

Strata Plan SP52948 committee meeting dated 25 May 2023, as organised by Waratah Strata Management, did not satisfy requirements of Strata Schemes Management Act 2015 (SSMA), Schedule 2, Section 4 (1) and (2), and section 7, and Interpretation Act 1987 (NSW).

Agenda was created on 22 May 2023 and scheduled for 25 May 2023. Excluding date of creation and meeting date, only two days were allowed for delivery of notice to all owners. As per Strata Roll dated 31 January 2017, more than 32% of owners had requested postal delivery of notices – that figure is hidden from owners by Waratah Strata Management in subsequent years. Agenda was not sent to Lot 158. Open and repetitive discrimination by Waratah Strata Management, with Mr. Robert Crosbie acting as ringleader.

Agenda was not detailed:



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

ADDRESS OF THE STRATA SCHEME:

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

DATE, PLACE & TIME OF MEETING: A meeting of the Strata Committee of The Owners - Strata Plan 52948 will be held on 25/05/2023 at the Pool Facility. The meeting will commence at 06:00 PM.

This meeting will commence from the pool facility and be followed by an informal walk around of common property.

The Agenda for the meeting is:

- 1 MINUTES**
That the minutes of the previous strata committee meeting be confirmed as a true record of the proceedings of that meeting.
- 2 POOL & SPA REPAIR**
That repair recommendations for the swimming pool and spa be discussed.
- 3 GENERAL BUSINESS**
That any general business items be raised and discussed.
- 4 NEXT MEETING**
That the date time and location of the next Strata Committee meeting be decided.

Date of this notice: 22 May 2023

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.

RECOMMENDATIONS For discussion at 25 May Meeting:

Recommended that:

Fibrestyle be engaged to make the necessary pool repairs including a fibreglass shell.

If this recommendation is approved, the committee discuss the following recommendations that:

1. a non-slip surface be applied to stairs and the spa shelf.
2. the need to include a non-slip surface on parts of the shallow end of the pool and in the spa be discussed
3. the line of surrounding pool tiles be a dark blue to match the colour scheme of the pool and the pool area

4. the fibreglass colour be *Lagoon* (as per attached example)
5. the work be carried out towards the end of winter, August – September 2023 (This will take the payment into two strata financial years)

John Gore



PDF metadata showed it was created on 22 May 2023 at 11:24 hours:

Producer: iTextSharp™ 5.4.3 ©2000-2013 1T3XT BVBA (AGPL-version)
Created: Mon 22 May 2023 11:24:42
Modified: Mon 22 May 2023 11:24:42
Format: PDF-1.4
Number of Pages: 3
Optimised: No
Security: No
Paper Size: A4, Portrait (210 × 297 mm)
Contains Javascript: No
Size: 218.0 kB

Waratah Strata Management website did not contain schedule for the meeting on 24 May 2023:

The screenshot displays the Waratah Strata Management website interface. At the top, the logo features the word "WARATAH" in large blue letters, with "Strata" in red and "Management" in blue below it, separated by a red rose icon. A navigation menu includes links for CONTACT, FAQ, CHANGE PASSWORD, and LOGOUT. Below this, a secondary menu lists OWNERS CORPORATION, PORTFOLIO, REPORTS, MEETINGS, DOCUMENTS, and MAINTENANCE. The main content area is divided into two columns. The left column, titled "Property Details", lists "Strata Plan 52948" and "Plan #: 52948", along with a location pin and address: "Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park NSW 2113". The right column, titled "Financial Details", contains two tables. The first table shows "Paid to: 31/07/2023" and "Last Receipt: 10/05/2023". The second table shows "Amount: \$1,492.90" and "Receipt #: 6535". Below the property details, a "Maintenance" section shows a table with "Open work orders" at 14 and "Open quotes" at 0. The "Scheduled Meetings" section states "There are no scheduled meetings for this plan".

WARATAH
Strata Management

CONTACT FAQ CHANGE PASSWORD LOGOUT

OWNERS CORPORATION PORTFOLIO REPORTS MEETINGS DOCUMENTS MAINTENANCE

Property Details

Strata Plan 52948
Plan #: 52948

Macquarie Gardens
1-15 Fontenoy Road
Macquarie Park NSW 2113

Financial Details

| | | | |
|----------|------------|---------------|------------|
| Paid to: | 31/07/2023 | Last Receipt: | 10/05/2023 |
| Amount: | \$1,492.90 | Receipt #: | 6535 |

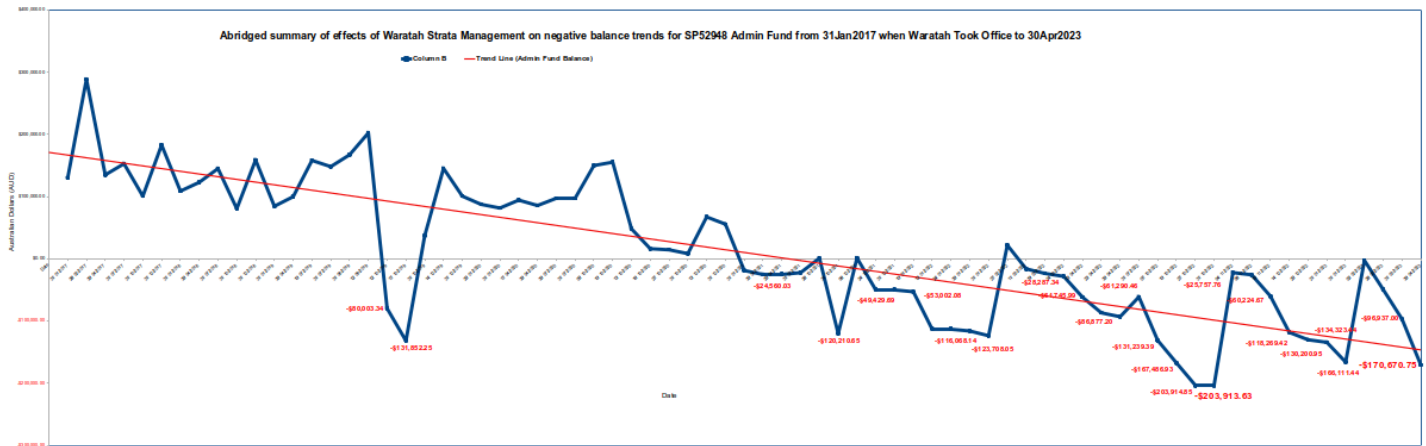
Maintenance

| | |
|------------------|----|
| Open work orders | 14 |
| Open quotes | 0 |

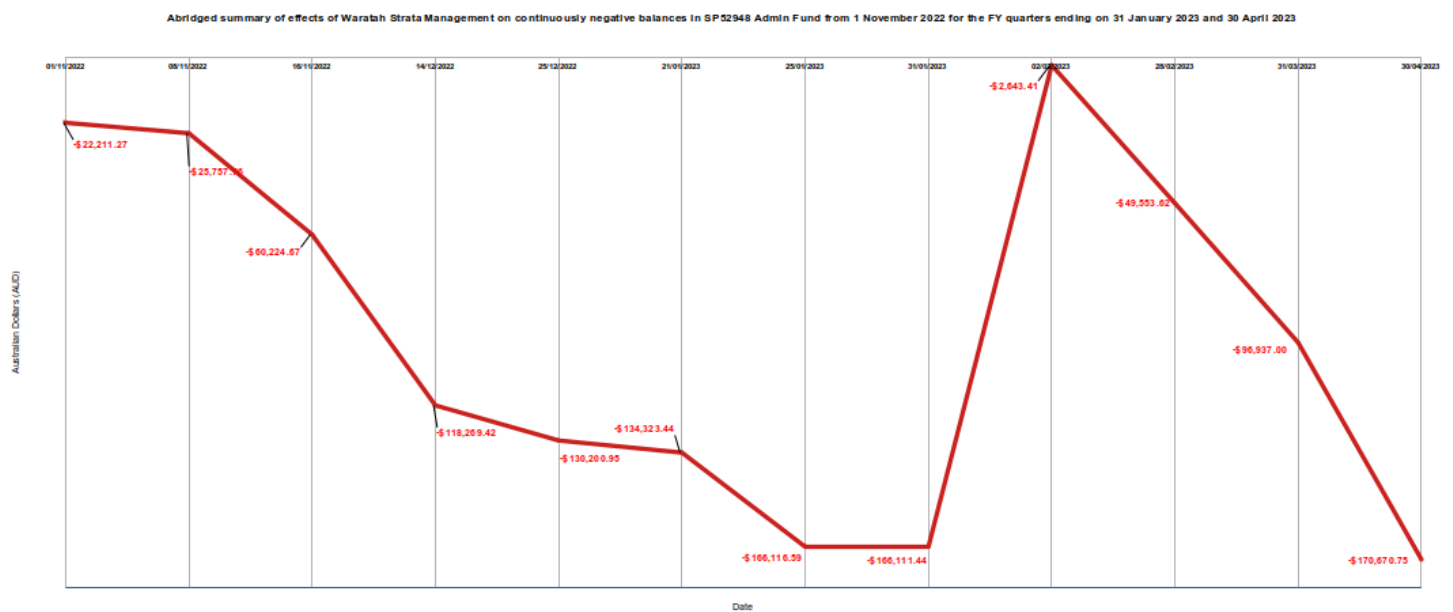
Scheduled Meetings

There are no scheduled meetings for this plan

Owners and investors did not receive any information about balances in Admin and Capital Works Funds with negative trend in Admin Fund since 2018 when Waratah Strata Management took office:



For first time in history of strata complex SP52948, thanks to Waratah Strata Management, Admin Fund had continuous negative balance in whole two FY quarters (1 November 2022 to 30 April 2023):



SP52948 Balance Status on 27 October 2022 - day of Annual General Meeting, Admin Fund has negative balance of \$203,914.85 (4 days before next collection of levies is due on 1 November 2022):

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

Financial Audit, which by law, had to happen before general meeting on 27 October 2022, was completed by Economos on 7 December 2022 (43 days later, in non-compliance with STRATA SCHEMES MANAGEMENT ACT 2015 - SECT 95 and STRATA SCHEMES MANAGEMENT REGULATION 2016 - REG 21:

SP52948 Detailed Expenses still listed on Waratah Strata Management website as of 12 February 2023



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**Detailed Expenses
for the financial year
from 01/09/2021 to 31/08/2022**

| Strata Plan 52948 | | Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park NSW 2113 | | Group | Amount (GST exclusive) | Status | Type | Ref.No. | Payment No. |
|---|--|---|--|-------|---------------------------|--------|------|-----------|----------------|
| Administrative Fund | | | | | | | | | |
| Maint Bldg--Insurance Repairs &/or Excess 169400 | | | | | | | | | |
| 20/09/2021 | Bldg D Plantroom Leaking Pipe (Below Excess) | NCB Plumbing Pty Ltd | | | 789.00 | Paid | DE | INV-40392 | 001214 |
| 19/04/2022 | Block D Boiler Room Burst Pipe(Below Excess) | NCB Plumbing Pty Ltd | | | 785.00 | Paid | DE | INV-40769 | 001384 |
| 08/08/2022 | Transfer AIG payment from Misc Income to Insurance | | | | 4,545.45 | | Jnl | 8891 | |
| | | | | | <u>\$6,119.45</u> | | | | |

Economos Strata Services Pty Ltd signed the Financial Statement for SP52948 43 days after the Annual General Meeting, on 7 December 2022, in spite of advanced warnings about breach of STRATA SCHEMES MANAGEMENT ACT 2015 - SECT 95 and STRATA SCHEMES MANAGEMENT REGULATION 2016 - REG 21 (auditor report not prepared BEFORE general meeting), whilst only \$1,574.00 was accounted for in "Maint Bldg - Insurance Repairs &/or Excess" with \$4,545.45 missing as listed in Detailed Expenses:



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

| Strata Plan 52948 | | Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park NSW 2113 | |
|---|-----------------------|---|-----------------------|
| Administrative Fund | | | |
| | Current period | Annual budget | Previous year |
| | 01/09/2021-31/08/2022 | 01/09/2021-31/08/2022 | 01/09/2020-31/08/2021 |
| Maint Bldg--Insurance Repairs &/or Excess | 1,574.00 | 10,000.00 | 15,890.00 |

There was no information about long-term fire safety problems and follow-up agenda to meeting in February 2023 was not disclosed to owners: in minutes of the meeting dated 9 February 2023, owners and investors were again misinformed (not having any information about serious negative balance in Admin Fund and shortage in Capital Works Fund, fire safety orders delayed for two years, Uniqueco Property Services increase of their costs without any information and without decision at general meeting, and admission of concrete cancer in pool area - concrete cancer happened number of times in the complex, due to poor maintenance):

2 FINANCIAL REPORT

Resolved that the financial reports for the current financial year were tabled and discussed. It was noted that Gas and Electricity expenditure has been under budgeted for this financial year.

3 FIRE ORDER

The Managing Agent received a call from Imran of Austech Engineering requesting instruction from the strata committee to resolve disputed elements of the initial compliance report prepared by XEL. Imran advised that both CORE and Austech are unsure of locations of the following compliance items:

- Item 7 - Exit Travel Distance (BCA Clause D1.4)
- Item 8 - Distance Between Alternative Exits (BCA Clause D1.5)

Imran proposes the Owners Corporation engage XEL to return and provide further advice on the above items or that CORE & Austech be engaged to produce another report to be submitted to Council.

Minutes Page 1 of 2

Resolved that CORE & Austech be engaged to prepare a new report.

It was further discussed that the Strata Committee continue to act upon the advice from the consultants to ensure safety obligations are upheld.

4 UNIQUECO COST AGREEMENT

Resolved that the costs amendment submitted by Steve Carbone from Uniqueco Pty Ltd be approved. It was noted that the proposed increase is modest and justified for the services provided by Steve and his team.

5 ELECTRICAL VEHICLES

Resolved that Andrew and Ramesh with assistance of the Managing Agent investigate proposals for installation of EV charging infrastructure from service providers based in New South Wales. It was discussed that Fire Order precedence is essential ahead of any EV charging solutions and that the Strata Committee will continually monitor for industrial updates.

Further resolved that a motion be included for discussion at the next AGM.

6 GENERAL BUSINESS

The following general business items were raised and discussed:

POOL REPAIRS - Steve is obtaining quotations to repair suspected concrete cancer of pool area which is causing the unsightly staining. Quotes for this work will be provided before the next Strata Committee Meeting.