

# COASTALSTRATA

## WHO'S RESPONSIBLE GUIDE

BUILDINGS FORMING PART OF THE LOT

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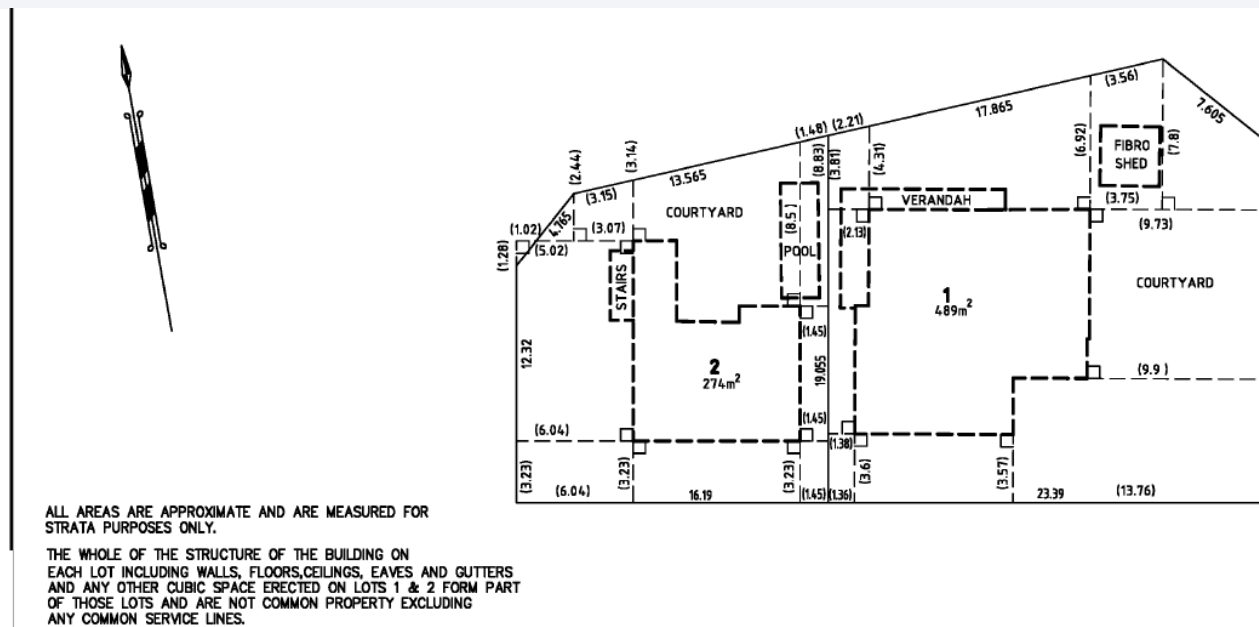
## BUILDINGS FORMING PART OF THE LOT (CUBIC STRATA PLANS)

In most plans the external walls, the floors, roofs and ceilings of a strata building will be common property. In some cases the developer may request a plan where the building standing on each lot forms part of the lot and is not common property.

The floor plan will be different from a normal plan in the following ways:

- The walls will be shown by thick broken lines unless they form a lot boundary.
- There will be only one floor plan regardless of the number of levels in the building. The floor plan will represent the perimeter walls of the building at ground level.
- The floor plan will include a note indicating that 'The structure of the building standing on each lot, including walls, floors, ceilings and roofs, forms part of the lot and is not common property.'

In these circumstances each lot owner is generally responsible to repair and maintain their own dwelling (similar to a Torrens title house) and the common property may be limited to primarily the driveway, boundary fences and common service lines between the units.



## HOW TO USE THIS GUIDE

This guide outlines which building elements are part of the lot and which are common property. It is general in nature and is not tailored to your specific strata scheme.

Who's Responsible? The owner (O) or the owners corporation (OC).

## INTERIOR

### Floors

Item	Who's responsible O / OC	Notes
Floor coverings (floor boards, floating timber floors, carpet, linoleum)	O	Part of the lot and therefore the owner's responsibility.
Floor and wall tiles	O	Part of the lot and therefore the owner's responsibility.
Skirting boards	O	Part of the lot and therefore the owner's responsibility.

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## Walls

Item	Who's responsible O / OC	Notes
Gyprock / wall surfaces	O	Part of the lot and therefore the owner's responsibility.
Curtains / blinds / window coverings	O	Part of the lot and therefore the owner's responsibility.
Paintwork	O	Part of the lot and therefore the owner's responsibility.

## Ceilings

Item	Who's responsible O / OC	Notes
Ceiling	O	Part of the lot and therefore the owner's responsibility.
Cornices	O	Part of the lot and therefore the owner's responsibility.
Light fittings	O	Part of the lot and therefore the owner's responsibility.
Paintwork	O	Part of the lot and therefore the owner's responsibility.

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## Kitchen

Item	Who's responsible O / OC		Notes
Dishwasher / sink	O		Part of the lot and therefore the owner's responsibility.
Exhaust fans	O		Part of the lot and therefore the owner's responsibility.
Floor and wall tiles	O		Original tiles on boundary walls and the floor are the owners corporation's responsibility. Tiles on internal walls are the owner's responsibility.
Kitchen cupboards	O		Part of the lot and therefore the owner's responsibility.
Oven / stove top	O		Part of the lot and therefore the owner's responsibility.

## Bathroom

Item	Who's responsible O / OC		Notes
Bath	O		Part of the lot and therefore the owner's responsibility.
Bathroom cabinet and mirror	O		Part of the lot and therefore the owner's responsibility.
Exhaust fans	O		Part of the lot and therefore the owner's responsibility.
Hot water service	O		Part of the lot and therefore the owner's responsibility.
Plumbing	O	OC	<p>Any pipe, cable, ducting, plug or the like that is for the exclusive use of the lot, then if it breaks:</p> <ul style="list-style-type: none"> <li>• Within the lot – owner's responsibility</li> <li>• Outside the lot or in a wall, floor or ceiling that abuts to either common property or another lot – owners corporation's responsibility.</li> </ul>

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Shower screen / head / taps	<input type="radio"/>		Part of the lot and therefore the owner's responsibility.
Toilet bowl / cistern	<input type="radio"/>		Part of the lot and therefore the owner's responsibility.
Water leaking from shower	<input type="radio"/>		Part of the lot and therefore the owner's responsibility.

## Electrical

Item	Who's responsible <input type="radio"/> / <input type="radio"/>	Notes
Air conditioning systems (if installed)	<input type="radio"/>	Part of the lot and therefore the owner's responsibility.
Exhaust fans	<input type="radio"/>	Part of the lot and therefore the owner's responsibility.
Light and power wiring	<input type="radio"/>	Part of the lot and therefore the owner's responsibility.
Light switches	<input type="radio"/>	Part of the lot and therefore the owner's responsibility.
Light fittings	<input type="radio"/>	Part of the lot and therefore the owner's responsibility.
Smoke detectors	<input type="radio"/>	Part of the lot and therefore the owner's responsibility.
Telephone socket	<input type="radio"/>	Part of the lot and therefore the owner's responsibility.

## EXTERIOR

### Roof / Walls

Item	Who's responsible O / OC	Notes
Walls	<input type="radio"/>	Part of the lot and therefore the owner's responsibility.
Roof surface (tiles / colorbond sheets etc)	<input type="radio"/>	Part of the lot and therefore the owner's responsibility.
Guttering & downpipes	<input type="radio"/>	Part of the lot and therefore the owner's responsibility.
Skylights (if installed)	<input type="radio"/>	

### Windows

Item	Who's responsible O / OC	Notes
Flyscreens	<input type="radio"/>	Part of the lot and therefore the owner's responsibility.
Locks	<input type="radio"/>	Part of the lot and therefore the owner's responsibility.



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## Balcony / Patio / Verandah

Item	Who's responsible O / OC	Notes
Balcony door	O	Part of the lot and therefore the owner's responsibility.
Balcony floor	O	Part of the lot and therefore the owner's responsibility.
Balustrades / railings	O	Part of the lot and therefore the owner's responsibility.
Paint on balcony ceiling	O	Part of the lot and therefore the owner's responsibility.

## Car parking

Item	Who's responsible O / OC	Notes
Garage door motor	O	Part of the lot and therefore the owner's responsibility.
Garage doors	O	Part of the lot and therefore the owner's responsibility.

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## Courtyard

Item	Who's responsible O / OC		Notes
Deck, pergola / steps	O		Part of the lot and therefore the owner's responsibility.
Fencing	O	OC	<p>If they are shown as a thick line on the strata plan then they are deemed a common wall and the responsibility of the owners corporation. However, if they are shown as a thin, dotted or no line on the strata plan then they are treated in accordance with the Dividing Fences Act and are treated as follows:</p> <ol style="list-style-type: none"> <li>1. Divides two lots. Each owner is responsible 50/50</li> <li>2. Divides one lot from common property. The owner is responsible 50% &amp; the owners corporation is responsible 50%</li> <li>3. Divides one lot from the adjoining property. The owners corporation are responsible for 100% of its share.</li> </ol>
Tree trimming / removal	O		A tree growing in a courtyard is deemed to belong to the owner and they are responsible for all pruning, removal or damage caused from the tree irrespective of whether some of the branches extend beyond that lot.
Rain water tanks	O		Part of the lot and therefore the owner's responsibility.
Additional comments:			

## Buildings forming part of the lot

In most plans the external walls, the floors, roofs and ceilings of a building will be common property. In some cases the developer may request a plan where the building standing on each lot forms part of the lot and is not common property. The location plan in these circumstances will not differ from that of a normal plan. The floor plan will be different from a normal plan in the following ways:

- The walls will be shown by thick broken lines unless they form a lot boundary.
- There will be only one floor plan regardless of the number of levels in the building. The floor plan will represent the perimeter walls of the building at ground level.
- It should include a statement indicating:

'The structure of the building standing on each lot, including walls, floors, ceilings and roofs, forms part of the lot and is not common property.'

- No vincula or reference to part lots will be used as there are no separate parts of the lots.
- The plan must have a statement indicating that the building forms part of the lot and is not common property.
- If a common wall exists the plan must indicate its status i.e. The Common Wall is Common Property or Boundary is Centreline of Common Wall.
- The area will be calculated at ground level only regardless of the number of levels.
- A stratum statement should be provided for the whole of the lots. The stratum statement should take into account the height of the building. Consideration should also be given to any possible vertical extensions of the building.
- It is recommended that the following statement be added:

'Any service line within one lot servicing another lot is common property.'

In some case the building on a lot may overhang another lot in the scheme. There is no need to create an easement for this overhang if the statement indicates the building forms part of the lot upon which it stands. However, consideration should be given to creating an easement to allow access for maintenance purposes.

The plan must contain connections from the building to define the lot boundaries as in normal plans.

## When not all of the buildings form part of the lot

Schemes have been registered where some of the building form part of the lot and the remainder are common property. This is a practice which is now discouraged by NSW LRS.

It is the opinion of this office that it may cause friction among lot owners due to confusion regarding the responsibility of maintaining the buildings and have a detrimental effect on the management of the scheme.

While a plan prepared in this fashion may meet the criteria for registration it may not be within the spirit of the legislation. If there is an intention to lodge a plan for registration which has some but not all of the buildings forming part of their respective lots then prior approval must be sought. The request for approval should be addressed to Manager strata plan section and should contain enough information to explain the circumstances and that any affect it would have on the unit entitlements was considered. It may be desirable to create specific by-laws regarding the maintenance of the buildings which form part of the common property.

On 11 October 2021, the Real Property Amendment (Certificates of Title) Act 2021 commenced, which abolished the Certificates of Title (CTs) and the control of the right to deal (CoRD) framework. All existing CTs have been cancelled and CTs will no longer be issued. Existing CTs will not need to be produced, and CoRD holder consent will not be required, for a dealing or plan to be registered. All existing Guidelines subject to this change are currently being reviewed and will be updated to reflect these changes. For further information regarding the abolition of CTs, please see <https://www.registrargeneral.nsw.gov.au/property-and-conveyancing/eConveyancing/abolition-of-certificates-of-title>

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