



New South Wales

# Valuation of Land Regulation 2018

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*.

VICTOR DOMINELLO, MP  
Minister for Finance, Services and Property

## Explanatory note

The object of this Regulation is to repeal and remake, without substantial changes, the provisions of the *Valuation of Land Regulation 2012*, which would otherwise be repealed on 1 September 2018 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation makes provision for the following matters:

- (a) prescribing certain classes of leases as *Crown lease restricted* for the purposes of valuation,
- (b) the manner in which an objection to a valuation may be lodged and withdrawn,
- (c) the manner in which notices required by the *Valuation of Land Act 1916* or this Regulation may be served,
- (d) other matters of a minor, consequential or ancillary nature.

This Regulation is made under the *Valuation of Land Act 1916*, including sections 14I, 31, 35 and 81 (the general regulation-making power).

This Regulation comprises or relates to matters set out in Schedule 3 to the *Subordinate Legislation Act 1989*, namely matters of a machinery nature and matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

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## Valuation of Land Regulation 2018

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### 1 Name of Regulation

This Regulation is the *Valuation of Land Regulation 2018*.

### 2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

**Note.** This Regulation repeals and replaces the *Valuation of Land Regulation 2012*, which would otherwise be repealed on 1 September 2018 by section 10 (2) of the *Subordinate Legislation Act 1989*.

### 3 Definitions

(1) In this Regulation:

**electronic communication** has the same meaning as in the *Electronic Transactions Act 2000*.

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

**Note.** The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Regulation.

(2) Notes included in this Regulation do not form part of this Regulation.

### 4 Crown lease restricted land

The prescribed classes or descriptions of leases for the purposes of section 14I (2) (d) of the Act are leases for agricultural or pastoral purposes of land 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 Planning Ministerial Corporation,
- (c) the Albury-Wodonga Development Corporation immediately before its abolition by the *Albury-Wodonga Development Corporation (Abolition) Act 2014* of the Commonwealth,
- (d) the Ministerial Development Corporation constituted under the *Growth Centres (Development Corporations) Act 1974*,
- (e) Roads and Maritime Services,
- (f) the Sydney Water Corporation,
- (g) the Hunter Water Corporation.

### 5 Lodgment of objections

(1) For the purposes of section 31 (1) of the Act, the prescribed time is the period of 60 days after:

- (a) the date of service of the notice of valuation under section 29, or

- (b) in the case of a valuation for the purposes of the *Land Tax Management Act 1956*, the date of service of the relevant land tax assessment under section 14 of the *Taxation Administration Act 1996*.
- (2) For the purposes of section 35 (1) of the Act, an objection to a valuation, allowance or apportionment factor is sufficiently lodged with the Valuer-General if it is lodged:
  - (a) in person or by post:
    - (i) at the office of the Valuer-General, or
    - (ii) in the case of a valuation, allowance or apportionment factor for which notice under section 29 of the Act has been given by a rating or taxing authority on behalf of the Valuer-General, at the office of that authority, or
  - (b) by electronic communication, using the Valuer-General's online objection lodgement facility, or  
**Note.** Part 2 of the *Electronic Transactions Act 2000* makes provision for determining the time and place of the dispatch and receipt of an electronic communication.
  - (c) in any other way approved by the Valuer-General.

## 6 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.

## 7 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, illiterate or otherwise unable to read written English, 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 to or explained to the person by the witness, and
  - (b) the person appeared fully to understand the nature and effect of the document.

## 8 Service of notices

- (1) A notice that is permitted or required by the Act or this Regulation to be served (whether the word "serve", "give", "send" or "notify" or another expression is used) may be served personally or by post.
- (2) A notice of valuation under section 29 (1) or (4) may also be served by sending it by means of electronic communication if the person on whom the notice is required to be served consents to the information being served by those means.  
**Note.** Part 2 of the *Electronic Transactions Act 2000* makes provision for determining the time and place of the dispatch and receipt of an electronic communication.

## 9 Repeal and savings

- (1) The *Valuation of Land Regulation 2012* is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *Valuation of Land Regulation 2012*, had effect under that Regulation continues to have effect under this Regulation.