



Australian Capital Territory (Planning and Land Management) Regulations

Statutory Rules No. 187, 1989

made under the

Australian Capital Territory (Planning and Land Management) Act 1988

Compilation No. 2

Compilation date:	1 December 2015
Includes amendments up to:	SLI No. 189, 2015
Registered:	24 December 2015

Prepared by the Office of Parliamentary Counsel, Canberra

About this compilation

This compilation

This is a compilation of the *Australian Capital Territory (Planning and Land Management) Regulations* that shows the text of the law as amended and in force on 1 December 2015 (the *compilation date*).

This compilation was prepared on 8 December 2015.

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on ComLaw (www.comlaw.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on ComLaw for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on ComLaw for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

Contents

Part 1—General	1
1 Citation	1
2 Interpretation	1
3 Term of estates granted for tertiary education or church purposes.....	1
4 Fees for services provided by the Authority	1
5 Indexation of certain fee amounts.....	2
Part 2—Application and transitional provisions	4
6 Amendments made by the <i>Australian Capital Territory (Planning and Land Management) Amendment (Fees) Regulation 2015</i>	4
Schedule 1—Fees in relation to proposals submitted to the Authority for approval	5
1 Fees payable in relation to proposals submitted to the Authority for approval.....	5
Endnotes	7
Endnote 1—About the endnotes	7
Endnote 2—Abbreviation key	8
Endnote 3—Legislation history	9
Endnote 4—Amendment history	10

Part 1—General

1 Citation

These Regulations may be cited as the Australian Capital Territory (Planning and Land Management) Regulations.

2 Interpretation

In these Regulations, unless the contrary intention appears:

temporary work means work that is to be erected for a specific event and is intended to be removed after the event has been held.

the Act means the *Australian Capital Territory (Planning and Land Management) Act 1988*.

3 Term of estates granted for tertiary education or church purposes

- (1) For the purposes of subsection 29 (3) of the Act, the period of 999 years is prescribed in respect of estates granted in Territory Land all or part of which was, immediately before that grant, the subject of a perpetual lease or a lease for a term of 999 years.
- (2) The period of 999 years is prescribed in respect of the estate in Territory Land to be granted to the Christian Outreach Centre, being part of Block 3 Section 57 Monash.

4 Fees for services provided by the Authority

- (1) The Authority may charge the fee (as indexed under regulation 5) specified in column 2 of an item in the table in Schedule 1 for the service set out in column 1 of the item.
- (2) In addition to the fees set out in the table in Schedule 1 for a service, the Authority is entitled to be reimbursed for any charges or costs

Schedule 1 Fees in relation to proposals submitted to the Authority for approval

Part 1 General

Error! No text of specified style in document.**Error! No text of specified style in document.**

Regulation 5

that the Authority pays to, or for the services of, another person in connection with that service.

- (4) The fee payable by a non-profit making community body for a service that is connected with a non-profit making activity is 25% of the amount that would otherwise be payable.

5 Indexation of certain fee amounts

- (1) A dollar amount specified in column 2 of an item (the *relevant Schedule 1 item*) of the table in Schedule 1 is an *indexed amount* for the relevant Schedule 1 item if the dollar amount is specified in the following table for the relevant Schedule 1 item.

Indexed amounts		
Item	Relevant Schedule 1 item	Indexed amount
1	Paragraph (a) of item 1	\$110
2	Paragraph (b) of item 1	\$1 300
3	Paragraph (c) of item 1	\$2 650
4	Paragraph (d) of item 1	\$4 050
5	Paragraph (e) of item 1	\$22 400
6	Item 3	\$250
7	Item 4	\$300

- (2) On 1 July 2016 and each subsequent 1 July (an *indexation day*), each dollar amount that is specified in a relevant Schedule 1 item and is an indexed amount for that relevant Schedule 1 item is replaced by an amount worked out using the following formula:

$$\text{Indexation factor for the indexation day} \times \text{Indexed amount in relevant Schedule 1 item immediately before the indexation day}$$

- (3) The *indexation factor* for an indexation day is the number worked out using the following formula:

Regulation 5

Index number for the reference quarter

Index number for the base quarter

where:

base quarter means the March quarter ending 1 year before the reference quarter ends.

index number, for a quarter, means the All Groups Consumer Price Index number (being the weighted average of the 8 capital cities) published by the Australian Statistician for that quarter.

March quarter means a period of 3 months ending on 31 March.

reference quarter means the March quarter immediately before the indexation day.

- (4) An indexation factor is to be calculated to 3 decimal places (rounding up if the fourth decimal place is 5 or more).
- (5) An indexation factor that is less than 1 is to be increased to 1.
- (6) Calculations under subregulation (3):
 - (a) are to be made using only the index numbers published in terms of the most recently published index reference period; and
 - (b) are to be made disregarding index numbers that are published in substitution for previously published index numbers (except where the substituted numbers are published to take account of changes in the index reference period).

Schedule 1 Fees in relation to proposals submitted to the Authority for approval

Part 2 Application and transitional provisions

Error! No text of specified style in document.**Error! No text of specified style in document.**

Regulation 6

Part 2—Application and transitional provisions

6 Amendments made by the *Australian Capital Territory (Planning and Land Management) Amendment (Fees) Regulation 2015*

The amendments of these Regulations made by the *Australian Capital Territory (Planning and Land Management) Amendment (Fees) Regulation 2015* apply in relation to proposals submitted to the Authority on and after 1 December 2015.

Schedule 1—Fees in relation to proposals submitted to the Authority for approval

Note 1: See regulation 4.

Note 2: Some amounts in column 2 of the table are indexed under regulation 5.

1 Fees payable in relation to proposals submitted to the Authority for approval

The following table sets out fees payable in relation to proposals submitted to the Authority for approval.

Fees payable in relation to proposals submitted to the Authority for approval		
Item	Column 1	Column 2
	Service provided	Fee
1	Consideration of a proposal submitted to the Authority to approve works or temporary works in a Designated Area:	
	(a) if the estimated cost of the completed works or temporary works does not exceed \$100 000	\$110 plus 0.45% of the amount in excess of \$20 000
	(b) if the estimated cost of the completed works or temporary works exceeds \$100 000 and not \$500 000	\$1 300 plus 0.35% of the amount in excess of \$100 000
	(c) if the estimated cost of the completed works or temporary works exceeds \$500 000 and not \$1 000 000	\$2 650 plus 0.35% of the amount in excess of \$500 000
	(d) if the estimated cost of the completed works or temporary works exceeds \$1 000 000 and not \$10 000 000	\$4 050 plus 0.20% of the amount in excess of \$1 000 000
	(e) if the estimated cost of the completed works or temporary works exceeds \$10 000 000	\$22 400 plus 0.15% of the amount in excess of \$10 000 000

Schedule 1 Fees in relation to proposals submitted to the Authority for approval
Part 2 Application and transitional provisions

Fees payable in relation to proposals submitted to the Authority for approval		
Item	Column 1	Column 2
	Service provided	Fee
2	Consideration of a proposal submitted to the Authority to approve amendments to previously approved works or temporary works	25% of the fee payable in relation to the works or temporary works under item 1, as indexed under regulation 5
3	Consideration of a proposal submitted to the Authority to approve signs in a Designated Area	\$250
4	Provision of a notice to resubmit a proposal mentioned in item 1 if the submitted proposal does not comply with paragraph 12(1)(a) or (c) of the Act	\$300 per notice

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Endnotes about misdescribed amendments and other matters are included in a compilation only as necessary.

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the amendment is set out in the endnotes.

Endnotes

Endnote 2—Abbreviation key

Endnote 2—Abbreviation key

A = Act	orig = original
ad = added or inserted	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
am = amended	pres = present
amdt = amendment	prev = previous
c = clause(s)	(prev...) = previously
C[x] = Compilation No. x	Pt = Part(s)
Ch = Chapter(s)	r = regulation(s)/rule(s)
def = definition(s)	Reg = Regulation/Regulations
Dict = Dictionary	reloc = relocated
disallowed = disallowed by Parliament	renum = renumbered
Div = Division(s)	rep = repealed
exp = expires/expired or ceases/ceased to have effect	rs = repealed and substituted
F = Federal Register of Legislative Instruments	s = section(s)/subsection(s)
gaz = gazette	Sch = Schedule(s)
LI = Legislative Instrument	Sdiv = Subdivision(s)
LIA = <i>Legislative Instruments Act 2003</i>	SLI = Select Legislative Instrument
(md) = misdescribed amendment	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
o = order(s)	<u>underlining</u> = whole or part not commenced or to be commenced
Ord = Ordinance	

Endnote 3—Legislation history

Endnote 3—Legislation history

Number and year	FRLI registration or gazettal	Commencement	Application, saving and transitional provisions
187, 1989	6 July 1989	6 July 1989	
256, 1992	7 Aug 1992	7 Aug 1992	—
189, 2015	26 Nov 2015 (F2015L01847)	1 Dec 2015 (s 2(1) item 1)	—

Endnotes

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
Part 1	
Part 1 heading	ad No 189, 2015
r 2	am No 256, 1992
r 4	ad No 256, 1992
	am No 189, 2015
r 5	ad No 189, 2015
Part 2	
Part 2	ad No 189, 2015
r 6	ad No 189, 2015
Schedule 1	
Schedule	ad No 256, 1992
	rs and renum No 189, 2015
Schedule 1 (prev	
Schedule)	
