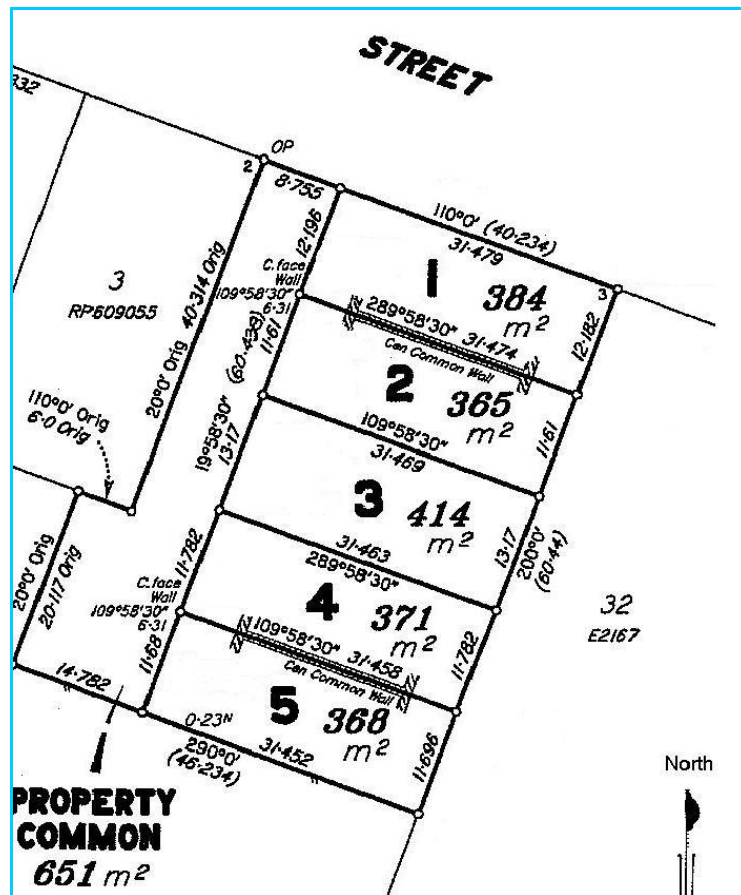


## Topic 4: Standard format plans and maintenance responsibilities

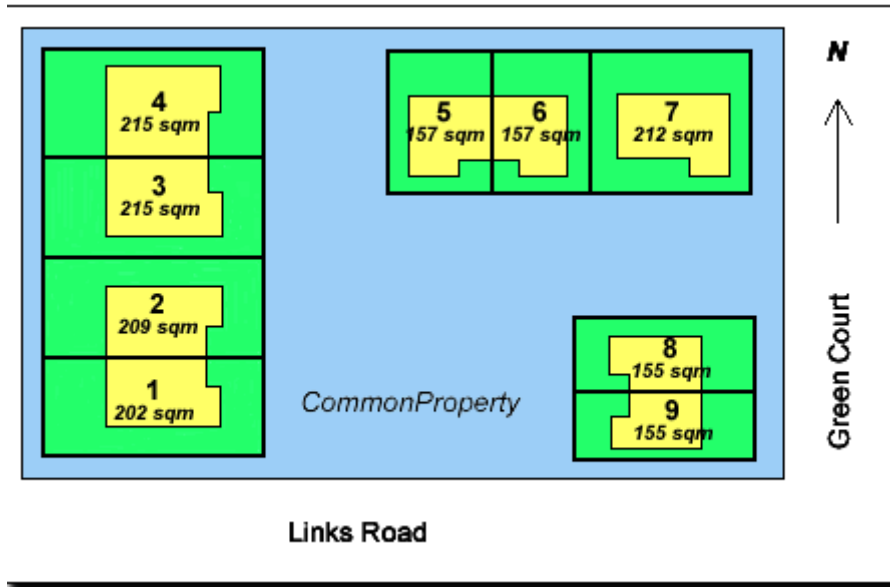
- Boundaries
- Maintenance
- Common walls
- Utility infrastructure

The diagram below represents a Standard Format Plan or a Group Titles Plan showing the lots and common property.



### Boundaries

The boundaries of lots are defined by dimensions (usually in metres eg 31.452) and bearings (described as 290 0') shown on the survey plan, along with marks placed on the ground at the time of the survey (e.g. survey pegs at the corners of the lot).



With reference to the above diagram:

- the **hard black lines** define the boundary of lots and the common property;
- the common property (blue), the lots (green) and the buildings (yellow).

Note: each building is within the boundary of each lot.

### Maintenance under a Standard Format Plan

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

- The common property, including roads, gardens and lawns on common property (SM. s159);
- Some elements of utility infrastructure that are common property (A. s20).

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

- Their lot, including all lawns and gardens within the boundary;
- Maintenance of their part of the building, including painting, the exterior walls, doors, windows and roof with the exception of some elements of utility infrastructure;
- The building foundations and roof to the extent that those areas are within their own lot boundary.

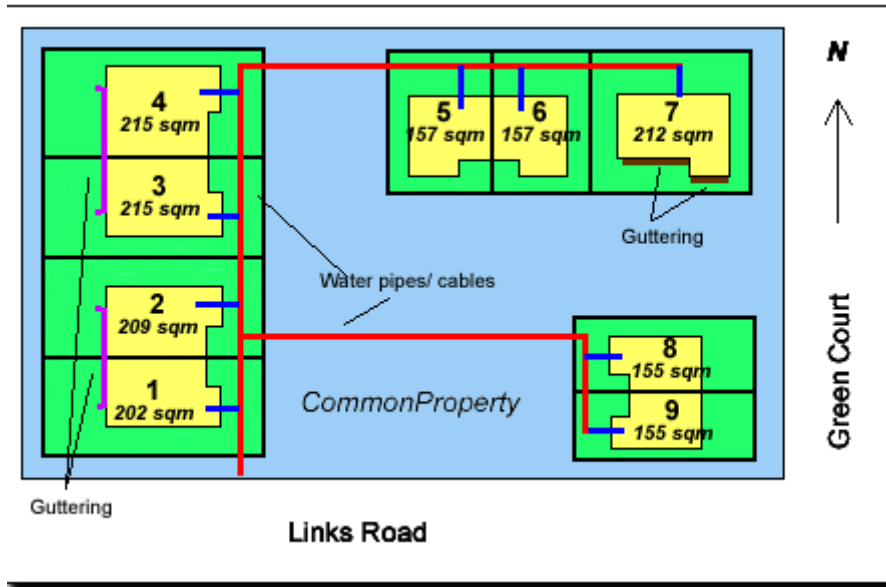
(SM. s170)

### Common walls

Under a standard format plan where buildings have **common walls**, an adjudicator has held that the owners of lots sharing a common wall will be jointly responsible for any maintenance issues relating to the common wall. The body corporate has no maintenance responsibility because there is no common property involved (**Cheddington-Order. 0292-1998**).

### Utility infrastructure responsibilities under a Standard Format Plan

The diagram below represents a Standard Format Plan showing some elements of utility infrastructure.



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

- The water pipes or cables shown in **red** on the utility infrastructure plan above, as these supply the service to more than one lot (refer to the definition of utility infrastructure in the glossary);
- The guttering, and associated downpipes shown above in **pink** which span two lots (between 1 and 2 and between 3 and 4), supplying a service to more than one lot;
- Any television antenna that services two or more lots.

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

- The water pipes or cables shown in **blue**, as they are located within the lot boundary and service one lot only;
- The guttering and associated downpipes shown in **brown** above on Lot 7, as they service only that lot.

**Important note:** The body corporate cannot attempt to circumvent the maintenance provisions of the legislation.

A motion passed by a body corporate or its committee cannot alter what the legislation provides. For example, the body corporate has no authority to levy lot owners in respect of painting their lot buildings in a scheme created under a standard format plan. The legislation specifically provides lots and consequently the buildings on the lots are the individual lot owner's responsibility to maintain (SM. s170). The body corporate cannot assume to change this responsibility.

Where a body corporate has passed such a resolution, adjudicators have, in relation to a dispute resolution application, overturned the body corporate's decision and have ordered that any levies collected in relation to such decisions must be refunded. (**Bayview Villas Brighton-Order. 0590-2004**).

Similarly, adjudicators have invalidated by-laws that relate to the body corporate maintaining lots because of their inconsistency with the relevant legislation. (**Glen Eden-Order. 0756-1999**)

However, the body corporate can offer to supply a service which may include entering into an agreement with individual lot owners with regard to maintenance. See 'Topic 9 Supply of Services' for more information.