

Public Unleased Land (Fees) Determination 2013 (No 2)

Disallowable Instrument DI2013–194

made under the

Public Unleased Land Act 2013, section 130 (Determination of fees)

1 Name of instrument

This instrument is the *Public Unleased Land (Fees) Determination 2013 (No 2)*.

2 Commencement

This instrument commences on the day after notification.

3 Revocation of previous determination

The *Public Unleased Land (Fees) Determination 2013 (No 1)* DI2013—145 is revoked.

4 Determination of fees

The fee payable for a matter listed in an item in column 3 of schedule 1 is the amount listed for that item in column 5.

5 Payment of fees

A fee listed in schedule 1 is payable to the Territory by the person applying for an approval or service.

6 Refund of fees

- (1) If a person has paid a site rental (service) fee prescribed in schedule 1, the person may be entitled to a refund which reflects the service provided by the Territory.
- (2) Application for approval fees are not refundable.

7 Waiver of fees

The Director General may, upon receiving a request, remit in full or in part a site rental fee prescribed in schedule 1 where:

- (1) the applicant is a registered charity; or
- (2) the applicant is a not for profit entity that is unable to pass through the site rental fees to members of the entity or event participants; or
- (3) the activity or purpose to which the fee relates reduces the net cost of service delivery to the Territory; or

- (4) the activity provides a community benefit, the fee may be remitted at the Director-General's discretion.

8 Goods and services tax

GST is not applicable to application for approval fees. GST does apply to site rental (service) fees. Where applicable, GST inclusive fees are marked with a double asterisk (**).

9 Dictionary

The dictionary in schedule 2 provides definitions for this instrument.

Shane Rattenbury MLA
Minister for Territory and Municipal Services

12 July 2013

Public Unleased Land (Fees) Determination 2013 (No 2)

Schedule 1 - Fees

Column 1 Item Number	Column 2 Relevant section of Act for which the fee is payable	Column 3 Description of Matter for which fee is payable	Column 4 <i>Previous fee payable in 2012- 2013 (where applicable)</i>	Column 5 Fee payable from 1 July 2013
1.0	11	Application for approval for a temporary road closure	\$284.63	\$293.00
1.1	19	Application for approval to undertake work on public unleased land that includes interference with Territory property	\$100.90	\$104.00
1.2	45(1)	Site rental for the use of public unleased land for an outdoor café, vehicle display, or display of goods which is in a primary area**	\$0.21 per m ² per day	\$0.22 per m ² per day
1.3	45(1)	Site rental for the use of public unleased land for an outdoor café, vehicle display, or display of goods which is in a secondary area**	\$0.17 per m ² per day	\$0.18 per m ² per day
1.4	45(1)	Site rental for the use of public unleased land for an outdoor café, vehicle display, or display of goods which is in a tertiary area**	\$0.14 per m ² per day	\$0.15 per m ² per day
1.5	45(1)	Site rental for the use of public unleased land for storage of a waste container in the city centre **	\$0.73 per m ² per day	\$0.75 per m ² per day
1.6	45(1)	Site rental for the use of public unleased land for storage of a waste container in a town centre or group centre**	\$0.57 per m ² per day	\$0.58 per m ² per day
1.7	45(1)	Site rental for the use of public unleased land for storage of a waste container in a local centre**	\$0.40 per m ² per day	\$0.42 per m ² per day
1.8	45(1)	Site rental for the use of public unleased land for all other commercial purposes within a primary area**	\$0.60 per m ² per day	\$0.62 per m ² per day

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Schedule 1 - Fees

Column 1 Item Number	Column 2 Relevant section of Act for which the fee is payable	Column 3 Description of Matter for which fee is payable	Column 4 <i>Previous fee payable in 2012- 2013 (where applicable)</i>	Column 5 Fee payable from 1 July 2013
1.9	45(1)	Site rental for the use of public unleased land for all other commercial purposes within a secondary area**	\$0.40 per m ² per day	\$0.42 per m ² per day
2.0	45(1)	Site rental for the use of public unleased land for all other commercial purposes within a tertiary area**	<i>\$0.43 per day (unlimited m2)</i>	<i>\$0.44 per day (unlimited m2)</i>
2.1	45(1)	Use of air space over unleased land**	<i>One half the applicable rate in item 5.1,5.2 and 5.3 of the Roads and Public Places Act (as applicable) rounded down to the nearest 5 cents</i>	One half the applicable rate in item 1.8, 1.9, and 2.0 (as applicable) rounded down to the nearest 5 cents

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

Dictionary

city centre—see Schedule 3, part 3.1 (Definitions) of the *Planning and Development Regulation 2008*.

group centre means any area identified as a group centre in the Group Centres Precinct Code in the Territory Plan, or any public place immediately adjacent to such an area.

local centre means any area zoned CZ4 in the Territory Plan or any public place immediately adjacent to such an area.

m² means square metre.

primary area means any of the following areas—

In Civic:

the area bounded by or premises with frontages to London Circuit (South side) between West Row and Akuna St; Civic Square; Akuna Street (South side) between London Circuit and Bunda St; Bunda St (East side) between Akuna St and Mort St; Mort St (West side) between Bunda St and Alinga St; Alinga St (North side) between Mort Street and West Row; West Row (West side) between Alinga Street and London Circuit.

In Manuka:

the area bounded by or premises with frontages to Franklin Street (North side) between Furneaux St and Flinders Way; Flinders Way (West side) between Franklin St and Bougainville St; Bougainville St (North side) between Flinders Way and Furneaux St; Furneaux St (East side) between Bougainville St and Franklin St.

In Kingston:

the area bounded by or premises with frontages to Giles Street (West side) between Kennedy St and Jardine St; Jardine Street (North side) between Giles St and Eyre St; Eyre Street (East side) between Jardine St and Kennedy St; Kennedy St (South side) between Eyre St and Giles St.

public unleased land - is public or unleased Territory land.

road verge means that part of a road reserve not normally used as a thoroughfare for vehicles.

secondary area means any of the following areas that is not in a primary area—

In Civic:

the area bounded by or premises with frontages to London Circuit (East side) between West Row and Farrell Place; Farrell Place (North side); Marcus Clark Street (East side) between Farrell Place and Barry Drive; Barry Drive (South side) between Marcus Clark Street and Northbourne Avenue; Cooyong Street (South side) between Northbourne Avenue and Ballumbir Street; Ballumbir Street (West side) between Cooyong Street and Akuna Street; Akuna Street (South side) between Ballumbir Street and Bunda Street; Binara Street (East side); Allara Street; City Walk (south of Akuna Street); Constitution Avenue (North side) between Allara Street and London Circuit; London Circuit (West side) between Constitution Avenue and Akuna Street.

In Belconnen town centre:

the area bounded by or premises with frontages to Benjamin Way (East side) between Joynton Smith Drive and Emu Bank; Emu Bank (South side) between Benjamin Way and Joynton Smith Drive; Joynton Smith Drive (North side) between Emu Bank and Benjamin Way; and the area bounded by or premises with frontages to Benjamin Way (West side) between Swanson Court and Chandler Street; Chandler Street to west side of Northpoint Plaza; Northpoint Plaza to Swanson Court.

In Braddon:

the area bounded by or premises with frontages to Northbourne Avenue (East side) between and Cooyong Street and Elouera Street; Elouera Street (south side) between Northbourne Avenue and Torrens Street; Torrens Street (West side) between Elouera St and Cooyong Street and Cooyong Street (North side) between Torrens St and Northbourne Avenue.

In Dickson:

the area bounded by or premises with frontages to Antill Street (South side) between Badham Street and Cowper Street; Cowper Street (West side) between Antill Street and Dickson Place; Dickson Place (South side) between Cowper Street and Badham Street; Badham Street (East side) between Dickson Place and Cape Street; Cape Street (South side) between Badham Street and Challis Street; Cape Street (north side) between Challis Street and Woolley Street; Woolley Street (West side) between Cape Street and Badham Street; Badham Street (east side) between Woolley Street and Anthill Street.

In Griffith:

premises in the shopping precinct with frontages to Barker Street (North side) and Throsby Crescent (North side) between Barker Street and Throsby Lane.

In O'Connor:

premises in the shopping precinct with frontages to Macpherson Street (East side) between Sargood Street and the laneway; Sargood Street (North side and West sides).

In Yarralumla:

premises in the shopping precinct with frontages to Hutchins Street (East side) between the laneway and Bentham Street, Bentham Street (South side) between Hutchins Street and Novar Street, Novar Street (West side) between Bentham Street and the laneway.

In Woden town centre:

the area bounded by Bradley Street (West side) between Corinna Street and Bowes Place; Bowes Place (South side) to Furzer Street (South side); Corinna Street (East side) to Bradley Street.

service area means an area established for the purpose of disposal of waste from a retail premises and defined by the ACT Government as being for that purpose.

tertiary area means any area in the Territory that is not a primary area or secondary area.

town centre—see Schedule 3, part 3.1 (Definitions) of the *Planning and Development Regulation 2008*.

waste storage container does not include a container:

- (a) primarily intended for the storage of waste building or construction material, such as an open-top skip;
- (b) primarily intended for the storage of recycling waste; or
- (c) that is stored within a service area.