

Queensland



**LOCAL GOVERNMENT
(CAPALABA CENTRAL
SHOPPING CENTRE
ZONING) ACT 1994**

Act No. 40 of 1994

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LOCAL GOVERNMENT (CAPALABA CENTRAL SHOPPING CENTRE ZONING) ACT 1994

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CAPALABA CENTRAL SHOPPING CENTRE LAND

Queensland



Local Government (Capalaba Central Shopping Centre Zoning) Act 1994

Act No. 40 of 1994

**An Act to make certain provision about the Town Planning Scheme
for the Shire of Redland, and for related purposes**

[Assented to 14 September 1994]

The Parliament of Queensland enacts—

Short title

1. This Act may be cited as the *Local Government (Capalaba Central Shopping Centre Zoning) Act 1994*.

Definitions

2. In this Act—

“Capalaba Central Shopping Centre land” means the land described in the Schedule.

“consent” means the Council’s consent under section 4.13 of the *Local Government (Planning and Environment) Act 1990*.

“Council” means the Council of the Shire of Redland.

“major shopping development” has the meaning given by section 19 of the *Local Government (Planning and Environment) Regulation 1991*.

“Redland Town Planning Scheme” means the town planning scheme for the Shire of Redland.

Zoning

3.(1) The Capalaba Central Shopping Centre land is taken to have been included in the Special Facilities Zone of the Redland Town Planning Scheme on and from 20 February 1988.

(2) The particular purposes indicated on the scheme map are taken to be major shopping development (including shops, commercial premises, health care institutions, refreshment establishments, showrooms and recreation centres) and transport interchange.

(3) The right to use the Capalaba Central Shopping Centre land for the purposes mentioned in subsection (2) includes the right to use the land for the following—

- (a) a purpose stated in a deed mentioned in section 5;
- (b) any purpose ancillary or incidental to a purpose mentioned in paragraph (a);
- (c) the purpose of coming from or going to any adjoining land or any part of the Capalaba Central Shopping Centre land.

Uses with consent

4.(1) The Capalaba Central Shopping Centre land may, with the Council's consent, be used for another purpose in conjunction with a purpose mentioned in section 3(2) or (3).

(2) The Council may give its consent under subsection (1) only if it is of the opinion that the other use is allied to and compatible with, but supplementary to, a purpose mentioned in section 3(2) or (3).

Conditions of development

5.(1) Development of the Capalaba Central Shopping Centre land for the purposes of a major shopping development must be in accordance with the following between Babtapp Pty. Ltd. and the Council—

- (a) the second Schedule to the deed dated 17 September 1985;
- (b) the deed dated 16 May 1986;
- (c) the deed dated 30 April 1991;
- (d) the deed dated 25 March 1994;
- (e) a deed approved by regulation under section 9.

(2) The Council's chief executive officer must keep copies of the deeds mentioned in subsection (1) available for inspection at the Council's public office at all times during which the office is open for transaction of public business.

Matters taken to be lawful

6. Anything done on or from 20 February 1988 on the Capalaba Central Shopping Centre land under the deeds mentioned in section 5 is lawful.

Act does not limit other lawful purposes

7. This Act does not limit the purposes for which the Capalaba Central Shopping Centre land may be lawfully used apart from this Act.

No right to compensation

8. Compensation is not payable by the State or the Council merely because of—

- (a) the enactment or operation of this Act; or
- (b) anything done to carry out or give effect to this Act.

Deeds may be approved by regulation

9.(1) The Governor in Council may make a regulation under this Act approving a deed between Babtapp Pty. Ltd. and the Council relating to the Capalaba Central Shopping Centre land.

(2) The regulation must be made within 6 months of the commencement of this Act.

(3) The Minister must table each deed approved by regulation in the Legislative Assembly as soon as practicable after it is approved.

(4) This section expires 6 months after the commencement of this Act.

Subsequent change of zoning

10. Nothing in this Act prevents the Council or an owner of the Capalaba Central Shopping Centre land or part of the land from taking action to change the zoning of the land or part of the land under the *Local Government (Planning and Environment) Act 1990*.

Successors and assigns

11. A reference in this Act to Babtapp Pty. Ltd. includes a reference to its successors and assigns.

Application of s 20A of Acts Interpretation Act 1954

12. This Act is an Act to which section 20A of the *Acts Interpretation Act 1954* applies.

Expiry of Act

13. This Act (apart from section 9) expires 1 year after its commencement.

SCHEDULE

CAPALABA CENTRAL SHOPPING CENTRE LAND

section 2

CAPALABA CENTRAL SHOPPING CENTRE LAND

County of Stanley, Parish of Capalaba

Lot 2 on C.P. 865678 containing 10.62 ha

and that part of Lot 2 on R.P. 181915 starting at a point on the south-east corner of Lot 2 on R.P. 181915 and bounded by lines as follows—

- northerly bearing 355°49'30" for a distance of 47.202 m
- then westerly bearing 265°49'30" for a distance of 128.044 m
- then southerly bearing 175°49'30" for a distance of 24.251 m
- then westerly bearing 265°49'30" for a distance of 0.1 m
- then south-easterly bearing 161°26'10" for a distance of 3.183 m
- then south-easterly bearing 132°45'30" for a distance of 3.183 m
- then south-easterly bearing 104°2'50" for a distance of 3.183 m
- then easterly bearing 89°41'30" for a distance of 64 m
- then north-easterly bearing 70°50'40" for a distance of 15.83 m
- then easterly bearing 89°41'30" for a distance of 12 m
- then south-easterly bearing 134°41'30" for a distance of 10 m
- then southerly bearing 179°41'30" for a distance of 8 m
- then easterly bearing 85°49'30" for a distance of 25 m to the point of commencement and enclosing an area of about 4534 m².