

Change in Rating Category Application

Lodge Applications at Ballina Shire Council • 40 Cherry Street Ballina (Mon-Fri 8.15am to 4.30pm)
mail PO Box 450 Ballina 2478 • **e** council@ballina.nsw.gov.au
t 1300 864 444 • **w** ballina.nsw.gov.au

Council will respond to applicant in writing within 40 days of receipt of application.

Property Details *as found on your rates notice*

Rate Assessment Number

Lot Number

Plan Number *DP or SP*

Property Address

Applicant Details

Name

ABN *if applicable*

Address

If an Organisation, Name of Applicant's Representative

Address of Applicant's Representative

Contact Number *office hours*

Email Address

Rating Category

Current Rating Category of the Land *please tick*

Business

Residential

Mining

Farmland *use Farmland Rating Application form available on Council's website*

Proposed Rating Category of the Land *please tick*

Business

Residential

Mining

Use of Land

Purpose for which the parcel of land is being used *including description of any buildings or structures on the land*

Reasons why the proposed rating category is more appropriate

Effective date for the change of rating category

If insufficient space provided, please attach additional information on separate page.

Important Information

How does Council decide if a change in rating category should occur?

Council complies with the NSW Local Government Act 1993 (LGA) and specifically with Sections 514 through 531 which provide the criteria for land the various categories along with the obligations for Council and the owner in this process. The Rating Categories as defined in the LGA are:

- [Section 515 Farmland](#) Note: if Farmland, see *Farmland Rating Application form* on Council's website
- [Section 516 Residential](#)
- [Section 517 Mining](#)
- [Section 518 Business](#)

Important relevant Sections of the LGA:

Declaration of category [Section 514 LGA](#) Council must declare all rateable land to be within a category.

Obligation upon owners to notify Council of a change of category [Section 524 LGA](#) A rateable person must notify the Council within 30 days if a change of use occurs that would affect the rating category.

Council may review categories at any time [Section 523 LGA](#) A review may occur as part of a general review, or if there is reason to believe a change of category is required.

Obligation upon owners to apply [Section 525\(2\) LGA](#) 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\(4\) LGA](#) 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\(5\)LGA](#) The Council must notify the applicant of its decision. The Council must include the reasons for its decision if it declares that the land is not within the category nominated in the application.

Business is the default category [Section 518 LGA](#) If land cannot be categorised as Residential, Farmland or Mining it is categorised as Business.

Appeal against declaration of a category [Section 526\(1\) LGA](#) A rateable person who is dissatisfied with the date on which a declaration is specified to take effect or a declaration of a Council under Section 525, may appeal to:

- a) Council to review its decision; **and/or**
- b) An appeal must be lodged within 30 days after the declaration is made to the Land and Environment Court.

Notes to Applicants

- Applications for change of rating category will only be approved where the criteria under the LGA have been met and are evidenced.
- Factors such as the zoning, approved use (DA consents), buildings, and the actual use of the land will be considered when determining the rating category.
- Applicants are encouraged to provide any information or evidence that will assist Council in making a decision on the application.
- Council may contact the applicant request further information when assessing an application, if required.

Privacy Protection Notice

The completed Change in Rating Category application form contains personal information which is being collected for the purpose of determining eligibility for rating exemption and to enable Council to perform any other duty or task under any relevant legislation. The information will be processed by the Corporate and Community Division and may be made available to public enquiries under the Government Information (Public Access) Act. The information supplied is required under the Local Government Act. The information will be stored in Council's electronic document management system.

Signature of Applicant

Date