

Queensland



**CITY OF GOLD COAST
(HARBOUR TOWN ZONING)
AMENDMENT BILL 1994**

Queensland



**CITY OF GOLD COAST (HARBOUR
TOWN ZONING) AMENDMENT BILL
1994**

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1994

A BILL

FOR

***An Act to amend the City of Gold Coast (Harbour Town Zoning) Act
1990***

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The Parliament of Queensland enacts—

1

Short title

2

Clause **1.** This Act may be cited as the *City of Gold Coast (Harbour Town Zoning) Amendment Act 1994*.

3

4

Act amended

5

Clause **2.** This Act amends the *City of Gold Coast (Harbour Town Zoning) Act 1990*.

6

7

Amendment of s 1 (Short title)

8

Clause **3.** Section 1—
omit, insert—

9

10

‘Short title

11

‘1. This Act may be cited as the *Local Government (Harbour Town Zoning) Act 1990*.’.

12

13

Amendment of s 2 (Interpretation)

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Clause **4.(1)** Section 2, definitions **“consent”, “economic impact assessment”, “Gold Coast Town Planning Scheme”** and **“Harbour Town Order in Council”**—

15

16

17

omit.

18

(2) Section 2—

19

insert—

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“consent” means the town planning consent of the Gold Coast Council under the *Local Government (Planning and Environment) Act 1990*.

21

22

“Gold Coast Planning Scheme” means the planning scheme for the City of Gold Coast approved under the *Local Government (Planning and*

23

24

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Environment) Act 1990.

“owner” means the owner of that part of the Harbour Town land specified in Schedule 4, and includes the owner’s successors and assigns.’.

Replacement of ss 3–7

Clause **5.** Sections 3 to 7—

omit, insert—

‘Zoning of Harbour Town land

‘**3.(1)** The Harbour Town land is taken to have been included in the Special Facility Zone of the Gold Coast Planning Scheme on and from 11 February 1994.

‘**(2)** The Harbour Town land may, without the Gold Coast Council’s consent, be lawfully used for a regional shopping centre as set out in section 4, whether developed in stages or not.

‘**(3)** The Harbour Town land may, with the Gold Coast Council’s consent, be lawfully used under the Gold Coast Planning Scheme for any use mentioned in Schedule 2.

‘Location and form of regional shopping centre

‘**4.(1)** The regional shopping centre mentioned in section 3(2) must—

- (a) be constructed within that part of the Harbour Town land specified in Schedule 4; and
- (b) have a retail floor space of not less than 45 000 m² and not more than 50 000 m²; and
- (c) include at least 1 supermarket; and
- (d) include at least 60 specialty shops.

‘**(2)** If the regional shopping centre is to be developed in stages, the first stage must—

- (a) have a retail floor space of not less than 30 000 m²; and

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- (b) include at least 1 supermarket; and 1
- (c) include at least 60 specialty shops. 2

‘Conditions of development 3

‘5.(1) The Gold Coast Council must impose reasonable and relevant conditions— 4
5

- (a) on the development of the regional shopping centre; or 6
- (b) if the regional shopping centre is to be developed in stages—on 7
the development of each stage. 8

‘(2) A condition imposed under subsection (1) may require lodgment by the owner of a security, to the Gold Coast Council’s satisfaction, to ensure compliance with the conditions imposed. 9
10
11

‘(3) If the security required is not lodged within 2 years of the imposition of the conditions, or any extension of this period allowed by the Gold Coast Council, the Gold Coast Council may impose new conditions under subsection (1). 12
13
14
15

‘Procedure for imposing conditions 16

‘6.(1) The owner must submit details to the Gold Coast Council about— 17

- (a) the regional shopping centre; or 18
- (b) if the regional shopping centre is to be developed in stages—the 19
stage proposed to be constructed. 20

‘(2) The details submitted by the owner must be sufficient to enable the Gold Coast Council to make an informed decision about the conditions to impose under section 5. 21
22
23

‘(3) The Gold Coast Council must impose the conditions within 90 days of the submission of the details by the owner. 24
25

‘Appeal to the Planning and Environment Court 26

‘7.(1) If the owner is dissatisfied with the conditions imposed by the Gold Coast Council, the owner may appeal to the Planning and 27
28

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Environment Court.	1
‘(2) Part 7 (Appeals) of the <i>Local Government (Planning and Environment) Act 1990</i> applies to an appeal under this Act with any necessary changes and any changes prescribed under the regulations.	2 3 4
‘Agreement to give effect to conditions	5
‘8.(1) An agreement must be entered into between the Gold Coast Council and the owner containing the conditions imposed by the Gold Coast Council or by order of the Planning and Environment Court.	6 7 8
‘(2) An agreement mentioned in subsection (1) containing conditions imposed by the Gold Coast Council may be varied by agreement between the Gold Coast Council and the owner.	9 10 11
‘Conditions attach to the land	12
‘9. The conditions imposed by the Gold Coast Council or by order of the Planning and Environment Court attach to the land specified in Schedule 4 and are binding on the successors and assigns of the owner.	13 14 15
‘Land no longer Harbour Town land	16
‘10. The land specified in Schedule 5 is excluded from the Harbour Town land as it existed before the commencement of this section.	17 18
‘Town planning consent permits previously issued	19
‘11.(1) To remove any doubt, it is declared that nothing in this Act affects the following town planning consent permits issued by the Gold Coast Council—	20 21 22
• permit no. 818/091/060	23
• permit no. 818/091/061	24
• permit no. 818/091/062	25
• permit no. 818/091/063	26

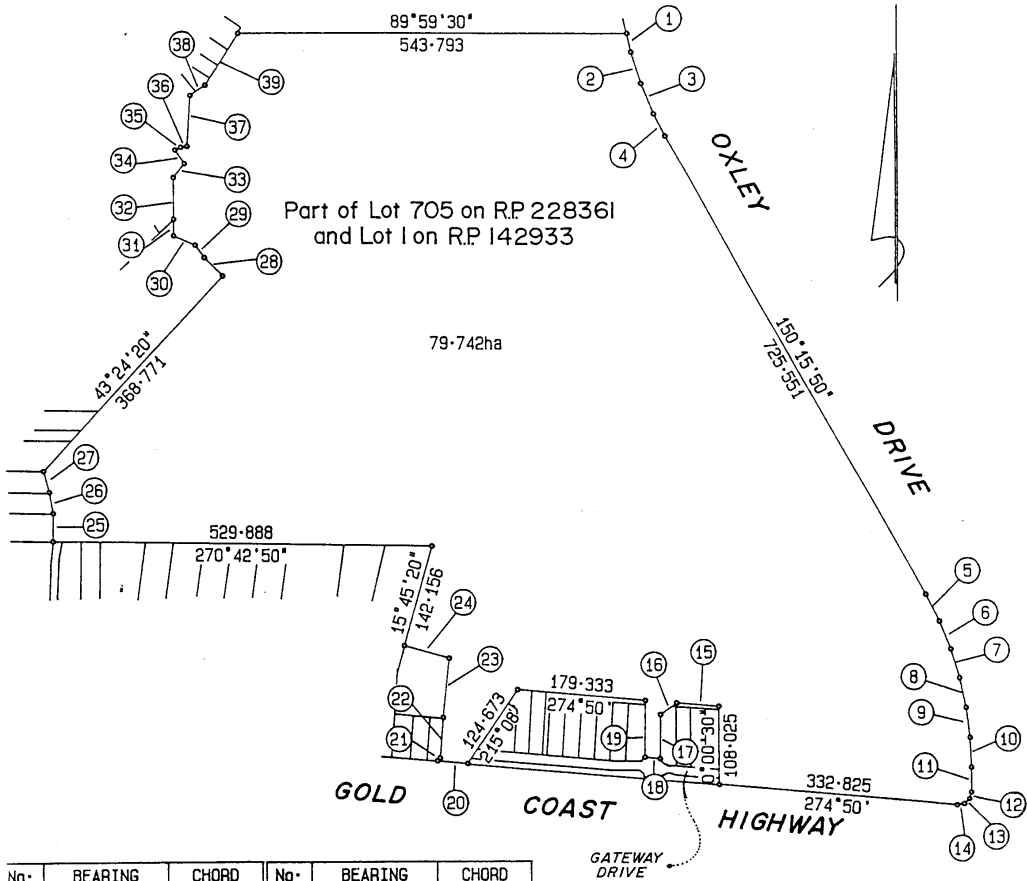
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• permit no. 818/091/064	1
• permit no. 818/091/065	2
• permit no. 818/091/066	3
• permit no. 818/091/067	4
• permit no. 818/091/068.	5
‘(2) The following town planning consent permits issued by the Gold Coast Council are taken not to have been issued—	6 7
• permit no. 818/091/069	8
• permit no. 818/091/070.	9
‘Way of increasing retail floor space	10
‘12. The retail floor space of the regional shopping centre may be extended beyond 50 000 m ² with the Gold Coast Council’s consent.	11 12
‘Act does not limit other lawful purposes	13
‘13. This Act does not limit the purposes for which the Harbour Town land may be lawfully used apart from this Act.	14 15
‘Subsequent change of zoning	16
‘14. Nothing in this Act prevents an action to change the zoning of the Harbour Town land or part of the Harbour Town land under the <i>Local Government (Planning and Environment) Act 1990</i> .	17 18 19
‘Declaration taken not to have been made	20
‘15. The declaration made by the Minister and notified in the Gazette on 23 February 1991 at page 897 is taken not to have been made.’.	21 22

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	Renumbering of s 8 (No right to compensation)	1
Clause	6. Section 8—	2
	<i>renumber</i> as section 16.	3
	Insertion of new ss 17–19	4
Clause	7. After new section 16—	5
	<i>insert—</i>	6
	‘Regulations	7
	‘17. The Governor in Council may make regulations under this Act.	8
	‘Application of s 20A of the Acts Interpretation Act 1954	9
	‘18. This Act is an Act to which section 20A of the <i>Acts Interpretation Act 1954</i> applies.	10 11
	‘Expiry of Act	12
	‘19. This Act expires 10 years after its commencement or on a later day prescribed by regulation.’.	13 14
	Replacement of Schs 1 and 2	15
Clause	8. Schedules 1 and 2—	16
	<i>omit, insert—</i>	17
	‘SCHEDULE 1	18
	‘HARBOUR TOWN LAND	19
	section 2	20

City of Gold Coast (Harbour Town Zoning)
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No.	BEARING	CHORD	No.	BEARING	CHORD
1	167°52'10"	25.672	21	49°36'	5.666
2	162°50'40"	45.569	22	4°22'10"	56.337
3	157°48'20"	45.572	23	6°09'10"	82.069
4	152°46'50"	34.178	24	285°45'50"	64.379
5	152°44'40"	41.617	25	0°43'10"	38.221
6	157°42'10"	41.617	26	349°32'	29.63
7	162°39'20"	41.617	27	345°30'	30.225
8	167°36'50"	41.617	28	313°24'20"	36
9	172°34'10"	41.617	29	323°00'	21.3
10	177°31'40"	41.617	30	292°49'50"	32.83
11	180°00'20"	34.047	31	359°27'20"	23.011
12	195°48'30"	10.003	32	359°24'	56.989
13	227°25'10"	10.003	33	38°30'	25
14	259°01'50"	10.003	34	325°28'20"	22.8
15	274°50'	58.902	35	63°57'30"	9
16	234°47'	27.916	36	80°55'40"	9
17	180°43'	61.022	37	3°52'10"	69.896
18	276°13'20"	21.213	38	55°23'	26.048
19	0°43'	78.516	39	33°29'50"	85.317
20	274°50'	42.446			

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‘SCHEDULE 2

1

‘USES WITH CONSENT

2

section 3(3)

3

Aged persons accommodation	Multi-unit building	Temporary sales office	4
Caretaker’s residence	Neighbourhood store	Tourist facility	5
Car park	Night club	Tourist shop	6
Child care centre	Outdoor recreation	Town House development	7
Commercial premises	Park	Transit centre	8
Commercial services	Place of worship	Vehicle hire premises	9
Display home	Public utility	Vehicle sales premises	10
Duplex dwelling	Reception room	Veterinary surgery	11
Dwelling-house	Resort Hotel	Warehouse	12
Educational establishment	Restaurant	Waterfront recreation	13
Fast food premises	Retail plant nursery	Waterfront shop	14
Hospital	Retail showroom		15
Hotel	Service industry premises		16
Indoor recreation	Service station		17
Integrated housing	Shop		18
International hotel	Shopping centre development		19
Laundromat	Special use		20
Medical complex	Take-away food premises		21
Motel			22
			23
			24

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Amendment of Sch 3

Clause **9.** Schedule 3, clause 2—
omit.

1
2
3**Insertion of Schs 4 and 5**

Clause **10.** After Schedule 3—
insert—

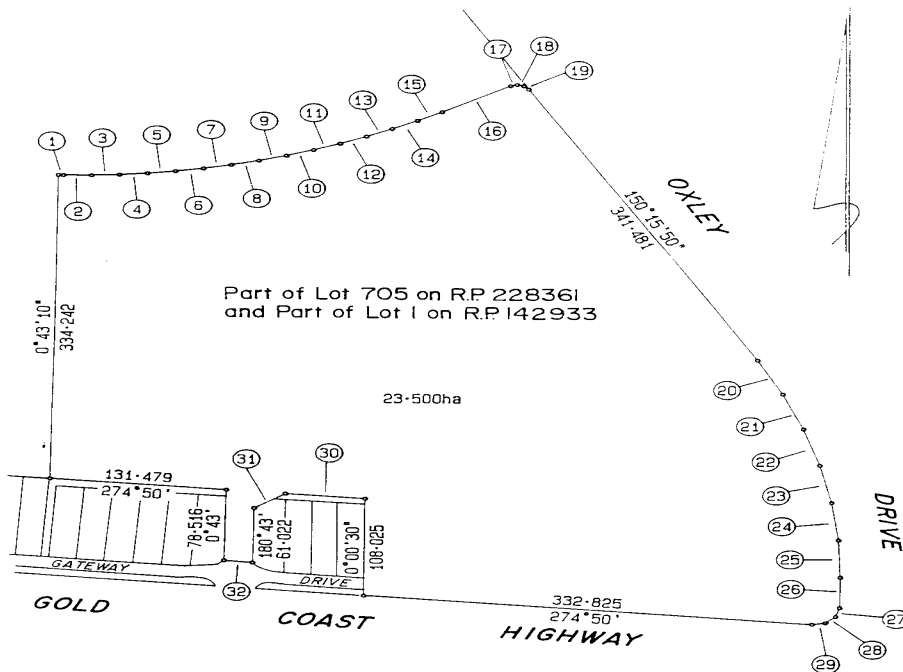
4
5
6

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‘SCHEDULE 4

**‘WHERE REGIONAL SHOPPING CENTRE IS TO BE
CONSTRUCTED**

section 4(1)



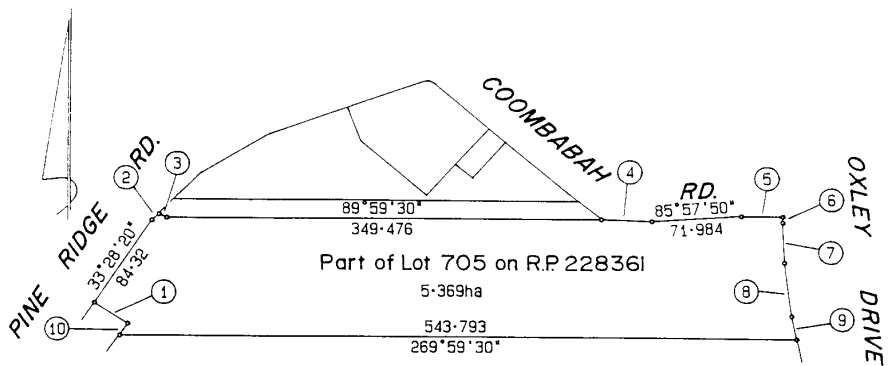
No-	BEARING	CHORD	No-	BEARING	CHORD
1	90°43'10"	3.952	17	75°16'	5.176
2	89°37'50"	20.88	18	105°16'	5.176
3	87°27'20"	20.877	19	135°15'20"	5.177
4	85°16'50"	20.88	20	152°44'40"	41.617
5	83°06'20"	20.88	21	157°42'10"	41.617
6	80°55'50"	20.88	22	162°39'20"	41.617
7	78°45'20"	20.877	23	167°36'50"	41.617
8	76°34'50"	20.88	24	172°34'10"	41.617
9	74°24'20"	20.88	25	177°31'40"	41.617
10	72°13'50"	20.877	26	180°00'20"	34.047
11	70°03'20"	20.88	27	195°48'30"	10.003
12	67°52'50"	20.88	28	227°25'10"	10.003
13	65°42'20"	20.88	29	259°01'50"	10.003
14	63°31'50"	20.877	30	274°50'	58.902
15	61°21'20"	20.88	31	234°47'	27.916
16	60°16'	58.394	32	276°13'20"	21.213

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‘SCHEDULE 5

**‘LAND NOT NOW PART OF HARBOUR TOWN
LAND**

section 10



No-	BEARING	CHORD
1	303°11'40"	32.127
2	47°48'40"	7.75
3	115°51'20"	6.87
4	91°36'50"	40.317
5	90°08'10"	33.12
6	180°26'40"	5.005
7	177°55'50"	34.173
8	172°54'10"	45.565
9	167°52'10"	19.897
10	33°32'50"	11.833