



Severe Weather Emergency Recovery (Rating Valuations—Hastings District Council) Order 2023

Cindy Kiro, Governor-General

Order in Council

At Wellington this 6th day of June 2023

Present:

Her Excellency the Governor-General in Council

This order is made under section 7 of the Severe Weather Emergency Recovery Legislation Act 2023—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister for Land Information made in accordance with section 8(1) and (2) of that Act.

Contents

		Page
1	Title	2
2	Commencement	2
3	Revocation of this order	2
4	Interpretation	2
5	Order applies only in respect of Council's 2022 general revaluation	3

Part 1

Modifications to Rating Valuations Act 1998

6	Modification of section 2 (Interpretation)	3
7	Modification of section 9 (General revaluation of rolls at 3-yearly intervals)	4
8	Modification of section 14 (Alterations during currency of rolls)	4
9	Modification of section 16 (New valuation on request)	4

10	Modification of section 32 (Objection by owner or ratepayer)	4
11	Modification of section 33 (Objection by other persons)	4
12	Modification of section 41 (Copies of entries in rolls available to public)	5

Part 2

Modifications to Rating Valuations Regulations 1998

13	Modification of regulation 3 (Notice of new or altered valuation, etc)	5
14	Modification of regulation 7 (Information to be contained in objection)	5
15	Modification of regulation 10 (Local authority may refuse to consider objection in certain cases)	5

Part 3

Modifications to Rating Valuations Rules 2008

16	Modification of rule 2.2 (Supporting information)	5
17	Modification of rule 2.3 (Field notes for valuers)	5
18	Modification of rule 2.9 (Valuation notice content)	6
19	Modification of rule 6 (Objections)	6

Order

1 Title

This order is the Severe Weather Emergency Recovery (Rating Valuations—Hastings District Council) Order 2023.

2 Commencement

This order comes into force on 9 June 2023.

3 Revocation of this order

This order is revoked on the earlier of the following:

- (a) the date on which the Council's next general revaluation is implemented (*see* section 11 of the Act), meaning the next general revaluation after the modified revaluation:
- (b) the close of 30 June 2026.

4 Interpretation

- (1) In this order, unless the context otherwise requires,—

Act means the Rating Valuations Act 1998

Council means Hastings District Council

event damage—

- (a) means damage to land in a rating unit, or to improvements that remain in a rating unit, that has arisen from a severe weather event, as defined in section 4(1) of the Severe Weather Emergency Recovery Legislation Act 2023; but
- (b) does not include physical loss of any improvements from a rating unit, such as by demolition or removal of the improvements by any means

modified means modified by this order

modified method—

- (a) means assessing values for a rating unit by excluding the effects of event damage to the rating unit; and
- (b) to avoid doubt, assesses no value for improvements that have been physically lost from the rating unit

modified revaluation means the Council’s general revaluation provided for in clause 7

objections procedure means the processes under Part 4 of the Act and any related regulations and rules

regulations means the Rating Valuations Regulations 1998

roll maintenance means processes carried out under sections 14 to 16 of the Act

rules means the Rating Valuations Rules 2008

value means any of land value, capital value, or the value of improvements.

- (2) A term used in this order that is defined in the Act, but not in this order, has the meaning given in the Act.
- (3) The modification of legislation by this order does not affect the text of the legislation, but requires it to be read to the extent required by clause 5 as if it had been amended in the manner indicated in this order.

5 Order applies only in respect of Council’s 2022 general revaluation

This order, including any modifications about notices or documents, roll maintenance, or the objections procedure, applies only in respect of the Council’s general revaluation as at 1 August 2022.

Part 1**Modifications to Rating Valuations Act 1998****6 Modification of section 2 (Interpretation)**

- (1) This clause modifies the meaning of certain terms defined in the Act.

- (2) For the purposes of the modified revaluation, the modified roll maintenance, and the modified objections procedure, where the terms capital value, improvements, land, land value, and value of improvements are applied for the purposes of this order, those terms must be read as if they require the modified method to be used.
- (3) Where the term general revaluation is applied for the purposes of this order, it must be read as if it referred to the modified revaluation.

7 Modification of section 9 (General revaluation of rolls at 3-yearly intervals)

- (1) This clause applies instead of section 9 of the Act.
- (2) The Council must, by the end of 30 June 2023, revise its district valuation roll as at 1 August 2022 (the **date of the revaluation**) by revaluing every rating unit within its district to ensure that the district valuation roll represents values current as at the date of the revaluation.
- (3) The values must be assessed using the modified method.
- (4) The revaluation must comply with the rules.

8 Modification of section 14 (Alterations during currency of rolls)

Section 14(2) of the Act applies as if the following were inserted after paragraph (a):

(aa) must be assessed using the modified method; and

9 Modification of section 16 (New valuation on request)

Section 16(3) of the Act applies as if the following were inserted after paragraph (a):

(aa) must be assessed using the modified method; and

10 Modification of section 32 (Objection by owner or ratepayer)

Section 32 of the Act applies as if the following were inserted after subsection (2):

- (3) Despite subsection (1), no owner or ratepayer may object on the ground that any value has been assessed using the modified method.

11 Modification of section 33 (Objection by other persons)

Section 33 of the Act applies as if the following were inserted after subsection (3):

- (4) Despite subsection (1), no person may object on the ground that any value has been assessed using the modified method.

12 Modification of section 41 (Copies of entries in rolls available to public)

Section 41 of the Act applies as if the following were inserted after subsection (2):

- (2A) If relevant, the certified copy must contain information explaining how the modified method applies to assessing values.

Part 2**Modifications to Rating Valuations Regulations 1998****13 Modification of regulation 3 (Notice of new or altered valuation, etc)**

Regulation 3 of the regulations applies as if paragraph (e) were replaced by the following:

- (e) a guideline to the objection rights and procedures under sections 32 to 36 of the Act and these regulations, as modified by the Severe Weather Emergency (Rating Valuations—Hastings District Council) Order 2023:

14 Modification of regulation 7 (Information to be contained in objection)

Regulation 7 of the regulations applies as if paragraph (c) were replaced by the following:

- (c) the reason for the objection, which must be a reason other than that the value was assessed in accordance with the modified method:

15 Modification of regulation 10 (Local authority may refuse to consider objection in certain cases)

- (1) Regulation 10 of the regulations applies as if, in paragraph (b), “timeframe” were replaced by “timeframe; or”.

- (2) Regulation 10 of the regulations applies as if the following were inserted after paragraph (b):

- (c) a reason for the objection is that the value was assessed in accordance with the modified method.

Part 3**Modifications to Rating Valuations Rules 2008****16 Modification of rule 2.2 (Supporting information)**

Rule 2.2 of the rules does not require information relating to event damage to be recorded or maintained.

17 Modification of rule 2.3 (Field notes for valuers)

Rule 2.3 of the rules does not require information relating to event damage to be recorded or maintained.

18 Modification of rule 2.9 (Valuation notice content)

Rule 2.9 of the rules applies as if the statement required by paragraph (a) of that rule required the following to be included in every notice required by section 13 or 17 of the Act:

Local authorities use information contained in the district valuation roll to set rates. This notice details information on your property that is contained in the district valuation roll of Hastings District Council. The Rating Valuations Act 1998 obliges councils to maintain the valuation rolls but allows them to choose their valuation service provider.

The Valuer-General regulates the maintenance of the district valuation roll to ensure that it meets the minimum standards set out in the Rating Valuations Act 1998, the Rating Valuations Regulations 1998, the Rating Valuations Rules 2008, and the Severe Weather Emergency (Rating Valuations—Hastings District Council) Order 2023.

The values in this notice have been assessed according to special provisions in the Severe Weather Emergency (Rating Valuations—Hastings District Council) Order 2023, which sets out a modified method for rating valuations after the severe weather events defined in the Severe Weather Emergency Recovery Legislation Act 2023. The modified method involves assessing values for each rating unit by excluding the effects of damage to the rating unit from the severe weather events.

An owner or a ratepayer (if different) may object to any information contained in a notice of valuation within the time and in the manner specified in the Rating Valuations Regulations 1998, as modified by the Severe Weather Emergency (Rating Valuations—Hastings District Council) Order 2023.

No objection can be made on the grounds that the modified method was used, but objections may be made on other grounds.

If you object to a value that is a component of your valuation, the council will review that value, and may also review any other value components of the rating unit (ie, land value, value of improvements, or capital value).

19 Modification of rule 6 (Objections)

Nothing in rule 6 applies to objections to which regulation 10(c) of the Rating Valuations Regulations 1998, as modified by clause 15, applies.

Rachel Hayward,
Clerk of the Executive Council.

Explanatory note

This note is not part of the order, but is intended to indicate its general effect.

This order is made under section 7 of the Severe Weather Emergency Recovery Legislation Act 2023 (the **SWERL Act**) and its effect is temporary. It comes into force on 9 June 2023 and modifies legislation only in respect of Hastings District Council's general revaluation as at 1 August 2022 (the **modified revaluation**). The order is revoked on the close of 30 June 2026, or on any earlier date on which the Council's next general revaluation (after the modified revaluation) is implemented.

The order requires the modified revaluation to be done using a modified method by the end of 30 June 2023. The modified method assesses values for a rating unit by excluding the effects of event damage to the rating unit. Event damage is damage that directly resulted from a severe weather event, as defined in section 4(1) of the SWERL Act.

The order also modifies provisions about notices and documents, roll maintenance, and the objections procedure as they relate to the modified revaluation. The modifications ensure that the modified revaluation is implemented, and remains implemented, in a way that reflects the modified method.

Statement of reasons

This statement of the Minister's reasons for recommending the making of this order is published in accordance with section 10 of the SWERL Act.

The Minister for Land Information (the **relevant Minister**) is satisfied that the order is necessary or desirable for 1 or more purposes of the SWERL Act and is no broader than is reasonably necessary to address the matters that gave rise to the order.

The order meets the purpose and scope of the SWERL Act in the following ways:

- The order meets the criterion of applying to a severe weather events affected area (*see* section 7 of the SWERL Act). The order would apply only to the area that the Hastings District Council (the **Council**) is responsible for. The Council is one of the local authorities listed in section 4 of the SWERL Act:
- The order meets the criterion in section 8(1)(a) of the SWERL Act of being necessary or desirable for a purpose under section 3(2)(b)(i) of that Act as it enables the Rating Valuations Act 1998 to operate more flexibly to take account of the severe weather events:
- The order would require the Council's 2022 general revaluation to occur by 30 June 2023. The Rating Valuations Act 1998 requires that rating valuations of properties are reviewed every 3 years through a general revaluation. A new revaluation is required by 30 June 2023 but will not be possible due to the difficulty in accessing, and assessing the damage to, affected properties, the difficulty in determining an accurate value for damaged properties, and the lack of reliable market evidence to accurately value damaged properties:

- The order would require the Council to use a modified method to complete their 2022 general revaluation in time for the 30 June 2023 deadline. The modified method of valuation will disregard the damage caused to properties by the severe weather events (as defined in section 4(1) of the SWERL Act). In this case, the damage was primarily caused by Cyclone Gabrielle. Values will instead be assessed from sales data prior to the severe weather events at an effective date of valuation of 1 August 2022:
- For affected property owners, the Council currently has a rates remission policy in place until June 2023. This includes full rates remission for owners of red-stickered properties. The Council is considering a similar policy for the 2023/24 financial year and beyond:
- The order would provide the Council with certainty as to its ratings base, which will allow the Council to focus on recovery efforts. The order would also allow the Council to avoid needing to revalue cyclone-damaged properties, which will further enable the Council to focus their resources on recovery efforts.

The relevant Minister is further satisfied that the order does not breach section 11 of the SWERL Act and does not limit, or is a justified limit on, the rights and freedoms in the New Zealand Bill of Rights Act 1990.

The consultation process described in section 9 of the SWERL Act has been complied with.

The proposed order underwent public engagement, from Tuesday 2 May to Tuesday 9 May, via a discussion document and FAQs inviting submissions on the Council's website. Land Information New Zealand also published content on its Internet site directing interested parties to the Council's website. Affected landowners and other stakeholders were consulted during this period.

Affected landowners and stakeholders will be notified once the proposed changes are finalised, and again once the changes are implemented.

The draft order was reviewed by the Severe Weather Events Recovery Review Panel, and a copy was provided to the Regulations Review Committee. The relevant Minister had regard to the recommendations and comments provided by them.

Issued under the authority of the Legislation Act 2019.

Date of notification in *Gazette*: 8 June 2023.

This order is administered by Land Information New Zealand.