Quiz

Development Consent Obligations Concerning Easements

1. Which of the following is a requirement of the Uniform Civil Procedure Rules in NSW concerning joined parties?
    a. Anybody whose rights are potentially affected by the outcomes of proceedings must be joined as parties
    b. It's for the person being served to decide whether or not they wish to be joined as parties
    c. All joined parties must take an active part in the proceedings
    d. Anybody whose rights are certain to be affected by the outcomes of proceedings must be joined as parties

2. Why did the Court of Appeal find that the primary judge had made an error in his attempts to mould relief?
    a. Because Mr. Kladis's property was the servient tenement in the right-of-way
    b. Because it meant that 28 & 30 Musgrave St. would have to surrender their property rights
    c. Because Mr. Kladis could not be compelled to pay for work done beyond the right-of-way
    d. Because the time limit for this relief was unreasonably short

3. What does right-of-way refer to?
    a. The right to access on foot

b. The right to build on an area of land

c. The right to take vehicles

d. A and C

4. Which of the following is true with regards to people who are joined as parties to proceedings?

    a. They do not have to be involved in any costs orders that may be made

    b. They can decide whether or not to take an active part in the proceedings

    c. They must take an active part in the proceedings

    d. They do not take any active part in the proceedings

5. What was the outcome of *Lowe v Kladis*?

    a. It was found that Mr. Kladis in fact did not have dominant rights over the right-of-way

    b. The dominant tenement rights of Mr. Kladis were found to have overruled those of the other dominant tenements and they by law had to sign his proposal

    c. It was found unlawful to compel the other tenements to sign Mr. Kladis's development proposal at it would effectively remove their rights

    d. It was found that the right-of-way did not apply to vehicular access

Answers:

1. a 2. b 3. d 4. b 5. c