

VALUATION OF LAND (AMENDMENT) ACT.

New South Wales



ANNO VICESIMO TERTIO

ELIZABETHÆ II REGINÆ

Act No. 9, 1974.

An Act to provide for the determination by the valuer-general in respect of mixed development land of a factor to be known as an apportionment factor; to clarify the application to certain rating or taxing authorities of sections 58 and 58A of the Valuation of Land Act, 1916; for these and other purposes to amend the Valuation of Land Act, 1916; and for purposes connected therewith. [Assented to, 26th March, 1974.]

BE

Valuation of Land (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by **No. 9, 1974** and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the "Valuation of Land (Amendment) Act, 1974". Short title.

2. (1) This Act shall commence upon such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette. Commencement.

(2) On and from the day appointed and notified pursuant to subsection (1) this Act shall be deemed to have commenced on 1st January, 1973.

3. The Valuation of Land Act, 1916, is amended— Amendment of Act No. 2, 1916.

(a) (i) by inserting in section 58 (1) after the matter "1919" the words " , the Metropolitan Water, Sewerage, and Drainage Act, 1924, and the Hunter District Water, Sewerage and Drainage Act, 1938"; Sec. 58. (Unimproved value for purposes of other Acts.)

(ii) by omitting from section 58 (4) the words "the rating or taxing authority" and by inserting instead the words "a rating or taxing authority referred to in section 47";

(iii) by inserting after section 58 (9) the following subsection :—

(10) The reduction required to be made by subsection (4) shall be in addition to any reduction required to be made by any other Act for the purpose of levying rates on the unimproved value of any land.

(b)

Valuation of Land (Amendment).

No. 9, 1974

Sec. 58A.
(Unimproved
value for
purposes
of Local
Government
Act.)

(b) (i) by omitting from section 58A (4) the words "the rating or taxing authority" and by inserting instead the words "a rating or taxing authority referred to in section 47";

(ii) by inserting after section 58A (4) the following subsection :—

(5) The reduction required to be made by subsection (4) shall be in addition to any reduction required to be made by any other Act for the purpose of levying rates on the unimproved value of any stratum.

Further
amend-
ment
of Act No.
2, 1916.
Secs. 58B
and 58C.

4. The Valuation of Land Act, 1916, is further amended by inserting after section 58A the following sections :—

Apportion-
ment
factors to
be furnished
in certain
cases.

58B. (1) Where the valuer-general furnishes a general valuation list or a supplementary valuation list in which is included a valuation of any mixed development land the valuer-general shall include in the list an apportionment factor (determined in accordance with subsection (2)) in respect of the land.

(2) The apportionment factor in respect of any mixed development land shall be determined by calculating the proportion which the rental value of the part of that land which is non-residential land bears to the rental value of the mixed development land as a whole, and expressing the result as a percentage.

(3) The provisions of section 14A shall apply when the rental value of any mixed development land (or any part thereof) is determined pursuant to subsection (2) as they would apply if the unimproved

value

Valuation of Land (Amendment).

value or the assessed annual value of that land or part No. 9, 1974 were then being determined and as if the reference in that section to unimproved value and assessed annual value were a reference to rental value.

(4) An apportionment factor determined under this section in respect of any land shall be shown on the notice of valuation relating to the land and objection may be made to the apportionment factor as if it were a valuation.

(5) The right to object to a valuation in respect of any land includes a right to object on the ground that an apportionment factor has not been determined in respect of the land.

58C. (1) Subject to this section, for the purposes of Interpretation.
section 58B—

“mixed development land” means a parcel of land occupied or used solely as the site of one building comprising—

- (a) one, or more than one, flat; and
- (b) one, or more than one, office;

“non-residential land” means—

- (a) a parcel of land that is not residential land or mixed development land;
- (b) a strata lot that is not residential land;
- (c) a parcel of land occupied or used (whether wholly or partly) as the site of an inn; or
- (d) a stratum separately valued under this Act that is not a stratum referred to in paragraph (g) of the definition of “residential land”;

“residential

Valuation of Land (Amendment).

No. 9, 1974

“residential land” means—

- (a) a parcel of land occupied or used solely as the site of one single dwelling;
- (b) a parcel of land (not exceeding six acres in area) occupied or used solely as the site of one single dwelling and for primary production;
- (c) a parcel of land occupied or used solely as the site of one building comprising two or more flats;
- (d) a parcel of land occupied or used solely as the site of a guest-house, or a boarding-house, containing not more than ten bedrooms;
- (e) a strata lot occupied or used, or if not occupied or used so constructed, designed or adapted as to be capable of being occupied or used, as a separate dwelling;
- (f) a strata lot designed and intended for use in conjunction with a strata lot referred to in paragraph (e) for the purpose of accommodating one, or more than one, motor vehicle; or
- (g) a stratum separately valued under this Act that is occupied or used, or if not occupied or used so constructed, designed or adapted as to be capable of being occupied or used, as a separate dwelling.

(2) A parcel of land occupied or used as the site of a single building comprising one, or more than one, office is not mixed development land by reason only that it comprises (in addition) one, or more than one, flat, if the flat is, or the flats are, intended for use for the purpose of accommodating a person or persons responsible for the security or maintenance of the building.

(3)

Valuation of Land (Amendment).

(3) For the purposes of—

No. 9, 1974

- (a) the definition of “mixed development land” in subsection (1), a parcel of land does not cease to be occupied or used solely as the site of one building comprising one, or more than one, flat and one, or more than one, office; and
- (b) the definition of “residential land” in that subsection, a parcel of land does not cease to be occupied or used solely as the site of one single dwelling, one building comprising two or more flats, a guest-house or a boarding-house,

by reason of there being on the parcel of land any building or improvement that is occupied or used for a purpose ancillary to the single dwelling, building, guest-house or boarding-house, as the case may be.

(4) The reference in this section to a parcel of land is a reference to a parcel of land required to be separately valued, or to land included in one valuation, pursuant to this Act.

(5) For the purposes of paragraph (b) of the definition of “residential land” in subsection (1) land is used for primary production if it is used primarily for—

- (a) the cultivation thereof for the purpose of selling the produce of the cultivation;
- (b) the maintenance of animals or poultry thereon for the purpose of selling them or their natural increase or bodily produce; or
- (c) the keeping of bees thereon for the purpose of selling their honey.

(6)

No. 9, 1974

(6) In this section—

“flat” means a room or a suite of rooms occupied or used, or if not occupied or used so constructed, designed or adapted as to be capable of being occupied or used, as a separate dwelling, but does not include a strata lot;

“inn” has the meaning ascribed thereto by section 3 of the Innkeepers Act, 1968;

“office” means a room or a suite of rooms separately occupied or used, or if not occupied or used so constructed, designed or adapted as to be capable of being separately occupied or used, for any commercial, industrial or professional purpose;

“single dwelling” means a house occupied or used, or if not occupied or used so constructed, designed or adapted as to be capable of being occupied or used, as a separate dwelling, but does not include a lot in a strata plan or a property commonly known as a shop and dwelling;

“strata lot” means—

- (a) until the Conveyancing (Strata Titles) Act, 1961, is repealed, a lot as defined in section 2 of that Act; and
 - (b) on and after the commencement of the Strata Titles Act, 1973, a lot as defined in section 5 (1) of that Act.
-
-

FIRE