

Break O Day Council Feedback - Draft Amendments to the LG (General) Regulations 337 Certificates

Good Afternoon,

Thank you for the opportunity to comment in relation to the proposed changes. We welcome the changes to bring into line current legislation and advice has been sought from the relevant officers and we provide the following comments:

Building Services Comments:

The questions are good in relation to questions required in line with the newly introduced *Building Act 2016* however we would like to see consideration given to exclude the requirements to provide advice in relation to permits and completions issued under prehistoric legislation such as the *Local Government Act 1962*, the former *Building Regulations 1965* and the former *Building Regulations 1978*. It is considered that in the situation where an outstanding issue exists that Council do not have the legislative ability to have owners retrospectively apply for legalisation or rectification works.

Environmental Services Comments:

With respect to ensuring new owners are aware of significant weed issues on properties they are purchasing we would like to see questions included regarding the Weed Management Act 1999 (compliance actions) and the presence of Declared weeds.

Owners of land have a legal obligation under the Act to control Declared weeds on their land.

Questions suggested to include, with respect to the Weed Management Act 1999, are

1. What weed species Declared under the Weed Management Act 1999 have in the past been recorded as present on the land and the date of the records.
2. Has the property been the subject of notification or enforcement proceedings to control Declared weeds under the Weed Management Act 1999 in the last 10 years and are they closed or remain outstanding and for what weed species?

The first question would be answered by sighting records kept by national and state databases (ALA and Natural Values Atlas) and records kept by of Council's contributing to weed management in Tasmania. The impact of this first question is minor, but would alert a prospective owner to the possibility that a declared weed is or may be present, which would carry an obligation under the Act.

Evidence of notification or enforcement proceedings for the second question would be in the form of records correspondence with owners about their obligation under the Act to control weed infestations on land. Reporting this would benefit a buyer conducting their due diligence as the land may carry significant weed management obligations and costs in the future.

The value of good weed management is often not realised during the sale of land and new owners can be faced with considerable burden. This can lead to yet another unwitting new owner discovering a costly weed problem exists. Reporting on potential and current legislated weed management obligations will stop weeds benefiting from ill-informed land transactions and improve property values and management.

Consideration should be given to the transition to the new Biosecurity Act 2019 and 'biosecurity matters'.

In Summary:

Dependent upon the outcomes of the comments below it has also been suggested that a review be undertaken of the prescribed application fee of 132.5 units. Feedback from assessing officers suggest that the administrative time to research property file records as required to satisfactory answer the questions is exhaustive and the fee charged in some instances is insufficient for the amount of time taken. Perhaps a review could also be undertaken in relation to the prescribed fee set by the Act.

Regards,
13 November 2019



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