

# East Gippsland Shire Council

273 Main Street (PO Box 1618)  
Bairnsdale VIC 3875  
Website [www.eastgippsland.vic.gov.au](http://www.eastgippsland.vic.gov.au)  
Email [feedback@egipps.vic.gov.au](mailto:feedback@egipps.vic.gov.au)  
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Telephone: (03) 5153 9500  
Fax: (03) 5153 9576  
National Relay Service : 133 677  
ABN: 81 957 967 765

## Guidelines for the Classification of Property as Farm Land for Rating

There are some hard words in this form. The hard words are in blue. You can read what the words mean on page 8.

The following is the meaning of “Farm Land” as set out in the *Valuation of Land Act 1960, Section 2* -

“Farm Land” means any *rateable* land-

(a) that is not less than 2 *hectares* in area; and

(b) that 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 from its activities 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

The following *guidelines* have been used to understand and meet the terms of “farm land” as mentioned above.

It is the responsibility of the applicant to prove to Council that the following *guidelines* have been met.

### 1 General

#### 1.1 “Business”

The activity being carried out on a property must be a business, not a hobby or recreational activity.

The activity must be carried out for the purpose of earning an income on an ongoing basis.

Have a status of “*primary producer*” with the Australian Taxation Office

#### 1.2 “Primarily”

Comparison of areas occupied by a residential or commercial use and a farming business is not the only factor. Regard also has to be had to the relative weights of the competing uses.

Where there is a business undertaking which has the *characteristics* of a business, as defined earlier, and where the *dwelling* and *curtilage* have settled a minor area, it is not important how much money is spent in the residential use.

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## 2 Specific Business

### 2.1 Grazing (including [agistment](#))

The running of the business of grazing usually involves the buying and selling of livestock. The starting up of a herd or flock for future breeding purposes may be enough to satisfy the meaning, providing it is clearly shown the final goal is for [commercial](#) production.

The Act now provides for [agistment](#), where an [occupier](#) takes in stock belonging to someone else and charges a fee in return for care of the stock. The [occupier](#) must be running a grazing or [agistment](#) business on the property.

### 2.2 Dairying

Dairy farming is the business of long-term milk production, which is processed (on-site or at a dairy plant) for sale of a dairy product. This business has similar [characteristics](#) to grazing (2.1).

### 2.3 Pig-farming

Pig farming is the raising and breeding of domestic pigs. Pigs are raised mainly as food (e.g. pork, bacon, gammon) and sometimes for their skin.

### 2.4 Poultry farming

Poultry farming is the raising of domesticated birds such as chickens, turkeys, ducks, and geese, for the purpose of farming meat or eggs for food. This business can be carried out profitably on a small property.

### 2.5 Fish farming

Fish farming involves raising fish [commercially](#) in tanks or enclosures, usually for food. It can also include yabbies or tropical fish for pet stores. This business can be carried out on a small property but could involve development of ponds or outlay for tanks.

### 2.6 Tree farming, [Viticulture](#) and Fruit Growing

These activities cannot become profitable for several years until trees or vines mature enough for [harvesting](#) or to bear fruit.

It should be noticeable that the land is being prepared for these purposes before an application is submitted. After the application it should also be noticeable that plantings are being maintained and developed for [commercial](#) production.

### 2.7 Bee-keeping

This is a use which can be carried out on land which is uncleared, although the [characteristics](#) of a business must be satisfied.

### 2.8 [Horticulture](#) or the growing of crops of any kind

[Horticulture](#) is the business of plant [cultivation](#). It includes the [cultivation](#) of fruits, vegetables, nuts, seeds, herbs, sprouts, mushrooms, algae, flowers, seaweeds and non-food crops such as grass and ornamental trees and plants.

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## Application for **Classification** of Property as “Farm Land”

This form needs to be returned by 31 December 2022 for assessment in the 2022/2023 rating period.

All applications received after this date will be considered for the next rating year only.

Applications must be completed fully and meet the following [guidelines](#) as set out in the East Gippsland Shire Council 2022/2023 budget document (as listed on Council’s website):

Farming land is any land, which is:

- Used primarily for a farming or [agricultural](#) business; and
- [Conforming](#) to the definition of “farm land” as specified within the Valuation of Land Act 1960; and
- [Conforming](#) to East Gippsland Shire Council [guidelines](#) for the [classification](#) of property as “farm land”; and
- The ratepayer has [Primary Producer](#) status with the Australian Taxation Office.

I wish to apply for the property/ies listed in this application to be considered by Council for [classification](#) as farm land for rating. The application will be [reviewed](#) using the definition of “Farm Land” in the Valuation of Land Act 1960, Section 2 and the [guidelines](#) as set out in the East Gippsland Shire Council 2022/23 budget document.

**Please note successful applications will not be backdated.**

Applicant:

|   |  |  |  |          |  |  |  |  |
|---|--|--|--|----------|--|--|--|--|
| Name:   |  |  |  |          |  |  |  |  |
| Business trading name: (if applicable)  |  |  |  |          |  |  |  |  |
| Type of business:   |  |  |  |          |  |  |  |  |
| Postal address:   |  |  |  |          |  |  |  |  |
|   |  |  |  | Postcode |  |  |  |  |
| Phone number: Home  |  | Work:  |  | Mobile:  |  |  |  |  |
| Email address:  |  |  |  | Fax:     |  |  |  |  |
| <input type="checkbox"/> Owner  |  | <input type="checkbox"/> <a href="#">Occupier</a> /Ratepayer |  |          |  |  |  |  |
| Owners name: (if you’re not the owner)  |  |  |  |          |  |  |  |  |
| <a href="#">Occupiers</a> name: (if you’re not the <a href="#">occupier</a> ) |  |  |  |          |  |  |  |  |
| <b>If you have a lease to occupy this property, please attach proof</b>       |  |  |  |          |  |  |  |  |

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Property Details: List property details that you wish to apply for the farm land [classification](#). If you have more than 3 properties please attach an extra sheet with other properties.

Property 1:

|   |  |  |  |  |  |  |
|---|--|--|--|--|--|--|
| Address:  |  | Postcode   |  |  |  |  |
| Assessment number:                                |  | Area <a href="#">Hectares</a> :                      |  |  |  |  |
| <input type="checkbox"/> <a href="#">Freehold</a> | <input type="checkbox"/> <a href="#">Leasehold</a> | <input type="checkbox"/> Other: (e.g. licence) _____ |  |  |  |  |

Property 2:

|   |  |  |  |  |  |  |
|---|--|--|--|--|--|--|
| Address:  |  | Postcode   |  |  |  |  |
| Assessment number:                                |  | Area <a href="#">Hectares</a> :                      |  |  |  |  |
| <input type="checkbox"/> <a href="#">Freehold</a> | <input type="checkbox"/> <a href="#">Leasehold</a> | <input type="checkbox"/> Other: (e.g. licence) _____ |  |  |  |  |

Property 3:

|   |  |  |  |  |  |  |
|---|--|--|--|--|--|--|
| Address:  |  | Postcode   |  |  |  |  |
| Assessment number:                                |  | Area <a href="#">Hectares</a> :                      |  |  |  |  |
| <input type="checkbox"/> <a href="#">Freehold</a> | <input type="checkbox"/> <a href="#">Leasehold</a> | <input type="checkbox"/> Other: (e.g. licence) _____ |  |  |  |  |

|   |
|---|
| Total number of <a href="#">hectares</a> :  |
| Area of property used for the Farming Operation ( <a href="#">Hectares</a> or %): |

List any other land that is used as part of the farming business

|                      |
|----------------------|
| Address:             |
| Assessment number/s: |
| Total Hectares:      |

Farming Business Records:

|   |  |
|---|--|
| Do you run the farm as a business?  | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Do you keep records of the business activity?   | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Do you include the business activity in your tax return?  | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Do you meet <a href="#">Primary Producer</a> status under the Australian Taxation Office requirements for Primary Production ?  | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Please provide confirmation from your accountant that you declare income from primary production activities for all properties in your application. Without this information Council cannot confirm your eligibility. |  |
| Is the farming business registered for GST?   | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| What is your Australian Business Number (ABN) that is associated with the farming business?   |  |

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## Improvements:

Fencing – please describe type/s of fencing, number of paddocks and/or yards: \_\_\_\_\_

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Are boundaries securely fenced?

☐ Yes ☐ No

What type of water supply is at the property or properties? \_\_\_\_\_

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What type of **pasture** is on the property or properties? (list the type, areas and any recent improvements) \_\_\_\_\_

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## Dwellings and/or buildings:

| Type: | Size: | Construction Age and Condition | Occupants: |
|-------|-------|--------------------------------|------------|
|       |       |                                |            |
|       |       |                                |            |
|       |       |                                |            |
|       |       |                                |            |
|       |       |                                |            |

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## Supporting Information:

This information is important to show that the business has a significant commercial purpose.

| Business or Industry:<br>(Refer point 2 of <a href="#">guidelines</a> ) | Acres or Hectares: | Production <a href="#">Statistics</a> Last 2 Financial Years:<br>(e.g. number of head or cases of fruit sold) |         |
|---|--------------------|---|---------|
|   |                    | 2020/21   | 2021/22 |
|   |                    |   |         |
|   |                    |   |         |
|   |                    |   |         |

Number of stock or [Hectares/Acres](#) planted at present on property or properties: \_\_\_\_\_

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## [Agistment](#) Details:

| Number of livestock | 2020/21 fees | Number of livestock | 2021/22 fees |
|---------------------|--------------|---------------------|--------------|
|                     |              |                     |              |

## Other Information:

Any more information to support your application (if you have not shown financials above please provide details to show that the farming business is of a substantial commercial purpose and seeks to make an income from the land): \_\_\_\_\_

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Signature: \_\_\_\_\_

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

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## Statutory Declaration

You must complete this **statutory declaration** and sign in front of an **approved person** under section 107A of the Evidence Act 2008 [Vic].

I, Name \_\_\_\_\_

of, home address \_\_\_\_\_

In the State of Victoria, agree that:

The information provided within this application for **classification** of my property as a farm **enterprise** is correct at the time of filling in and that this information is available for **review** if needed

Signature: \_\_\_\_\_

Witness (**Approved Person**) Name: \_\_\_\_\_

Witness (**Approved Person**) Signature: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

You **must** sign in front of an **approved person**.

### Submitting your Application:

|            |   |  |
|------------|---|--|
| Mail       | Post the signed, completed form together with any applicable fees or copies of any documentation to;<br>PO Box 1618<br>BAIRNSDALE VIC 3875. |  |
| Electronic | Fax to 03 5153 9576<br>Email to <a href="mailto:feedback@egipps.vic.gov.au">feedback@egipps.vic.gov.au</a>                                  |  |
| In Person  | Bring the completed form and supporting documents to any of the following locations;  |  |
|            | Service Centre Opening Hours:<br>9.00am to 5:00pm.<br>Monday to Friday.   | Bairnsdale Corporate Centre: 273 Main Street.<br>Lakes Entrance Service Centre: 18 Mechanics Street.<br>Omeo Service Centre: 179 Day Avenue.<br>Orbost Service Centre: 1 Ruskin Street.<br>Paynesville Service Centre: 55 The Esplanade. |
|            | Mallacoota Service Centre Opening Hours:<br>Monday and Tuesday 10.00am to 2.00pm<br>Wednesday, Thursday, Friday 2.00pm to 5.00pm            | Mallacoota Service Centre: 70 Maurice Avenue   |

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## Hard Words

**Classification:** The action of identifying or dividing into classes or categories.

**Rateable:** Able to be rated

**Guidelines:** Rules that provide direction or guide an action or outcome

**Hectares:** A unit of area used in the measurement of land, equal to 10,000 square meters. 1 Hectare equals 2.47 acres.

**Acres:** A unit of area used in the measurement of land, equal to 4,047 square meters

**Agistment:** Take in and feed livestock for payment.

**Viticulture:** The growing of grapes.

**Horticulture:** The growing of plants.

**Characteristics:** A feature or quality belonging typically to a person, place, or thing and serving to identify them.

**Dwelling:** A house, flat, or other place of residence.

**Curtilage:** The land around a house or dwelling.

**Agricultural:** The farming of crops or animals to provide food, fibres like cotton and wool, and other products.

**Harvesting:** The picking and collecting of crops.

**Conforming:** Meeting the rules, requirements or guidelines.

**Primary Producer:** Someone who runs a farming business.

**Pasture:** Land covered with grass and other low plants suitable for grazing animals.

**Statistics:** Collecting and analysing numerical data in large quantities.

**Statutory Declaration:** A Statutory Declaration is sometimes called a 'stat dec'. A Statutory Declaration is a legal document and means you are telling the truth.

**Approved Person:** A Statutory Declaration can be witnessed by a Justice of the Peace, Pharmacist, Police Officer, Court Registrar, Bank Manager, Medical Practitioner or a Dentist or any other person named as per *Section 107A of the Evidence (Miscellaneous Provisions) ACT 1958*.

**Freehold:** Permanent and absolute tenure of land or property with freedom to dispose of it at will.

**Leasehold:** The holding of property by lease.

**Commercial/Commercially:** Concerned with or engaged in making or intending to make a profit.

**Occupier:** Someone living in or using a property as its owner or tenant.

**Cultivation:** Prepare or use for crops or gardening.

**Review/ed:** Look or looked at again.

**Enterprise:** A business or company.

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