



# Farmland Rating Category Form

## IMPORTANT INFORMATION TO ASSIST YOU IN DETERMINING YOUR RATING CATEGORY

How is land defined as Farmland? The following information is taken from the *NSW Local Government Act 1993*. Councils must comply with Chapter 15 of the Act, which deals with how councils are financed, and, specifically under Sections 515 through 529, how a council should administer applications for Farmland Rates.

Categorisation as farmland - Section 515 of the *Local Government Act 1993*

- (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.

## 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. The information will be processed by council officers and will be dealt with in strictest confidence. The information supplied is required under the *Local Government Act 1993*.

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**Please return completed pages 3 to 7 to:**

Post: Revenue Department

Bega Valley Shire Council

PO Box 492

BEGA NSW 2550

Email: [council@begavalley.nsw.gov.au](mailto:council@begavalley.nsw.gov.au)

Fax: 02 6499 2200



# Frequently Asked Questions

## Why would my rating category be changed?

The definition provided in Section 515 of *Local Government Act 1993* for categorisation as Farmland is quite specific, and not something that can be determined based solely on the size of a property. It refers to the **business** being conducted as the **dominant use of the land**, and being of **significant or substantial commercial purpose or character**. Generally speaking, the farming operations should be conducted on a scale that has the elements of an independently viable, commercial operation. Properties where the primary use is as a residence, and farming is an incidental use (eg hobby farming) do not meet the definition of Farmland in terms of rating categorisation.

## How does my rating category affect the amount I am charged for rates on my property?

Historically, Bega Valley Shire has charged properties in both the Farmland and Residential rates categories the same general rates (ie farmland has **not** received a discounted rate). This is also the case proposed for the rates in 2017/2018. Therefore, a change in rating category between Farmland and Residential would not increase the amount that you pay in rates each year.

Properties that are categorised as Business generally incur a higher rate than Farmland or Residential properties.

## Will a change to my rating category affect my zoning or ability to subdivide my property?

No. The zoning of your property is based entirely on the Local Environmental Plan, under the *Environmental Planning and Assessment Act*. Your rating category is determined under Section 515–517 of the *Local Government Act 1993* and has **no effect on your zoning**. A change to your rating category will not affect your ability (or inability) to subdivide in any way.

## Why do Council require so much information on the application form?

The application form is similar to that used by other NSW Councils to determine farmland rating. We understand that it is quite comprehensive, and can appreciate the time it takes to complete. However, for us to determine if some properties (particularly smaller farming operations) are being operated with the purpose of making a profit (even if one is not made), we may require some finer details. Financial details are treated with the utmost confidentiality and made available only to those staff assessing the applications.

## Where can I get more information?

For more information about the rating category of your property, or if you have any questions regarding your rates, please contact Council's Revenue Department on 02 6499 2222.



**Farmland Category Form - Farmland**  
***Strictly Private and Confidential***

**OWNER & PROPERTY DETAILS**

Property Owner: .....

Contact Name (if different to above): .....

Property address: .....

Postal address (if different to above): .....

*Would you like your postal address updated to the above for Council correspondence?*

Yes

No

Contact numbers: (h) ..... (m) .....

Email address: .....

Assessment number ..... Land area (if known) .....

Are there any other parcels of land used in conjunction with this property that you would like included as part of this application (ie part of the same operation)? Please list below (eg assessment number, address, title particulars):

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

**ACTIVITY INFORMATION**

*In accordance with the definition of Farmland, you are required to substantiate that the dominant use of the property is for conducting a farming **business** 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) Type of activity / activities carried out on the land**

- Grazing            Dairying            Pig Farming            Growing Crops
- Orchards            Bee Keeping            Horticulture            Vegetables
- Viticulture            Forestry            Poultry Farming            Other

**2) Do you lease the property or part thereof for the above farming activities?**

- YES – I lease the property, or part thereof, to someone else

If so, please provide details of person(s) to whom the land is leased & their contact details

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- NO – I do not lease the property, I am directly involved in the farming operation

**3) Please provide further information about the farming activity undertaken on this property, including (where applicable) the **type** and approximate **number** of livestock, the **type** and **size** of crops, etc. (Where leased, please provide an estimate based on your knowledge)**

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**4) Approximate area of land used for the above activity/activities (for example, 80% of the property)**

.....

5) Is the activity / activities carried out as: (please tick one)

Hobby/Interest  Farm Business/Income Earner

6) Do you keep business records or financial statements for the activity / activities?

Yes  No

7) Do you have an: (please tick)

ABN  PIC number (LLS)

8) Are you engaged in Primary Production?

Full-time Yes  No

Part-time Yes  No

9) Do you:

Lodge tax returns for the farming operation?

Yes  No

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

Yes  No

10) Is a dwelling situated on the property?

Yes  No

If yes, is the dwelling your residence or leased?

Residence  Leased

**SUPPORTING DOCUMENTATION**

Type of industry	Copies of documentation to be provided with application
<b>Grazing / Cropping</b>	a) Registration with Local Land Services – copy of LLS rates notice, OR b) Declaration that you have earned an assessable income in your last tax return from your accountant
<b>Dairying</b>	a) Copy of licence with NSW Food Authority for dairy farming
<b>Lease or Agistment</b>	a) A copy of the agreement / contract between parties, OR b) Where a verbal or historical arrangement, the contact details of the lessee
<b>Viticulture</b>	a) Proof of registration with Wine Producers Association or other appropriate body
<b>Horticulture</b>	a) Copy of agreement between grower and trader <i>Note: Horticulture produce does not include nursery products, and turf farming is not permitted</i>
<b>Nursery products</b>	a) Copy of documentation stating activity is a registered nursery.
<b>Beekeeping</b>	a) Copy of registration with Department of Primary Industries in accordance with the <i>NSW Apiaries Act 1985</i>
<b>Forestry</b>	a) Copy of private forestry approval from Department of Primary Industries
<b>Fish / Oyster Farming</b>	a) Copy of aquaculture permit from Department of Primary Industries

*If you are unable to provide the above supporting documents, please contact Council's Revenue Department on 02 6499 2222 to discuss alternatives.*

**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 dependant on my activity / activities above.

Signature:.....Date:.....

I have included supporting documentation with my application (per examples above) Yes

**SITE VISIT DECLARATION**

*Council staff will endeavor to finalise your application based on the information you have provided. However, where further details are required, Council may contact you to request more information, or to conduct a site visit (only where absolutely necessary).*

I hereby consent to Council staff to enter onto the above property for the purpose of carrying out and recording the inspection in connection with this application.

Do you wish to be present if an inspection is required? Yes  No

Signature:.....

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**OFFICE USE ONLY**

Date Received ...../...../.....

Further information required?                      Yes                          No                     

**DECISION**                      **Approved**                          **Declined**   

**Grounds for refusal**

- Farming not the dominant use of the land
- Activities not of significant or substantial commercial purpose
- Hobby farm
- Other

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Notification sent            Yes                                            No                        
Date.....

Revenue Officer Name: .....

Revenue Officer Signed:.....Date:.....