



Australian Capital Territory

Planning, Building and Environment Legislation Amendment Act 2015

A2015-12

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Australian Capital Territory

Planning, Building and Environment Legislation Amendment Act 2015

A2015-12

An Act to amend legislation about planning, building and the environment, and for other purposes

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Part 1 Preliminary

1 Name of Act

This Act is the *Planning, Building and Environment Legislation Amendment Act 2015*.

2 Commencement

This Act commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

3 Legislation amended

This Act amends the following legislation:

- *Building Act 2004*
- *Building (General) Regulation 2008*
- *Construction Occupations (Licensing) Act 2004*
- *Construction Occupations (Licensing) Regulation 2004*
- *Environment Protection Act 1997*
- *Planning and Development Regulation 2008*
- *Utilities Act 2000*
- *Work Health and Safety Regulation 2011*.

4 Legislation repealed

The following legislation is repealed:

- *Building (Asbestos code-asbestos removal control plan) Determination 2006* (DI2006-174)
- *Building (Asbestos code-minor maintenance work) Determination 2006* (DI2006-175).

Part 2 Building Act 2004

5 Meaning of *building work* Section 6 (1), new note

insert

Note **Building work**, for pt 6 (Residential buildings—statutory warranties, insurance and fidelity certificates) does not include work in relation to the demolition of a whole building (see s 84).

6 Preliminary Division 3.1

omit

7 Approval requirements Section 29 (1) (e)

omit

asbestos code

substitute

Dangerous Substances Act 2004 and the *Work Health and Safety Act 2011*

8 Sign to be displayed for certain building work Section 37A (1), note

omit

9 Sign to be displayed for building work in prescribed development Section 37B (1), note

omit

**10 Application of pt 5 to building work
Section 65**

omit

11 Division 6.1 heading

substitute

Division 6.1 Interpretation—pt 6

**12 Application of pt 6 to building work
Section 83**

omit

13 Section 84 heading

substitute

84 Definitions—pt 6

14 Division 8.2 heading

substitute

Division 8.2 Codes of practice

15 Section 139B heading

substitute

139B Approval of codes of practice

16 Section 139B (2) (a)

omit

if the work involves the use, handling or disposal of asbestos

17 Section 139B (4)

omit

the asbestos code, and any instrument applied (with or without change) by the asbestos

substitute

a code, and any instrument applied (with or without change) by the

**18 Regulation-making power
Section 152 (2)**

after

a building

insert

or building work (an *exemption*)

19 New section 152 (3) (d)

before the note, insert

(d) an exemption.

20 Dictionary, definition of *asbestos code*

omit

21 Dictionary, definition of *asbestos removal control plan*

omit

asbestos code

substitute

Dangerous Substances Act 2004 and the *Work Health and Safety Act 2011*

Part 3 Building (General) Regulation 2008

22 Section 6 heading

substitute

**6 Exempt buildings and building work generally—Act,
s 152 (2)**

23 Section 6 (5)

omit

24 Section 6 (6), definitions of *minor maintenance* and *minor maintenance work*

omit

**25 Requirements for plans for asbestos removal—Act,
s 27 (1) (a)
Section 18 (2) (d)**

omit

under the asbestos code

**26 Consultation required in relation to proposed building
work—Act, s 152 (3) (c)
Section 22 (2) (a)**

omit

director-general responsible for municipal services and the
director-general responsible for registration and regulatory services

substitute

relevant directors-general

27 Section 22 (6), new definition of *relevant directors-general*

insert

relevant directors-general means the following:

- (a) the director-general of the administrative unit responsible for municipal services;
- (b) the director-general of the administrative unit responsible for the *Dangerous Substances Act 2004*;
- (c) the director-general of the administrative unit responsible for the *Work Health and Safety Act 2011*.

28 Section 37 heading

substitute

37 Building work to which pt 6 does not apply**29 Non-application of Legislation Act, s 47 (5)
Section 45**

omit

asbestos removal code or the

**30 Exempt buildings and building works
Schedule 1, part 1.2, item 1, column 3**

omit

31 Schedule 1, part 1.2, example—item 1

omit

32 **Schedule 1, part 1.3, item 25**

omit

33 **Dictionary, definition of *asbestos removal code***

omit

Part 4 Construction Occupations (Licensing) Act 2004

34 What is a *builder*? Section 8 (2)

omit

, other than building work that involves handling asbestos or disturbing friable asbestos

35 Section 8 (2), new note

insert

Note 2 For building work that involves asbestos removal, a builder must hold an asbestos removal licence (see [Work Health and Safety Regulation 2011](#), div 8.10.1).

36 Section 8 (3)

omit

Part 5 Construction Occupations (Licensing) Regulation 2004

**37 Services that may be provided without licence
Section 35 (1), note**

omit

**38 Classes of construction occupation licence and functions
Schedule 1, part 1.3, items 1 to 5, column 3**

omit

or handling asbestos

39 Schedule 1, part 1.3, new note

after item 5, insert

Note For building work that involves asbestos removal, a builder must hold an asbestos removal licence (see [Work Health and Safety Regulation 2011](#), div 8.10.1).

**40 Demerit grounds for occupational discipline
Schedule 2, part 2.1, item 2.1.11**

omit

Part 6 Environment Protection Act 1997

41 Activities requiring environmental authorisation Schedule 1, table 1.2, item 7, column 2, paragraph (b)

substitute

- (b) an area identified on a precinct map in the [territory plan](#) as an area where plantation forestry is permitted subject to development assessment; or

42 Dictionary, note 2

insert

- [territory plan](#)

Part 7 Planning and Development Regulation 2008

43 Exemptions from requirement for development approval Schedule 1, section 1.92 (1)

omit

an area identified as a P4 (Plantation forestry precinct) precinct in the [territory plan](#)

substitute

a plantation forestry area

44 Schedule 1, section 1.92 (2), new definition of *plantation forestry area*

insert

plantation forestry area means an area identified on a precinct map in the [territory plan](#) as an area where plantation forestry is permitted subject to development assessment.

45 Schedule 3, part 3.2, item 9, column 2

omit

as a P4 (Plantation forestry precinct) precinct in the [territory plan](#)

substitute

on a precinct map in the [territory plan](#) as an area where plantation forestry is permitted subject to development assessment

46 **Schedule 3, part 3.4 heading**

substitute

Part 3.4

Maps

Part 8 Utilities Act 2000

47 Determination of fee Section 45 (2) (a) (ii)

omit

director-general under part 5 (Technical regulation)

substitute

technical regulator

Part 9

Work Health and Safety Regulation 2011

48 Duty to ensure asbestos removalist is licensed Section 458, new note

insert

Note 3 For certain asbestos removal work that involves building work, a licensed asbestos removalist must also be, or be supervised by, a licensed builder under the [Construction Occupations \(Licensing\) Act 2004](#).

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 26 March 2015.

2 Notification

Notified under the [Legislation Act](#) on 20 May 2015.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Planning, Building and Environment Legislation Amendment Bill 2015, which was passed by the Legislative Assembly on 5 May 2015.

Clerk of the Legislative Assembly

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