

Hon. Mr McKay

WHANGAREI COUNTY COUNCIL EMPOWERING

[LOCAL]

ANALYSIS

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A BILL INTITULED

An Act to empower the Whangarei County Council to make and levy a differential general rate within the County of Whangarei

5 WHEREAS in the opinion of the Whangarei County Council it is expedient that to provide more equitable rating the Council be empowered to make and levy a general rate in each of the separate zones of the County constituted for the purposes of the operative district scheme provided and maintained by the Council in accordance with Part II of the Town and Country Planning Act 1953:

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

15 **1. Short Title**—This Act may be cited as the Whangarei County Council Empowering Act 1969.

No. 39—1

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

“Council” means the Whangarei County Council:

“County” means the County of Whangarei:

“Differential rating area” means such portions of the County as are included in any one zone constituted for the purposes of the operative district scheme provided and maintained by the Council in accordance with Part II of the Town and Country Planning Act 1953: 5 10

“Differential general rate” means a general rate on all rateable property within a differential rating area:

“General rate” means a general rate made and levied in accordance with the provisions of the Rating Act 1967 and the Counties Act 1956: 15

“Rateable property” and “rateable value” have the meanings ascribed to these terms by the Rating Act 1967.

3. Council may levy a differential general rate—Notwithstanding anything in the Rating Act 1967 or in the Counties Act 1956: 20

(a) The Council may by special order but subject to the provisions of paragraph (b) of this section decide that in lieu of making and levying a general rate over the County as a whole as required by subsection (1) of section 106 of the Counties Act 1956, the Council may make and levy a general rate on all rateable property within each differential rating area of such differing amounts in the dollar on the rateable value of the rateable property in each such area as the Council shall by resolution fix and determine from year to year: 25 30

Provided that the rate in the dollar in any zone in the County in any one rating year shall not exceed the maximum rate in the dollar permitted by subsection (2) of section 105 of the Counties Act 1956 to be made and levied within the whole county: 35

(b) For the purpose of making a special order under paragraph (a) of this section the subsequent meeting required by paragraph (b) of section 87 of the Counties Act 1956 shall be held not sooner than the sixtieth day after the special meeting at which the resolution was passed and not later than the seventieth day after the said special meeting or, in the event of a poll being demanded and the proposal 40 45

being carried at the poll, then not later than the twenty-eighth day after the result of the said poll is known:

5 Provided that where the Council passes a resolution to make a special order under paragraph (a) of this section a poll of the ratepayers within the county shall be taken on the proposal where not less than 15 percent of the ratepayers within the county, by writing under their hands delivered or sent by post to the Council and received at the offices of the Council not later than the day before the date fixed for the confirmation of the resolution, demand that a poll of the ratepayers in the county be taken on the resolution; and the resolution shall not be confirmed unless a majority of the valid votes recorded at the poll are in favour of the resolution:

10 (c) Save as otherwise by this section expressly provided, any differential general rate shall be made and levied and the proceeds thereof applied by the Council in the like manner *mutatis mutandis* as if it were a general rate made and levied by the Council in accordance with the provisions of sections 105 and 106 of the Counties Act 1956; and the Council shall have the like powers in relation thereto as are conferred upon the Council by the Rating Act 1967 and the Counties Act 1956 in relation to the making and levying of a general rate and the application of the proceeds thereof.

30 **4. Considerations to be taken into account on change or review of operative district scheme or specified departure therefrom**—Where the Council proposes to change or review the operative district scheme under section 29 or section 30 of the Town and Country Planning Act 1953 or where any person makes application under section 35 of that Act for consent to a specified departure from the scheme, the Council, if it is levying differential general rates pursuant to this Act, shall, in considering any such proposal or application or any objection thereto, have regard, in addition to all other relevant matters, to the present or likely future effect of the proposed change, review, or departure on the rating liability of land within the zones constituted for the purposes of the operative district scheme.