

Draft

RATES REMISSION POLICY 2024 – 2034



Te Kaunihera o
te tai o Aorere

PROPOSED CHANGES TO THE RATES REMISSION POLICY

WHAT IS THE PURPOSE OF THE RATES REMISSION POLICY?

The rates remission policy is made up of a series of policies that describe the circumstances in which the Council can provide rates remissions. Each policy outlines objectives the Council seeks to achieve and the conditions and criteria applicants need to meet to receive a rates remission. The Council cannot make any rates remissions that are inconsistent with this Policy.

Rates remissions differ from rates rebates. A rates remission is a reduction of rates owed or waiving the collection of rates altogether. Rates remissions policies are decisions the Council makes.

Central Government, through the Department of Internal Affairs, fund rates rebates for low-income ratepayers. The amount of the rebate depends on income, rates expense, and number of dependants.

SUMMARY OF PROPOSED CHANGES

Policy	Proposed Change
Policy on Remission of Rates for Land Occupied by a Dwelling that is Affected by Natural Disaster.	<ul style="list-style-type: none"> • Incorporation of emergency procedures where a Building Act section 124 is not issued. • Clarification of 'uninhabitable' to include a dwelling that cannot be used for the purpose it was intended and prohibiting residents from staying overnight.
Policy on Remission of Penalties	<ul style="list-style-type: none"> • Clarifying that where a good payment history exists a reduction be based on the most current penalty. • Clarification that a payment arrangement must be by direct debit. • Clarification that applicable tragedy be defined as 'significant'. • Limiting remission of penalties on rates arrears to a one-off reduction per ratepayer. • Allowing for up to 12 months for probate matters to be resolved where a sole ratepayer has deceased. • Limiting remissions to one reduction of the most current penalty every two years where rates invoices have not been received.
Policy on Remission of Rates for Sporting, Recreation or Community Organisations	<ul style="list-style-type: none"> • Addition of 'association of persons' (whether incorporated or not) to which the policy applies.
Policy on Remission of Rates on Low Valued Properties	<ul style="list-style-type: none"> • Changing the level to determine 'low value' to reflect current market property values.
Policy on Remission of Excess Metered Water Rates	<ul style="list-style-type: none"> • Clarification that charities and not-for-profit organisations are treated as residential customers.

Policy	Proposed Change
	<ul style="list-style-type: none"> No longer requiring that leaks be repaired by a registered plumber, but recommending they are. Requiring applications for remissions to be received within six weeks of having received the invoice. Recommending water meter readings to be taken at least monthly. Requiring applicants to advise the location of a repair in relation to the meter manifold and proof of the repair.
Policy on Remission of Rates on Community Housing and Papakāinga	<ul style="list-style-type: none"> A new policy to facilitate the ongoing provision of not-for-profit community housing, Papakāinga and general social wellbeing

POLICIES WITH NO PROPOSED CHANGES

Policy on Remission of Rates on Abandoned Land
Policy on Remission of Rates for School Wastewater Charges
Uniform Charges on Non-contiguous rating units owned by the same owner
Policy on Remission of Rates for Land Subject to Council Initiated Zone Changes

As we have reviewed these policies and consider them to still be fit-for-purpose and current, they are not being changed.

TELL US WHAT YOU THINK OF OUR PLANS TO CHANGE RATES REMISSION POLICY

There are several ways to provide your views:

- online – there are lots of options for asking questions or providing feedback at Shape.tasman.govt.nz/10YP or email LTP@tasman.govt.nz; or
- In writing – complete the Tasman 10 Year Plan 2024-2034 Consultation Document and drop it in any Tasman District Council office or post it for free to the following address.

Freepost Authority No: 172255, Strategic Policy Team, Tasman District Council, 189 Queen Street, Private Bag 4, Richmond 7050.

SUBMISSIONS ARE OPEN FROM 9.00 AM ON 28 MARCH 2024 UNTIL 5.00 PM ON 28 APRIL 2024

Submitters have the opportunity to present their feedback on this Policy verbally to councillors, at the same time as feedback on the Tasman 10 Year Plan 2024-2034. These hearings will take place between 8 to 10 May 2024.

The Council will inform all submitters that supply their contact details of the final decisions it makes on the Rates Remission Policy.

Each of the proposed changes to the Policy are detailed below with the reasons for the changes.

SUBMISSIONS ARE PUBLIC DOCUMENTS

PRIVACY STATEMENT

As part of the submission process, we are asking for some personal information about you. We collect this information so that you can have a say on Council's Rates Remissions Policy and so we can contact you about your submission, hearings and the Council's final decisions. We also ask for demographic information to help us understand who is engaging with us. This helps us understand if we are hearing from a diverse range of our community.

Submissions will only be accepted if a name and contact details are supplied. This is so we can contact you and so we can make sure we don't have duplicate submissions. The other demographic information is not compulsory.

Your full submission, including your name, will be made available to Councillors and the public on our website. Your contact details and demographic information will only be accessed by Council staff.

A summary of submissions may also be made publicly available and posted on the Council's website.

All information will be held by the Tasman District Council with submitters having the right to access and correct personal information. If you have any questions about the Council's privacy practices or would like to gain access to your personal information, you can contact the Legal and Democracy Services Team at LGOIMA@tasman.govt.nz.

POLICY ON REMISSION OF RATES FOR LAND OCCUPIED BY A DWELLING THAT IS AFFECTED BY NATURAL DISASTER

OPTION A- WHAT ARE WE PROPOSING?

To further define the interpretation of ‘uninhabitable’ to include:

- Incorporation of emergency procedures where a Building Act section 124 is not issued.
- Clarification of ‘uninhabitable’ to include a dwelling that cannot be used for the purpose it was intended and prohibiting residents from staying overnight.

WHY ARE WE PROPOSING THIS CHANGE?

A prohibited notice may be issued under section 124 (s124) of the Building Act to a dangerous building to ensure public safety including the safety of occupiers. We are proposing to further clarify the interpretation of ‘uninhabitable’ to include emergency procedures where a s124 is not issued for example when an emergency is declared.

Further clarification of ‘uninhabitable’ has been included and is defined to be a dwelling that cannot be used for the purpose it was intended due to a notice issued by the Council/emergency management prohibiting residents from staying overnight.

WHAT ARE THE ADVANTAGES OF THIS CHANGE?

By expanding the interpretation of ‘uninhabitable’ those who can apply for rates remission would include people whose homes were ‘yellow stickered’, i.e., only have access to their homes during the day, and those having to leave their homes because a state of emergency had been declared, but where the issuing of a s124 notice has not occurred.

WHAT ARE THE DISADVANTAGES OF THIS CHANGE?

Ratepayers across the district would share the cost of increasing the numbers of recipients and costs of a rate remission.

WHAT OTHER OPTIONS WERE CONSIDERED?

OPTION B – EXPANDING THE DEFINITION TO INCLUDE BUSINESS PREMISES

Advantages and Disadvantages
<ul style="list-style-type: none"> • Greater access to rate remission support for business owners. • Most businesses should already covered by insurance for these types of instances • The cost to ratepayers of the policy would increase.

OPTION C – IDENTIFYING HAZARD PRONE AREAS

Advantages and Disadvantages
<ul style="list-style-type: none">• Greater clarification of areas likely to be affected by hazards.• Overly wide scope of land that is and could become hazard prone.• Would require significant work in establishing the criteria for hazard prone, and what hazards to include or exclude from the policy and in what circumstances.

See the full draft of this policy attached.

POLICY ON REMISSION OF PENALTIES

OPTION A - WHAT ARE WE PROPOSING?

We are clarifying that a reduction be based on the most current penalty for when good payment history exists and clarifying that payment arrangements need to be by Direct Debit to qualify for a penalty remission.

We are also clarifying that an applicable tragedy be defined as 'significant.'

Where full payment of arrears is made the criteria would limit this to a one-off reduction per ratepayer.

Two new criteria have been added:

- Where it is claimed that rates invoices have not been received. There can be one reduction of the most current penalty every two years; and
- A 12-month period would be in place for probate matters surrounding the estate to be resolved where a sole ratepayer has deceased.

WHY ARE WE PROPOSING THESE CHANGES?

An increasing number of people who pay rates are saying they did not receive their rates invoice as the reason for not having paid them by the due date. Therefore, limiting the remissions to one every two years would encourage prompt, online payments.

Confirming that a tragedy needs to be 'significant' provides greater clarification as to when a rates remission would apply.

Providing for a 12-month period would allow for probate matters relating to an estate to be progressed and allow for the administrator to access estate assets to pay outstanding rates.

WHAT ARE THE ADVANTAGES OF THESE CHANGES?

These changes would encourage use of more prompt and complete online rate payments and minimise penalties being issued.

Allowing a 12-month period to allow for probate matters to be progressed would reduce the burden on other family members to be paying rates before the estates assets are accessed.

WHAT ARE THE DISADVANTAGES OF THESE CHANGES?

All people who pay rates would share the cost of increasing the numbers of recipients of a rate remission.

WHAT OTHER OPTIONS WERE CONSIDERED?

OPTION B – STATUS QUO

Advantages and Disadvantages
<ul style="list-style-type: none">• More ratepayers could continue to access remissions due to claiming they have not received the invoice by post. This is based on current benefit of the doubt being applied.• Staff would apply discretion on rates remissions in probate cases.• Different decisions made in various probate cases causing inconsistency.• Fewer numbers of people who pay rates moving to online payments and transactions.

See the full draft of this policy attached.

POLICY ON REMISSION OF RATES FOR SPORTING, RECREATION OR COMMUNITY ORGANISATIONS

OPTION A - WHAT ARE WE PROPOSING?

Adding 'association of persons' (whether incorporated or not) to which the policy applies.

WHY ARE WE PROPOSING THIS CHANGE?

Currently there is land owned by an association of people, that is only used by community organisations and is not for profit.

The proposed definition removes this anomaly and aligns the definition with that in the local Government (Rating) Act 2002.

WHAT ARE THE ADVANTAGES OF THIS CHANGE?

By adding 'association of persons' to the eligibility those associations who own land used by community organisations and that is not for profit, would be able to apply for rates remissions.

The terminology would also be consistent with the Local Government (Rating) Act 2002.

WHAT ARE THE DISADVANTAGES OF THIS CHANGE?

All people who pay rates would share the cost of increasing the numbers of recipients of a rate remission.

WHAT OTHER OPTIONS WERE CONSIDERED?

OPTION B – INCLUDING PAN CHARGES IN THE CRITERIA

Advantages and Disadvantages
<ul style="list-style-type: none">• Greater definition as to when the policy applies• Pan charging needs to be considered within a wider context and not just in this policy

See the full draft of this policy attached.

POLICY ON REMISSION OF RATES ON LOW VALUED PROPERTIES

OPTION A - WHAT ARE WE PROPOSING?

Increasing the property value used to determine 'low value.'

WHY ARE WE PROPOSING THIS CHANGE?

The threshold for this policy is reviewed in line with the Councils three-yearly property revaluation which was last carried out September 2023.

WHAT ARE THE ADVANTAGES OF THIS CHANGE?

A change to the level to determine 'low value' would be based on current market rates. It is not expected that there would be a material increase in properties that would qualify.

WHAT ARE THE DISADVANTAGES OF THIS CHANGE?

All people who pay rates would share the cost of increasing the numbers of recipients of a rate remission based on low valued properties which may increase.

WHAT OTHER OPTIONS WERE CONSIDERED?

OPTION B – STATUS QUO

Advantages and Disadvantages
<ul style="list-style-type: none">• No rate changes would be required.• Rates used to assess low value properties across the Tasman District would be out of line with national market rates.

See the full draft of this policy as attached.

POLICY ON REMISSION OF EXCESSIVE METERED WATER RATES

OPTION A - WHAT ARE WE PROPOSING?

Clarification that charities and not-for-profit organisations are treated as residential customers.

Recommending, but not requiring, that leaks need to be repaired by a registered plumber.

Requiring applications for remissions to be received within six weeks of having received the invoice.

Recommending, but not requiring, that water meter readings to be taken at least monthly.

Requiring applicants to advise the location of a repair in relation to the meter manifold and proof of the repair.

WHY ARE WE PROPOSING THESE CHANGES?

Currently charities and not for profit organisations are treated as commercial organisations under this policy.

Many residential customers believe it is not necessary to use a registered plumber to repair water leaks and the requirement places additional work for rate payers and staff.

Applications from commercial businesses under this policy can be received within any period and few ratepayers have qualified as they do not monitor their water usage monthly.

WHAT ARE THE ADVANTAGES OF THESE CHANGES?

Charities and not for profit organisations would become eligible to apply under this policy when they have had to pay for water leaks.

Not requiring water leak repairs to be carried out by a registered plumber would reflect widespread practice, but recommending this would encourage careful repair work to be undertaken.

More commercial customers would be eligible to apply by not requiring monthly water usage monitoring, but requiring applications within six weeks after receiving an invoice would make the policy more manageable and equitable.

By providing greater information on repairs undertaken and accurate assessments of eligibility would be able to be applied.

WHAT ARE THE DISADVANTAGES OF THESE CHANGES?

There is some risk that water leak repairs may not be carried out satisfactorily under these changes and an increased number of applications would need to be funded by not requiring monthly water usage monitoring.

WHAT OTHER OPTIONS WERE CONSIDERED?

OPTION B – STATUS QUO

Advantages and Disadvantages
<ul style="list-style-type: none">• Water leak repairs would be carried out to a high standard• Commercial businesses would have to monitor water usage monthly• Fewer applications received than would otherwise be eligible• Administration demands requiring explaining the requirement to monitor water usage and use a registered plumber

See the full draft of this policy attached.

POLICY ON REMISSION OF RATES ON COMMUNITY HOUSING AND PAKAKĀINGA

OPTION A - WHAT ARE WE PROPOSING?

A new policy to apply to community housing and Papakāinga.

WHY ARE WE PROPOSING THIS CHANGE?

Currently social housing providers who operate a not-for-profit service where residents are required to pay a portion of their costs do not qualify under the Local Government (Rating) At 2002.

WHAT ARE THE ADVANTAGES OF THIS CHANGE?

Council has received a number of submissions requesting a policy relating to social housing.

This new policy would facilitate the ongoing provision of not-for-profit community housing, Papakāinga and general social wellbeing.

WHAT ARE THE DISADVANTAGES OF THIS CHANGE?

Further work with the social housing sector and ensuring appropriate provider eligibility is likely to be required as the policy is initially implemented.

All people who pay rates would share the cost of increasing the numbers of recipients of a rate remission resulting from the policy's implementation.

WHAT OTHER OPTIONS WERE CONSIDERED?

OPTION B – STATUS QUO

Advantages and Disadvantages
<ul style="list-style-type: none">• Demands on the Council remissions payments would not increase.• Social housing providers would not be able to access remissions support.• The views of the community would not be heard.

See the full draft of this policy attached.

RATES REMISSION POLICY

POLICY REFERENCES

Effective date:	1 July 2024
Review due:	30 June 2027
Legal compliance:	Local Government Act 2002 sections 102 and 109 Local Government (Rating) Act 2002 sections 85 & 86

PURPOSE

The rates remission policy document contains several policies. Each policy outlines objectives sought by having a remission of rates and the conditions and criteria to be met prior to the remission being approved.

The Local Government Act (section 102(3) and 109) enables Council to adopt a rates remission policy. Section 102 (3A) states that the policy must also support the principles set out in the Preamble to Te Ture Whenua Māori Act 1993. This policy generally supports the principles, as it enables the remission of rates:

- on land owned by Māori where the criteria are met
- on Papakāinga where the criteria are met

It does not, however, apply to Māori freehold land, as such land is considered and dealt with under Councils Policy on the remission and postponement of rates on Māori land.

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[Policy on Remission of Rates on Social Housing and Papakāinga](#)

POLICY ON REMISSION OF RATES FOR LAND SUBJECT TO COUNCIL-INITIATED ZONE CHANGES

This Policy is made in accordance with sections 102 and 109 of the Local Government Act 2002 and is applied as per sections 85 and 86 of the Local Government (Rating) Act 2002.

OBJECTIVES

To allow the Council, at its discretion, to remit rates charged on any rating unit used for residential purposes that is rezoned as a result of a Council-initiated zone change. This Policy allows the Council to consider remitting rates for those ratepayers most adversely affected by an increase in rates when the land value of their rating unit increases as a result of a Council initiated zone change. The Council prefers to allow a transition period before affected ratepayers are required to pay the increased rates in full.

1. CONDITIONS AND CRITERIA

- 1.1 This Policy applies to rating units in the Tasman District.
- 1.2 The Council may, on the application of a ratepayer, remit part of the current rates on a rating unit, if
 - a) the rating unit is used for residential purposes, and
 - b) the rating unit has been rezoned as a result of a Council-initiated zone change made under Part 1 Schedule 1 of the Resource Management Act 1991, and
 - c) the zone change was notified after 5 October 2007, and
 - d) the effect of that zone change is that the land value of the rating unit increases, and
 - e) the rates payable in respect of the rating unit increase to an extent the Council considers to be inappropriate.
- 1.3 The amount of remitted rates on a rating unit will not exceed the amount by which the rates on the rating unit have increased as result of the zone change.
- 1.4 In addition to 1.2 to be considered for a rates remission under this Policy:
 - a) the rating unit must be situated within the area of land that has been rezoned, and
 - b) the rating unit must be used for residential purposes and must have been used for residential purposes before the zone change being initiated by the Council, and
 - c) the applicant ratepayer must have owned the rating unit prior to the zone change being initiated by the Council, and
 - d) the rating unit must be the applicant ratepayer's principal place of residence and must have been the principal place of residence of the applicant ratepayer before the zone change being initiated by the Council.
- 1.5 The remission may be for such period as the Council considers reasonable, commencing from the date upon which the Council determines that the land rezoning affected the land value of the rating unit and increased the rates payable in respect of the rating unit.
- 1.6 The decision to remit all or any part of the rates on a rating unit shall be at the sole discretion of the Council.

- 1.7 The Council may refuse to remit rates even where the conditions set out in this Policy are met by a ratepayer.
- 1.8 Subject to clause 1.9 of this Policy the remission of rates on a rating unit will cease upon the happening of any of the following events:
 - a) the death of the ratepayer,
 - b) the ratepayer ceases to be the owner of the rating unit,
 - c) the ratepayer ceases to use the rating unit as his/her principal place of residence,
 - d) a date determined by the Council in any particular case, or
 - e) any earlier date determined by the ratepayer in any particular case.
- 1.9 The Council may, at its discretion, grant the ratepayer an extension of the rates remission period previously agreed to by the Council.
- 1.10 The Council may consider and be guided by the following criteria in its decisions on applications for a rates remission under this Policy:
 - a) those relevant matters set out in s101 of the Local Government Act 2002 relating to the determination of appropriate funding sources;
 - b) whether the applicant ratepayer actively sought rezoning or any deferred zone uplifting;
 - c) whether the applicant ratepayer has realised a financial benefit from the zone change;
 - d) the influence of market movements on land values;
 - e) the personal circumstances including the financial circumstances of the applicant ratepayer;
 - f) equity and fairness among ratepayers;
 - g) the precedent effect.

Definitions

- 1.11 In this Policy, 'residential purposes' means any land used for residential or residential/lifestyle purposes, including land not zoned for those purposes on which a dwelling is located and is occupied by the ratepayer as their principal place of residence.
- 1.12 In this Policy, 'ratepayer' means the registered proprietors of a rating unit at the time the Council decides to remit part of the rates on that rating unit in accordance with this Policy.
- 1.13 In this Policy, 'rates' means the general rate and other rates set by the Council that are calculated by utilising the rateable value of the rating unit.

2. PROCEDURE

- 2.1 If the applicant has applied for a rates remission under the Policy in the prior year, the application for rates remission must be made to Council on or before 31 December. If the applicant did not apply in the prior year, the application for rates remission must be made to the Council on or before 31 May.
- 2.2 Applications for remission must be made on the prescribed form.
- 2.3 Applications will not be accepted for prior years.

- 2.4 Each application for a rates remission will be considered on a case by case basis following receipt of an application by the ratepayer. The extent and duration of any remission shall be determined by the Council.
- 2.5 As part of the application process the Council will direct its valuation service provider to inspect the rating unit and prepare a valuation. Ratepayers should note that the valuation service provider's decision is final as there are no statutory rights of objection or appeal, for valuations of this type. The extent of any remission will be based on valuations supplied by the Council's valuation service provider.
- 2.6 The Council may delegate authority to consider and approve applications to Council staff. In the event of any doubt or dispute arising, the application is to be referred to the Full Council or any committee it delegates to for a decision.

DRAFT

POLICY ON REMISSION OF RATES FOR SPORTING, RECREATION OR COMMUNITY ORGANISATIONS

This Policy is made in accordance with sections 102 and 109 of the Local Government Act 2002 and is applied as per sections 85 and 86 of the Local Government (Rating) Act 2002.

OBJECTIVES

To facilitate the ongoing provision of non-commercial community services and non-commercial recreational opportunities by:

1. Recognising the public good contribution made by such organisations;
2. Assisting the survival of such organisations;
3. Making membership of the organisation more accessible to the public, particularly disadvantaged groups. These include children, youth, young families, aged people, and economically disadvantaged people.

1. CONDITIONS AND CRITERIA

This Policy applies to a sporting, recreation or community organisation not otherwise covered by the Local Government (Rating) Act 2002, Schedule 1 Parts 1 and 2. Parts 1 and 2 specify categories of land that is 100% or 50% non-rateable.

1.1 This Policy applies to rating units in the Tasman District.

1.2 Remission of rates may be made when **all** the following criteria apply:

- a) The land is owned by Council, the Crown, a non-profit organisation, or an association of persons (whether incorporated or not) and is occupied by the organisation that is applying for the remission.
- b) The applicant must be in the Tasman District and must facilitate the ongoing provision of non-commercial community services and/or non-commercial sporting and/or recreational opportunities.
- c) The land is used exclusively or principally for sporting, recreation, or community services under the following categories:
 - i. Hall or library
 - ii. Promotion of arts, health or education
 - iii. Recreational or sporting
 - iv. Free maintenance and relief of persons in need.

1.3 Remission of rates will not be made when any of the following exclusions apply:

- a) The organisation (including a society, association, or organisation, whether incorporated or not) exists for the purposes of profit or gain.
- b) The organisation engages in sporting, recreational, or community services as a secondary purpose only.
- c) The rate is any targeted rate for water supply, wastewater or refuse/recycling.

2. PROCEDURE

- 2.1 If the applicant has applied for a rates remission under the Policy in the prior year, the application for rates remission must be made to Council on or before 31 December. If the applicant did not apply in the prior year, the application for rates remission must be made to Council on or before 31 May in that rating year.
- 2.2 Applications for remission must be made on the prescribed form.
- 2.3 Applications will not be accepted for prior rating years.
- 2.4 Organisations making an application should include the following documents in support of their application:
 - a) Statement of objectives,
 - b) Full financial accounts (balance sheet, income statement, cash flow statement),
 - c) Information on activities and programmes delivered,
 - d) Details of membership.
- 2.5 Each application will be considered on its merits, and provision of a remission in any year does not set a precedent for similar remissions in any future year.
- 2.6 The Council may delegate authority to consider and approve applications to Council staff. In the event of any doubt or dispute arising, the application is to be referred to the Full Council or any committee it delegates to for a decision.

POLICY ON REMISSION OF UNIFORM CHARGES ON NON-CONTIGUOUS RATING UNITS OWNED BY THE SAME OWNER

This Policy is made in accordance with sections 102 and 109 of the Local Government Act 2002 and is applied as per sections 85 and 86 of the Local Government (Rating) Act 2002.

OBJECTIVES

To provide relief from uniform charges for rural land, which is non-contiguous, farmed as a single entity, and owned by the same owner.

1. CONDITIONS AND CRITERIA

- 1.1 This Policy applies to rating units in the Tasman District.
- 1.2 The Policy will apply to rural land, which is non-contiguous, farmed as a single entity, owned by the same owner and used exclusively for farming or horticultural use.
- 1.3 Rating units that meet the criteria under this Policy may qualify for a remission of the uniform annual general charge and targeted rates set based on a fixed dollar charge per rating unit.
- 1.4 The owner will remain liable for at least one of each targeted rate and the UAGC.
- 1.5 Rate types affected by this Policy are uniform fixed charges, i.e. those that would be impacted if the properties were treated as one unit for rating purposes. Any rate relating to water supply or wastewater will not be eligible for remission under this Policy.
- 1.6 Rating units that receive a remission must be held in identical ownership with each other and operated as a single farming or horticultural unit. For the avoidance of doubt, the definition of farming does not extend to rating units used fully or partly for forestry.

2. PROCEDURE

- 2.1 The application for rates remission must be made to the Council on or before 31 May in the rating year. This application will be enduring, and annual applications are only required if requested by the Council, however applicants must inform the Council if their land use changes or if the rating units cease to be operated as a single farming or horticultural unit.
- 2.2 Applications for remission must be made on the prescribed form.
- 2.3 Applications will not be accepted for prior years.
- 2.4 The Council may delegate authority to consider and approve applications to Council staff. In the event of any doubt or dispute arising, the application is to be referred to the Full Council or any committee it delegates to for a decision.

POLICY ON REMISSION OF RATES ON LOW VALUED PROPERTIES

This policy is made in accordance with sections 102 and 109 of the Local Government Act 2002 and is applied as per sections 85 and 86 of the Local Government (Rating) Act 2002.

OBJECTIVES

To minimise administrative costs in the collection of rates on properties that are low-valued and provide rates relief on low-valued land that is not used.

The Local Government (Rating) Act 2002 requires each separate property title to have a separate valuation/rating assessment. This has resulted in some very low land-valued assessments being created, particularly where subdivisions of assessments have not covered the full area.

1. CONDITIONS AND CRITERIA

- 1.1 This Policy applies to properties in the Tasman District.
- 1.2 Despite the main provisions of the Local Government (Rating) Act 2002, the Council may decide not to collect rates where it deems it uneconomical to do so. Under this Policy, the Council may make property assessments with a rating valuation of less than \$7,500 eligible for a 100% rates remission if they meet **all** the following criteria:
 - a) The property is not part of a group of assessments that are classified or treated as contiguous and;
 - b) The property is not used, nor able to be effectively used, by the owner listed on the Certificate of Title and;
 - c) The property is not an isolation strip. An isolation strip is a narrow strip of land which separates land from a road. For the avoidance of doubt, this includes any land owned by a central government agency, including New Zealand Transport Agency/ Waka Kotahi

2. PROCEDURE

- 2.1 The application for rates remission must be made to the Council on or before 31 May in the rating year. This application will be enduring, and annual applications are only required if requested by Council staff, however applicants must inform Council if their property becomes used, or becomes contiguous to another property they own.
- 2.2 Applications for remission must be made on the prescribed form.
- 2.3 Applications will not be accepted for prior rating years.
- 2.4 The Council may delegate authority to consider and approve applications to Council staff. In the event of any doubt or dispute arising, the application is to be referred to the Full Council or any committee it delegates to for a decision.

POLICY ON REMISSION OF RATES FOR SCHOOL WASTEWATER CHARGES

This Policy is made in accordance with sections 102 and 109 of the Local Government Act 2002 and is applied as per sections 85 and 86 of the Local Government (Rating) Act 2002.

OBJECTIVES

To provide relief and assistance to educational establishments in paying wastewater charges.

1. CONDITIONS AND CRITERIA

- 1.1 This Policy applies to rating units in the Tasman District.
- 1.2 The Policy will apply to educational establishments as defined in Schedule 1 Part 1 clause 6 (a-b) of the Local Government (Rating) Act 2002. The Policy does not apply to schoolhouses or parts of a school used for residential purposes.
- 1.3 The wastewater charge is the rate that would be levied using the same mechanism as applied to other rating units in the district, divided by the number of toilets/urinals as determined in accordance with the clauses below.
- 1.4 For the purpose of clause 1.3, the number of toilets/urinals for rating units occupied for the purposes of an educational establishment is one toilet/urinal for every 20 pupils and staff.
- 1.5 Where the formula is applied and the wastewater charge is higher than the amount that would normally be levied if no formula was applied, the amount to pay would be the lesser of the two.
- 1.6 The number of pupils in an educational establishment is the number of pupils on its roll on 1 March in the year immediately before the rating year to which the charge relates.
- 1.7 For early childhood establishments, the number of pupils is the maximum number of pupils licensed for each session on the 1 March in the year immediately before the rating year to which the charge relates.
- 1.8 The number of staff in an educational establishment is the number of full time equivalent teaching and administration staff employed by that educational establishment on 1 March immediately before the year to which the charge relates.

2. PROCEDURE

- 2.1 The application for rates remission must be made to the Council on or before 15 June in the rating year preceding the rating year to which the application relates. Applications made before this deadline will be eligible for consideration for the next rating year commencing 1 July.
- 2.2 Applications for remission must be made on the prescribed form.
- 2.3 Applications will not be accepted for prior rating years.
- 2.4 The Council may delegate authority to consider and approve applications to Council staff. In the event of any doubt or dispute arising, the application is to be referred to the Full Council or any committee it delegates to for a decision.

POLICY ON REMISSION OF RATES FOR LAND OCCUPIED BY A DWELLING THAT IS AFFECTED BY NATURAL DISASTER

This Policy is made in accordance with sections 102 and 109 of the Local Government Act 2002 and is applied as per sections 85 and 86 of the Local Government (Rating) Act 2002.

OBJECTIVES

To allow the Council, at its discretion, to remit rates charged on any rating unit used for residential purposes if the land has been detrimentally affected by natural disaster (such as erosion, falling debris, subsidence, slippage, inundation, or earthquake) rendering dwellings uninhabitable. The aim of the Policy is to allow the Council to consider remitting rates for those ratepayers most adversely affected.

1. CONDITIONS AND CRITERIA

- 1.1 This Policy applies to properties located in the Tasman District.
- 1.2 The Council may remit all or a part of any rate levied in respect of land if the land is detrimentally affected by natural disaster (such as erosion, falling debris, subsidence, slippage, inundation, or earthquake) and:
 - a) As a result dwellings previously habitable were made uninhabitable; and
 - b) The rating unit was used for residential purposes immediately prior to the disaster.

For the purposes of this policy, 'uninhabitable' shall mean –

- i. a dwelling that cannot be used for the purpose it was intended due to a 's124 notice' being issued under the Building Act 2004; or
- ii. a dwelling that has been issued a red or yellow placard assessment under the Civil Defence Emergency Management Act 2002 and the residents have been required to move out by the Council or Civil Defence Emergency Management; or
- iii. a dwelling that is a total loss; and
- iv. the dwelling cannot be used for the purpose it was intended due to a notice issued by the Council/emergency management prohibiting residents from staying overnight; or
- v. as determined by Council after considering the matters specified in Clause 1.5 of this Policy.

'Rating unit used for residential purposes' shall mean:

any land including land not zoned for residential purposes on which a dwelling is located and is occupied by the ratepayer as a principal place of residence.

- 1.3 The remission may be for such period of time as the Council considers reasonable, commencing from the date upon which the Council determines that the dwellings:
 - were made uninhabitable, and
 - shall be no less than 30 days after the event affecting the land in terms of this Policy up to, and limited to, the time that the dwellings are deemed by Council to be able to become habitable.

- 1.4 The decision to remit all or any part of a rate or user charge shall be at the sole discretion of the Council. The Council may refuse to grant a remission even where the conditions set out in clause 1.2 are met by a ratepayer. The Council is unlikely to grant a remission where the land affected is in a known hazard-prone location.
- 1.5 In determining whether a property is uninhabitable and the period of time for which the rates remission is to apply, the Council may take into account:
- a) the extent to which essential services such as water, or sewerage to any dwellings were interrupted and could not be supplied;
 - b) whether essential services such as water or sewerage to any dwellings are able to be provided;
 - c) whether any part of the dwellings remain habitable; and
 - d) any property revaluation undertaken by Council's valuation provider.

2. PROCEDURE

- 2.1 Rates remissions will only be considered following the receipt of an application by the ratepayer and the application must be received within six months of the event, or within such further time as Council in its sole discretion, might allow.
- 2.2 Each application for a rates remission will be considered on a case by case basis following receipt of an application by the ratepayer. The extent and duration of any remission shall be determined on a case by case basis.
- 2.3 The Council may delegate authority to consider and approve applications to Council staff. In the event of any doubt or dispute arising, the application is to be referred to the Full Council or any committee it delegates to for a decision.

POLICY OF REMISSION OF PENALTIES

This Policy is made in accordance with sections 102 and 109 of the Local Government Act 2002 and is applied as per sections 85 and 86 of the Local Government (Rating) Act 2002.

OBJECTIVES

To enable the Council to act fairly and reasonably in its consideration of penalties charged on rates which have not been received by the Council by the due date.

1. CONDITIONS AND CRITERIA

- 1.1 This Policy applies to ratepayers within the Tasman District.
- 1.2 Remission of penalties on late payment of rates may be made when it is considered just and equitable to do so. In determining justice and equity, one or more of the following criteria shall be applied.
 - a) Where there exists a history of regular, punctual payment over the last two years and payment is made within a short time following the ratepayer being made aware of the non-payment, a one-off reduction of the most current penalty may be made.
 - b) Where an agreed payment plan by direct debit is in place, penalties may be suppressed or remitted, where the ratepayer complies with the terms of the agreed payment plan.
 - c) Where the rates instalment was issued in the name of a previous property owner.
 - d) Where a ratepayer has been ill or in hospital or suffered a family bereavement or significant tragedy of some type and has been unable to attend to payment. On compassionate grounds, a one-off reduction of the most current penalty may be made.
 - e) Where an error has been made on the part of the Council staff or arising through error in the general processing which has subsequently resulted in a penalty charge being imposed.
 - f) Where the remission will facilitate the collection of overdue rates and it results in full payment of arrears limited to a one-off reduction per ratepayer.
 - g) Where the remission facilitates the future payment of rates by direct debit within a specified timeframe.
 - h) Where ratepayers can reasonably expect a rates remission for the rating year where their application has not yet been approved, or where the final date for lodging the remission application has not yet passed.
 - i) Where the sole ratepayer is deceased and the solicitor is waiting on probate to be granted for the estate, limited to a maximum 12 month period of penalties being remitted.
 - j) Where the rates invoice has not being received, limited to a maximum of one reduction of the most current penalty every two years.

2. PROCEDURE

- 2.1 A ratepayer may request that the penalty applied for late payment be remitted. The request must be received within 12 months of the penalty being applied.

- 2.2 In implementing this Policy, the circumstances of each case will be taken into consideration on their individual merits, and a remission will be conditional upon the full amount of such rates due having been paid.
- 2.3 The Council may delegate authority to consider and approve applications to Council staff. In the event of any doubt or dispute arising, the application is to be referred to the Full Council or any committee it delegates to for a decision.

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POLICY ON REMISSION OF RATES ON ABANDONED LAND

This Policy is made in accordance with sections 102 and 109 of the Local Government Act 2002 and is applied as per sections 85 and 86 of the Local Government (Rating) Act 2002.

OBJECTIVES

To minimise administration costs where it is unlikely that rates assessed on an abandoned rating unit will ever be collected.

1. CONDITIONS AND CRITERIA

- 1.1 This Policy applies to rating units in the Tasman District.
- 1.2 The Policy will apply to rating units that meet the definition of abandoned land as prescribed in Section 77(1) of the Local Government (Rating) Act 2002. In addition, the land has either failed to or is unlikely to be sold using the authority provided in sections 77-83 of the Local Government (Rating) Act 2002, or where it is uneconomic to sell the property.

2. PROCEDURE

- 2.1 Rates will be remitted in full annually on rating units that meet the conditions and criteria specified above.
- 2.2 Any rates arrears owing on qualifying properties at the adoption of the policy, or in the first year a rating unit qualifies under the policy, will also be remitted.
- 2.3 The Council may delegate authority to consider and approve applications to Council staff. In the event of any doubt or dispute arising, the application is to be referred to the Full Council or any committee it delegates to for a decision.

POLICY ON REMISSION OF EXCESS METERED WATER RATES

This policy is made in accordance with sections 102 and 109 of the Local Government Act 2002 and is applied as per sections 85 and 86 of the Local Government (Rating) Act 2002.

OBJECTIVES

To ensure the efficient use of water by ratepayers and provide an incentive to ratepayers to promptly repair any leaks to their reticulation, and to moderate financial consequences for significant or severe leaks.

1. CONDITIONS AND CRITERIA

- 1.1. This Policy applies to rating units in the Tasman District.
- 1.2. This Policy applies to ratepayers with excess metered water rates due to a leak in the property's reticulation. Reticulation is defined as all water supply pipes and connections that commence at the point of supply (generally at the water meter) and covers the whole of the ratepayer's property. Residential and non-residential ratepayers have some different eligibility for remission as detailed in this Policy.
- 1.3. For the purposes of this Policy, "residential" means any land used for residential or residential/lifestyle purposes, including land not zoned for those purposes on which a dwelling is located. 'Dwelling' means a building or group of buildings, or part of a building or group of buildings that is:
 - a) used or intended to be used only or mainly for residential purposes; and
 - b) occupied or intended to be occupied exclusively as the home or residence of not more than one household, but does not include a hostel, boarding house or other specialised accommodation including retirement villages or gated communities with multiple dwellings serviced by a single point of supply.
- 1.4. For the purposes of this Policy, charities, and not-for-profit organisations will be treated as residential customers.
- 1.5. A remission will only be granted on the most recent water invoice.
- 1.6. No remissions will be granted on any leaks associated with reticulation installed within the last five years.
- 1.7. It is recommended that the leak is repaired by a registered plumber, but this is not a requirement for a remission.
- 1.8. Where a residential ratepayer makes a first remission application in a five year period, any remission granted will be set so that the ratepayer is not liable for the charge relating to the amount of water leaked. The amount of water leaked is deemed to be the difference between the volume that was invoiced, and the calculated maximum volume consumption. The calculated maximum volume consumption is the maximum daily consumption for that rating unit charged at any one time in the past three years, multiplied by the equivalent days of the affected invoice, provided it has been in the same ownership.
- 1.9. Where ownership of the property has been for less than six months, staff will monitor consumption for a period of three months following completion of all repairs to the property's reticulation, to establish a reasonable consumption figure to include in the calculation of the remission.

- 1.10. Where a residential ratepayer makes a second application for a remission following a leak within five years of the first application, the first 1,000m³ of water leaked will not be eligible for remission. For leaks in excess of 1,000m³, any remission granted will be calculated on the leaked volume in excess of 1,000m³. The ratepayer will still be liable for 6% of the current volumetric water rate on the leaked volume in excess of 1,000m³. The 6% charge represents Council's approximate marginal cost of supplying water for the quantity of the leak in excess of 1,000m³.
- 1.11. In order to qualify for a remission, a non-residential ratepayer making a first application for a leak, or second application for a leak that is within a five year period of the first application, must apply for a remission within six weeks of receiving the invoice. It is recommended that water meter readings are taken at least monthly to check for leaks.
- 1.12. The same mechanisms for determining the volume of leaks will be used as in clauses 1.8 and 1.9. The first 1,000m³ of water leaked will not be eligible for remission. For leaks in excess of 1,000m³, any remission granted will be calculated on the leaked volume in excess of 1,000m³. The ratepayer will still be liable for 6% of the current volumetric water rate on the leaked volume in excess of 1,000m³. The 6% charge represents Council's approximate marginal cost of supplying water for the quantity of the leak in excess of 1,000m³.
- 1.13. Where there is a third application for remission from either a residential or non-residential ratepayer within five years of the first application, or a leak that does not qualify under clauses 1.1-1.12, the application will be declined. If an application relates to subsequent leaks beyond five years after a first application, it will be considered under this Policy.

2. PROCEDURE

- 2.1 All applicants must submit their application for remission within six weeks of the date of the most recent water invoice, stating that repairs have been completed and there are no further leaks identified on the property.
- 2.2 All applicants must advise the location of repair, in relation to the meter manifold, and provide proof of repair, either a plumber's invoice or photo.
- 2.3 Applications for remission must be made on the prescribed form.
- 2.4 The Council may delegate authority to consider and approve applications to Council staff. In the event of any doubt or dispute arising, the application is to be referred to the Full Council or any committee it delegates to for a decision.

POLICY ON REMISSION OF RATES ON COMMUNITY HOUSING AND PAPA KĀINGA

This Policy is made in accordance with sections 102 and 109 of the Local Government Act 2002 and is applied as per sections 85 and 86 of the Local Government (Rating) Act 2002.

OBJECTIVES

To facilitate the ongoing provision of not-for-profit community housing, Papakāinga and general social wellbeing by:

1. Recognising the public good contribution made by such organisations; and
2. Assisting the survival of such organisations; and
3. Facilitate the ongoing provision of community housing in the Tasman Region by registered Community Housing Providers; or
4. To assist Māori to establish and provide the ongoing provision of Papakāinga housing.

1. CONDITIONS AND CRITERIA

- 1.1. This policy applies to rating units in the Tasman District.
- 1.2. The Policy will apply to rating units that meet the definition of a registered Community Housing Provider or those who provide Papakāinga.

For the purposes of this policy, Papakāinga shall mean:

- a) Affordable rental housing or owner-occupied housing, or a combination of both within a Papakāinga development;
 - b) Papakāinga development means the use and occupancy of multiple-owned allotments by the Māori landowners and involving the development of the land for residential units and other buildings and uses necessary to enable the owners to live on their land.
- 1.3. Remission of rates will not be made when the organisation exists for the purposes of profit or gain.

2. PROCEDURE

If the applicant has applied for a rates remission under the Policy in the prior year, the application for rates remission must be made to Council on or before 31 December. If the applicant did not apply in the prior year, the application for rates remission must be made to Council on or before 31 May.

- 2.1 Applications for remission must be made on the prescribed form.
- 2.2 Applications will not be accepted for prior years.
- 2.3 For Registered Community Housing Providers making an application, they should include the following documents in support of their application:
 - a) Evidence that the organisation is a registered Community Housing Provider with the Community Housing Regulatory Authority and
 - b) Confirmation of ongoing compliance with the Community Housing Regulatory Authority eligibility criteria.

- 2.4 For Papakāinga making an application, they should include the following documents in support of their application:
- a) Evidence that the organisation is a registered Community Housing Provider with the Community Housing Regulatory Authority or;
 - b) Evidence of formal governance structure that demonstrates characteristic's similar to a registered Community Housing Provider eligibility criteria, and;
 - c) Evidence that the property for which rates remission is sought is used for occupancy of multiple-owned allotments by Māori landowners and is neither vacant nor commercial property.
- 2.5 Remission is granted only in respect of 50% of the general rate, excluding the UAGC.
- 2.6 Rates remissions will be made by applying a credit to the applicant's rates assessment.
- 2.7 No rates remission under this part of the Policy will be available to an organisation that is in receipt of a rate reduction under the Local Government (Rating) Act 2002.
- 2.8 Each application will be considered on its merits, and provision of a remission in any year does not set a precedent for similar remissions in any future year.
- 2.9 The Council may delegate authority to consider and approve applications to Council staff. In the event of any doubt or dispute arising, the application is to be referred to the Full Council or any committee it delegates to for a decision.