



Clarence City Council

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Mr Craig Pursell  
Review of the Strata Titles Act 1998  
Land Tasmania  
Department of Primary Industries, Parks, Water & Environment  
Email: [craig.pursell@dpipwe.tas.gov.au](mailto:craig.pursell@dpipwe.tas.gov.au)

Dear Mr Pursell

#### **REVIEW OF THE STRATA TITLES ACT 1998**

Thank you for the opportunity to comment on the review of the *Strata Titles Act 1998*. We have reviewed the document and wish to offer the following comments.

##### *General comment*

This process should be undertaken only as an interim measure to address difficulties with the legislation. We would urge for a comprehensive review of legislation relating to the creation of titles. Specifically, Strata Titles Act and the subdivision provisions of the Local Government (Building and Miscellaneous Provisions) Act should be replaced by a single, contemporary subdivisions act.

##### *Digitisation of plans*

It would be beneficial if the Land Titles Office could accept digital plans instead of relying on the submission of hard copy plans by surveyors. This would save significant time for surveyors, landowners and councils in processing plans. It should also reduce administrative burden for the LTO. With the availability of software that enables accurate checking of measurements on digital plans, there are no technological reasons why such plans cannot be accepted.

##### *Vacant lots*

Our experience has been that there are many differing interpretations of section 31 of the Act. Section 31(6) specifically provides that “a council must refuse an application for a certificate of approval if the council reasonably considers that the proposal is for a subdivision within the meaning of Part 3 of the Local Government (Building and Miscellaneous Provisions) Act 1993”. It is Council’s position that this is a relevant consideration in its assessment of a proposal to create a vacant strata lot. Council has been requested to approve strata developments whereby an existing dwelling is to be on one strata lot and the other strata lot is to be for a future dwelling ie. Council is to approve the strata of a vacant lot. It is Council’s view that a development which on prima facie is comprised of single dwelling and a vacant lot, remains a single dwelling until a second dwelling on the lot is constructed and is contrary to section 31(3)(b)(a) of the Act on the basis the planning approval was for multiple dwellings. However, we understand that there are views on this matter, and we recommend that it be explored as part of this review so that a consistent approach is adopted throughout state.

If you have any queries in relation to Council's submission, please contact me on ph 6217 9500 or [cityplanning@ccc.tas.gov.au](mailto:cityplanning@ccc.tas.gov.au)

Yours sincerely

A handwritten signature in black ink that reads "Ron Forell". The signature is written in a cursive style with a large initial 'R'.

**MANAGER CITY PLANNING**