

Planning and Development (Fees) Determination 2021

Disallowable instrument DI2021-126

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 2021*.

2 Commencement

This instrument commences on 1 July 2021.

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 Territory by the person requesting the goods or services described in the schedule.

5 Revocation

This instrument revokes the *Planning and Development (Fees) Determination 2019* (DI2019-133).

Mick Gentleman MLA
Minister for Planning and Land Management
15 June 2021

Schedule
(see s 3)

Column 1	Column 2	Column 3	Column 4
Relevant Chapter and Part of the Act for which a fee is payable	Description of matter for which fee is payable	Fee payable GST Exempt \$ 2020-21	Fee payable GST Exempt \$ 2021-22
Chapter 5, Part 5.3	Initial administrative charges for territory plan variations and planning studies	<i>1,762.00</i>	1,793.00
	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	<i>3,530.00</i>	3,592.00
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	<i>37,995.00</i>	38,660.00
	(b) Matters specified in Schedule 4, Part 4.3		
	(i) Column 1, Items 1 to 6	<i>14,280.00</i>	14,530.00
	(ii) Column 1, Items 7 to 11	<i>2,858.00</i>	2,908.00
	(c) Applications in Impact track with no specific schedule 4 trigger	<i>2,858.00</i>	2,908.00
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)	<i>2,979.00</i>	3,031.00
	Plus		
	(b) An amount determined in accordance with the cost of works based on the following scale:		
	Cost of work is \$0 to \$1,500	<i>121.00</i>	123.00
	Cost of work is \$1,501 to \$5,000	<i>121.00</i>	123.00
		<i>(plus 0.688% of the amount in excess of 1,501)</i>	(plus 0.701% of the amount in excess of 1,500)

Schedule
(see s 3)

Column 1	Column 2	Column 3	Column 4
Relevant Chapter and Part of the Act for which a fee is payable	Description of matter for which fee is payable	Fee payable GST Exempt \$	Fee payable GST Exempt \$
		2020-21	2021-22
	Cost of work is \$5,001 to \$20,000	147.00 <i>(plus 0.688% of the amount in excess of 5,001)</i>	150.00 (plus 0.701% of the amount in excess of 5,000)
	Cost of work is \$20,001 to \$100,000	253.00 <i>(plus 0.501% of the amount in excess of 20,001)</i>	257.00 (plus 0.509% of the amount in excess of 20,000)
	Cost of work is \$100,001 to \$150,000	664.00 <i>(plus 0.501% of the amount in excess of 100,001)</i>	676.00 (plus 0.509% of the amount in excess of 100,000)
	Cost of work is \$150,001 to \$250,000	923.00 <i>(plus 0.501% of the amount in excess of 150,001)</i>	939.00 (plus 0.509% of the amount in excess of 150,000)
	Cost of work is \$250,001 to \$500,000	1,438.00 <i>(plus 0.374% of the amount in excess of 250,001)</i>	1,463.00 (plus 0.381% of the amount in excess of 250,000)
	Cost of work is \$500,001 to \$1,000,000	2,405.00 <i>(plus 0.374% of the amount in excess of 500,001)</i>	2,447.00 (plus 0.381% of the amount in excess of 500,000)
	Cost of work is \$1,000,001 to \$10,000,000	5,076.00 <i>(plus 0.248% of the amount in excess of 1,000,001)</i>	5,165.00 (plus 0.252% of the amount in excess of 1,000,000)

Schedule
(see s 3)

Column 1	Column 2	Column 3	Column 4
Relevant Chapter and Part of the Act for which a fee is payable	Description of matter for which fee is payable	Fee payable GST Exempt \$	Fee payable GST Exempt \$
		2020-21	2021-22
	Cost of work is more than \$10,000,001	28,151.00 <i>(plus 0.146% of the amount in excess of 10,000,001)</i>	28,644.00 (plus 0.149% of the amount in excess of 10,000,000)
Chapter 7, Part 7.3	Degazettal of roads associated with a development application	1,554.00	1,581.00
Chapter 7, Part 7.3	Estate development plan approval - involving the gazettal of new roads	1,170.00	1,190.00
	Plus per block	66.00	67.00
Chapter 7, Part 7.3	Estate development plan approval - not involving the gazettal of new roads	668.00	680.00
	Plus per block	53.00	54.00
Chapter 7, Part 7.3	Amendments to approved estate development plans	1,170.00	1,190.00
	Plus per block affected by the amendment	66.00	67.00
Chapter 7, Part 7.3	Application for development – in addition to building costs calculated, where the works to be approved include an encroachment	2,973.00	3,025.00
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	121.00	123.00
	Application for development where the cost of the work is \$1,501 to \$5,000	121.00 <i>(plus 0.688% of the amount in excess of 1,501)</i>	123.00 (plus 0.701% of the amount in excess of 1,500)

Schedule
(see s 3)

Column 1	Column 2	Column 3	Column 4
Relevant Chapter and Part of the Act for which a fee is payable	Description of matter for which fee is payable	Fee payable GST Exempt \$ 2020-21	Fee payable GST Exempt \$ 2021-22
	Application for development where the cost of the work is \$5,001 to \$20,000	147.00 <i>(plus 0.688% of the amount in excess of 5,001)</i>	150.00 (plus 0.701% of the amount in excess of 5,000)
	Application for development where the cost of the work is \$20,001 to \$100,000	253.00 <i>(plus 0.501% of the amount in excess of 20,001)</i>	257.00 (plus 0.509% of the amount in excess of 20,000)
	Application for development where the cost of the work is \$100,001 to \$150,000	664.00 <i>(plus 0.501% of the amount in excess of 100,001)</i>	676.00 (plus 0.509% of the amount in excess of 100,000)
	Application for development where the cost of the work is \$150,001 to \$250,000	923.00 <i>(plus 0.501% of the amount in excess of 150,001)</i>	939.00 (plus 0.509% of the amount in excess of 150,000)
	Application for development where the cost of the work is \$250,001 to \$500,000	1,438.00 <i>(plus 0.374% of the amount in excess of 250,001)</i>	1,463.00 (plus 0.381% of the amount in excess of 250,000)
	Application for development where the cost of the work is \$500,001 to \$1,000,000	2,405.00 <i>(plus 0.374% of the amount in excess of 500,001)</i>	2,447.00 (plus 0.381% of the amount in excess of 500,000)

Schedule
(see s 3)

Column 1	Column 2	Column 3	Column 4
Relevant Chapter and Part of the Act for which a fee is payable	Description of matter for which fee is payable	Fee payable GST Exempt \$	Fee payable GST Exempt \$
		2020-21	2021-22
	Application for development where the cost of the work is \$1,000,001 to \$10,000,000	5,076.00 <i>(plus 0.248% of the amount in excess of 1,000,001)</i>	5,165.00 (plus 0.252% of the amount in excess of 1,000,000)
	Application for development where the cost of the work is more than \$10,000,000	28,151.00 <i>(plus 0.146% of the amount in excess of 10,000,001)</i>	28,644.00 (plus 0.149% of the amount in excess of 10,000,000)
	Application for Refund Where the development application is withdrawn prior to assessment or public notification <ul style="list-style-type: none"> - 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 <ul style="list-style-type: none"> - 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.	<i>Nil</i>	Nil
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	1,090.00	1,109.00

Schedule
(see s 3)

Column 1	Column 2	Column 3	Column 4
Relevant Chapter and Part of the Act for which a fee is payable	Description of matter for which fee is payable	Fee payable GST Exempt \$ 2020-21	Fee payable GST Exempt \$ 2021-22
	Plus for each additional year up to 4 years	66.00	67.00
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	2,249.00	2,288.00
	Plus for each additional unit	457.00	465.00
Chapter 7, Part 7.3	Application for development – Lease Variation, consolidation, subdivision	2,249.00	2,288.00
	Plus for each additional component	298.00	303.00
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	<i>Nil</i>	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	<i>Nil</i>	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	<i>Nil</i>	Nil
	Plus for each additional component	<i>Nil</i>	Nil
Chapter 7, Part 7.3	Mining activities to carry out mining activities	6,665.00	6,782.00
Chapter 7, Part 7.3	Application for reconsideration of an original decision	340.00	346.00
Chapter 7, Part 7.3	Provision of pre-application advice on development proposals		
	A pre-lodgement meeting at which pre-application advice is provided	<i>Nil</i>	Nil
	In all other cases	1,286.00	1,309.00

Schedule
(see s 3)

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Relevant Chapter and Part of the Act for which a fee is payable	Description of matter for which fee is payable	Fee payable GST Exempt \$ 2020-21	Fee payable GST Exempt \$ 2021-22
Chapter 7, Part 7.3	Further information in relation to a development application is required Supplementary information required	<i>Nil</i>	Nil
	Major deficiency in application	<i>Nil</i>	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)	<i>315.00</i>	321.00
	All other amendments in Merit Track:		
	First five amendments	<i>786.00</i>	800.00
	PLUS for each additional amendment	<i>99.00</i>	101.00
	Application lodged under the Impact Track:		
	First five amendments	<i>2,856.00</i>	2,906.00
	Plus for each additional amendment	<i>99.00</i>	101.00
Chapter 7, Part 7.3	Referral of a development application to a prescribed entity	<i>Nil</i>	Nil
Chapter 7, Part 7.3	Provide minor public notification	<i>306.00</i>	311.00
Chapter 7, Part 7.3	Provide major public notification		
	For one sign	<i>1,236.00</i>	1,258.00
	For each additional small size sign	<i>199.00</i>	202.00
	For each additional large size sign	<i>311.00</i>	316.00

Schedule
(see s 3)

Column 1	Column 2	Column 3	Column 4
Relevant Chapter and Part of the Act for which a fee is payable	Description of matter for which fee is payable	Fee payable GST Exempt \$ 2020-21	Fee payable GST Exempt \$ 2021-22
	Notice of 'Confirmation of Development Approval Exemption' to existing construction. Retrieval of file and filing of notice		
	Per individual notice	23.00	23.00
Chapter 7, Part 7.3	Application for Environmental Significance Opinion	642.00	653.00
Chapter 7, Part 7.3	Applications in the merit track where an Environmental Significance Opinion (ESO) is provided to support lodgement in that track	1,288.00	1,311.00
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:	96.00**	98.00**
Chapter 7, Part 7.3	Refunds - Development Applications – If the application is withdrawn after assessment or public notification has begun the refund will be :-	<i>(b) 50% of the fees paid for the components which are being processed and (c) full refund of fees for the components for which assessment has not commenced</i>	(b) 50% of the fees paid 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.	96.00**	98.00**

Schedule
(see s 3)

Column 1	Column 2	Column 3	Column 4
Relevant Chapter and Part of the Act for which a fee is payable	Description of matter for which fee is payable	Fee payable GST Exempt \$	Fee payable GST Exempt \$
		2020-21	2021-22
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 96.00**</i>	Full refund less administrative fee of 99.00**
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>	Nil
Chapter 8, Part 8.2	Scoping Document preparation	<i>1,341.00</i>	1,364.00
	S211 EIS Exemption Application	<i>1,341.00</i>	1,364.00
	Public notification of draft EIS or Section 211 EIS Exemption application	<i>1,236.00</i>	1,258.00
Chapter 8, Part 8.3	Recovery of inquiry panel costs	<i>Actual direct and indirect costs incurred in the conduct of an inquiry</i>	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	<i>3,014.00</i>	3,067.00
Chapter 9, Part 9.2	Application for a direct grant of a lease for sites other than community or rural land	<i>12,054.00</i>	12,265.00
Chapter 9, Part 9.2	Application for a direct grant of a lease for community groups for example, religious groups or clubs	<i>3,014.00</i>	3,067.00
Chapter 9, Part 9.2	Application for a direct grant of a lease for rural land associated with an application under Section 254	<i>Nil</i>	Nil
Chapter 9, Part 9.2	Application for a direct grant of lease for Territory, Territory Entity and Commonwealth Entity	<i>3,014.00</i>	3,066.00

Schedule
(see s 3)

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Relevant Chapter and Part of the Act for which a fee is payable	Description of matter for which fee is payable	Fee payable GST Exempt \$ 2020-21	Fee payable GST Exempt \$ 2021-22
Chapter 9, Part 9.2 and part 9.9	Authority's consent when the applicant is an agency of the ACT Government	<i>Nil</i>	Nil
	Refund - Application for the direct grant of a lease: When the applicant does not meet the eligibility requirements	<i>full refund less administrative fee</i>	full refund less administrative fee
	When the agency responsible cannot find a suitable site	<i>50% refund of application fee paid</i>	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	<i>442.00</i>	450.00
	Plus for every unit	<i>174.00</i>	177.00
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	<i>3,935.00</i>	4,004.00
	Plus for every unit	<i>174.00</i>	177.00
Chapter 9, Part 9.3	Application for the grant of a further lease for rural purposes	<i>442.00</i>	450.00
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	<i>1,525.00</i>	1,552.00
	Plus for every unit	<i>174.00</i>	177.00
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	<i>3,935.00</i>	4,004.00
Chapter 9, Part 9.3	Application for the grant of a further lease for a term of 99 years where the current lease resulted from the subdivision or consolidation of a 99 year lease/s	<i>442.00</i>	450.00

Schedule
(see s 3)

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Relevant Chapter and Part of the Act for which a fee is payable	Description of matter for which fee is payable	Fee payable GST Exempt \$	Fee payable GST Exempt \$
		2020-21	2021-22
Chapter 9, Part 9.4	Deciding whether a lease is concessional or not	1,425.00	1,552.00
Chapter 9, Part 9.4	Varying concessional lease to remove concessional status	2,858.00	2,908.00
Chapter 9, Part 9.6	Application for reconsideration of a Lease Variation Charge determination	3,617.00	3,680.00
Chapter 9, Part 9.6	Land Rent payout for residential applications seeking to use the current UVC	1,672.00	1,701.00
Chapter 9, Part 9.6	Land Rent payout for residential applications seeking to use the current UVC and a solicitor as the applicant	1,051.00	1,069.00
Chapter 9, Part 9.6	Land Rent Payout – Other/ providing an independent valuation	2,249.00	2,288.00
Chapter 9, Part 9.9	Issue of Certificate of Compliance – single residential (including dual occupancy and individual units within a staged unit development)	65.00	66.00
Chapter 9, Part 9.9	Issue of Certificate of Compliance other than single residential	231.00	235.00
Chapter 9, Part 9.9	Consent to transfer or assign a lease or an interest in a lease	448.00	456.00
Chapter 9, Part 9.9	Consent to sublease all or part of the land contained in a lease	448.00	456.00
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)	154.00	157.00
	<i>Note: 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</i>		

Schedule
(see s 3)

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Relevant Chapter and Part of the Act for which a fee is payable	Description of matter for which fee is payable	Fee payable GST Exempt \$ 2020-21	Fee payable GST Exempt \$ 2021-22
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 <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	154.00	157.00
	Extension of Time Application Processing Fee		
	Single residential crown leases	294.00	299.00
	Other crown leases	529.00	538.00
	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	354.00	360.00
	Other crown leases	588.00	598.00
Chapter 9, Part 9.11	Licence to occupy or use Territory Land - short term commercial use for restricted clientele (i) application fee	51.00	52.00
Chapter 9, Part 9.11	Licence to occupy or use Territory Land - short term commercial use for restricted clientele (ii) part day	88.00	90.00
Chapter 9, Part 9.11	Licence to occupy or use Territory Land - short term commercial use for restricted clientele (iii) whole day	127.00	129.00
Chapter 9, Part 9.11	Licence to occupy or use a nature strip – (a) works associated with development of nature strip	Nil	Nil

Schedule
(see s 3)

Column 1	Column 2	Column 3	Column 4
Relevant Chapter and Part of the Act for which a fee is payable	Description of matter for which fee is payable	Fee payable GST Exempt \$ 2020-21	Fee payable GST Exempt \$ 2021-22
Chapter 9, Part 9.11	Licence to occupy or use a nature strip - (b) storage of building materials (established residential only)	<i>51.00</i>	52.00
	Plus for every week or part thereof for the duration of the use	<i>46.00</i>	47.00
Chapter 9, Part 9.11	Licence to occupy or use a nature strip for business promotion (for example, private enterprise land development advertisement)	<i>51.00</i>	52.00
	Plus for every week or part thereof for the duration of the use	<i>46.00</i>	47.00
Chapter 9, Part 9.11	Licence to occupy or use a nature strip plus surcharge for period of use per week	<i>51.00</i>	52.00
	Plus for every week or part thereof for the duration of the use	<i>46.00</i>	47.00
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	<i>1,605.00</i>	1,633.00
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)	<i>3,332.00</i>	3,390.00
Chapter 9, Part 9.11	Licence fee for the use of unleased land when the land is used for grazing stock	<i>Nil</i>	Nil
Chapter 9, Part 9.11	Grant of a licence to use a room in the Legislative Assembly Building (i) charity or community groups	<i>Nil</i>	Nil
Chapter 9, Part 9.11	Grant of a licence to use a room in the Legislative Assembly Building (ii) commercial or other groups	<i>Nil</i>	Nil
Chapter 9, Part 9.11	Grant of a licence to use Territory land to locate secure storage waste enclosures	<i>Nil</i>	Nil
Chapter 9, Part 9.11	Licence fee for the use of unleased Territory land when the land is used for community gardens as defined in the regulations	<i>Nil</i>	Nil

Schedule
(see s 3)

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Relevant Chapter and Part of the Act for which a fee is payable	Description of matter for which fee is payable	Fee payable GST Exempt \$ 2020-21	Fee payable GST Exempt \$ 2021-22
Chapter 9, Part 9.11	Application to vary an existing licence to occupy or use unleased Territory land – for groups other than grazing and community organisations	<i>1,672.00</i>	1,701.00
Chapter 11, Part 11.3	Application for controlled activity order.		
	Residential Zone 1	<i>181.00</i>	184.00
	Residential Zone 2	<i>241.00</i>	245.00
	Residential Zone 3	<i>361.00</i>	367.00
	Residential Zone 4	<i>483.00</i>	491.00
	Residential Zone 5	<i>603.00</i>	614.00
	Commercial and Industrial	<i>422.00</i>	429.00
Regulation, Schedule 1	Application for exemption declaration – Otherwise non compliant single dwellings	<i>600.00</i>	611.00
Section 1.100A (4)			

Note: The amount in column 3 is for comparison purposes only.