

Remission of Rates on Maori Freehold Land

1. Introduction

This Policy is prepared under Section 102(2)(e) of the Local Government Act (LGA) 2002. 'Maori freehold land' is defined in section 5 of the Local Government (Rating) Act 2002 as 'land whose beneficial ownership has been determined by the Maori Land Court by Freehold Order'. Only land that is the subject of such an order may qualify for remission under this Policy.

This Policy aims to:

1. Ensure the fair and equitable collection of rates from all sectors of the community recognising that certain Maori owned lands have particular conditions, features, ownership structures, or other circumstances that make it appropriate to provide relief from rates.
2. Implement a policy for providing rate relief on Maori land pursuant to Section 122XC of the Local Government Act 1974 (Section 11 of the Local Government Bill 2001).

2. Objectives

The objectives of this Policy are set out in Schedule 11 of the LGA 2002:

- a) supporting the use of the land by the owners for traditional purposes,
- b) recognising and supporting the relationship of Maori and their culture and traditions with their ancestral lands,
- c) avoiding further alienation of Maori Freehold Land,
- d) facilitating any wish of the owners to develop the land for economic use,
- e) recognising and taking account of the presence of waahi tapu that may affect the use of the land for other purposes,
- f) recognising and taking account of the importance of the land in providing economic and infrastructure support for marae and associated papakainga housing (whether on the land or elsewhere),
- g) recognising and taking account of the importance of the land for community goals relating to: the preservation of the natural character of the coastal environment, the protection of outstanding natural features, and the protection of significant indigenous vegetation and significant habitats of indigenous fauna,
- h) recognising the level of community services provided to the land and its occupiers, and
- i) recognising matters relating to the physical accessibility of the land.

3. Principles

The principles used in establishing this Policy are set out in Schedule 11 of the LGA 2002:

- a) that, as defined in section 91 of the Local Government (Rating) Act 2002, Maori freehold land is liable for rates in the same manner as if it were general land,

- b) that Council is required to consider whether it should have a policy on rates relief on Maori freehold land,
- c) that Council and the community benefit through the efficient collection of rates that are properly payable and the removal of rating debt that is considered non collectible,
- d) that applications for relief meet the criteria set by Council, and
- e) that the policy does not provide for the permanent remission or postponement of rates on the property concerned.

4. Conditions and Criteria

Council will maintain a 'Maori Freehold Land Rates Relief Register' for the purpose of recording properties on which it has agreed to remit rates pursuant to this Policy. The Register will comprise two category lists, these being:

- i) The 'Maori Land General Remissions List', used to achieve objectives (a), (b), (c), (e) and (g) and
- ii) The 'Maori Land Economic Adjustment Remissions List', used to achieve objective (d) and (f).

Applications for land to be added to the register should be made on the prescribed form prior to commencement of the rating year. Applications made after the commencement of the rating year may be accepted at the discretion of Council. Owners or trustees making an application should include the following information in their applications:

- a) details of the property,
- b) the objectives that will be achieved by providing a remission, and
- c) documentation that proves the land that is the subject of the application is Maori freehold land.

Council may at its own discretion add properties to the register.

Rating relief, and the extent thereof, is at the sole discretion of Council and may be cancelled and reduced at any time.

Council will review the Register annually and may:

- a) add properties that comply, and
- b) remove properties where the circumstances have changed and they no longer comply.

5. Maori Land General Remissions List

Council will consider remission for property that comes within the following criteria:

- a) the land is unoccupied and no income is derived from the use or occupation of that land, or
- b) the land is better set aside for non-use (whenua rahui) because of its natural features, or is unoccupied, and no income is derived from the use or occupation of that land, or
- c) the land is inaccessible and is unoccupied, or
- d) only a portion of the land is occupied. The remission for land recorded in the Maori Land General Remissions List will be 100% of any rates except targeted rates made for water supply, sewage disposal or refuse collection.

6. Maori Economic Adjustment Remissions List

Council will consider remission for property that comes within the following criteria:

- a) the property carries a best potential use value that is significantly in excess of the economic value arising from its actual use.

The remission for land recorded in the Maori Land Economic Adjustment Remissions List will be the difference between the rates as assessed and the rates that would be assessed based on the actual use of the land. No remission will be granted on targeted rates for water supply, sewage disposal, or refuse collection.