

Mr King

EAST COAST BAYS BOROUGH EMPOWERING

[LOCAL]

ANALYSIS

Title	
1. Short Title	5. Water and sewerage rates and fees
2. Interpretation	6. Preparation of subdivisional list
3. Power to levy uniform annual rate	7. Rights of debenture holders and creditors not affected
4. Uniform annual rate to be deemed to be a rate	8. Poll of ratepayers

A BILL INTITULED

An Act to empower the East Coast Bays Borough Council to levy a uniform annual rate

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

1. **Short Title**—This Act may be cited as the East Coast
Bays Borough Empowering Act 1964.

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

“Borough” means the Borough of the East Coast Bays:

“Council” means the East Coast Bays Borough Council:

15 “Rateable property” means, in respect of land on which
a building is or buildings are erected, each separately
occupied and self-contained dwellinghouse, flat,
apartment, factory, or shop erected thereon; and,
in respect of land on which no separately occupied
and self-contained buildings are erected, the whole of
such land:

No. 53—1

Price 6d.

“Separately occupied and self-contained” means, in respect of a dwellinghouse, flat, apartment, factory, or shop, a building or part or parts thereof containing such accommodation and amenities as comply with the minimum requirements for dwelling units, factories, or shops (as the case may be) provided in the New Zealand Standard Code of Building Bylaws. 5

3. Power to levy uniform annual rate—(1) Subject to the provisions of section 8 of this Act and notwithstanding anything contained in the Municipal Corporations Act 1954, the Rating Act 1925, the North Shore Drainage Act 1963, or any other Act, instead of making and levying any rate or uniform annual fee or charge that could be made or charged under those Acts the Council may in each year make and levy an annual uniform rate in respect of all rateable property comprised in the Borough. 10 15

(2) Where the rateable property comprises a separately occupied and self-contained dwellinghouse, flat, or apartment and the land whereon the same is situated exceeds forty perches in area, the uniform annual rate shall be increased by one-tenth in respect of each additional area of forty perches or part thereof which is capable of being subdivided into a separate residential section in accordance with the Borough’s ordinances. 20

(3) Where the rateable property comprises a separately occupied and self-contained factory or shop and the land whereon the same is situated exceeds eight perches in area, the uniform annual rate shall be increased by one-tenth in respect of each additional area of eight perches or part thereof which is capable of being subdivided into a separate commercial or industrial section in accordance with the Borough’s ordinances. 25 30

(4) Where the rateable property consists of land on which no separately occupied and self-contained buildings are erected and the area of the same exceeds forty perches, the uniform annual rate shall be increased by one-tenth in respect of each additional area of forty perches or part thereof which is capable of being subdivided into a separate residential section in accordance with the Borough’s ordinances. 35 40

(5) Notwithstanding anything hereinbefore contained, the Council may, until the Borough’s sewerage reticulation scheme is completed continue the existing separate rating areas, and may levy a separate uniform annual rate in respect of each such area. 40

4. Uniform annual rate to be deemed to be a rate—The uniform annual rate shall be deemed to be a rate and the provisions of Part IX of the Municipal Corporations Act 1954 and the Rating Act 1925 shall apply thereto except
5 in so far as such provisions are inconsistent with the express provisions of this Act.

5. Water and sewerage rates and fees—Nothing in this Act shall prevent the Council from making and levying water charges according to the quantity consumed in accordance
10 with section 95 of the Municipal Corporations Act 1954 in addition to the uniform annual rate or from charging fees for installing water meters to any rateable property or for connecting rateable property to the water or sewerage reticulation services of the Borough.

6. Preparation of subdivisional list—(1) The Council shall
15 cause a list of land to be prepared and deposited in its public office showing what land is capable of being subdivided into areas of forty perches in the case of land used for residential purposes and into areas of eight perches in the case of land used
20 for commercial or industrial purposes, and shall cause public notice to be given of such list and of the place where and the time within which it may be inspected, and of the right of objection hereinafter conferred.

(2) The list shall remain open for inspection in the public
25 office of the Council for a period of twenty-one days, and at any time within that period, or within any extended period which may be allowed by the Council, any person having an interest in any land liable to be rated by the Council may object to the list on the ground that the land shown as being
30 capable of subdivision is not physically capable of reasonable subdivision for the purpose of the erection of buildings.

(3) Every such objection shall be in writing under the hand of the objector, or of his solicitor or duly authorised agent, and shall be lodged at the public office of the Council.

35 (4) Every such objection shall be considered by the Council which shall notify the objector in writing whether it allows or rejects the same.

(5) Any objector whose objection has been rejected by the Council shall have the right to have his objection heard
40 and determined by the Assessment Court for the district established under the Rating Act 1925, and the provisions of sections 24 to 35 (both inclusive) of that Act shall, so far as the same are applicable, apply to the hearing and determination of such objection.

7. Rights of debenture holders and creditors not affected— Nothing in this Act shall in any way prejudicially affect the security afforded by any special rate to the holders of any securities, or affect the rights or interest of any debenture holder or other creditor of the Council.

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8. Poll of ratepayers—The power conferred by this Act on the Council to make and levy a uniform annual rate shall not be exercisable by the Council until the system of rating provided for in this Act has been approved by a majority of ratepayers of the Borough voting in a poll held in accordance with the provisions of Part III of the Local Elections and Polls Act 1953, and the Minister of Internal Affairs has consented thereto.

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