

Valuation of Land Regulation 2012

As at 4 August 2017

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Valuation of Land Act 1916*.

Minister for Finance and Services

Explanatory note

The object of this Regulation is to repeal and remake, with minor changes, the provisions of the *Valuation of Land Regulation 2006*. The new Regulation deals with the following matters:

- (a) additional classes of land to be dealt with as "Crown lease restricted" under the *Valuation of Land Act 1916*,
- (b) the manner in which an objection to a valuation may be lodged and withdrawn,
- (c) the manner in which notices required by the Act or the Regulation may be served,
- (d) other matters of a minor, consequential or ancillary nature.

This Regulation comprises or relates to 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.

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

1 Name of Regulation

This Regulation is the *Valuation of Land Regulation 2012*.

2 Commencement

This Regulation commences on 1 September 2012 and is required to be published on the NSW legislation website.

This Regulation replaces the *Valuation of Land Regulation 2006* which is repealed on 1 September 2012 by section 10 (2) of the *Subordinate Legislation Act 1989*.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*.
- (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 corporation sole with the corporate name of "Minister administering the *Environmental Planning and Assessment Act 1979*",
- (c) the Albury-Wodonga Development Corporation,
- (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 referred to in section 35 (1) of the Act.
- (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 lodgment facility. 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.

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 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 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. 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 Saving

Any act, matter or thing that, immediately before the repeal of the *Valuation of Land Regulation 2006*, had effect under that Regulation continues to have effect under this Regulation.

Historical notes

The following abbreviations are used in the Historical notes:

Am	amended	LW	legislation website	Sch	Schedule
Cl	clause	No	number	Schs	Schedules
ClI	clauses	p	page	Sec	section
Div	Division	pp	pages	Secs	sections
Divs	Divisions	Reg	Regulation	Subdiv	Subdivision
GG	Government Gazette	Regs	Regulations	Subdivs	Subdivision

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Ins	inserted	Rep	repealed	Subst	substituted

Table of amending instruments *Valuation of Land Regulation 2012 (438)*. LW 31.8.2012.
Date of commencement, 1.9.2012, cl 2.