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SP52948 – Capital Works Fund (old name Sinking Fund) never approved or discussed at general meetings since 1998

[SP52948-Leary-and-Partners-Sinking-Fund-Plan-May1998-undisclosed-to-owners.pdf](#)

[SP52948-MSA-Sinking-Fund-Plan-Aug2010-undisclosed-to-owners-until-October-2016.pdf](#)

[SP52948-BIV-report-Capital-Works-Fund-Mar2017.pdf](#)

[SP52948-BIV-report-Capital-Works-Fund-6Oct2021.pdf](#)

SP52948 – Waratah Strata Management ignoring concerns of risks and maintenance

[Waratah-Strata-Management-warned-about-SP52948-insurance-risks-safety-financial-health-and-non-compliance-with-laws-8Jun2023.html](#)

[Waratah-Strata-Management-warned-about-SP52948-insurance-risks-safety-financial-health-and-non-compliance-with-laws-part-2-19Jun2023.html](#)

[Waratah-Strata-Management-warned-about-SP52948-insurance-risks-safety-financial-health-and-non-compliance-with-laws-part-3-19Jul2023.html](#)

[Waratah-Strata-Management-warned-about-SP52948-insurance-risks-safety-financial-health-and-non-compliance-with-laws-part-4-18Aug2023.html](#)

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

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.

SP52948 – Extract from committee meeting on 29th of April 2021 confirming deficit in Admin Fund

Extract from Minutes of committee meeting dated 29th of April 2021 – first time deficit in Admin Fund briefly mentioned, claiming that deficit was “temporary” whilst hiding full information from owners:

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

ADDRESS OF THE STRATA SCHEME:

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

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

PRESENT:

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

IN ATTENDANCE:

Upali Arawela (62)
Mo Levitt (147)
Maureen McDonald (151)
Daniel Wesolowski (161)
Heath Crosbie - Waratah Strata Management
Robert Crosbie - Waratah Strata Management

CHAIRPERSON (acting):

Robert Crosbie

Minutes of the meeting:

1 MINUTES

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

2 FINANCIAL REPORT

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

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

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

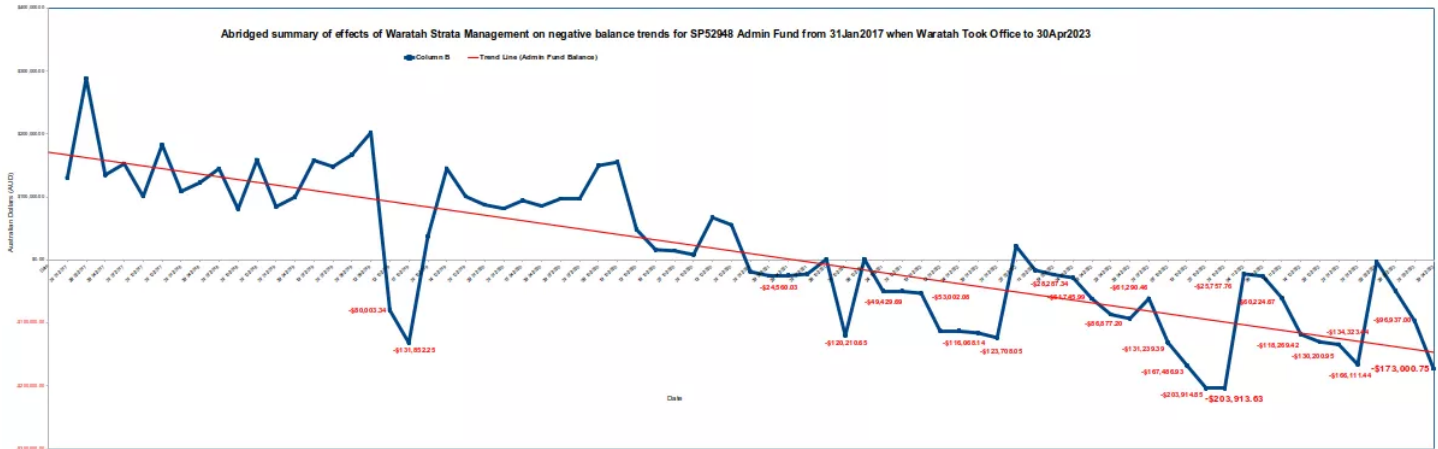
SP52948 Balance Status on 29th of January 2021, Admin Fund negative balance of \$18,859.76

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

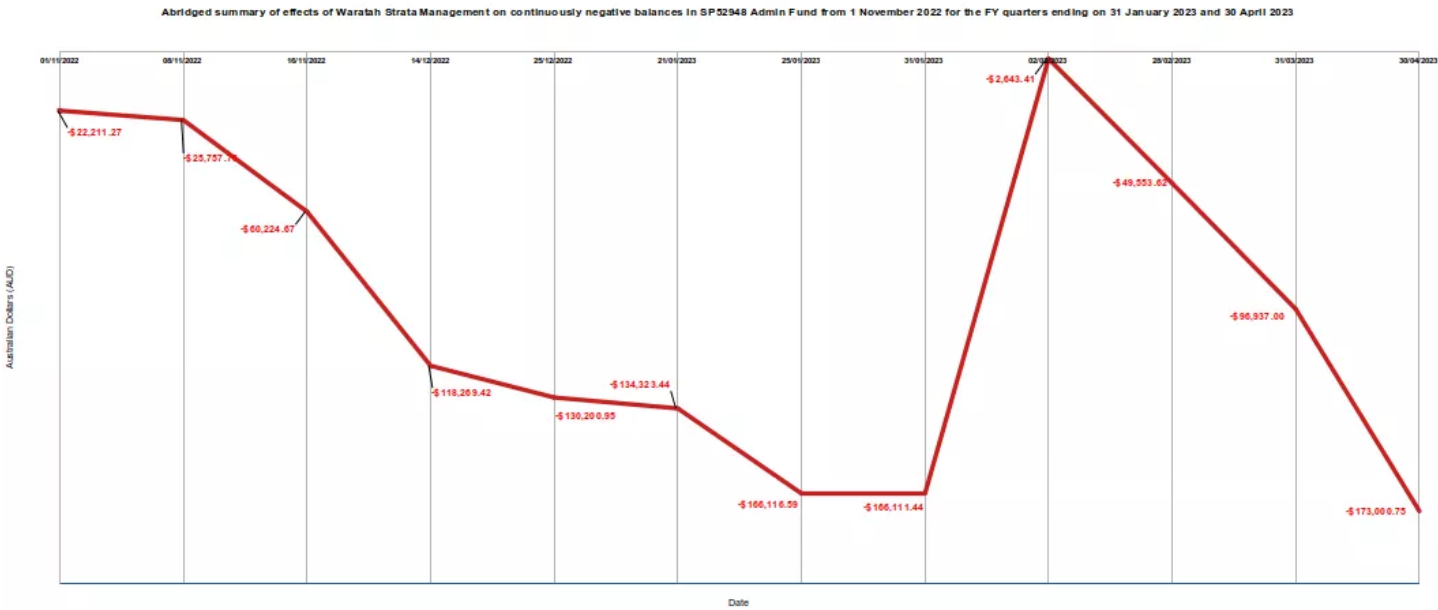
SP52948 – Significant trend of deficit in Admin Fund since 1 February 2017 when Waratah Strata Management took office – with special emphasis on FY 2023

[SP52948-experiences-with-Waratah-Strata-Management-from-customer-perspective.html](https://www.audit.gov.au/au/eng/other/2024/01/sp52948-experiences-with-Waratah-Strata-Management-from-customer-perspective.html)

Graph of serious negative balance in Admin Fund since 1 February 2017 when Waratah Strata Management took office to 30 April 2023 speaks for itself:

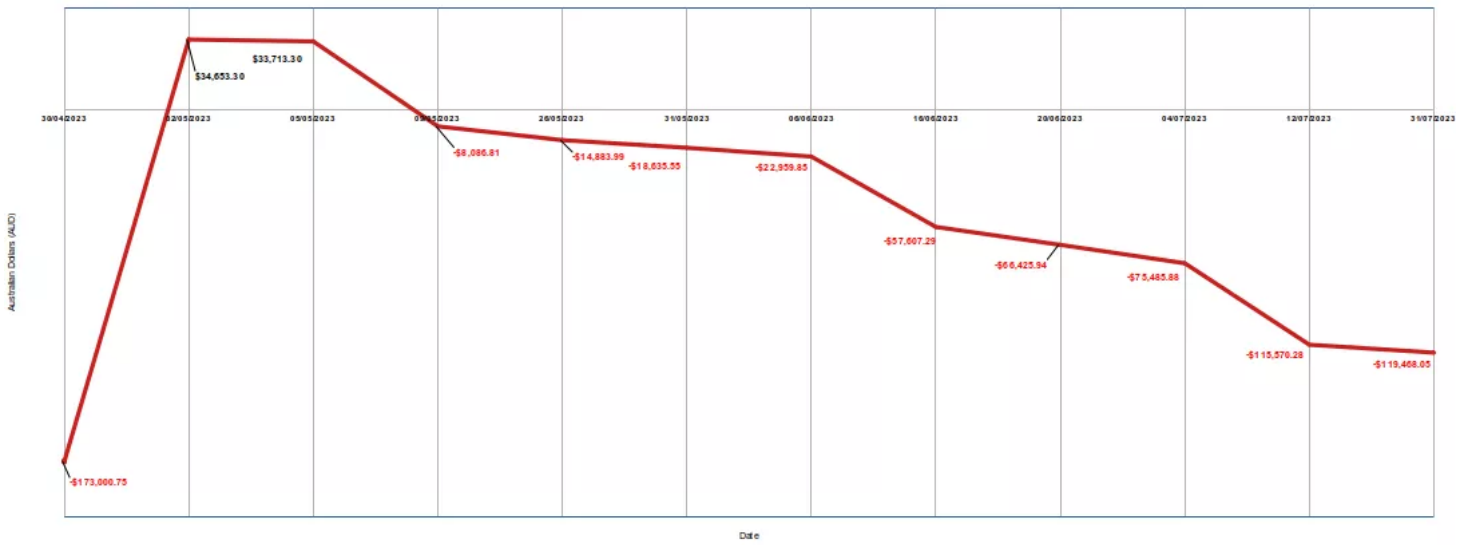


For first time in history of strata complex SP52948, Admin Fund had continuous negative balance in two whole FY 2023 quarters (1 November 2022 to 31 January 2023, and then from 1 February 2023 to 30 April 2023):



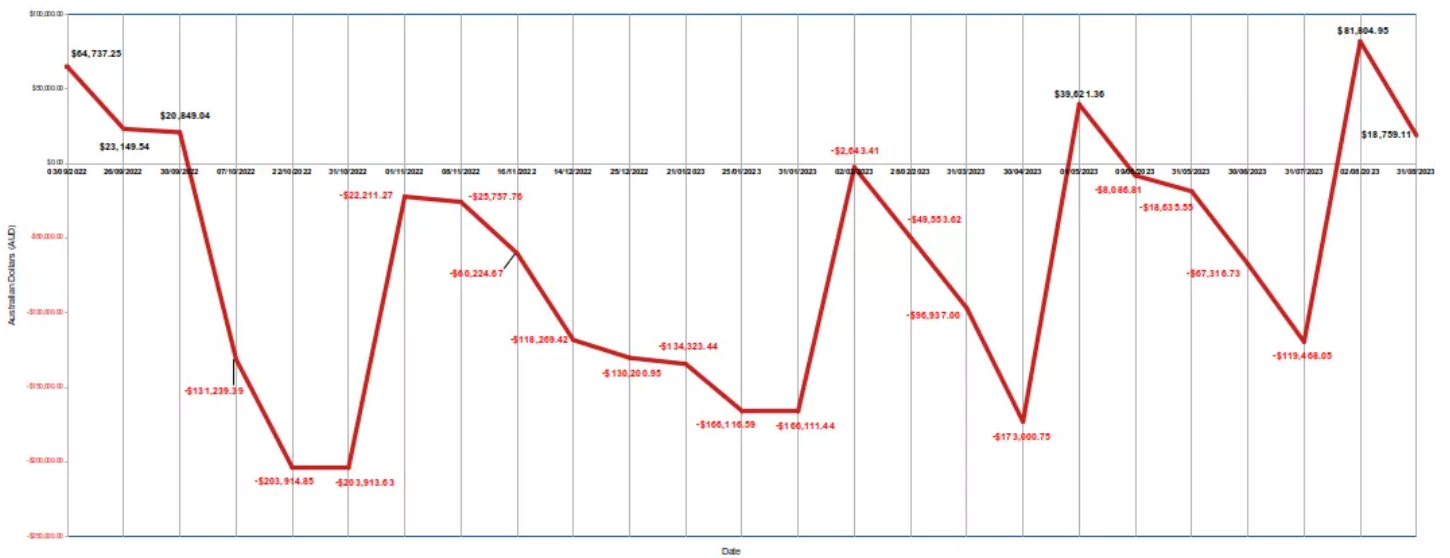
For first time in history of strata complex SP52948, Admin Fund had almost continuous negative balance in third FY 2023 quarter (1 May 2023 to 31 July 2023):

Abridged summary of effects of Waratah Strata Management on mostly continuously negative balances in SP52948 Admin Fund from 1 May 2023 to 31 July 2023 for the third FY 2023 quarter



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

Abridged summary of effects of Waratah Strata Management on mostly continuously negative balances in SP52948 Admin Fund from 1 November 2022 to 31 August 2023 (FY 2023)



BIV assessments for SP52948 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](#)

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

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	
					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		
					Aug-18	Aug-19	Aug-20	Aug-21	Aug-22	Aug-23	Aug-24	Aug-25	Aug-26	Aug-27	Today's date:	31 March 2017
Serial	Item	Current Cost Estimate	Approx year required	Escalated amount												
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 Year 1 Sep-22	End of Year 2 Sep-23	End of Year 3 Sep-24	End of Year 4 Sep-25	End of Year 5 Sep-26	End of Year 6 Sep-27	End of Year 7 Sep-28	End of Year 8 Sep-29	End of Year 9 Sep-30	End of Year 10 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.

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

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

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

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


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

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


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

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

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



Block A roof coverings




Block C roof coverings

Condition, Observations and Comments


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

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

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



Standing water to flat roof deck, Block A



Standing water to flat roof deck, Block B

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

Status of Open Work Orders on 23 September 2023 show that water tank and filters are still an open issue:

www.lookatmystrata.com.au/187035/maintenance



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Strata Plan 52948

Work Orders

Quotes

▼ Open Work Orders

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

Results: 1 - 10 / 16

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Show rows 10

In July/August 2023, two significant water leaks happened in foyers of Block B and D, and none of them were reported at any meeting. The first incident in Block B happened in March 2020, without proper resolution:



Block B Foyer, example of how Waratah Strata Management and Uniqueco Property Services manage water leaks and risks

4 March 2020

12 February 2023



How much Waratah Strata Management and committee members were out-of-touch with laws, shows this extract from committee meeting on 29 April 2021, where they “decided” not to maintain smoke alarms in units:

- **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.

They reversed this illegal decision in later part of 2021.

- **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, OH&S risks, and poor maintenance, elevator upgrades were completed in 2019 at cost of above \$880,000.00 (plus GST).

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

There were many incidents after the upgrade, including broken down 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 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 (totalling \$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.

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

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

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

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

There are many large cracks and problems with internal walls in buildings.

Lot 48



Lot 75



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



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



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

Item 3

Matters arising from the last minutes:

(a) Internal Painting.

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

(b) Carpet replacement.

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

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

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

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



SWIMMING POOL AND SPA REPAIRS

ISSUE

The swimming pool has developed several rust spots that need attention.

BACKGROUND

Several years ago, rust spots, commonly known as concrete cancer, appeared on the bottom of the pool. They are caused by the rusting of the concrete reinforcement rods. They were treated by digging out the spots and resurfacing.

Now, several years later, one spot has reappeared, and another has developed. The Property Manager sought quotes for repairs and received four:-

1. *My Pool Painter* offered to remove the marks and test and repair other areas and then cover with an epoxy paint for \$44,800
2. *Fibrestyle* offered to fix the rust spots, precoat the pool surface and apply a fibreglass shell. \$55,000.
3. *Hills Pool Painting and Renovation* offered to make repairs and to apply New Zealand white pebblesheen with 40% glass bead surface. \$31,300 + GST
4. *Lotus Pool and Spa* offered to repair the pool and cover in *Beadcrete* similar to (3) above. \$98,000.

These quotes were circulated to committee members for comment and several replies favoured Option 2 as it provided a more permanent solution to the rust spot problem and not all members liked the harshness of the existing pebblecrete finish.

COMMENT

Rust spots are likely to increase in number as the pool ages. Option 1 can fix the existing spots but will neither guarantee their return nor prevent new spots appearing. Options 3 and 4 are similar but the pebblesheen and beadcrete (concrete with glass pebbles infused) are likely to allow water through the concrete to the reinforcement rods and cause further rust stains to develop and will not prevent the pool leaking as it ages.

Option 2 provides a shell of protection to the concrete and is likely to stop any leaking, but fibreglass surfaces are known to be slippery..

Steve and I asked the supplier to show us a finished product and we visited *Liberty Grove* to view their pool. It is a very large outdoor pool, about 3-4 times the size of ours. In reviewing the surface, we noted that a rough finish has been applied to the stairs and shallow parts to address slippage. We also noted the colour and the effect of depth and shade on the pool colour.

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

Few examples of how lights are maintained in the gardens.



- In BIV's plan in October 2021, it was recommended to delay the work for fire safety services to September 2028 at estimated cost of \$29,939.00. Waratah Strata Management is deliberately delaying serious fire and OH&S work, in spite of City of Ryde council orders since 2021:

[SP52948-continuous-delays-with-fire-and-OHS-problems.html](https://www.cityofryde.nsw.gov.au/SP52948-continuous-delays-with-fire-and-OHS-problems.html)

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

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



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



... and all four rusted high temperature alarms in four buildings



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

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

ADDRESS OF THE STRATA SCHEME:

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

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

PRESENT:

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

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

CHAIRPERSON (acting): Heath Crosbie

Minutes of the meeting:

- MINUTES**
Resolved that the minutes of the previous strata committee meeting be confirmed as a true record of the proceedings of that meeting.
- FIRE SAFETY UPGRADE BRIEF**
The Fire Safety Upgrade Brief was discussed with Austech Engineers. The following actions were resolved:
 - Fire Safety Upgrade Brief approved and report (FSUR) to be submitted to Council for comment.
 - Austech to correspond with Council, copying in Strata Manager.

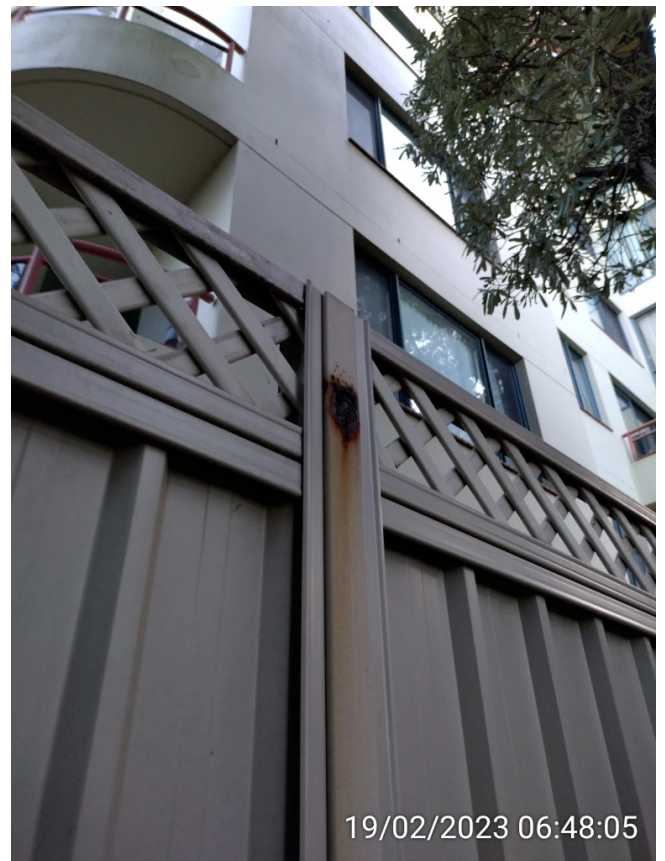
Austech advised CORE are no longer required for completion of Fire Order. When Council provide comment on FSUR, next stage tendering scope of works can begin. Anticipated 2-3 week response time from Council.

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

[Waratah-Strata-Management-warned-about-SP52948-insurance-risks-safety-financial-health-and-non-compliance-with-laws-part-2-19Jun2023.html](#)

[SP52948-Lot-147-damaged-colorbond-fence.html](#)

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



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



[SP52948-Block-B-level-7-neglected-large-wall-crack-telecom-and-electrical-cabinet-5Jun2023.png](#)

[SP52948-gardens-unmaintained-light-post-globe-photo-1-5Aug2023.webp](#)

[SP52948-gardens-unmaintained-light-post-globe-photo-2-5Aug2023.webp](#)

[SP52948-gardens-unmaintained-light-post-globe-photo-3-5Aug2023.webp](#)

[SP52948-gardens-unmaintained-light-post-globe-photo-4-5Aug2023.webp](#)

[SP52948-gardens-unmaintained-light-post-globe-photo-6-5Aug2023.webp](#)

[SP52948-gardens-unmaintained-light-post-globe-photo-9-5Aug2023.webp](#)

- In BIV's plan in October 2021, it scheduled the work for air exhaust plant, and equipment to September 2026 at estimated cost of \$103,329.00. Lot of issues with air ventilation in the complex are ignored currently, including Lot 158 problems with ventilation in one bathroom and laundry.

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

[SP52948-continuous-delays-with-fire-and-OHS-problems.html](https://www.sp52948-continuous-delays-with-fire-and-OHS-problems.html)

Fire door in basement of Block A:



Fire door in basement of Block D:



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

Examples of garden bed damages:





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



Attempts to install EC charging stations in SP52948 without proper procedures and plan in 10-Year Capital Works Fund, primarily driven by Lot 133 (committee member)

[SP52948-Waratah-Strata-Management-organised-non-compliant-ordinary-committee-meetings-in-period-2017-to-2023](#)

At non-compliant committee meeting on 1 June 2023, the following was allegedly decided:

Resolved that proposals received from electric vehicle charging installers were tabled and discussed as follows:

- It is proposed that 2 EV charging stations be installed, one in a visitor parking space and one next to the bike storage area.
- It is likely that a 3rd charging station can be installed next to the current visitor parking space at a later date if demand requires.
- The quote provided by EVSE has been accepted in principle.
- The strata manager is to obtain fee proposals from 2 solicitors to prepare a suitable By-Law. A further voting-paper-only committee meeting will be held to accept one of the solicitors fee proposals.
- Once the By-Law is received a general meeting will be required to allow the Owners Corporation to consider/approve the By-Law and then to confirm the acceptance of an installation quote.

Lot 158 sent serious warnings to Waratah Strata Management, all nine committee members, and notified insurance broker and insurance company about many risks in the complex on 8 June 2023:

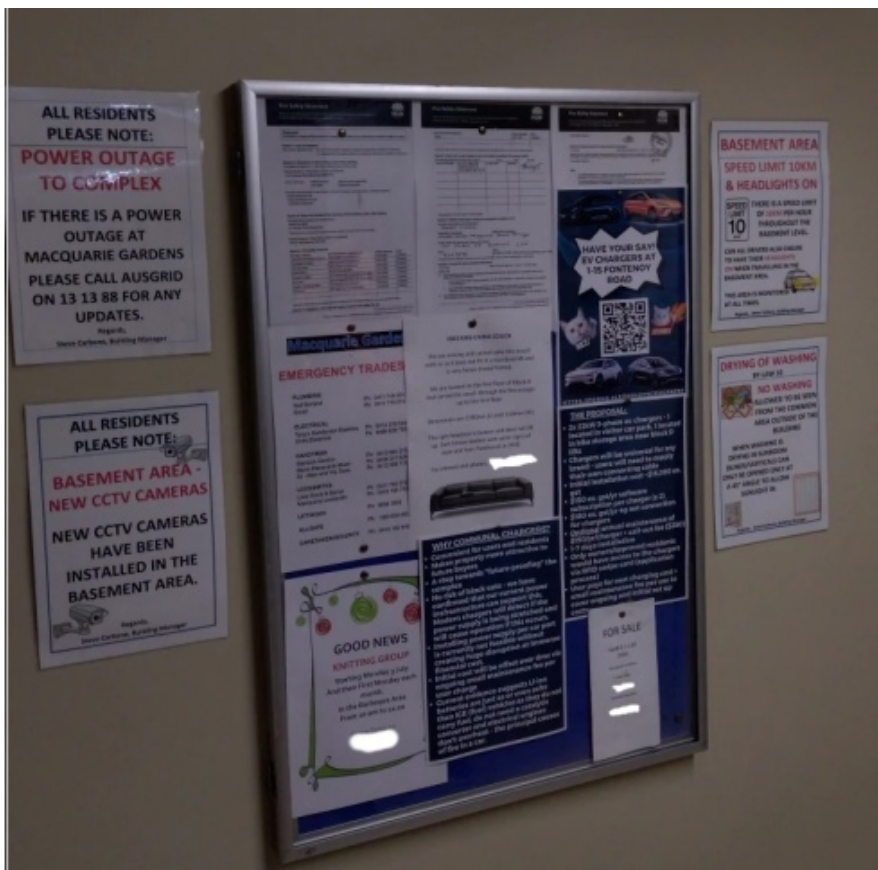
[Waratah-Strata-Management-warned-about-SP52948-insurance-risks-safety-financial-health-and-non-compliance-with-laws-8Jun2023](#) (no reply or any refutation of Lot 158 evidence was received). In that email, Lot 158 documented the following concerns in regards to EC charging station:

- Waratah Strata Management and committee members completely ignored NSW requirements and recommendations for EV charging station adoption which include five step process:

- Step 1 - Survey
- Step 2 - Energy assessment
- Step 3 - Evaluate options
- Step 4 - Evaluating payment options
- Step 5 - Plan approval processes and identify funding solution
- A Current Affair reported that as many as 450 fires has been linked to the batteries in the past 18 months.
- In February 2023, residents of an apartment building in Sydney's southwest were forced to evacuate when an e-scooter caught alight.
- Combined with EV owners taking care of their battery – that is, servicing when required, following manufacturer-recommended charging habits (typically charging up to 80 per cent only and not discharging too deep), and mainly AC slow charging (avoiding frequent DC fast charging) – there's a reduced likelihood of things going awry, not to mention maintaining a healthier battery.
- When the integrity of lithium-ion batteries is compromised, the energy they store is released as heat, known as 'thermal runaway'.
- Electric scooter charging stations should be located in a clean and dry place within the strata complex, meeting the relevant Australian standards. Owners corporation should ensure there is appropriate fire protection in place including intervention and suppression resources nearby (e.g., hydrants, hose reels, extinguishers, ventilation, and sprinklers). Chargers should be located away from proximate fuel loads and other flammable liquids.
- The charging stations should also be accessible to Emergency Services in the event of a fire, which means they may need to be installed on common property. The charging stations should also be inaccessible to children. For added protection, one should consider:
 - Fire detection and early warning intercommunication systems
 - Smoke management and air handling systems
 - Fire resistance of proximate construction
 - Clarify who is responsible for maintaining them
- In local council areas in NSW where the apartment building is in a leviable area (e.g. there are parking meters outside the apartment building on the street), then if the Owners Corporation wants to convert an existing visitor car space inside the building to an EV charging space, then this is classified as a "change of use" of that car parking space. After the Owners Corporation goes through an approval process with the local council to get the use of the car parking space changed, then this will trigger an ongoing NSW land tax which has to be paid by the Owners Corporation from that point on.
- If complex has an existing embedded network, owners may be required to seek approval of the Embedded Network Manager (ENM) or energy retailer, where this party maintains ownership of the electricity meters in your strata building under a multi-year contract.
- Any EV Charging infrastructure project which costs more than \$5,000 will require a signed contract.
- Furthermore, in states such as NSW where there is a Home Building Insurance scheme, ANY works in the building which are over \$20,000 will require the EV charging installer to take out insurance under this scheme. When one Sydney based strata scheme inquired with their strata insurance company about any adjustments which had to be made, they were informed that an automated foam retardant system needed to be installed above every car space where an EV might be charging, in case the electric vehicle catches on fire while charging.

- Another Sydney based strata building was told that they couldn't get insurance if they did a whole-of-building EV charging infrastructure. Another Sydney building was able to get insurance as long as the number of EV's per floor of car park did not exceed 4 EV's.
- Some other requirements dictated by some insurers are that any EV charging should be in an area which is well-lit, does not have children in it, must have the car space painted and an EV charging sign erected, shouldn't have more than 4 electric vehicles charging adjacent to each other and is preferably in a separate room/area and on top of a plinth. It would be recommended to shop around for a different strata insurer to find one which has more reasonable requirements if you encounter this with your existing strata insurer.
- Research from the University of Technology Sydney (UTS) suggests 30,000 tonnes of EV batteries will reach their end-of-life in Australia by as soon as 2030. This is forecast to blow out to 360,000 tonnes by 2040, and 1.6 million tonnes by 2050. Experts are warning of a "huge waste stream" that poses a triple threat: fire risks in landfill, environmental impacts, and health hazards caused if toxic chemicals leech into land and waterways. The Battery Stewardship Council (BSC), the government-backed body, has long been warning about the risks of lithium batteries combusting in landfill if they are damaged or crushed, despite bans on e-waste in landfill in some jurisdictions in Australia.
- DNSP or grid provider will need to provide approval for any increase of capacity from the local sub-station servicing the building.
- In late July 2023, Panama-registered Fremantle Highway was underway to its final destination in Singapore when the fire broke out near Danish coast. Twenty-five of the 3783 vehicles on board were EVs. The ship's Japanese owners, Shoen Kisen Kaisha Ltd, told Dutch broadcaster NOS, "there is a good chance that the fire started with electric cars."

On 14 June 2023, six notice boards published unsigned (it did not contain information on who created it and in which capacity) and unauthorised (who approved it) messages on three pages, with highly personal views on EV charging stations, trying to justify their installation, as shown by following pictures of notice boards in Block A and near letterboxes:





GOOD NEWS
KNITTING GROUP
 Starting Monday 3 July
 And then First Monday each
 month.
 In the Barbeque Area
 From 10 am to 12.00
 Phone Tessa on

**HAVE YOUR SAY!
 EV CHARGERS AT
 1-15 FONTENOY
 ROAD**



NICE! **ZOOMIES!**

[HTTPS://FORMS.GLE/Ri6H1970JGHGPHF7](https://forms.gle/Ri6H1970JGHGPHF7)

WHY COMMUNAL CHARGERS?

- Convenient for users and residents
- Makes property more attractive to future buyers
- A step towards "future-proofing" the complex
- No risk of black outs - we have confirmed that our current power infrastructure can support this. Modern chargers will detect if the power supply is being stretched and will cease operation if this occurs.
- Installing power supply per car port is currently not feasible without creating huge disruption at immense financial cost.
- Initial cost will be offset over time via ongoing small maintenance fee per user charge.
- Current evidence suggests Li-ion batteries are just as or even safer than ICE (fuel) vehicles as they do not carry fuel, do not need a catalytic converter and electrical engines don't overheat - the principal causes of fire in a car.

THE PROPOSAL:

- 2x 22kW 3-phase ac chargers - 1 located in visitor car park, 1 located in bike storage area near block D lifts
- Chargers will be universal for any brand - users will need to supply their own connecting cable
- Initial installation cost - \$15,000 ex. gst.
- \$150 ex. gst/yr software subscription per charger (x 2)
- \$100 ex. gst/yr 4g net connection for chargers
- Optional annual maintenance of \$150/yr/charger - call-out fee (\$250)
- 1-7 days installation
- Only owners/approved residents would have access to the chargers via RFID swipe card (application process)
- User pays for own charging cost + small maintenance fee per use to cover ongoing and initial set up costs.

14/06/2023 12:13:15

**HAVE YOUR SAY!
 EV CHARGERS AT
 1-15 FONTENOY
 ROAD**



NICE!

ZOOMIES!



[HTTPS://FORMS.GLE/Ri6H1970JGHGPHF7](https://forms.gle/Ri6H1970JGHGPHF7)

THE PROPOSAL:

- 2x 22kW 3-phase ac chargers - 1 located in visitor car park, 1 located in bike storage area near block D lifts

14/06/2023 16:21:07

Further more, there are additional concerns about what this notice did not address:

- Alleged web link for owners to provide comments at <https://forms.gle/RI6H1970JGHGPHFR7> did not exist (which some scanners decoded with CAPITAL CHARACTERS):

🔒 forms.gle/RI6H1970JGHGPHFR7

📧 Mail. Done. Ri...

Dynamic Link Not Found

Short URL (<https://forms.gle/RI6H1970JGHGPHFR7>) not found

If you are the developer of this app, ensure that your Dynamic Links domain is correctly configured and that the path component of this URL is valid.



The correct link is <https://forms.gle/Ri6hi97oJGHGPHFR7> (case sensitive).

- What kind of risks one of the planned EV charging stations would create for bike riders, including children, in the basement area:



- Waratah Strata Management and Uniqueco Property Services have continuously failed to meet fire safety standards in the complex, so what guarantees do owners and tenants have that EV stations would not generate additional safety risks and how would they be managed and monitored proactively?
- Why was the website URL published in CAPITALS, which did not exist (many customers do not use barcode readers)?

- As more than 50% of owners were not living in the complex (investors), what was the assurance that such message would reach all owners and tenants?
- Where were the full answers to Lot 158 email dated 8 June 2023 which document risks of higher taxes, increased levies due to ongoing lack of funds, insurance costs, and so on?

SP52948-EV-charging-survey-owner-response-14Jun2023 (nobody replied to owner's submission)

- Why were minutes of committee meeting dated 1 June 2023 not published on any of six notice boards?

Example of repetitive issues - 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		Undisclosed to owners	3/03/2017		Lot 191: water leak in laundry ceiling
	Warrick - Handyman		Undisclosed to owners	8/03/2017		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 repairs in Block A (documenting major leaks in Lot 189, 190, 191, and 192), 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 Job No: NA Completed: 04/02/16	
<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 - May 2019),
- 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

And throughout 2022 and 2023

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 \$6,132.00											
Month	Week	Block B	Block C	Block D	Block A	Town Houses	Grounds	Totals			
		7006 \$11,770.00						\$11,770.00	Invoiced	\$484,220.00	
						7010 \$18,590.00		\$30,360.00	Paid	\$380,443.00	
		7612 \$11,770.00						\$23,540.00			
		7618 \$23,540.00				7617 \$18,590.00		\$42,130.00	Due	\$123,777.00	
		7624 \$23,540.00						\$23,540.00			
		7624 \$23,540.00				7618 \$18,590.00		\$36,245.00			
		7620 \$17,655.00						\$29,425.00			
		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			7630 \$13,913.00		\$37,483.00			
			7632 \$23,540.00 *					\$17,655.00			
			7642 \$17,655.00			7631 \$4,647.00		\$10,532.00	Approved *	\$63,620.00	
			\$5,885.00					\$23,540.00			
				7638 \$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 totalling \$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 (MWHRSR), 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, 2019, and 2022 found no files related to OH&S and none are published on Waratah Strata Management web portal as of September 2023.

SP52948 – Neglected roof membranes on four buildings

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 dampness.

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").

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







