



Landwrap November 2019

18 November 2019

Issue 154

Welcome to the November edition of Landwrap. This issue contains important information concerning the Landonline Release 3.21 and changes to Caveats and the Tax Statement.

()

Landonline Release 3.21

The next maintenance release for Landonline is planned for Monday 25 November, subject to the completion of testing.

This release includes changes to the Land Transfer Tax Statement which take effect from 1 January 2020, and some changes which will eventually make most Caveats auto-registerable. Further detail on each of these changes is provided elsewhere in this Landwrap.

For surveyors, the release includes some minor improvements to mark linking and the ability to select a cadastral vector and view relevant attributes.

[Landonline Release Notes \(//www.linz.govt.nz/land/landonline/landonline-releases-and-system-updates\)](http://www.linz.govt.nz/land/landonline/landonline-releases-and-system-updates) for these changes will be available on Monday 25 November, although we have provided earlier information for the Land Transfer Tax Statement and Caveat changes due to their transitional requirements.

Important Notice: Landonline will not be available Saturday 23 November 2019

Please note that Landonline will not be available on Saturday 23 November as exclusive access is required for the implementation of Landonline 3.21

()

Access to Landonline from unsupported platforms

As part of our ongoing commitment to maintaining the integrity of the Landonline Title and Cadastre register, we are shortly establishing means to block access to Landonline from insecure and unsupported end-user platforms. These include old versions of Internet Explorer, and Windows, such as XP.

These changes will be gradually rolled out, following notification and more detailed advice to our user community, and once in place attempts to access Landonline will be refused.

It is recommended that users who are using very old software start to upgrade to modern and supported versions, as listed on the [Landonline Software Requirements page \(//www.linz.govt.nz/kb/799\)](http://www.linz.govt.nz/kb/799).

()

Caveat preparation changes

Landonline release 3.21 includes changes that will eventually allow some caveats based on Agreements to Mortgage and Agreements for Sale and Purchase to become auto-registerable.

There have been a number of changes to Landonline and a new business rule developed, and the rest of the work should be completed within the next couple of months.

Due to changes made in the Prepare Caveat screen, extra care should be taken if you are editing any existing partially prepared, requisitioned, rejected or withdrawn caveats after the release. The 'Caveator' and 'Interest Claimed' fields will need to be checked to ensure information has been retained in Landonline. If in doubt, check the instrument preview.

All e-Dealing users should have received an email with details of the changes.

See the [Caveat preparation changes KnowledgeBase article \(//www.linz.govt.nz/kb/917\)](http://www.linz.govt.nz/kb/917) for further details.

()

Tax statement changes – 25 November 2019

The format of the Land Transfer Tax Statement (LTTs) will soon change to reflect recent amendments to the Land Transfer Act 2017 (LTA).

The main changes are:

- The main home non-notifiable reason will no longer be available; and
- An additional question will ask whether the transfer is a "main home transfer," as defined in section 79(5) of the amended LTA.

The LTA amendments will apply from 1 January 2020, although there is a six-month transitional period for transfers resulting from agreements entered into before 1 January 2020.

Completing the amended tax statement

The tax statement form in Landonline will be updated to the amended version from 25 November 2019. The main change is the addition of question 3B, which asks whether the transfer is a "main home transfer." This question does not need to be answered if you have answered "no" to question 3A, because the land doesn't have a home on it.

If you are required to answer question 3B, your answer will depend on which of the following scenarios applies:

- If the transfer will be lodged **prior to** 1 January 2020, then you should leave question 3B blank.

- If the transfer will be lodged **after** 1 January 2020 but the agreement for the transfer of the land was entered into **prior to** 1 January 2020, then you should tick “n/a – transitional period applies”.
- If the transfer will be lodged **after** 1 January 2020 and the agreement for the transfer of the land was entered into **after** 1 January 2020, then you should tick either “yes” or “no” as applicable to the particular transfer.

You should also note that you will not be able to claim the main home non-notifiable reason at question 15 after 1 January unless the “transitional period” applies.

Useful links:

- [Land transfer tax statements](http://www.linz.govt.nz/land/land-registration/prepare-and-submit-your-dealing/land-transfer-tax-statements) (<http://www.linz.govt.nz/land/land-registration/prepare-and-submit-your-dealing/land-transfer-tax-statements>)
- [Land transfer tax statements common scenarios](http://www.linz.govt.nz/land/land-registration/prepare-and-submit-your-dealing/property-tax-compliance-requirements/LandtransfertaxstatementsCommonscenarios) (<http://www.linz.govt.nz/land/land-registration/prepare-and-submit-your-dealing/property-tax-compliance-requirements/LandtransfertaxstatementsCommonscenarios>)
- [Residential property - Inland Revenue](https://www.classic.ird.govt.nz/property/) (<https://www.classic.ird.govt.nz/property/>)

()

Cadastral Survey Rules Review

Following stage two of the consultation process which closed in March 2019, we have been busy drafting the new Cadastral Survey Rules with the Parliamentary Counsel Office. These Rules will be reviewed by the [Reference Group](http://www.linz.govt.nz/land/surveying/rules-standards-and-guidelines/review-rules-for-cadastral-survey) (<http://www.linz.govt.nz/land/surveying/rules-standards-and-guidelines/review-rules-for-cadastral-survey>) in late November.

In late January 2020 we will seek your feedback on the Draft Rules. This will involve publishing the Rules, a summary document explaining the changes, and how to provide your feedback. We will also invite people to presentations at various locations around the country in February. More information on the locations and dates for the presentations will be available in December.

Surveyor-General Anselm Haanen says, “It will be simpler for surveyors to comply through the new clear and concise rules with improved navigation. The changes reflect the proposals outlined in stage two of the consultation, along with additional amendments to incorporate the feedback we have gathered to date. I look forward to presenting these new Rules to you and hearing your responses.”

[Review of the Rules for Cadastral Survey](http://www.linz.govt.nz/land/surveying/rules-standards-and-guidelines/review-rules-for-cadastral-survey) (<http://www.linz.govt.nz/land/surveying/rules-standards-and-guidelines/review-rules-for-cadastral-survey>)

()

Changes to the naming of Covenant Parcels within Landonline

Currently the usage of Covenant Parcel Intents is confusing and sometimes it is difficult to correctly select the appropriate parcel intent.

This problem has existed since Landonline was implemented. An exercise has just been completed with all existing covenant parcels being analysed and changed where required to reflect the correct nature of the type of covenant. Currently there are approximately 70,000 covenant parcels in Landonline and 14,000 (20%) of these were incorrectly coded.

Planned changes

On Sunday 4 August a change was made in Landonline to the naming convention for all Covenant Parcels:

New Parcel Intent Name	Existing Name	Plan Types and Definition
Covenant - Flat/Crosslease	Covenant Area	Flat Crosslease Plans Parcels defining exclusive use areas on flat plan / cross lease datasets.
Covenant - Land	Land Covenant	Subdivision Plans Parcels defining an area subject to an agreement where one person promises that they will give, do, or not do, something to their land (eg QE2 Covenant, Consent Notice - Section 221 RMA 1991).

By making this change it has grouped the Covenant Parcel intents together in the Parcel Intent dropdown and made it clearer as to the correct usage of each Covenant type.

This change will affect all existing Covenant Parcels and will also make it easier for surveyors to select the correct Parcel Intent in the future.

This will only affect the data held in the Landonline database, but will not update the parcel intent on any existing CSD Plan or Title Plan header information as these are held as images by Landonline. Any plans generated or regenerated after this change will show the updated Parcel Intents for any Created Covenants.

Note: The existing 4 letter codes (CNVA & LCOV) will not change, all that is changing is the displayed parcel intent name.

()

Creating easements in leases

Under the Land Transfer Act 1952, easements which were ancillary to a lease could be granted or reserved in a lease instrument. The Land Transfer Act 2017 specifies the type of instrument which must be used to register an easement so lease instruments can no longer be used.

Before the Land Transfer Act 2017 (LTA 2017), Land Information New Zealand allowed easements which were ancillary to a lease, such as a right of way, or for telecommunications or electricity, to be registered using a lease instrument.

As section 108 LTA 2017 requires an easement instrument or transfer instrument to be used to register an easement, lease instruments can no longer be used to register an easement.

This also affects existing easements which were created by a lease as these easements will determine (cease) on the expiry of the lease. A lease in renewal of the expired lease can no longer be used to re-create the easement and if the parties wish to re-create the easement, they need to do so using another method, such as an easement instrument.

The terms and conditions of a lease may contain references that suggest the lessee and lessor have agreed to an easement. This is still an acceptable practice provided that the parties do not intend the lease to register that easement (i.e. for it to be memorialised separately on the record of title).

If the lease and its registration is authorised by another Act such as the Land Act 1948, section 108 LTA 2017 will not apply to the creation of any easement relating to the lease and therefore other instruments may be used to register the easement.

()

Hiding a title

If someone is concerned for their safety they may apply to the Registrar-General of Land (RGL) to have information withheld from the land transfer register if that information will disclose their whereabouts and prejudice their safety. This ensures that anyone searching for the title which has been hidden will be unable to access it.

The [Withholding Information Guideline 2018 – LINZG20781](http://www.linz.govt.nz/regulatory/20781) ([//www.linz.govt.nz/regulatory/20781](http://www.linz.govt.nz/regulatory/20781)), sets out the RGL's requirements for making an application to withhold information.

[New guidance has been published on the LINZ website](http://www.linz.govt.nz/land/land-registration/land-transfer-system/hiding-title) ([//www.linz.govt.nz/land/land-registration/land-transfer-system/hiding-title](http://www.linz.govt.nz/land/land-registration/land-transfer-system/hiding-title)), with additional background information about this process.

()

Capture of vector equipment type

This article explains which vectors in a CSD must have an equipment type captured, and why.

Equipment capture requirements

For all measured vectors in a Cadastral Survey Dataset, LINZS70000 lodgement standard (LS) 4.2 (b) requires the type of equipment used to measure the vector or components of the vector to be captured.

The lodgement standard commentary on LS 4.2 states that vectors derived from GNSS measurements are considered measured for the purposes of s4.2(b). It is therefore acceptable to capture GNSS-derived vectors as either measured or calculated with an equipment type of GPS.

LS 4.2(c) requires that, where known, the type of equipment used to measure adopted vectors or components of an adopted vector must be captured. This includes adopted vectors that have been previously measured or indirectly calculated on an earlier survey and the equipment type is known for those vectors on that survey.

Reasons for capture of equipment type

The lodgement standard commentary on LS 4.2 provides the main reason for the equipment capture requirements. It is to ensure that the correct observation accuracy is applied to any measured or previously measured vectors when the survey data is weighted and adjusted by Landonline.

A further reason to correctly capture the equipment type is that it provides useful information to other users of the survey data when assessing the accuracy of existing vectors and marks.

Practical application of LS 4.2(b)

To determine the accuracy of a new or old mark included in a dataset it is necessary to measure to that mark. The equipment used to measure to the new or old mark is integral to the accuracy determination of that mark.

The inclusion of at least one measured or indirectly derived vector to every new and old mark in a CSD enables the accurate determination of its relationship to other marks in the CSD in accordance with RCS 2010 Rule 8.1(d).

For further information on GNSS derived vectors please refer to our [KnowledgeBase article](https://www.linz.govt.nz/kb/333) ([//www.linz.govt.nz/kb/333](https://www.linz.govt.nz/kb/333)).

Media enquiries

Email: media@linz.govt.nz (<mailto:media@linz.govt.nz>) or phone: 027 566 5251

Related Content

[Landonline releases and system updates](#) (/land/landonline/landonline-releases-and-system-updates)

[Landonline software requirements](#) (/kb/799)

[Caveat preparation changes](#) (/kb/917)

[Review of the Rules for Cadastral Survey](#) (/land/surveying/rules-standards-and-guidelines/review-rules-for-cadastral-survey)

[Hiding a title](#) (/land/land-registration/land-transfer-system/hiding-title)

[Withholding Information Guideline 2018 – LINZG20781](#) (/regulatory/20781)

[Withholding Information under the Land Transfer Act 2017 Standard 2018 – LINZS20014](#) (/regulatory/20014)

[Excluding GNSS vectors from Cadastral Survey Datasets](#) (/kb/333)

[Land transfer tax statements](#) (/land/land-registration/prepare-and-submit-your-dealing/land-transfer-tax-statements)

[Land transfer tax statements: common scenarios](#) (/land/land-registration/prepare-and-submit-your-dealing/property-tax-compliance-requirements/LandtransfertaxstatementsCommonscenarios)

Related External Content

[Residential Property - Inland Revenue](https://www.classic.ird.govt.nz/property/) (<https://www.classic.ird.govt.nz/property/>)