

AUSTRALIAN CAPITAL TERRITORY
LAND (PLANNING AND ENVIRONMENT) ACT 1991
REVOCATION AND DETERMINATION OF FEES

EXPLANATORY STATEMENT

DETERMINATION NO. 225 OF 1997

This Determination is made under Section 287 of the Land (Planning and Environment) Act 1991 (the Act), and revokes the provisions of Determination of Fees No. 153 notified in Gazette No S208 on 3 July 1997 that relate to the fee payable under sections 217 and 226 of the Act, and determines the fees for the purposes of sections 217 and 226 of the Act.

The effect of the amendment of the determination are four changes to the fees for the purposes of sections 217 and 226. These are.

Section 217 - Grant of a Licence for an Outdoor Cafe

The regulation of unleased Territory Land for use by Outdoor Cafes is administered under the Roads and Public Places Act 1937. A permit is required and a fee collected under that Act. Therefore a licence fee under section 217 of the Land (Planning and Environment) Act 1991 is not required.

Section 217 - Grant of licence to use a room in the Legislative Assembly Building

This fee is for a licence to use a room in the legislative Assembly Building and acknowledges a lower rate for community and charity groups than commercial organisations.

Section 226 - Application for development within Local Centre

The introduction of this fee is part of the Government's implementation of "Striking a Balance A Retail Policy for Canberra - The next Generation" which offers a number of incentives for the full development of Local Centres where the centre is not viable and not considered a priority to retain. One of the incentives is the waiving of Development Application fees for redevelopment proposals within a Local Centre. 'Local Centre' is defined as land designated by the Territory Plan as Local Centre (Commercial 'D'). A redevelopment application can take advantage of the waiving of Development Application fees if the applicant can meet the criteria identified under the Change of Use Charge regulation 13A of the Land (Planning and Environment) Regulations.

Section 226 - Application for development within Civic Revitalisation Area

The introduction of this fee follows the Government's decision to offer a number of incentives for the variation of leases after a review of the use of existing office buildings in Civic. The Development Application fee is to be waived for the lease variation component if a current office use lease is varied to allow for residential and/or non-commercial uses.

All other fees remain the same as those gazetted on 3 July 1997.

Description of matter in respect of which fee is payable	3 July 1997 \$	29 August 1997 \$
Grant of Industrial Area Licence		
Application for grant of a licence for industrial area sites	1,730	1,730
Grant of Licence to occupy or use Territory Land		
(1) Application for grant of licence to occupy or use an area of Territory land that is not Public Land as specified in Schedule 1 of the Land (Planning and Environment) Act 1991		
(a) Short term commercial use for restricted clientele		
(i) Application fee	26	26
(ii) Whole day	66	66
(iii) Part day	46	46
(2) Application 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		
Note: in this instrument nature strip means the area of land from the kerb of the constructed road to the block boundary		
(a) Works associated with Development of Nature Strips	Nil	Nil
(b) Storage of building materials (established residential only)	Nil	Nil
Application fee plus surcharge for period of use	26	26
	plus 26 per week for period of use	plus 26 per week for period of use
(c) Business promotion (eg private enterprise land development advertisement)		
Application fee plus surcharge for period of use	26	26
	plus 26 per week for period of use	plus 26 per week for period of use
(3) Licence for purposes connected with the occupancy or use of unleased Territory Land that is not Public Land	1,730	1,730

Description of matter in respect of which fee is payable	3 July 1997 \$	29 August 1997 \$
(4) Application made by a community organisation as defined by 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
Grant of a licence for an Outdoor Cafe		
Licence for the purposes of occupancy of unleased Territory Land for an outdoor cafe, and there is a permit under the <i>Roads and Public Places Act 1937</i> in respect of the operation of that outdoor cafe	No previous fee	Nil
Grant of a licence to use a room in the Legislative Assembly Building		
(i) Charity or community groups	No previous fee	30 per day or part there of
(ii) Commercial or other groups	No previous fee	55 per day or part there of
Application for Development		
1(a) the erection, alteration or demolition of a building or a structure on or under the land		
(b) the carrying out of earthworks or other constructions work on or under the land		
(c) the carrying out of work that would affect the landscape of the land except where the land is leased for residential purposes only and is not specified in the Heritages Places Register, or an Interim Heritage Places Register, as a Heritage place.		
Where the cost of work is -		
0 to 1,500	75	75
1,501 to 5,000	75 plus 0.183% of the amount in excess of 1,500	75 plus 0.183% of the amount in excess of 1,500
5,001 to 20,000	81 40 plus 0.188% of the amount in excess of 5,000	81 40 plus 0.188% of the amount in excess of 5,000

Description of matter in respect of which fee is payable	3 July 1997 \$	29 August 1997 \$
20,001 to 100,000	109 60 plus 0 188% of the amount in excess of 20,000	109 60 plus 0 188% of the amount in excess of 20,000
100,001 to 150,000	260 plus 0 15% of the amount in excess of 100,000	260 plus 0 15% of the amount in excess of 100,000
150,001 to 250,000	335 plus 0 15% of the amount in excess of 150,000	335 plus 0.15% of the amount in excess of 150,000
Where the cost of work is -		
250,001 to 500,000	485 plus 0.15% of the amount in excess of 250,000	485 plus 0 15% of the amount in excess of 250,000
500,001 to 1,000,000	860 plus 0 12% of the amount in excess of 500,000	860 plus 0 12% of the amount in excess of 500,000
1,000,001 to 10,000,000	1460 plus 0.075% of the amount in excess of 1,000,000	1460 plus 0.075% of the amount in excess of 1,000,000
more than 10,000,000	8,210 plus 0 05 % of the amount in excess of 10,000,000	8,210 plus 0 05 % of the amount in excess of 10,000,000
2 The use of land for a business		
(a) Home Business within the meaning of the Territory Plan		
• For approval to carry out a home business for a term of 1 year	350 Plus 40 for each additional year up to 4 years	350 Plus 40 for each additional year up to 4 years
• For renewal of an approval to carry out a home business for a term of 1 year	160 Plus 40 for each additional year up to 4 years	160 Plus 40 for each additional year up to 4 years

Description of matter in respect of which fee is payable	3 July 1997 \$	29 August 1997 \$
3. Use of land for an activity prescribed for the purposes of S175	350	350
4 The erection, fixing or displaying of a sign or advertising material on the land, or on a structure or building on the land, otherwise in accordance with a right to do so expressly given by a current licence granted under the Act or a current lease. (Plus public notification fee if applicable).	45	45
5 Lease Variation Application for one or more of the following (a) vary a lease (b) vary the development rights of a lease (c) vary the Gross Floor Area of a lease (d) to add land to a lease (e) to excise land from a lease (f) to payout the land rent portion of a lease (g) to vary a Unit lease by a single application which affects more than one unit in the same Units Plan	1,170 1,170 for one unit plus 275 for each additional unit	1,170 1,170 for one unit plus 275 for each additional unit
Subdivision / Consolidation		
• for a grant of a new lease for the purpose of effecting a sub-division or consolidation of Territory land	1,170	1,170
• to reduce the area of the land comprised in the lease, in accordance with lease conditions	Nil	Nil
Sub Division of Land for Development or Sale		
• to execute new leases for the purpose of effecting the subdivision of land where the land is to be subdivided was held under a lease granted for the purpose of development and sale	Nil	Nil
Mining Activities		
• to carry out mining activities	3,460	3,460

Description of matter in respect of which fee is payable	3 July 1997 \$	29 August 1997 \$
Application for development within a Local Centre		
Application for development within a Local Centre as defined by the Territory Plan as Local Centre (Commercial 'D'), and there is in respect to that development a declaration under Regulation 13A of the <i>Land (Planning and Environment)</i>	No previous fee	Nil
Application for development within Civic Revitalisation Area		
Application for development within the Civic Revitalisation Area as defined by the Territory Plan as Civic Centre 'Commercial B2A' or Northbourne Avenue Corridor 'Commercial B2E' restricted only to a lease variation to a current office use lease for residential and/or non-commercial uses	No previous fee	Nil