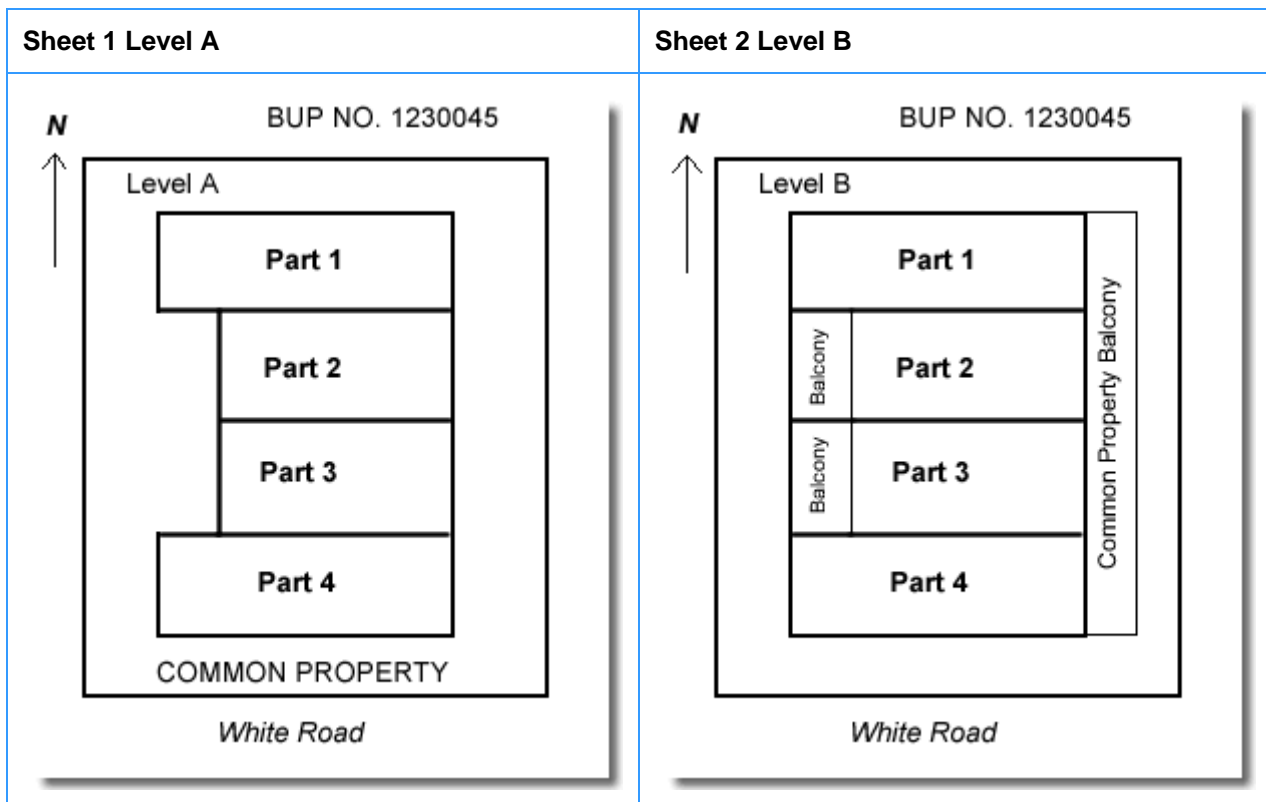


Topic 3: Building format plans and maintenance responsibilities

The following diagrams represent a typical building format plan or building units plan of a two level building and indicate how common property and lots may be represented on a survey plan. Each level of a multi-storey building will be shown on a separate sheet on the survey plan.



Boundaries

In the building format plan above, the boundaries of a lot are represented by **hard black lines**. The plan of level A (on the left) shows the common property around the building and part of the 4 lots (probably garages on the ground floor). The plan of level B (on the right) shows the level above and the remaining part of the 4 lots including balconies on two lots (lots 2 and 3) and a common property balcony running along the eastern side of the building. In the example on the right, the common property balcony is clearly labelled however, on some plans; areas of common property may not be so plainly defined. On those plans the surveyor may simply outline an area with a thin line. For example, if the common property balcony was not labelled, the **thin line** outlining it indicates it is outside the boundaries of the lots and is consequently common property.

In contrast to the common property balcony, there is a balcony attached to the western side of Lots 2 and 3. The **hard black lines** define the boundary of Lots 2 and 3. The **thin line** shows that each balcony is within the boundary of Lots 2 and 3. Consequently, the owners of these two lots have the responsibility to maintain the balconies in good condition. Where a balcony is included in a lot, as in this example, the boundary is normally the face of the balcony.

Although not shown in this plan, survey plans may show other parts of common property, such as visitor car parking spaces, carparks, tennis courts or swimming pools. The common property and the lots collectively make up the scheme land.

Maintenance under a Building Format Plan

- The body corporate
- The lot owner

The **body corporate** is usually responsible for:

- the maintenance of the outside of the building including exterior doors, windows and balcony railings (including the balustrade on a private balcony);
- gardens and lawns on common property;
- the foundations of the building;
- roofing structures, including roofing membranes that provide protection for lots or common property;
- essential supporting framework, including load-bearing walls;
- generally any doors or windows, and their fittings, that are situated in a boundary wall between a lot and the common property (including common property balconies). This also includes garage doors and their fittings.

(SM. s159)

Even though a balcony may form part of an owner's lot, it has been held that bearers and joists and their associated fixing brackets and bolts are considered to be part of 'essential supporting framework' and therefore the body corporate's responsibility to maintain (**Opal Terraces-Order. 0126-2001**).

Additionally, it has determined that the waterproofing membranes on balconies will also be the responsibility of the body corporate to maintain. (**Costa D'Ora Apartments-Order. 0018-2006**).

The **lot owner** is usually responsible for:

- doors and windows leading onto a balcony that forms part of the lot;
- kitchen, bathroom, bedroom cupboards;
- sinks, dishwashers, garbage disposal units, shower screens and shower trays.

(SM. s159, s170)

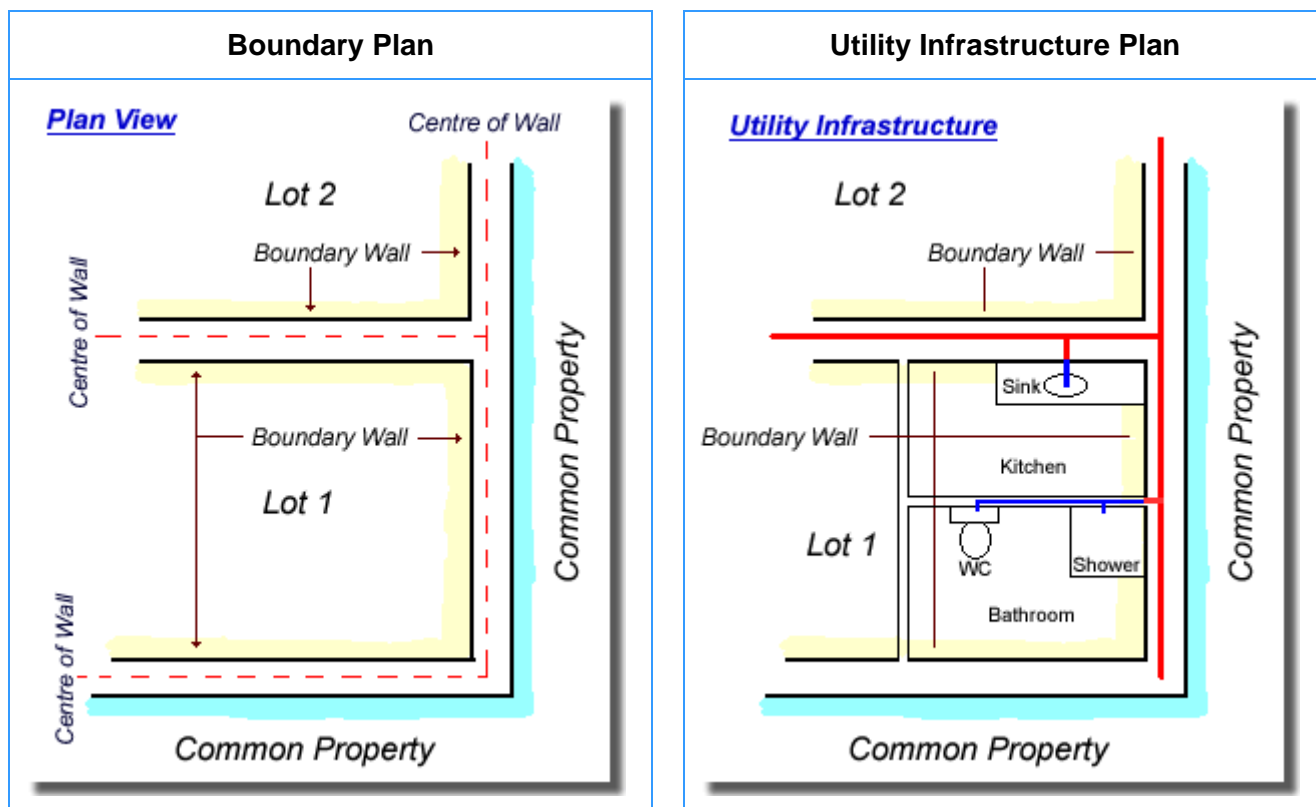
A **lot owner** is also usually responsible for:

- any fixtures or fittings installed by the lot owner for their own benefit (SM. s159);
- an area of common property or a body corporate asset that the lot owner has the benefit of, that is the subject of an exclusive use by-law (SM. s173).

Utility infrastructure responsibilities under a Building Format Plan

The plan on the left below shows the boundaries between lots, and lots and the common property. The boundary between lots and lots and the common property is usually the centre of the wall, floor or ceiling (*Section 48C and 49C (4) of the Land Title Act 1994*). The walls, floor or ceilings that are on the boundary between lots or lots and the common property are known as **boundary structures**.

The plan to the right below identifies some elements of utility infrastructure.



The **body corporate** is usually responsible for:

- The cold water pipes or cables shown in **red** on the utility infrastructure plan on the right above, as they are located within a boundary structure (walls between lots or lots and the common property).

The **lot owner** is usually responsible for:

- The cold water pipes or cables shown in **blue** on the utility infrastructure plan on the right above, as they service Lot 1 only, and are located within an internal wall and not a boundary structure;
- A hot-water system, including the associated pipes and wiring, supplying the service solely to the lot, whether or not the system is located on common property;
- An air-conditioning system, including the associated pipes and wiring, supplying the service solely to the lot, whether or not the system is located on common property.