

Land (Planning and Environment) (Change of Use Charge Remission—Prohibition of Smoking) Policy Direction 2004 (No 1)

Disallowable instrument DI2004–207

Explanatory Statement

OVERVIEW

Under the *Land (Planning and Environment) Regulations*, regulation 21 the Minister may give written policy directions for determining the remission of change of use charges for the variation of leases in circumstances prescribed by regulation 20. This is a policy direction related to the new regulations under the *Land (Planning and Environment) Act 1991* which provide for a new circumstance.

BACKGROUND

The *Smoking (Prohibition in Enclosed Public Places) Act 2003* comes into effect on 1 December 2006.

In order to assist lessees of premises to comply with this Act, which will prohibit smoking in all enclosed public spaces, it is intended to make provision for the remission of change of use charges for related variations to leases, under the *Land (Planning and Environment) Regulations 1992*, and through this associated policy direction.

DETAILS OF THE POLICY DIRECTION

Clause 1 provides that the name of the instrument is Land (Planning and Environment) (Change of Use Charge Remission-Prohibition of Smoking) Policy Direction 2004 (No 1).

Clause 2 provides that the instrument commences on the day after its notification day.

Clause 3 sets out the circumstances under which the authority must entirely remit the change of use charge – viz. for a variation that increases the permitted gross floor area by no more than 10%.

FINANCIAL IMPLICATIONS

The ACT Planning and Land Authority has estimated that application of the proposed remission may result in foregone revenue in the order of \$2.6 million. This figure is indicative only, as it is not known how many clubs and other premises may require additional gross floor area to comply with the legislation.