Australian Capital Territory

Planning (Fees) Determination 2026 (No 2)

Disallowable instrument DI2026–249

made under the

Planning Act 2023, s 522 (Determination of fees)

EXPLANATORY STATEMENT

This explanatory statement relates to the *Planning (Fees) Determination 2026 (No 2)* as presented to the Legislative Assembly (the ***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.

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

The purpose of this instrument is to determine the fees for goods and services under the Act from 20 November 2026 to the end of the 2026-27 financial year.

The regulatory fees in the determination which applied in the 2025-26 financial year, have been increased by 3.25% for the 2026-27 financial year based on the wage price index (***WPI***) as per Government policy, plus an additional 0.35% as per the decision in the 2023-24 Budget, for a total increase of 3.60%.

All other fees in the determination which applied in the 2025-26 financial year, have been increased by 3.25% for the 2026-27 financial year based on the WPI as per Government policy.

Changes in this instrument
This instrument revokes the *Planning (Fees) Determination 2026* (DI2026-168) to accommodate changes arising from the commencement of provisions within the *Planning (Missing Middle Housing) Amendment Act 2026*. The instrument includes a new fee at item number 1.3 for applications for exempt development declarations for lease variations under section 149B.

This instrument also updates references to applications for exemption declarations under schedule 1 part 1.3A of the *Planning (Exempt Development) Regulation 2023* in-line changes arising from the *Planning (Exempt Development) Amendment Regulation 2026*. The instrument does not amend the existing fee at item 78.1.

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 Assembly not later than 6 sitting days after its notification day, pursuant to the *Legislation Act 2001* (the ***Legislation Act***), section 64.

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 Legal Affairs (Legislative Scrutiny Role) terms of reference require consideration of human rights impacts, among other matters. In this case, no human rights are impacted.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au