


Māori Freehold Land Rates Remission Application Form

USE THIS FORM IF YOU ARE APPLYING FOR RATES REMISSION UNDER ONE, OR BOTH OF THE FOLLOWING POLICIES

[return pages 1-5 | You can use the Appendix if you need for extra Occupiers under an ML21/02 application]

<p>ML21/01 Māori Freehold Land Not Used</p> <p><i>Ref ID:</i></p>	<p>ML21/02 Papakāinga on Māori Freehold Land</p> <p><i>Ref ID:</i></p>
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 • *Select which Rates Remission Policy you are applying under*


- *You can apply under more than one Policy, for example: ML21/02 establishing a Papakāinga on an unused land block – plus –*
- *ML21/01 applying for rates remission for the remaining unused portion of land*



KIA TUPATO | PLEASE NOTE:

- *Your application must be made in writing, signed by the owner / ratepayer or relevant approved person and accompanied by any required supporting documentation.*
- *After an application has been submitted, further documentation may be requested. In that event, the applicant will be notified accordingly.*
- *The owner(s) of the property must provide proof of eligibility which will be confirmed with relevant Council information.*
- *This application must be signed in front of a Justice of the Peace/Solicitor/Far North District Council Officer.*


SECTION 1: LAND / BLOCK INFORMATION





 Enter the Land/Block information. You can find Māori Land information online ([click here](#)), or by entering the following link and searching by Owner Interest Search, Block Search, or Map Search: <http://www.maorilandonline.govt.nz>

 If you do not know the Rate Account number, you can also search the [Rating Information Database](#) online on our website: <https://www.fndc.govt.nz/Our-Services/Rates/Rating-information-database-new>

Valuation No	Rate A/C No	
Property Physical Location Address		
Legal Description		
Land generally known as		
<p>Section 1 Checklist  Remember to attach the following documents to your application(s) </p>		
<ul style="list-style-type: none"> • Proof of ownership of the land block <i>Schedule of Owners list from Māori Land Court, Māori Land Online, or Certificate of Title – no more than 3 months old</i> • Photographic evidence, Map/Aerial view of land block 		

SECTION 2: APPLICANT DETAILS


 Complete with YOUR details – whomever is submitting the application

Applicant name			
Are you known by any other name? If yes, please enter			
Are you	An owner of the land	Applying on behalf of owners	
<i>If applying on behalf of owners, please provide their details</i>	 <i>Owner details</i>		
			
			
Postal Address			
Contact Numbers	Landline	Mobile	Fax
Email			
Section 2 Checklist  Remember to attach the following documents to your application(s) <input checked="" type="checkbox"/>			
<ul style="list-style-type: none"> Copy of Photo Identification (Applicant / Owner) <i>(Drivers License or Passport or 18 Plus Card)</i> Proof of address such as bill or bank statement 			


SECTION 3: OCCUPIER INFORMATION






 Complete this section if applying for Rates Remission for “ML21/02 Papakāinga”

 For more than one Occupier/multiple dwellings under a Papakāinga application, please complete a separate Occupier section for each (see Appendix 1)


Occupier name			
Are you known by any other name? If yes, enter here			
Postal Address (for Rates Account to be sent)			
Contact Numbers	Landline	Mobile	Fax
Email			
What portion of land is to be used by the Occupier?	<i>Square metres</i>		
Section 3 Checklist  Remember to attach the following documents to your application(s) <input checked="" type="checkbox"/>			
<ul style="list-style-type: none"> Copy of Photo Identification (Occupier) <i>(Drivers License or Passport or 18 Plus Card)</i> License to Occupy / Informal Occupation Agreement Photographic evidence, Map/Aerial view of land block indicating the portion of land to be used by the Occupier Proof of address such as bill or bank statement 			

SECTION 4: CRITERIA AND CONDITIONS

 In order to apply for Rates Remission under one of the Māori Freehold Land Policies, you **MUST** meet all the eligibility criteria and conditions for each policy you are applying under as listed below

ML21/01 Māori Freehold Land Not Used	ML21/02 Papakāinga on Māori Freehold Land
<p>The balance of land must not be used by any person. For the purposes of this policy, land will be defined as “used” - under the Local Government (Rating) Act 2002 - if any person, who alone or with others:</p> <ul style="list-style-type: none"> (a) leases the land; or (b) does 1 or more of the following things on the land for profit or other benefit: <ul style="list-style-type: none"> (i) resides on the land (ii) depastures or maintains livestock on the land (iii) stores anything on the land (iv) uses the land in any other way <p> If required, Council may seek additional information in order to make a final decision</p> <p> If the land comes under use at any point, it will no longer receive remission of rates under this policy</p>	<ul style="list-style-type: none"> <input type="checkbox"/> The part of the land concerned must be the subject of a licence to occupy or other informal arrangement for the purposes of providing residential housing for the occupier on a rent-free basis <input type="checkbox"/> The area of land covered by each arrangement must have a separate valuation issued by Council’s valuation service providers and will be issued with a separate rate assessment pursuant to Local Government (Rating) Act 2002 Section 45 (3) <input type="checkbox"/> The occupier must agree to pay any rates assessed in respect of the part or division of the rating unit that is the subject of the application <p> No portion of the service charges for utilities will be remitted</p> <p> Council reserves the right to cancel the remission on the portion of a rating unit upon which rates remain unpaid for a period of more than one month after the due date (due date can apply to the instalment date, or an agreed payment plan)</p> <p> Uniform Annual General Charges and other charges on the land will remain in remission so long as the occupation continues to comply with the conditions and criteria of this policy</p>

SECTION 5: APPLICATION SUPPORTING NARRATIVE | TŌ KŌRERO

 Use this area to add any relevant information to support the application/s

PRIVACY ACT WAIVER

On the signing of this application:

Pursuant to the [Privacy Act 1993](#), I authorise Far North District Council to contact any agencies/companies or any other source including government agencies to obtain and check (both now and in the future) such information for the purpose of considering this application, and to assist in the enforcement of any agreement between myself and Far North District Council.

I understand I have the right to access information Far North District Council may have collected with regards to this application, and to correct if it is wrong.

DECLARATION

I solemnly and sincerely declare that I have read and understood this application and certify that the information provided is true and correct in all respects, and that I am no less than 18 years of age. I have disclosed any other names that I am currently known under. I am aware that if I have deliberately provided false information in this application, I could face fraud or dishonesty charges in the Courts. I make this solemn declaration conscientiously believing the same to be true and correct by virtue of the [Oaths and Declarations Act 1957](#).

Signed by Applicant / Owner / Occupier:

 Do not complete this section until you are with the person witnessing your declaration

<i>Applicant / Owner / Occupier – Please Print</i>	<i>Occupation</i>
<i>Applicant / Owner / Occupier – Please Sign</i>	<i>Date</i>


Signed by Occupier [if applying for ML21/02]:

 Do not complete this section until you are with the person witnessing your declaration

 Occupier to complete if the application form has been completed and submitted on their behalf

<i>Occupier Name – Please Print</i>	<i>Occupation</i>
<i>Occupier – Please Sign</i>	<i>Date</i>

Witnessed by

 Your witness **MUST** be one of the following: i) Justice of the Peace; ii) Solicitor; iii) FNDC Officer

<i>Witness Name – Please Print</i>	<i>Date</i>
<i>Witness – Please Sign</i>	

APPENDIX: ADDITIONAL OCCUPIERS INFORMATION

Occupier name			
Are you known by any other name? If yes, enter here			
Postal Address (for Rates Account to be sent)			<i>Office use only – New Rate A/C No.</i>
Contact Numbers	Landline	Mobile	Fax
Email			
What portion of land is to be used by the Occupier?		<i>Square metres</i>	
Checklist 🔔 <i>Remember to attach the following documents to your application(s)</i> <input checked="" type="checkbox"/>			
<ul style="list-style-type: none"> • Copy of Photo Identification (Occupier) <i>(Drivers License or Passport or 18 Plus Card)</i> • License to Occupy / Informal Occupation Agreement • Photographic evidence, Map/Aerial view of land block indicating the portion of land to be used by the Occupier 			

Occupier name			
Are you known by any other name? If yes, enter here			
Postal Address (for Rates Account to be sent)			<i>Office use only – New Rate A/C No.</i>
Contact Numbers	Landline	Mobile	Fax
Email			
What portion of land is to be used by the Occupier?		<i>Square metres</i>	
Checklist 🔔 <i>Remember to attach the following documents to your application(s)</i> <input checked="" type="checkbox"/>			
<ul style="list-style-type: none"> • Copy of Photo Identification (Occupier) <i>(Drivers License or Passport or 18 Plus Card)</i> • License to Occupy / Informal Occupation Agreement • Photographic evidence, Map/Aerial view of land block indicating the portion of land to be used by the Occupier 			

ML21/01 & ML21/02 Remission Policy Information - you do not need to return these pages to us

Making an application? This is what you need to know:

1. All applications under these policies must be made in writing, signed by the owner/ratepayer or relevant approved person, and accompanied by any required supporting documentation. After an application has been submitted, further documentation may be requested. In that event, the applicant will be notified accordingly.
2. As provided for in section 88 of the Local Government (Rating) Act 2002 (LGRA 02), a postponement fee may be calculated and added to the postponed rates.
3. The basis of calculating the postponement fee is included in each year's Funding Impact Statement, which can be found in the Long Term or Annual Plan for that year.
4. The owner(s) of the property must provide proof of eligibility which will be confirmed with relevant Council information.
5. Where a property or part of that property is sold within the period of remission or postponement, Council has the right to recover the rates remitted or postponed for the applicable period. This may apply to the whole property or only to that portion of the portion that has been sold.
6. Council may require further information from the applicant if deemed necessary to process the application.
7. Council reserves the right to inspect the use of a property, where appropriate, for application assessment and to confirm compliance with policy criteria from time to time.
8. Any decision made by Council under this policy is final. Remissions or postponements granted under previous policies will remain in force as per those policies.
9. Applications may be made for a remission or postponement of rates in circumstances which are not included in the separate policy category sections set out below. These are known as "outside of policy" applications. Council's authority is restricted by the provisions of the LGRA 02. For that reason, all such applications "outside of policy" must be in writing, and accompanied by sufficient detail and documentation to support a decision by Council.
10. Council is under no obligation to approve any applications that do not comply with the established policies and Council's decision on the matter is final.
11. Council's decision whether to grant or deny an application for remission or postponement of rates will be based upon:
 - a. The application itself; and,
 - b. All supporting documents submitted by the applicant; and,
 - c. Any relevant information and/or documentation held in Council's records.
12. Except where otherwise indicated, Council reserves the right to grant or deny any and all applications for remission or postponement of rates under these policies.

ML21/01 - Māori Freehold Land Not Used

Background

Following amendments to the Local Government (Rating) Act 2002 that come into force 1 July 2021 this policy will apply only to land that remains unused/unoccupied following the granting of a licence to occupy from the Maori Land Court or recognition of an informal arrangement to occupy. The creation of a licence to occupy or an informal arrangement does not create a separate rating unit therefore any unused /unoccupied land remaining (referred to as “the balance of land”) does not automatically fall under the amendment to the Local Government (Rating) Act 2002 to make unused/unoccupied land “non-rateable”.

Occupation licenses are generally used to define a specific area of Māori Freehold Land that the licensee can occupy for the purposes establishing a dwelling. At the termination of the license, the dwelling has to be removed or transferred to the owners of the land.

Informal arrangements are where a person occupies an area of Māori Freehold Land for a period of time; however, has no formal agreement and no rights to permanent occupation.

Policy Objectives

To provide the ability to grant remission for the portions of land not occupied or used that result from the granting of a licence to occupy or an informal arrangement for use on part of the rating unit.

Scope

This policy applies only to Māori Freehold Land and will apply from 1 July in the year of application.

Policy Statement

Council may, upon application from the owners, authorised agents of the owners, or Council itself acting for the owners, agree to remit the rates relating to the balance of land created by a licence to occupy or informal arrangement for a period not exceeding three years.

Conditions and Criteria

1. The balance of land must not be used by any person – for the purposes of this policy land will be defined as “used” if any person, alone or with others carries out any of the following activities on the land as set out in section 96 of the Local Government (Rating) Act 2002 -
 - a. leases the land; or does one or more of the following things on the land for profit or other benefit:
 - b. resides on the land
 - c. depastures or maintains livestock on the land
 - d. stores anything on the land
 - e. uses the land in any other way
2. Council will have the sole judgment on whether or not to grant the application and may seek such additional information as they may require before making their final decision.
3. If the land comes under use at any point, it will no longer receive remission of rates under this policy.

ML21/02 - Māori Freehold Land used for the purposes of Papakainga or other housing purposes subject to occupation licenses or other informal arrangements

Background

The Far North District Council recognises that occupation licenses, or other informal arrangements, only provide an interim or temporary right to occupy part or all of an area of Māori Freehold Land. This right is only available to the licensee, or informal occupier and does not create an interest that can be transferred or bequeathed as part of an estate.

This form of occupation is different to an occupation order, which provides a permanent right to occupy an area of land and can be passed on to future generations.

Occupation licenses are generally used to define a specific area of Māori Freehold Land that the licensee can occupy for the purposes establishing a dwelling. At the termination of the license, the dwelling has to be removed or transferred to the owners of the land.

Informal arrangements are where a person occupies an area of Māori Freehold Land for a period of time; however, has no formal agreement and no rights to permanent occupation.

The occupier of land that is the subject of an occupation license or informal agreement is generally not required to pay any rental to the owners of the land, i.e. it is not a commercial arrangement.

There is a willingness of occupiers of land that is the subject of these types of arrangements to pay rates in respect of the area of land that they occupy. However, there is a concern that these "parts" may become liable for the UAGC and other non-service-related charges assessed on the basis of a separately used or inhabited part of a rating unit.

This policy statement has been prepared to address these issues. It recognises that papakainga and similar housing on Māori Freehold Land are generally occupied by members of owner's families and no rentals are payable.

The policy is consistent in effect to the treatment of multiple housing on general title land, where the separate parts are occupied on a rent-free basis by members of the owner's family.

To assist the occupiers pay the rates of the parts of a rating unit that are the subject of occupation licenses, Council will issue a separate rate assessment for each part as set out in Section 45 (3) and (4) of the Local Government (Rating) Act 2002.

Policy Objectives

1. To put in place processes to allow the residents with occupation licenses or other informal arrangements to pay their portion of rates in respect of the land that they occupy.
2. To assist Māori to establish papakāinga or other housing on Māori Freehold Land.
3. To assist Māori to establish an economic base for future development.

Scope

This policy applies only to **Māori Freehold Land**.

Policy Statement

The Far North District Council recognises that the imposition of multiple UAGCs or other non-service-related charges might act as a disincentive to Māori seeking to occupy Māori Freehold Land for housing purposes.

Council will consider applications for the remission of multiple UAGCs and other charges, with the exception of those that are set for the provision of utilities such as water, sewerage etc., in respect of separately used or inhabited parts of a rating unit where these are covered by occupation licenses, or other informal arrangements.

Conditions and Criteria

1. The part of the land concerned must be the subject of a licence to occupy or other informal arrangement for the purposes of providing residential housing for the occupier on a rent-free basis.
2. The area of land covered by each arrangement must have a separate valuation issued by Council's valuation service providers and will be issued with a separate rate assessment pursuant to Local Government (Rating) Act 2002 Section 45 (3).
3. The occupier must agree to pay any rates assessed in respect of the part or division of the rating unit that is the subject of the application.
4. No portion of the service charges for utilities will be remitted.
5. Council reserves the right to cancel the remission on the portion of a rating unit upon which rates remain unpaid for a period of more than one month after the due date (due date can apply to the instalment date or an agreed payment plan).
6. Uniform Annual General Charges and other charges on the land will remain in remission so long as the occupation continues to comply with the conditions and criteria of this policy.