



Queensland

*South Bank Corporation Act 1989*

# South Bank Corporation Regulation 2003

**Current as at 20 September 2010**

**Reprint note**

This is the last reprint before repeal. Repealed on 15 August 2014 by 2014 SL No. 175 s 30.

# Information about this reprint

This regulation is reprinted as at 20 September 2010. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

This page is specific to this reprint. See previous reprint for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in earlier reprint.**

## Spelling

The spelling of certain words or phrases may be inconsistent in this reprint or with other reprints because of changes made in various editions of the Macquarie Dictionary (for example, in the dictionary, ‘lodgement’ has replaced ‘lodgment’). Variations of spelling will be updated in the next authorised reprint.

## Dates shown on reprints

**Reprints dated at last amendment** All reprints produced on or after 1 July 2002, authorised (that is, hard copy) and unauthorised (that is, electronic), are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If an authorised reprint is dated earlier than an unauthorised version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of an authorised reprint is the same as the date shown for an unauthorised version previously published, it merely means that the unauthorised version was published before the authorised version. Also, any revised edition of the previously published unauthorised version will have the same date as that version.

**Replacement reprint date** If the date of an authorised reprint is the same as the date shown on another authorised reprint it means that one is the replacement of the other.



Queensland

# South Bank Corporation Regulation 2003

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# South Bank Corporation Regulation 2003

[as amended by all amendments that commenced on or before 20 September 2010]

## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *South Bank Corporation Regulation 2003*.

### 2 Commencement

This regulation commences on 27 June 2003.

### 3 Definitions

The dictionary in schedule 2 defines particular words used in this regulation.

## Part 2 Preparation and registration of plans

### Division 1 General requirements

#### 4 Format for plans

(1) A plan (the *subject plan*) must—

(a) be in the approved form for the subject plan; and

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- (b) be printed on paper that is—
    - (i) international sheet size A3; and
    - (ii) of a density at least 130gm to a square metre; and
  - (c) be numbered as required by a direction of the registrar about the required format for a plan of subdivision, mentioned in the *Land Titles Act 1994*, section 50(i), that is relevant to the subject plan.
- (2) An alteration on a plan may only be made by—
- (a) striking through the printing or writing intended to be altered so that the original printing or writing is still legible; and
  - (b) having each of the following persons initial the alteration—
    - (i) the licensed surveyor who prepared the plan;
    - (ii) if the alteration affects a boundary of land—the appropriate authority and the registered proprietor of the freehold estate in the land.

## **5 Plan must be accompanied by an application for approval**

A plan given to an appropriate authority for approval must be accompanied by an application for approval in the approved form.

## **6 Defining a stratum lot**

- (1) A stratum lot must be defined by regular planes, that may be horizontal or inclined, fixed by reference to levels in relation to Australian height datum.
- (2) If a stratum lot is defined by an inclined plane, elevations or sections must be shown, identifying the plane with enough information to enable the level of any point on the plane to be calculated.
- (3) A stratum lot must be illustrated in orthographic form or isometric form.

## **7 What particular plans are to include**

- (1) This section applies to a plan other than an easement plan or a plan for the subdivision or amalgamation of land under section 25(4) of the Act.
- (2) The plan must include each of the following—
  - (a) a certificate by the licensed surveyor who prepared the plan;
  - (b) a certificate by the registered proprietor of the freehold estate in the land the subject of the plan;
  - (c) an approval by the appropriate authority;
  - (d) if the plan is required under division 2 to include another thing—the other thing.
- (3) The certificates and approval mentioned in subsection (1) must be in the approved form.

## **8 Signing plans**

A plan required to be signed by an appropriate authority must be signed—

- (a) if the appropriate authority is the corporation—by the corporation manager; or
- (b) if the appropriate authority is the council—by the town clerk.

## **9 Registrar to record particulars of plans**

The registrar must record, in the freehold land register, particulars of each plan that is required to be registered under the Act.

## **10 Plan numbers**

The registrar must allot a number to a plan on registration of the plan.

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**11 Consent of body corporate, registered lessees and registered mortgagees**

The registrar must not register a plan unless it is accompanied by a consent in the approved form, given by—

- (a) if the plan affects common property comprised in a leasehold building units plan—the body corporate of the leasehold building units plan; or
- (b) if the plan affects any other land—the registered lessee, and any registered mortgagee, of the leasehold estate in the affected land.

**Division 2 Additional requirements for certain plans**

**12 Stratum plan**

A stratum plan must include 1 or more sheets that show—

- (a) the boundaries of the land being subdivided by the stratum plan; and
- (b) the precise dimensions and location of—
  - (i) the stratum lots to be created by registration of the stratum plan; and
  - (ii) roads to be dedicated to public use.

**13 Boundary adjustment plan**

A boundary adjustment plan must include 1 or more sheets that show the precise dimensions and location of the boundaries of the redefined lots in the plan.

**14 Stratum plan of subdivision**

A stratum plan of subdivision must include 1 or more sheets that show—

- (a) the precise dimensions and location of the stratum lots being created; and
- (b) the boundaries of the stratum lot being subdivided.

## **15 Stratum plan of amalgamation**

- (1) A stratum plan of amalgamation must include 1 or more sheets that show—
  - (a) the precise dimensions and location of the stratum lot being created; and
  - (b) the boundaries of the stratum lots being amalgamated.
- (2) The registrar must not register a stratum plan of amalgamation that amalgamates all the lots in a stratum plan unless the stratum plan of amalgamation is accompanied by a request to terminate the management statement for the stratum plan.

## **16 Easement plan**

An easement plan must—

- (a) include a statement of intention to create the easements shown in the plan; and
- (b) otherwise be prepared, registered and dealt with under the *Land Title Act 1994*, part 6, division 4, other than sections 82(3) and 83A(2)(b).

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## **Part 3                      Preparation and registration of instruments other than plans**

### **Division 1                Preliminary**

#### **17        Application of part**

This part applies to instruments other than plans.

### **Division 2                General requirements**

#### **18        Format for instruments**

- (1) An instrument must—
  - (a) be in the approved form for the instrument; and
  - (b) be printed on paper that is—
    - (i) international sheet size A4; and
    - (ii) white bond of a density at least 80gm to a square metre; and
    - (iii) free from discolouration and blemishes; and
  - (c) comply with the following requirements—
    - (i) have clear margins no smaller than 10mm on all sides;
    - (ii) have a clear space no smaller than 90mm wide and 65mm deep at the top right-hand corner of the form for a duty imprint;
    - (iii) be completed on 1 side only, either—
      - (A) printed with type size no smaller than 1.8mm (10 point); or
      - (B) in a way that is permanent and that can be photocopied to produce a copy satisfactory to the registrar;

- (iv) have all pages of the instrument and all attachments securely bound together in a way approved by the registrar.
- (2) An alteration on an instrument may only be made by—
  - (a) striking through the printing or writing intended to be altered so that the original printing or writing is still legible; and
  - (b) having each party to the instrument and each witness initial the alteration to the instrument.

## **19 Signing instruments**

An instrument required to be signed by an appropriate authority must be signed—

- (a) if the appropriate authority is the corporation—by the corporation manager; or
- (b) if the appropriate authority is the council—by the town clerk.

## **20 Execution of certain instruments**

- (1) This section applies if—
  - (a) an appropriate authority signs an instrument under the Act for registration in the land registry; or
  - (b) a person, other than a person signing for an appropriate authority, signs an instrument required under section 25G of the Act to accompany an easement plan.
- (2) The appropriate authority or person must execute the instrument in accordance with the *Land Title Act 1994*, section 161.

## **21 Registrar to record particulars of instruments**

The registrar must record, in the freehold land register, particulars of each instrument that is required to be registered under the Act.

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## **Division 3                      Requirements for certain instruments**

### **22            Instrument required to accompany easement plan**

An instrument required under section 25G(2) of the Act to accompany an easement plan must be in the approved form.

### **23            Schedule of revised value proportions**

A schedule of revised value proportions must be in the approved form.

### **24            Total value proportions for subdivided lots must remain equal**

The registrar must not register a stratum plan of subdivision unless the total of the proposed value proportions of the stratum lots being created is equal to the value of the stratum lot being subdivided.

*Editor's note—*

For 'value' in this section see the *Land Valuation Act 2010*, chapter 2 and chapter 10, part 3.

### **25            Replacement of schedule of current value proportions**

- (1) This section applies to the registrar when registering a schedule of revised value proportions accompanying a stratum plan of subdivision.
- (2) The registrar must replace the schedule of current value proportions for the stratum lots being subdivided with the schedule of revised value proportions for the stratum lots being created.
- (3) In this section—

*schedule of current value proportions*, for stratum lots in a stratum plan, means the particulars—

  - (a) in the management statement for the stratum plan; and

- (b) showing the apportionment of the value of the land comprised in the stratum plan among the stratum lots in the stratum plan.

*Editor's note—*

For 'value' in this section see the *Land Valuation Act 2010*, chapter 2 and chapter 10, part 3.

## **26 Management statement**

A management statement must—

- (a) be in the approved form; and
- (b) state, in a prominent way, that under section 25E(8) of the Act, the terms of the management statement are binding on—
  - (i) the body corporate of the leasehold building units plan for the part of the building concerned; and
  - (ii) any lessee, sublessee, occupier or mortgagee of a lot in the leasehold building units plan for the part of the building concerned; and
  - (iii) any lessee, sublessee, occupier or mortgagee of any part of the building or its site that does not form part of a stratum parcel.

## **27 Amendment of a management statement**

The form for lodging an amendment of a management statement under section 25E(15) of the Act is a request to amend the management statement, in the approved form.

## **28 Request to terminate a management statement**

For section 25A(14) of the Act, a request to terminate a management statement must be in the approved form.

## **Part 4                      Miscellaneous**

### **29            Approval of forms**

- (1) The approving officer may approve forms for use under this regulation.
- (2) In this section—  
*approving officer* means—
  - (a) for a form used in the land registry—the chief executive of the department in which the *Land Title Act 1994* is administered; or
  - (b) for another form—the corporation manager.

### **30            Fees**

The fees payable under the Act are stated in schedule 1.

## **Part 5                      Repeal**

### **31            Repeal**

The South Bank Corporation Regulation 1992 SL No. 114 is repealed.

# Schedule 1 Fees

## section 30

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1	For lodgment in the land registry, for registration, of—	
	(a) a plan for the subdivision or amalgamation of land under section 25(4) of the Act . . . . .	50.00
	(b) a stratum plan. . . . .	120.00
	(c) a boundary adjustment plan. . . . .	120.00
	(d) a stratum plan of subdivision. . . . .	120.00
	(e) a stratum plan of amalgamation. . . . .	120.00
	(f) an easement plan . . . . .	50.00
	(g) a schedule of revised value proportions. . . . .	78.00
	(h) an instrument under section 25G(2) of the Act . . . . .	78.00
	(i) a management statement . . . . .	78.00
	(j) an amendment of a management statement. . . . .	78.00
	(k) a request to terminate a management statement . . . . .	78.00
	If a plan mentioned in item 1(a), (b) or (c) contains more than 9 lots—for each additional lot . . . . .	15.70
3	If an instrument under section 25G(2) of the Act contains more than 9 easements—for each additional easement. . . .	15.70

## Schedule 2 Dictionary

### section 3

***approved form*** means a form approved under section 29.

***Australian height datum*** means the Australian height datum adopted by the National Mapping Council of Australia for referencing a level or height back to a standard base level.

***corporation manager*** means the person appointed as corporation manager under section 9 of the Act.

***easement plan*** means a plan mentioned in section 25G(2) of the Act.

***licensed surveyor*** see the *Surveyors Act 1977*, section 5.

*Editor's note—*

*Surveyors Act 1977—see the Surveyors Act 2003, section 194.*

***plan*** means any of the following plans—

- (a) a plan for the subdivision or amalgamation of land under section 25(4) of the Act;
- (b) a stratum plan;
- (c) a boundary adjustment plan;
- (d) a stratum plan of subdivision;
- (e) a stratum plan of amalgamation;
- (f) an easement plan.

***registered proprietor*** see the *Land Title Act 1994*, schedule 2.

***registrar*** means the registrar of titles.

***schedule of revised value proportions*** means the schedule mentioned in section 42 of the Act.

***town clerk*** means the town clerk appointed by the council under the *City of Brisbane Act 1924*, section 25.

*Editor's note—*

*City of Brisbane Act 1924*—see the *City of Brisbane Act 2010*, section 262.

# Endnotes

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## 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 20 September 2010. Future amendments of the South Bank Corporation Regulation 2003 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

## 3 Key

### Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

## 4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments included	Effective	Notes
1	none	27 June 2003	
1A	2010 Act No. 39	20 September 2010	

## 5 List of legislation

### **South Bank Corporation Regulation 2003 SL No. 126**

made by the Governor in Council on 26 June 2003

notfd gaz 27 June 2003 pp 749–56

ss 1–2 commenced on date on notification

remaining provisions commenced 27 June 2003 (see s 2)

exp 1 September 2013 (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

### **Land Valuation Act 2010 No. 39 ss 1, 325 sch 1 pt 2**

date of assent 20 September 2010

commenced on date of assent

## 6 List of annotations

### **Schedule of revised value proportions**

**prov hdg** amd 2010 Act No. 39 s 325 sch 1 pt 2

**s 23** amd 2010 Act No. 39 s 325 sch 1 pt 2

### **Total value proportions for subdivided lots must remain equal**

**prov hdg** amd 2010 Act No. 39 s 325 sch 1 pt 2

**s 24** amd 2010 Act No. 39 s 325 sch 1 pt 2

### **Replacement of schedule of current value proportions**

**prov hdg** amd 2010 Act No. 39 s 325 sch 1 pt 2

**s 25** amd 2010 Act No. 39 s 325 sch 1 pt 2

### **SCHEDULE 1—FEES**

amd 2010 Act No. 39 s 325 sch 1 pt 2

**SCHEDULE 2—DICTIONARY**

def **“schedule of revised unimproved value proportions”** om 2010 Act No.  
39 s 325 sch 1 pt 2

def **“schedule of revised value proportions”** ins 2010 Act No. 39 s 325 sch 1  
pt 2

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