

TASMANIA

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

CONTENTS

PART 1 – PRELIMINARY

1. Short title
2. Commencement

**PART 2 – ENVIRONMENTAL MANAGEMENT AND POLLUTION
CONTROL ACT 1994 AMENDED**

3. Principal Act
4. Section 25 amended (Assessment of permissible level 2 activities)
5. Section 27F amended (Case for assessment to be lodged within 12 months)
6. Section 27FA inserted
27FA. Acceptance by Board of case for assessment
7. Section 27G amended (Periods for advertising of applications and proposals)
8. Section 107B inserted
107B. Transitional and savings provisions consequent on *Building and Construction (Regulatory Reform Amendments) Act (No. 2) 2020*
9. Schedule 8 inserted

**SCHEDULE 8 – TRANSITIONAL AND SAVINGS
PROVISIONS CONSEQUENT ON *BUILDING***

**AND CONSTRUCTION (REGULATORY
REFORM AMENDMENTS) ACT (NO. 2) 2020**

**PART 3 – LAND USE PLANNING AND APPROVALS ACT 1993
AMENDED**

- 10. Principal Act
- 11. Section 60 inserted
 - 60. Timing of determination of compliance with certain permit conditions
- 12. Section 87G inserted
 - 87G. Savings and transitional – *Building and Construction (Regulatory Reform Amendments) Act (No. 2) 2020*
- 13. Schedule 10 inserted

**SCHEDULE 10 – SAVINGS AND TRANSITIONAL
PROVISIONS CONSEQUENT ON BUILDING
AND CONSTRUCTION (REGULATORY
REFORM AMENDMENTS) ACT (NO. 2) 2020**

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

- 14. Principal Act
- 15. Section 88 amended (Lodgment of final plans)
- 16. Section 89 amended (Approval of final plans by council)
- 17. Section 94 amended (Taking effect of sealed plan)
- 18. Section 124 inserted
 - 124. Transitional matters arising under *Building and Construction (Regulatory Reform Amendments) Act (No. 2) 2020*

PART 5 – NATURE CONSERVATION ACT 2002 AMENDED

- 19. Principal Act
- 20. Section 29 amended (Special permits to take wildlife)

PART 6 – STRATA TITLES ACT 1998 AMENDED

- 21. Principal Act
- 22. Section 31 amended (Application for, and grant of, certificate of approval)
- 23. Section 160A inserted

- 160A. Transitional matters arising under the *Building and Construction (Regulatory Reform Amendments) Act (No. 2) 2020*

**PART 7 – WATER AND SEWERAGE INDUSTRY ACT 2008
AMENDED**

24. Principal Act
25. Section 56O amended (Application to go to relevant regulated entity)

PART 8 – CONCLUDING PROVISION

26. Repeal of Act

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

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

SHANE DONNELLY, *Clerk of the House*
15 October 2020

*(Brought in by the Minister for State Growth, the Honourable
Michael Darrel Joseph Ferguson)*

A BILL FOR

An Act to amend the *Environmental Management and Pollution Control Act 1994*, the *Land Use Planning and Approvals Act 1993*, the *Local Government (Building and Miscellaneous Provisions) Act 1993*, the *Nature Conservation Act 2002*, the *Strata Titles Act 1998* and the *Water and Sewerage Industry Act 2008*

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Building and Construction (Regulatory Reform Amendments) Act (No. 2) 2020*.

*Building and Construction (Regulatory Reform Amendments) Act
(No. 2) 2020
Act No. of 2020*

s. 2

Part 1 – Preliminary

2. Commencement

The provisions of this Act commence on a day
or days to be proclaimed.

*Building and Construction (Regulatory Reform Amendments) Act
(No. 2) 2020
Act No. of 2020*

Part 2 – Environmental Management and Pollution Control Act 1994
Amended

s. 3

**PART 2 – ENVIRONMENTAL MANAGEMENT AND
POLLUTION CONTROL ACT 1994 AMENDED**

3. Principal Act

In this Part, the *Environmental Management and Pollution Control Act 1994** is referred to as the Principal Act.

4. Section 25 amended (Assessment of permissible level 2 activities)

Section 25(1)(b) of the Principal Act is amended by inserting “as soon as practicable, but in any case within 21 days, after the date of lodgment of the application” after “Board”.

5. Section 27F amended (Case for assessment to be lodged within 12 months)

Section 27F of the Principal Act is amended by inserting after subsection (1) the following subsection:

- (1A) A case for assessment is not taken to be lodged with the Board until the applicant or proponent has been notified by the Board under section 27FA(3) that the case for assessment has been accepted.

*No. 44 of 1994

Building and Construction (Regulatory Reform Amendments) Act
(No. 2) 2020
Act No. of 2020

s. 6 Part 2 – Environmental Management and Pollution Control Act 1994
Amended

6. Section 27FA inserted

After section 27F of the Principal Act, the following section is inserted in Division 1A:

27FA. Acceptance by Board of case for assessment

(1) In this section –

applicant or proponent, in respect of a case for assessment, means the applicant or proponent in respect of the application or proposal to which the case for assessment relates;

required information, in relation to a case for assessment, means the information required in order to satisfy the Board's requirements, as referred to in section 74(3), in respect of the application or proposal to which the case for assessment relates.

(2) An applicant or proponent in respect of a case for assessment may request the Board to accept the case for assessment.

(3) The Board, within 42 days after the day on which a request is made to the Board under subsection (2) in relation to a case for assessment, is to, by notice in writing to the applicant or proponent in respect of the case for assessment, advise the

Building and Construction (Regulatory Reform Amendments) Act
(No. 2) 2020
Act No. of 2020

Part 2 – Environmental Management and Pollution Control Act 1994
Amended

s. 6

applicant or proponent as to whether the case for assessment has been accepted by the Board or has not been accepted by the Board.

- (4) If the Board, within 40 days after the day on which a request is made to the Board under subsection (2) in relation to a case for assessment, is not satisfied that the case for assessment includes the required information, the Board is to, by notice in writing to the applicant or proponent in respect of the case for assessment –
- (a) advise the applicant or proponent that the information included in the case for assessment is insufficient or unsatisfactory, or both, as the case may be; and
 - (b) request the applicant or proponent to provide to the Board a case for assessment that includes the information specified in the notice.
- (5) If the Board gives, under subsection (4) or this subsection, a notice (the **relevant notice**) to an applicant or proponent, the Board must, within 8 days from the day on which it receives a case for assessment in accordance with the relevant notice, if the Board is not satisfied that the information specified in

Building and Construction (Regulatory Reform Amendments) Act
(No. 2) 2020
Act No. of 2020

s. 6 Part 2 – Environmental Management and Pollution Control Act 1994
Amended

the relevant notice has been included in the case for assessment, by notice in writing to the applicant or proponent –

- (a) advise the applicant or proponent that the Board is not satisfied that the information specified in the relevant notice has been included in the case for assessment; and
 - (b) request the applicant or proponent to provide to the Board a case for assessment that includes the information specified in the notice under this subsection.
- (6) If the Board gives, under subsection (4) or subsection (5), a notice to an applicant or proponent in respect of a case for assessment, the 42-day period referred to in subsection (3) does not continue to run, in relation to the case for assessment, during the period –
 - (a) beginning on the day on which the first such notice is given to the applicant or proponent; and
 - (b) ending on the day on which the applicant or proponent provides to the Board a case for assessment that the Board is satisfied includes the information specified in the notice under

*Building and Construction (Regulatory Reform Amendments) Act
(No. 2) 2020
Act No. of 2020*

Part 2 – Environmental Management and Pollution Control Act 1994
Amended

s. 7

subsection (4) or subsection (5),
respectively.

7. Section 27G amended (Periods for advertising of applications and proposals)

Section 27G(1) of the Principal Act is amended by omitting “the Board has sufficient information to satisfy its requirements as referred to in section 74(3) in respect of an application or a proposal,” and substituting “a case for assessment in respect of an application or proposal has been lodged with the Board,”.

8. Section 107B inserted

After section 107A of the Principal Act, the following section is inserted in Division 2:

107B. Transitional and savings provisions consequent on *Building and Construction (Regulatory Reform Amendments) Act (No. 2) 2020*

Schedule 8 has effect.

9. Schedule 8 inserted

After Schedule 7 to the Principal Act, the following Schedule is inserted:

*Building and Construction (Regulatory Reform Amendments) Act
(No. 2) 2020
Act No. of 2020*

s. 9

Part 2 – Environmental Management and Pollution Control Act 1994
Amended

**SCHEDULE 8 – TRANSITIONAL AND SAVINGS
PROVISIONS CONSEQUENT ON *BUILDING AND
CONSTRUCTION (REGULATORY REFORM
AMENDMENTS) ACT (NO. 2) 2020***

Section 107B

**1. Certain provisions not to apply in relation to
cases for assessment**

(1) In this Schedule –

amending Act means the *Building and
Construction (Regulatory Reform
Amendments) Act (No. 2) 2020*.

(2) The amendments to this Act made by the
amending Act do not apply, and this Act,
as in force immediately before the day on
which section 27AF is inserted by the
amending Act, applies, in relation to a
case for assessment lodged under
section 27F(1) before that day.

Building and Construction (Regulatory Reform Amendments) Act
(No. 2) 2020
Act No. of 2020

Part 3 – Land Use Planning and Approvals Act 1993 Amended

s. 10

PART 3 – LAND USE PLANNING AND APPROVALS
ACT 1993 AMENDED

10. Principal Act

In this Part, the *Land Use Planning and Approvals Act 1993** is referred to as the Principal Act.

11. Section 60 inserted

After section 59 of the Principal Act, the following section is inserted in Division 2:

60. Timing of determination of compliance with certain permit conditions

(1) In this section –

regulatory authority means –

- (a) a regulated entity, within the meaning of the *Water and Sewerage Industry Act 2008*, or an employee of, or person acting on behalf of, a regulated entity; and
- (b) the holder of a licence under the *Electricity Supply Industry Act 1995* authorising the operation

*No. 70 of 1993

Building and Construction (Regulatory Reform Amendments) Act
(No. 2) 2020
Act No. of 2020

s. 11

Part 3 – Land Use Planning and Approvals Act 1993 Amended

of a transmission system,
or of a distribution
network, each within the
meaning of that Act, or an
employee of, or person
acting on behalf of, the
holder of such a licence;
and

(c) the holder of a pipeline
licence, within the
meaning of the *Gas
Pipelines Act 2000*, or an
employee of, or person
acting on behalf of, the
holder of such a licence;
and

(d) the Heritage Council,
within the meaning of the
*Historic Cultural
Heritage Act 1995*; and

(e) the holder of a prescribed
office, or a prescribed
body, that is established
by, or has functions
under, an Act; and

(f) the holder of a statutory
office under an Act;

relevant documents, in relation to a
condition of a permit, means the
plans, information, designs, or

Building and Construction (Regulatory Reform Amendments) Act
(No. 2) 2020
Act No. of 2020

Part 3 – Land Use Planning and Approvals Act 1993 Amended

s. 11

other documents, required, under the condition, to be prepared and provided to a planning authority;

relevant information, in relation to a condition of a permit, means information to the effect that works, required to be carried out in order to comply with the condition, have been completed.

- (2) If a person to whom a permit is granted provides to the planning authority all the relevant documents, or the relevant information, in relation to a condition of the permit, the planning authority, within 20 business days, must, by notice in writing to the person, advise the person as to whether or not the planning authority is satisfied that the condition has been complied with.
- (3) A planning authority, within 15 business days after receiving, from a person to whom a permit is issued, all the relevant documents, or the relevant information, in relation to a condition of the permit may, by notice in writing to the person –
 - (a) advise the person that the information provided to the planning authority is incomplete or inadequate; and

Building and Construction (Regulatory Reform Amendments) Act
(No. 2) 2020
Act No. of 2020

s. 11

Part 3 – Land Use Planning and Approvals Act 1993 Amended

- (b) request the person to provide to the planning authority further information reasonably required to assist the planning authority to determine whether the condition has been complied with.
- (4) If a planning authority receives further information from a person further to a notice given to the person under subsection (3) or this subsection in relation to information, the planning authority must, within 8 business days after receiving the information, by notice in writing to the person –
 - (a) advise the person that the information provided is satisfactory; or
 - (b) request the person to provide to the planning authority further information reasonably required to assist the planning authority to determine whether the condition has been complied with.
- (5) The period of 20 business days referred to in subsection (2) does not run in relation to a permit during the period –
 - (a) beginning on the day on which the planning authority gives to a person a notice under

*Building and Construction (Regulatory Reform Amendments) Act
(No. 2) 2020
Act No. of 2020*

Part 3 – Land Use Planning and Approvals Act 1993 Amended

s. 11

subsection (3) or subsection (4) in relation to the permit; and

- (b) ending on the day on which the planning authority advises the person in a notice under subsection (4) that the information provided in response to the notice under subsection (3) or subsection (4), respectively, is satisfactory.
- (6) A planning authority, within 5 business days after receiving from a person to whom a permit was granted a relevant document, or relevant information, in relation to a condition that is imposed on the permit in accordance with the advice of, or on the recommendation of, a regulatory authority, may, by notice in writing to the regulatory authority, request the regulatory authority to advise the planning authority within 10 business days as to whether or not the regulatory authority is of the opinion that the condition has been complied with.
- (7) A regulatory authority, within 10 business days after the day on which it receives a notice under subsection (6) in relation to a condition of a permit, is, by notice in writing to the planning authority, to advise the planning authority as to whether or not the

*Building and Construction (Regulatory Reform Amendments) Act
(No. 2) 2020
Act No. of 2020*

s. 11

Part 3 – Land Use Planning and Approvals Act 1993 Amended

regulatory authority is of the opinion that the condition has been complied with.

(8) A regulatory authority, within 8 business days after it receives –

(a) a notice under subsection (6) in relation to a condition of a permit; or

(b) further information under subsection (9) in relation to a condition of a permit –

may advise the planning authority, by notice in writing, that the regulatory authority requires further information in order to determine whether or not the regulatory authority is of the opinion that the condition has been complied with.

(9) A planning authority –

(a) within 2 business days after receiving from a regulatory authority a notice under subsection (8) in relation to a condition of a permit granted to a person, is, by notice in writing to the person, to request the person to provide to the planning authority the information specified in the notice, being the information specified in the notice to the planning authority under subsection (8); and

*Building and Construction (Regulatory Reform Amendments) Act
(No. 2) 2020
Act No. of 2020*

Part 3 – Land Use Planning and Approvals Act 1993 Amended

s. 11

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- (b) within 5 business days after receiving from a person information specified in a notice to the person under paragraph (a), is to provide the information to the regulatory authority.
 - (10) A planning authority, within 5 business days after receiving under subsection (7) advice from a regulatory authority that the regulatory authority is of the opinion that a condition of a permit issued to a person has, or has not, been complied with, is to give to the person notice in writing of the opinion of the regulatory authority.
 - (11) The period of 10 business days referred to in subsection (7) does not run in relation to a permit during the period –
 - (a) beginning on the day on which a regulatory authority gives to the planning authority a notice under subsection (8) in relation to the permit; and
 - (b) ending on the day on which the regulatory authority receives further information sufficient to enable the regulatory authority to determine whether or not the regulatory authority is of the opinion that the condition has been complied with.

*Building and Construction (Regulatory Reform Amendments) Act
(No. 2) 2020
Act No. of 2020*

s. 12

Part 3 – Land Use Planning and Approvals Act 1993 Amended

- (12) The period of 20 business days referred to in subsection (2) does not run in relation to a permit during the period –
- (a) beginning on the day on which the planning authority gives to a regulatory authority a notice under subsection (6); and
 - (b) ending on the day on which the planning authority receives under subsection (7) from the regulatory authority advice in relation to the condition of the permit.

12. Section 87G inserted

After section 87F of the Principal Act, the following section is inserted in Division 2:

87G. Savings and transitional – *Building and Construction (Regulatory Reform Amendments) Act (No. 2) 2020*

The savings and transitional provisions specified in Schedule 10 have effect.

13. Schedule 10 inserted

After Schedule 9 to the Principal Act, the following Schedule is inserted:

*Building and Construction (Regulatory Reform Amendments) Act
(No. 2) 2020
Act No. of 2020*

Part 3 – Land Use Planning and Approvals Act 1993 Amended

s. 13

**SCHEDULE 10 – SAVINGS AND TRANSITIONAL
PROVISIONS CONSEQUENT ON *BUILDING AND
CONSTRUCTION (REGULATORY REFORM
AMENDMENTS) ACT (NO. 2) 2020***

Section 87G

**1. Amendments not to apply in relation to
certain documents and information**

(1) In this Schedule –

amending Act means the *Building and
Construction (Regulatory Reform
Amendments) Act (No. 2) 2020*.

(2) Section 60, as inserted by the amending Act, does not apply, and this Act, as in force immediately before the day on which that section is inserted, applies, in relation to relevant documents, or relevant information, within the meaning of section 60, lodged with a planning authority before that day.

*Building and Construction (Regulatory Reform Amendments) Act
(No. 2) 2020
Act No. of 2020*

s. 14 Part 4 – Local Government (Building and Miscellaneous Provisions) Act
1993 Amended

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

14. Principal Act

In this Part, the *Local Government (Building and Miscellaneous Provisions) Act 1993** is referred to as the Principal Act.

15. Section 88 amended (Lodgment of final plans)

Section 88 of the Principal Act is amended as follows:

- (a) by inserting the following paragraphs after paragraph (c) in subsection (1):
 - (ca) evidence, satisfactory to the council, of the completion of each of the relevant works that are required to be carried out in relation to the proposed subdivision; and
 - (cb) evidence, satisfactory to the council, that each of the conditions on a permit, within the meaning of the *Land Use Planning and Approvals Act 1993*, that must be complied with before the final plan in relation to

*No. 96 of 1993

Building and Construction (Regulatory Reform Amendments) Act
(No. 2) 2020
Act No. of 2020

Part 4 – Local Government (Building and Miscellaneous Provisions) Act
1993 Amended

s. 15

the proposed subdivision may be
sealed, have been complied with;
and

- (b) by omitting from subsection (1)(d) ‘is marked “Early Issue”’ and substituting ‘is marked “Priority Final Plan”’;
- (c) by inserting the following subsection after subsection (1):

(1A) For the purposes of subsection (1)(ca), each of the following constitutes relevant works:

- (a) works consisting of the provision of a road or footpath in accordance with the *Local Government (Highways) Act 1982*;
- (b) works consisting of the provision of a connection to water infrastructure in accordance with the *Water and Sewerage Industry Act 2008*;
- (c) works consisting of the provision of a connection to sewerage infrastructure in accordance with the

*Building and Construction (Regulatory Reform Amendments) Act
(No. 2) 2020
Act No. of 2020*

s. 15 Part 4 – Local Government (Building and Miscellaneous Provisions) Act
1993 Amended

*Water and Sewerage
Industry Act 2008;*

- (d) works consisting of the provision of a connection to a public stormwater system in accordance with the *Urban Drainage Act 2013*;
 - (e) works consisting of the provision of a connection to an electricity supply in accordance with the *Electricity Supply Industry Act 1995*;
 - (f) works consisting of arrangements for drainage of stormwater under a State road in accordance with the *Roads and Jetties Act 1935*.
- (d) by omitting subsection (2) and substituting the following subsection:
- (2) If an owner has lodged a final plan under subsection (1) and the plan has been marked “Priority Final Plan”, that owner, within 5 business days after lodging that plan or within an extension of that period allowed by the

Building and Construction (Regulatory Reform Amendments) Act
(No. 2) 2020
Act No. of 2020

Part 4 – Local Government (Building and Miscellaneous Provisions) Act
1993 Amended

s. 15

Recorder of Titles, may lodge
with the Recorder of Titles –

- (a) a copy of the final plan, marked “Priority Final Plan”, that has been lodged with the council under subsection (1)(a); and
- (b) a certification, or endorsement, by the owner, an agent of the owner or a legal practitioner acting on behalf of the owner, to the effect that all the copies of documents lodged under this subsection are identical to the original documents lodged with the council under subsection (1) and that the documents lodged with the council under subsection (1) were lodged not more than 5 business days before the documents are lodged under this subsection; and
- (c) a copy of the schedule of easements that has been

s. 16 Part 4 – Local Government (Building and Miscellaneous Provisions) Act
1993 Amended

- 16. Section 89 amended (Approval of final plans by council)**

(a) by inserting the following subsections before subsection (1):

- 26

*Building and Construction (Regulatory Reform Amendments) Act
(No. 2) 2020
Act No. of 2020*

Part 4 – Local Government (Building and Miscellaneous Provisions) Act
1993 Amended

s. 16

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- (a) is to determine whether the final plan complies with this Part; and
 - (b) is to comply with subsection (1), if the council determines that the final plan complies with this Part; and
 - (c) is to comply with subsection (2), if the council determines that the final plan does not comply with this Part; and
 - (d) is to notify in writing the person who lodged the final plan with the council, that the final plan does not comply with this Part, if the council determines that the final plan does not comply with this Part.
- (1AB) A council, within 10 business days after a final plan is lodged with the council under section 88(1), may, if it requires further information or documents in relation to the final plan, by notice in writing to the person who lodged the plan –

s. 16 Part 4 – Local Government (Building and Miscellaneous Provisions) Act
1993 Amended

- 28

*Building and Construction (Regulatory Reform Amendments) Act
(No. 2) 2020
Act No. of 2020*

Part 4 – Local Government (Building and Miscellaneous Provisions) Act
1993 Amended

s. 16

period referred to in
subsection (1AA) does not
continue to run, in relation to the
final plan lodged with the
council, during the period –

- (a) beginning on the day on
which the first such notice
is given to the person; and
 - (b) ending on the day on
which the person provides
to the council information
or documents, referred to
in the notice under
subsection (1AB) or
subsection (1AC),
respectively, that, is, in
the opinion of the council,
satisfactory.
- (b) by omitting from subsection (2) ““Early
Issue”” and substituting ““Priority Final
Plan””;
 - (c) by omitting from subsection (2) “7 days”
and substituting “5 business days”;
 - (d) by inserting the following subsections
after subsection (2):
 - (2A) If –
 - (a) a sealed plan, marked
“Priority Final Plan”, that

s. 16 Part 4 – Local Government (Building and Miscellaneous Provisions) Act
1993 Amended

- (b) all the other documents that relate to that plan have been lodged with the Recorder of Titles as required under section 88(2); and
- (c) all the relevant documents in relation to the sealed plan have been lodged with the Recorder of Titles; and
- (d) the Recorder of Titles is satisfied that the sealed plan is not required to be amended and that all other information or documents necessary to make a determination under this subsection have been received by the Recorder of Titles and are satisfactory –

*Building and Construction (Regulatory Reform Amendments) Act
(No. 2) 2020
Act No. of 2020*

Part 4 – Local Government (Building and Miscellaneous Provisions) Act
1993 Amended

s. 16

the Recorder of Titles, within 15 business days after the requirements of paragraphs (a), (b), (c) and (d) have been satisfied, is to –

- (e) accept the sealed plan; or
- (f) reject the sealed plan under this paragraph or under subsection (3).

(2B) For the purposes of subsection (2A), the relevant documents in relation to the sealed plan are the following:

- (a) the original, final, duly executed schedule of easements in relation to the sealed plan, that is identical to the copy of the schedule of easements that was lodged with the Recorder of Titles under section 88(2);
- (b) the original title documents, satisfactory to the Recorder of Titles, evidencing ownership of the land to which the sealed plan relates;

Building and Construction (Regulatory Reform Amendments) Act
(No. 2) 2020
Act No. of 2020

s. 16 Part 4 – Local Government (Building and Miscellaneous Provisions) Act
1993 Amended

- (c) if the original of the balance plan has not already been lodged with the Recorder of Titles – the original, duly executed copy of the balance plan that is identical to the copy of the original of the balance plan lodged with the Recorder of Titles under section 88(2);
- (d) if the original of the survey notes has not already been lodged with the Recorder of Titles – the original, duly executed copy of the survey notes that is identical to the copy of the original of the survey notes lodged with the Recorder of Titles under section 88(2);
- (e) all other original, duly executed associated documents or dealings that the Recorder of Titles requires to be provided.

(2C) If –

*Building and Construction (Regulatory Reform Amendments) Act
(No. 2) 2020
Act No. of 2020*

Part 4 – Local Government (Building and Miscellaneous Provisions) Act
1993 Amended

s. 16

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- (a) a sealed plan, marked “Priority Final Plan”, that is duly executed and that is identical to the unsealed final plan that was lodged with the Recorder of Titles under section 88(2)(a), is lodged with the Recorder of Titles under subsection (1)(b); and
 - (b) all the other documents that relate to that plan have been lodged with the Recorder of Titles as required under subsections (2A) and (2B); and
 - (c) all of the relevant documents in relation to the sealed plan have been lodged with the Recorder of Titles –

the Recorder of Titles, within 13 business days, may –

- (d) under subsection (5), give to the council and the owner notice in writing that the sealed plan is

s. 16 Part 4 – Local Government (Building and Miscellaneous Provisions) Act
1993 Amended

Building and Construction (Regulatory Reform Amendments) Act
(No. 2) 2020
Act No. of 2020

Part 4 – Local Government (Building and Miscellaneous Provisions) Act
1993 Amended

s. 16

subsection or subsection (5), the Recorder of Titles, within 8 business days from the day on which he or she receives –

- (a) the sealed plan, as amended in accordance with the notice under subsection (5); or
- (b) further information or documents, or amendments of information or documents, already provided to the Recorder of Titles, in accordance with the notice under subsection (2C) or this subsection –

is to –

- (c) notify under subsection (5) the council and the owner that the plan is required to be amended; or
- (d) give to the owner notice in writing specifying –
 - (i) that further information or documents are

s. 16 Part 4 – Local Government (Building and Miscellaneous Provisions) Act
1993 Amended

(2E) The period of 13 business days referred to in subsection (2C) does not continue to run in relation to a sealed plan, and other information or documents

*Building and Construction (Regulatory Reform Amendments) Act
(No. 2) 2020
Act No. of 2020*

Part 4 – Local Government (Building and Miscellaneous Provisions) Act
1993 Amended

s. 16

relating to a sealed plan, during
each period –

- (a) beginning on the day on
which a notice under
subsection (2C),
subsection (2D)(d) or
subsection (5) is given to
the owner or council in
relation to the sealed plan
or in relation to
documents or information
required to accompany
the sealed plan; and
- (b) ending on the day by
which, in relation to each
amended sealed plan, or
information or
documents, provided to
the Recorder of Titles
pursuant to the notice
given under
subsection (2C),
subsection (2D)(d) or
subsection (5), one of the
following has occurred:
 - (i) the Recorder of
Titles has given a
notice under
subsection (2D) or
subsection (5); or

*Building and Construction (Regulatory Reform Amendments) Act
(No. 2) 2020
Act No. of 2020*

s. 17 Part 4 – Local Government (Building and Miscellaneous Provisions) Act
1993 Amended

- (ii) the Recorder of Titles has failed to comply with subsection (2D).
- (e) by inserting in subsection (3) ‘, marked “Priority Final Plan”,’ after “final plan”;
- (f) by omitting from subsection (3)(b) “plan was lodged” and substituting ‘plan marked “Priority Final Plan” was lodged with the Recorder of Titles’.

17. Section 94 amended (Taking effect of sealed plan)

Section 94(2) of the Principal Act is amended by inserting “within 21 days” after “is to”.

18. Section 124 inserted

After section 123 of the Principal Act, the following section is inserted in Division 9:

124. Transitional matters arising under *Building and Construction (Regulatory Reform Amendments) Act (No. 2) 2020*

- (1) In this section –

amending Act means the *Building and Construction (Regulatory Reform Amendments) Act (No. 2) 2020*.

Building and Construction (Regulatory Reform Amendments) Act
(No. 2) 2020
Act No. of 2020

Part 4 – Local Government (Building and Miscellaneous Provisions) Act
1993 Amended

s. 18

-
- (2) The amendments to this Act made by the amending Act do not apply, and this Act, as in force immediately before the day on which those amendments commence, applies, in relation to a council, in relation to a final plan lodged with the council under section 88(1) before that day.
- (3) The amendments to this Act made by the amending Act do not apply, and this Act, as in force immediately before the day on which those amendments commence, applies, in relation to the Recorder of Titles, in relation to a final plan lodged with the Recorder of Titles under section 88(2) before that day.

*Building and Construction (Regulatory Reform Amendments) Act
(No. 2) 2020
Act No. of 2020*

s. 19

Part 5 – Nature Conservation Act 2002 Amended

**PART 5 – NATURE CONSERVATION ACT 2002
AMENDED**

19. Principal Act

In this Part, the *Nature Conservation Act 2002** is referred to as the Principal Act.

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

Section 29(5) of the Principal Act is amended by omitting “12 months” and substituting “4 years”.

*No. 63 of 2002

*Building and Construction (Regulatory Reform Amendments) Act
(No. 2) 2020
Act No. of 2020*

Part 6 – Strata Titles Act 1998 Amended

s. 21

PART 6 – STRATA TITLES ACT 1998 AMENDED

21. Principal Act

In this Part, the *Strata Titles Act 1998** is referred to as the Principal Act.

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

Section 31 of the Principal Act is amended as follows:

- (a) by inserting the following paragraph after paragraph (b) in subsection (2):
 - (ba) evidence, satisfactory to the council, that is sufficient to enable the council to be satisfied as to the matters specified in subsection (3) in relation to the application; and
- (b) by inserting the following subsections after subsection (2):
 - (2A) The council must, within 30 business days after the day on which it receives the application, issue, or refuse to issue, a certificate of approval in relation to the application.

*No. 17 of 1998

Building and Construction (Regulatory Reform Amendments) Act
(No. 2) 2020
Act No. of 2020

s. 22

Part 6 – Strata Titles Act 1998 Amended

(2B) The council may –

- (a) within 15 business days after the day on which it receives the application, give to the applicant notice in writing specifying that the council requires further information in order to determine the application; and
- (b) within 8 business days after the day on which it receives further information requested under paragraph (a) or subparagraph (ii) –
 - (i) decide that the information is satisfactory; or
 - (ii) give to the applicant notice in writing specifying that the information is not satisfactory and require the applicant to provide further information

*Building and Construction (Regulatory Reform Amendments) Act
(No. 2) 2020
Act No. of 2020*

Part 6 – Strata Titles Act 1998 Amended

s. 23

necessary to
satisfy the council.

- (2C) The period of 30 business days referred to in subsection (2A) does not run in relation to an application during the period beginning on the day on which a notice is given by the council under subsection (2B) in relation to the application and ending on the day on which the council receives from the person who made the application information that it decides is satisfactory.

23. Section 160A inserted

After section 160 of the Principal Act, the following section is inserted in Part 11:

**160A. Transitional matters arising under the
*Building and Construction (Regulatory Reform Amendments) Act (No. 2) 2020***

- (1) In this section –

amending Act means the *Building and Construction (Regulatory Reform Amendments) Act (No. 2) 2020*.

- (2) The amendments to this Act made by the amending Act do not apply, and this Act, as in force immediately before the day on which those amendments commence,

*Building and Construction (Regulatory Reform Amendments) Act
(No. 2) 2020
Act No. of 2020*

s. 23

Part 6 – Strata Titles Act 1998 Amended

applies, in relation to an application
received by a council under section 31
before that day.

Building and Construction (Regulatory Reform Amendments) Act
(No. 2) 2020
Act No. of 2020

Part 7 – Water and Sewerage Industry Act 2008 Amended

s. 24

**PART 7 – WATER AND SEWERAGE INDUSTRY ACT
2008 AMENDED**

24. Principal Act

In this Part, the *Water and Sewerage Industry Act 2008** is referred to as the Principal Act.

25. Section 56O amended (Application to go to relevant regulated entity)

Section 56O(1) of the Principal Act is amended by inserting “but in any case within 5 business days,” after “delay,”.

*No. 13 of 2008

*Building and Construction (Regulatory Reform Amendments) Act
(No. 2) 2020
Act No. of 2020*

s. 26

Part 8 – Concluding Provision

PART 8 – CONCLUDING PROVISION

26. Repeal of Act

This Act is repealed on the first anniversary of the day on which the last uncommenced provision of this Act commenced.