

# Valuation of Land Regulation 2001

As at 5 September 2001

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Valuation of Land Act 1916* . Minister for Information Technology

## Explanatory note

The object of this Regulation is to repeal and remake, without any changes in substance, the provisions of the *Valuation of Land Regulation 1996* . The new Regulation provides for the following:

- (a) the refund of any fee paid in connection with an application for a valuation or certificate of valuation if the application is withdrawn,
- (b) the procedure for lodging an objection to a valuation and for withdrawing any such objection,
- (c) additional classes of Crown lease to which section 58F of the Act applies (section 58F requires the Valuer-General to provide land rating factors when furnishing a valuation),
- (d) other matters of a minor, consequential or ancillary nature.

The 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 section 81 (the general regulation-making power) and the sections referred to in the Regulation. This Regulation is made in connection with the staged repeal of subordinate legislation under the *Subordinate Legislation Act 1989* .

## Part 1 - Preliminary

### 1 Name of Regulation

This Regulation is the *Valuation of Land Regulation 2001* .

### 2 Commencement

This Regulation commences on 1 September 2001.

**Note:** This Regulation replaces the *Valuation of Land Regulation 1996* which is repealed on 1 September 2001 under section 10 (2) of the *Subordinate Legislation Act 1989* .

### 3 Definition

In this Regulation:

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

### 4 Notes

The explanatory note, table of contents and notes in the text of this Regulation do not form part of this Regulation.

## Part 2 - Valuations and objections

### 5 Refunds

If an application for a valuation or a certificate of valuation is lodged and subsequently withdrawn, the Valuer-General may refund the fee lodged with the application, less such expenses as the Valuer-General estimates have been incurred in connection with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

## **6 Lodgment of objections: sections 31 and 35**

(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 may be lodged:

(a) at the office of the Valuer-General, or

(b) 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.

## **7 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.

# **Part 3 - Miscellaneous**

## **8 Land rating factors--certain classes of lease from the Crown**

For the purposes of section 58F (1) (g) of the Act, the prescribed classes or descriptions of leases are leases for agricultural or pastoral purposes but only when the land subject to the leases is 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 (New South Wales) Corporation,

(d) the Ministerial Development Corporation constituted under the *Growth Centres (Development Corporations) Act 1974* ,

(e) the Roads and Traffic Authority,

(f) the Sydney Water Corporation,

(g) the Hunter Water Corporation.

## **9 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 over or explained to the person by the witness, and

(b) the person appeared fully to understand the nature and effect of the document.

## **10 Service of notices**

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

## **11 Savings provision**

Any act, matter or thing that, immediately before the repeal of the *Valuation of Land Regulation 1996* , had effect under that Regulation continues to have effect under this Regulation.

## **Historical notes**

Table of amending instruments *Valuation of Land Regulation 2001* published in Gazette No 132 of 31.8.2001, p 7302.