

CLAUSE NOTES

BUILDING AND CONSTRUCTION (REGULATORY REFORM AMENDMENTS) BILL (NO.2) 2020

PART I- PRELIMINARY

Clause 1 Short title

Specifies the name of the proposed Act.

Clause 2 Commencement

Provides that the Act will commence on a day or days to be proclaimed.

PART 2 – ENVIRONMENTAL MANAGEMENT AND POLLUTION COTROL ACT 1994 AMENDED

Clause 3 Principal Act

Nominates the Principal Act

Clause 4 Section 25 Amended (Assessment of permissible level 2 activities)

Provides for 21 days after the lodgement of an application for the case for assessment to commence determination by the EPA.

Clause 5 Section 27F amended (Case for Assessment to be lodged within 12 months)

Provides the case for assessment is not taken to be lodged until the applicant has been notified the case for assessment has been accepted by the EPA.

Clause 6 Section 27FA (Acceptance by Board of case for assessment)

Specifies the EPA must notify the applicant within 42 days that the case for assessment has been accepted by the Board.

The EPA has 40 days to make a Request for Information (RFI).

The EPA has 8 days to assess the RFI information and notify the applicant if the response to the RFI is satisfactory or not.

Stop the Clock provisions start on the first RFI and cease on notification to the applicant the RFI has been satisfied.

Clause 7 Section 27G amended (Periods for Advertising of applications and proposals)

This provision substitutes the current wording “the Board has sufficient information to satisfy it requirements in respect of an application or a proposal” with “a case for

assessment in respect of an application or a proposal has even lodged with the Board".

Clause 8 Section 107B inserted

Provides for Savings and Transitional provisions consequent on the Building and Construction (Regulatory Reform Amendments) Act (No2) 2020.

Clause 9 Schedule 8 inserted.

Specifies cases for assessment made prior to these amendments are not covered by these amendments.

PART 3 – LAND USE PLANNING AND APPROVALS ACT 1993 AMENDED

Clause 10 Principal Act

Nominates the Principal Act

Clause 11 Section 60 inserted (Timing of determination of compliance with certain permit conditions)

Provides 20 working days in which a Planning Authority and associated Regulatory Authorities must advise a person as to whether or not the planning conditions have been complied with.

The Planning Authority and Regulators have 15 days to make a Request for Further Information (RFI).

The Planning Authority and Regulators have 8 days to assess the RFI and notify the applicant if the response to the RFI is satisfactory or not.

Stop the Clock provisions start on the first RFI and cease on notification to the applicant the RFI has been satisfied.

Clause 12 Section 87D inserted

Provides for Savings and Transitional provisions consequent on the Building and Construction (Regulatory Reform Amendments) Act (No2) 2020.

Clause 13 Schedule 7 inserted

Specifies planning conditions issued on planning permits made prior to these amendments are not covered by these amendments.

PART 4 – LOCAL GOVERNMENT (BUILDING AND MISCELLANEOUS PROVISIONS) ACT 1993 AMENDED

Clause 14 Principal Act

Nominates the Principal Act.

- Clause 15 Section 88 amended (Lodgement of Final Plans)**
- Substitutes the reference to “Early Issue” for plans with “Priority Final Plan”.
- Defines the type of work that qualifies for processing under “Priority Final Plan”.
- Specifies the documents required to accompany an application for “Priority Final Plan”.
- Clause 16 Section 89 amended (Approval of final plans by council)**
- Nominates that Council must determine if a Final Plan complies or not within 20 days of lodgement.
- Council has 10 days to make an RFI in relation to a Final Plan.
- The Council has 8 days to assess the RFI and notify the applicant if the response to the RFI is satisfactory or not.
- Stop the Clock provisions start on the first RFI and cease on notification to the applicant the RFI has been satisfied.
- Nominates that the Recorder of Titles must accept or reject if Sealed Plan within 15 days of lodgement.
- The Recorder of Titles has 13 days to make an RFI in relation to a Sealed Plan marked “Priority Final Plan”.
- The Recorder of Titles has 8 days to assess the RFI and notify the council and the owner if the response to the RFI is satisfactory or not.
- Stop the Clock provisions start on the first RFI and cease on notification to the council and owner as each RFI has been satisfied.
- Clause 17 Section 94 amended (Taking effect of sealed plan)**
- Inserts 21 day time period for the taking effect of sealed plans under the “Priority Final Plans” has been accepted by the Recorder of Titles.
- Clause 18 Section 124 inserted.**
- Provides for Transitional matters arising under the Building and Construction (Regulatory Reform Amendments) Act (No2) 2020.

PART 5 – NATURE CONSERVATION ACT 2002 AMENDED

Clause 19 Principal Act

Nominates the Principal Act.

Clause 20 Section 29 amended (Special permits to take wildlife)

Amends the Act by deleting reference to a 12 month time limit on permits to allowing the time period to be relevant to the permit.

PART 6 – STRATA TITLES ACT 1998 AMENDED

Clause 21 Principal Act

Nominates the Principal Act.

Clause 22 Section 31 amended (Application for, and grant of, certificate of approval)

Specifies a council must within 30 working days after receipt of an application for a strata title issue a certificate of approval or reject the application.

Council has 15 days to make an RFI in relation to a strata title application.

The Council has 8 days to assess the RFI information and notify the applicant if the response to the RFI is satisfactory or not.

Stop the Clock provisions start on the first RFI and cease on notification to the applicant the RFI has been satisfied.

Clause 23 Section 160A inserted

Provides for Transitional matters arising under the Building and Construction (Regulatory Reform Amendments) Act (No2) 2020.

PART 7 – WATER AND SEWERAGE INDUSTRY ACT 2008 AMENDED

Clause 24 Principal Act

Nominates the Principal Act.

Clause 25 S56O (Application to go to relevant regulated entity)

Amends the Act to provide the Council must notify the regulated entity within 5 days if an application is likely to impact on their water and sewerage services.

PART 8 – CONCLUDING PROVISIONS

CLAUSE 26 Repeal of Act

Specifies when the Act is repealed.