



WAITAKERE CITY COUNCIL

Green Network Rates Relief Policy

AMENDED by the Long Term Council Community Plan and Annual Plan Committee
on: 23 February 2009 ([Minute No. 160/2009](#))

The Waitakere City Council has adopted a rates relief policy to promote the protection and enhancement of natural heritage features within the City - the Green Network. This policy was developed under Section 180(g) of the Rating Powers Act 1988, which provides for (amongst other things) the adoption of a policy to remit rates in respect of land where the natural features are voluntarily preserved or enhanced by the occupier. This section of the Rating Powers Act also provides for rates relief for the promotion of historic or cultural features, identified through the Waitakere Ranges Heritage Area Act 2008.

Policy

The policy provides for rates relief on properties which contain important natural heritage, cultural heritage and landscape features (as identified in the Council's proposed District Plan Maps Section as part of the Green Network), and where the landowner is willing to manage their land so as to protect and enhance the Green Network.

In addition, the policy provides for rates relief where landowners provide for public access (in appropriate circumstances), and where landowners have exhibited an exceptional degree of public good by some measure to protect and enhance the Green Network beyond what is provided for in this policy.

To be eligible to receive rates relief, landowners must be willing to attach a legal encumbrance to their property titles (for example a conservation covenant), outlining the agreed management strategy for the land, and forgoing any future subdivision of the property, (or that part of the property for which the rates relief is granted).

Eligibility for Participation

Properties with the following Green Network elements (as identified in the proposed District Plan maps section) are eligible to participate:

- Significant or outstanding native vegetation and fauna habitat (i.e. included in the Managed Natural Area, Protected Natural Area or Coastal Natural Area);
- Riparian Margin/Coastal Edge - being the area alongside streams, wetlands and the coast;
- Ecological Linkage or Restoration Areas; and
- Heritage features as identified by the Waitakere Ranges Heritage Area Act 2008.

In addition, extra rates relief can be awarded if the landowner:

- has a property with high landscape values or which is highly visible (such that any restoration and enhancement will significantly contribute to the amenity/landscape values of the City, or any degradation will significantly decrease the amenity/landscape values of the City);
- is willing to provide public access to their property, and this is desirable and appropriate; and
- has exhibited an exceptional degree of public good by some measure to protect and enhance the Green Network beyond what is provided for in this policy.

To receive the rates relief, the landowner must be willing to:

- commit to a management programme that will protect and enhance the Green Network, and to have this management plan attached to their Certificate of Title as a legal encumbrance of some sort (see below for more discussion of this aspect);

- forgo any future subdivision of the property, or that part of the property to which the rate relief is proposed to apply through legal encumbrance on the Certificate of Title; and
- in situations where only part of a property is protected, ensure that no activities on the remainder of the property create adverse effects in the protected area (e.g. through increased stormwater flows or pollutants arising from development).

Rates Relief Calculation

The rates relief awarded will be calculated using the following formula:

A = B X C, where

A = the % rates relief calculated (excluding the Uniform Annual General charge and any other uniform charges, as the Council has a general policy of basing calculations of rates rebates only on that part of the rate that is based on property value)

B = the proportion of the property covered in the Green Network component which is being appropriately managed and which it is proposed to be included in land covered by this policy

C = the value of the Green Network component being protected and enhanced and public good, public access, and landscape/amenity considerations

Calculation of Variable 'C':

Green Network feature	Value	
Outstanding Native Vegetation	0.6	The highest value for this part of variable 'C' is 0.6
Significant Native Vegetation and outstanding and significant fauna habitat	0.5	
Riparian Margin	0.6	
Ecological Linkage/Restoration Vegetation	0.3	
Public access provided	0.4	The highest value possible for this part of variable 'C' is 0.4
Visually prominent/significant landscape value	0.2	
Exceptional degree of public good exhibited	0.2	
		Max Value 1.0

The value 'C' is derived in part from the natural area identifications in the Waitakere City Council proposed District Plan. If the area protected contains more than one type of Green Network feature (for example both outstanding native vegetation and a riparian margin) then the highest value only is assigned.

The other part of 'C' is derived from consideration of landscape, public access and public good aspects. If a property is highly visible such that development would have a significant adverse impact on the visual amenity of the City or restoration will significantly improve amenity values, public access is provided, or a particularly high degree of public good has been exhibited, then extra rate relief can be attracted.

DISCUSSION OF POLICY CONDITIONS AND CRITERIA

Variable 'A' - % Rates Relief

This will only ever apply to that part of the rate which is based on property value. This means that the Uniform Annual General Charge and any other uniform charges are not included in the rates relief calculation. If the Council amends its rating method, then the same proportion of rates relief will be applied to the part of the rate based on property value.

Variable 'B' - area over which the rates relief will apply

The rates relief will only ever be applied to that part of the property which has one or other Green Network component covering it and which is covered by the legal encumbrance/covenant. Thus, if a property is 60% covered in significant vegetation, and all of this is covered by the legal encumbrance/covenant, the calculation will be applied to only 60% of the rates. Landowners may include all or part of their property, and may have a legal encumbrance that incorporates part or all of their property. If only part of the Green Network component is covered by the legal encumbrance, the rates relief will only apply to the part that is protected.

Variable 'C' - identification of green network component

The Council's proposed District Plan includes a map section, in which the City's natural features are identified and mapped (amongst other things). These mapped features include:

- areas of significant native vegetation and fauna habitat (which the Council is obliged to protect under Section 6(c) of the Resource Management Act 1991 - identified as 'Managed Natural Area'; or 'Coastal Natural Area')
- areas of outstanding vegetation - being significant vegetation that is the best, only or highly representative example of a particular vegetation type - identified as 'Protected Natural Area'
- examples of outstanding landform features - also identified as 'Protected Natural Area'
- waterways and the coast - identified as 'Riparian Margin Natural Area' and 'Coastal Edge Natural Area'
- areas that are currently not vegetated, or covered with vegetation of a relatively low value - identified as 'Ecological Linkages' and 'Restoration Natural Area'
- areas of significant landscape and heritage features as identified by the Waitakere Ranges Heritage Area Act 2008.

These are the features that this policy is intended to protect and enhance, and properties containing these Green Network components can be considered for rates relief under this policy.

Variable 'C' - public access, landscape and public good

Extra rates relief can be awarded in situations where the landowner is willing to allow public access to their land, and this public access is considered desirable and appropriate, for example, if a property is next to a reserve or connects public areas. Public access will only ever be considered in situations where the landowner is fully supportive of such a provision, and can be made subject to reasonable restraints as desired by the landowner (e.g. hours of access, specific parts of the property, no fires). The Council will reserve the right to decide if public access is desirable in a given situation, and shortly will develop a public access strategy to help guide this.

Where properties have a high landscape value (such that any restoration and enhancement will significantly contribute to the amenity/landscape values of the City, or any degradation will significantly decrease the amenity/landscape values of the City), extra rates relief can also be awarded.

While it is considered that all landowners of properties participating in this scheme are exhibiting a degree of public good, and this has been considered in the development of the policy, the Council considers it appropriate to include a provision to recognise situations of exceptional public good. This would only apply in limited circumstances, where landowners have exhibited a commitment to protecting and enhancing the Green Network which goes beyond that which would be incorporated into the management plan or is implied by the imposition of a conservation covenant. For example, a landowner may have made a substantial financial outlay to protect through purchase areas of the Green Network with high values.

LEGAL ENCUMBRANCE FOR APPROPRIATE MANAGEMENT AND SUBDIVISION FORFEITURE

The policy requires all participants to attach a conservation covenant or some other legal encumbrance to their property's Certificate of Title (CT), detailing the conditions of the encumbrance, including a forfeiture of any future subdivision on the property or part of the property participating. This encumbrance can be in the form of a conservation covenant either with an external agency such as the QEII Trust, or with the Council, via a conservation covenant drawn up under the Reserves Act, or as an encumbrance (with Council as a party) attached directly to the CT.

In all situations, landowners will be required to attach an encumbrance to their Certificates of Title which precludes any future subdivision of the property, or that part of the property proposed to be covered by the rates relief. This latter proviso applies to all properties proposed to be included, even if they could not carry out a complying subdivision under the current or relevant District Plan provisions.

The Management Plan is to be drawn up by the Council and the landowner, and must be agreed upon by both parties. It will cover such things as weed and pest control, restoration planting, fencing and protection of stream banks, depending on the nature and requirements of the property. The Management Plan will be referred to in the covenant or encumbrance, but will not be legally included on the CT to ensure that required amendments can be made (for example as the land management requirements change over time) without having to alter the CT. Amendments to the Management Plan can only be made with the agreement of both the landowner and the Council. The landowner will be obliged to adhere to the Management Plan to receive the rates relief, and there will be an undertaking by the Council to inspect all participating properties on a regular basis.

If, upon inspection of the property or monitoring of the policy, it becomes apparent that properties, for which rates relief is being granted, are not adhering to the conditions of the agreed Management Plan, the Council can suspend any rates relief that is being awarded.

THE COUNCIL MAY CHOOSE TO ABANDON OR MODIFY THE POLICY

The Council can amend or abandon the Green Network Rates Relief Policy, as the Rating Powers Act is explicit on this point. If this happens such that the policy no longer applies, any properties participating in the scheme will either no longer be eligible to participate, or the proportion of rates relief awarded is reduced, landowners will be able to require the Council to agree to remove the legal encumbrance that applies to their properties. This ability to require the encumbrance to be removed does not extend to situations where a landowner has their rates relief suspended because of non-adherence to the agreed Management Plan. In those situations, if the landowner no longer wishes to participate in the policy, the Council can be approached and requested to agree to remove the encumbrance. Such situations will be considered on a case by case basis.

TERM OF ELIGIBILITY FOR RATES RELIEF

Landowners shall be eligible for rates relief for a period of up to five (5) years from the commencement of receiving rates relief once the legal encumbrance is registered on the title.

Examples of how the policy may be applied

To illustrate how this policy might apply, a number of hypothetical examples are set out in the following table.

Hypothetical Property	Area of property (or part thereof) in protected feature* (Value B)	Value of feature protected (Value C)	Calculated Rebate	Effect on Rates (uniform charges excluded)
Highly visible Waitakere Ranges property 90% covered in significant native vegetation, and all bush included in conservation covenant public access provided	0.9 (90%)	0.5 (sig. veg.) + 0.4 (public access) = 0.9	0.9 X 0.9 = 0.81 81% rebate	\$3000 X 0.81 = \$2430 pay \$570 rates
Highly visible Waitakere Ranges Property mixture of outstanding and significant native vegetation covering 60% of property all of which is covenanted. Public access provided	0.6 (60%)	0.6 (outs. veg.) + 0.2 (highly visible) + 0.4 (public access) = 1.2 therefore this variable becomes 1.0	0.6 X 1.0 = 0.6 60% rebate	\$1500 X 0.6 = \$900 Pay \$600 rates