

[AS REPORTED FROM THE INTERNAL AFFAIRS AND LOCAL
GOVERNMENT COMMITTEE]

House of Representatives, 10 March 1993.

Words struck out are shown in italics within bold round brackets; words inserted are shown in roman underlined with a single rule, or with single rule before first line and after last line.

Joy McLauchlan

HUTT CITY COUNCIL (RATING VALIDATION)

[LOCAL]

ANALYSIS

Title	2. Validation of resolutions and special orders
1. Short Title	3. Validation of rates, etc. Schedules

A BILL INTITULED

An Act to validate certain resolutions and special orders made by the former Lower Hutt City Council, the former Petone Borough Council, and the former Eastbourne Borough Council, and to validate rates made and levied in reliance on those resolutions and special orders

WHEREAS at an ordinary meeting held on the 24th day of April 1989, the former Lower Hutt City Council passed a resolution by way of a special order altering the system of rating on a differential basis, and the said special order provided, *inter alia*, for the properties included in Group R (Residential) to be rated upon a factorised value of the rateable value of those properties, the relevant parts of the said special order being first set out in the **First** Schedule to this Act (hereinafter called Special Order No. 1): And whereas at a special meeting held on the 26th day of June 1989, the said Lower Hutt City Council passed resolutions, pursuant to the Local Government Act 1974, confirming Special Order No. 1,

No. 207—2

the relevant parts of the said resolution being secondly set out in the said **First** Schedule (hereinafter called Resolution No. 1): And whereas at the same meeting the said Lower Hutt City Council passed a resolution making and levying rates for the year commencing on the 1st day of April 1989 and ending with the 31st day of March 1990, the relevant parts of the said resolution being thirdly set out in the said **First** Schedule (hereinafter called Resolution No. 2): And whereas the said Lower Hutt City Council did not have statutory authority to pass any resolution under the Rating Powers Act 1988 to make and levy rates on those properties included in Group R (Residential) on the factorised value of rateable value and accordingly Special Order No. 1, Resolution No. 1, and Resolution No. 2 are invalid: *(And whereas the main reason for making and levying rates on properties in Group R (Residential) on a factorised value was that the change in the basis of rating in 1989 from annual value to capital value would have resulted in a disproportionate and unfair increase in the rates payable on those properties whose values were at the extremes of the range of residential values under the capital value rating system:)* And whereas it is desirable that Special Order No. 1, Resolution No. 1, and Resolution No. 2 be validated: And whereas at a meeting held on the 6th day of June 1989 the former Petone Borough Council passed a resolution making and levying the rates for the year commencing on the 1st day of April 1989 and ending with the 31st day of March 1990, the said resolution being set out in the **Second** Schedule to this Act (hereinafter called Resolution No. 3): And whereas Resolution No. 3 is invalid as it purports to have been made pursuant to certain rating powers said to be contained in the Local Government Act 1974 and to the Rating (*Powers*) Act 1967, both of which in fact had been repealed prior to the date of Resolution No. 3: And whereas Resolution No. 3 could have been validly passed under the relevant provisions of the Rating Powers Act 1988 then in force: And whereas it is desirable that Resolution No. 3 be validated: And whereas at a meeting held on the 22nd day of May 1989, the former Eastbourne Borough Council passed a resolution making and levying rates for the year commencing on the 1st day of April 1989 and ending with the 31st day of March 1990, the said resolution being set out in the **Third** Schedule to this Act (hereinafter called Resolution No. 4): And whereas Resolution No. 4 is invalid as it purports to have been made pursuant to certain rating powers said to be contained in the Local Government Act 1974 but which in fact had been repealed prior to the date of resolution and further purports to make

and levy a water rate by including a minimum charge of \$105 on land and dwelling houses where water could be but was not supplied when the imposition of a minimum charge was not authorised or provided for by the Rating Powers Act 1988: And
5 whereas Resolution No. 4 (except the minimum water charge) could have been validly passed pursuant to the Rating Powers Act 1988: And whereas it is desirable that Resolution No. 4 be validated: And whereas by the Local Government (Wellington
10 Region) Reorganisation Order 1989 (*Gazette*, 1989, Vol. III, page 2491) the said Petone Borough Council, the said Eastbourne Borough Council, and the said Lower Hutt City Council were dissolved as from the 1st day of November 1989 and their functions and responsibilities were transferred to a new local authority, namely, The Lower Hutt City Council constituted by
15 the said Order in Council: And whereas on the 23rd day of April 1990, The Lower Hutt City Council passed a resolution pursuant to section 6 of the Local Government Reform (Transitional Provisions) Act (1989) 1990 to make and levy rates for the transitional quarter commencing on the 1st day of
20 April 1990 and ending with the 30th day of June 1990 whereunder the rating system used during the 1989-90 rating year (including the making and levying of rates on the properties in Group R (Residential) within the Lower Hutt area on a factorised value of rateable value of those properties in the
25 same manner as prescribed by Resolution No. (2) 1 and Resolution No. (3) 2) was carried forward into the transitional quarter, the said resolution being first set out in the **Fourth** Schedule to this Act (hereinafter called Resolution No. 5): (*And whereas Resolution No. 5 is also invalid for the reason earlier set forth in respect of Special Order No. 1, Resolution No. 1, and Resolution No. 2*) And whereas a doubt has arisen as to whether Resolution No. 5 is valid: And whereas at a meeting held on the 9th day of
30 July 1990, The Lower Hutt City Council passed a resolution by way of a special order altering the system of rating on a differential basis whereunder, *inter alia*, it made some minor adjustments to the factorised value to be used in calculating the rates payable for those properties in Group R (Residential) in the Lower Hutt area, the relevant parts of the said special order resolution being secondly set out in the **Fourth** Schedule to this
35 Act (hereinafter called Special Order No. 2): And whereas Special Order No. 2 was confirmed by a resolution passed at a special meeting of the said Lower Hutt City Council on the 10th day of September 1990, the relevant parts of the said resolution being thirdly set out in the **Fourth** Schedule to this Act
40 (hereinafter called Resolution No. 6): And whereas Special

Order No. 2 and Resolution No. 6 are invalid for the reason earlier set forth in respect of Special Order No. 1, Resolution No. 1, and Resolution No. 2: And whereas at a special meeting of The Lower Hutt City Council held on the 31st day of October 1990 The Lower Hutt City Council passed a resolution making and levying rates for the year commencing on the 1st day of July 1990 and ending with the 30th day of June 1991 whereunder it made and levied rates on the properties in Group R (Residential) in the Lower Hutt area on a factorised value of rateable value, the relevant parts of the said resolution being fourthly set out in the **Fourth** Schedule to this Act (hereinafter called Resolution No. 7): And whereas Resolution No. 7 is invalid for the reason earlier set forth in respect of Special Order No. 1, Resolution No. 1, and Resolution No. 2: And whereas it is desirable that Resolution No. 5, Resolution No. 6, Special Order No. 2, and Resolution No. 7 be validated: And whereas pursuant to the Lower Hutt City (Name of City Council) Act 1991 the name of The Lower Hutt City Council constituted under the said Order in Council was changed to The Hutt City Council:

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

1. Short Title—This Act may be cited as the Hutt City Council (Rating Validation) Act 1992.

2. Validation of resolutions and special orders—Special Order No. 1, Special Order No. 2, and Resolutions Nos. 1, 2, 3, 4, 5, 6, and 7, the relevant parts of which are set out in the **First, Second, Third, and Fourth** Schedules to this Act, are hereby validated and declared to have been lawfully made.

3. Validation of rates, etc.—(1) The rates made and levied by—

- (a) The former Lower Hutt City Council for the year commencing on the 1st day of April 1989 and ending with the 31st day of March 1990 in reliance on Special Order No. 1, Resolution No. 1, and Resolution No. 2; and
- (b) The former Petone Borough Council for the year commencing on the 1st day of April 1989 and ending with the 31st day of March 1990 in reliance on Resolution No. 3; and
- (c) The former Eastbourne Borough Council for the year commencing on the 1st day of April 1989 and ending

with the 31st day of March 1990 in reliance on Resolution No. 4; and

5 (d) The (former Lower) Hutt City Council (then known as the Lower Hutt City Council) for the transitional quarter commencing on the 1st day of April 1990 and ending with the 30th day of June 1990 and for the year commencing on the 1st day of July 1990 and ending with the 30th day of June 1991 in reliance on Resolution No. 5, Special Order No. 2, Resolution
10 No. 6, and Resolution No. 7—

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

15 (2) All actions of the former Lower Hutt City Council, the former Petone Borough Council, and the former Eastbourne Borough Council and their respective successor The Hutt City Council in levying and collecting the said rates are hereby validated and declared to have been lawful.

20 (3) All money received by the former Lower Hutt City Council, the former Petone Borough Council, and the former Eastbourne Borough Council and their respective successor The Hutt City Council in payment of the said rates is hereby declared to have been lawfully paid to and received by the said Councils.

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

SCHEDULES

Section 2

FIRST SCHEDULE

RELEVANT EXTRACTS FROM RESOLUTIONS VALIDATED

1. *Resolution By Way of Special Order dated 24 April 1989 (Special Order No. 1):*

Pursuant to sections 80, 81 and 85 of the Rating Powers Act 1988 together with all and every other power it thereunto enabling the Lower Hutt City Council hereby resolved by way of Special Order to alter the system of rating on a differential basis in the manner hereafter specified, the reasons and basis for such alteration being as stated in the various parts 1 to 4 below: Differential Rating as amended shall come into force on the 1st day of April 1989.

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PART 2

SPECIFICATION OF GROUPS OF PROPERTIES

2.1 The following specification of groups of properties shall be read subject to the provisions of Part 2.2 to 2.8.

GROUP R (Residential)

All properties which by the proposed City of Lower Hutt District Scheme Review No. 2 or the proposed Western Hills District Planning Scheme are in one or more of the following zones with the exception of any property coming within Group U:

General Residential	Escarpment Residential
Central Residential	Western Hills Residential
Residential Inner	Town Belt
Residential Qualified	River
Rural A	Watershed Protection
Rural C	Recreation
Belmont/Rural/Residential	Landscape Protection
Liverton Rural/Residential	Waiwhetu Community Purposes
Belmont Regional Park	

All GROUP R properties shall be further classified on the basis of the latest Government Valuation as determined by Valuation New Zealand into the following classifications:

Capital Value	Classification
Not more than \$10,000	1
More than \$10,000 but less than \$20,001	2
More than \$20,000 but less than \$30,001	3
More than \$30,000 but less than \$40,001	4
More than \$40,000 but less than \$50,001	5
More than \$50,000 but less than \$60,001	6
More than \$60,000 but less than \$70,001	7
More than \$70,000 but less than \$80,001	8
More than \$80,000 but less than \$90,001	9
More than \$90,000 but less than \$100,001	10
More than \$100,000 but less than \$110,001	11
More than \$110,000 but less than \$120,001	12
More than \$120,000 but less than \$130,001	13

FIRST SCHEDULE—*continued*

RELEVANT EXTRACTS FROM RESOLUTIONS VALIDATED—*continued*

Capital Value	Classification
More than \$130,000 but less than \$140,001 ..	14
More than \$140,000 but less than \$150,001 ..	15
More than \$150,000 but less than \$160,001 ..	16
More than \$160,000 but less than \$170,001 ..	17
More than \$170,000 but less than \$180,001 ..	18
More than \$180,000 but less than \$190,001 ..	19
More than \$190,000 but less than \$200,001 ..	20
More than \$200,000 but less than \$210,001 ..	21
More than \$210,000 but less than \$220,001 ..	22
More than \$220,000 but less than \$230,001 ..	23
More than \$230,000 but less than \$240,001 ..	24
More than \$240,000 but less than \$250,001 ..	25
More than \$250,000 but less than \$260,001 ..	26
More than \$260,000 but less than \$270,001 ..	27
More than \$270,000 but less than \$280,001 ..	28
More than \$280,000 but less than \$290,001 ..	29
More than \$290,000 but less than \$300,001 ..	30
More than \$300,000 but less than \$350,001 ..	31
More than \$350,000 but less than \$400,001 ..	32
More than \$400,000 but less than \$500,001 ..	33
More than \$500,000	34

...

2.4 Any property occupied by the Lower Hutt City Council shall fall within Group R for the purposes of differential rating.

...

2.7 Any residential use notwithstanding that it is not a predominant, discretionary or conditional use within any zone shall fall within Group R.

...

PART 3

RELATIONSHIP BETWEEN GROUPS OF PROPERTY AND PROPORTIONS OF RATES LEVIED

3.1 Rates made and levied on every rateable property within the district falling within each differential rating group specified in Part 2 shall vary on the following basis:

3.1.1 Consolidated Rate

The Consolidated Rate in the dollar made and levied in respect of each group of properties together with the revenue from any uniform annual charges levied shall be calculated to produce (as nearly as practicable) the following proportion of the total revenue from each group.

FIRST SCHEDULE—*continued*RELEVANT EXTRACTS FROM RESOLUTIONS VALIDATED—*continued*

Group R	..	..	53.77%
Group U	..	..	0.23%
Group C	..	..	19.75%
Group I	..	..	<u>26.25%</u>
			100.00%

3.1.2 Water Rate

The Water Rate in the dollar made and levied in respect of each group of properties shall be calculated to produce (as nearly as practicable) the following proportion of the total revenue from each group.

Group R	..	..	53.98%
Group U	..	..	0.02%
Group C	..	..	19.75%
Group I	..	..	<u>26.25%</u>
			100.00%

...

3.5 Rates made and levied over Group R (Residential) shall be made and levied to produce the required percentage from all residential classifications in the following manner:

The base residential rate which is made and levied shall be multiplied by the factor set out below for each residential classification to determine the actual rate in the dollar payable by all properties within that classification.

Classification	Factor
1	4.45
2	3.56
3	2.75
4	2.35
5	2.10
6	1.93
7	1.80
8	1.68
9	1.66
10	1.63
11	1.60
12	1.58
13	1.56
14	1.54
15	1.52
16	1.50
17	1.47
18	1.45
19	1.43

FIRST SCHEDULE—*continued*

RELEVANT EXTRACTS FROM RESOLUTIONS VALIDATED—*continued*

CLASSIFICATION					FACTOR
20	..	..	..	..	1.41
21	..	..	..	..	1.38
22	..	..	..	..	1.36
23	..	..	..	..	1.35
24	..	..	..	..	1.32
25	..	..	..	..	1.29
26	..	..	..	..	1.25
27	..	..	..	..	1.22
28	..	..	..	..	1.20
29	..	..	..	..	1.17
30	..	..	..	..	1.13
31	..	..	..	..	1.08
32	..	..	..	..	1.05
33	..	..	..	..	1.04
34	..	..	..	..	1.00

...

2. Resolution Dated 26 June 1989 (Resolution No. 1):

(iii) RESOLVED: (H. W. Mayor/Councillor Twentyman)

That the resolution to alter the system of rating on a differential basis, passed by way of Special Order at a meeting of the Lower Hutt City Council held at the Council Chambers, 30 Laings Road, Lower Hutt, on 24 April 1989 be, and the same is hereby confirmed subject to the modifications contained in the Acting City Manager's report dated 23 June 1989 which modifications the Council considers necessary by reason of representations made to it by the Department of Scientific & Industrial Research before this meeting; which modifications are:

...

2. That the relationship between groups of property and proportions of rates levied, as set out in Part 3, be altered to read as follows:

3.1.1 Consolidated Rate

Group R	..	..	53.77%
Group U	..	..	0.23%
Group C	..	..	20.25%
Group I	..	..	<u>25.75%</u>
			100.00%

3.1.2 Water Rate

Group R	..	..	53.98%
Group U	..	..	0.02%
Group C	..	..	20.25%
Group I	..	..	<u>25.75%</u>
			100.00%

FIRST SCHEDULE—*continued*RELEVANT EXTRACTS FROM RESOLUTIONS VALIDATED—*continued*

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3. *Resolution Dated 26 June 1989 (Resolution No. 2):*

That pursuant to section 11 of the Rating Powers Act 1988, the Lower Hutt City Council hereby resolved to make and levy the following rates on a differential basis for the year commencing 1 April 1989 and ending 31 March 1990:

Description of Rates				Consolidated Rate	Water Rate
Group R (Residential) (Base Residential Rate)	..	..	c	c	c
General Rate	..	..	0.3035		
Drainage Rate	..	..	<u>0.0440</u>	0.3475	0.0676

SECOND SCHEDULE

Section 2

RELEVANT EXTRACTS FROM RESOLUTION VALIDATED

Resolution Dated 6 June 1989 (Resolution No. 3):

That having given notice of its intention in accordance with section 121 of the Local Government Act 1974 and the Rating Powers Act 1988, the Petone Borough Council now does make and levy the following rates for the year ending the 31st day of March, 1990:

DIFFERENTIAL GROUP 1 (RESIDENTIAL : ONE UNIT)

A Consolidated Rate under the provisions of section 175 of the Local Government Act 1974 of 1.6763 cents in the dollar upon the rateable land value of all rateable property within Differential Group 1 (Residential : One Unit) in the Borough of Petone, in lieu of:

- | | | |
|-------|--|-------------|
| (i) | A General Rate pursuant to section 136 of the Local Government Act 1974. | .8873 cents |
| (ii) | A Separate Rate pursuant to section 65 of the Hutt Valley Drainage Act 1967 to provide for the levy payable to the Hutt Valley Drainage Board. | .1767 cents |
| (iii) | A Recreation Rate pursuant to subsection (1)(e) of section 143 of the Local Government Act 1974 to provide and maintain facilities for recreation libraries. | .4208 cents |
| (iv) | A Consolidated Special Rate pursuant to section 174 of the Local Government Act 1974 to provide for payment of interest, principal, and sinking fund charges on loans. | .1915 cents |

WELLINGTON REGIONAL COUNCIL RATES

A rate made by the Wellington Regional Council and levied by the Petone Borough Council as collecting authority, pursuant to section 133 of the Local Government Act 1974, of .2313 cents in the dollar upon the rateable land value of all rateable property within Differential Group 1:

MULTI UNIT SURCHARGE

Differential Group 2 (Residential : Two Units) 120 percent of the rates in Differential Group 1

Differential Group 3 (Residential : Three Units) 130 percent of the rates in Differential Group 1

Differential Group 4 (Residential : Four Units) 140 percent of the rates in Differential Group 1

Differential Group 5 (Residential : Five Units) 150 percent of the rates in Differential Group 1

Differential Group 6 (Residential : Six Units) 160 percent of the rates in Differential Group 1

Differential Group 7 (Residential : Seven Units) 170 percent of the rates in Differential Group 1

Differential Group 8 (Residential : Eight Units) 180 percent of the rates in Differential Group 1

SECOND SCHEDULE—*continued*RELEVANT EXTRACTS FROM RESOLUTION VALIDATED—*continued*

Differential Group 9 (Residential : Nine Units) 190 percent of the rates in Differential Group 1

Differential Group 10 (Residential : Ten Units or more) 200 percent of the rates in Differential Group 1

DIFFERENTIAL GROUP II (COMMERCIAL OR INDUSTRIAL)

A Consolidated Rate under the provisions of section 175 of the Local Government Act 1974 of 2.4405 cents in the dollar upon the rateable land value of all rateable property within Differential Group II in the Borough of Petone in lieu of:

- | | | |
|-------|--|--------------|
| (i) | A General Rate pursuant to section 136 of the Local Government Act 1974. | 1.2918 cents |
| (ii) | A Separate Rate pursuant to section 65 of the Hutt Valley Drainage Act 1967 to provide for the levy payable to the Hutt Valley Drainage Board. | .2574 cents |
| (iii) | A Recreation Rate pursuant to subsection (1) (e) of section 144 of the Local Government Act 1974 to provide and maintain facilities for recreation libraries. | .6126 cents |
| (iv) | A Consolidated Special Rate pursuant to section 174 of the Local Government Act 1974 to provide for payment of interest, principal, and sinking fund charges on loans. | .2787 cents |

WELLINGTON REGIONAL COUNCIL RATES

A rate made by the Wellington Regional Council and levied by the Petone Borough Council as collecting authority, pursuant to section 133 of the Local Government Act 1974, of .3207 cents in the dollar upon the rateable land value of all rateable property within Differential Group II.

DIFFERENTIAL GROUP 12 (RURAL)

A Consolidated Rate under the provisions of section 175 of the Local Government Act 1974 of .5506 cents in the dollar upon the rateable land value of all rateable property within Differential Group 12 (Rural) within the Borough of Petone in lieu of:

- | | | |
|-------|---|-------------|
| (i) | A General Rate pursuant to section 136 of the Local Government Act 1974. | .2915 cents |
| (ii) | A Separate Rate pursuant to section 65 of the Hutt Valley Drainage Act 1967 to provide for the levy payable to the Hutt Valley Drainage Board. | .0580 cents |
| (iii) | A Recreation Rate pursuant to subsection (1) (e) of section 143 of the Local Government Act 1974 to provide and maintain facilities for recreation and libraries. | .1382 cents |

SECOND SCHEDULE—*continued*

RELEVANT EXTRACTS FROM RESOLUTION VALIDATED—*continued*

- (iv) A Consolidated Special Rate pursuant to section 174 of the Local Government Act 1974 to provide for payment of interest, principal and sinking fund charges on loans. .0629 cents

WELLINGTON REGIONAL COUNCIL RATES

A rate made by the Wellington Regional Council and levied by the Petone Borough Council as collecting authority, pursuant to section 133 of the Local Government Act 1974, of .0723 cents in the dollar upon the rateable land value of all rateable property within Differential Group 12.

RATES BY INSTALMENT

Pursuant to Part IIIA of the Rating Act 1967, the foregoing rates shall be payable in four quarterly instalments, due on the 21st day of April, the 14th day of July, the 6th day of October 1989 and the 5th day of January 1990.

DISCOUNT

That pursuant to section 70 of the Rating Act 1967, a discount of 5% will be allowed where the whole of the rates for the 1989-90 are paid within one month after the 14th day of July, viz., 16th August 1989. Discount shall not be allowed on any part of the year's rates and charges paid by instalments notwithstanding that part may be received prior to 16th August 1989.

PENALTIES

That pursuant to section 71 of the Rating Act 1967, an additional charge of 10% shall be added to all rates and charges unpaid 42 days after the date on which each instalment is required to be paid, viz., 2nd June, 25th August, 17th November 1989 and 16th February 1990.

WATER RATES : EXTRAORDINARY SUPPLY

That pursuant to section 158 of the Local Government Act 1974, the charge for the extraordinary supply of water within the meaning of the Petone Borough Council General Bylaw 1975 (Chapter 7) shall be 59 cents per cubic metre, according to the quantity consumed as measured by meter, inclusive of GST.

Section 2**THIRD SCHEDULE****RELEVANT EXTRACTS FROM RESOLUTION VALIDATED**

Resolution Dated 22 May 1989 (Resolution No. 4):

THAT public notice having been duly given, the Eastbourne Borough Council in pursuance of its authority under the Local Government Act 1984, the Rating Powers Act 1987, the Local Authorities Loans Act 1956 and all other Acts enabling it in that behalf hereby resolved to make and levy the following rates and charges for the year commencing on the first day of April 1989 and ending on thirty-first day of March 1990.

- (a) A General Rate under section 136 of the Local Government Act 1974 of one point one one nought eight one nine (1.110819) cents in the dollar on the rateable value being the land value of all rateable property in the Borough of Eastbourne.
- (b) A Water Rate of point four two nought four (.4204) cents in the dollar on the rateable value being the land value of all rateable property in the Borough of Eastbourne such rate being levied in terms of section 143 of the Local Government Act 1974 with a provision of a minimum charge of one hundred and five (\$105.00) on all land and dwelling houses where water can be but is not supplied.
- (c) A Sanitary Drainage Charge under section 162 of the Local Government Act 1974 of one hundred and eighty six dollars (\$186.00) and under section 163 of the Local Government Act 1974 a Refuse Charge of forty six dollars (\$46.00).
- (d) A Recreation Annual Charge under section 164_A of the Local Government Act 1974 of one hundred and sixteen dollars (\$116.00) on every property in the Borough of Eastbourne.

Date of Rate Demands:

THAT such rates and charges shall be due and payable on three instalments at the office of the Eastbourne Borough Council on the 1st day of June 1989, 1st day of October 1989 and the 1st day of February 1990, the Regional Rate portion only of the first of these payments being based on the last instalment payment made in respect of the 1988-89 rating year.

Penalty on Rates:

A penalty of ten percent (10%) will be charged on all 1989-90 rates which remain unpaid 42 days after each due date such penalty dates being 14th July 1989, 14th November 1989 and 16th March 1990.

Extra-Ordinary Water Supply

THAT in respect of charges for extra-ordinary water supply (water by meter) the charge be fixed at nought point five five cents (\$0.55 cents) per cubic metre with a credit of one hundred and five dollars (\$105.00) being half the average charge for water supply.

FOURTH SCHEDULE

Section 2

RELEVANT EXTRACTS FROM RESOLUTIONS VALIDATED

1. *Resolution Dated 23 April 1990 (Resolution No. 5):*

RESOLVED: (H. W. Mayor/Councillor Gibbs)

That the report be received and

- (i) The Lower Hutt City Council adopt the Transitional Rating Procedures for the Transitional Quarter from 1 April 1990 to 30 June 1990 as provided for under the Local Government Reform (Transitional Provisions) Act 1989.
- (ii) The Transitional Rating Procedures be adopted in respect of all functions.
- (iii) The proportion of rates levied on every property in Lower Hutt for the Transitional Quarter (exclusive of GST) be 25.41% of rates that were levied during the 1989-90 financial year, plus GST.
- (iv) The rates for the Transitional Quarter become due and payable on 1 May 1990 with a further additional charge of 10% being added to all rates levied during the Transitional Quarter and which remain unpaid after 31 May 1990.

2. *Resolution Dated 9 July 1990 (Special Order No. 2):*

RESOLVED (Cr Twentyman/Cr Bates)

“That the Lower Hutt City Council pursuant to sections 80, 81, 84 and 85 of the Rating Powers Act 1988 and section 716B of the Local Government Act 1974 and every other power it thereunto enabling hereby resolves by way of Special Order as follows:

- 1. That pursuant to section 85 of the Rating Powers Act 1988 the existing systems of differential rating applying in the district of the City of Lower Hutt be altered and the system of differential rating as specified in the Statement attached as Appendix A be adopted for the district to come into force on and from the 1st day of July 1990.

...

APPENDIX A

...

- 2.2 The following definition of these differential rating groups shall be read subject to the paragraphs 2.3 to 2.9.

LOWER HUTT RESIDENTIAL

All properties of the City within the boundaries of the Eastern, Western or Northern Wards as defined under the Local Government (Wellington Region) Reorganisation Order 1989 and which under the City of Lower Hutt District Scheme Review No. 2 or the operative Western Hills Area District Scheme are in any of the following zones with the exception of any property coming within the Lower Hutt differential rating Rural group.

General Residential	Escarpment Residential
Central Residential	Western Hills Residential
Residential Inner	Town Belt
Residential Qualified	River
Rural A	Watershed Protection

FOURTH SCHEDULE—*continued*RELEVANT EXTRACTS FROM RESOLUTIONS VALIDATED—*continued*

Rural C	Recreation
Belmont/Rural/Residential	Landscape Protection
Liverton Rural/Residential	Waiwhetu Community Purposes
Belmont Regional Park	Deferred Urban

All Lower Hutt Residential properties shall be further classified on the basis of the latest Valuation as determined by Valuation New Zealand as follows:

Capital Value	Classification
Not more than \$10,000	1
More than \$10,000 but less than \$20,001	2
More than \$20,000 but less than \$30,001	3
More than \$30,000 but less than \$40,001	4
More than \$40,000 but less than \$50,001	5
More than \$50,000 but less than \$60,001	6
More than \$60,000 but less than \$70,001	7
More than \$70,000 but less than \$80,001	8
More than \$80,000 but less than \$90,001	9
More than \$90,000 but less than \$100,001	10
More than \$100,000 but less than \$110,001	11
More than \$110,000 but less than \$120,001	12
More than \$120,000 but less than \$130,001	13
More than \$130,000 but less than \$140,001	14
More than \$140,000 but less than \$150,001	15
More than \$150,000 but less than \$160,001	16
More than \$160,000 but less than \$170,001	17
More than \$170,000 but less than \$180,001	18
More than \$180,000 but less than \$190,001	19
More than \$190,000 but less than \$200,001	20
More than \$200,000 but less than \$210,001	21
More than \$210,000 but less than \$220,001	22
More than \$220,000 but less than \$230,001	23
More than \$230,000 but less than \$240,001	24
More than \$240,000 but less than \$250,001	25
More than \$250,000 but less than \$260,001	26
More than \$260,000 but less than \$270,001	27
More than \$270,000 but less than \$280,001	28
More than \$280,000 but less than \$290,001	29
More than \$290,000 but less than \$300,001	30
More than \$300,000 but less than \$350,001	31
More than \$350,000 but less than \$400,001	32
More than \$400,000 but less than \$500,001	33
More than \$500,000	34

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FOURTH SCHEDULE—*continued*

RELEVANT EXTRACTS FROM RESOLUTIONS VALIDATED—*continued*

- 3.8 Rates made and levied over Group Lower Hutt Residential shall be made and levied to produce the required percentage from all residential classifications in the following manner:

The base residential rate which is made and levied shall be multiplied by the factor set out below for each residential classification to determine the actual rate in the dollar payable by all properties within that classification.

Classification	Factor
1	4.40
2	3.50
3	2.70
4	2.30
5	2.05
6	1.85
7	1.70
8	1.60
9	1.58
10	1.56
11	1.54
12	1.52
13	1.50
14	1.48
15	1.46
16	1.44
17	1.42
18	1.40
19	1.38
20	1.36
21	1.34
22	1.32
23	1.30
24	1.27
25	1.25
26	1.23
27	1.20
28	1.17
29	1.14
30	1.12
31	1.07
32	1.05
33	1.04
34	1.00

3. *Resolution Dated 10 September 1990 (Resolution No. 6):*

That the report and recommendations be adopted and the resolution to alter the system of differential rating passed by way of Special Order at a meeting of the Lower Hutt City Council held in the Council Chambers, Administration Building, 30 Laings Road, Lower Hutt on the 9th day of

FOURTH SCHEDULE—*continued*RELEVANT EXTRACTS FROM RESOLUTIONS VALIDATED—*continued*

July 1990 be and the same is hereby confirmed subject to the adoption of the amended statement at pages C. 23 to C. 38 and to a further amendment to the first paragraph on page C. 27 such that it reads:

...

APPENDIX B

...

ALTERATIONS TO DIFFERENTIAL RATING SYSTEM
STATEMENT PURSUANT TO SECTION 84 (1) (c)
RATING POWERS ACT 1988

...

- 2.2 The following definitions of these differential rating groups shall be read subject to paragraphs 2.3 to 2.9.

LOWER HUTT RESIDENTIAL

All properties of the City within the boundaries of the Eastern, Western or Northern Wards as defined under the Local Government (Wellington Region) Reorganisation Order 1989 and which under the City of Lower Hutt District Scheme Review No. 2 or the operative Western Hills Area District Scheme are in any of the following zones with the exception of any property coming within the Lower Hutt differential rating Rural group.

General Residential	Escarpment Residential
Central Residential	Western Hills Residential
Residential Inner	Town Belt
Residential Qualified	River
Rural A	Watershed Protection
Rural C	Recreation
Belmont/Rural/Residential	Landscape Protection
Liverton Rural/Residential	Waiwhetu Community Purposes
Belmont Regional Park	Deferred Urban

All Lower Hutt Residential properties shall be further classified on the basis of the latest Valuation as determined by Valuation New Zealand as follows:

Capital Value	Classification
Not more than \$10,000	1
More than \$10,000 but less than \$20,001	2
More than \$20,000 but less than \$30,001	3
More than \$30,000 but less than \$40,001	4
More than \$40,000 but less than \$50,001	5
More than \$50,000 but less than \$60,001	6
More than \$60,000 but less than \$70,001	7
More than \$70,000 but less than \$80,001	8
More than \$80,000 but less than \$90,001	9
More than \$90,000 but less than \$100,001	10
More than \$100,000 but less than \$110,001	11

FOURTH SCHEDULE—*continued*

RELEVANT EXTRACTS FROM RESOLUTIONS VALIDATED—*continued*

Capital Value	Classification
More than \$110,000 but less than \$120,001 ..	12
More than \$120,000 but less than \$130,001 ..	13
More than \$130,000 but less than \$140,001 ..	14
More than \$140,000 but less than \$150,001 ..	15
More than \$150,000 but less than \$160,001 ..	16
More than \$160,000 but less than \$170,001 ..	17
More than \$170,000 but less than \$180,001 ..	18
More than \$180,000 but less than \$190,001 ..	19
More than \$190,000 but less than \$200,001 ..	20
More than \$200,000 but less than \$210,001 ..	21
More than \$210,000 but less than \$220,001 ..	22
More than \$220,000 but less than \$230,001 ..	23
More than \$230,000 but less than \$240,001 ..	24
More than \$240,000 but less than \$250,001 ..	25
More than \$250,000 but less than \$260,001 ..	26
More than \$260,000 but less than \$270,001 ..	27
More than \$270,000 but less than \$280,001 ..	28
More than \$280,000 but less than \$290,001 ..	29
More than \$290,000 but less than \$300,001 ..	30
More than \$300,000 but less than \$350,001 ..	31
More than \$350,000 but less than \$400,001 ..	32
More than \$400,000 but less than \$500,001 ..	33
More than \$500,000	34

...

4.0 Rates made and levied over Group Lower Hutt Residential shall be made and levied to produce the required percentage from all residential classifications in the following manner:

The base residential rate which is made and levied shall be multiplied by the factor set out below for each residential classification to determine the actual rate in the dollar payable by all properties within that classification.

Classification	Factor
1	4.40
2	3.50
3	2.70
4	2.30
5	2.05
6	1.85
7	1.70
8	1.60
9	1.58
10	1.56
11	1.54
12	1.52

FOURTH SCHEDULE—*continued*RELEVANT EXTRACTS FROM RESOLUTIONS VALIDATED—*continued*

CLASSIFICATION	FACTOR
13	1.50
14	1.48
15	1.46
16	1.44
17	1.42
18	1.40
19	1.38
20	1.36
21	1.34
22	1.32
23	1.30
24	1.27
25	1.25
26	1.23
27	1.20
28	1.17
29	1.14
30	1.12
31	1.07
32	1.05
33	1.04
34	1.00

4. *Resolution Dated 31 October 1990 (Resolution No. 7):*

RESOLVED (H. W. Mayor/Councillor Bosnan)

That the resolution to make and levy rates for the year ended 30 June 1991 as set out on pages C1-C12 be adopted subject to the following amendments:

...

New

Pursuant to section 111 of the Rating Powers Act 1988, the Lower Hutt City Council resolves to make and levy the following rates on a differential basis for the year commencing 1 July 1990 and ending 30 June 1991.

1. THE LOWER HUTT CITY COUNCIL RATES

- (a) A General Rate for the general purpose of the City, under the provisions of section 12 of the Rating Powers Act 1988 for those groups of properties defined in the City of Lower Hutt Differential Rating Scheme as listed below:

FOURTH SCHEDULE—continued

RELEVANT EXTRACTS FROM RESOLUTIONS VALIDATED—continued

New

		Cents in the \$	
*Lower Hutt	Residential	0.30119	on the Capital Value
...			
*	For Lower Hutt Residential the rate in the dollar is the base residential rate.		
(b)	A separate Water Rate under the provisions of section 17 of the Rating Powers Act 1988 for those groups of properties defined in the City of Lower Hutt Differential Rating Scheme, as listed below, provided that:		
...			
		Cents in the \$	
*Lower Hutt	Residential	0.07705	on the Capital Value
...			
*	For Lower Hutt Residential the rate in the dollar is the base residential rate.		
(c)	A separate Sewerage Rate (whole City) under the provisions of section 17 of the Rating Powers Act 1988 for those groups of properties defined in the City of Lower Hutt Differential Rating Scheme, as listed below, provided that:		
...			
		Cents in the \$	
*Lower Hutt	Residential	0.00478	on the Capital Value
...			
*	For Lower Hutt Residential the rate in the dollar is the base residential rate.		
(d)	A separate Sewerage Rate (ex Hutt Valley Drainage Board) under the provisions of section 17 of the Rating Powers Act 1988 for those groups of properties defined in the City of Lower Hutt Differential Rating Scheme, as listed below, provided that:		
...			
		Cents in the \$	
*Lower Hutt	Residential	0.02849	on the Capital Value
...			
*	For Lower Hutt Residential the rate in the dollar is the base residential rate.		
...			
(f)	A Special Rate under the provisions of section 55 of the Rating Powers Act 1988 for those groups of properties defined in the City of Lower Hutt Differential Scheme, as listed below, to provide for the servicing of Loans of the former Lower Hutt City Council.		

FOURTH SCHEDULE—*continued*RELEVANT EXTRACTS FROM RESOLUTIONS VALIDATED—*continued**New*

		Cents in the \$	
*Lower Hutt	Residential	0.06927	on the Capital Value
...			
*	Excludes properties which were within the district of the former Petone Borough.		
...			
2.	WELLINGTON REGIONAL COUNCIL RATES		
	Pursuant to sections 127 and 128 of the Rating Powers Act 1988 the Lower Hutt City Council intends to levy and collect the rates made by the Wellington Regional Council under the provisions of the Rating Powers Act 1988 of the amount shown below for those groups of properties defined in the City of Lower Hutt Differential Rating Scheme, as listed below:		
	(i) A regional General Rate under the provisions of section 33 of the Rating Powers Act 1988.		
		Cents in the \$	
*Lower Hutt	Residential	0.09655	on the Capital Value
...			
*	For Lower Hutt Residential the rate in the dollar is the base residential rate.		
	(ii) A regional Rivers Management Rate under the provisions of section 40 of the Rating Powers Act 1988.		
		Cents in the \$	
*Lower Hutt	Residential	0.00298	on the Capital Value
...			
*	For Lower Hutt residential the rate in the dollar is the base residential rate.		