

Land (Planning and Environment) (Fees) Revocation and Determination 2003

Disallowable Instrument DI 2003 —159

made under the

Land (Planning and Environment) ACT 1991, Section 287 - Determination of Fees

1. Pursuant to section 287 of the **Land (Planning and Environment) Act 1991** (the Act) I **REVOKE** the Determination No DI 2002 - 112 notified on the ACT Government Legislation Register and I **DETERMINE** that the fees payable for the purposes of the Act shall be in accordance with the Schedule.
2. The fees for services provided are specified in the Schedule hereunder in Column 2 and prices for 2003-2004 are specified in Column 4 opposite, in relation to that service. Where applicable, GST inclusive fees are marked with a double asterisk (**).
3. This determination does not apply to the lodging, under the *Land (Planning and Environment) Act 1991*, section 226 (Application to undertake development), of an application for approval to undertake a development if the application-
 - (a) relates to a parcel of land on which a building or structure was destroyed or damaged by fire, or in the course of fighting fire, associated with the bushfire emergency that began on 18 January 2003 and ended on 28 January 2003; and
 - (b) is for the erection or alteration of a building or structure that replaces a building or structure of the same kind that was located on the land immediately before the beginning of the bushfire emergency and was damaged during the bushfire emergency; and
 - (c) would not result in an increase in the number of dwellings on the land.
4. This determination:
 - (a) does not apply if, at the time the application for the development is made, the person who was the lessee of the land at the beginning of the bushfire emergency is no longer the lessee of the land; but
 - (b) if before the beginning of the bushfire emergency, a person had entered into an agreement with the lessee of the land giving the person a right to the transfer of the lease, but no transfer had been registered under the Land Titles Act 1925 in accordance with the agreement, the person is taken to be the lessee of the land at the beginning of the emergency.

5. Explanatory notes (including the previous year's fee) are included in the Schedule. Explanatory notes are included at the end of the Schedule, where applicable. Headings and explanatory notes in the Schedule do not form part of the determination. (For example: where new fees for 2003-04 are denoted by an "N/A" in 2002-03, if included in the schedule, would not form part of the determination).
6. The fees determined in this schedule are payable to the ACT Government by the person(s) requesting the goods or services, as listed.
7. This Instrument commences on 1 July 2003.

Simon Corbell
Minister for Planning
18 June 2003

Relevant Section for which a fee is payable	Description of Matter for which fee is payable	<i>Explanatory Notes (Fee Payable \$ 2002-2003)</i>	<i>Fee Payable \$ 2003-2004</i>
(1)	(2)	(3)	(4)
Section 116	Lodgment and public notification of a preliminary assessment	494.00	506.00
Section 117	Provision of a copy of a Preliminary Assessment – 1 to 50 pages	5.00	5.10
Section 117	Provision of a copy of a Preliminary Assessment – more than 50 pages	10.00	10.20
Section 161	Application for a Direct Grant of a Lease (a) for sites other than community or rural land	3849.50	3945.00
Section 161	Application for a Direct Grant of a Lease for community groups eg. Religious groups or clubs	858.00	879.00
Section 161	Application for a Direct Grant of a Lease for rural land associated with an application under Section 171A	Nil	Nil
Section 161	Application for the Direct Grant of a Lease for rural land	858.00	879.00
Section 171	Application for the grant of a further lease for a term not exceeding the term of the existing lease for residential purposes	223.00	228.00
Section 171A	Application for the grant of a further lease for a term exceeding the term of the existing lease for residential purposes	223.00	228.00
Section 171A	Application for the grant of a further lease for rural purposes	223.00	228.00
Section 172	Application for the grant of a further lease for a term not exceeding the term of the existing lease other than residential or rural purposes	223.00	228.00
Section 172	Application for the grant of a further lease for a term exceeding the term of the existing lease other than residential or rural purposes	2148.00	2201.00

Minister's Initials _____

Relevant Section for which a fee is payable	Description of Matter for which fee is payable	Explanatory Notes (Fee Payable \$ 2002-2003)	Fee Payable \$ 2003-2004
(1)	(2)	(3)	(4)
Section 179	Issue of Certificate of Compliance single residential including dual occupancy and individual units on staged multiple dwelling developments	39.50	40.00
Section 179	Issue of Certificate of Compliance other than single residential	136.00	139.00
Section 217	Grant of Industrial Area Lease or Licence application for grant of licence for industrial area sites	1938.00	1986.00
Section 217	Licence to occupy or use Territory Land -short term commercial use for restricted clientele (i) application fee	29.50	30.20
Section 217	Licence to occupy or use Territory Land -short term commercial use for restricted clientele (ii) whole day	74.50	76.30
Section 217	Licence to occupy or use Territory Land -short term commercial use for restricted clientele (iii) part day	51.00	52.20
Section 217	Licence to occupy or use a nature strip – (a) Works associated with development of nature strip	Nil	Nil
Section 217	Licence to occupy or use a nature strip - (b) storage of building materials (established residential only)	29.50	30.20
Section 217	Licence to occupy or use a nature strip for business promotion (eg. Private enterprise land development advertisement) – plus \$30.20 per week for the period of use	29.50	30.20
Section 217	Licence to occupy or use a nature strip plus surcharge for period of use per week – plus \$30.20 per week for the period of use	29.50	30.20

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Relevant Section for which a fee is payable	Description of Matter for which fee is payable	Explanatory Notes (Fee Payable \$ 2002-2003)	Fee Payable \$ 2003-2004
(1)	(2)	(3)	(4)
Section 217	Grant of a Licence to occupy or use unleased Territory Land (including Public Land) for community groups eg religious groups or clubs	933.50	956.00
Section 217	Grant of a Licence to occupy or use unleased Territory Land other	1938.00	1986.00
Section 217	Grant of a Licence to use a room in the Legislative Assembly Building (i) charity or community groups	33.50 <i>per day or part thereof</i>	34.30
Section 217	Grant of a Licence to use a room in the Legislative Assembly Building (ii) commercial or other groups	60.00 <i>per day or part thereof</i>	61.50 <i>per day or part thereof</i>
Section 226	Subdivision Implementation Plan Approval - involving the gazettal of new roads – plus \$47.00 per block	419.00	429.00
Section 226	Subdivision Implementation Plan Approval - NOT involving the gazettal of new roads – plus \$36.00 per block	209.10	214.00
Section 226	Application for Development where the cost of the work is \$0 –\$1,500	75.00	75.00
Section 226	Application for Development where the cost of the work is \$1,501 to \$5,000	75.00 plus 0.183% of the amount in excess of 1,500	75.00 plus 0.183% of the amount in excess of 1,500
Section 226	Application for Development where the cost of the work is \$5,001 to \$20,000	81.40 plus 0.188% of the amount in excess of 5,000	81.40 plus 0.188% of the amount in excess of 5,000
Section 226	Application for Development where the cost of the work is \$20,001 to \$100,000	109.60 plus 0.188% of the amount in excess of 20,000	109.60 plus 0.188% of the amount in excess of 20,000

Minister's Initials _____

Relevant Section for which a fee is payable	Description of Matter for which fee is payable	Explanatory Notes (Fee Payable \$ 2002-2003)	Fee Payable \$ 2003-2004
(1)	(2)	(3)	(4)
Section 226	Application for Development where the cost of the work is \$100,001 to \$150,000	260.00 plus 0.15% of the amount in excess of 100,000	260.00 plus 0.15% of the amount in excess of 100,000
Section 226	Application for Development where the cost of the work is \$150,001 to \$250,000	335.00 plus 0.15% of the amount in excess of 150,000	335.00 plus 0.15% of the amount in excess of 150,000
Section 226	Application for Development where the cost of the work is \$250,001 to \$500,000	485.00 plus 0.15% of the amount in excess of 250,000	485.00 plus 0.15% of the amount in excess of 250,000
Section 226	Application for Development where the cost of the work is \$500,001 to \$1,000,000	860.00 plus 0.12% of the amount in excess of 500,000	860.00 plus 0.12% of the amount in excess of 500,000
Section 226	Application for Development where the cost of the work is \$1,000,000 to \$10,000,000	1,460.00 plus 0.075% of the amount in excess of 1,000,000	1,460.00 plus 0.075% of the amount in excess of 1,000,000
Section 226	Application for Development where the cost of the work is more than \$10,000,000	8,210.00 plus 0.05% of the amount in excess of 10,000,000	8,210.00 plus 0.05% of the amount in excess of 10,000,000
	Application for Development within a Local Centre Application for development within a local centre as defined by the Territory Plan as Local Area (Commercial 'D'), if there is in respect to that development, a declaration under Regulation 18 of the Land	Nil	Nil

Minister's Initials _____

Relevant Section for which a fee is payable (1)	Description of Matter for which fee is payable (2)	Explanatory Notes (Fee Payable \$ 2002-2003) (3)	Fee Payable \$ 2003-2004 (4)
Section 226	Application for Development – In addition to building costs calculated, where the works to be approved include an encroachment	N/A	\$500.00
Section 226	Use of land for a Home Business within the meaning of the Territory Plan for approval to carry out a home business for 1 year - plus \$44.50 for each additional year up to 4 years	391.50	401.00
Section 226	Use of land for a Home Business within the meaning of the Territory Plan for renewal of an application to carry out a home business for a term of 1 year - plus \$44.50 for each additional year up to 4 years	178.00	182.00
Section 175	Use of Land under Section 175 use of land for an activity prescribed for the purposes of S175 of the Land Act, including: a special dwelling; confidential services; and a re-locatable home or temporary residence.	391.55	401.00
Section 226	Signs application fee (plus applicable public notification, development and building fees)	49.00	50.20
Section 226	Variation of a Unit Title Lease to vary a lease by a single application which affects more than one unit in the same Units Plan, for one unit – plus \$307.50 for each additional unit	1309.00	1340.00
Section 226	Applications for Development – Lease Variation (plus \$200 for each additional component)	N/A	\$1340 (plus \$200 for each additional component)
Section 226	Subdivision/ Consolidation, for a grant of a new rural lease associated with an application under Section 171A for the purpose of effecting a consolidation of Territory Land	Nil	Nil

Minister's Initials _____

Relevant Section for which a fee is payable	Description of Matter for which fee is payable	Explanatory Notes (Fee Payable \$ 2002-2003)	Fee Payable \$ 2003-2004
(1)	(2)	(3)	(4)
Section 226	Subdivision/ Consolidation, for other leases, for other leases, for the grant of a new lease for the purpose of effecting a sub-division or consolidation of Territory Land	1309.00	1340.00
Section 226	Subdivision/Consolidation, for other leases, for the grant of a new lease for the purpose of effecting a subdivision or consolidation of Territory Land (plus \$200 for each additional component)	N/A	1340.00 (plus 200 for each additional component)
Section 226	Mining Activities to carry out mining activities	3875.50	3972.00
Section 227	Copies and Extracts from the register of applications, approvals and orders or part of a document relevant to an Application for each A4 page	0.25	0.25
	Copies and Extracts from the register of applications, approvals and orders or part of a document relevant to an Application for each A3 page	0.50	0.50
	Copies and Extracts from the register of applications, approvals and orders or part of a document relevant to an Application above A3 page – per page	10.00	10.20
	Applications for Development – Lease Variation	1309.00	1340.00
Section 226	Application for development – vary area in a lease – To reduce the area of the land comprised in the lease, in accordance with lease conditions	Nil	Nil
Section 167 & 180	Minister's or Executive's consent when the applicant is an agency of the ACT Government	N/A	Nil

Minister's Initials _____

THIS IS PAGE 7 OF THE SCHEDULE TO THE DETERMINATION MADE BY THE MINISTER UNDER THE LAND (PLANNING AND ENVIRONMENT) ACT 1991.

Relevant Section for which a fee is payable	Description of Matter for which fee is payable	<i>Explanatory Notes (Fee Payable \$ 2002-2003)</i>	Fee Payable \$ 2003-2004
(1)	(2)	(3)	(4)
Section 180	Minister's or Executive's Consent to Transfer a Lease application for Minister's or Executive's consent to transfer or assign a lease or an interest in a lease	263.00	269.00

Minister's Initials _____

AUSTRALIAN CAPITAL TERRITORY
LAND (PLANNING AND ENVIRONMENT) ACT 1991
LAND (PLANNING AND ENVIRONMENT) (FEES) (BUSHFIRE EMERGENCY)
DETERMINATION 2003

ADDITIONAL EXPLANATORY STATEMENT

The Development Application fees included in this schedule, do not apply to lessees affected by the January 2003 bushfire.

The exemption from paying fees applies only to buildings or structures completely or partially damaged during the bushfires in January and to people who were the lessees at the time.

Lessee refers to a person who was the lessee of the land at the beginning of the bushfire emergency. If at the beginning of the bushfire emergency, a person had entered into an agreement with the lessee of the land giving the person a right to the transfer of the lease, that person is taken to be the lessee of the land at the beginning of the emergency.

Section 226 of the *Land (Planning and Environment) Act 1991* relates to application for development.

Section 73 of the *Legislation Act 2001* provides that a disallowable instrument commences on the date after the notification date unless another date is specified.

Minister's Initials _____