



ANALYSIS

<p>Title</p> <p>1. Short Title</p> <p>2. Interpretation</p> <p>3. Power to remit or postpone rates on a development</p> <p>4. Objection by developer against decision of Council</p>	<p>5. Continuation of remission or postponement after completion of development</p> <p>6. Registration of charges for postponed rates</p> <p>7. Council may impose conditions when granting relief</p> <p>8. Suspension or limitation of this Act</p>
--	---

1988, No. 3—*Local*

An Act to empower the Hastings City Council to grant relief from rate commitments during the development or redevelopment of certain properties for industrial, commercial, or administrative purposes

[19 September 1988]

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title—This Act may be cited as the Hastings City Council (Rating Relief) Empowering Act 1988.

2. Interpretation—In this Act, unless the context otherwise requires,—

“Council” means the Hastings City Council:

“Development” means the construction, erection, or alteration of any building or buildings intended to be used solely or principally for industrial or commercial or administrative purposes (including, but not by way of limitation, hotels, motels, and other transient accommodation), or any combination of those purposes, where the estimated cost of the construction, erection, or alteration will exceed \$500,000.

3. Power to remit or postpone rates on a development—(1) Notwithstanding anything in any other Act, but subject to subsection (2) of this section, the Council may by resolution, as a means of encouraging development in its district, remit or postpone for such time as it thinks fit the payment of any rates in respect of any rateable property (within the meaning of the Rating Act 1967) in respect of which any development is taking place or is about to take place.

(2) In deciding whether so to grant relief and, if so, to what extent relief shall be granted, the Council shall pay due regard to the following matters:

- (a) Whether, and to what extent, the development when completed will be to the financial advantage of its district (including the creation of employment opportunities); and
- (b) Whether, and to what extent, the viability of the development might be compromised or prejudicially affected by a refusal to grant relief; and
- (c) The timetable for implementing the development for the purpose of ascertaining whether the granting of relief would encourage an earlier completion date; and
- (d) The location of the proposed development; and
- (e) The nature and extent of any free public amenities or public facilities (additional to those conferring structural benefits under the Council's district planning scheme) proposed to be included in the development, including, but not by way of limitation, public viewing areas and rest rooms, landscaping and environmental improvements, fountains, and outdoor sculpture; and
- (f) The effects on the viability of, and employment in, any industrial or commercial development already existing in the district and which is of a similar nature to any proposed new development.

(3) In remitting or postponing any rates pursuant to this Act, the Council may remit or postpone the whole or a part of the rates otherwise payable for a whole year or years, or for any lesser period, or may provide for a combination of remitting and postponing rates.

(4) A resolution under this section shall not be passed by the Council at any meeting from which the public has been excluded under section 48 of the Local Government Official Information and Meetings Act 1987.

4. Objection by developer against decision of Council—(1) Any person whose application for a remission or postponement of rates under this Act has been refused may object against the decision of the Council.

(2) The provisions of subsections (3) to (5) of section 90 of the Rating Act 1967, with the necessary modifications, shall apply in respect of objections under this section as if references in those subsections to a territorial authority were references to the Council.

5. Continuation of remission or postponement after completion of development—The Council may continue a remission or postponement of rates under this Act in respect of not more than 3 rating years commencing on the 1st day of April next following the date on which, in the Council's opinion, the development was completed.

6. Registration of charges for postponed rates—Where any rates have been, are, or will be postponed under this Act, the provisions of section 162 of the Rating Powers Act 1988, with the necessary modifications, shall apply in respect of the postponement as if references in that section to a local authority were references to the Council.

7. Council may impose conditions when granting relief—The Council may remit or postpone rates under this Act subject to such conditions as to completion of the development concerned as it thinks fit. It may cancel any remission or postponement granted in respect of the rating year then current in the event of non-compliance with any of those conditions, and, in such circumstances, it may require payment of full rates in respect of any year in which they may have been remitted or postponed.

8. Suspension or limitation of this Act—(1) Notwithstanding anything contained or implied in the provisions of this Act, the Council, by resolution publicly notified, may determine that those provisions, either indefinitely or for such period as may be specified in the resolution,—

(a) Shall be wholly suspended; or

(b) Shall apply only to such types of development as may be so specified; or

(c) Shall apply only to developments situated or proposed to be situated in such part or parts of its district as may be so specified; or

(d) Shall apply only to such types of development, and situated or proposed to be situated in such part or parts of its district, as may be so specified—

and may from time to time cancel or modify any such resolution by a subsequent resolution publicly notified.

(2) No resolution made under this section shall apply to any development in respect of which—

(a) A remission or postponement of rates has been granted;
or

(b) An application has been made and not finally dealt with—

under this Act before the date on which the resolution was made.

(3) No resolution made under this section shall suspend the provisions of this section.

(4) In this section, the term “publicly notified” has the same meaning as is given to it by section 2 of the Local Government Act 1974.
