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Important:

This article was published on Tuesday, 23 June 2020 - 4:35pm. 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 June 2020 \(/news/2020-06/landwrap-june-2020\)](/news/2020-06/landwrap-june-2020)

Issue 158

The move to COVID-19 Alert Level 1 has meant a return to the office for many and a move to a more normal way of business. Our offices are now open and our staff are back in the office.

We are very aware that businesses will be transitioning back to the office environment at different rates and times and some may move to having staff working from home.

We have updated our Alert Level 1 guidance and service information on our website so please [check on the latest advice here. \(/www.linz.govt.nz/about-linz/covid-19-information-about-linz-services\)](http://www.linz.govt.nz/about-linz/covid-19-information-about-linz-services)

Public Land Record Search

As part of the Rebuilding Landonline Programme, LINZ is developing a new online search app for the public to find and download property titles on the LINZ website. This will make it easier and cheaper for New Zealanders to get a copy of property titles information.

If you have any questions about this or would like more information on the new public Land Record Search or Rebuilding Landonline Programme, please contact rebuildinglandonline@linz.govt.nz (<mailto:rebuildinglandonline@linz.govt.nz>)

Feedback on Draft Cadastral Survey Rules 2020

Consultation of the draft Cadastral Survey Rules 2020 closed on 24 April 2020. We received 36 submissions from various bodies and individuals. Surveyor-General Anselm Haanen says: "I was very impressed with the level of thought and detail provided in the submissions. I really appreciate the considerable amount of time and effort that goes into making a submission."

The submissions were generally very supportive of the draft rules but identified several areas for further refinement and a few areas for further consideration.

We are now considering that feedback so we can finalise the rules in conjunction with the Parliamentary Counsel Office. A summary of the submissions and the Surveyor-General's responses is

planned to be published in July.

Work is also progressing on the changes required to Landonline and our [KnowledgeBase](https://www.linz.govt.nz/kb/) ([//www.linz.govt.nz/kb/](https://www.linz.govt.nz/kb/)) to support the new rules. There will be a generous lead-in time before the new rules take effect and we will advise the expected implementation date in due course.

[Further information on the review of the Rules for Cadastral Survey](https://www.linz.govt.nz/land/surveying/rules-standards-and-guidelines/review-rules-for-cadastral-survey/)
([//www.linz.govt.nz/land/surveying/rules-standards-and-guidelines/review-rules-for-cadastral-survey/](https://www.linz.govt.nz/land/surveying/rules-standards-and-guidelines/review-rules-for-cadastral-survey/))

Retaining unique identifiers for existing survey marks

A change has been made to the Surveyor-General's guideline on [Survey Mark Names](https://www.linz.govt.nz/kb/756#changenname) ([//www.linz.govt.nz/kb/756#changenname](https://www.linz.govt.nz/kb/756#changenname)) to clarify the application of Rule 9.6.2(d)(ii) – a Diagram of Survey must include the identifier for a survey mark or point where an identifier already exists.

In situations where unique identifiers have been added to pre-existing non-unique survey marks, there has been some confusion about whether that identifier must be retained on subsequent CSDs. In some cases, the identifier has been removed on the basis that Rule 8.4 requires the mark name to be unchanged from the plan that originally placed it.

The Surveyor-General's guideline on [Survey Mark Names](https://www.linz.govt.nz/kb/756#changenname) ([//www.linz.govt.nz/kb/756#changenname](https://www.linz.govt.nz/kb/756#changenname)) has been updated to:

If an existing non-boundary mark or boundary point does not have a unique name, a unique identifier may be added in brackets before the CSD reference. For example, marks adopted from DP 7700 could become IT (1) DP 7700 and UNMK (2) DP 7700. This unique name will then be used on future CSDs to comply with rule 9.6.2(d)(ii), unless there are duplicate names, in which case the identifier may be changed to make it unique.

LINZ will not requisition for this matter until 3 August 2020 to allow surveyors to update their quality assurance processes.

Freezing Orders and Registrar's Caveats

Freezing Orders against land may support a Registrar's Caveat under s149 of the Land Transfer Act 2017 (LTA).

For further guidance on how to request a Registrar's Caveat on the basis of a Freezing Order, see our updated guidance:

[Registrar's Caveats and Freezing Orders](https://www.linz.govt.nz/kb/335) ([//www.linz.govt.nz/kb/335](https://www.linz.govt.nz/kb/335))

Recently we have seen instances where Freezing Orders have been lodged for registration. LINZ cannot accept these orders for registration as the High Court and District Court Rules make no provision for Freezing Orders (still referred to as a 'Mareva Injunction' in the District Court Rules) to be registered.

We have also seen instances where Freezing Orders have been used as the grounds for a caveat against dealings. LINZ cannot accept a caveat on that basis as there is no provision for this under section 138(1) of the LTA.

If lodged, LINZ will reject any dealing incorporating Freezing Orders in these ways or ask that the dealing be withdrawn from registration.

Land Transfer Tax Statements - End of Transitional Period

The transitional period for Land Transfer Tax Statements ends on 1 July 2020. This means that transferors and transferees will not be able to claim the main home non-notifiable reason at question 15 for any transfer that is lodged on or after 2 July 2020.

When completing a Land Transfer Tax Statement, question 3B will no longer have an “n/a” option – if the answer to question 3A is “yes”, landowners will need to select “yes” or “no” to Q3B.

If a transfer has not yet been lodged and the tax statement includes:

- An answer of “n/a – transitional period applies” at question 3B; or
- The main home non-notifiable reason at question 15;

then the landowner will need to sign a new tax statement without that information to be able to lodge the transfer on or after 2 July 2020 and avoid rejection of the dealing. Instruments that are in “draft” at 2 July and have these answers entered will fail business rules at pre-validation and the dealing cannot be signed until the answers are corrected.

If a dealing lodged on or before 1 July 2020 with tax statements including the above information is subsequently rejected, new tax statements with the correct information must be signed before re-lodging your dealing on or after 2 July 2020.

Any dealings submitted to LINZ on or before 1 July but registered after will retain existing information. The exception is if the dealing is requisitioned or rejected, and the relevant instrument edited in such a way that the tax details need to be re-entered.

Visit our [Land transfer tax statements section \(//www.linz.govt.nz/land/land-registration/prepare-and-submit-your-dealing/land-transfer-tax-statements\)](https://www.linz.govt.nz/land/land-registration/prepare-and-submit-your-dealing/land-transfer-tax-statements) for more information.

Articles referenced within this issue
