

**LOCAL GOVERNMENT (RATING) AMENDMENT ACT 1989
No. 122**

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Local Government Act 1919 No. 41

SCHEDULE 1 - AMENDMENTS

LOCAL GOVERNMENT (RATING) AMENDMENT ACT 1989
No. 122

NEW SOUTH WALES



Act No. 122, 1989

An Act to amend the Local Government Act 1919 with respect to the rating of coal mines and differential rates and to make other amendments relating to rates; and for other purposes. [Assented to 24 August 1989]

See also Valuation of Land (Rating) Amendment Act 1989

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Local Government (Rating) Amendment Act 1989.

Commencement

2. This Act commences on a day or days to be appointed by proclamation.

Amendment of Local Government Act 1919 No. 41

3. The Local Government Act 1919 is amended as set out in Schedule 1.

SCHEDULE 1 - AMENDMENTS

(Sec. 3)

(1) **Section 118 (General rate):**

(a) **Section 118 (1), definition of "centre of population":**

After "council", insert "(which may be so designated whether or not the defined part is or is part of a town, village, city, municipality, shire or urban area)".

(b) **Section 118 (3):**

After "subsection (4)", insert "or (4A)".

(c) **Omit section 118 (4) (a), insert instead:**

(a) in respect of ratable land (other than farm land in respect of which a general rate is determined under paragraph (b) or non-residential land in respect of which a general rate is determined under paragraph (c) or land consisting of a coal mine or coal mines), being:

- (i) land within all towns, villages, centres of population or urban areas within the council's area;

Local Government (Rating) Amendment 1989

- (ii) land within a specified town, village, centre of population or urban area or a defined portion or portions of a specified town, village, centre of population or urban area within the area;
 - (iii) land within specified towns, villages, centres of population or urban areas within the area; or
 - (iv) land within all towns, villages, centres of population or urban areas within the area except that land specified in the resolution, that the general rate shall be of such amount in the dollar (being greater or less than the amount referred to in subsection (3)) as may be specified in the resolution in relation to the land; or
- (d) Section 118 (4) (c):
After "land" where firstly occurring, insert "(other than land in respect of which a general rate is determined under subsection (4A) or land consisting of a coal mine or coal mines)".
- (e) Omit section 118 (4) (c) (ii) and (iii), insert instead:
- (ii) non-residential land within a specified town, village, centre of population or urban area or a defined portion or portions of a specified town, village, centre of population or urban area within the area;
 - (iii) non-residential land within specified towns, villages, centres of population or urban areas within the area; or
 - (iv) all non-residential land in the area except that specified in the resolution,
- (f) After section 118 (4), insert:
- (4A) The council may, in the resolution making the general rate, determine that the general rate for all coal mines within the council's area shall be of such amount in the dollar (being greater or less than the amount referred to in subsection (3)) as may be specified in the resolution in relation to the coal mines and the rate so

Local Government (Rating) Amendment 1989

specified shall apply uniformly in respect of those coal mines.

(g) Section 118 (5):

Omit "subsection (4) (c) in respect of non-residential land", insert instead "subsection (4) (c) or (4A) in respect of non-residential land or coal mines".

(h) Section 118 (6):

After "excepted)", insert "or (4A)".

(2) Section 118AA (**Objection to differential general rate**):

(a) Omit section 118AA (1), insert instead:

(1) Before a council:

- (a) exercises at any time in respect of ratable land its power under section 118 (4) (paragraphs (b) (i) and (c) (i) excepted) to make a differential general rate; or
- (b) makes a differential general rate for all coal mines within the council's area under section 118 (4A),

the council is required to publish in a newspaper circulating in the area a notice in accordance with subsection (1A).

(1A) The notice must state:

- (a) the council's intention to make the differential general rate concerned; and
- (b) that a map delineating the land in respect of which the differential general rate is to be made may be inspected at the council's office, 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
- (c) the amounts in the dollar of the general rate; and
- (d) a general description of the land in respect of which the council intends to make the differential general rate; and
- (e) in the case of a differential general rate made under section 118 (4) (a) or (c) in relation to a

Local Government (Rating) Amendment 1989

defined portion or portions of a town, village, centre of population or urban area - the council's reasons for making the rate in respect of that portion or those portions.

- (b) Section 118^{AA} (3), (4):
Omit "in respect of ratable land under section 118 (4) (paragraphs (b) (i) and (c) (i) excepted)" wherever occurring, insert instead "referred to in subsection (1)".
- (3) Section 118^{AAA} (**Minister's approval for general rate relating to coal mines**):
- (a) Omit section 118^{AAA} (1), insert instead:
(1) Before a council makes a general rate for all coal mines within the council's area under section 118 (4A) in any year and after the council has complied with section 118^{AA}, it must apply to the Minister for approval to make the rate.
- (b) Section 118^{AAA} (3) (c):
Omit "ratable land under section 118 (4) (c)", insert instead "coal mines under section 118 (4A)".
- (4) Section 118^{AB} (**Invalidity of certain differential general rates**):
Section 118^{AB} (1):
After "section 118 (4)", insert "or (4A)".
- (5) Section 126 (**Minimum amounts**):
- (a) Section 126 (1), before the definition of "vacant flood liable land", insert:
"vacant coastal hazard liable land" means vacant land which has been determined, by the council of the area in which the land is situated, to be unsuitable for the erection of a building because it is or is liable to be affected by a coastal hazard;
- (b) Section 126 (2) (c):
After "vacant flood liable land" wherever occurring, insert "or vacant coastal hazard liable land".

Local Government (Rating) Amendment 1989

- (c) Section 126 (4):
Omit "The", insert instead "Except as provided by subsection (4A), the".
- (d) Section 126 (4) (b):
After "\$2", insert "or such greater amount as the Minister may determine by instrument in writing given to the council".
- (e) After section 126 (4), insert:
 - (4A) If the minimum amount of a general rate for the previous year exceeded the amount prescribed or determined, as the case may be, in respect of such a rate under subsection (4) (a), the council may determine the minimum amount of the general rate in accordance with subsection (4B).
 - (4B) The minimum amount of the general rate shall be of such amount as is determined by the council, not exceeding the amount of the minimum general rate for the previous year increased by the percentage (if any) specified in respect of the council under section 131.
- (6) Section 126A (**Aggregation of values of certain parcels subject to minimum amounts**):
 - (a) Section 126A (1) (a):
After "section 118 (4)", insert "or (4A)".
 - (b) Section 126A (4) (b) (iii):
After "vacant flood liable land", insert "or vacant coastal hazard liable land, or both,".
- (7) Section 131 (**Variation of revenue from general purpose rates**):
 - (a) Section 131 (2):
Omit "by order published in the Gazette", insert instead "by instrument in writing given to the council".
 - (b) Section 131 (4):
Omit "order" where secondly occurring, insert instead "instrument".

Local Government (Rating) Amendment 1989

- (c) Omit section 131 (5), insert instead:
(5) An instrument made under subsection (2) takes effect on the day it is signed by the Minister.
- (8) Section 131^{AA} (**Estimates of increase in value for purposes of notional rate income**):
Section 131^{AA} (5):
After "section 118 (4)", insert "or (4A)".
- (9) Section 140 (**Irregularities**):
(a) Omit "Governor", insert instead "Minister".
(b) At the end of section 140, insert:
(2) The Minister may, by order published in the Gazette, declare that a rate which would otherwise be invalid because of any of the provisions of sections 118 - 139^A is to be taken to have been validly made at the time it is purported to have been made and any such order has effect accordingly.
(3) The Minister may not make such an order unless, in the opinion of the Minister, the rate concerned is invalid only because of a minor and technical breach of one or more of the provisions of sections 118 - 139^A.
(4) The Minister may make such an order even though proceedings in relation to the invalidity have been commenced.
- (10) Section 153 (**Land value**):
Section 153 (2^A):
Omit "seventy-five cents per tonne of coal on the average annual output from the mine during the three years next preceding the year in which the valuation is made, or during such part of that time as the mine has been worked", insert instead "\$3 (or such other amount as may be prescribed) per tonne of coal on the output from the mine during the year immediately preceding the year in which the valuation is made".

Local Government (Rating) Amendment 1989

(11) Section 378 (**Council shall levy a sufficient sum**):

(a) Section 378 (6) (c) (ii), (iii), (6A):

After "vacant flood liable land" wherever occurring, insert "or vacant coastal hazard liable land".

(b) Section 378 (6B):

After " "vacant flood liable land" ", insert ", "vacant coastal hazard liable land" ".

(12) Section 379 (**Exemptions - water supply local rates and sewerage local rates**):

Section 379 (5D) (c):

After "inundation", insert "or liable to be affected by a coastal hazard".

*[Minister's second reading speech made in -
Legislative Assembly on 25 July 1989
Legislative Council on 10 August 1989]*