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**Many attempts to reason with Waratah Strata Management (Mr. Robert Crosbie and Mr. Simon Wicks) and Uniqueco Pty Ltd (Mr. Steve Carbone) were made. In each attempt, they refused to acknowledge, reply, notify owners corporation, or even attend to most of the reoccurring problems:**

**30 September 2017**

**5 October 2017**

**18 February 2018**

**8 July 2018**

## Undisclosed costs, warranties, and work completed in complex painting project in 2017 – unexplained alleged costs for townhouses in amount of \$92,950.00

Details of the contracted values for the painting, including undisclosed details what painting was done on 26 townhouses which already had THREE paintings of pergolas over 20 years (against one poorly-done painting of buildings). In spite of all efforts, EC members and Waratah Strata Management could not provide any valid justification why painting of 26 townhouses that do not even have render cost owners corporation \$84,498.00 (plus GST) against each seven-storey building (including roof tops) which required minimum two coats of Dulux paint, massive number of repairs for cracks and paint blistering at cost of \$107,000.00 (plus GST).

In addition, five lattices in townhouses were erected without approval by owners corporation and are not part of common property: Lot 194, Lot 197, Lot 199, Lot 202, and Lot 216.

- The Agenda and Minutes of the AGM 2016 held on 4 November 2016 confirm that the estimated value of the painting contract with Townview Australia Pty Ltd was between \$600,000.00 and \$650,000.00.
- BCS Strata Management and Waratah Strata Management failed to disclose to owners that the full contract with Townview Australia Pty Ltd was in amount of \$630,846.00 (including GST).
- Waratah Strata Management failed to disclose to owners the following breakdown of expenses for the painting project that they were aware of 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).

- Motion 3 in the Minutes of EC meeting held on 20 July 2017 shows 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 shows that the painting project was complete and all accounts had been paid except the 5% retention amounts totalling \$28,187.00 + GST.  
No details of the total costs, warranties, and other details were provided to owners.
- 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).
- Waratah Strata Management listed total costs in the Agenda for AGM 2017 on page 25 (Capital Works Fund) 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.

Request to Waratah Strata Management to provide details of the warranties that apply to the painting work has been declined so far.

Alleged work on townhouses cannot justify cost of \$92,950.00 (including GST).

Evidence of outstanding work (for example, rusted louvres still not properly treated and painted from the inside of the basement of the garages) is withheld from owners by Waratah Strata Management:

<b>Block A</b>	<b>Contract value \$107,000.00 plus GST</b>		<b>\$117,700.00</b>	
20%	\$23,540.00	\$23,540.00		
40%	\$23,540.00	\$47,080.00		
60%	\$23,540.00	\$70,620.00		
80%	\$23,540.00	\$94,160.00		
95% Practical completion	\$17,655.00	\$118,815.00		
100%	\$5,885.00	\$117,700.00		
<b>Townhouses</b>	<b>Contract value \$84,498.00 plus GST</b>		<b>\$92,950.00</b>	
	<i>(Numbers have been rounded to avoided cents in the schedule)</i>			
20%	\$18,590.00	\$18,590.00	7610	31/03/17
40%	\$18,590.00	\$37,180.00	7617	19/04/17 *
60%	\$18,590.00	\$55,770.00	7618	30/04/17 *
80%	\$18,590.00	\$74,360.00	7618	30/04/17 *
95% Practical completion	\$13,943.00	\$88,303.00	7630	26/05/17
100%	\$4,647.00	\$92,950.00	7631	Not approved
<i>Note: Invoice 7631 - 100% claim - will sit until end of the defects liability period.</i>				
<b>UPDATED 29 MAY 2017 FOR PAYMENT OF ITEMS HIGHTLIT IN YELLOW – ML&amp;SP</b>				
<b>Block B</b>	<b>Contract value - \$107,000.00 plus GST</b>		<b>\$117,700.00</b>	
<b>Milestone completed</b>	<b>Payment</b>	<b>Progressive</b>	<b>Invoice</b>	<b>Approved</b>
10% - project deposit	\$11,770.00	\$11,770.00	7606	04/03/2017
20%	\$11,770.00	\$23,540.00	7612	31/04/2017 *
40%	\$23,540.00	\$47,080.00	7618	24/04/2017 *
60%	\$23,550.00	\$70,620.00	7624	22/05/2017
80%	\$23,540.00	\$94,160.00	7624	22/05/2017
95% - Practical completion	\$17,655.00	\$111,815.00	7626	Not approved
100%	\$5,875.00	\$111,700.00	7629	Not approved
<i>Notes: Claims for Practical Completion and retention are to and but the milestones have not been reached yet.</i>				
<i>Claim 7626 - PC is eminent but not quite there yet.</i>				
<i>Claim 7629 will not be approved until Contract End – 3 months after PC</i>				

<b>Block C</b>	<b>Contract value - \$107,000.00 plus GST</b>		<b>\$117,700.00</b>	
20%	\$23,540.00	\$23,540.00	7618	24/04/2017 *
40%	\$23,540.00	\$47,080.00	7625	22/05/2017
60%	\$23,540.00	\$70,620.00	7627	Not approved
80%	\$23,540.00	\$94,160.00	7627	Not approved
95% - Practical completion	\$17,655.00	\$111,815.00		
100%	\$5,885.00	\$117,700.00		
<p><i>Note: Invoice 7627 is a composite claim for both the 60% and 80% milestones.</i></p> <p><i>Whilst 60% has been achieved, 80% has not yet and approval deferred until reached</i></p>				
<b>Block D</b>	<b>Contract value \$107,000.00 plus GST</b>		<b>\$117,700.00</b>	
20%	\$23,540.00	\$23,540.00	7628	22/05/2017
40%	\$23,540.00	\$47,080.00		
60%	\$23,540.00	\$70,620.00		
80%	\$23,540.00	\$94,160.00		
95% Practical completion	\$17,655.00	\$111,815.00		
100%	\$5,885.00	\$117,700.00		
<b>Various structures \$66,000.00</b>	<b>Contract value \$60,000.00 plus GST</b>			
20%	\$13,200.00	\$13,200.00		
40%	\$13,200.00	\$26,400.00		
60%	\$13,200.00	\$39,600.00		
80%	\$13,200.00	\$59,400.00		
90% Practical completion	\$6,600.00	\$59,400.00		
100%	\$6,600.00	\$66,000.00		

Waratah Strata Management and Uniqueco were requested to notify owners about this in October 2017, February 2018, and April 2018, which they silently declined:

- Owners to be notified about exact costs.
- Details of the alleged work on townhouses to be published.
- Details of the warranties to be published.



Occupational Health and Safety hazard - undisclosed repetitive repairs without warranties at significant losses to owners – in one case 24 water-leak related repairs in the same unit at cost above \$20,000.00 since 2011

Repeated repairs, without any warranties continue to plague the complex. 24 documented water-related repairs in one unit alone (Lot 191) since late 2011 at cost above \$20,000.00 that generated almost two days of cumulative water supply shutdown to all owners in Block A. Since Waratah Strata Management took office on 1 February 2017, six repairs were done in Lot 191 (there could be more but they are kept secret from owners by Uniquenco staff and Waratah Strata Management), without disclosure to owners and analysis of repetitive work.

Because each plumbing work is accompanied by at least one plaster or paint work (to repair walls and ceilings), it is almost certain that number of repairs in Lot 191 is close to 30, or even more!

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. Lot 192: Repair ceiling to kitchen after plumbers investigated leak to hot water lines from adjoining unit, patch ceiling and prepare 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. 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 returned 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 2-3 meter section of piping in the ceiling space, which required us to cut another hole. Tested all new piping and cleaned up mess to complete our part of the job. Caretaker now organising the ceiling repairs
33568	NCB PLUMBING PTY LTD		Undisclosed	3/03/2017		A Block. Lot 191 water leak in laundry ceiling
	Warrick - Handyman		Undisclosed	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		A Block. Lot 191 water leak through bathroom ceiling
??	Unknown	??	Undisclosed	10/01/2018		A Block: Lot 191 water leak in ceiling cavity wall
??	Unknown	??	Undisclosed	4/04/2018		A Block: Lot 191 water leak laundry ceiling
??	Unknown	??	Undisclosed	8/05/2018		A Block: Lot 191 water leak
		Total	\$15,715.90			

Waratah Strata Management directly prevented owners from having access to this information, and even disallowed Motion about it at AGM 2017:


**Motion: Undisclosed pending major water leak repairs in Block A**

The Owners Corporation SP52948 by GENERAL RESOLUTION (A ONE LOT/ONE VOTE FORMAT), confirms the following:

- BCS Strata Management and EC members failed to include this Motion in the agenda for AGM 2016 without due notice to the requestor of the Motion, and owners corporation denied a vote on the Motion,
- BCS Strata Management, Building Manager Uniqueco Pty Ltd, and EC members hid information about seriousness of the water leak problems in Block A and throughout the complex,

Explanatory Notes:

- Invoice by NCB Plumbing:

		NCB Plumbing Pty Ltd ABN: 34 079 095 257 Lic No. 118009C Plumber, Drainer, Gasfitter, Roofer, LPG	PO Box 971 Epping NSW 1710 P: (02) 9807 3544 F: (02) 9807 3944 M: 0411 746 974 E: ncbplumbing@bigpond.com
OWNERS CORPORATION: 52948 C/- BCMS Locked Bag 22 Haymarket NSW 1238		<b>TAX INVOICE</b>	
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 Completed: 04/02/16		Job No: NA	
<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>			

## Occupational Health and Safety hazard – faulty ventilation in Block A and incomplete repairs since May 2018 and evidence of exhaust fans secretly repaired for selective owners from common funds

Since late May 2018, faulty ventilation in Block A is generating foul smell, poor air flow, and even after the alleged repairs it is not in proper operational order. Mr. Robert Crosbie acts as Secretary of the Executive Committee – directly representing owners corporation and hence acting in non-compliance with Strata Schemes Management Act 2015, Section 106.

Director of Waratah Strata Management Mr. Robert Crosbie refuses to even look at evidence about health risk with poor ventilation in one bathroom and laundry provided to him and Strata Manager Mr. Simon Wicks on 21 June 2018.

They failed to show evidence of the complaint being included in the agenda for the Executive Committee meeting on 21 June 2018. This is non-compliance with Strata Schemes Management Act 2015, Section 43.

Uniquenco failed to manage common property in accordance with their contract with SP52948. Video evidence on 20 June 2018 and 25 August 2018:

<https://www.nswstratasleuth.id.au/Waratah-Strata-Management/SP52948-Lot-158-first-bathroom-good-ventilation-and-suction-20Jun2018.3gp>

<https://www.nswstratasleuth.id.au/Waratah-Strata-Management/SP52948-Lot-158-laundry-poor-ventilation-20Jun2018.3gp>

<https://www.nswstratasleuth.id.au/Waratah-Strata-Management/SP52948-Lot-158-second-bathroom-poor-ventilation-20Jun2018.3gp>

<https://www.nswstratasleuth.id.au/Waratah-Strata-Management/SP52948-Lot-158-second-bathroom-poor-ventilation-and-lack-of-suction-20Jun2018.3gp>

<https://www.nswstratasleuth.id.au/Waratah-Strata-Management/SP52948-Lot-158-laundry-poor-ventilation-25Aug2018.3gp>

<https://www.nswstratasleuth.id.au/Waratah-Strata-Management/SP52948-Lot-158-bathroom-good-ventilation-25Aug2018.3gp>

Tests this week show that there is an improvement after complaints but the suction and air flow is still much weaker in one bathroom and laundry room.


Not only the fans on top of the buildings need to be maintained through common funds, but owners' grills (exhaust vents) and their cleaning is also common property – at least for SELECTIVE owners who have undisclosed privileges.



Here is an example of Waratah Strata Management Mr. Simon Wicks making an order to secure exhaust vent for Lot 33 in 2011 (before he was removed from managing SP52948 whilst employed by BCS Strata Management):

<b>WORK ORDER</b>		Function Exercised Date: 20/09/2011
<b>Function Exercised on behalf of the Owner Strata Plan No. 52948</b> <b>Building Name</b> <b>Building Address</b> 1-15 FONTENOY ROAD, MACQUARIE PARK NSW <b>Portfolio Manager:</b> SIMON WICKS <b>Phone:</b> (02) 9868 2999 <b>Email:</b> <a href="mailto:simon.wicks@bcms.com.au">simon.wicks@bcms.com.au</a> <b>Site Contact:</b> <b>Contact Phone:</b> <b>Contact Mobile:</b> <b>Contact Email:</b>		
<b>Issuing Manager:</b> Simon Wicks <b>Phone:</b> (02) 9868 2999 <b>Email:</b> <a href="mailto:simon.wicks@bcms.com.au">simon.wicks@bcms.com.au</a>		<b>Signature:</b> 
<b>Office of Issue:</b> EPPING Office Address: LOCKED BAG 22 HAYMARKET NSW 1238		
<b>PERSON/CONTRACTOR INSTRUCTED:</b> <b>Name:</b> Ability Property Maintenance Pty Ltd <b>Address:</b> PO Box 281 Castle Hill NSW 1765 <b>Tel - 1:</b> (02) 9899 8899 <b>Mob:</b> 0438 440 450 <b>Tel - 2:</b> <b>Fax:</b> (02) 9899 8899 <b>Email:</b> <a href="mailto:info@optusnet.com.au">info@optusnet.com.au</a> <b>CONTRACTOR IS NOT BCSblue CERTIFIED - Visit <a href="http://www.bcsblue.com.au">www.bcsblue.com.au</a> for information</b>		
Please refer to the Instructions below, undertake a risk assessment of the site and if safe proceed with the required works. By proceeding with the job instructions specified you are deemed to have accepted the terms and requirements of this work order		
<b>JOB INSTRUCTIONS</b> Unit 33 - Secure bathroom exhaust vent. Unit is currently vacant. Please collect keys from James at Raine & Home Epping.		

Here is an example of BCS Strata Management Mr. Gary Webb making an order to repair exhaust vent for Lot 179 in 2012:

<b>WORK ORDER</b>		Function Exercised Date: 22/02/2012
<b>Function Exercised on behalf of the Owner Strata Plan No. 52948</b> <b>Building Name</b> <b>Building Address</b> 1-15 FONTENOY ROAD, MACQUARIE PARK NSW <b>Portfolio Manager:</b> GARY WEBB <b>Phone:</b> (02) 9868 2999 <b>Email:</b> <a href="mailto:gary.webb@bcms.com.au">gary.webb@bcms.com.au</a> <b>Site Contact:</b> N K TANG <b>Contact Phone:</b> 0411 2435503 <b>Contact Mobile:</b> 0433672389 K <b>Contact Email:</b> <a href="mailto:nktang@hotmail.com">nktang@hotmail.com</a>		
<b>Issuing Manager:</b> Gary Webb <b>Phone:</b> (02) 9868 2999 <b>Email:</b> <a href="mailto:gary.webb@bcms.com.au">gary.webb@bcms.com.au</a>		<b>Signature:</b> 
<b>Office of Issue:</b> EPPING Office Address: Locked Bag 22 HAYMARKET NSW 1:		
<b>PERSON/CONTRACTOR INSTRUCTED:</b> <b>Name:</b> Electron Management Pty Ltd <b>Address:</b> 6 Tarban Street Gladesville NSW 2111 <b>Tel - 1:</b> 0418 222 374 <b>Mob:</b> 0418 222 374 <b>Tel - 2:</b> <b>Fax:</b> <b>Email:</b> <a href="mailto:info@electronmanagement.com.au">info@electronmanagement.com.au</a>		
Please refer to the Instructions below, undertake a risk assessment of the site and if safe proceed with the required works. By proceeding with the job instructions specified you are deemed to have accepted the terms and requirements of this work order		
<b>JOB INSTRUCTIONS</b> U179, Inspect and repair exhaust fans as required.		

HR & FL West repaired and refitted exhaust fan in Lot 67 in 2013:

**TAX INVOICE**

**H R & F L WEST**  
**9 BOTTLE BRUSH RD**  
**WESTLEIGH 2120**

**A B N 30 413 213 905**

**Invoice # 1002**

TO : OWNERS OF SP 52948  
MACQUARIE GDNS, NTH RYDE

19/ 6/13

C/: RAINE AND HORNE STRATA

ATTENTION : PETER BONE

- Carry out various repairs including render repairs, cornice and ceiling repairs to units 119, 150, 151 and 193

Unit # 67

- Repair and refit exhaust fans to ceilings

Even repetitive work on exhaust fans for the same Lot are possible without any warranties. Proof for Lot 88, costing owners corporation \$512.00 (GST inclusive) in August and October 2012:

<b>electron</b> MANAGEMENT	PO Box 205 Gladesville 2111	Licence No. 240567C www.electronmanagement.com.au										
	<table border="1"><thead><tr><th>PLEASE PAY BY</th><th>AMOUNT</th><th>INVOICE DATE</th></tr></thead><tbody><tr><td>08 Sep 2012</td><td>\$160.00</td><td>09 Aug 2012</td></tr></tbody></table>		PLEASE PAY BY	AMOUNT	INVOICE DATE	08 Sep 2012	\$160.00	09 Aug 2012				
PLEASE PAY BY	AMOUNT	INVOICE DATE										
08 Sep 2012	\$160.00	09 Aug 2012										
<b>TAX INVOICE NO. 1605</b>												
BCMS, Raine & Home - Sydney Locked Bag 22. Haymarket, NSW 1238	<table border="1"><tr><td>Job No.</td><td>478</td></tr><tr><td>Site:</td><td>Strata Plan 52948</td></tr><tr><td>Site Address:</td><td>1-15 Fontenay Rd Macquarie Park NSW 2113</td></tr><tr><td>Order No.</td><td>319132</td></tr><tr><td>Request No.</td><td></td></tr></table>		Job No.	478	Site:	Strata Plan 52948	Site Address:	1-15 Fontenay Rd Macquarie Park NSW 2113	Order No.	319132	Request No.	
Job No.	478											
Site:	Strata Plan 52948											
Site Address:	1-15 Fontenay Rd Macquarie Park NSW 2113											
Order No.	319132											
Request No.												
<b>Description</b> <b>Work Requested:</b> Please attend site and make repairs as necessary												
Reported faulty exhaust fan Unit 88												
<b>Work Performed:</b>												
Attended site, investigate operation of common exhaust fan system. System is working correctly. Issues discussed with site contact may not be able to be resolved as they are within normal working parameters of exhaust fan system, altering of system creates additional problems.												
Looking for an alternative solution to the problem												
<b>Electrical Service</b> Electron Management thanks you for selecting us as one of your preferred Electrical contractors												
All works done by Electron Management are in accordance with the Australian/New Zealand standard 3000.2007, AS3017, and AS4836												
<table border="0"><tr><td><b>Sub-Total ex GST</b></td><td>\$145.45</td></tr><tr><td><b>GST</b></td><td>\$14.55</td></tr><tr><td><b>Total inc GST</b></td><td>\$160.00</td></tr><tr><td><b>Amount Applied</b></td><td>\$0.00</td></tr><tr><td><b>Balance Due</b></td><td>\$160.00</td></tr></table>			<b>Sub-Total ex GST</b>	\$145.45	<b>GST</b>	\$14.55	<b>Total inc GST</b>	\$160.00	<b>Amount Applied</b>	\$0.00	<b>Balance Due</b>	\$160.00
<b>Sub-Total ex GST</b>	\$145.45											
<b>GST</b>	\$14.55											
<b>Total inc GST</b>	\$160.00											
<b>Amount Applied</b>	\$0.00											
<b>Balance Due</b>	\$160.00											

PLEASE PAY BY	AMOUNT	INVOICE DATE
15 Nov 2012	\$352.00	16 Oct 2012

**TAX INVOICE NO. 1825**

BCMS, Raine & Horne - Sydney  
Locked Bag 22.  
Haymarket. NSW 1238

Job No: 722  
Site: Strata Plan 52948  
Site Address: 1-15 Fortenoy Rd  
Macquarie Park NSW 2113  
Order No: 808132  
Request No:

**Description**

**Work Requested:** Please attend site and make repairs as necessary

Exhaust fan issue Unit 88, re-attendance

**Work Performed:**

Attended site, replace and clean 3 x existing exhaust fan vents as requested by Marina.

**Electrical Service**

Electron Management thanks you for selecting us as one of your preferred Electrical contractors

All works done by Electron Management are in accordance with the Australian/New Zealand standard 3000.2007, AS3017, and AS4836

Sub-Total ex GST	\$320.00
GST	\$32.00
Total Inc GST	\$352.00
Amount Applied	\$0.00
Balance Due	\$352.00

## Occupational Health and Safety hazard – Uniqueco staff supporting smoking by providing access via fire doors and not cleaning up

In spite of many warnings about health hazard and non-compliance with SP52948 By-Laws and SSMA 1996 and 2015, staff of Uniqueco Pty Ltd continue to provide direct and unrestricted access through fire doors for smokers.

Three photos, taken on different dates, show lack of maintenance, and poor schedule for cleaning in Block A. By Mr. Steve Carbone's own admission in a phone conversation, the basement areas are allegedly maintained by a 73-year old tenant who is employed by Uniqueco.

In the past, even cigarette lighters and dirty cloth was found to be thrown on the grass at the back of Block A for prolonged periods of time. Uniqueco staff need to be constantly reminded of their duties and responsibilities.





Instead of proper resolution of the health and safety issue, Uniqueco staff silently cleaned up, but the same problem persisted in July 2018:



Photo taken on 25 August 2018 proves that neither regular cleaning is done by Uniqueco staff at the back of the complex, nor the OH&S is enforced:



## Occupational Health and Safety hazard – unprotected cans with paint that are highly flammable

In spite of several warnings, Uniqueco staff still keeps cans with paint in unprotected area behind one fire door in the basement. 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).

Methylated spirits, eucalyptus oil and solvent-based paints are Class 3 Dangerous Goods – flammable liquids. Methylated spirits is likely to present a greater risk than the other two substances mentioned (depending on quantities), as it has a “flash point” of 13°C. (The flash point of a liquid is the minimum temperature at which a liquid gives off sufficient vapour to ignite in the presence of a source of ignition.)

Some authoritative sources of information state that liquids with a flash point below 23°C must be stored in a flame-proof cabinet. Small quantities may be exempt from this requirement.

Work health and safety legislation requires that if flammable liquids are to be kept at the workplace, they must be kept at the lowest practicable quantity, and sources of ignition (flames, sparks etc) must not be introduced to areas where flammable liquids are stored.

However, neither the work health and safety legislation, nor the Code of Practice – Managing Risks of Hazardous Chemicals in the Workplace explicitly states the volume needed before a flame-proof cabinet is required.

Some sources state that no more than 20 litres of flammable liquid should be kept outside a flame-proof cabinet. (The 20 litre limit is for guidance only and most workplaces should use 10 litres as an upper limit.)

These are photos taken on 30 September 2017 and 7 July 2018 showing that the same old practices are in use:



In spite of all reasonable please to Waratah Strata Management and Uniqueco staff, the practice continues. Even more, the fair stairs are not completely cleaned from cans of paint. Photos taken on 26 August 2018:





### Garden beds soon requiring more expenses – incomplete repairs in 2017 as documented in July 2018

Since 2011, more than \$30,000.00 was spent on alleged professional repairs of garden beds, including latest attempts in 2017. At no time warranties were used to force the service suppliers to fix the problem without extra cost to owners.

One of the methods used by Howard West Builder to conceal problems with garden beds was to nail metal plates in front of problematic areas.

Here are some photos from July 2018, only eight months after the alleged full repainting project in the complex:









There is also a new practice. Instead of repairing the concrete cancer and cracks, simply cover it by piece of wood:





## Example of poor repair of garden beds in SP52948

Since 2011 Lot 158 recorded poort mainetane of the buildings and garden beds:

<http://www.nswstratasleuth.id.au/Macquarie-Gardens-photos/gallery/index.php?/category/5>

<http://www.nswstratasleuth.id.au/Macquarie-Gardens-photos/gallery/index.php?/category/6>

<http://www.nswstratasleuth.id.au/Macquarie-Gardens-photos/gallery/index.php?/category/8>

<http://www.nswstratasleuth.id.au/Macquarie-Gardens-photos/gallery/index.php?/category/3>

<http://www.nswstratasleuth.id.au/Macquarie-Gardens-photos/gallery/index.php?/category/14>

<http://www.nswstratasleuth.id.au/Macquarie-Gardens-photos/gallery/index.php?/category/20>

<http://www.nswstratasleuth.id.au/Macquarie-Gardens-photos/gallery/index.php?/category/34>

Minutes of the EC meeting on 20<sup>th</sup> of February 2013 reported the following:

Garden bed walls. Steve, the new employee of the Building Manager, is to identify a section of garden bed wall that is showing significant signs of water penetration from the garden bed, scrape it back and paint it with a membrane based coating. This section of wall will then be monitored over a period of time to determine if the membrane coating has been successful in preventing water penetration / the leaching of salts & minerals etc. through the wall.

Owners were also not told, or shown in any financial statements, that the budgeted and approved costs were doubled from those given in the minutes of the EC meeting.

BCS and EC falsely reported that they were repaired and repainted in 2013 at cost of \$5,170.00 (GST inclusive) as allegedly approved at EC meeting held on 28<sup>th</sup> of August 2013:

**MOTION 7:** To consider quotations for the re-painting of the central courtyard area.  
The meeting reviewed quotations for the re-painting of the central courtyard area from Robertson's Painting and Decorating and Pierre Brush.  
**Resolved** to approve the quotation from Pierre Brush, in the amount of \$5,170.00 including GST to re-paint the central courtyard area.

The real cost doubled and invoices paid to Pierre Brush were never disclosed to owners:

Cred. Code	Creditor Name	Doc. Ref. No.	Doc. Date	Doc. Total (GST inc.)	Chq. Date
37988	PIERRE BRUSH PAINTER	125/13	11/11/2013	\$5,500.00	19/11/2013
37988	PIERRE BRUSH PAINTER	115/13	8/10/2013	\$5,170.00	16/10/2013
		<b>Total</b>		<b>\$10,670.00</b>	

Not only that, but much more work was done since then by other service providers, including Howard West Builder.

The repairs of garden beds create continuous stream of income for some service providers:

Creditor Name	Doc. Date	Doc. Total (GST inc.)	Chq. Date	Comment
HOWARD WEST - BUILDER	26/08/2015	\$654.50	01/09/2015	Supply and fit new custom made colourbond plates to damaged sections of garden walls throughout complex; drill and plug plates to garden walls, repair/adjust pedestrian fire door to rear ground floor of C Block

## Repetitive sewage repairs in July 2018

Sewage repairs and flooding at the back of townhouses occurred several times, causing inconveniences to all owners and increasing insurance costs and premiums. Here is the latest one in July 2018:





## 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 staff, especially Director Mr. Steve Carbone, 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 1 March 2017, Director of Waratah Strata Management Mr. Robert Crosbie, Director of Uniqueco Mr. Steve Carbone, and I 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:



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



## Practice of illegally using supermarket trolleys continues

For several years there have been warnings to an Executive Committee member and Uniqueco staff about unethical and illegal use of supermarket trolleys and keeping them in the complex.

Property that clearly belongs to somebody else is plain stealing.

Here are examples from 2015:





2016:



2017:



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





## Uniquenco staff fail to display Minutes and Agendas of Executive Committee meetings on Notice Boards

Waratah Strata Management was contacted seven times about missing agendas and minutes of meetings for Lot 158 since March 2017.

<http://www.nswstratasleuth.id.au/Waratah-Strata-Management/SUMMARY-SP52948-meeting-with-Director-of-Waratah-Strata-Management-legal-threat-from-CHU-Insurance-and-other-problems-in-the-complex-4Mar2017.html>

<https://www.nswstratasleuth.id.au/Waratah-Strata-Management/Waratah-Strata-Management-organised-secret-SP52948-Executive-Committee-meeting-on-30June2017-and-sent-non-compliant-agenda-for-meeting-on-20July2017.html>

Mr. Robert Crosbie claimed that he did not have control over letter sent by post and that his office sent the strata documents to all owners and he insinuated that either somebody was taking them from my letterbox, or that Australia Post was to blame.

I verified it with Australia Post in case 18901XXXX in June 2018 and it appears that Mr. Crosbie's statements are false.

The second option is that somebody is stealing from letterboxes, which should be monitored by Uniquenco staff.

This is also a far-fetched option because Lot 158 collects mail daily.

The only feasible option is then that either Waratah Strata Management staff failed in their duties, or Uniquenco staff failed to publish strata files on notice boards.

These are some of the missing letters:

- a) Agenda for the Executive Committee (EC) meeting on 30 June 2017 (must arrive at least 72 hours before the meeting).
- b) Minutes of the EC meeting held on 30 June 2017 (must arrive within seven days after the meeting).
- d) Agenda for the EC meeting on 15 February 2018 (must arrive at least 72 hours before the meeting).
- e) Minutes of EC meeting on 15 February 2018 (must arrive within seven days after the meeting).
- f) Agenda for the EC meeting on 12 April 2018 (must arrive at least 72 hours before the meeting).
- g) Minutes of EC meeting on 12 April 2018 (must arrive within seven days after the meeting).
- h) Agenda for the EC meeting on 21 June 2018 (must arrive at least 72 hours before the meeting).

## Uniqueco staff failed to comply with Motion 24 at AGM 2017 - window washing still outstanding

In spite of owners' decision in Motion 24 at AGM on 24 October 2017, window cleaning in the complex has not been organised (two to three competitive quotes) or completed by Uniqueco staff:

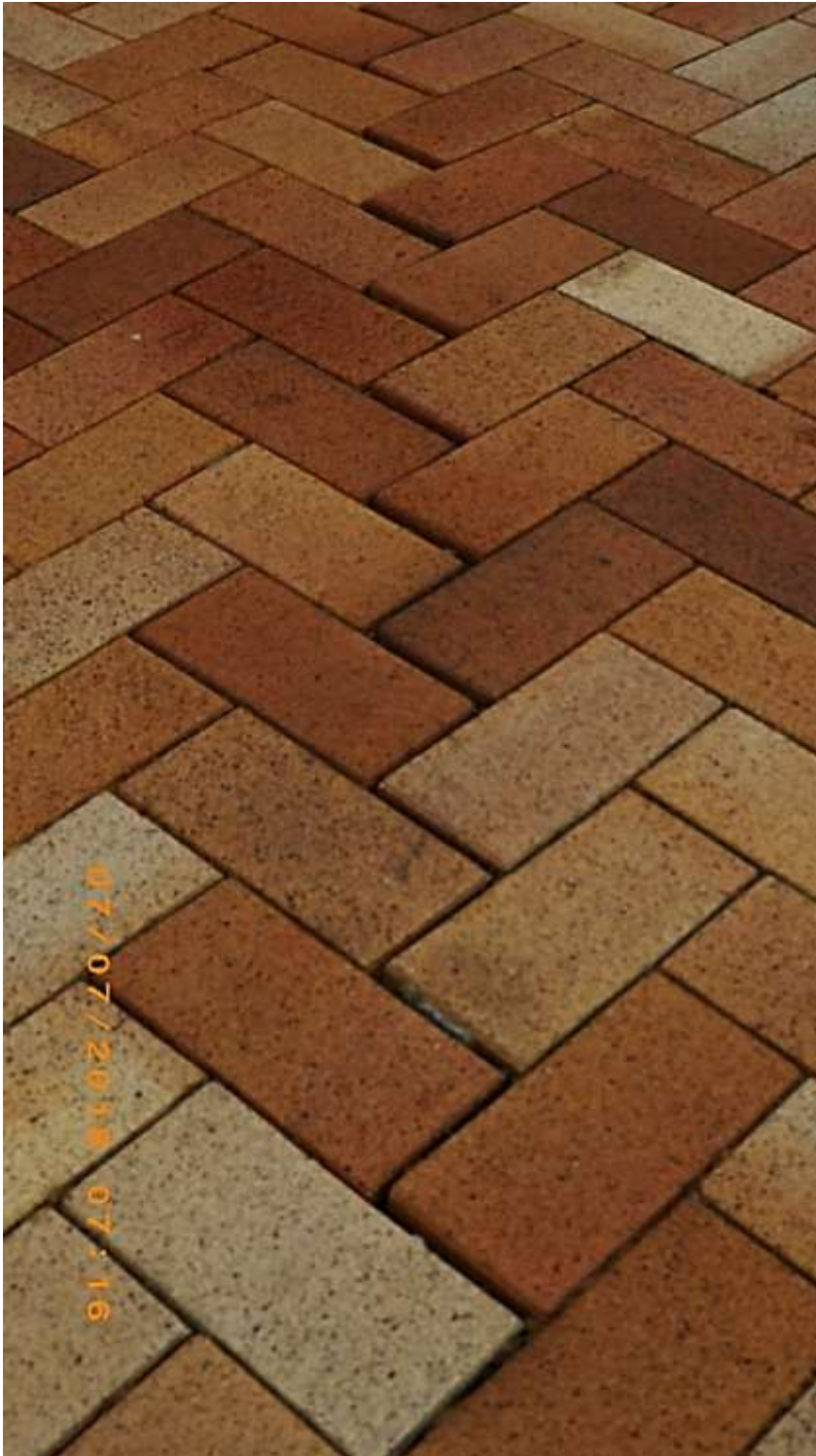
- |           |   |
|-----------|---|
| <b>24</b> | <b>WINDOW CLEANING</b><br>Resolved that the Owners Corporation appoint a suitable contractor to attend to cleaning of all external windows at an estimated cost of \$25,000 - \$30,000 per clean. |
|-----------|---|

## Occupational Health and Safety hazard - tripping risks in pave yard areas

Reported in July 2012 in Napier & Blakeley's professional report and still unattended by Uniqueco staff in July 2018:

The construction joints formed within the basement car park soffits allow differential movement of the structure. This is subsequently affecting the brick paving to the common circulation areas above as well as the dwarf walls to the planter boxes causing isolated areas of cracking and minor movement. Affected areas of paving have risen in line with the construction joints below potentially causing trip hazards. Affected areas should be repaired through ongoing routine maintenance to prevent any future trip risks. The dwarf walls can be cosmetically repaired with sufficient movement jointing incorporated.

In spite of numerous complaints, the work is still outstanding for Uniqueco staff. One of the examples:



Trip hazards are part of alleged 10-Year Capital Works Fund Forecast, commissioned in 2017 without consultation with owners corporation, and should have been completed by August 2018:

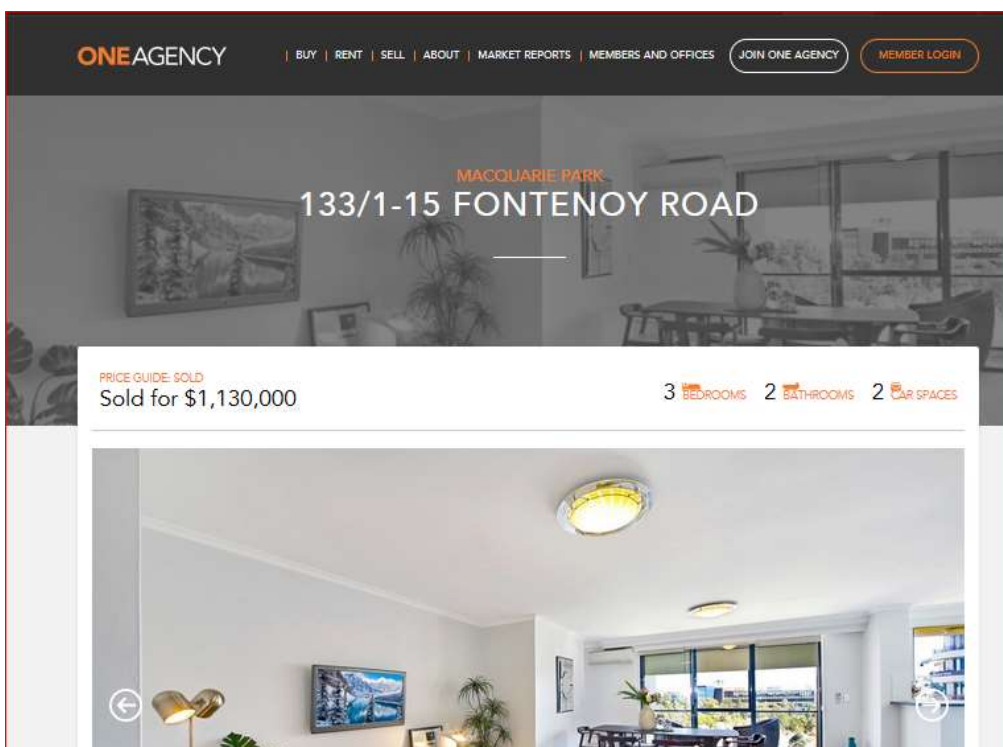
[illegible]

Son of Uniqueco Director running real estate business in the complex without disclosure of conflict of interest and connection with Executive Committee member by Mr. Steve Carbone

Son of Mr. Steve Carbone runs sales of properties in the complex. Building Manager allowed his son's advertisement to be published on notice board in 2016 but refused to notify owners about his relationship with the real estate agent:



EC member's property (Lot 133) was recently sold by Mr. Steve Carbone's son (information obtained from public site). This was presented in request to notify owners in February 2018, which both Uniqueco and Waratah Strata Management prevented:





## DETAILS

Situated in a well renowned resort style complex in ultra-convenient location, set in a landmark development between Lane Cove National Park and Macquarie Business Park, close to trains, buses, parks, local schools, Macquarie shopping centre & Macquarie University.

Generously sized offering fabulous views of city skyline and nearby parklands, resort style amenities providing a life style of class and convenience.

Features include:

- 3 good sized bedrooms with built-ins plus study
- Main with en-suite and large built-in robe
- Quality finished bathrooms tiled to ceiling

## PROPERTY DETAILS

**Property Type**  
Residential

**Property Category**  
Apartment

**Garages**  
2

**INSPECTION TIMES**  
By appointment

## CONTACT AGENTS



**Matthew Carbone**

One Agency Liverpool  
Principal

Call Matthew on  
**0439 340 333**

Email  
[Matthew.Carbone](mailto:Matthew.Carbone@oneagency.com.au)

**Secret removal of country of origin on illegal BigAir antennae system in Block C – refusal by Uniqueco staff to report and investigate**

Since 31<sup>st</sup> of January 2014, BigAir does not have valid contract with SP52948 and is running the business illegally:

31 January 2014

Attention:  
BigAir Group Limited  
Level 1, 59 Buckingham Street  
Surry Hills NSW 2010

**WITHOUT PREJUDICE SAVE AS TO COSTS**

**URGENT**

**Also by Email: [facilities@bigair.net.au](mailto:facilities@bigair.net.au)**

Dear Sir

**THE OWNERS - STRATA PLAN NO  
TELECOMMUNICATIONS INSTALLATION  
, MACQUARIE PARK 2113**

Our Ref: 131862

We refer to your correspondence dated 15 January 2014.

With respect, it is our client's opinion that the offer which has been proposed is grossly inadequate and has no regard to interest.

In our letters dated 15 November 2013 and 13 December 2013 respectively, we informed you that the Owners Corporation has accepted your company's repudiation and terminated the contract.

You are required, therefore, to remove all your equipment and reinstate our client's property to its original condition to its reasonable satisfaction within seven (7) business days of the date of this letter.

In addition, the Owners Corporation will not be entertaining any further negotiations with BigAir. In this regard, from a review of your alleged revenue, it is noted that there will be no or minimum loss to BigAir.

**If the equipment is not removed by close of business on 4 February 2014, the Owners Corporation may commence action against you without any further notice to you.**

Please kindly confirm once the equipment has been removed.

SP52948 does not have any reasonable benefits from BigAir since 2005. Since AGM on 26<sup>th</sup> of November 2014, owners corporation approved to expel BigAir from the complex, which was not complied with until mid-2018.

In late 2014, the following photos were taken on roof on Block C, during regular checks of the management of the complex:



During visit to the roof area on 1 March 2017, done jointly with Mr. Steve Carbone and Mr. Robert Crosbie, it was apparent that somebody (can only happen with direct knowledge or approval by Mr. Carbone) removed the label with country of origin on one of the antennae:



Building Manager Mr. Steve Carbone and Waratah Strata Management prevented check of BigAir facility on 25 August 2017.

In 2010, owners corporation rejected Optus offer to pay \$22,000.00 (GST inclusive) per year to run similar business in the complex. The losses to owners corporation (and higher levies) incurred by BigAir amount to possibly several hundred thousands of dollars since 2005.

BCS Strata Management, Waratah Strata Management and EC members never had an intention to removed BigAir frm the complex, in spite of decision at Annual General Meeting on 26 November 2014:

**MOTION 17:** That the Executive Committee be authorised to take such action as is reasonably necessary to cause the company known as BigAir (formerly known as WHome) to remove their equipment from the premises maintained in breach of contract. Such action is to include the pursuit of a complaint with the Telecommunications Ombudsman. An order by the ombudsman to reconcile the breach in commercial terms (including maintaining equipment on site) may be accepted as an alternative resolution. – **Carried.**

As soon as Waratah Strata Management took office on 1 February 2017, Mr. Robert Crosbie and EC members engaged in effort to SIGN A NEW CONTRACT with BigAir and disregard the decision by the owners corporation. Evidence:

Minutes of EC meeting on 16 March 2017:

**15 TELECOMMUNICATIONS EQUIPMENT**

The current status of the telecommunications equipment was discussed. The strata manager advised he has reviewed and obtained copies of all relevant correspondence and can advise that BigAir Group Ltd provided a proposed Licence Agreement on 2 December 2013. Resolved that the strata manager is to contact BigAir to recommence negotiations over entering into a suitable licence agreement with BigAir, including payment of the licence fees previously agreed with Big Air's predecessor Whome, and including payment of the strata plans electricity and legal costs. Further resolved that if negotiations with BigAir are unsuccessful, the strata manager is authorised to lodge a complaint with the Telecommunications Ombudsman.

Minutes of EC meeting o 20 April 2017:

**Telecommunications Equipment**

A firm proposal has not yet been received from BigAir, so the strata manager is to follow up this issue. BigAir are to be requested to immediately install their own electricity meter to take the power usage off the common property meter. Resolved that there will need to be a satisfactory completion to the existing contract before the committee will give consideration to implementing a new contract.

Minutes of EC meeting on 20 July 2017:

**TELECOMMUNICATIONS EQUIPMENT:**

Robert Crosbie advised that he has been continuing negotiations with BigAir over their equipment and that he expects to receive a formal offer from BigAir over the next few weeks, which will then be distributed to the committee for comment.



## Telecommunications Equipment

1

s Page 1 of 2

The strata manager is continuing to discuss this issue with BigAir. BigAir have advised they have recently been taken over by a Queensland company called Superloop and this has delayed them being able to provide a new contract on the terms verbally agreed. The strata manager will continue to discuss this with BigAir.

The ONLY reason why sudden change and dismissal of BigAir in June 2018 was Lot 158 Motion at AGM 2017 that Secretary of the EC Mrs. Lorna Zelenzuk and Mr. Robert Crosbie from Waratah Strata management illegally removed from the agenda (currently being investigated by specially-assigned government staff) without valid or justified reason:

**RE: STRATA PLAN 52948, 1-15 FONTENOY ROAD, MACQUARIE PARK**

We write as the strata managing agent of The Owners – Strata Plan 52948 at 1-15 Fontenoy Road, Macquarie Park.

We are writing in relation to your recent requests for a series of motions to be included in the agenda of the next general meeting of the Owners Corporation.

We regret to advise that many of your requests for those motions to be included in the agenda of the next general meeting generally do not comply with the strata legislation, as a result of which the overwhelming majority of the material contained in your requests will not be included in the agenda of the next general meeting.

Yours faithfully,

**WARATAH STRATA MANAGEMENT PTY LTD**

*Robert Crosbie*

This is Lot 158's Motion for BigAir for AGM 2017:

**Motion: Non-Compliance with Motion 17 carried at AGM 2014 and lodge complaint against BigAir with Telecommunications Industry Ombudsman**

The Owners Corporation SP52948 by GENERAL RESOLUTION (A ONE LOT/ONE VOTE FORMAT), confirms and approves the following:

- BCS Strata Management and EC members prevented this Motion from being listed in the agenda of the AGM 2014 and 2016 in spite of advance warnings about their misconduct, without due notice to the requestor, and owners corporation being denied a vote on the Motion on 19<sup>th</sup> of October 2016,
- BCS Strata Management and EC members refused to approve complaint formally lodged with Telecommunications Industry Ombudsman by Lot 158 in 2014 (case number 2014/10/0358),
- BCS Strata Management and EC members acted in non-compliance with Motion 17 at AGM 2014 for removing wireless ISP business BigAir running in the complex without authorization and contract since 31<sup>st</sup> of January 2014, at significant financial losses to owners,
- BCS Strata Management and EC members failed to provide evidence of actions as listed in minutes of EC meeting on 4<sup>th</sup> of March 2015 and 21<sup>st</sup> of March 2016,
- BCS Strata Management and EC members acted in non-compliance with SSMA 1996 Section 108 for strata document search in 2014, 2015, and 2016 that failed to provide evidence of actions by BCS Strata Management and EC members,
- BCS Strata Management and EC members failed to disclose details of tender and costs for legal advice in regards to BigAir since AGM 2014,
- Executive Committee members shall submit the formal complaint and request to evict BigAir from site R2MAC to Telecommunications Industry Ombudsman and offer all necessary evidence if and when asked by Telecommunications Industry Ombudsman without incurring any legal costs (or seeking one without approval by owners corporation at a general meeting),
- Executive Committee members shall make inquiries about professional neglect and breaches of contract by BigAir since 2004 and potential compensation claim at no cost to owners corporation, and report to owners within three months after the general meeting.

At rushed Extraordinary General Meeting on 16 August 2010, owners corporation rejected offer from Optus for mobile antennae system in spite of frantic campaign to approve it by majority of EC members and BCS Strata Management:

**ITEM 2**

**THAT** the Owners Strata Scheme No. 52948 enter into a lease with Optus Mobile Pty Ltd for the erection of a mobile communications tower on that part of the common property as shown on the plan annexed to this agenda subject to terms and conditions not less favourable to the owners corporation than those listed below.

1. Commencing rental – minimum \$20,000 per annum plus GST to be paid for the first year annually in advance and thereafter monthly in advance.
2. Rental increases – minimum 3 % per annum.
3. Term – 5 years with three 5 year options.
4. Commencement Date of Lease – the earlier of the execution of the lease by both parties or date of access to commence construction.
5. The Lessee to pay the Lessors reasonable legal expenses.
6. The lease to otherwise be on the terms of the draft lease annexed to this agenda.

**(Special Resolution)**

- Defeated.

Minutes of EC meeting on 12 April 2018 allegedly confirmed that BigAir should compensate owners corporation in amount of at least \$20,000.00:

**3 MATTERS ARISING FROM PREVIOUS MINUTES**

The following matters arising from the previous minutes were discussed:

- Telecommunications Equipment - The strata manager advised that Superloop, who have taken over from BigAir/WHome have offered to remove their equipment from the building within 60 days and to pay \$2,000 "to compensate for previous usage". Resolved the strata manager is to respond that the equipment has been in place since December 2003, that WHome had agreed to pay 5% of all of its income from that equipment, that BigAir had proposed to pay \$2,500 per annum licence fee, plus \$500 per annum for electricity consumption and that a reasonable compensation amount would be at least \$20,000.

By EC's own admission in correspondence on 1 September 2013, the **annual fee payable by BigAir should be \$20,000.00**:

The contract required annual payments of the 5% commission which the Strata Manager did not follow up on.

The contract was to provide for termination with 6 months notice after 5 years. The failure to collect the funds is a failure of the Strata Manager – not of the committee.

The commercial position will only be clear in the actual contract but our instructions to Grace Lawyers are that if we do not receive immediate compensation that notice is to be given to terminate the service with 6 months notice. An acceptable compensation settlement would be:

An accurate accounting of all subscriber income attached to the antennae at Macquarie Gardens for the period November 2003 to now (10 years!!) – as the supplier has increased the capacity without consent (it was originally intended only for residents of Macquarie Gardens) this will be a substantial number as the signal can be detected for some distance – much stronger than initially. 5% of that amount is due and payable now.

Complete recovery of all our legal costs incurred in pursuing the debt.

I suspect that the accounting for the income in the manner contracted will be claimed as too hard to effect now. Failing such accounting an annual fee of \$20,000 (being the amount that alternative suppliers would pay for access based on other contracts offered but refused) would be the minimum acceptable fee. This fee should be negotiated in two parts for tax reasons. 50% should be nominated as the estimated consumption of electricity. (If the supplier wishes to continue the service by paying the 5% we will have to take the risk on power consumed – however ANY change to terms must include full cost recovery for all power consumed and the supplier is to pay for and have read a meter to verify this.

EC meeting on 21 June 2018 proved that owners suffered significant losses and was negotiated without proper consultation with owners corporation:

### 3 MATTERS ARISING FROM PREVIOUS MINUTES

The following matters arising from the previous minutes were discussed and resolved as follows:

- Telecommunications Equipment - A settlement payment from BigAir in the amount of \$12,000 (being \$7,000 for the 5% income in the original WHome agreement and \$5,000 for electricity and other costs) has been accepted and BigAir are going to remove their equipment from the building within 60 days.



Waratah Strata Management and EC members failed to warn and notify owners corporation about these two crucial issues:

- Expenses paid to Grace Lawyers who were approved to deal with removal of BigAir in 2013/2014 without decision to general meeting, then failing to meet the expected tasks and causing expenses in amount of \$4,171.95 (GST inclusive). All invoices are in possession of Lot 158 and strata agencies:

30 September 2013 \$381.70 (GST inclusive)  
30 November 2013 \$968.00 (GST inclusive)  
16 December 2013 \$1,112.10 (GST inclusive)  
31 December 2013 \$316.25 (GST inclusive)  
28 February 2014 \$1,199.00 (GST inclusive)  
31 March 2014 \$195.25 (GST inclusive)

- On 25 November 2015, The Australian Taxation Office issued Taxation Ruling TR 2015/3. The structure of Taxation Ruling TR 2015/3 is such that the actual ruling is contained in paragraphs 1 to 48 (legally binding), with the remaining paragraphs, 49 to 102 (not legally binding), containing additional information under Appendices 1 and 2 which assist in understanding the Taxation Office's view.

Of special importance to owners is their personal liability for tax:

Income from common property (other than personal property) is taxable in the hands of the individual proprietors in proportion to their unit entitlements. Paragraphs 42 and 43 include an example of the increasingly common situation of income received from a telecommunication company for placing a cellular telephone tower on a strata building's roof. The Taxation Office's view of this income is that it is taxable in the hands of proprietors even if there is no physical distribution of this income to proprietors or where the rental income is paid directly to the strata title body (refer paragraph 96). Deductions against this income are also allowable in proportion to proprietors' unit entitlements under Division 40 and Division 43 of the Income Tax Assessment Act 1997.

In those instances where a strata title body makes a physical distribution of funds to proprietors, the income tax position is:

Where any surplus contributions are returned to proprietors, such surpluses are not assessable income to proprietors.

Where the distributed funds represent profits from outside sources (i.e. from non-proprietors), the distribution is taxable to the proprietors and may be franked by the strata title body under the imputation system.

Where the funds are a distribution of income from common property, the funds are taxable in the hands of proprietors as noted above. Care should be taken not to duplicate this income to proprietors since this income is taxed in the hands of proprietors regardless of any physical distribution.

Body corporate is within the definition of a company and therefore taxed at the corporate tax rate of 30%.

A body corporate does not qualify as a non-profit entity.

The "principle of mutuality" applies to all strata entities, meaning that income received from owners is not subject to income tax. However, all other income ("non-mutual income") is subject to income tax.


Non-mutual income from common property is generally taxable on the owner, not the body corporate. Costs attributable to earning the non-mutual income is deductible.

Uniqueco staff member non-compliant for parking with SP52948 By-Laws and Uniqueco Director refused to investigate it and report back to the owner

Notice Board at the entrance to the complex, in existence since 2001:



Extract from SP52948 By-Laws regulating use of common property, registered since 1997:

**WARATAH**  
Strata  Management

Address: PO Box 125, Eastwood NSW 2122 Phone: 02 9114 9599 Fax: 02 9114 9598  
Email: [enquiry@waratahstrata.com.au](mailto:enquiry@waratahstrata.com.au) Web: [www.waratahstrata.com.au](http://www.waratahstrata.com.au)

**After Hours Emergencies 1300 730 214**  
(Before 9am – After 5pm, Weekends and Public Holidays)

**1 Noise**  
An owner or occupier of a lot must not create any noise on the parcel likely to interfere with the peaceful enjoyment of the owner or occupier of another lot or of any person lawfully using common property.

**2 Vehicles**  
An owner or occupier of a lot must not park or stand any motor or other vehicle upon common property except with the written approval of the owners corporation.

**3 Obstruction of Common property**  
An owner or occupier of a lot must not obstruct lawful use of common property by any person.

**9 Depositing rubbish and other material on common property**  
An owner or occupier of a lot must not deposit or throw on the common property any rubbish, dirt, dust or other material likely to interfere with the peaceful enjoyment of the owner or occupier of another lot or of any person lawfully using common property.

**10 Drying of laundry items**  
An owner or occupier of a lot must not, except with the consent in writing of the owners corporation, hang any washing, towel, bedding, clothing or other article on any part of the parcel in such a way as to be visible from outside the building, other than on any lines provided by the owners corporation for the purpose and there only for a reasonable period.

**By Laws for SP 52948**  
**1-15 Fontenoy Road,**  
**NORTH RYDE NSW 2113**

Extracts from Uniqueco Pty Ltd contract dated 7 December 2014 (new contract, without tender, still kept secret from owners since AGM 2017):

- |     |   |
|-----|---|
| 6.4 | The Contractor will be responsible for and will ensure the good and proper conduct of its officers, employees and agents whom are engaged in providing the Services on the Premises.  |
| 7.2 | The Contractor and its officers, employees and agents must ensure that all plant, machinery, tools, vehicles, ladders, scaffolding and other equipment used in the execution or performance of the Caretaking Services comply with any relevant statutory or other equipment regulations and are in safe condition. When not in use such equipment will be properly stored and secured so as to prevent unauthorised use thereof. |

Staff member of Uniqueco Pty Ltd, previous cleaner and now allegedly providing occasional maintenance services, deliberately ignored strata by-laws and parking illegally for more than four hours on 17 December 2017. This was reported to Waratah Strata Management and Uniqueco Director Mr. Steve Carbone and reply never received:



The correct way to deal with illegal parking on common property is to put sticky warning on the window, as shown by this example:



## Fire safety lights often not operational or repaired irregularly – in one example it took Uniqueco 48 days to replace faulty fire exit light in Block A

Building manager's contract and stringent fire safety regulations are commonly ignored by Uniqueco staff.

A fresh example, reported to Waratah Strata Management and Uniqueco several times, without a reply ever received.

Block A, second floor, exit light was not operational in period between 7 February 2018 and 26 March 2018 (total of 48 days!) .

In phone conversation with Mr. Steve Carbone who called me on 23 March 2018 at 07:41 hours, he admitted that allegedly there were 22 faulty lights in the complex. I cross-examined him why he did not repair the light as they become faulty, and, "suddenly", they were fixed.

Photo evidence from each day since that date is in my possession:



The same light was non-operational in December 2017 for three days.

Block A fire stairs lights (two of them) were faulty for almost a week in April 2018.

Waratah Strata Management and Uniqueco Director Mr. Steven Carbone were asked why owners pay for very poor quality as the same light died just after two months of operation, confirmation who was overseeing and enforcing the warranties for ALL repairs and replacements in the complex, and public notice why Uniqueco staff were slow to act in accordance with their duties, including daily checks of issues on common property.



Spot check of all lights in the complex on 25 august 2018 confirmed the following (all photo evidence collected as well):

Block D Level 6 fire stairs light faulty:



Block A Level 2 fire stairs light faulty:



Number of other lights are nearing their lifespan.

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

On 12 April 2016 I submitted my complaint about fire safety to City of Ryde. In it, I highlighted 12-year problem with my 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.

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

Uniqueco Pty Ltd was eventually forced by me to replace external door on my unit which was non-compliant with fire safety regulations for 12 years.

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

At AGM 2016, on 19<sup>th</sup> 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 13 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, Waratah Strata Management and Uniqueco Pty Ltd continued to poorly manage fire safety issues and only acted when I directly provided evidence of faults.

Waratah Strata Management prevented Motion about fire safety from AGM 2017.

Letter from Lock, Stock & Barell alleging that all fire safety work was completed on 19 and 22 February 2016, which was not true:

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

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

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

Here is what BCS Strata Management responded on 15 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 19<sup>th</sup> 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 20<sup>th</sup> 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 staff 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.

## Uniqueco security services cut by two hours a day for more than three years without disclosure to owners

Reported in October 2017 without any response from Mr. Steve Carbone, Waratah Strata Management, and EC members.

Uniqueco Pty Ltd was granted contract with SP52948 at AGM in 2014 without proper tender (Univeral Strata Services was trying to sell the business to Mr. Steve Carbone and thy planned to move away from the complex during 2014), at increased price of around 16% per year in comparison to the previous year, and further increase of 1% in 2016 without any tender. Owners were not advised that the increased value actually decreased working hours of the security guard and that EC member was UNFINANCIAL to vote and represent owners corporation due to not fully paid levies for gas heating since 1999, and that three EC members were UNFINANCIAL to vote and represent owners corporation at AGM 2015 and AGM 2016.

Decreased security hours, from 7:00pm to 5:00am - between 5:00pm and 7:00pm, most of the time only cleaner is employed in the complex. The Uniqueco Pty Ltd contract dated 7<sup>th</sup> of December 2014 hide working hours for the security guards:

### **Schedule 3 Hours of Coverage**

1. The Contractor will provide Caretaking Services to the Premises between the hours of 5.00 am – 5.00 pm, Monday to Friday and 9.00 am to 3.00 pm Saturdays and Sundays and will provide after-hours service at all times to respond to emergencies onsite within 1 hour of notification.
2. The Contractor will provide cleaning services to the Premises 7 days each week, which will include a minimum 6 hours on each Saturday and Sunday and any Public Holidays.
3. The Contractor will provide a minimum of one person on site from 5.00 pm to 5.00 am 7 nights a week including Public Holidays.
4. Gardening and Pool hours of coverage are to be sufficient to provide all the services listed at the frequency specified to standards determined by the Quality Assurance Standard document.

**It means, in simple and unambiguous terms, owners overpaid for security services:**

**1,030 days x 2 hours/day = 2,060 hours of security guard not working in SP52948**

Previous company, Universal Strata Services, for whom, director of Uniqueco Pty Ltd worked as an employee, offered these services, as documented in secret contract dated 1<sup>st</sup> of August 2010 that was not published for owners:

### **Night Caretaking**

- o The contractor will provide night caretaking duties from 5.00pm to 5.00am 7 nights a week.
- o The contractor will provide 2 permanent persons and will provide details of such persons to the Owners Corporation.
- o The persons engaged will be suitably licensed.



### Uniqueco security services possibly not covering up to 5:00am in July 2018

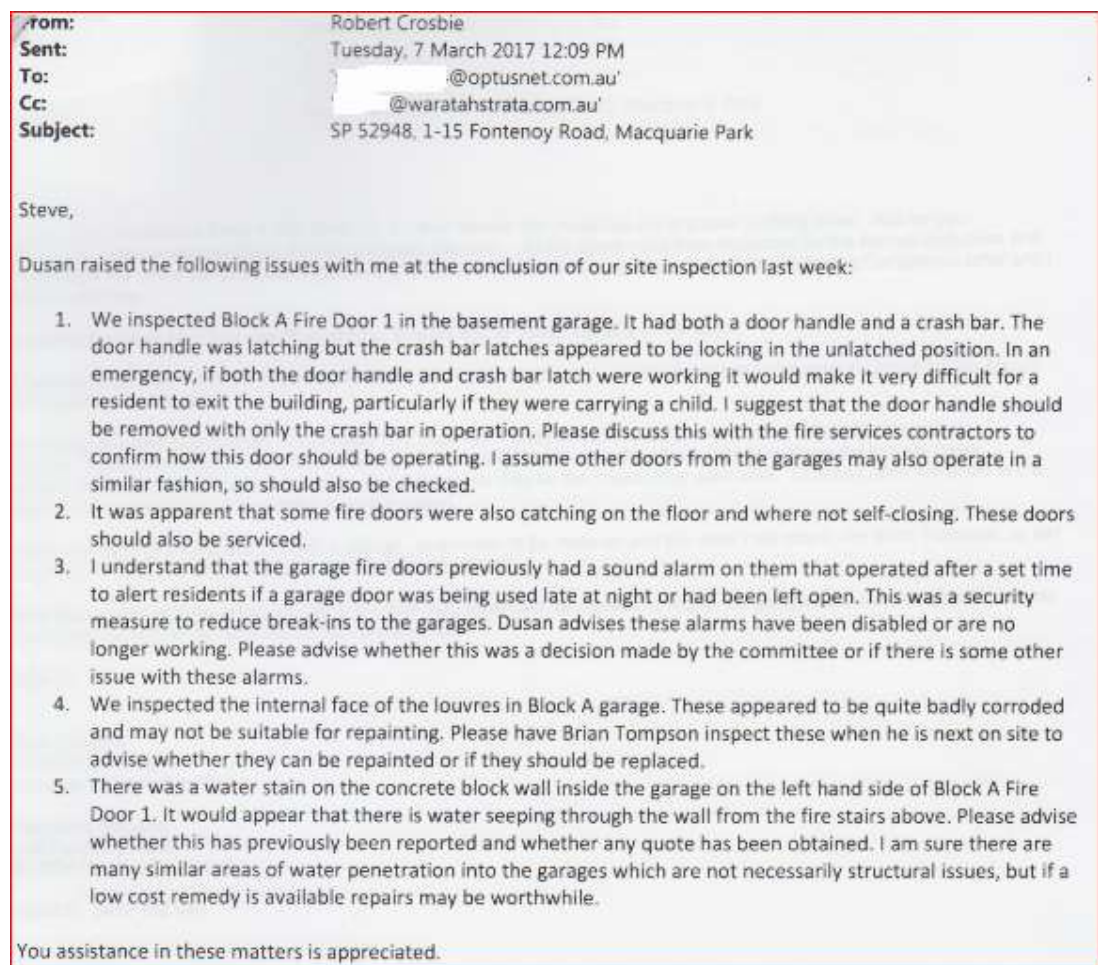
Due to special night work on 3 July 2018, evidence was collected that a security guard seemingly left premises well before 5:00am (dash camera showing that the security guard car spot was occupied at 02:30am and empty at 04:13am).

It is difficult to obtain information if the latest contract with Uniqueco even further cut down the working hours for security overnight and if owners still pay for services not delivered to the complex.

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 1 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 Mr. Rober Crosbie 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 1 March 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 30<sup>th</sup> of September 2017 confirmed that Fire door 3 was still having problems:

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

Here are proofs of fire doors not being compliant with stringent Fire Safety Regulations on 7 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>

Here are proofs of fire doors not being compliant with stringent Fire Safety Regulations on 25 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>

## Fire door problems in basement of the complex – sound alarms after hours still disabled

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



## Repeated security risk - night lights switched off too early in parts of the complex

As reported in 2017, Mr. Steve Carbone and his staff for prolonged time (several months) were switching off security lights in the complex whilst still complete darkness:

<https://www.nswstratasleuth.id.au/SP52948-complete-darkness-due-to-lights-repeatedly-turned-off-before-daylight-in-front-of-townhouses-before-6am-1Jun2017.mp4>

Even after the official complaint, it happened again:

<https://www.nswstratasleuth.id.au/SP52948-repeated-lack-of-duty-by-Building-Manager-Steve-Carbone-complete-darkness-due-to-early-lights-off-pathway-to-bus-stop-10Jun2017.mp4>

Form ore than a month, whole area towards carwash, covering most of townhouses, and rear of Block A was kept in total dark in early mornings for more than a month, until a complaint was sumitted to Uniqueco Director mr. Steve Carbone in March 2018. He “fixed” the problem for Block A.

Parts of complex towards townhouses and carwash area ara agin kept in the dark in late June 2018:

<https://www.nswstratasleuth.id.au/Waratah-Strata-Management-and-Uniqueco-Building-Manager-knowlingly-decreased-SP52948-security-by-repeatedly-switching-off-lights-in-front-of-townhouses-in-spite-of-one-year-old-warning-on-28Jun2018.avi>

<https://www.nswstratasleuth.id.au/Waratah-Strata-Management-and-Uniqueco-Building-Manager-knowlingly-decreased-SP52948-security-by-repeatedly-switching-off-lights-in-front-of-townhouses-on-29Jun2018.3gp>

Considering the fact that we had number of security incidents in the complex in the past, including an attempt of rape, stalking, break-ins in multiple garages, and “Spider-style” scaling of Block C to steal only a laptop from level 3, it is very dangerous to keep the lights off before daylight in any part of the complex.

In spite of latest report to Waratah Strata Management and Uniqueco on 8 July 2018, they continued with the practice of unsafe lighting towards townhouses as proven by video recordings on 11 July 2018 and 28 July 2018:

<https://www.nswstratasleuth.id.au/Waratah-Strata-Management-and-Uniqueco-Building-Manager-knowlingly-decreased-SP52948-security-by-switching-off-lights-in-front-of-townhouses-11Jul2018.avi>

<https://www.nswstratasleuth.id.au/Waratah-Strata-Management-and-Uniqueco-Building-Manager-knowlingly-decreased-SP52948-security-by-switching-off-lights-in-front-of-townhouses-28Jul2018.avi>

## Poor repainting of louvres and keeping it secret from owners at AGM 2015, 2016, and 2017

Still applicable as of August 2018.

Number of warnings were submitted to BCS Strata Management, Waratah Strata Management, EC members, and especially Building Manager Mr. Steve Carbone about the need to properly maintain louvres in the basement of the buildings.

BCS Strata Management, Waratah Strata Management, Building Manager Mr. Steve Carbone and his staff, and EC members were constantly reminded about poor maintenance.

One of such attempts was on 23<sup>rd</sup> of August 2017 when Mr. Steven Carbone was asked if he would personally pay for such bad repainting of louvres, which were treated against rust only from exterior of the buildings. Mr. Carbone never replied:

<http://www.nswstratasleuth.id.au/SP52948-Building-Manager-Steve-Carbone-did-not-answer-question-about-poor-painting-of-louvres-23Aug2017.html>

Mr. Steve Carbone ignored the request for proper repairs of louvres, as photos from 30<sup>th</sup> of September 2017 show:



This one was taken straight in front of garage of one of the EC members in July 2018:





## Lot 157 water leaks and undisclosed cost of \$3,025.00 that common funds were used for carpet repairs

Discriminatory behaviour by strata managers and building managers, providing selective benefits to specific owners only.

In two pieces of evidence, it is confirmed that:

- Lot 201 was notified that that carpet maintenance could not be paid from common funds on 9 September 2013
- Lot 123 was notified that carpet maintenance could not be paid from common funds on 9 January 2015

Lot 157, which suffered major water flooding in December 2014, was allegedly caused by water leak in EC member's unit (Lot 181):



Tue 23/12/2014 5:00 AM

Ruth Luka

RE: Emailing: Carpet drying

To: Russell Young



You replied to this message on 23/12/2014 9:36 AM.

Good morning Russell,

This was caused by a water pipe that leaked in A Block from Unit 181 down the building and wet this unit. This was arranged and completed.

Regards,

Ruth.



The repair cost was \$3,025.00 (GST inclusive), paid by owners corporation, which means every carpet damage will have to be covered by owners corporations common funds in the future:

## SYDNEY WET CARPET AND STRUCTURE DRYING EXPERTS

(A.C.N. 061 442 859) (A.B.N. 25 061 442 859)

**Flood, Fire, Storm, and Water Damage Emergency Service**

P.O. Box 708

ROSEBERY NSW 1445

*Drying & Restoring Building Internal Structure and Contents*

INSURANCE – DOMESTIC – COMMERCIAL

Ph: (02) 9667 4777

Fax: (02) 9313 4499

### INVOICE REPORT

Invoice Report No:	3563
Customer Name:	Raine & Home, Strata Scheme # 52948
Premises:	157/1-15 Fontenoy Road, Macquarie Park
Water Damaged Areas:	Carpet, underlay and concrete floors in lounge room, dining room and hallway.

WORKS	COST
Attended premises Fri 04/07. Assessed water damaged areas using moisture and humidity devices. Moisture 99. Humidity 72. Dew 23. GPP 19. Extracted water from water damaged carpet, underlay and concrete floors using Commercial Extraction Machine. Cleaned water damaged carpet using same machine. Supplied and set up 2 Commercial Turbo Dryers and 1 Commercial Dehumidifier. 5 hrs x \$80 per hr + \$150 service call. Cost includes call out, travel, van, hydro moisture sensor, hydro and IR thermometer, cleaning solutions, tools and labour.	\$550.00
Commercial Extraction Machine to extract water from water damaged carpet, underlay and concrete floors, and clean carpet on 04/07. 3 hrs x \$80 per hr.	\$240.00
Anti-Microbial Treatments to water damaged areas to sanitise, kill 99% of germs and bacteria, and eliminate odours. Cost includes anti-microbial agents and labour.	\$190.00
2 Commercial Turbo Dryers to dry water damaged areas for 6 calendar days (04/07 to 09/07) at \$40 per dryer per calendar day.	\$480.00
1 Commercial Dehumidifier to assist drying water damaged areas and eliminate moisture for 6 calendar days (04/07 to 09/07) at \$110 per dehumidifier per calendar day.	\$660.00
Attended premises Wed 09/07. Assessed water damaged areas using moisture and humidity devices. Moisture 20. Humidity 53. Dew 16. GPP 12. Carpet, underlay and concrete floors dried. Dismantled and collected 2 Commercial Turbo Dryers and 1 Commercial Dehumidifier. Relaid and restretched restored water damaged carpet. \$480 + \$150 service call. Cost includes call out, travel, van, hydro moisture sensor, hydro and IR thermometer, tools and labour.	\$630.00
Subtotal	\$2,750.00
GST	\$275.00
<b>TOTAL</b>	<b><u>\$3,025.00</u></b>

## Secret cheaper quote for roof membranes in 2014 kept undisclosed to owners

On 9 June 2014, Dural Building Services (DBS) submitted the quote DBS Q14-048 for SP52948 roof repairs on Block B to BCS Strata Management. That information was known to building manager staff, including Mr. Steve Carbone, as employee of Universal Strata Services.

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 26<sup>th</sup> of November 2014.

The only "competitor" was Kintyre Building Services, which "won" the contract through deliberately misleading Motion at the General Meeting, without stating that their quote for HALF ROOF repairs on Block B would cost \$53,960.00 plus GST, which would make that quote MUCH MORE EXPENSIVE THAN DBS.

In addition, owners were not told in clear terms that:

a) Kintyre's quote provided ONLY FIVE YEAR warranty for the work due to long-term neglect of roofs in the complex.

b) Owners were not told that the work order was signed off with Kintyre on 17<sup>th</sup> of September 2014, two months before the approval happened at the General Meeting on 26<sup>th</sup> of November 2014. That was ILLEGAL.

In essence, BCS Strata Management and EC members manipulated the "bidding" process and excluded your company without any legal or business justification.

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 (I have evidence of it).

To make things worse, 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).

Waratah Strata Management and Uniqueco were contacted to submit this information to owners in February 2018, which they declined.

## Roof membranes still not repaired on 2 ½ roofs in the complex

Membrane repairs on remaining two and a half-roofs are still outstanding, in spite of several professional assessments.

From Napier & Blakely report in July 2012:



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

Photos taken on 1 March 2017 show ongoing problems:













Alleged 10-Year Capital Works Fund Forecast, commissioned in 2017 without consultation with owners corporation, does not even list roof repairs until 2023, against all professional reports and Kintyre's own invoices for roof in Block B and D, stating that only five-year warranty was applicable due to long-term neglect:

**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**

Leary and Partners Sinking Fund forecast (EC meeting 17 November 1999) highlighted the need for membrane replacements every 10 years.

One and a half roofs were repaired at cost above \$170,000.00 in 2015/2016 without any tender or competitive quotes, whilst Blocks A and C did not have proper roof repairs for 20 years now (there was minor patchwork in 2012).

Napier & Blakeley's report in 2012 list roof membranes as one of the items with serious priority:

***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).***

10 Year Capital Works Fund Forecast – Costs Estimates (includes GST)														Page 3	
Capital Works Fund Forecast for:		1-15 Fontenoy Road, North Ryde				Date commencing:		31 August 2017			Strata Plan:		SP52948		
											Today's date:		31 March 2017		
					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	
Serial	Item	Current Cost Estimate	Approx year required	Escalated amount	Aug-18	Aug-19	Aug-20	Aug-21	Aug-22	Aug-23	Aug-24	Aug-25	Aug-26	Aug-27	
2	Roof	\$360,000	6	\$571,275						\$571,275					



## Elevators requiring major overhaul and upgrades

Frequent breakdowns, and risks to public are hidden from owners and professional reports undisclosed.

Alleged 10-Year Capital Works Fund Forecast, commissioned in 2017 without consultation with owners corporation, does not even list roof repairs until 2026, against all professional reports, which were disallowed to be presented to owners and Motion about it removed from agenda from AGM 2016 and 2017:

- ThyssenKrupp Elevators report on elevators in December 2013,
- Vertical Transport Management Services report on elevators in February 2014. Total cost of the report (GST inclusive) was \$1,430.00.

10 Year Capital Works Fund Forecast – Costs Estimates (includes GST)													Page 3	
Capital Works Fund Forecast for:		1-15 Fontenoy Road, North Ryde				Date commencing:		31 August 2017			Strata Plan:		SP52948	
											Today's date:		31 March 2017	
					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
Serial	Item	Current Cost Estimate	Approx year required	Escalated amount	Aug-18	Aug-19	Aug-20	Aug-21	Aug-22	Aug-23	Aug-24	Aug-25	Aug-26	Aug-27
9	Elevators & equipment	\$170,000	9	\$339,831									\$339,831	

In spite of 10-Year Capital Works Fund Forecast, under pressure from owner of Lot 158, agenda for EC meeting in February 2018 listed the need for more urgent upgrades:

**Re: Macquarie Gardens 1-15 Fontenoy Road Macquarie Park**  
**Lift Upgrade Tender Assessment**

Dear Robert

We have completed our assessment of the above tenders. Our assessment report is attached for your information and consideration.

We requested five (5) tenders from the lift industry, being Electra Lift Company, Liftronic Pty Ltd, Kone Elevators, Otis Elevator Company and ThyssenKrupp Elevator Australia.

ThyssenKrupp did not attend the mandatory site inspection and although Kone Elevators did attend, they did not submit an offer for this project.

We received offers from Electra Lift Company, Liftronic Pty Ltd and Otis Elevator Company.

The tender documentation was for a major upgrade of the existing lift equipment including:

- Replacement of the existing lift controllers and drives Lift Code and WH&S works
- Landing door running gear and power door operator upgrade
- Replacement of all landing buttons and indicator units

We requested separate pricing for the various sections of work and also a price should all works be undertaken at once and not staged.

We recommend that should the works be staged, that the Lift Code and WH&S works are undertaken in conjunction with the first section of the upgrade work.

All works are based on our specification.

Tenders were received from three (3) companies by the due date.

As you will see there is reasonable variance in the tender pricing for the works.

All companies have offered high quality equipment.

Our review below is the summary of the tenders received and some post-tender clarifications requested from the three (3) contractors.

When you review our summary on the next few pages you will see that the offer from Liftronic Pty Ltd for all of the works to be undertaken at once is very competitive. Liftronic also offered the best pricing for 3 of the 4 separate sections of works and were only slightly higher than Electra on the 1 other section.

There is also a significant cost penalty involved for separating the works and this is due to site establishment costs, interfacing and then undoing some work when the next stage is undertaken etc.

The on-going maintenance prices submitted with the tenders are relatively similar. The on-going maintenance is not included as part of the tender package, however pricing was obtained for evaluation purposes.

Should you agree with our recommendation at the end of this report a meeting should be scheduled as soon as possible to discuss the proposals received.

If you require further information, please do not hesitate to give me a call at any time.

### **Macquarie Gardens 1-15 Fontenoy Road Macquarie Park**

#### **Lift Upgrade Tender**

<b><u>ALL PRICES ARE GST EXCLUSIVE</u></b>	<b>Liftronic</b>	<b>Electra</b>	<b>Otis</b>
<b><u>LIFTS 1-4</u></b>			
<b><u>Part A Works (Door equipment)</u></b>	203,647	198,080	In Part C Works
<b><u>Part B Works (Lift Code and WH&amp;S)</u></b>	121,426	131,860	In part C Works
<b><u>Part C Works (Controller and Drive Equipment)</u></b>	247,040	268,970	820,000
<b><u>Part D Works (Buttons and Indication)</u></b>	85,871	111,530	60,000
<b><u>Sub Total</u></b>	657,984	710,440	880,000
<b><u>Price If All Works Undertaken At Once</u></b>	550,000	572,640	880,000
<b><u>Saving If not staged</u></b>	107,984	137,800	0
<b><u>Part E - Optional Replacement of Lift Mains lifts 1, 2 &amp; 3</u></b>	58,617	20,400	75,000
<b><u>Part F - Optional Replacement of lift machines including new lifting ropes</u></b>	157,754	136,040	125,000

<b><u>ALL PRICES ARE GST EXCLUSIVE</u></b>	<b>Liftronic</b>	<b>Electra</b>	<b>Otis</b>
<b><u>Maintenance prior to upgrade</u></b>	500/lift/month	Included	500/lift/month
<b><u>Comprehensive Maintenance after DLP</u></b>	20,400/annum	20,000/annum	26,000/annum
<b><u>Program</u></b>			
Lead Time	24 weeks	22 weeks	24 weeks
Part A Works	11 weeks	12 weeks	Not Offered
Part B Works	9 weeks	8 weeks	"
Part C Works	16 weeks	12 weeks	"
Part D Works	8 weeks	8 weeks	"
(Sub Total)	(44 weeks)	(40 weeks)	"
Total Site Time - All Works Undertaken At Once	<b>34 weeks</b>	<b>32 weeks</b>	<b>40 weeks</b>
<b><u>Payment Terms</u></b>			
Deposit	30%	20%	10%
Start on site	40%	20%	60%
Progress Claims	Monthly	Monthly	Monthly
Retention During Works (Bank Guarantee)	2.5%	2.5%	2.5%
Retention During DLP (Bank Guarantee)	2.5%	2.5%	2.5%

## Repetitive hot water system repairs and missing proof of quotes for hot water system in Block C costing above \$30,000.00

This was summarised to BCS Strata Management, Waratah Strata Management, Building Manager Mr. Steve Carbone, and EC members but a reply or comment never received.

On 1 March 2017. I directly asked Mr. Carbone if he had multiple quotes for replacing hot water system in Block C.

In front of Mr. Robert Crosbie, Mr. Carbone claimed that he personally gave three quotes to EC members and the strata agency.

At document search on 13 June 2017, three quotes were NOT found in strata documents.

<https://www.nswstratasleuth.id.au/SP52948-Block-D-BCS-Strata-Management-Three-Hot-Water-Repairs-With-Significant-Costs-Without-Warranties-Six-Year-Period.pdf>

Frequent problems, reactive maintenance, and poor repairs of hot water systems are common (almost always without applying any warranties) – costing owners corporation excessive amounts of money from common funds.

Refer to document:

<https://www.nswstratasleuth.id.au/SP52948-Block-D-BCS-Strata-Management-Three-Hot-Water-Repairs-With-Significant-Costs-Without-Warranties-Six-Year-Period.pdf>



## Defamation statements and false accusations – Crimes Act 1900 Section 93Q

On 11 June 2017, Mr. Robert Crosbie and Mr. Steve Carbone tried to present false information about myself, stating that I allegedly took photos inside the lots. In the email response, I refuted it:

To: Steve Carbone  
Cc: Robert Crosbie

*There was no incident and I have evidence. You are making it up.*

*No privacy of owners was disturbed. Please refrain from unsubstantiated statements. And do not try to make up stories about it.*

*Your cleaner Steve tried it several times in previous years and I shut him down with evidence. In fact, when I showed him what he should do, he ignored it. On one occasion, it took more than a month to replace failing LED for fire safety on level 2 in my building. Maybe he thought it was funny to keep lights off!?*

*Two ladies who rent in Block D approached me with concerns about photos. I showed it to them and they had perfect proof that only externals of the buildings and gardens were of my interest. They had absolutely no complaints about my actions.*

*The photos will be published tonight. They deserve to be seen as proof of quality of services we get for years.*

*The latest photos show horrible state of the garden beds, rust protruding (like in the pool area), and internal side of the louvres completely rusting in many areas. The tenants that called you were certainly shocked by what they saw on buildings and gardens.*

*I should not need to take pictures how the complex looks. It is your job, in your contract. I mentioned it to you in blunt words when we met with Robert Crosbie in early March 2017. You decline to act in accordance with the contract in spite of my repeated warnings and pleas. Check Sections 14.1(a) and 15.2 of the contract. I have evidence that I asked you to do it. EC members were asked to enforce compliance with the contract too.*

*Or, coverage on site between 5pm and 5am seven days a week (Schedule 3, Section 3). Just last week I proved that locksmith was unattended on Saturday and nobody from your staff was in the complex.*

*This is not the first time to see site unattended between 3pm and 5pm too.*

*These are just some of the tasks that you are paid for and failing to deliver. I deliberately mentioned that you were directly responsible for roof membrane quotes without tenders as it is a fact that you did not deny (and cannot). There are many more items that you are now FORCED to fix, thanks to me. Not EC or strata agency, but me. Let's give credit to me when it is due.*

*I also took evidence that fire door 2 is certainly not closing automatically and still jams. Just two months ago, you claimed all were "certified" as good.*

*I do not worry about my statements because they are factual and evidence is there. You either know very little about assaults on my wife and threats against me or chose not to know.*

*I am glad to see that your cleaner Steve attended work since the "incident". That is very good and shows no threat comes from me as long as he does what he is paid for only. The rest is in my hands and the Police.*

*Waratah Strata website is not operational. No owner can log in for the last several days.*

*As I said, EC members and some of your staff, including you (you certainly have some very honest people), are fully aware that my wife has serious health issues due to two mild strokes. Any deliberate stress (like following her, coming too close to her, snooping on her car when washing it), can kill her. Anybody doing it on purpose is guilty of premeditated kill attempt. This is not a joke. Repeat: NOT A JOKE.*

*Now, I will share little piece of information what others think of you. This is an illustration of your behaviour. When my wife had serious health incident several months ago, you did not have decency to open gate for the ambulance car. You sat at your desk and watched ambulance officers carry my wife on a stretcher down the stairs. I rushed from work to see my wife at the hospital and the first thing two ambulance officers asked me was who had employed such ignorant and unhelpful building manager who saw what was happening but decided not to offer help. I replied that Mr. Carbone was a perfect example of people who had given him a job.*

*And that is just a small incident of many that my wife and I have experienced. By the way, I know that Lot 88 (Mrs. Mariana) hired Steve for work elsewhere. That is an undeclared conflict of interest. And lot 88 has second gas connection too. Whether she uses it, that is something for you to check.*

*In fact, there are number of lot owners your inspection failed to find in regards to second gas connection. They were charged levies in the past (although, apart from me, no other owner had information about it).*

*If you want to have an honest talk, without hidden agendas, I am certainly available. We have business relationship and I PAY for your work. The solution is very simple. No games please as I have no time for them.*

Waratah Strata Management and Mr. Carbone failed to respond.

- A request about it was again sent to Mr. Robert Crosbie on 8 February 2018. Not only he did not reply, but he also personally failed to send agenda for EC meeting allegedly held on 15 February 2018. This was the third time that he did it in one year, which stands strongly against him as his latest contract was signed by EC members who are not financial due to unpaid full second gas connection levies since 1999.
- In July 2017, Waratah Strata Management sent letter from three EC members that accompanied minutes of the recent EC meeting.

In that letter, a claim was made that the Police dismissed my all previous cases.

- In July 2017, Waratah Strata Management sent letter from three EC members that accompanied minutes of the recent EC meeting. In that letter, a claim was made I had searched through rubbish bins and that I had photographed inside the units (almost alleging that I was some kind of weird person).

**After the meeting with the Senior Police Inspector in March and April 2018, I now have both oral and written statement that the Police would have never issued such statement. I even received an apology about some of the Police actions in the past.**

**Waratah Strata Management, Uniqueco staff, and EC members are directly responsible under Crimes Act 1900, Section 93Q.**

## Stalking female owner with intent to cause intimidation and fear

Mr. Carbone and his staff have been relentless to stalk fragile female owner in the complex.

Numerous attempts to REASON and TALK with Uniqueco Pty Ltd, strata agency, and EC members were made, without success:

- Personal meeting with EC member on 27 February 2017. During the meeting, among the other issues, I explained the situation with persistent stalking of my wife by Uniqueco staff. EC member refused to help and even stated that she had actually found him a job at another place.
- Meeting with Director of Waratah Strata Management Mr. Robert Crosbie and Director of Uniqueco Mr. Steve Carbone on 1 March 2017 when I successfully documented and photographed many maintenance faults in the complex, including comments about Uniqueco staff issues and lack of compliance with caretaker's contract. This was documented in an official report.
- Personal meeting with EC member on 1 March 2017. I again repeated complaints about Uniqueco staff. She declined to act or pass that information to other members of the EC.
- Email to EC members on 5 March 2017.
- 14 March 2017 at 07:17 hours: SMS to Mr. Steve Carbone after my wife complained that she was intercepted by his staff silently again. Mr. Carbone did not act in accordance with his contract RS/RH 081394 dated 7 December 2014, Sections 6.3, 6.4, and 7.4.
- One evening at just before 19:00 hours in late April 2017, whilst driving home from work, I accidentally came across Uniqueco staff who was at the gate of basement to the buildings. whilst passing through the gate, I stopped the car and told him that "we need to speak about my wife". His blunt response was "I do not think so" and used what seemed to be an obscene gesture. I expected his manager Mr. Carbone to contact me the next day, or at any time afterwards. That did not happen.
- Email to EC members and Secretary of EC on 17 May 2017. No reply was received.
- Email to Director of Waratah Strata Management Mr. Robert Crosbie and Director of Uniqueco Mr. Steve Carbone on 11 June 2017, documenting not only how bad his staff's past actions were but as well monstrous attempts by Mr. Carbone to spread false statements about me.
- Mr. Steve Carbone initiated phone call to Lot 158 during working hours at 16:47 hours from mobile phone on 29 August 2017. The call lasted 21 minutes and 19 seconds. In spite of interruption to owner's very busy schedules, he gave him lot of details explaining wrongdoings of his staff and himself and offered to move on and avoid unnecessary complications as long as he and his staff performed only duties as contracted and leave my family alone. He never replied. In fact, his staff continued to stalk my wife. Lot 158 wife was forced to log Police Event on 31<sup>st</sup> of August 2017.

Three Police events were initiated, including unsolicited WhatsUp message to my wife (he was never invited or asked to contact my wife by WhatsUp) on 2 September 2017.

On 18 February 2018, she sent a direct plea to Director of Waratah Strata Management. A reply was never received, and her request not put in the agenda for any EC meeting:

Sent: Sunday, February 18, 2018 10:21 PM

To: [REDACTED] [waratahstrata.com.au](mailto:[REDACTED]@waratahstrata.com.au)

Subject: EC Meeting 7th of February [Clarification + Action Sought]

To Waratah Strata Management Team,

I am writing this letter as a plea from one human being to another, and only ask that you and your contractors manage to perform the maintenance work with quality and with respect to all of the residents.

My husband and I are owners of Lot [REDACTED] in Strata Plan 52948.

My husband has tried on numerous occasions in the past few years to inform the staff on the state of the gardens, walls and public property in relation to their disrepair.

In these attempts I have felt harassed and intimidated in the complex I live in by staff (four in particular) of the Uniqueco group.

This has become such a heightened situation that I am required (upon advice from the police) to record my movements when I am alone in the complex and feel insecure. The agenda issued on the 7<sup>th</sup> of February incorrectly indicates I video staff while they work, which is not the case.

I ask for the following:

- a. A written confirmation that this behavior from Uniqueco group will cease
- b. This matter will be clarified and noted at the next EC Meeting

Her health condition is so serious that she is even excused from jury duty:

### MEDICAL CERTIFICATE

This is to certify that I examined:

Mrs [REDACTED]

on: 08 Oct 2015

In my opinion she was / is suffering from a medical condition: previous cva stroke

...

[REDACTED] will be unfit for jury duty

In spite of all attempts, staff member of Uniqueco again attempted to stalk her on 26 March 2018, this time the witness was present by pure accident.

According to Police report, Uniqueco staff refused to provide them with access to CCTV evidence.

The seriousness of the events is depicted herewith, with evidence:

<https://www.nswstratasleuth.id.au/Macquarie-Gardens-photos/index.php?/category/25>



Waratah Strata Management could not even guarantee that all complaints were given to EC members:

<https://www.nswstratasleuth.id.au/Waratah-Strata-Management/Dismissive-and-ignorant-responses-by-Waratah-Strata-Management-ignoring-SP52948-owners-requests-and-supporting-intimidation-and-discrimination-26Apr2018.png>

Female owner, in great distress, was taken to hospital by emergency on 26 March 2018, with blood pressure of 218/107:



## Validity of Uniqueco contract to be determined – lack of quorums at AGMs and lack of competitive tenders

Brief details of lack of quorum for all General Meetings in SP5948 was well documented and presented to all parties many times over 18 years:

<https://www.nswstratasleuth.id.au/SP52948-General-Meetings-without-Quorum-for-18-Years-as-orchestrated-by-BCS-Strata-Management-and-Waratah-Strata-Management.pdf>

BCS Strata Management failed to disclose to owners that Uniqueco won building management three-year contract by increasing costs of around 16% without competitive tender (amounting to \$289,000.00 plus GST per year) at non-compliant Annual General Meeting in 2014 (one of the proven issues was lack of valid quorum).

The contract was signed by unfinancial EC member on 5 and 7 December 2014, who did not pay full levies for second gas connection since year 2000.

Email to BCS Strata Management with first version of the Motions for AGM 2016 on 3 May 2016 included details why building manager's contract could not be increased by 2%, and gave advance notice that the contract should be tendered at AGM 2016. No reply or acknowledgment was received.

Email was sent to BCS Strata Management notifying them of receiving interest by Ryan Strata to bid for strata management contract and the request for tender for building management contract on 14 May 2016. No reply or acknowledgment from them was received.

Lot 158 submitted Motions for AGM 2016 to BCS Strata Management and EC members multiple times:

3 May 2016

14 May 2016

1 August 2016

Final version of the Motions, including details of 34 of them that BCS Strata Management deliberately excluded from AGM 2016.

On 28 August 2016, an email was sent to BCS Strata Management and EC members documenting problems in the complex and flaws in management of common property and funds.

No reply was received.

Emails to BCS Strata Management on 4 and 7 October 2016 (two weeks before the AGM, with complaint about missing Motions and other issues (fire doors, lack of tenders, secret cash advances from Pica Group without disclosure).

Email sent to building manager Uniqueco (Mr. Steve Carbone) documenting their poor maintenance in the complex (backed up by many photos) on 6 October 2016. It also included open-minded details why their contract could not be increased by 2%. No reply was received.

Email to BCS Strata Management on 7 October 2016, warning them of systematic mismanagement of Strata Plan 52847 with request to include owner's Motions for AGM 2016, and include the bid by Ryan Strata that was outstanding since May 2016. BCS Strata Management ignored the requests.

Email to BCS Strata Management on 4 October 2016, complaining about excluded Motions and bid by Ryan Strata.

BCS replied that all Motions were included, which Lot 158 easily disapproved on 7 October 2017.

Email complaint to BCS Strata Management on 11 October 2016. No reply was received.

Of importance to note is that three owners were again allowed to vote, gather proxy votes, and become EC members without being financial due to unpaid full levies for second gas connection since year 2000.

Uniqueco received 1% increase in contract value without a proper decision or tender at AGM 2016.

BCS Strata Management failed to disclose this information to owners. More details are below.

Number of disallowed Lot 158 Motions from AGM 2016 directly helped Uniqueco renew the contract without tender at cost above \$290,000.00 per year.

BCS Strata Management failed to inform owners that working hours in night shift for security guard were decreased by two hours per day in contract with Uniqueco, effectively forcing owners for paying for 2,060 hours for undelivered security services over three years (2014-2017).

Repeated email to BCS Strata Management and EC members on 21 December 2016, documenting 34 Motions that BCS Strata Management failed to include at AGM 2016. No reply or acknowledgment from them was received.

Email summary to EC members documenting outcome of meeting with Director of Waratah Strata Management, Mr. Robert Crosbie, dated 4 March 2017. No reply or acknowledgment from them was received. Waratah Strata Management did not refute any claims either.

Photo evidence of the serious neglect was collected by Lot 158. Waratah Strata Management and Uniqueco prevented the information to be shared with owners.

Refer to attachment "EVIDENCE-32-SUMMARY-SP52948-meeting-with-Director-of-Waratah-Strata-Management\_legal-threat-from-CHU-Insurance-and-other-problems-in-the-complex-4Mar2017.html", red-bold highlights.

Email to Waratah Strata Management on 29 April 2017, documenting numerous management issues, and unpaid levies for second gas connections since year 2000. No reply or acknowledgment from them was received. Waratah Strata Management did not refute any claims either.

Email to BCS Strata Management on 2 July 2017, requesting response in regards to long-term mismanagement of SP52948 and documenting 16 years of unpaid full levies for second gas connection. No reply or acknowledgment from them was received.

Email sent to Waratah Strata Management and EC members on 30 September 2017, documenting ongoing reactive and costly delays in maintaining the complex. No reply was received.

Email sent to EC members on 5 October 2017, documenting impossibility to reason with EC members, Waratah Strata Management, and Uniqueco. No reply was received.

Final version of the Motions by Lot 158 for AGM 2017. Letter from Waratah Strata Management with inconclusive and nondescript explanation rejecting Motions by Lot 158 on 10 October 2017.

Document sent to Waratah Strata Management and EC members documenting ongoing issues with building manager on 5 October 2017.

Email sent to Waratah Strata Management and EC members complaining about fraudulent process for organising AGM 2017. No response was received.

Minutes of AGM 2017, containing no details of strata management and building management contract renewals, and without any competitive bid (including total costs and conditions).

Refer to attachment "EVIDENCE-62-Annual-General-Meeting\_Minutes-Strata-Plan-52948-24Oct2017.pdf".

Minutes of the AGM 2017 did not provide any proof that three EC members paid full levies for second gas connection since year 2000.

Bid from Complete Building Management that was undisclosed to owners at AGM 2017.

According to Minutes of the AGM, as submitted by Mr. Robert Crosbie (Director of Waratah Strata Management), 54 owners were present at the meeting on 24 October 2017 in person or via proxy.

a) Lot 5 was misquoted in two places with different names on page 1 and 2.

b) Seven proxy votes were given to Lot 3, unfinancial owner due to unpaid full levies for second gas connection since 1999, directly involved in four insurance claims (in April 2017 SP52948 had to repay \$8,800.00 to CHU Insurance for invalid claims in 2012/2013 for alleged "CTTT Defence of Lot 3", and secret Special By-Law granting her exclusive rights to common property without By-Law being listed in strata documents since June 2003. Counting own presence at the AGM 2017, that is eight votes carried by Lot 3.

c) Seven proxy votes were given to Chairperson, Mr. Robert Crosbie - Director of Waratah Strata Management, who won the contract without tender and increased his own remuneration in contract signed by two unfinancial EC members (due to unpaid full levies for second gas connection since 1999) the same evening as AGM 2017.

Refer to:

Strata Schemes Management Act 2015, Part 4, Division 1, Section 25  
Rights of proxies and limits on votes by proxies

d) Three proxy votes to Lot 147, unfinancial owner due to unpaid full levies for second gas connection since year 1999.

Counting own presence at the AGM 2017, that is four votes carried by Lot 147.

e) Four proxy votes to Lot 181, unfinancial owner due to unpaid full levies for second gas connection since year 1999.

Counting his own presence at the AGM 2017, that is five votes carried by Lot 181.

f) Lot 62, previous Treasurer of the EC, unfinancial owner due to unpaid full levies for second gas connection since year 1999.

g) Lot 163, unfinancial owner due to unpaid full levies for second gas connection since at least year 2012.

h) Lot 167, unfinancial owner due to unpaid full levies for second gas connection since at least year 2012.

i) Lot 182, unfinancial owner due to unpaid full levies for second gas since at least year 2012.

j) Lot 194, unfinancial owner due to unpaid full levies for second gas connection since year 2011.

k) Total number of votes (including proxies) carried by owners who did not pay their full levies and failed to disclose it to owners corporation:

22 votes

Add to it seven proxy votes given to Chairperson Mr. Robert Crosbie (from Waratah Strata Management), that comes to:

29 votes

Comparing that number to total number of listed votes at AGM 2017, which is 54, it is very clear that due to unfinancial owners and the proxy votes they obtained, more than 25% of the 54 were INVALID, and hence quorum for the meeting not satisfied.

## Night shift duties attended by seemingly unlicensed Uniqueco security guard and unreported to owners

On 3 March 2018, a request was sent to Waratah Strata Management for Uniqueco to report license details of the security guards in the night shift:

<http://www.nswstratasleuth.id.au/Waratah-Strata-Management/Security-Request-ignored-by-Waratah-Strata-Management-and-Uniqueco-SP52948-provide-details-of-staff-who-are-licensed-to-conduct-security-guard-duties-in-night-shift-3Mar2018.html>

The request was silently denied and not reported for owners at any meeting.

In last six months, there were two documented examples of Uniqueco staff who worked in night shift without proof of security license:

17 Dec 2017

3 May 2018

This was reported to Mr. Steve Carbone in phone conversation on 23 March 2018 at 07:41 hours, who admitted it and tried to justify that shortage of staff in emergency case caused it. He declined to notify owners corporation about it, and again, two months later repeated the same practice.



## Uniqueco staff not keeping record of items that ceased to be common property

In spite of repeated requests, Uniqueco and Waratah Strata Management refuse to keep record and conduct regular audits of items that stopped being common property and are not responsibility of owners corporation any longer. Some examples:

- Five townhouse owners occupy common property without owners corporation approval, lattices in front of property:

Lot 194

Lot 197

Lot 199

Lot 202

Lot 216

- Special By-Law 4 for exclusive rights to common property granted to Lot 3 in January 2003,
- Special By-Law 10 granting exclusive rights to common property to Lot 136 and 137 in 2012,
- EC meeting 15 August 2007: Lot 135 application for solar film on windows,
- 28 March 2011: Townhouse 194 requested new gas boiler and separate gas meter (not confirmed if the owner installed them),
- EC meeting 4 February 1998: Lots 177 and 183 approved to install double-glaze windows (By-Law planned to be approved at General Meeting but never eventuated),
- EC meeting 17 March 1998: Lot 62 approved to install double-glaze windows (By-Law planned to be approved at general meeting but never eventuated),
- EC meeting 17 March 1998: Townhouse 219 approved to install polycarbonate sheeting as pergola cover and installation of air-conditioning unit,
- 2017: Lot 193 double-glaze windows,
- EC meeting 17 May 1998: Application by owner of Townhouse 213 and the EC approval that all future gas costs were to be met by the owner,
- EC meeting 19 August 1998: Townhouse 206 approved to install polycarbonate sheeting as pergola cover,
- EC meeting 14 February 2001: Application by owner of Townhouse 210 and EC decision for gas connection not to pay for future connection (service) fees,
- All owners with air-conditioning units on balconies in buildings,
- Full and accurate listing of owners with second gas connection,
- Additional lighting and power points in garages in the basement of buildings.

## Uniqueco staff not keeping record of owners who have unauthorised power connection in garages

For many years, one EC member had (or still has?) unauthorised power connection in their garage, without disclosure to owners corporation or payments to Admin Fund. This was organised by previous strata manager Mr. John Fry back in early 2000-es.

Waratah Strata Management, Uniqueco staff, and EC members refuse to confirm or publish the information about:

Lot 147, EC member Mr. Moses Levitt using the garage as workshop for many years,

Lot 151, EC member Mrs. Maureen McDonald is the only owner in the buildings with four fluorescent tubes (all other owners have up to two fluorescent tubes, depending on the original design of the complex),

Lot 114 having non-standard housing for lights in the garage.

Apart from fire and safety risk, this also brings a potential for insurance premium increases, especially if the connection was done by unlicensed staff.

None of the two EC members ever reimbursed owners corporation for private lighting and power points in the garages.

The question of whether owners should have such capabilities was raised by Lot 83 recently and an incomplete answer provided, along why their request was rejected and which grounds, in the minutes of the EC meeting in June 2018.

### Rubbish not collected regularly at back of townhouses

Spot checks for the last two months shows that there are pieces of abandoned rubbish (including a whole chair) left rusting at the back of townhouse 194.

Here is one of the photos with the record of it in July 2018. It took literally several months for Uniqueco staff to take action and it was only after photos were provided to Mr. Steve Carbone:



## Non-standard lights installed in Block D firestairs Level 2, 3, and 4 and unpainted areas

Proofs taken on 25 August 2018 with unsightly unpainted areas where original lights were installed:



Uniqueco staff hiding and not repairing cracks on external walls in foyers and fire stairs – some of them as wide as one centimeter

Proofs taken on 25 August 2018. As commonly seen as practice by Uniqueco, when major problems occur, they simply cover it without treatment, like in this case:





Some cracks are as wide as one centimeter:







## Unknown Assistant Building Manager at Uniqueco for several months

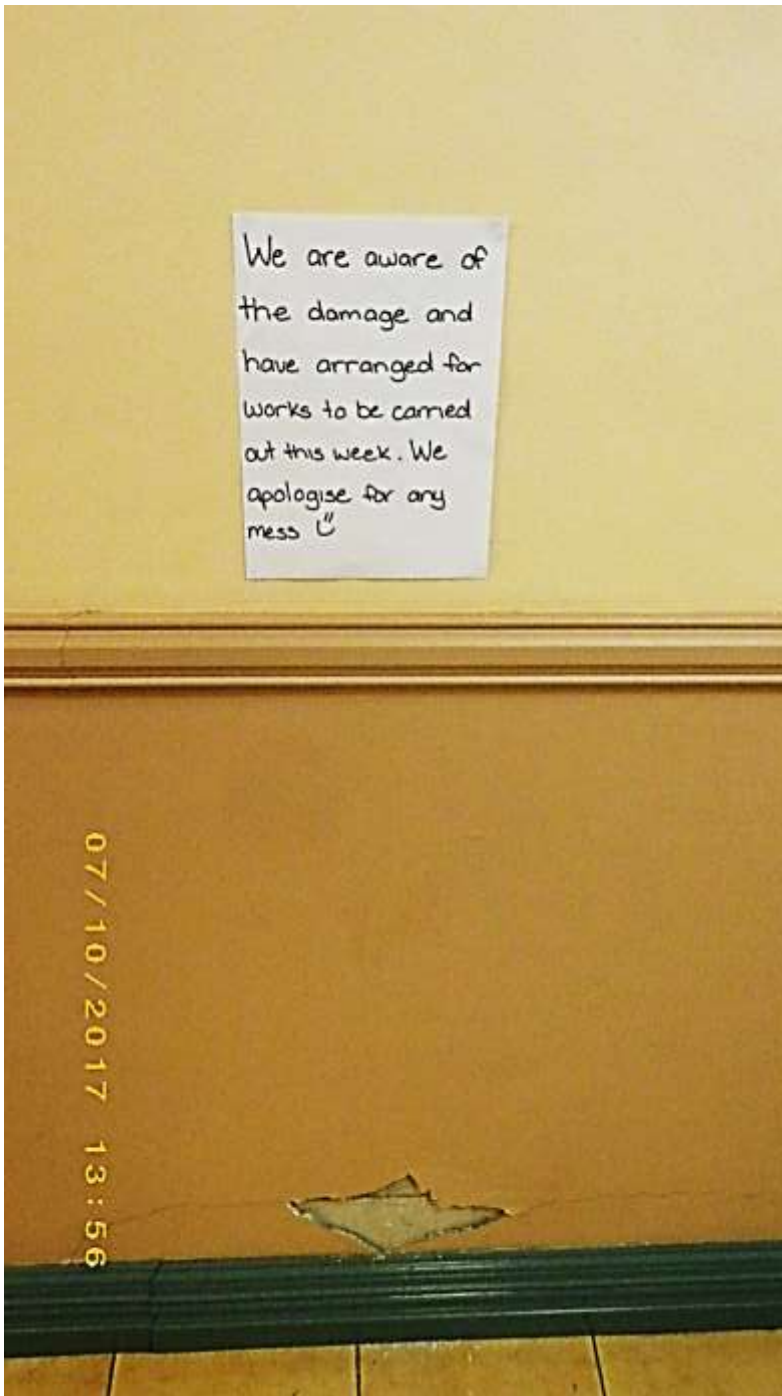
Previous Assistant Caretaker left the office with Uniqueco for several months and her replacement not announced to owners until Lot 158 pushed for it in July 2018:





Block A Level 2 cracks on wall opposite elevator show signs of needed another repair less than one year after last work

These were photos of neglect of Block A Level 2 for more than a year. Finally, repairs were done in October 2017, rushing before the Annual General Meeting:





Sadly, check on 25 August 2018 shows that another work will be required soon.