

# FORM QRO—LT26

## Guide to applying for a ruling for the land tax concession for eligible build-to-rent developments

Version 1—Effective 28 August 2023



*Land Tax Act 2010* section 58T

### Application of Part 6A *Land Tax Act 2010*

Part 6A of the *Land Tax Act 2010* provides land tax concessions for land that is ‘land used for an eligible build-to-rent (BTR) development’ for a financial year.

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 (Commissioner) 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 the BTR development must, during the previous financial year, amongst other things, be comprised of at least 50 dwellings that are self-contained, meet the discounted rent housing requirements, and have been used solely or primarily for residential purposes.

The concessions apply for a maximum of 20 financial years or until 30 June 2050 (whichever is earlier) and are 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.

### Application for a ruling

Section 58T of the Land Tax Act states you may apply to the Commissioner for a ruling on whether the concessions set out in s.58B of the Land Tax Act will apply in relation to land.

You can only apply for a ruling in relation to a *proposed* BTR development. Therefore, you can apply for a ruling if you own land or propose to acquire land, and you propose to use the land for an eligible BTR development, whether by constructing or substantially renovating 1 or more buildings on the land.

The application must be in the approved form and be supported by enough information to enable the Commissioner to make a ruling.

The approved form to apply for the BTR land tax concession will be available in 2024.

Use Form D4.8 if you are applying for a ruling on whether the *Duties Act 2001* additional foreign acquirer duty concession for eligible BTR developments applies.

### Effect of ruling about concession

If you receive a ruling that land tax for a financial year will be assessed on the basis that a concession applies in relation to the land, the Commissioner must, on an application for the concession under s.58S of the Land Tax Act, assess liability for land tax for the financial year on the basis that the concession applies in relation to the land.

However, despite receiving a ruling under s.58T of the Land Tax Act that a concession applies, the Commissioner will not assess on that basis if any of the circumstances in s.58U(3) of the Land Tax Act apply.

### Completing this form

This form has 5 parts (labelled A to E). If there are more than 2 landowners or proposed landowners, attach additional pages with details for Parts B, C, D and E where applicable. All landowners or proposed landowners, or their authorised representative must sign at Part E.

Part D of the form outlines the types of supporting documentation you will need to submit with your application.

Ensure contact details for the applicant are provided—we may need to discuss your application with you.

## Lodging documents

You must lodge Form LT26 and supporting documentation with the Commissioner. Send the form and your supporting documents to GPO Box 2476, Brisbane Qld 4001 or [tadrulings@treasury.qld.gov.au](mailto:tadrulings@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 development

A *build-to-rent 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  
and
- 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*.

### Discounted rent dwelling

A *discounted rent dwelling* is a dwelling in a *BTR development* which 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  
and
- when the agreement is entered into, the tenant is offered the option of an agreement with a term of 3 years.

See Part 6A, 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  
and
- was used solely or primarily for residential purposes.

See s.58E of the Land Tax Act for information about eligible BTR developments.

See the public ruling on eligible BTR developments (LTA000.5) for more information about the Commissioner's view regarding when a *BTR development* is 'used solely and primarily for residential purposes' among other things.

### 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*  
and
- for all members of the person's household and any non-resident spouse of the person, the relevant asset and income limits are not exceeded.

See s.58Q of the Land Tax Act for information about eligible tenants.

See ss.2A–2B of the Land Tax Regulation 2021 for more information about the asset and income limits.

### **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*.

### **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.

### **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:

- comparable to the dwelling in size, quality and amenities of the dwellings  
and
- 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*.

### **Residential tenancy agreement**

A *residential tenancy agreement* is a residential tenancy 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  
and
- 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](http://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—LT26

## Application for a ruling for the land tax concession for eligible build-to-rent developments

Version 1—Effective 28 August 2023



Land Tax Act 2010 section 58T

### About this form

You should complete this form to apply for a ruling on whether a land tax concession will apply in relation to land to be used for an eligible build-to-rent (BTR) development under s.58B of the *Land Tax Act 2010*.

A ruling is only available if your application relates to a *proposed* BTR development. You can apply for a ruling if you own land, or propose to acquire land, and you propose to use the land for an eligible BTR development, either by constructing or substantially renovating 1 or more buildings on the land. Refer to the 'Guide to applying for a ruling for the land tax concession for eligible build-to-rent developments' for more information regarding eligibility.

The application for a ruling must be in the approved form and be supported by enough information to enable the Commissioner of State Revenue (the Commissioner) to make a ruling.

The approved form for applying for the BTR land tax concession will be available in 2024.

### Part A—Applicant details

#### Individual

First name

Middle names

Surname

Date of birth  
(if known)

D	D	M	M	Y	Y	Y	Y
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#### Non-individual (e.g. company, trust)

Entity name

ABN

ACN

ARBN

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#### Contact details

Care of

Current street address

Suburb

State

Country

Postcode

Mobile number

+ ( )

Phone number

+ ( )

Email

Contact name

Provide name of person responsible for the entity (e.g. name of director or company secretary).

## Part B—Landowner (or proposed landowner) details

### Landowner (or proposed landowner) 1 details

#### Individual

First name	<input type="text"/>								
Middle names	<input type="text"/>								
Surname	<input type="text"/>								
Date of birth (if known)	<table border="1"><tr><td>D</td><td>D</td><td>M</td><td>M</td><td>Y</td><td>Y</td><td>Y</td><td>Y</td></tr></table>	D	D	M	M	Y	Y	Y	Y
D	D	M	M	Y	Y	Y	Y		

#### Non-individual (e.g. company, trust)

Entity name	<input type="text"/>								
ABN	<input type="checkbox"/>	ACN	<input type="checkbox"/>	ARBN	<input type="checkbox"/>				
<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"/>

Is the landowner (or proposed landowner) a foreign company or trustee of a foreign trust?

Yes  No

### Landowner (or proposed landowner) 2 details

#### Individual

First name	<input type="text"/>								
Middle names	<input type="text"/>								
Surname	<input type="text"/>								
Date of birth (if known)	<table border="1"><tr><td>D</td><td>D</td><td>M</td><td>M</td><td>Y</td><td>Y</td><td>Y</td><td>Y</td></tr></table>	D	D	M	M	Y	Y	Y	Y
D	D	M	M	Y	Y	Y	Y		

#### Non-individual (e.g. company, trust)

Entity name	<input type="text"/>								
ABN	<input type="checkbox"/>	ACN	<input type="checkbox"/>	ARBN	<input type="checkbox"/>				
<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"/>

Is the landowner (or proposed landowner) a foreign company or trustee of a foreign trust?

Yes  No

## Part C—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 D—Development details

You must provide supporting documentation with this form. The documentation must provide enough information to enable the Commissioner to make a ruling on the application.

Supporting documentation to demonstrate an intention to use the land and the BTR development as required may include draft contracts or agreements, development applications or approvals, regulatory approvals, business plans, tender documents, submissions to a financial institution, project documents, marketing material or draft copies of residential tenancy agreements.

1. Do you own the land or propose to acquire the land, and do you propose to use the land for an eligible BTR development by constructing or substantially renovating 1 or more buildings on the land?

Yes  No

2. Will the land be used solely or primarily for an eligible BTR development?

Yes  No

3. If the land is (or will be) owned by more than 1 owner, is it (or will it be) owned under single-ownership structure (i.e. no owner of the land is (or will be) entitled to a specific part of the land that 1 or more of the other owners are not entitled to)?
- Yes     No     N/A
4. Will the land be used for an eligible BTR development for up to a maximum of 20 financial years?  
(For the purposes of the concessions, the maximum number of financial years for which the land may be used for an eligible BTR development is 20 financial years.)
- Yes     No
5. Will the last financial year for which the land will be used for an eligible BTR development be the financial year ending on 30 June 2050 or earlier?  
(The last financial year for which the land may be land used for an eligible BTR development is the financial year ending on 30 June 2050.)
- Yes     No
6. If the land is used for an eligible BTR development for more than 1 financial year, will the use of the land for an eligible BTR development be continuous from the BTR start date for the development?  
(See ss.58I and 58J) of the Land Tax Act for rules that apply if the land is sold or subdivided.)
- Yes     No
7. Will the development be a staged development?
- Yes     No
8. Is there (or will there be) more than 1 building on the land?
- Yes     No
9. If there is (or if there will be) more than 1 building on the land, are the buildings (or will the buildings be) located on the same parcel?
- Yes     No     N/A
10. Will the building or buildings be constructed or substantially renovated for the purpose of providing multiple dwellings?
- Yes     No
11. Will the dwellings be occupied under residential tenancy agreements?  
(For the purposes of the concessions, the terms of the residential tenancy agreements must not restrict who may occupy the dwellings, except to the extent a restriction is necessary to protect public health or safety, or related to the provision of housing to an eligible tenant under a discounted rent housing agreement.)
- Yes     No
12. On what date is it anticipated the building or buildings will first become suitable for occupation?  
(The building or buildings must first become suitable for occupation during the period starting on 1 July 2023 and ending on 30 June 2030. Where there is more than 1 building, or the BTR development is a staged development, this applies to the building, or part of a building, that first becomes suitable for occupation.)
- |   |   |   |   |   |   |   |   |
|---|---|---|---|---|---|---|---|
| D | D | M | M | Y | Y | Y | Y |
|---|---|---|---|---|---|---|---|
13. Will the BTR development be comprised of at least 50 dwellings that are self-contained?
- Yes     No

14. Will the same entity be responsible for providing management services for all of the dwellings in the BTR development?

(Discounted rent dwellings can be separately managed by a single registered community housing provider.)

Yes  No

15. Will at least 10% of the dwellings in the BTR development be discounted rent dwellings?

Yes  No

16. Will the BTR development be used solely or primarily for residential purposes?

Yes  No

17. If you answered **Yes** to questions 13–16, will the requirements set out in those questions be satisfied by 30 June in the financial year that ends 2 years after the end of the financial year during which the first or only building in the BTR development becomes suitable for occupation?

**Example**

The first building comprising a BTR development becomes suitable for occupation on 1 August 2025. The requirements outlined in questions 13–16 must be satisfied by 30 June 2028 for the BTR development to be an eligible BTR development.

Yes  No

## Part E—Declaration

I declare that:

- I have read the guide and I am satisfied that I am able to apply for a ruling on whether a BTR land tax concession applies in relation to the land.
- I understand that despite receiving a ruling under s.58T of the Land Tax Act, the concession may not apply in relation to the land if any of the circumstances outlined in s.58U(3) of the Land Tax Act apply.
- 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 and misleading and that doing so may result in prosecution under ss.122–123 of the *Taxation Administration Act 2001*.

Authorised person's signature

Name

Relationship to landowner

Date

Contact phone number

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Ph: 1300 300 734

Visit [qro.qld.gov.au](http://qro.qld.gov.au) for information about land tax and other state taxes.