

2004

THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY

LAND (PLANNING AND ENVIRONMENT) AMENDMENT
REGULATIONS 2004 (No 2)

Subordinate Law SL2004-43

EXPLANATORY STATEMENT

Circulated by authority of
Mr Simon Corbell MLA
Minister for Planning

LAND (PLANNING AND ENVIRONMENT) AMENDMENT REGULATIONS 2004 (No 2)

Subordinate Law SL2004-43

OVERVIEW

These are new regulations under the *Land (Planning and Environment) Act 1991*.

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*.

DETAILS OF THE REGULATIONS

Clause 1 provides that the name of the Regulations is the *Land (Planning and Environment) Amendment Regulations 2004 (No 2)*.

Clause 2 provides that the regulations commence on the day after the notification day.

Clause 3 notes that the regulations amend the *Land (Planning and Environment) Regulations 1992*.

Clause 4 provides for a new clause (1) to Regulation 20.

Clause 5 substitutes, for Regulation 20(f), (f) or a new (g) which provides for a remission to change of use charges to assist occupiers of premises affected, or likely to be affected, by the operation of the *Smoking (Prohibited in Public Places) Act 2003*, part 2 (smoking prohibited in closed public spaces) to provide additional facilities of the premises.

Clause 6 inserts new regulation 20(2) and (3), providing that subregulation (1)(g) applies only to an application for variation of a lease made before 1 December 2009, and that the new subregulations expire on 1 December 2010.

Clause 7 omits regulation 41 (3).

Clause 8 provides a new heading for regulation 42.

Clause 9 inserts a new regulation 42 (3) to (5) these regulations quite specifically deal with aspects relevant to the Gungahlin Drive Extension.

Clause 10 provides for a new heading for regulation 43.

Clause 11 substitutes for regulation 43 (3) regulations 43 (3) (4) and (5). Both regulations 42 (5) and 43 (5) provide for sunset periods with respect to the Gungahlin Drive Extension provisions of five years.

Clause 12 omits from schedule 1 item 31.

Clause 13 substitutes a new schedule 6 heading.

Clause 14 substitutes a new schedule 6 item 2.

Clause 15 substitutes a new schedule 7 heading.

Clause 16 substitutes a new schedule 7 item 2.

FINANCIAL IMPLICATIONS

Nil