

Land Valuation Act 2010

Division 5 Allowances and concessions

Subdivision 2 Exclusive use as a single dwelling house or for farming

45 Application of sdiv 2

- (1) This subdivision applies for deciding the value of land used only as a single dwelling house or for farming.
- (2) For this section, land is not used only for a single dwelling house or for farming if—
 - (a) the land is divided into individual lots; and
 - (b) there is evidence, including advertising or actual sales, of an intention to sell the individual lots.

46 Particular enhancements must be disregarded

- (1) In deciding the value, any enhancement in its value because of any of the following for the land must be disregarded—
 - (a) a subdivision by survey;
 - (b) a potential use for industrial, subdivisional or any other purposes.
- (2) Subsection (1)(b) applies whether or not the potential use is lawful on the valuation day.

47 What is a *single dwelling house*

- (1) A *single dwelling house* is—
 - (a) a dwelling used solely for habitation by a single household; or
 - (b) a building consisting of 2 flats used solely for habitation; or
 - (c) a building consisting of 2 self-contained units, known as a duplex, and used solely for habitation.
- (2) Subsection (1)(a) includes a dwelling used solely for habitation by a single household—
 - (a) part of which is used or available for use as a furnished room or furnished rooms; or
 - (b) with a single self-contained flat.

48 What is *farming*

- (1) *Farming* is the use of land for a farming business if—
 - (a) the use is the land's dominant use; and
 - (b) the conditions under subsections (2) and (3) are complied with.
- (2) The business must be carried out for profit on a continuous or repetitive basis.
- (3) The business must have a substantial commercial purpose or character shown by at least one of the following—
 - (a) having an average gross annual return, worked out over a 3-year period, of at least \$5000;

- (b) if the business is establishing and harvesting native or non-native forests—having an average anticipated gross annual return, worked out over the period from establishment to harvesting that is usual for the particular species of tree, of at least \$5000;
- (c) if the business is maintaining and harvesting native forests—having an average anticipated gross annual return, worked out over the period from the start of maintenance to harvesting of the particular species of tree, of at least \$5000;
- (d) having both of the following—
 - (i) a minimum value of farm improvements or planting of forest or orchard trees of \$50000;
 - (ii) the appearance of being kept for farming or expenditure on crops, forest trees, maintenance of farm improvements, livestock or orchard trees.

(4) In this section—

farm improvements includes appropriate sheds, other structures, facilities, farm plant and land development for the particular farming business but does not include a dwelling or car accommodation.

farming business means—

- (a) the business or industry of grazing, dairying, pig farming, poultry farming, viticulture, orcharding, apiculture, horticulture, aquaculture, vegetable growing, the growing of crops of any kind or forestry; or
- (b) another business or industry involving the cultivation of soils, the harvesting of crops or the rearing of livestock.

Subdivision 3 Discounting for subdivided land not yet developed (non-Land Act rental)

49 Application of sdiv 3

- (1) This subdivision applies to a parcel (the *relevant parcel*) if—
 - (a) the relevant parcel is 1 of the parts into which land has been subdivided; and
 - (b) the person who subdivided the land is the owner of the relevant parcel; and
 - (c) the relevant parcel is not developed land.
- (2) This subdivision also applies to a parcel (also the *relevant parcel*) if—
 - (a) the relevant parcel is 1 of the parts into which land has been reconfigured because of a compulsory acquisition under a law; and
 - (b) subsection (1) applied to the relevant parcel, as part of a relevant parcel mentioned in subsection (1), immediately before the compulsory acquisition; and
 - (c) after the reconfiguration, the same person continues to own the part of the land not compulsorily acquired; and
 - (d) the relevant parcel is not developed land.
- (3) Despite subsections (1) and (2), this subdivision does not apply for a Land Act rental valuation.
- (4) If subdivision 2 applies to land, this subdivision does not affect the operation of subdivision 2.

50 Discount until parcel developed or ownership changes

- (1) This section applies for the making and levying of rates on the relevant parcel for the discounted valuation period.
- (2) The local government must discount the value of the relevant parcel by 40%.
- (3) In this section—

discounted valuation period, for the relevant parcel, means the period starting when the land of which the parcel was a part was subdivided and ending on the earlier of the following days—

 - (a) the day on which there is a change in the ownership of the relevant parcel;
 - (b) the day the relevant parcel becomes developed land.

51 Provisions for when discounted valuation period ends

- (1) This section applies for the relevant parcel on and from the day the discounted valuation period under section 50 ends.
- (2) For the local government legislation, a change in the relevant parcel's value is taken to have had effect on that day.
- (3) For the making and levying of rates on the relevant parcel on and from that day—
 - (a) its previous value is its value as discounted under section 50(2); and
 - (b) its new value is its value without regard to the discount.