

AUSTRALIAN CAPITAL TERRITORY

LAND (PLANNING AND ENVIRONMENT) ACT 1991

REVOCATION AND DETERMINATION OF FEES

EXPLANATORY STATEMENT

DETERMINATION NO. 124 OF 1995

This Instrument revokes Instrument No. 49 and determines fees for the purposes of the Land (Planning and Environment) Act 1991 by restating the fee schedule to include new charges under Section 217 of the Act which will apply to the use of a room in the Legislative Assembly Building. These charges are the only changes to the schedule.

	This Year	Last Year
	\$	\$
. Section 162 provides that a lease shall not be granted unless the determined fee has been paid. A different fee may be charged in respect of each class of lease that may be granted under Section 161.		
. for Commercial purposes,		
(i) where the area is less than 3000 square metres	1,550	1,500
(ii) where the area is not less than 3000 square metres	4,150	4,050

	This Year \$	Last Year \$
(iii) where the land is for industrial purposes	1,650	1,600
. for Community etc purposes	720	700
. for rural land	720	700
Various but not including Section 162		
. for Community Organisations		
(i) where the lease was granted on concessional terms	50% of the prescribed fee as set above	50% of the prescribed fee as set above
(ii) where the lease was granted at no charge	25% of the prescribed fee as set above	25% of the prescribed fee as set above
. Section 171 provides for the Minister, in accordance with specified criteria, to authorise the grant of further lease for residential purposes		
	175	175
. Section 178 provides for the Minister, in accordance with specified criteria, to authorise the refund of the amount paid for the grant of a lease less any determined charges where the lease is surrendered or terminated.		
	500	480

	This Year \$	Last Year \$
. Section 179 provides that upon application by the lessee and where the building and development conditions of a lease have been fully complied with the Minister shall issue a Certificate of Compliance.		
. for single residence	30	30
. for other than single residence	110	105
. Section 180 provides for the Minister to agree to a Legal or equitable transfer or assignment of a lease or an interest in a lease where he is satisfied that the transferee intends to comply with the building and development covenants in the lease and has given such security for due performance, as required.		
	215	210
. Section 210 provides for the grant of a licence to occupy or use an area of unleased Territory Land that is not Public Land in respect of Public Parks or Open Urban space.		
Business promotion (e.g. short term commercial use for restricted clientele)		
(i) Application fee - non refundable	20	20
(ii) Whole day	60	60
(ii) Part day	40	40

	This Year \$	Last Year \$
Section 217 provides for the grant of a licence to occupy or use an area of unleased Territory Land that is not Public Land in respect of Nature Strips.		
(a) Development application	20	20
(b) Storage of Building materials (established urban residential only)		
(i) Application fee	20	20
(ii) Use per week	20	20
(c) Business promotion (e.g. private enterprise land development advertisement)		
(i) Application fee	20	20
(ii) Use per week	20	20
(d) Licence for purposes connected with the occupancy or use of an unleased Territory Land that is not Public Land	1,650	1,600
(e) Application made by a community organisation within the meaning of Section 163 of the Land (Planning and Environment) Act 1991 to:		
(i) Conduct a market to sell used goods	Nil	Nil
(ii) Conduct a meeting of a community organisation	Nil	Nil
(iii) Conduct community activities	Nil	Nil

	This Year \$	Last Year \$
Section 217 (continued)		
(f) A new provision had been included in the fee schedule for 1995/96 to recognise that a licence could be granted to use a room in the Legislative Assembly Building and the fee had been set as Nil. Following consideration by the Standing Committee on Administration and Procedure, it has been decided to levy a charge for the use of the building by outside groups and individuals and the charges to be levied are as follows		
(i) Charity or community groups	25 per day or part day	Nil
(ii) Commercial or other groups	50 per day or part day	Nil

. **Section 226** provides for the conduct of controlled activities.

A Single application which:

- . refers to a Unit Title Lease,
- . affects more than 1 unit,
- . affects the same Unit Plan; and

(a) Varies a Unit Title Lease	1,100 plus 255 for each additional unit involved	1,060 plus 250 for each additional unit involved
(b) To vary a lease	1,100	1,060
(c) To grant a new lease for the purpose of effecting a sub-division or consolidation of Territory Land	1,100	1,060
(d) To carry out activities specified pursuant to Section 7(3)(c) to be a controlled activity for the purposes of this Act (change of land use to prescribed environmental use)	3,300	3,200
(e) to encroach onto, over or under Public Land or Public Road	1,100	1,060

	This Year \$	Last Year \$
. Section 226 (continued)		
(f) To carry out mining activities	3,300	3,200
(g) For the surrender and regrant of an existing rural lease, without withdrawal clauses, and to the same tenant	175	See Attachment A
(h) For approval to carry out a home business for a term of 1 year	300 plus 30 for each year up to 5 years	300 plus 25 for each year up to 5 years
For renewal to carry a home business	150 plus 30 for each year up to 5 years	140 plus 25 for each year up to 5 years

Under the Regulations certain controlled activities for varying a lease did not come under Part VI of the Act.

These Regulations were amended to provide that Part VI would apply to those activities other than the sections relating to public notifications and third party appeals.

However, it was never intended that these activities would attract the fee for lease variations and therefore the fee for these activities should be determined as

Nil	Nil
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. Section 227 provides for the public to inspect the Register of Applications, Approvals and Orders and to obtain copies or extracts from the Register or any part of a document relevant to an application.

Per page	0.20 for A4 size	0.20 for A4 size
Per page	0.40 for A3 size	0.40 for A3 size
Per page	10 for above A3 size	10 for above A3 size

Attachment 'A'

(g) Surrender/Regrant for the purpose of taking up a new rural lease

During 1991, the Legislative Assembly's Standing Committee on Conservation, Heritage and Environment examined and reported on "The Environmental and Heritage Aspects of Rural Leases in the ACT. After a lengthy period of consultation with rural lessees the Government announced new policy directions for dealing with rural leases in the ACT. Implementation of the policy was delayed pending the introduction of land acquisition legislation.

The policy provides for greater certainty for rural lessees about the future of their holdings. It enables them to obtain new leases for short (up to 20 years) or long (up to 50 years) terms dependent upon land requirements for future urban growth and provides for the removal of withdrawal clauses from leases as the result of the commencement of the Lands Acquisition Act 1994. Among other things there are also new rental arrangements, provisions for purchasing Government owned improvements, and requirements for Property Management Agreements.

There are significant benefits to the Territory in the form of improved rural land management and resource savings. It is the Department's view that rural lessees should be encouraged to "trade-in" their existing leases for leases granted under the new policy.

A fee of \$175 has been nominated for applications, made in accordance with paragraph 226 (1) (e) of the *Land (Planning and Environment) Act 1991*, that seek to surrender existing rural leases in favour of a lease to be granted under the new policy.