

Building (Fees) Determination 2009 (No 1)

Disallowable Instrument DI2009-138

made under the

Building Act 2004, s 150 (Determination of fees)

1. Name of Instrument

This instrument is the *Building (Fees) Determination 2009 (No1)*.

2. Commencement

This instrument commences on 1 July 2009.

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 2008 - 160 notified on the legislation register on 30 June 2008 is revoked.

Andrew Barr MLA
Minister for Planning
25 June 2009

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) \$ 2008-09</i> (3)	<i>Fee Payable (GST exempt) \$ 2009-10</i> (4)
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Section 20 Government building certification:

Single dwelling	500.20	517.65
Multi unit dwelling – per unit	375.10	388.25
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	77.60	80.35

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	76.90	79.60
\$10,241 to \$20,000	76.90 plus 0.7% of the amount in excess of 10,240	79.60 plus 0.72% of the amount in excess of 10,240
\$20,001 to \$150,000	149.40 plus 0.54% of the amount in excess of 20,000	154.65 plus 0.56% of the amount in excess of 20,000
\$150,001 to \$250,000	931.70 plus 0.51% of the amount in excess of 150,000	964.25 plus 0.53% of the amount in excess of 150,000

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	\$250,001 to \$500,000	1,474.30 plus 0.45% of the amount in excess of 250,000	1,525.95 plus 0.46% of the amount in excess of 250,000
	\$500,001 to \$1,000,000	2,678.00 plus 0.39% of the amount in excess of 500,000	2,771.65 plus 0.40% of the amount in excess of 500,000
	\$1,000,001 to \$10,000,000	4,680.80 plus 0.23% of the amount in excess of 1,000,000	4,844.60 plus 0.24% of the amount in excess of 1,000,000
	More than \$10,000,000	26,463.00 plus 0.10% of the amount in excess of 10,000,000	27,388.80 plus 0.11% of the amount in excess of 10,000,000
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 76.90) at the time of registration with the Authority	50% of the calculated building levy for the value of work (or minimum 79.60) at the time of registration with the Authority
Section 32	Registration of amended plans to already registered building plans	16.10	16.60
Section 32	Registration of detailed plans to already registered building plans		16.60

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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	76.90	79.60
\$10,241 to \$20,000	76.90 plus 0.71% of the amount in excess of 10,240	79.60 plus 0.73% of the amount in excess of 10,240
\$20,001 to \$150,000	149.40 plus 0.56% of the amount in excess of 20,000	154.65 plus 0.58% of the amount in excess of 20,000
\$150,001 to \$250,000	931.70 plus 0.51% of the amount in excess of 150,000	964.25 plus 0.53% of the amount in excess of 150,000
\$250,001 to \$500,000	1,474.30 plus 0.45% of the amount in excess of 250,000	1,525.95 plus 0.46% of the amount in excess of 250,000
\$500,001 to \$1,000,000	2,678.00 plus 0.39% of the	2,771.65 plus 0.40% of the

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		amount in excess of 500,000	amount in excess of 500,000
	More than \$10,000,000	26,463.00 plus 0.10% of the amount in excess of 10,000,000	27,388.95 plus 0.11% of the amount in excess of 10,000,000
Section 74	Certificate of Regularisation – Commissioner of Housing (per instance)	208.40	215.70