



# INTEGRATED RESORT DEVELOPMENT AMENDMENT ACT 1991

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Queensland



**Integrated Resort Development  
Amendment Act 1991**

**Act No. 94 of 1991**

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*An Act to amend the *Integrated Resort Development Act 1987**

*[Assented to 11 December 1991]*

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

### **Short title**

1. This Act may be cited as the *Integrated Resort Development Amendment Act 1991*.

### **Amended Act**

2. The *Integrated Resort Development Act 1987* is amended as set out in this Act.

### **Amendment of s.3 (Interpretation)**

3. Section 3—

*insert—*

‘**“access”** means access by road;

**“canal”** has the meaning given by the *Canals Act 1958*;

**“future development area”** has the meaning given by section 24A;

**“subsequent stage”** means a subsequent stage mentioned in section 24D.’.

### **Amendment of s.4 (Minimum requirements for an approved scheme)**

4.(1) Section 4(1)—

*omit* ‘A scheme’, *insert* ‘ Subject to subsection (3), a scheme’.

(2) Section 4(1)(a)—

*omit* ‘site’, *insert* ‘site on which there is to be a road’.

(3) Section 4(1)(b)—

*omit* ‘site’, *insert* ‘site on which there is to be a road’.

(4) After section 4(2)—

*insert—*

‘(3) An application for approval of a subsequent stage must provide for at least—

(a) the division of the site into precincts specifying the name of the precincts, the intended development generally of each precinct and the permitted uses of the land within each precinct; and

(b) a schedule specifying the voting entitlements and the method of calculating the voting entitlements of members of the primary thoroughfare body corporate.’.

**Amendment of s.10 (Copy of approved scheme to be sent to Registrar of Titles and Local Authority)**

5.(1) Section 10(1)—

*omit* ‘Director of Local Government’,

*insert* ‘chief executive of the department’.

(2) Section 10(2)—

*omit* ‘Director of Local Government’,

*insert* ‘chief executive of the department’.

**Amendment of s.17 (Copy of amendment of approved scheme to be sent to Registrar of Titles and Local Authority)**

6. Section 17—

*omit* ‘Director of Local Government’,

*insert* ‘chief executive of the department’.

**Amendment of s.19 (Approved scheme regulates development etc. of site)**

7. Section 19(8)—

*omit* ‘, the Director of Local Government and the Co-Ordinator-General’,

*insert* ‘and the chief executive of the department’.

**Insertion of new s.23A**

**8.** After section 23—

*insert—*

**‘Notification of revocation**

**‘23A.** If an approval of an approved scheme is revoked, the Minister is to notify—

- (a) the Registrar of Titles; and
- (b) the Local Authority; and
- (c) the chief executive of the department.’.

**Amendment of s.24 (Effect of revocation of approval)**

**9.** Section 24(1)(c), (d) and (e)—

*omit, insert—*

- ‘(c) the provisions of the *Local Government (Planning and Environment) Act 1990*; and
- (d) the provisions of sections 10(2) and 11 of the *Canals Act 1958*; and
- (e) the provisions of regulation 17 of the *Canals Regulations 1985*; and’.

**Insertion of new Part 2A**

**10.** After section 24—

*insert—*

## **‘PART 2A—STAGED INTEGRATED RESORT DEVELOPMENT**

### **‘Future development area**

**‘24A.(1)** An application under Division 1 of Part 2 may identify an area (in this Act referred to as the **“future development area”**) in relation to which—

- (a) provisional approval is sought; and
- (b) a subsequent application will be made under Division 1 of Part 2.

**‘(2)** A future development area must contain freehold land or land intended to be freeholded.

**‘(3)** Except in relation to land intended to be freeholded, an application under Division 1 of Part 2 must not include a future development area unless the future development area is in a zone that permits a use that is not inconsistent with the intended use of other land mentioned in the application.

**‘(4)** If an application under Division 1 of Part 2 identifies a future development area the applicant must, in addition to providing the information and material required to be provided by Division 1 of Part 2, provide such of the information and material set out in Part A of the Schedule as relates to a future development area.

### **‘Decision on application**

**‘24B.(1)** An application for provisional approval in relation to a future development area is to be decided in the same way and at the same time as the application under Division 1 of Part 2.

**‘(2)** Section 10 applies to a provisional approval as if it were the approval of a scheme.

### **‘Revocation of provisional approval**

**‘24C.(1)** An applicant may apply to have the provisional approval in relation to all or part of the future development area revoked.

**‘(2)** An application for revocation must not be made in relation to any

part of the future development area that has been the subject of an application under section 24D.

‘(3) Before making an application under this section, the applicant must give written notice of the application to—

- (a) the primary thoroughfare body corporate; and
- (b) the principal body corporate;

if these exist, inviting written comments from their members before a specified date (not less than 30 days from the giving of the notice).

‘(4) A written application is to be made to the Minister and must include—

- (a) a copy of the written notice given under subsection (3); and
- (b) any written comments received by the applicant from the primary thoroughfare body corporate or the principal body corporate; and
- (c) other matters that the Minister considers necessary.

‘(5) The Minister is to consider the application and any written comments included with the application and—

- (a) is to consult any department, Local Authority or statutory authority; and
- (b) may consult any person or body;

that, in the Minister’s opinion, is likely to be affected by the revocation.

‘(6) After consideration of an application for revocation under this section, the Governor in Council may—

- (a) approve the revocation subject to such conditions (if any) as the Governor in Council considers appropriate; or
- (b) refuse to approve the revocation.

‘(7) The approval of a revocation by the Governor in Council is to be by way of order in council.

‘(8) On approval of a revocation under this section, the Minister is to forward a copy of the revocation to the Registrar of Titles, the Local Authority and to the chief executive of the department.

**‘Application for subsequent stages**

**‘24D.(1)** A subsequent application may be made under Division 1 of Part 2 in relation to all or only part of the future development area.

**‘(2)** The future development area (whether all or part) that is the subject of a subsequent application under Division 1 of Part 2 is in this Act referred to as a **“subsequent stage”**.

**‘(3)** Subject to subsection (4), Division 1 of Part 2 applies to an application for approval of a subsequent stage.

**‘(4)** The applicant must include with the application for approval of a subsequent stage—

(a) the information and material set out in clauses 1 to 11, 14, 15, 17, 18 and 19 of Part A of the Schedule; and

(b) such of the information and material set out in Part B of the Schedule as the Minister requires.

**‘(5)** An application under this section may only be made if all necessary amounts have been paid to, undertakings given to, or securities lodged with, the Local Authority under an agreement entered into between the applicant and the Local Authority.

**‘(6)** Except in relation to land intended to be freeholded, use and development must not happen in the future development area unless approval in relation to the subsequent stage has been obtained under Division 1 of Part 2.

**‘(7)** Applications in relation to stages in a future development area may be made at any time and from time to time.

**‘(8)** For the purposes of this Act, an approval of an application made under this section is taken to be an approval of a scheme.

**‘(9)** For the purposes of Part 4, the land in a subsequent stage is taken to be the site.’.

**Amendment of s.25 (The site)**

**11.** After section 25(2)—

*insert—*

‘(2A) The boundaries of a 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, would be within the boundaries of the site if it were one parcel.’

**Amendment of s.30 (Registration of initial plan of subdivision)**

**12.(1)** Section 30(3)(a)—

*omit* ‘thoroughfare adjoins’,

*insert* ‘thoroughfare, on which there is, or is to be a road, adjoins’.

**(2)** Section 30(3)(b)(ii)—

*omit* ‘thoroughfare’,

*insert* ‘thoroughfare, on which there is, or is to be a road’.

**(3)** After section 30(3)—

*insert*—

‘(4) In determining whether a lot has access to a dedicated road, the Registrar of Titles is not obliged to make enquiries but may rely on the endorsement of the Local Authority on the plan and the schedule under subsection (1).’

**Amendment of s.32 (Plan of subdivision of initial lots)**

**13.** Section 32(3)—

*omit* ‘Director of Local Government’,

*insert* ‘chief executive of the department’.

**Amendment of s.34 (Registration of plan of subdivision of initial lot)**

**14.(1)** Section 34(2)(b)—

*omit* ‘thoroughfare’,

*insert* ‘thoroughfare, on which there is, or is to be a road’.

(2) Section 34(2)(c)—

*omit* ‘thoroughfare’,

*insert* ‘thoroughfare, on which there is, or is to be a road’.

(3) After section 34(2)—

*insert*—

‘(3) In determining whether a lot has access to a dedicated road, the Registrar of Titles is not obliged to make enquiries but may rely on the endorsement of the Local Authority on the plan and the schedule under subsection (1).’.

### **Amendment of s.43 (Service easements)**

15.(1) Section 43—

*omit* ‘and each secondary lot’,

*insert* ‘, each secondary lot and each building unit lot or group title lot’.

(2) Section 43—

*omit* ‘section’, *insert* ‘subsection’.

(3) At the end of section 43—

*insert*—

‘(2) The easements mentioned in subsection (1) that are implied in favour of the proprietor of a lot and against—

(a) the principal body corporate; and

(b) the primary thoroughfare body corporate;

are also implied in favour of—

(c) the principal body corporate; and

(d) the primary thoroughfare body corporate;

against the proprietor of a lot in relation to the proprietor’s lot and against a body corporate in relation to common property.

‘(3) The easements mentioned in subsection (2) must not be exercised by the principal body corporate or the primary thoroughfare body corporate in a way that unreasonably prevents any proprietor from enjoying the use and occupation of the proprietor’s lot or the common property.’.

**Amendment of s.46 (Primary thoroughfare deemed to be dedicated road)**

16. Section 46—

*omit* ‘thoroughfare’,

*insert* ‘thoroughfare, on which there is, or is to be a road.’.

**Amendment of s. 48 (Subdivision of land)**

17.(1) Section 48—

*omit* ‘primary thoroughfare’,

*insert* ‘primary thoroughfare, on which there is, or is to be a road.’.

(2) Section 48—

*omit* ‘secondary thoroughfare’,

*insert* ‘secondary thoroughfare, on which there is, or is to be a road.’.

(3) At the end of section 48—

*insert*—

‘(2) For the purposes of subsection (1), above water access need not be access by road.’.

**Amendment of heading to Part 6**

18. Heading to Part 6—

*omit* ‘AND’, *insert* ‘AND CANALS ON’.

**Insertion of new s.56A**

**19.** After section 56—

*insert—*

**‘Construction of canals**

**‘56A.(1)** A canal may be constructed within the site—

- (a) by the applicant; and
- (b) at the applicant’s expense; and
- (c) only on the primary thoroughfare or on the secondary thoroughfare.

**‘(2)** The *Canals Act 1958* applies to the construction, operation and maintenance of a canal within the site except that—

- (a) the Registrar of Titles may register instruments of title dealing with land in any plan of subdivision to which section 9 of the *Canals Act 1958* applies, despite the fact that a transfer surrendering to the Crown all land defined in the plan as the land on which the canal is to be constructed is not registered in the office of the Registrar of Titles; and
- (b) sections 10(2) and 11 of the *Canals Act 1958* do not apply; and
- (c) regulation 17 of the *Canals Regulations 1985* does not apply.’.

**Amendment of s.60 (Dedication of thoroughfare as road)**

**20.(1)** Section 60(1)(a)—

*omit* ‘thoroughfare that’, *insert* ‘thoroughfare, that is a road, that’.

**(2)** Section 60(2)(a)—

*omit* ‘thoroughfare’, *insert* ‘thoroughfare, that is a road,’.

**Insertion of new s.60A**

**21.** After section 60—

*insert—*

**‘Surrender of canal to the Crown**

**‘60A.(1)** The primary thoroughfare body corporate, with the prior approval of—

- (a) the principal body corporate determined by special resolution within the meaning given by section 94; and
- (b) 75% of members of the primary thoroughfare body corporate who—
  - (i) are members because they are proprietors of land within the site, that is not within the residential precincts; and
  - (ii) have voting rights at meetings of the primary thoroughfare body corporate that aggregate not less than 75% of the aggregate voting rights of members of the primary thoroughfare body corporate; and
- (c) the Local Authority; and
- (d) the Governor in Council by order in council;

and subject to any reasonable conditions that the Local Authority imposes, may execute a transfer surrendering to the Crown land on which a canal is constructed.

**‘(2)** The Local Authority may impose a condition under subsection (1) that the primary thoroughfare body corporate pay to the Local Authority an amount fixed by the Local Authority for the preservation and maintenance of the canal.

**‘(3)** A part of the primary thoroughfare that is surrendered to the Crown under this section ceases to be a part of the primary thoroughfare on its surrender.

‘(4) The principal body corporate, with the prior approval of—

- (a) the principal body corporate determined by special resolution within the meaning given by section 94; and
- (b) the Local Authority; and
- (c) the Governor in Council by order in council;

and subject to any reasonable conditions that the Local Authority imposes, may execute a transfer surrendering to the Crown land on which a canal is constructed.

‘(5) The Local Authority may impose a condition under subsection (4) that the principal body corporate pay to the Local Authority an amount fixed by the Local Authority for the preservation and maintenance of the canal.

‘(6) A part of a secondary thoroughfare that is surrendered to the Crown under this section ceases to be part of the secondary thoroughfare on its surrender.

‘(7) If land on which a canal is constructed is surrendered to the Crown, sections 10(2) and 11 of the *Canals Act 1958* and regulation 17 of the *Canals Regulations 1985* again apply.’.

### **Amendment of s.64 (Occupier’s right to use thoroughfares)**

**22.** Section 64(1)—

*omit* ‘the secondary thoroughfare’,

*insert* ‘that part of the secondary thoroughfare that is within the stage occupied by the person’.

### **Insertion of new ss.75A and 75B**

**23.** After section 75—

*insert*—

**‘Leases to primary thoroughfare body corporate**

**‘75A.(1)** For the purpose of providing access to the primary thoroughfare, the primary thoroughfare body corporate may take a lease—

- (a) of a road closed in strata that joins or is to join the primary thoroughfare; or
- (b) of a wharf or for the construction of a wharf that joins or is to join the primary thoroughfare.

**‘(2)** For the purposes of subsection (1), **“wharf”** has the meaning given by the *Harbours Act 1955*.

**‘(3)** The primary thoroughfare body corporate may take a lease of land for any other prescribed purpose.

**‘Community facilities on primary thoroughfare**

**‘75B.(1)** The primary thoroughfare body corporate may develop or construct facilities, for the use of persons who lawfully occupy land within the site, on—

- (a) the primary thoroughfare; or
- (b) land leased by the primary thoroughfare body corporate under section 75A(3).

**‘(2)** The development or construction mentioned in subsection (1) must not start until authorised by the primary thoroughfare body corporate under a special resolution.’.

**Amendment of s.80 (Insurance by primary thoroughfare body corporate)**

**24.** Section 80(1)(b)—

*omit, insert—*

**‘(b)** in respect of damage to property, death or bodily injury happening on or in relation to—

- (i) the primary thoroughfare; or
- (ii) a road closed in strata leased under section 75A(1); or
- (iii) a wharf leased under section 75A(1); or

(iv) land leased under section 75A(3) and any improvements on the land;

or the consequences resulting from such damage; and’.

### **Insertion of new s.90A**

**25.** After section 90—

*insert—*

#### **‘Primary thoroughfare body corporate manager**

**‘90A.(1)** Subject to subsection (3), the primary thoroughfare body corporate may in general meeting and by instrument appoint a body corporate manager on such terms and conditions the primary thoroughfare body corporate determines.

**‘(2)** The primary thoroughfare body corporate may delegate all or any of its powers to the body corporate manager.

**‘(3)** The primary thoroughfare body corporate must not delegate to the body corporate manager its power to make—

(a) a delegation mentioned in subsection (2); or

(b) a decision on a restricted matter within the meaning of section 88.

**‘(4)** If the instrument of appointment provides, a body corporate manager may exercise all or any of the powers of the chairperson, secretary or treasurer of the primary thoroughfare body corporate and the executive committee.

**‘(5)** The primary thoroughfare body corporate must not, within 3 years of its incorporation, appoint a body corporate manager for a term of more than 3 years.

**‘(6)** Nothing in this section prevents the re-appointment of a body corporate manager after the term of appointment has expired.’.

**Insertion of new Division 1A of Part 7**

26. After section 93—

*insert—*

***‘Division 1A—Increase in membership of primary thoroughfare body corporate***

**‘Effect of subdivision in subsequent stage**

**‘93A.(1)** On registration of the initial plan or plans of subdivision in a subsequent stage mentioned in Part 2A—

- (a) the proprietor or proprietors of land within the subsequent stage (excluding land within each residential precinct and land comprising the primary thoroughfare); and
- (b) the principal body corporate (if any);

become additional members of the primary thoroughfare body corporate for the site.

**‘(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.

**‘(3)** For the purposes of this Division and Division 1 of Part 7, on registration of the initial plan or plans of subdivision in a subsequent stage, the site comprises that stage and any earlier stage.

**‘Meeting of primary thoroughfare body corporate**

**‘93B.(1)** The primary thoroughfare body corporate must, within 3 months of registration of the initial plan or plans of subdivision in a subsequent stage, convene and hold a meeting of the primary thoroughfare body corporate.

**‘(2)** Except to the extent that it is inconsistent with this Division, section 70 applies to the meeting mentioned in subsection (1) as if it were the first annual general meeting.

**‘(3)** For the purposes of setting the date for subsequent annual general

meetings after the meeting mentioned in subsection (1), the meeting is taken to be the first annual general meeting.

### **‘Levies and funds**

**‘93C.(1)** The primary thoroughfare body corporate must, within 14 days after registration of the initial plan or plans of subdivision in a subsequent stage, determine the amounts mentioned in section 76(1)(h).

**‘(2)** The fund of the primary thoroughfare body corporate existing at the time of registration of the initial plan or plans of subdivision in a subsequent stage, continues in existence.

### **‘Application of other Division**

**‘93D.** Except where inconsistent with this Division, Division 1 of Part 7 applies in relation to the primary thoroughfare body corporate after the registration of the initial plan or plans of subdivision in a subsequent stage.’.

### **Insertion of new s.118A**

**27.** After section 118—

*insert—*

### **‘Principal body corporate manager**

**‘118A.(1)** Subject to subsection (3), the principal body corporate may—

- (a) in general meeting; and
- (b) by instrument;

appoint a body corporate manager on such terms and conditions as the principal body corporate determines.

**‘(2)** The principal body corporate may delegate all or any of its powers and functions to the body corporate manager.

**‘(3)** The principal body corporate must not delegate to the body corporate manager its power to make—

- (a) a delegation mentioned in subsection (2); or

(b) a decision on a restricted matter within the meaning of section 116.

‘(4) If the instrument of appointment provides, a body corporate manager may exercise all or any of the powers and functions of the chairperson, secretary or treasurer of the principal body corporate and the executive committee.

‘(5) The principal body corporate must not, within 3 years of its incorporation, appoint a body corporate manager for a term of more than 3 years.

‘(6) Nothing in this section shall prevent the re-appointment of a body corporate manager after the term of appointment has expired.’.

### **Insertion of new Division 2A of Part 7**

28. After section 121—

*insert—*

#### ***‘Division 2A—Additional principal bodies corporate***

##### **‘Additional principal body corporate**

‘121A. On the registration of the first plan of subdivision creating lot or lots within a residential precinct in a subsequent stage, the proprietor or proprietors of all land within the residential precincts in that subsequent stage become a body corporate under the name “(insert name of subsequent stage specified in the approval of the scheme) Principal Body Corporate”.

##### **‘Application of Act to principal body corporate**

‘121B. This Act applies to each principal body corporate in relation to the subsequent stage for which it was incorporated.

**‘Agreements with another principal body corporate**

**‘121C.** A principal body corporate may enter into an agreement with a principal body corporate for another stage in the site in relation to—

- (a) the secondary thoroughfare (including the improvements on the secondary thoroughfare) in the other stage; and
- (b) any personal property vested in the other principal body corporate.’.

**Amendment of s.124 (Primary thoroughfare by-laws)**

**29.** Section 124(1)—

*omit* ‘thoroughfare’,

*insert* ‘thoroughfare and any improvements thereon,’.

**Amendment of s.125 (Secondary thoroughfare by-laws)**

**30.** Section 125(1)—

*omit* ‘thoroughfares’,

*insert* ‘thoroughfare and any improvements thereon,’.

**Amendment of Schedule, Part A**

**31.(1)** Heading to the Schedule—

*omit* ‘SCHEME’,

*insert* ‘SCHEME AND PROVISIONAL APPROVAL OF FUTURE DEVELOPMENT AREA’.

**(2)** Schedule, Part A, clause 3—

*omit* ‘site’, *insert* ‘site and, if applicable, the future development area’.

**(3)** Schedule, Part A, clause 6—

*omit* ‘site’, *insert* ‘site and, if applicable, the future development area’.

**(4)** Schedule, Part A, clause 7—

*omit* ‘site’, *insert* ‘site and, if applicable, the future development area’.

(5) Schedule, Part A, clause 9—

*omit* ‘site’, *insert* ‘site and, if applicable, the future development area’.

(6) Schedule, Part A, clause 10—

*omit* ‘scheme’,

*insert* ‘scheme or, if applicable, provisional approval of the future development area.’.

(7) Schedule, Part A, after clause 10—

*insert—*

‘(10A) Details of any canal or other artificial tidal waterway either constructed or proposed for construction within the site including details of applications and approvals (if any) under the *Canals Act 1958* or the *Harbours Act 1955*.’.

(8) Schedule, Part A, clause 12—

*omit* ‘scheme’,

*insert* ‘scheme and, if applicable, the subsequent stages in the future development area’.

(9) Schedule, Part A, clause 13—

*omit* ‘scheme’,

*insert* ‘scheme and, if applicable, the subsequent stages in the future development area’.

(10) Schedule, Part A, clause 14—

*omit* ‘development’,

*insert* ‘development and, if applicable, the proposed development within the future development area’.

(11) Schedule, Part A, clause 16—

*omit* ‘scheme’,

*insert* ‘scheme and, if applicable, the subsequent stages in the future development area’.

(12) Schedule, Part A, clause 17—

*omit* ‘precincts’, *insert* ‘precincts within the site’.

(13) Schedule, Part A, after clause 18—

*insert—*

**‘18A.** A plan of the future development area that is to include—

- (a) a site plan and definition of the area including where appropriate metes and bounds descriptions and real property descriptions; and
- (b) identification on the site plan of the relationship between the future development area, the site and adjoining lands (if any); and
- (c) identification of lands (if any) outside the future development area that are proposed to be used in association with the establishment and operation of the proposed development together with evidence that the lands may be lawfully used for the purposes set out in the scheme and proposed for the future development area; and
- (d) identification of access points to the future development area from roads outside the future development area (if any); and
- (e) existing easements and reserves; and
- (f) watercourse lines, flood lines, storm surge lines, waterholes and similar features (if any).

**‘18B.** Details of the maximum number of residential lots into which it is proposed to subdivide the future development area.’.

### **Amendment of Schedule, Part B**

**32.(1)** Schedule, Part B, clause 2—

*omit* ‘development’,

*insert* ‘development and, if applicable, the future development area’.

**(2)** Schedule, Part B, clause 3—

*omit* ‘within the development’,

*insert* ‘within the development and, if applicable, the future development area’.

**(3)** Schedule, Part B, clause 4(c)—

*omit* ‘(if any)’.

**(4)** Schedule, Part B, after clause 4—

*insert—*

**‘5.** On the plan of the future development area show—

- (a) the contours of the future development area; and
- (b) adequate geographical information relating to the future development area and adjoining areas; and
- (c) drainage catchment areas.’.