

2015

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Planning)

Planning, Building and Environment Legislation Amendment Bill 2015

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(As presented)

(Minister for Planning)

Planning, Building and Environment Legislation Amendment Bill 2015

A Bill for

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:

1 **Part 1 Preliminary**

2 **1 Name of Act**

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

5 **2 Commencement**

6 This Act commences on the day after its notification day.

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

9 **3 Legislation amended**

10 This Act amends the following legislation:

- 11 • *Building Act 2004*
- 12 • *Building (General) Regulation 2008*
- 13 • *Construction Occupations (Licensing) Act 2004*
- 14 • *Construction Occupations (Licensing) Regulation 2004*
- 15 • *Environment Protection Act 1997*
- 16 • *Planning and Development Regulation 2008*
- 17 • *Utilities Act 2000*
- 18 • *Work Health and Safety Regulation 2011*.

19 **4 Legislation repealed**

20 The following legislation is repealed:

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

1 **Part 2** **Building Act 2004**

2 **5** **Meaning of *building work***
3 **Section 6 (1), new note**

4 *insert*

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

8 **6** **Preliminary**
9 **Division 3.1**

10 *omit*

11 **7** **Approval requirements**
12 **Section 29 (1) (e)**

13 *omit*

14 asbestos code

15 *substitute*

16 *[Dangerous Substances Act 2004](#) and the [Work Health and Safety](#)*
17 *[Act 2011](#)*

18 **8** **Sign to be displayed for certain building work**
19 **Section 37A (1), note**

20 *omit*

21 **9** **Sign to be displayed for building work in prescribed**
22 **development**
23 **Section 37B (1), note**

24 *omit*

1	10	Application of pt 5 to building work
2		Section 65
3		<i>omit</i>
4	11	Division 6.1 heading
5		<i>substitute</i>
6	Division 6.1	Interpretation—pt 6
7	12	Application of pt 6 to building work
8		Section 83
9		<i>omit</i>
10	13	Section 84 heading
11		<i>substitute</i>
12	84	Definitions—pt 6
13	14	Division 8.2 heading
14		<i>substitute</i>
15	Division 8.2	Codes of practice
16	15	Section 139B heading
17		<i>substitute</i>
18	139B	Approval of codes of practice
19	16	Section 139B (2) (a)
20		<i>omit</i>
21		if the work involves the use, handling or disposal of asbestos

- 1 **17 Section 139B (4)**
- 2 *omit*
- 3 the asbestos code, and any instrument applied (with or without
- 4 change) by the asbestos
- 5 *substitute*
- 6 a code, and any instrument applied (with or without change) by the
- 7 **18 Regulation-making power**
- 8 **Section 152 (2)**
- 9 *after*
- 10 a building
- 11 *insert*
- 12 or building work (an *exemption*)
- 13 **19 New section 152 (3) (d)**
- 14 *before the note, insert*
- 15 (d) an exemption.
- 16 **20 Dictionary, definition of *asbestos code***
- 17 *omit*
- 18 **21 Dictionary, definition of *asbestos removal control plan***
- 19 *omit*
- 20 asbestos code
- 21 *substitute*
- 22 *Dangerous Substances Act 2004* and the *Work Health and Safety*
- 23 *Act 2011*

1 **Part 3** **Building (General)**
2 **Regulation 2008**

3 **22 Section 6 heading**

4 *substitute*

5 **6 Exempt buildings and building work generally—Act,**
6 **s 152 (2)**

7 **23 Section 6 (5)**

8 *omit*

9 **24 Section 6 (6), definitions of *minor maintenance* and *minor***
10 ***maintenance work***

11 *omit*

12 **25 Requirements for plans for asbestos removal—Act,**
13 **s 27 (1) (a)**
14 **Section 18 (2) (d)**

15 *omit*

16 under the asbestos code

17 **26 Consultation required in relation to proposed building**
18 **work—Act, s 152 (3) (c)**
19 **Section 22 (2) (a)**

20 *omit*

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

23 *substitute*

24 relevant directors-general

- 1 **27 Section 22 (6), new definition of *relevant***
2 ***directors-general***
- 3 *insert*
- 4 ***relevant directors-general*** means the following:
- 5 (a) the director-general of the administrative unit responsible for
6 municipal services;
- 7 (b) the director-general of the administrative unit responsible for
8 the *Dangerous Substances Act 2004*;
- 9 (c) the director-general of the administrative unit responsible for
10 the *Work Health and Safety Act 2011*.
- 11 **28 Section 37 heading**
- 12 *substitute*
- 13 **37 Building work to which pt 6 does not apply**
- 14 **29 Non-application of Legislation Act, s 47 (5)**
15 **Section 45**
- 16 *omit*
- 17 asbestos removal code or the
- 18 **30 Exempt buildings and building works**
19 **Schedule 1, part 1.2, item 1, column 3**
- 20 *omit*
- 21 **31 Schedule 1, part 1.2, example—item 1**
- 22 *omit*

Part 3 Building (General) Regulation 2008

Section 32

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

2 *omit*

3 **33** **Dictionary, definition of *asbestos removal code***

4 *omit*

1 **Part 4** **Construction Occupations**
2 **(Licensing) Act 2004**

3 **34** **What is a *builder*?**
4 **Section 8 (2)**

5 *omit*

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

8 **35** **Section 8 (2), new note**

9 *insert*

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

13 **36** **Section 8 (3)**

14 *omit*

1 **Part 5 Construction Occupations**
2 **(Licensing) Regulation 2004**

3 **37 Services that may be provided without licence**
4 **Section 35 (1), note**

5 *omit*

6 **38 Classes of construction occupation licence and functions**
7 **Schedule 1, part 1.3, items 1 to 5, column 3**

8 *omit*

9 or handling asbestos

10 **39 Schedule 1, part 1.3, new note**

11 *after item 5, insert*

12 *Note* For building work that involves asbestos removal, a builder must hold
13 an asbestos removal licence (see *Work Health and Safety*
14 *Regulation 2011*, div 8.10.1).

15 **40 Demerit grounds for occupational discipline**
16 **Schedule 2, part 2.1, item 2.1.11**

17 *omit*

1 **Part 6** **Environment Protection Act 1997**

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

4 *substitute*

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

8 **42** **Dictionary, note 2**

9 *insert*

- 10
 - [territory plan](#)

1 **Part 7** **Planning and Development**
2 **Regulation 2008**

3 **43 Exemptions from requirement for development approval**
4 **Schedule 1, section 1.92 (1)**

5 *omit*

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

8 *substitute*

9 a plantation forestry area

10 **44 Schedule 1, section 1.92 (2), new definition of *plantation***
11 ***forestry area***

12 *insert*

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

16 **45 Schedule 3, part 3.2, item 9, column 2**

17 *omit*

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

19 *substitute*

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

1 **46** **Schedule 3, part 3.4 heading**

2 *substitute*

3 **Part 3.4** **Maps**

1 **Part 8 Utilities Act 2000**

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

4 *omit*

5 director-general under part 5 (Technical regulation)

6 *substitute*

7 technical regulator

1 **Part 9** **Work Health and Safety**
2 **Regulation 2011**

3 **48** **Duty to ensure asbestos removalist is licensed**
4 **Section 458, new note**

5 *insert*

6 *Note 3* For certain asbestos removal work that involves building work, a
7 licensed asbestos removalist must also be, or be supervised by, a
8 licensed builder under the *Construction Occupations (Licensing)*
9 *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 2015.

3 Republications of amended laws

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

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