

Remission and Postponement Policy of Rates on Maori Freehold Land

The City contains a number of Maori Land properties which are either unoccupied and unimproved or partially occupied. In some cases these are creating a significant rating burden on the Maori owners who often do not have the means nor, in some cases, the desire to make economic use of the land. Often this is because of the nature of the ownership, because the land has some special significance which would make it undesirable to develop or reside on, or is isolated and marginal in quality.

The Council has recognised that the nature of Maori Land is different to General Land and has formulated this policy to deal with those differences.

Objective

The Council has recognized that certain Maori Owned Lands have particular conditions, ownership structures or other circumstances which make it appropriate to remit or postpone rates for defined periods of time.

The Council and the community benefit through more efficient use of staff time and the removal of that rates debt which is considered non-collectable.

The Council is required to consider every application for remission and/or postponement of rates on Maori Owned Land pursuant to Section 108(4) of the Local Government Act 2002 and will then consider the most appropriate tool, if any, either remission or postponement to assist in making ownership and occupancy of the land feasible.

Conditions and criteria for postponement or remission

General:

- The rating units must be either Maori Customary Land or Maori Freehold Land as defined by S.129 of the Te Ture Whenua Act 1993.
- Council will have the sole discretion on whether or not to grant the remission or postponement and may seek such additional information as may be required before making its final decision.
- The policy does not provide for the permanent remission or postponement of rates on the property concerned.
- If the status of the land changes so that it no longer complies with the criteria the remission or postponement ceases unless further relief is granted in accordance with the policies below.
- Council expects that any rating relief will be temporary and each application will be limited to a term of three years. However the Council may consider renewing the rate relief upon the receipt of further applications from the owners. Council may also, at its sole discretion, renew the rating relief without application from the owners.
- In the event that subsequent applications for rating relief are made by only one or a minority of owners, Council may require that these are signed or supported by such greater

proportion of owners as may be required from time to time.

- The land must have, in the opinion of the Council, historical, ancestral or cultural significance.

Policy application where the rating unit is not in use

In general, the criteria for granting rates relief would include some or all of the following:

1. the land is not in use (as defined below);
2. the land is unimproved:
the land has no or minimal improvements;
3. the land is land locked:
the land does not have legal access to the Council or national roading network;
4. multiple ownership or fragmented ownership:
the land has multiple owners and ownership rights, and individual share proportions vary. Owners are scattered throughout the country and even worldwide. Attempts to contact a majority representation are often painstaking and difficult;
5. the land has particular value as ancestral land in relation to its owners' culture and traditions;
6. the presence of waahi tapu that may affect the use of the land for other purposes;
7. government and Council's desire to avoid further alienation of Maori freehold land;
8. the land has particular conservation value:

because of its remoteness and inaccessibility the land has a high conservation value which Council or the community wish to preserve;

9. unsecured legal title:
land titles have not been surveyed, therefore they cannot be registered with the District Land Registrar. Owners seeking finance for development of their land are restricted as mortgages cannot be registered against the title;
10. isolation and marginal in quality:
the land is geographically isolated and of marginal quality;
11. no management structures:
owners of the land have no management or operating structures in place to administer matters;
12. rating problems:
because of the above factors there is a history of rate arrears and/or a difficulty in establishing who is/should be responsible for the payment of rates.

In accordance with Part 2 Section 96 of the Local Government (Rating) Act 2002 Maori Land is defined as in use when person/persons do one or more of the following for his or her profit or benefit:

- resides upon the land
- depastures or maintains livestock on the land
- stores anything on the land
- uses the land in any other way.

Policy application where the rating unit is in use

Where an insignificant or inconsequential portion of the land is in use Council may, at its sole discretion, provide rating relief on that portion of land not in use. For example, the depasturing of a pony on the rating unit is likely to be considered inconsequential.

Any such relief shall be determined following consideration of the criteria for granting rates relief on land not in use (as detailed above). In addition, Council is more likely to grant rates relief when one or both of the criteria below are met:

1. where the land is used by its owners for traditional purposes; and
2. where the land is used in providing economic and infrastructure support for marae and associated papakainga housing (whether on the land or elsewhere) .

Policy application where there is a change in status, ownership, or use

In some circumstances Maori Land may change status (for example from Maori Freehold Land to General Land Owned by Maori), ownership, or use (for example persons may choose to reside upon land previously unoccupied). Where Council deems it to be in the interests of the community it may, at its sole discretion, choose to remit or postpone any postponed rates or rates arrears and penalty arrears on that land.

For example, should the land be developed in order to establish a conservation estate Council may grant rates relief. Similarly, should the land be developed in such a manner as to change it from unproductive to productive land, and

therefore eligible for rates in the future, Council may grant rates relief.

The amount and timing of any rates relief provided under this policy is entirely at the discretion of Council. However, in general such relief will not exceed the following:

- 100% remission of historic unpaid rates and penalties;
- 100% remission of general rates in the year of change in use;
- 50% remission of general rates in the year following change in use.

Remission applies to:

Owners, or authorised agents of the owners, of Maori Land, with different conditions applying to occupied, unoccupied or partially occupied land.