Planning and Development (Fees) Determination 2019

Disallowable instrument DI2019-133

made under the

Planning and Development Act 2007, s 424 (Determination of fees)

1 Name of Instrument

This instrument is the Planning and Development (Fees) Determination 2019.

2 Commencement

This instrument commences on 1 July 2019.

3 Determination of fees

I determine the fee payable for a matter listed in column 2 of the schedule to be the fee listed in the corresponding entry in column 4 of the schedule.

4 Payment of fees

A fee mentioned in the schedule is payable to the Territory by the person requesting the goods or services described in the schedule.

5 Revocation

This instrument revokes the *Planning and Development (Fees) Determination* 2018 (DI2018-167).

Mick Gentleman MLA Minister for Planning and Land Management 25 June 2019

Column 1	Column 2	Column 3	Column 4
Relevant Chapter and Part	Description of matter for which fee is payable	Fee payable GST Exempt \$	Fee payable GST Exempt \$
of the Act for which a fee is payable		2018-19	2019-20
Chapter 5, Part 5.3	Initial administrative charges for territory plan variations and planning studies	1,719.00	1,762.00
	Final administrative charges for territory plan variations and planning studies – after the study is concluded, the variation is warranted and before the public notification (s19 of the Act) of the DVP's	3,444.00	3,530.00
Chapter 7, Part 7.2	Application for development lodged under the provisions of the Impact track		
	(a) Matters specified in Schedule 4, Part4.2 and/or	37,068.00	37,995.00
	(b) Matters specified in Schedule 4, Part4.3		
	(i) Column 1, Items 1 to 6	13,932.00	14,280.00
	(ii) Column 1, Items 7 to 11	2,788.00	2,858.00
	(c) Applications in Impact track with no specific schedule 4 trigger	2,788.00	2,858.00
Chapter 7, Part 7.2	Applications for development approval in relation to use for otherwise prohibited development:		
	(a) The base amount specified opposite in Column (4)	2,906.00	2,979.00
	Plus		
	(b) An amount determined in accordance with the cost of works based on the following scale:		
	Cost of work is \$0 to \$1,500	119.00	121.00
	Cost of work is \$1,501 to \$5,000	119.00 (plus 0.672% of	121.00 (plus 0.688% of the

Column 1 Relevant Chapter and Part	Column 2 Description of matter for which fee is payable	Column 3 Fee payable GST Exempt \$	Column 4 Fee payable GST Exempt \$
of the Act for which a fee is payable		2018-19	2019-20
		the amount in excess of 1,500)	amount in excess of 1,501)
	Cost of work is \$5,001 to \$20,000	144.00 (plus 0.672% of the amount in excess of 5,000)	147.00 (plus 0.688% of the amount in excess of 5,001)
	Cost of work is \$20,001 to \$100,000	247.00 (plus 0.489% of the amount in excess of 20,000)	253.00 (plus 0.501% of the amount in excess of 20,001)
	Cost of work is \$100,001 to \$150,000	648.00 (plus 0.489% of the amount in excess of 100,000)	664.00 (plus 0.501% of the amount in excess of 100,001)
	Cost of work is \$150,001 to \$250,000	900.00 (plus 0.489% of the amount in excess of 150,000)	923.00 (plus 0.501% of the amount in excess of 150,001)
	Cost of work is \$250,001 to \$500,000	1,403.00 (plus 0.365% of the amount in excess of 250,000)	1,438.00 (plus 0.374% of the amount in excess of 250,001)
	Cost of work is \$500,001 to \$1,000,000	2,346.00 (plus 0.365% of the amount in excess of 500,000)	2,405.00 (plus 0.374% of the amount in excess of 500,001)

Column 1	Column 2	Column 3	Column 4
Relevant Chapter and Part of the Act	Description of matter for which fee is payable	Fee payable GST Exempt \$	Fee payable GST Exempt \$
for which a fee is payable		2018-19	2019-20
	Cost of work is \$1,000,001 to \$10,000,000	4,230.00 (plus 0.207% of the amount in excess of 1,000,000)	5,076.00 (plus 0.248% of the amount in excess of 1,000,001)
	Cost of work is more than \$10,000,001	23,459.00 (plus 0.122% of the amount in excess of 10,000,000)	28,151.00 (plus 0.146% of the amount in excess of 10,000,001)
Chapter 7, Part 7.3	Degazettal of roads associated with a development application	1,516.00	1,554.00
Chapter 7, Part 7.3	Estate development plan approval - involving the gazettal of new roads	1,142.00	1,170.00
	Plus per block	64.00	66.00
Chapter 7, Part 7.3	Estate development plan approval - not involving the gazettal of new roads	651.00	668.00
	Plus per block	52.00	53.00
Chapter 7, Part 7.3	Amendments to approved estate development plans	1,142.00	1,170.00
	Plus per block affected by the amendment	64.00	66.00
Chapter 7, Part 7.3	Application for development – in addition to building costs calculated, where the works to be approved include an encroachment	2,901.00	2,973.00

Column 4 Fee payable GST Exempt \$	Column 3 Fee payable GST Exempt \$	Column 2 Description of matter for which fee is payable	Column 1 Relevant Chapter and Part
\$ 2019-20	^ф 2018-19	t	of the Act for which a fee is payable
		Where the cost of work is calculated in accordance with the building Cost Guide (calculating the cost of work)	Chapter 7, Part 7.3
121.00	119.00	Application for development where the cost of the work is $0-1,500$	
121.00 (plus 0.688% of the amount in excess of 1,501)	119.00 (plus 0.672% of the amount in excess of 1,500)	Application for development where the cost of the work is \$1,501 to \$5,000	
147.00 (plus 0.688% of the amount in excess of 5,001)	144.00 (plus 0.672% of the amount in excess of 5,000)	Application for development where the cost of the work is \$5,001 to \$20,000	
253.00 (plus 0.501% of the amount in excess of 20,001)	247.00 (plus 0.489% of the amount in excess of 20,000)	Application for development where the cost of the work is \$20,001 to \$100,000	
664.00 (plus 0.501% of the amount in excess of 100,001)	648.00 (plus 0.489% of the amount in excess of 100,000)	Application for development where the cost of the work is \$100,001 to \$150,000	
923.00 (plus 0.501% of the amount in excess of 150,001)	900.00 (plus 0.489% of the amount in excess of 150,000)	Application for development where the cost of the work is \$150,001 to \$250,000	
1,438.00 (plus 0.374% of the	1,403.00 (plus 0.365% of the amount in	Application for development where the cost of the work is \$250,001 to \$500,000	

Column 1 Relevant Chapter and Part of the Act for which a fee is payable	Column 2 Description of matter for which fee is payable	Column 3 Fee payable GST Exempt \$ 2018-19	Column 4 Fee payable GST Exempt \$ 2019-20
		excess of 250,000)	amount in excess of 250,001)
	Application for development where the cost of the work is \$500,001 to \$1,000,000	2,346.00 (plus 0.365% of the amount in excess of 500,000)	2,405.00 (plus 0.374% of the amount in excess of 500,001)
	Application for development where the cost of the work is \$1,000,001 to \$10,000,000	4,230.00 (plus 0.207% of the amount in excess of 1,000,000)	5,076.00 (plus 0.248% of the amount in excess of 1,000,001)
	Application for development where the cost of the work is more than \$10,000,000	23,459.00 (plus 0.122% of the amount in excess of 10,000,000)	28,151.00 (plus 0.146% of the amount in excess of 10,000,001)

Column 1 Relevant Chapter	Column 2 Description of matter for which fee is payable	Column 3 Fee payable GST Exempt	Column 4 Fee payable GST Exempt
and Part of the Act for which a fee is payable		\$ 2018-19	\$ 2019-20
	Application for Refund		
	Where the development application is withdrawn prior to assessment or public notification		
	- a full refund is payable less an administrative fee to cover processing		
	If the development application is withdrawn after assessment or public notification has begun		
	- the refund will be 50% of the fees paid for the components which are being processed AND		
	- full refund of fees for the components for which assessment has not commenced		
Chapter 7, Part 7.3	Application for development within a local centre application for development within a local centre as defined by the Territory Plan, if there is in respect to that development, a declaration under the Planning and Development Regulation.	Nil	Nil
Chapter 7, Part 7.3	Use of land for a home business within the meaning of the Territory Plan for approval to carry out a home business for 1 year	1,063.00	1,090.00
	Plus for each additional year up to 4 years	64.00	66.00
Chapter 7, Part 7.3	Variation of a Unit Title Lease to vary a lease by a single application which affects more than one unit in the same Units Plan, for one unit	2,194.00	2,249.00
	Plus for each additional unit	446.00	457.00
Chapter 7, Part 7.3	Application for development – Lease Variation, consolidation, subdivision	2,194.00	2,249.00

(see s 3)

Column 1	Column 2	Column 3	Column 4
Relevant Chapter and Part	Description of matter for which fee is payable	Fee payable GST Exempt \$	Fee payable GST Exempt \$
of the Act for which a fee is payable		2018-19	2019-20
	Plus for each additional component	290.00	298.00
Chapter 7, Part 7.3	Application for development – vary area in a lease – to reduce the area of the land comprised in the lease, in accordance with lease conditions	Nil	Nil
Chapter 7, Part 7.3	Subdivision/ consolidation, for a grant of a new rural lease associated with an application for the purpose of effecting a consolidation of Territory Land	Nil	Nil
Chapter 7, Part 7.3	Subdivision/consolidation, for other leases, for the grant of a new lease for the purpose of effecting a subdivision or consolidation of Territory Land	Nil	Nil
	Plus for each additional component	Nil	Nil
Chapter 7, Part 7.3	Mining activities to carry out mining activities	6,502.00	6,665.00
Chapter 7, Part 7.3	Application for reconsideration of an original decision	332.00	340.00
Chapter 7, Part 7.3	Provision of pre-application advice on development proposals		
	A pre-lodgement meeting at which pre-application advice is provided	Nil	Nil
	In all other cases	1,255.00	1,286.00
Chapter 7, Part 7.3	Further information in relation to a development application is required		
1 uit 7.3	Supplementary information		
	required	Nil	Nil

(see s 3)

Column 1	Column 2	Column 3	Column 4
Relevant Chapter and Part	Description of matter for which fee is payable	Fee payable GST Exempt \$	Fee payable GST Exempt \$
of the Act for which a fee is payable		2018-19	2019-20
	Major deficiency in application	Nil	Nil
Chapter 7, Part 7.3	Amending development applications (does not include estate development plans): the applicable public notification fee		
	plus the following fee:		
	Application lodged in Code Track		
	Application lodged under the Merit Track		
	Single residential and development proposals on individual residential units within a unit complex (for first amendment)	308.00	315.00
	All other amendments in Merit Track:		
	First five amendments	767.00	786.00
	PLUS for each additional amendment	97.00	99.00
	Application lodged under the Impact Track:		
	First five amendments	2,787.00	2,856.00
	Plus for each additional amendment	97.00	99.00
Chapter 7, Part 7.3	Referral of a development application to a prescribed entity	Nil	Nil
Chapter 7, Part 7.3	Provide minor public notification	299.00	306.00
Chapter 7, Part 7.3	Provide major public notification For one sign For each additional small size sign For each additional large size sign	1,206.00 195.00 303.00	1,236.00 199.00 311.00
	Notice of 'Confirmation of Development		

Notice of 'Confirmation of Development Approval Exemption' to existing

Column 1	Column 2	Column 3	Column 4
Relevant Chapter and Part	Description of matter for which fee is payable	Fee payable GST Exempt \$	Fee payable GST Exempt \$
of the Act for which a fee is payable		2018-19	2019-20
	construction. Retrieval of file and filing of notice		
	Per individual notice	23.00	23.00
Chapter 7, Part 7.3	Application for Environmental Significance Opinion	626.00	642.00
Chapter 7, Part 7.3	Applications in the merit track where an Environmental Significance Opinion (ESO) is provided to support lodgement in that track	1,257.00	1,288.00
Chapter 7, Part 7.3	Refunds – Development Applications – If the application is withdrawn prior to assessment or public notification of the DA a full refund is payable less an administrative fee to cover processing (a) Residential and Commercial – all fees in excess of:	94.00**	96.00**
Chapter 7, Part 7.3	Refunds - Development Applications – If the application is withdrawn after assessment or public notification has begun the refund will be :-	(b) 50% of the fees paid for the components which are being processed and (c) full refund of fees for the components for which assessment has not commenced	(b) 50% of the fees paid for the components which are being processed and (c) full refund of fees for the components for which assessment has not commenced
Chapter 7, Part 7.3	Refunds other than development applications and conveyancing enquiries – administrative charge.	94.00**	96.00**

Column 1	Column 2	Column 3	Column 4
Relevant Chapter and Part of the Act	Description of matter for which fee is payable	Fee payable GST Exempt \$	Fee payable GST Exempt \$
for which a fee is payable		2018-19	2019-20
Chapter 7, Part 7.3	Refund of amount paid for a Direct Grant of a lease where the applicant does not meet the eligibility requirements	Full refund less administrative fee of 94.00**	Full refund less administrative fee of 96.00**
Chapter 7, Part 7.3	Refund of application for a direct grant of a lease where the Agency responsible cannot find a suitable site	50% refund of application fee paid	50% refund of application fee paid
Chapter 7, Part 7.3	Application for the amendment of plans - Where an amendment has been requested by the Planning and Land Authority or the Administrative Appeals Tribunal (AAT) –		
	Residential / Commercial	Nil	Nil
Chapter 8, Part 8.2	Scoping Document preparation	1,308.00	1,341.00
	S211 EIS Exemption Application	1,308.00	1,341.00
	Public notification of draft EIS or Section 211 EIS Exemption application	1,206.00	1,236.00
Chapter 8, Part 8.3	Recovery of inquiry panel costs	Actual direct and indirect costs incurred in the conduct of an inquiry	Actual direct and indirect costs incurred in the conduct of an inquiry
Chapter 9, Part 9.2	Application for a direct grant of a lease for rural land	2,940.00	3,014.00
Chapter 9, Part 9.2	Application for a direct grant of a lease for sites other than community or rural land	11,760.00	12,054.00
Chapter 9, Part 9.2	Application for a direct grant of a lease for community groups for example, religious groups or clubs	2,940.00	3,014.00
Chapter 9, Part 9.2	Application for a direct grant of a lease for rural land associated with an application under Section 254	Nil	Nil

Column 1 Relevant Chapter	Column 2 Description of matter for which fee is payable	Column 3 Fee payable GST Exempt	Column 4 Fee payable GST Exempt
and Part of the Act		\$	s \$
for which a fee is payable		2018-19	2019-20
Chapter 9, Part 9.2	Application for a direct grant of lease for Territory, Territory Entity and Commonwealth Entity	2,940.00	3,014.00
Chapter 9, Part 9.2 and part 9.9	Authority's consent when the applicant is an agency of the ACT Government	Nil	Nil
	Refund - Application for the direct grant of a lease: When the applicant does not meet the eligibility requirements	full refund less administrative fee	full refund less administrative fee
	When the agency responsible cannot find a suitable site	50% refund of application fee paid	50% refund of application fee paid
Chapter 9, Part 9.3	Application for the grant of a further lease for a term not exceeding the term of the existing lease for residential purposes	432.00	442.00
	Plus for every unit	170.00	174.00
Chapter 9, Part 9.3	Application for the grant of a further lease for a term exceeding the term of the existing lease for residential purposes	3,839.00	3,935.00
	Plus for every unit	170.00	174.00
Chapter 9, Part 9.3	Application for the grant of a further lease for rural purposes	432.00	442.00
Chapter 9, Part 9.3	Application for the grant of a further lease for a term not exceeding the term of the existing lease other than residential or rural purposes	1,487.00	1,525.00
	Plus for every unit	170.00	174.00
Chapter 9, Part 9.3	Application for the grant of a further lease for a term exceeding the term of the	3,839.00	3,935.00

Column 1	Column 2	Column 3	Column 4
Relevant Chapter and Part of the Act	Description of matter for which fee is payable	Fee payable GST Exempt \$	Fee payable GST Exempt \$
for which a fee is payable		2018-19	2019-20
	existing lease other than residential or rural purposes		
Chapter 9, Part 9.3	Application for the grant of a further lease for a term of 99 years where the current lease resulted from the subdivision or consolidation of a 99 year lease/s	432.00	442.00
Chapter 9, Part 9.4	Deciding whether a lease is concessional or not	1,391.00	1,425.00
Chapter 9, Part 9.4	Varying concessional lease to remove concessional status	2,788.00	2,858.00
Chapter 9, Part 9.6	Application for reconsideration of a Lease Variation Charge determination	3,528.00	3,617.00
Chapter 9, Part 9.6	Land Rent payout for residential applications seeking to use the current UVC	1,631.00	1,672.00
Chapter 9, Part 9.6	Land Rent payout for residential applications seeking to use the current UVC and a solicitor as the applicant	1,025.00	1,051.00
Chapter 9, Part 9.6	Land Rent Payout – Other/ providing an independent valuation	2,194.00	2,249.00
Chapter 9, Part 9.9	Issue of Certificate of Compliance – single residential (including dual occupancy and individual units within a staged unit development)	63.00	65.00
Chapter 9, Part 9.9	Issue of Certificate of Compliance other than single residential	225.00	231.00
Chapter 9, Part 9.9	Consent to transfer or assign a lease or an interest in a lease	437.00	448.00
Chapter 9, Part 9.9	Consent to sublease all or part of the land contained in a lease	437.00	448.00
Chapter 9, Part 9.9	Consent first transfer from the developer	Nil	Nil
Chapter 9, Part 9.9	Consent first transfer when applicant is an agency of the ACT Government	Nil	Nil

Column 1 Relevant Chapter and Part of the Act for which a fee is payable	Column 2 Description of matter for which fee is payable	Column 3 Fee payable GST Exempt \$ 2018-19	Column 4 Fee payable GST Exempt \$ 2019-20
Chapter 9, Part 9.9	Extension of time for meeting lease covenants for each 3 months or part thereof (for periods prior to 31 March 2008) <i>Note:</i> For the period of extension post 31 March 2008, the calculation of this fee is based on the formula in the Planning and Development Act 2007	151.00	154.00
Chapter 9, Part 9.9	Extension of time to Crown Lease Building and Development provision fee For the period of extension prior to 31 march 2008 for each three month period or part thereof per provision <i>Note:</i> For the period of extension post 31 March 2008, the calculation of this fee is based on the formula in the Planning and Development Act 2007	151.00	154.00
	Extension of Time Application Processing Fee Single residential crown leases Other crown leases If the fee determined for the period of extension is greater than application fee, the application fee will be deducted from the EOT fee determination	286.00 516.00	294.00 529.00
	Extension of time application processing fee (claims hardship under Reg 204,205,206,207 of the Planning and Development ACT 2007) Single residential crown leases Other crown leases	345.00 574.00	354.00 588.00
Chapter 9, Part 9.11	Licence to occupy or use Territory Land - short term commercial use for restricted clientele (i) application fee	50.00	51.00

Column 1	Column 2	Column 3	Column 4
Relevant Chapter and Part of the Act	Description of matter for which fee is payable	Fee payable GST Exempt \$	Fee payable GST Exempt \$
for which a fee is payable		2018-19	2019-20
Chapter 9, Part 9.11	Licence to occupy or use Territory Land - short term commercial use for restricted clientele (ii) part day	86.00	88.00
Chapter 9, Part 9.11	Licence to occupy or use Territory Land - short term commercial use for restricted clientele (iii) whole day	124.00	127.00
Chapter 9, Part 9.11	Licence to occupy or use a nature strip – (a) works associated with development of nature strip	Nil	Nil
Chapter 9, Part 9.11	Licence to occupy or use a nature strip - (b) storage of building materials (established residential only)	50.00	51.00
	Plus for every week or part thereof for the duration of the use	45.00	46.00
Chapter 9, Part 9.11	Licence to occupy or use a nature strip for business promotion (for example, private enterprise land development advertisement)	50.00	51.00
	Plus for every week or part thereof for the duration of the use	45.00	46.00
Chapter 9, Part 9.11	Licence to occupy or use a nature strip plus surcharge for period of use per week	50.00	51.00
	Plus for every week or part thereof for the duration of the use	45.00	46.00
Chapter 9, Part 9.11	Grant of a licence to occupy or use unleased Territory Land for community groups for example, religious groups or clubs	1,566.00	1,605.00
Chapter 9, Part 9.11	Grant of a licence to occupy or use unleased Territory Land for other purposes (except for grazing and community gardens)	3,251.00	3,332.00
Chapter 9, Part 9.11	Licence fee for the use of unleased land when the land is used for grazing stock	Nil	Nil

Column 1	Column 2	Column 3	Column 4	
Relevant Chapter and Part of the Act	Description of matter for which fee is payable	Fee payable GST Exempt \$	Fee payable GST Exempt \$	
for which a fee is payable		2018-19	2019-20	
Chapter 9, Part 9.11	Grant of a licence to use a room in the Legislative Assembly Building (i) charity or community groups	Nil	Ν	
Chapter 9, Part 9.11	Grant of a licence to use a room in the Legislative Assembly Building (ii) commercial or other groups	Nil	Nil	
Chapter 9, Part 9.11	Grant of a licence to use Territory land to locate secure storage waste enclosures	Nil	Ni	
Chapter 9, Part 9.11	Licence fee for the use of unleased Territory land when the land is used for community gardens as defined in the regulations	Nil	Nil	
Chapter 9, Part 9.11	Application to vary an existing licence to occupy or use unleased Territory land – for groups other than grazing and community organisations	1,631.00	1,672.00	
Column 1	Column 2	Column 3	Column 4	
Relevant Chapter and Part	Description of matter for which fee is payable	Fee payable GST Exempt \$	Fee payable GST Exempt \$	
of the Act				
for which a fee is payable		2018-19	2019-20	
a fee is	Application for controlled activity order.	2018-19	2019-20	
a fee is payable Chapter 11, Part		2018-19 <i>176.00</i>	2019-20	
a fee is payable Chapter 11, Part	order.			
a fee is payable Chapter 11, Part	order. Residential Zone 1	176.00	181.00	
a fee is payable Chapter 11, Part	order. Residential Zone 1 Residential Zone 2	176.00 235.00	181.00 241.00	

Schedule (see s 3)			
	Commercial and Industrial	412.00	422.00
Regulation, Schedule 1 Section 1.100A (4)	Application for exemption declaration – Otherwise non compliant single dwellings	308.00	600.00
	<i>Note:</i> The amount in column 3 is for comparison	n purposes only.	