

SCA NSW

# WHO'S RESPONSIBLE?

A guide to common property

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A comprehensive guide outlining common property items and guidance on who is responsible for their maintenance and replacement.



**Strata Community Association (NSW) is the peak industry body for Strata and Community Title Management in New South Wales.**



# Contents

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Introduction/How to Use	4
Disclaimer	5
Responsibility Areas	
• Balcony	6
• Bathroom	7
• Ceilings/Roof	7
• Courtyard	7
• Electrical	7
• Entrance Door	9
• Floor	9
• General	9
• Kitchen	10
• Parking	11
• Plumbing	11
• Windows	12
Additional Information	
• Appendix 1 - Additional Information	13
• Appendix 2 - Definitions	20
• Appendix 3 - Insurance	22



# Introduction

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Common Property is defined in the [Strata Schemes Development Act 2015](#) as ‘any part of a parcel that is not comprised in a lot (including any common infrastructure that is not part of a lot).’

Generally speaking, in most strata schemes, the lot Owner owns the airspace and everything in it within the boundary of the unit. They do not own the main structure of the building.

The Owners Corporation is responsible for the repair and maintenance of common property.

This publication provides a list of items found within a building that could generally be considered common property.

However, depending on the history of the building, renovations and by-laws, determining what is and is not common property is a complex matter. In most cases you will need to refer to the strata plan, certificate of title and by-laws to determine who is responsible for repairs and maintenance.

If in doubt, the SCA (NSW) recommends that you seek [legal advice](#)

## How to use this publication

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The tables on the following pages provide guidance of who is responsible, the Owner (O) or Owners Corporation (OC), for repairs and maintenance. Additional information on each item can be found in Appendices 1, 2 and 3.

To help you determine if something is actually common property you need to inspect a copy of your registered strata plan and a current search of the most recent common property title.

Copies of the strata plan and searches of the common property title can be purchased through [NSW Land Registry Services \(NSW LRS\)](#). Check your registered by-laws as these all help determine who is responsible for repairs and maintenance.

# Disclaimer

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The information provided throughout this publication is provided as a general guide only.

The information provided is not a substitute for individual professional advisory or legal advice. No person should act or refrain from acting on the basis of the information provided by SCA (NSW).

While every effort is made to ensure that the information provided is generally accurate and correct, SCA (NSW) disclaims all responsibility and all liability for any expenses, losses, damages and costs which may be incurred for any reason whatsoever as a result of the information provided by SCA (NSW).



# Responsibility Areas

TYPE	ITEM	WHO IS RESPONSIBLE	ADDITIONAL INFORMATION APPENDIX 1
Balcony	Awnings	O/OC	18
Balcony	Clothesline	O	
Balcony	Columns	OC	33
Balcony	Door, flyscreens/ security door	O/OC	20
Balcony	Door, window & wall	O/OC	20
Balcony	Lights	O/OC	5
Balcony	Painting of balcony ceiling	O/OC	21
Balcony	Railings	O/OC	39
Balcony	Tiles	O/OC	29
Balcony	Water leaking through wall or floor	O/OC	20
Bathroom	Bathroom cabinet and/ or mirror	O	
Bathroom	Blocked floor drain outside of lot	OC	
Bathroom	Burst pipe general	O/OC	8
Bathroom	Cracked bath/handbasin	O	
Bathroom	Dripping "S" bend under sink	O	
Bathroom	Ducting covering stack	O/OC	42
Bathroom	Exhaust fans	O/OC	6
Bathroom	Hot water service	O/OC	31
Bathroom	Leaking pipes under sink	O	
Bathroom	Main stop cock to unit	O/OC	44
Bathroom	Plug and waste in bath	O	9
Bathroom	Shower screen repairs	O	

TYPE	ITEM	WHO IS RESPONSIBLE	ADDITIONAL INFORMATION APPENDIX 1
<b>Bathroom</b>	Toilet bowl	O	
<b>Bathroom</b>	Toilet cistern	O/OC	45
<b>Bathroom</b>	Water leaking from bath	O/OC	12
<b>Bathroom</b>	Water leaking from shower	O/OC	11
<b>Bathroom</b>	Water leaking from shower taps	O	
<b>Bathroom</b>	Water leaking through tiles	O/OC	11
<b>Ceilings/ Roof</b>	Ceiling cornices	O/OC	28
<b>Ceilings/ Roof</b>	Exhaust fans	O/OC	6
<b>Ceilings/ Roof</b>	False ceilings	O/OC	24
<b>Ceilings/ Roof</b>	Membranes	O/OC	30
<b>Ceilings/ Roof</b>	Paintwork	O	40
<b>Ceilings/ Roof</b>	Plastered ceilings	OC	40
<b>Ceilings/ Roof</b>	TV aerial	O/OC	41
<b>Ceilings/ Roof</b>	Vermiculite ceilings	OC	40
<b>Courtyard</b>	Clothesline	O	
<b>Courtyard</b>	Deck, pergola or steps	O/OC	18
<b>Courtyard</b>	Fencing	O/OC	16
<b>Courtyard</b>	Guttering on townhouse	OC	35
<b>Courtyard</b>	Pavers	O/OC	18
<b>Courtyard</b>	Tree trimming/removal	O/OC	18
<b>Electrical</b>	Air conditioning systems	O/OC	7
<b>Electrical</b>	Car lift and car lift operating systems	OC	
<b>Electrical</b>	Electric car charging	O/OC	
<b>Electrical</b>	Electric cars	O/OC	46

TYPE	ITEM	WHO IS RESPONSIBLE	ADDITIONAL INFORMATION APPENDIX 1
Electrical	Electric garage door opener	O/OC	15
Electrical	Exhaust fans	O/OC	6
Electrical	External TV aerial	OC	
Electrical	Fuses	O/OC	4
Electrical	Insinkerators	O	
Electrical	Intercom handset	OC	36
Electrical	Intercom wiring	O/OC	
Electrical	Internet cabling	O/OC	1
Electrical	Lift and lift operating systems	OC	
Electrical	Light and power wiring	O/OC	
Electrical	Light fittings	O/OC	5
Electrical	Light switches	O	
Electrical	Lights in ceiling servicing only that lot	O	5
Electrical	Power point socket	O/OC	1
Electrical	Smoke detectors	O/OC	3
Electrical	Stoves	O	
Electrical	Telephone (additional wiring required)	O	2
Electrical	Telephone sockets	O	
Electrical	Telephone wiring	O/OC	1
Electrical	TV (pay TV wiring required)	O	2
Electrical	TV cabling	O/OC	1
Electrical	TV socket	O/OC	1



TYPE	ITEM	WHO IS RESPONSIBLE	ADDITIONAL INFORMATION APPENDIX 1
<b>Entrance Door</b>	Door locks	O/OC	19
<b>Entrance Door</b>	Entrance door automatic closer	OC	
<b>Entrance Door</b>	Entrance door to lot	OC	
<b>Entrance Door</b>	Keys, security cards etc.	O	19
<b>Entrance Door</b>	Security door repair	O/OC	15
<b>Floor</b>	Blocked floor drain	OC	
<b>Floor</b>	Floor and wall tiles	O/OC	25
<b>Floor</b>	Floorboards/parquetry flooring	O/OC	26
<b>Floor</b>	Internal carpet	O	13
<b>Floor</b>	Lino/vinyl/cork tiles	O	
<b>Floor</b>	Linoleum	O	
<b>Floor</b>	Magnesite floor base	OC	
<b>Floor</b>	Mezzanines within lots	O/OC	34
<b>Floor</b>	Pavers	O/OC	18
<b>Floor</b>	Skirting boards and architraves	O/OC	32
<b>General</b>	Built-in wardrobes/cupboards	O	
<b>General</b>	Carpets	O	13
<b>General</b>	Clothesline on common property	OC	
<b>General</b>	Cracks in walls	O/OC	23
<b>General</b>	Damage to common property by tenant	OC	27
<b>General</b>	Ducting covering stack	O/OC	42
<b>General</b>	Floorboards/parquetry flooring	O/OC	26
<b>General</b>	Internal doors/walls	O	
<b>General</b>	Internal paintwork	O	13

TYPE	ITEM	WHO IS RESPONSIBLE	ADDITIONAL INFORMATION APPENDIX 1
General	Keys, security cards etc.	O	
General	Letterboxes	O/OC	43
General	Lift and lift operating systems	OC	
General	Pipes within a lot servicing only that lot	O	
General	Skirting boards and architraves	O/OC	32
General	Stairs in lot	O/OC	34
Kitchen	Burst pipe general	O/OC	8
Kitchen	Dishwasher	O	
Kitchen	Dripping "S" bend under sink	O	38
Kitchen	Ducting covering stack	O/OC	42
Kitchen	Exhaust fans	O/OC	6
Kitchen	Floor and wall tiles	O/OC	25
Kitchen	Hot water service - exclusive to a lot	O/OC	31
Kitchen	Insinkerators	O	
Kitchen	Kitchen cupboards	O	
Kitchen	Leaking pipes under sink	O	
Kitchen	Lino/vinyl/cork tiles	O	
Kitchen	Linoleum	O	
Kitchen	Main stopcock to unit	O/OC	44
Kitchen	Stoves	O	
Kitchen	Washing machine	O	
Kitchen	Water filtration systems	O	

TYPE	ITEM	WHO IS RESPONSIBLE	ADDITIONAL INFORMATION APPENDIX 1
<b>Parking</b>	Carports	OC	14
<b>Parking</b>	Door controller button	O	
<b>Parking</b>	Door hinge mechanism	OC	
<b>Parking</b>	Electric garage door opener	O/OC	15
<b>Parking</b>	Garage door auto opening mechanism	O/OC	15
<b>Parking</b>	Garage door auto remotes	O	
<b>Parking</b>	Garage door lock	OC	
<b>Parking</b>	Garage doors	O/OC	14
<b>Parking</b>	Light fittings	O/OC	5
<b>Parking</b>	Line marking	O	
<b>Parking</b>	Mesh between garages	O/OC	16
<b>Parking</b>	Water ingress into garage	O/OC	17
<b>Plumbing</b>	Blocked floor drain	OC	8
<b>Plumbing</b>	Blocked sewer	OC	8
<b>Plumbing</b>	Burst pipe general	O/OC	8
<b>Plumbing</b>	Damage to unit after water leak	O/OC	13
<b>Plumbing</b>	Dampness in a unit	O/OC	10
<b>Plumbing</b>	Dripping "S" bend under sink	O	
<b>Plumbing</b>	Guttering on townhouse	OC	35
<b>Plumbing</b>	Laundry tub	O	
<b>Plumbing</b>	Leaking pipes under sink	O	
<b>Plumbing</b>	Main stop cock to unit	O/OC	45
<b>Plumbing</b>	Plug and waste in bath	O	9
<b>Plumbing</b>	Storm water and on-site detention systems (OSD) below ground	OC	

TYPE	ITEM	WHO IS RESPONSIBLE	ADDITIONAL INFORMATION APPENDIX 1
<b>Plumbing</b>	Taps and associated hardware	O	
<b>Plumbing</b>	Toilet bowl	O	
<b>Plumbing</b>	Toilet cistern	O/OC	46
<b>Plumbing</b>	Water ingress into garage	O/OC	17
<b>Plumbing</b>	Water leaking from bath	O/OC	12
<b>Plumbing</b>	Water leaking from shower	O/OC	11
<b>Plumbing</b>	Water leaking from shower taps and shower head	O	
<b>Plumbing</b>	Water leaking through tiles	O/OC	12
<b>Windows</b>	Cleaning outside	O/OC	7
<b>Windows</b>	Flyscreens	O/OC	15
<b>Windows</b>	Locks, window safety devices	O/OC	15
<b>Windows</b>	Repairs	O/OC	22
<b>Windows</b>	Sash cord replacement	O/OC	22
<b>Windows</b>	Seal to window	O/OC	22

# Additional Information

## Appendix 1

ITEM	DESCRIPTION
1	<p>If any pipe, cable, telephone line, television or internet wiring, ducting, plugs, electrical wiring, light fittings, power points, or similar items are for the exclusive use of a lot and break within that lot, the Owner is responsible for repairs.</p> <p>Conversely, if any of these items service multiple lots and break in an area outside the lot or in a wall, floor, or ceiling that is adjacent to common property or another lot, the Owners Corporation is responsible for repairs.</p>
2	<p>If items like pipes, cables, television or internet connections, and electrical wiring are not included in the registered strata plan or not installed at the time of registration of the strata plan, the Owners Corporation is not obligated to install them. This applies to any such items designated for the exclusive use of a lot.</p>
3	<p>If a battery-operated smoke alarm is installed within a lot's airspace, it is not considered common property, and the lot Owner is responsible for its maintenance, including replacing the battery.</p> <p>If a lot Owner installs their own hard-wired smoke alarm, it is treated the same as a battery-operated alarm in terms of maintenance responsibility.</p> <p>Any hard-wired smoke alarms connected to the building's overall fire safety system are the responsibility of the Owners Corporation for repair and maintenance. It is important to note that under section 106(3)(b) of the <i>Strata Schemes Management Act 2015</i>, the Owners Corporation cannot avoid maintaining common property that impacts safety.</p> <p>During the annual fire safety inspection, the inspecting officer may check the operation of battery and stand-alone smoke alarms. If any are found to be faulty, the Owners Corporation should instruct the lot Owner to properly maintain or replace the smoke alarm to ensure the fire safety measures in the building remain effective.</p>
4	<p>The Owners Corporation is responsible for supplying electricity. However, any cabling within the unit's internal walls that serves only that individual lot is the Owner's responsibility.</p> <p>If your electricity is cut off, first check with your supplier, then inspect the fuse board.</p> <p>If the fuse board is located within the unit, it is the Owner's responsibility. If it is in the meter room, it falls under the Owners Corporations responsibility.</p> <p><b>NOTE:</b> <i>The meter room is considered common property, so the Owners Corporation cannot prevent Owners or occupants from accessing it. However, the Corporation is not required to provide a key. If someone requests a key, the Owners Corporation should explain that if they receive a key and have an accident (such as electrocution), the Corporation could be held liable. Instead, they can obtain a key from Sydney Electricity or their local electricity supplier.</i></p>
5	<p>The common property memorandum states owners are responsible for light fittings in the lot serving only one lot.</p>
6	<p>The Owners Corporation is responsible for repairing anything in the ceiling. However, if the Owner has made improvements to the ceiling, they may be liable for repairs.</p> <p>If the issue is inside the lot, it is the Owner's responsibility. If the item is mounted within common infrastructure—such as communal ducting or a false ceiling designed to carry communal pipes—or is located outside the lot, then it is the responsibility of the Owners Corporation. For more details, refer to the definition of "common infrastructure" in Section 4 of the <i>Strata Schemes Development Act 2015</i>.</p>

**7** The part of an air-conditioning system that is located inside or outside a lot and designated for the exclusive use of that lot is the Owner's responsibility.

If any parts of the system are outside the lot but not covered by a special by-law, the Owners Corporation is responsible for those.

If the air-conditioning system serves more than one lot, maintenance and repairs fall under the Owners Corporation's responsibility.

**8** Typically, burst pipes are the responsibility of the Owners Corporation. However, if a pipe serves only one lot and is located in a lot or an internal wall (for example, a pipe feeding the shower), then the Owner is responsible for repairs if it bursts within the lot.

If a burst pipe is located in a boundary wall or outside the lot, the Owners Corporation is responsible for maintenance. This includes pipes in concrete floors, floor drains, or sewer pipes that are part of common property.

For pipes in an internal floor that serve multiple lots, the Owners Corporation is also responsible for maintenance.

Additionally, if the strata plan was registered before 1 July 1974, in townhouses with two levels, the slab dividing those levels may be lot property. In such cases, the Owner is responsible for the floor, plumbing, and drains in those areas.

**9** The plug and waste are located within the airspace of the lot, so the Owner is responsible for their repair and maintenance.

**10** If dampness, such as mould, is present in a unit, it's important to first identify the source of the water. The Owners Corporation is responsible for issues related to water penetration through external walls or the floor. However, the Owner is responsible for any mould on their walls not caused by a defect to the common property.

If the dampness results from condensation inside the unit, the Owner is also responsible. Common causes of indoor condensation include:

- Cooking in the kitchen
- Using a clothes dryer
- Sleeping in a bedroom without opening a window (as the average person expels about 400ml of moisture each night while sleeping)

Mould is typically more aggressive in colder months and often appears on southern walls or flat concrete roofs. In these cases, mould may form on the surface of the paint without causing it to lift. In contrast, if the dampness is coming from outside, the paint would likely lift and show white powder beneath it.

**11** The Owners Corporation is responsible for the tiles on the floor or on a common wall that separates two lots or a lot from common property, including the shower base.

However, if water is leaking through an internal wall, the Owner is responsible for addressing the issue.

An exception applies to townhouses where the strata plan was registered prior to 1 July 1974. If water is leaking through the second floor, the tiles on that floor may be the Owner's responsibility.

Additionally, any original floor tiles that are replaced, along with the associated waterproofing, are the responsibility of the lot Owner if they were affixed to common property floors after the strata plan was registered.

**12** The Owner is responsible for maintaining the seal and grouting around the top of the bath, unless the leaking seal or grouting is adjacent to an external wall. Additionally, the plug and waste under the bath fall within the lot's airspace, so the Owner is responsible for maintenance if water is leaking under the bath into the unit below.

- 13** The Owner is responsible for repairing and maintaining carpets within their lot, while the Owners Corporation handles repairs and maintenance for common property carpets, such as those in hallways.
- If damage occurs to a lot Owner's property due to an issue with the common property or while the Owners Corporation is conducting repairs, the Corporation is responsible for fixing the damage, including any internal paintwork affected in the lot.
- Here are some examples:
- If a burst pipe occurs in a wall and the Owners Corporation needs to cut a hole in the wall to fix it, they are responsible for repairing the hole and repainting the wall afterward.
  - If a burst pipe in a concrete slab is repaired but results in water staining the ceiling paintwork of the unit below, the Owners Corporation is responsible for repainting the ceiling since the damage was caused by the common property.
  - If a burst common property hot water service soaks the magnesite or soundproofing floor base installed at the time of the strata plan registration, and the Owners Corporation has to remove the carpet to dry the base, they are responsible for the carpet if it cannot be re-laid due to shrinkage, as the damage occurred while they were performing necessary repairs.
  - Conversely, if a lot property hot water system bursts, the Owners Corporation is not responsible for drying out the carpet or replacing it if it shrinks, as the damage was not caused by the common property.

- 14** Repairs to boundary garage doors are the responsibility of the Owners Corporation. If the garage door does not form part of the boundary (as indicated by a thin line on the registered strata plan) or if there is a specific by-law in place, then the responsibility falls to the lot Owner.

Carports are typically maintained by the Owners Corporation, which includes the spring and hinge mechanisms. However, this responsibility may shift to the lot Owner if the carport was installed by the Owner under an exclusive use by-law after the registration of the strata plan or if it is designated as the lot Owner's responsibility in the registered strata plan.

- 15** If the garage doors are indicated on the registered strata plan by a thick black line, they are the responsibility of the Owners Corporation. Fair Trading considers the garage controller to be akin to the lock and door closer of the garage door, even though it is electric. Therefore, just as the main lock and door closer for a unit's entrance door are the Owners Corporation's responsibility, so too is the controller.

Conversely, if the garage doors were installed by the Owner after the registration of the strata plan and are marked by a thin line, then they are the Owner's responsibility.

The Owners Corporation is also responsible for the installation and maintenance of window safety devices. It is important to note that section 106(3)(b) of the *Strata Schemes Management Act 2015* explicitly prohibits the Owners Corporation from absolving itself of this responsibility (e.g., through a by-law) when it pertains to safety. Therefore, it is prudent for the Owners Corporation to have these safety devices regularly inspected.

- 16** If the garage door mesh is indicated by a thick line on the strata plan, it is deemed a common wall and the responsibility of the Owners Corporation. Conversely, if it is shown with a thin, dotted, or no line, it is treated according to the *Dividing Fences Act 1991* as follows:

**Divides Two Lots:** Each Owner is responsible for 50%.

**Divides One Lot from Common Property:** The Owner and the Owners Corporation each share responsibility, 50% each.

**Divides One Lot from an Adjoining Property:** The Owners Corporation is responsible for 100% of its share.

Mesh between storage cages may also divide the ownership of two lots. If the line on the strata plan is thick, it is considered common property. If it is thin, dotted, or absent, it is treated as dividing two lots, with each Owner responsible for the maintenance of the mesh between the storage cages. Typically, this mesh is registered as the Owners Corporation's responsibility.

**17** Since garages are not classified as habitable spaces, they are exempt from the waterproofing standards for habitable use set by the *Building Code of Australia*, which requires areas to be impervious to water penetration.

Unless there is damage to common property causing water penetration or existing membranes have failed, the Owners Corporation is not responsible for ensuring that the garage remains dry. However, the Owners Corporation is responsible for preventing water from dripping onto vehicles and damaging the paintwork or personal property.

**18** Most balconies, courtyards, and garden areas attached to a lot have their vertical boundaries defined on the registered strata plan. For example, courtyards are limited to a depth of three meters below and up to a height of ten meters above the concrete ground floor of the adjoining lot.

Anything within that area that is not indicated by a thick black line on the strata plan and is designated for the exclusive use of the lot is the Owner's responsibility to maintain. This includes features such as timber decking, awnings, and pavers.

Additionally, any tree growing within a courtyard is considered the Owner's responsibility, including all pruning, removal, or any damage caused by the tree, even if some branches extend beyond the lot. The only exception is if part of the tree exists within common property, as noted on the strata plan or specified in a registered by-law.

For trees located outside the boundaries of a lot—specifically those not indicated on the strata plan—the airspace above and below is the responsibility of the Owners Corporation.

**19** The Owners Corporation is responsible only for the original lock or its subsequent replacement. Any additional locks installed are the Owner's responsibility. If the Owner replaces the original lock with one that compromises fire safety compliance and refuses to replace it with an appropriate lock, the Owners Corporation may replace it and charge the owner for the cost.

The Owners Corporation is also responsible for any common property entrance door lock that services more than one lot, including all hardware and automatic closers. This excludes locks installed by an Owner after the registration of the strata plan and does not include related remote controllers.

Keys, security swipe cards, and access passes are maintained by the Owners Corporation. However, the cost of replacing keys or access cards is typically the Owner's responsibility and is often addressed through a by-law.

**20** Balconies are generally the responsibility of the Owners Corporation, except in cases where the strata plan was registered before 1 July 1974. In such instances, the wall separating the balcony from the lot, including windows, doors, and their working parts, are typically part of the lot and the lot Owner's responsibility for maintenance and repairs—unless otherwise noted on the strata plan or if balconies are not shown on it. It is advisable to check the certificate of title for a notation.

If there is water penetration between two floors, it is important to determine the source. If the water is running off common property, the Owners Corporation is responsible. However, if the water is caused by overwatering from another owner or resident, that individual is responsible for the damage.

For plans registered after 1 July 1974, the balcony wall, including windows, doors, and their working parts, are generally considered common property and the responsibility of the Owners Corporation, unless the strata plan states otherwise.

If a flyscreen is located on a common property window, it falls under the Owners Corporation's responsibility. Conversely, if a flyscreen is installed after the registration of a strata plan, the lot Owner is responsible for its maintenance.

Any awning, deck, pergola, privacy screen, louvres, retaining walls, planter walls, steps, or other structures within the cubic space of a balcony or courtyard that are not designated as common property on the strata plan are the responsibility of the lot Owner.

**21** Balconies are generally the responsibility of the Owners Corporation with the exception where #20 applies.

**22** Balconies are generally the responsibility of the Owners Corporation with the exception where #20 applies.



- 23** Walls and doors that are on the boundary of a lot are the responsibility of the Owners Corporation to maintain. Internal walls and doors, however, are the responsibility of the lot Owner.
- If cracks appear in a wall or cornice maintained by the Owners Corporation and are less than 2mm thick, they are not considered damage, and the Owners Corporation is not obligated to repair them. The lot Owner is responsible for repairing all internal walls within their lot.
- 24** If a false ceiling was installed at the time of registration of the strata plan to conceal communal piping, ducting, or wiring, then the Owners Corporation is responsible for maintaining that false ceiling, excluding painting, which remains the responsibility of the lot Owner.
- 25** Original tiles and associated waterproofing affixed at the time of registration of the strata plan on a boundary wall or floor are the responsibility of the Owners Corporation. All other tiles within the lot are the responsibility of the lot owner, with two exceptions:
- Townhouse Tiles:** For townhouses registered prior to 1 July 1974, the tiles on the floor on the second storey may be the responsibility of the lot Owner.
- Owner-Installed Tiles:** If tiles were laid by the Owner and are subject to a by-law, those tiles are the Owner's responsibility.
- 26** Except for floor coverings in communal areas, all internal carpeting, floor coverings, and floating floors within a lot are the responsibility of the lot Owner. The Owners Corporation is responsible for maintaining the original floorboards and parquetry installed in the lot.
- 27** The tenant or occupier who has damaged the common property is responsible to repair the common property or pay the costs to rectify the common property. The Owners Corporation cannot recover the costs to rectify the damage from the Owner. An Owners Corporation should act promptly in compelling the tenant to rectify the common property or seek recovery of the costs to rectify the common property in [NSW Civil and Administrative Tribunal](#) (NCAT) or Court.
- 28** Ceiling cornices on external walls are generally the responsibility of the Owners Corporation. However, if the cornices abut a false ceiling or are attached to an internal wall where the lot Owner has made improvements, then they become the responsibility of the lot Owner.
- 29** Generally, tiles that were in place at the time of registration of the strata plan are the responsibility of the Owners Corporation. Tiles installed by the Owners after registration are the responsibility of the Owners.
- Always refer to the strata plan for a clear indication of the balcony boundaries.
- Be cautious when interpreting notations on the strata plan. For example, in the court case *Seiwa Pty Ltd v Owners Strata Plan 35042*, the notation "BALCONY LIMITED IN HEIGHT TO 2.5 ABOVE THE UPPER SURFACE OF THE CONCRETE FLOOR THEREOF EXCEPT WHERE COVERED" defines only the upper boundary, not the lower boundary.
- In this case, any tiles attached to the concrete floor under this notation would still be the responsibility of the Owners Corporation if they were affixed prior to the registration of the strata plan.
- 30** Membranes on flat roofs are generally the responsibility of the Owners Corporation, unless the building was registered prior to 1 July 1974, and the roof area is part of the same lot located beneath the roof.
- Additionally, if the Owners Corporation is responsible for maintaining the membrane, they are also responsible for repairing any structures that need to be removed during the membrane repair process.
- 31** A hot water service located inside a lot and exclusively used by that lot is the responsibility of the lot Owner. However, if the hot water service is situated outside the lot, it is the responsibility of the Owners Corporation, unless it is subject to a special by-law.
- 32** Skirting boards and architraves are the responsibility of the lot Owner, unless they are situated on a common wall and are original to the strata plan.

- 33** A strata plan typically does not show columns, which may exist within a courtyard or balcony of a lot, supporting the balcony above, or within the lot, supporting the slab. In either case, these columns are considered "common infrastructure" (previously referred to as "structural cubic space") because they support the structure of the balcony or slab, which is common property.
- Note:** A wall, whether structural or not, cannot be classified as common infrastructure. For a wall to be deemed common property, it must be explicitly shown or referred to on the strata plan.
- According to the *Strata Schemes Development Act 2015*, "common infrastructure" is defined as "cubic space occupied by a vertical structural member of a building, other than a wall..." (Division 2, Section 4).
- 34** Stairs and mezzanines within a lot are generally the responsibility of the Owners Corporation if they are shown as a separate level on the strata plan, unless the strata plan was registered prior to 1 July 1974. The *Strata Schemes Development Act 2015* defines a floor to include a stairway or ramp.
- 35** Although downpipes and attached drainage pipes may be located within the boundaries of a strata lot, they are considered common infrastructure, as they service the roof and gutters, which are common property (see the definition of "common infrastructure" in Section 4 of the *Strata Schemes Development Act 2015*). This classification applies only if the pipes were in place at the time of registration of the strata plan. Adding further pipes at a later date would require the creation of an easement.
- 36** Intercom handsets within a lot and wiring within non common property walls are the lot owner's responsibility. The handset at the main entrance to a building and wiring within common property walls is common property therefore are considered the responsibility of the Owners Corporation.
- 37** Typically, the cleaning of windows is the responsibility of the Owner of the lot. However, it is important to check the by-laws of the strata scheme. Even if model by-laws have been adopted, the Owners Corporation is responsible for regularly cleaning all exterior glass surfaces in windows and doors that cannot be accessed safely or at all by the Owner of the lot.
- 38** Everything in the airspace of a bathroom or kitchen, including baths, toilets, sinks, and dishwashers, is the responsibility of the lot Owner. However, the Owners Corporations building insurance may cover some of these fixtures for damage caused by burst pipes or water penetration between floors. It is advisable to check your Product Disclosure Statement (PDS) to confirm coverage.
- Under Section 161(3) of the *Strata Schemes Management Act 2015*, the Owners Corporation must insure the owner's fixtures and fittings. However, while the Owners Corporation provides insurance, they do not handle repairs.
- 39** Railings are the responsibility of the Owners Corporation unless they are located within a lot, in which case they are the responsibility of the lot Owner.
- 40** Plastered ceilings and vermiculite ceilings are the responsibility of the Owners Corporation, unless otherwise noted in the strata plan or specified in a by-law. If installed by a lot Owner, the Owner is responsible for maintenance.
- Internal paintwork is almost always the responsibility of the lot Owner.
- 41** If a television aerial, satellite dish, internal wiring, or any cable is located outside of the lot, it is the responsibility of the Owners Corporation.
- 42** Ducting or structures covering services that serve more than one lot or common property are the responsibility of the Owners Corporation to maintain.
- 43** Letterboxes are the responsibility of the Owners Corporation unless they are located within a lot; in that case, they are the responsibility of the lot Owner.
- 44** A stopcock that serves only one lot and is not located within a common property wall is the responsibility of the lot Owner. However, if the stopcock is located within a common property wall, it is the responsibility of the Owners Corporation.

**45** A bathroom toilet cistern is generally the responsibility of the lot Owner. However, if the cistern is located in a common duct, then it becomes the responsibility of the Owners Corporation.

**46** On 24 February 2021, an amendment to the *Strata Schemes Management Act 2015* introduced section 132B, which addresses “sustainability infrastructure.” This new section, along with the introduction of a “sustainability infrastructure resolution” (see sections 5(1)(b) and 141), allows changes to common property related to sustainability infrastructure to be approved by a simple majority vote rather than a special resolution.

Section 132B requires the Owners Corporation to consider who will own, install, and maintain the sustainability infrastructure. While it is not mandatory, a by-law can be passed to specify whether the responsibility lies with the owner (or group of owners) or the Owners Corporation. Again, a simple majority vote is sufficient to change the by-laws for the installation or use of sustainability infrastructure.

For electric car chargers, responsibilities for single lot user devices and communal devices may vary based on the original motion or by-law. In the absence of such clarity, responsibilities may depend on other factors, such as the location of the charging device.

# Definitions

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## Appendix 2

### Strata Scheme

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A strata scheme is a building, or collection of buildings, where:

- the property that each individual owns is called a 'lot' (for example, an apartment, villa or townhouse)
- all the owners share ownership of and responsibility for the 'common property,' such as external walls, foyers, and driveways.

Some strata schemes sit within the 'umbrella' of a community scheme. As the name suggests, a community scheme is essentially a community containing a number of individual strata schemes. Each scheme is managed individually and has representation on the community scheme committee, which manages shared spaces such as community halls and parks.

Community schemes can also contain neighbourhood schemes and precinct schemes. Visit the [Fair Trading website](#) for information on community schemes regulated under the [Community Land Management Act 1989](#).

### Common Property

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The owner's corporation, which all owners automatically belong to, is responsible for managing the strata scheme.

The basic rule is that everything inside a lot is the owner's property. This generally includes all internal walls, fixtures, carpet, and paint on the walls.

Common property boundaries of each lot are generally formed by:

- the upper surface of the floor (but not including carpet)
- the under surface of the ceiling
- all external or boundary walls (including doors and windows)

Common property can include such things as:

- pipes in the common property or servicing more than one lot
- electrical wiring in the common property or servicing more than one lot
- originally installed parquet floors, ceramic tiles, floorboards, vermiculate ceilings, plaster ceilings, and cornices
- most balconies, balustrades and balcony walls and doors

It is crucial to know where the common property boundaries are, as lot owners cannot make alterations to common property in their townhouse or apartment without first getting approval from the owner's corporation.

## Being Sure of the Common Property Boundaries

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To know precisely what common property is and what an individual's lot is, you will need to look at the strata plan for your strata scheme.

The boundaries are usually marked by thick black lines.

You can obtain one from [NSW Land Registry Services](#) - 1300 052 637.

# Insurance

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## Appendix 3

### Legislation

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There is a set of Legislation sitting behind insurance principles affecting strata. This is outlined under Part [9] of the Strata Schemes Management Act 2015 (SSMA 2015).

Complementing this legislation is Part [6] of the Strata Schemes Management Regulation 2016.

The applicable legislation determines the type and minimum of covers required. For the purposes of this document, we will focus on Building related issues.

### Building Insurance

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In the preceding pages of this document, there is a clear attempt to differentiate “who is responsible” for common property vs lot Owners responsibilities. For insurance purposes, this is not one and the same thing.

The reason this occurs is by virtue of the SSMA 2015. The legislation notes a requirement to cover common property considerations plus Owners improvements and fixtures forming part of the building.

In broad terms, building policies issued include common property and Owner fixtures within lots as “Insured Property.” This does not include contents items within lots or illegal installations.

Examples of internal lot fixtures may include kitchens, fixed timber flooring, hard wired appliances such as stoves, bathroom fit out, built ins, doors, walls, electricals, plumbing etc.

Examples of lot contents include carpet, personal belongings and anything not permanently attached to the building. Floating floors and internal lot paint are generally deemed to be content items, but many policies may include this or offer to include it as optional covers.

By-laws in place may determine items to be the lot Owners responsibility to repair and maintain.

It is essential Owner occupiers, Landlords and Tenants ensure they have personal contents insurance in place to protect their own interests. There is a common misconception that because damage was caused by outside influences, strata insurance will cover the loss. Strata policies will only respond to loss or damage to their Insured Property from an admissible claim.

# Principles

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Building Insurers will define what they cover under headings such as Insured Property. The policies will define when cover is triggered or activated. It is important to note policies do not cover all contingencies. The type of instances not covered will be outlined in policy terms, conditions and exclusions.

Examples of claimable events may include fire, storm, water, vehicle impact, malicious damage, theft, and vandalism. Examples of common exclusions include maintenance, wear and tear, deterioration, rotting, rectification of building defects and flood.

Insurers will generally be looking at the following considerations in the claim triage process:

- Is the subject matter Insured Property under the policy
- When did the incident occur
- How did the incident occur
- Is the loss covered
- Are there any special conditions or excess
- What is the loss
- What is the urgency
- Next steps

As each and every circumstance is different, enquiries should be made via strata or insurers when an incident occurs in order to determine the potential policy response.

If the subject matter of the insurance claim is not “admissible,” the issue about who is responsible will essentially revert back to information outlined on pages 1-22 of this document.

# Policy Excess

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An excess is an amount of money paid by the strata or lot Owner towards a claim made on the insurance policy. There is a growing trend for insurers to have higher excesses with a view to ensuring sustainable and affordable premium levels.



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