

Reprint
as at 1 July 2019



Hurunui/Kaikōura Earthquakes Recovery (Rating Valuations Act—Kaikoura District Council) Order 2017

(LI 2017/138)

Hurunui/Kaikōura Earthquakes Recovery (Rating Valuations Act—Kaikoura District Council) Order 2017: revoked, on the close of 30 June 2019, by clause 4(b).

Patsy Reddy, Governor-General

Order in Council

At Wellington this 26th day of June 2017

Present:

Her Excellency the Governor-General in Council

This order is made under section 7 of the Hurunui/Kaikōura Earthquakes Recovery Act 2016—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the relevant Minister made in accordance with sections 8 and 9 of that Act.

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint. Note 4 at the end of this reprint provides a list of the amendments incorporated.

This order is administered by Land Information New Zealand.

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Order

1 Title

This order is the Hurunui/Kaikōura Earthquakes Recovery (Rating Valuations Act—Kaikoura District Council) Order 2017.

2 Commencement

This order comes into force on 30 June 2017.

Part 1 Preliminary provisions

3 Interpretation

In this order, unless the context otherwise requires,—

Council means the Kaikoura District Council

district plan has the same meaning as in section 2(1) of the Resource Management Act 1991

earthquakes has the same meaning as in section 4(1) of the Hurunui/Kaikōura Earthquakes Recovery Act 2016

National Controller has the same meaning as in section 4 of the Civil Defence Emergency Management Act 2002

Recovery Manager has the same meaning as in section 4 of the Civil Defence Emergency Management Act 2002.

4 Revocation

This order is revoked on the earlier of the following:

- (a) the date on which the next general revaluation of the Council's district valuation roll under section 9 of the Rating Valuations Act 1998 takes effect;
- (b) the close of 30 June 2019.

Part 2

Modifications to Rating Valuations Act 1998

5 This Part modifies provisions of Rating Valuations Act 1998

This Part modifies provisions of the Rating Valuations Act 1998 (the Act).

6 Alterations during currency of rolls

- (1) This clause modifies section 14 of the Act.
- (2) The Council may exercise the power under section 14 of the Act to alter its district valuation roll only if—
 - (a) the alteration is to correct an error in the roll that existed before 14 November 2016; or
 - (b) the alteration is to correct an omission from the roll; or
 - (c) a rating unit has been created or abolished, or boundaries between rating units have been adjusted; or
 - (d) the alteration relates to 1 or more individual buildings on a rating unit that have been totally demolished, or the Council or a Recovery Manager has ordered the demolition of the building or buildings; or
 - (e) any provisions of an operative district plan that affects a rating unit have changed; or
 - (f) the boundaries of a local authority that affect a rating unit have changed; or
 - (g) there is a new work or building that affects a rating unit.
- (3) Nothing in this order affects the Council's power under rule 4.1 of the Rating Valuations Rules 2008 to make administrative alterations to its roll.
- (4) To avoid doubt, rules 4.2.1 and 4.2.2 of the Rating Valuations Rules 2008 (which relate to alterations to a roll that may be made under section 14 of the Act) do not apply to the Council.
- (5) In altering the roll under section 14 of the Act (as modified by this clause), the Council must disregard any earthquake damage.

7 New valuation on request

- (1) This clause modifies section 16 of the Act.
- (2) In making any new valuation of a rating unit under section 16 of the Act, the Council must disregard any earthquake damage.

Michael Webster,
Clerk of the Executive Council.

Statement of reasons

This order is made under the Hurunui/Kaikōura Earthquakes Recovery Act 2016 (the **Recovery Act**). The effect of the order is temporary. It comes into force on 30 June 2017 and is in force for up to 2 years. The Recovery Act enables orders to be made that grant exemptions from, modify, or extend the provisions of certain enactments.

The purpose of the order is to modify provisions of the Rating Valuations Act 1998 to prevent the Kaikoura District Council (the **Council**) from revaluing properties on its district valuation roll to reflect the impact of earthquake damage. These modifications will apply during a temporary period, which ends on the earlier of the following:

- the date of the next general revaluation of the Council's district roll:
- 30 June 2019.

Modifications to provisions of Rating Valuations Act 1998

Clause 6 modifies section 14 of the Rating Valuations Act 1998, which sets out the basis on which a territorial authority can alter its district valuation roll. Section 14 ordinarily enables a territorial authority or the owner of, or ratepayer for, a rating unit appearing on the roll to initiate an alteration to the current roll in order to readjust and correct valuations and entries and bring them up to date. This clause restricts the Council's ability to exercise its power to alter its roll under section 14. The readjustment or correction will be permitted only in the circumstances described in this clause. The circumstances concerned are—

- an error existed before 14 November 2016:
- there is an omission from the roll:
- the creation or abolition of any rating unit or adjustment to the boundaries between rating units:
- any individual buildings on a rating unit have been totally demolished or the Council or a Recovery Manager has issued a demolition order for any of the buildings:
- an operative district plan has changed:
- the boundaries of a local authority have changed:
- there is a new work or building that affects a rating unit.

Administrative alterations to a district valuation roll that are permitted by rule 4.1 of the Rating Valuations Rules 2008 may continue to be made. Under rule 4.1, a territorial authority may make administrative alterations to its roll to change the name of the owner or ratepayer, or to make a change of a minor or clerical nature that does not change the values.

No alteration of the roll that is made under section 14 of the Rating Valuations Act 1998 can, however, take any account of earthquake damage.

Clause 7 modifies section 16 of the Rating Valuations Act 1998, which enables an owner of, or ratepayer for, a rating unit to request a new valuation. This clause pro-

vides that, in making any new valuation of a rating unit under section 16, the Council must disregard any earthquake damage.

Relevant Minister’s reasons

The relevant Minister (the Minister for Land Information) considers that these modifications to the Rating Valuations Act 1998 are necessary or desirable for the purpose of the Recovery Act, and that the extent of the order is no broader than is reasonably necessary, because—

- it will not be possible for the Council to accurately reassess the impact of earthquake damage on property values within its district while the order is in force:
- undertaking the reassessments would divert resources from the earthquake recovery work:
- there are other mechanisms available to the Council to ensure that rates relief is provided in appropriate cases:
- this order will enable the Council to proceed with any reassessment work that does not involve earthquake damage.

Regulatory impact statement

Land Information New Zealand produced a regulatory impact statement on 10 May 2017 to help inform the decisions taken by the Government relating to the contents of this instrument.

A copy of this regulatory impact statement can be found at—

- <http://www.linz.govt.nz/land/surveying/earthquakes/kaikoura-earthquakes/proposal-kaik%C5%8Dura-district-council-postpone-rating-valuations>
- <http://www.treasury.govt.nz/publications/informationreleases/ris>

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 29 June 2017.

Reprints notes

1 *General*

This is a reprint of the Hurunui/Kaikōura Earthquakes Recovery (Rating Valuations Act—Kaikoura District Council) Order 2017 that incorporates all the amendments to that order as at the date of the last amendment to it.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Hurunui/Kaikōura Earthquakes Recovery (Rating Valuations Act—Kaikoura District Council) Order 2017 (LI 2017/138): clause 4(b)