

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 *Local Government Act 1993* (the Act). 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 1993*

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.

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.

Significant and substantial commercial purpose or character: The activity or activities carried out must have a requisite degree of commercial purpose or character, that is, if the activities produce only small returns then they would be considered to be of a slight or minor character.

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.

OBLIGATIONS AND EXPLANATIONS

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

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.

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. The information will be stored in Councils electronic document management system.

To assist Council in determining eligibility, applicants are advised that **all** parts of the application form **must be completed in full**. Incomplete application forms will be returned to the applicant.

The completed form and supporting documentation can be returned to Council by either:

Post

Revenue Officer
Eurobodalla Shire Council
PO Box 99
Moruya NSW 2537

In person

Revenue Officer
Eurobodalla Shire Council
89 Vulcan Street
Moruya

Email

council@esc.nsw.gov.au

OWNER / APPLICANT INFORMATION			
Owners name:			
Applicant/s name (if agent for owner)			
Postal address:			
Residential address:			
Contact numbers:	(H)	(W)	(M)
Email address:			
Occupation of applicant:			

PROPERTY INFORMATION	
Account number:	
Property address:	
Lot(s) & DP(s):	
Total land area of property:	
How long have you owned the property?	
If property was purchased within the last 12 months, was it purchased as a going concern, ie was all farm equipment and stock included in the contract of sale?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Activity Information and Property Use			
<p>In accordance with the definition of Farmland you are required to substantiate that the dominant use of the property is for farming which has:</p> <p>(a) significant and substantial commercial purpose or character, and</p> <p>(b) is engaged in for the purpose of profit on a continuous or repetitive basis.</p>			
1. Type of activity / activities carried out on the land:			
<input type="checkbox"/> Grazing	<input type="checkbox"/> Dairying	<input type="checkbox"/> Pig Farming	<input type="checkbox"/> Growing Crops
<input type="checkbox"/> Orchards	<input type="checkbox"/> Bee Keeping	<input type="checkbox"/> Horticulture	<input type="checkbox"/> Market Garden
<input type="checkbox"/> Viticulture	<input type="checkbox"/> Forestry	<input type="checkbox"/> Poultry Farming	
If Other please specify:			
<p>Please provide further information about the farming activity undertaken on this property, including private lease, agistment or share farming. If grazing, state number of stock on hand and type of livestock (breeders, dairy, etc). If orcharding, the number, type and age of trees. If cropping, the crop type, area irrigated, area under cultivation and estimated yield over the last 12 month period.</p>			
2. Approximate area used for the activity			
3. Area of land not used for the activity (natural bushland, swamp, residential etc)			
4. How long has the activity been conducted on this land?			
5. When did you commence the activity on this land?			
6. Is the property being run in conjunction with another property that is currently rated Farmland in Eurobodalla?		<input type="checkbox"/> Yes <input type="checkbox"/> No	

7. Is the property being run in conjunction with another property that is currently rated Farmland in a different LGA?	<input type="checkbox"/> Yes <input type="checkbox"/> No
8. If yes to either of the above, please provide address of property and activities undertaken and how the properties are run together:	
9. Have any of the following improvements have been made to the property in the last 2 years	
<input type="checkbox"/> Pasture Improvement (area improved)	
<input type="checkbox"/> Weed control (area improved)	
<input type="checkbox"/> Fencing (length)	
<input type="checkbox"/> Clearing (area)	
<input type="checkbox"/> Yards (number)	
<input type="checkbox"/> Dams (number)	
<input type="checkbox"/> Sheds (number)	
<input type="checkbox"/> Other Please Specify	
10. List details of buildings on the property (stables, hay sheds, machinery sheds):	
11. List details of agricultural machinery held on the property which is used to carry out farming activities:	
12. Do you conduct a breeding program to improve the quality of stock?	<input type="checkbox"/> Yes <input type="checkbox"/> No
13. Is the property divided into paddocks?	<input type="checkbox"/> Yes, how many _____ <input type="checkbox"/> No
14. On a percentage, to what extent do you rely on the income earned from the activity/activities?	
15. Do you receive income from another source? (eg employment)	<input type="checkbox"/> Yes, please provide details _____ <input type="checkbox"/> No
16. Is the activity carried out as:	<input type="checkbox"/> Hobby/Interest <input type="checkbox"/> Farm Business/Income earner
17. What records are kept to substantiate the business activities currently being conducted?	
18. Overall did the business make a profit during the previous financial year?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, from what source did you make a profit? (eg sale of crops, stock)	

19. How is your produce marketed, is there an organised marketing process in place? (please provide details)	
20. Do you have an ABN?	<input type="checkbox"/> Yes, please provide _____ <input type="checkbox"/> No
21. Do you have a PIC?	<input type="checkbox"/> Yes, please provide _____ <input type="checkbox"/> No
22. Do you have tax returns assessed on the basis of being a primary producer?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, please include a declaration that you have earned an assessable income in your last tax return from your accountant	
23. Complete returns to the Department of Primary Industries?	<input type="checkbox"/> Yes <input type="checkbox"/> No
24. Complete returns to the Local Land Services?	<input type="checkbox"/> Yes <input type="checkbox"/> No
25. Complete returns to a statutory marketing authority?	<input type="checkbox"/> Yes <input type="checkbox"/> No
26. Make any other returns? If yes please provide details	<input type="checkbox"/> Yes <input type="checkbox"/> No
27. Is any of the land used for agistment purposes?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, state the area of land agisted	
28. Name, address and phone numbers of person land is agisted to:	
29. Is there a residence on the property?	<input type="checkbox"/> Yes <input type="checkbox"/> No
30. If yes, how many residences?	
31. If yes, is the residence occupied by:	<input type="checkbox"/> Owners <input type="checkbox"/> Tenants
32. Is there any additional information which you feel is relevant to your application, or other reasons why the category of farmland is more appropriate?	

Supporting Documentation

Type of Industry	Copies of documentation to be provided with application
Grazing	a) Registration with Local Land Services – copy of LLS rates notice
Dairying	a) Copy of licence with NSW Food Authority for dairy farming
Lease or Agistment	a) A copy of the agreement/contract between parties, OR b) Where a verbal of historical arrangement, the contact details of the lessee
Viticulture	a) Proof of registration with Wine Producers Association or other appropriate body.
Horticulture	a) Copy of agreement between grower and trader Note: horticulture produce does not include nursery products, and turf farming is not permitted
Nursery Products	a) Copy of documentation stating activity is a registered nursery.
Beekeeping	a) Copy of registration with Department of Primary Industries in accordance with the NSW Apiaries Act 1985
Forestry	a) Copy of private forestry approval from Department of Primary Industries
Fish/Oyster Farming	a) Copy of Aquaculture permit from Department of Primary Industries

Information Declaration

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

Owner/Applicant Signature

Owner/Applicant Name

Date

Site Visit Declaration

Council staff will endeavour to finalise your application based on the information you have provided. However, where further details are required Council may contact you to request more information, or to conduct a site visit (only where necessary).

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 to be present during the inspection or,
- I do not require to be present during the inspection

Owner/Applicant Signature

Owner/Applicant Name

Date