



Cadastral Survey Amendment Rules 2017

Pursuant to section 49 of the Cadastral Survey Act 2002 and after complying with that section, the Surveyor-General makes the following rules.

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Rules

- 1 Title**
These rules are the Cadastral Survey Amendment Rules 2017.
- 2 Commencement**
These rules come into force on 24 April 2017.
- 3 Principal rules**
These rules amend the Rules for Cadastral Survey 2010 (the **principal rules**).

4 New rules 20.1 to 20.10 inserted

After rule 19, insert:

20 Cadastral survey rules for greater Christchurch

20.1 Terms and definitions

The following terms and definitions apply to all cadastral surveys in greater Christchurch for the purposes of rule 20:

affected boundary means a boundary where:

- (a) earthquake movement has changed it in excess of the relevant accuracy tolerances, and
- (b) it has not been defined in terms of that earthquake movement and recorded in an approved CSD

Canterbury earthquakes has the same meaning as in section 4 of the Canterbury Property Boundaries and Related Matters Act 2016

disturbed, in relation to an old survey mark, means the mark is in a position different from that originally placed, but does not include a change in position due only to earthquake movement

earthquake movement means the movement of land within the meaning of section 8(2) of the Canterbury Property Boundaries and Related Matters Act 2016

greater Christchurch has the same meaning as in section 4 of the Canterbury Property Boundaries and Related Matters Act 2016

reinstated means a new survey mark has been placed in the position of a previous survey mark that has not been found, including a position that has changed due to earthquake movement.

20.2 Certain rules do not apply to greater Christchurch

Rule 18 (Boundaries affected by ground movement) does not apply to a cadastral survey in greater Christchurch.

20.3 Defining by survey or acceptance of affected boundaries

- (a) For boundaries of a new primary parcel:
 - (i) all affected boundaries that are class A or class B must be defined by survey, irrespective of rules 6.2(a)(iv) and 6.2(c),
 - (ii) (i) does not apply where it is a boundary of a balance parcel or residue parcel in terms of rule 6.3(b),
 - (iii) (i) does not apply to a water boundary where rule 6.7(b) is being applied, and
 - (iv) where the criteria for class C in rule 3.2.3(a)(i) to (v) have been met and physical evidence or existing information indicates that

the affected boundary exceeds the accuracy tolerances for class C, that boundary and its associated boundary points must be defined by survey unless rule 6.3 allows the boundary to be accepted.

- (b) Where a water boundary is to continue to be depicted in its former position in terms of rule 6.7(b), the boundary must be accepted and be class D, and the Diagram of Survey and Diagram of Parcels must clearly annotate the boundary with “Boundary not surveyed since the Canterbury earthquakes”.

20.4 Defining and referencing affected boundaries

- (a) The determination of the correct orientation, extent, and position of an affected boundary must reflect earthquake movement.
- (b) Where a boundary on a primary parcel, or a stratum boundary, or a lease parcel boundary that is not a permanent structure boundary is an affected boundary and is defined by survey:
 - (i) every bearing must be orientated in terms of an official geodetic projection applicable to the area,
 - (ii) if 1 or more cadastral survey network marks exist within the distance specified in Table 4 in rule 4.2 of any boundary point that is defined by survey, at least 1 of those cadastral survey network marks must be connected by vectors to the survey,
 - (iii) each boundary point that is defined by survey must be witnessed as if this were a requirement set out in rule 7.3.1 (Boundaries to be witnessed),
 - (iv) the survey must include a minimum of 3 witness marks if all boundaries are class A, or a minimum of 4 witness marks if any boundaries are class B or class C, irrespective of rule 7.3.2(d), and
 - (v) the survey must include a minimum of 2 PRMs, irrespective of rule 7.4.1(b).
- (c) Rules 8.5(c) and 11 (Monumentation CSD) must not be used for an affected boundary or associated boundary point.

20.5 Occupation and physical features in diagram

Where an affected boundary and its associated boundary points are being defined by survey, information about occupation and physical features as set out in rules 9.5(a) and (c) must be provided in the form of a diagram for the boundary and each boundary point.

20.6 Defining non-primary parcel boundaries and underlying boundaries

- (a) An affected boundary on an underlying parcel that is class A or class B must be defined by survey if a new non-primary parcel boundary coincides with or intersects it.
- (b) For a new unit title or cross lease development:

- (i) every affected boundary of the underlying parcel must be defined by survey, and
 - (ii) a new underlying parcel must be created where (i) applies or where the redefinition of an affected boundary on the underlying parcel has not already been recorded in the relevant tenure system.
- (c) For an existing unit title development where a computer register for an existing unit is being retained:
 - (i) an underlying boundary that is an affected boundary and is not coincident with or intersected by a new non-primary parcel boundary may be accepted as class D, and
 - (ii) where (i) has been applied, the Diagram of Survey must clearly annotate the boundary with “Boundary not surveyed since the Canterbury earthquakes”.
- (d) A CSD that includes a new non-primary parcel, but not a new underlying parcel, may record the redefinition of a coincident or intersected underlying boundary where:
 - (i) the redefinition has not already been recorded in the relevant tenure system, and
 - (ii) the redefinition of all of the boundaries of the underlying parcel are not being recorded in that tenure system.
- (e) Where a CSD records a redefinition of an underlying parcel boundary in terms of (d), the Diagram of Parcels must clearly:
 - (i) depict the appellation of the underlying parcel,
 - (ii) depict all redefined underlying boundaries,
 - (iii) depict the relationship between each redefined boundary and other underlying parcel boundaries,
 - (iv) annotate each redefined boundary with “Redefined boundary of [underlying parcel appellation]”, and
 - (v) include in the dataset description panel of the Diagram of Parcels a reference to the new non-primary parcel(s) followed by “and partial redefinition of [underlying parcel appellation]”.
- (f) Irrespective of (a), the affected boundary on the underlying parcel is not required to be defined by survey where the boundary is not class A and the parcel is over 20 ha and is not being extinguished by the survey.
- (g) Where (f) has been applied:
 - (i) a new non-primary parcel boundary or boundary point that coincides with or intersects the affected boundary must be class D and the boundary point must be accepted, and

- (ii) the Diagram of Survey and Diagram of Parcels must clearly annotate the coincident class D boundary with “Boundary not surveyed since the Canterbury earthquakes”.

20.7 Boundaries to be marked

Where practicable, each boundary point on an affected boundary of a primary parcel that is defined by survey must be marked unless:

- (a) a reliable mark is already in place,
- (b) any provision in rule 7.1(a)(i) to (vi) applies, or
- (c) it is part of a parcel where the title is to remain limited as to parcels and the boundary point is not in common with a new parcel where the limitation is not going to remain.

20.8 Removing boundary marks

- (a) An old boundary mark that does not mark a boundary point may be removed or driven below the ground surface, provided there is no boundary conflict.
- (b) Where a mark has been removed in terms of (a), the mark must be treated as a new non-boundary mark and the Diagram of Survey must include:
 - (i) a depiction of the mark,
 - (ii) an abbreviation that describes the physical mark type,
 - (iii) the identifier, if it already exists,
 - (iv) the source CSD type and number of the mark,
 - (v) a notation indicating the mark has been removed, and
 - (vi) sufficient vectors so as to comply with rule 9.6.13.
- (c) Rule 20.8 constitutes prior written approval of the Surveyor-General under section 55(5) of the Cadastral Survey Act 2002.

20.9 Water body centreline boundaries

- (a) An existing irregular boundary may remain as an irregular boundary where it follows the centreline of a water body, irrespective of rule 6.6.
- (b) Where (a) has been applied, the Diagram of Survey and Diagram of Parcels must clearly annotate the boundary with “Boundary follows centreline”.
- (c) Where (a) has been applied and entitlement due to accretion is not being claimed where the margin of the water body has moved, the irregular boundary may continue to be depicted in its former position, irrespective of rule 20.3.
- (d) Where (c) has been applied, the boundary must be accepted and be class D, and the Diagram of Survey and Diagram of Parcels must clearly

annotate the boundary with “Boundary not surveyed since the Canterbury earthquakes”.

20.10 Reduced level for unaffected stratum boundaries

Where an existing stratum boundary is not affected, but its reduced level recorded in the cadastre is not in terms of earthquake movement, in complying with:

- (a) rule 9.6.10 (Stratum boundaries), a reduced level corrected for earthquake movement must be provided, and
- (b) rule 8.2 (Survey report), the report must provide the basis for determining the change in reduced level.

Dated at Wellington this 27th day of February 2017.

Mark Dyer,
Surveyor-General.

Explanatory note

This note is not part of the rules, but is intended to indicate their general effect.

These rules, which come into force on 24 April 2017, amend the Rules for Cadastral Survey 2010 (the **principal rules**).

The Canterbury Property Boundaries and Related Matters Act 2016 (the **Act**) came into force on 30 August 2016. The Act provides that property boundaries are deemed to have moved or to move with the movement of land caused by the Canterbury earthquakes (unless the movement was a landslip).

Cadastral rules are needed to specify requirements for surveyors when they undertake cadastral surveys under the Act. The rules specify the Surveyor-General’s standards for how the spatial extent of interests must be defined and described.

New rule 20 (Cadastral survey rules for greater Christchurch) modifies and adds to the principal rules. The aim of *new rule 20* is to include all the unique requirements that apply to the conduct of cadastral surveys and cadastral survey datasets in greater Christchurch.

New rule 20.1 defines terms used in *new rule 20*. New terms include affected boundary and earthquake movement. The definitions of the terms disturbed and reinstated in the principal rules have been modified for the purposes of this rule.

New rule 20.2 provides that rule 18 (Boundaries affected by ground movement) does not apply to a cadastral survey in greater Christchurch. To comply with the Act, sur-

veyors must consider the sum of all earthquake-induced land movement when locating boundaries, not just deep-seated movement.

New rule 20.3 requires existing affected boundaries to be redefined when urban and small rural parcels are being created. This is to provide certainty about boundary location to landowners where their land use is likely to be intensive or where they are likely to need accurately defined boundaries.

New rule 20.4 requires redefined affected boundaries to be referenced in a comprehensive manner. This ensures surveyors will be able to accurately relocate the redefined boundaries in the future. The reduced referencing requirements in the current rules that apply to some boundary marking surveys cannot be used.

New rule 20.5 ensures the important information about occupation and physical features used as evidence to locate an affected boundary is recorded in a diagram.

New rule 20.6 requires the redefinition of underlying parcel boundaries where they are coincident with or intersected by new non-primary parcel boundaries. The rule also sets out additional requirements for new unit title or cross lease developments. This provides certainty about the relationship between new boundaries and underlying parcel boundaries where there is intensive land use and occupation. There are also provisions for recording redefined underlying boundaries.

New rule 20.7 provides that, when an affected boundary of a primary parcel is redefined, the boundary must be marked on the ground so that landowners can readily identify its location.

New rule 20.8 allows a surveyor to remove, or drive below ground, an old boundary mark that no longer marks a boundary. This ensures that landowners are not misled about the correct location of a boundary. The rule also specifies information the surveyor must include in their cadastral survey dataset to record this action.

New rule 20.9 enables an existing irregular boundary that follows the centreline of a water body to be retained.

New rule 20.10 provides for correction of the pre-quake level of a stratum boundary as recorded in the cadastre.

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These rules are administered by Land Information New Zealand.