



The Gallery Residences CTS 54683 Renovation Application to the Body Corporate for The Gallery Residences CTS 54683

(V.1 as at 9 Dec 2024)

SUBMISSION FOR CONSIDERATION OF LOT OWNER MOTION FOR COMMITTEE FOR BODY CORPORATE FOR “THE GALLERY RESIDENCES CTS 54683” TO CONSIDER¹

TO: The Body Corporate for The Gallery Residences Community Titles Scheme No. 54683

From: The Applicant(s)

When to use this form:

The Applicant(s) proposes to do the **Proposed Work** at The Gallery Residences CTS 54683 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.



The Gallery Residences CTS 54683 Renovation Application to the Body Corporate for The Gallery Residences CTS 54683

(V.1 as at 9 Dec 2024)

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.

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

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*.](#)



The Gallery Residences CTS 54683 Renovation Application to the Body Corporate for The Gallery Residences CTS 54683

(V.1 as at 9 Dec 2024)

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 Body Corporate Manager via hello@thenuco.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 The Gallery Residences CTS 54683; 3. The Committee must consider it and decide the motion(s) as soon as reasonably practicable and within 6 weeks;⁵ 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]*

Name, company, contact details of the Contractor(s) proposed to carry out the Proposed Works:	
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</i>	

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



The Gallery Residences CTS 54683 Renovation Application to the Body Corporate for The Gallery Residences CTS 54683

(V.1 as at 9 Dec 2024)

<p><i>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>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.</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>	

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 The Gallery Residences CTS 54683; and
2. the by-laws contained in the community management statement for The Gallery Residences CTS 54683, 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.

The Gallery Residences CTS 54683 by-laws that may be relevant:

After review of the by-laws, clauses 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14 & 16 are relevant to renovations and are provided below for your reference:

1 NOISE:

An owner or occupier of a Lot must not within the scheme land create any noise likely to interfere with the peaceful enjoyment of the owner or occupier of another lot or of any person lawfully using common property.

2 VEHICLES:

- (a) Owners and occupiers must comply with, and ensure that their invitees comply with, directions given by an authorised representative of the body corporate regarding the use of visitor car parking spaces.
- (b) The owner or occupier of a lot, and any occupier of any common property must not without the Body Corporate's written approval:
 - (i) park a vehicle or allow a vehicle to stand on the common property or any easement area or shared area or common property areas to which the Body Corporate has use; or
 - (ii) permit an invitee to park a vehicle, or allow a vehicle to stand, on the common property other than in a designated visitor car park, or other parking area to which the Body Corporate has use.



The Gallery Residences CTS 54683 Renovation Application to the Body Corporate for The Gallery Residences CTS 54683

(V.1 as at 9 Dec 2024)

- (c) Approval under the above clause must state the period for which it is given.
- (d) However the Body Corporate may cancel an approval under the above clause by giving 7 days written notice to the owner or occupier.
- (e) An owner or occupier shall only allow bona fide visitors of lots to occupy an area designated as a visitor car parking space. The maximum time allowed at any one instance for parking in a visitor car parking space is six (6) hours.
- (f) Commercial vehicle facilities (if any) must only be used for short term loading and unloading of vehicles.
- (g) The Body Corporate committee is hereby authorised to erect any appropriate signage deemed necessary by the committee on the common property, and on other areas to which the Body Corporate has use, to notify owners and occupiers of lots, and occupiers of the common property of these by-laws, and the Body Corporate's requirements regarding parking and may, in addition to any other remedy available to the Body Corporate, issue warning letters (in its discretion) to any person suspected to be in breach of these by-laws, although the same need not be issued to enforce these by-laws.
- (h) In addition to being able to exercise its contractual rights and/or common law rights, to the extent that the same is not prohibited by the Body Corporate and Community Management Act 1997 (as amended), the Body Corporate, via the Committee is hereby authorised to remove any vehicle parked on the common property or other parking area to which the Body Corporate has use in contravention of these by-laws by engaging any towing company or towing service to remove the vehicle, at the owner and operator of the vehicle's (jointly and severally) sole expense and risk.
- (i) Upon request, each owner and occupier of the Scheme must provide the Body Corporate with the registration number, make and model of any vehicle they control which is likely to be at the Scheme from time to time.

3 OBSTRUCTION:

An owner or occupier of a lot must not obstruct lawful use of common property by any person.

4 DAMAGE TO LAWNS, ETC., ON COMMON PROPERTY:

- (a) The owner or occupier of a lot must not, without the Body Corporate's written approval:
 - (i) damage a lawn, garden, tree, shrub, plant or flower on the common property; or
 - (ii) use a part of the Common Property as a garden.
- (b) Approval under 4(a) must state the period for which it is given.
- (c) However the Body Corporate may cancel an approval under 4(a) by giving seven (7) days written notice to the owner or occupier.



The Gallery Residences CTS 54683 Renovation Application to the Body Corporate for The Gallery Residences CTS 54683

(V.1 as at 9 Dec 2024)

5 DAMAGE TO COMMON PROPERTY:

- (a) An owner or occupier of a lot must not, without the Body Corporate's written approval mark, paint, drive nails, screws or other objects into, or otherwise damage or deface, a structure that forms part of the common property.
- (b) However an owner or occupier may install a locking or safety device to protect the lot against intruders or a screen to prevent entry of animals or insects if the device or screen is soundly built and is consistent with the colour, style and materials of the building.
- (c) The owner or occupier of the lot must keep a device installed under 5(b) in good order and repair.

6 BEHAVIOUR OF INVITEES:

An owner or occupier of a lot must take all reasonable steps to ensure that their invitees do not behave in a way likely to interfere with the peaceful enjoyment of the owner or occupier of another lot or of any person lawfully using common property.

7 DEPOSITING RUBBISH, ETC., ON COMMON PROPERTY:

Subject to the requirements for garbage disposal under By-law 10, an owner or occupier of a lot must not deposit or throw upon the common property any rubbish, dirt, dust or other material likely to interfere with the peaceful enjoyment of the owner or occupier of another lot or of any person lawfully using the common property.

8 APPEARANCE OF LOT:

- (a) The owner or occupier of a lot must not, without the Body Corporate's written approval, make a change to the exterior parts of the lot, including without limitation a change to the colour of the exterior of the lot, unless the change is minor and does not detract from the amenity of the lot and its surrounds and provided any consent of the Body Corporate (as may be required by the Act and/or Regulation Module) has first been obtained.
- (b) Buildings and structures must not be painted in highly reflective, bright or obtrusive colours.
- (c) The owner or occupier of a lot must not, without the Body Corporate's written approval:
 - (i) hang washing, bedding, or another article if the article is visible from another lot or the common property or from outside the scheme land; or
 - (ii) display a sign, advertisement, placard, banner, pamphlet, flag or similar article if the article is visible from another lot or the common property or from outside the scheme land.
- (d) An owner or occupier shall not install, renovate, and/or replace curtains or blinds visible from outside any lot unless such curtains are approved by the Committee, and are ultra-violet protected. In giving such approvals the Committee shall ensure so far as practicable that window coverings used in all lots present a uniform appearance when viewed from outside the building. Tinting of windows shall not be allowed unless approved by the Committee.
- (e) An owner or occupier shall not place on external balconies of the lot (or the roof of any building on the scheme land if the part of the lot is the roof) any furniture that is not made to be and intended to be used as outdoor furniture without the prior written approval by the Committee. Any furniture placed must be located in a way, or installed in a way, so as not to pose a safety concern.



The Gallery Residences CTS 54683 Renovation Application to the Body Corporate for The Gallery Residences CTS 54683

(V.1 as at 9 Dec 2024)

- (f) No external blinds shall be erected without the previous consent in writing of the Body Corporate.
- (g) Outside wireless and television aerials may not be erected without written permission of the Body Corporate.

9 STORAGE OF FLAMMABLE LIQUIDS / FIRE RISK.

- (a) The owner or occupier of a lot must not, without the Body Corporate's written approval, store a flammable substance on the common property.
- (b) The owner or occupier of a lot must not, without the Body Corporate's written approval, store a flammable substance on the lot unless the substance is used or intended for use for domestic purposes.
- (c) However, this by-law does not apply to the storage of fuel in:
 - (i) the fuel tank of a vehicle, boat or internal combustion engine; or
 - (ii) a tank kept on a vehicle or boat in which the fuel is stored under the requirements of the law regulating the storage of flammable liquid.
- (d) This by-law does not apply to an engaged caretaker or letting agent for the Scheme storing flammable substances (provided that to do so is to assist in fulfilling their duties) on common property or their lot specified for storage.

10 GARBAGE DISPOSAL:

The owner or occupier of a lot must –

- (i) dispose of all garbage by the garbage/waste chute provided in the buildings on the scheme land or otherwise use any other receptacle or facility provided by the Body Corporate for the disposal of garbage;
- (ii) comply with all house rules approved by the Committee from time to time with respect to disposal of garbage, in particular with respect to the use of the garbage chutes and the use of any garbage bins/receptacles including those on the common property or those to which the body corporate has use;
- (iii) comply with all government local laws about the disposal of garbage;
- (iv) ensure that the owner or occupier does not, in disposing of garbage either in a bin/receptacle or down a chute, adversely affect the health, hygiene or comfort of the owners or occupiers of other lots;
- (v) ensure that their use of any garbage chute or bin/receptacle does not cause the surrounding area to become unclean or untidy, and that they do not knowingly overfill any garbage bin/receptacle or block any chute;
- (vi) ensure that empty bottles, boxes, used containers and similar contains are stored tidily and, so far as possible, out of sight.

11 PATHWAYS AND DRIVEWAYS AND SHARED ARRANGEMENTS

The pathways, boardwalks and drives on the land (and any facilities allowing for the parking of cars) and any easement giving access to the land shall only be used for a proper purpose and shall not be obstructed by any of the owners or occupiers or used by them for any other purpose than the reasonable ingress and egress to and from their respective lots and no owner or occupier shall park or permit to be parked any vehicle or water craft so as to prevent the passage of other vehicles over the said pathways, drives, facilities and easement.

If the scheme has the benefit of any easement area/s or facility sharing agreement/s, then these by-laws shall apply to each owner and occupier, as far as practicable, to the areas the subject of the easement area/s and facility sharing agreement/s.



**The Gallery Residences CTS 54683 Renovation Application to
the Body Corporate for The Gallery Residences
CTS 54683**

(V.1 as at 9 Dec 2024)

13 NOTICE OF ACCIDENT:

An owner or occupier of a lot shall give the Committee prompt notice of any accident to or defect in the water pipes, gas pipes, electric installations or fixtures which comes to their knowledge and the Committee shall have authority by its agents or servants 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 the relevant building as often as may be necessary.

14 NO FIRE RISKS:

An owner or occupier of a lot shall not bring to, do or keep anything in their lot which shall increase the rate of fire insurance on the scheme land or any property on the subject land, or which may conflict with the laws and/or regulations relating to fires or any insurance policy upon the building or any property on the said land, or the regulations or ordinances of any public authority for the time being in force.

16 ALTERATIONS TO LOTS:

- (a) No structural alteration shall be made to any lot (including any alteration to gas, water, electrical installations or work for the purpose of enclosing in any manner whatsoever the balcony of any unit) without the prior permission in writing of the Committee.
- (b) An Owner or 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 Owner or Occupier has first obtained the written approval of the Committee.
- (c) 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 (FIIC) of the Works when completed must not be less than the following performance specification:

Area	FIIC
Kitchen	55
Lounge/bedroom	55

- (ii) Following the installation of the Works, if requested in writing by the Committee, the Owner or Occupier must at its cost have the FIIC determined by a field test conducted by an accredited acoustic consultant approved by the Committee. The Owner or Occupier will provide a copy of the consultant's report to the Committee within seven (7) days of receiving it.
- (iii) Where the FIIC of the completed Works is less than the level detailed in paragraph (c)(i), the Owner or 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 Owner or Occupier.
- (iv) Where the Works are installed and the FIIC complies with the requirements of paragraph (c)(i) and any other conditions imposed by the Committee, the Committee or its representative must notify the Body Corporate's insurers of the installation of the Works and the Owner or Occupier will be liable for any increase in premium as a result of the installation of the Works.



**The Gallery Residences CTS 54683 Renovation Application to
the Body Corporate for The Gallery Residences
CTS 54683**

(V.1 as at 9 Dec 2024)

- (d) An Owner or 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.
- (e) The granting of any approval by the Committee does not in any way relieve an Owner or Occupier of his or her responsibility under any other By-Laws.
- (f) If an Owner or Occupier fails to comply with the terms of this by-law, then an Owner or Occupier will, at his or her expense, remove the Works from the Lot upon receiving written notice from the Committee.
- (g) No alterations covered by this By-law shall be made to a lot without the Owner or Occupier first providing evidence of compliance with this By-law to the Body Corporate.