



**KIAMA MUNICIPAL COUNCIL**  
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# Farmland Rating Policy



**RESPECT**



**INNOVATION**



**INTEGRITY**



**TEAMWORK**



**EXCELLENCE**

Date adopted	15 June 2021
Resolution number	21/137OC
Previously adopted	Unknown
Next review due	1 April 2023
Department	Corporate and Commercial Services
Responsible Officer	Rates Officer
TRIM reference	
Attachments	Farmland rating application Farmland rating category guidelines

## Table of contents

1.0	Purpose -----	4
2.0	Definitions -----	4
3.0	Background/Legislative requirements -----	4
4.0	Policy statement -----	4
5.0	Procedures -----	4
6.0	Responsibility -----	6
7.0	Policy review -----	6
8.0	Document control -----	6
9.0	Signature -----	6

# Farmland Rating Policy

## 1.0 Purpose

- 1.1 To establish clear guidelines and procedures for the Rates Co-ordinator to apply to the assessment of rateable land parcels for the categorisation as Farmland for rating purposes and to ensure that all farmland assessments are determined using consistent measures.

## 2.0 Definitions

- 2.1 Farmland is a parcel of rateable land valued as one assessment and its dominant use is for farming.

## 3.0 Background/Legislative requirements

- 3.1 Land is categorised as farmland under Section 515 of the Local Government Act 1993 as being:

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:

- has a significant and substantial commercial purpose or character, and
- is engaged in for the purpose of profit on a continuous or repetitive basis (whether or not a profit is actually made).

- 3.2 Land is not to be categorised as farmland if it is rural residential land unless it has a significant and commercial purpose or character.

## 4.0 Policy statement

- 4.1 Council will consider applications from ratepayers for their land to be categorised as farmland for rating purposes in a fair and constant manner and in accordance with the provisions of the Local Government Act and the procedures outlined below.

## 5.0 Procedures

- 5.1 Council shall make available to ratepayers a "Farmland Rating Application" form which shall make provision for basic general information regarding the activities carried out on the property.
- 5.2 A completed "Farmland Rating Application" form must be lodged with Council by the property owner. The Rates Co-ordinator has delegated authority to assess the application in accordance with the set of guidelines for farmland rating eligibility (attached to this policy). These guidelines are to be utilised when assessing eligibility for farmland rating and will be reviewed when required according to changes in legislation and industry standards.

- 5.3 Many parcels of land will be readily identifiable as farming land and will qualify for categorisation as farmland. The criteria for assessment of those lands identified by land use, assessed land capacity and area.
- 5.4 Where a parcel of rateable land valued as one assessment is used in conjunction with other parcels of rateable land valued as one assessment, in the same name then the total of all the parcels are to be considered as one holding for the purposes of this policy.
- 5.5 Council may ask the applicant to supply further information where the details in the original application do not satisfactorily discharge the onus of proof that the land is farmland.
- 5.6 Council may return the application should the information requested not be supplied or should the application not be signed by a Justice of the Peace.
- 5.7 All information contained within a "Farmland Rating Application" form shall be treated as "strictly confidential".
- 5.8 All assessments of applications are to be completed within forty (40) days of receipt of the application as per Section 525 (6) of the Local Government Act. Council shall advise the owner/approved agent in writing of the outcome. In respect of unsuccessful applications reasons for refusal may be given.
- 5.9 Should the application be refused the assessments may be re-categorised as Residential, Residential Rural, Business – Commercial/Industrial or Business Ordinary.
- 5.10 In the event of a property owner/approved agent being dissatisfied with the decision, the applicant may request a review of such decision by submitting their request in writing to the General Manager and the reasons they believe they should be rated as Farmland. Investigations will be conducted by Council's Agricultural Consultant, Peter Cowman and the ratepayer kept up to date via correspondence with the progress of review. Peter Cowman will also represent Council at the Land and Environment Court if action is taken by the ratepayer.
- 5.11 If the owner/applicant remains dissatisfied with the outcome of the second review an appeal against declaration of category under Section 526 (1) of the Local Government Act must be lodged with the Land and Environment Court within thirty (30) days after the declaration is made by Council.
- 5.12 Where a property is sold, transferred or subdivided the owner(s) will be required to complete and submit a "Farmland Rating Application" form for determination
- 5.13 A review of properties rated as farmland will be carried out every six (6) years.
- 5.14 This review will be conducted and owners/approved agents requested in writing to complete a "Farmland Rating Application" form.
- 5.15 This review is to be completed at least two (2) months prior to the end of the rating year, so the eligibility may be determined and any adjustments made prior to the issue of the rates notice.
- 5.16 Properties included in the review are to be assessed under the same procedures and guidelines as new applications.
- 5.17 For those owners/approved agents who do not complete the application for review; the property under review will have the rating category changed from farmland to residential, residential rural or business effective the next rating year. Owners/approved agents will be notified of their non-completion at least once before the rating category is changed. Owners/approved agents will be notified in writing of the change.

5.18 An approval letter sent out and the rates adjusted if necessary. The effective date for new applications will be from the date the application is received by Council.

## 6.0 Responsibility

6.1 The Rates Officer is responsible to ensure proper procedural documentation is maintained at a level satisfactory to Council and relevant legislation.

## 7.0 Policy review


7.1 A review of this Policy was undertaken in May 2021 and adopted by Council on 15 June 2021.

7.2 This protocol will next be reviewed in April 2023 however the Farmland Rating Policy may also be changed as a result of legislative or process driven requirements. Any amendment to the Policy must be by way of Council resolution.

## 8.0 Document control

Date reviewed	Date adopted	Amendment
Unknown	15 June 2021	Adopted by Council

## 9.0 Signature

<b>Name:</b> Jane Stroud   Chief Executive Officer	<b>Date:</b> 31 August 2021
Signature: 	

## How to contact Council

### Post

General Manager  
Kiama Municipal Council  
PO Box 75  
Kiama NSW 2533

### Telephone

+61 (02) 4232 0444

### Facsimile

+61 (02) 4232 0555

### Online

Email: [council@kiama.nsw.gov.au](mailto:council@kiama.nsw.gov.au)  
Website: [www.kiama.nsw.gov.au](http://www.kiama.nsw.gov.au)

### Office hours

Our Administration Building located at  
11 Manning Street Kiama is open 8.45 am to 4.15 pm  
Monday to Friday (excluding public holidays)



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