

**Reprint  
as at 29 June 1990**



**Silverpeaks County Council  
(Karitane Lump Sum Validation)  
Act 1990**

Local Act 1990 No 6  
Date of assent 28 June 1990  
Commencement 28 June 1990

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

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**Note**

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

**Preamble**

Whereas—

- (a) the Waikouaiti County Council constituted the Karitane Urban Drainage Area by resolutions dated 26 April 1977 and 30 May 1977; and
- (b) the Waikouaiti County Council and the Taieri County Council were amalgamated to form the Silverpeaks County Council on 8 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 25 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 2 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% on all balance lump sum contributions of \$30 not paid by 20 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 2 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.

**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 26 April 1987 and confirmed on 30 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 20 May 1987.
  - (7) An additional charge of 10% shall be deemed to be lawfully added to all balance lump sum contributions outstanding after 20 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.
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**Notes****1 General**

This is a reprint of the Silverpeaks County Council (Karitane Lump Sum Validation) Act 1990. The reprint incorporates all the amendments to the Act as at 29 June 1990, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

**2 Status of reprints**

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

**3 How reprints are prepared**

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and

provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

#### **4 Changes made under section 17C of the Acts and Regulations Publication Act 1989**

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
  - indentation
  - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
  - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
  - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

**5** *List of amendments incorporated in this reprint  
(most recent first)*

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