

Chief Executives Fees Policy 1 – Code Amendment Fees 2021

Introduction

This policy applies to the waiver or reduction of fees charged for amendments to the Planning and Design Code charged under the Planning, Development and Infrastructure (Fees) Notice (Fees Notice) published in the Gazette from time to time.

Regulation 7 of the *Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019* provides a general power for an authority to which a fee is payable under the Fees Notice to waive or refund the payment of the fee in part or in full as it considers appropriate.

Fees Policy

Part 1 – Preliminary

1 – Citation

This fees policy may be cited as the *Chief Executive Fees Policy 1 – Code Amendment Fees 2021*.

2 – Commencement of Operation

This fees policy will come into operation on the day on which it is published on the SA Planning Portal.

3 – Objects of the Fees Policy

The object of this fees policy is to ensure a consistent and transparent approach to the discounting and/or waiving of fees for the purposes of Code Amendments.

4 – Interpretation

In this policy, unless the contrary intention appears –

Act means the *Planning, Development and Infrastructure Act 2016*.

Council means a council constituted under the *Local Government Act 1999*. It also includes the plural of Council.

Code means the *Planning and Design Code*.

Code Amendment means an amendment to the *Planning and Design Code* prepared under section 73 of the Act.

Department means the Attorney General's Department.

Designated Entity means a person or entity authorised or approved to prepare a draft of a proposal to prepare or amend a designated instrument under section 73 of the Act.

Fees Notice means the *Planning, Development and Infrastructure (Fees) Notice* published in the Gazette from time to time.

Joint Planning Board means a Board constituted under the Act.

Private Proponent means a provider of essential infrastructure or a person who has an interest in the land, as listed in sections 73(2)(b)(v) or (vii) of the Act.

Regulations means the Planning, Development and Infrastructure (General) Regulations 2017.

Part 2 – Payment of Fees

The Fees Notice prescribes a fee for Amendments to the Code initiated under section 73(2)(b) of the Act, which are to be paid in stages as set out in the Fees Notice and include:

1. Fee for a consideration of a proposal to initiate an amendment to the Code;
2. Fee for the publication of consultation of a proposed amendment of the Code;
3. Fee for the consideration by the Minister of a proposed amendment to the Code; and
4. Fee for the administration of implementing an amendment to the Code adopted by the Minister.

Subject to Part 3, Code Amendments initiated prior to the commencement of the Fees Notice that introduced fees for Code Amendments will be charged the fee for any remaining stages of the Code Amendment process for that Code Amendment that have not yet commenced.

Part 3 – Fee discounting in part or in full

The fee to be paid under the Fees Notice will be waived in full where:

1. The Designated Entity is the Chief Executive; or
2. The Designated Entity is a Council, Joint Planning Board, Agency or instrumentality of the Crown; and
3. The Designated Entity has not entered into a funding agreement with a Private Proponent; and
4. The proposal is for a public purpose and not commercial or revenue generating.

The fee to be paid under the Fees Notice may be waived in part where:

1. The Designated Entity is a not-for-profit or charity organisation (as recognised by the Australian Charities and Not-for-profits Commission, or Consumer and Business Services) and the Code Amendment is demonstrated to have overall community benefit (i.e. provision of community housing);
2. The Designated Entity is required to repeat stages of the process;
3. The Designated Entity is a Scheme Coordinator or a Provider of Essential infrastructure and the Amendment is for a public purpose and not commercial or revenue generating.

Endorsement

This policy is endorsed by:



Caroline Mealor

CHIEF EXECUTIVE, ATTORNEY-GENERAL'S DEPARTMENT

18 / 11 /2021