

TASMANIA

**CONVEYANCING AND LAW OF PROPERTY
(BUILDING TITLE PLANS) REGULATIONS 2022**

STATUTORY RULES 2022, No. 98

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SCHEDULE 1 – FORM

**CONVEYANCING AND LAW OF PROPERTY
(BUILDING TITLE PLANS) REGULATIONS 2022**

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the *Conveyancing and Law of Property Act 1884*.

Dated 21 November 2022.

B. BAKER
Governor

By Her Excellency's Command,

R. C. JAENSCH
Minister for Parks

PART 1 – PRELIMINARY

1. Short title

These regulations may be cited as the *Conveyancing and Law of Property (Building Title Plans) Regulations 2022*.

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Part 1 – Preliminary

2. Commencement

These regulations take effect on
28 November 2022.

3. Interpretation

(1) In these regulations –

Act means the *Conveyancing and Law of
Property Act 1884*;

body corporate has the same meaning as in
the *Strata Titles Act 1998*;

boundary structure has the same meaning as
in the *Strata Titles Act 1998*;

Recorder means the Recorder of Titles
appointed under the *Land Titles Act
1980*;

unit entitlement has the same meaning as in
the *Strata Titles Act 1998*.

(2) Unless the contrary intention appears,
expressions used in these regulations that are
defined in section 75CB of the Act have the
same respective meaning in these regulations.

PART 2 – BUILDING TITLE PLANS

4. General requirements

- (1) A building title plan must –
 - (a) state the name of any body corporate to be formed in relation to the plan and its address for service; and
 - (b) if parking easements are created on the building title plan –
 - (i) delineate the parking bays; and
 - (ii) define or describe the rights of access to be conferred by the easements; and
 - (iii) define any other easements and covenants (other than statutory easements) that are to be created on registration of the plan and to which any part of the site is to be subject; and
 - (c) contain any other information and features required by the Recorder.
- (2) If a building title plan is divided into lots, it must –
 - (a) define the boundaries of each lot; and

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- (b) show the approximate area of each lot;
and
 - (c) state the unit entitlement of each lot, if
applicable; and
 - (d) include a drawing illustrating the lots and
distinguishing them by numbers or other
symbols.
- (3) If a lot on a building title plan is part of a building, the plan may define the boundaries of the lot by reference to the boundary structures without necessarily delineating the boundaries, or showing the dimensions, of the lot.
- (4) A building title plan must be endorsed with, or be accompanied by, a certificate of a registered surveyor certifying that the building or buildings shown on the plan are within the boundaries of the site or that any encroachment beyond those boundaries is properly authorised according to law.
- (5) If a site comprising a building title plan is part of a piece of land that is subject to a highway adjoining the site, both the external boundary of the site and the boundary of the piece under or over the highway may be shown on the plan.

5. Lodgement

If a person wishes to register a building title plan, the plan is to –

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- (a) be lodged, in accordance with the *Land Titles Regulations 2022*, as if it were a dealing under the *Land Titles Act 1980*; and
- (b) be accompanied by the fee prescribed for a building title plan under the *Land Titles Act 1980*.

6. Registration

A building title plan is taken to be registered if the Recorder records on the first page of the plan –

- (a) a notification that the plan has been registered; and
- (b) the date of registration; and
- (c) the Recorder's signature.

7. Powers of Recorder

- (1) The Recorder may, before registering a building title plan and after giving notice to such persons as the Recorder thinks fit –
 - (a) number, re-number or otherwise distinguish any flats in the building title plan; and
 - (b) supply omissions and correct patent errors in the building title plan.

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- (2) Without limiting subregulation (1), the Recorder may, before registering a building title plan, amend it with the consent of –
- (a) the person who lodged it; and
 - (b) the town clerk of the Council.

8. Notification on certificate of title

The Recorder is to enter on each folio of the Register, under the *Land Titles Act 1980*, for a building title plan, a notification that the proprietor holds the proprietor's flat and the proprietor's share of common property, if any, subject to –

- (a) any interests affecting the flat or common property being notified on the registered building title plan; and
- (b) any amendments to the flat or common property shown on the building title plan.

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PART 3 – MISCELLANEOUS

9. Declaration by Hobart City Council

A declaration made under section 75CD(1) of the Act is to be in accordance with the form in Schedule 1.

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SCHEDULE 1 – FORM

Regulation 9

Form – Declaration under section 75CD(1)

The Hobart City Council[^] hereby declares –

**(a)* that the building comprised in this plan is erected entirely over the Rivulet and vests in for an estate in fee simple.

**(b)* that the building comprised in this plan is erected partly over the Rivulet and partly on adjoining land on one side of the rivulet and the part of the building over the rivulet vests in the owner of the adjoining land for an estate in fee simple.

**(c)* that the building comprised in this plan is erected partly over the Rivulet and partly on land on both sides of the rivulet and the part of the building over the rivulet vests in the owner of the adjoining lands for an estate in fee simple.

Dated:

In witness whereof the common seal of the Hobart City Council[^] was hereunto affixed in the presence of –

* Strike out whichever is inapplicable.

[^] If the Hobart City Council has ceased to be known by that name, strike out and replace with the new name.

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Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 23 November 2022.

These regulations are administered in the Department of Natural Resources and Environment Tasmania.

EXPLANATORY NOTE

(This note is not part of the regulations)

These regulations –

- (a) provide for various matters in relation to building title plans under Division 2 of Part XI of the *Conveyancing and Law of Property Act 1884*; and
- (b) are made consequent on the repeal of the *Conveyancing and Law of Property (Building Titles Plans) Regulations 2012* under section 11 of the *Subordinate Legislation Act 1992*.