

THIS PUBLIC BILL has this day been read a Third time and passed

The Clerk of the Parliament.

*Legislative Assembly Chamber,
Brisbane, February 2020*



Queensland

**No.
A BILL for**

An Act to facilitate the implementation of a master plan for the Southport Spit, and to amend this Act, the Gold Coast Waterways Authority Act 2012, the Land Act 1994 and the Planning Act 2016 for particular purposes



Queensland

Implementation of The Spit Master Plan Bill 2020

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2020

A Bill

for

An Act to facilitate the implementation of a master plan for the Southport Spit, and to amend this Act, the *Gold Coast Waterways Authority Act 2012*, the *Land Act 1994* and the *Planning Act 2016* for particular purposes

The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Implementation of The Spit Master Plan Act 2020*.

2 Purpose of Act

The purpose of this Act is to facilitate the implementation of the Spit master plan by—

- (a) enabling the Minister to perform functions and exercise powers in relation to roads in the master plan area; and
- (b) providing a streamlined process for the granting under the *Land Act 1994* of particular interests in land in the master plan area to the State.

Note—

See also the *Gold Coast Waterways Authority Act 2012* for the powers and functions of the Gold Coast Waterways Authority in relation to the implementation of the Spit master plan.

3 Act binds all persons

This Act binds all persons, including the State.

Part 2 Interpretation

4 Definitions

The dictionary in schedule 2 defines particular words used in this Act.

5 Meaning of *master plan area*

The *master plan area* is the area shown as The Spit master plan area on the map in schedule 1.

6 Meaning of *Spit master plan*

The *Spit master plan* is the document called ‘The Spit master plan’, dated May 2019 and published by the department.

**Part 3 Provisions relating to
implementation of Spit master
plan**

7 Roads and road closures

- (1) The Minister may, for a road in the master plan area, perform functions or exercise powers the Minister considers necessary or desirable to facilitate the implementation of the Spit master plan.
- (2) Without limiting subsection (1), the Minister may, by gazette notice, permanently or temporarily close all or part of a road in the master plan area.
- (3) The closure of the road or part takes effect from the day the gazette notice is published or a later day stated in the notice.
- (4) Before the closure takes effect, the Minister must publish notice of the closure in a newspaper circulating in the Gold Coast local government area.
- (5) Failure to comply with subsection (4) does not invalidate the closure.
- (6) The Minister may do everything necessary to stop traffic using a road or part of a road closed under this section.
- (7) A road or part of a road that is permanently closed under this section may be dealt with under an Act as unallocated State land.

[s 8]

- (8) To remove any doubt, it is declared that this section applies in relation to a road—
 - (a) whether or not the road is a State-controlled road under the *Transport Infrastructure Act 1994*; and
 - (b) whether or not the *Land Act 1994* applies in relation to the road.
- (9) The *Local Government Act 2009*, section 75 and the *Transport Infrastructure Act 1994*, section 33 do not apply in relation to the performance of a function, or the exercise of a power, under this section.
- (10) In this section—

road see the *Land Act 1994*, section 93.

8 Granting of deeds of grant under the Land Act 1994 for land in the master plan area

- (1) For the *Land Act 1994*, chapter 4, part 1, division 2, a deed of grant of unallocated State land in the master plan area may be granted under that Act without competition if the grant is to the State.
- (2) The *Land Act 1994*, section 16 does not apply in relation to the grant.
- (3) Despite the *Land Act 1994*, no fee or amount is payable by the State in relation to the grant, including—
 - (a) a purchase price for the land; or
 - (b) an amount for the value of improvements on the land; or
 - (c) a fee for the registration of the grant.
- (4) Subsection (1) does not limit the *Land Act 1994*, chapter 4, part 1, division 2.

9 Granting of leases under the Land Act 1994 for land in the master plan area

The *Land Act 1994*, section 16 does not apply in relation to the grant of a lease, under that Act, of unallocated State land in the master plan area if the grant is to the State.

Part 4 Miscellaneous

10 Delegations

The Minister may delegate the Minister’s functions or powers under this Act to the chief executive.

11 Regulation-making power

The Governor in Council may make regulations under this Act.

Part 5 Amendment of Acts

Division 1 Amendment of this Act

12 Act amended

This division amends this Act.

13 Amendment of long title

Long title, from ‘, and to amend’—
omit.

[s 14]

Division 2 Amendment of Gold Coast Waterways Authority Act 2012

14 Act amended

This division amends the *Gold Coast Waterways Authority Act 2012*.

15 Amendment of s 3 (Purposes of Act and their achievement)

(1) Section 3(2)—

insert—

- (e) facilitate the implementation of the Spit master plan through the development and delivery of a program of community infrastructure and public realm works.

(2) Section 3(3), from ‘Authority’—

omit, insert—

Authority to—

- (a) strategically plan for, facilitate and manage the development and use of the Gold Coast waterways; and
- (b) develop and deliver a program of community infrastructure and public realm works for the Spit master plan area.

16 Amendment of s 10 (Main function and its achievement)

(1) Section 10(2), ‘The main function’—

omit, insert—

For giving effect to the purposes of this Act mentioned in section 3(1) and (2)(a) to (d), the authority’s main function

(2) Section 10—

insert—

(3) For giving effect to the purpose of this Act mentioned in section 3(2)(e), the authority's main function is performed primarily by the authority—

(a) developing, under part 4A, a Spit works program; and

(b) ensuring the effective and efficient delivery of the Spit works program.

17 Amendment of s 14 (Delegations by Gold Coast Waterways Authority)

Section 14(2), after 'part 4'—

insert—

or 4A

18 Insertion of new pt 4A

After section 20—

insert—

Part 4A Spit works programs

20A Development of Spit works programs

(1) Before the start of each financial year, the authority must develop, for the Spit Development Minister's approval, a program for the financial year and the following 3 financial years about community infrastructure and public realm works to be delivered in the Spit master plan area during the period (a *Spit works program*).

(2) A Spit works program must include each of the following for the period to which the program

[s 18]

relates—

- (a) details of the community infrastructure and public realm works to be delivered;
 - (b) a separate program for each item of community infrastructure and public realm works to be delivered;
 - (c) the performance targets to be achieved;
 - (d) an estimate of the cost of delivering the community infrastructure and public realm works.
- (3) In developing a Spit works program, the authority must take reasonable steps to consult with—
- (a) the Gold Coast City Council; and
 - (b) the community of the Gold Coast City local government area; and
 - (c) another entity the Spit Development Minister considers may be affected by, or have an interest in, the Spit works program.
- (4) If a Spit works program is given to the Spit Development Minister for approval, the Spit Development Minister may—
- (a) approve the Spit works program; or
 - (b) direct the authority to amend the Spit works program.
- (5) However, the Spit Development Minister must not approve a Spit works program unless satisfied the program is consistent with the Spit master plan.
- (6) If the Spit Development Minister approves a Spit works program, the authority must—
- (a) publish a copy of the Spit works program on the authority's website; and

- (b) keep a copy of the Spit works program available for inspection at the authority's office during normal business hours.
- (7) A Spit works program approved under this section is the ***approved Spit works program*** for the first financial year to which the program relates.

20B Direction to amend approved Spit works program

- (1) The Spit Development Minister may, at any time, direct the authority to amend the approved Spit works program.
- (2) However, the direction must not require the authority to amend the approved Spit works program in a way that is inconsistent with the Spit master plan.
- (3) The authority must comply with a direction given under subsection (1).

19 Insertion of new s 32A

After section 32—

insert—

32A Recovery of expenses incurred in dealing with property

- (1) If the authority reasonably incurs expenses in dealing with property under this division, the amount of the expenses may be recovered by the authority as a debt payable to the State by the owner of the property.
- (2) However, this section does not apply if the authority sells the property under section 31.

[s 20]

20 Amendment of s 36 (Ministerial directions or guidelines to Gold Coast Waterways Authority)

Section 36—

insert—

(4) In this section—

Minister means—

- (a) for a Ministerial direction or guidelines about the performance of the authority's functions in relation to the Gold Coast waterways—the Minister responsible for administering this Act; or
- (b) for a Ministerial direction or guidelines about the performance of the authority's functions in relation to the development or delivery of a Spit works program—the Spit Development Minister.

21 Amendment of s 37 (Ministerial access to information)

Section 37(3)—

insert—

Minister means—

- (a) for information or a document relating to the Gold Coast waterways—the Minister responsible for administering this Act; or
- (b) for information or a document relating to the development or delivery of a Spit works program—the Spit Development Minister.

22 Amendment of s 38 (Quarterly performance reports)

Section 38(2)—

omit, insert—

(2) Without limiting subsection (1), the report must

include information about the following matters—

- (a) projects relating to—
 - (i) improving and maintaining navigational access to Gold Coast waters; and
 - (ii) developing and improving public marine facilities; and
 - (iii) the delivery of the approved Spit works program;
- (b) the progress of each project mentioned in paragraph (a);
- (c) waterways management activities in relation to the Gold Coast waterways;
- (d) revenue and expenditure.

23 Amendment of s 39 (Annual report)

- (1) Section 39(2)(b), ‘relevant waterways management program’—
omit, insert—
authority’s waterways management program and approved Spit works program
- (2) Section 39(2)—
insert—
 - (ca) details about projects relating to the delivery of the approved Spit works program undertaken during the year;
- (3) Section 39(2)(ca) and (d)—
renumber as section 39(2)(d) and (e).

[s 24]

24 Amendment of s 44 (Membership)

- (1) Section 44, from ‘7 persons’ to ‘of—’—

omit, insert—

the following persons (each a *member*)—

- (2) Section 44(c), ‘5 other persons’—

omit, insert—

at least 5, but no more than 8, other persons

25 Amendment of s 45 (Appointed members)

- (1) Section 45(2), after paragraph (a)—

insert—

(aa) has knowledge of and experience in 1 or more of the following relevant to the development and delivery of a Spit works program—

- (i) major projects, including, for example, construction, design or delivery of major projects;
- (ii) project management;
- (iii) planning and development;
- (iv) the design and aesthetics of public open spaces, parks, natural environments and built form; or

- (2) Section 45(2)(aa) and (b)—

renumber as section 45(2)(b) and (c).

26 Amendment of sch 2 (Dictionary)

- (1) Schedule 2—

insert—

approved Spit works program see section

20A(7).

Spit Development Minister means the Minister responsible for administering the *Implementation of The Spit Master Plan Act 2020*.

Spit master plan see the *Implementation of The Spit Master Plan Act 2020*, section 6.

Spit master plan area means the master plan area under the *Implementation of The Spit Master Plan Act 2020*.

Spit works program see section 20A(1).

- (2) Schedule 2, definition *disqualified person*, paragraph (a), after ‘waterways’—

insert—

or the Spit master plan area

Division 3 Amendment of Land Act 1994

27 Act amended

This division amends the *Land Act 1994*.

28 Amendment of s 122 (Deeds of grant of unallocated State land)

Section 122—

insert—

Note—

For the granting, without competition, of a deed of grant of unallocated State land in the master plan area under the *Implementation of The Spit Master Plan Act 2020*, see section 8 of that Act.

[s 29]

Division 4 Amendment of Planning Act 2016

29 Act amended

This division amends the *Planning Act 2016*.

30 Amendment of s 31 (Claiming compensation)

Section 31(3), ‘becomes’—

omit, insert—

is or becomes

31 Insertion of new ch 8, pt 7

Chapter 8—

insert—

Part 7 Transitional provision for Implementation of The Spit Master Plan Act 2020

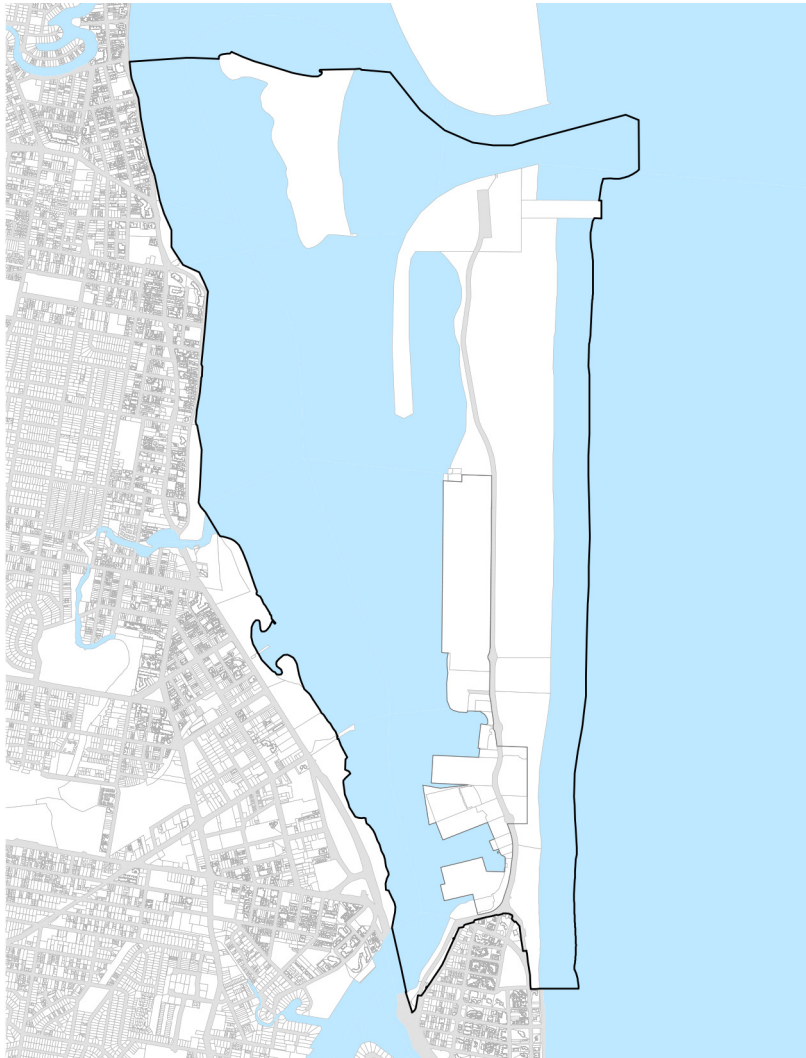
351 Application of s 31 in relation to particular adverse planning changes

- (1) This section applies in relation to an adverse planning change that started to have effect for premises before the commencement if—
 - (a) before the commencement, a local government refused a superseded planning scheme request made under section 29(4)(a) to accept, assess and decide a development application in relation to the premises under the superseded planning scheme in effect immediately before the adverse planning change happened; and

- (b) the development the subject of the superseded planning scheme request is assessable development under—
 - (i) the local government’s planning scheme; and
 - (ii) the superseded planning scheme; and
 - (c) before the commencement, a development application for the development was refused, approved with development conditions or approved in part.
- (2) New section 31 applies in relation to a person who had an interest in the premises at the time the adverse planning change started to have effect for the premises as if the 6 month period referred to in section 31(6)(b) were 6 months after the commencement.
- (3) In this section—
new section 31 means section 31 as in force from the commencement.

Schedule 1 Master plan area

section 5



Legend
Cadastral (October 2019)
The Spit Master Plan Area

0 100 200 300 400
Metres
Map created at: A4
Coordinate System: GDA2020 MGA Zone 56
Projection: Transverse Mercator
Datum: GDA2020

The Spit Master Plan Area
Map produced by the Department of State Development,
Manufacturing, Infrastructure and Planning
Spatial Services Unit, 24/10/2019

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Schedule 2 Dictionary

section 4

master plan area see section 5.

Spit master plan see section 6.

unallocated State land see the *Land Act 1994*, schedule 6.

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