# Information to be provided with request for dispensations for Treaty settlement surveys

## Aim:

The aim of this document is to ensure that sufficient information is supplied to enable a dispensation request to be processed efficiently and effectively. If LINZ can quickly understand the layout and purpose of the new survey, the dispensations sought and to which part of the survey they relate, the request is easier to process.

## Context:

Dispensations are the name commonly used to refer to exemptions and alternative requirements granted under section 47(5) of the Cadastral Survey Act 2002. These exemptions and alternative requirements are issued if the Surveyor-General considers that compliance with the requirements of any standards or rules are impractical or unreasonable in a particular case.

## Provision of information:

* A dispensation request must be made in Landonline.
* To enable the nature of the request to be quickly understood the application should include a cover page that includes:
1. The dispensation number
2. A list of the new parcels to be created with section numbers, areas and purposes/intended land uses
3. A list of the rules that dispensations are requested from.
* Large files/colour copies can be emailed once the request has been assigned. Please advise in the request that you have additional files to provide.
* LINZ staff may request a copy of the written request in an email or Word document, to make the preparation of the response more efficient.

## Key Information:

* A diagram showing all of the new parcels that are to be included in the survey (including the remnants of underlying parcels, sometimes called balance parcels) with section numbers and areas.
* Deeds plans from Te Arawhiti.
* A written application which should include aspects listed below and make reference to the new section numbers, where applicable.
* A list of the rule/s that dispensation is sought from, and the reason/s that compliance with the rule/s are considered unreasonable/impractical in this instance
* Information about the intended use of land – this includes noting if the land has reserve status etc
* Information about the ownership and use of adjoining land, particularly when dispensation is sought to lower the accuracy class of the common boundary with this land
* Te Arawhiti’s requirements for the boundaries in the future – i.e. what purposes are the boundaries likely to be used for in the future/the likely impact on current and future land uses/owners (including adjoining landowners) if the requested dispensations are allowed.
* Where the dispensation relates to boundary accuracies, please include analysis in terms of rule accuracy classes, as opposed to miscloses and RFs. It is often useful to attach a colour-coded diagram with boundaries highlighted with specific colours based on the accuracy class that can be achieved.
* If the dispensation relates to witnessing/referencing, please include the distances to the nearest witness/reference marks from the relevant boundary points.
* If seeking a dispensation from ground marking, the request must specify whether it is under rule 35(1) or 35(2).
* If seeking a dispensation to 35(2), include information about how definition has been arrived at.
* If primary parcel boundary points are not being marked, be aware of rule 81(3) which may apply even if the boundary point is not being marked.
* If part of a fixed marginal strip is being used for Treaty settlement purposes, note that the remaining part is a balance parcel under Schedule 2, can be accepted under rule 15(3) and will not have a new appellation.

Further general information about applying for dispensations is available at:

<https://www.linz.govt.nz/kb/910>

Please email dispensations@toitutewhenua.govt.nz with any queries about this document.