

**VALUATION OF LAND (RATING AND  
VALUATION) AMENDMENT ACT, 1978, No. 126**

**New South Wales**



ANNO VICESIMO SEPTIMO

**ELIZABETHÆ II REGINÆ**

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**Act No. 126, 1978.**

An Act to amend the Valuation of Land Act, 1916, to enable the determination of land values and to make further provision with respect to allowances for certain profitable expenditure on land; to enable the determination of rating base factors; to provide for the valuation of certain land in the Western Division; and to make further provision with respect to the making of general valuations. [Assented to, 21st December, 1978.]

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See also Local Government (Rating and Valuation) Amendment Act, 1978.

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*Valuation of Land (Rating and Valuation) Amendment.*

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**BE** it enacted by the Queen's Most Excellent Majesty, by 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 :—

**Short title.**      **1.** This Act may be cited as the "Valuation of Land (Rating and Valuation) Amendment Act, 1978".

**Commence-  
ment.**            **2.** (1) Except as provided by subsections (2), (3) and (4), this Act shall commence on the date of assent to this Act.

(2) Section 6 shall, in its application to a provision of Schedules 1–4, commence or be deemed to have commenced on the day on which the provision commences or is deemed to have commenced, as the case may require.

(3) Schedules 1 (items (2) (c), (4) (a) and (5) excepted), 2 and 3 shall be deemed to have commenced on 1st July, 1977.

(4) Schedule 1 (2) (c), (4) (a) and (5) shall commence, or be deemed to have commenced, as the case may require, on the date of assent to the Local Government (Rating and Valuation) Amendment Act, 1978.

**Principal  
Act.**              **3.** The Valuation of Land Act, 1916, is referred to in this Act as the Principal Act.

**Interpre-  
tation.**           **4.** Except in so far as the context or subject-matter otherwise indicates or requires, words and expressions used in this Act have the meanings assigned to them respectively in the Principal Act, as amended by this Act.

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*Valuation of Land (Rating and Valuation) Amendment.*

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5. This Act contains the following Schedules :— Schedules.

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE INTRODUCTION OF LAND VALUES AND THE VARIATION OF ALLOWANCES FOR CERTAIN PROFITABLE EXPENDITURE ON LAND.

SCHEDULE 2.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE DETERMINATION OF RATING BASE FACTORS.

SCHEDULE 3.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE UNIMPROVED VALUE OF LAND IN THE WESTERN DIVISION.

SCHEDULE 4.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE MAKING OF GENERAL VALUATIONS.

SCHEDULE 5.—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS.

6. The Principal Act is amended in the manner set forth in Schedules 1-4. Amendment of Act No. 2, 1916.

7. Schedule 5 has effect. Savings and transitional provisions.

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*Valuation of Land (Rating and Valuation) Amendment.*

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Sec. 6.

## SCHEDULE 1.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE  
INTRODUCTION OF LAND VALUES AND THE VARIATION OF  
ALLOWANCES FOR CERTAIN PROFITABLE EXPENDITURE ON  
LAND.

## (1) Long title—

Omit “land values”, insert instead “values of land”.

## (2) (a) Section 4 (1), definition of “Covert improvements”—

After the definition of “Council”, insert :—

“Covert improvements” means—

- (a) in relation to the unimproved value of land—site improvements; and
- (b) in relation to the land value of land—land improvements.

## (b) Section 4 (1), definition of “Land improvements”—

After the definition of “General valuation”, insert :—

“Land improvements” means—

- (a) the clearing of land by the removal or thinning out of timber, scrub or other vegetable growths;
- (b) the picking up and removal of stone;
- (c) the improvement of soil fertility or the structure of soil;
- (d) the restoration or improvement of land surface by excavation, filling, grading or levelling, not being works of irrigation or conservation;

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*Valuation of Land (Rating and Valuation) Amendment.*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE  
INTRODUCTION OF LAND VALUES AND THE VARIATION OF  
ALLOWANCES FOR CERTAIN PROFITABLE EXPENDITURE ON  
LAND—*continued.*

(e) the reclamation of land by draining or filling together with any retaining walls or other works appurtenant to the reclamation; and

(f) underground drains.

(c) Section 4 (1), definition of “Supplementary valuation”—

Omit “paragraph (b) or (c) of subsection (1) of section 153”, insert instead “section 153 (1) (b) or (c) or section 153 (1A) (b) or (c)”.

(d) Section 4 (1A)—

After section 4 (1), insert :—

(1A) In this Act—

(a) a reference to the unimproved value of land includes, except in sections 6, 7 (1) (b), 58 (1) and 67 (2) (a), a reference to the land value of land;

(b) a reference to the unimproved value of a stratum includes, except in section 58A (1), a reference to the land value of a stratum; and

(c) a reference to the unimproved capital value of a mine includes a reference to the land value of a mine.

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*Valuation of Land (Rating and Valuation) Amendment.*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE  
INTRODUCTION OF LAND VALUES AND THE VARIATION OF  
ALLOWANCES FOR CERTAIN PROFITABLE EXPENDITURE ON  
LAND—*continued.*

(3) Section 6A and short heading—

After section 6, insert :—

*Land value.*

**Land  
value.**

6A. The land value of land is the unimproved value of land determined under section 6 as if a reference in that section to site improvements were construed as a reference to land improvements.

(4) (a) Section 58 (1A)—

After section 58 (1), insert :—

(1A) The land value of land determined under this Act shall be deemed to be the land value of the land for the purposes of the Local Government Act, 1919.

(b) Section 58 (2) (a)—

Omit “site improvements”, insert instead “covert improvements”.

(c) Section 58 (2) (a)—

Omit “and”.

(d) Section 58 (2) (b)—

Omit “use :—”, insert instead “use; and”.

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*Valuation of Land (Rating and Valuation) Amendment.*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE  
INTRODUCTION OF LAND VALUES AND THE VARIATION OF  
ALLOWANCES FOR CERTAIN PROFITABLE EXPENDITURE ON  
LAND—*continued.*

(e) Section 58 (2) (c)—

After section 58 (2) (b), insert :—

- (c) an improvement comprising a joint water supply scheme (whether or not on the land) the construction or use of which is authorised under Division 4 or 4A of Part II of the Water Act, 1912, and which supplies water to the land,

(f) Section 58 (2), proviso—

Omit the proviso, insert instead :—

but—

- (d) the amount of any such allowance shall not exceed the cost of the improvements determined as at the date as at which the value was determined;
- (e) any such allowance shall cease—
  - (i) where the profitable expenditure in respect of the improvements was incurred by the owner—upon the sale or resumption of the land;
  - (ii) where the profitable expenditure in respect of the improvements was incurred by the occupier or lessee—upon the transfer, surrender or expiration of the occupancy or lease;

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*Valuation of Land (Rating and Valuation) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE  
INTRODUCTION OF LAND VALUES AND THE VARIATION OF  
ALLOWANCES FOR CERTAIN PROFITABLE EXPENDITURE ON  
LAND—*continued.*

(iii) where the land is zoned or otherwise designated for use for any purposes, not being rural or non-urban purposes, under a proclamation made under section 309 (1) of the Local Government Act, 1919, Ordinance No. 105 made under that Act, a prescribed scheme within the meaning of Part XIIA of that Act or an interim development order within the meaning of section 342r (1) of that Act—upon the erection on the land of any building or structure or on the carrying out on the land of any works; or

(iv) upon the expiration of 15 years after the expenditure was incurred,

whichever first occurs; and

(f) where land has been sold or leased by the Crown, a statutory body or a statutory body representing the Crown, any allowance under this subsection shall not be made where the expenditure was incurred by the Crown or body except to the extent to which the Crown or body has been recouped in respect of the expenditure by the purchaser or lessee, otherwise than by payment of rent, rates or taxes.



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*Valuation of Land (Rating and Valuation) Amendment.*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE  
INTRODUCTION OF LAND VALUES AND THE VARIATION OF  
ALLOWANCES FOR CERTAIN PROFITABLE EXPENDITURE ON  
LAND—*continued.*

(g) Section 58 (6)—

After "Division 4", insert "or 4A".

(h) Section 58 (7)—

After "Division 4", insert "or 4A".

(5) Section 58A (1A)—

After section 58A (1), insert :—

(1A) The land value of a stratum determined under this Act shall be deemed to be the land value of the stratum for the purposes of the Local Government Act, 1919.

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SCHEDULE 2.

Sec. 6.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE  
DETERMINATION OF RATING BASE FACTORS.

(1) Section 36—

After "recovered on", insert "or in relation to".

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*Valuation of Land (Rating and Valuation) Amendment.*

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SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE  
DETERMINATION OF RATING BASE FACTORS—*continued.*

(2) Sections 58D, 58E—

After section 58C, insert :—

58D. (1) In this section—

“mine” means a mine valued in accordance with section 153 (1) (a) or (1A) (a) of the Local Government Act, 1919;

“new value”, in relation to any land, stratum or mine, means—

- (a) where the unimproved value of the land, stratum or mine is included in a general valuation list furnished to a council as referred to in subsection (2)—that unimproved value; or
- (b) where the unimproved value of the land, stratum or mine is furnished to a council as referred to in subsection (3)—that unimproved value;

“notional value”, in relation to any land, stratum or mine, means the unimproved value of the land, stratum or mine determined, as at the base date of the general valuation applicable in respect of the area of the council in which the land, stratum or mine is situated immediately before the last general valuation list is furnished to the council as referred to in subsection (2), as if—

- (a) the land, stratum or mine had been in existence and was ratable as that land, stratum or mine as at that base date; and
- (b) the land or stratum was land or a stratum to which section 19B (2) applies or the mine was land to which section 19B (2) applies;

Rating  
base  
factors—  
generally.

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*Valuation of Land (Rating and Valuation) Amendment.*

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SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE  
DETERMINATION OF RATING BASE FACTORS—*continued.*

“old value”, in relation to any land, stratum or mine, means the unimproved value of the land, stratum or mine recorded in the valuation roll immediately before there is recorded in the valuation roll the unimproved value of the land, stratum or mine specified in a general valuation list furnished to a council as referred to in subsection (2).

(2) Where the valuer-general furnishes a general valuation list to a council, he shall include in the list in respect of any land, stratum or mine the rating base factor determined in accordance with subsection (3), (4) or (5), as the case may require, in respect of the land, stratum or mine.

(3) Where—

(a) the valuer-general furnishes to a council a valuation (not being a valuation in a general valuation list) of the unimproved value of any land, stratum or mine; and

(b) that unimproved value is—

(i) where it is a valuation to which section 18 (1) applies—deemed to be effective for the purposes of this Act; or

(ii) where it is a valuation to which section 19B (3) applies—deemed to be a valuation furnished to a rating authority,

as at or on a date in a year on or after the commencement of which a general valuation list referred to in subsection (2) supersedes all previous lists so far as they relate to the lands, strata and mines included in that list,

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*Valuation of Land (Rating and Valuation) Amendment.*

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SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE  
DETERMINATION OF RATING BASE FACTORS—*continued.*

he shall determine, in accordance with subsection (4), (5) or (6), as the case may require, and furnish to the council, with the valuation, the rating base factor of the land, stratum or mine.

(4) The rating base factor in respect of any land, stratum or mine which, prior to the recording of the new value in the valuation roll, was valued as that land, stratum or mine is—

- (a) where the old value is less than the new value—the old value plus half the difference between the old value and the new value; and
- (b) where the old value is greater than or equal to the new value—the same as the new value.

(5) The rating base factor in respect of any land, stratum or mine which, prior to the recording of the new value in the valuation roll, was not valued or was not valued as that land, stratum or mine is—

- (a) where the notional value is less than the new value—the notional value plus half the difference between the notional value and the new value; and
- (b) where the notional value is greater than or equal to the new value—the same as the new value.

(6) Notwithstanding subsection (4) or (5), the rating base factor of a mine valued in accordance with a method of valuation prescribed in section 153 (1) (b) or (c) or section 153 (1A) (b) or (c) of the Local Government Act, 1919, shall be deemed to be the same as the value determined in accordance with that method of valuation.

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*Valuation of Land (Rating and Valuation) Amendment.*

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SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE  
DETERMINATION OF RATING BASE FACTORS—*continued.*

(7) A rating base factor determined under this section in respect of any land, stratum or mine shall be shown on the notice of valuation relating to the land, stratum or mine and objection may be made to the rating base factor as if it were a valuation.

(8) The right to object to a valuation in respect of any land, stratum or mine includes a right to object on the ground that a rating base factor has not been determined in respect of the land, stratum or mine.

(9) The valuer-general may alter a rating base factor for the purpose of correcting a clerical error or misdescription and objection may be made to any such alteration as if it were a valuation.

(10) Sections 35 and 36 and Parts IIIA and IV apply to and in respect of an objection in respect of a rating base factor in the same way as they apply to and in respect of an objection to a valuation.

(11) Where, under this Act, an objection to a valuation is allowed, any rating base factor determined in relation to the valuation and the valuation list shall be amended accordingly.

(12) The rating base factor of any land, stratum or mine determined under this Act shall be deemed to be the rating base factor for the purposes of the Local Government Act, 1919.

(13) Subsections (4) and (10) of section 58 apply to and in respect of the rating base factor of any land in the same way as they apply to and in respect of the unimproved value of land.

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*Valuation of Land (Rating and Valuation) Amendment.*

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SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE  
DETERMINATION OF RATING BASE FACTORS—*continued.*

(14) Subsections (4) and (5) of section 58A apply to and in respect of the rating base factor of a stratum in the same way as they apply to and in respect of the unimproved value of the stratum.

(15) This section does not apply to land to which section 58E applies.

Rating base factors—  
certain  
classes of  
lease from  
the Crown.

58E. (1) This section applies to land which, when the valuer-general furnishes a general valuation list to the council of the area in which the land is situated, is land to which section 160E of the Local Government Act, 1919, applies.

(2) Section 58D (subsection (15) excepted) applies to and in respect of land to which this section applies in the same way as it applies to and in respect of land to which section 58D applies and, in so applying that section, a reference to the unimproved value of land shall be construed as a reference to the unimproved rating factor of land determined under section 160E of the Local Government Act, 1919.

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*Valuation of Land (Rating and Valuation) Amendment.*

SCHEDULE 3.

Sec. 6.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE UNIMPROVED VALUE OF LAND IN THE WESTERN DIVISION.

(1) Section 7E and short heading—

After section 7D, insert :—

*Valuation of land in the Western Division.*

7E. (1) In this section, "land" includes stratum.

Valua-  
tion of  
land in the  
Western  
Division.

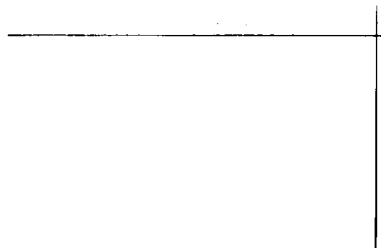
(2) Notwithstanding any other provision of this Act, the valuer-general, in making a valuation for use by a rating or taxing authority of land in the Western Division, shall—

- (a) where the land is freehold land—assume that the land is, as freehold land, subject to such restrictions on the use and disposition of the land as would be applicable if the land were held under and in accordance with a lease under the Western Lands Act, 1901, which authorised the use to which the land was put as at the date to which the valuation of the land relates; and
- (b) where the land is not freehold land and is held under a lease or other tenure under the Western Lands Act, 1901, or any other Act—assume that the land is freehold land and that it is, as freehold land, subject to such restrictions on the use and disposition of the land as are applicable to the land by reason of its being the subject of the lease or other tenure.

(3) The restrictions referred to in subsection (2) shall be assumed to apply to land at the date to which the valuation of the land relates.

(2) Section 14A (4)—

Omit "6 and 7B", insert instead "6, 7B and 7E".



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*Valuation of Land (Rating and Valuation) Amendment.*

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Sec. 6.

## SCHEDULE 4.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE  
MAKING OF GENERAL VALUATIONS.

- (1) Section 4 (1), definition of "General valuation"—  
Omit "or of a riding or ward of a shire or municipality".
- (2) Section 14A (5) (c)—  
Omit ", ward or riding".
- (3) (a) Section 48 (1), proviso—  
Omit the proviso.
- (b) Section 48 (2), proviso—  
Omit the proviso.
- (c) Section 48 (3)—  
Omit the subsection.
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Sec. 7.

## SCHEDULE 5.

## SAVINGS, TRANSITIONAL AND OTHER PROVISIONS.

1. (1) A person who would, under Part III of the Principal Act, be entitled to object to a valuation may, within 12 months after the date of assent to this Act, object to—
- (a) a land value;
- (b) a valuation of land or an allowance for profitable expenditure by an owner, occupier or lessee in respect of land, being land which is supplied with water by means of a joint water supply scheme the construction or use of which is authorised under Division 4 or 4A of Part II of the Water Act, 1912; or
- (c) an unimproved value of land in the Western Division, made on or after 1st July, 1977, and before the date of assent to this Act.



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*Valuation of Land (Rating and Valuation) Amendment.*

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SCHEDULE 5—*continued.*

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

(2) Except as provided by subclause (1) of this clause, Parts III, IIIA and IV of the Principal Act apply to and in respect of an objection under that subclause in the same way as they apply to and in respect of an objection under Part III of the Principal Act.

2. (1) Where a general valuation list is used by a council for the purpose of making and levying a rate in the rating year commencing 1st January, 1979, in respect of any land, stratum or mine, a person liable to pay the rate and the council may, at any time within 3 months after the date of service of the rate notice, object, in writing, to the valuer-general to the determination or failure to determine a rating base factor in respect of the land, stratum or mine.

(2) Except as provided by subclause (1) of this clause, subsections (7) to (11) of section 58D of the Principal Act, as amended by this Act, or subsections (7) to (11) of section 58D as applied by section 58E (2) of the Principal Act, as so amended, as the case may require, apply to and in respect of an objection under that subclause in the same way as they apply to and in respect of an objection under section 58D (7), (8) or (9) of the Principal Act, as so amended, or section 58D (7), (8) or (9) as applied by section 58E (2) of the Principal Act, as so amended.

3. Notwithstanding sections 58D and 58E of the Principal Act, as amended by this Act, the rating base factor of any land, stratum or mine which is in the Western Division and subject to the Principal Act, as so amended, shall, for the purposes only of the first general valuation made under section 48 of the Principal Act in each area of the Western Division after 1st July, 1977, be deemed to be the same as the unimproved value of the land, stratum or mine.

4. Section 58D of the Principal Act, as amended by this Act, applies to any land, stratum or mine in an area in which, before a general valuation list referred to in subsection (2) of that section is furnished to the council of the area, rates were made and levied on the basis of values determined under Schedule 3 to the Local Government Act, 1919, in the same way as

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*Valuation of Land (Rating and Valuation) Amendment.*

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SCHEDULE 5—*continued.*

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

it applies to any land, stratum or mine in an area in which, before such a list is so furnished, rates were made and levied on the basis of values determined under the Principal Act, and in so applying that section—

- (a) a reference to “notional value”, in relation to any land, stratum or mine, shall be construed as a reference to the unimproved capital value, determined in accordance with that Schedule, of the land, stratum or mine at such date as is determined by the valuer-general as if—
  - (i) the land, stratum or mine had been in existence as that land, stratum or mine as at that date; and
  - (ii) the land, stratum or mine was land or a stratum or mine to which, as at that date, that Schedule applied; and
- (b) a reference to “old value”, in relation to any land, stratum or mine, shall be construed as a reference to the unimproved capital value, determined in accordance with that Schedule, of the land, stratum or mine and entered in the council's valuation book in accordance with that Schedule immediately before there is recorded in the valuation roll the unimproved value of the land, stratum or mine specified in a general valuation list furnished to the council as referred to in section 58D (2) of the Principal Act, as so amended.

5. (1) A rating base factor of any land, stratum or mine is not invalid by reason of the fact that it was—

- (a) determined by the valuer-general;
- (b) recorded on the valuation roll; or
- (c) furnished to a council,

before the date of assent to this Act.

(2) A notice of valuation given before the date of assent to this Act is not invalid because of any failure to show a rating base factor on the notice.

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*Valuation of Land (Rating and Valuation) Amendment.*

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SCHEDULE 5—*continued.*

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

(3) A rating base factor determined before the date of assent to this Act is not invalid because of a failure to show the rating base factor on a notice of valuation relating to the land, stratum or mine in respect of which the rating base factor was determined.

6. Nothing in this Act affects the validity of a rate made and levied under the Local Government Act, 1919, before the date of assent to this Act.

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