

New Zealand Institute of Surveyors



Recommendations for the Greater Christchurch Regeneration Bill

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

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NZIS: We Are the Future of Location and Measurement

The New Zealand Institute of Surveyors (NZIS) is New Zealand's leading advocacy body for professions involved in location and measurement sciences. This includes a wide variety of surveying specialisations¹ as well as spatial scientists and surveying engineers. These professions all deal somewhat in the power of 'where'. This can involve anything from mapping building locations and their internal features, monitoring environmental changes, and international projects such as the boundary definition surveys between the Kingdom of Saudi Arabia and the State of Kuwait. New Zealand Surveyors are at the forefront of new technology and are early adopters of tools such as GPS, drones and laser scanning. Surveyors specifically, are always the first persons in on a major construction project and the last ones out.

Founded in 1888, the Institute celebrated its 127th anniversary this year with a membership in excess of 1300 professionals. Currently NZIS has 16 branches throughout New Zealand and one branch in Hong Kong. These branches are supported by a National Office based in Wellington and are guided by an elected President (Mark Allan), thirteen councillors, and a board. We are also an international organisation: what NZIS does is followed by and influential to our overseas peers.

We proudly support excellence within our community with services to members including continuing education, best professional practice guidelines and resources, research and development, advocacy, policy services, business support, advice, and awarding excellence within the profession. NZIS represents the national interests of the professionals within it by offering the only recognized higher status qualification for all surveyors in the industry: the 'Registered Professional Surveyor' (RPSurv).

NZIS membership takes pride in using their skills and knowledge to advise and lead the public, assisting in the strong development of New Zealand society where needed. Recently membership has been involved in the LINZ Sector Leaders Working Group and the Canterbury Working Group for consultation on the Canterbury Property Boundaries and Related Matters Bill, pioneering the New Zealand Spatial Excellence Awards² and, the organisation and hosting of an international industry conference next year in Christchurch: the International Federation of Surveyors (FIG) Working Week.³

Our sector wide values are: integrity; environmental sustainability; excellence; respect for the profession, and; ethical behaviour.⁴ 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 New Zealand."⁵

¹ Such as hydrographic, cadastral, and land development and urban design specialists.

² <http://nzspatialawards.org.nz/>

³ <http://www.fig.net/fig2016/index.htm>

⁴ See the NZIS Strategic Plan 2015-2020:

http://www.surveyors.org.nz/Attachment?Action=Download&Attachment_id=1397

⁵ Ibid, at 4

Introduction

We thank the Local Government and Environment Committee for the opportunity to submit our recommendations on the Greater Christchurch Regeneration Bill (the Bill). We submit this document on behalf of our membership and in advocating for the professions of surveying and spatial sciences.

This submission was created through consultation with our membership and aims to reflect a consensus on their views. However, this document does not intend to express all individual members' opinions and we have encouraged individual submissions as well as a contribution to this document throughout the consultation process. This submission has been approved by sign off of President Mark Allan and Canterbury Branch Chair Shane Dixon on behalf of the membership and NZIS.

*"Christchurch encapsulates the spirit of our profession."*⁶

Following the Canterbury Earthquakes surveyors came together with an immediate recovery and response ethic. Experiences were recounted and valuable advice on how to deal with the variety of issues springing up daily was discussed widely through the industry. Not only had the nature of many of Christchurch's iconic landmarks been fundamentally destroyed but the city found itself faced with the deterioration of entire suburbs due to land movement and liquefaction.

Despite the challenges, surveyors were some of the first responders on the scene. The local response to the emergency involved direct urban search and rescue support and also that of supporting civil defence. Technical support, advice, and interpretation of information was key to assisting the area in this initial 'rescue mode' in the Christchurch CBD Red Zone. Where information was lacking in the development of the emergency response, the ability of surveyors to provide clear and concise data to help make informed decisions became even more significant.

In particular, surveyors expertise and skills in precise measurement were called upon to monitor the movement of a number of buildings on a 24/7 schedule. Some of these buildings, such as the CTV building, were those with victims still trapped inside. Other buildings like the Hotel Grand Chancellor posed a significant risk to surrounding areas despite being completely deserted shortly after the initial shakes. It was crucial that in the event that these buildings were to show any movement, that it be immediately identified and the many other on-site emergency professionals be alerted to the danger. The recovery of bodies was witnessed by a number of surveyors first hand.

Similarly, as the city moved from an initial rescue and response mode and into a 'recovery' period, surveying and spatial professionals continued to work at the coal-face of the aftermath of destruction. It became very quickly apparent that the rebuild of homes, buildings, public spaces and natural environments was to be even more of a difficult task: the entire cadastral and geodetic network had been seriously compromised.

⁶ Hallam, Debbie. 2011. Preliminary prose. *Survey Quarterly*, Issue 67, September at 2

With this network forming the fundamental fabric required to define New Zealand's property and ownership rights, surveyors were faced with major challenges in providing land owners with certainty regarding their boundary locations and decision makers and the crown with advice as to how to proceed in the inner-city business district and elsewhere. Surveyors developed innovative and pragmatic solutions to ensure the rebuild of Christchurch was not delayed. This included the use of GPS technology to resolve ambiguity created by the differential movement of marks across the Greater Christchurch area. Surveyors were also involved in close consultation with LINZ and Local Authorities to define best practice in the changed environment.

*"We are coping with the significant challenges of global economic adjustment and the devastating reality of living with natural hazards. Whatever the challenge we face, it is people who are affected and discussions quickly turn into supporting and helping whole communities."*⁷

Since then NZIS membership has been involved heavily in all potential solutions, whether through formulating collective internal standards and responses, consulting with government bodies, or by leading the way on different working party groups. NZIS is eager to be able to contribute now to a regeneration process of the Canterbury area.

We intend to limit our comment only to the purpose of the proposed legislation, clauses 44-46 dealing with surveys, and clauses 86-88 dealing with any appeals related to these surveying clauses.

Summary of Key Issues and Recommendations:

NZIS generally supports the passing of this bill and supports its intended purposes. However, NZIS strongly encourages the removal of clauses 44-46 dealing with surveys. We also urge for the removal of any later reference to these sections from the appeal sections (contained in clause 87).

Our concerns were:

- i. The Surveyor General already has the authority under the Cadastral Survey Act 2002 (Cadastral Survey Act) to carry out the actions that the Bill purports to now also grant to the Chief Executive of Land Information New Zealand (CE of LINZ) in clauses 44-46.
- ii. 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.
- iii. The powers being granted to the CE of LINZ through clauses 44-46 infringe on the functions of the Surveyor General. The Surveyor General is the relevant surveying

⁷ Dyer, Mark. 2011. From the President. *Survey Quarterly*, Issue 67, September at 3

and boundary related issues highest-authority and it is our view that this authority should not be compromised.

- iv. We understand that the similar clauses under Canterbury Earthquake Recovery Act 2011 (CER Act) have not been used to date indicating that there are adequate provisions within the existing legislation and that there is a negligible risk as a result of the exclusion of these provisions from this bill.

We recommend:

1. That clauses 44-46 are removed entirely
2. That later reference to clauses 44-46 are similarly removed (contained in the appeal clauses: 87(1)(c); 87(2)(c))

The Regeneration Purpose: A Surveying Perspective

NZIS supports the change in purpose from the CER Act to the new provisions outlined under the Regeneration Bill. We also support the change to cover a smaller geographic area to provide a focus for the regeneration of Greater Christchurch.

Dealing with land and other property: Surveys

NZIS appreciates the consideration of the difficulties faced by surveyors post-disaster in the creation of clauses 44-46. Despite this, membership overwhelmingly encourages the removal of clauses 44-46 from the Bill entirely.

Primarily, the Surveyor General under Section 47 of the CSA 2002 already has authority to grant exemptions to the ordinary rules and requirements under that Act, as per subsections 5 and 6:⁸

- “(5) If the Surveyor-General considers in a particular case that compliance with the requirements of any standards or rules under this Part is impractical or unreasonable, the Surveyor-General may—
- (a) grant an exemption from the requirements; or
 - (b) specify alternative requirements.
- (6) Compliance with alternative requirements must be treated as compliance with subsection (2).”

Likewise, liability is then removed for those individuals concerned in for the survey plan or dataset falling outside of the ordinary requirements of the Act. Clauses 44-46 of the Bill are not necessary to be able to approve a survey in the regeneration of a city, post-disaster that may not necessarily make sense under the ordinary requirements of the Cadastral Survey Act.

⁸ <http://www.legislation.govt.nz/act/public/2002/0012/latest/DLM142498.html>

The main point of difference between the actions enabled under the Cadastral Survey Act and the Bill at hand then is that the CE of LINZ will be able to grant or direct such exemptions him or herself. This is with or without the approval of the Surveyor General. Although a duty to consult the Surveyor General (under the proposed section 44(4) and 44(5)) is provided for, this actually undermines the same authority that the Surveyor General has to be making such decisions by him or herself under the Cadastral Survey Act.

Fundamentally, we see no reason for a situation where the CE of LINZ should have the ability to force the Surveyor General to authorise a survey dataset or plan or to be able to do so him or herself. The Surveyor General, 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 from a range of surveying fields. He or she is held to a number of requirements under that Act in making a carefully calculated decision and does so in a way that balances the interests of the general public and the Crown in maintaining the cadastre, with that of the individual/s concerned.

Given that we understand that these same clauses were not used under their previous form in CER Act, we see no reason why this system should be open to fault by enabling the CE of LINZ to force through exemptions; this essentially being the only point of difference in powers allowed compared to the standing Cadastral Survey Act.

We recommend:

- That clauses 44-46 are removed entirely

Appeals against a Boundary Related Decision

Clauses 86-88 provides for an appeal to the High Court in respect of a dispute referred to in clause 46. In line with our earlier recommendations, we strongly encourage the removal of appeal options against a boundary related decision that are contained specifically in 87(1)(c) and 87(2)(c).

We recommend:

- That appeal options for a boundary related decision are removed from the Bill

Conclusion

We strongly urge the Local Government and Environment Committee to remove clauses 44-46 dealing with surveys and later references to these clauses in the appeals sections (clauses 86-88) from the Christchurch Regeneration Bill. We wish to appear before the Committee in person on this matter and we thank the Committee for their consideration of this submission.

For more information please contact:

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