



Queensland

South Bank Corporation Act 1989

South Bank Corporation Regulation 2014

Current as at 15 August 2014



Queensland

South Bank Corporation Regulation 2014

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South Bank Corporation Regulation 2014

Part 1 Preliminary

1 Short title

This regulation may be cited as the *South Bank Corporation Regulation 2014*.

2 Definitions

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

Part 2 Preparation and registration of plans

Division 1 General requirements

3 Format of plans

- (1) A plan (the *subject plan*) must be—
 - (a) in the approved form for the subject plan; and
 - (b) printed on paper that is—
 - (i) A3; and
 - (ii) of a density of at least 130gsm; and
 - (c) numbered as required by a plan direction relevant to the subject plan.
- (2) An alteration on a plan must be made by—

- (a) striking through the printing or writing being altered so the original printing or writing is still legible; and
 - (b) having each of the following persons initial the alteration—
 - (i) the surveyor who prepared the plan;
 - (ii) if the alteration affects a boundary of land—the appropriate authority and the registered owner of the land.
- (3) In this section—

plan direction means a direction of the registrar under the *Land Title Act 1994*, section 10(1)(b) about the required format for a plan.

4 Plan to be accompanied by application for approval

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

5 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.
- (4) In this section—

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.

6 What particular plans are to include

- (1) This section applies to a plan other than—
 - (a) an easement plan; or
 - (b) a plan for the subdivision or amalgamation of land as mentioned in section 41(4) of the Act.
- (2) The plan must include each of the following—
 - (a) a certificate by the surveyor who prepared the plan;
 - (b) a certificate by the registered owner 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 (2) must be in the approved form.

7 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 council’s chief executive officer.

8 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.

9 Plan numbers

On registration of a plan, the registrar must allot a number to the plan.

10 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 particular plans

11 Stratum plan

A stratum plan must include 1 or more sheets showing—

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

12 Boundary adjustment plan

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

13 Stratum plan of subdivision

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

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

14 Stratum plan of amalgamation

- (1) A stratum plan of amalgamation must include 1 or more sheets showing—
 - (a) the precise dimensions and location of the stratum lot intended to be created; and
 - (b) the boundaries of the stratum lots intended to be 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.

15 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).

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

Division 1 **Preliminary**

16 **Application of part**

This part applies to instruments other than plans.

Division 2 **General requirements**

17 **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) A4; and
 - (ii) white bond of a density of at least 80gsm; and
 - (iii) free from discolouration and blemishes; and
 - (c) have clear margins no smaller than 10mm on all sides; and
 - (d) 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; and
 - (e) be completed on 1 side only, either—
 - (i) printed with type size no smaller than 1.8mm (10 point); or
 - (ii) in a way that is permanent and can be photocopied to produce a copy satisfactory to the registrar; and
 - (f) 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 be made only by—
 - (a) striking through the printing or writing being altered so 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.

18 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 council’s chief executive officer.

19 Execution of particular 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 48(2)(b) of the Act to accompany an easement plan.
- (2) The instrument must be validly executed by the appropriate authority or person as mentioned in the *Land Title Act 1994*, section 161.

20 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 particular instruments

21 Instrument required to accompany easement plan

An instrument required under section 48(2)(b) of the Act to accompany an easement plan must be in the approved form.

22 Schedule of revised value proportions

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

23 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 intended to be created is equal to the value of the stratum lot intended to be subdivided.

24 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 intended to be 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.

25 Management statement

A management statement must—

- (a) be in the approved form; and
- (b) state, in a prominent way, that under section 46(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.

26 Amendment of management statement

The form for lodging an amendment of a management statement under section 46(15) of the Act is a request to amend the management statement, in the approved form.

27 Request to terminate management statement

For section 42(14) of the Act, a request to terminate a management statement must be in the approved form.

Part 4 **Miscellaneous**

28 **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.

29 **Fees**

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

Part 5 **Repeal**

30 **Repeal**

The South Bank Corporation Regulation 2003, SL No. 126 is repealed.

Schedule 1 Fees

section 29

| | \$ |
|--|--------|
| 1 For lodgement in the land registry, for registration, of— | |
| (a) a plan for the subdivision or amalgamation of land under section 41(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 48(2)(b) 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 48(2)(b) of the Act contains more than 9 easements—for each additional easement | 15.70 |

Schedule 2 Dictionary

section 2

approved form means a form approved under section 28.

corporation manager means the person appointed as corporation manager under section 13 of the Act.

easement plan means a plan mentioned in section 48(2) of the Act.

plan means any of the following plans—

- (a) a plan for the subdivision or amalgamation of land under section 41(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 owner 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(7) of the Act.

surveyor see the *Surveyors Act 2003*, schedule 3.

1 Index to endnotes

- 2 Key
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2 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 |
| amd | = amendment | prov | = provision |
| t | | | |
| 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 | renu | = renumbered |
| | | m | |
| ins | = inserted | rep | = repealed |
| lap | = lapsed | (retro | = retrospectively |
| | |) | |
| notf | = notified | rv | = revised version |
| d | | | |
| num | = numbered | s | = section |
| o in | = order in council | sch | = schedule |
| c | | | |

| Key | Explanation | Key | Explanation |
|-------------|--------------------|-------------|--|
| om | = omitted | sdiv | = subdivision |
| orig | = original | SIA | = Statutory Instruments Act 1992 |
| p | = page | SIR | = Statutory Instruments Regulation 2012 |
| para | = paragraph | SL | = subordinate legislation |
| prec | = preceding | sub | = substituted |
| pres | = present | unnu | = unnumbered |
| | | m | |
| prev | = previous | | |

3 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the **Reprints Act 1992** used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3003 9601 or email legislation.queries@oqpc.qld.gov.au.

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

| Current as at | Amendments included | Notes |
|----------------------|----------------------------|--------------|
| 15 August 2014 | none | |

4 List of legislation

Regulatory impact statements

For subordinate legislation that has a regulatory impact statement, specific reference to the statement is included in this list.

Explanatory notes

All subordinate legislation made on or after 1 January 2011 has an explanatory note. For subordinate legislation made before 1 January 2011 that has an explanatory note, specific reference to the note is included in this list.

South Bank Corporation Regulation 2014 SL No. 175

made by the Governor in Council on 14 August 2014

notfd <www.legislation.qld.gov.au> 15 August 2014

commenced on date of notification

exp 1 September 2024 (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.

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