

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

## **EXPLANATORY NOTE**

### **GENERAL OUTLINE**

#### **Objectives of the Legislation**

The objective of this Bill is to amend the *City of Gold Coast (Harbour Town Zoning) Act 1990* to enable construction of the first stage of the Harbour Town Regional Shopping Centre to be commenced.

#### **Reasons for the Bill**

The *City of Gold Coast (Harbour Town Zoning) Act 1990* currently requires the first stage of the regional shopping centre permitted on an “as of right” basis under the Act to have a retail floor space of between 45,000 m<sup>2</sup> and 50,000 m<sup>2</sup>. The regional shopping centre must also comprise at least one major department store with a minimum retail floor area of 10,000 m<sup>2</sup>; at least one supermarket; and at least 60 specialty shops.

The current economic climate does not lend itself to the development of a viable shopping centre having a first stage of the size currently envisaged by the Act. In addition given the short term non-expansionary plans of the major department store chains it is not possible for the owner of the Harbour Town land to attract a major department store tenant.

In these circumstances it is considered reasonable that the minimum gross floor area in the first stage of the regional shopping centre be reduced to 30,000 m<sup>2</sup> and that the requirement for the provision of a major department store in the development be removed.

The owner of the Harbour Town land has also purchased an additional 5.37 hectares of land abutting the southern boundary of the existing site. The inclusion of this additional land as part of the Harbour Town land and the eventual construction of the shopping centre in this area of the site will improve accessibility. An equivalent area will be removed from the northern part of the existing Harbour Town site to ensure that the total area of the Harbour Town land subject to the Act is not increased.

### **Estimated Cost for Government Implementation**

There will be no cost for Government.

### **Consultation**

The Gold Coast City Council, Lewis Land Corporation Limited and Lend Lease Development Pty Ltd were all consulted in relation to this Bill.

### **NOTES ON PROVISIONS**

*Clause 1* sets out the short title of the Act..

*Clause 2* states that the *City of Gold Coast (Harbour Town Zoning) Act 1990* is amended as set out in this Act.

*Clause 3* changes the name of the principal Act to the *Local Government (Harbour Town Zoning) Act 1990*.

*Clause 4* amends Section 2 (Interpretation) of the Act by omitting definitions of the terms “consent”, “economic impact assessment”, “Gold Coast Town Planning Scheme” and “Harbour Town Order in Council” and inserting new definitions of the terms “consent”, “Gold Coast Planning Scheme” and “owner”.

Existing definitions are being omitted and new definitions inserted to ensure that the Act when amended conforms with the current requirements of the *Local Government (Planning and Environment) Act 1990* and the City of Gold Coast Planning Scheme.

*Clause 5* omits Sections 3 to 7 and inserts the following new sections.

**Section 3** provides that the Harbour Town land:

- is taken to have been included in the Special Facility Zone under the Gold Coast Planning Scheme on and from 11 February 1994.
- may be used on an “as of right” basis for a regional shopping centre as set out in Section 4.
- may be used with the Gold Coast Council’s consent for any use mentioned in Schedule 2.

**Section 4** provides that the regional shopping centre:

- must be constructed within that part of the Harbour Town land specified in Schedule 4.
- must have a retail floor space of between 45,000 m<sup>2</sup> and 50,000 m<sup>2</sup> and comprise certain component parts.
- if developed in stages must have a first stage of not less than 30,000 m<sup>2</sup> retail floor space and comprise certain component parts.

**Section 5** provides that the Gold Coast Council must impose reasonable and relevant conditions on the development of the regional shopping centre or the development of any stage.

Provides that the Gold Coast Council may require the lodgement of a security by the owner of the Harbour Town land to ensure compliance with conditions imposed and if such security is not lodged within two years or an extended period allowed by the Gold Coast Council new conditions may be imposed.

**Section 6** provides that the owner of the Harbour Town land must submit to the Gold Coast Council adequate details in relation to the regional shopping centre or any stage to enable the Council to impose appropriate conditions. The Council has 90 days following the receipt of those details to decide on the conditions.

**Section 7** provides that if the owner of the Harbour Town land is dissatisfied with the conditions imposed by the Council the owner may appeal to the Planning and Environment Court.

**Section 8** provides that an agreement must be entered into between the owner of the Harbour Town land and the Council in relation to conditions imposed by the Council or by order of the Planning and Environment Court.

Provides that an agreement which contains conditions imposed by the Council may be varied by agreement between the Council and the owner.

**Section 9** provides that the conditions imposed by the Council or by order of the Planning and Environment Court attach to the Harbour Town land and are binding on successors and assigns.

**Section 10** states that the land specified in Schedule 5 is no longer subject to the provisions of the *City of Gold Coast (Harbour Town Zoning) Act 1994*.

**Section 11** provides that the town planning consent permits listed in subsection 1 and which have previously been issued to the owner of the Harbour Town land by the Gold Coast Council are not affected by anything contained in this Act.

Provides that the two town planning consent permits listed in subsection 2 and which were issued by the Gold Coast Council over land which is to be excluded from the Harbour Town site are taken never to have been issued.

**Section 12** provides that with the prior consent of the Gold Coast Council the retail floor space of the regional shopping centre may be extended beyond 50,000 m<sup>2</sup>.

**Section 13** provides that purposes to which the Harbour Town land may be lawfully put apart from this Act are not limited by this Act.

**Section 14** provides that the zoning of the Harbour Town land may in the future be changed under the *Local Government (Planning and Environment) Act 1990*.

**Section 15** provides that a declaration which was previously made in relation to the originally proposed regional shopping centre is taken never to have been made.

*Clause 6* renumbers the existing Section 8 as Section 16.

*Clause 7* inserts new Sections 17, 18 and 19.

**Section 17** provides that the Governor-in-Council may make regulations under this Act.

**Section 18** provides that the effect of this Act continues after it expires in 10 years.

**Section 19** expires this Act 10 years after its commencement or on a later day prescribed by regulation.

*Clause 8* omits Schedules 1 and 2 and inserts new Schedules 1 and 2.

The new Schedule 1 specifies the Harbour Town land. The new Harbour Town land includes an additional 5.37 hectares in the south of the site and excludes a comparable area from the northern part of what was the previous Harbour Town land.

The new Schedule 2 includes a list of uses which may be established on the Harbour Town land with the prior consent of the Gold Coast City Council. These listed uses accord with terms used in the new Gold Coast Planning Scheme.

*Clause 9* omits clause 2 of Schedule 3 which referred to the means of calculating the retail floor space of a major department store the establishment of which was a previous requirement of the Act.

*Clause 10* inserts new Schedules 4 and 5.

Schedule 4 specifies that part of the Harbour Town land on which the regional shopping centre is to be constructed.

Schedule 5 specifies the land which is now no longer part of the Harbour Town land.