

Waimate 2020

**Waimate District Council
Financial Policy 407**

Rates Remission Policy



**Version 2.2
1st March 2006**

CONTENTS

1	Purpose	111
2	Scope	111
3	Responsibility	111
4	Specific Policies	111
5	Appendix 1 - Halls and Community Centres Qualifying for Rates Remissions	114
6	Publication Details	117

Waimate 2020

Financial Policy 407 - Rates Remission Policy

1. PURPOSE

To codify the previously existing policies of Waimate District Council to remit rates charges for:

- Community, Cultural and other 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 Waimate District Council.
- Uniform Annual General Charges on contiguous properties owned by the same owner.
- Deceased estates.

2. SCOPE

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

3. RESPONSIBILITY

This policy should 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 application in terms of this policy.

4. SPECIFIC POLICIES

4.1. Community, Cultural and other Organisations

NOTE:-

Remissions of rates for community, sporting, cultural and other organisations is not to apply to any portion of rates relating to provision of services, -. refuse collection, supply of water etc.

4.1.1. Civic Amenities

That Council grant all Civic Amenities full rates remission.

Adopted FASP Committee Meeting, 7 July 1992

(Page 93, File No A 8)

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 note above, there are three identified Civic Amenities for the purposes of full rates remission. These are:-

- Waimate Museum
- Waimate Stadium
- The Regent Theatre, Waimate

4.2. Halls and Community Centres

The Waimate District Council will remit 50% of the General rates and 50% of the UAGC

for all qualifying Halls and Community Centres. A list of these Halls is to be found in Appendix 1.

4.3. Sporting Clubs (as resolved by Council, 17 April 2001)

4.3.1. Victoria Park Bowling Club and Waimate Tennis Club

Rates to NOT be charged. In its place a rent shall be set to reflect service charges and land use – refer to Policy below.

4.3.2. Other organisations occupying Council Reserves

A rent shall be set to reflect service charges and land use – refer to Policy below.

This will affect Scouts, Rugby and Cricket.

4.3.3. Clay Target Club, Morven

Rent over the next five years equals \$200 plus GST p.a.

Following the five years, a rent shall be set to reflect service charges and land use – refer to Policy below.

4.4. Sporting Club Rates Remission Policy

Rates will no longer be charged. Instead the rental shall be calculated as:

- Service Charges are sewerage, water and rubbish, in accordance with Council's current rates.
- 6% of the land valuation.

Council will need to ascertain service information where no rates notice exists, and may have to make arbitrary calculations where land value is not specified.

4.4.1. Other Sporting Clubs

Council's policy that sporting clubs be subject to Council's 6% land value formula (where no service amenities exist), to apply from 2001/02 year – with a minimum of \$50.

4.5. 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 charge and uniform annual general charge, but not services such as water and refuse collection), where application 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.

Remissions currently granted in terms of this policy comprise:-

The Waimate Historical Society's property being Rates Assessment Number 25230 19400A.

4.6. Penalties upon Rates in circumstances where the Ratepayer has agreed to and abided by the Terms of an "Arrangement" acceptable To Waimate District Council

That while any ratepayer who has a repayment plan acceptable to Council and continues to make regular payments over the defined period of not greater than 18 months, Council will:

- Remit the additional charges imposed on 1 July and January each year.
- Backdate the policy to the start date of such a repayment plan arrangement.
- Credit the payments, firstly, towards current instalments to avoid additional charges on instalments, and secondly, towards rate arrears.

Waimate 2020

- Have discretion to reinstate additional charges upon failure to keep to the terms of agreed repayment plans.

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 two years.
- Limit the delegation to additional charges of up to \$300 per rateable property.

4.6.1. Rates Penalty

That once every five years a ratepayer, provided he pays rates within ten working days of the instalment penalty date, be allowed automatic remission of penalties.

Recommendation: Finance, Amenities and Strategic Planning Committee Meeting, 7 June 1994

(Page 301, 302; File No A 10/S 8)

Adopted : Ordinary Council Meeting, 21 June 1994

(Page 294, File No A 10/S 8)

4.7. Uniform Annual General Charges on Contiguous Properties owned by a Common Owner

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

4.7.1. 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 person or 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's Family Trust, as the latter two are separate legal 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”.

Our interpretation is within five km as the crow flies. Any further would make it difficult for a farm to be “used jointly as a single property” as above.

4.7.2. Urban Properties

Only empty sections contiguous with a house are exempt. Houses in different streets owned by the same person are neither “contiguous” nor “used jointly as a single property”.

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 a business while the other as a family home.

In terms of the 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 names 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”.

Our interpretation is within 5 km as the crow flies. Any further would make it difficult for a farm to be “used jointly as a single property” required under part (b).

Urban Properties

Only empty sections contiguous with a house are exempt. Houses in different streets owned by the same person are neither “contiguous” nor “used jointly as a single property”. 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 a business while the other as a family home.

That Council not allow any remission of rates on clubs and organisations holding current liquor licences.

Adopted: Ordinary Council Meeting, 27 June 1989

(Page 143, File No A 8)

That Council remit all rates on the Regent Theatre excluding that portion which is leased to a private concern.

Adopted: Ordinary Council Meeting, 27 June 1989

(Page 143, File No A 8)

4.8. 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 practise, Council resolves that in the case of a deceased estate, upon receipt of a letter from the Solicitor who has been

granted probate, that the winding up of the affairs of the estate are in progress and that Council may expect full payment of all rates charges outstanding within three months from the date of the letter, Council may remit rates penalties from time of death.

5. APPENDIX 1 – HALLS AND COMMUNITY CENTRES QUALIFYING FOR RATES REMISSION

Arno Hall	Arno
Atwell Park Scout Camp	Kelceys Bush
Blue Cliffs Hall	Blue Cliffs
Bridge Club Rooms	Waimate
Croquet Club Rooms	Waimate
Glenavy Hall	Glenavy
Gunns Bush Camp / Includes Hall	Hook
Hakataramea Hall	Hakataramea
Hunter Hall	Hunter
Ikawai Hall	Ikawai
Jehovah’s Witness Meeting Hall	Waimate
Lyalldale Hall	Lyalldale
Makikihi Hall	Makikihi
Studholme Hall	Studholme
Otaio Hall	Otaio
Scout Club Den	Waimate
Senior Citizens Clubrooms	Waimate

Waimate 2020

Southburn Hall	Southburn, Pareora
St Andrews Hall	St Andrews
St Augustine Masonic Lodge Meeting Hall	Waimate
St John's Ambulance Meeting Rooms	Waimate
Vintage Car Club Rooms	Waimate
Waimate Girl Guide Hall	Waimate
Waimate Pipe Band Hall	Waimate
Waimate Silver Band Hall	Waimate
Willowbridge Hall	Willowbridge

6. PUBLICATION DETAILS

All inquiries or suggestions regarding this Document should be referred to:-	Information and Policies Analyst
Revision	2.2
Revision Date	27 February 2006
Effective Date	1 July 2006
Minimum Review by:	1 March 2007 to align with LTCCP
Document Owner – Release Signature	Corporate Services Manager
General Manager – Release Signature	

