

## 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. Council's comply with Chapter 15 of the Act, that deals with how Council are financed, and, specifically under Sections 515 through 529, how a Council should administer application 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, orchard, 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 is not to be categorised as farmland.

### PRIVACY DISCLAIMER

#### PROTECTING YOUR PRIVACY

The personal information requested on this form will only be used to fulfil the purpose for which it is being collected. The supply of this information by you is voluntary but if you cannot or do not wish to provide the personal information sought, we may not be able to process your form. Council is regarded as the agency that holds the information and will endeavour to ensure that this information remains secure, accurate and up-to-date. Access to information is restricted to Council Officers and other authorised people. You may make applications for access to information held by Council or for suppression of your information from a public register. Should you require further information please contact Fairfield City Council Rating Services Branch. .

Please return completed form to:

Rating Services Branch  
Fairfield City Council  
PO Box 21  
Fairfield NSW 1860

## **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 out as a commercial venture organised 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 out, it should be acknowledged that:

- The activity or activities carried out must be a business;
- A small farming business is still a business;
- 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 out 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).

## **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:

Council to review its decision *and/or* 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 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.

## OWNERS DETAILS

Property Assessment No. \_\_\_\_\_

Name(s) \_\_\_\_\_

Mailing Address (No. and Street) \_\_\_\_\_

Suburb \_\_\_\_\_ Postcode \_\_\_\_\_

Contact No. (Home) \_\_\_\_\_ (Work) \_\_\_\_\_

(Mobile) \_\_\_\_\_ (Fax) \_\_\_\_\_

## APPLICANT'S DETAILS (if different from above)

Name(s) \_\_\_\_\_

Mailing Address (No. and Street) \_\_\_\_\_

Suburb \_\_\_\_\_ Postcode \_\_\_\_\_

Contact No. (Home) \_\_\_\_\_ (Work) \_\_\_\_\_

(Mobile) \_\_\_\_\_ (Fax) \_\_\_\_\_

## PROPERTY ADDRESS

Property Address (No. and Street). \_\_\_\_\_

Suburb \_\_\_\_\_ Postcode \_\_\_\_\_

Lot \_\_\_\_\_ Section \_\_\_\_\_ Deposited Plan \_\_\_\_\_

Total area of property \_\_\_\_\_

Property *name* (if applicable) \_\_\_\_\_

## DOMINANT 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 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.

Is farming the dominant use of your property?  Yes  No

If **YES** please complete the application form. If **NO** please sign the declaration on page 5 and return to Council.

## OCCUPANCY OF PROPERTY

(a) Does anyone live on the property?  Yes  No

(b) If yes, who resides on property?  Owner  Someone other than owner

(c) Does the above person reside on the property?  Full time  Part time  Weekends

(d) Is the dwelling leased?  Yes  No

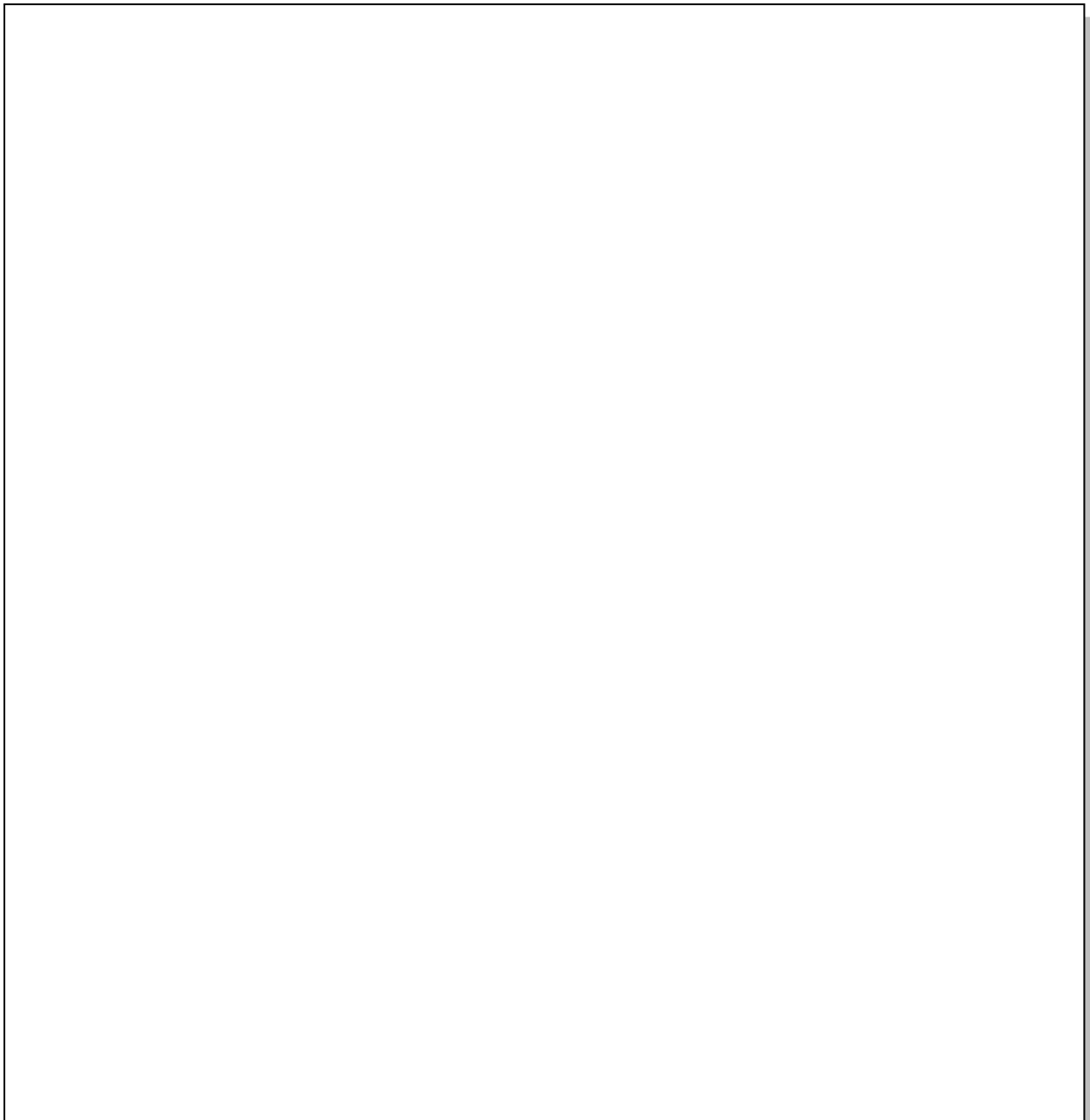
## LOCALITY SKETCH

(a) Please draw a sketch below, indicating area of property used for:

- Residential purposes
- Farming purposes
- Sheds used for farming purposes
- Unused land
- Other purposes

(b) Show/label on the sketch, the location of building on the land. Show which buildings are used in conjunction with the farming business and indicate any buildings that are rented or used for non-farming activities.

## SKETCH AREA

A large, empty rectangular box with a thin black border, intended for drawing a locality sketch. The box is positioned below the instructions and is currently blank.

**WHO CONDUCTS THE FARMING BUSINESS (Operator)**

Property Owner  Someone other than the owner of the property

Under what business name is the farming activity conducted \_\_\_\_\_

\_\_\_\_\_

**FARMING BUSINESS CONDUCTED (Please tick appropriate box)**

Grazing  Dairying  Piggery  Growing Crops  Orchard  
 Bee Keeping  Horticulture  Viticulture  Vegetable Growing  Forestry  
 Poultry Farming  Other (please specify)

**SUMMARY OF STOCK – HELD FOR THE PREVIOUS FINANCIAL YEAR**

Indicate the number of livestock grazing on the property as at the date of this declaration.

Cattle \_\_\_\_\_ Horses \_\_\_\_\_ Goats \_\_\_\_\_ Sheep \_\_\_\_\_

Other (please specify) \_\_\_\_\_

**BUSINESS DETAILS**

(a) Do you have tax returns assessed on the basis of being a primary producer?  Yes  No

(b) What business records are maintained relevant to the farming activities carried out on the property e.g. books of accounts, stock records, breeding records etc.?  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(c) If required, are such records available for inspection?  Yes  No

**ADDITIONAL INFORMATION**

Include any additional information which you feel may be relevant to the application \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**INFORMATION DECLARATION**

I hereby declare that the information contained in this application is true and correct.

\_\_\_\_\_  
Owner/Applicant Signature

\_\_\_\_\_  
Owner/Applicant Name

\_\_\_\_\_  
Date

**SITE VISIT DECLARATION**

I hereby consent 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 **by appointment only**.

\_\_\_\_\_  
Owner/Applicant Signature

\_\_\_\_\_  
Owner/Applicant Name

\_\_\_\_\_  
Date

**OFFICE USE ONLY**

Date of Inspection \_\_\_\_\_ Council Officer \_\_\_\_\_

Farming activity seen on property \_\_\_\_\_

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Approved?  Yes  No

If rejected; (give reason) \_\_\_\_\_

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Applicant advised on date: \_\_\_\_\_

Verbal in person  by phone  by letter

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