

Courtyards... it's my courtyard and I'll do what I like!

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You can't just do what you like!

<p>NO you can't just install your satellite dish</p>	
<p>NO you can't just move in your outside toilet from the farm</p>	
<p>NO you can't just build your 6m x 6m garden shed</p>	
<p>NO you can't just pave</p>	
<p>NO you can't just plant whatever you like</p>	

Type of Courtyards

In Queensland there are four different types of Courtyard:-

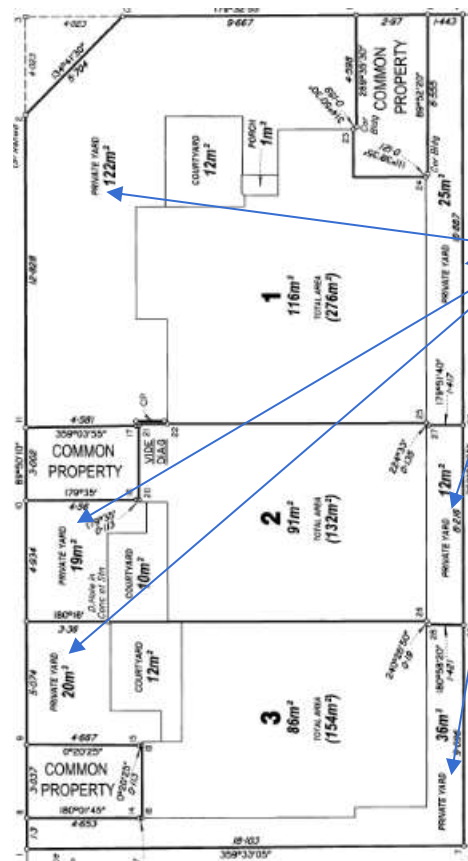
- Private Yard (Building Format Plan Developments)
- Exclusive Use Yard
- Part of the Lot (Group Title Developments)
- Common Property

The fact that an area is fenced and is adjacent (out the back) of your unit means nothing.

You need to carefully study the plans and the by-laws for your body corporate first!

Private Yards

The Survey Plan records private yards.



Private yards are always very clearly marked.

In this scheme both front and rear yards are listed as being Private Yards

Some features of private yards

- Also described as "on title" courtyards
- Technically they are from "centre of earth" to "top of sky"
- Regulated by the law and the by-laws

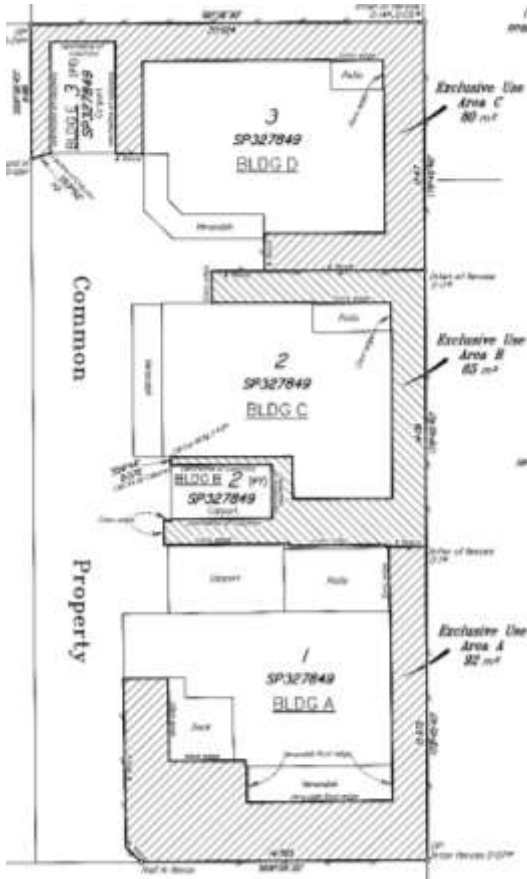
NO! you cannot do whatever you like in your courtyard!

Always seek permission first.

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Exclusive Use Yards

The by-laws records exclusive use areas and yards.



Some features of lots

- These are mainly used for gated communities that share a common property road and each owner owns everything on the lot.
- Technically they are from “centre of earth” to “top of sky”
- Regulated by the law and the by-laws

Some features of exclusive use yards

- The land is still owned by the body corporate the lot owner simply has exclusive use to use the area under conditions contained in the by-laws.
- You are granted exclusive use of the surface (nothing underground and nothing above ground)
- Regulated by the law and the by-laws

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Part of the Lot (Group Title Developments)

If the development is a Group Title Style development, then courtyards are simply part of the lot. The Survey Plan records this.

These are your typical “gated residential communities” and they are unique because each owner is responsible for everything on the lot (including any dwelling).

You will note these plans just record the outer boundaries of the land and nothing more.

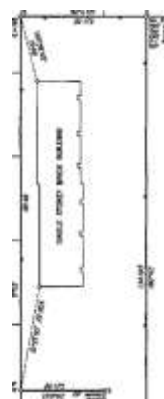
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Common Property

Sometimes developers don't allocate courtyards at all and everything is simply left as common property.

This means anybody can technically use the courtyard area.



This means no allocations of courtyards at all!

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Some features of common property courtyards

- Not owned or controlled by anybody
- Anybody can use and enjoy common property
- Regulated by the law and the by-laws






NO! you cannot do whatever you like in your courtyard!

Always seek permission first.

Why does the body corporate care about what I do in my courtyard?

What gives the right to the body corporate to dictate what I do in my courtyard?

These questions may be best answered by some examples – lets revisit the first page

Maybe the body corporate is concerned about the visual pollution of a large satellite dish	
Maybe the body corporate is concerned that an old outside toilet would not be the most appropriate or attractive structure in a courtyard	
Maybe the body corporate is concerned about complying with the Council regulations	
Maybe the body corporate is concerned about the water run off to a neighbouring unit	
Maybe the body corporate is concerned about structural damage to the building	

So how do I get permission?

Just Ask!

Generally, the body corporate cannot reject sensible proposals eg

- Installing small domestic satellite dishes
- Installing small domestic lawn lockers
- Paving that is properly installed to ensure all water run off goes into the storm water system
- Planting of non-evasive plants
- Etc

When in doubt!

Just Ask!

It might seem inconvenient but it is better to ask permission.

Some other Common Misconceptions



No! You can't just install solar cells – you need to seek permission. The roof belongs to the body corporate not you.



No! You can't just install a roof on your pergola – you need to seek permission. Installing a roof creates an "Enclosed Area" that triggers potential Council and Fire related compliance issues.