

**Motion: Ratify 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**

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

a) In 2017, 2022, and 2023, SP52948 was forced to repay total of \$28,545.60 (GST excl) to insurance companies for legal costs by Solicitor Adrian Mueller.

b) SP52948 was forced to repay \$8,800.00 to insurance company for Solicitor Adrian Mueller's legal costs in CTTT cases SCS 12/32675 and 12/50460 that occurred in 2012 and 2013. CHU Insurance requested repayment on day of AGM on 26 October 2016, which BCS Strata Management failed to report to owners, and CHU then sent second notice to Waratah Strata management on 11 January 2017, which Waratah Strata Management complied two months later on 23 March 2017:

**From:** Robert Crosbie  
**Sent:** Thursday, 23 March 2017 2:28 PM  
**To:** 'Duncan Stuart'  
**Subject:** RE: to sm Re: OC 52948 re CHU refund re LDX claim ref NH201212589 [29583]

Duncan,

We advise this issue was discussed at a committee meeting held last week and the committee have approved the refund of the \$8,800 to CHU. A cheque will be processed with our creditor payments early next week.

Regards,

**Robert Crosbie**  
Waratah Strata Management  
P.O. Box 125, Eastwood NSW 2122  
Ph (02) 9114 9599  
Fx (02) 9114 9598  
[www.waratahstrata.com.au](http://www.waratahstrata.com.au)

Pay \$8,800  
to CHU

**From:** Duncan Stuart [REDACTED]  
**Sent:** Wednesday, 11 January 2017 10:47 AM  
**To:** [simonbrikha@bcssm.com.au](mailto:simonbrikha@bcssm.com.au); [aiden.odea@bodycorporatebrokers.com.au](mailto:aiden.odea@bodycorporatebrokers.com.au); Robert Crosbie  
**Subject:** to sm Re: OC 52948 re CHU refund re LDX claim ref NH201212589 [29583]

Dear Simon,

I have called and left a message for you. In the meantime an email.

As you will recall CHU is chasing repayment of \$8,800 refund from an LDX claim. Details are set out in my email below.

I was wondering how things were progressing and in particular whether the obligation to repay the monies had actually been brought to the OC's attention.

I was told last week that the OC had moved to Waratah Strata so I should chase that company up. I did and have now been told that the OC is still with you until the end of January.

On 19/10/2016 12:34 PM, Duncan Stuart wrote:

Hello Simon,

I called yesterday and Linda from your office returned my call this morning.

As I explained to her CHU allowed a legal defences claim in respect of CTTT proceedings

On 3 April 2017, whilst unfinancial to be a committee member and vote (as confirmed by few documents herewith), Mr. Stan Pogorelsky attempted to prevent Lot 158 from helping CHU Insurance recover \$8,800.00 from SP52948:

<https://www.nswstratasleuth.info/SP52948-EC-member-Lot-181-attempting-to-prevent-insurance-company-investigate-alleged-fraud-3Apr2017.png>

Mr. Pogorelsky confirmed to Waratah Strata Manager on 27 April 2017 that gas heating levies in amount of \$200,00 (GST of \$20.00 applied from 1 July 2000) were not collected until 2016, in non-compliance with committee's decision on 17 November 1999 (attended by two committee members who enjoyed gas heating for many years – M. Stan Pogorelsky and Mr. Upali Aranwela) and Special By-Law registered on 6 April 2013:

<https://www.nswstratasleuth.info/SP52948-Lot-181-confirmed-on-27Apr2017-that-gas-heating-levies-220-dollars-per-year-were-not-collected-before-2016.png>

<https://www.nswstratasleuth.info/SP52948-EC-meeting-17Nov1999-gas-heating-levies-set-at-200-dollars-per-year.png>

<https://www.nswstratasleuth.info/SP52948-Special-By-Laws-11-12-13-6May2013.pdf>

This was reported in minutes of committee meeting on 20 July 2017, confirming gas heating levies not paid in previous years and seeking general meeting to approve unpaid levies:

**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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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.

Waratah Strata Management and committee members were given many opportunities to provide evidence-based refutation that these collection of strata files was not correct:

<https://www.nswstratasleuth.info/SP52948-Unpaid-gas-heating-levies-and-unfinancial-owners-brief-public-information-from-strata-files-and-meetings.pdf>

Waratah Strata Management and committee members waited two years and three months to coerce owners corporation not to recover unpaid levies and 10% simple interest for gas heating at AGM 2019 with statements which they knew were inaccurate and misleading:

**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.

c) 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 in FY 2023 (Item 169400 Maint Bldg – Insurance Repairs &/or Excess):

**Administrative Fund**

		Current period	Previous year
		01/09/2022-31/08/2023	01/09/2021-31/08/2022
163010	Maint Bldg--Cleaning--Pressure Cleaning	2,000.00	0.00
164200	Maint Bldg--Consultants	3,750.00	0.00
164600	Maint Bldg--Doors & Windows	6,422.18	10,244.81
164800	Maint Bldg--Electrical	8,493.90	2,825.15
165600	Maint Bldg--Exhaust/Ventilation Systems	0.00	983.00
165800	Maint Bldg--Fire Protection	17,937.64	10,720.82
166000	Maint Bldg--Floors	0.00	370.00
166400	Maint Bldg--Garage Door--Remote controls	638.60	0.00
166600	Maint Bldg--Garage Doors	2,226.00	844.04
167000	Maint Bldg--Garbage Compactor	200.00	0.00
167200	Maint Bldg--General Repairs	5,657.27	4,755.46
168000	Maint Bldg--Gym Equipment	1,670.00	1,505.00
168800	Maint Bldg--Hot Water Service	5,293.18	0.00
168900	Maint Bldg--Hygiene Services	675.12	675.12
169400	Maint Bldg--Insurance Repairs &/or Excess	15,200.15	6,119.45

d) 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 and \$1,574.00 for water leak damages which were below excess threshold in FY 2022 (Item 169400 Maint Bldg – Insurance Repairs &/or Excess):

**Maint Bldg--Insurance Repairs &/or Excess 169400**

20/09/2021	Bldg D Plantroom Leaking Pipe (Below Excess)	NCB Plumbing Pty Ltd	789.00	Paid	DE	INV-40392	001214
19/04/2022	Block D Boiler Room Burst Pipe(Below Excess)	NCB Plumbing Pty Ltd	785.00	Paid	DE	INV-40769	001384
08/08/2022	Transfer AIG payment from Misc Income to Insurance		4,545.45		Jnl	8691	
			<b>\$6,119.45</b>				

e) Document search on 8 June 2022 uncovered secret correspondence (unredacted for legal reasons) between Waratah Strata Management Director Mr. Robert Crosbie and Body Corporate Brokers (insurance broker) Mr. Samuel Lawrence dated 16 October 2020, one week before Annual General Meeting, where Mr. Robert Crosbie initiated process of advanced legal claims and confirmed that Lot 158 complaints of strata mismanagement were ignored by him and committee members. Transcript of email:

*I will wait until the fee proposal for Muellers is formally accepted at the AGM next week before fully responding, however the earliest date we were officially aware of this claim was the date the NCAT application was lodged & notified to us. There have been ongoing disputes with this lot owner for years, with numerous threats applications would be lodged. These were never taken seriously until the NCAT notification was received.*

The screenshot shows an email client window titled 'WSMWS05 - TeamViewer'. The email is from Samuel Lawrence (@bodycorporatebrokers.com.au) to Robert Crosbie, dated 16/10/2020 at 12:51 PM. The subject is 'RE: New Claim: Legal Expenses | SP52948 | DOL: 11.8.20 | Policy No. QJSS042715 | BCB Ref. 84537'. The email body contains the text from block 5. Below the email is a 'List Tool' table with the following columns: Date, Doc Type, Plan Number, Address, Manager, Notes, Show on Portals, Portal Description, Archive Date, User Name, and Document ID.

Date	Doc Type	Plan Number	Address	Manager	Notes	Show on Portals	Portal Description	Archive Date	User Name	Docum
25/03/2022	Insurance Claims	52948	Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park, NSW 2113	Heath Crosbie	Legal costs recovery			25/03/2022 2:52 PM	Heath Crosbie	190004
4/03/2022	Insurance Claims	52948	Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park, NSW 2113	Heath Crosbie	Lot 158 Legal Expenses			4/03/2022 4:55 PM	Robert Crosbie	196128
23/09/2021	Insurance Claims	52948	Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park, NSW 2113	Robert Crosbie	Lot 158 Legal Expenses			23/09/2021 4:50 PM	Robert Crosbie	158093
15/07/2021	Insurance Claims	52948	Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park, NSW 2113	Robert Crosbie	U190 window damage claim denied			15/07/2021 10:13 AM	Nicole Pavlakis	146019
8/03/2021	Insurance Claims	52948	Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park, NSW 2113	Robert Crosbie	Muellers Legal Fees			8/03/2021 11:46 AM	Robert Crosbie	120797
4/03/2021	Insurance Claims	52948	Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park, NSW 2113	Robert Crosbie	Legal Expenses			4/03/2021 1:58 PM	Robert Crosbie	120395
4/03/2021	Insurance Claims	52948	Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park, NSW 2113	Robert Crosbie	Legal Expenses			4/03/2021 1:58 PM	Robert Crosbie	120394
16/10/2020	Insurance Claims	52948	Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park, NSW 2113	Stuart Geeffe	BCB Legal Defence Claim			16/10/2020 3:13 PM	Robert Crosbie	94269
2/06/2020	Insurance Claims	52948	Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park, NSW 2113	Frank Tallanti	Water Damage claim denied			4/06/2020 3:06 PM	Fiona Michael	71212
2/06/2020	Insurance Claims	52948	Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park, NSW 2113	Frank Tallanti	U61 formal denial letter			2/06/2020 11:48 AM	Frank Tallanti	70761
2/06/2020	Insurance Claims	52948	Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park, NSW 2113	Frank Tallanti	U61 formal denial letter			2/06/2020 11:48 AM	Frank Tallanti	70760

- First version of total expenses (GST exclusive) for Solicitor Adrian Mueller: in his letter dated 12 July 2021 (reference AM:CP:37289), Solicitor Adrian Mueller made the claim of \$20,020.00 (\$15,015.00 exclusive of GST representing 75% of the actual costs the owners corporation incurred in the proceedings).

- Second version of total expenses (GST inclusive!) for Solicitor Adrian Mueller in FY 2021 as listed by Waratah Strata Management in their agenda for Annual General Meeting sent on 7 October 2021 on page 108: \$25,714.30. Waratah Strata Management provided these figures in the Agenda for Annual General Meeting in October 2021 on pages 14 to 17 (for account code 153200), which include costs not related to NCAT case and not approved at any meeting (review of Lot 158 Motions and failed defamation threats):

28/09/2020 Advice on Motions requested by Lot 158 \$2,700.00  
 26/10/2020 Defamation by Lot 158 \$413.50  
 23/11/2020 Defamation by Lot 158 (Barrister Hussein Elachkar) \$1,218.75  
 14/12/2020 NCAT application by Lot 158 \$8,030.00  
 8/02/2021 NCAT application by Lot 158 \$2,213.55  
 19/04/2021 NCAT application by Lot 158 \$4,921.40  
 10/05/2021 Defamation by Lot 158 \$3,198.75  
 11/06/2021 NCAT application by Lot 158 \$1,899.45

- Version of total costs (GST exclusive) for Solicitor Adrian Mueller in FY 2021 as listed by Waratah Strata Management in their agenda for Annual General Meeting sent on 7 October 2021 on page 108: \$23,142.87.

- Third version of total expenses (GST exclusive) for Solicitor Adrian Mueller (based on figures in agenda for account code 153200 for Annual General Meeting sent on 7 October 2021 on pages 14 to 17, without costs for Barrister Hussein Elachkar, and without alleged defamation costs in FY 2021 which are NOT part of NCAT proceedings and not legally approved at Annual General Meeting 2020): \$19,764.4. Total expenses (GST exclusive) for legal and debt collection fees for all lawyers and solicitors in FY 2021 as listed by Waratah Strata Management in their agenda for Annual General Meeting sent on 7 October 2021 on page 18: \$24,171.90.

- Fourth version of total expenses (GST exclusive) for Solicitor Adrian Mueller (based on figures in agenda for account code 153200 for Annual General Meeting sent on 7 October 2021 on pages 14 to 17, without costs for barrister Hussein Elachkar, and with defamation costs in FY 2021 which are NOT part of NCAT proceedings and not legally approved at Annual General Meeting 2020): \$23,376.62.

- Fifth version of total expenses (GST exclusive) for Solicitor Adrian Mueller: in his Costs Assessment Application on page 3 on 7 February 2022 (no GST is claimed on the costs that are the subject of this costs assessment as the Costs Applicant is registered for GST and entitled to an input tax credit in respect of those costs), Solicitor Adrian Mueller claimed costs of \$25,158.14.

- Sixth version of total expenses (GST exclusive) for Solicitor Adrian Mueller: in his Costs Assessment Application on 25 March 2022, Solicitor Adrian Mueller claimed costs of \$24,694.72.

- Cost figures (GST excl) provided by Solicitor Adrian Mueller on 12 July 2021, 7 February 2022 (no invoices were included by the Solicitor), and 25 March 2022, and listed on Waratah Strata Manager's agenda for Annual General Meeting on 7 October 2021 differ to a large extent:

Date	Solicitor's Invoice# 101676 11Dec2020	Solicitor's Invoice# 102134 3Feb2021	Solicitor's Invoice# 102255 11Feb2021	Solicitor's Invoice# 103514 6May2021	Solicitor's Invoice# 104085 9Jun2021	Solicitor's Invoice# 104547 12Jul2021	Solicitor's Invoice# 107457 4Feb2022	Solicitor's Invoice# 108037 14Mar2022	Total (GST excl)
12Jul2021	\$8,030.00	\$2,213.55	\$4,921.40	\$3,198.75	\$1,899.44	N/A	N/A	N/A	\$20,263.14
7Oct2021	No invoice	No invoice	No Invoice	No Invoice	No invoice	No invoice	N/A	N/A	\$23,142.87
7Feb2022	No invoice	No invoice	No invoice	No invoice	No invoice	No invoice	No invoice	N/A	\$25,158.14
25Mar2022	\$8,030.00	\$2,213.55	\$4,921.40	\$3,198.75	\$1,899.44	\$660.00	\$2,475.00	\$1,296.58	\$24,694.72
	Paid by insurance company on 24 March 2022 without disclosure by Solicitor Adrian Mueller to owners, Office of Legal Services Commissioner, and Supreme Court	Paid by insurance company on 24 March 2022 without disclosure by Solicitor Adrian Mueller to owners, Office of Legal Services Commissioner, and Supreme Court	Paid by insurance company on 24 March 2022 without disclosure by Solicitor Adrian Mueller to owners, Office of Legal Services Commissioner, and Supreme Court	Paid by insurance company on 24 March 2022 without disclosure by Solicitor Adrian Mueller to owners, Office of Legal Services Commissioner, and Supreme Court; listed as "Defamation by Lot 158" in Agenda for AGM in October 2021 on pages 14 to 17 (account code 153200) – not part of NCAT case SC 20/33352	Paid by insurance company on 24 March 2022 without disclosure by Solicitor Adrian Mueller to owners, Office of Legal Services Commissioner, and Supreme Court	Paid by insurance company on 24 March 2022 without disclosure by Solicitor Adrian Mueller to owners, Office of Legal Services Commissioner, and Supreme Court			

f) On 7 February 2022, BCB Insurance Broker Mr. Samuel Lawrence send the following email (unredacted for legal reasons) to Waratah Strata Management Mr. Robert Crosbie, asking Waratah Strata Management to provide all invoices by Solicitor Adrian Mueller, which AIG obviously did not have. Transcript of message:

*I had passed the below onto AIG for their review, and have provided their response. The insurer has advised that the cannot agree to recovery based on the recently supplied information. From their perspective they have advised "it doesn't make sense to spend \$14,000 (and probably more if the insured tends to commence bankruptcy proceedings) to try and recover \$15,000 - \$20,000" – which is understandable. Also noted is that bill of costs is at \$25,157.14 which has already exceeded the \$25,000 set by AIG – which was advised previously. As such, AIG have now requested that they are provided with all invoices (noting that we have attached all invoices that we have received) for their consideration.*

From: Robert Crosbie  
 To: "Samuel Lawrence" <[redacted]@bcb.com.au>  
 Subject: RE: NSW Civil & Administrative Tribunal - SC 20/33352 - [redacted] vs The Owners - Strata Plan No 52948 (JSM 37289)

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Fx (02) 9114 9598  
 robert@waratahstrata.com.au <mailto:robert@waratahstrata.com.au>

Liability limited by a scheme approved under Professional Standards Legislation.

From: Samuel Lawrence <[redacted]@bcb.com.au>  
 Sent: Monday, 7 February 2022 2:21 PM  
 To: Robert Crosbie <robert@waratahstrata.com.au> <mailto:robert@waratahstrata.com.au>  
 Subject: RE: NSW Civil & Administrative Tribunal - SC 20/33352 - [redacted] vs The Owners - Strata Plan No 52948 (JSM 37289)

Good afternoon Robert,  
 Hope you're well.

I had passed the below onto AIG for their review, and have provided their response.

The insurer has advised that they cannot agree to recovery based on the recently supplied information. From their perspective they have advised "it doesn't make sense to spend \$14,000 (and probably more if the insured intends to commence bankruptcy proceedings) to try and recover \$15,000 - \$20,000" – which is understandable.

Also noted is that the bill of costs is at \$25,157.14 which has already exceeded the \$25,000 limit set by AIG – which was advised previously. As such, AIG have now requested that they are provided with all invoices (noting that we have attached all invoices that we have received) for their consideration.

Can you please confirm that the EFT details below remain accurate:

Strata Plan 52948  
 BSB 182-222  
 A/c No 2128-43833

g) On 4 March 2022, BCB Insurance Broker Mr. Samuel Lawrence send the following email (unredacted for legal reasons) to Waratah Strata Management Mr. Robert Crosbie. Transcript of message:

*As you may note, there is a deduction of \$181.50 from invoice 103514 – as these costs have been itemised as as relating to the recovery costs which AIG has not consented to. I also note that GST will be deducted.*

WSMWS05 – TeamViewer

File Smart Archive  
 File View Scan Check Subscription Action Help

Control Panel

Libraries and Folders  
 My Archive Folders  
 STRATA  
 Owners Corporation  
 Payments / Maintenance

Search View  
 Plan Number: 52948  
 Address: [dropdown]  
 Manager: [dropdown]  
 Doc Type: Insurance Claims  
 Date From: Not Specified  
 Date To: Not Specified  
 Notes: [text area]  
 Show on Portals:  Executive  Owner  
 Portal Description: [dropdown]  
 Document ID: [dropdown]  
 User Name: [dropdown]  
 Archive Date From: Not Specified  
 Archive Date To: Not Specified

From: Robert Crosbie  
 To: "Samuel Lawrence" <[redacted]@bcb.com.au>  
 Subject: RE: NSW Civil & Administrative Tribunal - SC 20/33352 - [redacted] vs The Owners - Strata Plan No 52948 (JSM 37289)

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3,337.12  
 9/06/2021  
 104085  
 1,899.44  
 2,089.39  
 2,089.39  
 12/07/2021  
 104547  
 660.00  
 726.00  
 726.00  
 Total  
 22,833.95

As you may note, there is a deduction of \$181.50 from invoice 103514 – as these costs have been itemised as relating to the recovery costs which AIG has not consented to. I also note that GST will be deducted.

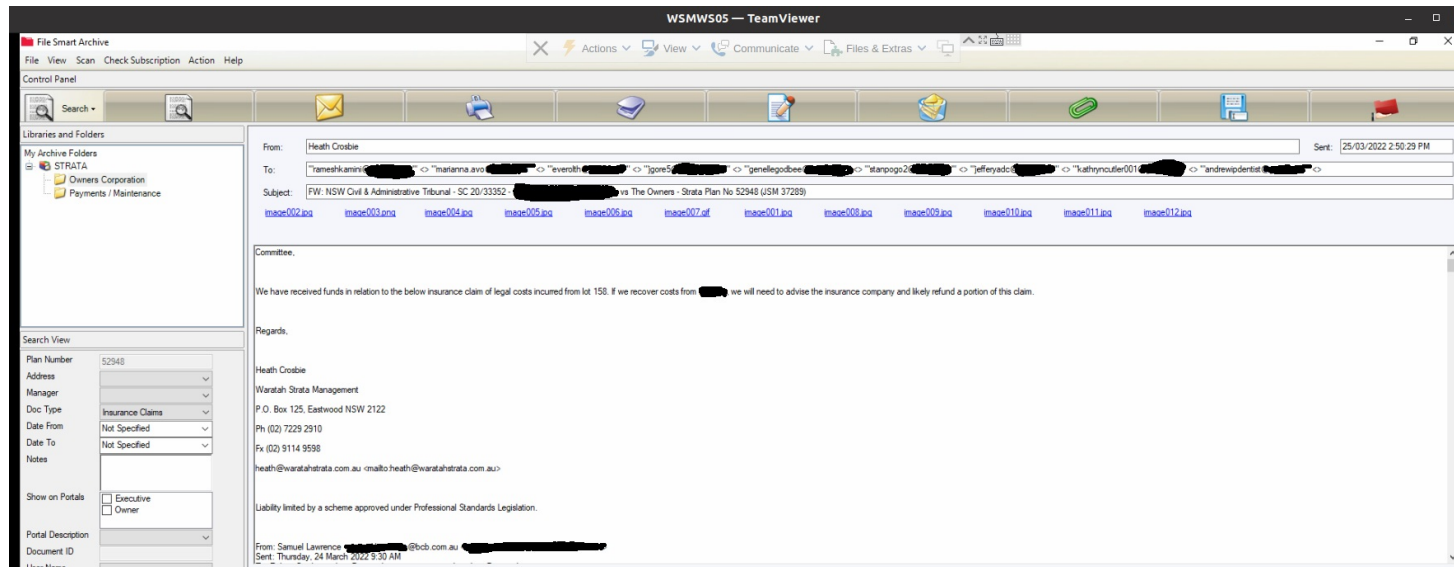
Can you please confirm that the below EFT details remain accurate?

List Tool

Date	Doc Type	Plan Number	Address	Manager	Notes	Show on Portals	Portal Description	Archive Date	User Name	Docum
25/03/2022	Insurance Claims	52948	Macquarie Gardens, 1-15 Fortenoy Road, Macquarie Park, NSW 2113	Heath Crosbie	Legal costs recovery			25/03/2022 2:52 PM	Heath Crosbie	190004
4/03/2022	Insurance Claims	52948	Macquarie Gardens, 1-15 Fortenoy Road, Macquarie Park, NSW 2113	Heath Crosbie	Lot 158 Legal Expenses			4/03/2022 4:55 PM	Robert Crosbie	186128
23/09/2021	Insurance Claims	52948	Macquarie Gardens, 1-15 Fortenoy Road, Macquarie Park, NSW 2113	Robert Crosbie	Lot 158 Legal Expenses			23/09/2021 4:50 PM	Robert Crosbie	158093
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4/03/2021	Insurance Claims	52948	Macquarie Gardens, 1-15 Fortenoy Road, Macquarie Park, NSW 2113	Robert Crosbie	Legal Expenses			4/03/2021 1:58 PM	Robert Crosbie	120395
4/03/2021	Insurance Claims	52948	Macquarie Gardens, 1-15 Fortenoy Road, Macquarie Park, NSW 2113	Robert Crosbie	Legal Expenses			4/03/2021 1:58 PM	Robert Crosbie	120394
16/10/2020	Insurance Claims	52948	Macquarie Gardens, 1-15 Fortenoy Road, Macquarie Park, NSW 2113	Stuart Greene	BCB Legal Defence Claim			16/10/2020 3:13 PM	Robert Crosbie	94289
2/06/2020	Insurance Claims	52948	Macquarie Gardens, 1-15 Fortenoy Road, Macquarie Park, NSW 2113	Frank Tallardi	Water Damage claim denied			4/06/2020 3:06 PM	Fiona Michael	71212

h) On 25 March 2022, Waratah Strata Management Mr. Heath Crosbie sent the following email (unredacted for legal reasons) to committee members Mr. Stan Pogorelsky, Mr. John Gore, Mrs. Marianna Paltikian, Mrs. Genelle Godbee, Mr. Ramesh Desai, Mr. Kathryn Cutler, Mr. Carlos Fornieles Montoya, Mr. Andrew Ip, and Mr. Jeffery Wang. Transcript of message:

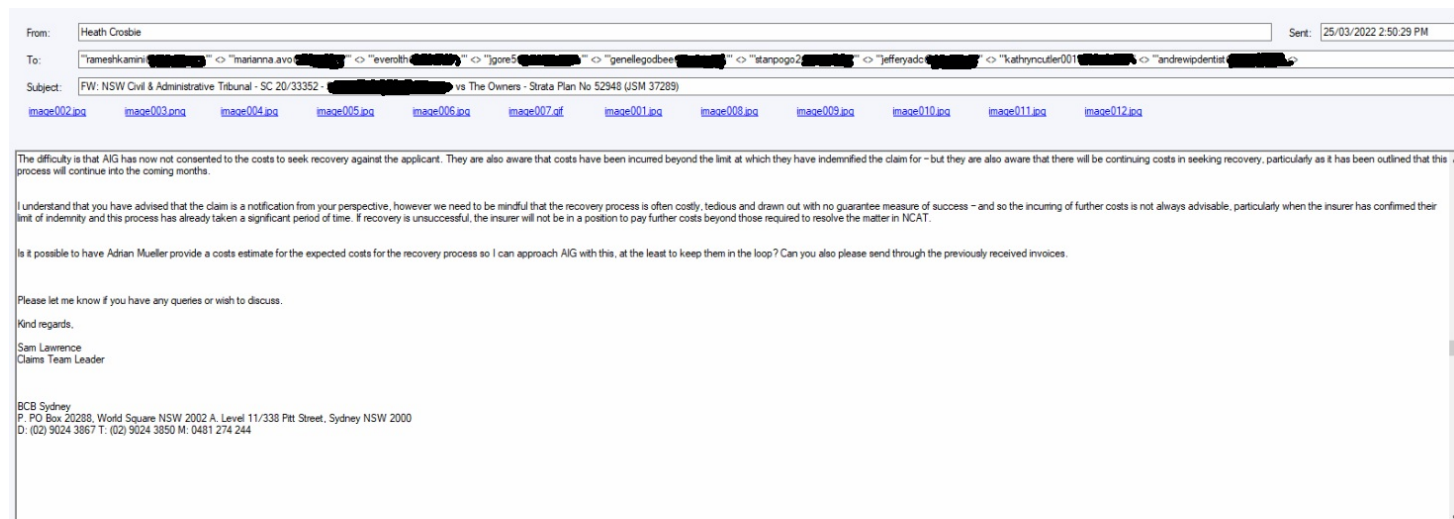
*We have received funds in relation to the below insurance claim of legal costs incurred from lot 158. If we recover costs from Lot 158, we will need to advise the insurance company and likely refund a portion of this claim.*



The same email contained original response from BCB Insurance Broker Mr. Samuel Lawrence, which also confirmed that AIG and BCB Insurance Broker. Transcript of his message:

*The difficulty is that AIG has now not consented to the costs to seek recovery against the applicant. They are also aware that costs have been incurred beyond the limit at which they have indemnified the claim for – but they are also aware that there will be continuing costs in seeking recovery, particularly as it has been outlined that this process will continue into the coming months.*

*I understand you have advised that the claim is a notification from your perspective, however we need to be mindful that the recovery process is often costly, tedious, and drawn out with no measure of success - and so the incurring of further costs is not always advisable, particularly when the insurer has confirmed their limit of indemnity ad this process has already taken a significant period of time. If recovery is unsuccessful, the insurer will not be in position to pay further costs beyond those required to resolve the matter in NCAT. Is it possible to have Adrian Mueller provide a costs estimate for the expected costs for the recovery process so I can approach AIG with this, at the least to keep them in the loop. Can you also please send through the previously received invoices. Please let me know if you have any queries or wish to discuss.*



Date	Doc Type	Plan Number	Address	Manager	Notes	Show on Portals	Portal Description	Archive Date	User Name	Docum
25/03/2022	Insurance Claims	52948	Macquarie Gardens, 1-15 Fortenry Road, Macquarie Park, NSW 2113	Heath Crosbie	Legal costs recovery			25/03/2022 2:52 PM	Heath Crosbie	190004

i) Lot 158 submitted Statutory Declaration "Professional Misconduct and Fraudulent Activities by Solicitor Adrian Mueller in Relation to Strata Plan SP52948" to Office of Legal Services Commissioner, NCAT, New South Wales Bar Association, NSW Fair Trading, and Law Society of New South Wales on 21 September 2022, which lists these concerns for Solicitor Adrian Mueller:

*Engaged in professional misconduct and fraud as listed in Lot 158 Statutory Declaration : falsified evidence and false representation in CTTT cases SCS 12/32675, SCS 12/50460, SCS 13/50737, and NCAT SC 20/33352, false representation in District Court case 13/360456, refusal to co-operate with OLSC in five submissions (41366, 56561, CAS005901, CAS006791, CAS009763), persistent contempt of court through willful disobedience to, and disregard of, court orders and misconduct in the presence of courts and Tribunals (in period 2012 to 2021, Solicitor Adrian Mueller failed to comply with CTTT/NCAT orders for the Hearings six times), refusal to co-operate with Police Event E65804633 and NCAT in case SC 20/33352 by withholding evidence and coercing the Tribunal to ignore evidence of the Applicants without considering it, earnings through proceeds of crime, and serial litigator with intention to harass (including being silent witness of stalking, exposure to ridicule, discrimination on religious and nationality basis, being aware of anonymous death threats against Lot 158 and not taking any action to prevent such actions, and more), waste court time, and incur expenses for personal benefits. Solicitor Adrian Mueller not only initiated an abuse of the court processes to gain personal advantage through proceeds of crime but caused harm to other parties (to harass and annoy, to cause delay and detriment). Actions by Solicitor Adrian Mueller obstructed Police investigators, insurance investigators, and other government officials (Fair Trading NSW, CTTT/NCAT, OLSC) and perverted the course of justice, falsified evidence, provided statements knowing they were not factual, earned income through proceeds of crime, and more). Solicitor Adrian Mueller was recipient of formal request "20220209-Re\_OLSC case CAS005901 - Request for Solicitor Adrian Mueller to respond with evidence on 8Feb2022-1750.pdf", as sent by Mr. LOT 158 on 8 February 2022. No reply was received for OLSC or Lot 158.*

<https://www.nswstratasleuth.info/SP52948-Lot-158-cost-submission-reply-ignored-by-Solicitor-Adrian-Mueller-in-Supreme-Court-27Feb2022.pdf>

<https://www.nswstratasleuth.info/BCS-Strata-Management-direct-involvement-in-falsified-Statutory-Declaration-and-Affidavit-to-CTTT-and-District-Court.html>

<https://www.nswstratasleuth.info/SP52948-strata-manager-Peter-Bone-Statutory-Declaration-for-CTTT-case-12-32675-fully-prepared-by-Solicitor-Adrian-Mueller-and-signed-on-19Apr2013.pdf>

<https://www.nswstratasleuth.info/Affidavit-by-BCS-Strata-Management-Peter-Bone-represented-by-Solicitor-Adrian-Mueller-to-District-Court-case-2013-360456-31Jan2014.pdf>

j) Solicitor Adrian Mueller failed to comply with CTTT/NCAT orders six times in 2012 and 2020:

<https://www.nswstratasleuth.info/SP52948-Solicitor-Adrian-Mueller-failed-to-comply-with-Tribunal-orders-six-times-whilst-not-authorised-to-represent-owners-corporation-in-period-2012-to-2021.pdf>

k) In NCAT case SC 20/33352, Waratah Strata Management engaged Solicitor Adrian Mueller on 23 October 2023 (unredacted for legal reasons):

**From:** Robert Crosbie <[robert@waratahstrata.com.au](mailto:robert@waratahstrata.com.au)>  
**Sent:** Friday, 23 October 2020 12:23 PM  
**To:** Adrian Mueller <[AdrianMueller@muellers.com.au](mailto:AdrianMueller@muellers.com.au)>  
**Subject:** SP 52948, 1-15 Fontenoy Road, Macquarie Park

Adrian,

We advise your fee proposal to act for the Owners Corporation in the NCAT Application lodged by Lot 158 [REDACTED] has been accepted at last night's AGM.

Attached is a copy of various correspondence that has been received to date in this matter. Also attached is access to a website set up by [REDACTED] to provide access to his documentation.

We ask you to notify NCAT that you will now be representing the OC and whether you require any further time to review and respond to the application.

Now that you have been formally appointed, we ask you to respond to our email sent on 7/10/20 regarding the Legal Defences insurance claim.

l) Solicitor Adrian Mueller in NCAT case SC 20/33352 did not comply with SP52948 orders dated 23 October 2020 to inspect Lot 158 files (secure website access), which he admitted to NCAT on 14 December 2020 (relied on 704-page folder only):

**From:** Adrian Mueller [mailto:AdrianMueller@muellers.com.au]  
**Sent:** 14 December 2020 10:44  
**To:** NCATCCDSydney [mailto:ccdsydney@ncat.nsw.gov.au]  
**Subject:** RE: File No. SC 20/33352 - [REDACTED] -v- Strata Plan 52948 (JSM 37289)

Dear Ms Ermitano

Thank you for your email.

The applicants have served a black lever arch folder containing 704 pages of documents.

The purpose of my request for a file inspection was to ensure the applicants have not filed any other documents on which they will rely at the hearing.

Is it possible to find out if the applicants have filed any other documents with the Tribunal?

m) Solicitor Adrian Mueller in NCAT case SC 20/33352 did not comply with SP52948 orders dated 23 October 2020 to promptly notify NCAT about his engagement – his first email to NCAT was on 11 December 2020,

Adrian Mueller <AdrianMueller@muellers.com.au>

Fri 11/12/2020 3:53 PM

To: NCATCCDSydney <ccdsydney@ncat.nsw.gov.au>

Dear Registrar

I act for the first respondent, The Owners – Strata Plan No. 52948.

I advise that my direct telephone number on which I may be contacted for the hearing that will be conducted by telephone on 11 February 2021 is 9562 1272.

Further, I wish to inspect the Tribunal's file to ensure I have received all of the documents on which the applicants intend to rely at the hearing.

Please let me know when I am able inspect the Tribunal's file.



n) Solicitor Adrian Mueller in NCAT case SC 20/33352 did not comply with NCAT Directions Hearing on 25 September 2020 (reconfirmed on 8 October 2020) to submit his response by 20 November 2020 – Solicitor created his single three-and-half page court document on 14 December 2020 but withheld to send it to NCAT and Lot 158 until 25 January 2021:

<https://www.nswstratasleuth.info/Lot-158-letter-to-NCAT-20-33352-1Feb2021.pdf>

On 25 September 2020 the following orders were made:

1. The hearing is adjourned to a date to be fixed by the Registrar.
2. The parties have leave to be represented by an Australian legal practitioner.
3. Moses Levitt, Stan Pogorelsky, Thomas Karolewski, Jeffery Wang, Marianna Paltikian and John Gore are joined as respondents.
4. The applicant shall provide to each of the respondents referred to in order 3 a copy of the strata schemes application and the documents relied on by the applicants by 2 October 2020.
5. The applicants shall provide to each of the respondents and the Tribunal details of a website through which access can be obtained to any video and photographs relied upon by the applicants by 2 October 2020.
6. The respondents shall provide to the applicant and the Tribunal, either in person or by post, and by email, a copy of all documents (see note below), on which the respondent seeks to rely at the hearing by 20 November 2020.
7. The applicants shall provide to the respondent and the Tribunal, either in person or by post, and by email, a copy of any documents in reply on which the applicants seek to rely at the hearing and the applicants' outline of submissions by 18 December 2020.

Schedule 4, Clause 10(2) of the NSW Civil & Administrative Tribunal Act 2013 provides the following:  
(a) If the party causing the disadvantage is the applicant – order that the proceedings (or part of the proceedings) be dismissed or struck out, or  
(b) If the party causing the disadvantage is not the applicant:  
(i) determine the proceedings (or part of the proceedings) in favour of the applicant and make any appropriate orders, or  
(ii) order that the party causing the disadvantage be struck out of the proceedings (or part of the proceedings).

For further information about your rights and obligations in relation to this order please read NCAT's Rights and Obligations Guideline available on the NCAT website at [www.ncat.nsw.gov.au](http://www.ncat.nsw.gov.au)

Level 14 Civic Tower, 66 Goulburn Street, SYDNEY NSW 2000  
GPO Box 4005, SYDNEY NSW 2001  
ccdsydney@ncat.nsw.gov.au  
Ph: 9307 6496 Fax: 9307 6301  
[www.ncat.nsw.gov.au](http://www.ncat.nsw.gov.au)

- 
8. The respondent shall provide to the applicant and the Tribunal, either in person or by post, and by email, the respondent's outline of submissions by 22 January 2021.
  9. The parties are to advise each other of any witnesses required for cross-examination by 29 January 2021.

o) Solicitor Adrian Mueller in NCAT case SC 20/33352 forged sign-off date of his response on 25 January 2021 and coerced the Tribunal to accept it as valid date. Sign-off date of his three-and-half page response to Lot 158 and NCAT was 18 January 2021 while hidden metadata (forensic investigation), contained real date of the document – 14 December 2020:

Dated 18 January 2021



.....  
Adrian Simon Mueller  
Solicitor for the Owners Corporation

**Producer:** Aspose.Words for .NET 18.4  
**Creator:** Microsoft Office Word  
**Created:** Mon 14 Dec 2020 00:55:00 AEDT  
**Modified:** Thu 24 Dec 2020 00:43:00 AEDT  
**Format:** PDF-1.5  
**Number of Pages:** 4  
**Optimized:** No  
**Security:** No  
**Paper Size:** A4, Portrait (210 × 297 mm)  
**Size:** 83.4 kB

p) Solicitor Adrian Mueller in NCAT case SC 20/33352 did not comply with NCAT Directions Hearing on 25 September 2020 (reconfirmed on 8 October 2020) to submit his response in person or by post, and email, and attempted to deliver it by email only (confirmed by late receipt of letter by Australia Post):

**From:** Adrian Mueller

**Sent:** Friday, 29 January 2021 1:07 PM

**To:** NCATCCDSydney

**Subject:** RE: SC 20/33352 - [REDACTED]-v- SP 52948 and Ors - Filing Party: First Respondent (JSM 37289)

Dear Monette

On 25 September 2020, Senior Member Blake made procedural directions in these proceedings.

Order 8 required the respondent to provide to the applicant and the Tribunal either in person or by post, and by email, its outline of submissions.

The email I sent the Tribunal on 25 January 2021 contained the respondent's outline of submissions which was sent by email pursuant to order 8.

I therefore respectfully request that the attachment to my email (the respondent's outline of submissions) be printed and placed on the Tribunal's file.

q) Solicitor Adrian Mueller in NCAT case SC 20/33352 coerced NCAT to accept his "defence" purely based on these statement, knowing to be untrue and false, on 25 January 2021 (without any evidence):

(iii) are not supported by any, or any sufficient, evidence to prove the allegations particularly evidence that would satisfy the *Briginshaw* standard in relation to the serious allegations of misconduct and fraud;

(f) refers to numerous documents and videos which have not been served on the Owners Corporation which gives rise to the possibility that the Owners Corporation will be denied procedural fairness at the hearing;

(g) places an unfair burden on the Tribunal and the Owners Corporation of having to trawl through hundreds of pages of documents (many of which are unintelligible) to attempt to make sense of the applicants' case.

which Tribunal did in their decision on 23 April 2021, admitting they did not look at Lot 158 evidence too:

27 The applicant's documents also contained purported links to websites that Mr [REDACTED] asserted supported his complaints against certain strata committee members; Mr Mueller; and the strata manager.

28 The Tribunal did not investigate any of the links provided by Mr [REDACTED] as it would have been clearly procedurally unfair to the owners corporation for the Tribunal to view material which had not been filed and served in the proceedings and which the owners corporation could not see at the hearing as the hearing was conducted by telephone.

#### *Respondent*

29 The owners corporation did not file and serve any documentary evidence; nor did the individual strata committee members.

30 The only document relied upon by the owners corporation was written submissions dated 18 January 2021.

and ignored proofs that committee members and Waratah Strata Management received details of secure website access (email for Mrs. Marianna Paltikian sent via strata manager) as confirmed by read receipt from strata manager Mr. Stuart Greene:

Subject	Date
SUMMARY: NCAT SC 20/33352 and files for John Gore	25/9/20, 15:52
SUMMARY: NCAT SC 20/33352 and files for Stan Pogorelsky	25/9/20, 15:53
SUMMARY: NCAT SC 20/33352 and files for Moses Levitt	25/9/20, 15:55
SUMMARY: NCAT SC 20/33352 and files for Thomas Karolewsky	25/9/20, 15:57
SUMMARY: NCAT SC 20/33352 and files for Jeffery Wang	25/9/20, 15:59
Fwd: SUMMARY: NCAT SC 20/33352 and files for EC members	25/9/20, 16:09
Read: SUMMARY: NCAT SC 20/33352 and files for EC members	30/9/20, 15:52

Subject **Read: SUMMARY: NCAT SC 20/33352 and files for EC members**

Your message

To: Stuart Greene  
Subject: Fwd: SUMMARY: NCAT SC 20/33352 and files for EC members  
Sent: Friday, September 25, 2020 4:09:09 PM (UTC+10:00) Canberra, Melbourne, Sydney

was read on Wednesday, September 30, 2020 3:51:59 PM (UTC+10:00) Canberra, Melbourne, Sydney.

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Final-recipient: RFC822; [stuart@waratahstrata.com.au](mailto:stuart@waratahstrata.com.au)  
Disposition: automatic-action/MDN-sent-automatically; displayed  
X-MSExch-Correlation-Key: rr8kf3kFKEyd+e9yuCw53g==  
X-Display-Name: Stuart Greene

r) Solicitor Adrian Mueller created dangerous precedence in two Tribunal cases where Solicitor Adrian Mueller's exhibited predictive behaviour, contempt of court, falsified documents, and insurance claims in two cases in 2012/2013 (SCS 12/32675 and SCS 12/50460, conducted by Tribunal member M. Harrowell) and 2020/2021 (SC 20/33352, conducted by Tribunal member G.J. Sarginson) - the precedence means that all evidence of the Applicant can be ignored if the Respondent fails to attend Hearings:

<https://www.nswstratasleuth.info/NSW-Civil-Tribunal-failing-to-deliver-services.html>

s) Solicitor Adrian Mueller ignored voluminous Lot 158 evidence, including:

<https://www.nswstratasleuth.info/SP52948-scanned-submission-with-Statutory-Declaration-Lot-158-SCS-13-50737-18Dec2013.pdf>

<https://www.nswstratasleuth.info/District-Court-case-13-360456-Lot-158-Affidavit-ignored-by-Solicitor-Adrian-Mueller-4Feb2014.pdf>

<https://www.nswstratasleuth.info/SP52948-statutory-declaration-for-NCAT-case-20-33352-which-Waratah-Strata-Management-refused-to-provide-to-owners-Aug2020.pdf>

<https://www.nswstratasleuth.info/SP52948-six-versions-of-Solicitor-Adrian-Mueller-alleged-legal-costs-in-NCAT-case-SC-20-33352.html>

<https://www.nswstratasleuth.info/Lot-158-submission-to-court-strong-case-for-Solicitor-Adrian-Mueller-being-accessory-before-and-after-insurance-fraud-five-times-CTTT-12-32675-and-NCAT-20-33352.pdf>

[https://www.nswstratasleuth.info/Submission-to-Supreme-Court-CAS006791\\_1-Questions-on-Validity-of-Solicitor-Adrian-Mueller-Legal-Cost-Items-NCAT-20-33352.pdf](https://www.nswstratasleuth.info/Submission-to-Supreme-Court-CAS006791_1-Questions-on-Validity-of-Solicitor-Adrian-Mueller-Legal-Cost-Items-NCAT-20-33352.pdf)

<https://www.nswstratasleuth.info/Tribunal-ignored-voluminous-concerns-and-irrefutable-evidence-of-repetitive-misconduct-of-Solicitor-Adrian-Mueller-in-NCAT-case-20-33352-Apr2021.pdf>

<https://www.nswstratasleuth.info/SP52948-premeditated-plan-by-Solicitor-Adrian-Mueller-to-prevent-Applicant-Motions-and-disallow-owners-to-vote-at-AGM-2017.pdf>

<https://www.nswstratasleuth.info/SP52948-premeditated-plan-by-Solicitor-Adrian-Mueller-to-prevent-Applicant-Motions-and-disallow-owners-to-vote-at-AGM-2018.pdf>

[https://www.nswstratasleuth.info/Brief-evidence-of-Solicitor-Adrian-Mueller-involvement-in-fraudulent-activities-in-CTTT-case-SCS-12\\_50460.pdf](https://www.nswstratasleuth.info/Brief-evidence-of-Solicitor-Adrian-Mueller-involvement-in-fraudulent-activities-in-CTTT-case-SCS-12_50460.pdf)

[https://www.nswstratasleuth.info/Brief-evidence-of-Solicitor-Adrian-Mueller-involvement-in-fraudulent-activities-in-CTTT-case-SCS-12\\_32675.pdf](https://www.nswstratasleuth.info/Brief-evidence-of-Solicitor-Adrian-Mueller-involvement-in-fraudulent-activities-in-CTTT-case-SCS-12_32675.pdf)

t) Since AGM 2018, Solicitor Adrian Mueller and Waratah Strata Management prevented owners from enforcing serious indictable offenses. Extract from Motion at AGM 2018:

**The Owners Corporation SP52948 by ORDINARY RESOLUTION confirms and approves the following:**

- Section 192E of the Crimes Act 1900 states that a person who, by any deception, dishonestly obtains property belonging to another, or obtains any financial advantage or causes any financial disadvantage, is guilty of the offence of fraud, with maximum penalty of imprisonment for 10 years.
- Section 316 of the Crimes Act 1900 (NSW) makes the knowing concealment of information relating to a "serious indictable offence" a crime punishable by up to 2 years imprisonment.

Section 4 of that Act defines "serious indictable offence" to mean an indictable offence that is punishable by imprisonment for life or for a term of 5 years or more. Subject to certain exclusions this generally includes the fraud offences in Part 4AA of that Act as well as stealing and similar offences in Part 4.

Section 316(1) states if a person has committed a serious indictable offence and another person who knows or believes that the offence has been committed and that he or she has information which might be of material assistance in securing the apprehension of the offender or the prosecution or conviction of the offender for it fails without reasonable excuse to bring that information to the attention of a member of the Police Force or other appropriate authority, that other person is liable to imprisonment for 2 years.

- There is currently no maximum elapsed time period for indictable offences in NSW.
- After owners corporation was forced to repay \$8,800.00 to CHU Insurance for insurance claims in first quarter of 2017 for events that occurred in 2012/2013, Fraud Report E65804633 dated 9<sup>th</sup> September 2017 was submitted, with Police investigations and interviews starting in late 2017 and continuing in 2018.

Issues in the investigations include alleged false statements by BCS Strata Management in Statutory Declaration to CTTT on 19<sup>th</sup> April 2013, four different versions of the same Standard Costs Agreement with Solicitor Mr. Adrian Mueller, secret change of the insurance policy for SP52948 and then claiming amount of \$24,919.31 (plus GST) for alleged "defense" of Lot 3 at CTTT in 2012/2013 without owners corporation full disclosure or decision at any general meeting, false written statements to CTTT by selective EC members, invoice paid for insurance premiums to Gallagher Australia on 21<sup>st</sup> September 2012 in amount of \$84,414.77, which was 74.38% higher than in September 2011, losses to Lot 158 in amount of close to \$29,000.00.

Solicitor Mr. Adrian Mueller, was actively involved in the creation of the Statutory Declaration, against the wishes of owners corporation or approval at any general meeting or disclosure, caused excessive courier costs to owners corporation in amount of \$851.56 on 19<sup>th</sup> April 2013 and was based on rushed EC meeting seven days ahead of scheduled date, without owners being able to respond, comment, or complain.

- Secretary of the EC Mrs. Lorna Zelenzuk and acting Chairperson Mr. Robert Crosbie failed to include Motion at AGM 2017 confirm payments to Solicitor Mr. Adrian Mueller, in non-compliance with Strata Schemes Management Act 2015, Schedule 1, c(4):

Solicitor Mr. Adrian Mueller was engaged 14 times in period March 2012 and September 2016 without disclosure of expenses in any financial statement given to owners corporation at general meetings,

Solicitor Mr. Adrian Mueller was paid \$63,318.77 (GST included), with full details for 2017 and 2018 undisclosed to owners by Waratah Strata Management:

u) Solicitor Adrian Mueller sent letter to Lot 158 on 27 June 2022, confirming that he, Waratah Strata Management, and committee members prevent Lot 158 from assisting OLSC, NCAT, and Police, in non-compliance with paragraph 61 of NCAT case SC 20/33352 which stated “Special By-law 11 does not prevent Lot owners from attending meetings of the owners corporation, nor putting forward Motions to be considered at general meetings; nor bringing proceedings in the Tribunal”:

We are instructed that on 8 June 2022, you wrote to the strata managing agent of the Owners Corporation, made a request for specific documents to be provided to you and put forward a proposal.

We are instructed that the Owners Corporation does not intend to provide those specific documents to you because it has no obligation to do so. If you wish to inspect the records of the Owners Corporation

P 02 9562 1266  
F 02 9567 8551  
W muellers.com.au  
E enquiries@muellers.com.au

LEVEL 1,  
240 PRINCES HIGHWAY  
ARNCLIFFE NSW 2205  
DX 25315 ROCKDALE



Liability limited by a scheme approved under Professional Standards Legislation

The Secretary  
The Owners – Strata Plan No. 52948

2

27 June 2022

to obtain specific documents, you will need to follow the procedure set forth in section 182 of the *Strata Schemes Management Act 2015* in order to do so.

We are informed that on or about 8 June 2022 you did undertake an inspection of the records of the Owners Corporation. We are told that during that inspection certain privileged documents were made available to you by mistake. We are instructed that privilege is not waived in relation to any of the privileged documents which you were mistakenly given access to.

In relation to the proposal contained in your email to the strata manager of the Owners Corporation sent on 8 June 2022, we are instructed that the proposal is not acceptable to the Owners Corporation.

However, we are informed that one aspect of your proposal was a requirement for the Owners Corporation to reimburse to its insurance company the legal costs which its insurer paid in connection with the Tribunal proceedings in which the costs order was made against you on 6 July 2021.

We are instructed that once the amount determined by the costs assessor has been paid by you to the Owners Corporation, the Owners Corporation will reimburse that amount to its insurer which is the appropriate thing for it to do.

In relation to the other aspects of your proposal, we are instructed that the Owners Corporation is not prepared to forward the email you sent the strata manager of the Owners Corporation on 8 June 2022, or the evidence you filed in Tribunal proceedings (File No. SC 20/33352) or that you lodged with the costs assessor, to anyone or provide you with the authority to represent the Owners Corporation in dealings with the Office of the Legal Services Commissioner, the Tribunal and the Police.

Yours faithfully

JS MUELLER & CO  
Adrian Mueller | Partner  
E @muellers.com.au

v) Insurance claim in amount of \$13,497.00 rejected by SUU in 2021 (it was related to complete window frame being blown by strong winds from level 7 in sunroom of Lot 190 of Block A on 30 November 2020):

<https://www.nswstratasleuth.info/SP52948-third-major-incident-in-complex-blown-window-frame-in-sunroom-29Nov2020.html>

<https://www.nswstratasleuth.info/SP52948-update-on-third-major-incident-in-complex-blown-window-frame-in-sunroom-30Nov2020.html>



Strata funds paid more than \$12,270.00 for repairs in Lot 190:

**Maint Bldg--Insurance Repairs &/or Excess 169400**

07/12/2020	U190 Replace Storm Damaged Balcony Facade	Palmers Glass & Carpentry Pty Ltd	11,000.00	Paid	DE	00073820	000995
12/01/2021	U190 Install Safety Rail	W & M Gordon Property Management	280.00	Paid	DE	2	001023
12/01/2021	U190 Install Temporary Ballustrade	Macquarie Maintenance Services	290.00	Paid	DE	1045	001019
12/01/2021	U190 Remove Temporary Ballustrade	Macquarie Maintenance Services	60.00	Paid	DE	1060	001019
22/01/2021	U190 Sunroom Ceiling	Macquarie Maintenance Services	640.00	Paid	DE	1071	001029

**accounts**

**From:** Leslie Xie <@bodycorporatebrokers.com.au>  
**Sent:** Wednesday, 7 July 2021 11:27 AM  
**To:** accounts  
**Subject:** SP 52948, Macquarie Gardens 1-15 Fontenoy Road Macquarie Park NSW BCB ref: 96013  
**Attachments:** DL1\_Initial Denial.pdf

Good morning Leone,

I hope your week has been good so far.

SUU has provided a denial letter along with the engineers report by Silver Wolf advising the window collapsed due to long term fatigue of the window fixings.

Should the Owner disagree with their decision, they may access their internal dispute resolution channels instructed within the attached letter.

Strata Plan 52948

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

**Details of Policies held**

Renewal Date	Policy Number	Insurer	Premium Paid
21/09/2020	QUSS042715	QUS Pty Ltd	
Building	16/09/2019	Inactive	87,162.33

**Details of Claims processed**

Claim Date	Amount Claimed	Claim Status	Amount Received
09/02/2021	13,497.00	Refused	0.00
Building		<b>Excess Details</b>	

Explanatory notes:

<https://www.nswstratasleuth.info/SP52948-financials/https://www.nswstratasleuth.info/SP52948-experiences-with-Waratah-Strata-Management-from-customer-perspective.html>

**Motion: Ratify continuous trends for SP52948 Admin Fund negative balances from 31 January 2017 when Waratah Strata Management took office to 31 August 2023**

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

a) At AGM on 27 October 2022, when negative balance in Admin Fund amounted to \$203,914.85 without disclosure to owners, owners did not ratify Lot 158 Motions, including Motion "Ratify SP52948 Admin Fund balances from 31 January 2017 when Waratah Strata Management took office":

190200	Utility--Electricity	8,967.99	57,939.98
190400	Utility--Gas	7,131.54	25,668.18
191200	Utility--Water & Sewerage	25,120.00	95,367.60
<i>Total expenses</i>		<u>284,771.25</u>	<u>802,734.45</u>
<b>Surplus/Deficit</b>		<u>(279,715.80)</u>	<u>(34,757.74)</u>
Opening balance		75,800.95	110,558.69
<b>Closing balance</b>		<u><u><b>-\$203,914.85</b></u></u>	<u><u><b>\$75,800.95</b></u></u>

b) On 31 January 2017 when Waratah Strata Management took office from BCS Strata Management inherited positive balance of \$129,704.57 in Admin Fund:

<https://www.nswstratasleuth.info/SP52948-financials/SP52948-Balance-Sheet-31Jan2017.pdf>

c) On 29 April 2021, in minutes of committee meeting, Waratah Strata Management admitted negative balance in Admin Fund, without providing any details, and claiming that it was a temporary problem:

MINUTES OF A STRATA COMMITTEE MEETING  
THE OWNERS - STRATA PLAN 52948

ADDRESS OF THE STRATA SCHEME:

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

DATE, PLACE & TIME OF MEETING: A meeting of the Strata Committee of The Owners - Strata Plan 52948 was held on 29/04/2021 by Zoom video/audio conference. The meeting commenced at 06:00 PM.

PRESENT:

Lot #	Unit #	Attendance	Owner Name Representative
21	21	Yes	Thomas Karolewski
88	88	Yes	Marianna Paltikian
112	112	Yes	Carlos Fornieles Montoya
133	133	Yes	Andrew Ip
142	142	Yes	Genelle Godbee
170	170	Apology	Kathryn Cutler
181	181	Yes	Stan Pogorelsky
200	200	Yes	John Gore

IN ATTENDANCE:

Upali Arawela (62)  
Mo Levitt (147)  
Maureen McDonald (151)  
Daniel Wesolowski (161)  
Heath Crosbie - Waratah Strata Management  
Robert Crosbie - 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 **FINANCIAL REPORT**  
Resolved that the financial reports for the current financial year were tabled and discussed. It was noted that the current deficit in the Administrative Fund is only temporary and will be cleared when the levies due on 1/5/21 are received.

d) Owners were not informed by Waratah Strata Management about three quarters in FY 2021 with negative balance in Admin Fund:

SP52948 Balance Status on 31 January 2021, Admin Fund negative balance of \$18,794.90

SP52948 Balance Status on 30 April 2021, Admin Fund negative balance of \$25,254.77

SP52948 Balance Status on 31 July 2021, Admin Fund negative balance of \$22,323.34

<https://www.nswstratasleuth.info/SP52948-financials/SP52948-Balance-Sheet-as-at-31Jan2021.pdf>

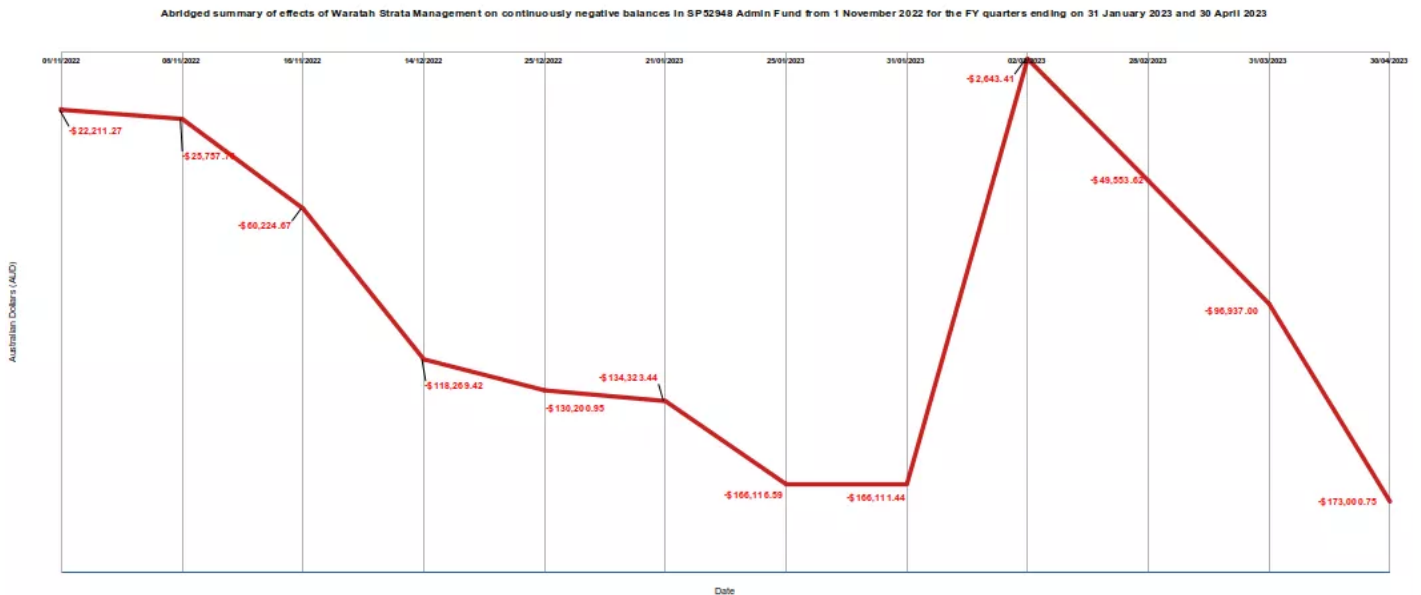
<https://www.nswstratasleuth.info/SP52948-financials/SP52948-Balance-Sheet-30Apr2021.pdf>

<https://www.nswstratasleuth.info/SP52948-financials/SP52948-Balance-Sheet-as-at-31Jul2021.pdf>

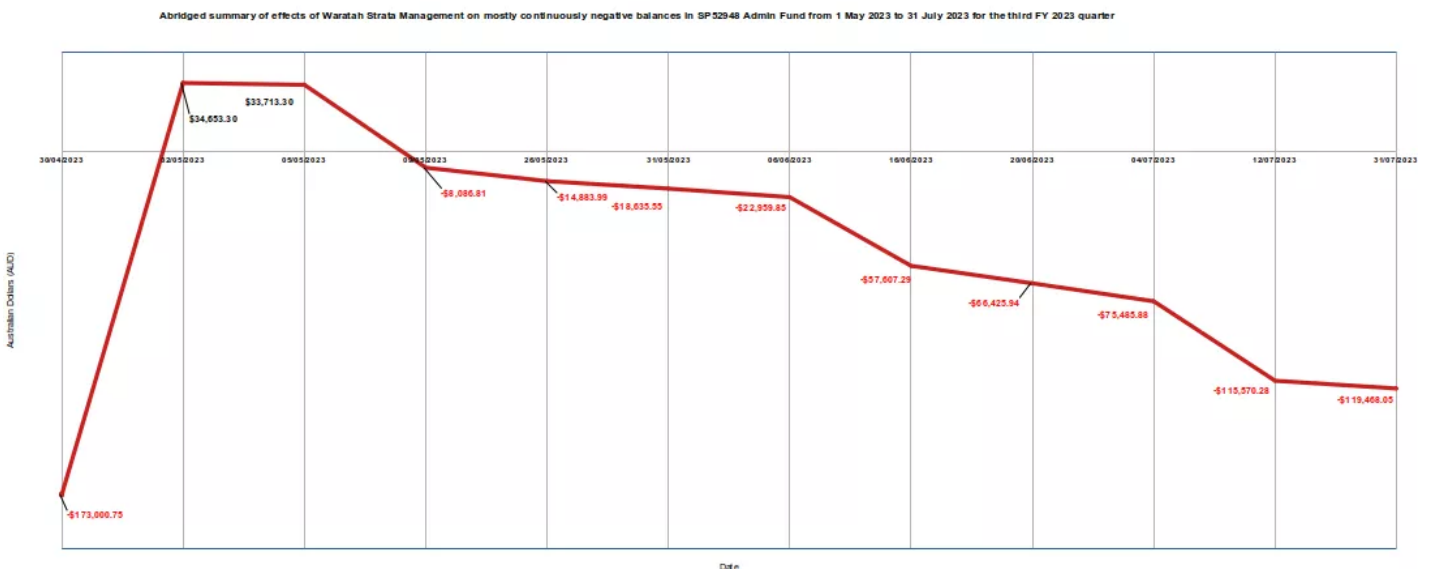
e) On 31 August 2023, positive balance in Admin Fund was \$10,652.86. Three different versions of Admin Fund balance exist for 31 August 2023: \$18,759.11 in report on 31 August 2023, \$14,903.11 in report on 6 September 2023, and \$10,652.86 in report on 16 September 2023.

<https://www.nswstratasleuth.info/SP52948-three-different-versions-Admin-Fund-balance-31Aug2023.png>

f) For first time in history of strata complex SP52948, Admin Fund had continuous negative balance two whole FY 2023 quarters (1 November 2022 to 31 January 2023, and then from 1 February 2023 to 30 April 2023):

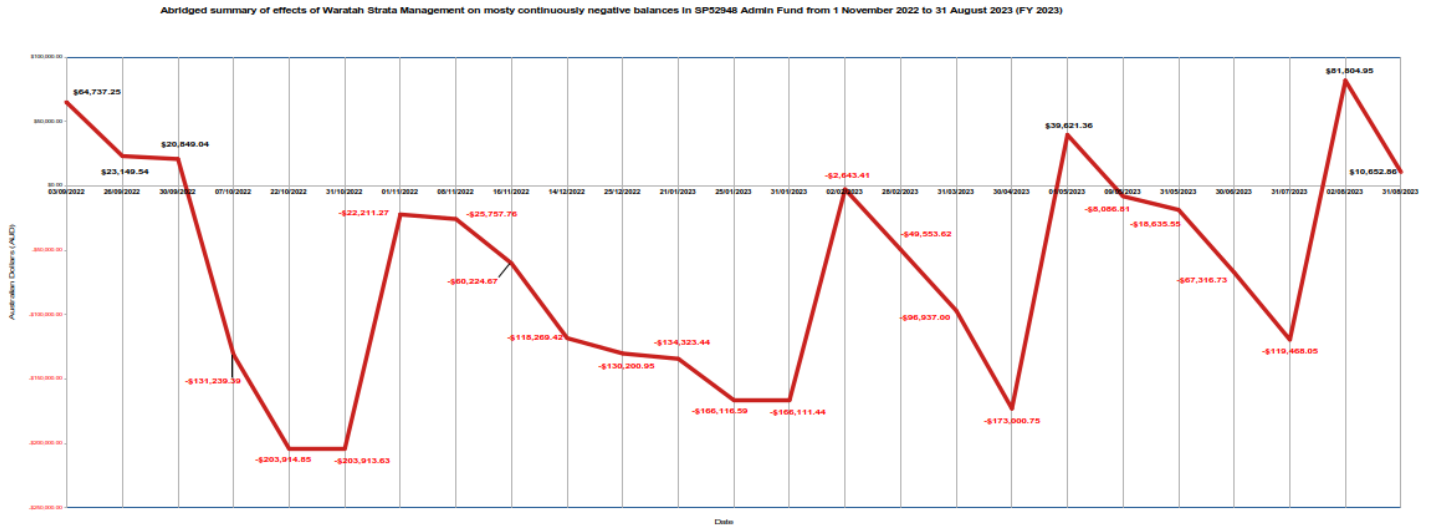


g) For first time in history of strata complex SP52948, Admin Fund had almost continuous negative balance in third FY 2023 quarter (1 May 2023 to 31 July 2023):

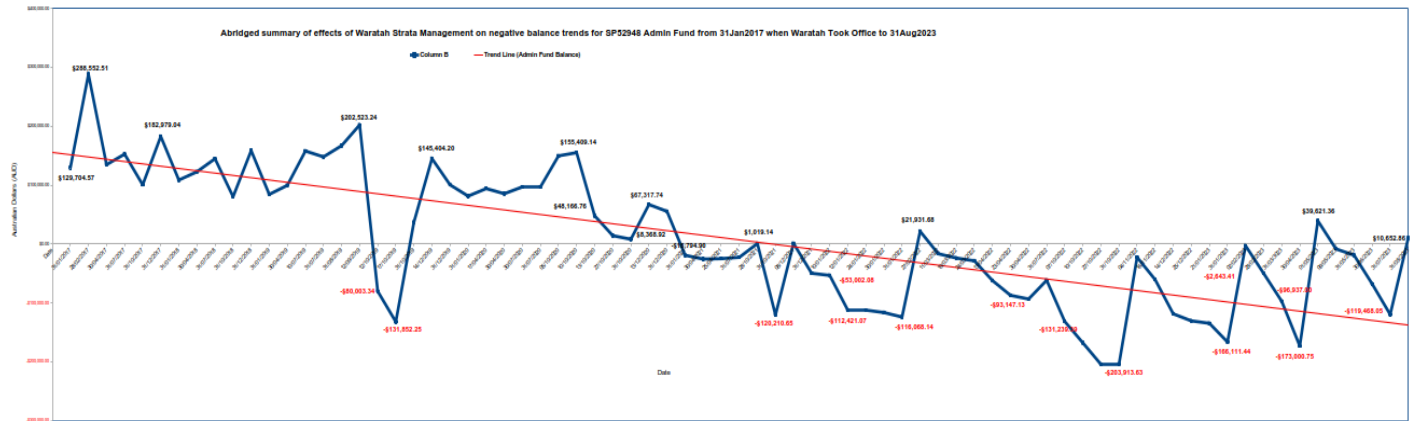




h) SP52948 Admin Fund had almost continuous negative balance in whole FY 2023 (1 September 2022 to 31 August 2023):



i) Graph of Admin Fund balances since 1 February 2017 when Waratah Strata Management took office to 31 August 2023:



j) Waratah Strata Management changed their own data in Income & Expenditure Report for 31 August 2023 (end of financial year) and three different versions of the figure were found: \$18,759.11 in report on 31 August 2023, \$14,903.11 on 6 September 2023, and \$10,652.86 in report on 16 September 2023:

<https://www.nswstratasleuth.info/SP52948-three-different-versions-Admin-Fund-balance-31Aug2023.png>

Strata Plan 52948 Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park NSW 2113			Strata Plan 52948 Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park NSW 2113			Strata Plan 52948 Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park NSW 2113		
Administrative Fund			Administrative Fund			Administrative Fund		
	Current period 01/09/2022-31/08/2023	Previous year 01/09/2021-31/08/2022		Current period 01/09/2022-31/08/2023	Previous year 01/09/2021-31/08/2022		Current period 01/09/2022-31/08/2023	Previous year 01/09/2021-31/08/2022
181000	Prior Period GST Expense Adjustment-Admin (306.21)	0.00	181000	Prior Period GST Expense Adjustment-Admin (306.21)	0.00	181000	Prior Period GST Expense Adjustment-Admin (306.21)	0.00
181100	Reimbursements - Gas Usage 636.80	747.24	181100	Reimbursements - Gas Usage 636.80	747.24	181100	Reimbursements - Gas Usage 636.80	747.24
181101	Reimbursements - Water Usage 4,520.54	5,014.28	181101	Reimbursements - Water Usage 4,520.54	5,014.28	181101	Reimbursements - Water Usage 4,520.54	5,014.28
190200	Utility-Electricity 49,171.97	57,939.98	190200	Utility-Electricity 49,171.97	57,939.98	190200	Utility-Electricity 49,171.97	57,939.98
190400	Utility-Gas 27,768.79	25,668.18	190400	Utility-Gas 27,768.79	25,668.18	190400	Utility-Gas 27,768.79	25,668.18
191200	Utility-Water & Sewerage 100,993.06	95,367.60	191200	Utility-Water & Sewerage 100,993.06	95,367.60	191200	Utility-Water & Sewerage 100,993.06	95,367.60
	<b>Total expenses</b> 890,760.55	802,734.45		<b>Total expenses</b> 898,866.80	802,734.45		<b>Total expenses</b> 898,866.80	802,734.45
	<b>Surplus/Deficit</b> (57,041.84)	(34,757.74)		<b>Surplus/Deficit</b> (65,148.09)	(34,757.74)		<b>Surplus/Deficit</b> (65,148.09)	(34,757.74)
	Opening balance 75,800.95	110,558.69		Opening balance 75,800.95	110,558.69		Opening balance 75,800.95	110,558.69
	<b>Closing balance</b> \$18,759.11	\$75,800.95		<b>Closing balance</b> \$10,652.86	\$75,800.95		<b>Closing balance</b> \$10,652.86	\$75,800.95

SP52948 Admin Fund Balance on 31Aug2023 downloaded on 31Aug2023

SP52948 Admin Fund Balance on 31Aug2023 downloaded on 6Sep2023

SP52948 Admin Fund Balance on 31Aug2023 downloaded on 16Sep2023

k) Waratah Strata Management and Uniqueco Property Services were reminded about risks that could damage their business due to misconduct in carrying out or failing to carry out the functions required under the contract:

<https://www.nswstratasleuth.info/Examples-of-legal-cases-terminated-contracts-with-strata-and-building-managers-in-Australia.html>

l) At AGM on 27 October 2022, where only 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.

Explanatory notes:

<https://www.nswstratasleuth.info/SP52948-negative-trends-with-Admin-Fund-under-Waratah-Strata-Management.html>

<https://www.nswstratasleuth.info/SP52948-financials>

**Motion: Ratify events related to 10-Year Capital Works Fund for SP52948 with updates for 2023**

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

a) At AGM on 27 October 2022, when negative balance in Admin Fund amounted to \$203,914.85 without disclosure to owners, owners did not ratify Lot 158 Motions, including Motion for AGM 2020 "Ratify events related to 10-Year Capital Works Fund for SP52948".

b) Capital Works Fund (old name Sinking Fund) has never been approved or discussed at general meetings since 1997:

<https://www.nswstratasleuth.info/SP52948-Leary-and-Partners-Sinking-Fund-Plan-May1998-undisclosed-to-owners.pdf>

<https://www.nswstratasleuth.info/SP52948-MSA-Sinking-Fund-Plan-Aug2010-undisclosed-to-owners-until-October-2016.pdf>

<https://www.nswstratasleuth.info/SP52948-BIV-report-Capital-Works-Fund-Mar2017.pdf>

<https://www.nswstratasleuth.info/SP52948-BIV-report-Capital-Works-Fund-6Oct2021.pdf>

c) Committee meeting on 23 September 2021 confirmed deficit in Capital Works Fund in amount above 1.5 million (\$1,515,541.00):

**FINANCIAL REPORT**

That the financial reports for the current financial year were tabled and discussed.

It was noted that the Capital Works Forecast Report prepared in 2017 suggests that the current balance of the Capital Works Fund should be \$2,550,035 and that the actual balance of the Capital Works Fund is \$1,034,494. It was resolved that an updated Capital Works Forecast report be obtained as soon as possible. If the report is received prior to the AGM agenda being issued, the proposed Capital Works levy in the budget will be adjusted in accordance with the report. If the report is not received prior to the AGM agenda being issued, then the budget will be issued as tabled and the recommendation discussed at the AGM.

Resolved that subject to the above comment the proposed budget tabled at the meeting is to be presented at the 2021 AGM.

d) In BIV's plan in March 2017, it was recommended to complete the work for roofs in August 2023 at estimated cost of \$571,275.00.

In BIV's plan in October 2021, it was recommended to delay the work for roofs to September 2031 at estimated cost of \$900,722.00.

At committee meeting on 29 April 2021, decision was made not to repair roofs and Block B hot water system (in spite of significant repetitive problems), even before BIV's alleged Capital Works Fund update on 6 October 2021:

- Roof Repairs and Block B Hot Water System - No action is to be taken on the replacement of the roof membranes unless Steve Carbone advises that there have been major leaks during the recent heavy rains. No action is to be taken on the replacement of the Block B hot water system unless Steve Carbone advises the system is starting to experience repeated failures.

Due to lack of proper maintenance, Kintyre decreased the warranties for roof membrane in Block B from 15 to 5 years in 2015. Same applied to Block D in later part of 2015:

<https://www.nswstratasleuth.info/QUO00036643-Block-B-quote-half-roof-Kintyre-12Sep2014.pdf>

<https://www.nswstratasleuth.info/QUO00039042-Block-D-quote-half-roof-Kintyre-4Mar2015.pdf>

Warranties for half-roof membrane in Block B and whole roof of Block D expired in 2020

Block A and C have not had full roof membrane repairs since 1996/1997.

In 2012, BCS Strata Management and Solicitor Adrian Mueller failed to disclose professional Napier & Blakeley's building report (costing \$12,144.00 GST incl) from owners and CTTT in case SCS 12/32675, in spite of it reporting many serious issues including roof repairs in four buildings:

<https://www.nswstratasleuth.info/BCS-Strata-Management-hid-professional-building-report-from-owners-and-CTTT-Napier-and-Blakeley-Jul2012.pdf>



Block A roof coverings



Block C roof coverings

#### Condition, Observations and Comments

The flat concrete deck roof areas to Blocks A, B, C and D contain large areas of standing water. A number of previous patch repairs have been carried out. The surfaces require preparing and recovering with a liquid applied waterproof membrane within the short to medium term (1-5

years). Block C was observed to be in good overall condition with Block D suffering the most standing water.

The falls to the drainage are insufficient and improving the existing falls should also be considered. The internal units were not inspected for any water penetration via the roof slab.

The townhouses roofs appear to be in good condition with no defects of note.



Standing water to flat roof deck, Block A



Standing water to flat roof deck, Block B

On 1 March 2017, Lot 158 joint visit with Waratah Strata Management and Uniqueco Property Services to roof areas of the four building showed significant damages and water ponding.

e) In BIV's plan in March 2017, elevator upgrades were scheduled in August 2026 at estimated cost of \$339,831.00.

Due to multiple incidents, expired equipment, and poor maintenance, elevator upgrades were completed in 2019 at cost of above \$880,000.00 (plus GST).

In BIV's plan in October 2021, it was recommended to run further upgrades in September 2030 at estimated cost of \$680,632.00.

There were many incidents after the upgrade, including broken down carriage in Block D for more than 156 hours, voice alerts about problems whilst travelling, stuck passengers, and so on.

f) In BIV's plan in March 2017, external painting was scheduled for August 2027, at estimated cost of \$1,640,783.00.

A year later, agenda for the AGM 2018 sent to owners contained information that the total costs for the painting project were \$646,200.00 plus GST (totaling \$710,820.000).

That did not include professional consultancy fees and failed to provide evidence and invoices for all work related to painting and major works on townhouses allegedly costing \$92,950.00.

g) In BIV's plan in March 2017, it was recommended to complete the work for central HWS in August 2019 at estimated cost of \$70,560.00. This work was not done.

In BIV's plan in October 2021, it was recommended to delay the work to August 2026 at estimated cost of \$103,329.00.

h) In BIV's plan in March 2017, it was recommended to complete the work for internal painting in four buildings in August 2021 at estimated cost of \$243,101.00. This work was not done.

In BIV's plan in October 2021, it was recommended to delay the work to September 2028 at estimated cost of \$244,955.00. There are many large cracks and problems with internal walls in buildings. Examples:

Lot 48



Lot 75



Block C level 6 fire stairs – unrepaired wall due to water leaks since February 2019, and Block C ground floor fire exit – unrepaired wall due to water leaks since June 2021



Block B lobby and Block B basement – cancer-ridden wall near fire exit, unresolved since 2013



Last internal painting of four buildings was completed in 2010 at cost of \$69,080.00 and by 2021 it was already overdue (recommended schedule is between 7 and 10 years):

**Item 3**

**Matters arising from the last minutes:**

**(a) Internal Painting.**

The contractor approved to undertake this work has not provided a certificate of Home Warranty Insurance despite a number of requests. Following discussion it was resolved to accept a proposal from Robertson's painting and Decorating for \$69,080.00 to paint the internal common areas excluding the fire stairs. (It was noted that some small areas of the fire stairs will need maintenance painting).

**(b) Carpet replacement.**

This work will be arranged once the internal painting has been completed.

i) In BIV's plan in March 2017, it was recommended to complete the work for gym area and facilities in August 2022 at estimated cost of \$82,958.00.

In BIV's plan in October 2021, it was recommended to delay the work for pool area and gym to September 2024 at estimated cost of \$21,509.00.

Due to long-term neglect and concrete cancers, in May 2023, committee had to make urgent (unapproved at general meeting decision to repair pool and spa area in amount of \$55,000.00:



j) In BIV's plan in October 2021, it scheduled the work for common property lighting to September 2023 at estimated cost of \$26,781.00. Almost no work was done on this item.



k) In BIV's plan in October 2021, it was recommended to delay the work for fire safety services to September 2028 at estimated cost of \$29,939.00.

Waratah Strata Management did not disclose to owners City of Ryde council orders and a show cause order, as confirmed to Lot 158 in email from Team Leader Certification in Health, Building & Regulatory Services on 14 September 2023.

In spite of owners overwhelmingly approving OH&S Special By-Law in 2016 it has never been registered in NSW Land Registry Services and no record of such assessment provided to owners at any meeting:

**25. MOTION REQUESTED BY LOT 158-OCCUPATIONAL HEALTH AND SAFETY RISK ASSESSMENT::**

25.1 That the Owners Corporation SP 52948 by SPECIAL RESOLUTION pursuant to Section 47 of the Strata Schemes Management Act 1996, make an additional By-Law in the following terms:

SPECIAL BY-LAWS: "Occupational Health and Safety Risk Assessment"

- To comply with the Work Health Safety (WHS) Laws that commenced on 1st of January 2012 and accompanied by the Model Work Health and Safety Regulations (MWSR), the owners corporation shall conduct professional OH&S Risk Assessment before each and every annual general meeting,
- The OH&S Risk Assessment results shall be included in the agenda for every annual general meeting

**APPROVED**

**49 voted Yes, 11 voted No**

There are many fire safety issues in the complex, including:

27 August 2023 - SP52948 unprotected electrical cables creating OH&S risk near townhouse 199 for many years



SP52948 unprotected electrical cables Block A basement creating OH&S risk for many years



At committee meeting on 7 September 2023, it was confirmed that fire safety problems still persistent:

MINUTES OF A STRATA COMMITTEE MEETING  
THE OWNERS - STRATA PLAN 52948

ADDRESS OF THE STRATA SCHEME:

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

DATE, PLACE & TIME OF MEETING: A meeting of the Strata Committee of The Owners - Strata Plan 52948 was held on 7/09/2023 via Zoom Video/Audio Conference from 06:00 PM.

PRESENT:

Lot #	Unit #	Attendance	Owner Name Representative
88	88	Apology	Marianna Paltikian
112	112	Yes	Carlos Fornieles Montoya
142	142	Yes	Genelle Godbee
159	159	Yes	Ramesh Desai
170	170	Yes	Kathryn Cutler
181	181	Yes	Stan Pogorelsky
200	200	Yes	John Gore

IN ATTENDANCE:

Simon Sheen (68)  
Julie Bonello (135)  
Heath Crosbie - Waratah Strata Management  
Imran Shaikh - Austech Engineers  
John Hallak - Austech Engineers

CHAIRPERSON (acting):

Heath Crosbie

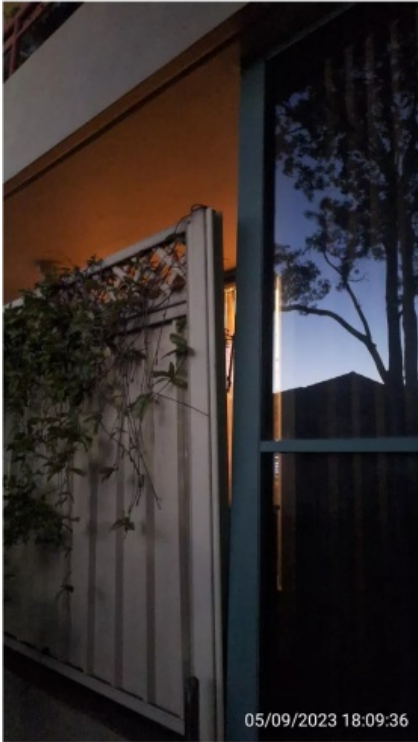
Minutes of the meeting:

- 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 FIRE SAFETY UPGRADE BRIEF**  
The Fire Safety Upgrade Brief was discussed with Austech Engineers. The following actions were resolved:
  - Fire Safety Upgrade Brief approved and report (FSUR) to be submitted to Council for comment.
  - Austech to correspond with Council, copying in Strata Manager.

Austech advised CORE are no longer required for completion of Fire Order. When Council provide comment on FSUR, next stage tendering scope of works can begin. Anticipated 2-3 week response time from Council.



l) In BIV's plan in October 2021, it scheduled the work for fences and gates to September 2022 at estimated cost of \$39,951.00. Most of work was not done.



m) In BIV's plan in October 2021, it scheduled the work for utility services, cabinets, and conduits to September 2023 at estimated cost of \$13,926.00. Most of work was not done, with example of cabinet in Block B level 7 photos taken in 2021, 2022, and 2023:



n) In BIV's plan in October 2021, it scheduled the work for air exhaust plant, and equipment to September 2026 at estimated cost of \$103,329.00. Lot of issues with air ventilation in the complex is ignored currently, including Lot 158 ongoing complaints about air flows in bathrooms.

o) In BIV's plan in October 2021, it scheduled the work for intercom and security doors to September 2025 at estimated cost of \$53,934.00. Lot of issues with fire exits, security doors, and intercoms in the complex are ignored currently:

<https://www.nswstratasleuth.info/SP52948-continuous-delays-with-fire-and-OHS-problems.html>

Fire door in basement of Block A:



Fire door in basement of Block D:



p) Estimates for garden maintenance are not included in 10-Year Capital Works Fund on 6 October 2021.

Examples of garden bed damages:





OH&S and insurance risks: metal plates hiding concrete cancers, with risks of collapsing garden bed walls and injuries to children playing nearby



Explanatory notes:

<https://www.nswstratasleuth.info/SP52948-continuous-delays-with-fire-and-OHS-problems.html>

<https://www.nswstratasleuth.info/SP52948-discrepancies-in-BIV-report-for-10-Capital-Works-Fund-in-2017-and-2021.pdf>

**Motion: Ratify SP52948 levy growths for Lot with Entitlement 47.00 from 1998 to 2023**

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

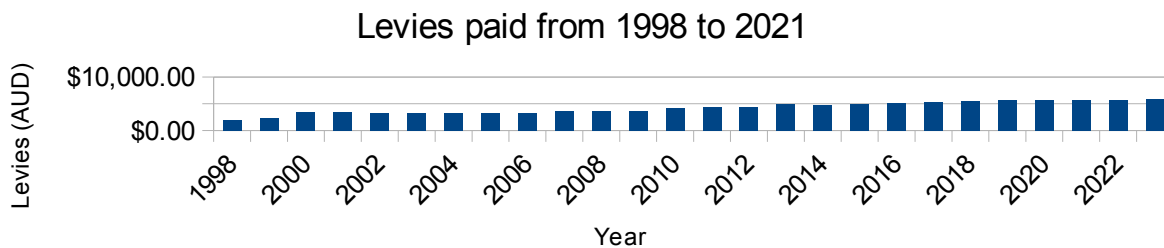
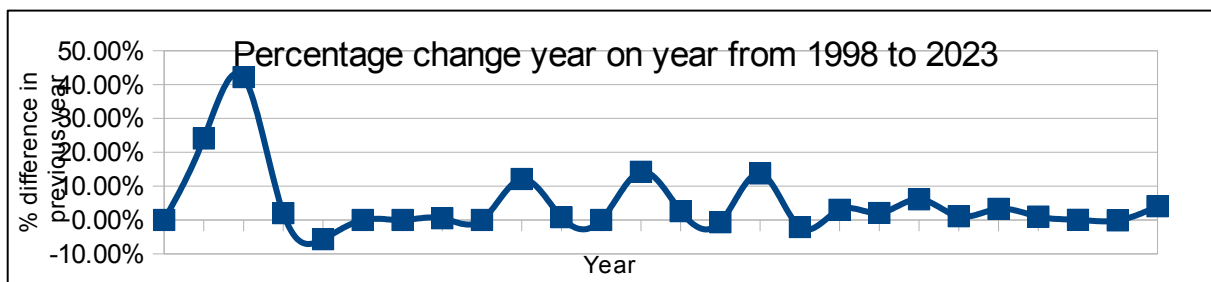
a) Lot 158 notified committee members about risks due to poor planning of levies, with official Federal Court statistics about strata bankruptcy filings as a percentage of total bankruptcy filings amount to 18% in NSW in 2022:

<https://www.abc.net.au/news/2023-08-30/strata-levy-bankruptcies-are-on-the-rise/102761594>

Bankruptcy filings 2022	Strata bankruptcy filings as a percentage of total bankruptcy filings
NSW	18 per cent
ACT	29 per cent
VIC	4 per cent
QLD	5 per cent
WA	3 per cent
NT, SA, TAS	0 per cent

b) Table of SP52948 levies for levies for SP52948 property with entitlement 47.00 (three bedroom apartment) in period 1998 to 2023, based on invoices – similar pattern applies to all other properties which have different entitlements in the complex:

SP52948 FY between 1 September and 31 August the following year	Difference in Paid Levies to Previous Year	Levies Paid by Owner with Entitlement 47.00
1998	0.00%	\$1,927.00
1999	24.08%	\$2,391.07
2000	42.18%	\$3,399.65
2001	2.03%	\$3,468.65
2002	-5.69%	\$3,271.30
2003	0.00%	\$3,271.31
2004	0.00%	\$3,271.25
2005	0.52%	\$3,288.15
2006	0.00%	\$3,288.10
2007	12.11%	\$3,686.20
2008	0.83%	\$3,716.70
2009	0.00%	\$3,716.76
2010	14.22%	\$4,245.40
2011	2.60%	\$4,355.80
2012	-0.65%	\$4,327.32
2013	13.74%	\$4,921.89
2014	-2.11%	\$4,818.21
2015	3.01%	\$4,963.28
2016	2.08%	\$5,066.61
2017	6.12%	\$5,376.80
2018	1.09%	\$5,435.25
2019	3.28%	\$5,613.65
2020	1.00%	\$5,669.55
2021	0.05%	\$5,672.20
2022	-0.13%	\$5,664.55
2023	4.05%	\$5,894.05



Explanatory notes:

<https://www.nswstratasleuth.info/SP52948-experiences-with-Waratah-Strata-Management-from-customer-perspective.html>

**Motion: Ratify SP52948 complex underinsurance for catastrophic events and massively increased cover for loss of rent/temporary accommodation in FY 2023**

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

a) Waratah Strata Management renewed insurance for SP52948 without owners corporation decision at general meeting or decision at any committee meeting by decreasing insured sum for catastrophe from \$38,920,350.00 in FY 2022 to \$21,982,500.00 in FY 2023.

b) Waratah Strata Management renewed insurance for SP52948 without owners corporation decision at general meeting or decision at any committee meeting by increasing insured sum for loss of rent and temporary accommodation from \$19,460,175.00 in FY 2022 to \$43,965,000.00 in FY 2023, indirectly highlighting the risks for losses due to uninhabitable properties.

Explanatory notes:

<https://www.nswstratasleuth.info/SP52948-underinsured-large-strata-complex-for-catastrophe-events-FY-2023.pdf>

**Motion: Ratify SP52948 complex valued at \$146,550,000.00 was uninsured for five days due to unpaid premiums due on 21 September 2022 and 21 September 2023**

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

a) BCB insurance broker warning to Waratah Strata Management about expired insurance policy and unpaid invoice in amount of \$1,617.37 which was due on 9 August 2022.

b) On 1 September 2022, complex was valued at \$146,550,000.00.

# *Building Insurance Valuation Certificate of Value*

*In accordance with the Strata Schemes Management Act 2015 and Strata Schemes Management Regulation 2016. This is to certify the Replacement Cost only of the buildings of the Plan described herein, in accordance with section 161(1)(b) of the Act (Replacement) and excludes any assessment of the undefined and unclear Reinstatement component under the new section 161(1)(c) where the building is damaged but not destroyed.*

<b>Reported interest of:</b>	<i>The Registered Proprietors of SP52948</i>
<b>Address of property:</b>	<i>1-15 Fontenoy Road, Macquarie Park</i>
<b>Land description:</b>	<i>Lots 1-96, 98-219 and the Common Property</i>
<b>Subject Improvements:</b> <i>(Brief description only)</i>	<i>Multi level mixed unit and townhouse complex with car accommodation</i>
<b>Registration date &amp; brief description:</b>	<i>Registered 1996, masonry, concrete floors and roof, pool, lift, tennis court, landscaped areas, and average finish</i>
<b>Normal items and events included in the value ascribed below:</b>	<i>Replacement of the buildings and other improvements, demolition and removal of debris, architects and other professional fees, 42 months allowance for rise and fall in building costs, including GST</i>
<b>Date Prepared:</b>	<i>1 August 2022</i>
<b>Date of Valuation:</b>	<i>1 September 2022</i>
<b>Certificate Number:</b>	<i>63356</i>

*In accordance with the comments made within this Certificate and based upon Building Costs reasonably available as at the Date Prepared, we are of the opinion that the Building Costs including the items listed above and in modern materials as at the Date of Valuation, can be fairly expressed in the amount of*

***One hundred and forty six million five hundred and fifty thousand dollars***

***\$146,550,000***

This Certificate should be read with Page 2 of this Certificate including the disclaimers provided

c) Insurance policy for SP52948 expired on 21 September 2022, with renewal delayed for five days at huge increase of 50.84% compared to previous year – making large strata complex worth more than \$146 millions not having any insurance cover (uninsured for five days) and premium not included in Income & Expenditure Report as of 3 October 2022:



Waratah Strata Management  
 ABN 75 161 033 745  
 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**  
**01/09/2022 to 03/10/2022**

Strata Plan 52948

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

**Administrative Fund**

	<b>Current period</b>	<b>Previous year</b>
	01/09/2022-03/10/2022	01/09/2021-31/08/2022
<b>Revenue</b>		
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
<b>Less expenses</b>		
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



d) On 26 September 2022 Waratah Strata Management website listed expired insurance on 21 September 2022. Waratah Strata Management website did not list insurance renewal payment on 26 September 2022:



**Waratah Strata Management**  
ABN 75 161 033 745  
PO Box 125, Eastwood, NSW 2122  
Ph (02) 9114 9599  
Fax (02) 9114 9598  
www.waratahstrata.com.au

## Insurance as at 26/09/2022

Strata Plan 52948

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

Policy No. 06S3320703 Strata Unit Underwriters  
Type: Building Broker: Body Corporate Brokers  
PO Box 20288, World Square NSW 2002

Premium: \$109,810.63 Paid on: 03/09/2021 Policy start date: 21/09/2021 Next due: 21/09/2022

Cover	Sum insured	Excess
Building	\$129,734,500.00	\$0.00
Loss of Rent/Temp Accom	\$19,460,175.00	\$0.00
Catastrophe	\$38,920,350.00	\$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

Last valuation done on 01/09/2022

Insurance valuation \$146,550,000.00

e) Waratah Strata Management website listed insurance renewal payment on 7 October 2022, without disclosure of full excesses (\$10,000.00 for each and every water-related damage):



**Waratah Strata Management**  
ABN 75 161 033 745  
PO Box 125, Eastwood, NSW 2122  
Ph (02) 9114 9599  
Fax (02) 9114 9598  
www.waratahstrata.com.au

## Insurance as at 07/10/2022

Strata Plan 52948

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

Policy No.	06S3320703	Strata Unit Underwriters			
Type:	Building	Broker:	Body Corporate Brokers		
			PO Box 20288, World Square NSW 2002		
Premium:	\$161,569.59	Paid on:	26/09/2022	Policy start date:	21/09/2022
				Next due:	21/09/2023
<i>Cover</i>		<i>Sum insured</i>		<i>Excess</i>	
Building		\$146,550,000.00		\$0.00	
Loss of Rent/Temp Accom		\$43,965,000.00		\$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	

Last valuation done on 01/09/2022

Insurance valuation \$146,550,000.00

f) On 26 September 2023 Waratah Strata Management website listed expired insurance on 21 September 2023:



Waratah Strata Management  
ABN 75 161 033 745  
PO Box 125, Eastwood, NSW 2122  
Ph (02) 9114 9599  
Fax (02) 9114 9598  
www.waratahstrata.com.au

## Insurance as at 26/09/2023

Strata Plan 52948

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

Policy No.	06S3320703	Strata Unit Underwriters					
Type:	Building	Broker:	Body Corporate Brokers PO Box 20288, World Square NSW 2002				
Premium:	\$161,569.59	Paid on:	26/09/2022	Policy start date:	21/09/2022	Next due:	21/09/2023
<i>Cover</i>		<i>Sum insured</i>		<i>Excess</i>			
Building		\$146,550,000.00		\$0.00			
Loss of Rent/Temp Accommod		\$43,965,000.00		\$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			

Last valuation done on 01/09/2022

Insurance valuation \$146,550,000.00

Explanatory notes:

<https://www.nswstratasleuth.info/SP52948-Waratah-Strata-Management-and-undeclared-expired-insurance-in-FY-2022.pdf>

### **Motion: Ratify lack of responses by Waratah Strata Management to Lot 158 concerns about SP52948 mismanagement in 2023**

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

a) Waratah Strata Management and committee members failed to inform owners and respond to six Lot 158 complaints about lack of maintenance, insurance risks, non-compliant financial audits, and OH&S and fire safety risks six times in 2023:

<https://www.nswstratasleuth.info/Waratah-Strata-Management-warned-about-SP52948-insurance-risks-safety-financial-health-and-non-compliance-with-laws-8Jun2023.html>

<https://www.nswstratasleuth.info/Waratah-Strata-Management-warned-about-SP52948-insurance-risks-safety-financial-health-and-non-compliance-with-laws-part-2-19Jun2023.html>

<https://www.nswstratasleuth.info/Waratah-Strata-Management-warned-about-SP52948-insurance-risks-safety-financial-health-and-non-compliance-with-laws-part-3-19Jul2023.html>

<https://www.nswstratasleuth.info/Waratah-Strata-Management-warned-about-SP52948-insurance-risks-safety-financial-health-and-non-compliance-with-laws-part-4-18Aug2023.html>

<https://www.nswstratasleuth.info/Waratah-Strata-Management-warned-about-SP52948-insurance-risks-safety-financial-health-and-non-compliance-with-laws-part-5-12Sep2023.html>

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

b) Waratah Strata Management used "Unreasonable Communications" Special By-Law seven times (by-law was specifically and exclusively created and prepared by Solicitor Adrian Mueller to prevent Lot 158 from raising any concerns about mismanagement of the complex was directly used four times before NCAT Hearing in case SC 20/33352 and three times after the Hearing (strata managers, committee members and Solicitor Adrian Mueller failed to disclose it to the NSW Fair Trading and Tribunal in NCAT case 20/33352) and by not attending the Hearing influenced the Tribunal to ignore Lot 158 evidence and prevent them from cross-examining them):

- Motions 18 and 19 at AGM on 18 October 2018, preventing owners to have access to Lot 158 Motions and vote on them.
- Motion 4 at committee meeting on 2 May 2019.
- Waratah Strata Management secret email to Fair Trading NSW on 20 May 2019 (11 days before Lot 158 was scheduled for document search in strata manager's office), confirming that Lot 158 was not allowed to have access to strata files including Strata Roll – email was fully supported by all members of the committee.
- Motion 4 at committee meeting on 20 June 2019.
- Motion 3 at committee meeting on 29 April 2021, with further false statements and threats against Lot 158.
- Motion 6 at committee meeting on 10 February 2022.
- Waratah Strata Management email response on 16 June 2023, refusing to deal with serious SP52948 risks and insurance fraud.

<https://www.nswstratasleuth.info/SP52948-used-Unreasonable-Communications-Special-By-Law-against-Lot-158-seven-times-without-disclosure-to-NCAT-SC-20-33352.pdf>

c) Annual fire safety statements have never been shared or discussed at general meetings since 1997.

d) Evacuation diagrams do not exist on common property since 1997.

e) Waratah Strata Management fails to undertake comprehensive and proactive steps under the NSW Environmental Planning and Assessment Regulation 2000 and the Building and Development Certifiers Act 2018. Strata owner or managers must maintain essential fire prevention measures as outlined in the legislation and in accordance with Australian Standards AS1851-2021 and local council requirements. They are also obligated to meet all compliance requirements, including Annual Fire Safety Statements.

f) In non-compliance with SP52948 development registrations, number of properties are used for non-hosted short-term rental accommodation (short-term rental accommodation provided where the host does not reside on the premises during the provision of the accommodation) and they also have special requirements in regard to fire safety, which has never been checked or applied in SP52948.

The mandatory Code of Conduct for the Short-term Rental Accommodation Industry (Code) started on 18 December 2020. It is administered by the Commissioner for Fair Trading in the NSW Department of Customer Service. The Code sets out the legal responsibilities and creates new minimum standards of behaviour and requirements for all industry participants, including:

- booking platforms
- hosts
- guests
- letting agents and facilitators.

The Code also establishes the STRA Exclusion Register which commenced in August 2022. The Exclusion Register is a list of guests and hosts who have been excluded from participating in the short-rental accommodation industry.

g) Work health & safety / hazardous material surveys on common property have never been conducted or shared with owners since 1997.

Waratah Strata Management is well aware of this obligation. They apply it in other complexes, for example SP75860, but not in SP52948.

h) Waratah Strata Management failed to respond and rectify number of common property problems in Lot 158:

<https://www.nswstratasleuth.info/SP52948-unresolved-common-property-maintenance-issues-in-Lot-158.html>

In Lot 158 submission to Supreme Court and Solicitor Adrian Mueller on 27 February 2022, four problems were highlighted:

<https://www.nswstratasleuth.info/SP52948-Lot-158-cost-submission-reply-ignored-by-Solicitor-Adrian-Mueller-in-Supreme-Court-27Feb2022.pdf>

- Fire safety checks for external door and two smoke alarms for 2022.
- Water leak damages near lighting on ceiling in sun-room (unresolved since September 2020),
- All intercom access points were scheduled to be tested in Block A on 10 February 2022. Lot 158 complained about their device not working occasionally several times and no repair or checks were done. On 10 February 2022, Lot 158 was not visited by H&T Security.
- Poor intake of fresh air in laundry and one bathroom since 2019.

Without owners corporation approval, Waratah Strata Management instructed Solicitor Adrian Mueller to ignore Lot 158 submissions to Supreme Court on 1 March 2022:

01 Mar 22	Perusing email from strata manager providing instructions not to prepare response to objections to bills of costs and to apply for costs assessment	\$55.00	\$5.50
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i) Since late 2020, water leak is evident in Lot 158 on ceiling near lighting, creating fire risks:



j) At AGM 2022, Waratah Strata Management prevented owners from voting on Lot 158 Motions, including “Ratify four unresolved problems with common property maintenance in Lot 158”, in spite of evidence that Waratah Strata Management Open work Orders listed Lot 158 sunroom leaks on their website even as late as 20 September 2023, along with 15 other issues:

www.lookatmystrata.com.au/187035/maintenance



CONTACT FAQ CHANGE PASSWORD LOGOUT



OWNERS CORPORATION PORTFOLIO REPORTS MEETINGS DOCUMENTS MAINTENANCE

Strata Plan 22346

Work Orders

Quotes

▼ Open Work Orders

Date	Status	Job Summary	No
20/09/2023	Sent	Fire safety - repair leaking fire hydrant	15583
10/08/2023	Sent	Hot Water Tank	15320
14/06/2023	Sent	Plant 1 Water Filter	14986
14/03/2023	Sent	Abloy Keys	14381
28/05/2021	Sent	Replace FIP batteries	9988
03/12/2020	Sent	Lot 158 Sunroom Leak	8888
01/12/2020	Sent	Inspect A & B Block sun room window frames	8869
01/12/2020	Sent	Inspect C & D Block sun room window frames.	8870
09/07/2020	Sent	Smoke detector for Unit 148 - Eagle Fire	7939
25/06/2020	Sent	Quote accepted for fire services - Flame Safe	7834

Results: 1 - 10 / 16

Page 1 / 2

Show rows 10

k) Poor ventilation in one bathroom and laundry in Lot 158, unresolved since June 2018.

l) Intercom in Lot 158 is faulty and seldom operates. All intercom access points were scheduled to be tested in Block A on 10 February 2022. Lot 158 complained about their device not working several times and no repair or checks were done. On 10 February 2022, Lot 158 was not visited by H&T Security.

m) Repeated complaints about sightings of silverfish. That is in addition to Lot 159 (committee member) having major water leak in their unit which caused serious damage in laundry of Lot 158 three years ago.

n) One of Lot 158 remote controls stopped working in early 2020. It was quite new and given to Lot 158 by another tenant who moved out of complex. Instead of checking it, Uniqueco Property Services Mr. Steve Carbone sent this SMS on 21 January 2020:

22/1/2020 Wed. 09:52

Your remote been in the office for three day if it not picked up tonight tomorrow it will be disposed

o) Waratah Strata Management failure to organize gas meter replacement for Lot 158 in 2022/2023 whilst doing it for other units in April 2022:

<https://www.nswstratasleuth.info/Jemena-Ticket-540684-Incomplete-process-to-replace-SP52948-Lot-158-gas-meter-due-to-Waratah-Strata-Management-inaction-17Jan2023.html>

HOT WATER METER REPLACEMENTS

**1 FONTENOY ROAD, MACQUARIE PARK, 2113**

Jemena Gas Distribution Network are required to carry out mandatory replacements for the hot water meters at your property every 7 to 10 years.

**This is to ensure accurate billing and to prevent estimations.**


**This is a free service.**

We have notified your strata manager of the replacement program.

As the meters are located inside the **kitchen cupboard** of each unit we require access at a convenient time for replacement.

1	1 FONTENOY RD	81	1 FONTENOY RD	132	1 FONTENOY RD
7	1 FONTENOY RD	82	1 FONTENOY RD	133	1 FONTENOY RD
10	1 FONTENOY RD	92	1 FONTENOY RD	134	1 FONTENOY RD
12	1 FONTENOY RD	99	1 FONTENOY RD	144	1 FONTENOY RD
13	1 FONTENOY RD	103	1 FONTENOY RD	155	1 FONTENOY RD
17	1 FONTENOY RD	105	1 FONTENOY RD	163	1 FONTENOY RD
22	1 FONTENOY RD	109	1 FONTENOY RD	165	1 FONTENOY RD
28	1 FONTENOY RD	110	1 FONTENOY RD	166	1 FONTENOY RD
48	1 FONTENOY RD	111	1 FONTENOY RD	177	1 FONTENOY RD
49	1 FONTENOY RD	112	1 FONTENOY RD	179	1 FONTENOY RD
56	1 FONTENOY RD	114	1 FONTENOY RD	184	1 FONTENOY RD
58	1 FONTENOY RD	116	1 FONTENOY RD	190	1 FONTENOY RD
60	1 FONTENOY RD	118	1 FONTENOY RD	191	1 FONTENOY RD
65	1 FONTENOY RD	121	1 FONTENOY RD	193	1 FONTENOY RD
69	1 FONTENOY RD	125	1 FONTENOY RD		
74	1 FONTENOY RD	126	1 FONTENOY RD		

If your unit is on the above list please scan the QR code to submit your preferences and details for contact.



Explanatory notes:

<https://www.nswstratasleuth.info/SP52948-with-Waratah-Strata-Management-from-February-2017.html>

**Motion: Ratify costs for 26 townhouses' upgrades in amount of \$92,950.00 without evidence of completed work in 2017 as of September 2023**

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

a) At AGM on 27 October 2022, when negative balance in Admin Fund amounted to \$203,914.85 without disclosure to owners, owners did not ratify Lot 158 Motions, including Motion at AGM 2020 "Ratify undisclosed costs and warranties, work not completed in complex painting project in 2017, and unexplained alleged costs for townhouses in amount of \$92,950.00".

b) During major upgrades on 26 townhouses in amount of \$92,950.00 in 2017 without evidence of work done in 2017, owners corporation spent on alleged upgrades for 26 townhouses amount of \$92,950.00.

MACQUARIE GARDENS PROJECTED CASH FLOW All GST Incl. HOW Separate and Paid \$5,152.00											
Month	Week	Block B	Block C	Block D	Block A	Town Houses	Grounds	Totals			
		7606	\$11,770.00					\$11,770.00	Invoiced	\$484,220.00	
		7612	\$11,770.00			7610	\$18,590.00	\$30,360.00	Paid	\$360,443.00	
		7618	\$23,540.00			7617	\$18,590.00	\$42,130.00	Due	\$123,777.00	
		7624	\$23,540.00					\$23,540.00			
		7624	\$23,540.00			7618	\$18,590.00	\$36,245.00			
		7626	\$17,655.00					\$29,425.00			
		7629	\$5,885.00	7618	\$23,540.00	7618	\$18,590.00	\$42,130.00	Left to Deliver	\$145,530.00	
				7625	\$23,540.00			\$23,540.00			
				7627	\$23,540.00			\$23,540.00			
				7632	\$23,540.00 *	7630	\$13,943.00	\$37,483.00			
				7642	\$17,655.00			\$17,655.00	Approved *	\$83,820.00	
				\$5,885.00		7631	\$4,647.00	\$10,532.00			
					7628	\$23,540.00		\$23,540.00			
					7640	\$23,540.00		\$23,540.00			
					7641	\$23,540.00 *		\$23,540.00			
					7643	\$23,540.00		\$23,540.00			
					7645	\$17,655.00		\$17,655.00			
					\$5,885.00			\$19,085.00			
						7646	\$23,540.00	\$23,540.00			
						7650	\$23,540.00 *	\$13,200.00	\$36,740.00		
								\$23,540.00			
								\$13,200.00	\$36,740.00		
								\$23,540.00	\$17,655.00		
								\$17,655.00	\$12,485.00		
								\$5,885.00	\$6,600.00		
								\$6,600.00	\$0.00		
								\$6,600.00	\$6,600.00		
								\$629,750.00			

c) At AGM 2018, the following was listed in the Minutes of the meeting, showing that carport lattices needed some work:

**TOWNHOUSE LATTICE**

*Resolved that the correspondence from owner of Lot 209, to remove and replace the townhouses carports lattice was tabled and a decision made not to agree to that proposal.*

d) Waratah Strata Management failed to disclose to owners the following breakdown of expenses for the painting project that was known as early as 3 March 2017:

- Block A: \$117,700.00 (including GST)
- Block B: \$117,700.00 (including GST)
- Block C: \$117,700.00 (including GST)
- Block D: \$117,700.00 (including GST)
- Various Structures: \$66,000.00 (including GST)
- Townhouses: \$92,950.00 (including GST)
- Total cost: \$629,750.00 (including GST)



e) Project supervisor confirmed that \$4,647.00 for retention work was not paid yet on 5 July 2017:

**From:** paint solutions <btompson@paintsolutions.com.au>  
**Sent:** Wednesday, 5 July 2017 5:06 PM  
**To:** Robert Crosbie; Mike King  
**Cc:** jd@townview.com.au  
**Subject:** Re: Progress Summary Sheet

Hi Robert

In working through these:

7632 I do not have. *Mike - please send copy*

7641 Block D - claim to 60% - \$23,540.00. Approved 5/6/2017. Will send a copy. *paid 12/17*

7627 Block C - composite claim (2 milestones) to 80% - \$47,080.00. Approved 05/06/2017. Will send copy

7626 Block B - \$17,655.00. Practical Completion. Not approved yet.

7629 Block B - \$5,85.00. Final claim after Practical Completion. Not approved yet

7642 Block C \$15,176.55. Practical completion. Not approved yet.

7645 Block D \$17,655.00 Practical completion. Not approved yet

7646 Block A \$23,540.00 First claim to 20%. Approved 25/06/2017. Will send copy

7631 Townhouses \$4,647.00 Retention claim. Not approved yet

7644 Do not have on file. *Mike - please send copy*. Site foreman advises this claim for Block A to 40% completion. Almost there.

I have a short meeting with SC tomorrow and will be pursuing a plan to conduct Practical Completion inspections with them and will hopefully come to a plan to process more claims.

Whilst I understand the spreadsheet Townview prepares I naturally work only to the individual invoices - building by building and % milestones reached.

f) Townhouse timber was repainted six years earlier in 2011 at cost of \$61,490.00 (GST incl) without proper tender process:

**Contract price\***

\*including GST

Amount in words 

Sixty one thousand, four hundred
& ninety dollars

\$ 61,490
-----------

Owner's Signature 

--

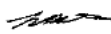
Name (print) 

--

Date 

--

Contractor's Signature 


---

Name (print) 

Leslie Robertson
------------------

Date 

01/08/2011
------------

g) Lot 158 tried to obtain access to information through emails, document searches and ever since Annual General Meeting 2017 where Motions were prevented from being listed in the agenda for owners.

h) There is no evidence of any significant work being done on townhouses (including roofs) during alleged major upgrades in the complex in 2017:

Pergolas (there was a private pergola replacement for Lot 196 one-and-half years after major upgrades in the complex - May2019),  
Colorbond fences,  
Wooden fences towards neighboring property,  
Window frames,  
Doors,  
Garage doors,  
Townhouse carport lattices (one year later, Lot 209 submitted Motion at AGM 2018, to replace townhouse carport lattices, which was rejected),  
Bollards,  
Front-yard tree lopping (it was actually done in rush just before AGM 2020),  
Roof that comprised: high-pressure clean, spray at least one coat of sealer and two coats of paint, repaint roof where necessary with flexipoint, repair flashing down gables, replace broken or damaged tiles (only few replacements are visible), clean all gutters and downpipes, clean job site

Explanatory notes:

<https://www.nswstratasleuth.info/SP52948-Waratah-Strata-Management-silent-about-failed-maintenance-and-unexplained-costs-of-around-92950.00-for-alleged-major-townhouse-upgrades-3Feb2021.html>

**Motion: Ratify SP52948 status of insurance premiums from 1997 to 2023 and insurance commissions paid to Waratah Strata Management in amount of \$37,913.27 since 2018 with evidence of previous strata agency BCS Strata Management not allowed to receive insurance commissions due to conflict of interest**

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

a) At AGM on 27 October 2022, when negative balance in Admin Fund amounted to \$203,914.85 without disclosure to owners, owners did not ratify Lot 158 Motions, including Motion "Ratify SP52948 status of insurance premiums since 1997 and collection of insurance commissions paid to Waratah Strata Management".

b) To avoid conflict of interest, ex-Chairperson Bruce Copland disallowed BCS Strata Management (previous strata agency) to claim rebates and commissions for insurance renewals, as listed in his submission to CTTT in case SCS 12/05845 on 10 March 2012 and email sent to BCS Strata Management on 27 August 2015 requesting reimbursement of insurance commissions in amount of \$1,700.00:

13. The current MA's current contract specifically precludes receiving rebates and commissions on insurance that are not returned to the OC. In this respect our MA contract is different from the standard Institute of Body Corporate Managers NSW contract. I point to the material savings in insurance premiums since 2003 when this change was first effected. This removes any possible conflict of interest in raising the sums insured which have been determined by a professional and un-conflicted valuer.

Bruce Copland Letter to CTTT 10<sup>th</sup> March 2012

Page 2 of 6

Sent: Thursday, 27 August 2015 9:11 PM  
To: Gary Mills  
Cc: Billy Cheung  
Subject: FW: Rebate of insurance commission

Gary

Please ensure last year's insurance commission of \$1700 is rebated to our insurance costs before 31st August 2015.

Regards

Bruce Copland

PICA

CREDIT AUTHORITY



PLAN NO.  DATE:

PLAN NAME:

CREDIT REQUESTED BY:  PICA BRANCH

CREDIT AMOUNT  

Amount ex GST	GST	Total
\$1000.00	\$180.00	\$1180.00

ANNUAL BASE MANAGEMENT FEE FOR STRATA PLAN BEING CREDITED

CASH ADVANCE AMOUNT

REASONS:

BANK ACCOUNT  
 BSB  Account Number

FOLLOW UP REQUIRED

CREDIT AUTHORITY

	Signature	Name	Date
REQUESTOR		Gary Mills	8/9/2015
BRANCH / DEPARTMENT MANAGER <\$500		Billy Cheung	
REGIONAL MANAGER <\$2,000		Peter Le breton	8/9/15

c) In 2016, BCS Strata Management was forced to refund SP52948 for insurance commissions in amount of \$1,306.26:

CASH BOOK RECEIPTS BY RECEIPT DATE  
 FOR 1-15 FONTENOY ROAD

REPORTING PERIOD 1/09/2016 TO 31/01/2017

Manager: SIMON BRIKHA  
 Plan No: 52948

Receipt Date	Receipt Number	Lot	Name	Allocated To	Allocation Amount	Receipt Amount
	00005413	137		Advance Payments-Levies	420.00	110.00
	00005414	59		Payment-Admin.Fund	847.00	420.00
				Payment-Sinking Fund	9.56	
				Advance Payments-Levies	43.44	
27/09/2016	00005415	140		Payment-Admin.Fund	1,206.98	900.00
				Payment-Sinking Fund	329.18	
28/09/2016	00000000		BANK ACCOUNT CHARGES/INTERESTS	IBD Interest received	47.49	1,536.16
	00000000		SUNDRY CREDITS	Adjusted Debenture/Note Intere	94.98	
				REVERSAL	-94.98	
	00000000		SUNDRY DEBITS	Journalled Withdwl - 520478462	200,000.00	
				Reversal: error Investment Mod	-203,075.07	
	00005416		SUNDRY CREDITS	GST Receipt	10.90	-3,027.58
	00005417		SUNDRY CREDITS	Section 109 Income	109.00	10.90
	00005418		SUNDRY CREDITS	Deposit	203,075.07	109.00
				REVERSAL	-203,075.07	
				REVERSED THE REVERSAL	203,075.07	203,075.07
29/09/2016	00000777		SUNDRY CREDITS	Trf to 1033	250,000.00	
				Trf from 128	-250,000.00	
30/09/2016	00002255		SUNDRY CREDITS	PICA Refund	1,306.26	0.00
				Code to 208	-1,306.26	
						0.00

d) After Waratah Strata Management took office on 1 February 2017, they started receiving significant rebates and commissions for insurance renewals:

FY 2018, \$6,084.84  
 FY 2019, \$6,570.16  
 FY 2020, \$6,084.84  
 FY 2021, \$5,633.62  
 FY 2022, \$6,541.55  
 FY 2023, \$6,541.55

FY 2024, as of 24 September 2023, there are no public records of rebates and commissions

e) On 21 September 2022, insurance premiums increased by 49.33% (from \$108,193.26 in 2021 to \$161,569.59 in 2022 - GST incl), without full disclosure to owners, while as of 3 October 2022 Income & expenditure Report still did not list any payments for insurance policy:



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



Waratah Strata Management  
 ABN 75 001 033 742  
 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

**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

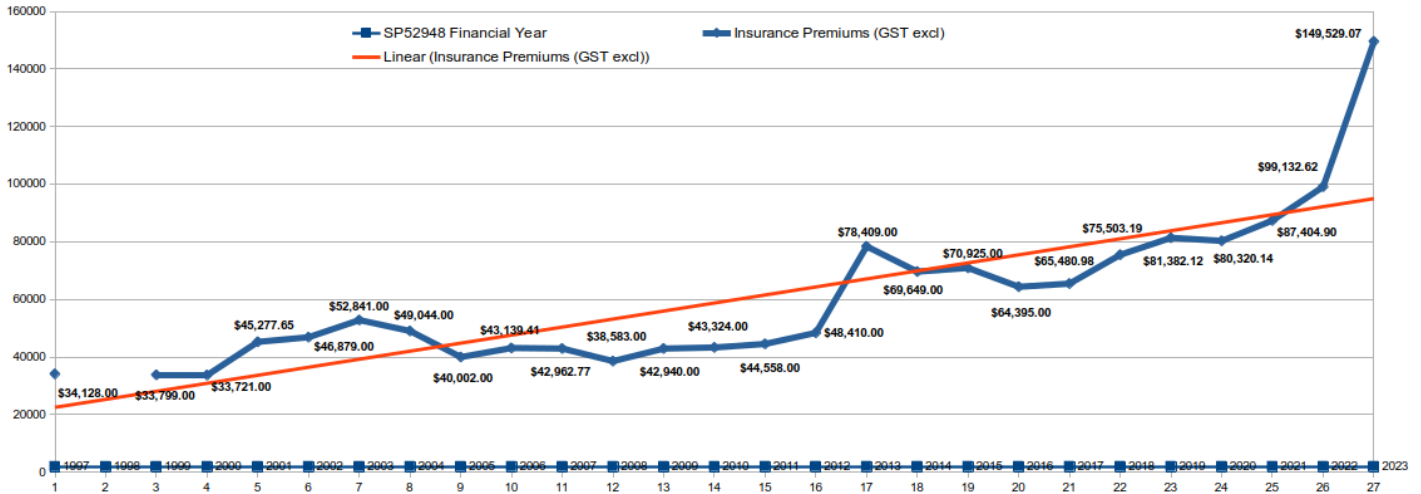
Premium	FSL	Insurer Agency Policy Fee	Insurer Total GST	Stamp Duty	Admin Fee	Admin Fee GST	Invoice Total
\$120,444.92	\$10,363.74	\$ 300.00	\$13,110.86	\$12,950.07	\$4,000.00	\$ 400.00	<b>\$161,569.59</b>

	Administrative Fund	
	Current period 01/09/2022-03/10/2022	Previous year 01/09/2021-31/08/2022
<b>Revenue</b>		
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
<b>Total revenue</b>	<b>4,919.59</b>	<b>767,976.71</b>
<b>Less expenses</b>		
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

f) Insurance premiums and commissions to strata managers (Financial Year between 1 September and 31 August the following year):

SP52948 Financial Year	Insurance Premiums (GST excl)	Diff 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 insurance commissions
2011	\$44,558.00	2.85%	BCS Strata Management not allowed insurance commissions
2012	\$48,410.00	8.64%	BCS Strata Management not allowed 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 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

g) Graph of insurance premiums and payments:



Explanatory notes:

<https://www.nswstratasleuth.info/SP52948-experiences-with-Waratah-Strata-Management-from-customer-perspective.html>

**Motion: Ratify Waratah Strata Management acts to not disclose SP52948 insurance excesses to owners**

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

a) SP52948 insurance policy was signed before AGM 2012 with excess for each and every water damage, burst pipe, and exploratory cost in amount of \$10,000.00:

**Excesses:**

SECTION 1	Earthquake	For each claim or series of claims during a period of 72 hours for loss or damage caused by Earthquake or Tsunami:	
		i. Where the Building(s) Sum Insured is up to \$5,000,000 and the Building is occupied solely for residential purposes; or	\$ 250
		ii. Where the Building Sum Insured is greater than \$5,000,000 and the Building is occupied solely for residential purposes; or	\$ 20,000 or 1% of the Building Sum Insured (whichever is the lesser)
	iii. Where the Building is occupied partly or solely for commercial purposes	\$ 20,000 or 1% of the Building Sum Insured (whichever is the lesser)	
SECTION 1	Water Damage/Burst Pipe/Exploratory Cost on each & every claim	\$ 10,000	
SECTION 1	Flood Damage claims	\$ 5,000	
SECTION 1	All Other Claims as per Policy Wording and	\$ 1,000	
SECTION 2	For each and every claim	\$ 250	
SECTION 3	For each and every claim	\$ 250	
SECTION 4	7 days		
SECTION 5	For each and every claim	\$ 250	
SECTION 6	For each and every claim for loss of damage to machines	\$ 5,000 - Chillers, Cooling Works, Generators & Central Air Conditioners \$ 2,500 – Lifts and pump motors 1,000 – All Other Losses	
SECTION 7	For each and every claim	\$ 10% of all Legal Expenses or \$1,000 for each claim, whichever is the greater	
SECTION 8	For each and every claim	\$ 250	

b) Agenda for AGM did not disclose any details of insurance policy excesses for water-related damages in October 2013 - strata manager was BCS Strata Management.

c) Agenda for AGM did not disclose any details of insurance policy excesses for water-related damages in November 2014 - strata manager was BCS Strata Management.

d) Agenda for AGM did not disclose any details of insurance policy excesses for water-related damages in November 2015 - strata manager was BCS Strata Management.

e) Agenda for AGM disclosed details of insurance policy excesses for water-related damages in November 2016 - strata manager was BCS Strata Management.

f) Agenda for AGM disclosed details of insurance policy excesses for water-related damages in October 2017 - strata manager was Waratah Strata Management.

g) Agenda for AGM did not disclose any details of insurance policy excesses for water-related damages in October 2018 - strata manager was Waratah Strata Management.

h) Agenda for AGM did not disclose any details of insurance policy excesses for water-related damages in October 2019 - strata manager was Waratah Strata Management.

i) Agenda for AGM did not disclose any details of insurance policy excesses for water-related damages in October 2020 - strata manager was Waratah Strata Management.

j) Agenda for AGM did not disclose any details of insurance policy excesses for water-related damages in October 2021 and reported declined claim in amount of \$13,497.00 in October 2021 - strata manager was Waratah Strata Management.

k) Agenda for AGM did not disclose any details of insurance policy excesses for water-related damages and prevented owners from ratifying rejected insurance claims in October 2022 - strata manager was Waratah Strata Management.

Explanatory notes:

<https://www.nswstratasleuth.info/SP52948-incomplete-insurance-policy-disclosures-to-owners-in-period-2012-to-2023.pdf>

**Motion: Ratify Waratah Strata Management four times non-compliance with Clause 21 of the Strata Schemes Management Regulations 2016 and Section 95 of the Strata Schemes Management Act 2015 for SP52948 Auditor Reports**

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

- a) 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.
- b) Waratah Strata Management ignored Lot 158 request to provide contact details of SP52948 Auditor for FY 2017 and 2018 on 10 May 2019.
- c) Waratah Strata Management ignored Lot 158 request for immediate release of SP52948 Auditor Reports, Cash Receipts, Bank Statements for AGM 2019 on 9 October 2019.
- d) Waratah Strata Management ignored Lot 158 complaint about misleading and misconstrued SP52948 strata files including serious problems with Auditor's reports and expired contract with strata agency due to non-compliant AGM 2019 on 19 March 2020.
- e) Waratah Strata Management ignored submission about SP52948 incomplete insurance policy and validity of legal costs claims on 21 March 2021.
- f) Auditor's Report signed on 20 October 2017, not presented to owners for AGM, and incomplete report was published two and half years after due date (April 2020) 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"):  
  
*Turning to the requests set out in your letter, the representatives of the owners corporation have instructed us to reject them. This owner has undertaken repeated inspections of the records of the owners corporation. The representatives of the owners corporation consider that all available records of the owners corporation were made available to them during those inspections as a result of which if they do not have any records that they desires that is because those records are likely not available. Equally importantly, if this owner is truly prepared to confine his communications to matters relating to the maintenance and repair of this owner only, and to cease and desist from disseminating what the representatives of the owners corporation consider to be defamatory material about them, then what is the purpose of them pressing for the records to be produced to him? In the circumstances, the representatives of the owners corporation do not consider that there is any merit in their request for those records to be provided to them and they are not prepared to agree to the request.*
- g) Auditor's Report signed on 8 October 2018 (one day after due date for AGM), not presented to owners for AGM, and not published even as late as 29 May 2019. 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").
- h) Auditor's Report signed on 3 November 2020 (13 days after due date), not presented to owners for AGM.
- i) Auditor's Report signed on 7 December 2022 (43 days after due date), not presented to owners for AGM.
- j) 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).
- k) Waratah Strata Management and Economos Auditor failed to respond to inquiries about financial accounting data for FY 2022.



I) Waratah Strata Management failed to comply with SSMA 2015 and SSMR 2016 four times:

Date of Signed Auditor's Report	SP52948 Annual General Meeting Date	AGM Notice	Auditor's Name
20 October 2017 ( <b>published two and half years after due date</b> 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; <a href="#">Waratah Strata Management complied with secret plan by Solicitor Adrian Mueller</a> to prevent <a href="#">Lot 158 Motions at the general meeting</a> ; <a href="#">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</a> - the same two illegal committee members voted and <a href="#">signed Waratah Strata Management contract at general meeting in 2016</a> and secretly <a href="#">increased base value from \$21,800.00, as approved at the general meeting, to \$23,110.00 without owners knowledge on 14 December 2016</a> ; 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)
18 October 2018 ( <b>1 day after due date - but not published even as late as 29 May 2019</b> , 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; <a href="#">Waratah Strata Management complied with plan by Solicitor Adrian Mueller</a> to prevent <a href="#">Lot 158 Motions at the general meeting</a> ; <a href="#">Waratah Strata Management and Police failed to inform owners about massive data losses due to lost USB key for investigations in Police Event E65804633</a> ; while <a href="#">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</a> )	No	George Venardos, Economos
20 September 2019	17 October 2019 (general meeting did not satisfy requirements for quorum <a href="#">and allowed unfinancial owners to vote and be elected as committee members</a> - 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; <a href="#">Waratah Strata Management complied with plan by Solicitor Adrian Mueller to prevent Lot 158 Motions at the general meeting</a> ; <a href="#">Admin Fund had negative balance of \$131,852.25</a> without disclosure to owners; <a href="#">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</a> ; Waratah Strata Management failed to provide full details of second massive data loss in two years, <a href="#">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</a> ; Waratah Strata Management contract renewed without tender or disclosure of contract details, <a href="#">and signed by two unfinancial committee members Mr. Stan Pogorelsky and Mr. Moses Levitt on same day as the general meeting</a> )	Yes	George Venardos, Economos
3 November 2020 ( <b>13 days after due date</b> )	22 October 2020 (general meeting did not satisfy requirements for quorum and allowed unfinancial owners to vote and be elected as committee members; <a href="#">Waratah Strata Management complied with plan by Solicitor Adrian Mueller</a> to prevent <a href="#">Lot 158 Motions at the general meeting, coercing owners to vote against ratification of past events</a> ; <a href="#">Admin Fund had positive balance of only \$14,411.82</a> , but three days later on <a href="#">31 October 2020 it showed balance of only \$8,368.92 without disclosure to owners</a> ; Waratah Strata Management prevented the following competitive quotes from tenders for strata and building management: <a href="#">Strata Excellence, Strata Title Management, Netstrata, Curtis Strata Cleaning, Forte Asset Services, Clean and Secure Building Management, Jim's Mowing</a> )	No	George Venardos, Economos
29 September 2021	28 October 2021 ( <a href="#">Admin Fund had positive balance of only \$1,019.14</a> , but three days later on <a href="#">31 October 2021 it showed negative balance of \$120,210.65 without disclosure to owners</a> ; <a href="#">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</a> ; Waratah Strata Management failed to notify owners <a href="#">about flaws in 10-Year Capital Works Fund plans, further delaying overdue upgrades and repairs due to lack of funds</a> )	Yes	George Venardos, Economos
7 December 2022 ( <b>43 days after due date</b> )	27 October 2022 ( <a href="#">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</a> ; <a href="#">Admin Fund had negative balance of \$169,157.11 in Balance Sheet</a> , but in <a href="#">Income &amp; Expenditure Report on the same day Admin Fund had negative balance of \$203,914.85</a> without disclosure to owners; <a href="#">Waratah Strata Management allowed \$146 million dollar SP52948 complex to have expired insurance policy for five days</a> , creating high risks for uninsured common property; <a href="#">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</a> ; 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 installment 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 <a href="#">did not disclose her gas heating connection and unpaid levies which she inherited from previous Lot 88 owner</a> , and even voted against paying for overdue levies for gas heating at AGM 2019) )	No	George Venardos, Economos

Explanatory notes:

<https://www.nswstratasleuth.info/Waratah-Strata-Management-non-compliance-of-SP52948-Auditor-reports.html>

**Motion: Economos signed SP52948 audited report for FY 2022 43 days after due date with \$10,000.00 (GST incl) missing in accounting for Solicitor Adrian Mueller legal costs insurance payments**

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

a) Economos Auditor signed SP52948 financials for FY 2022 43 days after the due date, without income in amount of \$4,545.45 (GST excl) in code 144000 (Miscellaneous Income – Admin).

b) Economos Auditor signed SP52948 financials for FY 2022 43 days after the due date, without expense (repayment to insurance company) in amount of \$4,545.45 (GST excl) in code 169400 (Maint Bldg -- Insurance Repairs &/or Excess).

c) Figures for FY 2022 as listed in FY 2023 reports do not match for alleged legal costs of Solicitor Adrian Mueller in audited report for FY 2022: total revenue in Admin Fund, Miscellaneous Income – Admin (code 144000), and Maint Bldg -- Insurance Repairs &/or Excess (code 169400).

d) Waratah Strata Management provided modified version of accounting data to Economos, knowing that it was inaccurate and misleading for FY 2022.

e) In agenda sent to owners on 7 October 2022, Waratah Strata Management provided the costs of insurance repayments in amount of \$6,119.45 whilst Economos auditor was coerced to sign figure of \$1,574.00 on 7 December 2022:

<https://www.nswstratasleuth.info/SP52948-Economos-Audit-report-FY-2022-two-months-after-general-meeting-7Dec2022.pdf>

07/10/2022 10:47 Robert Crosbie Waratah Strata Management Pty Ltd Page 1

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

**Administrative Fund**

	Current period	Annual budget	Previous year
	01/09/2021-31/08/2022	01/09/2021-31/08/2022	01/09/2020-31/08/2021
Maint Bldg--Floors	370.00	0.00	200.00
Maint Bldg--Garage Door--Remote controls	0.00	0.00	1,054.95
Maint Bldg--Garage Doors	844.04	3,000.00	4,063.02
Maint Bldg--General Repairs	4,755.46	10,000.00	10,484.55
Maint Bldg--Glass	0.00	1,000.00	0.00
Maint Bldg--Gym Equipment	1,505.00	2,000.00	1,485.00
Maint Bldg--Hot Water Service	0.00	5,000.00	3,607.60
Maint Bldg--Hygiene Services	675.12	750.00	675.12
Maint Bldg--Insurance Repairs &/or Excess	6,119.45	10,000.00	15,890.00

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

**Administrative Fund**

	Current period	Annual budget	Previous year
	01/09/2021-31/08/2022	01/09/2021-31/08/2022	01/09/2020-31/08/2021
Maint Bldg--Garage Door--Remote controls	0.00	0.00	1,054.95
Maint Bldg--Garage Doors	844.04	3,000.00	4,063.02
Maint Bldg--General Repairs	4,755.46	10,000.00	10,484.55
Maint Bldg--Glass	0.00	1,000.00	0.00
Maint Bldg--Gym Equipment	1,505.00	2,000.00	1,485.00
Maint Bldg--Hot Water Service	0.00	5,000.00	3,607.60
Maint Bldg--Hygiene Services	675.12	750.00	675.12
Maint Bldg--Insurance Repairs &/or Excess	1,574.00	10,000.00	15,890.00

Explanatory notes:

<https://www.nswstratasleuth.info/SP52948-discrepancies-between-Solicitor-Adrian-Mueller-legal-and-insurance-payments-FY-2022-and-2023.pdf>

**Motion: Order Waratah Strata Management to issue invoices and receipts for five Lot 158 payments in amount of \$23,744.72 (GST excl)**

The Owners Corporation SP52948 by ORDINARY RESOLUTION makes the following decision and confirms the following events:

a) Issue order to Waratah Strata Management to provide invoices and receipts for five Lot 158 payments in total amount of \$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

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](#)

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From account Transaction date  
[REDACTED] 02/07/22

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

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

**Receipt number N292724452061** [Print receipt](#)

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From account Transaction date  
[REDACTED] 27/09/22

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

---

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

**Receipt number N210334711532** [Print receipt](#)

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From account Transaction date  
[REDACTED] 03/01/23

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

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

**Receipt number N240335234636** [Print receipt](#)

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From account Transaction date  
[REDACTED] 03/04/23

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

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

**Receipt number N270335152334** [Print receipt](#)

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From account Transaction date  
[REDACTED] 04/07/23

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

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

b) Waratah Strata Management refused to issue invoices and receipts for Lot 158 payments in amount of \$23,744.72 eight times:

- 26 September 2022
- 27 September 2022
- 8 June 2023
- 19 June 2023
- 19 July 2023
- 18 August 2023
- 12 September 2023
- 13 September 2023

c) Solicitor Adrian Mueller refused to respond to Lot 158 emails dated 27 February 2022, 5 April 2022, and 20 April 2022, also actively hampering investigations by Supreme Court Cost Assessor. Solicitor Adrian Mueller used silence as his defence, or providing statements that had no evidence. Such actions can bring penalties against lawyers, as Legal Services Commissioner v Yakenian [2019] NSWCATOD [98] proved: a solicitor of Fairfield in western Sydney, neighbour of Cabramatta and Villawood. He was referred to the NSW Legal Services Commissioner by District Court Judge, her Honour Wass DCJ.

d) Lot 158 paid \$5,000.00 (GST excl) first-installment penalty for alleged legal costs on 1 July 2022, which were recovered twice by the owners corporation (from insurance company on 25 March 2022 and Lot 158 on 2 July 2022). Income & Expenditure Report dated 12 July 2022 listed Lot 158 payment in item 144000 Miscellaneous Income--Admin:



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 ABN 75 161 033 745  
 PO Box 125, Eastwood, NSW 2122  
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### Income & Expenditure Report for the financial year-to-date 01/09/2021 to 12/07/2022

Strata Plan 52948

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

#### Administrative Fund

	Current period 01/09/2021-12/07/2022	Previous year 01/09/2020-31/08/2021
<b>Revenue</b>		
141900 Gas - Additional Service	2,945.40	2,573.52
142000 Insurance Claims	19,758.14	0.00
142500 Interest on Arrears--Admin	1,192.39	1,500.86
142800 Key Deposits	362.00	702.00
143000 Levies Due--Admin	550,004.32	700,000.00
144000 Miscellaneous Income--Admin	4,545.45	0.00
146500 Status Certificate Fees	1,090.00	763.00
147000 Strata Roll Inspection Fees	217.00	155.00
<i>Total revenue</i>	580,114.70	705,694.38

e) On 29 August 2022, income in amount of \$4,545.45 disappeared in Admin Fund and repayment to insurance company was not listed:



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### Income & Expenditure Report for the financial year to 29/08/2022

Strata Plan 52948

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

#### Administrative Fund

	Current period 01/09/2021-29/08/2022	Previous year 01/09/2020-31/08/2021
<b>Revenue</b>		
141900 Gas - Additional Service	2,945.40	2,573.52
142000 Insurance Claims	19,758.14	0.00
142500 Interest on Arrears--Admin	1,272.24	1,500.86
142800 Key Deposits	362.00	702.00
143000 Levies Due--Admin	737,506.48	700,000.00
146500 Status Certificate Fees	1,308.00	763.00
147000 Strata Roll Inspection Fees	279.00	155.00
<i>Total revenue</i>	763,431.26	705,694.38

Strata Plan 52948

Macquarie Gardens, 1-15 Fontenoy Road, Macquarie  
Park NSW 2113**Administrative Fund**

		<b>Current period</b>	<b>Previous year</b>
		01/09/2021-29/08/2022	01/09/2020-31/08/2021
165600	Maint Bldg--Exhaust/Ventilation Systems	983.00	300.00
165800	Maint Bldg--Fire Protection	10,720.82	11,054.50
166000	Maint Bldg--Floors	370.00	200.00
166400	Maint Bldg--Garage Door--Remote controls	0.00	1,054.95
166600	Maint Bldg--Garage Doors	844.04	4,063.02
167200	Maint Bldg--General Repairs	4,755.46	10,484.55
167600	Maint Bldg--Glass	21.82	0.00
168000	Maint Bldg--Gym Equipment	1,505.00	1,485.00
168800	Maint Bldg--Hot Water Service	0.00	3,607.60
168900	Maint Bldg--Hygiene Services	675.12	675.12
169400	Maint Bldg--Insurance Repairs &/or Excess	1,574.00	15,890.00

f) At end of FY 2022 (31 August 2022), income in amount of \$5,000.00 from Lot 158 was not listed and repayment to insurance company was not listed (as signed by Economos Auditor 43 days after the due date on 7 December 2022):



**Income & Expenditure Report  
for the financial year  
to 31/08/2022**

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Strata Plan 52948

Macquarie Gardens, 1-15 Fontenoy Road, Macquarie  
Park NSW 2113**Administrative Fund**

		<b>Current period</b>	<b>Previous year</b>
		01/09/2021-31/08/2022	01/09/2020-31/08/2021
<b>Revenue</b>			
141900	Gas - Additional Service	2,945.40	2,573.52
142000	Insurance Claims	19,758.14	0.00
142500	Interest on Arrears--Admin	1,272.24	1,500.86
142800	Key Deposits	362.00	702.00
143000	Levies Due--Admin	737,506.48	700,000.00
146500	Status Certificate Fees	1,308.00	763.00
147000	Strata Roll Inspection Fees	279.00	155.00
	<i>Total revenue</i>	763,431.26	705,694.38

Strata Plan 52948

Macquarie Gardens, 1-15 Fontenoy Road, Macquarie  
Park NSW 2113**Administrative Fund**

		<b>Current period</b>	<b>Previous year</b>
		01/09/2021-31/08/2022	01/09/2020-31/08/2021
165600	Maint Bldg--Exhaust/Ventilation Systems	983.00	300.00
165800	Maint Bldg--Fire Protection	10,720.82	11,054.50
166000	Maint Bldg--Floors	370.00	200.00
166400	Maint Bldg--Garage Door--Remote controls	0.00	1,054.95
166600	Maint Bldg--Garage Doors	844.04	4,063.02
167200	Maint Bldg--General Repairs	4,755.46	10,484.55
167600	Maint Bldg--Glass	21.82	0.00
168000	Maint Bldg--Gym Equipment	1,505.00	1,485.00
168800	Maint Bldg--Hot Water Service	0.00	3,607.60
168900	Maint Bldg--Hygiene Services	675.12	675.12
169400	Maint Bldg--Insurance Repairs &/or Excess	1,574.00	15,890.00

Explanatory notes:

<https://www.nswstratasleuth.info/SP52948-with-Waratah-Strata-Management-from-February-2017.html>

**Motion: Ratify events related to 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 Interpretation Act 1987 (NSW) for Meetings**

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

- a) Waratah Strata Management organized 27 executive committee meetings, repeatedly disregarding requirements of Strata Schemes Management Act 2015 (SSMA), Schedule 2, Section 4 (1) and (2), and section 7, and Interpretation Act 1987 (NSW).
- b) Waratah Strata Management organized seven Annual/Extraordinary General Meetings (AGM/EGM), repeatedly disregarding requirements of Strata Schemes Management Act 2015 (SSMA), Schedule 2, Section 4 (1) and (2), and section 7, and Interpretation Act 1987 (NSW).
- c) Extraordinary General Meetings on 27 April 2023 (Lot 27 and 103 major renovations) and Extraordinary General Meeting on 17 August 2023 (Lot 72 major renovations) were approved without compliance with strata laws, but also created litigation and insurance risks with example of Lot 87 in Block C who did not have approval for timber and kitchen renovation in May/June 2023:

<https://www.nswstratasleuth.info/SUMMARY-Another-discrimination-of-owners-in-SP52948-Non-compliant-Extraordinary-General-Meeting-on-27Apr2023.pdf>



Explanatory notes:

<https://www.nswstratasleuth.info/SP52948-Waratah-Strata-Management-organised-non-compliant-ordinary-committee-meetings-in-period-2017-to-2023.html>

**Motion: Ratify cost increases related to Uniqueco Property Services contracts made without tenders or full disclosure of information from 2015 to 2023**

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

a) Building management contract paid yearly to service providers since 1999, as collected from SP52948 invoices, audited accounts, and official general meeting notices:

Financial Year	Building Manager	Total Contract Value	Official annual inflation rate
1999	Strata Sphere	\$186,611.00	1.48%
2000	Universal Strata Services	\$220,168.00	4.97%
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	Uniqueco 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	Uniqueco 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	Uniqueco 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	Uniqueco Property Services	\$306,837.99 (difference to previous year: 5.12%)	1.91%
2019	Uniqueco Property Services	\$293,031.44 (difference to previous year: -4.60%)	1.61%
2020	Uniqueco 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	Uniqueco Property Services	\$339,249.60 (difference to previous year: 2.46%)	2.86%
2022	Uniqueco Property Services	\$339,741.00 (difference to previous year: 0.14%)	6.59%
2023	Uniqueco Property Services	\$343,507.47 (difference to previous year: 1.1%, undisclosed increase of 2.0% since February 2023)	not yet published
2024	Uniqueco Property Services	Not applicable yet (undisclosed increase of 10.0% since September 2023)	not applicable yet

b) 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).

c) 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.

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

e) In 2023, monthly salary for Uniquenco 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
31/08/22	\$28,311.75	\$0.00
30/09/22	\$28,311.75	\$0.00
31/10/22	\$28,311.75	\$0.00
30/11/22	\$28,311.75	\$0.00
31/12/22	\$28,311.75	\$0.00
31/01/23	\$28,311.75	\$0.00
28/02/23	\$28,311.75	\$0.00
31/03/23	\$29,247.07	\$935.32
30/04/23	\$28,877.98	-\$369.09 (overpayment for previous month)
31/05/23	\$28,877.98	\$0.00
30/06/23	\$28,877.98	\$0.00
31/07/23	\$28,877.98	\$0.00
31/08/23	\$28,877.98	\$0.00
30/09/23	\$31,764.07	\$2,886.09

f) 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.

g) Contract for Uniquenco Property Services was increased by 2% at a committee meeting on 9 February 2023:



<https://www.nswstratasleuth.info/SP52948-Uniqueco-Property-Services-costs-increased-without-general-meeting-or-tender-March2023.png>



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**Income & Expenditure Report  
 for the financial year-to-date  
 01/09/2022 to 28/02/2023**

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

	Administrative Fund	
	Current period 01/09/2022-28/02/2023	Previous year 01/09/2021-31/08/2022
<b>Revenue</b>		
141900 Gas - Additional Service	0.00	2,945.40
142000 Insurance Claims	0.00	19,758.14
142500 Interest on Arrears-Admin	421.71	1,272.24
142800 Key Deposits	365.00	362.00
143000 Levies Due-Admin	395,004.32	737,506.48
144000 Miscellaneous Income-Admin	9,090.90	4,545.45
146500 Status Certificate Fees	545.00	1,308.00
147000 Strata Roll Inspection Fees	124.00	279.00
<b>Total revenue</b>	<b>405,551.93</b>	<b>767,976.71</b>
<b>Less expenses</b>		
150200 Admin-Accounting	300.00	450.00
153800 Admin-Agent Disbursements	6,822.77	13,092.24
153802 Admin-Agent Disburst-Other	100.00	0.00
153805 Admin-Agent Disburst-Stationery	0.00	34.91
150800 Admin-Auditors-Audit Services	1,100.00	1,100.00
150900 Admin-Auditors-Taxation Services	370.00	555.00
153200 Admin-Legal & Debt Collection Fees	1,784.58	8,669.78
154100 Admin-Management Fees-Additional Charges	30.00	0.00
154000 Admin-Management Fees-Standard	13,212.45	25,380.38
156000 Admin-Status Certificate Fees Paid	436.00	1,308.00
156400 Admin-Strata Inspection Fees Paid	155.00	248.00
159100 Insurance-Premiums	149,529.07	99,132.62
159200 Insurance-Valuation	0.00	3,895.45
161300 Maint Bldg-Building Management	169,870.50	339,741.00
161350 Maint Bldg-Building Management Expenses	9,151.43	9,967.05
162000 Maint Bldg-Carpet	600.00	0.00
162400 Maint Bldg-Carspace Line Marking	380.00	0.00
162600 Maint Bldg-Ceiling	593.64	1,447.00
163000 Maint Bldg-Cleaning	0.00	220.00
163200 Maint Bldg-Cleaning & Lawns	100.00	0.00
163001 Maint Bldg-Cleaning-Carpet/Furniture	1,600.00	1,600.00
163010 Maint Bldg-Cleaning-Pressure Cleaning	2,000.00	0.00
164200 Maint Bldg-Consultants	3,750.00	0.00



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**Income & Expenditure Report  
 for the financial year-to-date  
 01/09/2022 to 15/03/2023**

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

	Administrative Fund	
	Current period 01/09/2022-15/03/2023	Previous year 01/09/2021-31/08/2022
<b>Revenue</b>		
141900 Gas - Additional Service	0.00	2,945.40
142000 Insurance Claims	0.00	19,758.14
142500 Interest on Arrears-Admin	457.44	1,272.24
142800 Key Deposits	365.00	362.00
143000 Levies Due-Admin	395,004.32	737,506.48
144000 Miscellaneous Income-Admin	9,090.90	4,545.45
146500 Status Certificate Fees	545.00	1,308.00
147000 Strata Roll Inspection Fees	124.00	279.00
<b>Total revenue</b>	<b>405,587.66</b>	<b>767,976.71</b>
<b>Less expenses</b>		
150200 Admin-Accounting	700.00	450.00
153800 Admin-Agent Disbursements	7,980.95	13,092.24
153802 Admin-Agent Disburst-Other	100.00	0.00
153805 Admin-Agent Disburst-Stationery	0.00	34.91
150800 Admin-Auditors-Audit Services	1,100.00	1,100.00
150900 Admin-Auditors-Taxation Services	370.00	555.00
153200 Admin-Legal & Debt Collection Fees	1,844.58	8,669.78
154100 Admin-Management Fees-Additional Charges	40.00	0.00
154000 Admin-Management Fees-Standard	15,454.27	25,380.38
156000 Admin-Status Certificate Fees Paid	545.00	1,308.00
156400 Admin-Strata Inspection Fees Paid	155.00	248.00
159100 Insurance-Premiums	149,529.07	99,132.62
159200 Insurance-Valuation	0.00	3,895.45
161300 Maint Bldg-Building Management	198,748.48	339,741.00
161350 Maint Bldg-Building Management Expenses	9,151.43	9,967.05
162000 Maint Bldg-Carpet	600.00	0.00
162400 Maint Bldg-Carspace Line Marking	730.00	0.00
162600 Maint Bldg-Ceiling	593.64	1,447.00
163000 Maint Bldg-Cleaning	0.00	220.00
163200 Maint Bldg-Cleaning & Lawns	100.00	0.00
163001 Maint Bldg-Cleaning-Carpet/Furniture	1,600.00	1,600.00
163010 Maint Bldg-Cleaning-Pressure Cleaning	2,000.00	0.00
164200 Maint Bldg-Consultants	3,750.00	0.00

h) Contract with Uniqueco Property Services was increased by extra 10% at a committee meeting on 7 September 2023 without disclosure of amounts and without approval by owners corporation at general meeting:

<https://www.nswstratasleuth.info/SP52948-minutes-EC-7Sep2023.pdf>

<https://www.nswstratasleuth.info/SP52948-Income-and-Expenditure-Report-1Sep2023-to-13Sep2023.pdf>

**Income & Expenditure Report  
for the financial year-to-date  
01/09/2023 to 13/09/2023**

Strata Plan 52948

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

		<b>Administrative Fund</b>	
		<b>Current period</b>	<b>Previous year</b>
		01/09/2023-13/09/2023	01/09/2022-31/08/2023
<b>Revenue</b>			
141900	Gas - Additional Service	0.00	2,945.40
142500	Interest on Arrears--Admin	12.87	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	0.00	1,090.00
147000	Strata Roll Inspection Fees	31.00	217.00
	<i>Total revenue</i>	43.87	833,718.71
<b>Less expenses</b>			
150200	Admin--Accounting	0.00	900.00
153800	Admin--Agent Disbursements	1,158.18	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	180.00	2,214.58
154100	Admin--Management Fees--Additional Charges	10.00	768.18
154000	Admin--Management Fees--Standard	2,241.82	26,663.37
156000	Admin--Status Certificate Fees Paid	109.00	981.00
156500	Admin--Strata Hub Fees Paid	0.00	654.00
156400	Admin--Strata Inspection Fees Paid	31.00	248.00
159100	Insurance--Premiums	0.00	149,529.07
161300	Maint Bldg--Building Management	31,764.07	343,507.47

i) Agenda for AGM 2020 did not comply with SSMA 2015 requirements for Motions:

SP52948 - Agenda for AGM 2020 failed to comply with SSMA 2015 requirements for Motions at general meetings, by not providing clear vote for renewing building management contract, and not allowing seven companies to bid for the building and strata management contracts

**8 CARETAKERS CONTRACT**

That the proposed contract renewal with Uniqueco Pty Ltd (Building Managers) be tabled and a decision made whether to accept this contract.

Motion must be ruled as "out of order" as it conflicts with the Act, is 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.

j) Missing evidence of Police checks and licenses for security guards working for Uniqueco Property Services.

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. Edey) on 10 January 2001:

ITEM 3

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 Edey presented a petition signed by approximately 40 owners indicating their objection to an unlicensed security person being engaged with Dr Edey 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.

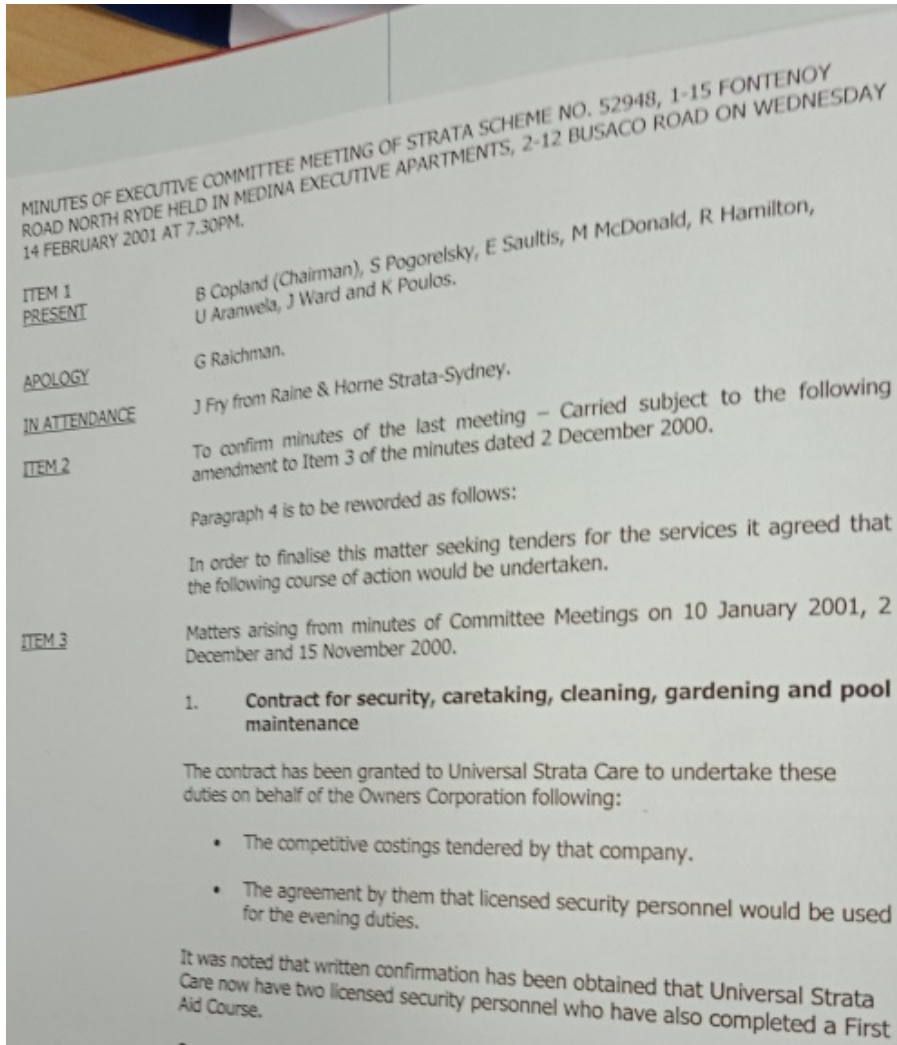
The chairman then opened debate amongst the committee members by confirming that five tenders had been obtained some of which were solely for the evening security duties with two proposals being for the caretaking, cleaning, garden maintenance, pool maintenance and security duties.

The meeting was advised that the exercise of seeking tenders had been triggered following concerns at the recent Annual General Meeting of the increasing costs for the Strata Plan and the Executive Committee is currently endeavouring to obtain a cost saving without a reduction in the services being provided to the residents.

On examination of the tenders provided a substantial saving was being offered by Universal Strata Care in respect of the evening work and the Executive Committee agreed to engage that company for a 12 month period commencing on 1 March 2001 and to accept their tender of \$239,800 (including GST) per annum to undertake the caretaking, cleaning, gardening, pool maintenance and night caretaking duties subject to the following conditions being met:

- (a) That Universal Strata Care provide monitoring stations at various locations to ensure that the person on duty does regularly patrol the property. This is to be done at no cost to the Strata Plan.
- (b) That licensed persons are used to ensure that they have basic training in dealing with the various situations that may arise.

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



Explanatory notes:

<https://www.nswstratasleuth.info/SP52948-brief-log-of-events-related-to-contracts-for-strata-and-building-managers-in-period-1999-to-Oct2020.pdf>

**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) 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>

b) 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.

c) 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.

d) Penalties of up to \$5,500.00 may apply if strata schemes do not complete their 2022 report by 30 June 2023.

e) 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 at any time

<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>

#### Explanatory Notes

<https://www.nswstratasleuth.info/Waratah-Strata-Management-warned-about-SP52948-insurance-risks-safety-financial-health-and-non-compliance-with-laws-8Jun2023.html>

#### **Motion: SP52948 declined to ratify past events making owners and Waratah Strata Management liable under Section 8(a) of National Anti-Corruption Commission Act 2022 and legislation amending the Public Interest Disclosure Act 2013**

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

a) Ratification has a retrospective effect, and binds the principal from its date, and not only from the time of the ratification, for the ratification is equivalent to an original authority, according to the maxim, that omnis rati habitio mandate aequiparatur (ratification is equivalent to express command). As a general rule, the principal has the right to elect whether he will adopt the unauthorized act or not. But having once ratified the act, upon a full knowledge of all the material circumstances, the ratification cannot be revoked or recalled, and the principal becomes bound as if he had originally authorized the act. The ratification must be voluntary, deliberate, and intelligent, and the party must know that without it, he would not be bound.

b) 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, and made all engagement by Solicitor Adrian Mueller void and invalid due to standard legal principle of ratification.

c) On 27 October 2022, general meeting did not ratify Lot 158 Motions, effectively voting against previous general meetings, making all engagement by Solicitor Adrian Mueller void and invalid due to standard legal principle of ratification.

d) Lot 158 Motions that were prevented by Solicitor Adrian Mueller and Waratah Strata Management:

<https://www.nswstratasleuth.info/SP52948-Motions-by-Lot-158-prevented-from-voting-by-Waratah-Strata-Management-without-legal-grounds-AGM-2017.pdf>

<https://www.nswstratasleuth.info/SP52948-Motions-by-Lot-158-prevented-from-voting-by-Waratah-Strata-Management-without-legal-grounds-AGM-2018.pdf>

<https://www.nswstratasleuth.info/SP52948-Motions-by-Lot-158-prevented-from-voting-by-Waratah-Strata-Management-without-legal-grounds-AGM-2019.pdf>

<https://www.nswstratasleuth.info/SP52948-Solicitor-Adrian-Mueller-provided-advice-how-to-ensure-Motions-by-Lot-158-be-ignored-effectively-coercing-owners-to-vote-against-ratification-of-past-events-AGM-2020.pdf>

<https://www.nswstratasleuth.info/SP52948-Submitted-Motions-by-Lot-158-for-Annual-General-Meeting-7Oct2022.pdf>

<https://www.nswstratasleuth.info/SP52948-evidence-submitted-to-NCAT-Supreme-Court-and-OLSC-premeditated-plan-by-Solicitor-Adrian-Mueller-to-prevent-Applicant-Motions-and-disallow-owners-to-vote-at-AGM-2017.pdf>

<https://www.nswstratasleuth.info/SP52948-evidence-submitted-to-NCAT-Supreme-Court-and-OLSC-premeditated-plan-by-Solicitor-Adrian-Mueller-to-prevent-Applicant-Motions-and-disallow-owners-to-vote-at-AGM-2018.pdf>

#### Explanatory Notes

Waratah Strata Management is the custodian of all strata files. Lot 158 requested owners be provided with relevant files in 2017, 2018, 2019, 2020, 2021, 2022, and 2023.

**Motion: Ratify owners prevented to have access to NCAT SC 20/33352 documents and Statutory Declaration by Lot 158**

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

a) At AGM on 27 October 2022, when negative balance in Admin Fund amounted to \$203,914.85 without disclosure to owners, owners did not ratify Lot 158 Motions, including Motion for AGM 2020 "Ratify owners prevented to have access to NCAT SC 20/33352 documents and Statutory Declaration by Lot 158".

b) Waratah Strata Management failed to provide owners with secure website access details for NCAT case SC 20/33352 on 25 September 2020 (the site below is now locked down and access can be provided at different website upon request):

Subject: CONFIDENTIAL: NCAT SC 20/33352 website access  
From: SP52948 Lot 158  
Date: 25/9/20, 12:13  
To: Stuart Greene <stuart@waratahstrata.com.au>, robert Crosbie  
<Robert@waratahstrata.com.au>

Not to be shared with any party without disclosure.

No files can be shared with any party without disclosure.

This information can and should be provided by the Secretary of the committee to ALL owners as part of AGM 2020 agenda (safest option is to publish it on Waratah Strata web portal).

URL <https://www.vk2cot.id.au/NCAT-20-33352/>

Login sp52948user

Password MtOJ1fiRSUIkMk00-%

For security reasons, and in compliance with laws, access is monitored at all times.

Regards

c) Waratah Strata Management failed to provide owners with Lot 158 sworn Statutory Declaration:

<https://www.nswstratasleuth.id.au/SP52948-statutory-declaration-for-NCAT-case-20-33352-which-Waratah-Strata-Management-refused-to-provide-to-owners-Aug2020.pdf>

d) Waratah Strata Management failed to provide owners with update of events related to NCAT case SC 20/33352 and Supreme Court Costs Assessment case CA 2022/70683 which was initiated without owners corporation approval at any legally-convened meeting.

**Explanatory Notes**

Waratah Strata Management is the custodian of all strata files. Lot 158 requested owners be provided with relevant files in 2017, 2018, 2019, 2020, 2021, 2022, and 2023.

**Motion: Ratify discrimination against townhouse owners and owners on ground floors of four buildings though approval for Lot 151 to obtain exclusive access to common property without special resolution and lack of special by-law registration of exclusive use of common property – Lot 151 the only recipient of ColorBond gate on their fence**

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

a) At AGM on 27 October 2022, when negative balance in Admin Fund amounted to \$203,914.85 without disclosure to owners, owners did not ratify Lot 158 Motions, including Motion "Ratify discrimination against townhouse owners and owners on ground floors of four buildings – Lot 151 the only recipient of ColorBond gate on their fence".

b) New ColorBond gate was loaded into ex-committee member Lot 151 backyard (Ms. Maureen MacDonald) around 22 December 2021:



c) On 10 January 2022, Lot 151 installed gate with lock on ColorBond fence towards external gardens:



d) At AGM 2022, Waratah Strata Management published the following decisions in Motion 16:

**16 MOTIONS REQUESTIONED 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.

e) There is no evidence of document approving gate for Lot 151 in November 2021. Only two documents were published for the whole month of November 2022:

- Minutes of AGM 2022.
- Consolidated By-Laws (with Special By-Law 13 amendments).

[www.lookatmystrata.com.au/187035/documents](http://www.lookatmystrata.com.au/187035/documents)



# WARATAH

## Strata Management

CONTACT FAQ CHANGE PASSWORD LOGOUT

OWNERS CORPORATION PORTFOLIO REPORTS MEETINGS **DOCUMENTS** MAINTENANCE

Strata Plan 52948

Document Type	Creditor	Description	Date
Levy Notice		February 2023	14/12/2022
Audit Report			07/12/2022
By Laws			18/11/2022
MINUTE BOOK			01/11/2022
MINUTE BOOK			10/10/2022

f) There is no evidence of approval to change common property in Lot 151 in any document published or given to any owner:

<https://www.nswstratasleuth.info/SP52948-waratahstrata.com.au-website-Documents-folder-page-1-11Sep2023.png>

<https://www.nswstratasleuth.info/SP52948-waratahstrata.com.au-website-Documents-folder-page-2-11Sep2023.png>

<https://www.nswstratasleuth.info/SP52948-waratahstrata.com.au-website-Documents-folder-page-2-11Sep2023.png>

<https://www.nswstratasleuth.info/SP52948-waratahstrata.com.au-website-Documents-folder-page-4-11Sep2023.png>

<https://www.nswstratasleuth.info/SP52948-waratahstrata.com.au-website-Documents-folder-page-5-11Sep2023.png>

<https://www.nswstratasleuth.info/SP52948-waratahstrata.com.au-website-Documents-folder-page-6-11Sep2023.png>

<https://www.nswstratasleuth.info/SP52948-waratahstrata.com.au-website-Documents-folder-page-7-11Sep2023.png>

<https://www.nswstratasleuth.info/SP52948-waratahstrata.com.au-website-Documents-folder-page-8-11Sep2023.png>

<https://www.nswstratasleuth.info/SP52948-waratahstrata.com.au-website-Documents-folder-page-9-11Sep2023.png>

<https://www.nswstratasleuth.info/SP52948-waratahstrata.com.au-website-Documents-folder-page-10-11Sep2023.png>

<https://www.nswstratasleuth.info/SP52948-waratahstrata.com.au-website-Documents-folder-page-11-11Sep2023.png>

<https://www.nswstratasleuth.info/SP52948-waratahstrata.com.au-website-Documents-folder-page-12-11Sep2023.png>

<https://www.nswstratasleuth.info/SP52948-waratahstrata.com.au-website-Documents-folder-page-13-11Sep2023.png>

<https://www.nswstratasleuth.info/SP52948-waratahstrata.com.au-website-Documents-folder-page-14-11Sep2023.png>

<https://www.nswstratasleuth.info/SP52948-waratahstrata.com.au-website-Documents-folder-page-15-11Sep2023.png>



<https://www.nswstratasleuth.info/SP52948-waratahstrata.com.au-website-Documents-folder-page-16-11Sep2023.png>

<https://www.nswstratasleuth.info/SP52948-waratahstrata.com.au-website-Documents-folder-page-17-11Sep2023.png>

<https://www.nswstratasleuth.info/SP52948-waratahstrata.com.au-website-Documents-folder-page-18-11Sep2023.png>

g) There is no evidence of owners corporation submitting change to common property plans with NSW Land Registry Services for the following changes since 2022:

- Lot 151 change of ownership for gate on the fence,
- Extraordinary General Meeting on 27 April 2023 (Lot 27 and 103 major renovations),
- Extraordinary General Meeting on 17 August 2023 (Lot 72 major renovations),
- Lot 87 who did not have approval for timber and kitchen renovation in May/June 2023.

h) Lot 151 is the only owner of such gate on the fence which allows her to enter/exit her property without using main entrances in the complex.

i) Without a Special By-Law and its registration with NSW Land Registry Service, the fence costs and maintenance would be shared equally between Lot 151 and the owners corporation (gates located in this area are treated in the same way), which would put unfair and unnecessary burden to other owners who do not benefit from this private change.

j) When change or damage has been caused by work undertaken by an owner who did not receive proper consent from the owner's corporation, it is the owner's own responsibility. Courts have held that when considering maintenance and reparation to be the owners corporation's responsibility, it must be in relation to the ORIGINAL common property, not in relation to alterations or additions that have been made by an owner without permission. This was concluded in *The Owners Strata Plan 50276 v Thoo* [2013] NSWCA 270 and the case of *Krimbogiannis*.

k) If an owner wants to keep the unauthorized alterations, a Special By-Law needs to be made to permit this (full costs of organizing Extraordinary General Meeting and by-law registration must be borne by such owner). This new by-law should impose on the owner the obligation to maintain and repair the works.

If an owner wants to keep the unauthorized alterations, a by-law needs to be made to permit this (full costs of organizing Extraordinary General Meeting and by-law registration to be borne by Mrs. Maureen McDonald). This new by-law should impose on the owner the obligation to maintain and repair the works. If the owners corporation does not want the work to remain, an order by NCAT should be made to require the owner to remove the work, or for the owner to allow the owners corporation to remove the work. Section 132 of the SSMA allows for NCAT to make an order that the owner that performed the work takes steps to repair the damage, or an order that the owner pays the owners corporation the cost of repairs of the damage.

l) Document search on 8 June 2022, found no evidence of approvals for ColorBond gate or payments by Lot 151.

m) Admin Fund balance had negative balance of \$53,002.08 on the date of gate installation in Lot 151 (10 January 2022):

<https://www.nswstratasleuth.info/SP52948-financials/SP52948-Balance-Sheet-as-at-10Jan2022.pdf>

Explanatory Notes

<https://www.nswstratasleuth.info/SP52948-ongoing-maintenance-problems-mostly-ignored-by-Waratah-Strata-Management.html>

**Motion: Ratify events in relation to missing register of items excluded from common-property with updates in 2023 and issue order to Waratah Strata Management to resolve outstanding unregistered losses of common property**

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

a) At AGM 2020, Waratah Strata Management and Solicitor Adrian Mueller prevented owners from voting on Lot 158 Motions, including "Ratify events in relation to missing register of items excluded from common-property, non-compliance with EC decision on 2 May 2001, and enforce EC decision to keep register of approvals granted to owners made on 2 May 2001".

b) BCS Strata Management failed to include this Motion in the agenda for AGM 2016 without due notice to the requester of the Motion, and owners corporation denied a vote on the Motion.

c) Waratah Strata Management failed to allow this Motion to be discussed at AGM 2017, 2018, and 2019, in non-compliance with Strata Schemes Management Act 2015, Schedule 1, c(4).

d) BCS Strata Management and Waratah Strata Management failed to comply with decision of EC meeting on 2 May 2001 to keep register of approvals granted to owners.

e) Some of items not registered with NSW Land Registry Services:

- Five private lattices in front of townhouses Lot 194, Lot 197, Lot 199, Lot 202, and Lot 216 (not approved at any meeting).
- Committee meeting on 15 August 2007: Lot 135 application for solar film on windows.
- 28 March 2011: Townhouse 194 requested new gas boiler and separate gas meter.
- Committee meeting on 4 February 1998: Lots 177 and 183 approved to install double-glaze windows (By-Law planned to be approved at General Meeting but never eventuated).
- Committee meeting on 17 March 1998: Lot 62 approved to install double-glaze windows (By-Law planned to be approved at general meeting but never eventuated).
- Committee meeting on 17 March 1998: Townhouse 219 approved to install polycarbonate sheeting as pergola cover and installation of air-conditioning unit.
- Committee meeting on 19 August 1998: Townhouse 206 approved to install polycarbonate sheeting as pergola cover.
- Committee meeting on 15 August 2007: Lot 135 installation of solar film on windows.
- Committee meeting on 15 August 2007: roof insulation in townhouses (work completed on 12 March 2008 in amount of \$15,456.00).
- Committee meeting on 4 March 2015: Two townhouse connections from their courtyards to common storm water drain (acquisition of common property without Special Resolution or registered By-Law).
- Lot 193: double-glaze windows in 2017.
- Lot 114: Special casing for lights in the garage.
- Lot 151 installation of gate on ColorBond fence.
- External doors on townhouses (photos taken on 13 September 2023), with lack of any standards for common-look appearance of common property:



f) Owners corporation makes an order to Waratah Strata Management to conduct full audit of items that are not common property any longer and report it to owners within 30 days after this Motions is approved.

g) Owners corporation makes an order to Waratah Strata Management to update the register of gas heating connections and report it to owners within 30 days after this Motions is approved.

Extract from committee meeting on 12 April 2018:

**4 GENERAL BUSINESS**

Resolved that following general business items were raised and discussed:

**GAS USAGE CHARGES**

The strata manager is to prepare a document that summarises:

- which lots have additional gas points for heating and are to be charged the \$220 annual fee for the extra gas usage (this "Additional Gas Point Fee" is for the period 1/9 - 31/8 each year and is to be charged around 1 May each year).
- which townhouse lots are entitled to claim for gas usage charges
- which townhouse lots have additional gas points (hot water or heating) and are not entitled to claim for gas usage (A letter is to be sent to those lot owners to advise they will not be charged the Additional Gas Point Fee, but cannot claim for gas usage costs)
- which townhouse lots do not have any gas connection and so do not claim for gas usage
- which townhouse lots are entitled to claim for water usage

Waratah Strata Management ignored evidence of properties with gas bayonets installed for heating:

<https://www.nswstratasleuth.info/SP52948-audit-second-gas-connections-Aug2022.png>

h) Owners corporation makes an order to Waratah Strata Management to update the register of approvals granted monthly and make it available via strata management's web site free of charge.

i) Owners corporation makes an order to Waratah Strata Management to organize an Extraordinary General Meeting (or prepare the process for next Annual general meeting) to formally approve common property items that became private property, or enforce their return to SP52948 at full costs payable by owners who made changes without general meeting (as per Section 132 of the SSMA).

Explanatory Notes

<https://www.nswstratasleuth.info/SP52948-Consolidated-By-Laws-17Nov2022.pdf>

**Motion: Ratify events in relation to missing common property (timber) behind townhouses and outstanding repairs of fence**

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

a) Waratah Strata Management received the following submissions about problems with maintenance and OH&S risks behind townhouses. No reply was received:

<https://www.nswstratasleuth.info/SUMMARY-reported-to-Waratah-Strata-Management-SP52948-repeated-and-new-issues-behind-townhouses-7Oct2019.html>

<https://www.nswstratasleuth.info/SP52948-REQUEST-FOR-MAINTENANCE-Wooden-fence-behind-townhouses-on-7Jul2020.html>

<https://www.nswstratasleuth.info/SP52948-failed-maintenance-wooden-fence-behind-townhouses-2Feb2021.html>

<https://www.nswstratasleuth.info/SP52948-FAILURE-TO-MAINTAIN-COMMON-PROPERTY-Wooden-fence-rotten-railings-and-eroded-soil-behind-townhouses-on-17Apr2021.html>

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

<https://www.nswstratasleuth.info/SP52948-extra-timber-leftover-from-fence-replacement-behind-townhouses-photo-1-4Jun2021.webp>

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

<https://www.nswstratasleuth.info/SP52948-sudden-disappearance-of-extra-timber-from-fence-replacement-behind-townhouses-photo-1-27Oct2021.webp>

d) 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:

<https://www.nswstratasleuth.info/SP52948-inquiry-about-disappeared-timber-behind-townhouses-14Nov2021.html>

e) 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.

These requests contained photo evidence of fence requiring repairs:



Explanatory notes:

<https://www.nswstratasleuth.info/Waratah-Strata-Management-warned-about-SP52948-insurance-risks-safety-financial-health-and-non-compliance-with-laws-part-2-19Jun2023.html>