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Notification of making, amendment or revocation of owners corporation rules

AM268329P

Section 142 *Owners Corporation Act 2006*

21/10/2015 \$64.80 OCAR



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Lodged by	MBCM Frankston
Name	Anton Silove
Phone	9781 4200
Address	4 Silkwood Rise, Carrum Downs, 3201
Reference	Whalers Cove Special Rules
Customer code	12628G
Owners corporation number	1
Plan number	CS 1613N

Supplied with this notification is:

1. The consolidated copy of the rules of the owners corporation currently in force.

2. If applicable, the special resolution passed on

12th September 2015

under Section 138 of the *Owners Corporation Act 2006* authorising the making, amendment or revocation of the rules of the Owners Corporation.

Dated:

14th October 2015

Signature or seal of applicant, Australian Legal Practitioner under the *Legal Profession Act 2004* or agent.




The common seal of owners corporation number:

1

Plan number:


CS 1613N

was affixed in accordance with Section 21 of the *Owners Corporation Act 2006* in the presence of:

Anton Silove, Owners Corporation Manager, acting as Secretary for OCCS 1613N 

Lot owner

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Full name		21/10/2015 \$64.80 OCAR
Address		

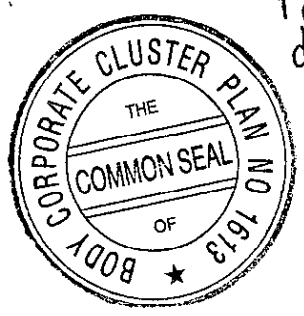
Lot owner

Full name	
Address	

For current information regarding Owners Corporation, please obtain an Owners Corporation search report

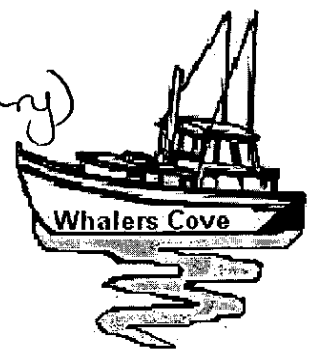
Land Victoria
570 Bourke Street
Melbourne VIC 3000
Telephone 03 8636 2010

I hereby certify these rules to be a true & correct copy of the rules made at the Special Resolution dated 12th September, 2015



Signed, Anton Silove (Secretary)

A handwritten signature in black ink, appearing to be "Anton Silove".



**Consolidated Rules For
Owners Corporation [1] CS 1613N
The Boulevard, Patterson Lakes, Victoria 3197**

All previous rules are revoked and replaced by these consolidated rules.

1 HEALTH AND SAFETY

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 or nuisance to the health, safety or security of an owner, occupier or user of another lot.

1.2 Storage of flammable liquids and other dangerous substances and materials

- a) 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, gas or other flammable material.
- b) This rule does not apply to:
 - i. chemicals, liquids, gases or other materials used or intended to be used for domestic purposes; or
 - ii. any chemical, liquid, gas or other material in a fuel tank of a motor vehicle or internal combustion engine.

1.3 Waste disposal

- a) An owner or occupier of a lot 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.
- b) Unless placed at roadside for waste collection, all waste bins must be kept out of sight from common property.

2 MANAGEMENT AND ADMINISTRATION

2.1 Metering of services and apportionment of costs of services

- a) The Owners' Corporation must seek payment or reimbursement for a cost or charge from a lot owner or occupier that is more than the supplier would have charged the lot owner or occupier for the same goods or services.

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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 indicates 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.

- c) Sub rule b. does not apply if the concession or rebate:
 - i. 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 owner or occupier has not done so by the payment date set by the relevant supplier; or
 - ii. is paid directly to the lot owner or occupier as a refund.
- d) Any lot owner who enters into a lease or licence agreement in respect of their lot whether written or oral must provide a copy of these rules to the lessee or licensee.

2.2 Cost recovery

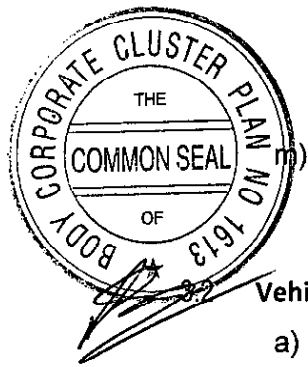
The Owners' Corporation may recover, as a debt due from the person in default or breach the costs, charges and expenses incurred by the Owners' Corporation arising out of any default or breach by any lot owner, or occupier of a lot, of any obligation under the Owners' Corporation Act 2006 or Owners' Corporation Regulations 2007 or the Rules of the Owners' Corporation.

3 USE OF COMMON PROPERTY

3.1 Use of common property

- a) An owner or occupier of a lot must not obstruct the lawful use and enjoyment of common property by any other person entitled to use the common property.
- b) A member of a lot must not do anything which may prejudice the security or safety of the common property.
- c) An owner or occupier of a lot must prohibit and or not allow any guest or invitee of the lot owner or occupier to infringe and or obstruct the lawful use and enjoyment of common property by any other person entitled to use the common property.
- d) An owner or occupier of a lot must not, without the written approval of the Owners' Corporation, use for his or her purposes as a garden any portion of the common property.
- e) An approval under subrule (c) may state a period for which approval is granted.
- f) An owner or occupier must seek permission from the Owners' Corporation before allowing a pet or any animal on to the common property.
- g) Approval of a cat being kept as a pet by an owner or occupier by the Owners Corporation will be conditional upon that cat being kept inside after dark.
- h) Where an animal or pet has been approved by the Owners' Corporation an owner or occupier must ensure that the pet or animal is not left unattended at any time on common property.
- i) Where a dog is present on common property, a leash must be used and the person responsible for that dog must remove any waste left by the dog
- j) The Owners' Corporation may revoke approval of a pet or an animal by resolution if it is resolved that animal is a danger to the safety of other lot owners or occupiers or is causing a nuisance to the common property.
- k) Where approval is revoked, the owner of the pet or animal will be given 7 days notice that the approval of the animal has been revoked. The animal must then be removed.
- l) Sub rules (e) to (j) do not apply to an animal that assists a person with an impairment or disability.

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An owner or occupier must not use or permit the use of skateboards, rollerblades and bicycles on common property.

Vehicles and parking on common property

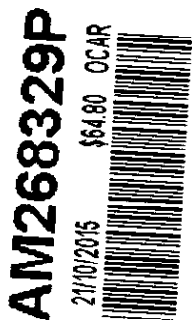
- a) An owner or occupier of a lot or their guest or invitee must not allow, unless in the case of an emergency, a vehicle, caravan, boat or trailer to be parked or left:
 - i. in parking spaces situated on common property and allocated for specific purposes such as visitor parking; or
 - ii. on the common property so as to obstruct a driveway, pathway, entrance or exit to a lot; or
 - iii. in any place other than a parking area situated on common property specified for that specific purpose by the owners' corporation.
- b) An owner or occupier must not exceed or permit a vehicle to exceed the speed limit of 5 kph on the common property.
- c) An owner or occupier must not carry out or permit to be carried major mechanical repairs or servicing of motor vehicles, boats or any other motors on the common property or garage aprons.
- d) The owner or occupier must not or permit a motor vehicle, boat or any other motor vehicle to disperse oil or similar product onto the common property, driveways or garage aprons.
- e) An owner or occupier of a lot or their guest or invitee must not and must not allow any vehicle to remain in a space allocated for visitor's car parking for more than 4 hours at any one time. Should a vehicle remain in a visitor's car parking space in excess of 4 hours the Owners Corporation may remove that vehicle at the cost of the vehicle's owner.

3.3 Moorings

- a) A lot owner or occupier who, without written permission of the Owners' Corporation, provides access to or use of the common property to a person not an owner nor occupier (and that person is a guest or invitee) in the estate commits a nuisance unless the lot owner or occupier accompanies the guest or invitee at all times.
- b) An owner or occupier may not lease, license or sell any boat mooring to any person not ordinarily resident in the estate where that person must access the boat mooring via the common property. Should access to the common property be given to such a person it will be considered a nuisance on the part of the lot owner or occupier granting that access.

3.4 Damage to common property

- a) An owner or occupier of a lot must not damage or alter the common property without the written approval of the Owners' Corporation.
- b) 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.
- c) An owner or occupier of a lot must not park on grassed areas or areas deemed to be grassed areas.
- d) An approval under subrule a. or b. may state a period for which the approval is granted and may specify the works and conditions to which the approval is subject.





An owner or person authorized by an owner may install a locking or safety device to protect the lot 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.

The owner or person referred to in subrule e. must keep any device, screen or barrier installed in good order and repair.

- g) Should a lot owner or any tenant, licensee or invitee of the lot owner cause any damage to the common property that lot owner shall be liable for any costs incurred by the Owners Corporation for rectifying the damage.

4 MAINTENANCE OF LOTS

4.1 Lots to be kept looking smart and in good repair

- a) Lot owners must ensure their lot is kept clean and in good repair at all times
- b) All lot owners must ensure their car parking space(s) and driveways and adjoining areas are kept free from oil, petrol and stains from other like substances.
- c) Should common property adjoining or close by to a lot be affected by stains from oil, petrol or other like substances originating on a lot the Owners Corporation may give 14 days notice to the lot owner that should the lot owner fail to remove the stains the Owners Corporation will do so at the lot owner's expense.
- d) All lot owners must keep garage doors in good repair and working order. Garage doors must be kept closed at all times other than when being used for ingress or egress.
- e) An owner or occupier of a lot must not place or hang any washing, towels, bedding, clothing or other article on the common property or any part of the lot which is visible from the exterior of the lot.
- f) An owner or occupier must not paint any external area of the lot that is visible from the common property other than in accordance with the colour scheme approved by the Owners Corporation from time to time.
- g) An owner or occupier of a lot must not, park or leave a motor vehicle or other vehicle or trailer or permit a motor vehicle or other vehicle or trailer on parking spaces or in garden areas which are visible from common property:-

- i. where that vehicle or trailer is unregistered or unroadworthy or in a damaged condition; or
- ii. such vehicle or trailer is left unused or moved for any period of time exceeding seven weeks

Request may be made in writing to the Owners Corporation for an extension of time in relation to Rule 4.1 (g) ii.. Consent for such requests will not be unreasonably withheld by the Owners Corporation.

- h) The Owners Corporation will, as a service to its members under section 12 of the Owners Corporations Act 2006, take responsibility for the appearance and the repairs and maintenance of the rear boundary fence running from units 30 to 35 (inclusive).

4.2 Change of Use of Lots

An owner or occupier must not change the existing use of a lot without the express written approval of the Owners Corporation. All lots may be used for residential purposes only.



5 BUILDINGS

- 5.1 Except with the consent of the Owners' Corporation all buildings shall be of similar construction materials already used within the estate.
- 5.2 An owner or occupier must not make any alterations or additions to the exterior of any building, including paint, blinds, awnings, window or external openings, TV aerials or satellite dishes without the written permission of the Owners' Corporation.
- 5.3 An owner or occupier must seek written approval from the Owners' Corporation for changes to be made to any external paint colour schemes.
- 5.4 An owner or occupier must not hang or permit to be hung any garment or article on or from any balcony or exterior surfaces, except in places expressly provided for such purpose.
- 5.5 An owner or occupier must not display or permit the display of any placard, advertisement or sign in or upon any lot or on the common property without the written approval of the Owners' Corporation.
- 5.6 Any approved placard, advertisement or sign relating to the sale or leasing of a lot must:
- be no larger than 1.2 M X 0.9 M;
 - not be erected for more than three months from the date of approval; and
 - be removed within two days of any sale or lease being executed; and
 - if placed on the common property be placed only where directed by the Owners' Corporation.
- 5.7 Application for approval to erect any placard, advertisement or sign shall be lodged in writing with the Owners' Corporation
- 5.8 Approval, if granted, will allow for only one sign at any time for a single property.
- 5.9 Any placard, advertisement or signs erected must not interfere with or damage the Owners' Corporation sprinkler system or common property.
- 5.10 If a building is damaged or destroyed, the lot owner shall cause it to be repaired or restored substantially in accordance with the original plans and specifications or as approved by the Owners' Corporation. Such approval shall not be unreasonably withheld.

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.

- 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 common property.
- An owner or occupier must not make or permit to be made noise from music or machinery which may be heard outside the owner or occupier's lot between the hours of 2400 hr and 0800 hr, and weekends and during holidays to 0900 hr.
- Subrule a) does not apply to the making of a noise if the Owners' Corporation has given written permission for the noise to be made.



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7 DISPUTE RESOLUTION

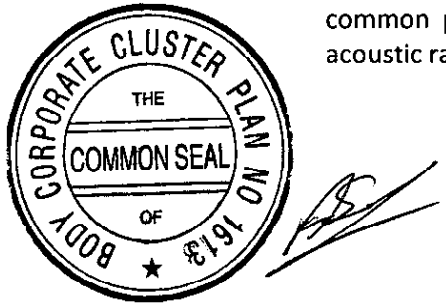
- 7.1 The dispute resolution procedures set out in this rule apply to disputes involving a lot owner, manager, occupier and/or the Owners' Corporation.
- 7.2 The party making the complaint must prepare a written statement in an approved form.
- 7.3 The Owners' Corporation Committee or a delegated subcommittee of no less than three people will be the Dispute Resolution Committee. The Dispute Resolution Committee must be notified of any dispute by the complainant, regardless of whether the Owners' Corporation is a party to the dispute.
- 7.4 The dispute resolution committee will determine whether a dispute will be addressed by a dispute resolution meeting, by filing the matter at VCAT or by other means.
- 7.5 If it is decided to call a dispute resolution meeting then the parties to the dispute must meet and discuss the matter in dispute, along with either the Dispute Resolution Committee or a delegate of the Dispute Resolution Committee within 14 working days after the dispute comes to the attention of all the parties.
- 7.6 A party to the dispute may appoint a person to act or appear on his behalf at the meeting.
- 7.7 If the dispute is not resolved, the Dispute Resolution Committee or Owners' Corporation must notify each party of his or her right to take further action under Part 10 of the Owners' Corporation Act 2006.
- 7.8 This process is separate from and does not limit any further action under Part 10 of The Owners' Corporation Act 2006.

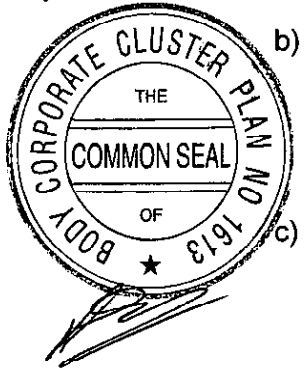
8 COMPLIANCE WITH LAWS

- 8.1 An owner of a lot must at their own expense promptly comply with all laws relating to the lot including any requirements, notices and orders of any governmental authority.
- 8.2 A lot owner must not use or permit a lot affected by the Owners' Corporation to be used for any purpose that may be illegal or injurious to the reputation of the development or may cause a nuisance or hazard to any other owner or occupier of any lot.

9 BUILDING WORKS

- 9.1 A lot owner must not undertake any building works within or about or relating to that owner's lot unless:
 - a) all requisite permits, approvals and consent under all relevant laws have been obtained and copies of them have been given to the secretary of the Owners' Corporation; and
 - b) such works are undertaken strictly in accordance with the permits approvals and consents referred to in paragraph a); and
 - c) such works are undertaken with a minimum of nuisance, annoyance, disturbance and inconvenience occupiers of other lots.
- 9.2 A lot owner must not proceed with any building works until the lot owner:
 - a) submits to the Owners' Corporation plans and specifications of any works proposed by the lot owner which affect the external appearance of the building or any of the common property or which affect the building structure or services or the fire or acoustic ratings of any component of the building; and





- b) supplies to the Owners' Corporation such further particulars of those proposed works as the Owners' Corporation may request and as shall be reasonable to enable the Owners' Corporation to be reasonably satisfied that those proposed works accord with the reasonable aesthetic qualities and orderly operation of the development of the estate; and
- c) receives written approval for those works from the Owners' Corporation, which approval must not be unreasonably withheld, but which approval may be given subject to the condition that the reasonable costs of the Owners' Corporation approval must be paid by the lot owner; and
- d) pays the costs referred to in paragraph c) to the Owners' Corporation.

9.3 All lot owners must ensure that they and their servants agents and contractors undertaking any works comply with the proper and reasonable directions of the Owners' Corporation concerning the method of building operations, means of access, use of common areas and on-site management and building protection, and hours of work and that such servants agents and contractors are supervised in the carrying out of such works so as to minimise any damage to or dirtying of the common property and the services therein.

9.4 All lot owners lot must ensure that they and their servants agents and contractors undertaking any works observe the following restrictions in respect of the works:

- a) scaffolding must not be erected on the common property without written consent from the Owners' Corporation;
- b) construction work times must comply with the local laws of the City of Kingston;
- c) the exterior and common property must at all times be maintained in a clean tidy and safe state;
- d) construction vehicles and construction workers' vehicles must not be brought into or parked in the common property.

9.5 Before any of the lot owner's works commence the lot owner must:

- a) Cause to be effected (and maintained during the period of the building works) a contractor's all risk insurance policy to the satisfaction of the Owners' Corporation; and
- b) Deliver a copy of the policy and certificate of currency in respect of the policy to the Owners' Corporation.

9.6 Access shall not be available to other lots on the plan or common property on the plan for the installation and maintenance of services and associated building works without the consent or licence of the owner of the relevant lot or of the Owners' Corporation in the case of common property.

9.7 The lot owner shall immediately make good all damage to and dirtying of the common property or the services therein which are caused by building works and, if the lot owner fails to immediately do so, the Owners' Corporation may (in its absolute discretion) make good the damage or dirtying and in that event the lot owner shall indemnify and keep indemnified the Owners' Corporation against any costs or liabilities incurred by the Owners' Corporation in so making good the damage or dirtying.

9.8 The lot owner must immediately make good any damage resulting any building works or if the Owners' Corporation elects to make good any such damage itself reimburse to the Owners' Corporation the cost of making good any such damage.

10 PENALTY INTEREST

10.1 The Owners Corporation may charge penalty interest not exceeding the maximum rate of interest payable under the Section 2 of the penalty interest rates Act 1983.

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