



## **RATING CATEGORY APPLICATION for Property to be Declared as FARMLAND**

### **IMPORTANT INFORMATION TO ASSIST YOU WITH 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, that deals with how council are financed, and, specifically under Sections 514 through 519, how a council is required to categorise land for the purposes of ordinary rates.

#### **Categorisation as Farmland – Section 515 of the Local Government Act**

- (1) Land is to be categorized 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 **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 not to be categorized as farmland.

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**Please return the Completed Form to:**

**Rates Department  
Nambucca Valley Council  
PO Box 177  
MACKSVILLE NSW 2447**

## **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 and also the intensity of that use. Although merely because the greater part in area of a parcel of rateable land is used for farming does not necessarily mean that the dominant use of the land is for farming.

### **Business or Industry:**

The activity or activities carried on must be carried on as a commercial venture organized for profit. The carrying on of a business implies repetition of acts with a somewhat permanent character.

In order to determine whether a business is being carried on, it should be acknowledged that:

- The activity or activities carried on must be a business within the ordinary meaning of the word as a word in the English language;
- A small farming business is still a business;
- A new business does not always produce profits in the initial year or years;
- An activity can be considered to be a business even though it is in an early stage;
- The fact that, for income tax purposes, the applicant is regarded as a primary producer has little or no significance for what is required to be decided by Council under Section 515 of the Act.

### **Significant and Substantial Commercial Purpose or Character:**

The activity or activities carried on must have a substantial 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 Continuous or Repetitive Basis:**

The farming activity must be on a sufficient scale as to have some element of independent viability and be engaged in for the purpose of profit on a continuous or repetitive basis (whether or not a profit is actually made)

### **Horse Related Enterprises:**

Horse studs, horse training facilities or properties that allow spelling or agistment of horses will not be considered for Farmland rating category.

### **Farmland Rating – Obligations and Explanations:**

#### **Obligations 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 obligated 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 reasons for its decisions if it declares that the land is not within the category nominated in the application.

#### **Appeal Against Declaration of a Category – Section 526(1)**

A rateable person who is dissatisfied with the date on which 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) The Land and Environment Court within 30 days after the declaration is made.

#### **Notification by the Owner to Council for a Change of Category – Section 524**

A rateable person (or the person's agent) must notify the Council within 30 days after change of use of the rateable land that would result in a change from one rateable category to another.

To:

**NAMBUCCA VALLEY COUNCIL**

**PO Box 177, MACKSVILLE 2447**

I/We hereby make application for the property described herein to be declared Farmland under Section 515 of the Local Government Act, 1993, for the rating year: \_\_\_\_\_

Parcel No/s (Office Use Only) \_\_\_\_\_

Owner/s Name: \_\_\_\_\_

Applicant/s Name (If Agent for Owner): \_\_\_\_\_

Applicant/s Address \_\_\_\_\_

Postal Address: \_\_\_\_\_

Contact Telephone Numbers: \_\_\_\_\_ (H)

\_\_\_\_\_ (W)

\_\_\_\_\_ (M)

E-mail Address: \_\_\_\_\_

Rate Assessment Number (on rate notice): \_\_\_\_\_

Property Description (as per rate notice): \_\_\_\_\_

Area of Assessment (as per rate notice) \_\_\_\_\_

**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) Is there any information, that you feel is relevant to your application? For example, membership of a primary industry association, or licences held in relation to the activity. If more space if required, attach separate sheets as necessary.

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- (2) Type of activity/activities carried out on land. (See definition for farming). If grazing, state average number and type of livestock, (breeders, dairy, etc). If orcharding, the number, type and age of trees. If cropping, the crop type and area under planting. If used for Fish Farming state the number of ponds, number and variety of fish

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(3) Approximate area of land used for the above activity \_\_\_\_\_

(4) How long has the activity been conducted on the land? \_\_\_\_\_

(5) Are there any improvements on the land related to the activity? If so what?  
For example, storage sheds, silos, farming machinery, fencing, stockyards or irrigation

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(6) How much of the land is **NOT** used for the farming activity? For example, land used for a dwelling and surrounding grounds, steep slopes, swamp, heavily timbered, rocky or unproductive land, by area

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(7) Is part of the land used for agistment purposes? Yes/No

If Yes (a) The area of land agisted? \_\_\_\_\_

(b) To whom agisted? (Name, address and Contact Phone Numbers)

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(8) Is a dwelling situated on the property? Yes/No

If yes, Is the dwelling your residence or leased? \_\_\_\_\_

(9) Are there any other parcels of land used in conjunction with this property for the above activity?

(State Location)

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**Business details**

(10) Is this a new venture? Yes/No

If yes, when is the venture expected to make a profit?

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Do you have a business plan? Yes/No

If Yes, Please attach a copy.

(11) To what extent do you rely on the income earned from this activity?

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(12) Is the activity carried out as

(a) Hobby/Interest:\_\_\_\_\_ (b) Business/Income earner?\_\_\_\_\_

(13) Do you keep business records or financial statement for the activity? Yes/No

(14) Do you have an ABN? \_\_\_\_\_ If yes, ABN NO. \_\_\_\_\_

Primary Producer Statement? \_\_\_\_\_

(Please attach copies of documents if possible)

(15) Do you:

Yes/No

Have tax return assessed on the basis of being a Primary Producer?

Complete returns to the Department of Primary Industry?

Complete returns to the Local Land Services?

Complete returns to any statutory marketing authority?

Make any other returns, please list:

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**Additional Information**

(16) Are there any other reasons to support why the category of Farmland is more appropriate:

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**Privacy Protection Notice**

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 will be stored in Councils records Archives. The information supplied is required under the Local Government Act.

I hereby consent Council, 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.

Signature of Applicant \_\_\_\_\_ Date \_\_\_\_\_

**I/we hereby declare that to the best of my/our knowledge the above information is correct and that the DOMINANT USE of the land for the coming 12 months will continue to be a FARMING ACTIVITY that satisfies the requirements of the Local Government Act. 1993**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**Please also complete this section**

Is there a rural road number or a property name on the gate?

Yes/No

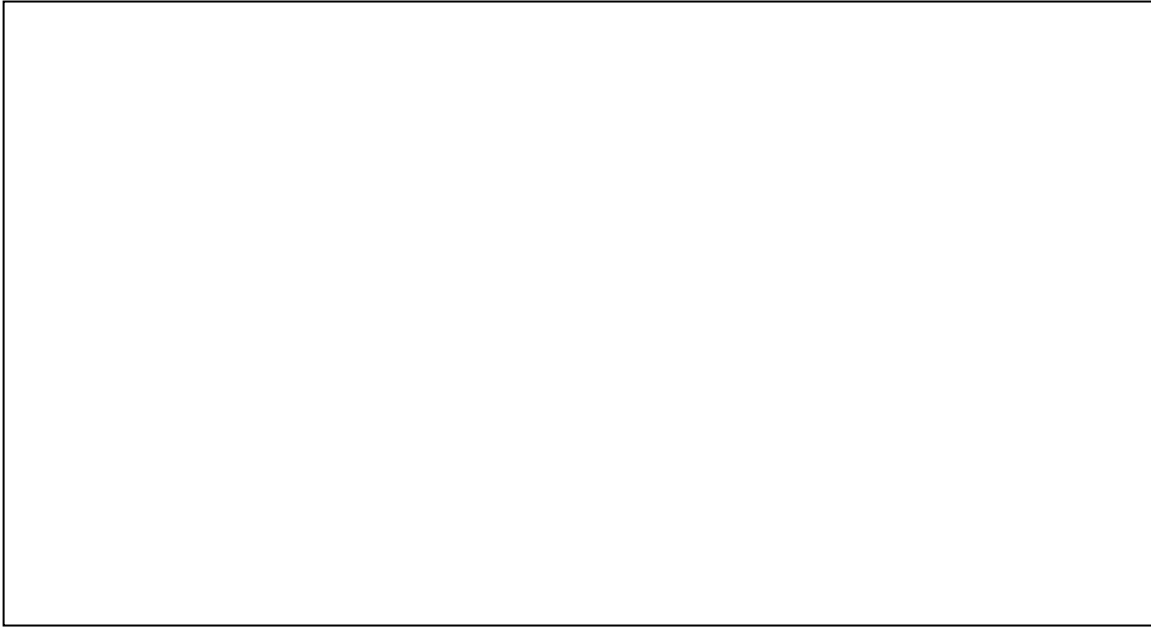
Are there dogs on the property?

Yes/No

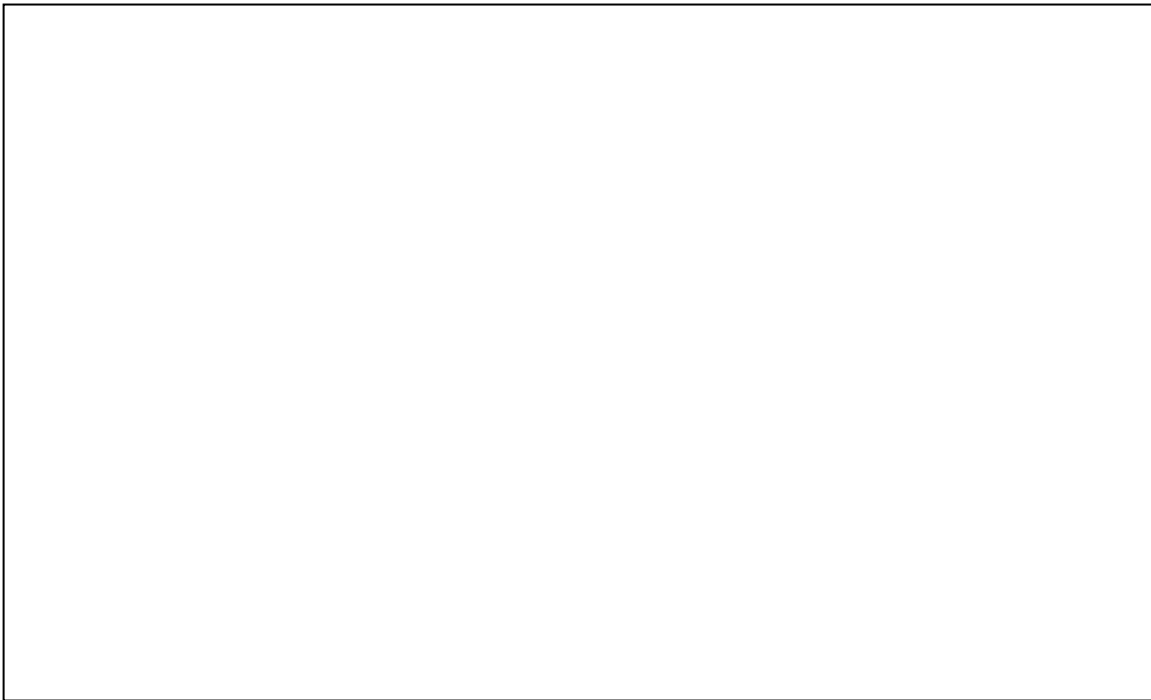
Are they aggressive?

Yes/No

**Location Map** – To assist us to find your property more easily, please note local landmarks to help us find you more easily.



**Land Use Map** – Show the location and extent of the activity and location of buildings.



**Office Use Only**

Date received by Nambucca Valley Council: \_\_\_\_\_

Inspection Date: \_\_\_\_\_ Time Arranged: \_\_\_\_\_

Dwellings on Land:

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Details of activity inspected: (Number of Stock/trees/area of crops, Time activity Undertaken.)

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Land not used for activity:

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Approved for Farmland rating? \_\_\_\_\_ Effective Date \_\_\_\_\_

If no, reason/s:

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Letter to applicant:

\_\_\_\_\_  
(Approval, refusal, request for more information)

Rates Code Changed to farmland:

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Processed By:

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Authorised By:

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