

Roads and Public Places (Fees) Determination 2011 (No 1)

Disallowable Instrument DI 2011 – 120

made under the

Roads and Public Places Act 1937, section 9A (Determination of fees)

1 Name of instrument

This instrument is the Roads and Public Places (Fees) Determination 2011 (No 1).

2 Commencement

This instrument commences on the day after notification.

3 Revocation of previous determination

Disallowable instrument DI2009 - 146 (Roads and Public Places (Fees) Determination 2009 (No 1)) is revoked.

4 Determination of fees

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

5 Payment of fees

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

6 Fees may be calculated proportionally

If a permit is issued for a period different to the period for which a fee is prescribed for the permit under schedule 1, parts 2 to 6, the fee payable is equal to the proportion that the period for which the permit is issued bears to the period for which the fee is prescribed.

7 Refund of fees for surrendered permits

If a person has paid a fee prescribed in schedule 1, parts 2 to 6 for a permit and surrenders the permit before it expires, the person may be refunded the part of the paid fee that relates to the unused period of the permit.

Example

The fee for a permit is \$30 for 12 months. The permit is surrendered after 6 months. The person may be refunded \$15.

Note If the person paid for a permit in a previous financial year, the refund will be a proportion of the fee that was paid in the previous financial year.

8 Waiver of fees for community events and charitable purposes

The Chief Executive may remit a fee prescribed in schedule 1, parts 3 and 5 for community events or charitable purposes.

Example of a community event

- The annual ACT Multicultural Festival.

Example of a charitable purpose

- The parking of a trailer in City Walk by the Australian Red Cross for the purpose of obtaining blood donations.

Note Generally, the placement of objects in public places for periods of less than one week does not attract a fee – see item 5.4 of Schedule 1.

9 Goods and services tax

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

10 Dictionary

The dictionary in schedule 2 provides definitions for this instrument.

Simon Corbell MLA
Minister for Territory and Municipal Services

6 June 2011

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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>Fee payable on or before 30 June 2011</i>	Column 5 Fee payable on or after 1 July 2011
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</i> A public place includes all roads, footpaths, driveways and gutters.	\$91.15	\$97.50
Part 2		Placement of objects for outdoor cafes or display of goods in a public place		
2.1.	s.15E; s.15K	Placement of an object for an outdoor café or display of goods which is in a primary area	\$72.65 per m ² per annum	\$75.20 per m ² per annum
2.2.	s.15E; s.15K	Placement of an object for an outdoor café or display of goods which is in a secondary area	\$60.65 per m ² per annum	\$62.75 per m ² per annum
2.3.	s.15E; s.15K	Placement of an object for an outdoor café or display of goods which is in the tertiary area	\$48.50 per m ² per annum	\$50.20 per m ² 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 city centre	\$267.50 per m ² per annum**	\$286.00 per m ² per annum**
3.2.	s.15E; s.15K	Placement of a waste storage container in a town centre or group centre	\$208.20 per m ² per annum**	\$222.60 per m ² per annum**
3.3.	s.15E; s.15K	Placement of a waste storage container in a local centre	\$148.85 per m ² per annum**	\$159.15 per m ² per annum**
Part 4		Placement of motor vehicles on a road verge for commercial display		
4.1.	s.15E; s.15K	Placement of a motor vehicle for vehicle display on road verges in a primary area	\$72.65 per m ² per annum	\$75.20 per m ² per annum
4.2.	s.15E; s.15K	Placement of a motor vehicle for vehicle display on road verges in a secondary area	\$60.65 per m ² per annum	\$62.75 per m ² 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>Fee payable on or before 30 June 2011</i>	Column 5 Fee payable on or after 1 July 2011
4.3.	s.15E; s.15K	Placement of a motor vehicle for vehicle display on road verges in the tertiary area	<i>\$48.50 per m² per annum</i>	\$50.20 per m ² per annum
Part 5		Placement of objects in a public place generally		
5.1.	s.15E; s.15K	Placement of objects other than those dealt with in Parts 2, 3 or 4 of this schedule within a primary area	<i>\$3.75 per m² per week (in the primary area)</i>	\$4.10 per m ² per week
5.2.	s.15E; s.15K	Placement of objects other than those dealt with in Parts 2, 3 or 4 of this schedule within a secondary area	<i>\$2.45 per m² per week (in the secondary area)</i>	\$2.75 per m ² per week
5.3.	s.15E; s.15K	Placement of objects other than those dealt with in Parts 2, 3 or 4 of this schedule within a tertiary area	<i>\$35.75 per quarter</i>	\$38.30 per quarter
5.4.	s.15E; s.15K	Placement of objects other than those dealt with in Parts 2, 3 or 4 of this schedule for periods less than a week	<i>Nil</i>	Nil
5.5.	s.15E; s.15K	Renewal, replacement, extension or variation of a permit to which item 5.4 was applied	<i>As per items 5.1, 5.2, 5.3 (as applicable), plus pro-rated fee equivalent to one week</i>	As per items 5.1, 5.2, 5.3 (as applicable), plus pro-rated fee equivalent to one week
5.6.	s.15E; s.15K	Use of air space over unleased land	<i>One half the applicable rate in item 5.1, 5.2 and 5.3 (as applicable) rounded down to the nearest 5 cents</i>	One half the applicable rate in item 5.1, 5.2 and 5.3 (as applicable) rounded down to the nearest 5 cents

Note: The figures in column 4 are for comparison purposes only.

Dictionary

city centre—see Schedule 3, part 3.1 (Definitions) of the *Planning and Development Regulation 2008*.

group centre means any area identified as a group centre in the Group Centres Precinct Code in the Territory Plan, or any public place immediately adjacent to such an area.

local centre means any area zoned CZ4 in the Territory Plan or any public place immediately adjacent to such an area.

m² means square metre.

primary area means 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.

public place—see the Act, dictionary.

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

secondary area means 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.

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Schedule 2 – Dictionary

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 Novar Street, Novar 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.

service area means an area established for the purpose of disposal of waste from a retail premises and defined by the ACT Government as being for that purpose.

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

town centre—see Schedule 3, part 3.1 (Definitions) of the *Planning and Development Regulation 2008*.

waste storage container does not include a container:

- (a) primarily intended for the storage of waste building or construction material, such as an open-top skip;
- (b) primarily intended for the storage of recycling waste; or
- (c) that is stored within a service area.