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POLICY STATEMENT

That the Policy be adopted

WAIROA DISTRICT COUNCIL

RATING OF MAORI LAND

WHENUA RAHUI REGISTER

1 INTRODUCTION

- 1.1 The Wairoa District Council recognises the many and varied issues surrounding the ownership of Maori land, in particular the question of local authority rates.
- 1.2 In order to address these issues the council has developed a policy to enable it to utilise the provisions of Section 114 Local Government (Rating) Act 2002.
- 1.3 The policy, to be known as the Whenua Rahui Register, is based directly on the Gisborne District Council policy of the same name.
- 1.4 The policy works on the principle of the recognition of occasions when it would be unfair and/or unreasonable to collect rates from owners of Maori land due to varying circumstances resulting from the unique form of ownership of Maori land.
- 1.5 The process of recognition requires council to consider applications from owners, against set criteria, and then placement of that land onto a register (the Whenua Rahui Register). This would have the effect of retiring the land from the liability of rates for a defined period, provided that the criteria continued to be met.
- 1.6 In general the reasons for registration are
 - 1.6.1 ***Fragmented Ownership*** - The numbers of owners vary as do the individual share proportions. Owners are sometimes scattered throughout the country and, in some cases, throughout the world. This can make attempts to contact the majority of owners extremely difficult.
 - 1.6.2 ***Unsecured Legal Title*** - Many properties have not been surveyed and are not registered with the District Land Registrar. This makes the raising of development finance difficult as mortgages cannot be registered.
 - 1.6.3 ***Land Isolated & Marginal in Quality*** - Some properties being extremely isolated and given the local economic climate are marginal.
 - 1.6.4 ***Lack of Management Structures*** - Due to the preceding points the development and sustainability of effective management structures is difficult.
 - 1.6.5 ***Rating Problems*** - Due to the above factors there is a history of rate arrears and/or a difficulty in establishing who is, or should be, responsible for the payment of rates
- 1.7 It must be noted that the policies intention is to ease the burden on owners affected by the above issues and not to act as a vehicle for owners to retire land in order to avoid rates.

2 CRITERIA

- 2.1 The criteria to determine land eligible for registration on the Whenua Rahui Register is as follows:
- 2.1.1 It must be Maori land (As defined in the Part VI Section 129 Te Ture Whenua Maori Act 1993 or Part 1, Sub-paragraph 1, Section 5 Local Government (Rating) Act 2002).
 - 2.1.2 It must have ancestral or cultural significance.
 - 2.1.3 It must be unoccupied. Occupied land is defined in Part 4, Section 96 of the Local Government (Rating) Act 2002 as land where a person, or persons do one or more of the following:
 - (a) Resides upon the land.
 - (b) Depastures or maintains any livestock whatsoever on the land.
 - (c) Cultivates the land and plants **any** crop thereon.
 - (d) Stores anything upon the land.
 - (e) Uses the land or makes improvements thereon in any way.

3 CONDITIONS

- 3.1 The following conditions shall apply in respect to all applications for inclusion and entries on the register.
- 3.1.1 Burden of proof of eligibility and ongoing compliance with the policy criteria and conditions rests entirely with the owner/s of the property.
 - 3.1.2 Where land is in multiple ownership a certified copy of the minutes authorising individuals to act for owners is to be included with the application. Reasons for non presentation are to be fully explained.
 - 3.1.3 If the land has been purchased rather than inherited then it must have been purchased for its ancestral or cultural significance and not as a saleable asset.
 - 3.1.4 All entries on the Whenua Rahui Register will be reviewed every three years and eligible landowners will need to re-register.
 - 3.1.5 In the event of any portion of the land being sold within the three year period the Council reserves the right to recover the rates remitted for the entire period.
 - 3.1.6 Registration automatically authorises the council to undertake periodic inspections of the land to confirm ongoing compliance with the criteria and the conditions of this policy.
 - 3.1.7 Council reserves the right to seek further information to confirm compliance as and when necessary.

4 IDENTIFICATION

- 4.1 Properties for inclusion can be identified by either the owner/s or the Wairoa District Council.
- 4.2 Council Identification - Properties are generally identified for inclusion on the Whenua Rahui Register when rate arrears are incurred and efforts to recover same have proved fruitless. Such properties are inspected and if the criteria of non-occupation and non productivity are met approaches are made to land owners to make application.

- 4.3 Owner Identification - If owners consider their land conforms with the criteria an approach may be made to the council.

5 APPLICATION PROCESS

- 5.1 Applications, whether initiated by the council or the owner, will be made on the approved form. On receipt of the completed form a full investigation to validate the information presented is to be completed by council staff. The completed form and the resultant report shall form the basis on which compliance with the criteria shall be judged.
- 5.2 All complying applications are to be considered against the criteria by the Maori Liaison Officer and the Finance Manager who shall make a recommendation to the Chief Executive Officer.
- 5.3 The Chief Executive Officer shall have delegated authority to approve applications for registration. Each approval shall be subject to confirmation by Council on the presentation of a schedule of applications approved.
- 5.4 All applications are to be processed with 30 working days of receipt of the completed application form.

6 NOTIFICATION OF DECISION

- 6.1 The applicant/s shall be notified in writing within 5 working days of the decision.

7 APPEAL PROCESS

- 7.1 All applicants shall have a right to appeal the decision of the District Manager. It should be noted however, that the burden of proof rests with the applicant.
- 7.2 The District Manager will, in the first instance, deal with all appeals.
- 7.3 All subsequent appeals will be referred to the Regulatory and Finance Committee together with the original application, the first appeal and an Officers report.

8 ECONOMIC DEVELOPMENT

- 8.1 Given that the Council will be maintaining a register of what is essentially a land bank of vacant and unused land, the opportunity exists to link developers/entrepreneurs with owners and thereby explore economic development partnerships.
- 8.2 Any owners of property on the register wishing to have their land considered for such opportunities may elect to have the registration noted for consideration on an as a when basis.
- 8.3 All non voted land shall remain confidential.