



Breeze Vista Sphere Renovation Application to the Body Corporate for Breeze Vista Sphere CTS 40644

(V.1 as at 26 May 2023)

SUBMISSION FOR CONSIDERATION OF LOT OWNER MOTION FOR COMMITTEE FOR BODY CORPORATE FOR “BREEZE VISTA SPHERE” TO CONSIDER¹

Please note: Principal Body Corporate approval may also be required if your proposed renovation involves any alteration to the exterior appearance of the lot, for example, new items, including air-conditioning units that may be visible from the outside of the lot, any change to the colour or architectural appearance of the lot, any change to the windows, window covers, shutters, awnings or reflective material

TO: The Body Corporate for Breeze Vista Sphere Community Titles Scheme No. 40644

From: The Applicant(s)

When to use this form:

The Applicant(s) proposes to do the **Proposed Work** at Breeze Vista Sphere described in **Part 3** of this Application. The Applicant seeks the Body Corporate’s confirmation about whether:

1. the Body Corporate considers that Body Corporate approval is required for the **Proposed Work**; and
2. if Body Corporate approval is required for the **Proposed Work**, then whether:
 - a. the Body Corporate requires more information from the Applicant about the nature or scope of the **Proposed Work**; or
 - b. if the Body Corporate has sufficient information about the **Proposed Work**, whether or not the Body Corporate approves the Proposed Work, and if so, whether any conditions apply to the approval.

PART 1: Applicant’s Proposed Motion for Committee

Committee Motion: That the Committee decide whether or not Body Corporate approval is required for the Applicant’s Proposed Work, and if so, whether it requires more information from the Applicant about the nature or scope of the Proposed Work, or if the Body Corporate already has sufficient information about the Proposed Work, whether the Body Corporate approves the Proposed Work and if any conditions apply to the approval.

Purpose of this Form:

1. The purpose of this form is to enable the Committee to consider what impact, if any, the Applicant’s Proposed Work may have on:
 - a. the Body Corporate’s common property areas and building structures (including structural/load-bearing elements of the building and fire safety aspects), utility infrastructure that services more than one lot or common property and the obligations in the by-laws; and
 - b. the reasonable amenity expectations of other residents and owners in the scheme.

¹ Lot owners have the right to submit up to a maximum of 5 proposed motions to the Committee to decide within a 12-month period: [Regulation 50 of the Body Corporate and Community Management Act 1997](#). The Committee must decide a lot owner’s motion as soon as reasonably practicable, and within a 6 week period after the motion is submitted unless it gives the lot owner a written notice stating that the committee requires more time to decide the motion, with the reasons it requires more time and the committee’s decision is made within an additional period not exceeding a further 6 weeks (on top of the original 6-week period = 12-weeks). The Committee is not permitted to make decisions on lot owner motions that are about ‘restricted issues’ that the Committee can’t make decisions about, or motions that would conflict with the Body Corporate and Community Management Act 1997, regulations or by-laws, or would be unlawful or unenforceable. If the Committee does not make its decision within the decision period (maximum of 12 weeks), then it means the Committee has not agreed to the motion.



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Please note the following obligations and restrictions:

1. Lot owners and occupiers must not interfere with the support or shelter provided by the lot for another lot, or the common property, in the scheme;²
2. Lot owners and occupiers must not, either within or outside the lot, interfere with utility infrastructure or utility services in a way that may affect the supply of utility services to another lot, or the common property in the scheme;³
3. The Body Corporate does not have the power to give a lot owner exclusive use rights for the enjoyment or special rights over utility infrastructure that is common property or a body corporate asset.⁴

Important information about building work, electrical work and plumbing work in Queensland

4. It is important that work that requires a licence in Queensland is only carried out by a licensed contractor. Visit <https://www.qbcc.qld.gov.au/licences/start-your-career/when-you-need-licence> to find out more about what kind of licence a contractor requires for particular building work in Queensland.
5. Electrical work in Queensland must only be carried out by a person with a current electrical contractor's licence. You can check here: <https://www.electricalsafety.qld.gov.au/electrical-license-search>
6. Most plumbing work in Queensland is regulated and requires a QBCC licensed plumber or drainer to undertake the work, to protect the community's health and safety.⁵
7. There are 12 categories of 'notifiable plumbing work' under the [Plumbing and Drainage Regulation 2019](#) that a licensed plumber can perform without a Council permit. Read here: <https://www.qbcc.qld.gov.au/worksite-building-practice/plumbing-work/categories-notifiable-work>
'Minor plumbing work'⁶ does not require a Form 4 to be submitted – but must still be done by a QBCC licensed plumber.
'Unregulated plumbing work'⁷ does not need to be done by a QBCC licensed plumber.
8. **“Waterproofing work”** valued at more than \$3,300 must be carried out by a QBCC Licensee with the appropriate licence.

² [Section 165 of the *Body Corporate and Community Management Act 1997*.](#)

³ [Section 165 of the *Body Corporate and Community Management Act 1997*.](#)

⁴ [Section 177 of the *Body Corporate and Community Management Act 1997*.](#)

⁵ <https://www.qbcc.qld.gov.au/resources/guide/diy-plumbing-guide>

⁶ Minor plumbing work for premises necessary for the following—

- unblocking sanitary plumbing or sanitary drainage
- repairing a broken or damaged pipe
- maintaining or repairing an apparatus
- installing, replacing or removing an apparatus, other than—
 - a dual check valve with atmospheric port; or
 - a temperature control device; or
 - a testable backflow prevention device; or
 - a water heater
- maintaining, repairing, replacing or removing a fitting or fixture
- maintaining or repairing a greywater use facility or an on-site sewage facility, other than repairing or maintaining an irrigation system for the disposal of effluent from the facility
- installing a greywater diversion device
- maintaining, repairing or replacing a fire hydrant or fire hose reel, unless schedule 3, section 2 applies to the work
- sealing a supply pipe downstream from the water meter for a class 1 or 10 building or structure
- installing, removing or replacing an automatic switching device for a rainwater tank

⁷ Unregulated work generally work for premises necessary for the following—

- replacing a shower head or domestic water filter cartridge
- replacing a jumper valve or washer in a tap
- repairing or replacing a drop valve washer, float valve washer or suction cup rubber in a toilet cistern
- replacing caps to ground level inspection openings on a sanitary drain
- cleaning or maintaining a ground level grate for a trap on a sanitary drain
- installing or maintaining an irrigation or lawn watering system downstream from a tap, isolating valve or backflow prevention device on the supply pipe for the watering system
- repairing or maintaining an irrigation system for the disposal of effluent from a greywater use facility or on-site sewage facility



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PART 2: Applicant Details *[Applicant(s) to complete this Part 2]*

Full Name(s) of Applicant(s):
Your Lot Number:
Your Best Contact Email Address & Phone Number:
Lot owner acknowledgements: <ol style="list-style-type: none">1. The Applicant(s) acknowledge that this completed application and all attachments must be emailed to the Committee's Secretary (via The (Nuu) Co hello@thenuuco.com.au who will then provide it in full to the Committee, including the building manager and body corporate manager;2. The Body Corporate's records, which may include useful building and services plans are available to all lot owners on the Strata Vault for Breeze Vista Sphere;3. The Committee must consider it and decide the motion(s) as soon as reasonably practicable and within 6 weeks;⁸4. The Applicant(s) acknowledge the Proposed Work is not to commence before the Committee's decision in writing is received by the Applicant and if Principal Body Corporate approval is also required, the Proposed Work is not to commence until the Principal Body Corporate committee's decision in writing is received by the Applicant.
Applicant(s) Signature(s) confirming the above Lot Owner acknowledgements:
Date of signature(s):

PART 3: Proposed Work *[Applicant(s) to complete this Part 3]*

Description of the location(s) of the Proposed Work: Note: Please describe in writing the nature and location(s) of the proposed work:	
Estimated cost of the Proposed Work:	\$
Drawings of location(s) of the Proposed Work <i>Note: Please mark up on the "as constructed" drawing(s) for your Lot, all building structure(s) and utility service(s) that would be affected / changed by your proposed work. Alternatively, if</i>	

⁸ [Regulation 50 of the Body Corporate and Community Management Act 1997.](#)



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<i>you have an architect, draftsman, engineer or other expert involved, please provide their plans, drawings and specifications for the Proposed Work.</i>	Note: <i>To avoid delays in considering your motion(s) please ensure that all of the documents are attached when you submit this form to the Committee.</i>
Name, company, contact details of the Contractor(s) proposed to carry out the Proposed Works:	
How you propose to transport and dispose materials and rubbish during the Proposed Works	
How many days/weeks you believe the Proposed Work will take?	



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Considerations

When the Committee is considering this application, if it does advise that the Applicant that it considers Body Corporate consent *is* required for the Proposed Work, the Committee will refer to:

1. the development approval for Breeze Vista Sphere and Sphere Southport Living; and
2. the by-laws contained in the community management statement for Breeze Vista Sphere, which may include, but not be limited to the following by-laws, when considering whether to grant approval and if so, on what conditions;
3. such other information reasonably necessary to determine the application.

Principal Body Corporate by-laws relevant to renovation work:

2 General Appearance of Lots

There must be no alteration to the exterior appearance of lots in Subsidiary Schemes unless the prior approval of the Committee has been obtained. For example, and without limitation:

- (a) the colour and architectural appearance or theming of such lots must not be changed;
- (b) windows must not be altered and no window covers, shutters or awnings, reflective material or similar is to be affixed to windows, without the approval (which approval is not to be unreasonably withheld or delayed) of the Committee.

4 Items visible from Lots

Subject to By-law 23 (Construction/Sale of Lots), an Owner or Occupier of a Lot will not hang washing, towels, bedding, clothing or other articles or display any sign, advertisement, placard, banner, pamphlet or like matter on the Common Property or on any part of his Lot in such a way as to be visible from outside the Lot unless it has been approved in writing by the Committee.

9 Obstruction

An Owner or Occupier of a Lot must not obstruct the lawful use of the Common Property by any person. The pathways and driveways on the Common Property and any easement giving access to the Common Property must not be obstructed by any such Owner or Occupier or used by them for any other purpose than the reasonable ingress and egress to and from their particular Lot.

13 Damage to the Common Property

An Owner or Occupier of a Lot must not mark, paint, drive nails or screws or the like into, or otherwise damage or deface, any structure that forms part of the Common Property except with the consent in writing of the Committee.

14 Committee to be Notified of Accidents etc.

An Owner or Occupier of a Lot must give to the Committee prompt notice of any accident to or defect in any water pipes, gas pipes, electric installations or fixtures which comes to his knowledge and the Committee will have authority by its servants or agents in the circumstances having regard to the urgency involved to examine or make such repairs or renovations as they may deem necessary for the safety and preservation of any Lot or any buildings on the Scheme Land as often as may be necessary.



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39 Nuisance

No noxious or offensive trade or activity may be carried on upon the Scheme Land or in any subsidiary scheme or Lot nor may anything be done thereon which may be, or may become an annoyance or nuisance or which may be likely to interfere with the peaceful enjoyment of any such Lot Owner or Occupier in a subsidiary scheme or any other person lawfully using the Common Property. No loud noises, noxious odours, exterior speakers, horns, whistles, bells or other sound devices (other than security or warning devices used exclusively for such purposes) noisy or smoking vehicles, large power equipment or large power tools, unlicensed off-road motor vehicles or items which may unreasonably interfere with television or radio reception of any Lot may be located used or placed on any portion of the Scheme Land or exposed to the view of other Owners or Occupiers without the prior written consent of the Body Corporate.

Breeze Vista Sphere by-laws relevant to renovation work:

39. Alterations to the Exterior of Lots

- (a) Where an Owner proposes to carry out work which will alter the exterior of any Lot, he must follow the procedure set out below:-
- (i) Apply in writing to the Committee, outlining the proposed work and provide plans and specifications. Such plans and specifications must be of the same architectural standard as the development.
 - (ii) The Committee, on behalf of the Owner, shall submit to the architect nominated by the Committee from time to time the plans and specifications for his consent in writing. The Committee will use its best endeavours to ensure that the architect gives a decision with reasonable expedition.
 - (iii) The decision of the architect to consent or not to any plans and specifications will be final, provided that the architect will be entitled to consent to such plans with appropriate variations and/or conditions. If the architect refuses to give such consent or consents subject to variations to the plans and/or conditions, the Owner will not be entitled to make the alterations proposed or shall only be able to make them if the variations are incorporated or the conditions complied with (as the case may be).
 - (iv) If the architect consents to such plans with or without variations or conditions then, at the request of the relevant Owner, the proposal will be submitted to a general meeting of the Committee for permission to proceed with the works as approved by the architect.
 - (v) Any reasonable costs associated with the procedure outlined above, including any fee from the architect must be paid by the Owner seeking to make the alterations. If requested by the Committee, an estimate of the fee must be paid in advance by the Owner to the Committee before it submits the plans and specifications to the architect for approval.
- (b) Nothing in this By-law removes the obligation to obtain any necessary consent from any responsible authority (for example, a local government) to any alterations.

19. Damage to the Common Property or Lot

An Owner or Occupier of a Lot must not mark, paint, drive nails or screws or the like into, or otherwise damage or deface, any structure that forms part of the Common Property or any Common Property asset except with the consent in writing of the Body Corporate.

62. Obstruction

An Owner or Occupier of a Lot must not obstruct the lawful use of the Common Property by any person. The pathways and driveways on the Common Property and any easement giving access to the Common Property must not be obstructed by any such Owner or Occupier or used by them for any other purpose than the reasonable ingress and egress to and from their particular Lot.



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46. Hard Flooring

- (a) An Occupier must not install or cause to be installed or place in or upon any part of a Lot hard flooring such as timber, tiles, marble or any similar material (*Works*) unless the Occupier has first obtained the written approval of the Committee and uses an acoustic underlay approved of by the Committee.
- (b) Where the Committee grants consent to the installation of the Works, in addition to any other conditions the Committee may impose, the following conditions may also apply:
 - (i) The Floor Impact Isolation Class (*FIIIC*) of the Works when completed must not be less than the following performance specification:

AREA	
Kitchen	60
Lounge/Bedroom	60

- (ii) Following the installation of the Works, the Occupier must at its cost have the FIIIC determined by a field test conducted by an accredited acoustic consultant approved by the Committee. The Occupier will provide a copy of the consultant's report to the Committee within seven (7) days of receiving it.
- (iii) Where the FIIIC of the completed Works is less than the level detailed in paragraph (b)(i), the Occupier must, within a reasonable time and at its cost, cause the removal of the Works and/or have any necessary procedures or additional works undertaken in order for the Works to comply with the requirements in that paragraph. Following any such remedial action being taken, the provisions of paragraph (b)(ii) must again be complied with by the Occupier.
- (iv) Where the Works are installed and the FIIIC complies with the requirements of paragraph (b)(i) and any other conditions imposed by the Committee, the Body Corporate or its representative must notify the Body Corporate's insurers of the installation of the Works and the Occupier will be liable for any increase in premium as a result of the installation of the Works.

An Occupier must comply with any conditions imposed by the Committee when granting its consent, including any conditions which are imposed by the Committee to prevent any noise arising in any way out of the installation or use of the Works from being transmitted from the Lot to another Lot.

- (c) The granting of any approval by the Committee of the Body Corporate does not in any way relieve an Occupier of his or her responsibility under any other By-Laws.
- (d) If an Occupier fails to comply with the terms of this By-law, then an Occupier will, at his or her expense, remove the Works from the Lot upon receiving written notice from the Committee.
- (e) This By-law only applies to Lots which are directly above another Lot.

18. Damage to Lawns, etc. on the Scheme Land

An Owner or Occupier of a Lot must not:

- (a) damage any lawn, garden, tree, shrub, plant or flower being part of or situated upon the Scheme Land; or
- (b) except with the prior written consent of the Body Corporate, use for his own purposes as a garden any portion of the Common Property.



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3. General Appearance of Lots

- (a) No structural alterations will be made to any Lot (including any alteration to gas, water or electrical installations or work for the purpose of enclosing in any manner whatsoever the balcony, if any, of any Lot and including the installation of any air-conditioning system). An Owner or Occupier of a Lot must not in any way alter the exterior appearance of the Lot, nor cause to be constructed or placed upon any part of the Lot which can be viewed from outside the Lot any materials or items without the prior written consent of the Committee.
- (b) No garage on any Lot can be used for any purpose other than as a garage.

4. Maintenance of Lots

- (a) An Owner or Occupier of a Lot will:
 - (i) be responsible for the proper maintenance and decoration of his Lot;
 - (ii) maintain in good condition and repair any Improvements constructed or installed on the Lot (including where necessary, renewal or replacement of the whole or part thereof);
 - (iii) maintain the interior of his Lot in a clean condition and take all practical steps to prevent infestation by vermin and/or insects.

- (b) The Committee may give written notice to an Owner or Occupier of a Lot requiring that:

- (i) the Improvements be put in a state of good condition and repair (including where necessary, renewal or replacement of the whole or part thereof); and
- (ii) the obligations under By-law 4(a) be complied with,

and if such notice has not been complied with to the reasonable satisfaction of the Committee within 14 days of the date of that notice, the Committee may, in its absolute discretion, cause the Improvements to be put in such a state and the Owner or Occupier (as the case may be) will forthwith pay the costs incurred or payable by the Body Corporate in that regard on demand.

- (c) An Owner or Occupier of a Lot will allow the Committee and the servants and contractors of the Body Corporate access to the Lot and the Improvements at all reasonable times for the purpose of inspection and carrying out works under this By-law provided that the Committee gives the Owner or Occupier reasonable notice of its intention to enter upon the relevant Lot and Improvements and carry out works under this By-law.

10. Window Covers

- (a) No window will be covered with aluminium foil or similar reflective material or tinted and no shutters, awnings or other window cover shall be affixed externally to any building or visible from the exterior of the building. This By-law will not prevent security screens (for example Crimsafe brand) being installed over windows but only after the written consent of the Committee as to the type, quality, colour and style of



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security screen has been obtained. Such consent may be withheld in the absolute discretion of the Committee.

- (b) An Owner or Occupier must not hang curtains visible from outside the Lot unless those curtains have a white backing, or unless such colour and design have been approved in writing by the Committee. An Owner or Occupier must not install, renovate and/or replace a curtain backing or window treatment without having the colour and design of same approved in writing by the Committee. In giving such approvals, the Committee must ensure, so far as practicable, that curtain backing and window treatment used in all Lots have colours that are sympathetic to the tones of the improvements on the Scheme Land and present an aesthetic appearance when viewed from common property or any other lot.
- (c) For the purposes of enforcing this By-law, the Committee may establish and maintain a policy in respect to window coverings.

12. Antennae

No television, radio or other electronic antenna or device of any type may be erected, constructed or placed or permitted to remain on any Lot or on the Common Property unless and until the same has been approved in writing by the Committee or unless the same is contained within a Lot and not visible from the exterior of such Lot.

15. Nuisance

No noxious or offensive trade or activity may be carried on upon the Scheme Land or in any Lot nor may anything be done thereon which may be, or may become an annoyance or nuisance or which may be likely to interfere with the peaceful enjoyment of the Owners and Occupiers of other Lots or any other person lawfully using the Common Property. In particular and without limiting the generality of the foregoing:-

- (a) No loud noises, noxious odours, exterior speakers, horns, whistles, bells or other sound devices (other than security or warning devices used exclusively for such purposes) noisy or smoking vehicles, large power equipment or large power tools, unlicensed off-road motor vehicles or items which may unreasonably interfere with television or radio reception of any Lot may be located used or placed on any portion of the Scheme Land or exposed to the view of other Owners or Occupiers without the prior written consent of the Body Corporate;
- (b) All musical instruments, wirelesses, radiograms, television sets, stereos and the like shall be controlled so that the sound arising therefrom is reasonable and will not cause annoyance to other Owners and Occupiers of Lots on the Scheme Land;
- (c) Guests leaving after 11:00 pm must be requested by their hosts to leave quietly and quietness must also be observed when Owners and Occupiers return to their Lots late at night or in the early morning hours;
- (d) In the event of any unavoidable noise in a Lot at any time the Occupier or Owner thereof will take all practical means to minimise annoyance to other residents by closing all doors, windows and curtains of their Lot and also take such further steps as may be within their power for the same purpose.