

FACT SHEET

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

The Building and Construction (Regulatory Reform Amendments) Bill (No.2) 2020 will give effect to a range of regulatory reforms to the Environmental Management and Pollution Control Act 1994, Land Use Planning Approvals Act 1993, Local Government (Building and Miscellaneous Provisions) Act 1993, Nature Conservation Act 2002, Strata Titles Act 1998 and Water and Sewerage Industry Act 2008.

ENVIRONMENTAL MANAGEMENT AND POLLUTION CONTROL ACT 1994 AMENDED

EPA Timeframes (Clauses 3 to 9).

The EPA currently have a 28 day time frame for assessing whether an activity is a class 1 or 2 type activity. The EPA also have a timeframes for issuing assessment guidelines of 21 days for class 2A activities, 28 days for class 2B and 63 days for class 2C.

The EPA however does not have any timeframes for assessing whether a proponent has complied with those guidelines.

The Act has been amended to allow the EPA to make a decision on whether or not the case for assessment has been accepted by the EPA Board within 42 days of the request for assessment.

The amendments to the Act also provide for Requests for Further Information (RFI) and Stop the Clock provisions to ensure the EPA has all the information it needs to make an informed decisions.

LAND USE PLANNING AND APPROVALS ACT 1993 AMENDED

Planning Permit Conditions (Clauses 10 to 13)

This amendment to the Act establishes a new statutory set of times frames for permit authorities (councils) and associated regulators to determine if planning conditions have been satisfied or not.

Under the amendments the planning authority must give notice to the applicant within 20 working days as to whether the planning conditions have been complied with after receipt of the applicant's response to the conditions.

The amendments to the Act also provide for Requests for Further Information (RFI) and Stop the Clock provisions to ensure the Councils and associated regulators have all the information they need to make informed decisions.

LOCAL GOVERNMENT (BUILDING AND MISCELLANEOUS PROVISIONS) ACT 1993 AMENDED

Sealing of plans by Councils (Clauses 14 to 16).

This amendment to the Act institutes a new statutory timeframe for councils to approve or reject a final plan for subdivision of land.

Under the current legislation there is no timeframe in which a council needs to seal the final plans for a subdivision.

The Bill requires Councils within 20 days after a final plan is lodged to determine if the final plan complies or not.

The amendments to the Act also provide for Requests for Further Information (RFI) and Stop the Clock provisions to ensure the Councils have all the information they need to make informed decisions.

Early Issue of Titles for New Subdivisions (Clauses 16 – 18)

The Land Titles Office have long operated an “Early Issue” system for the processing of Final Plans to give title to each of the blocks of land within a new subdivision. These amendments provide that process with statutory timeframes.

The Bill requires the Recorder of Titles to accept or reject sealed plans within 15 business days of the sealed plans being lodged.

The amendments to the Act also provide for Requests for Further Information (RFI) and Stop the Clock provisions to ensure the Land Titles Office have all the information they need to make informed decisions.

NATURE CONSERVATION ACT 2002 AMENDED

Nature Conservation Act and Special Permits (Clauses 19 to 20)

Currently, a Special Permit granted for the taking on specified lands of specified wildlife, specified products of specified wildlife or specified protected plants ceases to operate after 12 months.

There are circumstances where a permit may be required for periods shorter or greater than 12 months depending on the nature of the project.

The Bill proposes to amend the Act by simply deleting reference to the 12 month period cited in the Act.

This amendment will not alter the standards under which a permit is issued but rather ensure the timeframe associated with the permit is relevant to the circumstances under which it is issued.

STRATA TITLES ACT 1998 AMENDED

Timeframes for Strata Titles (Clauses 21 to 23)

The current legislation does not provide for a timeframe for councils to issue a strata title.

The amendment requires Councils to issue, or refuse to issue, a certificate of approval for a Strata title application within 30 working days of receiving an application.

The amendments to the Act also provide for Requests for Further Information (RFI) and Stop the Clock provisions to ensure the Councils have all the information they need to make informed decisions.

WATER AND SEWERAGE INDUSTRY ACT 2008 AMENDED

Amendments to Support LUPAA Changes (Clauses 24 to 25)

This amendment gives effect to the legislative changes required to deliver the reforms detailed in Clauses 10 to 13 pertaining to timeframes for regulators which assign conditions to Planning Permits.