



ANALYSIS

Title
Preamble

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1990, No. 6—*Local*

**An Act to validate the lump sum contribution levied by
the Silverpeaks County Council for the Karitane
Sewerage Scheme** [28 June 1990

WHEREAS—

- (a) The Waikouaiti County Council constituted the Karitane Urban Drainage Area by resolutions dated the 26th day of April 1977 and the 30th day of May 1977; and
- (b) The Waikouaiti County Council and the Taieri County Council were amalgamated to form the Silverpeaks County Council on the 8th day of October 1977; and
- (c) Following amalgamation the Silverpeaks County Council constructed works known as the Karitane Sewerage Scheme within the Karitane Urban Drainage Area; and
- (d) The Council determined that part of the capital cost of the Karitane Sewerage Scheme would be paid by ratepayers within the Karitane Urban Drainage Area; and
- (e) The Council resolved on the 25th day of February 1982, pursuant to the Silverpeaks County Council (Lump Sum Contributions) Empowering Act 1981, to invite lump sum contributions towards the capital cost of the scheme; and
- (f) The Council calculated the estimated lump sum contribution under the Silverpeaks County Council (Lump Sum Contributions) Empowering Act 1981 on

- the basis that there were 366 rateable properties within the Karitane Urban Drainage Area; and
- (g) Upon substantial completion of the scheme the Council recalculated the lump sum contribution; and
 - (h) Between the calculation of the estimated lump sum contribution and the recalculation of the lump sum contribution on substantial completion of the scheme, the number of rateable properties within the Karitane Urban Drainage Area was reduced by amalgamations from 366 to 346 rateable properties; and
 - (i) There were 11 further rateable properties within the Karitane Urban Drainage Area upon which both lump sum contributions and separate rates to meet the schemes annual loan charges were found to be irrecoverable; and
 - (j) The Council accordingly recalculated the lump sum contribution on substantial completion of the work on the basis that there were only 335 rateable properties within the Karitane Urban Drainage Area; and
 - (k) As a result of the recalculation of the lump sum contribution on substantial completion of the work a balance lump sum contribution of \$30 was payable in respect of all rateable properties within the Karitane Urban Drainage Area upon which an election to make a lump sum contribution had been made; and
 - (l) The Council resolved on the 2nd day of February 1987 to require ratepayers for the time being of each separately rateable property on which a lump sum contribution was payable to pay a balance of \$30 each; and
 - (m) The Council further resolved to charge a penalty of 10 percent on all balance lump sum contributions of \$30 not paid by the 20th day of May 1987; and
 - (n) Doubt has been expressed about the legality of the Council's method of calculating the final lump sum contribution and the validity and recoverability of the balance lump sum contribution; and
 - (o) In reliance upon the resolution of the 2nd day of February 1987, the Council has made, levied, and collected some of the balance of the lump sum contributions; and
 - (p) It is desirable that the resolutions, the lump sum contribution, the estimated lump sum contribution, the final lump sum contribution, and the balance lump sum contribution as calculated by the Council be validated:

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

1. Short Title—This Act may be cited as the Silverpeaks County Council (Karitane Lump Sum Validation) Act 1990.

2. Interpretation—In this Act, unless the context otherwise requires,—

“Balance lump sum contribution” means the balance payable in respect of each separately rateable property within the Karitane Urban Drainage Area after calculation by the Council of the final lump sum contribution in respect of the capital cost of the sewerage scheme for the Karitane Urban Drainage Area and payable in respect of each separately rateable property within the Karitane Urban Drainage Area upon which a lump sum contribution is payable, being the amount by which the final lump sum contribution exceeded the estimated lump sum contribution:

“Council” means the Silverpeaks County Council:

“Estimated lump sum contribution” means the estimated lump sum contribution calculated by the Council for the purposes of the Silverpeaks County Council (Lump Sum Contributions) Empowering Act 1981 in respect of the capital cost of the sewerage scheme for the Karitane Urban Drainage Area:

“Final lump sum contribution” means the final lump sum contribution as calculated by the Council for the purposes of sections 164I and 164J of the Local Government Act 1974 in respect of the capital cost of the sewerage scheme for the Karitane Urban Drainage Area:

“Karitane Urban Drainage Area” means the area defined as the Karitane Urban Drainage Area by a resolution of the Waikouaiti County Council passed on the 26th day of April 1987 and confirmed on the 30th day of May 1987:

“Lump sum contribution” means the lump sum contribution calculated in accordance with the Silverpeaks County Council (Lump Sum Contributions) Empowering Act 1981 and sections 164B to 164K of the Local Government Act 1974 in respect of the capital costs of the sewerage scheme for the Karitane Urban Drainage Area:

“Rateable property” means rateable property within the Karitane Urban Drainage Area.

3. Validation of lump sum contribution—(1) The final lump sum contribution calculated by the Council is hereby validated and deemed to have been lawfully made and levied.

(2) It is declared that the lump sum contribution payable in respect of each rateable property in respect of which a lump sum contribution is payable is \$2,595.

(3) It is declared that the estimated lump sum contribution for the purposes of the Silverpeaks County Council (Lump Sum Contributions) Empowering Act 1981 and sections 164B to 164K of the Local Government Act 1974 is \$2,565.

(4) It is declared that the balance lump sum contribution for the purposes of section 164J of the Local Government Act 1974 is \$30.

(5) Notwithstanding the fact that the estimated lump sum contribution, the final lump sum contribution, and the balance lump sum contribution may not have been lawfully made and levied, the lump sum contribution, the estimated lump sum contribution, and the final lump sum contribution as calculated by the Council are hereby validated and declared to have been lawfully made and levied.

(6) The due date for the payment of the balance lump sum contribution is deemed to have been the 20th day of May 1987.

(7) An additional charge of 10 percent shall be deemed to be lawfully added to all balance lump sum contributions outstanding after the 20th day of May 1987.

(8) All actions of the Council in making, levying, and collecting the lump sum contribution, including the balance lump sum contribution, are hereby validated and declared to have been lawful.

(9) All money received by the Council or the Dunedin City Council in payment of the lump sum contribution, including the balance lump sum contribution, is declared to have been lawfully paid and received by it.

(10) Such part of the lump sum contribution, including any penalty on any unpaid part of the lump sum contribution, that has not yet been paid to the Council or the Dunedin City Council is declared to be lawfully payable and capable of being collected by the Dunedin City Council as if the lump sum contribution or, as the case may be, the outstanding part of the lump sum contribution had always been lawfully payable.
