



COMMISSIONER'S PRACTICE LT 1.0

LAND TAX - PRIVATE RESIDENTIAL PROPERTY, TWO OR MORE LOTS OF LAND DEVELOPED AS A SINGLE PROPERTY

Commissioner's Practice History

Commissioner's Practice	Issued	Dates of effect	
		From	To
LT 1.0	29 October 2003	29 October 2003	11 November 2010

This Commissioner's practice addresses the method of assessment of two or more lots of land occupied as a single property.

Background

The *Land Tax Assessment Act 2002* ("the Act") provides for an exemption from land tax on land that is used by the owner as their primary residence, as defined in clause 1 of the Glossary to the Act, except where the land is held in trust.

The definition of "parcel", and clause 2(3) and (4) of the Glossary of the Act, allow the Commissioner to treat two or more lots of land as a single property for valuation and assessment, providing:

- the lots are in the same ownership;
- the lots have common boundaries; and
- the Commissioner is satisfied that the lots are established and used as one integrated area that constitutes a private residence.

Section 20(1) of the Act permits a taxpayer to apply to the Commissioner for an exemption, concession or further concession for any of the land identified in the section.

The exemption for a parcel of land from land tax only applies where the Commissioner is satisfied the parcel is being used as a private residence and the parcel meets the usage criteria for a primary residence exemption.

Commissioner's Practice

1. A detailed sketch of the property must accompany an application for two or more lots to be treated as one lot by the Commissioner. The sketch is required to show the position of all buildings and their uses, all internal and external fences, paths, driveways and any other improvements. Approximate dimensions should be shown.
2. The portion of the land that is used for the owner's primary residence and any area used for any other purpose should be indicated.
3. Where considered necessary, the Commissioner will inspect properties and/or seek documentary evidence in order to form an opinion.
4. Where a private residence is constructed so that it sits partly upon each lot, then the land will be treated as a single parcel for valuation and assessment.
5. Where a residence is constructed solely on one lot, adjoining lots will not be considered as part of a parcel unless the Commissioner is of the opinion that they have been developed in such a manner as to form an integral part of the residence. Such improvements may include tennis courts, swimming pools, garages, sealed driveways, well-developed gardens, landscaping and reticulation.

Date of Effect

This Commissioner's practice takes effect from 29 October 2003.

Bill Sullivan
COMMISSIONER OF STATE REVENUE

29 October 2003