

Planning and Development (Fees) Determination 2016 (No 1)

Disallowable Instrument DI2016-130

made under the

Planning and Development Act 2007, s 424 (Determination of fees)

- 1. Name of Instrument**
This instrument is the *Planning and Development (Fees) Determination 2016 (No 1)*.
- 2. Commencement**
This instrument commences on 1 July 2016.
- 3. Determination of fees**
I determine the fee payable for a matter listed in column 2 of the schedule to be the fee listed in the corresponding entry in column 4 of the schedule
- 4. Payment of fees**
A fee mentioned in the schedule is payable to the ACT Government by the person requesting the goods or services described in the schedule.
- 5. Revocation**
I revoke the *Planning and Development (Fees) Determination 2015 (No 1)* (DI2015-189).

Mick Gentleman
Minister for Planning and Land Management
21 June 2016

Schedule
(see section 3)

Column 1	Column 2	Column 3	Column 4
Relevant Chapter and Part of the Act for which a fee is payable (for information only)	Description of matter for which fee is payable	Fee payable GST Exempt \$ 2015-16 (for information only)	Fee payable GST Exempt \$ 2016-17
Chapter 5, Part 5.3	Initial administrative charges for territory plan variations and planning studies	1,581.00	1,644.00
	Final administrative charges for territory plan variations and planning studies – after the study is concluded, the variation is warranted and before the public notification (s19 of the Act) of the DVP's	3,167.00	3,294.00
Chapter 7, Part 7.2	Application for development lodged under the provisions of the Impact track		
	(a) Matters specified in Schedule 4, Part 4.2 and/or	34,091.00	35,455.00
	(b) Matters specified in Schedule 4, Part 4.3		
	(i) Column 1, Items 1 to 6	12,813.00	13,326.00
	(ii) Column 1, Items 7 to 11	2,564.00	2,667.00
	(c) Applications in Impact track with no specific schedule 4 trigger	2,564.00	2,667.00
Chapter 7, Part 7.2	Applications for development approval in relation to use for otherwise prohibited development:		
	(a) The base amount specified opposite in Column (4)	2,673.00	2,780.00
	Plus		
	(b) An amount determined in accordance with the cost of works based on the following scale:		
	Cost of work is \$0 –\$1,500	109.00	113.00

Schedule
(see section 3)

Column 1	Column 2	Column 3	Column 4
Relevant Chapter and Part of the Act for which a fee is payable (for information only)	Description of matter for which fee is payable	Fee payable GST Exempt \$	Fee payable GST Exempt \$
		2015-16 (for information only)	2016-17
	Cost of work is \$1,501 to \$5,000	109.00 (plus 0.618% of the amount in excess of 1,500)	113.00 (plus 0.642% of the amount in excess of 1,500)
	Cost of work is \$5,001 to \$20,000	132.00 (plus 0.618% of the amount in excess of 5,000)	137.00 (plus 0.642% of the amount in excess of 5,000)
	Cost of work is \$20,001 to \$100,000	227.00 (plus 0.449% of the amount in excess of 20,000)	236.00 (plus 0.467% of the amount in excess of 20,000)
	Cost of work is \$100,001 to \$150,000	596.00 (plus 0.449% of the amount in excess of 100,000)	620.00 (plus 0.467% of the amount in excess of 100,000)
	Cost of work is \$150,001 to \$250,000	828.00 (plus 0.449% of the amount in excess of 150,000)	861.00 (plus 0.467% of the amount in excess of 150,000)
	Cost of work is \$250,001 to \$500,000	1,290.00 (plus 0.336% of the amount in excess of 250,000)	1,342.00 (plus 0.349% of the amount in excess of 250,000)
	Cost of work is \$500,001 to \$1,000,000	2,158.00 (plus 0.336% of the amount in excess of 500,000)	2,244.00 (plus 0.349% of the amount in excess of 500,000)
	Cost of work is \$1,000,000 to	3,890.00	4,046.00

Schedule
(see section 3)

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Relevant Chapter and Part of the Act for which a fee is payable (for information only)	Description of matter for which fee is payable	Fee payable GST Exempt \$ 2015-16 (for information only)	Fee payable GST Exempt \$ 2016-17
	\$10,000,000	(plus 0.190% of the amount in excess of 1,000,000)	(plus 0.198% of the amount in excess of 1,000,000)
	Cost of work is more than \$10,000,000	21,575.00 (plus 0.112% of the amount in excess of 10,000,000)	22,438.00 (plus 0.117% of the amount in excess of 10,000,000)
Chapter 7, Part 7.3	Degazettal of roads associated with a development application	1,394.00	1,450.00
Chapter 7, Part 7.3	Estate development plan approval - involving the gazettal of new roads	1,050.00	1,092.00
	Plus per block	59.00	61.00
Chapter 7, Part 7.3	Estate development plan approval - not involving the gazettal of new roads	599.00	623.00
	Plus per block	48.00	50.00
Chapter 7, Part 7.3	Amendments to approved estate development plans	1,050.00	1,092.00
	Plus per block affected by the amendment	59.00	61.00
Chapter 7, Part 7.3	Application for development – in addition to building costs calculated, where the works to be approved include an encroachment	2,668.00	2,775.00
Chapter 7, Part 7.3	Where the cost of work is calculated in accordance with the building Cost Guide (calculating the cost of work)		
	Application for development where the cost of the work is \$0 –\$1,500	109.00	113.00

Schedule
(see section 3)

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Relevant Chapter and Part of the Act for which a fee is payable (for information only)	Description of matter for which fee is payable	Fee payable GST Exempt \$ 2015-16 (for information only)	Fee payable GST Exempt \$ 2016-17
	Application for development where the cost of the work is \$1,501 to \$5,000	109.00 (plus 0.618% of the amount in excess of 1,500)	113.00 (plus 0.642% of the amount in excess of 1,500)
	Application for development where the cost of the work is \$5,001 to \$20,000	132.00 (plus 0.618% of the amount in excess of 5,000)	137.00 (plus 0.642% of the amount in excess of 5,000)
	Application for development where the cost of the work is \$20,001 to \$100,000	227.00 (plus 0.449% of the amount in excess of 20,000)	236.00 (plus 0.467% of the amount in excess of 20,000)
	Application for development where the cost of the work is \$100,001 to \$150,000	596.00 (plus 0.449% of the amount in excess of 100,000)	620.00 (plus 0.467% of the amount in excess of 100,000)
	Application for development where the cost of the work is \$150,001 to \$250,000	828.00 (plus 0.449% of the amount in excess of 150,000)	861.00 (plus 0.467% of the amount in excess of 150,000)
	Application for development where the cost of the work is \$250,001 to \$500,000	1,290.00 (plus 0.336% of the amount in excess of 250,000)	1,342.00 (plus 0.349% of the amount in excess of 250,000)
	Application for development where the cost of the work is \$500,001 to \$1,000,000	2,158.00 (plus 0.336% of the amount in excess of 500,000)	2,244.00 (plus 0.349% of the amount in excess of 500,000)

Schedule
(see section 3)

Column 1	Column 2	Column 3	Column 4
Relevant Chapter and Part of the Act for which a fee is payable (for information only)	Description of matter for which fee is payable	Fee payable GST Exempt \$ 2015-16 (for information only)	Fee payable GST Exempt \$ 2016-17
	Application for development where the cost of the work is \$1,000,000 to \$10,000,000	3,890.00 (plus 0.190% of the amount in excess of 1,000,000)	4,046.00 (plus 0.198% of the amount in excess of 1,000,000)
	Application for development where the cost of the work is more than \$10,000,000	21,575.00 (plus 0.112% of the amount in excess of 10,000,000)	22,438.00 (plus 0.117% of the amount in excess of 10,000,000)
	Application for Refund Where the development application is withdrawn prior to assessment or public notification - a full refund is payable less an administrative fee to cover processing If the development application is withdrawn after assessment or public notification has begun - the refund will be 50% of the fees paid for the components which are being processed AND - full refund of fees for the components for which assessment has not commenced		
Chapter 7, Part 7.3	Application for development within a local centre application for development within a local centre as defined by the Territory Plan, if there is in respect to that development, a declaration under the Planning and Development Regulation.	Nil	Nil

Schedule
(see section 3)

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Relevant Chapter and Part of the Act for which a fee is payable (for information only)	Description of matter for which fee is payable	Fee payable GST Exempt \$ 2015-16 (for information only)	Fee payable GST Exempt \$ 2016-17
Chapter 7, Part 7.3	Use of land for a home business within the meaning of the Territory Plan for approval to carry out a home business for 1 year	978.00	1,017.00
	Plus for each additional year up to 4 years	59.00	61.00
Chapter 7, Part 7.3	Variation of a Unit Title Lease to vary a lease by a single application which affects more than one unit in the same Units Plan, for one unit	2,018.00	2,099.00
	Plus for each additional unit	410.00	426.00
Chapter 7, Part 7.3	Application for development – Lease Variation, consolidation, subdivision	2,018.00	2,099.00
	Plus for each additional component	267.00	278.00
Chapter 7, Part 7.3	Application for development – vary area in a lease – to reduce the area of the land comprised in the lease, in accordance with lease conditions	Nil	Nil
Chapter 7, Part 7.3	Subdivision/ consolidation, for a grant of a new rural lease associated with an application for the purpose of effecting a consolidation of Territory Land	Nil	Nil
Chapter 7, Part 7.3	Subdivision/consolidation, for other leases, for the grant of a new lease for the purpose of effecting a subdivision or consolidation of Territory Land	Nil	Nil
	Plus for each additional component	Nil	Nil
Chapter 7, Part 7.3	Mining activities to carry out mining activities	5,980.00	6,219.00
Chapter 7, Part 7.3	Application for reconsideration of an original decision	305.00	317.00

Schedule
(see section 3)

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Relevant Chapter and Part of the Act for which a fee is payable (for information only)	Description of matter for which fee is payable	Fee payable GST Exempt \$ 2015-16 (for information only)	Fee payable GST Exempt \$ 2016-17
Chapter 7, Part 7.3	Provision of pre-application advice on development proposals		
	A pre-lodgement meeting at which pre-application advice is provided	Nil	Nil
	In all other cases	1,154.00	1,200.00
Chapter 7, Part 7.3	Further information in relation to a development application is required		
	Supplementary information required	Nil	Nil
	Major deficiency in application	Nil	Nil
Chapter 7, Part 7.3	Amending development applications (does not include estate development plans): the applicable public notification fee plus the following fee:		
	Application lodged in Code Track		
	Application lodged under the Merit Track		
	Single residential and development proposals on individual residential units within a unit complex (for first amendment)	283.00	294.00
	All other amendments in Merit Track:		
	First five amendments	705.00	733.00
	PLUS for each additional amendment	89.00	93.00
	Application lodged under the Impact Track:		
	First five amendments	2,563.00	2,666.00
	Plus for each additional amendment	89.00	93.00

Schedule
(see section 3)

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Relevant Chapter and Part of the Act for which a fee is payable (for information only)	Description of matter for which fee is payable	Fee payable GST Exempt \$ 2015-16 (for information only)	Fee payable GST Exempt \$ 2016-17
Chapter 7, Part 7.3	Referral of a development application to a prescribed entity	Nil	Nil
Chapter 7, Part 7.3	Provide minor public notification	275.00	286.00
Chapter 7, Part 7.3	Provide major public notification		
	For one sign	1,109.00	1,153.00
	For each additional small size sign	179.00	186.00
	For each additional large size sign	279.00	290.00
	Notice of 'Confirmation of Development Approval Exemption' to existing construction. Retrieval of file and filing of notice		
	Per individual notice	21.00	22.00
Chapter 7, Part 7.3	Application for Environmental Significance Opinion	576.00	599.00
Chapter 7, Part 7.3	Applications in the merit track where an Environmental Significance Opinion (ESO) is provided to support lodgement in that track	1,156.000	1,202.00
Chapter 7, Part 7.3	Refunds – Development Applications – If the application is withdrawn prior to assessment or public notification of the DA a full refund is payable less an administrative fee to cover processing ** – (a) Residential and Commercial – all fees in excess of:	89.00	90.00
Chapter 7, Part 7.3	Refunds - Development Applications – If the application is withdrawn after		(b) 50% of the fees paid

Schedule
(see section 3)

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Relevant Chapter and Part of the Act for which a fee is payable (for information only)	Description of matter for which fee is payable	Fee payable GST Exempt \$ 2015-16 (for information only)	Fee payable GST Exempt \$ 2016-17
	assessment or public notification has begun the refund will be :-		for the components which are being processed and (c) full refund of fees for the components for which assessment has not commenced
Chapter 7, Part 7.3	Refunds other than development applications and conveyancing enquiries – administrative charge**	89.00	90.00
Chapter 7, Part 7.3	Refund of amount paid for a Direct Grant of a lease where the applicant does not meet the eligibility requirements	<i>Full refund less administrative fee of 89.00**</i>	Full refund less administrative fee of 90.00**
Chapter 7, Part 7.3	Refund of application for a direct grant of a lease where the Agency responsible cannot find a suitable site	<i>50% refund of application fee paid</i>	50% refund of application fee paid
Chapter 7, Part 7.3	Application for the amendment of plans - Where an amendment has been requested by the Planning and Land Authority or the Administrative Appeals Tribunal (AAT) – Residential / Commercial	<i>Nil</i>	<i>Nil</i>
Chapter 8, Part 8.2	Scoping Document preparation	1,203.00	1,251.00
	S211 EIS Exemption Application	1,203.00	1,251.00
	Public notification of draft EIS or Section	1,109.00	1,153.00

Schedule
(see section 3)

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Relevant Chapter and Part of the Act for which a fee is payable (for information only)	Description of matter for which fee is payable	Fee payable GST Exempt \$ 2015-16 (for information only)	Fee payable GST Exempt \$ 2016-17
	211 EIS Exemption application		
Chapter 8, Part 8.3	Recovery of inquiry panel costs	Actual direct and indirect costs incurred in the conduct of an inquiry	Actual direct and indirect costs incurred in the conduct of an inquiry
Chapter 9, Part 9.2	Application for a direct grant of a lease for rural land	2,704.00	2,812.00
Chapter 9, Part 9.2	Application for a direct grant of a lease for sites other than community or rural land	10,816.00	11,249.00
Chapter 9, Part 9.2	Application for a direct grant of a lease for community groups for example, religious groups or clubs	2,704.00	2,812.00
Chapter 9, Part 9.2	Application for a direct grant of a lease for rural land associated with an application under Section 254	Nil	Nil
Chapter 9, Part 9.2	Application for a direct grant of lease for Territory, Territory Entity and Commonwealth Entity	2,704.00	2,812.00
Chapter 9, Part 9.2 and part 9.9	Authority's consent when the applicant is an agency of the ACT Government	Nil	Nil
	Refund - Application for the direct grant of a lease When the applicant does not meet the eligibility requirements - full refund less administrative fee When the agency responsible cannot find a suitable site		

Schedule
(see section 3)

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	- 50% refund of application fee paid		
Chapter 9, Part 9.3	Application for the grant of a further lease for a term not exceeding the term of the existing lease for residential purposes	397.00	413.00
	Plus for every unit	156.00	162.00
Chapter 9, Part 9.3	Application for the grant of a further lease for a term exceeding the term of the existing lease for residential purposes	3,531.00	3,672.00
	Plus for every unit	156.00	162.00
Chapter 9, Part 9.3	Application for the grant of a further lease for rural purposes	397.00	413.00
Chapter 9, Part 9.3	Application for the grant of a further lease for a term not exceeding the term of the existing lease other than residential or rural purposes	1,368.00	1,423.00
	Plus for every unit	156.00	162.00
Chapter 9, Part 9.3	Application for the grant of a further lease for a term exceeding the term of the existing lease other than residential or rural purposes	3,531.00	3,672.00
	Plus for every unit	156.00	162.00
Chapter 9, Part 9.4	Deciding whether a lease is concessional or not	1,279.00	1,330.00
Chapter 9, Part 9.4	Varying concessional lease to remove concessional status	2,564.00	2,667.00
Chapter 9, Part 9.6	Application for reconsideration of a Lease Variation Charge determination	3,245.00	3,375.00
Chapter 9,	Land Rent payout for residential	1,500.00	1,560.00

Schedule
(see section 3)

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Relevant Chapter and Part of the Act for which a fee is payable (for information only)	Description of matter for which fee is payable	Fee payable GST Exempt \$ 2015-16 (for information only)	Fee payable GST Exempt \$ 2016-17
Part 9.6	applications seeking to use the current UVC rather than providing an independent valuation		
Chapter 9, Part 9.6	Land Rent Payout - Other	2,018.00	2,099.00
Chapter 9, Part 9.9	Issue of Certificate of Compliance – single residential (including dual occupancy and individual units within a staged unit development)	58.00	60.00
Chapter 9, Part 9.9	Issue of Certificate of Compliance other than single residential	207.00	215.00
Chapter 9, Part 9.9	Consent to transfer or assign a lease or an interest in a lease	402.00	418.00
Chapter 9, Part 9.9	Consent to sublease all or part of the land contained in a lease	402.00	418.00
Chapter 9, Part 9.9	Consent first transfer from the developer	Nil	Nil
Chapter 9, Part 9.9	Consent first transfer when applicant is an agency of the ACT Government	Nil	Nil
Chapter 9, Part 9.9	Extension of time for meeting lease covenants for each 3 months or part thereof (for periods prior to 31 March 2008)	141.00	144.00
	<i>Note:</i> For the period of extension post 31 March 2008, the calculation of this fee is based on the formula in the Planning and Development Act 2007		
Chapter 9, Part 9.9	Extension of time to Crown Lease Building and Development provision fee For the period of extension prior to 31 march 2008 for each three month period or part thereof per provision	142.00	144.00
	<i>Note:</i> For the period of extension post 31		

Schedule
(see section 3)

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	March 2008, the calculation of this fee is based on the formula in the Planning and Development Act 2007		
	Extension of Time Application Processing Fee		
	Single residential crown leases	270.00	274.00
	Other crown leases	486.00	494.00
	If the fee determined for the period of extension is greater than application fee, the application fee will be deducted from the EOT fee determination		
	Extension of time application processing fee (claims hardship under Reg 204,205,206,207 of the Planning and Development ACT 2007)		
	Single residential crown leases	325.00	330.00
	Other crown leases	540.00	549.00
Chapter 9, Part 9.11	Licence to occupy or use Territory Land - short term commercial use for restricted clientele (i) application fee	46.00	48.00
Chapter 9, Part 9.11	Licence to occupy or use Territory Land - short term commercial use for restricted clientele (ii) part day	79.00	82.00
Chapter 9, Part 9.11	Licence to occupy or use Territory Land - short term commercial use for restricted clientele (iii) whole day	114.00	119.00
Chapter 9, Part 9.11	Licence to occupy or use a nature strip – (a) works associated with development of nature strip	Nil	Nil
Chapter 9, Part 9.11	Licence to occupy or use a nature strip - (b) storage of building materials (established residential only)	46.00	48.00

Schedule
(see section 3)

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Relevant Chapter and Part of the Act for which a fee is payable (for information only)	Description of matter for which fee is payable	Fee payable GST Exempt \$ 2015-16 (for information only)	Fee payable GST Exempt \$ 2016-17
	Plus for every week or part thereof for the duration of the use	41.00	43.00
Chapter 9, Part 9.11	Licence to occupy or use a nature strip for business promotion (for example, private enterprise land development advertisement)	46.00	48.00
	Plus for every week or part thereof for the duration of the use	41.00	43.00
Chapter 9, Part 9.11	Licence to occupy or use a nature strip plus surcharge for period of use per week	46.00	48.00
	Plus for every week or part thereof for the duration of the use	41.00	43.00
Chapter 9, Part 9.11	Grant of a licence to occupy or use unleased Territory Land for community groups for example, religious groups or clubs	1,440.00	1,498.00
Chapter 9, Part 9.11	Grant of a licence to occupy or use unleased Territory Land for other purposes (except for grazing and community gardens)	2,990.00	3,110.00
Chapter 9, Part 9.11	Licence fee for the use of unleased land when the land is used for grazing stock	Nil	Nil
Chapter 9, Part 9.11	Grant of a licence to use a room in the Legislative Assembly Building (i) charity or community groups	N/A	N/A
Chapter 9, Part 9.11	Grant of a licence to use a room in the Legislative Assembly Building (ii) commercial or other groups	N/A	N/A
Chapter 9, Part 9.11	Grant of a licence to use Territory land to locate secure storage waste enclosures	Nil	Nil
Chapter 9, Part 9.11	Licence fee for the use of unleased Territory land when the land is used for	Nil	Nil

Schedule
(see section 3)

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Relevant Chapter and Part of the Act for which a fee is payable (for information only)	Description of matter for which fee is payable	Fee payable GST Exempt \$ 2015-16 (for information only)	Fee payable GST Exempt \$ 2016-17
Chapter 9, Part 9.11	community gardens as defined in the regulations Application to vary an existing licence to occupy or use unleased Territory land – for groups other than grazing and community organisations	1,500.00	1,560.00

Schedule
(see section 3)

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Relevant Chapter and Part of the Act for which a fee is payable (for information only)	Description of matter for which fee is payable	Fee payable GST Exempt \$ 2015-16 (for information only)	Fee payable GST Exempt \$ 2016-17
Chapter 11, Part 11.3	Application for controlled activity order.		
	Residential Zone 1	162.00	168.00
	Residential Zone 2	216.00	225.00
	Residential Zone 3	324.00	337.00
	Residential Zone 4	433.00	450.00
	Residential Zone 5	541.00	563.00
	Commercial and Industrial	379.00	394.00
Regulation 1, Schedule 1 Section 1.100A (4)	Application for exemption declaration – Otherwise non compliant single dwellings	283.00	294.00