

OWNERS CORPORATION 1 PLAN No. PS623565A

CONSOLIDATED RULES

MODEL RULES FOR AN OWNERS CORPORATION

1 Health, safety and security

1.1 Health, safety and security of lot owners, occupiers of lots and others

A lot owner or occupier must not use the lot, or permit it to be used, so as to cause a hazard to the health, safety and security of an owner, occupier, or user of another lot.

1.2 Storage of flammable liquids and other dangerous substances and materials

- (1) Except with the approval in writing of the owners corporation, an owner or occupier of a lot must not use or store on the lot or on the common property any flammable chemical, liquid or gas or other flammable material.
- (2) This rule does not apply to—
 - (a) chemicals, liquids, gases or other material used or intended to be used for domestic purposes; or
 - (b) any chemical, liquid, gas or other material in a fuel tank of a motor vehicle or internal combustion engine.

1.3 Waste disposal

An owner or occupier must ensure that the disposal of garbage or waste does not adversely affect the health, hygiene or comfort of the occupiers or users of other lots.

2 Management and administration

2.1 Metering of services and apportionment of costs of services

- (1) The owners corporation must not seek payment or reimbursement for a cost or charge from a lot owner or occupier that is more than the amount that the supplier would have charged the lot owner or occupier for the same goods or services.
- (2) If a supplier has issued an account to the owners corporation, the owners corporation cannot recover from the lot owner or occupier an amount which includes any amount that is able to be claimed as a concession or rebate by or on behalf of the lot owner or occupier from the relevant supplier.
- (3) Sub rule (2) does not apply if the concession or rebate—
 - (a) must be claimed by the lot owner or occupier and the owners corporation has given the lot owner or occupier an opportunity to claim it and the lot owner or occupier has not done so by the payment date set by the relevant supplier; or
 - (b) is paid directly to the lot owner or occupier as a refund.

3 Use of common property

3.1 Use of common property

- (1) An owner or occupier of a lot must not obstruct the lawful use and enjoyment of the common property by any other person entitled to use the common property.
- (2) An owner or occupier of a lot must not, without the written approval of the owners corporation, use for his or her own purposes as a garden any portion of the common property.
- (3) An approval under sub rule (2) may state a period for which the approval is granted.
- (4) If the owners corporation has resolved that an animal is a danger or is causing a nuisance to the common property, it must give reasonable notice of this resolution to the owner or occupier who is keeping the animal.

- (5) An owner or occupier of a lot who is keeping an animal that is the subject of a notice under sub rule (4) must remove that animal.
- (6) Sub rules (4) and (5) do not apply to an animal that assists a person with an impairment or disability.

3.2 Vehicles and parking on common property

An owner or occupier of a lot must not, unless in the case of an emergency, park or leave a motor vehicle or other vehicle or permit a motor vehicle or other vehicle—

- (a) to be parked or left in parking spaces situated on common property and allocated for other lots; or
- (b) on the common property so as to obstruct a driveway, pathway, entrance or exit to a lot; or
- (c) in any place other than a parking area situated on common property specified for that purpose by the owners corporation.

3.3 Damage to common property

- (1) An owner or occupier of a lot must not damage or alter the common property without the written approval of the owners corporation.
- (2) An owner or occupier of a lot must not damage or alter a structure that forms part of the common property without the written approval of the owners corporation.
- (3) An approval under sub rule (1) or (2) may state a period for which the approval is granted, and may specify the works and conditions to which the approval is subject.
- (4) An owner or person authorised by an owner may install a locking or safety device to protect the lot against intruders, or a screen or barrier to prevent entry of animals or insects, if the device, screen or barrier is soundly built and is consistent with the colour, style and materials of the building.
- (5) The owner or person referred to in sub rule (4) must keep any device, screen or barrier installed in good order and repair.

4 Lots

4.1 Change of use of lots

An owner or occupier of a lot must give written notification to the owners corporation if the owner or occupier changes the existing use of the lot in a way that will affect the insurance premiums for the owners corporation.

Example

If the change of use results in a hazardous activity being carried out on the lot, or results in the lot being used for commercial or industrial purposes rather than residential purposes.

5 Behaviour of persons

5.1 Behaviour of owners, occupiers and invitees on common property

An owner or occupier of a lot must take all reasonable steps to ensure that guests of the owner or occupier do not behave in a manner likely to unreasonably interfere with the peaceful enjoyment of any other person entitled to use the common property.

5.2 Noise and other nuisance control

- (1) An owner or occupier of a lot, or a guest of an owner or occupier, must not unreasonably create any noise likely to interfere with the peaceful enjoyment of any other person entitled to use the common property.
- (2) Sub rule (1) does not apply to the making of a noise if the owners corporation has given written permission for the noise to be made.

6 Dispute resolution

- (1) The grievance procedure set out in this rule applies to disputes involving a lot owner, manager, or an occupier or the owners corporation.

- (2) The party making the complaint must prepare a written statement in the approved form.
- (3) If there is a grievance committee of the owners corporation, it must be notified of the dispute by the complainant.
- (4) If there is no grievance committee, the owners corporation must be notified of any dispute by the complainant, regardless of whether the owners corporation is an immediate party to the dispute.
- (5) The parties to the dispute must meet and discuss the matter in dispute, along with either the grievance committee or the owners corporation, within 14 working days after the dispute comes to the attention of all the parties.
- (6) A party to the dispute may appoint a person to act or appear on his or her behalf at the meeting.
- (7) If the dispute is not resolved, the grievance committee or owners corporation must notify each party of his or her right to take further action under Part 10 of the **Owners Corporations Act 2006**.
- (8) This process is separate from and does not limit any further action under Part 10 of the **Owners Corporations Act 2006**.

Additional Rules

A LOT OWNER MUST NOT, AND MUST INSURE THAT THE OCCUPIER OF A LOT OWNERS LOT DOES NOT:-

1. Use the common property or the common property facilities or permit the common property or the common facilities to be used in such a manner as to unreasonably interfere with or prevent its use by other members or occupiers of lots or their families or visitors.
2. Use or permit the common property to be used for any purpose other than that for which it was designed.
3. Do or suffer to be done in or upon the common property of the common facilities any act, matter or thing that may render any insurance in respect of the building void or voidable or by reason of which the rate of premium of any such insurance may be liable to be increased
4. Leave open or prop open any common doors, gates or garage doors that would give unauthorised persons access to the property.
5. Provide entry to the property or the buildings to the persons unless such persons are known to be entitled access to the property or the buildings.
6. Use or permit to be used any part of the car parks otherwise than for the purpose of parking motor vehicle and not to assign, sub-let or grant any licence to any person to use such car park without the written consent of the Owners Corporation or its authorised delegate.
7. Park or leave a vehicle on common property so as to obstruct a driveway or entrance to a car park or in any place other than in a parking area specified for such purposes by the Owners Corporation.
8. Park a bicycle in the common property other than in the designated area allocated for the purpose for the bicycle parking.
9. Use or permit any lot, the common property or common facilities to be used for any purpose which may be illegal or injurious to the reputation of the development or may cause a nuisance or hazard to any other member or occupier of any lot or the families or visitors of a member or occupier or be in conflict with any statutory agreement, town planning permit or present or subsequent Section 173 Agreement pursuant to *The Planning and Environment Act 1987*.

10. Make or permit to be made any undue noise in or about the common property or the common facilities or any lot affected by the Owners Corporation save that for any trades or maintenance person engaged by a member or occupier or the Owners Corporation to carry out building works or repairs and maintenance will be required to comply with the provisions of the Environment Protection (Residual Noise) Regulations 1997 no. 120 and any amending regulations thereto.
11. Make or permit to be made any undue noise from music or machinery which may be heard outside the member's lot.
12. Keep any animal or pet on the common property or within the lot without prior written consent from the Owners Corporation.
13. Store or keep waste or garbage other than in proper receptacles in an area specified for such purpose by the Owners Corporation.
14. Erect or allow to be erected any sign or display of any type on any lot or upon the common property including but not limited to: for lease, to let, for sale or auction boards. This rule does not apply to the appointed building manager.
15. Change locks or keying system for the lot that is not within the registered master key registered to the Owners Corporation.
16. Undertake any servicing or maintenance of any motor vehicle, on any common property, member's lot or licensed or leased common property.

A LOT OWNER MUST ENSURE THAT THE OCCUPIER OF THEIR LOT:-

17. Comply fully with occupancy requirements as specified in the planning permit and supply on request to the owners corporation all requested documentation verifying the eligibility and status of the occupiers of the lot.
18. Use the common facilities strictly in accordance with the regulations governing such use which shall be made by the Owners Corporation from time to time.
19. Keep all garbage and refuse within the member's lots in appropriate containers and in a hygienic manner and to regularly dispose of the garbage and refuse in an area in the common property designated by the Owners Corporation or the responsible authority for such purpose.
20. Ensure that all garbage and refuse is only placed in the bins in the designated area provided by the Owners Corporation or the local council and ensure that after placing the garbage and refuse in the bins that the lids of the bins are securely closed.
21. Clear on each and every date the contents of the lot mail box.

NON COMPLIANCE

22. The Owners Corporation Act 2006 allows for non compliant lot owners to be brought before the Victorian and Civil Administrative tribunal if the matter is unable to be resolved by way of internal complaints process.
23. The Owners Corporation may recover, as a debt due from persons in default or breach, the costs, charges and expenses incurred by the Owners Corporation (but excluding the personal time costs of any person acting in an honorary capacity including the chairperson, secretary or committee member of the Owners Corporation) arising out of any default or breach, by any lot owner or occupier of a lot, or any obligation under the Owners Corporation Act 2006, the Owners Corporation Regulations or the Rules of the Owners Corporation or any breach pursuant to any section of the Planning Permit governing the building.