

Motion: Ratify events related to Special Resolution for “Unreasonable Communication” Special By-Law

The Owners Corporation SP52948 by ORDINARY RESOLUTION ratifies the following events:

- Solicitor Adrian Mueller was engaged on 27th of July 2017 to provide:
 - o Legal advice to restrain Lot 158 from publishing defamatory material at a cost of \$3,500.00 (plus GST).
 - o To review DB Motions for AGM 2017 at a cost of \$1,750.00 (plus GST).

In their email to Solicitor Adrian Mueller, Waratah Strata Management also stated:

The committee would like to know whether it is possible for a motion to be included on the AGM agenda that instructs or authorises the committee to ignore all correspondence from DB...

- In Solicitor Adrian Mueller's response on 2nd of August 2017, the following was stated:

If the owners corporation makes such a by-law and enforces it in the Tribunal you should expect that Mr DB will vigorously defend that enforcement action including on the basis that the by-law is not valid because it is beyond the power of the owners corporation. The owners corporation will therefore need to have the fortitude to pursue any enforcement action in the Tribunal and incur the attendant costs to uphold the validity of the by-law. We note that success in Tribunal proceedings cannot be guaranteed but that the owners corporation would have reasonable prospects for a successful outcome in any such action.

- In Solicitor Adrian Mueller's response on 10th of October 2017, the following was stated, contradicting his own statements made on 2nd of August 2017:

The by-law does not cover communications that are made by owners or occupiers to third parties such as the media. This is because the by-law must relate to your strata scheme and extending its scope to embrace communications to third parties who are not connected to your strata scheme may render the by-law invalid and unreasonable.

The by-law does not contain a detailed definition of “unreasonable communications” made by owners or occupiers to the owners corporation, strata committee, strata manager or other owners or occupiers. We have deliberately kept the definition of “unreasonable communications” quite broad to capture as many unreasonable communications as possible. However, it may be preferable to specify in the by-law clear examples of “unreasonable communications”, for instance, sending more than one email per day to your strata manager (except in than emergency) or sending any written communication that contain more than 500 words. You should give this aspect of the by-law some thought and let us know if you require any amendments to the by-law.

...

In our view, the owners corporation does have power to make a by-law that prohibits owners and occupiers engaging in unreasonable communications with the owners corporation, the strata committee, your strata manager and other owners and occupiers or disseminating personal information about an owner or occupier to any of those parties. This is because a by-law covering these matters clearly relates to the administration and management of the lots and common property. Nevertheless, the by-law is certainly novel and no Court or Tribunal has ever passed comment on the ability of an owners corporation to make a by-law that deals with the topics that are covered by the by-law we have prepared. Therefore, even though we consider that the owners corporation has power to make the by-law, we cannot provide you with any guarantee that the by-law will stand scrutiny if it is ever challenged.

- Resolution was made at AGM 2017 without quorum being satisfied. Waratah Strata Management refused to notify owners and amend minutes of the meetings and declined to offer evidence to refute Lot 158 statements of lack of quorum.
- Consolidated By-Laws were registered on 30th of October 2017 by Waratah Strata Management without disclosure to owners and without providing access via web site at lookupmystrata.com.au.
- Screenshot of Waratah Strata Management website on 26th April 2018 confirmed that owners were not notified about the By-Laws. Mr. Robert Crosbie, acting as Secretary of the EC, failed to comply with Strata Schemes Management Act 2015, Section 141(3).

- The Consolidated By-Laws dated 30th October 2017 contained several errors:
 - o By-Law 4 Lot 3 Window on page 7 was a Special By-Law, not an ordinary one.
 - o There was another Special By-Law 4, related to Satellite Dishes.
 - o There were two Special By-Laws 5 for Smoking with DIFFERENT contents.
 - o By-Law 13 on page 9 was invalid in its entirety as it was not approved at AGM 2017 and all reimbursements that might have been paid from common funds for private water and gas usage to selective townhouse owners since 30th October 2017 were illegal (including one member of the Executive Committee, Lot 200 who received those benefits without disclosure for several years). Page 9 of the Minutes of the AGM 2017 confirmed that proposed Special By-Law 13 was not approved in its current form. The strata committee was to review the charges being incurred for water and gas supply by the townhouse and unit owners and amend the by-law to ensure it was equitable.
 - The response from Waratah Strata Management on 21st of June 2018 did not acknowledge they had already registered Consolidated By-Laws on 30th of October 2017.
 - Crittenden Lawyers declined to answer how much they were paid for By-Laws reviews.
 - Waratah Strata Management silently refused to provide access to Consolidated By-Laws as requested by Lot 158 on 23rd of November 2017.
 - Lot 158, at own expense in amount of \$18.00, obtained copy of Consolidated By-Laws on 27th of April 2018.
 - Waratah Strata Management prevented Lot 158 Motion at AGM 2018 to be reimbursed for Consolidated By-Law expenses.
 - Resolution was made at AGM 2018 without quorum being satisfied. Waratah Strata Management refused to notify owners and amend minutes of the meetings and declined to offer evidence to refute Lot 158 statements of lack of quorum.
 - Waratah Strata Management and EC members were repeatedly reminded and warned that female co-owner of Lot 158 could make any request of concern because she was not involved in Deed of Settlement and Release that was signed by other owner of Lot 158 and owners corporation on 13th of February 2014.
- Waratah Strata Management refused to inform owners about it.
- Waratah Strata Management failed to inform owners or refute estimates that Solicitor Adrian Mueller earned close to \$90,000.00 since 2012 for allegedly defending owners corporation and that he did not offer assistance to Police in 2018 to prove Statutory Declaration he had prepared to CTTT on 19th of April 2013 was based on valid emails.

Explanatory Notes

Waratah Strata Management is the custodian of all strata files. Lot 158 requested them to provide owners with relevant files throughout 2017, 2018, and 2019.

Motion: Repeal Special By-Law 11 “Unreasonable Communication” registered on 26th of October 2018

The Owners Corporation SP52948 by SPECIAL RESOLUTION, pursuant to Section 141 of the Strata Schemes Management Act 2015, repeals Special By-Law 11 “Unreasonable Communication”:

- Strata Managing Agent shall lodge a notification with the Registrar-General in the manner approved by the Registrar-General within 14 days from the date the change of the By-Laws is approved by owners corporation.
- After changes of the By-Laws, Strata Managing Agent shall publish them for all owners on the web site.
- To the extent of any inconsistency with previous by-laws, this by-law prevails.

Explanatory Notes

It fails to satisfy Strata Schemes Management Act 2015, Section 139(1) "Restrictions on by-laws" that states: By-law cannot be unjust, must not be harsh, unconscionable or oppressive. Any such by-law may be invalidated by the Tribunal (see section 150).

The Special By-Law is unenforceable and discriminates against owner's rights.

Solicitor Adrian Mueller warned about high risk to enforce this by-law.

Waratah Strata Management is the custodian of all strata files. Lot 158 requested them to provide owners with relevant files throughout 2017, 2018, and 2019.

Motion: Ratify events related to Waratah Strata Management obtaining unauthorized access to Lot 158 password at lookupmystrata.com.au

The Owners Corporation SP52948 by ORDINARY RESOLUTION ratifies the following events:

- Lot 158 submitted the complaint and request that their access to Waratah web site hosted at lookupmystrata.com.au be re-enabled on 21st of April 2018.
- Waratah Strata Management responded on 26th of April 2018 with accurately conforming the password only Lot 158 should have known.
- Lot 158 submitted official complaint and inquiry with Rockend who own website lookupmystrata.com.au and voiced concerns about lack of access to SP52948 files, asking them to reset the password and explain how third party like Waratah Strata Management could obtain access to private password.

Rockend did not reply.

- Lot 158 submitted repeated complaint and request that their access to Waratah web site hosted at lookupmystrata.com.au be re-enabled on 16th of June 2018 and another update on 18th of June 2018.
- Lot 158 offered secure web access to Waratah Strata Management with evidence of failed logins and many other strata files they allegedly did not have at lookupmystrata.com.au on 20th of June 2018, which they declined.

Explanatory Notes

Waratah Strata Management is the custodian of all strata files. Lot 158 requested them to provide owners with relevant files throughout 2017, 2018, and 2019.

Motion: Ratify events related to Waratah Strata Management and maintenance staff refusal to maintain proper air flow in bathroom in Lot 158 since June 2018

The Owners Corporation SP52948 by ORDINARY RESOLUTION ratifies the following events:

- Lot 158 orally submitted complaint to maintenance staff about poor ventilation and smell coming through the vents in bathroom of Lot 158 two times in May 2018. This was ignored and no action taken until official email was sent to Waratah Strata Management on 16th of June 2018 and 20th of June 2018.
- Lot 158 submitted repeated complaint and request to resolve issue with poor ventilation in one bathroom 22nd of December 2018 and 31st of January 2019. No reply was received or action taken by Waratah Strata Management and maintenance staff.

Video evidence was provided.

- Lot 158 collected video evidence of inappropriate level of fresh air in bathrooms of several units in Block A during 2019.

Explanatory Notes

Waratah Strata Management is the custodian of all strata files. Lot 158 requested them to provide owners with relevant files throughout 2019.

Motion: Ratify events of Lot 158 stalking, intimidation, bullying, and intention to cause fear, and ordering access to CCTV to be provided by strata manager and staff of building manager if requested by owners and Police

The Owners Corporation SP52948 by ORDINARY RESOLUTION confirms the following:

- Acting Chairperson failed to include this Motion at AGM 2017 and 2018.
- Waratah Strata Management, maintenance staff, and EC members failed to protect Lot 158 after numerous complaints about bullying, stalking, and attempts of intimidation by maintenance staff:
 - o Personal meeting with EC member on 27th February 2017.
 - o Meeting with Director of Waratah Strata Management Mr. Robert Crosbie and maintenance staff on 1st March 2017.
 - o Personal meeting with EC member on 1st March 2017.
 - o Email to EC members on 5th March 2017.
 - o 14th March 2017 at 07:17 hours: SMS to maintenance staff after she was intercepted by his staff.
 - o Email to Waratah Strata Management on 18th of February 2018.
 - o Email to Waratah Strata Management on 16th of June 2018.
 - o Email to Waratah Strata Management on 21st of June 2018.
 - o Email to Waratah Strata Management on 9th of October 2018.
 - o Email to EC member Lot 151 on 24th of January 2019.
 - o Email to Waratah Strata Management on 31st of January 2019.
 - o Email to Waratah Strata Management on 9th of May 2019.
 - o Email to Waratah Strata Management on 18th of June 2019.
 - o Email to Waratah Strata Management on 19th of June 2019.
 - o Email to Waratah Strata Management and maintenance staff on 11th of August 2019.
 - o Email to Waratah Strata Management and maintenance staff on 12th of August 2019.
- Waratah Strata Management provided the following statement to Lot 158 in email on 21st June 2018:

These allegations are matters for the police to deal with.
- Waratah Strata Management provided the following statement to Lot 158 in email on 24th of January 2019:

Stalking claim by Lot 158 against maintenance staff – You advise this has been reported to the police. Stalking is a criminal issue and should therefore be left in the hands of the police to deal with as they see fit. Waratah Strata and the Owners Corporation will therefore not get involved in this matter.
- Maintenance staff failed to comply with Sections 6.4 of the contract with SP52948, which requires proper conduct of its officers, employees, and agents whilst engaged to provide services on the premises.
- Owners corporation failed to comply with Section 6.3 of maintenance staff contract with SP52948, failed to conduct a review of complaint against stalking and bullying, thus causing serious health issues to Lot 158 female owner, stress, and fear.
- On 18th February 2018, Lot 158 female co-owner sent a plea to Waratah Strata Management, requesting that maintenance staff stop harassing, stalking, and following her in the complex and that this information be tabled in the minutes of the EC meeting, the same way her name was mentioned in agenda of EC meeting sent to owners on 7th February 2018 for alleged video recordings of maintenance staff, which was actually recommended by the Police.
- Repeated requests for EC members to deal with complaints of stalking and intimidation were ignored and not disclosed to owners throughout 2018 and 2019.
- Waratah Strata Management refused to inform owners corporation Lot 158 female co-owner has serious health issues, which can cause immediate death due to stress and that she is even exempted from Jury duty.
- The lack of actions by Waratah Strata Management and EC members resulted in the following Police Events they failed to report to owners:

26th March 2018

26th of October 2018 (one week after the AGM)

14th of November 2018

11th of August 2019

- According to Police statements, and based on direct requests by Lot 158, Waratah Strata Management and maintenance staff declined to provide access to CCTV recordings in 2017, 2018, and 2019.
- Waratah Strata Management failed to issue compliance notice and enforce By-Laws 6 and 8 registered on 30th of October 2017 and By-Laws 6 and 8 registered on 20th of October 2018.
- Owners corporation orders Waratah Strata Management and maintenance staff to provide CCTV recordings to Police and allow concerned owners to view them, with due respect for privacy, if and when requested for investigations.

Explanatory Notes

Waratah Strata Management is the custodian of all strata files. Lot 158 requested them to provide owners with relevant files throughout 2019.

Motion: Ratify events related to Waratah Strata Management and maintenance staff refusal to maintain smoke alarms in Lot 158, discrimination against Lot 158, failure to comply with fire safety standards, and providing misconstrued information to owners

The Owners Corporation SP52948 by ORDINARY RESOLUTION confirms the following:

- Lot 158 orally complained to Waratah Strata Management and maintenance staff multiple times in 2017 and 2018 about expired smoke alarms in their unit.

Waratah Strata Management and maintenance staff did not take corrective actions.

- Lot 158 sent email to Waratah Strata Management and maintenance staff on 1st of March 2019 with reminder about expired smoke alarms in Lot 158.

Waratah Strata Management and maintenance staff did not respond.

- Waratah Strata Management provided the following misleading statement to owners in minutes of EC meeting on 21st of March 2019:

Smoke alarms in units - It is noted that the smoke alarms inside each unit are the lot owners responsibility to service and replace as required. It is further noted that a small number of smoke alarms within units were replaced during the BCS management period, but that was incorrect practice and has not continued under Waratah Strata's management.

- Lot 158 provided Waratah Strata Management with the following examples of smoke alarms being replaced for owners from common funds in recent times, including three replacements directly authorized by Waratah Strata Management in FY 2018:
 - o Essential Services Management – charged common funds for visit to Unit 110 to replace smoke detector when owner did not provide access – 10 October 2013
 - o Essential Services Management – replaced smoke detector Unit 162 – 6 December 2010
 - o Essential Services Management – replaced smoke detector Unit 117 – 15 November 2013
 - o Essential Services Management – replaced smoke detector Unit 146 – 9 December 2013
 - o Essential Services Management – replaced faulty smoke detector Unit 79 – 31 October 2014
 - o Essential Services Management – replaced smoke detector Unit 79 – 20 November 2014
 - o Essential Services Management – replaced faulty smoke detector Unit 145 – 6 May 2015
 - o Essential Services Management – replaced faulty smoke detector Unit 106 – 4 August 2015
 - o Essential Services Management – replaced faulty smoke detector Units 108 and 159 – 12 May 2015
 - o Essential Services Management – replaced smoke detector Townhouse 200 – 31 August 2015
 - o Essential Services Management – replaced faulty smoke detector Townhouse 198 – January 2016
 - o Essential Services Management – replaced second faulty smoke detector Unit 183 – February 2016
 - o Essential Services Management – replaced faulty smoke detector Unit 182 – 12 February 2016
 - o Essential Services Management – replaced second faulty smoke detector Townhouse 198 – April 2016
 - o Essential Services Management – replaced faulty smoke detector Unit 68 – 19 May 2016
 - o Essential Services Management – replaced faulty smoke detector Unit 180 – 9 August 2016
 - o Essential Services Management – replaced second smoke detector Townhouse 200 – 24 August 2016

Lot 139, 23rd of April 2018, at cost of \$150.00 (GST exclusive)

Lot 8, 14th of May 2018, at cost of \$150.00 (GST exclusive)
Lot 198, 4th of June 2018, at cost of \$160.00 (GST exclusive)
Lot 83, 30th of July 2018, at cost of \$160.00 (GST exclusive)

Lot 158 also documented number of owners failing to provide entry to their units for annual fire safety and smoke alarm inspections in 2018 and 2019.

Lot 158 requested that Waratah Strata Management share information with all owners about common funds being used for replacing smoke alarms for 22 years and amend the minutes of EC meeting on 21st of March 2019.

Waratah Strata Management did not inform the owners and did not update the minutes of the meeting with correct information.

- On 17th of June 2019, Lot 158 sent email to Waratah Strata Management and maintenance staff documenting misleading and misconstrued statements by Waratah Strata Management for owners at EC meeting on 21st of March 2019.

Waratah Strata Management and maintenance staff did not respond.

- Lot 158 sent email to Waratah Strata Management and maintenance staff on 7th of July 2019 with photos showing:

Smoke alarm in one bedroom expired in 2005
Smoke alarm near second bedroom expired in 2018

Lot 158 also provided a report on "SP52948-random-check-of-fire-safety-late-June-and-early-July-2019".

Waratah Strata Management and maintenance staff did not respond.

- On 21st of May 2019, maintenance staff provided misleading and inaccurate information to Ryde Council in regards to fire safety issues, which Lot 158 refuted with evidence:

a) Maintenance staff implicitly confirmed they had never put yearly fire safety statements on notice boards and deliberately ignored them. They very well knew the regulations (as provided by Lot 158 on many occasions).

b) Fire safety reports documented problems every year but they were always partially ignored or delayed. An example:

On 6 June 2013, Lot 158 submitted the request with the following subject:

SUBMISSION FOR GENERAL MEETING: Maintenance in the complex and compliance with the State and Federal Regulations on 6 June 2013

No response was ever received.

In July 2013, Eagle Fire Protection conducted a second inspection (reports for January 2013 and July 2013) are enclosed herewith.

Due to lack of maintenance, our cost to rectify fire protection issues increased by 30.32% in just six-month period in 2013.

As of July 2013, Eagle Fire Protection's assessment gave total cost of \$26,878.50 (GST inclusive) to rectify all issues.

Attachment "SP52948-Eagle-Fire-Protection-Inspection-Reports-and-Quotes-to-Rectify-Problems-31Jul2013.pdf".

c) Maintenance staff and Waratah Strata Management knew very well the regulations about notices on fire doors but decided to ignore them. They very well knew the regulations (as provided by Lot 158 on many occasions).

d) Smoking near Fire Door 2 was facilitated by maintenance staff and Waratah Strata Management for almost nine months. Repeated complaints were ignored.

Attachment "SP52948-FINAL-WARNING-FOR-IMMEDIATE-ACTION-SP52948-providing-illegal-smoking-facility-behind-fire-door-2-in-Block-A-on-9May2019.pdf".

e) Elevator problems are not minor but major.

The frequent problems with elevators and number of professional reports prove it. The first major one was from Napier & Blakeley from July 2012 but it is too large to enclose herewith (I can provide it in a separate email if necessary).

Attachments (all of them are hidden from owners' knowledge):

BCS-Strata-Management-hid-professional-building-report-from-SP52948-owners-ThyssenKrupp-Elevator-HR-Assesment-11Dec2013.pdf

BCS-Strata-Management-hid-professional-building-report-from-SP52948-owners-ThyssenKrupp-Elevator-HR-Issues-and-Pricing-11Dec2013.pdf

BCS7328835-Vertical-Transport-Management-Services-lift-report-invoice-25Feb2014.pdf

SP52948-Thompson-Elevator-Consultancy-Service-audit-Mar2017.pdf

Here are some of Lot 158 recent attempts to reason with them via email:

REQUEST FOR MAINTENANCE: Elevator in Block A caused tenants in Lot 158 to travel in wrong direction three times in two months and elevator did not settle level with the floor of the building several times - 25Dec2018

FOR CONSIDERATION AND OFFICIAL RESPONSE: Elevator in Block A caused tenant in Lot 158 to travel in wrong direction again on 6Jan2019

FOR CONSIDERATION AND OFFICIAL RESPONSE: Elevator in Block A caused tenant in Lot 158 to travel in wrong direction again on 21Jan2019

FOR CONSIDERATION AND OFFICIAL RESPONSE: Elevator in Block A caused tenants in Lot 158 to travel in wrong direction sixth time on 28Jan2019

FOR CONSIDERATION AND OFFICIAL RESPONSE: Elevator in Block C took three times to open and close door automatically before travelling on 9Feb2019

FOR CONSIDERATION AND OFFICIAL RESPONSE: Elevator in Block C and Block A additional issues on 10 and 17 February 2019

FOR CONSIDERATION AND OFFICIAL RESPONSE: Elevator in Block A additional issues on 21 February and 1 March 2019

FOR CONSIDERATION AND OFFICIAL RESPONSE: Elevator in Block A on 20 May 2019

f) Internal smoke detectors are responsibility of owners corporation. They have always been paid from common funds (attachment "*SP52948-examples-of-smoke-detectors-in-units-and-townhouses-replaced-from-common-funds.pdf*").

Attached images show payments for smoke alarm replacements in four units in 2018 and how Waratah Strata Management mislead owners on 21 March 2019 by stating that they never approved such payments from common funds (Lot 158 found contrary evidence in FY 2018 financials on 31 May 2019).

Under current legislation, the owners corporation is responsible for repairing AND maintaining smoke alarms IF the smoke alarms are hard-wired to the lot's electricity supply with a backup battery or connected to a common fire board or panel.

However, if the smoke detectors are stand alone and battery-operated, then the lot owner (or tenant) is responsible for checking and changing the battery. Ultimately, the owners corporation is responsible for replacing or repairing a faulty smoke alarm.

The law is that repair and maintenance of smoke alarms are an owner's responsibility unless it was installed at time of construction (which is the case in SP52948).

g) Maintenance staff is looking for an excuse about fire door compliance. They were very well aware of the issues (video and photo evidence collected for previous years proves it and they had access to them).

h) Compliance tags on the doors were missing on MANY doors, not just Lot 158. There is nobody who could "paint" over the door frames in so many properties. Maintenance staff was reminded about them several times but decided to ignore the requests.

i) It was proven to Ryde Council that maintenance staff and strata agencies failed to disclose non-compliance fire safety issues in the past.

j) Not true that maintenance staff replaces the faulty lights in the complex promptly. In just one example, on Level 2 Block A, they delayed replacement of the faulty fire exit light in period between 7 February 2018 and 26 March 2018 (total of 48 days!). Photo evidence exist for every day of that period.

- Smoke alarms in Lot 158 are currently expired and might cause serious health and safety issue in emergency if they fail to operate as designed.

Explanatory Notes

Waratah Strata Management is the custodian of all strata files. Lot 158 requested them to provide owners with relevant files throughout 2019.

Motion: Ratify Waratah Strata Management and maintenance staff refusal to provide names of employed staff and using unlicensed security guards without disclosure

The Owners Corporation SP52948 by ORDINARY RESOLUTION ratifies the following events:

- Owners corporation enforced requirement for building manager (caretaker) to have only licensed staff on site at EC meeting on 10th of January 2001. Four current owners attended that meeting:

Lot 62 (ex-EC member)
Lot 151 (EC member)
Lot 160
Lot 181 (EC member)

Now-deceased EC member presented a petition signed by around 40 owners indicating their objection to an unlicensed security person being engaged at EC meeting on 10th of January 2001.

- Clause 6.1 of the contract with maintenance staff requires them to provide a list of the full names and addresses of all persons employed by them. Request by Lot 158 to review it was not addressed by Waratah Strata Management.
- Clause 6.2 of the contract with maintenance staff requires them to keep shift rosters for all employees for at least 24 months. Request by Lot 158 to provide it was not addressed by Waratah Strata Management.
- Lot 158 sent request to Waratah Strata Management and maintenance staff about unlicensed security guards on 3rd of March 2018. Reply was never received and this information was not disclosed to owners in any official notices by Waratah Strata Management.
- Lot 158 sent request to Waratah Strata Management and maintenance staff about unlicensed security guards on 1st of September 2019. Reply was never received and this information was not disclosed to owners in any official notices by Waratah Strata Management.
- Lot 158 sent request to Waratah Strata Management about unlicensed security guards on 16th of September 2019. Reply was never received and this information was not disclosed to owners in any official notices by Waratah Strata Management.
- Waratah Strata Management prevented Lot 158 Motion at AGM 2017 and 2018 about insurance and safety risk with night shift duties attended by unlicensed security guards, cut working hours of security guards, and periods without staff on site in early morning.
- Due to special night work by Lot 158 on 3rd July 2018, evidence was collected that a security guard 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).

Request to Waratah Strata Management and maintenance staff to explain it was not answered or reported to owners.

- During FY 2018 and 2019, there were at least four documented examples of maintenance staff working in night shift without proof of security license:

17th December 2017
3rd May 2018
1st of September 2019

15th of September 2019

- Lot 158 reported unlicensed staff to maintenance staff in phone conversation on 23rd 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 continued to apply the same practice later on.
- Lot 158 reported security service concerns in October 2017 without any response from Waratah Strata Management.
- Lot 158 raised the security service concerns in reports on:

5th of October 2017

17th of December 2017

18th of February 2018

10th of July 2018

25th of August 2018

Waratah Strata Management and maintenance staff did not respond and did not inform owners.

- Previous building management contracts covered hours between 5:00pm and 7:00pm for security guards, but not in current case.

For three year period 2014-2017 alone, owners overpaid for security services:

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

- Waratah Strata Management declined to answer the following repeated questions by Lot 158 on 1st of September 2019 and 16th of September 2019:
 - o *Owners in the complex are of the belief that they are protected by licensed security guards at night for the last 23 years (many years ago they were even required to have valid First Aid certification).*
 - o *This evening, maintenance staff was seen in the office two times who did not appear to have valid Security Guard Class 1, or similar, license:*

<https://www.onegov.nsw.gov.au/PublicRegister/#/publicregister/search/Security>
 - o *As a matter of priority, please provide the following information:*

Are night shift staff by maintenance staff required to have valid Security Guard Class 1 license (as it used to be the case with previous building managers and caretakers)? To be eligible for this license, one must have a National Police Certificate as well.

If so, provide names of SP52948 night shift staff that have valid Security Guard Class 1 or similar license.

If the Security Guard Class 1 (or similar) license is not required, please notify all owners in the complex so that a proper review is done why are owners paying such high costs for night security.

If Security Guard Class 1, or similar, license is required for night shift work in our complex, then provide details of maintenance staff who works this evening in the complex (evidence has been collected on our side). If such person is not licensed (and should be), who approved UNLICENSED STAFF to work today and two times in last two years (also reported by Lot 158 but not responded to or actioned)?
 - o *Have you notified insurance company of the risks of employing unlicensed security guards (even occasionally)?*
 - o *Have you notified Fair Trading that you knowingly overpay invoices for security guards if they are not licensed at all times?*
 - o *Have you notified owners that they pay high price each time unlicensed security guards work in the complex?*
 - o *Have you notified owners that if the security guards do not have license, there is no Police check of their character and background?*

Explanatory Notes

Waratah Strata Management is the custodian of all strata files. Lot 158 requested them to provide owners with relevant files throughout 2017, 2018, and 2019.

Motion: Ratify events related to Waratah Strata Management and maintenance staff refusal to enforce Special By-Law 5 for smoking in the complex and not enforcing fire safety compliance standards

The Owners Corporation SP52948 by ORDINARY RESOLUTION ratifies the following events:

- Lot 158 sent email with complaint about smoking in basement area behind Fire Door 2 in Block A to selective group of EC members on 25th and 26th of November 2018. No reply was received.

- Lot 158 sent email to Waratah Strata Management and maintenance staff with complaint about smoking in basement area behind Fire Door 2 in Block A on 20th of December 2018.

The email contained photos as evidence. No reply was received.

Waratah Strata Management failed to inform owners about it.

- Lot 158 sent email to Waratah Strata Management and maintenance staff with complaint about smoking in basement area behind Fire Door 2 in Block A on 18th of January 2019.

No reply was received and Waratah Strata Management failed to inform owners about it.

- Lot 158 sent email to Waratah Strata Management and maintenance staff with complaint about smoking in basement area behind Fire Door 2 in Block A on 25st of January 2019.

The email contained photos as evidence.

No reply was received. Waratah Strata Management failed to inform owners about it.

- Lot 158 sent email to Waratah Strata Management with complaint about smoking in basement area behind Fire Door 2 in Block A on 31st of January 2019.

The email contained photos as evidence.

No reply was received. Waratah Strata Management failed to inform owners about it.

- Lot 158 sent email to Waratah Strata Management with complaint about smoking in basement area behind Fire Door 2 in Block A on 9th of February 2019.

The email contained photos as evidence. No reply was received. Waratah Strata Management failed to inform owners about it.

- For ongoing fire safety non-compliance in the complex and persistent smoking behind Fire Door 2. Lot 158 lodged fire safety complaint FRN16/829 job BFS19/749 on 4th of March 2019.

Waratah Strata Management failed to inform owners about it.

- Lot 158 sent email to Waratah Strata Management with complaint about smoking in basement area behind Fire Door 2 in Block A on 19th of March 2019.

The email contained photos as evidence.

No reply was received. Waratah Strata Management failed to inform owners about it.

- Lot 158 sent email to Waratah Strata Management with complaint about smoking in basement area behind Fire Door 2 in Block A on 29th of April 2019.

The email contained photos as evidence.

No reply was received. Waratah Strata Management failed to inform owners about it.

- Lot 158 sent email to Waratah Strata Management with complaint about smoking in basement area behind Fire Door 2 in Block A on 9th of May 2019.

The email contained photos as evidence.

No reply was received. Waratah Strata Management failed to inform owners about it.

- Lot 158 sent email to Waratah Strata Management with reminder about smoking in basement area behind Fire Door 2 in Block A on 18th of June 2019 and 19th of June 2019.

No reply was received. Waratah Strata Management failed to inform owners about it.

- Lot 158 sent email to Waratah Strata Management and maintenance staff with complaint about smoking in basement area near Block A on 25th of August 2019.

No reply was received. Waratah Strata Management failed to inform owners about it.

- Lot 158 sent email to Waratah Strata Management and maintenance staff with complaint about smoking in basement area near Block A on 16th of September 2019.

No reply was received. Waratah Strata Management failed to inform owners about it.

- Waratah Strata Management and maintenance staff were repeatedly warned by Lot 158 that they failed to ensure compliance with NSW strata acts, SP52948 by-laws, and OH&S regulations in regards to smoking, by silently providing facility for smoking behind fire door 2 in Block A. By doing so, they created:
 - o Deliberate nuisance to owners, especially in Block A,
 - o Smoking facility which is not approved by owners corporation at any legally-convened meeting,
 - o Discrimination against owners in Block A as such smoking facility is not setup in other building blocks in the complex,
 - o Serious health hazard for fragile owner of Lot 158 due to smoke drift into two bedrooms and the balcony,
 - o Secondhand smoke - harmful to health, and there is no safe level of exposure (Cancer Council NSW),
 - o Damage to furniture and cloths in Lot 158 due to persistent cigarette smell,
 - o Regular obstruction of fire door 2 in Block A,
 - o Poor disposal of cigarette butts,
 - o Problems by not ensuring that emergency exits are adequate at all times,
 - o Non-compliance with EC decision at meeting on 12th of April 2018,
 - o Security risk at night since Fire Door 2 is actively used for smoking but not monitored for access,
 - o Noise because a notorious smoker constantly uses mobile phone.
 - o The NSW Environmental Planning & Assessment Regulation 2000 requires that "the owner of a building, to which an essential fire safety measure is applicable, is required to maintain each essential fire safety measure in the building". Failure to comply with this legislation can lead to significant fines and possibly serious legal ramifications for those responsible.
 - o Non-compliance with fire safety standards lacking in various areas in SP52948 (photo and video evidence has been collected). Examples:
 - There are no displays of yearly fire compliance notices.
 - Lot of rubbish, building materials, and even paints are close or near the fire doors.
 - Many fire doors do not have proper notices, including warnings about penalties.
 - The worst example is Fire Door 2 below Block A, which is, among the other issues, kept open by an owner every day. Where occupants prop open the main fire door is a compliance issue for the Ryde Council to address through issuing of Fire Safety Orders and/or Penalty/Infringement Notices. The reason why fire doors are to be kept closed on a multi storey building is because the building needs to be pressurized for when there is a fire. Each floor needs to have a positive air pressure to stop a fire from spreading.

- Maintenance staff was forced to rectify some of the ongoing fire safety issues n 10th of May 2019.

Waratah Strata Management failed to inform owners about orders made by Ryde Council and Fire & Rescue NSW orders in regards to fire safety complaint FRN16/829 job BFS19/749.

- In August and September 2019, the following smoking issues in basement near Block A were reported to

maintenance staff by Lot 158:

1st of August 2019
25th of August 2019
1st of September 2019
11th of September 2019
12th of September 2019
16th of September 2019
25th of September 2019

- Evidence of cigarette butts and lack of their cleaning near gazebo behind tennis courts has been collected by Lot 158 each day in period between 15th of September 2019 and 28th of September 2019 (the pollution on the grass is still visible as of 28th of September 2019).

Waratah Strata Management and maintenance staff refused to rectify the problem.

Explanatory Notes

Waratah Strata Management is the custodian of all strata files. Lot 158 requested them to provide owners with relevant files throughout 2017, 2018, and 2019.

Motion: Ratify events related to Waratah Strata Management and maintenance staff refusal to prevent illegal use of public land (Lot 202 DP848752) for parking and misleading Ryde Council

The Owners Corporation SP52948 by ORDINARY RESOLUTION ratifies the following events:

- Waratah Strata Management prevented Lot 158 Motion about using public land for parking at AGM 2018:

Lot 202 DP848752 (land strip along SP52948 towards M2 motorway)
440 Lane Cove Road
Classified as Public Recreation Space towards M2 motorway
- Waratah Strata Management failed to notify owners corporation that Ryde Council made decision against public parking rezoning land four times as per SP52948 requests:
 - o Ryde Council rejected request for resident parking scheme within Zone 5 in Fontenoy Road – 26th of November 2009.
 - o Ryde Council rejected request to use public land for parking (EC meeting on 20th of July 2011).
 - o Response from Ryde Council after inquiry about approval to use public land for parking in SP52948 on 26th of June 2015.
 - o Response from Ryde Council after inquiry about approval to use public land for parking in SP52948 in April 2017.
- Maintenance staff first time opened gates towards M2 motorway council land in April 2015, without notification to owners corporation or decision made at any valid EC or AGM. In spite of warnings that it was illegal, maintenance staff continued to keep the gate open until January 2016.

Maintenance staff even ignored the complaint to Ryde Council on 24th of May 2015.

- Waratah Strata Management provided undisclosed advice to EC members how to influence Ryde Council on 21st of April 2017 in revisited attempt to use public land:

I suggest that members of the committee approach the elected Councillors that are responsible for your area. Council staff will only follow Council policy, but the Councillors have the ability to push for changes to be made and need your votes to get re-elected. You could request the area be rezoned to suit your needs, or that you be permitted to lease the area on a peppercorn rent.

- Waratah Strata Management provided advice to EC members how to open gate on public land for parking without approval and avoid any responsibilities on 9th of August 2018:

I had a call about this today from Steve. We have discussed reopening the gate to the land and back. Attached is the email we received from Council when we formally asked them about using that land for parking. They probably did not have any option but to respond with the official policy, but Steve said when he spoke with Council they really

didn't want to know about it.

If we just open the gate so residents have access to use the land and they choose to park there, it is at their own risk. Steve and I talked about putting signage about it being used for parking, but this would suggest the OC has approved it for parking, so I suggest no signage. If anyone asks the committee or Steve, the response would be the OC does not authorize parking there as it is Council land. Council can deal with the parking if they have a problem with it.

- Without owners corporation or Ryde Council approval, maintenance staff opened gate towards council land M2 motorway noise barrier on 29th of October 2018 (just 10 day after the AGM where Waratah Strata Management prevented Lot 158 Motion about it).
- Lot 158 made number of inquiries and tried to engage maintenance staff to stop such illegal activities:
 - o Such use of public land increased risk of litigation, council penalties, insurance claims, noise, damage to public land and top cover of the soil, and security risks (stolen cars, abandoned cars - some of the cars were left there for two weeks at a time, cars from non-owners or tenants in the complex).
 - o Who, and at which SSMA 2015 legally convened EC meeting, approved use of public land for parking?
 - o Why did Waratah Strata Management and maintenance staff not know who was parked on public land when Lot 158 asked?
 - o When were owners and tenants publicly notified about use of public land for parking (via email, letters, and on ALL notice boards in the complex)?
 - o Copy of the Rude Council approval to use public land for parking.
 - o RE1 Public Recreation
 - 1 Objectives of zone
To enable land to be used for public open space or recreational purposes.
To provide a range of recreational settings and activities and compatible land uses.
To protect and enhance the natural environment for recreational purposes.
 - 2 Permitted without consent
Environmental protection works.
 - 3 Permitted with consent
Business identification signs; Community facilities; Environmental facilities; Kiosks; Recreation areas.
Recreation facilities (indoor); Recreation facilities (outdoor); Restaurants or cafes; Roads.
 - 4 Prohibited
Any development not specified in item 2 or 3.
 - o Ryde Local Environmental Plan 2014 (Ryde LEP 2014) was notified on the NSW Legislation Website on the 12th of September 2014 and came into force on that date.
Ryde Local Environmental Plan 2014 applies to all land identified on the Ryde LEP 2014 Land Application Map.
Illegal parking includes vehicles parked contrary to parking regulation signage, or parking on council land (including the footpath and driveway crossovers).
Council is responsible for enforcement of parking regulations within the Local Government Area.
Rangers patrol on-street locations in CBDs and road reserve areas as well as Council and various shopping centre car parks.
Parking enforcement is necessary to ensure safe and convenient parking and encourage the adequate rotation of parking spaces for all users.
Police are also authorized to enforce parking regulations.
Council issue penalty notices to vehicles which are illegally parked. Illegal parking includes vehicles parked contrary to parking regulation signage, or parking on council land (including the footpath and driveway crossovers). These penalties are issued under the provisions of the NSW Road Rules 2014.
- In some documented cases by Lot 158, cars were parked on public land up to two weeks without moving.
- Lot 158 also recorded evidence of damaged top soil due to parking activities and maintenance staff ignored it.
- On behalf of a group of concerned owners, Lot 158 logged an inquiry with Ryde Council on 28th of November 2018 where they confirmed no approval was given to SP52948 to open the gate towards public land.
- Lot 158 collected evidence that maintenance staff organized move of one of the trees on public land to a different location around 15th of December 2018.
- Lot 158 sent email inquiry to maintenance staff and Waratah Strata Management asking who had allowed unauthorised parking on council land towards M2 motorway noise barrier on 20th of December 2018.

No reply was received.

- During late December 2018 and early 2019 Lot 158 collected evidence of long-term parking that affected maintenance staff ability to mow the grass.

No reply was received from Waratah Strata Management and maintenance staff.

- On behalf of a group of concerned owners, Ryde Council opened an official case on 4th of January 2019.
- Follow-up requests by Lot 158 were sent to maintenance staff and Waratah Strata Management on the following dates:

10th of February 2019

19th of March 2019

29th of April 2019

18th of June 2019

No reply was received from Waratah Strata Management and maintenance staff.

- Under pressure and visits by Ryde Council staff, maintenance staff finally closed the gate towards public land on 10th of March 2019.
- Waratah Strata Management provided misleading and misconstrued statements to owners in minutes of EC meeting on 21st of March 2019, with deliberate and open defamation of Lot 158, and using unreasonable and unjustified predictions:

Use of visitor parking spaces and Council parkland - It is noted that the owners of Lot 158 have lodged multiple complaints with Council about residents use of the Council parkland at the rear of the property for parking. As a result of those complaints Council are now preventing residents from using that area for parking. It is also noted that the Owners Corporation will no longer be permitted to maintain that parkland and that Council will only mow the area every 2 - 3 months, so the area is likely to become overgrown and attract mice, rats, snakes and other vermin.

- Minutes of EC meeting on 21st of March 2019 were left on notice boards, including two notice boards near letterboxes outside the buildings, for viewing by all owners, visitors, contractors, and passers-by from 28th of March 2019 to 29th of April 2019 (more than a month).
- Lot 158 sent email to Waratah Strata Management and maintenance staff on 29th of April 2019, in which they stated:

Without prejudice, you are requested to make public correction and apology to me in regards to the Minutes of the EC meeting allegedly held on 21 March 2019.

The fact is: we did not complain about parking, but reported ILLEGAL use of council land, as every ethical citizen should and would have done. ILLEGAL use is just that: ILLEGAL and cannot be condoned or supported.

Today, the mowing of grass on the council strip was done without any problems. Maintenance staff opened the gate temporarily and closed after the work was completed.

We also note that the smoking near our bedroom near Fire Door 2 in the basement is continuing unabated and further evidence has been collected.

For other reported problems affecting Lot 158, most of them are still unattended, not responded to, and unresolved.

- In document search on 31st of May 2019, Lot 158 found further evidence of defamation of Lot 158.
- Staff of building manager were mowing grass and maintaining public land towards M2 motorway between 1996 and March 2019, without any concerns, or complaints.
- Since March 2019, maintenance staff is not maintaining grass on public land towards M2 motorway.

Maintenance staff and Waratah Strata Management were asked why they stopped doing it and if it was their decision to force Ryde Council to change their policies about parking:

- o Parking on nature strips or footpaths is an offence as it is an inconvenience and a hazard.
- o In oral communications with Ryde Council staff in period December 2018 to March 2019, it was confirmed

- that the council appreciated help from the public to maintain nature strips near properties.
- o The council land is public property and may be maintained by the residents and owners on the adjacent land.
 - o Mowing the council grass is a 'goodwill' gesture by the residents and owners on the adjacent land.
 - o There is an implied consent by NSW councils to let owners and residents on the adjacent land to mow their grass.
 - o Owners and residents on the adjacent land who help mow council grass actually help with decreasing the cost and avoid higher council rates. It is an implied 'good citizen' duty.
 - o One must obtain permission from the council to undertake any works (except mowing) on the driveway, footpaths and nature strips outside the property. This includes driveway modifications, storage of materials such as skips bins and pruning, planting or replacing trees on your nature strip.
 - o Mowing of nature strips near residential properties is generally the responsibility of the owners and residents adjacent to council land.
 - o Where building work is proposed, owners and/or applicants are responsible for ensuring the street trees and grassed nature strip are protected during construction.
 - o Some councils even take drastic measures. For example, Council (Strathfield NSW) would mow the nature strip for an owner and then send them a bill:

<https://www.strathfield.nsw.gov.au/residents/trees/nature-strips/>

Waratah Strata Management and maintenance staff failed to respond to Lot 158 and inform the owners about actual events related to illegal parking on public land since March 2019.

Explanatory Notes

Waratah Strata Management is the custodian of all strata files. Lot 158 requested them to provide owners with relevant files throughout 2018 and 2019.

Motion: Amend Special By-Law 9 “Control of Common Gas Supply” registered on 26th of October 2018

The Owners Corporation SP52948 by SPECIAL RESOLUTION, pursuant to Section 141 of the Strata Schemes Management Act 2015, approves the following changes to the Special By-Laws:

a) Add the following statements:

10. *Special By-Law has not been applied in equitable manner since its registration on 6th of May 2013.*
11. *Special By-Law did not take into account townhouse owners with second gas connections of whom some claimed reimbursements for private gas usage whilst not paying levies for second gas connections.*
12. *BCS Strata Management and Waratah Strata Management failed to comply with the Special By-Law to impose retrospective levies on lots found to have tapped the common gas supply without permission from the owners corporation, and any charge was to be at the absolute discretion of the owners corporation acting reasonably.*
13. *BCS Strata Management and Waratah Strata Management failed to disclose conflict of interest by EC members and exclude them from voting and deliberation on this item at EC and general meetings.*
14. *BCS Strata Management and Waratah Strata Management failed to calculate correct quorums and exclude owners with outstanding levies for second gas connection at general meetings.*
15. *BCS Strata Management and Waratah Strata Management failed to keep register of approvals for owners since decision made at Executive Committee meeting on 2nd of May 2001.*
16. *Secretary of the Executive Committee shall maintain register of approvals granted to owners for second gas connection and verify their status each year before the general meeting. The register must contain details of approvals by owns corporation, and photos or proof of disconnections by certified plumbers.*
17. *Owners corporation shall make decision on changes in levy amounts at general meeting by Special Resolution.*

b) Amend the following statement that was not approved by owners corporation:

*The Chairman noted that this was slight change in previous policy applied where voluntary reporting of gas appliances had been accepted and the annual fee had remained fixed for many years. This fee was **not** too low and*

some measures were necessary to deal with undisclosed use of common gas supply. The conversion of this policy to a by-law is to deal with enforcement.

... to state:

*The Chairman noted that this was slight change in previous policy applied where voluntary reporting of gas appliances had been accepted and the annual fee had remained fixed for many years. This fee was **now** too low and some measures were necessary to deal with undisclosed use of common gas supply. The conversion of this policy to a by-law is to deal with enforcement.*

- Strata Managing Agent shall lodge a notification with the Registrar-General in the manner approved by the Registrar-General within 14 days from the date the change of the By-Laws is approved by owners corporation.
- After changes of the By-Laws, Strata Managing Agent shall publish them for all owners on the web site.
- To the extent of any inconsistency with previous by-laws, this by-law prevails.

Explanatory Notes

Waratah Strata Management is the custodian of all strata files. Waratah Strata Management failed to include this Motion at AGM 2017 and 2018, declare conflict of interest by EC members, and disallow owners who were unfinancial to vote at AGM 2017 and 2018. Special By-Law was approved at AGM in 2012 and reconfirmed in 2013 that did not satisfy quorum. Gas levies were not applied in equitable manner since introduction in 1999.

Motion: Repeal Special By-Law 10 “Gas, water and sewage charges for service and supply” registered on 26th of October 2018

The Owners Corporation SP52948 by SPECIAL RESOLUTION, pursuant to Section 141 of the Strata Schemes Management Act 2015, approves the following changes to the Special By-Laws:

- Strata Managing Agent shall lodge a notification with the Registrar-General in the manner approved by the Registrar-General within 14 days from the date the change of the By-Laws is approved by owners corporation.
- After changes of the By-Laws, Strata Managing Agent shall publish them for all owners on the web site.
- To the extent of any inconsistency with previous by-laws, this by-law prevails.

Explanatory Notes

Waratah Strata Management is the custodian of all strata files. Waratah Strata Management failed to include this Motion at AGM 2017 and 2018, and declare conflict of interest by EC members. Special By-Law was approved at AGM in 2012 and reconfirmed in 2013 that did not satisfy quorum. Reimbursements for water and gas were not applied in equitable manner since introduction in 1999. Special By-Law 10 fails to satisfy SSMA 2015, Section 139 “Restrictions on by-laws”.

Motion: Amend Special By-Law 6 “Control of excessive water usage” registered on 26th of October 2018

The Owners Corporation SP52948 by SPECIAL RESOLUTION, pursuant to Section 141 of the Strata Schemes Management Act 2015, amend Special By-Law 6 “Control of excessive water usage”:

- The following clause shall be removed because it is unenforceable and discriminates against owner’s rights in their home, and cannot apply to owners of Lot 136 and 137 as they used common wall to install door between them:

Not keep more than one washing machine within their lot space.

- The following clause is unenforceable and shall be replaced:

Not use the washing machine in their lot space for any purpose other than to wash clothing, towels, bedding etc. used by residents of that lot.

... with:

Not use common water supply in their lots for any commercial purposes.

- Strata Managing Agent shall lodge a notification with the Registrar-General in the manner approved by the Registrar-General within one month from the date the change of the By-Laws is approved by owners corporation.
- After changes of the By-Laws, Strata Managing Agent shall publish them for all owners on the web site.
- To the extent of any inconsistency with previous by-laws, this by-law prevails.

Explanatory Notes

Waratah Strata Management is the custodian of all strata files. Waratah Strata Management failed to include this Motion at AGM 2017 and 2018, and declare conflict of interest by EC members. Special By-law was approved at AGM in 2012 and reconfirmed in 2013 that did not satisfy quorum. Special By-Law 9 was not applied in equitable manner since its introduction in 1999 without full disclosure and its official registration on 6th of May 2013.

The By-Law fails to satisfy SSMA 2015 Section 122(4) which states:

In a case that is not an emergency, the owners corporation may enter any part of the parcel for those purposes with the consent of any occupier of that part of the parcel or, if the occupier does not consent, in accordance with an order of the Tribunal under this Division.

Special By-Law 6 fails to satisfy SSMA 2015, Section139(1) “Restrictions on by-laws”.

Motion: Equitable sharing of water usage costs for townhouse owners

The Owners Corporation SP52948 by SPECIAL RESOLUTION pursuant to Section 141 of the Strata Schemes Management Act 2015, after any amendments, makes an additional By-Law in the following terms:

SPECIAL BY-LAW: “Equitable sharing of water usage costs for townhouse owners”

- After each billing quarter, all 26 townhouse owners shall receive a refund from the Administration Fund that is equal to 0.5% of water usage invoiced through shared water meter HDTC0039 (all buildings, gardens, pool area, and other common property). The formula for a refund to townhouse owners shall be:
 - a) Obtain figure from invoice for common water meter HDTC0039, as issued by the utility provider at the end of each billing quarter.
 - b) Reasonable estimate for water in the swimming pool and the spa (with combined volume capacity of around 95.000 liters) is changed several times a year, frequent usage of garden sprinklers, cleaning of all foyers, floors, basement, and garbage bins give calculation of 95.5% of total water usage, leaving around 0.5% for private use of owners in the four buildings.
 - c) Multiply figure obtained in step a) by 0.005 and divide by 192 (total number of lots in Blocks A, B, C, and D).

- Strata Managing Agent shall make prompt payment to each of 26 townhouse owners in amount obtained in step c) at the end of every water billing quarter,
- The Treasurer of the Executive Committee shall monitor these payments and report the progress every quarter.
- A new accounting code shall be introduced in the bookkeeping to keep records of the water usage refunds for townhouse owners.
- The decision to alter the water reimbursement percentage in step b) for townhouse owners shall only be made at a general meeting.
- Individual townhouse owners shall have the choice to opt-out of the water usage refunds.
- Strata Managing Agent shall keep a register of townhouse owners who wish not to receive the refunds and shall make it public knowledge for all owners. Townhouse owners can only issue such requests in written form. These requests become enforceable as of date of the application.
- A townhouse owner who submits request not to receive the water refunds, and then decides differently at other time, shall not be entitled to receive these benefits retrospectively.
- Strata Managing Agent shall lodge a notification with the Registrar-General in the manner approved by the Registrar-General within 14 days from the date the Special By-Law is approved by owners corporation.
- After changes of the By-Laws, Strata Managing Agent shall publish them for all owners on the web site.
- To the extent of any inconsistency with previous by-laws, this by-law prevails.

Explanatory Notes

Waratah Strata Management is the custodian of all strata files. Waratah Strata Management failed to include this Motion at AGM 2017 and 2018, and declare conflict of interest by EC members.

Motion: Equitable Sharing of Gas Usage Costs for Townhouse Owners

The Owners Corporation SP52948 by SPECIAL RESOLUTION pursuant to Section 141 of the Strata Schemes Management Act 2015, after any amendments, makes an additional By-Law in the following terms:

SPECIAL BY-LAW: "Equitable sharing of gas usage costs for townhouse owners"

- After each billing quarter, all 26 townhouse owners shall receive a refund from the Administration Fund that is equal to gas usage incurred by an average owner in Blocks A, B, C, and D. The formula for a refund to townhouse owners shall be:
 - a) Add subtotal charges before GST for common gas supply in Blocks A, B, C, and D (invoice for pool area gas meter must not be included), as issued by utility provider for four gas meters at the end of each billing quarter.
 - b) Calculate the sum of per-quarter levies (1/4 of yearly levies) that designated lot owners in Blocks A, B, C, and D pay for additional gas appliances as per Special By-Law 12 "Control of common gas supply".
 - c) Subtract b) from a).
 - d) Divide figure obtained in Step c) by 192 (total number of lots in Blocks A, B, C, and D).
- Strata Managing Agent shall make prompt payment to each of 26 townhouse owners in amount obtained in Step d) at the end of every gas billing quarter;
- The Treasurer of the Executive Committee shall monitor these payments and report the progress every quarter;
- A new accounting code shall be introduced in the bookkeeping to keep records of the gas usage refunds for townhouse owners.
- Individual townhouse owners shall have the choice to opt-out of the gas usage refunds.

- Strata Managing Agent shall keep a register of townhouse owners who wish not to receive the gas usage refunds and shall make it public knowledge for all owners. Townhouse owners can only issue such requests in written form. These requests become enforceable as of date of the application.
- A townhouse owner who submits request not to receive the gas usage refunds, and then decides differently at other time, shall not be entitled to receive these benefits retrospectively;
- Strata Managing Agent shall lodge a notification with the Registrar-General in the manner approved by the Registrar-General within 14 days from the date the Special By-Law is approved by owners corporation.
- After changes of the By-Laws, Strata Managing Agent shall publish them for all owners on the web site.
- To the extent of any inconsistency with previous by-laws, this by-law prevails.

Explanatory Notes

Waratah Strata Management is the custodian of all strata files. Waratah Strata Management failed to include this Motion at AGM 2017 and 2018, and declare conflict of interest by EC members.

Motion: Ratify that Waratah Strata Management and EC members failed to refute and respond to official reports of lack of quorums at AGM 2012, 2013, and 2014

The Owners Corporation SP52948 by ORDINARY RESOLUTION ratifies the following events:

- Lot 158 sent emails to Waratah Strata Management and EC members on 7th and again on 25th of August 2017 documenting with evidence BCS Strata Management failures to declare lack of quorum for all Annual General and Extraordinary General Meetings in 2012, 2013, and 2014.
- Waratah Strata Management and EC members never replied, declined to inform owners about these requests at EC meetings, and did not refute the allegations about lack of quorum for all Annual General and Extraordinary General Meetings in 2012, 2013, and 2014.

Explanatory Notes

Waratah Strata Management is the custodian of all strata files. Lot 158 requested them to provide owners with relevant files throughout 2017, 2018, and 2019.

Motion: Ratify lack of quorum at AGM 2017 and 2018

The Owners Corporation SP52948 by ORDINARY RESOLUTION ratifies the following events:

- At AGM 2012, the following owners were allowed to vote and were counted as valid with small levy contributions owing, with full knowledge of the following current EC members – Lot 147, Lot 151, Lot 181:

Lot 195, \$1.46
Lot 203, \$3.01

- At AGM 2013, the following owners were excluded from voting due to small levy contributions owing, with full knowledge of the following current EC members – Lot 147, Lot 151, Lot 181:

Lot 97, \$0.10
Lot 111, \$5.40
Lot 203, \$8.66
Lot 212, \$3.87

- Waratah Strata Management provided the following explanation to Lot 147 and 181 in email with subject “SP 52948 – AGM” on 12th of September 2017:

“An owner is unfinancial if the owner has not paid all contributions levied on the owner that are due and payable, and any amounts recoverable from the owner, in relation to the lot. They are unfinancial if the amount was owing as at the date the meeting notice was issued and not paid before the meeting.”

- Waratah Strata Management did not disclose to owners at AGM 2017 that:
 - o Strata levies must be paid even when receipt of levy notice is missing, as regulated by Fair Trading NSW.
 - o Each owner and/or property manager needs to be aware of their owners corporation levy cycle.
 - o If money is not received to the trust account at the end of one month after it is due and payable, it bears interest at the rate of 10% (as prescribed by the regulations) from the due date until it is paid.
 - o Owners corporation may, by special resolution at general meeting, determine (either generally or in particular case) that a contribution is to bear no interest.
 - o Strata manager does not have authority to waive the interest as it is not money owing to the strata manager.
 - o The Courts have determined that non-receipt of a levy notice is not a sufficient reason for non-payment.
 - o If a lot is sold and there are unpaid levies, then both the owner at the time the contributions were levied and the new owner are jointly and severally liable for the payment of the contribution and the interest payable.
 - o If a lot is sold and there are unpaid levies, then both the owner at the time the contributions were levied and the new owner are jointly and severally liable for the payment of the contribution and the interest payable.
- Waratah Strata Management and owners enforced payment of late payment for Lot 90 at AGM 2018 in spite of their complaint that levy notice had not been received.
- Waratah Strata Management and EC member from Lot 3 miscalculated count of financial owners at AGM 2017 and failed to recover correct levies for second gas connection.
- Waratah Strata Management miscalculated count of financial owners at AGM 2018 and failed to recover correct levies for second gas connection.
- Waratah Strata Management and EC members failed to make amendments of minutes of AGM 2017 and 2018 in spite of full explanations provided to them by Lot 158 that were never responded to or refuted with evidence.
- Waratah Strata Management, acting as Chairperson at AGM 2017 and 2018, allowed unfinancial owners to be counted as valid at AGM 2017 and 2018, making all decisions at those meetings void and invalid due to lack of quorum, and failed to satisfy the following requirements:

SSMA 2015, Section 13

SSMA 2015, Section 17

Explanatory Notes

Waratah Strata Management is the custodian of all strata files. Lot 158 requested them to provide owners with relevant files throughout 2017, 2018, and 2019.

Motion: Ratify non-compliant ballot for EC members at AGM 2017

The Owners Corporation SP52948 by ORDINARY RESOLUTION ratifies the following events:

- Waratah Strata Management allowed ballot papers to be counted as valid in spite of non-compliance with SSMA 2016, Section 10.
- Waratah Strata Management and EC members failed to make amendments of minutes of AGM 2017 and 2018 in spite of full explanations provided to them by Lot 158 that were never responded to or refuted with evidence.

Explanatory Notes

Waratah Strata Management is the custodian of all strata files. Lot 158 requested them to provide owners with relevant files throughout 2017, 2018, and 2019.

Motion: Ratify Lot 158 prevented from submitting Motions through premeditated actions by Waratah Strata Management and Solicitor Adrian Mueller at AGM 2017

The Owners Corporation SP52948 by ORDINARY RESOLUTION ratifies the following events:

- Solicitor Adrian Mueller, in advice given to Waratah Strata Management on 23rd of August 2017, provided template letter on how to ensure that Lot 158 Motions for AGM 2017 be excluded by simply delaying to respond to Lot 158 until the day of agenda being sent in October 2017 which would not give enough time for complaint by the owners and amendments of the notices for the general meeting.
- Waratah Strata Management used the template of the letter provided by Solicitor Adrian Mueller and sent it to Lot 158 on 10th of October 2017, excluding all Motions without legal grounds, and not giving enough time to Lot 158 to complain.
- Waratah Strata Management failed to inform owners about these actions.
- At AGM 2017, Waratah Strata Management failed to notify the owners that:
 - SSMA 2015, Section 19 defines the person chairing the meeting MAY rule a motion is out of order if: motion would conflict with the Act or by-laws, or would otherwise be unenforceable, or motion does not meet requirements of the Act.
 - The person chairing the meeting, when ruling a motion out of order must give reasons for the ruling; and state how the ruling may be reversed by the persons present and entitled to vote.
 - The persons present at the general meeting, who are entitled to vote, may by ordinary resolution disagree with the Chairperson and/or the Executive Committee and reverse the ruling. The reasons given by the Chairperson and/or Executive Committee must be recorded in the minutes of the meeting.
- Lot 158 found evidence of the premeditated plans by Solicitor Adrian Mueller and Waratah Strata Management during document search on 31st of May 2019.

Explanatory Notes

Lot 158 requested Waratah Strata Management provide owners with relevant files throughout 2017, 2018, and 2019.

Motion: Ratify owners prevented by Waratah Strata Management from voting on Lot 158 Motions at AGM 2018

The Owners Corporation SP52948 by ORDINARY RESOLUTION ratifies the following events:

- Solicitor Adrian Mueller, in letter sent to Waratah Strata Management on 23rd of August 2017 provided advice about Special By-Law for unreasonable communications with warning that such by-law was risky and weak if challenged in court.
- Solicitor Adrian Mueller, in letter sent to Waratah Strata Management on 23rd of August 2017 provided advice about Special By-Law for unreasonable communications and success in Tribunal proceedings could not be guaranteed.
- Solicitor Adrian Mueller, in letter sent to Waratah Strata Management on 23rd of August 2017 provided advice about Special By-Law for unreasonable communications and warned that owners corporation would have the fortitude to pursue the enforcement action in the Tribunal and incur the attendant cost to uphold the validity of the by-law.
- Lot 200, in email to Waratah Strata Management and EC members on 5th of October 2017 suggested that unreasonable communications by-law should be amended to state that Secretary and strata manager were required to respond to current owner of Lot 158 only for matters directly related to Lot 158 and did not have to respond to any other communications.
- Waratah Strata Management used the unreasonable communications Special By-Law (which was approved at AGM 2017 without quorum), excluding all Lot 158 Motions at AGM 2018.
- At AGM 2018, Waratah Strata Management failed to notify the owners that:
 - The Strata Schemes Management Act 2015, Section 19 defines the person chairing the meeting MAY rule a motion is out of order if: motion would conflict with the Act (SSMA 2015) or by-laws, or would otherwise be unenforceable, or motion does not meet requirements of the Act.
 - The person chairing the meeting, when ruling a motion out of order must give reasons for the ruling; and

state how the ruling may be reversed by the persons present and entitled to vote.

- o The persons present at the general meeting, who are entitled to vote, may by ordinary resolution disagree with the Chairperson and/or the Executive Committee and reverse the ruling. The reasons given by the Chairperson and/or Executive Committee must be recorded in the minutes of the meeting.

Explanatory Notes

Waratah Strata Management is the custodian of all strata files. Lot 158 requested them to provide owners with relevant files throughout 2019.

Motion: Ratify events at AGM 2018 and order Solicitor Adrian Mueller to hand over strata files for past court cases

The Owners Corporation SP52948 by ORDINARY RESOLUTION ratifies the following events and approves the following actions:

- Female co-owner of Lot 158, submitted Motions for AGM 2018 to Secretary of SP52948 on 25th of September 2018.
- Waratah Strata Management prevented voting on all Lot 158 Motions.
- Section 192E of the Crimes Act 1900 states that a person who, by any deception, dishonestly obtains property belonging to another, or obtains any financial advantage or causes any financial disadvantage, is guilty of the offence of fraud, with maximum penalty of imprisonment for 10 years.
- Section 316 of the Crimes Act 1900 (NSW) makes the knowing concealment of information relating to a "serious indictable offence" a crime punishable by up to 2 years imprisonment.

Section 4 of that Act defines "serious indictable offence" to mean an indictable offence that is punishable by imprisonment for life or for a term of 5 years or more. Subject to certain exclusions this generally includes the fraud offences in Part 4AA of that Act as well as stealing and similar offences in Part 4.

Section 316(1) states if a person has committed a serious indictable offence and another person who knows or believes that the offence has been committed and that he or she has information which might be of material assistance in securing the apprehension of the offender or the prosecution or conviction of the offender for it fails without reasonable excuse to bring that information to the attention of a member of the Police Force or other appropriate authority, that other person is liable to imprisonment for 2 years.

- There is currently no maximum elapsed time period for indictable offences in NSW.
- After owners corporation was forced to repay \$8,800.00 to CHU Insurance for insurance claims in first quarter of 2017 for events that occurred in 2012/2013, Fraud Report E65804633 dated 9th September 2017 was submitted, with Police investigations and interviews starting in late 2017 and continuing in 2018.

Issues in the investigations include alleged false statements by BCS Strata Management in Statutory Declaration to CTTT on 19th April 2013, four different versions of the same Standard Costs Agreement with Solicitor Mr. Adrian Mueller, secret change of the insurance policy for SP52948 and then claiming amount of \$24,919.31 (plus GST) for alleged "defense" of Lot 3 at CTTT in 2012/2013 without owners corporation full disclosure or decision at any general meeting, false written statements to CTTT by selective EC members, invoice paid for insurance premiums to Gallagher Australia on 21st September 2012 in amount of \$84,414.77, which was 74.38% higher than in September 2011, losses to Lot 158 in amount of close to \$29,000.00.

Solicitor Mr. Adrian Mueller, was actively involved in the creation of the Statutory Declaration, against the wishes of owners corporation or approval at any general meeting or disclosure, caused excessive courier costs to owners corporation in amount of \$851.56 on 19th April 2013 and was based on rushed EC meeting seven days ahead of scheduled date, without owners being able to respond, comment, or complain.

- Secretary of the EC Lot 3 and acting Chairperson Waratah Strata Management failed to include Motion at AGM 2017 and confirm payments to Solicitor Adrian Mueller, in non-compliance with Strata Schemes Management Act 2015, Schedule 1, c(4).
- For missing documents (eight emails) that are critical to proving alleged false statements by BCS Strata Management staff in Statutory Declaration to CTTT on 19th April 2013, Police requested access to strata files from BCS Strata

Management, Waratah Strata Management, and Solicitor Adrian Mueller in April 2018.

- Office of Legal Services Commissioner already had a caution against Solicitor Adrian Mueller for not following legal practices for SP52948 in 2013.
- Solicitor Adrian Mueller charged owners corporation \$350.00 on 28th of May 2018 but failed to provide them with the eight emails.
- Legal Profession Uniform Law Australian Solicitors' Conduct Rules 2015, under the Legal Profession Uniform Law, the following applies to legal profession:

4.1 A solicitor with designated responsibility for a client's matter, must ensure that, upon completion or termination of the law practice's engagement:

14.1.1

the client or former client, or

14.1.2

another person authorised by the client or former client, is given any client documents, (or if they are electronic documents copies of those documents), as soon as reasonably possible when requested to do so by the client, unless there is an effective lien.

14.2 A solicitor or law practice may destroy client documents after a period of 7 years has elapsed since the completion or termination of the engagement, except where there are client instructions or legislation to the contrary.

- As 7-year period expires in February 2021 (from the completion of the law practice engagement in 2014), owners corporation issues an immediate order to Solicitor Adrian Mueller to provide all SP52948 documents to current Secretary of the Executive Committee at no cost, who shall ensure that Police receives the copies of missing eight emails within 14 days.
- If Solicitor Adrian Mueller fails to comply, owners corporation shall raise a complaint and request with the Office of the Legal Services Commissioner (OLSC) who offered assistance to get the eight missing emails in their reports on 1st of March 2019 and 19th of June 2019.
- Owners corporation acknowledges that refusal to provide the documents might incur additional costs at owners expense and force NCAT Tribunal orders.

Explanatory Notes

Waratah Strata Management is the custodian of all strata files. Lot 158 requested them to provide owners with relevant files throughout 2017, 2018, and 2019.

Motion: Ratify events at AGM 2018 and order Waratah Strata Management to produce eight copies of emails to Police and Lot 158

The Owners Corporation SP52948 by ORDINARY RESOLUTION confirms and approves the following:

- Female co-owner of Lot 158, submitted Motions for AGM 2018 to Secretary of SP52948 on 25th of September 2018.
- Waratah Strata Management prevented voting on this Motion.
- Fraud Report E65804633 dated 9th September 2017 initiated Police investigations and interviews in late 2017 and during 2018.

For missing documents that are critical to proving false statements by BCS Strata Management staff in Statutory Declaration to CTTT on 19th April 2013, Police requested access to strata files from Waratah Strata Management.

Waratah Strata Management provided USB key with strata files and none of the eight crucial documents (copies of emails) were found by the Police.

- Two written reports from BCS Strata Management claim that all SP52948 were provided to Waratah Strata Management before end of their contract on 30th January 2017:

Representative of Pica Group (parent company of BCS Strata Management) in email on 13th February 2018.

BCS Strata Management Licensee-in-Charge Dr. Adrian Carr in email on 20th July 2018.

- Strata Schemes Management Act 2015, Section 180 prescribes that certain records of strata plan must be retained for period of seven years, and that includes all correspondence and emails.
- In accordance with Strata Schemes Management Act 2015, Section 181, owners corporation issues an immediate request to Waratah Strata Management to produce eight emails no later than 14 days after the notice. The emails shall then be handed over to the Police.
- Owners corporation shall hand over copies of eight missing emails (and other strata documents as listed for the members of the EC and Waratah Strata Management) that lot 158 did not get in spite of paid document search on 13th June 2017, 31st of May 2019, and 20th of September 2019.
- Owners corporation acknowledges that refusal to provide the documents might incur additional costs at owners expense and force NCAT Tribunal orders.

Explanatory Notes

Waratah Strata Management is the custodian of all strata files. Lot 158 requested them to provide owners with relevant files throughout 2018 and 2019.

Motion: Ratify the events related to lost USB key with strata files for all periods before 1st of February 2017

The Owners Corporation SP52948 by ORDINARY RESOLUTION confirms and approves the following:

- BCS Strata Management sent USB key with all strata files on 1st of February 2017.
- Waratah Strata Management notified Lot 158 that they had completed loading the strata records on their computer systems and were able to discuss outstanding issues and correspondence.
- Waratah Strata Management provided USB key with strata files to Police who were investigating Fraud Report E65804633 on 5th of April 2018.
- By own admission, the USB key was not backed up and no copies were kept at Waratah Strata Management to owners on 12th of March 2019.
- Since around June 2018, Waratah Strata Management was aware that the Police lost the USB key and could not return it.
- Waratah Strata Management and the Police made number of attempts to engage BCS Strata Management to provide additional copy of the USB key that had been sent to Waratah Strata Management on 1st of February 2017 originally.
- At AGM 2018 Waratah Strata Management failed to disclose to owners that all strata files on USB key were lost.
- Before AGM 2018, or at any time before and after the event, current strata records show that Waratah Strata Management failed to notify the auditors about loss of USB key.
- Before AGM 2018, or at any time before and after the event, current strata records show that Waratah Strata Management failed to notify Australian Taxation Office about loss of USB key.
- At AGM 2018 Waratah Strata Management failed to inform owners that Lot 158 had copies of the USB key with strata files which they obtained through paid document search on 13th of June 2017.
- At AGM 2018 Waratah Strata Management failed to inform owners that Lot 158 offered free access to secure web site with strata files in 2018.
- Waratah Strata Management notified owners about lost USB key 10 months after the event, on 12th of March 2019, after another alleged loss of strata files due to ransomware attack in early February 2019.
- Waratah Strata Management failed to respond to Lot 158 who questioned events in relation to USB key five times in

2019.

Explanatory Notes

Waratah Strata Management is the custodian of all strata files. Lot 158 requested them to provide owners with relevant files throughout 2018 and 2019.

Motion: Ratify the following events for second gas connection levies

The Owners Corporation SP52948 by ORDINARY RESOLUTION confirms and approves the following:

- Minutes of EC meeting on 21th July 1999 set annual fee of \$200.00 for second gas connection.
- Minutes of EC meeting held on 17th November 1999 confirmed levies for the second gas connection in amount of \$200.00 per annum applied to units in buildings and townhouses and payable in advance in December of the current financial year and be subject to annual review.
- Undated minutes of the EC meeting held on 19th of January 2000 contained motion for notice to be sent to all owners in regards to gas heating in units and townhouses.

Owners never received such notice.

- Extraordinary General Meeting on 21st of May 2000 failed due to lack of quorum.
- Minutes of EC meeting held on 24th May 2000 introduced GST to all levies and reported motion to obtain quotations for the installation of the individual meters for gas supply to the units.

The same meeting scheduled next EC meeting for 26th of July 2000, followed by meeting on 12th of September 2000 to finalise the budget, and AGM on 5th of October 2000.

- Unannounced EC meeting on 2nd of August 2000 allegedly decreased gas levies to \$50.00 per year but the meeting did not comply with SSMA 1996 (agenda and minutes not sent to owners and two members of the EC (Lot 62 and 181) directly voted for their own benefits without disclosure of interest).

The alleged minutes of this meeting contained the following note in Item 2:

(a) It was noted that minutes should be produced and distributed by the managing agent and only referred to the various members of the following committee meeting for their approval.

(b) It was recorded that Mr. DeSaxe objected to the commentary made under Item 3 (b) 2 which indicated the following "it was clear that heating of the pool was the major cause of the unacceptably high gas bill".

- Extraordinary General Meeting on 23rd of August 2000 approved GST from 1st of July 2000 and this additional charge would be payable to owners corporation by way of special contribution on 14th of September 2000.
- Levies for second gas connections backdated to FY 2000 (without 10% interest) and applied in advance for FY 2001 with GST applied without disclosure to owners on 8th of August 2000.
- AGM on 5th of October 2000 introduced special levies in amount of \$100,000.00 to improve status of Sinking Fund payable in four installments.
- The yearly review of the levies for the second gas connection and disclosure of conflict of interest when it applied to members of the EC never happened.
- Levies for second gas connection until EC meeting on 6th May 2013 when the Special By-Law 12 was registered, were at \$200.00 per year.
- Minutes of EC meeting on 28th August 2013 (directly benefiting several EC members without disclosure of personal interests) set applicable gas levies to \$55.00 per year.
- Minutes of the EC meeting on 27th of November 2013 set applicable second gas connection levies to \$220.00 per annum.

- Agenda for AGM 2014 sent the following warning to owners in November 2014:

The by-law relating to annual charges for gas heating passed at AGM in 2013 was implemented by requesting owners to voluntarily disclose their use of the common property cooking gas system for heating appliances. The disclosure rate was lower than expected and therefore new inspections will be required and owners who have not voluntarily disclosed the usage can expect to be retrospectively charged with interest. Current fees are \$50 per quarter.

- Letter from BCS Strata Management sent to owners on 14th April 2014 confirmed gas levies at \$220.00 per year, number of owners having such connections without approval or payments to Admin Fund, and including retrospective charges of maximum one year for voluntary disclosures.
- Secret report dated 13th May 2014 listed only three owners who voluntarily reported gas connections, of which one, Lot 62, previous Treasurer of the EC, failed to provide the date of the installation of the second gas connection:

Lot 62, 147, 181

BCS Strata Management failed to disclose this report to owners.

- After poor self-reporting, EC members instructed BCS Strata Management to run follow-up on 15th of May 2014. Few more owners replied:

Lot 127, 134, 148, 167, 182

- Waratah Strata Management provided the following listing of owners with second gas connection in minutes of EC meeting on 16th of March 2017:

Lot 3, 8, 59, 68, 102, 127, 144, 147, 148, 163, 167, 181, 182, 194, 199, 206, 209

- During document search at Waratah Strata Management on 31st of May 2019 the following listing of owners with second gas connection was found:

Lot 3, 8, 59, 62, 68, 102, 127, 147, 148, 163, 181, 182, 194, 198, 199, 206, 213

This summary was not provided to owners.

- During document search at Waratah Strata Management on 20th of September 2019 the following listing of owners with second gas connection was found:

Lot 3, 59, 62, 68, 102, 127, 147, 148, 162, 163, 181, 182, 194, 198, 199, 206, 213

This summary was not provided to owners.

- Lot 158 provided to Waratah Strata Management during 2017, 2018, and 2019 evidence of the following owners having second gas connection, which they declined to publish for owners or refute in any statement:

Lot 3, 8, 59, 62, 68, 88, 102, 127, 134, 144, 147, 148, 154, 162, 163, 167, 175, 181, 182, 192, 194, 198, 199, 206, 209, 210, 213

SP52948 Second Gas Connections Inventory by Lot 158 based on available evidence - September 2019									
Lot No.	Voluntary self-reporting to BCS Strata Management 13May2014	More accurate self-reporting audit, based on Lot 158 findings in strata files	Steve Carbone alleged full audit 23Mar2016	Waratah Strata Management - Minutes EC meeting 16Mar2017	Waratah Strata Management report found in strata files 31May2019	Waratah Strata Management report found in strata files 20Sep2019	BCS Strata Management belated invoice for second gas connections in FY 2012 and 2013 payable 1Aug2016	Evidence of approval for connections and or disconnections	Earliest records of commencement dates for second gas connection found so far (lot of strata files have been deliberately destroyed by strata managers and not made available to any owner)
3	No	Not found	Yes	Yes	Yes	Yes	Yes	Not found	Not found
8	No	Not found	No	Yes	Yes	No	No	Steve Carbone confirmed alleged disconnection on 15Apr2019 Letter 6Mar2013	Not found
59	No	Not found	Yes	Yes	Yes	Yes	Yes	EC meeting 26May1999	No commencement date provided
62	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Not found	Not found
68	No	Not found	Yes	Yes	Yes	Yes	Yes	Letter 19Sep2013	Not found
88	No	Not found	No	No	No	No	No	Not found	Commencement date 2003
102	No	Not found	Yes	Yes	Yes	Yes	Yes	Not found	Commencement date May2013
127	No	Yes	Yes	Yes	Yes	Yes	Yes	Not found	Not found
134	No	Yes	No	No	No	No	Yes	Not found	Not found; BCS sent invoice for FY 2012, 2013, and 2016 on 15Jul2016
144	No	Not found	Yes	Yes	No	No	Yes	Not found	Not found
147	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Not found	Commencement date May2001
148	No	Yes	Yes	Yes	Yes	Yes	Yes	Not found	Commencement date 13Aug2007, disconnected on 9Sep2019
154	No	Not found	No	No	No	No	No	Not found	Paid partial levies in 2006
162	N/A	N/A	N/A	N/A	N/A	Yes	N/A	Not found	Connected on 30May2019
163	No	Not found	Yes	Yes	Yes	Yes	Yes	Not found	Not found
167	No	Yes	Yes	Yes	No	No	Yes	EC meeting 28Aug2013	Commencement date 27May2014
175	No	Not found	No	No	No	No	No	Not found	Commencement date 2002
181	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Not found	Commencement date 1999
182	No	Yes	Yes	Yes	Yes	Yes	Yes	EC meeting 26May1999	Commencement date 2009
192	No	Yes	No	No	No	No	No	Not found	Commencement date 2007
194	No	Not found	No	Yes	Yes	Yes	No	Letter 28Mar2011	Not found
198	No	Not found	No	No	Yes	Yes	No	Not found	Not found
199	No	Not found	No	Yes	Yes	Yes	No	Not found	Not found
206	No	Not found	No	Yes	Yes	Yes	No	Not found	Not found
209	No	Not found	No	Yes	No	No	No	Not found	Lot 209 admitted to Waratah Strata Management on 10Apr2017 they had stopped claiming reimbursements for private gas usage when a new tenant moved into the property on 25Sep2014
210	No	Not found	No	Yes	No	No	No	EC meetings 14Feb2001 and 2May2001	Not found
213	No	Not found	No	Yes	Yes	Yes	No	Not found	Second gas connection approved at EC meeting on 17Mar1998, not allowed to claim gas usage reimbursements. Not to be charged for gas levy and not allowed to claim gas usage reimbursements. Confirmed having existing second gas connection when new owners moved in on 7Feb2014

- EC meeting on 4th of March 2015 falsely reported that BCS Strata Management was instructed to reinstitute the quarterly billing for gas heating which had been omitted for two quarters.

Lot owners who had voluntarily disclosed the use of common gas supply for room heating were to be charged at the rate then applying for each year of past use.

Interest charges were to be levied on owners found to have been using gas for heating, without paying for the supply.

This was in direct contradiction with similar charges on 2nd of August 2000, where the gas levies were applied retrospectively and decreased from \$200.00 to \$50.00 per annum at private EC meeting that was not disclosed to owners.

- EC Member, Lot 181, issued secret and undisclosed request to BCS Strata Management on 10th of June 2015, confirming that BCS Strata Management had neglected to raise invoices, and asking for them as a matter of urgency.

BCS Strata Management, Waratah Strata Management, and EC members failed to disclose to owners that BCS Strata Management issued secret debt recovery without applying correct interest for gas line charges for 2012 and 2013, payable on 1st of August 2016.

- EC Member, Lot 181, submitted self-reporting summary of paid levies to BCS Strata Management on 10th of June 2015 without declaring that:

They paid \$50.00 for FY 2000 (retrospectively decreasing the levy from \$200.00)

They paid \$50.00 for FY 2001 without applying GST

They paid \$55.00 in FY 2004 whilst audited accounts showed no such payment

They paid \$55.00 in FY 2008 whilst audited accounts showed no such payment

They paid \$55.00 in FY 2012 whilst audited accounts showed no such payment and confirmed in 2015

They paid \$55.00 in FY 2013 whilst audited accounts showed no such payment and confirmed in 2015

- Lot 62, 68, 102, 147, 148, 175, 181, 182, 192, 209 were approached to refute or confirm Lot 158 documents about unpaid levies for second gas connections and any defamation examples in November 2018. None of them responded with any evidence.
- BCS Strata Management, Waratah Strata Management, and EC members failed to disclose to owners that BCS Strata Management issued secret debt recovery without applying correct interest for gas line charges for 2012 and 2013 to the following owners, payable on 1st of August 2016:

Lots 3, 59, 62, 68, 102, 127, 144, 147, 148, 163, 167, 181, 182

- Staff at BCS Strata Management exchanged emails on 22nd of July 2016 confirming that they would hold a suppression on the gas line payments until EC members confirm the due date.
- Maintenance staff conducted incomplete audit of second gas connections on 21st of March 2016 and found the following Lots to have them:

A Block: Lot 147, 148, 163, 167, 181 182

B Block: Lot 3

C Block: Lot 59, 62, 68

D Block: Lot 102, 127, 144

- At EC meeting on 16th March 2017, the gas levies were again confirmed as \$220.00 per year.
- Waratah Strata Management note for EC meeting in February 2019 contains the following details about owners being charged belated levies for second gas connection:

FY 2013 \$55.00 per annum

FY 2014 \$55.00 per annum

FY 2016 Nil

The note also contains the information the decision was made to set second gas connection levies to \$220.00 per annum on 27th of November 2013.

Waratah Strata Management commented they needed to back-charge levies for second gas connection for FY 2016.

This was not provided to owners in the minutes of the meeting.

- Audited financial statements for SP52948 until 2017 confirm that no owner paid \$200.00 (pre-GST) or \$220.00 (post-GST) for second gas connection per year before FY 2017, causing losses to owners corporation funds and forcing other owners to carry out costs for private use.
- Document search at Waratah Strata Management found newly written yellow note attached to minutes of EC meeting held on 2nd of August 2000 stating that levies for second gas connection were set to \$50.00 per annum and next changed to \$200.00 (plus GST) per annum on 17th of October 2012 (the date of Annual General Meeting).

Neither agenda nor minutes of AGM 2012 had information and gas levies being set to \$200.00 (plus GST).

- Available evidence was offered to Waratah Strata Management that shows that no levies were charged for second gas connections in the following years:

1999

2000 (GS not applied from 1st of July 2000)

2001 (GST not applied)

2004

2008

2012

2013

2016

2018

- Available evidence was offered to Waratah Strata Management that shows incorrect values of levies were applied for second gas connections in most of other years (including not charging 10% simple interest).
- Waratah Strata Management claimed that \$3,600.00 (plus GST) was earned from owners with second gas

connection in FY 2017. The figure of \$3,600.00 in FY 2017 matches exactly 18 owners who were reported in Minutes of EC meeting on 16th of March 2017. Waratah Strata Management refuses to provide information of which owners paid levies for second gas connection.

- In FY 2018 (financial year from 1st of September 2017 to 31st of August 2018) Waratah Strata Management claimed that \$2,537.54 (plus GST) was earned from owners with second gas connection. Waratah Strata Management refuses to provide information of which owners paid levies for second gas connection.
- Evidence of discrepancies in reporting levy income for second gas connections in 2018/2019:
 - o Income and Expenditure report dated 10th of October 2018 – levy income of \$2,537.54 in FY 2018.
 - o Income and Expenditure report dated 3rd of December 2018 – levy income of \$2,537.54 in FY 2018.
 - o Income and Expenditure report dated 29th of March 2019 – levy income of \$0.00 in FY 2018.
 - o Income and Expenditure report dated 9th of April 2019 – levy income of \$0.00 in FY 2018.
 - o Income and Expenditure report dated 12th of April 2019 – levy income of \$0.00 in FY 2018.
 - o Income and Expenditure report dated 19th of April 2019 – levy income of \$0.00 in FY 2018.
 - o Income and Expenditure report dated 27th of April 2019 – levy income of \$0.00 in FY 2018.
 - o Income and Expenditure report dated 30th of April 2019 – levy income of \$0.00 in FY 2018.
 - o Income and Expenditure report dated 3rd of May 2019 – levy income of \$0.00 in FY 2018.
 - o Income and Expenditure report dated 10th of May 2019 – levy income of \$0.00 in FY 2018.
 - o Income and Expenditure report dated 29th of May 2019 – levy income of \$0.00 in FY 2018.
 - o Income and Expenditure report dated 17th of August 2019 – levy income of \$0.00 in FY 2018.
 - o Balance sheet dated 31st of August 2019 lists \$0.00 revenue for levies in FY 2018.
- Evidence of discrepancies in reporting levy income for second gas connections in 2019:
 - o Income and Expenditure report dated 10th of October 2018 – levy income of \$0.00 in FY 2019.
 - o Income and Expenditure report dated 3rd of December 2018 – levy income of \$0.00 in FY 2019.
 - o Income and Expenditure report dated 29th of March 2019 – levy income of \$4,800.00 in FY 2019.
 - o Income and Expenditure report dated 9th of April 2019 – levy income of \$4,800.00 in FY 2019.
 - o Income and Expenditure report dated 12th of April 2019 – levy income of \$4,800.00 in FY 2019.
 - o Income and Expenditure report dated 19th of April 2019 – levy income of \$4,800.00 in FY 2019.
 - o Income and Expenditure report dated 27th of April 2019 – levy income of \$4,800.00 in FY 2019.
 - o Income and Expenditure report dated 30th of April 2019 – levy income of \$4,600.00 in FY 2019.
 - o Income and Expenditure report dated 3rd of May 2019 – levy income of \$4,800.00 in FY 2019.
 - o Income and Expenditure report dated 10th of May 2019 – levy income of \$4,800.00 in FY 2019.
 - o Income and Expenditure report dated 29th of May 2019 – levy income of \$4,724.93 in FY 2019.
 - o Income and Expenditure report dated 17th of August 2019 – levy income of \$4,775.34 in FY 2019.
 - o Income and Expenditure report dated 31st of August 2019 – levy income of \$4,775.34 in FY 2019.
- Lot 158 document search at Waratah Strata Management on 20th of September 2019 found two versions of the proposed invoice posting dated 29th of March 2019 for FY2019 levies for second gas connections totaling \$2,640.00:

Lot 3, 8, 59, 62, 68, 102, 127, 147, 148, 163, 181, 182

The first document contains the following statement:

This is the additional gas point fee for the period 1 September 2018 to 31 August 2019

The second document contains the following statement:

The additional gas point fee charged for 2018 was deleted from your levy account as a result of our recent IT incident. The invoice is to reinstate that charge. You have already paid this charge, which is likely to be showing on your most recent levy notice as Prepaid Levies of \$220.00.
- Owners corporation requests that Secretary of the EC, within 14 days audit unpaid levies for second gas connection to owners, and comply with Special By-Law: apply amounts as applicable for all relevant years, issue invoices to owners for unpaid levies for previous years including 10% simple interest, and report it at the first applicable EC meeting.

Explanatory Notes

Waratah Strata Management is the custodian of all strata files. Lot 158 requested them to provide owners with relevant files throughout 2018 and 2019.

Motion: Ratify the following events for refusal by Waratah Strata Management to resolve outstanding collection of levies

The Owners Corporation SP52948 by ORDINARY RESOLUTION confirms and approves the following:

- Waratah Strata Management in email to Lot 158 on 11th of January 2017 declared they were not going to deal with old issues inherited from BCS Strata Management (in spite of knowledge of outstanding levies).
- Waratah Strata Management in email to Lot 158 on 29th of March 2017 declared they were not going to deal with old issues inherited from BCS Strata Management (in spite of knowledge of outstanding levies).
- Waratah Strata Management in email to Lot 158 on 21st of June 2018 refused to use free access to secure and certified private web site of Lot 158 offering strata files. This access was provided in good faith and lasted until 31st of May 2019.
- Lot 158 offered to Waratah Strata Management copies of lost USB key with strata files, which was withdrawn on 8th of June 2019 due to lack of responses.
- Lot 158 offered free services of reputable Certified Practicing Accountant to properly audit financials for SP52948 multiple times. Last times it was on 8th of June 2019 and 21st of September 2019. No reply was received and Waratah Strata Management declined to notify owners about it.

Explanatory Notes

Waratah Strata Management is the custodian of all strata files. Lot 158 requested them to provide owners with relevant files throughout 2018 and 2019.

Motion: Ratify the following events for refusal by Waratah Strata Management to provide contact details of auditors for FY 2017 and 2018

The Owners Corporation SP52948 by ORDINARY RESOLUTION confirms and approves the following:

- Clause 21 of SSMR 2016 requires that the accounts and financial statements of the owners corporation with budget above \$250,000.00 must be audited before presentation at AGM in accordance with Section 95 of SSMA 2015.
- Document search at Waratah Strata Management on 31st of May 2019 and 20th of September 2019 did not find audited report for FY 2017.

Waratah Strata Management silently refused to provide access to it.

Waratah Strata Management failed to notify owners about it.

- Document search at Waratah Strata Management on 31st of May 2019 found audited report signed on 18th of October 2018 – the exact date of the AGM 2018.

Waratah Strata Management failed to notify owners about it.

- Audited report for FY 2018 was not provided or given to any owner before or after AGM 2018.

Explanatory Notes

Waratah Strata Management is the custodian of all strata files. Lot 158 requested them to provide owners with relevant files throughout 2018 and 2019.

Motion: Ratify the following events for elevator contract renewal and tender for major elevator upgrades since 2005

The Owners Corporation SP52948 by ORDINARY RESOLUTION confirms and approves the following:

- Liftronic contract was renewed without tender in 2005, as confirmed in official statement by strata Manager Mr. John Fry to CTTT and Fair Trading NSW in 2011.
- Liftronic lost contract with SP52948 due to high cost of maintenance in amount of \$31,228.00 per year in 2010.
- Waratah Strata Management sent letter on 23rd of March to ThyssenKrupp with contract termination on 30th of June 2017.
- Waratah Strata Management sent request for remediation work to ThyssenKrupp on 19th of April 2017.
- Minutes of EC meeting on 16th of March 2017 confirmed elevator contract was expiring on 30th of June 2017.
- Minutes of EC meeting on 20th of April 2017 asking Thompson Elevator Consultancy Services to conduct tender and oversee remediation work by ThyssenKrupp before their contract ended.
- Alleged notice and minutes of EC meeting dated 26th of June 2017 was never sent to owners or listed on notice boards (non-compliance with SSMA 2015, Schedule 2, Part 4, and SSMA 2015, Schedule 2, Part 9).
- EC meeting on 30th of June 2017, approved Liftronic contract in amount of \$24,400.00 plus GST without having the contract details, on Friday (non-standard day for SP52948 meetings) and at time when no owner who works could attend (11:00 hours in the morning).

Three vendors submitted the quotes for the tender:

Liftronic Elevator
Schindler Lifts
ThyssenKrupp

The "decision" to grant the contract renewal to Liftronic Elevators was made at alleged paper EC meeting on 31st of June 2017 that did not satisfy any requirements for legally-convened meetings:

- a) No owner received agenda (notice) of the meeting three days before the meeting.
 - b) No owner received the minutes of the meeting within seven days after the event.
 - c) No notice board published the results of the meeting.
 - d) Only five out of nine members of the Executive Committee voted, and of those five two were not financial to vote due to ongoing unpaid levies (which Waratah Strata Management failed to disclose to owners).
- Liftronic maintenance tags were put in elevators on 4th of July 2017.
 - Email reply from Waratah Strata Management to Thomson Elevator Consultancy Services on 10th of July 2017 confirming that they were not able to open the Liftronic contract sent to Thomson Elevator Consultancy Services on 30th of July 2017 which Thomson Elevator Consultancy Services only forwarded to Waratah Strata Management on 10th of July 2017.
 - Written notice by Waratah Strata Management for EC meeting scheduled for 20th of July 2017, with intention not to do any work to recover unpaid levies for second gas connection, pre-approved Waratah Strata Management to sign the Liftronic contract and to be sent the original to EC member Lot 147 who was not financial due to unpaid full levies for second gas connection, and confirmation that ThyssenKrupp was paid for period 1st of July 2017 to 30th of September 2017 in spite of contract ended on 30th of June 2017.
 - Agenda of EC meeting sent to owners on 13th of July 2017, with intention to discuss elevator maintenance contract at Executive Committee meeting scheduled for 20th of July 2017.
 - Minutes of the Executive Committee meeting on 20th of July 2017 confirmed resolution to authorise Waratah Strata Management to sign contract with Liftronic.
 - In secret email to ThyssenKrupp, Waratah Strata Management confirmed overpaid ThyssenKrupp in spite of advanced knowledge of cancelled contract five and a half months earlier on 13th of September 2017.
 - Waratah Strata Management discovered Liftronic contract was not signed as of 15th of September 2017 and asked for

revised contract which they signed without owners corporation approval at any meeting.

- Waratah Strata Management signed the comprehensive maintenance contract with Liftronic on 29th of September 2019, without disclosure to owners at any time since then.
- Lot 158 requested copy of elevator contract with Liftronic be provided by Waratah Strata Management on 27th of November 2017, which was declined until document search on 20th of September 2019, almost two years after the request.
- Liftronic upgrades confirmed as of 9th of May 2019 but secret from owners till late June 2019. SP52948 owners not notified about elevator upgrades but internet websites were full of information since early June 2019.
- Planning for maintenance of elevators was delayed until year 2026 in 10-Year Capital Works Fund Plan in March 2017 without consultation with owners corporation.

10-year Capital Works Plan was commissioned from Biv Reports Pty Ltd and the elevator upgrades were scheduled for year 2026, at cost of around \$339,831.00. Just two years later, real cost of the upgrades in 2019 are \$880,000.00 (plus GST) - granted to Liftronic.

- Waratah Strata Management prevented Lot 158 Motions about undisclosed reports and lack of maintenance as recommended by Professional Assessors not included by BCS Strata Management at Annual General Meeting in 2016, and Waratah Strata Management at AGM 2017 and 2018.
- Waratah Strata Management prevented Lot 158 Motion about lack of proper 10-Year plans in SP52948 AGM 2017 and 2018.
- Waratah Strata Management prevented Lot 158 Motion about lack of details of tenders for elevator maintenance contract in 2005, 2010, and 2017 at AGM 2017 and 2018.
- In minutes of AGM 2018, Waratah Strata Management failed to notify owners that hoisting rope in Lift 4 in Block A was replaced on 10th of May 2017 - more than three years after the Vertical Transport Management Services recommendation in February 2014.
- Thompson Elevator Consultancy Services assessment and quote for elevator major works sent to Waratah Strata Management on 16th of November 2017 but presented to owners the expired quote one year later in agenda for AGM in October 2018 where three vendors were allegedly short-listed:

Liftronic Elevator
Electra Lift
Otis Elevator

AGM 2018 was conducted without valid quorum, and elevator upgrade contract was granted to Liftronic.

Total value of the two contracts (one for ongoing maintenance and one for major upgrades) granted to Liftronic is close to million dollars.

- Waratah Strata Management – unreported deposit in amount of \$160,000.00 for elevator upgrades on 7th of March 2019.
- Waratah Strata Management failed to report large deposit given to Liftronic from Capital Works Fund in Minutes of the EC meeting held on 21st of March 2019.
- Waratah Strata Management failed to report large deposit given to Liftronic from Capital Works Fund in Minutes of the EC meeting held on 2nd of May 2019.

Explanatory Notes

Waratah Strata Management is the custodian of all strata files. Lot 158 requested them to provide owners with relevant files throughout 2018 and 2019.

Motion: Ratify the following events for strata management and building management contract renewals and tenders since 1999

The Owners Corporation SP52948 by ORDINARY RESOLUTION confirms and approves the following

- Since EC meeting on 17th of June 1998 strata plan SP52948 has not properly managed or run tenders for strata management and building management contracts.
- Raine & Horne Strata Sydney became strata manager at the adjourned Extraordinary General Meeting held on 11th of May 1999 without tender or competitive quotes.
- Contract with Raine & Horne Strata Sydney was signed on 16th of June 1999 with basic management fee in amount of \$16,500.00 for the first year.

The same contract was valid until they were removed from managing the complex at AGM on 24th of October 2016 (contract ended on 31st of January 2017).

- Minutes of Extraordinary General Meeting held on 23rd of August 2000 introduced GST from 1st of July 2000.
- Minutes of AGM increased strata management contract for Raine & Horne Strata Sydney value to \$21,947.20 (plus GST) and added management expenses without tender on 5th of October 2000.
- Paper EC meeting without agenda or minutes sent to owners undated in 2002 set Raine & Horne Strata Sydney contract value at \$21,500.00 (plus GST) with management expenses of \$4,700.00.
- Angry note from EC members to BCS Strata Management about their poor services on 9th of October 2011 was not disclosed to owners.
- COO Greg Freeman from Pica Group (parent company of BCS Strata Management) agreed contract renewal without tender by offering alleged loyalty discount from \$33,499.00 to \$29,900.00 per annum on 10th of October 2011.
- EC members complained about loyalty discount not applied for two years on 31st of January 2013, which was not disclosed to owners.
- BCS Strata Management failed to sign the Tenderer's Declaration at AGM 2014.
- EC members complained to BCS Strata Management about secret insurance commissions that were not disclosed to owners or logged in financials on 7th of November 2014.
- Minutes of the AGM held on 26th of November 2014 approved maintenance staff and BCS Strata Management contract renewals without proper tenders.
- Ryan Strata offered superior strata management services on 10th of May and 27th of June 2016.
- BCS Strata Management failed to sign the Tenderer's Declaration at AGM 2016.
- BCS Strata Management removed and contract with Waratah Strata Management approved at AGM on 19th of October 2016.
- Unfinancial EC members (Lot 147 and 181) ran three secret meetings without agenda and minutes being sent to owners to discuss BCS Strata Management contract renewal before AGM on 19th of October 2017.

After losing the contract, BCS Strata Management immediately charged \$935.00 (GST inclusive) on 18th of October 2016.

Waratah Strata Management and EC members failed to inform the owners about these meetings.

The three meetings are not recorded in strata files.

- Contract with Waratah Strata Management signed by two EC members (Lot 147 and 181) who could not prove they were financial owners and increased base value from \$21,800.00 to \$23,110.00 without owners knowledge on 14th of December 2016.
- BCS Strata Management secret analysis of why they lost contract with SP52948 on 21st of November 2016

confirming that EC members had no intention to change them and had three secret meetings about it.

- EC member from Lot 181 confirmed BCS Strata Management had provided very poor services on 27th of April 2017 but did not disclose it to owners.
- Waratah Strata Management prevented Lot 158 Motion about their prior relationship with BCS Strata Management at AGM on 24th of October 2017.
- AGM on 24th of October 2017 approved Waratah Strata Management contract renewal without tender or disclosure of its increased value.
- Contract with Waratah Strata Management signed by two EC members (Lot 147 and 181) who could not prove they were financial owners on the same evening when AGM was conducted on 24th of October 2017 and increasing base value to \$24,310.00.
- Competitive bid by Complete Building Management Group was not allowed to be presented to owners in the agenda for the AGM 2017.
- BCS Strata Management and EC members did not disclose prior relationship between Director at Waratah Strata Management Mr. Robert Crosbie and BCS Strata Management at AGM 2016.
- BCS Strata Management and EC members failed to disclose to owners that Director of Waratah Strata Management was interviewed by members of the EC prior to Waratah Strata Management being nominated as the new strata managers at the AGM 2016. During that interview it was discussed that Mr. Simon Wicks was one of their employees who had managed SP52948 with poor performance in 2011.
- BCS Strata Management and EC members failed to disclose to owners that Mr. Simon Wicks was planned to be Strata Manager for SP52948 in the event that Waratah Strata Management wins the contract at AGM 2016.
- BCS Strata Management staff confirmed in email on 23rd December 2016 that new Strata Managing Agent for SP52948 was Mr. Simon Wicks, who was an employee of BCS Strata Management and removed from managing SP52948 due to unsatisfactory performance after around six-month period before AGM 2011.
- Since 1 February 2017, without owners corporation approval, or knowledge, base contract value for Waratah Strata Management was raised by around 11.5%:
 - o Base value of \$21,800.00 (GST inclusive) as approved Motion 28.1 at AGM on 14th of November 2016, whilst preventing superior quote by Ryan Strata to be included in the agenda for the meeting.
 - o Base value \$23,110.00 (GST inclusive) plus rebates, discounts, and commissions in Disclosure Schedule, signed by EC members Lot 147 and 181 without evidence they settled unpaid levies for second gas connections on 14th of December 2016.
 - o Base value \$24,310.00 (GST inclusive) plus rebates, discounts, and commissions in Disclosure Schedule C1 and C2, signed by EC members Lot 147 and 181 without evidence that they settled unpaid levies for second gas connections straight after AGM on 24th of October 2017.

Default yearly increase of contract with Waratah Strata Management is 5% (more than three times the official CPI), or as agreed at each AGM,

- Master contract admin expenses for strata manager in period FY 2014 to 2018 (GST exclusive):

FY	Amount
2014	\$53,835.00
2015	\$52,683.00
2016	\$50,684.00
2017	\$49,898.00
2018	\$43,919.00

- Raine & Horne Strata Sydney (later became part of BCS Strata Management) and EC members promoted cleaners to become new caretakers without tender at EC meeting on 21st of July 1999.
- Contract with Universal Strata Services without tender or owners decision at AGM, approved at paper EC meeting (without owners) valued at \$150,000.00 (plus GST) per year on 3rd of November 1999.
- The contract with the new caretaker in December 1999 increased by more than 33% without any tender, or decision at the general meeting (non-compliant with SSMA 1996 Section 80B):

FY	1999	2000
Caretaker	\$14,395.00	\$93,062.00
Cleaning	\$47,571.00	
Gardening	\$37,044.00	\$39,469.00
Security	\$80,641.00	\$80,968.00
Total	\$179,651.00	\$213,499.00

Contract for Security was originally given to another company (separate contract) at EC meeting on 24th of June 1998 and it was not part of the contract granted to caretaker.

- EC meeting decision to seek other tenders for security services contract on 22nd of March 2000.
- EC meeting decision to evaluate security services options on 24th of May 2000.
- At EC meeting held on Saturday, 2nd of December 2000, it was alleged that four quotes were tendered for security services but no details provided to any owner.
- EC meeting on 14th of February 2001, without giving any details of the tenders to owners corporation, caretaker was granted last remaining part of the main contract – security.
- Three-month overpayment to Universal Strata Care in 2004 – never disclosed to owners.
- Secret quotes for caretaker contract never disclosed to owners in 2004.

In a secret document, obtained belatedly eight years later, one company tendered their proposal on 25th of February 2004 at \$238,500.00 (GST exclusive) per year. That included night security duties in hours between 5:00pm and 5:00am next morning, seven days a week, and average gardener's hours of 20 per week. The total difference between their quote and Universal Strata Services in 2005 was \$10,505.00 (around 5% of the full contract only), with the emphasis that the new proposal offered more services.

With the GST included, the second tenderer would have charged the following for the maintenance contract (exclude security guards):

1 Caretaker
 1 Gardener
 1 Cleaner
 Total (with GST) \$144,740.00

Services for the security guards would have been charged in accordance with the State Awards. For the same services, excluding the security guards, the caretaker charged the following in FY 2005/2006:

Caretaking/Cleaning (exclusive GST)	\$105,796.01
Gardening (exclusive GST)	\$42,053.01
Total (with GST)	\$162,631.22

The approximate savings, in favour of engaging the second tenderer in 2005 would have been AU\$17,891.00 per year, 12.36% savings for the owners corporation in just one year.

- EC meeting on 18th of August 2004 - legal case with previous caretaker attended by Lot 147 in court.
- Contract with Universal Strata Services without tender or owners decision at AGM, valued at \$255,712.92 (plus GST) per year on 1st of May 2006.
- Contract with Universal Strata Services without tender or owners decision at AGM, valued at \$268,498.56 (plus GST) per year on 1st of May 2008.
- Renewed contract with Universal Strata Services without tender or owners decision at AGM, valued at \$268,498.56 per year with extra 2% increase for three years (plus GST) on 1st of August 2010.
- Secret email exchange asking EC members to approve Universal Strata Services contract renewal for three years without tender on 8th of September 2010.

- Call-out charges by Universal Strata Services were undefined items in the contract.
- Renewed contract with Universal Strata Services without tender or owners decision at AGM, on 12th of March 2014.
- Standard Costs Agreement with Shakenovsky & Associates for legal services to prepare contract with maintenance staff was issued on 4th of December 2014 and quickly signed by two SP52948 EC members (whilst one of them - Lot 147, was not financial due to unpaid full levies, including 10% simple interest for overdue payments), day later on 5th of December 2014.
- Contract RS/RH 081394 with maintenance staff signed by two SP52948 EC members (whilst one of them - Lot 147, was not financial due to unpaid full levies, including 10% simple interest for overdue payments) was executed on 7th of December 2014. Contract value with maintenance staff valued at \$289,000.00.
- AGM 2014 - Strata Manager Mr. Russell Young confirmed that Universal Strata Services was paid for undelivered services for night security but failed to reimburse owners corporation.

Over the previous 12 months, security guards stopped working between hours of 2:00 to 5:00am, in spite of caretaker getting paid for their night staff. When questioned about it, the response was that "it was difficult to get the money back from poor people". BCS Strata Management failed to report it in the minutes of the AGM.

- EC member wrote email to Universal Strata Services advising them of lost contract on 7th of December 2014, which confirmed wishes of EC members to stay with them due to "personal connections".
- Minutes of EC meeting held on 21st of March 2016, renewed maintenance staff contract for another year without any tender, although it was going to expire on 7th of December 2016, more than nine months before its renewal time.
- Maintenance staff contract value increased by 2% without owners corporation decision at AGM or tender on 22nd of April 2016.
- Master contract expenses for Building Manager (Caretaker) in period FY 1999 to 2018 (GST exclusive):

FY	Master contract
1999	\$186,611.00
2000	\$220,168.00
2001	\$220,624.00
2002	\$218,938.00
2003	\$218,167.00
2004	\$222,376.00
2005	\$227,995.00
2006	\$228,438.00
2007	\$232,844.00
2008	\$235,560.00
2009	\$244,287.00
2010	\$264,080.00
2011	\$245,094.00
2012	\$255,673.00
2013	\$256,605.00
2014	\$252,618.00
2015	\$275,838.00
2016	\$292,912.00
2017	\$291,507.13
2018	\$304,629.95

- Contract RS/RH 081394 with maintenance staff signed by two EC members (Lot 147 and 181) who were not financial due to unpaid full levies, including 10% simple interest for overdue payments, was signed on 27th of November 2017 without approval of annual fees by owners corporation (prices exclude GST):

From 1 January 2018 to 31 January 2019

	Annual price
Day caretaking	\$130,216.00
Pool maintenance	\$11,849.00
Gardening	\$55,980.00
Night caretaking	\$112,955.00
Total	\$311,000.00

From 1 February 2019 to 31 January 2020

	Annual price
Day caretaking	\$135,424.00
Pool maintenance	\$12,323.00
Gardening	\$58,220.00
Night caretaking	\$117,473.00
Total	\$323,440.00

From 1 February 2020 to 31 January 2021

	Annual price
Day caretaking	\$140,841.00
Pool maintenance	\$12,816.00
Gardening	\$60,548.00
Night caretaking	\$122,172.00
Total	\$336,377.60

- BCS Strata Management and Waratah Strata Management prevented owners from voting on Lot 158 Motions documenting problems with maintenance staff performance at AGM 2016, 2017, and 2018.

Explanatory Notes

Waratah Strata Management is the custodian of all strata files. Lot 158 requested them to provide owners with relevant files throughout 2018 and 2019.

Motion: Ratify the following events for electricity supply contract renewals and tenders since 2015

The Owners Corporation SP52948 by ORDINARY RESOLUTION confirms and approves the following

- Correspondence between three EC members on 4th of October 2012, confirming the electricity supply contract expiring on 30th of September 2015.
- Strata Manager Mr. Simon Wicks, who was removed from managing SP52948 in 2011, was approached by Energy Action to renew electricity supply contract for number of strata plans as early as 11th of March 2015.
- BCS Strata Management, without official decision at AGM, or official decision by the EC, signed the electricity supply contract for three-year period on 8th of July 2015, two months before the expiration of the contract.
- AGM on 18th of October 2018 – like at AGM 2017, EC did not select office bearers, leaving role of Chairperson, Treasurer, and Secretary fully delegated to Waratah Strata Management.
- Waratah Strata Management secretly confirmed electricity supply contract expired in email to Energy Action on 24th of October 2018, without knowing the exact date of expiration, and without disclosure to owners or motion to approve or seek tender for contract renewal at AGM on 18th of October 2018.
- Secret quote for electricity metering service received by Waratah Strata Management and signed without decision at any EC meeting or notification to owners corporation on 1st of November 2018.
- Partial office bearers were elected five months after the AGM at EC meeting on 21st of March 2019.
- Waratah Strata Management confirmed that EC members did not receive electricity supply contract before the EC meeting on 21st of March 2019.

- Lot 158 did not find details of the alleged tenders for electricity supply at document search at Waratah Strata Management on 13th of June 2017, 31st of May 2019, and 20th of September 2019.
- EC meeting on 5th of September 2019 confirmed intention to retender electricity supply contract without disclosing full details.

Explanatory Notes

Waratah Strata Management is the custodian of all strata files. Lot 158 requested owners be provided with relevant files throughout 2015, 2016, 2017, 2018, and 2019.

Motion: Ratify the following events for BigAir ISP contract management

The Owners Corporation SP52948 by ORDINARY RESOLUTION confirms and approves the following

- Correspondence between EC members and BCS Strata Management on 10th of October 2012, confirming no income from BigAir ISP since 2005, in breach of the original contract.
- Correspondence between EC members confirming no income received, and fair annual income from BigAir to be \$20,000.00, blaming BCS Strata Management on 1st of September 2013.
- Grace Lawyers earned \$4,172.30 in attempt to expel BigAir from the complex and failed to achieve that task in 2013/2014.
- Grace Lawyers formally requested BigAir leave complex on 31st of January 2014.
- Photos taken of BigAir equipment on Block C on 6th of October 2014 that BCS Strata management and Waratah Strata Management refused to share with owners.
- Decision to engage Telecommunications Ombudsman and enforce eviction of BigAir at AGM on 26th of November 2014 was not complied with by the strata managers and E members.
- Lot 158 Motion for recovery of lost income from BigAir – disallowed without valid reason by BCS Strata Management at AGM 2016 and Waratah Strata Management at AGM 2017.
- Waratah Strata Management email to BigAir with frustration about lack of actions on 14th of February 2018.
- Waratah Strata Management email to BigAir on 16th of February 2018 requesting action to leave the complex or provide new contract details for consideration.
- Waratah Strata Management desperate email to Grace Lawyers on 8th of March 2018, without disclosure to owners.
- Waratah Strata Management email to BigAir asking for proposal on 6th of April 2018, in spite of knowledge that owners corporation did not want them to stay in complex since 31st of January 2014.
- Waratah Strata Management email to EC members with proposal from BigAir on 10th of April 2018.
- Waratah Strata Management email to BigAir with proposal requesting payment in amount of at least \$20,000.00 on 13th of April 2018.
- Waratah Strata Management email to EC members with BigAir counter offer with payment in amount of \$12,000.00 on 3rd of May 2018.
- Email from Waratah Strata Management to BigAir requesting payment in amount of \$20,000.00 on 18th of May 2018.
- BigAir offer of settlement with only \$12,000.00 payment using bullying language on 5th of June 2018.
- Email from Waratah Strata Management to EC members on 6th of June 2018 asking for confirmation if BigAir offer \$12,000.00 was sufficient and planning discussion at EC meeting scheduled for 21st of June 2018.
- Lot 158 document search at Waratah Strata Management on 31st of May 2019 and 20th of September 2019 found no evidence of EC members formally approving BigAir offer via emails or letters.
- Waratah Strata Management signed BigAir Settlement Deed 15th of June 2018 without planned discussion at EC

meeting scheduled for 21st of June 2018.

- Waratah Strata Management issued Tax Invoice to BigAir on 15th of June 2018 without planned discussion at EC meeting scheduled for 21st of June 2018.
- Minutes of EC meeting on 21st of June 2018 alleged that the offer was accepted at that meeting without disclosure that Waratah Strata Management had already signed the Settlement Deed on 16th of June 2018.
- Waratah Strata Management refused to notify owners about Australian Taxation Ruling 2015/3.

Explanatory Notes

Waratah Strata Management is the custodian of all strata files. Lot 158 requested owners be provided with relevant files from 2011 to 2019.

Motion: Ratify events for Waratah Strata Management refusal to answer questions about alleged data loss due to ransomware attack

The Owners Corporation SP52948 by ORDINARY RESOLUTION confirms and approves the following

- Five versions with different explanations of alleged ransomware attack were provided by Waratah Strata Management in regards to alleged ransomware attack in February 2019:
 - o Waratah Strata Management reporting loss of SP52948 strata files to Lot 158 on 1st of March 2019.
 - o Waratah Strata Management sending letter reporting loss of SP52948 strata files to all owners on 12th of March 2019.
 - o EC meeting on 21st of March 2019.
 - o Waratah Strata Management response to Lot 158 about scheduled document search on 5th of May 2019.
 - o Waratah Strata Management email to Fair Trading NSW on 17th of May 2019.
- Lot 158 sent the following request and inquiry to Waratah Strata Management on 14th of July 2019, which was not provided to owners and not responded to by Waratah Strata Management:

Lot 158 has some information that might be of importance to help the Police investigations in regards to alleged data loss and hacking attack against Waratah Strata Management.

After malicious or criminal attacks, human error accounted for 35% data breaches over the period 1 April 2018 to 31 March 2019 (source: Australian Government Notifiable Data Breaches).

The Privacy Act 1988 (Cth) (Privacy Act) and the Privacy Regulations 2013 (Privacy Regulations) requires strata managers to comply with 13 Australian Privacy Principles (APPs) (subject to other provisions of that Act) in how they handle personal information. The APPs regulate the manner in which personal information is handled throughout its life cycle, from collection to use and disclosure, storage, accessibility and disposal (where applicable).

It is noted that Waratah Strata Management had full access to all passwords at lookatmystrata.com.au, which was/is against all security policies and privacy guidelines.

Please provide the following information as a matter of priority:

a) On which date (exact time would be appreciated) did the attack happen and what services were affected (website access to waratahstrata.com.au, email, and so on)?

b) Apart from SP52948, did any other Waratah Strata Management client lose data or got affected by the hacking attack?

c) SP52948 strata files are located at lookatmystrata.com.au. Does Waratah Strata Management allege that SP52948 data breach happened not only at waratahstrata.com.au but at lookatmystrata.com.au as well (two websites affected)?

d) Waratah Strata Management uses email services and Office365 at Microsoft. Is it alleged that Microsoft was also attacked and somehow lost SP52948 files?

e) On which date did the full services for email and website access to waratahstrata.com.au and lookatmystrata.com.au get restored?

f) Who provided file restore services (presumably from backup tapes or on-line backups)?

g) On which date was the Police notified and what is the Event number?

h) On which date was mandatory data breach notification completed (Privacy Amendment (Notifiable Data Breaches) Bill 2016)?

i) On which date, if applicable, was SP52948 insurance notified about the loss of data, financial files, and private information (including bank account details)?

j) Waratah Strata Management appears to have stated strata files on USB key that was lost (misplaced) by the Police in mid-2018 was not backed up. Is that still a valid and truthful statement?

- Lot 158 sent the following request and inquiry to Waratah Strata Management on 11th of August 2019, which was not provided to owners and not responded to by Waratah Strata Management:

As expected and anticipated, Waratah Strata Management and EC members failed to respond to inquiry about alleged ransomware attack sent by Lot 158 on 14 July 2019.

Additional information is now required.

Please provide the following:

a) *What is the earliest date when EC members were notified by Waratah Strata Management about the lost USB key that had been provided to the Police in April 2018?*

b) *Which EC members were notified about lost USB key and strata files and what were their instructions to Waratah Strata Management? Copies of emails are necessary because they were not found during document search on 31 May 2019.*

c) *Who is responsible for failing to run proper backups of SP52948 strata files and email folders in period between lost USB key and the second event - ransomware attack on 1 February 2019.*

d) *Who made the decision not to notify owners about lost USB key before, or at AGM in October 2018?*

e) *Was Economos notified about the lost USB key before their financial audit which was allegedly signed exactly on the day of the AGM - 18 October 2018 (but not disclosed to owners).*

f) *What is the earliest date when EC members were notified by Waratah Strata Management about the alleged ransomware attack on 1 February 2019?*

g) *Which EC members were notified about lost USB key and strata files and what were their instructions to Waratah Strata Management? Copies of emails are necessary because they were not found during document search on 31 May 2019.*

h) *On which dates, if applicable, was Australian Taxation Office notified about lost USB key and the ransomware attack? Copies of emails or letters are necessary because they were not found during document search on 31 May 2019.*

i) *On which dates, if applicable, were Insurance Broker and the insurance policy provider notified about lost USB key and the ransomware attack? Copies of emails or letters are necessary because they were not found during document search on 31 May 2019.*

- At document search on 31st of May 2019, Lot 158 found ransomware investigation report by Sententia, as commissioned by Clyde & Co.

Waratah Strata management refused to notify owners about these findings.

Sententia report, dated 26th of March 2019 stated:

- o Their investigation had limited access to event logs.
- o Deeper understanding of the exact actions by the threat actor was not possible due to lack of evidence and an incomplete audit trail.
- o Based on incomplete logs, the encryption attack most likely occurred on 2th of February 2019 at 12:08:56 hours.
- o Threat actor achieved brute-force success with the 'Administrator' account on server WSMHS1, a malicious toolkit was then used to create 'www' account on 1st of February 2019 at 11:58:53 hours.
- o Incomplete audit logs from terminal services show the first login occurred at 23:59 hours on 1st of February 2019 and session ended at 03:33 hours on 2nd of February 2019.
- o There was no conclusive evidence to suggest any data exfiltration occurred (simply based on available usage data logs that did not take into account possibility of using data compression for file transfers, or selective file transfers – targeted files).
- o In timeframe between 15th of February 2019 and 17th of February 2019, Waratah Strata management was still at high risk, due to unpatched servers and continuous attacks with brute-force access. Lack of remediation actions to close all non-essential inbound ports continued to create risks.
- o Bitcoin ransom was subsequently paid by a third-party known to Waratah Strata Management to the threat actor in the equivalent amount of \$5,052.03. After this payment, there was no response from the threat actor.
- o The attack allegedly occurred due to misconfigured routers that allowed RDP protocol.
- o Waratah Strata Management recovered their data via a re-image procedure.
- o It was recommended to use more secure method of connectivity, such as MFA VPN.

Explanatory Notes

Waratah Strata Management is the custodian of all strata files. Lot 158 requested owners be provided with relevant files in 2019.

Motion: Ratify Australia Post findings that no problems with letter deliveries to Lot 158 existed as implied by Waratah Strata Management in 2017, 2018, and 2019

The Owners Corporation SP52948 by ORDINARY RESOLUTION confirms the following:

- Apart from two EC meetings and one notice for EC meeting, Waratah Strata Management failed to deliver any notices and minutes of meetings in SP52948 since 1st of February 2017.
- Director of Waratah Strata Management, in his response on 17th June 2018 suggested that agenda and minutes of meetings were missing for Lot 158 due to problems with Australia Post.
- Lot 158 initiated four investigations with Australia Post and so far, no fault was found on their side.
- Only letters from Waratah Strata Management are having delivery problems and Australia Post found no records of any deliveries by Waratah Strata Management in period 2017 till now.

Explanatory Notes

Waratah Strata Management is the custodian of all strata files. Lot 158 requested owners be provided with relevant files in 2017, 2018, and 2019.

Motion: Ratify the following events and confirm inequitable, excessive and unapproved water and gas reimbursements to selective townhouse owners

The Owners Corporation SP52948 by ORDINARY RESOLUTION confirms the following:

- Waratah Strata Management prevented owners from voting on this Motion at AGM 2018.
- According to available audited financial statements and information presented for general meetings (files for many years are still undisclosed by BCS Strata Management and Waratah Strata Management) \$121,266.07 was paid for private water and gas reimbursements to selective townhouse owners in period 1997 to 2017 without disclosure.
- Lot 158 has the evidence of the following expenses for reimbursements to selective townhouse owners in different years:

FY 2003 paid \$4,714.98 to 15 townhouse owners for their private water and gas usage, without disclosure, without Special By-Law, and without Special Resolution

FY 2004 paid \$5,959.95 to 19 townhouse owners for their private water and gas usage, without disclosure, without Special By-Law, and without Special Resolution

FY 2007 paid \$6,973.47 to 16 townhouse owners for their private water and gas usage, without disclosure, without Special By-Law, and without Special Resolution

FY 2008 paid \$7,510.97 to 17 townhouse owners for their private water and gas usage, without disclosure, without Special By-Law, and without Special Resolution

FY 2009 paid \$6,686.64 to 18 townhouse owners for their private water and gas usage, without disclosure, without Special By-Law, and without Special Resolution

FY 2010 paid \$10,636.99 to 20 townhouse owners for their private water and gas usage, without disclosure, without Special By-Law, and without Special Resolution

FY 2011 paid \$6,435.25 to 14 townhouse owners for their private water and gas usage, without disclosure, without Special By-Law, and without Special Resolution

FY 2012 paid \$10,831.66 to 18 townhouse owners for their private water and gas usage, without disclosure, without Special By-Law, and without Special Resolution

FY 2013 paid \$13,656.27 to 18 townhouse owners for their private water and gas usage, without disclosure, without Special By-Law, and without Special Resolution until 6th of May 2019

FY 2014 paid \$12,034.47 to 18 townhouse owners for their private water and gas usage, without disclosure of improperly applied Special By-Law 13

FY 2015 paid \$12,083.36 to 17 townhouse owners for their private water and gas usage, without disclosure of improperly applied Special By-Law 13

FY 2016 paid \$11,742.06 to 14 townhouse owners for their private water and gas usage, without disclosure of improperly applied Special By-Law 13

FY 2017 paid \$5,315.57 to undisclosed number of townhouse owners, without details of how the reimbursements applied

FY 2018, paid \$8,872.84 to undisclosed number of townhouse owners for their private water and gas usage, without details of how the reimbursements applied

FY 2019, paid \$5,880.23 to undisclosed number of townhouse owners for their private water and gas usage, without details of how the reimbursements applied

Explanatory Notes

Waratah Strata Management is the custodian of all strata files. Lot 158 requested owners be provided with relevant files in 2017, 2018, and 2019.

Motion: Ratify the events and approve better financial reporting with enforcement of all payments in prescribed timeframes

The Owners Corporation SP52948 by ORDINARY RESOLUTION approves the following:

- Waratah Strata Management prevented owners from voting on this Motion at AGM 2017 and 2018, in non-compliance with SSMA 2015, Schedule 1, c(4).
- To ensure simpler accounting, efficient calculations, and avoid misuse of accrual accounting, owners corporation shall introduce more transparent financial reporting with full access to ALL owners free of charge via strata management's website:
 - Debtor Financial Status
 - Cash Book Receipts
 - Cash Book Payments
 - Bank Reconciliation
 - Detailed Expenses (Transaction Records) for Admin and Capital Works Funds
 - Cash Management
 - Statement of Financial Position
- Strata Managing Agent and EC members must enforce payments of all invoices within timeframes defined on invoices in order to avoid false accounting for the financial year.

Explanatory Notes

Waratah Strata Management is the custodian of all strata files. Lot 158 requested owners be provided with relevant files in 2017 2018, and 2019.

Motion: Ratify undisclosed costs and warranties, work not completed in complex painting project in 2017, and unexplained alleged costs for townhouses in amount of \$92,950.00

The Owners Corporation SP52948 by ORDINARY RESOLUTION confirms the following:

- Waratah Strata Management failed to include this Motion at AGM 2017 and 2018, in non-compliance with SSMA 2015, Schedule 1, c(4).
- AGM 2016 on 19th October 2016, which approved expenditure for the painting project in 2017, failed to satisfy quorum.
- Townhouses were repainted in 2011 at cost of \$61,490.00 without tender or decision at a general meeting.
- Over 20 years, townhouses were fully repainted three times.

In the same period, building blocks were fully repainted two times.

- BCS Strata Management and EC members failed to respond to enquiries about scope of work for painting of buildings, townhouses, swimming pool, and other structures duly submitted to Secretary of the EC before AGM 2016.
- The Agenda and Minutes of the AGM 2016 held on 4th November 2016 confirmed tender from Townview Australia Pty Ltd quoted total value for four buildings, townhouses, swimming pool, and other structures at \$572,498.00 + GST.
- The Agenda and Minutes of the AGM 2016 held on 4th November 2016 confirmed the estimated value of the painting contract with Townview Australia Pty Ltd was between \$600,000.00 and \$650,000.00 (inclusive of GST as it was not specifically listed).
- 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 3rd 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 20th 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 28th September 2017 shows that the painting project was complete and all accounts had been paid except the 5% retention amounts totaling \$28,187.00 + GST.
- Agenda for the AGM 2017 sent to owners contained information that the total costs for the painting project were \$646,200.00 plus GST (totaling \$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 3rd 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.
- Waratah Strata Management failed to provide full details of the tenders for painting work at paid document search of strata files on 13th June 2017.
- BCS Strata Management and EC members failed to provide details of what would be considered for painting on "townhouses, swimming pool, and other structures", as per their agenda and minutes of the AGM 2016 (Director of Waratah Strata and maintenance staff stated on 1st of March 2017 that these costs were additional to approved figure at AGM 2016, although owners corporation was not notified and did not verify the amount of these costs or scope of the works).
- BCS Strata Management, Waratah Strata Management, and EC members failed to provide evidence lattices in front of townhouses 194, 197, 199, 202, and 216 were common property, making them out-of-scope.
- Some parts of the work is still not complete (louvres in the basement of the buildings from the inside), and some parts of the garden beds already show signs of cracks requiring repairs in the near future.
- If Waratah Strata Management and EC members cannot provide documentary evidence (with photos) of the alleged work done on townhouses in 2017, it means owners corporation exceeded legal limit of expenditure above 10% for any single budget item, as per SSMA 1996 Section 80A and approved decision at AGM 2016 in Motion 6.1 and 6.2, because total cost for painting would have to exclude \$92,950.00 (including GST).
- BCS Strata Management, Waratah Strata Management, and EC members failed to disclose details of the warranties.

Explanatory Notes

Waratah Strata Management is the custodian of all strata files. Lot 158 requested owners be provided with relevant files in 2017 2018, and 2019.

Motion: Ratify events in relation to missing register of items excluded from common-property, non-compliance with EC decision on 2nd of May 2001, and enforce EC decision to keep register of approvals granted to owners made on 2nd of May 2001

The Owners Corporation SP52948 by ORDINARY RESOLUTION confirms the following:

- BCS Strata Management 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.
- Waratah Strata Management failed to include this Motion at AGM 2017 and 2018, in non-compliance with Strata Schemes Management Act 2015, Schedule 1, c(4).
- BCS Strata Management and Waratah Strata Management failed to comply with decision of EC meeting on 2nd of May 2001 to keep register of approvals granted to owners.
- Some of the items that are not common property include:

External window and structure, as Special By-Law 4 for exclusive rights to common property granted to Lot 3 in January 2003.

Wall between Lots 136 and 137, for exclusive rights to common property as per Special By-Law 10.

Five private lattices in front of townhouses Lot 194, Lot 197, Lot 199, Lot 202, and Lot 216 (not approved at any meeting).

EC meeting 15th August 2007: Lot 135 application for solar film on windows.

28th March 2011: Townhouse 194 requested new gas boiler and separate gas meter.

EC meeting 4th 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 17th March 1998: Lot 62 approved to install double-glaze windows (By-Law planned to be approved at general meeting but never eventuated).

EC meeting 17th March 1998: Townhouse 219 approved to install polycarbonate sheeting as pergola cover and installation of air-conditioning unit.

EC meeting 17th 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 19th August 1998: Townhouse 206 approved to install polycarbonate sheeting as pergola cover.

EC meeting 14th February 2001: Application by owner of Townhouse 210 and EC decision for gas connection not to pay for future connection (service) fees.

EC meeting 4th March 2015: Two townhouse connections from their courtyards to common storm water drain (acquisition of common property without Special Resolution or registered By-Law).

Lot 193: double-glaze windows in 2017.

Lot 114: Special casing for lights in the garage.

Lot 151: Four florescent lights in garage (the only owner with such privilege)

Second gas connections in townhouses and building lots.

- Owners corporation orders Waratah Strata Management and maintenance staff to conduct full audit of items that are not common property any longer and report it to owners within 30 days after this Motions is approved.
- Owners corporation orders Waratah Strata Management and maintenance staff to update the register of approvals granted monthly and make it available via Waratah web site free of charge.

Explanatory Notes

Waratah Strata Management is the custodian of all strata files. Lot 158 requested owners be provided with relevant files in 2017, 2018, and 2019.

Motion: Ratify events for undisclosed major water leaks and order roof membrane repairs in Block A and C, and half-roof on Block B

The Owners Corporation SP52948 by ORDINARY RESOLUTION confirms and approves the following:

- BCS Strata Management 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.
- Waratah Strata Management failed to include this Motion at AGM 2017 and 2018, in non-compliance with Strata Schemes Management Act 2015, Schedule 1, c(4).
- BCS Strata Management failed to provide Napier & Blakely building report commissioned in 2012 which listed roof membranes as one of the items with serious priority:

The surfaces require preparing and recovering with a liquid applied waterproof membrane within the short to medium term (1-5 years)

- BCS Strata Management and Waratah Strata Management failed to disclose to owners that insurance premiums were increased due to constant water ingress on 29th of August 2012.
- Insurance companies rejected claims for water damages multiple times since 2012. One of them was on 14th of July 2016.

BCS Strata Management and Waratah Strata Management failed to inform the owners.

- Lot 158 sent email to Waratah Strata Management with evidence of risks with delayed repairs of roof membranes in Block A and C, and half of Block B on 23rd of December 2018.

Waratah Strata Management did not respond and did not inform owners.

- Lot 158 sent email to Waratah Strata Management with additional evidence of risks with delayed repairs of roof membranes in Block A and C, and half of Block B on 2nd of January 2019.

Waratah Strata Management did not respond and did not inform owners.

- Lot 158 sent email to Waratah Strata Management with additional evidence of risks with delayed repairs of roof membranes in Block A and C, and half of Block B on 19th of March 2019.

Waratah Strata Management did not respond and did not inform owners.

- BCS Strata Management and Waratah Strata Management failed to disclose to owners that insurance premiums enforced \$10,000.00 excess in every financial year on water damage, burst pipes, and exploratory costs on each and every claim since August 2012.
- Without tender, Kintyre Bulding Services was paid \$28,892.00 for basic roof repairs in Block A, B, C, D and all townhouses (re-bed and re-point all ridge cappings, new tiles replacing chipped ones) as per invoice dated 27th of March 2012.
- On 9th 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 maintenance staff.

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 26th November 2014.

The only competitor was Kintyre Building Services, who won the contract through misleading Motion at the AGM,

without stating that their quote for half roof repairs on Block B would cost \$53,960.00 plus GST.

Kintyre's quote dated 27th February 2015 provided only five year material warranty for the work due to excessive cracking, and water ponding on the existing concrete substrate.

After work was completed in Block B, there was a complaint about the quality in undisclosed EC notes and urgent additional repairs had to be done in March 2015.

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 have cost around \$74,800.00 (GST inclusive).

- Kintyre's quotes provided only five-year warranty for the work in 2014 and 2015 due to:

Torch on membrane comes with 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.

- Warranties for the work done on roof membranes in Block D and half of Block B expire in 2020, whilst work on Block A and C, and half of Block B has not even been done yet.
- In spite of documented evidence to maintain roofs, Waratah Strata Management, without consultation with owners corporation allegedly approved the 10-Year Capital Works Fund plan in March 2017, which delayed maintenance of roofs until year 2023.

2017 projected expenses for this work in amount of \$360,000.00 will increase to \$571,275.00 in year 2023.

- BCS Strata Management and Waratah Strata Management failed to disclose information about seriousness of the water leak problems in Block A, which was listed in NCB Plumbing warning dated 24th February 2016. They state to fix all ongoing water leaks throughout units 189, 190, 191, and 192 would be a very big job, as all ceilings would need to be pulled down throughout all the kitchens, bathrooms and possibly hallways and bedrooms to access all the piping.

- Repeated repairs, without any warranties continue to plague the complex and waste owners' funds. 24 documented water-related repairs in one unit alone (Lot 191) since late 2011 at cost above \$21,000.00 generated almost two days of cumulative water supply shutdown to all owners in Block A. Since Waratah Strata Management took office on 1st February 2017, seven repairs were done in Lot 191 (statistics for 2019 is kept secret by Waratah Strata Management):

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
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. We 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 organised to return 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 to 3 meter section of piping in the ceiling space, which also required us to cut another hole in the ceiling. Tested all new piping and cleaned up mess to complete our part of the job.
33568	NCB PLUMBING PTY LTD		Undisclosed to owners	3/03/2017		Lot 191: water leak in laundry ceiling
	Warrick - Handyman		Undisclosed to owners	8/03/2017		Lot 191: repaired gyprock ceiling in laundry area after water
33568	NCB PLUMBING PTY LTD		\$1,185.80	3/03/2017		Lot 191 water leak through bathroom ceiling
	NCB PLUMBING PTY LTD	INV-37627	\$1,284.80	22/01/2018		Lot 191: water leak in ceiling cavity wall
	W & M GORDON	861514	\$693.00	16/04/2018		Lot 191: ceiling repair after water leak
	NCB PLUMBING PTY LTD	INV-37891	\$1,383.80	16/04/2018		Lot 191: water leak
	NCB PLUMBING PTY LTD	INV-37955	\$1,933.80	14/05/2018		Lot 191: water leak through laundry ceiling
		Total	\$21,011.30			

- To avoid repetitive repairs without long-term benefits and risks of litigation due to lack of maintenance, owners corporation orders Waratah Strata Management and maintenance staff to obtain three quotes for roof repairs in Block A and C, and half of Block B, and report it to owners within 30 days after this Motions is approved.
- To avoid repetitive repairs without long-term benefits and risks of litigation due to lack of maintenance, owners corporation orders Waratah Strata Management and maintenance staff to organize Extraordinary General Meeting to approve roof repairs in Block A and C, and half of Block B, within 90 days after this Motions is approved.

Explanatory Notes

Waratah Strata Management is the custodian of all strata files. Lot 158 requested owners be provided with relevant files in 2017, 2018, and 2019.

Motion: Ratify owners corporation had no official Office Bearers for four months in FY 2018 and FY 2019 and efforts by EC and Waratah Strata Management not to deal with any issue reported by Lot 158

The Owners Corporation SP52948 by ORDINARY RESOLUTION confirms the following:

- Owners corporation had not announced or officially elected Chairperson, Secretary, and Treasurer of the EC in period from AGM held on 24th October 2017 until Lot 158 warned Waratah Strata Management and new Office Bearers were announced at EC meeting on 15th February 2018.
- Owners corporation had not announced or officially elected Chairperson, Secretary, and Treasurer of the EC in period from AGM held on 18th October 2018 until EC meeting on 21th March 2019.
- Treasurer Mr. Thomas Karolewski was approached three times by Lot 158 to want against financial mismanagement:

22nd of April 2018

10th of May 2019

30th of June 2019

He failed to respond to the concerns.

Waratah Strata Management did not inform owners about it.

- Lot 158 found the following email by Mr. Thomas Karolewski to EC members and Waratah Strata Management on 8th of August 2018:

I think we should inform the owners about:

- o *long standing dispute between the individual and the Owners – Strata Plan 52948, going on for over a decade*
- o *previous court cases and that the Strata won it*
- o *court order – whatever the determination was*
- o *that the SC is now seeking a legal advice how to deal with the false allegations and therefore it is in best interest of the owners not to respond to the communication from the individual or act on them.*

- Lot 158 asked for proof that Treasurer Mr. Thomas Karolewski delegated his duties to Waratah Strata Management in FY 2018 and 2019.

A response was never received.

- During document search on 31st of May 2019 and 20th of September 2019, Lot 158 found no evidence that Mr. Thomas Karolewski officially delegated duties to Waratah Strata Management in FY 2018.
- During document search on 31st of May 2019, Lot 158 found belated evidence that Mr. Thomas Karolewski sent an undisclosed email to EC members and Waratah Strata Management avoiding responsibility for Treasurer role on 16th of March 2019 retrospectively (four days after owners learned about USB key loss with strata files in 2018 and ransomware attack with additional losses of strata files at Waratah Strata Management in February 2019):

I do not resume or accept the role of SP 52948 Treasurer, within the Committee election cycle, 18 Oct 2018 – Oct 2019.

Explanatory Notes

Waratah Strata Management is the custodian of all strata files. Lot 158 requested owners be provided with relevant files in 2017, 2018, and 2019.

Motion: Ratify non-compliance with SSMA 1996 S108 and SSMA 2015 S182 for Lot 158 paid document searches

The Owners Corporation SP52948 by ORDINARY RESOLUTION confirms the following:

- BCS Strata Management 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.
- Waratah Strata Management failed to include this Motion at AGM 2017, in non-compliance with Strata Schemes Management Act 2015, Schedule 1, c(4).
- Waratah Strata Management failed to include this Motion at AGM 2018, in non-compliance with Strata Schemes Management Act 2015, Schedule 1, c(4).
- BCS Strata Management acted in non-compliance with SSMA 1996 Section 108 for document searches in 2014 and 2015, paid by Lot 158 and on behalf of the proxy votes vested in them, amounting to around \$400.00.
- BCS Strata Management failed to comply with Strata Community Australia Code of Conduct, 2.1 Section G.
- Waratah Strata Management acted in non-compliance with SSMA 2015 Section 182 for document search on 13th June 2017, 31st of May 2019, and 20th of September 2019.
- Lot 158 spent more than \$3,200.00 for document searches including years 2011, 2012, 2013, 2015, and 2017, and 2019 without being provided access to majority of strata documents.
- Waratah Strata Management replied with this comments in email to Lot 158 after complaints about missing strata files on 17th of June 2018:

I have repeatedly advised I am not interested in going back over your allegations against BCS. You have been provided access to all strata files. If you did not locate the documents you were looking for it means they are not in the strata records provided by BCS.

Waratah Strata management refused to inform owners about these statements

- During document search n FY 2019, Waratah Strata Management failed to provide access to these documents (partial listing provided herewith) with the following status experienced by Lot 158 on the day:
 - o Missing all cash book receipts for financials years between 2012 and 2019,
 - o Missing auditor's report for FY 2017,
 - o Missing almost all invoices for financial years between 2012 and 2019 (including invoices for second gas connection),
 - o Missing most of insurance claims for financial years between 2012 and 2019,
 - o Missing most of cash book payments for all financial years between 2012 and 2019, with exception of FY 2018 and part of FY 2019 (period between 1st of September 2018 and 2nd May 2019). Only one full financial year found in document "Detailed expenses for the financial year from 1/09/2017 to 31/08/2018" dated 16th of October 2018. There were payments for FY 2019 but covering period only up to 2nd of May 2019 ("Detailed expenses for the financial year from 1/09/2018 to 02/05/2019"). There was also an incomplete document for FY 2012 in file "Cash Book payment by Account Code 1/09/2011 to 31/07/2012",
 - o Missing most of legal correspondence for years between 2012 and 2019,
 - o Missing most of emails for years between 2012 and 2019,
 - o Missing most of documents listed in Lot 158 request sent before the document search,
 - o Missing current Strata Roll,
 - o Missing copies of explicit delegation of duties of Treasurer, Secretary, and Chairperson to strata managers at BCS Strata Management and Waratah Strata Management in any period between October 2012 and 20th of September 2019 (only email delegation for FY 2019 found),
 - o Missing audit of items that are not common property any longer,
 - o Missing register of approvals for owners,
 - o Missing correspondence between Waratah Strata Management with the Police and other applicable enforcement agencies in regards to computer break-in in period 1st of February 2019 to 20th of September 2019,
 - o Missing correspondence between EC members, strata managers and the Police for any other security or legal matter in period 2014 to 20th of September 2019,
 - o Missing up-to-date Bank Statements as on the day of Lot 158 visit,
 - o Missing evidence of recovery of funds from parties responsible for frequent damages to car entrance gate,

- o Missing evidence of tender for elevator contract renewal in 2018,
 - o Missing names of maintenance staff and their license details,
 - o Missing most of correspondence files (emails or hard copies),
 - o Missing most of yearly Fire Safety inspection reports for FY 2012, 2013, 2014, 2015, 2016, 2017, 2018, and 2019,
 - o Missing evidence of who made decision to undercharge BigAir ISP and approve Deed of Release and at which meeting,
 - o Missing insurance claims,
 - o Missing evidence that Lot 3 and Lots 136/137 comply with Special By-Laws in regards to public liability insurance for FY 2013, 2014, 2015, 2016, 2017, 2018, and 2019,
 - o Missing evidence and invoices for all work related to painting and major works on townhouses allegedly costing \$92,950.00 in 2017,
 - o Missing Email from Lot 181 with the spreadsheet for Lot 181 paid levies for second gas connection to Gary Mills at BCS Strata Management on 10th of June 2015 at 4:28 pm
 - o Missing email from Teagan Robards at BCS Strata Management to Gary Mills and Lilia Olson with the spreadsheet of charges for Lot 181 second gas connection dated 17th of July 2015 at 12:51 pm (Subject line: "RE: S & T Pogorelsky - Gas charges paid from 1998 to 2015 - Strata Plan 52948"),
 - o Missing audit of second gas connections for 218 lots, including who conducted it, the dates of gas disconnections with names of certified plumbers, and the date of the report,
 - o Missing files in Legal Matters folder,
 - o Missing minutes for number of EC and general meetings,
 - o Missing unredacted (unmodified) eight emails submitted in CTTT Statutory Declaration by BCS Strata Management on 19th of April 2013 and District Court in February 2014,
 - o Missing over 2,000 pages of evidence in CTTT folder for cases in 2012-2014 period,
 - o Waratah Strata Management plans to destroy strata files in various folders even before the seven-year period expires. Under changes to the regulations, all records listed in Section 180 of the NSW Strata Schemes Management Act 2015 must be kept for seven years).
 - o Nine entries were found in a single cheque book and older cheque books were not found.
- BCS Strata Management and Waratah Strata Management failed to inform owners corporation about their persistent refusal to provide access to owners corporation documents.

Explanatory Notes

Waratah Strata Management is the custodian of all strata files. Lot 158 requested owners be provided with relevant files in 2017, 2018, and 2019.