Permits - Table of Changes

Current Local Law	Draft Local Law	Key Changes	Change Type
70. Permits and Public Space Licence Agreements 70.1 A person who makes an application for a permit must: 70.1.1 lodge with Council or an authorised officer an application in a form prescribed by Council or an authorised officer; and 70.1.2 pay the appropriate application fee. 70.2 Council or an authorised officer may require an applicant to provide additional information before further considering an application for a permit. 70.3 Council may require a person applying for a permit to give public notice of the application and entitle any person to make a submission. 70.4 Subject to clause 70.5 the Council or an authorised officer in its, his or her absolute discretion may issue a permit with or without conditions or refuse to issue a permit. 70.5 An authorised officer may not issue or enter into a Public Space Licence Agreement for any semi-permanent or permanent structure located or to be located on land classified in the Planning Scheme as a Public Park and Recreational Zone or a Public Conservation and Resource Zone unless the Council has authorised the issue of Public Space Licences for such structures on that land by resolution passed at an ordinary meeting of Council. 70.6 The Council must keep a register of permits. 70.7 A permit expires on the date specified in the permit or if no such date is specified one (1) year after the date of issue 70.8 In deciding to grant a permit, Council may require the applicant to lodge with Council a security bond in an amount and in a manner as Council or an authorised officer considers reasonable in the circumstances. 70.9 Council may; 70.9.1 use any security bond to remedy a breach of a condition of a permit or contravention or failure to comply with the Local Law; 70.9.2 release any security bond upon the satisfactory completion of any activity authorised by the permit. 70.10 If after 12 months, from the date on which the release of the security bond may be released, Council cannot locate the person entitled to the security bond or remaining security bond, Council may retain the security bond or remaining security bond and pay the money into its general revenue. 70.11 Council may by resolution, from time to time, determine fees for the purposes of this Local Law, and: 70.11.1 in determining any fees and charges, may establish a system or structure of fees and charges, including a minimum or maximum fee or charge if it considers it is appropriate to do so; and 70.11.2 may waive, reduce or alter a fee with or without conditions.	**9.1 Permit requirements** (1) A person who makes an application for a permit must lodge with Council or an authorised officer an application in a form prescribed by Council or an authorised officer and pay the appropriate application fee. (2) Council or an authorised officer may require an applicant to provide additional information before further considering an application for a permit. (4) Subject to sub-clause (5) the Council or an authorised officer in its, his or her absolute discretion may issue a permit with or without conditions or refuse to issue a permit. (5) An authorised officer may not issue or enter into an agreement for any semi-permanent or permanent structure located or to be located on land classified in the Planning Scheme as a public park, recreational zone, public conservation and resource zone unless the Council has authorised the agreement for such structures on that land by resolution passed at an ordinary meeting of Council. (6) The Council must keep a register of permits. (7) A permit expires on the date specified in the permit or if no such date is specified one (1) year after the date of issue. (8) In deciding to grant a permit, Council may require the applicant to lodge with Council a security bond in an amount and in a manner as Council or an authorised officer considers reasonable in the circumstances. (9) Council may use any security bond to remedy a breach of a condition of a permit or contravention or failure to comply with the Local Law or release any security bond upon the satisfactory completion of any activity authorised by the permit. (10) If after 12 months, from the date on which the release of the security bond may be released, Council cannot locate the person entitled to the security bond or remaining security bond, Council may retain the security bond or remaining security bond and pay the money into its general revenue. (11) Council may by resolution, from time to time: (a) determine fees for the purposes of this Local Law (a) in determining any fees and charges, may establish a system or structure of fees and charges, including a minimum or maximum fee or charge if it considers it is appropriate to do so (b) may waive, reduce or alter a fee with or without conditions. (12) The Council may from time to time, make guidelines for the purposes of this Local Law and relevant permits.	**Simplifies; explicitly grants Council the power to create guidelines** The new clause is a consolidation and reorganisation of the old clause. While the substance of the permit regulations remains largely the same, the new draft presents the information more concisely and adds a provision for the Council. Key benefits and changes include: • An entirely new provision explicitly grants the Council the power to create guidelines for the local law and permits. This formalises a practice that was already occurring. • The permit regulations are consolidated and reorganised to present the information in a more concise and efficient manner. • The core substance of the permit regulations remains largely the same, ensuring consistency.	**Minor**
71. Considering Applications 71.1 In considering an application for a permit the Council or an authorised officer may consider: 71.1.1 any policy or guideline adopted by the Council or anything contained in the procedure and protocols manual relating to the subject matter of the application for the permit; 71.1.2 any submission that may be received in respect of the application; 71.1.3 any comments that may be made in respect of the application by any public authority, Government department, community organisation or other body or person; and 71.1.4 any other relevant matter.	**9.2 Considering applications** (1) In considering an application for a permit the Council or an authorised officer may consider: (a) any policy or guideline adopted by the Council or anything contained in the procedure and protocols manual relating to the subject matter of the application for the permit (b) any submission that may be received in respect of the application (c) any comments that may be made in respect of the application by any public authority, Government department, community organisation or other body or person; and (d) any other relevant matter.	**SImplifies** The new clause is a direct reformatting of the old clause. There are no substantive legal changes, but the new version is better organised and easier to read. Key benefits and changes include: • The old clause's complex, multi-level numbering (e.g., 71.1.1) is replaced with simpler, cleaner single-level numbering. • This structural change makes the text easier to scan and understand for both applicants and Council officers. • The legal meaning and content regarding how applications are considered remain identical to the previous version	**Minor**
72. Correction of Permit 72.1 The Council or an authorised officer may correct a permit issued if the permit contains: 72.1.1 a clerical mistake or an error arising from any accident, slip or omission; or 72.1.2 an evident and material miscalculation of figures or any evident and material mistake in the description of any person, thing or property referred to in the permit. 72.2 The Council or the authorised officer must note the correction in the register of permits.	**9.3 Correction of Permits** (1) The Council or an authorised officer may correct a permit issued if the permit contains: (a) a clerical mistake or an error arising from any accident, slip or omission; or (b) an evident and material miscalculation of figures or any evident and material mistake in the description of any person, thing or property referred to in the permit. (2) The Council or the authorised officer must note the correction in the register of permits.	**Simplifies** The new clause is a direct reformatting of the old clause. There are no substantive legal changes, but the new version is better organised and easier to read. Key benefits and changes include: • The old clause's complex, multi-level numbering (e.g., 72.1.1) is replaced with simpler, cleaner single-level numbering and a more standard alphabetical list. • This structural change makes the text easier to scan and understand. • The legal meaning and content regarding the correction of permits remain identical to the previous version.	**Minor**
Current Local Law	**Draft Local Law**	**Key Changes**	**Change Type**

73. Grounds for Cancellation of or Amendment of Permits 73.1 The Council or an authorised officer may cancel or amend any permit if it, he or she considers that there has been: 73.1.1 a material misstatement or concealment of facts in relation to the application for a permit; 73.1.2 any material mistake in relation to the issue of the permit; 73.1.3 any material change of circumstances which has occurred since the issue of the permit; 73.1.4 a failure to comply with the conditions of the permit was issued; or 73.1.5 a failure to comply with a Notice to Comply within the time specified in the Notice to Comply. 73.2 The Council or the authorised officer must notify the holder of a permit of the Council's or authorised officer's intention to amend or cancel the permit and give the holder of that permit an opportunity to make a written submission before the permit is amended or cancelled. 73.3 If the Council or the authorised officer, after considering any written submission made by the permit holder, determines to cancel or amend the permit, the Council or authorised officer must note that cancellation or amendment in the register of permits.	**9.4 Cancelling or amendments of permits** (1) The Council or an authorised officer may cancel or amend any permit if it, he or she considers that there has been: (a) a material misstatement or concealment of facts in relation to the application for a permit (b) any material mistake in relation to the issue of the permit (c) any material change of circumstances which has occurred since the issue of the permit (d) a failure to comply with the conditions of the permit was issued (e) a failure to comply with a Notice to Comply within the time specified in the Notice to Comply. (2) The Council or the authorised officer must notify the holder of a permit of the Council's or authorised officer's intention to amend or cancel the permit and give the holder of that permit an opportunity to make a written submission before the permit is amended or cancelled. (3) If the Council or the authorised officer, after considering any written submission made by the permit holder, determines to cancel or amend the permit, the Council or authorised officer must note that cancellation or amendment in the register of permits.	**Simplifies** The new clause is a direct reformatting of the old clause. There are no substantive legal changes, but the new version is better organised and easier to read. Key benefits and changes include: • The old clause's complex, multi-level numbering (e.g., 73.1.1) is replaced with simpler, cleaner single-level numbering and a more standard alphabetical list. • This structural change makes the text easier to scan and understand the process for cancelling or amending permits. • The legal meaning and content of the clause remain identical to the previous version.	**Minor**
74. Exemptions 74.1 Council or an authorised officer may, by written notice, exempt any person or class of persons from the requirement to obtain a permit, either generally or at specified times . 74.2 Any person or class of persons, specified in the Procedure and Protocols manual may be exempt from the requirement to obtain a permit. 74.3 Council or an authorised officer may, require an applicant to provide additional information before dealing with an application for an exemption. 74.4 An exemption from the requirement to obtain a permit may be granted subject to conditions. 74.5 A person must comply with the conditions of an exemption from the requirement to obtain a permit.	**9.5 Exemptions** (1) Council or an authorised officer may, by written notice, exempt any person or class of persons from the requirement to obtain a permit, either generally or at specified times. (2) Any person or class of persons, specified in the relevant clause of this Local Law may be exempt from the requirement to obtain a permit. (3) Council or an authorised officer may, require an applicant to provide additional information before dealing with an application for an exemption. (4) An exemption from the requirement to obtain a permit may be granted subject to conditions. (5) A person must comply with the conditions of an exemption from the requirement to obtain a permit.	**Simplifies; removes obsolete references** The new clause is a direct reformatting of the old clause, with one minor but important change in wording. Key benefits and changes include: • The old clause referred to exemptions being specified in the 'Procedure and Protocols manual.' The new draft changes this to the 'relevant clause of this Local Law.' • This change ensures that exemptions are clearly referenced within the Local Law itself, rather than in an external document. • The clause has been reformatted to be better organised and easier to read. • The core legal meaning and content of the clause remain identical.'	**Minor**
Schedule 1	**Schedule 1** Penalty amounts for certain offences have changed. Please refer to Schedule 1 for a detailed list. 1 Penalty Unit will now equate to $204 as of 1 July 2025. This changes each financial year.	**Penalty amounts for specific offences have changed based on a proportionate approach** The new schedule 1 is focused on proportionate penalties, community education, and escalation for persistent non-compliance. Key points and changes include: • Council recently reviewed the penalty structure for specific offences to ensure fines are proportionate to the severity of the breach. This supports sustained enforcement and discourages repeat offences. • The primary enforcement strategy remains the educative approach: Ask, Tell, Enforce. Infringements are rarely issued for a first, low-risk offence, promoting community compliance and proactive prevention. • In cases of persistent non-compliance (where multiple infringements have failed), Council will escalate to a higher punitive action, bypassing further infringements and involving prosecution through the Court system. • A tiered penalty approach is specifically applied to building offences, differentiating penalties between those committed by owner-builders and commercial developers which has not changed from old law.	**Major**