

Subject: Re: REPORT Illegal major renovation in SP52948 Lot 79
From: SP521948 Lot 158
Date: 29/11/24, 08:33
To: Bannermans Lawyers
CC: Nicolas Cozic, Uniqueco Property Services
Ramesh Kamini, everolth, Stan Pogorelsky,
Genelle Godbee, Jeffery Wnmng, Kathryn Cutler, Andrew Ip

Good morning,

No reply was received from your organization in regards to non-compliant major renovation by your client. At AGM 2024 last night, committee members and Waratah Strata Management ignored these warnings and allowed the Motion to proceed.

It is rightfully expected that your organization, claiming high reputation, would now notify Registrar-General's Office of the REPEATED FAILURE by SP52948 to comply with requirements for major renovations (Lot 86 was the previous owner). Lot 79, in this instance, deliberately failed to comply with Bannermans' legal document in Part 3.1 (1):

Before commencement of the Works the Owner must:

- (a) obtain all necessary approvals from any Authorities and provide a copy to the Owners Corporation;
- (b) effect and maintain Insurance for the duration of the Works being carried out, and provide a copy to the Owners Corporation; and
- (c) ensure that this by-law is registered in accordance with section 141 of the Strata Schemes Management Act 2015 at the Registrar-General's Office.

Thank you for your co-operation.

Photos and videos taken on 6 and 7 November 2024 show significant dust pollution on the floor where Lot 79 resides (Lot 81 had to put towel under external door to prevent dust penetration) and overloaded rubbish bin in front of buildings:



06/11/2024 21:19:31



07/11/2024 12:41:57





07/11/2024 12:37:11

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-overloaded-rubbish-bin-for-Block-C-Lot-79-major-renovation-photo-2-7Nov2024.webp>

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Block-C-Lot-79-major-renovation--appearance-photo-1-7Nov2024.webp>

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Block-C-Lot-79-major-renovation--appearance-photo-2-7Nov2024.webp>

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Block-C-Lot-79-major-renovation--appearance-photo-3-7Nov2024.webp>

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Block-C-Lot-79-major-renovation--appearance-7Nov2024.mp4>

- No evidence that Lot 79 paid application fee in amount of \$120.00 (plus GST) for the strata manager to review the application, search by-laws and obtain instructions from the strata committee
- No evidence that Lot 79 paid bond in amount of:
 - \$1,000.00 if total cost of works is less than \$20,000.00
 - \$5,000.00 if total cost of works is less than \$20,000.00
- No evidence that Lot 79 paid or will pay legal costs in amount of \$500.00 for registering updates to Consolidated By-Laws
- No evidence that Lot 79 paid strata manager's reasonable costs for holding a general meeting to approve the major renovation (including printing and postage of agendas and minutes) and the costs of preparation and attendance at that meeting
- No evidence that Lot 79 provided a dilapidation report as to the condition of the common property and each Lot that is immediately adjacent to (above, below, or beside) the owner's cost

On 8 November 2024 Lot 158 sent a complaint and warning about this illegal major

renovation to Bannermans Lawyers, Waratah Strata Management, Uniqueco Property Services, and committee members. No reply was received.

On 18 November 2024 this was the status in Block C near Lot 79 and in elevator:

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Block-C-Lot-79-major-renovation-18Nov2024.webp>

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Block-C-Lot-79-major-renovation-photo-4-18Nov2024.webp>

Further more, there was a faulty light too on 18 November 2024, unrepaired since at least 7 November 2024:

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Block-C-Lot-79-illegal-renovations-and-faulty-light-18Nov2024.mp4>

Evidence on 22 November 2024:

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Block-C-Lot-79-illegal-renovations-and-faulty-light-22Nov2024.webp>

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Block-C-Lot-79-illegal-renovations-photo-3-22Nov2024.webp>

Noise level from hammering and other work in the foyer in Block C level 5 was significant. Owners near Lot 79 must be having terrible times to cope with the excessive noise:

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Block-C-Lot-79-illegal-renovations-and-excessive-noise-video-1-22Nov2024.mp4>

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Block-C-Lot-79-illegal-renovations-and-excessive-noise-video-2-22Nov2024.mp4>

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Block-C-Lot-79-illegal-renovations-and-excessive-noise-video-3-22Nov2024.mp4>

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Block-C-Lot-79-illegal-renovations-and-excessive-noise-video-4-22Nov2024.mp4>

On, or around 25 November 2024, somebody removed notice in Block C elevator about illegal Lot 79 renovations:

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Block-C-elevator-missing-notice-about-Lot-79-illegal-renovations-photo-1-25Nov2024.webp>

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Block-C-elevator-missing-notice-about-Lot-79-illegal-renovations-photo-2-25Nov2024.webp>

Light was still faulty in front of Lot 79 entrance on 26 November 2024, unrepaired since at

least 7 November 2024, and notice about renovation missing in elevator:

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Block-C-Lot-79-illegal-renovations-and-faulty-light-26Nov2024.webp>

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Block-C-elevator-missing-notice-about-Lot-79-illegal-renovations-photo-1-26Nov2024.webp>

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Block-C-elevator-missing-notice-about-Lot-79-illegal-renovations-photo-2-26Nov2024.webp>

Light was finally repaired in front of Lot 79 entrance on 28 November 2024, unrepaired since at least 7 November 2024, and notice about renovation missing in elevator (there is also an Ikea trolley on the floor):

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Block-C-Lot-79-illegal-renovations-and-faulty-light-finally-repaired-28Nov2024.webp>

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Block-C-elevator-missing-notice-about-Lot-79-illegal-renovations-photo-1-28Nov2024.webp>

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Block-C-elevator-missing-notice-about-Lot-79-illegal-renovations-photo-2-28Nov2024.webp>

<https://www.nswstratasleuth.info/SP52948-year-2024/SP52948-Block-C-Lot-79-illegal-renovations-and-noise-28Nov2024.mp4>

Regards,

On 8/11/24 08:28, Lot 158 wrote:

Good morning,

This is sent in good faith to you, in regards to your client SP52948 Lot 79.

If you wish not to be disturbed by valid questions about your consulting services, please advise. Your wish will be respected, but we still reserve the right to share our experience publicly.

1) Recently, Waratah Strata Management published belated agenda for AGM 2024, scheduled for 28 November 2024. The agenda has many other problems, but they are not your concern.

One of the Motions for AGM 2024 is major renovation in Lot 79, which you prepared for them.

2) The unfortunate event is that, with or without your approval, Lot 79, through

undisclosed approval by Waratah Strata Management and Uniqueco Property Services, started major renovation without complying with the NSW strata laws and SP52948 by-laws.

This is not the first time that these two companies mislead owners corporation and acted in non-compliance with strata laws (this is now part of multiple investigations at NSW Fair Trading and other pending legal cases) :

<https://www.sp52948-news.info/SP52948-Waratah-Strata-Management-and-Uniqueco-Property-Services-repeatedly-allow-excessive-noise-and-pollution-during-renovations-that-were-not-properly-approved-at-general-meetings.html>

3) To make things more interesting, two alleged committee members (Mr. Basil Gionea and Mrs. Marianna Paltikian), during this year alone, silently supported two major renovations in their own building in spite of advanced warnings of such illegal activities:

Lot 87 and now Lot 79

4) Renovations in Block C Lot 79 started without owners corporation meeting approval, including excessive noise and dust on 5 November 2024.

5) Latest version of SP52948 Consolidated By-Laws clearly define requirements for major renovations:

<https://www.sp52948-news.info/SP52948-Consolidated-By-Laws-17Nov2022.pdf>

Based on it, Lot 79 fails in many areas:

- Started work without approval of the owners corporation at any legally convened meeting.
- Started work without registered Special By-Law, as per Section 141 of the Strata Schemes Management Act 2015 at the Registrar-General's Office.
- Application does not provide any schedule of dates for the work.
- Application not accompanied with all relevant files.
- No evidence that Lot 79 paid application fee in amount of \$120.00 (plus GST) for the strata manager to review the application, search by-laws and obtain instructions from the strata committee.
- No evidence that Lot 79 paid bond in amount of:
 - \$1,000.00 if total cost of works is less than \$20,000.00
 - \$5,000.00 if total cost of works is less than \$20,000.00
- No evidence that Lot 79 paid or will pay legal costs in amount of \$500.00 for registering updates to Consolidated By-Laws.

- No evidence that Lot 79 paid strata manager's reasonable costs for holding a general meeting to approve the major renovation (including printing and postage of agendas and minutes) and the costs of preparation and attendance at that meeting (even when it is virtual).
- No evidence that Lot 79 provided a dilapidation report as to the condition of the common property and each Lot that is immediately adjacent to (above, below, or beside) the owner's cost.

Regards,