

6.3.4 Rating Relief - Protection of Natural Areas

Introductory & Statutory Provisions

Section 180G of the Rating Powers Act 1988 allows a local authority to use the special consultative procedure to adopt a policy for remission or postponement of all or part of the rates for land on which natural, historic, or cultural features are voluntarily preserved.

In accordance with Section 180G(4) of the Act, Council, in determining its rates relief policy shall have regard to the following matters:

- a. The desirability of preserving particular natural or historic or cultural features within the district; and
- b. Whether, and to what extent, the preservation of particular natural or historic or cultural features might be prejudicially affected if rates relief is not granted in respect of the land on which they are situated; and
- c. Whether, and to what extent, preservation of particular natural or historic or cultural features are likely to be encouraged by the granting of rates relief; and
- d. The extent to which the preservation of different types of natural, historic and cultural features should be recognised by different criteria and conditions for rates relief, and whether different levels of rates relief should apply; and
- e. The extent to which rates relief should be available where the preservation of natural or historic or cultural features does not restrict economic utilisation of the land; and
- f. Such other matters as the local authority considers relevant.”

Policy

- a. Pursuant to Section 716A(1)(g) of the Local Government Act 1974 the following policy is adopted for rates relief for the protection of natural areas:
- b. Rates Relief for the Protection of Natural Areas
 - i. Pursuant to the provisions of the Rating Powers Act 1988 and the Valuation of Land Act 1951 rates remission and relief may be granted in respect of land comprising natural areas (being stands of native bush, wetlands, wildlife habitats and landforms) that have, voluntarily, been appropriately physically and legally

protected or classified. Such relief may only be granted while the necessary physical and legal protection remains in force.

ii. Up to 100% rates remission may be granted for appropriately protected natural areas. The amount of relief granted will be determined on a case by case basis with reference to the criteria contained in Section 180g(4) of the Rating Powers Act 1988. In particular, each application for rates relief shall contain sufficient information to allow the following to be assessed:

- The significance of the natural area being protected. In particular:
 - ⇒ The significance of the area in an international, national, regional or local context.
 - ⇒ The rarity or representativeness of the area.
 - ⇒ Whether the type of feature comprising the area has been protected elsewhere in the district.
 - ⇒ The vulnerability of the natural area being protected. Including an assessment of whether, and to what extent, the preservation of the natural area might be prejudicially affected if rates relief is not granted in respect of the land comprising the area.
- The financial cost and loss of opportunity for the applicant in protecting the natural area on a voluntary basis.
- Whether the applicant will be required to change the use of the land and be bound by certain management practices. If so, the likely costs involved.
- Whether extraordinary conditions and restrictions apply to the natural area being protected and surrounding land. If so, how these will affect the saleability and future use of the natural area and surrounding land.

iii. The actual amount of rates remitted in respect of the land comprising a protected natural area shall be calculated using the formula:

Amount of Rates Remitted

(area of protected
natural feature)

$$= \text{(percentage rates relief granted)} \times \text{(total area of property)} \times \text{(general rate payable on total area of property)}$$

- The 'percentage rates relief granted' is the amount of relief that the Council resolves to grant having considered an application in terms of the assessment criteria stated in Part ii of this policy.
 - The term 'general rate' has the same meaning as that defined in the Rating Powers Act 1988.
- iv. If at any time a landowner fails to maintain the necessary physical protection or otherwise breaches the conditions of legal protection for a natural area, the Council may cease to provide rates remission or relief in respect of the land comprising that natural area. This action will only be undertaken if other remedies, including consultation with the landowner, have failed.
- v. This policy will be reviewed on the first Franklin District Plan becoming operative and on an annual basis thereafter.
- c. The policy for rates relief for the protection of natural areas shall not apply to protected natural areas included in a lot created pursuant to rule 22.3 of the proposed Franklin District Plan or its successor.
- The policy shall however apply where the creation of a lot has resulted in the physical and legal protection of a natural area, but where there is no provision for the erection of a dwelling that is to be occupied on a permanent basis on the lot.
- d. There is no fee for processing an application under the policy for rates relief for the protection of natural areas.
- e. The policy for rates relief for the protection of natural areas became operative on 1 July 1993.

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