

SECONDARY THOROUGHFARE BY-LAWS

The by-laws are arranged as follows:

1.	PRELIMINARY	1
2.	ADOPTION OF THE TRAFFIC REGULATIONS 1962.....	1
3.	MODIFICATION OF THE TRAFFIC REGULATIONS 1962.....	1
4.	ADDITIONAL BY-LAWS.....	2
5.	OFFENCES	2
6.	WATER SUPPLY	3

1. PRELIMINARY

These by-laws may be cited as ‘The Secondary Thoroughfare By-laws’.

2. ADOPTION OF THE TRAFFIC REGULATIONS 1962

- 2.1 Subject to the modifications provided herein, the *Traffic Regulations 1962*, shall be read with and as forming part of these by-laws.
- 2.2 In these by-laws, ‘*Traffic Regulations 1962*’ means the regulations published pursuant to the *Traffic Act 1949* in the Gazettes specified in Schedule 2 hereof.
- 2.3 The *Traffic Regulations 1962* as so modified shall be by-laws in force on the secondary thoroughfares.

3. MODIFICATION OF THE TRAFFIC REGULATIONS 1962

- 3.1 For the purposes of these by-laws, references to the *Traffic Regulations 1962* shall be read as follows:
 - (a) references to ‘*Commissioner*’, ‘*District Superintendent*’, ‘*Superintendent*’ and ‘*Commissioner of Main Roads*’ shall be read as references to ‘*Sanctuary Cove Principal Body Corporate*’, provided that where such references occur in or with reference to the Schedule to Part 13 of the *Traffic Regulations 1962*, those terms shall be read as having the meanings which they bear therein;
 - (b) references to the ‘*Manual of Uniform Traffic Devices*’ shall be read as references to Schedule 1 hereto; and
 - (c) references to ‘*Official Traffic Signs*’ shall be read as references to signs in accordance with Schedule 1 hereto.
- 3.2 The following provisions of the *Traffic Regulations 1962* shall not be read with and shall not form part of these by-laws:
 - 3, 4(1)(b), 16(2), 16(3), 58, 59, 90B(5), 90B(6), 90C, 92A, 92B, 92C, 103-120, 127-142, 144B, and 161-184.
- 3.3 The following provisions of the *Traffic Regulations 1962* shall be read with and as forming part of these by-laws as though amended in the following manner:

Regulation	Amendment
-------------------	------------------

Regulation	Amendment
4(1)(e)	Add the following definitions ' Road ' means any road upon the secondary thoroughfare; ' Principal Body Corporate ' means the Sanctuary Cove Principal Body Corporate established pursuant to the <i>Sanctuary Cove Resort Act 1985</i> (as amended); and ' Secondary Thoroughfare ' means secondary thoroughfare as defined in the <i>Sanctuary Cove Resort Act 1985</i> (as amended).
13(1)	In lieu of ' <i>the public</i> ' insert ' <i>road users</i> '.
149 & 149A	In lieu of ' <i>lawful authority</i> ' insert ' <i>the authority of the Principal Body Corporate</i> '.

4. ADDITIONAL BY-LAWS

A person shall not, at any time, drive a vehicle upon any road on the secondary thoroughfare unless at that time such person is lawfully entitled to drive that vehicle on a public road:

- (a) every person who lawfully occupies any land within a residential zone in the site is entitled to use the roads on the secondary thoroughfare;
- (b) save as aforesaid, no other person shall drive on or otherwise use the roads except with the permission of the Principal Body Corporate;
- (c) the said permission of the Principal Body Corporate shall not be unreasonably refused if it is requested by a lawful owner or occupier of land within a Residential Zone as defined in the *Sanctuary Cove Resort Act 1985* (Qld);
- (d) the Principal Body Corporate may erect, maintain and cause to be operated gatehouses for the purposes of regulating or prohibiting with these by-laws and the Act;
- (e) the Principal Body Corporate may delegate to the operators of any such gatehouse or to any other person the function of deciding whether to grant such permission. Any such delegation shall not limit the power of the Principal Body Corporate to grant such permission. The Principal Body Corporate may revoke such delegation at any time;
- (f) any person who has the permission of the Principal Body Corporate or its delegate to drive or otherwise use the roads is entitled to do so to the extent of such permission;
- (g) any such permission may be limited in time, in the parts of the Secondary Thoroughfare which are roads or otherwise used, in the manner in which such driving or use may take place and in any other manner whatsoever;
 - (i) a vehicle of a service provider to a lawful owner or occupier of land within a Residential Zone may stand on any a part of the Secondary Thoroughfare between the hours of 7am – 5pm Monday – Friday, and 8am – 1pm on a Saturday (excluding public holidays);
 - (ii) unless approved otherwise by the Principal Body Corporate, a lawful owner or occupier of land within a Residential Zone must not park a vehicle or allow a vehicle to stand on any part of the Secondary Thoroughfare unless:
 - (1) The vehicle belongs to an invitee and is parked on a part of the Secondary Thoroughfare that has been clearly marked as a visitor car park; and
 - (2) The vehicles of the invitee must not be parked overnight from 6pm to 6am.
- (h) the Principal Body Corporate may revoke any such permission granted by it or its delegate at any time and such delegate may revoke any such permission granted by the Principal Body Corporate or such delegate at any time, provided that where such permission is given pursuant to the request of an owner or occupier of land within the site, the Principal Body Corporate or delegate shall not unreasonably revoke such permission; and

- (i) for the purposes of the control, management, administration, use and enjoyment of those parts of the secondary thoroughfares that are inundated by water, the provisions of the *Queensland Marine Act 1985* (as amended) and its regulations shall apply to those parts of the secondary thoroughfare.

5. DOGS AND SIMILAR HOUSEHOLD PETS

- 5.1 Dogs and similar household pets, when on the Secondary Thoroughfare, must be kept on a leash held by a person capable of controlling the pet.
- 5.2 The Principal Body Corporate may, at its discretion, establish a designated off-leash area within the Secondary Thoroughfare.
- 5.3 Dogs and similar household pets using a designated off-leash area within the Secondary Thoroughfare must abide by the conditions of use of that area as notified by the Principal Body Corporate.
- 5.4 Dogs and similar household pets, must not be on the Secondary Thoroughfare if the Principal Body Corporate reasonably determines that a pet is an annoyance to people within and adjacent to the Secondary Thoroughfare and the nature of this annoyance is communicated to the person who is in control of, or who owns, the pet.
- 5.5 A person controlling a dog or similar household pet on the Secondary Thoroughfare will be held liable for any unreasonable disturbance, damage to any person or any property caused by that pet.
- 5.6 By-law 5 does not make lawful having animal on the Secondary Thoroughfare which would otherwise be unlawful under any applicable by-law of the City of the Gold Coast or a law of the state government.

6. DAMAGE AND IMPROVEMENTS

- 6.1 A person must not mark, paint, drive nails or screws or the like into, or otherwise damage or deface, the Secondary Thoroughfare except with the consent in writing of the Principal Body Corporate.
- 6.2 A person must not make an improvement to the Secondary Thoroughfare except with the consent in writing of the Principal Body Corporate.

7. OFFENCES

A person who contravenes or fails to comply with any provision of these by-laws commits an offence against the by-laws and is liable as provided for in the Act.

8. WATER SUPPLY

8.1 Water Supply:

- (a) The Principal Body Corporate shall be empowered to enter into an Agreement with the Primary Thoroughfare Body Corporate which, inter alia, for the purpose of this by-law makes provision for a supply of water to the Principal Body Corporate to, inter alia, allow water to be supplied for use by the Principal Body Corporate on the Secondary Thoroughfare. The agreement may contain all terms and conditions reasonably required by the Principal Body Corporate and The Primary Thoroughfare body corporate providing the same are lawful in terms of the Act and relevant by-laws. Without limiting the generality of the foregoing the Principal Body Corporate is empowered to expend money to pay the Primary Thoroughfare Body Corporate for:
 - (i) the water supplied to the Secondary Thoroughfare at the same rate per kilolitre as is charged to the Primary Thoroughfare Body Corporate for water supplied to it; and
 - (ii) other costs properly and reasonably incurred in respect of or arising out of or in connection with the said water supply and the administration of the Agreement.
- (b) The Principal Body Corporate shall, in conjunction with the agreement referred to in by-law 6.1(a) be authorised to grant to the Local Authority and/or the Primary Thoroughfare Body Corporate the right (by their servants, agents, employees and/or contractors) to access the Secondary thoroughfare for the purpose of:
 - (i) reading and/or inspecting the water meters, water pipes, reticulation systems and/or plant on the Secondary Thoroughfare and lots or parcels or land within the residential zones; and
 - (ii) maintaining and keeping (at the cost and expense of the Principal Body Corporate) in a state of good serviceable repair the water meters and mains, machinery, pumps, generators, reticulation systems and plant (eg taps) on the Secondary Thoroughfare (in default of the Principal Body Corporate doing so).