

Please advise why access cannot be obtained through procedures set forth in Part 6, Subpart 3, of the Property Law Act 2007.

Privacy Waiver Act

On the signing of this application:

Pursuant to the Privacy Act 1993, I authorise Far north District Council to contact any agencies/companies or any other source including Government agencies to obtain and check (both now and in future) such information for the purposes of considering this application, and to assist in the enforcement of any agreement between myself and Far North District Council.

I understand I have the right to access and information Far North District Council may have collected with regards to this application, and to correct if it is wrong.

Declaration

I understand by signing this application, I am entering into an agreement with the Far North District Council and that a Statutory Land Charge and Postponement fee will be added.

I solemnly and sincerely declare that I have read and understood this application and certify that the information provided is true and correct in all respects, and that I am no less than 18 years of age. I have disclosed any other names that I am currently known under. I am aware that if I have deliberately provided false information in this application, I could face fraud or dishonesty charges in the Courts. I make this solemn declaration conscientiously believing the same to be true and correct by virtue of the Oaths and Declarations Act 1957.

Signature

Date

Name

Please print

Witnessed by:

Signature

Date

Name

Please print

IMPORTANT:
Your witness MUST be either one of the following:
• Justice of the Peace
• Solicitor
• Far North District Council Officer

P21/03 - Landlocked Land

Background

The Property Law Act 2007 enables owners of landlocked properties to take legal action in order to gain reasonable access to their property.

landlocked land means a piece of land to which there is no reasonable access.

reasonable access, in relation to land, means physical access for persons or services of a nature and quality that is reasonably necessary to enable the owner or occupier of the land to use and enjoy the land for any purpose for which it may be used in accordance with any right, permission, authority, consent, approval, or dispensation enjoyed or granted under the Resource Management Act 1991.

Ratepayers may be unable to take action under these provisions of the **Property Law Act due to their financial circumstances**.

This policy has been prepared to cover the exceptional circumstances and will only be applied after all other avenues for access have been explored by the owner.

Policy Objectives

To provide rating relief to ratepayers where their land has no reasonable access and the ratepayer cannot afford to take action through the Property Law Act 2007.

Scope

This policy applies to both General Title land and Maori Freehold Land.

Policy Statement

Any owner who has purchased land knowing that it is land locked and no access is possible will not qualify for remission under this policy.

Council may postpone rates on landlocked land where there is no reasonable access as defined in the Property Law Act 2007.

Conditions and Criteria

1. The land must be landlocked as defined in Section 326 of the Property Law Act 2007. **The application must state why access cannot be obtained through procedures set forth in Part 6, Subpart 3, of the Property Law Act 2007.**
2. The application must include a legal assessment that details how the land meets the definition in the Property Law Act 2007 and why access cannot be obtained through the legal channels identified in that Act.
3. The maximum term for the postponement of rates for landlocked property is three years. If the land remains landlocked at the end of that period, postponed rates will be remitted, and a new application will be required.
4. The owner must advise Council if the status of the land changes, if access is obtained, or if any person commences to use the land. If the land ceases to be landlocked during the period of the postponement, any rates postponed will be remitted at the end of the three year period, provided that the owner keeps the rates up to date for the remainder of the three year period.
5. The owner must agree to a statutory land charge being entered on the Certificate of Title, in relation to Maori Freehold land, this will be an agreement in the form of a statutory declaration only.
6. As provided for in the legislation, a postponement fee will be added to the postponed rates.
7. The repayment of postponed rates will not be required merely because of a change of ownership of the land provided that the change has not arisen from the sale of the property and provided that the land continues to comply with the criteria of this policy.