

NATIONAL ROADS BOARD

34

NOTICE AUTHORISING/ALLOCATING CROSSING PLACES TO AND FROM A LIMITED ACCESS ROAD

TO THE OWNER/OCCUPIER: (Please transfer this notice on change of ownership)

Mr H L Small
P O 2
ALBANY

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S.H. NO. 1 FROM Pine Valley Road TO Postmans Road

DESCRIPTION OF LAND ADJOINING LIMITED ACCESS ROAD

Part Allotment 189 Parish of Pukeatua
CT 579/33 LTD (N.A.R.)

PURSUANT to subsection (1) of Section 4 of the Public Works Amendment Act 1963 the National Roads Board has, by notice published in the New Zealand Gazette dated **22 SEP 1977** and publicly notified, declare that portion of State Highway No 1 adjoining the above described land to be a limited access road and the National Roads Board hereby gives you an owner/occupier of the above described land notice pursuant to sub-section (5) of Section 4 of the Public Works Amendment Act 1963 that the National Roads Board authorises/allocates (subject to the conditions specified below) the crossing place(s) marked 54 on the plan number MDW LA10/23/2 a copy of which is available for inspection at the office of The Resident Engineer, Ministry of Works and Development, Takapuna at which crossing place(s) vehicles or cattle may proceed to and from State Highway No 1 from and to the above-described land.

CONDITIONS

If and when the owner/occupier desires to construct or reconstruct the entrance(s) the following conditions shall apply:

1. Width of crossing place to be made not greater than 6 metres
2. The crossing place(s) is/are to be located only where approved in writing by the Resident Engineer, Ministry of Works and Development, Takapuna OR where existing at the date of this notice, that is: approximately 15 metres along the highway frontage ~~from the junction with the~~ South of the boundary nearest Orewa.
3. Junction of the crossing place(s) with the highway/carrageway to be to the satisfaction of the Resident Engineer, Ministry of Works and Development, P O Box 33-255, Takapuna.

Dated at Wellington this 3rd day of NOV 1977

Signed on behalf of the National Roads Board

D. J. CHAPMAN
Secretary

NOTES: For your information the provisions of sub-sections (5), (6), (7), (9) and (12) of Section 4 of the Public Works Amendment Act 1963 are set out below.

(5) The National Roads Board in the case of any limited access road under its control, and the local authority in respect of any limited access road under its control, may from time to time:

(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 any limited access road from and to any specified parcel of land.

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

(iii) Cancel or vary any such conditions or impose further conditions.

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

(c) In the same manner as it declares any road to be a limited access road, revoke any such declaration.

(6) With restricting any provision of any other Act, it is hereby declared that no person shall drive or move any vehicle or cattle, or permit any vehicle or cattle to be driven or moved, onto or from any limited access road, except:

(a) in a case where a State Highway or road or part thereof has been declared under subsection (1) or subsection (7) of this section to be a limited access road, at a motorway, road, street, or service lane from which vehicles might lawfully be driven or moved onto the State Highway or road or part thereof immediately before that declaration; or

(b) in any case to which paragraph (a) of this subsection does not apply, at a motorway, road, street or service lane from which vehicles to the limited access road has been authorised by the National Roads Board or the controlling local authority, as the case may be, and subject to such conditions as may be approved and publicly notified by the National Roads Board or the controlling local authority, as the case may be;

(c) at a specified crossing place authorised by the National Roads Board or the controlling local authority, as the case may be, and subject to such conditions as are or the time being specified by the National Roads Board or the controlling local authority, as the case may be, in accordance with subsection (5) of this section.

(7) 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 or sell any land, conditional upon the land having frontage or access to a road or street, or in any other way conditional upon the existence of a road or street, for the purposes of that provision a limited access road shall be deemed not to be a road or street.

(9) Every person who acts in contravention of or fails to comply in any respect with any provision of this section commits an offence and is liable on summary conviction to a fine not exceeding \$20.00 for each such offence.

Subsection (12) of section 4 of the Public Works Amendment Act 1963 relates to claims for compensation in respect of the exercise of any power given under section 4 and it is desired to draw your attention to the provision that any claim for compensation shall not be made after a period of five years from the date of the exercise of the power.