



## **SURVEY AND SPATIAL NEW ZEALAND**

**20 June 2019**

### **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 “permanent structure”, as defined in the Rules for Cadastral Survey 2010 Terms and Definitions? (1 mark)

“a building or recognisable physical structure that is likely to remain undisturbed for 50 years or more”.

- 1b. What is the definition of “official geodetic projection” as defined in the Rules for Cadastral Survey 2010 Terms and Definitions? (1 mark)

“a projection in terms of an official geodetic datum approved by the Surveyor-General for use in a specific area and in force at the time of the survey”.

- 1c. What are the minimum widths for new primary parcels at their widest part as described in Rule 5.4(a) Rules for Cadastral Survey 2010? (1 mark)

“a new primary parcel must be at least 0.10 m wide at its maximum width where its boundaries are class A, or 0.20 m where its boundaries are class B, C or D”.

- 1d. Rule 6.1 Rules for Cadastral Survey 2010 lists three tasks that a surveyor needs to undertake when defining a boundary by survey. What are these three tasks? (3 marks)

- (a) gather all evidence relevant to the definition of the boundary and its boundary points, (1 mark)
- (b) interpret that evidence in accordance with all relevant enactments and rules of law, and (1 mark)
- (c) use that evidence to determine the correct position of the boundary and the boundary points in relation to other boundaries and boundary points. (1 mark)

- 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)

- (i) a wooden peg, chamfered at the top, with a minimum width of 45 mm and at least 3000 mm<sup>2</sup> in cross section, or (½ mark)
- (ii) a post, or (½ mark)
- (iii) any other type of peg that is clearly labelled as boundary mark, or (½ mark)
- (iv) if (i), (ii) and (iii) are impractical, any other type of mark which must, if practical, be clearly labelled as a boundary mark. (½ mark)

1f. Must an adopted boundary point, which is on a primary parcel boundary that is being defined by survey, be witnessed? (1 mark)

Yes. Rule 7.3.1(a) Rules for Cadastral Survey 2010 requires that “every boundary point on a primary parcel boundary that is being defined by survey” must be witnessed.

1g. Rule 7.5(a) Rules for Cadastral Survey 2010 deals with unique survey mark names and lists two types of marks that must be given a name. What are these two types of marks that must be given a name? (2 marks)

- (i) a new PRM, new witness mark or new non-boundary survey point, and (1 mark)
- (ii) a renewed, reinstated or disturbed PRM, witness mark, or non-boundary mark. (1 mark)

1h. When compiling a survey report for a CSD, pursuant to Rule 8.2(a) Rules for Cadastral Survey 2010, what must the survey report contain in relation to old survey marks? (3 marks)

- (i) reasons for not relying on an old survey mark, (1 mark)
- (ii) information about old survey marks not located or reasons why they were not searched for, (1 mark)
- (iii) an assessment of the adequacy of the number and location of old survey marks used to define boundaries. (1 mark)

1i. Rule 9.4 Rules for Cadastral Survey 2010 deals with boundary information on CSD Plans. What boundary information must a CSD Plan include? (3 marks)

- (a) the accuracy class of each boundary, (1 mark)
- (b) the source CSD type and number for each adopted permanent structure boundary, adopted water boundary, and adopted irregular boundary, including where these are accepted, and (1 mark)
- (c) a description of the physical feature where it defines a water boundary. (1 mark)

1j. Rule 4.6 Standard for Lodgement of Cadastral Survey Datasets 2013 lists three survey information details that need to be captured in the header of the CSD. What are these three survey information details? (3 marks)

- (a) dataset description, which includes
  - (i) parcel appellations for all new primary parcels,
  - (ii) the survey purpose for land transfer CSDs, and
  - (iii) the legal description of the land under survey for land transfer CSDs; (1 mark)
- (b) survey purpose; (1 mark)
- (c) dataset type. (1 mark)

## Question 2

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

#### Total 20 marks

- 2a. What are the two definitions for “licensed cadastral surveyor” or “cadastral surveyor” as specified in Section 4 Cadastral Survey Act 2002? (1 mark)
- (a) licensed as a cadastral surveyor under Part 3; or (½ mark)
  - (b) deemed to be licensed as a cadastral surveyor under that Part (½ mark)
- 2b. 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)
- (a) to maintain a register of cadastral surveyors licensed under this Act: (½ mark)
  - (b) to receive applications for licences under this Act as cadastral surveyors and to issue licences in proper cases: (½ mark)
  - (c) to set fees for the issue and renewal of licences under this Act: (½ mark)
  - (d) to issue and update standards that persons applying for licences, or the renewal of licences, under this Act must meet: (½ mark)
  - (e) to investigate complaints about cadastral surveyors and take disciplinary action in appropriate cases under this Act: (½ mark)
  - (f) to provide statistical information to the Minister about cadastral surveyors as requested by the Minister: (½ mark)
  - (g) to perform any other functions or duties conferred on it by this Act or any other enactment. (½ mark)
- 2c. Section 53(1) Cadastral Survey Act 2002 provides for a cadastral surveyor to obtain authorization, either generally or specifically, from the Surveyor-General to enter land for the purpose of conducting a cadastral survey, or the installation of a survey mark. Outline the powers that are attached to this authority. (2 marks)
- (a) enter and re-enter any land at reasonable times, with or without any assistants, aircraft, boats, vehicles, appliances, machinery, and equipment that are reasonably necessary for the conduct of the cadastral survey or to install the survey mark; and (1 mark)
  - (b) on any land, do all things necessary or required of him or her for the proper conduct of the cadastral survey or the installation of the survey mark. (1 mark)
- 2d. A person exercising any powers under Section 53(1) Cadastral Survey Act 2002 must produce evidence of his or her identity and authority to exercise the powers conferred within this section. List the two procedures that should be followed as stipulated under subsection 4. (2 marks)
- (a) if practicable on first entering the land or premises; and (1 mark)
  - (b) whenever subsequently reasonably requested to do so. (1 mark)

- 2e. 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)

Section 54 – Obstruction of cadastral surveyor. (½ mark)

Section 55 – Interference with survey marks. (½ mark)

Section 56 – False cadastral survey marks. (½ mark)

Section 57 - Unlicensed persons not to act as licensed cadastral surveyors. (½ mark)

- 2f. 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)

(a) not being a licensed cadastral surveyor, uses, or causes or permits to be used, written words, titles, or initials, or an abbreviation of words, title, or initials, that are intended to cause or may reasonably cause a person to believe that the person using them is a licensed cadastral surveyor or is qualified to act as a licensed cadastral surveyor: (1 mark)

(b) knowing that another person is not licensed under this Act, and with the intent to deceive, makes a statement or does an act calculated to suggest that the other person is a cadastral surveyor or is licensed under this Act; or (1 mark)

(c) with intent to deceive, makes use of a licence issued to him or her or to another person under this Act. (1 mark)

- 2g. What is the maximum fine that can be imposed for anybody that commits an offence under Section 58 Cadastral Survey Act 2002? (1 mark)

Fine not exceeding \$5000.

- 2h. Pursuant to Schedule 2 Cadastral Survey Act 2002, a licensed cadastral surveyor is guilty of professional misconduct if the cadastral surveyor is found in any proceedings or appeal under Part 4 of that Act. List six of these circumstances as to what these matters relate to. (6 marks)

(a) to have been negligent in the conduct of, or failure to conduct, any cadastral survey: (1 mark)

(b) to have certified to the accuracy of any cadastral survey or cadastral survey dataset without having personally carried out or directed the cadastral survey and the related field operations: (1 mark)

(c) to have certified to the accuracy of any cadastral survey or cadastral survey dataset without having carried out sufficient checks to ensure the accuracy of the entries in any field book and the accuracy of all calculations, working plans, and other cadastral survey records that may have been made by any person employed by him or her in relation to the cadastral survey: (1 mark)

(d) to have certified to the accuracy of any cadastral survey carried out by the cadastral surveyor or under his or her personal direction if the operation of pegging and ground marking, and all other requirements of the cadastral survey, have not been carried out in accordance with standards set under Part 5: (1 mark)

(e) to have certified to the accuracy of any cadastral survey or cadastral survey dataset, knowing it to be defective: (1 mark)

- (f) to have made any entry in any field book or other record that purports to have been derived from actual observation or measurement in the field, if in fact it has not been so derived: (1 mark)
- (g) to have supplied to the Surveyor-General or the chief executive any erroneous information in relation to any cadastral survey, cadastral survey mark, or boundary, knowing the information to be erroneous in any material particular: (1 mark)
- (h) to have been convicted of any offence against section 31 or Section 58(b) or (c): (1 mark)
- (i) to have failed to comply with any conditions imposed by the Board under Section 39(2)(c) or 7 or the High Court on any appeal against an order under Section 39: (1 mark)
- (j) to have failed to comply with any requirement imposed under Section 52: (1 mark)
- (k) to have persistently exercised the powers of entry conferred by Section 53 in an unreasonable manner: (1 mark)
- (l) to have failed, without reasonable cause, to perform any duty imposed on licensed cadastral surveyors by standards set by rules made under Section 49. (1 mark)

### Question 3

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

#### Total 20 marks

- 3a. State the purpose of this Act, as specified in Section 5 Resource Management Act 1991? (1 mark)

The purpose of this Act is to promote the sustainable management of natural and physical resources.

- 3b. 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)

- (a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use and development: (½ mark)
- (b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development: (½ mark)
- (c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna: (½ mark)
- (d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers: (½ mark)
- (e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga: (½ mark)
- (f) the protection of historic heritage from inappropriate subdivision, use and development: (½ mark)
- (g) the protection of protected customary rights: (½ mark)
- (h) the management of significant risks from natural hazards. (½ mark)

- 3c. List four classes of activities as stated under Section 87A Resource Management Act 1991 for which resource consents would be required. (2 marks)

- Controlled activity. (½ mark)
- Restricted discretionary activity. (½ mark)
- Discretionary activity. (½ mark)
- Non-complying activity. (½ mark)

Note – a permitted activity does not require resource consent.

- 3d. State which sections of the Resource Management Act 1991 that allow a consent authority to return an incomplete resource consent application, or request further information, or agreement, when processing a resource consent application. (2 marks)

Section 88 Resource Management Act 1991 (return of an incomplete resource consent application). (1 mark)

Section 92 Resource Management Act 1991 (request for further information, or agreement to a resource consent application). (1 mark)

- 3e. Section 224(c) Resource Management Act 1991 states that the Chief Executive or other authorized officer of the territorial authority can issue a certificate under this section providing certain criteria are met. What are these criteria? (3 marks)

There is lodged with the Registrar-General of Land a certificate signed by the chief executive or other authorized officer of the territorial authority stating that it has **approved the survey plan under section 223** (½ mark) (which approval states the date of approval), and **all or any of the conditions of the subdivision consent have been complied with** (½ mark) **to the satisfaction of the territorial authority** (½ mark) and that in respect of such conditions that have not been complied with –

- (i) a **completion certificate** has been issued in relation to such of the conditions to which section 222 applies: (½ mark)
- (ii) a **consent notice** has been issued in relation to such of the conditions to which section 221 applies: (½ mark)
- (iii) a **bond** has been entered into by the subdividing owner in compliance with any condition of a subdivision consent imposed under section 108(2)(b). (½ mark)

- 3f. In accordance with Section 245(2) Resource Management Act 1991, what must a plan of survey, in respect of land that has been reclaimed, show and define when it is submitted to the consent authority for approval? (2 marks)

The plan of survey referred to in subsection (1) shall be prepared in accordance with regulations made under the Cadastral Survey Act 2002 relating to survey plans within the meaning of those regulations and shall show and define –

- (a) the area reclaimed, including its location and the position of all new boundaries; and (1 mark)
- (b) the location and size of the portion of any area which is required as a condition of a resource consent to be set aside as an esplanade reserve or created as an esplanade strip. (1 mark)

- 3g. Section 2(1) within Schedule 4 Resource Management Act 1991 deals with information that are required to be included in all resource consent applications. List six of these requirements. (3 marks)

- (a) a description of the activity: (½ mark)
- (b) a description of the site at which the activity is to occur: (½ mark)
- (c) the full name and address of each owner or occupier of the site: (½ mark)
- (d) a description of any other activities that are part of the proposal to which the application relates: (½ mark)
- (e) a description of any other resource consents required for the proposal to which the application relates: (½ mark)
- (f) an assessment of the activity against the matters set out in Part 2: (½ mark)
- (g) an assessment of the activity against any relevant provisions of a document referred to in Section 104(1)(b). (½ mark)



3h. Section 4 within Schedule 4 Resource Management Act 1991 deals with additional information that are required to be included in applications for subdivision consent. List six of these matters that are specifically required. (3 marks)

- (a) the position of all new boundaries: (½ mark)
- (b) the areas of all new allotments, unless the subdivision involves a cross lease, company lease, or unit plan: (½ mark)
- (c) the locations and areas of new reserves to be created, including any esplanade reserves and esplanade strips: (½ mark)
- (d) the locations and areas of any existing esplanade reserves, esplanade strips, and access strips: (½ mark)
- (e) the locations and areas of any part of the bed of a river or lake to be vested in a territorial authority under section 237A: (½ mark)
- (f) the locations and areas of any land within the coastal marine area (which is to become part of the common marine and coastal area under section 237A): (½ mark)
- (g) the locations and areas of land to be set aside as new roads. (½ mark)

## 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) Access lot
  - (b) Accessory unit
  - (c) Common property
- (3 marks)

Access lot means a **separate allotment** that was created or currently exists **to provide access between an existing road** and -

- (a) a **unit title development**; or
- (b) a **unit** in a unit title development (1 mark)

Accessory unit means a **unit that is designed for use with any principal unit** (including, without limitation, a garden, garage, car parking space, storage space, swimming pool, laundry, stairway, or passage) and that is shown on a unit plan as an accessory unit. (1 mark)

Common property means -

- (a) all the land and associated fixtures that are part of the unit title development but are **not contained in a principal unit, accessory unit, or future development unit**; and
- (b) in the case of a subsidiary unit title development, means that part of the principal unit subdivided to create the subsidiary unit title development that is not contained in a principal unit, accessory unit, or future development unit. (1 mark)

- 4b. Describe the meaning of the term Principal Unit provided in Section 7(1) Unit Titles Act 2010. (3 marks)

In this Act, principal unit means a unit -

- (a) that is **designed for use** (whether in conjunction with any accessory unit or not) **as a place of residence or business or for any other use** of any nature, **and that is shown on a unit plan as a principal unit**; and
- (b) that –
  - (i) **contains a building** or part of a building or is contained in a building (although the unit may or may not be bounded by the physical dimensions of the building); or
  - (ii) is 1 or more **car parks**.

- 4c. Describe the four activities detailed in Section 8(1) Unit Titles Act 2010 that separately or together constitute a redevelopment under this Act. (4 marks)

In this Act, redevelopment means -

- (a) the **subdivision** by sale, transfer, or partition **into 2 or more new units** (whether or not any new unit is on the same level as any other new unit) of -
  - (i) **a unit or units shown on a deposited unit plan**; or

- (ii) a unit or units shown on a deposited unit plan and the whole or part of any stratum or strata formerly forming **part of the common property** shown on the deposited unit plan; or (1 mark)
- (b) **the enlargement of a unit** shown on a deposited unit plan by the inclusion in the unit of any stratum that immediately touches upon that unit and was formerly part of the common property or part of another unit shown on the deposited plan; or (1 mark)
- (c) **the transfer into the common property of a unit** or part of a unit; or (1 mark)
- (d) **the erection of 1 or more new units on the common property.** (1 mark)

4d. Section 32 Unit Titles Act 2010 describes instances where a unit plan for the subdivision of land must not deposit. Section 32(1) of that Act describes restrictions relating to the computer register in which the land is held. List these restrictions. (4 marks)

A unit plan for the subdivision of land must not be deposited —

- (a) **while** the record of title to any land to which it relates is **limited in any manner** referred to in subpart 4 of Part 4 of the Land Transfer Act 2017, or is a qualified record of title under that Act: (1 mark)
- (b) **while** the land to which it relates is **held in more than 1 record of title** created under the Land Transfer Act 2017: (1 mark)
- (c) **unless** the land to which it relates is the **whole of the land in a record of title** created under the Land Transfer Act 2017: (1 mark)
- (d) **unless the grantor** of the lease or licence, if the land is held under a lease or licence, the registered **owner of any mortgage**, encumbrance, or charge affecting the land or any part of it, and every **caveator** whose caveat against the land was lodged with the Registrar before deposit of the plan, **have consented** in writing to its being deposited. (1 mark)

4e. Section 32(2) Unit Titles Act 2010 lists specific certificates or approvals required for a unit plan to deposit. List the certifications and approvals required. (3 marks)

A unit plan for the subdivision of land or for the subdivision of a principal unit must not be deposited —

- (a) unless a **certificate** in the prescribed form has been given in writing by an authorised officer **of the territorial authority** in whose district the land is situated to the effect that—
  - (i) every building (if any) shown on the plan has been erected, and all other development work has been carried out, to the extent necessary to enable all the boundaries of every unit and the common property shown on the plan to be physically measured; and
  - (ii) every principal unit shown on the plan conforms to the definition of principal unit in section 7: (1 mark)
- (b) unless a **certificate** in the prescribed form has been given in writing by a **registered valuer** showing the ownership interest or proposed ownership interest assessed under section 38(2) for each of the units on the plan: (1 mark)
- (c) until it has been **approved** in accordance with section 9 of the **Cadastral Survey Act 2002.** (1 mark)

- 4f. Under Section 55(2) Unit Titles Act 2010 what happens to an access lot, or share of an access lot, owned by the registered proprietor of the base land on the deposit of a unit plan? (1 mark)

On the deposit of the unit plan, the access lot, or share of the access lot, owned by the registered owner of the base land **becomes part of the common property.**

- 4g. Section 60(1) Unit Titles Act 2010 details the effect the deposit of a unit plan has on any easement or covenant to which the base land is subject. What is the effect of the deposit of a unit plan on any easement or covenant? (1 mark)

The deposit of a unit plan has **no effect** on any easement or covenant to which the base land is subject or on any easement or covenant that is appurtenant to the base land.

- 4h. Under Section 60(2) Unit Titles Act 2010, where are existing easements and covenants affecting the base land of a unit title development recorded in the land transfer register? (1 mark)

The Registrar must require any easements and covenants referred to in subsection (1) to be recorded (by diagram, words, or otherwise) on the **supplementary record sheet**, and must not note them on any record of title created under section 43.

## Question 5

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

#### Total 20 marks

- 5a. List the meanings of the following terms provided in Section 9(1) Marine and Coastal Area (Takutai Moana) Act 2011 for
- (a) Common marine and coastal area (4 marks)
  - (b) Marine and coastal area (4 marks)
  - (c) Specified freehold land (4 marks)

Common marine and coastal area means the marine and coastal area other than -

- (a) **specified freehold land** located in that area; and
- (b) **any area that is owned by the Crown and has the status of** any of the following kinds:
  - (i) a **conservation area** within the meaning of section 2(1) of the Conservation Act 1987;
  - (ii) a **national park** within the meaning of section 2 of the National Parks Act 1980;
  - (iii) a **reserve** within the meaning of section 2(1) of the Reserves Act 1977; and
- (c) **the bed of Te Whaanga Lagoon in the Chatham Islands**

Marine and coastal area

- (a) means the **area that is bounded**, on the landward side, **by the line of mean high-water springs** and on the seaward side, **by the outer limits of the territorial sea**; and
- (b) includes the **beds of rivers that are part of the coastal marine area** (within the meaning of the Resource Management Act 1991); and
- (c) includes the **airspace above**, and the **water space** (but not the water) above, the areas described in paragraphs (a) and (b); and
- (d) includes **the subsoil, bedrock**, and other matter under the areas described in paragraphs (a) and (b).

Specified freehold land means any land that, immediately before the commencement of this Act, is—

- (a) **Maori freehold land** within the meaning of section 4 of Te Ture Whenua Maori Act 1993; or
- (b) set apart as a **Maori reservation** under Te Ture Whenua Maori Act 1993; or
- (c) registered under the **Land Transfer Act 2017** and in which a person other than the Crown or a local authority has an **estate in fee simple** that is registered under that Act; or
- (d) subject to the **Deeds Registration Act 1908** and in which a person other than the Crown or a local authority has an **estate in fee simple** under an instrument that is registered under that Act.

- 5b. Section 11 Marine and Coastal Area (Takutai Moana) Act 2011 defines the special status of the common marine and coastal area. Sections 11(3) and 11(4) of that Act define the status of Crown and territorial authority owned land within the common marine and coastal area, on the commencement of the Act, and after the commencement of the Act. Describe the status of the Crown and territorial authority owned land within the common marine and coastal area in terms of Sections 11(3) and 11(4). (2 marks)

**Section 11(3): On the commencement of this Act, the Crown and every local authority are divested of every title as owner, whether under any enactment or otherwise, of any part of the common marine and coastal area.** (1 mark)

**Section 11(4): Whenever, after the commencement of this Act, whether as a result of erosion or other natural occurrence, any land owned by the Crown or a local authority becomes part of the common marine and coastal area, the title of the Crown or the local authority as owner of that land is, by this section, divested.** (1 mark)

- 5c. Section 14(1) Marine and Coastal Area (Takutai Moana) Act 2011 excludes which part of the marine and coastal area from the common marine and coastal area? (1 mark)

**Any road, whether formed or unformed, that is in the marine and coastal area on the commencement of this Act is not part of the common marine and coastal area.**

- 5d. Section 24(1) Marine and Coastal Area (Takutai Moana) Act 2011 concerns interests in marine and coastal area founded on adverse possession or prescriptive title. Who may claim an interest in any part of the marine and coastal area on the ground of adverse possession or prescriptive title? (2 marks)

**Despite any other enactment or rule of law, no person may claim an interest in any part of the marine and coastal area on the ground of adverse possession or prescriptive title.**

- 5e. Section 26(1) Marine and Coastal Area (Takutai Moana) Act 2011 defines individual rights of access with respect to the common marine and coastal area. List these individual rights of access. (3 marks)

Every individual has, without charge, the following rights:

- (a) to **enter, stay** in or on, and **leave** the common marine and coastal area: (1 mark)
- (b) to **pass and repass** in, on, over, and across the common marine and coastal area: (1 mark)
- (c) to **engage in recreational activities** in or on the common marine and coastal area. (1 mark)

## Question 6

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

#### Total 20 marks

- 6a. Section 19(1) Conservation Act 1987 provides management criteria for Conservation Parks. List these management criteria. (2 marks)

Every conservation park shall so be managed—

- (a) that its **natural and historic resources are protected**; and (1 mark)  
(b) subject to paragraph (a), to **facilitate public recreation and enjoyment**. (1 mark)

- 6b. Section 20(1) Conservation Act 1987 list provisions applying to Wilderness Areas. List four of these five provisions. (2 marks)

Subject to subsections (2) to (4), the following provisions apply to every wilderness area:

- (a) its **indigenous natural resources** shall be preserved:  
(b) **no building** or machinery shall be erected on it:  
(c) no building, machinery, or apparatus shall be constructed or maintained on it:  
(d) **no livestock, vehicles, or motorised vessels** (including hovercraft and jet boats) shall be allowed to be taken into or used in it and **no helicopter or other motorised aircraft** shall land or take off or hover for the purpose of embarking or disembarking passengers or goods in it:  
(e) **no roads, tracks, or trails** shall be constructed on it. (½ mark each)

- 6c. Sections 21 to 23B Conservation Act 1987 provides management requirements for five more Specially Protected Areas. List the names of four of these areas. (2 marks)

Section 21: Ecological areas

Section 22: Sanctuary areas

Section 23: Watercourse areas

Section 23A: Amenity areas

Section 23B: Wildlife management areas (½ mark each)

- 6d. Section 24(1) Conservation Act 1987 states the nominal width of marginal strips and details where marginal strips must be reserved from the sale, or other disposition of any land, by the Crown. What is the nominal width required for marginal strips and where must they be reserved from sale? (3 marks)

There shall be deemed to be reserved from the sale or other disposition of any land by the Crown a strip of land **20 metres wide** extending along and abutting the landward margin of – (½ mark)

- (a) **any foreshore**; or (½ mark)  
(b) the normal level of **the bed of any lake** not subject to control by artificial means; or (½ mark)  
(c) **the bed of any river or any stream** (not being a canal under the control of a State enterprise within the meaning of section 2 of the State-Owned Enterprises Act 1986

and used by the State enterprise for, or as part of any scheme for, the generation of electricity), being a bed that has **an average width of 3 metres or more**. (½ mark)

- 6e. Sections 17 to 23 Reserves Act 1977 describes seven reserve classifications. List six of these reserves. (3 marks)

Section 17 – Recreation reserves.

Section 18 – Historic reserves.

Section 19 – Scenic reserves.

Section 20 – Nature reserves.

Section 21 – Scientific reserves.

Section 22 – Government purpose reserves.

Section 23 – Local purpose reserves. (½ mark each)

- 6f. Section 17(1) Reserves Act 1977 details the purposes of Recreation Reserves with an emphasis on certain activities. Describe the purposes of Recreation Reserves and the items of emphasis. (3 marks)

It is hereby declared that the appropriate provisions of this Act shall have effect, in relation to reserves classified as recreation reserves, for the purpose of providing areas for the **recreation and sporting activities** and the **physical welfare and enjoyment** of the public, and for the **protection of the natural environment and beauty** of the countryside, with emphasis on the **retention of open spaces** and on **outdoor recreational activities**, including recreational tracks in the countryside.

- 6g. Section 23(1) Reserves Act 1977 details the purpose of Local Purpose Reserves. Describe the purpose of Local Purpose Reserves. (1 mark)

It is hereby declared that the appropriate provisions of this Act shall have effect, in relation to reserves classified as local purpose reserves for the purpose of **providing and retaining areas for such local purpose or purposes as are specified** in any classification of the reserve.

- 6h. Section 48 Reserves Act 1977 provides for the granting of right of ways and other easements within Reserves vested in an administering body. Section 48(1) names the person who is required to provide consent, and conditions of consent, for the granting of right of ways and other easements. Name this person. (1 mark)

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- 6i. Section 48(1) Reserves Act 1977 describes six criteria for granting right of ways and other easements. List the six easement purposes described in sub-clauses (a) to (f). (3 marks)

Subject to subsection (2) and to the Resource Management Act 1991, in the case of reserves vested in an administering body, the administering body, with the consent of the Minister and on such conditions as the Minister thinks fit, may grant rights of way and other easements over any part of the reserve for –



- (a) **any public purpose**; or (½ mark)
- (b) **providing access** to any area included in an agreement, lease, or licence granted under the powers conferred by this Act; or (½ mark)
- (c) the distribution or transmission by pipeline of natural or manufactured **gas, petroleum**, biofuel, or geothermal energy; or (½ mark)
- (d) an **electrical installation** or work, as defined in section 2 of the Electricity Act 1992; or (½ mark)
- (e) the provision of **water systems**; or (½ mark)
- (f) providing or facilitating access or the **supply of water to or the drainage of any other land** not forming part of the reserve or for any other purpose connected with any such land. (½ mark)