

Sustainable Planning Amendment Regulation (No. 2) 2016

Explanatory notes for SL 2016 No. 33

made under the

Sustainable Planning Act 2009

General Outline

Short title

Sustainable Planning Amendment Regulation (No. 2) 2016.

Authorising law

Sections 232, 255A, 255B, 260, 763 of the *Sustainable Planning Act 2009*

Policy objectives and the reasons for them

The *Sustainable Planning Amendment Regulation (No. 2) 2016* (the Amendment Regulation) amends the definition of the State Development Assessment Provisions (SDAP) in Schedule 26 of SPR to give effect to the current version of SDAP. SDAP contains matters the Chief Executive may have regard to when assessing a development application through the State Assessment Referral Agency (SARA) and is endorsed by the Director-General of the Department of Infrastructure, Local Government and Planning.

Updating the reference to SDAP in Schedule 26 of SPR will give effect to Version 1.8 of SDAP, to be made by the Chief Executive and to be dated 22 April 2016. The new version of the SDAP provides more clarity as to the matters that the State is interested in for development assessment.

The Amendment Regulation is to commence on 22 April 2016.

Achievement of policy objectives

The SPR supports the achievement of the overall policy objectives by:

State development assessment provisions (SDAP) version

Amending the definition of SDAP in Schedule 26 of SPR gives effect to the current version of SDAP.

Consistency with policy objectives of authorising

The Amendment Regulation is consistent with the main objectives of SPA, to seek to achieve ecological sustainability by managing the process by which development takes place, including ensuring the process is accountable, effective and efficient and delivers sustainable outcomes.

Inconsistency with policy objectives of other legislation

The Amendment Regulation is consistent with the policy objectives of other legislation.

Alternative ways of achieving policy objectives

The Amendment Regulation is the only way of achieving the policy objective for these matters.

Benefits and costs of implementation

The Amendment Regulation reflects the broader government policy of a balanced planning system that is focussed on the three core objectives of liveability, sustainability and prosperity.

The amendment will have the following benefits:

- give effect to the current version of SDAP, which allows SARA and the development industry to use the most up-to-date version of the document.

Consistency with fundamental legislative principles

The subordinate legislation is not inconsistent with the fundamental legislative principles of the *Legislative Standards Act 1992*.

Consultation

Amendments relating to improving SARA operational efficiency have been developed in conjunction with the relevant State agencies.

The Office of Best Practice Regulation (OBPR) has been consulted in relation to the need for a Preliminary Impact Assessment or Regulatory Impact Assessment for all matters. OBPR advised that for all matters, no further assessment was required under the Treasurer's Regulatory Impact Statement Guidelines.