

Planning Amendment Regulation (No. 1) 2018

Explanatory notes for SL 2018 No.182

made under the

Planning Act 2016

General Outline

Short title

Planning Amendment Regulation (No. 1) 2018

Authorising law

Section 284 of the Planning Act 2016.

Policy objectives and the reasons for them

The objective of the *Planning Amendment Regulation (No. 1) 2018* (the amendment regulation) is to:

- align the definition of ‘prescribed land’ with the *Land Act 1994* (Land Act), to ensure development applications involving clearing vegetation in boundary watercourses and boundary lakes (tidal and non-tidal) are captured under the trigger for operational works for vegetation clearing in schedule 10 of the *Planning Regulation 2017*; and
- change the date of State Development Assessment Provisions (SDAP) to 16 November 2018 to reflect an updated version of this instrument.

Achievement of policy objectives

Definition of prescribed land

The definition of ‘prescribed land’ in Schedule 24 is being amended to capture boundary watercourses and boundary lakes (tidal and non-tidal) to align with an amendment to the Land Act in 2016.

Definition of State Development Assessment Provisions

The date of the SDAP is changed to 16 November 2018 to reflect an updated version of this instrument.

Consistency with policy objectives of authorising law

The amendment regulation is consistent with the main objectives of the *Planning Act 2016*, which is to establish an efficient, effective, transparent, integrated, coordinated, and accountable system of land use planning, development assessment and related matters that facilitate the achievement of ecological sustainability.

Inconsistency with policy objectives of other legislation

The amendment regulation is not inconsistent with the policy objectives of other legislation.

Benefits and costs of implementation

The amendment regulation will:

- ensure that development applications relating to vegetation clearing in boundary watercourses and boundary lakes are triggered for assessment appropriately; and
- ensure an updated version of the SDAP with an expedited assessment process for managing thickened vegetation is in place.

Consistency with fundamental legislative principles

The amendment regulation is not inconsistent with fundamental legislative principles.

Consultation

The amendments to the *Planning Regulation 2017* are excluded from the Regulatory Impact Analysis system (agency assessed) on the following basis:

- the change to the definition of prescribed land is consequential to the 2016 amendment to the Land Act; and
- the change to the definition of State Development Assessment Provisions to reflect a new version of the document is machinery in nature.