

## FAQs - Unimproved Value Rated Property Review 2017

### What is Primary Producer registration?

- Status as a primary producer can be verified with a copy of a Primary Identification Code (PIC) card, or with a letter from an accountant stating you are a primary producer for tax purposes.
- We will accept and consider any information you supply in support of your property being used for predominantly rural purposes.

### Why is an ABN certificate requested?

- An ABN can assist the City in determining if the property is used for rural purposes.
- We will accept and consider any documentation referencing your ABN, however a certificate is preferred.

### When is the deadline?

- We will need to assess each property individually so the sooner the declaration is provided, the faster we can progress. The original deadline of 21 days has been extended to December 22 in response to community feedback.

### What happens if I don't return a declaration?

- If the Land Use Declaration is not returned it will be considered that your property is predominantly used for non-rural purposes "GRV"..

### How much will I have to pay?

- Every property is different. Without a formal valuation assessment by Landgate it is difficult to estimate, however, our rates team are here to help.
- Feel free to call us on 9267 9267 or email [swan@swan.wa.gov.au](mailto:swan@swan.wa.gov.au) and we can provide some generalised advice.
- A transition to GRV will not always mean an increase in rates payable.

### I have a hobby farm, is this rural use?

- This assessment is only to review the predominant use of the land
- Hobby farms, in most instances, are predominantly residential because the landowners do not earn their livelihood from the land.
- Keeping of pets or animals that are not part of a commercial activity are generally not considered to be rural pursuits
- The nature, scale and extent of each activity is to be taken into consideration in the assessment of predominant use.

### **My land is zoned rural, why do I need to change to non -rural?**

- A rating of (unimproved value) UV or (gross rental value) GRV does not affect the zoning of the land.
- Rural zoned area can have residential properties.
- The zoning of an area is a planning consideration.
- The predominant use of the land is to be taken into consideration:
  - Non-rural "GRV"
  - Rural "UV"

### **What impact does the Swan Valley Planning Act have on this review?**

- The draft Swan Valley planning act and interim planning policy considers the planning and types of land use of the area. This review only assesses the predominant use of properties as being either rural or non-rural. This review is not driven or linked to the review of the Swan Valley Planning Act.

### **When were properties last reviewed?**

- Property owners are required to inform the City of Swan whenever the predominant land use changes.
- Council has a role in ensuring that the rating principles are correctly applied to rateable land within their district such that rural land is rated on its UV and non-rural land is rated on its GRV.
- The last review was undertaken in 2007. The State government requires that the City undertake these reviews on a regular basis.

### **Where can I find examples of valuation scenarios?**

- All local governments are required to assess predominant land use on a regular basis. The Department of Local Government has additional information and a range of scenarios available at <http://www.dlgc.wa.gov.au/AdviceSupport/Pages/Rating-policies.aspx>

### **What is 'Rural' ?**

- The phrase '**rural purpose**' is not defined in the Local Government Act and has not been judicially considered. In these circumstances, the ordinary and natural meaning of the phrase should be applied taking into account the context of section 6.28 of the Local Government Act.

- **'Rural'** means the character of non-urban areas where agriculture is carried out.
- **"Rural land"** means lands on which grazing, vegetable, animal production or other agriculture or horticultural activities are conducted. In determining whether land is 'rural land' it is the physical use of the land that is relevant.
- From these definitions, it can be adduced that a rural purpose would mean a purpose pertaining to agriculture. **'Agriculture'** has been defined to mean the use or cultivation of land for any purpose of husbandry or horticulture, including the raising of livestock and the growing of crops. Using land for open space is not permitted use for agriculture and therefore would not be a rural use of the land.

#### **What does predominantly mean?**

- The word **'predominantly'** is not defined in the Local Government Act however the Land Valuation Tribunal of WA considered its meaning in a related context and laid down the following principles;
  - The predominant use of land is one of fact and degree,
  - "...where a part of the premises is used for a purpose which is subordinate to the purpose which inspires the use of another part, it is legitimate to disregard the former and treat the dominant purpose as that for which the whole is being used", and
  - the predominant purpose for which land is used is determined by more than simply the area of land that is occupied for a particular use.
- How is my information used and stored?

All information is used and stored as per our Privacy Statement which is found on our website see link below.

<https://www.swan.wa.gov.au/General/Legal/Privacy-Statement>