

South Australia

# **Planning, Development and Infrastructure (Fees, Charges and Contributions) (Phase 3 of Code) 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) (Phase 3 of Code) Variation Regulations 2021*.

### **2—Commencement**

These regulations come into operation on the day on which Schedule 6 Part 2 of the *Planning, Development and Infrastructure Act 2016* comes 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.

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

### **4—Variation of regulation 4—Fees payable**

- (1) Regulation 4(2)—delete "If" and substitute:  
Subject to subregulation (3), if
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(2) Regulation 4—after subregulation (2) insert:

- (3) If planning consent is sought for development comprising more than 1 element—
  - (a) a fee is not payable under Schedule 1 item 6 for each element of the development; and
  - (b) the fee payable under Schedule 1 item 6 is the highest fee applying to a single element of the development; and
  - (c) if the relevant fee is based on the total development cost, the fee payable will be based on the total cost of all elements of the development.
- (4) If a lodgement fee has been paid for planning consent or building consent for a development, no lodgement fee is payable for the issue of the final development approval in respect of that development.

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

Regulation 13(2)—delete subregulation (2) and substitute:

- (2) If an application is made to an accredited professional—
  - (a) the following fees are payable by the applicant to the accredited professional at the time that the application is lodged with the accredited professional:
    - (i) the prescribed fee for the lodgement of an application (referred to as the **base amount**);
    - (ii) if building consent is sought, the prescribed fee for the lodgement of an application (referred to as a **compliance fee**); and
  - (b) the accredited professional must forward those fees to the Chief Executive within 5 business days of their receipt by the accredited professional in accordance with any requirements determined by the Chief Executive.

**6—Variation of Schedule 1—Fees**

(1) Schedule 1, Part 2, item 10—delete item 10 and substitute:

10	Application for building consent (a <b>compliance fee</b> )—	
(a)	for a Class 1 building under the Building Code or a swimming pool	\$240
(b)	for a Class 1 building under the Building Code if the building comprises multiple dwellings	\$240 for each dwelling
(c)	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

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|     | (d) for any other class of building under the Building Code   | \$240 or<br>0.075% of<br>the total<br>development<br>cost up to a<br>maximum of<br>\$2 500,<br>whichever is<br>the greater  |
| (2) | Schedule 1, Part 2, item 17—before "0.25%" insert:<br>\$177 plus  |   |
| (3) | Schedule 1, Part 2—after item 17 insert:  |   |
|     | 17A Amount for public notice under section 131(13)(a) of the<br>Act (amount payable to the Commission)  | An amount<br>determined by the<br>Commission as<br>being appropriate to<br>cover its reasonable<br>costs in giving<br>public notice of the<br>application under<br>section 131(13)(a)<br>of the Act |
| (4) | Schedule 1, Part 5, item 28—delete "Application for approval of relevant authority<br>under section 128(2)(d)" and substitute:<br><br>Application for the extension of a development authorisation under<br>section 126(3)  |   |
| (5) | Schedule 1, Part 5—after item 32 insert:  |   |
|     | 33 Application for approval of building envelope plan under<br>regulation 19A(1) of the <i>Planning, Development and Infrastructure</i><br><i>(General) Regulations 2017</i>  | \$175 plus<br>\$16 for each<br>allotment<br>delineated<br>under the<br>building<br>envelope<br>plan   |
|     | 34 Fee for consideration and publication of building envelope plan<br>under regulation 19A(3) and (4) of the <i>Planning, Development and</i><br><i>Infrastructure (General) Regulations 2017</i> (payable by applicant at<br>the time of making application for approval of building envelope<br>plan) | \$200   |

**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.

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**Made by the Governor**

with the advice and consent of the Executive Council  
on 4 March 2021

No 24 of 2021