

CLAIM FOR INCLUSION ON THE ROLL OF NON-RESIDENT OWNERS OF RATEABLE LAND OR THE ROLL OF OCCUPIERS AND RATEPAYING LESSEES

Kempsey Shire Council

Individual Claim (Please print clearly)

ALL SECTIONS MUST BE FULLY COMPLETED, SIGNED and RETURNED TO THE RELEVANT COUNCIL – # indicates details overleaf

See the back of the form for definitions and eligibility criteria indicated by #

Nomination applications by Corporations/groups of owners etc. should use form LG.127N

Property/Land in Kempsey Shire Council

Details of the **rateable land/property from which eligibility to apply is claimed** – please complete items as applicable to ensure the property can be identified:-

Property name: _____ Land Title Identifier (e.g. Lot and DP) _____

Shop Number/Unit/Floor _____ Street Address _____

Postcode _____ State: NSW **Rate Assessment Number #** (or equivalent) _____

Individual Applicant

I, _____ (Family Name) _____ (First/Given Name(s)) am the

Owner # or Ratepaying Lessee # or Occupier # of the property above (please tick only one box).

As ratepaying lessee, I am liable to pay the whole or any part of the rates in respect of the above rateable land until _____

As occupier, I/we have a legally enforceable right to continuous occupation of the above rateable land until _____

Applicants' Details (Current Electoral Enrolment Details to be confirmed by the Council GM or the NSW Electoral Commission)

Residential Address _____

Postcode _____ State _____

Phone/Mobile _____ Email _____

Postal address (if different from above) _____

I am entitled to vote at an election of members of the New South Wales Legislative Assembly or an election of the Commonwealth House of Representatives and I am enrolled for _____
(State electoral District or Commonwealth electoral Division)

I claim the single inclusion of my name on the non-residential roll of owners or the roll of ratepaying lessees and occupiers for the relevant Council.

I declare that all the information I have given on this form is true and complete.

Applicant's signature _____ **Date** ____/____/____.

My date of birth is ____/____/____.

Statement of Witness (Please print carefully)

I, a person of or above the age of 18 years, certify that I saw the applicant sign this claim and I believe, to the best of my knowledge, that the statements in the claim are true.

Witness Name _____ Witness signature _____

Witness address _____ Date ____/____/____

Please send the completed form prior to 6.00 pm on Monday 1 August 2016 to: The General Manager for Kempsey Shire Council
by post: PO Box 3078 West Kempsey NSW 2440
by hand: 22 Tozer Street West Kempsey
by fax: (02) 65663205
by email: ksc@kempsey.nsw.gov.au

Office Use Only

Received date ____/____/____ by Name _____

Processed Date ____/____/____ by Name _____

QUALIFICATION FOR ENROLMENT AS A NON-RESIDENT ELECTOR

This form applies to those seeking to apply as individuals themselves to enrol on the Non-residents Roll. This form is not designed for applications/nominations by corporations/entities or joint and several owners/ratepaying lessees/occupiers. Form LG.127N is the form to be used for that purpose

Eligibility to be included on a Council Non-residential Roll (NRR) is based on the fact that an eligible person or groups of people or an entity such as a corporation or trust (Applicants or Nominators) have a relationship with a piece of property/land within a Council's boundaries (or Wards, if applicable) and that rates are paid on that property/land by the Applicants or Nominees.

To assist Councils to determine if a property is within their Council area, it is wise for Applicants/Nominators to provide as much information about that property as possible, including providing **property identifiers and Rate Assessment Numbers** or their equivalent. It would assist Councils greatly if lessees or occupiers could please provide documented proof of the lease/occupation arrangement that applies to this property/land. **Rateable land** means land that is rateable to an ordinary rate or a special rate, or both.

An individual applicant or a nominated NRR elector must be enrolled on the NSW or Federal electoral rolls but they **cannot be enrolled in the Council area in which the property/land is located**.

A person is not an owner of rateable land if the land is a lot in a strata plan that is registered under the Strata Titles (Freehold Development) Act, 1973 or the Strata Titles (Leasehold Development) Act 1986 and is provided only for the **purpose of parking a motor vehicle**.

NOTE :- Local Government (General) Regulations 1995 (281(3)) requires a statement and signature of an eligible witness.

Who is an "owner of rateable land"? (Refer to Section 270 of the Local Government Act 1993)

A person is the owner of rateable land if:-

- (a) the person is not a corporation, is the sole owner of the rateable land and does not own it as trustee; or
- (b) the person is not a corporation, is a joint or several owner of the rateable land and is nominated in writing (via this Form) as an elector by the only other owner of the land, or by a majority of all the owners of the land; or
- (c) the person is not a corporation, is not a nominee under paragraph (b) and is nominated in writing (via this Form) as an elector by a corporation which is the owner, or by trustees who are the owners, of the land; or
- (d) the person is a lessee of the land from the Crown and the land is rateable Crown land.

If more than one person is the owner of the same parcel of rateable land, only one of those persons is entitled to be enrolled as an elector for a ward.

If a corporation or trustees or joint or several owners own more than one parcel of land in an area, it or they can nominate a person as the owner/NRR nominee of rateable land in respect of one of those parcels only.

If two or more persons apply to be enrolled as an elector for a ward as owners of the same parcel of rateable land, and they do not nominate one of their number to be so enrolled, the General Manager of the Council may nominate one of them as an elector.

Who is an "occupier" or "ratepaying lessee"? (Refer to Section 271 of the Local Government Act 1993)

A person is an occupier of rateable land if the person has a legally enforceable right to continuous occupation of rateable land (jointly or severally, but not as owner or ratepaying lessee) for not less than 3 years following the **relevant date**.

A person is a ratepaying lessee of rateable land if the person is jointly or severally liable, under a lease in writing or other document of title relating to the land, to pay to any person the whole or any part of any rates that may, during the 3 years following the relevant date, be made or levied in respect of the land.

If there is more than one occupier or ratepaying lessee of the same parcel of rateable land, only one of them is entitled to be enrolled as an elector for a ward.

If a corporation is or trustees are, or joint or several occupiers or ratepaying lessees are, occupiers or ratepaying lessees of more than one parcel of land in an area, it or they can nominate a person as the occupier or ratepaying lessee in respect of only one of those parcels.

Relevant Date (refer to Section 271(5) of the Local Government Act 1993)

If the claim is for inclusion on the roll, the relevant date is the date on which the claim for enrolment is made.

Roll of non-resident owners of rateable land or the roll of occupiers and ratepaying lessees (refer to Sections 299 and 300 of the Local Government Act 1993)

The roll of non-resident owners of rateable land and the roll of occupiers and ratepaying lessees **lapses after the election** for which it is prepared.

Enrolment if qualified in more than one respect (Refer to Sections 268 and 304 of the Local Government Act 1993)

A person may not, in respect of the same ward, be enrolled more than once in a roll of electors.

A person who is qualified for enrolment in respect of more than one ward of an area may be enrolled only in respect of the ward for which the person is qualified as a resident or, if the person is not so qualified:

- (a) the ward specified in a notice given by the person to the General Manager before the closing date for the election; or
- (b) if no such notice is given, a ward chosen by the General Manager.

Overall a person cannot vote more than once in any Local Government Area.

Claims for enrolment as an owner, ratepaying lessee or occupier of rateable land in Kempsey Shire Council must be received by the General Manager at the Kempsey Shire Council office on or before 6.00 pm (EST) Monday, 1 August 2016.

They must be lodged by one of the following:

by post: PO Box 3078 West Kempsey NSW 2440

by hand: 22 Tozer Street West Kempsey

by fax: (02) 65663205

by email: ksc@kempsey.nsw.gov.au