

Economic Development and Other Legislation (Temporary Use Licence) Amendment Regulation 2020

Explanatory notes for SL 2020 No. 41

made under the

Economic Development Act 2012
Planning Act 2016

General Outline

Short title

Economic Development and Other Legislation (Temporary Use Licence) Amendment Regulation 2020

Authorising law

Section 171F of the *Economic Development Act 2012*
Sections 264 and 275H of the *Planning Act 2016*

Policy objectives and the reasons for them

The objectives of the *Economic Development and Other Legislation (Temporary Use Licence) Amendment Regulation 2020* (amendment regulation) are to:

- prescribe matters about what must be included in an application for a temporary use licence pursuant to section 275H of the *Planning Act 2016* and section 171F of the *Economic Development Act 2012*; and
- provide that a register of all temporary use licences must be kept available for inspection and purchase, and available on the Department of State Development, Infrastructure and Planning's website.

Achievement of policy objectives

Amendment to the Economic Development Regulation 2013

The amendment regulation prescribes that the following information must be included in an application for a temporary use licence, pursuant to section 171F of the *Economic Development Act 2012*:

- the applicant's name and contact details; and
- a description of the premises to which the application relates; and
- details of the relevant change the subject of the application; and
- the grounds for the relevant change.

Amendment to the *Planning Regulation 2017*

The amendment regulation prescribes that the following information must be included in an application for a temporary use licence, pursuant to section 275H of the *Planning Act 2016*:

- the applicant's name and contact details;
- a description of the premises to which the application relates;
- details of the relevant change the subject of the application; and
- the grounds for the relevant change.

The amendment regulation prescribes that a register of the temporary use licences issued must be kept available for inspection and purchase, and available on the Department of State Development, Infrastructure and Planning website.

The amendment regulation also prescribes that register of temporary use licences must, for each temporary use licence given by the Chief Executive, include the following information:

- the day the licence was given;
- the premises to which the licence relates;
- details of the relevant change the subject of the licence; and
- a copy of the licence.

Consistency with policy objectives of authorising law

Economic Development Act 2012

The amendment regulation is consistent with the main purpose of the *Economic Development Act 2012*, which is to facilitate economic development, and development for community purposes, in the state.

Planning Act 2016

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 supports the operation of the *Economic Development Act 2012* and the *Planning Act 2016* that relate to the temporary use licences. The amendment regulation ensures that:

- applications for temporary use licences include the necessary information and are in the approved form; and
- there is transparency about the details of temporary use licences issued under the *Planning Act 2016*.

Consistency with fundamental legislative principles

The amendments contained in the amendment regulation are consistent with fundamental legislative principles.

Consultation

No consultation has been undertaken on the amendment regulation. However, it is noted that the potential risks of COVID-19 have been raised by several local government and businesses. Letters about the amendments to the Planning Act were provided to all local governments and industry.

The amendments to the Planning Regulation were afforded an exemption from the Regulatory Impact Assessment process.

The Office of Best Practice Regulation advised that the amendments to the *Economic Development Regulation 2013* fall within exclusion category (m) “regulatory proposals for matters that require an immediate legislative response to prevent damage to property or injury to persons.” On this basis the amendments to the *Economic Development Regulation 2013* are excluded from the regulatory impact assessment.