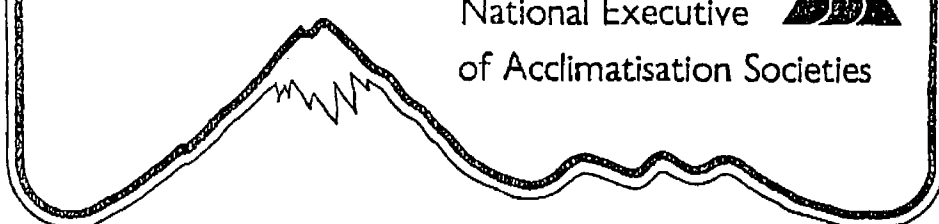


AN
INTRODUCTION TO
RIVER BOUNDARIES

National Executive
of Acclimatisation Societies



LOCATIONS OF LAND DISTRICT OFFICES
CHIEF SURVEYOR AND DISTRICT LAND REGISTRAR

Auckland Land District	:	Auckland
South Auckland Land District	:	Hamilton
Gisborne Land District	:	Gisborne
Hawkes Bay Land District	:	Napier
Taranaki Land District	:	New Plymouth
Wellington Land District	:	Wellington
Nelson Land District	:	Nelson
Marlborough Land District	:	Blenheim
Westland Land District	:	Hokitika
Canterbury Land District	:	Christchurch
Otago Land District	:	Dunedin
Southland Land District	:	Invercargill

Note:

The contents of this booklet are intended as an introduction to natural boundaries in relation to land ownership and to some of the terms used by legal and technical people in dealing with these boundaries. It must be stressed that any particular case should be investigated thoroughly and all evidence obtained before any opinion is formed.

The usual sources of information are:

1. Department of Survey and Land Information
2. Lands and Deeds Division, Justice Department
3. Department of Maori Affairs
4. Local Bodies
5. Regional Water Boards

Now (2000)
Land Information NZ

Now Regional Councils

1. Right Line Is a straight line between two points.
In surveying it is usual to know the bearing or the dist or both of these for any right line.
2. Prima Facie From Latin and means - "At the first look"
- "as it appears on the surface".
3. Bearing The angle a line makes in relation to true north.
Usually expressed in degrees, minutes and seconds eg 145°27'30".
4. Distance The length of a line between two fixed points.
Expressed in metres (some older plans will show the imperial measurement of links).
5. Local Purpose (Esplanade) Reserve Reserves set apart under the Local Government Act 1974 along the margins of the sea and lakes and along the banks of streams. (See Act for full definition.)
When these are required as a condition of approval by a local body they are shown on the plan of subdivision and are "set aside" by the act of depositing the plan by the D.L.R.
6. Sec 58 Strips Crown Land reserved from sale under Section 58 of the Land Act 1948. Often incorrectly referred to as a River Bank Res.
(Note: This land is not reserved in terms of the Reserves Act)
7. Accretion A gradual and imperceptible build up of permanent land due to water action.
8. Erosion A gradual and imperceptible loss of permanent land due to water action.
9. Ad Medium Filum Aquae From Latin and means to the middle line of a stream or river. When this line is used as the definition for a title boundary then ownership is up to the middle line. When the definition is used to describe a line between titles on both sides of a river then there is an implied ownership up to the line. See diags 2 and 4.
10. District Land Registrar The head of a district land registry office.
11. Chief Surveyor The head of a district office of DOSLI.
12. Fee Simple (Freehold) All the rights and privileges attached to absolute ownership of land but subject to statute eg road takings etc.
13. Sec (Abbr. of Section) Name usually given to parcel of land on an SO (Survey Office) plan ie a plan lodged with a Chief Surveyor.
A simple description for a parcel of land on an SO plan could be
Sec 27, Block IX, Paritutu Survey District.

14. Lot

(Abbr. of Allotment) Name usually given to parcel of land on a DP plan ie a plan deposited (approved) by a DLR (lodged for safekeeping with the Chief Surveyor). A simple description for a parcel on a DP could be

Lot 5 D.P. 11284

(Note: The DP number must be quoted with the lot numbers as there would be many plans in every district with Lot 5 on them)

There are many variations of the two examples above as well as further series of descriptions for Maori land. These Maori plans are also lodged with the Chief Surveyor.

15. Cadastral

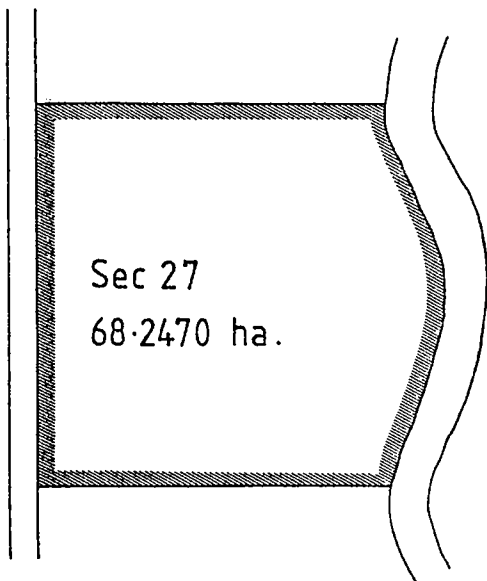
From Latin (Cadastre) and originally meant a definition of land for tax purposes. Today it has a far wider interpretation but generally is taken to mean a combination of a technical record of the parcellation of land usually on a plan and an authoritative documentary record.

Area

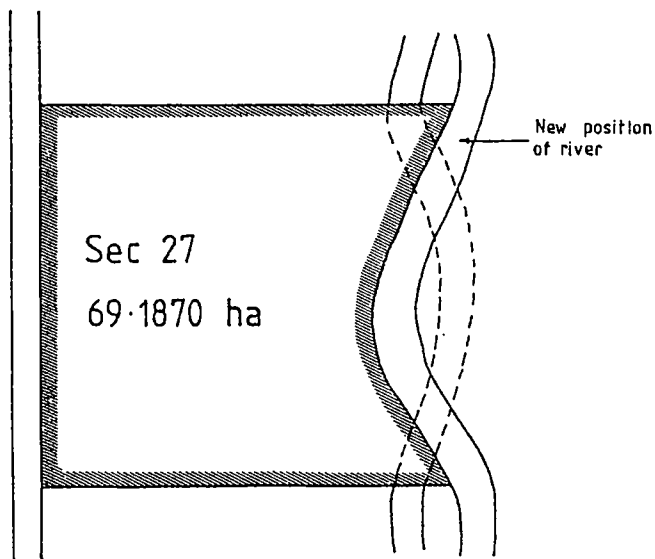
The modern expression is by hectares and decimals of a hectare (square metres) if over one hectare or square metres if under one hectare eg 29.2281 ha or 2781 m². The older imperial plans show areas in acres, roods and perches eg 4a 1r 21.6p.

When the plan of the land and the title diagram that issues from it, see diagram 1a, shows the boundary of the land as being the river bank then that boundary is subject to change by accretion and erosion. Any change caused by accretion and erosion must be determined by survey. This survey and evidence that the change to the river has been gradual and imperceptible (see definitions) must be produced to the DLR before he will recognise any area change and issue a new title. Diagram 1b illustrates what could happen to land in 1a.

Diag 1a



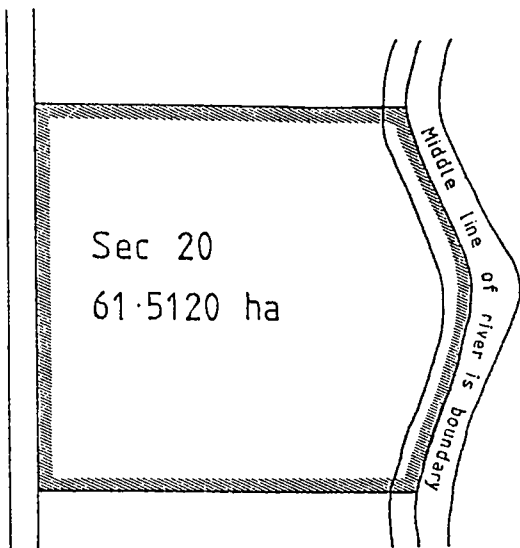
Diag 1b



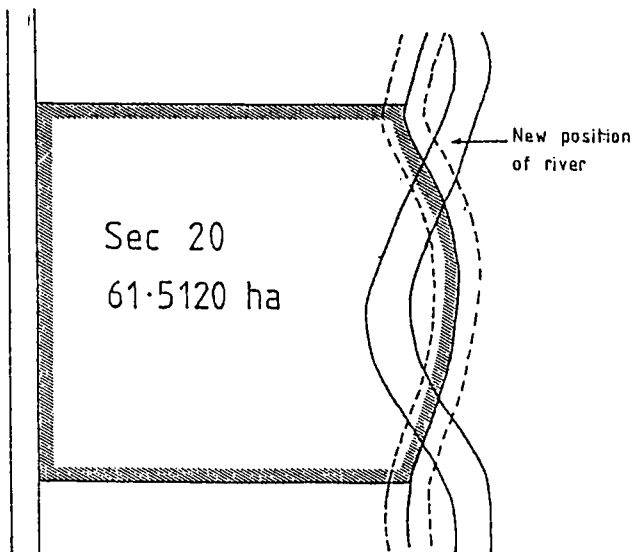
Note new area.

Where the middle line of a river (sometimes referred to as the centreline) has been fixed by survey and shown on the title as the boundary then, see diagram 2a, this position remains the boundary irrespective of the effect of accretion and erosion (see diagram 2b) and the area remains the same.

Diag 2a



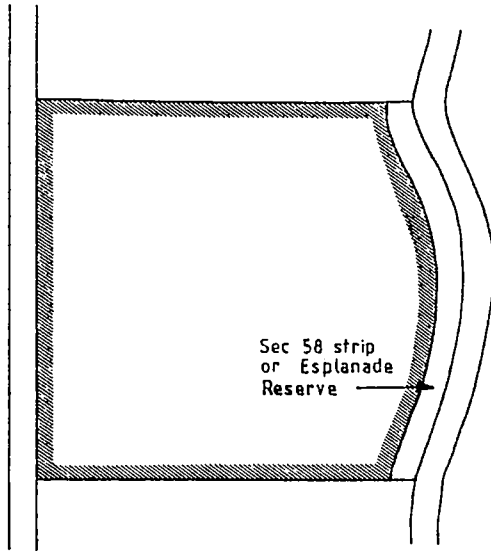
Diag 2b



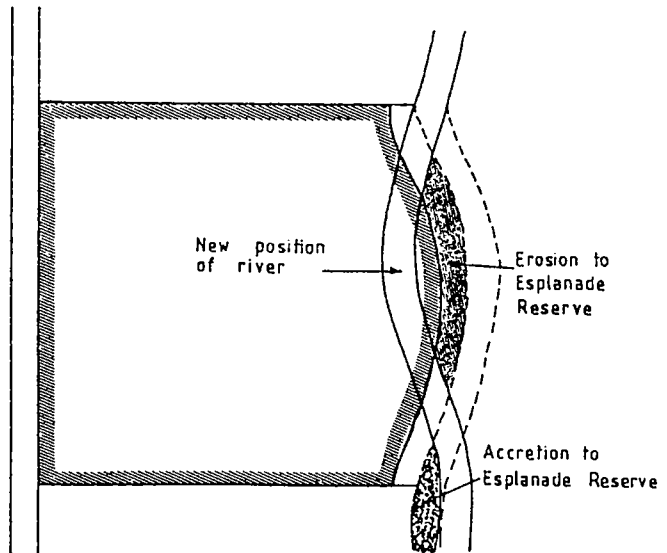
The portion of the new position of the river flowing through Section 20 is now cadastrally non-existent.

Where a Section 58 strip or Esplanade Reserve exists between a section and a river, see diagram 3a, then the boundary abutting the section remains fixed notwithstanding the reserve may be subject to accretion and erosion. See diagram 3b.

Diag 3a

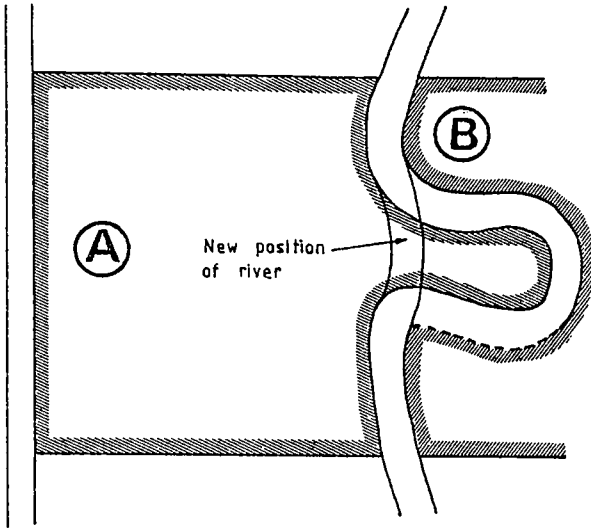


Diag 3b



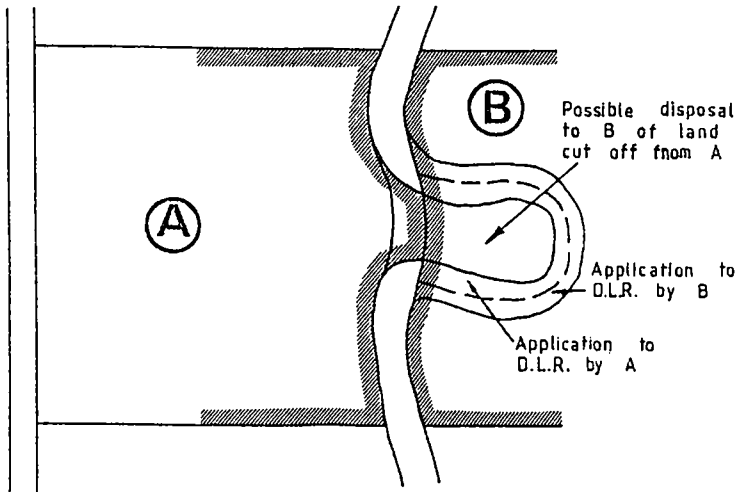
When a river changes its course by artificial means (man made groins, quarrying etc) or by a sudden break through due to flooding then the boundaries of the properties affected remain as they were prior to the cause of the change. See diagram 4a.

Diag 4a



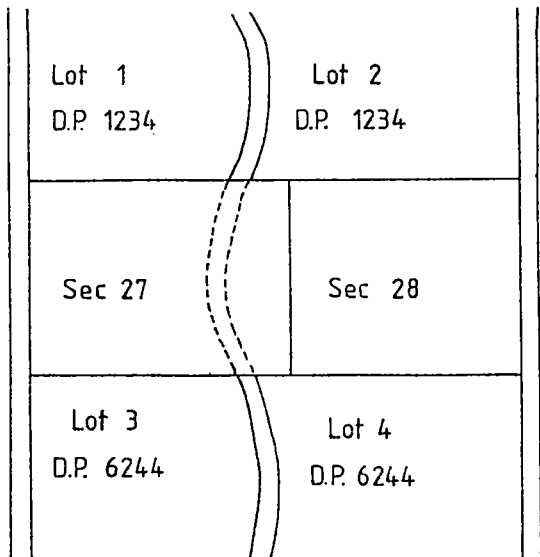
The "ox bow" pond, common in many areas is typical. It is now possible for owners A and B after having had a survey done, to apply to the DLR to have half each of the old river bed included in their titles. The new river bed will be contained within As title. See diagram 4b. It is also opportune at the time of defining the old river bed to also define the area of land lost to A due to the break through. This will enable land lost to A to be disposed of along with As share of the river bed to B if this arrangement between the parties can be reached.

Diag 4b



Quite often a title search will not show a stream where one is known to exist. Besides the reason given earlier for the disappearance of a stream cadastrally it is quite possible that it never existed cadastrally when the first surveys were done, that is it was never a boundary, just a physical feature. Nevertheless other agencies such as water boards do have a say in the water management. See diagram 5.

Diag 5



If the owner of Section 27 wishes to subdivide his land into say Lots 1 and 2 then approval must first be obtained from the local authority. It is at this stage that the local authority may apply conditions if they deem any necessary eg esplanade reserves. However it should be noted that under certain conditions an owner may be exempt some provisions of the Local Government Act. See diagram 6.

Diag 6

