

Table of Contents

SP52948 – Extract from committee meeting on 23 rd of September 2021 confirming deficit in Capital Works Fund in amount above 1.5 million (\$1,515,541.00).....	2
BIV 10-Year Capital Works Fund drastic changes in assessments in March 2017 and October 2021, delaying major works for 10 years without professional engineering reports.....	3
24 repairs related to water leaks in Lot 191 of top floor of Block A in period 2011 to 2018.....	7
Major upgrades on 26 townhouses in amount of \$92,950.00 in 2017 without evidence of work done.....	8
In spite of owners overwhelmingly approving OH&S Special By-Law in 2016 it has never been registered in NSW Land Registry Services and no record of such assessment provided to any SP52948 owner as of October 2021.....	11
Roof membranes.....	12

SP52948 – Extract from committee meeting on 23rd of September 2021 confirming deficit in Capital Works Fund in amount above 1.5 million (\$1,515,541.00)

2 FINANCIAL REPORT

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

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

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

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

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

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

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

Extract from Minutes of committee meeting dated 29th of 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.

BIV 10-Year Capital Works Fund drastic changes in assessments in March 2017 and October 2021, delaying major works for 10 years without professional engineering reports

Some of current issues in the complex:

[SP52948-some-of-long-term-OHS-and-fire-safety-risks-and-maintenance-status-1Oct2021.pdf](#)

Extract from the BIV plan in March 2017, which was not presented or approved by owners corporation at any general meeting:

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

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	
Serial	Item	Current Cost Estimate	Approx year required	Escalated amount	End of Year 1 Aug-18	End of Year 2 Aug-19	End of Year 3 Aug-20	End of Year 4 Aug-21	End of Year 5 Aug-22	End of Year 6 Aug-23	End of Year 7 Aug-24	End of Year 8 Aug-25	End of Year 9 Aug-26	End of Year 10 Aug-27	
1	Structure														
2	Roof	\$360,000	6	\$571,275						\$571,275					
3	Long term capital items	\$109,500	10	\$236,402										\$236,402	
4	Appendages														
5	Child Window Safety Locks	\$43,800	1	\$45,990	\$45,990										
6	Common prop. lighting	\$20,000	4	\$24,310				\$24,310							
7	Garage doors	\$27,000	8	\$49,975								\$49,975			
8	Central HWS	\$64,000	2	\$70,560		\$70,560									
9	Elevators & equipment	\$170,000	9	\$339,831									\$339,831		
10	Guttering & downpipes	\$18,000	6	\$28,564						\$28,564					
11	Common prop. doors	\$16,500	5	\$21,059					\$21,059						
12	Garage shutter	\$5,000	8	\$9,255								\$9,255			
13	BBQ area	\$3,000	2	\$3,308		\$3,308									
14	Tennis court area	\$25,000	7	\$42,846							\$42,846				
15	Internal painting	\$200,000	4	\$243,101				\$243,101							
16	Carpet	\$48,000	9	\$95,952									\$95,952		
17	Security system	\$45,000	7	\$77,122							\$77,122				
18	Pool & sauna area & facilities	\$116,000	9	\$231,885									\$231,885		
19	Gym area & facilities	\$65,000	5	\$82,958					\$82,958						
20	External painting	\$760,000	10	\$1,640,783										\$1,640,783	
21	Landscaping	\$22,000	3	\$25,468			\$25,468								
22	Fences	\$65,000	8	\$120,310								\$120,310			
23	Retaining walls														
24	Sealing concrete areas (1)														
25	Sealing concrete areas (2)														
26	Trip hazards	\$1,500	1	\$1,575	\$1,575										
27	Stormwater drain & irrigation	\$40,000	3	\$46,305			\$46,305								
28	Common prop. signage														
29	Driveway	\$20,000	5	\$25,526					\$25,526						
30	Line marking	\$5,000	3	\$5,788			\$5,788								
31	Speed bumps	\$6,000	7	\$10,283							\$10,283				
	Total Estimate (rounded)	\$2,255,300		\$4,050,430	\$47,565	\$73,868	\$77,561	\$267,411	\$129,543	\$599,838	\$130,251	\$179,540	\$667,668	\$1,877,185	

Extract from the BIV plan in October 2021, which was not presented to owners in agenda for general meeting on 28 October 2021:

COVERED ITEMS					Identification of Covered Items - 10 Year Capital Works Fund Plan - Cost Estimates (includes GST)										Page 3
10 Year Plan for:		The Owners of Strata Plan 52948 - 1-15 Fontenoy Road, Macquarie Park								Strata Plan:		SP52948			
Period covered by the Plan:		1 September 2021 to 1 September 2031								Plan prepared on:		6 October 2021			
Ser- -ial	*Covered Items	Current Cost	Approx year work required	Escalated amount	End of	End of	End of	End of	End of	End of	End of	End of	End of	End of	
					Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	
					Sep-22	Sep-23	Sep-24	Sep-25	Sep-26	Sep-27	Sep-28	Sep-29	Sep-30	Sep-31	
1	Structure														
2	Roof	\$580,000	10	\$900,722										\$900,722	
3	Long term capital items	\$109,000	10	\$169,274										\$169,274	
4	Appendages														
5	Common prop. doors + windows	\$58,600	6	\$76,312						\$76,312					
6	Common property lighting	\$25,000	2	\$26,781		\$26,781									
7	Fire safety services	\$22,000	7	\$29,939							\$29,939				
8	Security gate + motor	\$17,200	7	\$23,407							\$23,407				
9	Elevator + equipment	\$458,000	9	\$680,632									\$680,632		
10	Guttering + downpipes	\$53,500	10	\$83,084										\$83,084	
11	Distribution boards	\$34,000	6	\$44,277						\$44,277					
12	Balustrades	\$38,800	4	\$44,524				\$44,524							
13	Pumps and other plumbing	\$69,500	5	\$82,544					\$82,544						
14	Garage doors	\$61,500	4	\$70,573				\$70,573							
15	Internal painting	\$180,000	7	\$244,955							\$244,955				
16	Floor tiles + carpets	\$92,000	7	\$125,199							\$125,199				
17	Intercom + security doors	\$47,000	4	\$53,934				\$53,934							
18	Pool area + Gym area	\$19,400	3	\$21,509			\$21,509								
19	Outside														
20	External painting	\$490,000	8	\$696,829								\$696,829			
21	Utility services, cabinets, conduits	\$13,000	2	\$13,926		\$13,926									
22	Fences + gates	\$38,600	1	\$39,951	\$39,951										
23	Air exhaust plant + equipment	\$87,000	5	\$103,329					\$103,329						
24	Landscaping + BBQ area	\$16,000	3	\$17,739			\$17,739								
25	Garbage bin area	\$16,000	5	\$19,003					\$19,003						
26	Trip slip hazards + stair nosings	\$5,000	1	\$5,175	\$5,175										
27	Stormwater drainage	\$43,000	5	\$51,071					\$51,071						
28	Tennis court	\$19,500	6	\$25,394						\$25,394					
29	Driveway + bollards	\$62,500	6	\$81,391						\$81,391					
30	Line marking + signage	\$5,300	1	\$5,486	\$5,486										
31	Mail boxes	\$1,800	3	\$1,996			\$1,996								
	Total Estimate (rounded)	\$2,663,200		\$3,738,954	\$50,612	\$40,707	\$41,244	\$169,030	\$255,946	\$227,375	\$423,500	\$696,829	\$680,632	\$1,153,080	

*Covered Items are items of a capital and non-recurrent nature.

- The most revealing figures are related to when to rectify roof problems (major issue in the complex):

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

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

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

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

There were many incidents after the upgrade, including broken down carriages for more than 156 hours, voice alerts about problems whilst travelling, stuck passengers, and so on. Examples of issues reported to Waratah Strata Management since the upgrades, where strata manager never replied or acknowledged the problem:

PROBLEM REPORT: SP52948 Elevator in Block D broken second time in two weeks and decreased security due to wide-open Fire Door 2 and 3 on 7 December 2019
 ↗ PROBLEM REPORT: SP52948 Elevator in Block A out of order just couple of weeks since major upgrade - 12Dec2019
 ↗ PROBLEM REPORT: SP52948 Elevator in Block A out of order again - 24Dec2019
 ↗ PROBLEM REPORT: SP52948 Elevator in Block A out of order again - third time in six weeks - 23Jan2020
 PROBLEM REPORT: SP52948 Elevator panel poorly and unprofessionally installed after upgrades - 23Jan2020
 ↗ PROBLEM REPORT: SP52948 Elevator in Block D out of order for at least nine hours and still not operational as of 17:03 hours - 11Feb2020
 PROBLEM REPORT: SP52948 Elevator in Block D out of order for at least 36 hours and still not operational as of 18:33 hours - 11Feb2020
 PROBLEM REPORT: SP52948 Elevator in Block D out of order for at least 59 hours and still not operational as of 17:36 hours - 13Feb2020
 PROBLEM REPORT: SP52948 Elevator in Block D out of order for at least 85 hours and still not operational as of 19:30 hours - 14Feb2020
 PROBLEM REPORT: SP52948 Elevator in Block D out of order for at least 96 hours and still not operational as of 07:07 hours - 15Feb2020
 PROBLEM REPORT: SP52948 Elevator in Block D out of order for at least 156 hours and still not operational as of 18:25 hours - 17Feb2020
 ↗ 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
 ↗ TWO PROBLEM REPORTS: SP52948 Elevator in Block A and Block B out of service
 PROBLEM REPORT: SP52948 Elevator in Block A very loud noise when door opening and closing on level 2
 PROBLEM REPORTS: SP52948 Elevator in Block C out of service on 13Jan2021
 ↗ PROBLEM REPORT SP52948 Block A elevator voice warning about faulty phone on 9 and 10 April 2021
 PROBLEM REPORT SP52948 Block A elevator voice warning about faulty phone line on 18Apr2021
 PROBLEM REPORT SP52948 Elevator displays in four buildings are set up differently on 18Apr2021

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

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

Just a year later, agenda for the AGM 2018 sent to owners contained information that the total costs for the painting project were \$646,200.00 plus GST (totaling \$710,820.000). That did not include professional consultancy fees and failed to provide evidence and invoices for all work related to painting and major works on townhouses allegedly costing \$92,950.00.

- Another revealing figure is plan for internal building painting:

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

In BIV's plan in October 2021, it was recommended to delay the work to September 2028 at estimated cost of \$244,955.00.

- Another revealing figure is plan for central HWS:

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

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

- Another revealing figure is plan for gym area and facilities:

In BIV's plan in March 2017, it was recommended to complete the work in August 2022 at estimated cost of \$82,958.00.

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

24 repairs related to water leaks in Lot 191 of top floor of Block A in period 2011 to 2018

Cred. Code	Creditor Name	Doc. Ref.	Doc. Total (GST inc.)	Chq. Date	Date Presented	Comments
33568	NCB PLUMBING PTY LTD	28733	\$693.00	15/09/2011	15/09/2011	Lot 191: water leak
68671	HOWARD WEST - BUILDER	973	\$968.00	15/04/2013	15/04/2013	Lot 191: repair ceiling and cornices to kitchen after water leak, remove damaged ceiling and cornice sections, supply and install new trimmers to ceiling, supply and install new plaster board, treat and seal stains, sand repairs
33568	NCB PLUMBING PTY LTD	31213	\$832.70	19/04/2013	19/04/2013	Lot 191: urgent water leak in kitchen ceiling on Saturday
33568	NCB PLUMBING PTY LTD	31749	\$121.00	15/08/2013	15/08/2013	Lot 191: leak coming through light fitting in laundry
33568	NCB PLUMBING PTY LTD	31853	\$653.40	2/09/2013	2/09/2013	Lot 191: leak in ceiling area
68671	HOWARD WEST - BUILDER	1041	\$803.00	3/09/2013	03/09/2013	Lot 191: repair laundry ceiling after water leak from roof, cut out damaged plasterboard, trim ceiling and install new plasterboard, set joints and repair cornice, sand and seal repairs ready for painting
33568	NCB PLUMBING PTY LTD	32019	\$779.90	16/10/2013	16/10/2013	Lot 191: leak in laundry ceiling
68671	HOWARD WEST - BUILDER	1045	\$781.00	24/10/2013	24/10/2013	Lot 191: repair laundry ceiling after water leak from roof, remove damaged plasterboard, trim ceiling and install new plasterboard, set joints and repair cornices, sand repair and prepare ready for painting, refix ceiling light
68671	HOWARD WEST - BUILDER	52948814	\$1,078.00	14/08/2014	14/08/2014	Lot 191: ceiling water leak
68671	HOWARD WEST - BUILDER	1144	\$572.00	23/10/2014	23/10/2014	Lot 191: water damage to ceiling
68671	HOWARD WEST - BUILDER	1154	\$781.00	24/03/2015	24/03/2015	Lot 191: water damage ceiling
33568	NCB PLUMBING PTY LTD	34032	\$887.70	7/04/2015	07/04/2015	Lot 191: water leak through kitchen ceiling bulkhead
33568	NCB PLUMBING PTY LTD	34352	\$867.90	23/06/2015	23/06/2015	Lot 191: Urgent Saturday water leak bathroom ceiling
68671	HOWARD WEST - BUILDER	1188	\$1,078.00	23/06/2015	23/06/2015	Lot 191: Repair ceiling to bathroom after plumbers repaired hot water leak, cut out damaged ceiling section, trim ceiling and install new plasterboard, set joints and repair damaged cornice, sand repairs and treat water stains ready for painting
33568	NCB PLUMBING PTY LTD	34977	\$878.90	14/12/2015	14/12/2015	Lot 191: water leak through ceiling
33568	NCB PLUMBING PTY LTD	35299	\$658.90	24/02/2016	03/03/2016	Lot 191 and 192: water leaks
69661	W & M GORDON	151216	\$790.00	13/12/2016		Lot 191: repairs to bathroom ceiling after water leak
33568	NCB PLUMBING PTY LTD	INV36279	\$1,305.70	1/12/2016	13/12/2016	Lot 191: called out by caretaker, to a report of a water leak coming through the bathroom ceiling. We had to cut open a section of the ceiling to gain access to the pipes. We removed the section of the lagging and located the broken pipe. We found there were two separate leaks within a short distance and we managed to get a clamp over both leaks. We organised to return again, but received a call from the caretaker that one of the leaks had started up again. Upon checking we found that the leak was substantially worse and could not be re-clamped. As a result we had to notify residents and shut the water down to the building, so we could then cut out and replaced a 2 to 3 meter section of piping in the ceiling space, which also required us to cut another hole in the ceiling. Tested all new piping and cleaned up mess to complete our part of the job. Caretaker was now organising the ceiling repairs.
33568	NCB PLUMBING PTY LTD Warrick - Handyman		Undisclosed to owners Undisclosed to owners	3/03/2017 8/03/2017		Lot 191: water leak in laundry ceiling Lot 191: repaired gyprock ceiling in laundry area after water damage
33568	NCB PLUMBING PTY LTD		\$1,185.80	3/03/2017		Lot 191 water leak through bathroom ceiling
	NCB PLUMBING PTY LTD	INV-37627	\$1,284.80	22/01/2018		Lot 191: water leak in ceiling cavity wall
	W & M GORDON	861514	\$693.00	16/04/2018		Lot 191: ceiling repair after water leak
	NCB PLUMBING PTY LTD	INV-37891	\$1,383.80	16/04/2018		Lot 191: water leak
	NCB PLUMBING PTY LTD	INV-37955	\$1,933.80	14/05/2018		Lot 191: water leak through laundry ceiling
		Total	\$21,011.30			

On 24 February 2016, NCB Plumbing gave this warning about major repairs in Block A, which strata managers refused to share with owners:

OWNERS CORPORATION: 52948
C/- BCMS
Locked Bag 22
Haymarket NSW 1238

TAX INVOICE

INVOICE No: 35299	DATE: 24/02/16
INVOICE TO STRATA PLAN No: 52948	
ADDRESS OF JOB: 192+191/1-15 Fontenoy Road North Ryde	AMOUNT
Commenced: 01/02/16 Completed: 04/02/16	Job No: NA
<p>Called out by caretaker to a report of a water leak in unit 192. On arrival we found water leaking through the kitchen ceiling. After gaining access to unit 191 next door, we then had to cut open the bathroom ceiling in a few locations, for better access to the water piping. We cut open the hot water lagging to eventually locate a small burst pipe. We were able to temporarily clamp the leak.</p> <p>We returned again to shut down the hot water to the building, so we could cut out and replace the affected section of piping as needed. Tested new piping and cleaned up mess to complete our part of the job.</p> <p>Please note: to fix all these ongoing water leaks throughout units 189, 190, 191 and 192 would be a very big job, as all the ceilings would need to be pulled down throughout all these units kitchens, bathrooms and possibly hallways and bedrooms to access all the piping.</p>	

Major upgrades on 26 townhouses in amount of \$92,950.00 in 2017 without evidence of work done

In 2017, owners corporation spent on alleged upgrades for 26 townhouses amount of \$92,950.00.

The same townhouses were repainted six years earlier in 2011 at cost of \$61,490.00 without proper tender process.

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

There is no evidence of any significant work being done on townhouses (including roofs) during alleged major upgrades in the complex in 2017/2018:

- Pergolas (we have evidence that, for example, there was a secret pergola replacement for Lot 196 one-and-half years after major upgrades in the complex - May2019),
- Colorbond fences,
- Wooden fences towards neighbouring property,
- Window frames,
- Doors,
- Garage doors,
- Townhouse carport lattices (one year later, Lot 209 submitted Motion at AGM 2018, to remove and replace the townhouse carport lattices, which was rejected at the meeting),
- Bollards,
- Front-yard tree lopping (it was actually done in rush just before AGM 2020),
- Roof that comprised:
 - High-pressure clean
 - Spray at least one coat of sealer and two coats of paint
 - Repoint roof where necessary with flexipoint
 - Repair flashing down gables
 - Replace broken or damaged tiles (only few replacements are visible)
 - Clean all gutters and downpipes
 - Clean job site
 - and similar
- Anything else as applicable.

Some of email requests to committee members and Waratah Strata Management that were left unanswered:

22 July 2018

26 August 2018

9 October 2018

6 November 2018

9 May 2019

19 May 2019

31 May 2019

10 June 2019

18 June 2019

19 June 2019

30 June 2019

13 July 2019

7 October 2019

23 February 2020

2 March 2020

28 March 2020

7 July 2020

2 February 2021

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

TOWNHOUSE LATTICE

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

- Concerned owners asked these questions:
- *Failure to disclose to owners the following breakdown of expenses for the painting project that was known as early as 3 March 2017:*
 - *Block A: \$117,700.00 (including GST)*
 - *Block B: \$117,700.00 (including GST)*
 - *Block C: \$117,700.00 (including GST)*
 - *Block D: \$117,700.00 (including GST)*
 - *Various Structures: \$66,000.00 (including GST)*
 - *Townhouses: \$92,950.00 (including GST)*
- *Total cost: \$629,750.00 (including GST).*

This was provided in vendor's progress report dated 5 August 2017:

MACQUARIE GARDENS PROJECTED CASH FLOW All GST Incl. HOW Separate and Paid \$6,152.00											
Month	Week	Block B	Block C	Block D	Block A	Town Houses	Grounds	Totals			
		7606 \$11,770.00						\$11,770.00	Invoiced	\$484,220.00	
		7612 \$11,770.00				7610 \$18,590.00		\$30,360.00	Paid	\$360,443.60	
		7618 \$23,540.00				7617 \$18,590.00		\$42,130.00	Due	\$123,777.00	
		7624 \$23,540.00				7618 \$18,590.00		\$42,130.00			
		7624 \$23,540.00				7618 \$18,590.00		\$42,130.00			
		7626 \$17,655.00						\$17,655.00			
		7629 \$5,885.00	7619 \$23,540.00			7616 \$18,590.00		\$42,130.00	Left to Deliver	\$145,530.00	
			7625 \$23,540.00					\$23,540.00			
			7627 \$23,540.00					\$23,540.00			
			7632 \$23,540.00 *			7650 \$13,200.00		\$37,483.00			
			7642 \$17,655.00					\$17,655.00			
			\$5,885.00			7631 \$4,647.00		\$10,532.00	Approved *	\$63,820.00	
				7628 \$23,540.00				\$23,540.00			
				7640 \$23,540.00				\$23,540.00			
				7641 \$23,540.00 *				\$23,540.00			
				7643 \$23,540.00			7638 \$13,200.00	\$36,740.00			
				7645 \$17,655.00				\$17,655.00			
				\$5,885.00			* 7644 \$13,200.00	\$19,085.00			
					7646 \$23,540.00			\$23,540.00			
					7650 \$23,540.00 *		\$13,200.00	\$36,740.00			
					\$23,540.00			\$23,540.00			
					\$23,540.00		\$13,200.00	\$36,740.00			
					\$17,655.00			\$17,655.00			
					\$5,885.00		\$6,600.00	\$12,485.00			
								\$0.00			
							\$6,600.00	\$6,600.00			
								\$629,750.00			

- *Motion 3 in the Minutes of EC meeting held on 20 July 2017 showed that around half of the project cost having been paid to date. Allegedly three quotes from RJ Bird Services to carry out remedial repairs required prior to painting were accepted at a total cost of \$27,580.00. No details of the "remedial repairs", and no evidence or statements about multiple quotes being sought from different providers were provided to any owner.*
- *Motion 3 in the Minutes of EC meeting held on 28 September 2017 showed that the painting project was complete and all accounts had been paid except the 5% retention amounts totaling \$28,187.00 + GST.*
- *Agenda for the AGM 2017 sent to owners contained information that the total costs for the painting project were \$646,200.00 plus GST (totalling \$710,820.000).*
- *Total costs in the Agenda for AGM 2017 on page 25 (Capital Works Fund) were listed as \$610,357,26 (plus GST). If one adds figure of \$28,187.00 (retention amount of 5% as per Motion 3 in Minutes of EC meeting held on 28 September 2017), it totals \$638,544.00 (plus GST).*

The costs listed in the approved Minutes of the AGM 2016 differ from costs listed in the payment schedules dated 3 March 2017, and also differ from what Waratah Strata Management listed in the agenda for AGM 2017.

More of a concern are what appears to be missing warranties Lot 158 asked

Two document searches but Waratah Strata Management failed to find any evidence on major upgrades on townhouses:

31 May 2019

20 September 2019

The following questions were also left unanswered:

1. Warranty of Workmanship from Townview Painting Services.
2. Dulux Warranty.
3. Attachments from Townview's email discussing the warranties on 23 August 2017.
4. Liftronics Warranty for elevator upgrades in four buildings.

In spite of owners overwhelmingly approving OH&S Special By-Law in 2016 it has never been registered in NSW Land Registry Services and no record of such assessment provided to any SP52948 owner as of October 2021

At Annual General Meeting on 4th of November 2016, owners approved Special Resolution:

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

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

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

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

APPROVED

49 voted Yes, 11 voted No

Special Resolution must be registered with NSW Land Registry Services within six months after the special resolution has been passed in order for the by-laws to be valid and legally enforceable. But that never happened in strata plan SP52948. Special By-Law has not been registered, in spite of complaints and concerns sent to Waratah Strata Management.

Since 2016 there has been no evidence of any OH&S health and risk assessments in the complex.

Document searches in 2017 and 2019 found no files related to OH&S and none are published on Waratah Strata Management web portal as of 1st of October 2021

Roof membranes

On 13th of June 2020, Lot 158 documented problems with water leaks and dampness in bathrooms of Lot 43 (top floor in Block B), which created not only serious health risks, but also dangers of water entering electrical installations.



Strata managers never responded or offered evidence of rectification work.

Lot 158 said in their email:

Broadly known as toxic mold, black mold that appears to have infected their bathrooms can put the family in danger. Black mold actively produces mycotoxins, the poisonous substance of fungus.

Mycotoxins can cause many health problems, including infections and allergic symptoms. The following symptoms are caused by mycotoxins from black mold infestation.

- * Respiratory infections, including coughing, sneezing, and sore throat. In some serious cases, the toxin can lead to pneumonia, breathing problems, and asthma attacks.*
- * Chronic fatigue, exhaustion, headache and migraines, even mental depression and mental impairment.*
- * Blood diseases, including haemorrhage, nosebleed, and mucous membrane irritation.*
- * Damage to internal organs and the suppression of immune system.*
- * Sinus congestion such as difficulty breathing, runny nose, ear infection, sneezing, coughing, and sore throat.*
- * Allergic reactions, including red, itchy, and watery eyes, as well as hives and rashes on the skin.*

Poor repairs of water leaks are best displayed by more than 24 repairs in Lot 191 over last 8-9 years.

In 2003/2004, Lot 45 in Block B of our complex (he was a psychiatrist) successfully forced owners corporation to repair water leakages in sun-room. BCS Strata Management tried to argue that sun-rooms were not designed to be "water-tight", which was complete nonsense and was rejected at NSW Fair Trading. Lot 158 is aware of recent similar claims by Waratah Strata Management for other owners. All areas of units need to be free of water leakages and dumpiness.

All four buildings in the complex have serious problems with roof leaks and plumbing. There was some work in Block B in 2012 and 2015 to repair roof membrane.

Due to lack of proper maintenance, Kintyre decreased the warranties for roof membrane in Block B from 15 to 5 years. So, this year, the warranties for half-roof membrane in Block B have expired.

As evidence shows, there was no 15-guarantee and it will never be provided due to long-term neglect of the roof area not only in Block B, but quite possibly in other buildings as well:

Kintyre Building Services Pty Ltd
A.B.N. 65 062 739 039 Licence No: 79326C
Level 1, 15 Mobbs Lane
Carlingford, NSW 2118
Ph: 9868 7919 Fax: 9868 6903 Email: admin@kintyre.net.au

Tax Invoice
Invoice #: 00036682
Date: 27/02/2015

INVOICE TO: The Owners-STRATA PLAN
C/- Russell Young
BCS Epping
Locked Bag 22
Haymarket NSW 1238

JOB ADDRESS: The Owners-STRATA PLAN
North Ryde NSW 2113

Amount

Supplied and installed permanent anchor points to allow for static line harness access to roof perimeter
Hi-pressure cleaned the dirt and grime build-up from the concrete substrate
Supplied and installed one coat of primer to the concrete substrate
Supplied and installed a new 40mm hob around the perimeter of the concrete substrate
Supplied and installed a 2 x layer torch on membrane to entire concrete substrate consisting of roll base and mineral top
Supplied and installed new Colorbond perimeter capping to provide external finish
This quotation includes an allowance to hoist all materials to the roof externally and removal of all job spoils from site on completion

PLEASE NOTE - The torch on membrane comes with a 15 year material warranty. In discussions with the manufacturers they have advised that a liquid membrane applied to this roof would come with a 5 year material warranty due to excessive cracking and water ponding on the existing concrete substrate.

\$59,356.00

Recently, there was an emergency work in roof of Block B again. This is requested immediately:

1. Investigate causes of mold and humidity in bathrooms of Lot 43, and take corrective actions as required.
2. Investigate air flow in bathrooms and laundry of Lot 43, and take corrective actions as required.
For some tenants (Lot 158 knows a few), owners corporation cleaned up the vents in their units.
3. Verify if any other unit on top floor of Block B (Level 7) has similar problems.
4. Prepare tenders for membrane installation for second half of the roof in Block B and whole roof in Block A and C (Block A and C have not been done properly for 24 years now).
5. Send notice to all owners and tenants about maintenance of vents in bathrooms and laundry rooms, which are especially important during COVID-19.

Napier & Blakeley professional assessment 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 not disclosed to CTTT and Fair Trading NSW by strata managers and committee members:

[BCS-Strata-Management-hid-professional-building-report-from-owners-and-CTTT-Napier-and-Blakeley-Jul2012.pdf](#)

On 9th of June 2014, Dural Building Services (DBS) submitted the quote DBS Q14-048 for SP52948 roof repairs on Block B to BCS Strata Management. BCS Strata Management paid their invoice in amount of \$385.00 six months after it was submitted. DBS quote reported that complete roof of Block B (above unit 47) would be properly waterproofed and repaired at cost of \$74,800.00 (GST inclusive). That quote was never presented to owners and was not even included at General Meeting on 26th of November 2014. The only "competitor" was Kintyre Building Services, which won the contract through Motion at the General Meeting.


After work was completed in Block B, there was a complaint about the quality and urgent additional repairs had to be done in March 2015. Without any further bids or requests for quotes, Kintyre Building Services "won" project for one other building. Paid roof repairs without tender to them since 2014 (prices include GST):

\$7,785.00 Block D: roof membrane - fourth part
\$25,000.00 Block D: roof membrane - third part
\$32,786.00 Block D: roof membrane - second part
\$43,714.00 Block D: roof membrane - first part
\$35,613.60 Block B: roof membrane - second part
\$23,742.40 Block B: roof membrane - first part

Waterproofing one whole roof in a building cost SP52948 around \$107,000.00 (GST inclusive). The same work, by DBS would cost around \$74,800.00 (GST inclusive).

Membrane repairs on remaining two and a half-roofs (Block A, Block C, and half-of Block B) are still outstanding, in spite of several professional assessments recommending to do it. Upgrades done on half-roof of Block B and whole Block D have now expired warranties (only 5-years instead of 15 years due to what vendor called "long-term neglect and water logging").

From Napier & Blakely report in July 2012:



Block A roof coverings


Block C roof coverings

Condition, Observations and Comments

The flat concrete deck roof areas to Blocks A, B, C and D contain large areas of standing water. A number of previous patch repairs have been carried out. The surfaces require preparing and recovering with a liquid applied waterproof membrane within the short to medium term (1-5 years). Block C was observed to be in good overall condition with Block D suffering the most standing water.

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

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



Standing water to flat roof deck, Block A

Standing water to flat roof deck, Block B

On 1st of March 2017, joint visit with Waratah Strata Management to roof areas of the four building showed the following status:













