



Solar Power Approvals & the Body Corporate Process

PICA
PROPERTY & FINANCIAL SERVICES

Navigating through the body corporate

1. All owners form the body corporate and 'the committee' are responsible for the day to day management of the common area, with some decision requiring all owners to consider
2. It has been said that the strata making decision process is often seen as a barrier . Sometimes referred to the 4th tier of government
3. Common area also depends upon the registration type. I.e. Standard Format Plan or Building Format Plan
4. Schemes are also restricted by spending limits, i.e. some decisions can be made at committee level and others must go to general meeting for all owners to vote
5. Registered By-laws also govern the use and management of the common property including appearance of a lot and improvements to a lot
6. Improvements to a lot or common property are also governed by the legislation and may depend upon Committee spending limits and some may require general meeting approval

Relevant Legislation in Qld.

In this state there are numerous Act that apply to a range of developments E.g. Mixed Use Development Act, Integrated Resorts Development Act, Sanctuary Cove Act, Southbank Corporation Act, Land Titles Act, The Building Act and others...

The following two Acts cover most common strata developments in Qld.

Building Units & Group Titles Act (1980)

The Body Corporate & Community Management Act 1997

Building Units & Group Titles Act

Section 37(a)-Improvements to common property by proprietor of lot

The body corporate may, upon such terms as it considers appropriate, at the request of a proprietor of a lot, by resolution without dissent, authorise the proprietor to effect improvements (including erect or install fixtures and fittings) in or upon the common property

Schedule 3 By-laws-Damage to Common Property

A proprietor or occupier of a lot shall not mark, paint, drive nails or screws of the like into, or otherwise damage or deface, any structure that forms part of the common property except with the consent in writing of the body corporate.....

Schedule 3 By-laws-Appearance of building

In the case of a buildings unit plan, a proprietor or occupier of a lot shall not, except with the consent in writing of the body corporate.....install or hang any item as to be visible from outside the building

Note: Some larger gated communities may have Development Control By-law or Architectural Review Committees

Body Corporate & Community Management Act 1997

Standard Module

Accommodation
Module

Commercial
Module

Small Schemes
Module

Two Lot Schemes
Module

Enabling Legislation-Qld

Section 159-The BCCM Act Improvements to common property

(1) The regulation module applying to a community titles scheme may provide for making improvements to the common property, including making improvements for the benefit of the owner of a lot included in the scheme.

(2) Without limiting subsection (1), the regulation module may include provisions about—

(a) who may make improvements;

and (b) the circumstances under which the improvements may be made;

And (c) the way the improvements may be made.

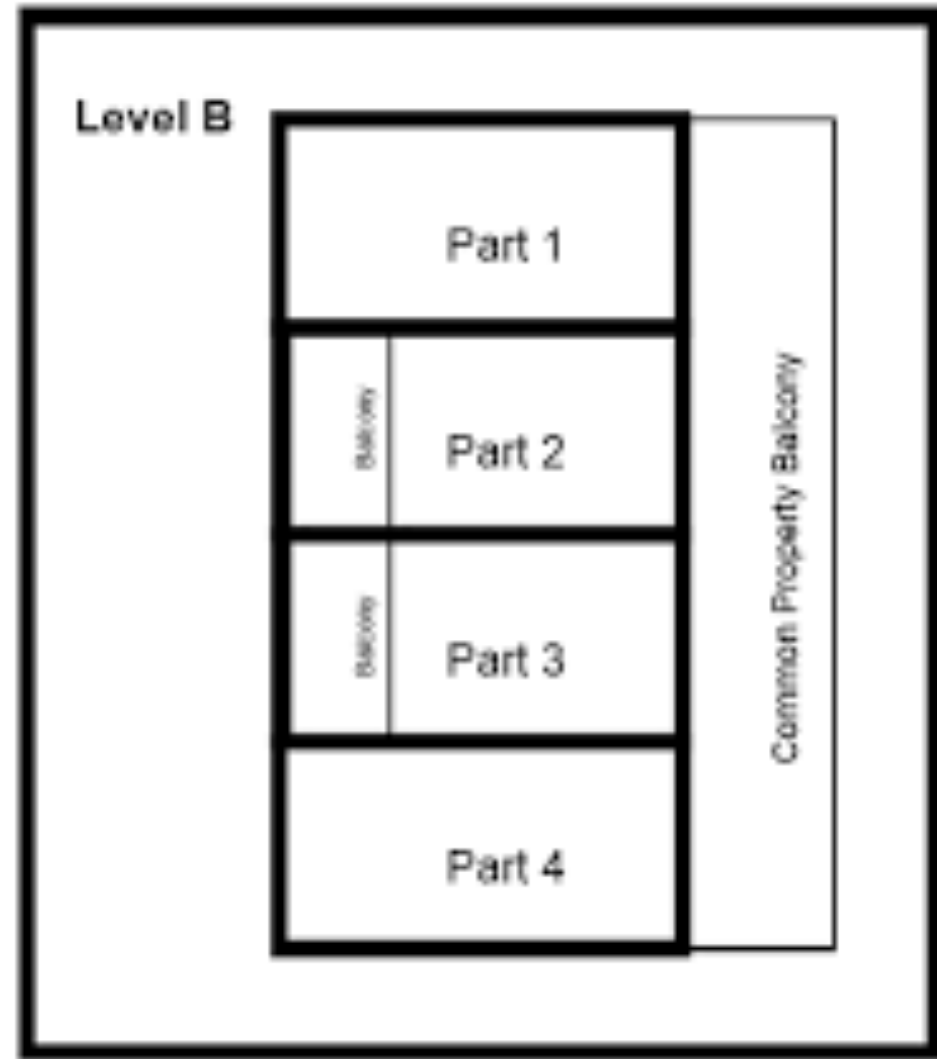
Section 164 – BCCM Act-Standard Module

A body corporate may make improvements to the common property if the improvements:

- a) Cost not more than the amount of \$300 times the number of lots
- b) are approved by ordinary resolution OR
- c) By special resolution if the improvement cost is greater than the committee expenditure limit

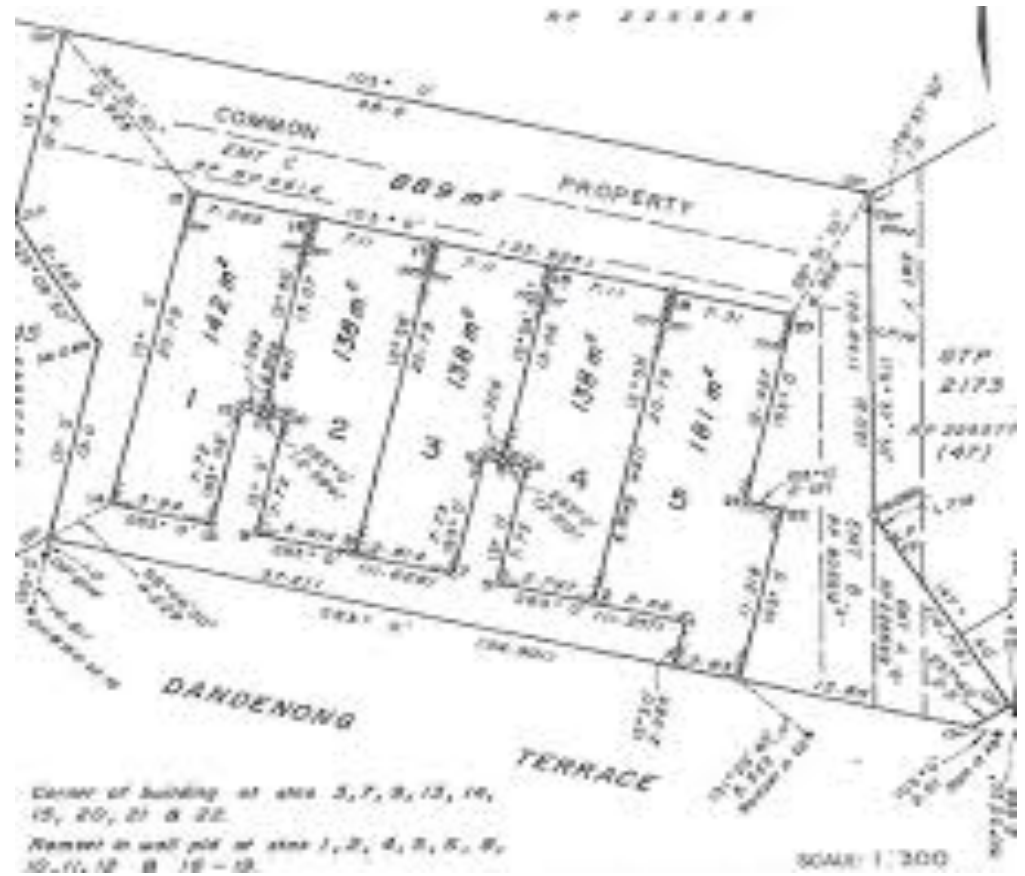
Building Format Plan

BUP No. 1230045



White Road

Standard Format Plan



Considerations

- Consider engaging a solar power consultant to advise on solar system size equipment including metres required and suggested commercial advantage
- Do all owners participate- a number of quotes required including on-going maintenance costs for consideration at a general meeting
- Is a Special Levy or Strata Loan the best way to fund the installation
- Single owner applies- Owner may apply for access rights to use the common area roof subject to conditions-General Meeting decision
- Power Purchase Agreement-usually ten year agreement with all equipment supplied at no cost to the body corporate and a lease of roof space required-General Meeting decision
- By-law restrictions of improvement to common area required approvals-guarantees on structural integrity of common property & waterproofing required

Approval conditions

- A single owner may need to obtain a structural engineers certificate that confirms the roof can support the load and further that the roof membrane or roof waterproofing will not be compromised
- A commitment from the owner that they will insure and maintain the equipment
- Standard by-laws that govern improvements are complied with and that the equipment will not impact upon the appearance of a lot or common property
- Any Development Control or Architectural Control By-laws requirements

Before approval

- Determine whether your strata residence is registered as a Standard Format Plan or Building Format Plan
- In a standard format plan review the by-laws to see if any restrictions apply, the placement of solar panels may be objected to if they affect the amenity of the development. In some SFP's development control or architectural codes apply check to see the owner obligations and the approval process
- If your building is registered as a Building Format Plan the Committee may consider an installation for all owners, development), check what penalties apply for non-compliance
- Determine what body corporate approval process is required and what are the owner obligations , i.e. committee expenditure limits, is approval is a Committee or General Meeting decision
- Search the body corporate records to determine any history of prior approvals or rejections

After approval

- Standard Format Plan-Owner updates their insurer on the new equipment
- Building Format Plan- Body Corporate updates the common property insurer of the new installation and some times a policy adjustment is required
- BFP Body Corporate may need to update the Sinking Fund Forecast to include the new equipment i.e. solar panels, battery banks, inverters, metres and to provide for replacement of these assets as they reach their 'use-by' date

The dispute process

- Prior to the application process you might also consider researching the Office of the Commissioner for Body Corporate & Community Management
- Search the Adjudicators Orders for prior cases involving solar power approvals
- <https://www.qld.gov.au/law/housing-and-neighbours/body-corporate/disputes/adjudication/decisions>
- Or
- [Call the Information & Community Education Unit: 1800 060 119 \(Free call\)](tel:1800060119)



Body Corporate Services (BCS), Noosa

Offering body corporate management skills and expertise to meet your individual needs.

2,300+

lots managed

180+

buildings managed

40+

years of experience

1

team

BCS Noosa is a local business and subsidiary of Australia's largest body corporate management company, PICA Group, which is centrally located in the business hub of Noosa, Queensland.

In today's environment, community living has become increasingly popular, however the complexities associated with managing this make it essential for property owners to engage a professional, qualified and experienced body corporate manager to coordinate the administrative, financial and social operations of a body corporate property.

BCS offers more than 40 years experience in property services and body corporate management. Our local team understands the areas demographic and what is required when managing a diverse groups of owners. Our focus is not only on the amenity of your building, but also enhancing community living within it.

Being powered by PICA Group allows us to offer a unique mix of localised, personal service, combined with the financial strength, benefits and expertise of an industry leading organisation.

Our online portal, Community Hub, provides 24/7 access to their documentation, delivering convenience and improving the transparency of matters related to their property.

BCS Noosa are proud members of Strata Community Australia (SCA).

For more information

1300 845 176

bcssm.com.au/lovelocalnoosa

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