

Queensland



ANNO VICESIMO SEXTO

ELIZABETHAE SECUNDAE REGINAE

No. 22 of 1977

**An Act to amend the City of Brisbane Town Planning Act
1964–1976 and the Acquisition of Land Act
1967–1969 each in certain particulars**

[ASSENTED TO 21ST APRIL, 1977]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

PART I—PRELIMINARY

1. Short title. This Act may be cited as the *City of Brisbane Town Planning Act and Another Act Amendment Act 1977*.

2. Parts of Act. This Act is divided into Parts as follows:—

PART I—PRELIMINARY (ss. 1–2);

PART II—AMENDMENTS OF THE CITY OF BRISBANE TOWN PLANNING ACT 1964–1976 (ss. 3–25);

PART III—AMENDMENT OF THE ACQUISITION OF LAND ACT 1967–1969 (ss. 26–28).

PART II—AMENDMENTS OF THE CITY OF BRISBANE TOWN PLANNING ACT 1964–1976

3. Citation. (1) In this Part, the *City of Brisbane Town Planning Act 1964–1976* is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *City of Brisbane Town Planning Act 1964–1977*.

4. Commencement of Part. The Governor may by Proclamation—

- (a) appoint a date on which this Part shall come into operation; or
- (b) appoint dates on which the provisions of this Part specified in the Proclamation shall come into operation.

Such dates may be appointed in the one Proclamation or in different Proclamations.

This Part or a provision thereof specified in the Proclamation shall come into operation on the date appointed by Proclamation made under this section for the coming into operation of this Part or, as the case may be, that provision.

5. New s. 3A; renumbering existing s. 3A. The Principal Act is amended by—

(a) inserting after section 3 the following section:—

“**3A. Construction of certain time limitations.** Where pursuant to this Act an objection is required or permitted to be lodged with the Town Clerk or in the Department of Local Government within a period of time, or anything is required or permitted to be done within a period of time, howsoever the limitation of time is expressed, it shall be construed that such period expires at 4 o'clock in the afternoon on the last day of the period within which such objection is to be or may be so lodged or such thing is to be or may be done.”;

(b) renumbering the existing section 3A as section 3B.

6. Amendment of s. 4. Section 4 of the Principal Act is amended by—

(a) omitting from subsection (3) all words from and including the words “on or before the last day of February” to the end of the subsection and substituting the words “within the period of seven years from the date when an Order in Council notifying approval of the modified plan for the City of Brisbane pursuant to the *City of Brisbane Town Plan Modification Act 1976* is published in the Gazette. After the public exhibition of such new Town Plan the Council shall prepare new Town Plans for the City of Brisbane at intervals such that not more than seven years shall elapse between notification of approval of a Town Plan in the Gazette and the next following public exhibition of a proposed new Town Plan pursuant to this section.”;

- (b) in subsection (5),
 - (i) omitting the words “ 8 o'clock ” and substituting the words “ 4 o'clock ”;
 - (ii) inserting after the words “ conduct of public business ” the words “ and between the hours of 4 o'clock and 8 o'clock in the afternoon on one of such days in each week during that period ”;
- (c) in subsection (6)—
 - (i) inserting in paragraph (b) after the words “ naming that place ” the words “ between the hours determined pursuant to subsection (5) ”;
 - (ii) omitting from paragraph (d) the words “ during the period specified in the advertisement in that behalf ” and substituting the words “ on or before the last day for the receipt of objections ”;
 - (iii) inserting after paragraph (d) the following expression and words:—
 - “ ;
 - (e) that such objections shall be in writing, shall be addressed to the Town Clerk and shall state the grounds of objection and the facts and circumstances relied on by the objector in support of those grounds ”;
- (d) inserting in subsection (11) before the existing paragraph the following paragraph:—
 - “ At any time before 4 o'clock in the afternoon on the last day for the receipt of objections, any person may lodge his objection with the Town Clerk.”.

7. Amendment of s. 6. Section 6 of the Principal Act is amended by—

- (a) in subsection (2),
 - (i) omitting the word “ and ” where it occurs between paragraphs (c) and (d);
 - (ii) omitting from paragraph (d) the words “ a date specified in the advertisement in that behalf being the date of ”;
 - (iii) inserting at the end of paragraph (d) the following expression and words:—
 - “ ;
 - (e) that such objections shall be in writing, shall be addressed to the Town Clerk and shall state the grounds of objection and the facts and circumstances relied on by the objector in support of those grounds ”;
- (b) inserting in subsection (3) before the existing paragraph the following paragraph:—
 - “ At any time before 4 o'clock in the afternoon on the last day for the receipt of objections, any person may lodge his objection with the Town Clerk.”.

8. Amendment of s. 7. Section 7 of the Principal Act is amended by—

- (a) in subsection (2),
 - (i) omitting the word “ and ” where it occurs between paragraphs (c) and (d);
 - (ii) inserting at the end of paragraph (d) the following expression and words:—
 - “ ;

(e) that such objections shall be in writing, shall be addressed to the Director of Local Government and shall state the grounds of objection and the facts and circumstances relied on by the objector in support of those grounds”;

(b) inserting in subsection (3) before the first paragraph the following paragraph:—

“ At any time before 4 o'clock in the afternoon on the last day for the receipt of objections, any person may lodge his objection in the Department of Local Government.”.

9. Amendment of s. 8. Section 8 of the Principal Act is amended by—

(a) omitting from subsection (3) the words “ or its delegate who shall make an appropriate recommendation to the Council and the Council ” and substituting the word “ which ”;

(b) omitting subsection (5) and substituting the following subsections:—

“(5) In respect of an application made pursuant to this section the Council shall, amongst other things, take into consideration:—

(a) whether the proposal, if permitted, or buildings erected in conformity with the proposal, or both the proposal, if permitted, and the buildings so erected would—

(i) create a traffic problem or increase an existing traffic problem;

(ii) detrimentally affect the amenity of the neighbourhood;

(iii) create a need for increased facilities such as schools, shops or other normal service provisions;

(b) the balance of zones in the city as a whole or that section of the city within which the land is situated;

(c) whether the inclusion of the land in the zone in which the land is proposed to be included would be in accord with, or conflict with, the general planning intentions of the Plan as set out in the Statement of Intent contained in the Plan;

(d) whether the land or any part thereof is so low-lying or so subject to flooding as to be unsuitable for use for all or any of the uses permitted with or without the consent of the Council in the zone from which the land is proposed to be excluded and in the zone in which the land is proposed to be included;

(e) whether, having regard to the permitted uses with or without the consent of the Council of land in the zone in which the land is proposed to be included and the potential for subdivision if the land is included in the zone in which it is proposed to be included—

(i) water, gas, electricity, sewerage and other essential services would be available to the land and to each separate parcel thereof if the land were subsequently subdivided;

(ii) the provisions of section 32A of the *Local Government Act 1936-1977* should be applied;

(f) the situation, suitability and amenity of the land in relation to neighbouring localities.

(6) The Council may require the giving to it of security to its satisfaction by the applicant that the applicant will execute work to be done in relation to the application and the decision pursuant to it within such time as may be fixed by the Council.”.

10. Amendment of s. 10. Section 10 of the Principal Act is amended by—

(a) omitting from the note appearing in and at the beginning of the section the words “ or Future Urban Zone ” and substituting the words “ , Future Urban Zone or Non-Committed Zone ”;

(b) omitting the words “ or in a Future Urban Zone ” and substituting the words “ , in a Future Urban Zone or in a Non-Committed Zone ”.

11. Amendment of s. 12. Section 12 of the Principal Act is amended by—

(a) inserting after the words “ amount of the fee, if any,” the words “ in accordance with the scale of fees ”;

(b) inserting in paragraph (c) after the words “ Council or its delegate ” the words “ , and of any uses registered in the Register of Existing Non-Conforming Uses,”.

12. Amendment of s. 13. Section 13 of the Principal Act is amended by—

(a) in subsection (2),

(i) omitting all words from and including the words “ Special Uses “A” Zone” to and including the words “ Existing Open Space Zone ” and substituting the words “ zone specified in the First Schedule to this Act or in that Schedule as amended from time to time by the Governor in Council ”;

(ii) omitting provision (a) and substituting the following provision:—

“ (a) the land is first sold, or the owner receives from Brisbane City Council notice of intention to resume the land under the *Acquisition of Land Act 1967-1977*, after the Plan comes into force ”;

(iii) inserting in provision (b) after the words “ sell the land ” the words “ on reasonable terms ”;

(b) in subsection (3) (a),

(i) inserting after the words “ Where the land is sold ” the words “ or taken ”;

(ii) omitting provision (i) and substituting the following provision:—

“ (i) that the land has been sold at a less price or has been taken for less compensation than might have been reasonably expected by the owner of the land had there been no such prohibition or restriction as aforesaid; ”

(iii) inserting in provision (ii) after the word “ that ” the words “ , in a case where the land is sold,”;

(c) adding at the end thereof the following subsection:—

“ (4) The Governor in Council may by Order in Council amend the First Schedule to this Act by adding words, omitting words, or omitting words and substituting other words as he thinks fit.

Upon amendment the Schedule as so amended shall be taken to be the First Schedule to this Act.”.

13. Amendment of s. 14. Section 14 of the Principal Act is amended by—

(a) omitting from subsection (1) (b) the word “substantially”;

(b) omitting subsection (2) and substituting the following subsection:—

“(2) For the purpose of construing paragraph (d) of subsection (1) it shall not be held that an applicant had not a legal right such as is referred to in that paragraph by reason only of the fact that his right depended upon an exercise of discretion by Brisbane City Council or its delegate in his favour (whether or not he has in fact sought such an exercise) if the applicant shows that it is reasonable to expect that such exercise of discretion would have been in his favour had he sought such exercise immediately before the provision in question of the Plan came into force.

Subject to the preceding paragraph, the onus of proving that compensation is not payable in any case by virtue of the provisions of subsection (1) shall be upon the Council.”.

14. Amendment of s. 19. Section 19 of the Principal Act is amended by omitting the word “by” and substituting the words “or permissible under”.

15. New s. 19A. The Principal Act is amended by inserting after section 19 the following section:—

“19A. **Appeals in respect of registration of an existing non-conforming use.** (1) Subject to this Act, any applicant for approval to have a use of any land, building or other structure registered in the Register of Existing Non-Conforming Uses as prescribed by the Plan may appeal to the Court against the determination of the Council or its delegate.

(2) Subject to this Act, the owner or occupier of any land, building or other structure (other than an applicant referred to in subsection (1)) the use whereof the Council or its delegate has determined should be registered in the Register of Existing Non-Conforming Uses as prescribed by the Plan may appeal to the Court in respect of such determination.”.

16. Amendment of s. 20B. Section 20B of the Principal Act is amended by omitting the words “eighteen, nineteen, twenty or 20A” and substituting the expressions “18, 19, 19A, 20, 20A, 22 or 22A”.

17. Repeal of and new s. 20C. The Principal Act is amended by repealing section 20C and substituting the following section:—

“20C. **Unlawful conditions.** (1) It shall be unlawful for the Council or its delegate—

(a) in the case of an application for approval to open a new road or to subdivide land, to subject the approval to a condition requiring corner truncation of the subject land at a corner which is already truncated;

(b) in the case of an application for approval to subdivide land not involving the opening of a road to subject the approval to a condition requiring corner truncation of the subject land at any corner;

- (c) in the case of an application for approval, consent or permission to use or erect a building or other structure for any purpose other than as a service station or to use land for any purpose other than as a service station to subject the approval, consent or permission to any condition requiring—
 - (i) corner truncation at any corner;
 - (ii) the transfer of land free of cost to the Council for road or any other public purpose;
 - (iii) a building or other structure to be set back from a road alignment except as authorized by ordinance;
- (iv) performance of works by the applicant or payment to be made in respect of works except as authorized by ordinance;
- (d) in the case of an application for approval to use or subdivide land, to rely wholly or partly, for the purpose of disposing of such application, on a policy of the Council that was formulated by one or more policy determinations that is or are required by section 4 (4A) or 6 (1) to be incorporated in the Plan and that is or are not duly so incorporated.

(2) Save to the extent that the imposition of a condition referred to in this subsection is authorized by ordinance that is not inconsistent with any provision of subsection (1), it shall be unlawful for the Council or its delegate in the case of an application to exclude land from any zone and to include the land so excluded in another zone or to subdivide land, to subject the approval, consent or permission to any condition requiring—

- (a) corner truncation at any corner;
- (b) the transfer of land free of cost to the Council for a public purpose other than road;
- (c) a building or other structure to be set back from a road alignment;
- (d) performance of works by the applicant or payment to be made in respect of works.

(3) In the case of an application to exclude land from any zone and to include the land so excluded in another zone or to subdivide land, it shall be unlawful for the Council or its delegate to subject the approval, consent or permission to a condition requiring—

- (a) the transfer of land free of cost to the Council; or
- (b) the dedication of land by plan of survey,

for road widening purposes unless such transfer or dedication is necessitated in the public interest by the use to which the land to which the application relates is to be put.

(4) It shall be a lawful and sufficient compliance with a condition imposed by the Council or its delegate in respect of the approval of any application by the Council or its delegate that a security be given to the Council if that security is given in a form of security as may be approved from time to time by the Governor in Council by Order in Council.

(5) The enactment of the foregoing provisions of this section shall not be construed to affect the enforcement of any agreement entered into by an applicant with the Council or its delegate before the enactment of those provisions concerning any of the matters provided for in this section.”

18. New s. 20E. The Principal Act is amended by inserting after section 20D the following section:—

“20E. **Agreements as to works.** (1) Where the approval, consent or permission given by the Council or its delegate in respect of an application to exclude land from any zone and to include the land so excluded in another zone or to subdivide land or for approval, consent or permission to use or erect a building or other structure or to use land for any purpose is lawfully subjected to a condition requiring payment to be made to the Council in respect of works, other than water supply headworks and sewerage headworks, in either case being headworks defined for the time being by ordinance, and such other works as the Governor in Council prescribed by Order in Council, an agreement shall be entered into between the applicant and the Council setting forth—

- (a) the nature and extent of the works (including a specification thereof);
- (b) all sums that the applicant is required to pay to the Council;
- (c) the date when each such sum shall be paid;
- (d) provisions relating to appropriation of interest accrued on sums held in the Council’s Trust Fund in accordance with this section;
- (e) the date on or before which the Council shall commence to perform such work; and
- (f) the date on or before which that work shall be completed by the Council.

No moneys shall be paid to or accepted by the Council until the agreement in writing has been made between the applicant and the Council.

(2) The Council shall expend upon the works provided for in an agreement entered into pursuant to subsection (1) all sums, which are paid to it under the agreement, within three years or such less period as is specified in the agreement from the date of the agreement.

(3) (a) All sums received by the Council pursuant to an agreement entered into pursuant to subsection (1) shall be paid by it into its Trust Fund and shall be held therein (together with any interest accrued thereon) until expended in accordance with the agreement.

Records of receipt and expenditure of such sums shall be kept in such manner that the receipt and expenditure of sums received by the Council under each agreement entered into pursuant to subsection (1) shall be recorded separately and distinctly from the receipt and expenditure of sums received by the Council under every other such agreement.

(b) As soon as practicable after 30 June in each year the Council shall furnish to the Director of Local Government a return, in the form approved by the Director, of all sums received by it under an agreement entered into pursuant to subsection (1) and held in its Trust Fund on that date, which have not been expended in accordance with the terms of the agreement.

(c) The Minister may, by notice in writing, call upon the Council to show cause to him within the time specified in the notice why a sum to which a return so furnished relates should not be applied towards the purposes for which the sum was paid under the agreement.

(d) If the Council fails to show cause to the satisfaction of the Minister, within the time so specified, the Minister may issue to the Council such orders and directions as are directed to the proper application within a time limited by the Minister of the sum to which the return furnished relates to the purposes for which it was paid under the agreement. The Council shall comply to the satisfaction of the Minister in all respects with an order or direction issued to it by the Minister.

(4) Where at any time the Minister is of the opinion that the Council has failed to perform in accordance with an agreement entered into pursuant to subsection (1) works which it is required to carry out under the agreement he may cause those works to be performed and recover the cost thereof from the Council by action as for a debt due and owing to the Crown, or he may give to the Council such orders and directions as he considers necessary to ensure that those works are carried out by the Council within a time to be specified by the Minister. The Council shall, within the time specified by the Minister, carry out to his satisfaction the requirements of those orders and directions.

Should the Council fail to carry out to his satisfaction any of those requirements the Minister may cause to be carried out such requirements and recover the cost thereof from the Council by action as for a debt due and owing to the Crown.”.

19. Amendment of s. 21. Section 21 of the Principal Act is amended by—

(a) omitting from paragraph (a) of subsection (1) the words “ nine, eighteen, nineteen ” and substituting the expressions “ 9, 18, 19, 19A ”;

(b) in subsection (2),

(i) omitting from the first paragraph the words “ nine, eighteen, nineteen ” and substituting the expressions “ 9, 18, 19, 19A ”;

(ii) inserting after the first paragraph the following paragraph:—

“ Where the Council determines to enter a use of any land or building or other structure thereon in the Register of Existing Non-Conforming Uses as prescribed by the Plan, the Town Clerk shall notify the owner and occupier of that land or building or other structure of the determination within seven days from the date of the making of such determination.”;

(iii) omitting from the third paragraph of that subsection as amended by provisions (i) and (ii) the word “ The ” and substituting the words “ In all cases, the ”;

(iv) inserting after the sixth paragraph of that subsection as amended by provisions (i), (ii) and (iii) the following paragraph:—

“Where the notification relates to a determination to which section 19A applies, it shall contain or be accompanied by a copy of that section and of this section.”;

(c) omitting from subsection (3) the words “nine, eighteen, nineteen” and substituting the expressions “9, 18, 19, 19A”.

20. Amendment of s. 21A. Section 21A of the Principal Act is amended by inserting in subsection (2) after the words “of this Act” where they first occur the words “, not being an appeal in respect of an application to which section 19A applies,”.

21. Amendment of s. 22. (1) Section 22 of the Principal Act is amended by—

(a) inserting in provision (b) of subsection (1) after the words “any land” the following words—

“and—

(i) the land upon which the new road is to be opened or which is to be subdivided, is land owned by Brisbane City Council; or

(ii) the proposed road opening or subdivision includes the creation of a road bounding allotments external to the subject land; or

(iii) the land is included in a zone specified in the Second Schedule to this Act”;

(b) in subsection (1A),

(i) omitting from provision (i) of paragraph (b) the words “postal address” and substituting the word “location”;

(ii) in paragraph (d),

(A) omitting the lettering “(d)” at the beginning thereof;

(B) omitting the word “In” and substituting the words “Such advertisement in”;

(C) renumbering provision “(i)” and provision “(ii)” as provision “(a)” and provision “(b)” respectively;

(c) repealing subsection (1AA);

(d) in subsection (3),

(i) omitting the words “next preceding the date stated” and substituting the words “terminating upon the expiration of the date specified”;

(ii) adding the following paragraph:—

“It shall be sufficient compliance with this subsection in the case of an application referred to in subsection (1) (b) if one copy of the advertisement is posted on the land in question in the manner and at the times specified in the preceding paragraph and in the case of an application for approval to subdivide land by way of a subdivision referred to in subsection (1) (b) (ii) a further copy of the advertisement is posted on the site of the proposed road.”;

(e) omitting subsection (5) and substituting the following subsection:—

“(5) At any time before 4 o'clock in the afternoon on the date specified in the advertisement as the date on or before which objections may be lodged with the Town Clerk any person may lodge with the Town Clerk his objection to an application to which this section refers.

Such objection shall be in writing, shall be addressed to the Town Clerk and shall set out the grounds of objection and the facts and circumstances relied on by the objector in support of those grounds.”;

(f) inserting after subsection (5) the following subsection:—

“(5A) The Council shall forthwith consider any and every objection duly made and duly lodged with the Town Clerk.”;

(g) inserting in subsection (10) (b) after the words “ this subsection ” the words “ , or within such extended time as the Court may allow upon sufficient cause being shown ”;

(h) adding at the end of the section the following subsections:—

“(17) The Governor in Council may by Order in Council amend the Second Schedule to this Act by adding words, omitting words, or omitting words and substituting other words as he thinks fit.

Upon amendment the Schedule as so amended shall be taken to be the Second Schedule to this Act.

(18) Where, in respect of an application to which this section applies, any provision of this section has not been complied with but the Court considers—

(a) that there has been substantial compliance with the provision; and

(b) that no person has been adversely affected by such non-compliance,

the Court may direct that it be taken that such provision has been complied with and thereupon it shall be taken accordingly.”.

(2) Section 22 of the Principal Act shall continue to apply in respect of any application to which it purports to apply, which application was made before the date appointed pursuant to section 4 for the coming into operation of this section, and in respect of objections relating to or appeals arising out of such an application, as if this Act had not come into operation and such application, objections and appeals shall be dealt with and disposed of accordingly.

22. Amendment of s. 22A. Section 22A of the Principal Act is amended by—

(a) omitting from subsection (2) the words “ within fourteen days after the giving of the notice ” and substituting the words “ on or before the date specified in the notice which date shall be not earlier than fourteen days after the service of such notice and in this section the date so specified is called “ the last day for the receipt of objections ” ”;

(b) omitting from subsection (3) the words “ the date stated in the advertisement as the date on or before which objections may be lodged with the Town Clerk ” and substituting the words “ the last day for the receipt of objections ”;

(c) in subsection (4),

(i) omitting the words “the date specified in the advertisement (which date shall be not earlier than fourteen days after the date of the publication of the advertisement)” and substituting the words “the last day for the receipt of objections”;

(ii) omitting the words “the date specified in the advertisement” and substituting the words “the last day for the receipt of objections”;

(d) omitting subsection (6) and substituting the following subsection:—

“(6) At any time before 4 o'clock in the afternoon on the last day for the receipt of objections any person may lodge with the Town Clerk his objection to the building proposal to which this section refers.

Such objections shall be in writing, shall be addressed to the Town Clerk and shall set out the grounds of objection and the facts and circumstances relied on by the objector in support of those grounds.”.

(e) omitting from subsection (13) all words from and including the words “In making” to the end of the subsection.

23. New s. 22B. The Principal Act is amended by inserting after section 22A the following section:—

“**22B. Applications concerning superseded Town Plan.** When at any time—

(a) a new Town Plan (whether the modified plan within the meaning of the *City of Brisbane Town Plan Modification Act 1976* or any other plan) becomes the Plan in place of a Town Plan then in existence (in this section called the superseded Town Plan); or

(b) an amendment is made to the Plan as prescribed by this Act,

each of which events is in this section referred to as “the prescribed event”, then—

(c) a person who has, before the prescribed event, duly made and lodged an application for any purpose in connexion with the superseded Town Plan, where the prescribed event is that referred to in paragraph (a), or the Plan prior to its amendment, where the prescribed event is that referred to in paragraph (b), shall thereupon be entitled to amend his application as he thinks fit, having regard to the new Town Plan or the amendment to the Plan, as the case may be, if his application has not been rejected or approved (unconditionally or with conditions) by the Council or its delegate before the prescribed event;

(d) an application such as is referred to in paragraph (c) whether or not it has been amended by the applicant, shall be deemed to be an application duly made and lodged for the purpose to which it relates in connexion with the new Town Plan, where the prescribed event is that referred to in paragraph (a), or the Plan as amended, where the prescribed event is that referred to in paragraph (b);

(e) every step duly taken in respect of an application such as is referred to in paragraph (c) shall be deemed to have been duly taken in respect of the application

deemed to be in connexion with the new Town Plan, where the prescribed event is that referred to in paragraph (a), or the Plan as amended, where the prescribed event is that referred to in paragraph (b) except that where an application as amended pursuant to paragraph (c) seeks approval of a more intensive use of land than before its amendment the Council may require that the application be advertised again before a decision is made on it;

- (f) a right of appeal had by any person in respect of an application such as is referred to in paragraph (c) may be exercised after the prescribed event as if that event had not occurred;
- (g) every appeal, whether instituted before or after the prescribed event, in respect of an application such as is referred to in paragraph (c) shall be determined by the Court giving such weight as it thinks fit to the provisions of the new Town Plan, where the prescribed event is that referred to in paragraph (a), or to the amendment to the Plan, where the prescribed event is that referred to in paragraph (b) and the decision therein shall be given effect to accordingly;
- (h) where before the occurrence of the prescribed event the Council has approved an application to exclude land from any zone and to include the land so excluded in another zone but the Plan has not been amended to take account of that approval before the occurrence of the prescribed event the Minister, when dealing with the Council's application for amendment of the Plan to take account of that approval, may alter the name of the zone in which the land is to be included pursuant to that approval to accord with the new Town Plan, where the prescribed event is that referred to in paragraph (a) or with the Plan as amended, where the prescribed event is that referred to in paragraph (b), if the prescribed event involves an alteration of the name assigned to that zone without otherwise affecting the rights or obligations of owners of land in that zone."

24. Amendment of s. 24. Section 24 of the Principal Act is amended by omitting the words "fifty pounds" and the words "five pounds" and substituting the expression "\$200" and the expression "\$20" respectively.

25. First and Second Schedules. The Principal Act is amended by inserting after section 33 the following FIRST SCHEDULE and SECOND SCHEDULE:—

FIRST SCHEDULE	[s. 13 (2)]
Special Uses Zone	
Existing or Proposed Open Space Zone	
Sport and Recreation Zone	
SECOND SCHEDULE	[s. 22 (1) (b) (iii)]
Existing or Proposed Open Space Zone	
Sport and Recreation Zone	

PART III—AMENDMENT OF THE ACQUISITION OF LAND ACT 1967–1969

26. Citation. (1) In this Part, the *Acquisition of Land Act 1967–1969* is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be referred to as the *Acquisition of Land Act 1967–1977*.

27. Commencement of Part. This Part shall commence on a day to be appointed by Proclamation.

28. Amendment of s. 8. Section 8 of the Principal Act is amended by, in subsection (3)—

(a) omitting the first paragraph and substituting the following paragraph:—

“Without the consent in writing of the owner Brisbane City Council shall not take any land for the purpose of park or recreation grounds unless such land is, under the Town Plan for the City of Brisbane in force for the time being under the *City of Brisbane Town Planning Act 1964–1977*, included in a zone referred to in the Second Schedule to that Act.”;

(b) omitting the words “*The City of Brisbane Town Planning Acts, 1964 to 1967,*” and substituting the words “*the City of Brisbane Town Planning Act 1964–1977*”.