

# **LOCAL GOVERNMENT (MORAYFIELD SHOPPING CENTRE ZONING) BILL 1996**

## **EXPLANATORY NOTES**

### **GENERAL OUTLINE**

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

The objectives of the legislation are to rezone an area of land as part of a major shopping centre development, and to provide for planning deeds between the development company and the Caboolture Shire Council by way of regulation. The planning deeds will contain conditions under which the development and use of the site will proceed in keeping with the objectives of the zone. Any subsequent changes to the zone or uses within the zone, will be dealt with under the provisions of the *Local Government (Planning and Environment) Act 1990*. The Act will expire one (1) year after its commencement.

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

There are no additional costs incurred by the Government. No compensation will be payable by the State or the Council from the enactment or operation of the Act.

#### **Fundamental Legislative Principles**

The provisions of the Bill are consistent with the fundamental legislative principles provided for in the *Legislative Standards Act 1992*.

#### **Consultation**

The development company and the Caboolture Shire Council have been consulted on the provisions of the Bill and are supportive of the Bill.

**NOTES ON PROVISIONS**

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

*Clause 2* sets out the definitions of the terms “central commercial zone”, “column 3 purposes”, “council”, “Keylim”, “Morayfield shopping centre land”, “Planning Act”, “planning deed”, “planning scheme”, “rezoned Morayfield shopping centre land” to be used in the Act.

*Clause 3* provides for that part of the Morayfield shopping centre land not already zoned central commercial, to be rezoned to central commercial under the Caboolture Shire planning scheme.

Provides that the land may be used for column 3 purposes taken to include:

- indoor entertainment (as defined under the Caboolture Shire planning scheme);
- a use stated in a planning deed;
- the coming from or the going to any part of the development site or adjoining land.

*Clause 4* provides that development and use of the rezoned Morayfield shopping centre land cannot proceed until the first planning deed is made by the parties to it, and must be in accordance with planning deeds as approved by regulation under Section 8.

Development of lands with existing central commercial zoning preceding this Act, can continue under current conditions of approval until such time they are superseded by a new planning deed applicable to the entire development site.

Provides that the Council must keep copies of each planning deed entered into, for public inspection.

Makes clear that the Council is authorised to enter into such planning deeds.

*Clause 5* validates anything done on the Morayfield shopping centre land under a planning deed, as being lawful.

*Clause 6* provides that anything which can now be lawfully done on the Morayfield shopping centre land is not affected by the operations of this Act.

*Clause 7* provides that compensation is not payable by the State or the Council because of the enactment, operation of, or giving effect to this Act.

*Clause 8* provides that within six (6) months of the commencement of this Act, the Governor in Council may make a regulation approving of the form of planning deeds between the development company, the Council, and any other party named in the deed.

Provides that the Council must notify the making of planning deeds by a notice in the gazette.

*Clause 9* removes any doubt that the Act is taken to operate as an amendment to the planning scheme, and that the provisions of the planning deed are to be taken as conditions attached to the amendment.

Provides for modifications of conditions and changes to the provisions of the planning deed before the expiry of the Act.

Provides that nothing in this Act prevents the Morayfield shopping centre land from being dealt with under the *Local Government (Planning and Environment) Act 1990* in the same way as any other land.

Enables the Council and the Department to give effect to the Act such as by noting the change in zoning on the planning maps.

*Clause 10* provides that the effect of this Act continues after it expires in one (1) year.

*Clause 11* provides that the Governor in Council may make regulations under this Act.

*Clause 12* expires this Act one (1) year after its commencement.

*Schedule* describes the Morayfield shopping centre land to which the Act applies and identifies which parcel is to be rezoned and those which already have a central commercial zoning.