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Important:

This article was published on Wednesday, 7 October 2020 - 5:13pm. 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 October 2020 \(/news/2020-10/landwrap-october-2020\)](/news/2020-10/landwrap-october-2020)

Issue 161

In this edition, we feature news about:

- Landonline Notice of Change
- Landonline Notice to Mortgagee
- Creating roads in subdivisions – transfer and dedication not permitted
- New Landonline terms and conditions
- Subscribe to Landwrap

Landonline Notice of Change

When transacting on land within Tauranga and Wellington city councils, you are now able to use the Landonline Notice of Change (NoC) form for:

TPS – Transfer in exercise of Power of Sale

CO – Court Order (where it affects ownership)

A90 - Application under s90 Land Transfer Act 2017

This is in addition to Transfers (T), Transmissions (TSM) and Change/Correction of Name (CN) instruments that Landonline NoC is already used for.

These three instruments are all image only instruments so there are some differences in how the NoC form works. More information on the [Landonline NoCpage \(https://help.notices.landonline.govt.nz/general\)](https://help.notices.landonline.govt.nz/general).

As a result of your feedback, we have changed when the email with a copy of the NoC is sent to you. Instead of being sent overnight, it is now sent on registration of the dealing.

We really appreciate your feedback. You can do this using the “feedback” button on the form, or by emailing customersupport@linz.govt.nz (<mailto:customersupport@linz.govt.nz>).

We are continuing to work with other territorial authorities to onboard them to Landonline NoC and will provide updates on the [Landonline NoC page \(https://help.notices.landonline.govt.nz/general\)](https://help.notices.landonline.govt.nz/general).

Landonline Notice to Mortgagee

We are continuing to work with banks to onboard them to use Notice to Mortgagee. When you submit a mortgage instrument with an onboarded bank as the mortgagee, you will be prompted to enter the bank client reference into the post registration search screen. On registration of the mortgage the bank will automatically receive the Mortgagee Instrument and updated title via email.

More information about Notice to Mortgagee, including the banks that have been onboarded to date, can be found on the Landonline Notice to Mortgagee page.

Creating roads in subdivisions – transfer and dedication not permitted

The Registrar-General of Land has recently considered whether there is legal authority to dedicate or create roads by transfer when land is subdivided.

The authorised process for creating a new road under the Resource Management Act 1991 is to have the land vested as road upon deposit of the plan under section 238 of the Act. This requires the consent of any person with a registered interest in the land under section 224(b) of the Act.

The approval of the plan by the local authority operates as conclusive evidence that the road has been authorised and accepted (see section 223(5)).

Creating road by transfer and dedication is not authorised under the Resource Management Act 1991 and is therefore not a permitted alternative to the statutory vesting process.

It is also important to note that existing interests must be extinguished when land becomes road and title is cancelled. The consent and vesting process provided for under sections 224(b) and 238 of the Act is the appropriate mechanism for addressing existing interests and this cannot be avoided by having the land transferred and dedicated as road.

New Landonline terms and conditions

The Landonline terms and conditions changed on 5 October 2020 to make them clearer and in one place. This followed a month of public feedback and previous engagement with stakeholders on the new Landonline terms and conditions and Landonline privacy statement.

The new Landonline terms and conditions now clearly distinguish between the roles and obligations of account holders (such as firms) and individual users (individuals who use Landonline). They also create a system manager role that every account holder is required to fill. The new Landonline privacy statement provides a comprehensive description of how we collect, use and share personal information.

[Landonline terms and conditions and privacy statement \(//www.linz.govt.nz/land/landonline/open-new-landonline-account/landonline-terms-and-conditions\)](https://www.linz.govt.nz/land/landonline/open-new-landonline-account/landonline-terms-and-conditions)

Lunchtime legal seminars cancelled

The Christchurch lunchtime legal seminar scheduled for 21 October is cancelled, and we are unable to present an additional webinar in 2020.

We are sorry about the disruption to this year's series of seminars, which has largely been a result of COVID-19 restrictions.

We look forward to working with our partners, the Property Law Section and the New Zealand Institute of Legal Executives, to deliver a full suite of lunchtime seminars (or webinars) in 2021.

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