

Maori Freehold Land - Remission and Postponement Policy

Policy

A remission of all or part of rates including penalties may be granted in respect of multiple-owned Maori freehold land which is unoccupied or unproductive.

Council does not consider that rates postponement is an effective method of rate relief. It is seldom used and there has been little interest from the community. For this reason Council considers that rates postponement should only apply in cases of subdivision development and this policy applies to all classes of land (including Maori freehold land). Considerations for other Maori freehold land is generally dealt with under other rating policies.

Objectives of the Policy

- To recognise situations where there is no occupier or no economic or financial benefit is derived from the land.
- Where part only of a block is occupied, to grant remission for the portion of land not occupied.
- To encourage owners or trustees to use or develop the land.
- Where the owners cannot be found, to take into account the statutory limitation of time for the recovery of unpaid rates.
- In addition to the above objectives, consideration has been given to the matters outlined in Schedule 11 of the Local Government Act 2002. The following comments relate directly to those objectives:

- (a) Supporting the use of the land by the owners for traditional purposes:
The use of the land as a Marae or for a meeting house is already addressed in the new Rating Act.
- (b) Recognising and supporting the relationship of Maori and their culture and traditions with their ancestral lands:
Council's policy - "Rating of community, sporting and other organisations" - takes account of this objective and rates relief sought on the grounds that land is used for community and cultural purposes may be applied for under this policy.
- (c) Avoiding further alienation of Maori freehold land:
Council's policy - "Rates remission and postponement on Maori freehold land" recognises the unique ownership structure of Maori freehold land, and especially the difficulties of trying to collect rates levied on multiple-owned, unoccupied and unused blocks, where there is no administrator and the owners cannot be located or are unable to take responsibility for the payment of rates. The policy achieves the above objective.
(Note that the rates recovery provisions under the Rating Act restrict Council's ability to recover rates through the legal process).
- (d) Facilitating any wish of the owners to develop the land for economic use:
Council's policy - "Rate Remission and Postponement on Maori freehold land" - facilitates this objective.
Furthermore, Council's proposed policies - "Remission for Subdivision development" and "Postponement for Subdivision development" may be applied to facilitate this objective.
- (e) Recognising and taking account of the presence of waahi tapu that may affect the use of the land for other purposes.
Council's policy - "Land protected for natural, historic or cultural conservation purposes" - takes into account the cultural significance of waahi tapu.

- (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):
It is considered that the requirement of paying rates in respect of papakainga housing, i.e. individual residential occupation on the land, is equitable, and no specific rates relief policy is proposed.
- (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, the protection of significant indigenous vegetation and significant habitats of indigenous fauna:
Council's policy - "Land protected for natural, historic or cultural conservation purposes - reflects the importance Council places on the preservation of natural, cultural and heritage features within the district.
- (h) Recognising the level of community services provided to the land and its occupiers:
Council's policy - "Rating of community, sporting and other organisations - " facilitates the use of land for community purposes.
- (i) Recognising matters related to the physical accessibility of the land:
Council's policy - "Land which cannot be developed"- allows for rates relief on land which because of certain features, including inaccessibility, cannot be developed.

In addition to the matters outlined in Schedule 11, Council also considered that postponement of rates on Maori freehold land would only apply in relation to the Rates Postponement Policy under section 87 - subdivision development.

Conditions and Criteria

1. The land must be multiple-owned and unoccupied Maori freehold land which does not produce any income.
2. A request for rates remission by the owners must include:
 - a) details of the land
 - b) documentation that shows the ownership of the land
 - c) reasons why remission is sought.
3. Where after due enquiry the owners of an unoccupied block cannot be found the Council may apply a remission without the need for a request.
4. If circumstances change in respect of the land, the Council will review whether this remission policy is still applicable to the land.
5. The Corporate Services Group Manager has delegated authority to grant or refuse remissions under this policy.
6. Any appeals against the decision of the Corporate Services Group Manager will be referred to the Finance and Development Committee for final determination.
7. The term rates includes penalties payable on unpaid rates.

Remission of Instalment Penalties

Policy

A remission of 100% instalment penalties will be granted in the following circumstances, where:

- the ratepayer elects to pay the annual rates by way of a payment arrangement.
- The ratepayer has omitted to pay a rates instalment in time due to extraordinary circumstances.
- The ratepayer has missed a penalty date but has otherwise a record of paying rates on time.

Objectives of the Policy

- To facilitate the payment of rates by allowing ratepayers to pay their rates by way of an agreed payment arrangement.
- To recognise the occurrence of late rates instalment payments in certain circumstances.

Conditions and Criteria

1. Ratepayers paying their rates by way of payment arrangements must make regular payments of specified amounts, as agreed by the Council.
2. The ratepayer has made a late payment, but has made all rates payments on time during the previous three years; or if the ratepayer has owned the property for less than three years, from the time they purchased the property.
3. The ratepayer can demonstrate that late payment has been made because of extraordinary circumstances.
4. The Financial Accountant has delegated authority to determine whether a request for remission should be granted or refused.

Six-Monthly Penalties Where a Payment Arrangement is in Place

Policy

A remission of 100% of six-monthly penalties may be applied to rates accounts in respect of which a payment arrangement is in place and is being honoured, i.e. regular payments of specified amounts are made as agreed between the ratepayer and Council.

Objective of the Policy

- To facilitate the payment of rates by allowing ratepayers to pay their rates by way of an agreed payment arrangement.

Conditions and Criteria

1. The payment arrangement is being honoured, i.e. ratepayers must pay certain amounts at regular intervals as agreed between the ratepayer and Council.
2. If current rates and rate arrears are paid through a payment arrangement, the payments must have the effect of reducing rate arrears, before a remission of six-monthly penalties is considered.
3. In considering whether a remission is granted in respect of rates accounts with outstanding balances, the Council may take into account the reasons for the arrears.
4. The Corporate Services Group Manager has delegated authority to grant or refuse remission in respect of accounts with outstanding balances.

Land Which Cannot Be Developed

Policy

A 100% remission of all rates may be applied to land which is landlocked or cannot otherwise be developed, in the opinion of Council, because of certain features, such as inaccessibility or contours of the land.

Objective of the Policy

- To provide rates relief for ratepayers who are unable to use their land in any way because of its inaccessibility, inhibiting contours and resulting nominal value of the land.

Conditions and Criteria

1. The land must either be landlocked, remote and inaccessible, or be of such a nature (including District Plan restrictions or lack of suitable building platform) that it cannot be used or developed in any way in the opinion of Council.
2. The ratepayer must provide evidence that all avenues have been explored with a view of making the land useable or providing access, including efforts to obtain an easement over a neighbour's land.
3. A rates remission will apply only as long as the land remains unusable or inaccessible.
4. The Council may specify certain conditions in granting a remission under this policy and the ratepayer must agree to these conditions in writing before rates are remitted.
5. The Corporate Services Group Manager has delegated authority to determine whether a remission under this policy should be granted or declined.
6. Any appeals against the decision of the Corporate Services Group Manager will be referred to the Finance and Development Committee for final determination.
7. The term rates includes penalties payable on unpaid rates.

Extreme Financial Hardship

Policy

Where an application for rates relief due to financial hardship is received, the Council may remit all or part of rates relating to a rating unit.

Objective of the Policy

- To assist ratepayers who experience extreme financial hardship which affects their ability to pay rates.

Conditions and Criteria:

1. The policy does not apply to vacant land.
2. A ratepayer making an application must be the registered owner and occupier of the property in respect of which rates relief is sought.
3. The ratepayer must not own any other property in the Waikato District or any district.
4. The ratepayer must supply sufficient evidence, including financial statements, to satisfy the Council that extreme financial hardship exists.
5. A home visit by two Council staff may be made to discuss the application with the ratepayer.
6. When considering an application, the ratepayer's personal circumstances will be relevant such as age, physical or mental ability, injury, illness and family circumstances.
7. Applicants may present their case to the Finance and Development Committee.
8. It is expected that the ratepayer pays a minimum of \$520.00 per annum towards their rates account, i.e. \$10.00 per week. However, each case will be considered on its merits.

9. The Chief Executive has delegated authority to decline an application or remit rates, including rates arrears, of up to \$2,000.00.
10. Any appeals against the decision of the Chief Executive will be referred to the Finance and Development committee for final determination.
11. A six-monthly summary of all approved hardship applications must be submitted to the Finance and Development Committee.
12. The term rates included penalties payable on unpaid rates.

Care for the Elderly and Disadvantaged Persons

Policy

A 100% remission of the General Rate and Uniform Annual General Charge may be applied to land owned or used by charitable institutions and groups which provide care of the aged and disadvantaged persons.

Objectives of the Policy

- To facilitate the operation of charitable groups and institutions.
- To support the services provided by such groups and institutions.

Conditions and Criteria

1. Charitable organisations must provide care on a non-profit basis.
2. An application for rates remission must be made to the Council prior to the commencement of the rating year; rates remissions will not be applied during the rating year or retrospectively.
3. The application must include the following information in support of the application:
 - a) objectives of the organisation
 - b) funding and financial information
 - c) information on activities and programmes.
4. The Corporate Services Group Manager has delegated authority to determine whether the organisation qualifies for rates remission.
5. No rates remission will be granted in respect of Targeted Rates for water supply, or refuse collection. Some remission in relation to multiple wastewater connections may apply (refer to Council's Policy on Multiple Wastewater Connections).
6. Any appeals against the decision of the Corporate Services Group Manager will be referred to the Finance and Development Committee for final determination.
7. The term rates includes penalties payable on unpaid rates.

Rating of Community, Sporting and Other Organisations

Policy

A 100% remission of the General Rate and Uniform Annual General Charge may be applied to land which is owned or used by community, sporting and other organisations who use a rating unit for the purposes of providing community facilities accessible to the general public. Such organisations include all sports clubs (except horse and greyhound racing clubs), arts clubs, scouts and youth clubs, St John/Red Cross, community and church halls, whether they are charitable organisations or not, and the Hamilton Zoo.

A 75% remission of the General Rate and Uniform Annual General Charge will be granted to the Perrin Park Community Centre.

A 50% remission of the General Rate and Uniform Annual General Charge will be granted to Tainui Awhiro and the Auckland/Waikato Fish and Game Council.

Note: A mandatory remission of 50% applies to land owned or used by Agricultural and Pastoral Societies incorporated under the Agricultural and Pastoral Societies Act 1908, art clubs and sports clubs (whether incorporated or not) but excluding horse and greyhound racing clubs.

Objectives of the Policy

- To facilitate the operation of non-profit sporting and other community facilities which meet the needs of Waikato District residents.
- To assist the organisations survival.
- To make membership of the organisation more accessible to the general public, in particular young persons and disadvantaged groups.

Conditions and Criteria

Organisations applying for a rates remission must meet the following criteria.

1. The organisation must operate on a non-commercial basis. Community facilities which are operated for private pecuniary profit of any members of the organisation do not qualify for any rates remission.
2. Any application for rates remission must be made to the Council prior to the commencement of the rating year; rates remissions will not be applied during the rating year or retrospectively.
3. An application for rates remission must include the following information in support of the application:
 - a) objectives of the organisation
 - b) funding and financial information
 - c) information on activities and programmes
 - d) membership or client details.
4. The Corporate Services Group Manager has delegated authority to determine whether an organisation qualifies for rates remission.
5. No rates remission will be granted in respect of Targeted Rates for water supply, wastewater or refuse collection.
6. Any appeals against the decision of the Corporate Services Group Manager will be referred to the Finance and Development Committee for final determination.
7. The term rates includes penalties payable on unpaid rates.

Land Protected for Natural, Historic or Cultural Conservation Purposes

Policy

A 100% remission of all rates may be applied to land used to preserve its natural, historic or cultural features.

Objectives of the Policy

- To protect the natural beauty, historic significance or cultural and conservation values of certain land in the Waikato District.
- To preserve the natural character of the coastal environment.
- To protect significant indigenous vegetation and fauna.
- To encourage land owners to leave certain land undisturbed in order to prevent water erosion.

Conditions and Criteria

1. The land must not be used for grazing, farming, residential or commercial purposes.
2. If only part of the land is to be protected, whether or not identified by a registered conservation or heritage covenant, the following aspects will be taken into account to determine whether a remission should be granted:
 - a) the size of the area to be protected in relation to the size of the rating unit
 - b) the significance of the features to be protected.
3. If a remission is granted under Clause 2, the remission will apply to the area to be protected and calculated proportionally, on the basis of the land value of the rating valuation.
4. Any rates remission applies as long as the land meets the criteria stipulated in Clauses 1 to 3 above. If the land is no longer used for conservation purposes, the ratepayer will be advised that full rates are again payable.
5. In granting remissions under this part of the policy the Council may specify certain conditions before remission will be granted, such as arrangements for monitoring and access to the property. Such conditions have to be agreed to by the ratepayer in writing. Non-compliance with any condition will result in remissions being stopped.
6. The Corporate Services Group Manager has delegated authority to determine whether a remission under the above policy should be granted or declined.
7. Any appeals against the decision of the Corporate Services Group Manager will be referred to the Finance and Development Committee for final determination.
8. The term rates included penalties payable on unpaid rates.

Subdivision Development

Policy

A remission of the Uniform Annual General Charge and Targeted Rates may be remitted for the second and subsequent lots of a new subdivision as long as the lots remain unsold and unoccupied.

Objective of the Policy

- To facilitate subdivision development in the Waikato District.

Conditions and Criteria

1. The subdivided new lots must be unsold and unoccupied.
2. Rates remission will apply to the second and subsequent lots of the subdivision.
3. The owner must apply for rates relief and provide reasons why rates relief should be granted and supporting evidence.
4. Each application will be considered on its merits, taking into account the following factors:
 - a) the landholdings of the owner within the Waikato District
 - b) the extent of the subdivision
 - c) the impact of the request on development in the district
 - d) the anticipated sales process of the subdivided lots.
5. The Chief Executive has delegated authority to consider each application and determine whether remission should be granted or not. If the developer appeals the decision, the application will be referred to the Finance and Development Committee for final determination.
6. This policy applies to subdivisions undertaken after 2 October 2001.
7. The Chief Executive will provide a six-monthly summary of approved applications to the Finance and Development Committee.
8. The term rates includes penalties payable on unpaid rates.

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 - b) the extent of the subdivision
 - c) the impact of the request on development in the district
 - d) the anticipated sales process of the subdivided lots.
5. The Chief Executive has delegated authority to consider each application and determine whether remission should be granted or not. If the developer appeals the decision, the application will be referred to the Finance and Development Committee for final determination.
6. This policy applies to subdivisions undertaken after 2 October 2001.
7. The Chief Executive will provide a six-monthly summary of approved applications to the Finance and Development Committee.
8. The term rates includes penalties payable on unpaid rates.

Rates Postponement Policy Subdivision Development - Postponement Policy

Policy

Council does not consider that rates postponement is an effective method of rate relief. It is seldom used and there has been little interest from the community. For this reason Council considers that rates postponement should only apply in cases of subdivision development and this policy applies to all classes of land (including Maori freehold land).

A postponement of part of the rates may be granted in respect of a subdivision development on the grounds of financial hardship.

Objective of the Policy

- To facilitate subdivision development in the Waikato District.

Conditions and Criteria

1. Rates will be postponed until the new lots have been sold or leased.
2. The owner/developer must apply for postponement of rates in writing, provide reasons why rates should be postponed and supply supporting evidence.
3. Each application will be considered on its merits, taking into account the following factors:
 - a) the landholdings of the owner within the Waikato District
 - b) the extent of the subdivision
 - c) the impact of the request on development in the district
 - d) the anticipated sales process of the subdivided lots.
4. Postponement of rates will be granted to the extent that the owner still pays the equivalent of rates which were payable before the property was developed.
5. If rates postponement is granted, a postponement fee may be charged which will be treated as part of the rates. The postponement fee will cover administrative and financial costs incurred by the Council.
6. The Council will register postponed rates as a statutory charge on the land concerned.
7. The Chief Executive has delegated authority to consider each application and determine whether postponement should be granted or not. If the developer appeals the decision, the application will be referred to the Finance and Development Committee for final determination.
8. The Chief Executive will provide a six-monthly summary of approved applications to the Finance and Development Committee.
9. Any postponement will be for a maximum period of five years.
10. The term rates includes penalties payable on unpaid rates