

Rating Category Application for Property to be Declared as Farmland



Lodge Applications at Ballina Shire Council • 40 Cherry Street • Ballina (Mon-Fri 8.15am to 4.30pm)

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Important Information

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

Categorisation as farmland - Section 515 of the LGA

- (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 not only by looking at the amount of land used for the particular activity, but also the intensity of that use.

Business or industry The activity or activities carried on must be carried on as a commercial venture organised for profit.

Significant and substantial commercial purpose or character The activity or activities carried on 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 on must be on a sufficient scale as to have some element of independent viability.

Obligations and Explanations

Obligation upon owners to apply - Section 525(2) LGA

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) LGA

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)LGA

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

Appeal against declaration of a category - Section 526(1) LGA

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 of category - Section 524 LGA

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.

Office Use Only

Parcel Numbers:

Date Received:

Property Details (as found on your rates notice)

Rate Assessment Number

Property Address

Area of Assessment (see your rates notice)

Applicant Details

I/we hereby make application for the above property to be declared Farmland under Section 515 of the LGA 1993, for the rating year:

Owners Name

Applicants Name

Applicants Address

Postal Address

Telephone (h)

(w)

(m)

Email Address

Occupation of applicant

Property Use

In accordance with the definition of Farmland you are required to substantiate that the dominant use of the property is for farming which:

- (a) has significant and substantial commercial purpose or character, and**
- (b) is engaged in for the purpose of profit on a continuous or repetitive basis.**

Type of activities carried out on the land (see definition for farmland). If grazing, state the average number and type of livestock (breeders/dairy etc). If orcharding, state the number, type and age of trees and yield produced. If cropping, state the crop type and area under planting and yields produced. **Please provide details**

Property Use (continued)

How is your produce marketed? Is there an organised marketing process in place? **Please provide details**

Approximate area of land used for the above activity

How long has the farming activity been conducted on the land?

When did you commence the farming activity on the land?

Improvements on the land related to the activity eg, storage sheds, silos, farming machinery, fencing, stockyards or irrigation.
Please provide details

Area of land **not** used for the farming activity eg, land used for a dwelling and surrounding grounds, steep slopes, swamp, rocky or unproductive land, by area. **Please provide details**

Property Use (continued)

Is the property also used for tourist activities/accommodation? Yes No

If Yes, **please provide details**

Is the farming activity carried out as: Hobby / Interest Business / Income earner

Are business records or financial statements kept for the activity? Yes No

ABN Number (if applicable)

Primary Producer Number (if applicable)

Are tax returns assessed on the basis of being a primary producer? Yes No

Are returns completed to the Department of Primary Industry? Yes No

Are returns completed to the Local Land Services Board? Yes No

Are returns completed to a statutory marketing authority? Yes No

If you are grazing, what is the estimated carrying capacity (DSE) of the property as per Local Land Services rate notice? (a copy of the Notice must be included with the application)

Please list any other returns that are made

Has the business made a profit to 30 June last financial year? Yes No

If Yes, from what source did you make a profit? (eg sale of crops, stock etc)

If No, when do you anticipate that the business will make a profit?

Your profit is supported by the following Profit & Loss results for the business over the previous four years:

| Year | Profit & Loss Results |
|------|-----------------------|
| | |
| | |
| | |
| | |

If there are any special circumstances relating to the profitability or non-profitability, **please provide details**

Is part of the land used for agistment purposes? Yes No

If Yes, state the area of land agisted

Agisted to:
(name, address & contact phone numbers)

Are there dwellings situated on the property? Yes No

If Yes, is the dwelling your Residence or Leased

Number of dwellings

Location

Rural road number or property name on the gate (if applicable)

Are there dogs on the property? Are they aggressive?

Location map - please note local landmarks to help us find your property easily.



Land Use Plan - show the location and extent of the activity and location of buildings.



Location (continued)

Any other reasons to support why the category of Farmland is more appropriate

Any additional information which you feel is relevant to your application, eg. membership of a primary industry association, or licences held in relation to the activity. If more space is required, attach separate sheets as necessary.

Privacy Protection Notice

The completed Farmland Rating Category application form contains personal information which is being collected for the purpose of determining 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 the General Manager's group and may be made available to public enquiries under the Government Information (Public Access) Act. The information supplied is required under the Local Government Act. The information will be stored in Council's electronic document management system.

Property Inspection

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.

Signature of applicant

Date