

Queensland



Subordinate Legislation 2003 No. 126

South Bank Corporation Act 1989

**SOUTH BANK CORPORATION REGULATION
2003**

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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
- (b) be printed on paper that is—
 - (i) international sheet size A3; and
 - (ii) of a density at least 130 gm 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),¹ that is relevant to the subject plan.

¹ *Land Title Act 1994*, section 50 (Requirements for registration of plan of subdivision)

(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.

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).²

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 80 gm 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 10 mm on all sides;
 - (ii) have a clear space no smaller than 90 mm wide and 65 mm deep at the top right-hand corner of the form for a duty imprint;

² *Land Title Act*, part 6 (Dealings directly affecting lots), division 4 (Easements) Sections 82 (Creation of easement by registration) and 83A (Registration of plan showing proposed easement)

- (iii) be completed on 1 side only, either—
 - (A) printed with type size no smaller than 1.8 mm (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 25G³ 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 161.⁴

3 Section 25G (Creation of easements) of the Act

4 *Land Title Act 1994*, section 161 (Execution and proof)

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.

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 unimproved value proportions

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

24 Total unimproved value proportions for subdivided lots must remain equal

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

25 Replacement of schedule of current unimproved value proportions

(1) This section applies to the registrar when registering a schedule of revised unimproved value proportions accompanying a stratum plan of subdivision.

(2) The registrar must replace the schedule of current unimproved value proportions for the stratum lots being subdivided with the schedule of revised unimproved value proportions for the stratum lots being created.

(3) In this section—

“**schedule of current unimproved 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 unimproved value of the land comprised in the stratum plan among the stratum lots in the stratum plan.

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)⁵ 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)⁶ of the Act, a request to terminate a management statement must be in the approved form.

5 Section 25E (Management statement) of the Act

6 Section 25A (Stratum lots and dealings with stratum lots) of the Act

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 unimproved 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 |
| 2. | 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 9⁷ of the Act.

“easement plan” means a plan mentioned in section 25G(2)⁸ of the Act.

“licensed surveyor” see the *Surveyors Act 1977*, section 5.⁹

“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 2.¹⁰

“registrar” means the registrar of titles.

⁷ Section 9 (Corporation manager) of the Act

⁸ Section 25G (Creation of easements) of the Act

⁹ *Surveyors Act 1977*, section 5 (Meaning of terms)

¹⁰ *Land Title Act 1994*, schedule 2 (Dictionary)

“registered proprietor” of a lot means the person recorded in the freehold land register as a proprietor of the lot.

 SCHEDULE 2 (continued)

“schedule of revised unimproved value proportions” means the schedule mentioned in section 25A(7)¹¹ of the Act.

“town clerk” means the town clerk appointed by the council under the *City of Brisbane Act 1924*, section 25.¹²

ENDNOTES

1. Made by the Governor in Council on 26 June 2003.
2. Notified in the gazette on 27 June 2003.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Premier and Cabinet.

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11 Section 25A (Stratum lots and dealings with stratum lots) of the Act

(7) The registrar of titles may register a stratum plan of subdivision only if the stratum plan of subdivision is accompanied by a schedule showing, as a whole number for each proposed stratum lot, the proposed unimproved value proportion for each stratum lot for the purposes of section 39C and schedule 6, clause 2(1)(p).

12 *City of Brisbane Act 1924*, section 25 (Town clerk)