

# Decoding Strata Fencing: Who Pays for What?

Navigating the complexities of strata fencing can be a daunting task. Understanding responsibilities and the governing laws is crucial to avoid disputes and ensure a harmonious living environment.

## The Dividing Fences Act: Your Strata Fencing Guide

The Dividing Fences Act 1991 (NSW) provides a framework for resolving fencing disputes between neighbouring lot owners within strata schemes. While the Act outlines general principles, it's essential to consider the specific circumstances of your situation and advisable to get [professional legal advice](#).

### Key Points to Remember:

- **Common Property Fences:** The owners corporation is responsible for maintaining and repairing fences that divide common property from external areas but can claim a contribution for the cost to carry out fencing work from neighbours in many circumstances.
- **Fences between Lots and Common Property:** In most cases, the responsibility for these fences is either entirely borne by the owners corporation (where the fences are common property) or is shared equally between the lot owner and the owners corporation (where the fences are not common property).
- **Fences between Lots:** In most cases, owners share equal responsibility for building, maintaining, and repairing fences that separate their individual lots where those fences are not common property.

## **Fence Definitions: Not so Simple**

Then there are hedges, ditches, structures, embankments, natural watercourses, walls, retaining walls, and parts of buildings and more, that have been used to create boundaries or a fence-like structure – are these considered dividing fences?

## **Expert Advice and Strata By-laws**

Strata fencing bylaws also help to prevent disputes between lot owners and owners corporations about the responsibility for fencing maintenance and maintain a harmonious living environment.

If you're unsure about who is responsible for a particular fence or wall, have a dispute or need by-law advice, speak to our specialist strata lawyers, we're happy to assist.



## **Adrian Mueller I BCOM LLB FACCAL I Partner**

Since 2002 Adrian has specialised almost exclusively in the area of strata law. His knowledge of, and experience in strata law is second to none. He is the youngest person to have been

admitted as a Fellow of the ACSL, the peak body for strata lawyers in Australia. [Profile](#) I [Linked](#)

## Contact Us

For all strata law advice including by-laws, building defects and levy collections contact our specialist NSW and Sydney strata lawyers [here](#) or call 02 9562 1266, we're happy to assist.