

Queensland



ANNO TRICESIMO SEXTO

ELIZABETHAE SECUNDAE REGINAE

No. 91 of 1987

An Act to amend the Sanctuary Cove Resort Act 1985-1987
in certain particulars

[ASSENTED TO 3RD DECEMBER, 1987]

Preamble: Whereas the *Sanctuary Cove Resort Act 1985-1987* provides for the development of "Sanctuary Cove Resort" at Hope Island in the State of Queensland:

And Whereas Discovery Bay Developments Pty. Ltd., a company referred to in that Act seeks to incorporate certain lands (of which it is or intends to be a proprietor) adjacent to the site of the resort within Sanctuary Cove Resort:

And Whereas it is desirable to make provision for that incorporation and for the application of that Act in respect of those lands:

And Whereas it is desirable to amend the *Sanctuary Cove Resort Act 1985-1987* in certain other particulars:

BE IT THEREFORE ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. Short title and citation. (1) This Act may be cited as the *Sanctuary Cove Resort Act Amendment Act 1987 (No. 2)*.

(2) In this Act the *Sanctuary Cove Resort Act 1985-1987* is referred to as the Principal Act.

(3) The Principal Act as amended by this Act may be cited as the *Sanctuary Cove Resort Act 1985-1987*.

2. Amendment of s. 3. Arrangement of Act. Section 3 of the Principal Act is amended by—

(a) omitting from the expression "PART II—THE SITE AND SUBDIVISION OF THE SITE (ss. 5-21)," the expression "5-21" and substituting the expression "5-12";

(b) omitting the expressions "*Division 4—Dealing with Land in Residential Zones* (ss. 13-20);" and "*Division 5—Dealing with Land in Zones other than Residential Zones* (s. 21);" and substituting the following expressions:—

"PART IIA—THE ADJACENT SITE AND SUBDIVISION OF THE ADJACENT SITE (ss. 12A-12H);

Division 1—The Adjacent Site (ss. 12A-12B);

Division 2—Zones in the Adjacent Site (ss. 12C-12E);

Division 3—Initial Subdivision of Adjacent Site (ss. 12F-12H);

PART IIB—DEALING WITH LAND IN ZONES (ss. 13-21);

Division 1—Dealing with Land in Residential Zones (ss. 13-20);

Division 2—Dealing with Land in Zones other than Residential Zones (s. 21);";

(c) inserting after the expression "*Division 2—Executive Committee* (ss. 41-47);" the expression "*Division 2A—Principal Body Corporate Manager* (s. 47A);";

(d) omitting from the expression "*PART IV—THOROUGHFARES* (ss. 51-64);" the expression "51-64" and substituting the expression "51-64B";

(e) omitting from the expression "*Division 4—Secondary Thoroughfare* (ss. 62-64);" the expression "62-64" and substituting the expression "62-64B";

(f) inserting after the expression "*Division 2—Executive Committee* (ss. 85-91);" the expression "*Division 2A—Primary Thoroughfare Body Corporate Manager* (s. 91A);";

(g) adding after the expression "SCHEDULE C—ZONES OF THE SITE" the following expressions:—

“;
SCHEDULE D—ADJACENT SITE PLAN;
SCHEDULE E—ZONES OF THE ADJACENT SITE”.

3. New s. 3A. The Principal Act is amended by inserting after section 3 the following section:—

“3A. Sanctuary Cove Resort. For the purposes of this Act, Sanctuary Cove Resort comprises the site and the adjacent site.”.

4. Amendment of s. 4. Interpretation. Section 4 of the Principal Act is amended by—

(a) inserting in the definition “initial lot” after the words “initial plan of survey” the words “or initial plan of survey of the adjacent site”;

(b) inserting in the definition “initial plan of survey” before the word “means” the words “except where followed by the words “of the adjacent site””;

(c) inserting after the definition “initial plan of survey” the following definition:—

““initial plan of survey of the adjacent site” means the plan of survey for the time being registered by the Registrar of Titles in accordance with section 12F;”;

(d) inserting in the definition “primary thoroughfare” after the words “initial plan of survey” the words “and on the initial plan of survey of the adjacent site”;

(e) inserting in the definition “proposed use plan” before the words “means” the words “except where followed by the words “of the adjacent site””;

(f) inserting after the definition “proposed use plan” the following definition:—

“proposed use plan of the adjacent site” means the plan of survey of the adjacent site approved by the Albert Shire Council pursuant to section 12D;”;

(g) inserting in the definition “residential zone” after the words “in Schedule C” the words “or Schedule E”;

(h) inserting in the definition “zone” after the words “in Schedule C” the words “or in the sketch of the adjacent site set forth in Schedule E, as the case may be”.

5. Amendment of s. 8. Proposed use plan. Section 8 of the Principal Act is amended by inserting in subsection (3) (ii) after the word “zones” the words “within the site”.

6. Amendment of s. 9. Town planning provisions. Section 9 of the Principal Act is amended by—

(a) inserting in subsection (3) after the words “Within a zone” the words “within the site”;

(b) in subsection (4)—

(i) inserting after the words “Within a zone” the words “within the site”;

(ii) omitting the expression “\$1 000” and substituting the words “20 penalty units”.

7. Amendment of s. 10. Initial subdivision within the site. Section 10 of the Principal Act is amended by—

(a) omitting from subsection (4) the word “fulfills” and substituting the word “fulfils”;

(b) inserting in subsection (9) in the second paragraph after the word “site” the words “or the adjacent site”.

8. Amendment of s. 11. Effect of registration of initial plan of survey. Section 11 of the Principal Act is amended by inserting after the word “Act” the words “(other than of Part IIA)”.

9. Amendment of s. 12. Transfer of primary thoroughfare to primary thoroughfare body corporate. Section 12 of the Principal Act is amended by inserting in subsection (1) in the first paragraph after the words “comprise the primary thoroughfare” the words “within the site”.

10. New headings and ss. 12A and 12B. The Principal Act is amended by inserting after section 12 the following headings and sections:—

**“PART IIA—THE ADJACENT SITE AND SUBDIVISION
OF THE ADJACENT SITE**

Division 1—The Adjacent Site

12A. The adjacent site. (1) For the purposes of this Act, the expression “the adjacent site” means that area of land situate in the County of Ward, Parish of Coomera set forth in the plan of survey reproduced in Schedule D and containing an area of 241.87 hectares more or less.

(2) Notwithstanding any other Act or law the adjacent site includes land within the boundaries of the adjacent site that is or may be or becomes inundated by water or subject to tidal influence and any estate or interest held in that land before the land becomes inundated or became subject to tidal influence is not affected by the inundation or being subject to tidal influence.

(3) Notwithstanding the provisions of the *Local Government Act 1936-1987* or any Proclamation made under that Act, the adjacent site forms part of the Area of the Shire of Albert constituted under that Act.

12B. Grant of Crown land to the company. The power conferred by the *Land Act 1962-1987* on the Governor in Council to grant in fee simple any Crown land within Queensland includes power, upon payment of such amount as the Governor in Council determines, to grant Crown land within the adjacent site to the company in fee simple in priority to and to the exclusion of all other persons, notwithstanding the provisions of the *Land Act 1962-1987*.”.

11. New heading and ss. 12C, 12D and 12E. The Principal Act is amended by inserting after section 12B the following heading and sections:—

“Division 2—Zones in the Adjacent Site

12C. Adjacent site divided into zones. For the purposes of this Act, the adjacent site is divided into zones more or less as shown on the sketch of the adjacent site set forth in Schedule E and each zone shall be a zone of the description of zone set forth in the sketch in respect of that zone.

12D. Proposed use plan of the adjacent site. (1) The company shall lodge with the Albert Shire Council a plan of survey defining the boundaries of the zones within the adjacent site as more or less set forth in Schedule E for approval.

(2) If the Albert Shire Council considers that it is appropriate that a zone boundary be at variance to the boundary set forth in Schedule E for that zone it may require the plan of survey to be altered to define the boundary accordingly.

(3) The plan of survey shall have endorsed thereon a schedule specifying—

(i) with respect to each of the residential zones shown on the plan the maximum number of group title lots or building unit lots into which that zone may be subdivided for residential purposes;

and

(ii) the total of the maximum number of group title lots and building unit lots into which all of the residential zones within the adjacent site may be subdivided for residential purposes, such number not to exceed 600.

(4) Upon being satisfied that the plan of survey sufficiently defines the boundaries of all zones within the adjacent site and that the number of building unit lots and group title lots specified in accordance with subsection (3) is appropriate to the nature of the proposed development of the adjacent site and does not exceed the maximum number prescribed in subsection (3), the Albert Shire Council shall approve the plan of survey.

(5) The Albert Shire Council shall retain the proposed use plan of the adjacent site and a copy of the proposed use plan of the adjacent site shall be forwarded to each of them the Registrar of Titles and the Director of Local Government.

(6) In determining the number of group title lots or building unit lots into which a particular zone may be subdivided for residential purposes, a group title lot that is subdivided into lots resulting in no area of the group title lot (other than common property) remaining shall be ignored but the group title lots or building unit lots thereby created for residential purposes shall be counted.

12E. **Town planning provisions.** (1) Notwithstanding that the adjacent site or any part of the adjacent site may at any time be within a zone under any town planning scheme in force in the Shire of Albert, the adjacent site or that part shall be deemed not to be within any such zone and the town planning scheme (and any by-laws in force pursuant to section 34 of the *Local Government Act 1936-1987*) shall not apply to the adjacent site.

(2) The provisions of section 33 of the *Local Government Act 1936-1987* shall not apply in respect of the adjacent site:

Provided that any agreement entered into by the Albert Shire Council prior to the commencement of this section shall continue to have force and effect.

(3) Within a zone within the adjacent site—

(a) a building or other structure may be erected or used;

(b) land may be used,

without the consent of the Albert Shire Council for any of the purposes set forth in Schedule A in respect of that zone.

(4) Within a zone within the adjacent site, a person shall not—

(a) erect or use a building or other structure;

or

(b) use any land,

other than for a purpose set forth in Schedule A in respect of that zone.

Penalty: 20 penalty units.

(5) For the purposes of this section, the expression “erect” and the expression “use” have the meanings respectively assigned to them in section 33 of the *Local Government Act 1936-1987*.”.

12. New heading and ss. 12F, 12G and 12H. The Principal Act is amended by inserting after section 12E the following heading and sections:—

“Division 3—Initial Subdivision of Adjacent Site

12F. Initial subdivision within the adjacent site. (1) Upon the company becoming the proprietor of all land within the adjacent site, there shall be lodged with the Registrar of Titles a plan of survey of the adjacent site subdividing the adjacent site into—

(a) a lot or lots which comprises or together comprise the primary thoroughfare;

and

(b) lots which together comprise the balance of the land in the adjacent site each of which lots shall be wholly within a zone.

(2) The Registrar of Titles shall not register the plan of survey lodged with him pursuant to subsection (1) unless the plan has endorsed thereon the approval of the Albert Shire Council.

(3) When the plan of survey is submitted to the Albert Shire Council for its approval, it shall be accompanied by a schedule setting out in respect of each lot within each residential zone the maximum number of group title lots or building unit lots into which that lot may be subdivided for residential purposes.

(4) The Albert Shire Council shall not approve the plan of survey unless it is satisfied that the plan fulfils the requirements of subsection (1) and that the maximum number of group title lots or building unit lots into which a zone may be subdivided does not exceed and is not less than 90 per centum of the number specified for that zone in the proposed use plan of the adjacent site.

(5) The schedule that in accordance with subsection (3) accompanied the plan of survey shall be retained by the Albert Shire Council.

(6) A copy of the plan of survey and of the schedule referred to in subsection (3) shall be forwarded to the Director of Local Government.

(7) Notwithstanding any other Act, for the purposes of subsection (2), a lot shall be taken to have access to a dedicated road if—

- (a) in the case of a lot that comprises or forms part of the primary thoroughfare, the primary thoroughfare adjoins a dedicated road;
- (b) in the case of any other lot, that lot adjoins a lot that comprises wholly or partly the primary thoroughfare.

(8) A plan of survey may from time to time be lodged with the Registrar of Titles to enable part of the land comprising the primary thoroughfare to cease to be part of the primary thoroughfare and other land to become part of the primary thoroughfare.

(9) The Registrar of Titles shall not register a plan of survey lodged with him pursuant to subsection (8) unless the plan has endorsed thereon the approval of the Albert Shire Council.

The Albert Shire Council shall not approve the plan of survey unless it is satisfied that access to any land within the site or the adjacent site will not be restricted or if access is restricted the proprietor of that land consents to that restriction.

A copy of the plan of survey shall be forwarded to the Director of Local Government.

(10) Upon registration of a plan of survey lodged with the Registrar of Titles pursuant to subsection (8), the initial plan of survey of the adjacent site as amended by the firstmentioned plan shall become the initial plan of survey of the adjacent site.

12G. Effect of registration of initial plan of survey of the adjacent site. Upon registration by the Registrar of Titles of the initial plan of survey of the adjacent site, then but not otherwise the following sections of this Act shall take effect in respect of the adjacent site.

12H. Transfer of primary thoroughfare to primary thoroughfare body corporate. (1) The company shall as soon as practicable lodge with the Registrar of Titles all documents necessary to transfer the lot or lots shown in the initial plan of survey of the adjacent site that comprise the primary thoroughfare within the adjacent site to the primary thoroughfare body corporate.

The primary thoroughfare body corporate shall not be required to make any payment or provide any consideration for such transfer.

(2) Nothing in this section shall operate to relieve the company of its obligations to effect at its expense the initial

construction of the primary thoroughfare to the standard prescribed pursuant to section 51.”.

13. Repeal of heading and new headings. The Principal Act is amended by omitting the heading occurring before section 13 and substituting the following headings:—

“PART IIB—DEALING WITH LAND IN ZONES

Division 1—Dealing with Land in Residential Zones”.

14. Amendment of s. 13. Subdivision etc., of land within certain residential zones. Section 13 of the Principal Act is amended by—

(a) inserting in subsection (2) in the last paragraph after the words “initial plan of survey” the words “or, as the case may be, the initial plan of survey of the adjacent site”;

(b) adding at the end thereof the following subsection:—

“(3) The provisions of subsection (2) shall apply in respect of the amalgamation of secondary lots as if the amalgamation were a subdivision of an initial lot comprising the secondary lots being amalgamated and the maximum number of lots into which that lot would have been subdivided was the sum of the maximum number of lots into which each of the lots being amalgamated could have been subdivided.”.

15. Amendment of heading. The Principal Act is amended by omitting from the heading occurring before section 21 the expression “5” and substituting the expression “2”.

16. Amendment of s. 23. Principal body corporate. Section 23 of the Principal Act is amended by—

(a) inserting in subsection (1) after the word “zones” the words “of the site”;

(b) inserting after subsection (1) the following subsection:—

“(1A) Upon registration of the initial plan of survey of the adjacent site, the proprietor or proprietors of all the initial lots within the residential zones of the adjacent site shall be members of the principal body corporate.”;

(c) omitting from subsection (6) the words “or the development control” and substituting the words “, the development control by-laws or the residential zone activities”;

(d) inserting in subsection (9) after the words “initial plan of survey”, the words “or, as the case may be, the initial plan of survey of the adjacent site”.

17. Amendment of s. 27. Meetings of principal body corporate. Section 27 of the Principal Act is amended by—

(a) omitting from subsections (1) and (4) the expression “\$1 000” and substituting the words “20 penalty units” in each case;

(b) inserting after subsection (4) the following subsection:—

“(4A) The company shall not fail or neglect to deliver to the principal body corporate at or before its annual general meeting first held after the registration of the initial plan of survey of the adjacent site—

- (a) all plans, specifications, drawings showing water pipes, electric cables and drainage, certificates (other than certificates of title for lots), diagrams and other documents (including policies of insurance) obtained or received by it and relating to the secondary thoroughfare within the adjacent site;
- (b) if they are in its possession or under its control, any books of account and notices or other records relating to the secondary thoroughfare within the adjacent site;
- (c) the budget showing the estimated expenditure of the principal body corporate in relation to the secondary thoroughfare within the adjacent site on an annual basis,

other than documents which exclusively evidence rights or obligations of the company and which are not capable of being used for the benefit of the principal body corporate or any of the members of the principal body corporate, other than the company.

Penalty: 20 penalty units.”.

18. Amendment of s. 29. Levies by principal body corporate on members. Section 29 of the Principal Act is amended by inserting in subsection (2) after the words “respective lots” the words “at the time when the contribution was levied”.

19. Amendment of s. 31. Power of entry. Section 31 of the Principal Act is amended by omitting from subsection (2) the expression “\$200” and substituting the words “Four penalty units”.

20. Amendment of s. 37. Insurance by principal body corporate. Section 37 of the Principal Act is amended by omitting from subsection (2) the expression “\$5 000 000” and substituting the expression “\$10 000 000”.

21. Amendment of s. 43. Chairman, secretary and treasurer of executive committee. Section 43 of the Principal Act is amended by omitting from subsections (2) and (5) the expression “\$500” and substituting the words “10 penalty units” in each case.

22. New heading and section. The Principal Act is amended by inserting after section 47 the following heading and section:—

“Division 2A—Principal Body Corporate Manager

47A. Principal body corporate manager. (1) Subject to subsection (2), the principal body corporate may, in general

meeting and by instrument in writing, appoint upon such terms and conditions as the principal body corporate determines a body corporate manager and may, in like manner, delegate to the body corporate manager—

- (a) all of its powers, authorities, duties and functions;
- (b) any one or more of its powers, authorities, duties and functions specified in the instrument;
- or
- (c) all of its powers, authorities, duties and functions except those specified in the instrument,

and may, in like manner, revoke wholly or in part the delegation.

(2) The principal body corporate may not, under subsection (1), delegate to a body corporate manager its powers to make—

- (a) a delegation under that subsection;
- or
- (b) a decision on a restricted matter within the meaning of section 45.

(3) A power, authority, duty or function the exercise or performance of which has been delegated under subsection (1) may, while the delegation remains unrevoked, be exercised from time to time in accordance with the delegation.

(4) A delegation under subsection (1) may be made subject to such conditions or such limitations as to the exercise or performance of all or any of the powers, authorities, duties or functions, or as to time or circumstances, as may be specified in the instrument of delegation.

(5) Notwithstanding any delegation made under subsection (1), the principal body corporate may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated by it.

(6) Any act or thing done or suffered by a body corporate manager while acting in the exercise of a delegation under subsection (1) has the same force and effect as if it had been done or suffered by the principal body corporate and shall be deemed to have been done or suffered by the principal body corporate.

(7) Where the instrument of appointment so provides, a body corporate manager shall have and may exercise and perform all the powers, authorities, duties and functions of the chairman, secretary or treasurer of the principal body corporate and the executive committee or such of those powers, authorities, duties and functions as may be specified in the instrument.

(8) Within the period of three years from the incorporation of the principal body corporate, the principal body corporate is not competent to appoint a body corporate manager for a term exceeding three years from the time of the appointment.

Nothing in this section shall prevent the re-appointment of a body corporate manager after the term of appointment has expired.”.

23. Amendment of s. 54. Powers etc. of inspectors, police officers and others on thoroughfares. Section 54 of the Principal Act is amended by omitting from subsection (2) the expression “\$1 000” and substituting the words “20 penalty units”.

24. Amendment of s. 55. Temporary closure of thoroughfares. Section 55 of the Principal Act is amended by inserting in subsection (1) (a) after the word “site” the words “and the adjacent site”.

25. Amendment of s. 56. Occupier’s right to use thoroughfares. Section 56 of the Principal Act is amended by—

(a) inserting in subsections (1) and (2) after the word “site” the words “or the adjacent site” in each case;

(b) adding after subsection (2) the following subsection:—

“(3) For the purposes of this section, where land is the subject of a registered mortgage, the mortgagee shall be deemed to be a person who lawfully occupies that land.”.

26. Amendment of s. 59. Dedication of primary thoroughfare as road. Section 59 of the Principal Act is amended by inserting in subsection (1) (b) after the word “site” the words “or the adjacent site”.

27. Amendment of s. 60. Establishment of pedestrian mall. Section 60 of the Principal Act is amended by inserting in subsection (6) (b) after the word “site” the words “or the adjacent site”.

28. Amendment of s. 61. Additional works on primary thoroughfare. Section 61 of the Principal Act is amended by—

(a) inserting in subsection (1) after the word “site” the words “or the adjacent site”;

(b) inserting in subsection (2) after the word “site” the words “or of the adjacent site”.

29. New ss. 64A and 64B. The Principal Act is amended by adding after section 64 the following sections:—

64A. Maintenance etc. of canals. Where any part of the secondary thoroughfare would, but for the operation of section 103 (3), be a canal within the meaning of the *Canals Act 1958-1987*, the principal body corporate shall preserve, maintain and keep clean that part.

64B. Surrender of secondary thoroughfare as canal. (1) For the purposes of this section “canal” means a part of the secondary thoroughfare that would, but for the operation of section 103 (3), be a canal or a channel within the meaning of the *Canals Act 1958-1987*.

- (2) With the prior approval of—
- (a) the principal body corporate determined by special resolution within the meaning of section 22;
 - (b) the Albert Shire Council;
 - (c) the Minister;
 - and
 - (d) the Governor in Council upon the recommendation of the Minister for the time being administering the *Canals Act 1958-1987*,

and subject to any reasonable conditions that the Albert Shire Council imposes, the principal body corporate may transfer and surrender a canal to the Crown.

(3) The Albert Shire Council may impose a condition pursuant to subsection (2) that the principal body corporate pay to the Albert Shire Council an amount of money fixed by the Albert Shire Council with a view to the cost of constructing or restoring as necessary and preserving, maintaining and keeping clean the canal.

(4) The Minister for the time being administering the *Canals Act 1958-1987* shall not recommend that the Governor in Council give approval to the transfer and surrender to the Crown of a canal pursuant to subsection (2) unless he is satisfied that the construction and condition of the canal is of a standard that, if it was proposed, at the time of the recommendation, to construct such a canal over land to which the *Canals Act 1958-1987* applied, no approval required by that Act in respect thereof would have reasonably been refused.

(5) A canal that, pursuant to this section, is transferred and surrendered to the Crown shall cease to be a part of the secondary thoroughfare and of the site or, as the case may be, the adjacent site, and shall be deemed to be a canal within the meaning of the *Canals Act 1958-1987* which has been constructed in accordance with that Act.”.

30. Amendment of s. 66. Primary thoroughfare body corporate.
Section 66 of the Principal Act is amended by—

- (a) inserting after subsection (1) the following subsection:—

“(1A) Upon registration of the initial plan of survey of the adjacent site, the proprietor or proprietors of the land within the adjacent site (excluding land within the residential zones and land comprising the primary thoroughfare) shall be members of the primary thoroughfare body corporate.”;

(b) inserting in subsection (2) after the word “site” the words “or the adjacent site”;

(c) inserting in subsection (7) (a) after the words “initial plan” the words “of survey or, as the case may be, initial plan of survey of the adjacent site”.

31. Amendment of s. 70. Meetings of primary thoroughfare body corporate. Section 70 of the Principal Act is amended by—

(a) omitting from subsections (1) and (4) the expression “\$1 000” and substituting the words “20 penalty units” in each case;

(b) inserting after subsection (4) the following subsection:—

“(4A) The company shall not fail or neglect to deliver to the primary thoroughfare body corporate at or before its annual general meeting first held after the registration of the initial plan of survey of the adjacent site—

(a) all plans, specifications, drawings showing water pipes, electric cables and drainage, certificates (other than certificates of title for lots), diagrams and other documents (including policies of insurance) obtained or received by it and relating to the primary thoroughfare within the adjacent site;

(b) if they are in its possession or under its control, any books of account and any notices or other records relating to the primary thoroughfare within the adjacent site;

(c) the budget showing the estimated expenditure of the primary thoroughfare body corporate in relation to the primary thoroughfare within the adjacent site on an annual basis,

other than documents which exclusively evidence rights or obligations of the company and which are not capable of being used for the benefit of the primary thoroughfare body corporate or any of the members of the primary thoroughfare body corporate, other than the company.

Penalty: 20 penalty units.”;

(c) inserting in subsection (5) (b) (v) and (xi) after the word “site” the words “and, after the registration of the initial plan of survey of the adjacent site, the adjacent site” in each case.

32. Amendment of s. 72. Voting entitlements. Section 72 of the Principal Act is amended by—

(a) omitting the note to the section and substituting the note “Voting entitlements before registration of initial plan of survey of adjacent site.”;

(b) inserting in subsection (1) after the words “a zone” the words “within the site”;

(c) omitting from subsection (3) the word “The” and substituting the words “Until the registration of the initial plan of survey of the adjacent site, the”.

33. New s. 72A. The Principal Act is amended by inserting after section 72 the following section:—

“72A. Voting entitlements after registration of initial plan of survey of adjacent site. (1) Upon the registration of the initial plan of survey of the adjacent site and until land within the Golf Course Zone or the Administration Zone each within the adjacent site is subdivided, the proprietor of that land as a member of the primary thoroughfare body corporate shall have a voting entitlement as set out opposite that zone in the following table:—

TABLE

Zone	Voting Entitlement
Golf Course Zone	100
Administration Zone	100.

(2) When the land comprising a zone set out in the Table in subsection (1) within the adjacent site is subdivided the voting entitlement set out opposite that zone in that Table shall be apportioned by notice in writing by the proprietor of the land given to the primary thoroughfare body corporate amongst the parcels thereby created and a proprietor of a parcel shall as a member of the primary thoroughfare body corporate have the voting entitlement apportioned in respect of that parcel.

In like manner the voting entitlement of a proprietor of land that is further subdivided shall be apportioned amongst the parcels thereby created and the proprietor of each parcel shall have the relevant voting entitlement so apportioned.

(3) Upon the registration of the initial plan of survey of the adjacent site, the principal body corporate as a member of the primary thoroughfare body corporate shall have, in lieu of its voting entitlement prescribed in section 72 (3), a voting entitlement of 1500.”.

34. Amendment of s. 73. Levies by primary thoroughfare body corporate on members. Section 73 of the Principal Act is amended by inserting in subsection (2) after the word “entitlements” the words “at the time when the contribution was levied”.

35. Amendment of s. 75: Power of entry. Section 75 of the Principal Act is amended by omitting from subsection (2) the expression “\$200” and substituting the words “Four penalty units”.

36. Amendment of s. 76. Miscellaneous powers of primary thoroughfare body corporate. Section 76 of the Principal Act is amended by inserting in provision (f) after the word “site” the words “or the adjacent site”.

37. Amendment of s. 78. Primary thoroughfare body corporate roll. Section 78 of the Principal Act is amended in subsection (2) by—

(a) inserting in provision (b) after the word “entitlements” the words “for the time being”;

(b) designating provisions (d) and (e) as provisions (e) and (f) respectively;

(c) inserting after provision (c) the following provision:—

“(d) from the registration of the initial plan of survey of the adjacent site—

- (i) the voting entitlement of the proprietor of each parcel of land within the adjacent site (excluding land within the residential zones);
- (ii) the total of the voting entitlements referred to in provisions (a), (b) and (d) (i);”.

38. Amendment of s. 79. Notices to be given by proprietors. Section 79 of the Principal Act is amended by—

(a) inserting in subsection (2) (a) after the word “site” the words “or the adjacent site”;

(b) inserting in subsection (3) after the word “site” the words “or the adjacent site”.

39. Amendment of s. 81. Insurance by primary thoroughfare body corporate. Section 81 of the Principal Act is amended by omitting from subsection (2) the expression “\$5 000 000” and substituting the expression “\$10 000 000”.

40. Amendment of s. 87. Chairman, secretary and treasurer of executive committee. Section 87 of the Principal Act is amended by omitting from subsections (2) and (5) the expression “\$500” and substituting the words “10 penalty units” in each case.

41. New heading and section. The Principal Act is amended by inserting after section 91 the following heading and section:—

*“Division 2A—Primary Thoroughfare Body
Corporate Manager*

91A. Primary thoroughfare body corporate manager. (1) Subject to subsection (2), the primary thoroughfare body corporate may, in general meeting and by instrument in writing, appoint upon such terms and conditions as the primary thoroughfare body corporate determines a body corporate manager and may, in like manner, delegate to the body corporate manager—

- (a) all of its powers, authorities, duties and functions;
 - (b) any one or more of its powers, authorities, duties and functions specified in the instrument;
- or
- (c) all of its powers, authorities, duties and functions except those specified in the instrument,

and may, in like manner, revoke wholly or in part the delegation.

(2) The primary thoroughfare body corporate may not, under subsection (1), delegate to a body corporate manager its powers to make—

(a) a delegation under that subsection;

or

(b) a decision on a restricted matter within the meaning of section 89.

(3) A power, authority, duty or function the exercise or performance of which has been delegated under subsection (1) may, while the delegation remains unrevoked, be exercised from time to time in accordance with the delegation.

(4) A delegation under subsection (1) may be made subject to such conditions or such limitations as to the exercise or performance of all or any of the powers, authorities, duties or functions, or as to time or circumstances, as may be specified in the instrument of delegation.

(5) Notwithstanding any delegation made under subsection (1), the primary thoroughfare body corporate may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated by it.

(6) Any act or thing done or suffered by a body corporate manager while acting in the exercise of a delegation under subsection (1) has the same force and effect as if it had been done or suffered by the primary thoroughfare body corporate and shall be deemed to have been done or suffered by the primary thoroughfare body corporate.

(7) Where the instrument of appointment so provides, a body corporate manager shall have and may exercise and perform all the powers, authorities, duties and functions of the chairman, secretary or treasurer of the primary thoroughfare body corporate and the executive committee or such of those powers, authorities, duties and functions as may be specified in the instrument.

(8) Within the period of three years from the incorporation of the primary thoroughfare body corporate, the primary thoroughfare body corporate is not competent to appoint a body corporate manager for a term exceeding three years from the time of the appointment.

Nothing in this section shall prevent the re-appointment of a body corporate manager after the term of appointment has expired.”.

42. Amendment of s. 94. Power of primary thoroughfare body corporate to convene community meetings. Section 94 of the Principal Act is amended by—

(a) inserting in subsection (1) after the word “site” where it twice occurs the words “or the adjacent site” in each case;

(b) inserting in subsection (2) after the word “site” the words “or the adjacent site”.

43. Amendment of s. 97. Interpretation. Section 97 of the Principal Act is amended by inserting after the definition "floating dwelling house" the following definition:—

““site” includes adjacent site;”.

44. Amendment of s. 104. Construction and use of structures on bank of Coomera River. Section 104 of the Principal Act is amended by omitting from subsections (6) and (8) the expression "\$1 000" and substituting the words "20 penalty units" in each case.

45. Amendment of s. 105. Statutory charges. Section 105 of the Principal Act is amended by inserting after the word "site" the words "or the adjacent site".

46. Amendment of s. 107. Offences generally and penalty. Section 107 of the Principal Act is amended by omitting from subsection (2) the expression "\$1 000" and substituting the words "20 penalty units".

47. Amendment of Schedule A. The Principal Act is amended in Schedule A by—

(a) in clause 1—

(i) inserting after the definition "commercial premises" the following definition:—

““commissary” means a kitchen used for the preparation of food to be distributed to a catering facility;”;

(ii) inserting after the definition "health care institution" the following definition:—

““helipad” means premises used or intended for use for the landing and departure of helicopters and includes facilities used or intended for use in sheltering, securing, servicing, maintaining and repairing helicopters;”;

(iii) omitting from paragraph (a) of the definition "international hotel" the expression "300" and substituting the expression "250";

(iv) inserting after the definition "visitor information centre" the following definition:—

““waste transfer facility” means premises used or intended for use for the reception and compaction of refuse and garbage collected within the Sanctuary Cove Resort and for loading compacted refuse and garbage upon conveyances for removal from Sanctuary Cove Resort and includes offices and facilities for sheltering, securing, maintaining and repairing conveyances and other machinery used in conveying or compacting refuse and garbage;”;

(b) in clause 2 in the Table—

(i) adding to the purposes occurring under the heading "Harbour, River and Waterfront Residential Zone" after the words "Utility undertaking" the words "Vehicular parking area";

(ii) adding to the purposes occurring under the heading "General Residential Zone" after the words "Utility undertaking" the words "Vehicular parking area";

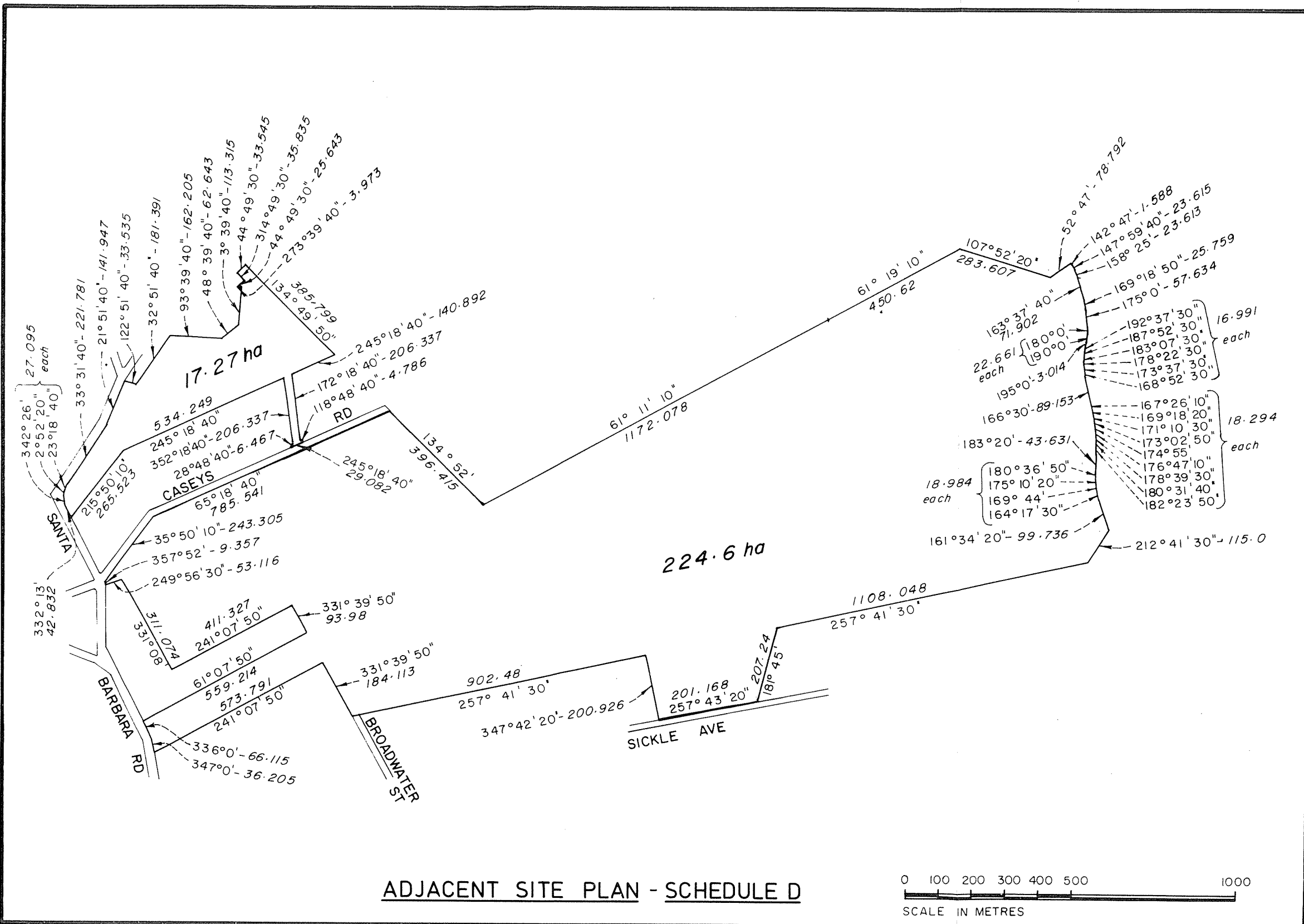
(iii) inserting at the end thereof the following:—

"Administration Zone

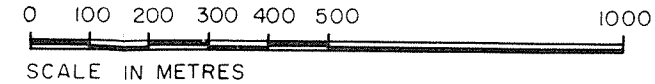
Catering facilities
Commercial premises
Commissary
Helipad
Landscaping
Liquid fuel depot
Park
Plant nursery
Service station
Site maintenance depot
Thoroughfare
Transport terminal
Utility undertaking
Vehicular parking area
Visitor information centre
Waste transfer facility".

48. New Schedules D and E. The Principal Act is amended by adding after Schedule C the following schedules:—

"SCHEDULE D ADJACENT SITE PLAN



ADJACENT SITE PLAN - SCHEDULE D



SCHEDULE E ZONES OF THE ADJACENT SITE

