



NOTICE TO PROPERTY OWNERS WHO WISH TO HAVE THEIR LAND CLASSIFIED AS FARMLAND FOR RATING PURPOSES

The Kempsey Shire Council currently has a lower or reduced Farmland rate for land meeting the definition of "Farmland" according to Section 515 of the Local Government Act 1993.

WHAT IS FARMLAND?

Section 515 of the Local Government Act 1993 defines Farmland as:-

- (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, oyster farming, or fish farming within the meaning of the Fisheries and Oyster Farms Act 1935, 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.

Particular attention has been drawn to the words underlined, and these are key words for Council in determining eligibility for Farmland rating.

The meaning of Farmland in accordance with this section of the Act is based on how land is used, not its geographical location or zoning.

Land used mainly for residential purposes, vacant rural land or land where the farming use is marginal, such as hobby farms, will **not** qualify for Farmland rating.

THE APPLICATION FORM

If you believe your land may qualify for the Farmland rate, you are invited to complete an application for classification of land as farmland and return it to Council.

The Application form has been structured to provide only that information which is required to determine if you are eligible for the Farmland rate.

WHEN TO LODGE APPLICATIONS

An application may be lodged at any time if the ratepayer wishes to have land considered as Farmland for rating purposes. Once granted Farmland status, you will continue to be rated as Farmland unless:-

- i. the owner or agent notifies Council that the land is no longer Farmland;
- ii. the ownership of the land changes; or
- iii. as a result of a general review or because Council has reason to believe that a parcel of land may no longer be Farmland.

INSPECTION OF LAND

If an inspection of your land is deemed to be necessary, every effort will be made to notify you when the inspection will occur so that you may be present.

NOTIFICATION OF COUNCIL'S DECISION

Applications for Farmland rating will be determined by Council's staff and if successful, the applicant will be notified accordingly and the next rate notice will be based on the **Farmland Rate**.

If an applicant is unsuccessful, a letter will be sent stating why the application has been refused. In the event of a property owner being dissatisfied with the decision, that person may request Council's Farmland Rate Review Committee to reconsider the application.

FARMLAND RATE REVIEW COMMITTEE

The Farmland Rate Review Committee has been established by Council to re-examine rejected applications, if requested to do so by the applicant.

This Committee will give property owners an opportunity to submit the sort of information normally requested by the Courts, such as business records, profit and loss accounts, details of projected profits and any other relevant evidence in support of a claim that the land is **Farmland**.

As the onus of proving that land is farmland rests upon the property owner, it is in that person's interest to ensure that as much useful evidence as possible be presented to this Committee, as a well documented submission at this stage could avoid the necessity of proceeding with a costly Court appeal. It should be noted that this Committee will only consider written submissions.

HOW TO APPEAL AGAINST COUNCIL'S DECISION

Section 526(1)(b) of the Local Government Act 1993 provides for ratepayers to appeal to the Court against Council's decision not to grant the Farmland rate if they are of the opinion that their land does satisfy the farmland provisions. An appeal against Council's decision must be lodged at the Land and Environment Court within thirty (30) days after the declaration is made.

NOTIFICATION OF CHANGE OF STATUS OF FARMLAND

An owner or agent must notify Council within thirty (30) days when a property ceases to be used as Farmland. When a Council declares a parcel of land to be Farmland, or a property ceases to be Farmland, the decision shall not take effect until 1 July the next rating year.

CONFIDENTIALITY

The information contained in a Farmland rating application is treated by Council as **STRICTLY CONFIDENTIAL**, and used only for the determination of eligibility for Farmland rating concessions.

FOR FURTHER INFORMATION REGARDING ANY ASPECT OF THE FARMLAND RATING PROVISIONS, PLEASE DO NOT HESITATE TO CONTACT MR WAYNE SHORE AT COUNCIL'S CIVIC CENTRE OFFICE, TELEPHONE (02) 6566 3234

KEMPSEY SHIRE COUNCIL

Civic Centre, 22 Tozer Street, Kempsey 2440
PO Box 3078, West Kempsey 2440
Phone 02 6566 3200 Fax 02 6566 3205
Web: www.kempsey.nsw.gov.au Email: ksc@kempsey.nsw.gov.au



A
P
P
L
I
C
A
T
I
O
N
F
O
R
M

CONFIDENTIAL **APPLICATION FOR CLASSIFICATION OF LAND AS FARMLAND FOR RATING PURPOSES**

Your assistance in providing as much detail as possible would be appreciated.

I/we Full Name(s)
of Address

hereby make application for the property described below to be declared Farmland under Section 515 of the Local Government Act, and do hereby declare that the following information submitted in support of this application is true and correct.

.....
Signature of Applicant

Contact Phone No

Date

DETAILS IN SUPPORT OF FARMLAND RATING APPLICATION

1 **Name of Owner(s)**
Address
Rate Assessment No.

2 **Property Description**
Lot DP Parish
.....
Location: Road Number Road Name
Locality

3 **Who conducts the Farming Business**
Owner of property
Someone other than the owner. (Please provide details.)
Name
Address

Note: If the owner is not conducting the farming business, it is still the owner's responsibility to provide the following information.

4 Land Usage

(a) Farming Business

| | | Number | Area | |
|---------------------|---------------|--------|-------|-------|
| Grazing | - Cattle | ..... | ..... | Ha |
| | - Sheep/Goats | ..... | ..... | Ha |
| | - Horses | ..... | ..... | Ha |
| Dairying |  | ..... | ..... | Ha |
| Pig Farming |  | ..... | ..... | Ha |
| Poultry Farming |  | ..... | ..... | Ha |
| Viticulture |  | ..... | ..... | Ha |
| Orcharding |  | ..... | ..... | Ha |
| Bee-Keeping |  | ..... | ..... | Ha |
| Horticulture |  | ..... | ..... | Ha |
| Vegetable Growing |  | ..... | ..... | Ha |
| Crops |  | ..... | ..... | Ha |
| Forestry |  | ..... | ..... | Ha |
| Oyster/Fish Farming |  | ..... | ..... | Ha |
| Unused Land |  | ..... | ..... | Ha |
| TOTAL AREA OF LAND |  |  |  | ..... |
| | | | | |

(b) If the land is used for viticulture, orcharding, horticulture, vegetable growing or the growing of crops of any kind, please specify:-

i. Details of harvests/yields for the past two (2) years

| Current Year | | Last Year | |
|--------------|----------|--------------|----------|
| Type of Crop | Quantity | Type of Crop | Quantity |
| | | | |
| | | | |
| | | | |

ii. What future crops/plantings are planned?

.....

.....

(c) i. What equipment is used on the land?

.....

iii. Who owns the equipment?

.....

5 **Property used in Conjunction**

Is any other property used in conjunction with this business?

If yes, please provide details of other property.

.....

.....

6 Farming Business Details

- (a) i. How long has the Farming Business been carried out on the property?
..... Years
- ii. What business records are maintained relevant to the farming activities?
.....
.....
- (b) i. Has any Gross Income been made on the last two years from the use of the land?

Current Year

Last Year
- ii. If yes, from what sources (eg sale of crops, beasts, etc)
Note: Financial details are not necessary, but quantities are required (eg 15 cows)

Current Year
.....

Last Year
.....
- (c) Have any nett Profits been made?

Current Year

Last Year
- (d) Was your last Income Tax Assessment assessed on the basis of your being a Primary Producer, i.e. subject to averaging income?
- (e) If required, are your account books, taxation assessment available for perusal by a Council officer?

7 Additional Information

Include any additional information which you feel may be relevant to this application?

.....
.....
.....
.....
.....
.....

IF SPACE IS INSUFFICIENT, PLEASE ATTACH AN ADDITIONAL SHEET.

- 8 Please provide a sketch of your land (improvements such as buildings, fences, dams, etc may be shown)

PLEASE RETURN COMPLETED FORM TO:-

The General Manager
Kempsey Shire Council
PO Box 3078
West Kempsey 2440