

Subject: UPDATED PROBLEM REPORT: SP52948 persistent fire and OH&S safety issues on 13Sep2023  
From: SP52948 owner  
Date: 13/9/23, 11:53  
To: Fire Safety <FireSafety@fire.nsw.gov.au>  
CC: cityofryde@ryde.nsw.gov.au

Good morning,

Continuous disregard to safety is prevalent in large strata complex SP52948 in Macquarie Park:

<https://www.nswstratasleuth.info/SP52948-continuous-delays-with-fire-and-OHS-problems.html>

In agenda for Annual General Meeting sent to owners on 7 October 2021, Waratah Strata Management and committee members confirmed ongoing problems with fire safety and known issues with replacing smoke alarms, without giving owners information that smoke alarms were common property and had to be maintained by owners corporation, not because committee members "decided to do it".

A year later - status quo: in agenda for Annual General Meeting sent to owners on 10 October 2022, Waratah Strata Management and committee members confirmed ongoing problems with fire safety.

And one more year later - September 2023, still the same issue.

Attachments:

SP52948-extract-from-agenda-for-Annual-General-Meeting-confirming-fire-safety-problems-7Oct2021.png

SP52948-extract-from-agenda-for-Annual-General-Meeting-confirming-fire-safety-problems-10Oct2022.png

We believe that every citizen has duty of care and responsibility to protect the public interests and well-being of everyone.

Many problems were reported by us in last several years - to list a few:

- FRN16/829 BFS19/749 (8000006616)
- FRN16/829 BFS19/3235 (SRID 9030)
- BSF16/666(10242)
- FRN16/829 BFS20/252 (SRID 10317)
- FRN16/829 BFS20/1014 (SRID 11059)

It took more than 10 years for us to enforce external door on our property to be compliant with fire safety regulations (and also force strata manager to replace obsolete and faulty smoke alarms in many units in 2021/2022).

Ignorance of the laws can be very costly, not only in financial terms, but in terms of loss of life and property.

1. SP52948 committee meeting on 9 September 2023 confirmed again they are delaying orders by Ryde Council and allegedly waiting for further "advice" in spite of known problems for three years.

Attachment "SP52948-minutes-EC-9Sep2023.pdf".

2. Attachment "SP52948-email-between-building-manager-and-Waratah-Strata-Manager-delaying-fire-safety-remediation-due-to-lack-of-offical-orders-by-Council-4Feb2021.png" show clear intention to delay fire safety UNTIL formal orders were received from City of Ryde council (email between Mr. Steve Carbone from Uniqueco Property Services and Mr. Robert Crosbie at Waratah Strata Management)!

3. An updated version of failures to properly assess and apply 10-Year Capital Works Fund, which SP52948 never discussed at general meetings, never approved, and never complied with since 1997.

As a reminder, non-compliant committee meeting on 23 September 2021 documented shortage of \$1,515,541.00 in Capital Works Fund against the forecast in April 2017 but failed to include it at the general meeting.

Attachment:

SP52948-discrepancies-in-BIV-report-for-10-Capital-Works-Fund-in-2017-and-2021.pdf

4. Annual fire safety statements never shared or discussed at general meetings since 1997.

Waratah Strata Management is well aware of this obligation since they took office on 1 February 2017. They apply it in other complexes, for example SP75860, but not in SP52948.

Under the NSW Environmental Planning and Assessment Regulation 2000 and the Building and Development Certifiers Act 2018, all commercial property owners also have a legal responsibility to ensure the safety of residents, tenants, staff and visitors.

Strata owner or managers must maintain essential fire prevention measures as outlined in the legislation and in accordance with Australian Standards AS1851-2021 and local council requirements. They are also obligated to meet all compliance requirements, including Annual Fire Safety Statements.

Evacuation diagrams do not exist on common property.

In non-compliance with strata plan registrations, number of properties are used for non-hosted short-term rental accommodation (short-term rental accommodation provided where the host does not reside on the premises during the provision of the accommodation) and they also have special requirements in regard to fire safety, which has never been checked or applied in SP52948.

The mandatory Code of Conduct for the Short-term Rental Accommodation Industry (Code) started on 18 December 2020. It is administered by the Commissioner for Fair Trading in the NSW Department of Customer Service. The Code sets out the legal responsibilities and creates new minimum standards of behaviour and requirements for all industry participants, including:

- booking platforms
- hosts
- guests
- letting agents and facilitators.

The Code also establishes the STRA Exclusion Register which commenced in August 2022. The Exclusion Register is a list of guests and hosts who have been excluded from participating in the short-rental accommodation industry.

5. Work health & safety / hazardous material survey on common property never conducted or shared with owners since 1997.

Waratah Strata Management is well aware of this obligation since they took office on 1 February 2017. They apply it in other complexes, for example SP75860, but not in SP52948.

6. Rusted fire doors are very visible, but ignored by strata and building managers.

Attachments:

[SP52948-Block-A-basement-external-fire-door-2-rusted-for-seven-years-due-to-water-leaks-photo-1-11Jun2023.webp](#)

[SP52948-Block-D-basement-internal-fire-door-rusted-for-seven-years-due-to-water-leaks-photo-3-12Jun2023.webp](#)

7. All four high temperature alarms are rusted and unmaintained (one of them is even on private property (Block C)).

Attachments:

[SP52948-Block-A-entrance-rusted-high-temperature-alarm-photo-2-31Aug2023.webp](#)

[SP52948-Block-B-entrance-rusted-high-temperature-alarm-photo-2-31Aug2023.webp](#)

[SP52948-Block-C-entrance-rusted-high-temperature-alarm-on-private-property-photo-2-31Aug2023.webp](#)

[SP52948-Block-D-entrance-rusted-high-temperature-alarm-photo-1-31Aug2023.webp](#)

8. Two long-term unprotected electrical cables that create OH&S and fire risks have been unresolved for several years! One is in front of townhouse 199 (result of destroyed garden lighting pole), and the other in basement of Block A.

Attachments:

SP52948-two-examples-of-unprotected-electrical-cables-creating-OHS-risks-for-many-years-27Aug2023.png

SP52948-unprotected-cables-creating-OHS-risk-near-townhouse-199-photo-4-25Aug2023.webp

9. There are number of faulty fire exist lights, unrepaired for many months. Example from Block B basement and exit door on ground floor of Block C.

Attachments:

SP52948-Block-B-basement-faulty-fire-exit-light-photo-2-1Sep2023.webp

SP52948-faulty-emergency-exit-light-behind-Block-C-photo-3-23Aug2023.webp

10. Two fire doors were replaced in Block A on 23 August 2023, and according to the company doing the work, number of other doors need to be replaced but are delayed for now!

Attachments:

SP52948-Block-A-ground-floor-unannounced-replacement-of-fire-door-photo-1-23Aug2023.webp

SP52948-Block-A-level-6-unannounced-replacement-of-fire-door-photo-2-23Aug2023.webp

11. In Lot 158 alone, there are 10 unrepaired common property items, of which the most critical one are water leaks near lighting on the ceiling since late 2020, as still listed as Open Work Order on Waratah Strata website. That leak can cause electrical and fire hazards.

<https://www.nswstratasleuth.info/SP52948-unresolved-common-property-maintenance-issues-in-Lot-158.html>

Attachment:

SP52948-waratahstrata.com.au-website-Maintenance-Open-Work-Orders-page-1-11Sep2023.png

12. Waratah Strata Management and committee members continue to hide Admin Fund balance status for FY 2023, which shows almost persistent negative balance throughout the year and terrible trends since 2017.

At committee meeting on 7 September 2023, owners and investors still did not have any information about finances, apart from intention to raise levies by 8% at the next general meeting.

As of today, Admin Fund has only \$10,728.35, and major expenses are awaiting until next collection of levies on 1 November 2023 (2 x \$28,877.00 for monthly expense for building management contract, 1 x monthly expenses for strata management contract, yearly insurance renewal due on 21 September 2023, utility expenses, and more). A conservative estimate is that Admin Fund will have negative balance of at least \$180,000.00 by 31 October 2023).

How much owners and investors are mislead is displayed through statement at the committee meeting on 29 April 2021, where it said that "current deficit in the Administrative Fund was only temporary"...

Attachments:

SP52948-effects-of-Waratah-Strata-Management-on-Balance-Sheet-from-1Sep2022-to-31Aug2023.png

SP52948-graph-of-Admin-Fund-negative-balances-from-31Jan2017-to-31Aug2023.png

SP52948-extract-from-minutes-financial-status-7Sep2023.png

SP52948-extract-from-non-compliant-committee-meeting-documenting-negative-balance-in-Admin-Fund-29Apr2021.png

Regards,

Lot 158

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



—SP52948-Block-D-basement-internal-fire-door-rusted-for-seven-years-due-to-water-leaks-photo-1-12jun2023.webp



—SP52948-Block-A-basement-external-fire-door-2-rusted-for-seven-years-due-to-water-leaks-photo-1-11jun2023.webp







CONTACT FAQ CHANGE PASSWORD LOGOUT



OWNERS CORPORATION PORTFOLIO REPORTS MEETINGS DOCUMENTS MAINTENANCE

Strata Plan 52948

Work Orders

Quotes

Open Work Orders

Date	Status	Job Summary	No
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
04/08/2017	Sent	Replace conduit brackets	4026

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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:

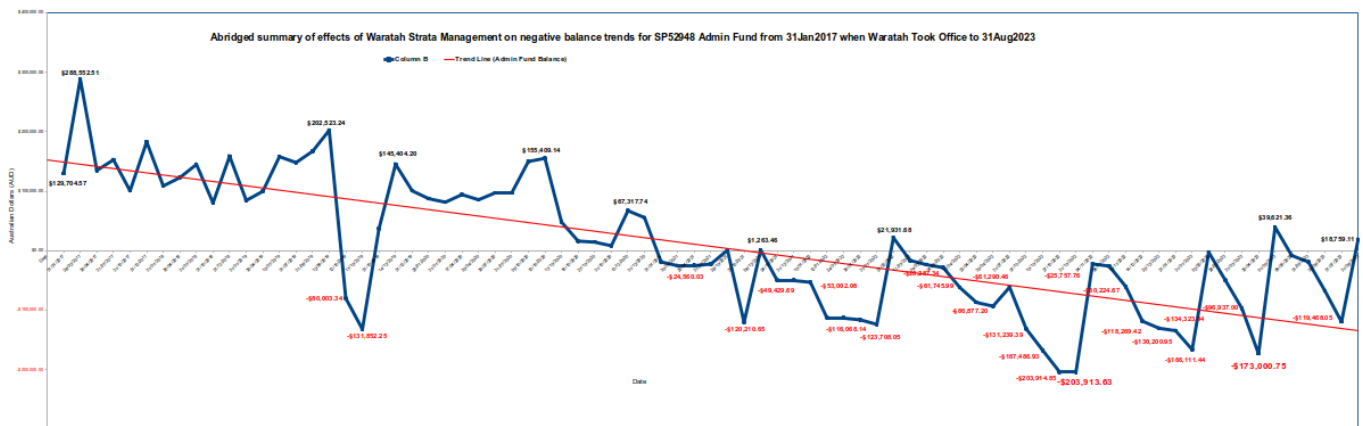
1 MINUTES

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

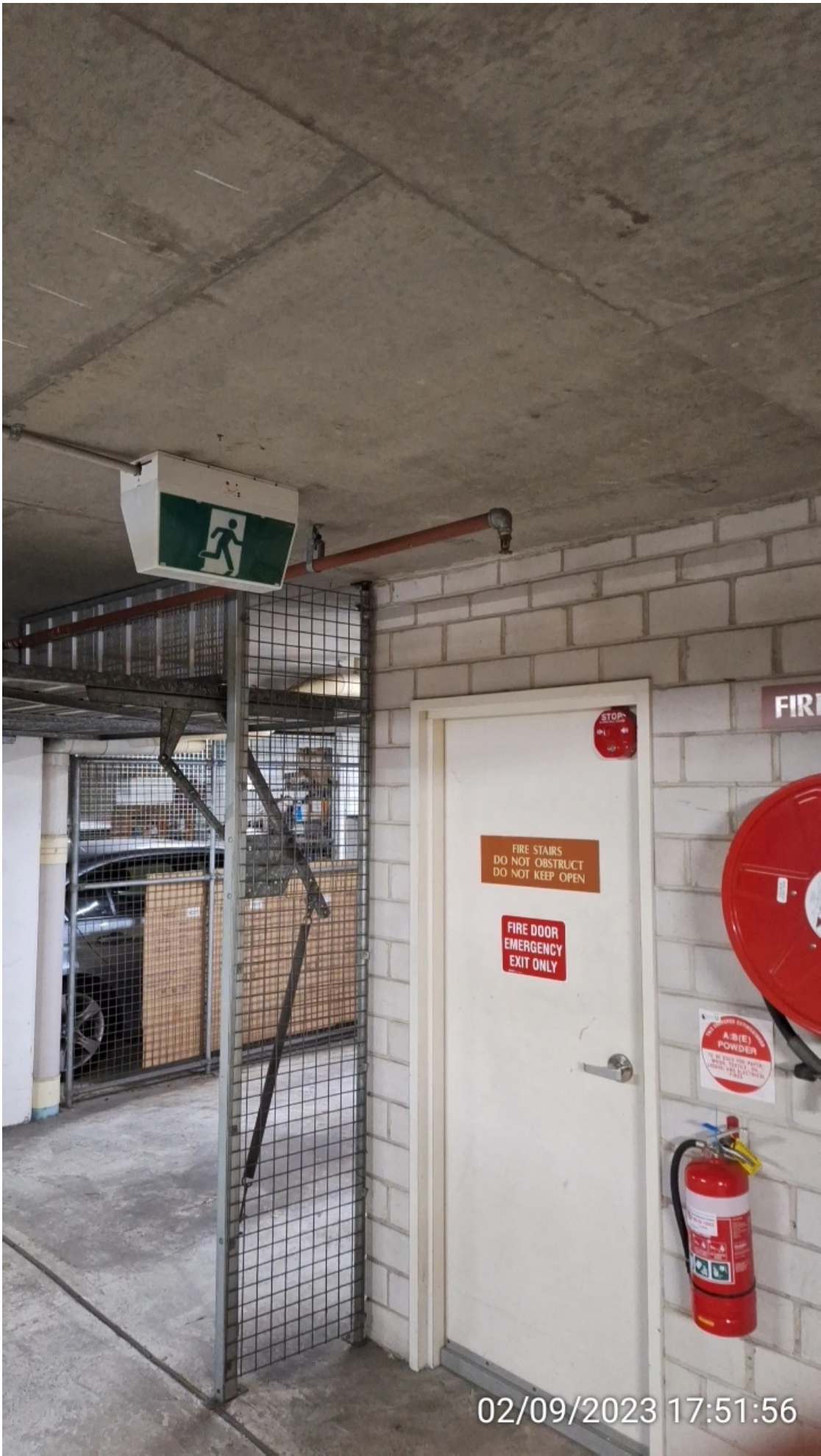
2 FINANCIAL REPORT

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.

SP52948-graph-of-Admin-Fund-negative-balances-from-31Jan2017-to-31Aug2023.png



SP52948-Block-B-basement-faulty-fire-exit-light-photo-2-15Sep2023.webp





# WARATAH

Strata Management

CONTACT FAQ CHANGE PASSWORD LOGOUT



OWNERS CORPORATION

PORTFOLIO

REPORTS

MEETINGS

DOCUMENTS

MAINTENANCE

Strata Plan 52948

Enter Keyword



Document Type	Creditor	Description	Date
MINUTE BOOK			05/10/2001
MINUTE BOOK			04/10/2001
MINUTE BOOK			23/08/2000

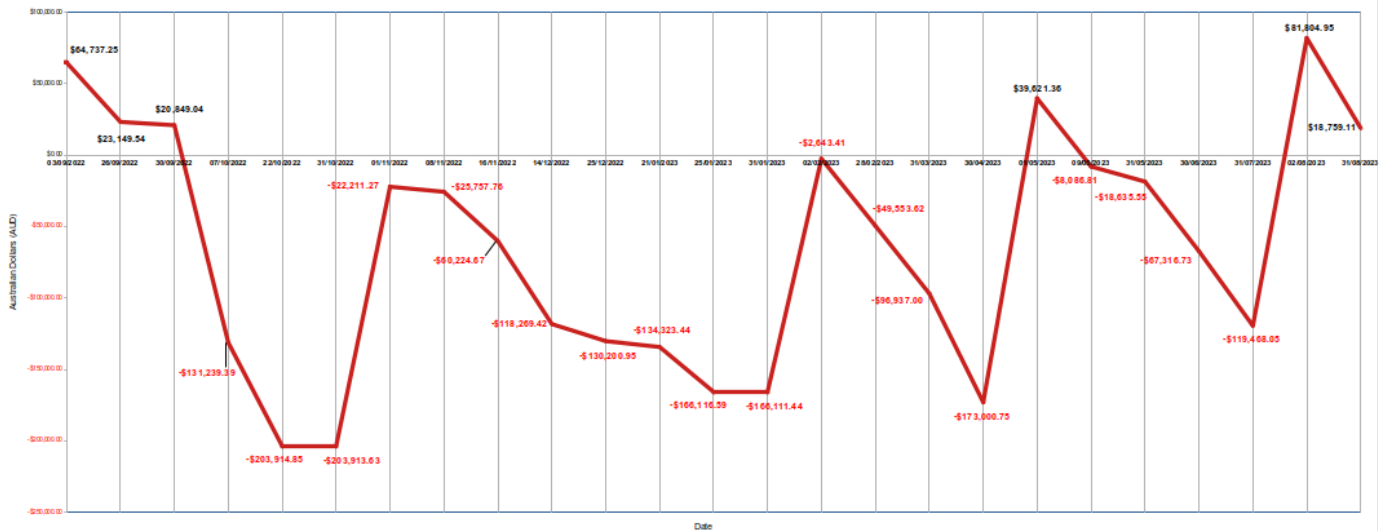
Results: 171 - 173 / 173

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Show rows 10

SP52948-effects-of-Waratah-Strata-Management-on-Balance-Sheet-from-15Sep2022-to-31Aug2023.png

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)

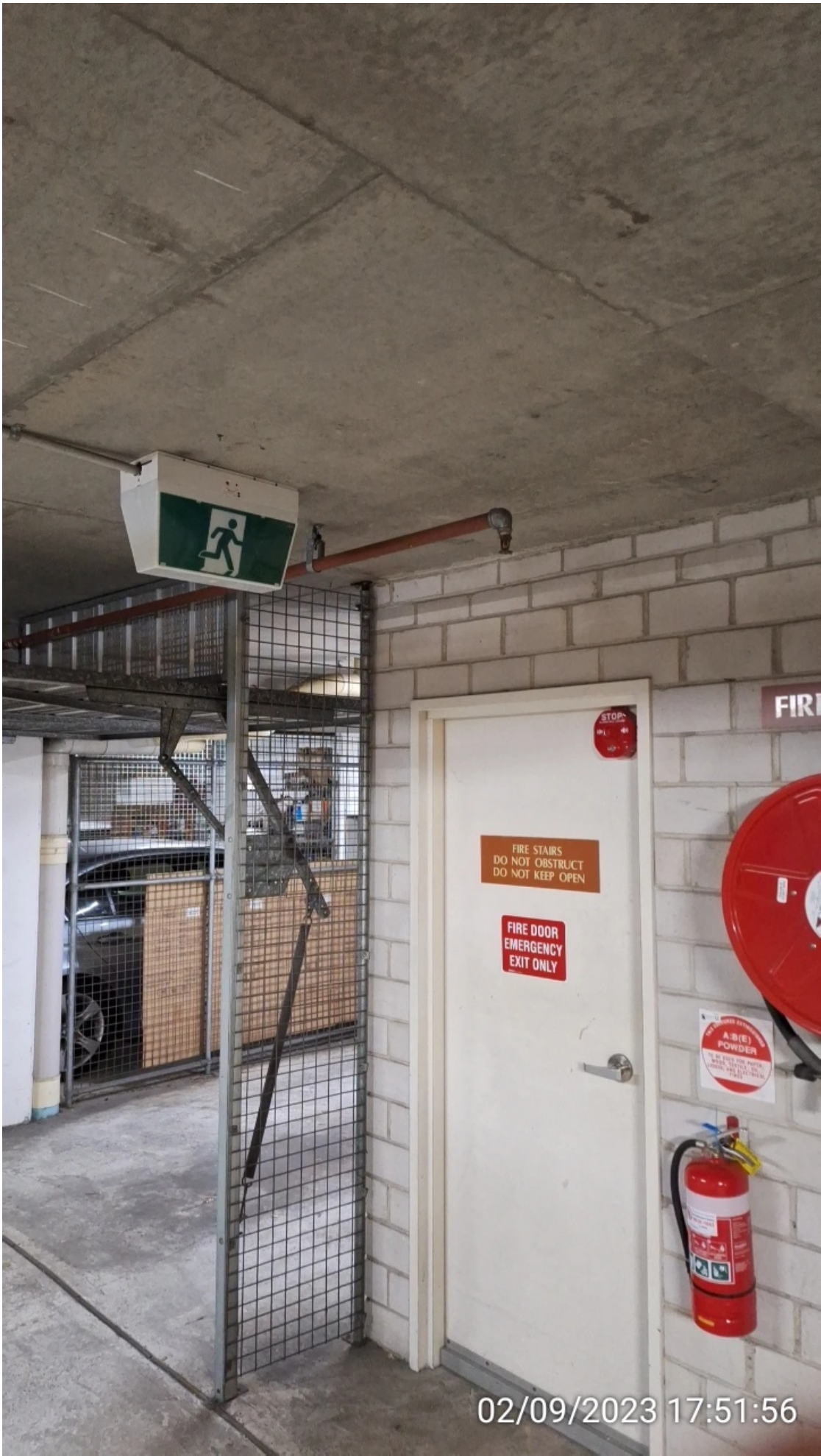


SP52948-extract-from-minutes-financial-status-75ep2023.png

### 3 FINANCIAL REPORT

Resolved that the financial reports for the previous financial year were reviewed. An 8% increase of the budget is proposed for the current financial year. The Chairperson Report for the AGM will provide information for the owners detailing proposed increases.

SP52948-Block-B-basement-faulty-fire-exit-light-photo-2-15ep2023.webp





























### Fire safety inspections

As well as our annual fire safety inspections, Ryde Council responded to complaints from one owner by requiring a fire audit. As a result of this audit, building faults, many of which existed when the buildings were first approved, have been listed. The committee has sought a response from a fire engineer to make a response to council about what needs to be done and what can be exempted. This matter is underway and held up by Covid 19 restrictions. The Committee will need to report further to owners if the proposed solutions impose any financial burden beyond current budget capacity to absorb this work in the new financial year and beyond.

### House rules

On the basis of “good fences make good neighbours” the committee has pursued the development of tighter and fairer house rules to assist all residents to work harmoniously with property staff and each other. This work included:

- the development of a Covid 19 plan for the gym/pool complex with closure during the extended lockdown and variations for the two and four square meter rules and including a lot number sign in.
- Clarification of the times for swimming lesson so that other residents are not disadvantaged
- Signs in lifts and other common indoor areas for the wearing of masks
- The clarification of responsibilities for residents and property staff for the acceptance of deliveries
- The moving of the smoking area away from the tennis courts
- Clarifying the keeping of animals by-law to include minding an animal and visitors wishing to bring an animal onto the property.

### Assistance and communication

The committee decided that strata would replace, repair and maintain (batteries) smoke detectors with the responsibility of reporting faults lying with the owner/resident. Committee members, strata manager and property manager all wish to assist residents when issues arise. Please talk over any concerns or ideas to enhance our lives together with the relevant personnel.

John Gore  
Chair

—SP52948-extract-from-agenda-for-Annual-General-Meeting-confirming-fire-safety-problems-10Oct2022.png

## Macquarie Gardens Strata Plan 52948 Chairperson’s report October 2022

### Personnel

The strata committee acknowledges and commends the work of the Property Manager and his staff and Waratah Strata Management who have all worked hard to ensure the high standards of the property and services to owners and residents.

Kathryn Cutler and Ramesh Kamini joined the committee as elected members and I wish to personally acknowledge and thank all members of the strata committee for their ongoing commitment to sound decisions for the benefit of owners and residents.

### Implementing requirements of the 2020 fire audit.

As well as our annual fire safety inspections, Ryde Council responded to complaints from the owner of Lot 158 by requiring a fire audit. As a result, building faults, most of which existed when the buildings were first approved, were uncovered. The committee sought a response from a fire engineer CORE Engineering to make a response to council about what needs to be done and anything that might be exempted. Progress was held up by Covid 19 restrictions in 2020.

In February 2021, the committee received a report from CORE highlighting the work that needed to be done and the inspections and assessments that would be required. As these matters have substantial financial implications, the committee became increasingly concerned by the lack of progress by CORE when in October 2021 it received a further report that indicated little progress. After several meetings with representatives of CORE earlier in 2022, the strata committee at its September 2022 meeting, decided to have the Strata Manager seek an agreement with CORE to scope the work and provide a timeline for the next three years leading to tenders being called. The Capital Works Fund has been accumulating funds in preparation for this work and, although the delay has helped financially, the work must be done and commenced as soon as possible. The unknown total cost of this work is a concern to the committee.

### Attachments:

SP52948-two-examples-of-unprotected-electrical-cables-creating-OHS-risks-for-many-years-27Aug2023.png	749 KB
SP52948-Block-D-basement-internal-fire-door-rusted-for-seven-years-due-to-water-leaks-photo-1-12Jun2023.webp	310 KB
SP52948-Block-A-basement-external-fire-door-2-rusted-for-seven-years-due-to-water-leaks-photo-1-11Jun2023.webp	253 KB
SP52948-discrepancies-in-BIV-report-for-10-Capital-Works-Fund-in-2017-and-2021.pdf	11.3 MB
SP52948-waratahstrata.com.au-website-Maintenance-Open-Work-Orders-page-1-11Sep2023.png	106 KB
SP52948-extract-from-non-compliant-committee-meeting-documenting-negative-balance-in-Admin-Fund-29Apr2021.png	104 KB
SP52948-graph-of-Admin-Fund-negative-balances-from-31Jan2017-to-31Aug2023.png	73.1 KB
SP52948-Block-B-basement-faulty-fire-exit-light-photo-2-1Sep2023.webp	229 KB
SP52948-waratahstrata.com.au-website-Documents-folder-page-18-11Sep2023.png	91.3 KB
SP52948-minutes-EC-9Sep2023.pdf	118 KB
SP52948-effects-of-Waratah-Strata-Management-on-Balance-Sheet-from-1Sep2022-to-31Aug2023.png	57.5 KB
SP52948-extract-from-minutes-financial-status-7Sep2023.png	24.6 KB

SP52948-Block-B-basement-faulty-fire-exit-light-photo-2-1Sep2023.webp	229 KB
SP52948-faulty-emergency-exit-light-behind-Block-C-photo-3-23Aug2023.webp	176 KB
SP52948-Block-A-entrance-rusted-high-temperature-alarm-photo-2-31Aug2023.webp	244 KB
SP52948-Block-B-entrance-rusted-high-temperature-alarm-photo-2-31Aug2023.webp	226 KB
SP52948-Block-C-entrance-rusted-high-temperature-alarm-on-private-property-photo-2-31Aug2023.webp	220 KB
SP52948-Block-D-entrance-rusted-high-temperature-alarm-photo-1-31Aug2023.webp	261 KB
SP52948-email-between-building-manager-and-Waratah-Strata-Manager-delaying-fire-safety-remediation-due-to-lack-of-offical-orders-by-Council-4Feb2021.png	543 KB
SP52948-Block-A-ground-floor-unannounced-replacement-of-fire-door-photo-1-23Aug2023.webp	188 KB
SP52948-Block-A-level-6-unannounced-replacement-of-fire-door-photo-2-23Aug2023.webp	126 KB
SP52948-extract-from-agenda-for-Annual-General-Meeting-con firming-fire-safety-problems-7Oct2021.png	98.1 KB
SP52948-extract-from-agenda-for-Annual-General-Meeting-con firming-fire-safety-problems-10Oct2022.png	105 KB