Australian Capital Territory

Public Unleased Land (Fees) Determination 2025 (No 1)

Disallowable Instrument DI2025-99

made under the

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

EXPLANATORY STATEMENT

Section 130 of the *Public Unleased Land Act 2013* (Act) provides that the Minister may determine fees for the Act. This instrument commences on 1 July 2025.

Amendments

This determination replaces fees based on primary, secondary and tertiary areas and also fees based on city, town, group and local centres with Tier 1, Tier 2 and Tier 3 fees in line with the new Planning System, specifically the *Territory Plan 2023*. The new fees have been established to adjust the per m^2 per day fees to improved commercial fairness and equity across the Territory and define zones more clearly by aligning with the *Territory Plan 2023*.

The existing primary, secondary and tertiary areas will however remain in place for Outdoor Dining.

New Fees

The determination introduces new fees for applications for, amendments, transfers and renewals of public unleased land permits. These fees are set in accordance with Government policy and recover the administrative costs to Government associated with these applications. There is significant administrative work required to process commercial land use applications, and to amend applications or permits requested by applicants. Under the current arrangement, fees charged do not incorporate the cost to undertake this administration.

The determination also introduces new fees relating to the use of public unleased land during the term of a public unleased land permit. This is separate to the application fees. These fees reflect changes in the urban environment in the Territory and the development and growth of town centres outside the city. The current arrangements result in substantive differences that create commercial inequity. They also provide no incentive or deterrence for contractors, builders or developers to minimise their use of public roads, paths or other government infrastructure when undertaking development work. This adversely impacts the public and their access and use of public spaces.

These rates are conservative when compared to other Australian cities. For example, Brisbane City council also uses a land zoning system to attribute fees. For the use of public land for construction related activities Brisbane City Council charges:

- Zone A - $1.50 per m2 per day,
- Zone B - $0.71 per m2 per day, and
- Zone C – $0.42

The benefits of the new fees are:

- Establish clearer, more defined zones, evidenced based against the *Territory Plan 2023*
- Create commercial fairness and equity across the Territory
- Simplify administration of commercial land use applications and fees
- Ensure fees applied are appropriate to commercial land use

Indexed Fees

Fees related to business as a hawker have been maintained at $0 to reflect decisions from the 2019-20 Budget Review.

This determination increases all other fees by a Wage Price index (WPI) of 3.60% as per advice from Treasury, rounded where appropriate.

Exemption of fees

Paragraph 6 of the determination exempts a Registered Australian Charity and a Utility Service from various fees referred to in schedule 1.

Waiver of fees

The determination permits the Director-General City and Environment Directorate, a Deputy Director-General City and Environment Directorate, and the Executive Group Manager City Operations to waive fees in specified circumstances.

Paragraph 7(4) of the determination exempts City and Environment Directorate from fees related to public unleased land for construction or other development work related activities contracted or conducted by, or on behalf of, the Directorate.

Dictionary

New terms have been added to the Dictionary where required and terms have been updated to reflect the new Territory Planning system.

Revocation

This determination revokes the previous fee determination (DI2024–131) that set fees for the 2024-25 financial year.