

**NOTICE OF AN ANNUAL GENERAL MEETING
THE OWNERS - STRATA PLAN 52948**

ADDRESS OF THE STRATA SCHEME:

Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park NSW 2113

DATE, PLACE & TIME OF MEETING: An Annual General Meeting of The Owners - Strata Plan 52948 will be held on **27/10/2022 by Zoom video/audio conference. The meeting will commence at 06:00 PM.**

NOTE: We have arranged for this meeting to be conducted by Zoom video or telephone conference. Following are the connection details to access the meeting by video (for those owners with video and audio on their computer) or by telephone (for those owners that do not have video and audio, or no computer access).

This meeting information will also be sent by email to those owners that have provided an email address, which will allow you to use the hyperlink to directly join the meeting.

We suggest connecting to the meeting 10 minutes before the start time as you may need to download the Zoom software.

Join Zoom Meeting

<https://us06web.zoom.us/j/84224346378?pwd=eGFodTZ4Y0VNWDNCMWRvVzR3ZzR2Zz09>

Meeting ID: 842 2434 6378

Passcode: 321873

One tap mobile

+61280156011,,84224346378# Australia

Dial by your location

+61 2 8015 6011 Australia

Meeting ID: 842 2434 6378

Find your local number: <https://us06web.zoom.us/u/kn5XoyqnD>

AGENDA:

- Record commencement time.
- Record chairperson.
- Record persons present to vote.
- Record proxies and company nominees.
- Record persons in attendance.
- Record apologies.

MOTIONS:

1 MINUTES

That the minutes of the previous general meeting of the owners corporation be confirmed as a true record and account of the proceedings of that meeting.

2 CHAIRPERSON'S REPORT

That the Chairperson's Report be tabled and discussed.

3 FINANCIAL STATEMENTS

That the attached statements of key financial information for the administrative fund and the capital works fund, together with the relevant auditor's report (if adopted at the last annual general meeting) for the period ended 31/08/2022 be adopted. (Note due to the Detailed Expenses Report being 27 pages, a copy of that report has been made available for owners to inspect on the Owners Portal accessible from the Waratah Strata website.)

4 AUDITOR

That an auditor be appointed to audit the accounts and financial statements of the owners corporation.

[Explanatory Note: The owners corporation for a large strata scheme, or a strata scheme for which the annual budget exceeds \$250,000 (as determined by clause 21 of the Strata Schemes Management Regulations 2016) must ensure that the accounts and financial statements of the owners corporation are audited before presentation to the annual general meeting in accordance with section 95 of the Strata Schemes Management Act 2015. It is optional for any other strata scheme.]

5 STRATA COMMITTEE

That the owners corporation:

- (a) Call for nominations for members of the strata committee;
- (b) The candidates for election to the strata committee disclose any connections with the original owner or building manager for the scheme;
- (c) Determine the number of members of the strata committee; and
- (d) Elect the strata committee

[Explanatory Note: The owners corporation is required to have a strata committee. Under clause 8(1)(b) of Schedule 1 of the Strata Schemes Management Act 2015 a notice for a AGM must include a motion to determine the number of strata committee members and to elect the strata committee. The election of the strata committee cannot be decided by pre-electronic voting.]

6 RESTRICTED MATTERS

That in accordance with Schedule 1 clause 6 (a) and 9 (i) of the Strata Schemes Management Act 2015 to decide if any matters or type of matters that are to be determined only by the Owners Corporation in general meeting.

[Explanatory Note: The owners corporation can place restrictions on the strata committee and determine that certain matters or types of matters cannot be decided by the strata committee but must be decided by the owners corporation at a general meeting. This motion is required to be on the agenda for each annual general meeting.]

7 TENANT REPRESENTATIVE

That if a tenant representative is required to be appointed and if a tenant representative has been elected in accordance with Section 7 of the Strata Schemes Management Regulation 2016, that tenant representative be appointed to the Strata Committee.

[Explanatory Note: If at least half of the lots in the strata scheme are tenanted and those tenancies have been notified in a tenancy notice, the tenants may nominate one tenant representative for the strata committee. This motion is a required motion if a tenant has been nominated in accordance with section 33 of the Strata Schemes Management Act 2015.]

8 BUDGET & LEVY CONTRIBUTIONS

- (a) That the statement of estimated receipts and payments (budget) be tabled and, after any amendment, be adopted.

[Explanatory Note: A copy of the summary page of the capital works fund plan (or sinking fund forecast report) is attached to this agenda or will be available at the meeting. Waratah Strata Management has included in the proposed budget the capital works contribution recommended in this plan. Consideration should also be given to the suggested balance of the capital works fund in the plan and the actual balance of the capital works fund. It is a requirement of the Strata Schemes Management Act that so far as practicable the owners corporation is to implement the plan.]

- (b) That contributions to the administrative fund are estimated in accordance with section 79(1) of the Strata Schemes Management Act 2015 and determined in accordance with section 81(1) of the Strata Schemes Management Act 2015 at \$913,000.00 including GST; and

(c) That contributions to the capital works fund are estimated in accordance with section 79(2) of the Strata Schemes Management Act 2015 and determined in accordance with section 81(1) of the Strata Schemes Management Act 2015 at \$357,500.00 including GST; and

(d) That both contributions be paid in equal quarterly instalments, the first such instalment being due on 01/02/2023 and subsequent instalments being due on 01/05/2023, 01/08/2023, 01/11/2023.

(e) That if for any reason the holding of the next Annual General Meeting is delayed so the amount of the levies for the next quarter has not been decided at least 30 days before the due date, then a further quarter of levies will be issued at the same amounts as the previous quarter.

9 INSURANCES

(a) That the owners corporations insurances as listed in the annexures to the agenda of the meeting be confirmed, varied or extended.

(b) That in accordance with section 165 (2) of the Strata Schemes Management Act 2015 additional insurances be taken out as follows:

- (a) Office Bearers Liability
- (b) Fidelity Guarantee
- (c) Catastrophe
- (d) Government Audit Costs
- (e) Workplace Health & Safety Breaches
- (f) Legal Defence Expenses
- (g) Lot Owners Fixtures & Improvements
- (h) Any other insurance

(c) That three quotations for all items of insurance required under the Strata Schemes Management Act 2015 are to be obtained and the function of accepting and executing an appropriate quotation is delegated to the strata managing agent on instruction of the strata committee.

(d) That the strata managing agent is required to obtain an insurance valuation each three years (or as otherwise directed by the Strata Committee) from an appropriately qualified valuer.

10 STRATA MANAGEMENT COMMISSION

That in accordance with Schedule 1, 9(g) of the Strata Schemes Management Act 2015 the report (as listed in the attached notes) by the agent as to the commissions or training services that have been provided or paid for or are likely to be provided or paid for the agent for the following 12 months be received.

11 ANNUAL FIRE SAFETY STATEMENT

That the Owners Corporation consider the annual fire safety statement and to make arrangements for obtaining the next annual fire statement.

[Explanatory Note: If an annual fire safety statement is required for the building under the Environmental Planning and Assessment Act 1979, the owners corporation is required to consider it at each annual general meeting and to make arrangements for obtaining the next annual fire safety statement in accordance with clause 6(c) of Schedule 1 of the Strata Schemes Management Act 2015. It is recommended to use an independent certifier.]

12 APPOINTMENT OF STRATA MANAGING AGENT

That **Waratah Strata Management** (herein called 'the Agent') be appointed as the Managing Agent of the Owners Corporation in Strata Plan No.52948 and that any two owners or Strata Committee members be authorised to sign the Management Agreement tabled at the Meeting on behalf of the Owners Corporation and further to attest the affixing of the common seal on that agreement, which agreement incorporates instruments pursuant to section 49(1) of the Strata Schemes Management Act 2015 appointing the Agent and delegating all the functions of the Owners Corporation and its Strata Committee and the Chairman, Secretary and Treasurer of the Strata Committee and of the

Owners Corporation, other than the power to do anything referred to in section 52(2) of the Act.

[Explanatory Note: Section 50 of the Strata Schemes Management Act 2015 restricts management agreements to a maximum term of 3 years from the date of appointment and requires the owners corporation to be notified at least 3 months before the end of the agreement. The proposed agreement is for 3 years to allow the agreement to be discussed and renewed at every third Annual General Meeting. A copy of the management agreement will be tabled at the meeting or is able to be provided by email upon request.]

Changes have been made to the previous agreement from October 2022:

- Hourly Rates have increased due to increased wages, superannuation, compliance requirements and general cost increases. Hourly rates are lower than or in line with industry standards.
- After Hours Meetings - Strata Managers are expected to be available from 9.00am to 5.00pm and then attend meetings from 6.00pm to 8.00pm or later. After hours meetings can still be held when required, but will be at additional hourly rate charge.
- General charges have been increased in line with hourly rates.
- Additional charges have been added for:
 - Liaising with debt recovery solicitors - \$66.00 per month, charged to lot owner
 - Preparing records for auditor - \$220.00
 - Creating Term Deposit or At Call account - \$49.50
 - Maintaining NSW Government Strata Hub records - \$27.50 per quarter hour
 - Attending to Swimming Pool Compliance - \$110.00
 - Providing online invoice approval - \$11.00 per month
 - Excessive correspondence - \$49.50 per quarter hour (Where an excessive number of emails or telephone calls (based on the number of lots in the scheme) are received from lot owners, the committee or during a major project, additional charges may apply, following prior notification to the committee.)
- Annual Fire Safety Statement Fee has been increased to \$550.00 per annum due to increased compliance work required due to changes in fire legislation.

13 RECORD OF EXERCISE OF FUNCTIONS

That the records from the strata manager specifying the functions exercised and the manner in which they were exercised be considered. (Note due to the Delegated Functions Report being 28 pages, a copy of that report has been made available for owners to inspect on the Owners Portal accessible from the Waratah Strata website.)

[Explanatory Note: Section 55 of the Strata Schemes Management Act 2015 provides that if a strata managing agent who exercises a function of the owners corporation or of an officer of the owners corporation must, immediately after its exercise, make a record specifying the function and the manner in which it was exercised. The strata managing agent must give a copy of the records kept for the preceding 12 months to the owners corporation at least once each year.]

14 RENOVATIONS BY-LAW AMENDMENT - SPECIAL RESOLUTION

THAT The Owners - Strata Plan 52948 resolves by SPECIAL RESOLUTION to amend and replace By-Law 13 - Cosmetic Works, Minor Renovations and Major Renovations pursuant to Sections 108, 136, 141, 142 and 143 of the Strata Schemes Management Act 2015 (NSW) with the following By-Law:

Special By-Law [x] Cosmetic works, minor renovations and major renovations

(Resolution passed xxxx.)

1. This by-law is made for the purposes of governing the carrying out of Works to a lot and/or the common property.
2. For the purpose of this By-law, 'Works' means the additions, replacements and alterations undertaken by the Owner (at the Owner's cost and to remain that Owner's fixtures) to their lot and the common property.
3. **Cosmetic Works - approval of owners corporation not required**

"Cosmetic Works" means any works that are not 'Minor Renovations' and not 'Major Renovations' and that do not require approval of the Owners Corporation and it includes, but it is not limited to work for the following purposes:

- (a) installing or replacing hooks, nails or screws for hanging paintings and other things on walls,
- (b) installing or replacing handrails,

- (c) painting,
 - (d) filling minor holes and cracks in internal walls,
 - (e) laying carpet,
 - (f) installing or replacing built-in wardrobes,
 - (g) installing or replacing internal blinds and curtains.
4. Each Owner has the right under s 109 to undertake 'Cosmetic Works', however the Owner must not do anything on the lot or common property that is likely to affect the operation of fire safety devices in the lot or to reduce the level of fire safety in the lots or common property.

5. Minor Renovations - approval by strata committee required

Each Owner has the right to undertake "**Minor Renovations**", subject to the conditions set in this By-Law and limited to the following works:

- (a) Renovating and or replacing a kitchen, a bathroom or a laundry (not including any waterproofing works including the replacement of waterproofing membranes);
 - (b) Changing recessed light fittings and / or other types of light fittings;
 - (c) Installing or replacing wood or other hard floors (not including the installation of 'floating floorboards' or alike material in bedrooms or bathrooms), subject to the terms of any existing flooring works by-law(s);
 - (d) Installing or replacing wiring or cabling or power or access points;
 - (e) Installing or replacing garage door motors;
 - (f) Work involving reconfiguring walls (not including load-bearing walls or any structural works);
 - (g) Installing a reverse cycle split system air conditioner (not affecting the external appearance of the building);
 - (h) Installing a solar photovoltaic system or solar hot water system;
 - (i) Installing a heat pump;
 - (j) Installing ceiling insulation;
 - (k) Installing double or triple glazed windows (that are in keeping with the external appearance of the lot);
 - (l) Installing or replacing venting to carry exhaust air outside from items such as:
 - (i) a range hood,
 - (ii) oven,
 - (iii) shower,
 - (iv) clothes dryer,
 - (v) gas heater, or
 - (vi) similar appliance.
6. Pursuant to section 110(6)(b) of the *Strata Schemes Management Act 2015* the Owners Corporation delegates its authority to the Strata Committee to decide whether to approve the Minor Renovations outlined in this by-law.
7. Where any works covered under clauses 3, 5 or 9 of this by-law were undertaken by an Owner before this by-law was made then any provision of this by-law concerning repair and maintenance and liability and indemnity will also apply to those works.
8. To the extent of any inconsistency with previous by-laws, this by-law prevails.

9. Major Renovations - approval by the Owners Corporation required

"**Major Renovations**" means all of and not limited to the following:

- (a) Work involving structural changes such as the removal of the whole or part of a load-bearing wall, or the installation of structural support beams;

- (b) Work that changes the external appearance of a lot, including the installation of an external access ramp, awning, shutters, pergola or verghola or installation of a new window or door in a boundary wall of the lot;
 - (c) Waterproofing works to the bathroom, kitchen and/or laundry within a lot which includes the laying of a new waterproofing membrane;
 - (d) Waterproofing works to the external balconies and courtyards within a lot;
 - (e) The installation of a ducted air conditioning system;
 - (f) Work for which consent or another approval is required under any other Act such as development consent of the local council under the *Environmental Planning & Assessment Act 1979*.
10. An Owner must not undertake "Major Renovations" or "Minor Renovations" without providing the Strata Committee with:
- (a) a signed application form including the documents referred to in clause 12(b)(iii) applicable to the Owner's Minor or Major Renovations; and
 - (b) the Owner's written consent to be bound by the terms of this by-law in the form annexed to this by-law and marked "A".

If approval is granted the Minor Renovations or Major Renovations works must comply with the conditions set out in this by-law.

11. The Owners Corporation is obliged to convene an Extraordinary General Meeting to determine whether the Major Renovations may proceed, and the Major Renovations are required to be passed by special resolution at a general meeting of the Owners Corporation, and the schedule of Major Renovations at Annexure B shall be updated on the Certificate of Title to authorise the carrying out of the Major Renovations.

CONDITIONS

12. "Minor Renovations" and "Major Renovations" are subject to the following Conditions:

Before undertaking the works

- (a) The Owner must notify the Owners Corporation at least 21 days before undertaking the works and obtain the prior written approval for the works from -
 - (i) the Strata Committee of the Owners Corporation; and
 - (ii) the relevant consent authority under the *Environmental Planning and Assessment Act 1979* (if required); and
 - (iii) any other relevant statutory authority whose requirements apply to undertaking the works.
- (b) The Owners must submit to the Owners Corporation the following documents relating to undertaking the Minor or Major Renovations prior to obtaining written approval from the Strata Committee:
 - (i) a document indicating the proposed start and end dates (which upon approval and prior to commencement of the works must be confirmed with the Strata Committee or its appointed nominee);
 - (ii) a document including the full name and contact details of the person appointed to project manage the works;
 - (iii) a document showing that a design engineer has prepared a regulated design and uploaded to the NSW Planning Portal to evidence compliance with the Design and Building Practitioners Regulations 2021 (if required);
 - (iv) documents relating to undertaking the works:
 - A. plans and drawings/ diagrams;
 - B. specifications of work (including product brochures, if available);
 - C. if the works involve the replacement or removal of any wall or walls, then a report from a licensed structural engineer and certification that the removal of the wall or walls shall not undermine the structural integrity of the building;
 - D. documents evidencing warranties, contractors' licences & insurances, reports & certifications of

relevant building professionals, and the like;

- E. any other documents reasonably required by the Strata Committee (including, but not limited to a by-law duly drafted by a specialised legal practitioner).
- (c) The Owner must ensure that any party carrying out the works effects and maintains contractors all works insurance, workers compensation insurance and public liability insurance in the amount of \$10,000,000 and any other insurance required by law and provides certificates of currency evidencing the insurance on request by the Owners Corporation.
- (d) The Owner must ensure that the works undertaken comply with the standards as set out in the Building Code of Australia (BCA) current at the time the works are undertaken.
- (e) An Owner installing or replacing wood or other hard floors must ensure that the works include the installation of a good quality acoustic underlay sufficient to prevent the transmission of noise to adjoining units.

Payment of Bond

- (f) If required by the Owners Corporation, the Owner must provide a bond to the Owners Corporation via the Strata Managing Agent prior to commencing the works. The bond is for the purposes of ensuring that any minor damage to the common property doors, walls, tiles, flooring and any other common property may be rectified in a timely manner.
- (g) The amount of the bond referred payable by the Owner is to be paid in accordance with the following table:

Total cost of works	Amount of bond payable
Less than \$20,000	\$1,000
Greater than or equal to \$20,000	\$5,000

- (h) In the event the Owners Corporation decides to direct that bond money is due and payable to rectify damage to common property, then the following process shall apply:
 - (i) The Owners Corporation shall give written notice to the Owner regarding the damage to common property.
 - (ii) The Owner has ten (10) business days to rectify the damage to the satisfaction of the Owners Corporation, and to supply all evidence requested by the Owners Corporation regarding rectification of the damage.
 - (iii) In the event that the works referred to in clause ii. above are not completed to the satisfaction of the Owners Corporation, the Owners Corporation may, subject to sections 120 and 122 of the *Strata Schemes Management Act 2015*, rectify the damage to common property and deduct the reasonable costs of same from the bond amount.
 - (iv) In the event the costs of rectifying the damage to the common property exceed the bond amount, the difference shall be recoverable pursuant to the Liability and Indemnity clauses contained in this by-law.

Carrying out the works

- (i) In carrying out the works, the Owner must:
 - (i) transport all construction materials, equipment, debris and other material, in the manner reasonably directed by the Strata Committee or its appointed nominee;
 - (ii) protect all areas of the building outside their lot from damage by undertaking the works or the transportation of construction materials, equipment, debris;
 - (iii) keep all areas of the building outside their lot clean and tidy throughout the performance of the works;
 - (iv) ensure security of the building by not causing the front security door to be fixed open for an unreasonable period of time;
 - (v) only undertake works at the times approved by the Strata Committee and in accordance with Council restrictions;

- (vi) not create noise that causes unreasonable discomfort, disturbance or interference with the activities of any other occupier of the building; and
- (vii) remove all debris resulting from undertaking the works immediately from the building in the manner reasonably directed by the Strata Committee or its appointed nominee.
- (j) The Owner must ensure that the works shall be done:
 - (i) in a proper and workmanlike manner and by duly licensed contractors; and
 - (ii) in accordance with the drawings and specifications approved by the local council and the Strata Committee.

After completing the works

- (k) The Owner must notify the Owners Corporation that the works have been completed.
- (l) Where required by the Owners Corporation, the Owner must provide the Owners Corporation with:
 - (i) a certification by a structural engineer appointed by the Owners Corporation at the Owner's cost as to the structural integrity of the building; and
 - (ii) if the works involved waterproofing works, a waterproofing certificate by a Master Plumber or Certifier to evidence that the waterproofing has been applied in accordance with industry best practice and AS/NZS standards;
 - (iii) if the works involved the installation of a ducted or reverse cycle split system air conditioner, the owner must provide to the Owners Corporation a report from a qualified technician certifying that, upon inspection, the air conditioning and its associated condenser, pipes and conduit does not:
 - A. reduce the fire resistance level of any wall, or
 - B. produces noise that exceeds the dB(A) allowed under the Protection of the *Environment Operations Act 1997* (POEO Act) and (d) meets the energy consumption standards as prescribed under the relevant AS Standards.
 - (iv) if the works involved the installation or replacement of wood or other hard flooring, the Owner must provide to the Owners Corporation a report from an acoustic engineer of suitable expertise which certifies that the acoustic engineer has inspected the new flooring installations which form part of the works and those new flooring installations now achieve the anticipated performance standards that is expected of works carried out in accordance with clause 12(e) of this by-law.
 - (v) a certification from a Principal Certifying Authority under the *Environmental and Planning Assessment Act 1979* evidencing approval and sign-off of the relevant Building Certificates and Town Planning Approval.
 - (vi) any other document reasonably required by the Strata Committee in relation to the works undertaken by the Owner.

Repair and Maintenance

- 13. The Owner must, at the Owner's cost:
 - (a) properly maintain and keep the common property to which the works are erected or attached in a state of good and serviceable repair; and
 - (b) properly maintain and keep the works in a state of good and serviceable repair and must replace the works (or any part of them) as required from time to time.
- 14. If the Owner removes the works or any part of the works undertaken under this by-law, the Owner must at the Owner's own cost, restore and reinstate the common property to its original condition.
- 15. If an Owner installs a solar photovoltaic system, a solar hot water system, an external air-conditioning unit or any other fixture to the common property roof, the Owner is responsible for the removal and reinstatement of same in the event the Owners Corporation deems such removal is necessary for the purpose of repairing and maintaining the common property roof.

Liability and Indemnity

- 16. The Owner indemnifies the Owners Corporation against:

- (a) any legal liability, loss, claim or proceedings in respect of any injury, loss or damage to the common property, to other property or person to the extent that such injury, loss or damage arises from or in relation to the works;
 - (b) any amount payable by way of increased insurance premiums by the Owners Corporation as a direct result of the works;
 - (c) any amount payable by way of increased fire safety compliance or local authority requirements as a direct result of the works; and
 - (d) liability under section 122(6) of the *Strata Schemes Management Act 2015* in respect of repair of the common property attached to the works.
17. Any loss and damage suffered by the Owners Corporation as a result of undertaking the works may be recovered from the Owner as a debt due to the Owners Corporation on written demand or at the direction of the Owners Corporation and, if not paid at the end of one (1) month from the date on which it is due, will bear until paid, interest at the rate of 10% per annum until the loss and damage is made good.
18. To the extent that section 106(3) of the *Strata Schemes Management Act 2015* is applicable, the Owners Corporation determines it is inappropriate for the Owners Corporation to maintain, renew, replace or repair the works proposed under this by-law, such works being the responsibility of the Owner pursuant to the Repair and Maintenance clauses of this by-law.
19. The Owner agrees to bear the Owner's Corporation's reasonable legal costs of the registration of the addendum to the Major Renovations works (\$500 + GST) and also agrees to bear the Strata Managing Agent'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. These costs shall be incurred unless the Major Renovation approval can be included in the agenda for the Owners Corporation's AGM.

Breach and Remedy

20. In the event an owner breaches this by-law, the Owners Corporation may:
- (a) pursuant to section 120(2) of the *Strata Schemes Management Act 2015*, take action against the Owner to replace the works or reinstate the common property affected by the works to its original condition.
 - (b) pursuant to section 120(5) of the *Strata Schemes Management Act 2015*, recover the costs incurred in carrying out the replacement or reinstatement works from the Owner as a debt.

Annexure "A" to Special by-law [x] - Cosmetic Works, Minor Renovations and Major Renovations Strata Scheme xxxx

Consent to Exclusive use and Special Privilege By-Law

TO: The Secretary The Owners - Strata Plan No. xxxx

AND: The Registrar General
Land Registry Services NSW
Queens Square Sydney NSW 2000

I/We _____, being the owner(s) of Lot ____ in Strata Plan No. xxxx HEREBY CONSENT and agree to be bound by the terms and conditions of Special by-law [x] - Cosmetic Works, Minor Renovations and Major Renovations conferring special privileges on owners that has been passed by Special Resolution of all owners and registered on the common property Certificate of Title.

Dated: _____

Signature(s) of Lot Owner(s)

Name(s) of Lot Owner(s)

Lot No. ____

Renovation Application Special By-Law for Cosmetic, Minor and Major Renovations

Owners seeking to undertake renovations to their lots are required to comply with the Special By-Law for Cosmetic, Minor and Major Renovations (Renovations By-Law) and the following procedures:

1. Lot owners are required to provide details of the proposed Minor & Major renovations by completing the following Application Form and submitting it with the required supporting documents to The Strata Manager at least 21 days before undertaking any work.
2. Cosmetic renovations do not require strata approval, so you are free to proceed with those works without approval unless Minor or Major renovations also form part of your renovations.
3. The completed Application Form and supporting documents will then be circulated to the Strata Committee for review.
4. You will be advised if any further information is required to be provided.
5. You will be advised if approval has been provided in accordance with the Renovations By-Law.
6. Should a specific by-law be required (for works outside the scope of the Renovations By-Law) you will be asked to have one drafted, ideally by a strata specialist lawyer, which will then need to be submitted to a general meeting of the Owners Corporation.

No work may commence without the written approval of the Owners Corporation and non-compliance may result in penalties being applicable.

Other documentation that may be required:

Subject to the nature of the works you may also be asked to submit an Engineers Report, a Dilapidation Report or further detailed drawings, plans etc.

Should the works also require Council approval, a Development Approval (DA) or Complying Development Certificate (CDC) would need to be obtained from Council and a copy provided to the Owners Corporation. Please check with your local council to see if your proposed works fall into this category. Please note your works may be approved by Council and not by the Owners Corporation or vice versa. Works cannot commence until all require approvals have been obtained.

Hard Flooring

Should your application include to install hard flooring, please check whether there is a specific hard flooring by-law for your strata plan. These applications will then be dealt with either under the Hard Flooring By-Law or as a Minor Renovation under the Renovations By-Law.

Should you proceed to install hard-flooring you are encouraged to use the highest grade of underlay/sound insulation available (if not defined in the by-laws) to minimise the risk of any breaches of by-laws in relation to causing noise disturbance to other residents. You should be aiming to install flooring that creates no more noise to adjoining residents than would a good quality carpet and

underlay. Please ensure that you independently check the quality of the underlay being proposed by your flooring installer as they frequently quote for the lowest cost rather than the highest quality. If noise complaints are received from adjoining residents you may be required to remove the timber flooring or install additional carpets, mats, runners, etc.

**Application & Indemnity Form
Minor & Major Renovations**

Owners Names

Property Address

Postal Address (if different from above)

Email Address

Phone Numbers

For Minor and Major Renovations, the following documents should be provided with the completed application form (please refer to Renovations By-Law for further detail on items required):

Plans, drawings, specifications and product brochures

Project Manager & Contractors documents, including copy of insurances, licensing etc.

Program of works including proposed start and end dates

Program of any noisy works including demolition, wall removal, tile removal, etc.

List of any works that will be visible from outside of the lot such as changes to walls/doors, pipes, cables, ducts

Payment of Security Deposit - \$1,000 if works under \$20,000 or \$5,000 if works \$20,000 or greater

Structural Engineers Report (if works include removal and/or replacement of load-bearing walls)

Dilapidation Report (if required by the strata committee)

Copy of Home Owners Warranty Insurance Policy (if works exceed \$20,000)

Copy of Development Approval or Complying Development Certificate (if required by Council)

Declaration:

1. I/We lodge this application in accordance with the terms and conditions of the Cosmetic Works, Minor Renovations and Major Renovations By-Law (Renovations By-Law) and agree to those terms and conditions.
2. I/We certify that the details provided in this application are to the best of my/our knowledge correct.
3. I/We agree to pay the Application Fee of \$120 + GST (allowance of 1 hour) for The Strata

Manager to review this application, research by-laws and obtain instructions from the Strata Committee. That this amount will be charged directly to my strata levy account and that additional charges may apply if further time is required.

4. I/We agree that should permission be given by the Owners Corporation to proceed with the Major Renovations then the attached 'Consent Form' (Annexure A to Special by-law [x]) will be signed and returned to the Strata Manager prior to the commencement of works.
5. I/We confirm that the works will be carried out in accordance with the plans and specifications provided in my application, and that any modifications to the plans and specifications are to be approved by the Owners Corporation.
6. I/We will use the services of appropriately qualified and licensed contractors who are covered by Public Liability insurance of at least \$10 million, as well as Workers Compensation insurance (where required) and will supply this information to the Owners' Corporation.
7. I/We will properly manage, supervise and be responsible for all activities of my/our tradespeople and will ensure they:
 - a. Comply with these conditions.
 - b. Only conduct work during Council permitted hours.
 - c. Notify all residents of the any noisy works that will take place, and the expected duration, at least one week before the commencement of noisy works.
 - d. Will be responsible for the daily cleaning of any dirt or debris left on common property, including the floors, walls, lifts, carparks, driveways, etc.
 - e. Will not store building materials or rubbish on common property at any time.
 - f. That all rubbish will be removed from the property and the common property waste bins will not be used under any circumstances.
 - g. Will not obstruct common property (inside or out) at any time and will ensure the safety of residents and the site throughout the project.
8. I/We will be personally responsible for any damage to common property as a result of these works and acknowledge that any damage to common property will be dealt with in accordance to Clause 12(h) of the Renovations By-Law.
9. I/We agree that a representative of the Owners Corporation has the right to inspect the work at any time with one day's notice.
10. Following completion of the works, I/We will provide written notice to the Strata Manager / Owners Corporation that the works have been completed.
11. When requested by the Owners Corporation at any time following completion of the works, I/We will provide the following documents:
 - a. a certification by a structural engineer appointed by the Owners Corporation at the Owner's cost as to the structural integrity of the building;
 - b. if the works involved waterproofing works, a waterproofing certificate by a Master Plumber or Certifier to evidence that the waterproofing has been applied in accordance with industry best practice and AS/NZS standards;
 - c. if the works involved the installation of a ducted or reverse cycle split system air conditioner, the owner must provide to the Owners Corporation a report from a qualified technician certifying that, upon inspection, the air conditioning and its associated condenser, pipes and conduit does not:
 - (i) reduce the fire resistance level of any wall, or
 - (ii) produces noise that exceeds the dB(A) allowed under the Protection of the *Environment Operations Act 1997* (POEO Act) and (d) meets the energy consumption standards as prescribed under the relevant AS Standards;
 - d. if the works involved the installation or replacement of wood or other hard flooring, the Owner must provide to the Owners Corporation a report from an acoustic engineer of suitable expertise which certifies that the acoustic engineer has inspected the new flooring installations which form part of the works and those new flooring installations now achieve the anticipated performance standards that is expected of works carried out in accordance with clause 12(e) of this by-law;

Accordingly, It has been recommended to make certain amendments to this By-Law so that your Owners Corporation can continue to determine certain renovation applications without concern of an adverse NCAT decision in the future.

The amendments to the By-Law relate only to the Major Renovations component of the By-Law.

Clauses 9-12 of the By-Law have been amended so as to require any lot owner wishing to carry out a Major Renovation to first have their approval confirmed by special resolution at an EGM or AGM, and to have a description of the Major Renovations and their lot number recorded on a table attached at Annexure B of the By-Law, to be updated on the Certificate of Title with each new Major Renovation that is approved.

In respect of Major Renovations that have already been approved under the current version of this By-Law, no retrospective action is required to be undertaken, however the table at Annexure B shall be updated to reflect those approvals, so as to create an accurate schedule of all Major Renovations that have been approved.

The amendments to this By-Law have been drafted and approved by Strata Title Lawyers.

15 COUNCIL FIRE ORDER

That the current status of the Council Fire Order and the works being carried out by Core Fire Engineers be discussed and decisions made as required.

16 MOTIONS REQUISITIONED BY LOT 158

That the attached motions requisitioned by the owners of Lot 158 be tabled and discussed.

17 ADMINISTRATION & MAINTENANCE (Repairs Discussed)

Date of this notice: 07 October 2022

NOTES:

Please contact Waratah Strata Management Pty Ltd on 9114 9599 or enquiry@waratahstrata.com.au if you have any questions about this notice.

Attending the Meeting or Voting by Proxy

You should bring this notice with you to the meeting. If you cannot attend the meeting and you wish to cast a vote, please complete the enclosed proxy form and return it to our office at least 24 hours before the commencement of the meeting.

A proxy given to a caretaker, on-site residential manager or strata managing agent is invalid if it would obtain or assist in obtaining a pecuniary interest for, or confer or assist in conferring any other material benefit on, the proxy.

Voting at the Meeting

You can exercise your voting rights at the meeting in person or by proxy. If you are a corporation your voting rights can only be exercised by your company nominee in person or by the company's proxy.

You, your company nominee or any person having authority to vote in respect of you cannot vote on a motion (other than a motion requiring a unanimous resolution) unless the following amounts have been paid before the meeting:

- all contributions levied by the owners' corporation that are payable at the date of this notice; and
- any other money that is recoverable by the owners corporation from you at the date of this notice

If you are an owner, your vote does not count if a priority vote is cast on the same motion (where the lot owner has been given at least 2 days written notice of intention to exercise the priority vote) by:

- the mortgagee shown on the strata roll for your lot;
- the covenant chargee shown on the strata roll for your lot; or
- in the case of multiple mortgagees or covenant chargees - the priority mortgagee or chargee shown on the strata roll for your lot.

Resolutions

For voting purposes:

- an ordinary resolution is passed if the majority of votes are cast in favour of it;
- a special resolution is passed if not more than 25% of the votes cast (based on unit entitlement of the voter) are cast against it
- a unanimous resolution is passed if no vote is cast against it

Quorum

For a valid meeting 25% of owners who are financial must be present either in person or by proxy.

Note that the minimum number for a valid meeting is two persons who are financial. This applies to those schemes where 25% of owners is fewer than two persons.

If no quorum is present within half an hour of commencement of the meeting, the chairperson must adjourn the meeting for at least 7 days or declare those that are present in person or by proxy constitute a quorum and may proceed with the business of the meeting.

Secret Ballot

Voting on a motion or for an election may be carried out by secret ballot if the Strata Committee or at least 25% of those entitled to vote agree that the motion or matter is to be by secret ballot.

Current Owners Corporation Insurance Details

Policy No.06S3320703
Strata Unit Underwriters
Type : Building
Broker : Body Corporate Brokers

Premium : \$161,569.59 Paid on : 26/09/2022 Start : 21/09/2022 Next due : 21/09/2023

Cover	Sum Insured	Excess
Building	\$146,550,000.00	\$0.00
Loss of Rent/Temp Accom	\$43,965,000.00	\$0.00
Catastrophe	\$21,982,500.00	\$0.00
Public Liability	\$50,000,000.00	\$0.00
Fidelity Guarantee	\$100,000.00	\$0.00
Office Bearers Liability	\$10,000,000.00	\$0.00
Personal Accident Voluntary Workers	200000/2000	\$0.00
Government Audit Costs	\$25,000.00	\$0.00
Legal Defence Expenses	\$50,000.00	\$0.00
Workplace Health & Safety Breaches	\$100,000.00	\$0.00
Machinery Breakdown	\$200,000.00	\$0.00
Lot Owners' Fixtures & Improvements	\$250,000.00	\$0.00

Office bearers liability insurance provides cover for losses arising from alleged wrongful acts or omissions of the strata committee, committed or omitted in good faith in the course of carrying out their duties as a committee. It is not compulsory, however it is a requirement under clause 9(c) of Schedule 1 of the Strata Schemes Management Act 2015 for the owners corporation to decide whether to take this type of insurance out at each Annual General Meeting.

Fidelity guarantee insurance provides cover for losses arising from misappropriation of money or other property of the owners corporation by a member of the owners corporation. It is not compulsory, however it is a requirement under clause 9(c) of Schedule 1 of the Strata Schemes Management Act 2015 for the owners corporation to decide whether to take this type of insurance out at each Annual General Meeting.

Managing Agent Commissions and Training Services

The managing agent reports that insurance commission in the amount of \$6,541.55 has been received and that insurance commission of a similar amount, subject to any variation in the amount of insurance premium paid, will be received in the following 12 months. No other commissions or training services have been received during the last 12 months or are likely to be received in the following 12 months.

The Agent is an authorised representative of:

- (a) CHU Underwriting Agencies Pty Ltd
- (b) Strata Unit Underwriting Pty Ltd
- (c) Strata Community Insurance
- (d) Finn Foster & Associates (Broker)
- (e) Austbrokers Sydney Pty Ltd (Broker)
- (f) Whitbread Insurance Brokers
- (g) Driessen Insurance Brokers
- (h) Honan Insurance Group (Broker)
- (i) CRM Brokers
- (j) BCB Brokers

The Agent is qualified to give general advice and information about insurance, not personal advice. If the owners' corporation requires specialist insurance advice, the Agent can refer the owners' corporation to an insurance advisor. If the Agent recommends that your building insurance should be placed with the Insurers, the owners' corporation acknowledges and agrees that the recommendation is general advice (not personal advice). The owners' corporation should read the Product Disclosure Statement before making a decision to purchase that insurance.

Large Schemes (Over 100 lots, excluding utility & parking lots)

The minutes of meetings of large schemes will only be sent to those owners who attend the meeting, those owners who receive minutes by email or those owners who request a copy within 14 days of the meeting. (Sch 1 cl 22(c))

Macquarie Gardens Strata Plan 52948 Chairperson's report October 2022

Personnel

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

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

Implementing requirements of the 2020 fire audit.

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

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

NCAT

The matter of complaints against the strata committee by the owners of Lot 158 were resolved at an NCAT Tribunal meeting which dismissed all claims and awarded costs against the owner. The recovery of strata legal costs is now underway way using an agreed schedule of payments which are progressively being repaid to our insurers from whom we claimed our legal costs.

A second matter which resulted in an NCAT mediation meeting was a claim by an owner regarding water damage. The owner did not have home contents insurance and wanted strata to pay for storm water damage. This matter is still unresolved, and all owners are advised to ensure that they have suitable home contents insurance to cover such matters.

Finances and strata levies

There are several pressures on the budget of the strata. Inflation has hit during the last year and the strata has higher than general inflation costs for some expenses like insurances. In addition, as mentioned above, the strata has an open-ended cost in engaging and finishing the requirements of the fire audit.

At its September meeting, the committee reviewed the proposed budget for 2022-23 from the strata manager included in these meeting papers. It reduces the proportion of next financial year's levies to be allocated to the Capital Works Fund and allocates these funds and the existing surplus in the Administrative Fund to meet the 2022-23 Administrative Fund expenses. This would require no significant change in levies. Not everyone on the committee agreed with this position, including myself, and an increase of up to 5.5% was discussed to maintain a significant surplus in the Administrative Fund to soften future increases in levies caused by expected high inflation and to maintain strong Capital Works funding. The AGM must decide to accept or amend the proposed budget.

Assistance and communication

Committee members, strata manager and property manager all wish to assist residents and owners as issues arise. Please talk over with the relevant personnel any concerns or ideas to enhance our community.

John Gore (Chair)

Balance Sheet
As at 31/08/2022

Strata Plan 52948

Macquarie Gardens, 1-15 Fontenoy Road, Macquarie
Park NSW 2113

	Current period	Previous year
Owners' funds		
Administrative Fund		
Operating Surplus/Deficit--Admin	(34,757.74)	(121,230.00)
Owners Equity--Admin	110,558.69	231,788.69
	<u>75,800.95</u>	<u>110,558.69</u>
Capital Works Fund		
Operating Surplus/Deficit--Capital Works	254,603.98	334,670.12
Owners Equity--Capital Works	1,034,494.18	699,824.06
	<u>1,289,098.16</u>	<u>1,034,494.18</u>
Net owners' funds	<u>\$1,364,899.11</u>	<u>\$1,145,052.87</u>
Represented by:		
Assets		
Administrative Fund		
Cash at Bank--Admin	67,696.83	104,944.01
Receivable--Levies--Admin	15,490.73	17,840.36
Receivable--Owners--Admin	0.00	137.50
	<u>83,187.56</u>	<u>122,921.87</u>
Capital Works Fund		
Cash at Bank--Capital Works	661,530.09	411,051.73
Investments--Capital Works	324,166.09	322,836.01
Investments--Capital Works - No 2 A/C	302,702.66	300,935.90
Receivable--Levies--Capital Works	7,126.02	10,067.39
	<u>1,295,524.86</u>	<u>1,044,891.03</u>
Unallocated Money		
Cash at Bank--Unallocated	698.40	132.60
	<u>698.40</u>	<u>132.60</u>
<i>Total assets</i>	<u>1,379,410.82</u>	<u>1,167,945.50</u>
Less liabilities		
Administrative Fund		
Creditor--GST--Admin	4,934.80	3,013.20
Deposits Received--Damage Bond--Admin	0.00	4,545.45
Prepaid Levies--Admin	2,451.81	4,804.53
	<u>7,386.61</u>	<u>12,363.18</u>
Capital Works Fund		
Creditor--GST--Capital Works	3,505.69	7,733.88
Creditors--Other--Capital Works	1,826.00	0.00
Prepaid Levies--Capital Works	1,095.01	2,662.97
	<u>6,426.70</u>	<u>10,396.85</u>
Unallocated Money		
Prepaid Levies--Unallocated	698.40	132.60
	<u>698.40</u>	<u>132.60</u>

	Current period	Previous year
<i>Total liabilities</i>	14,511.71	22,892.63
Net assets	\$1,364,899.11	\$1,145,052.87

**Income & Expenditure Report
for the financial year
to 31/08/2022**

Strata Plan 52948

Macquarie Gardens, 1-15 Fontenoy Road, Macquarie
Park NSW 2113

Administrative Fund

	Current period	Annual budget	Previous year
	01/09/2021-31/08/2022	01/09/2021-31/08/2022	01/09/2020-31/08/2021
Revenue			
Gas - Additional Service	2,945.40	2,500.00	2,573.52
Insurance Claims	19,758.14	0.00	0.00
Interest on Arrears--Admin	1,272.24	0.00	1,500.86
Key Deposits	362.00	0.00	702.00
Levies Due--Admin	737,506.48	750,000.00	700,000.00
Miscellaneous Income--Admin	4,545.45	0.00	0.00
Status Certificate Fees	1,308.00	0.00	763.00
Strata Roll Inspection Fees	279.00	0.00	155.00
<i>Total revenue</i>	<u>767,976.71</u>	<u>752,500.00</u>	<u>705,694.38</u>
Less expenses			
Admin--Accounting	450.00	600.00	600.00
Admin--Agent Disbursements	13,092.24	13,200.00	12,468.70
Admin--Agent Disburst--Couriers	0.00	0.00	14.46
Admin--Agent Disburst--Other	0.00	0.00	1,881.00
Admin--Agent Disburst--Stationery	34.91	0.00	52.73
Admin--Auditors--Audit Services	1,100.00	1,200.00	1,100.00
Admin--Auditors--Taxation Services	555.00	550.00	550.00
Admin--Bank Charges--Account Fees	0.00	50.00	10.00
Admin--Legal & Debt Collection Fees	8,669.78	10,000.00	25,612.08
Admin--Management Fees--Standard	25,380.38	25,600.00	24,171.90
Admin--Meeting Room Expenses	0.00	500.00	409.09
Admin--Status Certificate Fees Paid	1,308.00	0.00	872.00
Admin--Strata Inspection Fees Paid	248.00	0.00	155.00
Insurance--Premiums	99,132.62	95,000.00	87,404.90
Insurance--Valuation	3,895.45	0.00	0.00
Maint Bldg--Airconditioning	0.00	2,500.00	0.00
Maint Bldg--Building Management	339,741.00	350,000.00	339,249.60
Maint Bldg--Building Management Expenses	9,967.05	10,000.00	7,569.95
Maint Bldg--Ceiling	1,447.00	0.00	1,230.91
Maint Bldg--Cleaning	220.00	0.00	0.00
Maint Bldg--Cleaning--Carpet/Furniture	1,600.00	3,000.00	2,480.00
Maint Bldg--Consultants	0.00	0.00	8,500.00
Maint Bldg--Doors & Windows	10,244.81	10,000.00	12,098.45
Maint Bldg--Electrical	2,825.15	7,500.00	4,003.00
Maint Bldg--Exhaust/Ventilation Systems	983.00	2,000.00	300.00
Maint Bldg--Fire Protection	10,720.82	20,000.00	11,054.50

Administrative Fund

	Current period	Annual budget	Previous year
	01/09/2021-31/08/2022	01/09/2021-31/08/2022	01/09/2020-31/08/2021
Maint Bldg--Floors	370.00	0.00	200.00
Maint Bldg--Garage Door--Remote controls	0.00	0.00	1,054.95
Maint Bldg--Garage Doors	844.04	3,000.00	4,063.02
Maint Bldg--General Repairs	4,755.46	10,000.00	10,484.55
Maint Bldg--Glass	0.00	1,000.00	0.00
Maint Bldg--Gym Equipment	1,505.00	2,000.00	1,485.00
Maint Bldg--Hot Water Service	0.00	5,000.00	3,607.60
Maint Bldg--Hygiene Services	675.12	750.00	675.12
Maint Bldg--Insurance Repairs &/or Excess	6,119.45	10,000.00	15,890.00
Maint Bldg--Intercom	4,003.00	3,000.00	3,220.00
Maint Bldg--Letter Boxes	0.00	0.00	130.00
Maint Bldg--Lift	24,567.36	25,000.00	19,483.10
Maint Bldg--Locks, Keys & Card Keys	353.91	2,000.00	479.53
Maint Bldg--Pest/Vermin Control	1,650.00	3,000.00	3,504.55
Maint Bldg--Plumbing & Drainage	11,299.00	15,000.00	4,091.64
Maint Bldg--Pumps & Water Equipment	360.00	500.00	350.00
Maint Bldg--Roof & Gutters	12,225.00	5,000.00	5,519.55
Maint Bldg--Signs & Notice Boards	200.00	500.00	350.00
Maint Bldg--Telephone Lines	583.05	500.00	583.04
Maint Bldg--Tiling--Floor & Walls	0.00	500.00	0.00
Maint Bldg--TV Antenna & Cables	0.00	500.00	0.00
Maint Bldg--Walls & Ceilings	3,714.54	3,000.00	1,822.73
Maint Grounds--Driveway & Paths	1,195.00	500.00	170.00
Maint Grounds--Fencing--Boundary	436.36	500.00	270.00
Maint Grounds--Irrigation Systems	473.77	1,000.00	74.57
Maint Grounds--Lawns & Gardening	690.00	1,000.00	409.09
Maint Grounds--Paving	1,360.00	500.00	1,160.00
Maint Grounds--Pool	0.00	0.00	1,029.79
Maint Grounds--Pool Cleaning	4,050.09	5,500.00	3,694.24
Maint Grounds--Pool Repairs	736.36	1,000.00	0.00
Maint Grounds--Pool Sauna/Equipment	0.00	1,000.00	370.00
Maint Grounds--Tennis Court	679.09	0.00	380.00
Maint Grounds--Tree Lopping/Removal	3,536.36	5,000.00	5,345.46
Prior Period GST Expense Adjustment-Admin	0.00	0.00	12.38
Reimbursements - Gas Usage	747.24	1,000.00	891.17
Reimbursements - Water Usage	5,014.28	6,000.00	5,460.61
Utility--Electricity	57,939.98	70,000.00	68,831.26
Utility--Gas	25,668.18	27,500.00	25,366.56
Utility--Water & Sewerage	95,367.60	95,000.00	94,676.60
Total expenses	802,734.45	857,450.00	826,924.38
Surplus/Deficit	(34,757.74)	(104,950.00)	(121,230.00)
Opening balance	110,558.69	110,558.69	231,788.69
Closing balance	\$75,800.95	\$5,608.69	\$110,558.69

Capital Works Fund

	Current period 01/09/2021-31/08/2022	Annual budget 01/09/2021-31/08/2022	Previous year 01/09/2020-31/08/2021
Revenue			
Interest on Arrears--Capital Works	661.65	0.00	814.77
Interest on Investments--Capital Works	3,096.84	3,000.00	2,980.05
Levies Due--Capital Works	357,515.92	345,000.00	395,015.44
<i>Total revenue</i>	<u>361,274.41</u>	<u>348,000.00</u>	<u>398,810.26</u>
Less expenses			
Admin--Capital Works Fund Assessment	3,170.00	0.00	0.00
Admin--Income Tax--Capital Works	(1,224.20)	0.00	153.90
As per Capital Works Fund Forecast Report	0.00	246,396.00	0.00
Maint Bldg--Consultants	3,200.00	0.00	0.00
Maint Bldg--Doors, Locks & Windows	2,120.00	0.00	1,775.00
Maint Bldg--Electrical	0.00	0.00	938.00
Maint Bldg--Exhaust/Ventilation Replacement	7,554.55	0.00	0.00
Maint Bldg--Fire Protection	30,403.25	0.00	26,068.05
Maint Bldg--Garage Doors	2,900.00	0.00	3,073.00
Maint Bldg--Gym Equipment	3,903.64	0.00	0.00
Maint Bldg--Hot Water System Replacement	7,516.00	0.00	5,760.21
Maint Bldg--Intercom Installation/Replacement	320.00	0.00	0.00
Maint Bldg--Painting & Surface Finishes	1,305.00	0.00	0.00
Maint Bldg--Plumbing & Drainage	16,744.00	0.00	4,385.00
Maint Bldg--Pump Replacement	1,430.00	0.00	0.00
Maint Bldg--Roof, Gutter & Downpipes	13,276.36	0.00	1,100.00
Maint Bldg--Security Installation/Replacement	0.00	0.00	12,830.00
Maint Bldg--Shower Tray Replacements	1,900.00	0.00	1,100.00
Maint Bldg--TV Antenna & Cables	672.73	0.00	0.00
Maint Bldg--Walls, Floors & Ceilings	1,400.00	0.00	0.00
Maint Grounds--Fencing	0.00	0.00	1,650.00
Maint Grounds--Irrigation Systems	1,551.83	0.00	1,984.25
Maint Grounds--Pool Renovation	8,527.27	0.00	3,322.73
<i>Total expenses</i>	<u>106,670.43</u>	<u>246,396.00</u>	<u>64,140.14</u>
Surplus/Deficit	<u>254,603.98</u>	<u>101,604.00</u>	<u>334,670.12</u>
Opening balance	1,034,494.18	1,034,494.18	699,824.06
Closing balance	<u><u>\$1,289,098.16</u></u>	<u><u>\$1,136,098.18</u></u>	<u><u>\$1,034,494.18</u></u>

**Proposed Budget
to apply from 01/09/2022**

Strata Plan 52948

Macquarie Gardens, 1-15 Fontenoy Road, Macquarie
Park NSW 2113

Administrative Fund			
	Proposed budget	Actual	Previous budget
	01/09/2021-31/08/2022		
Revenue			
Gas - Additional Service	2,900.00	2,945.40	2,500.00
Insurance Claims	0.00	19,758.14	0.00
Interest on Arrears--Admin	0.00	1,272.24	0.00
Key Deposits	0.00	362.00	0.00
Levies Due--Admin	830,000.00	737,506.48	750,000.00
Miscellaneous Income--Admin	0.00	4,545.45	0.00
Status Certificate Fees	0.00	1,308.00	0.00
Strata Roll Inspection Fees	0.00	279.00	0.00
<i>Total revenue</i>	<u>832,900.00</u>	<u>767,976.71</u>	<u>752,500.00</u>
Less expenses			
Admin--Accounting	600.00	450.00	600.00
Admin--Agent Disbursements	13,900.00	13,092.24	13,200.00
Admin--Agent Disburst--Stationery	0.00	34.91	0.00
Admin--Auditors--Audit Services	1,200.00	1,100.00	1,200.00
Admin--Auditors--Taxation Services	600.00	555.00	550.00
Admin--Bank Charges--Account Fees	0.00	0.00	50.00
Admin--Legal & Debt Collection Fees	10,000.00	8,669.78	10,000.00
Admin--Management Fees--Standard	26,900.00	25,380.38	25,600.00
Admin--Meeting Room Expenses	500.00	0.00	500.00
Admin--Status Certificate Fees Paid	0.00	1,308.00	0.00
Admin--Strata Inspection Fees Paid	0.00	248.00	0.00
Insurance--Premiums	149,000.00	99,132.62	95,000.00
Insurance--Valuation	0.00	3,895.45	0.00
Maint Bldg--Airconditioning	2,500.00	0.00	2,500.00
Maint Bldg--Building Management	357,000.00	339,741.00	350,000.00
Maint Bldg--Building Management Expenses	10,000.00	9,967.05	10,000.00
Maint Bldg--Ceiling	1,500.00	1,447.00	0.00
Maint Bldg--Cleaning	0.00	220.00	0.00
Maint Bldg--Cleaning--Carpet/Furniture	3,000.00	1,600.00	3,000.00
Maint Bldg--Cleaning--Pressure Cleaning	2,000.00	0.00	0.00
Maint Bldg--Doors & Windows	10,000.00	10,244.81	10,000.00
Maint Bldg--Electrical	7,500.00	2,825.15	7,500.00
Maint Bldg--Exhaust/Ventilation Systems	2,000.00	983.00	2,000.00
Maint Bldg--Fire Protection	20,000.00	10,720.82	20,000.00
Maint Bldg--Floors	0.00	370.00	0.00
Maint Bldg--Garage Doors	3,000.00	844.04	3,000.00
Maint Bldg--General Repairs	5,000.00	4,755.46	10,000.00

Administrative Fund

	Proposed budget	Actual 01/09/2021-31/08/2022	Previous budget
Maint Bldg--Glass	1,000.00	0.00	1,000.00
Maint Bldg--Gym Equipment	2,000.00	1,505.00	2,000.00
Maint Bldg--Hot Water Service	1,000.00	0.00	5,000.00
Maint Bldg--Hygiene Services	750.00	675.12	750.00
Maint Bldg--Insurance Repairs &/or Excess	5,000.00	6,119.45	10,000.00
Maint Bldg--Intercom	3,000.00	4,003.00	3,000.00
Maint Bldg--Lift	25,000.00	24,567.36	25,000.00
Maint Bldg--Locks, Keys & Card Keys	2,000.00	353.91	2,000.00
Maint Bldg--Pest/Vermin Control	3,000.00	1,650.00	3,000.00
Maint Bldg--Plumbing & Drainage	15,000.00	11,299.00	15,000.00
Maint Bldg--Pumps & Water Equipment	500.00	360.00	500.00
Maint Bldg--Roof & Gutters	5,000.00	12,225.00	5,000.00
Maint Bldg--Signs & Notice Boards	500.00	200.00	500.00
Maint Bldg--Telephone Lines	600.00	583.05	500.00
Maint Bldg--Tiling--Floor & Walls	500.00	0.00	500.00
Maint Bldg--TV Antenna & Cables	500.00	0.00	500.00
Maint Bldg--Walls & Ceilings	3,000.00	3,714.54	3,000.00
Maint Grounds--Driveway & Paths	500.00	1,195.00	500.00
Maint Grounds--Fencing--Boundary	500.00	436.36	500.00
Maint Grounds--Irrigation Systems	1,000.00	473.77	1,000.00
Maint Grounds--Lawns & Gardening	1,000.00	690.00	1,000.00
Maint Grounds--Paving	500.00	1,360.00	500.00
Maint Grounds--Pool Cleaning	5,500.00	4,050.09	5,500.00
Maint Grounds--Pool Repairs	1,000.00	736.36	1,000.00
Maint Grounds--Pool Sauna/Equipment	1,000.00	0.00	1,000.00
Maint Grounds--Tennis Court	0.00	679.09	0.00
Maint Grounds--Tree Lopping/Removal	5,000.00	3,536.36	5,000.00
Reimbursements - Gas Usage	1,000.00	747.24	1,000.00
Reimbursements - Water Usage	6,000.00	5,014.28	6,000.00
Utility--Electricity	60,000.00	57,939.98	70,000.00
Utility--Gas	27,500.00	25,668.18	27,500.00
Utility--Water & Sewerage	95,000.00	95,367.60	95,000.00
Total expenses	900,050.00	802,734.45	857,450.00
Surplus/Deficit	(67,150.00)	(34,757.74)	(104,950.00)
Opening balance	75,800.95	110,558.69	110,558.69
Closing balance	\$8,650.95	\$75,800.95	\$5,608.69
Total units of entitlement	10000		10000
Levy contribution per unit entitlement	\$91.30		\$82.50
Budgeted standard levy revenue	830,000.00		750,000.00
Add GST	83,000.00		75,000.00
Amount to raise in levies including GST	\$913,000.00		\$825,000.00

Capital Works Fund

	Proposed budget	Actual	Previous budget
	01/09/2021-31/08/2022		
Revenue			
Interest on Arrears--Capital Works	0.00	661.65	0.00
Interest on Investments--Capital Works	3,000.00	3,096.84	3,000.00
Levies Due--Capital Works	325,000.00	357,515.92	345,000.00
<i>Total revenue</i>	<u>328,000.00</u>	<u>361,274.41</u>	<u>348,000.00</u>
Less expenses			
Admin--Capital Works Fund Assessment	0.00	3,170.00	0.00
Admin--Income Tax--Capital Works	0.00	(1,224.20)	0.00
As per Capital Works Fund Forecast Report	256,252.00	0.00	246,396.00
Maint Bldg--Consultants	0.00	3,200.00	0.00
Maint Bldg--Doors, Locks & Windows	0.00	2,120.00	0.00
Maint Bldg--Exhaust/Ventilation Replacement	0.00	7,554.55	0.00
Maint Bldg--Fire Protection	0.00	30,403.25	0.00
Maint Bldg--Garage Doors	0.00	2,900.00	0.00
Maint Bldg--Gym Equipment	0.00	3,903.64	0.00
Maint Bldg--Hot Water System Replacement	0.00	7,516.00	0.00
Maint Bldg--Intercom Installation/Replacement	0.00	320.00	0.00
Maint Bldg--Painting & Surface Finishes	0.00	1,305.00	0.00
Maint Bldg--Plumbing & Drainage	0.00	16,744.00	0.00
Maint Bldg--Pump Replacement	0.00	1,430.00	0.00
Maint Bldg--Roof, Gutter & Downpipes	0.00	13,276.36	0.00
Maint Bldg--Shower Tray Replacements	0.00	1,900.00	0.00
Maint Bldg--TV Antenna & Cables	0.00	672.73	0.00
Maint Bldg--Walls, Floors & Ceilings	0.00	1,400.00	0.00
Maint Grounds--Irrigation Systems	0.00	1,551.83	0.00
Maint Grounds--Pool Renovation	0.00	8,527.27	0.00
<i>Total expenses</i>	<u>256,252.00</u>	<u>106,670.43</u>	<u>246,396.00</u>
Surplus/Deficit	<u>71,748.00</u>	<u>254,603.98</u>	<u>101,604.00</u>
Opening balance	1,289,098.16	1,034,494.18	1,034,494.18
Closing balance	<u>\$1,360,846.16</u>	<u>\$1,289,098.16</u>	<u>\$1,136,098.18</u>
Total units of entitlement	10000		10000
Levy contribution per unit entitlement	\$35.75		\$37.95
Budgeted standard levy revenue	325,000.00		345,000.00
Add GST	32,500.00		34,500.00
Amount to raise in levies including GST	<u>\$357,500.00</u>		<u>\$379,500.00</u>

**Proposed Levy Schedule
to apply from 01/09/2022**

Strata Plan 52948

Macquarie Gardens, 1-15 Fontenoy Road, Macquarie
Park NSW 2113

Quarterly levy instalments that would apply to each lot if proposed budgets are accepted by the general meeting:

Lot	Unit	Unit Entitlement	Admin Fund	Capital Works Fund	Quarterly Total	Annual Total
1	1	40.00	913.00	357.50	1,270.50	5,082.00
2	2	41.00	935.85	366.45	1,302.30	5,209.20
3	3	44.00	1,004.30	393.25	1,397.55	5,590.20
4	4	31.00	707.60	277.10	984.70	3,938.80
5	5	44.00	1,004.30	393.25	1,397.55	5,590.20
6	6	41.00	935.85	366.45	1,302.30	5,209.20
7	7	39.00	890.20	348.60	1,238.80	4,955.20
8	8	41.00	935.85	366.45	1,302.30	5,209.20
9	9	44.00	1,004.30	393.25	1,397.55	5,590.20
10	10	44.00	1,004.30	393.25	1,397.55	5,590.20
11	11	44.00	1,004.30	393.25	1,397.55	5,590.20
12	12	39.00	890.20	348.60	1,238.80	4,955.20
13	13	41.00	935.85	366.45	1,302.30	5,209.20
14	14	42.00	958.65	375.40	1,334.05	5,336.20
15	15	46.00	1,049.95	411.15	1,461.10	5,844.40
16	16	46.00	1,049.95	411.15	1,461.10	5,844.40
17	17	45.00	1,027.15	402.20	1,429.35	5,717.40
18	18	41.00	935.85	366.45	1,302.30	5,209.20
19	19	43.00	981.50	384.35	1,365.85	5,463.40
20	20	44.00	1,004.30	393.25	1,397.55	5,590.20
21	21	44.00	1,004.30	393.25	1,397.55	5,590.20
22	22	44.00	1,004.30	393.25	1,397.55	5,590.20
23	23	47.00	1,072.80	420.10	1,492.90	5,971.60
24	24	43.00	981.50	384.35	1,365.85	5,463.40
25	25	44.00	1,004.30	393.25	1,397.55	5,590.20
26	26	45.00	1,027.15	402.20	1,429.35	5,717.40
27	27	45.00	1,027.15	402.20	1,429.35	5,717.40
28	28	46.00	1,049.95	411.15	1,461.10	5,844.40
29	29	46.00	1,049.95	411.15	1,461.10	5,844.40
30	30	44.00	1,004.30	393.25	1,397.55	5,590.20
31	31	46.00	1,049.95	411.15	1,461.10	5,844.40
32	32	47.00	1,072.80	420.10	1,492.90	5,971.60
33	33	52.00	1,186.90	464.75	1,651.65	6,606.60
34	34	48.00	1,095.60	429.00	1,524.60	6,098.40
35	35	51.00	1,164.10	455.85	1,619.95	6,479.80

36	36	46.00	1,049.95	411.15	1,461.10	5,844.40
37	37	50.00	1,141.25	446.90	1,588.15	6,352.60
38	38	51.00	1,164.10	455.85	1,619.95	6,479.80
39	39	52.00	1,186.90	464.75	1,651.65	6,606.60
40	40	53.00	1,209.75	473.70	1,683.45	6,733.80
41	41	53.00	1,209.75	473.70	1,683.45	6,733.80
42	42	50.00	1,141.25	446.90	1,588.15	6,352.60
43	43	54.00	1,232.55	482.65	1,715.20	6,860.80
44	44	55.00	1,255.40	491.60	1,747.00	6,988.00
45	45	59.00	1,346.70	527.35	1,874.05	7,496.20
46	46	59.00	1,346.70	527.35	1,874.05	7,496.20
47	47	58.00	1,323.85	518.40	1,842.25	7,369.00
48	48	54.00	1,232.55	482.65	1,715.20	6,860.80
49	49	43.00	981.50	384.35	1,365.85	5,463.40
50	50	42.00	958.65	375.40	1,334.05	5,336.20
51	51	31.00	707.60	277.10	984.70	3,938.80
52	52	31.00	707.60	277.10	984.70	3,938.80
53	53	43.00	981.50	384.35	1,365.85	5,463.40
54	54	42.00	958.65	375.40	1,334.05	5,336.20
55	55	43.00	981.50	384.35	1,365.85	5,463.40
56	56	42.00	958.65	375.40	1,334.05	5,336.20
57	57	31.00	707.60	277.10	984.70	3,938.80
58	58	31.00	707.60	277.10	984.70	3,938.80
59	59	40.00	913.00	357.50	1,270.50	5,082.00
60	60	41.00	935.85	366.45	1,302.30	5,209.20
61	61	44.00	1,004.30	393.25	1,397.55	5,590.20
62	62	43.00	981.50	384.35	1,365.85	5,463.40
63	63	39.00	890.20	348.60	1,238.80	4,955.20
64	64	39.00	890.20	348.60	1,238.80	4,955.20
65	65	42.00	958.65	375.40	1,334.05	5,336.20
66	66	43.00	981.50	384.35	1,365.85	5,463.40
67	67	46.00	1,049.95	411.15	1,461.10	5,844.40
68	68	45.00	1,027.15	402.20	1,429.35	5,717.40
69	69	41.00	935.85	366.45	1,302.30	5,209.20
70	70	41.00	935.85	366.45	1,302.30	5,209.20
71	71	44.00	1,004.30	393.25	1,397.55	5,590.20
72	72	44.00	1,004.30	393.25	1,397.55	5,590.20
73	73	48.00	1,095.60	429.00	1,524.60	6,098.40
74	74	47.00	1,072.80	420.10	1,492.90	5,971.60
75	75	43.00	981.50	384.35	1,365.85	5,463.40
76	76	43.00	981.50	384.35	1,365.85	5,463.40
77	77	45.00	1,027.15	402.20	1,429.35	5,717.40
78	78	46.00	1,049.95	411.15	1,461.10	5,844.40
79	79	52.00	1,186.90	464.75	1,651.65	6,606.60
80	80	49.00	1,118.45	437.95	1,556.40	6,225.60
81	81	44.00	1,004.30	393.25	1,397.55	5,590.20

82	82	44.00	1,004.30	393.25	1,397.55	5,590.20
83	83	49.00	1,118.45	437.95	1,556.40	6,225.60
84	84	50.00	1,141.25	446.90	1,588.15	6,352.60
85	85	55.00	1,255.40	491.60	1,747.00	6,988.00
86	86	54.00	1,232.55	482.65	1,715.20	6,860.80
87	87	47.00	1,072.80	420.10	1,492.90	5,971.60
88	88	47.00	1,072.80	420.10	1,492.90	5,971.60
89	89	52.00	1,186.90	464.75	1,651.65	6,606.60
90	90	53.00	1,209.75	473.70	1,683.45	6,733.80
91	91	58.00	1,323.85	518.40	1,842.25	7,369.00
92	92	57.00	1,301.05	509.45	1,810.50	7,242.00
93	93	51.00	1,164.10	455.85	1,619.95	6,479.80
94	94	51.00	1,164.10	455.85	1,619.95	6,479.80
95	95	56.00	1,278.20	500.50	1,778.70	7,114.80
96	96	56.00	1,278.20	500.50	1,778.70	7,114.80
98	98	37.00	844.55	330.70	1,175.25	4,701.00
99	99	37.00	844.55	330.70	1,175.25	4,701.00
100	100	37.00	844.55	330.70	1,175.25	4,701.00
101	101	31.00	707.60	277.10	984.70	3,938.80
102	102	37.00	844.55	330.70	1,175.25	4,701.00
103	103	37.00	844.55	330.70	1,175.25	4,701.00
104	104	36.00	821.70	321.75	1,143.45	4,573.80
105	105	38.00	867.35	339.65	1,207.00	4,828.00
106	106	37.00	844.55	330.70	1,175.25	4,701.00
107	107	37.00	844.55	330.70	1,175.25	4,701.00
108	108	37.00	844.55	330.70	1,175.25	4,701.00
109	109	36.00	821.70	321.75	1,143.45	4,573.80
110	110	47.00	1,072.80	420.10	1,492.90	5,971.60
111	111	39.00	890.20	348.60	1,238.80	4,955.20
112	112	38.00	867.35	339.65	1,207.00	4,828.00
113	113	38.00	867.35	339.65	1,207.00	4,828.00
114	114	37.00	844.55	330.70	1,175.25	4,701.00
115	115	47.00	1,072.80	420.10	1,492.90	5,971.60
116	116	49.00	1,118.45	437.95	1,556.40	6,225.60
117	117	41.00	935.85	366.45	1,302.30	5,209.20
118	118	40.00	913.00	357.50	1,270.50	5,082.00
119	119	40.00	913.00	357.50	1,270.50	5,082.00
120	120	38.00	867.35	339.65	1,207.00	4,828.00
121	121	49.00	1,118.45	437.95	1,556.40	6,225.60
122	122	50.00	1,141.25	446.90	1,588.15	6,352.60
123	123	42.00	958.65	375.40	1,334.05	5,336.20
124	124	41.00	935.85	366.45	1,302.30	5,209.20
125	125	41.00	935.85	366.45	1,302.30	5,209.20
126	126	38.00	867.35	339.65	1,207.00	4,828.00
127	127	50.00	1,141.25	446.90	1,588.15	6,352.60
128	128	52.00	1,186.90	464.75	1,651.65	6,606.60

129	129	44.00	1,004.30	393.25	1,397.55	5,590.20
130	130	42.00	958.65	375.40	1,334.05	5,336.20
131	131	42.00	958.65	375.40	1,334.05	5,336.20
132	132	39.00	890.20	348.60	1,238.80	4,955.20
133	133	52.00	1,186.90	464.75	1,651.65	6,606.60
134	134	55.00	1,255.40	491.60	1,747.00	6,988.00
135	135	47.00	1,072.80	420.10	1,492.90	5,971.60
136	136	46.00	1,049.95	411.15	1,461.10	5,844.40
137	137	46.00	1,049.95	411.15	1,461.10	5,844.40
138	138	42.00	958.65	375.40	1,334.05	5,336.20
139	139	55.00	1,255.40	491.60	1,747.00	6,988.00
140	140	57.00	1,301.05	509.45	1,810.50	7,242.00
141	141	48.00	1,095.60	429.00	1,524.60	6,098.40
142	142	47.00	1,072.80	420.10	1,492.90	5,971.60
143	143	47.00	1,072.80	420.10	1,492.90	5,971.60
144	144	44.00	1,004.30	393.25	1,397.55	5,590.20
145	145	57.00	1,301.05	509.45	1,810.50	7,242.00
146	146	36.00	821.70	321.75	1,143.45	4,573.80
147	147	36.00	821.70	321.75	1,143.45	4,573.80
148	148	32.00	730.40	286.00	1,016.40	4,065.60
149	149	32.00	730.40	286.00	1,016.40	4,065.60
150	150	37.00	844.55	330.70	1,175.25	4,701.00
151	151	47.00	1,072.80	420.10	1,492.90	5,971.60
152	152	46.00	1,049.95	411.15	1,461.10	5,844.40
153	153	36.00	821.70	321.75	1,143.45	4,573.80
154	154	30.00	684.75	268.15	952.90	3,811.60
155	155	30.00	684.75	268.15	952.90	3,811.60
156	156	37.00	844.55	330.70	1,175.25	4,701.00
157	157	46.00	1,049.95	411.15	1,461.10	5,844.40
158	158	47.00	1,072.80	420.10	1,492.90	5,971.60
159	159	38.00	867.35	339.65	1,207.00	4,828.00
160	160	42.00	958.65	375.40	1,334.05	5,336.20
161	161	42.00	958.65	375.40	1,334.05	5,336.20
162	162	39.00	890.20	348.60	1,238.80	4,955.20
163	163	47.00	1,072.80	420.10	1,492.90	5,971.60
164	164	49.00	1,118.45	437.95	1,556.40	6,225.60
165	165	39.00	890.20	348.60	1,238.80	4,955.20
166	166	44.00	1,004.30	393.25	1,397.55	5,590.20
167	167	44.00	1,004.30	393.25	1,397.55	5,590.20
168	168	41.00	935.85	366.45	1,302.30	5,209.20
169	169	49.00	1,118.45	437.95	1,556.40	6,225.60
170	170	50.00	1,141.25	446.90	1,588.15	6,352.60
171	171	41.00	935.85	366.45	1,302.30	5,209.20
172	172	46.00	1,049.95	411.15	1,461.10	5,844.40
173	173	46.00	1,049.95	411.15	1,461.10	5,844.40
174	174	42.00	958.65	375.40	1,334.05	5,336.20

175	175	50.00	1,141.25	446.90	1,588.15	6,352.60
176	176	52.00	1,186.90	464.75	1,651.65	6,606.60
177	177	42.00	958.65	375.40	1,334.05	5,336.20
178	178	47.00	1,072.80	420.10	1,492.90	5,971.60
179	179	47.00	1,072.80	420.10	1,492.90	5,971.60
180	180	44.00	1,004.30	393.25	1,397.55	5,590.20
181	181	52.00	1,186.90	464.75	1,651.65	6,606.60
182	182	55.00	1,255.40	491.60	1,747.00	6,988.00
183	183	46.00	1,049.95	411.15	1,461.10	5,844.40
184	184	49.00	1,118.45	437.95	1,556.40	6,225.60
185	185	49.00	1,118.45	437.95	1,556.40	6,225.60
186	186	47.00	1,072.80	420.10	1,492.90	5,971.60
187	187	55.00	1,255.40	491.60	1,747.00	6,988.00
188	188	57.00	1,301.05	509.45	1,810.50	7,242.00
189	189	46.00	1,049.95	411.15	1,461.10	5,844.40
190	190	50.00	1,141.25	446.90	1,588.15	6,352.60
191	191	50.00	1,141.25	446.90	1,588.15	6,352.60
192	192	49.00	1,118.45	437.95	1,556.40	6,225.60
193	193	57.00	1,301.05	509.45	1,810.50	7,242.00
194	194	52.00	1,186.90	464.75	1,651.65	6,606.60
195	195	49.00	1,118.45	437.95	1,556.40	6,225.60
196	196	49.00	1,118.45	437.95	1,556.40	6,225.60
197	197	49.00	1,118.45	437.95	1,556.40	6,225.60
198	198	52.00	1,186.90	464.75	1,651.65	6,606.60
199	199	56.00	1,278.20	500.50	1,778.70	7,114.80
200	200	54.00	1,232.55	482.65	1,715.20	6,860.80
201	201	55.00	1,255.40	491.60	1,747.00	6,988.00
202	202	55.00	1,255.40	491.60	1,747.00	6,988.00
203	203	55.00	1,255.40	491.60	1,747.00	6,988.00
204	204	55.00	1,255.40	491.60	1,747.00	6,988.00
205	205	58.00	1,323.85	518.40	1,842.25	7,369.00
206	206	58.00	1,323.85	518.40	1,842.25	7,369.00
207	207	55.00	1,255.40	491.60	1,747.00	6,988.00
208	208	50.00	1,141.25	446.90	1,588.15	6,352.60
209	209	55.00	1,255.40	491.60	1,747.00	6,988.00
210	210	55.00	1,255.40	491.60	1,747.00	6,988.00
211	211	60.00	1,369.50	536.25	1,905.75	7,623.00
212	212	57.00	1,301.05	509.45	1,810.50	7,242.00
213	213	54.00	1,232.55	482.65	1,715.20	6,860.80
214	214	54.00	1,232.55	482.65	1,715.20	6,860.80
215	215	54.00	1,232.55	482.65	1,715.20	6,860.80
216	216	54.00	1,232.55	482.65	1,715.20	6,860.80
217	217	54.00	1,232.55	482.65	1,715.20	6,860.80
218	218	54.00	1,232.55	482.65	1,715.20	6,860.80
219	219	54.00	1,232.55	482.65	1,715.20	6,860.80
		10,000.00	\$228,252.70	\$89,379.35	\$317,632.05	\$1,270,528.20

Motion: Ratify events of Lot 158 warning Waratah Strata Management and committee members that by failing to ratify Lot 158 Motions at AGM 2017, 2018, 2019, and 2020, they made all previous general meetings and engagement by Solicitor Adrian Mueller void and invalid due to standard legal principle of ratification

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

- On 14 November 2021, committee members and Waratah Strata Management were warned that approving minutes of general meetings in 2020 and 2019 effectively voted against previous general meetings and made all engagement by Solicitor Adrian Mueller void and invalid due to standard legal principle of ratification: the ratification has a retrospective effect, and binds the principal from its date, and not only from the time of the ratification, for the ratification is equivalent to an original authority, according to the maxim, that omnis rati habitio mandata aequiparatur (ratification is equivalent to express command). As a general rule, the principal has the right to elect whether he will adopt the unauthorized act or not. But having once ratified the act, upon a full knowledge of all the material circumstances, the ratification cannot be revoked or recalled, and the principal becomes bound as if he had originally authorized the act. The ratification must be voluntary, deliberate, and intelligent, and the party must know that without it, he would not be bound.
- Partial listing of the Motions that were not approved at AGM 2020:

Ratify events related to NCAT case SC 20/33352.

Ratify events related to Solicitor Adrian Mueller acting on behalf of owners corporation.

Ratify events related to owners corporation refusing to provide detailed responses to O'Brien Criminal & Civil Solicitors.

Ratify events related to owners corporation refusing to attend free mediations at Fair Trading NSW.

Ratify emails sent to Fair Trading NSW and the Police by Waratah Strata Management urging them not to investigate.

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.

Ratify events related to Interpretation Act 1987 (NSW) ("IA") assented on 28 November 2018.

Repeal Special By-Law 11 "Unreasonable Communication" registered on 26 October 2018.

Ratify owners corporation refusal to provide names of employed staff and using unlicensed security guards without disclosure.

Ratify events related to owners corporation refusal to enforce Special By-Law 5 for smoking in the complex and not enforcing fire safety compliance standards.

Ratify events related to owners corporation refusal to prevent illegal use of public land (Lot 202 DP848752) for parking and not informing owners about Ryde Council actions in 2015, 2018 and 2019.

Ratify that committee members failed to refute and respond to official reports of lack of quorums with evidence since AGM 2012.

Ratify non-compliant ballot for EC members at AGM 2017.

Ratify the following events Lot 158 document searches at BCS Strata Management and Waratah Strata Management.

Ratify major events related to gas heating levies.

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

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

Ratify events for Waratah Strata Management data losses due to ransomware attack.

Ratify Australia Post findings that no problems with letter deliveries to Lot 158 existed as implied by Waratah Strata Management in 2017, 2018, 2019, and 2020.

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

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

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.

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.

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

Ratify events related to owners corporation had no official Office Bearers for several months in FY 2018, 2019, and 2020.

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

Ratify events related to 10-Year Capital Works Fund for SP52948.

Ratify frequent changes of staff managing SP52948 at BCS Strata Management and Waratah Strata Management.

Ratify events related to sunroom waterproofing.

Ratify events related Special Resolution 25 at AGM 2016.

Explanatory Notes

Waratah Strata Management is the custodian of all strata files. Lot 158 requested owners be provided with relevant files in 2017, 2018, 2019, 2020, 2021, and 2022.

Motion: Ratify SP52948 Admin Fund balances from 31 January 2017 when Waratah Strata Management took office

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

- On 31 January 2017 when Waratah Strata Management took office from BCS Strata Management inherited positive balance of \$129,704.57.

- Admin Fund had negative balance of \$93,147.13 on 29 April 2022 and \$61,290.46 on 31 July 2022).
- Insurance renewal for strata plan SP52948 was due on 21 September 2020. As of 26 September 2022, details of the insurance renewal were not published for any owner. Waratahstrata website portal still has the old insurance policy and no updates were published for owners for FY 2023.
- Accounting data in every financial year suffers from many errors, which Waratah Strata Management chose to ignore when Lot 158 questioned them. Example for FY 2022 and 2023:

On 31 August 2022 at 18:22 hours, closing balance for FY 2022 in Admin Fund was \$68,149.95.

On 25 September 2022 at 16:20 hours, Admin Fund for period from 1 September 2022 (FY 2023), reported total revenue as \$346,57 whilst total expenses amounted to \$48,997.98, giving closing balance of \$19,498.54. Closing balance for FY 2022 in Admin Fund was \$68,149.95.

On 26 September 2022 at 14:41 hours, Admin Fund for period from 1 September 2022 (FY 2023), reported total revenue as \$346,57 whilst total expenses amounted to \$48,651.41, giving closing balance of \$23,149.54. Closing balance for FY 2022 in Admin Fund was \$71,800.95.

On 26 September 2022 at 17:51 hours, Admin Fund for period from 1 September 2022, reported total revenue as \$346,57 whilst total expenses amounted to \$48,651.41, giving closing balance of \$27,149.54. Closing balance for FY 2022 in Admin Fund was \$71,800.95.

- As of 26 September 2022, strata plan SP52948 did not report any expenses for insurance renewal in Admin Fund (such costs are estimated to be at least \$105,000.00 without GST). Insurance renewal was due on 21 September 2022.
- Waratah Strata Management still refuses to inform owners about insurance claims and work by Solicitor Adrian Mueller. In addition, they refuse to provide access to strata files.
- Current SP52948 Auditors (Economos) were approached four times to correct significant errors in accounting data and they failed to respond:

31 August 2018
1 September 2019
22 December 2019
20 December 2020

- Economos received this request on 20 December 2020 and they ignored it:

As three previous requests have been seemingly ignored, maybe the fourth one will not because it involves legal cases.

NCAT Hearing in case 20/33352 is scheduled in February 2021. It will deal with many allegations of mismanagement, financial misuse, and much more.

It would be appreciated if you would offer assistance to NCAT with simple evidence initially:

Provide copies of UNREDACTED emails that you originally sent to Waratah Strata Management for your Audited reports for strata plan SP52948 in 2018, 2019, and 2020. The copies should be sent to ccdsydney@ncat.nsw.gov.au

Audit requirements are prescribed by the Strata Schemes Management Act and Regulation – large schemes and those with a budget exceeding \$250k (budget defined under regulations).

STRATA SCHEMES MANAGEMENT ACT 2015 – SECT 95
STRATA SCHEMES MANAGEMENT REGULATION 2016 – REG 21

Very obvious discrepancies and concerns for audited accounts for the previous years were collected and given to Economos (and a reply never received).

Auditor's report for FY 2020 was signed on 3 November 2020, 12 days AFTER the general meeting! As an example, there is evidence that at least three versions of Balance Sheet exist, which raise questions of quality of keeping the financials and validity of reporting and auditing:

SP52948-Balance-Sheet-extract-31Aug2020-at-1943-hours

Admin Fund \$233,330.15

Capital Works Fund \$709,724.06

SP52948-Balance-Sheet-extract-dated-4Sep2020-sent-in-agenda-for-AGM-on-30Sep2020

Admin Fund \$232,620.15

Capital Works Fund \$699,824.06

SP52948-Balance-Sheet-extract-allegedly-approved-by-Economos-3Nov2020

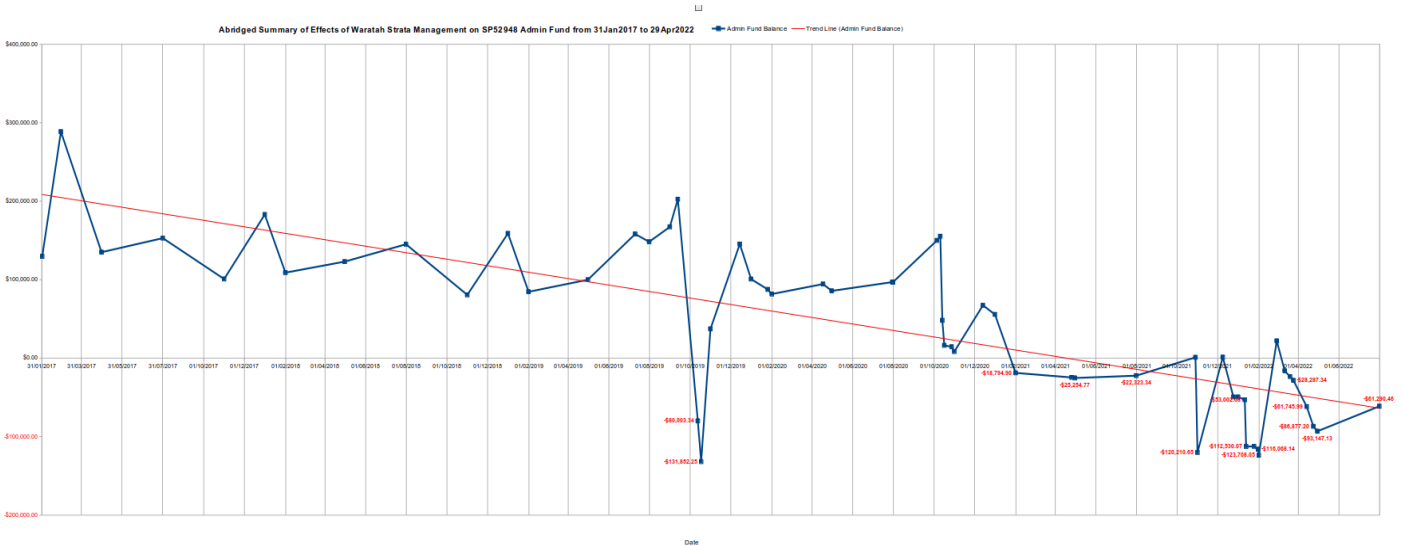
Admin Fund \$231,788.69

Capital Works Fund \$699,824.06

- These are extracts from Admin Fund balances from 1 February 2017, when Waratah Strata Management officially became strata manager for the complex:

Date	Admin Fund Balance	Comment
31/01/2017	\$129,704.57	Change BCS Strata Management to Waratah Strata Management
28/02/2017	\$288,552.51	
30/04/2017	\$135,012.17	End of FY quarter
31/07/2017	\$152,916.30	End of FY quarter
31/10/2017	\$100,815.56	End of FY quarter
31/12/2017	\$182,979.04	
31/01/2018	\$108,936.47	End of FY quarter
30/04/2018	\$123,012.91	End of FY quarter
31/07/2018	\$145,119.88	
31/10/2018	\$80,599.23	
31/12/2018	\$158,913.31	
31/01/2019	\$84,559.32	End of FY quarter
30/04/2019	\$99,934.95	End of FY quarter
10/07/2019	\$158,181.40	
31/07/2019	\$148,247.36	End of FY quarter
31/08/2019	\$167,231.72	
12/09/2019	\$202,523.24	
12/10/2019	-\$80,003.34	
17/10/2019	-\$131,852.25	Day of Annual General Meeting
31/10/2019	\$37,259.31	
14/12/2019	\$145,404.20	
31/12/2019	\$100,772.58	
25/01/2020	\$87,537.36	
31/01/2020	\$81,654.32	End of FY quarter
17/04/2020	\$94,415.82	
30/04/2020	\$85,707.93	End of FY quarter
30/07/2020	\$96,907.38	
31/07/2020	\$96,907.38	End of FY quarter
05/10/2020	\$150,004.16	
10/10/2020	\$155,409.14	
13/10/2020	\$48,166.76	
16/10/2020	\$16,253.12	
27/10/2020	\$14,497.09	
31/10/2020	\$8,368.92	End of FY quarter
13/12/2020	\$67,317.74	
31/12/2020	\$55,699.04	
31/01/2021	-\$18,794.90	End of FY quarter
30/04/2021	-\$25,254.77	
25/04/2021	-\$24,560.03	
31/07/2021	-\$22,323.34	End of FY quarter
28/10/2021	\$1,019.14	Day of Annual General Meeting
31/10/2021	-\$120,210.65	Three days after Annual General Meeting, End of FY quarter
08/12/2021	\$1,263.46	
24/12/2021	-\$49,429.69	
31/12/2021	-\$49,429.69	
10/01/2022	-\$53,002.08	
12/01/2022	-\$112,530.07	
24/01/2022	-\$112,421.07	
30/01/2022	-\$116,068.14	
31/01/2022	-\$123,708.05	End of FY quarter
27/02/2022	\$21,931.68	
11/03/2022	-\$16,236.00	
19/03/2022	-\$23,536.87	
24/03/2022	-\$28,287.34	
13/04/2022	-\$61,745.99	
23/04/2022	-\$86,877.20	
30/04/2022	-\$93,147.13	End of FY quarter
31/07/2022	-\$61,290.46	End of FY quarter

- Visual diagram of the Admin Fund balances and its negative trends:



- Reimbursements to insurance company for alleged legal costs of Solicitor Adrian Mueller (\$19,758.14) are not listed in any accounting files.

Explanatory Notes

Waratah Strata Management is the custodian of all strata files. Lot 158 requested owners be provided with relevant files in 2017, 2018, 2019, 2020, 2021, and 2022.

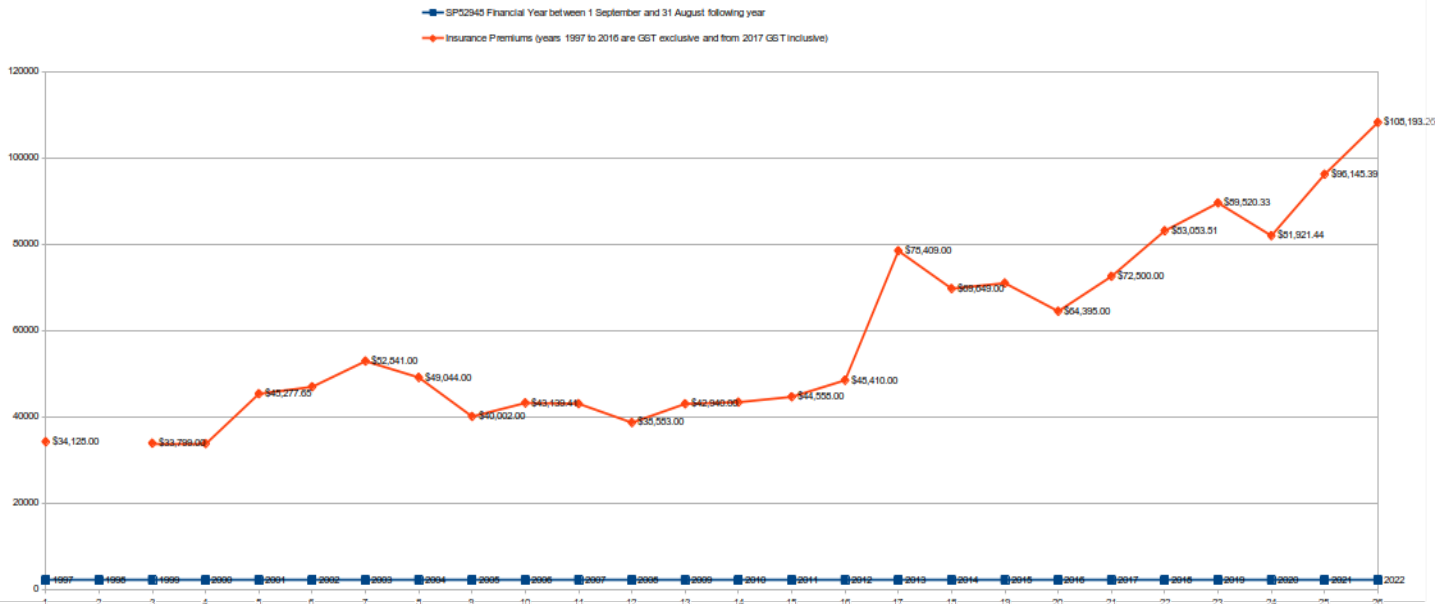
Motion: Ratify SP52948 status of insurance premiums since 1997 and collection of insurance commissions paid to Waratah Strata Management

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

- Status of insurance premium changes in period 1997 to 2020 (Waratah Strata Management took office on 1 February 2017 without competitive tender at AGM 2016):

SP52948 Financial Year between 1 September and 31 August the following year	Insurance Premiums (years 1997 to 2016 are GST exclusive and from 2017 GST inclusive)	Difference to Previous Year	Comment	Insurance Commissions Paid to Strata Manager
1997	\$34,128.00			
1998				
1999	\$33,799.00	0.00%		
2000	\$33,721.00	-0.23%		
2001	\$45,277.65	34.27%		
2002	\$46,879.00	3.54%		
2003	\$52,841.00	12.72%		
2004	\$49,044.00	-7.19%		Raine & Horne Strata Management not allowed to receive insurance commissions
2005	\$40,002.00	-18.44%		Raine & Horne Strata Management not allowed to receive insurance commissions
2006	\$43,139.41	7.84%		Raine & Horne Strata Management not allowed to receive insurance commissions
2007	\$42,962.77	-0.41%		Raine & Horne Strata Management not allowed to receive insurance commissions
2008	\$38,583.00	-10.19%		Raine & Horne Strata Management not allowed to receive insurance commissions
2009	\$42,940.00	11.29%		Raine & Horne Strata Management not allowed to receive insurance commissions
2010	\$43,324.00	0.89%		BCS Strata Management not allowed to receive insurance commissions
2011	\$44,558.00	2.85%		BCS Strata Management not allowed to receive insurance commissions
2012	\$48,410.00	8.64%		BCS Strata Management not allowed to receive insurance commissions
2013	\$78,409.00	61.97%	Two insurers declined to quote due to high risks, four insurance claims for Solicitor Adrian Mueller (strong evidence includes alleged false statements by BCS Strata Management in Statutory Declaration to CTTT on 19 April 2013, false statement in Affidavit to District Court on 31 January 2014, four different versions of the same Standard Costs Agreement with Solicitor Mr. Adrian Simon Mueller, secret change of the insurance policy for SP52948 and then claiming amount of \$24,919.31 (plus GST) for non-existent "defence" 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, CHU Insurance forced partial repayment in amount of \$8,800.00 without having full access to strata files and evidence in 2017)	BCS Strata Management not allowed to receive insurance commissions
2014	\$69,649.00	-11.17%		BCS Strata Management not allowed to receive insurance commissions
2015	\$70,925.00	1.83%		BCS Strata Management not allowed to receive insurance commissions
2016	\$64,395.00	-9.21%		BCS Strata Management not allowed to receive insurance commissions
2017	\$72,500.00	12.59%		BCS Strata Management not allowed to receive insurance commissions
2018	\$83,053.51	14.56%		\$6,084.84 paid to Waratah Strata Management
2019	\$89,520.33	7.79%		\$6,570.16 paid to Waratah Strata Management
2020	\$81,921.44	-8.49%		\$6,084.84 paid to Waratah Strata Management
2021	\$96,145.39	17.36%	Solicitor Adrian Mueller fully involved in forcing insurance claims for his alleged work	\$5,633.62 paid to Waratah Strata Management
2022	\$108,193.26	12.53%	Insurance claim for Solicitor Adrian Mueller (on 25 March 2022 Waratah Strata Management listed revenue from insurance claims in amount of \$19,758.14 in Income & Expenditure Report)	\$6,541.55 paid to Waratah Strata Management
2023	??	??	Insurance renewal due on 21 September 2022. As of 26 September 2022, no information provided by Waratah Strata Management	

- Visual diagram of the insurance premiums:



• Whilst previous strata managers were not allowed to receive rebates and commissions on insurance since 2003, Waratah Strata Management made significant earnings from insurance renewals:

- 2018, \$6,084.84
- 2019, \$6,570.16
- 2020, \$6,084.84
- 2021, \$6,541.55

2022, as of 26 September 2022, there are no public records of insurance renewal which must be paid by 21 September 2022

• Insurance renewal for strata plan SP52948 was due on 21 September 2020. As of 26 September 2022, details of the insurance renewal were not published for any owner.

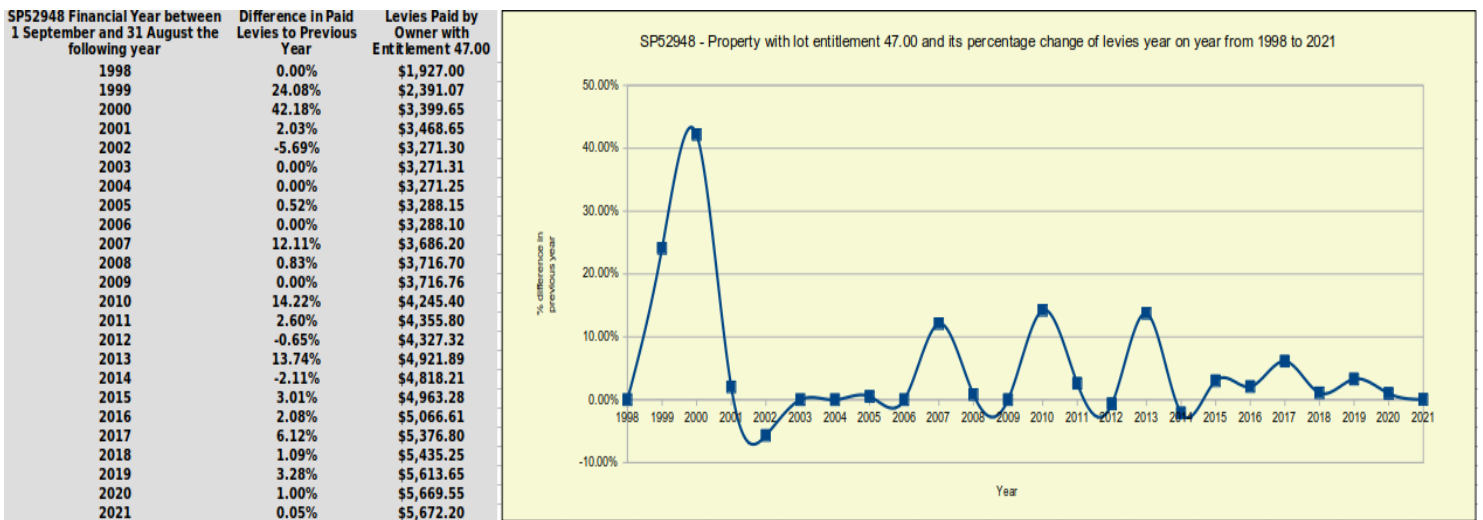
Explanatory Notes

Waratah Strata Management is the custodian of all strata files. Lot 158 requested owners be provided with relevant files in 2017, 2018, 2019, 2020, 2021, and 2022.

Motion: Ratify events related to levy growth which failed to correctly plan future expenses and CPI since 2013

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

- This are extracts for Lot with 47.00 entitlements and their levies since 1998:



Explanatory Notes

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

2018, 2019, 2020, 2021, and 2022.

Motion: Ratify events related to Lot 158 being denied access to strata files in spite of fully paid document searches

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

□ BCS Strata Management, Waratah Strata Management, and Solicitor Adrian Mueller actively prevented access to strata files and withheld crucial information in the following events which Lot 158 paid for:

16 November 2011, \$154.00, document search at BCS Strata Management,
7 November 2012, \$132.00, document search at BCS Strata Management,
28 February 2012, \$72.00, document search at CTTT,
7 March 2013, \$33.00, document search at BCS Strata Management,
11 March 2013, \$172.80, document search at BCS Strata Management,
11 September 2013, \$45.00, document search at BCS Strata Management,
15 October 2013, \$45.00, document search at BCS Strata Management,
18 October 2013, \$32.00, document search at BCS Strata Management,
16 February 2016, \$164.80, document search at BCS Strata Management,
16 February 2016, \$3.40, document search at BCS Strata Management,
15 June 2017, \$61.05, document search at Waratah Strata Management,
13 June 2019, \$212.85, document search at Waratah Strata Management,
13 June 2019, \$2.75, document search at Waratah Strata Management,
26 September 2019, \$234.30, document search at Waratah Strata Management,
14 November 2019, Solicitor Adrian Mueller refused access to files to O'Brien Criminal & Civil Solicitors,
29 March 2020, \$2,200.00 O'Brien Criminal & Civil Solicitors demand for strata files sent to Waratah Strata Management,
27 July 2020 and 31 July 2020, request to committee members,
21 October 2020, request to Solicitor Adrian Mueller,
19 July 2021, request to Solicitor Adrian Mueller,
8 March 2022, document search at NCAT,
8 June 2022, \$34.10, document search at Waratah Strata Management.

□ Solicitor Adrian Mueller sent letter to Lot 158 on 27 June 2022, after the owners complained to Waratah Strata Management about lack of access to strata files in spite of paid document search, confirming that he, Waratah Strata Management, and committee members wanted to prevent Lot 158 from assisting OLSC, NCAT, and Police:

We are instructed that on 8 June 2022, you wrote to the strata managing agent of the Owners Corporation, made a request for specific documents to be provided to you and put forward a proposal.

We are instructed that the Owners Corporation does not intend to provide those specific documents to you because it has no obligation to do so. If you wish to inspect the records of the Owners Corporation

P 02 9562 1266
F 02 9567 8551
W muellers.com.au
E enquiries@muellers.com.au

LEVEL 1
240 PRINCES HIGHWAY
ARNCLIFFE NSW 2205
DX 25315 ROCKDALE



Liability limited by a scheme approved under Professional Standards Legislation

The Secretary
The Owners – Strata Plan No. 52948

2

27 June 2022

to obtain specific documents, you will need to follow the procedure set forth in section 182 of the *Strata Schemes Management Act 2015* in order to do so.

We are informed that on or about 8 June 2022 you did undertake an inspection of the records of the Owners Corporation. We are told that during that inspection certain privileged documents were made available to you by mistake. We are instructed that privilege is not waived in relation to any of the privileged documents which you were mistakenly given access to.

In relation to the proposal contained in your email to the strata manager of the Owners Corporation sent on 8 June 2022, we are instructed that the proposal is not acceptable to the Owners Corporation.

However, we are informed that one aspect of your proposal was a requirement for the Owners Corporation to reimburse to its insurance company the legal costs which its insurer paid in connection with the Tribunal proceedings in which the costs order was made against you on 6 July 2021.

We are instructed that once the amount determined by the costs assessor has been paid by you to the Owners Corporation, the Owners Corporation will reimburse that amount to its insurer which is the appropriate thing for it to do.

In relation to the other aspects of your proposal, we are instructed that the Owners Corporation is not prepared to forward the email you sent the strata manager of the Owners Corporation on 8 June 2022, or the evidence you filed in Tribunal proceedings (File No. SC 20/33352) or that you lodged with the costs assessor, to anyone or provide you with the authority to represent the Owners Corporation in dealings with the Office of the Legal Services Commissioner, the Tribunal and the Police.

Yours faithfully

JS MUELLER & CO
Adrian Mueller | Partner
E: adrianmueller@muellers.com.au

Explanatory Notes

Waratah Strata Management is the custodian of all strata files. Lot 158 requested owners be provided with relevant files in 2017, 2018, 2019, 2020, 2021, and 2022.

Motion: Ratify events and approve Lot 158 access to missing strata files, approve his work to assist OLSC, NCAT, and Police without any expenses to owners corporation

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

- Lot 158 submitted 67-page sworn Statutory Declaration “Professional Misconduct and Fraudulent Activities by Solicitor Adrian Mueller in Relation to Strata Plan SP52948” on 21 September 2022. To avoid legal costs to all parties, Lot 158 shall send private Requests for Production to Solicitor Adrian Mueller (free of charge to owners corporation) and Waratah Strata Management to make copies of documents, records, and request the inspection of property. There are a number of exceptions to legal professional privilege, including improper or illegal conduct. Privilege does not apply to communications made for the purpose of facilitating illegal or improper purposes. This applies regardless of whether or not the Solicitor Adrian Mueller was a party to, or even aware of, the improper purpose. There are a number of exceptions to legal professional privilege, including improper or illegal conduct. Privilege does not apply to communications made for the purpose of facilitating illegal or improper purposes. This applies regardless of whether or not the Solicitor Adrian Mueller was a party to, or even aware of, the improper purpose.
- Solicitor Adrian Mueller failed to comply with Tribunal orders seven times whilst not authorized to represent owners corporation in period 2012 to 2021):
 - 8 August 2012, CTTT Directions Hearing in case SCS 12/32675.
 - 17 September 2012, CTTT case SCS 12/32675.
 - 26 September 2012, CTTT case SCS 12/32675.
 - 9 October 2012, CTTT case SCS 12/32675.
 - 7 May 2013, CTTT case SCS 12/50460, Solicitor Adrian Mueller did not notify CTTT that he was not authorized to represent owners corporation in the Fair Trading NSW mediation case SM12/1537JR and CTTT case SCS 12/50460.
 - 29 November 2020, my complaint about Solicitor’s non-compliance with Directions Hearing to NCAT in case SC 20/33352.
 - 1 February 2021, belated submission by Solicitor Adrian Mueller in NCAT case SC 20/33352.
- Based on all available documents, Solicitor Adrian Mueller failed to provide Notice of Representation by Legal Practitioner or Agent and copy of his Standard Costs Agreement signed by owners corporation representative to CTTT and NCAT in cases SCS 12/32675, SCS 12/50460, SCS 13/50737, and SC 20/33352.
- Solicitor Adrian Mueller, on behalf of BCS Strata Management strata manager Mr. Peter Bone, created Statutory Declaration with falsified data in CTTT case SCS 12/32675.
- On 6 March 2013, Solicitor Adrian Mueller was asked to return private property in CTTT cases SCS 12/32675 and 12/50460 which he had obtained access to illegally. Response from Solicitor Adrian Mueller on 14 May 2013 was blunt, ignorant, and contained false statement because CTTT did not provide him with any files, but forced myself to do it, whilst knowing he was not legal to represent owners corporation (in case SCS 12/50460 he secretly sent his offer with Standard Costs Agreement on 6 May 2013 without disclosure to owners and CTTT. Standard Costs Agreement in CTTT case SCS 12/50460 was never approved by owners corporation.
- Solicitor Adrian Mueller submitted BCS Strata Management Mr. Peter Bone’s Affidavit to District Court in case 13/360456, knowing that statements were false, without disclosure to the Judge.
- On 25 March 2022, in Supreme Court Costs Assessment case CA 2022/70683, Solicitor Adrian Mueller submitted Affidavit by his assistant Ms. Hala Awad, which was false because only one letter arrived to Lot 158. When Solicitor was asked to provide any evidence of letter deliveries, he failed to provide a means that demonstrated the date of posting and delivery, such as a registered, express, or other tracked postal or courier service.

- Solicitor Adrian Mueller was accessory to creation of four versions of Standard Costs Agreement in CTTT case SCS 12/32675, of which three were falsified.

Initialisation of insurance claim on 28 August 2012

BCS Strata Management initiating insurance claim process for legal expenses on 28 August 2012, backdated to 8 August 2012 when Executive Committee and BCS Strata Management engaged Solicitor Mr. Adrian Mueller without approval of owners corporation. Document title in strata files is "legal defence costs claim_20170131144949". This document does not have signature in Standard Costs Agreement:

I. Authorisation to Transfer Money from Trust Account

You authorise us to receive directly into our trust account any judgment or settlement money, or money received from any source in furtherance of your work, and to pay ourselves our costs, disbursements and expenses in accordance with the provisions of clause 88(3)(a)(i) of the Legal Profession Regulation 2005.

Signed: _____	
Client _____	Date _____
<i>A S Shalh</i>	16 July 2012
Solicitor _____	Date _____

Solicitor's submission to CTTT on 29 January 2013

The following screenshot was part of submission sent by Solicitor Mr. Adrian Mueller, allegedly representing strata plan SP52948 to CTTT on 29 January 2013. Of special importance is the fact that the Solicitor's Standard Costs Agreement on page 19 did not contain signature on behalf of strata plan SP52948, hence no legal approval to engage him:

I. Authorisation to Transfer Money from Trust Account

You authorise us to receive directly into our trust account any judgment or settlement money, or money received from any source in furtherance of your work, and to pay ourselves our costs, disbursements and expenses in accordance with the provisions of clause 88(3)(a)(i) of the Legal Profession Regulation 2005.

Signed: _____	
Client _____	Date _____
<i>A S Shalh</i>	16 July 2012
Solicitor _____	Date _____

Strata Manager Mr. Peter Bone signed document dated 19 April 2013 (after the CTTT Hearing) – Part 1

The following screenshot is part of Statutory Declaration by Strata Manager Mr. Peter Bone to CTTT on 19 April 2013. This Standard Costs Agreement was allegedly signed by another Strata Manager Mr. Gary Webb and sent via email by Mr. Peter Bone to the Solicitor. The name of the contract file in BCS Strata Management documents with alleged signature is not what Mr. Peter Bone stated in his Statutory Declaration to CTTT "JS Mueller Standard Cost Agreement 25072012" but actually "JS Mueller Standard Costs Agreement_20170131144914", as found in strata document search on 13 June 2017:

I. Authorisation to Transfer Money from Trust Account

You authorise us to receive directly into our trust account any judgment or settlement money, or money received from any source in furtherance of your work, and to pay ourselves our costs, disbursements and expenses in accordance with the provisions of clause 88(3)(a)(i) of the Legal Profession Regulation 2005.

Signed: _____	
Client _____	Date _____
<i>A S Shalh</i>	16 July 2012
Solicitor _____	Date _____

Branch Manager Mr. Paul Banoob secret signed document dated 17 July 2012 that was created on 16 April 2013 (after the CTTT Hearing) – Part 1

The following screenshot was found as part of document in strata files on 13 June 2017, four years after the events. This allegedly signed Standard Costs Agreement titled "JS Mueller Costs Agreement", was never presented to owners, CTTT, Department of Fair Trading, and District Court. It was allegedly signed by Branch Manager Mr. Paul Banoob on 17 July 2012:

I. Authorisation to Transfer Money from Trust Account

You authorise us to receive directly into our trust account any judgment or settlement money, or money received from any source in furtherance of your work, and to pay ourselves our costs, disbursements and expenses in accordance with the provisions of clause 88(3)(a)(i) of the Legal Profession Regulation 2005.

Signed: _____	
Client _____	Date _____
<i>A S Shalh</i>	16 July 2012
Solicitor _____	Date _____

AS per Emergency meeting of EC on 7 July 2012

- Solicitor Adrian Mueller ignores owners corporation's requests. An example is alleged email Solicitor submitted to Supreme Court Costs Assessor on 25 March 2022. There was a clear instruction for Solicitor Adrian Mueller to notify NCAT about his engagement (failed to do so), provide submission to NCAT as per Tribunal's schedule (failed to do so), review Lot 158 electronic evidence on secure website (failed to do so), and respond to strata manager in regards to legal defence insurance claims (such evidence either did not exist or was withheld from Supreme Court Costs Assessor, NCAT, and Lot 158):

From: Robert Crosbie <robert@waratahstrata.com.au>
Sent: Friday, 23 October 2020 12:23 PM
To: Adrian Mueller <AdrianMueller@muellers.com.au>
Subject: SP 52948, 1-15 Fontenoy Road, Macquarie Park

Adrian,

We advise your fee proposal to act for the Owners Corporation in the NCAT Application lodged by Lot 158 has been accepted at last night's AGM.

Attached is a copy of various correspondence that has been received to date in this matter. Also attached is access to a website set up by [redacted] to provide access to his documentation.

We ask you to notify NCAT that you will now be representing the OC and whether you require any further time to review and respond to the application.

Now that you have been formally appointed, we ask you to respond to our email sent on 7/10/20 regarding the Legal Defences insurance claim.

Regards,

Robert Crosbie
 Waratah Strata Management
 P.O. Box 125, Eastwood NSW 2122
 Ph (02) 9114 9599
 Fx (02) 9114 9598
robert@waratahstrata.com.au

- All committee meetings in 2017, 2018, 2019, 2020, 2021, and 2022 failed to satisfy requirements of Strata Schemes Management Act 2015 (SSMA), Schedule 2, Section 4 (1) and (2), and section 7 and Interpretation Act 1987 (NSW). Examples of non-compliance of the meetings, including full details for Annual General Meeting held on 17 October 2019 are shown in Lot 158 Statutory Declaration dated 18 August 2020, which Solicitor Adrian Mueller allegedly fully read and ignored in spite of irrefutable evidence.

- Conservative estimate (lot of data is still hidden from Lot 158 and other owners) is that Solicitor Adrian Mueller profited around \$150,000.00 from strata plan SP52948 in period 2012 to 2022. The allegedly approved costs differ from those realized. Examples: Solicitor Adrian Mueller's Standard Costs Agreement in District Court case 2013/360456 allegedly approved costs in amount of \$16,500.00 (GST inclusive) whilst Solicitor Adrian Mueller charged \$21,066.75 (GST inclusive), and \$6,980.28 (GST inclusive) for CTTT case SCS 13/50737, without owners corporation approval or knowledge. Similar problem happened in CTTT case SCS 12/32675: alleged Standard Costs Agreement for Solicitor Adrian Mueller approved \$11,550.00 (GST inclusive) whilst Solicitor charged \$28,511.24 (GST inclusive) without owners corporation approval or knowledge.

- To avoid legal costs to all parties, which would be detrimental to owners corporation, Lot 158 shall be provided with full access to all strata files required to assist OLSC, NCAT, and Police for misconduct and fraudulent acts by Solicitor Adrian Mueller in Office of the NSW Legal Services Commissioner case CAS009763_1, and Crime Stoppers case 648467. There is no cost to owners corporation for providing access to printed and electronic files, which must be collected by Waratah Strata Management as part of their duties and legal obligations.

Explanatory Notes

Waratah Strata Management is the custodian of all strata files. Lot 158 requested owners be provided with relevant files in 2017, 2018, 2019, 2020, 2021, and 2022.

Motion: Approve Lot 158 to recover unauthorized expenses from Solicitor Adrian Mueller without any expenses to owners corporation

The Owners Corporation SP52948 by ORDINARY RESOLUTION approves the following:

- Lot 158 shall be empowered to represent owners corporation in legal cases against Solicitor Adrian Mueller, with understanding that owners shall not incur any costs. Conservative estimate is that Lot 158 shall be able to recover for owners corporation at least \$100,000.00 from Solicitor Adrian Mueller (lost income from unpaid interest shall be calculated separately), without any expenses to strata plan.

Explanatory Notes

Waratah Strata Management is the custodian of all strata files. Lot 158 requested owners be provided with relevant files in 2017, 2018, 2019, 2020, 2021, and 2022.

Motion: Ratify owners prevented to have access to NCAT SC 20/33352 documents and Statutory Declaration by Lot 158

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

- Waratah Strata Management failed to provide owners with secure website access details for NCAT case SC 20/33352 on 25 September 2020.

- Waratah Strata Management failed to provide owners with Lot 158 sworn Statutory Declaration:

<https://www.nswstratasleuth.id.au/SP52948-statutory-declaration-for-NCAT-case-20-33352-which-Waratah-Strata-Management-refused-to-provide-to-owners-Aug2020.pdf>

- Waratah Strata Management failed to provide owners with update of events related to NCAT case SC 20/33352 and Supreme Court Costs Assessment case CA 2022/70683 which was initiated without owners corporation approval at any legally-convened meeting.

Explanatory Notes

Waratah Strata Management is the custodian of all strata files. Lot 158 requested owners be provided with relevant files in 2017, 2018, 2019, 2020, 2021, and 2022.

Motion: Ratify six versions of Solicitor Adrian Mueller's legal costs in NCAT case SC 20/33352

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

- There are six versions of Solicitor Adrian Mueller's alleged costs in NCAT case SC 20/33352.

- Solicitor Adrian Mueller refused to respond to Lot 158 emails dated 27 February 2022, 5 April 2022, and 20 April 2022, also actively hampering investigations by Supreme Court Cost Assessor. Solicitor Adrian Mueller used silence as his defence, or providing statements that had no evidence. Such actions can bring penalties against lawyers, as Legal Services Commissioner v Yakenian [2019] NSWCATOD [98] proved: a solicitor of Fairfield in western Sydney, neighbour of Cabramatta and Villawood. He was referred to the NSW Legal Services Commissioner by District Court Judge, her Honour Wass DCJ.
- Document search on 8 June 2022 uncovered secret correspondence between Waratah Strata Management and Body Corporate Brokers (insurance broker) dated 16 October 2020, one week before Annual General Meeting, where Mr. Robert Crosbie initiated process of advanced legal claims and confirmed that Lot 158 complaints of strata mismanagement were ignored by him and committee members.
- Cost figures (GST excl) provided by Solicitor Adrian Mueller on 12 July 2021, 7 February 2022 (no invoices were included by the Solicitor), and 25 March 2022, and listed on Waratah Strata Manager's agenda for Annual General Meeting on 7 October 2021 differ to a large extent:

Date	Solicitor's Invoice# 101676 11Dec2020	Solicitor's Invoice# 102134 3Feb2021	Solicitor's Invoice# 102255 11Feb2021	Solicitor's Invoice# 103514 6May2021	Solicitor's Invoice# 104085 9Jun2021	Solicitor's Invoice# 104547 12Jul2021	Solicitor's Invoice# 107457 4Feb2022	Solicitor's Invoice# 108037 14Mar2022	Total (GST excl)
12Jul2021	\$8,030.00	\$2,213.55	\$4,921.40	\$3,198.75	\$1,899.44	N/A	N/A	N/A	\$20,263.14
7Oct2021	No invoice	No invoice	No Invoice	No Invoice	No invoice	No invoice	N/A	N/A	\$23,142.87
7Feb2022	No invoice	No invoice	No invoice	No invoice	No invoice	No invoice	No invoice	N/A	\$25,158.14
25Mar2022	\$8,030.00	\$2,213.55	\$4,921.40	\$3,198.75	\$1,899.44	\$660.00	\$2,475.00	\$1,296.58	\$24,694.72
	Paid by insurance company on 24 March 2022 without disclosure by Solicitor Adrian Mueller to owners, Office of Legal Services Commissioner, and Supreme Court	Paid by insurance company on 24 March 2022 without disclosure by Solicitor Adrian Mueller to owners, Office of Legal Services Commissioner, and Supreme Court	Paid by insurance company on 24 March 2022 without disclosure by Solicitor Adrian Mueller to owners, Office of Legal Services Commissioner, and Supreme Court	Paid by insurance company on 24 March 2022 without disclosure by Solicitor Adrian Mueller to owners, Office of Legal Services Commissioner, and Supreme Court; listed as "Defamation by Lot 158" in Agenda for AGM in October 2021 on pages 14 to 17 (account code 153200) – not part of NCAT case SC 20/33352	Paid by insurance company on 24 March 2022 without disclosure by Solicitor Adrian Mueller to owners, Office of Legal Services Commissioner, and Supreme Court	Paid by insurance company on 24 March 2022 without disclosure by Solicitor Adrian Mueller to owners, Office of Legal Services Commissioner, and Supreme Court			

- First version of total expenses (GST exclusive) for Solicitor Adrian Mueller: in his letter dated 12 July 2021 (reference AM:CP:37289), allegedly without prejudice, Solicitor Adrian Mueller made the claim of \$20,020.00 (\$15,015.00 exclusive of GST representing 75% of the actual costs the owners corporation incurred in the proceedings).
- Second version of total expenses (GST inclusive!) for Solicitor Adrian Mueller in FY 2021 as listed by Waratah Strata Management in their agenda for Annual General Meeting sent on 7 October 2021 on page 108: \$25,714.30. Waratah Strata Management provided these figures in the Agenda for Annual General Meeting in October 2021 on pages 14 to 17 (for account code 153200), which include costs not related to NCAT case and not approved at any meeting (review of Lot 158 Motions and wasteful defamation threats):
 - 28/09/2020 Advice on Motions requested by Lot 158 \$2,700.00
 - 26/10/2020 Defamation by Lot 158 \$413.50
 - 23/11/2020 Defamation by Lot 158 (Barrister Hussein Elachkar) \$1,218.75
 - 14/12/2020 NCAT application by Lot 158 \$8,030.00
 - 8/02/2021 NCAT application by Lot 158 \$2,213.55
 - 19/04/2021 NCAT application by Lot 158 \$4,921.40
 - 10/05/2021 Defamation by Lot 158 \$3,198.75
 - 11/06/2021 NCAT application by Lot 158 \$1,899.45
- Second version of total costs (GST exclusive) for Solicitor Adrian Mueller in FY 2021 as listed by Waratah Strata Management in their agenda for Annual General Meeting sent on 7 October 2021 on page 108: \$23,142.87.

- Third version of total expenses (GST exclusive) for Solicitor Adrian Mueller (based on figures in agenda for account code 153200 for Annual General Meeting sent on 7 October 2021 on pages 14 to 17, without costs for Barrister Hussein Elachkar, and without alleged defamation costs in FY 2021 which are NOT part of NCAT proceedings and not legally approved at Annual General Meeting 2020): \$19,764.4. Total expenses (GST exclusive) for legal and debt collection fees for all lawyers and solicitors in FY 2021 as listed by Waratah Strata Management in their agenda for Annual General Meeting sent on 7 October 2021 on page 18: \$24,171.90.
- Fourth version of total expenses (GST exclusive) for Solicitor Adrian Mueller (based on figures in agenda for account code 153200 for Annual General Meeting sent on 7 October 2021 on pages 14 to 17, without costs for barrister Hussein Elachkar, and with defamation costs in FY 2021 which are NOT part of NCAT proceedings and not legally approved at Annual General Meeting 2020): \$23,376.62.
- Fifth version of total expenses (GST exclusive) for Solicitor Adrian Mueller: in his Costs Assessment Application on page 3 on 7 February 2022 (no GST is claimed on the costs that are the subject of this costs assessment as the Costs Applicant is registered for GST and entitled to an input tax credit in respect of those costs), Solicitor Adrian Mueller claims costs of \$25,158.14.
- Sixth version of total expenses (GST exclusive) for Solicitor Adrian Mueller: in his Costs Assessment Application on 25 March 2022, Solicitor Adrian Mueller claims costs of \$24,694.72.
- Solicitor Adrian Mueller failed to provide information about sudden insurance claim to Supreme Court Costs Assessor whilst still pursuing alleged costs recovery for his work (on 25 March 2022 Waratah Strata Management listed revenue from insurance claims in amount of \$19,758.14 in Income & Expenditure Report):

NCAT 20/33352		
2 February 2021 to 18 February 2022		
Solicitor Adrian Mueller fully aware and involved in cost recovery correspondence from insurance		
02 Feb 21	Perusing emails passing between strata manager and insurer regarding conflict of interest of solicitor and break down of fees and perusing email from strata manager requesting response to allegation of conflict of interest and breakdown of fees	\$110.00
04 Mar 21	Perusing email from strata manager requesting advice on reimbursement of costs by insurer	\$55.00
05 Mar 21	Email to you providing advice on reimbursement of costs by insurer	\$110.00
16 Jul 21	Perusing email from strata manager advising of decision of insurer to reimburse costs	\$55.00
14 Sep 21	Perusing email from strata manager requesting estimate of likely costs to be recovered in costs assessment	\$55.00
22 Sep 21	Email to you providing estimate of likely costs to be recovered in costs assessment	\$55.00
09 Dec 21	Perusing email from strata manager requesting update on recovery of costs and advice on publication on strata sleuth website	\$55.00
20 Dec 21	Perusing strata sleuth website	\$110.00
20 Dec 21	Email to you providing update on recovery of NCAT costs and advice and on strata sleuth website	\$110.00
17 Feb 22	Perusing email from strata manager requesting advice on cost recovery at request of insurance broker	\$55.00
18 Feb 22	Email to you providing advice on costs assessment process and cost recovery in response to request for advice from insurance broker	\$55.00

Explanatory Notes

Waratah Strata Management is the custodian of all strata files. Lot 158 requested owners be provided with relevant files in 2017, 2018, 2019, 2020, 2021, and 2022.

Motion: Ratify threats against Lot 158

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

- 12 Police events for stalking, harassment, intimidation, and threats against Lot 158 by few maintenance staff, few committee members, and some tenants in the complex.
- 8 request to obtain access to CCTV recordings for stalking, harassment, intimidation, and threats against Lot 158 were silently ignored by Waratah Strata Management, committee members, and maintenance staff (even Police did not get access to them).
- 45 requests to Waratah Strata Management and executive committee to offer assistance to Police with their investigations of fraud and stalking/harassment/intimidation of Lot 158 were ignored.

- Four defamation threats were initiated by Solicitor Adrian Mueller without success, without owners corporation approval at any legally-valid meeting, without disclosure of costs to owners, and caused high costs to owners corporation and Lot 158:

6 September 2012 (attempt by Solicitor Adrian Mueller to prevent Applicant from proceeding with CTTT case SCS 12/32675, claimed payment for his legal costs from owners corporation insurance). Solicitor Adrian Mueller coerced strata plan SP52948 and BCS Strata Management to use insurance claims for his legal costs whilst not legally approved to represent owners corporation in CTTT case SCS 12/32675 and SCS 12/50460, knowing that owners corporation had no funds to pay for his work (BCS Strata management secretly drew \$50,000.00 from another fund on 4 July 2012. Solicitor Adrian Mueller was fully aware that insurance claims were made for non-existent CTTT case "Lot 3", without disclosure to CTTT: SP52948 Lot 3 Insurance Claim 1 on 31 August 2012 (\$367.64), SP52948 Lot 3 Insurance Claim 2 on 7 December 2012 (\$12,714.65), SP52948 Lot 3 Insurance Claim 3 on 2 May 2013 (\$1,320.00), SP52948 Lot 3 Insurance Claim 4 on 4 June 2013 (\$10,517.02). Four years later, in March 2017, CHU Insurance forced owners corporation to repay \$8,800.00.

20 June 2019 (attempt by Solicitor Adrian Mueller to use his own "Unreasonable Communications" Special By-Law to prevent Lot 158 from reporting problems with strata management, whilst ignoring conflict of interest due to Police Event E65804633 and Office of Legal Services Commissioner case 56561).

17 October 2019 (premeditated attempt by Solicitor Adrian Mueller to force Lot 158 to sign Deed of Agreement for alleged defamation of Uniqueco Property Services, Waratah Strata Management, and committee members). Undeclared Admin Fund balance sheet on 17 October 2019 (day of Annual General Meeting), when Solicitor Adrian Mueller was allegedly approved to spend up to \$150,000.00 in defamation case against the Costs Respondent, had a negative balance of \$131,852.25. Unnamed barrister and Solicitor Adrian Mueller tried to force the Costs Respondent into Deed under duress and failed in all attempts. In financial statements for FY 2020 (1 September 2019 to 31 August 2020), in spite of extensive legal involvement, Waratah Strata Management reported only \$2,940.00 for legal costs in audited accounts, which is an impossible amount considering daily rates for barristers and senior legal professionals.

21 October 2020 (attempt by Solicitor Adrian Mueller to prevent Lot 158 from proceeding with NCAT case SC 20/33352). Balance in Admin Fund had \$1,019.14 whilst three days later on 31 October 2021 they had negative balance of \$120,210.65.

- Before AGM 2020, Waratah Strata Management was requested to strike out Motion 10 (legal proceeding against Lot 158). Solicitor Adrian Mueller, committee members, and Waratah Strata Management ignored it:

Motion must be ruled as "out of order" as it conflicts with the Act, is unlawful, and unenforceable. According to Strata Community Association (NSW), definition of a Motion:

A proposal put forward for consideration at a meeting. A well written motion will enable the lot owner or committee member to vote yes (for) or no (against) on the matter.

A motion must clearly state the proposal to be considered at the meeting.

Motion must clearly state if an ordinary, special, or unanimous resolution is required.

Motion must disclose pecuniary interests of committee members as per SCHEDULE 2 – Meeting procedures of strata committees of the Strata Schemes Management Act, 2015 (NSW) Section 18.

Explanatory Notes

Waratah Strata Management is the custodian of all strata files. Lot 158 requested owners be provided with relevant files in 2017, 2018, 2019, 2020, 2021, and 2022.

Motion: Ratify four unresolved problems with common property maintenance in Lot 158

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

- Numerous attempts were made with Waratah Strata Management in 2019, 2020, and 2021 to rectify four outstanding common property problems in Lot 158. They were all silently denied.

- In Lot 158 submission to Supreme Court and Solicitor Adrian Mueller on 27 February 2022, those problems were highlighted again:

Fire safety checks for external door and two smoke alarms for 2022.

Water leak damages near lighting on ceiling in sun-room (unresolved since September 2020),

All intercom access points were scheduled to be tested in Block A on 10 February 2022. Lot 158 complained about their device not working occasionally several times and no repair or checks were done. On 10 February 2022, Lot 158 was not visited by H&T Security.

Poor intake of fresh air in laundry and one bathroom since 2019.

- Without owners corporation approval, Waratah Strata Management instructed Solicitor Adrian Mueller to ignore Lot 158 submissions to Supreme Court on 1 March 2022:

01 Mar 22	Perusing email from strata manager providing instructions not to prepare response to objections to bills of costs and to apply for costs assessment	\$55.00	\$5.50
-----------	---	---------	--------

Explanatory Notes

Waratah Strata Management is the custodian of all strata files. Lot 158 requested owners be provided with relevant files in 2017, 2018, 2019, 2020, 2021, and 2022.

Motion: Ratify events related to no evidence presented by Solicitor Adrian Mueller in NCAT case SC 20/33352

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

- Solicitor Adrian Mueller provided no evidence to NCAT in case SCS 120/33352.
- The only submission by Solicitor Adrian Mueller was three and half pages long.
- Solicitor Adrian Mueller coerced the Tribunal to ignore Lot 158 evidence:

<https://www.nswstratasleuth.id.au/Tribunal-ignored-voluminous-concerns-and-irrefutable-evidence-of-repetitive-misconduct-of-Solicitor-Adrian-Mueller-in-NCAT-case-20-33352-Apr2021.pdf>

- Lot 158 paid \$5,000.00 first-installment penalty for alleged legal costs on 1 July 2022, which were recovered twice by the owners corporation (from insurance and Lot 158). The \$5,000.00 payment does not incur GST, so it should be fully listed in the Income & Expenditure Report dated 12 July 2022, but it was not:



Waratah Strata Management
 ABN 75 161 033 745
 PO Box 125, Eastwood, NSW 2122
 Ph (02) 9114 9599
 Fax (02) 9114 9598
 www.waratahstrata.com.au

Income & Expenditure Report for the financial year-to-date 01/09/2021 to 12/07/2022

Strata Plan 52948

Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park NSW 2113

Administrative Fund

	Current period 01/09/2021-12/07/2022	Previous year 01/09/2020-31/08/2021
Revenue		
141900 Gas - Additional Service	2,945.40	2,573.52
142000 Insurance Claims	19,758.14	0.00
142500 Interest on Arrears--Admin	1,192.39	1,500.86
142800 Key Deposits	362.00	702.00
143000 Levies Due--Admin	550,004.32	700,000.00
144000 Miscellaneous Income--Admin	4,545.45	0.00
146500 Status Certificate Fees	1,090.00	763.00
147000 Strata Roll Inspection Fees	217.00	155.00
<i>Total revenue</i>	<u>580,114.70</u>	<u>705,694.38</u>

- Waratah Strata Management refused to issue invoice to Lot 158 for \$5,000.00 payment.
- Waratah Strata Management refused to issue receipt for Lot 158 \$5,000.00 payment.

- On 29 August 2022, income in amount of \$4,545.45 disappeared in Admin Fund and repayment to insurance company was not listed:



Waratah Strata Management
 ABN 75 161 033 745
 PO Box 125, Eastwood, NSW 2122
 Ph (02) 9114 9599
 Fax (02) 9114 9598
 www.waratahstrata.com.au

**Income & Expenditure Report
 for the financial year
 to 29/08/2022**

Strata Plan 52948 Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park NSW 2113

Administrative Fund			
		Current period	Previous year
		01/09/2021-29/08/2022	01/09/2020-31/08/2021
Revenue			
141900	Gas - Additional Service	2,945.40	2,573.52
142000	Insurance Claims	19,758.14	0.00
142500	Interest on Arrears--Admin	1,272.24	1,500.86
142800	Key Deposits	362.00	702.00
143000	Levies Due--Admin	737,506.48	700,000.00
146500	Status Certificate Fees	1,308.00	763.00
147000	Strata Roll Inspection Fees	279.00	155.00
<i>Total revenue</i>		<u>763,431.26</u>	<u>705,694.38</u>

- At end of FY 2022, income in amount of \$5,000.00 from Lot 158 payments was not listed and repayment to insurance company was not listed:



Waratah Strata Management
 ABN 75 161 033 745
 PO Box 125, Eastwood, NSW 2122
 Ph (02) 9114 9599
 Fax (02) 9114 9598
 www.waratahstrata.com.au

**Income & Expenditure Report
 for the financial year
 to 31/08/2022**

Strata Plan 52948 Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park NSW 2113

Administrative Fund			
		Current period	Previous year
		01/09/2021-31/08/2022	01/09/2020-31/08/2021
Revenue			
141900	Gas - Additional Service	2,945.40	2,573.52
142000	Insurance Claims	19,758.14	0.00
142500	Interest on Arrears--Admin	1,272.24	1,500.86
142800	Key Deposits	362.00	702.00
143000	Levies Due--Admin	737,506.48	700,000.00
146500	Status Certificate Fees	1,308.00	763.00
147000	Strata Roll Inspection Fees	279.00	155.00
<i>Total revenue</i>		<u>763,431.26</u>	<u>705,694.38</u>

Explanatory Notes

Waratah Strata Management is the custodian of all strata files. Lot 158 requested owners be provided with relevant files in 2017, 2018, 2019, 2020, 2021, and 2022.

Motion: Ratify selective privileges for townhouse owners by providing inequitable reimbursements for private water and gas usage and lack of proper By-Law enforcements in FY 2021

The Owners Corporation SP52948 by ORDINARY RESOLUTION ratifies the following events related to inequitable and discriminatory gas usage reimbursements that were applied to selective group of townhouse owners in FY 2021 and, at the same time, directly disadvantaged 192 owners in four buildings and townhouse owners who did not get those benefits but personally paid excessive costs for selective group of townhouse owners:

- Since late 2010, when Lot 158 uncovered secret payments to selective townhouse owners for private water and gas usage (which included three past or current committee members at the time), attempts to enforce equal rights for all owners were ignored by BCS Strata Management, Waratah Strata Management, and committee members.

- In 2008, Lot 217 complained to BCS Strata Management about not knowing about water and gas reimbursements for seven years (they were unable to make claims for past year because AGL did not have facility to reissue invoices prior to 6 March 2007 as per their letter dated 26 March 2008).
- Of \$25,366.56 (GST exclusive) paid for gas usage for the complex in period from 1 September 2020 to 31 August 2021, \$12,303.28 (GST exclusive) was paid for gas usage for swimming pool, which is a common property, shared between all owners in four buildings and townhouses. That means \$13,063.28 (GST exclusive) was spent for all gas usage in four buildings (shared by 192 owners), effectively averaging \$68.00 spent per each owner in buildings.
- Selective owners in four buildings paid special levies for gas heating in amount of \$2,573.52 (GST exclusive). According to Waratah Strata Management, gas heating levies are currently \$220.00 (GST inclusive) per owner who connected gas heater in their unit.
- Subtracting \$2,573.52 from \$13,063.28 created figure of \$10,489.76, which is the final figure of how much 192 owners in four buildings really spent on gas usage (just \$54.00 per building owner).
- In the same financial year, selective group of 11 townhouse owners (of 26 in total) received reimbursements for their private gas usage in amount of \$891.17 (GST exclusive), which meant each received \$81.00 (GST exclusive).
- Waratah Strata Management listed gas usage reimbursements in accounting code 181100 with total cost of \$3,731.03, which significantly differs from figure \$891.17.

Explanatory Notes

Waratah Strata Management is the custodian of all strata files. Lot 158 requested owners be provided with relevant files in 2017, 2018, 2019, 2020, 2021, and 2022.

Motion: Ratify discrimination against Block A owners - sunroom windows checks delayed for two years after work done in Block B and C

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

- On 21 and 22 December 2020, after third major event with blown window frame in the complex (last one was in Lot 190 in Block A on 30 November 2020 without disclosure to owners), rushed work and repairs were done in Block B and C:
- In spite of repeated complaints and warnings, the work and checks in Block A were delayed from almost two years, as seen by sudden information on notice board on 31 August 2022.
- Block A work was done on 7 and 8 September 2022.
- Number of units in Block A had serious problems with missing rivets in sunrooms. Much more dangerous status was found in Lot 160. Missing rivets on window frame in Lot 160 on 7 September 2022 (most rivets completely missing, and it was easy to push the whole massive frame away from wall by around three centimeters). Upset tenant stated that her child regularly played near that window, so it was a disaster just waiting to happen, similar to what happened in Lot 190 in November 2020), The photo taken clearly show detached window from the frame.

Explanatory Notes

Waratah Strata Management is the custodian of all strata files. Lot 158 requested owners be provided with relevant files in 2017, 2018, 2019, 2020, 2021, and 2022.

Motion: Ratify discrimination against townhouse owners and owners on ground floors of four buildings – Lot 151 the only recipient of ColorBond gate on their fence

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

- New ColorBond gate was loaded into Lot 151 backyard on 21 December 2021.
- On 10 January 2022, ex-committee member Lot 151 (Ms. Maureen MacDonald) installed gate with lock on ColorBond fence towards external gardens.
- There is no evidence of approval to change common property in Lot 151.
- There is no evidence of owners corporation submitting change to common property plans with Department of Land.
- Since this is a fence dividing the owner's Lot and common property, the responsibility for this fence is shared equally between that particular Lot 151 and the owners corporation - gates located in this area are treated in the same way.

- Document search on 8 June 2022, found no evidence of approvals for ColorBond gate or payments by Lot 151 into common funds. Lot 151 must be invoiced for at least 50% of agreed total cost. In addition, approval to change common property for Lot 151 was not documented in any Minutes and such decision was not made at any legally convened meeting. That is especially important due to fact that Admin Fund balance had negative balance of \$53,036.39 three days earlier, on 7 January 2022.

Explanatory Notes

Waratah Strata Management is the custodian of all strata files. Lot 158 requested owners be provided with relevant files in 2017, 2018, 2019, 2020, 2021, and 2022.

Motion: Ratify events related to major insurance claim rejections

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

- CHU QBE rejected valid insurance claim in amount of around \$50,000.00 and BCS Strata Management hid that information from owners in December 2010. Insurance claim was rejected based on false statement that the damage to two phases of power supply to elevator in Block A was caused by "building movement". It was actually caused by unprofessional work by electricians who were secretly involved in unapproved work to provide additional power to the complex to accommodate needs of Optus for unapproved installation of mobile tower on top of Block C. The alleged two-phase loss in Block A occurred in broad daylight whilst electricians were on site. No earthquake or building movements were recorded on that day.
- Insurance claims in 2010/2011 that were rejected or not paid in full:

Fri 29/07/2011 4:36 PM
 Ron Sinclair
 RE: SP52948 - Plans / Building Reinstatement Valuation / Insurance Premium for 2012

To: Simon Wicks
 You forwarded this message on 1/08/2011 11:58 AM.

Simon
 I have arranged for 3 quotes with cover increased by 4% to be provided in time for you to include in the Committee meeting agenda.

With regard to para 4 the Broker has a strict fiduciary obligation to act in the best interests of the policy holders.

Claims

Unit 82	wind sucked out window	claim \$9190.50	excess \$2000	recvd. \$6355
Lift	power cable replacement	\$39,500		claim refused
Unit 84	burst pipe	\$12,260.50	\$2000	\$4683 Assessor appointed contractor \$7700 plus our contractors.
Unit 209	burst pipe	\$7000	\$2000	\$970 Assessor considered contractor's claim for drying out unit was excessive

at
 \$3910. Contract for repair arranged by assessor and paid direct by insurer \$22,180 and loss of rent paid to unit owner \$14,000.

- 14 July 2016. Claim rejected due to excess of \$10,000.00 for each and every water related damage in the complex.
- Claim in amount of \$13,497.00 rejected by SUU on 9 February 2021 (it was related to complete window frame being blown by strong winds from level 7 in sunroom of Lot 190 of Block A on 30 November 2020).

accounts

From: Leslie Xie <@bodycorporatebrokers.com.au>
Sent: Wednesday, 7 July 2021 11:27 AM
To: accounts
Subject: SP 52948, Macquarie Gardens 1-15 Fontenoy Road Macquarie Park NSW BCB ref: 96013
Attachments: DL1_Initial Denial.pdf

Good morning Leone,

I hope your week has been good so far.

SUU has provided a denial letter along with the engineers report by Silver Wolf advising the window collapsed due to long term fatigue of the window fixings.

Should the Owner disagree with their decision, they may access their internal dispute resolution channels instructed within the attached letter.

Explanatory Notes

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

2018, 2019, 2020, 2021, and 2022.

ZOOM ETIQUETTE FOR STRATA MEETINGS

The following measures will assist in the effective conduct of strata meetings held by Zoom video/audio conferencing.

1. Please connect to the meeting at least 5-10 minutes prior to the meeting starting to test your technology.
2. When joining the meeting please enter the name of all lot owners that will be attending the meeting and your unit or lot number so all participants can see who is attending. This will also make it easier for the strata manager to record which owners attend the meeting.
3. If you are late in connecting to the meeting, please do not interrupt the meeting if it has started, but please do let the strata manager know you attended the meeting before the meeting closes so that your name is recorded in the Minutes.
4. If you are connecting to the meeting by telephone you will only be identified by your phone number so please notify the strata manager of the name/s and lot number that the phone number relates to.
5. Please keep your microphone on mute, except when you are speaking. This is particularly important when there are a large number of attendees, to avoid background noise. The strata manager may mute all participants during large meetings. Please use the "Raise Hand" function should you wish to speak.
6. Please speak clearly and ensure that only one person is speaking at a time. Please do not interrupt other people when they are speaking.
7. The "Raise Hand" or "Polling" functions may be used for voting on motions if there is not a clear decision based on verbal responses. The strata manager will advise when and how they want you to vote. Please vote promptly and only lower your "Raised Hand" when asked by the strata manager to do so, to ensure they have had time to count the votes.
8. During the election of strata committee members, a poll can be conducted for up to 10 nominations. If there are more than 10 nominations it is not possible to conduct a ballot by Zoom and the strata manager will then email a ballot paper to all meeting attendees. You will be requested to complete and return the ballot form within 24 hours so that the votes can be tallied and recorded in the minutes of the meeting.

DATE.....

I/We.....

the owners of lot.....STRATA PLAN NO.....

appoint.....of.....

as my/our proxy for the purposes of meetings of the owners corporation (including adjournment of meetings).

I/We appoint.....of.....

as my/our proxy for the purposes of meetings of the owners corporation (including adjournments of meetings if..... already holds the maximum number of proxies that may be accepted.

Period or number of meetings for which appointment of proxy has effect *1 meeting/
*..... meetings *1 month/ *..... months/*12 months or 2 consecutive Annual General Meetings.
*Tick or tick and complete whichever applies
(Note: The appointment cannot have effect for more than 12 months or 2 consecutive Annual General Meetings, whichever is the greater. If no selection is made by the person giving the proxy, the proxy is effective only for one meeting.)

- *1. This form authorises the proxy to vote on my/our behalf on all matters.
OR
*2. This form authorises the proxy to vote on my/our behalf on the following matters only:

.....
.....

(Specify the matters and any limitations on the manner in which you want the proxy to vote).
***Delete paragraph 1 or 2, whichever does not apply.**

*3 If a vote is taken on whether(the strata managing agent) should be appointed or remain in office or whether another managing agent is to be appointed, I/we want the proxy to vote as follows:.....
* Delete paragraph 3 if proxy is not authorised to vote on this matter. For examples, read note 1 below.

*4 I understand that, if the proxy already holds more than the permitted number of proxies, the proxy will not be permitted to vote on my/our behalf on any matters.

Signature of owner/s.....

Notes on appointment of proxies

1. This form is ineffective unless it contains the date on which it was made and it is given to the secretary of the owners corporation at least 24 hours before the first meeting in relation to which it is to operate (in the case of a large strata scheme) or at or before the first meeting in relation to which it is to operate (in any other case).
2. This form will be revoked by a later proxy appointment form delivered to the secretary of the owners corporation in the manner described in the preceding paragraph.
3. This form is current from the day on which it is signed until the end of the period (if any) specified on the form or the first anniversary of that day or at the end of the second annual general meeting held after that day (whichever occurs first).
4. If a person holds more than the total number of proxies permissible, the person cannot vote using any additional proxies. The total number of proxies that may be held by a person (other than proxies held by the person as the co-owner of a lot) voting on a resolution are as follows:
 - (a) if the strata scheme has 20 lots or less, one,
 - (b) if the strata scheme has more than 20 lots, a number that is equal to not more than 5% of the total number of lots.
5. A provision of a contract for the sale of a lot in a strata scheme, or of any ancillary or related contract or arrangement, is void and unenforceable to the extent that it:
 - (a) requires the purchaser of a lot, or any other person, to cast a vote at a meeting of the owners corporation at the direction of another person, or
 - (b) requires the purchaser to give a proxy at the direction of another person for the purpose of voting at a meeting of the owners corporation (that is a person cannot rely on any such proxy to cast a vote as a proxy).

Notes on rights of proxies to vote

- 1 A duly appointed proxy:
 - (a) may vote on a show of hands (or by any other means approved by a general resolution at a meeting of the owners corporation), subject to any limitation in this form, or may demand a poll, and
 - (b) may vote in the person's own right if entitled to vote otherwise than as a proxy, and
 - (c) if appointed as a proxy for more than one person, may vote separately as a proxy in each case.
- 2 A proxy is not authorised to vote on a matter:
 - (a) if the person who appointed the proxy is present at the relevant meeting and personally votes on the matter, or
 - (b) so as to confer a pecuniary or other material benefit on the proxy, if the proxy is a strata managing agent, building manager or on-site residential property manager, or
 - (c) if the right to vote on any such matter is limited by this form.