Local Government Association Tasmania

Our Ref: JS | DJL

15 October 2026

Robert Manning
Recorder of Titles
Land Titles Office
Department of Natural Resources and Environment Tasmania
Via email: star@nre.tas.gov.au

Dear Mr Manning,

**Draft Strata Titles Amendment Bill 2026**

Thank you for the opportunity to provide a submission on the Draft *Strata Titles Amendment Bill 2026*. This submission has been prepared by the Local Government Association of Tasmania (LGAT) on behalf of Tasmanian local government in collaboration with our members.

LGAT is incorporated under the Local Government Act 1993 and is the representative body and advocate for local government in Tasmania. Where a council has made a direct submission to this process, any omission of specific comments made by that council in this submission should not be viewed as lack of support by us for that specific issue.

Councils have an important role in strata development, particularly through assessment and certification of strata plans. Our submission is limited to those amendments that interact directly with councils' planning, development and land administration functions.

**Distinguishing strata development from subdivision**

A consistent theme of previous local government sector feedback to reviews of the *Strata Titles Act 1998* has been the need for a clearer distinction between strata title and subdivision. Council officers have reported difficulty applying the existing requirement to refuse a certificate where a proposal is in substance a subdivision, particularly because of the absence of clear assessment criteria.

We welcome the Draft Bill's clearer treatment of common property, including the requirement for a developer to clearly identify common property on the plan, having regard to the intended use of lots and type of development. This responds to previous calls from local government for common property to be clearly identified and meaningful.

A number of matters have been longstanding concerns of our sector and the reforms should go further. We recommend that:

- The Bill or supporting regulations provide clear criteria distinguishing a strata development from subdivision, to minimise the requirement for subjective interpretation by councils, proponents and surveyors.
- Guidance be developed that includes practical examples where matters such as shared access, common property and service infrastructure have been properly addressed.
- The Bill, regulations and guidance material explicitly address circumstances where strata title may be used inappropriately to avoid requirements applying to subdivision. Councils have reported to us examples such as the avoidance separate service connections and public open space contributions.

**Public open space and infrastructure contributions**

Our previous submissions and sector feedback have consistently raised the inequitable treatment of strata development and subdivision in relation to infrastructure contributions, particularly public open space.

Strata development can facilitate increased density of development and associated demand for public infrastructure without attracting contributions that may apply to a subdivision. This can create an incentive to use strata title to avoid triggering additional development requirements, where subdivision would otherwise be more appropriate.

This issue is not resolved by the Draft Bill, however the reforms provide an opportunity to address this longstanding inconsistency. We recommend that the Tasmanian Government:

- Establish an appropriate mechanism to ensure that strata development contributes equitably towards public open space and other infrastructure where it generates additional demand.
- Ensure the framework does not create, or maintain, a financial or regulatory incentive to use strata title to avoid contributions that would otherwise arise through subdivision.

This issue is particularly important as Tasmania seeks to increase housing supply and residential density. An appropriate contribution framework that captures increased density from strata title supports development and reduces the disincentives and additional costs currently borne by first-mover developers, subdivision developments, councils and our communities.

**Vacant strata lots and completion of development**

The treatment of vacant or partially completed strata lots requires certainty. Local government has previously identified inconsistent approaches arising from the relationship between planning approvals, building completion requirements and strata certification.

We recommend that the legislation and regulations clearly establish when a strata title may be created for vacant land or before completion of development, including the approvals and information required where this is permitted. This would also serve to reinforce a clear

distinction between strata title and the more appropriate mechanism of subdivision for creating vacant allotments.

**Common property and service infrastructure**
We support the Bill's consolidation of common property provisions and the revised definition of service infrastructure, which includes shared water, electricity, telecommunications, sewerage, drainage, waste and fire safety infrastructure. These changes broadly respond to local government concerns about uncertainty where service infrastructure is common property and where responsibility changes between shared infrastructure and an individual lot.

The regulations and associated guidance should ensure that common property and shared infrastructure can be readily identified from the strata documentation and that responsibilities are clear.

**Management statements and planning requirements**
We support the extension of management statements to strata developments and the requirement that these statements include identification of common property, allowed uses, staged development information, and service infrastructure.

Our sector continues to advocate for management statements to also provide a mechanism for enduring and relevant planning conditions to be carried forward, including requirements relating to common property, landscaping, open space and shared parking.

**Strata plan requirements and implementation**
The Information Paper indicates that the requirements for strata plans will move into regulations, including identification of common property, boundary descriptions, location information, floor plans, covenants, easements, and car park allocations.

We support the proposal for councils to allocate lot numbers and approve the address for service of notices. This reflects local government feedback about inconsistencies between lot numbering and council-allocated addresses.

We also support clearer and more consistent plan requirements and recommend that councils be closely consulted on the regulations and implementation guidance before they are finalised to ensure the new framework is clear, effective and does not create unnecessary administrative burden.

Thank you again for the opportunity to comment on the Draft Strata Titles Amendment Bill 2026. We look forward to continued engagement as the accompanying regulations and guidelines are developed.

Yours sincerely,



Dion Lester
**CHIEF EXECUTIVE OFFICER**