

RP RESIDENTIAL VILLAGES

RP OWNERS IS CONSTRUCTED BY LOT OWNERS FOR LOT OWNERS

LEGISLATION AND BY-LAWS

Disclaimer: Information published within this site is of a general nature. Actual wording of Legislation and all variables and amendments can be obtained from Government Websites and should be accessed before any action is commenced.

NOTE: If you wish to receive information on current news updates or be informed when there is new information added to this site, email rpowners@my-netsite.com with your email address and an email will be sent to you.

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Royal Pines Resort is a Queensland Government approved Integrated Resort. It is approved under the Integrated Resort Development Act, (IRD Act) 1987.

The IRD Act legislates

- (a) The Primary Thoroughfare and grounds.
- (b) The election of Primary Thoroughfare Body Corporate Committees and the management of those thoroughfares and grounds/gardens etc,
- (c) The Secondary Thoroughfare and grounds
- (d) The election of Principal Body Corporate (called the executive Committee) and the management of Secondary Thoroughfares and grounds/gardens etc.
- (e) The Administration of the Development Control By-Laws
- (f) The election and conduct of the PBC Executive Committees

As well as other related matters

The Integrated Resort Development Act has, by Qld Ministerial approval, approved the whole resort as one development (Hotel including golf courses), Marina & Residential Villages.

The process for approval includes Queensland ministerial approval for:

1. The approval process and development/building of the resort
2. The Development Control By-laws.
3. The compliance with Local Government Legislation

The approval process also includes the Queensland State Planning Department

After the Resort was approved a contract between the Gold Coast City Council and the Developers (MID at that time) was structured. This contract authorises and allows for the development to be built in accordance with local Government Legislation and the scheme approval.

In the planning approval documents there are 4 sections of the Resort Development. Those sections have a set voting allocation of numbers of votes:

- (a) The Hotel Complex and Golf Courses
- (b) The Eastern Residential development.
- (c) The Western Residential Precinct West.
- (d) The Commercial Area (including health club and marina)

The Building Unit and Group Title Act (BUGT Act)

This act regulates all the Village Body Corporates (VBC's). It regulates how meetings are conducted, how elections take place, administration of Village By-Laws, how the finances of the Village are to be administered, the employment of Body Corporate Managers along with a large range of other issues.

The Primary Thoroughfare and Grounds are all the main entry roads and gardens as you enter the Resort and all roads and garden leading to each section of the Resort. These are administered by the *Primary Thoroughfare Body Corporate (PTBC)*.

The Primary Thoroughfare Body Corporate is elected from representatives drawn from:

- Hotel Complex
- The Residential sections
- The Marina complex

The Secondary Thoroughfare includes all the roads (including pathways) that allow entry to each village. This includes the gatehouse and gardens and also roads and gardens at the gatehouse and beyond the security gatehouses. *The secondary thoroughfare is administered by the Principal Body Corporate (PBC) via the Executive Committee of the PBC. The Principal Body Corporate does not administer any of the property within the Villages*

The Principal Body Corporate (PBC) is structured by each village electing a lot owner to be the village's representative on the PBC. The village representative is elected at each village's Annual General Meeting (AGM). Those representatives then elect an Executive Committee. The Executive Committee is commonly called the PBC. However the (PBC) Principal Body Corporate is really compiled of the village Body Corporate representatives that the owners elect at Village Body Corporate AGM's to represent the village at PBC meetings. Those Village Body Corporate representatives then elect the **Executive Committee** and this is the PBC COMMITTEE.

So if a lot owner has a problem with the PBC or its Executive Committee contact your village PBC Body Corporate representative. That person is a member of the Principal Body Corporate and is supposed to represent the Village and the lot owner, and act on the Village or the lot owner's behalf in issues with the PBC Executive Committee and at PBC executive committee meetings. He/She is governed by law to provide the Village and Lot owner with support, and is also governed under the code of conduct legislation of the BUGT Act to act honestly and fairly in all matters in that representative role.

The village representative to the PBC also has the legal responsibility of providing the Village lot owners with information regarding meetings he/she represents the village at and as to what takes place at PBC executive committee meetings and to also seek instructions from the Village Body Corporate Committee as to how the Village wants to vote on PBC issues.

The Design Review Committee. (DRC)

The DRC may be elected from various areas including PBC Committee, Lot Owners and representatives of Marina and Hotel complex. The DRC is responsible for approving the building designs and alterations within the Resort. Generally speaking, once a design is approved by the DRC than, in most, but not all cases the PBC will approve the building alterations or construction

The Development Control By-Laws are ministerially approved under the IRD Act. The PBC (Executive Committee) administer the Development Control By-Laws and are required to do so according to IRD Act.

In RPR there has been some confusion regarding these Development Control By-Laws where there appears to be two versions of the Development Control By-Laws. “The Existing Development Control By-Laws” and “The Proposed Development Control By-Laws”

“The Proposed Development Control By-Laws” are just that “proposed” and until these “Proposed Development Control By-Laws” gain Ministerial approval and go through due Government process, and also, until the “Existing Development Control By-Laws” are repealed by the Lot Owners, then the “Existing Development Control By-Laws” remain in force. A copy of the Existing Development Control can be provided, upon request, via email.

There does not appear to be any record of the above process of the “Existing Development Control By-Laws” (DC By-laws) being repealed as at this time, so until the “Existing Development Control By-laws” are repealed by the lot owners those are the only DC By-laws that have to be complied with.

“**The Existing Development Control By-Laws**” unfortunately do not appear to provide adequate control over building in the Western Development. These “Existing Development Control By-Laws” were structured to allow one Builder and uniform designs (MID, the original Developer) in the original Development. The PBC Executive Committee has the unrealistic task of attempting to control the Western Development using by-laws that, in many cases, have no relevance to the individual house designs and individual builders in the Western Development.

The Village By-Laws

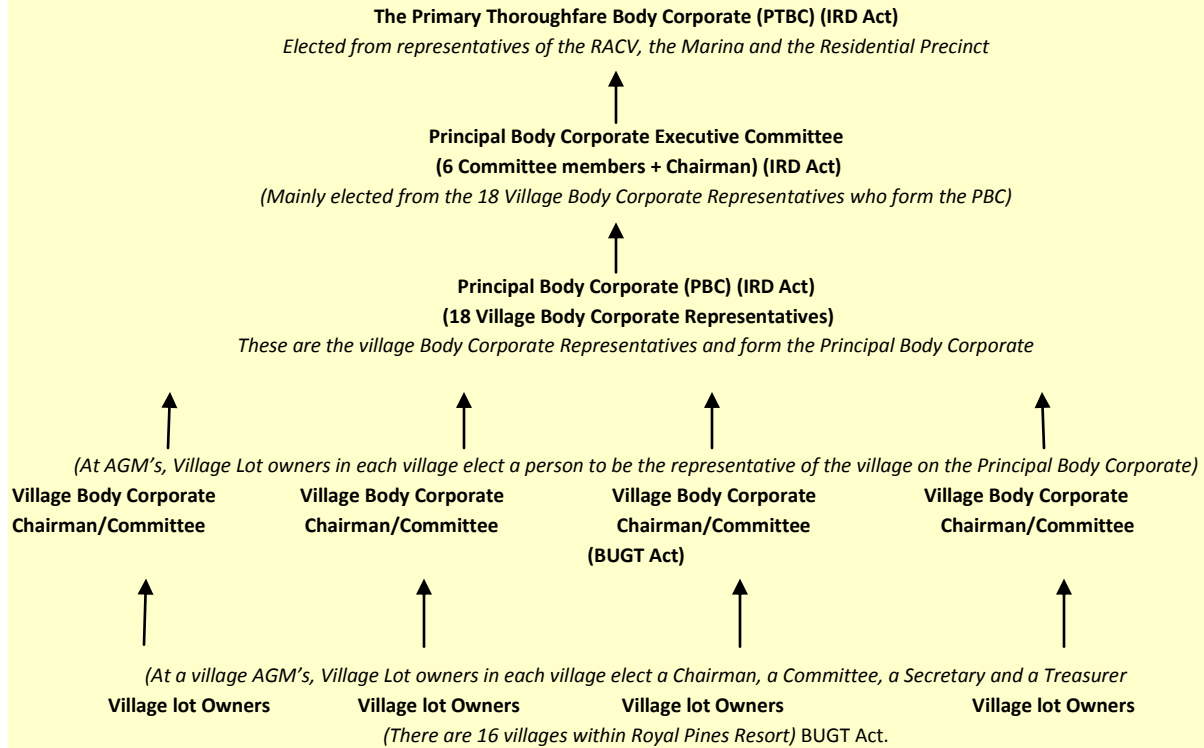
Included in the Village By-Laws are Queensland Government enacted By-Laws enacted under the Building Unit and Group Title Act (BUGT Act). There are also Village By-Laws that relate to each Village depending on the style of houses and whether that Village has changed some of the Village By-Laws over the years. For example Archers Hill, this is a unit Development and the Village By-Laws would need to reflect that type of structure. The Village By-Laws are administered by the Village Chairman and Committee who are elected at the Annual General Meeting (AGM).

Copies of Relevant Acts & Documents that can be provided in PDF format, by email, are:

(When requesting an email, please allow a sufficient amount of time for some of these PDF files to transfer)

- The Existing Development Control By-Laws
- The Development Contract between GCCC and MID, the original Developers. (Obtained from Qld State Planning Department)
- The Original approval of Royal Pines Resort as an Integrated Resort (obtained from Qld State Planning Department).
- Building Unit & Group Title Act (BUGT Act). Amendments are available from Gov. web site
- Integrated Resort Development Act (IRD Act). Amendments are available from Gov. web site
- Village By-Laws are available from your Elected Committee.

The "Family Tree" Chart
 Showing how the representatives for the various Bodies Corporate are elected



By following the "family tree" diagram above, the Body Corporate structures and the Acts under which they are regulated becomes clearer.

The Executive Committee of the Principal Body Corporate is commonly called the Principal Body Corporate (PBC). However as can be seen by the above diagram, the Principal Body Corporate is the 16 Village Body Corporate Representatives & the Principal Body Corporate Executive Committee is the elected Executive Committee of the Principal Body Corporate.