

CABINET MINUTE

BRISBANE, 18 1 8 1986

DECISION NO.

449538

SUBJECT: Proposed Integrated Resort Development Legislation.

(Submission No. 44676)

30 Copies Received at 10.30 a.m. 18 1 8 1986 Messrs. Kinze & McKechnie
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2	SIR JOH BJELKE-PETERSEN	q	22	Foot	30 Copy of relevant Submission attached
3	MR. GUNN	# ap	23	The Rev	29 Copy of relevant Submission attached
4	MR. WINZE	q	24	he	28 Copy of relevant Submission attached
5	MR. WHARTON	#	25	pp. 1-10	27 Copy of relevant Submission attached
6	MR. GIBBS		26	1-10	26 Copy of relevant Submission attached
7	MR. AHERN		27	1-10	25 Copy of relevant Submission attached
8	MR. LANE		28	1-10	24 Copy of relevant Submission attached
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R E S T R I C T E D
C A B I N E T M I N U T E

Brisbane, 18th August, 1986

Decision No. 49538

Submission No. 44676

TITLE: Proposed Integrated Resort
Development Legislation.

CABINET decided:-

That consideration of the Submission be deferred until a later date.

CIRCULATION: Department of Local Government and copy to Minister.
Department of The Arts, National Parks and Sport and
copy to Minister.
Premier's Department and copy to Premier and Treasurer.
Treasury Department and copy to Minister.
All other Ministers for perusal and return.

Certified True Copy

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[Signature]
A/Secretary to Cabinet.



Submission No.21

Copy No.

FOR CABINETProposed Integrated Resort Development Legislation

1. By Decision No. 48590 of the 22nd April, 1986 Cabinet decided, inter alia that the Honourable Minister for Local Government, Main Roads and Racing submit a report to Cabinet on the ways and means of implementing legislation for integrated resort developments which will alleviate the need for the enactment of enabling legislation for each particular development.
2. As Ministers will be aware, site specific legislation was enacted in November, 1985 to enable a major integrated resort development to establish lawfully on Hope Island. This legislation, entitled the Sanctuary Cove Resort Act, has been examined in consultation with the Company, the Local Authority concerned and relevant Government agencies involved with or affected by the development and it was concluded that the basic principles contained in that Act might be a suitable basis upon which to prepare legislation of a general nature.
3. Officers of the Department of Local Government accordingly prepared modifications to the Sanctuary Cove Resort Act and tested the suitability of that modified Act against the development objectives for proposed Resort Developments at Port Douglas, Airlie Beach and the Pioneer Rivermouth areas. The result of this exercise was that it is feasible and indeed appropriate to prepare general legislation to control integrated resort developments and that the provisions contained in such legislation can operate as efficiently as the site specific Act which applies to Sanctuary Cove.
4. In essence, the type of legislation envisaged would contain all the necessary machinery and legislative authority to allow such resorts to be lawfully established in an efficient manner, but it would not relate to any particular Local Authority or area of land. It would merely provide for a "scheme of works" to be submitted to the Minister charged with the responsibility for administration of the Act and for such scheme of works to be submitted to the Governor in Council for declaration as a scheme to which the provisions of the Act would apply.

5. The Appendix annexed to this submission indicates in more detail the nature of the major amendments considered to be necessary if the Sanctuary Cove Resort Act is to be used as the basis for a general Act.

6. Recommendation

It is recommended that the Minister for Local Government, Main Roads and Racing be authorised to have prepared a Bill which will provide in general terms for the establishment of integrated resort developments along the lines set out in this submission and report further to Cabinet when the Bill is prepared.

P.R. McKechnie
Minister for Tourism, National
Parks, Sport and The Arts.

R.J. Hinze
Minister for Local Government
Main Roads and Racing.

Department of Local Government
Brisbane.

14th August, 1986.

"APPENDIX"

ADDITIONAL MATTERS TO BE PROVIDED FOR IN
A GENERAL RESORT DEVELOPMENT ACT

The Sanctuary Cove Resort Act as modified by alterations to generalise the application of the provisions contained in that Act would need to be further modified to provide for the following matters:

- (a) The Governor in Council by Order in Council published in the Gazette to approve of a scheme of works as being a scheme of resort development within the meaning of the Act and for such approval to identify the land the subject of the scheme;
- (b) The provisions of the Act to apply to the site the subject of an approved scheme on and from the date of publication in the Gazette of notification of approval by the Governor in Council of the scheme subject to such terms and conditions as may be included in the Order in Council;
- (c) Authority to be given to the Governor in Council to include certain parts of a proposed site in an approved scheme notwithstanding that certain works may have been completed and disposed of to other proprietors prior to the approval of the scheme for the whole of the proposed site as shown in the scheme of works. Such authority should be limited to those parts which have been developed and disposed of on the clear understanding that such parts will ultimately form part of a scheme when the approval of the Governor in Council is obtained. Where development proceeds and subdivision or disposal of land takes place prior to it being included in a scheme the owner shall notify the Registrar of Titles of his intention to include the land within the resort development and shall comply in all respects with the requirements of the Registrar of Titles concerning the submission of plans to him for registration;
- (d) Application to be made to the Minister for a recommendation to be made to the Governor in Council for a scheme of works to be approved as being a scheme of resort development pursuant to the Act;
- (e) An application as in (d) to be accompanied by information which includes, but is not limited to, the following:
 - (i) the name of the proposed resort development;
 - (ii) the real property description of all lands comprising the proposed site together with a plan showing all such lands and their relationship to adjoining lands;
 - (iii) the identification of lands external to the proposed site which are proposed to be used in association with the establishment of the proposed development together with evidence that such lands may be lawfully used for the purposes envisaged;

- (iv) the existing form of land tenure for each of the parcels or lots which comprises the proposed site and the proposed form of land tenure within the site should the approval of the Governor in Council be obtained;
 - (v) a statement identifying those matters or things for which approval or provision is required prior to the Governor in Council being able to approve of the scheme under the Act.
 - (vi) a detailed description and a conceptual plan of layout of all of the component parts of the proposed development;
 - (vii) details of the equivalent population proposed to be accommodated within the development together with an assessment of the number of persons to be employed on the proposed site to service the development. The methods used in determining such populations should be clearly stated;
 - (viii) a statement of the financial capability of the developer to implement the scheme of works and/or the method of funding the proposed development from other sources;
 - (ix) an environmental impact study or an engineering report as the case may require in relation to those matters which may be adversely affected by the proposed development;
 - (x) a report on special infrastructure requirements to service the proposed development;
 - (xi) evidence of all undertakings given and/or agreements entered into by or between the developer, the Local Authority and any other person whose interests are affected by the proposed development;
 - (xii) details of a works program for implementation of the proposed development together with an assessment of the number of people to be engaged in the carrying out of works on the proposed site and whether or not special provision is to be made to accommodate the workforce in the area;
 - (xiii) a proposed plan of survey for the site together with a proposed schedule to that plan which nominates the maximum number and location generally of residential units within the site;
 - (xiv) a proposed zoning plan for the site which clearly shows the land use designations envisaged by the developer together with an identification of the uses which would be permitted within each of the proposed zones.
 - (xv) evidence of support by the Minister for Tourism, National Parks and the Arts for the scheme of works to be approved by Governor in Council as a scheme of resort development.
- (f) A requirement for the Minister to fully consider the application and the scheme of works and authorisation from him to seek further information in respect of any matter of concern to him from any party likely to be affected by the proposed development;

- (g) Provision for the application to be varied by the parties with the consent of the Minister provided the Governor in Council has not made a determination on the application;
- (h) Provision for the Governor in Council, upon the recommendation of the Minister, to:
 - (i) approve of an application subject to such conditions as he deems fit and proper;
 - (ii) Refuse to approve an application.
- (i) Where the Governor in Council approves a scheme of resort development, the proposed zoning plan as submitted with an application or as subsequently modified by the parties with the consent of the Minister shall become the sketch plan of the site pursuant to the Act, and the zoning designations together with the uses permitted in each zone in a scheme of resort development shall become the land use controls which will apply in zones created pursuant to the Act.
- (j) Provide authority for the Governor in Council to approve of an application to amend a scheme of resort development subject to the other provisions set out herein being fully complied with.
- (k) Provide authority for the Governor in Council by Order in Council published in the Government Gazette to suspend the operation of certain parts of the Act to the extent required for it to be consistent with, and appropriate for a scheme of Resort Development as approved by the Governor In Council.
- (l) Provision for the Governor in Council by Order in Council, upon recommendation of the Minister, to revoke an approval of a scheme of resort development where it is considered necessary so to do.