

Australian Capital Territory

# Planning (Fees) Determination 2023 (No 2)

Disallowable instrument DI2023–292

made under the

Planning Act 2023 , s 522 (Determination of fees)

## EXPLANATORY STATEMENT

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This explanatory statement relates to the *Planning (Fees) Determination 2023 (No 2)* as presented to the Legislative Assembly. It has been prepared to assist the reader of the instrument. It does not form part of the instrument and has not been endorsed by the Assembly.

The Statement must be read in conjunction with the instrument. It is not, and is not meant to be, a comprehensive description of the instrument. What is said about a provision is not to be taken as an authoritative guide to the meaning of a provision, this being a task for the courts.

Section 522 of the *Planning Act 2023* (the **Act**) permits the Minister to determine fees for the purposes of the Act.

This instrument revokes the *Planning (Fees) Determination 2023* (DI2023-258).

The *Planning (Fees) Determination 2023 (No 2)* reproduces DI2023-258 except to amend an error in the wording of items 22.1 and 23.1 of the schedule. The revoked determination incorrectly applied fees based on the type of development classified under the *Planning Act 2023*.

The schedule of *Planning (Fees) Determination 2023 (No 2)* now correctly sets the public notification fees based on the activities that are undertaken. Specifically, the same public notification fee will apply to all development applications, except where some notification activities, such as placing signage on the development site, are exempted. Where these exemptions apply, a smaller fee will apply.

While this determination largely replicates the fees set for the 2022-23 financial year under the now repealed *Planning and Development Act 2007*, as reflected in column 4 of the schedule, not all fees are directly comparable to those determined under the Act. As such, column 4 of the schedule is included for information only. Column 5 of the schedule to the instrument determines the fees under the Act for the 2023-24 financial year, as nil fees in 2022-23 are applicable to the Act.

The instrument commences on the day after its notification day.

The determination under section 522 of the Act is a disallowable instrument and must be presented to the Legislative Assembly within 6 sitting days after its notification pursuant to section 64 of the *Legislation Act 2001*.

**Regulatory Impact Statement (RIS)**

A RIS is not required for this fee determination due to section 36 (1) (k) of the Legislation Act, which provides that a RIS need not be prepared for an amendment of a fee consistent with announced government policy.

**Human Rights**

The Standing Committee on Justice and Community Safety (Legislative Scrutiny Role) terms of reference require consideration of human rights impacts, among other matters. In this case, no human rights are impacted.