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Pat Sole
President
Institute of Cadastral Surveying (Inc)
By email: president@ics.org.nz

Dear Mr Sole

Accretion and Erosion Guideline 2018 LINZG20783: ICS' 12/11/2018 Letter

I have reviewed your 12 November 2018 letter, and sought input on the issues from the Office of the Surveyor-General. Thank you for your feedback.

Your key concern is whether our requirement for the applications to be supported by evidence that the land has a movable water boundary (para 1.1.5.1) will deprive owners of rights in the situation you describe (in italics below). You see our definition of movable water boundary, "*a moveable boundary defined as the edge of the water, in contrast to a fixed water boundary*"¹ contributing to your concern.

When water boundaries have moved on resurvey, in some circumstances surveyors have been directed by LINZ to right-line and/or peg previous water boundary positions. This direction either (most recently) through the Rules for Cadastral Survey 2010 or modern guidance/guidelines issued by LINZ in some Land Districts – generally North Auckland and South Auckland.

As you have noted, the law requires applicants to have a water boundary, and the intention of our definition and guidance was to capture that. We did not intend to limit it in the manner you have suggested nor affect the current applicable survey requirements (such as rule 6.7 "Water Boundaries" of the Cadastral Survey Rules 2010).

To avoid any doubt, we propose amending our guideline by removing the definitions of fixed and movable water boundaries, and retaining the requirement for a "movable water boundary" in para 1.1.5.1. We anticipate publishing a new version in the next couple of months.

We trust this addresses your concerns.

Yours sincerely



Robbie Muir
Registrar-General of Land

Cc Brent George, Secretary Institute of Cadastral Surveying (Inc) president@ics.org.nz

¹ Fixed water boundary is defined as "*an immovable boundary near water that has been defined by survey along a defined line, and where it is not intended that the boundary be the edge of the water*".

