



ANALYSIS

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1995, No. 5—*Local*

An Act to validate certain proceedings and the making of rates and charges by the former Kaikohe Borough Council for the year commencing on the 1st day of April 1989 and ending with the 31st day of March 1990, and the making of rating differentials, rates, and charges by the Far North District Council for the year commencing on the 1st day of July 1990 and ending with the 30th day of June 1991, and the raising of loans known as the Far North District Council Finance Loan 1992 and the Far North District Council Restructuring Loan 1992
 [19 December 1995]

WHEREAS the Kaikohe Borough Council, on the 11th day of May 1989, published in the *Northern News* newspaper a notice of intention to make certain rates and charges for the year commencing on the 1st day of April 1989 and ending with the 31st day of March 1990 at its meeting on the 29th day of May 1989: And whereas the notice so published, and the resolution making the said rates and charges, purported that the rates and charges were being made pursuant to the Rating Act 1967, which Act had been repealed in full and replaced by the Rating Powers Act 1988 on the 1st day of April 1989: And whereas the said notice and the said resolution incorrectly referred to the

Kaikohe Borough Empowering Act 1959 instead of to the Kaikohe Borough Empowering Act 1958: And whereas the said notice and the said resolution failed to specify either the rates instead of which the consolidated rate was made or the rates excluded from the consolidated rate as required by section 58 (3) of the Rating Powers Act 1988: And whereas the Far North District Council, on the 25th day of July 1990, resolved by way of special order to introduce a differential rating system, and gave public notice of that resolution by way of a newspaper advertisement appearing on the 31st day of July 1990, and passed the confirming resolution at a meeting held on the 26th day of September 1990, so that only 58 days elapsed between the publication of the initial resolution and the confirming resolution, notwithstanding that section 84 (1) (e) of the Rating Powers Act 1988 requires an interval of not less than 60 days between publication of the initial resolution and passing of the confirming resolution: And whereas it is desirable that the said special order and differential rating system be validated: And whereas the Far North District Council, on the 25th day of September 1990, published in the *Northern News*, *Northland Age*, and *Northern Advocate* newspapers, a notice of intention to make rates and charges for the year commencing on the 1st day of July 1990 and ending with the 30th day of June 1991 at its meeting on the 24th day of October 1990: And whereas that public notice, purporting to be given pursuant to section 110 of the Rating Powers Act 1988, failed to specify the types of the rates, or the amounts of the rates, to be made at the said meeting: And whereas the Far North District Council at its meeting on the 24th day of October 1990 purported to make, by resolution, special rates of 2.19 and 5.475 cents in the dollar land value, respectively, in the Kerikeri A and Kerikeri B Urban Drainage Area on the land values appearing in the Government Valuation Roll as at the 31st day of March 1989, notwithstanding that those values had been superseded by revised rateable values effective for rating purposes from the 30th day of June 1990, and that the said rates were separate rates: And whereas the Far North District Council at its meeting on the 24th day of October 1990, by resolution, made separate rates and charges for water supply and refuse services and did not specify that those rates and charges were made pursuant to section 24 of the Rating Powers Act 1988: And whereas the Far North District Council at its meeting on the 24th day of October 1990, by resolution, made separate rates for sewerage services and did not specify that

certain of those rates and charges were made uniform annual sums pursuant to section 30 of the Rating Powers Act 1988: And whereas the Far North District Council made and levied uniform annual charges for water supply on serviceable properties in the Kawakawa/Moerewa Water Supply Area, Okaihau Water Supply Area, and Kaikohe Water Supply Area in excess of the maximum of 50 percent of the charges on serviced properties prescribed by section 17 of the Rating Powers Act 1988: And whereas the Far North District Council made and levied uniform annual charges for sewerage on serviceable properties in the Kohukohu Sewerage Area, Omapere/Opononi Sewerage Area, Tapeka Sewerage Area, Kaikohe Urban Sewerage Area, Whangaroa Sewerage Area, and Whatawhiwhi/Tokerau Sewerage Area in excess of the maximum of 50 percent of the charges on serviced properties prescribed by section 17 of the Rating Powers Act 1988: And whereas the Far North District Council at its meeting on the 24th day of October 1990, by resolution, purported that the following separate rates were special rates: And whereas it is desirable that the said rates be validated: And whereas the Council resolved on the 19th day of September 1990 that the general rates be struck at a maximum increase limit of 4 percent and that any requirements in excess of this 4 percent be funded by way of operating overdraft until the monitoring of income and expenditure can be accurately determined, and that if a surplus does not arise during the course of the year then Council raise a loan for the balance: And whereas the Council, pursuant to its resolution passed on the 25th day of March 1992, raised a loan known as the Far North District Council Finance Loan 1992, in the sum of \$1,400,000 for a term of 3 years, for the purpose of financing the deficit from 1990-91, not being an authorised purpose for which special loans may be raised under section 24 of the Local Authorities Loans Act 1956 and was contrary to section 23 of that Act: And whereas it is desirable that the said loan be validated: And whereas the Council, pursuant to its resolution passed on the 25th day of March 1992, raised a loan known as the Far North District Council Restructuring Loan 1992, in the sum of \$925,000 for a term of 3 years, for the purpose of financing redundancies caused by restructuring of the organisation, not being an authorised purpose for which special loans may be raised under section 24 of the Local Authorities Loans Act 1956: And whereas it is desirable that the said loan be validated: And whereas the provisions of the Kaikohe Borough

Empowering Act 1958 have been superseded and are no longer required:

BE IT THEREFORE ENACTED by the Parliament of New Zealand as follows:

1. Short Title—This Act may be cited as the Far North District Council (Rating and Loans Validation) Act 1995.

2. Validation of rates in Kaikohe Borough—Notwithstanding that the public notice of intention to make rates, published by the Kaikohe Borough Council in the *Northern News* on the 11th day of May 1989, and the resolution of the Council on the 29th day of May 1989 confirming the making and levying of rates for the year ended with the 31st day of March 1990—

- (a) Purported that the rates would be, and were, made pursuant to the Rating Act 1967 which Act had been repealed and replaced by the Rating Powers Act 1988; and
- (b) Purported that certain charges would be, and were, made pursuant to the Kaikohe Borough Empowering Act 1959 instead of the Kaikohe Borough Empowering Act 1958; and
- (c) Failed to specify either the rates instead of which the consolidated rate would be, and was, made or the rates excluded from the consolidated rate as required by section 58 (3) of the Rating Powers Act 1988—

those rates are hereby validated and declared to have been lawfully made and levied.

3. Validation of special order and differential rating system made by Far North District Council—Notwithstanding that the Far North District Council, on the 25th day of July 1990, resolved by way of special order to introduce a differential rating system, and gave public notice of that resolution by way of newspaper advertisement appearing on the 31st day of July 1990, and passed the confirming resolution at a meeting held on the 26th day of September 1990, so that only 58 days elapsed between the publication of the initial resolution and the confirming resolution, whereas section 84 (1) (e) of the Rating Powers Act 1988 requires an interval of not less than 60 days between publication of the initial resolution and passing of the confirming resolution, that

special order is hereby validated and that differential rating system is declared to have been lawfully made.

4. Validation of rates made by Far North District Council—(1) Notwithstanding that—

- (a) The public notice of intention to make rates, published by the Far North District Council in the *Northern News*, *Northern Advocate*, and *Northern Age* newspapers on the 25th day of September 1990 pursuant to section 110 of the Rating Powers Act 1988 failed to specify the types of rates, and the amounts of the said rates, intended to be made by the Council at its meeting on the 24th day of October 1990; and
- (b) Contrary to the provisions of sections 105 and 123 of the Rating Powers Act 1988, the Council, by resolution, at its meeting on the 24th day of October 1990 purported to make rates for the year ended with the 30th day of June 1991 within the Kerikeri A and Kerikeri B Urban Drainage Area on the land value of rateable properties as at the 1st day of April 1989, when those values had been superseded by revised values effective for rating purposes on the 30th day of June 1990; and
- (c) The resolution made by the Council on the 24th day of October 1990 failed to specify the respective sections of the Rating Powers Act 1988 under which certain separate rates (appearing in the Schedule to this Act) were made; and
- (d) Certain separate rates (appearing in the Schedule to this Act) were specified incorrectly to be special rates; and
- (e) The Council made and levied uniform annual charges for water supply on serviceable properties in the Kawakawa/Moerewa Water Supply Area, Okaihau Water Supply Area, and Kaikohe Water Supply Area in excess of the maximum of 50 percent of the charges on serviced properties prescribed by section 17 of the Rating Powers Act 1988; and
- (f) The Council made and levied uniform annual charges for sewerage on serviceable properties in the Kohukohu Sewerage Area, Omapere/Opononi Sewerage Area, Tapeka Sewerage Area, Kaikohe Urban Sewerage Area, Whangaroa Sewerage Area, and Whatawhiwhi/Tokerau Sewerage Area in excess of the maximum of 50 percent of the charges on

serviced properties prescribed by section 17 of the Rating Powers Act 1988—

those rates and charges made for the year commencing on the 1st day of July 1990 and ending with the 30th day of June 1991, and shown in the Schedule to this Act, are hereby validated and declared to have been lawfully made and levied.

(2) All actions of the Council in collecting the said rates are hereby validated and declared to have been lawful.

(3) Such part of the said rates as has not yet been paid to the Council is hereby declared to be lawfully payable and capable of being collected as if it had always been lawfully payable.

(4) All actions of the Council in imposing additional charges on the said rates remaining unpaid—

(a) In respect of payments made after the 20th day of August 1990 for the first instalment due on the 23rd day of July 1990; and

(b) In respect of payments made after the 20th day of November 1990 for the second instalment due on the 5th day of November 1990; and

(c) In respect of payments made after the 20th day of February 1991 for the third instalment due on the 23rd day of January 1991; and

(d) In respect of payments made after the 20th day of May 1991 for the fourth instalment due on the 23rd day of April 1991—

are hereby validated and declared to have been lawful, but without affecting the powers of the Council under section 132 of the Rating Powers Act 1988.

(5) All money received by the Council in payment of the said rates and the said additional charges is hereby declared to have been lawfully received by the Council.

(6) Any part or parts of the said rates or the said additional charges as have not been paid to the Council are hereby declared to be lawfully payable and capable of being recovered as if they had always been lawfully payable.

5. Validation of loans raised by Far North District Council—Notwithstanding that—

(a) The Far North District Council resolved on the 25th day of March 1992 to raise a loan known as the Far North District Council Finance Loan 1992, in the sum of \$1,400,000 for a term of 3 years, for the purpose of financing the deficit from 1990–91, not being an authorised purpose for which special loans may be

raised under section 24 of the Local Authorities Loans Act 1956 and contrary to section 23 of that Act; and

- (b) The Council resolved on the 25th day of March 1992 to raise a loan known as the Far North District Council Restructuring Loan 1992, in the sum of \$925,000 for a term of 3 years, for the purpose of financing redundancies caused by restructuring of the organisation, not being an authorised purpose for which special loans may be raised under section 24 of the Local Authorities Loans Act 1956—

the said raising of the Far North District Council Finance Loan 1992 and the Far North District Council Restructuring Loan 1992 is hereby validated and declared to have been lawfully done.

6. Kaikohe Borough Empowering Act 1958 repealed—

The Kaikohe Borough Empowering Act 1958 is hereby repealed.

SCHEDULE

Section 4

RATES AND CHARGES VALIDATION

1. A uniform annual general charge of \$225 levied on all separate rateable properties within the Far North District.
2. A general rate on the rateable value of all properties classified in accordance with the differential rating scheme adopted by the Council as follows:

General/Rural	...	...	...	0.64167 cents in the dollar
Residential	...	...	...	0.8029 cents in the dollar
Commercial/Accommodation/Industrial				1.92502 cents in the dollar

3. A separate uniform annual charge for the supply of water, pursuant to section 24 of the Rating Powers Act 1988, on each separately used or inhabited portion of a property, or each serviceable property, pursuant to section 17 of the Rating Powers Act 1988:

§

Former Bay of Islands County Council Area—

Kawakawa/Moerewa

Ordinary Supply	...	...	...	219.72
Serviceable Properties	...	...	...	109.88
Extra-ordinary/Commercial 1	...	...	...	219.72
Extra-ordinary/Commercial 2	439.44

Kerikeri

Serviceable Properties	65.92
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Okaihau

Ordinary Supply	219.72
Serviceable Properties	109.88
Extra-ordinary/Commercial 1	219.72
Extra-ordinary/Commercial 2	439.44

Ngawha

Serviceable Properties	65.92
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Waitangi

Serviceable Properties	104.36
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Former Kaikohe Borough Council Area—

Kaikohe

Ordinary Supply	161.48
Serviceable Properties	80.76

Former Hokianga County Council Area—

Rawene

Ordinary Supply	...	...	...	274.64
Serviceable Properties	...	...	...	137.32

Omapere-Opononi

Ordinary Supply	...	...	...	290.04
Serviceable Properties	...	...	...	145.00

Former Kaitaia Borough Council Area—

Kaitaia

Apartment Houses	...	...	...	284.52
Excess Water Consumer Units	...	...	...	154.92

SCHEDULE—*continued*RATES AND CHARGES VALIDATION—*continued*

4. A separate rate levied on the rateable value of unmetered properties for the supply of water in the Kaitaia Water Supply Area as follows:

Ordinary Supply	...	2.2627 cents in the dollar
Serviceable Properties	...	1.13135 cents in the dollar

5. A separate uniform annual charge, pursuant to section 20 of the Rating Powers Act 1988, on all properties within the defined area of benefit for the repayment of loans and charges in respect of water supply works:

\$		
Omapere/Opononi Water Supply Area	...	140.00

6. A uniform annual sum pursuant to sections 16, 17, and 20 of the Rating Powers Act 1988 on each serviced property, and one half of that sum on each serviceable property, and an additional uniform sum pursuant to section 30 of the Rating Powers Act 1988 in respect of each water closet or urinal beyond the first which is connected directly or indirectly to a public sewerage drain, provided that every separate rateable property used exclusively or principally as a residence of not more than one household shall be deemed to have not more than one water closet or urinal:

\$		
Rawene Sewerage Area:		
Per Water Closet or Urinal	...	175.76
Serviceable Properties	...	87.88
Kohukohu Sewerage Area:		
Per Water Closet or Urinal	...	137.32
Serviceable Properties	...	68.68
Omapere/Opononi Sewerage Area:		
Per Water Closet or Urinal	...	65.72
Serviceable Properties	...	32.96
Kawakawa Sewerage Area:		
Per Water Closet or Urinal	...	164.80
Serviceable Properties	...	82.40
Kerikeri Sewerage Area:		
Per Water Closet or Urinal	...	197.76
Serviceable Properties	...	98.88
Opua Sewerage Area:		
Per Water Closet or Urinal	...	599.84
Serviceable Properties	...	299.02
Tapeka Sewerage Area:		
Per Water Closet or Urinal	...	219.72
Serviceable Properties	...	109.88
Waitangi Sewerage Area:		
Per Water Closet or Urinal	...	302.16
Serviceable Properties	...	151.04

SCHEDULE—*continued*
 RATES AND CHARGES VALIDATION—*continued*

				\$
Kaikohe Environs Sewerage Area:				
Per Water Closet or Urinal	...	...	...	175.76
Serviceable Properties	...	...	...	87.88
Kaikohe Urban Sewerage Area:				
For the first Water Closet or Urinal			...	40.20
For every additional Water Closet or Urinal			...	30.60
Serviceable Properties	...	...	...	20.12
Whangaroa Sewerage Area:				
Per Water Closet or Urinal		...	...	370.76
Serviceable Properties	...	...	...	185.40
Kaitaia Sewerage Area:				
Per Water Closet or Urinal		...	...	159.28
Serviceable Properties	...	...	...	79.64
Awanui Sewerage Area:				
Per Water Closet or Urinal		...	...	246.08
Serviceable Properties	...	...	...	123.04
Ahipara Sewerage Area:				
Per Water Closet or Urinal		...	...	96.68
Serviceable Properties	...	...	...	48.32
Hihi Sewerage Area:				
Per Water Closet or Urinal		...	...	306.54
Serviceable Properties	...	...	...	153.27
Rangiputa Sewerage Area:				
Per Water Closet or Urinal		...	...	265.88
Serviceable Properties	...	...	...	132.92
Whatawhiwhi/Tokerau Sewerage Area:				
Per Water Closet or Urinal		...	...	116.44
Serviceable Properties	...	...	...	58.24
East Coast Sewerage Area:				
Per Water Closet or Urinal		...	...	199.40
Serviceable Properties	...	...	...	99.70

7. A separate uniform annual charge, pursuant to section 24 of the Rating Powers Act 1988, on all properties or separately used parts of properties, and, pursuant to section 17 and section 24 of the Rating Powers Act 1988, on commercial/industrial properties in specified areas in the following refuse collection areas:

SCHEDULE—*continued*RATES AND CHARGES VALIDATION—*continued*

				\$
Bay of Islands Refuse Area	...	...	...	89.16
Whangaroa/Taupo Bay Residential Refuse Area	...			6.20
Kaikohe Refuse Area:				
Uniform Charge	...	...	...	62.80
Commercial/Industrial Charge	...		...	161.68
Kaitaia Refuse Area	...	...	...	127.04
Rawene Refuse Area	...	...	...	63.04
Omapere/Opononi Refuse Area		...	...	74.72
Mangonui Refuse Area:				
Uniform Charge	...	...	...	49.44
Commercial/Industrial Charge	...		...	296.64
8. A separate uniform annual charge (works and services—road upgrading) pursuant to section 20 of the Rating Powers Act 1988 on those rateable properties within the specified area of benefit as follows:				
				\$
Riddell Road Works and Services	...	...	...	217.60
Skudders Beach Road Works and Services	...		...	72.53
Access Road Works and Services	...	...	...	199.47
9. A separate uniform annual charge on all rateable properties within the specified Wards of the District for the purpose of funding amenities within those Wards, as follows:				
				\$
Kerikeri Ward	...	...	...	25.00
Whangaroa Ward	...	...	...	5.00
Kawakawa Ward	...	...	...	20.00
Northern Ward	...	...	...	5.00
10. Separate rates, on the rateable value of properties within the areas of defined benefit for the repayment of loans and charges in respect of drainage and sewerage works:				
Donald Road Sewerage/Drainage Area				0.6416 cents in the dollar
Whatawhiwhi/Tokerau Sewerage Area				1.2225 cents in the dollar
Awanui Sewerage Area	...	...		1.1308 cents in the dollar
Hihī Coast Sewerage Drainage Area				0.4525 cents in the dollar
(Where no lump sum contribution has been made)				
11. A separate uniform annual charge on all properties within the areas of defined benefit for the repayment of loans and charges in respect of sewerage and drainage works:				

SCHEDULE—*continued*RATES AND CHARGES VALIDATION—*continued*

	\$
Hihi Coast Urban Sewerage Drainage Area ... (Where no lump sum contribution has been made)	536.61
East Coast Sewerage Area	530.00
Ahipara Sewerage Area	486.00
12. A separate rate, on the rateable value as shown in the Government Valuation Roll as at 31st March 1989, of all properties within the Kerikeri A and Kerikeri B Urban Drainage Area to fund sewerage works as follows:	
Kerikeri A Urban Drainage Area	2.19 cents in the dollar
Kerikeri B Urban Drainage Area	5.475 cents in the dollar
13. A separate rate, on the rateable value of all properties within the defined area, for drainage works as follows:	
Herekino Drainage A	Nil
Motutangi Drainage A	0.94467 cents in the dollar
Motutangi Drainage B	0.7261 cents in the dollar
Kaikino Drainage A ...	0.4569 cents in the dollar
Kaikino Drainage B ...	0.8039 cents in the dollar
Kaikino Drainage C ...	0.7497 cents in the dollar
Kaikino Drainage D ...	0.2595 cents in the dollar
Kaikino Drainage E ...	0.1535 cents in the dollar
Kaikino Drainage F ...	0.2474 cents in the dollar
Kaitaia Drainage A ...	0.4452 cents in the dollar
Kaitaia Drainage B ...	0.2835 cents in the dollar
Kaitaia Drainage C ...	0.0737 cents in the dollar
14. A separate rate on a differential basis on the rateable value of all rateable properties within the Northern Industrial Zone to fund development works, as follows:	
Northern Industrial Zone Category 1	1.805 cents in the dollar
Northern Industrial Zone Category 2	1.805 cents in the dollar
Northern Industrial Zone Category 3	1.805 cents in the dollar
Northern Industrial Zone Category 4	1.805 cents in the dollar
Northern Industrial Zone Category 5	6.9565 cents in the dollar
Northern Industrial Zone Category 6	8.7751 cents in the dollar

SCHEDULE—*continued*RATES AND CHARGES VALIDATION—*continued*

15. A separate rate for drainage purposes on the area of land contained in all rateable properties within the Waiharara Drainage Area, as follows:

				\$
Waiharara Drainage A	...	...	...	22.60 per ha
Waiharara Drainage B	...	...	...	9.67 per ha
Waiharara Drainage C	...	...	...	3.23 per ha

16. Rates levied on behalf of the Northland Regional Council—

- 16.1 Rates made on the rateable value of all rateable properties in the Far North District:

Regional general rate	...	0.0537 cents in the dollar
Regional works and service rate		0.0329 cents in the dollar

- 16.2 Separate rates for drainage purposes in the Hikurangi Swamp Drainage are to be levied on the area of all rateable land in the defined area:

				\$
Hikurangi Swamp C	...	...	...	34.55 per ha
Hikurangi Swamp D	...	...	...	4.94 per ha
Hikurangi Swamp E	...	...	...	2.49 per ha
Hikurangi Swamp F	...	...	...	0.99 per ha
