



SURVEY AND SPATIAL NEW ZEALAND

17 June 2021

NEW ZEALAND CADASTRAL LAW EXAM

WRITTEN EXAMINATION

**CANDIDATES ARE REQUIRED TO ANSWER QUESTION 1
AND ANY OTHER FOUR (4) OF QUESTIONS 2 TO 6.**

THE EXAM IS WORTH A TOTAL OF 100 MARKS.

THE MINIMUM PASS MARK IS 60 (60%).

All questions are worth twenty (20) marks each.

Should all questions be attempted, Question 1 and only the first 4 questions in the order they appear will be marked, unless it is clearly indicated that any particular attempted answer should not be marked.

A maximum of two (2) hours is allowed to complete the exam.

Question 1 – COMPULSORY

Rules for Cadastral Survey 2010, Surveyor-General's Rulings, & Standard for Lodgement of Cadastral Survey Datasets 2013 (Lodgement Standard)

Total 20 marks

- 1a. What is the definition of a “vector”, as defined in the Rules for Cadastral Survey 2010 Terms and Definitions? (1 mark)
- 1b. What is the definition of “official geodetic projection”, as defined in the Rules for Cadastral Survey 2010 Terms and Definitions? (1 mark)
- 1c. Rule 6.1 Rules for Cadastral Survey 2010 lists three duties of a surveyor when defining a boundary by survey. What are these three duties? (3 marks)
- 1d. Rule 6.5(a) Rules for Cadastral Survey 2010 requires a parcel boundary to be defined in its horizontal extent by one of five types of boundary. List four of these types of boundaries. (2 marks)
- 1e. Rule 7.2(a) Rules for Cadastral Survey 2010 deals with new boundary marks and lists four mark types that are acceptable. List the four acceptable mark types? (2 marks)
- 1f. Rule 7.3.3(b) Rules for Cadastral Survey 2010 details the requirements relating to Witness marks which must be in a different position to the new boundary point. List the three requirements for a witness mark so that it can be reasonably expected to survive and remain useable. Also state how long a witness mark can be reasonably expected to survive and remain useable. (2 marks)
- 1g. What vector information must a CSD Plan include to be able to satisfy Rule 9.3 Rules for Cadastral Survey 2010? (3 marks)
- 1h. Rule 11.2 Rules for Cadastral Survey 2010 states that a cadastral survey for a monumentation CSD is exempt from compliance with certain rules. List four of the rules that a monumentation CSD is not required to comply with. (2 marks)
- 1i. The retention of field information is covered in Rule 14 Rules for Cadastral Survey 2010. State how the retention of field information must be undertaken. (2 marks)
- 1j. Rule 2(a) Standard for Lodgement of Cadastral Survey Datasets 2013 sets out the two intended users of this standard. Who are these two users, and for what purpose is it used? (2 marks)

Question 2

Parts 1, 2, 4, 5 and 6 and Schedule 2 Cadastral Survey Act 2002

Total 20 marks

- 2a. For the purposes of the Cadastral Survey Act 2002, what is the meaning of “cadastre”, as specified in Section 4 of that Act? (1 mark)
- 2b. Section 7 Cadastral Survey Act 2002 deals with functions and duties of the Surveyor-General. In exercising his or her functions under subsection (2), the Surveyor-General must have regard to four matters. What are they? (4 marks)
- 2c. Section 11(1) Cadastral Survey Act 2002 deals with the functions and duties of the Cadastral Surveyors Licensing Board. List six of the seven functions and duties of the Board. (3 marks)
- 2d. If the Cadastral Surveyors Licensing Board, after conducting a hearing in accordance with Part 4 of this Act, is satisfied that a licensed cadastral surveyor has been guilty of professional misconduct, the Board may order an appropriate course of disciplinary action. Section 39(2) Cadastral Survey Act 2002 lists three types of orders that can be imposed on a licensed cadastral surveyor. What can the Cadastral Surveyors Licensing Board order? (3 marks)
- 2e. If an error is found in a cadastral survey dataset affecting any title under the Land Transfer Act 2017 or any title or tenure under any other Act, Section 52(1) Cadastral Survey Act 2002 allows the Surveyor-General to require a remedy. What may the Surveyor-General require in the event that an error has been found? (2 marks)
- 2f. An infringement offence, as defined under Section 59 Cadastral Survey Act 2002, is an offence under any of Sections 54 to 57 Cadastral Survey Act 2002. List the four types of offences under these sections. (2 marks)
- 2g. The offence of placing false cadastral survey marks is dealt with under Section 56 Cadastral Survey Act 2002. What are the criteria set out in this section that determines the placement of a peg or mark to be an offence? (2 marks)
- 2h. Section 58 Cadastral Survey Act 2002 deals with offences relating to terms implying that a person is a licensed cadastral surveyor and is therefore liable on conviction to be fined. List the three situations that this applies to. (3 marks)

Question 3

Parts 2, 3, 6 and 10 and Schedule 4 Resource Management Act 1991

Total 20 marks

- 3a. In achieving the purpose of this Act, Section 6 Resource Management Act 1991 states that all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognize and provide for matters of national importance. List the eight matters of national importance that needs to be considered. (4 marks)
- 3b. Under Section 11(1)(a) Resource Management Act 1991, no person may subdivide land within the meaning of Section 218 of that Act unless the subdivision meets certain criteria. What are these criteria? (2 marks)
- 3c. In certain circumstances, as specified in Section 106(1) Resource Management Act 1991, the consent authority may refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions. What are the two circumstances stated in that subsection that could result in a subdivision consent not being granted? (2 marks)
- 3d. In Section 218(1) Resource Management Act 1991, the term “subdivision of land” is defined as meaning the division of an allotment in any one of five ways. List four of them. (4 marks)
- 3e. Esplanade strips are created under Section 232 Resource Management Act 1991. State the six requirements of subsection (2) for an instrument creating an esplanade strip. (3 marks)
- 3f. Esplanade reserves to vest on subdivision are dealt with under Section 231 Resource Management Act 1991. State the status of esplanade reserves and who shall administer them. (2 marks)
- 3g. Section 4 within Schedule 4 Resource Management Act 1991 deals with additional information that is required to be included in applications for subdivision consent. List six of these matters that are specifically required. (3 marks)

Question 4

Part 1, Subparts 1 to 11 of Part 2 and Schedule 1 Unit Titles Act 2010

Total 20 marks

- 4a. List the meanings of the following terms provided in Section 5(1) Unit Titles Act 2010 for
(a) Accessory unit
(b) Common property
(c) Future development unit (3 marks)
- 4b. Section 8(1) Unit Titles Act 2010 lists four meanings of redevelopment of a unit title development. What are these four meanings? (4 marks)
- 4c. Section 32 Unit Titles Act 2010 defines instances where a unit plan for the subdivision of land must not be deposited, whilst Section 32(1) of that Act describes restrictions relating to the record of title in which the land is held. List these four restrictions. (4 marks)
- 4d. Section 60(2) Unit Titles Act 2010 requires the Registrar to record any easements or covenants that affect the base land over which a unit title development is registered. How should these easements or covenants be recorded? (1 mark)
- 4e. Under Section 61(1) Unit Titles Act 2010, who may vary, surrender or assign any easement or vary or revoke any covenant that exist before the deposit of a unit plan? (1 mark)
- 4f. Section 65 Unit Titles Act 2010 deals with redevelopment that requires amendments to a unit title plan. Section 65(1) of the Act identifies three conditions for when a redevelopment for the adjustment of a boundary between units can be completed by the deposit of an amendment to a unit plan. List the three conditions that apply. (3 marks)
- 4g. Section 66 Unit Titles Act 2010 lists four requirements for an amendment to a unit plan under Section 65 of that Act. List these four requirements. (4 marks)

Question 5

Parts 4 and 4A Conservation Act 1987 and Part 3 Reserves Act 1977

Total 20 marks

- 5a. Sections 19 to 23B Conservation Act 1987 describes seven specially protected areas. List six of these specially protected areas? (3 marks)
- 5b. The nominal width of marginal strips and details of where marginal strips must be reserved from the sale, or other disposition of any land, by the Crown are covered under Section 24(1) Conservation Act 1987. What is the nominal width required for marginal strips and where must they be reserved from sale? (3 marks)
- 5c. Under Section 24A(1) Conservation Act 1987, who may reduce the width of a marginal strip, and what is the minimum width to which any marginal strip may be reduced to? (2 marks)
- 5d. Section 24C Conservation Act 1987 defines the three purposes for marginal strips. Describe the three purposes of marginal strips under that section. (3 marks)
- 5e. Section 24G Conservation Act 1987 sets out what occurs when the foreshore, margin of a lake or reservoir, as well as the course of a river or stream is altered, and how that alteration affects an existing marginal strip. Describe what occurs to the adjoining marginal strip when it is affected by the alteration of a river or stream only. (3 marks)
- 5f. List six of the seven reserve classifications as set out under Sections 17 to 23 Reserves Act 1977. (3 marks)
- 5g. The purpose for nature reserves is set out under Section 20(1) Reserves Act 1977. State the purpose of these reserves and their intentions. (2 marks)
- 5h. Section 61(2A) Reserves Act 1977 sets out to whom and for what purposes a local purpose reserve may be leased. List the two situations that are permitted to be leased under this section of the Act. (1 mark)

Question 6

Parts 1 and 2 Marine and Coastal Area (Takutai Moana) Act 2011

Total 20 marks

- 6a. Section 4(1) Marine and Coastal Area (Takutai Moana) Act 2011 identifies four purposes of this Act. List these four purposes. (4 marks)
- 6b. List the meanings for the two following terms, as defined within Section 9(1) Marine and Coastal Area (Takutai Moana) Act 2011.
(a) Marine and coastal area (4 marks)
(b) Common marine and coastal area (4 marks)
- 6c. Section 11 Marine and Coastal Area (Takutai Moana) Act 2011 defines the special status of the common marine and coastal area. Section 11(5) of that Act however identifies six rights and powers that are **not** affected by this special status. List three of these rights and powers. (3 marks)
- 6d. What is not considered to be part of the marine and coastal area, on the commencement of the Marine and Coastal Area (Takutai Moana) Act 2011, as stipulated under Section 14(1) Marine and Coastal Area (Takutai Moana) Act 2011? (1 mark)
- 6e. Under Section 19(1) Marine and Coastal Area (Takutai Moana) Act 2011 who is deemed to be the owner of any abandoned structures within the common marine and coastal area? (1 mark)
- 6f. Section 26(1) Marine and Coastal Area (Takutai Moana) Act 2011 defines the rights of access for individuals to the marine and coastal area. List the three individual rights of access allowed under this section of the Act. (3 marks)