District Council of
Loxton Waikerie

WAIVING FEES UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 POLICY

Responsible Officer/s	Manager Environmental Services
Relevant Legislation / Documents	Planning Development and Infrastructure Act 2016 Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019
Adopted	Council meeting 24 September 2021
Reviewed	June 2025
Next Review	September 2029

A. Purpose

The *Planning, Development and Infrastructure Act 2016* (the Act), s. 119(9) and *Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019* (PDI Regulations), r. 7(a) and (b) allows a relevant authority to waive payment of or refund the whole or part of the application fee payable to that relevant authority for the assessment of a development application.

The Assessment Manager for the Riverland Regional Assessment Panel (RRAP) has granted delegation to the Manager Environmental Services (MES) that if a fee is payable to the relevant authority, to waive payment of whole or part of the application fee or refund an application fee (in whole or in part). The Council has granted delegation to the Chief Executive Officer (CEO), who has in turn sub-delegated to the MES, the ability waive payment of whole or part of the application fee or refund an application fee (in whole or in part) in respect of fees for which the Council is the relevant authority (building rules and land division).

B. Objective

1. Whilst fees for planning applications are paid to RRAP, Council also has a role in the assessment of development applications for building consent and land division consent, and to assist in facilitating development and supporting community organisations and new business to the region.

2. This policy provides guidance to Council staff to consider waiving payment of the whole or part of a development application fee, to make decisions in a consistent and transparent manner, whilst recognising the need for a prompt decision to allow assessment of an application in accordance with the timeframes afforded by the Act.

C. Policy

1. Background

1.1 Fees are required to be paid upon lodgement of a Development Application to enact

or validate the lodgement of the application for assessment.

1.2 Fees payable are in accordance with the Act and PDI Regulations and are subject to yearly increases set by the State Government and published in the Government Gazette

1.3 The fees payable may include fees that are required for third parties for referral or as a levy to the State Government.

1.4 Administration Fees, including fees for public notification, CWMS connection and stormwater augmentation, are payable to Council and are declared by Council annually through its Schedule of Fees and Charges.

1.5 Prescribed fees for development applications are not payable where development is to be undertaken by the Council, other than when the primary reason of the development is to raise revenue for the Council (PDI Regs, r. 11).

2. Policy Application

2.1 The Policy applied to development applications:

2.1.1 where a community group may manage or occupy Council land, and the development will be of benefit to the community or improve Council owned assets; or

2.1.2 where a community group undertakes a development on land not owned or in the control of Council but where the development will be of benefit to the community, or

2.1.3 a development is proposed by a Council tenant on Council owned land, or

2.1.4 for new business development, which has the following characteristics:

a) a. the business development is new to the area or represents significant expansion of an existing business

b) the business development will employ greater than 2 people

c) It is not a transfer of ownership from an existing business, or a transfer of location within the area.

2.2 The fee waiver may apply to

a) Fees applicable to planning consent

b) Fees applicable to building consent

2.3 The fee waiver does not apply to

a) the lodgement fee

b) third party referral fees and levies

c) administration fees including public notification, CWMS connection and stormwater augmentation

2.4 The MES may also consider waiving or refunding fees where an application of any nature is withdrawn prior to assessment of the application occurring.

2.5 The MES must consult with the CEO considering amounts for individual applications

greater than $1000 ex GST.

2.6 Council may still consider individual requests for rebate of fees that do not fit within the framework of this policy.

D. Availability

This Policy will be available for inspection at the Council Offices at Loxton or Waikerie during ordinary business hours at no charge.

Copies of this Policy will also be available from Councils website: www.loxtonwaikerie.sa.gov.au or postal copies may be obtained from the Council Office free of charge.

This policy will be available in Council's Electronic Document Management System (Content Manager).

E. Document history and version control

Date	Version	Authorisation	Amendment Details
17/09/2021	1	Council	New policy
16/07/2025	1.1	Council at the meeting of 16 July 2025	Transfer to new template