

Queensland



LOCAL GOVERNMENT (MORAYFIELD SHOPPING CENTRE ZONING) ACT 1996

Act No. 20 of 1996

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MORAYFIELD SHOPPING CENTRE LAND

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Local Government (Morayfield Shopping Centre Zoning) Act 1996

Act No. 20 of 1996

**An Act to make provision about the planning scheme for the Shire of
Caboolture, and for related purposes**

[Assented to 30 July 1996]

The Parliament of Queensland enacts—

Short title

1. This Act may be cited as the *Local Government (Morayfield Shopping Centre Zoning) Act 1996*.

Definitions

2. In this Act—

“central commercial zone” means the central commercial zone in the planning scheme.

“column 3 purposes” means the purposes mentioned in the planning scheme, part II, division III, column III, for the central commercial zone.¹

“council” means the Council of the Shire of Caboolture.

“Keylim” means Keylim Pty. Limited ACN 058 009 313, and includes its successors and assigns in relation to the Morayfield shopping centre land.

“Morayfield shopping centre land” means the land described in the schedule.

“Planning Act” means the *Local Government (Planning and Environment) Act 1990*.

“planning deed” means a deed made by Keylim, the council and any other party named in it, the proposed form of which was approved under a regulation.

“planning scheme” means the planning scheme that, under the Planning Act, is the planning scheme for the Shire of Caboolture.

¹ Part I (Zoning), division II (Table of zones), column III (Purpose for which buildings or other structures may be erected or used or for which land may be used without the consent of the Council)

“rezoned Morayfield shopping centre land” means the land described in the schedule, item 1.

Zoning

3.(1) The rezoned Morayfield shopping centre land is included in the central commercial zone.²

(2) For the Morayfield shopping centre land, the column 3 purposes are taken to include the following—

- (a) indoor entertainment (as defined under the planning scheme);
- (b) a purpose stated in a planning deed;
- (c) coming from or going to any part of the Morayfield shopping centre land or any adjoining land.

Development and use etc.

4.(1) Despite the inclusion under this Act of the rezoned Morayfield shopping centre land in the central commercial zone, development and use of the rezoned land must not proceed before the first planning deed is made by the parties to it.

(2) After the first planning deed is made, development and use of the Morayfield shopping centre land must comply with all planning deeds.

(3) The council’s chief executive officer must keep copies of each planning deed available for inspection at the council’s public office at all times when the office is open for business.

(4) To avoid any doubt, the council is authorised to enter into planning deeds.

² The land described in the schedule, items 2 to 4 is already included in the central commercial zone.

Matters taken to be lawful

5. Anything done on the Morayfield shopping centre land under a planning deed is lawful.

Act does not limit other lawful purposes

6. This Act does not limit the purposes for which the Morayfield shopping centre land may be lawfully used apart from this Act.

No right to compensation

7. 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

8.(1) A regulation may approve the proposed form of a deed between Keylim, the council, and any other party named in the deed, about the development and use of the Morayfield shopping centre land.

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

(3) The council must, by gazette notice, notify the day of the making of the first planning deed and any subsequent planning deed.

Effect of zoning under this Act

9.(1) This section is enacted to avoid any doubt about the matters dealt with in it.

(2) For the Planning Act—

- (a) this Act is taken to operate as an amendment of the planning scheme under the Planning Act; and
- (b) the provisions of a planning deed are taken to be conditions

attached to an amendment of the planning scheme under the Planning Act.

(3) For making an application under the Planning Act, section 4.15³ seeking the modification of a condition, the provisions of a planning deed are taken to be conditions to which the section applies.

(4) However, subsection (3) does not prevent the provisions of a planning deed from being changed by a subsequent planning deed made before the expiry of this Act.

(5) This Act does not prevent—

- (a) the council, or an owner of the Morayfield shopping centre land or a part of the land, from taking action under the Planning Act to change its zoning; or
- (b) a person from applying under the Planning Act, section 4.12⁴ for a town planning consent in relation to the Morayfield shopping centre land or a part of the land.

(6) The council and the department may do anything necessary or convenient to be done to carry out or give effect to this Act.

Example for subsection (6)—

The zoning of the rezoned Morayfield shopping centre land under this Act may be noted on the planning scheme maps.

Application of Acts Interpretation Act 1954, s 20A

10. This Act is a law to which the *Acts Interpretation Act 1954*, section 20A⁵ applies.

Regulation-making power

11. The Governor in Council may make regulations under this Act.

³ Section 4.15 (Modification of certain applications and approvals)

⁴ Section 4.12 (Application for town planning consent)

⁵ Section 20A (Repeal does not end saving, transitional or validating effect etc.)

Expiry of Act

12. This Act expires 1 year after this section commences.

SCHEDULE

MORAYFIELD SHOPPING CENTRE LAND

section 2

County of Stanley, parish of Caboolture

1. Lot 5 on registered plan 202516
2. Lot 27 on registered plan 211305
3. Lot 2 on registered plan 198546
4. Lot 1 on registered plan 198546.