

# Farmland Rating Application Statutory Declaration

## Finance, Corporate & Community Services

Local Government Act 1993

### 1 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 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.

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.

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

### 2 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.

#### Office use only

Related Policies:

Trim Form Number: 764

Issue Date: 11/2018

Owned by (section): Finance

Review Date: 11/2021



**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.

### 3 Farmland Rating - Obligations & 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 within 30 days after the declaration is made  
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.

### 4 Owner/Property Details

Property ID:		Lot & DP	
Property Address:			
Unit / Street No:		Street Name:	
Suburb / Town / Village / Locality:			
State:		Postcode:	Total Area of Property:
Owners Name:			
<input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Other:			
First Name:			
Last Name:			
Applicant/s Name (if different from owner):			
<input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Other:			
First Name:			
Last Name:			
Email:			

Mobile:	Home:	Business:
Postal Address (all hard copy correspondence will be sent to this address)		
Unit / Street No:		
Street Name:		
Suburb / Town / Village / Locality:		
State:	Postcode:	
Main Occupation of Applicant:		

**5 Property Use/Activities**

Please list any additional uses of your property: (non farming related activity e.g. residence - rental/holiday, business etc.)

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Is farming the dominant use of your property?

<input type="checkbox"/>	Yes – complete the rest of the application form
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<input type="checkbox"/>	No – go to section 11 declarations
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How long has the activity/activities been conducted on the land?

Is the activity/activities carried out as:

<input type="checkbox"/>	Hobby / Interest
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<input type="checkbox"/>	Farm Business / Main Income Earner
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Explain below how this property is run in the land used in conjunction with other land:

(Please attach a separate letter with detailed information if required)

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Is the land under a formal lease agreement?

<input type="checkbox"/>	Yes - please supply a copy of the formal lease agreement:
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<input type="checkbox"/>	No – please supply a letter detailing the agreement
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**6 Financial/Business Details**

Do you keep business records or financial statements for the activity/activities?	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
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Do you have an:

<input type="checkbox"/>	ABN Number:	<input type="checkbox"/>	Copy attached
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<input type="checkbox"/>	PIC Number:	<input type="checkbox"/>	Copy attached
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Do you receive income from another source? (e.g. employment)

<input type="checkbox"/>	Yes	Provide details:
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<input type="checkbox"/>	No
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Do you:				
Have tax returns assessed on the basis of being a primary producer?	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
Complete returns to the Department of Primary Industry?	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
Complete returns to the Local Land Services?	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
Complete returns to a statutory marketing authority?	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
Make any other returns? If yes, provide details	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
Is there a residence on the property?	<input type="checkbox"/>	Yes, how many:	<input type="checkbox"/>	No
The residence is occupied by:	<input type="checkbox"/>	Owners	<input type="checkbox"/>	Tenants
<input type="checkbox"/>	Full time			
<input type="checkbox"/>	Periodically – advise duration and frequency:			
What approximate percentage of the land is used for:				
Residential purposes %		Farmland activities%		
Unused land %		Natural bushland %		
Is the property divided into paddocks?	<input type="checkbox"/>	Yes, how many	<input type="checkbox"/>	No
List details of buildings on the property: (e.g. stables, hay sheds, machinery sheds)				
List details of agricultural equipment and machinery held on the property which is used to carry out farming activities:				
Does the property contain any of the following improvements:				
<input type="checkbox"/>	Boundary fence	<input type="checkbox"/>	Internal fencing to create paddocks	
<input type="checkbox"/>	Stock water to all paddocks	<input type="checkbox"/>	Stock yards	
<input type="checkbox"/>	Loading Ramp	<input type="checkbox"/>	Rural shed (machinery)	
<input type="checkbox"/>	Pasture improvement	<input type="checkbox"/>	Weed control	
<input type="checkbox"/>	Rural shed (hay for supplementary feeding)			
Notes:				

Please provide details of improvements made to the property?

<input type="checkbox"/>	Pasture improvement	Area improved:
<input type="checkbox"/>	Fencing	Length of fencing:
<input type="checkbox"/>	Clearing	Area cleared:
<input type="checkbox"/>	Stock Yards	No. of yards & purpose:
<input type="checkbox"/>	Dams	No. of dams:
<input type="checkbox"/>	Other	Description:

Overall did the business make a profit during the previous financial year?  Yes  No

If no, when do you anticipate the business will make a profit and how much do you expect it will be?

Are there any special circumstances relating to the profitability or non-profitability? Please specify:

## 7 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 had (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. Copies of documentation are required for certain activities, please refer to section 10 for copies to be provided with your application

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

<input type="checkbox"/>	Grazing	<input type="checkbox"/>	Animal Feedlots	<input type="checkbox"/>	Poultry Farming
<input type="checkbox"/>	Dairying	<input type="checkbox"/>	Viticulture	<input type="checkbox"/>	Horticulture
<input type="checkbox"/>	Cereal Cropping	<input type="checkbox"/>	Aquaculture	<input type="checkbox"/>	Bee-Keeping
<input type="checkbox"/>	Pig-Farming	<input type="checkbox"/>	Orcharding	<input type="checkbox"/>	Market Gardening
<input type="checkbox"/>	Forestry	<input type="checkbox"/>	Other:		

Approximate area of the total land used for the above activity / activities is:

In the summary below provide 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
Dairy Cattle	Cows				
	Bulls				
	Calves				

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
Beef Cattle	Cows				
	Bulls				
	Calves				
	Steers				
Sheep					
Alpaca					
Horses					
Goats					
Pigs					
Poultry					

Produce	Yield	Sales
Wool / Fleece		
Milk		
Eggs		
Other:		

## 8 Details Of Specific Farming Activities

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

#### Cattle

Breed/s:

Estimated carrying capacity of property, as per Local Land Services Rates Notice? (Stock Units/Hectare)

What is the current number of stock currently held on the property?

Is the property currently registered with the Local Land Services? (previously known as Livestock Health & Pest Authority)

(a) Stud for cattle breeding?  Yes  No

(b) Dairy farm with a milk quota?  Yes  No

(c) Other (provide details):

Do you conduct a breeding program to improve the quality of stock?  Yes  No

What was the number of head sold at the sale yards for the previous financial year?

What was the average price per head received at the sale yard during this period?						
<b>Dairy Cows</b> (provide a current copy of your NSW Food Authority license)						
Breed/s:						
<b>Sheep</b>						
Breed/s						
Estimated carrying capacity of property, as per Local Land Services Rates Notice? (Stock Units/Hectare)						
What is the current number of stock currently held on the property?						
How many bales of wool were produced for the previous financial year?						
List the average price per bale at which the wool/fleece was sold for the same period?						
What was the number of head sold at the sale yards for the previous financial year?						
What was the average price per head received at the sale yard during this period?						
<b>Horses</b>						
Breed/s						
What is the current number of stock currently held on the property?						
Is the property registered as a stud for horse breeding?			<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
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"/>	Yes	<input type="checkbox"/>	No
<b>Stock</b>						
Are stock agisted on the property?			<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
Who tends for and controls the agisted stock?						
Have stock returns been filed with the Local Land Services? (previously known as Livestock Health & Pest Authority)			<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
<b>Cropping / Market Gardening / Horticulture</b>						
List 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**

Indicate below the types of trees/vines grown and the average annual yield for the last 12 month period:

Type of Trees/Vines	No. 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

**Forestry**

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:

**Softwood/Hardwood Tree Plantation**

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:

**9 Additional Reasons to Support Your Claim**

Are there any additional reasons to support your claim for Farmland rating and/or as an example – do you have membership of a primary industry association, licenses held in relation to your farming activity or relevant certificates from courses studied? *If more space is required please attach a separate sheet if necessary*



## 10 Supporting Documentation Required

Copies of documentation **must** be provided with application for the relevant industries. Please note that missing documentation will delay the review process and may result in the change of the rating category.

All Types	<input type="checkbox"/>	Copy of Local Land Services Rates Notice
	<input type="checkbox"/>	Copy of most recent Local Land Services Annual Return of Stock and Land as at 30 June
Dairying	<input type="checkbox"/>	Copy of license for Dairy Farming with NSW Food Authority
Agistment/Lease	<input type="checkbox"/>	Copy of lease agreement / contract
Viticulture	<input type="checkbox"/>	Proof of registration with Wine Producers Assoc. or other appropriate body
Horticulture	<input type="checkbox"/>	Copy of agreement between grower & trader or statutory declaration indicating this agreement exists
Wholesale Nursery	<input type="checkbox"/>	Copy of documentation stating registered nursery
Bee-keeping	<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
Fish / Oyster Farming	<input type="checkbox"/>	Copy of aquaculture permit from Department of Primary Industries

\*\*Please ensure that you complete the declaration over the page

**11 Declarations****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 and recording the inspection in connection with this application.

Do you wish to be present during the inspection?  Yes  No

Owner/s signature:

Owner/s Name:

Date:

\*Please note that Council will not attend your property without contacting you to arrange a suitable time and date.

**STATUTORY DECLARATION**  
OATHS ACT 1900, NSW, EIGHTH SCHEDULE

I,  
[name of declarant]

do solemnly and sincerely 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]

Please ensure that all supporting documentation has been attached prior to submitting this application.

## Important information

### Privacy & Public Access to Information

Information supplied on this form will be managed in accordance with [Council's Privacy Management Plan](#), [Public Access to Council Information Policy](#) and relevant legislation. Certain information supplied to and held by Council may be made available to the public pursuant to the provisions of the Government Information (Public Access) Act 2009 (GIPA Act). Further information on privacy and public access to information can be found on Council's website: <https://shoalhaven.nsw.gov.au/My-Council/About-Council/Privacy-and-personal-information>

## Lodgement details

You can lodge the completed application by

**Email:** [council@shoalhaven.nsw.gov.au](mailto:council@shoalhaven.nsw.gov.au) or

**In person:** Council offices at Bridge Rd, Nowra or Deering St, Ulladulla.

Once your application is received, a Council Officer will contact you if further information is required.