



Wings Residential Resort and Spa Renovation Application to the Body Corporate for Wings Residential Resort and Spa CTS 32967

(V.2 as at 21 March 2023)

SUBMISSION FOR CONSIDERATION OF LOT OWNER MOTION FOR COMMITTEE FOR BODY CORPORATE FOR “WINGS RESIDENTIAL RESORT AND SPA” TO CONSIDER¹

TO: The Body Corporate for Wings Residential Resort and Spa Community Titles Scheme No. 32967

From: The Applicant(s)

When to use this form:

The Applicant(s) proposes to do the **Proposed Work** at Wings Residential Resort and Spa 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:

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.

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>

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.

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' does not require a Form 4 to be submitted – but must still be done by a QBCC licensed plumber.

"Unregulated plumbing work" does not need to be done by a QBCC licensed plumber.

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*.](#)



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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 email to pfacenda58@gmail.com and to the Body Corporate Manager via 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 Wings Residential Resort and Spa;3. The Committee must consider it and decide the motion(s) as soon as reasonably practicable and within 6 weeks;⁵4. 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: 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 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,	

⁵ [Regulation 50 of the Body Corporate and Community Management Act 1997.](#)



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<i>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 Wings Residential Resort and Spa; and
2. the by-laws contained in the community management statement for Wings Residential Resort and Spa, 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.

Wings Residential Resort and Spa by-laws that may be relevant:

After review of the by-laws, clauses 1,5,8,12,35 & 36 are relevant to renovations and are provided below for your reference:



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35. ALTERATIONS AND RENOVATIONS TO LOTS

- 35.1 Subject to an owner or occupier for a lot obtaining the prior written approval of the Committee, the owner or occupier of a lot may make any alterations or renovations to a lot including, but not limited to, structural alterations (including alterations to gas, water, electrical installation, tiling of balconies) or install hard flooring or air conditioners ("Works").
- 35.2 The owner or occupier of a lot must not alter the common property by installing intercom, television and/or data infrastructure without the prior written approval of the Committee.
- 35.3 The owner or occupier of a lot must lodge a written request for approval with the Committee at least 4 weeks prior to the proposed commencement date of the Works and the Works must not commence until the owner or occupier has received written approval from the Committee and executed the relevant Wings Residential Resort & Space Renovation Work Conditions as amended by the Committee from time to time.
- 35.4 In order for the Committee to consider its approval pursuant to this By-law, the owner or occupier must provide to the Committee the following:
- 35.4.1 List (details) of proposed Works that can remain on the records of the Body Corporate as evidence of what was applied for and was approved;
 - 35.4.2 if the Works involve structural alterations, installations of wind breaks and/or major changes to plumbing or the repositioning of water or waste pipes penetrating the floor slab, certified drawings by a qualified structural engineer or plumber;
 - 35.4.3 copies of any other relevant approvals that are required by legislation and/or the by-laws (including local council approval);
 - 35.4.4 details of who is proposed to carry out the Works;
 - 35.4.5 if Works are to be undertaken by a contractor or owner builder, evidence that the relevant contractor or owner builder holds the required license and appropriate insurance to conduct the Works;
 - 35.4.6 dates when the Works are proposed to be commenced and completed;
 - 35.4.7 evidence of public liability insurance;
 - 35.4.8 if the request is lodged by the occupier of a lot, written confirmation that the owner of the lot consents to the Works; and
 - 35.4.9 anything else reasonably required by the Committee to enable it to make its decision.
- 35.5 The Committee must consider the following when making its decision pursuant to this By-law:
- 35.5.1 whether the proposed Works are in harmony with the architectural design of the Body Corporate, the existing landscaping and other aspects of existing improvements of the building, common property and the Scheme Land and whether the proposed works will affect these aspects;
 - 35.5.2 whether all building and fire regulations are observed; and
 - 35.5.3 whether all matters outlined within this By-law have been complied with.



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- 35.6 If the Committee refuses to approve the Works, the Committee must give reasons to the relevant owner or occupier including information as to any changes to the Works required in order for the owner or occupier to obtain approval.
- 35.7 If the Committee consents to the Works, the Committee may grant the approval on reasonable conditions considering the factors outlined in this By-law and the owner or occupier must comply with all reasonable conditions imposed by the Committee.
- 35.8 Undertaking the Works:
- 35.8.1 if asbestos is located during the renovation or alternation to the lot, then an asbestos report must be obtained by the owner or occupier;
- 35.8.2 if approval from the Queensland Fire Services (QFS) is required (for example replacement of heat detectors and plumbing alteration to fire walls etc) this must be obtained by the relevant Owner or occupier prior to the Committee giving its approval;
- 35.8.3 if the Works require a Form 15 or Form 16 certification for fire, plumbing, electrical, balustrading or any other part of the Works require certification, then the owner or occupier must provide a copy of all such certificates to the Committee within 14 days of completion of the Works;
- 35.8.4 all floor covering replacements in a lot must be sound insulated and, without limitation, the owner or occupier must conduct the Works in accordance with the reasonable conditions of the Committee and if such Works include installing hard flooring, which includes vinyl tiles/flooring, the following applies:
- acoustic amenity in this building is important to lot owners;
 - the acoustic amenity for any hard flooring in the building must have a LnT,w rating which is less than 50db and which represents a 4 to 5 star standard under the AAAC Guidelines for Apartment and Townhouse Acoustic Rating (reference: Australian Acoustical Consultant – www.aaac.org.au);
 - the owner, if requested by the Committee, must submit to the Committee a report confirming that the sound transmission assessment has a LnT,w rating which is less than 50dB, such report to be supplied by either an acoustic engineer or a manufacturer's undertaking (to the satisfaction of the Committee) (ie, the LnT,w rating is a single number quantity used to characterise the impact sound insulation of floors based on laboratory measurement of LnT);
 - the selection of sound proofing material to be used under or as part of any type of hard flooring, including timber or ceramic tiles, must be of a thickness to achieve the requisite sound rating required by these by-laws.
 - If requested by the Committee, a photo or photos of the works before, during and after installation of the sound proofing material and hard flooring must be provided to the Committee; and
 - within 14 days of completion of the Works the owner or occupier must, if requested by the Committee, provide the Committee with evidence the flooring meets the standards specified in this By-laws;
- 35.8.5 balcony floor tiling and the interior walls of balconies can 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.
- 35.8.6 if the owner wishes to install new tiling 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.
- 35.8.7 Upon removing the old tiles (and if applicable old waterproofing membrane) a new waterproof membrane must be installed to a Committee approved specification with sufficient expansion joints and caulking to all joints, laid over the new waterproofing membrane;
- 35.8.8 Where an owner wishes to install new tiling on balconies, a waterproof membrane must also be installed to a Committee approved specification with sufficient expansion joints and caulking to all joints, laid over the new waterproofing membrane;



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35.8.9 the machine cutting of tiles, aluminium sheeting or extrusion, or metallic, stone, marble or composite materials is not permitted on common property and only on balcony areas in a fully enclosed vacuum tent;

35.8.10 the Work may only be carried out between the hours of 8:00am and 4:00pm Monday to Friday and at any other times as authorised in writing by the Committee (upon the request of the owner or occupier to the Committee) and the Committee (in its reasonable discretion) will determine if Work may be carried out on a Saturday and/or Sunday or during the public and/or school holidays;

35.8.11 if the Works will result in noise, the owner or occupier must give the Committee at least 14 days notice before the works commence so appropriate notification to owners and occupiers may be given; and

35.8.12 if there is specific work creating excessive noise, such as jack hammering, the owners require at least 14 days notice of the intention to carry out such work, whereby such work must only be carried out between 9:00am and 2:00pm Monday to Friday, and a notice must be posted in writing on all notice boards by the owner or occupier, in order that all lot owners and occupiers can be advised.

35.9 Completion and finalising the works:

35.9.1 within 14 days of the completion of works, an independent inspection and written report completed by a Committee approved supplier must be submitted upon request by the Committee. This is to ensure correct specifications and procedures have been followed and ensures that the building structure and insurances are not compromised.

This strictly applies to all of the following types of alternations and renovations to lots:

- Waterproofing and Tile Replacement
- Balcony Shutter Installation
- Penetrations in Structure (Air conditioning, Core Drilling, Fire Collars)

35.10 The owners are to ensure that all trade vehicles are parked in the designated car parks for that lot;

35.11 The owners are to provide contractors with entry keys and/or fobs as necessary and ensure that full security measures are adopted and kept in place including ensuring that all keys and fobs are returned to the owner or occupier on completions of work;

35.12 All access for trades persons and materials must be by the basement.

35.13 All contractors/trades must sign in at reception using the appropriate sign in/register of invitees book provided at reception from time to time.

35.14 There is no access through the ground floor lobby and the following conditions apply to access and the removal of rubbish created by the Works:

35.14.1 prior to commencement of works the owner and Manager are to conduct an inspection of the basement lobby and lift to note existing damage. Further damage caused during the Works is to be repaired at the owner or occupier's expense;

35.14.2 lift protection during the course of the Works will be provided by the Manager;

35.14.3 in order to provide maximum service to occupants of the building during the Works, the lift should be used to deliver materials to the relevant floor and then immediately returned to normal service;

35.14.4 rubbish and spillage in lifts is to be removed immediately otherwise a lift cleaning fee will be charged;

35.14.5 contractors' rubbish is to be removed from the building and not placed in the Body Corporate bins, rubbish chutes or common property;

35.14.6 all calls out costs for the fire services or lift contractors caused by the Works are to be charged to the owner or occupier;

35.14.7 contractors are not to have radios playing loudly or have breaks, meals or smoke on common property;

35.14.8 all Works are to be carried out in a clean and efficient manner;



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- 35.14.9 the common property foyer is to be protectively covered from the lift to the unit door at all times, when Works are being performed;
- 35.14.10 the foyer and lift must be cleaned immediately after use each day;
- 35.14.11 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;
- 35.14.12 all waste must be removed by the contractor, owner or occupier and not placed in the refuse system;
- 35.14.13 contractors' rubbish skips can be placed where directed by the Manager but must not be left over weekends; and
- 35.14.14 Body Corporate trolleys are not to be used by contractors, owners or occupiers to transport tools and equipment or materials.
- 35.15 No person shall use the common property power anywhere in the building for private reasons except as permitted by the Committee in writing.
- 35.16 No external light fittings shall be replaced without the written approval of the Committee.
- 35.17 Doors from the lots into the foyer on each level are the subject of strict fire regulations and must not be altered in any way whatsoever, including but not limited to changes to the locking mechanism, removal of closes, trimming the doors etc. If such alterations occur, the owner will be responsible for the cost of repairing or replacement of the door to the relevant fire regulation standards.
- 35.18 If an owner or occupier fails to comply with a condition as specified by the Committee or the regulation specified in this By-law, then the owner or occupier must, at its own expense, remove the offending part of the Works from the lot upon receiving written notice from the Committee to do so.

6. NUISANCE

- 36.1 An occupier of a lot must not:
 - 36.1.1 cause a nuisance or hazard;
 - 36.1.2 interfere unreasonably with the use or enjoyment of another lot in the Scheme Land; or
 - 36.1.3 interfere unreasonably with the use or enjoyment of the common property by a person who is lawfully on the common property.
- 36.2 An occupier of a lot must not:
 - 36.2.1 permit any of their Invitees to behave in a manner reasonably likely to interfere with the peaceful enjoyment of any person lawfully on another lot or the common property;
 - 36.2.2 use a lot or common property for any purpose which is illegal, or which may damage the reputation of the scheme or Body Corporate; or
 - 36.2.3 interfere with the peaceful enjoyment or amenity of any person lawfully on another lot or the common property.



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2. APPEARANCE OF LOT

- 12.1 The occupier of a lot must not, without the committee's written approval, make a change to the external appearance of the lot unless the change is minor and does not detract from the amenity of the lot and its surrounds.
- 12.2 The occupier of a lot must not, without the body corporate's written approval:
- 12.2.1 hang washing, bedding, or another cloth article directly on top of the balustrade; or
 - 12.2.2 display a sign, advertisement, placard, banner, pamphlet or similar article (whether relating to the sale or letting of a lot or otherwise) on the lot or the common property if the article is visible from another lot or the common property, or from outside the scheme land.
- 12.3 The occupier of a lot may use a portable clothes hanger in order to dry washing on the condition it is placed 1.5m away from the balustrade at any one time.
- 12.4 The occupier of a lot may use a portable gas BBQ on the balcony of the lot on the condition it is placed 1.5m away from the balustrade at any one time.
- 12.5 An owner or occupier of a lot must take reasonable steps to ensure that no objects of any description are thrown or allowed to fall from the balcony or windows of their lot.
- 12.6 Balconies visible from another lot, common property or outside of scheme land must be kept tidy at all times. The Committee may request the removal of any unsightly items stored on the balconies.

DAMAGE/ALTERATIONS TO COMMON PROPERTY

- 8.1 An owner or occupier of a lot must not, without the body corporate's written approval, mark, paint, drive nails, screws or attach other objects or structures into, or otherwise damage or deface a structure that forms part of the common property.
- 8.2 Without limiting By-law 8.1, unless a resolution of the body corporate provides to the contrary, any alteration made or fixture or fitting attached to common property by an owner or occupier of a lot must be repaired and maintained by the owner from time to time of the lot, the owner or occupier of which made the alteration or addition.
- 8.3 An owner or occupier of a lot must notify the body corporate promptly of any accident to or defect in any water pipes, gas pipes, electric installations or fixtures on the common property which comes to the occupier's knowledge.

NOISE

- 1.1 An owner or occupier of a lot must not create noise likely to interfere with the peaceful enjoyment of a person lawfully on another lot or the common property.
- 1.2 In particular, no owner or occupier:
- 1.2.1 shall hold or permit to be held any social gathering in his or her lot which is likely to breach this By-law;
 - 1.2.2 shall hold or permit to be held any auction sale upon Scheme Land;
 - 1.2.3 permit any musical instrument to be practised or played in his or her lot between the hours of 10.00 pm and 8.00 am;



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- 1.2.4 if a musical instrument is practised between the hours of 8.00 am and 10.00 pm, then such practice must not extend beyond a period of one (1) hour at any one time or for a total of more than three (3) hours during any day; and
- 1.2.5 shall allow any equipment and/or instruments which produce noise or emit noise so as to breach the provisions of this By-law.
- 1.3 Where there is any unavoidable noise in a lot which at any time may breach this By-law, the owner or occupier must take all practicable steps to minimise annoyance to other lot owners and occupiers by closing all doors, windows and curtains of his or her lot and taking all such further steps as may be necessary or required so as not to interfere with the peaceful enjoyment of a person lawfully on another lot or the common property.
- 1.4 Guests leaving after 11.00 pm must be requested by their hosts to leave quietly. Quietness shall also be observed when an owner or occupier returns to the building late at night or during early morning hours.
- 1.5 An owner or occupier of a lot must take all reasonable steps to ensure that his or her invitees do not behave in a manner likely to interfere with the peaceful enjoyment of the owners or occupiers of another lot or of any person lawfully using common property.
- 1.6 All noise on balconies including music and conversation noise must be kept to a considerate volume at all times and cease by 10pm every night to ensure the peaceful enjoyment of the lot by all occupiers.

VEHICLES

- 5.1 Except if a By-law authorises the occupier to do so, the occupier of a lot must not, without the body corporate's written approval:
 - 5.1.1 park a vehicle, or allow a vehicle to stand, on the common property; or
 - 5.1.2 permit an invitee to park a vehicle, or allow a vehicle to stand, on the common property, except in areas designated as car parking areas and in respect of which no occupier of a lot has exclusive use.
- 5.2 An approval under By-law 5.1 must state the period for which it is given.
- 5.3 An owner or occupier of a lot must:
 - 5.3.1 ensure its invitees' vehicles are parked in parking bays in common property designated as for visitor parking;
 - 5.3.2 ensure those invitees use such bays only for casual parking;
 - 5.3.3 not, and not permit its invitees to, ride or use skateboards, roller blades, skates, carts or other similar recreational means of transport on or over common property.
- 5.4 However, the body corporate may cancel the approval by giving seven days written notice to the occupier.
- 5.5 If an Occupier of a Lot or Invitee allows a vehicle to be parked in a manner which is in contravention of this By-law, then such vehicle may be towed by the Body Corporate (at the direction of the Committee) and such costs will be the responsibility of the owner of the vehicle.
- 5.6 For the purpose of this By-law, the Committee may enter into an appropriate agreement with a towing company (contractor) to provide a vehicle towing service.
- 5.7 The Committee may authorise the erection of appropriate signage on the Common Property to advise all drivers of vehicles on to Scheme Land of the regulation of unlawful parking on Common Property.