

Building (Fees) Revocation and Determination 2003

Disallowable Instrument DI 2003 —162

made under the

Building Act 1972, Section 108 - Determination of Fees

1. Pursuant to section 108 of the **Building Act 1972** (the Act) I **REVOKE** the Determination No DI 2002 - 104 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 with the building controller, under the *Building Act 1972*, section 34 (Issue of building approvals), of a copy of plans relating to:
 - (a) 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) the erection or alteration of a building or structure that:
 - (i) 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
 - (ii) 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 plans are lodged, 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. This Instrument commences on 1 July 2003.

Simon Corbell
Minister for Planning
18 June 2003

THIS IS PAGE 1 OF THE SCHEDULE TO THE DETERMINATION MADE BY
THE MINISTER UNDER THE BUILDING ACT 1972.

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 15	Builders' Licences	227.50	233.00
	(a) Where an applicant is not the holder of a builder's licence, an applicant who is the holder of a builder's licence applies for a different class of licence or a Section 14(7) and for renewal of an expired licence		
	(i) if the applicant is a company of 2 or more persons carrying on a business		
Section 15	(ii) if the applicant is an individual	157.00	160.00
	(b) (i) Application for renewal of licence within 10 days of expiry of another licence of the same kind		
Section 15	(ii) Application for renewal of licence after 10 days but within 60 days of expiry of another licence of the same kind	70.50	72.00
Section 17	Issue of a licence for a period of—		
	(i) 1 year or less	340.00	348.00
Section 17	(ii) 2 years	583.00	597.00
Section 17	(iii) 3 years	858.00	879.00
Section 17	(iv) extension of an existing licence - per month (maximum period 3 years)	35.80	36.60
Section 23A	Application for Owner Builders' Licence where application does not contain satisfactory eligibility endorsement	N/A	161.00
Section 23A	Application for Owner Builders' Licence where application contains a satisfactory eligibility endorsement	N/A	67.50

Minister's Initials _____

THIS IS PAGE 2 OF THE SCHEDULE TO THE DETERMINATION MADE BY THE MINISTER UNDER THE BUILDING ACT 1972.

Relevant Section for which a fee is payable (1)	Description of Matter for which fee is payable (2)	<i>Explanatory Notes</i> <i>(Fee Payable \$ 2002-2003)</i> (3)	Fee Payable \$ 2003-2004 (4)
Section 34	Building re-registration of work that has not been completed within the statutory time frame	<i>Two times the calculated building levy for the value of work at the time of registration with Building Controller</i>	50% of the calculated building levy for the value of work (or minimum \$64) at the time of registration with Building Controller
Section 34	Building Levy – (a) Building levy applies to all Building plans lodged by Private certifiers (including electrical) (b) \$0 to \$10,240	64.00	65.00
Section 34	\$10,241 to \$20,000	<i>64.00 plus 0.625% of the amount in excess of \$10,240</i>	65.60 plus 0.625% of the amount in excess of \$10,240
Section 34	\$20,001 to \$150,000	<i>125.00 plus 0.5% of the amount in excess of \$20,000</i>	128.00 plus 0.5% of the amount in excess of \$20,000
Section 34	\$150,001 to \$250,000	<i>775.00 plus 0.45% of the amount in excess of \$150,000</i>	794.00 plus 0.45% of the amount in excess of \$150,000
Section 34	\$250,001 to \$500,000	<i>1,225.00 plus 0.4% of the amount in excess of \$250,000</i>	1,255.00 plus 0.4% of the amount in excess of \$250,000

Minister's Initials _____

THIS IS PAGE 3 OF THE SCHEDULE TO THE DETERMINATION MADE BY
THE MINISTER UNDER THE BUILDING ACT 1972.

Relevant Section for which a fee is payable (1)	Description of Matter for which fee is payable (2)	<i>Explanatory Notes (Fee Payable \$ 2002-2003) (3)</i>	Fee Payable \$ 2003-2004 (4)
Section 34	\$500,001 to \$1,000,000	2,225.00 plus 0.35% of the amount in excess of \$500,000	2,280.00 plus 0.35% of the amount in excess of \$500,000
Section 34	\$1,000,001 to \$10,000,000	3,975.00 plus 0.2% of the amount in excess of \$1,000,000	4,074.00 plus 0.2% of the amount in excess of \$1,000,000
Section 34	more than \$10,000,000	21,975.00 plus 0.1% of the amount in excess of \$10,000,000	22,524.00 plus 0.1% of the amount in excess of \$10,000,000
Building Applications (BA) (Applicable only to applications lodged before 4 January 1999)			
Section 33, Section 34	Amendment of Plans (a) where an amendment does NOT involve the examination of the plans and does NOT alter the cost of work done, to ascertain the structural sufficiency, stability and safety of the building—		
	(i) residential building work	57.00	58.00
Section 33, Section 34	(ii) commercial building work	90.00	92.20
Section 33, Section 34	(b) where an amendment requires re- examination of the plans and there is an increase in the value of the work, plus an amount equal to the difference between the fees previously paid if the amended plans had been submitted for approval as the original plans		
	(i) residential building work	57.00	58.40

Minister's Initials _____

THIS IS PAGE 4 OF THE SCHEDULE TO THE DETERMINATION MADE BY
THE MINISTER UNDER THE BUILDING ACT 1972.

Relevant Section for which a fee is payable (1)	Description of Matter for which fee is payable (2)	<i>Explanatory Notes (Fee Payable \$ 2002-2003)</i> (3)	Fee Payable \$ 2003-2004 (4)
Section 33, Section 34	(ii) commercial building work	90.00	92.20
Section 33, Section 34	(c) Where the amendment involves re-examination of the plans but there is NO increase in the cost of work—		
	(i) residential building work	57.00	58.00
Section 33, Section 34	(ii) commercial building work (a) first amended plan	57.00	58.00
Section 33, Section 34	(b) each additional amended plan in the one lodgment	44.00	45.10
Section 33	Plans or Amendments that depart from the Building code— Approval of plans or an amendment of plans where the plans or the amendment include a matter the acceptable requirements and standards of which are not set out in the Building Code— (a) Residential building work in addition to any other fee that is payable	86.00	88.10
Section 33	Commercial building work-in addition to any other fee that is payable	195.00	199.00
Section 33, Section 34	Registration of amended plans to already registered building plans	13.50	13.80
	Building Levy for Commercial and residential building work within a local centre – Building levy for commercial and residential building work within a local centre as defined by the Territory Plan as Local Centre (Commercial ‘D’), if there is in respect of that development a declaration under regulation 18 of the <i>Land (Planning and Environment) regulations</i>	Nil	Nil

Minister’s Initials _____

THIS IS PAGE 5 OF THE SCHEDULE TO THE DETERMINATION MADE BY THE MINISTER UNDER THE BUILDING ACT 1972.

Relevant Section for which a fee is payable (1)	Description of Matter for which fee is payable (2)	<i>Explanatory Notes</i> <i>(Fee Payable</i> <i>\$</i> <i>2002-2003)</i> <i>(3)</i>	Fee Payable \$ 2003-2004 (4)
Section 34	Certificate of Regularisation – A certificate of regularisation authorises the continuing occupation of a building that was constructed by the Commonwealth or ACT Government without requiring approval or a certificate of occupation under section 53 of the Act and has now been sold, or is to be sold. The amount depends on the value of the work and is the same as that determined as payable for a certificate of occupation \$0 to \$10,240	64.00	65.60
Section 34	\$10,241 to \$20,000	<i>64.00 plus</i> <i>0.625% of the</i> <i>amount in</i> <i>excess of</i> <i>\$10,240</i>	65.60 plus 0.625% of the amount in excess of \$10,240
Section 34	\$20,001 to \$150,000	<i>125.00 plus</i> <i>0.5% of the</i> <i>amount in</i> <i>excess of</i> <i>\$20,000</i>	128.00 plus 0.5% of the amount in excess of \$20,000
Section 34	\$150,001 to \$250,000	<i>775.00 plus</i> <i>0.45% of the</i> <i>amount in</i> <i>excess of</i> <i>\$150,000</i>	794.00 plus 0.45% of the amount in excess of \$150,000
Section 34	\$250,001 to \$500,000	<i>1,225.00 plus</i> <i>0.4% of the</i> <i>amount in</i> <i>excess of</i> <i>\$250,000</i>	1,255.00 plus 0.4% of the amount in excess of \$250,000
Section 34	\$500,001 to \$1,000,000	<i>2,225.00 plus</i> <i>0.35% of the</i> <i>amount in</i> <i>excess of</i> <i>\$500,000</i>	2,280.00 plus 0.35% of the amount in excess of \$500,000

Minister's Initials _____

THIS IS PAGE 6 OF THE SCHEDULE TO THE DETERMINATION MADE BY
THE MINISTER UNDER THE BUILDING ACT 1972.

Relevant Section for which a fee is payable (1)	Description of Matter for which fee is payable (2)	<i>Explanatory Notes (Fee Payable \$ 2002-2003) (3)</i>	Fee Payable \$ 2003-2004 (4)
Section 34	\$1,000,001 to \$10,000,000	<i>3,975.00 plus 0.2% of the amount in excess of \$1,000,000</i>	4,074.00 plus 0.2% of the amount in excess of \$1,000,000
Section 34	More than \$10,000,000	<i>21,975.00 plus 0.1% of the amount in excess of \$10,000,000</i>	22,524.00 plus 0.1% of the amount in excess of \$10,000,000

Minister's Initials _____

AUSTRALIAN CAPITAL TERRITORY

BUILDING ACT 1972

BUILDING (FEES) (BUSHFIRE EMERGENCY) DETERMINATION 2003

ADDITIONAL EXPLANATORY STATEMENT

The building levy 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 34 of the *Building Act 1972* relates to the issue of building approval.

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 _____