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Liftronic lost contract with SP52948 due to high cost of in amount of $31,228.00 per year in 2010

- On 15th of March 2010, ThyssenKrupp Elevator sent a letter to BCS Strata Management in response to Strata Manager's request to obtain quote for maintenance contract. Their offer was based on THREE-YEAR contract through two types of services:

Platinum Full Comprehensive Agreement ($22,200.00 per year, plus GST)

Gold Partial Comprehensive Agreement ($16,400.00 per year, plust GST)

This information was NEVER provided to other members of the EC. Not only that letter was hidden from all owners, but it was never presented to owners. The minutes of the EC meeting held on 28th of April 2010 and 21st of July 2010 confirm it. This information was also deliberately excluded from the Annual General Meeting held on 13th of October 2010.

It means that ThyssenKrupp Elevator's quote for the lift maintenance contract was kept secret from the members of the Executive Committee for TWO months before the single member of the EC and BCS Strata Management "negotiated and approved" it alone.

- Brief details of the two options in ThyssenKrupp Elevator proposal and enclosed herewith. Full document can be provided upon request.

ThyssenKrupp Elevator's **PLATINUM FULLY COMPREHENSIVE** proposal is defined as below:

- 24 Hour / 7 Days emergency breakdown service as required
- Replacement of **ALL PARTS** when required.
- Programmed service visits. (12 Visits per annum)
- All necessary lubricants and cleaning materials
- Service documentation (signed by Service Technician) at conclusion of each visit
- Form 15a Certification provided Annually at Client's request

Our price to maintain all 4 Passenger lifts based on a **Full Comprehensive Maintenance** Agreement would be:

3 year term- $22,000.00 plus GST

This price is per annum and payable quarterly in advance.

ThyssenKrupp Elevator's **GOLD PARTIAL COMPREHENSIVE AGREEMENT** proposal is defined as below:

- 24 Hour / 7 Days emergency Response Centre Service.
- Normal Business Hours breakdown call-outs included.
- Limited Minor Parts Replacement Coverage. (up to a value of $1,500 per component)
- Programmed service visits. (12 Visits per annum)
- All necessary lubricants and cleaning materials
- Service documentation (signed by Service Technician) at conclusion of each visit
- Form 15a Certification provided Annually at Client's request

Our price to maintain all 4 passenger lifts on a **Partial Comprehensive Service Agreement** would be:

3 year term- $15,400.00 plus GST

This price is per annum and payable quarterly in advance.

- ThyssenKrupp Elevator was happy for this large strata complex to sign the contract for three-year period but the single member of the EC and BCS Strata Management, solely through their own initiative, decided to lock in the contract for SEVEN YEARS!

- The members of the Executive Committee first learned about the new contract when it was too late (already "approved"). In addition, the real quotes from both vendors were never given to the EC members to review or analyze (same applies to the contract).

- Email from strata manager to EC members 15th of June 2010:

Sent: Tuesday, 15 June 2010 7:31 AM
To:
Subject: FW: Lifttronics contract

Dear Members

Attached find an email received from and regarding the lift contract renewal.

The lift has been maintained since inception by a company called Liftronics and whilst they have been criticized from time to time during breakdowns of the lifts their response time for those who deal with lift companies has been good.

The contract with Liftronics is now up for renewal following a 5 year term and they were asked to re tender with a proposal also being obtained from ThyssenKrupp. The offers obtained were as follows

- Liftronics $23,600 plus GST per annum. (current price $31,200 plus GST).
- ThyssenKrupp $22,000 plus GST per annum.

Whilst considering the proposals ThyssenKrupp came back with an amended offer of no charge for the first quarter (saving $5,500 plus GST) with no increase in costs for the first 2 years.

The saving as you can see is quite substantial and following consultation with it was agreed that a 7 year contract be entered into with ThyssenKrupp which is a large international company.

I will send members separately details of the original proposal for information.

I understand comments and personally have not had a good experience with Schindler Lifts and of late have take Business away from that company.

We need to ensure that we obtain a reasonable level of service from ThyssenKrupp under the contract and they do indicate in their quotation that there will be a quick response time.

• Once the EC members learned that the contract was approved and signed without any consultation (and complained about it), BCS Strata Management tried to justify it in the email on 23rd of June 2010:

Dear Members

Thank you for your comments/questions regarding the change of lift Maintenance Company and I would advise as follows

ThyssenKrupp have undertaken to provide good service and time will answer that question. I have spoken with the following references provided to me the replies being

Illawarra Retirement Villages
Reply is that their main village has 11 lifts maintained by Thyssens for the past 3 years. Comment is that being a retirement property immediate service is very important which the manager states they have been receiving.

450 Elizabeth Street, Sydney
Building manager advised that they have used Thyssens for 18 months having had problems with Otis Lifts. The manager Dale advised that they looked after a number of buildings with Thyssens being the best lift company that they deal with.

Thyssens are an international company with many large clients and have informed us that they can source parts required for the lifts within a reasonable time.

I have discussed the changeover with and he agrees that we need now to allow the new company time to provide the required service.

The service manager is due to contact to arrange a meeting. I am also informed that a technician will be allocated to undertake the standard lift maintenance for the building.

I understand the concerns in changing the lift maintenance company however ultimately if a reasonable standard is not received we can look to cancel the contract with Thyssens and go back to Liftronics. Note the current contract is due to expire on the 30th June 2010.

Regards

Raine & Horne Strata-Sydney
53 Beecroft Road Epping NSW 2121
Tel: (02) 9868 2999 Fax: (02) 9868 2383
www.bcms.com.au

- EC member, who decided alone with strata manager to grant contract to ThyssenKrupp, tried to do the damage control on 24th of June 2010:

As a commercial business property owner I have experienced all the major lift companies and have no difficulty with the service levels that are provided by the selected operator - that's what the contracts are for. As an owner at Macquarie Gardens I am vitally interested in driving down our costs without loss of service. The quotes for the new contract are very good, are long term and therefore very much in the interests of the operator to live up to and will give us immediate savings in this year and lock in reasonable rates avoiding any major sinking fund expenditure in the elevators for another 7 years.

John negotiated these deals with my review of each offer and has acted at all times in our best interest. He has delegated authority to enter into these contracts in any case but as has been the practice for all major expenditure items he has consulted with the chairman for guidance which I have been happy to give. I have satisfied myself as to the service levels being provided by the selected operator before I agreed with that the contract should be awarded to the new operator.

Any concern about changing operators should be heavily weighted by the excessive price they applied for the last three years.

This is the last of the major contracts to be overhauled and we have now very little room to move on expenditure and therefore levies at the forthcoming AGM. The Sinking Fund plan has to be rewritten in the next month or so to cover a minimum of the next five years but I suggest that we continue with the practice of a long term fund attempting to escalate levies for this fund at a fraction under CPI.

I have agreed with that he should proceed with the new contract today (which I am sending to him with some minor comments shortly).

Not only their statements were proven to be completely wrong and misleading, but as well the balance sheet for AGM 2011 showed that real costs for lift maintenance was $26,657.00 GST exclusive, (well above “agreed” contractual value of $22,000.00 (also GST exclusive).

Based on “assurances” by the Strata Manager, the full maintenance costs in the first year of the contract with ThyssenKrupp should have been around $16,500.00 however the evidence shows huge discrepancy between the “projected” and real costs.

- Extract from strata manager’s submissions to Consumer, Trader, and Tenancy Tribunal in 2011, confirming expensive Liftronic contract without tenders in period 1996 to 2010:

Item 4 - Comment

The lift contract had been with a company Liftronics since inception of the scheme. The reasons being that:

- Liftronics originally installed the lifts and were therefore able to provide quick and efficient service to any problems due to their knowledge of the equipment and availability of spare parts.
- The cost of maintenance has virtually remained unchanged for a number of years not prompting the demand/need for new tenders. In recent times some lift companies have become aggressive in their proposals to the degree where it is felt that they are buying maintenance contracts. One of these companies is Thyssen Krupp which were requested in 2010 to provide a quotation with Liftronics also being asked to submit a tender.

The result is that Thyssen Krupp quoted an amount of $24,200.00 which Liftronics said they could not match as they would, be loosing money at those charges.

The history of the lift contract is

- Liftronics were charging an amount of $31228.00 at the time their contract ceased in 2010 their annual fee in 2002 was $30000.00.
- On contract renewal in 2002 we obtained two other tenders from Otis and Schindler Lifts **(attachment 9).** Liftronics offered the best terms and price and their contract was renewed for a period of 3 years.
- On contract renewal in 2005 Liftronics offered an annual fees of $30,938.36 and following negoitiations they agreed to reduce the price to $28,600 subject to a 5 year term **(attachment 10)**. This proposal which was deemed to be reasonable at the time was accepted.

Waratah Strata Management sent letter on 23rd of March to ThyssenKrupp with contract termination on 30th of June 2017

WARATAH
Strata Management

Address: P.O. Box 125, Eastwood NSW 2122 Phone: 02 9114 9599 Fax: 02 9114 9598
Email: enquiry@waratahstrata.com.au Web: www.waratahstrata.com.au

23 March 2017

Thyssen Elevator Australia Pty Ltd
18 Huntley Street
Alexandria NSW 2015

Dear Sir/Madam,

OUR REF: **STRATA PLAN 52948, 1-15 FONTENOY ROAD, MACQUARIE PARK.**
YOUR REF: **CONTRACT NUMBER 2031857**

We are the strata managing agents for the above property and write on behalf of the Owners Corporation with regard to the following matter.

The above contract expires on 30 June 2017. In accordance with this contract, we provide 90 days' notice of termination.

We advise that Thomson Elevator Consultancy Services have been appointed to conduct a condition audit on the lifts. They will provide you with a report should any maintenance works be required prior to the completion of the contract period.

Thomson's have also been instructed to prepare a specification to place the lift contract out to tender. You will be invited by them to re-tender for the lift maintenance contract.

Yours faithfully,
WARATAH STRATA MANAGEMENT PTY LTD

Robert Crosbie

Strata Manager

Waratah Strata Management sent request for remediation work to ThyssenKrupp on 19th of April 2017

Flag 21/5

Robert Crosbie

From: Robert Crosbie
Sent: Friday, 21 April 2017 12:43 PM
To: 'Stephen Williams'; 'Keith Ellis'
Cc: 'Mollie Brown'
Subject: RE: Macquarie Gardens 1-15 Fontenoy Rd Macquarie Park

Keith,

We are the strata managing agents for the above property.

We have been instructed by the strata committee to advise you that ThyssenKrupp would not be consider for appointment for the new maintenance contract if the following items identified by Thomson Elevator's are not all rectified by the expiry of the current contract on 30 June 2017. Please ensure that all of these items are attended to as the committee would not like to see you eliminated from the tender list.

The committee would also like to know how long Lift 4 is likely to be out of service while the lift rope is replaced.

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

From: Stephen Williams [[redacted]@thomsonelevator.com.au]
Sent: Wednesday, 19 April 2017 10:30 AM
To: 'Keith Ellis'; Robert Crosbie
Cc: 'Mollie Brown'
Subject: Macquarie Gardens 1-15 Fontenoy Rd Macquarie Park

Keith,

The items below have been identified as requiring attention at Macquarie Gardens 1-15 Fontenoy Road Macquarie Park.

These are required to be completed within the next 4 weeks.

Many of the items were previously identified in our report dated February 2014 and have not been done.

Of most concern here is the replacement of the rusted lifting ropes on lift 4 – this is to be treated as a priority and undertaken immediately.

We require confirmation of the completion of these items be sent to all recipients of this email.

Lift 1

1. Clean the lift machine
2. Seal oil leaks in the lift machine
3. Clean the lift machine room floor

Minutes of EC meeting on 16th of March 2017 confirming elevator contract was expiring on 30th of June 2017

6 LIFT CONTRACT

Resolved that the lift maintenance contract which expires on 30 June 2017 was discussed.

Quotes to carry out maintenance audits on the lifts and to place the lift maintenance contract out to tender were tabled from Thomson's Elevator Consultancy Services at a cost of $3,960 incl. GST and from JCA Lift Consultants at a cost of $4,125 incl. GST. Further resolved that the quote from Thomson's Elevators was accepted.

Further resolved that strata manager is to notify ThyssenKrupp that their contract is terminated effective 30 June 2017, but that they will be invited to re-tender for the lift maintenance by Thomson's Elevators.

Minutes of EC meeting on 20th of April 2017 asking Thompson Elevator Consultancy Services to conduct tender and oversee remediation work by ThyssenKrupp before their contract ended

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 20/04/2017 at 06:00 PM at the offices of Waratah Strata Management, Suite 200, 160 Rowe Street, Eastwood.

PRESENT:

Lot #	Unit #	Attendance	Owner Name Representative
3	3	Apology	Lorna Zelunzuk
112	112	Yes	Carlos Fornieles Montoya
142	142	Yes	Genelle Godbee
147	147	Yes	Moses Levitt
151	151	Yes	Maureen McDonald
181	181	Yes	Stan Pogorelsky
200	200	Yes	John Gore
218	218	Apology	Jeffrey Wang

IN ATTENDANCE: Thomas Karolewski (21)
Bing Gong (45)
George Gong (82)
Peter & Barbara Yeend (148)
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 **MATTERS ARISING FROM PREVIOUS MINUTES**
That the following matters arising from the previous meeting were discussed and decisions made on further action required:

Painting Contract

The painting works are continuing, with no further decisions required at this time.

Lift Contract

The Lift Audit Report prepared by Thomson's Elevator Consultancy Services was tabled and discussed. Thomson's have written to ThyssenKrupp to notify them of the works that are required to be carried out prior to the expiry of the current contract on 30 June 2017.

Resolved the strata manager is to write to ThyssenKrupp to advise that unless the works listed in Thomson's report are completed by 30 June, they will not be considered for appointment under the new contract. Thomson's and ThyssenKrupp are also to be requested to advise for how long the replacement of the lift ropes in Lift 4 will take the lift out of service and whether any of the other recommended upgrades should be carried out while the lift is out of service.

Further resolved that Thomson's are to prepare a specification to place the lift maintenance contract out to tender.

Strata Schemes Management Act 2015, Schedule 2, Part 4 Notice of meetings for large strata schemes

(1) The secretary of the owners corporation of a large strata scheme must give notice of a meeting to each other member of the strata committee (including any tenant member) at least 3 days before the meeting and to each owner.
(2) Notice is to be given in accordance with section 263 and by displaying the notice on the notice board (if any) maintained by the owners corporation.

Strata Schemes Management Act 2015, Schedule 2, Part 9 Decisions at meetings

(1) Voting at meetings A motion put to a meeting is to be decided according to a majority of the number of the votes cast for and against the motion by the members present (other than any tenant member) or in the manner set out in subclause (2). If there is only one member of the strata committee, the decision of the strata committee is the decision of that member.

(2) Voting in writing A motion proposed to be put to a meeting is taken to have been validly passed even if the meeting was not held if:

(a) notice was given of the meeting in accordance with this Schedule, and

(b) a copy of the motion was given to each member of the strata committee, and

(c) the motion was approved in writing by a majority of the members of the committee (other than the tenant member).

(3) Decisions to have no effect if opposed by more than specified owners A decision of a strata committee has no force or effect if, before the decision is made, notice is given to the secretary of the owners corporation by one or more owners, the sum of whose unit entitlements exceeds one-third of the aggregate unit entitlement, that the making of the decision is opposed by those owners.

(4) Voting rights cannot be exercised if contributions not paid A member of the strata committee is not entitled to vote on any motion put or proposed to be put to the strata committee if the member was, or was nominated as a member by a member who was, an unfinancial owner of a lot in the strata scheme at the date notice of the meeting was given and the amounts owed by the unfinancial owner were not paid before the meeting.

(5) Tenant member not entitled to vote A tenant member of a strata committee is not entitled to vote on any motion put or proposed to be put to a strata committee.

Alleged notice of EC meeting dated 26th of June 2017 never sent to owners or listed on notice boards

WARATAH
Strata Management

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Ph (02) 9114 9599
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NOTICE 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 will be held on 30/06/2017 at the offices of Waratah Strata Management, Suite 200, 160 Rowe Street, Eastwood. The meeting will commence at 11:00 AM.

This meeting is being held in accordance with Schedule 2 Sec 9(2) of the Strata Schemes Management Act 2015. It is not necessary for you to attend this meeting in person. Please complete and return the attached written voting form prior to the meeting.

The Agenda for the meeting is:

1 **MINUTES**
That the minutes of the previous strata committee meeting be confirmed as a true record of the proceedings of that meeting.

2 **LIFT CONTRACT**
2a. That the Lift Maintenance Tender Summary report provided by Thomson Elevator Consultancy Services be tabled and accepted.

2b. That the quotation provided by ThyssenKrupp Elevator Australia at a cost of $24,000 + GST be accepted.

2c. That the quotation provided by Liftronic Pty Ltd at a cost of $24,400 + GST be accepted.

2d. That the quotation provided by Schindler Lifts Australia at a cost of $35,546 + GST be accepted.

2e. That Waratah Strata Management be authorised to sign the selected contractors Lift Maintenance Contract for and on behalf of the Owners Corporation once it has been approved as acceptable by Thomson Elevator Consultancy Services.

Date of this notice: 26 June 2017

NOTES:
Only executive committee members are entitled to vote on agenda items at a Strata Committee Meeting.

A quorum at an Strata Committee Meeting is 50% of the persons entitled to vote; each Strata Committee Member has one vote, the Chairman does not have a casting vote.

In the event than an agenda item is a tied vote the resolution is deemed to be lost as it was not passed by a majority.

Appointees acting on behalf of a Strata Member can only vote if the Strata Committee resolved to accept the appointee.

An owner or company nominee can attend Strata Committee meetings but can only address the meeting with the permission of the Strata Committee members.

For large schemes (over 100 lots, not including utility lots) notice of strata committee meetings are to be sent to strata committee members, all lot owners and placed on a noticeboard (if any) maintained by the Owners Corporation. Minutes of strata committee meetings are to be sent to strata committee members and any owner that requests a copy within 7 days of the meeting.

SP52948 Executive Committee meeting on 30th of June 2017, approving Liftronic contract in amount of $24,400.00 plus GST without having the contract details, on Friday (non-standard day for SP52948 meetings) and at time when no owner could attend (11:00 hours in the morning)

Evidence shows that two EC members were not valid to vote or be on the committee due to unpaid full levies for second gas connections since 2001 and 1999 respectively:

Lot 147 (Mr. Moses Levitt)
Lot 181 (Mr. Stan Pogorelsky)

A third member (Lot 200, Mr. John Gore) was recipient of undeclared reimbursements for private water and gas usage.

The Minutes of the meeting were not sent to owners who requested it, or put on notice boards.

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 30/06/2017 at 11:00AM in the offices of Waratah Strata Management, Suite 200, 160 Rowe Street, Eastwood.

Voting papers in accordance with Schedule 2 Sec 9(2) were received from:

Lot #	Unit #	Attendance	Owner Name Representative
112	112	Yes	Carlos Fornieles Montoya
147	147	Yes	Moses Levitt
151	151	Yes	Maureen McDonald
181	181	Yes	Stan Pogorelsky
200	200	Yes	John Gore

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.

LIFT CONTRACT

Resolved that the Lift Maintenance Tender summary report provided by Thomson Elevator Consultancy Services was tabled and accepted.

Further resolved that the (lift maintenance) quotation provided Liftronic Pty Ltd at a cost of $24,400 + GST be accepted.

CLOSURE: There being no further business, the chairperson declared the meeting closed at 11:15 AM.

Liftronic maintenance tags in elevators put on 4th of July 2017

Email reply from Waratah Strata Management to Thomson Elevator Consultancy Services on 10th of July 2017 confirming that they were not able to open the Liftronic contract sent to Thomson Elevator Consultancy Services on 30th of July 2017 which Tompson Elevator Consultancy Services only forwarded to Waratah Strata Management on 10th of July 2017

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

From: Robert Crosbie
Sent: Monday, 10 July 2017 2:59 PM
To: 'Stephen Williams'
Subject: RE: SP 52948, 1-15 Fontenoy Road, Macquarie Park

Stephen,

I keep receiving a message saying "Outlook blocked access to potentially unsafe attachments", so I haven't been able to access the pdf. It would normally go through to my spam filter which should allow me to release it, but even that hasn't happened. It just doesn't like it.

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

From: Stephen Williams [@thomsonelevator.com.au]
Sent: Monday, 10 July 2017 2:54 PM
To: Robert Crosbie; @liftronic.com.au
Subject: RE: SP 52948, 1-15 Fontenoy Road, Macquarie Park

Robert,

I was away last week and could not access these documents.

Please find attached Liftronic's maintenance agreement which was sent on 30 June.

Please let me know if you have problems with the attachment as we've been having a few email issues recently.

Regards,

Stephen Williams
Thomson Elevator Consultancy Services

From: Robert Crosbie [@waratahstrata.com.au]
Sent: Monday, 10 July 2017 2:39 PM
To: @liftronic.com.au
Cc: Stephen Williams (@thomsonelevator.com.au) < @thomsonelevator.com.au>
Subject: SP 52948, 1-15 Fontenoy Road, Macquarie Park

Alvin,

Written notice by Robert Crosbie from Waratah Strata Management for Executive Committee meeting scheduled for 20th of July 2017, with intention not to do any work to recover unpaid levies for second gas connection, pre-approved Waratah Strata Management to sign the Liftronic contract and to be sent the original to a committee member who was not financial due to unpaid full levies for second gas connection (Mr. Moses Levitt), confirmation that ThyssenKrupp was paid for period 1st of July 2017 to 30th of September 2017 in spite of contract ended on 30th of June 2017

① minutes confirmed Noted that Agenda did not go to all owners due to urgency & due to contract not being approved until this meeting VotingPaper Reid Sebelle ✓

② Financial - Transfer Paint Solutions to Consultants ✓

③ Painting - Remedial works prior to painting to be coded seperately to painting ✓

Remedial works Approved
RJ Bird $6,800, $6890, $13,690
Incl GST $27,580 Total

Parking - Copy of Ryde Council letter to owners with minutes ✓
SC to discuss with Councillors
Additional CCTV Cameras to be installed to cover V.P. areas ✓

Windowlocks - All Units, except 2 been completed ✓
T/H's still to be done ✓

Telco - Pending ✓

Lift WSM Authorised to Sign - Original copy to Mo
- TK been paid 1/7 - 30/9/17
Accept Thompson quote to review ✓

Gas charges - To include motion on A.G.M. agenda that cost of auditing accounts to verify gas charges would be far greater than any income OC may received.. No further action to be taken in regards to investigating or collecting any unpaid charges ✓

Gas to be Supply & Usage charge (Units only Pay Supply charge for hot water not cooking which should be same for T/H)
Owners to reimbursed for Supply charges.

Agenda of Executive Committee meeting sent to owners on 13th of July 2017, with intention to discuss elevator maintenance contract at Executive Committee meeting scheduled for 20th of July 2017

WARATAH
Strata Management

Waratah Strata Man.
ABN 75 16
PO Box 125, Eastwood, NSW
Ph (02) 9114
Fax (02) 9114 9
www.waratahstrata.com.a

NOTICE 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 will be held on 20-Jul-17 at the offices of Waratah Strata Management, Suite 200, 160 Rowe Street, Eastwood. The meeting will commence at 06:00 PM.

The Agenda for the meeting is:

1 **MINUTES** ✓
That the minutes of the previous strata committee meeting be confirmed as a true record of the proceedings of that meeting.

2 **FINANCIAL REPORT** ✓
That the financial reports for the current financial year be tabled and discussed.

3 **MATTERS ARISING FROM PREVIOUS MINUTES**
- Painting Contract ✓ Council letter
- Parking
- Window Safety Devices
- Telecommunications Equipment
- Dusan Baljevic Correspondence

4 **LIFT CONTRACT AND MAINTENANCE**
That the lift maintenance contract provided by Liftronic be tabled and the strata manager be authorised to sign the contract on behalf of the Owners Corporation after any amendments recommended by Thomson Elevators.

That the current status of the lift maintenance work required to be carried out by ThyssenKrupp Elevators be discussed and a decision made as to whether any further action is required.

5 **GAS CHARGES**
That the historical charges to lot owners for additional gas points be discussed and a decision made as to whether any action is required to be taken.

6 **GENERAL BUSINESS**
That any general business items be raised and discussed.

7 **NEXT MEETING**
That the date time and location of the next Strata Committee meeting be decided.

Date of this notice: 13 July 2017

NOTES:
Only executive committee members are entitled to vote on agenda items at a Strata Committee Meeting.

A quorum at an Strata Committee Meeting is 50% of the persons entitled to vote; each Strata Committee Member has one vote, the

Minutes of the Executive Committee meeting on 20th of July 2017

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 20/07/17 at 06:00 PM at the offices of Waratah Strata Management, Suite 200, 160 Rowe Street, Eastwood.

PRESENT:

Lot #	Unit #	Attendance	Owner Name Representative
3	3	Apology	Lorna Zelunzuk
88	88	Yes	Marianna Paltikian
112	112	Apology	Carlos Fornieles Montoya
142	142	Yes	Genelle Godbee
147	147	Yes	Moses Levitt
151	151	Yes	Maureen McDonald
181	181	Yes	Stan Pogorelsky
200	200	Yes	John Gore

IN ATTENDANCE: Upali Arawela (62)
Zelda Levitt (147)
Simon Wicks - 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 were amended to record a voting paper being provided by Genelle Godbee and then confirmed as a true record of the proceedings of that meeting. It is noted that the agenda for the previous "voting-paper-only" committee meeting was not sent to all owners due to the urgency of confirming the appointment of the new lift contractors prior to the termination date of the previous lift contract on 30 June 2017. The formal approval of the new lift contract is dealt with later in this meeting.

4 LIFT CONTRACT AND MAINTENANCE

Resolved that the lift maintenance contract provided by Liftronic was tabled and the strata manager is authorised to sign the contract on behalf of the Owners Corporation after any amendments recommended by Thomson Elevators.

The current status of the lift maintenance work required to be carried out by ThyssenKrupp Elevators was discussed. Resolved that Thomson Elevator Services quote to conduct a further inspection of the lifts to confirm all defect items in their original report have been attended to by ThyssenKrupp was accepted at a cost of $1,300 plus GST.

Waratah Strata Management undisclosed levy arrears for committee members at EC meeting on 20th of July 2017

WARATAH Strata Management

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

Strata Committees Meeting Attendance
Meeting date: 20/07/17
Arrears cut-off date: 20/07/17

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

Lot	Unit	UE	Contact name	Position	Vote	Name on title / Nominated by	Lot arrears (-)prepaid	Nominated arrears (-)prepaid
218	218	54.00	Jeffrey Wang	Member	Yes	Jeffery Ching-Hao Wang & Rebecca Grace Ein Hoi Wang Nominated by N/A	0.00	N/A
200	200	54.00	John Gore	Member	Yes	John Lewis Gore & Elizabeth Gore Nominated by N/A	-218.55	N/A
181	181	52.00	Stan Pogorelsky	Chairman	Yes	Stan Pogorelsky & T L Pogorelsky Nominated by N/A	0.00	N/A
151	151	47.00	Maureen McDonald	Member	Yes	Maureen McDonald Nominated by N/A	-1,344.25	N/A
147	147	36.00	Moses Levitt	Member	Yes	Moses Levitt & Simcha Zelda Levitt Nominated by N/A	0.00	N/A
142	142	47.00	Genelle Godbee	Member	Yes	Genelle Godbee Nominated by N/A	0.00	N/A
112	112	38.00	Carlos Fornieles Montoya	Treasurer Apology	Yes	Carlos Fornieles Montoya & Chiharu Fornieles Nominated by N/A	0.00	N/A
88	88	47.00	Marianna Paltikian	Member	Yes	Marianna Hagop Jin Ibrahim Paltikian & Awidis Makasian Nominated by N/A	-1,344.25	N/A
3	3	44.00	Lorna Zelunzuk	Secretary Apology	Yes	Lorna Zelunzuk & Yigal Zelunzuk Nominated by N/A	-1,258.40	N/A
9			Total				-4,165.45	0.00

Zelda Levitt 147 Simon
Rupali Hewawela 62 Robert

20/07/2017 10:41 Robert Crosbie Waratah Strata Management Pty Ltd Page 1

The meeting on 20 July 2017 allegedly ratified meeting dated 30 Jun 2017, without detailed agenda and disclosure of events. Out of nine members of the committee, only five allegedly attended the paper meeting, of which two were not financial to vote, making the meeting and its decision to award elevator maintenance contract with Liftronic void and invalid:

Lot 147, Mr. Moses Levitt

Lot 181, Stan Pogorelsky

Without sending notice of the meeting to any owner, committee had paper meeting on 30 June 2017, allegedly making a decision to enter into elevator maintenance contract with Liftronic without tender or any competitive quotes.

Minutes of committee meeting on 20 July 2017 tried to ratify the paper meeting on 30 June 2017 without full disclosure to owners and NCAT in cases SC 20/33352 and 2024/00454780, failing to disclose that out of nine committee members six were unfinancial, whilst out of six members who voted five were unfinancial (emphasis is on fact that quarterly levies fall on 1 May of each year, so these owners were unfinancial for two and half months (and that does not include Lot 147 and 181 who have unpaid full levies for gas heating for 25 and 23 years as of March 2025 respectively):

Lot 3, Mrs. Lorna Zelunzuk

Lot 88, Mrs. Marianna Paltikian

Lot 147, Mr. Moses Levitt

Lot 151, Mrs. Maureen McDonald

Lot 181, Mr. Stan Pogorelsky

Lot 200, Mr. John Gore

ThyssenKrupp confirmed all but one item repaired for elevators on 13th of July 2017

Robert Crosbie

From: Andrew Wing <[redacted]@tkeap.com>
Sent: 13 July, 2017 12:34 PM
To: Robert Crosbie
Subject: Fwd: SP 52948, 1-15 Fontenoy Road, Macquarie Park.

Good afternoon Robert,

I have discussed this with the service technician. He has advised all items identified in the report were rectified except for a drive cover being fitted as there was no drive cover onsite.

Regards

Andrew Wing

Begin forwarded message:

> **From:** "au.sydneyadmin@tkeap.com" <au.sydneyadmin@tkeap.com>
> **Date:** 13 July 2017 at 12:21:06 pm AEST
> **To:** Grant Coates <[redacted]@tkeap.com>, Andrew Wing <[redacted]@tkeap.com>
> **Cc:** Danny Merrison <[redacted]@tkeap.com>
> **Subject: FW: SP 52948, 1-15 Fontenoy Road, Macquarie Park.**
>
> Fyi, Andrew + Grant
>
> Mollie Brown
> NSW Administration Manager
>
> T: +61 2 8303 9000, M: +61 408 637 725, F: +61 2 9310 4446, mollie.brown@tkeap.com
> thyssenkrupp Elevator Australia, Shed 73, The Woolstores, 2/4E Huntley St, Alexandria, NSW - 2015, Australia, www.thyssenkruppelevator.com.au.
>
> ---
>
> **From:** Robert Crosbie [[redacted]@waratahstrata.com.au]
> **Sent:** Thursday, July 13, 2017 12:14 PM
> **To:** Danny Merrison <[redacted]@tkeap.com>; au.sydneyadmin@tkeap.com
> **Cc:** Grant Coates <[redacted]@tkeap.com>; Stephen Williams ([redacted]@thomsonelevator.com.au) <[redacted]@thomsonelevator.com.au>; Glen Humphry <[redacted]@tkeap.com>; Keith Ellis <[redacted]@tkeap.com>
> **Subject:** SP 52948, 1-15 Fontenoy Road, Macquarie Park.
>
> Danny,
>
> We have a strata committee meeting for the above property taking place next week. Please advise whether all works identified in the Thomson Elevator report have been rectified.
>
> Regards,
>
> Robert Crosbie
> Waratah Strata Management

Waratah Strata Management overpaid ThyssenKrupp $6,812.52 in spite of advanced knowledge of cancelled contract two and half months earlier on 13th of September 2017

mon Wicks

From: Simon Wicks
Sent: Wednesday, 13 September 2017 3:16 PM
To: au.accounts@tkeap.com
Subject: SP 52948 - 1-15 Fontenoy Road, North Ryde. Account No. 3001816562
Attachments: 20-38962375-10b9-4874-a05d-8f204490bfff.pdf

Dear Thyssenkrupp Accounts Dept.

We are the strata managers for the residential complex at 1-15 Fontenoy Road, North Ryde. **Account number: 3001816562**

It has been brought to our attention that your invoice **#8067023552** (copy attached) for the 01.07.17. to 30.09.17 period was inadvertently paid as the contract had been cancelled, effective 30.06.17.

Consequently, we kindly request that this payment (6,812.52) be reimbursed to the owners corporation at the following bank account:

Account name: Waratah Strata Mgmt P/L Trust A/c SP 52948

BSB:

Account:

Many thanks and kind regards,

Simon Wicks
Waratah Strata Management
P.O. Box 125, Eastwood NSW 2122
Ph (02) 9114 9599
Fx (02) 9114 9598
www.waratahstrata.com.au

Waratah Strata Management discovered Liftronic contract was not signed as of 15th of September 2017 and asked for revised contract which they signed without owners corporation approval at any meeting

Simon Wicks

From: Simon Wicks
Sent: Friday, 15 September 2017 3:03 PM
To: Stephen Williams
Subject: SP 52948 - 1-15 Fontenoy Road, North Ryde
Attachments: LPL - Macquarie Gardens SP82948- Ongoing Lift Maintenance proposal 29-06....pdf

Hi Stephen

It would appear that this has slipped through a crack. It's come to my attention that the contract with Liftronic has not yet been signed.

As there was a recommended deletion and addition, could you please have Liftronic provide a revised contract, as per your recommendations, which we will duly sign and return.

"If three (3) months prior to the end of the initial period, notice of termination is not given from either party, then this agreement shall continue under the same terms and conditions for a successive term equal to the initial period given notice provided by the Company to the Owners of the intention to roll over."

And insert:

" thereafter this agreement shall continue under the same terms and conditions contained herein excluding 4(d) as a quarterly agreement terminable by either party hereto three months' notice in writing to the other party."

Many thanks and kind regards,

Simon Wicks
Waratah Strata Management
P.O. Box 125, Eastwood NSW 2122
Ph (02) 9114 9599
Fx (02) 9114 9598
www.waratahstrata.com.au

Lot 158 request for a copy of elevator contract with Liftronic SP52948 on 27th of November 2017

Waratah Strata Management never replied:

Date: 27/11/17 05:50
To: Simon Wicks, Robert Crosbie

Hello,

You are requested to provide me with the copy of the elevator contract with Liftronic (as signed by all parties) in paper format (no emails).

This is in addition to a requests for a paper copy of Minutes of AGM 2017 and new By-Laws.

I am not interested in any comments from Waratah Strata Management. The documents will either arrive this week or not. The rest of actions are with me.

Thank you.

Liftronic upgrades confirmed as of 9th of May 2019 but secret from owners till late June 2019

COPY OF LIFT UPGRADE DETAILS:

From: Stephen Williams [@thomsonelevator.com.au]
Sent: Thursday, 9 May 2019 6:22 PM
To: Robert Crosbie <@waratahstrata.com.au>

Subject: RE: SP 52948, 1-15 Fontenoy Road, Macquarie Park.

Robert,

Please find attached Liftronic's letter of Acceptance.

Also attached is the revised program which shows two (2) lifts being undertaken at a time as we have previously discussed. The Liftronic project manager has been liaising with the building manager on this as well.

They will be starting with lifts 2 & 3 and works will commence on 15 July 2019. Lift 3 will be completed on 23 September and lift 2 on 30 September.

Work on lift 1 will commence as soon as lift 3 is done and the dates will be 23 September to 29 November.

Work on lift 4 will commence as soon as lift 2 is finished and the dates will be 30 September to 9 December.

I will arrange a site visit with myself, Liftronic and the Building Manager for late May/early June to sort out final details for on site storage etc. Do you want to be involved with this?

Everything is on track – we have approved Liftronic's drawings for the new panels etc and they are currently being manufactured.

They expect the bulk of the material (lift machines, controllers and drive units, door equipment etc) to be available early July.

I will get Liftronic to send a signed complete copy of the contract document to me ASAP.

Regards,

Stephen Williams
Thomson Elevator Consultancy Services

SP52948 Owners not notified about elevator upgrades but internet websites were full of information since early June 2019

https://www.allhomes.com.au/rent/78-1-15-fontenoy-road-macq

Home > Rent (NSW) > Lower Northern Sydney > Ryde > Macquarie Park > 78/1-15 Fontenoy Road

$620 $620

Add to watchlist

78/1-15 Fontenoy Road, Macquarie Park NSW 2113

Apartment • 2 2 1

SPACIOUS LIGHT FILLED TWO BEDROOM APARTMENT

- Large spacious 2 bed, 2 bath apartment plus sun room & balcony.
- Freshly painted, new carpet & timber flooring.
- Master bedroom with en-suite.
- Both bedrooms with built-in robes.
- Internal laundry with dryer.
- Secure complex with fob access.
- Intercom system.
- Double lockup garage + storage.
- Located minutes from Macquarie University, Shopping Centre & transport.

** There will be no access to the lift for 10 weeks from the 15th July - 23rd September 2019 due to an upgrade. A rent reduction of $100 per week will apply for the duration of the works **

RayWhite.

Rhylee Angus
Ray White North Ryde

Call

Email

https://www.realestate.com.au/property-apartment-nsw-macquari

Google Map data ©2019 Google Terms of Use Report a map error

78/1-15 Fontenoy Road Macquarie Park

SPACIOUS LIGHT FILLED TWO BEDROOM APARTMENT

Open for Inspection Times

No inspections are currently scheduled. Contact the agent to arrange an appointment.

- Large spacious 2 bed, 2 bath apartment plus sun room & balcony.
- Freshly painted, new carpet & timber flooring.
- Master bedroom with en-suite.
- Both bedrooms with built-in robes.
- Internal laundry with dryer.
- Secure complex with fob access.
- Intercom system.
- Double lockup garage + storage.
- Located minutes from Macquarie University, Shopping Centre & transport.

** There will be no access to the lift for 10 weeks from the 15th July - 23rd September 2019 due to an upgrade. A rent reduction of $100 per week will apply for the duration of the works **

Ray White - North Ryde | Macquarie Park

9 Avon Road, North Ryde, NSW 2113

The combination of our dynamic, professional, Sales and Property Management teams has seen us...

https://raywhitenorthryde.com.au/properties/residential-for-re 80% Search

PHOTOS / VIDEO / DESCRIPTION / ASK A QUESTION / LOCATION / NEXT STEPS

APARTMENT FOR RENT IN MACQUARIE PARK

SPACIOUS LIGHT FILLED TWO BEDROOM APARTMENT

2 Beds 2 Baths 1 Car

- Large spacious 2 bed, 2 bath apartment plus sun room & balcony.
- Freshly painted, new carpet & timber flooring.
- Master bedroom with en-suite.
- Both bedrooms with built-in robes.
- Internal laundry with dryer.
- Secure complex with fob access.
- Intercom system.
- Double lockup garage + storage.
- Located minutes from Macquarie University, Shopping Centre & transport.

** There will be no access to the lift for 10 weeks from the 15th July - 23rd September 2019 due to an upgrade. A rent reduction of $100 per week will apply for the duration of the works **

NEXT STEPS:

ENG 6:40 PM 24/06/2019

Rent.com.au (Operations) PTY ... (AU) https://www.rent.com.au/p Search

North Ryde

$620 pw

78/1-15 Fontenoy Road,
Macquarie Park, NSW 2113

2 Beds 2 Baths 1 Car

Shortlist Hide Brochure Share

$2,480 Bond Need help paying the bond? NEW | Apartment | Available 11th July 2019 | Rent ID: 3418293

SPACIOUS LIGHT FILLED TWO BEDROOM APARTMENT

- Large spacious 2 bed, 2 bath apartment plus sun room and balcony.
- Freshly painted, new carpet and timber flooring.
- Master bedroom with en-suite.
- Both bedrooms with built-in robes.
- Internal laundry with dryer.
- Secure complex with fob access.
- Intercom system.
- Double lockup garage + storage.
- Located minutes from Macquarie University, Shopping Centre and transport.

** There will be no access to the lift for 10 weeks from the 15th July - 23rd September 2019 due to an upgrade. A rent reduction of $100 per week will apply for the duration of the works **

Inspection times

Inspections are by appointment only.

Book inspection

be here to search ENG 6:41 PM 24/06/2019

Strata Schemes Management Act 2015 Section 106 - Duty of owners corporation to maintain and repair property

(1) An owners corporation for a strata scheme must properly maintain and keep in a state of good and serviceable repair the common property and any personal property vested in the owners corporation.

(2) An owners corporation must renew or replace any fixtures or fittings comprised in the common property and any personal property vested in the owners corporation.

(3) This section does not apply to a particular item of property if the owners corporation determines by special resolution that:

(a) it is inappropriate to maintain, renew, replace or repair the property, and

(b) its decision will not affect the safety of any building, structure or common property in the strata scheme or detract from the appearance of any property in the strata scheme.

Strata Schemes Management Act 2015 Section 238 - Orders relating to strata committee and officers

(1) The Tribunal may, on its own motion or on application by an interested person, make any of the following orders:

(a) an order removing a person from a strata committee,

(b) an order prohibiting a strata committee from determining a specified matter and requiring the matter to be determined by resolution of the owners corporation,

(c) an order removing one or more of the officers of an owners corporation from office and from the strata committee.

(2) Without limiting the grounds on which the Tribunal may order the removal from office of a person, the Tribunal may remove a person if it is satisfied that the person has:

(a) failed to comply with this Act or the regulations or the by-laws of the strata scheme, or

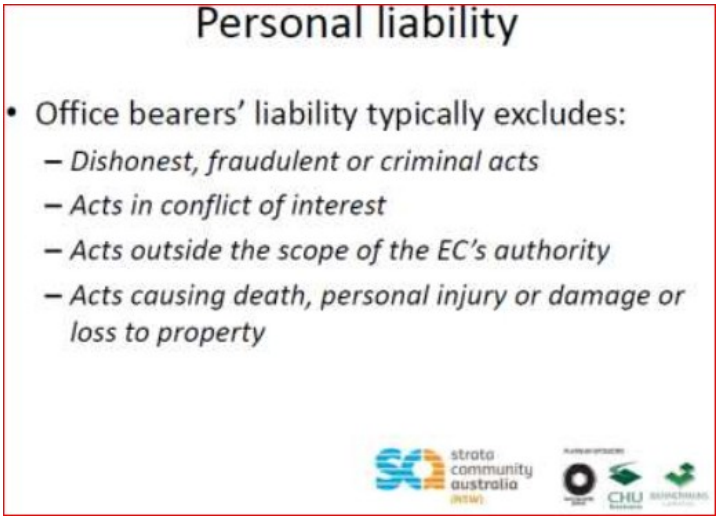
(b) failed to exercise due care and diligence, or engaged in serious misconduct, while holding the office.

Strata Schemes Management Act 2015 Section 260 – Personal liability

(1) A matter or thing done or omitted to be done by any of the following persons, or a person acting under the direction of any of those persons, does not, if the matter or thing was done or omitted to be done in good faith for the purpose of executing functions as such a person under this or any other Act, subject any of the following persons or person so acting personally to any action, liability, claim or demand:
(a) an officer of an owners corporation,
(b) a member of a strata committee.

(2) Any such liability of an officer of an owners corporation or a member of a strata committee attaches instead to the owners corporation.

The noted exceptions to personal liability, as listed in Strata Community Australia (NSW) publications:



SP52948 Planning for maintenance of elevators delayed until year 2026 in 10-Year Capital Works Fund Plan in March 2017 without consultation with owners corporation

In spite of documented evidence to maintain elevators, Waratah Strata management and EC members, without consultation with owners corporation allegedly approved the 10-Year Capital Works Fund plan in March 2017, which, among the other concerns, delayed maintenance of elevators until year 2026.

The additional problem with these delays is that the current projected expenses for this work in amount of $170,000.00 will increase to $339,831.00 in year 2026:

10 Year Capital Works Fund Forecast – Costs Estimates (includes GST) Page 3

Capital Works Fund Forecast for:		1-15 Fontenoy Road, North Ryde				Date commencing:		31 August 2017			Strata Plan:		SP52948	
											Today's date:		31 March 2017	
					End of Year 1	End of Year 2	End of Year 3	End of Year 4	End of Year 5	End of Year 6	End of Year 7	End of Year 8	End of Year 9	End of Year 10
Serial	Item	Current Cost Estimate	Approx year required	Escalated amount	Aug-18	Aug-19	Aug-20	Aug-21	Aug-22	Aug-23	Aug-24	Aug-25	Aug-26	Aug-27
9	Elevators & equipment	$170,000	9	$339,831									$339,831	

Meriton's original schedule of major upgrades and maintenance for SP52948 in 1996

Meriton, as original builder of the complex, recommended the following schedule of repairs in the complex:

The Body Corporate in addition to the powers and authorities conferred on it by or under the Strata Titles Act, 1973 and these by-laws, shall have the power and duty to;

(a) paint the outside of the Building on at leaast one occasion in every period of seven (7) years:
(b) replace the carpet in the Common Pproperty of the Building every Seven (7) years:
(c) repaint the inside of the Building every five (5) years;
(d) replace all fittings in the Common Property of the building every five (5) years;
(e) overhaul and repair all gymnasium equipment every two (2) years;
(f) replace the enclosure of the lifts every eight (8) Years;
(g) replace the carpet in the lifts every three (3) years and;
(h) repaint and refurbish the pool and pool areas every four (4) years;

BCS Strata Management vs Robinson lost indemnity case for poor elevator maintenance in 2004

BCS Strata Management failed to claim protection under their managing agent's agreement in 2004.
In the 2004 case of BCS Strata Management vs Robinson, the strata manager attempted to defend their actions by claiming protection under indemnity. The facts of the case are as follows:

- Mrs. Robinson had injured herself in a lift,
- The floor of the lift did not settle level with the floor of the building. It dropped down some 18cm,
- When Mrs. Robinson stepped into the lift, she fell and injured her leg,
- Mrs. Robinson sued the Owners Corporation and BCS Strata Management,
- Mrs. Robinson won her case in the lower court and it was appealed in the Supreme Court,
- Mrs. Robinson claimed that the Owners Corporation and the Strata Manager had breached their duty under section 62 of the Strata Schemes Management Act 1996,
- The Owners Corporation and BCS cross claimed against each other. One of the claims by BCS was that they were indemnified under their managing agent’s agreement.

The Court of Appeal found that there was no breach of statutory duty.

The Court held that a strata manager could not claim protection under indemnity where the strata manager was sued in their own capacity for their own negligence.

Two important outcomes:

- No indemnity will protect a strata managing agent from their own negligence,
- The protection is only relevant where an Owners Corporation is sued by an injured party and the Owners Corporation makes a claim on the strata manager under a cross claim. In other words, Owners Corporations are prevented from blaming their strata manager where only the Owners Corporation is sued.

Considering the fact that any good litigator would sue both the agent and the owners corporation, indemnities are almost of little relevance. They provide no protection to the strata manager if sued directly and the strata manager has done something wrong.

Lot 158 Motion about Undisclosed reports and lack of maintenance as recommended by Professional Assessors not included by BCS Strata Management at Annual General Meeting in 2016, and Waratah Strata Management at Annual General Meetings in 2017 and 2018

BCS Strata Management, Waratah Strata Management, and EC members failed to disclose full details of the following professional building and plant reports related to elevators, and failed to maintain common property as recommended:

- Napier & Blakeley in July 2012. Total cost of the report (GST inclusive) was $12,144.00. They warned about roof status and many other problems in the complex. This report was hidden from CTTT and Department of Fair Trading,

- ThyssenKrupp Elevators report on elevators in December 2013,

- Vertical Transport Management Services report on elevators in February 2014. Total cost of the report (GST inclusive) was $1,430.00,

- Elevator assessment by Thompson Elevator Consultancy Services in March 2017.

Without evidence of tender, or its disclosure to owners, Biv Reports Pty Ltd was commissioned to prepare new 10-Year Capital Works Fund assessment in late March 2017. It failed to address major works in proper manner:

Comprehensive risk and hazard assessment in line with Australian Elevator Association guidelines.
Comprehensive lifecycle report, so its findings can be factored in to the fund forecast.

Napier & Blakely assessment for elevators in July 2012

This report was never presented to owners.

It includes the note that site Hazard & Risk Assessment on the lift installation was not have been done, and suggested major upgrades in medium to long term.

In addition, they noted the yearly elevator registration expired and required renewal.

Vertical Transportation

There is one passenger lift in each of the four residential towers making a total of four passenger lifts in these premises.

Each lift has a load of 1156kg or 17 persons at a speed of 1.5 metres per second. Each of these passenger lifts were installed to meet the requirements of the Lift Code and the Building Code of Australia applicable at the time the buildings were constructed.

The lifts were manufactured and installed by Liftronic Pty Ltd and are currently being serviced by ThyssenKrupp Elevator. The lift system is variable speed AC design and of 'Daldoss' manufacture.

Due to issues with diminishing spare parts over time, the major operating equipment such as the power and control system, power door operators and landing door lock assemblies should be upgraded in over the medium to long term (approx 5 years).

The lift installation satisfied the regulations under which the lifts were originally installed, however it does not satisfy current requirements due to changes in those regulations, but the work to make the installation comply with current codes could be spread over the long term (6 10 years).

There was no evidence on site that a Hazard & Risk assessment on the lift installation has been carried out. We also note the item registrations which are required annually by the OH&S Act for the equipment is recently out of date and should be in the process of renewal if not already done so.

The lift system here appears in reasonable condition for its age. However capital expenditure is required over the medium and long term to ensure equipment longevity, ongoing reliability and to address the changes in the applicable codes and regulation since the equipment was installed.

7.1 Description of System

Vertical transportation services covered in this report consist of:

- Four individual passenger Lifts (Nos. 1 to 4)

(Refer to Table 1 for more detail).

All passenger lifts were manufactured and installed by Liftronic Pty Ltd and ThyssenKrupp Elevator is currently performing maintenance.

All lifts are capable of carrying stretcher beds in accordance with the regulations.

All of the lifts have lift car interior finishes which include laminate and mirror walls with concealed fluorescent lighting and carpet flooring.

All lifts are operated by a combination of relay and microprocessor technology (Daldoss Controllers) and variable speed AC geared machines.

Details of Lifts

TABLE 1

Lift No.	Lift Bank	Type of Equipment	Load Kg	Speed mps	Floors Served
1	Passenger Lift	Geared VVAC	1156	1.5	B, G, 1 to 7
2	Passenger Lift	Geared VVAC	1156	1.5	B, G, 1 to 7
3	Passenger Lift	Geared VVAC	1156	1.5	B, G, 1 to 7
4	Passenger Lift	Geared VVAC	1156	1.5	B, G, 1 to 7

7.2 Condition Appraisal

The vertical transportation installation is generally in reasonable condition and is now approximately 18 years old.

The control system and drive system on the lifts installed by Liftronic Pty Ltd is 'Daldoss' and this equipment went out of manufacture in the late 1990's. The main problem with this system is that the diminishing spare parts delete will ultimately result in this system becoming redundant in about the next 5 years.

The existing AC geared machines are in reasonable condition and should not require replacement for another 10 to 15 years. However, the Owners may wish to upgrade to a more efficient variable frequency AC drive system when the Power/Control system is upgraded.

The car door operators and landing door locks for all lifts are original and were manufactured by 'MAC' and 'Dupar'. This particular equipment has been out of manufacture since approximately 2000, this equipment suffers also from diminishing parts availability.

The car and landing button panels do not comply with AS1735 Part 12 'Facilities for Persons with Disabilities' which is now a requirement in the current regulations.

Our inspection revealed that in general the lifts appear to be maintained to an acceptable standard. However it was noted there are what appears to be disused cables hanging down from the ceiling in the machine room of Lift No. 4 and should be removed.

7.3 Compliance with Regulations and Standards

The lifts were installed around 1995. If the lifts were required to comply with modern day standards, a number of non-compliances with the Lift Code (AS1735.2 - 2001) would be noted. Specifically, the areas of non-compliance are as noted below.

BCA - Building Regulations 2011

Areas of Non Compliance:

- The lifts do not have voice announcer.
- The lift cars do not have handrails in accordance with AS 1735 Part 12.
- The car button panels do not comply with AS 1735 Part 12.
- The landing button panels do not comply with AS 1735 Part 12.

AS 1735.2 – 2001 (Lift Code)

- Dual acting brakes are not provided on the hoist machines.
- Upward runaway protection is not provided.
- Pit buffer switches are not provided.
- Governor idler switches are not provided.
- Well access devices are not provided to each landing door.
- Alarm/Communication system is not provided on top of lift car and in the pits.
- Man clearance signage in the pits is not provided.

It should be noted that providing dual acting brakes would only be addressed by replacement of the hoist machines. Dependant on budgets, this may be addressed when upgrading the Power/Control system.

Work Health & Safety Act 2011

Under the latest changes to the regulations governing lifts and in particular the Work Health and Safety (WH&S) Regulation 2011, which occurred as from September 1, 2001, the building owner has become more responsible for all plant in a building.
Whilst the Lift Code is not retrospective the risk analysis required by the new regulations will involve the 2001 edition of the Lift Code. The building owner is required to conduct a risk analysis and subsequently have a plan in place for the elimination or control of all identified hazards associated with the lifts. There was no evidence on site that there has been a hazard & risk assessment on the lifts completed. If not already done, an analysis should be done and a plan put into place to eliminate or minimise any known risks.
In addition, this same regulation requires owners of plant effecting public safety such as lifts to obtain Item Registration annually for that Plant. We note the item registrations on site for the equipment is recently out of date and should be in the process of renewal if not already done so.

SP52948 – BCS Strata Management secretly asking ThyssenKrupp Elevator about spare parts on 5th of June 2014

The reply by Thyssenrupp Elevator was never provided to owners at any meeting.

We are currently updating our long term expenditure (sinking fund) plan and would ask that you provide an estimate of any expenditure that will be or is likely to be required on the maintenance and replacement of parts of those four elevators that would not be covered by our current service contract through to its expiry on 30 June 2017.

We are not asking for hard quotes but rather a general indication as to timing and approximate quantum in $000s that should be allowed for. Timing indicated by year is sufficient.

There has been suggestions made to us that you are unable to guarantee supply of various parts through to the end of your contract and while we do not believe this to be the case it would be appreciated if you could confirm in writing that you will be able to supply parts through to the date and indicate which parts if any may become unavailable and the cost of replacement/upgrade with alternatives.

SP52948 – Frustrated staff of Universal Strata Services complaining about lack of ThyssenKrupp Elevator spare parts on 1st of September 2014

This crucial information was never provided to owners at any meeting. Mr. Steve Carbone, current Director of Uniqueco Property Services, was an Assistant Manager at Universal Strata Services at the time.

I call Thyssen Friday 22ndAugust regarding to a noise reported to us from an Owner Resident. John the Thyssen tech was out on later on Friday 22nd, checking for this noise and reported to me that he would be back on Monday to follow up on things and that there would be two guys out on Tuesday to carry out the work to correct the noise. On Monday no one turned up, so Tuesday I called Thyssen and asked what was happening with techs that were to be here, John called me and said that Simon should be on site soon, Simon came and stated on the lift. I was working in the area when he informed me that the part making the noise will need to be taken away to be worked on as this part is apparently ***obsolete*** *so there is no part available to be put in when the faulty one is taken out. What he suggested that the part be removed, taken away and the lift be* ***closed down for four days.*** *I called Paul Banoob (as Russell is on leave till this Monday)and informed him of the situation I passed Paul to the tech. I spoke with the area Manager little later, Andrew, and asked him how could this part be OBSOLETE?? informed him that the lift cannot be closed down for four days, a day at the most if at all. He was going to look further into sourcing the part and get back to me.*

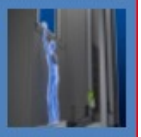
I have just spoken to Andrew who said that he has spoken to Liftronic who are looking for a spare second hand part required, the part is apparently is not available any longer. Andrew will keep me informed on the progress and I will pass information onto you.

ThyssenKrupp Elevator Australia assessment and quote for elevator major works in December 2013

This report was never presented to owners.

Hazard and Risk assessment audit report

Lift: 1-4

Item No.	Hazard	Harmful event	Incident	Assessment Actual S	Assessment Actual F	Priority Level	Corrective Action (Risk reduction measure)	Photograph
2	Disabled access features provided	Disabled persons gaining access to building levels	Unable to access lift controls and communication restricted travel, claustrophobia.	IV	B	Low	Upgrade to disabled requirements. Item Note: No compliant handrails. No compliant buttons/height or type. 2 compliant panels required due to car size. No voice annunciation installed.	
11	Unsafe pit access and egress	Falling when entering or leaving the pit	Serious injuries	II	B	High	Provide safe access and egress to lift pit	

Macquarie Gardens
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Prepared by: Jeremy Barnes
Date: 11/12/2013

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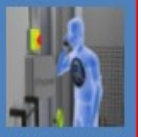
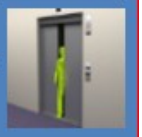
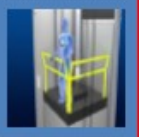
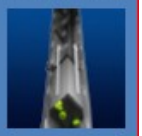
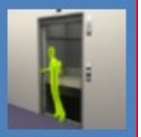
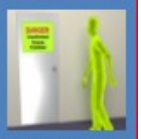
ThyssenKrupp Elevator Australia

Item No.	Hazard	Harmful event	Incident	Assessment Actual S	Assessment Actual F	Priority Level	Corrective Action (Risk reduction measure)	Photograph
12	No or inadequate stopping devices in the pit or in the pulley room	Uncontrolled movements.	Contact with moving parts, shearing or crushing	II	B	High	Provide stop switch adjacent to each machine/ pulley. Item Note: No 'mushroom type' stop switches installed in the lift pits.	
14	Insufficient safety spaces in headroom and pit	The car is overrunning the upmost or lowest floor with person on the car roof or in the pit	Person is crushed, serious injuries or death	I	C	High	Provide marked safe standing area in pit if found. If no area is suitable provide signage to notify maintenance personal	
17	No alarm system in pit and on car roof	Persons trapped or injured in pit or on car roof	Rescue and treatment	III	B	Medium	Install emergency communication to lift pits and car tops.	
25	Unlocking devices not fitted to intermediate landing doors.	Delay in passenger release if trapped in car	Panic, claustrophobia.	I	C	High	Fit unlocking device for authorised persons to intermediate floor doors.	

Item No.	Hazard	Harmful event	Incident	Assessment Actual		Priority Level	Corrective Action (Risk reduction measure)	Photograph
				S	F			
37	No or inadequate detectors on power operated doors	Person is passing the doors when door starts closing	Person is hit or jammed by the door, serious injury	II	B	High	Provide full height electronic door detection to car doors Item Note: Consider installation of 3D door detection device	
41	No or inadequate balustrade on car	Maintenance person trips or stumbles and falls into space between car and wall	Falling down the well, serious injury or death	I	C	High	Fit car top guard rails	
43	No or insufficient ventilation in car	Breakdown of lift, persons trapped	Suffocation, heat, exhaustion, panic	II	C	Medium	Supply vents or exhaust fan to car Item Note: No exhaust fan is installed.	
47	No protection means against over speed in up direction	Over speed in up direction due to failure of traction sheave shaft, brake failure, failure of electrical system, etc.	Person in car is crushed when car hit the roof of well. Maintenance person is crushed on car roof	II	C	High	Fit protection device that operate on ropes or traction system in case of upward runaway.	

Item No.	Hazard	Harmful event	Incident	Assessment Actual		Priority Level	Corrective Action (Risk reduction measure)	Photograph
				S	F			
51	No or inadequate slack rope switch for governor rope	Over speed of car, governor doesn't trip safety gear due to slack governor rope	Persons in car crushed, serious injury or death	II	C	High	Fit safety contact to governor idler sheave in pit to operate if governor rope brakes or becomes slack.	
53	No or inadequate buffers	Car or counterweight is hitting the buffers due to failure in the mechanical or electrical system	User in car or maintenance person on car roof crushed, serious injury	I	C	High	Fit safety switch to car and counterweight buffers in pits to monitor correct positioning	
58	No or inadequate braking system, two separate shoes, control of, etc	Uncontrolled movement at landing with doors open	Person is sheared between landing and car door.	II	B	High	Fit rope brake for double acting brake.	
65	No lockable main switch	A person switches lift on when another person is working on the lift	Maintenance person is sheared or crushed, injury to user	I	C	High	Supply lock-off devices to main switches	

Item No.	Hazard	Harmful event	Incident	Assessment Actual		Priority Level	Corrective Action (Risk reduction measure)	Photograph
				S	F			
71	Missing notices, markings and operating instructions	Users overload the car, persons get into hazardous areas	Serious or fatal injuries	I	C	High	Provide correct notices, markings and operating instructions.	
85	No or inadequate emergency lighting on car roof*	Maintenance person is trapped on car roof due to loss of power supply	Falling down the well, serious injury or death	I	C	High	Supply and fit emergency lighting to car top	

1. HAZARD AND RISK ITEMS

1-15 FONTENOY RD, MACQUARIE PARK – LIFT NO. 1 - 4				
ITEM	**DESCRIPTION**	**LEVEL OF RISK**	**PER LIFT PRICE (Excluding GST)**	**TOTAL PRICE (Excluding GST)**
H2	Lift Car Handrails (2 per car)	LOW	$2,483.00	$9,932.00
H2	Main and Auxiliary Car Button Panels	LOW	$11,500.00	$46,000.00
H2	Landing Button Panels	LOW	$8,850.00	$35,400.00
H2	Voice Announcer	LOW	$2,017.00	$8,068.00
H11	Pit egress device	HIGH	$1,283.00	$5,132.00
H12	Pit stop switches	HIGH	$1,117.00	$4,468.00
H12	Machine room stop switches	HIGH	$1,033.00	$4,132.00
H14	Pit man clearance signage	HIGH	$323.00	$1,292.00
H17	Alarm device to car top and pit (inc new Emergency phone with voice message)	MEDIUM	$2,667.00	$10,668.00
H25	Unlocking device all floors	HIGH	$7,950.00	$31,800.00
H37	3D passenger protection device	HIGH	$3,250.00	$13,000.00
H41	Car top guardrails	HIGH	$2,350.00	$9,400.00
H43	Car exhaust fan (inc Key Switch)	MEDIUM	$2,417.00	$9,668.00
H47	Rope brakes	HIGH	$12,400.00	$49,600.00
H51	Slack rope governor switch	HIGH	$1,433.00	$5,732.00
H53	Buffer return switches	HIGH	$4,017.00	$16,068.00
H58	Double electro-mechanical brake	HIGH	To be completed with future machine upgrade	To be completed with future machine upgrade
H65	Lockouts to auxiliary circuit breakers	HIGH	$488.00	$1,952.00
H71	Danger and warning signage	HIGH	$400.00	$1,600.00
H85	Emergency lighting to the lift car roof	HIGH	$1,367.00	$5,468.00
		SUB TOTAL (Excluding GST)	**$67,345.00**	**$269,380.00**
		SINGLE PROJECT DISCOUNT 5%	**-$3,367.25**	**-$13,469.00**
		GRAND TOTAL (Excluding GST)	**$63,977.75**	**$255,911.00**

2. PROPOSED PROGRAM OF WORKS and BUDGET PRICES:

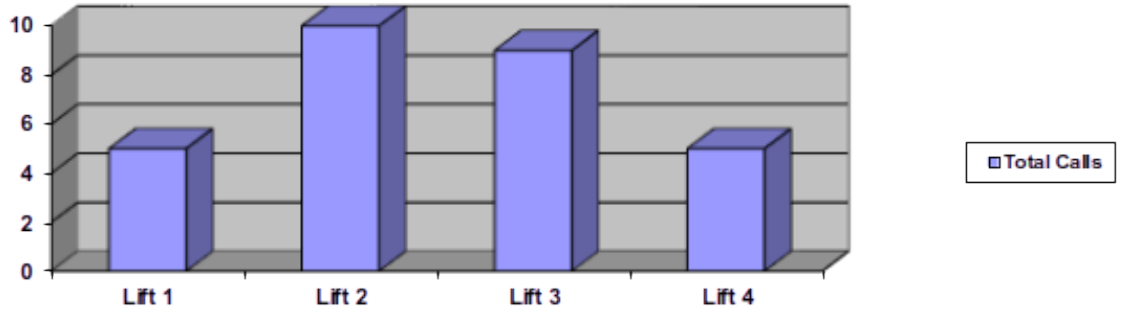
ITEM	RECOMMENDED TIME FRAME	BUDGET PRICE
Hazard & Risk OH&S non-Compliant items based on the Report		
HIGH RISK	0 - 1 year	$149,644.00
MEDIUM	0 - 3 years	$20,336.00
LOW	0 - 5 years	$99,400.00
Major Upgrade Items		
Controller	0 - 5 years	$300,000.00
Machines	10-15 years	$200,000.00
Lift Car, Landing Buttons	0 - 5 years	$85,000.00
Lift Car Landing Door Equipment	0 - 1 years	$250.000.00
Lift Car Interior	0 - 7 years	$150,000.00

Vertical Transport Management Services assessment and quote for elevator major works in February 2014

This report was never presented to owners. It highlighted the risks, areas of poor maintenance, and strong recommendation to upgrade within five years (by 2019).
There were also a few items not covered by the maintenance contract that SP52948 should attend to:

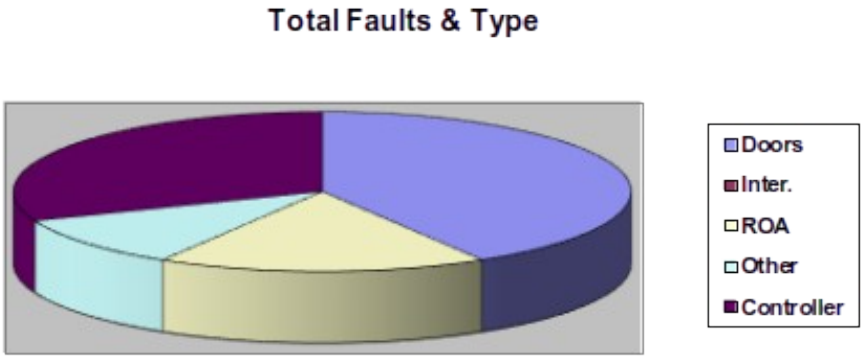
- There has been water in the lift pits, notably lift 4. The entry of any further water should be monitored and prevented (if at all possible).
- The Ground floor landing door of lift 3 is badly damaged. The door panel should be replaced.

A detailed review of all lift malfunctions was carried out over the 12-month period from 17th of February 2013 to 16th of February 2014. This review revealed the following statistics:



TOTAL 29 Faults

These overall statistics were then further redefined, in greater detail, into the following specific areas:



Lift No.	Doors	Interference	R O A	Controller	Other	Total per Lift
Lift 1	2	0	0	1	2	5
Lift 2	3	0	1	6	0	10
Lift 3	5	0	2	2	0	9
Lift 4	2	0	2	0	1	5
Total per Fault	12	0	5	9	3	29

The reliability of a lift was expressed as the numbers of faults per lift per month. The lower the number of faults the better. The number of faults vary with the age and usage of the lifts as well as the type of lift and standard of maintenance applied. Interference calls are not counted as they as outside of the control of the lift contractor.

Lift No 1	0.42 Faults/Lift/Month
Lift No 2	0.83 Faults/Lift/Month
Lift No 3	0.75 Faults/Lift/Month
Lift No 4	0.42 Faults/Lift/Month

Average 0.61 Faults/Lift/Month

Taken as an overall average, 0.61 faults/lift/month is slightly higher than expected. A breakdown rate of approximately 0.5 faults/lift/month or less would not be unusual for lifts of this type, usage and vintage.

Most of the faults were coming from the doors and controllers.

The most unreliable lifts were Lifts 2 and 3. Lift 2 had intermittent faults with its controller and lift 3 mostly with its doors.

The lifts are very useful for carrying groceries and large objects. The lifts are also necessary for persons with disabilities or limited mobility.

The lift controller in each lift machine room is the original item installed in the mid 1990's. This type of controller is reasonably “intelligent”, but its electronic processor is of an older design. It should, however, be reliable and robust. Spare parts are still available at this time.

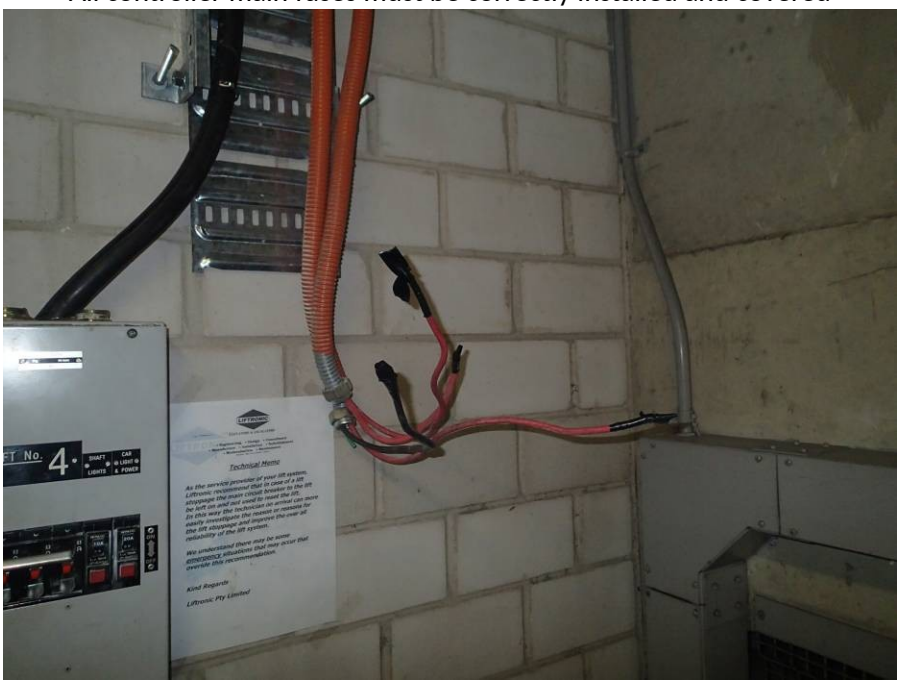
The drive is a modern variable speed AC item. These types of drives should provide accurate floor levelling of the lift car and provide good ride quality. At the moment, the ride quality is not acceptable on several lifts. This should be able to be rectified by correctly adjusting the drives and ensuring the existing equipment is working as it should.

The door operation could be improved with replacing worn parts, e.g. door hanger rollers, and correctly adjusting the existing equipment. The doors will however not be able to operate as well as most new lifts due to the design of the door operator and lock system.

Although the lifts would have complied fully with the relevant standards at the time of installation, the standards have changed considerably and consideration should be given to upgrade the lift to make it compliant.

As far as compliance with the lift code is concerned the lifts do not fully comply with the latest lift code.

All controller main fuses must be correctly installed and covered



Old lift mains must be removed or safely terminated

Rusty hoisting ropes must be replaced

All lift shaft equipment must be cleaned

Hoisting machine fan wiring must be correctly terminated

Worn power door operator drive belts must be replaced before they fail

Hoisting machine oil leaks must be repaired and oily rags removed

Traction sheave guards must be correctly installed

The following were a few examples of non-compliance with the latest lift code:

a. There are no lift shaft access devices on every landing,
b. There is no upward run away protection,
c. The lift pit buffer and governor do not have safety switches,
d. There is no safe space sign on the lift pit floor,
e. No guard rail on lift car top.

A budget estimate to rectify the above issues was $15,000.00 to $20,000.00 per lift.
To comply with the standard “Facilities for the disabled” there should be voice annunciation, tactile/Braille buttons, hand rails and improved lighting inside the lifts.
Whilst none of these compliance issues will improve the lifts' performance or reliability they are all aimed at improving safety for the maintenance mechanics and lift passengers.
The lift pit (of at least lift 4 and 2) has water in it in the past. The pit should then be monitored by the lift contractor and the owners informed if more water enters the pit.

The hoisting ropes of lifts 3 and 4 are rusting and should be replaced. This is not urgent at this time but we suggest the work be done within the next 12 months.

Vertical Transport Management Services recommended modernisation be considered soon as the existing lift equipment, although is still serviceable and parts are available at this time, will become more unreliable and difficult to maintain. As the controller in particular has some old electronics in it, it is not clear how much longer parts will remain available.

Vertical Transport Management Services suggest that in the next five years or so consideration should be given to an upgrade of at least the lift controller, door operator/locks, lift car and landing buttons and indication.

The cost of this would be $150,000 to $200,000 per lift.

Regardless of any of the above being carried out there are numerous small compliance items that need attention - Vertical Transport Management Services suggested these be carried out along with the modernisation.

The lifts can also be completely replaced with a Machine Room Less type of lift (MRL). This would provide a fully compliant modern lift. The cost to remove the old lift, install a new MRL lift as well as builders works would be approximately $220,000.00 to $280,000 + GST per lift.

The lifts were relatively modern but the electronics was becoming old and obsolete. The lift doors are noisy and provide poor operation. The lifts do not comply fully with the latest codes and standards and is not 100% suited for persons with disabilities. Their only redeeming features are that they are robust and (should be) reliable.

Vertical Transport Management Services included a separate list of maintenance items that required attention under the terms of the comprehensive contract with ThyssenKrupp, and suggested they be requested to attend to all items under the terms of their contract.
The lifts should be operating better than they were by a more concerted effort from ThyssenKrupp in improving ride quality and reducing some repetitive faults. The lifts would require modernisation eventually, and Vertical Transport Management Services suggested SP52948 consider doing this within the next five years.

Thompson Elevator Consultancy Service report in March 2017

It has never been disclosed to owners. The urgent remediation work recommended by Thompson Elevator Consultancy Services was not done until June 2018!

Some extracts from their report in March 2017:

Lift 1

1. Clean the lift machine
2. Seal oil leaks in the lift machine
3. Clean the lift machine room floor
4. The lift car emergency telephone is inoperative – communication with the call centre was not possible
5. Clean the top of the lift car
6. Clean the lift pit – it has not been cleaned in a very long time
7. Replace the missing screws in the car operating panel
8. Replace the worn lift car roller guide

Lift 2

1. The lift car emergency lights are inoperative
2. Adjust the emergency telephone speaker volume – very difficult to hear in the lift car
3. Correctly fit or replace the auxiliary contact block on MR relay in the lift controller
4. Clean the lift machine
5. Clean the lift machine room
6. Clean the lift pit – this has not been cleaned in a very long time
7. Clean oil off the lift pit floor
8. Clean the top of the lift car
9. Replace the broken maintenance switch on top of the lift car
10. Adjust the landing door upthrusts on levels 4 & 6
11. Replace the missing screws in the car operating panel

Lift 3

1. The lift car emergency telephone is inoperative on battery supply
2. Refit the drive cover in the lift controller
3. Clean the lift machine
4. Clean the machine room and remove all rubbish
5. Clean the lift pit
6. Replumb the Ground floor landing doors
7. Adjust the landing door upthrusts on level 1

Lift 4

1. Replace the rusted lifting ropes
2. The lift car emergency lights are inoperative
3. Clean the machine room
4. Label all controller relays
5. Refit the drive cover in the lift controller
6. Replace the missing car operating panel screws
7. Clean the top of the lift car
8. Refit the power door operator cover
9. Adjust the landing door upthrusts on level 2

Maintenance Summary:

The standard of housekeeping is poor.

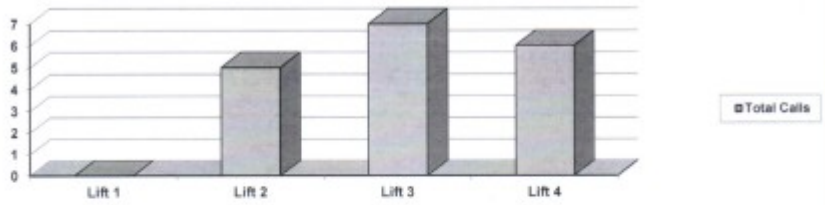
The standard of maintenance is acceptable however the lifting ropes on lift 4 need to be changed immediately.

It appears that the lifts are receiving routine maintenance as the call rate is not very high. The overall operation of the lift system appears acceptable when taking into account the type and age of the control and speed system.

The maintenance contractor should be advised of the items raised above as requiring attention and given 4 to 6 weeks to rectify the items.

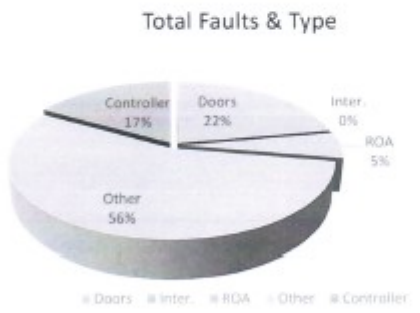
Reliability

A detailed review of all lift malfunctions has been carried out over the previous 12-month period to March 2017. This review revealed the following statistics:



TOTAL 18 Faults

These overall statistics were then further redefined, in greater detail, into the following specific areas:



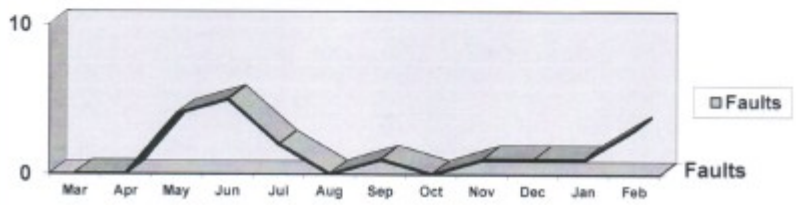
Lift No.	Doors	Interference	R O A	Controller	Other	Total per Lift
Lift 1						0
Lift 2	1			4		5
Lift 3	2		1	2	2	7
Lift 4	1			4	1	6
Total	4		1	10	3	18

The reliability of a lift is expressed as the numbers of faults per lift per month. Obviously the lower the number of faults the better. The number of faults will vary with the age and usage of the lifts as well as the type of lift and standard of maintenance applied. Interference calls are not counted as they as outside of the control of the lift contractor.

Lift No.	Faults/Month
Lift 1	0.00 Faults/Month
Lift 2	0.42 Faults/Month
Lift 3	0.58 Faults/Month
Lift 4	0.50 Faults/Month

Average for both lifts 0.37 Faults/Lift/Month

Fault Trend Chart – March 2016 to March 2017



CONCLUSION

These lifts are critical to the correct and efficient operation of the buildings.

The basic design of these lifts is robust and the equipment when installed was of reasonably good quality. We recommend that consideration be given to an upgrade of the lift door equipment, buttons, controllers and drive units as outlined above.

The performance by ThyssenKrupp Elevator Australia is not acceptable due to poor housekeeping, inaction on the replacement of items identified 4 years ago and numerous fault safety items such as emergency lighting and emergency telephones.

Th maintenance items listed should be attended to ASAP – a copy has been forwarded to ThyssenKrupp for their attention.

SP52948 – 30th of July 2014: Example of trapped passenger in elevator 3

This report was never disclosed to owners.

ThyssenKrupp Elevator SERVICE REPORT

ThyssenKrupp

Building: Macquarie Gardens Job No: 2031857 Date: 30/7/14

Mechanics: 1: Charles 2: Lift ☑ Esc/Path ☐ Other

Mandatory Risk Assessment

Hazard	RR	Controls	Tick	NR
Working at Height		RCD		
Electrocution	2	Fire Extinguisher / Fire Blanket		4
Energised Equipment, Plant, Services		Lock Out Tagout	✓	
Manual Handling		EWP / Scaffold		
Entanglement		Fall Arrest/P.P.E.		
Slip / Trip / Fall		Mechanical Lifting / 2 Man Lift / Breakdown Load		
Hazardous Substances		MSDS / Spill Kits		
Poor Housekeeping		Isolation, Barricades, Signage		
Crushing		Remove all Waste, and Trip Hazards		
Pinch Points		Insulation of Tools & Equipment		
		Lead Hooks, Lead Stands		

Maintenance Record

Every Visit: 1. Contact Customer ☐ 2. Ride Quality ☐ 3. Regular Checks ☐ 4. Emergency Telephone ☐

Maintenance Entered (Office):

Maintenance Program Tasks: Time In: ..... AM PM Time Out: ..... AM PM

Description	Task Group =	Unit Number

Call Out Report

Fault Reported: SWD Unit No: 3

Repair: ☐ On Site Call: ☐ A/Hour Call: ☐ Charge: ☐ Group Fault: ☐ Follow Up: ☐

SWP: ☐ SWP on arrival: ☐ R.O.A.: ☐ Interference: ☐ Shut Down: ☐ Travel Time: 10.20 AM ☑ PM

Time In: 10.40 AM ☑ PM SWP Released: 10.45 AM ☑ PM Time In Service: ..... AM PM Time Out: 12.40 AM ☑ PM

Action Report: Released passenger. Lift stopped with door flight time error. Diagnostic tool required to reset controller. Shutdown

SP52948 – 22nd of November 2014: Example of intermittently trapped passengers in elevator 2

This report was never disclosed to owners.

ThyssenKrupp Elevator SERVICE REPORT

ThyssenKrupp

Building: Mac Garden NHL Ryde Job No: 1857 Date: 22/11/14

Mechanics: 1: Mick Morris 2: Lift ☑ Esc/Path ☐ Other

Mandatory Risk Assessment

Hazard	RR	Controls	Tick	NR
Working at Height		RCD		
Electrocution		Fire Extinguisher / Fire Blanket		
Energised Equipment, Plant, Services		Lock Out Tagout		
Manual Handling	2	EWP / Scaffold	✓	
Entanglement		Fall Arrest/P.P.E.		
Slip / Trip / Fall		Mechanical Lifting / 2 Man Lift / Breakdown Load		✓
Hazardous Substances		MSDS / Spill Kits		
Poor Housekeeping		Isolation, Barricades, Signage		
Crushing		Remove all Waste, and Trip Hazards		
Pinch Points		Insulation of Tools & Equipment		
		Lead Hooks, Lead Stands		

Maintenance Record

Every Visit:
1. Contact Customer ☐ 2. Ride Quality ☐ 3. Regular Checks ☐ 4. Emergency Telephone ☐

Maintenance Entered (Office):

Maintenance Program Tasks: Time In: ..... AM PM Time Out: ..... AM PM

Description	Task Group =	Unit Number
called site contact 0412 152948 no one answered		

Call Out Report

Fault Reported: Intermittently trapping passengers Unit No: 2

SP52948 – 15th of December 2014: Example of trapped passenger in elevator 3

This report was never disclosed to owners.

ThyssenKrupp Elevator SERVICE REPORT

ThyssenKrupp

Building: Macquarie gar den Job No: 2031857 Date: 15/12/14

Mechanics: 1: Mai.W 2: Lift ☑ Esc/MW ☐ Other

Mandatory Risk Assessment

Hazard	RR	Controls	Tick	NR
Working at Height	8	RCD		
Electrocution	3	Fire Extinguisher / Fire Blanket		
Energised Equipment, Plant, Services	2	Lock Out Tagout	✓	✓
Manual Handling		EWP / Scaffold		
Entanglement		Fall Arrest/PPE.		
Slip / Trip / Fall		Mechanical Lifting / 2 Man Lift / Breakdown Lead		
Hazardous Substances		MSDS / Spill Kits		
Poor Housekeeping		Isolation, Barricades, Signage	✓	✓
Crushing		Remove all Waste, and Trip Hazards		
Pinch Points		Insulation of Tools & Equipment		
		Lead Hooks, Lead Stands		

Maintenance Record

Every Visit: 1. Contact Customer ☐ 2. Ride Quality ☐ 3. Regular Checks ☐ 4. Emergency Telephone ☐

Maintenance Entered (Office):

Maintenance Program Tasks: Travel Time: ..... AM PM Time In: ..... AM PM Time Out: ..... AM PM

Description	Task Group =	Unit Number

Call Out Report

Fault Reported: SWP on basement Unit No: 3

Repair: ☐ On Site Call: ☐ A/Hour Call: ☑ Charge: ☐ Group Fault: ☐ Follow Up: ☐

SWP: ☐ SWP on arrival: ☐ R.O.A.: ☐ Interference: ☐ Shut Down: ☐ Travel Time: ..... AM PM

Time In: ..... AM PM SWP Released: ..... AM PM Time In Service: ..... AM PM Time Out: 11.45 AM ☑ PM

Action Report: passenger out on arrival, found processor lock-up, Reset same, also checked & cleaned-up lock on B Level, tested operation, could not fault, return to service

SP52948 – 10th of May 2017: Hoisting rope in Lift 4 in Block A replaced more than three years after the Vertical Transport Management Services recommendation in February 2014

In spite of the risks highlighted by Vertical Transport Management Services in February 2014 (the hoisting ropes of lifts 3 and 4 were rusting and should be replaced - they suggested the work be done within the next 12 months, by February 2015).

Lot 158 Motion about lack of proper 10-Year plans in SP52948 not included by Waratah Strata Management at Annual General Meetings in 2017 and 2018

Motion: Lack of Proper 10-Year Sinking Fund – Now Called Capital Works Fund

The Owners Corporation SP52948 by GENERAL RESOLUTION (A ONE LOT/ONE VOTE FORMAT), confirms the following:

- **BCS Strata Management and EC members failed to maintain and update 10-Year Sinking Fund that matches real capital works in the complex since 1999,**
- **BCS Strata Management and EC members provided a copy of alleged 10-Year Sinking Fund, dated 31st of August 2010 in agenda for AGM 2016 for the first time to owners,**
- **BCS Strata Management and EC members had obligation to plan how they would repair and maintain common property and raise sufficient funds to cover the costs, and submit the 10-year Sinking Fund Plan for approval by owners at an annual general meeting (AGM) and be reviewed and adjusted, if required, in the first five years, which did not happen in SP52948,**
- **BCS Strata Management staff admitted they did not have copy of 10-Year Sinking Fund Plan in email to EC member on 11th of April 2014,**
- **Agenda for AGM 2014 contained misconstrued and misleading statement that 10-Year Sinking Fund was reviewed in 2014 and every five-years beforehand,**
- **BCS Strata Management and EC members failed to provide even relatively accurate predictions for major repairs and failed to attend to most of the alleged planned activities,**
- **BCS Strata Management and EC members failed to disclose major professional building reports that highlighted needs for repairs since year 2000,**
- **Without evidence of tender, or its disclosure to owners, Biv Reports Pty Ltd was commissioned to prepare new 10-Year Capital Works Fund assessment in late March 2017. It failed to address major works in proper manner:**

  Comprehensive risk and hazard assessment in line with Australian Elevator Association guidelines.

  Comprehensive lifecycle report, so its findings can be factored in to the fund forecast.

Lot 158 Motion about lack of details of tenders for elevator maintenance contract in 2005, 2010, and 2017 not included at Annual General Meetings in 2017 and 2018 by Waratah Strata Management

Secretary of the EC failed to include this Motion at AGM 2017, in non-compliance with Strata Schemes Management Act 2015, Schedule 1, c(4).

- Elevator maintenance contract was renewed with Liftronic in 2005 without consultation with EC members, without additional quotes, and without decision at a general meeting. By Chairperson's own admission, it turned out to be very expensive for period of five years.

- Elevator maintenance contract was secretly approved and signed off by BCS Strata Management and a single EC member with ThyssenKrupp in 2010 for seven years under unfavourable conditions.

  ThyssenKrupp Elevator original quote was based on THREE-YEAR contract through two types of services:
  Platinum Full Comprehensive Agreement ($22,200.00 per year, plus GST)
  Gold Partial Comprehensive Agreement ($16,400.00 per year, plus GST)
  ThyssenKrupp Elevator's quote for the lift maintenance contract was kept undisclosed from the members of the Executive Committee for two months before BCS Strata Management and the single EC member negotiated and approved it alone, increasing it to SEVEN-YEAR CONTRACT (expired on 30th June 2017), with difficult conditions for cancellation by the owners corporation:
  Limited-Scope Agreement ($20,000.00 per year, plus GST, with automatic increases matching CPI after the first two years)

- The real expenses for lift maintenance in 2010 exceeded $161,000.00 when two phases in Block A power supply were short-circuited and Strata Manager forced owners corporation to urgently upgrade electrical switchboard with main goal to provide additional power capacity for Optus mobile phone antennae.

- Minutes of EC meeting on 20th July 2017 stated the following:

  Resolved that the minutes of the previous strata committee meeting were amended to record a voting paper being provided by Genelle Godbee and then confirmed as a true record of the proceedings of that meeting. It is noted that the agenda for the previous "voting-paper-only" committee meeting was not sent to all owners due to the urgency of confirming the appointment of the new lift contractors prior to the termination date of the previous lift contract on 30th June 2017.
  Resolved that the lift maintenance contract provided by Liftronic was tabled and the strata manager is authorised to sign the contract on behalf of the Owners Corporation after any amendments recommended by Thomson Elevators.
  The current status of the lift maintenance work required to be carried out by ThyssenKrupp Elevators was discussed. Resolved that Thomson Elevator Services quote to conduct a further inspection of the lifts to confirm all defect items in their original report have been attended to by ThyssenKrupp was accepted at a cost of $1,300 plus GST.

- Paid document search on 13th June 2017 failed to receive copies of the elevator tender from Waratah Strata Management.

- Waratah Strata Management declined to provide copy of the Liftronic contract to Lot 158 on 27th November 2017.

- In spite of advance notices from Lot 158, and well-known fact that the elevator contract was due for renewal on 30th June 2017, Waratah Strata Management failed to send agenda of the paper EC meeting and confirm its date, failed to send the minutes to owners or list them in strata files, and did not publish them on notice boards, in non-compliance with SSMA 2015.

Thompson Elevator Consultancy Services assessment and quote for elevator major works sent to Waratah Strata Management on 16th of November 2017 but presented to owners the expired quote one year later in agenda for Annual General Meeting in October 2018

16 November 2017

The Owners SP52948
C/O Waratah Strata Management
PO Box 125
Eastwood NSW 2122

Attention: Robert Crosbie

Re: Macquarie Gardens 1-15 Fontenoy Road Macquarie Park
Lift Upgrade Tender Assessment

Dear Robert

We have completed our assessment of the above tenders. Our assessment report is attached for your information and consideration.

We requested five (5) tenders from the lift industry, being Electra Lift Company, Liftronic Pty Ltd, Kone Elevators, Otis Elevator Company and ThyssenKrupp Elevator Australia.

ThyssenKrupp did not attend the mandatory site inspection and although Kone Elevators did attend, they did not submit an offer for this project.

We received offers from Electra Lift Company, Liftronic Pty Ltd and Otis Elevator Company.

The tender documentation was for a major upgrade of the existing lift equipment including:

- Replacement of the existing lift controllers and drives Lift Code and WH&S works
- Landing door running gear and power door operator upgrade
- Replacement of all landing buttons and indicator units

We requested separate pricing for the various sections of work and also a price should all works be undertaken at once and not staged.

We recommend that should the works be staged, that the Lift Code and WH&S works are undertaken in conjunction with the first section of the upgrade work.

All works are based on our specification.

Tenders were received from three (3) companies by the due date.

As you will see there is reasonable variance in the tender pricing for the works.

All companies have offered high quality equipment.

Our review below is the summary of the tenders received and some post-tender clarifications requested from the three (3) contractors.

When you review our summary on the next few pages you will see that the offer from Liftronic Pty Ltd for all of the works to be undertaken at once is very competitive. Liftronic also offered the best pricing for 3 of the 4 separate sections of works and were only slightly higher than Electra on the 1 other section.

There is also a significant cost penalty involved for separating the works and this is due to site establishment costs, interfacing and then undoing some work when the next stage is undertaken etc.

The on-going maintenance prices submitted with the tenders are relatively similar. The on-going maintenance is not included as part of the tender package, however pricing was obtained for evaluation purposes.

Should you agree with our recommendation at the end of this report a meeting should be scheduled as soon as possible to discuss the proposals received.

If you require further information, please do not hesitate to give me a call at any time.

Sincerely,

Stephen Williams

Associate Manager

Tender Assessment

for the lift upgrade at

Macquarie Gardens 1-15 Fontenoy Road Macquarie Park

Closing date 31 October 2017

Overview

There are 4 passenger lifts installed on the property, one in each residential tower.

The property is a modern apartment complex close to the M2 Motorway and the Macquarie Shopping Centre.

The lifts were originally manufactured and installed by Liftronic Pty Ltd around 1995.

The purpose of this tender is to upgrade the existing lifts with new state of the art equipment offering a high level of performance, passenger comfort, reliability and energy efficiency. The lifts would also be compliant with the current version of the Lift Code and WH&S Regulations.

All of the lifts are standard in their operation and technical design.

The lifts are currently being maintained by Liftronic Pty Ltd following a maintenance tender process earlier this year.

We would expect that these lifts would have, with full building occupancy, a medium-high usage rate at peak times.

Considerations for persons with disabilities have also been taken fully into account.

Tenders were requested from five (5) lift companies, being Electra Lift Company, Liftronic Pty Ltd, Kone Elevators, Otis Elevator Company and ThyssenKrupp Elevator Australia.

Three (3) of these companies submitted offers for this project.

The results of the tenders received are revealed in this report.

Scope of Upgrade

In brief, the major areas for the scope of works for the upgrade is:

- Part A – Door equipment upgrade
- Part B – Lift Code and WH&S Upgrade
- Part C – Lift controller and drive replacement
- Part D – Landing and car button and position indication unit upgrade
- Part E (optional) – Replacement of the lift mains for lifts 1, 2 & 3 due to non compliance with fire rating requirements
- Part F (optional) – Replacement of the lift machines including new ropes.

Tenders Received

NB all pricing mentioned below is GST exclusive.

The tender was based on a revised full specification. All traditional builder's works (if any) are included in the lift companies' scope of works.

The equipment offered by all companies is of a high standard.

The lift control and drive equipment offered by Otis is mainly proprietary equipment of their own manufacture. The equipment offered by Electra Lift Company is a PLC based system of their own manufacture. Electra have advised they will provide USB copies of the PLC program so that any lift contractor could undertake changes if required. The equipment offered by Liftronic is all non-proprietary. Non-proprietary equipment can be maintained by most companies with replacement parts etc available direct from the manufacturers.

A 12-month defect liability period (DLP) including maintenance is included in the base offers and an indicative price for comprehensive maintenance following the upgrade is provided. Operational maintenance following signing of the contract and prior to works commencing is included for all lifts. This is inclusive of all maintenance, servicing, breakdowns and parts etc. Note the post-DLP comprehensive maintenance price is for evaluation purposes only and although not accepted as part of this scope of work we would recommend the upgrade contractor continue on with a Comprehensive Maintenance Agreement following the defects liability period.

All old and obsolete equipment is to be removed.

Otis did not offer pricing for the works to be staged and only offered pricing for all works to be undertaken at once. Their prices were also the most expensive received by a considerable margin and will not be considered further for this project.

The best price received for all works to be done at once was from Liftronic Pty Ltd. The price from Electra Lift Company is slightly higher.

Should it be decided not to undertake all works at once, it will be necessary to outline to the lift contractors which sections are to be undertaken (and when) in order to obtain exact costs.

The indicative works programs for all works to be done at once have Liftronic at 34 weeks total and Electra at 32. These times are based on one lift at a time being done. The works program could be shortened by undertaking more than lift at a time – this is feasible due to the lifts all being in separate towers. Theoretically, all works could be completed in around 9 weeks total site time if they were all done at once.

Maintenance pricing was requested for the period up until the upgrade commences. Electra have included this in their price and Liftronic have provided pricing on a per lift per month basis from award of contract till works commence.

Maintenance pricing following the upgrade process sees Liftronic offering $20,400 per annum and Electra offering $20,000 per annum.

The following table is a summary of what was received in the tender and post-tender clarifications.

Macquarie Gardens 1-15 Fontenoy Road Macquarie Park

Lift Upgrade Tender

ALL PRICES ARE GST EXCLUSIVE	Liftronic	Electra	Otis
LIFTS 1-4			
Part A Works (Door equipment)	203,647	196,080	In Part C Works
Part B Works (Lift Code and WH&S)	121,426	131,860	In part C Works
Part C Works (Controller and Drive Equipment)	247,040	268,970	820,000
Part D Works (Buttons and Indication)	85,871	111,530	60,000
Sub Total	657,984	710,440	880,000
Price If All Works Undertaken At Once	**550,000**	**572,640**	**880,000**
Saving if not staged	107,984	137,800	0
Part E - Optional Replacement of Lift Mains lifts 1, 2 & 3	58,617	20,400	75,000
Part F - Optional Replacement of lift machines including new lifting ropes	157,754	136,040	125,000

ALL PRICES ARE GST EXCLUSIVE	Liftronic	Electra	Otis
Maintenance prior to upgrade	500/lift/month	Included	500/lift/month
Comprehensive Maintenance after DLP	20,400/annum	20,000/annum	26,000/annum
Program			
Lead Time	24 weeks	22 weeks	24 weeks
Part A Works	11 weeks	12 weeks	Not Offered
Part B Works	9 weeks	8 weeks	"
Part C Works	16 weeks	12 weeks	"
Part D Works	8 weeks	8 weeks	"
(Sub Total)	(44 weeks)	(40 weeks)	"
Total Site Time - All Works Undertaken At Once	**34 weeks**	**32 weeks**	**40 weeks**
Payment Terms			
Deposit	30%	20%	10%
Start on site	40%	20%	60%
Progress Claims	Monthly	Monthly	Monthly
Retention During Works (Bank Guarantee)	2.5%	2.5%	2.5%
Retention During DLP (Bank Guarantee)	2.5%	2.5%	2.5%

Summary

The lowest price received for the upgrade project works undertaken at once is from Liftronic Pty Ltd.

Liftronic offered a total site time (for all works at once) which was 34 weeks for the lifts to be done consecutively and Electra offered 32 weeks

The post defect liability period maintenance prices are slightly more competitive from Electra - $400 per annum less than Liftronic.

The control and drive equipment offered by Liftronic Pty Ltd is all non-proprietary and technical support and spare parts etc are available direct from either Liftronic or the manufacturers of the components. The lift controller from Electra uses a PLC type controller and the software is proprietary to them. Electra have advised they will provide a copy of this software to the Owners in the event another company is maintaining the equipment later and needs to reload the program/s.

Recommendation

We recommend that all works are undertaken at once. The cost benefits are significant and the disruption to the buildings is only a one-off event.

We recommend, based on the tenders received that Liftronic Pty Ltd be engaged to undertake the upgrade on these lifts.

Liftronic's prices were also the lowest for 3 of the 4 sections of separate work and only slightly higher for the 4th ($5k)

Should you agree with this recommendation, a meeting should be scheduled as soon as possible due to the long lead times involved with sort of project.

We thank you for the opportunity to undertake this tender and should you have any enquiries please contact us at any time.

Unreported problems with the alleged tender for elevator upgrades at AGM 2018

Agenda for AGM sent by Waratah Strata Management in October 2018:

7	**LIFT UPGRADE** That the Lift Tender Summary report prepared by Thompson Elevator Services be tabled and a decision made on commencing the upgrade works.

Thomson Elevator Consultancy Services have put out to tender major upgrades to the lifts. Tenders have been received from $550,000 to $880,000 (assuming the work is not staged and not including optional extras. The committee are proposing to commence this work towards the end of the current financial year so the cost is spread over 2 financial years. This matter will be discussed at the AGM.

Minutes of AGM held on 18th of October 2018:

7	**LIFT UPGRADE** Resolved that the Lift Tender Summary report prepared by Thompson Elevator Services was tabled and a decision made to proceed with these works, including Part E & Part F of the Tender Summary, with an approved budget of $900,000 + GST. Thompson Elevator Services are to advise Liftronic they are the preferred contractor so that a confirmed current price and contract can be provided by Liftronic. Subject to that updated price and contract being satisfactory to the strata committee, the committee are authorised to enter into that contract with Liftronic. The lead time before the equipment is available to be installed is 6 months, with a 30% deposit to be paid on signing the contract and 40% paid on commencement on site.

Waratah Strata Management failed to report the following in the minutes of AGM 2018, as requested by Lot 158, who was the only person in the complex with significant electrical/electronics knowledge attending the meeting n person:

- The original plan by Waratah Strata Management and EC members was to approve quote by Liftronic in amount of $550.000.00 (plus GST), for elevator upgrades that excluded Option E and F.
- Thompson Elevator Consultancy Services wrongly listed art E and F as Optional expenses. Both of them were compulsory:

  Part E: replacement for lift mains of lifts 1, 2, and 3 due to non-compliance with fire rating requirements

  Part F: replacement of lift machines including ropes
- Waratah Strata Management failed to notify owners in the agenda for AGM 2018 that ropes for lift 4 in Block A were replaced on 10th of May 2017 and that was the only lift which had such work done in 22 years.
- After discussion at the meeting, which agreed to include Options E and F, EC members arbitrarily raised the allegedly approved value of the contract with Liftronic from $766,371.00 to $900,000.00 (plus GST), an increase above 17%.

  This information was not presented in the minutes of the AGM 2018 by Waratah Strata Management.

- Waratah Strata Management failed to disclose to owners corporation in minutes of AGM 2018 that Lot 158, due to high value of $900,000.00 which was not planned before AGM 2018, requested to convene general meeting if the elevator upgrades exceed $900,000.00 by any amount, to prevent further up to 10% increases that Strata Schemes Management Act 2015 Section 102 (2) allows:

> (2) An owners corporation for a large strata scheme must not spend on an item or matter an amount greater than the amount specified for the item or matter (plus 10%) in estimates provided for that item or matter at an annual general meeting.

- Elevator travelling cable is a specialised multi-conductor cable continually in motion with generally accepted lifespan of 20 years or 3,000,000 flex cycles.

- In 2018, the complex was 22 years old, without any major upgrades of works done on four elevators.

- Waratah Strata Management and Thompson Elevator Consultancy Services failed to disclose to owners the Liftronic Standard Terms & Conditions , which included these day labour and engineering rates in the tender:

Normal time:	$217.00
Time & Half:	$268.00
Double time:	$319.00

- Waratah Strata Management and Thompson Elevator Consultancy Services failed to disclose to owners that Liftronic may take photos or video of its equipment for the purposes of advertising and promotion or training. SP52948, by default, gives permission to Liftronic to use these images in printed, digital and on social media platforms. Liftronic would arrange with SP52948 mutually agreeable times for access for the capturing of any images.

- The quote by Thompson Elevator Consultancy Services dated 16th of November 2017 was more than 10 months old (from the date of tender), making it invalid for proper consideration by owners as the tender was open for 30 days from 16th of November 2017.

- Thompson Elevator Consultancy Services listed maintenance for the new equipment be done only during business hours without charge for the first 12 months.

- Thompson Elevator Consultancy Services listed that Liftronic, may, at its discretion, act as an agent for the owners corporation where delivery is requested and all costs for cartage and insurance would be for the owners corporation to cover.

- Thompson Elevator Consultancy Services listed that changes to drawings would incur extra costs to owners corporation.

- Thompson Elevator Consultancy Services listed that only one inspection prior to hand-over would be free. Costs of additional inspections would be for the owners corporation to cover.

- Thompson Elevator Consultancy Services listed that rectification of warranty-identified defects would be done without charge by Liftronic personnel or contractors during normal business hours.

- If maintenance and/or service calls are required to be provided outside of Liftronic normal working hours then these will be subject to additional charge to owners corporation.

- Thompson Elevator Consultancy Services listed that the warranty was conditional upon the installation being maintained by Liftronic, hence preventing competitive services by any other company.

- Thompson Elevator Consultancy Services did not list precise details of the warranty periods.

- Thompson Elevator Consultancy Services listed that Liftronic would be entitled to an extension of time for all delays beyond its control and if the delay was due to act, default, or omission of the owners corporation, Liftronic would be entitled to claim additional cost which it incurred (act of government, industrial dispute, lockouts, malicious damage, fire, explosion, flood, riot, terrorism, tsunami, storm, Act of God, or any Force Majure event).

- Thompson Elevator Consultancy Services listed that Liftronic reserved the right to adjust the contract price for imported materials without specifying if and how much of the equipment was planned from imports.

Waratah Strata Management – unreported deposit in amount of $160,000.00 for elevator upgrades on 7th of March 2019

Strata Plan 52948

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

Date	Details	Payee	Group	Amount (GST exclusive)	Status	Type	Ref.No.	Payment No.
		Capital Works Fund						
				$815.00				
	Maint Bldg--Lift--Refurbishment/Upgrading 270202							
07/03/2019	Lift Upgrade Deposit	Liftronic Pty Ltd		160,000.00	Paid	DE	198217	000471
				$160,000.00				

Waratah Strata Management failed to report large deposit given to Liftronic from Capital Works Fund in Minutes of the EC meeting held on 21st of March 2019

- Lift refurbishment project - The strata manager is to contact Thompsons Elevator Services to request the final lift maintenance upgrade contract with Liftronic be provided. It was decided that due to the recommendation of Liftronic the lifts are to be replaced in the following order - Building B, D, C & A. Liftronic are to be requested to provide the commencement date and program of works as soon as possible, so this information can be conveyed to residents.

Waratah Strata Management failed to report large deposit given to Liftronic from Capital Works Fund and the start date of the upgrades in Minutes of the EC meeting held on 2nd of May 2019

3 **MATTERS ARISING FROM PREVIOUS MINUTES**

Resolved that the following matters arising from the previous minutes were tabled and discussed:

- Lift refurbishment project - The strata manager is to again follow up Thompson Elevator Services for an update on the lift upgrade contract and the commencement date of the project so residents can be advised.

Waratah Strata Management – outcome of document search by Lot 158 on 31st May 2019

ThyssenKrupp Elevator correspondence and invoices in 2015, 2016, 2017, and 2018

Outcome: Few scattered files found.

ThyssenKrupp Elevator service reports for 2015, 2016, 2017, and 2018

Outcome: No files found.

Evidence of tender for elevator contract renewal in 2018

Outcome: Few email files found but no files related to the full details of the tenders and quotes.

Copy of current elevator contract with Liftronics

Outcome: No files found. Some other files about Liftronics found, for example Letter of Acceptance dated 9th of May 2019, which states that upgrades of lifts 2 and 3 will start n 15th of July 2019, lift 3 will be completed on 23rd of September 2019 and lift 2 on 30th of September 2019.

Waratah Strata Management failed to report large deposit given to Liftronic from Capital Works Fund, the start date of the ugrades with alleged final costs of $880,000.00 plust GST in Minutes of the EC meeting held on 20th of June 2019

3 MATTERS ARISING FROM PREVIOUS MEETING

Resolved that the following matters arising from the previous meeting were tabled and discussed:

- Lift Refurbishment Project - A site meeting involving Liftronic, the lift consultant, the building manager, the strata manager and members of the strata committee was recently held to discuss access arrangements, material storage, etc. A copy of the Liftronic lift refurbishment contract was tabled at the meeting. The contract amount for the works is $880,000 incl. GST. The building manager is to investigate providing key or key fob access to the garage pedestrian doors to allow

residents access through those doors while the lifts are out of action.

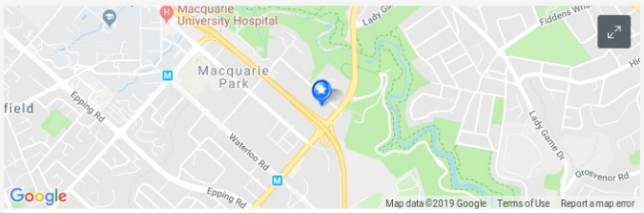
SP52948 – Internet full of information about elevator upgrades and rent decrease but owners not notified

https://www.realestate.com.au/property-apartment-nsw-macquarie+park-426764698

Search

RayWhite.

Date Available: Thu 11-Jul-19



78/1-15 Fontenoy Road Macquarie Park

SPACIOUS LIGHT FILLED TWO BEDROOM APARTMENT

Open for Inspection Times

No inspections are currently scheduled. Contact the agent to arrange an appointment.

- Large spacious 2 bed, 2 bath apartment plus sun room & balcony.
- Freshly painted, new carpet & timber flooring.
- Master bedroom with en-suite.
- Both bedrooms with built-in robes.
- Internal laundry with dryer.
- Secure complex with fob access.
- Intercom system.
- Double lockup garage + storage.
- Located minutes from Macquarie University, Shopping Centre & transport.

** There will be no access to the lift for 10 weeks from the 15th July - 23rd September 2019 due to an upgrade. A rent reduction of $100 per week will apply for the duration of the works **

RayWhite.

Rhylee Angus
0410634... Profile

Sue Glynn
02 9889 0... Profile

Contact agent

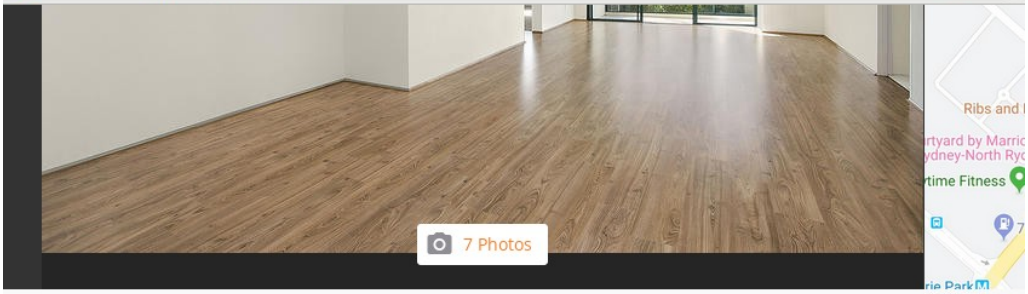
Apply online

Ray White - North Ryde | Macquarie Park

9 Avon Road, North Ryde, NSW 2113

The combination of our dynamic, professional, Sales and Property Management teams has seen us...

Rent.com.au (Operations) PTY ... (AU) | https://www.rent.com.au/property/78-1-15-fontenoy-r



Rhylee Angus
Ray White North Ryde
North Ryde

Enquire | Apply online

$620 pw

78/1-15 Fontenoy Road,
Macquarie Park, NSW 2113

2 Beds | 2 Baths | 1 Car

Shortlist | Hide | Brochure | Share

$2,480 Bond Need help paying the bond? NEW | Apartment | Available 11th July 2019 | Rent ID: 3418293

SPACIOUS LIGHT FILLED TWO BEDROOM APARTMENT

- Large spacious 2 bed, 2 bath apartment plus sun room and balcony.
- Freshly painted, new carpet and timber flooring.
- Master bedroom with en-suite.
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- Internal laundry with dryer.
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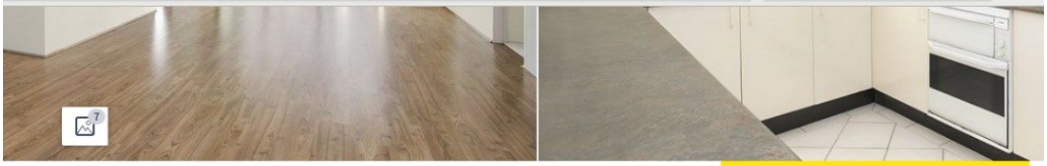
** There will be no access to the lift for 10 weeks from the 15th July - 23rd September 2019 due to an upgrade. A rent reduction of $100 per week will apply for the duration of the works **

Inspection times

Inspections are by appointment only.

Book Inspection

https://www.allhomes.com.au/rent/78-1-15-fontenoy-road-macquarie-park-lower-northern | Search



Home > Rent (NSW) > Lower Northern Sydney > Ryde > Macquarie Park > 78/1-15 Fontenoy Road

$620 $620

Add to watchlist

78/1-15 Fontenoy Road, Macquarie Park NSW 2113

Apartment • 2 2 1

SPACIOUS LIGHT FILLED TWO BEDROOM APARTMENT

- Large spacious 2 bed, 2 bath apartment plus sun room & balcony.
- Freshly painted, new carpet & timber flooring.
- Master bedroom with en-suite.
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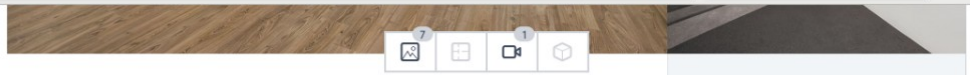
RayWhite.

Sue Glynn
Ray White North Ryde

Call

Email

https://www.domain.com.au/78-1-15-fontenoy-road-macquarie-park-nsw-2113-13315295



78/1-15 Fontenoy Road, Macquarie Park NSW 2113

$620

2 Beds | 2 Baths | 1 Parking

Available from **Thursday, 11th July 2019** | Bond **$2480**

Get a free insurance quote

Sue Glynn
Ray White North Ryde ...

Call

Apply

Email agent

RayWhite.

Property Features

Built-In Wardrobes
Close to Shops
Close to Transport
Polished Timber Floor

Property Description

SPACIOUS LIGHT FILLED TWO BEDROOM APARTMENT

- Large spacious 2 bed, 2 bath apartment plus sun room & balcony.
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** There will be no access to the lift for 10 weeks from the 15th July - 23rd September 2019 due to an upgrade. A rent reduction of $100 per week will apply for the duration of the works

Waratah Strata Management failed to notify all SP52948 owners and tenants about elevator upgrades on notice boards and through correspondence

- Block A notice board with no information about elevator upgrades on 28th of June and 2nd of July 2019:

Macquarie Maintenance Ph: 0413 804 275
Ph: 0406 317 629

CARETAKER / SECURITY Ph: 0412 152 948

NSW GOVERNMENT

Department of Planning and Environment

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 20/06/2019 at 06.00 PM at the offices of Waratah Strata Management, Suite 200, 160 Rowe Street, Eastwood.

PRESENT:

Lot #	Unit #	Attendance	Owner Name Representative
21	21	Yes	Thomas Karolewski
88	88	Apology	Marianna Paltikian
112	112	Apology	Carlos Fornieles Montoya
142	142	Yes	Genelle Godbee
147	147	Yes	Moses Levitt
151	151	Yes	Maureen McDonald
181	181	Yes	Stan Pogorelsky
200	200	Yes	John Gore
218	218	Yes	Jeffrey Wang

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

CHAIRPERSON (acting): Robert Crosbie

Minutes of the meeting:

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

2 **FINANCIAL REPORT**
Resolved that the financial reports for the current financial year were tabled and discussed as follows:

- The strata manager is to review the current gas charges to find out why they are well below budget.
- The strata manager is to check to see whether the impact damage to the garage door has been charged directly by Aligate to the resident responsible, or whether that invoice is still to be received from Aligate and needs to be passed on to the resident.

3 **MATTERS ARISING FROM PREVIOUS MEETING**
Resolved that the following matters arising from the previous meeting were tabled and discussed:

- Lift Refurbishment Project - A site meeting involving Liftronic, the lift consultant, the building manager, the strata manager and members of the strata committee was recently held to discuss access arrangements, material storage, etc. A copy of the Liftronic lift refurbishment contract was tabled at the meeting. The contract amount for the works is $880,000 incl. GST. The building manager is to investigate providing key or key fob access to the garage pedestrian doors to allow residents access through those doors while the lifts are out of action.
- Disability Parking Space - A letter from Ryde Council was tabled that advises Council are not willing to install a Disabled Parking space on Council land adjoining the property. Resolved that members of the strata committee are to meet with the building manager to discuss installing a Disabled Parking space within one of the existing common property spaces in a location with suitable wheelchair access to the buildings.
- House Rules document - This document has been completed and distributed to all owners and residents. A vote of thanks was passed to John Gore for his work on that document.
- Resident complaint to Ryde Council & Fire & Rescue NSW - Ryde Council have conducted an inspection of the fire equipment in the building following an owner complaint to Council. Council provided a list of items that were attended to by the building managers.

4 **CORRESPONDENCE**
Resolved that the following correspondence received was tabled and discussed:

- Email from Ryde Council regarding maintenance of adjoining parkland - Jeffrey Wang and John Gore are to raise this issue with the Ward Aldermen from Ryde Council.
- Fee proposal from JS Mueller & Co (Lawyers) to review correspondence from Lot 158 since 2018 AGM and provide legal advice - Resolved that the fee proposal from JS Mueller to provided legal advice on the correspondence that has been distributed to owners by the owners of Lot 158 since the 2018 AGM is accepted. Waratah Strata Management and Unopaco (Building Managers) have each agreed to contribute 1/3 of the cost of this legal advice.
- Draft letter to owners - A letter is to be sent to all owners to refute statements that have been made by the owners of Lot 158.
- Email from Pipenetworks regarding installation of FTTB Equipment - The strata committee agree with the installation of an alternative internet connection to the property, with this recommendation to be included on the agenda of the 2019 AGM for approval by the Owners Corporation.
- Letter from Transport for NSW regarding Fontenoy Road - A letter was tabled from Transport for NSW to advise that the committees request for a "KEEP CLEAR" area marked on the road in front of the property, allowing right turn from the driveway at any time, will be reviewed in the near future as part of a multi-modal road strategy for the Lane Cove corridor between Double Street, Ryde and the Pacific Highway, Gordon.
- Correspondence from Lot 158 - All correspondence received from the owners of Lot 158 is to be referred to JS Mueller as part of the legal review and whether it is in breach of the "Unreasonable Communications" by law.

5 **GENERAL BUSINESS**
Nil items discussed.

6 **NEXT MEETING**
Resolved that the next Strata Committee meeting is to be held on 5 September 2019.

CLOSURE: There being no further business, the chairperson declared the meeting closed at 08.30 PM.

Minutes Page 1 of 2

Minutes Page 2 of 2

Looking for a casual person to accompany a child… afternoon ideally

2019-06-28 06:40:32

- Block B notice board with no information about elevator upgrades on 2nd of July 2019:

- Block C notice board with belated information about elevator upgrades on 28th of June 2019:

5 June 2019

NOTICE TO ALL RESIDENTS

SP 52948 – 1-15 FONTENOY ROAD, NORTH RYDE.

LIFT REPLACEMENT PROGRAM;

Lift 2 (Block C)

from Monday 15 July – 30 September 2019

Lift 3 (Block D)

from Monday 15 July – 23 September 2019

We are the strata managing agents for the above property and write to you with regard to the abovementioned matter.

Please be advised that the lift replacement program in Blocks C & D will begin as per the dates provided above. Residents are advised that between these dates the lifts in these buildings will not be available for use and access to all floors will only be via the use of the stairs.

Should residents wish to make alternative accommodation arrangements they are free to do so, however any relocation or alternative accommodation costs will be at the resident's expense only.

Lift replacement programs will begin to other blocks immediately following these works being completed. Residents of Blocks A & B will be notified once the commencement date of works in those buildings has been confirmed by the contractors.

Contractors will be onsite from Thursday 11 July 2019 preparing the site for the upcoming works.

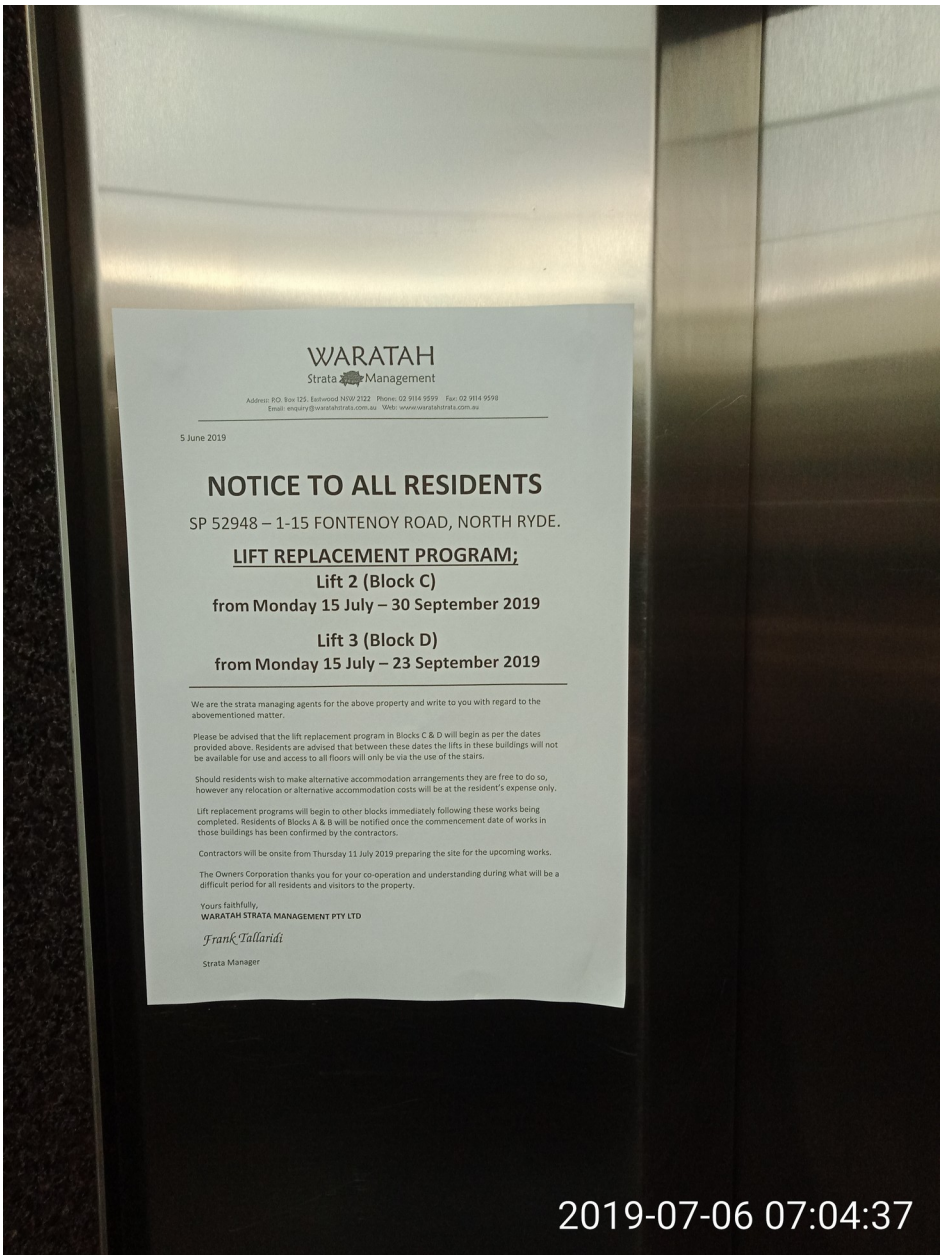
The Owners Corporation thanks you for your co-operation and understanding during what will be a difficult period for all residents and visitors to the property.

Yours faithfully,
WARATAH STRATA MANAGEMENT PTY LTD

Frank Tallaridi

BLOCK C
2019-07-02 17:27:13

- Block D notice in elevator with belated information about elevator upgrades on 6th of July 2019:



WARATAH
Strata Management

Address: P.O. Box 125, Eastwood NSW 2122 Phone: 02 9114 9599 Fax: 02 9114 9598
Email: enquiry@waratahstrata.com.au Web: www.waratahstrata.com.au

5 June 2019

NOTICE TO ALL RESIDENTS

SP 52948 – 1-15 FONTENOY ROAD, NORTH RYDE.

LIFT REPLACEMENT PROGRAM;

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from Monday 15 July – 30 September 2019

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Yours faithfully,
WARATAH STRATA MANAGEMENT PTY LTD

Frank Tallaridi

Strata Manager

2019-07-06 07:04:37

Waratah Strata Management conducted AGM 2018 without valid quorum and disallowed owners to have information about Liftronic contract at AGM 2019

Quorum for AGM 2018.

Official summary by Waratah Strata Management on 16th of October 2018:

Unfinancial owers:	20, UE 914
Financial owners:	198, UE 9086
Total owners:	218, UE 10000
Required quorum (25%):	50, UE 2500

Total listed as valid in Minutes of AGM: 70

Counted as valid to vote owners with second gas connections: 3, 62, 88, 102, 147, 148, 163, 167, 175, 181, 182

Proxies given to Lot 3:	1
Proxies given to Lot 88:	3
Proxies given to Lot 147:	8
Proxies given to Lot 181:	9

Proxy from Lot 5 was not valid due to owner's presence at meeting.

Real count of valid owners present in proxies and in person at AGM 2018: 70 - 34 = 36

Amendments for Minutes of AGM 2018 were not included or published for owners at AGM 2019. Some of major items:

• Failed to document that unfinancial owner cannot vote at a meeting on a motion (except a motion requiring an unanimous resolution) if the owner of the lot was an unfinancial owner at the date notice of the meeting was given and did not pay the amounts owing before the meeting, as per SSMA 2015, Schedule 1, c23(8).

• Failed to inform owners corporation that SSMA 2015, Schedule 2, c9(4) states: voting rights cannot be exercised if contributions not paid - member of the strata committee is not entitled to vote on any motion put or proposed to be put to the strata committee if the member was, or was nominated as a member by a member who was, an unfinancial owner of a lot in the strata scheme at the date notice of the meeting was given and the amounts owed by the unfinancial owner were not paid before the meeting.

• Quorum for AGM 2018 not satisfied as per SSMA 2015, Schedule 1, c17(2)(a) and c17(2)(b).

• Members of the strata committee must disclose any direct or indirect financial interest the member has in a matter to be considered by the strata committee where that interest appears to raise a conflict with the member's duties (SSMA 2015, Schedule 2, c18(1)).

• The member must not be present during the deliberation of the matter or take part in a decision, unless the strata committee otherwise determines (SSMA 2015, Schedule 2, clause 18(4)).

• An owner of a lot in a strata scheme who was an unfinancial owner at the date notice was given of the meeting at which the election of a strata committee is to be held and who did not pay the amounts owing by the owner before the meeting is not eligible for appointment or election to the strata committee (SSMA, Section 32(2)).

• SSMA 2015, Section 260 makes members of the strata committee and officers of an owners corporation personally liable for their actions unless they acted in good faith. They are personally responsible for actions such as: dishonest, fraudulent, or dishonest acts, acts in conflict of interest, acts outside the scope of EC's authority, acts causing death, personal injury or damage, or loss to property.

• Auditor's report for the period ended 31/08/2018 was not considered to be adopted because it was allegedly signed on the day of the AGM 2018 and not presented to any owner for viewing before, at, or after the meeting.

• Three members of the EC allowed in spite of available evidence of having second gas connections and not fully paying prescribed levies (including 10% simple interest per year):
88, 147, 181

Lot 158 had five votes in the ballot, making them legal member of the committee.

• The quotes obtained by Thompson Elevator Consultancy Services dated 16th of November 2017 were expired: they were more than 10 months old (from the date of tender), making it invalid for proper consideration by owners as the tender was open for 30 days from 16th of November 2017.

• The original plan by Waratah Strata Management and EC members was to approve quote by Liftronic in amount of $550.000.00 (plus GST), for elevator upgrades that excluded Option E and F on 25th of December 2017.

• Thompson Elevator Consultancy Services wrongly listed art E and F as Optional expenses. Both of them were compulsory:

Part E: replacement for lift mains of lifts 1, 2, and 3 due to non-compliance with fire rating requirements
Part F: replacement of lift machines including ropes

• Failed to notify owners in the agenda for AGM 2018 that ropes for lift 4 in Block A were replaced on 10th of May 2017 and that was the only lift which had such work done in 22 years.

• After discussion at the meeting, which agreed to include Options E and F, EC members arbitrarily raised the allegedly approved value of the contract with Liftronic from $766,371.00 to $900,000.00 (plus GST), an increase above 17%. This information was not presented in the minutes of the AGM 2018 by Waratah Strata Management.

• Failed to disclose to owners corporation in Minutes of AGM 2018 that Lot 158, due to high value of $900,000.00 which was not planned before AGM 2018, requested to convene general meeting if the elevator upgrades exceed $900,000.00 by any amount, to prevent further up to 10% increases that SSMA 2015 Section 102 (2) allows.

• Elevator travelling cable is a specialised multi-conductor cable continually in motion with generally accepted lifespan of 20 years or 3,000,000 flex cycles. In 2018, the complex was 22 years old, without any major upgrades of works done on four elevators.

• Failed to disclose to owners the Liftronic Standard Terms & Conditions, which included these day labour and engineering rates in the tender:

Normal time: $217.00
Time & Half: $268.00
Double time: $319.00

• Failed to disclose to owners that Liftronic may take photos or video of its equipment for the purposes of advertising and promotion or training. SP52948, by default, gives permission to Liftronic to use these images in printed, digital and on social media platforms. Liftronic would arrange with SP52948 mutually agreeable times for access for the capturing of any images.

• Thompson Elevator Consultancy Services listed maintenance for the new equipment be done only during business hours without charge for the first 12 months.

• Thompson Elevator Consultancy Services listed that Liftronic, may, at its discretion, act as an agent for the owners corporation where delivery is requested and all costs for cartage and insurance would be for the owners corporation to cover.

• Thompson Elevator Consultancy Services listed that changes to drawings would incur extra costs to owners corporation.

• Thompson Elevator Consultancy Services listed that only one inspection prior to hand-over would be free. Costs of additional inspections would be for the owners corporation to cover.

• Thompson Elevator Consultancy Services listed that rectification of warranty-identified defects would be done without charge by Liftronic personnel or contractors during normal business hours.

If maintenance and/or service calls are required to be provided outside of Liftronic normal working hours then these will be subject to additional charge to owners corporation.

• Thompson Elevator Consultancy Services listed that the warranty was conditional upon the installation being maintained by Liftronic, hence preventing competitive services by any other company.

• Thompson Elevator Consultancy Services did not list precise details of the warranty periods.

• Thompson Elevator Consultancy Services listed that Liftronic would be entitled to an extension of time for all delays beyond its control and if the delay was due to act, default, or omission of the owners corporation, Liftronic would be entitled to claim additional cost which it incurred (act of government, industrial dispute, lockouts, malicious damage, fire, explosion, flood, riot, terrorism, tsunami, storm, Act of God, or any Force Majure event).

• Thompson Elevator Consultancy Services listed that Liftronic reserved the right to adjust the contract price for imported materials without specifying if and how much of the equipment was planned from imports.

Liftronic paid $795,000.00 (GST excl) for SP52948 elevator upgrades

07/03/2019 Lift Upgrade Deposit	Liftronic Pty Ltd	$160,000.00	198217	000471
23/07/2019 Lift Upgrade	Liftronic Pty Ltd	$240,000.00	202867	000589
23/09/2019 Lift Refurbishment Progress Claim	Liftronic Pty Ltd	$100,000.00	204855	000640
14/10/2019 Lift Refurbishment Progress Claim/Variation	Liftronic Pty Ltd	$77,272.73	205387	000691
18/11/2019 Lift RefurbishmentProgress Claim/Variation	Liftronic Pty Ltd	$27,927.27	205387	000731
25/11/2019 Lift Refurbishment Progress Claim	Liftronic Pty Ltd	$100,000.00	206703	000731
28/01/2020 Lift 4 Installation	Liftronic Pty Ltd	$90,000.00	208583	000777

Major problem in Block D elevator started again in 2020, straight after the upgrades

- Elevator in Block D became faulty on, or around 11 February 2020 and continued without repairs until 18 February 2020:

  https://www.nswstratasleuth.info/SP52948-broken-elevator-in-Block-D-at-1353-hours-11Feb2020.jpg

  https://www.nswstratasleuth.info/SP52948-broken-elevator-in-Block-D-at-0622-hours-18Feb2020.jpg

- Waratah Strata Management ignored Lot 158 concerns on 19 February 2020:

PROBLEM REPORT: SP52948 Elevator in Block A out of service and delayed Liftronic work for two and half months in spite of documented problems - 19Feb2020

Good evening,

a) Yesterday, elevator in Block D entered eight day out of service.

And it was eight day that notice board in Block D had no information about elevator problems.

b) On 9 December 2019, Uniqueco Property Services tried to dismiss repeated complaints about poor operation of elevators in the complex and gave promise that Liftronic would address it in the following two weeks (attachment "SP52948-Uniqueco-Property-Services-promise-for-elevator-maintenance-and-forced-to-deliver-due-to-repeated-failures-two-months-later-on-19Feb2020.png").

That did not happen in December 2019, nor in January 2002, nor until today - 19 February 2020 - almost two and half months later.

c) Based on documented problems with elevators, Liftronic was finally requested to recheck them today (attached is a photo taken from notice board in Block A "SP52948-Liftronic-urgently-called-back-to-retest-all-four-elevators-over-period-of-three-days-just-three-months-after-major-upgrades-19Feb2020.jpg").

This was, without any doubt, forced by tireless work of Lot 158 owners, and complaints from owners in Block D.

d) Around 13:43 hours today, owner of Lot 158 was unable to use elevator in Block A. Attachment "SP52948-elevator-in-Block-A-out-of-service-at-1343-hours-19Feb2020.jpg".

Normally, one of the fire doors in Block A would be open for owners to walk up from garage areas and make their access to upper floors convenient and easy.

Fire doors 1 and 2 were not opened today (attachment "SP52948-Fire-door-1-closed-while-elevator-in-Block-A-out-of-service-19Feb2020.jpg"), making it more difficult for owners in Block A to go to upper floors while the elevator was out of service.

Whilst the fire doors were closed, staff of Uniqueco Property Services was confortably sitting in the office provided to them from owners corporation.

- First notice for owners was published by Uniqueco Property Services on 14 February 2020:

  https://www.nswstratasleuth.info/SP52948-handwritten-note-about-elevator-out-of-order-without-details-and-exected-resolution-entrance-to-Block-D-photo-2-14Feb2020.jpg

- For four days, Uniqueco Property Services ignored angry comment from a frustrated owner/tenant on 14 February 2020, and provided more informative note on 18 February 2020:

  https://www.nswstratasleuth.info/SP52948-handwritten-note-about-elevator-out-of-order-without-details-and-exected-resolution-entrance-to-Block-D-with-angry-amendment-from-owner-about-lack-of-updates-14Feb2020.jpg

  https://www.nswstratasleuth.info/SP52948-Uniqueco-Property-Services-and-Waratah-Strata-Management-finally-displaying-more-informative-notice-about-ongoing-eight-day-out-of-order-elevator-entrance-to-Block-D-18Feb2020.jpg

- Minutes of the committee meeting on 13 February 2020 continued to present false statements to owners:

  https://www.nswstratasleuth.info/SP52948-extract-from-committee-meeting-13Feb2020-problems-with-Block-D-elevator-straight-after-major-upgrade.png

4 MATTERS ARISING FROM PREVIOUS MEETING

The following matters arising from the previous meeting were tabled, discussed and resolved as follows:

- Lift Refurbishment Project - Stephen Williams from Thomson Elevator Consultancy Services has provided a current status report on the lift upgrade project which identifies a number of items requiring attention on each lift. There is currently an issue with Building D lift which Liftronic are

1

Minutes Page 1 of 2

working on fixing, however the main computer drive that drives the motor has failed and obtaining a replacement drive is proving difficult due to current restrictions on airfreighting parts out of China due to Coronavirus. Liftronic are getting a new drive from another job and hope to have the lift operating by Friday 14 February. Payment of the current $110,000 progress payment invoice is to withheld until these issues are resolved and the payment has been approved by Thomson's.

All payments to Liftronic were finalised on 28 January 2020!

- The automated response from Waratah Strata Management showed how little they cared about SP52948 in 12 February 2020:

  https://www.nswstratasleuth.info/SP52948-Frank-Tallaridi-automatic-email-reply-confirming-elevator-problem-not-priority-for-them-12Feb2020.html

- Under pressure from Lot 158, Waratah Strata Management and committee members allegedly ordered for retest of all four elevators on 19 February 2020:

  https://www.nswstratasleuth.info/SP52948-Liftronic-urgently-called-back-to-retest-all-four-elevators-over-period-of-three-days-just-three-months-after-major-upgrades-19Feb2020.jpg