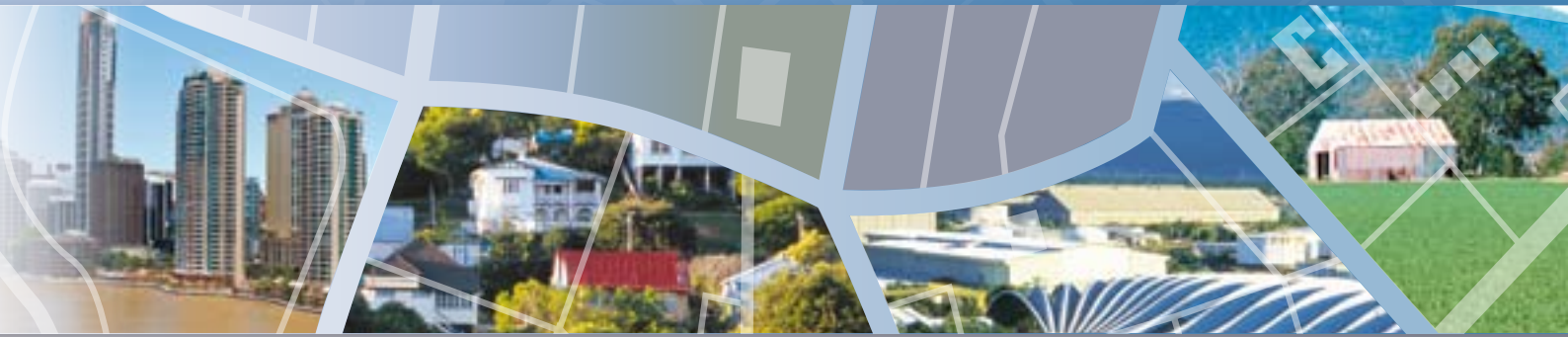


Landowner guide

to statutory land valuation objections



Prepared by:

State Valuation Service

Department of Environment and Resource Management

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This guide outlines the objections process for both valuation methodologies under Queensland's statutory land valuation system.

Please refer to your Valuation Notice to determine how your property has been valued.

Part 1 —site value (non-rural land)

To object to a valuation under the site value methodology, refer to Part 1 on page one.

Part 2—unimproved value (rural land)

To object to a valuation under the unimproved value methodology, refer to Part 2 on page 15.

Refer to the centre of this guide for copies of the relevant forms.

This guide takes effect from 3 May 2011 for all statutory land valuations issued on or after this date.

Further information

For more information regarding statutory land valuations:

- visit the website <www.derm.qld.gov.au>
- phone the statutory land valuations call centre on 1300 664 217 (this service is available from 8 am to 5 pm, Monday to Friday until 4 July 2011).

Local government rates

For further information on rates, contact your local council.

State land tax

For more information regarding land tax:

- visit the Office of State Revenue website <www.osr.qld.gov.au/land-tax>
- phone the Office of State Revenue on 1300 300 734.

State land rent

For more information regarding rents for State land term leases:

- contact your nearest Department of Environment and Resource Management business centre
- visit the website <www.derm.qld.gov.au>.



Part 1—site value (non-rural land)

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Queensland's statutory land valuation system

This guide outlines the objection process for all statutory land valuations issued on or after 3 May 2011.

For more than 70 years, the 'unimproved value' methodology was used in Queensland as the basis to determine statutory land valuations. Since the introduction of the *Land Valuation Act 2010* (the Act) in September 2010 the statutory land valuation system has changed to include two valuation methodologies:

- site value for non-rural land
- unimproved value for rural land.

Annual valuations issued on or after 3 May 2011 were assessed using the two different methodologies and will take effect on 30 June 2011.

Maintenance valuations issued after 3 May 2011 will also be assessed using the two methodologies.

The site value methodology is already used in other Australian jurisdictions and is more aligned with market value, making the valuation for non-rural land simpler and easier to understand.

Below is a simple explanation of the two methodologies:

- **Site value** reflects what the land would be expected to sell for on the date of valuation in its 'current' condition, **including** site improvements such as levelling, filling, or drainage works that have been carried out.
This methodology is used to value all non-rural land.
- **Unimproved value** reflects what the land would be expected to sell for on the date of valuation in its 'unimproved' condition. It **excludes** site improvements such as levelling, filling, or drainage works that have been carried out.
This methodology is used to value rural land.

The availability of services to the land such as water, sewerage, electricity and access to transport are taken into account in both site and unimproved valuations.

Both valuation methodologies **exclude** built structures on the land such as houses, commercial premises, sheds and other buildings, as well as excavations for structural improvements (e.g. foundations for buildings, footings or underground car parks). Landscaping is also excluded from the statutory land valuations. Also, both valuation methodologies **exclude** the value of leases, goodwill of businesses, mortgages and other charges on the land.

Any statutory land valuations that are in effect prior to 30 June 2011 must have regard to the *Valuation of Land Act 1944* (repealed with transitional arrangements).

For more information, refer to the Department of Environment and Resource Management website <www.derm.qld.gov.au>.

Statutory land valuations may be used by local governments to assess rates, by the department for State land rental purposes and by the Office of State Revenue in Queensland Treasury for calculating land tax.

- Contact your local government for any rates enquiries.
- Contact the Office of State Revenue in relation to all land tax enquiries via their website <www.osr.qld.gov.au/land-tax> or telephone 1300 300 734.
- Contact the Department of Environment and Resource Management for more information on State land rents by visiting your nearest departmental business centre.

Determining your valuation methodology

Before issuing your statutory land valuation, the Valuer-General—responsible for all statutory land valuations issued in Queensland and head of the State Valuation Service within the department—designated a valuation methodology to your land based on how it was zoned on the date of valuation under the Queensland planning provisions or the equivalent local government planning scheme.

Land that is zoned **rural** under a local government planning scheme is designated rural (for statutory land valuation purposes) and is valued using the **unimproved** value methodology.

All other land, including land zoned rural-residential, **is now designated non-rural** and the **site value** methodology applies.

Land that is designated rural will change to non-rural land if, under a preliminary approval for a material change of use, it is used for an urban purpose.

To determine which methodology was used to value your land, please refer to the example Valuation Notice on page four of this guide.

If your land has been valued using **site value**, continue using **Part 1** of this guide for information on the relevant objection process. If your land has been valued using unimproved value, refer to Part 2 of this guide on page 15.

Is your valuation methodology correct?

If your land has been valued using the site value methodology, and you believe this is incorrect, you may request the Valuer-General to consider whether your land should be declared as 'rural' for statutory valuation purposes by lodging a *Rural land application* (Form 12).

The following two criteria must be met for the Valuer-General to change your methodology under a rural land application:

1. At least 95 per cent of the valuation parcels in the state that are used for the same purpose are zoned as rural.
2. The land's zoning as non-rural makes a material difference to the valuation of land. A material difference will be where a minimum of 30 per cent change in the valuation would have occurred if the land was declared rural.

The Valuer-General will respond to your application within 60 days of receipt. If you do not agree with the Valuer-General's decision, you can request an internal review of the decision by the Valuer-General.

If you have lodged your rural land application during the objection period, your right to lodge an objection against your statutory valuation is protected during the review period. Once a decision on your rural land application is made by the Valuer-General, you will have a further 60 days to lodge an objection against the valuation, if you choose to do so.

If you do not agree with the internal review decision, you can apply for an external review through the Queensland Civil and Administrative Tribunal within 28 days of receiving the internal review decision from the Valuer-General. Information about this process is available from the Queensland Civil and Administrative Tribunal website at <www.qcat.qld.gov.au>. Your right to lodge an objection against your statutory valuation is protected during the external review period. Once a decision on your external review is made by Queensland Civil and Administrative Tribunal you will have a further 60 days to lodge an objection against the valuation, if you choose to do so.

A copy of the *Rural land application* (Form 12) is available on the department's website <www.derm.qld.gov.au> or from any departmental business centre.

Using this guide

For an objection to be eligible for consideration, it must be 'properly made' in accordance with the Act.

This guide has been developed to assist landowners to complete a 'properly made' objection and understand Queensland's statutory land valuation system. The Act provides an objection process so that you can have your statutory land valuation reviewed if you believe the land valuation is incorrect.

You can access a copy of the Act at the Office of the Queensland Parliamentary Counsel's website <www.legislation.qld.gov.au>.

The procedures for lodging an objection to your statutory land valuation as described in this guide **only apply to statutory land valuations issued on or after 3 May 2011**.

Queensland landowners who disagree with their statutory land valuation may lodge an objection against their statutory land valuation within 60 days of the issue date on the Valuation Notice.

Part 1—site value, is divided into three parts:

- Part 1A—Site value methodology
 - » Completing the *Notice of Objection—Site Land Valuation (non-rural land)* (Form 58S), including a copy of Form 58S, and *Application for Deduction for Site Improvements* (Form 41) for completion.
- Part 1B—Lodging your objection
- Part 1C—Frequently asked questions and an explanation of the statutory land valuation objection process.

Additional information on the Queensland valuation system, including the objection process and online valuation listing, is available from the Department of Environment and Resource Management website <www.derm.qld.gov.au> or at any departmental business centre.

Example annual valuation notice

There are three types of valuation notices, each is a different colour:

Annual Valuation Notice (blue)—used by local governments for rating purposes

Notice of Valuation for Freehold Land (brown)—used by the Office of State Revenue for land tax purposes

Notice of Valuation for State Land Rental Purposes (green)—used by the department for State leasehold rental purposes.

Departmental business centre address. To lodge a land valuation objection, a completed *Notice of Objection—Site Land Valuation (non-rural land)* (Form 58S) must be sent to the departmental business centre in your area within 60 days of the valuation being issued.

The property that is valued on your valuation notice, which is required for all correspondence with the department, including objections.

The issue date of your valuation.

This information, the area, is required when completing the *Notice of Objection—Site Land Valuation (non-rural land)* (Form 58S).

The new valuation amount of your property. This information is required when completing the *Notice of Objection—Site Land Valuation (non-rural land)* (Form 58S).

The property identification number used by the department to identify your property. This is required for all correspondence with the department, including objections.

The Real Property Description is required when completing the *Notice of Objection—Site Land Valuation (non-rural land)* (Form 58S).

The date of valuation is also required when completing the *Notice of Objection—Site Land Valuation (non-rural land)* (Form 58S).

The date your new valuation takes effect. This information is required when completing the *Notice of Objection—Site Land Valuation (non-rural land)* (Form 58S).

PO Box 350
ROCK QLD 4406
13 20 Free 01 341700

State Valuation Service
Department of Environment
and Resource Management

annual valuation notice

QUEENSLAND COTTON CORPORATION LTD
PO BOX 113
ST GEORGE QLD 4487

Re: Valuation of property at: XX YYYYYYYYYYYYYY ST. XXXXXX 47777
Issue date: 1 May 2011
Property ID: XXXXX
Local Government: XXXXXXXXXXXXXXXXXXXX
RPD: RP12345 PAR SOMEWHERE
Area: XYZZ

Current Unimproved Valuation: \$600,000	New Site Valuation: \$757,000
Date of Valuation: 1 October 2009	Date of Valuation: 1 October 2010
Date of Effect: 30 June 2010	Date of Effect: 30 June 2011

The State Valuation Service has completed the statewide annual valuation of all properties. In accordance with the 2010-2011 Valuation Act 2010. This year your type of valuation has changed from an unimproved valuation to a site valuation. For further information on site value, please see the enclosed Site Value brochure.

If you wish to compare your New Site Valuation with surrounding valuations, you may inspect the annual valuation display being for your local government area at the Department of Environment and Resource Management, Level 1, 22-30 Wood St. MACHUET or on the department's website until 1 August 2011, and 1 August 2011.

If you do not agree with your New Site Valuation, an objection must be lodged with the Valuer-General at the address shown at the top of this notice by 4 July 2011. Objections must be lodged in the approved form (Form 58S) and include grounds as to why the valuation is incorrect. An objection 4S, including the form and guidelines, can be obtained from the department's website or by phoning the toll free number below.

The New Site Valuation may be used as a base for local government rating and State land tax from 30 June 2011.

For further information:
 Valuations toll free number: 1300 604 217
 Department's website: www.derm.qld.gov.au
 Local government number: 1300 622 529
 Land tax website: www.rpl.qld.gov.au

Part 1A—Site value methodology

Completing the Notice of Objection—Site Land Valuation (non-rural land) (Form 58S)

1.1 Section 1 of Form 58S—Property details

Any personal details provided to the Valuer-General and the Department of Environment and Resource Management are protected by laws and policies that limit who can have access to the information. A more detailed privacy statement is included on the back of the Notice of Objection form.

To complete this section, you can take this information directly from your Valuation Notice (refer to the example Valuation Notice on page four of this guide). Transfer this information directly into Section 1 on Form 58S.

1.2 Section 2 of Form 58S—Contact details

These contact details will be used when contacting you (or your agent) about the progress of your objection. This must include a postal address and may include an email address or facsimile number to ensure anything concerning the objection can be delivered to you in a timely manner.

If you are using an authorised agent, you should provide the agent's contact details in this section of the form.

1.3 Section 3 of Form 58S—Amount sought for the statutory valuation of the land

This section relates to the amount you believe the site value of your land should be.

If your statutory land valuation is \$750 000 or less, you may include an amount in this section—it is not mandatory to complete this section, however providing an estimate of what you believe your statutory valuation should be, will assist in the assessment of your objection.

If your valuation is **greater** than \$750 000 this section **must** include what you believe the statutory value of the land should be (a range of financial values is not acceptable). If you do not include an amount, your objection will not be properly made and you/or your agent will be issued with a Correction Notice to rectify to the omission. You will have 28 days from the date of the Correction Notice to correct your objection.

1.4 Section 4 of Form 58S—Grounds for objection

In this section you **must** provide your grounds for objection—clearly stating why you believe the statutory land valuation is incorrect. If you do not complete the grounds for objection section, your objection will not be properly made and you/or your agent will be issued with a Correction Notice to rectify the omission. You will have 28 days from the date of the correction notice to correct your objection.

You can list as many grounds as you believe are relevant under Ground 1, 2 or 3 in this section.

Only grounds for objection which have supporting information are acceptable and will be considered by the Valuer-General. Outlined below are some examples of what does and does not constitute acceptable grounds for objection. This is not an exhaustive list—please refer to *L261—Compliant and non-compliant grounds for objection* fact sheet available on the department's website <www.derm.qld.gov.au> for more detailed information.

An explanation of each ground for objection, as provided on the Notice of Objection—Site Land Valuation (non-rural land) (Form 58S), is provided below.

The examples given for each ground are suggestions only and are an indication of the types of information that may be relevant to each objection ground.

If you do not provide supporting evidence or facts, which can substantiate the grounds you select, then your objection may not satisfy the requirements for being properly made and you will be issued with a Correction Notice to rectify the omission. You will have 28 days from the date of the Correction Notice to correct your objection and return it to the Valuer-General.

Incomplete or broad grounds for objection

Incomplete or broad grounds—that is, non-specific statements, which provide no indication of how they relate to the valuation of your land or are not supported by evidence—may not be considered by the Valuer-General.

If you use broad grounds or have incomplete grounds as a basis for your objection it will not be properly made and you/or your agent will be issued with a Correction Notice. You will have 28 days from the date of the Correction Notice to correct your objection.

The following statements are examples of unacceptable broad grounds:

- the valuation is excessive and unreasonable
- the valuation is wrong and contrary to law
- the valuation proceeds on wrong principles and fails to take into account correct principles
- all the facts have not been taken into account in arriving at the statutory land value.

If additional information and evidence is provided that supports any of these statements, then a broad ground may be considered as compliant.

For example: the statement that ‘the valuation is wrong and contrary to law’ would not be a broad statement if the relevant legislation and its application to your valuation were stated. That is, the ground for objection you provide is that *“the valuation is wrong and contrary to the Land Valuation Act 2010 in that the site value methodology rather than the unimproved methodology has been used to value the land. The land is zoned as ‘rural’ and is used for farming purposes”*.

The amount of local government rates and State land taxes payable is the responsibility of the local government for rates and the Office of State Revenue, Queensland Treasury. They are not acceptable grounds for an objection as they are not considered when determining your statutory land value.

Ground 1—The statutory land valuation is not supported by property sales

To satisfy this ground, you must provide specific details of the comparable property sales and give reasons for your selection. You must provide reasons why the sales are comparable to the valuation of your land. Where there is no street address available for the sale property, then you should include a ‘lot on plan’ description to assist the Valuer-General to identify the sale property.

The most relevant sales are those:

- on, or as close to, the date of valuation shown on your Valuation Notice
- with similar attributes to your land (e.g. the same general locality, used for the same or a similar purpose, possess similar physical attributes, and have the same zoning under the Queensland planning provisions or local government planning scheme).

It is important to note that your statutory land valuation does not include built structures or businesses on the land. When determining your statutory land valuation, sales of vacant or lightly improved properties were used where available as they are more reflective of the statutory value of the land.

A sample of land sales for the majority of local government areas is available on the Department of Environment and Resource Management website <www.derm.qld.gov.au> for 90 days (up until 1 August 2011). Alternatively, you may be aware of recent sales that have occurred in your locality. Market evidence can also be sourced from real estate agents, departmental business centres and private sector property data providers for a fee.

You can view individual property values at your local display centre or on the department’s website <www.derm.qld.gov.au> for 90 days (up until 1 August 2011) from the issue date on your Valuation Notice.

Example: What your objection ground should state when using comparable sales

Street address: 123 Citizen St, The City, QLD, 4999

Date of sale: 25/09/2010 **Sale price:** \$500 000

Comparison to your property: The sale property is a vacant block, located within two streets of my land. The area of land is 1000m² and it has better views of the mountains. The zoning under the local government scheme is the same as my property. The sale occurred close to the date of valuation stated on my notice. My land is 809m², which is smaller than the sale land (which has better views). My site valuation is \$550 000 and I believe it should be reduced to \$470 000, in comparison with the sale property.

Ground 2—The statutory land valuation does not reflect the physical characteristics of the land and/or constraints on the use of the land

If you choose this ground for objection, you should explain the specific characteristics or constraints and how they affect the value of your land.

Examples of constraints placed on the use of the land that may affect its value, could include:

- height or development restrictions under the local government planning scheme
- encumbrances (easement, right of way, covenant or caveat)
- that the property is listed on the heritage register and therefore has limited development potential.

Examples of physical characteristics of the land that may affect the value of your land could include:

- shape, size, topography, aspect and elevation
- light and air considerations
- noise and/or vibration
- erosion
- limitations due to waterways or environmental corridors
- limited access.

Examples: Physical characteristics and land use constraints

- Entry and exit to the site is limited under a local government plan (e.g. the Brisbane City Plan).
- The property is heritage-listed placing limitations on potential development.
- Almost one third of the property is not available for any construction, including the large garden shed I wanted to erect. This is due to several sewer pipes of various sizes running in various directions across the area. The property's area of 583m² is not fully available in the sense that the usable area is much less.
- There are a number of easements on the land in favour of adjoining owners which limits development on the land.
- The land is located within a designated flood area and part of the land has flooded twice within the past year.
- There is a Vegetation Protection Order over a White Fig tree growing on the land. The area covered by the canopy of the tree is approximately 15 per cent of the site area. Due to the tree's location the development potential of the site is severely limited. Please refer to the location plan and photos attached.

Ground 3—Other grounds

This ground allows you to provide any other relevant information not already mentioned in grounds 1 or 2, which you believe affects your statutory land valuation amount. Some examples of information that could be included in this objection ground are:

- lands, which you believe should be included in one valuation, have been valued separately, or vice versa
- the land was valued as a use different to its actual use (e.g. a residential house site valued as an industrial site)
- something has affected the value of your land, after the date the valuation was made but before your Valuation Notice was issued, and may not have been considered.

If your land has suffered permanent damage due to adverse natural events such as floods or cyclones and you believe this has not been reflected in your valuation, then details and supporting information should be provided under this ground.

Offset allowance

If your objection relates to a decision regarding the offset allowance or concerns a claim for a higher offset amount, your objection must:

1. state the offset amount you believe is correct
2. provide the basis of the calculation used in arriving at the amount which you believe is correct.

For more information about the offset allowance refer to the fact sheet *L268—Site value: offset allowance*, which is available on the department's website <www.derm.qld.gov.au>

Site improvement deduction

If your objection relates to a decision regarding an application for a deduction for site improvements or concerns a claim for a higher deduction amount, your objection must:

1. state the deduction amount you believe is correct
2. state full details of the site improvements including costs of the works, who carried out the works, when the works were finished
3. provide evidence that you paid for the site improvements in the past 12 years, when the payment was made and all documents relating to the cost of the site improvements.

Ground 4—Application for a deduction for site improvements

Ground 4 of the Notice of Objection must only be completed when a landowner is making an application for a deduction for the value of site improvements made to the land.

A deduction for the value of site improvements **can only** be applied for under Ground 4 if **you**, as the landowner, **undertook and paid** for the site improvements to the land within the past 12 years to prepare the land for development. Site improvements made by previous owners cannot be claimed.

You can apply for the deduction for the value of the site improvements by ticking the box in Ground 4 on Form 58S. You must also complete the *Application for a Deduction for Site Improvements* (Form 41) included in this guide.

If you are applying for the deduction for the value of the site improvements under this ground, you must provide full details in the approved form of:

- the site improvements made, including the costs
- who carried out the work
- when the works were completed and paid for
- evidence that you paid for the site improvement and when the payment was made
- documents in your possession relating to the cost of the work.

If any of these details are not provided, then Ground 4 of your objection will not be compliant and you will be issued with a Correction Notice. You will have 28 days from the date of issue of this notice to rectify the omission.

For more detailed information about what site improvements can be claimed, refer to Part 1C of this guide and/or fact sheet *L267—Site value: deduction for site improvements*, which is available from the department's website <www.derm.qld.gov.au>.

If you are not claiming a site improvement deduction simply leave this section blank.

Site improvements **include**: reclamation by draining or filling, retaining walls and other works for the reclamation or any other works done to the land necessary to improve or prepare it for development.

Site improvements **exclude**: professional fees, bank interest or other costs to obtain approvals or improvements to the land such as landscaping or works/clearing to construct swimming pools or other structures on the land.

Example 1: When you can claim a site improvement deduction

Person A owns a block of land located in a flood affected area, and has been the owner for the past 15 years. Ten years ago, improvements were made to the land to mitigate the effects of the flooding and to increase the useable area of the land. Person A spent money at that time on filling, retaining, and drainage.

The existing unimproved valuation is \$350 000 which excludes these site improvements. The new site valuation is \$500 000, which includes the value of these improvements.

Person A believes the added value of the site improvements to be \$120 000 and seeks a deduction of this amount from the new site valuation, effectively reducing the valuation from \$500 000 to \$380 000.

Person A should:

1. Tick the box in Ground 4 – 'I wish to apply for the site improvement deduction'.
2. Complete Form 41 – '*Application for a Deduction for Site Improvements*' and attach to the Notice of Objection form.
3. Provide evidence of works undertaken and the associated costs.

Example 2: When you cannot claim a site improvement deduction

Person B owns a large parcel of land within an industrial estate. When person B bought the land, the estate was fully developed over previously unusable/low lying/flood-prone land. The developer who sold the land to person B imported significant amounts of fill and undertook extensive earthworks to create lots suitable for industrial purposes.

Person B's existing unimproved land valuation is \$1.2 million which excludes these extensive site improvements but the new site valuation is \$1.6 million which includes the value of these improvements.

Person B is unable to claim for a deduction for site improvements as they did not undertake the site improvements (i.e. the developer made the improvements to the land, not person B).

Person B should:

- Leave this section blank.

1.5 Checklist

A checklist has been included on the Notice of Objection form so that you (or your agent) can be confident that you have completed the form correctly and that all supporting documents are attached.

1.6 Section 5 of Form 58S—Declaration and landowner consent

The Notice of Objection must be signed by at least one landowner, or by the authorised agent. It is recommended that the person lodging the objection signs this section of the form.

Where the objection is for a multi-unit complex, the form must be signed by an office holder in the body corporate.

Landowner consent is **required** if you choose another person (an agent) to manage the objection process on your behalf.

An agent may be any person who agrees to assist you and acts on your behalf to lodge your objection and manage the objection process. For example, an agent may be a family member, friend, private valuer, real estate agent, lawyer or advocate.

If you choose to use an agent, **you must** provide that information in this section of the form or attach a signed letter of consent. Only one landowner's signature is required.

If you choose to have an agent lodge an objection on your behalf and do not provide written consent, your objection will be not properly made and you will be issued a Correction Notice to rectify the omission. You will have 28 days from the date of the Correction Notice to correct your objection.

Part 1B—Lodging your objection

Lodge your completed Notice of Objection form and all supporting documents at the Department of Environment and Resource Management business centre listed at the top of your Valuation Notice **within 60 days of the issue date on your Valuation Notice**. If for any reason you cannot lodge your objection at this centre, it can be lodged at any other departmental business centre.

If you wish to object to more than one valuation (e.g. an Annual Valuation Notice and a Valuation Notice for Freehold Land), you should complete a separate form for each objection where the valuation amounts and/or the parcels of land on the notices differ. If the valuation amounts and land parcels are identical, an objection against an annual valuation will be treated by the Valuer-General as though it were an objection against all valuations of the same amount for the same parcel of land.

Part 1C—Frequently asked questions and an explanation of the statutory land valuation objection process

The Valuer-General is the head of the State Valuation Service within the Department of Environment and Resource Management and is responsible for issuing statutory land valuations in accordance with the *Land Valuation Act 2010* (the Act) in Queensland.

The Act introduced a simpler, more equitable statutory land valuation system and provides a new and simplified objection process for landowners who do not agree with their statutory land valuation. Under the Act a landowner can request a review of their statutory land valuation by the Valuer-General. The new simplified process commenced on 3 May 2011 when the annual valuations were issued.

Landowners with any statutory land valuations in effect until 30 June 2011 must have regard to the *Valuation of Land Act 1944*.

Below are some frequently asked questions about the valuation objection process.

How has the objection process changed from previous years?

Under the Act, the objection process for statutory land valuations has changed to be more transparent. Now, it is easier for landowners to provide the information needed by the Valuer-General to assess their objection.

The changes include:

- Longer timeframes for:
 - » lodging objections (extended from 45 days to 60 days)
 - » correcting an objection (extended from 14 days to 28 days from the date of issue of the Correction Notice)
 - » responding to an invitation for information (extended from 14 days to 28 days, with an option for an additional 14-day extension if agreed between both parties)
 - » lodging an appeal with the Land Court (extended from 42 days to 60 days).
- The information you must supply to ensure your objection is properly made has been simplified.
- Appeals can be made to the Queensland Civil and Administrative Tribunal if you are issued with a lapsing notice.
- The requirements for a properly made objection have been more clearly defined, allowing objections to proceed as properly made where at least one of the grounds for objection compliant.
- Landowners can now seek an internal review by the Valuer-General in relation to a decision that an objection was not properly made.
- Landowners' grounds of appeal to the Land Court are **not** limited to those grounds provided in the objection.

What is a properly made objection?

A 'properly made' objection is an objection which is lodged within 60 days of the issue date as shown on your Valuation Notice and include the following information:

- property identification number, address or real property description of the parcel of land (see your Valuation Notice) (Section 1 of Form 58S)
- contact details for correspondence (Section 2 of Form 58S)

- the **specific amount** sought for the valuation if your land is valued at more than \$750 000 (Section 3 of Form 58S). If your valuation is equal to or lower than this, you may complete Section 4 but it is not compulsory
- grounds for objection with supporting evidence – grounds 1, 2 and 3 under Section 4 of Form 58S
- if lodging an objection under Ground 4 (Section 4 of Form 58S), you must complete a separate, application for a deduction for site improvements with supporting evidence of the site works
- landowner's and agent's signatures on the objection form. If you choose to nominate another person (an agent) to lodge an objection on your behalf, then your signed written consent to the objection **must** be provided. An agent may be a family member, friend, private valuer, real estate agent, lawyer or advocate (Section 5 of Form 58S).

If your objection satisfies these requirements and is determined to be properly made, you (or your agent) will be advised in writing of the properly made decision to the address provided in Section 2 of the objection form.

What is a Correction Notice?

A Correction Notice is issued by the Valuer-General to a landowner when a Notice of Objection is determined as not being properly made or is properly made with non-compliant grounds. A landowner will have 28 days from the issue of the Correction Notice to appropriately amend the objection.

What happens when an objection has one compliant ground but other grounds are not compliant?

If a properly made objection only partially complies with the ground requirement (i.e. one ground is compliant but another or others are not), a landowner will be given an opportunity to amend or remove the non-compliant grounds through a correction notice. Failure to return or amend the correction notice within 28 days does not prevent the objection from being considered by the Valuer-General on the compliant ground/s.

What happens if my objection is not properly made?

Where an objection is not properly made, a Correction Notice will be issued to the landowner (or their agent), and sent to the address provided in Section 2 of the objection form.

You have 28 days from when the Correction Notice is issued to respond, and correct the error or omission. If the objection is not corrected within the required 28 days, you (or your agent) will be advised that the objection is not properly made and cannot be considered further by the Valuer-General.

If you disagree with the decision that your objection is not properly made or that you did not comply with the Correction Notice, you may apply to the Valuer-General for an internal review of that decision within 28 days of the date of either decision. Your application must be in writing and state the grounds for seeking a review.

The Valuer-General will advise you (or your agent) of the decision on the internal review within 28 days of receiving your application.

If you disagree with the Valuer-General's decision on your internal review, you may apply to the Queensland Civil and Administrative Tribunal for an external review of that decision. In most cases, the application must be made within 28 days of the notice of the internal review decision. For further information visit www.qcat.qld.gov.au.

What happens when my objection is properly made?

Once your objection is deemed to be properly made, it will be referred to a State Valuation Service valuer, as a delegate of the Valuer-General, to consider the grounds for objection and all supporting information provided.

If further information is required, the valuer may request this by a:

- written invitation for information to you or your agent
- conference between the State Valuation Service and you and/or your agent
 - » this **may** occur for valuations equal to or below \$5 million if the State Valuation Service determines it is appropriate to have a conference
 - » this **must** be offered by the State Valuation Service for valuations over \$5 million
- written information requirement to owners of land valued in excess of \$5 million.

Following a conference between you and/or your agent and the State Valuation Service delegate, you can supply more information to support your objection within 28 days of the conference. All information supplied will be used to make a final decision on your objection.

How do I know if a decision on my objection has been made?

As soon as is practical, you (or your agent) will be advised in writing of the decision made in relation to your properly made objection and the reasons for it. This advice will be sent to the address provided at Section 2 of the objection form.

Can I appeal the decision regarding my objection?

If you disagree with the decision made regarding your properly made objection, you may lodge an appeal with the Land Court. This must be done within 60 days of the date of issue stated in the written objection decision. It is your responsibility to lodge your appeal against the decision made on your objection with the Land Court, and provide the Valuer-General with a copy.

You can not appeal if:

- the valuation sought:
 - » on objection, was less than the valuation objected to and the objection decision was equal to or less than the valuation sought
 - » on objection, was more than the valuation objected to and the objection decision was equal to the valuation sought
- the objection is not a properly made objection
- the Valuer-General has not made a decision under section 147 of the Act.

Also, an objector can not appeal against a comparable valuation reduction of a valuation. Information about this process is available from the Land Court website at www.landcourt.qld.gov.au.

You must also forward a copy of all appeal documents to the Valuer-General within seven days of lodging your appeal with the Land court at the address of the Department of Environment and Resource Management business centre shown on the top of your of Valuation Notice. If for some reason you cannot lodge the documents at that business centre, you can lodge the document at any departmental business centre.

Important note: following the introduction of the *Land Valuation Act 2010*, the grounds of appeal for valuations issued on or after 3 May 2011 are no longer limited to the original grounds for objection. For valuations issued prior to this date and in effect until 30 June 2011, please refer to the objection process under the *Valuation of Land Act 1944*, details of which are available on the department's website <www.derm.qld.gov.au>.

What site improvements may be considered for the site improvements deduction under Ground 4?

Only improvements, which form part of the statutory site valuation may be considered for a deduction. A site improvement will only be considered if it increases the value of the land.

Site improvement works **to** the land to prepare it for development may include:

- clearing vegetation on the land
- picking up and removing stones
- improving soil fertility or structure
- works to manage or remedy contamination (if the land was contaminated land as defined under the *Environmental Protection Act 1994*)
- restoring, rehabilitating or improving its surface by filling, grading or levelling, but not by irrigation or conservation works
- reclamation by draining or filling, including retaining walls and other works for the reclamation
- underground drainage
- any other works done to the land necessary to improve or prepare it for development.

The value of the works made **to** the land, which are not part of any built structures, are included in the statutory site valuation and may be eligible for a deduction.

What site improvements will not be considered for the site improvement deduction under Ground 4?

Only improvements, which form part of the statutory site valuation may be considered for a deduction. A site improvement which does not increase the value of the land will not be considered.

Examples of site improvements, which will not be considered include:

- any site improvements made by former owners, or government agencies
- excavation for footings or foundations for a building
- excavation for underground car parks
- landscaping or planting/removing of trees
- any works undertaken specific to the construction of a structure on the land (this includes works to build a house, pool, fences etc).

Works of this nature are associated with development **on** the land and form part of the construction of built structures. Therefore, these values are not included in the statutory site valuation and are not eligible for a deduction.

Does the 2011 annual valuation reflect the impact of the recent flood and cyclone events?

Yes, the release of the 2011 annual valuation was delayed to allow valuers to fully assess the impact of the extreme weather events on land values across Queensland.



How does the Valuer-General assess the impacts of adverse natural causes on land values?

When reviewing a valuation due to an adverse natural cause, the Valuer-General considers the following:

- the use of the land
- whether this type of event has occurred previously and is already reflected in the valuation
- physical damage to the land
- the date the damage or loss of value to the land occurred
- results of physical inspections of the land
- existing and historic records, aerial photography, satellite imagery and mapping
- sales evidence of affected and similarly affected lands
- the risk or market perception of the event occurring again
- research papers and market commentary
- the level of inundation
- the length of time of inundation
- the impact for cropping and other primary industries
- the length of time before the land can be brought back into full production
- the impact on infrastructure
- the short and long-term impacts of the event.

How is the effect of an adverse natural cause reflected in land values?

It is recognised that adverse natural events are regular occurrences in parts of Queensland, for example cyclones in North Queensland. The full impact of adverse natural causes on the market value of land will not be evident for some time after the event. Following an adverse natural cause, there are generally fewer property sales than would ordinarily occur.

Unless landowners are forced to sell, they tend to adopt a 'wait-and-see' attitude in the hope that the market stabilises or makes a quick recovery. The State Valuation Service will continue to monitor market movements and will reflect those changes in the annual valuation program.

Therefore, valuers will consider sales evidence where it is available and many other factors (such as those listed above) when determining the impact of an event such as a flood or cyclone on the value of the land.

What if my land has been affected by extreme weather events and I do not agree with my new valuation?

Landowners who believe that insufficient allowance has been made in their valuation for the impacts of flooding or some other adverse natural cause, and can provide information to support their claim, may lodge an objection with the Valuer-General.

The objection must be lodged in the approved form within 60 days of the date of issue of the valuation. This information should be included in Ground 3 (Section 4 of Form 58S).

What if my land has suffered permanent damage?

A valuation may be amended if floods, cyclones or some other adverse natural cause (over which the landowner had no control) has permanently damaged the land and if an alteration in the valuation is warranted.

The Act permits an amendment to a valuation if the landowner applies to the Valuer-General within six months of the permanent damage occurring. The application must be in writing and should include details of the damage.

In rural areas, permanent damage could include a loss in the arable area of a farm, permanent silting of a watercourse or loss of topsoil.





Part 2—unimproved value (rural land)

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Queensland's statutory land valuation system

This guide outlines the objection process for all statutory land valuations issued on or after 3 May 2011.

For more than 70 years, the 'unimproved value' methodology was used in Queensland as the basis to determine statutory land valuations. Since the introduction of the *Land Valuation Act 2010* (the Act) in September 2010 the statutory land valuation system has now changed to include two valuation methodologies:

- unimproved value for rural land
- site value for non-rural land.

Annual valuations issued on or after 3 May 2011 were assessed using the two different methodologies and will take effect on 30 June 2011.

Maintenance valuations issued after 3 May 2011 will also be assessed using the two methodologies.

Below is a simple explanation of the two methodologies:

- **Unimproved value** reflects what the land would be expected to sell for on the date of valuation in its 'unimproved' condition. It **excludes** site improvements such as levelling, filling, or drainage works that have been carried out. This methodology is used to value rural land.
- **Site value** reflects what the land would be expected to sell for on the date of valuation in its 'current' condition, **including** site improvements such as levelling, filling, or drainage works that have been carried out. This methodology is used to value all non-rural land.

The availability of services to the land such as water, sewerage, electricity and access to transport are taken into account in both site and unimproved valuations.

Both valuation methodologies **exclude** built structures on the land such as houses, commercial premises, sheds and other buildings, as well as excavations for structural improvements (e.g. foundations for buildings, footings or underground car parks). Landscaping is also excluded from statutory land valuations. Also, both valuation methodologies **exclude** the value of leases, goodwill of businesses, mortgages and other charges on the land.

Any statutory land valuations that are in effect prior to 30 June 2011 must have regard to the *Valuation of Land Act 1944* (repealed with transitional arrangements).

For further information, refer to the Department of Environment and Resource Management website <www.derm.qld.gov.au>.

Statutory land valuations may be used by local governments to assess rates, by the department for State land rental purposes and by the Office of State Revenue in Queensland Treasury for calculating land tax.

- Contact your local government for any rates enquiries.
- Contact the Office of State Revenue in relation to all land tax enquiries via their website <www.osr.qld.gov.au/land-tax> or telephone 1300 300 734.
- Contact the Department of Environment and Resource Management for more information on State land rents by visiting your nearest departmental business centre.

Determining your valuation methodology

Before issuing your statutory land valuation, the Valuer-General—responsible for all statutory land valuations issued in Queensland and head of the State Valuation Service within the department—designated a valuation methodology to your land based on how it was zoned on the date of valuation under the Queensland planning provisions or the equivalent local government planning scheme.

Land that is zoned **rural** under a local government planning scheme is designated rural (for statutory land valuation purposes) and is valued using the **unimproved** value methodology.

All other land, including land zoned rural-residential, **is now designated non-rural** and the **site value** methodology applies.

Land that is designated rural will change to non-rural land if, under a preliminary approval for a material change of use, it is used for an urban purpose.

To determine which methodology was used to value your land, please refer to the example Valuation Notice on page 18 of this guide.

If your land has been valued using **unimproved value**, continue using **Part 2** of this guide for information on the relevant objection process. If your land has been valued using site value, refer to Part 1 of this guide on page 1.

Using this guide

For an objection to be eligible for consideration, it must be ‘properly made’ in accordance with the Act.

This guide has been developed to assist landowners to complete a ‘properly made’ objection and understand Queensland’s statutory land valuation system. The Act provides an objection process so that you can have your statutory land valuation reviewed if you believe it is incorrect.

You can access a copy of the Act at the Office of the Queensland Parliamentary Counsel’s website <www.legislation.qld.gov.au>.

The procedures for lodging an objection to your statutory land valuation as described in this guide **only apply to statutory land valuations issued on or after 3 May 2011**.

Queensland landowners who disagree with their statutory land valuation may lodge an objection against their statutory land valuation within 60 days of the issue date on the Notice of Valuation.

Part 2—unimproved value, is divided into three parts:

- Part 2A—Unimproved value methodology
 - » Completing the *Notice of Objection—Unimproved Land Valuation (rural land)* (Form 58U), including a copy of the form for completion
- Part 2B—Lodging your objection
- Part 2C—Frequently asked questions and an explanation of the statutory land valuation objection process.

Additional information on the Queensland valuation system, including the objection process and online valuation listing, is available from the Department of Environment and Resource Management website <www.derm.qld.gov.au> or at any departmental business centre.



Example annual valuation notice

There are three types of valuation notices, each is a different colour:

Annual Valuation Notice (blue)—used by local governments for rating purposes

Notice of Valuation for Freehold Land (brown)—used by Office of State Revenue for land tax purposes

Notice of Valuation for State Land Rental Purposes (green)—used by the department for State leasehold rental purposes.

Departmental business centre address. To lodge a land valuation objection, a completed *Notice of Objection—Unimproved Land Valuation (rural land)* (Form 58U) must be sent to the departmental business centre in your area within 60 days of the valuation being issued.

The property that is valued on your valuation notice, which is required for all correspondence with the department, including objections.

The issue date of your valuation.

This information, the area, is required when completing the *Notice of Objection—Unimproved Land Valuation (rural land)* (Form 58U).

The new valuation amount of your property. This information is required when completing the *Notice of Objection—Unimproved Land Valuation (rural land)* (Form 58U).

PO Box 350
ROCKA QLD 4436
13 20 Free 11 3417300

State Valuation Service
Department of Environment
and Resource Management

annual valuation notice

QUEENSLAND COTTON CORPORATION LTD
PO BOX 113
ST GEORGE QLD 4487

Re: Valuation of property at XX YYYYYYYYYYYYYY ST XXXXXXX 47777
Issue date: 3 May 2011
Property ID: XXXXX
Local Government: XXXXXXXXXXXXXXXXXXXX
RPD: 13 RP12345 PAR SOMEWHERE
Area: XYZZ123

Current Unimproved Valuation: \$600,000	New Unimproved Valuation: \$757,000
Date of Valuation: 1 October 2009	Date of Valuation: 1 October 2010
Date of Effect: 30 June 2010	Date of Effect: 30 June 2011

The State Valuation Service has completed the statewide annual valuation of all properties, in accordance with the new Land Valuation Act 2010. For further information on unimproved value, please see the enclosed Unimproved Value brochure.

If you wish to compare your New Unimproved Valuation with surrounding situations, you may inspect the annual valuation display listing for your local government area at the Department of Environment and Resource Management, Level 1, 22-30 Broad Street, MACKAY or on the department's website until 1 August 2011.

If you do not agree with your New Unimproved Valuation, an objection must be lodged with the Valuer-General at the address shown at the top of this notice by 4 July 2011. Objections must be lodged in the approved form (Form 58U) and include grounds as to why the valuation is incorrect. An objection kit, including the form and guidelines, can be obtained from the department's website or by phoning the toll free number below.

The New Unimproved Valuation may be used as a basis for local government rating and State land tax from 30 June 2011.

Next Day
Valuer-General
Department of Environment and
Resource Management

For further information:
Valuations toll free number 1300 064 217
Department's website www.derm.qld.gov.au
Local government number 1300 622 528
Land tax website www.orf.qld.gov.au

The property identification number used by the department to identify your property. This is required for all correspondence with the department, including objections.

The Real Property Description is required when completing the *Notice of Objection—Unimproved Land Valuation (rural land)* (Form 58U).

The date of valuation is also required when completing the *Notice of Objection—Unimproved Land Valuation (rural land)* (Form 58U).

The date your new valuation takes effect. This information is required when completing the *Notice of Objection—Unimproved Land Valuation (rural land)* (Form 58U).

Part 2A—Unimproved value methodology

Completing the Notice of Objection—Unimproved Land Valuation (rural land) (Form 58U)

2.1 Section 1 of Form 58U—Property details

Any personal details provided to the Valuer-General and the Department of Environment and Resource Management are protected by laws and policies that limit who can have access to the information. A more detailed privacy statement is included on the back of the Notice of Objection form.

To complete this section, you can take this information directly from your Valuation Notice (refer to the example Valuation Notice on page 18 of this guide). Transfer this information directly into Section 1 on Form 58U.

2.2 Section 2 of Form 58U—Contact details

These contact details will be used to contact you (or your agent) about the progress of your objection. This section must include a postal address and may include an email address or facsimile number to ensure anything concerning the objection can be delivered to you in a timely manner.

If you are using an authorised agent, you should provide the agent's contact details in this section of the form.

2.3 Section 3 of Form 58U—Amount sought for the statutory valuation of the land

This section relates to the amount you believe the unimproved value of your land should be.

If your statutory land valuation is \$750 000 or less, you may include an amount in this section—it is not mandatory to complete this section, however providing an estimate of what you believe your statutory valuation should be will assist in the assessment of your objection.

If your valuation is **greater** than \$750 000, this section must include what you believe the statutory value of the land should be (a range of financial values is not acceptable). If you do not include an amount, your objection will not be properly made and you/or your agent will be issued with a Correction Notice to rectify the omission. You will have 28 days from the date of the Correction Notice to correct your objection.

2.4 Section 4 of Form 58U—Grounds for objection

In this section you **must** provide your grounds for objection—clearly stating why you believe the statutory land valuation is incorrect. If you do not complete the grounds for objection section, your objection will not be properly made and you/or your agent will be issued with a Correction Notice to rectify the omission. You will have 28 days from the date of the Correction Notice to correct your objection.

You can list as many grounds as you believe are relevant under Ground 1, 2 or 3 in this section.

Only grounds for objection which have supporting information are acceptable and will be considered by the Valuer-General. Outlined below are some examples of what does and does not constitute acceptable grounds for objection. This is not an exhaustive list—please refer to fact sheet *L261—Compliant and non-compliant grounds for objection* available on the departments website <www.derm.qld.gov.au> for more detailed information.

An explanation of each ground for objection, as provided on the Notice of Objection—Unimproved Land Valuation (rural land) (Form 58U), is provided below.

The examples given for each ground are suggestions only and are an indication of the types of information that may be relevant to each objection ground.

If you do not provide supporting evidence or facts, which can substantiate the grounds you select, then your objection may not satisfy the requirements for being properly made and you will be issued with a Correction Notice to rectify the omission. You will have 28 days from the date of the Correction Notice to correct your objection and return it to the Valuer-General.

Incomplete or broad grounds for objection

Incomplete or broad grounds—that is, non-specific statements, which provide no indication of how they relate to the valuation of your land or are not supported by evidence—may not be considered by the Valuer-General.

If you use broad grounds or have incomplete grounds as a basis for your objection it will not be properly made and you/or your agent will be issued with a Correction Notice. You will have 28 days from the date of the Correction Notice to correct your objection.

The following statements are examples of unacceptable broad grounds:

- the valuation is excessive and unreasonable
- the valuation is wrong and contrary to law
- the valuation proceeds on wrong principles and fails to take into account correct principles
- all the facts have not been taken into account in arriving at the statutory land value.

If additional information and evidence is provided that supports any of these statements, then a broad ground may be considered as compliant.

For example: the statement that ‘the valuation is wrong and contrary to law’ would not be a broad statement if the relevant legislation and its application to your valuation were stated. That is, the ground for objection you provide is that *“the valuation is wrong and contrary to the Land Valuation Act 2010 in that the value includes site improvements made to the land and my land is valued as unimproved land”*.

The amount of local government rates and State land taxes payable is the responsibility of the local government for rates and the Office of State Revenue, Queensland Treasury. They are not acceptable grounds for an objection as they are not considered when determining your statutory land value.

Ground 1—The statutory land valuation is not supported by property sales

To satisfy this ground, you must provide the specific details of the comparable property sales and give reasons for your selection. You must provide reasons why the sales are comparable to the valuation of your land. Where there is no street address available for the sale property, then you should include a ‘lot on plan’ description to help identify the sale.

The most relevant sales will be those:

- on, or as close to, the date of valuation shown on your Valuation Notice
- with similar attributes to your land (e.g. the same general locality, used for the same or a similar purpose, possess similar physical attributes, and have the same zoning under the Queensland planning provisions or local government planning scheme).

It is important to note that your statutory land valuation does not include built structures or businesses on the land. When determining your statutory valuation, sales of vacant or lightly improved properties were used where available as they are more reflective of the statutory value of the land.

If you are using a comparable sale of land for primary production, please include a description of the country on the sale with sufficient detail to demonstrate that you (or your agent) have a sound knowledge of the sale property.

For an agricultural or mixed farming property, the country description should include a break-up of arable and non-arable land, plus other relevant characteristics such as restrictions on use, pests and/or weeds, flooding, severance and size.

Alternatively, you may be aware of recent sales that have occurred in your locality. Market evidence can also be sourced from real estate agents, departmental business centres and private sector property data providers for a fee.

Example: What to state when using comparable sales for rural land

Street address: Black Stump Rd, The Country, QLD, 4444

Date of sale: 12/09/2010 **Sale price:** \$850 000

Comparison to your land: In September of last year, the neighbouring property was purchased for \$850 000 and the country is very similar to my property. This sale also included plant and machinery and is larger property than my property. For these reasons, I believe my unimproved valuation of \$900 000 is too high and should be reduced to \$800 000.

Ground 2—The statutory land valuation does not reflect the physical characteristics of the land and/or constraints on the use of the land

If you choose this ground for objection, explain the specific characteristics or constraints and how they affect the value of your land.

Examples of constraints placed on the use of your land, which may affect its value, could include:

- encumbrances (easements, rights of way, covenants or caveats)
- the effect of town planning regulations.

Examples of physical characteristics of your land, which may affect its value, could include:

- shape, size, topography, aspect and elevation
- erosion
- reduced carrying capacity
- permanent damage to the land due to adverse natural events such as floods and cyclones
- limitations due to waterways or environmental corridors
- limited access.

Examples: Physical characteristics and land use constraints

There are a number of electricity and access easements which reduce the usable area for cropping.

The land has flooded twice within the past year.

Flooding and severe storms have washed much of my top soil away and eroded a significant portion of my land adjoining the river. The cost of regeneration is quite significant. I don't believe my valuation takes this into account.

Ground 3—Other grounds

This ground allows you to provide any other relevant information not already mentioned in grounds 1 or 2, which you believe affects your statutory land valuation amount. Some examples of information that could be included in this objection ground are:

- the country classification is not correct
- vegetation restrictions have reduced the productivity and the carrying capacity of the land
- the land has no formed access
- there is no longer access to permanent natural water (e.g. the lagoon has dried up).

If your land has suffered permanent damage due to adverse natural events such as floods or cyclones and you believe this has not been reflected in your valuation, then details and supporting information should be provided under this ground.

2.5 Checklist

A checklist has been included on the Notice of Objection form—Unimproved Land Valuation (rural land) (Form 58U) so that you (or your agent) can be confident that you have completed the form correctly and that all supporting documents are attached.

2.6 Section 5 of Form 58U—Declaration and landowner consent

The Notice of Objection must be signed by at least one landowner, or by the authorised agent. It is recommended that the person lodging the objection signs in this section of the form.

Landowner consent is **required** if you choose another person (an agent) to manage the objection process on your behalf.

An agent may be any person who agrees to assist you and acts on your behalf to lodge your objection and manage the objection process. For example, an agent may be a family member, friend, private valuer, real estate agent, lawyer or advocate.

If you choose to use an agent, **you must** provide that information in this section of the form or attach a signed letter of consent. Only one landowner's signature is required.

If you choose to have an agent lodge an objection on your behalf and do not provide written consent, your objection will not be properly made and you will be issued a Correction Notice to rectify the omission. You will have 28 days from the date of the Correction Notice to correct your objection.

Part 2B—Lodging your objection

Lodge your completed Notice of Objection form and all supporting documents at the Department of Environment and Resource Management business centre listed at the top of your Valuation Notice **within 60 days of the issue date on your Notice of Valuation**. If for any reason you cannot lodge your objection at this centre, it can be lodged at any other departmental business centre.

If you wish to object to more than one valuation (e.g. an Annual Valuation Notice and a Valuation Notice for Freehold Land), you should complete a separate form for each objection where the valuation amounts and/or the parcels of land on the notices differ. If the valuation amounts and land parcels are identical, an objection against an annual valuation will be treated by the Valuer-General as though it were an objection against all valuations of the same amount for the same parcel of land.

Part 2C—Frequently asked questions and an explanation of the statutory land valuation objection process

The Valuer-General is the head of the State Valuation Service within the Department of Environment and Resource Management and is responsible for issuing statutory land valuations in accordance with the *Land Valuation Act 2010* (the Act) in Queensland.

The Act introduced a simpler, more equitable statutory land valuation system and provides a new and simplified objection process for landowners who do not agree with their statutory land valuation. Under the Act a landowner can request a review of their statutory land valuation by the Valuer-General. The new simplified process commenced on 3 May 2011 when the annual valuations were issued.

Landowners with any statutory land valuations in effect until 30 June 2011 must have regard to the *Valuation of Land Act 1944*.

Below are some frequently asked questions about the valuation objection process.

How has the objection process changed from previous years?

Under the Act, the objection process for statutory land valuations has changed to be more transparent. Now, it is easier for landowners to provide the information needed by the Valuer-General to assess their objection.

The changes include:

- Longer timeframes for:
 - » lodging objections (extended from 45 days to 60 days)
 - » correcting an objection (extended from 14 days to 28 days from the date of issue of the Correction Notice)
 - » responding to an invitation for information (extended from 14 days to 28 days, with an option for an additional 14-day extension if agreed between both parties)
 - » lodging an appeal with the Land Court (extended from 42 days to 60 days).
- The information you must supply to ensure your objection is properly made has been simplified.
- Appeals can be made to the Queensland Civil and Administrative Tribunal if you are issued with a lapsing notice.
- The requirements for a properly made objection have been more clearly defined, allowing objections to proceed as properly made where at least one of the grounds for objection is compliant.
- Landowners can now seek an internal review by the Valuer-General in relation to a decision that an objection was not properly made.
- Landowners' grounds of appeal to the Land Court are not limited to those grounds provided in the objection.

What is a properly made objection?

A 'properly made' objection is an objection which is lodged within 60 days of the issue date as shown on your Valuation Notice and include the following information:

- property identification number, address or real property description of the parcel of land (see your Valuation Notice) (Section 1 of Form 58U)
- contact details for correspondence (Section 2 of Form 58U)
- the **specific amount** sought for the valuation if your land is valued at more than \$750 000 (Section 3 of Form 58U). If your valuation is equal to or lower than this, you may complete Section 3 but it is not compulsory

- grounds for objection with supporting evidence – grounds 1, 2 and 3 under Section 4 of Form 58U
- landowner's and agent's signatures on the objection form. If you choose to nominate another person (an agent) to lodge an objection on your behalf, then your signed written consent to the objection **must** be provided. An agent may be a family member, friend, private valuer, real estate agent, lawyer or advocate (Section 5 of Form 58U).

If your objection satisfies these requirements and is determined to be properly made, you (or your agent) will be advised in writing of the properly made decision to the address provided in Section 2 of the objection form.

What is a Correction Notice?

A Correction Notice is issued by the Valuer-General to a landowner when a Notice of Objection is determined as not being properly made or is properly made with non-compliant grounds. A landowner will have 28 days from the issue of the Correction Notice to appropriately amend the objection.

What happens when an objection has one compliant ground but other grounds are not compliant?

If a properly made objection only partially complies with the ground requirement (i.e. one ground is compliant but another or others are not), a landowner will be given an opportunity to amend or remove the non-compliant grounds through a correction notice. Failure to return or amend the correction notice within 28 days does not prevent the objection from being considered by the Valuer-General on the compliant ground/s.

What happens if my objection is not properly made?

Where an objection is not properly made, a Correction Notice will be issued to the landowner (or their agent), and sent to the address provided in Section 2 of the objection form.

You have 28 days from when the Correction Notice is issued to respond, and correct the error or omission. If the objection is not corrected within 28 days, you (or your agent) will be advised that the objection is not properly made and cannot be considered any further by the Valuer-General.

If you disagree with the decision that your objection is not properly made or that you did not comply with the Correction Notice, you may apply to the Valuer-General for an internal review of that decision within 28 days of the date of either decision. Your application must be in writing and state the grounds for seeking a review.

The Valuer-General will advise you (or your agent) of the decision on the internal review within 28 days of receiving your application.

If you disagree with the Valuer-General's decision on your internal review, you may apply to the Queensland Civil and Administrative Tribunal for an external review of that decision. In most cases, the application must be made within 28 days of the notice of internal review decision. For further information visit <www.qcat.qld.gov.au>.

What happens when my objection is properly made?

Once your objection is deemed to be properly made, it will be referred to a State Valuation Service valuer, as a delegate of the Valuer-General, to consider the grounds for objection and all supporting information provided.

If further information is required, the valuer may request this by a:

- written invitation for information to you or your agent
- conference between the State Valuation Service and you and/or your agent
 - » this **may** occur for valuations equal to or below \$5 million if the State Valuation Service determines it is appropriate to have a conference
 - » this **must** be offered by the State Valuation Service for valuations over \$5 million
- written information requirement to owners of land valued in excess of \$5 million.

Following a conference between you and/or your agent and the State Valuation Service delegate, you can supply more information to support your objection within 28 days of the conference. All information supplied will be used to make a final decision on your objection.

How do I know if a decision on my objection has been made?

As soon as is practical, you (or your agent) will be advised in writing of the decision made in relation to your properly made objection and the reasons for it. This advice will be sent to the address provided at Section 2 of the objection form.

Can I appeal the decision regarding my objection?

If you disagree with the decision made regarding your properly made objection, you may lodge an appeal with the Land Court. This must be done within 60 days of the date of issue stated in the written objection decision. It is your responsibility to lodge your appeal against the decision made on your objection with the Land Court and provide the Valuer-General with a copy.

You can not appeal if:

- the valuation sought:
 - » on objection, was less than the valuation objected to and the objection decision was equal to or less than the valuation sought
 - » on objection, was more than the valuation objected to and the objection decision was equal to the valuation sought
- the objection is not a properly made objection
- the Valuer-General has not made a decision under section 147 of the Act.

Also, an objector can not appeal against a comparable valuation reduction of a valuation.

Information about this process is available from the Land Court website at www.landcourt.qld.gov.au.

You must also forward a copy of all appeal documents to the Valuer-General within seven days of lodging your appeal in the Land Court at the address of the Department of Environment and Resource Management business centre shown on the top of your Valuation Notice. If for some reason you cannot lodge the documents at that business centre, you can lodge the documents at any departmental business centre.

Important note: following the introduction of the *Land Valuation Act 2010*, the grounds of appeal for valuations issued on or after 3 May 2011 are no longer limited to the original grounds for objection. For valuations issued prior to this date and in effect until 30 June 2011, please refer to the objection process under the *Valuation of Land Act 1944*, details of which are available on the department's website www.derm.qld.gov.au.

Does the 2011 annual valuation reflect the impact of the recent flood and cyclone events?

Yes, the release of the 2011 annual valuation was delayed to allow valuers to fully assess the impact of the extreme weather events on land values across Queensland.

How does the Valuer-General assess the impacts of adverse natural causes on land values?

When reviewing a valuation due to an adverse natural cause, the Valuer-General considers the following:

- the use of the land
- whether this type of event has occurred previously and is already reflected in the valuation
- physical damage to the land
- the date the damage or loss of value to the land occurred
- results of physical inspections of the land
- existing and historic records, aerial photography, satellite imagery and mapping
- sales evidence of affected and similarly affected lands
- the risk or market perception of the event occurring again
- research papers and market commentary
- the level of inundation
- the length of time of inundation
- the impact for cropping and other primary industries
- the length of time before the land can be brought back into full production
- the impact on infrastructure
- the short and long-term impacts of the event.

How is the effect of an adverse natural cause reflected in land values?

It is recognised that adverse natural events are regular occurrences in parts of Queensland, for example cyclones in North Queensland. The full impact of adverse natural causes on the market value of land will not be evident for some time after the event. Following an adverse natural cause, there are generally fewer property sales than would ordinarily occur.

Unless landowners are forced to sell, they tend to adopt a 'wait-and-see' attitude in the hope that the market stabilises or makes a quick recovery. The State Valuation Service will continue to monitor market movements and will reflect those changes in the annual valuation program.

Therefore, valuers will consider sales evidence where it is available and many other factors (such as those listed above) when determining the impact of an event such as a flood or cyclone on the value of the land.

What if my land has been affected by extreme weather events and I do not agree with my new valuation?

Landowners who believe that insufficient allowance has been made in their valuation for the impacts of flooding or some other adverse natural cause, and can provide information to support their claim, may lodge an objection with the Valuer-General.

The objection must be lodged in the approved form within 60 days of the date of issue of the valuation. This information should be included in Ground 3 (Section 4 of Form 58U).

What if my land has suffered permanent damage?

A valuation may be amended if floods, cyclones or some other adverse natural cause (over which the landowner had no control) has permanently damaged the land and if an alteration in the valuation is warranted.

The Act permits an amendment to a valuation if the landowner applies to the Valuer-General within six months of the permanent damage occurring. The application must be in writing and should include details of the damage.

In rural areas, permanent damage could include a loss in the arable area of a farm, permanent silting of a watercourse or loss of topsoil.



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