

**LOCAL GOVERNMENT (RATING) AMENDMENT
ACT.**

New South Wales



ANNO VICESIMO TERTIO

ELIZABETHÆ II REGINÆ

Act No. 109, 1974.

An Act to make provision for municipal and shire councils to make and levy general rates of differing amounts in different portions of their areas; to increase the maximum rate of interest chargeable on overdue rates; to make further provisions relating to the rating of certain classes of leases of lands of the Crown; to validate certain local rates; for these and other purposes to amend the Local Government Act, 1919; and for purposes connected therewith. [Assented to, 16th December, 1974.]

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BE it enacted by the Queen's Most Excellent Majesty, by No. 109, 1974
and with the advice and consent of the Legislative
Council and Legislative Assembly of New South Wales in
Parliament assembled, and by the authority of the same, as
follows:—

1. This Act may be cited as the "Local Government Short
title.
(Rating) Amendment Act, 1974".
2. The Local Government Act, 1919, is in this Act Principal
Act.
referred to as the Principal Act.
3. The Principal Act is amended—
 - (a) by omitting section 118 and by inserting instead the Amendment
of Act No.
41, 1919.
Secs. 118
and 118AA.
following sections :—
 118. (1) In this section— General
rate.

"centre of population" means a defined part of
an area designated as a centre of population
by the council;

"defined" means defined in the manner
prescribed;

"rural land" means—

 - (a) a parcel of ratable land which is
valued as one assessment and exceeds
8,000 square metres in area, and which
is wholly or mainly used for the time
being by the occupier for carrying on
one or more of the businesses or
industries of grazing, dairying, pig-
farming, poultry farming, viticulture,
orcharding, bee-keeping, horticulture,
vegetable growing, the growing of
crops of any kind or forestry; or
 - (b) an oyster farm within the meaning of
the Fisheries and Oyster Farms Act,
1935;

"town"

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“town” and “village” mean—

- (a) a part of an area that has been declared under section 23 of the Crown Lands Consolidation Act, 1913, to be set apart as a site for a town or village; or
- (b) a part of an area that has been declared under section 4 to be a town or village;

“urban area” means a part of a shire that is an urban area within the meaning of section 541.

(2) The council of a municipality or shire shall in each year make and levy a general rate on the unimproved capital value of all ratable land in the area.

(3) The general rate shall be of such amount in the dollar as may be specified in the resolution making the rate and shall apply uniformly to all ratable land in the area except ratable land in respect of which the general rate is determined under subsection (4).

(4) The council may, in the resolution making the general rate, determine—

- (a) in respect of ratable land (not being rural land in respect of which a general rate is determined under paragraph (b)) in any part of the council’s area designated in that resolution, that the general rate shall be such amount in the dollar (being greater or less than the amount referred to in subsection (3)) as may be specified in the resolution; or
- (b) in respect of ratable land, being—
 - (i) all rural land in the area;
 - (ii) rural land within a defined portion or defined portions of the area; or
 - (iii) all rural land in the area except that within a defined portion or defined portions of the area, that

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that the general rate shall be such amount in No. 109, 1974 the dollar (being less than the amount referred to in subsection (3)) as may be specified in the resolution,

and the rate so specified shall apply uniformly to all ratable land in respect of which it is so determined.

(5) The council shall not for the purposes of subsection (4) (a) designate a part of its area unless that part is a town, village or centre of population or an urban area.

(6) The amount in the dollar of a general rate determined under subsection (4) (paragraph (b) (i) excepted) in respect of any ratable land may be the same as, or greater or less than, the amount in the dollar in respect of that land stated in the advertisement published pursuant to section 118AA.

(7) The onus of proof that land is rural land shall lie upon the ratepayer and the council's decision with regard thereto may be the subject of an appeal by him to a court of petty sessions or the Land and Valuation Court in the manner provided by section 133, if the Valuation of Land Act, 1916, applies to the area, or by section 18 of Schedule 3, if the Valuation of Land Act, 1916, does not apply, and the provisions of section 133, or of sections 18 to 22 of Schedule 3, as the case may require shall, mutatis mutandis, apply with respect to such appeal.

118AA. (1) Before a council makes a general rate in respect of ratable land under section 118 (4) (paragraph (b) (i) excepted) in any year it shall cause to be published in a newspaper a notice—

Objection to differential general rate.

(a) to the effect—

(i) that the council intends to make a differential general rate; and

(ii)

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- (ii) that a map delineating the ratable land in respect of which the council intends to make the general rate under section 118 (4) (paragraph (b) (i) excepted) may be inspected at the office of the council, and at such other places as the council may determine, between the hours specified in the notice for a period of 28 days from the date of publication of the notice; and

(b) stating—

- (i) the amounts in the dollar of the general rate proposed for the year; and
- (ii) a general description of the land referred to in paragraph (a) (ii).

(2) A council that causes a notice to be published under subsection (1) shall—

- (a) arrange for a map to be exhibited; and
- (b) not prevent the map from being inspected, in accordance with the notice.

(3) A person ratable in respect of land in the area may, for the purposes of this section, lodge with the council a written objection to the making of a general rate in respect of ratable land under section 118 (4) (paragraph (b) (i) excepted).

(4) A council shall not make a general rate in respect of ratable land under section 118 (4) (paragraph (b) (i) excepted) until after it has considered any written objections lodged with it pursuant to subsection (3) but the council may not consider objections lodged with it later than 28

days

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days after the publication, or if there has been more than one publication, the later or latest publication, of the notice published pursuant to subsection (1) in respect of the proposed rate. No. 109, 1974

- (b) by omitting from section 158 (2) (a) the word "seven" and by inserting instead the word "ten"; Sec. 158.
(Overdue rates—
extra charge.)
- (c) by inserting after section 160E (2) (a) the following paragraph :— Sec. 160E.
(Rating of certain classes of lease from the Crown.)
- (a1) held under either of the following tenures under the Closer Settlement Acts, that is to say permissive occupancies and permits to enclose a road.

4. (1) Subject to subsection (2), a local rate purporting to have been made by a council before the commencement of this Act pursuant to section 121 of the Principal Act in respect of land defined in a manner sufficient to identify it is not invalid by reason only that the land in respect of which the local rate purports to have been made was not defined in the prescribed manner. Validation.

(2) Subsection (1) does not apply to the local rate purporting to have been made by resolution of the Blacktown Municipal Council on 5th January, 1974, and known as the "Blacktown Commercial Area Local Rate".

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