



Renovation Application to the Body Corporate for Burleigh on the Beach CTS 26686

(V.1 as at 27 April 2023)

SUBMISSION FOR CONSIDERATION OF LOT OWNER MOTION FOR COMMITTEE FOR BODY CORPORATE FOR “BURLEIGH ON THE BEACH” TO CONSIDER¹

TO: The Body Corporate for Burleigh on the Beach Community Titles Scheme No. 26686
From: The Applicant(s)

When to use this form:

The Applicant(s) proposes to do the **Proposed Work** at Burleigh on the Beach 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:

1. The committee requires more information from the Applicant about the nature or scope of the Proposed Work; or
 2. 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.
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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.



Renovation Application to the Body Corporate for Burleigh on the Beach CTS 26686

(V.1 as at 27 April 2023)

Please note the following 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



Renovation Application to the Body Corporate for Burleigh on the Beach CTS 26686

(V.1 as at 27 April 2023)

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 Burleigh on the Beach; 3. The Committee must consider it and decide the motion(s) as soon as reasonably practicable and within 6 weeks;⁸ 4. 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):	

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

Description of the location(s) of the Proposed Work:	
<p>Note: Please describe in writing the nature and location(s) of the proposed work:</p>	
Estimated cost of the Proposed Work: <i>This is necessary as the building insurer requests information about the value of lot improvements made each year.</i>	\$

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



Renovation Application to the Body Corporate for Burleigh on the Beach CTS 26686

(V.1 as at 27 April 2023)

<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>	



Renovation Application to the Body Corporate for Burleigh on the Beach CTS 26686

(V.1 as at 27 April 2023)

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

Burleigh on the Beach by-laws that may be relevant:

18 Lot Improvements

- 18.1 An Owner or Occupier must not make any Improvement (other than minor cosmetic work that does not in any way affect, alter or otherwise impact the Common Property or another Lot) to their Lot **without the written approval of the Body Corporate.**
- 18.2 When making an Improvement to Lot, in addition to any other requirements under these by-laws, an approval by the Body Corporate, the Act or the Regulation Module the Owner or Occupier must ensure:
- (a) the work is only carried out between the hours of 9.00am and 4.30pm, Monday to Friday or at other times approved by the Committee. No work is to be carried out on public holidays, Saturday or Sunday, during Easter or Christmas or School Holidays;
 - (b) if the works will result in noise, the Owner or Occupier must give the Caretaking Service Contractor 48 hours' notice;
 - (c) for specific works creating excessive noise, such as jack hammering, 48 hours' notice of intention to carry out such work is given to the Caretaking Service Contractor and a notice must be posted in writing on all noticeboards by the Owner or Occupier, so that all Owners and Occupiers can be advised. The Caretaking Service Contractor will advise the Owner or Occupier the specific time and date when such work can be carried out, with such requests to be dealt with in a reasonable manner;
 - (d) that all trade vehicles are parked in the Owner or Occupiers designated car parks; and
 - (e) contractors are provided with Security Access Devices as necessary and ensure that full security measures are adopted and kept in place including ensuring that all Security Access Devices are returned to the Owner or Occupier on completion of work;



Renovation Application to the Body Corporate for Burleigh on the Beach CTS 26686

(V.1 as at 27 April 2023)

21 Improvement conditions

- 21.1 When carrying out an Improvement in the Scheme, in addition to any other requirements under these by-laws, an approval by the Body Corporate, the Act or the Regulation Module the Owner or Occupier must ensure:
- (a) if required by the QBCC, including any legislation that falls within the regulatory responsibilities of the QBCC, the works must be undertaken by a licensed builder or Owner in accordance with the requirements of the QBCC, who will be deemed to be the primary contractor;
 - (b) If the local government approval is required for the Improvement (for example alteration, removal or modifications to the primary structural walls or pillars, installation of wind breaks, major alterations to plumbing, repositioning of water or waste pipes penetrating the floor slab or removing free rated walls) this must be obtained by the relevant Owner prior to Body Corporate giving its consent;
 - (c) if approval from the Queensland Fire Authority is required (for example moving sprinkler heads and plumbing alternation to fire walls etc.) this must be obtained by the relevant owner or occupier prior to the Body Corporate giving its consent;
 - (d) the Owner must obtain public liability insurance for an amount reasonable determined by the committee, which must cover the Improvements from the commencement date until the completion date;
 - (e) any contractor performing the Improvements must obtain public liability insurance for a minimum of \$10 million;
 - (f) all Improvements must be undertaken in accordance with all relevant legislation and local government requirement, including but not limited to the Building Act 1975, the Standing Building Regulation 1993, the Building Code of Australia and Fire Regulations;
 - (g) all electrical work is to be carried out in accordance with all relevant Australian Standards by appropriately licensed electrician. Within 14 days of completion of the Improvement, the Owner or Occupier must obtain from the licensed electrician and provide to the Body Corporate a signed completion notice certifying that all electrical work has been completed in accordance with all relevant Australian Standards and that all circuits have been tested and found satisfactory;
 - (h) all plumbing work is to be carried out by an appropriately licensed plumber in accordance with all relevant Australian Standards;



Renovation Application to the Body Corporate for Burleigh on the Beach CTS 26686

(V.1 as at 27 April 2023)

- (i) prior to commencement of plumbing work, water and waste pipes penetrating the floor slab to the Lot below must be sealed and waterproofed. Within 14 days of completion of the Improvement, the Owner or Occupier must obtain from a licensed plumber and provide to the Body Corporate, a signed completion notice and Council certification and, if applicable, certifying that all plumbing work has been carried out in accordance with Australian Standards and that all plumbing has been pressure tested and found satisfactory;
- (j) plumbing, electrical, water, or air conditioning inspection ports or manholes in ceilings and/or walls must remain accessible and are not to be altered or permanently covered without the specific approval of the Body Corporate;
- (k) if works require approval from the Queensland Fire Authority that work is to be carried out by a qualified fire protection engineer, in conjunction with the current Body Corporate Fire Protection Entity. Within 14 days of completion of the Improvements, the owner or occupier must obtain, from the Fire Protection Engineer and provide to the Body corporate, a signed certificate confirming compliance with the relevant Australian Standards and Fire Regulations;
- (l) contractors rubbish is removed from the building and not placed in the Body Corporate bins, or Common Property;
- (m) all call out costs for the fire services or lift contractors caused by the works are to be charged to the Owner or Occupier;
- (n) contractors do not have radios playing loudly or have breaks, meals or Smoke on Common Property;
- (o) all work is carried out in a clean and efficient manner. Common area foyers are to be protectively covered to the unit door at all times, when works are being performed. The foyer must be cleaned immediately after use each day;
- (p) the foyer, fire stairs or any other Common Property area (including but not limited to owner or occupier car parks or exclusive use areas) are not to be used to store materials, undertake works or store rubbish associated with the works;
- (q) all waste is be removed by the contractor or Owner or Occupier as applicable and not placed in the refuse system. Contractor rubbish skips can be placed where directed by the Caretaking Service Contactor but must not be left over weekends;
- (r) if the Caretaking Service Contactor is required to clean the foyers or other areas of common property as a result of the Works, the Owner or Occupier is charged at the rate of \$20.00 per half hour;
- (s) no person uses the Common Property power anywhere in the building for private reasons except as permitted by the Committee in writing and this permission will only extend to the power required for the opening and closing of doors for enclosed car spaces;
- (t) no external light fitting is replaced without the written approval of the Committee; and
- (u) doors into the foyer areas are the subject of strict fire regulations and must not be altered in anyway whatsoever, including but not limited to changes to the locking mechanism, trimming the doors etc. If such alterations occur, the Owner or Occupier will be responsible for the costs of repairing the doors to the relevant fire regulation standards.



Renovation Application to the Body Corporate for Burleigh on the Beach CTS 26686

(V.1 as at 27 April 2023)

19 Floor coverings

- 19.1 An Owner or Occupier must ensure that all flooring areas within the Lot are covered, treated or otherwise used to the extent sufficient to prevent the transmission of noise to another Lot or the Common Property that interferes unreasonably with the peaceful enjoyment of a Lot or the Common Property by another person.
- 19.2 When installing hard flooring in the Scheme, in addition to any other requirements under these by-laws, an approval by the Body Corporate, the Act or the Regulation Module the Owner or Occupier must ensure:
- (a) all floor covering replacements are adequately sound insulated such that the impact sound rating (Lntw rating) for the flooring system contemplated by the Improvement does not at any time exceed Lntw 55;
 - (b) within 14 days of completion of the Improvement, the Owner or Occupier provides the Body Corporate with evidence the flooring meets the required standards of the by-laws;
 - (c) balcony floor tiling and the interior walls of balconies are only be replaced or repainted (as applicable) with colours and materials which are identical or substantially similar to the colours and materials that currently exist on the building. If new tiling is to be laid on balconies, the old tiling must first be removed so the weight on the balcony floor does not become excessive and to maintain the height between the balcony floor and the top of the handrails so that building safety codes are observed. Upon removing the old tiles (and if applicable old waterproofing membrane), a new waterproof membrane must be applied and the new tiles with sufficient expansion joints and caulking to all joints, laid over the new waterproofing membrane; and
 - (d) the machine cutting of tiles, aluminium sheeting or extension, or metallic, stone, marble or composite materials is not permitted on Common Property and only on balcony areas in a fully enclosed vacuum tent.

20 External appearance of a lot

- 20.1 The Owner or Occupier of a Lot must not, without the Body Corporate's written approval, make a change to the external appearance of the Lot (including without limitation, an improvement or the placement of an item) if it will result in a change of the appearance of the Lot being visible from another Lot or the Common Property, or from outside the Scheme Land.

5 Application and approval process

- 5.1 This by-law applies where an Owner or Occupier makes an application to the Body Corporate or otherwise seeks to obtain the Body Corporate's consent.
- 5.2 When deciding whether to approve any application made by an Owner or Occupier (the Applicant) under these by-laws, the Body Corporate may:
- (a) take into account previous approvals under these by-laws provided to the Applicant and the Applicant's compliance with any conditions of previous approvals;
 - (b) request the Applicant to provide all information reasonably required to make a decision, where the Body Corporate may make as many requests as reasonably necessary;
 - (c) grant its approval on reasonable and relevant conditions; or
 - (d) refuse any application if it is reasonable to do so.
- 5.3 An Owner or Occupier of a Lot granted approval under these by-laws must comply with any conditions of that approval, failing which, the Body Corporate may withdraw that approval after the Applicant has been provided with a reasonable opportunity to remedy any non-compliance.
- 5.4 If any approval under these by-laws by the Body Corporate is invalid, it is read down or severed to the extent required to be valid.

6 Noise and nuisances

- 6.1 An Owner or Occupier must not use, or permit the use of, a Lot or the Common Property in a way that:
- (a) causes a nuisance or hazard;
 - (b) interferes unreasonably with the use or enjoyment of another Lot; or



Renovation Application to the Body Corporate for Burleigh on the Beach CTS 26686

(V.1 as at 27 April 2023)

- (c) interferes unreasonably with the use or enjoyment of the Common Property by a person who is lawfully on the Common Property.

7 Obstruction

7.1 An Owner or Occupier must not, without the written approval of the Body Corporate:

- (a) obstruct, or permit the obstruction of, the lawful use of the Common Property or another Lot by someone else; or
- (b) use as storage, or place items on, the Common Property.

28 Interference with support, shelter, utility infrastructure

28.1 An Owner or Occupier must not, without the written approval of the Body Corporate, interfere or permit interference with:

- (a) support or shelter provided for a Lot or the Common Property;
- (b) utility infrastructure or utility services; or
- (c) body corporate assets.

29 Health and safety

29.1 Owners and Occupiers must give notice as soon as reasonably practicable to the Body Corporate after becoming aware of any:

- (a) infectious disease which is present at the Scheme requiring notification by statute or ordinance;
- (b) accident or incident causing personal injury or any property or other damage which occurs on Scheme Land; or
- (c) other event that may affect the insurance of the Body Corporate, health or safety of owners or occupiers or may otherwise create liability for the Body Corporate.

25 Dangerous substances

25.1 An Owner or Occupier must not, without the Body Corporate's written approval, store a flammable or dangerous item or substance on a Lot unless the item or substance is:

- (a) used or intended to be used for domestic purposes; or
- (b) fuel stored within a fuel tank of a vehicle, boat, or internal combustion engine in which the fuel is stored under the requirements of any law regulating the storage of flammable materials.

26 Removals

26.1 An Owner or Occupier shall not move any furniture into or out of a Lot without:

- (a) reasonable notice being given to the Body Corporate (having regard to matters including, but not limited to, the amount and size of furniture to be moved); and
- (b) taking adequate measures to prevent damage to the Common Property and any other Lot in the Scheme.

11 Parking

11.1 An Owner or Occupier must not, without the written approval of the Body Corporate:

- (a) park a Vehicle or allow a Vehicle to stand, on any part of the Common Property (other than in an exclusive use area); or
- (b) permit a Visitor to park a Vehicle or allow a Vehicle to stand, on the Common Property (other than a designated visitor car parking bay).



Renovation Application to the Body Corporate for Burleigh on the Beach CTS 26686

(V.1 as at 27 April 2023)

14 Damage

14.1 An Owner or Occupier must not damage, deface or alter any part of the Common Property without the written approval of the Body Corporate.

15 Common Property Improvements

15.1 An Owner or Occupier must not make any Improvement to the Common Property without the written approval of the Body Corporate.

15.2 A Caretaking Service Contractor may without the consent of the Body Corporate display signs or notices for the purposes of letting any Lot for lease in the Scheme in or about the Common Property provided they are in keeping with the amenity of the Scheme.

16 Boundary Improvements

16.1 An Owner or Occupier must not, without the written approval of the Body Corporate, make any Improvements to:

- (a) a slab (including without limitation drilling into a slab);
- (b) railings, parapets and balustrades on (whether precisely, or for all practical purposes) the boundary of a Lot and common property or the boundary of a Lot and another Lot;
- (c) doors, fences, windows and associated fittings situated in a boundary wall separating a Lot from common property or the boundary of a Lot and another Lot; or
- (d) roofing membranes that are not common property but that provide protection for lots or common property.

17 Structural Improvements

17.1 An Owner or Occupier must not, without the written approval of the Body Corporate, make any structural alterations to:

- (a) foundation structures;
- (b) roofing structures providing protection; or
- (c) essential supporting framework, including but not limited to load-bearing walls.