

Queensland



**INTEGRATED RESORT
DEVELOPMENT
AMENDMENT BILL 1993**

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TABLE OF PROVISIONS

Section	Page
1 Short title	8
2 Commencement	8
3 Amended Act	8
4 Amendment of s.3 (Interpretation)	8
5 Replacement of s.9 (Decision upon application)	9
9 Decision on application	9
6 Replacement of s.10 (Copy of approved scheme to be sent to Registrar of Titles and Local Authority)	9
10 Notation of approved scheme	10
7 Replacement of s.16 (Decision upon application)	10
16 Decision on application	10
8 Replacement of s.19 (Approved scheme regulates development etc. of site)	11
19 Approved scheme regulates development etc. of site	11
9 Amendment of s.20 (Application of provisions of this Act)	12
10 Replacement of ss.21–24	12
21 Application for revocation	12
22 Revocation of approval	12
23 Notation of revocation	13
24 Effect of revocation	13
11 Amendment of s.24C (Revocation of provisional approval)	14
12 Insertion of new ss.24CA and 24CB	14
24CA Approval of revocation	14

Integrated Resort Development Amendment

	24CB	Notation of revocation of provisional approval	15
13		Amendment of s.24D (Application for subsequent stages)	15
14		Replacement of ss.25–27	15
	25	The site	15
	26	Grant of Crown land	16
	27	Site forms part of local authority area	16
15		Insertion of new heading	16
		<i>Subdivision A—Creation of initial lots and primary thoroughfare</i>	
16		Amendment of s.29 (Approval of Local Authority)	17
17		Amendment of s.30 (Registration of initial plan of subdivision)	17
18		Insertion of new headings and ss.31A–31Q	18
		<i>Subdivision B—Subdivision of initial lots</i>	
	31A	Subdivision of initial lot	18
	31B	Approval of local authority	18
	31C	Registration of plan of subdivision of initial lot	19
	31D	Notice of subdivision to primary thoroughfare body corporate	19
	31E	Notice of subdivision to principal body corporate	20
		<i>Subdivision C—Amalgamation of initial lots</i>	
	31F	Amalgamation of initial lots	20
	31G	Approval of local authority	20
	31H	Registration of plan of amalgamation of initial lots	21
	31I	Notice of amalgamation to primary thoroughfare body corporate	21
	31J	Notice of amalgamation to principal body corporate	21
		<i>Subdivision D—Subdivision of initial lots by building units or group titles plan</i>	
	31K	Subdivision by building units or group titles plan	22
	31L	Approval of building units or group titles plan	23
	31M	Registration of building units or group titles plan	23
	31N	Subdivision of group title lot by building units plan	23
	31O	Subdivision of group title lot by group titles plan	24
	31P	Lot entitlement if group title lot to be subdivided by a building units plan	25

Integrated Resort Development Amendment

31Q	Application of Building Units and Group Titles Act to subdivisions	25
19	Insertion of new ss.35A–35D	25
	35A Amalgamation of secondary lot	25
	35B Approval of local authority	26
	35C Registration of plan of amalgamation of secondary lots	26
	35D Notice of amalgamation to principal body corporate	26
20	Insertion of new s.36A	26
	36A Notice of subdivision to principal body corporate	26
21	Omission of ss.43–45	27
22	Insertion of new Division 4 of Part 4	27
	<i>Division 4—Matters applying to subdivision generally</i>	
	<i>Subdivision A—Extinguishment of plans</i>	
	46A Extinguishment of plan	27
	46B Order of Supreme Court to extinguish plan	27
	46C Registration	28
	46D Notification of local authority	29
	<i>Subdivision B—Boundary adjustment plans</i>	
	46E Boundary adjustment plan	29
	46F Registration of boundary adjustment plan	30
	46G Effect of boundary adjustment plan	30
	<i>Subdivision C—Easements</i>	
	46H Implied easements	31
	46I Ancillary rights	32
	46J Creation of easements by special resolution	32
	<i>Subdivision D—Sequential plans</i>	
	46K Approval of sequential plans by local authority	33
	46L Registration of sequential plans by Registrar of Titles	33
23	Replacement of ss.49–55	33
	49 Construction of floating buildings and special buildings	33
	50 Tidal waters within jurisdiction of authorities	34
	51 Obligation of authorities to maintain or undertake works	34
	52 Movement of vessels on tidal waters	34

Integrated Resort Development Amendment

53	Application of laws relating to design and construction etc.	35
54	Statutory charges and valuation of land	35
55	Modification of powers of authorities	35
24	Replacement of s.56A (Construction of canals)	36
	56A Construction of canals	36
25	Insertion of new s.57A	36
	57A Maintenance of canals	36
26	Amendment of s.60A (Surrender of canal to the Crown)	37
27	Amendment of s.70 (Meetings of primary thoroughfare body corporate) . .	37
28	Insertion of new s.70A	37
	70A Change of annual general meeting	38
29	Amendment of s.74 (Power of entry)	38
30	Insertion of new s.74A	38
	74A Maintenance of services within lots or common property	38
31	Amendment of s.75B (Community facilities on primary thoroughfare) . . .	40
32	Amendment of s.76 (Duties of primary thoroughfare body corporate)	40
33	Amendment of s.78 (Notices to be given by proprietors)	40
34	Amendment of s.86 (Chairman, secretary and treasurer of executive committee)	41
35	Replacement of s.93A (Effect of subdivision in subsequent stage)	41
	93A Effect of subdivision in subsequent stage	41
36	Amendment of s.99 (Meetings of principal body corporate)	42
37	Insertion of new s.99A	42
	99A Change of annual general meeting	42
38	Amendment of s.102 (Power of entry)	43
39	Insertion of new ss.103A and 103B	43
	103A Leases to principal body corporate	43
	103B Community facilities on secondary thoroughfare	43
40	Amendment of s.104 (Duties of principal body corporate)	44
41	Amendment of s.106 (Notices to be given by proprietors)	44
42	Amendment of s.114 (Chairman, secretary and treasurer of executive committee)	44

Integrated Resort Development Amendment

43 Replacement of Division 2A of Part 7 (Additional principal bodies corporate) 45

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

121A Effect of subdivision of residential precinct in subsequent stage . . 45

121B Procedure for increase in membership of existing principal body corporate 45

121C Meeting of expanded principal body corporate 46

121D Levies and funds of expanded principal body corporate 46

121E Application of Division 2 to expanded principal body corporate . . . 47

121F Application of Act to new principal body corporate 47

121G Agreements with another principal body corporate 47

44 Replacement of s.128 (Proceedings for offences) 47

127 Penalties paid to General Fund 47

45 Replacement of s.131 (Regulations) 47

128 Regulations 48

129 Renumbering of Act 48

SCHEDULE 50

MINOR AMENDMENTS

1993

A BILL

FOR

An Act to amend the Integrated Resort Development Act 1987

BE IT ENACTED by the Queen’s Most Excellent Majesty, by and with 1
the advice and consent of the Legislative Assembly of Queensland in 2
Parliament assembled, and by the authority of the same, as follows. 3

Short title 4

Clause1. This Act may be cited as the *Integrated Resort Development* 5
Amendment Act 1993. 6

Commencement 7

Clause2. This Act commences on a day to be fixed by proclamation. 8

Amended Act 9

Clause3. The *Integrated Resort Development Act 1987* is amended as set 10
out in this Act. 11

Amendment of s.3 (Interpretation) 12

Clause4. Section 3— 13

insert— 14

“**chief executive**” means the chief executive of the department; 15

“**drainage**” includes drainage for the product of rain, storm, soakage, a 16
spring or seepage; 17

“**service**” means— 18

(a) a service for— 19

(i) water, sewage or drainage; or 20

(ii) gas, electricity or oil; or 21

(iii) air conditioning; or 22

(iv) garbage; or 23

(b) a service for television, telephone or another means of 24
telecommunication; or 25

(c) another service prescribed by regulation;’. 26

Replacement of s.9 (Decision upon application)	1
<i>Clause5.</i> Section 9—	2
<i>omit, insert—</i>	3
‘Decision on application	4
‘9.(1) The Governor in Council may—	5
(a) approve the scheme; or	6
(b) approve the scheme with modifications or subject to conditions; or	7 8
(c) refuse to approve the scheme.	9
‘(2) If the Governor in Council approves the scheme, the chief executive must—	10 11
(a) notify the approval of the scheme by a Gazette notice that specifies—	12 13
(i) the modifications (if any) made by the approval and the conditions (if any) to which the approval is subject; and	14 15
(ii) the places where a copy of the approved scheme is available for inspection; and	16 17
(b) keep a copy of the approved scheme available for inspection at the office of the chief executive at Brisbane at all times during which the office is open for the transaction of public business; and	18 19 20
(c) note the approval on the plan of development; and	21
(d) send a copy of the approved scheme and the plan of development to the Registrar of Titles and the local authority.	22 23
‘(3) The chief executive must, on payment by a person of the reasonable fee decided by the chief executive, give a copy of the approved scheme to the person.’.	24 25 26
Replacement of s.10 (Copy of approved scheme to be sent to Registrar of Titles and Local Authority)	27 28
<i>Clause6.</i> Section 10—	29
<i>omit, insert—</i>	30

‘Notation of approved scheme	1
‘10. The local authority and the chief executive must each make an appropriate notation of the approved scheme on—	2 3
(a) relevant zoning maps; and	4
(b) any relevant regulatory maps; and	5
(c) any relevant development control plan maps.’.	6
Replacement of s.16 (Decision upon application)	7
<i>Clause 7.</i> Section 16—	8
<i>omit, insert—</i>	9
‘Decision on application	10
‘16.(1) The Governor in Council may—	11
(a) approve the amendment; or	12
(b) approve the amendment with modifications or subject to conditions; or	13 14
(c) refuse to approve the amendment.	15
‘(2) If the Governor in Council approves the amendment, the chief executive must—	16 17
(a) notify the approval of the amendment by a Gazette notice that specifies—	18 19
(i) the modifications (if any) made by the approval and the conditions (if any) to which the approval is subject; and	20 21
(ii) the places where a copy of the approved amendment is available for inspection; and	22 23
(b) keep a copy of the approved amendment available for inspection at the office of the chief executive at Brisbane at all times during which the office of the chief executive is open for the transaction of public business; and	24 25 26 27
(c) note the approval on any plan of development; and	28
(d) send a copy of the approved amendment and any plan of	29

development each endorsed by the chief executive to the Registrar of Titles and the local authority.	1 2
‘(3) The chief executive must, on payment by a person of the reasonable fee decided by the chief executive, give a copy of the amendment to the person.	3 4 5
‘(4) The Registrar of Titles must note the amendment on the plan of development.’.	6 7
Replacement of s.19 (Approved scheme regulates development etc. of site)	8 9
<i>Clause</i> 8. Section 19—	10
<i>omit, insert—</i>	11
‘Approved scheme regulates development etc. of site	12
‘19.(1) The approved scheme regulates the development and use of land within the site.	13 14
‘(2) The approved scheme modifies any planning scheme in force in relation to the site to the extent the planning scheme is inconsistent with the approved scheme.	15 16 17
‘(3) However, the approved scheme cannot increase the uses permitted by the planning scheme.	18 19
‘(4) Part 5 (Subdivision applications) of the <i>Local Government (Planning and Environment) Act 1990</i> does not apply to the site.	20 21
‘(5) Subdivision of land by-laws made under the <i>Local Government Act 1936</i> do not apply to the site.	22 23
‘(6) By-laws or ordinances made by a local authority under any Act do not apply to the site so far as they are inconsistent with this Act or the approved scheme.	24 25 26
‘(7) Any land, building or structure may be used within a precinct without the consent of the local authority for any of the purposes set out in the approved scheme as a permitted use in relation to the precinct.	27 28 29
‘(8) A person must not use land, or a building or other structure, within a precinct for a use that is not a use specified in the approved scheme as a permitted use in relation to the precinct.	30 31 32

Maximum penalty for subsection (8)—200 penalty units.’.	1
Amendment of s.20 (Application of provisions of this Act)	2
<i>Clause 9.</i> (1) Section 20(1)(b)—	3
<i>omit</i> ‘Order in Council approving’, <i>insert</i> ‘approval of’.	4
(2) Section 20(2)—	5
<i>omit, insert—</i>	6
‘(2) The Governor in Council may vary provisions specified under subsection (1)(b).	7
	8
‘(3) If the Governor in Council varies the provisions, the chief executive must notify the variation by Gazette notice.’.	9
	10
Replacement of ss.21–24	11
<i>Clause 10.</i> Sections 21 to 24—	12
<i>omit, insert—</i>	13
‘Application for revocation	14
‘21.(1) The applicant may apply to the Minister for revocation of the approved scheme.	15
	16
‘(2) The application may be made only if no plan of subdivision has been registered under this Act.	17
	18
‘(3) However, the application may be made if all plans that have been registered have been extinguished under section 46A.	19
	20
‘(4) If all plans have been extinguished, the application for revocation must be made by all proprietors within the site.	21
	22
‘(5) The Minister must consider the application and discuss it with the local authority.	23
	24
‘Revocation of approval	25
‘22.(1) The Governor in Council may—	26
(a) approve the revocation; or	27

- (b) approve the revocation subject to conditions; or 1
- (c) refuse to approve the revocation. 2
- ‘(2) If the Governor in Council approves the revocation, the chief executive must— 3
4
- (a) notify the approval of revocation by a Gazette notice that specifies— 5
6
- (i) the conditions (if any) to which the approval is subject; and 7
- (ii) the places where a copy of the approved revocation is available for inspection; and 8
9
- (b) keep a copy of the approval available for inspection at the office of the chief executive at Brisbane at all times during which the office is open for the transaction of public business; and 10
11
12
- (c) note the revocation on the plan of development; and 13
- (d) send a copy of the approval to the Registrar of Titles and the local authority. 14
15
- ‘(3) The chief executive must, on payment by a person of the reasonable fee decided by the chief executive, give a copy of the approval of the revocation to the person. 16
17
18
- ‘(4) The Registrar of Titles must note the revocation on the plan of development. 19
20
- ‘Notation of revocation 21**
- ‘23. The local authority and chief executive must each make an appropriate notation of the revocation of the approved scheme on— 22
23
- (a) relevant zoning maps; and 24
- (b) any relevant regulatory maps; and 25
- (c) any relevant development control maps. 26
- ‘Effect of revocation 27**
- ‘24.(1) On revocation of an approved scheme— 28
- (a) the provisions of this Act that applied because of the approved 29

scheme no longer apply; and	1
(b) the provisions of the <i>Canals Act 1958</i> prescribed for the purposes of section 56A again apply.	2 3
‘(2) Nothing in subsection (1) affects anything lawfully done before the revocation of the approved scheme.’.	4 5
Amendment of s.24C (Revocation of provisional approval)	6
<i>Clause 11.</i> Section 24C(6), (7) and (8)—	7
<i>omit.</i>	8
Insertion of new ss.24CA and 24CB	9
<i>Clause 12.</i> After section 24C—	10
<i>insert—</i>	11
‘Approval of revocation	12
‘ 24CA.(1) The Governor in Council may—	13
(a) approve the revocation; or	14
(b) approve the revocation with modifications or subject to specified conditions; or	15 16
(c) refuse to approve the revocation.	17
‘(2) If the Governor in Council approves the revocation, the chief executive must—	18 19
(a) notify the approval of the revocation by a Gazette notice that specifies—	20 21
(i) the modifications (if any) made by the approval and the conditions (if any) to which the approval is subject; and	22 23
(ii) the places where a copy of the approved revocation is available for inspection; and	24 25
(b) keep a copy of the approval available for inspection at the office of the chief executive at Brisbane at all times during which the office is open for the transaction of public business; and	26 27 28

(c) note the revocation on the plan of development; and 1

(d) send a copy of the revocation to the Registrar of Titles and the 2
local authority. 3

‘(3) The chief executive must, on payment by a person of the reasonable 4
fee decided by the chief executive, give a copy of the approval of the 5
revocation to the person. 6

‘(4) The Registrar of Titles must note the revocation on the plan of 7
development. 8

‘Notation of revocation of provisional approval 9

‘**24CB.** The local authority and the chief executive must each make an 10
appropriate notation of the revocation on— 11

(a) relevant zoning maps; and 12

(b) any relevant regulatory maps; and 13

(c) any relevant development control plan maps.’. 14

Amendment of s.24D (Application for subsequent stages) 15

Clause 13. Section 24D(6)— 16

omit, insert— 17

‘(6) A person must not use construction works that have been 18
undertaken in a future development area unless the works are situated in a 19
subsequent stage that has been approved under Division 1 of Part 2. 20

Maximum penalty—200 penalty units.’. 21

Replacement of ss.25–27 22

Clause 14. Sections 25 to 27— 23

omit, insert— 24

‘The site 25

‘**25.(1)** The site of an approved scheme consists of all land within the 26
boundaries of the site set out in the approved scheme. 27

‘(2) The site must consist only of freehold land and land intended to be freeholded.	1 2
‘(3) Despite any other Act or law, the site may include land mentioned in subsection (2) that is, or may become, inundated by water or subject to tidal influence.	3 4 5
‘(4) The boundaries of the site may enclose 2 or more parcels of land, but only to the extent that this is necessary because a road, railway, tramway or boundary watercourse that is not intended to be freeholded divides the parcels.	6 7 8 9
‘Grant of Crown land	10
‘26.(1) The power conferred by the <i>Land Act 1962</i> on the Governor in Council to grant in fee simple any Crown land within Queensland includes, in relation to Crown land included or to be included as part of a scheme, power to grant the land in fee simple to an applicant, on payment of the amount that the Governor in Council determines, in priority to and to exclusion of all other persons.	11 12 13 14 15 16
‘(2) Subsection (1) applies despite the <i>Land Act 1962</i> .	17
‘(3) The power applies only to land—	18
(a) that is necessary to regularise the boundaries of the site and is required in relation to works to be carried out on the site; and	19 20
(b) that, following development of the site, is of a shape that cannot reasonably be used otherwise than in relation to the site.	21 22
‘Site forms part of local authority area	23
‘27.(1) If a part of the site is not within the area of any local authority, the part forms part of the area of the local authority to which application in relation to a scheme was made.	24 25 26
‘(2) Subsection (1) applies despite any other Act.’.	27
Insertion of new heading	28
<i>Clause 15</i> . Part 4, after Division 1 heading—	29

<i>insert—</i>	1
‘Subdivision A—Creation of initial lots and primary thoroughfare’.	2
Amendment of s.29 (Approval of Local Authority)	3
Clause 16.(1) Section 29(1)(a)—	4
<i>omit, insert—</i>	5
‘(a) each lot has access to a dedicated road outside the site directly or through the lot or lots that comprise the primary thoroughfare, on which there is, or is to be, a road; and’.	6 7 8
(2) Section 29(5)—	9
<i>omit, insert—</i>	10
‘(5) For the purposes of subsection (1)(a)—	11
(a) if the site is on an island and there is no dedicated road adjoining the site—an initial lot is taken to have access to a dedicated road if the lot or the primary thoroughfare on which there is, or is to be, a road adjoins the foreshore; or	12 13 14 15
(b) if the site is remote and there is no dedicated road adjoining the site—an initial lot is taken to have access to a dedicated road if the Minister has advised the local authority that the Minister is satisfied that there is appropriate access to the site.	16 17 18 19
‘(6) If an initial lot is taken to have access to a dedicated road under subsection (5), a lot is also taken to have access to a dedicated road if created by the subdivision of—	20 21 22
(a) an initial lot; or	23
(b) a lot created by the subdivision of an initial lot.	24
‘(7) Subsection (6) has effect subject to the provisions of this Act that relate to access.’.	25 26
Amendment of s.30 (Registration of initial plan of subdivision)	27
Clause 17.(1) Section 30(3)—	28
<i>omit.</i>	29

(2) Section 30(4)—	1
<i>renumber</i> as subsection (3).	2
Insertion of new headings and ss.31A–31Q	3
Clause 18. After section 31 (in Division 1)—	4
<i>insert—</i>	5
<i>‘Subdivision B—Subdivision of initial lots</i>	6
‘Subdivision of initial lot	7
‘31A.(1) The proprietor of an initial lot may subdivide it by a plan of subdivision into 2 or more initial lots.	8 9
‘(2) The plan of subdivision must—	10
(a) be lodged with the local authority; and	11
(b) in the case of the subdivision of an initial lot that is not within a residential precinct—be accompanied by a schedule setting out the voting entitlement that is to apply to each initial lot created by the plan; and	12 13 14 15
(c) in the case of the subdivision of an initial lot that is within a residential precinct—be accompanied by a schedule setting out the maximum number of lots into which each initial lot created by the plan may be subdivided.	16 17 18 19
‘Approval of local authority	20
‘31B. A local authority may approve a plan of subdivision that subdivides an initial lot only if it is satisfied that—	21 22
(a) in the case of an initial lot that is not within a residential precinct—the total voting entitlement that is to apply to the new initial lots equals the voting entitlement that applies to the initial lot being subdivided; and	23 24 25 26
(b) in the case of an initial lot that is within a residential precinct—the total of the maximum number of lots into which each initial lot may be subdivided, equals the maximum number of lots that	27 28 29

applies to the initial lot being subdivided; and	1
(c) each new initial lot has access to a dedicated road outside the site directly or through the primary thoroughfare on which there is, or is to be, a road.	2 3 4
‘Registration of plan of subdivision of initial lot	5
‘31C.(1) The Registrar of Titles may register a plan of subdivision that subdivides an initial lot only if—	6 7
(a) in the case of an initial lot that is not within a residential precinct—it is accompanied by a schedule setting out the voting entitlement that is to apply to each initial lot created by the plan; and	8 9 10 11
(b) in the case of an initial lot that is within a residential precinct—it is accompanied by a schedule setting out the maximum number of lots into which each initial lot created by the plan may be subdivided; and	12 13 14 15
(c) the plan and the schedule have been approved by the local authority.	16 17
‘(2) In determining whether a lot has access to a dedicated road, the Registrar of Titles is not obliged to make inquiries but may rely on the local authority’s approval of the plan.	18 19 20
‘Notice of subdivision to primary thoroughfare body corporate	21
‘31D. On registration of a plan subdividing an initial lot that is not within a residential precinct, the proprietor of the new initial lots must give written notice to the primary thoroughfare body corporate of—	22 23 24
(a) the proprietor’s full name and address for service; and	25
(b) the date of registration of the plan; and	26
(c) the description of the initial lot subdivided; and	27
(d) the description of the new initial lots; and	28
(e) the voting entitlement that applies to each new initial lot.	29

‘Notice of subdivision to principal body corporate

‘31E. On registration of a plan subdividing an initial lot that is within a residential precinct, the proprietor of the new initial lots must give written notice to the principal body corporate of—

- (a) the proprietor’s full name and address for service; and
- (b) the date of registration of the plan; and
- (c) the description of the initial lot subdivided; and
- (d) the description of the new initial lots; and
- (e) the maximum number of lots into which each new initial lot may be subdivided.

‘Subdivision C—Amalgamation of initial lots**‘Amalgamation of initial lots**

‘31F.(1) The proprietor of 2 or more initial lots within the same precinct may amalgamate the lots by a plan of amalgamation.

‘(2) The plan of amalgamation must—

- (a) be lodged with the local authority; and
- (b) in the case of the amalgamation of initial lots that are not within a residential precinct—be accompanied by a schedule setting out the voting entitlement that is to apply to the new initial lot; and
- (c) in the case of the amalgamation of initial lots that are within a residential precinct—be accompanied by a schedule setting out the maximum number of lots into which the new initial lot may be subdivided.

‘Approval of local authority

‘31G. A local authority may approve a plan of amalgamation that amalgamates initial lots only if it is satisfied that—

- (a) in the case of initial lots that are not within a residential precinct—the voting entitlement that is to apply to the new initial

lot equals the total voting entitlement that applies to the initial lots being amalgamated; and	1 2
(b) in the case of initial lots that are within a residential precinct—the maximum number of lots into which the new initial lot may be subdivided equals the total of the maximum number of lots into which the initial lots being amalgamated could have been subdivided.	3 4 5 6 7
‘Registration of plan of amalgamation of initial lots	8
‘31H. The Registrar of Titles may register a plan of amalgamation only if—	9 10
(a) in the case of the amalgamation of initial lots that are not within a residential precinct—it is accompanied by a schedule setting out the voting entitlement that is to apply to the new initial lot; and	11 12 13
(b) in the case of the amalgamation of initial lots that are within a residential precinct—it is accompanied by a schedule setting out the maximum number of lots into which the new initial lot may be subdivided; and	14 15 16 17
(c) the plan and schedule have been approved by the local authority.	18
‘Notice of amalgamation to primary thoroughfare body corporate	19
‘31I. On registration of a plan amalgamating initial lots that are not within a residential precinct, the proprietor of the new initial lot must give written notice to the primary thoroughfare body corporate of—	20 21 22
(a) the proprietor’s full name and address for service; and	23
(b) the date of registration of the plan; and	24
(c) the description of the initial lots amalgamated; and	25
(d) the description of the new initial lot; and	26
(e) the voting entitlement that applies to the new initial lot.	27
‘Notice of amalgamation to principal body corporate	28
‘31J. On registration of a plan amalgamating initial lots that are within a	29

residential precinct, the proprietor of the new initial lot must give written notice to the principal body corporate of—	1 2
(a) the proprietor’s full name and address for service; and	3
(b) the date of registration of the plan; and	4
(c) the description of the initial lots amalgamated; and	5
(d) the description of the new initial lot; and	6
(e) the maximum number of lots into which the new initial lot may be subdivided.	7 8
<i>‘Subdivision D—Subdivision of initial lots by building units or group titles plan</i>	9 10
‘Subdivision by building units or group titles plan	11
‘31K.(1) An initial lot that is not within a residential precinct may be subdivided by a building units or group titles plan.	12 13
‘(2) A building units or group titles plan must be lodged with the local authority.	14 15
‘(3) A group titles plan must be accompanied by a statement by the proprietor of the initial lot—	16 17
(a) indicating whether or not it is proposed to subdivide any lot created by the group titles plan by the registration of a building units plan; and	18 19 20
(b) if it is proposed to do so—identifying the lot.	21
‘(4) If—	22
(a) a group titles plan creates lots; and	23
(b) at least 1 of the lots is proposed to be further subdivided by the registration of a building units plan;	24 25
the group titles plan must be accompanied by a schedule setting out, in relation to each lot proposed to be further subdivided, the maximum number of lots into which the lot may be subdivided.	26 27 28
‘(5) Each lot on a group titles plan must have access to a dedicated road	29

whether directly or through—	1
(a) the primary thoroughfare on which there is, or is to be, a road; or	2
(b) the common property.	3
‘Approval of building units or group titles plan	4
‘31L.(1) A local authority may approve a group titles plan and schedule only if—	5
(a) the plan is accompanied by—	7
(i) the statement mentioned in section 31K(3); and	8
(ii) if applicable—the schedule mentioned in section 31K(4); and	9
and	10
(b) it is satisfied that each lot created has the access mentioned in section 31K(5).	11
	12
‘(2) A local authority may approve a building units plan that subdivides a group title lot only if it is satisfied that the group title lot has the access mentioned in section 31K(5).	13
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‘(3) If the schedule accompanying a group titles plan indicates that it is proposed to further subdivide any lot created, the local authority must endorse that fact on the plan.	16
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‘Registration of building units or group titles plan	19
‘31M.(1) The Registrar of Titles may register a building units or a group titles plan only if the plan, and, if applicable, the schedule accompanying the plan, have been approved by the local authority.	20
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	22
‘(2) In determining whether a lot has access to a dedicated road, the Registrar of Titles is not obliged to make inquiries but may rely on the local authority’s approval of the plan.	23
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‘Subdivision of group title lot by building units plan	26
‘31N.(1) If the statement accompanying a group titles plan identifies a group title lot that is proposed to be subdivided by way of a building units plan, the building units plan may be—	27
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	29

(a) approved by the local authority; and 1

(b) registered by the Registrar of Titles. 2

‘(2) The first proviso to section 10(1) of the *Building Units and Group Titles Act 1980* does not apply to a subdivision by a building units plan mentioned in subsection (1). 3
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‘(3) Despite the *Building Units and Group Titles Act 1980*, the registration of a building units plan under subsection (1) has effect as if the subdivision by the plan were a subdivision of the original group titles plan. 6
7
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‘(4) If a building units plan subdivides a lot created by a group titles plan, a further body corporate is not created by registration of the building units plan. 9
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‘(5) For the purposes of the *Building Units and Group Titles Act 1980*, the body corporate created by registration of the group titles plan is taken to be the body corporate created by the registration of the building units plan. 12
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‘(6) Subsections (4) and (5) apply despite section 27 of the *Building Units and Group Titles Act 1980*. 15
16

‘Subdivision of group title lot by group titles plan 17

‘310.(1) Before a group title lot is subdivided by a building units plan, it may be subdivided by a group titles plan. 18
19

‘(2) Section 31K(3) and (4) apply to the subdivision of a group title lot by a group titles plan as if it were the subdivision of an initial lot by a group titles plan. 20
21
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‘(3) The number of lots created by the subdivision of the group title lot by a further group titles plan, and then by a building units plan, must not exceed the number of lots indicated on the schedule mentioned in section 31K(4) in relation to the subdivision of the initial lot by the group titles plan. 23
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‘(4) Sections 31L and 31M relating to approval by a local authority and registration by the Registrar of Titles apply to a plan mentioned in this section. 28
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‘Lot entitlement if group title lot to be subdivided by a building units plan	1 2
‘31P.(1) If a group titles plan creates a lot that is to be subdivided by a building units plan, then, in specifying the lot entitlement of the lot, regard must be had to the maximum number of lots into which the lot may be subdivided by the building units plan.	3 4 5 6
‘(2) Section 19(2) and (3) of the <i>Building Units and Group Titles Act 1980</i> does not apply to a group titles plan if a lot on the plan is to be subdivided by a building units plan.	7 8 9
‘Application of Building Units and Group Titles Act to subdivisions	10
‘31Q.(1) The following provisions of the <i>Building Units and Group Titles Act 1980</i> do not apply to a subdivision under this Division—	11 12
(a) the second proviso to section 10(1);	13
(b) section 10(6)(b).	14
‘(2) For the purposes of section 9(7) of the <i>Building Units and Group Titles Act 1980</i> , a plan of subdivision is taken to comply with the requirements mentioned in the subsection in relation to the subdivision if the plan complies with those requirements as modified by this Act.’.	15 16 17 18
Insertion of new ss.35A–35D	19
<i>Clause 19.</i> After section 35—	20
<i>insert—</i>	21
‘Amalgamation of secondary lot	22
‘35A.(1) The proprietor of 2 or more secondary lots within a residential precinct may amalgamate the lots by a plan of amalgamation.	23 24
‘(2) The plan of amalgamation must—	25
(a) be lodged with the local authority; and	26
(b) be accompanied by a schedule setting out the maximum number of lots into which the new secondary lot may be subdivided.	27 28

‘Approval of local authority	1
‘35B. A local authority may approve a plan of amalgamation that amalgamates secondary lots only if it is satisfied that the maximum number of lots into which the new secondary lot may be subdivided equals the total of the maximum number of lots into which the secondary lots being amalgamated could have been subdivided.	2 3 4 5 6
‘Registration of plan of amalgamation of secondary lots	7
‘35C. The Registrar of Titles may register a plan of amalgamation only if—	8 9
(a) it is accompanied by a schedule setting out the maximum number of lots into which the new secondary lot may be subdivided; and	10 11
(b) the plan and schedule have been approved by the local authority.	12
‘Notice of amalgamation to principal body corporate	13
‘35D. On registration of a plan amalgamating secondary lots that are within a residential precinct, the proprietor of the new secondary lot must give written notice to the principal body corporate of—	14 15 16
(a) the proprietor’s full name and address for service; and	17
(b) the date of registration of the plan; and	18
(c) the description of the secondary lots amalgamated; and	19
(d) the description of the new secondary lot; and	20
(e) the maximum number of lots into which the new secondary lot may be subdivided.’.	21 22
Insertion of new s.36A	23
<i>Clause 20.</i> After section 36—	24
<i>insert—</i>	25
‘Notice of subdivision to principal body corporate	26
‘36A. On registration of a plan subdividing a secondary lot that is within a residential precinct into secondary lots or secondary lots and secondary	27 28

thoroughfare, the proprietor of the new secondary lots must give written notice to the principal body corporate of—

- (a) the proprietor’s full name and address for service; and
- (b) the date of registration of the plan; and
- (c) the description of the secondary lot subdivided; and
- (d) the description of the new secondary lots; and
- (e) the maximum number of lots into which each new secondary lot may be subdivided.’.

Omission of ss.43–45

Clause21. Sections 43 to 45—

omit.

Insertion of new Division 4 of Part 4

Clause22. After Part 4, Division 3—

insert—

‘Division 4—Matters applying to subdivision generally

‘Subdivision A—Extinguishment of plans

‘Extinguishment of plan

‘46A. A plan registered under this Act may be extinguished—

- (a) after unanimous resolution of the relevant body corporate; or
- (b) if the Supreme Court makes an order extinguishing the plan.

‘Order of Supreme Court to extinguish plan

‘46B.(1) An application to extinguish a plan may be made to the Supreme Court by—

- (a) the relevant body corporate; or

(b) a proprietor of a lot; or 1

(c) a registered mortgagee of a lot. 2

‘(2) In considering an application to extinguish a plan, the Supreme Court must have regard to the rights and interests of the proprietors as a whole. 3
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‘(3) Subsection (2) does not limit the matters to which the Supreme Court may have regard. 6
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‘(4) If the Supreme Court makes an order extinguishing a plan, it must also order— 8
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(a) that the relevant body corporate be wound up; and 10

(b) that the land comprised in the extinguished plan, and any property of the body corporate, be vested in the proprietors of the lots in the shares that the Supreme Court considers appropriate. 11
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‘Registration 14

‘46C.(1) If the Supreme Court makes an order under section 46B, the Registrar of Titles must take the action necessary to give effect to the order on lodgment for registration of a request to register the order. 15
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‘(2) If the relevant body corporate resolves to extinguish a plan, it must lodge with the Registrar of Titles— 18
19

(a) a request to extinguish the plan; and 20

(b) a copy of the unanimous resolution. 21

‘(3) A request under subsection (1) or (2) may be registered only if every registered interest in the land the subject of the plan has been discharged, surrendered, withdrawn or otherwise disposed of. 22
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‘(4) On registration of a request under subsection (1) or (2)— 25

(a) the plan is extinguished; and 26

(b) the relevant body corporate is wound up; and 27

(c) the land comprised in the extinguished plan is vested— 28

(i) in the case of a building units plan—in the proprietors in shares proportional to the lot entitlements of the proprietors’ 29
30

respective lots; or	1
(ii) in the case of a group titles plan or plans that create initial lots or secondary lots—in the proprietors in the shares agreed by the proprietors by unanimous resolution or in the shares ordered by the Supreme Court; and	2 3 4 5
(d) all property of the body corporate is vested in the proprietors in the same shares as the land comprised in the plan is vested under paragraph(c).	6 7 8
‘Notification of local authority	9
‘46D. The Registrar of Titles must notify the relevant local authority on registration under section 46C of the request to extinguish the plan.	10 11
<i>‘Subdivision B—Boundary adjustment plans</i>	12
‘Boundary adjustment plan	13
‘46E.(1) The boundary of an initial lot or a secondary lot within the site of an approved scheme may be adjusted by a boundary adjustment plan if—	14 15 16
(a) the adjustment is minor and necessary to resolve a problem in relation to the management, development or subdivision of the site; and	17 18 19
(b) each proprietor, mortgagee and registered lessee of a lot the boundary of which is to be adjusted consents to the adjustment; and	20 21 22
(c) if the adjustment alters the boundary of primary thoroughfare or secondary thoroughfare—the adjustment is approved by the primary thoroughfare body corporate, or principal body corporate, by special resolution.	23 24 25 26
‘(2) A proprietor mentioned in subsection (1)(b) may lodge the boundary adjustment plan with the local authority.	27 28
‘(3) The local authority may approve a boundary adjustment plan only if it is satisfied that—	29 30

(a) the adjustment is minor and necessary to resolve a problem in relation to the management, development or subdivision of the site; and	1 2 3
(b) the consents mentioned in subsection (1)(b) have been given; and	4
(c) if applicable—the approval mentioned in subsection (1)(c) has been given.	5 6
‘(4) If the local authority—	7
(a) refuses to approve a boundary adjustment plan; or	8
(b) fails to approve it within 40 days of receiving it;	9
the proprietor that lodged the plan may appeal to the Planning and Environment Court.	10 11
‘(5) Part 7 of the <i>Local Government (Planning and Environment) Act 1990</i> applies to an appeal under subsection (4) with any necessary modifications.	12 13 14
‘Registration of boundary adjustment plan	15
‘46F.(1) The Registrar of Titles may register a boundary adjustment plan only if the plan has been approved by the local authority.	16 17
‘(2) The Registrar of Titles does not have to be satisfied of the matters mentioned in section 46E(1) but may rely on the local authority’s approval of the plan.	18 19 20
‘Effect of boundary adjustment plan	21
‘46G.(1) A boundary adjustment plan registered under this Subdivision—	22 23
(a) does not affect the voting entitlement that applied to any lot before registration of the plan; and	24 25
(b) does not of itself give rise to any liability for stamp duty.	26
‘(2) A registered mortgage, lease or other registered interest in a lot adjusted by the registration of a boundary adjustment plan—	27 28

- (a) is not affected by the registration of the plan; and 1
- (b) is taken to relate to the adjusted lot. 2

‘Subdivision C—Easements 3

‘Implied easements 4

‘46H.(1) Unless an easement is created for a particular service, there is implied— 5
6

(a) as belonging to any lot or common property within the site—an easement for the passage or supply of the service through or by way of pipes, poles, wires, cables or ducts (to be laid down or erected or that are already existing) in or over the site to the extent to which the service is capable of being used in the enjoyment of the lots or common property; and 7
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(b) as affecting any lot or common property within the site—an easement for the passage or supply of the service through or by way of pipes, poles, wires, cables or ducts (to be laid down or erected or that are already existing) in or over the site to the extent to which the service is capable of being used in the enjoyment of lots or common property. 13
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‘(2) Subsection (1) does not affect easements belonging to and affecting lots in a plan created under the *Building Units and Group Titles Act 1980*. 19
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‘(3) If a multiple occupancy building is situated on 2 or more group title lots, the proprietor of a lot on which there is situated a part of the building that is intended for separate occupation is entitled to the right conferred by subsection (4). 21
22
23
24

‘(4) In relation to any roofs, eaves, gutters, downpipes or foundations (the **“building parts”**) situated (wholly or partly) over, on or under any adjoining lot, the proprietor is entitled to any shelter, drainage or support capable of being provided by the building parts in relation to the proprietor’s lot. 25
26
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‘(5) The right created by subsection (4) is an easement to which the adjoining lot is subject. 30
31

‘(6) The easement entitles the proprietor of the dominant tenement to 32

enter the servient tenement and to maintain or replace any of the building parts. 1
2

‘(7) If a building is on the boundary of a lot or so close to the boundary of a lot that maintenance or replacement in relation to the building is not able to be carried out without entering an adjoining lot, the proprietor of the lot on which the building is situated is entitled to enter the adjoining lot to carry out the maintenance or replacement. 3
4
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‘(8) The right created by subsection (7) is an easement to which the adjoining lot is subject. 8
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‘(9) The easement entitles the proprietor of the dominant tenement— 10

(a) to enter the servient tenement; and 11

(b) to maintain or replace any part of the proprietor’s building. 12

‘(10) An easement under this section must not be exercised by a proprietor in a way that unreasonably prevents another proprietor from enjoying the use and occupation of the other proprietor’s lot or the common property. 13
14
15
16

‘(11) If an easement under this section entitles a proprietor to enter an adjoining lot to effect maintenance or replacement work, the proprietor must give reasonable notice to the proprietor of the adjoining lot before entering to effect the work. 17
18
19
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‘(12) Subsection (11) does not apply if the work to be carried out is urgent. 21
22

‘Ancillary rights 23

‘46I. All ancillary rights and obligations that are necessary and reasonable to make an easement under this Subdivision effective are conferred by this section. 24
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‘Creation of easements by special resolution 27

‘46J. A primary thoroughfare body corporate or principal body corporate may by special resolution— 28
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(a) execute a grant of easement; or 30

- (b) accept a grant of easement; or 1
- (c) surrender a grant of easement; or 2
- (d) accept the surrender of a grant of easement. 3

‘Subdivision D—Sequential plans 4

‘Approval of sequential plans by local authority 5

‘46K.(1) If a number of plans are lodged with a local authority at the same time, the local authority may approve the plans if it is satisfied that access and other matters of which it must be satisfied will be effected if the plans are registered in the appropriate order. 6
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‘(2) In approving the plans the local authority must give a certificate that specifies the number of plans approved by it and the date of approval of the plans. 10
11
12

‘(3) In subsection (1)— 13

“plan” includes a plan creating initial lots or secondary lots and a group titles and a building units plan. 14
15

‘Registration of sequential plans by Registrar of Titles 16

‘46L. The Registrar of Titles may register the plans in the appropriate order only if the plans— 17
18

- (a) are accompanied by the certificate mentioned in section 46K(2); 19
and 20
- (b) have been approved by the local authority.’. 21

Replacement of ss.49–55 22

Clause 23. Sections 49 to 55— 23

omit, insert— 24

‘Construction of floating buildings and special buildings 25

‘49. The construction of a floating building or a special building within 26

the site is not—	1
(a) the construction of a vessel, harbour works or other works of any kind; or	2 3
(b) the placing of a pile or any other structure;	4
in, on, over, through or across land that is submerged or subject to inundation or tidal influence.	5 6
‘Tidal waters within jurisdiction of authorities	7
‘50. If an area of the site becomes inundated with tidal water or subject to tidal influence, the banks and foreshores of the area are, to the extent that the area is beyond the quay line, taken to be within the jurisdiction of the authority that has jurisdiction over the adjacent banks and foreshores.	8 9 10 11
‘Obligation of authorities to maintain or undertake works	12
‘51. An authority having jurisdiction over banks and foreshores of tidal waters is obliged to maintain or undertake works (including dredging) in relation to land within the site of an approved scheme, or tidal waters above land within the site of an approved scheme, only to the extent (if any) that it agrees in writing to accept the obligation.	13 14 15 16 17
‘Movement of vessels on tidal waters	18
‘52.(1) The proprietor of land within the site of an approved scheme has the right to restrict, regulate or prohibit the use or movement of vessels on, over, through or beneath tidal waters above the land if the waters are not beyond the quay line.	19 20 21 22
‘(2) If the proprietor of land within the site permits the mooring of a vessel in waters above the land, the proprietor of other land within the site must not restrict or prohibit the movement of the vessel over the proprietor’s land that is beyond the quay line to—	23 24 25 26
(a) the mooring; or	27
(b) another place in relation to which permission to moor the vessel	28

has been given; or	1
(c) tidal waters outside the site.	2
‘Application of laws relating to design and construction etc.	3
‘53.(1) Laws relating to the design and construction, and standard of construction or materials, of buildings and other structures apply to floating buildings and special buildings, so far as the law may be sensibly applied, as if floating buildings or special buildings were constructed on land.	4 5 6 7
‘(2) If the relevant joint committee established for the purposes of the standard sewerage by-laws or the standard water supply by-laws considers that a standard determined under the by-laws cannot sensibly be applied to a floating building, the committee may determine a different standard that is to apply having regard to the existing standard.	8 9 10 11 12
‘Statutory charges and valuation of land	13
‘54. For the purpose of—	14
(a) the assessment of rates, land tax and other statutory charges payable in relation to land; and	15 16
(b) determining the unimproved value of land;	17
any land within the site of an approved scheme that is or may be inundated by water or subject to tidal influence is to be taken to be land that is not, and never has been, inundated by water or subject to tidal influence.	18 19 20
‘Modification of powers of authorities	21
‘55.(1) An authority having jurisdiction over the banks and foreshores of tidal waters within the site of an approved scheme may not grant—	22 23
(a) a lease in relation to a relevant area of the site; or	24
(b) a licence to use and occupy a relevant area of the site; or	25
(c) a permit to use and occupy a relevant area of the site.	26
‘(2) Subsection (1) has effect despite any other Act.	27
‘(3) In subsection (1)—	28

“ relevant area ” of a site means any foreshore, tidal lands or tidal waters within the site.’.	1 2
Replacement of s.56A (Construction of canals)	3
<i>Clause 24.</i> Section 56A—	4
<i>omit, insert—</i>	5
‘Construction of canals	6
‘56A.(1) A canal may be constructed within the site of an approved scheme by the applicant at the applicant’s expense.	7 8
‘(2) A canal may be constructed only on—	9
(a) primary thoroughfare or secondary thoroughfare; or	10
(b) part of the site that will become primary thoroughfare or secondary thoroughfare.	11 12
‘(3) The <i>Canals Act 1958</i> (other than the provisions of the Act prescribed by regulation for the purposes of this section) applies to the construction, operation and maintenance of a canal within the site.	13 14 15
‘(4) The Registrar of Titles may register instruments of title dealing with land in any plan of subdivision to which section 9 of the <i>Canals Act 1958</i> applies even though a transfer surrendering to the State all land defined in the plan as the land on which the canal is to be constructed has not been registered in the land registry.’.	16 17 18 19 20
Insertion of new s.57A	21
<i>Clause 25.</i> After section 57—	22
<i>insert—</i>	23
‘Maintenance of canals	24
‘57A.(1) The primary thoroughfare body corporate is responsible for—	25
(a) the dredging and other maintenance of canals on the primary thoroughfare; and	26 27
(b) the maintenance of improvements relating to the canals on the primary thoroughfare.	28 29

‘(2) The principal body corporate is responsible for—	1
(a) the dredging and other maintenance of canals on the secondary thoroughfare; and	2 3
(b) the maintenance of improvements relating to the canals on the secondary thoroughfare.’.	4 5
Amendment of s.60A (Surrender of canal to the Crown)	6
<i>Clause 26.</i> (1) Section 60A(1)(d)—	7
omit ‘by order in council’.	8
(2) Section 60A(4)(c)—	9
omit ‘by order in council’.	10
(3) Section 60A(7)—	11
omit, insert—	12
‘(7) If land on which a canal is constructed is surrendered, the provisions of the <i>Canals Act 1958</i> prescribed for the purposes of section 56A again apply.’.	13 14 15
Amendment of s.70 (Meetings of primary thoroughfare body corporate)	16 17
<i>Clause 27.</i> (1) Section 70(1) (at the end)—	18
insert—	19
‘Maximum penalty—50 penalty units.’.	20
(2) Section 70(4) (at the end)—	21
insert—	22
‘Maximum penalty for subsection (4)—50 penalty units.’.	23
Insertion of new s.70A	24
<i>Clause 28.</i> After section 70—	25
insert—	26

‘Change of annual general meeting	1
‘70A.(1) The primary thoroughfare body corporate may apply in writing to the Minister for approval to change the date of its next annual general meeting.	2 3 4
‘(2) The primary thoroughfare body corporate may apply to the Minister to change the date of its next annual general meeting only if—	5 6
(a) the change of date proposed has been set out in a motion given to its members; and	7 8
(b) the motion for the proposed change of date has been carried by ordinary resolution of the body corporate.	9 10
‘(3) The application to the Minister must be accompanied by—	11
(a) a copy of the motion; and	12
(b) evidence that it has been carried by ordinary resolution.	13
‘(4) The Minister may approve or refuse the application and must advise the primary thoroughfare body corporate in writing of the approval or refusal.	14 15 16
‘(5) If the application is approved, the new date of the annual general meeting is taken to be the anniversary of the first annual general meeting of the primary thoroughfare body corporate.’.	17 18 19
Amendment of s.74 (Power of entry)	20
<i>Clause 29.</i> Section 74(2) (at the end)—	21
<i>insert—</i>	22
‘Maximum penalty for subsection (2)—50 penalty units.’.	23
Insertion of new s.74A	24
<i>Clause 30.</i> After section 74—	25
<i>insert—</i>	26
‘Maintenance of services within lots or common property	27
‘74A.(1) If, because of an agreement with a local authority, the primary thoroughfare body corporate is responsible for the maintenance and	28 29

- reconstruction (including construction on relocation) of any pipes, poles, wires, cables or ducts or anything that provides a service within the site, the primary thoroughfare body corporate may enter on any lot or common property—
- (a) to carry out works relating to the maintenance or reconstruction (including construction on relocation); or
 - (b) to inspect for the purpose of deciding whether works relating to the maintenance or reconstruction are required.
- ‘(2) The primary thoroughfare body corporate must give notice of works to be carried out under subsection (1)—
- (a) if the works are on a lot—to the proprietor of the lot; or
 - (b) if the works are on common property—to the body corporate responsible for the control, management and administration of the common property.
- ‘(3) If notice is given to a body corporate under subsection (2)(b), it must immediately notify the proprietors of lots who are entitled to use and enjoy the common property.
- ‘(4) The notice must—
- (a) be in writing; and
 - (b) be given not less than 7 days before the works are to be carried out; and
 - (c) identify the part of the lot or common property to be affected by the works; and
 - (d) specify the nature of the works to be carried out; and
 - (e) specify the estimated time that it will take to carry out the works.
- ‘(5) Subsection (2) does not apply—
- (a) if the works to be carried out are urgent; or
 - (b) to an inspection for the purpose of deciding whether works are required.’.

Amendment of s.75B (Community facilities on primary thoroughfare)	1
<i>Clause31.</i> Section 75B (at the end)—	2
<i>insert—</i>	3
‘(3) The primary thoroughfare body corporate must maintain the facilities.’.	4 5
Amendment of s.76 (Duties of primary thoroughfare body corporate)	6
<i>Clause32.</i> Section 76(1)(f) and (g)—	7
<i>omit, insert—</i>	8
(f) cause to be prepared, from the books mentioned in paragraph (e), a proper statement of accounts of the primary thoroughfare body corporate in relation to each period—	9 10 11
(i) starting on the date of its incorporation or the day immediately after the date up to which the last statement was prepared; and	12 13 14
(ii) ending on the last day of the month that is 3 months before the start of the month in which the anniversary of the first annual general meeting happens; and	15 16 17
(g) cause an annual general meeting of the primary thoroughfare body corporate to be held each year on or after the anniversary of the first annual general meeting but not later than 2 months after the anniversary; and’.	18 19 20 21
Amendment of s.78 (Notices to be given by proprietors)	22
<i>Clause33.</i> (1) Section 78(1)—	23
<i>omit ‘may’, insert ‘must’.</i>	24
(2) Section 78(1) (at the end)—	25
<i>insert—</i>	26
‘Maximum penalty—4 penalty units.’.	27

Amendment of s.86 (Chairman, secretary and treasurer of executive committee)	1
	2
<i>Clause 34.(1)</i> Section 86(2) (at the end)—	3
<i>insert—</i>	4
‘Maximum penalty—50 penalty units.’	5
(2) Section 86(5) (at the end)—	6
<i>insert—</i>	7
‘Maximum penalty for subsection (5)—20 penalty units.’	8
Replacement of s.93A (Effect of subdivision in subsequent stage)	9
<i>Clause 35.</i> Section 93A—	10
<i>omit, insert—</i>	11
‘Effect of subdivision in subsequent stage	12
‘93A.(1) On registration of the initial plan or plans of subdivision in a subsequent stage mentioned in Part 2A—	13
	14
(a) the proprietor or proprietors of land within the subsequent stage (excluding land within each residential precinct and land comprising the primary thoroughfare); and	15
	16
	17
(b) if a new principal body corporate is created in relation to the subsequent stage—the body corporate;	18
	19
become additional members of the primary thoroughfare body corporate for the site.	20
	21
‘(2) Until the incorporation of the principal body corporate, the proprietors of the land within the residential precincts are members of the primary thoroughfare body corporate instead of the principal body corporate.	22
	23
	24
	25
‘(3) If the proprietors of lots within a subsequent stage become additional members of an expanded principal body corporate, the body corporate continues as a member of the primary thoroughfare body corporate.	26
	27
	28
‘(4) For the purposes of this Division and Division 1 of Part 7, on	29

registration of the initial plan or plans of subdivision in a subsequent stage, the site comprises that stage and any earlier stage.’.	1 2
Amendment of s.99 (Meetings of principal body corporate)	3
<i>Clause 36.(1)</i> Section 99(1) (at the end)—	4
<i>insert—</i>	5
‘Maximum penalty—50 penalty units.’.	6
<i>(2)</i> Section 99(4) (at the end)—	7
<i>insert—</i>	8
‘Maximum penalty—50 penalty units.’.	9
Insertion of new s.99A	10
<i>Clause 37.</i> After section 99—	11
<i>insert—</i>	12
‘Change of annual general meeting	13
‘99A.(1) The principal body corporate may apply in writing to the Minister for approval to change the date of its next annual general meeting.	14 15
‘(2) The principal body corporate may apply to the Minister to change the date of its next annual general meeting only if—	16 17
(a) the change of date proposed has been set out in a motion given to its members; and	18 19
(b) the motion for the proposed change of date has been carried by ordinary resolution of the body corporate.	20 21
‘(3) The application to the Minister must be accompanied by—	22
(a) a copy of the motion; and	23
(b) evidence that it has been carried by ordinary resolution.	24
‘(4) The Minister may approve or refuse the application and must advise the principal thoroughfare body corporate in writing of the approval or refusal.	25 26 27
‘(5) If the application is approved, the new date of the annual general	28

meeting is taken to be the anniversary of the first annual general meeting of the principal thoroughfare body corporate.’.	1 2
Amendment of s.102 (Power of entry)	3
<i>Clause 38.</i> Section 102(2) (at the end)—	4
<i>insert—</i>	5
‘Maximum penalty for subsection (2)—50 penalty units.’.	6
Insertion of new ss.103A and 103B	7
<i>Clause 39.</i> After section 103—	8
<i>insert—</i>	9
‘Leases to principal body corporate	10
‘103A.(1) For the purposes of providing access to the secondary thoroughfare, the principal body corporate may take a lease of—	11 12
(a) a road closed in strata that joins, or is to join, the secondary thoroughfare; or	13 14
(b) a wharf that joins, or is to join, the secondary thoroughfare.	15
‘(2) The principal body corporate may take a lease of land for any other purpose prescribed by regulation.	16 17
‘(3) In subsection (1)—	18
“wharf” has the same meaning as in the <i>Harbours Act 1955</i> .	19
‘Community facilities on secondary thoroughfare	20
‘103B.(1) A principal body corporate may develop or construct facilities, for the use of persons who lawfully occupy land within a residential precinct, on—	21 22 23
(a) the secondary thoroughfare; or	24
(b) land leased by the principal body corporate under section 103A.	25
‘(2) The development or construction must not start until authorised by	26

the principal body corporate by a special resolution.	1
‘(3) The principal body corporate must maintain the facilities.’	2
Amendment of s.104 (Duties of principal body corporate)	3
<i>Clause40.</i> Section 104(1)(f) and (g)—	4
<i>omit, insert—</i>	5
‘(f) cause to be prepared, from the books mentioned in paragraph (e), a proper statement of accounts of the principal body corporate in relation to each period—	6 7 8
(i) starting on the date of its incorporation or the day immediately after the date up to which the last statement was prepared; and	9 10 11
(ii) ending on the last day of the month that is 3 months before the start of the month in which the anniversary of the first annual general meeting happens; and	12 13 14
(g) cause an annual general meeting of the principal body corporate to be held each year on or after the anniversary of the first annual general meeting but not later than 2 months after the anniversary; and’.	15 16 17 18
Amendment of s.106 (Notices to be given by proprietors)	19
<i>Clause41.</i> Section 106(1) (at the end)—	20
<i>insert—</i>	21
‘Maximum penalty—4 penalty units.’	22
Amendment of s.114 (Chairman, secretary and treasurer of executive committee)	23 24
<i>Clause42.(1)</i> Section 114(2) (at the end)—	25
<i>insert—</i>	26
‘Maximum penalty—50 penalty units.’	27
(2) Section 114(5) (at the end)—	28

<i>insert—</i>	1
‘Maximum penalty for subsection (5)—20 penalty units.’	2
Replacement of Division 2A of Part 7 (Additional principal bodies corporate)	3
	4
Clause 43. Part 7, Division 2A—	5
<i>omit, insert—</i>	6
<i>‘Division 3—Additional principal bodies corporate or increase in membership of existing principal body corporate</i>	7
	8
‘Effect of subdivision of residential precinct in subsequent stage	9
‘121A. On registration of the first plan of subdivision creating a lot or lots within a residential precinct in a subsequent stage, the proprietors of all land within the residential precincts in that subsequent stage become either—	10
	11
	12
	13
(a) a body corporate under the name ‘(insert name of subsequent stage specified in the approval of the scheme) Principal Body Corporate’; or	14
	15
	16
(b) additional members of an existing principal body corporate.	17
‘Procedure for increase in membership of existing principal body corporate	18
	19
‘121B.(1) The proprietor of land within the residential precincts in a subsequent stage may become additional members of an existing principal body corporate only if—	20
	21
	22
(a) details of the addition of members to an existing principal body corporate have been set out in a motion given to the members of the body corporate to which it is proposed to add members; and	23
	24
	25
(b) the motion for the proposed addition of members has been carried by special resolution of the existing principal body corporate to which it is proposed to add members; and	26
	27
	28
(c) the proposal to add members to an existing principal body	29

corporate is— 1

(i) included in the application for approval of a subsequent 2
stage; and 3

(ii) is approved as part of the approval of the subsequent stage. 4

‘(2) If an application under section 24D that relates to a subsequent stage 5
includes a proposal to add members to an existing principal body corporate, 6
the application must be accompanied by— 7

(a) a copy of the motion for the addition of members; and 8

(b) evidence that it has been carried by special resolution of the 9
existing principal body corporate; and 10

(c) details of the effect the addition of members to an existing 11
principal body corporate is likely to have on existing members of 12
the body corporate. 13

‘Meeting of expanded principal body corporate 14

‘121C.(1) Within 3 months after registration of the first plan of 15
subdivision creating a lot or lots within a residential precinct in a subsequent 16
stage, the principal body corporate must convene a meeting. 17

‘(2) Section 99 applies to the meeting with any necessary modifications. 18

‘(3) For the purposes of setting the date for subsequent annual general 19
meetings after the meeting mentioned in subsection (1), the meeting is taken 20
to be the first annual general meeting. 21

‘Levies and funds of expanded principal body corporate 22

‘121D.(1) Within 14 days after registration of the first plan of 23
subdivision creating a lot or lots within a residential precinct in a subsequent 24
stage, an expanded principal body corporate must determine the amounts 25
mentioned in section 104(1)(h). 26

‘(2) On registration of the first plan of subdivision creating a lot or lots 27
within a residential precinct in a subsequent stage, the fund of the principal 28
body corporate that is being expanded continues in existence. 29

‘Application of Division 2 to expanded principal body corporate	1
‘121E. Division 2 applies, with any necessary modifications, to the expanded principal body corporate after the registration of the first plan of subdivision creating a lot or lots within a residential precinct in a subsequent stage.	2 3 4 5
‘Application of Act to new principal body corporate	6
‘121F. If a new principal body corporate is created in relation to a subsequent stage, this Act applies to the body corporate in relation to the subsequent stage for which it was incorporated.	7 8 9
‘Agreements with another principal body corporate	10
‘121G. A principal body corporate may enter into an agreement with another principal body corporate in the site in relation to—	11 12
(a) the secondary thoroughfare including the improvements on the secondary thoroughfare; and	13 14
(b) any personal property vested in the other principal body corporate.’.	15 16
Replacement of s.128 (Proceedings for offences)	17
Clause44. Section 128—	18
<i>omit, insert—</i>	19
‘Penalties paid to General Fund	20
‘127. All penalties or other amounts recovered for an offence against section 19(8) or 24D(6) are to be paid into the General Fund of the relevant local authority.’.	21 22 23
Replacement of s.131 (Regulations)	24
Clause45. Section 131—	25
<i>omit, insert—</i>	26

‘Regulations

‘128.(1) The Governor in Council may make regulations for the purposes of this Act.

‘(2) A regulation may be made with respect to any of the following matters—

- (a) the preparation and approval of plans and documents for the purposes of this Act;
- (b) the plans and documents that may be lodged under this Act in the land registry;
- (c) the registration in the land registry of plans and documents;
- (d) the fees to be paid in relation to the lodgment and registration in the land registry of plans and documents;
- (e) the nomination and election of—
 - (i) the chairperson, secretary and treasurer of primary thoroughfare bodies corporate and principal bodies corporate; and
 - (ii) other members of the executive committees of primary thoroughfare bodies corporate and principal bodies corporate;
- (f) the powers and functions of primary thoroughfare bodies corporate and principal bodies corporate.

‘(3) A regulation may create offences and prescribe penalties of not more than 4 penalty units for the offences.

‘Renumbering of Act

‘129.(1) In this section—

“commencement” means the commencement of this section;

“new Act” means this Act after the commencement;

‘(2) The Parts of the new Act are renumbered so that they bear consecutive arabic numerals starting with ‘1’.

‘(3) The Divisions of each Part of the new Act are renumbered so that

- they bear consecutive arabic numerals starting with ‘1’. 1
- ‘(4) The sections of the new Act are renumbered in a single series so that 2
they bear consecutive arabic numerals starting with ‘1’. 3
- ‘(5) The sentences of each section of the new Act (whether or not they 4
are subsections) are numbered or renumbered so that they bear consecutive 5
arabic numerals starting with ‘1’. 6
- ‘(6) Each mention in the new Act of a provision of the new Act that has 7
been numbered or renumbered under this section is amended by omitting 8
the mention and substituting a mention of the provision as numbered or 9
renumbered. 10
- ‘(7) If, before the commencement, there is, in a law, a mention of a 11
specified provision of this Act that is numbered or renumbered because of 12
this section, after the commencement, the mention is taken to be a mention 13
of the specified provision as numbered or renumbered. 14
- ‘(8) In this section— 15
- “law” means— 16
- (a) an Act; or 17
 - (b) a statutory instrument.’. 18

SCHEDULE	1
MINOR AMENDMENTS	2
section 3	3
Amendments	4
1. Section 3 (definitions “Local Authority” and “Minister”)—	5
<i>omit.</i>	6
2. Section 2—	7
<i>omit.</i>	8
3. Section 8—	9
<i>omit.</i>	10
4. Section 15—	11
<i>omit.</i>	12
5. Section 17—	13
<i>omit.</i>	14
6. Section 32(3)—	15
<i>omit</i> ‘of the department’.	16
7. Section 60(1)(a)(iv)—	17
<i>omit</i> ‘by Order in Council’.	18

SCHEDULE (continued)

- | | |
|---|----|
| 8. Section 60(2)(a)(iii)— | 1 |
| <i>omit</i> ‘by Order in Council’. | 2 |
| 9. Section 61(1)— | 3 |
| <i>omit</i> ‘under the <i>Main Roads Act 1920–1985</i> ’. | 4 |
| 10. Section 66(3)— | 5 |
| <i>omit</i> ‘ <i>Companies (Queensland) Code</i> ’, <i>insert</i> ‘Corporations Law’. | 6 |
| 11. Section 70(6)— | 7 |
| <i>omit</i> ‘for Justice and Attorney-General’. | 8 |
| 12. Section 70(7)— | 9 |
| <i>omit</i> ‘for Justice and Attorney-General’. | 10 |
| 13. Section 70(8)— | 11 |
| <i>omit</i> ‘for Justice and Attorney-General’. | 12 |
| 14. Section 73(2)— | 13 |
| <i>omit</i> ‘and to the Minister for Justice and Attorney-General’. | 14 |
| 15. Section 80(1)(a)— | 15 |
| <i>omit</i> ‘ <i>Workers’ Compensation Act 1916–1983</i> ’, | 16 |
| <i>insert</i> ‘ <i>Workers’ Compensation Act 1990</i> ’. | 17 |
| 16. Section 80(2)— | 18 |
| <i>omit</i> ‘Order in Council’, <i>insert</i> ‘regulation’. | 19 |

SCHEDULE (continued)

17. Section 83—	1
<i>omit.</i>	2
18. Section 95(5)—	3
<i>omit ‘Companies (Queensland) Code’, insert ‘Corporations Law’.</i>	4
19. Section 99(6)—	5
<i>omit ‘for Justice and Attorney-General’.</i>	6
20. Section 99(7)—	7
<i>omit ‘for Justice and Attorney-General’.</i>	8
21. Section 99(8)—	9
<i>omit ‘for Justice and Attorney-General’.</i>	10
22. Section 101(2)—	11
<i>omit ‘and to the Minister for Justice and Attorney-General’.</i>	12
23. Section 108(1)(a)—	13
<i>omit ‘Workers’ Compensation Act 1916–1983’,</i>	14
<i>insert ‘Workers’ Compensation Act 1990’.</i>	15
24. Section 108(2)—	16
<i>omit ‘Order in Council’, insert ‘regulation’.</i>	17
25. Section 111—	18
<i>omit.</i>	19

SCHEDULE (continued)

26. Section 127—	1
<i>omit.</i>	2
27. Section 129—	3
<i>omit.</i>	4
28. Section 130—	5
<i>omit.</i>	6
29. Schedule, Part A, clause 16—	7
<i>omit.</i>	8
	9