

VALUATION OF LAND (RATING) AMENDMENT ACT 1989
No. 123

NEW SOUTH WALES



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VALUATION OF LAND (RATING) AMENDMENT ACT 1989
No. 123

NEW SOUTH WALES



Act No. 123, 1989

An Act to amend the Valuation of Land Act 1916 with respect to the provision of new valuations of land at the request of councils; and for other purposes. [Assented to 24 August 1989]

Valuation of Land (Rating) Amendment 1989

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Valuation of Land (Rating) Amendment Act 1989.

Commencement

2. This Act commences on a day to be appointed by proclamation.

Amendment of Valuation of Land Act 1916 No. 2

3. The Valuation of Land Act 1916 is amended as set out in Schedule 1.

SCHEDULE 1 - AMENDMENTS

(Sec. 3)

(1) Section 4 (**Definitions**):

(a) Section 4 (1), after the definition of "Owner", insert:

"Planning instrument" means 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 that Act).

(b) Section 4 (1), after the definition of "Supplementary valuation", insert:

"Water right" means a right or other authority under an Act, whether conferred by licence, permit or otherwise, to take or use water or to take and use water.

(2) Section 6A (**Land value**):

(a) Section 6A (3):

Omit "right or other authority pursuant to the Water Act 1912 or any other Act or law to take or use water", insert instead "water right".

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(b) Section 6A (3) (a), (b):

Omit "or other authority" wherever occurring.

(3) Section 14A (**Date at which certain values to be determined**):

(a) Section 14A (1) (b) (iii):

Omit "or".

(b) At the end of section 14A (1) (b) (iv), insert:

(v) was, in the case of a valuation made for the purposes of section 60A(1) (a) or 70F, commenced before the date on which the making of or the amendment to or the repeal or substitution of the planning instrument concerned was published in the Gazette;

(vi) was, in the case of a valuation made for the purposes of section 60A (1) (b), commenced before the date on which the water right concerned was acquired or ceased or was varied;
or

(vii) was, in the case of a valuation made for the purposes of section 60A(1) (c) or (d), commenced before the date on which the request for the valuation was made.

(c) Section 14A (7), paragraph (b) of the definition of "the relevant date":

Omit "or" where lastly occurring.

(d) Section 14A (7), definition of "the relevant date":

After paragraph (c), insert:

(d) in the case of a valuation of any land or stratum made for the purposes of section 60A(1) (a) or 70F, the date on which the planning instrument concerned or the amendment to or the repeal or substitution of the planning instrument was published in the Gazette;

(e) in the case of a valuation of any land or stratum made for the purposes of section 60A (1) (b), the

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date on which the water right concerned was acquired or ceased or was varied; or

- (f) in the case of a valuation of any land or stratum made for the purposes of section 60A (1) (c) or (d), the date on which the request for the valuation was made.

(4) Section 58 (**Allowances for profitable expenditure - land**):

Section 58 (2) (e) (iii):

Omit "an environmental planning instrument within the meaning of the Environmental Planning and Assessment Act 1979", insert instead "a planning instrument".

(5) After section 60, insert:

Determination of values at request of council

60A. (1) The Valuer-General must, on the request in writing of a council, make a new valuation of the land value of any land or stratum if:

- (a) as a consequence of the making of or an amendment to or the repeal or substitution of a planning instrument, the purposes for which development may be carried out on the land or stratum are changed; or
- (b) a water right relating to the land is acquired or ceases or is varied; or
- (c) the land suffers or is likely to suffer physical damage (such as landslip or erosion); or
- (d) the land is or is likely to be affected by a coastal hazard.

(2) The Valuer-General is not required to make and furnish a new valuation under this section if the Valuer-General is of the opinion that the land value of the land or stratum has not changed since its last valuation.

(3) The new valuation is to be furnished, as soon as practicable after it is made, to the council in a supplementary list in accordance with section 49 or 49A.

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- (4) The new valuation must be entered on the valuation roll.
- (6) Section 70A (**Interpretation**):
Omit the definition of "planning instrument".
- (7) Section 70F (**New value to be made on change in zoning**):
- (a) Section 70F (1):
After "consequence of", insert "the making of or".
- (b) Omit section 70F (2), insert instead:
(2) The Valuer-General is not required to make and furnish a new valuation under this section if the Valuer-General is of the opinion that the land value of the land has not changed since its last valuation.

[*Minister's second reading speech made in -
Legislative Assembly on 25 July 1989
Legislative Council on 10 August 1989*]