

New Zealand.



ANALYSIS.

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| <p>Title.</p> <p>1. Short Title.</p> <p>2. Section 116 of principal Act, as to dedication of land for road or street in cases of subdivision, amended.</p> | <p>3. Meaning of "subdivision" extended for purposes of section 117 of principal Act.</p> <p>4. How roads may be stopped by local authorities.</p> <p>5. Section 132 of principal Act repealed.</p> <p>6. Section 10 of Amendment Act, 1911, amended.</p> |
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1928, No. 15.

AN ACT to amend the Public Works Act, 1908.

Title.

[25th September, 1928.]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Public Works Amendment Act, 1928, and shall be read together with and deemed part of the Public Works Act, 1908 (hereinafter referred to as the principal Act).

Short Title.

2. Section one hundred and sixteen of the principal Act is hereby amended by repealing subsection one thereof, and substituting the following subsections:—

Section 116 of principal Act, as to dedication of land for road or street in cases of subdivision, amended.

“(1) Except as otherwise provided in this section, where the owner of any land sells any part thereof not having a frontage to an existing road, street, or private street, he shall provide and dedicate as a public road or street a strip of land of not less than sixty-six feet in width which will give access to such part from some existing road, street, or private street:

“Provided that this subsection shall not apply with respect to the sale of land to the owner of adjoining land; or to the sale of land in any case where the local authority in whose district the land is situated, having first satisfied itself that the land sold or intended to be sold is not intended to be used as a site for a dwellinghouse, resolves on that ground that the requirements of this subsection shall not apply.

“(1A) In any case of subdivision to which the provisions of section one hundred and eighty-seven of the Municipal Corporations Act, 1920, are applicable there shall be substituted for the requirements of the last preceding subsection a requirement to provide and dedicate a strip

of land of the width of the street authorized pursuant to the said section one hundred and eighty-seven.

“(1B) Any local authority, other than a Borough Council, may in any case by resolution authorize the provision and dedication within its district of a public road of a less width than sixty-six feet but not less than forty feet, but otherwise in accordance with this section; but no such resolution shall take effect unless and until it has been approved by the Governor-General in Council.

“(1c) Any Order in Council made for the purposes of subsection one A or subsection one B hereof may be absolute or may be subject to such conditions with respect to the building-line as may be therein imposed. Where any such conditions are made the provisions of subsection three of section one hundred and seventeen hereof shall apply, with the necessary modifications, as in the case of an Order in Council made under the authority of that section.”

3. For the purposes of section one hundred and seventeen of the principal Act any division of land to which that section relates, whether into two or more allotments, shall be deemed to be a subdivision of that land for the purpose of sale if at least one of those allotments is intended for disposal by way of sale.

4. Section one hundred and thirty-one of the principal Act is hereby repealed, and the following substituted therefor:—

“131. (1) Subject to the provisions of the last preceding section, a road under the control of a Road Board may be stopped in accordance with the provisions hereinafter set out.

“(2) The Board shall have a plan prepared of the road proposed to be stopped, and shall forward it to the Chief Surveyor of the district for a certificate as to the accuracy thereof.

“(3) The plan as certified by the Chief Surveyor shall be deposited for public inspection at the office of the Board or other convenient place, and the Board shall at least twice at intervals of not less than seven days give public notice of the proposal to close the road and of the place where the plan may be inspected, and shall in such notice call upon persons objecting to the proposal to lodge their objections in writing at the office of the Board on or before a date to be specified in the notice, being not earlier than forty days after the date of the first publication thereof. The Board shall also forthwith after such first publication serve a notice in the same form on the owners and occupiers of all land adjoining the road proposed to be closed so far as they can be ascertained.

“(4) If no objections are received within the time limited as aforesaid the Board shall send a copy of the plan with full particulars of its proposals to the County Council.

“(5) If any objections are received by the Board it shall by public notice call a meeting of the ratepayers of the district, to be held at a time and place to be specified in the notice, the time so specified being not earlier than fourteen days after the date of publication of the notice.

“(6) The Chairman of the Board, or in his absence some other member of the Board appointed by the meeting, shall preside thereat, and the meeting shall by a majority of the ratepayers present decide whether or not the road shall be stopped.

Meaning of
“subdivision”
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authorities.

“(7) If the meeting decides against the stopping of the road the decision shall be final, and no further proceedings for stopping such road shall be taken by the Board at any time within one year thereafter. If the meeting decides in favour of the stopping of the road the Board shall send a copy of the plan with full particulars of its proposals to the County Council, together with a copy of all objections lodged and a statement of the decision come to by the meeting of ratepayers.

“(8) The County Council after considering the proposals and the objections (if any) may either approve or disapprove the stopping of the road, and its decision shall be final.

“(9) If the Council disapproves of the stopping of the road the proposal shall not again be submitted to it at any time within one year thereafter.

“(10) If the Council approves of the stopping of the road the Board may by public notice declare the said road to be stopped, and it shall thereupon cease to be a public highway.”

5. Section one hundred and thirty-two of the principal Act is hereby repealed.

Section 132 of principal Act repealed.

6. Section ten of the Public Works Amendment Act, 1911, is hereby amended by inserting the following as subsection two thereof:—

Section 10 of Amendment Act, 1911, amended.

“(2) For the purposes of this section any land that is separated from a river or lake or from the sea-shore only by a reserve in respect of which the public has unrestricted rights of ingress, egress, and regress shall be deemed to abut on such river or lake or the sea-shore, as the case may be.”