

South Australia

# **Planning, Development and Infrastructure (Fees, Charges and Contributions) (Fee Notices) Variation Regulations 2021**

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) (Fee Notices) Variation Regulations 2021*.

### **2—Commencement**

These regulations come into operation on 1 July 2021.

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### 3—Variation provisions

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

## 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 *allotment*—delete the definition
- (2) Regulation 3(1), definition of *development cost*—delete the definition
- (3) Regulation 3(1), definitions of *GST*, *GST component* and *GST law*—delete the definitions
- (4) Regulation 3(1)—before the definition of *quarter* insert:

*prescribed fee* means a fee prescribed for the purposes of the Act, these regulations or a related set of regulations;

### 5—Variation of regulation 3A—Fees associated with the work of assessment managers

Regulation 3A(1)—delete "For the purposes of these regulations, any fee" and substitute:

A prescribed fee

### 6—Variation of regulation 3B—Fees associated with work of assessment panels

Regulation 3B(1)—delete "For the purposes of these regulations, any fee" and substitute:

A prescribed fee

### 7—Revocation of Part 2

Part 2—delete the Part

### 8—Variation of regulation 5—Calculation or assessment of fees

- (1) Regulation 5(1)(a)—delete "any fee payable under these regulations or a related set of regulations" and substitute:

a prescribed fee
- (2) Regulation 5(1)(b)—delete "or a related set of regulations" and substitute:

, a related set of regulations or a fee notice
- (3) Regulation 5(2)—delete "any fee" and substitute:

a prescribed fee
- (4) Regulation 5(3)—delete subregulation (3) and substitute:
  - (3) An authority may, at any time, reassess a prescribed fee despite an earlier calculation or acceptance of an amount in respect of the fee.

- (5) Regulation 5(4)(b)—delete "under these regulations"

### **9—Variation of regulation 6—Time period suspended if fee not paid**

- (1) Regulation 6—delete "a fee" and substitute:  
a prescribed fee
- (2) Regulation 6—delete "or a related set of regulations" and substitute:  
, a related set of regulations or a fee notice

### **10—Variation of regulation 7—Waiver or refund of fee**

- (1) Regulation 7—delete "a fee" and substitute:  
a prescribed fee
- (2) Regulation 7—delete "or a related set of regulations" and substitute:  
, a related set of regulations or a fee notice

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

- Regulation 8(1)—delete "fees prescribed by these regulations" and substitute:  
prescribed fees

### **12—Variation of regulation 11—Development undertaken by councils**

- Regulation 11—delete "No fee is payable under Schedule 1 Part 2" and substitute:  
A prescribed fee relating to development assessment is not payable

### **13—Variation of regulation 12—Excluded Crown development**

- Regulation 12—delete "No fee is payable under Schedule 1" and substitute:  
A prescribed fee is not payable

### **14—Variation of regulation 13—Development to be assessed by accredited professional**

- (1) Regulation 13(1)—delete "fees set out in Schedule 1 Parts 2 and 3" and substitute:  
prescribed fees relating to development assessment and to building activity and use
- (2) Regulation 13(2)(a)—delete "following fees" and substitute:  
following prescribed fees
- (3) Regulation 13(4)—delete subregulation (4) and substitute:  
(4) To avoid doubt, nothing in this regulation affects the requirement to pay the prescribed fee relating to an application for final development approval in respect of HomeBuilder development.

### **15—Revocation of regulations 14 and 15**

- Regulations 14 and 15—delete the regulations

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

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**16—Variation of regulation 16—Open space contribution scheme**

Regulation 16(1)—delete "an amount prescribed under Schedule 1 item 24" and substitute:

a prescribed fee relating to rates of contribution under section 198(1)(d), (2)(c) or (8) of the Act

**17—Variation of regulation 17—Multi-unit buildings**

Regulation 17—delete "an amount prescribed under Schedule 1 item 25" and substitute:

a prescribed fee relating to rates of contribution for the purposes of section 199(1) of the Act

**18—Variation of regulation 18—Distribution of fees**

- (1) Regulation 18(1)—delete "Fees relating to development assessment paid or payable under these regulations" and substitute:

A prescribed fee relating to development assessment

- (2) Regulation 18(1)—delete "for the purposes of this regulation"

- (3) Regulation 18(2) and (3)—delete subsections (2) and (3) and substitute:

- (2) A reference in subregulation (1) to a prescribed fee extends to a prescribed fee that, although payable, was waived (in whole or in part) by a relevant authority.

**19—Variation of regulation 19—Payment requirements**

- (1) Regulation 19—delete "An amount payable under these regulations" and substitute:

A prescribed fee

- (2) Regulation 19(a)—delete "a fee" and substitute:

a prescribed fee

- (3) Regulation 19(a)—delete "amount under these regulations" and substitute:

prescribed fee

- (4) Regulation 19(a)—delete "for the purposes of this paragraph"

- (5) Regulation 19(b)—delete "amount under these regulations" and substitute:

prescribed fee

- (6) Regulation 19(b)—delete "for the purposes of this paragraph"

**20—Revocation of Schedule 1**

Schedule 1—delete the Schedule

**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.

**Planning, Development and Infrastructure (Fees, Charges and Contributions) (Fee Notices) Variation  
Regulations 2021**

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

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**Made by the Governor**

with the advice and consent of the Executive Council  
on 3 June 2021

No 68 of 2021