

Whenua Rahui Register



This is a supplement to the Whenua Rahui application form. Please read this before filling in the Whenua Rahui Register application form.

1. The policy

The Gisborne District Council recognises the complex problems involved when dealing with Māori land, and has formulated a policy (The Whenua Rahui Register Policy) to deal with some of these. When, in the judgement of Council, it would be unfair or unreasonable to collect rates at this time, land may be placed on this Whenua Rahui Register, and retired from rating liability for a period.

Use this form when apply for rate remissions under policy Remission of Rates - Māori Freehold Land (Whenua Rahui Policy).

In general, reasons for placement on the register would include some or all of the following:-

- i. Fragmented ownership - ownerships vary in number and individual share proportions. Owners are scattered throughout the country and even worldwide. An attempt to contact a majority representation is often painstaking and difficult.
- ii. Unsecured legal title - many land titles have not been surveyed. Therefore they cannot be registered with the District Land Registrar. Owners seeking finance for development of their land are restricted, as mortgages cannot be registered against the title.
- iii. Isolation and marginal in quality - the geographical isolation and economic climate of the district are clearly illustrated by the much needed development, as the lands are of marginal quality.
- iv. No management structures - lands have no management or operating structures in place to administer matters.
- v. Rating problems - because of the above factors there is a history of rate arrears and/or a difficulty in establishing who is/should be responsible for the payment of rates.

Note: The register is not designed as a way for owners to elect not to use land and therefore not to pay rates.

2. The register

Māori land owners can apply to have their lands entered on the register. By making an application, owners are asking Council for a discretionary remission of rates. If accepted, the land will be 'retired from rates for a term specified by Council, with a maximum term of three years. While lands are 'retired' or 'parked up', the onus is on the owners to ensure that no one breaches the conditions by using the land. Lands on the register are inspected regularly to monitor for any breaches. Each application is examined on its own merits. Intending applications should not be compared to others already on the register.

3. The criteria

The criteria to determine eligibility for application to the Whenua Rahui Register is as follows:

- i. It must be Māori land (as defined in Te Ture Whenua Act 1993 Part VI Section 129 or the Local Government (Rating) Act 2002, Part 1, Sub-paragraph 1, Section 5).
- ii. It must have historical, ancestral or cultural significance.
- iii. It must be unoccupied. The definition of occupation which comes direct from Part 4 Section 96 of the Local Government (Rating) Act 2002 says that 'occupation' is where a person/ persons does one or more of the following:
 - (a) Resides upon the land.
 - (b) De-pastures or maintains any livestock whatsoever on the land.
 - (c) Cultivates the land and plants any crop on the land.
 - (d) Stores anything on the land. (Including beehives.
 - (e) Uses the land or any improvements in any way.

4. General comment

For an application to be considered:-

- Communication must be established between owners and the Council.
 - Rating problems must have been identified and amicable solutions worked towards.
 - Where the land has potential for land use, owners are provided with the time to re-assert responsibility and should be actively seeking prospective occupiers or usage. Land that is unrealistic for rating purposes can be identified, eg mudflats, heavily eroded cliff faces, severe bush and scrub.
1. The attached "Whenua Rahui Register Information" needs to be read prior to and in conjunction with this application.
 2. Have the owner(s) offered an occupying neighbour the opportunity to lease this land. YES NO
 3. Please attach current photographs of the property to support your application.
 4. Please note that if accepted, the land will be retired from rates for a term specified by Council, with a maximum term of three years. The owner(s) may apply for a further term nearing the end of the term approved.
 5. Please note this application is a statutory declaration once signed.

I/We hereby apply to be entered on the Whenua Rahui Register for consideration of a discretionary rate remission under the Local Government (Rating) Act 2002 and Local Government Act 2002.

Application Whenua Rahui Register



Remission of Rates – Maori Freehold Land (Whenua Rahui Policy)

Policy Objective: To enable the Council to act fairly and reasonably in its consideration of remitting or postponing rates and penalties with respect to Maori Freehold Land.

1. Applicant details

Name:

Surname

First Name(s)

Address:

No.

Street/Road

Suburb

Town/City

Postcode

Phone:

Day

Mobile:

Email:

2. Property details

Legal Description:

Valuation Number:

Annual Rates: \$

Current Balance: \$

Please identify why the land cannot be used:

Photograph attached

- Dense scrub
- Prone to flooding
- Ground slumping
- No administration
- Too small to build on
- Unable to find a lessee
- Covered in native bush
- Smothered by exotic trees
- Under swampy conditions
- Cliffs endangers occupation
- Suffers extensive soil erosion
- Unable locate owners/ratepayers
- Owners deceased – no succession
- Inaccessible - land-locked / Island
- Dilapidated fences - expensive to repair/replace

3. Conditions of application

- i. Burden of proof regarding eligibility is on the owner/s of the property.
- ii. Where land is in multiple ownership a copy of the minutes authorising individuals to act for owners should be enclosed if available.
- iii. The Whenua Rahui Register will be reviewed every three years and eligible landowners will need to re-register.
- iv. In the event of other land or any portion of the land being sold within that three year period a recovery provision applies. This enables Council to recover the rates remitted for the applicable period.
- v. Council or other duly designated officers are given approval to undertake periodic inspection of the land to confirm unoccupied status.
- vi. Council reserves the right to seek further information e.g. Memorial Schedule of Owners, if deemed necessary

4. Statutory declaration

I/we do solemnly and sincerely declare that the particulars detailed above are correct and that the **conditions concerning land** detailed above apply.

I/We also agree to the **other conditions** detailed above.

I/We make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957.

Declared at _____ this _____ day of _____ 20_____

Status of Applicant

Shareholder Owner Representative of Owner

Signature of Applicant:

Signature of Witness:

Solicitor

Justice of the Peace

Minister of Religion

Court Registrar



Seal