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FEEDBACK SUBMISSION::

The Review of the Rules for Cadastral Survey - Stage 2 – Part 2

To: sgrulesreview@linz.co.nz

This submission is on behalf of the *Institute of Cadastral Surveying (ICS)*.

The ICS is an organisation whose membership is actively engaged in cadastral surveying.

This response represents the collective views of the ICS, and is based on the experience and wisdom of our members whom are passionate about the integrity and value of the survey system. It is also submitted in the best interests of landowners and the public - our clients.

The ICS have:

- encouraged members to make individual submissions on the Rules Review;
- sought and received extensive feedback from members on the proposed rules – and this feedback is compiled within this submission;
- published a brief “survey monkey” questionnaire to members listing specific questions in order to solicit feedback from the wider cohort of members who may not have submitted directly.

The feedback commentary for each Proposal includes a summary **overview** of the collective responses – with an indication if there was a unanimous view (~100% of feedback); a general consensus (~70%-99%); or some variable opinion for each proposal (~25%-70%).

We have included the **key points** from the feedback received as reasons in support of the responses. As requested, an analysis of the “**matters to consider**” is also included – as we understand that these criteria will be used as part of your assessment.

Also, we have added some **comments** at the conclusion of this submission that offer some relevant additional information in relation to the Rules for Cadastral Survey.

We thank you for the opportunity to provide feedback on the proposed Rules Review, and trust that you will be able to incorporate the consensus of all submissions received in the best interests of the survey system, and in terms of the Cadastral Survey Act 2002.

Proposal 2: Connection to a horizontal control mark or vertical control mark (revised).

Overview: The current cadastral survey network mark (CSNM) connection distances are appropriate, and accurately reflect the cadastral surveys s(7)(2)(c) contribution to the cadastral survey system.

Current Rule 4.2 is adequate.

With the increasing densification of the LINZ CSNM, and new cadastral surveys with extended CSNM connections, the current limited number of cadastral surveys not depicting CSNM connections will further reduce over time.

The vertical control mark (VCM) connection parameters as proposed need further review.

ICS Views: There was **general consensus** of opinion **against** this proposal requiring connection to CSNM's and VCM's in general terms. The distance limits are debated; and the question over LINZ facilitating connections was noted.

- needs to be technology independent and not require GNSS (for instance)
- increase from 500m to 1000m for Class A surveys would add little value using previous LINZ statistics (would have applied to only 5-7 surveys for 2017/18)
- fundamental problem is that our clients are paying for this extra requirement to the benefit of end users who pay nothing. Our clients only lose
- yes, if within 1000m, otherwise no, I see no benefit to our client. LINZ should invest in making sure an appropriate density of CSNM are available.
- need to acknowledge that practitioner's without GNSS may be hampered by long distance connections. Vertical reference marks need to be in close proximity of the site.
- the current requirements are reasonable and extension of this is an unreasonable financial burden
- technology dependant, no advantage to client funding connection, OK if within a km or 500m (urban) = current rule
- this can add time and unnecessary cost (especially in rural areas) where other methods of referencing surveys could be used.
- no for horizontal, yes for vertical
- the idea that additional cost can just continue to be loaded onto the same contributors is unjust
- the proposed requirement offers little benefit to the landowners
- if LINZ feel that the few surveys covered by this rule need to be better connected to the Cadastral Network then they should commission this work
- if the government regard open data as a priority perhaps they will make funding available to commission work of this nature
- if the existing VCM is more than 1km from the site and a legal interest is being defined by way of a reduced level, it is likely that the level will have a considerable error as a result of the geoid-ellipsoid

	<p>separation</p> <ul style="list-style-type: none"> • will not necessary improve the survey definition and seems to be an internal requirement for better adjustment of the geodetic database.
Key Points:	<p>Paragraph 6 - The first bullet point of this paragraph is basically the existing situation for a Class B survey, and this distance is accepted by the cadastral survey profession as reflecting its contribution to the costs of the cadastral system associated with the s7(2)(c) CSA 2002 parties distribution analysis of the Surveyor-General.</p> <p>However, the proposed 1,000 m connection distance in a Class A survey is twice that required in the current rule 4.2, while the comments in paragraph 4 highlight that the increased levels of connection are being driven from outside of cadastral survey requirements. Similarly, the second bullet point proposes to impose a mandatory CSNM connection over extended distances.</p> <p>As such connections have no cadastral survey value, unless there is a mechanism to recover the additional costs for this connection from the other parties outlined in s(7)(2)(c), and remit these to the Cadastral Surveyor for their additional costs, such a proposal would appear to be contrary to s7(2)(c) of the CSA 2002.</p> <p>Paragraph 7 - It is proposed to increase current rule 4.3 connection distances to 1,000 m and unlimited, which is again being driven by non-cadastral survey requirements.</p> <p>Again, unless there is a mechanism to recover the additional costs for this connection from the other parties outlined in s(7)(2)(c), and remit these to the Cadastral Surveyor for their additional costs, such a proposal would appear to be contrary to s7(2)(c) of the CSA 2002.</p>
Matters to Consider:	
<i>Simplify existing requirements?</i>	Possibly – if no other factors (eg: cost, effort) are taken into account
<i>Compliance costs reasonable?</i>	Unlikely – taking into account the potential (no matter how small) that additional connection effort or tools are required
<i>Looking to the future (technology and user expectations)?</i>	Likely – any compulsory connection requirements to CSNM/VCM marks will support user expectations
<i>Contribute to the cadastre?</i>	Likely – as per the above comment

Proposal 3: Defining by survey and adopting.	
Overview:	<p>The proposal aligns the definitions to the established understanding of most surveyors – returning to the traditional definitions of defined by “survey” and defined by “adoption”.</p> <p>The proposal summary (paragraph 11) highlights why mixing Landonline operational requirements with rules for the cadastral survey causes the profession so much confusion. There is a clear need to separate rules</p>

	specific to cadastral survey, from rules relating to the wider CSD (as set out in s49(1)(a) & s49(1)(b) of the CSA 2002).
ICS Views:	<p>There was general consensus of opinion in support of this proposal.</p> <ul style="list-style-type: none"> • a welcome clarification to one of the most difficult rules to interpret. • I strongly support this change • the survey rules are clear. It is the Landonline definition that is the complicator. • the previous guidance information further confused surveyors.
Key Points:	<p>Paragraph 14 - From a cadastral survey perspective, boundaries can be calculated (or recalculated) and adopted, while accepted boundaries are a Landonline operational issue that can be better covered by Class D accuracy requirements. This would allow for simplified rules relating to when adoption and resurvey of boundaries is required.</p> <p>Paragraph 15 - The terms "defined by survey" and "accepted" are Landonline operational terms unrelated to the cadastral survey itself. As long as the use of these terms is limited to the Landonline component of the CSD these should cause little confusion.</p>
Matters to Consider:	
<i>Simplify existing requirements?</i>	Yes.
<i>Compliance costs reasonable?</i>	Neutral – even potential savings with requisitions etc as the interpretation confusion is eliminated
<i>Looking to the future (technology and user expectations)?</i>	Yes.
<i>Contribute to the cadastre?</i>	Yes.

Proposal 4: Accuracy standards.	
Overview:	<p>Generally agree with the proposed accuracies.</p> <p>A 100% confidence level is acceptable, as are simplified assessment equations.</p>
ICS Views:	<p>There was general consensus of opinion in support of this proposal of accuracy standards for non-boundary, boundary and witness marks.</p> <ul style="list-style-type: none"> • a return to a more practical application and an ability to assess compliance with standards in the field • concerns with overly academic explanation and argument • disagree with introduction slope distance parameter in vertical accuracy table • separate vertical standard should be as accurate as horizontal component • I disagree that the compliance cost of connecting to marks is expected to be small given the cost of a GNSS survey system to be in the order of \$70k, and hire/processing can be expensive.

	<ul style="list-style-type: none"> • not everyone has access to this technology. • modern survey equipment is capable of achieving the proposed horizontal accuracy for non-boundary marks. The witnessing accuracy for Class B could be reduced • hori accuracy of 0.025 = (dist x 0.0001m) is tight though • all that said the current standards seem reasonable • support ratio method (as opposed to least squares), but not separate hori/vert accuracies or some of the values • the reliance on the accuracies achievable by GNSS is perhaps unwise, especially when the stated accuracies provided by manufacturers assume some fairly benign observing conditions rarely encountered in the real world • in light of extensive real-world experience on large scale Class B surveys I think that the proposed hard limit of 0.2m in paragraph 29 is too onerous, and that 0.3m should be substituted both in horizontal and vertical cases • the current and proposed witnessing accuracies for Class B & C are far too lax, and could be halved • the proposals relating to accuracies of water boundaries seem very sound • the proposal doesn't change the allowance for adopted traverse marks. I would like to see this emphasised a bit more. Maybe refer to the accuracy standards in force at the time of the original survey • Rule 3.3.1 is adequate and should not be revoked – it would be contrary to Schedule 2 CSA 2002 to revoke this rule
Key Points:	Paragraph 39 – No accuracy class for water and irregular boundaries is supported.
Matters to Consider:	
<i>Simplify existing requirements?</i>	Yes
<i>Compliance costs reasonable?</i>	Neutral
<i>Looking to the future (technology and user expectations)?</i>	Yes
<i>Contribute to the cadastre?</i>	Yes

Proposal 5: Water and irregular boundaries.	
Overview:	<p>As there appears to be no law or legal precedent requiring the right-lining of water boundaries on subdivision, it would be a prudent time to remove the current rule 6.7(a)(i) from cadastral rules.</p> <p>Difficult to comment specifically until the “focused guidance material” is reviewed.</p>
ICS Views:	There was generally a split opinion on this proposal that changes are need to the current rules around water and irregular boundaries.

	<ul style="list-style-type: none"> • I do not and have never agreed to the right lining of natural or irregular boundaries • proposal sounds reasonable and right lining of boundaries should cease. • proposed changes seem acceptable - added guidance is always welcomed • you should be able to adopt these, there should be no requirement to right line these • should not right-line former stream boundaries or create new boundaries where attributes unknown • the current rules are confusing and the resultant surveys and their complexity are disproportionate to the intent of the survey generally • the requirements for dealing with accretion and dry stream beds need to be simpler • the requirements relating to right-lining of water boundaries could be looked at • the existing rules relating to irregular boundaries generally seem to work fine. • guidance welcomed – but needs to be thoroughly reviewed by survey subject matter experts (not just LINZ knowledge people) • what water boundaries need is a complete review probably followed up with some legislative changes. Now we are making a mess of the system by leaving little parcels of unclaimed accretion because they are too expensive to deal with • current requirement to right-line irregular boundaries by Rule 6.6.b is superfluous if requirements for irregular and water boundaries are no longer required as proposed. Therefore, 6.6.b should be revoked • I disagree to the right lining of irregular or water boundaries - the fact that navigable rights are lost, let alone the fact that a water boundary is a natural set of splines and should be held as such.
<p>Key Points:</p>	<p>Paragraph 48 – Do not agree. Often these diagrams are not at sufficient scale to enable the field survey position to be correctly reflected by digitisation.</p> <p>Paragraph 49 – Accepted. We concur based on the flow of argument within the consultation paper starting with Paragraph 47 which highlights that:</p> <p>"Care must be taken to ensure a cadastral rule, being secondary (subserving) legislation, does not:</p> <ul style="list-style-type: none"> - inadvertently establish a principle of law (new law), or - direct surveyors on how to interpret existing principles of law, or - result in possible diminishment of landowners' right when acted on". <p><i>and:</i></p> <p>subsequently highlighting existing rule 6.7(a)(i) saying:</p> <p>"in some circumstances has the potential to mislead and potentially result in the diminishment of landowners' common law rights".</p> <p><i>and further:</i></p> <p>That paragraph 144 highlights the requirement for right-lining existing irregular boundaries on subdivision has been in place only since 2002.</p> <p><i>and also:</i></p> <p>It is also noted in paragraph 138 that:</p> <p>"where there is an absence of rules of law or the law is not clear, it is not appropriate for cadastral rules, as secondary (subserving) legislation, to</p>

	establish law".
Matters to Consider:	
<i>Simplify existing requirements?</i>	Yes – only because any additional guidance, and/or clarity of rules will simplify requirements
<i>Compliance costs reasonable?</i>	Neutral
<i>Looking to the future (technology and user expectations)?</i>	Yes
<i>Contribute to the cadastre?</i>	Yes

Proposal 6: The 'wet' cadastre.	
Overview:	The proposal sounds reasonable, but is difficult to offer specific comment without seeing the full rule text.
ICS Views:	<p>There was general consensus of opinion in support of this proposal supporting a new rule for the 'wet' cadastre.</p> <ul style="list-style-type: none"> • I see no reason for a specific rule in these circumstances – and such surveys should comply with the Rules (other than ground-marking – excluded by automatic dispensation) • seems harmless • can be dealt with by a good survey practice rule, too much detail in rules • this would create a need for a special set of rules for the transition between water and dry boundaries • these proposals - particularly as the defined parcels relate to the 'dry' cadastre - seem very lax, and raise the real prospect of overlaps between marine and landward parcels. It isn't clear why, when the focus elsewhere is on improving the quality of spatial data, here no such requirement is applied to MHWB boundaries
Key Points:	Paragraph's 54-56 - The principles as set out appear reasonable. However, since it is likely to be the Crown or Crown agencies that will be commissioning such surveys, it may be preferable for individual SG specifications for each such survey or survey type, which would negate the need for separate rules.
Matters to Consider:	
<i>Simplify existing requirements?</i>	N/a – a new requirement
<i>Compliance costs reasonable?</i>	Uncertain
<i>Looking to the future (technology and user expectations)?</i>	Yes
<i>Contribute to the cadastre?</i>	Likely

Proposal 7: Repackaging CSD Plan information.

Overview: The ICS has some serious concerns with the proposal as presented.

The change from a CSD plan including a diagram of survey, to a Record of Survey that relies on an as-yet undeveloped visualisation tool is a significant step-change to the current (entrenched) cadastral survey dataset plan package.

It is valid that some caution is identified for this proposal by the inclusion of reasonable transitional arrangements.

ICS Views: There was **general consensus** of opinion **against** this proposal to re-package CSD plan information into a Record of Survey, and to phase-out diagrams of survey with viewing software.

- premature and ill- conceived
- the main problem is Landonline dis-functionality. I believe it is vitally important that a visual plan as intended by the signing surveyor should be completed as part of any CSD. Interestingly how LINZ talk about the expectation of Lawyers, land owners, TAs etc with respect to “their” need for a title plan. What about us, the surveyor?
- I strongly support retaining a CSD plan which illustrates how the surveyor has arrived at their definition
- the proposed visualisation software needs to be well proven.
- confusion and duplication could be eliminated by simply separating the requirements of a cadastral survey from those of the wider CSD
- I am sceptical that there is truly a lack of support to retain CSD plan as LINZ say. I want to see the numbers
- would want to have any "visualisation" solution tested and proven before plans are phased out.
- seems alright as it is now.
- confusing and not consistent with Act
- survey (CSD) plan must be retained, if change required should be proven before removal of CSD plan.
- not enough detail on the future digital nature of this is known and also because of the continued functionality of traditional plans.
- not convinced it will work
- in reality, how many surveyors are indicating that CSD plan is expendable?
- experience tells us that when new software is introduced it will not work
- the intention may be sound, but the implementation and subsequent use will be disruptive to the cadastre for many years
- not until the alternative is explained, it's hard enough to understand some survey data now without a good survey plan to illustrate the definition.
- needs to be proven before removal, and even then, benefits of removal also need to be displayed.
- hard copies of survey data are essential for fieldwork, the diagram of survey shows the 'survey practice' of the underlying surveyor
- I have some trepidation regarding the abandonment of survey plans, but provided a well-tested and workable alternative viewing

	<p>software is available, this proposal is acceptable</p> <ul style="list-style-type: none"> • the survey plan has been a cornerstone for not only surveyors, but also to the Torrens System on which our land tenure system is based • plans have worked for 150 years, and continue to work well • many surveyors do indeed go out with survey plans and finder diagrams only to find marks • a diagram of survey is paramount to any surveyor, including the surveyor creating the dataset. • it is imperative that the signing surveyor still produces the cadastral survey plan as the intention of what the surveyor wants to depict. This will be lost through misinterpretation and lack of clarity from a purely automated generated system. • interesting that Land tenure managers, landowners, lawyers etc expect a title plan - what about what surveyors expectations being taken into consideration too. • to quote David Gates of Bread fame <i>'If a picture paints a thousand words'</i> • there are numerous ways of distributing error and generating a definition. To people with survey intelligence a plan illustrates significantly how the survey was carried out, the logic of definition, and how errors were distributed. Landonline and least squares show the holistic accuracy of the over CSD package, which can mask localised relative accuracy • a plan (and traverse sheet) are all part of 'good survey practice'
Key Points:	<p>Paragraph 60 refers to the complexity and duplication of the information to be provided for the CSD, CSD Plan, Diagram of Survey and Title Plan. It is suggested that much of this confusion and duplication could be eliminated by simply separating the requirements for cadastral survey from those of the wider CSD, as is envisaged by s49(1)(a) & s49(1)(b) of the CSA 2002.</p> <p>Paragraph 72 - The Record of Survey proposal set out in this paragraph will do nothing to reduce the complexity of the RCS 2010. It is in fact likely to increase confusion within the profession and needs to be dropped.</p> <p>Paragraph 74 - A Diagram of Survey is the preferred method of visualising how a survey was undertaken. Whatever visualisation tools are envisaged, the symbols, lines, text and colour to be utilised need to be included within the rules.</p> <p>Paragraph 75 - See comment above regarding the Record of Survey.</p> <p>Paragraph 76 - The current Title Plan requirements need repackaging to be consistent with s49(1) CSA 2002.</p>
Matters to Consider:	
<i>Simplify existing requirements?</i>	Unlikely – not in the short term and not when taking into account the significant new requirements
<i>Compliance costs reasonable?</i>	No – as above
<i>Looking to the future (technology and user</i>	Possibly – but at the expense of the integrity of the system

<i>expectations)?</i>	
<i>Contribute to the cadastre?</i>	No – detrimental to the cadastre

Proposal 8: Recording existing easements/covenants to be surrendered.	
Overview:	This proposal is supported.
ICS View:	<p>There was general consensus of opinion in support this proposal</p> <ul style="list-style-type: none"> • unsurprised it has been a source of requisition • good survey practice would include existing pre-Landonline underlying easements anyway • why not reference them in the Survey Report? • the survey report should not need to reference existing or surrendered covenants/easements, as land tenure managers can determine from the schedule was is being retained, proposed or surrendered • detailing legal interests is superfluous as conveyancers and solicitors do not refer to the survey report in their e-dealings
Key Points:	No specific key points.
Matters to Consider:	
<i>Simplify existing requirements?</i>	Yes
<i>Compliance costs reasonable?</i>	Yes
<i>Looking to the future (technology and user expectations)?</i>	Yes
<i>Contribute to the cadastre?</i>	Yes

Proposal 9: Recording survey marks not found.	
Overview:	This proposal is supported.
ICS View:	<p>There was general consensus of opinion in support this proposal.</p> <ul style="list-style-type: none"> • if a surveyor does not find a mark, doesn't mean it is not there. They may have been looking in the wrong place or not dug deep enough • I like the added functionality proposed in LoL. Duplication in the survey report is not onerous. The report could also include additional info such as "mark now under building foundations" • survey reports must have a section dedicated to old marks – it is an invaluable resource • it would be contrary to s7.2.c CSA 2002 to omit this part of the survey report
Key Points:	Paragraph 89 - It is agreed that such information should be available in

	Landonline. Paragraph 90 - The current requirement for the survey report to record old marks not located or searched for, is important information for the purposes of definition. To delete such information from the dataset of cadastral survey is not supported.
Matters to Consider:	
<i>Simplify existing requirements?</i>	Adds to existing requirements – but simplifies the recording procedure
<i>Compliance costs reasonable?</i>	Yes
<i>Looking to the future (technology and user expectations)?</i>	Yes
<i>Contribute to the cadastre?</i>	Yes

Proposal 10: Appellations for strata parcels.	
Overview:	This proposal is supported.
ICS View:	There was unanimous support of this proposal
Key Points:	Paragraph 96 - The principle seems sound, although it is felt the concept could be extended to Units, as it there appears to be little understanding by owners that these are currently restricted by height.
Matters to Consider:	
<i>Simplify existing requirements?</i>	Yes
<i>Compliance costs reasonable?</i>	Likely
<i>Looking to the future (technology and user expectations)?</i>	Yes
<i>Contribute to the cadastre?</i>	Yes

Proposal 11: Alternative appellation for units.	
Overview:	This proposal is supported.
ICS View:	There was unanimous support of this proposal
Matters to Consider:	
<i>Simplify existing requirements?</i>	Yes
<i>Compliance costs reasonable?</i>	Likely
<i>Looking to the future</i>	Yes

(technology and user expectations)?	
Contribute to the cadastre?	Yes

Proposal 12: Reinstatement surveys.	
Overview:	<p>The proposal addresses reinstatement surveys where there is no survey or title anomaly, but implies that surveys with anomalies remain acceptable (paragraph 112).</p> <p>This ICS has an established and long-held view that any definition with conflict should <u>not</u> be able to be recorded on a Survey Office plan. This is the key question that needs to be addressed.</p>
ICS Views:	<p>There was general consensus of opinion against this proposal to redefine boundaries on a Survey Office Plan where conflicts are encountered.</p> <ul style="list-style-type: none"> • you should only be able to reinstate a boundary where it was previously sufficiently well defined, and not in conflict. • as always, if a surveyor determines a change of distance or area or bearing (besides that of a bearing correction from OCD to Geodetic), then it is our job to redefine the parcel and create a new RT based on our expertise. It's what we do! • definitely not. (But acceptable if no dimension differences are found) • if there is conflict present, you are defining boundary, not redefining it. • definitely not • SO plans have no value whatsoever as they cannot support a new title • it's better to have the data in the system rather than a lot of old marks no record • support this proposal, as it will help incentivise people to record placement of boundary marks • do not agree that approval as to survey of a reinstatement CSD provides further confidence (at all). It means that it fits with your database. Approval as to survey means very little as far as definition is concerned. • we should not have a two tier system. I have seen on too many occasions, a search agent giving design professionals the underlying Deposited Title Plan upon which offsets and recession planes are calculated for the positioning of a new building. When engaged to set out such a building, an SO plan showing significant changes in definition for the same parcel leads to an entire reciting of the building position. To say the cost is onerous is weak. The cost in redesign and re siting of a fire station in Christchurch due to the SO not being recorded as a new DP - when significant title differences were determined was in the order of \$18k. We are the measurement experts. I am aghast that we as surveyors, and LINZ as the governing authority, entertain such surveys. It is a weak and feeble stance. You would not see an engineer advocating substandard foundations after gathered field evidence suggests that a stronger solution is necessary.

Key Points:	<p>Paragraph 111 – No anomaly - agree in principle.</p> <p>Paragraph 113 - Agree, but since it is not possible to reinstate a water boundary, nor an irregular boundary, such references could be omitted.</p>
Matters to Consider:	
<i>Simplify existing requirements?</i>	No – not for boundaries with conflict the cadastral survey industry
<i>Compliance costs reasonable?</i>	Likely – but only because the process for non-conflict surveys is clarified
<i>Looking to the future (technology and user expectations)?</i>	No – not if user expectations are that any plan can be the authoritative source of boundary information
<i>Contribute to the cadastre?</i>	No – continuation of SO datasets reporting boundary differences are only detrimental to the cadastre

Proposal 13: Defining ‘Source of adoptions’.	
Overview:	<p>The proposal is to not include a rule concerning the source CSD where information has been adopted.</p> <p>It is agreed that no specific rule is necessary – however some clarification (or ruling or guideline) would be sensible – and could be easily provided by the SG.</p>
ICS Views:	<p>There was general consensus of opinion in support of the proposal – but with a view that there is clarification via a guideline or ruling.</p> <p>There was general consensus of opinion that the survey/CSD that originally placed, measured or recalculated the vector is the source.</p> <ul style="list-style-type: none"> the source of adoption must be the plan which placed the mark, or first measured the line. Where a bearing adjustment has been applied, or where a line has been remeasured differently on a later survey, then that latter plan becomes the source I thought the originating plan was always the correct source to use (unless superseded and updated by subsequent measurement)
Key Points:	Paragraph 120 - It is more accurate and correct that the originating survey of the adoption be used, removing the need to backtrack through the record to find this
Matters to Consider:	
<i>Simplify existing requirements?</i>	Yes – not least for consistency
<i>Compliance costs reasonable?</i>	Neutral – easy to get it correct the first time
<i>Looking to the future (technology and user expectations)?</i>	Yes – reliability in captured information will be retained
<i>Contribute to the</i>	Yes – same reason as above

<i>cadastre?</i>	
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Proposal 14: Good survey practice.

Overview:	<p>The Regulator has a leadership role in espousing the benefits of good survey practice – along with the cadastral surveying profession.</p> <p>There is a need to reference good survey practice within the rules, complementing the current rule 6.1.</p> <p>An appropriate Rule would demonstrate to the profession that the Regulator has an understanding and expectation of it – albeit that it may be subjective, and used to enquire or requisition where poor practice is apparent.</p>
ICS View:	<p>It was a unanimous view that the Rules should contain a “good survey practice” rule.</p> <ul style="list-style-type: none"> • it will make the signing surveyor apply rules with more thought, question field and office staff and hopefully become more accountable for the surveys that are submitted • it is not until you are practicing as a LCS that you understand the importance of Good Survey Practice • if Good Survey Practice can be included as a Rule, the impact on the system will be positive • what about a “good survey definition” rule?
Key Points:	<p>Paragraph 124 – It is noted that older regulations (up to 2002) had a good survey practice rule which – although not defined - was an acceptable part of those regulations. Discretionary and subjective enforcement – by sufficiently trained/experienced LINZ Officers – was applied when necessary</p> <p>Paragraph 129 – Does this paragraph include an appropriate definition?</p>
Matters to Consider:	
<i>Simplify existing requirements?</i>	No – exacerbate (potentially) poor definition
<i>Compliance costs reasonable?</i>	Neutral
<i>Looking to the future (technology and user expectations)?</i>	Unlikely – if user expectations are for sound definition and measurement records
<i>Contribute to the cadastre?</i>	Unlikely – same reasons as above

Proposal 15: Hierarchy of evidence.

Overview:	There is no need to reference the hierarchy of evidence in rules, nor in Surveyor-General guidelines.
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ICS View:	It was a unanimous view that the Rules do not need to contain a specific rule codifying the hierarchy of evidence. <ul style="list-style-type: none"> The hierarchy of evidence is sufficiently documented elsewhere
Key Points:	No key points
Matters to Consider:	
<i>Simplify existing requirements?</i>	Neutral – presuming the hierarchy of evidence is understood by practitioners
<i>Compliance costs reasonable?</i>	Neutral
<i>Looking to the future (technology and user expectations)?</i>	Neutral
<i>Contribute to the cadastre?</i>	Neutral

Proposal 16: Other matters.

- 16.1 3D CSDs:**
- 16.2 Arc boundaries:**
- 16.3 Right-lining irregular boundaries:**
- 16.4 Occupation:**
- 16.5 Boundaries of large parcels:**
- 16.6 Water body centreline boundaries:**
- 16.7 Marginal strips:**
- 16.8 Surveyor’s certification:**

Overview:

ICS Views:	<p>16.1 3D CSD’s:</p> <ul style="list-style-type: none"> await STEP process development when this will be part of consultation <p>16.2 Arc boundaries:</p> <ul style="list-style-type: none"> agree that new arc boundaries are retained <p>16.3 Right-line irregular boundaries:</p> <ul style="list-style-type: none"> The requirements of Rule 6.7.a.i do not appear to be wise in terms of a recent Court decision there is a need to right line irregular boundaries where the lots were once large and are now residential in size. Property owners are always pushing the district plan requirements when they come to build and councils, architects need to have some certainty with lot boundaries. <p>16.4 Occupation:</p> <ul style="list-style-type: none"> the proposal to retain Rule 9.5 which the addition of noting “no occupation” is supported <p>16.5 Boundaries of large parcels:</p> <ul style="list-style-type: none"> may be appropriate to remove exceptions to become a SG standard (to simplify the Rules)
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	<p>16.6 Water body centreline boundaries:</p> <ul style="list-style-type: none"> • historic water body centreline boundaries should remain as irregular lines • I like the idea of centreline stream boundaries - but will these move with the stream or will they be fixed? What will happen when the stream moves suddenly – will they be right lined, and will landowners still have to go through the onerous and un-necessary claim process. If the stream moves will it be necessary to claim for accretion? <p>16.7 Marginal strips:</p> <ul style="list-style-type: none"> • we need to be pragmatic in how they are shown • the law was created to largely avoid the cost of survey <p>16.8 Surveyor’s certification:</p> <ul style="list-style-type: none"> • is fit-for-purpose • surveyor shouldn't be liable for the accuracy of legal instruments/schedules • what is being certified by the Cadastral Surveyor is the dataset of cadastral survey, not the complete CSD • it’s the only protection we have • the LCS cannot certify data prepared or modified by another party.
<p>Key Points:</p>	<p>Paragraph 146 - Paragraph 144 highlights the requirement for right-lining existing irregular boundaries on subdivision has been in place since 2002. It is noted in paragraph 138 that "where there is an absence of rules of law or the law is not clear, it is not appropriate for cadastral rules, as secondary (subserving) legislation, to establish law".</p> <p>As there appears to be no law or legal precedent requiring the right-lining of irregular boundaries on subdivision, it would be a prudent time to disestablish such a practice from cadastral rules.</p> <p>Paragraph 157 - Agree that existing certification should be retained. (It should however be noted that it is the ICS view that it is not the CSD as defined in s4 of the CSA 2002 that is being certified by the Cadastral Surveyor, but the dataset of cadastral survey, as referred to in paragraph 156 of the consultation document ("not responsible for the accuracy and correctness of other material that are not normally considered part of the cadastral survey that is <u>bundled</u> by Landonline within a CSD")).</p>

Additional Comments:

1) ICS Observations

We recall that the original catalyst for a Rules Review was that it was largely triggered by a need to clarify the wording and definition and understanding of the current rules – not necessarily advancing the Rules themselves.

It could be considered that the proposed Rule changes promoted in Stage 1 and Stage 2 are more of a reflection on impending process changes (eg: STEP) than the need to update or correct the Rules alone.

It is also apparent from the proposal wording an informal LINZ commentary that the proposed changes are probably not up for debate – and that the changes will be implemented in some form or other in order to accommodate the various drivers of Landonline development and Government/Departmental requirements.

2) Reformatting of the Rules

The ICS has recognised the need for the reformatting the Rules for Cadastral Survey for some time, and our website contains a project (RCS 2018) which repackaged the RCS 2010 into a format which is consistent with s4 and s49(1) of the CSA 2002. This format reduces complexity; removed duplication; includes aspects previously omitted; and is consistent with how a Cadastral Surveyor undertakes a cadastral survey.

A summary of the structure is attached at the end of this document as “*Appendix A*” that depicts the schema – for your information and reference.

3) Technology Independent Rules

Prior Rules have been deliberately formulated to be independent of technology. This is to account for the evolution of tools and methods that could deliver the appropriate outcome in terms of meeting the accuracy standards and other requirements.

We contend that technology independent rules must continue to remain the policy or intention, as the creation of rules that dictate or imply that specific technologies be used (eg: connections by GNSS) is inequitable.

The Rules for Cadastral Survey must be independent of technological advances; be in accordance with the laws of New Zealand; and allow the Licensed Cadastral Surveyor to freely exercise their professional judgement as embodied by Rule 6.1 and empowered by the CSA 2002.

4) Compliance Costs

We appeal for greater consideration as to the overarching compliance costs that practitioners face with every change to the rules; processes; and platforms related to cadastral surveying. Whilst we acknowledge that training and technology maintenance is an important part of any business, the flow-on cost and time impacts onto survey practices as a result of major changes to systems and applications can be profound – especially on the small to medium enterprises.

5) Cadastral Survey Dataset (CSD)

The mixing of cadastral survey requirements and the wider CSD requirements in a single set of cadastral rules leads to much of the profession's confusion with the current RCS 2010.

For example, in a cadastral survey sense, a survey mark is new, old or adopted, while in a Landonline sense, an adopted mark can currently be defined by survey, defined by adoption, or accepted.

In line with the requirements of s49(1)(a) and s49(1)(b) of the CSA 2002, we contend that cadastral survey and the wider CSD information needs to be separated in the new rules being promulgated.

An additional benefit of such a separation is that any changes in the Landonline / ASaTS / STEP system will not require change to the rules relating to the cadastral survey component of the CSD.

6) s7(2)(c) CSA 2002

While the consultation document makes reference to the use of cadastral survey data for purposes other than cadastral surveys (as set out in s7(2)(d) of the CSA 2002), the powers expressed in that clause require a consideration of the "the efficiency with which costs and benefits of those measures will be allocated among the Crown, cadastral surveyors, current and future owners of land, and other parties" as set out in s7(2)(c) of the CSA 2002.

This would mean that any rules that are not directly cadastral survey related would require an assessment of how the costs and benefits of those rules are allocated, including how additional costs could be transferred from the listed parties to the cadastral surveyor.

As a key stakeholder, the ICS would appreciate being kept informed of any analysis that report this consideration.

APPENDIX A: CSD SCHEMA

