

Common property and individual lots

The [Strata Schemes \(Freehold Development\) Act 1973](#) provides a system of title which gives exclusive ownership over part of a building known as a 'lot' and supporting rights over other parts of the building known as 'common property'. Common property is all the areas of the land and building not included in any lot.

In most strata schemes, the lot owner owns the inside of the unit but not the main structure of the building. Usually the four main walls, the ceiling, roof and the floor are common property. The internal walls within the lot (eg. the wall between the kitchen and lounge room), floor coverings such as carpet and fixtures such as baths, toilet bowls, benchtops are all the property of the lot owner. While it is sometimes a hard concept to envisage, a lot owner effectively owns the airspace (and anything included in the airspace) inside the boundary walls, floor and ceiling of the lot.

Airspace can also extend to balconies and courtyards. You should get proper advice about ownership of such things as a tree in the courtyard or responsibility to maintain a pergola covering a balcony or courtyard. They could be in your airspace and therefore, would be maintained at your cost.

To find out the boundaries between common property and lots in a strata scheme, you must look at the registered strata plan. For enquiries about interpretations of the plan and to buy a copy, contact Land and Property Information NSW at the corner of Macquarie Street and Prince Alfred Road Sydney NSW, or on 9228 6798.

Repairs

The [Owners corporation](#) must look after common property and carry out all repairs (unless it decides by special resolution that it is not necessary for a particular item and its decision will not affect the safety or appearance of the strata scheme). This includes replacing and renewing common property when needed.

The lot owner is not able, without the permission of the owners corporation to alter, renovate or damage common property. Everything within the airspace of an owner's lot must be maintained at his or her cost.

This article was extracted from the NSW Office of Fair Trading website 2006.