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This Commissioner's practice addresses the method of assessment of two or more lots of land established, and used by the individuals who reside there, as one integrated area that constitutes the place of residence.

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 ("the Glossary"), except where the land is held in trust.

The definition of "parcel", and clause 2(3) and 2(4) of the Glossary, 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 by the

regard to when determining if the lot on which the residence is constructed (“home lot”) and each other lot (“other lots”) are established, and used by the individuals who reside there, as one integrated area that constitutes the place of residence.

These factors include:

- (a) the nature, extent and degree of permanence of any structures or other improvements on the other lots;
- (b) the degree of physical separation of, and the means of access between, the home lot and the other lots;
- (c) whether the appearance and physical characteristics of the home lot and the other lots, taken together, are those of one integrated area;
- (d) the extent to which the home lot and the other lots are collectively or separately provided for in terms of matters such as:
 - (i) fencing;
 - (ii) means of access and egress;
 - (iii) provision of water, power and other utilities;
- (e) the purposes for which the other lots are used and whether the use is:
 - (i) of a residential nature; and
 - (ii) of an ongoing, not temporary or transient, nature;
- (f) whether the use of the home lot and the use of the other lots, taken together, constitutes the use of all of the lots as one integrated place of residence;
- (g) how often the other lots are used and by whom;
- (h)

2. Where a residence is constructed on one lot, adjoining lots will not be considered to be part of a parcel unless the Commissioner is satisfied that they have been developed in such a manner as to form an integral part of the residence. Substantial physical structures, such as a brick garage with concrete driveway allowing access to the home lot from the road, or an underground swimming pool with landscaped gardens, are more likely to be accepted as indicative of properly integrated lots.
3. Two or more lots will not be treated as a single residential property where the other lot or lots contain a separate residence.
4. Where the other lot or lots are essentially vacant land with no substantial structural improvements, or a few easily removable items such as a swing set, barbecue or portable shed that could be quickly and easily removed, it is unlikely that the lots will be treated as a single residential property.
5. Consideration will be given as to whether the lots are separated by a dividing fence and, if so, whether there are gates or other means of ready and convenient access between the lots.
6. In some instances, it is not possible to tell from the appearance of a property that it consists of a home lot and another lot or lots. This could be due to extensive gardens and reticulation that operate across all of the lots, or other types of structures such as tennis courts, that appear to be part of a single property. In other cases, when inspecting the property, it is apparent that the lots are separate from each other, both in terms of structures and the overall look and feel of the property. In this respect, the judgement of a "reasonable person" is the standard to be applied in determining the appearance and characteristics of a property.
- 7.

The image features several thin black lines that originate from a single point at the bottom left and extend upwards and to the right, creating a cone-like or funnel-like shape. The lines are slightly curved and intersect to form a series of overlapping, elongated shapes that resemble a stylized letter 'A' or a similar geometric form. The word 'SUPERSEDED' is overlaid on this graphic.

SUPERSEDED