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Many attempts to reason with BCS Strata Management, Waratah Strata Management, and Uniqueco Property Services were made over years. In each attempt, they refused to acknowledge, reply, notify owners corporation, or even attend to most of the reoccurring problems. Some of more recent attempts:

30th of September 2017

5th of October 2017

18th of February 2018

8th of July 2018

Number of emails in late 2018 and up to May 2019

In NSW all fire doors must permanently display the sign (Fire Safety Door / Do Not Obstruct / Do Not Keep Open) and they must also display this sign outlining the 'Offences Relating to Fire Exits'



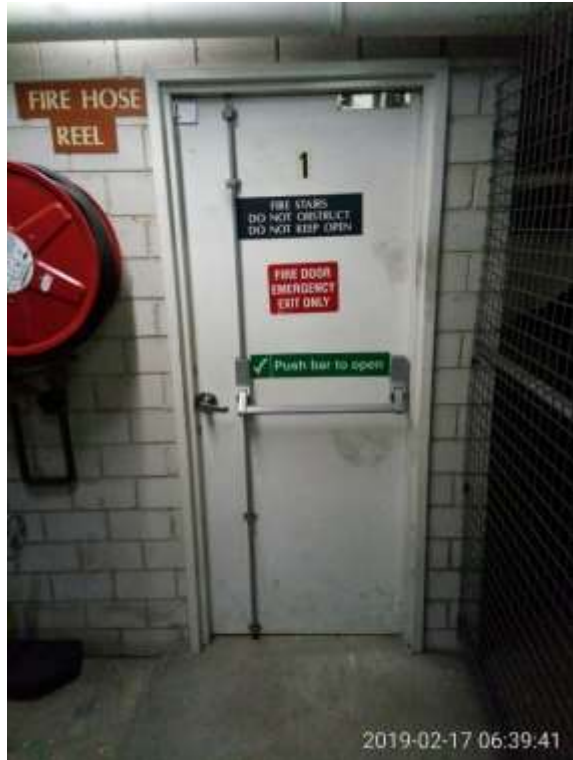
The 'Offences Relating to Fire Exits' sign must be displayed at all times, either on the door itself or adjacent to the door (for example, on the wall). It should be located:

- On the "approach" side of all doors leading to a fire escape or fire stair, regardless of where in the building the door is located,
- On both sides of all doors between individual fire compartments where the doors must be kept closed at all times.

Example of fire door 2 under Block A that has been non-compliant for 11 years:



SP52948 All fire doors in the basement have emergency usage signs, except Fire Door 2 in Block A where unrestricted smoking was facilitated by Waratah Strata Management and Uniqueco Property Services





SP52948 risks with delayed submissions of required form for AFSS and taking no actions to rectify fire safety problems including replacement of obsolete smoke alarms in units

The NSW Environmental Planning and Assessment Regulation 2000 Part 9: Fire Safety... requires that "the owner of a building, to which an essential fire safety measure is applicable, is required to maintain each essential fire safety measure in the building". Failure to comply with this legislation can lead to significant fines and possibly serious legal ramifications for those responsible.

Some examples of poor actions in SP52948:

Admission by BCS Strata Management of not taking any corrective actions in regards to fire safety compliance in 2013:

Wed 31/07/2013 11:46 AM
Peter Bone
SP 52948 - FW: 1-15 Fontenoy Road [SP52948] - Eagle Fire Protection

To 'RUTH LUKA'

Message 6 MONTHLY INSPECTION REPORT.pdf

Hi Ruth

Please see attached report from Eagle Fire.

I have not actioned any of these items at this time.

Regards

From: Debbie Downes
Sent: Monday, 29 July 2013 9:41 AM
To: Peter Bone
Subject: FW: 1-15 Fontenoy Road [SP52948] - Eagle Fire Protection

SP52948 provided delayed AFSS reports in the past, with high risks to owners corporation. In 2016, BCS Strata Management was relying on luck not to get fined and hid it from owners:

From: Debbie Stephenson
Sent: Thursday, 16 June 2016 4:08 PM
To: Wenny Ji
Subject: RE: SP52948 - 1-15 FONTENOY ROAD - AFSS April 2016

Hi Wenny,

I can see what you see 😊

Maybe we need to lodge it with council and cross our fingers .

Unfortunately the assistant that was handling this matter, left earlier in the year.

- It is important to note the implications of not submitting the required form to local council on time. It is an offence under the Environmental Planning and Assessment Act not to submit a compliant AFSS to Council by the due date.

Offences can be subject to a Court imposed penalty of up to \$110,000 or an on the spot fine for failing to give an annual fire safety statement, starting from;

\$1000 for the first week overdue

\$2000 for the second week overdue

\$3000 for the third week overdue

\$4000 for the fourth and any subsequent week overdue.

- Complying with by-laws- All owners and occupiers in a strata scheme, including tenants, are legally obliged to comply with the by-laws of the scheme.
- Penalties and fines - The owners corporation can apply to the NSW Civil and Administrative Tribunal if a notice to comply has been issued and the conduct continues. If the Tribunal believes that there has been a breach of a by-law and the notice was given validly, they can issue a penalty of up to \$1,100.00. If the Tribunal has already fined the owner or occupier within the last 12 months for a breach of the same by-law, the penalty imposed by the Tribunal can double to a maximum of \$2,200.00. In this case, the owners corporation does not have to issue another notice to comply before applying to the Tribunal to impose the fine.

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

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

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

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

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

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

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

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

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


- (a) an officer of an owners corporation,
- (b) a member of a strata committee.

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

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

Personal liability

- Office bearers' liability typically excludes:
 - Dishonest, fraudulent or criminal acts
 - Acts in conflict of interest
 - Acts outside the scope of the EC's authority
 - Acts causing death, personal injury or damage or loss to property



Fire door problems in basement of the complex – sound alarms after hours disabled for seven years

In spite of number of reports and complaints, sound alarms on the fire doors were still not operational, creating additional security risks at night for seven years.

Lot 158 submission for EC meeting dated 23rd of February 2010:

c) In regards to smoking in the basement area and possible fire door openings in late hours. If this happens again, I really think it is time to set up some alarms. There is no legal or valid reason to use fire doors in late hours of the night or early hours of the morning. Only crooks need them then. So, a nice siren would teach them a lesson. I can guarantee that the doors would never be opened again.

Alarms on fire doors were set up for couple of years and they achieved excellent results in protecting common property and preventing smoking.

Without any approval by the EC, or notice to owners corporation, the alarms on the fire doors were removed until May 2019.

SP52948 – Unreported problem with non – compliant latches/chains/locks on external doors of units in March 2015

The problem was evident for several years but BCS Strata Management and Uniqueco property Services took no action until March 2015.

These locks were installed by owners without approval.

Owners/occupants were advised that failure to comply with this order in 14 days would result in the non-compliant chain or lock being removed by SP52948 contractors and the cost would be recovered from the unit owner. In some cases a door may need to be replaced if it has been damaged by the non-compliant lock/chain or latch.

17 units were reported as having illegal latches/chains/locks after fire inspection:

23, 24, 28, 30, 31, 62, 100, 109, 117, 135, 139, 141, 166, 167, 182, 186, 187

In each case the occupants were required to arrange for a reinspection by Eagle Fire Protection and supply the confirmation of the inspection to the strata manger within 21 days (7 days after inspection).

SP52948 – 34 out of 192 Lots in four buildings required annual fire safety re-inspection on 7th of March 2019
- one month after the first one



**EAGLE FIRE PROTECTION
NOTICE OF
ANNUAL RE-INSPECTION**

FOR ADDRESS: 27 1-15 FONTENOY RD MACQUARIE PARK
STRATA PLAN: 52948

AS PER THE GOVERNMENT LEGISLATION
ENVIRONMENTAL PLANNING & ASSESSMENT ACT 2000

ALL UNIT ENTRY DOORS & SMOKE ALARMS
NOT PREVIOUSLY INSPECTED MUST BE INSPECTED
Block B Units 6, 10, 14, 18, 26, 29, 35 & 41

ALL THE INSPECTIONS WILL BE CARRIED OUT
BY OUR SERVICE TECHNICIANS PENDING
NO UNFORESEEN CIRCUMSTANCES
BETWEEN THE HOURS OF

7:00AM AND 8:30AM

ON THE

7/3/2019

THIS INSPECTION TAKES LESS THAN 5 MINUTES.

For your convenience you can book a specific time
within the above mentioned dates and time frames
by calling 9674 4585 between 9:30am & 12:00 PM
Monday to Friday for the works to be undertaken

BOOKINGS CANNOT BE TAKEN ON THE DAY OF INSPECTION

2019-03-01 19:14:16

EAGLE FIRE PROTECTION NOTICE OF ANNUAL RE-INSPECTION

FOR ADDRESS: 27 1-15 FONTENOY RD MACQUARIE PARK
STRATA PLAN: 52948

AS PER THE GOVERNMENT LEGISLATION
ENVIRONMENTAL PLANNING & ASSESSMENT ACT 2000

ALL UNIT ENTRY DOORS & SMOKE ALARMS
NOT PREVIOUSLY INSPECTED MUST BE INSPECTED
Block C Units 50, 52, 77, 78, 88 & 96

ALL THE INSPECTIONS WILL BE CARRIED OUT
BY OUR SERVICE TECHNICIANS PENDING
NO UNFORESEEN CIRCUMSTANCES
BETWEEN THE HOURS OF

7:00AM AND 8:30AM

ON THE

7/3/2019

THIS INSPECTION TAKES LESS THAN 5 MINUTES.

For your convenience you can book a specific time
within the above mentioned dates and time frames
by calling 9674 4585 between 9:30am & 12:00 PM
Monday to Friday for the works to be undertaken

BOOKINGS CANNOT BE TAKEN ON THE DAY OF INSPECTION

2019-03-01 19:06:58

EAGLE FIRE PROTECTION NOTICE OF ANNUAL RE-INSPECTION

FOR ADDRESS: 27 1-15 FONTENOY RD MACQUARIE PARK
STRATA PLAN: 52948

AS PER THE GOVERNMENT LEGISLATION
ENVIRONMENTAL PLANNING & ASSESSMENT ACT 2000

ALL UNIT ENTRY DOORS & SMOKE ALARMS
NOT PREVIOUSLY INSPECTED MUST BE INSPECTED
Block D Units 98, 103, 105, 108, 116, 117, 125, 126, 128,
138 & 140

ALL THE INSPECTIONS WILL BE CARRIED OUT
BY OUR SERVICE TECHNICIANS PENDING
NO UNFORESEEN CIRCUMSTANCES
BETWEEN THE HOURS OF

7:00AM AND 8:30AM

ON THE

7/3/2019

THIS INSPECTION TAKES LESS THAN 5 MINUTES.

For your convenience you can book a specific time
within the above mentioned dates and time frames
by calling 9674 4585 between 9:30am & 12:00 PM
Monday to Friday for the works to be undertaken

BOOKINGS CANNOT BE TAKEN ON THE DAY OF INSPECTION

2019-03-07 19:04:14

SP52948 – Some Lots like 154 still not completed annual fire safety inspection on 17th of May 2019 - four month after the scheduled date in site of AFSS due to be submitted in April of each year



**EAGLE FIRE PROTECTION
NOTICE OF
ANNUAL RE-INSPECTION**

FOR ADDRESS: 27 1-15 FONTENAY RD MACQUARIE PARK
STRATA PLAN: 52948

AS PER THE GOVERNMENT LEGISLATION
ENVIRONMENTAL PLANNING & ASSESSMENT ACT 2000

ALL UNIT ENTRY DOORS & SMOKE ALARMS
NOT PREVIOUSLY INSPECTED MUST BE INSPECTED
Block A Units 148, 154, 159, 160, 165, 182, 184, 190 &
192

ALL THE INSPECTIONS WILL BE CARRIED OUT
BY THE FIRE PROTECTION COMPANY

2019-05-17 18:25:32

Occupational Health and Safety hazard – unprotected cans with paint in fire stairs well

In spite of several warnings, Uniqueco Property Services kept cans with paint in unprotected area behind a fire door in the basement for more than two years. Risks:

- Flammable items could cause major fire hazard,
- Common property not protected against stealing,
- No audit of how much paint and its value is kept unprotected (prone to stealing, unauthorised use, and vandalism).
- Non-compliance with fire and safety standards.
- False reports to Ryde Council for yearly fire certifications.

Photo taken on 30th of September 2017:



Photos taken on 7th of July 2018:



Photos taken on 26th of August 2018:



Photo taken on 11th of November 2018:



Video taken on 1st of March 2019:

<https://www.nswstratasleuth.id.au/SP52948-paints-unattended-for-several-years-next-to-fire-door-basement-9Mar2019.mp4>

Video taken on 9th of March 2019:

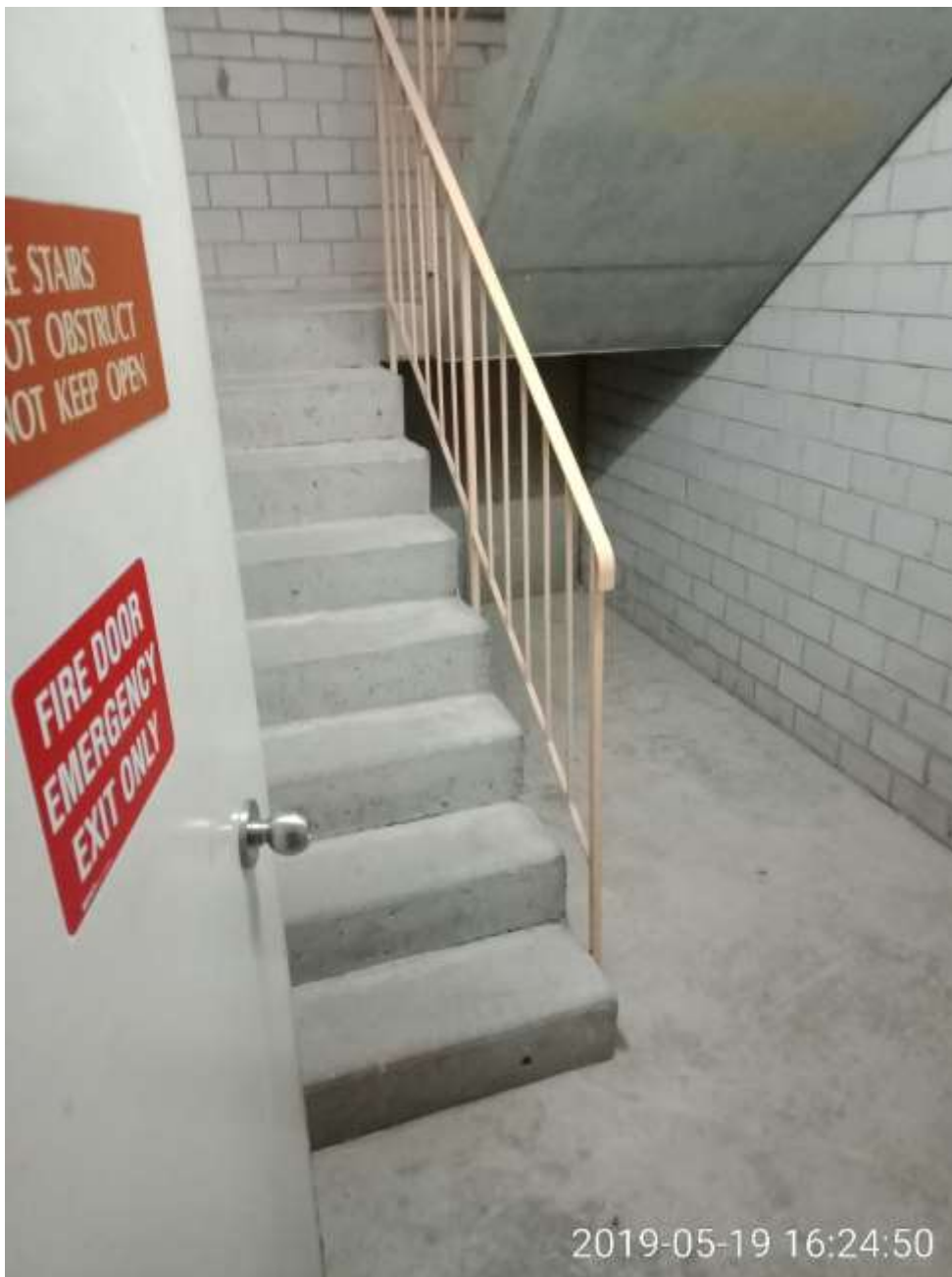
<https://www.nswstratasleuth.id.au/SP52948-paints-unattended-for-several-years-next-to-fire-door-basement-9Mar2019.mp4>

Video taken on 10th of May 2019:

<https://www.nswstratasleuth.id.au/SP52948-Waratah-Strata-Management-and-Uniqueco-Property-Services-paint-cans-finally-removed-behind-fire-door-due-to-fire-safety-non-compliance-10May2019.mp4>

Finally, after more than two years, the fire stair well cleaned up, but only because Fire Safety complaint was lodged on 4th of March 2019.

Photo taken on 19th of May 2019:



Occupational Health and Safety hazard – keeping large items of rubbish in the roof area and basement

Since July 2012, SP52948 has been put on notice that OH&S was at risk due to excessive amount of rubbish in the roof area (Napier & Blakeley's professional report):

<https://www.nswstratasleuth.id.au/BCS-Strata-Management-hid-professional-building-report-from-SP52948-owners-and-CTTT-Napier-and-Blakeley-July-2012.pdf>

Numerous attempts to reason with Uniqueco Property Services staff fell on deaf ears. Here is one of them:

<https://www.nswstratasleuth.id.au/SP52948-Caretaker-looking-for-excuses-about-poor-complex-management-6Oct2016.html>

On 1st of March 2017, Director of Waratah Strata Management Mr. Robert Crosbie, Director of Uniqueco Mr. Steve Carbone, and Lot 158 visited the complex and found numerous examples of poor management and neglect. The report was written but they never replied:

<http://www.nswstratasleuth.id.au/Waratah-Strata-Management/ANNOTATED-SUMMARY-for-Waratah-Strata-Management-on-SP52948-Open-Issues-and-still-undisclosed-Special-By-Law-for-Lot-3-and-photos-of-the-complex-17Mar2017.html>

Clean-up of the roof area is still outstanding and large out-of-order gym equipment is still lurking in the basement, allegedly used for "spare parts". This piece of equipment has been rusting in the basement for five years as of 2017:



In July 2018, faulty equipment still rusting in the basement:

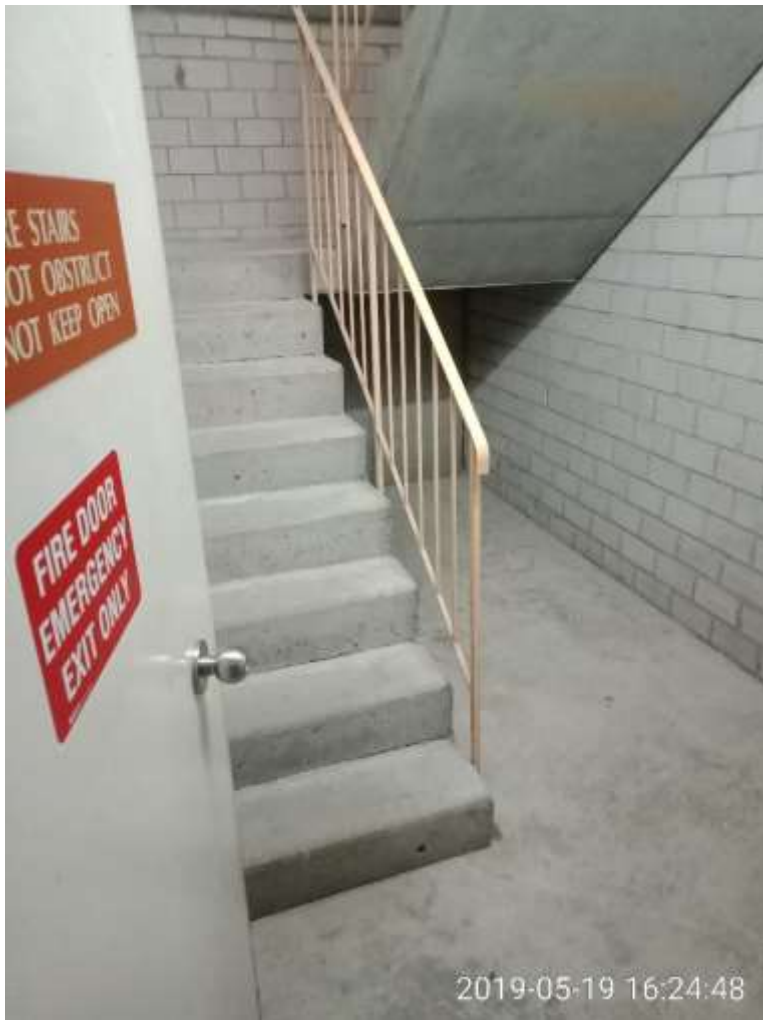


... and July 2018. Woolworths' trolley used by Uniqueco Property Services staff and hidden behind fire doors:



In May 2019, the rubbish was finally removed from entrance to all fire stairs and doors due to investigation by Fire and Rescue NSW and Ryde Council:





Building Managers and strata agencies provided misleading and misconstrued statements about fire safety to Ryde City Council in previous years

On 12th of April 2016 Lot 158 submitted my complaint about fire safety to City of Ryde. In it, it was highlighted 12-year problem with Lot 158 external fire door and other fire-safety issues in the complex.

Over many years, BCS Strata Management was submitting false fire safety reports to Ryde City Council.

Owners were never presented with the inspection reports that were documenting faults in the complex.

Warnings to BCS Strata Management were ignored since 2013 (Mr. Steve Carbone was also personally contacted on 4th of September 2013). In 2016, after serious report of non-compliance with stringent fire safety regulations, Lot 158 logged additional inquiries, which were all ignored by BCS Strata Management.

Uniqueco Property Services was eventually forced by Lot 158 to replace external door on the unit which was non-compliant with fire safety regulations for 12 years.

Uniqueco Property Services and BCS Strata Management did not allow any information to be shared with owners corporation.

At AGM 2016, on 19th of October 2016, BCS Strata Management disallowed Motion about lack of fire safety maintenance.

Waratah Strata Management, who took office from BCS Strata Management on 1 February 2017, continued to mislead owners corporation, and did not provide access to fire safety inspections during my document search on 13th of June 2017.

Fire inspection report in 2017 confirmed that at least one unit (lot 160), which had fire safety non-compliance problem in 2016, had it again, which points towards poor delivery of services.

During 2017, 2018, and 2019, Waratah Strata Management and Uniqueco Property Services continued to poorly manage fire safety issues and only acted when Lot 158 directly provided evidence of faults.

Waratah Strata Management prevented Motion about fire safety at AGM 2017 and 2018.

Letter from Lock, Stock & Barrel alleging that all fire safety work was completed on 19th and 22nd of February 2016:

1 April 2016

To: Steve Carbone
Caretaker - Manager
Uniqueco Property Services

Macquarie Gardens
1-15 Fontenoy Road
NORTH RYDE NSW 2113

This is to confirm that the work requested by Steve Carbone in an email dated 10 February 2016 was carried out on 19 and 22 February 2016 at the above address as per his instructions.

Yours faithfully,

Justin Millard
Director

on behalf of

Lock, Stock & Barrel Locksmiths Pty Ltd

Ryde City Council letter to BCS Strata Management on 9th of August 2016:

9 August 2016

Dear Sir/Madam

1 Fontenoy Road Macquarie Park
Fire Safety Issues

Council has received correspondence advising that compliance tags are being fitted to existing fire doors, some doors being twelve years old; it is also alleged that some fire doors are non-compliant with the relevant Australian Standard.

I note that the last annual fire safety statement listed fire doors as one of the installed fire measure and certified them as compliant with their original design/installation standard; from the information provided to Council the gaps around the doors do not comply with the relevant standards.

Prior to further action by Council you are requested to contact your service contractor and provide Council with their comments in respect to the alleged non-compliances.

Should you require any further information or wish to discuss this matter, please contact me on 9952 8184.

Yours faithfully

Executive Building Surveyor

Ryde City Council did not get any response for three months and initiated another request to BCS Strata Management on 3 November 2016:

The Owners Strata Plan 52948
C/- Body Corporate Services
Locked Bag 22
Haymarket NSW 1238

3 November 2016

Dear Sir/Madam

1 Fontenoy Road Macquarie Park
Fire Safety Issue

I refer to Council's letter dated 9 August 2016 advising of an alleged serious fire safety breach and requesting comment from your service contractor.

To date Council has not received a response to this request.

You are therefore requested to advise Council, by 21 November 2016, the present position in this matter.

Should you require further information or wish to discuss this matter, please contact me on 9952 8184 or by e-mail (details below).

Yours faithfully

Executive Building Surveyor
ENVIRONMENT, HEALTH 7 BUILDING
P: (02) 9952 8184 | E: @ryde.nsw.gov.au | www.ryde.nsw.gov.au

Here is what BCS Strata Management responded on 15th of November 2016, more than THREE MONTHS AFTER THE COUNCIL INQUIRY and ALMOST ONE MONTH AFTER THE ANNUAL GENERAL MEETING IN SP52948:

15 November 2016

City of Ryde
Locked Bag 2069
NORTH RYDE NSW 1670

Dear Council

RE: Your attached notices – Fire Safety
PROPERTY: Strata Plan 52948: 1-15 Fontenoy Road Macquarie Park

Our fire safety contractor – Eagle Fire (9620 8885) – have advised that they believe that the fire doors are compliant to the standard mentioned on the AFSS. This is based on the certificate which we received from Lock Stock and Barrel Locksmiths (attached) who were engaged by the building to complete the repairs from the annual inspection. Their records (Eagle Fire) also indicate that there are 192 residential units on the premises, each one with a fire door. There are also 98 common area fire doors. They would require access to every unit to inspect their door. This will take a technician 3 days to complete as long as all units provide access, and then have the report put together in their office. They have calculated that they would need to charge the building \$3840.00 + GST for this service. At the moment they are scheduled to carry out an annual inspection on the building in January when (as per their agreement with the building) all of these doors will be inspected in accordance with the conditions of the annual fire safety statement. They can't carry out the annual inspection any earlier as the AFSS is due on 1st April.

Due to the above reasoning from Eagle Fire, the Owners Corporation are kindly requesting that Council will agree to hold off until January to save the building this large expense. But if the Council still want us to proceed immediately, please send another notice to that effect so that we can commission the inspection works to be completed.

Many thanks and we look forward to hearing your reply.

Yours faithfully
BCS STRATA MANAGEMENT - EPPING

BCS Strata Management organised Annual General Meeting on 19th of October 2016, and this information was deliberately hidden from owners.

BCS Strata Management and Uniqueco did not deny non-compliance with fire safety regulations, nor did they offer any explanation why the complaints were ignored since 2013! City of Ryde was misled about lack of actions by BCS Strata Management and Uniqueco.

Full evidence was provided to City of Ryde in January 2018.

Here are examples of how identical repairs were organised for Lot 160 two years in a row, even after assurances given to City of Ryde:



RECTIFICATION OF DEFECTIVE FIRE PROTECTION AND ESSENTIAL SERVICES

1-15 Fontenoy Road, Macquarie Park

Fire Management Solutions has been engaged by the Strata Scheme to complete mandatory repairs of defective essential fire services at the above mentioned address

We will be attending site on **Wednesday 20th April 7.00am-12.00pm** to complete the required repairs and require access into the below Units to complete work as below.

Fire Management Solutions will require access into below apartments for a period of 15-20mins to complete repairs of fire doors

Access Required

- Unit 42
- Unit 43
- Unit 44
- Unit 45
- Unit 46
- Unit 47
- Unit 48
- Unit 98
- Unit 100
- Unit 111
- Unit 158
- Unit 160



**EAGLE FIRE PROTECTION
NOTICE OF
UNIT DOOR REPAIRS**

**FOR ADDRESS: 1-15 Fontenoy Road, Macquarie Park
STRATA PLAN: 52948**

THE FOLLOWING UNITS ARE REQUIRED TO PROVIDE
ACCESS IN ORDER TO COMPLETE MINOR RECTIFICATION
WORKS FROM THE RECENT INSPECTION

Unit Doors From 7.00am to 10.00am

Units 14, 17, 32, 39, 46, 68, 69, 104, 110, 120, 132, 136,
139, 142, 160, 174, 177 and 183

ALL WORKS WILL BE CARRIED OUT AND COMPLETED
BY OUR SERVICE TECHNICIANS

ON THE

20 /03/2017

For your convenience you may call on 9674 4585 between 9.30am and
12.00 pm Monday to Friday to make a specific time for the works to be
undertaken. No booking will be accepted on the day of repairs.

Waratah Strata Management and Uniqueco Property Services still decline to provide owners with outcome of fire safety reports as soon as they are published.

They also fail to publish fire safety registrations with Ryde City as soon as they are created.

Fire door problems in basement of the complex – non-compliance with the Environmental Planning Assessment Amendment (Fire Safety and Building Certification) Regulation 2017 (came into effect on 1st of October 2017)

Fire door must be self-closing or close automatically on the operation of an approved sensing device or on the loss of power supply. Self-closing means equipped with a device that returns the door to the fully closed position immediately after each opening and each fire door must have a metal tag attached as required by AS 1905.1, and latch sets and closers should also be marked.

Email sent from Director of Waratah Strata Management to Building Manager Mr. Steve Carbone and Strata Manager Mr. Simon Wicks (who was removed from managing SP52948 in 2011 due to unsatisfactory performance whilst employed by BCS Strata Management). The request for repairs was created after an owner forced joint review of the complex maintenance on 1st of March 2017:

From: Robert Crosbie
Sent: Tuesday, 7 March 2017 12:09 PM
To: [redacted]@optusnet.com.au
Cc: [redacted]@waratahstrata.com.au
Subject: SP 52948, 1-15 Fontenoy Road, Macquarie Park

Steve,

Dusan raised the following issues with me at the conclusion of our site inspection last week:

1. We inspected Block A Fire Door 1 in the basement garage. It had both a door handle and a crash bar. The door handle was latching but the crash bar latches appeared to be locking in the unlatched position. In an emergency, if both the door handle and crash bar latch were working it would make it very difficult for a resident to exit the building, particularly if they were carrying a child. I suggest that the door handle should be removed with only the crash bar in operation. Please discuss this with the fire services contractors to confirm how this door should be operating. I assume other doors from the garages may also operate in a similar fashion, so should also be checked.
2. It was apparent that some fire doors were also catching on the floor and were not self-closing. These doors should also be serviced.
3. I understand that the garage fire doors previously had a sound alarm on them that operated after a set time to alert residents if a garage door was being used late at night or had been left open. This was a security measure to reduce break-ins to the garages. Dusan advises these alarms have been disabled or are no longer working. Please advise whether this was a decision made by the committee or if there is some other issue with these alarms.
4. We inspected the internal face of the louvres in Block A garage. These appeared to be quite badly corroded and may not be suitable for repainting. Please have Brian Tompson inspect these when he is next on site to advise whether they can be repainted or if they should be replaced.
5. There was a water stain on the concrete block wall inside the garage on the left hand side of Block A Fire Door 1. It would appear that there is water seeping through the wall from the fire stairs above. Please advise whether this has previously been reported and whether any quote has been obtained. I am sure there are many similar areas of water penetration into the garages which are not necessarily structural issues, but if a low cost remedy is available repairs may be worthwhile.

Your assistance in these matters is appreciated.

Fire doors not compliant with stringent Fire Safety Regulations on 30th of September 2017

Instead of proper and prompt repairs, over the next eight months, Mr. Steve Carbone was literally pushed to repair each fire door and item one at a time. Check of doors on 30th of September 2017 confirmed that Fire door 3 was still having problems:

<https://www.nswstratasleuth.id.au/SP52948-Firedoor-3-still-jamming-30Sep2017.mp4>

Fire doors not compliant with stringent Fire Safety Regulations on 7th of July 2018

Here are proofs of fire doors not being compliant with stringent Fire Safety Regulations on 7th of July 2018:

<https://www.nswstratasleuth.id.au/SP52948-Firedoor-1-push-bar-not-operational-and-door-not-closing-properly-thus-creating-security-risk-7Jul2018.3gp>

<https://www.nswstratasleuth.id.au/SP52948-Firedoor-2-push-bar-not-operational-7Jul2018.3gp>

<https://www.nswstratasleuth.id.au/SP52948-Firedoor-3-push-bar-not-operational-and-door-not-closing-automatically-7Jul2018.3gp>

Fire doors not compliant with stringent Fire Safety Regulations on 25th of August 2018

Here are proofs of fire doors not being compliant with stringent Fire Safety Regulations on 25th of August 2018:

<https://www.nswstratasleuth.id.au/SP52948-Firedoor-1-push-bar-not-operational-25Aug2018.3gp>

<https://www.nswstratasleuth.id.au/SP52948-Firedoor-2-push-bar-not-operational-25Aug2018.3gp>

<https://www.nswstratasleuth.id.au/SP52948-Firedoor-3-push-bar-not-operational-and-door-not-closing-automatically-25Aug2018.3gp>

Lot 158 concerns to Waratah Strata Management and Uniqueco Property Services on 19th of May 2019

No reply was received from waratah Strata Management or Uniqueco Property Services.

Email from Lot 158:

In accordance with SSMA 2015 Section 106 (Duty of owners corporation to maintain and repair property), and in compliance with Motion 19 at Annual General Meeting 2018 (strata affairs directly affecting Lot 158), it is requested that complaint about fire safety be listed in the minutes of the next EC meeting, and warning issued to Uniqueco Property Services to properly maintain all lights and safety in the complex in an orderly manner.

Lot 158 can confirm the following with latest evidence:

a) Ryde Council visit obviously forced Waratah Strata Management and Uniqueco Property Services to clean up all wells near the fire stairs in our strata complex. They are now finally clean from rubbish and other building material (including having broken gym treadmill left near fire door for more than six years!).

b) On the negative side, the following issues were uncovered today. Fact that Lot 158 is shocked by lack of fire safety in the complex is an understatement:

- 1. All door handle latches on fire doors in the basements were removed without owners corporation knowledge, approvals, or notice. That happened recently and without obvious trace who authorised or organised it. Lot 158 witnessed handyman and EC Member from Lot 151 several days ago working near fire door 1.*
- 2. The exits from fire door 1, 2, and 3 is now possible without using push bars or door handles. Basically, with a simple push of the finger, one can open some of the fire doors effortlessly.*
- 3. Some fire doors still do not have proper fire safety notices and warnings about penalties.*
- 4. Fire door 6 is so jammed from opening from inside, it would be a death trap in a real emergency scenario.*
- 5. Doors do not close properly and stay ajar, allowing anyone to enter the complex without challenge and without being detected (no CCTV) in those areas. Video evidence collected.*
As an example, anyone can enter the complex at night through fire door 1 and 3, without detection.
- 6. Smoking behind fire door 2 still continues on a regular basis, albeit the smoker removes cigarette butts immediately.*

c) 34 out of 192 lots in four buildings required annual fire safety re-inspection on 7 March 2019 - one month after the first one, and evidence shows that some of them are still unattended. Photo from Lot 154 on 17 May 2019 shows that the fire checks have not been completed yet, although AFSS documents needed to be submitted in April of each year.

Urgent email between BCS Strata Management staff in late June 2016 shows that late AFSS submissions are quite common in our complex (Lot 158 has copy of email "URGENT SP52948 - 1-15 FONTENOY ROAD - AFSS April 2016.msg").



Fire doors not compliant with stringent Fire Safety Regulations on 19th of May 2019

Check of doors on 19th of May 2019:

<https://www.nswstratasleuth.id.au/SP52948-Fire-Door-1-push-bar-not-operational-door-jammed-not-closing-19May2019.mp4>

<https://www.nswstratasleuth.id.au/SP52948-Fire-Door-2-incomplete-fire-safety-notices-push-bar-not-operational-door-not-closing-19May2019.mp4>

<https://www.nswstratasleuth.id.au/SP52948-Fire-Door-3-push-bar-not-operational-door-jammed-not-closing-19May2019.mp4>

<https://www.nswstratasleuth.id.au/SP52948-Fire-Door-5-no-fire-safety-notices-push-bar-not-operational-door-not-closing-19May2019.mp4>

<https://www.nswstratasleuth.id.au/SP52948-Fire-Door-6-no-fire-safety-notices-door-not-closing-19May2019.mp4>

<https://www.nswstratasleuth.id.au/SP52948-Fire-Door-6-no-fire-safety-notices-push-bar-not-operational-door-jammed-19May2019.mp4>

Waratah Strata Management failed to disclose fire safety problems in Minutes of Executive Committee meeting on 2nd of May 2019

In spite of full knowledge of non-compliance with fire safety, Waratah Strata Management chose not to notify owners - extract from the Minutes of EC meeting dated 2nd of May 2019:

- Letter from Ryde Council regarding owner complaint to Fire and Rescue NSW about ongoing maintenance issues for fire safety - An owner has lodged a complaint with Fire and Rescue NSW about fire issues at the property. That complaint was passed on to Ryde Council to investigate. An inspection has been carried out by Ryde Council, but no written response has been received advising of the outcome of that inspection as yet.

Ryde Council and Fire and Rescue NSW confirmed problems in SP52948 on 19th of May 2019

On 23/5/19 4:30 pm, [redacted] wrote:

Hi [redacted],

Council has attended the site, investigated the fire safety concerns you have raised for the above premises, and currently working with the building manager to rectify the concerning matter. Council will carry out the a follow up inspection once rectification work is completed.

If you would like to discuss this matter any further please contact me.

SP52948 Fire Door alarms suddenly installed without notification to owners but push bars removed and notices not fully compliant on 23rd of May 2019







2019-05-25 06:53:28

Smoke alarms in SP52948 units and requirement to replace it every 10 years ignored by strata managers and building managers

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

The bottom-line is: everyone MUST comply with the fire safety legislation – no excuses.

In an effort to protect residents from this risk, the NSW Government introduced the Environmental Planning and Assessment Amendment (Smoke Alarms) Regulation 2006.

As of May 2016, a legislative change came into force requiring that all smoke detectors MUST be replaced when they are 10 years old.

- Under current legislation, the Owners Corporation is responsible for repairing AND maintaining smoke alarms IF the smoke alarms are hard-wired to the lot's electricity supply with a backup battery or connected to a common fire board or panel.
- However, if the smoke detectors are stand alone and battery-operated, then the lot owner (or tenant) is responsible for checking and changing the battery.
- Ultimately, The Owners Corporation is responsible for replacing or repairing a faulty smoke alarm.
- The law is that repair and maintenance of smoke alarms are an owner's responsibility unless it was installed at time of construction (which is the case in SP52948).

The requirement to replace smoke alarms is defined by law and also shown at Fire and Rescue NSW:

<https://www.fire.nsw.gov.au/page.php?id=9218>

Photos taken from two smoke alarms in Lot 158 show that one of them should have been replaced in 2005 (now 14 years after the due date), and the other one expired last year:



As number of other units had their smoke alarms replaced from common funds (Lot 158 has full documentary evidence of it, including the invoices for the work carried out), it was requested that the same service be provided to ALL owners in May 2019 - for the safety of all owners, tenants and visitors in SP52948 as a matter of urgency and every other unit as deemed necessary.

Any smoke alarm that complies with the Australian Standards AS 3786-2014 Smoke Alarms (which should be stamped on the product packaging) will meet the latest requirements.