

Australian Capital Territory

Planning (Fees) Determination 2023 (No 2)

Disallowable instrument DI2023–292

made under the

Planning Act 2023, s 522 (Determination of fees)

1 Name of Instrument

This instrument is the *Planning (Fees) Determination 2023 (No 2)*.

2 Commencement

This instrument commences on the day after its notification day.

3 Determination of fees

I determine the fee payable for a matter listed in column 3 of the schedule to be the fee listed in the corresponding entry in column 5 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

The *Planning (Fees) Determination 2023 (DI2023-258)* is revoked.

Mick Gentleman MLA
Minister for Planning and Land Management

30 November 2023

Schedule
(see s 3)

Column 1	Column 2	Column 3	Column 4	Column 5
Item number	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 2022-23 \$	Fee Payable GST Exempt 2023-24 \$
1.1	Chapter 5, Part 5.2	Initial administrative charges for major plan amendments and supporting reports	<i>Nil</i>	1,920.50
1.2		Final administrative charges for major territory plan amendments and supporting reports – after the report is finalised, the amendment warranted and before the public notification	<i>Nil</i>	3,847.55
2.1	Chapter 7, Part 7.5	Application for a development proposal lodged under section 166 for a significant development supported by an EIS: (a) Matters specified in Schedule 1, Part 1.2 of the <i>Planning (General) Regulation 2023</i> , Column 1, Items 1 to 15. and/or (b) Matters specified in Schedule 1, Part 1.2	<i>Nil</i>	41,413.20
2.2		(i) Column 1, Items 16 to 21	<i>Nil</i>	15,564.70
2.3		(ii) Column 1, Items 22 to 25	<i>Nil</i>	3,115.10
2.4		(c) An application with no specific trigger in Schedule 1, Part 1.2 of the <i>Planning (General) Regulation 2023</i>	<i>Nil</i>	3,115.10
3.1	Chapter 7, Part 7.3	Applications for development approval in relation to use for otherwise prohibited development: (a) The base amount specified opposite in Column (4) Plus (b) An amount determined in accordance with the cost of works based on the following scale:	<i>Nil</i>	3,247.00
3.2		Cost of work is \$0 to \$1,500	<i>Nil</i>	131.90
3.3		Cost of work is \$1,501 to \$5,000	<i>Nil</i>	131.90
			<i>Nil</i>	(plus 0.751% of the amount in excess of 1,500)
3.4		Cost of work is \$5,001 to \$20,000	<i>Nil</i>	160.25

Column 1	Column 2	Column 3	Column 4	Column 5
Item number	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 2022-23 \$	Fee Payable GST Exempt 2023-24 \$
			<i>Nil</i>	(plus 0.751% of the amount in excess of 5,000)
3.5		Cost of work is \$20,001 to \$100,000	<i>Nil</i>	275.75
			<i>Nil</i>	(plus 0.545% of the amount in excess of 20,000)
3.6		Cost of work is \$100,001 to \$150,000	<i>Nil</i>	723.75
			<i>Nil</i>	(plus 0.545% of the amount in excess of 100,000)
3.7		Cost of work is \$150,001 to \$250,000	<i>Nil</i>	1,006.05
			<i>Nil</i>	(plus 0.545% of the amount in excess of 150,000)
3.8		Cost of work is \$250,001 to \$500,000	<i>Nil</i>	1,567.35
			<i>Nil</i>	(plus 0.408% of the amount in excess of 250,000)
3.9		Cost of work is \$500,001 to \$1,000,000	<i>Nil</i>	2,621.35
			<i>Nil</i>	(plus 0.408% of the amount in excess of 500,000)
3.10		Cost of work is \$1,000,001 to \$10,000,000	<i>Nil</i>	5,532.65
			<i>Nil</i>	(plus 0.270% of the amount in excess of 1,000,000)
3.11		Cost of work is more than \$10,000,001	<i>Nil</i>	30,683.60
			<i>Nil</i>	(plus 0.160% of the amount in excess of 10,000,000)

Column 1	Column 2	Column 3	Column 4	Column 5
Item number	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 2022-23 \$	Fee Payable GST Exempt 2023-24 \$
4.1	Chapter 7, Part 7.5	Degazettal of roads associated with a development application	<i>Nil</i>	1,693.80
5.1	Chapter 7, Part 7.5	Subdivision design application approval - involving the gazettal of new roads	<i>Nil</i>	1,275.25
5.2		Plus per block	<i>Nil</i>	71.95
6.1	Chapter 7, Part 7.5	Subdivision design application approval - not involving the gazettal of new roads	<i>Nil</i>	728.10
6.2		Plus per block	<i>Nil</i>	57.80
7.1	Chapter 7, Part 7.6	Amendments to approved subdivision design applications	<i>Nil</i>	1,275.25
7.2		Plus per block affected by the amendment	<i>Nil</i>	71.95
8.1	Chapter 7, Part 7.5	Application for development – in addition to building costs calculated, where the works to be approved include an encroachment	<i>Nil</i>	3,240.50
9.1	Chapter 7, Part 7.5	Where the cost of work is calculated in accordance with the building Cost Guide (calculating the cost of work)	<i>Nil</i>	131.90
9.2		Application for development where the cost of the work is \$0 –\$1,500	<i>Nil</i>	Nil
9.3		Application for development where the cost of the work is \$1,501 to \$5,000	<i>Nil</i>	131.90 (plus 0.751% of the amount in excess of 1,500)
9.4		Application for development where the cost of the work is \$5,001 to \$20,000	<i>Nil</i>	160.25 (plus 0.751% of the amount in excess of 5,000)
9.5		Application for development where the cost of the work is \$20,001 to \$100,000	<i>Nil</i>	275.75 (plus 0.545% of the amount in excess of 20,000)
9.6		Application for development where the cost of the work is \$100,001 to \$150,000	<i>Nil</i>	723.75

Column 1	Column 2	Column 3	Column 4	Column 5
Item number	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 2022-23 \$	Fee Payable GST Exempt 2023-24 \$
			<i>Nil</i>	(plus 0.545% of the amount in excess of 100,000)
9.7		Application for development where the cost of the work is \$150,001 to \$250,000	<i>Nil</i>	1,006.05
			<i>Nil</i>	(plus 0.545% of the amount in excess of 150,000)
9.8		Application for development where the cost of the work is \$250,001 to \$500,000	<i>Nil</i>	1,567.35
			<i>Nil</i>	(plus 0.408% of the amount in excess of 250,000)
9.9		Application for development where the cost of the work is \$500,001 to \$1,000,000	<i>Nil</i>	2,621.35
			<i>Nil</i>	(plus 0.408% of the amount in excess of 500,000)
9.10		Application for development where the cost of the work is \$1,000,001 to \$10,000,000	<i>Nil</i>	5,532.65
			<i>Nil</i>	(plus 0.270% of the amount in excess of 1,000,000)
9.11		Application for development where the cost of the work is more than \$10,000,000	<i>Nil</i>	30,683.60
			<i>Nil</i>	(plus 0.160% of the amount in excess of 10,000,000)
		Application for Refund Where the development application is withdrawn prior to assessment or public notification		

Column 1	Column 2	Column 3	Column 4	Column 5
Item number	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 2022-23 \$	Fee Payable GST Exempt 2023-24 \$
		- 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		
10.1	Chapter 7, Part 7.5	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	<i>Nil</i>	1,188.05
10.2		Plus for each additional year up to 4 years	<i>Nil</i>	71.95
11.1	Chapter 7, Part 7.5	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	<i>Nil</i>	2,451.35
11.2		Plus for each additional unit	<i>Nil</i>	498.10
12.1	Chapter 7, Part 7.5	Application for development – Lease Variation, consolidation, subdivision	<i>Nil</i>	2,451.35
12.2		Plus for each additional component	<i>Nil</i>	324.80
13.1	Chapter 7, Part 7.5	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
14.1	Chapter 7, Part 7.5	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
15.1	Chapter 7, Part 7.5	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
15.2		Plus for each additional component	<i>Nil</i>	Nil
16.1	Chapter 7, Part 7.5	Mining activities to carry out mining activities	<i>Nil</i>	7,264.60
17.1	Chapter 7, Part 7.6	Application for reconsideration of an original decision	<i>Nil</i>	370.60

Column 1	Column 2	Column 3	Column 4	Column 5
Item number	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 2022-23 \$	Fee Payable GST Exempt 2023-24 \$
	Chapter 7, Part 7.5	Provision of pre-application advice on development proposals		
18.1	Chapter 7, Part 7.5	A pre-lodgement meeting at which pre-application advice is provided	<i>Nil</i>	Nil
18.2		In all other cases	<i>Nil</i>	1,401.70
	Chapter 7, Part 7.5	Further information in relation to a development application is required		
19.1		Supplementary information required	<i>Nil</i>	Nil
19.2		Major deficiency in application	<i>Nil</i>	Nil
	Chapter 7, Part 7.5	Amending development applications (does not include subdivision design applications): the applicable public notification fee plus the following fee:		
		Application lodged which did not trigger a significant application		
20.1		Single residential and development proposals on individual residential units within a unit complex (for first amendment)	<i>Nil</i>	343.35
		All other amendments:		
20.2		First five amendments	<i>Nil</i>	856.70
20.3		Plus for each additional amendment	<i>Nil</i>	107.90
		Application lodged as a significant development application:		
20.4		First five amendments	<i>Nil</i>	3,112.95
20.5		Plus for each additional amendment	<i>Nil</i>	107.90
21.1	Chapter 7, Part 7.5	Referral of a development application to a prescribed entity	<i>Nil</i>	Nil
22.1	Chapter 7, Part 7.5	Provide public notification for developments exempt from notification requirements prescribed by section 37 and 38 of the <i>Planning (General) Regulation 2023</i> .	<i>Nil</i>	333.55
	Chapter 7, Part 7.5	Provide public notification for all other developments		
23.1		For one sign	<i>Nil</i>	1,347.20
23.2		For each additional small size sign	<i>Nil</i>	216.90
23.3		For each additional large size sign	<i>Nil</i>	339.00
		Notice of 'Confirmation of Development Approval Exemption' to existing		

Column 1	Column 2	Column 3	Column 4	Column 5
Item number	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 2022-23 \$	Fee Payable GST Exempt 2023-24 \$
		construction. Retrieval of file and filing of notice		
23.4		Per individual notice	<i>Nil</i>	25.10
24.1	Chapter 6, Part 6.3	Application for Environmental Significance Opinion	<i>Nil</i>	699.75
25.1	Chapter 7, Part 7.5	Applications where an Environmental Significance Opinion (ESO) is provided to support lodgement of a development application that is not a significant development	<i>Nil</i>	1,403.90
	Chapter 7, Part 7.5	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		
26.1		(a) Residential and Commercial – all fees in excess of:	<i>Nil</i>	104.65
27.1	Chapter 7, Part 7.5	Refunds - Development Applications – If the application is withdrawn after assessment or public notification has begun the refund will be:-	<i>Nil</i>	(b) 50% of the fees paid for the components which are being processed and
27.2			<i>Nil</i>	(c) full refund of fees for the components for which assessment has not commenced
28.1	Chapter 7, Part 7.5	Refunds other than development applications and conveyancing enquiries – administrative charge.	<i>Nil</i>	104.65

Column 1	Column 2	Column 3	Column 4	Column 5
Item number	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 2022-23 \$	Fee Payable GST Exempt 2023-24 \$
29.1	Chapter 7, Part 7.5	Refund of amount paid for a Direct Grant of a lease where the applicant does not meet the eligibility requirements	<i>Nil</i>	Full refund less administrative fee of 106.05**
30.1	Chapter 7, Part 7.5	Refund of application for a direct grant of a lease where the Agency responsible cannot find a suitable site	<i>Nil</i>	50% refund of application fee paid
31.1	Chapter 7, Part 7.5	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
32.1	Chapter 6, Part 6.3	Scoping Document preparation	<i>Nil</i>	1,461.65
32.2		Public notification of EIS	<i>Nil</i>	1,347.20
33.1	Chapter 6, Part 6.3	Recovery of inquiry panel costs	<i>Nil</i>	Actual direct and indirect costs incurred in the conduct of an inquiry
34.1	Chapter 10, Part 10.2	Application for a direct grant of a lease for rural land	<i>Nil</i>	3,285.15
35.1	Chapter 10, Part 10.2	Application for a direct grant of a lease for sites other than community or rural land	<i>Nil</i>	13,138.45
36.1	Chapter 10, Part 10.2	Application for a direct grant of a lease for community groups for example, religious groups or clubs	<i>Nil</i>	3,285.15
37.1	Chapter 10, Part 10.2	Application for a direct grant of a lease for rural land associated with an application under Section 289	<i>Nil</i>	Nil
38.1	Chapter 10, Part 10.2	Application for a direct grant of lease for Territory, Territory Entity and Commonwealth Entity	<i>Nil</i>	3,285.15
39.1	Chapter 10 Part 10.2 and part 10.12	Authority's consent when the applicant is an agency of the ACT Government	<i>Nil</i>	Nil

Column 1	Column 2	Column 3	Column 4	Column 5
Item number	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 2022-23 \$	Fee Payable GST Exempt 2023-24 \$
39.2		Refund - Application for the direct grant of a lease: When the applicant does not meet the eligibility requirements	<i>Nil</i>	full refund less administrative fee
39.3		When the agency responsible cannot find a suitable site	<i>Nil</i>	50% refund of application fee paid
40.1	Chapter 10, Part 10.3	Application for the grant of a further lease for a term not exceeding the term of the existing lease for residential purposes	<i>Nil</i>	481.75
40.2		Plus for every unit	<i>Nil</i>	189.65
41.1	Chapter 10, Part 10.3	Application for the grant of a further lease for a term exceeding the term of the existing lease for residential purposes	<i>Nil</i>	4,289.00
41.2		Plus for every unit	<i>Nil</i>	189.65
42.1	Chapter 10, Part 10.3	Application for the grant of a further lease for rural purposes	<i>Nil</i>	481.75
43.1	Chapter 10, Part 10.3	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>Nil</i>	1,662.20
43.2		Plus for every unit	<i>Nil</i>	189.65
44.1	Chapter 10, Part 10.3	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>Nil</i>	4,289.00
45.1	Chapter 10, Part 10.3	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>Nil</i>	481.75
46.1	Chapter 10, Part 10.5	Deciding whether a lease is concessional or not	<i>Nil</i>	1,610.20
47.1	Chapter 10, Part 10.5	Varying concessional lease to remove concessional status	<i>Nil</i>	3,115.10
48.1	Chapter 10, Part 10.7	Application for reconsideration of a Lease Variation Charge determination	<i>Nil</i>	3,942.40
49.1	Chapter 10, Part 10.7	Land Rent payout for residential applications seeking to use the current UVC	<i>Nil</i>	1,822.40

Column 1	Column 2	Column 3	Column 4	Column 5
Item number	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 2022-23 \$	Fee Payable GST Exempt 2023-24 \$
50.1	Chapter 10, Part 10.7	Land Rent payout for residential applications seeking to use the current UVC and a solicitor as the applicant	<i>Nil</i>	1,145.55
51.1	Chapter 10, Part 10.7	Land Rent Payout – Other/ providing an independent valuation	<i>Nil</i>	2,451.35
52.1	Chapter 10, Part 10.12	Issue of Certificate of Compliance – single residential (including dual occupancy and individual units within a staged unit development)	<i>Nil</i>	70.85
53.1	Chapter 10, Part 10.12	Issue of Certificate of Compliance other than single residential	<i>Nil</i>	251.80
54.1	Chapter 10, Part 10.12	Consent to transfer or assign a lease or an interest in a lease	<i>Nil</i>	488.30
55.1	Chapter 10, Part 10.12	Consent to sublease all or part of the land contained in a lease	<i>Nil</i>	488.30
56.1	Chapter 10, Part 10.12	Consent first transfer from the developer	<i>Nil</i>	Nil
57.1	Chapter 10, Part 10.12	Consent first transfer when applicant is an agency of the ACT Government	<i>Nil</i>	Nil
58.1	Chapter 10, Part 10.12	Extension of time for meeting lease covenants for each 3 months or part thereof (for periods prior to 31 March 2008) <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 (General) Regulation 2023	<i>Nil</i>	167.85
59.1	Chapter 10, Part 10.12	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 <i>Planning (General) Regulation 2023</i>	<i>Nil</i>	167.85
60.1	Extension of Time Application Processing Fee Single residential crown leases		<i>Nil</i>	320.45

Column 1	Column 2	Column 3	Column 4	Column 5
Item number	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 2022-23 \$	Fee Payable GST Exempt 2023-24 \$
60.2		Other crown leases 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	<i>Nil</i>	576.60
		Extension of time application processing fee (claims hardship under section 374 of the <i>Planning Act 2023</i>)		
61.1		Single residential crown leases	<i>Nil</i>	385.85
61.2		Other crown leases	<i>Nil</i>	640.90
62.1	Chapter 10, Part 10.13	Licence to occupy or use Territory Land - short term commercial use for restricted clientele (i) application fee	<i>Nil</i>	55.60
63.1	Chapter 10, Part 10.13	Licence to occupy or use Territory Land - short term commercial use for restricted clientele (ii) part day	<i>Nil</i>	95.90
64.1	Chapter 10, Part 10.13	Licence to occupy or use Territory Land - short term commercial use for restricted clientele (iii) whole day	<i>Nil</i>	138.45
65.1	Chapter 10, Part 10.13	Licence to occupy or use a nature strip – (a) works associated with development of nature strip	<i>Nil</i>	Nil
66.1	Chapter 10, Part 10.13	Licence to occupy or use a nature strip - (b) storage of building materials (established residential only)	<i>Nil</i>	55.60
66.2		Plus for every week or part thereof for the duration of the use	<i>Nil</i>	50.15
67.1	Chapter 10, Part 10.13	Licence to occupy or use a nature strip for business promotion (for example, private enterprise land development advertisement)	<i>Nil</i>	55.60
67.2		Plus for every week or part thereof for the duration of the use	<i>Nil</i>	50.15
68.1	Chapter 10, Part 10.13	Licence to occupy or use a nature strip plus surcharge for period of use per week	<i>Nil</i>	55.60
68.2		Plus for every week or part thereof for the duration of the use	<i>Nil</i>	50.15
69.1	Chapter 10, Part 10.13	Grant of a licence to occupy or use unleased Territory Land for community groups for example, religious groups or clubs	<i>Nil</i>	1,749.40

Column 1	Column 2	Column 3	Column 4	Column 5
Item number	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 2022-23 \$	Fee Payable GST Exempt 2023-24 \$
70.1	Chapter 10, Part 10.13	Grant of a licence to occupy or use unleased Territory Land for other purposes (except for grazing and community gardens)	<i>Nil</i>	3,631.75
71.1	Chapter 10, Part 10.13	Licence fee for the use of unleased land when the land is used for grazing stock	<i>Nil</i>	Nil
72.1	Chapter 10, Part 10.13	Grant of a licence to use a room in the Legislative Assembly Building (i) charity or community groups	<i>Nil</i>	Nil
73.1	Chapter 10, Part 10.13	Grant of a licence to use a room in the Legislative Assembly Building (ii) commercial or other groups	<i>Nil</i>	Nil
74.1	Chapter 10, Part 10.13	Grant of a licence to use Territory land to locate secure storage waste enclosures	<i>Nil</i>	Nil
75.1	Chapter 10, Part 10.13	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
76.1	Chapter 10, Part 10.13 Chapter 12, Part 12.3	Application to vary an existing licence to occupy or use unleased Territory land – for groups other than grazing and community organisations Application for controlled activity order.	<i>Nil</i>	1,822.40
77.1		Residential Zone 1	<i>Nil</i>	197.30
77.2		Residential Zone 2	<i>Nil</i>	262.70
77.3		Residential Zone 3	<i>Nil</i>	393.50
77.4		Residential Zone 4	<i>Nil</i>	526.45
77.5		Residential Zone 5	<i>Nil</i>	657.25
77.6		All Other Zones	<i>Nil</i>	459.95
78.1	<i>Planning (Exempt Development) Regulation 2023, Schedule 1, Section 1.131</i>	Application for exemption declaration – Otherwise non compliant single dwellings	<i>Nil</i>	654.00

Note: The figures in column 4 are for comparison purposes only. Nil fees in 2022-23 related to the Planning Act 2023. Fees for most of the matters described were previously determined under the Planning and Development Act 2007.