

Council Policy – Farmland Concessions

Responsible Directorate	Corporate Services
Responsible Business Unit/s	Financial Services
Responsible Officer	Manager Finance
Affected Business Units	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 (the 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
 - 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 2023 and 30 June 2024, the farmland concession will not take effect until the next financial year, being 1 July 2024.
- 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 in a four year cycle, and applicants will be required to reapply at every review.
- l) If the property is subdivided, the farmland purpose will be reviewed to determine if it is still applicable. If found to be no longer valid it may 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 be reviewed to determine if it is still applicable. If found to be no longer valid it may revert back to the rural rate category code, if criteria at 1 is no longer met.

n)

* see definition below

The postal address on the application should match 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

Ordinarily Resides means as being your ordinary place of residence with residing being to dwell permanently, or for a considerable time, to have one's settled or usual abode, to live in a particular place.

Related Documents

- Farmlands Concession Application Form

Legislation / Local Law Requirements

- *Local Government Act 1995*

Amendment Record

Relevant Delegations		Nil	
		Date	Resolution Number
Council Adoption		19/12/2011	CGAM036/12/11
Version	Date	Resolution Number	Amendment Details
2	11/06/2012	OCM160/06/12	
3	29/09/2015	OCM187/09/15	
4	18/12/2017	OCM179/12/17	
5	20/11/2023	OCM275/11/23	
6	17/03/2025	OCM068/03/25	New template and inserted definition.