# Guide to the application

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## Introduction

This form may be used to seek a binding opinion from the Commissioner of Territory Revenue (the Commissioner) about a proposal to activate a vacant or unoccupied non-residential lot.

This form should be read and completed in conjunction with the following publications:

CG-PA-001 – Commissioner’s Guideline - Activation of Lots

*Property Activation Act 2019*

*Taxation Administration Act 2007*

## Property Activation Levy

From 1 July 2019, the *Property Activation Act* *2019* (PAA) applies to vacant land and ground floor non‑residential buildings within the Darwin central business district (CBD). The levy does not apply to residential property. The rate of the levy is 2 per cent for non-activated vacant land and 1 per cent for non-activated unoccupied, non-residential buildings based on the unimproved capital value of the property.

The objective of the levy is to improve the CBD’s liveability, attractiveness, safety and cultural activity.

Owners of vacant land or unoccupied buildings may take action to prevent the application of the levy by activating their properties.

Before taking action to activate a property, a property owner may seek an opinion from the Commissioner about whether what they propose to do is sufficient to constitute activation under the PAA.

## How is a lot activated?

Under the PAA, a lot is activated where the lot is both:

* utilised in a manner that does not detract from the amenity of any other part of the levy area
* maintained to an adequate standard.

For detailed information about what constitutes activation, please refer to CG-PA-001 – Commissioner’s Guideline - Activation of Lots.

## Commissioner’s opinion

If a lot is not activated and the property owner proposes to activate the lot they may seek an opinion from the Commissioner about whether the proposal is sufficient to constitute activation under the PAA.

Where the Commissioner issues an opinion, the opinion is binding provided works are carried out in accordance with the proposal.

Should a property owner receive an unfavourable opinion, the Commissioner will not accept further requests for an opinion for similar, but slightly modified, proposals. However, the Commissioner will provide a further opinion in circumstances where a property owner receives an unfavourable decision and subsequently makes a substantially different proposal or amends the proposal to address the reasons for initial refusal.

## Who should use this form

Under the PAA, only the owner of a property can seek an opinion about that property. However, a property owner may authorise another party to seek an opinion on their behalf.

## What information must be provided when applying for an opinion?

The level of detail and information required will vary depending on the nature of the property and the proposed works. However, a proposal must provide sufficient information to enable the Commissioner to issue an opinion, and must include:

* a full description of the property’s status and the works that will be undertaken
* an explanation of how the proposed works will activate the property
* a description of the materials being used for the works
* a plan or diagram of the proposed works
* an expected timeframe for commencement and completion of the work
* evidence of any relevant approvals or permits you have obtained to commence the works
* evidence of any applications made to obtain approvals or permits in respect of the works
* any expected impediments to completing the works, for example, fires or other natural disasters, or requirements to obtain permits or licenses
* any other relevant information in support of the application.

Please note, the Commissioner may seek additional information if required.

## Property details

|  |  |  |
| --- | --- | --- |
| **Property address:** |  |  |
| Lot no. |  |  |  |
| Unit no. |  |  |  |
| Street no. |  |  |  |
| Street name |  |  |  |
| Select property type: | **Yes**  | **No** |
| * Vacant land
 |[ ] [ ]
| * Unoccupied non-residential lot
 |[ ]  [ ]  |

|  |  |
| --- | --- |
| **Property owner details:** (name registered on the title of the property) |  |
|  | **Yes**  | **No** |
| Are you the owner of the property? |[ ] [ ]
|  |  |  |
| If you are not the property owner, are you authorised to act on the property owners behalf? Attach written authorisation. |[ ] [ ]
| Title |  |  |
| Surname |  |  |
| Given name |  |  |
| Company name |  |  |
| Phone number |  |  |
| Email |  |  |
| Postal address |  |  |
|  |  |  |
|  |  |  |

## Contact details

|  |
| --- |
| **Contact details:** (the contact person for this application and address for correspondence) |
| Title |  |  |
| Surname |  |  |
| Given name |  |  |
| Phone number |  |  |
| Email |  |  |
| Postal address |  |  |
|  |  |  |
|  |  |  |

## Proposal to activate property

Have you previously sought an opinion about this property?

|  |  |  |
| --- | --- | --- |
|  | **Yes** | **No** |
| Have you previously sought an opinion about this property? |[ ] [ ]
| If yes, is this proposal materially different? Provide a copy of the previousopinion and explain how the proposal differs in the section below. |[ ] [ ]

Provide a full description of the activation proposal, including all facts, assumptions and relevant dates. Attach copies of all supporting documentation.

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## Declaration

**I declare that the statements contained herein and supporting documentation provided are true and correct in every particular.**

**WARNING:** It is an offence under the *Taxation Administration Act* *2007* to provide information that you know is misleading in a material particular. The maximum penalty for providing misleading information is 400 penalty units. Current penalty unit values are available from <https://treasury.nt.gov.au/dtf/revenue>.

|  |  |  |
| --- | --- | --- |
| Name |  |  |
| Signature |  |  |
| Date |  |  |