

Rules for 416 Gore Street Owners Corporation

1. Health, safety and security

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

- (1) 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.
- (2) If in the opinion of the owners corporation an emergency has arisen likely to cause loss or damage to the common property or to private property, the owners corporation chair or owners corporation manager is authorised without further resolution of the owners corporation to use best endeavours to arrange for such repairs or diagnostic tests as may be reasonably necessary to prevent further loss or damage.
- (3) An owner or occupier must report to the owners corporation on becoming aware of any damage to or defect in the common property.

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.
- (3) An owner or occupier must not use a solid-fuel barbecue or heater on their lot.

1.3 Waste disposal

- (1) 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) The owners corporation may seek payment or reimbursement for a cost or charge from a lot owner or occupier for the removal of waste or other items left on the common property.

1.4 Smoke penetration

A lot owner or occupier in a multi-level development must ensure that smoke caused by smoking or vaping by the owner or occupier, or any invitee of the owner or occupier, on the lot does not penetrate to the common property or any other lot.

1.5 Fire safety information

- (1) A lot owner must ensure that any occupier of the lot owner's lot is provided with a copy of fire safety advice and any emergency preparedness plan that exists in relation to the lot prior to the occupier commencing occupation of the lot.
- (2) An owner or occupier must:
 - (a) not use or interfere with any fire safety equipment except in the case of an emergency and must not obstruct any fire stairs or fire escape;
 - (b) ensure compliance with all statutory and other requirements relating to fire and fire safety in respect of its lot;
 - (c) ensure that all smoke detectors installed in the lot are properly maintained and tested and that back-up batteries relating to the smoke detectors are replaced when necessary;
 - (d) comply with any measures or requirements taken by the owners corporation to ensure the security and to preserve the safety of the common property and the lots affected by the owners corporation from fire or other hazards.
- (3) An owner or occupier of a lot that causes the smoke detectors in the common property to activate is liable to pay the costs of attendance of Fire Services Victoria.
- (4) If an owner or occupier breaches the fire regulations and as a result damage occurs, the owner of the lot will be responsible for all loss and damages incurred.

2. Committees and sub-committees

2.1 Functions, powers and reporting of committees and sub-committees

- (1) A committee may appoint members to a sub-committee without reference to the owners corporation.

3. Management and administration

3.1 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) Subrule (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.

3.2 Access

- (1) An owner must exercise a high degree of caution and responsibility in making a fob or key available for use by any occupier of a lot and must use all reasonable endeavours to ensure that non residents are not given access.

- (2) Owners must include an appropriate stipulation in any lease or licence of a lot to the occupier to ensure the return of fobs or keys to the owner or the owners corporation.
- (3) An owner or occupier must not, without the owners corporation's written consent, duplicate fobs or keys or permit them to be duplicated and must take all reasonable precautions to ensure that the fob or key is not lost or handed to any person other than another owner or occupier and is not disposed of otherwise than by returning it to the owners corporation.
- (4) The owners corporation must not charge an owner for security fobs or keys but may charge a reasonable fee for any additional or replacement fobs or keys required by an owner or occupier.
- (5) An owner or occupier must promptly notify the owners corporation if a fob or key is lost or destroyed.

4. Use of common property

4.1 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 the owner or occupier's own purposes as a garden any portion of the common property.
- (3) An approval under subrule (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 subrule (4) must remove that animal.
- (6) Subrules (4) and (5) do not apply to an animal that assists a person with an impairment or disability.
- (7) An owner or occupier or their invitees on the common property must restrain their pets at all times.
- (8) The owners corporation may impose reasonable conditions on a lot owner's right or an occupier's right to access or use common property to protect the quiet enjoyment, safety and security of other lot owners.
- (9) An owner or occupier of a lot must use the lift in a careful manner and make good any damage caused as a result of use of the lifts for delivery of their goods.
- (10) An owner or occupier or their invitees on the common property must not:
 - (a) drink alcohol;
 - (b) possess open alcohol containers;
 - (c) smoke or vape
- (11) An owner or occupier must keep the common property free of trip hazards like personal property and door mats.

4.2 Vehicles and parking on common property

- (1) 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.
 - (d) leaking oil, fuel or other fluids on common property.

- (2) A proprietor or occupier of a lot must not permit anyone to park in visitor parking where the purpose of the visit is unrelated to visiting or attending to a lot.
- (3) A proprietor or occupier of a lot must not permit a visitor to use visitor parking for more than 48 hours without special permission from the owners corporation.
- (4) An owner or occupier or their invitees must not store bicycles on the common property.

4.3 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 subrule (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 occupier of a lot must not remove any article from the common property placed there by the direction of the owners corporation and must use all reasonable endeavours to ensure those articles are used only for their intended use.
- (5) 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.
- (6) The owner or person referred to in subrule (5) must keep any device, screen or barrier installed in good order and repair.
- (7) An owner or occupier must not install a key safe on the common property.
- (8) The owners corporation may seek payment or reimbursement for a cost or charge from an owner or occupier for additional cleaning as a result of actions by the owner or occupier or their invitees.
- (9) An owner or occupier must not, without the written approval of the owners corporation, install air-conditioning units fixed to or draining onto common property or neighbouring lots.
- (10) An owner or occupier must not, without the written approval of the owners corporation, install any cabling, pipes or wires in or over any common property.

5. Lots

5.1 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.

5.2 External appearance of lots

- (1) An owner or occupier of a lot must obtain the written approval of the owners corporation before making any changes to the external appearance of their lot.
- (2) An owners corporation cannot unreasonably withhold approval, but may give approval subject to reasonable conditions to protect quiet enjoyment of other lot owners, structural integrity or the value of other lots and/or common property.

- (3) The owners corporation cannot unreasonably prohibit the installation of sustainability items on the exterior of the lot, including by prohibiting the installation of a sustainability item only on aesthetic grounds.
- (4) The owners corporation may require that the location of a sustainability item, or the works involved in installing a sustainability item, must not unreasonably disrupt the quiet enjoyment of other lot owners or occupiers or impede reasonable access to, or the use of, any other lot or the common property.
- (5) The owners corporation may impose reasonable conditions on the installation of a sustainability item on the exterior of the lot related to the colour, mounting and location of the sustainability item provided that these conditions do not increase the cost of installing the sustainability item or reduce its impact as a sustainability item.
- (6) An owner or occupier must not:
 - (a) install on their lot signs or advertising visible from other lots, the common property or public areas.
 - (b) allow the erection of any signs for lease or licence or sub-lease boards or signs of any description on the common property.
 - (c) place, display or hang any chattel or item (including an item of clothing or any wind chimes) on or from a balcony or terrace forming part of the common property;
 - (d) allow any glazed portions of the lot or the common property that surrounds the lot to be tinted or otherwise treated with the effect that the visual characteristics of the glazing will change;
 - (e) install any external wireless, television aerial, sky dish receiver, satellite dish, or receiver or any other apparatus that can be viewed from the exterior of the building;
 - (f) install any air conditioning unit in a lot other than in a place nominated by the owners corporation;
 - (g) install any pipes, wiring, cables or the like to the external face of the building;
 - (h) dispose or permit the disposal of cigarette butts, cigarette ash or any other materials over balconies or in the common property.

5.3 Requiring notice to the owners corporation of renovations to lots

- (1) An owner or occupier of a lot must notify the owners corporation when undertaking any renovations or other works that may affect the common property and/or other lot owners' or occupiers' enjoyment of the common property.
- (2) An owner or occupier must not undertake any building works except in accordance with the following requirements:
 - (a) such building works may only be undertaken after all requisite permits, approvals, and consent under all relevant laws have been obtained and copies of which have been given to the owners corporation;
 - (b) the proprietor or occupier of a lot must at all times ensure that such works are undertaken in a reasonable manner so as to minimise any nuisance, annoyance, disturbance and inconvenience to other lot owners and occupiers.
- (3) The owner or occupier must ensure that agents and contractors undertaking such works observe the following restrictions in respect of the works:
 - (a) building materials must not be stacked or stored on common property;
 - (b) scaffolding must not be erected on the common property or exterior of the building;
 - (c) the exterior and common property of the building must at all times be maintained in a clean, tidy and safe state;
 - (d) construction vehicles and construction workers' vehicles are not to be brought into or parked in the common property without the approval of the owners corporation.
- (4) An owner or occupier must not make changes or alterations that reduce sound insulation between lots.

6. Behaviour of persons

6.1 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.

6.2 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) Subrule (1) does not apply to the making of a noise if the owners corporation has given written permission for the noise to be made.
- (3) An owner or occupier of a lot must not allow an activity that causes noise that can be heard in a habitable room of a neighbouring apartment regardless of whether or not the windows or doors are open, on Monday to Thursday before 7:00 am and after 10:00 pm, Friday before 7:00 am and after 11:00 pm, Saturday and public holidays before 9:00 am and after 11:00 pm and Sunday before 9:00 am and after 10:00 pm.

6.3 Moving in and out

- (1) An owner or occupier must not move into or out of the building on a Sunday or public holiday.
- (2) An owner or occupier must not use the lift to move large or bulky items without fitting lift protection.

7. 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.
 - (a) A meeting under subrule (5) may be held in person or by teleconferencing, including by videoconference.
- (6) A party to the dispute may appoint a person to act or appear on the party's behalf at the meeting.
 - (a) Subject to subrule (6b), the grievance committee may elect to obtain expert evidence to assist with the resolution of the dispute.
 - (b) The grievance committee may obtain expert evidence to assist with the resolution of a dispute if the owners corporation or the parties to the dispute agree in writing to pay for the cost of obtaining that expert evidence.
- (7) If the dispute is not resolved, the grievance committee or owners corporation must notify each party of the party's 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*.