AGRICULTURAL LAND USE REBATE POLICY

Policy Reference No. POL/147
File No. HCC12/728
Strategic Objective 4.1 Facilitate appropriate urban development while protecting and enhancing the City’s environment, natural heritage and rural spaces

Adopted by Council February 2014
Re-Adopted 7 December 2015
Date for Review December 2018
Responsible Officer Manager Sustainable Environment
Department Sustainable Environment
1 POLICY STATEMENT

Council is committed to ensuring that the City’s natural heritage, environment and rural spaces are protected, enhanced, maintained and valued by:

1.1 Supporting owners who use their property primarily for agricultural land use activities and implement sustainable land management works.

1.2 Providing an annual 23% discount on the general rate, calculated against the Capital Improved Value of eligible properties.

2 PURPOSE

The purpose of this policy is to:

2.1 Outline the conditions under which properties are eligible to receive the Agricultural Land Use Rebate and the process under which properties are assessed.

2.2 Ensure the Agricultural Land Use Rebate is delivered and applied in an equitable manner.

3 SCOPE

This policy is applicable to property within the City of Hume that meets all of the eligibility criteria (section 5).

4 OBJECTIVE

The objectives of this policy are:

4.1 To encourage and support agricultural land use activities.

4.2 To improve sustainable land management practices on rural property.

5 POLICY IMPLEMENTATION

ELIGIBILITY CRITERIA

5.1 Property size

The rebate is available to owners of property larger than two hectares (approximately five acres).

5.2 Agricultural Land Use

Owners must be using a minimum of 50% of their property for activities as per the definition of agricultural land use under the Victoria Planning Provisions (Table 1). The 50% excludes non-arable areas of the property, including steep, rocky escarpments, creeks, patches of native vegetation, vehicle tracks, houses and out-buildings.
Table 1. Agricultural land use definition and the relative activities.

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
<th>Includes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crop Raising</td>
<td>Propagate, cultivate or harvest plants, including cereals, flowers, fruit,</td>
<td>Extensive cropping</td>
</tr>
<tr>
<td></td>
<td>seeds, trees, turf, and vegetables.</td>
<td>Horticulture</td>
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<td></td>
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<td>Vineyard</td>
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<td></td>
<td></td>
<td>Wholesale nursery</td>
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<td>Rice growing</td>
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<td></td>
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<td>Timber production</td>
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<tr>
<td>Animal</td>
<td>Keep, breed, board, or train animals, including livestock, and birds.</td>
<td>Animal keeping</td>
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<td>Husbandry</td>
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<td>Animal training</td>
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<td></td>
<td>Apiculture</td>
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<td>Extensive animal husbandry</td>
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<td></td>
<td>Horse stables</td>
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<tr>
<td></td>
<td></td>
<td>Intensive animal husbandry</td>
</tr>
<tr>
<td>Aquaculture</td>
<td>Propagate, cultivate, rear, or harvest living resources of the sea or inland</td>
<td>N/A</td>
</tr>
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<td></td>
<td>waters.</td>
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</tbody>
</table>

5.3 Sustainable Land Management Works

Owners must be implementing satisfactory works to address land management issues and threats on their property. Works must not adversely affect the natural environment and native vegetation. These requirements include:

5.3.1 Weed Management

(i) Containing the spread of priority weeds

(ii) Reducing the level of infestation of priority weeds.

(iii) Preventing reinfestation of priority weeds.

5.3.2 Pest Animal Management

(i) Removing existing harbour for pest animals.

(ii) Reducing the population of pest animals.

(iii) Preventing reinfestation of pest animals.
5.3.3 Soil Erosion Management
   (i) Preventing the occurrence of soil erosion.
   (ii) Rehabilitating existing soil erosion areas.

5.3.4 Native Vegetation Protection and Enhancement
   (i) Protecting existing native vegetation.
   (ii) Enhancing existing native vegetation.
   (iii) Not adversely affecting native vegetation or waterways.

5.4 Property visit and assessment
   To be eligible for the rebate a property visit and assessment must be conducted by a Council officer at a minimum of every two years (for existing rebate recipients) or as part of the assessment / review or application process (for all new, partly eligible or ineligible properties).

6 PROGRAM IMPLEMENTATION
   The application form applies to two concurrent rating years. The rebate amount is itemised on the annual rates notice mailed out each year in August.

6.1 Application Form Process – existing rebate recipients
   6.1.1 Owners whose property has been assessed and approved against the eligibility criteria will be mailed an application form every two years.
   6.1.2 The property will be granted the rebate if the application form has been completed, signed and returned to Council by the due date.
   6.1.3 Council will acknowledge receipt of the application in writing to the property owner within 10 working days.
   6.1.4 The property owner will be notified in writing of the outcome of the application prior to 1 July when the rebate takes effect.
   6.1.5 Applications received after the due date will not be approved. Property owners who submit late applications will need to apply as a new applicant at a later date in accordance with section 6.2.
6.2 Application Form Process – new rebate recipients

6.2.1 A property visit is required for all new rebate applications. Failure to allow Council officers to conduct a property visit and assessment will render a property ineligible for the rebate.

6.2.2 Following approval of an application the rebate will be applied from the beginning of the next rating quarter. The rebate will not be applied retrospectively to the beginning of the rating year.

6.3 Review and Audit Process

6.3.1 Each property for which a rebate is received will be reviewed and audited against the eligibility criteria at a minimum of every two years using the Rebate Property Audit Proforma (Appendix 1).

6.3.2 The property will retain the rebate if Council is satisfied that it continues to meet the eligibility criteria.

6.3.3 An evaluation rating using the traffic light approach will be used to audit against the eligibility criteria (Table 2).

Table 2. Traffic light approach used to conduct an audit of eligibility.

<table>
<thead>
<tr>
<th>Category</th>
<th>GREEN Eligible</th>
<th>AMBER Partly Eligible</th>
<th>RED Ineligible</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outcome</td>
<td>Audit successful and property meets the criteria.</td>
<td>Audit partly successful and property meets part of the criteria.</td>
<td>Audit unsuccessful and property did not meet the criteria.</td>
</tr>
<tr>
<td>Definition</td>
<td>Property eligible and retains rebate until the next audit and review conducted.</td>
<td>Property partly-eligible and retains rebate subject to conditions and a follow-up visit.</td>
<td>Property no longer eligible and may apply for alternate available programs.</td>
</tr>
</tbody>
</table>

6.4 Review and Audit Outcomes

6.4.1 Green – Eligible

(i) The property was successful in meeting the eligibility criteria (section 5).
(ii) The property retains eligibility until the next application process.
(iii) Council will mail the property owner an application form prior to the next rebate application process.

6.4.2 Amber – Partly Eligible

(i) The property was partly successful in meeting one or both of the eligibility criteria (section 5).
(ii) The property owner will be provided with an opportunity to retain eligibility subject to a Council officer revisiting the property within three months and being satisfied that the property meets the criteria during this visit.
(iii) If the property does not meet the criteria during this revisit, the rebate will be revoked, as per 6.3.3 below.

6.4.3 Red – Ineligible

(i) The property did not meet the eligibility criteria (section 5).
(ii) Council will terminate the rebate and the owner of the property will return to paying full rates.
(iii) Owners with properties that do not meet the criteria can have their properties reassessed for eligibility in accordance with section 6.2. The reassessment cannot be undertaken within six months of being removed from the rebate.
(iv) If an applicant does not permit Council officers to undertake a review and audit on the property, Council will terminate the rebate. Property owners paying rates on a quarterly payment plan will have their rates readjusted while those paying via a single annual upfront payment will be issued with an invoice for the rebate amount.
(v) If Council is, after reasonable attempts and using the contact details provided by the property owner, unable to make contact with a property owner, the rebate will be revoked.

7 APPEALS PROCESS

Owners will be notified in writing of the outcomes of the review and audit. Owners may appeal Council’s decision on the outcomes through the following process:

7.1 All appeals must be in writing and submitted to Council within 30 days from the date of Council’s written notification; correspondence must be addressed to the Manager Sustainable Environment.

7.2 The owner must outline the basis of the appeal and provide evidence to support their claim to appeal Council’s decision. The basis of the appeal must be in relation to how the property meets the eligibility criteria.

7.3 Council will establish a panel to consider any appeal. The panel will consist of staff that do not administer the program and include the Coordinator Land and Biodiversity and the Manager Sustainable Environment. The decision of the panel will be final.
8 DEFINITIONS AND ABBREVIATIONS

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capital Improved Value</td>
<td>The total market value of the land plus buildings and other improvements.</td>
</tr>
<tr>
<td>Priority Weeds</td>
<td>Weeds that are declared noxious under the Catchment and Land Protection Act 1994.</td>
</tr>
<tr>
<td>Property Audit Proforma</td>
<td>A form developed for use during the review and audit process to assist with the assessment of property eligibility.</td>
</tr>
</tbody>
</table>

9 RELATED DOCUMENTS

9.1 Legislation

9.1.1 Local Government Act 1989

In accordance with Section 169 of the Act, Council has established that the Agricultural Land Use Rebate be granted to eligible owners who are effectively contributing to sustainable land management.

9.1.2 Catchment and Land Protection Act 1994

In relation to his or her land a land owner must take all reasonable steps to:

a) avoid causing or contributing to land degradation which causes or may cause damage to land of another land owner; and

b) conserve soil; and

c) protect water resources; and

d) eradicate regionally prohibited weeds; and

e) prevent the growth and spread of regionally controlled weeds; and

f) prevent the spread of, and as far as possible eradicate, established pest animals.

9.1.3 Planning and Environment Act 1987

This Act sets up a system of planning schemes to regulate the use and development of land in Victoria. Clause 52.17 outlines the requirement for a permit to remove, destroy or lop native vegetation unless the removal is exempt under the planning scheme that applies to the land.
Appendix 1: Rebate Property Audit Proforma

PART A: This part assesses the agricultural eligibility of the property for participation in the rebate.

PROPERTY INFORMATION

Audit ID: Property Number: Property size (ha):
Landowner Name: Property Address:

AGRICULTURE LAND USE (refer to indicators)

Is the land being used primarily (by area) for agricultural land use activities? □ Yes □ No
If Yes, what is the primary land use?

Animal Husbandry:
□ Animal Keeping □ Horse Agistment, Animal boarding, Racing dog keeping
□ Animal Training □ Horse Riding School, Racing Dog Training
□ Apiculture
□ Extensive Animal Husbandry
□ Horse Stables
□ Intensive Animal Husbandry □ Broiler farm, Cattle Feedlot

Aquaculture:

Crop Raising:
□ Extensive Cropping □ Cereal, Oilseed Cropping, Hay & Silage Production
□ Horticulture □ Market Garden, Orchard
□ Vineyard
□ Wholesale Nursery
□ Rice Growing
□ Timber Production

What proportion of property devoted to agriculture? (%) □ <10 □ 10-25 □ 26-50 □ 51-75 □ 75-100
If not being used for agriculture, what is the current land use?

Is there evidence of recent agriculture on the property? □ Yes □ No
Brief elaboration: (eg: presence of manure on land surface, amount and condition of pasture, cropping equipment, machinery shedding)
Indicators:

Is there evidence of current/recent land use normally considered incompatible with farming? □ Yes □ No
Brief description of evidence (eg: scale of infestation of pest plants and animals; evidence of motor bike tracks; evidence of rubbish)

Does the property meet agricultural eligibility criteria? □ Yes □ No □ Maybe
Summary elaboration:
## AGRICULTURAL LAND USE REBATE POLICY

**Department:** Sustainable Environment  
**Responsible Officer:** Manager Sustainable Environment  
**Policy Reference No:** POL/147  
**Date of Re/Adoption:** 7 December 2015  
**Review Date:** December 2018

### PART A: This part assesses the agricultural eligibility of the property for participation in the rebate.

#### PROPERTY INFORMATION

- **Audit ID:**  
- **Property Number:**  
- **Property size (ha):**  
- **Landowner Name:**  
- **Property Address:**  
- **Land Zoning:**

#### AGRICULTURE LAND USE (refer to indicators)

Is the land being used primarily (by area) for agricultural land use activities?  
[ ] Yes  
[ ] No

If Yes, what is the primary land use?

- **Animal Husbandry:**
  - Animal Keeping
  - Horse Agistment, Animal boarding, Racing dog keeping
  - Animal Training
  - Horse Riding School, Racing Dog Training
  - Apiculture
  - Extensive Animal Husbandry
  - Horse Stables
  - Intensive Animal Husbandry
  - Broiler Farm, Cattle Feedlot

- **Aquaculture:**

- **Crop Raising:**
  - Extensive Cropping
  - Cereal, Oilseed Cropping, Hay & Silage Production
  - Horticulture
  - Market Garden, Orchard
  - Vineyard
  - Wholesale Nursery
  - Rice Growing
  - Timber Production

What proportion of property devoted to agriculture? (%)  
[ ] <10  
[ ] 10-25  
[ ] 26-50  
[ ] 51-75  
[ ] 75-100

If not being used for agriculture, what is the current land use?

- [ ] Yes
- [ ] No

If there evidence of recent agriculture on the property?  
[ ] Yes  
[ ] No

Brief elaboration: (eg: presence of manure on land surface, amount and condition of pasture, cropping equipment, machinery shedding)

Indicators:

- [ ]

Is there evidence of current/recent land use normally considered incompatible with farming?  
[ ] Yes  
[ ] No

Brief description of evidence: (eg: scale of infestation of pest plants and animals; evidence of motor bike tracks; evidence of rubbish)

Does the property meet agricultural eligibility criteria?  
[ ] Yes  
[ ] No  
[ ] Maybe

Summary elaboration:

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Council is collecting this information for the purpose of enabling you to apply for the Agricultural Land Use Rebate. Information will be used for administrative purposes only and will not be disclosed to any other party unless required by law. You can access this information by calling Council on 5305 2220.
### PART C: This part of the assessment evaluates the landholders stated works program (refer to application).

<table>
<thead>
<tr>
<th>Common name</th>
<th>Current density</th>
<th>Control methods proposed by landholder on current application form.</th>
<th>Evaluation of landholder’s bienniaal achievement against scale of the problem (Rating 1-3) (Refer to Table Footnote)</th>
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<tbody>
<tr>
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<td>Low</td>
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<tr>
<td><strong>CONTROL OF PRIORITY WEEDS</strong></td>
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<td>Serrated Tussock</td>
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<td>Thistles</td>
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<td>Chilean Needle Grass</td>
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<td><strong>CONTROL OF PRIORITY PEST ANIMALS</strong></td>
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<td><strong>SOIL EROSION CONTROL</strong></td>
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<td><strong>NATIVE VEGETATION PROTECTION AND ENHANCEMENT</strong></td>
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<td>Vegetation Type</td>
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<td>Escarpment</td>
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<td>Evaluation (rating 1-3)</td>
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**OVERALL EVALUATION OF LANDHOLDERS STATED WORKS PROGRAM**

Brief Assessment Statement:

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**Table Footnote: Evaluation Scale**

1: Well Controlled  
2: Partial Control / Control Could be Improved  
3: Inadequate Control
### PART C:
This part of the assessment evaluates the landholders stated works program (refer to application).

<table>
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<table>
<thead>
<tr>
<th>Date Adopted</th>
<th>February 2014</th>
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<tbody>
<tr>
<td>Date Re-Adopted</td>
<td>7 December 2015</td>
</tr>
<tr>
<td>Review Date</td>
<td>December 2018</td>
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</tbody>
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