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Boundary Changes - Accretion and Dry Beds (Rivers and Streams) Standard 2018

This Standard is made under section 236 of the Land Transfer Act 2017 by the Registrar-General of Land.

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Boundary Changes - Accretion and Dry Beds (Rivers and Streams) Standard 2018

1 Title

This is the Boundary Changes - Accretion and Dry Beds (Rivers and Streams) Standard 2018.

2 Commencement

This Standard comes into force on 12 November 2018.

3 Purpose

To prescribe minimum requirements to be satisfied in applications for a Record of Title to issue:

- (a) For dry beds of rivers or streams (formerly under water but dry from avulsion) under the process for bringing land under the Act in section 172 of the Act; or
- (b) For accretion or excluding eroded land, under the alterations process in section 21(1)(c) of the Act.

4 Interpretation

In this Standard, the definitions in the Act and Regulations apply, and unless the context otherwise requires,—

Accretion means land to which the common law doctrine of accretion applies

Act means the Land Transfer Act 2017

Applicant group has the meaning given in section 9(1) of the Marine and Coastal Area (Takutai Moana) Act 2011

Avulsion has the meaning given to it by common law

Adequately defined has the meaning given in section 224(2) of the Act

Customary marine title group has the meaning given in section 9(1) of the Marine and Coastal Area (Takutai Moana) Act 2011

Erosion has the meaning given to it by common law

LINZ means Land Information New Zealand

Regulations means the Land Transfer Regulations 2018

Marine and coastal area has the meaning given in section 9(1) of the Marine and Coastal Area (Takutai Moana) Act 2011

Protected customary rights group has the meaning given in section 9(1) of the Marine and Coastal Area (Takutai Moana) Act 2011

Subpart 1 - Dry Beds of Rivers or Streams

5 Interpretation

In this subpart,—

Application means an application to bring land under the Act, made under section 172 of the Act

6 Requirements for record of title to be issued

A record of title incorporating dry land which was formerly the bed of a river or stream will only be issued if—

- (a) the application complies with section 172 of the Act, and Schedules 2, 3 and 6 of the Regulations, and is in the form approved under section 227(1)(4) of the Act:
- (b) The land subject to the application is adequately defined on a plan that complies with the Cadastral Survey Act 2002:
- (c) The application is supported by evidence that establishes that the land claimed is dry land to which the applicant is legally entitled:
- (d) All legal requirements to advertise are complied with and notice of the application is given in accordance with section 173 of the Act:
- (e) Any caveats are removed, and evidentiary disputes are resolved.

Subpart 2 - Accretion Claims

7 Interpretation

In this subpart,—

Application means an application made under regulation 17(1)(b) of the Regulations, for an alteration under section 21 of the Act to record a boundary change resulting from accretion or erosion.

8 Requirements for record of title to be issued

A record of title incorporating accretion will only be issued if,—

- (a) The application complies with section 21 of the Act, and regulation 17(2) and Schedules 2 and 3 of the Regulations, and is in the form approved under section 227(1)(4) of the Act:
- (b) The land subject to the application is adequately defined on a plan that complies with the Cadastral Survey Act 2002:
- (c) The applicant establishes that the boundary to be altered is one to which the doctrine of accretion applies:
- (d) The application is supported by evidence to establish that accretion has occurred:
- (e) Notice is given to all persons whose registered estate or interest may be affected by the issue of a record of title incorporating accretion, including in the case of applications for land adjoining the marine and coastal area any applicant group, customary marine title group, or protected customary rights group:
- (f) Any evidentiary disputes are resolved:
- (g) Regulation 17(2) of the Regulations is complied with.

Made at Wellington on 8 October 2018.

Robbie Muir
Registrar-General of Land.

Explanatory note

This note is not part of the legislation, but is intended to indicate its general effect.

The Boundary Changes - Accretion and Dry Beds (Rivers and Streams) Standard 2018 does not add costs to applications to alter the register or to bring land under the Act. The Standard prescribes minimum requirements that the Registrar's delegate must apply to certain applications for title. This activity has "de minimis" business impacts and avoids potentially significant impacts of creating an inappropriate record of title.