

TOWNSVILLE CITY COUNCIL (DOUGLAS LAND DEVELOPMENT) BILL 1992

EXPLANATORY NOTES

Part 1—Preliminary

Clause 1 sets out the short title of the Act

Clause 2 sets out the object of the Act which is to provide for the development of land, owned by the Townsville City Council at Douglas, Townsville.

Clause 3 sets out in general terms, how the object of the Act is to be achieved.

Clause 4 defines various terms used in the Act.

Part 2—Concept Plan

Clause 5 provides that the Council must prepare a concept plan for the site which indicates the Council's general planning intentions.

The concept plan must consist of a map or a series of maps showing preferred land uses within the site and appropriate supporting documents indicating the type, scale and density generally of proposed development.

Clause 6 provides that the proposed concept plan must be formally adopted by the Council.

Clause 7 requires the Council to give public notice of the proposed concept plan and invite submissions, from interested persons or groups in relation to the contents of the proposed concept plan, within a specified time (20 working days).

Clause 8 sets out the manner in which a person or group must make submissions to the Council in relation to the proposed concept plan.

Clause 9 provides that the Council must consider all submissions properly made in relation to the proposed concept plan and may modify the proposed concept plan following the consideration of those submissions.

Clause 10 provides that the Council must apply to the Minister for approval of the concept plan by the Governor in Council.

The Governor in Council may approve, by regulation, the concept plan with or without modification or may refuse to approve the concept plan.

Clause 11 requires the Council and the Chief Executive of the Department of Housing, Local Government and Planning to keep a copy of the approved concept plan available for inspection by any person at their offices in Townsville during which those offices are open for the transaction of public business.

A copy of the concept plan can be purchased by any person from the Council and the Chief Executive on the payment of an appropriate fee.

Clause 12 enables the Council to propose an amendment of the concept plan which applies to any part of the site in respect of which development has not commenced.

Clause 13 requires the Council to give public notice of any proposed amendment of the concept plan and invite submissions, from interested persons or groups in relation to the proposed amendments, within a specified time (10 working days).

Clause 14 sets out the manner in which a person or group must make submissions to the Council in relation to the proposed amendment of the concept plan.

Clause 15 provides that the Council must consider all submissions properly made in relation to the proposed amendment of the concept plan and may modify the proposed amendment following consideration of those submissions.

Clause 16 provides that the Council must apply to the Minister for approval of the amendment of the concept plan by the Governor in Council.

The Governor in Council may approve, by regulation, the amendment of the concept plan with or without modification or may refuse to approve the amendment.

If the amendment is approved, the concept plan as amended becomes the concept plan.

Part 3—Expressions of Interest and Related Agreements

Clause 17 provides that after the concept plan is approved by the Governor in Council, the Council must, from time to time, invite expressions of interest for the purchase, development and subdivision of the subject land in stages.

Expressions of interest must be invited by advertisement published in a newspaper circulating in the city of Townsville and in any other newspaper the Council considers appropriate.

Clause 18 requires the Council to consider all expressions of interest received by it and prepare a short list of persons considered suitable to purchase, and capable of developing and subdividing a stage.

The Council may enter into discussions and negotiations with any person on the short list.

Clause 19 enables the Council, by resolution, to make and perform agreements with any one or more short listed persons in relation to the purchase, development and subdivision of a stage or part of a stage in respect of which expressions of interest have been invited.

The Council may require the purchaser of a stage or part of a stage to lodge security to ensure compliance with the terms and conditions of the agreement and that security may take the form of a mortgage given in favour of the Council over the stage sold.

Any agreement made before a master plan is approved must be conditional on the master plan being approved.

In deciding who is the most appropriate person to purchase, develop and subdivide a stage or part of a stage, Council must not only have regard to financial considerations but also to its planning and social objectives as outlined in the concept plan.

Clause 20 specifies that anything done by the Council under this Act is a function of Local Government.

Clause 21 provides that notwithstanding the Local Government Act 1936, the Council is not required to invite tenders or give an opportunity for the making of quotations in relation to agreements under this Act.

Part 4—Master Plans

Clause 22 provides that after considering expressions of interest and entering into discussions and negotiations with short listed persons, the Council must prepare a master plan for the relevant stage.

The master plan must be generally in accordance with the concept plan and provide, in detail, for the orderly development of land within the stage.

The master plan must consist of a map or a series of maps accurately depicting the location of land uses within the stage and appropriate supporting documents which will regulate the use of premises, the erection of buildings and other structures and the subdivision of land within the stage.

Clause 23 provides that the Council must apply to the Minister for approval of the master plan by the Governor in Council.

The Governor in Council may approve, by regulation, the master plan with or without modification or may refuse to approve the master plan.

Clause 24 provides that a master plan, once approved, replaces the concept plan, the Townsville planning scheme and the Council's group title development by-law in relation to the stage.

Clause 25 requires the Council and the Chief Executive of the Department of Housing, Local Government and Planning to keep a copy of approved master plans available for inspection by any person at their offices in Townsville during which those offices are open for the transaction of public business.

A copy of a master plan can be purchased by any person from the Council and the Chief Executive on the payment of an appropriate fee.

Clause 26 provides that the Council may agree to an amendment of a master plan prior to registration of any plan of subdivision within a stage.

Clause 27 provides that the Council must apply to the Minister for approval of an amendment of a master plan by the Governor in Council.

The Governor in Council may approve, by regulation, the amendment of a master plan with or without modification or may refuse to approve the amendment.

If the amendment is approved, the master plan as amended, becomes the master plan.

Clause 28 provides that the Council must implement, administer and enforce an approved master plan and is itself bound by the master plan.

Part 5—Inclusion of Site or Stages in Planning Scheme

Clause 29 provides that the Council must include the site and may include any stage in the Townsville planning scheme as soon as practicable after development works have been completed.

Once the site or any stage is included in the Townsville planning scheme, master plans cease to apply to the site or any stage and the Council's group title development by-law again applies.

Clause 30 requires that the inclusion of any site or stage in the Townsville planning scheme is to be dealt with as if it were an amendment of a planning scheme under the Local Government (Planning and Environment) Act 1990.

In preparing an amendment of the Townsville planning scheme, the Council must have regard to the relevant master plan or plans and any agreements which have been entered into in relation to any stage.

Any person having an interest in premises within the site or stage that is included in the Townsville planning scheme has a right to claim compensation under the Local Government (Planning and Environment) Act if that person feels that the person's interest is injuriously affected.

Part 6—General Provisions

Clause 31 provides that nothing contained in the Townsville planning scheme prevents the Council from preparing the proposed concept plan, calling for expressions of interest in relation to the concept plan or preparing a master plan for any stage.

Clause 32 provides that notwithstanding section 27 of the Local Government Act 1936, for the purpose of the levying of rates, a person who has entered into an agreement with the Council for the purchase, development or subdivision of any stage is taken not to be the owner of the land within that stage until registration of the first plan of subdivision.

Clause 33 enables a person, on the payment of an appropriate fee, to apply to the Council for one of three classes of planning certificate which will provide details in relation to any premises within a stage which is subject to a master plan.

Clause 34 sets out the manner in which proceedings for offences against any master plans are brought and the maximum penalties for different types of offences against the master plans.

Clause 35 provides that any conditions, requirements or restrictions in relation to the use of premises which are imposed by agreement attach to the land and are binding on successors in title

Clause 36 enables the Governor in Council to make regulations for the purposes of this Act.

Clause 37 repeals the Townsville City Council (Sale of Land) Act 1973 and the Townsville City Council (Sale of Land) Act Amendment Act 1976.

The Schedule describes the site by metes and bounds and depicts the site by way of a map.