

Planning and Development (Fees) Determination 2023

Disallowable instrument DI2023–139

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 2023*.

2 Commencement

This instrument commences on 1 July 2023.

3 Determination of fees

I determine the fee payable for a matter listed in column 3 of the schedule to be the fee listed in the corresponding entry in column 5 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 2022 (DI2022-112)*.

Mick Gentleman MLA
Minister for Planning and Land Management
22 June 2023

Schedule
(see s 3)

Column 1	Column 2	Column 3	Column 4	Column 5
Item number	Relevant Chapter and Part of the Act for which a fee is payable	Description of matter for which fee is payable	Fee Payable GST Exempt 2022-23 \$	Fee Payable GST Exempt 2023-24 \$
1.1	Chapter 5, Part 5.3	Initial administrative charges for territory plan variations and planning studies	1,851.10	1,920.50
1.2		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	3,708.50	3,847.55
2.1	Chapter 7, Part 7.2	Application for development lodged under the provisions of the Impact track (a) Matters specified in Schedule 4, Part 4.2 and/or (b) Matters specified in Schedule 4, Part 4.3	39,916.35	41,413.20
2.2		(i) Column 1, Items 1 to 6	15,002.10	15,564.70
2.3		(ii) Column 1, Items 7 to 11	3,002.50	3,115.10
2.4		(c) Applications in Impact track with no specific schedule 4 trigger	3,002.50	3,115.10
3.1	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) Plus (b) An amount determined in accordance with the cost of works based on the following scale:	3,129.65	3,247.00
3.2		Cost of work is \$0 to \$1,500	127.15	131.90
3.3		Cost of work is \$1,501 to \$5,000	127.15 <i>(plus 0.724% of the amount in excess of 1,500)</i>	131.90 (plus 0.751% of the amount in excess of 1,500)
3.4		Cost of work is \$5,001 to \$20,000	154.45 <i>(plus 0.724% of the amount in excess of 5,000)</i>	160.25 (plus 0.751% of the amount in excess of 5,000)
3.5		Cost of work is \$20,001 to \$100,000	265.80	275.75

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Item number	Relevant Chapter and Part of the Act for which a fee is payable	Description of matter for which fee is payable	Fee Payable GST Exempt 2022-23 \$	Fee Payable GST Exempt 2023-24 \$
			<i>(plus 0.526% of the amount in excess of 20,000)</i>	(plus 0.545% of the amount in excess of 20,000)
3.6		Cost of work is \$100,001 to \$150,000	697.60 <i>(plus 0.526% of the amount in excess of 100,000)</i>	723.75 (plus 0.545% of the amount in excess of 100,000)
3.7		Cost of work is \$150,001 to \$250,000	969.65 <i>(plus 0.526% of the amount in excess of 150,000)</i>	1,006.05 (plus 0.545% of the amount in excess of 150,000)
3.8		Cost of work is \$250,001 to \$500,000	1,510.70 <i>(plus 0.393% of the amount in excess of 250,000)</i>	1,567.35 (plus 0.408% of the amount in excess of 250,000)
3.9		Cost of work is \$500,001 to \$1,000,000	2,526.60 <i>(plus 0.393% of the amount in excess of 500,000)</i>	2,621.35 (plus 0.408% of the amount in excess of 500,000)
3.10		Cost of work is \$1,000,001 to \$10,000,000	5,332.70 <i>(plus 0.260% of the amount in excess of 1,000,000)</i>	5,532.65 (plus 0.270% of the amount in excess of 1,000,000)
3.11		Cost of work is more than \$10,000,001	29,574.55 <i>(plus 0.154% of the amount in excess of 10,000,000)</i>	30,683.60 (plus 0.160% of the amount in excess of 10,000,000)
4.1	Chapter 7, Part 7.3	Degazettal of roads associated with a development application	1,632.60	1,693.80
5.1	Chapter 7, Part 7.3	Estate development plan approval - involving the gazettal of new roads	1,229.15	1,275.25
5.2		Plus per block	69.35	71.95

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Item number	Relevant Chapter and Part of the Act for which a fee is payable	Description of matter for which fee is payable	Fee Payable GST Exempt 2022-23 \$	Fee Payable GST Exempt 2023-24 \$
6.1	Chapter 7, Part 7.3	Estate development plan approval - not involving the gazettal of new roads	701.75	728.10
6.2		Plus per block	55.70	57.80
7.1	Chapter 7, Part 7.3	Amendments to approved estate development plans	1,229.15	1,275.25
7.2		Plus per block affected by the amendment	69.35	71.95
8.1	Chapter 7, Part 7.3	Application for development – in addition to building costs calculated, where the works to be approved include an encroachment	3,123.35	3,240.50
9.1	Chapter 7, Part 7.3	Where the cost of work is calculated in accordance with the building Cost Guide (calculating the cost of work)	127.15	131.90
9.2		Application for development where the cost of the work is \$0 –\$1,500	Nil	Nil
9.3		Application for development where the cost of the work is \$1,501 to \$5,000	127.15 <i>(plus 0.724% of the amount in excess of 1,500)</i>	131.90 (plus 0.751% of the amount in excess of 1,500)
9.4		Application for development where the cost of the work is \$5,001 to \$20,000	154.45 <i>(plus 0.724% of the amount in excess of 5,000)</i>	160.25 (plus 0.751% of the amount in excess of 5,000)
9.5		Application for development where the cost of the work is \$20,001 to \$100,000	265.80 <i>(plus 0.526% of the amount in excess of 20,000)</i>	275.75 (plus 0.545% of the amount in excess of 20,000)
9.6		Application for development where the cost of the work is \$100,001 to \$150,000	697.60 <i>(plus 0.526% of the amount in excess of 100,000)</i>	723.75 (plus 0.545% of the amount in excess of 100,000)
9.7		Application for development where the cost of the work is \$150,001 to \$250,000	969.65	1,006.05

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Item number	Relevant Chapter and Part of the Act for which a fee is payable	Description of matter for which fee is payable	Fee Payable GST Exempt 2022-23 \$	Fee Payable GST Exempt 2023-24 \$
			<i>(plus 0.526% of the amount in excess of 150,000)</i>	(plus 0.545% of the amount in excess of 150,000)
9.8		Application for development where the cost of the work is \$250,001 to \$500,000	1,510.70	1,567.35
			<i>(plus 0.393% of the amount in excess of 250,000)</i>	(plus 0.408% of the amount in excess of 250,000)
9.9		Application for development where the cost of the work is \$500,001 to \$1,000,000	2,526.60	2,621.35
			<i>(plus 0.393% of the amount in excess of 500,000)</i>	(plus 0.408% of the amount in excess of 500,000)
9.10		Application for development where the cost of the work is \$1,000,001 to \$10,000,000	5,332.70	5,532.65
			<i>(plus 0.260% of the amount in excess of 1,000,000)</i>	(plus 0.270% of the amount in excess of 1,000,000)
9.11		Application for development where the cost of the work is more than \$10,000,000	29,574.55	30,683.60
			<i>(plus 0.154% of the amount in excess of 10,000,000)</i>	(plus 0.160% of the amount in excess of 10,000,000)
		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		

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Item number	Relevant Chapter and Part of the Act for which a fee is payable	Description of matter for which fee is payable	Fee Payable GST Exempt 2022-23 \$	Fee Payable GST Exempt 2023-24 \$
		- 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		
10.1	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.	<i>Nil</i>	Nil
11.1	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	<i>1,145.10</i>	1,188.05
11.2		Plus for each additional year up to 4 years	<i>69.35</i>	71.95
12.1	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	<i>2,362.75</i>	2,451.35
12.2		Plus for each additional unit	<i>480.10</i>	498.10
13.1	Chapter 7, Part 7.3	Application for development – Lease Variation, consolidation, subdivision	<i>2,362.75</i>	2,451.35
13.2		Plus for each additional component	<i>313.05</i>	324.80
14.1	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	<i>Nil</i>	Nil
15.1	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	<i>Nil</i>	Nil
16.1	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	<i>Nil</i>	Nil
16.2		Plus for each additional component	<i>Nil</i>	Nil
17.1	Chapter 7, Part 7.3	Mining activities to carry out mining activities	<i>7,002.05</i>	7,264.60

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18.1	Chapter 7, Part 7.3	Application for reconsideration of an original decision	357.20	370.60
	Chapter 7, Part 7.3	Provision of pre-application advice on development proposals		
19.1		A pre-lodgement meeting at which pre-application advice is provided	Nil	Nil
19.2		In all other cases	1,351.05	1,401.70
	Chapter 7, Part 7.3	Further information in relation to a development application is required		
		Supplementary information required		
20.1			Nil	Nil
20.2		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		
21.1		Single residential and development proposals on individual residential units within a unit complex (for first amendment)	330.95	343.35
		All other amendments in Merit Track:		
21.2		First five amendments	825.75	856.70
21.3		PLUS for each additional amendment	104.00	107.90
		Application lodged under the Impact Track:		
21.4		First five amendments	3,000.45	3,112.95
21.5		Plus for each additional amendment	104.00	107.90
22.1	Chapter 7, Part 7.3	Referral of a development application to a prescribed entity	Nil	Nil
23.1	Chapter 7, Part 7.3	Provide minor public notification	321.50	333.55
	Chapter 7, Part 7.3	Provide major public notification		
24.1		For one sign	1,298.50	1,347.20
24.2		For each additional small size sign	209.05	216.90
24.3		For each additional large size sign	326.75	339.00
		Notice of 'Confirmation of Development Approval Exemption' to existing construction. Retrieval of file and filing of notice		
24.4		Per individual notice	24.15	25.10

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25.1	Chapter 7, Part 7.3	Application for Environmental Significance Opinion	674.45	699.75
26.1	Chapter 7, Part 7.3	Applications in the merit track where an Environmental Significance Opinion (ESO) is provided to support lodgement in that track	1,353.15	1,403.90
	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		
27.1		(a) Residential and Commercial – all fees in excess of:	100.85	104.65
28.1	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	(b) 50% of the fees paid for the components which are being processed and
28.2			(c) full refund of fees for the components for which assessment has not commenced	(c) full refund of fees for the components for which assessment has not commenced
29.1	Chapter 7, Part 7.3	Refunds other than development applications and conveyancing enquiries – administrative charge.	100.85	104.65
30.1	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 102.20**	Full refund less administrative fee of 106.05**
31.1	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

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32.1	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	<i>Nil</i>	Nil
33.1	Chapter 8, Part 8.2	Scoping Document preparation	1,408.80	1,461.65
33.2		S211 EIS Exemption Application	1,408.80	1,461.65
33.3		Public notification of draft EIS or Section 211 EIS Exemption application	1,298.50	1,347.20
34.1	Chapter 8, Part 8.3	Recovery of inquiry panel costs	<i>Actual direct and indirect costs incurred in the conduct of an inquiry</i>	<i>Actual direct and indirect costs incurred in the conduct of an inquiry</i>
35.1	Chapter 9, Part 9.2	Application for a direct grant of a lease for rural land	3,166.40	3,285.15
36.1	Chapter 9, Part 9.2	Application for a direct grant of a lease for sites other than community or rural land	12,663.55	13,138.45
37.1	Chapter 9, Part 9.2	Application for a direct grant of a lease for community groups for example, religious groups or clubs	3,166.40	3,285.15
38.1	Chapter 9, Part 9.2	Application for a direct grant of a lease for rural land associated with an application under Section 254	<i>Nil</i>	Nil
39.1	Chapter 9, Part 9.2	Application for a direct grant of lease for Territory, Territory Entity and Commonwealth Entity	3,166.40	3,285.15
40.1	Chapter 9, Part 9.2 and part 9.9	Authority's consent when the applicant is an agency of the ACT Government	<i>Nil</i>	Nil
40.2		Refund - Application for the direct grant of a lease: When the applicant does not meet the eligibility requirements	<i>full refund less administrative fee</i>	full refund less administrative fee
40.3		When the agency responsible cannot find a suitable site	<i>50% refund of application fee paid</i>	50% refund of application fee paid

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41.1	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	464.36	481.75
41.2		Plus for every unit	182.80	189.65
42.1	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	4,134.00	4,289.00
42.2		Plus for every unit	182.80	189.65
43.1	Chapter 9, Part 9.3	Application for the grant of a further lease for rural purposes	464.35	481.75
44.1	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	1,602.10	1,662.20
44.2		Plus for every unit	182.80	189.65
45.1	Chapter 9, Part 9.3	Application for the grant of a further lease for a term exceeding the term of the existing lease other than residential or rural purposes	4,134.00	4,289.00
46.1	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	464.35	481.75
47.1	Chapter 9, Part 9.4	Deciding whether a lease is concessional or not	1,552.00	1,610.20
48.1	Chapter 9, Part 9.4	Varying concessional lease to remove concessional status	3,002.50	3,115.10
49.1	Chapter 9, Part 9.6	Application for reconsideration of a Lease Variation Charge determination	3,799.90	3,942.40
50.1	Chapter 9, Part 9.6	Land Rent payout for residential applications seeking to use the current UVC	1,756.55	1,822.40
51.1	Chapter 9, Part 9.6	Land Rent payout for residential applications seeking to use the current UVC and a solicitor as the applicant	1,104.15	1,145.55
52.1	Chapter 9, Part 9.6	Land Rent Payout – Other/ providing an independent valuation	2,362.75	2,451.35
53.1	Chapter 9, Part 9.9	Issue of Certificate of Compliance – single residential (including dual occupancy and individual units within a staged unit development)	68.30	70.85

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54.1	Chapter 9, Part 9.9	Issue of Certificate of Compliance other than single residential	242.70	251.80
55.1	Chapter 9, Part 9.9	Consent to transfer or assign a lease or an interest in a lease	470.65	488.30
56.1	Chapter 9, Part 9.9	Consent to sublease all or part of the land contained in a lease	470.65	488.30
57.1	Chapter 9, Part 9.9	Consent first transfer from the developer	Nil	Nil
58.1	Chapter 9, Part 9.9	Consent first transfer when applicant is an agency of the ACT Government	Nil	Nil
59.1	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: 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</i>	161.80	167.85
60.1	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: 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</i>	161.80	167.85
Extension of Time Application Processing Fee				
61.1		Single residential crown leases	308.85	320.45
61.2		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	555.75	576.60
Extension of time application processing fee (claims hardship under Reg 204,205,206,207 of the Planning and Development ACT 2007)				
62.1		Single residential crown leases	371.90	385.85
62.2		Other crown leases	617.75	640.90
63.1	Chapter 9, Part 9.11	Licence to occupy or use Territory Land - short term commercial use for restricted clientele (i) application fee	53.60	55.60

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64.1	Chapter 9, Part 9.11	Licence to occupy or use Territory Land - short term commercial use for restricted clientele (ii) part day	92.45	95.90
65.1	Chapter 9, Part 9.11	Licence to occupy or use Territory Land - short term commercial use for restricted clientele (iii) whole day	133.40	138.45
66.1	Chapter 9, Part 9.11	Licence to occupy or use a nature strip – (a) works associated with development of nature strip	<i>Nil</i>	Nil
67.1	Chapter 9, Part 9.11	Licence to occupy or use a nature strip - (b) storage of building materials (established residential only)	53.58	55.60
67.2		Plus for every week or part thereof for the duration of the use	48.30	50.15
68.1	Chapter 9, Part 9.11	Licence to occupy or use a nature strip for business promotion (for example, private enterprise land development advertisement)	53.60	55.60
68.2		Plus for every week or part thereof for the duration of the use	48.30	50.15
69.1	Chapter 9, Part 9.11	Licence to occupy or use a nature strip plus surcharge for period of use per week	53.60	55.60
69.2		Plus for every week or part thereof for the duration of the use	48.30	50.15
70.1	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	1,686.15	1,749.40
71.1	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)	3,500.50	3,631.75
72.1	Chapter 9, Part 9.11	Licence fee for the use of unleased land when the land is used for grazing stock	<i>Nil</i>	Nil
73.1	Chapter 9, Part 9.11	Grant of a licence to use a room in the Legislative Assembly Building (i) charity or community groups	<i>Nil</i>	Nil
74.1	Chapter 9, Part 9.11	Grant of a licence to use a room in the Legislative Assembly Building (ii) commercial or other groups	<i>Nil</i>	Nil
75.1	Chapter 9, Part 9.11	Grant of a licence to use Territory land to locate secure storage waste enclosures	<i>Nil</i>	Nil

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76.1	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	<i>Nil</i>	Nil
77.1	Chapter 9, Part 9.11 Chapter 11, Part 11.3	Application to vary an existing licence to occupy or use unleased Territory land – for groups other than grazing and community organisations Application for controlled activity order.	1,756.55	1,822.40
78.1		Residential Zone 1	190.15	197.30
78.2		Residential Zone 2	253.20	262.70
78.3		Residential Zone 3	379.25	393.50
78.4		Residential Zone 4	507.40	526.45
78.5		Residential Zone 5	633.50	657.25
78.6		All Other Zones	443.35	459.95
79.1	Regulation, Schedule 1 Section 1.100A (4)	Application for exemption declaration – Otherwise non compliant single dwellings	630.35	654.00

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