



# Council Policy 3.2.7 – Farmland Concessions

<b>Responsible Directorate</b>	Corporate Services
<b>Responsible Business Unit/s</b>	Financial Services
<b>Responsible Officer</b>	Manager Finance
<b>Affected Business Units</b>	Financial Services

## Objective

Council provides a rate concession to properties maintaining genuine farming interests. It ensures that Council is protecting and developing appropriate agricultural and horticultural industries and pursuits within the Shire of Serpentine Jarrahdale (Shire). This Policy outlines the eligibility criteria for a farmland concession.

## Scope

This policy outlines the criteria that must be met to be eligible for the concession and maintains the rural character of the area in line with the strategic goals of Council.

## Policy

### 1. Criteria

To be eligible for the farmland concession, all of the following criteria must be satisfied:

- a) The property must be zoned Rural (except those properties previously zoned Rural prior to the Urban Development zone adopted in 2000);
- b) Letter from your accountant stating that the indicators that are relevant to whether or not a person is carrying on a business of primary production in Tax Ruling 97/11 (or any later revised versions of this ruling) have been fulfilled;

Other requirements that need to be included in the letter are:

- i) In the subject line, include the address of the property that is applying for farmland concession;
- ii) Must state that the address of the property has derived primary production and the owner has claimed primary production in their tax return;
- iii) The latest tax return year that has been lodged;
- iv) Signed by the accountant and is on the accountants letterhead;
- v) If you prepare and lodge your own tax return, you are to:
  - address all indicators that are relevant to carrying on a business of primary production (refer to (b)); and



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- provide a copy of the last tax return lodged with the Australian Taxation Office; and
- provide a copy of the notice of assessment to verify amounts on the tax return match amounts lodged; and
- provide a signed Statutory Declaration stating that you are still using the property for Primary Production and are carrying on a genuine business of primary production.

### 2. Other

- a) The applicant ordinarily resides\* on the property or is farming it in association with a home property within the Shire of Serpentine Jarrahdale.
- b) Where the applicant is a tenant and liable to pay the Council rates on the property, a copy of the lease stating that they are required to pay Council rates will need to be provided (*Note: the applicant will only be eligible for the concession if all of the above conditions have been satisfied*).
- c) To be eligible, all rates and services, and other charges owing to the Shire, for this property, must be paid, and no current and prior years amounts are to be outstanding.
- d) The farmland concession provides for a concession of 31% off the rural rate in the dollar.
- e) The concession does not apply to the minimum rate set for the rural rate. If after discounting the rural rate by 31%, the property is on minimum rates, then the rural minimum rate will apply.
- f) Shire officers can request from applicants to inspect any documents that they have requested a third party to verify, such as business plans, and tax returns, when considering eligibility.
- g) All information submitted for consideration by landowners will be considered confidential.
- h) If applications are not received by 30 June of each financial year then they will not be taken to effect until the following financial year. For example, if an application is received between 1 July 2012 and 30 June 2013, the farmland concession will not take effect until the next financial year, being 1 July 2013.
- i) A farmland concession will still be applied if the applicant has multiple group rated properties, or is farming it in association with a home property if they meet all other conditions.
- j) Council may consider a variation to part (f) of the criteria where there is a clear demonstrated history of farming the property for at least 30 years. This will only be accepted by proof of ownership by providing a copy of the certificate of title, and a statutory declaration to be completed by owner.
- k) A review will be conducted every two years, and applicants will be required to reapply at every review.



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- l) If the property is subdivided, the farmland purpose will no longer be valid and revert back to the rural rate category code, [if criteria at 1 is no longer met on any lot](#).
- m) If the property sells, then the farmland purpose will no longer be valid and revert back to the rural rate category code, [if criteria at 1 is no longer met](#).

\* see definition below

*Based on the information from the Australian Taxation Office (ATO)....*

*...Serpentine Jarrahdale Shire defines “ordinarily resides” as being your ordinary place of residence. The Shorter Oxford Dictionary defines reside as: ‘...to dwell permanently, or for a considerable time, to have one’s settled or usual abode, to live in a particular place.....’.*

*The Shire of Serpentine Jarrahdale will accept your application if our records show your postal address as matching the property on which the application is being made. Proof of residence can also be in the following forms;*

- *Where it states home address on your tax return*
- *Copy of utility expense where your mailing address is the respective property*
- *Confirmation from the Australian Electoral Commission*
- *Letter from your Accountant, stating you ordinarily reside at the respective property (the property address must be mentioned)*
- *If in the case, a company owns the property, a director must reside at the property*

### Definitions

Not applicable

### Relevant Policies/Council Documents

- Farmlands Concession Application Form

### Legislation/Local Law Requirements

- *Local Government Act 1995*

<b>Office Use Only</b>	
<b>Relevant Delegations</b>	Nil



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<b>Council Adoption</b>	<b>Date</b>	19/12/2011	<b>Resolution #</b>	CGAM036/12/11
<b>Reviewed/Modified</b>	<b>Date</b>	11/06/2012	<b>Resolution #</b>	OCM160/06/12
<b>Reviewed/Modified</b>	<b>Date</b>	29/09/2015	<b>Resolution #</b>	OCM187/09/15
<b>Reviewed/Modified</b>	<b>Date</b>	18/12/2017	<b>Resolution #</b>	OCM179/12/17
<b>Reviewed/Modified</b>	<b>Date</b>		<b>Resolution #</b>	