

# Remission of Rates on Māori Freehold Land

## 1 Introduction

This Policy is prepared under Section 102(2)(e) of the Local Government Act (LGA) 2002. 'Māori Freehold Land' is defined in Section 5 of the Local Government (Rating) Act 2002 as 'land whose beneficial ownership has been determined by the Māori 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 ensure the fair and equitable collection of rates from all sectors of the Community and recognises that certain Māori owned lands have particular conditions, features, ownership structures, or other circumstances that make it appropriate to provide relief from rates.

Council does not provide for the postponement of rates set on Māori Freehold land.

## 2 Objectives

The objectives of this Policy are set out in Schedule 11 (2) of the LGA 2002;

- a) supporting the use of the land by the owners for traditional purposes,
- b) recognising and supporting the relationship of Māori and their culture and traditions with their ancestral lands,
- c) avoiding further alienation of Māori 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 wāhi 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 papakāinga housing (whether on the land or elsewhere),
- g) recognising and taking account of the importance of the land for community goals relating to -
  - i. the preservation of the natural character of the coastal environment;
  - ii. the protection of outstanding natural features;
  - iii. 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 to develop and establish this Policy are;

- a) that, as defined in Section 91 of the Local Government (Rating) Act 2002, Māori 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 Māori 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

Māori Freehold Land is defined by Section 5 of the Local Government (Rating) Act 2002 as;

- “Land whose beneficial ownership has been determined by the Māori Land Court by freehold order”.
- Only land that is the subject of such an order may qualify for remission under this Policy.

To qualify, a property must meet all of the required criteria and at least one of the optional criteria.

#### **The required criteria are:**

1. The land must be Māori Freehold land as defined in the Local Government (Rating) Act 2002, and
2. in multiple or trust ownership, and
3. be unoccupied or papakāinga housing.

#### **The optional criteria are:**

1. Development of the land for economic use;
  - i. Particularly if it will provide employment for local Māori.
  - ii. This remission will decrease in proportion to the properties increased economic use through the development period.
  - iii. Plans of the development and financial projections will be required to support application under this criterion;.
2. The presence of wāhi tapu that may affect the use of the land for other purposes;
3. Where houses are in the vicinity of the Marae and are used for papakāinga, the Council will consider applications for a rates remission.
4. How the land is used for the preservation and/or protection of the coastline, outstanding natural features, significant indigenous vegetation, and habitats of indigenous fauna. Applications under this criterion need to be supported by an existing Department of Conservation or Regional Council Management Plan (e.g. in the Department of Conservation Coastal Management Plan for the area);

5. When it is difficult to legally, physically or practically access a property, a rates remission will be considered. Examples of accessibility issues are;
  - i. The property is landlocked by properties owned by other people/entities.
  - ii. Access is legally available by paper road or easement but the road does not exist.
  - iii. A road ends or passes a property but a river, ravine, cliff or other impediment prevents practical access.
6. If the property is in and will remain in a natural and undeveloped state and there is no financial income, a rates remission will be considered.

Applications for remission should be made prior to the start of the rating year (1 July). Applications made after the start 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:

- i. details of the property,
- ii. the objectives that will be achieved by providing a remission, and
- iii. documentation that proves the land is Māori freehold land.

Council may, at its own discretion, apply remissions to qualifying rating units.

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

## **5 Process**

Applications will be determined by the Group Manager – Finance or Finance Manger (or equivalent positions within the Finance Department) to a value of \$2,500. Any requested remissions above \$2,500, or if there is any doubt or dispute arising, will be referred to the Chief Executive and a member of the Finance Subcommittee for a decision.

The remission will be 100% of any rates except targeted rates made for water supply, sewage disposal or refuse collection.

## Appendix 1: Definitions and Interpretations

**Wāhi tapu:** Sites, area or localities of special cultural, spiritual or historical significance to Tangata Whenua and associated with tapu. May include (but is not limited to) urupa, places where baptismal rites are performed and historical battlegrounds.

**Natural state (land):** The state or condition in which something occurs in nature, untreated or unprocessed, as before the application of any manufacturing process; the condition to which a thing, person, or system tends in the absence of external influences.

**Undeveloped state (land):** The state or condition of being developed for commercial, residential, and/or personal use.