

SOUTH AUSTRALIA

**THE FEES REGULATION (WATER AND SEWERAGE PLANNING)
ESTIMATES REGULATIONS, 1984**

REGULATIONS UNDER THE FEES REGULATION ACT, 1927

The Fees Regulation (Water and Sewerage Planning) Estimates Regulations, 1984

being

No. 214 of 1984: *Gaz.* 1 November 1984, p. 1448¹

as varied by

No. 186 of 1988: *Gaz.* 1 September 1988, p. 941²

No. 76 of 1989: *Gaz.* 1 June 1989, p. 1489³

No. 38 of 1994: *Gaz.* 2 June 1994, p. 1548⁴

No. 23 of 1995: *Gaz.* 15 March 1995, p. 867⁵

No. 119 of 1996: *Gaz.* 30 May 1996, p. 2730⁶

¹ Came into operation 1 December 1984: reg. 14.

² Came into operation 15 September 1988: reg. 2.

³ Came into operation 1 July 1989: reg. 2.

⁴ Came into operation 14 October 1994 in accordance with section 5 of the *Fees Regulation Act 1927*: reg. 2.

⁵ Came into operation 8 June 1995 in accordance with section 5 of the *Fees Regulation Act 1927*: reg. 2.

⁶ Came into operation 3 October 1996 in accordance with section 5 of the *Fees Regulation Act 1927*: reg. 2.

2.

1. These regulations may be cited as *The Fees Regulation (Water and Sewerage Planning) Estimates Regulations, 1984*.

2. In these regulations:

"bring up to date" means:

- (i) the alteration by the Department of a determination of a financial contribution to allow for the effect, if any, of changes in component cost estimates comprised in that determination of a financial contribution occurring since the date of the letter of notification of that determination of financial contribution;

and

- (ii) the further alteration by the Department of a determination of a financial contribution which has previously been brought up to date by the Department to further allow for the effect, if any, of changes in component cost estimates comprised in that determination of a financial contribution, occurring since the date upon which such determination of a financial contribution was previously brought up to date.

"Department" means the Engineering and Water Supply Department or any department or body for the time being administering the *Waterworks Act, 1932* and the *Sewerage Act, 1929*.

"financial contribution" means an amount:

- (i) determined by the Department on the basis of a financial estimate by the Department of the cost of providing either water services, or sewerage services, or both to each allotment of a proposed division of land pursuant to the *Planning Act, 1982*;

and

- (ii) payable to the Minister pursuant to section 223lg(3)(b) of the *Real Property Act, 1886*.

"instructions" includes oral and written instructions, or instructions which are partially written and partially oral, in relation to the determination of a financial contribution or the bringing up to date of that determination from time to time pursuant to these regulations.

"land divider" means a person who proposes to divide land pursuant to the *Planning Act, 1982*.

"letter of notification" means:

- (i) in relation to the determination of a financial contribution, a letter from the Department to the land divider or his agent specifying the requirements of the Minister relating to the provision of sewerage services or water services or both sewerage services and water services to a proposed division of land by the land divided pursuant to the *Planning Act, 1982*;

and

- (ii) in relation to the bringing up to date of a determination of a financial contribution, a letter from the Department to the land divider or his agent, notifying the land divider that a determination of a financial contribution has been brought up to date pursuant to these regulations.

"Minister" means the Minister for the time being administering the *Waterworks Act, 1932* and the *Sewerage Act, 1929*.

"sewerage services" means sewerage services supplied by the Minister pursuant to the *Sewerage Act, 1929*, including sewer mains or connections or both.

"water services" means water services supplied by the Minister pursuant to the *Waterworks Act, 1932* including water mains or services or both.

3. (1) Subject to these regulations:

- (a) where a person proposes to divide land pursuant to the *Planning Act, 1982* (such proposed division of land being hereinafter referred to as "a division"); and
- (b) has given instructions to the Department requesting it to determine a financial contribution for the purposes of section 223lg(3)(b) of the *Real Property Act, 1886* with respect to any of the following:
 - (i) the water services for the land in the proposed division; or
 - (ii) the sewerage services for the land in the proposed division; or
 - (iii) the supply of both water services and sewerage services to the land in the proposed division.

he shall, at the time of giving instructions to the Department pursuant to this paragraph (b) of this subregulation (1), pay to the Department a fee for preparing the determination of financial contribution requested by him, which fee shall be as follows:

For the preparation of a determination
of a financial contribution with respect
to water services for the land after the
proposed division \$199

4.

For the preparation of a determination of a financial contribution with respect to sewerage services for the land after the proposed division \$199

For the preparation of a determination of a financial contribution with respect to both water and sewerage services for the land after the proposed division \$398

(2) Upon payment of the appropriate fee the Department shall prepare the determination of financial contribution in accordance with the instructions given to it.

4. A determination of financial contribution made pursuant to these regulations shall be signed by an officer of the Department and dated.

5. At any time after the date of the letter of notification with respect to a determination of a financial contribution a land divider who has received such determination of a financial contribution may instruct the Department to bring that determination of a financial contribution up to date pursuant to these regulations.

6. (1) Where a land divider instructs the Department to bring a determination of a financial contribution up to date pursuant to these regulations he shall, at the time of giving his instructions to the Department, pay to the Department a fee which shall be as follows:

For bringing a determination of a financial contribution up to date with respect to water services for the land after division \$58

For bringing a determination of a financial contribution up to date with respect to sewerage services for the land after division \$58

For bringing a determination of a financial contribution up to date with respect to both water and sewerage services for the land after division \$116

(2) Upon payment of the appropriate fee to the Department, the Department shall, in accordance with the instructions given to it, bring the determination of financial contribution up to date.

7. When a determination of a financial contribution has been brought up to date pursuant to these regulations it shall be signed by an officer of the Department and dated.

8. A determination of financial contribution which has been brought up to date for the first time pursuant to these regulations shall remain up to date for a period of sixty days calculated from the date of the letter of notification of the bringing up to date of that determination of a financial contribution.

9. A determination of a financial contribution may be brought up to date more than once pursuant to these Regulations.

10. Where instructions are given to bring a determination of a financial contribution up to date on a second or subsequent occasion such determination of a financial contribution shall, on each occasion when instructions are given to the Department to bring it up to date, be brought up to date by the Department in the same manner as a determination of a financial contribution is brought up to date for the first time pursuant to these regulations.

11. On each occasion when instructions are given to the Department to bring a determination of a financial contribution up to date on a second or subsequent occasion, the following additional fees shall be payable to the Department.

For further bringing a determination of a financial contribution up to date with respect to water services for the land after division \$58

For further bringing a determination of a financial contribution up to date with respect to sewerage services for the land after division \$58

For further bringing a determination of a financial contribution up to date with respect to both water and sewerage services for the land after division \$116

12. Whenever a determination of a financial contribution is brought up to date on a second or subsequent occasion it shall remain up to date for a period of sixty days calculated from the date of the letter of notification of the bringing up to date of that determination of a financial contribution.

13. Any fee payable to the Department for the preparation of a determination of a financial contribution or for the bringing up to date of that determination of a financial contribution shall be payable notwithstanding that the proposed division of land to which such determination of a financial contribution relates is or is not subsequently authorised pursuant to the *Planning Act, 1982*.

14. These regulations shall come into force on 1 December 1984.

APPENDIX

LEGISLATIVE HISTORY

Regulation 3(1):	varied by 186, 1988, reg. 3; 76, 1989, reg. 3; 38, 1994, reg. 3; 23, 1995, reg. 3; 119, 1996, reg. 3
Regulation 6(1):	varied by 76, 1989, reg. 4; 38, 1994, reg. 4; 23, 1995, reg. 4; 119, 1996, reg. 4
Regulation 11:	varied by 38, 1994, reg. 5; 23, 1995, reg. 5; 119, 1996, reg. 5