

Application for Categorisation of Land as Farmland

Section 515 of the Local Government Act 1993

PLEASE RETURN THIS FORM TO THE ADDRESS ON THE BOTTOM OF THIS PAGE:

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.

**PLEASE RETURN COMPLETED
FORMS TO:**

**The General Manager
Tweed Shire Council
PO Box 816
MURWILLUMBAH NSW 2484**

OR

email to tsc@tweed.nsw.gov.au

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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.

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RATING YEAR

OWNER/APPLICANT INFORMATION:

Owner's Name:

Postal Address:

Applicant/s Name:

(if agent for owner)

Contact Numbers:

 (H) (W) (M)

Email address:

PROPERTY INFORMATION

Property Identifier / Rate Reference

Lot No

Section

DP/NPP/SP

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 8 and return to Council

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OCCUPANCY OF PROPERTY

How many houses are located on the property?

Does anyone reside on the property?

Yes No

If yes, who residents on the property?

Owner & Family Tenant

Do the above persons resident on the property?

Full Time Part Time Weekends Other

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.

Farming Business Conducted *(please tick where applicable)*

- | | | | |
|---|---------------------------------------|--|--|
| <input type="checkbox"/> Grazing | <input type="checkbox"/> Orchardring | <input type="checkbox"/> Pig Farming | <input type="checkbox"/> Growing Crops |
| <input type="checkbox"/> Forestry | <input type="checkbox"/> Beekeeping | <input type="checkbox"/> Vegetable Growing | <input type="checkbox"/> Viticulture |
| <input type="checkbox"/> Dairying | <input type="checkbox"/> Horticulture | <input type="checkbox"/> Poultry Farming | <input type="checkbox"/> Aquaculture |
| <input type="checkbox"/> Animal Feed Lots | | <input type="checkbox"/> Other | |

Please complete below the type of activity / activities carried out on the land (see definition for farmland) including private lease, agistment or share farming.

GRAZING - state average number and type of livestock (breeders, dairy, etc.) over the last 12 month period.

ORCHARDING - the number, type and age of trees

CROPPING - the crop type, area irrigated, area under planting and estimated yield over the last 12 month period.

FORESTRY - provide details of area, quantities harvested and management plan.

BEEKEEPING - indicate the number of beehives in operation and for what period of the year.

Copies of documentation are required for certain activities; please check Page 8 of this form for copies to be provided with application.

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What business name is the farming activity conducted?

Approximate area of land used for the farming activity / activities.

What year did the operator commence farming of the property?

Who conducts the farming business (operator)?

Property Owner Someone other than owner of property

If part of the land is used for agistment purposes, please provide area of land agisted.

If the land is used by someone other than the property owner, please provide details:

Name:

Address:

Contact Numbers:

 (H) (W) (M)

Land used in conjunction with other land

If the subject land is used in conjunction with other land for the purpose of carrying on the farming business or industry, given property description of other land, details of how other lands are used and the frequency of use.

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IMPROVEMENTS MADE ON THE PROPERTY DURING THE PAST TWO YEARS

(Please tick)

<input type="checkbox"/> Pasture improved	Area improved:	
<input type="checkbox"/> Fencing	Length of Fencing:	
<input type="checkbox"/> Clearing	Area cleared:	
<input type="checkbox"/> Yards	Number of yards:	
<input type="checkbox"/> Dams	Number of dams:	
<input type="checkbox"/> Sheds	Number of Sheds	
<input type="checkbox"/> Farming Machinery		
<input type="checkbox"/> Other		

Additional information (if required)

BUSINESS DETAILS

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

Is the farming activity / activities carried out as:

Hobby/Interest

Farm Business / Income earner

Do you keep business records or financial statements for the activity?

Yes

No

Do you have:

ABN Number (if applicable)

Property Identification 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 Service Board?

Yes

No

Are returns completed to a statutory marketing authority?

Yes

No

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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 (*e.g. sale of crops, stock, etc.*)

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

Any other reasons to support why the farmland category is more appropriate:

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

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SUPPORTING DOCUMENTS REQUIRED WITH APPLICATION

TYPE OF INDUSTRY	COPIES OF DOCUMENTATION TO BE PROVIDED
Grazing	Copy of annual land and stock return
Dairying	Copy of Licence
Viticulture	Proof of registration
Horticulture	Copy of agreement between grower and trader or statutory declaration indicating agreement costs.
Nursery	Copy of documentation stating registered nursery
Beekeeping	Copy of registration from 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

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. Council is bound by the provisions of the *Privacy and Personal Information Act 1998*, in the collection, storage and utilisation of personal information provided in this form. Accordingly, the personal information will only be utilised for the purpose for which it has been obtained

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

Owner/Applicant Signature

Owner/Applicant Signature

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.

Owner/Applicant Signature

Owner/Applicant Signature

Date

Please note:

Council decides which category your land/property should be in based on its characteristics and use in accordance with the Local Government Act 1993.

If your completed application and relevant supporting documents are not returned to Council, Council **will** determine your rating category

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LOCALITY SKETCH

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

- Residential Purposes Hectares
- Farming Purposes Hectares
- Unused Land Hectares
- Other Purposes Hectares

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

SKETCH AREA