

# Building (Fees) Determination 2005 (No 2)

## Disallowable Instrument DI2005—223

made under the

**Building Act 2004, s 150 (Determination of fees)**

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### 1. Name of Instrument

This instrument is the *Building (Fees) Determination 2005 (No2)*.

### 2. Commencement

This instrument commences the day after notification.

### 3. Determination of fees

The fees set out in the schedule are determined.

This determination does not apply to the lodging with the Authority, under the Building Act 2004, section 28(2) (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.

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.

**4. Payment of fees**

The determined fees are payable to the ACT Government by a person requesting the goods or services mentioned in schedule 1.

**5. Revocation**

DI 2005 - 112 notified on the legislation register on 27 June 2005 is revoked.

Simon Corbell MLA  
Minister for Planning  
28 September 2005

THIS IS PAGE 1 OF THE SCHEDULE TO THE DETERMINATION MADE  
BY THE MINISTER UNDER THE BUILDING ACT 2004.

<b>Relevant Section for which a fee is payable</b>	<b>Description of Matter for which fee is payable</b>	<b>Fee Payable (GST exempt) \$ 1 Sep 2004- 30 Jun 2005</b>	<b>Fee Payable (GST exempt) \$ 2005-06</b>
<b>(1)</b>	<b>(2)</b>	<b>(3)</b>	<b>(4)</b>
Section 28	Building re-registration of work that has not been completed within the statutory time frame	50% of the calculated building levy for the value of work (or minimum \$65) at the time of registration with Building Controller	50% of the calculated building levy for the value of work (or minimum \$68.50) at the time of registration with the Authority
Section 28(2)	Building Levy – (a) Building levy applies to all Building plans lodged by Private certifiers (including electrical) (b) \$0 to \$10,240	66.90	68.50
Section 28(2)	\$10,241 to \$20,000	66.90 plus 0.625% of the amount in excess of \$10,240	68.50 plus 0.625% of the amount in excess of \$10,240
Section 28(2)	\$20,001 to \$150,000	130.00 plus 0.5% of the amount in excess of \$20,000	133.00 plus 0.5% of the amount in excess of \$20,000
Section 28(2)	\$150,001 to \$250,000	809.00 plus 0.45% of the amount in excess of \$150,000	829.00 plus 0.45% of the amount in excess of \$150,000
Section 28(2)	\$250,001 to \$500,000	1,280.00 plus 0.4% of the amount in excess of \$250,000	1,312.00 plus 0.4% of the amount in excess of \$250,000

Minister's Initials \_\_\_\_\_

THIS IS PAGE 2 OF THE SCHEDULE TO THE DETERMINATION MADE  
BY THE MINISTER UNDER THE BUILDING ACT 2004.

Relevant Section for which a fee is payable  (1)	Description of Matter for which fee is payable  (2)	Fee Payable (GST exempt) \$ 1 Sep 2004- 30 Jun 2005  (3)	Fee Payable (GST exempt) \$ 2005-06  (4)
Section 28(2)	\$500,001 to \$1,000,000	2,325.00 plus 0.35% of the amount in excess of \$500,000	2,383.00 plus 0.35% of the amount in excess of \$500,000
Section 28(2)	\$1,000,001 to \$10,000,000	4,155.00 plus 0.2% of the amount in excess of \$1,000,000	4,258.00 plus 0.2% of the amount in excess of \$1,000,000
Section 28(2)	more than \$10,000,000	22,974.00 plus 0.1% of the amount in excess of \$10,000,000	23,548.00 plus 0.1% of the amount in excess of \$10,000,000
Section 31	Registration of amended plans to	14.00	14.30
Section 28	already registered building plans 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 3 OF THE SCHEDULE TO THE DETERMINATION MADE BY THE MINISTER UNDER THE BUILDING ACT 2004.

Relevant Section for which a fee is payable  (1)	Description of Matter for which fee is payable  (2)	Fee Payable (GST exempt) \$ 1 Sep 2005-30 Jun 2006  (3)	Fee Payable (GST exempt) \$ 2005-06  (4)
Section 28(2)	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 69 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	66.90	68.50
Section 28(2)	\$10,241 to \$20,000	66.90 plus 0.625% of the amount in excess of \$10,240	68.50 plus 0.625% of the amount in excess of \$10,240
Section 28(2)	\$20,001 to \$150,000	130.00 plus 0.5% of the amount in excess of \$20,000	133.00 plus 0.5% of the amount in excess of \$20,000
Section 28(2)	\$150,001 to \$250,000	809.00 plus 0.45% of the amount in excess of \$150,000	829.00 plus 0.45% of the amount in excess of \$150,000
Section 28(2)	\$250,001 to \$500,000	1,280.00 plus 0.4% of the amount in excess of \$250,000	1,312.00 plus 0.4% of the amount in excess of \$250,000

Minister's Initials \_\_\_\_\_

THIS IS PAGE 4 OF THE SCHEDULE TO THE DETERMINATION MADE BY  
THE MINISTER UNDER THE BUILDING ACT 2004.

Relevant Section for which a fee is payable  (1)	Description of Matter for which fee is payable  (2)	Fee Payable (GST exempt) \$ 1 Sep 2005- 30 Jun 2006 (3)	Fee Payable (GST exempt) \$ 2005-06 (4)
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Minister's Initials \_\_\_\_\_