

Public Unleased Land (Fees) Determination 2023 (No 1)

Disallowable Instrument DI2023-104

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 2023 (No 1)*.

2 Commencement

This instrument commences on 1 July 2023.

3 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.

4 Payment of fees

- (1) A fee listed in schedule 1 is payable to the Territory by the person applying for the approval or service.
- (2) A fee, in part or in full, described in items 1.4, 1.5, 1.7, 1.8 and 1.9 is payable within 14 days of the end of the activity for the permit.

5 Refund of fees

- (1) If a person has paid a fee prescribed in schedule 1, the person may be entitled to a refund (completely or partly) which reflects the service provided by the Territory.
- (2) Apart from the fees set out in subsection (1), all application for approval fees are not refundable.

6 Exemption of fees

Registered Australian Charities and Territory Entities are exempt from a fee described in items 1.0, 1.1 and 1.2 of Schedule 1.

7 Waiver of fees

- (1) This section applies if:
 - (a) the applicant is a Registered Australian Charity; or
 - (b) the activity for which a permit is sought reduces the net cost of service delivery to the Territory; or
 - (c) the activity provides a community benefit.
- (2) A fee listed in schedule 1 may be waived, in full or in part, by
 - (a) the Director-General Transport Canberra and City Services; or
 - (b) the Deputy Director-General City Services; or
 - (c) the Executive Group Manager City Operations.
- (3) This section does not apply to the use of public unleased land for construction or other development work related activities including, but not limited to:
 - (a) the erection of scaffolding;
 - (b) the storage of hazardous or flammable materials;
 - (c) the erection of hoarding over footpaths and other areas accessed by pedestrians;
 - (d) the placement and collection of rubbish skips;
 - (e) the erection of site compound fences; or
 - (f) the erection of hoardings on fences.
- (4) Subsection (3) does not apply to the use of public unleased land for construction or other development work related activities contracted or conducted by, or on behalf of, the Transport Canberra and City Services Directorate.

8 Goods and services tax

Fees with a double asterisk (**) include GST.

9 Dictionary

The dictionary in Schedule 2 provides definitions for this instrument.

10 Revocation

This instrument revokes the *Public Unleased Land (Fees) Determination 2022 (No 1) [DI2022-61]*.

Chris Steel MLA
Minister for Transport and City Services

4 June 2023

Public Unleased Land (Fees) Determination 2023 (No 1)
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 Previous fee payable in 2022- 2023 (where applicable)	Column 5 Fee payable beginning 1 July 2023	Column 6 % increase
1.0	11	Temporary road closure	\$384.00	\$398.40	3.75%
1.1	12(1)	Application for approval to use a closed road	\$63.00 per application	\$65.35 per application	3.73%
1.2	19	Application for work approval to carry out work on public unleased land where the work interferes with Territory property	\$135.95	\$141.05	3.75%
1.3	19	Application for residential works approval associated with nature strip landscaping	\$0.00	\$0.00	0.00%
1.4	45(1)	Application for a public unleased land permit where the activity for the permit is a high impact event (for example dog sledding, horse riding, mountain biking) (<i>type A event</i>)**	\$4.85 per participant in the event	\$5.05 per participant in the event	4.12%
1.5	45(1)	Application for a public unleased land permit where the activity for the permit is a lower impact event (for example cross country running, jogging, walking, orienteering) (<i>type B event</i>)**	\$2.50 per participant in the event	\$2.60 per participant in the event	4.00%
1.6	45(1)	Application for a public unleased land permit where the activity for the permit is high impact motorsports**	\$810.40	\$840.80	3.75%
1.7	45(1)	Application for a public unleased land permit where the activity for the permit is high impact motorsports**	\$2.95 per participant in the event, per hour of the event	\$3.05 per participant in the event, per hour of the event	3.39%
1.8	45(1)	Application for a public unleased land permit where the activity for the permit is a High impact motorsports road grading fee**	\$0.35 per participant, per kilometre	\$0.36 per participant, per kilometre	3.30%
1.9	45(1)	Application for a public unleased land permit where the activity for the permit is 4WD vehicle driver training**	\$14.20 per vehicle, per event	\$14.75 per vehicle, per event	3.87%
2.0	45(1)	Application for a public unleased land permit where the activity for the permit is vehicle display or display of goods in a primary area**	\$0.30 per m ² of land used, per day for the term of the permit	\$0.31 per m ² of land used, per day for the term of the permit	3.33%

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2.1	45(1)	Application for a public unleased land permit where the activity for the permit is vehicle display or display of goods in a secondary area**	\$0.24 per m ² of land used, per day for the term of the permit	\$0.25 per m ² of land used, per day for the term of the permit	4.17%
2.2	45(1)	Application for a public unleased land permit where the activity for the permit is vehicle display or display of goods in a tertiary area**	\$0.20 per m ² of land used, per day for the term of the permit	\$0.21 per m ² of land used, per day for the term of the permit	5.00%
2.3	45(1)	Application for a public unleased land permit where the activity for the permit is storage of a waste container in the city centre**	\$0.98 per m ² of land used, per day for the term of the permit	\$1.02 per m ² of land used, per day for the term of the permit	4.08%
2.4	45(1)	Application for a public unleased land permit where the activity for the permit is storage of a waste container in a town centre or group centre**	\$0.74 per m ² of land used, per day for the term of the permit	\$0.77 per m ² of land used, per day for the term of the permit	4.05%
2.5	45(1)	Application for a public unleased land permit where the activity for the permit is storage of a waste container in a local centre**	\$0.55 per m ² of land used, per day for the term of the permit	\$0.57 per m ² of land used, per day for the term of the permit	3.64%
2.6	45(1)	Application for a public unleased land permit where the activity for the permit is any other commercial purpose within a primary area**	\$0.83 per m ² of land used, per day for the term of the permit	\$0.86 per m ² of land used, per day for the term of the permit	3.61%
2.7	45(1)	Application for a public unleased land permit where the activity for the permit is any other commercial purpose within a secondary area**	\$0.55 per m ² of land used, per day for the term of the permit	\$0.57 per m ² of land used, per day for the term of the permit	3.64%
2.8	45(1)	Application for a public unleased land permit where the activity for the permit is any other commercial purpose within a tertiary area**	\$0.04 per m ² of land used, per day for the term of the permit	\$0.07 per m ² of land used, per day for the term of the permit	75.0%

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				term of the permit	
2.9	45(1)	Application for a public unleased land permit where the activity for the permit is use of air space over public unleased land**	One half the applicable rate in items 2.6, 2.7, and 2.8 (as applicable) rounded down to the nearest 5 cents	One half the applicable rate in items 2.6, 2.7, and 2.8 (as applicable) rounded down to the nearest 5 cents	N/A
3.0	45(1)	Application for a public unleased land permit to use a paid car parking space within a paid parking area defined by determination under the <i>Road Transport (General) Act 1999</i> where the activity is associated with items 2.6, 2.7 and 2.8. The fee will be in addition to any fee applicable under items 2.6, 2.7 and 2.8**	All day rates as outlined in Schedule 1 of the Road Transport (General) (Pay Parking Area Fees) Determination 2022	All day rates as outlined in Schedule 1 of the Road Transport (General) (Pay Parking Area Fees) Determination 2022	N/A
3.1	45(1)	Application for a public unleased land permit to use an unpaid car parking space within a parking area defined by determination under the Road Transport (General) Act 1999 or located on unleased public land, where the activity is associated with items 2.6, 2.7 and 2.8. The fee will be in addition to any fee applicable under items 2.6, 2.7 and 2.8**	\$11.60 per parking space per day, except where the parking space is covered by all day rates under Schedule 1 the Road Transport (General) (Pay Parking Area Fees) Determination 2022	\$12.00 per parking space per day, except where the parking space is covered by all day rates under Schedule 1 the Road Transport (General) (Pay Parking Area Fees) Determination 2022	3.45%
3.2	45(1)	Application to carry on business as a hawker where the permit holder is not using a vehicle.	\$0.00 per month	\$0.00 per month	N/A

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3.3	45(1)	Application to carry on business as a hawker where the permit holder will be using a vehicle/s with Gross Vehicle Mass of less than 2 tonnes.	\$0.00 per vehicle per month	\$0.00 per vehicle per month	N/A
3.4	45(1)	Application to carry on business as a hawker where the permit holder will be using a vehicle/s with Gross Vehicle Mass of 2 tonnes or more.	\$0.00 per vehicle per month	\$0.00 per vehicle per month	N/A
3.5	45(1)	Application to carry on business as a hawker in a location.	\$0.00 per location	\$0.00 per location	N/A
3.6	45(1)	Amendment of a permit to carry on business as a hawker.	\$0.00	\$0.00	N/A
4.1	45(1)	Public unleased land permit where the activity for the permit is outdoor dining in a primary area**	\$0.29 per m ² of land used, per day for the term of the permit less 50% of the total fee per annum	\$0.30 per m ² of land used, per day for the term of the permit less 50% of the total fee per annum	3.45%
4.2	45(1)	Public unleased land permit where the activity for the permit is outdoor dining in a secondary area**	\$0.23 per m ² of land used, per day for the term of the permit less 50% of the total fee per annum	\$0.24 per m ² of land used, per day for the term of the permit less 50% of the total fee per annum	4.17%
4.3	45(1)	Public unleased land permit where the activity for the permit is outdoor dining in a tertiary area**	\$0.19 per m ² of land used, per day for the term of the permit less 50% of the total fee per annum	\$0.20 per m ² of land used, per day for the term of the permit less 50% of the total fee per annum	5.00%
4.4	45(1)	Dockless micromobility scheme	\$1 per personal mobility device on public land	\$1 per personal mobility device on public land	0.00%

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			per day for the term of the permit (paid quarterly)	per day for the term of the permit (paid quarterly)	

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.

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.

registered charity is an organisation registered with the Australian Charities & not for Profits Commission (ACNC) as a registered charity.

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.

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Schedule 2 – Dictionary

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 Territory as being for that purpose.

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

tertiary authority means a body that falls within the definition of a “territory authority” in the *Legislation Act 2001*.

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.