

Standard Format Plan Maintenance

How to ask questions

- Keep questions until towards the end of the presentation.
- Only questions about standard format plan maintenance will be answered.
- We prefer you use the Q&A function for questions.
- If you cannot access Q&A, you can ask questions via the chat function.



Standard format plan or group title plan maintenance

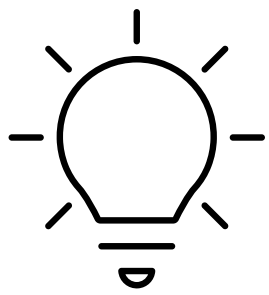


Body Corporate and Community Management

Topics

- Standard format plan boundaries
- Maintenance responsibilities
- Exceptions to owner responsibility
- Standard format plan versus building format plan
- The use of body corporate funds
- Supply of services
- Lot improvements
- Insurance in a standard format plan





Tips to start

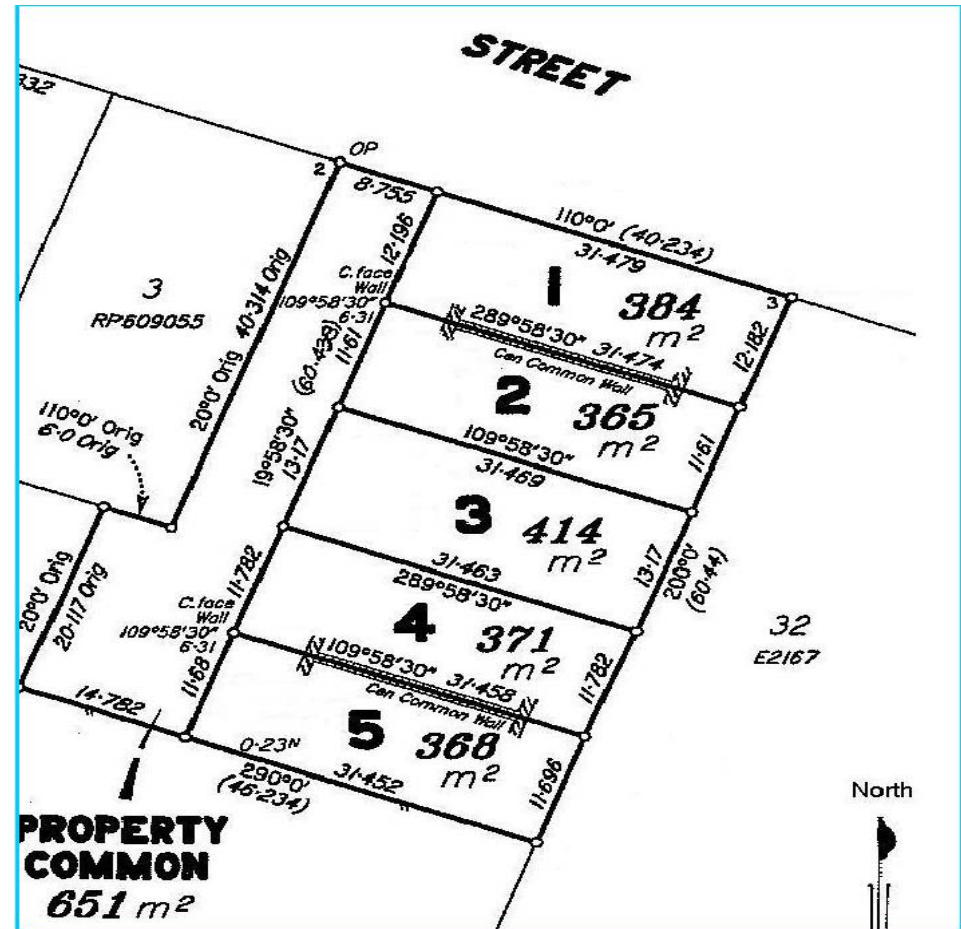
- Key question: what is common property and what is part of my lot?
- Confirm the plan of subdivision that applies to your scheme
- Call Titles Queensland on 07 3497 3479* to ask for a copy of the **registered survey plan**

(*number updated January 2023 – no longer the 1300 number provided in original presentation)

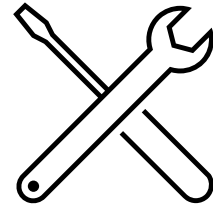


Standard format plan boundaries

Land is defined horizontally with reference to marks on the ground or a structural element of a building. The boundaries are unlimited under the ground and into the air.



Body corporate maintenance responsibilities



- The body corporate must maintain common property in good condition (Section 180, the Standard Module)
- The body corporate must maintain utility infrastructure that forms part of the common property (Section 20, the Act)



Owner maintenance responsibilities

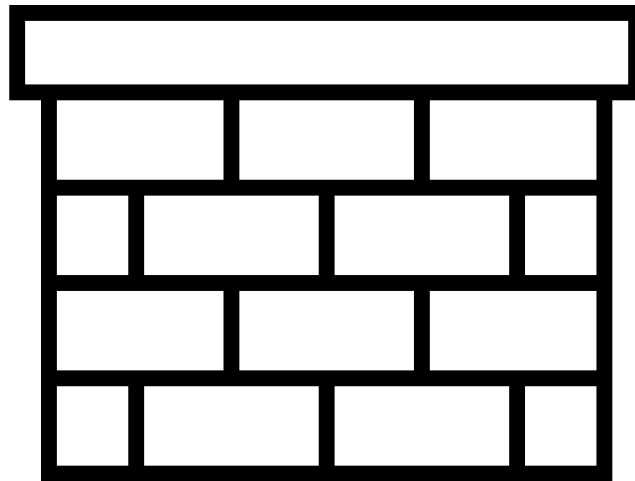


- A lot owner must maintain the lot in good condition (Section 211, the Standard Module)
- Lot owners have greater responsibility for maintenance under a standard format plan
- Lot owners are usually responsible for any structural or non-structural maintenance of most building elements situated within the lot boundaries



Common walls

Maintenance responsibility for a common wall may need to be divided between two lot owners

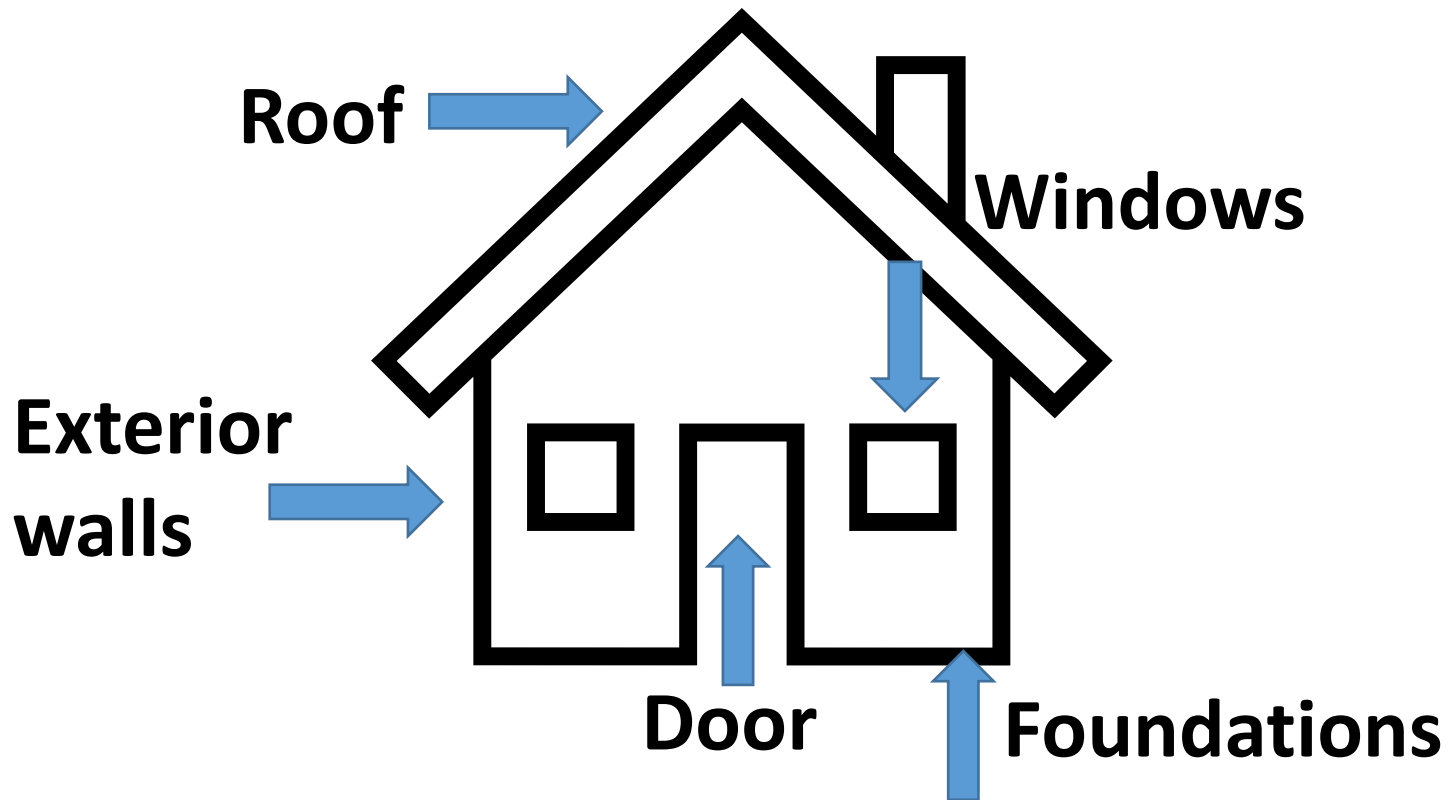


Exceptions to owner responsibility within lot boundaries

- Owners will not be responsible for **shared utility infrastructure** situated within their lot boundaries
- An owner is responsible for utility infrastructure that:
 - ✓ Services only their lot; **and**
 - ✓ Is within their lot boundaries; **and**
 - ✓ Is not within a boundary structure for the lot (Section 20, the Act)



Standard format plan versus building format plan



Case study 1: use of body corporate funds

Case study 1: can the body corporate use sinking fund money to paint the exterior walls of townhouses in a standard format plan complex?



Case study 1: use of body corporate funds (continued)



- Body corporate funds should not be used for maintenance work that owners are responsible for or improvements to lots. A general meeting resolution does not override this.
- See the adjudicator's decision in Somerset Park [2017] QBCCMCMr 412 (24 August 2017) for further guidance on this point



Case study 2: supply of services

Case study 2: can the body corporate vote by ordinary resolution at a general meeting for a supply of services arrangement for all owners?



Case study 2: supply of services (continued)

- The body corporate can supply, or engage another person to supply, utility and other services for the benefit of owners and occupiers (Section 210, the Standard Module)
- Supply of services requires an **agreement** between the body corporate and an individual owner or occupier
- Supply charges must be paid by each user



Improvements to your lot and the common property

- An owner does not have an automatic right to make improvements to their own lot in a standard format plan scheme
- Before making improvements to their own lot, owners must **check their by-laws** for anything regulating those improvements
- If an owner wishes to make an improvement to the common property for the benefit of their lot, they must seek the body corporate's approval (Section 187, the Standard Module)



Building insurance in a standard format plan scheme

- Body corporate insurance **does not cover maintenance** – it is only required to cover “**damage**” from the insurable events listed (Section 195, the Standard Module)
- A standard format plan scheme only has to obtain building insurance for those buildings with **common walls** (Section 199, the Standard Module)
- The body corporate may set up a voluntary insurance scheme for those lots with stand-alone buildings (Section 204, the Standard Module)



Other body corporate insurance

- The body corporate must insure the common property and body corporate assets for their full replacement value (Section 197, the Standard Module)
- The body corporate must obtain public risk insurance for the common property and body corporate assets it is practicable to maintain public risk insurance for (Section 206, the Standard Module)



Contact us & Questions?

Phone: 1800 060 119 (free call back service)

Online enquiry: www.qld.gov.au/bodycorporatequestion

Website: www.qld.gov.au/bodycorporate

Search Adjudicators' Orders:

<http://www.austlii.edu.au/cgi-bin/viewdb/au/cases/qld/QBCCMCmr/>



Body Corporate and Community Management

Questions

