

VALUATION OF LAND (AMENDMENT) BILL 1985

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The following Bills are cognate with this Bill:

Land Tax (Amendment) Bill 1985;

Land Tax Management (Amendment) Bill 1985;

Strata Titles (Land Tax) Amendment Bill 1985.

The object of this Bill is to amend the Valuation of Land Act 1916—

- (a) to enable the Valuer-General to determine the assessed annual value of land without having to determine the land value of the land; and
- (b) to enable the Valuer-General to determine, for use by the Chief Commissioner of Land Tax in assessing a person's liability to pay land tax, equalisation factors for land, an equalisation factor being that factor, determined by the Valuer-General, by which, in the opinion of the Valuer-General, the aggregated land values of all land within a local government area or part of such an area should be multiplied in order to produce the aggregate of those land values that would most likely result if a new general valuation were to be made of the area or part.

Clause 1 specifies the short title of the proposed Act.

Clause 2 is a formal provision that gives effect to the Schedule of amendments.

Clause 3 validates acts done before the commencement of the proposed Act in anticipation of its commencement.

Schedule 1 (1) amends the definition of "General valuation" in section 4 (1) of the Principal Act as a consequence of the insertion, by Schedule 1 (4), of section 7G into the Principal Act.

Schedule 1 (2) provides that the minimum value of an assessed annual value of land shall, instead of being determined as 5 per cent of the land value of the land, be \$10, and thereby enables an assessed annual value of land to be determined without having to determine the land value of the land.

Schedule 1 (3) makes the same amendment in respect of the assessed annual value of a stratum as Schedule 1 (2) makes in respect of the assessed annual value of land.

Schedule 1 (4) inserts section 7G into the Principal Act which provides that a general valuation may comprise a determination of land values or assessed annual values, or both.

Schedule 1 (5) makes an amendment consequential on the amendments made by Schedule 1 (2)–(4).

Schedule 1 (6) inserts a new Part VIA—Equalisation Factors—into the Principal Act which contains the following provisions:

Section 70A is an interpretation provision for the purposes of the proposed Part.

Section 70B enables the Valuer-General to determine equalisation factors and requires the Valuer-General to note on the valuation roll brief particulars of the environmental planning considerations by reference to which the equalisation factors were determined.

Section 70C provides that in aggregating land values for the purpose of determining an equalisation factor, the Valuer-General shall not include the land value of a mine or land the subject of a heritage valuation under the Heritage Act 1977.

Section 70D requires the Valuer-General to determine equalisation factors for each local government area and to publish them in the Gazette on or before 30 September in each year.

Section 70E requires the Valuer-General to notify the Chief Commissioner of Land Tax of equalisation factors on or before the day on which they are published in the Gazette and provides that an equalisation factor shall be applicable for the year commencing on 1 January after the date on which the equalisation factor is so notified.

Section 70F requires the Valuer-General to make a new valuation of the land value of land in respect of which an equalisation factor applies where the zoning of the land changes and to furnish the new valuation to the Chief Commissioner of Land Tax in a supplementary valuation list.

Section 70G provides that an equalisation factor is not a valuation of land for the purposes of, and may not be made the subject of an objection under, the Principal Act.

VALUATION OF LAND (AMENDMENT) BILL 1985

No. ,1985

A BILL FOR

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.

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

Valuation of Land (Amendment) 1985

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:

5 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
10 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
15 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-
20 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

25 (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,

Valuation of Land (Amendment) 1985

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—

5 After section 7F, insert:

Values included in general valuation

7G. A general valuation may comprise—

- 10 (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
- 15 (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,”.

20 (6) Part VIA—

After Part VI, insert:

PART VIA

EQUALISATION FACTORS

Interpretation

25 70A. In this Part—

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

Valuation of Land (Amendment) 1985

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

*Valuation of Land (Amendment) 1985*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.

5 (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.

10 **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—

- 15 (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
- 20 (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.

25 **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.

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(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.

*Valuation of Land (Amendment) 1985*SCHEDULE 1—*continued*AMENDMENTS TO THE VALUATION OF LAND ACT 1916—
*continued***New value to be made on change in zoning**

5 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.

10 (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.

15 (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

20 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—

- 25 (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.

VALUATION OF LAND (AMENDMENT) ACT 1985 No. 145

New South Wales



ANNO TRICESIMO QUARTO

ELIZABETHÆ II REGINÆ

* * * * *

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.

Valuation of Land (Amendment) 1985

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,

Valuation of Land (Amendment) 1985

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

Valuation of Land (Amendment) 1985

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

Valuation of Land (Amendment) 1985

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.

Valuation of Land (Amendment) 1985

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.



