

Queensland



ELECTRICITY AMENDMENT ACT 1996

Act No. 28 of 1996

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Queensland



Electricity Amendment Act 1996

Act No. 28 of 1996

An Act to amend the *Electricity Act 1994*

[Assented to 15 August 1996]

The Parliament of Queensland enacts—**Short title**

1. This Act may be cited as the *Electricity Amendment Act 1996*.

Act amended

2. This Act amends the *Electricity Act 1994*.

Insertion of new ch 4, pt 4, div 4A

3. Chapter 4, part 4—

insert—

‘Division 4A—Inapplicability of planning schemes in relation to particular transmission entity operating works

‘Definitions for div 4A

‘111A. In this division—

“affected land”, of, or in relation to, operating works, means land—

- (a) on which a transmission entity is building or using the operating works and identified on maps held by the department;¹ or
- (b) identified in—
 - (i) a notice under section 111B(1);² or
 - (ii) the documents mentioned in section 111D(1).³

¹ The maps may be inspected at the department’s office at the Queensland Minerals & Energy Centre, 61 Mary Street, Brisbane.

² Section 111B (Planning scheme does not apply to transmission entity if notice given)

³ Section 111D (Chalumbin to Woree transmission line)

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

“permissible use” see the LGPE Act, section 1.4.⁴

“planning instrument”, for operating works, means—

- (a) any agreement made between the relevant local government and any person holding an interest in the operating work’s affected land; and
- (b) any condition imposed by the local government for the use of the operating work’s affected land.

“planning scheme” means a planning scheme under the LGPE Act.

“planning scheme maps” means any map used in a planning scheme.

“relevant planning scheme”, in relation to a transmission entity’s operating works, or proposed operating works, means a planning scheme that includes land that is, or is proposed to be, affected land of the operating works.

‘Planning scheme does not apply to transmission entity if notice given

‘111B.(1) This section applies if, in relation to proposed operating works of a transmission entity, the Minister—

- (a) is satisfied the transmission entity has taken into account any major environmental effects the works are likely to have and in so doing has had due regard to policies or administrative arrangements approved under the *State Development and Public Works Organization Act 1971*, section 29;⁵ and
- (b) has given written notice to the local government for the area that the works will be in.

⁴ *Local Government Planning and Environment Act 1990*, section 1.4 (Interpretation)—

“permissible use” means a use of premises which may only be undertaken pursuant to a planning scheme with the approval of the local government granted pursuant to section 4.13.

⁵ Section 29 (Supervision of environment)

‘(2) A notice under subsection (1) must—

- (a) be given before the transmission entity builds or uses the operating works; and
- (b) state the following—
 - (i) that the Minister is satisfied as mentioned in subsection (1)(a);
 - (ii) a description of the land on which the transmission entity will build or use the operating works, including by reference to a map;
 - (iii) the name of the transmission entity;
 - (iv) that the land will be used for the transmission entity’s operating works;
 - (v) that this section and sections 111E to 111G apply to the operating works.

‘(3) A relevant planning scheme does not apply to—

- (a) the building or use of the works by the transmission entity; or
- (b) the use of the affected land by the transmission entity in connection with the works.

‘(4) Immediately after giving a notice to a local government under subsection (1), the Minister must give a copy of the notice to the chief executive of the department through which the LGPE Act is administered.

‘(5) However, the notice under subsection (1) is unaffected by a failure to comply with subsection (4).

‘Existing projects

‘111C.(1) This section applies if a transmission entity started building or using operating works before the *Electricity Amendment Act 1996* commenced.

‘(2) A relevant planning scheme does not apply, and it is declared never to have applied, to—

- (a) the building or use of the works by the transmission entity; or

- (b) the use of affected land by the transmission entity in connection with the works.

‘Chalumbin to Woree transmission line

‘111D.(1) This section applies to the transmission line from Chalumbin to Woree, to be built by QETC⁶ as part of its operating works on the land identified on the following documents held by the department—

- (a) for Chalumbin to Springmount—Queensland Electricity Generating Board transmission system 1:100 000 maps A1–N–411909–02–04–39;
- (b) for Springmount to Woree—Powerlink Queensland 275 Kv transmission line route plan A1–H–1155 55–sheets 01 to 09.⁷

‘(2) A relevant planning scheme does not apply to—

- (a) the building or use of the works by the transmission entity; or
- (b) the use of affected land by the transmission entity in connection with the works.

‘Transmission entity’s building or use of operating works and affected land prevails over other uses of affected land under planning scheme

‘111E.(1) This section applies if—

- (a) affected land of a transmission entity’s operating works are or become included in a planning scheme; and
- (b) a planning scheme does not apply to the building or use of the works by the transmission entity because of this division.

‘(2) The planning scheme or a planning instrument does not operate in relation to the affected land to the extent the planning scheme or instrument is inconsistent with the transmission entity’s building or use of the works.

⁶ The works are to be built by QETC under its trading name, Powerlink Queensland.

⁷ The documents may be inspected at the department’s office at the Queensland Minerals & Energy Centre, 61 Mary Street, Brisbane.

‘Noting planning scheme and planning scheme maps

‘111F.(1) If a transmission entity has operating works in a local government’s area—

- (a) the local government may note the maps of any relevant planning scheme to show that the affected land is being used for the operating works; and
- (b) if the local government is preparing a relevant planning scheme, the planning scheme must show, for the affected land, that the affected land is being used for the operating works.

‘(2) If a local government receives a notice under section 111B(1)⁸ about proposed operating works, it must note the existence of the notice in any relevant planning scheme.

‘(3) To remove doubt, it is declared that a note to a planning scheme under subsection (1) or (2) is not an amendment of a planning scheme.

‘Applications about affected land

‘111G.(1) This section applies if—

- (a) a local government receives an application under the LGPE Act for—
 - (i) rezoning of land; or
 - (ii) permissible use of premises; or
 - (iii) subdivision of land; and
- (b) the land for which the application is made includes affected land of operating works or proposed operating works for which a notice under section 111B(1) has been given to the local government.

‘(2) The local government must give the Minister written notice of the application before considering the application.

⁸ Section 111B (Planning scheme does not apply to transmission entity if notice given)

‘(3) If a notice is given, the Minister may comment in writing on the application to the local authority.

‘(4) The local government must not consider the application until after the Minister comments on the application or the end of 28 days after the Minister is given the notice.

‘(5) If the Minister comments on the application, the local government must take the Minister’s comments into account when considering the application.’.

Amendment of sch 5 (Dictionary)

4. Schedule 5—

insert—

‘ **“affected land”**, for chapter 4, part 4, division 4A, see section 111A.

“LGPE Act”, for chapter 4, part 4, division 4A, see section 111A.

“permissible use”, for chapter 4, part 4, division 4A, see section 111A.

“planning instrument”, for chapter 4, part 4, division 4A, see section 111A.

“planning scheme”, for chapter 4, part 4, division 4A, see section 111A.

“planning scheme maps”, for chapter 4, part 4, division 4A, see section 111A.

“relevant planning scheme”, for chapter 4, part 4, division 4A, see section 111A.’.