

South Australia

# **Planning, Development and Infrastructure (Fees, Charges and Contributions) (Miscellaneous) Variation Regulations 2020**

under the *Planning, Development and Infrastructure Act 2016*

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## **Part 1—Preliminary**

### **1—Short title**

These regulations may be cited as the *Planning, Development and Infrastructure (Fees, Charges and Contributions) (Miscellaneous) Variation Regulations 2020*.

### **2—Commencement**

These regulations come into operation on the day on which the *Planning, Development and Infrastructure (General) (Miscellaneous) Variation Regulations 2020* come into operation.

### **3—Variation provisions**

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

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## **Part 2—Variation of *Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019***

### **4—Variation of regulation 3—Interpretation**

- (1) Regulation 3(1), definition of *designated entity*, (a)—delete paragraph (a) and substitute:
  - (a) in relation to an assessment panel acting as a relevant authority under section 82(c), (d) or (e) of the Act—
    - (i) in the case of an assessment panel appointed by a joint planning board—the council for the area in which the development is to be undertaken; or
    - (ii) in the case of an assessment panel appointed by a council—the council; or
    - (iii) in the case of an assessment panel appointed by the Minister—an entity designated by the Chief Executive in the particular case; or
  - (ab) the Commission; or
- (2) Regulation 3(1), definition of *designated entity*, (b)(i)—delete "the joint planning board" and substitute:

the council for the area in which the development is to be undertaken

### **5—Insertion of regulation 3B**

After regulation 3A insert:

#### **3B—Fees associated with work of assessment panels**

- (1) For the purposes of these regulations, any fee paid or payable to an assessment panel acting as a relevant authority under section 82(c), (d) or (e) of the Act will be taken to be paid or payable to the designated entity that relates to the assessment panel.
- (2) For the purposes of subregulation (1), the entity under paragraph (a) of the definition of *designated entity* that applies in relation to a particular assessment panel will be taken to be the designated entity that relates to that assessment panel.

### **6—Variation of regulation 8—Variation of authorisation (section 128)**

Regulation 8(2)—delete subregulation (2) and substitute:

- (2) An application seeking a variation that is minor in nature under regulation 65(1) of the *Planning, Development and Infrastructure (General) Regulations 2017* must be accompanied by the prescribed fee.

## **7—Variation of regulation 9—Staged development**

- (1) Regulation 9(1)—delete "base amount under Schedule 1 item 5" and substitute:  
prescribed fee for the lodgement of an application (referred to as the *base amount*)
- (2) Regulation 9(2)—delete "base amount" and substitute:  
prescribed fee for the lodgement of an application
- (3) Regulation 9(2)—delete "regulation 8" and substitute:  
regulation 8(1)

## **8—Revocation of regulation 10**

Regulation 10—delete the regulation

## **9—Substitution of regulation 13**

Regulation 13—delete the regulation and substitute:

### **13—Development to be assessed by accredited professional**

- (1) Subject to subregulation (2), the fees set out in Schedule 1 Parts 2 and 3 are not payable if the relevant authority is an accredited professional, other than an assessment manager.
- (2) If an application is made to an accredited professional—
  - (a) the prescribed fee for the lodgement of an application (referred to as the *base amount*) is payable by the applicant to the accredited professional at the time that the application is lodged with the accredited professional; and
  - (b) the accredited professional must forward that fee to the Chief Executive within 5 business days of its receipt by the accredited professional in accordance with any requirements determined by the Chief Executive.
- (3) Except as provided by subregulation (2), the fee to be paid to an accredited professional (other than an assessment manager) will be determined by agreement between the applicant and the accredited professional.

## **10—Substitution of regulation 18**

Regulation 18—delete the regulation and substitute:

### **18—Distribution of fees**

- (1) Fees relating to development assessment paid or payable under these regulations will be distributed between the Chief Executive and designated entities under a scheme established by the Chief Executive for the purposes of this regulation.

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- (2) In addition, in relation to an application for planning consent that must be referred to 1 or more prescribed bodies under Schedule 9 of the *Planning, Development and Infrastructure (General) Regulations 2017*, the scheme established under subregulation (1) will—
- (a) specify the fee payable by the applicant for each referral (but if the application must be referred to the same body under more than 1 item of that Schedule, then only 1 fee is payable with respect to the referral of the application to that body); and
  - (b) provide for an amount specified under the scheme to be paid to a prescribed body for each amount paid by an applicant under paragraph (a) on account of a referral to that prescribed body.
- (3) A reference in subregulations (1) and (2) to a fee payable under these regulations extends to a fee that, although payable, was waived (in whole or in part) by a relevant authority.

### **19—Payment requirements**

An amount payable under these regulations must be paid—

- (a) in the case of a fee received by a payment via the SA planning portal—to the entity entitled to the amount under these regulations under a scheme established by the Chief Executive for the purposes of this paragraph; and
- (b) in any other case—to the entity entitled to the amount under these regulations within 10 business days after the end of the quarter in which the amount is received by the designated entity under a scheme established by the Chief Executive for the purposes of this paragraph.

### **11—Variation of Schedule 1—Fees**

- (1) Schedule 1, Part 2—delete Part 2 and substitute:

#### **Part 2—Fees relating to development assessment**

The following fees are payable in relation to development assessment under the Act (including in connection with the *Planning, Development and Infrastructure (General) Regulations 2017*):

- |   |   |       |
|---|---|-------|
| 5 | Application for planning consent or building consent (the <i>base amount</i> )—                     |       |
|   | (a) a lodgement fee; and  | \$177 |
|   | (b) if the application is lodged at the principal office of the relevant authority—a processing fee | \$80  |
| 6 | Application for planning consent—   |       |

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|      |  |  |
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| (a)  | if the proposed development is to be assessed as deemed-to-satisfy development under section 106 of the Act—   |  |
| (i)  | if the total development cost is no more than \$10 000   | \$127  |
| (ii) | in any other case  | \$210  |
| (b)  | if the proposed development is to be assessed on its merits under section 107 of the Act   | \$250 or 0.125% of the total development cost up to a maximum of \$200 000, whichever is the greater |
| (c)  | if the proposed development is restricted development under section 108(1)(a) of the Act   | 0.25% of the total development cost up to a maximum of \$300 000                                     |
| (d)  | if the applicant applies for a review of the decision under section 110(15) of the Act   | \$511  |
| (e)  | if the proposed development is to be assessed as impact assessed development under section 111 of the Act—   |  |
| (i)  | if the proposed development is declared as being impact assessed development by the Minister   | \$1 750 plus 0.25% of the total development cost up to a maximum of \$500 000                        |
| (ii) | in any other case  | 0.25% of the total development cost up to a maximum of \$500 000                                     |
| 7    | Application for planning consent that must be notified—  |  |
| (a)  | if section 107(3)(a) applies   | \$250  |
| (b)  | if section 110(2)(a) applies   | \$250  |
| 8    | Application for planning consent that must be referred to 1 or more prescribed bodies under Schedule 9 of the <i>Planning, Development and Infrastructure (General) Regulations 2017</i> | See regulation 18  |
| 9    | Application for building consent (a <b>building assessment fee</b> )—  |  |
| (a)  | for a Class 1 building under the Building Code   | \$450 or 0.25% of the total development cost, whichever is the greater                               |

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|----|-------|--|--|
|    | (b)   | for a Class 10 building under the Building Code  | \$130 or 0.25% of the total development cost, whichever is the greater                                 |
|    | (c)   | for any other class of building under the Building Code—   |  |
|    | (i)   | if the total development cost is no more than \$20 000   | \$670  |
|    | (ii)  | if the total development cost is greater than \$20 000 and no more than \$200 000  | \$670 plus 0.4% of the amount determined by subtracting \$20 000 from the total development cost       |
|    | (iii) | if the total development cost is greater than \$200 000 and no more than \$1 000 000   | \$1 390 plus 0.25% of the amount determined by subtracting \$200 000 from the total development cost   |
|    | (iv)  | if the total development cost is greater than \$1 000 000  | \$3 390 plus 0.15% of the amount determined by subtracting \$1 000 000 from the total development cost |
| 10 |       | Application for building consent (a <i>compliance fee</i> )—   |  |
|    | (a)   | for a Class 1 building under the Building Code or a swimming pool  | \$240  |
|    | (b)   | for a Class 10 building under the Building Code—   |  |
|    | (i)   | if the total development cost is no more than \$10 000   | no fee   |
|    | (ii)  | if the total development cost is greater than \$10 000   | \$80   |
|    | (c)   | for any other class of building under the Building Code  | \$240 or 0.075% of the total development cost up to a maximum of \$2 500, whichever is the greater     |
| 11 |       | Application for building consent for the demolition of a building  | \$145  |
| 12 |       | Application for the concurrence of the Commission under section 118(2)(a) of the Act   | \$345  |
| 13 |       | Referral of application to the Commission for an opinion under section 118(4) of the Act   | \$345  |
| 14 |       | Application for a development authorisation under section 102(1)(c) or (d) of the Act—   |  |
|    | (a)   | if the number of allotments resulting from the division is equal to or less than the existing number of allotments, or creates no more than 4 additional allotments and does not involve the creation of a public road | \$175  |

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|      |     |  |  |
|------|-----|--|--|
|      | (b) | if the division creates more than 4 additional allotments  | \$175 plus \$16 for each additional allotment created            |
|      | (c) | if the division involves the creation of a public road (regardless of the number of additional allotments created)   | \$175 plus \$16 for each additional allotment created            |
| 15   |     | Advice of the Commission under regulation 76 of the <i>Planning, Development and Infrastructure (General) Regulations 2017</i> (payable by the applicant at the time of lodgement of the application)      | \$200  |
| 16   |     | A Certificate of Approval Fee for the purposes of section 138 of the Act   | \$1 028  |
| 17   |     | Application under section 130 or 31 of the Act (fee payable to the Commission)   | 0.25% of the total development cost up to a maximum of \$300 000 |
| 18   |     | Application for a variation of a development authorisation previously given that is minor in nature  | \$127  |
| 19   |     | Application to assessment panel for review of a prescribed matter under section 202(1)(b)(i)(A) of the Act   | \$511  |
| (2)  |     | Schedule 1, Part 3, item 21—delete "\$103.00" and substitute:<br>\$240   |  |
| (3)  |     | Schedule 1, Part 3, item 22—delete item 22 and substitute:<br>22 Application for assignment of a classification to a building or a change in the classification of a building under section 151 of the Act | \$170  |
| (4)  |     | Schedule 1, Part 4, item 23—delete "\$45" and substitute:<br>\$50  |  |
| (5)  |     | Schedule 1, Part 4, item 24(a)—delete "\$7 616" and substitute:<br>\$7 761   |  |
| (6)  |     | Schedule 1, Part 4, item 24(b)—delete "\$3 058" and substitute:<br>\$3 116   |  |
| (7)  |     | Schedule 1, Part 4, item 25(a)—delete "\$7 616" and substitute:<br>\$7 761   |  |
| (8)  |     | Schedule 1, Part 4, item 25(b)—delete "\$3 058" and substitute:<br>\$3 116   |  |
| (9)  |     | Schedule 1, Part 5, item 27—delete "\$94" and substitute:<br>\$150   |  |
| (10) |     | Schedule 1, Part 5, item 28—delete item 28 and substitute:<br>28 Application for approval of relevant authority under section 128(2)(d) of the Act—  |  |

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|      |   |          |
|------|---|----------|
|      | (a) if the development authorisation relates to development assessed as restricted development under section 108(1)(a) of the Act or impact assessed development under section 111 of the Act, or relates to development assessed under section 130 or 131 of the Act | \$127    |
|      | (b) in any other case   | \$107    |
| 28A  | Request for initiation of infrastructure scheme under section 163(3)(b) of the Act  | \$3 671  |
| (11) | Schedule 1, Part 5—after item 31 insert:  |          |
|      | 31A Fee for approval under section 197(5) of the Act  | \$372.00 |

**12—Revocation of Schedule 2**

Schedule 2—delete Schedule 2

**Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

**Made by the Governor**

with the advice and consent of the Executive Council  
on 16 July 2020

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