

VALUATION OF LAND (AMENDMENT) ACT 1985 No. 145

New South Wales



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ELIZABETHÆ II REGINÆ

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Act No. 145, 1985

An Act to amend the Valuation of Land Act 1916 to enable the determination of assessed annual values independently of land values and to enable the determination of equalisation factors. [Assented to, 25th November, 1985.]

See also Land Tax (Amendment) Act 1985; Land Tax Management (Amendment) Act 1985; Strata Titles (Land Tax) Amendment Act 1985.

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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 (Amendment) Act 1985".

Amendment of Act No. 2, 1916

2. The Valuation of Land Act 1916 is amended in the manner set forth in Schedule 1.

Validation

3. (1) Any act, matter or thing done or purporting to be done before the date of assent to this Act which would have been valid had the Valuation of Land Act 1916, as amended by this Act, been in force at the time the act, matter or thing was done or purported to be done, is validated and shall be deemed to have been done under and in accordance with the Valuation of Land Act 1916, as so amended.

(2) Without affecting the generality of subsection (1), the equalisation factors notified in Gazette No. 134 of 27 September 1985 on pages 5137-5148 shall be deemed to have been made and notified under the Valuation of Land Act 1916, as amended by this Act.

SCHEDULE 1

(Sec. 2)

AMENDMENTS TO THE VALUATION OF LAND ACT 1916

- (1) Section 4 (1), definition of "General valuation"—
After "means", insert " , subject to section 7G,".
- (2) Section 7 (1) (b)—
Omit the paragraph, insert instead:
(b) \$10,

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SCHEDULE 1—*continued*

AMENDMENTS TO THE VALUATION OF LAND ACT 1916—
continued

(3) Section 7C (1) (b)—

Omit the paragraph, insert instead:

(b) \$10,

(4) Section 7G—

After section 7F, insert:

Values included in general valuation

7G. A general valuation may comprise—

- (a) the determination of the land value of all land and strata in an area included in a valuation list furnished pursuant to section 48;
- (b) the determination of the assessed annual value of land and strata in such an area; or
- (c) the determination of the land value of all such land and strata and the assessed annual value of land and strata in such an area.

(5) Section 14A (1) (b)—

After “general valuation” where secondly occurring, insert “of the land value or the assessed annual value, or both, as the case may be,”.

(6) Part VIA—

After Part VI, insert:

PART VIA

EQUALISATION FACTORS

Interpretation

70A. In this Part—

“equalisation date”, in relation to an equalisation factor, means the 1st July which occurs 18 months before the beginning

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SCHEDULE 1—*continued*

AMENDMENTS TO THE VALUATION OF LAND ACT 1916—
continued

of the year for which the equalisation factor is applicable in order to determine the amount of land tax leviable or payable under the Land Tax Management Act 1956 on land in respect of which the equalisation factor is determined;

“land” includes strata;

“local government area” means a city, municipality or shire;

“planning instrument” means—

- (a) a proclamation under section 309 (1) of the Local Government Act 1919; or
- (b) an environmental planning instrument within the meaning of the Environmental Planning and Assessment Act 1979 (including a deemed environmental planning instrument within the meaning of the Environmental Planning and Assessment Act 1979).

Equalisation factors

70B. (1) An equalisation factor in relation to land in a local government area or such part of a local government area as is determined by the Valuer-General is that factor, determined by the Valuer-General, by which, in the opinion of the Valuer-General, the aggregated land values of all land within the area or part should be multiplied in order to produce the aggregate of those land values that would most likely result if a general valuation were to be made of the area or part as at the equalisation date.

(2) Without limiting the generality of subsection (1), an equalisation factor may be determined in respect of all land—

- (a) which is within a zone or reservation under a planning instrument;
- (b) which is specified for use for one or more purposes under a planning instrument; or

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SCHEDULE 1—*continued*AMENDMENTS TO THE VALUATION OF LAND ACT 1916—
continued

(c) which is otherwise able to be identified by reference to a planning instrument or the provisions of a planning instrument.

(3) Brief particulars, in the form of a code or otherwise, shall be entered by the Valuer-General in the valuation roll for each district in order to indicate the basis, whether under subsection (2) or otherwise, by reference to which the equalisation factor of each parcel of land or any stratum separately valued has been determined.

Excluded land

70c. The Valuer-General shall not, in aggregating land values under section 70b, include the land value of any land which, as at the equalisation date, is—

- (a) land which comprises a mine within the meaning of section 4 of the Local Government Act 1919;
- (b) land in relation to which a heritage valuation within the meaning of section 123 of the Heritage Act 1977 applies; or
- (c) land of such class or description as may be prescribed for the purposes of this section.

Determination of equalisation factors

70d. The Valuer-General shall, on or before 30 September in each year, determine and publish in the Gazette an equalisation factor or equalisation factors for each local government area.

Notification of equalisation factors to Chief Commissioner of Land Tax

70e. (1) On or before the day on which the Valuer-General publishes an equalisation factor in the Gazette, the Valuer-General shall notify the Chief Commissioner of Land Tax of the equalisation factor.

(2) An equalisation factor notified under subsection (1) shall be applicable for the year commencing on 1 January after the date on which the equalisation factor is so notified.

SCHEDULE 1—*continued*AMENDMENTS TO THE VALUATION OF LAND ACT 1916—
*continued***New value to be made on change in zoning**

70F. (1) The Valuer-General shall make a new valuation of the land value of any land in respect of which an equalisation factor applies where, as a consequence of an amendment to or the repeal or substitution of a planning instrument, the purposes for which development may be carried out on the land are changed.

(2) For the purposes of section 14A, “the relevant date” referred to in that section shall, in relation to a new valuation made as referred to in subsection (1), be the date on which the amendment to or the repeal or substitution of the planning instrument took effect.

(3) A new valuation made as referred to in subsection (1) shall be furnished to the Chief Commissioner of Land Tax in a supplementary list in accordance with section 49.

Equalisation factor not a valuation

70G. (1) An equalisation factor is not a valuation of land for the purposes of this Act and no objection shall be made to or in respect of an equalisation factor.

(2) The Valuer-General may, for the purpose of correcting a clerical error or misdescription, alter—

- (a) any matter entered under section 70B (3) in the valuation roll;
 - (b) any matter published under section 70D in the Gazette; and
 - (c) any matter notified under section 70E (1) to the Chief Commissioner of Land Tax.
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