Biarritz Renovation Application to the Body Corporate for Biarritz CTS 10247

(v.7 as at 16 June 2025)

SUBMISSION FOR CONSIDERATION OF LOT OWNER MOTION FOR COMMITTEE FOR BODY CORPORATE FOR "BIARRITZ" TO CONSIDER[1]

TO: The Body Corporate for Biarritz Community Titles Scheme No. 10247
From: The Applicant(s)

When to use this form:

The Applicant(s) proposes to do the **Proposed Work** at Biarritz 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:

Important please read:

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/worksite-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.

Important please read:

1. **AIR-CONDITIONING CONDUIT PENETRATIONS THROUGH EXTERNAL WALLS:** Penetrations from air-conditioning condensers on balconies through external walls must be at a height at least 100mm (but preferably higher) from the floor level, and properly sealed to prevent water ingress and have an external conduit cover installed to ensure no rain water can enter the building.
2. All **HARD FLOORING REPLACEMENTS** must sound insulated:
    a. The installation of hard flooring (in non-wet areas) has a *"LnTw rating which is less than 62db, which represents a 3 to 4 star standard under the AAAC Guidelines for Apartment and Townhouse Acoustic Rating (reference: Australian Acoustic Consultant – www.aaac.org.au)* including a report from either an acoustic engineer or a manufacturer's undertaking (to the satisfaction of the committee) confirming that the sound transmission assessment has an LnTw rating which is less than 62db and the sound proofing material to be used under any type of hard flooring, including timber or ceramic tiles is at least 5mm in thickness and supply photographs during and after installation of the sound proofing material to the committee and within 14 days of completion of the sound proofing work, evidence must be submitted that the flooring meets the standards specified above. Biarritz by-law 15.8 (enclosed).
    b. The Biarritz floor slab thickness is 170mm according to the structural drawings and there are no suspended ceilings in most of the Biarritz apartments.
    c. Most acoustic flooring testing is conducted on floor slabs that are 200mm thick (30mm thicker than Biarritz floor slabs) with suspended ceilings.

    d. Owners should keep this in mind when considering new hard flooring and acoustic underlay, as the Committee must be satisfied based on material submitted with a renovation application, that the acoustic flooring performance requirements under the Biarritz by-laws will be met (including requirement for acoustic underlay to be at least 5mm thick).
3. 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] Section 165 of the *Body Corporate and Community Management Act 1997.*

4. 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]
5. 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]

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: 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 Biarritz; 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]*

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	

[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] Regulation 50 of the *Body Corporate and Community Management Act 1997.*

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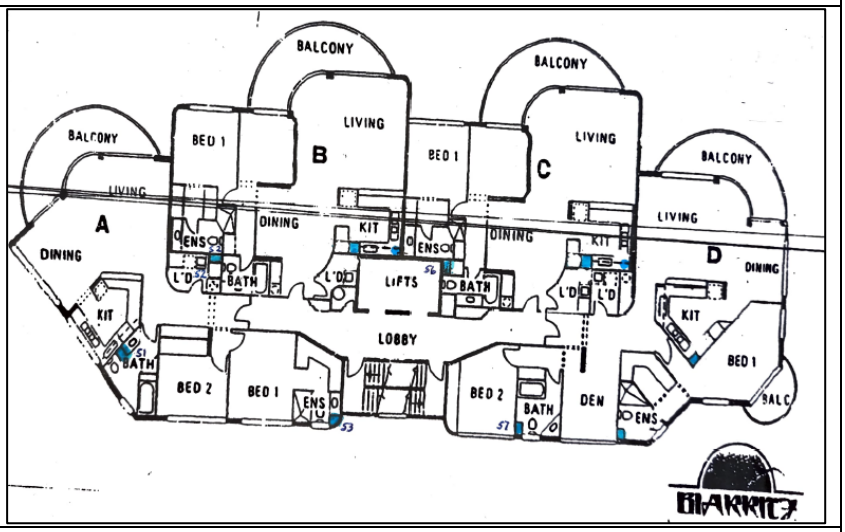
Note: *Please mark up on the "as constructed" drawing(s) for your Lot, all building structure(s) and utility service(s) that would be affected / changed by your proposed work. Alternatively, if you have an architect, draftsman, engineer or other expert involved, please provide their plans, drawings and specifications for the Proposed Work.*	***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.*
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?	
Please review the location of Biarritz Hydraulic stacks in blue on the diagram:	
Access panel to view hydraulic stacks *Example photograph of access hatch to view stack.*	The lot owner must ensure that upon completion of the proposed bathroom tiling work, that access hatches to view the hydraulic stacks are reinstated (not covered up), and if they have been covered, they must be reinstated because viewing access is necessary for the body Corporate to respond quickly to leaking (to reduce damage and repair costs). When Biarritz was first built, all units had access panels to view all hydraulic stacks.

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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 Biarritz; and
2. the by-laws contained in the community management statement for Biarritz, 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.

4. Colour of balcony tiles: On 21 June 2023 the Biarritz committee resolved:

   Balcony tile colour options under By-law 15.8.5
   The committee resolves to interpret Biarritz by-law 15.8.5 which says the balcony floor tiling can only be replaced with "colours and materials which are identical or substantially similar to the colours and materials that currently exist on the building" to include:

   A. Cream tiles (to match the existing exterior wall paint colour); or
   B. Light grey (pictured right):

Biarritz by-laws that may be relevant:

13. **STRUCTURAL ALTERATIONS**

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 veranda of any Lot and including the installation of any air - conditioning system without the prior permission in writing of the Body Corporate Committee.

15. **ALTERATIONS AND RENOVATIONS TO LOTS**

15.1 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,

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structural alterations (including alterations to gas, water, electrical installation, tiling of balconies) or install hard flooring or air conditioners ("Works").

15.2 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.

15.3 The Owner or Occupier of a Lot must lodge a written request for approval with the Committee at least four (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.

15.4 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:

15.4.1 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;

15.4.2 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;

15.4.3 copies of any other relevant approvals that are required by legislation and/or the By-Laws (including local council approval);

15.4.4 details of who is proposed to carry out the Works;

15.4.5 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;

15.4.6 dates when the Works are proposed to be commenced and completed;

15.4.7 evidence of public liability insurance;

15.4.8 if the request is lodged by the Occupier of a Lot, written confirmation that the Owner of the Lot consents to the Works; and

15.4.9 anything else reasonably required by the Committee to enable it to make its decision.

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15.5 The Committee must consider the following when making its decision pursuant to this By-Law:

15.5.1 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;

15.5.2 whether all building and fire regulations are observed; and

15.5.3 whether all matters outlined within this By-Law have been complied with.

15.6 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.

15.7 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.

15.8 Undertaking the Works:

15.8.1 if asbestos is located during the renovation or alternation to the Lot, then an asbestos report must be obtained by the Owner or Occupier;

15.8.2 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;

15.8.3 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;

15.8.4 all floor covering replacements in a Lot must be sound insulated and, without limitation, the Owner or Occupier must conduct the Works in accordance within the reasonable conditions of the Committee and if such Works include installing hard flooring, which includes vinyl tiles/flooring, the following applies:

15.8.4.1 acoustic amenity in this building is important to Owners;

15.8.4.2 the acoustic amenity for any hard flooring in the building must have a LnT,w rating which is less than 62db, which represents a 3 to 4 star standard under the AAAC Guidelines for Apartment and Townhouse Acoustic Rating (reference: Australian Acoustical Consultant – www.aaac.org.au);

15.8.4.3 the Owner must submit to the Committee a report confirming that the sound transmission assessment has a LnT,w rating which is less than 62dB, 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);

15.8.4.4 the selection of sound proofing material to be used under any type of hard flooring, including timber or ceramic tiles, must be at least 5 mm in thickness. 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

15.8.4.5 within 14 days of completion of the Works the Owner or Occupier must provide the Committee with evidence the flooring meets the standards specified in this By-Laws;

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15.8.5 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. 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;

15.8.6 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;

15.8.7 the Work may only be carried out between the hours of 9:00am and 4:30pm 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;

15.8.8 if the Works will result in noise, the Owner or Occupier must give the Committee 48 hours' notice; and

15.8.9 if there is specific work creating excessive noise, such as jack hammering, the Owners require 48 hours' notice of the intention to carry out such work and a notice must be posted in writing on all notice boards by the Owner or Occupier, in order that all Owners and Occupiers can be advised.

15.9 The Owner is to ensure that all trade vehicles are parked in the designated car parks for that Lot;

15.10 The Owner is 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;

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

15.12 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:

15.12.1 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;

15.12.2 lift protection during the course of the Works will be provided by the manager;

15.12.3 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;

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

15.12.5 contractors' rubbish is to be removed from the building and not placed in the Body Corporate bins, rubbish chutes or Common Property;

15.12.6 all calls out costs for the fire services or lift contractors caused by the Works are to be charged to the Owner or Occupier;

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15.12.7 contractors are not to have radios playing loudly or have breaks, meals or smoke on Common Property;

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

15.12.9 the Common Property foyer is to be protectively covered from the lift to the Unit door at all times, when Works are being performed;

15.12.10 the foyer and lift must be cleaned by vacuuming immediately after use each day;

15.12.11 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;

15.12.12 all waste must be removed by the contractor, Owner or Occupier and not placed in the refuse system;

15.12.13 contractors' rubbish skips can be placed where directed by the Committee but must not be left over weekends; and

15.12.14 Body Corporate shopping trolleys and luggage trolleys are not to be used by contractors, owners or occupiers to transport tools and equipment or materials.

15.13 No person shall use the Common Property power anywhere in the building for private reasons except as permitted by the Committee in writing.

15.14 No external light fittings shall be replaced without the written approval of the Committee.

15.15 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.

15.16 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 his own expense, remove the offending part of the Works from the Lot upon receiving written notice from the Committee to do so.

7. APPEARANCE OF BUILDING

7.1 The Owner or Occupier of a Lot must not, without the Committee's prior written approval, make a change to the external appearance of the Lot or the building including (without limitation) installing upon the Lot or the building any curtains, Window Coverings, external awnings, blinds or other fixtures.

7.2 The Owner or Occupier of a Lot must not, without the Committee's prior written approval, make a change to the external appearance of the Lot or the building including the installation of security doors, screens, shutters and fly screens.

7.3 Approval will be given by the Committee and not unreasonably withheld if the requested installation is consistent with the colour (neutral), design, style and amenity of the building.

7.4 The Owner or Occupier of a Lot must not display a sign, advertisement, placard, banner, pamphlet or similar article if the article is visible from another Lot or the Common Property, or from outside the Scheme Land.

7.5 The Owner or Occupier of a Lot may hang clothing, washing, bedding, rugs, mats, towels or any other article from or on the windows or balconies of the Lot or on the outside of the building as long as it is not visible from another Lot or Common Property.

7.6 An Owner or Occupier must not install any drapery, curtains or the like adjacent to any windows without obtaining the prior written approval of the Committee.

7.7 An Owner or Occupier must not have Window Coverings visible from outside the Lot unless those Window Coverings have a white backing, or unless the Window Covering has a design approved in writing by the Body Corporate Committee.

7.8 The Owner of a Lot is permitted to erect a real estate agent's sign on the Common Property for the purpose of 'open home' inspections only subject to the Owner of a Lot obtaining the prior written approval of the Committee. Such real estate agent's sign erected on Common Property must be removed by the Owner or the Owner's agent by the end of the day that the 'open home' inspection was held.

7.9 Furniture on balconies must:

7.9.1 If there is furniture on balconies within a Lot which is visible from another Lot or the Common Property, or from outside the Scheme Land, then the furniture must keep with the amenity of the building, properly maintained and kept in good order; and

7.9.2 Be properly secured to the Lot in time of high wind or storms.

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11. CAUSING A NUISANCE

11.1 An Owner or Occupier must not:

11.1.1 cause a nuisance or hazard;

11.1.2 interfere unreasonably with the use or enjoyment of another Lot in the Scheme; or

11.1.3 interfere unreasonably with the use or enjoyment of the Common Property by a person who is lawfully on the Common Property.

11.2 An Owner or Occupier must not:

11.2 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;

11.2.2 use a Lot or Common Property for any purpose which is illegal, or which may damage the reputation of the Scheme or Body Corporate;

11.2.3 create likely to interfere with the peaceful enjoyment or amenity of any person lawfully on another Lot or the Common Property; and

11.2.4 obstruct the use of the Common Property by another person.

1. 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 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;

1.2.3 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

1.2.4 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.

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2. **VEHICLES**

2.1 The Owner or Occupier of a Lot must not, without the Committee's prior written approval, park, stand, repair or store a vehicle (including any part of a vehicle) on the Common Property or permit an Invitee to park, stand, repair or store a vehicle (including any part of a vehicle) on the Common Property in breach of this By-Law:

2.1.1 an approval under this By-Law must state the period for which it is given; and

2.1.2 the Committee may withdraw an approval granted under this By-Law on the giving of 24 hours' notice.

2.2 A vehicle includes caravan, campervan, motor home, boat, trailer, jet ski and other like vehicles.

2.3 A vehicle weighing more than 1.5 tonnes is not permitted on the Scheme Land, except for the purposes of furniture removal in or out of the Body Corporate.

2.4 There are three (3) "visitor car parking" spaces within the Scheme Land and shall be used by genuine Invitees and visitors to the Scheme Land only.

2.5 There are four (4) "contractor car parking" spaces within the Scheme Land and shall be used by genuine contractors to the Scheme Land only.

2.6 The Contractors car parking spaces are only permitted to be used by genuine contractors between the hours of 8:00am and 5:00pm Monday to Friday.

2.7 The Committee (from time to time) is permitted by the By-Laws to regulate the use of the three (3) visitor car parking spaces and four (4) contractor car parking spaces.

2.8 An Owner or Occupier of a Lot shall not park or stand any vehicle upon the area set aside for visitor car parking.

2.9 An Owner or Occupier of a Lot shall ensure that their Invitees use the visitor car parking spaces only for its intended purpose of casual parking within the rules set from time to time by the Committee (which rules shall provide that areas of casual parking shall not be used for more than six (6) hours at a time).

2.10 For the safety of all persons on Scheme Land, the speed limit for vehicles on Scheme Land is five (5) km.

4. **DAMAGE TO COMMON PROPERTY (INCLUDING GARDENS AND LAWNS)**

4.1 An Owner or Occupier of a Lot must not:

4.1.1 damage any lawn, garden, tree, shrub, plant or flower being part of or situated upon Common Property; or

4.1.2 except with the prior written approval of the Committee, use for his or her own purposes as a garden any portion of the Common Property.

4.2 An Owner or Occupier of a Lot shall not mark, paint, drive nails or screws or the like into, or otherwise damage or deface, any structure that forms part of the Common Property except with the prior written approval of the Committee.

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