



New South Wales

Rural Lands Protection (General) Amendment (Rating and Annual Return System) Regulation 2009

under the

Rural Lands Protection Act 1998

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Rural Lands Protection Act 1998*.

STEVE WHAN, MP
Minister for Primary Industries

Explanatory note

The *Rural Lands Protection Act 1998* and *Rural Lands Protection (General) Regulation 2001* require annual returns relating to land and stock to be lodged for land holdings in livestock health and pest districts.

The object of this Regulation is to amend the *Rural Lands Protection (General) Regulation 2001* to provide for two-part annual returns for certain livestock health and pest districts (being districts that have been approved by the State Management Council of Livestock Health and Pest Authorities). The current one-part annual returns will continue to be used in other districts.

Under the new system of two-part annual returns, Part A of the return (which will contain general information about the land holding) will be required to be lodged by 30 April in each year and Part B of the return (which will contain information about stock on the land holding) will be required to be lodged by 31 August in each year. In general, a person will not be required to lodge a Part B of a return for a land holding if no stock were kept on the land holding during the relevant reporting period.

The Regulation also makes a law revision amendment.

This Regulation is made under the *Rural Lands Protection Act 1998*, including sections 62 (4), 76 (1) and 243 (the general regulation-making power).

2009 No 597

Clause 1 Rural Lands Protection (General) Amendment (Rating and Annual Return System) Regulation 2009

Rural Lands Protection (General) Amendment (Rating and Annual Return System) Regulation 2009

under the

Rural Lands Protection Act 1998

1 Name of Regulation

This Regulation is the *Rural Lands Protection (General) Amendment (Rating and Annual Return System) Regulation 2009*.

2 Commencement

This Regulation commences on 1 January 2010 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Rural Lands Protection (General) Regulation 2001

[1] Clause 3 Interpretation

Insert in alphabetical order in clause 3 (1):

appropriate authority, in relation to an annual return, means the authority for the district in which the holding for which an annual return is required to be lodged is located.

[2] Clause 7 Making of rates

Omit “clause 44” wherever occurring in clause 7 (3) (b) and (4) (b).

Insert instead “clause 49”.

[3] Clauses 12–12D

Omit clause 12. Insert instead:

12 Annual returns—persons who are required to lodge returns

- (1) For the purposes of section 76 (1) of the Act, the following are prescribed persons:
 - (a) the occupier of a holding in a district that is rateable land as at 30 June in the year in which the annual return concerned is due to be lodged,
 - (b) the occupier of a holding in a district that is non-rateable land that has had a property identification code allotted to the land under Part 3 of the *Stock Diseases Regulation 2009*,
 - (c) the owner or occupier of a holding in a district that is non-rateable land who is the registered proprietor of a brand or earmark under a stock identification scheme established under Part 8 of this Regulation at any time during the year for which the annual return concerned is due to be lodged.
- (2) For the purposes of section 76 (1) of the Act, if there are 2 or more occupiers of a holding referred to in subclause (1) (a), an annual return duly lodged by any one of the occupiers is taken to have been lodged by all the occupiers.

12A Annual returns—two part returns

- (1) This clause applies to annual returns for holdings in an approved district (being a district approved by the State Council for the purposes of this clause).

2009 No 597

Rural Lands Protection (General) Amendment (Rating and Annual Return System) Regulation 2009

Schedule 1 Amendment of Rural Lands Protection (General) Regulation 2001

- (2) An annual return to which this clause applies is to be lodged in two parts, being Part A and Part B of the return.
- (3) Part A of an annual return for a holding is to be lodged with the appropriate authority not later than on 30 April in each year and is to be signed by, or on behalf of, the person lodging it.
- (4) For the purposes of section 76 (2) of the Act, Part A of an annual return is to detail the following matters:
 - (a) the full name of the person,
 - (b) the postal address, email address (if any) and telephone number (if any) of the person,
 - (c) the address of the land, if different from the address referred to in paragraph (b),
 - (d) a description of the land, including:
 - (i) the portion number or lot and deposited plan number,
 - (ii) the names of the parish and county where the land is located,
 - (iii) the area of the land,
 - (iv) details of any part of the land that is a conservation area within the meaning of the *National Parks and Wildlife Act 1974*,
 - (e) whether or not any stock were or will be kept on the land at any time between 1 July of the previous year and 30 June of the year that the return is required to be lodged,
 - (f) the total area of the land that is or will be planted with grapevines (if any) on 30 June in the year in which the return is due,
 - (g) the total area of the land that is or will be planted with sugar cane (if any) on 30 June in the year in which the return is due,
 - (h) details of any property identification code allotted to land occupied by the person under Part 3 of the *Stock Diseases Regulation 2009*,
 - (i) details of any stock identifier registered by the person under a stock identification scheme established under Part 8 of this Regulation in the year for which the return is due,

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- (j) in relation to an annual return lodged by a person referred to in clause 12 (1) (a):
 - (i) the rate assessment number shown on the rate notice for the land, and
 - (ii) if one or two individuals are nominated as the person or persons entitled to be enrolled in respect of the holding under clause 12 of Schedule 2 to the Act—the full name of each individual.
 - (5) Part B of an annual return for a holding is to be lodged with the appropriate authority not later than on 31 August in each year and is to be signed by, or on behalf of, the person lodging it.
 - (6) For the purposes of section 76 (2) of the Act, Part B of an annual return is to detail the following matters:
 - (a) the number of each category of stock other than pigs (if any) kept on the land that were 6 months of age or over on 30 June in the year in which the return is due,
 - (b) the number of pigs of any age (if any) kept on the land on 30 June in the year in which the return is due,
 - (c) whether or not intensive livestock production is carried out on the land and, if so, the area of land used for intensive livestock production, the capacity of the area used for intensive livestock production and the number of stock kept under intensive livestock production on the land.
 - (7) Part B of an annual return is not required to be lodged in respect of any holding on which no stock were kept on the land at any time between 1 July of the previous year and 30 June of the year that the return is required to be lodged, but only if the relevant Part A of the annual return for the holding has been lodged with the appropriate authority on or before 30 April.

12B Annual returns—one part returns

- (1) This clause applies to annual returns for holdings in districts other than those approved for the purposes of clause 12A.
- (2) An annual return for a holding is to be lodged with the appropriate authority not later than on 31 August in each year and is to be signed by, or on behalf of, the person lodging it.
- (3) For the purposes of section 76 (2) of the Act, an annual return is to detail the following matters:
 - (a) the full name of the person,

2009 No 597

Rural Lands Protection (General) Amendment (Rating and Annual Return System) Regulation 2009

Schedule 1

Amendment of Rural Lands Protection (General) Regulation 2001

- (b) the postal address, email address (if any) and telephone number (if any) of the person,
- (c) the address of the land, if different from the address referred to in paragraph (b),
- (d) a description of the land, including:
 - (i) the portion number or lot and deposited plan number,
 - (ii) the names of the parish and county where the land is located,
 - (iii) the area of the land,
 - (iv) details of any part of the land that is a conservation area within the meaning of the *National Parks and Wildlife Act 1974*,
- (e) the number of each category of stock other than pigs (if any) kept on the land that were 6 months of age or over on 30 June in the year in which the return is due,
- (f) the number of pigs of any age (if any) kept on the land on 30 June in the year in which the return is due,
- (g) whether or not intensive livestock production is carried out on the land and, if so, the area of land used for intensive livestock production, the capacity of the area used for intensive livestock production and the number of stock kept under intensive livestock production on the land,
- (h) the total area of the land that is planted with grapevines (if any) on 30 June in the year in which the return is due,
- (i) the total area of the land that is planted with sugar cane (if any) on 30 June in the year in which the return is due,
- (j) details of any property identification code allotted to land occupied by the person under Part 3 of the *Stock Diseases Regulation 2009*,
- (k) details of any stock identifier registered by the person under a stock identification scheme established under Part 8 of this Regulation in the year for which the return is due,
- (l) in relation to an annual return lodged by a person referred to in clause 12 (1) (a):
 - (i) the rate assessment number shown on the rate notice for the land, and
 - (ii) if one or two individuals are nominated as the person or persons entitled to be enrolled in respect

of the holding under clause 12 of Schedule 2 to the Act—the full name of each individual.

12C Requirement to notify authority if stock on land contrary to Part A return

If:

- (a) a person has lodged a Part A of an annual return (as referred to in clause 12A) that stated that no stock were or will be kept on the holding concerned at any time between 1 July of the previous year and 30 June of the year that the return was required to be lodged, and
- (b) after that lodgement but before that 30 June, stock were kept on that holding,

the person must inform the appropriate authority of the presence of those stock within 14 days of the stock's arrival on the holding.

Maximum penalty: 10 penalty units.

12D Requirement to notify authority if change in area of land planted with sugar cane

If:

- (a) a person has lodged a Part A of an annual return (as referred to in clause 12A), and
- (b) after that lodgement but before 30 June of the year that the return was lodged, the person becomes aware that the total area of the land that is or will be planted with sugar cane (if any) on that 30 June is or will be different from the total area stated in the Part A of the return,

the person must, within 14 days of becoming so aware, inform the appropriate authority of the actual total area of land that is or will be planted with sugar cane (if any).

Maximum penalty: 10 penalty units.