

Roads and Public Places (Fees) Determination 2007 (No 2)

Disallowable Instrument DI 2007- 290

made under the

Roads and Public Places Act 1937, Section 9A – Fee Determinations

1. Name of instrument

This instrument is the Roads and Public Places (Fees) Determination 2007 (No 2).

2. Commencement

This instrument commences on notification.

3. Revocation of previous determination

Disallowable instrument DI2007–159 (as notified on the ACT Government Legislation register) is revoked.

4. Determination of fees

- (1) Subject to section 4(2), the fee payable in respect of each matter listed in an item in column 3 of Schedule 1 is the amount listed for that item in column 5 of that Schedule.
- (2) The total fees payable at any one time by a person requesting services listed in Parts 2 and 4 of Schedule 1 shall be rounded down to the nearest dollar.

5. Payment of fee

A fee listed in Schedule 1 is payable to the Territory by the person requesting the goods or service listed.

6. Remittance or reduction in fees

- (1) The Territory may remit or reduce a fee referred to in Part 2 or Part 4 of Schedule 1 which has been paid or which is payable by a person for financial years 2006-07 or 2007-08.
- (2) The remittance or reduction referred to in 6(1) is to be calculated in accordance with the arrangements set out in Schedule 3 of this instrument.

7. Goods and services tax

Where applicable, GST inclusive fees are marked with a double asterisk (**).

8. Dictionary

The dictionary in Schedule 2 of this instrument provides definitions for this instrument.

John Hargreaves
Minister for Territory and Municipal Services

20 November 2007

Roads and Public Places (Fees) Determination 2007 (No 2)

Schedule 1 – Fees

Column 1 Item Number	Column 2 Relevant section of Act for which the fee is payable	Column 3 Description of Matter for which fee is payable	Column 4 <i>Previous fee payable under former fee determination (DI 2007-99)</i>	Column 5 Fee Payable from date of notification of this instrument
Part 1		Excavating or breaking the surface of a public place		
1.1.	s.9	Fee for a permit to open up or break the surface of a public place. <i>Note This includes all roads, footpaths, driveways and gutters.</i>	\$84.55	\$84.55
Part 2		Placement of objects for outdoor cafes in a public place		
2.1.	s.15E; s.15K	Placement of objects for an outdoor café which is in a primary area	\$76.70 per m2 per annum	\$67.35 per m2 per annum
2.2.	s.15E; s.15K	Placement of objects for an outdoor café which is in a secondary area	\$63.95 per m2 per annum	\$56.25 per m2 per annum
2.3.	s.15E; s.15K	Placement of objects for an outdoor café which is in the tertiary area	\$51.05 per m2 per annum	\$45.00 per m2 per annum
Part 3		Placement of waste storage containers in a public place		
3.1.	s.15E; s.15K	Placement of a waste storage container in the Civic Centre	\$248.00 per m2 per annum**	\$248.00 per m2 per annum**
3.2.	s.15E; s.15K	Placement of a waste storage container in a Local Centre	\$193.00 per m2 per annum**	\$193.00 per m2 per annum**
3.3.	s.15E; s.15K	Placement of a waste storage container in a Group Centre	\$138.00 per m2 per annum**	\$138.00 per m2 per annum**
Part 4		Placement of motor vehicles on a road verge for commercial display		
4.1.	s.15E; s.15K	Placement of motor vehicles for vehicle display on road verges in a primary area	\$76.70 per m2 per annum	\$67.35 per m2 per annum

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Schedule 1 – Fees

Column 1 Item Number	Column 2 Relevant section of Act for which the fee is payable	Column 3 Description of Matter for which fee is payable	Column 4 <i>Previous fee payable under former fee determination (DI 2007-99)</i>	Column 5 Fee Payable from date of notification of this instrument
4.2.	s.15E; s.15K	Placement of motor vehicles for vehicle display on road verges in a secondary area	\$63.95 per m2 per annum	\$56.25 per m2 per annum
4.3.	s.15E; s.15K	Placement of motor vehicles for vehicle display on road verges in the tertiary area	\$51.05 per m2 per annum	\$45.00 per m2 per annum
Part 5		Placement of objects in a public place other than motor vehicles on road verges		
5.1.	s.15E; s.15K	Placement of objects other than motor vehicles on road verges in a primary area	\$3.50 per m2 per week	\$3.50 per m2 per week
5.2.	s.15E; s.15K	Placement of objects other than motor vehicles on road verges in a secondary area	\$2.30 per m2 per week	\$2.30 per m2 per week
5.3.	s.15E; s.15K	Placement of objects other than motor vehicles on road verges in the tertiary area	\$33.15 per quarter	\$33.15 per quarter
5.4.	s.15E; s.15K	Placement of objects over a public place	<i>One half the applicable rate in item 5.1, 5.2 and 5.3</i>	One half the applicable rate in item 5.1, 5.2 and 5.3

DICTIONARY

Civic Centre has the same meaning as in the Territory Plan.

Group Centre has the same meaning as in the Territory Plan.

Note Examples of Group centres include suburban shopping precincts

Local Centre has the same meaning as in the Territory Plan.

Note Examples of Local centres include the major shopping precincts in Belconnen, Woden or Tuggeranong Town Centres

m² means square metre.

a **primary area** is any of the following areas:

In Civic:

the area bounded by or premises with frontages to London Circuit (South side) between West Row and Akuna St; Civic Square; Akuna Street (South side) between London Circuit and Bunda St; Bunda St (East side) between Akuna St and Mort St; Mort St (West side) between Bunda St and Alinga St; Alinga St (North side) between Mort Street and West Row; West Row (West side) between Alinga Street and London Circuit.

In Manuka:

the area bounded by or premises with frontages to Franklin Street (North side) between Furneaux St and Flinders Way; Flinders Way (West side) between Franklin St and Bougainville St; Bougainville St (North side) between Flinders Way and Furneaux St; Furneaux St (East side) between Bougainville St and Franklin St.

In Kingston:

the area bounded by or premises with frontages to Giles Street (West side) between Kennedy St and Jardine St; Jardine Street (North side) between Giles St and Eyre St; Eyre Street (East side) between Jardine St and Kennedy St; Kennedy St (South side) between Eyre St and Giles St.

road verge means that part of a road reserve not normally used as a thoroughfare for vehicles.

a **secondary area** is any of the following areas that is not in a primary area:

In Civic:

the area bounded by or premises with frontages to London Circuit (East side) between West Row and Farrell Place; Farrell Place (North side); Marcus Clark Street (East side) between Farrell Place and Barry Drive; Barry Drive (South side) between Marcus Clark Street and Northbourne Avenue; Cooyong Street (South side) between Northbourne Avenue and Ballumbir Street; Ballumbir Street (West side) between Cooyong Street and Akuna Street; Akuna Street (South side) between Ballumbir Street and Bunda Street; Binara Street (East side); Allara Street; City Walk (south of Akuna Street); Constitution Avenue (North side) between Allara Street and London Circuit; London Circuit (West side) between Constitution Avenue and Akuna Street.

In Belconnen town centre:

the area bounded by or premises with frontages to Benjamin Way (East side) between Joynton Smith Drive and Emu Bank; Emu Bank (South side) between Benjamin Way and Joynton Smith Drive; Joynton Smith Drive (North side) between Emu Bank and Benjamin Way; and the area bounded by or premises with frontages to Benjamin Way (West side) between Swanson Court and Chandler Street; Chandler Street to west side of Northpoint Plaza; Northpoint Plaza to Swanson Court.

In Braddon:

the area bounded by or premises with frontages to Northbourne Avenue (East side) between and Cooyong Street and Elouera Street; Elouera Street (south side) between Northbourne Avenue and Torrens Street; Torrens Street (West side) between Elouera St and Cooyong Street and Cooyong Street (North side) between Torrens St and Northbourne Avenue.

In Dickson:

the area bounded by or premises with frontages to Antill Street (South side) between Badham Street and Cowper Street; Cowper Street (West side) between Antill Street and Dickson Place; Dickson Place (South side) between Cowper Street and Badham Street; Badham Street (East side) between Dickson Place and Cape Street; Cape Street (South side) between Badham Street and Challis Street; Cape Street (north side) between Challis Street and Woolley Street; Woolley Street (West side) between Cape Street and Badham Street; Badham Street (east side) between Woolley Street and Anthill Street.

In Griffith:

premises in the shopping precinct with frontages to Barker Street (North side) and Throsby Crescent (North side) between Barker Street and Throsby Lane.

In O'Connor:

premises in the shopping precinct with frontages to Macpherson Street (East side) between Sargood Street and the laneway; Sargood Street (North side and West sides).

In Yarralumla:

premises in the shopping precinct with frontages to Hutchins Street (East side) between the laneway and Bentham Street, Bentham Street (South side) between Hutchins Street and Nova Street, Nova Street (West side) between Bentham Street and the laneway.

In Woden town centre:

the area bounded by Bradley Street (West side) between Corinna Street and Bowes Place; Bowes Place (South side) to Furzer Street (South side); Corinna Street (East side) to Bradley Street.

a *tertiary area* is any area in the Territory that is not a primary area or secondary area.

Roads and Public Places (Fees) Determination 2007 (No 1)

Schedule 3 – Remittance or reduction in fees

- 1 In relation to each fee referred to in Part 2 of Schedule 1, the remittance or reduction is the difference between:
- (a) the amount that a person has paid in financial years 2006-07 and 2007-08; and
 - (b) the total of:
 - (i) the amount that the person would have paid for the same matter in financial year 2007-08 had this instrument been in force at the time the person made their 2007-08 payment; and
 - (ii) the amount that the person would have paid for the same matter in financial year 2006-07 had the fee for each relevant item in Schedule 1 of the Roads and Public Places (Fees) Determination 2006 No 1 (DI 2006-99) been calculated using the amounts set out below:

Item from Schedule 1 of DI 2006-99	Financial year 2006-07
2.1	\$55.35 per m2 per annum
2.2	\$46.20 per m2 per annum
2.3	\$36.96 per m2 per annum

- 2 In relation to each fee referred to in Part 4 of Schedule 1, the remittance or reduction is the difference between:
- (a) the amount that a person has paid in financial year 2007-08; and
 - (b) the amount that the person would have paid for the same matter in financial year 2007-08 had this instrument been in force at the time the person made their 2007-08 payment.