

Building (Fees) Determination 2013 (No 1)

Disallowable Instrument DI2013–148

made under the

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

1. Name of Instrument

This instrument is the *Building (Fees) Determination 2013 (No1)*.

2. Commencement

This instrument commences on 1 July 2013.

3. Determination of fees

The fees set out in Column 4 of the schedule are determined.

This determination does not apply to the lodging with the Directorate or 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 described in the attached Schedule.

5. Revocation

DI 2012-172 notified on the legislation register on 29 June 2012 is revoked. In addition, DI 2004-192 which set government building certification fees and was notified on the legislation register on 25 August 2004 is revoked.

Simon Corbell
Minister for the Environment and Sustainable Development
20 June 2013

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	Description of Matter for which fee is payable	Fee Payable GST Exempt \$ 2012-13	Fee Payable GST Exempt \$ 2013-14
(1)	(2)	(3)	(4)
Section 20	Government building certification:		
	Single dwelling	574.00	592.70
	Multi unit dwelling – per unit	431.00	445.00
	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	89.10	92.00
Section 28	Building Levy – applies to all Building approvals issued by a Private certifier (including electrical).	0.8% of total cost of works	0.8% of total cost of works
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 88.20) at the time of registration with the Authority	50% of the calculated building levy for the value of work (or minimum 91.00) at the time of registration with the Authority
Section 32	Registration of amended plans to already registered building plans	18.40	19.00
Section 32	Registration of detailed plans to already registered building plans	18.40	19.00
Section 53	Lifting stop notices	97.80	200.00

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THE MINISTER UNDER THE BUILDING ACT 2004.

Relevant Section for which a fee is payable	Description of Matter for which fee is payable	Fee Payable GST Exempt \$ 2012-13	Fee Payable GST Exempt \$ 2013-14
(1)	(2)	(3)	(4)
Section 69	Application for Certificate of Occupancy and Use (Effective 1 September 2013) For Buildings of Class 1 or Class 10a or Class 1 and Class 10a as classified under the Building Code of Australia		
	Application for certificate under section 69(1) of the Building Act	na	Nil
	Application for certificate under section 69(2) of the Building Act	na	54.40
	Application for certificate under section 69(2B) of the Building Act In addition twice the amount of the building levy that would be applicable to the work if the correct building levy amount has not previously been paid; and In addition if the building work failed to be covered by a required building fidelity certificate or statutory warranty insurance policy: \$1,000	na	185.00
	Application for certificate under section 69(3) of the Building Act	na	185.00
	Application for cancellation of certificate of occupancy issued under 69(3) of the Building Act	na	185.00
Section 71	Application for certificate	na	54.40
Section 72	Application for certificate	na	54.40
Section 74	Application for certificate For Buildings other than Class 1 or Class 10a or Class 1 and Class 10a as classified under the Building Code of Australia	na	185.00
	Application for certificate under section 69(1) of the Building Act	na	Nil
	Application for certificate under section 69(2) of the Building Act	na	68.00

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Relevant Section for which a fee is payable	Description of Matter for which fee is payable	Fee Payable GST Exempt \$ 2012-13	Fee Payable GST Exempt \$ 2013-14
(1)	(2)	(3)	(4)
	Application for certificate under section 69(2B) of the Building Act In addition three times of the amount of the building levy that would be applicable to the work if the correct building levy amount has not previously been paid; and In addition if the building work failed to be covered by a required building fidelity certificate or statutory warranty insurance policy: \$1,000	na	231.25
	Application for certificate under section 69(3) of the Building Act	na	231.25
	Application for cancellation of certificate of occupancy issued under 69 (3) of the Building act	na	231.25
Section 71	Application for certificate	na	68.00
Section 72	Application for certificate	na	68.00
Section 74	Application for certificate	na	231.25

Relevant Section for which a fee is payable	Description of Matter for which fee is payable	Fee Payable GST Exempt \$ 2012-13	Fee Payable GST Exempt \$ 2013-14
(1)	(2)	(3)	(4)

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	88.20	91.10
\$10,241 to \$20,000	88.20 plus 0.80% of the amount in excess of 10,240	91.10 plus 0.83% of the amount in excess of 10,240
\$20,001 to \$150,000	166.00 plus 0.64% of the amount in excess of 20,000	171.40 plus 0.66% of the amount in excess of 20,000
\$150,001 to \$250,000	1,002.00 plus 0.64% of the amount in excess of 150,000	1,034.60 plus 0.66% of the amount in excess of 150,000
\$250,001 to \$500,000	1,644.00 plus 0.60% of the amount in excess of 250,000	1,697.40 plus 0.62% of the amount in excess of 250,000

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Relevant Section for which a fee is payable	Description of Matter for which fee is payable	Fee Payable GST Exempt \$ 2012-13	Fee Payable GST Exempt \$ 2013-14
(1)	(2)	(3)	(4)
	\$1,000,001 to \$10,000,000	5,286.00 plus 0.27% of the amount in excess of 1,000,000	5,457.80 plus 0.28% of the amount in excess of 1,000,000
	More than \$10,000,000	29,871.00 plus 0.13% of the amount in excess of 10,000,000	30,841.80 plus 0.13% of the amount in excess of 10,000,000
Section 74	Certificate of Regularisation – Commissioner of Housing (per instance)	239.00	246.80
	Certificate of ‘Confirmation of Building Approval Exemption’ to existing construction. Retrieval of building file and filing of certificate		
	Per individual certificates	18.40	19.00
	Per book of 10 certificates	177.00	182.80