

21<sup>st</sup> April 2023

Dear Members

### **Cadastral Law Examination 2023 – Candidate Information Update 2 (Rev 2)**

Survey and Spatial New Zealand (S+SNZ) in conjunction with the Cadastral Surveyors Licensing Board (CSLB) and the examiners writing the Cadastral Law Exam provide this second round of candidate information for those intending to sit the Cadastral Law Exam in 2023.

It was great to see such great attendance at the Cadastral Law Exam Discussion zoom meeting held 12<sup>th</sup> April at 5:30pm, and some great advice was provided by the examiner, and some great questions asked by candidates. For those who couldn't attend on the day the [recording is available here](#).

As discussed in our initial Candidate Information Update, we planned to narrow down the scope of study to help focus candidates study regime and provide further information. To that effect we can now confirm:

- The exam consists of 100 marks, made up of two compulsory questions and a choice of three of the four optional ones.
- The pass mark is 60% (60 out of 100).
- Candidates will have two hours to complete the exam, with an additional 10 minutes reading time prior to officially starting the exam.
- The question paper will have spaces to write the answers
- The exam is closed book (ie no reference material will be allowable in the exam room)

In terms of the exam questions, we provide the following information/clarification:

Question 1 (20 marks - compulsory)

- Cadastral Survey Act 2002
- Cadastral Survey Rules 2021

Question 2 (20 marks - compulsory)

- Resource Management Act 1991 - Parts 1, 3, 6, 10 and Schedule 4

Question 3 (20 marks - optional)

- Unit Titles Act 2010 - Parts 2 and 4

Question 4 (20 marks - optional)

- Te Ture Whenua Māori Act 1993 - Parts 6 and 14
- Takutai Moana Act 2011 - Parts 1 and 2

Question 5 (20 marks - optional)

- Land Transfer Act 2017 - Part 4
- Land Transfer Regulations 2018 - Schedule 5
- Property Law Act 2007 – Part 6 and Schedule 5

Question 6 (20 marks - optional)

- Public Works Act 1981 - Parts 3 and 8
- Local Government Act 1974 - Part 21

Candidates should also expect aspects of the two compulsory questions to be present in all of the optional questions as well as LINZS70000 - Standard for lodgement of Cadastral survey datasets <https://www.linz.govt.nz/resources/regulatory/standard-lodgement-cadastral-survey-datasets-linzs70000>

In addition, candidates should be very familiar with:

- Records of title and instruments of Crown Title
- Resource Consents (as they pertain to subdivision)
- Landonline capture and processes (e-survey) and survey plans.

General knowledge of these systems, processes and documents will be tested.

We have also listened to candidates requests to have an example question so they can better understand the likely format given the change this year. We therefore provide an example question appended to this communication. Please note, while this example is focused on the Law Regarding Fencing, the Fencing Act will not be included in this year's exam – it is a format example only.

We hope that the Cadastral Law Exam Discussion zoom meeting held, and content within this candidate information update is beneficial to candidates. We wish you all the best for this year's exam and this step in your cadastral career.

Yours sincerely



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## The law regarding fencing

Additional Study Material: Fencing Act 1978

**Disclaimer: This is an exam format only example and has not been academically reviewed**

Question 1:

Where, according to the Fencing Act 1978, should a fence be built, if practicable?

(1 mark)

Question 2:

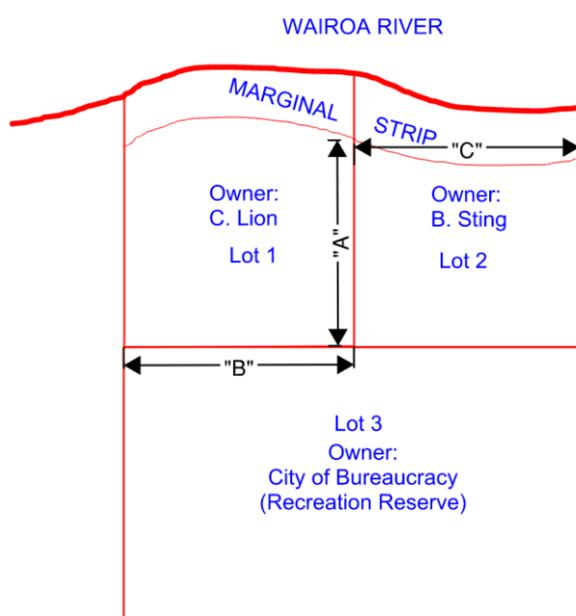
Fencing is required on boundaries "A", "B" and "C" (C being along a marginal strip)

In the absence of any agreements or covenants, who is liable for payment for the construction of the respective fences placed on these common boundaries?

Choose from the following options for each of A, B and C

- Lot 1
- Lot 2
- Lot 3
- Lot 1 / Lot 2
- Lot 1 / Lot 3
- The Crown / Lot 2
- City of Bureaucracy / Lot 1
- City of Bureaucracy
- The Crown

(3 marks)



Question 3:

The following excerpt from a record of title shows a Fencing Agreement registered under the Fencing Act 1978

Can this agreement include a clause to “not erect a fence”?

YES/NO

(1 mark)

|   |                                     |
|---|-------------------------------------|
| <b>Identifier</b>   | NA [REDACTED]                       |
| <b>Land Registration District</b>   | North Auckland                      |
| <b>Date Issued</b>  | 05 June 1986                        |
| <b>Prior References</b>   |                                     |
| NA16C/428   |                                     |
| <b>Estate</b>   |                                     |
| Fee Simple  |                                     |
| <b>Area:</b>  | 663 square metres more or less      |
| <b>Legal Description</b>  | Lot 87 Deposited Plan 60 [REDACTED] |
| <b>Registered Owners</b>  |                                     |
| Dan D Lion  |                                     |
| <b>Interests</b>  |                                     |
| Fencing Agreement in Transfer 100155.1                                    |                                     |
| 10846926.2 Mortgage to Westpac New Zealand Limited - 17.7.2017 at 2:50 pm |                                     |

Question 4:

When a case is heard in the Disputes Tribunal, what is the limit of costs (amended in 2019), that it may award / impose? (1 mark)

- a) \$5,000
- b) \$10,000
- c) \$25,000
- d) \$30,000
- e) \$35,000
- f) \$40,000

Question 5:

List two types of:

- a) Specimen Urban fences
- b) Specimen Rural fences

(4 marks)

Question 6:

What is the appropriate ongoing condition of subdivision consent for fencing such as value, materials and type, adjoining a road or reserve? Choose all that apply:

(2 marks)

- a) Covenant pursuant to s108 RMA
- b) Consent Notice pursuant to s221 RMA
- c) Fencing Covenant defined by s2 Fencing Act 1978

Question 7:

What information regarding occupation (such as fences) do the Cadastral Survey Rules 2021 require to be shown on an occupation diagram? (1.5 marks)

Question 8:

Is an occupation diagram required if there is no occupation? (1 mark)

YES/NO

Question 9:

In what situations are fences that meet the requirements of a permanent structure (such as a block wall), allowed to be used as parcel definitions? (1.5 marks)

Question 10

A "give and take fence" is defined under s21 of the Fencing Act 1978. Apart from the Courts ability to on charge inspection costs, what are the three key points in s21 regarding give and take fences?

(3 marks)

Question 11 (Challenge)

If a fencing covenant is registered on a title, does it take precedence over other fencing agreements made between, for example, adjoining land owners or tenants/landlords? (1 mark)

- a) Yes
- b) Yes, but only if the agreement was made after the registration of the covenant
- c) Yes, but only if the agreement was made before the registration of the covenant
- d) No