

Financial Policy 407

Rates Remission Policy

Revision 3 – 1 July 2008

CONTENTS

1	Qualification	Page 3
2	Purpose	Page 3
3	Scope	Page 3
4	Responsibility	Page 3
5	Specific Policies	Page 4
5.1	Civic Amenities	Page 4
5.2	Halls & Community Centres – Urban Ward	Page 4
5.3	Halls/Community Centres Outside Urban Rating	Page 5
5.4	Sporting Clubs	Page 6
5.5	Land Occupier Voluntarily Preserved or Enhanced Natural Historical/Cultural Features	Page 6
5.6	Penalties – Rates Circumstances - Acceptable “Arrangements”	Page 6
5.7	Rates Penalty	Page 7
5.8	Civic Amenities Rates	Page 7
5.8.1	Rating Units in Common Ownership	Page 7
5.9	Regent Theatre	Page 9
5.10	Remission for Rates Penalties/Deceased Estate	Page 9
6	Publication Details	Page 10

Financial Policy 407 – Rates Remission Policy

1 Qualification

The Rates Remission policy of the Waimate District Council is adopted pursuant to Section 102 (5) and Sections 109 and 110 of the Local Government Act 2002.

2 Purpose

The purpose of this policy is to provide Council with a clear determination for remitting rates charges for:

- Community and Cultural organisations.
- Halls and Community Centres.
- Sporting Clubs.
- Land upon which the occupier has voluntarily preserved or enhanced natural, historical or cultural features.
- Penalties upon rates in circumstances where the ratepayer has agreed to and abided by the terms of an arrangement acceptable to the Waimate District Council.
- Civic Amenities Rate on contiguous properties owned by the same owner.
- Deceased estates.

3 Scope

This Policy applies to any rate charges remitted by the Waimate District Council.

4 Responsibility

This Policy shall be implemented by Council's Corporate Services Manager and Rates Officer.

Council may from time to time resolve to confirm the applicability of a new applicant in terms of this Policy.

5 Specific Policies

5.1 Civic Amenities

Council shall grant all Civic Amenities full rates remission (Council Finance Committee 7 July 1992).

Note:

“Civic” means land vested in the Council that is used exclusively or principally to enable the provision of services to the public, including, but not by way of limitation, land used for pumping stations, car parks, depots, cemeteries and Council offices.

In addition to the land covered by the above, there are three identified Civic Amenities for the purpose of full rates remissions. These are:

- Waimate Museum.
- Waimate Stadium.
- Waimate Regent Theatre.

5.2 Halls & Community Centres – Waimate Urban Ward

The Waimate District Council will remit:

- 50% of the General Rates.
- 50% of the Urban Civic Amenities Rate.
- 50% of the Drainage (Water Closet) Charge.

For all qualifying Halls and Community Centres within the Waimate Urban Ward.

These Halls and Community Centres are identified as follows:

Church

- Presbyterian Church & Hall – Shearman Street.
- Jehovah’s Witness Church & Hall – Leonard Street.
- Assembly of God Church & Hall – Queen Street.
- Salvation Army Church & Hall – Queen Street.
- Methodist Church & Hall – Glasgow Street.
- Catholic Church – Timaru Road.

Clubs

- Victoria Park Bowling Club – Queen Street.
- Vintage Car Club – Harris Street.
- Tennis Courts – John Street.
- Waimate Bridge Club – Augustine Street.
- Waimate Stadium – Paul Street.
- Waimate Croquet Club – Shearman Street.
- Waimate Senior Citizens Club – Shearman Street.

Public Halls

- Silver Band Hall – High Street.
- Highland Pipe Band – Paul Street.
- St Augustine Masonic Lodge Hall – Leonard Street.
- Waimate Girl Guides – Goldsmith Street.
- St John Hall / Rooms – Shearman Street.

Liquor Licences

Council will not allow any remission of rates on clubs and organisations holding current liquor licences. (Council 27 June 1989).

5.3 Halls & Community Centres Outside of the Waimate Urban Rating Area Qualifying for Rates Remissions.

The Waimate District Council will remit:

- 50% of the General Rate.
- 50% of the Rural Civic Amenities Rate.

On the following qualifying Halls and Community centres outside of the Waimate Urban rating area.

Arno Hall	Arno
Atwell Park Scout Camp	Kelceys Bush
Blue Cliffs Hall	Blue Cliffs
Glenavy Hall	Glenavy
Hakataramea Hall	Hakataramea
Hunter Hall	Hunter
Ikawai Hall	Ikawai
Lyalldale Hall	Lyalldale
Makikihi Hall	Makikihi
Studholme Hall	Studholme
Otaio Hall	Otaio
Southburn Hall	Southburn
St Andrews Hall	St Andrews
Willowbridge Hall	Willowbridge

5.4 Sporting Clubs

Rates will not be charged. A rent shall be set to reflect service charges and land use.

The affected clubs are:

- Waimate Tennis Club – Seddon Square.
- Victoria Park Bowling Club – Victoria Park.
- Waimate Scout Association – Victoria Park.
- Waimate Netball Association – Victoria Park.
- Waimate Cricket Club – Knottingley Park.

Other Organisations Occupying Council Reserves

A rent shall be set to reflect service charges and land use.

5.5 Land Upon which the Occupier has Voluntarily Preserved or Enhanced Natural Historical or Cultural Features.

Council will grant full remission of rates, being the General Rate and Uniform Annual Charge, but not services such as water and refuse collection, where applicable is made to Council and Council is satisfied that the owner of the land has voluntarily preserved or enhanced natural, historical or cultural features of the land.

Council may also consider the extent to which public access to the land is provided by the landowner and the extent to which commercial gain is derived by the landowner.

5.6 Penalties on Rates in Circumstances where the Ratepayer has agreed to and abided by the Terms of an "Arrangement" acceptable to the Waimate District Council.

While any Ratepayer who has a repayment plan acceptable to Council and continues to make regular payments over defined periods of not greater than 18 months, Council will:

- Hold the charging of any further penalties and on completion of the payments as agreed between Council and the Ratepayer, remit in total the penalties as charged by Council.

That Council will:

- Remit additional charges on rates where application is received and where in the opinion of the Corporate Services Manager, it would be just and equitable to do so and only where there has been no previous history of late payment in the previous five years.
- Limit the delegation to additional charges of up to \$300 per rateable property.

5.7 Rates Penalty

That once every 5 years, a Ratepayer, provided he or she pays rates within ten working days of the instalment penalty due, be allowed automatic remission of penalties. (Council 21 June 1994).

5.8 Civic Amenities Rates on Contiguous Properties owned by a Common Owner

The Local Government Rating Act (2002) essentially carries forward the provisions of the previous Rating Powers Act. The text of the Local Government Rating Act 2002 is:

5.8.1 Rating Units in Common Ownership

Two or more rating units must be treated as one unit for setting a rate if those units are:

- Owned by the same persons; and
- Used jointly as a single unit; and
- Contiguous or separated only by a road, railway, drain, water race, river or stream.

Council's interpretation of this statute has been broad:

- Occupier is not the same as owner. Occupier may have registered leases with owner.
- Joe Bloggs is not the same occupier as Joe Bloggs Farming Company Ltd or Joe Bloggs Family Trust, as the latter two are separate entities in law.
- Joe Bloggs and Jenny Bloggs in partnership we allow as a partnership, but this is not the same as Joe and Jenny as individuals so no contiguous remission is allowed between partnership held and individual held properties.

When Used Jointly as a Single Unit

No relaxation, although it has a bearing when deciding on the following situation.

When Contiguous or Separated only by a Road, Railway, Drain, Water Race, River or Stream.

Council has ruled that contiguous shall be read as “within close proximity”.

Even two houses side by side unless occupied by the same family, would not be “used” jointly as a single property as, presumably, one would be rented out as business while the other as a family home.

Empty sections contiguous with a house are exempt when utilised as part of the adjoining house and owned by the same owner and contained on the same title.

Empty sections not exempt are those separately utilised and contained on a separate title.

In terms of wording of the Local Government Rating Act 2002, we recommend to Council that the wording should be an interpretation of the Local Government Rating Act 2002 – S.20.

For multiple properties to be accepted by Waimate District Council as owned by the same person or persons, they must bear the names of the same person or persons on their Certificate of Title. In cases where separate pieces of land are variously in the name of: an individual, a partnership, a trust, a company, albeit these are associated entities, claims of remission of rates for contiguous properties will not be accepted.

(b) *No relaxation, although it has a bearing when deciding on part (c)*

(c) *Council has ruled that contiguous shall be read as “within close proximity”.*

5.9 Regent Theatre

Council will remit all rates on the Regent Theatre excluding that portion which is leased to a private concern. (Council 27 June 1989).

5.10 To Provide for Remission of Rates Penalties in Certain Circumstances where the Ratepayer is a Deceased Estate.

In order to codify a reasonable and long standing custom and practice, Council resolves that in the case of a deceased estate, upon receipt of a letter from a Solicitor who has been granted probate, that while the winding up of the affairs of the estate are in progress and that Council may expect full payment of rates charges outstanding within three months from the date of the letter, Council may remit rates penalties from time of death.

6 Publication Details

Enquiries or Suggestions regarding this Document should be referred to:

Senior Policy Analyst

Revision

3

Revision Date

1st July 2008

Effective Date

1st July 2008

Document Owner Release Manager

Corporate Services