



Commercial on Cairns Renovation Application to the Body Corporate for Commercial on Cairns CTS 37532

(V.1 as at 8 January 2024)

SUBMISSION FOR CONSIDERATION OF LOT OWNER MOTION FOR COMMITTEE FOR BODY CORPORATE FOR “COMMERCIAL ON CAIRNS” TO CONSIDER¹

TO: The Body Corporate for Commercial on Cairns Community Titles Scheme No. 37532

From: The Applicant(s)

When to use this form:

The Applicant(s) proposes to do the **Proposed Work** at Commercial on Cairns 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.
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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.

*Your Committee elected at AGM on 12 December 2023–Richard Adamski (Chairperson), Sunshine Estivo (Secretary),
Debbie Olivier (Treasurer), Brad Wiley*

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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:

1. 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.
2. 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>
3. 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
4. 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/worksites/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.
5. **“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):
If the Applicant is not the lot owner, please supply letter of consent from the lot owner to this application being made.
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 Commercial on Cairns;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.
Applicant(s) Signature(s) confirming the above Lot Owner acknowledgements:
Date of signature(s):

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

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

<p>Description of the location(s) of the Proposed Work:</p> <p>Note: Please describe in writing the nature and location(s) of the proposed work:</p>	
<p>Estimated cost of the Proposed Work:</p>	<p>\$</p>
<p>Drawings of location(s) of the Proposed Work</p> <p><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 you have an architect, draftsman, engineer or other expert involved, please provide their plans, drawings and specifications for the Proposed Work.</i></p>	<p><i>Note: 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></p>
<p>Name, company, contact details of the Contractor(s) proposed to carry out the Proposed Works:</p>	
<p>How you propose to transport and dispose materials and rubbish during the Proposed Works</p>	
<p>How many days/weeks you believe the Proposed Work will take?</p>	

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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 Commercial on Cairns; and
2. the by-laws contained in the community management statement for Commercial on Cairns, 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.

Commercial on Cairns by-laws that may be relevant:

16. ALTERATIONS TO LOTS AND COMMON PROPERTY

- (1) A Person must not construct or permit the construction or erection of any fence, pergola, screen, awning or other structure or outbuildings of any kind within or upon a Lot or on Common Property without the approval in writing of the Body Corporate.
- (2) Any alteration made to Common Property or fixtures or fittings attached to Common Property by any owner or occupier of a Lot, whether made or attached with or without the approval of the Body Corporate, must, unless otherwise provided by resolution of a general meeting or of a meeting of the Committee, be property repaired and maintained by the owner of the Lot who made the alteration or attached the fixtures or fittings to the Common Property.

2.2. Structures and Roadways

- (1) Subject to By-Law 2.2(2) and any law, a Person must not alter, damage or deface any structure that forms a part of the Common Property without the written consent of the Committee. A Person must not bring any vehicle onto the Common Property if the use of such vehicle will or may cause damage to any road or surface within the Common Property.
- (2) A proprietor or a Person authorised by the Proprietor may install any lock or other safety device for the protection of the Proprietor's Lot. Anything installed under this By-Law must not detract from the amenity of the Lot or the Building and must be installed in a workmanlike manner and maintained in good repair.

2.3. Rubbish and Spills

- (1) A Person must not deposit any rubbish, dirt, dust or other offensive material on the Common Property.
- (2) A Person must not allow any offensive, toxic, corrosive or other liquid (other than clean water) toxic gas, dust or particulate matter to escape from their Lot onto the Common Property. If any such escape takes place or is threatened a Person or Proprietor must immediately:
 - (a) Inform the Committee or any manager appointed to discharge the power of the Committee;
 - (b) Take all reasonable steps required to limit the effect of such discharge;
 - (c) Inform appropriate emergency services if such discharge will or may constitute a hazard or make such notifications as are required by applicable standards, regulations or law;
 - (d) The Committee or manager may take such steps as it sees fit to minimise the loss and damage occasioned by such spill or discharge and recover the cost of such remedial or precautionary action from the Owner of the Lot as a liquidated debt.



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2.4. Aerials and transmission equipment

- (1) Subject to any law, Persons may not erect television or radio aerials or other communication receivers or transmission equipment on:
 - (a) The Common Property; or
 - (b) A Lot without the written consent of the Committee.
- (2) A Person must not erect, install or use any equipment on a Lot or the Common Property which will or may cause a radiation hazard, interference with other electronic equipment or nuisance to adjoining lots.

3.2 Noise

A Person must not make or allow any noise in a Lot or on the Common Property that would unreasonably interfere with the enjoyment by others of a Lot or the Common Property. If noise is unavoidable then the Person must take such reasonable steps as are required to minimise the noise. Provided Always that such noise must not, at the boundary of a Lot be of such a level or pitch that it contravenes any law, regulation or safety standard.

4. USE OF LOTS

4.1 Lawful Use

- (1) Lots may be used only for such purposes as are lawful and within the zoning regulations applicable to the Scheme.
- (2) A Lot may not be used for any such lawful purpose if such use will necessarily entail a breach of any other provision of these By-Laws.
- (3) A Lot (other than a Manager's or Caretaker's unit, if any) may not be used for residential purposes or occupied other than in the ordinary course of business.

4.2 Signage and modifications

A Person must not hang anything, alter the exterior appearance of a Lot or display any sign or notice on any part of a Lot or Building so that it is visible from outside the Lot without the prior written consent of the Body Corporate. The Owner (or Tenant or Occupier as the case may be) must ensure that they obtain any necessary approvals or license relating to such signage from the Local Authority prior to the erection of any advertising signs. The Owner must renew such licenses and consents as required and is responsible for all fees, costs, certification and maintenance requirements relating to the sign, pylon or supporting structure (if any).

4.3 Structural Alterations

A Person must not make a structural alteration to a Lot without the written consent of the Body Corporate and any other approval required by law.

4.4 Maintenance of Lots

Lots must be kept clean, maintained in good order and condition and kept free of rubbish and vermin.

6. EXTERNAL APPEARANCE

The maintenance of all painted or treated, cladding, fascia or other visible external areas (including repainting and restoration when reasonably necessary) of the exterior of any Building within a Lot in the Scheme must be carried out by the Body Corporate. The costs and expenses of the Body Corporate will be paid from the Sinking Fund.

9. ADDITIONAL STRUCTURES, ALTERATIONS AND IMPROVEMENTS

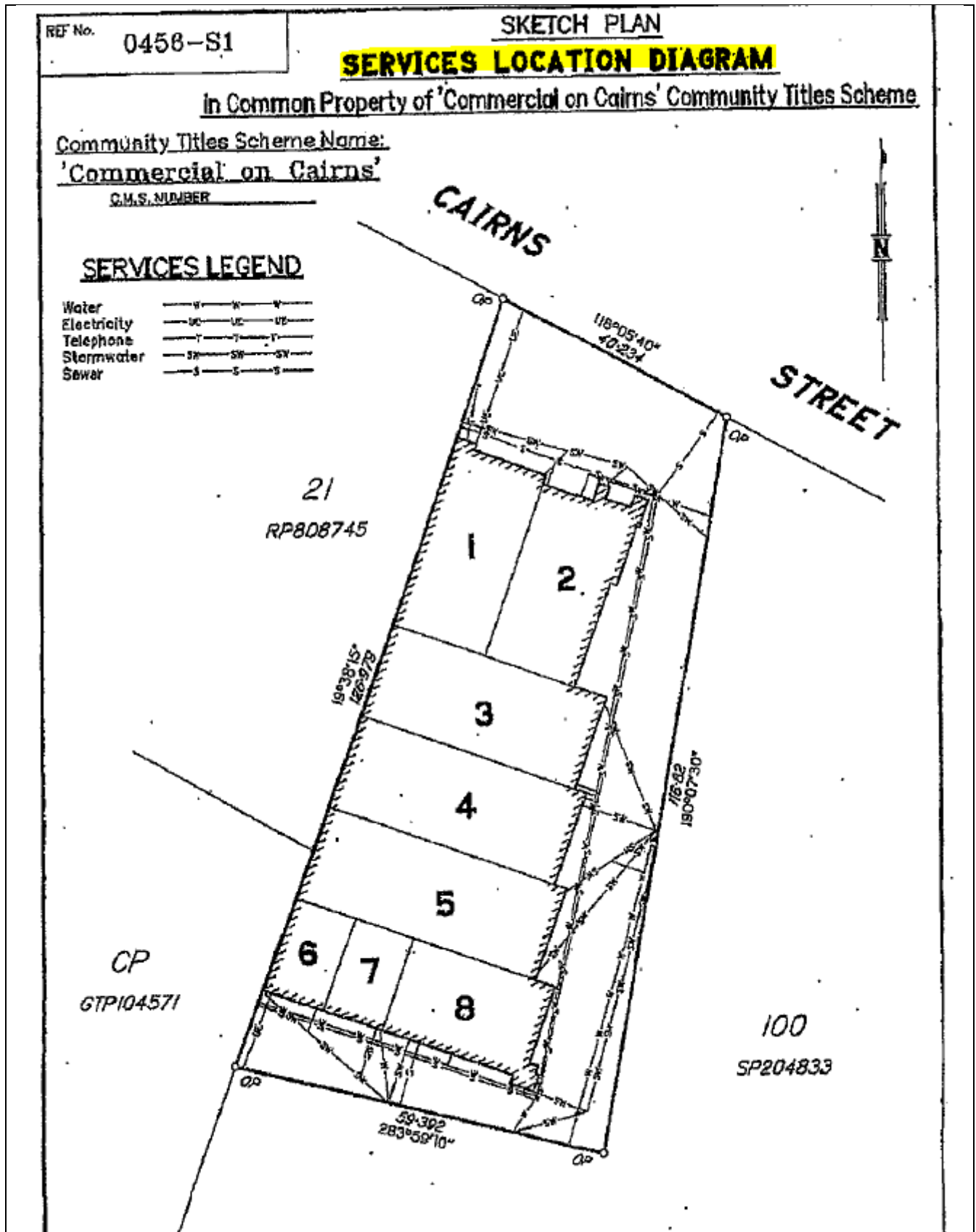
A Person must not, except with the consent in writing of the Body Corporate:

- (1) erect or cause to be erected any alterations or improvements to a Lot or to the Common Property; or
- (2) vary the colour scheme of a Lot from the original finishes to the Lot.



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