

4 September 2018

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## **Submission on the Review of the Rules for Cadastral Survey, Stage 2 – Part 1**

### ***Who are we?***

Survey and Spatial New Zealand (S+SNZ, formerly the New Zealand Institute of Surveyors) represents surveyors and spatial professionals. We are a stakeholder across a wide range of government policy areas and the sector including housing development, land subdivision, construction, infrastructure, spatial information and resource management. Our members are lead professionals for the preparation of Cadastral Survey Datasets following the *Rules for Cadastral Surveys 2010* published by Land Information New Zealand (LINZ).

### ***What does our submission cover?***

Our submission comprises feedback received from members of our Cadastral Stream – those members who have identified as having a specific interest in Cadastral Surveying. Our submission refers to numbering in the *Stage 2 – Part 1 Consultation on Proposed Changes* document published by LINZ dated 30 July 2018.

### ***Layout of Rules – Section 2***

Feedback received about the proposed layout of the Rules and proposals in this section has been positive. Some questions were raised over the current high requisition rate and how the current layout may be causing this. We are pleased to see the proposed Rules intend to use “simple sentence structure and plain English.”

### ***Reference marks – Section 3***

All feedback we have received is supportive of simplifying the requirements to have one type of reference mark. There have been differing opinions on the name of these marks, but all are supportive of the proposal to ensure that they are “durable, stable and accessible.”

While there is generally support for the number of marks and connection distances proposed, comment has been received about the requirement to find or place a fourth mark in a very simple Class B or C survey when orientation has already been adequately proven by three marks. All the fourth mark serves in this instance is to increase cost. Perhaps there could be an automatic dispensation process as part of the plan approval process when appropriate justification is made in the survey report setting out the adequacy of three marks?

Concerns have been raised about *3.3.5 Referencing Lease Boundaries*. To require all new lease boundary points to be referenced will have significant cost implications on cross-lease property owners when they need or want to upgrade their lease.

In these cross-lease situations, the lease boundary is typically defined by the extent of a building (permanent structure boundary). Cross lease properties are generally occupied to the extent of the exclusive use covenant areas, which section 3.3.5 does not mention. Generally speaking, it is therefore the exclusive use covenant extent that is treated as the “boundary” – not the extent of the building.

Should the building within the lease area need to be replaced, the exact position of the lease boundary is in most instances not required to be to survey accurate. Generally, these are shown as a heavy line on a plan graphic without a survey sheet showing how this fits with the primary parcel. Building consents are issued without the need to update the cross-lease plan. As such, additions and alterations are frequently completed without consideration given to the need to update the lease boundary.

We would like a better understanding of why this proposal has been put forward – why would the requirements be any different to the requirements for a unit plan? Perhaps the existing cross-lease situation may need to be excluded from this section and dealt with separately? Maybe this could be included with requirements for defining exclusive use covenant areas which are more commonly treated as the “boundary” in a cross-lease scenario?

Comments have also been received asking if the current requirements for PRM descriptions, sometimes including a diagram, would be to the same level for all new reference marks under this proposed change?

Section 3.3.6 which proposes to remove the provisions for extensive rural boundary points and manage this process via dispensations is generally supported. One comment received suggested that LINZ generate a template for dispensation requests so that the surveyor making the request is able to supply the information in a format which LINZ is able to see that the necessary information has been provided and can easily process the request. This would save both time and money to both parties.

#### ***Connection to horizontal control mark – Section 4***

Feedback is generally in support of this proposal, but comments were raised about the likely additional costs to connect in remote rural situations where the increase to 5km from the current 1km in Class B and 2km in Class C is proposed. This could mean a surveyor would need to travel for significantly longer than the 5km to reach this mark by crossing rivers, steep valleys over the next range which may be a couple of hours drive by road etc and render the survey uneconomic. If these

distances are prohibitive due to terrain for example, we would hope that LINZ would be open to readily granting dispensations should adoptions not provide for a suitable connection method – especially should the current requirement to have each mark connected by a minimum of two vectors remain. We would question the benefit to the client and the cadastre should this be a requirement in extensive rural situations and dispensation requests not viewed in a practical light for such situations.

#### ***Reduced levels and official vertical datums – Section 5***

Generally, feedback was in support of this proposal. Comments were received asking for clarification that this would only be required in a dataset where a stratum boundary was being witnessed and not all witness marks. The requirement to connect to a NZVD2016 mark within 5km may be problematic for some and we question if this distance is too great?

#### ***Accuracy of non-primary parcel boundaries – Section 6***

Non-primary boundaries received a lot of feedback on how these are processed under the current Rules. Any move to simplify these requirements, while maintaining good survey practice to allow those following to replicate what was intended by the original survey, will be seen as a positive step. Generally, feedback was in support.

Some feedback we received pointed out that “the proposal does not appear to allow for the situation where you have existing non-primary parcels that are also not affected by the survey. An example is an easement only survey where you are intersecting with an existing easement. We suggest the proposal be amended to include underlying non-primary parcels as well as underlying primary parcels”.

That feedback also went on to comment, “We also have an issue with the 2010 Rules in that existing easement boundaries cannot be fully accepted (Class D) even when they pass exclusively between existing primary parcel boundaries which qualify for Class D accuracies. At the moment only the final leg of the easement boundaries can be Class D, while the easement vectors in-between are still required to be Class B. We suggest that an allowance be made for all existing easement vectors to be Class D in this situation”. This appears to be a practical suggestion to working with non-primary boundaries.

#### ***Unique identifiers for boundary points – Section 7***

All feedback received was in support of this and multiple members made comments that they already do this as part of their current dataset preparation process. Concerns were raised about surveyors altering the existing unique names already entered into the cadastre i.e. Peg 1a DP 1234 being amended on a future dataset to Peg (1) DP 1234.

#### ***Date of survey – Section 8***

All feedback received was in support of this proposal.

#### ***Summary***

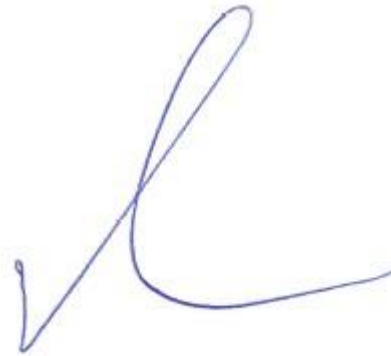
All most all feedback received from our members was in general support of what has been proposed in the consultation document. The areas where concern or non-support were raised have been outlined above. The overall theme of the feedback was to ensure that the Rules are written with both

the surveyor and cost-effective client solutions in mind. We understand that while doing this the needs and integrity of the cadastre must be respected and maintained.

We wish to thank LINZ for the opportunity to provide feedback on behalf of our members and look forward to the next round of consultation proposed. Meanwhile, please address any enquiries about this submission to the Chair of the Cadastral Stream: [cadastral@surveyspatialnz.org](mailto:cadastral@surveyspatialnz.org).

A handwritten signature in blue ink, appearing to be 'R Strang', written in a cursive style.

Rebecca Strang  
President

A handwritten signature in blue ink, appearing to be 'M Ryder', written in a cursive style.

Matt Ryder  
Chair (and on behalf) of the Cadastral Stream