

# HURUNUI DISTRICT COUNCIL

## POLICY

### RATES REMISSIONS POLICY



<b>Adopted:</b>	Council meeting 25 June 2015
<b>Replaces:</b>	Various remissions policies
<b>Review date:</b>	[Date by which the policy should be reviewed]

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#### Contents

This policy covers rates remissions for the following:

- Māori Freehold Land
- Non-contiguous agricultural land
- Biodiversity
- Sports clubs
- Land affected by natural calamity

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## Rates Remission for Māori Freehold Land

#### Introduction

Māori Freehold Land, as defined by section 5 of the Local Government (Rating) Act 2002, is land whose beneficial ownership has been determined by the Māori Land Court by freehold order. Under the Local Government Act 2002, the Council required to adopt a policy on rates remission for Māori Freehold Land, stating its objectives in doing so, and explaining the extent to which these objectives are facilitated by any rates remission and are desirable and important.

#### Criteria

Māori Freehold Land in the district is not subject to the general rate unless such land is used for commercial purposes, in which case the general rate will apply. Targeted rates for water, sewer and solid waste services will apply to all Māori Freehold Land for which these services are provided.

#### Objectives

The objectives sought to be achieved by the remission of rates are those set out in schedule 11 of the Local Government Act 2002, and the Council's position on the desirability and importance of these objectives and how the remission of rates according to the above criteria contributes towards them is as follows (for explanatory purposes, objectives have been grouped according to the above criteria for rates remission).

- (1) Objectives due to which rates remission will be provided:
- 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) Recognising and taking account of the presence of wāhi tapu (sacred places) that may affect the use of the land for other purposes;
  - e) Recognising and taking account of the importance of the land in

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providing economic and infrastructure support for marae and associated papakainga housing (whether on the land or elsewhere);

- f) 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.

These objectives are desirable and important to provide for the wellness of the district in terms of its cultural and environmental wellbeing and heritage. Remission of the general rate upon Māori freehold land is justified in relation to them because they are not dependent upon the services for which the Council charges by way of the general rate. Traditional activities and the relationship of Māori and their culture and traditions with their ancestral lands (including the tradition of protecting wāhi tapu and natural features and the support of papakainga housing) are likely to be hindered by charging the general rate upon Māori freehold land, in that they are unlikely to generate sufficient income to pay the general rate. They will thus be facilitated by remission of the general rate.

(2) Objectives due to which rates remission will not be provided.

- g) Facilitating any wish of the owners to develop the land for economic use;
- h) Recognising the level of community services provided to the land and its occupiers;
- i) Recognising matters relating to the physical accessibility of the land.

The development of Māori Freehold Land for economic use will likely draw upon services charged for by the Council by way of the general rate (eg for access to the land by way of roading), and is unlikely to be hindered by remission of the general rate, in that the profit margins of any successful enterprise will need to be will in excess of the amount charged by way of the general rate. When water, sewer or solid waste services are provided by the Council, it is not desirable that there should be a remission of the targeted rates that pay for these services

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## Rates Remission for Non-contiguous Agricultural Land

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### Introduction

All ratepayers will pay at least one uniform annual general charge and the targeted rates that are set on a uniform basis. Properties eligible under this policy shall be deemed to be one rating unit for the purposes of setting any uniform annual charge.

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### Interpretation

Definition of non-contiguous: Not sharing an edge or boundary; not touching.

Definition of agricultural: Land used for horticultural, row close grown, pasture, and hayland crops; growing nursery stocks, animal feedlots; farm yards; associated building sites; located on any of the foregoing.

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### Objectives

The purpose of this policy is to ensure that agricultural properties on separate titles are not unduly penalised by the Council's rating system. This policy provides for the remission of rates where two or more uniform annual general charges and two or more sets of targeted uniform annual charges are set on rating units that are:

- 1) Non-contiguous
  - 2) Owned by the same person(s) or body
  - 3) Used jointly as an economic unit for an agricultural practice
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### Conditions and criteria

- 1) All properties must be used for the purpose of agriculture and be located outside of the urban area as defined in the Hurunui District Plan and;
  - 2) The policy applies to ratepayers who are recorded as ratepayers of two or more separate rating units. Each separately used or inhabited rating unit will attract a uniform annual general charge and the targeted rates that are set on a uniform basis. Any additional dwelling on the rating unit will attract a uniform annual general charge and the targeted rates that are set on a uniform basis.
  - 3) The rating unit for which the remission is sought must:
    - a) Be separately occupied by the same ratepayer/s that use the rating units jointly for an agricultural purpose
    - b) Not carry sufficient improvements to allow it to be operated as a separate agricultural unit
    - c) Not be occupied by a habitable dwelling
    - d) Be an economic farming unit as at 1 July of the year being applied for
  - 4) This policy will only apply for the year that the application is made, and will continue until the ownership of that land changes.
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## Rates Remission for Biodiversity

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### Introduction

The purpose of this rates remission policy is to recognise voluntary protection of the District's indigenous flora and fauna and to promote and encourage more land owners to participate in this process. This policy also acknowledges the wider community benefit of protecting Significant Natural Areas (SNAs), which are on privately owned land, by sharing the cost by way of a rates remission commensurate with the level of protection offered.

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### Conservation Covenants

Council will grant 100% rates remission to those rating units or portions of rating units, which are protected by a conservation covenant that is registered on the Certificate of Title in perpetuity. This includes protection afforded by conservation covenants established under the Queen Elizabeth the Second Trust Act, Reserves Act, Conservation Act, Resource Management Act 1991 (as a condition of resource consent), and the Wildlife Act.

Rates remission will be granted on receipt of a Certificate of Title registering the protective covenant and a deposited plan that shows the affected land area.

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### Significant Natural Areas

Council will consider requests for remission of rates for land which is scheduled as a Significant Natural Area under the District Plan or protected by some other means on a case-by-case basis.

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## Sports Clubs Remissions

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### Policy

That the 50 % remission of all rates charges, excluding all user charges be applied on applications in accord with the second schedule of the Rating Powers Act 1988.

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## Remissions on land affected by natural calamity

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### Introduction

The purpose of the policy is to give the Council discretion to remit rates where a rating unit has been detrimentally affected by a natural calamity.

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### Policy

The Council may remit rates either wholly or in part where land has been detrimentally affected by erosion, subsidence, submersion or other natural calamity to an extent the Council considers that it would be unfair or unreasonable to require that the rates be paid as assessed.

Applications must be made in writing and signed by the owner(s) of the rating unit.

Full details must be provided of the nature of the event that caused the damage and the degree of damage to the land. If the damage is temporary and the land is expected to return to its former use in the future, an estimate of the time it will take the land to recover to a useable state and the steps that the owner will take to achieve this should be provided. The Council may ask for a report from a Registered Engineer or other similarly qualified expert.

The amount of remission given in any case will be set by the Council having regard to the severity of the event, the degree of damage to the subject land and other land in the district and other financial assistance available. Consideration will also be given to the effect of remissions on the remaining rating base.

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