

**LOCAL GOVERNMENT AMENDMENT ACT (No. 2) 1981**

---

**No. 77 of 1981**

---

**TABLE OF PROVISIONS**

- |   |  |
|---|--|
| 1. Short title.   | 9. Amendment of section 461k of Principal Act (Jurisdiction).                          |
| 2. Commencement.  | 10. Amendment of section 704 of Principal Act (Power to establish metered parking).    |
| 3. Principal Act.   | 11. Amendment of Schedule 4 to Principal Act (Purposes of by-laws).                    |
| 4. Amendment of section 186 of Principal Act (Polls required by electors).  | 12. Amendment of Schedule 6 to Principal Act (Subjects of Building Regulations).       |
| 5. Amendment of section 279D of Principal Act (Revaluation of land).  | 13. Transitional provisions.   |
| 6. Substitution of section 441 of Principal Act.<br>441—Change of use.  | 14. Amendment of the <i>Local Government Amendment (Farms Rating Relief) Act</i> 1980. |
| 7. Amendment of section 446 of Principal Act (Stopping illegal works).  |  |
| 8. Amendment of section 448 of Principal Act (Limitation of time for rectification of contraventions of the Act). |  |



**LOCAL GOVERNMENT AMENDMENT ACT (No. 2) 1981**

---

**No. 77 of 1981**

---

\*\*\*\*\*

**AN ACT to amend the Local Government Act 1962 for the purposes of removing the right of the electors of a municipality to demand a poll on a proposal by the corporation of that municipality to make a separate local rate in respect of the performance by it of its duty under section 3 of the Sewers and Drains Act 1954, amending the provisions relating to the valuation of land as urban farm land, and making further provision with respect to the control of building and with respect to parking meters and metered parking space, and for the purpose of correcting an error in the long title to the Local Government Amendment (Farms Rating Relief) Act 1980.**

**[Royal Assent 9 December 1981]**

**BE** it enacted by His 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:—

**1**—This Act may be cited as the *Local Government Amendment Act (No. 2) 1981*. Short title.

Commence-  
ment.

**2—**(1) Except as provided in subsection (2), this Act shall commence on the seventh day after the date of assent to this Act.

(2) Sections 3, 5, and 14 shall be deemed to have commenced on 2nd September 1980.

Principal Act.

**3—**In this Act, the *Local Government Act 1962\** is referred to as the Principal Act.

Amendment of  
section 186 of  
Principal Act  
(Polls required  
by electors).

**4—**Section 186 (5) (c) of the Principal Act is amended as follows:—

(a) by omitting from subparagraph (i) “section 265 (3); or” and substituting “section 265 (3);”;

(b) by inserting the following subparagraph after subparagraph (ii):—

(iii) if the proposal relates to the performance by the corporation of the duty imposed on it by section 3 of the *Sewers and Drains Act 1954* or to the provision by the corporation of a sewer for the carrying off of faeces, otherwise than on a recommendation to the corporation made under section 3 (2) of that Act; or

Amendment of  
section 279D of  
Principal Act  
(Revaluation  
of land).

**5—**(1) Section 279D (2) of the Principal Act is amended as follows:—

(a) by omitting “A” and substituting “Subject to subsection (2A), a”;

(b) by omitting from paragraph (b) “urban”.

(2) Section 279D of the Principal Act is further amended by inserting the following subsection after subsection (2):—

(2A) In making a valuation of land for the purposes of subsection (1), the Valuer-General shall have regard to the general level of valuations of farm land in the relevant municipality that are in force under section 21 (1) of the *Land Valuation Act 1971*.

\* No. 67 of 1962. For this Act, as amended up to and including 1st July 1980, see the continuing Reprint of Statutes. Subsequently amended by Nos. 19, 44, and 59 of 1980 and by No. 48 of 1981.

**6**—Section 441 of the Principal Act is repealed and the following section is substituted:—

Substitution of section 441 of Principal Act.

441—A person shall not change the use of a building or structure to a use for which the building or structure, on account of its design, construction, or condition at the time of the change in use, could not lawfully be erected.

Change of use.

**7**—Section 446 (1) of the Principal Act is amended by omitting “who is competent to give certificates for the purposes of section 426”.

Amendment of section 446 of Principal Act (Stopping illegal works).

**8**—Section 448 of the Principal Act is amended by omitting “90 days” and substituting “12 months”.

Amendment of section 448 of Principal Act (Limitation of time for rectification of contraventions of the Act).

**9**—Section 461K of the Principal Act is amended by omitting subsections (1) and (2) and substituting the following subsections:—

Amendment of section 461K of Principal Act (Jurisdiction).

(1) Where the Commissioner or any other person is aggrieved by—

(a) a decision of an authority—

- (i) to refuse or permit building or the demolition of a building or structure; or
- (ii) to approve or otherwise deal with the plans, specifications, or drawings of a building or structure proposed to be erected or altered; or

(b) the neglect of, or delay by, an authority to give, within 40 days after the making of an application to the authority to give any of the following decisions:—

- (i) a decision in respect of permitting building or the demolition of a building or structure;
- (ii) a decision in respect of the approval of the plans, specifications, or drawings of a building or structure proposed to be erected or altered,

that person may appeal to the Board.

(2) Where a person is concerned with the erection, alteration, or demolition of a building or structure proposed to be erected, altered, or demolished or in the course of erection, alteration, or demolition, that person may refer to the Board the question whether, in the case of that building or structure—

(a) any provision of the Building Regulations or of a by-law with respect to building is inappropriate; or

(b) any such provision as is referred to in paragraph (a) may reasonably be varied or modified without detriment to the public interest.

Amendment of section 704 of Principal Act (Power to establish metered parking).

**10**—(1) Section 704 (1) of the Principal Act is amended by omitting “near the front kerbside corner of each place so marked, looking at the place as the driver of a vehicle properly parked therein would look at it, may put up a parking meter” and substituting “may install a parking meter for each place so marked out”.

(2) Section 704 of the Principal Act is further amended by inserting the following subsection after subsection (2):—

(2A) The parking meter installed by the corporation for a place pursuant to subsection (1) may be the only meter on one post or other support or one of a set of meters on one post or other support.

Amendment of Schedule 4 to Principal Act (Purposes of by-laws).

**11**—Schedule 4 to the Principal Act is amended by inserting the following paragraph after paragraph 11 of Part II:—

12. Prohibiting the demolition, alteration, or disfigurement of a building or structure which, in the opinion of the council, ought to be preserved for aesthetic, historical, or technical reasons.

Amendment of Schedule 6 to Principal Act (Subjects of Building Regulations).

**12**—Schedule 6 to the Principal Act is amended as follows:—

(a) by inserting the following paragraph after paragraph 12:—

12A. Prohibiting the demolition, alteration, or disfigurement of a building or structure which, in the opinion of the council, ought to be preserved for aesthetic, historical, or technical reasons.

(b) by omitting from paragraph 26A “municipal architect,” and substituting “surveyor”.

**13—**(1) Where, before the commencement of section 4 of this Act, notice of a proposal relating to the performance by the corporation of a municipality of the duty imposed on it by section 3 of the *Sewers and Drains Act* 1954 has been advertised as required by section 186 (2) (a) of the Principal Act and none of the events specified in section 186 (3) of the Principal Act has occurred before that commencement, the resolution to carry out that proposal has effect when it is confirmed by the council of that municipality, notwithstanding that none of those events has occurred before that commencement.

Transitional provisions.

(2) The council of a municipality may, after the commencement of section 4 of this Act, pass a resolution to carry out a proposal relating to the performance by the corporation of that municipality of the duty imposed on it by section 3 of the *Sewers and Drains Act* 1954, notwithstanding that, before that commencement, a poll of electors held in that municipality pursuant to section 186 of the Principal Act was not in favour of that proposal.

(3) Where, before the commencement of section 9 of this Act, the time prescribed by section 448 of the Principal Act has not elapsed for the making of an order or requirement with respect to the taking down or altering of any work done in contravention of Division 1 of Part XVI of the Principal Act before that commencement, section 448 of that Act continues to apply in respect of the time for the making of that order or requirement as if section 9 of this Act had not been enacted.

**14—**The long title to the *Local Government Amendment (Farms Rating Relief) Act* 1980 is amended by omitting “urban”, where secondly occurring.

Amendment of the *Local Government Amendment (Farms Rating Relief) Act* 1980.

