Building Works - Table of Changes

Current Local Law	Draft Local Law	Key Changes	Change Type
25. Asset Protection Permit 25.1 If a building permit is required for building work on land and that building work, person or class of persons have not been exempted: 25.1.1 the owner of the relevant land; 25.1.2 the builder engaged to carry out building work on the land; 25.1.3 any appointed agent; or 25.1.4 any demolition contractor engaged to demolish some object on the land as part of the building work must: 25.1.5 not carry out or allow to be carried out building work on that land unless an Asset Protection Permit has been obtained; 25.1.6 not carry out or allow to be carried out building work on that land in breach of any conditions of an Asset Protection Permit that has been obtained; and 25.1.7 pay any Asset Protection Permit Bond determined by the Council from time to time, in accordance with the procedure and protocols manual.	**6.1 Asset protection permit** (1) If a building permit is required for building work, the following people must not carry out or allow to be carried out any building work on the land unless an Asset Protection Permit has been obtained and any conditions of that permit are met: (a) the owner of the land (b) the builder or demolition contractor (c) any appointed agent. (2) Building works with a value of less than $10,000 still require a permit, but no application fee will be charged. (3) An authorised officer may, at their discretion, waive the requirement for an Asset Protection Permit based on the scope of building works. (4) Discretion under sub-clause (3) may be exercised for works that have a low risk of damaging Council assets, including but not limited to: (a) essential safety measures such as fire service upgrade, fire hose reels & smoke alarms (b) public housing covered by Department of Health & Human Services (c) internal fit outs within established hospitals, shopping centres & universities (d) unit or flat fit outs within multi storey buildings (e) internal stairways, awning, balustrades (f) fit outs within established business parks with no impact to Council assets (g) access, where all associated vehicles and equipment is located on private property using an existing vehicle crossing and no occupation of Council land. (5) Sub-clause (4)(g) does not apply to structures built on a boundary or in close proximity to Council assets. (6) The Council may require a person responsible for building work to pay an Asset Protection Bond where an authorised officer or the Council determines that Council assets, including but not limited to a driveway crossing, footpath, road, street tree, or kerb, may be damaged as a result of the work. (7) The bond must be paid to the Council before a permit is issued and: (a) will be proportional to the likely cost of repairing any potential damage (b) a further bond may be required if new information is received after a permit has been issued, where further damage may occur, the person must pay the further bond (c) Council will refund the bond after a final inspection if no damage has occurred. (d) If damage has occurred, the bond will be retained to offset the cost of repairing any damage.	**Clarifies; makes clear officer's discretion to waive certain requirements; makes clear bond process/ requirements** The new clause is a comprehensive and structured expansion of the old clause. It replaces a single, long, difficult-to-read clause (25.1) with a clear, detailed structure. Key benefits and changes include: • The old single, nested clause is separated into seven clear sub-clauses, each with a specific purpose, providing significantly more clarity for all parties. • The officer's discretion to waive the permit requirement for low-risk projects is explicitly included in the law (previously in a separate manual), along with a detailed list of examples. • A new clause is added, requiring a permit but no application fee for works under $10,000. • The single line about the bond in the old law is replaced with two dedicated clauses (6 & 7). This provides a detailed, transparent process for when a bond is required, how the amount is determined, and how it is managed (refund/retention). This detail is also moved from a separate manual into the Local Law itself.	**Major**

Current Local Law	Draft Local Law	Key Changes	Change Type
49. Building works 49.1 A person must not, without a *permit*, carry out or allow to be carried out, *building work* between the following hours: 49.1.1 Before 7am or after 6pm on a Monday to Friday (inclusive);	**6.2. Building works** (1) A person must not, without a permit, carry out or allow building work to be carried out: (a) Before 7am or after 6pm on a Monday to Friday (b) Before 9am or after 3pm on a Saturday	**Consolidates, simplifies and clarifies** The new clause is a significant restructuring and consolidation of the old law. It transforms a single, fragmented clause into a series of clear, distinct rules, resulting in a more organised and readable document.	**Major**

49.1.2 Before 9am or after 3pm on a Saturday; 49.1.3 on a Sunday; or 49.1.4 on Anzac Day, Good Friday, Christmas Day or the Monday after Christmas Day when Christmas Day is a Saturday or the Tuesday after Christmas Day when Christmas Day is a Sunday. 49.2 Clause 49.1 does not apply to: 49.2.1 any employee or agent of a permit holder; 49.2.2 any building work required because of an emergency; 49.2.3 any building work which is subject to a permit issued under the Planning and Environment Act 1987 if that permit contains a condition which: 49.2.3.1 restricts the times during which *building work* may be performed; and 49.2.3.2 the condition is more restrictive than clause 49.1; or 49.2.4 any person to whom section 48A(5) of the *Environment Protection Act* 1970 applies; or 49.2.5 *building work* which is carried out by an occupier or owner of land being home maintenance. 49.3 Where building work is being carried out on any land the owner, the builder, a contractor or appointed agent to carry out the building work must ensure that contaminated water including, run off of chemicals, sediments, concrete, soil, wash down, animal waste or other pollutants does not enter the storm water system from the land or the washing or cleaning of tools or in any other way. 49.4 The owner of land on which building work is being carried out (other than minor building work) must ensure that: 49.4.1 a facility is provided for refuse and is of a size and construction that adequately contains all refuse; 49.4.2 the refuse facility remains on the land during the period of the building work (other than when required to be emptied); 49.4.3 the facility is not placed on Council land, road or footway without a permit; and 49.4.4 the facility is emptied whenever full, and, if necessary, provide a replacement facility. 49.5 During building work, the: 49.5.1 *owner* of land on which the *building work* is being carried out; or 49.5.2 *builder* engaged to carry out the *building work*; or 49.5.3 *appointed agent*- must ensure that: 49.5.4 all refuse which requires containment is placed in the refuse facility referred to in clause 49.4; 49.5.5 the refuse is not deposited in or on any land other than in accordance with clause 49.4, and 49.5.6 the *builder*'s refuse is not deposited in or over any part of the storm water system. 49.6 On any land where building work is being, or has been, carried out, the: *49.6.1 owner* of the land on which the building work is being or has been carried out*;* *49.6.2 builder* engaged to carry out the building work or *49.6.3 appointed agent*- must remove and lawfully dispose of all refuse, including refuse in the refuse facility referred to in clause 49.4, within seven (7) days of the completion of the building work or issue of an occupancy permit, whichever occurs last. 49.7 The driver of any vehicle involved in placing or removing a facility required by clause 49.4 on or from land must access the land by way of a temporary vehicle crossing. 49.8 The: 49.8.1 owner of the land on which the building work is being or is to be carried out; or 49.8.2 builder engaged to carry out the building work; or 49.8.3 appointed agent- 49.8.4 must not undertake or carry on any building, engineering or other work necessitating the employment or engagement of persons on the land unless: 49.8.5 a sewered toilet or a fresh water flush with water seal type portable toilet (closed) system is provided; and 49.8.6 is serviced as required or at lease monthly to the satisfaction of Council or an authorised officer. 49.9 Clause 49.8 does not apply if: 49.9.1 buildings are being constructed on adjacent land simultaneously by the same person; and 49.9.2 there is provided one (1) sewered toilet system or a fresh water flush with water seal type portable toilet (closed) system serviced as required for three (3) building sites. 49.10 Before commencing any building work on any land, the owner of the land, the builder engaged to carry out building work on the land or the appointed agent must prepare and submit to the Council a waste management plan.	(c) On a Sunday (d) On Anzac Day, Good Friday, Christmas Day (e) On Monday after Christmas day when Christmas day is a Saturday (f) On Tuesday after Christmas day when Christmas day is a Sunday. (2) Sub-clause (1) does not apply to: (a) any employee or agent of a permit holder (b) any building work required because of an emergency (c) any building work which is subject to a permit issued under the Planning and Environment Act 1987, if that permit contains a condition which: (i) restricts the times during which building work may be performed and the condition is more restrictive than sub-clause (1). (d) any person to whom section of the Environment Protection Act 2017 applies (e) building work which is carried out by an occupier or owner of land being home maintenance. (3) Where building work is being carried out on any land, the owner, builder, contractor, or appointed agent must ensure that no pollutants, including but not limited to chemicals, sediments, concrete, soil, or other waste, enter the stormwater system from the land, the washing of tools, or in any other way. (4) The owner of land on which building work is being carried out must ensure that a suitable refuse facility is provided and maintained on the land to contain all refuse. The facility must: (a) remain on the land during the period of the building work (b) be emptied and replaced whenever it is full (c) not be placed on a road, footpath, or Council land without a permit (5) Where building work is being carried out on any land, the owner, builder, contractor, or appointed agent must ensure that all refuse is placed in the designated refuse facility and not in or on any other land or stormwater system. (6) The owner, builder engaged, or appointed agent on land which building work is being or has been carried out must ensure all refuse is removed and lawfully disposed of from any land where building work has been carried out, within seven (7) days of the completion of the work or the issue of an occupancy permit, whichever occurs last. (7) The driver of any vehicle involved in placing or removing a refuse facility on or from land must access the land by way of a temporary vehicle crossing. (8) The owner, builder, or appointed agent on any land where building work is to be or is being carried out must ensure that a sewered or freshwater portable toilet (closed) system with a water seal is provided for workers and is serviced at least monthly, or as required, to the satisfaction of the Council or an authorised officer. (9) Sub-clause (8) does not apply to: (a) building that are being constructed on adjacent land simultaneously by the same person (b) there is provided one (1) sewered or freshwater portable toilet (closed) system with a water seal serviced as required for three (3) building sites. (10) The owner, builder, or appointed agent for any building work must prepare and submit a building waste management plan to the Council before commencing work. (11) A person must not carry out any building work unless the owner, builder, or appointed agent has prepared and submitted a building waste management plan that has been approved by the Council or an authorised officer. (12) The owner, builder, or appointed agent for any building work that is being carried out on any land must: (a) comply with the building waste management plan approved and (b) ensure that all work is carried out on the land in accordance with the Waste Management Guidelines. (13) The owner, builder, or appointed agent for any building work that is to be or is being carried out on any land must ensure: (a) it does not adversely affect the amenity of the neighbourhood through the emission of noise, dust, odour or other way. (b) noise emitted from a crane does not exceed 69dB(A) Leq at 30 metres from the crane engine or as required at a corrected distance back to a reference distance of 30m. (14) Any building work carried out by an individual who is an owner of residential land, other than an individual who is carrying out building work to develop residential land for sale, who contravenes or fails to comply with a requirement in this Part is liable to an infringement penalty half that specified in Schedule 1.	Key benefits and changes include: • The complex, multi-level numbering system of the old law (e.g., 49.2.3.1) is replaced with a simple, single-level numbering system for clauses and an alphabetised list for sub-clauses, making the document much easier to reference. • The long list of pollutants from the old law is streamlined into a clearer definition of contaminated water. • The entire process for the waste management plan is consolidated into three simple steps (submit, get approval, and comply) across Clauses (10), (11), and (12), replacing four separate clauses. • Clause (13) now correctly combines the general amenity clause with the specific decibel limit for crane noise, eliminating redundancy found in the old clause. • The legal requirements are largely the same, but the new structure provides a much clearer and more logical flow.	

49.11 The *Council* or an *authorised* officer may approve a *waste management plan*. 49.12 A person must not carry out any *building work* on any land unless the *waste management plan* prepared under clause 49.10 has been approved under clause 49.11. 49.13 Where any *building work* is being carried out on any land, the owner of the land, the *builder* engaged to carry out *building work* on the land and the *appointed agent* must in respect of that *building work*: 49.13.1 comply with the *waste management plan* approved under clause 49.11; and 49.13.2 ensure that all work is carried out on the land in accordance with the Waste Management Guidelines. 49.14 The: 49.14.1 owner of the land on which the building work is being or is to be carried out; 49.14.2 builder engaged to carry out the building work; or 49.14.3 appointed agent- must ensure: 49.14.4 that a crane does not exceed the noise limits specified in the *procedure and protocols manual*; or 49.14.5 building work carried out on the land does not adversely affect the amenity of the neighborhood through the emission of noise, dust, odour or other way. 49.15 Any building work carried out by an individual who is an owner of residential land, other than an individual who is carrying out building work to develop residential land for sale, who contravenes or fails to comply with a requirement in this Part is liable to an infringement penalty half that specified in Schedule 1.			