

# Building (Fees) Determination 2008 (No 1)

## Disallowable Instrument DI2008-160

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 2008 (No1)*.

### 2. Commencement

This instrument commences on 1 July 2008.

### 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 2007 - 146 notified on the legislation register on 29 June 2007 is revoked.

Andrew Barr MLA  
Minister for Planning  
26 June 2008

THIS IS PAGE 1 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)	<i>Fee Payable (GST exempt) \$ 2007-08</i>  (3)	<i>Fee Payable (GST exempt) \$ 2008-09</i>  (4)
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Section 20 Government building certification:

Single dwelling	480.00	500.20
Multi unit dwelling – per unit	360.00	375.10
Commercial	0.5% of the value of the outstanding work	0.5% of the value of the outstanding work
Government certifier reinspection of non-complying work – per inspection	74.50	77.60

Section 28 Building Levy – applies to all Building  
approvals issued by a Private certifier  
(including electrical) where the cost of  
works is:

\$0 to \$10,240	73.80	76.90
\$10,241 to \$20,000	73.80 plus 0.67% of the amount in excess of 10,240	76.90 plus 0.7% of the amount in excess of 10,240
\$20,001 to \$150,000	143.40 plus 0.52% of the amount in excess of 20,000	149.40 plus 0.54% of the amount in excess of 20,000
\$150,001 to \$250,000	894.10 plus 0.49% of the amount in excess of 150,000	931.70 plus 0.51% of the amount in excess of 150,000

THIS IS PAGE 2 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>(1)</b>	<b>Description of Matter for which fee is payable</b>  <b>(2)</b>	<b>Fee Payable (GST exempt)</b> <b>\$</b> <b>2007-08</b>  <b>(3)</b>	<b>Fee Payable (GST exempt)</b> <b>\$</b> <b>2008-09</b>  <b>(4)</b>
	\$250,001 to \$500,000	1,414.90 plus 0.43% of the amount in excess of 250,000	1,474.30 plus 0.45% of the amount in excess of 250,000
	\$500,001 to \$1,000,000	2,570.00 plus 0.37% of the amount in excess of 500,000	2,678.00 plus 0.39% of the amount in excess of 500,000
	\$1,000,001 to \$10,000,000	4,492.10 plus 0.22% of the amount in excess of 1,000,000	4,680.80 plus 0.23% of the amount in excess of 1,000,000
	More than \$10,000,000	25,396.00 plus 0.1% of the amount in excess of 10,000,000	26,463.00 plus 0.1% of the amount in excess of 10,000,000
Section 28	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

THIS IS PAGE 3 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>(1)</b>	<b>Description of Matter for which fee is payable</b>  <b>(2)</b>	<b>Fee Payable (GST exempt)</b> <b>\$</b> <b>2007-08</b>  <b>(3)</b>	<b>Fee Payable (GST exempt)</b> <b>\$</b> <b>2008-09</b>  <b>(4)</b>
Section 28A	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 73.80) at the time of registration with the Authority	50% of the calculated building levy for the value of work (or minimum 76.90) at the time of registration with the Authority
Section 32	Registration of amended plans to already registered building plans	15.40	16.10
Section 74	Certificate of Regularisation – A certificate of regularisation authorises the continuing occupancy of a building that was constructed by the Commonwealth or ACT Government without requiring approval or a certificate of occupancy 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 occupancy where the cost of works is:		
	\$0 to \$10,240	73.80	76.90
	\$10,241 to \$20,000	73.80 plus 0.68% of the amount in excess of 10,240	76.90 plus 0.71% of the amount in excess of 10,240
	\$20,001 to \$150,000	143.40 plus 0.54% of the amount in excess of 20,000	149.40 plus 0.56% of the amount in excess of 20,000

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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)	<i>Fee Payable (GST exempt)</i> \$ 2007-08  (3)	Fee Payable (GST exempt) \$ 2008-09  (4)
	\$150,001 to \$250,000	894.10 plus 0.49% of the amount in excess of 150,000	931.70 plus 0.51% of the amount in excess of 150,000
	\$250,001 to \$500,000	1,414.90 plus 0.43% of the amount in excess of 250,000	1,474.30 plus 0.45% of the amount in excess of 250,000
	\$500,001 to \$1,000,000	2,570.00 plus 0.37% of the amount in excess of 500,000	2,678.00 plus 0.39% of the amount in excess of 500,000
	\$1,000,001 to \$10,000,000	4,592.10 plus 0.22% of the amount in excess of 1,000,000	4,785.00 plus 0.23% of the amount in excess of 1,000,000
	More than \$10,000,000	25,396.10 plus 0.1% of the amount in excess of 10,000,000	26,463.00 plus 0.1% of the amount in excess of 10,000,000
Section 74	Certificate of Regularisation – Commissioner of Housing (per instance)	200.00	208.40