

# Building work and renovation request

## Lot owner application form

This form has been designed to assist you in navigating the application and approval process when seeking authority to undertake renovations or additions to your lot. This might include the installation of solar panels, electric vehicle (EV) chargers, or air conditioners on common property.

Your committee will review the application and all associated plans, diagrams, specifications, etc., including the checklist provided. Please submit the completed form to the committee and copy our office, providing adequate information to help ensure the assessment process is completed as efficiently and accurately as possible.

### This form covers:

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### Please note:

The information provided in the form is general in nature and is intended to help you understand the principles for processing applications for building or renovation works in a body corporate property. Each scheme's approval process will vary slightly. Please always refer to your plan's by-laws, rules or other governance documents in conjunction with the information provided in this form.

# 1. What is common property vs your lot?

There are two kinds of body corporate plans in Queensland, which have different definitions of common property. This is most often referred to as 'maintenance responsibilities' between an owner and the body corporate.

## Building format plan

### The lot

- Doors and windows that lead onto a balcony that forms part of the lot.
- Kitchen, bathroom, bedroom cupboards.
- Sinks, dishwashers, garbage disposal units, shower screens and shower trays.
- A hot-water system is installed on the common property but supplies water only to a particular lot. The lot owner would be responsible for maintaining the hot water system and the associated pipes and wiring.
- Any fixtures or fittings installed by the owner for their benefit.
- Exclusive use areas that the owner has the benefit of.

### Common property

- The outside of the building.
- The foundations and roof of the building.
- Roofing membranes that protect lots or common property.
- Essential structural elements of the building (like foundation structures, roofing structures that provide protection and load-bearing walls), even if they are not on common property.
- Roads, gardens, and lawns on common property.
- Facilities on common property (like swimming pools and barbecues).
- Railings or balustrades on or near the boundary between a lot and common property, including the railing on a private balcony.
- Any doors or windows and their fittings are in a boundary wall between a lot and the common property (including garage doors and their fittings).

## Standard format plan

### The lot

- The inside of the building, including all fixtures and fittings (except utility infrastructure that is common property).
- The outside of the building within their lot boundary, including exterior walls, doors, windows, and roof.
- The building foundations.
- All lawns, gardens, and driveways inside the boundary of their lot.
- Any fixtures or fittings (including on common property) that the occupier of a lot installed for their benefit.
- Exclusive use areas the owner has the benefit of (unless the exclusive use by-law says otherwise).

### Common property

- Roads, gardens and lawns on common property.
- Facilities on common property like swimming pools or BBQs.
- Pipes, cables, wires, drains, sewers, plant and equipment that supply a service to more than one unit or apartment.
- Pest control on common property.
- Some elements of utility infrastructure on common property.

## 2. When is approval required for lot owner building works or renovations?

The Body Corporate and Community Management Act 1997 does not restrict the changes or improvements that an owner can make to their internal lot. However, body corporate permission may be needed if the work impacts common property, alters the external appearance, or interferes with other residents. This could also include existing by-laws regarding noise and nuisance. Except for plans registered under the Commercial Module, the type of approval needed is mainly determined by its cost and whether it impacts common property.

### Lot improvements impacting common property under \$3,000: body corporate approval required

If your renovation or improvement falls under any of the following, approval is likely required:

- Has a total cost above \$3,000 (including GST if applicable).
- The works will affect common property or an exclusive use area (e.g. installing solar panels on the roof or an air conditioner condenser unit outside a lot).
- The works are structural (e.g. removal or addition of an internal wall) or will affect the appearance of the lot from the exterior (installing shutters or security screen doors).
- The works may violate an existing by-law or are likely to impact the peaceful enjoyment of any of the other occupants or owners, such as those relating to noise and nuisance.

#### PICA Group tip

The cost will not be relevant if the works are internal to a lot but require body corporate approval for other reasons, such as potential noise or nuisance impact on neighbours.

### Lot improvements impacting common property over \$3,000: general approval by ordinary resolution required

Queensland body corporate legislation only allows committees to approve lot owner improvements to the common property under \$3,000. Therefore, an ordinary resolution is required to be passed at a general meeting for work that:

- Has a total cost above \$3,000 (including GST if applicable).
- Impacts the appearance of a lot.
- Affects the common property or an exclusive use area (e.g., installing solar panels on the roof or an air conditioner condenser unit outside a lot).

#### Example

- Replacing an existing patio roof over an exclusive use area as close as possible to 'like for like' is maintenance and would not be capped at the \$3,000 limit for committee approval.
- Replacing an existing shade sail with a solid patio roof in the same area is an improvement, and the committee's authority is therefore limited to that \$3,000 cap.

## 3. How long does approval take?

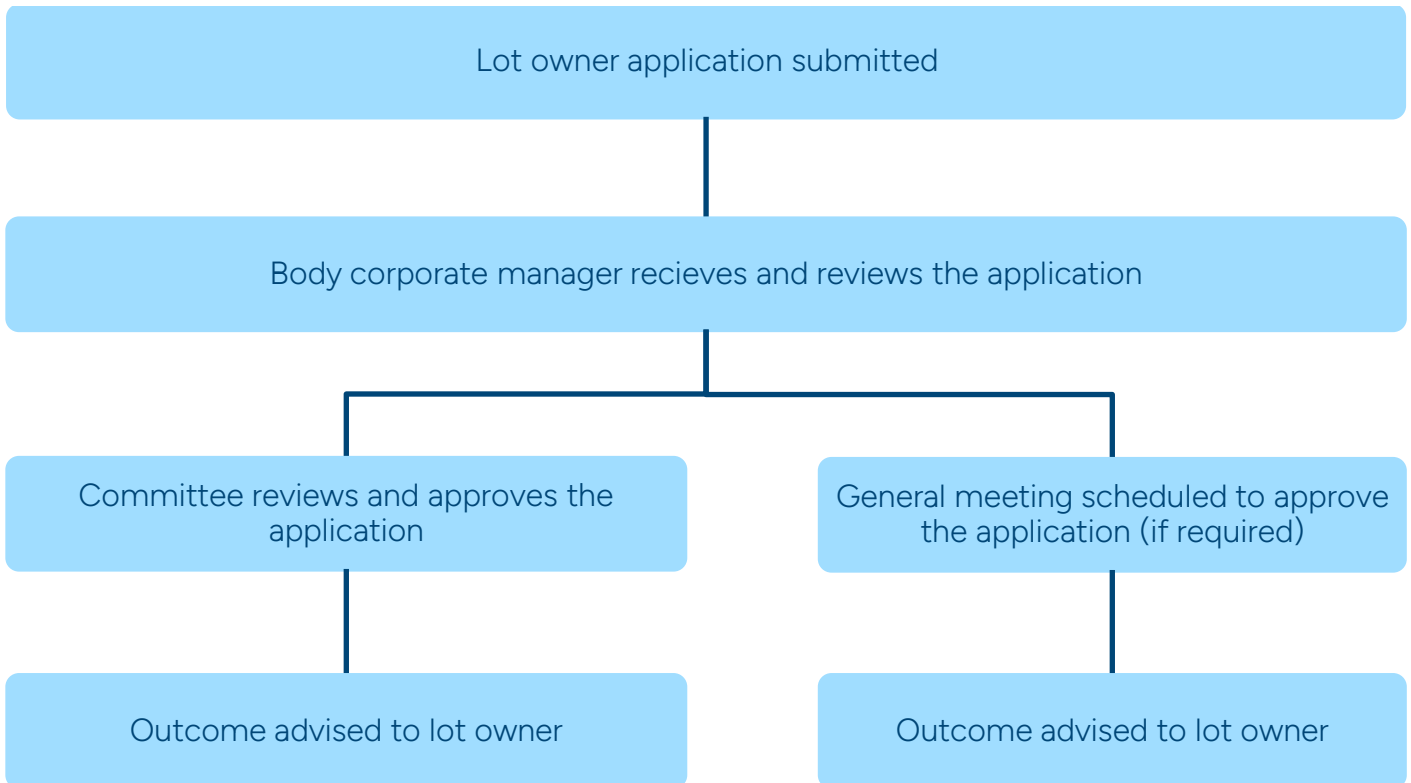
### Committee approval

- Legislation requires committees to consider motions submitted by owners within six weeks if they are within their authority to approve. Otherwise, the motion can be deemed unapproved, and owners can dispute the outcome via the Body Corporate and Community Management Commissioner's Office.
- Lot owners are limited to submitting six motions for committee meetings per year. If your application is unclear or missing supporting information, it may not be considered under this provision until the requirements are met.
- A committee may hold a motion until their next scheduled meeting, provided it is within six weeks. Alternatively, they may opt for a 'vote outside committee meeting,' allowing for quick voting if discussion is unnecessary.
- Given the administrative costs associated with this type of meeting, an owner may offer to cover those costs to help expedite the application. If you would like to request this, please inform your body corporate manager.

### General meeting approvals

- When the committee cannot approve a matter, a general meeting is required where all owners are invited to vote. This meeting is usually held about four weeks later to ensure there is enough time to notify all parties.
- A lot owner can submit a motion at any time, which is required to be included in the next general meeting. However, a body corporate is only required to hold its annual general meeting (AGM) once per year, within three months following the end of the scheme's financial period. Therefore, requests may be held until the AGM is due.
- Alternatively, an extraordinary general meeting (EGM) may be called at any time through the year by the committee or a written request signed by owners of at least 25% of lots. As EGMs often attract additional administrative costs, an owner may offer to cover those costs. This way, their request can be considered before the next general meeting without needing the support of 25% of the other owners. If you would like to request this, please inform your body corporate manager.

## 4. The application and approval process



Further information and tips regarding renovations in body corporate schemes can be accessed via the PICA group website library.

## 5. What should I expect if my request is approved?

Once approval has been formally included in the meeting minutes, you should expect to receive a confirmation letter confirming the consent and any reasonable conditions associated with the application. The details and outcome of the request would then be added to your body corporate register of improvements.

## 6. What if my request is not approved, or I disagree with the imposed conditions?

In Queensland, the Office of the Commissioner for Body Corporate and Community Management manages disputes and provides a free information service. You can access those resources via their website at <https://www.qld.gov.au/law/housing-and-neighbours/body-corporate/bccm>

# 7. Important things to consider

Depending on the extent and nature of the works proposed, lot owners should consider the following key points when planning to undertake a renovation within their property:

- The works should be carried out by a licensed tradesperson. As the lot owner, you are responsible for providing the relevant details so that necessary checks can be made.
- Your tradesperson should be adequately insured, including public liability.
- For any minor and major works, the terms of the relevant by-law should attribute the responsibilities for the ongoing repair, maintenance, or replacement of any works to the lot owner (and any subsequent lot owner). You will also be responsible for reinstating any damage to common property (including any damage incurred by your appointed tradesperson or contractor).
- You may need a development application (DA) approval from your local council for any layout changes or new construction. Approval of the body corporate must be included with your council application.
- If your building is heritage-listed it may require different approvals. Please investigate this before starting the application process.
- Consider ways to minimise disturbance to other residents and avoid damage to common property. For example:
  - i. Transportation of all construction materials, equipment, debris, and other materials will need to be considered and managed.
  - ii. Protecting the common property areas outside of your lot from damage caused by the transportation of construction materials, equipment, and debris in a manner reasonably acceptable by the body corporate plan.
  - iii. Ensure all areas of the building outside of the lot are kept clean and tidy during the work.
  - iv. Make sure the contractors understand and abide by any agreed work hours specified by the local council and or imposed by the body corporate plan under the terms of any by-laws.
  - v. If the work is likely to create noise that could cause discomfort, disturbance, or interfere with the activities of any other building resident, it's important to communicate with your neighbours and residents early. Let them know what type of disruption they might experience and how long it may last.

## 8. Checklist

**Review the obligations laid out in your by-laws.**

You may need to apply for certain types of renovations. If you don't have a copy of your by-laws, you can request this from your body corporate manager. If needed, speak to your body corporate about interpreting your body corporate by-laws.

**Determine whether the renovation will alter just your lot or parts of the common property.**

This Queensland Government website may help you in determining this:  
<https://www.qld.gov.au/law/housing-and-neighbours/body-corporate/maintenance/improvements>

**Request approval before commencing your renovation, if required.**

If your improvements will alter common property and your lot, you must request approval for both aspects via an application form. Please request this form from your body corporate manager and return it with a copy of your 'builders plans' showing how the works may affect any utilities (e.g. gas, electricity, water, waste, etc.). You may also need to include the relevant approved council development documentation if applicable.

**Keep your body corporate committee informed of your plans.**

Even if your by-laws do not state you must notify your committee of your works, we recommend you let your committee know out of courtesy.

**Be considerate to other owners regarding noise levels and disruption during the renovation.**

This may also be regulated by your by-laws and local council laws, particularly in terms of the times of day the works can be carried out.