

TASMANIA

**LOCAL GOVERNMENT (GENERAL)
AMENDMENT REGULATIONS 2020**

STATUTORY RULES 2020, No. 16

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**LOCAL GOVERNMENT (GENERAL)
AMENDMENT REGULATIONS 2020**

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 the *Local Government Act 1993*.

Dated 25 February 2020.

C. WARNER
Governor

By Her Excellency's Command,

MARK SHELTON
Minister for Local Government

1. Short title

These regulations may be cited as the *Local Government (General) Amendment Regulations 2020*.

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

Burial and Cremation Act 2002

from Part 2 and substituting the following item:

Burial and Cremation Act 2019

- (b) by omitting “section 41 of the Act” from column 2 of paragraph (a) of item 11 in the fourth table in Part 2 and substituting

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“section 29 of the *Burial and Cremation Act 2019*”;

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

- (g) by omitting item 13 from Part 3 and substituting the following item:

13. Zoning

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- (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.
- (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, to 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 qualification, 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 affect the land?
- (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 affect the land?
- (f) If YES to (c)(i), (c)(ii), (d) or (e), provide particulars.

- (h) by inserting after paragraph (c) of 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.*

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

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- (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*?
 - (j) by omitting “certificate of completion (plumbing work)” from column 2 of paragraph (f) of item 32 in Part 6 and substituting “certificate of completion (permit plumbing work) or certificate of completion (plumbing work), respectively,”;
 - (k) by omitting “section 153 of the *Building Act 2016*” from column 2 of paragraph (f) of item 32 in Part 6 and substituting “section 178 of the *Building Act 2016*”;
 - (l) by inserting after paragraph (c) of item 33 in Part 6 the following items:

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.

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33B. Approval of building or plumbing work

(a) Has the council a record of an approval of an onsite waste-water management system 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.

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

(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)

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- (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.
 - (n) by omitting paragraph (b) from item 38 in Part 6 and substituting the following paragraphs:
- (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.
 - (o) by omitting paragraph (b) from item 39 in Part 6 and substituting the following paragraphs:
- (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.

(p) 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.

(q) by inserting after paragraph (c) of item
48 in Part 6 the following item:

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.

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6. Regulations rescinded

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

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

Notified in the *Gazette* on 4 March 2020.

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.