

# **Resorts and Other Acts Amendment Bill 2009**

## **Explanatory Notes for Amendments to be moved during consideration in detail by The Honourable Stirling Hinchliffe MP**

### **Title of the Bill**

Resorts and Other Acts Amendment Bill 2009

### **Objectives of Amendments**

Amendment is required to amend the definition of “affected land owner” in the amendments to the *Integrated Resort Development Act 1987* and *Sanctuary Cove Resort Act 1985* to remove reference to land owners inside the site.

Amendment is also required to provisions prescribing the maximum number of group title and building title lots in residential zones to support the approved plan for the Sanctuary Cove Resort site and adjacent site.

Amendment is required to clauses 64 and 68 in the amendments to the *Sanctuary Cove Resort Act 1985* to clarify that only the local government’s planning scheme does not apply to the site or adjacent site.

### **Achievement of the Objectives**

The amendments will achieve the policy objectives of the Bill by confirming that external affected land owners are engaged in the boundary realignment process. Internal landowners are removed from the definition of affected land owners as they are already engaged as part of that boundary realignment process. The amendments will also support the approved plan for the Sanctuary Cove Resort at the site and adjacent site.

Amendments relevant to clauses 64 and 68 are consistent with the current intent of the *Sanctuary Cove Resort Act 1985* in that only the local government planning scheme does not apply to the site or adjacent site.

## **Alternative Ways of Achieving Policy Objectives**

There are no other viable alternatives that would achieve the Government's policy objectives.

## **Notes On Provisions**

### Amendment 1 – Amendment at Clause 12

This definition is in relation to an application to amend a site boundary and clarifies the definition of “affected land owner” to mean an owner of land that is outside the site and proposed under the amendment application to be within the site.

The provision was intended to ensure that land owners outside the site were engaged in the boundary realignment process which could not proceed without their consent. Including land owners within the site is not considered necessary as the Bill provides a comprehensive consultation process for bodies corporate and lot owners as part of the application process for boundary realignment. All comments provided by bodies corporate and lot owners must accompany the application submitted to the Minister, including comments from the lot owner within the site (an individual lot owner, Principal Body Corporate or the Primary Thoroughfare Body Corporate).

### Amendment 2 – Amendment at Clause 63

Section 7(3)(b) is amended so that the maximum number of group title and building title lots into which all of the residential zones of the site may be subdivided for residential purposes is amended from 900 to 1100 to better align with zone usage planned within the site.

Amendment 3-5 – Amendment at Clause 64

This amendment is in relation to clause 64 of the Resorts and Other Acts Amendment Bill. This clause requires amendment to clarify and confirm the status quo which is that development at resorts will only be exempt from the local government planning scheme, but not from other building and development requirements which currently apply at the resorts.

Amendment 6 – Amendment at Clause 67

Section 12C(3)(b) is amended so that the maximum number of group title and building title lots into which all of the residential zones of the adjacent site may be subdivided for residential purposes is amended from 1100 to 900 to better align with zone usage planned within the site.

Amendment 7-10 – Amendment at Clause 68

This amendment is in relation to clause 68 of the Resorts and Other Acts Amendment Bill 2008. This clause requires amendment to clarify and confirm the status quo which is that development at resorts will only be exempt from the local government planning scheme, but not from other building and development requirements which currently apply at the resorts.

Amendment 11 – Amendment at Clause 70

As per the amendment to Clause 12, the definition of the affected land owner is amended to mean an owner of land outside the site and proposed under the amendment application to be within the site or an owner of land outside the adjacent site and proposed under the amendment application to be within the adjacent site.

The provision was intended to ensure that land owners outside the site or adjacent site were engaged in the boundary realignment process which could not proceed without their consent. Including land owners within the site or adjacent site is not considered necessary as the Bill provides a comprehensive consultation process for bodies corporate and lot owners as part of the application process for boundary realignment. All comments provided by bodies corporate and lot owners must accompany the application submitted to the Minister, including comments from the lot owner within the site (an individual lot owner, Principal Body Corporate or the Primary Thoroughfare Body Corporate).