



ANALYSIS

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 1970, No. 89

An Act to amend the Municipal Corporations Act 1954

[27 November 1970]

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

1. Short Title—This Act may be cited as the Municipal Corporations Amendment Act 1970, and shall be read together with and deemed part of the Municipal Corporations Act 1954 (hereinafter referred to as the principal Act).

2. Annual allowance to Mayor—Section 45 of the principal Act is hereby amended by repealing subsection (1) (as substituted by section 2 (1) of the Municipal Corporations Amendment Act 1966), and substituting the following subsection:

“(1) The Mayor may be paid such annual allowance out of the district fund as the Council from time to time fixes, not exceeding—

“(a) In the case of a borough having a population of not more than 5,000, \$1,250:

“(b) In the case of a borough having a population of more than 5,000 but not exceeding 10,000, \$1,875:

“(c) In the case of a borough having a population of more than 10,000 but not exceeding 20,000, \$2,500:

“(d) In the case of a borough having a population of more than 20,000 but not exceeding 50,000, \$3,750:

“(e) In the case of a borough having a population of more than 50,000 (other than the cities of Auckland, Wellington, Christchurch, and Dunedin), \$5,000:

“(f) In the case of the cities of Auckland, Wellington, Christchurch, and Dunedin, \$6,250;—

but no alteration in the amount of that allowance shall take effect during the term of office of any Mayor.”

(2) Section 2 of the Municipal Corporations Amendment Act 1966 is hereby repealed.

(3) Notwithstanding anything in subsection (1) of section 45 of the principal Act (as substituted by subsection (1) of this section), the allowance of the Mayor of any borough who is in office at the date of the passing of this Act may, by resolution of the Council passed within 6 months after that date, be increased once during his term of office.

3. Remuneration of Councillors—Section 114A of the principal Act (as inserted by section 3 (1) of the Municipal Corporations Amendment Act 1962 and amended by section 7 of the Decimal Currency Act 1964) is hereby further amended—

(a) By omitting the expression “\$3”, and substituting the expression “\$5”:

(b) By omitting from the proviso the expression “\$156” and substituting the expression “\$260”.

4. Limited access streets—The principal Act is hereby amended by inserting, after section 170A (as inserted by section 14 of the Municipal Corporations Amendment Act 1968), the following heading and section:

“Limited Access Streets

“170B. (1) The Council is hereby empowered, pursuant to a special order, to construct any limited access street in the district, and for that purpose it may take, purchase, or otherwise acquire land.

“(2) At the request of the Council, land may be proclaimed limited access street under section 29 of the Public Works Amendment Act 1948, and the powers conferred by that section to proclaim any land as a street shall be deemed to include power to declare land as a limited access street.

“(3) Subject to the provisions of this section, the provisions of this Act and of every other enactment relating to streets

shall, as far as they are applicable and with the necessary modifications, apply to every such limited access street and to the taking, purchasing, and acquisition of land for a limited access street and the closing of a limited access street.

“(4) The Council may from time to time, in respect of any limited access street under its control in the district,—

“(a) By notice to the owner of the parcel of land affected,—

“(i) Authorise, subject to such conditions (if any) as it may specify, any specified crossing place at which vehicles may proceed to and from the limited access street from and to any specified parcel of land:

“(ii) Cancel any such authorisation if the parcel of land will have reasonably practicable legal access to some other street or road or will still have some other authorised crossing place:

“(iii) Cancel or vary any such conditions or impose further conditions:

“(b) Construct any access street that it may be expedient to construct to give access, whether additional or not, to any land adjoining or near the limited access street.

“(5) Without restricting any provision of any other Act, it is hereby declared that no person shall drive or move any vehicle or animals, or permit any vehicle or animals to be driven or moved, onto or from any limited access street, except—

“(a) At a motorway, street, road, or service lane from which vehicular access to the limited access street has been authorised by the Council, and subject to such conditions as may be approved and publicly notified by the Council; or

“(b) At a specified crossing place authorised by the Council and subject to such conditions as are for the time being specified by the Council in accordance with subsection (4) of this section.

“(6) Where any provision of any enactment makes any person's right to erect or use a building of any kind on any land, or to subdivide any land, conditional upon the land having a frontage or an access to a street, or in any other way conditional upon the existence of a street, for the purposes of that provision a limited access street shall be deemed not to be a street.

“(7) Every limited access street shall be clearly marked at each entrance thereto other than an authorised crossing place by such traffic signs as may from time to time be prescribed under the Transport Act 1962.

“(8) Every person who acts in contravention of or fails to comply in any respect with any provision of this section commits an offence against this Act.

“(9) Where under subsection (1) of this section any land is taken, purchased, or otherwise acquired for or proclaimed as a limited access street, there shall be forwarded to the District Land Registrar a certificate by the Council that the land referred to therein by sufficient descriptions and title references comprises every parcel of land that is affected by that limited access street, either by reason of the parcel of land adjoining the limited access street or by reason of the legal access of the parcel of land to any other street being lost or adversely affected as a result of the creation of the limited access street; and the District Land Registrar shall record the certificate against the titles specified therein.

“(10) Where the exercise of any power given by this section gives rise to any claim for compensation under section 42 of the Public Works Act 1928,—

“(a) The claim shall not be made after a period of 5 years from the date of the exercise of the power:

“(b) Section 29 of the Finance Act (No. 3) 1944 shall be read as if the term ‘specified date’ meant the date of the exercise of the power:

“(c) The Administrative Division of the Supreme Court shall take into account, by way of deduction from the total amount of compensation that would otherwise be awarded, any increase in the value of the parcel of land in respect of which compensation is claimed that has occurred in consequence of the exercise by the Council of any power under subsection (4) of this section.”

This Act is administered in the Department of Internal Affairs.
