

1991—No. 466

VALUATION OF LAND ACT 1916—REGULATION

(Valuation of Land Regulation 1991)

NEW SOUTH WALES



[Published in Gazette No. 121 of 30 August 1991]

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Valuation of Land Act 1916, has been pleased to make the Regulation set forth hereunder.

GARRY WEST
Minister for Conservation and Land Management.

PART 1—PRELIMINARY

Citation

1. This Regulation may be cited as the Valuation of Land Regulation 1991.

Commencement

2. This Regulation commences on 1st September, 1991.

Definitions

3. (1) In this Regulation:

“the Act” means the Valuation of Land Act 1916.

(2) In this Regulation, a reference to a form is a reference to a form set out in Schedule 1.

PART 2—VALUATION FEES**Fees for copies of valuations etc.: sec. 76**

- 4. (1)** For the purposes of section 76 (1) of the Act:
- (a) the fee for a certified copy of an entry recorded on a valuation roll is \$10; and
 - (b) the fee for an extract of any entry in a valuation roll is \$10.
- (2)** The fee for a certified copy of a certificate of valuation is \$10.

Fees for new valuations: secs. 20 and 70

5. (1) For the purposes of sections 20 (1) and 70 (1) of the Act, the fee payable for a valuation under those sections (other than a valuation referred to in subclause (4)) is to be calculated in accordance with the scale set out in Schedule 2 in respect of the value of the land disclosed in the certificate of valuation.

(2) At the time an application for such a valuation is made, the applicant must pay a provisional fee fixed by the Valuer-General in accordance with the scale set out in Schedule 2 in respect of the value of the land as estimated by the Valuer-General.

(3) On completion of a valuation:

- (a) if the provisional fee is less than the fee determined under subclause (1), the applicant must pay to the Valuer-General the difference between the provisional fee and the fee determined under that subclause; and
- (b) if the provisional fee is more than the fee determined under subclause (1), the Valuer-General must pay to the applicant the difference between the provisional fee and the fee determined under that subclause.

(4) The fee for a valuation of an assessed annual value required to be made by the Valuer-General for the purposes of an application for determination or variation of rent under Division 4AA of Part 2 of the Landlord and Tenant (Amendment) Act 1948 is \$75.

Refunds

6. If an application for a valuation or a certificate of valuation is lodged and subsequently withdrawn, the Valuer-General may refund the fee lodged with the application, less such expenses as the Valuer-General estimates have been incurred in connection with the application.

PART 3—OBJECTIONS TO VALUATIONS**Lodgment of objections: secs. 29 and 31**

7. (1) For the purposes of section 31 (1) of the Act, the time within which a public taxing or rating authority may object to a valuation under that subsection is:

- (a) 42 days from the date of service on the authority of the valuation list or supplementary list containing the valuation; or
- (b) such later time as the Valuer-General may allow.

(2) A person proposing to object to a valuation under section 29 or 31 of the Act may apply in writing for an extension of time for the lodging of the objection and the Valuer-General may grant or refuse the application.

(3) The Valuer-General may, if satisfied that there is good cause, accept an objection that is lodged after the time allowed for objections under section 29 or 31 of the Act.

Withdrawal of objections

8. An objector may withdraw an objection under section 29 or 31 of the Act by written notice served on the Valuer-General.

Referral of objections to Land and Environment Court: sec 38

9. For the purposes of section 38 (1) of the Act, the prescribed time within which the Valuer-General may be required to refer an objection to the Land and Environment Court is:

- (a) 40 days from the date of service of the notice of alteration of the valuation or disallowance of the objection; or
- (b) such later time as the Land and Environment Court may allow.

PART 4—MISCELLANEOUS**Notice of sale or transfer of land: sec 71**

10. The notice which section 71 of the Act requires a purchaser, lessee, transferee, surrenderee or assignee to give to the Valuer-General in relation to:

- (a) the sale and conveyance of land or stratum; or
- (b) the grant, transfer, surrender or assignment of a lease of land or stratum,

is to be in Form 1.

Affixing of marks to documents

11. (1) If under the Act or this Regulation a document is required to be signed by a person who is blind or is unable to read or write, 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 over or explained to the person by the witness; and
- (b) the person appeared fully to understand the nature and effect of the document.

Service of notices

12. Notices required by the Act or this Regulation may be served personally or by post.

Repeals

13. The following Regulations are repealed:

Regulation No. 1 made under the Valuation of Land Act 1916, as published in the Gazette of 18 May 1917 and subsequently amended.

Regulation No. 2 made under the Valuation of Land Act 1916, as published in the Gazette of 26 April 1918 and subsequently amended.

SCHEDULE 1—FORMS

(Cl.10)

Form1

NOTICE OF SALE, TRANSFER ETC. OF LAND

Valuation of Land Act 1916 (Section 71)

In accordance with the Act, notice is given of the following sale, transfer etc.:

| | | |
|-----------------------------|----------------|----------------------|
| City, Municipality or Shire | Ward or Riding | Valuer-General's No. |
|-----------------------------|----------------|----------------------|

1991—No. 466

TRANSFEROR ETC.

| | |
|---------------------------|---|
| Surname | Given names |
| New address (if known) | Extent of estate or interest in land transferred |

TRANSFeree ETC.

| |
|--------------------------------|
| Surname |
| Given Names |
| Address for service of notices |

DETAILS OF SALE, TRANSFER ETC.

| | |
|---|---|
| Purchase price (show amount of consideration for the sale, lease etc.) | Terms of payment (if not cash give full particulars) |
| Date of contract of sale or agreement | Date of transfer |
| Indicate whether land was sold: <input type="checkbox"/> with vacant possession <input type="checkbox"/> to the tenant <input type="checkbox"/> subject to an existing tenancy (place cross in appropriate box) | Itemise any goods, plant, furniture, fittings, growing crops, stock etc., included in sale and state amount of price apportioned to such items or attach copies of valuation of such items or of contract of sale |

1991—No. 466

DESCRIPTION OF LAND

| | | | | |
|-----------------------|--------------|---|---|--------|
| Street | | Side of street | House No., unit No., or name | |
| Lot or portion No. | Section | Deposited plan, strata plan or estate | Lease No. and type of holding (if Crown land) | |
| Frontage | | Depth | Area | |
| Volume or Book | Folio or No. | District, Town or Village | County | Parish |
| Nearest cross streets | | Nature of property (whether vacant land, house, temporary residence etc.) | | |

NEW SUBDIVISIONS—Where the lot is part of a new subdivision, details of the land before subdivision are requested as follows:

| | | | | |
|--------------------|---------|--------|--------------------|---|
| Subdivider's Name | | Street | | Town Clerk's Subdivision No. or Council's |
| Lot or Portion No. | Section | D.P. | Area or dimensions | Assessment No. or Valuer-General's No. |

* If this information cannot be supplied, please furnish a sketch plan on the back of this notice showing the lots concerned, adjoining lots and nearest cross streets.

| | | |
|--|--|-----------------------|
| Signature and address of transferor or agent | Signature and address of transferee or agent | Date |
| | | Solicitor's reference |

NOTE: There is a penalty for wilfully incorrect statements in this notice and if any essential statement is omitted the authority concerned may decline to accept it.

**SCHEDULE 2—FEES PAYABLE IN RESPECT OF NEW
VALUATIONS** (Cl. 5)

Land zoned or used for commercial etc. purposes

1. If the whole or part of the land is zoned or used for commercial, business or industrial purposes and the valuation of the applicant's interest in, or the value of, the land or stratum:

- (a) is less than \$200,000—the fee is \$330; or
- (b) is \$200,000 or more—the fee is \$330, plus \$1.65 for each \$1,000 (or part) by which the valuation exceeds \$200,000.

Vacant land (non-commercial)

2. If the land is not land to which clause 1 applies but is vacant land with an area of less than 40 hectares (being land which cannot by law be subdivided for the purposes for which it is used or zoned) and the valuation of the applicant's interest in, or the value of, the land or stratum:

- (a) is less than \$200,000—the fee is \$165; or
- (b) is \$200,000 or more—the fee is \$165, plus 85c for each \$1,000 (or part) by which the valuation exceeds \$200,000.

Other land

3. If the land is not land to which clause 1 or 2 applies and the valuation of the applicant's interest in, or the value of, the land or stratum:

- (a) is less than \$400,000—the fee is \$330; or
- (b) is \$400,000 or more—the fee is \$330, plus 85c for each \$1,000 (or part) by which the valuation exceeds \$400,000.

Application of Schedule

4. In the application of this Schedule:

- (a) land is taken to be zoned for commercial, business or industrial purposes if, in the opinion of the Valuer-General:
 - (i) the land is zoned for any one or more of those purposes by a planning instrument; or
 - (ii) by virtue of the provisions of such an instrument, the land (whether or not zoned for any of those purposes) may be used for any one or more of those purposes; and
- (b) any question arising as to:

- (i) the use of land; or
 - (ii) the occupancy of land; or
 - (iii) the subdivision of land,
- is to be decided by the Valuer-General.
-

NOTE

TABLE OF PROVISIONS

PART 1—PRELIMINARY

- 1. Citation
- 2. Commencement
- 3. Definitions

PART 2—VALUATION FEES

- 4. Fees for copies of valuations etc.: sec. 76
- 5. Fees for new valuations: secs. 20 and 70
- 6. Refunds

PART 3—OBJECTIONS TO VALUATIONS

- 7. Lodgment of objections: secs. 29 and 31
- 8. Withdrawal of objections
- 9. Referral of objections to Land and Environment Court: sec. 38

PART 4—MISCELLANEOUS

- 10. Notice of sale or transfer of land: sec. 71
- 11. Affixing of marks to documents
- 12. Service of notices
- 13. Repeals

SCHEDULE 1—FORMS

SCHEDULE 2—FEES PAYABLE IN RESPECT OF NEW VALUATIONS

EXPLANATORY NOTE

The object of this Regulation is to repeal and remake, without any major changes, the provisions of Regulations 1 and 2 made under the Valuation of Land Act 1916. The provisions of the new Regulation deal with:

- the fees payable in respect of valuations made by the Valuer-General;
- the procedure for the lodging of objections to valuations and for the referral of such objections to the Land and Environment Court;
- the forms of notification to be given to the Valuer-General in respect of sales, transfers, leases etc. of land or stratum and changes to improvements to land or stratum;
- the execution of documents and service of notices.

This Regulation is made in connection with the staged repeal of subordinate legislation under Part 3 of the Subordinate Legislation Act 1989.
