

# Municipal Charge Exemption Application

## Request Details

I, \_\_\_\_\_ of \_\_\_\_\_  
 (full name) (postal address)  
 request that the following properties located within the Surf Coast Shire be exempted from the Municipal Charge in accordance with Section 159 (3) and (4) of the Local Government Act 1989 (that is primarily that they are farmed as a single farm enterprise):

## Property Details (charge exemption)

<b>Assessment No</b>	
<b>Property Address</b>	
<b>Area Ha</b>	

## Property you will pay charge on

The Municipal Charge must be paid on at least one rateable property, which forms part of the single farm enterprise. In the case of a single farm enterprise, which is occupied by more than one person, exemption cannot be claimed in respect of more than one principal place of residence. Please nominate the property you will pay the charge on:

<b>Assessment No</b>	
<b>Property Address</b>	
<b>Area Ha</b>	

## Please tick the correct answer to each of the following:

All the properties described above are used for farm purposes	<input type="checkbox"/> yes	<input type="checkbox"/> No
All the properties described above are each more than 2 hectares in size	<input type="checkbox"/> yes	<input type="checkbox"/> No
All the properties described above are occupied by the same person/s	<input type="checkbox"/> yes	<input type="checkbox"/> No
All the properties described above are farmed as a single enterprise	<input type="checkbox"/> yes	<input type="checkbox"/> No
For each property above do you carry on a business of primary production in accordance with the Income Tax Assessment Act 1997	<input type="checkbox"/> yes	<input type="checkbox"/> No

## Declaration

I certify that the foregoing is true, correct and accurate in every respect. I accept that Council may require further information in order to determine whether this application complies with the provisions of the Local Government Act 1989. (The Local Government Act 1989 provides penalties for persons supplying false or misleading information to Councils' with respect to an application for an exemption).

<b>Signature</b>		<b>Date</b>	
------------------	--	-------------	--

## Please Note

**YOUR RATES ARE DUE AND PAYABLE AS THEY HAVE BEEN ASSESSED UNTIL AN AMENDED NOTICE IS ISSUED  
 PLEASE READ THE NOTES ON PAGE TWO BEFORE COMPLETING THIS APPLICATION.**

## Important Information

1. Complete applications are to be lodged with Council in the financial year you wish to claim the exemption.
2. Section 2 (1) of the Valuation of Land Act 1960 defines 'farm land' to mean any rateable land
  - a) that is not less than 2 hectares in area; and
  - b) that is used primarily for grazing (including agistment), dairying, pig-farming, poultry-farming, fishfarming, tree-farming, bee-keeping, viticulture, horticulture, fruit-growing or the growing of crops of any kind or for any combination of those activities; and
  - c) that is used by a business:
    - (i) that has a significant and substantial commercial purpose of character; and
    - (ii) that seeks to make a profit on a continuous or repetitive basis from its activities on the land; and
    - (iii) that is making a profit from its activities on the land, or that has a reasonable prospect of making a profit from its activities on the land if it continues to operate in the way that it is operating.
3. Section 159 (3) of the Local Government Act 1989 states  
A person may apply to a Council for an exemption from the payment of a municipal charge on rateable land if:
  - (a) the rateable land in respect of which the exemption is claimed is farm land within the meaning of section 2(1) of the Valuation of Land Act 1960 or would be farm land if it were 2 hectares or more in area; and
  - (b) the rateable land forms part of a single farm enterprise; and
  - (c) an exemption is not claimed in respect of at least one other rateable property which forms part of the single farm enterprise; and
  - (d) in the case of a single farm enterprise which is occupied by more than one person, an exemption is not claimed in respect of more than one principal place of residence
4. Section 159(4) of the Local Government Act 1989 defines 'single farm enterprise' to means 2 or more rateable properties which
  - (i) are farm land; and
  - (ii) are farmed as a single enterprise; and
  - (iii) are occupied by the same person or persons-whether or not the properties are contiguous;
 or which:
  - (i) as to all the properties except one, are farm land farmed as a single enterprise occupied by the same person or persons; and
  - (ii) as to one property contiguous with at least one of the other properties, is the principal place of residence of that person or one of those persons.
5. Section 159(6) of the Local Government Act 1989 states: The Council may require the applicant
  - (a) to give further particulars; or
  - (b) to verify particulars in relation to the application.
6. **The application form should only be returned for Council's consideration if you can answer yes to each of the criteria specified on the front of the form.**

*Privacy Statement: The Surf Coast Shire considers that the responsible handling of personal information is a key aspect of democratic governance, and is strongly committed to protecting an individual's right to privacy. Council will comply with the Information Privacy Principles as set out in the Privacy and Data Protection Act, 2014. The information will not be disclosed to any other party unless Council is required to do so by law.*