



# Application for change in rating category - business or residential

Made under chapter 15 Local Government Act 1993

Council declares the rating category for your land on your July rates notice each year. Your land was categorised in accordance with Chapter 15 “Part 3 – Ordinary Rates” of the Local Government Act 1993 and Part 5 of the Local Government General Regulations 2021.

The purpose of this form is to request a change in rating category to business or to residential. The Hills Shire Council has three rating categories — residential, business and farmland. If your property is being used as farmland do not use this form, use the “Application for Farmland Rating”.

## **RATING CATEGORY RESIDENTIAL**

Section 516 of the Local Government Act 1993 prescribes that “Land is to be categorised as “residential” if “its dominant use is for residential accommodation”.

In the case where the land is vacant, “it is zoned or otherwise designated for use under an environmental planning instrument (with or without development consent) for residential purposes or if it is rural land”

For boarding houses or lodging houses, must have at least 3 tariff paying occupants who have resided there for the last 3 months consecutively and paying no more than the maximum tariff as prescribed by the minister each year.

Hotels, motels, guest house, back packer hostels (including boarding houses and lodging houses charging above maximum tariff) are to be categorised as business.

## **CATEGORISATION AS BUSINESS**

Section 518 of the Local Government Act 1993 prescribes that “Land is to be categorised as “business” if it cannot be categorised as farmland, residential or mining.”

If council cannot determine that the land as residential or farmland in accordance with the relevant sections of the act or regulations, it must determine the category as business.

## **MIXED DEVELOPMENT LAND**

Under Section 14BB of the Valuation of Land Act 1916 “mixed development land means a parcel of land occupied or used solely as the site of one or more buildings comprising:

- a) one, or more than one, flat, and
- b) one, or more than one, office.”

An example of land that has mixed use might be, a business downstairs and a residential unit upstairs that each have their own access and amenities. NSW Valuation Services may be able to provide an apportioned valuation between residential and non-residential. Once Council receives this apportionment, we will adjust your rates accordingly and back date to the date of your application.

## **AFTER THIS APPLICATION IS PROCESSED BY COUNCIL**

Council will notify you of the outcome of your application. If it has been approved, your rates will be adjusted from the date council received your application. If it has been declined, you can discuss with Council, as there may be further information required to determine the correct category.

If you are still dissatisfied with Councils declaration of the category of your land after it has been reviewed, you may appeal to the Land and Environment Court within 30 days after the declaration is made.



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## COMPLETING THIS APPLICATION

Please ensure that you complete Section 1, 2, 3 & 5

ONLY complete Section 4 if the assessment is used for both residential and business purposes

## SECTION 1 APPLICANTS DETAILS

Surname	Given Names
Address	
Suburb	Postcode
Telephone	Mobile

## SECTION 2 PROPERTY DESCRIPTION

Assessment Number		
Rate Payer Name		
Address		
Suburb	Lot	DP or SP
Current Land Category <input type="checkbox"/> Residential <input type="checkbox"/> Business	Proposed Land Category <input type="checkbox"/> Residential <input type="checkbox"/> Business	

## SECTION 3 ADDITIONAL INFORMATION (to assist Council with their determination)

Details of present and prior uses made of the land
Reasons why the proposed category is more appropriate

## SECTION 4 MIXED DEVELOPMENT/MIXED USE

Only complete this section if the assessment stated above is used for both residential and business purposes

Area use Residential <input type="text"/> m <sup>2</sup> Business <input type="text"/> m <sup>2</sup>	Hours of use Residential <input type="text"/> Business <input type="text"/>
Rental returns (if vacant or not leased — state current expected “market” return)	
<input type="checkbox"/> A plan of the mixed development/use site has been attached to the application showing residential and business areas. (Please Note that a rough sketch is acceptable)	

## SECTION 5 APPLICANT'S DECLARATION AND SIGNATURE

<input type="checkbox"/> I acknowledge and accept that it may be necessary for Council Staff to inspect the property in order to make a determination in regards to the rating category. (please tick)	
<input type="checkbox"/> I hereby give consent for The Hills Shire Council to apply to the Valuer General office for a mixed development/mixed use apportionment factor (Please tick only if SECTION 4 was completed)	
Signature	Date