

Strata Plan SP52948 Annual General Meeting 2023, as organised by Waratah Strata Management, did not satisfy requirements of Strata Schemes Management Act 2015 (SSMA), Schedule 1, Section 4 (1) and (3), Section 8 (d), Section 9 (a) and (d).

[SP52948-partial-agenda-AGM-2023](#)

- Waratah Strata Management was fully aware of requirements for sending agenda for general meetings, as sent by Lot 158 to Mr. Robert Crosbie in emails on 13 March 2020 with subject line “Mediation SP52948 Case - 00351498 - Persistent non-compliance with Interpretation Act 1987 (NSW) – 13Mar2020” and on 14 March 2020 with subject line “FOR OFFICIAL RECORDS: Mediation SP52948 Case 00351498 and Fair Trading Files 9363613 and 9761719 - Persistent non-compliance with Interpretation Act 1987 (NSW) - 14Mar2020”. Waratah Strata Management did not attend the free mediation at NSW Fair Trading but continued to act in non-compliance with the Act.
- Rating 1 (out of 5) was given to Waratah Strata Management at ProductReview and they never refuted or denied any claims:

<https://www.productreview.com.au/reviews/4be8a7eb-dc48-5a58-99a1-8ffb4e52d587>

- One owners corporation was recently stung in the decision of ACA Developments Pty Ltd vs The Owners – Strata Plan No. 73759 (2023) (“ACA Development”). In this case, a notice was issued to convene a general meeting of the owners corporation with a motion to pass a by-law aimed at restricting short-term accommodation. However, the notice was served 5 clear days prior to the scheduled meeting, failing to meet the mandatory 7 day requirement under the SSMA. As a result, the Tribunal declared the resolution made at that meeting as invalid and repealed the by-law registered subsequent to the motion’s passage.

In ACA Development, the owners corporation served the meeting notice through a mailing company, and the mailing company lodged the notice with Australian Post 2 days short of the statutory requirement. Delivery to a mail house is not delivery to the postal system. In accordance with the Interpretation Act 1987, service of the notices was deemed to be effected on the seventh working day after they were posted, with the day of receipt excluded from the calculation.

The ACA Development case also highlighted the significance of strict compliance with the 7 day notice requirement, as established by a previous Supreme Court case, The Owners – Strata Plan No 62022 v Sahade [2013] NSWSC 2002 (“Sahade”). In Sahade, the notice of the general meeting was served one day late, precisely six days before the meeting. The Supreme Court emphasised that strict compliance is necessary, particularly when the Act employs the terms “must” and “at least,” ensuring the effectiveness of a properly served notice.

- On 7 October 2023, the following request was sent to Waratah Strata Management and nine committee members:

Request for Waratah Strata Management: in accordance with Strata Schemes Management Act 2015 (NSW), Sch1, Part 10(1), Lot 158 requests that owners corporation provides copies of administrative fund, the capital works fund and any other fund of the owners corporation (term deposits are one example), which have to be produced to the owner at least two days before the meeting at which the statements are to be presented (AGM on 26 October 2023).

Of special interest will be evidence of how Waratah Strata Management paid invoices from Admin Fund which had negative balance almost 100% of the time during FY 2023. If the money was borrowed from Capital Works Fund, Waratah Strata Management must have complied with Strata Schemes Management Act 2015 Section 76.

Waratah Strata Management failed to comply with the request as of AGM 2023 date - 26 October 2023.

- Waratah Strata Management allowed two owners, who did not pay their full levies before agenda for AGM was sent, to vote:

3/10/2023 Interest on arrears: Levy payment for 178/52948 \$0.37 Rct 6882
16/10/2023 Interest on arrears: Levy payment for 12/52948 \$13.13 Rct 6885
16/10/2023 Interest on arrears: Levy payment for 21/52948 \$0.45 Rct 6886
23/10/2023 Interest on arrears: Levy payment for 40/52948 \$2.74 Rct 6909
23/10/2023 Interest on arrears: Levy payment for 40/52948 \$27.51 Rct 6909
23/10/2023 Interest on arrears: Levy payment for 70/52948 \$21.28 Rct 6911

Lot 21 Mr Thomas Karolewski (Proxy to Lot 62)

Lot 40 Mayank Rawal & Manika Rawal (Proxy to Lot 151)

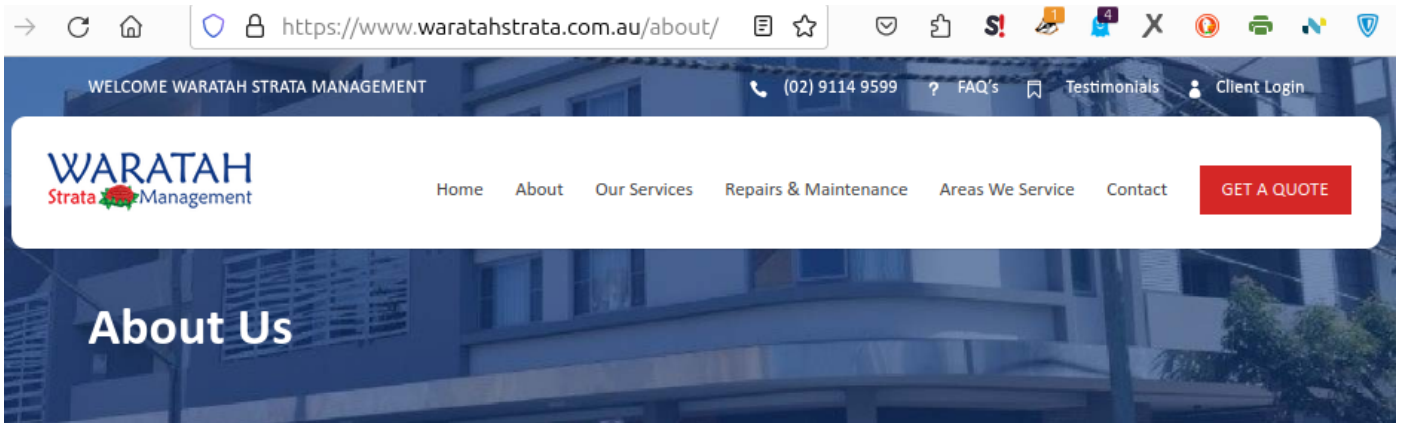
● **Motion 1 that minutes of the previous general meeting of the owners corporation be confirmed as a true record and account of the proceedings.**

Waratah Strata Management failed to disclose non-compliant Annual General Meeting 2022, and two Extraordinary General Meetings in 2023.

1) Clause 21 of the Strata Schemes Management Regulations 2016 requires that the accounts and financial statements of the owners corporation with budget above \$250,000.00 must be audited before presentation at Annual General Meeting (AGM) in accordance with Section 95 of the Strata Schemes Management Act 2015. Auditor's Report for FY 2022 was done 43 days after the general meeting:

[SP52948-Economos-Audit-report-FY-2022-two-months-after-general-meeting-7Dec2022](https://www.waratahstrata.com.au/about/)

Five out of last seven general meetings did not have Auditor reports sent to owners before general meetings, and yet Waratah Strata Management made these claims about "accurate, up-to-date recording and reporting of all financial and statutory Owners Corporation information" on their website:



Waratah Strata Management is a proud member of Beaumont Property. We joined the group in mid 2023 after ten years under the ownership and management of Robert & Mary-Louise Crosbie. Robert has over 20 years experience as a strata manager, business development manager and owner of two of the largest strata management companies in Sydney and Australia.

As a member of the Beaumont Property Group, we leverage the advantages of being part of a larger organisation, while retaining the boutique feel of a smaller company devoted to providing personalised and professional service to our clients.

We pride ourselves on being at the forefront of innovation in the strata sector. We use the class-leading MRI STRATA Master strata management software to provide accurate, up-to-date recording and reporting of all financial and statutory Owners Corporation information. See "Our Services" for further information on the accounting, reporting and service functions that we provide.

Our office is located near the geographical centre of Sydney, which makes it easy for us to manage properties throughout metropolitan Sydney. Where possible, we use regular contractors located close to each building to improve efficiency and reduce costs. For our clients' convenience, owners corporation meetings are conducted onsite, in nearby meeting rooms and/or, if desired by owners, via video/telephone link.

Our management fees and disbursement costs are based on fixed/all-inclusive charges, so you know exactly what our annual services will cost your scheme. Unlike many strata managers, we do not charge additional fees for writing letters & emails, issuing work orders, obtaining quotes, etc.

We use the Strata Community Australia (NSW) template management agreement. The management is usually for a two year term and renewed at every second annual general meeting. We aim to retain your business by providing excellent service, not by locking you in to a long term contract.

Lot 158 finally starting to achieve results: NSW Fair Trading letter on 17 October 2023, confirming that Waratah Strata Management failed to comply with regulations for Auditor's reports (and this is just the beginning of troubles for this strata agency):

Thank you for your correspondence regarding management of SP52948 by Waratah Strata Management Pty Ltd (the Agency).

Fair Trading regulates the property sector in New South Wales and can take action against traders who have engaged in illegal conduct. All information we receive is assessed against our various consumer protection laws.

NSW Fair Trading cannot assess issues which are more than 3 years old or where matters are subject to an order or determination by the Tribunal or court of competent jurisdiction.

Based on the information provided, Fair Trading identified that the Agency failed to provide a copy of audit reports to the owners corporation as required under Schedule 1, Clause 9 of the Strata Schemes Management Act 2015 (Act). Fair Trading has taken appropriate compliance action in accordance with our policies and procedures.

If the owners corporation is dissatisfied with the performance of the strata managing agent, the owners corporation may consider convening a general meeting to terminate the management agreement. If considering this option, the owners corporation should carefully review the agreement for termination conditions.

A lot owner has the option to follow the dispute resolution process applicable to strata schemes by submitting a motion/s to be included on the agenda of the next general meeting.

Nine committee members were asked to inform all owners about NSW Fair Trading update on 18 October 2023 and they did not respond.

On 19 October 2023, Director of Uniqueco Property Services was given one-page document to put on or near six notice boards:

[SP52948-Lot-158-notice-board-v2-19Oct2023](#)

Economos Auditor was coerced (or was accessory) to sign SP52948 financials for FY 2022 without income in amount of \$4,545.45 (GST excl) in code 144000 (Miscellaneous Income – Admin).

Economos Auditor was coerced (or was accessory) to sign SP52948 financials for FY 2022 without expense (repayment to insurance company) in amount of \$4,545.45 (GST excl) in code 169400 (Maint Bldg -- Insurance Repairs &/or Excess).

2) Lot 158 paid \$5,000.00 (GST excl) on 2 July 2022 for fraudulent legal fees of Solicitor Adrian Mueller, whilst Waratah Strata Management paid back the same amount to AIG Insurance on 8 August 2022, directly charging two parties for the same Solicitor's invoices for one month and a week:

[SP52948-six-versions-of-Solicitor-Adrian-Mueller-costs-NCAT-case-20-33352-and-secret-insurance-claims-undisclosed-to-Supreme-Court-by-Solicitor-Adrian-Mueller](#)

[SP52948-discrepancies-between-Solicitor-Adrian-Mueller-legal-and-insurance-payments-FY-2022-and-2023](#)

3) Detailed Expenses for the financial year from 01/09/2021 to 31/08/2022 were not presented to owners in the agenda for FY 2022.

4) Annual General Meeting 2022, as organised by Waratah Strata Management, did not satisfy requirements of Strata Schemes Management Act 2015 (SSMA), Schedule 1, Section 4 (1) and (3), and section 7, and Interpretation Act 1987 (NSW):

Day/Date	Weekday	Service Calculation Event
1, 11/10/2022	Tuesday	Notice posted (postage date must not be counted)
2, 12/10/2022	Wednesday	First working day
3, 13/10/2022	Thursday	Second working day
4, 14/10/2022	Friday	Third working day
5, 15/10/2022	Saturday	Weekend
6, 16/10/2022	Sunday	Weekend
7, 17/10/2022	Monday	Fourth working day
8, 18/10/2022	Tuesday	Fifth working day
9, 19/10/2022	Wednesday	Sixth working day
10, 20/10/2022	Thursday	Seventh working day - notice effective
11, 21/10/2022	Friday	First notice day
12, 22/10/2022	Saturday	Second notice day
13, 23/10/2022	Sunday	Third notice day
14, 24/10/2022	Monday	Fourth notice day
15, 25/10/2022	Tuesday	Fifth notice day
16, 26/10/2022	Wednesday	Sixth notice day
		Seventh notice day is missing!
17, 27/10/2022	Thursday	Date of meeting (must not be counted)

5) Extraordinary General Meeting dated 27 April 2023, as organised by Waratah Strata Management, did not satisfy requirements of Strata Schemes Management Act 2015 (SSMA), Schedule 2, Section 4 (1) and (2), and section 7, and Interpretation Act 1987 (NSW).

Day/Date	Weekday	Service Calculation Event
1, 12/04/2023	Wednesday	Notice posted (postage date must not be counted)
2, 12/04/2023	Wednesday	First working day
3, 13/04/2023	Thursday	Second working day
4, 14/04/2023	Friday	Third working day
5, 15/04/2023	Saturday	Weekend
6, 16/04/2023	Sunday	Weekend
7, 17/04/2023	Monday	Fourth working day
8, 18/04/2023	Tuesday	Fifth working day
9, 19/04/2023	Wednesday	Sixth working day
10, 20/04/2023	Thursday	Seventh working day - notice effective
11, 21/04/2023	Friday	First notice day
12, 22/04/2023	Saturday	Second notice day
13, 23/04/2023	Sunday	Third notice day
14, 24/04/2023	Monday	Fourth notice day
15, 25/04/2023	Tuesday	Anzac day - Fifth notice day
16, 26/04/2023	Wednesday	Sixth notice day
		Seventh notice day is missing!
17, 27/04/2023	Thursday	Date of meeting (must not be counted)

[SUMMARY-Another-discrimination-of-owners-in-SP52948-Non-compliant-Extraordinary-General-Meeting-on-27Apr2023](#)

6) Extraordinary General Meeting dated 17 August 2023, as organised by Waratah Strata Management, did not satisfy requirements of Strata Schemes Management Act 2015 (SSMA), Schedule 2, Section 4 (1) and (2), and section 7, and Interpretation Act 1987 (NSW).

Day/Date	Weekday	Service Calculation Event
1, 03/08/2023	Thursday	Notice posted? (postage date must not be counted)
2, 04/08/2023	Friday	First working day
3, 05/08/2023	Saturday	Weekend
4, 06/08/2023	Sunday	Weekend
5, 07/08/2023	Monday	Second working day
6, 08/08/2023	Tuesday	Third working day
7, 09/08/2023	Wednesday	Fourth working day
8, 10/08/2023	Thursday	Fifth working day
9, 11/08/2023	Friday	Sixth working day
10, 12/08/2023	Saturday	Weekend
11, 13/08/2023	Sunday	Weekend
12, 14/08/2023	Monday	Seventh working day - notice effective
13, 15/08/2023	Tuesday	First notice day
14, 16/08/2023	Wednesday	Second notice day
15, 17/08/2023	Thursday	Date of meeting (must not be counted) (five notice days missing!)

7) Waratah Strata Management was hiding true status of owners' funds - best shown by Income & Expenditure report dated 3 October 2022, which claimed to have \$20,849.04 in Admin Fund whilst insurance premium payment in amount of \$161,569.59 (GST inclusive) due on 21 September 2022 was not listed.

[SP52948-Admin-Fund-balance-3Oct2022](#)

[SP52948-insurance-policy-renewal-21Sep2022](#)

8) Two Extraordinary General Meetings in 2023 were not based on qualified requests. Sections 19 (2) to 19 (4) of the Strata Schemes Management Act 2015 (the Act) deal with qualified requests.

A request is a qualified request if it is made by one or more owners of a lot or lots in the strata scheme which have a total unit entitlement of at least one-quarter of the aggregate unit entitlements. Section 19 (1) of the SSMA which was the way an Extraordinary General Meetings were convened: Secretary or a strata committee of an owners corporation convened them. When an owner makes a request for the secretary or a strata committee to convene a meeting and their item is the only substantive one on the agenda (they needed a by-law passed to authorise works to their lots, the Secretary or a strata committee should require them to pay the costs of organising and holding the EGM before they agree to exercise their discretion to convene the meeting - there is no evidence that this applied in SP52948.

On 14 November 2021, committee members and Waratah Strata Management were warned that approving minutes of general meetings in 2020 and 2019 effectively voted against previous general meetings (including decisions for strata and building management contracts, contracts for electricity and gas supply, contracts for building renovation in 2017, contract for elevator upgrades and maintenance, and much more), and made all engagement by Solicitor Adrian Mueller void and invalid due to standard legal principle of ratification.

9) At AGM on 27 October 2022, where 16 owners were present at the meeting in person and the rest were proxy votes, owners corporation did not ratify past engagements of Solicitor Adrian Mueller (effectively making his costs illegal and void), and did not approve that Lot 158 recovers common funds for SP52948 from Solicitor Adrian Mueller without owners incurring any costs (conservative estimate was that Lot 158 would be able to recover for owners corporation at least \$100,000.00 - lost income from unpaid interest to be calculated separately), whilst not disclosing to owners negative balance in Admin Fund in amount of \$203,914.85.

16 MOTIONS REQUISITIONED BY LOT 158

The Owners Corporation incurred legal fees of \$1,391.50 to have JS Mueller and Co review the validity of the motions requisitioned by Lot 158. Mueller's advised that all of the motions submitted (except one) should be ruled out of order by the chairperson on the grounds that:

- (a) The motions, if carried, would be unenforceable; or
- (b) The motions, are in fact, not motions at all but rather statements of opinion that do not require any decision to be made.

The Chairman ruled Motions, 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15 & 16 out of order as advised.

Motion 6 was ruled out of order and the Owners Corporation does not agree to provide Lot 158 with access to the legally privileged records.

Motion 7: Resolved the Owners Corporation does not authorise Lot 158 to be empowered to represent the Owners Corporation in legal cases against Adrian Mueller to recover money from him.

Motion 15 relates the installation of a gate to Lot 151. The owner of that lot, Maureen McDonald, refutes the allegations made that the gate was not approved and that she did not pay 50% of the cost of that work. The installation of the gate was approved by the strata committee in November 2021 and 100% of the cost of the gate was paid by Maureen McDonald.

For many years there have been strata laws which will allow buildings to be subdivided so that within the same building separate lots can be separately owned. A strata complex consists of various lots which are specified on a Strata Plan. There is also common property which is property which does not form part of any particular lot. There are many disputes in relation to what is common property and what other rights and obligations of each lot owner and also the Owners Corporation. The doctrine of fraud on the minority was dealt with in the case of *Gambotto v WCP Ltd* [1995] 182 CLR by the High Court of Australia. The case related to an amendment to the constitution of a company with the effect of depriving the minority shareholder of various rights. The High Court stated that the power can be taken only if it is exercised for a proper purpose and its exercise will not operate oppressively in relation to shareholders. In 2011 the case of *Thoo v Owners Strata Plan 50276* Justice Slattery in the Supreme Court of New South Wales considered the question as to whether the doctrine of fraud on a power applied and what were the circumstances in which the doctrine applied. The Court held that the doctrine of fraud on the power and the principles in *Gambotto's* case applies to Body Corporates as was confirmed in the case of *Houghton v Immer* and other cases. The fraud of a power can be exercised not only as being a fraud on the "minority" but there is no reason why it could not be a fraud on the "majority". There are also other decisions by the majority which are questionable. The principles in *Gambotto's* Case apply not only to the "expropriation" of rights in the sense of the compulsory taking of the rights or property of another to oneself by transfer, but also to the compulsory destruction of rights" see *Heydon v NRMA Limited & Ors* [2000] NSWCA374; (2000) 51 NSWLR 1, per Ormiston AJA at 206 [577] and *Young & Anor v Owners Strata Plan No 3529* [2001] NSWSC 1135; (2001) 54 NSWLR 60, at 74[52]. There was an appeal against the Decision of Justice Slattery in *Thoo's* case and the Supreme Court of Appeal agreed with Justice Slattery's analysis of fraud on the minority. There was no evidence that Lot 151 (ex-committee member Mrs. Maureen McDonald) was approved through special resolution and had registered a special by-law for exclusive right to common property, and compensated owners corporation for exclusive rights to common property.

[SP52948-Submitted-Motions-by-Lot-158-for-Annual-General-Meeting-7Oct2022](#)

10) [SP52948-underinsured-large-strata-complex-for-catastrophe-events-FY-2023](#)

[SP52948-insurance-policy-renewal-five-days-after-due-date-26Sep2022](#)

[SP52948-incomplete-insurance-policy-disclosures-to-owners-in-period-2012-to-2023](#)

[SP52948-discrepancies-between-Solicitor-Adrian-Mueller-legal-and-insurance-payments-FY-2022-and-2023](#)

11) [SP52948-used-Unreasonable-Communications-Special-By-Law-against-Lot-158-seven-times-without-disclosure-to-NCAT-SC-20-33352](#)

12) [Waratah-Strata-Management-NSW-Fair-Trading-Reference-Table-of-Contents-11138875](#)

13) [SP52948-long-term-open-work-orders-without-resolution-by-Waratah-Strata-Management-Aug2023](#)

14) [SP52948-differences-between-Balance-Sheet-and-Income-and-Expenditure-Report-for-Admin-Fund-17Oct2019](#)

● Motion 2 for Chairman's report to be tabled and discussed.

Strata levies

Last year, levies were increased by 5% and some felt that this might be too low given the then annual level of inflation (7.5%). This matter has caught up with us and we recommend to the AGM an increase of 8% for 2023-4 so that we can maintain all existing services, cope with some huge cost increases (e.g.. insurances) and provide substantial funds to fulfill obligations from the fire audit.

Property manager's contract

Overwhelming endorsement by owners and residents of the services provided by UNIQUECO under the leadership of Steve Carbone encouraged to strata committee to renew a three-year contract with new figures to reflect the inflation of the last three years 18% and the anticipated inflation for the next three years. The AGM is requested to approve this proposal.

Fire audit

Over the last three years, the committee has been trying to address a fire audit report and Fire Safety Order from Ryde Council. With far reaching implications, including cost, two fire engineers have been engaged to review the original audit and now finally a proposal has been sent to council about how these matters will be addressed. The Council response will result in a scope of works and job orders and then finally work will commence. The extent of these works will depend on the response from council.

Swimming pool

The pool has been renovated to cut out the concrete cancer, to laydown a fibreglass shell and retile the edges. In addition, the surrounding tiles including the change rooms have been coated with a non-stick material to improve safety.

Contact

Both owners and residents are encouraged to contact relevant personnel if any issues arise. Most issues will go through Steve Carbone in the first instance or may involve Waratah Strata directly. Members of the strata committee are available for advice, to discuss new proposals and clarify issues. The House Rules remain relevant and when adhered to provide for a peaceful and harmonious living place for all of us to enjoy.

John Gore

Chairperson

- 1) Chairperson mislead the owners by stating that inflation rate in 2022 was 7.5%. Official inflation rate for 2022 for Australia was 6.59%.
- 2) Chairperson continued to mislead owners by using vague statements without facts, but was forced to confirm problems with strata funds without disclosing any balance sheets, ongoing problems with fire safety, and provided completely false and fabricated figure of 18% inflation rate over last three years.

Even layman can easily confirm that figure for official inflation rates of 18% for three years prior to 2023 were grossly inflated, false, and designed to coerce owners:

Historical inflation rates in comparison

Year	Australia	Ø EU	Ø USA	Ø World
2022	6.59 %	8.83 %	8.00 %	8.27 %
2021	2.86 %	2.55 %	4.70 %	3.48 %
2020	0.85 %	0.48 %	1.23 %	1.93 %

[Australian historical inflation rates at WorldData](#)

[Australian historical inflation rates at MacroTrends](#)

meeting clearly showed that the committee only recommended the proposal, not that they acted upon it, as it would be illegal to approve or sign the new contract without compliance with strata laws:

[SP52948-minutes-EC-7Sep2023](#)

- 6) Chairperson avoided to present owners with factual information about quality of services offered by Uniqueco Property Services, whilst ignoring the fact that there was no Motion to approve contract renewal in this agenda, and that at least two quotes were compulsory for every expenditure above \$30,000.00.
- 7) Chairperson withheld information about SP52948 repayments in amount of \$28,545.69 (GST excl) to insurance companies for legal costs of Solicitor Adrian Mueller in 2017, 2022, and 2023, repayment to insurance company in amount of \$1,574.00 (GST excl) for water leak damages which were below excess threshold in FY 2022, rejected claim by insurance company in amount of \$13,497.00 in 2021 for sunroom window frame of Lot 190 destroyed by strong winds on 30 November 2020 with owners corporation carrying out additional costs of \$12,270.00 for repairs in Lot 190, and legal documents related to past engagements of Solicitor Adrian Mueller.
- 8) Chairperson withheld information about SP52948 status of insurance premiums from 1997 to 2023 and insurance commissions paid to Waratah Strata Management in amount of \$47,849.98 since 2018 with evidence of previous strata agency BCS Strata Management not allowed to receive insurance commissions due to conflict of interest.
- 9) Chairperson withheld information about Waratah Strata Management organizing 27 SP52948 executive committee meetings and seven Annual/Extraordinary General Meetings (AGM/EGM) since 1 February 2017 in non-compliance with Strata Schemes Management Act 2015 and/or Interpretation Act 1987 (NSW) for Meetings.
- 10) Staff of Uniqueco Property Services were involved in the following Police Events of intimidation, stalking, and harassment, with nine requests to obtain access to CCTV recordings for stalking, harassment, intimidation, and threats against Lot 158 were ignored by Waratah Strata Management, committee members, and building maintenance staff.

An example of plea by Lot 158 female owner to Waratah Strata Management on 18 February 2018. Mr. Robert Crosbie never replied or took appropriate action:

Sent: Sunday, February 18, 2018 10:21 PM
To: robert@waratahstrata.com.au
Subject: EC Meeting 7th of February [Clarification + Action Sought]

To Waratah Strata Management Team,

I am writing this letter as a plea from one human being to another, and only ask that you and your contractors manage to perform the maintenance work with quality and with respect to all of the residents.

My husband and I are owners of Lot 158 in Strata Plan 52948.

My husband has tried on numerous occasions in the past few years to inform the staff on the state of the gardens, walls and public property in relation to their disrepair.

In these attempts I have felt harassed and intimidated in the complex I live in by staff (four in particular) of the Uniqueco group.

This has become such a heightened situation that I am required (upon advice from the police) to record my movements when I am alone in the complex and feel insecure. The agenda issued on the 7th of February incorrectly indicates I video staff while they work, which is not the case.

I ask for the following:
A written confirmation that this behavior from Uniqueco group will cease
This matter will be clarified and noted at the next EC Meeting

Lot 12 complaint about Mr. Steve Westrip on 18 March 2019:

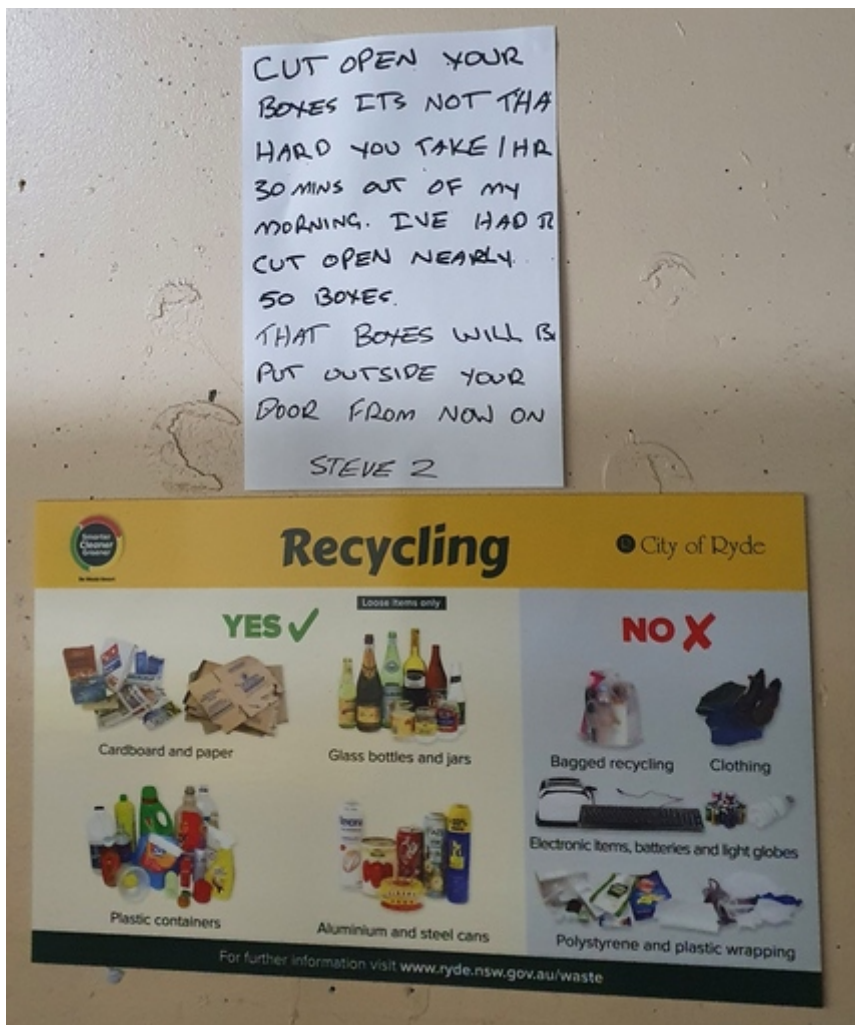
Later, I read the rules that were given to me when I moved in here. Clearly they state that courier items cannot be received by caretakers BUT THERE IS NO MENTION RE LARGER DELIVERIES, and, as I've already stated:

1. Delivery people are instructed to contact the caretaker - so why is this the case ???
2. Residents are NOT permitted to keep the garage door open and it needs to be kept open for deliveries to be brought in.

After the delivery people left I rang the maintenance man to ask what time Steve Carbone would be arriving. My intention was to clarify the "rules". He (Steve No-name) asked if I was from unit 12 then proceeded to berate me and insist that I had to be downstairs to receive deliveries. He would not permit me the opportunity to say anything. When I tried he told me not to talk over him (actually it was him talking over me) and to "FUCK OFF".

My son, a law student, overheard the entire conversation as it was on speaker. He suggested that the abuser is in breach of his employment CODE OF CONDUCT. Please ensure that you act on this matter appropriately.

Mr. Steve Westrip's threat to owners and tenants in Block C and D in November 2021:



[SP52948-endangering-life-and-safety-of-owner-to-prevent-their-investigations-about-mismanagement-of-strata-complex.html](https://www.ryde.nsw.gov.au/waste)

[SP52948-secret-email-with-refusal-by-Uniqueco-Property-Services-to-provide-access-to-CCTV-for-security-related-incident-22Oct2020.webp](https://www.ryde.nsw.gov.au/waste)

[SP52948-Example-of-preventing-access-to-CCTV-recording-as-evidence-in-Police-event-dated-11Aug2019.html](https://www.ryde.nsw.gov.au/waste)

[SP52948-INCIDENT-reported-to-Waratah-Strata-Management-rude-unprofessional-and-aggressive-on-29Sep2019.html](https://www.ryde.nsw.gov.au/waste)

Police Event H64596706 on 14 May 2017 - staff member of Uniqueco Property Services Mr. Steve Westrip tried to cause criminal record for Lot 158 who tried to discuss and defend his wife against persistent stalking (case was later dismissed in Local Court), Mr. Steve Westrip and his manager Mr. Steve Carbone received numerous advanced complaints and pleas to stop with intimidation of female owner but they had ignored it.

Police Event E66107079 on 31 August 2017 - continuous stalking of female owner of Lot 158 by Uniqueco Property Services Mr. Steve Carbone.

Police Event E244254697 on 26 March 2018 - one week after the alleged assault committed by Lot 158 against Mr. Steve Westrip was dismissed in court, staff member of Uniqueco Property Services Mr. Steve Westrip again followed female owner of Lot 158 and caused harassment, intimidation, and fear which ended with her being taken to hospital with blood pressure above 220.

Police event E69860959 on 26 October 2018 - staff member of Uniqueco Property Service Mr. Steve Westrip again tried to intimidate female owner of Lot 158 by taking photos/videos of her on his mobile phone without valid reason and acting in threatening manner towards her.

Police event E265804296 on 14 November 2018 - two staff members of Uniqueco Property Services (one of them was Mr. Steve Westrip and the other ageing cleaner Ms. Dorothy) tried to intimidate Lot 158 whilst he was collecting video and photo evidence of poor maintenance of the complex and fire safety non-compliance with state regulations (four years later as of November 2022, Uniqueco Property Services and Waratah Strata Management still have not complied with Ryde Council fire orders).

Police event E372820993 on 11 August 2019 - staff member of Uniqueco Property Services Mr. Steve Westrip stalked and tried to intimidate Lot 158 whilst they were collecting video and photo evidence of damages to the tennis court.

Police event E72924428 on 11 October 2019 – car of female owner of Lot 158 was damaged whilst parked on common property (by coincidence or not, Mr. Steve Westrip was working in the complex on that day and car of unfinancial committee member Mr. Stan Pogorelsky showed up parked near her car.

11) Chairperson prevented owners from having information that the contract with Uniqueco Property Services would expire on 31 January 2024, three months after the general meeting on 26 October 2023, so there was plenty of time to organise proper competitive tender:

GST is excluded from the prices shown below.

From 1 February 2021 to 31 January 2024 [Three (3) years]

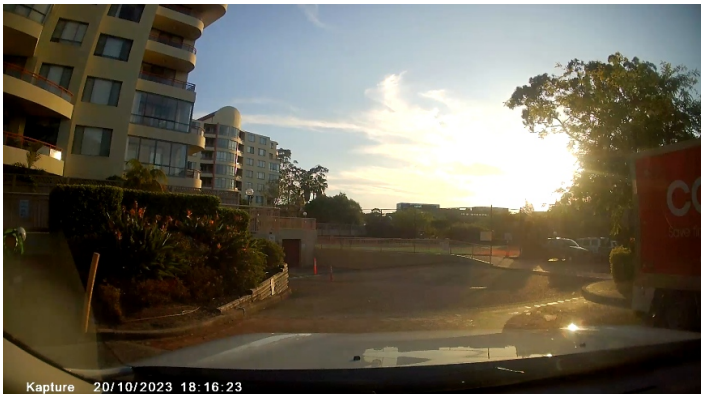
	Annual Price	Monthly Price
Day Caretaking	\$142,250.00	\$11,854.17
Pool Maintenance	\$ 12,944.00	\$ 1,078.67
Gardening	\$ 61,153.00	\$ 5,096.08
Night Caretaking	<u>\$123,394.00</u>	<u>\$ 10,282.83</u>
Total	<u>\$339,741.00</u>	<u>\$ 28,311.75</u>

Schedule 3 Hours of Coverage

- 1 The Contractor will provide Caretaking Services to the Premises between the hours of 4.00am to 7.00pm Mondays to Fridays and 9.00am to 3.00pm Saturdays and Sundays and will provide after-hours service at all times to respond to emergencies onsite within one [1] hour of notification.
- 2 The Contractor will provide a Caretaker to the Premises on Public Holidays for a 6 hour shift from 5.00am to 11.00am.
- 3 The Contractor will provide cleaning services to the Premises seven [7] days each week, which will include a minimum six [6] hours per day for Saturdays and Sundays and any Public Holidays.
- 4 The Contractor will provide a minimum of one security person on site from 7.00pm to 4.00am Mondays to Fridays, 6.30pm to 4.00am Saturdays and Sundays and 6.00pm to 4.00am Public Holidays.
- 5 Gardening and Pool hours of coverage are to be sufficient to provide all the services listed at the frequency specified to standards determined by the Quality Assurance Standard document

12) Chairperson prevented owners from having information that the contract with Uniqueco Property Services decreased working hours compared to their predecessor Universal Strata Services and that most work days, there was nobody on site between hours of 14:00 to 14:30 and 18:30 to 19:00.

As an example, on 20 October 2023, Mr. Steve Carbone left office early and dashboard camera has evidence that his car disappeared from designated location before 19:00 hours (camera recording was at 18:16 hours, physical check of their office found it to be empty, and walk through basement and grounds of the complex found no staff by Uniqueco Property Services):



13) Chairperson prevented owners from having information that Uniqueco Property Services stopped doing number of activities that their predecessor undertook as part of standard services:

Touch-up painting of smaller areas within the complex

Cleaning exhaust vents in bathrooms and laundries

Mowing Ryde Council unnamed park Lot 202 DP848752, 440 Lane Cove Road, classified as Public Recreation Space. This started happening in 2019 after Mr. Steve Carbone and Mr. Robert Crosbie Ryde were prevented by Lot 158 to allow selective owners to park illegally (Ryde Council Reference 2158948):

[Strata-Plan-SP52948-repeated-offences-with-undisclosed-use-of-Ryde-Council-land-for-parking.pdf](#)

14) Chairperson prevented owners from having the following examples of Uniqueco Property Services quality of work and actions:

[SP52948-continuous-delays-with-fire-and-OHS-problems](#)

[SP52948-silent-about-failed-maintenance-and-unexplained-costs-of-around-92950.00-for-alleged-major-townhouse-upgrades-3Feb2021](#)

[SP52948-lack-of-building-foyer-spot-light-maintenance](#)

[Strata-Plan-SP52948-repeated-offences-with-undisclosed-use-of-Ryde-Council-land-for-parking](#)

[Building-Manager-ongoing-issues-including-fire-and-health-safety-security-maintenance-25Aug2018](#)

[SP52948-Building-Manager-Steve-Carbone-conducted-incomplete-audit-of-gas-heating-connections-21Mar2016](#)

[SP52948-endangering-life-and-safety-of-owner-to-prevent-their-investigations-about-mismanagement-of-strata-complex](#)

[SP52948-unresolved-common-property-maintenance-issues-in-Lot-158](#)

[SP52948-dangers-to-wildlife-cat-roaming-freely](#)

[SP52948-discrimination-of-dog-owners-and-lack-of-compliance-with-by-laws.html](#)

[SP52948-risks-with-fallen-trees-and-lack-of-their-proactive-maintenance](#)

[SP52948-ongoing-maintenance-problems-mostly-ignored](#)

[SP52948-refusal-to-keep-register-of-items-which-changed-status-to-private-property-without-approvals-at-general-meetings-or-By-Law-registrations](#)

[Examples-of-legal-cases-terminated-contracts-with-strata-and-building-managers-in-Australia](#)

15) Repetitive problems with Uniqueco Property Services staff abusing parking regulations in the complex (parking in private garages or non-parking areas of common property whilst designated parking slot near tennis courts was empty).

The abuse of private garages by Mr. Steve Carbone became more frequent and aggressive in 2023, in spite of allocated parking spot being empty in front of the building (which owners corporation pays for and provides for exclusive use of staff of the building manager) - these are just some of collected photo and video evidence:

[SP52948-maintenance-staff-regularly-parking-in-private-garages-whilst-designated-parking-spot-left-vacant-23Mar2023.webp](#)

[SP52948-maintenance-staff-regularly-parking-in-private-garages-whilst-designated-parking-spot-left-vacant-8Jun2023.jpg](#)

[SP52948-maintenance-staff-regularly-parking-in-private-garages-whilst-designated-parking-spot-left-vacant-29Aug2023.png](#)

[SP52948-maintenance-staff-regularly-parking-in-private-garages-whilst-designated-parking-spot-left-vacant-5Sep2023.png](#)

[SP52948-maintenance-staff-regularly-parking-in-private-garages-whilst-designated-parking-spot-left-vacant-6Sep2023.png](#)

[SP52948-maintenance-staff-regularly-parking-in-private-garages-whilst-designated-parking-spot-left-vacant-20Sep2023.webp](#)

[SP52948-maintenance-staff-regularly-parking-in-private-garages-whilst-designated-parking-spot-left-vacant-4Oct2023.webp](#)

[SP52948-maintenance-staff-regularly-parking-in-private-garages-whilst-designated-parking-spot-left-vacant-9Oct2023.webp](#)

[SP52948-maintenance-staff-regularly-parking-in-private-garages-whilst-designated-parking-spot-left-vacant-10Oct2023.webp](#)

[SP52948-maintenance-staff-regularly-parking-in-private-garages-whilst-designated-parking-spot-left-vacant-17Oct2023.webp](#)

[SP52948-maintenance-staff-regularly-parking-in-private-garages-whilst-designated-parking-spot-left-vacant-18Oct2023.webp](#)

[SP52948-maintenance-staff-regularly-parking-in-private-garages-whilst-designated-parking-spot-left-vacant-21Oct2023.webp](#)

16) Chairperson withheld this information about building management contract paid yearly to service providers:

Financial Year	Building Manager (old name Caretaker)	Total Contract Value	Official annual inflation rate
1999	Strata Sphere	\$186,611.00	1.48%
2000	Universal Strata Services	\$220,168.00	4.46%
2001	Universal Strata Services	\$220,624.00	4.41%
2002	Universal Strata Services	\$218,938.00	2.98%
2003	Universal Strata Services	\$218,167.00	2.73%
2004	Universal Strata Services	\$222,376.00	2.34%
2005	Universal Strata Services	\$227,995.00	2.69%
2006	Universal Strata Services	\$228,438.00	3.56%
2007	Universal Strata Services	\$232,844.00	2.33%
2008	Universal Strata Services	\$235,560.00	4.35%
2009	Universal Strata Services	\$244,287.00	1.77%
2010	Universal Strata Services	\$264,080.00	2.92%
2011	Universal Strata Services	\$245,094.00	3.30%
2012	Universal Strata Services	\$255,673.00	1.76%
2013	Universal Strata Services	\$256,605.00	2.45%
2014	Universal Strata Services	\$252,618.00	2.49%
2015	Uniquenco Property Services	\$275,838.00 (difference to previous year: 8.78% , contract RS/RH 081394 signed on 7 December 2014 by two committee members of which one of them - Mr. Moses Levitt of Lot 147 was unfinancial due to unpaid levies since 2001)	1.51%
2016	Uniquenco Property Services	\$292,912.00 (difference to previous year: 6.00% , minutes of committee meeting held on 21 March 2016 renewed contract for another year without any tender, although its expiration date was nine months later on 7 December 2016, contract value increased by 2% without owners corporation decision at general meeting on 22 April 2016)	1.28%
2017	Uniquenco Property Services	\$291,507.13 (difference to previous year: -0.48% , contract renewed without tender at general meeting on 24 October 2017 and signed by two unfinancial owners - Mr. Moses Levitt and Mr. Stan Pogorelsky of Lot 147 and 181 due to unpaid levies since 2001 and 1999 respectively, increasing the contract value by 4% per year)	1.95%
2018	Uniquenco Property Services	\$306,837.99 (difference to previous year: 5.12%)	1.91%
2019	Uniquenco Property Services	\$293,031.44 (difference to previous year: -4.60%)	1.61%
2020	Uniquenco Property Services	\$330,986.89 (difference to previous year: 12.16% , contract renewed without tender at general meeting on 22 October 2020)	0.85%
2021	Uniquenco Property Services	\$339,249.60 (difference to previous year: 2.46%)	2.86%
2022	Uniquenco Property Services	\$339,741.00 (difference to previous year: 0.14%)	6.59%
2023	Uniquenco Property Services	\$343,507.47 (difference to previous year: 1.1% , undisclosed increase of 2.0% since February 2023)	not yet published
2024	Uniquenco Property Services	Not applicable yet (undisclosed increase of 10.0% since September 2023)	not applicable yet

17) Waratah Strata Management was fully aware of requirements for tenders for building management and strata management and multiple quotes for each and every expense above \$30,000.00 as listed in minutes for AGM in strata plan SP38936 on 25 October 2018:

Ms Heusler Motion 1: Strata Managing Agent

I put forward the motion that the OC appoint an independent Strata Managing Agent.

As a benchmark I propose:

- (a) Strata Central Pty Ltd
- (b) the OC delegate to the Agent all of the functions of:
 - (i) the Owners Corporation (other than those listed in section 52(2) of the Act); and
 - (ii) a newly appointed chairperson, secretary and treasurer and SC, enable the Agent to carry out the 'agreed services' and the 'additional services' as defined in the written agreement attached to the notice of the meeting; and
- (c) the delegation to the Agent is to be subject to the conditions and limitations in the Agreement; and
- (d) the OC execute the Agreement to give effect to this appointment and delegation; and
- (e) authority be given for the common seal of the OC to be affixed to the Agreement in accordance with section 273 of the Act.
- (f) the delegations in this motion supersede all previous delegations.

I propose to run the selection and appointment process in an open and transparent way where the OC is invited to participate and documents are available to the OC at no cost.

Attached: Detailed proposal \$39,000 inc all disbursements and GST

Motion 1 Ruling:

Out of Order – not compliant with the SSMA.

- *Section 79(6) requires the Owners Corporation of a large strata scheme to include estimates prepared for an annual general meeting to include specific amounts in relation to each item or matter on which the owner corporation intends to spend money, or on which the owners corporation is aware money will be likely to be spent, in the period until the next annual general meeting. There is no such budget for the expenditure proposed by Ms Heusler.*
- *Section 102 of the SSMA and reg 25 of the Regulation require a minimum of two quotes for expenditure over \$30,000. Only one quote for strata management services has been provided by Ms Heusler.*

18) Contract with Uniqueco Property Services, approved at general meeting without tender or full disclosure, was signed on 7 December 2014 by two committee members of which one of them - Mr. Moses Levitt of Lot 147 was unfinancial due to unpaid levies since 2001 without disclosure to owners).

Contract with Uniqueco Property Services was renewed without tender at general meeting on 24 October 2017 and signed by two unfinancial committee members - Mr. Moses Levitt and Mr. Stan Pogorelsky of Lot 147 and 181 due to unpaid levies since 2001 and 1999 respectively, increasing the contract value by 4% per year.

Contract with Uniqueco Property Services was renewed without tender at general meeting on 22 October 2020.

In 2023, monthly salary for Uniqueco Property Services was increased two times:

2% in March 2023.

10% in September 2023.

Date	161300 Maint Bldg--Building Management (monthly salary)	Difference to previous month
31 August 2022	\$28,311.75	\$0.00
30 September 2022	\$28,311.75	\$0.00
31 October 2022	\$28,311.75	\$0.00
30 November 2022	\$28,311.75	\$0.00
31 December 2022	\$28,311.75	\$0.00
31 January 2023	\$28,311.75	\$0.00
28 February 2023	\$28,311.75	\$0.00
31 March 2023	\$29,247.07	\$935.32
30 April 2023	\$28,877.98	-\$369.09 (overpayment for previous month)
31 May 2023	\$28,877.98	\$0.00
30 June 2023	\$28,877.98	\$0.00
31 July 2023	\$28,877.98	\$0.00
31 August 2023	\$28,877.98	\$0.00
30 September 2023	\$31,764.07	\$2,886.09
As of 24 October 2023	\$0.00	N/A either Waratah Strata Management withheld the payment to building manager due to financial problems, or the financial transfer was not recorded in SP52948 Admin Fund

Solicitor Adrian Mueller stated the following on 25 January 2021 (sign-off date of his three-and-half page response to Lot 158 and NCAT in case SC 20/33352 was 18 January 2021 while hidden metadata (forensic investigation), contained real date of the document – 14 December 2020), confirming legal obligation of owners corporation to make all decisions related to strata and building management at general meetings:

Fourth, some of the orders sought in the Strata Schemes Application are not necessary. For example, there is no need for an order to be made restraining the strata committee from making decisions concerning strata management or building management contracts when those decisions can only be made by the Owners Corporation in general meeting: see ss 49(2) and 67(2) SSMA.

19) Missing evidence of Police checks for building manager's staff, and licenses for security guards working for Uniquereco Property Services, outstanding since 3 March 2018:

[SP52948-Request-submitted-to-provide-details-of-staff-who-are-licensed-to-conduct-security-guard-duties-in-night-shift-3Mar2018.html](#)

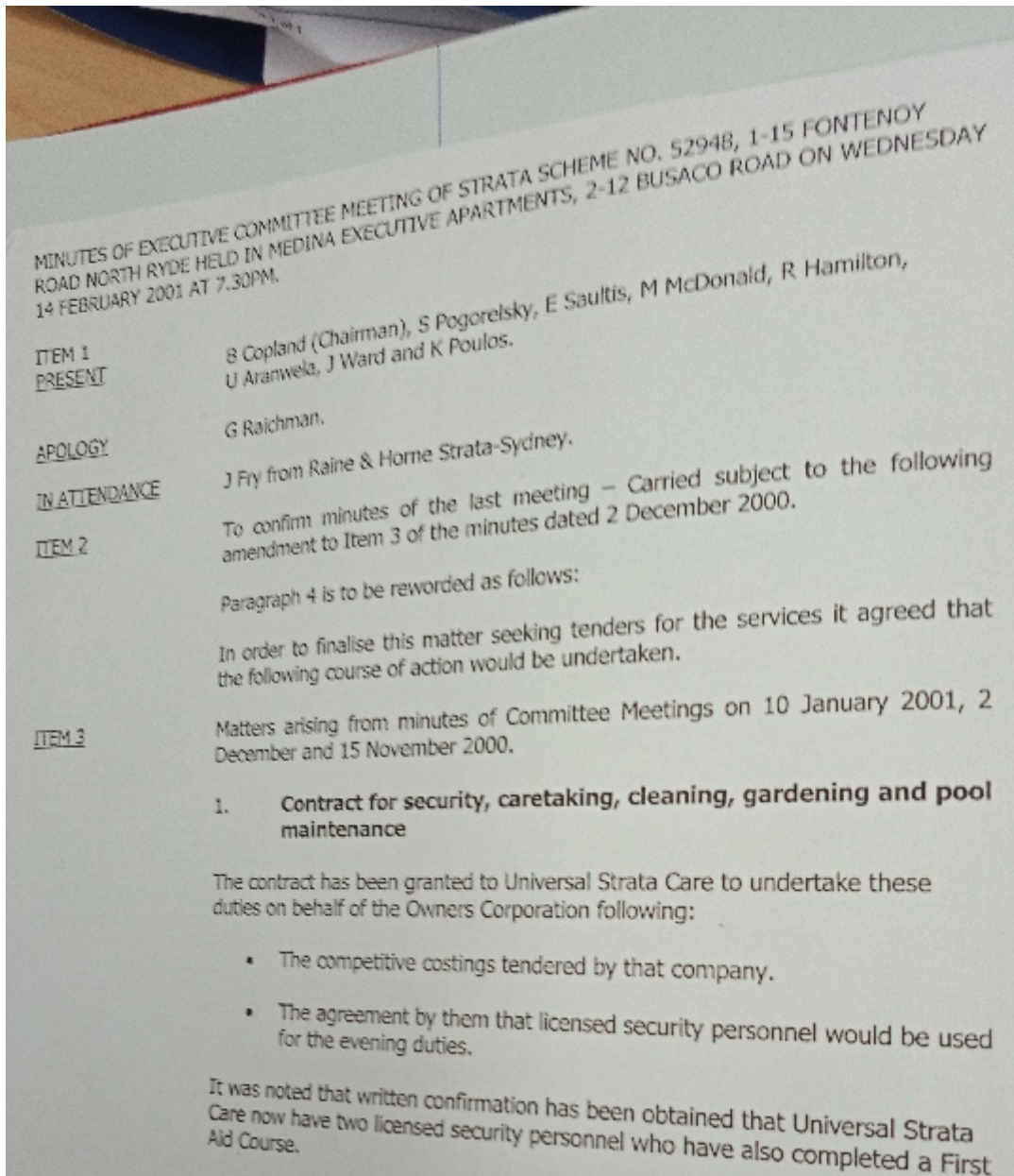
In the past, security guards were also requested to have first aid certificates, as per committee meeting in Lot 151 (Mrs. Maureen McDonald) which documented petition with around 40 owners (collected by late Dr. Edye) on 10 January 2001:

To consider submissions from various contractors to carry out the security, caretaking, cleaning, gardening and pool maintenance duties at the complex and to resolve which proposal/s are to be accepted and which existing agreements are to be terminated.

(It is proposed to enter into a 12-month agreement with the approved contractor/s)

Initially Dr J Edye presented a petition signed by approximately 40 owners indicating their objection to an unlicensed security person being engaged with Dr Edye also expressing concerns regarding any proposal that the contractor engaged for the evening duties spend part of the time on cleaning work as such additional functions may distract from the main security duties.

Committee meeting on 14 February 2001 confirmed that building manager complied with the committee's request by having two licensed security guards:



20) We need to investigate if, and how much, Uniqueco Property Services might be claiming benefits for employing staff with disabilities now and in the near future: Employment Assistance Fund, Disabled Australian Apprentice Wage Support (DNAWS), Payroll Tax Exemptions (NSW only), Wage Subsidies, whilst building manager's income grew well above the inflation rates.

21) Waratah Strata Management and committee members were repeatedly requested to ensure proper work orders and engagement of contractors, which they failed to comply with - not issue a Work Order or engage any contractors for the provision of any goods or services, unless they have complied with the minimum requirements set out in the table below:

Minimum requirements (as aligned to the recommended criteria as advised by Safe Work Australia):

Must be registered as a business for tax purposes in Australia.

Must have a minimum \$10 million Public & Product Liability Insurance (in respect of each and every occurrence and unlimited in aggregate for any one period of cover).

Must have a minimum \$1 million Professional Indemnity Insurance (where applicable).

Must have Statutory Workers Compensation Insurance for all employees or Personal and Accident Insurance as a Sole Trader.

Must hold all licences as relevant to services provided.

Must have an established Quality Management system (consultants only).

Must have an established Health & Safety Management system.

Must accept Terms and Conditions of engagement and Business Code of Conduct.

Must provide full warranties for work.

Contractor: means a person or organisation that is engaged, on a temporary basis, to undertake a particular task and includes consultants who provide recommendations and/or specialist professional advice.

Work Order: means a written order providing specific or blanket authorisation to a contractor to proceed with the provision of specific goods or services without further instructions.

Waratah Strata Management and committee members were repeatedly requested to ensure compensation insurance is in place if applicable - that the owners corporation confirm that it does NOT employ workers with total annual wages exceeding \$7,500.00 and therefore will not require workers compensation insurance for the coming year.

22) As of 24 October 2023, Waratah Strata Management still did not list monthly salary (October 2023) for building manager Uniqueco Property Services (code 161300 Maint Bldg--Building Management):



Waratah Strata Management
 ABN 75 161 035 745
 PO Box 125, Eastwood, NSW 2122
 Ph (02) 9114 9599
 Fax (02) 9114 9598
 www.waratahstrata.com.au

Income & Expenditure Report for the financial year-to-date 01/09/2023 to 24/10/2023

Strata Plan 52948

Macquarie Gardens, 1-15 Fontenoy Road, Macquarie
 Park NSW 2113

Administrative Fund

		Current period 01/09/2023-24/10/2023	Previous year 01/09/2022-31/08/2023
Revenue			
141900	Gas - Additional Service	0.00	2,945.40
142500	Interest on Arrears--Admin	195.64	976.85
142800	Key Deposits	0.00	862.00
143000	Levies Due--Admin	0.00	810,586.82
144000	Miscellaneous Income--Admin	0.00	17,040.64
146500	Status Certificate Fees	109.00	1,090.00
147000	Strata Roll Inspection Fees	62.00	217.00
	<i>Total revenue</i>	366.64	833,718.71
Less expenses			
150200	Admin--Accounting	0.00	900.00
153800	Admin--Agent Disbursements	2,316.36	13,771.85
153802	Admin--Agent Disburst--Other	0.00	100.00
150800	Admin--Auditors--Audit Services	0.00	1,205.00
150900	Admin--Auditors--Taxation Services	0.00	475.00
153000	Admin--Key Deposit Refunds	0.00	200.00
153200	Admin--Legal & Debt Collection Fees	(330.00)	2,214.58
154100	Admin--Management Fees--Additional Charges	20.00	768.18
154000	Admin--Management Fees--Standard	4,483.64	26,663.37
156000	Admin--Status Certificate Fees Paid	218.00	981.00
156500	Admin--Strata Hub Fees Paid	0.00	654.00
156400	Admin--Strata Inspection Fees Paid	93.00	248.00
159100	Insurance--Premiums	181,778.06	149,529.07
161300	Maint Bldg--Building Management	31,764.07	343,507.47
161350	Maint Bldg--Building Management Expenses	0.00	13,768.42
162000	Maint Bldg--Carpet	0.00	600.00
162400	Maint Bldg--Carspace Line Marking	0.00	730.00
162600	Maint Bldg--Ceiling	115.00	593.64
163000	Maint Bldg--Cleaning	0.00	600.00
163200	Maint Bldg--Cleaning & Lawns	0.00	100.00
163001	Maint Bldg--Cleaning--Carpet/Furniture	0.00	3,280.00
163010	Maint Bldg--Cleaning--Pressure Cleaning	0.00	2,000.00
164200	Maint Bldg--Consultants	0.00	3,750.00
164600	Maint Bldg--Doors & Windows	200.00	6,422.18

Typically, monthly salary for building manager is paid much earlier (in the first week of a month):

Maint Bldg--Building Management 161300

02/09/2022	August 2022	Uniqueco Pty Ltd	28,311.75	Paid	DE	00000232	001473
04/10/2022	September 2022	Uniqueco Pty Ltd	28,311.75	Paid	DE	00000234	001489
07/11/2022	October 2022	Uniqueco Pty Ltd	28,311.75	Paid	DE	00000236	001521
02/12/2022	November 2022	Uniqueco Pty Ltd	28,311.75	Paid	DE	00000238	001540
09/01/2023	December 2022	Uniqueco Pty Ltd	28,311.75	Paid	DE	00000241	001565
03/02/2023	January 2023	Uniqueco Pty Ltd	28,311.75	Paid	DE	00000243	001586
06/03/2023	February 2023	Uniqueco Pty Ltd	28,877.98	Paid	DE	00000248	001601
20/03/2023	AH Fee Assist Eastwood Police 20/2/23	Uniqueco Pty Ltd	369.09	Paid	DE	00000247	001606
03/04/2023	March 2023	Uniqueco Pty Ltd	28,877.98	Paid	DE	00000252	001624
01/05/2023	April 2023	Uniqueco Pty Ltd	28,877.98	Paid	DE	00000254	001638
05/06/2023	May 2023	Uniqueco Pty Ltd	28,877.98	Paid	DE	00000256	001672
03/07/2023	June 2023	Uniqueco Pty Ltd	28,877.98	Paid	DE	00000258	001694

Strata Plan 52948		Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park NSW 2113						
Date	Details	Payee	Group	Amount (GST exclusive)	Status	Type	Ref.No.	Payment No.
Administrative Fund								
18/08/2023	July 2023	Uniqueco Pty Ltd		28,877.98	Paid	DE	00000260	001723
				<u>\$343,507.47</u>				

23) Waratah Strata Management failed to present bid from Complete Building Management Group at AGM 2017:

[SP52948-bid-for-complex-maintenance-contract-forwarded-to-Waratah-Strata-Management-but-they-did-not-allow-owners-to-consider-it-at-AGM-2017](#)

Due to poor performance by Waratah Strata Management and Uniqueco Property Services, Lot 158 requested the following tenders be presented to owners at AGM 2020 - they were disallowed for competing for strata and building management contracts at AGM 2020 without valid reasons. Three very competitive quotes for building management contract:

Curtis Strata Cleaning

Forte Asset Services

Clean and Secure Building Management

All three of them offered two options for security services with licensed staff:

Patrols two times a night in around 30 minute duration each time,

Full 10-hour a night onsite security.

Reasons for option with patrols: all fire doors in the basement in the complex now have alarms, new CCTV system installed in the complex.

Very competitive quote from Jim's Mowing franchise for gardening.

Three very competitive quotes for the strata management contract:

Strata Excellence

Strata Title Management

Netstrata

Request for tenders for strata and building management contracts was sent on 30 July 2020 (three months before AGM) - no reply from Waratah Strata Management:

[SP52948-request-for-tenders-for-strata-and-building-management-no-response-by-Waratah-Strata-Management-30Jul2020](#)

[After committee members silently refused to seek tenders \(although one for building management was well above \\$300,000.00 per year\), Lot 158 organised them for building and strata management and submitted on 26 September 2020](#)

Lot 158 resubmitted tenders for building and strata management again on 30 September 2020 but Waratah Strata Management did not allow Motion for owners to vote at AGM 2020

Motion 3 that the attached statements of key financial information for the administrative fund and the capital works fund, together with the relevant auditor's report (if adopted at the last annual general meeting) for the period ended 31/08/2023 be adopted.

1) Clause 21 of the Strata Schemes Management Regulations 2016 requires that the accounts and financial statements of the owners corporation with budget above \$250,000.00 must be audited before presentation at Annual General Meeting (AGM) in accordance with Section 95 of the Strata Schemes Management Act 2015.

Waratah Strata Management since 2017 failed to comply with SSMA 2015 and SSMR 2016 five times, whilst in other two years the Auditor's Report in our complex was highly dubious and questionable.

[Waratah Strata Management coerced Economos Auditor to sign financial status by hiding \\$10,000.00 in accounting figures for legal costs of Solicitor Adrian Mueller in FY 2022](#)

Waratah Strata Management refused to inform owners about these payments, for which Lot 158 was prevented by Waratah Strata Management to have an invoice or proof of payment:

Payments for what is alleged to be premeditated fraudulent actions by Solicitor Adrian Mueller for his alleged legal costs in NCAT case SC 20/33352
 Waratah Strata Management is forced to repay insurance company in amount of \$19,758.14
 (soon Police Event will be submitted as a follow-up to Crime Stoppers Event 648467)
 SP52948 committee members and Waratah Strata Management shall be included as accessories

Receipt number N270127422354 Print receipt 

From account Transaction date
 02/07/22

To Account Amount
 Strata Plan 52948
 182-222 \$5,000.00
 Macquarie Bank Limited

Transaction description
 Payment #1 for blackmail by Adrian Mueller CA 2022/70683

Receipt number N292724452061 Print receipt 

From account Transaction date
 27/09/22

To Account Amount
 Strata Plan 52948
 182-222 \$5,000.00
 Macquarie Bank Limited

Transaction description
 Payment #2 for blackmail by Adrian Mueller CA 2022/70683

Receipt number N210334711532 Print receipt 

From account Transaction date
 03/01/23

To Account Amount
 Strata Plan 52948
 182-222 \$5,000.00
 Macquarie Bank Limited

Transaction description
 Payment #3 for blackmail by Adrian Mueller CA 2022/70683

Receipt number N240335234636 Print receipt 

From account Transaction date
 03/04/23

To Account Amount
 Strata Plan 52948
 182-222 \$5,000.00
 Macquarie Bank Limited

Transaction description
 Payment #4 for blackmail by Adrian Mueller CA 2022/70683

Receipt number N270335152334 Print receipt 

From account Transaction date
 04/07/23

To Account Amount
 SP52948
 182-222 \$3,744.72
 Macquarie Bank Limited

Transaction description
 Payment #5 for blackmail by Adrian Mueller CA 2022/70683

We also need to verify if SP52948 claimed GST on Lot 158 payments because they did not have GST in the price (\$23,744.72 (GST excl), which owners corporation received for alleged legal costs of Solicitor Adrian Mueller):

\$5,000.00 on 2 July 2022

\$5,000.00 on 27 September 2022

\$5,000.00 on 3 January 2023

\$5,000.00 on 3 April 2023

\$3,744.72 on 4 July 2023

Date of Signed Auditor's Report	SP52948 Annual General Meeting Date	Owners received Auditor's Report?	Auditor's Name/Company	Auditor's Document
20 October 2017 (published two and half years after due date without any financial details in late April 2020 but backdated on Waratah Strata Management website to 31 August 2017, Solicitor Adrian Mueller rejected strata files access to O'Brien Criminal & Civil Solicitors, including auditor's reports for 2017 and 2018, on 14 November 2019, claiming that they were "likely not available" and asking "what was the purpose pressing for the records to be produced")	24 October 2017 (general meeting did not satisfy requirements for quorum and allowed unfinancial owners to vote and be elected as committee members; Waratah Strata Management complied with secret plan by Solicitor Adrian Mueller to prevent Lot 158 Motions at the general meeting ; Waratah Strata Management contract renewed without tender or disclosure of contract details, and signed by two unfinancial committee members Mr. Stan Pogorelsky and Mr. Moses Levitt on same day as the general meeting - the same two illegal committee members voted and signed Waratah Strata Management contract at general meeting in 2016 and secretly increased base value from \$21,800.00, as approved at the general meeting, to \$23,110.00 without owners knowledge on 14 December 2016 ; Waratah Strata Management even carried seven proxy votes approving their own contract and undeclared base salary increase of 11.5% at AGM 2017)	No	Robert Bates (he retired in 2018 and passed away on 16 May 2022)	SP52948-Audit-FY-ending-31Aug2017-appeared-after-two-and-half-years
18 October 2018 (1 day after due date - but not published even as late as 29 May 2019, and Solicitor Adrian Mueller rejected strata files access to O'Brien Criminal & Civil Solicitors, including auditor's reports for 2017 and 2018, on 14 November 2019, claiming that they were "likely not available" and asking "what was the purpose pressing for the records to be produced")	18 October 2018 (general meeting did not satisfy requirements for quorum and allowed unfinancial owners to vote and be elected as committee members; Waratah Strata Management complied with plan by Solicitor Adrian Mueller to prevent Lot 158 Motions at the general meeting ; Waratah Strata Management and Police failed to inform owners about massive data losses due to lost USB key for investigations in Police Event E65804633 ; while Waratah Strata Management and Economos Auditor failed to respond to inquiries about dubious utility expenses and financial accounting data for FY 2018 with unexplained differences for income and expenditure FY 2018 audited figures provided for AGM 2018 and AGM 2019)	No	George Venardos, Economos	SP52948-Audit-FY-ending-31Aug2018
20 September 2019	17 October 2019 (general meeting did not satisfy requirements for quorum and allowed unfinancial owners to vote and be elected as committee members - the fraud was so big that Waratah Strata Management even allowed Motion 14 to be voted before Motion 4, allowing unfinancial owners Lot 147 Mr. Moses Levitt and Lot 181 Mr. Stan Pogorelsky yet again to be elected on the committee and declined to report it in the minutes of the meeting; Waratah Strata Management complied with plan by Solicitor Adrian Mueller to prevent Lot 158 Motions at the general meeting ; Admin Fund had negative balance of \$131,852.25 without disclosure to owners; whilst Balance Sheet reported negative balance in Admin Fund of \$131,852.25 and Income and Expenditure Report listed positive balance in Admin Fund of \$49,386.78 ; Waratah Strata Management failed to provide full details of second massive data loss in two years, which happened in February 2019 due to alleged ransomware attack, where Bitcoin ransom was paid by a third-party known to Waratah Strata Management to the threat actor in the equivalent amount of \$5,052.03 ;	Yes	George Venardos, Economos	SP52948-Audit-FY-ending-31Aug2019

3 November 2020 (13 days after due date)	<p>Waratah Strata Management contract renewed without tender or disclosure of contract details, and signed by two unfinancial committee members Mr. Stan Pogorelsky and Mr. Moses Levitt on same day as the general meeting)</p> <p>22 October 2020 (general meeting did not satisfy requirements for quorum and allowed unfinancial owners to vote and be elected as committee members; Waratah Strata Management complied with plan by Solicitor Adrian Mueller to prevent Lot 158 Motions at the general meeting, coercing owners to vote against ratification of past events; Admin Fund had positive balance of only \$14,411.82, but three days later on 31 October 2020 it showed balance of only \$8,368.92 without disclosure to owners; Waratah Strata Management prevented the following competitive quotes from tenders for strata and building management: Strata Excellence, Strata Title Management, Netstrata, Curtis Strata Cleaning, Forte Asset Services, Clean and Secure Building Management, Jim's Mowing)</p>	No	George Venardos, Economos	SP52948-Audit-FY-ending-31Aug2020
29 September 2021	<p>28 October 2021 (Admin Fund had positive balance of only \$1,019.14, but three days later on 31 October 2021 it showed negative balance of \$120,210.65 without disclosure to owners; non-compliant committee meeting on 23 September 2021 documented shortage of \$1,515,541.00 in Capital Works Fund against the forecast in April 2017 but failed to include it at the general meeting; Waratah Strata Management failed to notify owners about flaws in 10-Year Capital Works Fund plans, further delaying overdue upgrades and repairs due to lack of funds)</p>	Yes	George Venardos, Economos	SP52948-Audit-FY-ending-31Aug2021
7 December 2022 (43 days after due date)	<p>27 October 2022 (Waratah Strata Management complied with plan by Solicitor Adrian Mueller prevent Lot 158 Motions at the general meeting, coercing owners to vote against ratification of past events; Admin Fund had negative balance of \$169,157.11 in Balance Sheet, but in Income & Expenditure Report on the same day Admin Fund had negative balance of \$203,914.85 without disclosure to owners; Waratah Strata Management allowed \$146 million dollar SP52948 complex to have expired insurance policy for five days, creating high risks for uninsured common property; Waratah Strata Management coerced Economos Auditor to sign financial status by hiding \$10,000.00 in accounting figures for legal costs of Solicitor Adrian Mueller; payment from Misc income to AIG insurance company dated 8 August 2022 in amount of \$4,545.45 (GST excl) proves that SP52948 received payments for the SAME alleged legal costs for Solicitor Adrian Mueller from insurance company in amount of \$19,758.14 (GST excl) on 25 March 2022 (undeclared to owners and Supreme Court by Waratah Strata Management, committee members, and Solicitor Adrian Mueller himself) and Lot 158 first instalment payment in amount of \$4,545.45 (GST excl) on 2 July 2022. SP52948 was paid twice for the same legal costs in period from 2 July 2022 to 8 August 2022; Waratah Strata Management contract was renewed without tender or disclosure of contract details, and allegedly signed by committee member Mrs. Marianna Paltikian who did not disclose her gas heating connection and unpaid levies which she inherited from previous Lot 88 owner, and even voted against paying for overdue levies for gas heating at AGM 2019))</p>	No	George Venardos, Economos	SP52948-Audit-FY-ending-31Aug2022
Not available as of 22 October 2023	26 October 2023	Not published by Waratah Strata Management in agenda for AGM 2023	Not published by Waratah Strata Management in agenda for AGM 2023	

[Waratah-Strata-Management-non-compliance-of-SP52948-Auditor-reports](#)

Auditor's report for FY 2023 was not presented to owners in the agenda.

2) The following invoices need clarification and justification (one of them showed evidence of multiple quotes, warranties, or detailed invoices):

Date of Payment	Description	Payment Recipient	Amount Paid (GST excl)	Comment
29/11/2022	Fire Order	Austech Consulting Engineers Pty Ltd	\$11,400.00	Unidentified details, owners not informed of the orders
18/04/2023	Fire Order Documentation	GRS Building Reports Pty Ltd	\$4,000.00	Unidentified details, owners not informed
22/05/2023	Fire Order	Austech Consulting Engineers Pty Ltd	\$26,600.00	Unidentified details, owners not informed
21/03/2023	Emergency Light Replacement	RS Electrical	\$9,635.00	Unidentified details, owners not informed
26/06/2023	AFSS Repairs	FlameSafe Fire Protection Pty Ltd	\$3,840.00	Unidentified details, owners not informed
19/12/2022	Stage 2 PP	Core Consulting Engineers Pty Ltd	\$3,750.00	Unidentified details of work and full report not presented to owners or made available on website
18/08/2023	Pool Resurfacing - Part Payment	Fibrestyle Pool Resurfacing	\$23,993.18	Cancer in pool area known since 2017; decision to repair pool not planned at general meeting; evidence of tender not presented to any owner; details of warranties not presented to any owner; second part of payment in amount of \$25,527.73 was on 8 September 2023 so that costs did not look excessive in FY 2023; renovation done without owners' decision at general meeting
28/09/2022	Lot 158 Legal Fees Refund AIG Ref 6592035031AU	AIG Australia Ltd	\$4,545.45	Lot 158 paid \$5,000.00 (GST excl) on 27 September 2022 - Waratah Strata Management refused to issue invoice and receipt for this payment to Lot 158
21/02/2023	Lot 158 Legal Fees Refund AIG Ref 6592035031AU	AIG Australia Ltd	\$4,545.45	Lot 158 paid \$5,000.00 (GST excl) on 3 January 2023 for fraudulent legal fees of Solicitor Adrian Mueller, whilst Waratah Strata Management paid back the same amount to AIG Insurance on 21 February 2023, directly charging two parties for the same Solicitor's invoices for one month and two weeks - Waratah Strata Management refused to issue invoice and receipt for this payment to Lot 158
04/04/2023	Lot 158 Legal Fees Refund AIG Ref 6592035031AU	AIG Australia Ltd	\$1,281.25	Lot 158 paid \$5,000.00 (GST excl) on 3 April 2023 - Waratah Strata Management refused to issue invoice and receipt for this payment to Lot 158
21/10/2022	Advice on Motions 2022 AGM Requested by Lot 158	Solicitor Adrian Mueller	\$1,265.00	Insurance and litigation risks and costs due to continuous fraudulent activities by Solicitor Adrian Mueller
10/07/2023	NCAT Application Lot 158	Solicitor Adrian Mueller	\$220.00	No NCAT application occurred in 2023
06/02/2023	A/H Assist Eastwood Police Forensic	Uniqueco Property Services	\$360.00	Missing information for insurance company and owners
20/03/2023	A/H Fee Assist Eastwood Police on 20/2/2023	Uniqueco Property Services	\$369.09	Missing information for insurance company and owners, and wrong charging code "Maint Bldg--Building Management 161300"
19/12/2022	Fire Engineer Inspections	Uniqueco Property Services	\$210.00	Standard duty for building manager - why additional payments?
03/02/2023	2/2/23	Uniqueco Property Services	\$377.27	Unidentified details of work and justification for payment
28/03/2023	Consult with Austech Engineers	Uniqueco Property Services	\$140.00	Standard duty for building manager - why additional payments?
05/12/2022	Th110 Ceiling Repair in Laundry	W & M Gordon Property Management	\$113.64	There is no townhouse 110 in the complex, townhouse numbers start from 194 to 219
22/05/2023	U213 Fly Screen Door Repair	W & M Gordon Property Management	\$118.18	There is no unit 213 in the complex, unit numbers start from 1 to 193, and since when fly screen doors are common property?
28/03/2023	Service Closers As per AFSS Inspection	Uniqueco Property Services	\$600.00	Standard duty for building manager - why additional payments?
05/12/2022	TH122 Laundry Common Wall Repair	W & M Gordon Property Management	\$300.00	There is no townhouse 112 in the complex, townhouse numbers start from 194 to 219
06/12/2022	U206 Sprinkler System Repairs	W & M Gordon Property Management	\$163.64	Missing evidence that sprinkler system in townhouses is common property
10/08/2023	Bugden Allen Graham Lawyers Fee	Bugden Allen Graham Lawyers Pty Ltd	\$150.00	Unidentified details of work
02/05/2023	Strata Manager - additional charges at hourly rate	Waratah Strata Management	\$180.00	Unidentified details of work and justification for payment
02/05/2023	Strata Manager - additional charges at hourly rate	Waratah Strata Management	\$90.00	Unidentified details of work and justification for payment

02/05/2023	Strata Manager - additional charges at hourly rate	Waratah Strata Management	\$90.00	Unidentified details of work and justification for payment
02/05/2023	Strata Manager - additional charges at hourly rate	Waratah Strata Management	\$109.09	Unidentified details of work and justification for payment
02/05/2023	Strata Manager - additional charges at hourly rate	Waratah Strata Management	\$109.09	Unidentified details of work and justification for payment
09/09/2022	A Block Window Reinforcement	Macquarie Maintenance Services	\$890.00	Work completed in 2022 but delayed since November 2020 (Waratah Strata Management prevented owners to ratify discrimination against Block A owners - sunroom windows checks delayed for two years after work done in Block B and C: on 21 and 22 December 2020, after third major event with blown window frame in the complex (last one was in Lot 190 in Block A on 30 November 2020 without disclosure to owners), rushed work and repairs were done in Block B and C, in spite of repeated complaints and warnings, the work and checks in Block A were delayed from almost two years, as seen by sudden information on notice board on 31 August 2022, Block A work was done on 7 and 8 September 2022, number of units in Block A had serious problems with missing rivets in sunrooms, much more dangerous status was found in Lot 160 - missing rivets on window frame in Lot 160 on 7 September 2022 (most rivets completely missing, and it was easy to push the whole massive frame away from wall by around three centimeters, upset tenant stated that her child regularly played near that window, so it was a disaster just waiting to happen, similar to what happened in Lot 190 in November 2020, photo evidence taken on the day showed dangerously detached window from the frame))
25/07/2023	Repair Fly Screen in Second Bedroom	W & M Gordon Property Management	\$100.00	Unidentified details of work, and since when fly screens are common property?
25/07/2023	Repair ceiling after water leak	W & M Gordon Property Management	\$240.00	Unidentified details of work
30/08/2023	Repair Pavers & Fit New Bollard	W & M Gordon Property Management	\$400.00	Unidentified details of work, repairs were in front of townhouse 198, which Lot 158 reported on 17 August 2023 as insurance and safety risk, Lot 158 took evidence of damaged car which might have been involved in the accident so owners corporation should not pay for this damage
06/12/2022	Waterproof Roof Above U188	W & M Gordon Property Management	\$340.00	Unidentified details of work, long-term lack of maintenance of roof membranes reported in Napier & Blakeley's professional assessment in July 2012, which was hidden from CTTT by committee members, BCS Strata Management, and Solicitor Adrian Mueller in case SCS 12/32675
01/05/2023	AH Callout U123 Water Leak in Kitchen	NCB Plumbing Pty Ltd	\$6,105.00	Unidentified details of work, long-term lack of maintenance, insurance not covering this expenses due to \$10,000.00 excess for each and every water-related damage and exploratory work since 2012
17/08/2023	Monthly Consumables - July 2023	Uniqueco Property Services	\$1,150.31	Unidentified details, who verifies the use of consumables?
19/09/2022	Replace Fire Hydrant Batteries	FlameSafe Fire Protection Pty Ltd	\$926.00	Unidentified details, owners not informed
27/03/2023	Smoke Alarm Replacement All Units	RS Electrical	\$720.00	Unidentified details, owners not informed
13/03/2023	Door Repairs	Lock Stock & Barrel Locksmiths Pty Ltd	\$1,520.00	Unidentified details, owners not informed
23/01/2023	U18 Resultant Damage Repairs (Below Excess)	NCB Plumbing Pty Ltd	\$4,828.00	Unidentified details of work, long-term lack of maintenance, insurance not covering this expenses due to \$10,000.00 excess for each and every water-related damage and exploratory work since 2012
25/10/2022	Roof Inspection	Urban Access Rescue	\$1,600.00	Unidentified details, owners not informed
27/07/2023	Remove, Dispose and Supply of 2 large fans rooftop	Handyman Electrics Pty Ltd	\$4,130.00	Unidentified details of work, owners not informed about status of other rooftop fans
08/08/2023	To supply downlight blanks, for two foyers	Handyman Electrics Pty Ltd	\$320.00	Common property in foyers of Block B and D changed after water leakages in ceiling without owners decision at general meeting

3) In FY 2023, one of many examples of dubious accounting practices: on 18 August 2023, owners paid \$23,993.18 (GST excl) for pool renovations:

Maint Grounds--Pool Renovation 279200

18/08/2023 Pool Resurfacing - Part Payment

Fibrestyle Pool Resurfacing

23,993.18 Paid DE 917032 001721

\$23,993.18

Cancer in pool area was known since 2017. Decision to repair pool was not planned at general meeting. Evidence of tender not presented to any owner. Details of warranties were not presented to any owner.

Second part of payment in amount of \$25,527.73 was on 8 September 2023 so that costs did not look excessive in FY 2023 - renovation was done without owners' decision at general meeting:

Strata Plan 52948		Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park NSW 2113	
Capital Works Fund			
	Current period 01/09/2023-01/09/2023	Previous year 01/09/2022-31/08/2023	
Revenue			
242500	Interest on Arrears--Capital Works	0.00	411.86
242600	Interest on Investments--Capital Works	0.00	18,063.24
243000	Levies Due--Capital Works	0.00	330,016.08
	Total revenue	0.00	348,491.18
Less expenses			
252800	Admin--Income Tax--Capital Works	0.00	238.30
264200	Maint Bldg--Consultants	0.00	15,400.00
264600	Maint Bldg--Doors, Locks & Windows	0.00	5,575.00
264800	Maint Bldg--Electrical	0.00	7,837.49
265450	Maint Bldg--Exhaust/Ventilation Replacement	0.00	5,008.64
265800	Maint Bldg--Fire Protection	0.00	43,711.00
265900	Maint Bldg--Floor Tiling Replacement	0.00	260.00
266600	Maint Bldg--Garage Doors	0.00	1,355.00
267450	Maint Bldg--Hot Water System Replacement	0.00	6,946.08
267475	Maint Bldg--Intercom Installation/Replacement	0.00	6,102.41
271600	Maint Bldg--Painting & Surface Finishes	0.00	710.00
271800	Maint Bldg--Painting Materials	0.00	1,117.27
272200	Maint Bldg--Plumbing & Drainage	0.00	10,030.00
272250	Maint Bldg--Pump Replacement	0.00	5,372.00
272800	Maint Bldg--Roof, Gutter & Downpipes	0.00	1,950.00
272950	Maint Bldg--Security Installation/Replacement	0.00	420.00
273700	Maint Bldg--Shower Tray Replacements	0.00	2,000.00
275000	Maint Bldg--TV Antenna & Cables	0.00	809.09
276000	Maint Bldg--Walls, Floors & Ceilings	0.00	4,443.64
276800	Maint Grounds--Fencing	0.00	970.00
277800	Maint Grounds--Irrigation Systems	0.00	2,873.87
279200	Maint Grounds--Pool Renovation	4,080.00	23,993.18
281000	Prior Period GST Expense Adjustment-Capital Works	0.00	761.30
	Total expenses	4,080.00	147,884.27
	Surplus/Deficit	(4,080.00)	200,606.91
	Opening balance	1,489,705.07	1,289,098.16
	Closing balance	\$1,485,625.07	\$1,489,705.07

Strata Plan 52948		Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park NSW 2113	
Capital Works Fund			
	Current period 01/09/2023-08/09/2023	Previous year 01/09/2022-31/08/2023	
Revenue			
242500	Interest on Arrears--Capital Works	0.00	411.86
242600	Interest on Investments--Capital Works	0.00	18,063.24
243000	Levies Due--Capital Works	0.00	330,016.08
	Total revenue	0.00	348,491.18
Less expenses			
252800	Admin--Income Tax--Capital Works	0.00	238.30
264200	Maint Bldg--Consultants	0.00	15,400.00
264600	Maint Bldg--Doors, Locks & Windows	0.00	5,575.00
264800	Maint Bldg--Electrical	0.00	7,837.49
265450	Maint Bldg--Exhaust/Ventilation Replacement	0.00	5,008.64
265800	Maint Bldg--Fire Protection	0.00	43,711.00
265900	Maint Bldg--Floor Tiling Replacement	0.00	260.00
266600	Maint Bldg--Garage Doors	0.00	1,355.00
267450	Maint Bldg--Hot Water System Replacement	0.00	6,946.08
267475	Maint Bldg--Intercom Installation/Replacement	0.00	6,102.41
271600	Maint Bldg--Painting & Surface Finishes	0.00	710.00
271800	Maint Bldg--Painting Materials	0.00	1,117.27
272200	Maint Bldg--Plumbing & Drainage	0.00	10,030.00
272250	Maint Bldg--Pump Replacement	0.00	5,372.00
272800	Maint Bldg--Roof, Gutter & Downpipes	0.00	1,950.00
272950	Maint Bldg--Security Installation/Replacement	0.00	420.00
273700	Maint Bldg--Shower Tray Replacements	0.00	2,000.00
275000	Maint Bldg--TV Antenna & Cables	0.00	809.09
276000	Maint Bldg--Walls, Floors & Ceilings	0.00	4,443.64
276800	Maint Grounds--Fencing	0.00	970.00
277800	Maint Grounds--Irrigation Systems	0.00	2,873.87
279200	Maint Grounds--Pool Renovation	25,527.73	23,993.18
281000	Prior Period GST Expense Adjustment-Capital Works	0.00	761.30
	Total expenses	25,527.73	147,884.27
	Surplus/Deficit	(25,527.73)	200,606.91
	Opening balance	1,489,705.07	1,289,098.16
	Closing balance	\$1,464,177.34	\$1,489,705.07

● **Motion 4 AUDITOR.**

Clause 21 of the Strata Schemes Management Regulations 2016 requires that the accounts and financial statements of the owners corporation with budget above \$250,000.00 must be audited before presentation at Annual General Meeting (AGM) in accordance with Section 95 of the Strata Schemes Management Act 2015. That is what the law prescribes.

Waratah Strata Management since 2017 failed to comply with SSMA 2015 and SSMR 2016 six times for Annual General Meetings and four times for Extraordinary General Meetings that followed AGMs, whilst in other two years the Auditor's Report at AGMs in SP52948 was highly questionable.

Auditor's report for FY 2023 was 11 December 2023 (46 days after due date, but only made available on 14 December 2023, 49 days after due date) and not given to any owner.

Waratah Strata Management prevented Lot 158 Motions to hide mismanagement, criminal activities, and poor financial status; Waratah Strata Management forged SP52948 FY 2023 Auditor Report date of issue; for Admin Fund, approved balance at AGM on 26 October 2023 differed from one audited by Economos 46 days after due date by 74.04% (\$10,652.86 vs \$6,120.73); approved expenses for electricity usage and supply at AGM on 26 October 2023 differed from one audited by Economos 46 days after due date by 9.21% (\$49,171.9 vs \$53,704.10); Waratah Strata Management attempted to renew three-year contract with Uniqueco Property Services without tender and Motion; Admin Fund had negative balance of \$242,432.81 in Balance Sheet; Waratah Strata Management and Uniqueco Property Services did not provide proof of validity and justification of expenses in amount of \$122,843.87 (GST excl); AGM 2023 misconduct and illegal activities; Waratah Strata Management prevented owners from having information about NSW Fair Trading case 11138875 about their failures to have Auditor's reports before general meetings; Economos again completed their audit in non-compliance with regulations for AGM 2023 46 days late after due date on 11 December 2023 but Waratah Strata Management published it on their website 49 days after AGM 2023.

[SP52948-experiences-with-Waratah-Strata-Management-from-customer-perspective.html](#)

Motion 5 STRATA COMMITTEE.

Waratah Strata Management failed to offer any evidence that nominations for committee members were done in accordance with SSMA 2015 Schedule 1 Section 5 at previous general meetings.

At AGM, original list contained 10 candidates (on two pages of the ballot), and Mrs. Marianna Paltikian suddenly removed her candidacy, allegedly due to her illness, straight after Lot 158 announced their candidacy which was sent to strata agency weeks in advance. Lot 158 name was originally missing but when Mr. health Crosbie was reminded about it, there was a panic to reorganise the ballot.

Waratah Strata Management abused this requirement in the past and allowed committee members to self-nominate whilst preventing Lot 158 from the same (Mr. Crosbie's reference to Sec 31 (1) (c) of the SSMA 2015):

On 28/10/21 10:27, Robert Crosbie wrote:

In accordance with Sec 31 (1) (c) of the SSMA, your self-nomination to the strata committee is invalid. Please complete and return the attached Strata Committee Nominee Form.

In the minutes of AGM 2023, this was published for owners:

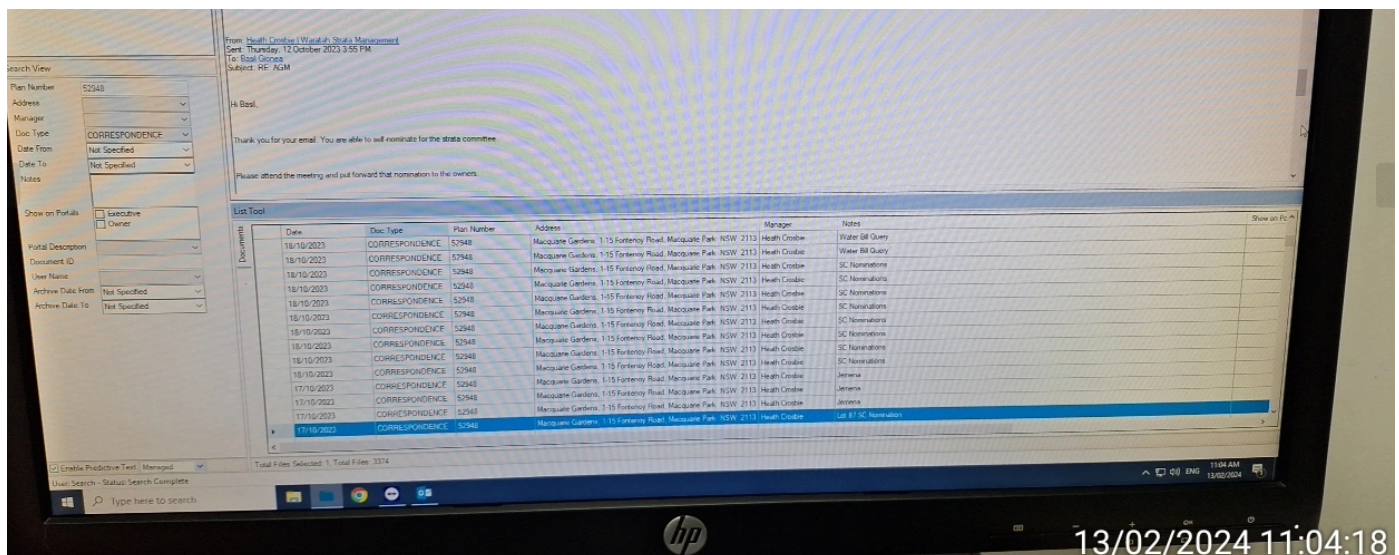
5 STRATA COMMITTEE

Minutes Page 4 of 7

Resolved that 10 nominations be accepted and the number of Strata Committee members be set at 9.
Those elected were:

- Basil Gionea (87)** Nominated by Lot 88
- Carlos Fornieles Montoya (112)** Nominated by Lot 113
- Andrew Ip (133)** Nominated by Lot 112
- Genelle Godbee (142)** Nominated by Lot 159
- Ramesh Desai (159)** Nominated by Lot 142
- Kathryn Cutler (170)** Nominated by Lot 181
- Stan Pogorelsky (181)** Nominated by Lot 170
- John Gore (200)** Nominated by Lot 218
- Jeffrey Wang (218)** Nominated by Lot 200

On 13 February 2024, as luck had it, Lot 158 found copies of emails (and saved them as evidence) that ALL committee members conducted self-nominations for AGM 2023:



Lot 87, Mr. Basil Gionea email from Mr. Heath Crosbie telling owner he was able to self-nominate on 12 October 2023 at 15:55 hours

Lot 88, Mrs. Marianna Paltikian email to Mr. Heath Crosbie on 17 October 2023 at 7:24 hours

Lot 200, Mr. John Gore email to Mr. Heath Crosbie and all committee members with his self-nomination on 18 October 2023 at 9:48 hours

Lot 218, Mr. Jeffery Wang email to Mr. Heath Crosbie and all committee members with his self-nomination on 18 October 2023 at 9:43 hours

Lot 133, Mr. Andrew Ip email to Mr. Heath Crosbie and all committee members with his self-nomination on 18 October 2023 at 9:19 hours

Lot 181, Mr. Stan Pogorelsky email to Mr. Heath Crosbie and all committee members with his self-nomination on 17 October 2023 at 22:30 hours

Lot 112, Mr. Carlos Fornieles Montoya mail to Mr. Heath Crosbie and all committee members with his self-nomination on 17 October 2023 at 6:27 hours

Lot 142, Ms. Genelle Godbee mail to Mr. Heath Crosbie and all committee members with her self-nomination on 17 October 2023 at 18:30 hours

Lot 170, Ms. Kathryn Cutler mail to Mr. Heath Crosbie and all committee members with her self-nomination on 17 October 2023 at 18:32 hours

● **Motion 6 Restricted Matters - That in accordance with Schedule 1 clause 6 (a) and 9 (i) of the Strata Schemes Management Act 2015 to decide if any matters or type of matters that are to be determined only by the Owners Corporation in general meeting.**

In NCAT case SC 20/33352, where six committee members and Waratah Strata Management coerced Tribunal not to consider Lot 158 evidence, the following was proposed by Lot 158:

Orders prohibiting strata committee to make or approve the following decisions without general meetings (where only financial owners are allowed to vote and full details of quorums made available before the general meetings and in minutes of those meetings): contracts and tenders for strata management, contracts and tenders for building management, contract and tenders for electricity supply and other utility services, contract and tenders for elevator maintenance and upgrades, all other major maintenance works and upgrades as per SSMA 2015 Section 102 and SSMR 2016 Regulation 25, 10-Year Capital Works plans, all types of levies (including gas heating levies), any expense above \$30,000.00, any decision to engage legal services that does not meet requirements of SSMA 2015 Section 103 and SSMR 2016 Regulation 26, any decision related to exclusive use of common property, any decision related to strata subdivision, borrowing money on behalf of owners corporation, payments to a member of the committee (honorarium), acquisition of property, all major renovations including all other renovations that impact the waterproofing, agreeing to a license or lease over common property, and insurance tenders.

[SP52948-statutory-declaration-for-NCAT-case-20-33352-which-Waratah-Strata-Management-refused-to-provide-to-owners-Aug2020](#)

[NCAT-case-20-33352-SP52948-brief-log-of-events-related-to-contracts-for-strata-and-building-managers-in-period-1999-to-Oct2020](#)

[NCAT-case-20-33352-SP52948-brief-log-of-events-related-to-electricity-supply-contract-in-2011-2015-and-2018](#)

[NCAT-case-20-33352-SP52948-brief-log-of-events-related-to-BigAir-illegal-ISP-operation-for-four-years-huge-losses-to-owners-corporation-final- eviction-and-deed-of-settlement-without-owners-corporation-approval-Jun2018](#)

[NCAT-case-20-33352-SP52948-brief-log-of-events-related-to-elevator-maintenance-and-replacement-contract-in-three-periods-2005-2017-and-2018](#)

● **Motion 7 Tenant Representative.**

1) If at least 50% of the lots are tenanted then the scheme must convene a meeting of eligible tenants for nominating a tenant representative on the strata committee.

The meeting should occur at least 14 days before AGM for a meeting not earlier than 7 days after the notice.

The notice for this meeting can be either displayed on the noticeboard or given to every tenant.

The convenor or eligible tenant is to chair.

The quorum is 1.

The tenant representative is determined by the majority vote of those present at the meeting.

Tenant representative cannot: put a motion to the committee, nominate an officer, be an officer, be included in the quorum count, or vote.

2) Waratah Strata Management continuously disallowed owners to have access to Strata Roll and prevented possible tenant representative to be member of the committee.

3) Eligible tenants must, at least 7 days before any Annual General Meeting or Extraordinary General Meeting (EGM), be given a copy of the agenda. If there is a noticeboard for the scheme required by the by-laws then the agenda need only be displayed on the noticeboard. Photo evidence was taken on the day of EGM on 27 April 2023, showing that none of six notice boards had any information about the Extraordinary General Meeting at any time before the event. Minutes of this EGM were not published on any of six notice boards within the complex. Photo evidence was collected.

4) There are unverified suggestions by Waratah Strata Management that number of tenants in SP52948 already exceeded 50%.

● Motion 8 Budget and Levy Contributions.

Strata Plan SP52949 has serious cash flow and maintenance problems, without disclosure to owners.

[SP52948-negative-trends-with-Admin-Fund-under-Waratah-Strata-Management](#)

On 9 October 2023, all nine committee members (Mr. Stan Pogorelsky, Mr. John Gore, Ms. Genelle Godbee, Mr. Ramesh Desai, Ms. Kathryn Cutler, Mr. Carlos Fornieles Montoya, Mr. Andrew Ip, and Mr. Jeffery Wang, whilst Mrs. Marianna Paltikian was notified through strata manager) and Waratah Strata Management were asked to postpone general meeting due to many procedural errors and false information in the agenda, and updated (shorted) version of Lot 58 was submitted. It appears Waratah Strata Management did not act upon this serious request.

Drastic changes are required to prevent owners corporation from collapsing. There is no need to increase levies in FY 2024, and proposed 8% increase as "suggested" by Mr. John Gore (on top of 5% increase in FY 2022), is INSUFFICIENT anyway. Mr. Gore is publicly challenged to explain where he got the 18% figure for inflation rates for last three years, because they do not match reality or any official data.

The proper solution is to introduce full accounting audits and reviews and recover significant amounts back into owners corporation funds WITHOUT ANY COSTS TO OWNERS.

The Property Services Compensation Fund (PSCF) in New South Wales provides an avenue for consumers to seek compensation when they suffer financial loss due to the dishonest or fraudulent conduct of licensed property service providers. Licensed property service providers, including strata managers, contribute to the fund through an annual fee based on their licence class and level of business activity. If a strata manager engages in dishonest or fraudulent conduct, the owners corporation or individual lot owners can make a claim for compensation under the PSCF. The PSCF is administered by NSW Office of Fair Trading. To be eligible for compensation under the PSCF, an owners corporation or owner must have suffered a financial loss as a direct result of the licensed strata manager's 'failure to account'. A 'failure to account' means a 'failure by a licensee to account for money or other valuable property entrusted to the licensee or an associate of the licensee in the course of the carrying on of the licensee's business as a licensee'. Any claim is limited to \$500,000 and must be made within whichever of the following periods ends first: 12 months after the claimant has become aware of the failure to account; or 2 years after the date of the failure to account.

Case for gross negligence and mismanagement by Waratah Strata Management, Uniqueco Property Services, and committee members is solid):

1. \$92,950.00 which was NOT spent on alleged upgrades for townhouses in 2017 (recovered fund to be paid by Waratah Strata Management, Uniqueco Property Services, and committee members).
2. Missing common property (timber) behind townhouses, which Waratah Strata Management and committee members ignored:

Part of rotten fence behind townhouses was replaced in early June 2021, and there was some leftover timber for the fence towards M2 motorway:



The additional timber was left on common property until around 27 October 2021, when it disappeared, without fence repairs being finalized:



An inquiry about missing common property was sent to Waratah Strata Management and four committee members (Mr. Jeffery Wang, Mr. John Gore, Mr. Stan Pogorelsky, and Mr. Thomas Karolewski) on 14 November 2021. No reply was received:

[SP52948-inquiry-about-disappeared-timber-behind-townhouses-14Nov2021](#)

Repeated request was sent to Waratah Strata Management and eight committee members on 19 June 2023, and four more times since then. No reply was received. At AGM 2023, Lot 158 Motion about this was rejected by Waratah Strata Management, with full support of committee members.

3. \$47,849.98 which Waratah Strata Management received for insurance commissions since 2018 (their predecessor BCS Strata Management was forced to repay such amounts to owners corporation due to direct conflict of interest).
4. At least \$100,000.00 from Solicitor Adrian Mueller for actions causing significant insurance costs and other risks, whilst acting against best interests of owners and tenants (and even ignoring requests from strata managers and committee members in the past).

5. Unpaid levies and 10% simple interest per year for gas heating. An informative example:

Lot 181, Mr. Stan Pogorelsky, by own admission (not shared with owners), paid \$50.00 for gas heating in FY 2001. In this secret spreadsheet, he also submitted that GST applied from 2002, whilst the fact is that GST was introduced on 1 July 2000, and admitted that he did not pay for FY 2012 and 2013, ignoring the fact that levies had to be paid even if invoice had been lost or not sent:

Stan Pogorelsky
Gas Charges paid by S & T Pogorelsky on unit 181 - SP52948
From 1999 to 2018

Date Paid	Period applicable	\$	
			Moved in 1/11/98
1999			
2000	23/08/2000	100.00	
2001	1/08/2001	50.00	
2002	21/07/2002	55.00	\$50+\$5GST
2003	31/07/2003	55.00	
2004	1/11/2004	55.00	
2005	1/11/2005	55.00	
2006	1/11/2006	55.00	
2007	1/11/2007	55.00	
2008	1/11/2008	55.00	
2009	26/10/2009	55.00	
2010	24/10/2010	55.00	\$55 Credit on 1/2/11 and Debit \$55 on 2/5/11
2011	7/11/2011	55.00	
2012			Not billed by BCS
2013			Not billed by BCS
2014	1/08/2014	55.00	
2015	1/09/2015	311.66	See below
2016	3/11/2015	55.00	
	1/02/2016	55.00	
	2/05/2016	55.00	
	1/08/2016	18.34	
	20/09/2016	36.66	Overpaid
2017	1/05/2017	220.00	Billed by Waratah

From our AGM in November 2014 new rate is \$50+\$5 per quarter and should be billed quarterly on BCS statement to unit holders

In summary I owe you \$110.00 for 2012 and 2013. And \$18.33 x 2 = \$36.66 for Sept & Oct 2014

As well you should have billed me for gas usage in

Quarter 1/11/14 to 31/01/15	55.00
Quarter 1/02/15 to 30/04/15	55.00
Quarter 1/05/15 to 31/07/15	55.00
Quarter 1/08/15 to 31/10/15	55.00
	220.00

Less what you charged for 2014 55.00 Paid by me
165.00

So I owe you \$110+\$36.66+\$165 = \$311.66 which will take me up to Quarter ended 31/10/15. Paid on 29/6/15

Please invoice (email to me) me for these charges so that this matter can be put to rest.

The amount owing was \$170.00 (GST incl), as per decision at committee meeting on 21 July 1999, to be applied retrospectively:

[SP52948-EC-meeting-21Jul1999-first-time-gas-charges-introduced.pdf](#)

13. Gas heating in units

Resolved that written advice be obtained from the contractor that did the original gas installation at the complex regarding the implications of residents installing gas heating.

Resolved that subject to the general system not being adversely effected by such additions that residents be permitted to use gas for heating subject to an annual fee of \$200.00 being paid to the Strata Plan with such charge also applying to any resident that has already installed such gas heating.

There is also a secret handwritten note by Waratah Strata Management for committee meeting in February 2019, where Mr. Robert Crosbie confirmed that gas heating levies were not paid in 2016 too (information about levies set to \$220.00 on 27 November 2013 was inaccurate and misleading):

[SP52948-handwritten-note-by-Waratah-Strata-Manager-confirming-no-gas-levies-charged-for-FY2016-and-levies-set-to-220-dollars-on-27Nov2013-for-EC-meeting-Feb2019.pdf](#)

There was an alleged ransomware attack against Waratah Strata Management in early February 2019, with secret Bitcoin ransom payment in amount of \$5,052.03 without disclosure who paid it:

[Sententia-brief-analysis-with-limited-evidence-ransomware-attack-against-Waratah-Strata-Management-undisclosed-to-owners-of-strata-plan-SP52948.pdf](#)

Waratah Strata Management used this highly dubious event to make a claim that gas heating levies were "lost" for financial year that ended on 31 August 2018 (five months before alleged ransomware attack) in minutes of committee meeting on 21 March 2019:

PRESENT:

Lot #	Unit #	Attendance	Owner Name Representative
21	21	Yes	Thomas Karolewski
88	88	Yes	Marianna Paltikian
142	142	Yes	Genelle Godbee
147	147	Yes	Moses Levitt
151	151	Yes	Maureen McDonald
181	181	Yes	Stan Pogorelsky
200	200	Yes	John Gore

IN ATTENDANCE: Robert Crosbie - Waratah Strata Management
Frank Tallaridi - Waratah Strata Management

CHAIRPERSON (acting): Robert Crosbie

Minutes of the meeting:

1 MINUTES

Resolved that the minutes of the previous strata committee meeting be confirmed as a true record of the proceedings of that meeting.

2 OFFICE BEARERS

Resolved that the strata committee appoint members to the office bearing roles of:

Chairperson - Stan Pogorelsky
Secretary - Marianna Paltikian
Treasurer - Vacant

3 FINANCIAL REPORT

Resolved that the financial reports for the current financial year were tabled and discussed.

Further resolved that following Waratah Strata's computer hacking loss of data, the additional gas point fee is to be re-charged to the levy account of Lots 3, 8, 59, 62, 68, 102, 127, 147, 148, 163, 181 & 182 for the period 1 September 2017 to 31 August 2018. Further resolved the same lots are to be charged the same fee for the period 1 September 2018 to 31 August 2019, with this fee due and payable on 1 May 2019.

(Stan Pogorelsky & Mo Levitt left the meeting for the duration of the following item due to their vested interest in the outcome of the discussion.) Further resolved the strata manager is to review the

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available Owners Corporations records to determine whether there is sufficient information available to decide whether any lot owner owes to the Owners Corporation any amount for the additional gas point fee for prior years. (Note: The strata manager advises that due to a complaint lodged with the police by the owners of Lot 158, the USB containing the BCS Strata Management records was taken by the NSW Police for examination. The USB was subsequently lost by the Police. Both the Police and Waratah Strata have attempted to obtain a replacement USB from BCS, but that has not been provided. As a result of the missing USB, it will be impossible to determine the history of the gas point fee charges during BCS' management period.)

[SP52948-request-to-disclose-information-submitted-to-Waratah-Strata-Management-if-EC-members-were-notified-about-two-events-for-loss-of-strata-files-in-a-timely-manner-11Aug2019.html](https://www.spears.com.au/SP52948-request-to-disclose-information-submitted-to-Waratah-Strata-Management-if-EC-members-were-notified-about-two-events-for-loss-of-strata-files-in-a-timely-manner-11Aug2019.html)

[SP52948-Interim-report-sent-to-Waratah-Strata-Management-with-request-to-provide-information-about-alleged-data-breach-at-strata-agency-and-loss-of-strata-files-17Feb2020.html](https://www.spears.com.au/SP52948-Interim-report-sent-to-Waratah-Strata-Management-with-request-to-provide-information-about-alleged-data-breach-at-strata-agency-and-loss-of-strata-files-17Feb2020.html)

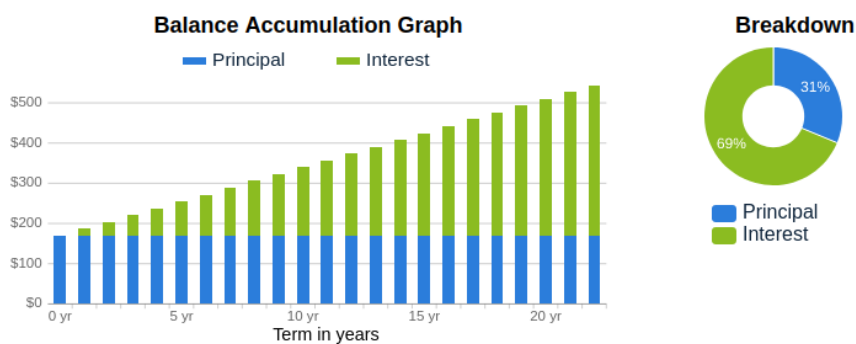
Lot 181 never paid those outstanding levies, as per his own admission. In 2023, just for unpaid gas heating levies in 2001, with 10% simple interest per year, Lot 181 owes \$544.00 (that figure becomes much higher when all other outstanding years are added):

Balance	Principal	Term	Rate
Principal	<input type="text" value="\$170"/>		
Interest rate	<input type="text" value="10"/> %	<input type="text" value="per year"/>	
Term	<input type="text" value="22"/>	<input type="text" value="years"/>	
<input type="button" value="Calculate"/>		<input type="button" value="Clear"/>	

Results

End Balance: \$544.00
Total Interest: \$374.00

Calculation steps:
Total Interest = $\$170 \times 10\% \times 22$
= \$374.00
End Balance = $\$170 + \374.00
= \$544.00



There are number of other owners with long-term gas heating connections: Lot 3, Lot 62, and Lot 147 are special cases because they served as committee members in the past:

[SP52948-Unpaid-gas-heating-levies-and-unfinancial-owners-brief-public-information-from-strata-files-and-meetings.pdf](https://www.spears.com.au/SP52948-Unpaid-gas-heating-levies-and-unfinancial-owners-brief-public-information-from-strata-files-and-meetings.pdf)

Ordinary resolution for Motion 14 at AGM 2019 can be rescinded at any general meeting, especially since the meeting was non-compliant with strata laws (unfinancial owners approved Motion 14 before Motion 4 and elected unfinancial committee members who then voted against paying overdue levies) and delayed collection of gas heating levies as shown in extract from committee meeting on 20 July 2017 who delayed actions for two years and three months):

5 GAS CHARGES

The historical charges to lot owners for additional gas points was discussed. The strata manager advised that a thorough review of the BCS records has been carried out, including a request for further information from BCS, and it is still not possible to accurately confirm the amounts that have been charged to and paid by the respective lot owners. It is the view of the strata committee that the cost of carrying out a forensic audit of the strata accounts over many years would far exceed the amount of any unpaid additional gas charges and therefore the cost of this exercise could not be justified. Resolved that a motion is to be included on the Annual General Meeting agenda to allow owners to vote on whether a forensic audit of the gas charges is to be carried out or whether it will be deemed that all gas charges are paid up to date. (Note: In the accounts provided by BCS at the change of strata manager they indicate General Debtors in relation to gas charges totalling \$1,411.66, of which only \$91.66 relates to strata committee members. The committee do not believe this information is accurate but have deferred this decision to be made at the AGM so there is no question of a conflict of interest by the committee.)

The issue of gas supply and gas usage charges was also discussed. Waratah Strata Management were previously instructed to only reimburse gas usage and not gas supply charges. It has been raised by

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Minutes Page 2 of 3

various owners that this is inconsistent with what previously occurred and amended Special By-Law 13. It was discussed that the unit owners only pay a supply charge for the gas used for hot water and not cooking, and that the townhouse owners should therefore also not pay the supply charges for their gas used for cooking. Resolved that the townhouse owners are to be reimbursed the gas supply and gas usage charges. Waratah Strata are to reimburse owners the gas supply charges on any previously claimed expenses as part of the next reimbursement paid.

Extract from agenda for AGM 2019 (without owners having true information about overdue levies):

14 ADDITIONAL GAS POINT CHARGES

That the Owners Corporation will take no further action to investigate or audit the history of additional gas point charges and all lots are deemed to be paid in full.

Explanatory Note: Due to repeated public allegations that have been made by the owners of Lot 158 in relation to the charges that have been made to those owners with additional gas outlets, the strata manager and strata committee have conducted a thorough investigation of the available records going back to 1999. Stan Pogorelsky, owner of Lot 181, provided a detailed history of all relevant invoices he had received from Raine & Horne Strata, BCS Strata and Waratah Strata and of all payments made. As a result of that review it has been found that Lot 181 has not been issued with gas point charge invoices of \$55 for the quarter 1/12/15 - 28/2/16 and \$55 for the quarter 1/6/16 - 31/8/16. A further \$18.34 was short paid during 2015. In summary Lot 181 has short paid \$128.34 of which \$110 has never been invoiced.

There are a further 12-15 lots with additional gas points whose detailed records are not available to review. Many owners will be unwilling or unable to provide the detailed financial records required to review their gas charge payments. Some of the owners of these lots will have changed so it will not be possible to audit records or recover funds from those owners. It is considered that the cost of conducting a forensic audit of the strata records would far exceed the amount of any funds that may be recovered. It is therefore proposed by the strata committee to approve the above motion.

Extract from minutes of the AGM 2019:

14 ADDITIONAL GAS POINT CHARGES

Resolved that the Owners Corporation will take no further action to investigate or audit the history of additional gas point charges and all lots are deemed to be paid in full.

6. Overcharged invoices for Waratah Strata Management and other service providers.
7. and more.

- **Motion 9 that the owners corporations insurances as listed in the annexures to the agenda of the meeting be confirmed, varied or extended, and in accordance with section 165 (2) of the Strata Schemes Management Act 2015 additional insurances be taken out.**

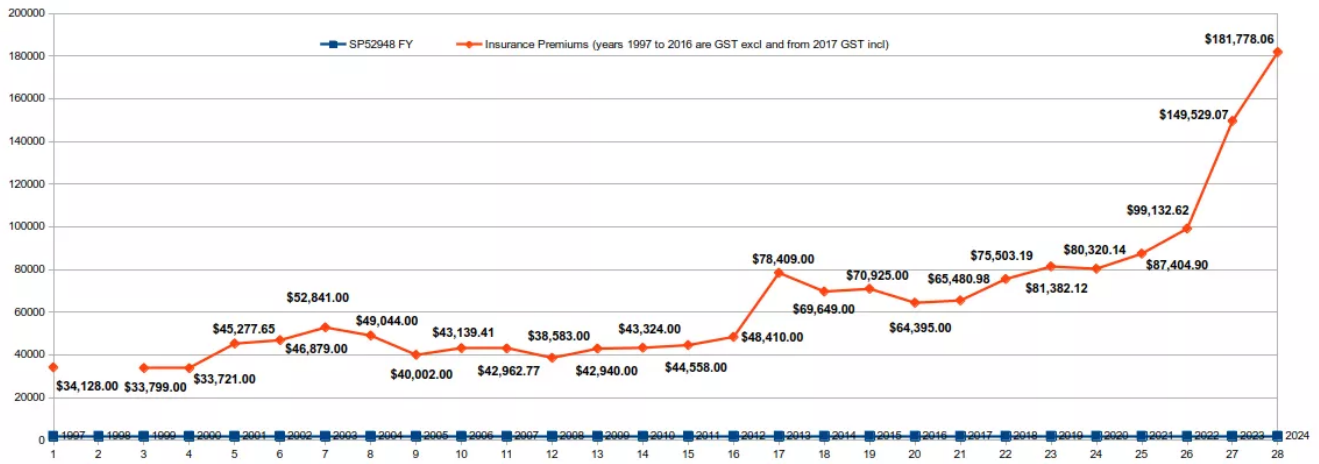
Motion 10 can be bundled into the same category - strata management commission.

1) Insurance policy for FY 2024 was not presented to owners in the agenda sent on 5 October 2023.

2) Status of insurance premium changes in period 1997 to 11 October 2022 (Waratah Strata Management took office on 1 February 2017 without competitive tender at AGM 2016):

SP52948 Financial Year	Insurance Premiums (GST excl)	Difference to previous year	Comments and insurance commissions paid to strata manager
1997	\$34,128.00		
1998			
1999	\$33,799.00	0.00%	
2000	\$33,721.00	-0.23%	
2001	\$45,277.65	34.27%	
2002	\$46,879.00	3.54%	
2003	\$52,841.00	12.72%	Raine & Horne Strata Management not allowed insurance commissions
2004	\$49,044.00	-7.19%	Raine & Horne Strata Management not allowed insurance commissions
2005	\$40,002.00	-18.44%	Raine & Horne Strata Management not allowed insurance commissions
2006	\$43,139.41	7.84%	Raine & Horne Strata Management not allowed insurance commissions
2007	\$42,962.77	-0.41%	Raine & Horne Strata Management not allowed insurance commissions
2008	\$38,583.00	-10.19%	Raine & Horne Strata Management not allowed insurance commissions
2009	\$42,940.00	11.29%	Raine & Horne Strata Management not allowed insurance commissions
2010	\$43,324.00	0.89%	BCS Strata Management not allowed to receive insurance commissions
2011	\$44,558.00	2.85%	BCS Strata Management not allowed to receive insurance commissions
2012	\$48,410.00	8.64%	BCS Strata Management not allowed to receive insurance commissions
2013	\$78,409.00	61.97%	Two insurers declined to quote due to high risks, four insurance claims for Solicitor Adrian Mueller (strong evidence includes false statements by BCS Strata Management in Statutory Declaration to CTTT on 19 April 2013, false statement in Affidavit to District Court on 31 January 2014, four different versions of the same Standard Costs Agreement with Solicitor Mr. Adrian Simon Mueller, secret change of the insurance policy for SP52948 and then claiming amount of \$24,919.31 (plus GST) for non-existent "defence" of Lot 3 in CTTT case SCS 12/32675 without owners corporation disclosure or decision at any general meeting, false written statements to CTTT by selective committee members, CHU Insurance forced partial repayment in amount of \$8,800.00 in 2017). BCS Strata Management not allowed to receive insurance commissions
2014	\$69,649.00	-11.17%	BCS Strata Management not allowed to receive insurance commissions
2015	\$70,925.00	1.83%	BCS Strata Management not allowed to receive insurance commissions
2016	\$64,395.00	-9.21%	BCS Strata Management not allowed to receive insurance commissions
2017	\$65,480.98	1.69%	BCS Strata Management not allowed to receive insurance commissions
2018	\$75,503.19	15.31%	\$6,570.16 paid to Waratah Strata Management
2019	\$81,382.12	7.79%	\$6,084.84 paid to Waratah Strata Management
2020	\$80,320.14	-1.30%	\$5,633.62 paid to Waratah Strata Management
2021	\$87,404.90	8.82%	Solicitor Adrian Mueller fully involved in forcing insurance claims for his alleged work. \$6,541.55 paid to Waratah Strata Management
2022	\$99,132.62	13.42%	Insurance claim for Solicitor Adrian Mueller (on 25 March 2022 Waratah Strata Management listed revenue from insurance claims in amount of \$19,758.14. Insurance broker forced SP52948 to pay extra \$1,617.37 (GST incl) as per invoice on 9 August 2022 for overdue excesses dated 20 September 2021 and 19 April 2022. SP52948 was forced to repay \$4,545.45 (GST excl) to insurance company for Solicitor Adrian Mueller's legal costs in NCAT case SC 20/33352. \$6,541.55 paid to Waratah Strata Management
2023	\$149,529.07	50.84%	Insurance renewal was due on 21 September 2022 but paid on 26 September 2022 (creating risk of uncovered common property for period of five days). SP52948 was at high risk due to expired insurance. SP52948 was forced to repay \$15,200.15 (GST excl) to insurance company for Solicitor Adrian Mueller's legal costs in NCAT case SC 20/33352. \$6,541.55 paid to Waratah Strata Management
2024	\$181,778.06	21.57%	Insurance renewal was due on 21 September 2023 but not listed on Waratah Strata Management even as late as 5 October 2023. \$9,936.71 paid to Waratah Strata Management

SP52948 Financial Year	Insurance Premiums (GST excl)	Difference to Previous Year	Comments and Insurance Commissions Paid to Strata Manager
1997	\$34,128.00		
1998			
1999	\$33,799.00	0.00%	
2000	\$33,721.00	-0.23%	
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2014	\$69,649.00	-11.17%	BCS Strata Management not allowed to receive insurance commissions
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2024	\$181,778.06	21.57%	Insurance renewal was due on 21 September 2023 but not listed on Waratah Strata Management even as late as 5 October 2023 \$9,936.71 paid to Waratah Strata Management



3) On 21 September 2022, insurance premiums increased by significant amount of 50.84% (from \$108,193.26 in 2021 to \$161,569.59 in 2022 - all GST inclusive), without disclosure to owners, while as of 3 October 2022 Income & expenditure Report still did not list any payments for insurance policy:

BCB
Strata Insurance Brokers

Body Corporate Brokers Pty Ltd
Level 11, 338 Pitt Street
Sydney NSW 2000
Ph: 02 9024 3850
Email: nsw@bcb.com.au
A.B.N. 95 002 809 298
A.F.S.L. 244529

RENEWAL TAX INVOICE

The Owners Of Strata Plans 52948 And 53855
C/- Waratah Strata
PO BOX 125
EASTWOOD NSW 2122

Date: 21/09/2022
Invoice Number: 743674
Key Contact: Francis Gabone

Thank you for using our services to arrange this insurance cover.

Brief details of the cover arranged on your behalf are given below. You should refer to the policy documents issued by the Insurer for complete policy terms and conditions.

Please read carefully the important notices attached regarding your duty of disclosure. Do not hesitate to contact us with any questions you may have.

Type of Policy	SUU Residential
Insured	The Owners Of Strata Plans 52948 And 53855
Description	1-15 Fontenoy Road MACQUARIE PARK NSW 2113
Insurer	Strata Unit Underwriting Agencies Pty Ltd
Policy Number	0653320703
Period of Insurance	21/09/2022 to 21/09/2023

Premium	FSL	Insurer Agency Policy Fee	Insurer Total GST	Stamp Duty	Admin Fee	Admin Fee GST	Invoice Total
\$120,444.92	\$10,363.74	\$ 300.00	\$13,110.86	\$12,950.07	\$4,000.00	\$ 400.00	\$161,569.59

Waratah Strata Management
ABN 75 611 011 765
PO Box 125, Eastwood, NSW 2122
Ph (02) 9114 9599
Fax (02) 9114 9598
www.waratahstrata.com.au

Income & Expenditure Report
for the financial year-to-date
01/09/2022 to 03/10/2022

Strata Plan 52948 Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park NSW 2113

	Administrative Fund	
	Current period 01/09/2022-03/10/2022	Previous year 01/09/2021-31/08/2022
Revenue		
141900 Gas - Additional Service	0.00	2,945.40
142000 Insurance Claims	0.00	19,758.14
142500 Interest on Arrears--Admin	143.14	1,272.24
142800 Key Deposits	122.00	362.00
143000 Levies Due--Admin	0.00	737,506.48
144000 Miscellaneous Income--Admin	4,545.45	4,545.45
146500 Status Certificate Fees	109.00	1,308.00
147000 Strata Roll Inspection Fees	0.00	279.00
Total revenue	4,919.59	767,976.71
Less expenses		
150200 Admin--Accounting	150.00	450.00
153800 Admin--Agent Disbursements	1,099.75	13,092.24
153805 Admin--Agent Disburst--Stationery	0.00	34.91
150800 Admin--Auditors--Audit Services	0.00	1,100.00
150900 Admin--Auditors--Taxation Services	0.00	555.00
153200 Admin--Legal & Debt Collection Fees	(325.00)	8,669.78
154000 Admin--Management Fees--Standard	2,131.95	25,380.38
156000 Admin--Status Certificate Fees Paid	0.00	1,308.00
156400 Admin--Strata Inspection Fees Paid	31.00	248.00
159100 Insurance--Premiums	1,470.34	99,132.62

**Income & Expenditure Report
for the financial year-to-date
01/09/2022 to 03/10/2022**

Strata Plan 52948

Macquarie Gardens, 1-15 Fontenoy Road, Macquarie
Park NSW 2113

Administrative Fund

	Current period 01/09/2022-03/10/2022	Previous year 01/09/2021-31/08/2022
Revenue		
141900 Gas - Additional Service	0.00	2,945.40
142000 Insurance Claims	0.00	19,758.14
142500 Interest on Arrears--Admin	143.14	1,272.24
142800 Key Deposits	122.00	362.00
143000 Levies Due--Admin	0.00	737,506.48
144000 Miscellaneous Income--Admin	4,545.45	4,545.45
146500 Status Certificate Fees	109.00	1,308.00
147000 Strata Roll Inspection Fees	0.00	279.00
<i>Total revenue</i>	4,919.59	767,976.71
Less expenses		
150200 Admin--Accounting	150.00	450.00
153800 Admin--Agent Disbursements	1,099.75	13,092.24
153805 Admin--Agent Disburst--Stationery	0.00	34.91
150800 Admin--Auditors--Audit Services	0.00	1,100.00
150900 Admin--Auditors--Taxation Services	0.00	555.00
153200 Admin--Legal & Debt Collection Fees	(325.00)	8,669.78
154000 Admin--Management Fees--Standard	2,131.95	25,380.38
156000 Admin--Status Certificate Fees Paid	0.00	1,308.00
156400 Admin--Strata Inspection Fees Paid	31.00	248.00
159100 Insurance--Premiums	1,470.34	99,132.62

4) Waratah Strata Management did not disclose to owners that they might have delayed additional payments (excesses) for insurance policy due on 9 August 2022, as shown in reminder sent by BCB insurance broker:



Body Corporate Brokers Pty Ltd
A.F.S. 244529
A.B.N. 95 002 809 298
Level 11, 338 Pitt Street,
Sydney NSW 2000
Ph: 02 9024 3850
Email: nsw@bcb.com.au

The Owners Of Strata Plans 52948 And 53855
C/- Waratah Strata
PO BOX 125
EASTWOOD NSW 2122

**FIRST AND FINAL
REMINDER**

Our Reference 734964
Endorsement

Dear Client,

We draw your attention to an outstanding invoice number 00734964 for the policy mentioned below. The outstanding balance of \$1,617.37 was due on the 09/08/2022. We thought it appropriate to send this final reminder to you in case the account has been overlooked or misplaced.

Type of Policy	SUU Residential
Insured	The Owners Of Strata Plans 52948 And 53855
Description	1-15 Fontenoy Road MACQUARIE PARK NSW 2113
Insurer	Strata Unit Underwriting Agencies Pty Ltd
Policy Number	06S3320703
Period of Insurance	21/09/2021 to 21/09/2022
Effective Date	09/08/2022

Please forward the outstanding amount to this office within 7 days; your cover has expired. Regretfully, you may no longer be covered in the event of a claim. If you require continuance of cover or should you have any queries regarding this outstanding amount please contact our office immediately.

Yours sincerely,
New South Wales

5) Detailed Expenses for FY 2022 (1 September 2021 to 31 August 2022) shows that Waratah Strata Management might have failed to pay excesses for two events on time, dated 20 September 2021 and 19 April 2022, which were listed in BCB insurance broker reminder in August 2022, with warning about expired insurance. The dates of payments for insurance excesses in Detailed Expenses for FY 2022 were questionable, unless BCB insurance broker made a mistake with the letter in August 2022. As an example, no insurance excess was listed in code 169400 in Income & Expenditure Report on 28 September 2021 at 08:47 hours. Waratah Strata Management did not list any insurance claims in FY 2022, as shown in Delegated Functions Report dated 7 October 2022 at 17:46 hours:

The reminder highlighted the risk of UNINSURED large strata complex worth \$146,550,000 (evaluation dated 1 September 2022) for two unpaid excesses dated 20 September 2021 and 19 April 2022:

[SP52948-insurance-valuation-1Sep2022](#)

[SP52948-Waratah-Strata-Management-and-undeclared-expired-insurance-in-FY-2022](#)

6) Owners' property worth more than \$146 millions did not have any insurance cover when insurance policy for SP52948 expired on 21 September 2022, but renewal was delayed for five days and was not published for owners and costs were not included in Income & Expenditure Report even as late as 3 October 2022. No owner was notified about it by committee members or Waratah Strata Management.

Insurance renewal was paid on 26 September 2022, leaving SP52948 uninsured for additional five days (possibly adding to other period since early August 2022), without disclosure to owners. It also created risk of being unable to make any claims in that period, should any incident had happened.

7) Based on official information published by Waratah Strata Management, owners' property worth more than \$146 millions did not have any insurance cover when insurance policy for SP52948 expired on 21 September 2023, but renewal might have been delayed for 20 days and was not published for owners and costs were not included in Income & Expenditure Report even as late as 11 October 2023. No owner was notified about it by committee members or Waratah Strata Management:

[SP52948-expired-insurance-on-21Sep2023-not-renewed-as-of-11Oct2023](#)

In agenda for AGM 2023, sent by Waratah Strata Management on 5 October 2023, information about insurance premiums still showed details for previous financial year with expiration date of 21 September 2023:

The screenshot displays two pages from a PDF document, likely an agenda for an Annual General Meeting (AGM). The left page is titled 'SP52948-Agenda-AGM-2022...' and the right page is 'SP52948-agenda-AGM-2023...'. Both pages show details for 'Current Owners Corporation Insurance Details' and 'Managing Agent Commissions and Training Services'.

Current Owners Corporation Insurance Details (Left Page):

Policy No: 06S320703
 Strata Unit Underwriters
 Type: Building
 Broker: Body Corporate Brokers

Premium: \$161,569.59 Paid on: 26/09/2022 Start: 21/09/2022 Next due: 21/09/2023

Cover	Sum Insured	Excess
Building	\$146,550,000.00	\$0.00
Loss of Rent/Temp Accom	\$43,985,000.00	\$0.00
Catastrophe	\$21,982,500.00	\$0.00
Public Liability	\$50,000,000.00	\$0.00
Fidelity Guarantee	\$100,000.00	\$0.00
Office Bearers Liability	\$10,000,000.00	\$0.00
Personal Accident Voluntary Workers	200000/2000	\$0.00
Government Audit Costs	\$25,000.00	\$0.00
Legal Defence Expenses	\$50,000.00	\$0.00
Workplace Health & Safety Breaches	\$100,000.00	\$0.00
Machinery Breakdown	\$200,000.00	\$0.00
Lot Owners' Fixtures & Improvements	\$250,000.00	\$0.00

Managing Agent Commissions and Training Services (Left Page):

The managing agent reports that insurance commission in the amount of \$6,541.55 has been received and that insurance commission of a similar amount, subject to any variation in the amount of insurance premium paid, will be received in the following 12 months. No other commissions or training services have been received during the last 12 months or are likely to be received in the following 12 months.

The Agent is an authorised representative of:

- (a) CHU Underwriting Agencies Pty Ltd
- (b) Strata Unit Underwriting Pty Ltd
- (c) Strata Community Insurance
- (d) Finn Foster & Associates (Broker)
- (e) Austbrokers Sydney Pty Ltd (Broker)
- (f) Whitbread Insurance Brokers
- (g) Driessen Insurance Brokers
- (h) Honan Insurance Group (Broker)
- (i) CRM Brokers
- (j) BCB Brokers

The Agent is qualified to give general advice and information about insurance, not personal advice. If the owners' corporation requires specialist insurance advice, the Agent can refer the owners' corporation to an insurance advisor. If the Agent recommends that your building insurance should be placed with the Insurers, the owners' corporation acknowledges and agrees that the recommendation is general advice (not personal advice). The owners' corporation should read the Product Disclosure Statement before making a decision to purchase that insurance.

Large Schemes (Over 100 lots, excluding utility & parking lots)

The minutes of meetings of large schemes will only be sent to those owners who attend the meeting, those owners who receive minutes by email or those owners who request a copy within 14 days of the meeting. (Sch 1 cl 22(c))

Agenda Page 15 of 49

Current Owners Corporation Insurance Details (Right Page):

Premium: \$161,569.59 Paid on: 26/09/2022 Start: 21/09/2022 Next due: 21/09/2023

Cover	Sum Insured	Excess
Building	\$146,550,000.00	\$0.00
Loss of Rent/Temp Accom	\$21,982,500.00	\$0.00
Catastrophe	\$21,982,500.00	\$0.00
Public Liability	\$50,000,000.00	\$0.00
Fidelity Guarantee	\$100,000.00	\$0.00
Office Bearers Liability	\$10,000,000.00	\$0.00
Personal Accident Voluntary Workers	200000/2000	\$0.00
Government Audit Costs	\$25,000.00	\$0.00
Legal Defence Expenses	\$50,000.00	\$0.00
Workplace Health & Safety Breaches	\$100,000.00	\$0.00
Machinery Breakdown	\$200,000.00	\$0.00
Lot Owners' Fixtures & Improvements	\$250,000.00	\$0.00

EXCESS:

WATER RELATED CLAIMS	\$10,000.00
ALL OTHER CLAIMS	\$2,500.00

Office bearers liability insurance provides cover for losses arising from alleged wrongful acts or omissions of the strata committee, committed or omitted in good faith in the course of carrying out their duties as a committee. It is not compulsory, however it is a requirement under clause 9(c) of Schedule 1 of the Strata Schemes Management Act 2015 for the owners corporation to decide whether to take this type of insurance out at each Annual General Meeting.

Fidelity guarantee insurance provides cover for losses arising from misappropriation of money or other property of the owners corporation by a member of the owners corporation. It is not compulsory, however it is a requirement under clause 9(c) of Schedule 1 of the Strata Schemes Management Act 2015 for the owners corporation to decide whether to take this type of insurance out at each Annual General Meeting.

Managing Agent Commissions and Training Services (Right Page):

The managing agent reports that insurance commission in the amount of \$9,936.71 has been received and that insurance commission of a similar amount, subject to any variation in the amount of insurance premium paid, will be received in the following 12 months. No other commissions or training services have been received during the last 12 months or are likely to be received in the following 12 months.

The Agent is an authorised representative of:

- (a) CHU Underwriting Agencies Pty Ltd
- (b) Strata Unit Underwriting Pty Ltd
- (c) Strata Community Insurance
- (d) Finn Foster & Associates (Broker)
- (e) Austbrokers Sydney Pty Ltd (Broker)
- (f) Whitbread Insurance Brokers
- (g) Driessen Insurance Brokers
- (h) Honan Insurance Group (Broker)
- (i) CRM Brokers
- (j) BCB Brokers

The Agent is qualified to give general advice and information about insurance, not personal advice. If the owners' corporation requires specialist insurance advice, the Agent can refer the owners' corporation to an insurance advisor. If the Agent recommends that your building insurance should be placed with the Insurers, the owners' corporation acknowledges and agrees that the recommendation is general advice (not personal advice). The owners' corporation should read the Product Disclosure Statement before making a decision to purchase that insurance.

Large Schemes (Over 100 lots, excluding utility & parking lots)

The minutes of meetings of large schemes will only be sent to those owners who attend the meeting, those owners who receive minutes by email or those owners who request a copy within 14 days of the meeting. (Sch 1 cl 22(c))

Agenda Page 6 of 84

This was not an accidental mistake, because the same misinformation was repeated on page 81 of the AGM 2023 agenda, showing expired insurance (21 September 2023) on 5 October 2023:

Location: file:///tmp/SP52948-agenda-AGM-2023-5Oct2023.pdf
Producer: iTextSharp™ 5.4.3 ©2000-2013 1T3XT BVBA (AGPL-version)
Created: Thu 05 Oct 2023 16:42:36
Modified: Thu 05 Oct 2023 16:42:36
Format: PDF-1.4
Number of Pages: 84
Optimised: No
Security: No
Paper Size: A4, Portrait (210 × 297 mm)
Contains Javascript: No
Size: 2.9 MB

The comparison between agenda for AGM 2022 and 2023 shows same insurance expiration date (21 September 2023), but different sums insured for loss of rent/temp accommodation, additional excesses for water-related claims and all other claims, and different insurance commissions paid to Waratah Strata Management

8) As predicted by Lot 158, Waratah Strata Management published updated insurance policy 21 days after due date on 12 October 2023, claiming that insurance was paid before due date - on 20 September 2023. This document still did not list all excesses (one drastic example was \$10,000.00 excess for each and every water-related damage and exploratory work, introduced by insurance company since 2012 and hidden from owners by strata managers in most years):

[SP52948-insurance-due-on-21Sep2023-published-21-days-later-on-12Oct2023](#)

9) Either Waratah Strata Management ran dubious accounting practices, or had sinister reasons for delaying updates to financial documents, but here is evidence that even as late as 4 October 2023, they did not publish any expenses for insurance renewal, which directly correlated to the fact that agenda for AGM 2023 was published and sent on 5 October 2023, allowing Waratah Strata Management to avoid publishing any information about insurance renewal and still claiming cost of \$161,569,59 for September 2022 (GST inclusive) instead of new costs for September 2023:

[SP52948-Income-and-Expenditure-Report-1Sep2023-to-4Oct2023](#)

10) Document folder at Waratah Strata Management website did not disclose insurance policy for owners as of 16 October 2023:

Oct 16 16:27



www.lookatmystrata.com.au/187035/documents



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Strata Plan 52948

Enter Keyword



Document Type	Creditor	Description	Date
MINUTE BOOK			05/10/2023
Levy Notice		November 2023	21/09/2023
MINUTE BOOK			12/09/2023
MINUTE BOOK			01/09/2023
MINUTE BOOK			17/08/2023
Bank Statements			17/08/2023
MINUTE BOOK			03/08/2023
Levy Notice		August 2023	16/06/2023
CORRESPONDENCE			15/06/2023
MINUTE BOOK			08/06/2023

Results: 1 - 10 / 176

Page 1 / 18

Show rows 10

11) Document folder at Waratah Strata Management website suddenly disclosed insurance policy for owners on 17 October 2023 and “backdated” it to 21 September 2023:

Oct 17 16:43

www.lookatmystrata.com.au/187035/documents

WARATAH

Strata Management

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OWNERS CORPORATION PORTFOLIO REPORTS MEETINGS DOCUMENTS MAINTENANCE

Strata Plan 52948

Enter Keyword

Document Type	Creditor	Description	Date
MINUTE BOOK			05/10/2023
Insurance Policy			21/09/2023
Levy Notice		November 2023	21/09/2023
MINUTE BOOK			12/09/2023
MINUTE BOOK			01/09/2023
MINUTE BOOK			17/08/2023
Bank Statements			17/08/2023
MINUTE BOOK			03/08/2023
Levy Notice		August 2023	16/06/2023
CORRESPONDENCE			15/06/2023

Results: 1 - 10 / 177 Page 1 / 18 Show rows 10

12) Summary of forged date of the published insurance premiums for FY 2024:

Example of how Waratah Strata Management forged date of published SP52948 insurance policy for FY 2024

It was not sent in agenda for Annual General Meeting on 5 October 2023 and not published on Waratah Strata Management website until 17 October 2023

Screenshot taken on Waratah Strata website on 16 October 2023
No Insurance Policy published

Document Type	Creditor	Description	Date
MINUTE BOOK			05/10/2023
Levy Notice		November 2023	21/09/2023
MINUTE BOOK			12/09/2023
MINUTE BOOK			01/09/2023
MINUTE BOOK			17/08/2023
Bank Statements			17/08/2023
MINUTE BOOK			03/08/2023
Levy Notice		August 2023	16/06/2023
CORRESPONDENCE			15/06/2023
MINUTE BOOK			08/06/2023

Screenshot taken on Waratah Strata website on 17 October 2023
Insurance Policy published and "backdated" to 21 September 2023

Document Type	Creditor	Description	Date
MINUTE BOOK			05/10/2023
Insurance Policy			21/09/2023
Levy Notice		November 2023	21/09/2023
MINUTE BOOK			12/09/2023
MINUTE BOOK			01/09/2023
MINUTE BOOK			17/08/2023
Bank Statements			17/08/2023
MINUTE BOOK			03/08/2023
Levy Notice		August 2023	16/06/2023
CORRESPONDENCE			15/06/2023

13) Insurance commissions were paid to Waratah Strata Management in amount of \$47,849.98 since 2018 with evidence of previous strata agency BCS Strata Management not allowed to receive insurance commissions due to conflict of interest.

One of good initiatives by ex-Chairperson Bruce Copland was to disallow strata agencies to claim rebates and commissions for insurance renewals, as listed in his submission to CTTT on 10 March 2012. After Waratah Strata Management took office on 1 February 2017, they started receiving significant rebates and commissions for insurance renewals:

[SP52948-Chairperson-Bruce-Copland-confirming-strata-managers-not-allowed-to-receive-rebates-and-commissions-for-insurance-renewals-10Mar2012](#)

[As an example, Pica Group \(parent company of BCS Strata Management\) was forced to refund owners corporation for insurance commission in 2016](#)

Waratah Strata Management was notified number of times about owners and investors not being informed about full details of insurance policies.

Motion 11 that owners corporation consider the annual fire safety statement and to make arrangements for obtaining the next annual fire statement.

1. Fire Safety Statements and City of Ryde fire orders and cause for delays were not presented in the agenda or at any time beforehand.

2. Ongoing problems with fire and OH&S problems were not disclosed to owners:

[SP52948-continuous-delays-with-fire-and-OHS-problems](#)

3. In FY 2022 (ending on 31 August 2022), \$30,403.25 (GST excl) was paid for fire orders and repairs without disclosure of Council documents to owners, without plans for such repairs in 10-Year Capital Works Fund, and without detailed expense assessment at any general meeting:

Maint Bldg--Fire Protection 265800							
24/09/2021	Fire Order	Core Consulting Engineers Pty Ltd	4,000.00	Paid	DE	INV-CCE2740	001227
28/09/2021	Replace Emergency/Exit Lights	RS Electrical	1,560.00	Paid	DE	305	001213
08/10/2021	U's 47 & 158 Smoke Alarm	FlameSafe Fire Protection Pty Limited	720.00	Paid	DE	F103632	001233
11/10/2021	Fire Order	Core Consulting Engineers Pty Ltd	4,000.00	Paid	DE	INV-CCE2963	001232
12/10/2021	Fire Exit Door Works	FlameSafe Fire Protection Pty Limited	9,305.25	Paid	DE	F103761	001233
03/03/2022	Smoke Alarms in Conference Room	Platinum Electricians Sydney	449.95	Paid	DE	731192	001337
07/10/2022	10:48	Robert Crosbie					Page 24

Strata Plan 52948		Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park NSW 2113							
Date	Details	Payee	Group	Amount (GST exclusive)	Status	Type	Ref.No.	Payment No.	
Capital Works Fund									
16/03/2022	Paid into incorrect account			(449.95)		Rct	5298		
21/03/2022	Lvl7Block A Smoke Detector/LED Boiler Room	Handyman Electrics Pty Ltd		460.00	Paid	DE	354	001349	
29/03/2022	Smoke Alarm Replacements	RS Electrical		3,600.00	Paid	DE	312	001367	
16/05/2022	Fire Extinguisher Pressure Test & Replace	FlameSafe Fire Protection Pty Limited		808.00	Paid	DE	F107760	001399	
23/05/2022	Fire Safety Door Repairs	Lock Stock & Barrel Locksmiths Pty Ltd		5,950.00	Paid	DE	INV-1826	001405	
				\$30,403.25					

4. In FY 2023 (ending on 31 August 2023), \$43,711.00 (GST excl) was paid for fire orders and repairs without disclosure of Council documents to owners, without plans for such repairs in 10-Year Capital Works Fund, and without detailed expense assessment at any general meeting:

Maint Bldg--Fire Protection 265800								
19/09/2022	Replace Fire Hydrant Batteries	FlameSafe Fire Protection Pty Limited	926.00	Paid	DE	F110273	001478	
09/01/2023	Replace LED Emergency Light Fitting	Raw Services Pty Ltd	470.00	Paid	DE	mnt379	001576	
13/03/2023	Door Repairs	Lock Stock & Barrel Locksmiths Pty Ltd	1,520.00	Paid	DE	INV-2983	001603	
21/03/2023	Emergency Light Replacement	RS Electrical	9,635.00	Paid	DE	325	001610	
27/03/2023	Smoke Alarm Replacement All Units	RS Electrical	720.00	Paid	DE	326	001616	
22/05/2023	Fire Order	Austech Consulting Engineers Pty Ltd	26,600.00	Paid	DE	INV-0359	001659	
26/06/2023	AFSS Repairs	FlameSafe Fire Protection Pty Limited	3,840.00	Paid	DE	F1115716	001683	
				\$43,711.00				

5. In FY 2023 (ending on 31 August 2023), \$15,400.00 (GST excl) was paid for fire safety consultants without full disclosure to owners, without plans for such costs in 10-Year Capital Works Fund, and without detailed expense assessment at any general meeting:

Maint Bldg--Consultants 264200								
29/11/2022	Fire Order	Austech Consulting Engineers Pty Ltd	11,400.00	Paid	DE	INV-0335	001530	
18/04/2023	Fire Order Documentation	GRS Building Reports Pty Ltd	4,000.00	Paid	DE	R093	001625	
				\$15,400.00				

6. Examples of random checks of four fire doors in carpark basement on 21 October 2023:





21/10/2023 07:27:25



21/10/2023 07:24:04



21/10/2023 07:24:21

7. Examples of burnt external fire door in Block A, photographed on 24 September 2023 and 23 October 2023:





- **Motion 12 that the records from the strata manager specifying the functions exercised and the manner in which they were exercised be considered.**

Waratah Strata Management did not include a copy of the records kept for the preceding 12 months in the agenda.

Since 1 February 2017, Waratah Strata Management did not publish on their website a single quote for any work in the complex:

Oct 24 17:44

www.lookatmystrata.com.au/187035/maintenance

WARATAH

Strata Management

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OWNERS CORPORATION PORTFOLIO REPORTS MEETINGS DOCUMENTS MAINTENANCE

Strata Plan 52948

Work Orders Quotes

▼ Open Quotes

Date	Status	Job Summary	No
No quotes to display			

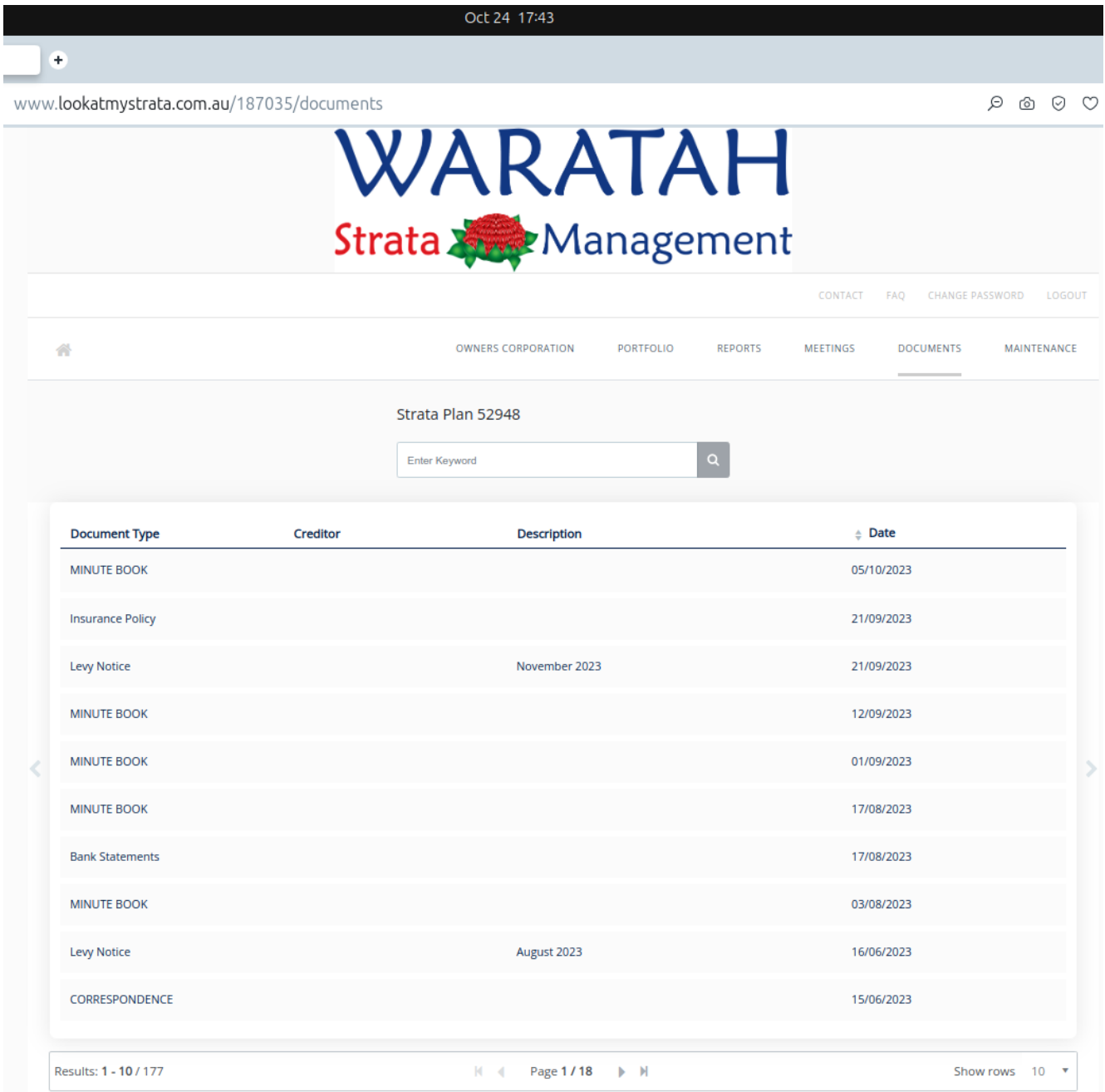
Results: 1 - 0 / 0 Page 1 / 0 Show rows 10

▼ Closed Quotes

Date	Status	Job Summary	No
No quotes to display			

Results: 1 - 0 / 0 Page 1 / 0 Show rows 10

Since 1 February 2017 until 24 October 2023, Waratah Strata Management published only 177 documents on their website, with many crucial ones missing:



The screenshot shows a web browser window with the URL www.lookatmystrata.com.au/187035/documents. The page title is "Strata Plan 52948". Below the title is a search bar with the placeholder text "Enter Keyword" and a search icon. The main content is a table with the following columns: Document Type, Creditor, Description, and Date. The table contains 10 rows of data. At the bottom of the table, there is a pagination bar showing "Results: 1 - 10 / 177", "Page 1 / 18", and "Show rows 10".

Document Type	Creditor	Description	Date
MINUTE BOOK			05/10/2023
Insurance Policy			21/09/2023
Levy Notice		November 2023	21/09/2023
MINUTE BOOK			12/09/2023
MINUTE BOOK			01/09/2023
MINUTE BOOK			17/08/2023
Bank Statements			17/08/2023
MINUTE BOOK			03/08/2023
Levy Notice		August 2023	16/06/2023
CORRESPONDENCE			15/06/2023

As of lunch time on 18 October 2023, Waratah Strata Management published 16 Open Work Orders on their website:

[SP52948-waratahstrata.com.au-website-Maintenance-Open-Work-Orders-page-1-18Oct2023.png](#)

Few hours later, in the evening of 18 October 2023, Waratah Strata Management published 13 Open Work Orders on their website:

[SP52948-waratahstrata.com.au-website-Maintenance-Open-Work-Orders-page-1-evening-18Oct2023.png](#)

Since 1 February 2017 until 18 October 2023, Waratah Strata Management prevented any tender for strata management, building management, and ran fraudulent tender for elevator upgrades and maintenance, and painting and upgrade project.

● Motion 14 NSW Government Strata Hub.

Motion 14.1 Compliance with Strata Hub Requirements.

Initially, all NSW strata schemes had to submit their first report at Strata Hub by the end of December 2022, which Waratah Strata Management and SP52948 did not comply with.

Government extended the deadline to 30 June 2023, and Waratah Strata Management completed it on 2 May 2023, as shown by these financial records (questions will be asked about exact nature of additional charges at hourly rate):

Admin--Management Fees--Additional Charges		154100					
02/12/2022	Online Invoice Approval December 2022	Waratah Strata Management Pty Ltd	10.00	Paid	DE		001528
09/01/2023	Online Invoice Approval January 2023	Waratah Strata Management Pty Ltd	10.00	Paid	DE		001552
02/02/2023	Online Invoice Approval February 2023	Waratah Strata Management Pty Ltd	10.00	Paid	DE		001572
02/03/2023	Online Invoice Approval March 2023	Waratah Strata Management Pty Ltd	10.00	Paid	DE		001595
02/04/2023	Online Invoice Approval April 2023	Waratah Strata Management Pty Ltd	10.00	Paid	DE		001612
02/05/2023	Maintain Strata Hub Records May 2023	Waratah Strata Management Pty Ltd	100.00	Paid	DE		001628
02/05/2023	Online Invoice Approval May 2023	Waratah Strata Management Pty Ltd	10.00	Paid	DE		001628
02/05/2023	Strata Manager - additional charges at hourly rate	Waratah Strata Management Pty Ltd	180.00	Paid	DE		001628
02/05/2023	Strata Manager - additional charges at hourly rate	Waratah Strata Management Pty Ltd	90.00	Paid	DE		001628
02/05/2023	Strata Manager - additional charges at hourly rate	Waratah Strata Management Pty Ltd	90.00	Paid	DE		001628
02/05/2023	Strata Manager - additional charges at hourly rate	Waratah Strata Management Pty Ltd	109.09	Paid	DE		001628
02/06/2023	Strata Manager - additional charges at hourly rate	Waratah Strata Management Pty Ltd	109.09	Paid	DE		001665
02/06/2023	Online Invoice Approval June 2023	Waratah Strata Management Pty Ltd	10.00	Paid	DE		001665
02/07/2023	Online Invoice Approval July 2023	Waratah Strata Management Pty Ltd	10.00	Paid	DE		001677

05/10/2023 13:10 Heath Crosbie Waratah Strata Management Pty Ltd

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Strata manager had to comply with the owners corporation obligations under Part 7 Division 2 of the Strata Schemes Management Regulation 2016 by inputting the mandatory information into the NSW Strata Hub, but failed in their duties and ignored Lot 158 concerns seven times:

[Waratah Strata Management warned about SP52948 insurance risks, safety, financial health \(bankruptcy risk\), and non-compliance with laws on 8 June 2023](#)

[Waratah Strata Management warned about SP52948 insurance risks, safety, financial health \(bankruptcy risk\), and non-compliance with laws - part 2 on 19 June 2023](#)

[Waratah Strata Management warned about SP52948 insurance risks, safety, financial health \(bankruptcy risk\), and non-compliance with laws - part 3 on 19 July 2023](#)

[Waratah Strata Management warned about SP52948 insurance risks, safety, financial health \(bankruptcy risk\), and non-compliance with laws - part 4 on 18 August 2023](#)

[Waratah Strata Management warned about SP52948 insurance risks, safety, financial health \(bankruptcy risk\), and non-compliance with laws - part 5 on 12 September 2023](#)

[Waratah Strata Management warned about SP52948 insurance risks, safety, financial health \(bankruptcy risk\), and non-compliance with laws - part 6 on 13 September 2023](#)

[Waratah Strata Management warned about SP52948 insurance risks, safety, financial health \(bankruptcy risk\), and non-compliance with laws - part 7 on 26 September 2023](#)

Waratah Strata Management disallowed owners from voting on Lot 158 Motion at AGM 2023:

Motion: Ratify Waratah Strata Management submission of false statement about last Annual General Meeting (AGM) at Strata Hub nsw.gov.au with risks of penalties for outdated and wrong information

The Owners Corporation SP52948 by ORDINARY RESOLUTION ratifies the following events:

a) Waratah Strata Management and nine committee members (Mr. Stan Pogorelsky, Mr. John Gore, Ms. Genelle Godbee, Mr. Ramesh Desai, Ms. Kathryn Cutler, Mr. Carlos Fornieles Montoya, Mr. Andrew Ip, and Mr. Jeffery Wang, whilst Mrs. Marianna Paltikian was notified through strata manager) received full copy of this Motion, and all other Lot 158 Motions for AGM 2023 on 26 September 2023, which they refused to include in agenda for the meeting scheduled for 26 October 2023:

<https://www.nswstratasleuth.info/SP52948-Motions-by-Lot-158-AGM-2023-public.pdf>

b) Strata Hub is a digital platform with central access point for those people who build, own, live or work in strata. The Strata Hub forms part of the NSW Government's broader transformation of the regulation of residential apartment buildings, where transparency and better customer outcomes are paramount:

<https://www.nsw.gov.au/housing-and-construction/strata/strata-reporting-user-guide>

c) Waratah Strata Management and committee members were warned six times about their failure to submit correct data at Strata Hub, last one was on 13 September 2023:

<https://www.nswstratasleuth.info/Waratah-Strata-Management-warned-about-SP52948-insurance-risks-safety-financial-health-and-non-compliance-with-laws-part-6-13Sep2023.html>

d) Registration at Strata Hub on 15 May 2023 claimed that SP52948 had last AGM on 1 January 2022.

Real date of last AGM was 27 October 2022.

e) Penalties of up to \$5,500.00 may apply if strata schemes do not complete their 2022 report by 30 June 2023. Owners corporation must keep information up to date. Penalties of up to \$2,200.00 may apply if a strata scheme becomes aware that the reported information is outdated or incorrect and does not update it on the Strata Hub within 28 days, which expired in July 2023, because Lot 158 initially warned Waratah Strata Management and committee members on 8 June 2023.

f) Screenshots from Strata Hub show that information about last general meeting did not change as of October 2023:

<https://www.nswstratasleuth.info/SP52948-NSW-strata-registration-15May2023-screenshot-taken-on-7Jun2023.png>

<https://www.nswstratasleuth.info/SP52948-NSW-strata-registration-15May2023-screenshot-taken-on-19Sep2023.png>

<https://www.nswstratasleuth.info/SP52948-NSW-strata-registration-15May2023-screenshot-taken-on-5Oct2023.png>

Waratah Strata Management continued to mislead the government and owners - screenshot taken on 24 October 2023 showed false date of last general meeting still reported at Strata Hub:

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www.nsw.gov.au/housing-and-construction/strata/strata-search

Strata search

Find publicly available data, including strata plan number, address, registration, lot information, date of the last Annual General Meeting and when the scheme completed the last annual reporting.



Search for a strata scheme

Start typing the registered address of your scheme until a list of results is shown, select one before clicking **Search**.

Do not use a space in the number for the street address. For example, enter '1A Smith Street', not '1 A Smith Street'. The registered address of a strata scheme may differ from the actual street address.

Search by address or strata plan number

Address

Strata plan number

SP52948

Search

Showing 1 result

SP52948

MACQUARIE GARDENS 1-15 FONTENOY RD, MACQUARIE
PARK NSW 2113
RYDE LGA
218 Lots
Registered on 17 Jul 1996
Last AGM on 01 Jan 2022



Active

[View Map](#)

✓ Annual reporting completed on 15 May 2023

● Motion 14.5 - GIPA Application.

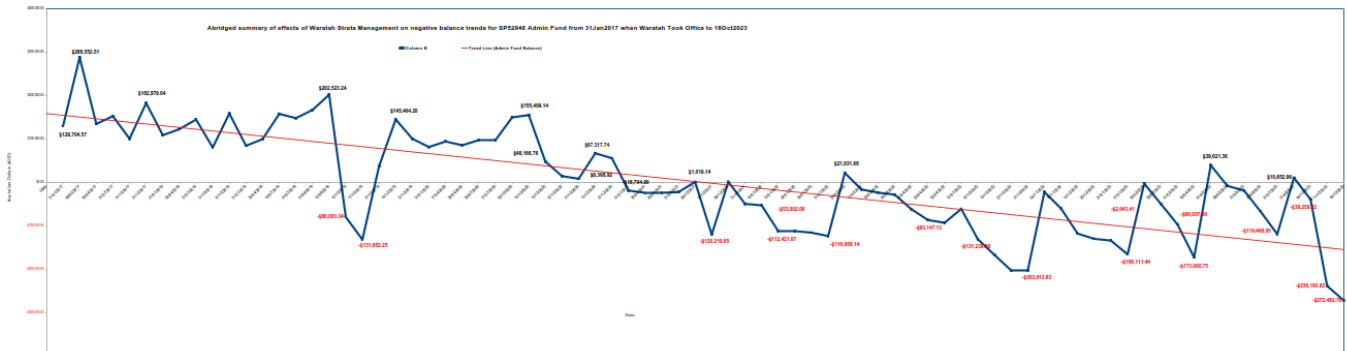
Waratah Strata Management and committee members wanted owners to approve the strata manager to lodge a GIPA application to the relevant Authority to obtain a copy of any interim and final occupation certificates for the property. Waratah Strata Management claimed that inspection of the SP52948 books and records indicated that they did not have one and the building was approved after 1 July 1998 (approx. SP57500 onwards) after which occupation certificates were issued for strata buildings. These statements were false and designed to mislead owners:

1. [SP52948 was registered on 11 July 1996 \(with number of changes soon afterwards\)](#)
2. [Waratah Strata Management refused to notify owners about critical issues including Fair Trading Mediation and expired strata management contract on 25 March 2020](#)
3. [Waratah Strata Management was warned about SP52948 non-compliance with GIPA certificates and Residential Tenancy Act 1987 on 26 March 2020, and strata manager ignored it since then, creating high insurance and safety risks \(due to ongoing fire and OH&S safety problems\)](#)
4. Lot 158 has copies of "Development Consent 288 of 1994.pdf" and "Development consent A288 of 1994.pdf" since 27 February 2020, which were provided to Waratah Strata Management, six committee members, and Solicitor Adrian Mueller in NCAT case SC 20/33352 but they ignored it as it would be detrimental to their defence at the Tribunal.

● Motion 15 - Limits on Spending by Large Schemes.

Waratah Strata Management and committee members wanted owners to approve removal of limitation imposed by section 102(2) of the Strata Schemes Management Act 2015 generally or in relation to any particular item.

Waratah Strata Management and committee members have appalling record with managing the complex and finance of SP52948, where negative balance in Admin Fund reached \$272,482.76 on 18 October 2023 and there was still an outstanding payment for building manager monthly salary before next collection of levies on 1 November 2023:



[Long-term negative trends in Capital Works and Admin Funds, for which strata manager and committee members are exclusively and solely responsible for](#)

[Waratah Strata Management prevented Lot 158 from being member of the committee whilst allowing unfinancial owners to vote and be elected \(unpaid gas heating levies: Mr. Moses Levitt, Mr. Stan Pogorelsky, Mrs. Lorna Zelenzuk, Mrs. Marianna Paltikian\)](#)

[BCS Strata Management, previous strata agency for SP52948, abused this legal requirement multiple times](#)

There is no business justification for allowing expenditures without proper consultation with the owners corporation. Due to lack of SSMA 1996 S80A, the Executive Committee at Macquarie Gardens ran number of projects without any review by the owners, spent excessive amount of money (sometimes secretly and without disclosure), and even failed to obtain additional quotations for works on number of occasions (contracts management is one example of very serious financial mismanagement and lack of planning). For three years, a concerned owner was trying to rescind the decision made in 2005 so that strata complex enforced compliance with the Strata Management Acts 1996, Division 3, Section 80A (1), which most other complexes use successfully for many years. The Explanatory Notes for owner's motions were deliberately excluded from the agenda at three AGMs by BCS Strata Management.

[SP52948-concise-version-for-12-major-events-related-to-strata-mismanagement-reference-9125004-ignored-by-Fair-Trading-NSW-29Apr2018](#)

Owners corporation of a large strata scheme must include in the estimates at an annual general meeting specific amounts in relation to each item or matter on which the owners corporation intends to expend money, or on which the owners corporation is aware money will be likely to be expended, in the period until the next annual general meeting. It is done by taking into account a statement of the existing financial situation of the strata scheme and an estimate of receipts and payments. If the error margin is not more than 10%, the Act includes provisions to cover this case without any special actions by the owners corporation: This section does not apply to expenditure for emergency purposes, including (but not limited to) the following:

- (a) burst or blocked water or sewerage pipes,
- (b) serious damage caused by fire or storm or any other natural disaster,
- (c) unexpected electrical or security system failure,
- (d) glass breakages that affect the security of any building in the strata scheme or could result in damage to the inside of any such building.

● **Motion 16 – Administration and Maintenance (Repairs Discussed).**

1) Building defects rectification was not presented in the agenda.

2) Motions must be ruled as "out of order" as they conflicted with the Act, were unlawful, and unenforceable. According to Strata Community Association (NSW), definition of a Motion:

A proposal put forward for consideration at a meeting. A well written motion will enable the lot owner or committee member to vote yes (for) or no (against) on the matter.

A motion must clearly state the proposal to be considered at the meeting.

Motion must clearly state if an ordinary, special, or unanimous resolution is required.

3) Estimates must include specific amounts in relation to each item or matter on which owners corporation intended to spend money, or on which owners corporation is aware money would be likely spent in the period until next general meeting.

4) Agenda was not detailed, as required by SSMA 2015 (documents necessary to fully inform owner in regards to motions on the agenda).

5) Did not include full details of 10-Year Capital Works Plan, in spite of advance notice of flaws with the plan:

[SP52948-discrepancies-in-BIV-report-for-10-Capital-Works-Fund-in-2017-and-2021](#)

Preparing estimates for budgets at an AGM (section 79 of Strata Schemes Management Act 2015: must note any difference between the 10-year plan and these estimates and the reason for the difference.

6) [Waratah Strata Management disallowed Lot 158 Motions for AGM 2023, to prevent proper management of the complex](#)
[Waratah Strata Management received updated Lot 158 Motions for AGM 2023 and failed to respond to request to postpone the general meeting due to lack of information for owners and non-compliance with strata laws](#)

7) Multiple common property issues unresolved in Lot 158 alone, some going back to 2018:

[SP52948-unresolved-common-property-maintenance-issues-in-Lot-158](#)