

South Australia

Valuation of Land Regulations 2005

under the *Valuation of Land Act 1971*

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Legislative history

1—Short title

These regulations may be cited as the *Valuation of Land Regulations 2005*.

2—Commencement

These regulations will come into operation on 29 August 2005.

3—Interpretation

In these regulations, unless the contrary intention appears—

Act means the *Valuation of Land Act 1971*;

premises includes a part of premises.

4—Definition of annual value

For the purposes of paragraph (c) of the definition of *annual value* in section 5(1) of the Act, the following machinery, plant and equipment are prescribed:

- (a) all machinery, plant and equipment used exclusively or mainly for the heating, cooling or ventilating of premises or for protecting premises from fire;
- (b) all elevators, lifts and escalators that are mainly or usually used in premises for the carrying of passengers and are fixed to the premises in such a manner as to be incapable of being removed without structural damage (other than minor or trivial structural damage) to the premises.

5—Land to be treated as forming part of the State Heritage

Pursuant to section 22B(6)(c) of the Act, land is to be treated as forming part of the State heritage for the purposes of section 22B of the Act if the land is an item listed in the register of City of Adelaide Heritage Items as set out from time to time in the Development Plan under the *Development Act 1993* that relates to the area of The Corporation of the City of Adelaide.

6—Certain notices not to constitute notice of valuation unless objection period specified

Pursuant to section 23(2) of the Act, an account, assessment or notice for rates, land tax or some other impost that contains particulars of a valuation does not constitute notice of the valuation for the purposes of section 23(1) unless the document contains the following statement:

You may object to the valuation referred to in this notice by writing served personally or by post on the Valuer-General within 60 days after the date of service of this notice.

BUT NOTE:

- (a) if you have previously received a notice or notices under the [*here state the Act or Acts under which this account, assessment or notice is served*] referring to the valuation and informing you of a 60-day objection period, the objection period is 60 days after service of the first such notice;
- (b) you may not object to the valuation if the Valuer-General has already considered an objection by you to that valuation.

7—Panels of land valuers—manner and form of nomination for appointment

- (1) For the purposes of section 25A(4)(a) of the Act, a nomination for appointment to a panel of land valuers may not be made except on an application to the Real Estate Institute of South Australia Incorporated or the Australian Property Institute Incorporated by the land valuer seeking appointment.
- (2) An application under subregulation (1) must be in writing and must set out—
 - (a) the applicant's full name and business address; and
 - (b) the applicant's qualifications and his or her experience generally; and

- (c) the applicant's experience in valuing land in the region in relation to which the panel to which he or she is seeking appointment is established.
- (3) A body to which an application for nomination under this regulation is made must, if satisfied that there is no reason why the applicant should not be nominated, nominate the applicant for appointment to the panel by completing the form set out in Form 1 of Schedule 1 and sending it to the Minister.

8—Review of valuation—manner and form of application

For the purposes of section 25B(2)(a) of the Act, an application for review of a valuation must be in the form set out in Form 2 of Schedule 1.

9—Review of valuation—selection of valuer to conduct review

- (1) Pursuant to section 25B(4) of the Act, where due application for review of a valuation is made under section 25B of the Act, the valuer to conduct the review will be selected by the owner of the land the valuation of which is subject to the review.
- (2) The Valuer-General must, for the purposes of subregulation (1), supply the owner with a list of the land valuers appointed to the appropriate panel.
- (3) The owner must advise the Valuer-General by notice in writing of the valuer selected by the owner for the purposes of the review.

10—Notice of sale or transfer of title to land—particulars and form

For the purposes of section 29(1) of the Act—

- (a) the particulars required in Form 3 of Schedule 1 are prescribed; and
- (b) a notice under that section must be in that form.

11—Fixtures and improvements not to be included in valuations

- (1) Pursuant to section 34(ab) of the Act, the following fixtures and improvements must not be taken into account in determining or assessing the annual value or capital value of land where the determination or assessment is to be used for the purpose of raising, levying or imposing any rate, tax or impost:
 - (a) any item of machinery, plant or equipment that is used in connection with a trade, business or manufactory and is not fixed to the land or premises or is fixed to the land or premises so as to be capable of being removed without structural damage (other than minor or trivial structural damage) to the land or premises;
 - (b) any main, pole, transformer, wire, pipe, machinery, plant or equipment that is used in connection with the generation and supply of electricity, the supply of gas or water or the provision of sewerage and is erected on land occupied by a public utility undertaking (whether or not an agency or instrumentality of the Crown) related to the supply or provision of such services;
 - (c) trees planted—
 - (i) for the primary purpose of—
 - (A) the commercial production of timber; or
 - (B) the prevention or amelioration of degradation of land; or

- (C) the disposal of effluent; or
 - (D) the provision of a habitat for wildlife; or
- (ii) for any two or more of the purposes specified in subparagraph (i).
- (2) Despite subregulation (1), electricity generating plant, and substations for converting, transforming or controlling electricity, that—
- (a) are used by a body specified by proclamation under clause 3(2) of Schedule 1 of the *Electricity Corporations (Restructuring and Disposal) Act 1999*; and
 - (b) are situated on land to which a proclamation under clause 3(3) of that Schedule applies,

are to be taken into account in determining or assessing the annual value or capital value of land for the purpose of raising, levying or imposing rates under the *Local Government Act 1999*.

12—Prescribed fees and allowances

The fees and allowances payable for the purposes of the Act are set out in Schedule 2.

Schedule 1—Forms

Form 1

Valuation of Land Regulations 2005

Nomination of land valuer to valuation review panel

To: The Minister under the *Valuation of Land Act 1971*

The *Real Estate Institute of South Australia Incorporated/Australian Property Institute Incorporated nominates the land valuer whose name appears below for inclusion on the valuation review panel for the *region/regions nominated.

Name

Address

Address for service of notices

Qualifications

Region or regions nominated

Valuation experience in that region

Signed

Dated this day of 20

(Being a person authorised by the *Real Estate Institute of S.A. Inc./Australian Property Institute Incorporated to make this nomination).

(*Strike out whichever is inapplicable)

Form 2

Valuation of Land Regulations 2005

Application for review of valuation

Note—

- 1 A separate application is required for each review sought and the grounds of review must be fully stated on the application form.
- 2 Notwithstanding this review, the rate of tax assessed on the valuation must be paid by the due date.

To: The Valuer-General

I give notice that I seek a review of the Valuation No located at:

House number

Street name

Suburb or town

Lot or Section

Hundred

I have previously objected to this valuation and an advice to this objection from the Valuer-General was dated The *value/values as determined under the Act and shown on the *notice/notices of valuation *is/are:

Annual value \$
Capital value \$
Site value \$

I contend that the *value/values should be:

Annual value \$
Capital value \$
Site value \$

A detailed statement of the grounds for this review application must be given below and should include a description of the land and premises and its present use.

(If space is insufficient, use the back of the form or attach a statement of grounds)

Rental details (if premises let)			Detailed valuation of land and premises		
Gross rents	Particulars	\$	Particulars		\$

Note—

If the application for review is signed by an agent, a written authority signed by the owner must be attached.

Signed _____ Dated this _____ day of _____ 20____

Postal address _____

(*Strike out whichever is inapplicable)

Form 3

Valuation of Land Regulations 2005

Notice of sale or transfer of land

Note—

- 1 This notice must be given to the Valuer-General within 30 days after the completion of the sale or transfer.
- 2 This notice will not be accepted unless all the details below are supplied.

To: The Valuer-General

I give notice that:	Date of Contract or Transfer	Consideration \$	No		
	Subject to Mortgage \$				
Valuation No	Reference to Title	Hundred, City or Township	Plan No	Section, Town Acre, or Allotment No	Area or Measurement
	Volume/ Book	Folio/ Page			

has been transferred—

From (Transferor)		To (Transferee)		
Christian Names (in full)	Surname (Block Letters)	Christian Names (in full)	Surname (Block Letters)	Address
Transferor's Signature		Transferee's Signature		

Where the transfer has not been registered in the Lands Titles Registration Office, it is necessary to furnish a diagram of the land if a portion only of a lot or section is being transferred (use space below).

* FOR OFFICE USE ONLY

Entered in F.B.

Checked

Valuation Number								Code
Group	Property					Sub	CD	
Ownership Number								Code
Main					Sub	CD		

Schedule 2—Fees and Allowances

1—Fees

- | | | |
|-----|---|-------------|
| (1) | For a copy of the valuation roll containing valuations to be adopted for rating or taxing purposes (section 21 of the Act)—per \$10 000 of capital value (even if the request under that section is made for rating or taxing purposes based on some other value) | 16.58 cents |
|-----|---|-------------|

However, if a fee payable by a council for the 2005/2006 financial year would, in that financial year, amount to an increase exceeding 10 per cent of the fee payable by that council under section 21 of the Act for the immediately preceding financial year, the fee payable by the council will be reduced so that the council only pays the fee payable by that council for that immediately preceding financial year plus 10 per cent.

- | | | |
|-----|---|----------|
| (2) | On an application for review of a valuation (section 25B(2)(c) of the Act)— | |
| | • of land used by the applicant solely as his or her principal place of residence | \$73.00 |
| | • of any other land | \$180.00 |
| (3) | For a certified copy of, or extract from, any entry in a valuation roll | \$27.50 |

2—Allowances under section 25A(8) of the Act

- | | | |
|-----|---|----------|
| (1) | For a review of a valuation of land used by the applicant solely as his or her principal place of residence | \$161.00 |
| (2) | For a review of a valuation of any other land | \$197.00 |

Schedule 3—Revocation of regulations

1—Revocation of regulations

The *Valuation of Land Regulations 1991* are revoked.

Legislative history

Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes.

Principal regulations

Year	No	Reference	Commencement
2005	169	<i>Gazette 21.7.2005 p2474</i>	29.8.2005: r 2