

# OWNERS CORPORATION RULES – UNITS PLAN 2839

## THE VIRIDIAN



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# OWNERS CORPORATION RULES – UNITS PLAN 2839 THE VIRIDIAN

Approved by AGM of 7 December 2017

## 1. Introduction

These Rules are based on the default Rules laid down in Schedule 4 of the *Unit Titles (Management) Act 2011* (the Act), as amended under s.108 by the Viridian Owners Corporation. Their aim is for all Viridian owners, residents and their guests, including businesses, to share an environment that is comfortable, attractive and respectful of the needs of other owners and residents.

The Rules are publicly available on the Viridian website: [www.viridianatkingston.com](http://www.viridianatkingston.com)

## 2. Definitions

2.1. In these Rules:

**Executive committee representative** means a person authorised in writing by the Executive Committee under sub-rule 15.4.

**Owner, occupier or user** of a unit, includes an invitee or licensee of an owner, occupier or user of a unit.

**Owners Corporation** means the owners corporation created by the registration of Units Plan 2839.

**Strata Manager** refers to Link Strata Management,  
PO Box 154, Curtin ACT 2605.  
Phone: 02 6260 3722.  
Email: [admin@linkservices.com.au](mailto:admin@linkservices.com.au)

2.2. A word or expression in the Act has the same meaning in these Rules.

## 3. Payment of rates and taxes by unit owners

Unit owners must pay all rates, taxes and any other amount payable for the unit.

## 4. Appearance of the Viridian, repairs & maintenance and insurance

4.1. Unit owners must ensure that their units are in a state of good repair.

4.2. Unit owners must carry out any work in relation to the unit, and do anything else in relation to the unit, that is required by a territory law.

4.3. Owners, occupiers or users of units must keep any part of the unit that is visible from common property or the exterior of the building clean, tidy and well maintained.

4.3.1. Items that are not permitted on balconies and in courtyards include indoor furniture such as lounges, fixed clotheslines and items that hang from metal framework, such as hammocks.

4.3.2. Draping rugs, mats, blankets or clothing over balcony railings or courtyard walls is also not permitted.

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- 4.3.3. Small, neat, portable clothes racks that are capable of being removed are permitted on balconies and in courtyards as long as they are removed when not in use and not left in place for prolonged periods of time.
- 4.3.4. 'For Sale' and 'For Lease' signs are not permitted on common property (see Rule 13).
- 4.4. Owners, occupiers or users must not mark, paint, drive nails or screws or the like into, or otherwise damage or deface, any structure that forms part of the common property.
- 4.5. Owners, occupiers or users are encouraged to report to the Strata Manager any graffiti, unauthorised signage or damage that detracts from the appearance and amenity of the common property.
- 4.6. An owner or a person authorised by the owner may install:
  - 4.6.1. A locking or other safety device for the protection of the owner's unit against intruders, subject to any external requirements such as fire safety standards, see sub-rule 4.9 on screens for doors and windows;
  - 4.6.2. Any structure or device to prevent harm to children. If it is visible externally to the unit, the owner should contact the Strata Manager to seek the approval of the Executive Committee.
- 4.7. Owners, occupiers or users should not erect bird feeders or otherwise feed birds on balconies, in courtyards or on common property as they have the potential to attract pests. Feeding possums is also discouraged.
- 4.8. Owners of residential units must ensure that window treatments used in their units (such as blinds, curtains, drapes, etc), when viewed from outside the unit, are only white or cream in colour, unless otherwise approved by the Executive Committee.
- 4.9. Owners, occupiers or users must not install any custom window coverings, including bars, security screens or fly screens, which can be seen from the exterior of the building or common property, without the approval of the Executive Committee. As a guide, the frames of security screens to courtyard and balcony doors should be charcoal in colour and the screens must not have patterned grills, etc, that change their appearance from the exterior of the unit.
- 4.10. Owners, occupiers or users must observe any maximum load limits applying to the floors and balconies in their unit and the common property. Spa baths are permitted only in accordance with the express permission of the Executive Committee.
- 4.11. Open flame, solid fuel BBQs or heaters, such as coal or wood, create a fire risk and are strictly prohibited.
- 4.12. Trees and plants in courtyard garden beds and on balconies have the potential to impact adversely on structures such as retaining walls, courtyard walls, metal work and the car park, as well on neighbouring units.
  - 4.12.1. Cordyline australis and `Mop Top` Robinia pseudoacacia are examples of trees that are likely to cause problems and are not permitted;
  - 4.12.2. The size of trees and shrubs must be limited to 2.5m in height, and have a diameter of no more than 15cm at 0.3m above the top of the garden bed or balcony floor;
  - 4.12.3. Planter boxes and pot plants must be kept within the boundary of each courtyard, unit and balcony.

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- 4.13. To avoid water building up and causing damage to other units and the basement garages, owners, occupiers or users must ensure that the drains on balconies and in courtyards and any taps and hoses are unblocked and in good repair.
- 4.14. Owners are responsible for the cost of:
  - 4.14.1. repairing any damage to common property or the property of other units caused by themselves, their tenants, guests, or trades people engaged by them, either directly or indirectly;
  - 4.14.2. additional garbage collections or clean up resulting from the failure to comply with these Rules by themselves, their tenants, guests, or trades people engaged by them, either directly or indirectly, see Rule 9.
- 4.15. Owners and occupiers should hold their own insurance policies for coverage of any incidents that may arise within their units and the garages.
- 4.16. Any excess payable on an insurance claim is the responsibility of the owner of the unit to which the claim is related.
- 4.17. If the insurance claim relates to common property then the excess is the responsibility of the Owners Corporation.
- 4.18. In the event of an insurable incident with an undetermined cause, such as a leak, the unit owner should notify the Strata Manager so that the Owners Corporation may initiate the necessary initial investigations. The Owners Corporation will pay for costs associated with those investigations. The Executive Committee will then determine further actions and/or repairs required, including whether responsibility for the cause lies with the unit owner or the Owners Corporation.

### **5. Air Conditioners**

- 5.1. Unit owners are responsible for the repair and maintenance of the air conditioning system that services their unit, notwithstanding the fact that part of the air conditioning may be located on the common property.
- 5.2. The Owners Corporation is not responsible for contributing to the repair and maintenance of air conditioners.
- 5.3. Unit owners must ensure individual air conditioning systems are maintained on a regular basis to manufacturer's specifications so as to minimise noise disturbance to other residents.
- 5.4. Unit owners must seek approval from the Executive Committee to replace an air conditioner.
- 5.5. If the air conditioner condenser to be replaced is located on the roof:
  - 5.5.1. the owner is responsible for the costs incurred for accessing the roof to remove the original unit and install a replacement unit;
  - 5.5.2. approval will be required for trades people to access the roof, see sub-rule 6.4;
  - 5.5.3. the replacement unit is to be installed in the space left vacant by the original unit. Details of any proposal to vary from this must be provided in the application required by sub-rule 5.4.
- 5.6. The Strata Manager and Executive Committee will make every effort to inform an owner who has sought approval to replace an air conditioner on the roof of any known opportunities for cost sharing with another owner.

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## 6. Erections and alterations

- 6.1. Owners of residential units may erect or alter any structure in or on the unit or the common property only in accordance with –
  - 6.1.1. the express permission of the Executive Committee and any guidelines approved by the Owners Corporation (see sub-rule 6.6); and
  - 6.1.2. the requirements of any applicable territory law, e.g. a law requiring development approval to be obtained for the erection or alteration.
- 6.2. Permission may be given subject to conditions stated in the resolution.
- 6.3. Unit owners must not allow trades people, service providers and/or other contractors to install any service or to make installations or alterations on common property without the prior approval of the Executive Committee, e.g. piping, conduits, cables, etc.
- 6.4. Access to the roof is restricted to contractors who have given prior notice to the Strata Manager and who are familiar with and meet the requirements for height safety protocols.
- 6.5. Owners must ensure that when considering the replacement of floor covering in their unit with tiles, floorboards or any other form of hard flooring, the replacement material is an acceptable level of acoustic resilience, AAAC 6 Star, and complies with the guidelines at Appendix A.
- 6.6. Guidelines for Erections and Alterations and an application form are at Appendix A. They are also available from the Strata Manager and at [www.viridianatkingston.com](http://www.viridianatkingston.com).
- 6.7. Further to sub-rules 6.3 - 6.6, Rule 7 applies to owners of commercial units.
- 6.8. All works permitted and completed under Rules 6 and 7 will be recorded in a Register and made available on request to the Strata Manager.

## 7. Commercial units

- 7.1. Owners of commercial units:
  - 7.1.1. are not required to seek Executive Committee permission for the erection or alteration of a fit out within the unit, provided it is in accordance with the requirements of any applicable territory law;
  - 7.1.2. must obtain approval from the Executive Committee if the erection or alteration affects the structure of the common property;
  - 7.1.3. must obtain approval of the Executive Committee for any proposed window treatments and such approval is not to be unreasonably withheld;
  - 7.1.4. may erect one external sign in a location immediately above or adjacent to the entry to their unit in a design approved by the Executive Committee;
  - 7.1.5. may affix signage and display material relevant to their commercial activities in the windows of their units.
- 7.2. The only grounds on which the Executive Committee may object to a sign is on the basis that it:
  - 7.2.1. compromises the original architectural aesthetics of the building; or

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- 7.2.2. could reasonably be determined that it may cause material structural damage to the building.
- 7.3. Each owner of a commercial unit is responsible for commercial waste removal, the cleaning of any grease traps and the maintenance and cleaning of the exhaust system.
- 7.4. Waste must not be placed in any common property areas other than those allocated for commercial units.
- 7.5. An owner of a commercial unit must not smoke or dispose of cigarette butts, or allow any other person to smoke or dispose of cigarette butts, on any part of the common property, including but not limited to the central garden, foyers, walkways, the Wentworth Avenue car park, basement garages and around doorways and fire door exits, or the street verges.

### **8. Use of units – illegal, hazardous, causing noise, nuisance, annoyance**

- 8.1. Owners, occupiers or users of a unit must not use the unit, or permit it to be used:
  - 8.1.1. to contravene a law in force in the territory;
  - 8.1.2. so as to cause a hazard to an owner, occupier or user of another unit;
  - 8.1.3. in a way that causes a nuisance or substantial annoyance to an owner, occupier or user of another unit.
- 8.2. Subject to 8.3, owners, occupiers or users of a unit must not make, or permit to be made, such a noise within the unit as might (in the circumstances) be reasonably likely to cause substantial annoyance to an owner, occupier or user of another unit. This is especially relevant between 10pm and 8am.
- 8.3. Owners, occupiers or users of a unit must not allow building works that make such noise as might be reasonably likely to cause substantial annoyance to an owner, occupier or user of another unit outside the hours of 8.00am and 4.00pm, Monday to Friday, and 9.00am and 1.00pm on Saturdays. Such works are not permitted at any time on Sundays or public holidays. Particularly disruptive works, such as concrete drilling, ongoing hammering, etc are to be undertaken between 9.00am and 4.00pm Monday to Friday only.
- 8.4. Written notice of any activities covered by this Rule should be given to the Strata Manager at least 48 hours in advance to allow for neighbours to be informed.
- 8.5. Owners and occupiers who are smokers or whose guests, visitors or trades people are smokers, should note Rules 7 and 9 on smoking in residential and commercial units.
- 8.6. This Rule does not apply to a use of a unit that is prohibited under this Rule if the Executive Committee has given an owner, occupier or user of the unit written permission for that use.
- 8.7. Permission may be given subject to stated conditions.
- 8.8. Permission may be withdrawn by special resolution of the Owners Corporation.

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### **9. Use of common property, smoking, garbage & recycling**

- 9.1. Unit owners must not use the common property, or permit it to be used, to interfere unreasonably with the use and enjoyment of the common property by an owner, occupier or user of another unit.
- 9.2. Items that are not the property of the Owners Corporation must not be stored or left on common property without written permission from the Executive Committee.
- 9.3. The Owners Corporation cannot accept responsibility for any personal property removed, damaged, or stolen from common property areas, e.g. prams, bicycles.
- 9.4. An owner, occupier or user of a residential unit must not smoke or dispose of cigarette butts, or allow any other person to smoke or dispose of cigarette butts, on any part of the common property, including but not limited to the central garden, foyers, walkways, the Wentworth Avenue car park, basement garages and around doorways and fire door exits, or the street verges. Smokers are reminded to consider their neighbours when smoking on balconies, including taking butts and ash trays indoors so they do not blow onto nearby balconies and courtyards.
- 9.5. A regular cycle of spraying around the common property to protect against pests occurs at regular intervals. Notification is sent to all owners in advance.
- 9.6. Owners, occupiers or users must not dispose of any refuse, rubbish or recyclable material on common property except in the appropriate receptacles provided for that purpose. Separate garbage and recycling hoppers and a container for garden waste are provided adjacent to the underground car parks and the above ground commercial bin area. These bins are designed to handle normal quantities of garbage and materials suitable for recycling.
- 9.7. Care needs to be taken to avoid contamination of the recycling materials with garbage and other waste. Details of the materials that are suitable for recycling are displayed on the recycling bins. The co-operation of all owners, occupiers and contractors is essential for effective recycling.
- 9.8. Bulky items that can be recycled must be disposed of at the appropriate recycling station, e.g. removal cartons and packaging materials. Other household items (such as bedding, furniture, computers, refrigerators, etc) and trade wastes (such as tiles, timber, plasterboard, etc) must be disposed of at an appropriate waste disposal point (more at <http://www.regyp.com.au>).

### **10. Basement garages**

- 10.1. The basement garages are not 'secure' areas. Owners, occupiers and users are responsible for the security of their motor vehicles, motorcycles, bicycles and all other items stored in storage sheds and garages (see Rule 14).
- 10.2. All vehicles must be parked in the car space(s) allocated to the respective unit. Parking of vehicles must not cause obstruction or impede another vehicle's access.
- 10.3. Drivers should take extra care on approaches to and from the car parks and avoid standing for prolonged periods near the gates.
- 10.4. Bicycle racks are located in the garages for the use of residents. Bikes (or bike locks) must be tagged with the unit number of the owner. This is to enable the Executive Committee to identify any abandoned bikes and maximise the spaces available for current residents.

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10.4.1. The Executive Committee will attempt to contact owners of any apparently abandoned bikes, however, if the bike is not tagged with a unit number, they may remove it from the bike rack. If no one has claimed the bike within three months, the Committee will take steps to dispose of the bike, e.g. donate it to charity.

10.5. Power points in the garages are for common property use only. Power cords and extension cords are unsafe in this environment. Any owner who wishes to utilise these power points must contact the Strata Manager to seek Executive Committee approval.

### **11. Common services - hot water, free to air TV, Foxtel, charging points**

11.1. The hot water plant for the Viridian complex is centralised. It is managed by the Owners Corporation with the cost of operating and maintaining the plant split proportionally between unit owners based on unit entitlement.

11.2. Free to air TV is delivered via antennae and hubs on common property and secondary hubs, Intra hubs, that are located within units. All in-unit costs are borne by individuals.

11.3. Foxtel may be installed at the expense of owners through individual subscriptions. It is available via ports in each apartment, in the Intra hub box, and is delivered to the complex via a central Foxtel satellite receiver. Please note that this is a single cable feed and is therefore unable to deliver an IQ HD signal. Standard Foxtel boxes are compatible.

11.4. There is currently no provision for charging electric vehicles in the Viridian complex. The Executive Committee will consider applications for charging points on the basis that all set up and ongoing costs associated with the application and the proposed electric vehicle are to be borne by the owner. The application demonstrating that the solution involves no cost or other impact on the Owners Corporation should be forwarded to the Strata Manager.

11.5. Power points in the garages are not for individual use, see sub-rule 10.5.

### **12. Pets**

Consistent with Section 32 of the *Unit Titles (Management) Act* 2011:

12.1. An owner may keep an animal, or allow an animal to be kept, within the unit or the common property only with the consent of the Executive Committee.

12.2. A request to keep a pet in a unit must be submitted in writing to the Strata Manager with the following information:

12.2.1. the species, breed and age of the pet;

12.2.2. evidence that the pet is registered and vaccinated;

12.2.3. confirmation that the pet is not likely to be a danger or hazard to any owner, occupier or user of the common property.

12.3. The Strata Manager will forward the application to adjoining unit owners or occupiers for comment prior to sending it to the Executive Committee for consideration.

12.4. The Executive Committee may give permission under this section, with or without conditions. However, permission will not be unreasonably withheld.

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- 12.5. Approval relates only to the pet that is the subject of the request and as such may not be transferred.
- 12.6. When not confined to the unit, pets are to be appropriately and effectively restrained and under the control of a responsible individual while on the common property of the Viridian. Dogs and cats should be clearly under the control of their handler/owner either through a collar, halter, harness or leash, or in a carrier.
- 12.7. Pets must also be identified by way of collar and a tag which provides contact details of the owner.
- 12.8. The Executive Committee has the power to revoke approval under this Rule if it reasonably believes the pet has caused or is causing a substantial nuisance to an owner, occupier or user of another unit and it is satisfied on reasonable grounds that such substantial nuisance is likely to continue.
- 12.9. Any damage or soiling of common property caused by pets is the responsibility of the pet owner, who must, at their cost and expense, clean that part of the common property.
- 12.10. Owners, occupiers and users must dispose of animal litter products in an appropriate manner – secured in a plastic bag, (preferably double bagged and tied shut) and placed in the general waste bin, not the recycling bin.

### **13. Selling, leasing and short term stays**

- 13.1. Owners who are selling their unit must:
  - 13.1.1. provide their selling agent with a copy of these Rules in advance of any sale to ensure the selling agent is familiar with the restrictions that will apply to any new owner, occupier or user of the unit;
  - 13.1.2. ensure any marketing or advertising connected with the sale of their unit conforms with these Rules;
  - 13.1.3. not display or install any 'For Sale' sign on any part of the common property.
- 13.2. 'Open for Inspection' signs connected with any unit for sale may only be erected during inspection times and must be promptly removed at the end of an inspection period on any given day.
- 13.3. Owners who lease their unit must provide to their leasing agent and/or prospective occupiers a copy of these Rules to ensure they are familiar with the restrictions that will apply if they occupy the unit.
- 13.4. Unit owners who wish to lease their unit for short stay accommodation, including AirBnB, should advise the Strata Manager so that their unit number may be added to a Register with their contact details or those of an agent. In recognition of the potential impact of such arrangements on neighbouring units and the common property, owners should provide prospective occupiers with a copy of these Rules, particularly drawing to their attention the provisions about noise, security, smoking, etc.
- 13.5. Owners who wish to lease their unit must not display or install, or permit to be displayed or installed, any 'For Lease' signs on any part of the common property.

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### **14. Security**

- 14.1. It is not possible for a complex like the Viridian to be fully secure. Therefore it is very important that owners, occupiers and users are aware of the access arrangements and follow them at all times. In particular, no one should allow another person to tail gate into the foyers, lifts or car parks or otherwise provide access to anyone they do not know.
- 14.2. The Viridian's access control and monitoring system includes eDevices – called Airkeys, remotes or fobs – to access external entry doors, lifts to specific floors and the basement garages; keys to access stairwells and individual units; and security cameras in the garages and driveways.
  - 14.2.1. The key to an individual unit also opens the fire door from inside the stairwell to the relevant floor, giving residents access to their floor via the stairs or the lift. It is important to take this into account if you decide to replace the key to your unit, i.e. to ensure you are able to access your floor in the event that the lift is unavailable.
  - 14.2.2. No key is required to open the fire door and exit your floor via the stairwell, as this is a fire exit.
- 14.3. The loss of an eDevice or key compromises the existing layers of protection to the security of the building. Please report losses immediately to the Strata Manager.
- 14.4. Replacement and additional eDevices may be purchased through the Strata Manager.
- 14.5. External entry doors to the residential areas of the complex must be locked at all times. These doors and the fire doors must not be propped open or interfered with in any way.
- 14.6. Footage from the security cameras may be accessed only in response to a security incident or a reported breach of these Rules. Privacy is a primary consideration in both the placement of cameras and in response to any requests for access to footage. Requests should be submitted to the Strata Manager. A register is maintained of the date security footage is accessed, by whom and the reason.
- 14.7. In the event of a security incident, owners, users or occupiers should:
  - 14.7.1. report it to the appropriate authority (even if it is considered to be minor, the report may be useful for local area crime statistics and therefore resource planning); and
  - 14.7.2. report it to the Strata Manager so the Executive Committee is in a position to identify if any action should be considered for the complex.

### **15. What may an Executive Committee representative do?**

- 15.1. An Executive Committee representative may do any of the following in relation to a unit at all reasonable times:
  - 15.1.1. if the committee has reasonable grounds for suspecting that there is a breach of the Act or these Rules in relation to a unit— inspect the unit to investigate the breach;
  - 15.1.2. carry out any maintenance required under the Act or these Rules;

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- 15.1.3. do anything else the Owners Corporation is required to do under the Act or these Rules.
- 15.2. An Executive Committee representative may enter a unit and remain in the unit for as long as is necessary to do something mentioned in sub-rule 15.1.
- 15.3. An Executive Committee representative is not authorised to do anything in relation to a unit mentioned in sub-rule 15.1 unless—
  - 15.3.1. the Executive Committee or the representative has given the owner, occupier or user of the unit reasonable notice of his or her intention to do the thing; or
  - 15.3.2. in an emergency, it is essential that it be done without notice.
- 15.4. The Executive Committee may give a written authority to a person to represent the corporation under this Rule.

### **16. Monetary Bonds**

- 16.1. The Executive Committee shall have the following additional powers, to be exercised reasonably:
  - 16.1.1. to impose on an owner a condition that a Bond of between \$1,000 and \$10,000 be paid to the Owners Corporation as a condition of approval to carry out works;
  - 16.1.2. to decide from time to time the amount of the Bond on a case by case basis;
  - 16.1.3. to collect the Bond before works are commenced and to hold the Bond in a separate account to be established for the purpose;
  - 16.1.4. to refund the Bond, less any bank fees and charges, to the owner at the completion of the works if no damage to common property has been caused by the works;
  - 16.1.5. to delegate to an appropriately qualified person (paid for by the owner) nominated by the Executive Committee, the function of assessing the extent of damage (if any) to the common property caused by the works;
  - 16.1.6. to withhold all or any part of the Bond from the owner if the Executive Committee has assessed that damage to the common property has occurred due to the works;
  - 16.1.7. to appropriate so much of the Bond as is required to rectify the damage to the common property that (in the reasonable opinion of the Executive Committee) has been caused by the works;
  - 16.1.8. to enter on to any part of the unit to carry out the rectifications pursuant to this Rule;
  - 16.1.9. to demand from the owner any shortfall in the funds required to rectify the damage to the common property in accordance with this Rule; and
  - 16.1.10. to recover any shortfall in funds required to rectify the damage as a debt in a Court of competent jurisdiction.

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### 17. Debt Collection

- 17.1. If the Owners Corporation incurs legal or other costs in any legal or administrative action against an owner, including action to recover amounts owing pursuant to section 95 of the *Unit Titles (Management) Act 2011* then, provided the legal or administrative action was commenced by the Owners Corporation in good faith, the owner shall be liable to pay the Owners Corporation the full amount of the legal fees or other costs incurred in the legal or administrative action.
- 17.2. The owner agrees that any monies which are payable pursuant to sub-rule 17.1 shall be a debt enforceable by the Owners Corporation against the owner.
- 17.3. Notwithstanding sub-rule 17.1, the Owners Corporation shall not be entitled to recover any legal fees or other costs from the owner unless the Owners Corporation first provides to the owner a copy of invoices or, where the amount has already been paid by the Owners Corporation, receipts to evidence the amount due or paid by the Owners Corporation. If the owner fails to pay the legal fees or other costs in accordance with sub-rule 17.1, the Owners Corporation may declare that a charge is to be imposed over the lease of the unit to secure payment of those costs and the owner shall not be entitled to object or seek to remove the registration of that charge over the lease of the unit.

### 18. Seal of Owners Corporation

- 18.1. For the attaching of the seal of the Owners Corporation to a document to be effective, the Strata Manager is allowed to apply the seal to all statutory documents required under the *Units Titles (Management) Act 2011*, including Section 119 certificates and notices of reduced quorums.
- 18.2. The Executive Committee is to approve the application of the seal on all other documents, such as contracts and service agreements.

### 19. Annual General Meeting papers may be sent by email

For the purpose of giving notice of a general meeting under Section 3.6 of the *Unit Titles (Management) Act 2011*, notices will be sent by email to an address notified for this purpose by the owner. If no email address is nominated to the Strata Manager, the notice will be sent by post.

### 20. Strata Manager

Link Strata Management  
PO Box 154, Curtin ACT 2605

Phone: 02 6260 3722 (Note: This phone is monitored after hours for emergency calls)

Email: [admin@linkservices.com.au](mailto:admin@linkservices.com.au)

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Approved by AGM of 7 December 2017

## Appendix A

### Guidelines for Erections and Alterations and Application Form

Where the approval or permission of the Executive Committee is required by the Owners Corporation Rules – Units Plan 2839, the provisions of this document will form the basis of the Committee's decision. The Executive Committee is expressly authorised to give approvals on behalf of the Owners Corporation. All works approved and completed will be recorded in a Register and made available on request to the Strata Manager.

A monetary bond may be required as a condition of approval, see Rule 16.

For the purposes of these guidelines, '**erections and alterations**' includes any building works, renovations, improvements, installations, repairs and additions to a unit that:

- may impact on the structure of the building, or
- may have the potential to cause a nuisance or annoyance to other owners either while in progress or after completion, or
- are to be permanently attached to either the common property or another unit, or
- may affect the external appearance of the unit or the Viridian complex.

Minor works such as the painting of walls or minor changes within a unit that have no impact on the structure or appearance of the building or have no impact on common property do not require specific approval.

#### Hard Flooring, including wood and tiles

All apartments in the Viridian were originally designed and built with carpet as the standard floor covering, and it is in the interests of the peaceful enjoyment of all owners, occupiers and users that carpet continues to be the preferred floor covering for all rooms except kitchens, bathrooms and laundries.

The Viridian Rules require an owner who is considering replacing floor coverings with tiles, floorboards or any other form of hard flooring to ensure that the replacement material is of an acceptable level of acoustic resilience, AAAC 6 Star. This means that the impact sound pressure level of the installed floor covering shall not exceed 40dB, measured in accordance with AS ISO 140-7 and rated to AS ISO 717-2.

Hard flooring must be laid by qualified trades people on a suitable acoustic underlay. By way of guidance, the following acoustic underlay products have been independently tested and meet the 6 Star standard:

- a. Acoustica AngelStep;
- b. RegupolBA 17/8mm.

As commercial products and specifications may change, this list is not exhaustive and owners who wish to propose a different product will need to provide evidence that it meets the required standard.

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In addition to the supporting information suggested in the following section, 'The Approval Process', applications for the installation of hard flooring are required to provide:

- information showing that the materials to be used will achieve the noise transmission requirements;
- in respect to wet areas, such as kitchens, bathrooms and laundries, documentation to demonstrate that water proofing membranes will not be compromised and details of the replacement material and installation method;
- written authorisation for a member of the Executive Committee and/or their representative to enter the unit for the purposes of the approval process and/or to follow up the installation, should the Committee deem this necessary.

Upon completion of the works, the owner is required to provide to the Strata Manager evidence of the acoustic insulation materials used and confirmation that they have been installed in accordance with the manufacturer's procedures and meet the acoustic standard. For tiling, in addition to evidence that the completed work meets the required acoustic standard, confirmation is needed that it has been appropriately waterproofed.

### **Protection of common property**

To protect the lifts, padded curtains are available, e.g. during the transfer of construction materials. Please contact the Strata Manager at least two days in advance to arrange their installation before the arrival of your trades people.

While works are in progress, excessive dust is likely to be created and carried outside the unit. Therefore the door from the unit to common areas must be closed at all times during building works. Trades people are to use designated protective mats on floors between the door and the lift or foyer and remove them when they leave for the day. Owners are responsible for inspecting hallways and lifts prior to trades people leaving each day and doing any cleaning and/or vacuuming. Cleaning directions from the Strata Manager must be carried out promptly.

Under sub-rule 4.14 owners are responsible for any costs arising from clean up, damage and garbage disposal required because their trades people and workers failed to comply with the Rules. No building or demolition material of any kind is to be placed in the Viridian garbage rooms, garbage skips, or recycling skips.

### **The Approval Process**

The decision to approve a proposal from an owner for alterations or building works will be based on the completed Application Form (attached to these Guidelines) and any supporting documents provided with it to the Strata Manager.

Works may not commence until the approval is granted. Therefore it is in the interests of owners to provide as much information as possible with the Application Form. Depending on the nature of the works, this might include:

- sketches or plans of the proposed modifications with a clear indication of their location and how the proposed works will affect the appearance of the property, including any part of a proposed structure that will be visible externally;
- a sample of colours proposed to be used on structures, accompanied where possible by colour charts or brochures;

## OWNERS CORPORATION RULES – UNITS PLAN 2839 THE VIRIDIAN

- plans and specifications for the proposed works prepared by suitably qualified persons, e.g. a structural engineer to address impacts on the structural integrity of the building;
- permits, approvals or consents required for the proposed works under territory laws, e.g. ACT Planning and Land Authority (ACTPLA);
- confirmation that appropriately qualified trades people will be used;
- confirmation that the proposed works will not affect adversely any fire safety and/or physical safety aspects of the property;
- a schedule of the timing of the works and any special requirements that may cause disturbance to other residents of the complex during installation with the proposed dates and times (see Rules 8 and 9 relating to noise, nuisance, annoyance and impact on the common property).

The owner must pay the Owners Corporation's reasonable costs, fees or expenses in having relevant experts review the plans, specifications and/or supporting documents if such review is considered necessary.

In signing the Application Form, the owner agrees to indemnify the Owners Corporation from any claims against insurance or otherwise for loss, damage, wear and tear, fault or defect suffered by any person or the Owners Corporation in connection with the works. Owners and contractors must have their own insurance.

On receipt of an Application Form for erections or alterations, the Executive Committee may approve the request, or, due to the significant impact of the proposal on the property, may decide to put a motion on the agenda for the next general meeting as to whether the request should be approved. Any such motion will be distributed with all documents submitted by the owner in support of the application.

Such applications will be considered at the next scheduled general meeting unless the owner agrees in writing to pay for the administrative costs of the Owners Corporation convening an earlier general meeting to consider the request.

Approval of an application, either by the Executive Committee or at a general meeting, will include the following conditions:

- the owner must comply, and ensure their contractors comply, with any applicable territory law and the plans and specifications relating to the works; and
- the owner will be responsible for the ongoing repair and maintenance of the works and any property affected by the works, and this responsibility transfers to future owners of the unit.

If an owner fails to adhere to the conditions, the Owners Corporation may require changes to be made at the owner's expense.

Contact details for the Strata Manager for the Viridian:

Link Strata Management  
PO Box 154, Curtin ACT 2605

Phone: 02 6260 3722

Email: [admin@linkservices.com.au](mailto:admin@linkservices.com.au)

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**APPLICATION FORM – ERECTIONS AND ALTERATIONS**

I/we, ....., the owners of unit .....,  
seek the approval of the Executive Committee to the following erections/alterations:

.....  
.....  
.....

The following documents are provided in support of the application:

.....  
.....  
.....

We would like the works to commence on .....(date).

I/we

- a. have read and agree to comply with the Owners Corporation Rules – Units Plan 2839 and Appendix A, Guidelines for Erections and Alterations, and accept that the application will be assessed on that basis;
- b. indemnify the Owners Corporation from any claims against insurance or otherwise for loss, damage, wear and tear, fault or defect suffered by any person or the Owners Corporation in connection with the building erections and/or alterations at the above address.

**Signed** .....

**Date** .....

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**Executive Committee Use only**

- 1. The above application was considered by the Executive Committee on ..... and is:
  - Approved
  - Approved subject to the attached conditions
  - Referred to a special/general meeting of the Owners Corporation
  - Not Approved
- 2. In accordance with Rule 16, a monetary bond is/ is not required. Amount \$..... .

**Signed on behalf of the Executive Committee**

**Name** .....

**Date** .....