

LandTasmania

Priority Final Plan

Practice Guide

Version 1.0

OCTOBER 2022

Priority Final Plan scheme

The Priority Final Plan scheme (“PFP scheme”) came into effect on 30 November 2020, following amendments to Division 3 of the [Local Government \(Building and Miscellaneous Provisions\) Act 1993](#) (the “Act”).

Plans that are compliant with the PFP scheme, and do not require amendment or further information via Notice in writing (“Notice”) from the Land Titles Office (“LTO”) must be accepted or rejected within 15 business days of the LTO receiving the final plan sealed by council.

Applicable Law

Requirements for lodgment under the PFP scheme are set out in Division 3 of the Act.

How to comply with the PFP scheme?

To assist with preparation and lodgment, a [Priority Final Plan Checklist and Certification](#) document has been developed by the LTO and can be found at the [end of this document](#) or by visiting the [Land Titles Office page](#) on the NRE Tas website. Lodging parties may include this with the initial lodgment or subsequent lodgments.

To apply for a plan subdivision to be dealt with under the PFP scheme, lodging parties are to provide the following to the LTO:

On initial lodgment with the LTO (within 5 business days of lodging with council)

- Payment of the correct prescribed fees* which may be found by clicking [here](#).
*Any road lot must be [included](#) as a lot when calculating the fee payable.
- A copy of the final plan marked “**Priority Final Plan**” as lodged with council.
- A copy of the fully executed schedule of easements.
- Copies, or originals of:
 - Survey notes.
 - Balance plan (if required).
- Certification or endorsement by the owner, an agent of the owner or a legal practitioner acting on behalf of the owner, that:

- the copy final plan and documents lodged under the PFP scheme with the LTO are **identical** to the documents that were lodged with council, and;
- were lodged with council not more than **5 business days** before lodgment with the LTO.

With or before the LTO receipt of final plan, marked “Priority Final Plan” sealed by council

These documents **must** be lodged with the LTO either **with or before** lodgment of the final plan sealed by council with the LTO:

- Certificate of title or valid production slip receipt for all affected titles.
Under the PFP scheme it is not a requirement to provide the certificate of title(s) or production slip receipt(s) on the initial lodgment of documents with the LTO.
- **Original** survey notes (if not already provided).
- **Original** fully executed schedule of easements.
- **Original** balance plan (if required and if not already provided).

For examination purposes

In accordance with [Office Circular No. 5/2019](#), a registered land surveyor must ensure that every plan of survey and the associated survey notes lodged are fully compliant with the [Survey Directions](#) applicable at that time. It is the responsibility of the surveyor to ensure the provision of documentation with no errors or omissions by satisfying the following criteria:

- Adequate presentation with no textual errors or omission of administrative detail.
- No errors in dimensions or lot areas, or omission of access or easements, or statutory non-compliance.
- Adequate basis for boundary redefinition (inclusive of adequate reporting); adequate documentation of occupation; correct re-establishment of title boundaries; no overlap of titles; marked in accordance with the Survey Directions.

How are Notices issued?

In accordance with the Act, the Recorder of Titles may:

- give to the council and the owner a Notice that the final plan marked “**Priority Final Plan**” is required to be amended; or
- give to the owner a Notice specifying that:
 - the Recorder of Titles requires further information or documents; or
 - the information or documents provided to the Recorder of Titles require amendment as specified in the Notice.

When the LTO advises a party of a Notice, this will be in the form of a formal communication via written letter which is emailed or mailed to the recipients. The Notice will state the requirements of the LTO that need to be met and it may include a copy of a document showing amendment, or further information required for ease of explanation. This copy document may be marked-up, or highlighted, or otherwise labelled to indicate the part that requires amendment, or where further information is required and forms part of the Notice. An example is shown in Figure 1.

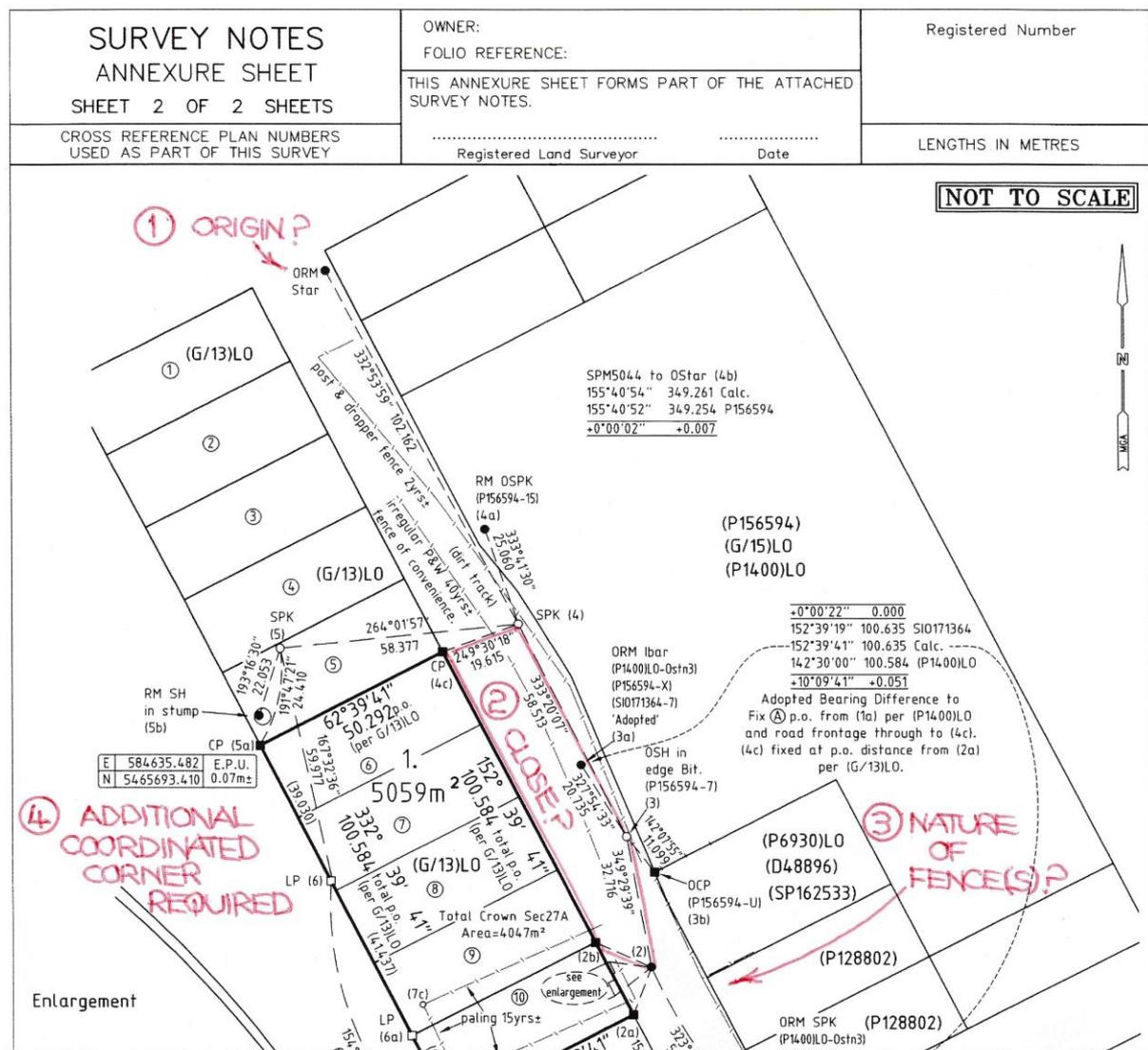


Figure 1- Example of a marked-up copy clearly labelled, indicating where amendment or further information is required

How to respond to a Notice?

The appropriate response will depend on the further information, or amendment requested in the Notice. A copy of the Notice should be included when a response is provided. The response should clearly address the issue/s that have been raised in the Notice.

If the response involves a replacement document in lieu of a document already lodged, please clearly state this, and provide a marked-up copy or highlighted copy or otherwise labelled copy to indicate the part/s amended, or where further information is provided.

Responses must be in writing and can be sent via post or emailed. **Emailed responses to Notices are to be sent to planslto@nre.tas.gov.au.**

What effect does a Notice have on Priority Final Plans?

Upon the LTO advising the lodging party, or their agent, and when required, council, of a Notice, the 15-business day timeframe pauses. The 15-business day timeframe resumes once **all** Notices have been resolved to the Recorder of Titles' satisfaction.

When a response to the Notice, in the form requested, is received by the LTO, the LTO has 8 business days to consider the response, request any additional information, or accept the response. If the LTO fails to provide a response within the 8-business day timeframe for LTO consideration of response, the 15-business day timeframe starts again.

What happens to lodgments that no longer comply with the PFP scheme?

If lodging parties attempt to lodge under the PFP scheme, and the lodgment does not comply, lodging parties will be advised by the LTO in writing.

Lodgments that do not comply, or that no longer comply, with the PFP scheme will not enjoy the priority benefits of the PFP scheme as provided in the Act.

Lodgments outside the PFP scheme will be examined in the normal course of business.

General enquiries regarding the PFP scheme

General enquiries regarding the PFP scheme should be emailed to lto@nre.tas.gov.au.

DISCLAIMER

This publication may be of assistance and has been prepared to provide practical guidance and assistance. The State of Tasmania and its employees do not guarantee that it is without flaw of any kind or is wholly appropriate for particular purposes and therefore disclaims all liability for any error, loss or other consequence which may arise relying on any information in this publication.

This publication does not constitute legal advice.

The State of Tasmania and the Land Titles Office take no responsibility for any transaction undertaken in reliance on the information in this publication. Seek professional advice in relation to particular requirements.

The publication may be updated from time to time and is current at the date of publication shown on the cover.

This publication is also subject to the standard Government Copyright and Disclaimer Notices.

QUICK LINKS

The Australasian Legal Information Institute www.austlii.edu.au

Tasmania's consolidated legislation online www.legislation.tas.gov.au

Department of Natural Resources and Environment Tasmania nre.tas.gov.au

The LIST (Land Information System Tasmania) www.thelist.tas.gov.au

Priority Final Plan Checklist and Certification v1.0

(This document may be included with the initial lodgment or subsequent lodgments)

Lodging firm	_____
or	
Full name	_____
Address	_____

SECTION A. For initial lodgment of documents and copy of final plan, marked “Priority Final Plan” under the Priority Final Plan scheme	Tick if applicable <input type="checkbox"/>
Fees enclosed <small>Any road lot should be included as a lot when calculating the fee payable.</small>	<input type="checkbox"/>
Documents enclosed are:	Original Copy
Copy of final plan marked “ Priority Final Plan ”	<input type="checkbox"/> <input type="checkbox"/>
Copy of fully executed schedule of easements	<input type="checkbox"/> <input type="checkbox"/>
Survey notes	<input type="checkbox"/> <input type="checkbox"/>
Balance plan <i>(if required)</i>	<input type="checkbox"/> <input type="checkbox"/>
Any other documents? <i>(specify)</i> _____	<input type="checkbox"/> <input type="checkbox"/>
<p>I certify that the copy plan and copy documents (if any) provided are identical to the original documents lodged with the council under s 88(1) of the <i>Local Government (Building and Miscellaneous Provisions) Act 1993</i> and were lodged no more than 5 business days before the date of this lodgment.</p>	
Signature: _____	
Capacity <i>(owner, an agent of the owner or a legal practitioner acting on behalf of the owner):</i> _____	

SECTION B. For lodgment of documents now able to be provided as originals	Tick if applicable <input type="checkbox"/>
<p>To comply and enjoy the priority benefit of the PFP scheme, originals are to be lodged with, or before the LTO receives, the final plan sealed by council.</p>	
Fully executed schedule of easements	Original <input type="checkbox"/>
Survey notes <i>(if original not already provided)</i>	<input type="checkbox"/>
Balance plan <i>(if required and if original not already provided)</i>	<input type="checkbox"/>
Certificate of title(s) or valid production slip receipt(s)	<input type="checkbox"/>
Any other documents? <i>(specify)</i> _____	<input type="checkbox"/>

SECTION C. For lodgment of final plan, marked “Priority Final Plan” sealed by council	Tick if applicable <input type="checkbox"/>
<p>It can be lodged together with documents listed in SECTION B.</p>	