

Important:

This article was published on Wednesday, 30 November 2016 - 4:01pm. 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 November 2016 \(/news/2016-11/landwrap-november-2016\)](/news/2016-11/landwrap-november-2016)

Issue 132

This month we inform you about Landonline being unavailable on 10 December 2016; LINZ hours over the holiday season; finding New Zealand Vertical Datum 2016 Heights; changes to the Land Transfer Tax Statement; verification of identity using Skype and videoconferencing; lapsing caveats over the Christmas / New Year period; an update on rules for Cadastral Surveying in Greater Christchurch and Kaikoura earthquake information for Surveyors.



Landonline unavailable 10 December 2016

All Landonline users

Landonline will be unavailable on Saturday 10 December 2016.

The Land Transfer Tax Statement will be changed at this time, and Landonline will be updated to allow you to enter data from the new Statement.

LINZ hours over the holiday season

All Landonline users

Landonline will close at 5pm on Saturday 24 December and resume at 6am Wednesday 4 January 2017. LINZ Offices, including Customer Support, will be closed from 5pm Friday 23 December 2016.

[Normal hours \(http://www.linz.govt.nz/land/landonline/get-started\)](http://www.linz.govt.nz/land/landonline/get-started) will resume on Wednesday 4 January 2017.

From everyone here at LINZ, have a safe and enjoyable holiday break.

Finding New Zealand Vertical Datum 2016 Heights

All Landonline users

Heights for more than 44,000 geodetic marks in terms of NZVD2016 (New Zealand Vertical Datum 2016) are now available from Landonline and the geodetic database. This means it will now be much easier for surveyors to connect their surveys to marks in terms of the new national vertical datum.

[Read more about finding NZVD2016 heights \(http://www.linz.govt.nz/data/geodetic-system/datums-projections-and-heights/vertical-datums/finding-nzvd2016-heights\)](http://www.linz.govt.nz/data/geodetic-system/datums-projections-and-heights/vertical-datums/finding-nzvd2016-heights)

[Login to Landonline \(http://www.linz.govt.nz/land/landonline\)](http://www.linz.govt.nz/land/landonline)

[Access the geodetic database \(http://apps.linz.govt.nz/gdb/\)](http://apps.linz.govt.nz/gdb/)

Changes to the Land Transfer Tax Statement

Lawyers

We're creating a new Land Transfer Tax Statement that's clearer for you and your clients.

This statement will divide up questions about seller or buyer identity, and Citizenship or visa status so they are clearer. The Statement will also have guidance about parts that some clients can skip.

On the weekend of 10 December, we will make changes to Landonline that will allow you to enter information from the new statement.

We encourage you to use the new statement from Monday 12 December. This will help to ensure that the data collected is as accurate as possible.

[Read more information including a copy of the new statement and watch a brief video about the changes \(<http://www.linz.govt.nz/land/land-registration/prepare-and-submit-your-dealing/property-tax-compliance-requirements/changes-land-transfer-tax-statement>\)](http://www.linz.govt.nz/land/land-registration/prepare-and-submit-your-dealing/property-tax-compliance-requirements/changes-land-transfer-tax-statement)

Verification of identity – Skype and videoconferencing

Lawyers

While witnessing in person is still the preferred approach when verifying identity for client A&I forms, LINZ and the NZLS Property Law Section consider that videoconferencing or Skype may be used in limited circumstances if certain conditions are met.

[Read more about verification of identity using videoconferencing \(<http://www.linz.govt.nz/kb/79#videoconference>\)](http://www.linz.govt.nz/kb/79#videoconference)

Lapsing caveats over the Christmas / New Year period this year

Lawyers

If you or your client receives a notice of lapse of caveat or notice of claim in the lead-up to the Christmas period this year, you'll need to act quickly to avoid the caveat or notice of claim lapsing.

[Read more about caveat lapsing notice periods \(<http://www.linz.govt.nz/kb/648>\)](http://www.linz.govt.nz/kb/648)

Update on rules for Cadastral Surveying in Greater Christchurch

Lawyers and Surveyors

The Canterbury Property Boundaries and Related Matters Bill became law on 30 August 2016. Our consultation on proposed rules for surveyors to put the Act into practice closed on 12 October 2016 – thank you to everyone who made submissions.

The Surveyor-General and team are now finalising the Rules, considering the feedback received. We expect to have the rules in place early in 2017.

[Read more information for lawyers \(<http://www.linz.govt.nz/land/surveying/canterbury-earthquakes/information-for-canterbury-lawyers-and-conveyancers>\)](http://www.linz.govt.nz/land/surveying/canterbury-earthquakes/information-for-canterbury-lawyers-and-conveyancers) and [surveyors in Canterbury \(<http://www.linz.govt.nz/land/surveying/canterbury-earthquakes/information-for-canterbury-surveyors>\)](http://www.linz.govt.nz/land/surveying/canterbury-earthquakes/information-for-canterbury-surveyors)

Kaikoura earthquake – information for Surveyors

Surveyors

We've created a page about surveying in areas affected by the 14 November 2016 Kaikoura earthquake, and the impact it had on our geodetic coordinates.

We'll update this page as more information becomes available.

[Read more about surveying in affected areas \(<http://www.linz.govt.nz/land/surveying/canterbury-earthquakes/geodetic-survey-control-network/kaikoura-earthquake-%E2%80%93-14-november-2016>\)](http://www.linz.govt.nz/land/surveying/canterbury-earthquakes/geodetic-survey-control-network/kaikoura-earthquake-%E2%80%93-14-november-2016)

Related Content

- [Landwrap \(<http://www.linz.govt.nz/about-linz/publications/landwrap>\)](http://www.linz.govt.nz/about-linz/publications/landwrap)
- [Subscribe to Landwrap \(<http://www.linz.govt.nz/land/landonline/get-started/subscribe-landwrap>\)](http://www.linz.govt.nz/land/landonline/get-started/subscribe-landwrap)

Last Updated:

30 November 2016

Articles referenced within this issue

[Finding NZVD2016 heights \(<http://www.linz.govt.nz/data/geodetic-system/datums-projections-and-heights/vertical-datums/finding-nzvd2016-heights>\)](http://www.linz.govt.nz/data/geodetic-system/datums-projections-and-heights/vertical-datums/finding-nzvd2016-heights)

Heights for more than 44,000 geodetic marks in terms of NZVD2016 (New Zealand Vertical Datum 2016) are available from Landonline and the geodetic database.

This means it will be much easier for surveyors to connect their surveys to marks in terms of the new national vertical datum.

Published NZVD2016 heights have been derived from a single least squares adjustment which combines all geodetic GNSS observations collected since the 90s, with the first order levelling networks. This means that published NZVD2016 heights are nationally consistent and have been assigned orders according to their appropriate tier and class.

NZVD2016 heights 3V or better can now be found at ~200m spacing in most urban areas. All heights available have been calculated prior to the Kaikoura Earthquakes 2016.

[Go to Landonline \(//www.linz.govt.nz/land/landonline\)](http://www.linz.govt.nz/land/landonline)

[Go to the geodetic database \(http://apps.linz.govt.nz/gdb/\)](http://apps.linz.govt.nz/gdb/)

Using NZVD 2016

The Surveyor-General encourages surveyors to use the new vertical datum for all surveys including cadastral surveys.

In some situations, the Rules for Cadastral Survey 2010 require heights to be in terms of an official vertical datum (refer to rule 4.3). As NZVD2016 is not yet an official vertical datum for cadastral surveys, when the rules require heights in terms of an official vertical datum, you will need to request a dispensation to use NZVD2016. This will be provided on request from the Office of the Surveyor-General.

Many more vertical marks of order 3V or better will now be visible in Landonline. Note that these are not vertical control marks (refer Ruling LINZR65303) unless they have a height of order 3V or better in terms of an official vertical datum for cadastral surveys (refer Ruling LINZR65301).

[Request a dispensation to use NZVD2016 \(//www.linz.govt.nz/land/surveying/csd-preparation/survey-requests/dispensation-exemption\)](http://www.linz.govt.nz/land/surveying/csd-preparation/survey-requests/dispensation-exemption)

[Read ruling LINZR65303 \(//www.linz.govt.nz/regulatory/65303\)](http://www.linz.govt.nz/regulatory/65303)

[Read ruling LINZR65301 \(//www.linz.govt.nz/regulatory/65301\)](http://www.linz.govt.nz/regulatory/65301)

About NZVD2016

NZVD2016 was released in June this year, and more information is available on the LINZ website.

LINZ has also produced a number of tools to provide access to the datum such as the online vertical datum converter.

[Find out about NZVD2016 \(//www.linz.govt.nz/data/geodetic-system/datums-projections-and-heights/vertical-datums/new-zealand-vertical-datum-2016-nzvd2016\)](http://www.linz.govt.nz/data/geodetic-system/datums-projections-and-heights/vertical-datums/new-zealand-vertical-datum-2016-nzvd2016)

[Go to the vertical datum converter \(http://apps.linz.govt.nz/coordinate-conversion/index.aspx?Advanced=2&test=\)](http://apps.linz.govt.nz/coordinate-conversion/index.aspx?Advanced=2&test=)

Last Updated:

21 November 2016

[Changes to the Land Transfer Tax Statement \(//land/land-registration/prepare-and-submit-your-dealing/property-tax-compliance-requirements/changes-land-transfer-tax-statement\)](http://www.linz.govt.nz/land/land-registration/prepare-and-submit-your-dealing/property-tax-compliance-requirements/changes-land-transfer-tax-statement)

We're creating a new Land Transfer Tax Statement that's clearer for you and your clients.

This statement will divide up questions about seller or buyer identity, and citizenship or visa status so they are clearer. The statement will also have guidance about parts that some clients can skip.

On the weekend of 10 December, we will make changes to Landonline that will allow you to enter information from the new statement.

We encourage you to use the new statement rather than the old one from Monday 12 December. This will help to ensure that the data collected is as accurate as possible. However, if, for example, your client has already signed a tax statement, you will still be able to enter data collected on the existing form until April 2017.

To help you to familiarise yourself with the new statement, we have created a brief video.

Land Transfer Tax Statement Changes



We can share a copy of the new statement now. Note that this is for your information only at this time - the new statement cannot be used until changes have been made to Landonline on 12 December 2016.

- [New Land Transfer Tax Statement – do not use prior to 12 Dec 2016 \(PDF 457KB\) \(/file/15564/download?token=u-q5HZBY\)](#)

We'll be sharing information about the changes to the relevant Landonline data entry screens closer to the release date.

Attachments

- [New Land Transfer Tax Statement \(do not use prior to 12 Dec 2016\) \(http://www.linz.govt.nz/system/files_force/loi_land-transfer-tax-statement-2017-final_20161130.pdf?download=1&download=1\)](#) PDF | 456.66 KB

Last Updated:

30 November 2016

[Proof of identity for dealings \(/kb/79\)](#)

Establishing the identity of your client is a key part of helping us maintain the integrity of the land titles system. Here's what you need to do, and help for the 'what ifs?' of identity verification.

The Standard for Verification of Identity for Registration under the Land Transfer Act 1952 outlines the statutory requirements for proof of identity. Read the Standard ([link to LINZS20002](#)).

Basic requirements for ID

To establish the identity of your client, you'll need to obtain:

- An original, current photo ID – such as a passport or a New Zealand government-issued driver's licence or firearms licence
- For transfers and mortgages of unencumbered land, a document provided by your client showing the landowner's name and the physical address of the property – such as a rates bill, bank statement or power bill.

You must retain a copy of the photo ID and record that it is a true copy of the original you have seen. On the A&I form, section 5 includes the statements "(b) I have sighted the original form(s) of identity ticked above" and "(c) I have attached a copy of ID(s) used".

[Refer to G5 of the Standard for Verification of Identity LINZS20002 \(/www.linz.govt.nz/regulatory/20002\)](#)

[Find out who can witness an A&I \(/www.linz.govt.nz/land/land-registration/prepare-and-submit-your-dealing/authority-instruction-ai#witness\)](#)

High-risk transactions

A high-risk transaction is one where the existing landowner, as transferor or mortgagor, is not previously known to the certifying practitioner, and:

- Is transferring or mortgaging unencumbered land, or
- Provides contact details which are not connected to the physical address of the property, or
- Provides unfamiliar or foreign documents to verify identity.

[Refer to chapter 5.1 and 5.2 and page G8 of the Standard for Verification of Identity LINZS20002 \(<http://www.linz.govt.nz/regulatory/20002>\)](#)

[Read more about establishing identity for high-risk transactions \(<http://www.linz.govt.nz/kb/102>\)](#)

Using videoconferencing facilities

While witnessing in person is generally the preferred approach, LINZ and the Property Law Section consider the use of videoconferencing or Skype to be an acceptable practice where the lawyer or conveyancer who will be certifying and signing the transaction in Landonline:

1. **has known their client for more than 12 months;**
2. **has a copy of their client's current photo ID on file (the original having previously been sighted); and**
3. **is able to clearly see their client and confirm what documentation is being signed**

When adopting this approach the witness certification in the A&I form should be modified (or a further certification added) to indicate that video conferencing was used and confirm that each of the above conditions are met.

Witnessing an A&I form involves not only verification of client identity but also of their legal capacity and bona fides. The videoconference witnessing session **must** be abandoned if the lawyer or conveyancer:

- has any doubts whatsoever as to the identity or capacity of the client;
- has any concerns that the client may be acting under duress or at the direction of another person; or
- is unable to clearly see and confirm what documentation is being signed in the course of the videoconference session.

Other important considerations to be mindful of when deciding whether to witness the signing of an A&I by videoconference include:

- whether videoconferencing is appropriate when you are dealing with (for example) a very elderly client or one that has limited technical knowledge, or if you have not had any direct contact with your client in recent years;
- whether the ID you hold on file is still current (e.g. an expired passport will not meet the conditions for videoconference witnessing);
- whether you and your client both have adequate videoconferencing facilities to ensure adequate image clarity/audibility throughout the videoconference connection (the session should be abandoned if any technical issues are encountered during the videoconference);

NOTE:

1. *This practice note should be read in conjunction with the [LINZ Identity Verification Standard \(LINZS20002\)](#) (<http://www.linz.govt.nz/regulatory/20002>) and the [NZLS Property Transactions and E-Dealing Practice Guidelines](#) (<https://www.lawsociety.org.nz/law-society-services/law-society-sections/property-law-section/e-dealing-consultant/property-transactions-and-e-dealing-practice-guidelines-july-2012>).*
2. *This limited endorsement for witnessing by videoconference and relates ONLY to the witnessing of A&I forms.*

What if?

My client has no photo ID

If your client is new to the firm and has no photo identification, you should formally verify his or her identity using a reliable witness or gaining assurance in a reasonable way. You must also document the steps taken to verify identity.

If using a witness, they should be an independent person (i.e. not a relative, partner or spouse), aged 18 or over, whose identity you can verify with a reliable form of photo ID (preferably a passport) and who has known your client for at least a year. The supporting evidence should take the form of a statutory declaration with a recent photograph of your client attached and witnessed.

In some cases, you can establish identity in a way that is practical and provides the right level of assurance. For example, if you have an elderly client who is a long-term rest home resident – you can confirm his or her identity with a manager or senior member of staff. This could be documented in a written letter or correspondence after a face to face meeting.

You can download a Declaration of Identity template at the end of this page.

My client's photo ID has expired

An expired or non-current photo ID does not provide sufficient confirmation of the client's identity. If your client doesn't have a current form of photo ID, you will need to verify identity as outlined in paragraph 4.2 of the Standard.

[Read the Standard for verification of identity \(//www.linz.govt.nz/regulatory/20002\)](http://www.linz.govt.nz/regulatory/20002)

My client is bankrupt

[Read about A&Is for bankrupt clients \(//www.linz.govt.nz/kb/324\)](http://www.linz.govt.nz/kb/324)

My client is overseas

If your client is traveling or residing overseas, or living in another part of New Zealand, you do not personally need to witness the A&I being signed. You need to be comfortable that the person verifying identity has followed the correct steps and can reasonably be relied upon.

If you have an overseas client it is reasonable for you to rely on a notary public, or someone else specified in regulation 16(4) of the Land Transfer Regulations 2002, to witness and verify their identity.

My client's name on their photo ID doesn't match the name on their title

If the name on a photo ID does not match the name recorded on the computer register (title), then you will need to take steps to verify that the client and the person named on the register are the same person.

If the names are inconsistent for a legitimate reason – for example married and maiden names, minor misspellings, or a partial rather than full name – it may not be necessary to change or correct the client's name on the computer register. You should retain additional documentation, ideally in the form of a statutory declaration from the client, with supporting evidence such as a marriage certificate.

If the client's name on the computer register is wrong and needs to be corrected, you will need to correct the name on the register, following the process in the Registrar-General of Land's Guideline for making applications to change or correct names in the RGL's records (LINZG20704).

In any of these circumstances, if the client is not already well known to the firm or certifying practitioner, or the transaction qualifies as 'high risk' in terms of the Standard, then further independent inquiries should be undertaken to confirm the client's identity as landowner.

[Read the guideline for changing or correcting names \(//www.linz.govt.nz/regulatory/20704\)](http://www.linz.govt.nz/regulatory/20704)

[Read the Standard for verification of identity \(see paragraph 5 and page G8\) \(//www.linz.govt.nz/regulatory/20002\)](http://www.linz.govt.nz/regulatory/20002)

My client's identity is being confirmed by someone else (delegate witness)

You do not have to personally witness the A&I being signed, but you do need to be comfortable that the person you delegate this to has followed the correct steps to establish proof of identity. A suitable choice may be another lawyer who is known to your firm, an accountant or a Justice of the Peace.

If someone other than the certifying practitioner is verifying the client's identity, records or file notes should be kept to show that the person was independent and trusted. If the person is another practitioner at your firm, then this will be clear from the job title or occupation listed for them on the A&I. You will be required to provide this information for a compliance review.

[Read more about compliance reviews \(//www.linz.govt.nz/land/land-registration/prepare-and-submit-your-dealing/compliance-review-and-evidentiary-requirements\)](http://www.linz.govt.nz/land/land-registration/prepare-and-submit-your-dealing/compliance-review-and-evidentiary-requirements)

I already know my client

If you know your client personally and can vouch for their identity, you still need to view and retain a suitable current photo ID, but you do not need the additional verification document showing their name and physical address. This applies even to transactions that are usually considered high-risk, such as transfers and mortgages.

Note: You could be considered to know a longstanding client, but you wouldn't be able to reasonably claim to know a client who was referred from another professional, friend or relative.

File Attachments

- [Standard for verification of identity for registration under the Land Transfer Act 1952 - LINZS20002 \(http://www.linz.govt.nz/system/files_force/media/regulatory-documents/linzs20002_standard_for_verification_of_identity_for_registration_under_the_land_transfer_act_1952_1_0.pdf?download=1&download=1\)](http://www.linz.govt.nz/system/files_force/media/regulatory-documents/linzs20002_standard_for_verification_of_identity_for_registration_under_the_land_transfer_act_1952_1_0.pdf?download=1&download=1)
PDF | 298.33 KB

Related Content

- [Standard for verification of identity for registration under the Land Transfer Act 1952 - LINZS20002 \(/regulatory/20002\)](#)
- [Guideline for making applications to change or correct names in the Registrar-General of Land's records - LINZG20704 \(/regulatory/20704\)](#)

Last Updated:

29 November 2016

[Lapsing a Caveat \(/kb/648\)](#)

This page provides information and links to online resources for the lapsing of caveats (under section 145 and 145A Land Transfer Act 1952).

A caveat may be lapsed under section 145 and 145A Land Transfer Act 1952. Under s 145, a caveat may be lapsed when an application is made to register an instrument. Under s 145A, a caveat may be lapsed by an application to lapse the caveat (ie there is no requirement that an instrument is to be registered).

Once the statutory process has begun under ss 145 or 145A LTA, the caveat will lapse by operation of law unless the caveator takes action to sustain the caveat within the prescribed timeframes.

LINZ resources

The key LINZ resource for lapsing caveats is the Registrar-General of Land's guideline for stop notices LINZG20706. You can obtain a copy [here \(/www.linz.govt.nz/regulatory/20706\)](http://www.linz.govt.nz/regulatory/20706).

Making an application to lapse a caveat

There is no prescribed form for an application under s 145 LTA. Accordingly a letter lodged under the instrument code S145 will do. The instrument to be registered must follow the S145 (in the same dealing).

An e-dealing application to lapse a caveat under s 145A LTA, could be made on Form N, available [here \(/www.linz.govt.nz/land/land-registration/user-guides-and-resources/land-registration-forms\)](http://www.linz.govt.nz/land/land-registration/user-guides-and-resources/land-registration-forms).

The instrument code is A145.

Notice periods (prescribed timeframes)

The first and second prescribed periods were prescribed by Regulation 39 of the Land Transfer Regulations 2002.

First prescribed period

Upon receipt of an application to lapse a caveat, LINZ will notify the caveator. The caveator has 14 calendar days (plus deemed postal delivery period of two working days) to give notice to the Registrar-General of Land (RGL) that the caveator has made an application to the High Court to sustain the caveat. There is no requirement for the caveator to give the RGL a copy of the application made, all that is needed is a notice that an application has been made. The application must be received by the RGL within the prescribed period, else the caveat lapses by operation of law.

Second prescribed period

From the date that the caveator gave notice to the RGL (of the caveator's application to sustain the caveat) the caveator has a further 28 calendar days to obtain a High Court order that sustains the caveat.

See the RGL's [Guideline for stop notices LINZG20706 \(/www.linz.govt.nz/regulatory/20706\)](http://www.linz.govt.nz/regulatory/20706) for more detail about the prescribed periods.

Caveat lapsing over the Christmas and New Year period

If you or your client receives a notice of lapse of caveat or notice of claim in the lead-up to Christmas and New Year holiday break, you will need to act quickly to avoid the caveat or notice of claim lapsing.

The time periods above are days – not working days – so you cannot exclude the public holidays over the Christmas and New Year period when you calculate when a caveat or notice of claim will lapse.

However, as provided in section 35(6) of the Interpretation Act 1999, if the last day of either the 14-day or 28-day period falls on a day that is not a working day, the time period extends to the next working day.

Please note the Registrar-General of Land has no authority to alter the prescribed time periods or extend lapsing dates to account for LINZ offices or courts being closed on public holidays.

If you or your client receives a notice of lapse, you can avoid the caveat or notice of claim lapsing by giving the relevant notice to us or serving a Court order on LINZ within the prescribed time periods. You can send this by email to Customer Support (customersupport@linz.govt.nz (<mailto:customersupport@linz.govt.nz>)) or post to the address or fax number specified in the notice of lapse.

Withdrawing an application to lapse a caveat

It is not possible to withdraw an application to lapse a caveat, after the RGL has served a notice on the caveator.

This is because the caveat is lapsed by operation of law (ie by service of a notice on the caveator and expiry of the notice period without the appropriate notice from the caveator). Withdrawing an application to lapse a caveat can have no effect after the RGL has served a notice because the RGL's notice cannot be withdrawn.

Related Content

- [Guideline for stop notices - LINZG20706 \(/regulatory/20706\)](#)
- [Caveats \(/kb/650\)](#)
- [Withdrawing a caveat in Landonline \(/kb/545\)](#)

Last Updated:

9 November 2015

[Information for Canterbury lawyers and conveyancers \(/land/surveying/canterbury-earthquakes/information-for-canterbury-lawyers-and-conveyancers\)](#)

This section provides information to assist lawyers and conveyancers working in the Canterbury region, following the earthquakes.

New Legislation for Canterbury Property Boundaries

[The Canterbury Property Boundaries and Related Matters Act 2016](#)

(<http://www.legislation.govt.nz/act/public/2016/0040/latest/DLM6634505.html?src=qs>) came into force on 30 August 2016.

This legislation addresses the impact of Canterbury earthquakes on property boundaries for land in greater Christchurch. The scale of the earthquake events and the nature of the resulting earth deformation has meant that it is sometimes difficult to precisely locate property boundaries in terms of existing surveys.

In the areas most affected, land parcels (along with survey marks, fences, structures and buildings) have moved to a measureable extent from their original surveyed position. If the registered title boundaries were to remain in their pre-earthquake position they would no longer properly line up with the post-earthquake reality on the ground. The legislation seeks to address this by providing that property boundaries for land in greater Christchurch move with earthquake-related land movement.

How will this affect a landowner's registered title?

Boundaries are deemed to have moved (whether the land movement was horizontal or vertical or both) on and from the commencement of the Act as provided in section 8. The legislation will apply in the same way if further land movement occurs as a result of any future earthquakes or aftershocks up until 13 February 2022. This does not apply to land movement resulting from a 'landslip' as defined in section 4.

Section 8(3) of the Act recognises, for the avoidance of doubt, the ongoing validity of estates and interests in land notwithstanding the effects of boundary movement and provides that the land (as moved) continues to be the same land and affected by the same interests as before the movement.

The degree of boundary movement across much of Christchurch is within usual survey tolerances, so for most landowners there will be little, if any, discernible impact. In areas of more significant land movement, the effect of the Act means post-earthquake boundaries may differ from what is shown on the survey plan for the registered title. Boundary dimensions may have changed along with the overall area of the property. In some cases this will be because properties have 'stretched' as a result of land movement

and the area may have increased by a few square metres. Some area reduction due to land compression is also possible, but this is less common.

How will this affect land surveys?

Any new survey of land affected in this way must take into account the impact of earthquake-related land movement on property boundaries. The Surveyor General is proposing new rules under the Cadastral Survey Act 2002 to address these matters.

[Read more about the Proposed Rules for Cadastral Survey for Greater Christchurch \(//www.linz.govt.nz/land/surveying/canterbury-earthquakes/information-for-canterbury-surveyors/consultation-proposed-rules\)](http://www.linz.govt.nz/land/surveying/canterbury-earthquakes/information-for-canterbury-surveyors/consultation-proposed-rules)

Section 9 makes special provision for surveys conducted following the earthquakes and before the commencement of the Act, which may or may not have taken land movement into account (referred to as 'approved interim surveys'). Such surveys, having been approved by LINZ, continue to determine boundaries if done in good faith and without negligence.

Boundary conflicts

The legislation recognises that an approved interim survey which did not account for land movement may give rise to boundary conflict with a new survey in some cases (see section 9(2) & (3)). A conflict between the boundaries shown on survey plans for adjoining registered titles constitutes an error for the purposes of section 81 of the Land Transfer 1952 and may be corrected accordingly by the Registrar-General of Land, with the involvement of the affected landowners. A landowner who sustains loss as a result of such a correction may be entitled to seek compensation under section 172 of the Land Transfer Act 1952.

As provided in section 10, boundary adjustments made for the purposes of resolving a boundary conflict (so that the boundary properly reflects land movement as required by section 8), are not subdivisions and do not require consent under Part 10 of the Resource Management Act 1991.

Analysis of survey data to date in the areas most affected by land movement indicates the potential for survey conflicts in respect of only a few hundred properties. LINZ will be undertaking further work to identify cases of material conflict where title boundary corrections may be required.

Liability provisions

The legislation also addresses the question of liability for post-earthquake surveys or boundary determinations conducted before the commencement of the Act. Section 11 removes any liability that might otherwise have arisen merely because the survey or boundary determination was, or was not, done on the basis that boundaries moved with land movement. This applies to anyone who performed or approved the survey, or did anything in reliance upon it.

This does not, however, remove liability for any negligence, bad faith, misconduct or breach of legal obligations or professional standards that relates to something other than whether boundaries did, or did not, move with earthquake land movement.

Attachments

- [Canterbury Earthquake - Interim Land Transfer Act Procedures \(http://www.linz.govt.nz/system/files_force/media/pages-attachments/earthquake-interim-lta-procedures.pdf?download=1&download=1\)](http://www.linz.govt.nz/system/files_force/media/pages-attachments/earthquake-interim-lta-procedures.pdf?download=1&download=1) PDF | 48.57 KB

[Information for Canterbury surveyors \(/land/surveying/canterbury-earthquakes/information-for-canterbury-surveyors\)](http://www.linz.govt.nz/land/surveying/canterbury-earthquakes/information-for-canterbury-surveyors)

This section provides information for cadastral surveyors in relation to the Canterbury Property Boundaries and Related Matters Act 2016.

The [Canterbury Property Boundaries and Related Matters Act 2016 \(http://www.legislation.govt.nz/bill/government/2015/0082/latest/d56e2.html\)](http://www.legislation.govt.nz/bill/government/2015/0082/latest/d56e2.html) came into law on 30 August 2016. All cadastral surveys in greater Christchurch now have to comply with the Act. Information on cadastral surveying in greater Christchurch has been developed to provide guidance to surveyors on implementing the Act.

[Read information on cadastral surveying in greater Christchurch \(//www.linz.govt.nz/land/surveying/canterbury-earthquakes/information-for-canterbury-surveyors/information-cadastral-surveying-greater-christchurch\)](http://www.linz.govt.nz/land/surveying/canterbury-earthquakes/information-for-canterbury-surveyors/information-cadastral-surveying-greater-christchurch)

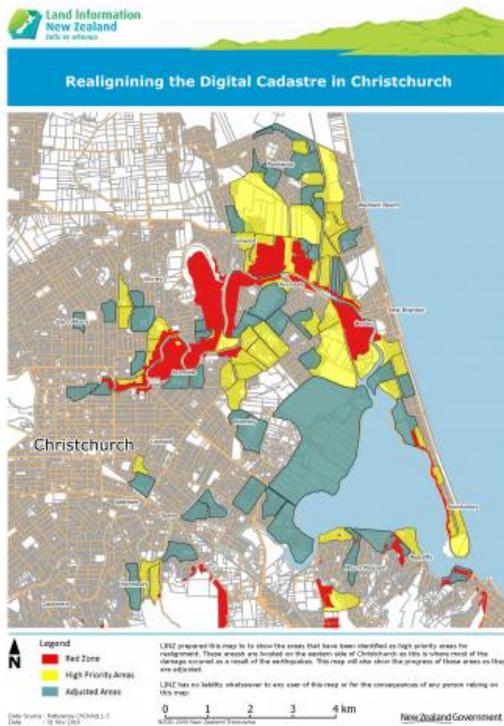
Proposed Rules for greater Christchurch

To support the new Act the Surveyor-General released for consultation Proposed Rules for Cadastral Survey for greater Christchurch. The consultation document included background and explanatory information, commentary on the application of each rule, and responses to the feedback received earlier this year on draft rules. Submissions closed on 12 October 2016.

Realigning the cadastre in Christchurch

LINZ will update the parcel and survey networks in the Landonline spatial view to reflect boundaries in their post-earthquake positions.

- Boundaries defined on new surveys will be accurately positioned in terms of the geodetic network.
- Boundaries that have not been resurveyed require a complex process involving re-computing the positions from nearby post-earthquake data and reassigning lower accuracy orders. These boundaries are unlikely to be as spatially accurate as the resurveyed boundaries.



[http://www.linz.govt.nz/sites/default/files/media/ngo_chch-realignment-](http://www.linz.govt.nz/sites/default/files/media/ngo_chch-realignment-progress-image_20161101.jpg)

[progress-image_20161101.jpg](http://www.linz.govt.nz/sites/default/files/media/ngo_chch-realignment-progress-image_20161101.jpg)

Map showing the areas that are targeted for realignment

This map shows the areas that are targeted for realignment and will be updated fortnightly to show progress of the areas that have been completed, and future areas of work. (Click map for larger version)

Geotechnical report on ground movements

In March 2015 LINZ commissioned a report from Tonkin and Taylor Ltd to provide background geotechnical information about ground movements that occurred as a result of the Canterbury Earthquake Sequence. The report:

- focuses on horizontal ground movements of most relevance for cadastral surveyors
- explains the key geological mechanisms
- outlines the data that is available on the Canterbury Geotechnical Database that relates to these mechanisms
- summarises the key features and limitations of the information that need to be considered when using the data.

The report does not attempt to delineate areas where ground movements may have an impact on cadastral surveys, nor does it propose any solutions for these issues.

[Download the Geotechnical information on horizontal land movements report \(2.13MB\) \(//www.linz.govt.nz/file/7451/download?token=K-KG_MnX\)](http://www.linz.govt.nz/file/7451/download?token=K-KG_MnX)

[Download the Geotechnical information on horizontal land movements report appendix \(6.55MB\) \(//www.linz.govt.nz/file/7452/download?token=XkaloXE\)](http://www.linz.govt.nz/file/7452/download?token=XkaloXE)

Map indicating shallow surface movement

The map of indicative shallow surface movement in Christchurch shows the general extent of lateral shallow surface movement in Christchurch. It extrapolates movements that have been measured at a network of geodetic survey marks around Christchurch typically spaced hundreds of metres apart. Movement at the individual property level may be significantly more or less than the value indicated on the map.

[View the Map of indicative shallow surface movement in Christchurch \(PDF 1.1 MB\) \(//www.linz.govt.nz/file/6939/download?token=-4LsxlAY\)](http://www.linz.govt.nz/file/6939/download?token=-4LsxlAY)

Protection and removal of survey marks

The Surveyor-General recognises that some boundary marks and non-boundary marks will be destroyed in areas subject to replacement of underground infrastructure and compaction of surface material. The Interim Standard for mark protection surveys (Canterbury Earthquake) (LINZS10004) provides the Surveyor-General's approval for the removal of survey marks affected by Canterbury Earthquake recovery activity, subject to the requirements in the standard being met.

[Read the Interim Standard for mark protection surveys \(Canterbury Earthquake\) \(LINZS10004\) \(//www.linz.govt.nz/regulatory/10004\)](http://www.linz.govt.nz/regulatory/10004)

Greendale fault

The Greendale Fault ruptured the ground surface, causing up to 5 metres horizontal and 1.3 metres vertical offset, during the 4 September 2010 Darfield (Canterbury) Earthquake.

Additional information can be downloaded below.

Attachments

- [Geotechnical information on horizontal land movement due to the Canterbury Earthquake Sequence - main report \(http://www.linz.govt.nz/system/files_force/media/file-attachments/Geotechnical%20information%20on%20horizontal%20land%20movement%20report_%28main%20report%29.pdf?download=1&download=1\)](http://www.linz.govt.nz/system/files_force/media/file-attachments/Geotechnical%20information%20on%20horizontal%20land%20movement%20report_%28main%20report%29.pdf?download=1&download=1) PDF | 2.13 MB
- [Geotechnical information on horizontal land movement due to the Canterbury Earthquake Sequence - appendix \(http://www.linz.govt.nz/system/files_force/media/file-attachments/Geotechnical%20information%20on%20horizontal%20land%20movement_report_appendix.pdf?download=1&download=1\)](http://www.linz.govt.nz/system/files_force/media/file-attachments/Geotechnical%20information%20on%20horizontal%20land%20movement_report_appendix.pdf?download=1&download=1) PDF | 6.55 MB
- [Map of indicative shallow surface movement in Christchurch \(http://www.linz.govt.nz/system/files_force/media/file-attachments/Indicative%20shallow%20surface%20movement%20in%20Christchurch.pdf?download=1&download=1\)](http://www.linz.govt.nz/system/files_force/media/file-attachments/Indicative%20shallow%20surface%20movement%20in%20Christchurch.pdf?download=1&download=1) PDF | 1.1 MB
- [Regulatory Impact Statement - Canterbury Property Boundaries Policy Decisions \(http://www.linz.govt.nz/system/files_force/media/file-attachments/Regulatory%20Impact%20Statement%20%20-%20Canterbury%20Property%20Boundaries%20Policy%20Decisions.pdf?download=1&download=1\)](http://www.linz.govt.nz/system/files_force/media/file-attachments/Regulatory%20Impact%20Statement%20%20-%20Canterbury%20Property%20Boundaries%20Policy%20Decisions.pdf?download=1&download=1) PDF | 4.64 MB

Related External Content

- [EOC Stage 3 land report \(http://www.eqc.govt.nz/canterbury-earthquakes/land-claims/land-reports/stage-3-land-report\)](http://www.eqc.govt.nz/canterbury-earthquakes/land-claims/land-reports/stage-3-land-report)
- [Greendale Fault: investigation of surface rupture characteristics for fault avoidance zonation \(https://quakestudies.canterbury.ac.nz/store/list/part?p=874&view=list\)](https://quakestudies.canterbury.ac.nz/store/list/part?p=874&view=list)
- [Map of the 2010 Greendale Fault surface rupture, Canterbury, New Zealand: application to land use planning \(pdf 1.52MB\) \(http://www.drquigs.com/wp-content/uploads/2012/10/Villamor-et-al-2012-NZJGG.pdf\)](http://www.drquigs.com/wp-content/uploads/2012/10/Villamor-et-al-2012-NZJGG.pdf)
- [Environment Canterbury - Earthquake Fault Information \(http://ecan.govt.nz/advice/emergencies-and-hazard/earthquakes/pages/earthquake-fault-information.aspx\)](http://ecan.govt.nz/advice/emergencies-and-hazard/earthquakes/pages/earthquake-fault-information.aspx)
- [New Zealand Geotechnical Database \(https://www.nzgd.org.nz\)](https://www.nzgd.org.nz)

Last Updated:

10 October 2016

[Kaikoura Earthquake – 14 November 2016 \(//land/surveying/canterbury-earthquakes/geodetic-survey-control-network/kaikoura-earthquake-%E2%80%93-14-november-2016\)](http://www.linz.govt.nz/land/surveying/canterbury-earthquakes/geodetic-survey-control-network/kaikoura-earthquake-%E2%80%93-14-november-2016)

Information for surveyors about the 2016 Kaikoura earthquakes.

Ground movements

