



# Institute of Cadastral Surveying (Inc)

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## PRESIDENT'S PONDERINGS

Dear Fellow ICS Members

Many things have arisen in the wake of the Christchurch earthquake devastation, not least the difficulty of redefining boundaries in areas of complex land movement. However there is more light with each cadastral survey undertaken, while some lessons have certainly been learned the hard way.

Some of these hard lessons have resulted in the promulgation of the "Canterbury Property Boundary and Related Matters Bill", and a copy of this has been attached.

This document is totally driven by the "needs" of LINZ, and while ICS was involved in providing LINZ some technical advice on cadastral surveying in areas of land movement, we have not been involved in the policy stages resulting in the Bill.

While the Bill has significant effects on the wider Christchurch region, there are additional effects which have affect nationally, and if included in the final Act will impact on all cadastral surveys undertaken throughout the country.

Your Committee makes the following comments for your consideration and further input.

Section 7(2) includes the following;

*The boundaries are deemed to have moved with the movement of land caused by the Canterbury earthquakes*

This is offered as though a revelation, when in fact it is restating the provision of Rule 6.1 (c) of the RCS 2010 which reads;

*Use that evidence to determine the correct position of the boundary and boundary points **in relation** to other boundaries and boundary points.*

Section 8(1) appears rather unusual, and insight into what it means would be much appreciated.

Section 9 appears to override s218 of the RMA, but is it really necessary, and could the intent be better meet by including such an acknowledgement in the relevant District Plans.

Section 10(1) starts with the words;

*No person is liable for anything*

Your Committee believes this is the first time that combination of words has ever appeared in New Zealand legislation. Is it intended as a get out of Jail free card, and if so, is it limited to the Cadastral Surveyor, LINZ experts, or when you consider person in law also means a company, one or more companies involved in the rebuild of Christchurch.

And so to Section 11, which appears to be intended to give that 400 page RCS 2010 guidelines document legal standing on a national basis, making anything within it requisitionable.

The landowners of greater Christchurch need our assistance on Sections 1 - 10 of the Bill, while the people of New Zealand need your assistance with Section 11 of the Bill.

Please make time to read and comment on the Bill, whether to the Secretary or direct to the Parliamentary Select Committee.

Simon Jenkin

President