

Extract from agenda for SP52948 Annual General Meeting sent to owners on 7 October 2021, confirming ongoing problems with smoke detectors and fire safety which owners were prevented from knowing by strata managers for many years:

NCAT

As reported at the last AGM, the Committee sought the approval of the AGM to engage legal assistance to pursue both a defence of the accusations by an owner against the committee, and the possibility of a defamation case against that owner. The matter was brought before NSW Civil and Administrative Tribunal (NCAT) by the owner in February 2021. The Tribunal dismissed all claims and costs were awarded against the owner. The recovery of the costs is now underway.

Fire safety inspections

As well as our annual fire safety inspections, Ryde Council responded to complaints from one owner by requiring a fire audit. As a result of this audit, building faults, many of which existed when the buildings were first approved, have been listed. The committee has sought a response from a fire engineer to make a response to council about what needs to be done and what can be exempted. This matter is underway and held up by Covid 19 restrictions. The Committee will need to report further to owners if the proposed solutions impose any financial burden beyond current budget capacity to absorb this work in the new financial year and beyond.

Assistance and communication

The committee decided that strata would replace, repair and maintain (batteries) smoke detectors with the responsibility of reporting faults lying with the owner/resident. Committee members, strata manager and property manager all wish to assist residents when issues arise. Please talk over any concerns or ideas to enhance our lives together with the relevant personnel.

John Gore
Chair

The above statements did not disclose to owners that smoke detectors (not 9V batteries!) were maintained from common funds for 22 years and only stopped at non-compliant committee meeting on 21 March 2019.

Owner were not informed, in spite of Lot 158 repeated please and requests to old strata managers at BCS Strata Management and current strata managers at Waratah Strata Management, that smoke alarms need to be replaced every 10 years, no matter if they are still operational or not. The complex is built with hard-wired smoke alarms (a hard-wired smoke alarm consists of a 240-volt smoke alarm connected to a home's electrical system with a battery back-up power supply). Smoke alarms come with a battery but not all batteries are the same:

- **10 year lithium batteries:** These batteries are recommended and last as long as the smoke alarm.
- **Lead or alkaline batteries:** Need to be replaced yearly.

It is not duty of owners to notify strata manager about Fire and Rescue NSW requirement to replace smoke alarms every 10 years.

<https://www.nswstratasleuth.id.au/SP52948-FINAL-REQUEST-to-FOR-OFFICIAL-RESPONSE-AND-ACTION-replacement-of-obsolete-smoke-detectors-in-Lot-158-9May2019.html>

<https://www.nswstratasleuth.id.au/SP52948-Waratah-Strata-Management-ignored-evidence-of-long-term-problems-with-ventilation-smoke-alarms-and-non-compliance-with-Residential-Tenancy-Act-2010-19Apr2021.html>

<https://www.nswstratasleuth.id.au/SP52948-some-of-long-term-OHS-and-fire-safety-risks-and-maintenance-status-1Oct2021.pdf>

The NSW Environmental Planning & Assessment Regulation 2000 requires that "the owner of a building, to which an essential fire safety measure is applicable, is required to maintain each essential fire safety measure in the building". Failure to comply with this legislation can lead to significant fines and possibly serious legal ramifications for those responsible.

Owners are not informed about three quarters on FY 2021 with negative balance in Admin Fund:

SP52948 Balance Status on 19 January 2021, Admin Fund negative balance of \$10,145.09

SP52948 Balance Status on 29 January 2021, Admin Fund negative balance of \$18,859.76

SP52948 Balance Status on 25 April 2021, Admin Fund negative balance of \$24,560.03

Extract from Minutes of committee meeting dated 29 April 2021 – first time deficit in Admin Fund briefly mentioned:

2 FINANCIAL REPORT

Resolved that the financial reports for the current financial year were tabled and discussed. It was noted that the current deficit in the Administrative Fund is only temporary and will be cleared when the levies due on 1/5/21 are received.

At committee meeting on 29 April 2021, Waratah Strata Management sent the following update with change of actions to owners (accepting responsibility for smoke detectors) in the Minutes:

- **Smoke Detectors** - It was decided that the Owners Corporation would take responsibility for the maintenance and replacement of all smoke detectors in each lot. The smoke detectors are inspected during the annual fire inspection, but the replacement of the batteries and replacement of failed or out of date detectors has been lot owner responsibility. This is now causing difficulty with the fire contractors signing off the Annual Fire Safety Statement so it is better that any maintenance is carried out by the Owners Corporation so as not to prevent or delay the AFSS being issued. Owners/residents are responsible for reporting to the property manager non-functioning smoke detectors including the need for battery renewal. Smoke detectors identified at the last inspection and requiring replacement will be part of this program.

At committee meeting on 15 July 2021, Waratah Strata Management sent the following update:

2 FINANCIAL REPORT

Resolved that the financial reports for the current financial year were tabled and discussed as follows:

- When preparing the budget for the 2021 - 2022 period, allowance will need to be made for the Council Fire Order works. If quotes have not been received prior to the budget being prepared, Core Fire will be asked to provide an estimated cost of this work.
- The budget will also need to make allowance for the cost of replacing defective and out of date smoke detectors in each lot, for which the Owners Corporation has taken on responsibility.
- Council Fire Order - Core Fire are to be asked to provide a copy of the response received from Council to the information provided by Core Fire on the current status of the Fire Order works. Core Fire are also be asked to advise whether quotes for the required works will have been received by the end of the current financial year (31/8/21) so the cost can be included in the budget, and if not, that an estimate of the cost of the works be provided by Core Fire.

Core Engineering completed site audits on two occasions, with second one done on 3 June 2021:

Site Inspections

Site inspections occurred during the development of this report by CORE Engineers on the following dates:

- 11 February 2021 Mark Evans and Chris Yambo
- 3 June 2021 Melvin Kumar

In spite of Core Engineering preparing report on 7 October 2021 (21 days before the general meeting), neither in written form or orally any information about estimated costs was presented to owners to consider or approve budget for fire safety remediation work:

Subject **Fire Engineering Concept Report for 1-15 Fontenoy.** 7/10/21, 03:03
To Robert Crosbie <[redacted]@waratahstrata.com.au> ★,
Cc Melvin Kumar <[redacted]@core.engineering> ☆,
Tiffany Zhang <[redacted]@core.engineering> ☆,
job+2718 <[redacted]@corepc.accelo.com> ☆

Robert

Please find attached the Fire Engineering Concept Report for 1-15 Fontenoy.

It has progressed to split the current items into:

- * can be fixed now,
- * needs more investigation, or
- * Fire Engineered solution needed.

Of critical importance to solve next is the car park egress distances, and the sunroom enclosures. Now Covid is coming to a close can we please organise a time and date to access each of the sunrooms to inspect them and take measurements of the balcony heights etc.

Mark Evans
Associate - Fire Engineering
[redacted]
[redacted]
CORE Consulting Engineers Pty Ltd | 5/45-55 Epsom Rd Rosebery NSW 2018

The report incorrectly lists the stakeholder as strata plan SP56257, which is a property at Avalon Beach:

Stakeholders

The key stakeholders in the fire engineering process for this project are identified below.

Table 1 Stakeholders

Role	Company	Contact
Client	Waratah Strata Management	Robert Crosbie
Strata Plan	SP56257	

As of 28 November 2021, no quotes were listed at Waratah Strata Management website for four-year period starting on 1 February 2017 (date when Waratah Strata Management took office with Sp52948):

https://www.lookatmystrata.com.au/187035/maintenance 67% ☆

WARATAH

Strata Management

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Strata Plan 52948

Work Orders Quotes

Open Quotes

Date	Status	Job Summary	No
No quotes to display			

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

Closed Quotes

Date	Status	Job Summary	No
No quotes to display			

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

Only 136 documents for SP52948 are listed at Waratah Strata Management website for four-year period and Core Engineering quote for repairs is still not listed as of 28 November 2021:

https://www.lookatmystrata.com.au/187035/documents 67% ☆

WARATAH Strata Management

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Strata Plan 52948

Enter Keyword

Document Type	Creditor	Description	Date
MINUTE BOOK			25/11/2021
MINUTE BOOK			04/11/2021
Capital Works Forecast Reports			11/10/2021
Insurance Policy			11/10/2021
Capital Works Forecast Reports			11/10/2021
CORRESPONDENCE			07/10/2021
MINUTE BOOK			07/10/2021
Audit Report			30/09/2021
MINUTE BOOK			24/09/2021
MINUTE BOOK			17/09/2021

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