

FORM QRO—LT28

Guide to completing a notification about continued use, future use or end of use of land for eligible build-to-rent developments

Version 1—Effective July 2024



Land Tax Act 2010 sections 58Z, 58ZA and 58ZB

Application of Part 6A *Land Tax Act 2010*

Part 6A, Division 6 of the *Land Tax Act* contains the notice requirements for the owner of land that is ‘land used for an eligible build-to-rent (BTR) development’.

Available concessions are set out in s.58B of the *Land Tax Act*.

Eligibility for the concession

Section 58B of the *Land Tax Act* provides concessions for land that is land used for an eligible BTR development for a financial year, being a 50% reduction in the taxable value of land and non-application of the land tax foreign surcharge rate.

Section 58C of the *Land Tax Act* states land is land used for an eligible BTR development for a financial year if the Commissioner of State Revenue is satisfied of a number of conditions, including that during the previous financial year the land was used solely or primarily for an eligible BTR development.

To be an eligible BTR development for a financial year, s.58E of the *Land Tax Act* states, among other things, that the BTR development must, during the previous financial year, have:

- been comprised of at least 50 self-contained dwellings
- met the discounted rent housing requirements
- been used solely or primarily for residential purposes.

Eligibility for the concessions may continue for a maximum of 20 financial years or until 30 June 2050 (whichever is earlier) and is limited to eligible BTR developments that first become suitable for occupation during the period starting on 1 July 2023 and ending on 30 June 2030. To receive the concessions for more than 1 financial year, the land must be used continuously as an eligible BTR development from the BTR start date for the development.

Notice about continued use of land

You must notify the Commissioner of particular decisions (s.58Z). Complete this form within 1 month after the start of the financial year if:

- your land tax liability for the previous financial year was assessed on the basis that your land qualifies as land used for an eligible BTR development, the ownership of the land has not changed, and the land continues to be land used for an eligible BTR development for the current financial year
- or
- the land tax liability for the previous financial year was assessed on the basis that the land qualifies as land used for an eligible BTR development, the ownership of the land changed during the previous financial year, the land has continued to be used solely or primarily for an eligible BTR development and all other conditions in s.58S(4) of the *Land Tax Act* have been met.

Notice of particular decisions about future use of land

You must notify the Commissioner of particular decisions (s.58ZA). Complete this form within 1 month of making the decision, if:

- the land is land used for an eligible BTR development for a financial year
- the eligible BTR development is a staged development
- at least 1 stage of the development is not a completed stage and the owner of the land decides to
 - not proceed with a stage
 - change the nature of the stage.

Notice of ceasing ownership of the land

If you have ceased to be the owner of land used for an eligible BTR development for a financial year, you must notify the Commissioner (s.58ZB). Complete this form within 1 month after ceasing to be the owner of the land to advise how the land has been used during the financial year.

Completing this form

This form has 4 parts (labelled A to D).

If there is insufficient space, attach additional pages with all relevant details. All landowners or their authorised representative, must sign Part D.

Ensure contact details are provided—we may need to discuss this form with you.

Lodging documents

You must lodge Form LT28 and supporting documentation with the Commissioner.

Send the form and your supporting documents to GPO Box 2476, Brisbane Qld 4001 or landtax@treasury.qld.gov.au.

You will be notified by email or text message when your documents are received.

Meaning of terms

BTR start date

The BTR start date for an eligible BTR development means 1 July in the financial year immediately preceding the first financial year for which a taxpayer's liability for land tax is assessed on the basis that land is land used for the eligible BTR development.

Example—BTR start date

A taxpayer's liability for land tax for the financial year starting on 1 July 2026 is assessed on the basis that land is land used for an eligible BTR development. An assessment of liability for land tax has not previously been made on the basis that the land is used for that purpose. The BTR start date for the eligible BTR development is 1 July 2025.

Build-to-rent (BTR) development

A BTR development is 1 or more buildings that:

- are located on the same parcel
- are constructed or substantially renovated for the purpose of providing multiple dwellings to be occupied under residential tenancy agreements
- first become suitable for occupation during the period starting on 1 July 2023 and ending on 30 June 2030.

See s.58D of the Land Tax Act for more information about build-to-rent developments.

Completed stage

A completed stage, of a staged development, means a building or part of a building comprising a stage of the development that is suitable for occupation.

Discounted rent dwelling

A discounted rent dwelling is a dwelling in a BTR development that is occupied by an eligible tenant under a discounted rent housing agreement.

Discounted rent housing agreement

A residential tenancy agreement for a dwelling in a BTR development is a discounted rent housing agreement, if:

- at each relevant time for the agreement, the rent payable under the agreement is at least 25% less than the reference rent for the dwelling
- the agreement is a fixed-term agreement
- when the agreement is entered into, the tenant is offered the option of an agreement with a term of 3 years.

See Part 6A, division 3, subdivision 4 of the Land Tax Act for information about discounted rent housing requirements.

Eligible BTR development

A BTR development is an eligible BTR development, for a financial year, if during the previous financial year it:

- was comprised of at least 50 dwellings that met certain requirements
- met the discounted rent housing requirements
- was used solely or primarily for residential purposes.

For information about:

- eligible BTR developments, see s.58E of the Land Tax Act
- the Commissioner's view regarding when a BTR development is used solely and primarily for residential purposes among other things, see the public ruling on eligible BTR developments (LTA000.5).

Eligible tenant

A person is an eligible tenant if, when the person enters into a residential tenancy agreement for a dwelling in a BTR development, the owner of the land on which the development is located believes:

- each member of the person's household is an Australian citizen or permanent resident
- the dwelling will be occupied by each member of the person's household as their principal place of residence throughout the term of the residential tenancy agreement
- the relevant asset and income limits are not exceeded for all members of the person's household and any non-resident spouse of the person.

For information about:

- eligible tenants, see s.58Q of the Land Tax Act
- asset and income limits, see ss.2A–2B of the Land Tax Regulation 2021.

Foreign company

A foreign company is a corporation that is incorporated outside Australia or in which foreign persons, or related persons of foreign persons, have a controlling interest of at least 50%.

Foreign individual

A foreign individual is an individual other than an Australian citizen or permanent resident.

Foreign person

A foreign person is a foreign individual, foreign company or trustee of a foreign trust.

Foreign trust

A trust is a foreign trust if at least 50% of its interests are trust interests of:

- foreign individuals
- foreign companies
- trustees of a foreign trust
- related persons of any of the above, including partners in a partnership.

Land used for an eligible BTR development

Land is land used for an eligible BTR development, for a financial year, if the Commissioner is satisfied as to the requirements in s.58C of the Land Tax Act.

See the public ruling on eligible BTR developments (LTA000.5) for more information about the Commissioner's view regarding when land is used solely or primarily for an eligible BTR development.

Parcel

Parcel means an area of land that is the subject of a separate valuation under the *Land Valuation Act 2010*.

Reference rent

The reference rent for a dwelling is the average rent paid or payable for each other dwelling in the BTR development that is both the following:

- comparable to the dwelling in size, quality and amenities of the dwellings
- subject to a residential tenancy agreement that is entered into at arms-length, was entered into before the relevant time and, at the most recent relevant time for that dwelling, was not a discounted rent housing agreement.

Registered community housing provider

A registered community housing provider means a national provider or a state provider within the meaning of the *Housing Act 2003*.

Relevant time

For the purpose of identifying a discounted rent housing agreement, 'relevant time' for a residential tenancy agreement for a dwelling in a BTR development means each of the following times:

- when the agreement is entered into
- when a renewal of the agreement takes effect
- when the rent is reviewed under the agreement.

Residential tenancy agreement

A residential tenancy agreement is an agreement to which the *Residential Tenancies and Rooming Accommodation Act 2008* applies.

Staged development

A staged development is where 1 or more buildings, or parts of buildings, located on the parcel become or are intended to become suitable for occupation at different times because development is carried out in stages.

Substantially renovated

A building is substantially renovated if the building:

- has been used wholly for purposes other than residential purposes
- is converted or redeveloped so that it becomes suitable for use for the purpose of providing multiple dwellings to be occupied under residential tenancy agreements.

See s.58D(5) and (6) of the Land Tax Act for more information.

Suitable for occupation

Suitable for occupation means a certificate of occupancy has been given for the building under the *Building Act 1975*.

More information

For more information, visit qro.qld.gov.au to:

- read public rulings on the build-to-rent concession, including Public Ruling LTA000.5
- learn about concessions for homes and other land tax matters.

Queensland Revenue Office is collecting the information on this form on behalf of the Commissioner of State Revenue for the purposes of administering state revenue. This is authorised by the *Duties Act 2001*, the *Land Tax Act 2010* and the *Taxation Administration Act 2001*. Your personal information may be disclosed without your consent in circumstances outlined in the Taxation Administration Act or as otherwise authorised by law. It is Queensland Revenue Office's usual practice to disclose personal information collected on this form to the Australian Taxation Office and other Australian state and territory revenue offices in accordance with the Taxation Administration Act.

FORM QRO—LT28

Notification of continued use, future use or end of use of land for eligible build-to-rent developments

Version 1—Effective July 2024



Land Tax Act 2010 sections 58Z, 58ZA and 58ZB

About this form

You should complete this form to confirm continued use, future use or end of use of land for an eligible build-to-rent (BTR) development.

The notification must be supported by enough information to enable the Commissioner of State Revenue to consider it.

Part A—Landowner details

Client number
(This can be found on Queensland Revenue Office correspondence or your assessment notice.)

Individual

First name
Middle names
Last name
Date of birth / /

Company or trust

Entity name
ABN ACN ARBN

Is the landowner acting as trustee? Yes No

Is the landowner a foreign company or trustee of a foreign trust? Yes No

Your contact details

C/-
Unit/Flat/Building no. House no.
Street address or PO Box
Suburb
State Postcode
Telephone number
Mobile number
Email address

Is this a joint notification made on behalf of multiple entities? Yes No

If you answered **Yes**, attach a schedule containing details of each additional applicant.

Representative information (if applicable)

Provide details of the person we can contact for more information about this form. By signing the declaration and lodging this form, you authorise Queensland Revenue Office (QRO) to use the following information to contact the nominated representative about this notification.

Name	<input type="text"/>
Relationship to landowner	<input type="text"/>
Email address	<input type="text"/>
Telephone number	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>

Part B—Land details

Lot (from, if more than 1)	<input type="text"/>	Lot (to, if more than 1)	<input type="text"/>
Plan type	<input type="text"/>	Plan number	<input type="text"/>
Title reference	<input type="text"/>		

Part C—Notification

What would you like to notify the Commissioner about? Select the appropriate option below and complete the corresponding notification section.

- Notice of the continued use of land for an eligible BTR development (s.58Z)
Complete notification A.
- Notice of decisions about the future use of land used for an eligible BTR development (s.58ZA)
Complete notification B.
- Notice of ceasing to be the owner of land used for an eligible BTR development (s. 58ZB)
Complete notification C.

Notification A—Continued use of land for an eligible BTR development

1. The notification is made under s.58Z for land owned at 30 June .

If ownership of the land has:

- not changed, complete question 2.
 - changed in the previous financial year, complete question 3.
2. Do you meet the following requirements under s.58S(3)?
- The taxpayer’s liability for land tax for the previous financial year was assessed on the basis that the land is used for an eligible BTR development.
 - The ownership of the land has not changed.
 - The land continues to be used for an eligible BTR development.

Yes Provide any additional details. No

3. Do you meet the following requirements under s.58S(4)?

- The ownership of the land changed during the previous financial year.
- The previous owner's liability for land tax for the previous financial year was assessed on the basis that the land was used for an eligible BTR development.
- The previous owner has given notice under s.58ZB about the use of the land for the previous financial year before the change of ownership.
- Since the change of ownership, the land has continued to be used, solely or primarily, for an eligible BTR development.

Yes Provide any additional details.

No

Notification B—Decisions about the future use of land used for an eligible BTR development

1. The notification is made under s.58ZA for land owned at 30 June .

2. Does the following apply to a particular decision about future use of land for an eligible BTR development?

- The land is used for an eligible BTR development for a financial year.
- The eligible BTR development is a staged development.
- At least 1 stage of the development is not a completed stage within the meaning of s.58E.
- The owner of the land has decided:
 - not to proceed with a stageor
 - to change the nature of a stage.

Yes Provide details of the decision.

No

Notification C—Ceasing to be the owner of land used for an eligible BTR development

1. The notification is made under s.58ZB for land owned at 30 June .

2. Is the owner is required to give the Commissioner notice under s.78(2) because:

- they have ceased to be the owner of the of land used for an eligible BTR development?
- would be required to give the Commissioner notice (but for s.78(3))?

Yes Provide details.

No

End date of the ownership of the land //

Provide the following details if the land was owned by more than one owner.

The name of the owner

Ending ownership entitlement percentage %

Additional details

Part D—Declaration

The Commissioner consents to receiving this application form electronically, including the use of electronic signatures. By selecting the declaration checkbox and signing the notification form, manually or electronically, you agree that you have understood the declaration and that all information in the application form is true and correct.

I declare that:

- I have read the guide and I am satisfied that I am able to provide this notification about the subject land used for an eligible BTR development.
- To the best of my knowledge, the information supplied in this form and any document supplied in support of it is true and correct.
- I understand that it is an offence to give the Commissioner documents or information that are false or misleading and that doing so may result in prosecution under ss.122–123 of the *Taxation Administration Act 2001*.

I declare that I have read and understood the above information and that the information provided is true and correct.

Authorised person’s signature	<input type="text"/>
Name	<input type="text"/>
Relationship to landowner	<input type="text"/>
Date	<input type="text"/> / <input type="text"/> / <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
Contact phone number	<input type="text"/>

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Send the form and supporting documents to the Commissioner of State Revenue
GPO Box 2476
Brisbane Qld 4001
Email your BTR notification to: landtax@treasury.qld.gov.au
Ph: 1300 300 734
Visit qro.qld.gov.au for information about land tax and other state taxes.