

New Zealand Institute of Surveyors

Supplementary evidence for the Greater Christchurch Regeneration Bill

New Zealand Institute of Surveyors submission to Local
Government and Environment Committee

11 December 2015

Introduction

Thank you for the opportunity to present to you today on our submission on the Greater Christchurch Regeneration Bill.

Our submission principally relates to Clauses 44-46 which deal with cadastral surveys – defining property boundaries and rights.

My name is Shane Dixon. I am a Licenced Cadastral Surveyor (LCS) under the Cadastral Survey Act 2002 and a Registered Professional Surveyor with the New Zealand Institute of Surveyors (NZIS). I am also the Chairperson of the Canterbury branch of NZIS.

I have been practising as a surveyor for 18 years and in Christchurch for the past 10 years.

With me today is Mark Allan our elected national President of NZIS. Mark is a Licensed Cadastral Surveyor and Registered Professional surveyor.

He has been practicing as a surveyor for 40 years, including 30 years in Christchurch.

We are here today as representatives of the NZIS and to speak to the Institute's submission.

NZIS is a longstanding professional membership body supporting and representing the professional interests of surveyors and spatial professionals in New Zealand. It was first established in 1888 and we recently celebrated our 127th anniversary.

The Institute currently has 16 branches in NZ and one branch in Hong Kong with a membership in excess of 1300 cadastral surveying and spatial professionals.

We are also an international organisation and influential to many of our overseas peers. For example, as an affiliated national body of the International Federation of Surveyors we will be hosting the Federation's Working Week 2016, here in Christchurch in May next year. The theme, 'recovery from disaster' reflects NZ's experience recovering from the 2011 Christchurch earthquakes. We are expecting in excess of 500 delegates to the Working Week including many from overseas.

The Institute is NZ's leading advocacy body for professions involved in location and measurement sciences.

Most recently, the Canterbury branch of NZIS formed a Working Party consisting of experienced Christchurch surveyors to advise government on property boundary definition in Canterbury following the earthquakes and in the development of the Canterbury Property Boundaries and Related Matters Bill.

Our values are: integrity, environmental sustainability, excellence, respect for the profession, and ethical behaviour.

Our purpose is articulated in our vision to aspire to "An internationally recognised professional organisation that promotes growth, innovation, excellence and community needs for all facets of surveying and spatial science in NZ".

For all the reasons above, NZIS is ideally placed to provide you with recommendations on the appropriateness of clauses 44-46 which specifically deal with cadastral surveys. NZIS has a level of expertise that has not been taken advantage of in the creation of this Bill or its predecessor Canterbury Earthquake Recovery (CER) Act. Our recommendations are informed and well considered in consultation with our membership.

Summary of Submission

NZIS generally supports the passing of this bill and its intended purposes. However, we strongly encourage the removal of Clauses 44-46, which deal with surveys. These clauses are not only completely unnecessary, but actually pose a threat to the NZ cadastre system.

We have outlined our principal concerns as to why this is in our original submission. Briefly, our concerns were:

The Surveyor-General (SG) already has the authority under the Cadastral Survey Act 2002 to carry out the actions that the Bill purports to grant to the Chief Executive (CE) of Land Information New Zealand (LINZ). So clauses 44-46 are not necessary to be able to approve a survey during the regeneration phase of our city.

There is a risk to the integrity of the cadastre in delegating the authority to approve cadastral survey datasets to anyone other than a suitably qualified person. The S-G is the highest authority in NZ on survey and boundary related issues and therefore, he/she is the only person qualified to do this.

The S-G, in making a decision to utilise the exemption powers under the Cadastral Survey Act takes a multitude of factors into account learned through decades of experience and education in surveying. He or she is required to make their decision in a way that balances the interests of the general public and the Crown in maintaining the cadastre.

Supplementary Information

In addition to the reasons addressed in our original submission, we would now like to outline several further reasons why the clauses should be removed.

The Purpose of the Bill is “to provide a new legal framework to support the regeneration of greater Christchurch over the next 5 years”. It is needed to recognise the shift in focus from recovery to regeneration. In addition, the Objectives for Regenerate Christchurch include: engaging and advocating effectively with communities, stakeholders etc; and collaboratively working with others.

Our stance is that the powers being granted to the CE of LINZ through clauses 44-46 will be in direct conflict with the Purpose of the Bill and the new direction it is promoting – engaging with local communities and greater collaboration.

In the first and second readings for the CER Act in 2011 it was stated that the similar clauses proposed under that Act were needed, “to ensure the speedy and accurate reinstatement of title boundaries”, and for the CE of CERA to “be able to carry out or commission building works, including demolition” and also to enable urgent action to be taken to prevent unreasonable delays that might stop necessary works – such as demolition or temporary housing.

While we accept that in the recovery phase there could have been the potential for these powers to be used. For example, to allow the demolition of large buildings or for works associated with the provision of essential services to be undertaken without delay.

However in the regeneration phase these drivers for speed no longer exist.

We also note that even during the recovery phase, when the need for speed would have been most evident, the similar powers under the CER Act were not used. If those powers have not been used during the recovery phase, then what chance is there that those same similar powers will be needed during the regeneration phase? The chance is a negligible one.

Therefore, it is absolutely vital that for the ultimate regeneration of this city; for the continued protection of the interests of the general public and the Crown in maintaining the cadastre, and for the Purpose and Objectives of this Bill to be truly met, that:

1. clauses 44-46 are removed
2. and any consequential amendments are made, in particular to the related appeal rights contained in clause 87

Conclusion

Again, we thank you for your time today. NZIS membership has put a lot of effort into our submission and this presentation as we are very passionate about maintaining the integrity of the public cadastre and assisting at every opportunity with our city’s regeneration. At this point both Mark and I would be happy to take any questions you may have.

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