

Building (Fees) Determination 2022

Disallowable instrument DI2022–119

made under the

Building Act 2004, s 150 (Determination of fees)

1 Name of instrument

This instrument is the *Building (Fees) Determination 2022*.

2 Commencement

This instrument commences on 1 July 2022.

3 Determination of fees

- (1) 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.
- (2) This determination does not apply to the lodging with the Environment, Planning and Sustainable Development Directorate or the Planning and Land Authority, under section 28 (2) of the *Building Act 2004*, 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 (the *bushfire emergency*); 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.
- (3) 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 bushfire emergency.

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

5 Revocation

This instrument revokes the *Building (Fees) Determination 2021* (DI2021-73).

Rebecca Vassarotti MLA
Minister for Sustainable Building and Construction
21 June 2022

Schedule

(see s 3)

Column 1	Column 2	Column 3	Column 4
Relevant Section for which a fee is payable	Description of Matter for which fee is payable	Fee Payable GST Exempt \$ 2021-22	Fee Payable GST Exempt \$ 2022-23
Section 20	Government building certification:		
	Single dwelling	727.00	750.50
	Multi unit dwelling – per unit	547.00	564.35
	Building work in relation to a building or part of a building other than a single dwelling or unit in a multi-unit dwelling	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	113.00	117.10
Section 28	Building Levy – applies to all Building approvals issued by a Building Certifier (including electrical).		
Section 28	Building Levy – applies to a building approval issued to an owner of land by an appointed building certifier including building work in relation to one or more of: a class 1 building, class 1 part of a building, class 2 building, or class 2 part of a building.	1.17% of total cost of works	1.25% of total cost of works
Section 28	Building Levy – applies to a landowner issued a building approval by an appointed building certifier for building work that does not include building work in relation to one or more of: a class 1 building, class 1 part of a building, class 2 building, or class 2 part of a building.	1.07% of total cost of works	1.14% of total cost of works
Section 28	If the owner of a land parcel applies for a refund of Building Levy Fees paid in respect of a building approval granted in relation to that land, a refund may be given on the following terms. The application must verify that the relevant certifier has cancelled the building approval and that none of the building work has commenced and that the certifier has not carried out inspections of that work under the Act: and the following amounts shall be deducted from such refund amount – residential and commercial**	99.00**	102.45**

Column 1	Column 2	Column 3	Column 4
Relevant Section for which a fee is payable	Description of Matter for which fee is payable	Fee Payable GST Exempt \$ 2021-22	Fee Payable GST Exempt \$ 2022-23
Section 28A	Building re-registration of work that has not been completed within the statutory time frame	<i>50% of the calculated building levy for the value of work (or minimum 111.00) at the time of registration with the Construction Occupations Registrar</i>	50% of the calculated building levy for the value of work (or minimum 114.75) at the time of registration with the Construction Occupations Registrar
Section 32	Registration of amended plans to already registered building plans	24.00	24.60
Section 32	Registration of detailed plans to already registered building plans	24.00	24.60
Section 53	Lifting stop notices	245.00	252.90
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	112.00	115.90
	\$10,241 to \$20,000	<i>112.00 plus 0.83% of the amount in excess of 10,240</i>	115.90 plus 0.83% of the amount in excess of 10,240
	\$20,001 to \$150,000	<i>210.00 plus 0.66% of the amount in excess of 20,000</i>	216.60 plus 0.66% of the amount in excess of 20,000

Column 1	Column 2	Column 3	Column 4
Relevant Section for which a fee is payable	Description of Matter for which fee is payable	Fee Payable GST Exempt \$ 2021-22	Fee Payable GST Exempt \$ 2022-23
	\$150,001 to \$250,000	<i>1,269.00 plus 0.66% of the amount in excess of 150,000</i>	1,310.20 plus 0.66% of the amount in excess of 150,000
	\$250,001 to \$500,000	<i>2,082.00 plus 0.62% of the amount in excess of 250,000</i>	2,149.70 plus 0.62% of the amount in excess of 250,000
	\$500,001 to \$1,000,000	<i>3,982.00 plus 0.44% of the amount in excess of 500,000</i>	4,110.90 plus 0.44% of the amount in excess of \$500,000
	\$1,000,001 to \$10,000,000	<i>6,694.00 plus 0.28% of the amount in excess of 1,000,000</i>	6,911.60 plus 0.28% of the amount in excess of 1,000,000
	More than \$10,000,000	<i>37,828.00 plus 0.13% of the amount in excess of 10,000,000</i>	39,057.60 plus 0.13% of the amount in excess of 10,000,000
Section 74	Certificate of Regularisation – Commissioner of Housing (per instance)	<i>303.00</i>	312.60
	Notice of ‘Confirmation of Building Approval Exemption’ to existing construction. Retrieval of building file and filing of notice		
	Per individual notice	<i>23.00</i>	23.75

Column 1	Column 2	Column 3	Column 4
Relevant Section for which a fee is payable	Description of Matter for which fee is payable	Fee Payable GST Exempt \$ 2021-22	Fee Payable GST Exempt \$ 2022-23
	<p>Refund of Building Levy</p> <p>If the owner of a land parcel applies for a refund of Building Levy Fees paid in respect of a building approval granted in relation to that land, a refund may be given on the following terms:</p> <p>The application must verify that the relevant certifier has cancelled the building approval and that none of the building work has commenced and that the certifier has not carried out inspections of that work under the Building Act 1972: Refund payable will be the fee paid less an administration fee – residential and commercial** If building levy is less than the administrative fee no refund will be issued</p>	<p><i>Building Levy paid less administration fee</i></p>	<p>Building Levy paid less administration fee</p>

Note: The amount in column 3 is for comparison purposes only.