

FORM QRO—LT26

Guide to applying for a concession or ruling for eligible build-to-rent developments

Version 2—Effective August 2024



Land Tax Act 2010 sections 58S and 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 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.

Application for a concession

Under s.58S of the Land Tax Act, you may apply to the Commissioner to have your land tax liability for a financial year assessed on the basis that your land qualifies as land used for an eligible BTR development, allowing you to benefit from the concessions set out in s.58B of the Land Tax Act.

The application must be in the approved form. If your land tax liability has not been previously assessed on the basis that the land is land used for an eligible BTR development, the application must be made by the 30 June that is two years after the end of the first financial year for which the land is land used for an eligible BTR development.

You do not need to complete this form 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.

In such circumstances, instead of lodging this form, the land can remain eligible for the applicable land tax concessions by giving notice for your circumstance, by lodging the approved form (available in August 2024), to confirm continued use of land for an eligible BTR development. Such notice must be given within one month after the start of the financial year.

Use Form D4.8 if you are applying for an additional foreign acquirer duty concession for eligible BTR developments under the *Duties Act 2001*.

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 proposed to be used for an eligible BTR development.

You can only 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.

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

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 6 parts (labelled A to F).

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

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

Lodging documents

You must lodge Form LT26 and supporting documentation with the Commissioner.

If you are applying for a concession, send the form and your supporting documents to GPO Box 2476, Brisbane Qld 4001 or landtax@treasury.qld.gov.au.

If you are requesting a ruling, send the form and your supporting documents to GPO Box 2476, Brisbane Qld 4001 or 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 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
- 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
- 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.

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 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 concession or ruling for eligible build-to-rent developments

Version 2—Effective August 2024



Land Tax Act 2010 sections 58S and 58T

About this form

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

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

Part A—Landowner details

If you are applying for a ruling and the land has not been acquired yet, include details of the proposed landowner.

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 application 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 application.

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—Application type

1. I am submitting an application for:
- land tax concession for an eligible BTR development. *Complete Parts E and F.*
 - ruling about a land tax concession for an eligible BTR development. *Complete Parts D and F.*

Part D—Ruling

Complete this part if you are applying for a ruling on whether a land tax concession will apply in relation to land proposed to be used for an eligible BTR development. 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
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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—Concession

Complete this part if you are applying for a land tax concession in relation to land used for an eligible BTR development. You must provide supporting documentation with this form. The documentation must provide enough information to enable the Commissioner to determine eligibility for a concession.

Supporting documentation to demonstrate use of the land and the BTR development as required may include how the dwellings are being used, suitability for occupation certificates, management services agreements, financial documents demonstrating rental charges and receipts, contracts or agreements (including residential tenancy agreements).

This claim is for land owned at 30 June

Y	Y	Y	Y
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1. Have you lodged an application for a ruling on whether a BTR land tax concession applies?

Yes

No

2. Is a BTR land tax concession ruling in place for the land?

Yes Provide the effective date of the ruling.

D	D	M	M	Y	Y	Y	Y
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No Provide details.

3. Is the land used for an eligible BTR development?

Yes

No

4. Was the land used solely or primarily for an eligible BTR development during the previous financial year?

If you continue to be eligible, ss.58Z of the Land Tax Act requires that within 1 month after the start of the financial year you must give notice to the Commissioner on the approved form.

Yes

No

5. If the land is owned by more than 1 owner, was it owned under a single-ownership structure (i.e. no owner of the land is entitled to a specific part of the land that 1 or more of the other owners is not entitled to) during the previous financial year?

Yes

No Provide details.

6. If the land has been assessed on the basis that the land was land used for an eligible BTR development for more than 1 financial year, has there been a continuous use of the land for an eligible BTR development from the BTR start date for the development?

Yes

No

7. Is the eligible BTR development a staged development?

Yes Provide details:

- Number of stages in the development
- Number of stages suitable for occupation
- Portion of the land suitable for occupation %
- If all of the stages have not been completed:
 - What is the next stage?
 - What is the expected completion date of the next stage?

D	D	M	M	Y	Y	Y	Y
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No

8. Is there (or will there be) more than 1 building on the land?

Yes Provide details:

- How many buildings are on the land?
- How many buildings will be on the land?

No

9. Are the buildings making up the development located on the same parcel?

Yes

No

10. Were the building or buildings constructed or substantially renovated for the purpose of providing multiple dwellings?

Yes

No

11. Have the dwellings been 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. Were any of the residential tenancy agreements subject to any restrictions as to who could occupy the dwellings (other than restrictions that were necessary to protect public health or safety or which were related to the provision of housing to an eligible tenant under a discounted rent housing agreement)?

Yes

No

13. On what date did the building or buildings 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
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14. Is the BTR development comprised of at least 50 dwellings that are self-contained?

Yes

No

15. Is the same entity 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 Provide the name of registered community housing provider.

16. Is at least 10% of the dwellings in the BTR development discounted rent dwellings?

Yes

No

17. If the percentage of BTR development discounted rent dwellings was less than 10% during the previous financial year, was the total number of days on which the percentage was less than 10%, 30 days or less?

Yes

No

18. Is the BTR development used solely or primarily for residential purposes?

Yes

No Provide details.

19. During the previous financial year, were the purported discounted rent dwellings occupied by an eligible tenant under a fixed-term agreement?

Yes

No

20. Were the tenants offered the option of an agreement with a 3-year term when the fixed-term agreement was entered into?

Yes

No

21. Was the rent payable under each purported discounted rent housing agreement 25% less than the reference rent in one of the following situations?

- When the agreement was entered into
- When the renewal of the agreement took effect
- When the rent was reviewed under the agreement

Yes

No

22. For purported discounted rent dwellings, does the landowner believe all the following?
- Each member of the tenant’s household is an Australian citizen or permanent resident
 - The dwelling will be occupied by each member of the tenant’s household as their principal place of residence throughout the term of the residential tenancy agreement.
 - The prescribed asset and income limits are not exceeded.

Yes

No

23. Has the land been previously assessed on the basis that it is land used for an eligible BTR development?

Yes If so, has the ownership of the land changed? Yes No

No

Part F—Declaration

The Commissioner consents to receiving this application form electronically, including the use of electronic signatures. By selecting the declaration checkbox and signing the application 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 apply for a land tax concession in relation to land used for an eligible BTR development, or a ruling on whether a land tax concession will apply, in relation to land proposed to be used for an eligible BTR development, as the case may be.
- To the extent the application seeks a ruling for a proposed BTR development, 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*.

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

Authorised person’s signature

Name

Relationship to landowner

Date

/ /

Contact phone number

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Send the form and supporting documents to the Commissioner of State Revenue
 Commissioner of State Revenue
 GPO Box 2476
 Brisbane Qld 4001

Email: tadrulings@treasury.qld.gov.au

Ph: 1300 300 734

Visit qro.qld.gov.au for information about land tax and other state taxes.