

TASMANIA

**LOCAL GOVERNMENT (GENERAL)
AMENDMENT REGULATIONS 2019**

STATUTORY RULES 2019, No.

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consultation version

**LOCAL GOVERNMENT (GENERAL)
AMENDMENT REGULATIONS 2019**

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under *Local Government Act 1993*.

Dated 20 .

Governor

By Her Excellency's Command,

Minister for Local Government

1. Short title

These regulations may be cited as the *Local Government (General) Amendment Regulations 2019*.

2. Commencement

These regulations take effect on the day on which their making is notified in the *Gazette*.

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3. Principal Regulations

In these regulations, the *Local Government (General) Regulations 2015** are referred to as the Principal Regulations.

4. Regulation 3 amended (Interpretation)

Regulation 3 of the Principal Regulations is amended by inserting after the definition of *open tender* the following definition:

planning scheme has the same meaning as in the *Land Use Planning and Approvals Act 1993*;

5. Schedule 6 amended (Questions)

Schedule 6 to the Principal Regulations is amended as follows:

- (a) by omitting “or special planning order” from column 2 of item 12 in the first table in Part 3;
- (b) by omitting “or special planning order” from column 2 of paragraph (a) of item 12 in the first table in Part 3;
- (c) by omitting “or special planning order” from column 2 of paragraph (b) of item 12 in the first table in Part 3;

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- (d) by inserting after paragraph (b) in item 12 in Part 3 the following:

NOTE: *If an interim planning scheme applies, provide the full name of the scheme with date, e.g. “West Tamar Interim Planning Scheme 2013”. If the Tasmanian Planning Scheme applies, include the name of the relevant Local Provisions Schedule and state whether there are any applicable Special Local Provisions Schedules, e.g. “The Tasmanian Planning Scheme including the West Tamar Local Provisions Schedule”.*

- (e) by omitting paragraphs (a) and (b), paragraphs (b)(ii) and (c) from item 13 in Part 3 and substituting the following:

- (a) If the specified land is subject to a planning scheme –
- (i) what is the current zoning applicable to the specified land under that planning scheme?
 - (ii) are there any code overlay maps or code lists applicable under that planning scheme? If so, name the code overlay maps or code lists.

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- (b) Is there a specific area plan or site-specific qualification applying to the specified land? If so, name the provision or provisions of the planning scheme in which the plan or qualification appears.
- (c) Has the council a record of having initiated an amendment to the planning scheme, under Part 3 of the former provisions, within the meaning of clause 3(2) of Schedule 6, of the Act, or Part 3 of the Act, that is an amendment –
- (i) to include in the planning scheme a specific area plan, or site specific qualifications, in relation to; or
 - (ii) to include or amend the current zoning, a code overlay map, or a code list, in relation to –
- the specified land or land that adjoins the specified land (other than adjoining land in a neighbouring municipal area) and that amendment has not been determined?
- (d) Is the council aware of any proposed amendments to the State Planning Provisions that might impact the land?

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- (e) Has the council, as planning authority, prepared and submitted a draft Local Provisions Schedule to the Tasmanian Planning Commission under section 35 of the Act that might impact the land?
- (f) If YES to (c)(i), (c)(ii), (d) or (e), provide particulars.

(f) by inserting after paragraph (c) in item 20 in Part 3 the following:

NOTE: *An officer responding to this question is also required to consider, in accordance with question 49, whether the specified land is within, or includes, an area that is a landslip hazard area.*

(g) by omitting paragraph (e) from item 32 in Part 6 and substituting the following:

- (e) If the permit was issued, has the council a record of a certificate of completion (permit plumbing work), or an equivalent certificate, having been issued in respect of the work under section 178 of the *Building Act 2016*, section 113 of the former *Building Act 2000* or regulation 45 of the former *Plumbing Regulations 1994*?

(h) by omitting “section 153 of the *Building Act 2016*” from column 2 of paragraph

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(f) of item 32 in Part 6 and substituting
“section 178 of the *Building Act 2016*”;

(i) by inserting after paragraph (c) in item
33 in Part 6 the following:

33A. Septic tank licence

(a) Has the council a record of a licence in
respect of a septic tank issued by a
health officer under section 558 of the
former *Local Government Act 1962*?

(b) If YES to (a), provide particulars.

33B. Approval of building or plumbing work

(a) Has the council a record of an approval
of building or plumbing work issued
under the former *Local Government Act*
1962, the former *Building Regulations*
1965, or the former *Building*
Regulations 1978?

(b) If YES to (a), provide particulars.

(j) by omitting paragraph (c) from item 37
in Part 6 and substituting the following:

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- (c) Has the council a record of any building work, on the specified land, for which a certificate of completion (permit building work), or equivalent certificate, has been issued under section 153 of the *Building Act 2016*, section 112 of the former *Building Act 2000*, or regulation 82 of the former *Building Regulations 1994*?
- (d) If YES to (a), (b)(i), (b)(ii) or (c), provide particulars.
- 37A. Certificate of completion (permit demolition work)
- (a) Has the council a record of any demolition work, on the specified land, for which a certificate of completion (permit demolition work) has been issued under section 203 of the *Building Act 2016*?
- (b) If YES to (a), provide particulars.
- (k) by omitting paragraph (b) from item 38 in Part 6 and substituting the following:
- (b) Has the council a record of any building work, on the specified land, for which a certificate of completion (notifiable building work) has been issued under section 104 of the *Building Act 2016*?
- (c) If YES to (a) or (b), provide particulars.

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(l) by omitting paragraph (b) from item 39 in Part 6 and substituting the following:

- (b) Has the council a record of any plumbing work, on the specified land, for which a certificate of completion (notifiable plumbing work) has been issued under section 115 of the *Building Act 2016*?
- (c) If YES to (a) or (b), provide particulars.

(m) by omitting paragraph (b) from item 40 in Part 6 and substituting the following:

- (b) Has the council a record of any demolition work, on the specified land, for which a certificate of completion (notifiable demolition work) issued under section 127 of the *Building Act 2016* has been issued?
- (c) If YES to (a) or (b), provide particulars.

40A. Low risk work

- (a) Has the council a record of any structures on the specified land, built as low risk work under the *Building Act 2016*, of which notification has been given to the council, by an owner or their agent, on or after **1 January 2017**?
- (b) If YES to (a), provide particulars.

- (n) by inserting after paragraph (c) in item 48 in Part 6 the following:

49. Relevant hazard areas

- (a) Has the council a record that the specified land is within, or includes, an area that is a relevant hazard area to which Part 5 of the *Building Regulations 2016* applies?
- (b) If YES to (a), provide particulars in relation to each such area.

6. Regulations rescinded

These regulations are rescinded on the first anniversary of the day on which they take effect.

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Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 20 .

These regulations are administered in the Department of Premier and Cabinet.

EXPLANATORY NOTE

(This note is not part of the regulations)

These regulations amend the *Local Government (General) Regulations 2015* by updating the questions prescribed for the purposes of council land information certificates.