



**MORNINGTON PENINSULA SHIRE**

**APPLICATION FOR CLASSIFICATION OF RATEABLE PROPERTY AS**

**“FARMLAND”**

**(Confidential when completed)**

**Valuation of Land Act 1960 - Section 2(1)**

“Farm land” means any rateable land -

- (a) that is not less than 2 hectares in area; and
- (b) is used primarily for grazing (including agistment), dairying, pig-farming, poultry-farming, fish-farming, 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 or 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.

In determining whether a property is suitable for farm rate classification, the primary use or activity on the property must be identified. The farming use must be intensive enough and of a sufficient scale to outweigh any competing residential use. The use of the term “primary use” does not refer to area only. All the evidence relating to the use to which the land is put will be assessed, including the nature and intensity of each use, the physical areas over which they extend, and the time, labour and expenses involved in conducting them.

Hobby farms and rural retreats are not considered to be a true farming business within the legal definition of farm land. A business must be conducted on the land and that business must be the sole or primary use of the land.

**Contact the Mornington Peninsula Shire**

- ☎ 1300 850 600
- 🌐 [mornpen.vic.gov.au](http://mornpen.vic.gov.au)
- ✉ [customerservice@mornpen.vic.gov.au](mailto:customerservice@mornpen.vic.gov.au)

By post: Private Bag 1000,  
90 Besgrove Street, Rosebud VIC 3939  
ABN: 53 159 890 143

The primary use of the property to be classified as farmland is required to meet one of the following uses:

- Grazing (and agistment) of farm animals *excludes* recreational horses
- Dairying & Pig farming – business must be registered under the Health Act
- Poultry farming
- Fish farming can include yabbies, fish for food or tropical fish for pet shops
- Tree farming, viticulture and fruit growing – you must prove that trees or vines have been planted before submitting your application
- Horticulture or crop growing – you must prove proof of expenditure or sound agricultural development of the land with your application
- Bee-keeping

If you consider that your property is within the framework of the above definition, would you please complete the attached form and return to the Rosebud Shire office or [valuations@mornpen.vic.gov.au](mailto:valuations@mornpen.vic.gov.au). The application needs to provide sufficient evidence to confirm the existence of a 'business' and will therefore require proof of:

- Evidence of systematic keeping of books and records;
- Elements of continuity, repetition, and independent viability;
- The activities are for the purpose of financial gain and not merely as hobby or recreation.

Council will determine each application based on the details provided in the application and will arrange for an inspection of your property. A letter will be sent notifying you of the outcome of your application.

If your Farm Land rate application is refused, you may apply to the Victorian Civil and Administrative Tribunal, pursuant to Section 183 of the Local Government Act 1989, for a review of the decision. An application for review must be made within 30 days of receiving your letter of refusal from us. For more information about lodging an appeal visit the VCAT website at [www.vcat.vic.gov.au](http://www.vcat.vic.gov.au).

It is the responsibility of the owner to make a Farm Land rating application to Council.

It is the owner's responsibility to ensure this application is received by Council.

If the application is successful, the Farm Land rating will only be applied from the date the application is received.

When a property receiving Farm Land rate changes ownership, this Farm Land rate is cancelled and an application for this rate must be made by the new owners.

Council reserves the right to review Farm Land rated properties at any time. We hope this information is of assistance in the processing of a Farm Land Classification, please do not hesitate to contact the Valuation Department on 03 5950 1090 or [valuations@mornpen.vic.gov.au](mailto:valuations@mornpen.vic.gov.au) to ascertain the progress of an application.

**MORNINGTON PENINSULA SHIRE**

**APPLICATION FOR CLASSIFICATION OF  
RATEABLE PROPERTY AS FARMLAND**

*(CONFIDENTIAL INFORMATION PROVIDED TO SUPPORT APPLICATION)*

**TO: Valuation Department  
Mornington Peninsula Shire  
Private Bag 1000  
ROSEBUD VIC 3939  
Email: [valuations@mornpen.vic.gov.au](mailto:valuations@mornpen.vic.gov.au)**

**NAME:**  
**(Applicant)** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

**NAME OF OWNER:**  
**(If not the Applicant)** \_\_\_\_\_

**TELEPHONE:** \_\_\_\_\_ **(Business Hours)**

\_\_\_\_\_ **(Private)**

**MOBILE:** \_\_\_\_\_ **FAX:** \_\_\_\_\_

**EMAIL ADDRESS:** \_\_\_\_\_

**PROPERTY ADDRESS:** \_\_\_\_\_



**DESCRIPTION OF ALL LANDS IN RESPECT OF WHICH THIS APPLICATION IS MADE:**

<b>PROPERTY NO. (as per rate notice)</b>	<b>STREET ADDRESS</b>	<b>LOCALITY OR TOWNSHIP</b>	<b>AREA (hectares)</b>	<b>Title Description Lot No. Plan No. C/Allot No.Vol/Fol</b>

List all other properties used in conjunction with the property that is the subject of this application:

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IF LEASED: Rental: \$.                      Date Commenced:                      Period:
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**BUSINESS OR INDUSTRY:** Specify the relevant business or industry as listed in the definition of "farm land" which is conducted on the subject property:

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**DETAILS OF FARMING ACTIVITIES**

Fencing (describe types): \_\_\_\_\_

Are boundaries securely fenced? YES \_\_\_\_\_ NO \_\_\_\_\_

Number of paddocks: \_\_\_\_\_

Description of water supply (e.g. bores, dams, water-holes, drinking troughs):

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Area and types of any pasture improvements or lucerne:  
(State condition and whether fully established)

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Details of dwelling and/or other buildings on the property:

TYPE	SIZE	CONSTRUCTION, AGE & CONDITION

Other activities conducted on the property:

(a) Description of the activity:

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(b) Area used for the activity:

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AGISTMENT: Number of stock agisted:
Amount Received: \$                      pa

**Stock Details:**

1. Numbers of stock on property at date of application:

EWES	WETHERS	LAMBS	RAMS	COWS	HEIFERS	STEERS
BULLOCKS	CALVES	BULLS	FISH	HIVES	LAYERS	ROOSTERS
CHICKENS	BROILERS	ALPACAS	EMUS	DOES	BUCKS	KIDS
STALLIONS	BROOD MARES	FOALS	AGISTED RACE HORSES	AGISTED PONIES	OTHER	

2. Number of each type of stock on property as at 1st July for last three (3) years

YEAR	(EXAMPLE) COWS					
2017	400					
2018	450					
2019	500					



**Cropping details:**

1. Area under crop at date of application (ha):

TREE-FARMING	VITICULTURE	HORTICULTURE	FRUIT-GROWING	HAY	OTHER

2. Area of each type of crop as at 1st July for last (3) years:

YEAR	(EXAMPLE) APPLES					
2017	10 ha					
2018	8 ha					
2019	15 ha					

**Production Statistics:**

Number of stock, kilos wool or hair, kilos honey, commercial eggs, fertile eggs, tonnes timber, trees, tonnes grapes/fruit/vegetables, bales of hay (large/small) sold during last three (3) years:

YEAR	(EXAMPLE) GRAPES	(EXAMPLE) VEALERS				
2017	10 tonnes	220				
2018	17 tonnes	260				
2019	6 tonnes	300				

Give particulars of any abnormality in your normal farming program over the past three (3) years:

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Expenditure on farm operations for last 3 years (including stock purchase costs)			Gross returns from sale of produce or other income from this property		
2017/18	2018/19	2019/20	2017/18	2018/19	2019/20

**BUSINESS RECORDS (Please circle Yes or No)**

**(a) Do you carry on the farming activity as a business?** Yes No

If Yes, please provide your ABN \_\_\_\_\_

or

**Do you carry out any of the activities as stated in the farm guidelines as a business?** (Refer to guidelines for the definition of 'business')

Yes No

If Yes, please provide your ABN \_\_\_\_\_

**(b) Do you keep business records for the activity?** Yes No

**(c) Do you include the business activity in your tax return?** Yes No

**(d) Are you classified as a Primary Producer by the Australian Office?**  
(Evidence of ATO classification will be required) Yes No

**(e) Is the farming enterprise registered for GST?** Yes No

**(f) Does this property represent your primary source of income?** Yes No

**(g) Do you keep books of account for the farming business or industry?**  
(confirmed by statutory declaration from an accountant) Yes No

**(h) Has the farming enterprise recorded a net profit in any of the past 5 years?**  
(Evidence in the form of Business Tax Returns/Business records will be required)  
Yes No



I/We hereby make application for the above property to be classified as “Farm Land” as I/we believe the property qualifies as “Farm Land”.

I/We declare that the information accompanying this application is true and correct in every detail and that no relevant information has been deliberately omitted.

**SIGNATURES:** \_\_\_\_\_ (Owner)

\_\_\_\_\_ (Occupier)

**DATE:** \_\_\_\_\_

**INFORMATION PRIVACY COLLECTION STATEMENT**

Council is collecting personal information on this form in accordance with its legislative powers and functions and it will only be used and disclosed in accordance with these powers and functions. You may access the information by contacting Council.