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LGOIMA

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Information requested by the media, lobby groups, public sector organisations and MPs will always be published, while information specific to an individual or their property will not generally be published.

Request from:	Toni Sims – Parliamentary MP Support, Hon Damien O’Connor
Information requested:	Kumara rates increase
Response from:	Simon Bastion, Chief Executive

04 December 2020

Toni Sims
Parliamentary MP Support, Hon Damien O'Connor
181 Tainui Street
Greymouth 7805

Via Email:

Dear Toni

Official information request seeking information regarding Kumara rates increase.

I refer to your official information request dated 16 November 2020 seeking information regarding Kumara rates increase.

You have asked for the following information:

Why has council decided now, to amend a previously remission that was applied incorrectly? (As reported in the paper)

Council has a duty to ensure that the Rating Information Database (RID) is correct, Local Government (Rating) Act 2002 s 40. Council is continually reviewing the RID for anomalies, and the issue of contiguous and non-contiguous LGRA s 20 (a) was reviewed and amended at this time. Remissions had erroneously been applied to some ratepayers many years ago, this was rectified under this review. There were other ratepayers that were being rated correctly under the LGRA s 20 (a) and it would have been unfair to these ratepayers to continue to subsidise an incorrect rating treatment to some ratepayers in the same situation. Particularly since these ratepayers have had the benefit of erroneous remissions when others had not. Of the 800 ratepayers this review affected, 59 ratepayers received a lower rate, and 683 rates remained unchanged.

How is it possible to address rates demands to deceased people, when previously they were addressed to the landowner/occupier-why has this changed and is that legal.

Council is bound by the law and New Zealand system of land ownership is centred around Records of Title being proof of ownership. The Land Transfer Act 2017 (LTA) requires that the owner of the land holding a Record of Title must be the same as the owner in the RID. This includes deceased persons. The matter of 'ownership and ratepayer' are different under the LTA, until the owner is changed on the register under the LTA the owner as ratepayer may not be changed.

It seems very unfair and immoral of council to cause all this stress to affected people.

Council is acting legally as required under the law, ratepayers were informed early in 2020 that this change would take place and advised that they worked with Council to understand what the impact would be.

In the newspaper you are quoted as saying under the Local Government rating act 2002 the owner must be the same on all titles-surely this was the case prior to this latest rate demand. (Where they are now addressed to old goldminers? Who authorised that change?)

This is not correct, as stated above, the records had been changed incorrectly some years ago, and have now been corrected to the legal owners under the LTA. Council meeting some years ago,

requested the rating officer to ensure that the RID is correct and to go through a continual process of review, this has also been reiterated when staff have provided financial reports to Council. The law requires the correct information and the amendments have been made. The LTA and LGRA require this treatment.

Did this change go through a council meeting? If so who moved the motion or drew attention to it?

This particular item did not go through a Council meeting, as Council have stated previously and reiterated that the RID must be reviewed and correct. Staff were required to follow the law to ensure this Council direction was followed.

What does council intend to do if people cannot met the rate demand, as many are saying the Council intend to sell off the pieces of land for much needed cash.

Council initially works with all ratepayers under a bad debt situation to arrange payment plans that will assist ratepayers to meet their obligations. For those that are treating land as their own and are waiting to go through the 'Adverse Possession' process under the Land Transfer Act 2017, Council has determined that a rates remission policy will be consulted on through the Long Term Plan process as required under the Local Government Act 2002 s 102. In the meantime, Council will write off the unexpected rates for the current year of the ratepayers that are seeking to obtain legal title under the LTA only.

There is no charge in supplying this information to you.

Council has adopted a Proactive Release Policy and accordingly may publish LGOIMA responses on the Council Website at <https://www.westlanddc.govt.nz/lgoima-responses>. The collection and use of personal information by the Westland District Council is regulated by the Privacy Act 2020. Westland District Council's Privacy Statement is available on our website [here](#)

If you wish to discuss this decision with us, please feel free to contact Mary-anne Bell, Senior Administration Assistant at LGOIMA@westlanddc.govt.nz, 03 756 9091.

Sincerely,



Simon Bastion | Chief Executive

SB/MB