



New South Wales

Valuation of Land Regulation 1996

under the
Valuation of Land Act 1916

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Valuation of Land Act 1916*.

KIM YEADON, M.P.,
Minister for Land and Water Conservation

Explanatory note

The object of this Regulation is to repeal and remake, without any major changes, the provisions of the *Valuation of Land Regulation 1991*. The new Regulation deals with the following matters:

- (a) the fees payable in respect of valuations made by the Valuer-General (Part 3),
- (b) the procedure for the lodging of objections to valuations (Part 3),
- (c) other matters of a minor, consequential or ancillary nature (Parts 1 and 4).

This Regulation is made under the *Valuation of Land Act 1916*, including section 81 (the general regulation making power) and various other provisions referred to in the Regulation.

This Regulation is made in connection with the staged repeal of subordinate legislation under the *Subordinate Legislation Act 1989*.

Contents

	Page
Part 1 Preliminary	
1 Name of Regulation	3
2 Commencement	3
3 Definitions	3
4 Notes	3
Part 2 Valuation fees	
5 Fees for copies of valuations: section 76	3
6 Fees for new valuations: sections 20 and 70	3
7 Refunds	4
Part 3 Objections to valuations	
8 Lodgment of objections: sections 29 and 31	4
9 Withdrawal of objections	5
Part 4 Miscellaneous	
10 Notice of sale or transfer of land: section 71	5
11 Land rating factors—certain classes of lease from the Crown	5
12 Affixing of marks to documents	6
13 Service of notices	6
14 Repeal	6
Schedules	
1 Forms	7
2 Fees payable in respect of new valuations	10

Valuation of Land Regulation 1996

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Valuation of Land Regulation 1996*.

2 Commencement

This Regulation commences on 1 September 1996.

3 Definitions

(1) In this Regulation:

the Act means the *Valuation of Land Act 1916*.

(2) In this Regulation, a reference to a Form is a reference to a Form set out in Schedule 1.

4 Notes

The explanatory note and table of contents do not form part of this Regulation.

Part 2 Valuation fees

5 Fees for copies of valuations: section 76

(1) For the purposes of section 76 (1) of the Act:

(a) the fee for a certified copy of an entry recorded on a valuation roll is \$30, and

(b) the fee for an extract of any entry in a valuation roll is \$16.

(2) The fee for a certified copy of a certificate of valuation is \$30.

6 Fees for new valuations: sections 20 and 70

(1) For the purposes of sections 20 (1) and 70 (1) of the Act, the fee payable for a valuation under those sections (other than a valuation referred to in subclause (4)) is to be calculated in accordance with the scale set out in Schedule 2 in respect of the value of the land disclosed in the certificate of valuation.

1996 No 372

Clause 6 Valuation of Land Regulation 1996

Part 2 Valuation fees

- (2) At the time an application for such a valuation is made, the applicant must pay a provisional fee fixed by the Valuer-General in accordance with the scale set out in Schedule 2 in respect of the value of the land as estimated by the Valuer-General.
- (3) On completion of a valuation:
 - (a) if the provisional fee is less than the fee determined under subclause (1), the applicant must pay to the Valuer-General the difference between the provisional fee and the fee determined under that subclause, and
 - (b) if the provisional fee is more than the fee determined under subclause (1), the Valuer-General must pay to the applicant the difference between the provisional fee and the fee determined under that subclause.
- (4) The fee for a valuation of an assessed annual value required to be made by the Valuer-General for the purposes of an application for determination or variation of rent under Division 4AA of Part 2 of the *Landlord and Tenant (Amendment) Act 1948* is to be calculated in accordance with the scale set out in Schedule 2 in respect of the assessed annual value resulting from the valuation.

7 Refunds

If an application for a valuation or a certificate of valuation is lodged and subsequently withdrawn, the Valuer-General may refund the fee lodged with the application, less such expenses as the Valuer-General estimates have been incurred in connection with the application.

Part 3 Objections to valuations

8 Lodgment of objections: sections 29 and 31

- (1) For the purposes of section 31 (1) of the Act, the time within which a public taxing or rating authority may object to a valuation under that subsection is:
 - (a) 42 days from the date of service on the authority of the valuation list or supplementary list containing the valuation, or
 - (b) such later time as the Valuer-General may allow.

- (2) A person proposing to object to a valuation under section 29 or 31 of the Act may apply in writing for an extension of time for the lodging of the objection and the Valuer-General may grant or refuse the application.
- (3) The Valuer-General may, if satisfied that there is good cause, accept an objection that is lodged after the time allowed for objections under section 29 or 31 of the Act.

9 Withdrawal of objections

An objector may withdraw an objection under section 29 or 31 of the Act by written notice served on the Valuer-General.

Part 4 Miscellaneous

10 Notice of sale or transfer of land: section 71

The notice which section 71 of the Act requires a purchaser, lessee, transferee, surrenderee or assignee to give to the Valuer-General in relation to:

- (a) the sale and conveyance of land or stratum, or
- (b) the grant, transfer, surrender or assignment of a lease of land or stratum,

is to be in Form 1.

11 Land rating factors—certain classes of lease from the Crown

For the purposes of section 58F (1) (g) of the Act, the prescribed classes or descriptions of leases are leases for agricultural or pastoral purposes but only when the land subject to the leases is owned by or vested in any of the following bodies on behalf of the Crown:

- (a) the New South Wales Land and Housing Corporation,
- (b) the corporation sole with the corporate name of “Minister administering the *Environmental Planning and Assessment Act 1979*”,
- (c) the Albury-Wodonga (New South Wales) Corporation,

1996 No 372

Clause 11 Valuation of Land Regulation 1996

Part 4 Miscellaneous

- (d) the Ministerial Development Corporation constituted under the *Growth Centres (Development Corporations) Act 1974*,
- (e) the Roads and Traffic Authority,
- (f) the Sydney Water Corporation Limited,
- (g) the Hunter Water Corporation Limited.

12 Affixing of marks to documents

- (1) If under the Act or this Regulation a document is required to be signed by a person who is blind or is unable to read or write, the person must affix the person's mark to the document in the presence of a witness.
- (2) The witness must certify that:
 - (a) the document was previously read over or explained to the person by the witness, and
 - (b) the person appeared fully to understand the nature and effect of the document.

13 Service of notices

Notices required by the Act or this Regulation may be served personally or by post.

14 Repeal

- (1) The *Valuation of Land Regulation 1991* is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *Valuation of Land Regulation 1991*, had effect under that Regulation continues to have effect under this Regulation.

Schedule 1 Forms

(Clause 10)

Form 1

NOTICE OF SALE, TRANSFER ETC OF LAND

Valuation of Land Act 1916 (Section 71)

In accordance with the Act, notice is given of the following sale, transfer etc:

Local government area	Ward	Valuer-General's No.
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TRANSFEROR ETC

Surname	Given names
New address (if known)	Extent of estate or interest in land transferred

TRANSFeree ETC

Surname	Given names
Address for service of notices	

1996 No 372

Valuation of Land Regulation 1996

Schedule 1 Forms

DETAILS OF SALE, TRANSFER ETC

Purchase price (show amount of consideration for the sale, lease etc)	Terms of payment (if not cash give full particulars)
Date of contract of sale or agreement	Date of transfer
Indicate whether land was sold: <input type="checkbox"/> with vacant possession <input type="checkbox"/> to the tenant <input type="checkbox"/> subject to an existing tenancy (place cross in appropriate box)	Itemise any goods, plant, furniture, fittings, growing crops, stock etc, included in sale and state amount of price apportioned to such items or attach copies of valuation of such items or of contract of sale

DESCRIPTION OF LAND

Street		Side of street	House No, unit No, or name	
Lot or portion No		Section	Deposited plan, strata plan or estate	Lease No and type of holding (if Crown land)
Frontage		Depth	Area	
Volume or Book	Folio or No	District, Town or Village	County	Parish
Nearest cross streets		Nature of property (whether vacant land, house, temporary residence etc)		

NEW SUBDIVISIONS—Where the lot is part of a new subdivision, details of the land before subdivision are requested as follows:

Subdivider's Name		Street		General Manager's Subdivision No or Council's Assessment No or Valuer-General's No
Lot or Portion No	Section	D.P.	Area or dimensions	

* If this information cannot be supplied, please furnish a sketch plan on the back of this notice showing the lots concerned, adjoining lots and nearest cross streets.

Signature and address of transferor or agent	Signature and address of transferee or agent	Date
		Solicitor's reference

Note. There is a penalty for wilfully incorrect statements in this notice and if any essential statement is omitted the authority concerned may decline to accept it.

1996 No 372

Valuation of Land Regulation 1996

Schedule 2 Fees payable in respect of new valuations

Schedule 2 Fees payable in respect of new valuations

(Clause 6)

1 Land zoned or used for commercial and other purposes

If the whole or part of the land is zoned or used for commercial, business or industrial purposes and the valuation of the applicant's interest in, or the value of, the land or stratum:

- (a) is less than \$200,000—the fee is \$350, or
- (b) is \$200,000 or more—the fee is \$350, plus \$1.75 for each \$1,000 (or part) by which the valuation exceeds \$200,000.

2 Vacant land (non-commercial)

If the land is not land to which clause 1 applies—but is vacant land with an area of less than 40 hectares (being land which cannot by law be subdivided for the purposes for which it is used or zoned) and the valuation of the applicant's interest in, or the value of, the land or stratum:

- (a) is less than \$200,000—the fee is \$175, or
- (b) is \$200,000 or more—the fee is \$175, plus 90 cents for each \$1,000 (or part) by which the valuation exceeds \$200,000.

3 Other land

If the land is not land to which clause 1 or 2 applies and the valuation of the applicant's interest in, or the value of, the land or stratum:

- (a) is less than \$400,000—the fee is \$350, or
- (b) is \$400,000 or more—the fee is \$350, plus 90 cents for each \$1,000 (or part) by which the valuation exceeds \$400,000.

4 Application of Schedule

In the application of this Schedule:

- (a) land is taken to be zoned for commercial, business or industrial purposes if, in the opinion of the Valuer-General:
 - (i) the land is zoned for any one or more of those purposes by a planning instrument, or
 - (ii) by virtue of the provisions of such an instrument, the land (whether or not zoned for any of those purposes) may be used for any one or more of those purposes, and
- (b) any question arising as to:
 - (i) the use of land, or
 - (ii) the occupancy of land, or
 - (iii) the subdivision of land,

is to be decided by the Valuer-General.