

RATING CATEGORY APPLICATION - FARMLAND

IMPORTANT INFORMATION TO ASSIST YOU IN YOUR APPLICATION

How is land defined as Farmland? The following information is taken from the NSW Local Government Act 1993. Councils comply with Chapter 15 of the Act, which deals with how councils are financed, and, specifically under Sections 515 to 529, how a council should administer applications for Farmland Rates.

Categorisation as farmland - Section 515 of the Local Government Act

- 1) Land is to be categorised as "farmland" if it is a parcel of rateable land valued as one assessment and its dominant use is for farming (that is, the business or industry of grazing, animal feedlots, dairying, pig-farming, poultry farming, viticulture, orcharding, bee-keeping, horticulture, vegetable growing, the growing of crops of any kind, forestry or aquaculture within the meaning of the Fisheries Management Act 1994 , or any combination of those businesses or industries) which:
 - a) has a significant and substantial commercial purpose or character, and
 - b) is engaged in for the purpose of profit on a continuous or repetitive basis (whether or not a profit is actually made).
- 2) Land is not to be categorised as farmland if it is rural residential land.
- 3) The regulations may prescribe circumstances in which land is or is not to be categorised as farmland.

PRIVACY INFORMATION

The completed Farmland Rating Category Application form contains personal information which is being collected for the purpose of enabling Council to determine eligibility for farmland rating and to enable Council to perform any other duty or task under any relevant legislation. The information will be processed by Council officers and may be available to the public subject to the Privacy legislation.

Please return completed form to:

The General Manager
Clarence Valley Council
Locked Bag 23
GRAFTON NSW 2460

GUIDELINES TO DETERMINING FACTORS FOR CATEGORISATION OF LAND AS FARMLAND

Dominant use:

Is determined by looking at the amount of land used for the particular activity / activities and also the intensity of that use.

Business or industry:

The activity / activities carried out on the land must be carried on as a commercial venture organised for profit.

Purpose of profit on a continuous or repetitive basis:

The farming carried out must be on a sufficient scale as to have some element of independent viability.

FARMLAND RATING - OBLIGATIONS AND EXPLANATIONS

Obligation upon owners to apply - Section 525 (2)

The onus is on the rateable person (or their agent) to submit an application for change of category in the approved form

Providing of further information, if required - Section 525 (4)

Council may notify the applicant of any further information it requires in order to be satisfied that the land is within that category. Council is not obliged to consider the declaration unless that information is provided.

Notification of the applicant by Council of the decision - Section 525 (5)

The Council must notify the applicant of its decision. The Council must include the reason for its decision if it declares that the land is not within the category nominated in the application.

Appeal against declaration of category - Section 526 (1)

A rateable person who is dissatisfied with the date on which a declaration is specified to take effect or a declaration of a Council under Section 525, may appeal to:

- a) Council to review its decision

and / or

- b) An appeal must be lodged within 30 days after the declaration is made to the Land and Environment Court

Notification by the owner to Council of a change in category - Section 524

A rateable person (or the person's agent) must notify the Council within 30 days after the person's rateable land changes from one category to another.

OWNER / APPLICANT INFORMATION

Owners name:

Applicant/s name:
(if agent for owner)

Postal address:

Contact numbers:

(H)

(W)

(M)

Email address:

Occupation of applicant:

PROPERTY INFORMATION

Property number:
(located on top right corner of rates notice)

Property address:

Total land area of assessment:

Is farming the dominant use of your property?

☐ Yes - Please complete activity information section

☐ No - Please sign declaration on page 6 and return to Council

ACTIVITY INFORMATION

In accordance with the definition of Farmland you are required to substantiate that the dominant use of the property is for farming which has (a) significant and substantial commercial purpose or character, and (b) is engaged in for the purpose of profit on a continuous or repetitive basis.

- 1) Type of activity / activities / activities carried out on the land. (see definition for farmland). Including private lease, agistment or share farming. If grazing, state average number and type of livestock (breeders, dairy, etc) over the last 12 month period. If orcharding, the number, type and age of trees. If cropping, the crop type, area irrigated, area under planting and estimated yield over the last 12 month period.

Copies of documentation are required for certain activities, please check page 6 for copies to be provided with application

- 2) Approximate area of land used for the above activity / activities.

- 3) How long has the activity / activities been conducted on the land? _____

| | | |
|--|--------------------------|-------------------------|
| <p>4) The following improvements have been made to the property during the past two years: (please tick)</p> | | |
| Pasture improved | <input type="checkbox"/> | Area improved _____ |
| Fencing | <input type="checkbox"/> | Length of fencing _____ |
| Clearing | <input type="checkbox"/> | Area cleared _____ |
| Yards | <input type="checkbox"/> | Number of yards _____ |
| Dams | <input type="checkbox"/> | Number of dams _____ |
| Sheds | <input type="checkbox"/> | Number of sheds _____ |
| Other | <input type="checkbox"/> | _____ |

5) On a percentage, to what extent do you rely on the income earned from this activity / activities? _____

6) Is the activity / activities carried out as: (please tick)

☐ Hobby/Interest
☐ Farm Business / Income earner

7) Do you keep business records or financial statements for the activity / activities? (please tick)

☐ Yes
☐ No

8) Do you have an: (please tick)

☐ ABN number _____
☐ PIC Number (LHPA) number _____

(please attach copies of documents if possible)

9) Do you:

| | Yes | No |
|---|--------------------------|--------------------------|
| Have tax returns assessed on the basis of being a primary producer? | <input type="checkbox"/> | <input type="checkbox"/> |
| Complete returns to the Department of Primary Industry? | <input type="checkbox"/> | <input type="checkbox"/> |
| Complete returns to the Local Land Services? | <input type="checkbox"/> | <input type="checkbox"/> |
| Complete returns to a statutory marketing authority? | <input type="checkbox"/> | <input type="checkbox"/> |
| Make any other returns, please list | <input type="checkbox"/> | <input type="checkbox"/> |
| _____ | | |
| _____ | | |
| _____ | | |

| | | |
|---|------------------------------------|---------------------------------|
| 10) Is a dwelling situated on the property? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| If yes, is the dwelling your residence or leased? | <input type="checkbox"/> Residence | <input type="checkbox"/> Leased |
| 11) Are there any other parcels of land used in conjunction with this property for the above activity / activities? (Please state location and if possible title particulars) | | |
| <hr/> | | |
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| 12) Are there any other reasons to support why the category of Farmland is more appropriate? | | |
| <hr/> | | |
| <hr/> | | |
| <hr/> | | |
| Is there any additional information which you feel is relevant to your application? For example, membership of a primary industry association, or licences held in relation to the activity / activities. If more space is required, attached separate sheets as necessary. | | |
| <hr/> | | |
| <hr/> | | |
| <hr/> | | |

INFORMATION DECLARATION

I hereby declare that the information contained in this application is true and correct and I have provided copies of all relevant documents as required dependant on my activity / activities above.

| | | |
|-----------------------------|------------------------|-------|
| <hr/> | <hr/> | <hr/> |
| Owner / Applicant Signature | Owner / Applicant Name | Date |

SITE VISIT DECLARATION

I hereby consent to Council, or any person(s) authorised by Council, to enter onto the above property for the purpose of carrying out an inspection in connection with this application. I require / do not require to be present during the inspection.

| | | |
|-----------------------------|------------------------|-------|
| <hr/> | <hr/> | <hr/> |
| Owner / Applicant Signature | Owner / Applicant Name | Date |

(Please note that Council will not attend your property without contacting you to arrange suitable date and time)

SUPPORTING DOCUMENTATION REQUIRED

| | |
|-----------------------|---|
| Type of Industry | Copies of documentation to be provided with application |
| Grazing | Copy of Livestock Health & Pest Authority rates notice |
| Dairying | Copy of licence with dairy farming with NSW Food Authority |
| Viticulture | Proof of registration with Wine Producers Association or other appropriate body |
| Horticulture | Copy of agreement between grower & trader or statutory declaration indicating this agreement exists |
| Nursery products | Copy of documentation stating registered nursery |
| Beekeeping | Copy of registration with Department of Primary Industries |
| Forestry | Copy of private forestry approval from Department of Primary Industries |
| Fish / Oyster Farming | Copy of aquaculture permit from Department of Primary Industries |

OFFICE USE ONLY

Date Received ____ / ____ / ____

Further information required ☐ Yes ☐ No

Inspection required ☐ Yes ☐ No

DECISION ☐ Approved ☐ Refused

Grounds for refusal _____

Rates Officer - Valuations

Date assessed

Proclaim updated ☐ Yes ☐ No

Water Connected ☐ Yes ☐ No

if yes, Rates and Water Billing Officer notified ☐ Yes ☐ No

Letter forwarded ☐ Yes ☐ No