

Queensland



**SOUTHBANK CORPORATION
AND OTHER ACTS
AMENDMENT BILL 2003**

Queensland



SOUTH BANK CORPORATION AND OTHER ACTS AMENDMENT BILL 2003

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2003

A BILL

FOR

An Act to amend the *South Bank Corporation Act 1989*, and for other purposes

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The Parliament of Queensland enacts— 1

PART 1—PRELIMINARY 2

Clause 1 Short title 3

This Act may be cited as the *South Bank Corporation and Other Acts Amendment Act 2003*. 4
5

Clause 2 Commencement 6

(1) Sections 19(3) and (4) and 44 commence on assent. 7

(2) The remaining provisions of this Act commence on a day to be fixed by proclamation. 8
9

**PART 2—AMENDMENT OF SOUTH BANK
CORPORATION ACT 1989** 10
11

Clause 3 Act amended in pt 2 and sch 12

This part and the schedule amend the *South Bank Corporation Act 1989*. 13

Clause 4 Amendment of title 14

Title, from ‘to develop’— 15

omit, insert— 16

‘and to provide for the continued effective development and management of the South Bank corporation area, and for other purposes’. 17
18
19

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Clause 5	Insertion of new s 2	1
	After section 1—	2
	<i>insert—</i>	3
	‘2 Notes in text	4
	‘A note in the text of this Act is part of the Act.’.	5
 Clause 6	 Amendment of s 4 (Definitions)	 6
	(1) Section 4, definitions “authority”, “complementary development area”, “development”, “land”, “member”, “security officer” and “town plan”—	7 8 9
	<i>omit.</i>	10
	(2) Section 4—	11
	<i>insert—</i>	12
	“ application ”, for part 5AB, see section 34.	13
	“ approved form ”, for part 5AB, see section 34.	14
	“ approved development plan ” means the approved development plan approved by the Governor in Council under section 20 as amended from time to time.	15 16 17
	“ assessable development ” see section 4AA.	18
	“ board ” means the South Bank Corporation Board.	19
	“ building ” see the <i>Building Act 1975</i> , section 3.	20
	“ child ” means a child as defined under the <i>Juvenile Justice Act 1992</i> .	21
	“ currency period ”, for part 5AB, see section 34.	22
	“ decision notice ”, for part 5AB, see section 34.	23
	“ development ” is any of the following—	24
	(a) carrying out operational work within the corporation area;	25
	(b) reconfiguring a South Bank lot within the corporation area;	26
	(c) making a material change of use of premises within the corporation area.	27 28

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- “development approval”** means an approval of an application for development approval contained in a decision notice given under section 34L. 1
2
3
- “information request”**, for part 5AB, see section 34. 4
- “Integrated Planning Act”** means the *Integrated Planning Act 1997*. 5
- “land”**, other than in section 25, includes— 6
- (a) any estate in, on, over or under land; and 7
 - (b) the airspace above the surface of land and any estate in the airspace; and 8
9
 - (c) the subsoil of land and any estate in the subsoil. 10
- “lawful use”**, for part 5AB, see section 34. 11
- “material change of use”**, of premises, means— 12
- (a) the start of a new use of the premises; or 13
 - (b) the re-establishment on the premises of a use that has been abandoned; or 14
15
 - (c) a material increase in the intensity or scale of the use of the premises. 16
17
- “member”** means a member of the board. 18
- “operational work”** see the Integrated Planning Act, section 1.3.5. 19
- “owner”**, for part 5AB, see section 34. 20
- “planning scheme”** see the Integrated Planning Act, section 2.1.1. 21
- “premises”** means— 22
- (a) a building or other structure; or 23
 - (b) land, whether or not a building or other structure is situated on the land. 24
25
- “reconfiguring”**, in relation to South Bank lots or land, means— 26
- (a) creating South Bank lots by subdividing a South Bank lot or lots or land; or 27
28
 - (b) amalgamating 2 or more South Bank lots; or 29
 - (c) rearranging the boundaries of a South Bank lot or lots or land by registering a plan of subdivision; or 30
31

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- (d) dividing the land into parts by agreement (other than a lease for a term, including renewal options, not exceeding 10 years) rendering different parts of a South Bank lot or lots immediately available for separate disposition or separate occupation; or
- (e) creating an easement giving access to a South Bank lot or lots or land from a constructed road.
- “security officer”** means an individual holding appointment under section 40 as a security officer.
- “South Bank lot”** means any of the following within the corporation area—
- (a) a lot under the *Land Title Act 1994*;¹
- (b) a separate, distinct parcel of land for which an interest is recorded in a register under the *Land Act 1994*;
- (c) common property for a community titles scheme under the *Body Corporate and Community Management Act 1997*;
- (d) a stratum lot;
- (e) a lot on a leasehold building units plan;
- (f) common property.
- Note—*
- ‘Common property’ in paragraph (f) has the meaning it has in schedule 7 because of section 4B.
- “use”**, for part 5AB, see section 34.
- “work”** see the Integrated Planning Act, section 1.3.5.’.
- (3) Section 4, definition “court”, paragraph (a), ‘within the meaning of the *Juvenile Justice Act 1992*’—
- omit.*

1 *Land Title Act 1994*, schedule 2—

“lot” means a separate, distinct parcel of land created on—

- (a) the registration of a plan of subdivision; or
 (b) the recording of particulars of an instrument;

and includes a lot under the *Building Units and Group Titles Act 1980*.

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Clause 7	Insertion of new s 4AA	1
	After section 4—	2
	<i>insert—</i>	3
	‘4AA Meaning of “assessable development”	4
	‘All development, other than the following development, is “assessable development” —	5 6
	(a) the reconfiguration of a lot under the <i>Land Title Act 1994</i> if the plan of subdivision necessary for the reconfiguration—	7 8
	(i) is a building format plan of subdivision that does not subdivide land on or below the surface of the land; or	9 10
	(ii) is for the amalgamation of 2 or more lots; or	11
	(iii) is in relation to the acquisition, including by agreement, under the <i>Acquisition of Land Act 1967</i> , of land by a constructing authority, as defined under that Act, for a purpose set out in paragraph (a) of the schedule to that Act; or	12 13 14 15 16
	(iv) is in relation to the acquisition by agreement, other than under the <i>Acquisition of Land Act 1967</i> , of land by a constructing authority, as defined under that Act, for a purpose set out in paragraph (a) of the schedule to that Act; or	17 18 19 20 21
	(v) is in relation to land held by the State, or a statutory body representing the State, and the land is being subdivided for a purpose set out in the <i>Acquisition of Land Act 1967</i> , schedule, paragraph (a); or	22 23 24 25
	(vi) is for the reconfiguration of a lot comprising strategic port land as defined under the <i>Transport Infrastructure Act 1994</i> ;	26 27
	(b) development specified in the Integrated Planning Act, schedule 8, part 1 or 2.’	28 29
Clause 8	Amendment of pt 2 hdg	30
	Part 2, heading, after ‘CORPORATION’—	31

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<i>insert—</i>	1
‘AND BOARD’.	2
Clause 9 Insertion of new s 6A	3
After section 6—	4
<i>insert—</i>	5
‘6A Corporation board	6
‘(1) The corporation must have a board of directors.	7
‘(2) The board of directors is the corporation’s governing body and is called the South Bank Corporation Board.’.	8
	9
Clause 10 Amendment of s 7 (Composition of corporation)	10
(1) Section 7, heading, ‘ corporation ’—	11
<i>omit, insert—</i>	12
‘board’.	13
(2) Section 7(1)—	14
<i>omit, insert—</i>	15
‘(1) The board consists of the following members—	16
(a) a chairperson appointed on the Minister’s nomination;	17
(b) 2 members appointed on the council’s nomination;	18
(c) 7 other members, of whom 2 must be public service officers, appointed on the Minister’s nomination.	19
	20
‘(1A) In nominating persons for appointment to the board, the Minister and the council must—	21
(a) have regard to the proposed member’s business, financial, property management, community service or other relevant expertise; and	23
	24
	25
(b) seek to appoint both men and women as members.’.	26
(3) Section 7(3), ‘an officer of the public service’—	27
<i>omit, insert—</i>	28

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‘a public service officer’. 1
 (4) Section 7(4), ‘procedures of the corporation’— 2
omit, insert— 3
 ‘about procedures of the board’. 4

Clause 11 Insertion of new s 7A 5

After section 7— 6
insert— 7

‘7A Report about person’s criminal history 8

‘(1) To help decide whether a person is suitable for nomination for 9
 appointment as a member, the Minister or the council (the “**nominator**”) 10
 may ask the commissioner of the police service for a written report about 11
 the person’s criminal history. 12

‘(2) However, the nominator may make a request about a person under 13
 subsection (1) only if the person has given the nominator written consent 14
 for the request. 15

‘(3) If asked by the nominator, the commissioner of the police service 16
 must give the nominator a written report about the criminal history of the 17
 person. 18

‘(4) The duty imposed on the commissioner of the police service applies 19
 only to information in the commissioner’s possession or to which the 20
 commissioner has access. 21

‘(5) The nominator must destroy a report given to the nominator under 22
 this section as soon as practicable after it is no longer needed for the 23
 purpose for which it was requested. 24

‘(6) In this section— 25

“**criminal history**”, of a person, means the convictions, other than spent 26
 convictions, recorded against the person for offences, in Queensland 27
 or elsewhere, whether before or after the commencement of this 28
 section. 29

“**spent conviction**” means a conviction— 30

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(a) for which the rehabilitation period under the <i>Criminal Law (Rehabilitation of Offenders) Act 1986</i> has expired under that Act; and	1 2 3
(b) that is not revived as prescribed by section 11 of that Act.’.	4
Clause 12 Amendment of s 12 (Variation of corporation area)	5
Section 12(4)—	6
<i>omit, insert—</i>	7
‘(4) If the corporation area is varied by the exclusion of particular land, the provisions of this Act relating to the corporation area stop applying to the land.’.	8 9 10
Clause 13 Replacement of s 16 (Objects)	11
Section 16—	12
<i>omit, insert—</i>	13
‘16 Objects	14
‘The corporation’s objects are—	15
(a) to promote, facilitate, carry out and control the development, disposal and management of land and other property within the corporation area; and	16 17 18
(b) to achieve an appropriate balance between the corporation’s commercial and non-commercial functions; and	19 20
(c) to ensure the corporation area complements, rather than duplicates, other public use sites in the inner city Brisbane area; and	21 22 23
(d) to provide for a diverse range of recreational, cultural and educational pursuits for local, regional and international visitors; and	24 25 26
(e) to accommodate public events and entertainment that benefit the general community; and	27 28
(f) to achieve excellence and innovation in the management of open space and park areas.’.	29 30

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Clause 14	Amendment of s 17 (Functions)	1
	Section 17(1)(h)—	2
	<i>omit, insert—</i>	3
	‘(h) to achieve, by the adoption of best practice principles, excellence and innovation in the management of open space and park areas;’.	4 5 6
Clause 15	Insertion of new pt 5 hdg	7
	Before section 18—	8
	<i>insert—</i>	9
	‘PART 5—DEVELOPMENT PLAN’.	10
Clause 16	Amendment of s 22 (Implementation of approved development plan)	11 12
	Section 22(2) to (7)—	13
	<i>omit.</i>	14
Clause 17	Omission of s 22A (Variation of development approval)	15
	Section 22A—	16
	<i>omit.</i>	17
Clause 18	Amendment of s 22B (Completion of development)	18
	Section 22B(4)(b)—	19
	<i>omit.</i>	20
Clause 19	Amendment of s 23 (Powers in relation to land)	21
	(1) Section 23(2) and (3)—	22
	<i>omit.</i>	23
	(2) Section 23(4)—	24

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omit, insert—

‘(4) However, the Minister may approve the corporation’s transfer of an estate in fee simple in land owned by the corporation only if—

(a) the transfer is to the council under section 13A,² or

(b) the transfer is—

(i) to the council or another entity for the purpose of making a minor adjustment to the boundary of a South Bank lot; and

(ii) the Minister is satisfied the transfer will assist the effective management of land in the corporation area.’.

(3) Section 23(4B)—

omit, insert—

‘(4B) The Minister may vary the area shown hatched on the plan in schedule 18, plan 2 (to the extent the area is land of which the corporation is the registered owner or is entitled to be the registered owner) for the purpose of making a minor boundary adjustment to the commercial precinct.

‘(4C) The area as varied by the Minister under subsection (4B) is taken to be part of the commercial precinct.’.

(4) Section 23(7), definition “commercial precinct”—

omit, insert—

“**commercial precinct**” means the parts of each of the following areas of land of which the corporation is the registered owner or is entitled to be the registered owner—

(a) the area shown hatched on the plan in schedule 18, plan 1;

(b) the area shown hatched on the plan in schedule 18, plan 2.’.

Clause 20 Relocation and renumbering of provisions

(1) Sections 23, 26, 31, 32 and 39I and 39J—

relocate and renumber in part 4 as sections 17A, 17B, 17C, 17D, 17E, and 17F.

2 Section 13A (Riverside parkland)

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	(2) Sections 27 and 30—	1
	<i>relocate and renumber</i> in part 5 as sections 22AA and 22AB.	2
	(3) Section 33—	3
	<i>relocate and renumber</i> as section 38BA.	4
	(4) Section 34A—	5
	<i>relocate and renumber</i> in part 5AB, division 7 as section 34ZF.	6
Clause	21 Insertion of new pt 5AA hdg	7
	Before section 24—	8
	<i>insert—</i>	9
	‘PART 5AA—ROADS, RECONFIGURATION AND STRATUM LOTS’.	10 11
Clause	22 Amendment of s 25 (Subdivision and amalgamation of land and opening of roads)	12 13
	(1) Section 25(1), definition “lot”—	14
	<i>omit.</i>	15
	(2) Section 25(1), definition “access”, ‘lot’—	16
	<i>omit, insert—</i>	17
	‘South Bank lot’.	18
	(3) Section 25(1), definition “road”, ‘subsection (19) and’—	19
	<i>omit.</i>	20
	(4) Section 25(2), ‘the subdivision or amalgamation of land’—	21
	<i>omit, insert—</i>	22
	‘a reconfiguration of land (whether described as a subdivision, amalgamation or something else)’.	23 24
	(5) Section 25(2), ‘a subdivision or amalgamation’—	25
	<i>omit, insert—</i>	26
	‘a reconfiguration’.	27

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	(6) Section 25(3), ‘subdivided and amalgamated’—	1
	<i>omit, insert—</i>	2
	‘reconfigured’.	3
	(7) Section 25(4), ‘Despite’ to ‘the registered owner’—	4
	<i>omit, insert—</i>	5
	‘The registered owner’.	6
	(8) Section 25(5)—	7
	<i>insert—</i>	8
	‘(ca) be endorsed by the appropriate authority; and’.	9
	(9) Section 25(5)(d), after ‘1994’—	10
	<i>insert—</i>	11
	‘, other than section 50(g) and (h) of that Act’.	12
	(10) Section 25(13)(a) and (b)—	13
	<i>omit, insert—</i>	14
	‘(a) each proposed South Bank lot has access or the appropriate	15
	authority has waived the requirement for access; and	16
	(b) development approval for the subdivision has been given.’.	17
	(11) Section 25(16) to (19)—	18
	<i>omit.</i>	19
Clause	23 Amendment of s 25A (Stratum lots and dealings with stratum lots)	20 21
	Section 25A(1)—	22
	<i>omit, insert—</i>	23
	‘(1) Despite the <i>Land Title Act 1994</i> or any other Act—	24
	(a) the following may be done under this section only if	25
	development approval for the subdivision or adjustment has been	26
	given—	27
	(i) the subdivision of South Bank public land by stratum plan;	28

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	(ii) the subdivision of a stratum lot by stratum plan of subdivision;	1 2
	(iii) a minor adjustment to the boundary of a stratum lot by boundary adjustment plan; and	3 4
	(b) South Bank public land may be opened as a road by stratum plan only if the appropriate authority approves; and	5 6
	(c) stratum lots may be amalgamated by stratum plan of amalgamation.’.	7 8
Clause 24	Omission of ss 28 and 29	9
	Sections 28 and 29—	10
	<i>omit.</i>	11
Clause 25	Amendment of pt 5 (Town planning)	12
	Part 5, other than sections 34A and 37 ³ —	13
	<i>omit, insert—</i>	14
	‘PART 5AB—DEVELOPMENT AND USES	15
	‘Division 1—Interpretation	16
	‘34 Definitions for part	17
	‘In this part—	18
	“application” means an application for a development approval.	19
	“approved form” means a form approved for use for this part by the corporation manager under section 34ZE.	20 21
	“currency period” see section 34Q(2) or (3).	22
	“decision notice” see section 34L.	23
	“information request” see section 34I.	24

3 Section 34A is being relocated and renumbered by section 20(4). Section 37 is being amended, relocated and renumbered by section 26.

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“lawful use” see section 34A(1).	1
“owner” , of land, means—	2
(a) subject to paragraphs (b) and (c), the person for the time being entitled to receive the rent for the land or who would be entitled to receive the rent for it if it were let to a tenant at a rent; or	3 4 5
(b) if the land is common property in a leasehold building units plan, the body corporate; or	6 7
(c) if the land is a lot in a leasehold building units plan, the lessee of the lot.	8 9
“use” see section 34A(2).	10
‘34A Meaning of “lawful use” and “use”	11
‘(1) A “lawful use” of premises within the corporation area includes a use that is a natural and ordinary consequence of making a material change of use of the premises if the material change of use, including a change that happened before the commencement of this section, was made in accordance with this Act.	12 13 14 15 16
‘(2) “Use” , of premises, includes any ancillary use of the premises.	17
<i>‘Division 2—Existing uses and rights protected</i>	18
‘34B Lawful uses of premises protected	19
‘(1) Subsection (2) applies if immediately before the commencement of the approved development plan or an amendment of the approved development plan the use of premises was a lawful use of the premises.	20 21 22
‘(2) Neither the development plan nor the amendment can—	23
(a) stop the use from continuing; or	24
(b) further regulate the use; or	25
(c) require the use to be changed.	26

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‘34C Lawfully constructed buildings and works protected	1
‘To the extent a building or other work has been lawfully constructed or effected, neither the approved development plan nor an amendment of the approved development plan can require the building or work to be altered or removed.	2 3 4 5
‘34D Amendment of approved development plan can not affect existing development approvals	6 7
‘(1) This section applies if—	8
(a) a development approval exists for premises; and	9
(b) after the approval is given, the approved development plan is amended.	10 11
‘(2) To the extent the approval has not lapsed, the amendment of the approved development plan can not stop or further regulate the development, or otherwise affect the approval.	12 13 14
<i>‘Division 3—Development approvals</i>	15
‘34E Development approval authorises assessable development	16
‘A development approval authorises assessable development to occur—	17
(a) to the extent stated in the approval; and	18
(b) subject to the conditions in the approval.	19
‘34F Applying for a development approval	20
‘(1) Each application must be made to the corporation.	21
‘(2) Each application must be made in the approved form.	22
‘(3) Each application must be accompanied by the fee decided by the corporation manager.	23 24
‘(4) The fee must not be more than the actual cost of considering and processing the application.	25 26
‘(5) An application complying with subsections (1), (2), and (3) is a “properly made application” .	27 28

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- ‘(6) The corporation may refuse to receive an application that is not a properly made application. 1
2
- ‘(7) If the corporation receives, and after consideration accepts, an application that is not a properly made application, the application is taken to be a properly made application. 3
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- ‘(8) Subsection (7) does not apply to an application unless the application contains the written consent of the owner of any land to which the application applies. 6
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8
- ‘34G Changing an application 9**
- ‘Before an application is decided, the applicant may change the application by giving the corporation written notice of the change. 10
11
- ‘34H Withdrawing an application 12**
- ‘(1) An application may be withdrawn by the applicant, by written notice given to the corporation, at any time before the application is decided. 13
14
- ‘(2) The corporation may refund all or part of any fee paid for the application. 15
16
- ‘34I Information requests to applicant 17**
- ‘The corporation may ask the applicant, by written request (an “information request”), to give further information needed to assess the application. 18
19
20
- ‘34J Applicant responds to any information request 21**
- ‘(1) If the applicant receives an information request from the corporation, the applicant must respond by giving the corporation all of the information requested within the reasonable time requested by the corporation. 22
23
24
25
- ‘(2) If the applicant does not provide the information within the reasonable time requested by the corporation, the corporation may refuse the application. 26
27
28

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‘34K Deciding the application generally	1
‘(1) In deciding the application, the corporation must consult with the council in the way the corporation considers appropriate.	2 3
‘(2) The corporation must—	4
(a) approve all or part of the application; or	5
(b) approve all or part of the application subject to conditions decided by the corporation; or	6 7
(c) refuse the application.	8
‘(3) Without limiting subsection (2)(b), the corporation may impose conditions about infrastructure and the payment of contributions for infrastructure in the corporation area.	9 10 11
‘(4) In this section—	12
“infrastructure” includes the extent and location of proposed infrastructure, having regard to existing infrastructure networks, their capacities and thresholds for augmentation.	13 14 15
 ‘34L Decision notice	 16
‘(1) The corporation must give written notice of the decision in the approved form (the “decision notice”) to the applicant and the council.	17 18
‘(2) The decision notice must be given within 5 business days after the day the decision is made and must state the following—	19 20
(a) the day the decision was made;	21
(b) whether the application is approved, approved subject to conditions or refused;	22 23
(c) if the application is approved subject to conditions, the conditions;	24 25
(d) if the application is refused, the reasons for refusal.	26
‘(3) When the corporation gives a decision notice under subsection (1), the corporation must also give a copy of any plans and specifications approved by the corporation in relation to the decision notice.	27 28 29

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‘34M Conditions must be relevant or reasonable	1
‘A condition imposed under section 34K(2)(b) must—	2
(a) be relevant to, but not an unreasonable imposition on, the development or use of premises as a consequence of the development; or	3 4 5
(b) be reasonably required in relation to the development or use of premises as a consequence of the development.	6 7
‘34N Particular approvals to be recorded on planning scheme	8
‘(1) If—	9
(a) development approval is given by the corporation; and	10
(b) the council is satisfied the development approval is inconsistent with the council’s planning scheme;	11 12
the council must note the development approval on the planning scheme.	13
‘(2) To remove any doubt, it is declared that—	14
(a) the note on the planning scheme is not an amendment of the planning scheme; and	15 16
(b) a contravention of subsection (1) does not affect the validity of the development approval.	17 18
‘34O When development approval takes effect	19
‘If the application is approved, or approved subject to conditions, the decision notice is taken to be the development approval and has effect from the time the decision notice is given.	20 21 22
‘34P When development may start	23
‘(1) Development may start when development approval for the development takes effect.	24 25
‘(2) Subsection (1) applies subject to any condition applying under section 34L(2)(c) ⁴ to a development approval for the development.	26 27

4 Section 34L (Decision notice)

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‘34Q When development approval lapses

‘(1) The development approval for the application lapses at the end of the currency period for the development approval unless—

- (a) for development that is a material change of use—the change of use happens before the end of the currency period; or
- (b) for development that is a reconfiguration of a South Bank lot—the plan for the reconfiguration of the lot is given to the corporation for its approval before the end of the currency period; or
- (c) for development not mentioned in paragraph (a) or (b)—development under the development approval substantially starts before the end of the currency period.

‘(2) To the extent the development approval is for development other than a material change of use, the “**currency period**” is—

- (a) the 1 year starting the day the approval takes effect; or
- (b) if the approval states or implies a time for the approval to lapse—the period from the day the approval takes effect until the stated or implied time.

‘(3) To the extent the development approval is for development that is a material change of use, the “**currency period**” is—

- (a) the 2 years starting the day the approval takes effect; or
- (b) if the approval states or implies a time for the approval to lapse—the period from the day the approval takes effect until the stated or implied time.

‘34R Request to extend currency period

‘(1) If, before the development approval lapses, a person having an interest in the land to which the development approval relates wants to extend the currency period, the person may, by written notice, ask the corporation to extend the currency period.

‘(2) If the corporation has an approved form for the request, the request must be in the approved form.

‘(3) The request must—

- (a) be made before the currency period ends; and

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(b) be accompanied by the fee for the request decided by the corporation manager.	1 2
‘(4) The fee must not be more than the actual cost of considering and processing the request.	3 4
‘34S Deciding request to extend currency period	5
‘(1) The corporation must approve or refuse the extension within 30 business days after receiving the request.	6 7
‘(2) The corporation and the person making the request may agree to extend the period within which the corporation must decide the request.	8 9
‘(3) Despite section 34Q, ⁵ the development approval does not lapse until the corporation decides the request.	10 11
‘(4) After deciding the request, the corporation must give written notice of the decision to the person asking for the extension and to the council.	12 13
‘34T Development approval attaches to land	14
‘(1) The development approval attaches to the land, the subject of the application, and binds the owner of the land, the owner’s successors in title and any occupier of the land.	15 16 17
‘(2) To remove any doubt, it is declared that subsection (1) applies even if later development (including reconfiguring a South Bank lot) is approved for the land (or the land as reconfigured).	18 19 20
‘34U Request to change or cancel development approval	21
‘(1) This section applies if a person having an interest in the land to which the development approval relates wants to change or cancel a development approval.	22 23 24
‘(2) The person may, by written notice to the corporation, ask the corporation to change or cancel the development approval.	25 26
‘(3) If the corporation has an approved form for the request, the request must be in the approved form.	27 28

5 Section 34Q (When development approval lapses)

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‘(4) The request must be accompanied by the fee for the request decided by the corporation manager.	1 2
‘(5) The fee must not be more than the actual cost of considering and processing the request.	3 4
‘34V Deciding request to change or cancel development approvals	5
‘(1) The corporation must decide the request within 20 business days after receiving the request.	6 7
‘(2) The corporation and the person may agree to extend the period within which the corporation must decide the request.	8 9
‘(3) To the extent relevant, the corporation must assess and decide the request having regard to—	10 11
(a) the matters the corporation would have regard to if the request were a development application; and	12 13
(b) the interests of other persons whose interests in the land may be affected by the application.	14 15
‘(4) The corporation must give the person and the council written notice of the decision.	16 17
‘(5) The changed development approval or cancellation takes effect from the day the notice is given to the person.	18 19
<i>‘Division 4—South Bank development offences</i>	20
‘34W Application of this division to the corporation	21
‘This division does not bind the corporation.	22
‘34X Carrying out assessable development without development approval	23 24
‘A person must not start assessable development without a development approval for the development.	25 26
Maximum penalty—1 665 penalty units.	27

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‘34Y Compliance with development approval	1
‘A person must not contravene a development approval, including any condition in the approval.	2 3
Maximum penalty—1 665 penalty units.	4
 ‘34Z Offence about use of premises	 5
‘A person must not use premises in the corporation area if the use is not a lawful use.	6 7
Maximum penalty—1 665 penalty units.	8
 ‘34ZA Development or use carried out in emergency	 9
‘Sections 34X, 34Y and 34Z do not apply to a person if—	10
(a) the person starts development or a use because of an emergency endangering—	11 12
(i) the life or health of a person; or	13
(ii) the structural safety of a building; and	14
(b) the person gives written notice of the development or use to the corporation as soon as practicable after starting the development or use.	15 16 17
 <i>‘Division 5—Relationship with the Integrated Planning Act until the development completion date</i>	 18 19
 ‘34ZB Application of div 5	 20
‘This division applies until the development completion date.	21
 ‘34ZC When the corporation is a concurrence agency	 22
‘When the corporation is a concurrence agency under the Integrated Planning Act—	23 24

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- (a) for the Integrated Planning Act, section 3.3.15,⁶ the following are applicable concurrence agency codes—
- (i) the approved development plan;
 - (ii) this Act;
 - (iii) any relevant plan, policy or guideline made by the corporation from time to time; and
- (b) an applicant may not appeal against the corporation's concurrence agency response; and
- (c) the Integrated Planning Act, section 3.5.32⁷ does not apply to conditions imposed by the corporation; and
- (d) the Integrated Planning Act, section 4.1.21⁸ does not apply to the extent a declaration is sought about anything done or omitted to be done by the corporation.

'Division 6—Relationship with the Integrated Planning Act on development completion date

'34ZD Effect of development completion date

'On the development completion date, all development approvals that have not lapsed under this Act are taken to be development permits under the Integrated Planning Act, section 3.1.5(3).

'Division 7—Miscellaneous

'34ZE Approved forms

'The corporation manager may approve forms for use under this part.'

6 Integrated Planning Act, section 3.3.15 (Referral agency assesses application)

7 Integrated Planning Act, section 3.5.32 (Conditions that can not be imposed)

8 Integrated Planning Act, section 4.1.21 (Court may make declarations)

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Clause 26	Amendment of s 37 (Payment instead of rates)	1
	(1) Section 37(1), from ‘, other than land’ to ‘of the Crown’—	2
	<i>omit.</i>	3
	(2) Section 37, as amended—	4
	<i>relocate and renumber</i> in part 6 as section 37L.	5
Clause 27	Amendment of s 37E (Court may exclude person from the site)	6
	Section 37E(7)—	7
	<i>omit.</i>	8
Clause 28	Amendment of s 37I (Procedure for review)	9
	Section 37I(2)(c) and (d)—	10
	<i>omit.</i>	11
Clause 29	Amendment of s 37J (Decision on review)	12
	Section 37J(3)—	13
	<i>omit.</i>	14
Clause 30	Replacement of s 37K (Annual report of corporation to include report on part)	15
	Section 37K—	16
	<i>omit, insert—</i>	17
	‘37K Annual report of corporation to include report on part	18
	‘(1) The corporation must, in each annual report, include a report on the exercise of powers under this part.	19
	‘(2) Without limiting subsection (1), the report must state—	20
	(a) the number of exclusion directions given, including the number given to children; and	21
	(b) the number of exclusion directions reviewed, including the number relating to children; and	22
		23
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	(c) the number of exclusion directions set aside, including the number relating to children; and	1 2
	(d) the number of exclusion orders made, including the number relating to children.’.	3 4
Clause 31	Replacement of s 38 (Financial arrangements)	5
	Section 38—	6
	<i>omit, insert—</i>	7
	‘38 Corporation is statutory body under Financial Administration and Audit Act 1977	8 9
	‘The corporation is a statutory body under the <i>Financial Administration and Audit Act 1977</i> .’.	10 11
Clause 32	Amendment of s 38AA (Declaration that corporation is statutory body)	12 13
	(1) Section 38AA, heading—	14
	<i>omit, insert—</i>	15
	‘38AA Corporation is statutory body under Statutory Bodies Financial Arrangements Act 1982’.	16 17
	(2) Section 38AA(1), ‘for’—	18
	<i>omit, insert—</i>	19
	‘under’.	20
Clause 33	Omission of ss 38B–38G	21
	Sections 38B to 38G—	22
	<i>omit.</i>	23
Clause 34	Amendment of s 39A (Fire safety requirements)	24
	Section 39A, from ‘Despite’ to ‘fire safety officer’—	25
	<i>omit, insert—</i>	26

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‘Despite any Act relating to fire safety, but without compromising the principles of fire safety in the Act, a relevant fire authority or inspecting entity, when deciding whether fire safety installations and other fire safety measures for a building on South Bank public land are installed as required by the Act and are adequate and operational,’.

- Clause 35 Omission of s 39D (Acts not to apply to leases from corporation)** 6
 Section 39D— 7
omit. 8
- Clause 36 Omission of s 39G (Building work by or on behalf of the Crown)** 9
 Section 39G— 10
omit. 11
- Clause 37 Insertion of new ss 40–40F** 12
 After section 39M— 13
insert— 14
- ‘40 Security officers** 15
 ‘(1) The corporation may appoint an individual as a security officer. 16
 ‘(2) However, the corporation may appoint an individual as a security officer only if the corporation is satisfied the individual has the necessary expertise or experience. 17
 18
 19
- ‘40A Appointment conditions and limit on powers** 20
 ‘(1) A security officer holds office on any conditions stated in— 21
 (a) the security officer’s instrument of appointment; or 22
 (b) a signed notice given to the security officer; or 23
 (c) a regulation. 24
 ‘(2) The instrument of appointment, a signed notice given to the security officer or a regulation may limit the security officer’s powers under this Act. 25
 26
 27

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‘(3) In this section—	1
“signed notice” means a notice signed by the corporation manager.	2
‘40B Issue of identity card	3
‘(1) The corporation must issue an identity card to each security officer.	4
‘(2) The identity card must—	5
(a) contain a recent photo of the security officer; and	6
(b) contain a copy of the security officer’s signature; and	7
(c) identify the person as a security officer under this Act; and	8
(d) state an expiry date for the card.	9
‘(3) This section does not prevent the issue of a single identity card to a person for this Act and other purposes.	10 11
‘40C Production or display of identity card	12
‘(1) In exercising a power under this Act in relation to another person, a security officer must—	13 14
(a) produce the security officer’s identity card for the other person’s inspection before exercising the power; or	15 16
(b) have the identity card displayed so it is clearly visible to the other person when exercising the power.	17 18
‘(2) However, if it is not practicable to comply with subsection (1), the security officer must produce the identity card for the other person’s inspection at the first reasonable opportunity.	19 20 21
‘40D When security officer ceases to hold office	22
‘(1) A security officer ceases to hold office if any of the following happens—	23 24
(a) the term of office stated in a condition of office ends;	25
(b) under another condition of office, the security officer ceases to hold office;	26 27
(c) the security officer’s resignation under section 40E takes effect.	28

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‘(2) Subsection (1) does not limit the ways a security officer may cease to hold office.	1 2
‘(3) In this section—	3
“ condition of office ” means a condition on which the security officer holds office.	4 5
‘40E Resignation	6
‘(1) A security officer may resign by signed notice given to the corporation.	7 8
‘(2) However, if holding office as a security officer is a condition of the security officer holding another office, the security officer may not resign as a security officer without resigning from the other office.	9 10 11
‘40F Return of identity card	12
‘An individual who ceases to be a security officer must return the security officer’s identity card to the corporation within 21 days after ceasing to be a security officer, unless the individual has a reasonable excuse.	13 14 15 16
Maximum penalty—10 penalty units.’.	17
Clause 38 Amendment of s 41 (By-laws of corporation)	18
(1) Section 41(2)(d)—	19
<i>omit.</i>	20
(2) Section 41—	21
<i>insert—</i>	22
‘(3A) A by-law may provide that a stated local law does not apply, or applies with stated changes, within the corporation area.	23 24
‘(3B) If a by-law provides that a stated local law does not apply, or applies with stated changes, within the corporation area, the local law does not apply, or applies with the stated changes, within the corporation area.’.	25 26 27
(3) Section 41(5), ‘Where’—	28

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omit, insert—

1

‘Subject to subsection (3B), if’.

2

Clause 39 Insertion of new s 43 and pt 8

3

After section 42—

4

insert—

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‘43 Renumbering of Act

6

‘(1) The relevant provisions of this Act are amended by numbering and renumbering them in the same way as a reprint may be numbered and renumbered under the *Reprints Act 1992*, section 43.

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‘(2) Subsection (1) applies to a provision of this Act enacted or otherwise affected (a “**relevant provision**”) by a provision of an amending Act enacted but uncommenced when subsection (1) is commenced (the “**uncommenced provision**”), with the following intent for the relevant provision—

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(a) if the number of the relevant provision would have changed under subsection (1) had the uncommenced provision commenced—

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(i) a number is allocated to the relevant provision as if the uncommenced provision had commenced; and

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19

(ii) when the uncommenced provision commences, the number of the relevant provision is amended by omitting it and inserting the number allocated to it under subparagraph (i);

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21

22

(b) if the relevant provision would have been omitted or relocated had the uncommenced provision commenced, its number remains the same as it was before the commencement of subsection (1) until the omission or relocation takes effect.

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‘(3) Without limiting the *Reprints Act 1992*, section 43(4), each reference in this Act, and each reference in the *Duties Act 2001*, sections 132(d) and 139(a), to a provision of this Act renumbered under subsection (1), is amended, when the renumbering happens, by omitting the reference to the previous number and inserting the new number.

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‘(4) This section expires the day after the commencement into effect of the last renumbering done under the section.

32

33

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‘(5) In this section—	1
“ amending Act ” means an Act that amends this Act.	2
“ relevant provisions ” means the provisions other than—	3
(a) schedule 7, parts 1 to 6; and	4
(b) schedule 7, schedules 1 to 6.	5
‘PART 8—TRANSITIONAL PROVISIONS FOR SOUTH BANK CORPORATION AND OTHER ACTS AMENDMENT ACT 2003	6 7 8
‘44 Members of the corporation	9
‘(1) A person who, immediately before the commencement of this section, was a member of the corporation is taken to be, on the commencement, a member of the board in accordance with the member’s original conditions of appointment.	10 11 12 13
‘(2) The person who, immediately before the commencement of this section, was the chairperson of the corporation is taken to be, on the commencement, the chairperson of the board in accordance with the member’s original conditions of appointment.	14 15 16 17
‘(3) In this section—	18
“ member’s original conditions of appointment ” means the terms and conditions governing the member’s appointment immediately before the commencement.	19 20 21
‘45 Development approvals	22
‘An approval for development issued, and in force, under section 22 as in force immediately before the commencement of this section is, on the commencement, taken to be a development approval.	23 24 25
‘46 Variation of development approvals	26
‘An application for approval for development made to the corporation under section 22A as in force immediately before the commencement of	27 28

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this section must be dealt with as if the <i>South Bank Corporation and Other Acts Amendment Act 2003</i> had not been enacted.	1 2
‘47 Existing lawful use	3
‘To the extent an existing use of premises within the corporation area was lawful immediately before the commencement of this section, the use is taken to be lawful under this Act on the commencement.	4 5 6
‘48 Security officers	7
‘A person who, immediately before the commencement of this section, was a security officer appointed under this Act is taken to be, on the commencement, a security officer appointed under section 40.	8 9 10
‘49 Reference to member of the corporation	11
‘A reference in an Act or document to a member of the corporation may, if the context permits, be taken to be a reference to a member of the board.’.	12 13
Clause 40 Amendment of sch 1 (Additional provisions about members and procedure of the corporation)	14 15
Schedule 1, clause 3(1)—	16
<i>insert</i> —	17
‘(d) is a public service officer appointed on the nomination of the Minister and stops being a public service officer.’.	18 19
Clause 41 Replacement of sch 4 (Corporation area)	20
Schedule 4—	21
<i>omit, insert</i> —	22

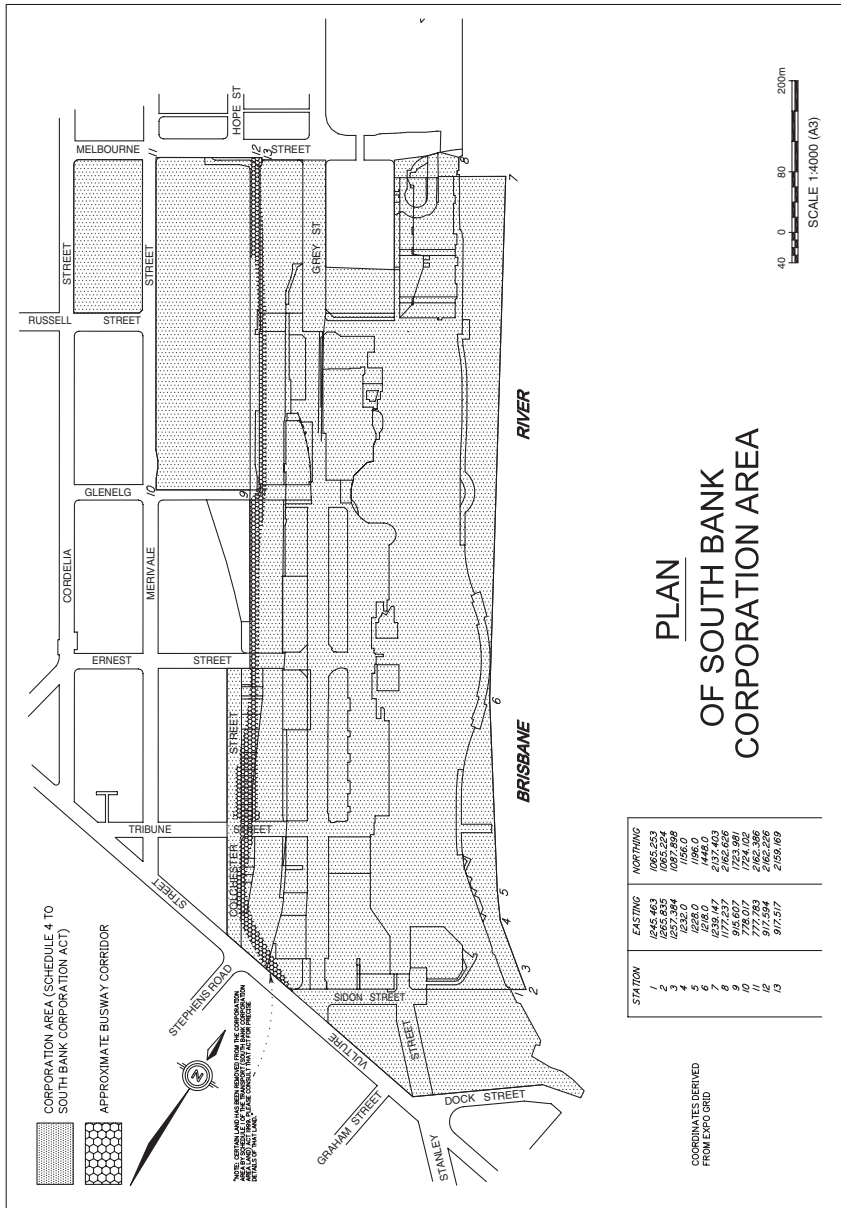
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‘SCHEDULE 4—CORPORATION AREA

1

section 4, definition “corporation area”

2



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	’.	1
Clause 42	Omission of sch 5 (Complementary development area)	2
	Schedule 5—	3
	<i>omit.</i>	4
Clause 43	Amendment of sch 7 (Modified Building Units and Group Titles Act)	5
	(1) Schedule 7, section 7(4), ‘the town plan’—	7
	<i>omit, insert—</i>	8
	‘the planning scheme made by the council as in force from time to time’.	9
	(2) Schedule 7, section 21(1A) and (2)(b), ‘unanimous resolution’—	10
	<i>omit, insert—</i>	11
	‘resolution without dissent’.	12
	(3) Schedule 7, section 23(1), (3) and (3B), ‘unanimous resolution’—	13
	<i>omit, insert—</i>	14
	‘resolution without dissent’.	15
	(4) Schedule 7, section 24(4)(b)(i) and (c), ‘the town plan’—	16
	<i>omit, insert—</i>	17
	‘the planning scheme made by the council as in force from time to time’.	18
	(5) Schedule 7, after section 94B—	19
	<i>insert—</i>	20
	‘94C Order giving effect to motion, or variation of motion, as proposed	21
	‘(1) If a referee is satisfied that a motion, other than a prescribed motion, considered by a general meeting of the body corporate and requiring a resolution without dissent was not passed because of opposition that in the circumstances is unreasonable, the referee may, on the application of the corporation or a lessee, make an order giving effect to the motion as proposed, or a variation of the motion as proposed.	22 23 24 25 26 27
	‘(2) In this section—	28

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“prescribed motion” means—

- (a) a motion for reinstatement in whole or in part of a building subject to a leasehold building units plan; or
- (b) a motion for termination or amalgamation of a leasehold building units plan.’.

Clause 44 Insertion of new sch 18

After schedule 17—

insert—

‘ SCHEDULE 18

‘ COMMERCIAL PRECINCT

section 23(7), definition “commercial precinct”

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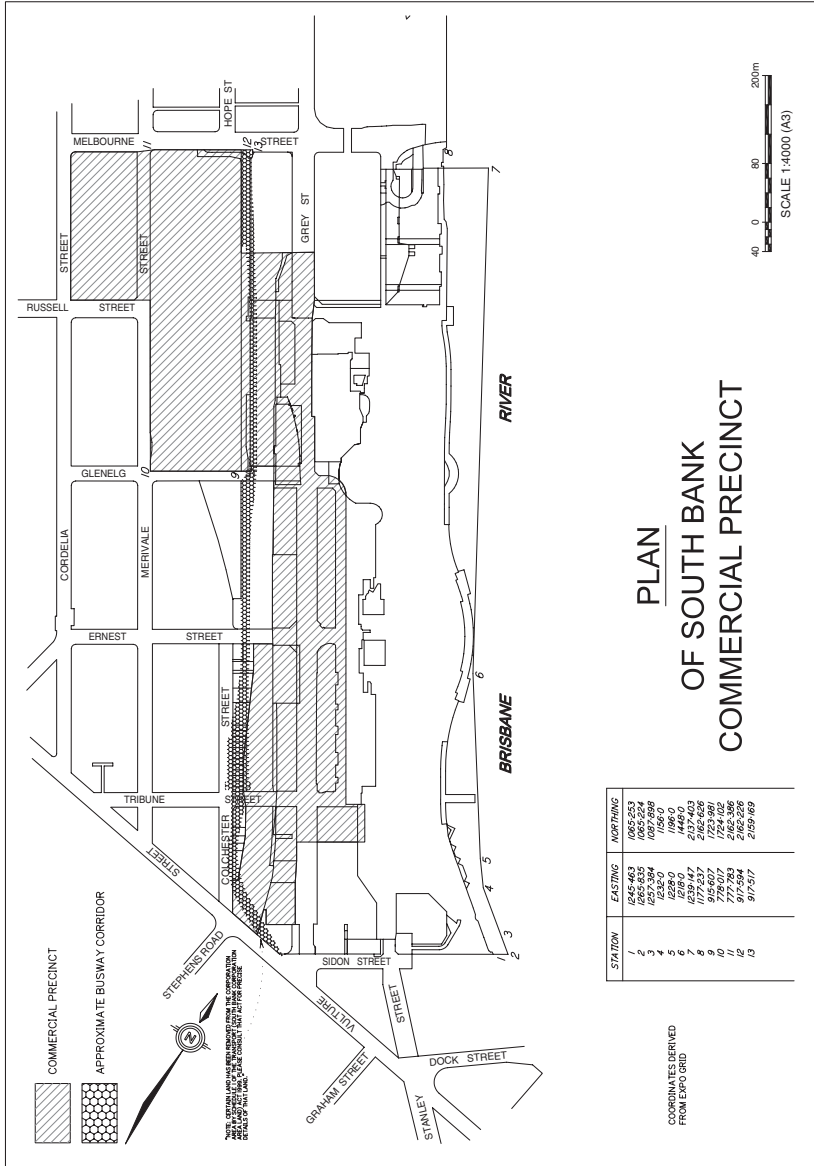
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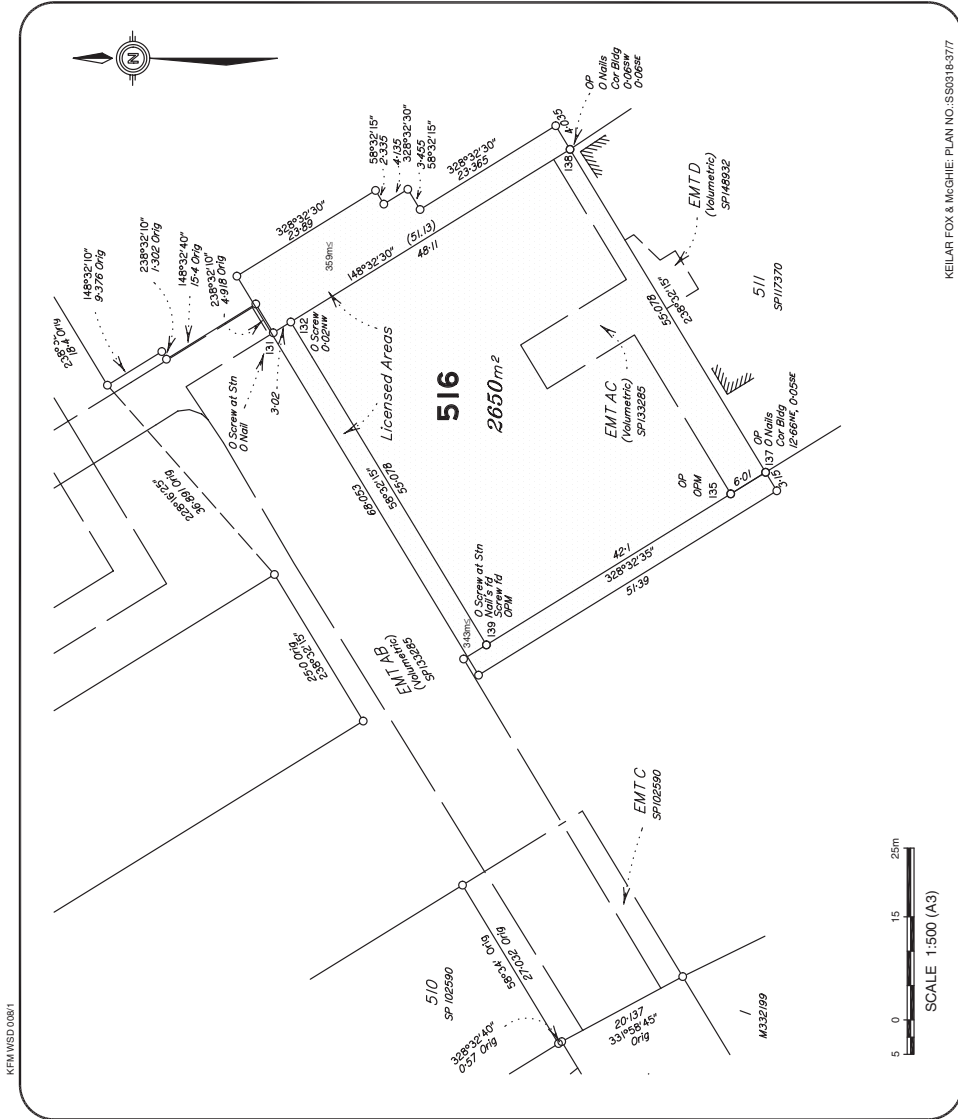
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PLAN 1



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PLAN 2



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**PART 3—AMENDMENT OF INTEGRATED PLANNING
ACT 1997**

		1
		2
Clause 45	Act amended in pt 3	3
	This part amends the <i>Integrated Planning Act 1997</i> .	4
Clause 46	Amendment of sch 8 (Assessable, self-assessable and exempt development)	5
		6
	(1) Schedule 8, part 1, section 4—	7
	<i>insert—</i>	8
	‘(g) is for the reconfiguration of a South Bank lot within the corporation area under the <i>South Bank Corporation Act 1989</i> .’.	9
		10
	(2) Schedule 8, part 3—	11
	<i>insert—</i>	12
	‘ 21D. Development within the meaning of the <i>South Bank Corporation Act 1989</i> , but only until the development completion date under that Act.’.	13
		14

**PART 4—AMENDMENT OF RESIDENTIAL
TENANCIES ACT 1994**

		15
		16
Clause 47	Act amended in pt 4	17
	The part amends the <i>Residential Tenancies Act 1994</i> .	18
Clause 48	Amendment of s 16 (State as lessor)	19
	Section 16(3)—	20
	<i>omit, insert—</i>	21
	‘(3) To remove any doubt, it is declared that this Act does not apply to a long term lease entered into or granted by the South Bank Corporation in	22
		23

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- relation to premises within the South Bank corporation area even if the lease is for, or for purposes that include, residential purposes. 1
2
- ‘(4) However, if the lessee of a lease mentioned in subsection (3) sublets the land or a part of the land for, or for purposes that include, residential purposes, this Act applies to the sublease. 3
4
5
- ‘(5) In this section— 6
- “authorising law” means an Act other than this Act or the *State Housing Act 1945*. 7
8
- “long term lease” means— 9
- (a) a lease for a term, including renewal options, of at least 100 years; or 10
11
- (b) a perpetual lease as defined under the *South Bank Corporation Act 1989*. 12
13
- “South Bank corporation area” means the corporation area as defined under the *South Bank Corporation Act 1989*.’. 14
15

**PART 5—AMENDMENT OF RETAIL SHOP LEASES
ACT 1994** 16
17

- Clause 49 Act amended in pt 5** 18
This part amends the *Retail Shop Leases Act 1994*. 19
- Clause 50 Amendment of s 5 (Definitions)** 20
- (1) Section 5— 21
insert— 22
- ‘ “South Bank corporation area” means the corporation area as defined under the *South Bank Corporation Act 1989*.’. 23
24
- (2) Section 5, definition “retail shop lease”, paragraphs (b) to (e)— 25
renumber as paragraphs (c) to (f). 26
- (3) Section 5, definition “retail shop lease”— 27

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insert—

- ‘(b) a retail shop within the South Bank corporation area if the lease
is a perpetual lease or another lease for a term, including renewal
options, of at least 100 years entered into or granted by the South
Bank Corporation; or’.

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SCHEDULE	1
MINOR AMENDMENTS	2
<i>section 3</i>	3
1 Section 13(3) and (4)—	4
<i>relocate and renumber as section 13(4) and (3) respectively.</i>	5
2 Part 4 heading—	6
<i>omit, insert—</i>	7
‘PART 4—OBJECTS, FUNCTIONS AND POWERS’.	8
3 Section 21(9)(b), after ‘development’—	9
<i>insert—</i>	10
<i>‘plan’.</i>	11
4 Schedule 1, heading, ‘CORPORATION’—	12
<i>omit, insert—</i>	13
‘BOARD’.	14
5 Schedule 1, clause 1, ‘of the corporation’—	15
<i>omit.</i>	16
6 Schedule 1, clause 2, ‘corporation’, first and third mention—	17
<i>omit, insert—</i>	18
<i>‘board’.</i>	19

SCHEDULE (continued)

7 Schedule 1, clause 2, ‘of the corporation’— <i>omit.</i>	1 2
8 Schedule 1, clause 3(2)(g), ‘corporation’— <i>omit, insert—</i> ‘board’.	3 4 5
9 Schedule 1, clause 4(1) and (2), ‘of the corporation’— <i>omit.</i>	6 7
10 Schedule 1, part 2, heading ‘CORPORATION’— <i>omit, insert—</i> ‘BOARD’.	8 9 10
11 Schedule 1, clause 5, ‘corporation’— <i>omit, insert—</i> ‘board’.	11 12 13
12 Schedule 1, clause 6, ‘corporation’— <i>omit, insert—</i> ‘board’.	14 15 16
13 Schedule 1, clause 7(1), ‘corporation’— <i>omit, insert—</i> ‘board’.	17 18 19

SCHEDULE (continued)

14	Schedule 1, clause 9(1), ‘corporation’—	1
	<i>omit, insert—</i>	2
	‘board’.	3
15	Schedule 1, clause 10(1) and (2), ‘corporation’—	4
	<i>omit, insert—</i>	5
	‘board’.	6
16	Schedule 1, clause 11(1), ‘corporation’—	7
	<i>omit, insert—</i>	8
	‘board’.	9
17	Schedule 1, clause 12(1), ‘corporation’, second and third mention—	10
	<i>omit, insert—</i>	11
	‘board’.	12
		13
18	Schedule 1, clause 13(1), ‘corporation’, second mention—	14
	<i>omit, insert—</i>	15
	‘board’.	16
19	Schedule 1, clause 14(1), ‘of the corporation’, first mention—	17
	<i>omit.</i>	18
20	Schedule 1, clause 14(1), ‘by the corporation’—	19
	<i>omit, insert—</i>	20
	‘by the board’.	21

SCHEDULE (continued)

21	Schedule 1, clause 14(1), ‘of the corporation’, second mention—	1
	<i>omit, insert—</i>	2
	‘of the board’.	3
22	Schedule 1, clause 14(2), ‘corporation’s’—	4
	<i>omit, insert—</i>	5
	‘board’s’.	6
23	Schedule 1, clause 15(1), ‘of the corporation’, first mention—	7
	<i>omit.</i>	8
24	Schedule 1, clause 15(1), ‘by the corporation’—	9
	<i>omit, insert—</i>	10
	‘by the board’.	11
25	Schedule 1, clause 15(1)(d), ‘of the corporation’—	12
	<i>omit, insert—</i>	13
	‘of the board’.	14
26	Schedule 1, clause 15(2), (3) and (4), ‘corporation’—	15
	<i>omit, insert—</i>	16
	‘board’.	17
27	Schedule 9, ‘22A’—	18
	<i>omit, insert—</i>	19
	‘22AB’.	20

SCHEDULE (continued)

28	Schedule 9, ‘sections 27’ to ‘37’—	1
	<i>omit, insert—</i>	2
	‘part 5AB	3
	section 37L’.	4
29	Schedule 18, ‘section 23(7)’—	5
	<i>omit, insert—</i>	6
	‘section 17A(7)’.	7