

Subject: SUMMARY Another discrimination of owners in SP52948 - Non-compliant Extraordinary General Meeting on 27Apr2023
From: SP52948 owner
Date: 4/5/23, 09:05
To: Heath Crosbie
CC: Robert Crosbie

Good morning,

Summary on deliberate manipulation of owners and tenants in SP52948, persistent discrimination, and non-complaint Extraordinary General Meeting on 27 April 2023.

A summary is sent for the sake of evidence. Response is not expected, as typical for Waratah Strata Management style of management.

A group of 12 owners (five committee members that allegedly also attended the Extraordinary General Meeting were exploited to vote for approving three major repairs in the complex, without having the following knowledge, which was deliberately withheld from them (and other owners) by Waratah Strata Management and possibly Uniqueco Property Services (who had duty to publish notices of meetings on six notice boards in the complex).

Owners and investors did not receive any information about balances in Admin and Capital Works Funds. Negative balance in Admin Fund at end of April 2023 amounted to \$170,670.75. For the first time in history of SP52948, Admin Fund balances were negative for whole two financial quarters. That is a horrible news for owners and investors. Attachments have full details.

Owners were also not informed that Annual general Meeting 2022 failed to comply with strata regulations and laws. One extraordinary example of abuse of laws: Auditor failed to comply with STRATA SCHEMES MANAGEMENT ACT 2015 - SECT 95 and STRATA SCHEMES MANAGEMENT REGULATION 2016 - REG 21 (auditor report not prepared BEFORE general meeting).

SP52948 had Admin Fund negative balance of \$203,914.85 on 27 October 2022 - day of Annual General Meeting, and Lot 158 provided the instructions to its proxy, Lot 151 (Ms. Maureen McDonald) how to vote on 27 October 2022 (it is important to highlight that Waratah Strata Management did not provide Auditor's Report in agenda for the general meeting and it was published as late as 9 December 2022, 43 days after the Annual General Meeting).

Waratah Strata Management is aware that credibility of Economos auditor is now being investigated by Chartered Accountants. But, that is just one part of three-prone investigations and submissions to relevant enforcement organizations currently underway.

a) Strata Plan SP52948 Extraordinary General meeting dated 27 April 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).

The "postal" rule which used to provide that a document served by post was deemed served on the fourth (4th) working day, has been amended to now provide that a document is deemed served on the seventh (7th) working day after the day of postage.

This amendment was effected by Schedule 1.18 of the Justice Legislation Amendment Bill (No 3) 2018 (NSW) which amends section 76(1)(b) of the Interpretation Act 1987 (NSW) ("IA") and was assented to on 28 November 2018.

Under the Strata Schemes Management Act, 2015 (NSW), the notice period for a general meeting (other than the first) is seven (7) days. In addition to this seven (7) day period, allowance must also be made for the postal rule, which is a further seven (7) day period. The day of postage cannot be included nor can the day of the meeting itself (Section 36 of the IA) - in other words, those days must be left clear and not be counted in either the postal or strata period. The seven (7) day postal rule is for seven (7) working days - working days are not public holidays, bank holidays in the state to which the agenda applies, Saturdays or Sundays.

PDF metadata shows notice was created on 11 April 2023 at 18:04 hours, making it impossible to be sent by post on that day:

The following applies:

Day/Date	Weekday	Service Calculation Event
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1, 12/04/2023 Wednesday Notice posted (postage date must not be counted)
 2, 12/04/2023 Wednesday First working day
 3, 13/04/2023 Thursday Second working day
 4, 14/04/2023 Friday Third working day
 5, 15/04/2023 Saturday Weekend
 6, 16/04/2023 Sunday Weekend
 7, 17/04/2023 Monday Fourth working day
 8, 18/04/2023 Tuesday Fifth working day
 9, 19/04/2023 Wednesday Sixth working day
 10, 20/04/2023 Thursday Seventh working day - notice effective
 11, 21/04/2023 Friday First notice day
 12, 22/04/2023 Saturday Second notice day
 13, 23/04/2023 Sunday Third notice day
 14, 24/04/2023 Monday Fourth notice day
 15, 25/04/2023 Tuesday Anzac day - Fifth notice day
 16, 26/04/2023 Wednesday Sixth notice day
 Seventh notice day is missing!
 17, 27/04/2023 Thursday Date of meeting (must not be counted)

b) Agenda was not sent to Lot 158. That is an irrefutable statement.

Lot 158 is regularly discriminated for not being given notices of meetings:

<https://www.nswstratasleuth.info/SP52948-Waratah-Strata-Management-organised-non-compliant-ordinary-committee-meetings-in-period-2017-to-2023.html>

c) Notice does not contain information whether motions require a special resolution or a unanimous resolution to be passed. Hence, the Motions are invalid.

d) There is no evidence that a copy of the minutes of the previous general meeting (27 October 2022) was given to owners with notice of a meeting when the owner had not previously been given a copy of the minutes or had requested but not received a copy before the notice was given (SSMA 2015 Schedule 1 8(2)):

Apartment 123/1-15 Fontenoy Road, sold for \$910,000 on 3 Dec 2022
 Apartment 87/1-15 Fontenoy Road, sold for \$865,000.00 on 17 February 2022
 Apartment 18/1-15 Fontenoy Road, sold on 30 November 2022
 Apartment 53/1-15 Fontenoy Road, sold for \$860,000.00 on 25 October 2022
 Apartment 147/1-15 Fontenoy Road, sold on 21 October 2022
 Apartment 30/1-15 Fontenoy Road, sold for \$777,000.00 on 19 October 2022
 Apartment 162/1-15 Fontenoy Road, sold for \$835,000.00 on 14 October 2022

e) The meeting was attended by only 17 owners (out of 218 in the complex), and initially failed to establish a quorum. Of those 17, two were owners who requested approvals for major renovations (Lot 27 and 103), and two were from Lots 136 and 137 who in 2013 obtained approval to connect the two lots (exclusive rights to common property) without properly organized Extraordinary General Meeting whilst failing to cover full costs of the general meeting and Special By-Law registration.

It means that "approval" for the major repairs was completed by only 8.37% of owners.

This fits very well with discrimination attitude by SP52948 committee and Waratah Strata Management, as two (of many) examples can prove:

Submission by now-deceased committee member Mrs. Elizabeth Saulits to CTTT in file SCS 11/00711 dated 14 February 2011:

not a dictatorship Lot 158 was educated under by Marshall Tito of Yugoslavia."

In secret email to Fair Trading NSW on 17 May 2019, Waratah Strata Management stated the following, suggesting to Fair Trading not to waste time on investigating Lot 158 complaints:

"An Owners Corporation is a democracy - everyone has a say and everyone a vote and the majority rules.... One owner thinks all of the other owners are idiots or thieves. Why should the OC and SC have to continue to respond to and waste its time and resources on one recalcitrant, obsessive owner?"

Four out of nine committee members did not attend:

Mrs. Marianna Paltikian (Lot 88)
Mr. Andrew Ip (Lot 133)
Mrs. Kathryn Warn (Lot 170)
Mr. Jeffrey Wang (Lot 218)

f) Extraordinary General Meeting was exclusively related to two owners requesting major renovations: Lot 27 and Lot 103. There is no information if these two owners will cover all costs for this special meeting which benefits only them:

- Full costs of organizing the Extraordinary General Meeting, which includes postage, printing, and so on,
- Costs of updating the schedule of Major Renovations on the Certificate of Title to authorize the carrying out of the Major Renovations.

Minutes of the meeting did not confirm that Lot 27 and 103 would cover costs of general meeting and updates of the Special By-Law 13, because these costs only benefit the two owners - this is even more crucial since Admin Fund for the whole complex had negative balance above \$170,000.00 on the day of the meeting.

g) According to SP52948 Special By-Law, an owner must not undertake "Major Renovations" or "Minor Renovations" without providing the Strata Committee documentary evidence.

What owners were not told:

- Lot 27 and 103 already had pre-approved schedule for major upgrades, as shown by notices in Block B and D dated 23 and 25 April 2023. Basically, the whole Extraordinary General Meeting was just a shameful abuse of other owners who were coerced to "approve" the major repairs:

Strata Plan SP52948 Extraordinary General Meeting scheduled for 27 April 2023, as organised by Waratah Strata Management, did not satisfy requirements of Strata Schemes Management Act 2015 (SSMA), Schedule 1, Section 4 (1) and (3), and section 7, and Interpretation Act 1987 (NSW). Notices in elevators of Block B and D also confirm, without any doubt, that these owners proceeded with major renovations BEFORE approval was provided at the general meeting:



- Owners were not told that there are other owners who had major renovations without approval at general meetings:

Lot 140 in Block D in November 2022

Lot 87 in Block C in May 2023

Regards,

[SP52948-second-letterbox-notice-board-without-information-about-Extraordinary-General-Meeting-scheduled-for-27Apr2023-photo-1-taken-on-27Apr2023.webp](#)

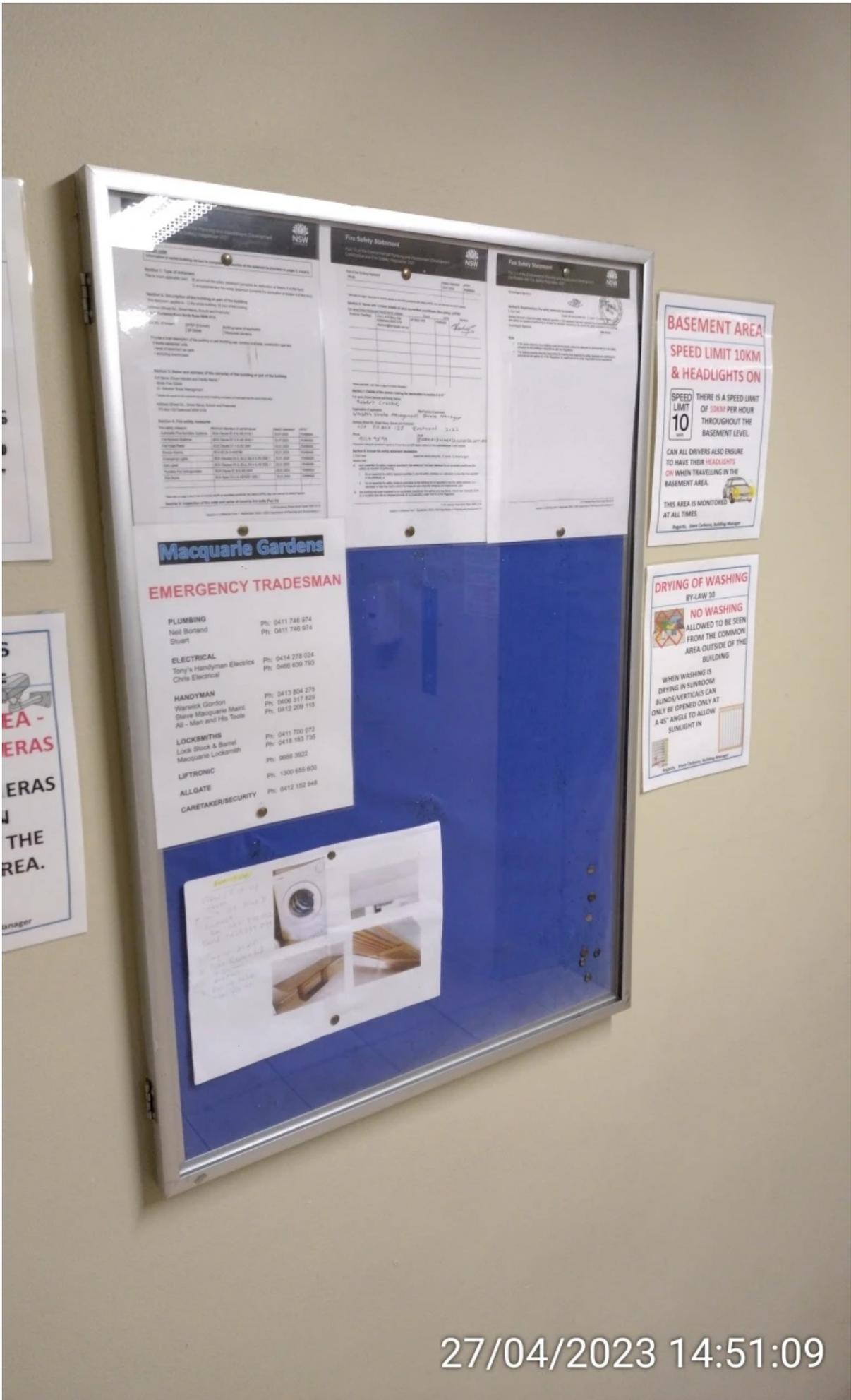



SURVEILLANCE
CAMERAS IN USE

EMERGENCY TRADESMAN

PLUMBING	PH: 04 747 4424
Electrician	PH: 011 827 8278
LOCKSMITH	PH: 04 478 7824
PAINTERS	PH: 0800 80 80 80
ROOFING	PH: 04 747 4424
GLAZING	PH: 04 747 4424
WATER	PH: 04 747 4424
WASTE	PH: 04 747 4424

27/04/2023 14:55:09



Macquarie Gardens EMERGENCY TRADESMAN

- PLUMBING**
Neil Bortland Ph: 0411 746 974
Stuart Ph: 0411 746 974
- ELECTRICAL**
Tony's Handyman Electrics Ph: 0414 279 024
Chris Electrical Ph: 0499 639 793
- HANDYMAN**
Warwick Gordon Ph: 0413 804 275
Steve Macquarie Maint Ph: 0408 217 829
All - Man and His Tools Ph: 0412 209 119
- LOCKSMITHS**
Lock Stock & Barrel Ph: 0411 700 072
Macquarie Locksmith Ph: 0418 163 730
Ph: 9698 9822
- LIFTTRONIC**
Ph: 1300 650 600
- ALLGATE**
Ph: 0412 152 048
- CARETAKER/SECURITY**

BASEMENT AREA
SPEED LIMIT 10KM & HEADLIGHTS ON

THERE IS A SPEED LIMIT OF 10KM PER HOUR THROUGHOUT THE BASEMENT LEVEL.

SPEED LIMIT 10

CAN ALL DRIVERS ALSO ENSURE TO HAVE THEIR HEADLIGHTS ON WHEN TRAVELLING IN THE BASEMENT AREA.

THIS AREA IS MONITORED AT ALL TIMES.

Regards, Steve Osborne, Building Manager

DRYING OF WASHING
BY-LAW 20

NO WASHING
ALLOWED TO BE SEEN FROM THE COMMON AREA OUTSIDE OF THE BUILDING

WHEN WASHING IS DRYING IN SUNLIGHT, BLINDS/VERTICALS CAN ONLY BE OPENED ONLY AT A 45° ANGLE TO ALLOW SUNLIGHT IN

Regards, Steve Osborne, Building Manager

27/04/2023 14:51:09

Date	Admin Fund Balance	Comment
31/01/2017	\$129,704.57	Change BCS Strata Management to Waratah Strata Management
28/02/2017	\$288,552.51	
30/04/2017	\$135,012.17	End of FY quarter
31/07/2017	\$152,916.30	End of FY quarter
31/10/2017	\$100,815.56	End of FY quarter
31/12/2017	\$182,979.04	
31/01/2018	\$108,936.47	End of FY quarter
30/04/2018	\$123,012.91	End of FY quarter
31/07/2018	\$145,119.88	End of FY quarter
31/10/2018	\$80,599.23	End of FY quarter
31/12/2018	\$158,913.31	
31/01/2019	\$84,559.32	End of FY quarter
30/04/2019	\$99,934.95	End of FY quarter
10/07/2019	\$158,181.40	
31/07/2019	\$148,247.36	End of FY quarter
31/08/2019	\$167,231.72	
12/09/2019	\$202,523.24	
12/10/2019	-\$80,003.34	
17/10/2019	-\$131,852.25	Day of Annual General Meeting
31/10/2019	\$37,259.31	End of FY quarter
14/12/2019	\$145,404.20	
31/12/2019	\$100,772.58	
25/01/2020	\$87,537.36	
31/01/2020	\$81,654.32	End of FY quarter
17/04/2020	\$94,415.82	
30/04/2020	\$85,707.93	End of FY quarter
30/07/2020	\$96,907.38	
31/07/2020	\$96,907.38	End of FY quarter
05/10/2020	\$150,004.16	
10/10/2020	\$155,409.14	
13/10/2020	\$48,166.76	
16/10/2020	\$16,253.12	
27/10/2020	\$14,497.09	
31/10/2020	\$8,368.92	End of FY quarter
13/12/2020	\$67,317.74	
31/12/2020	\$55,699.04	
31/01/2021	-\$18,794.90	End of FY quarter
30/04/2021	-\$25,254.77	End of FY quarter
25/04/2021	-\$24,560.03	
31/07/2021	-\$22,323.34	End of FY quarter
28/10/2021	\$1,019.14	Day of Annual General Meeting
31/10/2021	-\$120,210.65	Three days after Annual General Meeting, End of FY quarter
08/12/2021	\$1,263.46	
24/12/2021	-\$49,429.69	
31/12/2021	-\$49,429.69	
10/01/2022	-\$53,002.08	
12/01/2022	-\$112,530.07	
24/01/2022	-\$112,421.07	
30/01/2022	-\$116,068.14	
31/01/2022	-\$123,708.05	End of FY quarter
27/02/2022	\$21,931.68	
11/03/2022	-\$16,236.00	
19/03/2022	-\$23,536.87	
24/03/2022	-\$28,287.34	
13/04/2022	-\$61,745.99	
23/04/2022	-\$86,877.20	
30/04/2022	-\$93,147.13	End of FY quarter
31/07/2022	-\$61,290.46	End of FY quarter
07/10/2022	-\$131,239.39	
10/10/2022	-\$167,486.93	
27/10/2022	-\$203,914.85	Day of Annual General Meeting
31/10/2022	-\$203,913.63	End of FY quarter
04/11/2022	-\$22,211.27	Four days after collection of new levies in amount of \$187,502.16
16/11/2022	-\$60,224.67	
14/12/2022	-\$118,269.42	
25/12/2022	-\$130,200.95	
21/01/2023	-\$134,323.44	Monthly payment to Uniqueco Property Services in amount of around \$28,000.00 and third reimbursement to insurance company in amount of \$4,545.45 are not listed in accounting files by Waratah Strata Management for January 2023
25/01/2023	-\$166,116.59	\$28,311.75 listed as payment to Uniqueco Property Services
31/01/2023	-\$166,111.44	End of FY quarter. Third reimbursement to insurance company in amount of \$4,545.45 is not listed in accounting files by Waratah Strata Management for January 2023
2/02/2023	-\$2,643.41	Two days after collection of new levies
28/02/2023	-\$49,553.62	
31/03/2023	-\$96,937.00	
30/04/2023	-\$170,670.75	End of FY quarter

—SP52948-Block-D-Lot-140-major-renovations-with-prolonged-jackhammering-noise-photo-1-13Nov2022.webp—

**D BLOCK RESIDENTS
PLEASE NOTE:**

**Unit 140 will be
carrying out Kitchen
Renovations from**

**MONDAY, 7TH
NOVEMBER to FRIDAY,
2ND DECEMBER 2022**

**THERE WILL BE JACK HAMMERING
ON & OFF DURING THIS PERIOD.**

*Apologies for any inconvenience or noise that may
occur during this process.*

Regards, Steve Carbone, Caretaker/Building Manager

2022-11-13 07:32:27

C BLOCK RESIDENTS

PLEASE NOTE:

UNIT 87 WILL BE RENOVATING
THEIR KITCHEN & REPLACING
TIMBER FLOORS FROM

WEDNESDAY 3RD
MAY TO FRIDAY 2ND
JUNE 2023

THERE WILL BE **JACK**
HAMMERING ON & OFF DURING
THIS PERIOD.

*Apologies for any inconvenience or noise that may occur
during this process.*

Regards, Steve Carbone, Caretaker/Building Manager

03/05/2023 19:07:39

Attachments:

SP52948-second-letterbox-notice-board-without-information-about-Extraordinary-General-Meeting-scheduled-for-27Apr2023-photo-1-taken-on-27Apr2023.webp	202 KB
SP52948-Block-A-notice-board-without-information-about-Extraordinary-General-Meeting-scheduled-for-27Apr2023-photo-1-taken-on-27Apr2023.webp	94.3 KB
SP52948-graph-of-Admin-Fund-negative-balances-from-31Jan2017-to-30Apr2023.png	66.8 KB
SP52948-first-time-in-history-Admin-Fund-continuous-negative-balances-for-two-FY-quarters-Apr2023.png	46.0 KB
SP52948-Admin-Fund-negative-balances-from-31Jan2017-to-30Apr2023.png	128 KB
SP52948-Balance-Sheet-30Apr2023.pdf	68.2 KB
SP52948-Block-D-Lot-140-major-renovations-with-prolonged-jackhammering-noise-photo-1-13Nov2022.webp	365 KB
SP52948-Block-C-notice-Lot-87-replacing-timber-floor-and-kitchen-renovation-photo-1-3May2023.webp	111 KB

SP52948-extract-from-email-by-Waratah-Strata-Management-to-Fair-Trading-NSW-case-9761719-part-1-17May2019.png	423 KB
SP52948-extract-from-email-by-Waratah-Strata-Management-to-Fair-Trading-NSW-case-9761719-part-2-17May2019.png	508 KB
