

2 November 2015

President's Canterbury Update

Greater Christchurch Regeneration Bill – 4 December 2015 Canterbury Property Boundaries and Related Matters Bill

NZIS Members

Many of you will be aware that in Christchurch the goodwill of our profession has been tested significantly since the earthquakes. As part of NZIS's advocacy role, the solution(s) we have been seeking have now entered parliament, as follows:

Greater Christchurch Regeneration Bill:

<http://www.legislation.govt.nz/bill/government/2015/0079/latest/DLM6579202.html?src=qs>

The purpose of this Bill is to provide a new legal framework to support the regeneration of greater Christchurch over the next 5 years. New legislation is needed to recognise the shift in focus from recovering from the Canterbury earthquakes in the *Canterbury Earthquake Recovery Act 2011* (the *CER Act*) to regeneration. This includes providing for the timely, future development of greater Christchurch and enabling an increased role for local leadership.

Our primary focus will be [sections 44-46](#) of the new Act which deal with Surveys specifically. We have until the 4th of December to make a submissions.

Canterbury Property Boundaries and Related Matters Bill:

<http://www.legislation.govt.nz/bill/government/2015/0082/latest/DLM6634505.html#DLM6634535>

The purpose of this Bill is to clarify the law relating to locating legal property boundaries on land affected by movement resulting from the 2010 and 2011 Canterbury earthquake sequences. The purpose is also to provide for guidelines to be issued about standards set under the *Cadastral Survey Act 2002*, to assist with boundary determinations in greater Christchurch after the earthquake sequences but also for more general use in future to maintain public confidence in the cadastre.

The generally accepted principle is that legal property boundaries do not move with the land except in the case of gradual and imperceptible water boundary movement. However properties in greater Christchurch were affected by land movement resulting from the 2010 and 2011 earthquake sequences and in the worst affected areas, it has been difficult for surveyors to define legal property boundaries because the measurements between survey marks on the ground may no longer match those recorded on the official record.

In these cases, it has been difficult for surveyors to identify and interpret physical evidence of boundaries, all of which moved with the land

This uncertainty has resulted in surveys taking longer to complete, reluctance by some surveyors to undertake surveys in the worst affected areas, more cost to property owners, and delays to rebuilding work.

The Bill addresses this problem by providing that legal boundaries of land in greater Christchurch have moved with land movement caused by the 2010 and 2011 Canterbury earthquake sequences.

The Bill also provides for the Surveyor-General to issue guidance for surveyors in order to achieve consistent interpretations of, and improved compliance with, rules and standards made under the *Cadastral Survey Act 2002*.

We hope that this Bill will reduce the risk that is currently being carried by NZIS members in the Canterbury region and for that reason we want to ensure that the speed of passage, doesn't undermine the ability for Canterbury Branch members, the Cadastral Stream and those with the knowledge and experience to provide quality feedback into NZIS submissions. We anticipate that we will only have one month to make submissions.

We believe individual input should be made by: the Canterbury Branch; the Cadastral Stream; and NZIS (National) into one submission. Lauren McGee, NZIS Relationship Manager, will oversee and assist with the coordination of papers to ensure that they enhance and support each other. However with an assumed deadline of 4 December, for both Bills, we must respond quickly. Lauren will support this process from the National Office as it evolves in the next month.

We acknowledge that this is first and foremost a Canterbury issue but we would also welcome any feedback from members who have the time to review the Bill and support our overall position with regard to the proposed legislation.

Media comments from our profession by individuals

NZIS will be making regular media releases on this subject after the Minister – the Hon Louise Upston, makes a press release and provides supporting information when the House resumes next week.

In the meantime we suggest that if any individual wants to speak on behalf of the profession then they do so by first engaging with the President or CEO so that key points can be agreed upon from a regional or national perspective. We strongly suggest individuals do not speak without seeking support from the local Branch Chair, NZIS President or CEO. As this is such an important issue for our members, it is critical that we present a coordinated and professional response.

Mark Allan
NZIS President