterbury surveys until 30 April 2014.

A dispensation from Rule 4.2, Horizontal datum connection, is granted for Canterbury surveys where compliance is affected by the Landonline spatial data update.

The Landonline spatial data update will account for deformation resulting from the Canterbury and Fiordland earthquakes. Implementation of the update has been rescheduled for late August/early September as advised in the [Landonline spatial data update item](http://www.linz.govt.nz/about-landonline/newsletter/landwrap/201307/esurvey#6991) ([//www.linz.govt.nz/about-landonline/newsletter/landwrap/201307/esurvey#6991](http://www.linz.govt.nz/about-landonline/newsletter/landwrap/201307/esurvey#6991)) in this edition of Landwrap.

For more information, and future updates, refer to the Canterbury earthquake [Geodetic survey control network](http://www.linz.govt.nz/survey-titles/canterbury-earthquake/canterbury-earthquake/geodetic-survey-control-network) ([//www.linz.govt.nz/survey-titles/canterbury-earthquake/canterbury-earthquake/geodetic-survey-control-network](http://www.linz.govt.nz/survey-titles/canterbury-earthquake/canterbury-earthquake/geodetic-survey-control-network)) web page.

An outcome of this update in the Christchurch area will be the downgrading of the order of many marks in Landonline. This will affect compliance with rule 4.2 RCS2010.

Rule 4.2, Rules for Cadastral Survey 2010 (RCS2010), requires surveyors working in an urban area to connect their surveys to at least one cadastral survey network mark (order 6 or better – Ruling 65302) if it is within 500 metres of any new boundary point, new boundary mark, or old boundary mark on a primary parcel created by their survey. This connection can be by vectors – adoption is sufficient.

The order of most cadastral survey network marks in the Christchurch area will be downgraded in the Landonline update and will no longer qualify as cadastral survey network marks.

Implementation of the Landonline spatial data update will create the following situations in the Christchurch area:

Case 1: Lodged but unapproved CSDs which complied with Rule 4.2 prior to the implementation may no longer comply. This will include CSDs which are out on requisition

Case 2: Surveys for which a CSD has not been lodged at the time of the implementation but which have been prepared to comply with Rule 4.2 at the time of survey but may no longer comply at the time the CSD is lodged.

Dispensation:

To deal with these situations, CSDs are exempt from compliance with Rule 4.2 where the CSD is located within the Christchurch City, Waimakariri and Selwyn Districts and has rule 4.2 connections which become non-compliant by the implementation of the Landonline spatial data update.

This dispensation applies for datasets already lodged with LINZ at the date of the implementation of the coordinate upgrade and for all qualifying datasets lodged for the first time between the implementation date and 31 December 2013.

Notes

- 1. Surveyors do not need to apply for this dispensation but should explain the non-compliance in their survey report. The dispensation will be applied by LINZ validation staff when necessary.*
- 2. The resurvey of the Christchurch order 5 survey control network is almost complete. More information about new, upgraded or updated order 5 marks will be available shortly. The coordinates for these marks will be updated following the Landonline spatial data update.*
- 3. Despite the availability of the dispensation, it would be preferable for any surveys carried out following the availability of the new order 5 marks to be connected to these new marks.*
- 4. The cut off date of 31 December 2013 is to allow a reasonable period for the lodgement of most CSDs prepared prior to the implementation date of the Landonline spatial data update.*

[Unproven marks in areas of ground movement \(/news/2013-07/unproven-marks-areas-ground-movement\)](/news/2013-07/unproven-marks-areas-ground-movement)

The KnowledgeBase has been updated for the capture of Unproven Marks in areas of ground movement (RCS 2010 18.3).

A review of datasets containing unproven marks has resulted in a significant shift in methodology for capturing these marks. An unproven mark is no longer required to be linked to its existing mark node. The rationale is that until a mark is proven it should be regarded as being in a temporary state. Once a determination of its final state is made, it can then be linked accordingly.

This new process also applies to the capture of marks with geodetic codes that are determined as unproven for the first time. These marks are not linked and must have the suffix UNPROVEN added to the mark name following the CSD number.

Re-work may be required by LINZ to separate some vectors from nodes linked under the previous system. Affected marks are to be identified in the Survey Report.

See [Capturing Unproven Marks \(//www.linz.govt.nz/kb/628\)](http://www.linz.govt.nz/kb/628) for more information.
