

Vegetation Management (Thickened Vegetation) and Other Legislation Amendment Regulation 2018

Explanatory notes for SL 2018 No. 56

made under the

Environmental Offsets Act 2014

Planning Act 2016

Vegetation Management Act 1999

Water Act 2000

General Outline

Short title

Vegetation Management (Thickened Vegetation) and Other Legislation Amendment Regulation 2018

Authorising law

Section 93 of the *Environmental Offsets Act 2014*

Section 284 of the *Planning Act 2016*

Section 72 of the *Vegetation Management Act 1999*

Section 1014 of the *Water Act 2000*

Policy objectives and the reasons for them

The first objective of the *Vegetation Management (Thickened Vegetation) and Other Legislation Amendment Regulation 2018* (the amendment regulation) is to revoke the 'Managing thickened vegetation' accepted development vegetation clearing code and to remake the 'Managing fodder harvesting' accepted development vegetation clearing code to correct an error. Revoking the 'Managing thickened vegetation' accepted development vegetation clearing code is consistent with the CSIRO's advice that self-assessable clearing to manage thickened vegetation is not a low ecological risk activity. Remaking the 'Managing fodder harvesting' accepted development vegetation clearing code to correct an error will provide certainty on how the code should be applied.

The second objective of the amendment regulation is to align provisions in the *Environmental Offsets Regulation 2014*, the *Planning Regulation 2017*, the *Vegetation Management Regulation 2012* and the *Water Regulation 2016* with the *Vegetation Management and Other Legislation Amendment Act 2018*.

Achievement of policy objectives

The first policy objective of the amendment regulation will be achieved by removal of the 'Managing thickened vegetation' accepted development vegetation clearing code from Part 2 – Approval of accepted development vegetation clearing codes. The *Vegetation Management Regulation 2012* will be also be amended to give effect to a remade 'Managing fodder harvesting' accepted development vegetation clearing code, which corrects an error in a diagram that was inconsistent with the code's requirements.

To achieve the second policy objective—

- amendments will be made to the *Environmental Offsets Regulation 2014* to make essential habitat for near threatened species a prescribed environmental matter and to give effect to an updated Environmental Offsets Policy.
- consequential amendments will be made to the *Planning Regulation 2017* to remove application fees for applications to clear for high value agriculture and irrigated high value agriculture and remove the definitions for high value and irrigated high value agriculture.
- consequential amendments will be made to the *Vegetation Management Regulation 2012* to remove the fees for applicant-driven area management plans and to give effect to an updated 'Managing fodder harvesting' accepted development vegetation clearing code.
- the *Water Regulation 2016* will be amended to add the destruction of vegetation in a watercourse, lake or spring to the activities that are exempt from requiring a riverine protection permit.

Consistency with policy objectives of authorising law

The amendment regulation is consistent with the objective of the *Vegetation Management Act 1999*, which is to regulate the clearing of vegetation in a way that conserves remnant vegetation, prevents the loss of biodiversity, and maintains ecological processes.

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 amendments will give effect to best available scientific advice.

Other than the remake of the 'Managing fodder harvesting' accepted development vegetation clearing code, the amendments are consequential to the *Vegetation Management and Other Legislation Amendment Act 2018*. The implementation costs will be delivered within existing departmental budgets. The remake of the 'Managing fodder harvesting' accepted development vegetation clearing code is merely to address a minor error in the existing code.

Consistency with fundamental legislative principles

The amendments are consistent with the fundamental legislative principles.

Consultation

Consultation has occurred on the revocation of the 'Managing thickened vegetation' accepted development vegetation clearing code and the amendments that are consequential to the *Vegetation Management and Other Legislation Amendment Act 2018*, as part of the State Development, Natural Resources and Agricultural Industry Development Parliamentary Committee's public briefing, hearings and call for submissions on the Vegetation Management and Other Legislation Amendment Bill 2018.