



DRAFT Basic Infrastructure Scheme - Reviews and Variations

Purpose

This document outlines the processes for reviewing a Basic Infrastructure Scheme and any associated land charges, as well as the procedures and consultation requirements for initiating a Scheme variation.

1. Legislative Basis

Under section 169(2)(ii) of the *Planning, Development and Infrastructure Act 2016* (the Act), arrangements must be specified for the periodic review of a charge under Part 13, Subdivision 7.

The Minister for Planning (Minister) may vary an outline of a Scheme at any time under sections 167(5) and (6) of the Act, where considered necessary or appropriate. This may include variations to the Funding Arrangement.

Sections 167(7)-(9) of the Act establish the legislative process for undertaking a Scheme Variation.

2. Scope

This policy provides guidance for Scheme Coordinators on the review and variation of an approved Basic Infrastructure Scheme, including:

- Periodic reviews of the Scheme and associated charges
- Minister-initiated variations
- Circumstances that may trigger a variation
- Classification of variations
- Consultation and procedural requirements
- Adjustments to scope of projects.

3. Periodic Review of a Scheme

- 3.1 The Scheme Coordinator is required to undertake a periodic five-yearly review of the Scheme to assess whether a variation to the Scheme is necessary.
- 3.2 Where an amendment to the Scheme results in a change to the scope, timing, or cost of infrastructure the Scheme Coordinator must review the associated infrastructure charge.

4. Periodic Review of Charge

- 4.1 Charges imposed under Part 13, subdivision 7 of the Act must be reviewed every five years from the date of commencement or last review, in accordance with section 169(2)(a)(ii) of the Act.
- 4.2 The Scheme Coordinator is responsible for coordinating the review and must seek input from relevant state agencies, utility providers, and councils, as required.
- 4.3 In reviewing the Charge, the following factors must be considered:
 - a) Project scope, including updates to technical reports
 - b) Infrastructure and land costs, and the adequacy of associated charges
 - c) Development activity (rate, location, and scale) and its impact on infrastructure
 - d) Alignment with strategic planning instruments and government policy changes
 - e) Comparison of assumed versus actual development impacts on infrastructure capacity
 - f) Cost escalation and applicable escalation rates
 - g) Land value escalations.
- 4.4 In developing or amending a Charge under Subdivision 7 of the Act, the Scheme Coordinator must act consistently with the principles in Section 166(2) of the Act:
 - a) **Value for Money:** Charges must reflect efficient and cost-effective delivery of infrastructure, ensuring public funds and developer contributions are used responsibly.
 - b) **Fairness and Equity:** Charges should be distributed fairly among those who benefit from the infrastructure, avoiding undue burden on any single party.
 - c) **Affordability and Economic Impact:** Charges must not have an excessively adverse impact on housing affordability, development viability, or economic investment.
 - d) **Transparency and Contestability:** The process for determining and applying charges should be transparent, and infrastructure provision should allow for contestable delivery where appropriate.
- 4.5 The Scheme Coordinator may seek advice from the Essential Services Commission of South Australia (ESCOSA) when reviewing or setting charges.
- 4.6 Under section 169(3) of the Act, a varied Charge must not extend the payment period beyond that specified in the original funding arrangement.



- 4.7 A varied Funding Arrangement (including a Charge) has no force or effect until approved by the Minister by notice published in the Government Gazette.
- 4.8 Revised Charges only apply to development applications lodged after the date of effect. No reimbursement or recovery applies to contributions already paid under a previous Charge.

5. Variations Initiated by Minister

- 5.1 Notwithstanding the periodic review by the Scheme Coordinator, the Minister may vary an outline of an approved Scheme at any time under section 167(5) of the Act, if considered necessary or appropriate to do so.
- 5.2 In accordance with section 167(6) of the Act, a variation under section 167(5) of the Act may include a proposal to vary a Funding Arrangement.
- 5.3 Circumstances the Minister may consider initiating a variation to the Scheme outline include:
 - a) Development activity exceeds projected thresholds and densities
 - b) Infrastructure costs have escalated significantly beyond original estimates
 - c) Major changes in land use occur within the Scheme area.
 - d) Asset Owner standards or infrastructure requirements change substantially
 - e) Changes in service provider capacity or regulatory funding provisions
 - f) A scheduled review is identified within the Infrastructure Scheme documentation
 - g) Any other circumstances as considered necessary by the Minister.

6. Variation Processes under the Act

- 6.1 If a proposed variation involves a significant change to the Scheme, the Minister must, in accordance with section 167(7)(a) of the Act, consider:
 - The extent to which other funding sources could be used instead of a Charge
 - Any existing Schemes or arrangements already in place for the provision of basic infrastructure.
- 6.2 If a proposed variation involves a significant change to the Scheme, in accordance with section 167(7)(b) of the Act, the Minister must seek advice from the State Planning Commission.
- 6.3 If a proposed variation involves a significant change to the Scheme, in accordance with section 167(7)(b) of the Act, the Minister will take reasonable steps to consult with:
 - The relevant council(s)
 - Owners of land directly affected by any infrastructure works, and
 - Any other person or body the Minister thinks fit.
- 6.4 The Minister will refer the proposed variation to the Scheme Coordinator under section 167(7) of the Act.



- 6.5 Upon referral under Section 167(7) of the Act, the Scheme Coordinator must consider and report back to the Minister on the proposed variation as if it were a new Scheme was being prepared under section 166 of the Act.
- 6.6 Where an amendment to the Scheme results in a change to the scope, timing, or cost of infrastructure the Scheme Coordinator must review the associated infrastructure charge.

7. Variation to Scheme

- 7.1 A landowner or group of landowners may submit a written request to the Minister proposing an amendment to the relevant Scheme.
- 7.2 The request must include:
 - a) A clear description of the proposed amendment
 - b) Anticipated impacts on infrastructure provision
 - c) Supporting investigations, evidence, or technical documentation.
- 7.3 The Scheme Coordinator will only consider one landowner-initiated amendment at a time where proposals relate to the same or overlapping infrastructure. If a requested variation relates to infrastructure already subject to an active variation, the Scheme Coordinator will prioritise resolving the active amendment before considering new requests. This ensures certainty and predictability for developers and stakeholders.
- 7.4 The Scheme Coordinator must determine whether the proposed amendment is minor or significant. If deemed significant, engagement must be undertaken in accordance with section 166(1)(c) of the Act. The Scheme Coordinator must use best endeavours to review and process the variation in a timely manner, having regard to:
 - Relevant obligations under the Act
 - Applicable consultation requirements
 - The need to consider detailed technical information relevant to the variation.
- 7.5 The Scheme Coordinator must assess the proposal against the original objectives of the Scheme and the provisions of Part 13 of the Act.
- 7.6 The Scheme Coordinator must engage, as appropriate, with asset owners, relevant councils, and other stakeholders to ensure that the variation is assessed with due consideration of its potential impacts and alignment with Scheme objectives.
- 7.7 Engagement should consider the following:
 - a) Financial implications and charge adequacy
 - b) Infrastructure capacity and service levels
 - c) Access to services and staging implications
 - d) Stakeholder feedback and engagement outcomes.
- 7.8 The Scheme Coordinator must advise the proponent or relevant party of any recommendations, requests for further information, or clarification required to support the assessment. This advice must be provided in a timely manner and reflect principles of transparency, procedural fairness, and effective infrastructure coordination.



7.9 Following assessment, the Scheme Coordinator must prepare a recommendation report and notify the applicant of the outcome, including whether the amendment will proceed and any conditions attached.

8. Classification of Variations

8.1 Variations to the Scheme must be classified by the Scheme Coordinator as Administrative, Minor, or Significant - based on their impact on infrastructure delivery, cost, staging, or the Scheme Charge - as follows:

8.1.1 Administrative Variation

8.1.1.1 Administrative variations are corrections or updates that do not affect infrastructure scope, cost, timing, or delivery obligations. Examples include:

- Typographical corrections
- Updates to references
- Alignment with legislative changes.

8.1.1.2 Procedural steps for consideration of Administrative Variations are as follows:

- a) Scheme Coordinator identifies or receives a request for an administrative change
- b) No formal engagement is required
- c) Update is recorded in the Scheme Register
- d) Notification is provided to affected parties (if relevant)
- e) Update is recorded in the Scheme Register and published on the SA Planning Portal

8.1.2 Minor Variation

8.1.2.1 Minor variations are changes that do not materially alter the function, cost, or staging of infrastructure. Examples include:

- Adjustments to technical specifications
- Minor sequencing changes
- Updates to asset standards that do not affect the Charge

8.1.2.2 Procedural steps in consideration of Minor Variations are as follows:

- a) Scheme Coordinator assesses the proposed variation
- b) Consultation with Asset Owner and relevant stakeholders (if applicable)
- c) Determination of whether the variation materially affects the Charge or scope
- d) If material impact, the variation is treated as a Significant Variation as provided for below
- e) If no material impact, the variation is approved internally



- f) Notification is provided to the affected parties
- g) Update is recorded in the Scheme Register and published on the SA Planning Portal.
- h) Included in next Scheme review report.

8.1.3 Significant Variation

8.1.3.1 Significant Variations are changes that affect infrastructure delivery, cost, staging, or require adjustment to the Scheme Charge. Examples include:

- Changes to the Funding Arrangement
- Addition or removal of infrastructure projects
- Revisions or change to the Charge.

8.1.3.2 Significant Variations must be assessed and processed by the Scheme Coordinator in accordance with the procedures outlined in this document, particularly sections 6 and 7.

9. Notification and Engagement Requirements

9.1 The Scheme Coordinator must notify all affected landowners in writing of any amendment or variation to the Scheme or associated Charge.

9.2 The notification must include:

- a) A summary of the amendment or variation
- b) The rationale and expected impacts
- c) Details of the revised Charge (if applicable)
- d) Opportunities for engagement or feedback
- e) Any relevant statutory timeframes, including:
 - 6-month notice for Minister-initiated amendments
 - 4-month notice for scheduled reviews
 - Annual limit for landowner-initiated amendments

9.3 Where engagement is required under section 166(1)(c) of the Act, the Scheme Coordinator must prepare and publish an engagement plan consistent with the **Community Engagement Charter** under the Act.

9.4 All feedback received during engagement must be considered and documented in the Final Scheme Report, which is submitted to the Minister under section 166(8) of the Act.

9.5 The Scheme Coordinator must maintain a public register of all amendments and variations to the Scheme. This register must include:

- Dates of amendments
- Nature of changes
- Affected parties

The register must be published on the SA Planning Portal.

10. Adjustment to Scope of Projects

10.1 Infrastructure projects included in the Scheme have been costed at a preliminary level of detail (e.g., ROM Costs – Rough Order of Magnitude). All projects will require detailed design prior to construction.

10.2 As part of detailed design process, the Scheme Coordinator - or a development proponent with the Scheme Coordinator's consent - may amend or modify aspects of a project, provided the changes remain generally consistent with the scope outlined in the Scheme.

10.3 Minor scope adjustments may be approved by the Scheme Coordinator if they:

- Do not materially alter the infrastructure's function or cost
- Are consistent with adopted standards
- Do not require changes to the Charge

10.4 Where the Scheme Coordinator seeks to change the scope of a Scheme infrastructure item to reflect updated standards imposed by policy or regulatory agencies, such changes may be approved by the Scheme Coordinator if they meet the criteria above. In other situations, the Scheme Coordinator may endorse a proposed change in scope to facilitate development, and must reflect any resulting cost or standard changes in the next available Scheme review or amendment.

11. Definitions

Asset Owner	relates to any public authority - local or state government - which is identified within the Infrastructure Scheme as having a present, contingent or future legal or equitable estate or interest in any goods or property.
Charge	A financial contribution imposed under Part 13, Subdivision 7 of the PDI Act to fund infrastructure delivery.
Department	Department for Housing and Urban Development
Direct Delivery	The funding and delivery of Scheme Infrastructure Projects directly by a developer.
Funding Arrangement	The financial framework which provides for the delivery of infrastructure and is approved under the Scheme.
Review	A periodic or directed reassessment of the Scheme's scope, costs, and infrastructure charges.
Scheme Infrastructure Projects	An infrastructure project forming part of the Scheme.
Variation	A formal change to the Scheme, its Funding Arrangement, or Works Program, initiated by the Minister at the request of the Scheme Coordinator, or landowners.



12. Roles and Responsibilities

Scheme Coordinator	Responsible for assessing proposed variations, coordinating reviews, preparing reports, and ensuring compliance with statutory obligations.
Department	Provides policy oversight, supports the Scheme Coordinator, and coordinates with other government agencies.
Developer/ Landowner	May propose scope changes or amendments to the Infrastructure scheme, subject to approval and alignment with legislation.
Asset Owner	Reviews technical specifications, advises on infrastructure standards, and accepts handover of completed assets.

For more information:

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