



**OWNERS CORPORATION CERTIFICATE**

s.151 Owners Corporation Act 2006 and r.11 Owners Corporations Regulations 2007.

Owners Corporation No PS443341B

Address: 260 Main Street, Bacchus Marsh 3340

This certificate is issued for Lot 10 on Plan of Subdivision 443341B

Postal address is 10/260 Main Street, Bacchus Marsh 3340

Applicant for the certificate is: Conveyancing Quarters

Address for delivery of certificate: admin@conveyancingquarters.com.au

Date that the application was received: 21<sup>st</sup> March 2022

**IMPORTANT:**

The information in this certificate is issued: 21<sup>st</sup> March 2022

You can inspect the owner’s corporations register for additional information and you should obtain a new certificate for current information prior to settlement.

1.	The current annual fees for the lot for each *quarter or *annually (*strike out if not applicable) are:
	\$250.00 per quarter
2.	The date to which the fees for the lot have been paid up to is
	31/03/2022
3.	The total of any unpaid fees or charges for the lot are:
	Nil
4.	The special fees or levies which have been struck, and the dates on which they were struck and are payable are:
	Nil
5.	The repairs, maintenance or other work which has been or is about to be performed which may incur additional charges which have not been included in above annual fees, maintenance fund and special fees are:
6.	Nil
7.	The owners corporation has the following insurance cover: (a) the name of the company – CGU Insurance Limited (b) the number of the policy – 06S2870100 (c) the kind of policy- Strata Title (d) the buildings covered – 14 residential units (e) the building amount is \$5,039,275 (f) the public liability amount is \$20,000,000 (vii) the renewal date is 19 <sup>th</sup> August 2022
8.	Has the owners corporation resolved that the members may arrange their own insurance under section 63 of the Act? If so then provide the date of that resolution:
	No
9.	The total funds held by the owners corporation:

	<p>The statement of financial position at the end of the last financial year of the owners corporation on 30th June 2021</p> <p>( ) Assets: \$23,215.34</p> <p>( ) Maintenance fund (if prescribed owners corporation)</p> <p>( ) Liabilities:</p> <p>( ) Maintenance plan (if prescribed owners corporation)</p> <p>Total funds = \$25,215.34</p>
10.	<p>Are there any liabilities of the owners corporation that not covered by annual fees, special levies and repairs and maintenance as set out above? If so, then provide details:</p> <p>NIL</p>
11.	<p>Are there any current contracts, leases, licenses or agreements affecting the common property. If so, then provide details:</p> <p>Regi's Landscaping</p> <p>Are there any current agreements to provide services to lot owners, occupiers or the public? If so, then provide details:</p> <p>Nil</p>
12.	<p>Are there any notices or orders served on the owner's corporation in the last 12 months that have not been satisfied are? If so, then provide details:</p> <p>There are no notices or orders as at 21<sup>st</sup> March 2022</p>
13.	<p>Are there any legal proceedings to which the owners corporation is a party and any circumstances of which the owners corporation is aware that are likely to give rise to proceedings? If so, then provide details:</p> <p>The *manager/*secretary is not aware of any legal proceedings as at 21<sup>st</sup> March 2022</p>
14.	<p>Has the owners corporation appointed or resolved to appoint a manager? If so, then provide details:</p> <p>A manager is appointed. The manager is Bartrop Real Estate of 50 - 54 Lydiard St Sth, Ballarat 3350</p>
15.	<p>Has an administrator has been appointed for the owners corporation, or has there been a proposal for the appointment of an administrator?</p> <p>No administrator is appointed.</p>
16.	<p>Documents required to be attached to the owners corporation certificate are:</p> <p>A copy of all resolutions made at the last annual general meeting</p> <p>A copy of the consolidated rules registered at Land Victoria</p> <p>A copy of Schedule 3 of the Owners Corporations Regulations 2007 entitled "<i>Statement of Advice and Information for Prospective Purchasers and Lot Owners</i>"</p>
17.	<p><b>NOTE:</b></p> <p>More information can be obtained by an inspection of the owners corporation register. Please make your request to inspect the owners corporation register in writing to: Bartrop Real Estate of 50 - 54 Lydiard St Sth, Ballarat 3350</p>


This owners corporation certificate was prepared by:

 ..... (signature)

TIM ETHELLES

Bartrop Real Estate as delegate of the Owners Corporation

**THE COMMON SEAL of THE OWNERS CORPORATION** was affixed in accordance with section 20 of the *Owners Corporations Act 2006* and in the presence of:

  
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TIM ETHELLES

Date: 21<sup>st</sup> March 2022

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*“Elmwood Grove”*  
**260 Main Street, Bacchus Marsh**  
**Owners Corporation No. PS 443341B**

Minutes of the Annual General Meeting of the Owners Corporation  
held at “The Laurels” 229 Main Street, Bacchus Marsh  
on Thursday 4<sup>th</sup> March 2021 at 6.30 p.m.

**PRESENT:** Kathleen Fitos, Neville & Margaret Wilkie, Brenda Robinson, Pam Ractliffe, Beryl Holland, Mary Flanagan, Jenny Hine, Lyn Westwood, Margaret Simpson, Lois Wallace and Tim Etchells of Bartrop Real Estate.

**APOLOGIES:** Zoe Egan and Matthew Egan.

**PROXY:** Nil.

**CHAIRPERSON:** It was agreed that Tim Etchells would act as Chairperson for the meeting and welcomed those in attendance and with a quorum present opened the meeting. It was also agreed that Brenda Robinson would continue as Chairperson of the Owners Corporation.

**MINUTES:** It was resolved that the minutes of the previous Annual General Meeting held 12<sup>th</sup> February 2020 and Special General Meeting held 12<sup>th</sup> March 2020 as previously circulated be adopted and signed as a correct record. Moved Lyn Westwood and seconded Pam Ractliffe. CARRIED

It was noted that Margaret Simpson objected to the wording in the minutes “having a Committee for the Grove has been a new experience” which after clarification of the actual meaning, was accepted by Margaret.

**BUSINESS  
ARISING:**

Margaret Simpson is still to advise ASIC of the change of mailing details.

**COMMITTEE:**

As reported in the Minutes of Committee Meeting, the following owners had been appointed to the Committee – Brenda Robinson (Chairperson), Jenny Hine, Pam Ractliffe, Beryl Holland, Lois Wallace, Neville Wilkie and Mary Flanagan.

**FINANCIAL  
REPORT:**

It was resolved that Financial Statement for the year ended 30<sup>th</sup> June 2020 incorporating income and expenditure incurred during the year, as circulated be adopted.

**MEMBERS STATUS**

**REPORT:**

No Member/s was reported as being in arrears as at 31<sup>st</sup> December 2020.

It was agreed that the Owners Corporation would charge penalty interest on any fees more than 60 days in arrears.

**OWNERS  
CORPORATION  
FEES:**

Tim Etchells presented an estimated budget for the next year showing approximate general running costs of \$13,500.00 with an annual income of \$15,400.00.

Following discussion, it was resolved that the Owners Corporation fees would be reduced to \$1,000.00 per unit per annum (payable quarterly) from 1<sup>st</sup> July 2021 and will be reviewed at the next Annual General Meeting.

Bartrop Real Estate will continue to forward accounts for Owners Corporation fees due on a quarterly basis.

**INSURANCE:**

It was reported that the property had been reinsured with CHU Underwriting Agencies Pty Ltd with building cover of \$5,039,275 and Public Liability of \$20,000,000 with an annual premium of \$6,767.00.

Bartrop Real Estate will forward a copy of the insurance policy to all owners for their information and obtain alternative quotes prior to the renewal date of 19<sup>th</sup> August 2021.

It was agreed that any excess would be the responsibility of the owner lodging the claim.

**GENERAL  
BUSINESS:**

1. It was agreed that the high-pressure washer unit would be retained for the use of all owners with Neville & Margaret Wilkie kindly offering to store the unit in their garage.

2. Quotes were tabled by Jenny Hine for the trimming and reduction in size of the large tree in the central courtyard with the most competitive being Smiths Trees & Stump Removal Pty Ltd at a cost of \$1,500.00 which following discussion was accepted. Moved Pam Ractliffe and seconded Lyn Westwood. CARRIED

It was also agreed that the small tree at the Main Street frontage would be retained.

3. Neville Wilkie was thanked for removing the Secretary sign on the letterboxes.

4. After discussion it was agreed that the Committee would write to the Moorabool Shire regarding the footpath and unsealed entrance with all owners to sign, as it was felt would have more effect than a letter from the Manager of the Owners Corporation.

5. Quotes are to be obtained for the repainting of the pickets to Main Street with Brenda to supply paint colours, Pam Ractliffe is to contact the Lions Club to ascertain if they would be interested in the repainting.

**GENERAL**

**BUSINESS cont:**

6. Brenda Robinson is to arrange for the installation of solar security lights to the rear of the Grove near units 10, 13 & 14 and a further light near unit 2.

7. Kathleen Fitos requested that the current gardener, Reg Holloway attend to the topping up of her driveway with gravel on an annual basis which was approved by owners present with Reg also to be requested to trim the trees in the common area on an as required basis.

8. Bartrop Real Estate are to arrange for quotes for the cleaning of all spouting in October of each year.

9. A request was received from Yvonne Bond (on behalf of Daniel Bettiol) for the placement of 3 concrete garden pieces on the front lawn of unit 10, it was agreed that the Committee would further discuss and advise Tim Etchells of their decision.

It was agreed that future requests for use of common property are to be in writing and forwarded to the Committee.

**As there was no further business the meeting was closed at 8.10 p.m.**

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## **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. Committees and sub-committees**

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

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.

## **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.

### **4.2 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.

### **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 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 subrule (4) must keep any device, screen or barrier installed in good order and repair.

## **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.

## **5.3 Requiring notice to the owners corporation of renovations to lots**

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.

# **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.

# **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.

- (6) A party to the dispute may appoint a person to act or appear on the party's behalf at the meeting.
- (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*.

# Statement of advice and information for prospective purchasers and lot owners

Schedule 3, Regulation 12, Owners Corporations Regulations 2007

## What is an owners corporation?

The lot you are considering buying is part of an owners corporation. Whenever a plan of subdivision creates common property, an owners corporation is responsible for managing the common property. A purchaser of a lot that is part of an owners corporation automatically becomes a member of the owners corporation when the transfer of that lot to the purchaser has been registered with Land Victoria.

If you buy into an owners corporation, you will be purchasing not only the individual property, but also ownership of, and the right to use, the common property as set out in the plan of subdivision. This common property may include driveways, stairs, paths, passages, lifts, lobbies, common garden areas and other facilities set up for use by owners and occupiers. In order to identify the boundary between the individual lot you are purchasing (for which the owner is solely responsible) and the common property (for which all members of the owners corporation are responsible), you should closely inspect the plan of subdivision.

## How are decisions made by an owners corporation?

As an owner, you will be required to make financial contributions to the owners corporation, in particular for the repair, maintenance and management of the common property. Decisions as to the management of this common property will be the subject of collective decision making. Decisions as to these financial contributions, which may involve significant expenditure, will be decided by a vote.

## Owners corporation rules

The owners corporation rules may deal with matters such as car parking, noise, pets, the appearance or use of lots, behaviour of owners, occupiers or guests and grievance procedures.

You should look at the owners corporation rules to consider any restrictions imposed by the rules.

## Lot entitlement and lot liability

The plan of subdivision will also show your lot entitlement and lot liability. Lot liability represents the share of owners corporation expenses that each lot owner is required to pay.

Lot entitlement is an owner's share of ownership of the common property, which determines voting rights. You should make sure that the allocation of lot liability and entitlement for the lot you are considering buying seems fair and reasonable.

## Further information

If you are interested in finding out more about living in an owners corporation, you can contact Consumer Affairs Victoria. If you require further information about the particular owners corporation you are buying into you can inspect that owners corporation's information register.

## Management of an owners corporation

An owners corporation may be self-managed by the lot owners or professionally managed by an owners corporation manager. If an owners corporation chooses to appoint a professional manager, it must be a manager registered with the Business Licensing Authority (BLA).

If you are uncertain about any aspect of the owners corporation or the documents you have received from the owners corporation, you should seek expert advice.

*Enquiries to . . .*

<small>REAL ESTATE AUCTIONEERS AND VALUERS</small>	<b>BARTROP</b>
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