

Hon. Mr. de la Perrelle.

OTAKI BOROUGH ADJUSTMENT AND FARM-LANDS RATING.

ANALYSIS.

<p>Title. Preamble.</p> <p>1. Short Title.</p> <p>2. Interpretation.</p> <p style="text-align: center;"><i>Alteration of Boundaries of Borough.</i></p> <p>3. Defining boundaries of Otaki Borough.</p> <p style="text-align: center;"><i>Classification of Lands within Borough.</i></p> <p>4. Town Clerk to prepare classification list in accordance with report of Commission.</p> <p>5. Council to give public notice of provisional classification and scale of rates.</p> <p>6. If no objections lodged, classification list and scale of rates to be confirmed by Council.</p> <p>7. Objections to be determined by Commission.</p> <p>8. Objections to be forwarded to Commission.</p> <p>9. Classification and scale of rates to be open for inspection.</p> <p>10. Report of Commission.</p> <p>11. Classification and scale of rates, as confirmed, to come into force on 1st April, 1930.</p>	<p>12. Effect of classification.</p> <p>13. Where one property is classified in more than one class, values to be apportioned and apportionment recorded on district valuation roll.</p> <p style="text-align: center;"><i>Special Provisions as to existing Loan of £14,000 raised for Sewerage Purposes.</i></p> <p>14. Special rating provisions in respect of sewerage loan.</p> <p style="text-align: center;"><i>Special Provisions as to Loans and Charges for Water-supply.</i></p> <p>15. Special rating provisions in respect of loans and charges for water-supply.</p> <p style="text-align: center;"><i>General.</i></p> <p>16. Saving of rights of debenture-holders.</p> <p>17. Powers of Commissions.</p> <p>18. Regulations. Schedules.</p>
--	--

A BILL INTITULED

AN ACT to give Effect, to the Extent herein provided, to the Recommendations of a Commission appointed to inquire into and report upon certain Matters affecting the Borough of Otaki and Lands adjacent thereto. Title.

5 WHEREAS by Warrant dated the fifth day of March, nineteen hundred and twenty-eight, a Commission was appointed under the Commissions of Inquiry Act, 1908, to inquire into and report upon certain matters relating to the Borough of Otaki, more particularly with respect to the boundaries of the said borough and the liability of the lands comprised therein and of certain adjacent lands to rates levied in respect of several loans raised for sewerage and water-supply purposes, and generally with respect to the liability of lands within the borough to rates and other charges: And whereas the Commission duly reported the result of its inquiries, and made certain recommendations having for their general purpose the alleviation of the burden of rates borne by occupiers of lands used for farming purposes: And whereas in its report as aforesaid (which is recorded in parliamentary paper H.-28, 1928) the Commission made recommendations to the following effect, namely:— Preamble.

- (a) That the boundaries of the borough be altered so as to include certain lands that had theretofore been excluded from the borough :
- (b) That all rateable property within the boundaries of the borough, altered in accordance with the *last preceding* paragraph, be classified into three classes, as follows : Class A, building-land ; Class B, potential building-land ; Class C, farm-land :
- (c) That, subject to certain exceptions hereinafter referred to, the several rates of the Borough Council should be payable proportionately so that for every one hundred pounds of rates payable in respect of land in Class A, eighty-five pounds should be payable in respect of land of an equal unimproved value in Class B, and seventy pounds in respect of land of an equal unimproved value in Class C :

And whereas with respect to the rates levied by the Council for the purpose of providing the interest and sinking fund or other charges on certain loans raised for sewerage and water-supply works the Commission recommended that the system of classification of lands and differentiation of rates hereinbefore referred to should be adopted, with certain modifications, as hereinafter set forth : And whereas it is desirable that provision be made to give effect to the recommendations of the Commission to the extent hereinafter appearing :

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

Short Title.

1. This Act may be cited as the Otaki Borough Adjustment and Farm-lands Rating Act, 1929.

Interpretation.

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

“Borough” means the Borough of Otaki :

“Council” means the Otaki Borough Council :

“Minister” means the Minister of Internal Affairs :

“Town Clerk” means the Town Clerk of the Otaki Borough Council.

Alteration of Boundaries of Borough.

Defining boundaries of Otaki Borough.

3. (1) This section shall come into force on the first day of April, nineteen hundred and *thirty*.

(2) As from the coming into force of this section and thereafter until altered in accordance with law the boundaries of the Borough of Otaki shall be as defined in the *First* Schedule hereto.

(3) The provisions of section one hundred and forty-one and section one hundred and forty-five of the Municipal Corporations Act, 1920, shall apply as if the alteration of boundaries effected by this Act had been made in accordance with the provisions of that Act.

Classification of Lands within Borough.

Town Clerk to prepare classification list in accordance with report of Commission.

4. (1) Forthwith after the passing of this Act the Town Clerk shall proceed to prepare a classification list of all rateable property within the borough, in accordance with the recommendations of the Commission referred to in the Preamble to this Act and the plan contained in Schedule F of the report of the said Commission, and

829

shall include in such classification list any rateable property which though not situated within the borough at the passing of this Act, will be included therein when the *last preceding* section comes into force.

5 (2) The Town Clerk shall append to the classification list a certificate signed by him to the effect that the classification list is in accordance with the recommendations of the Commission.

10 5. (1) On the completion by the Town Clerk of the preparation of the classification list, the Council shall cause public notice to be given, in one or more newspapers circulating in the borough, of the classification and scale of rates recommended by the Commission (herein referred to as the provisional classification and scale of rates), and of the place where and the time within which they may be inspected, and of the right of objection hereinafter conferred.

Council to give public notice of provisional classification and scale of rates.

15 (2) The provisional classification and scale of rates shall remain open for inspection in the public office of the Council for a period of twenty-one days, and at any time within that period, or within any extended period that the Minister may allow, any person having an interest in any land liable to be rated by the Council and being aggrieved
20 by such classification or scale of rates may, by notice in writing lodged with the Clerk of the Magistrate's Court in the borough, object to the same on the ground that the classification list prepared by the Town Clerk is not in accordance with the recommendations of the Commission, or that any rateable property has not been classified or has not been
25 properly classified, or that the provisional scale of rates will, in its application to any rateable property specified in the objection, be inequitable.

(3) The Council, or any authorized member or officer of the Council on its behalf, shall have a right of objection under this section.

30 6. If no objections to the provisional classification and scale of rates are lodged in accordance with the foregoing provisions, the Council shall confirm the said classification and scale of rates, and shall give public notice thereof by advertisement in one or more newspapers circulating in the borough.

If no objections lodged, classification list and scale of rates to be confirmed by Council.

35 7. If any objections are lodged to the provisional classification and scale of rates as aforesaid the Governor-General may appoint the persons by whom such classification and scale of rates have been made, or any other fit person or persons, to be a Commission for the purpose of hearing and determining such objections.

Objections to be determined by Commission.

40 8. (1) Forthwith after the appointment of a Commission in accordance with the *last preceding* section, the Clerk of the Magistrate's Court shall forward to the Commission all objections received by him, and the Commission shall thereupon consider all such objections, and shall, as it thinks fit, either amend the provisional classification and scale of
45 rates or confirm them without alteration.

Objections to be forwarded to Commission.

(2) The decision of the Commission with respect to any such objection shall be final.

50 (3) When all objections have been disposed of the classification and scale of rates shall be confirmed by the Commission, and a classification list, with the scale of rates, shall be signed by the Commission. Such classification list shall show with respect to each property that is separately rateable its classification under this Act, and such other particulars, if any, as may be prescribed.

(4) The Commission shall forthwith forward to the Town Clerk a copy of the confirmed classification list and scale of rates, signed by the Commission, and public notice thereof shall thereupon be given by the Council by advertisement in one or more newspapers circulating in the borough.

5

Classification and scale of rates to be open for inspection.

9. A copy of the confirmed classification list and scale of rates shall be kept in the public office of the Council, and shall at all times thereafter be open to public inspection without fee during office hours.

Report of Commission.

10. The Commission shall duly report to the Governor-General, and shall append to its report a signed copy of the classification list and scale of rates as confirmed.

10

Classification and scale of rates, as confirmed, to come into force on 1st April, 1930.

11. (1) The classification and scale of rates, as confirmed by the Commission, shall come into force on the first day of April, nineteen hundred and thirty, and shall continue in force until determined or altered in accordance with the following provisions of this section.

15

(2) If the system of rating that is in force in the borough on the said first day of April, nineteen hundred and thirty, is thereafter altered in manner provided by the Rating Act, 1925, the classification and scale of rates shall be determined on the date on which the alteration in the system of rating takes effect.

20

(3) If any property that is not rateable property when the classification and scale of rates come into force thereafter becomes rateable property, or if any rateable property not classified by the Commission is thereafter included in the borough, the Council, after giving public notice by advertisement in one or more newspapers circulating in the borough of its intention to classify such property, shall forthwith classify it for the purposes of this Act :

25

Provided that if, on petition, it is made to appear to the Governor-General that any such property has not been properly classified, he may appoint a Commission with power to alter the classification in so far as it relates to such property in such manner as in its opinion may be desirable.

30

(4) If any rateable property is excluded from the borough at any time while a classification and differential scale of rates are in force, the Governor-General may, on petition, appoint a Commission with power to make such consequential alterations, if any, in the scale of rates as in the opinion of the Commission may be desirable.

35

(5) Except as hereinbefore provided, the classification and scale of rates shall not be altered except by a Commission appointed in accordance with the provisions of subsection *seven* of section *twelve* of the Urban Farm-lands Rating Act, 1929. No classification and scale of rates made and confirmed by such Commission for the purposes of this Act shall come into force before the first day of April, nineteen hundred and thirty-five.

40

Effect of classification.

12. (1) While any classification and differential scale of rates are in force under this Act the following provisions shall apply :—

45

(a) All rates thereafter becoming payable, whether levied before or after the date of the coming into force of the said classification and scale of rates, shall be assessed in accordance with the said classification and scale.

50

(b) Where by any Act or otherwise a limit is prescribed as the maximum of any rate that can be levied, that limit shall

837

not be deemed to be exceeded by a rate assessed in accordance with a classification and scale of rates in force under this Act if the total proceeds derivable from such last-mentioned rate do not exceed the proceeds that would be derived from the prescribed maximum rate levied on a uniform scale on all rateable classified property, notwithstanding that the rate actually levied on the lands comprised in any class of such property may exceed the maximum rate prescribed as aforesaid.

(c) Where any rate as aforesaid is payable by virtue of a resolution passed before the date of the coming into force of the classification and scale of rates, every such resolution and the rate thereby made shall be deemed to be modified in its application to rates thereafter becoming payable to such extent as may be necessary to conform to the classification and scale of rates. For the purposes of this paragraph the term "resolution" includes any special order, enactment, or other authority by which any rate is made payable.

(2) Nothing in this section, or in any differential scale of rates for the time being in force under this Act, shall be construed to make liable to any rate any rateable property that is not liable to that particular rate independently of this Act.

13. Where any property that is separately valued in the district valuation roll for the time being in force under the Valuation of Land Act, 1925, is classified into two or more classes for the purposes of this Act, the Valuer-General shall forthwith apportion among the several classes the values then appearing in the said roll in respect of the said property, and shall record the apportionment on that roll.

Where one property is classified in more than one class, values to be apportioned and apportionment recorded on district valuation roll.

Special Provisions as to Existing Loan of £14,000 raised for Sewerage Purposes.

14. (1) In respect of the loan of fourteen thousand pounds heretofore raised by the Council from the Public Trustee for sewerage purposes, the following special provisions shall apply:—

Special rating provisions in respect of sewerage loan.

(a) For the year commencing on the first day of April, nineteen hundred and thirty, and for each year thereafter until the loan is repaid, a special rate shall be levied on the unimproved value of all rateable property in the borough for the purpose of providing in part for the annual interest and sinking-fund charges on such loan. Such rate shall be levied in accordance with the classification and scale of rates for the time being in force, and shall be sufficient to produce an amount equal to the amount that would be produced by a uniform rate of *one-farthing* for every pound of the unimproved value of all rateable property in the borough.

(b) The balance required in any year for the payment of the interest and sinking-fund charges as aforesaid shall be provided by a rate levied in accordance with the classification and scale of rates for the time being in force on the unimproved value of all rateable property within the area described in the *Second* Schedule hereto.

(2) The annual interest and sinking-fund or other charges payable in respect of any loan that may be at any time raised for the purpose of paying off the balance of the loan hereinbefore referred to shall be provided by rates levied in accordance with the provisions of paragraphs (a) and (b) of the *last preceding* subsection, and those provisions shall extend so as to apply to such loan accordingly. 5

Special Provisions as to Loans and Charges for Water-supply.

Special rating provisions in respect of loans and charges for water-supply.

15. (1) In respect of the several loans heretofore raised by the Council for the purpose of providing a water-supply within the borough (including loans for the extension of such supply) the following special provisions shall apply:— 10

(a) For the year commencing on the first day of April, nineteen hundred and thirty, and for each year thereafter until such loans are repaid, a special rate of *two* pounds shall be levied in respect of each property within the borough that is separately entered in the district valuation roll, such rate being for the purpose of providing in part for the annual interest and sinking-fund or other charges on such loans: 15

Provided that if on any land that is separately entered on the district valuation roll as aforesaid two or more buildings separately occupied as dwellinghouses or as business premises are situated, the sum of *two* pounds shall be paid under this subsection in respect of each such building. 20

(b) The balance required in any year for the payment of the interest and sinking-fund or other charges in respect of such loans, and for the cost of maintaining the water-supply service provided by the Council, shall be provided by a rate levied in accordance with the classification and scale of rates for the time being in force, on the unimproved value of all rateable property within the borough. 25 30

(2) While any rates are levied in accordance with this section, the Council shall not make or levy any water rate under the authority of section eighty-two of the Municipal Corporations Act, 1920. 30

General.

Saving of rights of debenture-holders.

16. Nothing in this Act shall in any way affect the rights or interests of any debenture-holder or other creditor of the Council. 35

Powers of Commissions.

17. Every Commission appointed for the purposes of this Act shall have all the powers of a Commission under the Commissions of Inquiry Act, 1908.

Regulations.

18. The Governor-General may from time to time, by Order in Council, make all such regulations as may in his opinion be necessary or convenient for giving full effect to the provisions of this Act. 40

SCHEDULES.

Schedules.

FIRST SCHEDULE.

BOUNDARIES OF BOROUGH OF OTAKI.

ALL that area in the Wellington Land District: bounded towards the north by a line commencing at the mouth of the Waitohu Stream, in Block V, Waitohu Survey District, and thence proceeding along the middle of the said stream to the eastern side of the old coach-road; thence towards the east by the said eastern side of the old coach-road to the north-western corner of Pukekaraka No. 5; thence towards the north and east generally by the northern and eastern boundaries of the said Pukekaraka No. 5 to the northern boundary of Te Tokitoki No. 3; again towards the east by the said northern boundary of Te Tokitoki No. 3 to the westernmost corner of Waitohu 11c No. 2; thence towards the north by the western boundary of the said Waitohu 11c No. 2 to its northernmost corner; again towards the east by the northern boundaries of the said Waitohu 11c No. 2, Waitohu 11b, and Haruatai No. 7 to the easternmost corner of the last-mentioned block; thence towards the south and east by the eastern boundaries of the said Haruatai No. 7 and the Church Mission grant to the south-western corner of Haruatai No. 2A; again towards the east by the southern boundaries of Haruatai Nos. 2A and part 2B to the south-western corner of the said Haruatai 2B at its junction with the Haruatai Stream; thence by a right line across the said Haruatai Stream, towards the east along the southern side of the northern branch of the said Haruatai Stream to the North Island Main Trunk Railway line; thence towards the south-east generally by the northern side of the said railway-line to where it joins angle-peg No. IV of the county road in Kaingaraki No. 6 Block; thence by a right line across the angle of the said county road to the northern side thereof; thence again towards the south-east generally by the said northern side of the county road to its junction with the northern side of the road which passes through Kaingaraki No. 9; thence towards the west by the northern side of the said road and the production thereof to the western side of River-bank Road; thence towards the north by the said western side of River-bank Road to the southernmost corner of Harurunui No. 1 Block; thence towards the west generally along the southern and western boundaries of the said Harurunui No. 1 and Tutangatakinu No. 9 Blocks to the northern side of the old course of the Otaki River; thence along the northern side of the said old course of the Otaki River to the Rangiuuru Creek; thence along the eastern side of that creek to a point in line with the south-western boundary of Taumanuka No. 3r Block; thence across the said Rangiuuru Creek to and along the south-western boundary of Taumanuka No. 3r Block to the sea; and thence along high-water mark of the sea to the mouth of the Waitohu Stream, the place of commencement.

SECOND SCHEDULE.

SPECIAL RATING AREA IN RESPECT OF SEWERAGE LOAN.

OTAKI Town Sections Nos. 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 110A, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 176A, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 43, 44, 49, 50, 51, 52; Kiharoa 2, Subdivisions 1, 2, 3, 4, 5, and 6; Otaki Town Section 45A, Subdivisions 1, 2, 3, 4, 5, and 6.

Otaki Extension Sections Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81.

- Pahianui 7A 3, 7A 2, part 7B, part 7B Lot 4, part 1 and 2 of 7, part 7, part 7 parts Lots 2 and 3 and 2A, 2A of 7, 2B, part 2C, 2D, and Section 9, parts 1 and 2, of 2C and 2D, all 10A, 10B, and part 1B, 1A 2, part 1 of 7, part 2A, and all 3A, 7A No. 1, Lot 2, D.P. 3067, and parts 3, 4, and 8 Lots 1, 2, 3, 4, 5, 6, 7, 8, and 9.
- Harurunui Nos. 1 and 2; Waerenga 1 and 2, Lots 7, 6, 5, 4, 3, 2, and 1, and part 1, Makuratawhiti Waerenga 6A.
- Makuratawhiti 5A, 5B, 5C, H, all 1B 2, part 1C, 1D, 1E, 1F, and part 15B, also part 1, Right-of-way, Makuratawhiti North, Makuratawhiti 1G, 1B 1, 1C 2, 1C 1, and part 1D, 1E 2, part 1F.
- Haruatai 18B or Section 3, Simcox's Subdivision, Haruatai 18A, part 10B, part 10B, part 11, part 11, Sections 1 and 2 Simcox's Subdivision, Haruatai 8A, Makuratawhiti 8B part 2, 8B 3B, J, 1A No. 1, 1A 2A, 1A 2B, 9B, 9C, 6A, 6B, 6C, 11, Section C, 11B 1, 11B 2, 11A 1, 11A 2, all 11 2B, 2A Lots 4, 3, 1, 2, and part 2A.
- Otaki Town Section A, Ahitangutu, Sections 6, 4, 7, 3, 5, Section 2, Lots 1 and 2, 5, Section 3, 15 No. 1, 16, and 17.
- Otaki Town, part 53 and 54, part Church Mission Grant, part Lot 4; Te Awamate, Lot 1, part 25/6, Lot 4, part 26, Lots 2 and 3, part 26/30, part 26/30, part Lots 2 and 3, part 28/30, part Church Mission Grant; Piritaha, Sections 3, 6, 7, 1, 2, Mangapouri part 4, 6, and part Pukekaraka.
- Mangapouri Market Reserve; Otaki Town Sections 185, 186, 187, 188, 189, 190, 177, 178, 179, 180, 181, part 177, and 185, 182; Makirikiri Nos. 1 and 2; Mangapouri part 4 and 5.