

Version
as at 23 December 2023



Canterbury Property Boundaries and Related Matters Act 2016

Public Act 2016 No 40
Date of assent 29 August 2016
Commencement see section 2

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This Act is administered by Land Information New Zealand.

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Canterbury Property Boundaries and Related Matters Act 2016.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

Part 1

Preliminary provisions

3 Purpose

The purpose of this Act is to—

- (a) provide certainty to surveying and titles in greater Christchurch following the Canterbury earthquakes:
- (b) support the planning, rebuilding, and recovery of affected communities, including the repair and rebuilding of land, infrastructure, and other property in greater Christchurch:
- (c) maintain public confidence in the cadastre.

4 Interpretation

In this Act, unless the context otherwise requires,—

cadastral survey and **cadastre** have the meanings given by section 4 of the Cadastral Survey Act 2002

Canterbury earthquakes means any earthquake in Canterbury in the period starting on 4 September 2010 and ending on 13 February 2022, and includes any aftershock in that period

greater Christchurch means the districts of the Christchurch City Council, the Selwyn District Council, and the Waimakariri District Council, and includes the coastal marine area adjacent to those districts

interim period means the period starting on 4 September 2010 and ending on the commencement of this Act

landslip means the movement by way of falling, sliding, or flowing of materials that—

- (a) formed an integral part of the ground before the movement; but
- (b) had become loose material after the movement (other than by liquefaction).

5 Transitional, savings, and related provisions

The transitional, savings, and related provisions (if any) set out in Schedule 1 have effect according to their terms.

6 Act binds the Crown

This Act binds the Crown.

Part 2

Boundary movement provisions

Boundaries to be determined on basis of boundary movement

7 Application of boundary provisions

Sections 8 and 9 apply to all boundaries that determine the spatial extent of land (whether horizontal or vertical boundaries, and including moveable boundaries), including the boundaries—

- (a) in any cadastral survey or the cadastre; or
- (b) of any estate or interest in land or any title to land.

8 Boundaries redefined as moving with movement of land caused by Canterbury earthquakes

- (1) The boundaries within greater Christchurch on and from the commencement of this Act are redefined as set out in this section.
- (2) The boundaries are deemed to have moved or to move with the movement of land caused by the Canterbury earthquakes (whether the movement was horizontal or vertical, or both), unless the movement was a landslip.
- (3) To avoid doubt, nothing in this section affects—
 - (a) the validity of an estate or interest in land, and the land (as moved) continues to be the same land, and affected by the same interests, as before the movement:

- (b) the boundaries within greater Christchurch before the commencement of this Act.
- (4) This section applies—
 - (a) despite any other enactment, but subject to section 9; and
 - (b) despite any rule of law.

9 Approved interim survey continues to determine boundaries

- (1) A cadastral survey continues to determine the boundaries of any land surveyed within greater Christchurch if the survey satisfies the following (an **approved interim survey**):
 - (a) it was done in good faith and without negligence in the interim period; and
 - (b) its cadastral survey dataset was determined to be compliant under section 9(a) of the Cadastral Survey Act 2002 in the interim period.
- (2) However, this Act does not remove any conflict between the following boundaries (a **boundary conflict**):
 - (a) the boundaries determined by an approved interim survey; and
 - (b) any boundaries as redefined by section 8 or as determined by another approved interim survey.
- (3) Subsection (1) does not prevent a boundary conflict from being resolved, and a boundary conflict between the boundaries that define land for the purposes of registration under the Land Transfer Act 2017 is to be treated as an error or unlawful alteration to the register for the purposes of—
 - (a) section 21 of that Act, which gives the Registrar-General of Land a power to alter the register; and
 - (b) sections 58 and 59 of that Act, which give a person who sustains certain losses a right to claim compensation from the Crown.
- (4) For the purpose of subsection (3), **boundaries that define land for the purposes of registration under the Land Transfer Act 2017** means the boundaries shown on a plan deposited under section 224 of that Act or otherwise incorporated in the register kept under that Act.

Section 9(3): replaced, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 9(4): inserted, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

10 Boundary adjustment that follows moved boundaries is not subdivision

A boundary adjustment that removes a boundary conflict referred to in section 9 by adjusting the boundary to comply with section 8 is not a subdivision of land for the purposes of section 11 or Part 10 of the Resource Management Act 1991.

Section 10: amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Earlier surveys and boundary determinations

11 No liability in relation to certain earlier surveys and boundary determinations

- (1) This section applies to a cadastral survey or boundary determination of land in greater Christchurch—
 - (a) that was done in the interim period; and
 - (b) that was done on the basis that boundaries did, or did not, move with the movement of land caused by the Canterbury earthquakes (the **basis**).
- (2) No person is liable for performing or approving the survey or determination if the liability would not have arisen had the survey or determination been done on the opposite basis.
- (3) No person is liable for anything done or not done in the interim period in reliance on the survey or determination if the liability would not have arisen had the survey or determination been done on the opposite basis.
- (4) To avoid doubt, this section—
 - (a) removes any liability under section 52 of the Cadastral Survey Act 2002 or section 7 of the Crown Grants Act 1908; but
 - (b) does not remove liability for any negligence, bad faith, misconduct, or breach of legal obligations or professional standards that does not relate to whether boundaries did, or did not, move with the movement of land caused by the Canterbury earthquakes.
- (5) In this section, **approving** means determining compliance under section 9(a) of the Cadastral Survey Act 2002.

Related amendment to Cadastral Survey Act 2002

12 Section 7 amended (Functions and duties of Surveyor-General)

- (1) This section amends the Cadastral Survey Act 2002.
- (2) After section 7(1)(g), insert:
 - (ga) to issue guidelines about standards set by the Surveyor-General under this Act:
- (3) After section 7(2), insert:
 - (3) Guidelines issued under section 7(1)(ga) do not have legal effect.

Schedule 1
Transitional, savings, and related provisions

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Part 1
Provisions relating to Act as enacted

1 No transitional, savings, or related provisions

There are no transitional, savings, or related provisions relating to this Act as enacted.

Notes

1 *General*

This is a consolidation of the Canterbury Property Boundaries and Related Matters Act 2016 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 *Amendments incorporated in this consolidation*

Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68): section 6

Land Transfer Act 2017 (2017 No 30): section 250