



chatham islands council

Council Policy

Rates Remission on Māori and Moriori Freehold Land

Date Created	Adopted by PARC	Adopted by Council	Next review	Detail
Part of LTP				
May 2022				Add Section 114A of Local Government (Rating) Act 2002

Definition of Māori and Moriori Freehold Land

Moriori and Māori freehold land is defined as land where beneficial ownership has been determined by an order issued by the Māori Land Court, irrespective of whether the owners identify as tchakat henu Moriori or Ngāti Mutunga.

Only land that is the subject of such an order may qualify for a remission or postponement of rates under this policy.

Objectives

The objective of this policy is to remove or reduce any financial burden on Moriori and Māori-owned lands that have no occupier, economic or financial benefit derived from the land and there is no practical means of enforcing the rates assessed by granting a remission for the portion of land unoccupied and unproductive.

This approach may encourage owners or trustees to use or develop the land.

Whether rates are remitted or postponed in any individual case will depend on the individual circumstances of each application.

Conditions and criteria

Owners or trustees making application should include the following information in their applications:

- (a) Details of the property, and
- (b) The objectives that will be achieved by providing a remission or postponement; and
- (c) Documentation that proves the land, which is the subject of the application, is Moriori or Māori freehold land.

The Council has a discretion to apply a remission or postponement on rates either fully or partially, based on the following criteria:

- (a) The land is fully or partially unoccupied and no income is derived from the use or occupation of the land; or
- (b) The land is inaccessible and is unoccupied; or
- (c) The land is better set aside for non-use (whenua rāhui) because of its natural features; or
- (d) The property carries a best potential use value that exceeds the economic value arising from its actual use.

Remissions of rates for Māori freehold land under development

- (1) The purpose of this section is to facilitate the occupation, development, and utilisation of Māori freehold land for the benefit of its owners.
- (2) Council must consider an application by a ratepayer for a remission of rates on Māori freehold land if:
 - (a) The ratepayer has applied in writing for a remission on the land; and
 - (b) The ratepayer or another person is developing, or intends to develop, the land
- (3) Council may, for the purpose of this section, remit all or part of the rates (including penalties for unpaid rates) on Māori freehold land if the local authority is satisfied that the development is likely to have any or all of the following:
 - (a) Benefits to the district by creating new employment opportunities:
 - (b) Benefits to the district by creating new homes:
 - (c) Benefits to the council by increasing the council's rating base in the long term:
 - (d) Benefits to Māori in the district by providing support for marae in the district:
 - (e) Benefits to the owners by facilitating the occupation, development, and utilisation of the land.
- (4) Council may remit all or part of the rates-
 - (a) For the duration of a development; and
 - (b) Differently during stages of a development: and
 - (c) Subject to any conditions specified by the local authority, including conditions relating to-
 - (i) The commencement of the development: or
 - (ii) The completion of the development or any stage of the development
- (5) In determining what proportion of the rates to remit during the development or any stage of the development, Council must take into account –
 - (a) The expected duration of the development or any stage of the development; and
 - (b) If the land is being developed for a commercial purpose, when the ratepayer or ratepayers are likely to generate income from the development; and
 - (c) If the development involves the building of 1 or more dwellings, when the ratepayer or any other persons are likely to be able to reside in the dwellings.
- (6) Sections 85 (2) and 86 apply to a remission made under subsection (3).
- (7) This section does not limit application of section 85 or 114 to Maori free-hold land.

Relevant legislation

Local Government (Rating) Act 2002, section 114

Local Government (Rating) Act 2002, section 114A

Local Government Act 2002, sections 102 (1), 108 and Schedule 11