Landonline Checklist

Toitū Te Whenua Land Information New Zealand

Subdivision

1 Evidence to obtain	A & I required	Primary contact	Conveyancing professional
1.1 **Authority & Instruction form(s)** – completed by the applicant including valid photo ID (if required). **Note:** An A&I form is required in all situations where there are certifications.	☐	☐	☐
1.2 **Partial or Full Discharges / Surrenders** All discharges / surrenders should be lodged before the OCTN: • Mortgage • Caveat • Encumbrance • Easements • Statutory Land Charge, etc. **Note:** Partial Discharge as to the part being transferred - use "Complex" mode and enter the details of the part affected (e.g. Part of Lot # on New Plan #).	☐	☐	☐
1.3 **Boundary adjustment** If part of a lot is in different ownership: • A transfer will be required to bring the parts into common ownership • If there is a mortgage over the part to be transferred, the mortgage should be discharged as to that part. **Note:** Both the transfer and discharge should be created in complex mode (see note in section 1.2 above).	☐	☐	☐

2 Territorial Authority certificates / notices (attach all necessary certificates – if required)	Primary contact	Conveyancing professional
2.1 **C223 – Certificate under s223 Resource Management Act 1991** - required for ALL subdivision plans (unless the plan is exempt under s11 Resource Management Act 1991): • Expires three years from the date of the certificate • If there are compulsory easements to be created or amalgamation conditions, these MUST be stated in the C223.	☐	☐
2.2 **C224 – Certificate under s224(c) Resource Management Act 1991** • Required for ALL subdivision plans that require a C223 (unless the C223 states that no conditions have been imposed). **Note:** C224 may state: 1. A consent notice has been issued, 2. A Bond has been entered into, or 3. A Completion Certificate has been entered into.	☐	☐
2.3 **CONO – Consent Notice under s221 Resource Management Act 1991** Where the C224 states that a consent notice has been issued the document MUST be lodged with the dealing.	☐	☐

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2 Territorial Authority certificates / notices (continued)

		Primary contact	Conveyancing professional
2.4	**BON – Bond under s108(2)(b) Resource Management Act 1991** • Registration of bonds is optional • If registration is required, the Bond MUST be lodged as an instrument.	☐	☐

Points to note:

1. 223 & 224 certificates may be lodged as a Deposit document with the plan or provided electronically through the Landonline TA certification system
2. A Completion Certificate (s222 Resource Management Act 1991) cannot be registered
3. All Council certificates should be lodged before the OCTN
4. A consent notice should be lodged after the OCTN in the same dealing.

3 Amalgamations

		A & I required	Primary contact	Conveyancing professional
3.1	**Council may impose an amalgamation condition as part of their C223 consent. The amalgamation condition may require:** • Relevant parcels to be held in one title (s241 Resource Management Act 1991), or • A covenant under s240 Resource Management Act 1991 be registered against the relevant lots.	☐	☐	☐
3.2	**C240 - Covenant under s240 Resource Management Act 1991** • The covenant MUST be registered • The covenant MUST be executed by Registered Owners and the Territorial Authority • Most commonly used when two or more parcels of land are required to be together but are different "types" of title i.e. one title is Limited as to Parcels and one is Guaranteed.	☐	☐	☐
3.3	**Amalgamation under s241 Resource Management Act 1991** • The amalgamation condition will be endorsed on the C223 certificate provided by the council • This is not an 'instrument' for registration.	☐	☐	☐

Points to note:

1. If the parcels to be amalgamated have different owners a Transfer is required to bring the parcels into common ownership
2. If the parcel being transferred to a different owner is subject to an existing mortgage this will need to be discharged as to the part being transferred (and amalgamated). The partial discharge should be created in Complex mode which allows for the entry of the part affected
3. An OCTN is required to issue one title for the amalgamated parcels.

The amalgamation will be evidence by a memorial on the affected title i.e. 'Subject to Section 241(2) Resource Management Act 1991'.

4 Land vestings

		Primary contact	Conveyancing professional
4.1	**All lots to vest MUST be shown on the diagram of parcels of the title plan and show on the diagram of parcels:** • WHO the lot will vest in • WHAT purpose the land is to vest as. **Lots may vest as:** • Road and State Highway • Reserves (e.g. Recreation Reserve, Local Purpose Esplanade Reserve, etc) • Land in Lieu of Reserves • Access way and Service Lane • Bed of river or lake. **Note:** 1. New Titles can only be issued for lots that vest as Reserves or Land in Lieu of Reserve. 2. Land that becomes part of the common marine and coastal area does so automatically upon deposit of the plan and does not vest.	☐	☐

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4 **Land vestings** (continued)		Primary contact	Conveyancing professional
4.2	**Requirements when Lots are to Vest** If there are existing encumbrances and interests to be extinguished: • All registered owners of the land MUST consent to the vesting of a lot • All existing mortgages / encumbrances / leases / charges / caveats, etc. affecting the lot to vest MUST be either extinguished or the interest holders(s) must consent • If the lot to vest is subject to an easement or land covenants, the easement or land covenant MUST either be surrendered or the Registered Owner of all the dominant titles must consent • If the lot to vest is subject to an easement, any Mortgagees of the dominant titles MUST also consent. **Note**: 1. The consent of the registered owner of the dominant tenement or a Mortgagee / Encumbrancee / Caveator / Charge Holder, etc. results in that interest or notice being extinguished in relation to the lot to vest. 4. As land forming part of the common marine and coastal area does not vest, any existing interests over the common marine and coastal area MUST be removed / discharged / surrendered through registration.	☐	☐
4.3	**Important notes:** • All discharges / surrenders should be lodged before the OCTN • All consents should be attached to the OCTN.	☐	☐
4.4	**Interests to be Retained over Vesting Land (except road):** • If an existing subject interest is to be retained over the vesting lot (e.g. existing subject easements or land covenants), a Certificate under s239(2) Resource Management Act 1991, stating the interest is to be retained is required • The Certificate may be lodged as a supporting document with the plan or lodged as a separate document with the dealing.	☐	☐

5 **Easements**		A & I required	Primary contact	Conveyancing professional
5.1	**Existing Easements:** • All existing subject easements MUST be shown on the plan • If they are not shown on the plan, then they MUST be surrendered • If an existing subject easement is over a vesting lot and is shown on the plan then a certificate under s239(2) Resource Management Act 1991 is required – see section 4.4: Interests to be Retained over Vesting Land • If an existing subject easement is over a vesting lot and is NOT shown on the plan then the easement will need to be extinguished or consent provided - see section 4.2: Requirements when Lots are to Vest.	☐	☐	☐
5.2	**Surrenders:** • The easements to be surrendered can be: – shown in a schedule attached to the plan, or – omitted from the Schedule of Existing Easements • A Surrender of Easement (SE) document MUST be lodged to surrender the easements that are omitted from the schedule • Consent from the Territorial Authority under s243(e) Resource Management Act 1991 MUST be provided for compulsory easements. **Notes:** The 243(e) consent / certificate can be provided by one of following methods: 1. An image of the consent / certificate attached to the SE document 2. Solicitors Certification provided via the Certify & Sign process 3. Attached to the plan 4. Lodged as a separate instrument within the dealing.	☐	☐	☐

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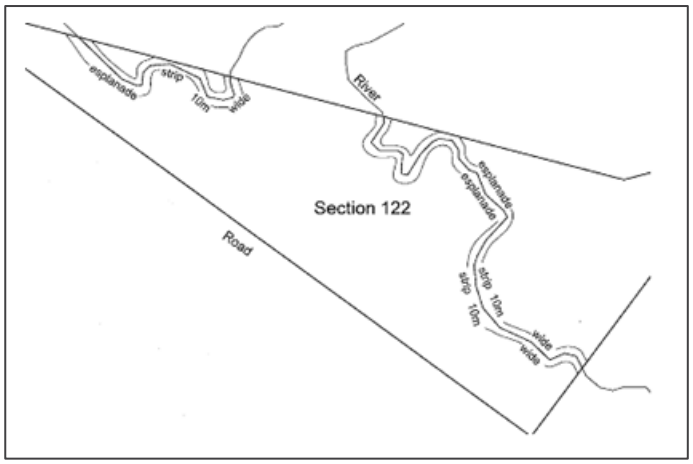
5 Easements (continued)

		A & I required	Primary contact	Conveyancing professional
5.3	**New Easements – Requirements for Creating (EI, E,TE)** • Grantor MUST match the Registered Owner of the burdened (servient) title • Grantee MUST match the Registered Owner of the benefiting (dominant) title (except for an Easement in Gross) • Mortgagee / Encumbrancee / Charge Holder / Caveator etc. of the burdened (servient) title must consent to the creation of the easement • The easement area MUST be defined on a plan that has been approved as to survey OR affect all of a lot • The plan defining the easement MUST be lodged for approval before the Easement Instrument • The Easement Instrument should show the plan number that the easements are defined on in Schedule A of the document.	☐	☐	☐
5.4	**Compulsory Easements** Compulsory easements must be created before the affected allotments are transferred into separate ownership, as provided in s243(c) Resource Management Act 1991. Documentation to create the compulsory easement(s) should ideally be lodged with the plan deposit dealing.	☐	☐	☐

Points to note:

1. Any Right of Way not defined on a plan approved by the Territorial Authority under s223 Resource Management Act 1991 MUST either be consented to by the territorial authority or a certificate under s348 Local Government Act 1974 provided. This includes a Right of Way being created in favour of additional dominant land not shown in a Memorandum / Schedule. The consent or certificate can be lodged as a Supporting Document attached to the plan or as a document (C348) within the dealing creating the easement.
2. If compulsory easements are not created at the time of deposit they will need to be created when the affected lots are sold. This may cause avoidable last minute problems and delays.

6 Esplanade strips

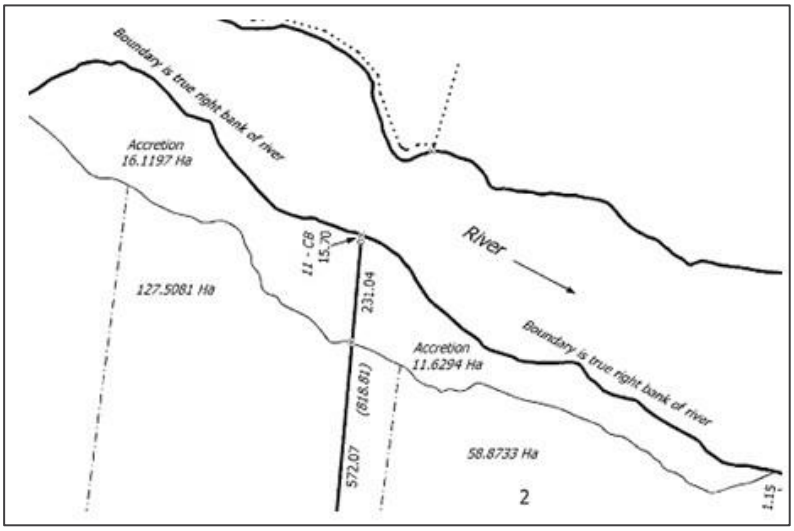
		A & I required	Primary contact	Conveyancing professional
6.1	• If a new esplanade strip is shown on the survey plan then it MUST be created under s232 Resource Management Act 1991. • The esplanade strip instrument MUST be lodged as a separate instrument within the dealing.  **Note:** For Esplanade Reserves see section 4: Land Vestings.	☐	☐	☐

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7 Water boundaries

	Primary contact	Conveyancing professional
7.1	☐	☐

- A plan with a water boundary should be examined closely to determine if there is any accretion shown on the plan.
- If there is accretion, then an application for accretion MUST be lodged – for further guidance see the Accretion and Erosion | Land registration Guidance.
- If there is old, dry streambed being included in a lot then an application to have the streambed included in the lot MUST be lodged – for further guidance see the Application to bring land under the Act – Dry Riverbeds and Streambeds Guideline 2018.
- If a water boundary adjoins the coastal marine area, then refer to the Registration guideline for the Marine and Coastal Area Act 2011 for the requirements for showing the common marine and coastal area.



8 Limited / interim and qualified titles

	Primary contact	Conveyancing professional
8.1	☐	☐

- If the head title of a parcel of land in a subdivision is '**Limited as to Parcels**' then all owners of land adjoining the boundaries of the '**limited**' parcel MUST either:
  - consent to the subdivision, or
  - notice must be served on the adjoining owners.
- Consent must be obtained from, or notices served on all adjoining owners (even if their title is not limited as to parcels and is guaranteed). This includes:
  - Owners on the other side of a creek / river that adjoins the parcel of land
  - Railway land
  - Owners on the diagonal from each corner of the parcel of land
  - Territorial authority for any adjoining road or reserve.

The Order for New Record of Title (OCTN) MUST include either:

- the consent of any adjoining owner or
- the Addresses for Service of any adjoining owner who has not consented.

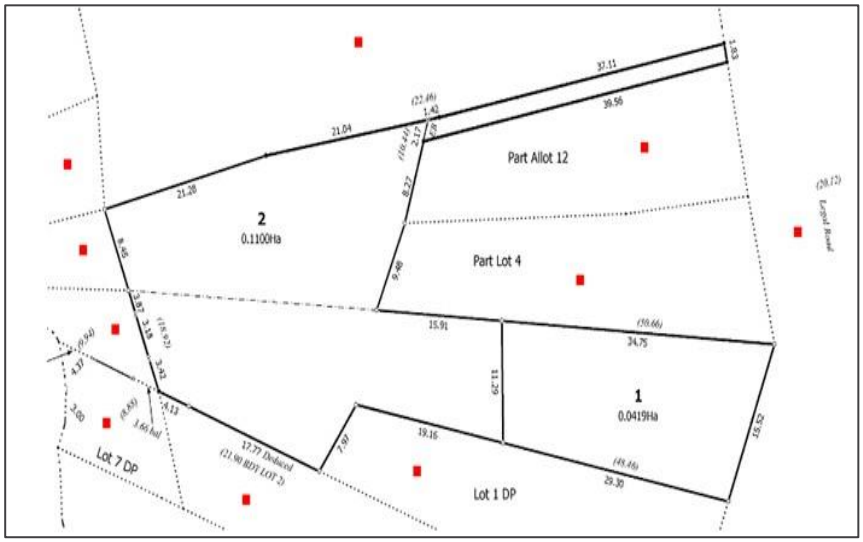
Points to note:

1. The statutory wait period for notices' being served by LINZ for limited titles is 40 working days. Only after this period can the dealing be processed and new titles issued
2. See following page for an example of all adjoining land required to consent or have notice served

Section 223 Resource Management Act 1991 approval is not consent to remove the limited status.

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8 Limited / interim and qualified titles (continued)

	Primary contact	Conveyancing professional
▪ Indicates all adjoining land. 		
• Where a title is '**Qualified**' (for example because the boundaries have not been adequately defined) the Registrar-General of Land must be satisfied that the grounds for recording the **qualification** have ceased to exist. An application to cancel the qualified title and create a new record of title without the qualification should made. This should include evidence that the qualifications have ceased to exist.	☐	☐

9 Landonline workspace

		Primary contact	Conveyancing professional
9.1	**Create dealing** • Enter Plan for deposit in 'Survey Plan No' field • Check add Default PC & CP – as required • Add any Discharges, Surrenders or Boundary adjustment transfers, etc. • Use 'Select Instrument' for the correct order of sub-divisional instruments • Add any new easements. **Check that you have the correct titles against each instrument** • Head titles will only be affected by anything before the OCTN • Anything after the OCTN will be affected by a new title reference.	☐	☐
9.2	**Prepare Instruments** • Ensure that the names match the names on the authority and / or base documents.	☐	☐
9.3	Use '**Display Resulting Ownership'** button to confirm when applicable.	☐	☐
9.4	**Check paperwork matches electronic instruments** • Check A&I forms have been obtained for: – Discharges – Transfers – Surrenders – Easements – Covenants – Mortgages	☐	☐
	• Check names on A&I match the names on the base document (if applicable) and the instrument	☐	☐
	• Check consents have been obtained (if applicable).	☐	☐

Note:

A&I's are not required for Territorial Authority documents that do not require registered owner authorisation.

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9.5	**Preview instruments** (using Preview button or Certify & Sign) • Check instruments created match the title reference, names and other details on the A&I and / or other supporting documentation (e.g. easement schedule, paper discharge, etc.) • Ensure correct image is attached.	☐	☐
9.6	**Preview instruments** (using Preview button or Certify & Sign) • Check instruments created match the title reference, names and other details on the A&I and / or other supporting documentation (e.g. easement schedule, paper discharge, etc.) • Ensure correct image is attached.	☐	☐

For customer support: **0800 665 463** or email customersupport@linz.govt.nz

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