

# Narrandera Shire Council

Application for  
Farmland Rating  
Category



## Rating Category Application - FARMLAND

### Introduction

For land to be rated as Farmland, Council must determine that the land meets the requirements for categorisation as "Farmland" which is prescribed in the *Local Government Act 1993*. The following guide provides details of this under the heading: **Important information to assist you in determining your rating category. How is land defined as farmland?**

The purpose of this guide is to provide information about the legislation that prescribes how "Farmland" is categorised, key determining factors and obligations of council and the applicant. This background information may assist you when responding to the questions in your application to support a categorisation of "Farmland".

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

The application form is like that used by other NSW councils to determine farmland rating. We understand it is comprehensive and appreciate the time it takes to complete. However, for Council to determine if some properties (particularly smaller operations) are being operated with the purpose of making a profit - even if one is not made - we may require some finer details. The questions have been structured to help you provide Council with the information required to evaluate your eligibility to Farmland rating in accordance with legislative requirements. It is to your benefit that you provide as much detail as possible regarding your business of farming. Financial information is treated confidentially and made available only to those staff assessing applications.

### 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 the form. Accordingly, the personal information will only be utilised for the purpose for which it has been obtained.

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## 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.

## Guidelines to determining factors for categorisation of land as farmland

1. **Dominant use:** is determined by looking at the amount of land used for the particular activity/activities and also the intensity of that use.
2. **Business or industry:** the activity / activities carried out on the land must be carried on as a commercial venture organised for profit.
3. **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.

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.

## Farmland rating - obligations and explanations

1. **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.
  2. **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.
  3. **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.
  4. **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.
  5. **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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### 1. Applicant (Property Owner or Part-Owner only)

Name

Postal Address

Town/Locality

State

Postcode

Email

Telephone

Mobile

### 2. Property Information (This information is noted on Council Rates Notices)

Assessment No/s

Lot

Section

DP

Street/Rural Address No

Street/Road Name

Town/Locality

State

Postcode

Is farming the dominant use of the property?

Yes

No

### 3. Occupancy of Property

How many houses are located on the property?

Does anyone reside on the property?

Yes

No

If yes, who?

Owner and family

Tenant

When are the above persons resident on the property?

Full-time

Part-Time

Weekends

Other

### 4. Activity Information

The definition of Farmland requires substantiation 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

Grazing

Orcharding

Pig Farming

Cropping

Forestry

Beekeeping

Vegetable Growing

Viticulture

Dairying

Horticulture

Poultry Farming

Aquaculture

Animal Feed Lotting

Other

Detail below the activity/activities carried out on the land (see definition for farmland) including private lease, agistment or share farming. For example:

- Grazing - state average number and type of livestock (breeders, dairy, etc) over the last 12-month period.
- Orcharding - state the number, type/s and age of trees.
- Cropping – indicate crop types, 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.

**Identify improvements made on the property to facilitate its use as farmland**

<input type="checkbox"/> Pasture improvement	Area improved	_____
<input type="checkbox"/> Fencing	Length of fencing	_____
<input type="checkbox"/> Clearing	Area cleared	_____
<input type="checkbox"/> Yards	Number and area of yards	_____
<input type="checkbox"/> Dams	Number and area of dams	_____
<input type="checkbox"/> Sheds	Number and area of sheds	_____
<input type="checkbox"/> Farming machinery	Description	_____
<input type="checkbox"/> Other		_____

**Approximate area of land used for above activity/activities (ha)?**

**If grazing, what is the estimated carrying capacity (DSE) of the property as per Local Land Services rates notice?**

**If part of the property is used for agistment purposes, what is the area agisted?**

**If other parcels of land are used in conjunction with this property for the above activity/activities, provide location details.**  
Also provide title details (lot/section/DP), if known.

**5. Business Details**

**Is the farming activity/activities carried out as**

Farm business /  
Income earner

Hobby /  
Interest

**Who conducts the farming business (operator)?**

Property owner

Other person

**What year did the operator commence farming of the property?**

**Is the property or part thereof leased for the farming activity/activities?**

Yes – I lease the property, or part thereof

No – I am directly involved in farming operation

**If the land is used by someone other than the property owner, provide their details.**

Name

Street/Road Address

Locality

Telephone

**Approximately how many hours per week are engaged in primary production on this land?**

**Approximately what percentage of your household income is derived from primary production activities on this land?**

**In what name is the farming activity conducted?**

**PIC Number** (if applicable, provide copy)

**ABN** (if applicable)

**Are you a Primary Producer as defined by the Australian Taxation Office?**

Yes

No

**Did the business made a profit to 30 June last financial year?**

Yes

No

**If no, when does the business anticipate making a profit?**

<b>Are there business records/financial statements for the activity?</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>Are the following returns submitted for the activity/activities:</b>		
Tax returns to be assessed on the basis of being a primary producer?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Returns to the Department of Primary Industry?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Returns to Local Land Services?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Returns to a statutory marketing authority?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Any other returns, please note:	<input type="checkbox"/> Yes	<input type="checkbox"/> No

## 6. Other

Are there any other reasons to support why the category of Farmland is more appropriate?

## 7. 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 to be present during the inspection.  
 I do not require to be present during the inspection.

**Applicant Signature**

Date

## 8. 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 dependent on my activity / activities above.

**Applicant Signature**

Date

## 9. Documentation Which Will Support Your Application

Type of Industry	Provide copies of documentation with your application
Grazing	<input type="checkbox"/> Copy of Local Land Services rates notice <input type="checkbox"/> Copy of Annual Return of Land and Stock
Dairying	<input type="checkbox"/> Copy of Dairy Farming Licence with NSW Food Authority
Viticulture	<input type="checkbox"/> Copy of registration with Wine Producers Association or other appropriate body
Horticulture	<input type="checkbox"/> Copy of agreement between grower/trader or statutory declaration indicating agreement exists
Nursery	<input type="checkbox"/> Copy of documentation stating registered nursery
Beekeeping	<input type="checkbox"/> Copy of registration with Department of Primary Industries
Forestry	<input type="checkbox"/> Copy of private forestry approval from Department of Primary Industries
Aquaculture	<input type="checkbox"/> Copy of aquaculture permit from Department of Primary Industries

If you are unable to supply the above supporting documents, contact Council on 02 69595510 to discuss alternatives.

### Taxation Returns

In accordance with Section 525 (4) Council may request production of taxation returns for the previous three financial years relevant to the claimed business. It will save delays in making a determination if taxation returns are supplied with this application.

Narrandera Shire Council, 141 East Street NARRANDERA NSW 2700 | Phone 02 6959 5510 | council@narrandera.nsw.gov.au

**10. Office Use Only**

MagiQ #

Date

**Initial assessment:** Assessed by

Date

Further information required

 Yes No

Inspection required

 Yes No

Inspection report MagiQ #

Date

**Second assessment** (if required): Assessed by

Date

**Assessment comments****Decision** Approved Refused

Reason for refusal

 Farming not dominant land use Activities not of significant or substantial commercial purpose Hobby farm Other (provide details) **Decision response sent to applicant**

Officer name

Date

MagiQ #

 **Practical record updated**

Officer name

Date