

Queensland



*South Bank Corporation Act 1989*

# **SOUTH BANK CORPORATION REGULATION 1992**

**Reprinted as in force on 2 December 1999  
(includes amendments up to SL No. 88 of 1999)**

**Reprint No. 1B**

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the Office of the Queensland Parliamentary Counsel  
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## Information about this reprint

This regulation is reprinted as at 2 December 1999. 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.

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

**Also see endnotes for information about—**

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

Queensland



**SOUTH BANK CORPORATION  
REGULATION 1992**

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# **SOUTH BANK CORPORATION REGULATION 1992**

[as amended by all amendments that commenced on or before 2 December 1999]

## **PART 1—PRELIMINARY**

### **Short title**

1. This regulation may be cited as the *South Bank Corporation Regulation 1992*.

### **Commencement**

2. This regulation commences on the day that section 26 of the *South Bank Corporation Amendment Act 1991* commences.

### **Definitions**

3. In this regulation—

“**appropriate fee**” means the fee determined by an appropriate authority under section 6 (Determination of appropriate fee);

“**approved form**” means a form approved by the chief executive of the Land Department or the Corporation Manager under section 4 (Approved forms);

“**Development Approval Guidelines**” has the meaning given by section 7 (Development Approval Guidelines);

“**easement plan**” means a plan mentioned in section 25G of the Act;

“**Land Department**” means the department that deals with matters arising under the Real Property Acts;

“**plan**” means—

- (a) a plan for the subdivision or amalgamation of land under section 25(4) of the Act; or

- (b) a stratum plan; or
- (c) a boundary adjustment plan; or
- (d) a stratum plan of subdivision; or
- (e) a stratum plan of amalgamation; or
- (f) an easement plan;

**“Plan Approval Guidelines”** has the meaning given by section 8 (Plan Approval Guidelines);

**“schedule of revised unimproved value proportions”** means a schedule, under section 25A(7) of the Act, showing the proposed unimproved value proportion for each of the stratum lots created by a stratum plan of subdivision;

**“schedule of unimproved value proportions”** means the particulars, in a management statement, showing the apportionment of the unimproved value of land comprised in the relevant stratum plan between stratum lots in the stratum plan;

**“Town Clerk”** has the meaning given by the *City of Brisbane Act 1924*.

### **Approved forms**

**4.(1)** In this section—

**“approving officer”** means—

- (a) in relation to a form to be used in the Office of the Registrar of Titles—the chief executive of the Land Department; or
- (b) in relation to any other form—the Corporation Manager.

**(2)** If this regulation allows or requires a person to give a form in the approved form, the approving officer must approve a form for that purpose.

**(3)** A person may request the approving officer to give to the person a document setting out an approved form.

**(4)** The approving officer must promptly comply with a request under subsection (3).

**Fees**

**5.** The fees payable to the Registrar of Titles, for the lodgment of various forms for registration in the Office of the Registrar of Titles, are set out in the Schedule.

**Determination of appropriate fee**

**6.(1)** An appropriate authority may determine the fee payable for an application for its approval of—

- (a) a plan; or
- (b) a development; or
- (c) a variation of a development approval;

of a particular type.

**(2)** An appropriate fee for an application must not exceed the amount that the appropriate authority estimates would be its total costs in properly determining the application in compliance with the Act and any regulations made under the Act.

**PART 2—GUIDELINES****Development Approval Guidelines**

**7.(1)** The Corporation may publish guidelines in relation to an application for—

- (a) approval of a development under section 22(2)(a) of the Act; or
- (b) variation of a development approval under section 22A(1) of the Act.

**(2)** Without limiting subsection (1), the guidelines may relate to the following aspects of such an application—

- (a) forms and procedures to be followed by the applicant;
- (b) consideration of the application by the Corporation;

- (c) notification of the Corporation's decision;
- (d) an appropriate fee to be paid by the applicant.

(3) The Corporation may, in its consideration of an application for development approval, take into account the extent to which the application complies with the Development Approval Guidelines.

### **Plan Approval Guidelines**

**8.(1)** An appropriate authority may publish guidelines in relation to an application for approval of a plan.

(2) Without limiting subsection (1), the guidelines may relate to the following aspects of such an application—

- (a) forms and procedures to be followed by the applicant;
- (b) consideration of the application by the appropriate authority;
- (c) notification of the appropriate authority's decision;
- (d) an appropriate fee to be paid by the applicant.

(3) The appropriate authority may, in its consideration of an application for approval of a plan, take into account the extent to which the application complies with the Plan Approval Guidelines.

## **PART 3—GENERAL PLAN REQUIREMENTS**

### **Application for approval**

**9.** A plan submitted to an appropriate authority for approval under the Act must be accompanied by—

- (a) an application for approval in the approved form; and
- (b) the appropriate fee.

**Plan numbers**

**10.** The Registrar of Titles must allot a number to—

- (a) a stratum plan; or
- (b) a boundary adjustment plan; or
- (c) a stratum plan of subdivision; or
- (d) a stratum plan of amalgamation;

on or before its registration.

**Numbering of plan sheets**

**11.(1)** A plan may comprise 1 or more sheets.

**(2)** Each sheet must be consecutively numbered as part of a series, for example, ‘sheet 1 of 4 sheets’.

**Signing etc. of plans**

**12.(1)** A plan (other than a plan mentioned in section 14) must include—

- (a) a certificate by the licensed surveyor who prepared the plan; and
- (b) an approval by the appropriate authority; and
- (c) a certificate by the registered proprietor of the freehold estate in the land the subject of the plan;

in the approved form.

**(2)** A plan, instrument or other dealing that is required to be signed by an appropriate authority may be signed—

- (a) in the case of the Corporation—by the Corporation Manager; or
- (b) in the case of the Council—by the Town Clerk.

**(3)** If—

- (a) a person, except a person signing on behalf of an appropriate authority, is required to sign an instrument required under section 25G of the Act to accompany an easement plan; or
- (b) an appropriate authority is required to sign an instrument under

the Act, other than a plan, to be lodged in the Office of the Registrar of Titles;

the person or the appropriate authority must have his, her or its signature attested in accordance with section 115 of the *Real Property Act 1861*, as if the instrument were executed under that Act.

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

**13.** The Registrar of Titles 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; and
- (b) if the plan affects any other land—the registered lessee and any registered mortgagee of the leasehold estate in the affected land.

### **Real Property Acts apply to certain plans**

**14.** The provisions of the Real Property Acts that relate to plans apply to—

- (a) a plan for the subdivision or amalgamation of land mentioned in section 25(4) of the Act; and
- (b) an easement plan.

### **Definition of stratum lots**

**15.(1)** A stratum lot must be defined—

- (a) by regular planes, which may be horizontal or inclined, fixed by reference to levels in relation to Australian height datum; or
- (b) in any other manner that complies with the provisions of the *Surveyors Act 1977* relating to a lot.

**(2)** If a stratum lot is defined by an inclined plane, elevations or sections or both must be shown, identifying the plane with sufficient information to

enable the level of any point on the plane to be calculated.

- (3) A stratum lot must be illustrated in—
- (a) orthographic form or isometric form; or
  - (b) any other manner that complies with the provisions of the *Surveyors Act 1977* relating to a lot.

## **PART 4—SPECIFIC PLAN REQUIREMENTS**

### **Stratum plan**

16. A stratum plan must comprise—
- (a) a first sheet in the approved form; and
  - (b) a further sheet or sheets that—
    - (i) show the boundaries of the land being subdivided by the stratum plan; and
    - (ii) establish the precise dimensions and location of—
      - (A) the stratum lots to be created by registration of the stratum plan; and
      - (B) any roads to be dedicated to public use; and
  - (c) the certificates and approvals mentioned in section 12(1) (Signing etc. of plans).

### **Boundary adjustment plan**

- 17.(1) A boundary adjustment plan must comprise—
- (a) a first sheet in the approved form; and
  - (b) a further sheet or sheets that—
    - (i) show the redefined boundaries as alterations to the sheet or sheets required under section 16(b) (Stratum plan); and
    - (ii) establish the precise dimensions and locations of the

boundaries of the redefined lots; and

- (c) the certificates and approvals mentioned in section 12(1) (Signing etc. of plans).

(2) In the sheets mentioned in subsection (1)(b), the boundaries shown on the boundary adjustment plan that have not been altered may be compiled from the stratum plan.

### **Stratum plan of subdivision**

**18.** A stratum plan of subdivision must comprise—

- (a) a first sheet in the approved form; and
- (b) a further sheet or sheets that—
  - (i) show the boundaries of the stratum lot being subdivided; and
  - (ii) establish the precise dimensions and locations of the stratum lots being created; and
- (c) the certificates and approvals mentioned in section 12(1) (Signing etc. of plans).

### **Stratum plan of amalgamation**

**19.(1)** A stratum plan of amalgamation must comprise—

- (a) a first sheet in the approved form; and
- (b) a further sheet or sheets that—
  - (i) show the boundaries of the stratum lots being amalgamated; and
  - (ii) establish the precise dimensions and locations of the stratum lot being created; and
- (c) the certificates and approvals mentioned in section 12(1) (Signing etc. of plans).

(2) If a stratum plan of amalgamation that amalgamates all the lots in a stratum plan is lodged for registration with the Registrar of Titles, it must be accompanied by a request to terminate the management statement that relates to the stratum plan.

**Easement plan**

**20.(1)** An easement plan must comprise—

- (a) a plan of survey in the approved form; and
- (b) the certificates and approvals mentioned in section 12(1) (Signing etc. of plans); and
- (c) a statement of intention to create the easements, complying with subsection (4).

**(2)** The location and nature of an easement on an easement plan must be clearly defined so that it can be easily distinguished from any other easements on the plan.

**(3)** Any limits of an easement as to height or depth must be related to Australian height datum.

**(4)** The statement of intention mentioned in subsection (1)—

- (a) must be legibly printed in dense black non-copying record ink on the easement plan; and
- (b) must set out briefly the nature and location of each easement being created; and
- (c) must not—
  - (i) incorporate the text of an easement; or
  - (ii) specify the lots intended to be benefited or burdened by an easement.

**Instrument required to accompany easement plan**

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

## **PART 5—SCHEDULE OF REVISED UNIMPROVED VALUE PROPORTIONS**

### **Form and content**

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

### **Total revised unimproved value proportions to equal former**

**23.** On registration of the stratum plan of subdivision to which a schedule of revised unimproved value proportions relates, the total of the proposed unimproved value proportions of the stratum lots being created must equal the unimproved value proportion of the stratum lot being subdivided.

### **Registrar of Titles to amend the relevant schedule of unimproved value proportions**

**24.** When registering a schedule of revised unimproved value proportions, the Registrar of Titles must amend the relevant schedule of unimproved value proportions by—

- (a) deleting reference to the stratum lot being subdivided and its unimproved value proportion; and
- (b) recording in its place the stratum lots being created and their unimproved value proportions.

## **PART 6—REQUIREMENTS FOR MANAGEMENT STATEMENTS**

### **Form and content**

**25.(1)** A management statement must be in the approved form.

**(2)** A management statement must prominently display a note in the following form—

**‘IMPORTANT NOTE**

The terms of this management statement are binding on—

- (a) the body corporate of the leasehold building units plan for the part of the building concerned; and
- (b) any lessee, sublessee, occupier or mortgagee of a lot in the leasehold building units plan for the part of the building concerned; and
- (c) any lessee, sublessee, occupier or mortgagee of any part of the building or its site that does not form part of a stratum parcel.

[refer s.25E(8) *South Bank Corporation Act 1989*’].

**Request to amend or terminate a management statement**

**26.(1)** 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.

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

**Requirements for schedule of unimproved value proportions**

**27.** A schedule of unimproved value proportions in a management statement must be in the approved form.

**PART 7—DEVELOPMENT APPROVALS****Application for approval of a development**

**28.** An application to the Corporation for approval of a development must be—

- (a) in the approved form; and
- (b) accompanied by the appropriate fee.

### **Application for variation of a development approval**

**29.** An application made to the Corporation under section 22A(1) of the Act for variation of a development approval must be—

- (a) in the approved form; and
- (b) accompanied by the appropriate fee.

### **Certification by Corporation**

**30.** After deciding an application mentioned in section 28 (Application for approval of a development) or 29 (Application for variation of a development approval), the Corporation must endorse on the application—

- (a) if the application is approved without conditions—the decision; or
- (b) if the application is approved subject to conditions—
  - (i) the decision; and
  - (ii) the conditions; and
  - (iii) a brief statement of the reasons for the conditions; or
- (c) if the application is refused—
  - (i) the decision; and
  - (ii) a brief statement of the reasons for the refusal.

## **PART 8—MISCELLANEOUS**

### **Register**

**31.(1)** In this section—

“**register**” has the meaning given by section 3 of the *Real Property Act 1861*.

(2) The Registrar of Titles must record, in a separate part of the register, particulars of each plan, instrument or other dealing that is required to be registered under the Act or a regulation made under the Act.

### **Annexures**

**32.(1)** If a space provided for a particular purpose in an approved form is insufficient to contain all the information required to be completed for the purpose, then, subject to subsection (2)—

- (a) the information must be set out—
  - (i) in the case of a panel—in an enlarged panel in the approved form; or
  - (ii) in any other case—in a schedule in the approved form; and
- (b) a reference to the first mentioned approved form must be inserted on the enlarged panel or schedule.

(2) If information to be set out on an enlarged panel or schedule requires more than 1 page—

- (a) the first page containing the information must be in the approved form for an enlarged panel or schedule; and
- (b) each subsequent page containing the information must be in the approved form for that purpose; and
- (c) the pages must be numbered consecutively.

### ***Expiry date for Act, pt 3A***

**32A.(1)** *For the purposes of section 15I of the Act, the date prescribed is 10 December 1997.*

**(2)** *This section expires on 11 December 1997.<sup>1</sup>*

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<sup>1</sup> This section has expired and is included in this reprint for informational purposes only. It will be omitted in the next reprint.

**Date prescribed for Act, s 15F**

**32B.(1)** For section 15F<sup>2</sup> of the Act, the date prescribed is 1 June 1999.

(2) This section expires on 30 June 1999.

## **PART 9—REQUIREMENTS FOR CERTAIN INSTRUMENTS**

**Meaning of “document” in this Part**

**33.** In this Part—

“**document**” means an instrument, other than—

- (a) a plan for the subdivision or amalgamation of land under section 25(4) of the Act; or
  - (b) an easement plan;
- lodged in the Office of the Registrar of Titles under this regulation.

**Composition and condition of paper**

**34.** The paper used for a document must be—

- (a) watermarked, tub sized, azure laid ledger paper containing at least 60% rag fibre; and
- (b) uncreased and free from discolouration and blemishes; and
- (c) of a substance of at least 113 g/m<sup>2</sup>; and
- (d) of a bursting strength of between 3.1675 and 3.8713 g/cm<sup>2</sup>.

**Typewriting**

**35.** Typewriting on a document—

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<sup>2</sup> Section 15F (Assignment of design and construction management agreement) of the Act

- (a) must not overlap; and
- (b) must be of dense black non-copying record ink.

### **Handwriting**

**36.** Handwriting on a document must be—

- (a) clear and legible; and
- (b) written in dense black non-copying record ink.

### **Document not to be a carbon copy etc.**

**37.** A document must not—

- (a) be a carbon copy; or
- (b) contain typewriting characters that blur, spread or could be easily damaged by an adjacent sheet.

### **How alterations are to be made**

**38.** An alteration to a document—

- (a) must be made by striking through the matter to be altered and showing the new information adjacent to it; and
- (b) must not be made by rubbing, scraping or cutting the surface of the document or by the use of correcting fluids.

### **Initialling of alterations**

**39.** An alteration to a document must be initialled—

- (a) in the case of a plan—
  - (i) by the licensed surveyor who prepared the plan; and
  - (ii) if the alteration affects a boundary of land—by the appropriate authority and the registered proprietor of the freehold estate in the land; or
- (b) in any other case—by the registered proprietor of the freehold estate in the land.

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## SCHEDULE

### FEES

		section 5
		\$
1	For lodgment in the Office of the Registrar of Titles, for registration, of—	
	(a) a plan for the subdivision or amalgamation of land mentioned in 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 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, then, for each additional lot . . . . .	15.70
3	If an instrument under section 25G of the Act contains more than 9 easements, then, for each additional easement	15.70

## 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 2 December 1999. Future amendments of the South Bank Corporation Regulation 1992 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

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

## 4 Table of earlier reprints

### TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	none	1 July 1992
1A	to SL No. 376 of 1996	20 February 1997

## 5 List of legislation

### **South Bank Corporation Regulation 1992 SL No 114**

pubd gaz 5 June 1992 pp 1054–73

ss 1–2 commenced on date of publication

remaining provisions commenced 5 June 1992 (see s 2)

as amended by—

### **South Bank Corporation Amendment Regulation (No. 1) 1996 SL No. 376**

notfd gaz 9 December 1996 pp 1375–6

commenced on date of notification

### **South Bank Corporation Amendment Regulation (No. 1) 1999 SL No. 88**

notfd gaz 21 May 1999 p 290–1

commenced on date of notification

## 6 List of annotations

### **Expiry date for Act, pt 3A**

s 32A ins 1996 SL No. 376 s 3

exp 11 December 1997 (see s 32A(2))

### **Date prescribed for Act, s 15F**

s 32B ins 1999 SL No. 88 s 3

exp 30 June 1999 (see s 32B(2))