

# **INTEGRATED RESORT DEVELOPMENT AMENDMENT BILL 1993**

## **EXPLANATORY NOTES**

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

*Clause 2* states that the Act commences on a date fixed by proclamation.

*Clause 3* states that the *Integrated Resort Development Act 1987* is amended as set out in this Act.

*Clause 4* inserts definitions of the terms “chief executive”, “drainage” and “service” into the Act.

*Clause 5* replaces existing provisions in the Act to bring it into line with current day administrative procedures and legislative drafting practices.

Replaces section 9 of the Act with a new section 9 which provides that the Governor in Council may approve a scheme, refuse to approve a scheme or approve it with modifications or subject to conditions.

Requires the chief executive to—

- (a) give notification in the Gazette of the details of approvals granted and the places where they may be inspected; and
- (b) keep a copy of an approved scheme available for inspection at the Brisbane office of the chief executive; and
- (c) note the approval on any plan of development; and
- (d) send a copy of the approved scheme to the Registrar of Titles and the local authority.

Requires the chief executive to supply a copy of the scheme to any person upon the payment of a reasonable fee.

*Clause 6* replaces existing provisions in the Act to bring it into line with current day administrative procedures and legislative drafting practices.

Omits section 10 of the Act and replaces it with a new section 10 which requires the local authority and the chief executive to make notations on relevant planning documents of approvals granted.

*Clause 7* replaces existing provisions in the Act to bring it into line with current day administrative procedures and legislative drafting practices.

Replaces section 16 of the Act with a new section 16 which provides that the Governor in Council may approve an amendment of a scheme, refuse to approve an amendment or approve it with modifications or subject to conditions.

Requires the chief executive to—

- (a) give notification in the Gazette of the details of an amendment approved by the Governor in Council and the places where they may be inspected; and
- (b) keep a copy of an approved amendment of a scheme available for inspection at the Brisbane office of the chief executive; and
- (c) note the approval on any plan of development; and
- (d) send a copy of the approved amendment and any plan of development endorsed by the chief executive to the Registrar of Titles and the local authority.

Requires the chief executive to supply a copy of the scheme to any person upon the payment of a reasonable fee.

Requires the Registrar of Titles to note the amendment on any plan of development.

*Clause 8* replaces existing provisions in the Act to bring it into line with current day administrative procedures and legislative drafting practices.

Replaces section 19 of the Act with a new section 19 which specifies that an approved scheme regulates the development and use of the site and that the approved scheme—

- modifies any planning scheme which applies to a site but cannot extend the uses permitted by the planning scheme; and
- is not subject to the subdivision of land controls normally exercised by a local authority or by other by-laws or ordinances of the local authority where those by-laws or ordinances are inconsistent with this Act.

States that any land, building or structure may be used for any of the purposes permitted by the scheme.

States that a person must not use any land, building or other structure for purposes not permitted by the scheme.

Prescribes a penalty for non-compliance with the provisions of the scheme—200 penalty units maximum.

*Clause 9* amends existing provisions in the Act to bring it into line with current day administrative procedures and legislative drafting practices.

Amends section 20 of the Act by removing references to “Orders in Council”; and

Adds a new subsection (3) which requires the chief executive to give notification in the Gazette of any variations approved by the Governor in Council.

*Clause 10* replaces existing provisions in the Act to bring it into line with current day administrative procedures and legislative drafting practices.

Replaces sections 21 to 24 of the Act with new sections 21 to 24 so that they are consistent with the provisions contained in the Mixed Use Development Bill, 1993.

**Section 21** allows the applicant to make application to the Minister for an approved scheme to be revoked only if—

- no plan of subdivision has been registered;
- all plans that have been registered are extinguished in accordance with section 46A of this Act and requires that where this has occurred, the application to the Minister must be made by all of the proprietors of land within the site.

Requires the Minister to consider the application and discuss it with the local authority.

**Section 22** provides that the Governor in Council may approve the revocation, refuse to approve the revocation or approve it subject to conditions.

Requires the chief executive to—

- (a) give notification in the Gazette of the details of approval of the revocation and the places where it may be inspected; and
- (b) keep a copy of an approval of the revocation available for inspection at the Brisbane office of the chief executive; and

(c) note the approval of the revocation on any plan of development; and

(d) send a copy of the approval of the revocation to the Registrar of Titles and the local authority.

Requires the chief executive to supply a copy of the approval of the revocation to any person upon the payment of a reasonable fee.

States that the Registrar of Titles must note the revocation on any plan of development.

**Section 23** requires the local authority and the chief executive to make notations on relevant planning documents of any approval of revocation.

**Section 24** states that upon revocation of a scheme the provisions of this Act no longer apply and that the full provisions of the Canals Act (if applicable) again apply.

Provides that anything lawfully done under this Act, remains lawful.

*Clause 11* amends section 24C of the Act by omitting sub-sections 24C(6),(7) and (8) to make the provisions consistent with current drafting practise.

*Clause 12* replaces existing provisions in the Act to bring it into line with current day administrative procedures and legislative drafting practices.

Inserts new sections 24CA and 24 CB into the Act (replacing subsections 24C(6), (7) and (8)) and which provide as follows—

**Section 24CA** provides that the Governor in Council may approve the revocation of provisional approval, refuse to approve the revocation of provisional approval, or approve of it with modifications or subject to conditions.

Requires the chief executive to—

(a) give notification in the Gazette of the details of approval of the revocation and the places where it may be inspected; and

(b) keep a copy of an approval of the revocation available for inspection at the Brisbane office of the chief executive; and

(c) note the approval of the revocation on any plan of development; and

(d) send a copy of the approval of the revocation to the Registrar of Titles and the local authority.

Requires the chief executive to supply a copy of the approval of the revocation to any person upon the payment of a reasonable fee.

States that the Registrar of Titles must note the revocation on any plan of development.

**Section 24CB** requires the local authority and the chief executive to make notations on relevant planning documents of any approval of revocation of provisional approval.

*Clause 13* replaces existing provisions in the Act to bring it into line with current day administrative procedures and legislative drafting practices.

Omits sub-section 24D(6) from the Act and inserts a new sub-section 24D(6) which prevents a person carrying out works in a subsequent stage before approval has been obtained and prescribes a maximum penalty for non-compliance with this provision of 200 penalty units.

*Clause 14* replaces existing provisions in the Act to bring it into line with current day administrative procedures and legislative drafting practices.

Replaces sections 25 to 27 of the Act with new sections 25 to 27.

**Section 25** states that the site of an approved scheme includes all of the lands within the boundaries of the site and the lands must be in freehold tenure or intended to be freehold.

Allows a site to include land that is, or may become inundated by water or subject to tidal influence.

Allows a site to comprise 2 or more parcels if it is divided by a road, railway, tramway or boundary watercourse.

**Section 26** allows the Governor in Council, pursuant to the provisions contained in the Land Act to grant Crown Land in fee simple and in priority to an applicant on the payment of such amount as determined by the Governor in Council so that such land can be included in a scheme only if the land in question is required to regularise the boundaries of the site or becomes a remnant which cannot reasonably be used for other purposes.

States that this authority exists despite any provision of the Land Act which could be held to prevent this being done.

**Section 27** includes any part of a site not within a local authority area in that area.

*Clause 15* replaces existing provisions in the Act to bring it into line with current day administrative procedures and legislative drafting practices.

After Division 1 of Part 4 inserts a heading “**Subdivision A—Creation of initial lots and primary thoroughfare**”.

*Clause 16* replaces section 29(1)(a) of the Act to clarify that each lot must have access to a dedicated road through lots comprising a primary thoroughfare and on which, a road is constructed or is to be constructed.

Replaces section 29(5) of the Act with new subsections (5), (6) and (7) to provide that:-

- a. in the case of a site on an island, access is taken to be provided to each lot if a primary thoroughfare serving the lots adjoins the foreshore and a road is constructed or is to be constructed on that thoroughfare; and
- b. in the case of remote area sites which do not have access to a dedicated road, the Minister may advise the local authority that certain access proposals are appropriate; and
- c. access to a dedicated road from lots within a site may be progressively provided as subdivision of a part of the site is effected.

*Clause 17* omits section 30(3) of the Act as Clause 16 of the Bill more precisely deals with the subject matter.

Renumbers section 30(4) as section 30(3).

*Clause 18* replaces existing provisions in the Act to bring it into line with current day administrative procedures and legislative drafting practices.

Inserts new headings and sections 31A to 31Q into the Act.

After section 31 insert a new heading “**Subdivision B—Subdivision of initial lots**”.

**Section 31A** permits the proprietor of an initial lot to subdivide the lot into 2 or more initial lots provided that the plan of subdivision is:-

- a. lodged with the local authority; and

b. accompanied by a schedule setting out the voting entitlements which are to apply to each of the initial lots to be created where they are not within a residential precinct; and

c. accompanied by a schedule setting out the maximum number of lots which may be created by the further subdivision of the lot, where a lot created is within a residential precinct;

**Section 31B** provides that the local authority may approve a plan of subdivision of an initial lot if it is satisfied that the requirements of section 31A and section 29 have been complied with.

**Section 31C** allows the Registrar of Titles to register a plan of subdivision of an initial lot only if it complies with the requirements of section 31A and has been approved by the local authority.

Allows the Registrar of Titles to accept the determination by the local authority that the proposed lots have adequate access to a dedicated road.

**Section 31D** requires the proprietor of new initial lots which are not in a residential precinct, to give written notice of their existence to the primary thoroughfare body corporate.

Requires that the notification given to the primary thoroughfare body corporate contains certain particulars.

**Section 31E** requires the proprietor of new initial lots within a residential precinct to give written notice of their existence to the principal body corporate.

Requires that the notification given to the principal body corporate contains certain particulars.

Insertion of a new heading “Subdivision C—Amalgamation of initial lots”.

**Section 31F** permits the proprietor of 2 or more initial lots to amalgamate the lots by a plan of amalgamation provided that the plan is:-

a. lodged with the local authority; and

b. accompanied by a schedule setting out the voting entitlements which are to apply to the lot/s to be created where they are not within a residential precinct; and

c. accompanied by a schedule setting out the maximum number of lots which may be created by the further subdivision of the lot/s where the lot/s created by amalgamation are within a residential precinct.

**Section 31G** provides that the local authority may approve a plan of amalgamation of initial lots if it is satisfied that the requirements of section 31F have been complied with.

**Section 31H** allows the Registrar of Titles to register a plan of amalgamation of initial lots only if it complies with the requirements of section 31F and has been approved by the local authority.

**Section 31I** requires the proprietor of the new amalgamated lot/s which are not in a residential precinct to give written notice of their existence to the primary thoroughfare body corporate.

Requires that the notification given to the primary thoroughfare body corporate contains certain particulars.

**Section 31J** requires the proprietor of the new amalgamated lot/s which are within a residential precinct to give written notice of their existence to the principal body corporate.

Requires that the notification given to the principal body corporate contains certain particulars.

Insertion of a new heading “Subdivision D—Subdivision of initial lots by building units or group titles plan”.

**Section 31K** states that an initial lot which is not within a residential precinct may be subdivided by a building units or group titles plan.

Requires that a building units or group titles plan be lodged with the local authority.

Requires that the proprietor submits a statement with the plan where it is proposed that a group titles lot is to be further subdivided by a building units plan and that the statement identifies the lot to be further subdivided.

Requires that the plan be accompanied by a schedule which sets out the maximum number of lots to be created where a group titles lot is to be further subdivided by a building units plan.

Requires that each lot proposed to be created has access to a dedicated road either directly or by way of a primary thoroughfare or through common property.

**Section 31L** provides that the local authority may approve of a building units or group titles plan if certain minimum requirements are satisfied.

**Section 31M** provides that the Registrar of Titles may register a building units or group titles plan if it has been approved by the local authority.

Allows the Registrar of Titles to accept the determination by the local authority that each proposed lot has adequate access.

**Section 31N** provides that where a group titles plan is to be further subdivided by a building units plan, the building units plan may be:-

- a. approved by the local authority; and
- b. registered by the Registrar of Titles.

States that the approval of a building units plan on a group titles lot is to be dealt with as if the lots created were group title lots and that a further body corporate is not created for the building unit lot owners.

**Section 31O** allows a group title lot that is not subdivided by a building units plan to be subdivided by a further group titles plan as if the lot were an initial lot subject to certain requirements being met.

**Section 31P** states that where a group title lot is to be subdivided by a building units plan, regard must be had to the maximum number of lots which may be created by a building units plan in respect of that lot.

**Section 31Q** states that the second proviso to section 10(1) and section 10(6)(b) of the Building Units and Group Titles Act do not apply to subdivisions under this Division and that for the purposes of section 9(7) of that Act a plan of subdivision is taken to comply with the requirements of that subsection if it complies with those requirements as modified by this Bill.

*Clause 19* inserts, after section 35, new sections 35A—35D inclusive, into the Act which provide for the amalgamation of secondary lots.

**Section 35A** permits the proprietor of 2 or more secondary lots to amalgamate the lots by way of a plan of amalgamation provided that the plan is lodged with the local authority and is accompanied by a schedule setting out the voting entitlements that are to apply in respect of the new lot/s to be created.

**Section 35B** states that a local authority may approve a plan of amalgamation of secondary lots if it is satisfied that the maximum number

of lots into which the new secondary lot/s may be subdivided equals the total number of lots that could have been obtained from the lots to be amalgamated.

**Section 35C** provides for the registration of a plan of amalgamation by the Registrar of Titles subject to compliance with certain requirements.

**Section 35D** requires the proprietor of a new secondary lot/s to give notice in writing to the principal body corporate of its existence and for such notification to contain certain particulars.

*Clause 20* inserts a new section 36A into the Act after section 36.

**Section 36A** requires that the proprietor of secondary lots and secondary thoroughfare lots created by the subdivision of a secondary lot give notice in writing to the principal body corporate of their existence and for such notification to contain certain particulars.

*Clause 21* omits sections 43—45 inclusive, from the Act.

The sections refer to the creation of implied service easements.

The provisions are more clearly and precisely enunciated in sections 46H—46I inclusive, to be inserted under clause 10 of this Bill.

*Clause 22* inserts, after Division 3 of Part 4 of the Act, a new Division 4 which deals with the matters applying to subdivision generally. It is divided into 4 separate parts identified as follows:-

#### ***Division 4—Matters applying to subdivision generally***

##### ***Subdivision A—Extinguishment of plans***

**Section 46A** allows a plan to be extinguished by unanimous resolution of the relevant body corporate or by order of the Supreme Court.

**Section 46B** allows the relevant body corporate, a proprietor of a lot or the registered mortgagee of a lot to apply to the Supreme Court for an order to extinguish a plan.

Requires the Court to, amongst other things, have regard to the rights and interests of the proprietors as a whole.

States that where the Court orders that a plan be extinguished, it must also order that the body corporate be wound up and that the interests in the assets of the body corporate be vested in the proprietors of the lots in shares

that the Court deems to be appropriate.

**Section 46C** requires the Registrar of Titles to take action to give effect to an order made by the Supreme Court.

Allows the Registrar of Titles to deal with an application made for the extinguishment of a plan only if every registered interest in the land, the subject of the application, has been discharged, surrendered, withdrawn or otherwise disposed of.

Specifies what must happen as a consequence of the registration of a request for extinguishment of a plan.

**Section 46D** requires the Registrar of Titles to notify the local authority concerned of the registration of a request to extinguish a plan.

### *Subdivision B—Boundary adjustment plans*

**Section 46E** provides for the lodgement of a boundary adjustment plan with the local authority and for such a plan to be approved by the local authority provided the variation is minor and the consent of all affected parties has been obtained.

Provides a right of appeal to the Planning and Environment Court by an applicant where the local authority has refused a boundary adjustment plan or not decided it within 40 days.

States that Part 7 of the Local Government (Planning and Environment) Act applies to appeals instituted under this section.

**Section 46F** prevents the Registrar of Titles from registering a boundary adjustment plan unless it has been approved by the local authority.

Allows the Registrar of Titles to rely on the approval by the local authority as being evidence that all requirements of the Act have been complied with.

**Section 46G** states that the registration of a boundary adjustment plan does not affect any interest held by any party in any lot affected by the plan and does not, in itself, create a liability for stamp duty.

### *Subdivision C—Easements*

**Section 46H** states that unless an easement has been established for a

particular service or services, easements are implied to exist in favour of any lot or common property or against any lot or common property for the provision of services required or provided for the use and enjoyment of the lots or common property.

Prevents the unreasonable use of implied easement rights by a proprietor or a body corporate in a way which interferes with the enjoyment of the use or occupation by a proprietor or a body corporate of another lot or common property.

Establishes reasonable implied easement rights in favour of and against lot owners where boundary clearances are such that access for maintenance has to be obtained from a neighbouring lot.

Prevents the unreasonable use of implied easement rights by a proprietor of a lot against the proprietor of another lot.

Requires that reasonable notice be given to the proprietor of a lot prior to entering that lot to effect work unless the work required to be done is urgent.

**Section 46I** provides that all rights and obligations necessary to make implied easements effective, apply.

**Section 46J** provides that a primary thoroughfare body corporate or principal body corporate may, by special resolution, execute, accept or surrender a grant of easement and accept the surrender of a grant of easement.

### *Subdivision D—Sequential plans*

**Section 46K** allows a local authority to approve of a range of different types of plans at the same time if it is satisfied that the sequential implementation of the proposed development will result in the requirements of the Act being satisfied.

Requires that the local authority issues a certificate which identifies the plans approved by it and the date/s upon which such approvals were granted.

**Section 46L** allows the Registrar of Titles to register plans referred to in section 46K at the same time and in the appropriate order provided the certificate required by Section 46K has been supplied.

*Clause 23* replaces existing provisions in the Act to bring it into line with current day administrative procedures and legislative drafting practices.

Replaces sections 49 to 55 of the Act with new sections 49 to 55.

**Section 49** states that a floating building or a special building is not a vessel or the placing of a pile or any other structure in, on or over land that is subject to tidal influence, is not harbour works.

**Section 50** provides that the banks and foreshores which extend beyond the quay line, comes within the jurisdiction of the authority that has responsibilities relative to adjacent banks and foreshores.

**Section 51** states that the relevant authority has no obligation to carry out works within the site unless a specific undertaking in writing to carry out certain works is in existence.

**Section 52** allows the proprietor of submerged land to restrict the movement of vessels over the land provided the waters are not beyond the quay line.

States that where a proprietor of submerged land permits a vessel to be moored above that land, the proprietors of other lands within the site must not restrict the movement of vessels to or from the mooring.

**Section 53** states that the design, construction, and use of materials or fixtures and fittings for floating buildings and special buildings are to comply with the requirements of the laws of the state to the extent that they can be sensibly applied.

**Section 54** states that for the purposes of determining the unimproved value of land and the assessment of rates, land tax and other statutory charges, submerged lands are to be taken as being lands that are not or never have been submerged.

**Section 55** prevents an authority having jurisdiction over the banks and foreshores of tidal waters within the site from granting leases, licenses or permits to occupy any land which comprises a part of the site of an approved scheme.

*Clause 24* replaces existing provisions in the Act to bring it into line with current day administrative procedures and legislative drafting practices.

Replaces section 56A (Construction of Canals) of the Act with a new section 56A.

**Section 56A** allows canals to be constructed within a site by the applicant and at the applicant's expense, provided they are to be established on a primary thoroughfare or a secondary thoroughfare.

States that the provisions of the Canals Act (other than the provisions prescribed by regulation for the purposes of this Clause) are to apply.

Allows the Registrar of Titles to register instruments of title for canals even though the land is not surrendered to the Crown as required by section 9 of the Canals Act.

*Clause 25* replaces existing provisions in the Act to bring it into line with current day administrative procedures and legislative drafting practices.

Inserts a new section 57A into the Act after section 57 which relates to the maintenance of canals.

**Section 57A** states that the responsibility for maintenance of canals and any improvements in them rests with the relevant body corporate.

*Clause 26* replaces existing provisions in the Act to bring it into line with current day administrative procedures and legislative drafting practices.

Amends section 60A of the Act by removing references to "Orders in Council" and clearly states that those provisions of the Canals Act which were prescribed by Regulation to not apply to canals do again apply where canals are surrendered to the Crown.

*Clause 27* replaces existing provisions in the Act to bring it into line with current day administrative procedures and legislative drafting practices.

Amends section 70 of the Act by prescribing maximum penalties for non-compliance with the provisions of sub-sections 70(1) and 70(4).

In each case, the maximum penalties prescribed are 50 penalty units.

*Clause 28* inserts after section 70, a new section 70A.

**Section 70A** provides that the primary thoroughfare body corporate may make application to the Minister to change the date of its annual general meeting provided such action is supported by a resolution of the body corporate.

Allows the Minister to approve or refuse to approve the application and requires that the primary thoroughfare body corporate be notified in writing of the Minister's decision.

*Clause 29* replaces existing provisions in the Act to bring it into line with current day administrative procedures and legislative drafting practices.

Amends sub-section 74 (2) of the Act by prescribing a maximum penalty of 50 penalty units for non-compliance with the provisions of the subsection.

*Clause 30* inserts after section 74, a new section 74A.

**Section 74A** provides a power of entry onto any part of a lot in favour of the primary thoroughfare body corporate, its agents, servants or contractors for the purpose of carrying out work required to be done. Entry may be made at any time in cases of emergency and in other cases, after reasonable notice has been given to the occupier of a lot likely to be affected by the work.

*Clause 31* amends section 75B of the Act by inserting a new subsection (3) which states that the primary thoroughfare body corporate must maintain the community facilities.

*Clause 32* replaces sections 76(1)(f) and 76(1)(g) with new sections relating to the keeping of books of account for periods which end 3 months prior to the month which is the anniversary of the first annual general meeting.

Requires the primary thoroughfare body corporate to hold its annual general meeting on or after the anniversary of the first annual general meeting but not later than 2 months after that anniversary.

*Clause 33* replaces existing provisions in the Act to bring it into line with current day administrative procedures and legislative drafting practices.

Amends section 78 of the Act by prescribing a maximum penalty of 4 penalty units for non-compliance with the provisions of sub-section 78(1).

*Clause 34* replaces existing provisions in the Act to bring it into line with current day administrative procedures and legislative drafting practices.

Amends section 86 of the Act by prescribing maximum penalties of 50 penalty units and 20 penalty units for non-compliance with the provisions of sub-sections 86(2) and 86(5) respectively.

*Clause 35* replaces section 93A of the Act with a new section 93A which deals with the effect of subdivision in a subsequent stage.

Provides for the proprietor/s of land comprised in a subsequent stage of a

development to become additional members of the primary thoroughfare body corporate.

Recognises that the proprietor/s of land comprised in a subsequent stage of development become additional members of the appropriate principal body corporate on registration of the initial plan/s of subdivision.

Provides that upon registration of the initial plan/s of subdivision for a subsequent stage, the site includes the additional area.

*Clause 36* replaces existing provisions in the Act to bring it into line with current day administrative procedures and legislative drafting practices.

Amends section 99 of the Act by prescribing maximum penalties of 50 penalty units each for non-compliance with the provisions of subsections 99(1) and 99(4).

*Clause 37* inserts after section 99, a new section 99A.

**Section 99A** provides that the principal body corporate may make application to the Minister to change the date of its annual general meeting provided such action is supported by a resolution of the body corporate.

Allows the Minister to approve or refuse to approve the application and requires that the principal body corporate be notified in writing of the Minister's decision.

*Clause 38* replaces existing provisions in the Act to bring it into line with current day administrative procedures and legislative drafting practices.

Amends section 102 of the Act by prescribing a maximum penalty of 50 penalty units for non-compliance with the provisions of subsection (2).

*Clause 39* inserts after section 103, new sections 103A and 103B.

**Section 103A** allows the principal body corporate to take a lease over a road closed in strata or over a wharf for the purposes of providing access to thoroughfares or for any other purpose prescribed by Regulation.

**Section 103B** allows a principal body corporate, by special resolution, to establish facilities on community property or on land leased by the body corporate for use by persons lawfully occupying land within the site.

States that the principal body corporate must maintain community facilities.

*Clause 40* replaces sections 104(1)(f) and 104(1)(g) with new sections

relating to the keeping of books of account which require that the preparation of a proper statement of accounts of the principal body corporate for periods ending on the last day of the month which are to be 3 months prior to the month which is the anniversary of the first annual general meeting.

Requires the principal body corporate to hold its annual general meeting on or after the anniversary of the first annual general meeting but not later than 2 months after that anniversary.

*Clause 41* replaces existing provisions in the Act to bring it into line with current day administrative procedures and legislative drafting practices.

Amends section 106 of the Act by prescribing a maximum penalty of 4 penalty units for non-compliance with the requirements of subsection (1).

*Clause 42* replaces existing provisions in the Act to bring it into line with current day administrative procedures and legislative drafting practices.

Amends Section 114 of the Act by prescribing maximum penalties of 50 penalty units and 20 penalty units for non-compliance with the provisions of sub-sections (2) and (5) respectively.

*Clause 43* replaces Division 2A of Part 7 of the Act with a new Division 3 of Part 7 which provides for additional principal bodies corporate to be established and for the membership of existing principal bodies corporate to be expanded as a result of subsequent stages being included in the development.

The clause inserts the following:-

***Division 3—Additional principal bodies corporate or increase in membership of existing principal body corporate.***

**Section 121A** provides that the proprietors of lots within residential precincts in a subsequent stage either constitute a new principal body corporate or become additional members of an existing principal body corporate upon the registration of the first plan of subdivision of residential lands comprised in the subsequent stage.

**Section 121B** states that the proprietors of land which is in a residential precinct and also comprises a subsequent stage, may only become additional members of an existing principal body corporate if:-

- details of the proposed additional membership is set out in a motion given to the members of the relevant principal body corporate; and
- the motion given to the members of the relevant principal body corporate is passed by special resolution of that body corporate; and
- the proposal to add members to an existing body corporate is stated in the application for approval of a subsequent stage; and
- the subsequent stage application has been approved.

Requires that the application referred to be accompanied by:-

- a copy of the motion given to the members of the relevant principal body corporate; and
- evidence that the motion was carried by special resolution of the principal body corporate; and
- details of the effect that the addition of the members is likely to have on members of the existing body corporate.

**Section 121C** requires that the principal body corporate convenes a meeting within 3 months of the first plan of subdivision being registered which subdivides a subsequent stage or additional land.

States that for the purpose of setting dates for subsequent annual general meetings the meeting referred to in this section is taken to be the first annual general meeting.

**Section 121D** states that within 14 days of a first plan of subdivision being registered which subdivides a subsequent stage or additional land, the principal body corporate is to determine the contributions to be made to it in respect of those lands.

States that the fund of the principal body corporate which existed at the time new members joined the body corporate continues in existence.

**Section 121E** states that the provisions of Division 2 of Part 7 of the Act (with necessary modifications) apply to the increased membership.

**Section 121F** states that the provisions of the Act apply to any new principal body corporate established in respect of a subsequent stage.

**Section 121G** provides authority for a principal body corporate to enter into an agreement with another principal body corporate in relation to secondary thoroughfares or personal property which is vested in any one of them.

*Clause 44* replaces existing provisions in the Act to bring it into line with current day administrative procedures and legislative drafting practices.

Omits section 128 of the Act and inserts a new section which requires that penalty amounts recovered in relation to offences be paid into the General Fund of the Local Authority.

*Clause 45* replaces existing provisions in the Act to bring it into line with current day administrative procedures and legislative drafting practices.

Omits section 131 of the Act and inserts a new section which sets out the matters and things in respect of which the Governor in Council may make regulations.

The Schedule sets out minor amendments which include drafting and administrative matters.