

IMPORTANT INFORMATION TO ASSIST YOU WITH YOUR APPLICATION

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

Categorisation as Farmland – Section 515 of the Local Government Act

- (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 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.

The following application form is divided into four (4) parts, these being:

- (1) Owner/Property Details
- (2) Activity Information
- (3) Financial / Business Details
- (4) Declarations

To assist Council in determining eligibility, applicants are advised that ALL parts of the application form **MUST BE COMPLETED IN FULL**. Incomplete application forms will be returned to the applicant. It should be noted that all information contained in the application will be dealt with in the strictest confidence.

Should you have any further enquiries please do not hesitate to contact Council’s Rates Officer. Several of Council’s staff have been appointed “Justice of the Peace” and may be able to witness applications if required.

Please return completed application to:

The Chief Executive Officer
Kiama Municipal Council
PO Box 75
KIAMA NSW 2533

GUIDELINES TO ASSIST IN DETERMINING FACTORS FOR CATEGORISATION OF LAND AS FARMLAND

Dominant Use: Is determined by looking at the amount of land used for the particular activity/activities and also the intensity of that use.

Business or Industry: The activity / activities carried on must be carried on as a commercial venture organised for profit.

Significant and Substantial Commercial Purpose or Character: The activity / activities carried on must have a requisite degree of commercial purpose or character, that is, if the activities will only ever produce small returns then they would be considered to be of a slight or minor character. Seasonal fluctuations should not affect this outcome.

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.

FARMLAND RATING – OBLIGATIONS AND EXPLANATIONS

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.

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.

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.

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 category change by Council under Section 525, may appeal to:

- a) Council to review its decision

And/or

- b) Lodge an appeal within 30 days after the declaration is made to the Land and Environment Court

Notification by owner to Council of a change in category – Section 524

A rateable person (or the person's agent) must notify Council within 30 days after the person's rateable land changes from one category to another.

1. PROPERTY/SITE DETAILS			
Assessment Number/s:			
Title (Lot/DP):			
Property Address:			
Owner's Name:			
Applicant Name:			
Postal Address:			
Phone Number:		Mobile:	
Email Address:			
Main occupation of applicant:			
Total area of property:			
List any additional uses of the property (ie: non-related farming activity):			
Is the land used in conjunction with any other farmland?			<input type="checkbox"/> No <input type="checkbox"/> Yes
If yes, provide details of the other land (property description, assessment numbers, etc):			
Is the land (or portion of the land) under a lease agreement?			<input type="checkbox"/> No <input type="checkbox"/> Yes
If yes, provide details and a copy of the lease agreement:			
How long has the activity/activities been conducted on the land?			
Is the activity/activities carried out as:		<input type="checkbox"/> Hobby/Interest	<input type="checkbox"/> Farm Business/Main Income Earner
Do you have the following – record number and attach copies of documents if possible:			
ABN:			
PIC Number:			

2. ACTIVITY INFORMATION

In accordance with the definition of Farmland you are required to substantiate that the dominant use of the property is for farming which has (a) significant 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.

The dominant use of the property is for the farming business or industry of:

<input type="checkbox"/> Grazing <input type="checkbox"/> Pig farming <input type="checkbox"/> Animal feedlots <input type="checkbox"/> Orchardring <input type="checkbox"/> Forestry	<input type="checkbox"/> Dairying <input type="checkbox"/> Poultry farming <input type="checkbox"/> Viticulture <input type="checkbox"/> Horticulture <input type="checkbox"/> Cereal cropping	<input type="checkbox"/> Bee keeping <input type="checkbox"/> Aquaculture <input type="checkbox"/> Market gardening <input type="checkbox"/> Other: _____ _____
Approximate area of the total land used for the above activity/activities is:		

Grazing/Dairying/Pig Farming/Poultry Farming/Animal Feedlots

Contained in the summary below are details of the number of livestock grazed on the property in the past year:

Type of livestock	Stock on hand	Stock purchased in last 12 months	Stock sold in last 12 months	Average sale price per head	Natural increases
Cattle	_____ Cows _____ Bulls _____ Calves				
Sheep/alpaca					
Horses					
Goats					
Pigs					
Poultry					
Produce		Yield		Sales	
Wool/fleece					
Milk					
Eggs					
Other:					

Details of Specific Farming Activities	
Cattle	
Breed/s	
Estimated carrying capacity (stock units/hectare) of property (as per Local Land Services Rates Notice)?	
Is the property currently registered with the Local Land services (previously known as Livestock Health & Pest Authority)?	
Do you conduct a breeding program to improve the quality of stock for:	
a. A stud for cattle breeding? <input type="checkbox"/> No <input type="checkbox"/> Yes	b. Other (provide details): _____
Sheep	
Breed/s	
Estimated carrying capacity (stock units/hectare) of property (as per Local Land Services Rates Notice)?	
Goats	
Breed/s	
Are the animals bred for commercial human consumption? <input type="checkbox"/> No <input type="checkbox"/> Yes	
Poultry	
Breed/s	
What is the purpose of the activity?	
<input type="checkbox"/> Showing <input type="checkbox"/> Egg production <input type="checkbox"/> Free range	<input type="checkbox"/> Caged <input type="checkbox"/> Commercial human consumption <input type="checkbox"/> Other: _____
Is the property registered with the NSW Food Authority? <input type="checkbox"/> No <input type="checkbox"/> Yes	
If yes, provide the license number:	
Pigs	
Breed/s	
What is the purpose of the activity?	
<input type="checkbox"/> Commercial human consumption	<input type="checkbox"/> Other: _____
Is the property registered with the NSW Food Authority? <input type="checkbox"/> No <input type="checkbox"/> Yes	
If yes, provide the license number:	

RATES FARMLAND RATING APPLICATION AND STATUTORY DECLARATION

Horses			
Breed/s			
Is the property registered as a stud for horse breeding?		<input type="checkbox"/> No	<input type="checkbox"/> Yes
For what purpose are the horses used?			
<input type="checkbox"/> Showing <input type="checkbox"/> Recreation use <input type="checkbox"/> Trotting or pacing	<input type="checkbox"/> Thoroughbred racing <input type="checkbox"/> Other: _____ _____		
Do you have a stallion servicing mares brought to the property?		<input type="checkbox"/> No	<input type="checkbox"/> Yes
Stock			
Are stock agisted on the property?		<input type="checkbox"/> No	<input type="checkbox"/> Yes
Who tends for and controls the agisted stock?			
Have stock returns been files with the Local Land Services (previously known as Rural Land Protection Board) in previous years?		<input type="checkbox"/> No	<input type="checkbox"/> Yes
Cropping/Market Gardening/Orcharding/Viticulture/Horticulture/Forestry			
List below details of the types of crops/produce grown on the property:			
Indicate below the number of hectares under crop/market gardening and the average annual yield:			
Crop/Produce	Area under crop	Yield	Sales
Orcharding/Viticulture/Forestry			
Indicate below the types of trees/vines grown and the average annual yield for the last 12 month period:			
Type of trees/vines	Number of trees/vines	Yield	Sales
What is the total area under cultivation?			
What is the major market to which the produce is sold?			
Other details:			

RATES FARMLAND RATING APPLICATION AND STATUTORY DECLARATION

Bee Keeping	
Is honey being extracted on the property?	<input type="checkbox"/> No <input type="checkbox"/> Yes
Are the beehives registered with the Department of Agriculture in accordance with the relevant provisions?	<input type="checkbox"/> No <input type="checkbox"/> Yes
Are the beehives transferred to other properties during the year?	<input type="checkbox"/> No <input type="checkbox"/> Yes
If yes, for what periods?	
What was the total number of hives held during the previous financial year?	
What was the total quantity of honey extracted over the same period?	
What were the total sales for the same 12 month period?	
Hardwood	
Provide details of the area covered by existing stands of timber and quantities harvested during the past 12 month period. Also provide details of the management plan for the remaining hardwood stands:	
Pine Plantations	
Provide details of the area covered by the pine plantation, number of trees planted and when trees were planted. Also provide information regarding the culling plan for this plantation, including details of the thinning program, fire precautions and provision made for removal of weeds and watering young trees:	
Fish/Oyster Farming	
Provide details of the farming activity/activities:	
Other type of Farming	
Provide details of the farming activity/activities:	

3. FINANCIAL/BUSINESS DETAILS

What records or financial statements are kept to substantiate the activity/activities being conducted?

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Do you:

Have tax returns assessed on the basis of being a primary producer?	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Complete returns to the Department of Primary Industry?	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Complete returns to the Local Land Services?	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Complete returns to a statutory marketing authority?	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Make any other returns? If yes, list details:	<input type="checkbox"/> No	<input type="checkbox"/> Yes

Is there a residence on the property?	<input type="checkbox"/> No	<input type="checkbox"/> Yes
If yes, is the residence occupied by the owners or a tenant?	<input type="checkbox"/> Owners	<input type="checkbox"/> Tennant

What approximate percentage of the land is used for:

<p>_____ % Residential purposes</p> <p>_____ % Farmland activities</p> <p>_____ % Unused land</p>	<p>_____ % Natural bushland</p> <p>_____ % Other (specify): _____</p> <p>_____</p>
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If the property is divided into paddocks, how many?	
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List all farm buildings on the property (stables, hay sheds, machinery sheds, etc):

List any agricultural equipment and machinery held on the property which is used to carry out farming activities:

RATES FARMLAND RATING APPLICATION AND STATUTORY DECLARATION

Does the property contain any of the following improvements?	
<input type="checkbox"/> Boundary fence <input type="checkbox"/> Stock water to all paddocks <input type="checkbox"/> Rural shed (hay for supplementary feeding) <input type="checkbox"/> Pasture improvement <input type="checkbox"/> Loading ramp	<input type="checkbox"/> Internal fencing to create paddocks <input type="checkbox"/> Stock yards <input type="checkbox"/> Rural shed (machinery) <input type="checkbox"/> Weed control
Add notes if necessary:	
Provide details of improvements made to the property:	
Pasture improvement – area improved:	
Fencing – length of fencing:	
Clearing – area cleared:	
Stock yards – number of yards and purpose:	
Dams – number of dams:	
Other – describe:	
Overall did the business make a profit during the previous financial year?	<input type="checkbox"/> No <input type="checkbox"/> Yes
If no, when do you anticipate the business will make a profit and how much to you expect it will be?	
Specify if there any special circumstances relating to the profitability or non-profitability?	

RATES FARMLAND RATING APPLICATION AND STATUTORY DECLARATION

Specify any additional reasons to support your claim for Farmland rating:

For example: do you have membership of a primary industry association, licenses held in relation to your farming activity or relevant certificates from courses studied.

Attach a separate sheet if necessary.

SUPPORTING DOCUMENTATION REQUIRED

Type of industry	Copies of documentation to be provided with this application (where relevant to industry only)
All Types	Copy of Local Land Services Rates Notice Copy of Local Land Services Annual Return of Stock and Land
Dairying	Copy of license for Dairy Farming with NSW Food Authority
Agistment/Lease	Copy of lease agreement/contract
Viticulture	Proof of registration with Wine Producers Assoc. or other appropriate body
Horticulture	Copy of agreement between grower & trader or statutory declaration indicating this agreement exists
Wholesale Nursery	Copy of documentation stating registered nursery
Beekeeping	Copy of registration with Department of Primary Industry
Forestry	Copy of private forestry approval from Department of Primary Industries
Fish/oyster Farming	Copy of aquaculture permit from Department of Primary Industries

DECLARATION

Site visit declaration

I hereby consent to Council, or any I hereby consent to Council, or any person(s) authorised by Council, 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 during the inspection?

No

Yes

Note: Council will not attend your property without contacting you to arrange a suitable time and date

Owner's Name	Owner's Signature	Date

STATUTORY DECLARATION

OATHS ACT 1900, NSW, EIGHTH SCHEDULE

I, , do solemnly and sincerely
(name of declarant)

declare that

.....
.....

and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the Provisions of the Oaths Act 1900.

Declared at: on
(place) (date)
.....
(signature of declarant)

in the presence of an authorised witness, who states:

I, , a ,
(name of authorised witness) (qualification of authorised witness
– JP number if applicable)

certify the following matters concerning the making of this statutory declaration by the person who made it:
(* please cross out any text that does not apply)

1 *I saw the face of the person OR *I did not see the face of the person because the person was wearing a face covering,

but I am satisfied that the person had a special justification for not removing the covering, and

2 *I have known the person for at least 12 months OR *I have not known the person for at least 12 months, but I have confirmed the person's identity using an identification document and the document I relied on was

.....
(describe identification document relied on)

.....
(signature of authorised witness)

.....
(date)

PRIVACY & PERSONAL INFORMATION PROTECTION NOTICE

Purpose of collection: We are collecting your personal information in order to enable Council to assess this application in accordance with the *Local Government Act 1993*.

Intended recipients: The intended recipient of the information is Kiama Municipal Council.

Supply: While the supply of this information is voluntary, the personal information you provide will enable Council to assess this application in accordance with the *Local Government Act 1993*. If you cannot provide this information, Council will be unable to process your application(s).

Access/Correction: The personal information can be accessed by you and may be available to third parties in accordance with the *Government Information (Public) Access Act* and Council's Privacy Management Plan.

Your personal information may be disclosed to third parties for the purpose of compliance with the *Government Information (Public) Access Act* and Council's Privacy Management Plan.

You may make an application for access or amendment to personal information held by Council. We will consider any such application in accordance with the *Privacy and Personal Information Protection Act 1998*.

Storage: Kiama Council is the agency that holds the personal information. Council may be contacted on 02 4232 0444, or by email to: council@kiama.nsw.gov.au or at 11 Manning Street, Kiama. NSW. 2533.