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Full version of evidence was provided to Fair Trading NSW and NCAT. Waratah Strata Management and committee members had not provided any files to refute these claims.

Evidence provided to but mostly ignored by CTTT in 2011/2012/2013 and NCAT in 2020/2021

Evidence was also provided on USB keys, DVD, emails, and in paper format:

NCAT-20-33352-Lot-158-annotated-Statutory-Declaration-with-web-links

The evidence also includes Lot 158 Motions at various general meetings, which were, mostly, not included in agenda for meetings or allowed to be discussed for voting due to proxy vote hoarding:

Motions for AGM 2013

Motions for AGM 2014

Motions for AGM 2015

NSW-Fair-Trading-reference-7563482-recommending-forensic-financial-auditing-25May2015

NSW-Fair-Trading-reference-7938059-recommending-forensic-financial-auditing-9Oct2015

Extract from BCS Strata Management website with proof they were aware of Lot 158 Motions for AGM 2015

Motions for AGM 2016

Motions for AGM 2017

Motions for AGM 2018

Motions for AGM 2019

Motions for AGM 2020

AGM 2020 amendments for Motions

Folder with gas heating connections and examples of full financials

SP52948-Gas-Heating-Levies

Example of audited financial for various years

Applicant Motions mostly not allowed to be presented to owners at general meetings (in almost all years carefully vetoed by Solicitor Adrian Mueller personally)

There are no impediments to the owners corporation placing an old motion for reconsideration, especially, when it was not properly provided in the agenda of the previous meeting or allowed to be discussed at the meeting.

Requisition for motion to be included on agenda for general meeting:

Any person entitled to vote at a general meeting of an owners corporation on a motion that does not require a unanimous resolution may, by notice in writing served on the secretary of the executive committee, require inclusion in the agenda of the next general meeting of the owners corporation of a motion set out in the notice and the secretary must comply with the notice.

The secretary must give effect to the requirement of the notice.

Subclause (1) does not require the inclusion of a motion on the agenda of a general meeting for which notices have already been given in accordance with this Schedule but in that case the motion must be included in the agenda of the next general meeting after that.

Motions for AGM 2013

Motions for AGM 2014

Motions for AGM 2015

NSW-Fair-Trading-reference-7563482-recommending-forensic-financial-auditing-25May2015

NSW-Fair-Trading-reference-7938059-recommending-forensic-financial-auditing-9Oct2015

Extract from BCS Strata Management website with proof they were aware of Lot 158 Motions for AGM 2015

Motions for AGM 2016

Motions for AGM 2017

Motions for AGM 2018

Motions for AGM 2019

Motions for AGM 2020

AGM 2020 amendments for Motions

SP52948 Lot 158 audit of gas heating connections based on found evidence but prevented to be shared with owners corporation by BCS Strata Management and Waratah Strata Management

SP52948 Second Gas Connections Inventory by Lot 158 based on available evidence - October 2019

Lot No.	Voluntary self-reporting to BCS Strata Management 13May2014	More accurate self-reporting audit, based on Lot 158 findings in strata files	Steve Carbone alleged full audit 21Mar2016	Waratah Strata Management - Minutes EC meeting 16Mar2017	Waratah Strata Management report found in strata files 31May2019	Waratah Strata Management report found in strata files 20Sep2019	BCS Strata Management belated invoice for second gas connections in FY 2012 and 2013 payable 1Aug2016	Evidence of approval for connections and or disconnections	Earliest records of commencement dates for second gas connection found so far (lot of strata files have been deliberately destroyed by strata managers and not made available to any owner)
3	No	Not found	Yes	Yes	Yes	Yes	Yes	Not found	Not found
8	No	Not found	No	Yes	Yes	No	No	Steve Carbone confirmed alleged disconnection on 16Apr2019	Not found
59	No	Not found	Yes	Yes	Yes	Yes	Yes	Letter 6Mar2013	Not found
62	Yes	Yes	Yes	Yes	Yes	Yes	Yes	EC meeting 20May1999	No commencement date provided
68	No	Not found	Yes	Yes	Yes	Yes	Yes	Not found	Not found
88	No	Not found	No	No	No	No	No	Letter 19Sep2013	Not found
102	No	Not found	Yes	Yes	Yes	Yes	Yes	Not found	Commencement date 2003
127	No	Yes	Yes	Yes	Yes	Yes	Yes	Not found	Commencement date May2013
134	No	Yes	No	No	No	No	Yes	Not found	Not found; ECS sent invoice for FY 2012, 2013, and 2016 on 15Jul2016
144	No	Not found	Yes	Yes	No	No	Yes	Not found	Not found
147	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Not found	Commencement date May2001
148	No	Yes	Yes	Yes	Yes	Yes	Yes	Not found	Commencement date 13Aug2007, disconnected on 9Sep2019
154	No	Not found	No	No	No	No	No	Not found	Paid partial levies in 2006
162	N/A	N/A	N/A	N/A	N/A	Yes	N/A	Not found	Connected on 30May2019
163	No	Not found	Yes	Yes	Yes	Yes	Yes	Not found	Not found
167	No	Yes	Yes	Yes	No	No	Yes	EC meeting 28Aug2013	Commencement date 27May2014
175	No	Not found	No	No	No	No	No	Not found	Commencement date 2002
181	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Not found	Commencement date 1999
182	No	Yes	Yes	Yes	Yes	Yes	Yes	EC meeting 20May1999	Commencement date 2009
192	No	Yes	No	No	No	No	No	Not found	Commencement date 2007
194	No	Not found	No	Yes	Yes	Yes	No	Letter 28Mar2011	Not found
198	No	Not found	No	No	Yes	Yes	No	Not found	Not found
199	No	Not found	No	Yes	Yes	Yes	No	Not found	Not found
206	No	Not found	No	Yes	Yes	Yes	No	Not found	Not found
209	No	Not found	No	Yes	No	No	No	Not found	Lot 209 admitted to Waratah Strata Management on 10Apr2017 they had stopped claiming reimbursements for private gas usage when a new tenant moved into the property on 25Sep2014
213	No	Not found	No	Yes	Yes	Yes	No	Not found	Second gas connection approved at EC meeting on 17Mar1998, not allowed to claim gas usage reimbursements. Not to be charged for gas levy and not allowed to claim gas usage reimbursements. Confirmed having existing second gas connection when new owners moved in on 7Feb2014

Strata levies must be paid even when receipt of levy notice is missing

As regulated by Fair Trading:

- Each owner and/or property manager needs to be aware of their owners corporation levy cycle.
- If money is not received to the trust account at the end of one month after it is due and payable, it bears interest at the rate of 10% (as prescribed by the regulations) from the due date until it is paid.
- Owners corporation may, by special resolution at general meeting, determine (either generally or in particular case) that a contribution is to bear no interest.
- Strata manager does not have authority to waive the interest as it is not money owing to the strata manager.
- The Courts have determined that non-receipt of a levy notice is not a sufficient reason for non-payment.
- If a lot is sold and there are unpaid levies, then both the owner at the time the contributions were levied and the new owner are jointly and severally liable for the payment of the contribution and the interest payable.

If a lot is sold and there are unpaid levies, then both the owner at the time the contributions were levied and the new owner are jointly and severally liable for the payment of the contribution and the interest payable.

Strata Schemes Management Act 1996 – Section 78 manner of levying contributions

(3) If, at the time a person becomes owner of a lot, another person is liable in respect of the lot to pay a contribution, the owner is jointly and severally liable with the other person for the payment of the contribution and interest on the contribution.

(4) A mortgagee or covenant chargee in possession of a lot (whether in person or not) is jointly and severally liable with the owner of the lot:

(a) for any regular periodic contributions to the administrative fund or sinking fund together with any interest on those contributions,

and

(b) for any other contribution together with interest on that contribution if the mortgagee or covenant chargee has been given written notice of the levy of the contribution.

(5) Subsection (4) does not affect the liability of an owner of a lot for any contribution levied under this section.

(6) Regular periodic contributions to the administrative fund and sinking fund of an owners corporation are taken to have been duly levied on an owner of a lot even though notice levying the contributions was not served on the owner.

Strata Schemes Management Act 1996 – Section 79 interest and discounts on contributions

(1) Any contribution levied by an owners corporation becomes due and payable to the owners corporation in accordance with the decision of the owners corporation to make the levy.

(2) A contribution, if not paid at the end of one month after it becomes due and payable, bears until paid simple interest at an annual rate of 10 per cent or, if the regulations provide for another rate, that other rate.

(3) However, an owners corporation may by special resolution determine (either generally or in a particular case) that a contribution is to bear no interest.

(4) An owners corporation may, by special resolution, determine (either generally or in a particular case) that a person may pay 10 per cent less of a contribution levied if the person pays the contribution before the date on which it becomes due and payable.

Strata Schemes Management Act 1996 – Part 2 Section 10 persons entitled to vote at general meetings

(8) Voting rights may not be exercised if contributions not paid

A vote at a general meeting (other than a vote on a motion requiring a unanimous resolution) by an owner of a lot or a person with a priority vote in respect of the lot does not count unless payment has been made before the meeting of all contributions levied on the owner, and any other amounts recoverable from the owner, in relation to the lot that are owing at the date of the notice for the meeting.

Consumer, Trader, and Tenancy Act 2001, Section 71 false or misleading statements

71 False or misleading statements

A person must not:

- (a) in any proceedings, or
- (b) in any application under this Act,

provide any information, or make any statement, to the Tribunal, Chairperson or Registrar knowing that the information or statement is false or misleading in a material respect.

Maximum penalty: 50 penalty units or imprisonment for 12 months, or both.

Strata Schemes Management Act 1996, Section 167 investigations by adjudicator

167 Investigations by Adjudicator

(5) A person must not obstruct or hinder an Adjudicator, or a delegate of an Adjudicator, in the exercise of powers conferred by this section.

Maximum penalty (subsection (5)): 5 penalty units.

Strata Schemes Management Act 2015 Section 260 personal liability

(1) A matter or thing done or omitted to be done by any of the following persons, or a person acting under the direction of any of those persons, does not, if the matter or thing was done or omitted to be done in good faith for the purpose of executing functions as such a person under this or any other Act, subject any of the following persons or person so acting personally to any action, liability, claim or demand:

- (a) an officer of an owners corporation,
- (b) a member of a strata committee.

(2) Any such liability of an officer of an owners corporation or a member of a strata committee attaches instead to the owners corporation.

Strata Schemes Management Act 2015 Schedule 2 Clause 18 disclosure of pecuniary interest

(1) If:

(a) a member of a strata committee has a direct or indirect pecuniary interest in a matter being considered or about to be considered at a meeting, and

(b) the interest appears to raise a conflict with the proper performance of the member's duties in relation to the consideration of the matter, the member must, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the strata committee.

Maximum penalty: 10 penalty units.

(2) A disclosure by a member at a meeting of the strata committee that the member:

(a) is a member, or is in the employment, of a specified corporation or other body, or

(b) is a partner, or is in the employment, of a specified person, or

(c) has some other specified interest relating to a specified corporation or other body or to a specified person, is a sufficient disclosure of the nature of the interest in any matter relating to that corporation or other body or to that person which may arise after the date of the disclosure and which is required to be disclosed under subclause (1).

(3) Particulars of any disclosure made under this clause must be recorded by the strata committee in a book kept for the purpose and that book must be open at all reasonable hours to inspection by any person on payment of the fee determined by the strata committee.

(4) After a member has disclosed the nature of an interest in any matter, the member must not, unless the strata committee otherwise determines:

(a) be present during any deliberation of the strata committee with respect to the matter, or

(b) take part in any decision of the strata committee with respect to the matter.

(5) For the purposes of the making of a determination by the strata committee under subclause (4), a member who has a direct or indirect pecuniary interest in a matter to which the disclosure relates must not:

(a) be present during any deliberation of the strata committee for the purpose of making the determination, or

(b) take part in the making by the strata committee of the determination.

(6) A contravention of this clause does not invalidate any decision of the strata committee.

(7) Without limiting subclause (1), a person has an indirect pecuniary interest in a matter if a person connected with the person has a direct interest in the matter.

Strata Schemes Management Act 2015 – unfinancial owners and conflict of interest

An owner will be able to require that a motion be included on the agenda for a general meeting of an owners corporation even though the owner cannot vote because of unpaid strata contributions (Schedule 1, clause 4). Any requirement given by an owner must include an explanation of the motion of not more than 300 words in length (Schedule 1, clause 4).

An owner will be able to nominate a candidate for election to the strata committee even though the owner is unfinancial (Schedule 1, clause 5).

An unfinancial owner will not be eligible for appointment or election to the strata committee (section 32).

An unfinancial owner will still not be allowed to vote at general meetings (Schedule 1, clause 23).

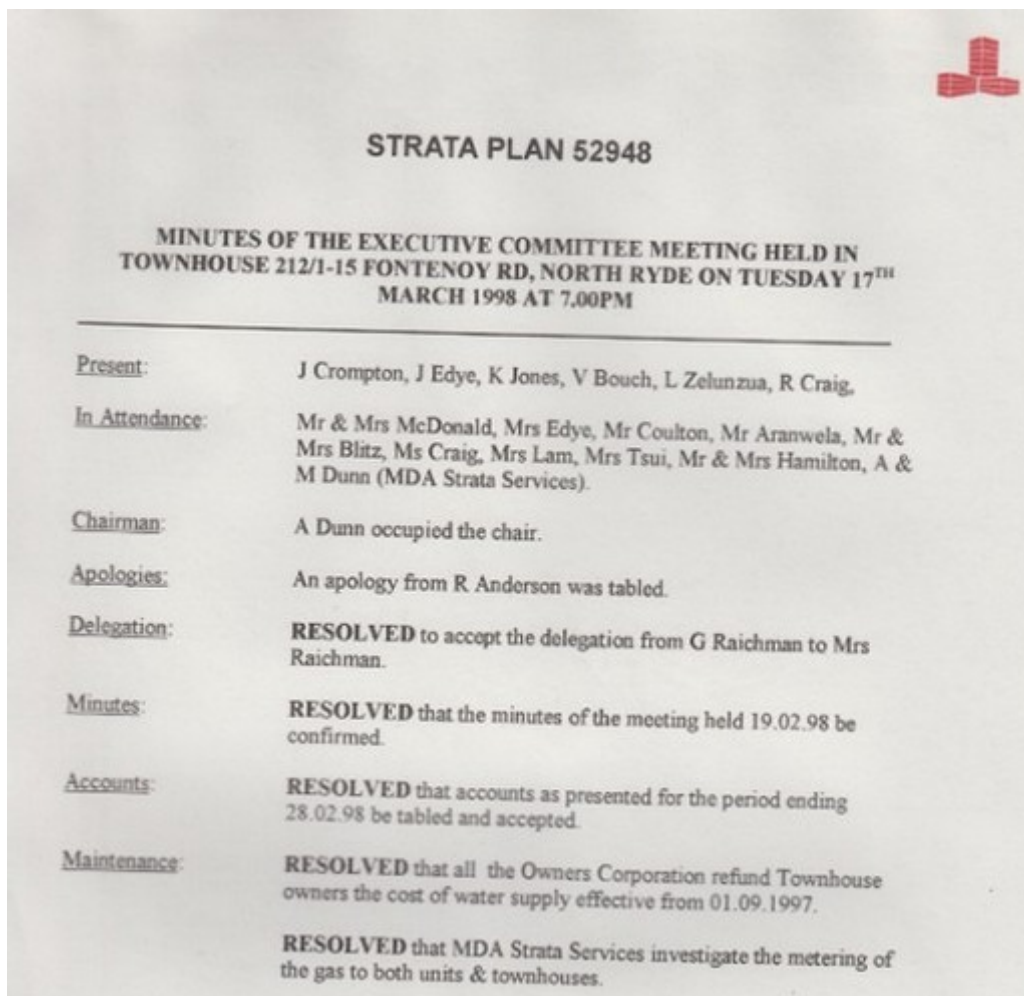
A member of the strata committee will not be entitled to vote on any motion put or proposed to be put to the strata committee if the member was, or was nominated as a member by a member who was, an unfinancial owner at the date notice of the meeting was given and the amounts owed by the unfinancial owner were not paid before the meeting (Schedule 2, clause 9).

A committee member will not be entitled to move a motion at a committee meeting unless the person is entitled to vote on the motion (Schedule 2, clause 14).

Members of a strata committee will need to disclose any pecuniary interest in a matter that is being or is about to be considered at a meeting of the committee and, unless the committee otherwise determines, must not be present for any deliberations on the matter or vote on the matter (Schedule 2, clause 18).

SP52948 Selected documents related to gas heating connections and applicable levies disclosed to owners in minutes of meetings

SP52948 Minutes of EC meeting held on 17th of March 1998 – proposal to investigate metering of gas connections in units and townhouses, and retrospective reimbursements for water usage to townhouse owners without general meeting from 1st of September 1997



The meeting was attended by six members of the committee, nine owners, and strata managers A & M Dunn. No other of 218 owners of properties attended.

Full unredacted copy of the minutes of the meeting:

SP52948-EC-meeting-17Mar1998

SP52948 Minutes of EC meeting held on 17th of March 1998 – approval given to Lot 213 to install gas heating and waive rights for any future reimbursements for gas usage

Correspondence:

An application from Townhouse 210 to keep a dog was tabled along with an application from the occupant of townhouse 213 to fit a gas bayonet fitting in the lounge room.

RESOLVED that conditional approval be granted to Townhouse 210 to keep the dog.

RESOLVED that approval be granted to Townhouse 213 provided that owner request the fitting in writing and the owner acknowledges that all cost are to be met by themselves and that all future gas accounts will **NOT** be paid by the Owners Corporation.

The meeting was attended by seven members of the committee, two owners, and strata managers M Dunn. No other of 218 owners of properties attended.

Committee member Lot 163 (Mr. Ron Craig) had undeclared gas heating connection.

Full unredacted copy of the minutes of the meeting:

SP52948-EC-meeting-17Mar1998

SP52948 Minutes of EC meeting held on 26th of May 1999 – first time levies for gas heating publicly mentioned and two owners receiving approval to install it – who both later became long-serving committee members and even acted as Chairperson and Treasurer respectively

The meeting was attended by five members of the committee, one proxy authorisation, and strata manager Mr. John Fry. No other of 218 owners of properties attended.

CORRESPONDENCE

To consider any items of correspondence submitted to the Executive Committee.

The following matters were considered:

(A) TILING - UNIT 55

A request was presented from the unit owner regarding the installation of tiles or wood flooring in the unit instead of carpet.

The Executive Committee was concerned that such approval would be contrary to By-Law 14 - Floor Coverings therefore the Executive Committee could not approve this request.

(B) GAS HEATING - UNIT 181

Application was examined for the owner to install a gas heater within the unit.

Such installation will incur additional costs on the Owners Corporation for the increased gas usage.

Enquiries are to be made with AGL in connection with the capacity of the existing system/pipework to enable a number of residents to install gas heaters and also options available regarding the metering of such usage.

A suggestion made which requires further discussion is that a once a year charge be levied on unit owners who install gas heaters to cover extra costs incurred by the Strata Scheme.

A similar application has been received from the owner of unit 62.

Meeting was attended by five committee members, one proxy vote, strata manager Mr. John Fry and staff of building manager Mr. Bob Luka. No other of 218 owners attended.

Minutes of previous committee meeting dated 10th of February 1999 were not approved because they were not made available for three months before this meeting.

Full unredacted copy of the minutes of the meeting:

SP52948-EC-meeting-26May1999

SP52948 Minutes of EC meeting held on 21th of July 1999 – first time levies for gas heating publicly mentioned - gas heating levy confirmed at \$200.00 per year and applicable retrospectively

13. Gas heating in units

Resolved that written advice be obtained from the contractor that did the original gas installation at the complex regarding the implications of residents installing gas heating.

Resolved that subject to the general system not being adversely effected by such additions that residents be permitted to use gas for heating subject to an annual fee of \$200.00 being paid to the Strata Plan with such charge also applying to any resident that has already installed such gas heating.

(L) GAS/WATER REIMBURSEMENT

The current policy of providing a refund to townhouse owners of water/gas usage is to be considered formally as an agenda item at the forthcoming Annual General Meeting.

The meeting was attended by five members of the committee and strata manager Mr. John Fry. No other of 218 owners of properties attended.

Full unredacted copy of the minutes of the meeting:

SP52948-Minutes-EC-meeting-21Jul1999

Annual General Meeting on 29th of September 1999 did not include any Motion for gas heating levies

Three owners with gas heating connection were allowed to vote, without disclosure of their gas heating levy payments.

Two of them were elected to be committee members.

Full unredacted copy of the minutes of the meeting:

SP52948-Minutes-AGM-1999-29Sep1999

SP52948 Minutes of EC meeting held on 17th of November 1999 – gas heating confirmed at \$200.00 per year, payable in advance on 1st of December each year and subject to annual review

(f) Gas heating in units/townhouses

Resolved that permission be granted for occupiers to install gas heating subject to the following conditions:

- (A) That a written application is to be made to the Owners Corporation.
- (B) That only one gas heater is to be permitted per lot.
- (C) That the installation must be carried out by a licensed gas fitter subject to any required approvals being obtained from AGL.
- (D) That all users of heating shall pay an annual fee to the Owners Corporation to cover the cost of additional gas usage. The initial fee will be \$200.00 per user payable annually in advance on 1 December each year and shall be subject to annual review.

The meeting was attended by eight members of the committee, one proxy authorisation, and strata manager Mr. John Fry. No other of 218 owners of properties attended.

Full unredacted copy of the minutes of the meeting:

SP52948-Minutes-EC-meeting-17Nov1999

SP52948 Minutes of EC meeting held on 19th of January 2000 – promise of notices for gas heating to be sent to all owners was never completed

Matters arising from the last minutes:

(a) Foxtel Installation:

Advice received from Foxtel and Skilled Engineering is that the equipment/wiring installation is now complete and that residents are able to receive the Pay TV service. Foxtel will be advising all residents of the current position.

Concern was raised regarding the positioning of a satellite dish on townhouse 216/217 and consideration is to be given to having this relocated.

(b) Ponding on Roof:

Advice has been received from a waterproofing consultant engaged to investigate the ponding that to create grooves to help drain the areas would be a costly and unnecessary exercise.

(c) Gas Heating in Units/Townhouses:

A notice is to be sent to all owners shortly in connection with this matter.

ITEM 7

To consider correspondence from the Owners of Lot 103 and 218 regarding outstanding legal fees:

Resolved that an offer be made to the proprietors concerned that the outstanding legal fees be reduced by 50%, but that any interest is to be paid in full.

The offer is to be made available for a period of 30 days, following which the balance outstanding is to be settled in full.

The meeting was attended by seven members of the committee, two proxy authorisations, and strata manager Mr. John Fry. No other of 218 owners of properties attended.

Two committee members with gas heating connection were allowed to vote, without disclosure of their unpaid gas levies.

Full unredacted copy of the minutes of the meeting:

SP52948-Minutes-EC-meeting-19Jan2000

SP52948 Minutes of EC meeting held on 24th of May 2000 – introduction of GST from 1st of July 2000

(b) Gas Heating

1. Quotations are to be obtained for the installation of individual meters for gas supply to the units.
2. A listing of quarterly gas usage bills for each of the tower buildings for the past year was provided. It was clear that heating of the pool was the major cause of the unacceptably high gas bills.

(i) GST

The Committee discussed the implications of GST on the levy payable on 1 June 2000.

The Committee resolved that as the Owners Corporation had been registered on a cash basis that no GST would be payable on the levies payable for the quarter commencing 1 June 2000 subject to such levies being received by the Owners Corporation prior to the 30 June 2000. The managing agent expressed their view, with a GST ruling having been obtained from the tax department.

A recent General Meeting to amend the levy contributions to include GST resulted in an insufficient number of votes being obtained and therefore the meeting did not proceed. It will be necessary for this matter to be considered by all owners to enable GST to be added to the levy payable 1 September 2000.

The meeting was attended by seven members of the committee, one proxy authorisation, and strata manager Mr. John Fry. No other of 218 owners of properties attended.

Two committee members with gas heating connection were allowed to vote, without disclosure of their unpaid gas levies.

Full unredacted copy of the minutes of the meeting:

SP52948-Minutes-EC-meeting-24May2000

SP52948 Extract from minutes of committee meeting claiming no problems found in management of the complex dated 22nd of February 2012

ITEM 7:

To consider further correspondence from

The Managing agent is instructed to seek a costs proposal from a strata lawyer to prepare a response to the latest application to CTTT seeking orders relating in the main to matters already dealt with. It was also noted that the committee encourages all owners to write to CTTT making it clear whether or not there is any objection or support. All the costs of this work will be identified separately to ensure all owners appreciate the additional expense being created by this vexatious and libelous correspondence. The committee is satisfied that there is no malfeasance of any kind and that audited accounts and approved minutes provide a correct record of all material issues. The Owners Corporation will seek a costs order against if this is permitted by CTTT.

The meeting was attended by nine members of the committee, one owner, and strata manager Mr. Paul Banoob. No other of 218 owners of properties attended.

Two committee members with gas heating connection were allowed to vote, without disclosure of their unpaid gas levies.

Full unredacted copy of the minutes of the meeting:

[SP52948-EC-Minutes-22Feb2012](#)

SP52948 Extract from minutes of committee meeting claiming no problems found in management of the complex dated 13th of June 2012

To consider correspondence.

The managing agent presented an email received from the owner of unit 59 requesting an additional gas outlet. It was agreed that if the owner wants an additional gas outlet that a meter would also need to be installed to ensure the usage can be measured and charged accordingly.

The committee noted that the recent application for an order by the owner of lot 158 to CTTT has been dismissed. The Adjudicator agreed with the submissions made by the Owners corporation that lot 158 application was misconceived; that the adjudicator had no power to make a number of orders requested by the owner of lot 158 and that the adjudicator had no authority to micro manage the affairs of the scheme and that the other issues raised were dealt with and decided adversely to the owner of lot 158 in previous submissions made to CTTT. The committee also made note to date the additional direct costs (mainly legal fees) incurred in dealing with this vexatious correspondence have been approximately \$2,500. Further correspondence from [redacted] was reviewed and determined to not require a reply.

The meeting was attended by seven members of the committee and strata manager Mr. Paul Banoob. No other of 218 owners of properties attended.

Two committee members with gas heating connection were allowed to vote, without disclosure of their unpaid gas levies.

Full unredacted copy of the minutes of the meeting:

SP52948-EC-Minutes-13Jun2012

SP52948 Minutes of committee meeting claiming that no problems found in management of the complex dated 9th of July 2012 – held in Lot 181 without agenda sent to any owner

1. The committee note that Betty Saulits may not have received email notice and we should mail her copies of minutes
2. 6 of 9 members being present a quorum was present.
3. Correspondence from CTTT regarding a directions hearing having been received last Friday urgent decisions regarding response and appearance were discussed.
4. It was unanimously resolved to appoint Adrian Mueller to represent the Owners Corporation at the directions hearing and to enter into an appropriate costs agreement noting that this may incur costs up to \$12,000.
5. It was unanimously resolved to instruct Napier & Blakely to conduct both the building condition survey and the asbestos inspection.
6. The chairman is to ask the managing agent to issue the necessary orders to N&B and sign the appropriate costs agreements after review with the chairman.
7. The building condition report (as soon as available) and AGM minutes (1999) approving water & gas rebates are to be provided to solicitor for production at CTTT.
8. Consideration of the correspondence to owners as part of the AGM and special resolutions concerning legal fees was deferred until after the outcome of the directions hearing.

There being no other business the meeting closed at 8.30 pm

The meeting was attended by six members of the committee and without strata manager. No other of 218 owners of properties attended.

Two committee members with gas heating connection were allowed to vote, without disclosure of their unpaid gas levies.

Full unredacted copy of the minutes of the meeting:

SP52948-minutes-EC-meeting-9Jul2012

SP52948 Minutes of committee meeting dated 22nd of August 2012, claiming no problems found in management of the complex, note about Solicitor Adrian Mueller engagement for CTTT case at meeting that did not comply with strata laws, and referring to gas and water rebates that were not approved as Special Resolution or registered as Special By-Law since 1999

2. The MA advised the EC that a townhouse owner has recently made a request for the re-imbusement of approximately two years of gas and water usage. Attention was drawn to the terms of the rebate scheme (recently reaffirmed in minutes) which can only reimburse usage for the current financial year or immediate past quarter. The EC confirmed that the MA has authority to apply the standard policy with previously agreed terms and conditions to such requests. Rebates for usage in the period since 1 September 2011 only were approved.

5. A request has been received to have gas heating installed in a tower unit, to be run from the existing gas supply to the kitchen of this unit. The EC agreed that any owner must forward a formal written request for this installation to the MA. The MA has been asked to confirm that fees for additional unmetered gas usage by tower owners can be levied and enforced. Charges currently levied on owners are to be reviewed in light of gas increases. The gas supply pipes are common property and will be inspected to determine no unauthorized installations exist and that all owners with heating are paying a fair contribution. The current gas supplier is to be asked to provide the OC with a 'reasonable' gas usage estimate and also whether the contracted gas price can extend to the other meters in the complex.

6. The MA is to discuss with Adrian Mueller of J S Mueller the possible requirement for an appropriate by law to deal with all the issues raised in access to the unmetered gas supply and usage of gas for heating within tower or townhouse units. If necessary this will be dealt with at the next general meeting.

ITEM 10: Gas & Water Rebates

There is to be no change to the previously approved gas and water rebate scheme currently in place since approval at the AGM in 1999 which ensure fairness in utility cost sharing amongst all owners.

The meeting was attended by seven members of the committee and two strata managers Mr. Paul Banoob and Mr. Peter Bone. No other of 218 owners of properties attended.

Two committee members with gas heating connection were allowed to vote, without disclosure of their unpaid gas levies.

Full unredacted copy of the minutes of the meeting:

SP52948-Minutes-EC-meeting-22Aug2012

Lot 158 email sent to BCS Strata Management on 2nd of March 2012, requesting declaration of conflict of interest for committee members

Gary Webb

From: [REDACTED]
Sent: Friday, 2 March 2012 9:30 AM
To: Debbie Downes; Gary Webb
Subject: PROPOSAL TO BE TABLED AT NEXT EC MEETING: SP52948 Declaration of conflict of interest

Hello,

In light of less-than-proper behavior of the members of the committee, and in line with good business practices, it would be appropriate to introduce the following processes in the complex:

- a) Once a year, all executive committee members should provide written declaration to the owners corporation stating that they do not have any conflict of interest that would preclude them from being members of the EC.
- b) The EC members should declare any conflict of interest at the start of each meeting or before discussion of the relevant agenda item or topic. Details of any conflict should be appropriately minuted.

Note that the committee is still refusing to answer my original question (which they will be forced to respond to in written form via CTTT case):

Officially Submitted: 17 July 2011 to the Treasurer and
15 September 2011 to the Chairperson

Subject: Over the last five years, has any member of the current or previous executive committee (those that might have left in that period) AND their families (including defacto relationships) received any direct or indirect financial compensation from the owners' corporation? If so, the full details of the financial transactions: when, why, amount, and who approved it.

The examples of direct compensation would be work related to financial audits, or work on web site setup, or discounted strata fees for the units they own, and similar.

The example of indirect financial benefit (which might not be directly payable to them in person, but still constituted conflict of interest that should be declared) might be a project that benefits some company in which given member of the committee (or their families) have shares, active roles as directors or managers, and so on.

Committee's and managing agent's response: A belated but INCOMPLETE response was received at the AGM 2011 and noted in the minutes of the meeting:

QUOTE

The Chairman in response to question from Mr Baljevic confirmed that no member of the committee receives any benefit other than those provided to all owners.

END QUOTE

Nothing was said about indirect benefits to them, the companies they represent, or family members!

As admitted in the latest minutes, the overpaid rebates for gas and electricity to owners of the townhouses (where two members of the executive committee lived - one deceased Bill Young and the Chairperson Bruce Copland) benefited some committee members DIRECTLY!

Consider this proposal/request to be pure business.
No personal feelings are involved.

2019-09-20 12:56:32

Letter sent by BCS Strata Management on behalf of committee to owners on 7th of September 2012 which was not provided to Lot 158, denying any misappropriation of common funds

Rebates

In his letter [redacted] asserts that there has been "long term fraud" and that "money has been taken" from our common funds. These assertions relate to claims by [redacted] that certain owners have unlawfully received rebates for gas and water charges.

Many of you would be aware that owners in tower units receive water and gas paid for by the Owners Corporation and the rebate scheme put in place in 1999 simply treats townhouse owners in the same manner. Townhouse owners first have to pay the individual meter bills and are then rebated the consumption amounts only. The timing of payments can vary according to the date the claims for rebates are made. Not all claims are allowable as there is a time limit to ensure the Owners Corporation can budget for these costs properly. Many townhouse owners have received rebates of this nature. All such rebates have been approved by the Owners Corporation. Indeed [redacted] previously made claims that there had been fraudulent rebates paid to certain owners. These claims were not accepted by the Strata Schemes Adjudicator.

Personal Benefits

[redacted] has asserted that past and present members of the executive committee have "abused their privileges and obtained personal financial benefits". He has also claimed that "even Raine & Horne Epping office claimed a small rebate for a gas expense!" These allegations are false. Neither the executive committee members nor the strata manager of Macquarie Gardens have obtained, by unlawful means, any personal financial benefits.

Conclusion

Many of the assertions contained in [redacted] letter have been previously raised with and dismissed by the Strata Schemes Adjudicator. The allegations which we have addressed in this letter are simply untrue. And some of them are defamatory.

The executive committee will continue to manage the affairs of Macquarie Gardens, in concert with the strata managing agent, in the best interests of the owners as a whole. This will include vigorously defending [redacted] appeal which is currently before the CTTT.

In the event that you want to discuss any of the matters raised by [redacted] or the content of this letter, please do not hesitate to contact your executive committee or strata manager.

Yours faithfully

Executive Committee - Macquarie Gardens

Two committee members with gas heating connection were allowed to vote, without disclosure of their unpaid gas levies.

Full unredacted copy of the letter:

SP52948-EC-letter-to-owners-never-sent-to-Lot-158-7Sep2012

SP52948 Agenda sent to owners for Annual General Meeting on 4th of October 2012

Motion to introduce Special By-Law for gas heating:

- No.11 That the Owners Corporation, by **SPECIAL RESOLUTION**, pursuant to Section 47 of the *Strata Schemes Management Act 1996*, make an additional By-Law in the following terms:

SPECIAL BY-LAW: Control of Common Gas Supply

In addition to the powers, authorities, duties and functions conferred upon the Owners Corporation by the Act and By Laws it shall have the following additional powers, authorities duties and functions:

1. Enter a lot to inspect the common gas supply to cooking appliances;
2. Determine whether the common gas supply has been tapped for the supply to appliances other than internal bench top cooking appliances ("additional appliances");
3. Impose on the owner of those lots in which the common gas supply has been diverted to additional appliances, an annual charge equal to the reasonable estimate for usage of gas having regard to the rated gas consumption of the additional appliances all such estimates to be at the absolute discretion of the Owners Corporation acting reasonably;
4. Determine that such annual charge be a levy for the purposes of enforcing the payment thereof.
5. Vary the annual charge having regard to the cost of gas imposed on the Owner Corporation;
6. Impose a retrospective levy on lots found to have tapped the common gas supply without permission from the Owners Corporation;
7. Continue to bill such levy until confirmation from a licensed gas fitter is received advising that no diversion of gas supply is in existence with a lot.

An owner and/or occupier of a lot must:

-
8. NOT connect an additional appliance to the common gas supply without
 - a. First notifying the Owners Corporation in writing of the intention to do so;
 - b. Using only the services of a licensed gas fitter as approved by The Owners Corporation to carry out the installation;
 - c. Paying any charge when levied for the consumption of gas determined by the Owners Corporation;
 - d. Be responsible for the maintenance and repair of all fittings, pipework and appliances attached to the common gas supply other than the gas supply piping to the boundary of the lot.

In the event that individual gas meters are installed to each and every lot such that consumption can be billed to each lot on a strictly metered basis the above requirements shall cease to have effect from the date of commencement of such direct billing of gas consumption.

(See Page 4 of Annual Report)

Chairperson's address for the general meeting:

CONSUMER, TRADERS AND TENANCY TRIBUNAL ("CTTT")

A portion of the increase in AF levies is as a direct result of the activities of one owner, and his repeated claims and appeals at the CTTT.

The Executive Committee ("EC") had planned to keep AF levy increases to a much lower percentage. In the last few days the EC was placed in the invidious situation of having only one insurer prepared to quote on reinsuring our almost \$100m asset due to the pending CTTT action and the allegations of fraud contained therein. This resulted in being forced to accept a cost with a 53% increase without any of the normal alternatives available to us.

While these claims by [redacted] are all untrue and will almost certainly be dismissed, the threat to our community financial wellbeing has been realised with legal, insurance and related costs all rising as a direct result. The EC regret that [redacted] activity has undone years of careful management of our expenses and are at a loss as to how to compel the owner to desist. The OC has sought legal advice and has engaged the services of a specialist NSW strata lawyer to deal with these claims.

The financial damage to our community caused by [redacted] claims against the OC has now been clearly manifested and will affect your levies. The damage to the reputation of volunteer, conscientious committee members is reaching the stage of seeking legal reparation. [redacted] has been warned by a formal legal letter about his defamatory statements, asked to retract them and apologise to those he has defamed. So far he has not complied with the request.

The value of our investment at Macquarie Gardens is also being detrimentally affected by [redacted] claims about the actions of our managing agent ("MA") over a number of past years. The EC believe these claims are equally ill-founded and without basis and the OC is cooperating in the defence of these claims by the MA. As is abundantly clear from both the financial performance measured against budgets, audited accounts, minutes of meetings and the physical state of the complex, all such claims are false and there is and never has been any mismanagement, let alone fraud.

The EC has received formal written confirmation from the MA that no fraud has occurred and that no EC member has any financial interest with or received any benefit from the MA.

If the latest decision of the CTTT, to dismiss [redacted] claims, is not upheld by the reviewing tribunal member at a hearing on 17th October 2012 there may be a need to further increase AF levies to meet additional legal expenses not covered by our legal liability insurance. As the next hearing is on the afternoon of the date of the AGM I expect to be able to report at the AGM in the evening on the outcome of the appeal by [redacted].

At the forthcoming AGM you will be asked to vote for the appropriate people to represent you on the EC next year. [redacted] has nominated himself as a committee member for next year.

The outgoing EC members strongly advise all owners to consider the highly undesirable situation of having [redacted] as a committee member. He has mounted a claim against the OC and therefore to be a member of its governing body would be an irreconcilable conflict of interest that could not in all reasonableness be functional.

Volunteers prepared to stand for election and contribute time and effort into participating in managing our community and setting its future direction, could not be expected to work with [redacted]. He has spread disquiet and created such concern with insurers that they would prefer not to quote. It will be hard enough for a new EC to function with today's cost pressures without having to deal civilly with an individual who has been defamatory about them.

REAPPOINTMENT OF MANAGING AGENT CONFIRMED – RAINE & HORNE STRATA

The committee has confirmed the continuation of our current contract with Raine & Horne Strata.

Last year, the Annual Report commented that EC was concerned about service levels from the MA. This year, the MA has experienced a forced change of responsible staff member for medical reasons. In our last annual report it was indicated that alternative arrangements may have to be considered. Since the end of the financial year the EC has conducted a tender process for the work carried out by the current MA. The tender was widely circulated including through the relevant institute of body corporate managers. A number of strata managers who have offices in surrounding suburbs were directly asked to quote. All of these tenders and quotes were handled directly by the Chairman and Treasurer without access by Raine and Horne Strata who provided their quote (based on the existing contract) at the beginning of the process. For commercial reasons it is inappropriate to circulate the results of these tenders. The incoming quotes were analysed by the Treasurer including confirming his calculations with tenderers where required. The level of response was low with only three conforming and one non- conforming bid being received by the due date.

The Treasurer's analysis was considered by the EC who concluded it is in the best interests of the OC to continue the appointment of the current MA. Accordingly there will be no need for a vote on this matter at the AGM. In reaching this decision matters other than pure cost were considered but owners can be reassured that the current contract structure (and in particular the absence of commission for insurance payable to the MA) provides SP52948 with a fair price commensurate with market rates.

The MA has assisted in further reducing administration costs by providing a free committee room on a number of occasions.

WATER & GAS CHARGES AND REBATE SCHEMES

There are two practical policies in place that affect charges and rebates to owners. Both these schemes have operated almost from the beginning of the OC and have resulted in equity in sharing common utility costs caused by the lack of individual meters for gas and water to all lots. Neither of the by-laws proposed is designed to change the long term practise and policy of fairness in gas and water cost sharing applied by the OC for the past 12 years but they will prevent some of the wild allegations regarding improper application of these schemes by the MA.

Refunding consumption charges (not connection charges) for water and gas to townhouse owners (provided these claims are submitted on the appropriate form accompanied by copies of paid invoices, and submitted for the current financial year or immediate past quarter of the prior year) was approved at an EC meeting in 1998 and ratified at an AGM in 1999 and it is believed this should be converted to a by-law.

The policy of levying a single annual charge to owners in any lot who connect gas heating to the common cooking gas supply was applied by the EC from shortly after residents moved in. The annual charge has not varied in many years, some owners do not voluntarily disclose the use of gas for heating and it remains impractical and too costly to install gas meters to all units. (Latest estimate is over \$2,000 each). It is considered desirable to have a by-law similar to that used to inspect for leaking water to make this gas heating supply charge more manageable, equitable and enforceable in future.

Full unredacted copy of the agenda:

SP52948-AGM-agenda-4Oct2012

Full unredacted copy of the minutes of the meeting:

SP52948-Minutes-AGM-17Oct2012

BCS Strata Management paperwork for AGM 2012:

SP52948-AGM-2012-paperwork

Quorum calculation:

SP52948-AGM2012-quorum-calculation

Four years later, BCS Strata Management sent secret invoice for unpaid levies for gas heating without applying correct levy and 10% simple interest per year to a group of owners and committee members:

(accounts only) GD Ref:	
<input checked="" type="checkbox"/> GENERAL DEBTOR REQUEST / <input type="checkbox"/> CHARGE TO LOT	
SP 52948	Body Corporate for
If charge is to be allocated to lot please complete below	
Lot No (if applicable):	
Authorization between body corporate and owner of lot.	YES NO
Name of Debtor	10TS 147, 148, 163, 167, 181, 182, 3, 59, 62
Address for notice*	68, 102, 127, 44
Contact (ph/email)	
Amount (Excl. GST)*	\$ 100
GST*	\$ 10
Total Payable (Incl. GST)*	\$ 110
Date for payment	1/18/16
Charge Description (to appear on notice) (max characters - 20)	Gas line charges 2012 + 2013

On this listing were five current or previous committee members.

Five current and/or previous committee members with gas heating connection were included in the invoice, without disclosure of their levy payments.

SP52948 AGM 2012 paperwork showing four proxy votes being given to Lot 147 who was unfinancial, two proxy votes (actual number is three and they were for whole 12-month period) given to Lot 158 who was fully financial, and number of owners who were allowed to vote (including ex committee members Lot 3 and Lot 62) whilst unfinancial

Each of three proxy votes for Lot 158 was for 12-month period:

- Lot 111
- Lot 188
- Lot 152

Secret proxy form was given to selected owners with suggestion to vote against Lot 158 Motions (without disclosure to owners corporation):

~~PROXY APPOINTMENT FORM~~
STRATA SCHEMES MANAGEMENT ACT 1996

We LORNA & YIGAL ZELUNZUK DATE 14 October 2012 (last possible day is 16/10/2012)
Insert full name of owners above insert day signed above

the owners of Lot 3 Strata Plan No 52948
insert apartment/townhouse number above

appoint ~~THE MEETING CHAIRPERSON~~ or Bruce Copland of 202 / 1-15 Fontenoy Road, Macquarie Park
as my / our proxy for the purposes of meetings of the owners corporation (including adjournments of meetings)

Period or number of meetings for which appointment of proxy has effect One (1) months/meetings.

(Note: The appointment cannot have effect for more than 12 months or 2 consecutive annual general meetings, whichever is the greater.)

~~11 This form authorises the proxy to vote on my/our behalf on all matters~~

OR

12 This form authorises the proxy to vote on my / our behalf on the following matters only:

For Motions 1, 2, 3, 4 (a), 4 (b), 5, 6, 7, 8, 9, 10, 11, and 12 - Please vote in favour.

For Motion 13 (New entrance path to Lane Cove Rd) - Please vote in favour / against (please circle your choice)

For Motion 14 (Approve budget of \$30,000 for New entrance path to Lane Cove Rd) - Please vote as per motion 13

For Motion 15 (New gatehouse for security staff) - Please vote in favour / against (please circle your choice)

For Motion 16 (Approve budget of \$40,000 for New gatehouse for security staff) - Please vote as per motion 15

For Motions 17, 18 & 19 - Please vote as you see fit

For Motions 20, 21 22, 23, 24, 25, 26, 27, 28 and 29 Please vote against

If Motions 13, 14, 15 or 16 are not marked proxy is to vote in favour.

For any other matters the proxy is to vote as he sees fit.

~~13 If a vote is taken on whether (the strata managing agent) should remain in office or another managing agent is to be appointed, I/we want the proxy to vote as follows:~~

~~14 Delete paragraph 3 if proxy is not authorised on this matter.~~

Signature(s) of all owner(s) L. Zelunzuk & Y. Zelunzuk

If two owners two signatures three owners three signatures etc.

Notes

- 1 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, caretaker or on-site residential property manager.
- 2 This form is ineffective unless it contains the date on which it was made and is given to the Secretary of the Owners Corporation:
 - a) In the case of a large strata scheme (more than 100 lots – excluding parking or utility lots), at least 24 hours before the first meeting in relation to which it is to operate; or
 - b) In any other case, at or before the first meeting in relation to which the instrument is to operate.
- 3 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.

Standard proxy form sent to other owners looked differently:

PROXY APPOINTMENT FORM

STRATA SCHEMES MANAGEMENT ACT 1996

NAME TIMOTHY KEMSLEY DATE 5/10/2012

the owners of Lot 137 Strata Plan No 52948

appoint THE MEETING CHAIRPERSON or (delete "the meeting chairperson" if nominating an individual).....

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

Period or number of meetings for which appointment of proxy has effect 1 ~~months~~ /meetings.

* Delete whichever does not apply

(Note: The appointment cannot have effect for more than 12 months or 2 consecutive annual general meetings, whichever is the greater.)

*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:

Voting FOR Motions 1 -> 16
On Motion 19 (Executive Committee Votes) we will not vote for anyone
representing units 92, 102, 111, 129, 153, 159 (Dusan), 162 or 188
We vote AGAINST Motions 20-29

(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 remain in office or another managing agent is to be appointed, I/we want the proxy to vote as follows:

*Delete paragraph 3 if proxy is not authorised on this matter.

Signature of owner(s) T Kemsley

Notes

- 1 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, caretaker or on-site residential property manager.
- 2 This form is ineffective unless it contains the date on which it was made and is given to the Secretary of the Owners Corporation:
 - a) In the case of a large strata scheme (more than 100 lots - excluding parking or utility lots), at least 24 hours before the first meeting in relation to which it is to operate; or
 - b) In any other case, at or before the first meeting in relation to which the instrument is to operate.
- 3 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.

Solicitor Adrian Mueller secret invoice dated 6th of March 2013, whilst illegally involved in Fair Trading case SM12-1537, illegally involved in CTTT cases SCS 12/32675 and 12/50460, and preventing access to Lot 158 in strata document search on 8th of March 2013 through Lot 158 issue of summonses at CTTT

When Lot 158 arrived at BCS Strata Management's office on 8 March 2013, almost none of the files were made available, including Solicitor Adrian Mueller's signed Standard Costs Agreement.

Lot 158 made copies of some files and was charged \$172.80 by BCS Strata Management.

Lot 158 made payment on 11 March 2013.

SP52948 Extract from minutes of committee meeting dated 5th of December 2012, ignoring Lot 158 correspondence

ITEM 3: Matters arising from the last ECM minutes:

On-site Wireless internet service provider

The MA is to follow up the matter of rental income payable to the OC by Whome, the current provider of wireless internet to a very limited number of residents throughout the scheme. As many alternative public wireless networks are now available, if no rental income has been paid to the OC, the contract for the renewal of this service will not be further considered by the OC.

- CTTT Hearing outcome

The EC noted that the CTTT has not handed down its decision in relation to the appeal lodged by [REDACTED] (NB Two days after the ECM a decision was received from CTTT dated 5/12/2012 ordering the appeal be dismissed in its entirety – copy attached)

ITEM 6: To consider correspondence

The EC noted that no other correspondence requiring the attention of the EC had been received. Any correspondence from [REDACTED] has been forwarded to the solicitor.

The meeting was attended by six members of the committee, one owner, and strata manager Mr. Peter Bone. No other of 218 owners of properties attended.

The following committee member with gas heating connection was allowed to vote, without disclosure of their levy payments:

Lot 147, Mr. Moses Levitt

Full unredacted copy of the minutes of the meeting:

SP52948-EC-Minutes-5Dec2012

SP52948 Extract from minutes of committee meeting dated 20th of February 2013, two owners received approval to install gas heating – Lot 59 and Lot 88, committee blaming Lot 158 for all legal actions without mentioning that committee members refused to attend free mediations at Fair Trading NSW

MOTION 5: To consider correspondence.

The Strata Manager advised the meeting that he had received written requests from the owners of Lots 59 and 88 to install gas connections within their respective units for the purpose of gas heating.

Resolved that these two requests be approved subject to the terms and conditions of the Special By-Law – Control of Common Gas Supply, as approved at the Annual General meeting held on 17th October 2012.

2. Mr Marshall's comment about the legal dispute between the owner of Lot 158 and the Executive Committee, and his (Mr Marshall's) threat to have the Executive Committee dismissed if the matter is not resolved.

Mr Marshall advised the meeting that he felt as though he was 'caught in the middle' of the ongoing legal action between the owner of Lot 158 and the Executive Committee, but offered no further explanation of why he felt he was caught in the middle.

The Chairperson advised that all legal action to-date has been initiated by the owner of Lot 158, resulting in the Executive Committee needing to take appropriate action to defend the actions brought by the owner of Lot 158.

The Chairperson further advised that all applications lodged with the Consumer, Trader & Tenancy Tribunal (CTTT) by the owner of Lot 158 to-date, have been dismissed by the CTTT.

The Chairperson then asked Mr Marshall what action he believed could be taken to have this on-going matter resolved. Mr Marshall did not offer a solution to this on-going legal action.

The meeting was attended by five members of the committee, one owner, and strata manager Mr. Peter Bone. No other of 218 owners of properties attended.

The following committee members with gas heating connection were allowed to vote, without disclosure of their levy payments:

Lot 147, Mr. Moses Levitt
Lot 181, Mr. Stan Pogorelsky

Full unredacted copy of the minutes of the meeting:

SP52948-EC-Minutes-20Feb2013

SP52948 Minutes of paper committee meeting dated 28th of March 2013 – voting against Solicitor Adrian Mueller attending CTTT Hearing on 15th of April 2013

The meeting was attended by six members of the committee, without strata manager listed. No other of 218 owners of properties attended.

The following committee members with gas heating connection were allowed to vote, without disclosure of their gas heating levy payments:

Lot 147

Lot 181

Full unredacted copy of the minutes of the meeting:

SP52948-Minutes-EC-meeting-28Mar2013

SP52948 Agenda for paper committee scheduled for 26th of April 2013 sent on 16th of April 2013 – no owner received a copy of the notice

Unredacted copy of the agenda for the meeting:

SP52938-agenda-paper-EC-meeting-16Apr2013

SP52948 Minutes of time-warped paper committee meeting one week ahead of schedule dated 19th of April 2013, ratifying Solicitor Adrian Mueller engagement without full disclosure or any evidence for owners

The meeting was attended by eight members of the committee, without strata manager listed. No other of 218 owners of properties attended.

The following committee members with gas heating connection were allowed to vote, without disclosure of their gas heating levy payments:

Lot 147

Lot 181

Full unredacted copy of the minutes of the meeting:

SP52948-paper-EC-meeting-19Apr2013

SP52948 Special By-Law 12 Control of Common Gas Supply registered seven months after the alleged general meeting on 6th of May 2013, not sent to any owner or tenant in the complex, alleging that the levies increased without its value being defined in the Special By-Law, and without disclosure that the original levy was set at \$200.00 since 1999 with 10% GST added on 1st of July 2000

SPECIAL BY-LAW 12 - Control of Common Gas Supply

In addition to the powers, authorities, duties and functions conferred upon the Owners Corporation by the Act and by-laws it shall have the following additional powers, authorities, duties and functions:

1. Enter a lot to inspect the common gas supply to cooking appliances;
2. Determine whether the common gas supply has been tapped for the supply to appliances other than the internal bench top cooking appliances ("additional appliances").

THE COMMON SEAL of THE OWNERS – STRATA PLAN
 NO 52948 was affixed on the 6th day of May 2013 in the presence of

Names:-----Debbie Richards-----

Signatures:-----*Debbie Richards*-----



being the persons authorised by Section 238 of the Strata Schemes Management Act 1996 to attest the affixing of the seal.

3. Inpose on the owner of those lots in which the common gas supply has been diverted to additional appliances, an annual charge equal to the reasonable estimate usage of gas having regard to the rated gas consumption of the additional appliances; all such estimates to be at the absolute discretion of the Owners Corporation acting reasonably;
4. Determine that such annual charge be a levy for the purposes of enforcing the payment thereof;
5. Vary the annual charge having regard to the cost of gas imposed on the Owners Corporation;
6. Impose a retrospective levy on lots found to have tapped the common gas supply without permission from the Owners Corporation, any such charge to be at the absolute discretion of the Owners Corporation acting reasonably;
7. Continue to bill such levy until confirmation from a licensed gas fitter is received advising that no diversion of gas supply exists within a lot.
8. An owner and/or occupier of a lot must NOT connect an additional appliance to the common gas supply without:
 - a. First notifying the Owners Corporation in writing of the intention to do so;
 - b. Using only the services of a licensed gas fitter as approved by the Owners Corporation to carry out the installation;
 - c. Paying any charge when levied for the consumption of gas determined by the Owners Corporation;
 - d. Be responsible for the maintenance and repair of all fittings, pipe work and appliances attached to the common gas supply other than the gas supply piping to the boundary of the lot.
9. In the event that individual gas meters are installed to each and every lot such that consumption can be billed to each lot on a strictly metered basis the above requirements shall cease to have effect from the date of commencement of such direct billing of gas consumption.

THE COMMON SEAL of THE OWNERS – STRATA PLAN
 NO 52948 was affixed on the 6th day of May 2013 in the presence of

Names:-----Debbie Richards-----

Signatures:-----*Debbie Richards*-----



being the persons authorised by Section 238 of the Strata Schemes Management Act 1996 to attest the affixing of the seal.

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

Full unredacted copy of the registered Special By-Laws on 6th of May 2013:

SP52948-Special-By-Laws-11-12-13-6May2013

SP52948 Minutes of committee meeting dated 22nd of May 2013 – not disclosing to owners that SCS 12/50460 was opened seven months earlier on 5th of October 2012 and not disclosing that Solicitor Adrian Mueller falsely represented owners corporation at Fair Trading and CTTT without authorisation

The meeting was attended by seven members of the committee, five owners, and strata manager Mr. Peter Bone. No other of 218 owners of properties attended.

The following committee members with gas heating connection were allowed to vote, without disclosure of their gas heating levy payments:

Lot 147

Lot 181

One owner attended (ex. Treasurer) who had gas heating connection:

Lot 62

Full unredacted copy of the minutes of the meeting:

SP52948-minutes-EC-meeting-22May2013

SP52948 Extract from minutes of committee meeting dated 28th of August 2013, decreasing gas heating levy from \$220.00 per annum to \$55.00 without general meeting and consultation with owners, one owner received approval to install gas heating – Lot 167, promise of water and gas metering investigations to continue

MOTION 5: To consider a request from the owners of unit 167 to install a gas outlet in the lounge room of that unit for gas heating purposes.
Resolved that the request from the owners of unit 167 to install a gas outlet be approved subject to the standard terms and conditions.
 The meeting further noted that the additional levy to be charged to unit owners with an additional gas outlet is \$55.00 per annum.

MOTION 19: Water / Gas Metering:
 Investigation of the water and gas metering is ongoing and to be continued.

The meeting was attended by seven members of the committee, two owners, and strata manager Mr. Peter Bone. No other of 218 owners of properties attended.

The following committee members with gas heating connection were allowed to vote, without disclosure of their gas heating levy payments:

- Lot 147
- Lot 181

One owner attended with gas heating connection:

Lots 144 and 175

Full unredacted copy of the minutes of the meeting:

SP52948-Minutes-EC-meeting-28Aug2013

Owners were prevented from having information that BCS Strata Management secretly issues overdue invoices for unpaid gas heating levies for FY 2012 and 2013 due on 1st of August 2016 (Lot 167 was on that list too). The levies did not apply correct amounts (\$220.00 per year and 10% simple interest per each year):

(accounts only) GD Ref:	
<input checked="" type="checkbox"/> GENERAL DEBTOR REQUEST / <input type="checkbox"/> CHARGE TO LOT	
SP 52948	Body Corporate for
If charge is to be allocated to lot please complete below	
Lot No (if applicable):	
Authorization between body corporate and owner of lot.	YES NO
Name of Debtor	LOTS 147, 148, 163, 167, 181, 182, 3, 59, 62
Address for notice*	68, 102, 127, 144
Contact (ph/email)	
Amount (Excl. GST)*	\$ 100
GST*	\$ 10
Total Payable (Incl. GST)*	\$ 110
Date for payment	1/18/16
Charge Description (to appear on notice) (max characters - 20)	Gas line charges 2012 + 2013

SP52948 Agenda sent to owners for Annual General Meeting on 9th of October 2013 – giving appearance that gas heating levies would be set to \$75.00 per quarter for one bedroom units and \$100.00 per quarter for two and three bedroom units with year review of levies

CONSUMER, TRADERS AND TENANCY TRIBUNAL (“CTTT”)

DB lodged an appeal against the decision by the CTTT to dismiss his claims lodged in 2012. In addition he lodged a new claim. Despite being warned formally that there was no prospect of his appeal succeeding he proceeded with the appeal. The appeal was dismissed as was his subsequent claim. Due to the voluminous material that he submitted to CTTT and the serious allegations made it was necessary to engage legal assistance to prepare and attend lengthy hearings at CTTT on a number of occasions. This is no different than using a plumber to fix leaks.

The EC has no choice but to defend these false claims on behalf of the OC and all owners should appreciate that the pejorative language constantly used by DB contributes nothing to any debate. It is hoped that a costs order against him may finally create the realisation that he is but one voice against whom a very large majority have voted. The latest dismissed claims sought to overturn decisions made at the prior AGM. The extent to which DB alleges “illegal” activity and the use of words like “fraud”, “criminal” and “corrupt” in public correspondence makes any discussion more impossible. He has been warned formally of the possibility of action against him for defamation. His actions, wild exaggerated claims of “hundreds of thousands of dollars” of losses and his inability to comprehend simple financial statements and meeting minutes continue to create a climate which detracts from the real picture of financial health. It appears that his intentions are purely vindictive and have no real bearing on managing the OC.

The OC is very clear that DB’s claims are not capable of being substantiated as no illegal or even improper activity has occurred. Regrettably DB appears to have turned his efforts to an email campaign to discredit the activities of the EC, chairman and MA. This campaign includes circulating partial, incomplete and incorrect information replete with misinterpretation of accounts and events that are not borne out by the facts. While the CTTT was considering these various matters the EC and MA have not responded to these fallacious and argumentative letters.

Claims that the OC is in financial difficulty and is mismanaged are not supported by the audited accounts, favourable comparison to budget, lack of special levies, and the very substantial reserve in the sinking fund. In addition to the false nature of claims, the numerous threatening, demanding and often defamatory correspondences, has made it very difficult for the MA and EC to respond in any case as the CTTT cases were outstanding and prevented normal response to alleged complaints.

The OC has lodged an application for a costs order against DB in light of his failure to withdraw his appeal which caused very substantial additional insurance claims. The result of that application is not yet known but is expected imminently. The insurance company meeting the OC’s costs has done so because the OC is insured against such false claims of fraud. No owner would serve on any committee or in any position of authority without the protection of such insurance and it remains the case that any further claims against the OC, the EC members or MA will be defended utilising the insurance. Naturally this has affected premiums for insurance but the findings in favour of the OC to date has meant that the effect of this has now ameliorated to an excess limit of \$10,000 (i.e. the OC pays the first \$10,000 of any claim).

The EC has again received formal written confirmation from the MA that no fraud has occurred and that no EC member has any financial interest with or received any benefit from the MA and refer owners to the detailed management representation letter provided to the auditor and EC.

REAPPOINTMENT OF MANAGING AGENT CONFIRMED – RAINE & HORNE STRATA

The committee has not retendered the current contract with Raine & Horne Strata as this was done last year with no obvious benefit (and certainly no financial one) in making any change. The nature of the current contract with "bundled disbursement" charges prevents many additional costs being incurred when having to deal with the voluminous correspondence forced on us by the CTTT. However the documentation (but not the fees for these services) is now somewhat dated and will be reviewed next year.

The current contract structure (and in particular the absence of commission for insurance payable to the MA) provides SP52948 with a fair price commensurate with market rates. This year this will even result in a commission rebated to the OC by the MA. This is a relatively unique feature and ensures there is no reason not to favour a particular insurer due to commission structures.

The MA has continued to assist in containing administration costs by providing a free committee room on a number of occasions. Suggestions by Mr Baljevic that funds could be used to build a meeting room to save the few dollars spent each year are ludicrous and simply make no commercial sense.

Details of tenders last year were not disclosed except to the committee for obvious commercial reasons and were withheld from the MA for the same reason.

WATER & GAS CHARGES AND REBATE SCHEMES

The by-laws approved last year have exposed some inconsistencies in information apparently supplied to townhouse owners over the years regarding the right to recovery of water and gas consumption costs. A particular case is under investigation to determine if any liability exists where incorrect information may have been given to an owner by a former MA employee.

Both these rebate schemes have operated almost from the beginning of the OC and have resulted in allowing the same unrestricted usage of gas and water and hence equity in sharing common utility costs caused by the lack of individual meters for gas and water to all lots with no measure of consumption by any individual tower owner.

Refunding consumption charges (not connection charges) for water and gas to townhouse owners (provided these claims are submitted on the appropriate form accompanied by copies of paid invoices, and submitted for the current financial year or immediate past quarter of the prior year) was approved at an EC meeting in 1998 and ratified at an AGM in 1999 and converted to a by-law at the last EGM.

There is no viable means of metering water usage at each apartment (multiple meters per unit would be required). Equally, there are many services and costs, incurred by the units in the towers, that provide minimal or no benefit to townhouse owners. (Examples are fire services, elevators maintenance, hot water services, garage door maintenance, carpet cleaning, security, burst pipes in the towers etc.) The townhouses have a higher floor space area and therefore a higher unit liability than the simple numerical unit count and also have more bathrooms relatively than the tower units. Thus proportionately the relative consumption is expected to be higher. There is no limit on water and gas consumption in tower units and therefore none in the size of the rebate. Changing the scheme may result in an application to redistribute the unit entitlements amongst all units as there is sufficient financial evidence to demonstrate the inequality of total costs.

The by law relating to gas inspections and annual charges passed at the last AGM will now allow the inspections and costs to be established properly. This was not done this year due

to the uncertainty over budget costs but is properly allowed for in 2014. The policy of levying a single annual charge to owners in any lot who connect gas heating to the common cooking gas supply will be billed with the first quarterly levy after the inspections are completed. The annual charge has been recommended at \$75 per quarter for a one bedroom unit and \$100 per quarter for a two or three bedroom unit. This charge will be reassessed annually as there are too many factors that affect usage in individual units to be any more reasonable at this time. A quarterly charge will ensure this is regularly billed and recovered.

AGM ATTENDANCE AND PROXIES

Attendance by almost 60 owners in person or by proxy is required at the AGM on **Wednesday 23rd October 2013** to avoid an adjournment and second meeting a week later. Please remember your vote at an AGM will be disallowed if all your levies, interest and miscellaneous charges are not completely paid by Tuesday 22nd October 2013

If you cannot attend the AGM, it would be very much appreciated if you would complete a proxy form in favour of someone you can trust to represent you at the meeting (remember all joint owners must sign). If you do not know anyone going to the AGM then I will be pleased to accept your proxy and vote as you direct. Please be careful in making proxy appointments as long term stability of levies and conservative application of sinking funds is at stake. Without proxies no AGM would have proceeded in any previous year so it does matter that you either attend or supply a proxy.

Full unredacted copy of the agenda for AGM 2013:

SP52948-Notice-AGM-2013-sent-on-9Oct2013

Extract from Minutes of Annual General Meeting on 23rd of October 2013, defending allegedly reasonable levies for gas heating without disclosing the details

MOTION 1: That the Minutes of the last Annual General Meeting, held on 17th October 2012, as attached to the notice of this meeting be approved.

made a number of objections to the motion to approve the minutes of the last AGM held on 17th October 2012. To the best of the chairman's knowledge these objections were not capable of being included as amendments to the minutes as they went to procedural or argumentative matters and did not go to the content of, nor change any decisions recorded in, the minutes. After a vote in favour of the motion on the voices, the chairperson asked whether wished the motion be determined by poll. A poll was requested, and resulted as follows:

Motion carried by a majority. U/E in favour: 2,062; U/E against: 303

MOTION 2: That the attached audited financial statements for the year ending 31st August 2013 be adopted.

The chairman explained the changes in accounting for Sinking Fund levies were now adjusted to the same deferred basis as the Administration Fund. Only major utility expenses are also adjusted on an accrual basis.

A number of questions concerning cash and accrual accounting, immaterial incorrect allocation of expenses to certain expense codes and offsets for legal expenses recovered from insurance were addressed by the Chairman.

Motion carried by majority. requested his vote against the motion be noted.

MOTION 10: To decide if any matter is to be determined only by the Owners Corporation in general meeting.

moved that all contracts and service agreements to be approved by a general meeting.

Defeated by majority vote.

The exception to this is the expense for the services included in the current major caretaking contract. The chairman advised as this contract was currently almost a third of the Administration Fund annual budgeted expense and expired on 31st August 2014 it would be appropriate to make arrangements to extend the current contractors to allow a new arrangement to be presented to the next AGM as it would also materially affect levies. This planned course of action was accepted by the meeting.

asked for all owners to be allowed to attend a meeting with BigAir, the now owner of the wHome wireless internet provider service. The chairman advised that no meeting had been agreed to and this matter was in the hands of solicitors but was taking longer than expected to resolve because the Owners Corporation copy of the agreement could not be found. Solicitors had been asked to advise how the contract can be terminated and the equipment removed. stated that he had sighted

the wHome agreement and that he may have it (or a copy?) but would not disclose or provide it to the Owners Corporation.

The charge for gas heating mentioned in the Annual Report was raised and the Chairman confirmed that pursuant to the Special By-Law this was undergoing the reasonableness assessment by the EC and as a result was not yet fixed.

Resolved that no other matters require to be determined only by the Owners Corporation in general meeting.

Full unredacted copy of the AGM 2013 (including evidence of unfinancial owners who were allowed to vote and two even elected on the committee without disclosure of unpaid levies and ballot papers that did not comply with strata laws):

SP52948-Minutes-AGM-23Oct2013

Quorum calculation:

SP52948-AGM-2013-quorum-calculation

Raine & Horne Strata - Sydney
Level 2, 51 Rawson Street Epping NSW 2121
Locked Bag 22, Haymarket NSW 1238

Telephone 02 9868 2999
Fax 02 8216 0331
Email strata@bcms.com.au
Web www.bcms.com.au



8th October 2013

The Auditor and Executive Committee
Macquarie Gardens , Strata Plan 52948
1-15 Fontenoy Road
Macquarie Park NSW 2113

Dear Sir/Madam,

Re: **STRATA PLAN 52948 – 1-15 FONTENOY ROAD MACQUARIE PARK
ANNUAL AUDIT – FINANCIAL YEAR TO 31ST AUGUST 2013**

This representation letter is provided in connection with the completion of the accounts and submission for audit of the financial report of the Owners Corporation for Strata Plan 52948 for the year ended 31st August 2013, for the purpose of you obtaining an opinion as to whether the financial reports are, in all material respects, in accordance with the relevant Acts and suitable for use as a special purpose report by Owners.

We acknowledge our responsibility in ensuring the financial report presents fairly, in all material respects, the financial position of the Owners Corporation of Strata Plan 52948 as at 31st August 2013 and its financial performance for the year then ended in accordance with the financial reporting requirements of the relevant Acts.

We confirm, to the best of our knowledge and belief, the following representations made to you before and during your audit.

1. We are responsible for the design and implementation of internal control to prevent and detect fraud and error. We have established and maintained an adequate internal control structure to facilitate the preparation of a reliable financial report, and adequate financial records have been maintained. There are no material transactions that have not been properly recorded in the accounting records underlying the financial report.
2. We believe the effect of any uncorrected financial report misstatements including disclosure deficiencies, reported to you after submission of the accounts for audit, are immaterial, both individually and in the aggregate, quantitatively and qualitatively, to the financial report taken as a whole.
3. We have disclosed to you the results of our assessment of the risk that the financial report may be materially misstated as a result of fraud.
4. There has been no fraud or suspected fraud affecting the entity involving management, employees who have significant roles in internal control or others where the fraud could have a material effect on the financial report.



5. To the extent that there has been allegations of fraud and financial mismanagement by [redacted] we can categorically refute these allegations. Other than those aforesaid allegations there have been no other allegations of fraud, or suspected fraud, affecting the entity's financial report communicated by employees, former employees, analysts, regulators or others.
6. There have been no instances of non-compliance with laws and regulations that could have a material effect on the financial report.
7. The following have been properly recorded and, when appropriate, adequately disclosed in the financial report:
 - (a) related party transactions and related amounts receivable and payable, including sales, purchases, loans, transfers, leasing arrangements and guarantees (written or verbal); and
 - (b) unasserted claims or assessments that our lawyer(s) has advised us are probable of assertion.
8. The information we provided to you regarding the identification of related party relationships and transactions is complete and we are not aware of any financial relationship whatsoever with any member of the Executive Committee.
9. There have been no events subsequent to year end through to the date of this letter that would require adjustment to, or disclosure in, the financial report.
10. There have been no instances of non-compliance with laws and regulations involving management or employees who have a significant role in internal control.
11. There have been no communications from regulatory agencies concerning non-compliance with, or deficiencies in, financial reporting practices that could have a material effect on the financial report.
12. We have made available to you:
 - (a) all financial records and related data, other information, explanations and assistance necessary for the conduct of the audit;
 - (b) minutes of all meetings of Owners and the Executive Committee directors, and
 - (c) orders of CTTT dismissing all claims and appeals by [redacted]
13. There are no violations or possible violations of laws or regulations the effects of which should be considered for disclosure in the financial report or as a basis for recording an expense.
14. The entity has complied with all aspects of contractual agreements that could have a material effect on the financial report in the event of non-compliance.
15. There are no formal or informal set-off arrangements with any of our cash balances, investment accounts and any line of credit or similar arrangements.

We confirm that the above representations are made on the basis of adequate enquiries of our management and staff (and where appropriate, inspection of evidence) sufficient to satisfy ourselves that we can properly make each of the above representations to you.

SP52948 Extract from AGM 2013 paperwork showing three proxy votes being given to Lot 147 who was unfinancial, one proxy vote to Lot 181 who was unfinancial, six proxy votes given to fully-financial Lot 158 where two were disallowed for \$0.10 and \$5.40 outstanding levies, and number of owners who were allowed to vote (including ex committee members Lot 3 and Lot 62) whilst unfinancial

The following owners were prevented to vote at AGM 2013, although their outstanding amount owing was small:

Lot 98 (owing \$0.10)
Lot 111 (owing \$5.40)
Lot 203 (owing \$8.66)
Lot 212 (owing \$3.87)

... whilst allowing the following owners to be counted as valid at AGM 2012:

Lot 160 (owing \$2.30)
Lot 195 (owing \$1.46)
Lot 203 (owing \$3.01)

Lot 158 had seven proxy votes of which two were for 12-month period:

Lot 98
Lot 188

Two owners, whilst unfinancial (Lot 147 and Lot 181), were allowed to vote and be elected as committee members without disclosure and by using non-compliant ballot paper (pre-written by strata manager).

Full evidence exists of these events.

Extract from Minutes of Extraordinary General Meeting (EGM) on 4th of December 2013, without giving owners any details, approved actions of BCS Strata Management for 14 years of mismanagement – Main Motions were submitted by Lot 147 and Lot 181 without disclosure of being unfinancial and not legal to be members of the committee

MOTION 2: That the Owners Corporation resolves to defend the appeal made by [redacted] to the Consumer, Trader and Tenancy Tribunal in file no. SCS 13/50737 against the decision of Strata Schemes Adjudicator Levingston made on 27 August 2013 in file no. SCS 12/50460 and to retain J S Mueller & Co Solicitors to act for and represent the Owners Corporation in that appeal on the terms of that firm's costs agreement and cost disclosure dated 8 November 2013, a copy of which is attached to the notice of this meeting.

Carried. (1 vote NO and 1 abstain)

MOTION 5: That the Owners Corporation ratifies all the acts of the Strata Managing Agent on behalf of the Owners Corporation up to and including the date of the last general meeting.

[redacted] moved that Motion 5 be amended to read:

That the Owners Corporation ratifies all the acts of the Strata Managing Agent on behalf of the Owners Corporation up to and including the date of the last general meeting, and for the avoidance of doubt in particular ratifies any

- a. contracts for caretaking, gardening, security and pool maintenance;
- b. agreements for elevator or other equipment maintenance;
- c. appointments of solicitors to defend claims and appeals by [redacted] to CTTT;
- d. claims on insurances submitted;
- e. supply of goods or services contracts or pricing agreements;
- f. payments made to owners under gas and water rebate schemes;
- g. gifts or donations made to contractors as customary seasonal tips;
- h. agreements or purchases made regardless of the amount being above \$30,000;
- i. permissions granted to lot owners in respect of keeping pets;
- j. permissions granted to carry out minor refurbishment works affecting common property but inside a lot;
- k. permission granted to use common property;
- l. instructions given to on-site caretakers;
- m. legal actions to pursue recovery of costs from lot owners in respect of monies owed to the Owners Corporation; and
- n. minor procedural or strict administrative compliance matter where the Owners Corporation has suffered no financial loss not subsequently recovered;

but not including any omission or failure to act that would have ordinarily been expected to occur in the absence of referring the matter to the Executive Committee or the Owners Corporation for guidance and/or approval.

Resolved that the proposed amendment to Motion 5 be approved.

Resolved that Motion 5, as amended, be approved.

Carried. (1 vote NO and 1 abstain)

MOTION 6: That the Owners Corporation ratifies all the acts of the Executive Committee up to and including the date of the last general meeting.

moved that Motion 6 be amended to read:

That the Owners Corporation ratifies all the acts of the Executive Committee up to and including the date of the last general meeting, and for the avoidance of doubt in particular ratifies any

- a. appointment of and renewal of appointment for a Strata Managing Agent;
- b. negotiations or tender process regarding such appointment conducted by any member of the committee;
- c. expenditure authorised on additions to or repair or replacement of common property regardless of the total amount being above \$30,000 and regardless of whether multiple quotes were obtained;

-
- d. amendments to the timing, frequency or scale of repairs, maintenance and replacements of Common Property include in the long term Sinking Fund plan;
 - e. submissions made on behalf of the Owners Corporation to the CTTT in respect of defence of claims and appeals by
 - f. banks chosen to place funds on deposit;
 - g. amounts placed on deposit for any term and at any rate of interest;
 - h. valuers chosen to provide insurance replacement valuations;
 - i. consultant selected to provide advice on any matter;
 - j. reliance placed on the audited accounts prepared by the Strata Managing Agent;
 - k. any determination of rules regulating use of pool, gym or tennis court; and
 - l. any decision reached in Executive Committee Meetings and recorded in minutes.

Resolved that the proposed amendment to Motion 6 be approved.

Resolved that Motion 6, as amended, be approved.

Carried. (1 vote NO and 1 abstain)

MOTION 7: That the Owners Corporation resolves to censure [redacted] for continued frivolous, vexatious and misconceived complaints about the affairs of the Owners Corporation and to pursue recovery of costs on a full indemnity basis for any complaints or actions requiring the Owners Corporation to apply insurance cover or pay for representation at any hearing or conference.

Carried. (1 vote NO and 2 abstain)

MOTION 8: That the Owners Corporation notes the voluminous and repetitive correspondence received from [redacted] which has been excessive and unnecessary for the good order and conduct of the affairs of the Owners Corporation and resolves not to respond to any such further correspondence (unless it is absolutely necessary or appropriate to do so) given that to continue dealing with and responding to this correspondence will likely result in increased administrative costs likely to affect the Owners Corporation in adverse manner.

Carried. (1 vote NO and 1 abstain)

MOTION 9: That the Owners Corporation notes that actions in the CTTT or OFT by [redacted] to have penalties imposed on the Strata Managing Agent are not supported by the Owners Corporation and that there is no current desire to change Strata Managing Agent.

H Gunawan moved that Motion 9 be amended to read:

That the Owners Corporation notes that actions in the CTTT or OFT by [redacted] to have penalties imposed on the Strata Managing Agent are not supported by the Owners Corporation and that there is no current desire to change the current Strata Managing Agent.

Resolved that the proposed amendment to Motion 9 be approved.

Resolved that Motion 9, as amended, be approved.

Carried. (1 vote NO and 1 abstain)

MOTION 10: That the Owners Corporation notes the orders of the CTTT requiring the payment by [redacted] to the owners corporation of \$8,800.00 for legal costs related to a previous dismissed CTTT appeal made by [redacted] and resolves to take such actions as are necessary to recover this amount if it remains unpaid by the date of this meeting, including retaining J.S.Mueller & Co. Solicitors for that purpose, causing a garnishee order, writ for levy of property or bankruptcy notice to be issued against [redacted] or seeking the imposition of a monetary penalty or fine by CTTT against [redacted] for the failure to comply with the order to pay costs.

The Chairperson moved that Motion 10 be amended to read:

That the Owners Corporation notes the orders of the CTTT requiring the payment by [redacted] to the owners corporation of \$8,800.00 for legal costs related to a previous dismissed CTTT appeal made by [redacted] and resolves to take such actions as are necessary to recover this amount if it remains unpaid by the earliest date which it is to due be paid, including retaining J.S.Mueller & Co. Solicitors for that purpose, causing a garnishee order, writ for levy of property or bankruptcy notice to be issued against [redacted] or seeking the imposition of a monetary penalty or fine by CTTT against [redacted] for the failure to comply with the order to pay costs.

Resolved that the proposed amendment to Motion 10 be approved.

Resolved that Motion 10, as amended, be approved.

Carried. (2 votes NO and 1 abstain)

MOTION 11: That the Owners Corporation resolves to write to [redacted] and advise him that he is not authorised to enter into correspondence or contact any supplier or provider of services to the Owners Corporation and that he may not represent that he has any such authority.

Carried. (1 vote NO and 2 abstain)

Full unredacted copy of the EGM 2013:

SP52948-Minutes-EGM-4Dec2013

Quorum calculation:

SP52948-EGM-2013-quorum-calculation

BCS Strata Management letter sent to owners about self-reporting of gas heating connections in SP52948 on 14th of April 2014

Raine & Horne Strata - Sydney
Level 2, 51 Rawson Street Epping NSW 2121
Locked Bag 22, Haymarket NSW 1238

Telephone 02 9665 2999
Fax 02 8216 0331
Email strata@bcms.com.au
Web www.bcms.com.au

Raine&Horne
Strata Sydney

14th April 2014

All Owners
1-15 Fontenoy Road
MACQUARIE PARK NSW 2113

Dear Owner

Re: **STRATA PLAN 52948 – 1-15 FONTENOY ROAD MACQUARIE PARK
ADDITIONAL GAS OUTLET INSTALLATIONS**

We are the Strata Managing Agents for the above property.

A number of unit owners in the four (4) tower blocks have at some point in time installed an additional gas outlet within their unit for heating purposes. These additional gas outlets have been connected to the common gas supply.

The gas supply to the kitchen appliances of all units is metered through a single meter, and is paid for by the Owners Corporation.

The 2012 Annual General Meeting (AGM) approved By-Laws (copy enclosed) in relation to the charging of a fee to those unit owners who have installed an additional gas connection within their unit.

The fee for those units with the additional gas connection has been determined at \$50.00 plus GST per quarter (a total of \$220.00 per annum) per unit.

In order for the Owners Corporation to charge those units with the additional gas connections, the Owners Corporation needs to know which units have installed additional gas connections.

Unit owners who have installed an additional gas connection are requested to advise the Owners Corporation of this installation, and,

- When the installation was completed, and,
- The capacity of the appliance/s attached to the connection.

Owners are requested to forward this information, in writing, to our office at the earliest available opportunity. This information can be e-mailed to peterb@bcms.com.au faxed or mailed as per the details above.

The Owners Corporation greatly appreciates your assistance with this matter and furthermore, will look favourably upon those Lot owners who volunteer the requested information in a timely manner.

The By-Law permits these charges to be extended retrospectively to the date of installation. No retrospective charges will be made to those owners who have continued to pay the previous annual fee and a maximum of one year retrospective charge will be made for voluntary disclosure.

The latest plumbing inspections revealed a number of units to have gas heating installed with no approval or payment. This pipes for the gas supply are common property and any changes other than immediate connection to a cooktop require approval from the Owners Corporation.

Owners are requested to complete the bottom of this page and return it to our office within 21 days from the date of this letter. Your assistance with this matter will be appreciated and should you have any questions regarding this matter please do not hesitate to contact the undersigned.

Yours faithfully,

RAINE & HORNE STRATA-SYDNEY



Peter Bone

Cc the Executive Committee, Strata Plan 52948

Return this sheet by email or fax (02 8216 0331)

**delete if not applicable applicable*

To the Owners Corporation

Lot number

We have* / do not have * a gas heating connection point installed.

The approximate date of installation was:

Signed:

Please print name

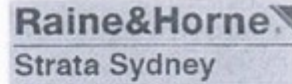
Unredacted copy of the letter

SP52948-BCS-Strata-Management-forced-by-Lot-158-to-audit-gas-heating-outlets-14Apr2014

BCS Strata Management sent repeated request to owners about self-reporting of gas heating connections in SP52948 on 30th of June 2014

Raine & Horne Strata - Sydney
Level 2, 51 Rawson Street Epping NSW 2121
Locked Bag 22, Haymarket NSW 1238

Telephone 02 9868 2999
Fax 02 8216 0331
Email strata@bcms.com.au
Web www.bcms.com.au



30 June 2014

All Owners
Strata Scheme No. 52948
1-15 Fontenoy Road
MACQUARIE PARK NSW 2113

Dear Owner

**RE STRATA PLAN 52948 – 1-15 FONTENOY ROAD, MACQUARIE PARK
ADDITIONAL GAS OUTLET INSTALLATIONS**

We are the Strata Managing Agents for your strata scheme.

On 14 April 2014, our office wrote to you about the by-laws approved in the 2012 Annual General Meeting (AGM) allowing a fee to be charged to unit owners who have installed additional gas outlets connected to the common gas supply. A copy of this letter is enclosed.

This second page of this letter includes a form to be completed with information about the presence or absence of a gas heating connection in your residence. We thank you on behalf of the Owners Corporation if you have already returned the completed form to us.

If you have not returned the form, we request that you to do so by either emailing KirstyV@bcms.com.au or faxing the form to (02) 8216 0331, by Thursday 31 August 2014.

As previously mentioned, plumbing inspections have already revealed a number of unauthorised connections.

Should you have any questions regarding this matter please do not hesitate to contact the undersigned.

Yours faithfully
RAINE & HORNE STRATA-SYDNEY

A handwritten signature in blue ink, appearing to read 'Russell Young'.

Russell Young
Portfolio Manager

Unredacted copy of the letter:

SP52948-second-letter-about-self-reporting-gas-heating-outlets-30Jun2014

SP52948 Extract from agenda for Annual General Meeting on 11th of November 2014 – confirming gas heating levies set at \$220.00 per year (GST inclusive)

USAGE OF GAS FOR HEATING

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

The legal costs relating to defending claims by one owner, _____, against the OC were largely recovered by a Supreme Court order from the owner, following a Deed of Settlement earlier this year. However, over the last three years the OC has incurred costs that were not recovered from this owner and been obliged to spend valuable management time dealing with multiple repetitive and unproven claims, further appeals against the dismissal of the owner's claims and orders to the owner to pay costs to the OC. Since the settlement the owner has already required reminding by our solicitor, in writing, of the terms of settlement which preclude any further action by the owner on the matters that formed part of any claims.

The debt recovery process approved at the 2012 AGM remains in place. Late payers will continue to be charged interest at 10%, which in today's interest rate climate should be sufficient encouragement to pay on time. The financial health of our community is such that the EC has not agreed to the imposition of any charges for collection efforts other than interest, believing that this is fair and only if debt is seriously overdue will more aggressive action be applied at the defaulting owner's cost.

WHOME (now BigAir) BREACH OF CONTRACT

The wireless internet supplier BigAir, originally known as Whome, has reneged on its contractual obligations to pay a commission to the OC and has relied on changes to the Telecommunications Act to prevent their equipment being removed. Solicitors acting for the OC gave ineffective advice and this matter remains a commercial headache. Self-managed legal action may be the only resolution to this, which will take a lot of committee time. The cost of initiating legal action may exceed any recoupment but the alternative is that BigAir continues to profit from the use of common property for no cost.

COMMITTEE ACKNOWLEDGEMENT

This community is now a business with over a \$1m turnover per annum, recurrent expenditure of \$0.75m and over \$1m in investments to manage. This cannot be done effectively without a very significant commitment by volunteers. No-one on the EC receives any remuneration or special benefits as any form of compensation for their efforts. It is essential that proper thanks are extended to the current committee volunteers for their continuing good natured and positive contributions to managing the affairs of our community over the last year.

Regular sub-committee and informal meetings were required to deal with our affairs and together with site inspections and research time amounted to a significant commitment. Too much time was wasted dealing with the CTTT (now NCAT) and a Supreme Court appeal by _____ against cost orders imposed on him by CTTT. These court attendances required parts of ordinary working days which placed unreasonable and unnecessary time demands on volunteers. Particular thanks are due to John Ward, Maureen McDonald, Stan Pogorelsky and Mo Levitt who all gave significant time and thought outside EC meetings to follow up on issues referred to the EC for comment and decisions.

Owners can show their appreciation by re-electing those current committee members who choose to stand again. New candidates are welcomed and required but this should be balanced with retaining the experience and knowledge of a number of the existing committee.

CORRECTING BYLAW FOR TOWNHOUSE GAS REBATES

One special resolution is required to correct an error in the gas rebate process. The connection charge for gas has always been permitted as the charge for the towers is paid by the Owners Corporation. The MA has continued the practise which is in technical breach of a bylaw and motions 17 and 18 deal with resolving this.

AGM ATTENDANCE AND PROXIES

Attendance by almost 60 owners in person or by proxy is now required at the AGM on **Wednesday 26th November 2014 at the Epping Club** to avoid an adjournment and second meeting a week later (if it is even possible to find a room this close to seasonal holidays). Please remember your vote at an AGM will be disallowed if all your levies, interest and miscellaneous charges are not completely paid by Monday 24th November 2014. As all the outstanding levies relate to the quarter ended 31st October 2014 and were due three months ago anybody not current really has no excuse for not being up to date.

If you cannot attend the AGM, it would be very much appreciated if you would complete a proxy form in favour of someone you can trust to represent your views at the meeting (remember all joint owners must sign). If you do not know anyone going to the AGM then I will be pleased to accept your proxy and vote as you direct. Please be careful in making proxy appointments and ensure the proxy understands your instructions.

At the date of our original annual report the EC had no intention to create new, or change existing, bylaws but ... has again presented a number of motions regurgitating issues that have been voted on in the past. This now necessitates some special resolutions. Special resolutions if valid cannot be approved if 25% or more of those present in person or by proxy vote against them. The proxy form allows you to clearly specify how you wish your proxy to vote on all the motions. Please use this carefully and direct your proxy to vote against these motions if you disagree with them. Most of these issues have been aired before at numerous general meetings or appear to be personal issues affecting only ...

Unredacted copy of paperwork for general meeting:

SP52948-AGM-2014-paperwork

SP52948 Extract from minutes of committee meeting dated 14th of March 2015, ignoring submissions from Lot 158, stating that gas heating levies were not applied for two quarters, levies to be charged for each year of past use, and interest charges would be applied to owners found to be using gas heating

2. CORRESPONDENCE FROM

Motion

2.1 To note that correspondence continues to be received from The Strata Managing Agent does not respond, noting that the matters appear to be similar to those previously raised and for which relief from responding was previously granted in General Meeting, and/or have otherwise been dealt with in the Deed of Release from Supreme Court proceedings, or at the 2014 AGM.

The voluminous correspondence from is considered to fall within the terms of Deed of Release and is also covered by the AGM motion that it need only be responded to in certain limited circumstances. The EC do not wish to expend Owners funds in detailed consideration or responding or having the managing agent do so. The nature of the correspondence appears to be a continuing attack on the activities of the managing agent and EC. These repetitious false allegations do nothing to contribute to the ongoing management of the Owners Corporation and the managing agent was instructed to continue to follow the directive of the AGM.

12. OTHER GENERAL BUSINESS:

Gas billing

The managing agent was instructed to reinstitute the quarterly billing for gas heating which has now been omitted for two quarters.

Lot owners who have voluntarily disclosed the use of common gas supply for room heating are to be charged at the rate then applying for each year of past use. Interest charges will be levied on owners found to have been using gas for heating without paying for the supply.

The meeting was attended by six members of the committee, one owner, and strata manager Mr. Russell Young. No other of 218 owners of properties attended.

The following committee member with gas heating connection was allowed to vote, without disclosure of their levy payments:

Lot 181

Full unredacted copy of the minutes of the meeting:

SP521948-Minutes-EC-Meeting-4Mar2015

SP52948 Extract from minutes of committee meeting dated 16th of March 2017, resolution for strata manager to check all water and gas charges (including levies for gas heating) and issuing invoices for gas heating in amount of \$220.00 per year in May of each year

3 FINANCIAL REPORT

Resolved that the financial reports for the current financial year were tabled and discussed. Further resolved that the strata manager is to check the previous BCS accounts to ensure that the gas and electricity charges have been correctly coded.

13 MCCULLOCH & BUGGY EMAIL

2

Minutes Page 2 of 4

The correspondence from McCulloch & Buggy Lawyers regarding an insurance claim was tabled and discussed. The strata manager advised that he has reviewed all of the relevant correspondence and that a Legal Defence insurance claim relating to legal action commenced by _____, owner of Lot 158, totalling \$28,511.24 was lodged in 2012/2013. Following deductions of \$1,000 Excess and \$2,591.93 GST, the strata plan received \$24,919.31 from CHU Insurance. Following an NCAT order against _____, the strata plan received \$8,800 from _____ on 22 July 2014 being a refund of the strata plans legal expenses in relation to this matter. CHU Insurance have requested and are entitled to receive these funds. Resolved the strata manager is to pay \$8,800 to CHU Insurance.

14 WATER & GAS COST REIMBURSEMENTS

Resolved that the form to be used to allow owners to claim water and gas usage reimbursements was reviewed and the strata managers are authorised to use the amended prescribed form, in accordance with Special By-Law 13. Resolved a copy of this new claim form is to be issued to all townhouse owners for future use. Further resolved that due to the recent change of strata managers, townhouse owners will be able to claim for the last 2 quarters of previously unclaimed expenses, but only until 31 March 2017 when the normal "claim within 60 days of payment" rule will apply.

Further resolved that the Lot 213 has replaced the gas cooktop with electric, so are no longer entitled to gas usage reimbursements and are not to be charged for additional gas points.

Further resolved that the levy accounts of the following units are to be charged \$220 incl. GST on their May levy notice, being the annual charge for the additional gas point within those units:

Lots 3, 8, 59, 62, 68, 102, 127, 144, 147, 148, 163, 167, 181, 182, 194, 199, 206, 209.

The meeting was attended by eight members of the committee, two owners, and strata managers Mr. Simon Wicks and Mr. Robert Crosbie. No other of 218 owners of properties attended.

The following committee members with gas heating connection were allowed to vote, without disclosure of their levy payments:

Lot 147

Lot 181

Full unredacted copy of the minutes of the meeting:

SP52948-Minutes-EC-meeting-16Mar2017

Correspondence

The strata manager is to respond to the correspondence dated 3 April and 16 April

2

Page 2 of 3

2017 as follows:

CHU Insurance - This matter was responded to following the previous committee meeting and will not be responded to again.

Special By-Law 4 - This has been included on the consolidated by-laws prepared by Waratah Strata and is available to all owners from Waratah's portal.

Lot 158 timber flooring - Floating timber flooring not permanently affixed to common property floors or walls can be installed in accordance with By-Law 14.

Requested By-Laws - The 116 page request for motions to be placed on the agenda of the next available general meeting does not comply with Schedule 1, Part 2 Sec 4 (2) of the Strata Schemes Management Act 2015.

Lot 191 Leaks - This matter was addressed at the previous committee meeting and will not be responded to again.

Capital Works Forecast - This report is intended to be used only as a guide for financial planning purposes and is not intended to be a comprehensive actual costing of all maintenance requirements. The Owners Corporation can choose to use or alter the recommended contributions when setting the levies at each AGM.

Gas Connection Charges - The committee have attempted to implement a fair & just system for all owners for the charging of gas supply. They are entitled to adjust these arrangements from time to time as required.

The meeting was attended by six members of the committee, four owners, and strata manager Mr. Robert Crosbie. No other of 218 owners of properties attended.

The following committee members with gas heating connection were allowed to vote, without disclosure of their levy payments:

Lot 147

Lot 181

One committee member was absent, who also had gas heating connection:

Lot 3

Full unredacted copy of the minutes of the meeting:

SP52948-Minutes-EC-meeting-20Apr2017

SP52948 Extract from minutes of committee meeting dated 20th of July 2017, Solicitor Adrian Mueller engaged without consultation with owners corporation, claim that \$1,411.66 was owing in gas heating levies at change of strata managers on 1st of February 2017 of which only \$91.66 was outstanding levies from committee members, statement that accounting data for gas heating levies was inaccurate and incomplete

1 MINUTES

Resolved that the minutes of the previous strata committee meeting were amended to record a voting paper being provided by Genelle Godbee and then confirmed as a true record of the proceedings of that meeting. It is noted that the agenda for the previous "voting-paper-only" committee meeting was not sent to all owners due to the urgency of confirming the appointment of the new lift contractors prior to the termination date of the previous lift contract on 30 June 2017. The formal approval of the new lift contract is dealt with later in this meeting.

TELECOMMUNICATIONS EQUIPMENT:

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

DUSAN BALJEVIC CORRESPONDENCE:

The substantial volume of correspondence directed to owners and the strata committee received from [redacted] was tabled and discussed. Resolved that a formal response that is to be sent to all owners to refute the incorrect claims and personal accusations made by [redacted] is to be prepared. Further resolved that JS Mueller & Co are to be appointed to provide legal advice to the Owners Corporation as to its options for restraining [redacted] from publishing potentially defamatory material about strata committee members and others at an estimated cost of \$3,500 + GST. Further resolved that JS Mueller & Co are to be appointed to peruse [redacted] proposed general meeting motions at an estimated cost of \$1,750 + GST.

5 GAS CHARGES

The historical charges to lot owners for additional gas points was discussed. The strata manager advised that a thorough review of the BCS records has been carried out, including a request for further information from BCS, and it is still not possible to accurately confirm the amounts that have been charged to and paid by the respective lot owners. It is the view of the strata committee that the cost of carrying out a forensic audit of the strata accounts over many years would far exceed the amount of any unpaid additional gas charges and therefore the cost of this exercise could not be justified. Resolved that a motion is to be included on the Annual General Meeting agenda to allow owners to vote on whether a forensic audit of the gas charges is to be carried out or whether it will be deemed that all gas charges are paid up to date. (Note: In the accounts provided by BCS at the change of strata manager they indicate General Debtors in relation to gas charges totalling \$1,411.66, of which only \$91.66 relates to strata committee members. The committee do not believe this information is accurate but have deferred this decision to be made at the AGM so there is no question of a conflict of interest by the committee.)

The issue of gas supply and gas usage charges was also discussed. Waratah Strata Management were previously instructed to only reimburse gas usage and not gas supply charges. It has been raised by

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various owners that this is inconsistent with what previously occurred and amended Special By-Law 13. It was discussed that the unit owners only pay a supply charge for the gas used for hot water and not cooking, and that the townhouse owners should therefore also not pay the supply charges for their gas used for cooking. Resolved that the townhouse owners are to be reimbursed the gas supply and gas usage charges. Waratah Strata are to reimburse owners the gas supply charges on any previously claimed expenses as part of the next reimbursement paid.

The meeting was attended by six members of the committee, and strata managers Mr. Simon Wicks and Mr. Robert Crosbie. No other of 218 owners of properties attended.

The following committee members with gas heating connection were allowed to vote, without disclosure of their levy payments:

- Lot 88
- Lot 147
- Lot 181

One committee member was absent, who also had gas heating connection:

Lot 3

Full unredacted copy of the minutes of the meeting:

SP52948-Minutes-EC-meeting-20Jul2017

SP52948 Extract from letter sent by three unfinancial committee members Lot 3, Lot 14, and Lot 181 to owners on 21st July 2017, claim that \$1,109.23 was owed for gas heating levies but none of the committee members had outstanding levies to be paid, defamatory and false statements about Lot 158 taking photos inside properties and browsing through rubbish bins, false statement about Police dismissing Lot 158 submissions

Gas heating connections

The historical charges to lot owners for additional gas points was discussed at the recent SC meeting. The strata manager advised that a thorough review of the BCS Strata Management records has been carried out, including a request for further information from BCS, and it is still not possible to accurately confirm the amounts that have been charged to and paid by the respective lot owners. It is the view of the strata committee that the cost of carrying out a forensic audit of the strata accounts over many years would far exceed the amount of any unpaid additional gas charges and therefore the cost of this exercise could not be justified. It was decided that a motion is to be included on the Annual General Meeting agenda to allow owners to vote on whether a forensic audit of the gas charges is to be carried out or whether it will be deemed that all gas charges are paid up to date. In the accounts provided by BCS at the change of strata manager they indicate General Debtors in relation to gas charges totaling \$1,109.23, of which none relates to strata committee members. The committee do not believe the BCS information is accurate but have deferred this decision to be made at the AGM so there is no question of a conflict of interest by the committee members.

Legality of Committee members

has made accusations that members of the SC have a conflict of interest when voting on matters of a financial nature. This is an absurdity. Of course the SC members have a financial interest in the building - that is why they are on the committee! To suggest that committee members cannot make an impartial decision that is in the best interests of the OC just because they also have a personal financial interest in the outcome of those decisions is offensive.

Invasion of privacy

A letter has been received by the SC from a resident objection to taking photographs of her residence. He has also been seen searching through Recycle Bins on the property. Residents are advised to shred all personal documents disposed of in the recycle bins.

... has also conducted an inspection of the OC records held by the strata manager (as all owners are entitled to do), but has then disclosed personal information in his emails to owners. Legal advice is currently being obtained to advise the SC how to legally prevent this behaviour.

General Behaviour

... has previously made accusations to the Police against past and present members of this committee and employees of the Building Manager. On Police examination of his claims they dismissed his charges as baseless.

However ... is at present facing a charge of assault against one of the employees of the Building Manager.

In Summary

The strata committee apologise for having to provide owners with this lengthy correspondence but cannot let the accusations being distributed by ... go unanswered. Your strata committee are all owners who freely volunteer their time for the benefit of your Owners Corporation. This is often a thankless task which the committee do for the benefit of all owners and they do not appreciate their work being denigrated and their personal names and reputations being besmirched by one owner.

The committee cannot stop ... sending you his correspondence, but you can instruct him to stop sending you his emails. You are encouraged to ignore his misinformed, inaccurate and twisted version of events. If you have any personal concerns about the management of the property, please send them directly to Waratah Strata Management, who will raise them with the strata committee, so you can be provided with accurate information in response.

Correspondence such as that being distributed by ... has a serious impact on the harmony within the property and the value of your units. Any prospective purchaser of a unit within the building will carry out an inspection of the strata books and records. When those records disclose serious disharmony, many owners may choose not to purchase a unit in your building, reducing the competition from buyers and the price achieved.

From ... owner of Unit 181, and member of the Strata Committee.

I refer you to ... letter concerning ... email of the 16th July 2017.

... has put across very well the facts which I am in agreement.

As far as the Gas Refunds are concerned, I personally am completely up to date with all my payments. I have supplied Mr Robert Crosble of Waratah Strata an XL schedule of all my payments and any owner is at liberty to contact him for his confirmation.

May I encourage all owners to attend the Annual General Meeting scheduled in October 2017 so that we continue running Macquarie Gardens into the future in the best way possible.

From owner Unit 147, and member of the Strata Committee

On 16 July 2017 [unit 158] emailed:-

Based on all available documents and minutes of meetings, so far the conclusion that can be reached with reasonable level of confidence is that the four EC members alone (Lot 3, Lot 62, Lot 147, and Lot 181) owe to owners corporation around \$10,000.00 (plus 10% interest applied in each year) in UNPAID GAS LEVIES for the period of at least 15 years. It also means they were UNFINANCIAL and could not make any decisions at general meetings.

has accused me previously in numerous emails of not having paid gas levies by extracting private invoices from Strata Records out of context. He has not bothered to show correspondence proving payment – why? He has also extracted data including voting papers pertaining to me from the Strata Records as attachments to his emails. Whilst this data is accessible to owners such data is not for publication and is a breach of privacy. Has any owner accessing Strata Records the right to publish extracted confidential information in any manner?

For the record I applied to the EC prior to installing a second gas connection, which was approved. From that date I was invoiced and have paid all accounts, including for the period 2012-2013 - which BCS invoiced late. All payments have been verified. All invoices received were paid timeously.

His calculation of \$10,000 owing is absolute rubbish as one can calculate that from the 15 years 2000 to 2014 had the four owners above paid $(13 \times \$50 = \$650) + (2 \times \$200 = \$400) = \text{Total of } \$1,050$, then the maximum could be $4 \times \$1,050 = \$4,200$. As I, and presumably others named, have paid, his comments are false and libellous.

This is indicative of the absolutely absurd numbers has over the years been dreaming up, that monies amounting to millions of dollars being owed or overspent. He continuously accuses Strata Committee members of fraud and secret machinations, belittling their efforts to maintain the high standard for the complex at minimal cost to owners which is evident in the current work being done.

In a letter to regarding his derogatory comments the Strata Managing Agent in March 2017 stated:-
It is my understanding that the following correspondence has been widely distributed to lot owners of SP 52948. I suggest that you use extreme caution in sending correspondence of this nature to other owners. This correspondence contains many statements that are false, misleading and possibly defamatory. When you broadcast your opinions directly to other owners you leave yourself exposed to having a defamation action brought against you by other owners / committee members. Please cease distributing your emails in relation to your opinions on strata issues to other owners.

Despite the above and having been sued for damages by a previous member of the Strata Committee [an extremely costly exercise for it is obvious that DB does not heed sound advice or learn from experience. Unless he desists from this practice he may find himself once again in court.

Response by [redacted] to allegations made by [redacted]

While I do not believe that I should have to defend myself against allegations made by [redacted], I believe my right to privacy has been violated, some facts relating to myself have been misrepresented and others totally false.

1. Membership of EC Committee

- [redacted] has failed to advise owners that he too was a member of the EC for some 10 years. Many of his allegations of inappropriate management of the Strata relate to years that he was a member of the EC.
- I was a member (and President of the Owners Corporate) for a short period prior to 1999 and only rejoined the committee approximately 6 months prior to the previous AGM (October 2016). Some of DB's allegations against me refer to the period that I was not on the EC and are therefore not valid.

2. Gas Levies

- All invoices issued to me in relation to gas levies have been paid.
- I take exception to the circulation of personal financial information to the wider Macquarie Gardens community about what I allegedly owe or do not owe to the Strata.
- [redacted] alleges there was a conflict of interest in striking an increase of the gas levy by EC members as some of the EC members have a gas connection. This is false. A conflict of interest would only occur if the levies were reduced. In this case the gas levy was increased.

3. Special By Law #4

- The allegation that this by-law has been hidden is false. By-Law #4 appears in the list of Macquarie Gardens By-Laws.

When doing this alteration to our unit all due process was followed. A civil engineer inspected the property and issued a written report. The report was presented to the EC before approval was given.

- One of the conditions was that we take out Public Liability policy to the value of \$10,000,000.00. Over the years this has been increased and is currently worth \$20,000,000.00.
- [redacted] alleges that we have been given "special" benefits to common property. This gives the impression that we have been given special rights to parts of the common property. This is false. This By Law related to our unit and as the exterior wall of our property is common property this is the extent of the special rights.

4. Legal Fees paid to defend Lot 3 (our apartment).

This is totally false. There were no fees incurred or any legal action required to 'defend' me on any matter.

5. Additional work to our unit - Sliding Door.

[redacted] alleges that we have done additional work to Common Property. This is absolutely false. I resent these allegations. What he is referring to is correspondence to Waratah in which I ask what the process is to make changes. NO work has been carried out.

Full unredacted copy of the letter:

[SP52948-EC-letter-to-owners-with-false-information-21Jul2017](#)

SP52948 Extract from minutes of committee meeting dated 28th of September 2017

Correspondence

has recently provided an updated 83 page document listing motions he requires to be placed on the agenda of the forthcoming AGM. These motions are currently being considered.

By-Law Review

The draft by-laws prepared by Jane Crittenden and Adrian Mueller are to be amended as discussed at the meeting by John Gore, redistributed to the committee and then provided to the solicitors to update as required. The amended by-laws will then be added to the AGM agenda.

4 AGM MOTIONS

Resolved that the following motions that are to be included on the AGM agenda:

Window Cleaning (as discussed above).

Proposed By-Laws (as discussed above).

Caretaker Contract: That the Owners Corporation enter into a new 3 year contract with Uniqueco Pty Ltd to provide caretaking services to the property.

The meeting was attended by six members of the committee, and strata managers Mr. Simon Wicks and Mr. Robert Crosbie. No other of 218 owners of properties attended.

The following committee members with gas heating connection were allowed to vote, without disclosure of their levy payments:

Lot 3
Lot 88
Lot 147
Lot 181

Full unredacted copy of the minutes of the meeting:

SP52948-Minutes-EC-meeting-28Sep2017

SP52948 Agenda sent to owners for Annual General Meeting on 10th of October 2017, Motion for overdue levies, based on Solicitor Adrian Mueller advice all Motions by Lot 158 were ignored

12 OVERDUE LEVIES & PAYMENT PLANS

12.1 That should any owner, mortgagee in possession or former owner of a lot not pay contributions by their due date in relation to a lot, that the strata managing agent be authorised to take proceedings on behalf of the owners corporation for the recovery of overdue contributions, on the following basis:

- (1) Issue Reminder Letter after amount more than 31 days overdue and over \$200
- (2) Issue Final Warning Letter after amount more than 64 days overdue and over \$200
- (3) Issue Commence Legal Action Letter after amount more than 94 days overdue and over \$500.
- (4) At least 21 days after 'Commence Legal Action' letter issued, if the owner, mortgagee in possession or former owner has not made payment of any outstanding amount in accordance with the reminder letters sent by the strata managing agent, the strata managing agent be instructed to engage Le Page Lawyers to:

(A) Prepare and issue to any relevant lot owner, mortgagee in possession or former lot owner a notice of proposed action to recover by way of proceedings in a court of competent jurisdiction on behalf of the owners corporation setting out:

- (a) The amount of the contribution, interest or expenses sought to be recovered;
- (b) The proposed recovery action by way of proceedings in a court of competent jurisdiction;
- (c) The date the contribution was due to be paid;
- (d) Whether a payment plan may be entered into in accordance with section 85(5) of the Strata Schemes Management Act 2015; and
- (e) Any other action that may be taken to arrange for payment of the contribution;

(B) Le Page Lawyers be engaged and instructed to:

- (a) Provide advice regarding recovering outstanding contributions;

(b) Commence, maintain, defend or discontinue court proceedings against any lot owner, mortgagee in possession or former lot owner where outstanding contributions are due in relation to the relevant lot;

(c) Take legal action to recover unpaid contributions, interest on unpaid contributions or related expenses by enforcing any judgment obtained including:

- (i) Obtaining any necessary writ(s) for the levy of property; and
- (ii) Obtaining any necessary garnishee order(s).

(Note: costs associated with the recovery of overdue levies are usually recovered from the respective lot owner.)

12.2 That the owners corporation will not agree to enter into payment plans as specified in section 85 (5) of the Strata Schemes Management Act 2015 for the payment of overdue contributions.

12.3 That the strata managing agent, under the direction of the Strata Committee, will be permitted to enter into informal, short-term late levy payment arrangements with lot owners when necessary, subject to:

- (i) interest being charged in accordance with the Strata Act;
- (ii) payments being made to clear levy arrears within a reasonable time period;
- (iii) agreed payments being made on time;
- (iv) the strata manager or Strata Committee being able to revoke the payment arrangement and commence legal proceedings at any time without further notice should the levy arrears not be cleared within a reasonable time or the arrangement being breached by the lot owner.

[Explanatory Notes:

1. Section 86 of the Strata Schemes Management Act 2015 states that an owners corporation must not take debt recovery action unless it has given notice to the person against whom the action is to be taken at least 21 days' notice of the action.
2. Section 12 of the Strata Schemes Management Act 2015 provides that the owners corporation for a strata scheme may employ such persons as it thinks fit to assist it in the exercise of any of its functions. Further, the owners corporation must ensure that any person so employed has the qualifications if any required by the Act or any other law for the exercise of that function.
3. The fee proposal from Le Page Lawyers is available from the Strata Manager upon request]

15 **APPOINTMENT OF STRATA MANAGING AGENT**

That Waratah Strata Management (herein called 'the Agent') be appointed as the Managing Agent of

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the Owners Corporation in Strata Plan 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:** Due to the changes to the Strata Act, Waratah Strata Managements current monthly rollover agreement is no longer permitted, so we are required to enter into a new agreement with your owners corporation. 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 2 - 2 1/2 years to allow the agreement to be discussed and renewed at every second 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.]

22 **LIMITS ON SPENDING BY LARGE SCHEMES**

That the Owners Corporation resolve to remove the limitation imposed by section 102(2) of the Strata Schemes Management Act 2015 generally or in relation to any particular item.

[**Explanatory Note:** Section 102(2) of the Strata Schemes Management Act 2015 imposes a restriction on large strata schemes that it must not spend on an item or matter an amount greater than the amount specified for the item or matter (plus 10%) in estimates provided for that item or matter at an annual general meeting. The owners corporation is able to remove this restriction generally or in relation to any particular item or matter.]

23 **CARETAKER CONTRACT**

That the Owners Corporation enter into a new 3 year contract with Unique Co Pty Ltd to provide caretaking services to the property, with the strata committee authorised to negotiate acceptable contract conditions.

Note: submitted 76 additional motions which were reviewed by strata lawyers on behalf of the Owners Corporation. The solicitors advice was that the additional motions provided were not compliant with the requirements of strata legislation and were therefore not required to be included in this agenda.

Unredacted copy of the agenda:

SP52948-agenda-for-AGM-2017

SP52948 Extract from Agenda for committee meeting in February 2018 which was not sent to Lot 158, meeting gave appearance of fairer share of costs for gas service and supply charges

Amendment to Special by-law 13.

ISSUE

The new proposed Special by-law 13 deferred from the AGM changes the existing arrangements regarding the reimbursement of gas service/supply charges to townhouse owners.

BACKGROUND

Units and townhouses are different in the way water and gas is provided and paid for. For units:

1. each pays its own water and sewerage bill but not the water consumption
2. each pays its own hot water bill including a service charge
3. the gas cooking usage and related supply/service charge is paid by strata
4. with an additional gas outlet, an additional fee of \$200 plus GST is paid to strata.

Town houses:

1. pay their own water and sewerage including water usage
2. pay their cooking gas bill including usage and supply/service fee
3. with additional gas outlets pay their own bill and are not eligible for any reimbursements

The existing *Amendment to Special By-law 13* makes the "exception" that allows the gas service fee to be reimbursed to townhouse owners in addition to reimbursement for water and cooking gas consumption. The payment of this fee, on submission of a claim, was paid up until the commencement of Waratah Strata who on advice interpreted this matter differently and reduced townhouse reimbursement submissions by the amount of this fee.

The 20 July Strata Management Committee Meeting discussed this matter and reaffirmed the original position and the Strata Manager agreed to reimburse townhouse owners who had made claims and had them reduced.

When preparing the amendments to the By-laws for the AGM, a lawyer was engaged to construct the wording and in her report indicated that she did not understand the arrangements regarding gas equalisation costs and although members of the committee prepared a new version it did not make the agenda for this meeting but was presented by John Gore.

At the AGM a number of unit owners questioned this proposed amendment to maintain the status quo indicating that they believed that each unit owner paid the service fee for gas with their hot water accounts and that townhouse owners should therefore pay their cooking gas service fees.

After discussion, the meeting decided to defer the proposed motion for Special By-Law 13 and the proposed John Gore amendment so that members of the strata committee could investigate all the relevant accounts to clarify the situation.

COMMENT

On investigation (refer below *Gas payments 2017*) it was found that:

- Unit owners pay a gas service/supply charge monthly on their hot water of near \$20 or \$240 per annum.
- Townhouses owners pay a service/supply fee of around \$52 a quarter or over \$200 a year which for the 25 townhouses is over \$4000 a year.
- Strata pays the gas usage for five outlets (one for each of the four blocks and another for the pool) and the service/supply charge is over \$1200 in total or about \$5 per unit per annum once the common property (pool) is taken out of the equation.

Although townhouse owners are disadvantaged by having limited gas services (cooking) for their high service/supply charge, the unit owners are similarly disadvantaged by having limited gas services (hot water) for their even higher service/supply charge.

Like the units, the townhouses benefit from strata payments for common services (e.g. spa and pool) and it could be considered unreasonable and privilege for strata to pay the townhouse gas service/supply fees. If complete monetary equality was to be sought, then townhouses could be given an annual discount of \$5 (the cost of the gas cooking supply/service fee for each unit). This action would be administratively costly.

It is proposed that according to the existing Special By-Law 13 which allows the strata committee to act in "absolute discretion" and "reasonably" (e. In the event of a dispute over reimbursement the Owners Corporation shall determine the amount to be paid in its absolute discretion acting reasonably;) that the intent of the proposed Crittenden by-law amendment be implemented immediately and moved formally at the next General Meeting or AGM.

The implication here is that any townhouse owners seeking gas service fee reimbursements for the current quarter (from January 2018) and subsequently be denied.

RECOMMENDATION

That Amendment to Special By-Law 13 be as proposed by Crittenden be implemented immediately and moved formally at the next General Meeting or AGM.

Sharing of Water and Gas Costs

In addition to the powers, authorities, duties and functions conferred upon the Owners Corporation by the Act and by-laws it shall have the following additional powers, authorities, duties and functions:

1. *Determine a fair and equitable method of sharing gas and water charges amongst all lot owners;*

Gas payments 2017

Units 1-48 (two additional outlets) A/c No 1837360000

Date	Payment	Service/supply charge
30/1	576	58
8/5	624	49
3/8	798	63
26/10	1254	58
Total	3252	228

UNITS 49-97 (3 additional outlets) A/c No 8435260000

Date	Payment	Service/supply charge
27/3	515	59
22/6	704	57
21/9	1208	58
Total	2427	174

Additional account for 49-97 (most likely the pool) A/c No 4358260000

Date	Payment	Service/supply charge
27/3	2704	61
26/6	5449	58
22/9	8070	58
Total	16113	177

Units 98-145 (3 additional outlets) A/c No 0596360000

Date	Payment	Service/supply charge
26/6	796	58
21/9	1440	58
Total	2236	116

UNITS 146-193 (6 additional outlets) A/c No 1012360000

Date	Payment	Service/supply charge
27/3	284	59
20/6	1053	83
21/9	2729	58
Total	4066	200

Full unredacted copy of the agenda of the meeting:

SP52948-agenda-EC-meeting-7Feb2018

SP52948 Extract from minutes of committee meeting dated 15th of February 2018, Lot 194 inquiry about gas heating connection and reimbursements, changes to Special By-Law 13

- By-Law Review - Renovations: Resolved the strata manager is to request a fee proposal from Crittenden Lawyers to prepare new by-laws to cover unit renovation works, including replacing kitchens, bathrooms & laundries, installing air conditioners and installing hard floor coverings. The by-law should include retrospective approval for any of these works already carried out.
- By-Law 13: Resolved that following a review of the current reimbursement of townhouse gas and water usage charges, it was resolved that only the gas and water usage charges would be reimbursed and not the service availability charges. Further resolved that the amendments to By-Law 13 previously prepared by Crittenden Lawyers are to be included on the next available general meeting agenda for approval by the Owners Corporation.
- Email from [redacted] owner of Unit 194 regarding installation of a gas hot water system - Resolved that the committee confirm that should any additional gas appliances be installed, such as a hot water system, the lot owner would no longer be entitled to reimbursement of their gas usage costs due to the difficulty in assessing the amount of the gas used by each appliance and that only cooking gas was intended to be reimbursed by By-Law 13.

The meeting was attended by six members of the committee, three owners, and strata manager Mr. Robert Crosbie. No other of 218 owners of properties attended.

The following committee members with gas heating connection were allowed to vote, without disclosure of their levy payments:

Lot 147

Lot 181

One committee member was absent:

Lot 88

One owner attended (previous Treasurer) and had gas heating connection:

Lot 62

Full unredacted copy of the minutes of the meeting:

SP52948-Minutes-EC-meeting-15Feb2018

SP52948 Extract from minutes of committee meeting dated 12th of April 2018, new By-Laws prepared, gas heating levies confirmed at \$220.00 per year and charged in May each year, review of townhouse owners with gas heating and removing them from gas usage reimbursements, admission by Waratah Strata Management about lost USB key with strata files 11 months after the event, first time owners notified about Lot 158 submission of serious fraud to Police in second part of 2017

- By-Law Review - Crittenden Lawyers are to be requested to provide a consolidated set of all by-laws (existing and proposed) so this document can be reviewed by the committee prior to the next meeting.

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- By-Law 13 - As for previous item.
- Unit 134 Computers - Following responses from Council, the strata electrical contractor and the strata fire services contractor, no further action is to be taken at this time.

4 GENERAL BUSINESS

Resolved that following general business items were raised and discussed:

GAS USAGE CHARGES

The strata manager is to prepare a document that summarises:

- which lots have additional gas points for heating and are to be charged the \$220 annual fee for the extra gas usage (this "Additional Gas Point Fee" is for the period 1/9 - 31/8 each year and is to be charged around 1 May each year).
- which townhouse lots are entitled to claim for gas usage charges
- which townhouse lots have additional gas points (hot water or heating) and are not entitled to claim for gas usage (A letter is to be sent to those lot owners to advise they will not be charged the Additional Gas Point Fee, but cannot claim for gas usage costs)
- which townhouse lots do not have any gas connection and so do not claim for gas usage
- which townhouse lots are entitled to claim for water usage

POLICE COMPLAINT

The strata manager advised that he had been contacted by Eastwood Police about a complaint lodged with them by [redacted] about alleged illegal activity during BCS management of the property. The strata manager advised that he had provided the Police with the USB containing BCS archive records so they could inspect any relevant documents. Resolved the strata manager is to provide the Police with a copy of the Deed of Settlement and Release between SP 52948 and [redacted] dated 13 February 2014, a copy of the CTTT Orders dated 6 November 2013 and a copy of the relevant meeting minutes recording those matters.

The meeting was attended by six members of the committee, two owners, and strata manager Mr. Robert Crosbie. No other of 218 owners of properties attended.

The following committee members with gas heating connection were allowed to vote, without disclosure of their levy payments:

Lot 147

Lot 181

One committee member was absent:

Lot 88

One owner attended (previous Treasurer) and had gas heating connection:

Lot 62

Full unredacted copy of the minutes of the meeting:

SP52948-Minutes-EC-meeting-12Apr2018

SP52948 Extract from minutes of committee meeting dated 21st of June 2018, note about gas and water reimbursement new By-law being prepared for AGM

- By-Law Review - The draft by-law prepared by Jane Crittenden Lawyers to replace Special By-Law

es Page 1 of 2

13 to deal with gas and water reimbursements has been accepted by the committee and is to be included on the next AGM agenda for consideration by the Owners Corporation. Crittenden's are also to provide a consolidated set of all by-laws that can be tabled at the AGM.

The meeting was attended by six members of the committee, one owner, and strata manager Mr. Robert Crosbie. No other of 218 owners of properties attended.

The following committee members with gas heating connection were allowed to vote, without disclosure of their levy payments:

Lot 88
Lot 147
Lot 181

Full unredacted copy of the minutes of the meeting:

SP52948-Minutes-EC-meeting-21Jun2018

SP52948 Extract from minutes of committee meeting dated 13th of September 2018, Lot 158 submissions ignored

- Email from [redacted] (Lot 209) regarding appearance of townhouses and removal of lattice - No change to the lattice is to be made.
- Emails from [redacted] (Lot 158) to owners - It is noted that [redacted] is continuing to send lengthy emails to some owners with his grievances against the current and previous strata committee members and against the current and previous strata managers. The committee have made a decision, in accordance with Special By-Law 14 - Unreasonable Communications, that it will ignore these communications and waste no more of the strata committees time or the Owners Corporations funds in legal fees to respond to these matters. Owners are requested to pass any concerns they may have with [redacted] correspondence on to the strata manager so these can be raised with the strata committee.
- Email from [redacted] (Lot 213) regarding common area lighting - [redacted] is to arrange an electrician to attend the property at night to inspect the area adjoining townhouse 212 to see whether any additional lighting is required.

The meeting was attended by five members of the committee and strata manager Mr. Robert Crosbie. No other of 218 owners of properties attended.

The following committee members with gas heating connection were allowed to vote, without disclosure of their levy payments:

Lot 88
Lot 147
Lot 181

Full unredacted copy of the minutes of the meeting:

SP52948-Minutes-EC-meeting-13Sep2018

SP52948 Extract from agenda for Annual General Meeting 2018, Lot 90 forced to pay interest for overdue levies, Lot 158 Motions ignored as per Solicitor Adrian Mueller advice

15 CONSOLIDATION OF BY-LAWS

The Owners Corporation resolves to register a Consolidation of By-Laws form at NSW Land Registry Services in the form annexed to the notice of meeting and marked with the letter "X".

16 LOT 90 ARREARS CHARGES

That the correspondence from [REDACTED], owner of Lot 90, requesting interest charges and arrears fees be waived be tabled and a decision made whether to agree to that request.

17 TOWNHOUSE LATTICE

That the correspondence from [REDACTED], owner of Lot 209, to remove and replace the townhouse carport lattice be tabled and a decision made on that proposal.

18 LOT 158 MOTIONS

That the attached motions provided by the owners of Lot 158 be tabled at the meeting and voted on.

19 LOT 158 MOTIONS MUELLERS LEGAL ADVICE

That the advice of JS Muellers Solicitors on the Lot 158 motions be tabled at the meeting and a decision made whether to commence legal proceedings against the owners of Lot 158.

Full unredacted copy of the agenda of the meeting:

SP52948-Agenda-AGM-9Oct2018

SP52948 Extract from Minutes of Annual General Meeting on 18th of October 2018 – Lot 90 forced to repay levy arrears with interest

15 CONSOLIDATION OF BY-LAWS

The Owners Corporation resolves to register a Consolidation of By-Laws form at NSW Land Registry Services in the form annexed to the notice of meeting and marked with the letter "X", subject to Special By-Law 6 being repealed.

16 LOT 90 ARREARS CHARGES

Resolved that the correspondence from [redacted] owner of Lot 90, requesting interest charges and arrears fees be waived was tabled and a decision made not to agree to that request.

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17 TOWNHOUSE LATTICE

Resolved that the correspondence from [redacted], owner of Lot 209, to remove and replace the townhouses carports lattice was tabled and a decision made not to agree to that proposal.

18 LOT 158 MOTIONS

The motions provided by the owners of Lot 158 were tabled. Resolved that as the owners of Lot 158 had submitted 83 pages of motions for the 2017 AGM and 61 pages of motions for the 2018 AGM and that as a substantial number of the motions were the same or similar each year, the correspondence was deemed to be in breach of Special By-Law 14 - Unreasonable Communications, in that they are considered unreasonable due to the content (defamatory, offensive or otherwise), volume, length or duration, or frequency of the communications. The proposed motions were therefore not considered or approved.

19 LOT 158 MOTIONS MUELLERS LEGAL ADVICE

The advice of JS Muellers Solicitors on the Lot 158 motions were tabled at the meeting.

The strata manager advised that [redacted] co-owner of Lot 158 had between 2011 and 2014 lodged 3 separate Adjudication applications against the Owners Corporation, which were all lost by Lot 158; had lodged 3 Consumer Trader Tenancy Tribunal (CTTT) applications appealing the Adjudication decisions, which were all lost by Lot 158; had lodged a District Court application appealing the CTTT decision, which was withdrawn by Lot 158, and then entered into a Deed of Settlement with the Owners Corporation agreeing to cease any further proceedings and to pay the Owners Corporation \$17,700 of its costs, in addition to an earlier \$8,800 costs order from CTTT.

It was discussed whether to seek legal advice to determine whether Lot 158 is in breach of that Deed of Settlement by continuing to publicly distribute serious allegations against the Owners Corporation, past and present members of the strata committee, its past and present strata managing agents, and past and present employees of the strata managing agents.

[redacted] co-owner of Lot 158, committed to cease all correspondence from Lot 158 to the Owners Corporation, the strata committee, lot owners and the strata managing agents unless it is an issue directly affecting Lot 158.

Resolved that legal advice on the above issues is not to be commenced at this time, however the strata committee are authorised to seek legal advice at any time should the owners of Lot 158 breach the commitment to cease all correspondence unless it is an issue directly affecting Lot 158.

Full unredacted copy of the agenda of the meeting:

SP52948-Minutes-AGM-2018-18Oct2018

SP52948 Letter allegedly sent by Waratah Strata Management to owners on 12th of March 2019, no disclosure of paid ransomware and large losses of strata files

Waratah Strata Management failed to provide owners with full details of the alleged ransomware attack:



Address: P.O. Box 125, Eastwood NSW 2122 Phone: 02 9114 9599 Fax: 02 9114 9598
Email: enquiry@waratahstrata.com.au Web: www.waratahstrata.com.au

12 March 2019

Strata Owners

Dear Sir/Madam,

RE: WARATAH STRATA MANAGEMENT – IT INCIDENT

On 1 February, Waratah Strata Managements computers were impacted by ransomware, a type of malicious software. This resulted in access being denied to both our server and external cloud-based backup. For the first 3 weeks in February we had data recovery experts attempt to decrypt our files, which they were successful in doing, however they found that the files have been corrupted and are unreadable. We also appointed a legal firm that specialises in dealing with cyber security issues, so received the best advice and assistance that is available.

It is important to note that there is no evidence that any of the information contained in our system, including the financial and statutory Owners Corporation information such as owners details, has been accessed or taken by any third party. All indications are that the third party who deployed the ransomware only accessed the IT system to install the malicious software, but this is something that will be reviewed closely as we continue to investigate the incident. This incident has also been reported to the police via the Australian Cybercrime Online Reporting Network (ACORN).

Please be assured the owners corporation funds are completely secure – it is only our records that have been impacted.

On Friday 22 February we had our server returned to us and have since been restoring our lost data from a backup from mid-2018. We have employed additional staff and been working very long hours 7 days a week to re-enter all of the financial transactions and update the owners corporations records.

This process is now mostly complete, however as much of this data has been manually re-entered we acknowledge that there may have been mistakes made during this process. We are therefore providing the attached Owner Details Form and ask that you complete and return this form to us as soon as possible to ensure your current details are correctly recorded.

Enclosed is your notice for the levy due on 1 May. We have chosen to post this levy notice to you, even if you usually receive levy notices by email, until we are confident all owners details are correct.

Again, we ask you to carefully check the levy amount owing and if you have any concerns, we ask you to provide a copy of the original levy notices that were sent to you along with a covering letter/email to indicate the amounts of concern and proof of payment of those amounts, so we are able to investigate this for you. We will ensure that no owner incurs any additional charges as a result of errors that have occurred during the re-entering of the financial records.

We also advise that all of the data that was stored on our online portal has been lost. We will be able to restore a lot of this information, but not all of the historical records. For those owners that have been attempting to access the portal, this should now be accessible using your previously advised access details, or if new access details have been entered for your lot, a new web access letter is enclosed.

We request some understanding if we are unable to immediately take your phone calls or return emails at this time. We have over 5 weeks of work to catch up on that we have not been able to attend to until this week. We will be doing everything we can to respond to your requests for assistance as soon as possible.

We sincerely apologise for any inconvenience that has been caused by this issue.

Yours faithfully,

WARATAH STRATA MANAGEMENT PTY LTD

Robert Crosbie

Director

Unredacted copy of the letter:

[SP52948-letter-sent-to-owners-by-Waratah-Strata-Management-about-ransomware-page-1-12Mar2019](#)

[SP52948-letter-sent-to-owners-by-Waratah-Strata-Management-about-ransomware-page-2-12Mar2019](#)

Sententia report on alleged ransomware attack that was never provided to owners:

[Sententia-brief-analysis-with-limited-evidence-ransomware-attack-against-Waratah-Strata-Management-undisclosed-to-owners-of-strata-plan-SP52948](#)

SP52948 Extract from minutes of committee meeting dated 21st of March 2019, incomplete listing of 12 owners with gas heating connections with admission of unpaid levies in financial year which ended on 31st of August 2018 and blaming ransomware attack that happened in February 2018 for unpaid levies that were due six months earlier, on list of 12 owners with unpaid levies for FY 2018 there were four current and previous committee members (Lot 3, Lot 62, Lot 147, Lot 181), promise to investigate outstanding levies for gas heating, Lot 158 submissions ignored

3 FINANCIAL REPORT

Resolved that the financial reports for the current financial year were tabled and discussed.

Further resolved that following Waratah Strata's computer hacking loss of data, the additional gas point fee is to be re-charged to the levy account of Lots 3, 8, 59, 62, 68, 102, 127, 147, 148, 163, 181 & 182 for the period 1 September 2017 to 31 August 2018. Further resolved the same lots are to be charged the same fee for the period 1 September 2018 to 31 August 2019, with this fee due and payable on 1 May 2019.

left the meeting for the duration of the following item due to their vested interest in the outcome of the discussion.) Further resolved the strata manager is to review the

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available Owners Corporations records to determine whether there is sufficient information available to decide whether any lot owner owes to the Owners Corporation any amount for the additional gas point fee for prior years. (Note: The strata manager advises that due to a complaint lodged with the police by the owners of Lot 158, the USB containing the BCS Strata Management records was taken by the NSW Police for examination. The USB was subsequently lost by the Police. Both the Police and Waratah Strata have attempted to obtain a replacement USB from BCS, but that has not been provided. As a result of the missing USB, it will be impossible to determine the history of the gas point fee charges during BCS' management period.)

- Lot 158 correspondence - Multiple email correspondence from the owners of Lot 158 was tabled. Apart from issues dealt with elsewhere in these minutes, no further action is to be taken.
- Smoke alarms in units - It is noted that the smoke alarms inside each unit are the lot owners

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

6 GENERAL BUSINESS

The following general business items were raised and discussed:

- By-Laws - A copy of the current by-laws are to be distributed to all committee members.
- House Rules - John Gore is to revise the House Rules to reflect the use of the swimming pool and tennis courts.
- Strata Manager - Waratah Strata Management advise that Frank Tallaridi has been appointed as the primary strata manager for the property. Robert Crosbie will continue to assist Frank and the strata committee as required and will chair the committee and general meetings.

The meeting was attended by seven members of the committee, and two strata managers Mr. Robert Crosbie and Mr. Frank Tallaridi. No other of 218 owners of properties attended.

The following committee members with gas heating connection were allowed to vote, without disclosure of their levy payments:

Lot 88
Lot 147
Lot 181

Full unredacted copy of the minutes of the meeting:

SP52948-Minutes-EC-meeting-21Mar2019

SP52948 Extract from minutes of committee meeting dated 2nd of May 2019, gas heating levies allegedly deleted by ransomware accident, repeated false and inaccurate statement from Minutes of committee meeting dated 20th of July 2017 about outstanding gas heating levies and plan to submit Motion about forensic audit of gas charges or waive unpaid levies at next AGM, Lot 158 submissions ignored and not disclosed to owners

2 FINANCIAL REPORT

Resolved that the financial reports for the current financial year were tabled and discussed as follows:

- The strata manager is to recode various expenses to the correct account code, including some gas charges and a Uniqueco invoice.
- Gas Charges - The strata manager confirms that the charges for the additional gas points for the

1

Minutes Page 1 of 2

2018 year (which had been inadvertently deleted from owners levy accounts due to Waratah's IT Incident) and the charge for the 2019 year have been charged to all relevant levy accounts. It was also noted that the following decision was made at the strata committee meeting held on 20 July 2017: *"The historical charges to lot owners for additional gas points was discussed. The strata manager advised that a thorough review of the BCS records has been carried out, including a request for further information from BCS, and it is still not possible to accurately confirm the amounts that have been charged to and paid by the respective lot owners. It is the view of the strata committee that the cost of carrying out a forensic audit of the strata accounts over many years would far exceed the amount of any unpaid additional gas charges and therefore the cost of this exercise could not be justified. Resolved that a motion is to be placed on the Annual General Meeting agenda to allow owners to vote on whether a forensic audit of the gas charges is to be carried out or whether it will be deemed that all gas charges are paid up to date. (Note: In the accounts provided by BCS at the change of strata manager they indicate General Debtors in relation to gas charges totalling \$1,411.66, of which only \$91.66 relates to strata committee members. The committee do not believe this information is accurate but have deferred this decision to be made at the AGM so there is no question of a conflict of interest by the committee.)"* It is noted that the above motion was not included on the agenda of the following AGM, therefore the strata committee will include this motion on the agenda of the 2019 AGM.

4 CORRESPONDENCE

Resolved that correspondence received was tabled and discussed as follows:

- Letter from Ryde Council regarding owner complaint to Fire and Rescue NSW about ongoing maintenance issues for fire safety - An owner has lodged a complaint with Fire and Rescue NSW about fire issues at the property. That complaint was passed on to Ryde Council to investigate. An inspection has been carried out by Ryde Council, but no written response has been received advising of the outcome of that inspection as yet.
- Email from Lot 158 regarding use of Council land for parking and smoking - No further action to be taken.
- Email from Lot 158 regarding Treasurers position and lost BCS USB - No further action to be taken.
- Email from Lot 158 to Thomas Karolewski concerning gas charges, 1999 to 2016 - It is noted that this matter was raised before by the owner of Lot 158. To avoid breach of Special By -Law 13 Unreasonable Communications, owners are advised to direct all communication via the Strata Manager. It is also noted that the 2018 treasurers appointment was specifically for the functional purpose of the strata committee, reporting only to the committee during that tenure. It is also noted that the functions of the treasurer are delegated to Waratah Strata Management in their management agreement.

The meeting was attended by six members of the committee, and two strata managers Mr. Robert Crosbie and Mr. Frank Tallaridi. No other of 218 owners of properties attended.

The following committee members with gas heating connection were allowed to vote, without disclosure of their levy payments:

Lot 147
Lot 181

One committee member with gas heating connection was absent:

Lot 88

Full unredacted copy of the minutes of the meeting:

SP52948-Minutes-EC-meeting-2May2019

SP52948 Extract from Minutes of committee meeting dated 20th of June 2019, Lot 158 submissions ignored, letter allegedly to be sent to all owners refuting Lot 158 claims, Solicitor Adrian Mueller engaged by strata manager, committee, and building manager for defence against Lot 158

- Resident complaint to Ryde Council & Fire & Rescue NSW - Ryde Council have conducted an inspection of the fire equipment in the building following an owner complaint to Council. Council provided a list of items that were attended to by the building managers.
- Email from Ryde Council regarding maintenance of adjoining parkland - Jeffrey Wang and John Gore are to raise this issue with the Ward Aldermen from Ryde Council.
- Fee proposal from JS Mueller & Co (Lawyers) to review correspondence from Lot 158 since 2018 AGM and provide legal advice - Resolved that the fee proposal from JS Mueller to provide legal advice on the correspondence that has been distributed to owners by the owners of Lot 158 since the 2018 AGM is accepted. Waratah Strata Management and Uniqueco (Building Managers) have each agreed to contribute 1/3 of the cost of this legal advice.
- Draft letter to owners - A letter is to be sent to all owners to refute statements that have been made by the owners of Lot 158.
- Correspondence from Lot 158 - All correspondence received from the owners of Lot 158 is to be referred to JS Mueller as part of the legal review and whether it is in breach of the "Unreasonable Communications" by-law.

The meeting was attended by seven members of the committee, and two strata managers Mr. Robert Crosbie and Mr. Frank Tallaridi. No other of 218 owners of properties attended.

The following committee members with gas heating connection were allowed to vote, without disclosure of their levy payments:

Lot 147
Lot 181

One committee member with gas heating connection was absent:

Lot 88

Full unredacted copy of the minutes of the meeting:

SP52948-Minutes-EC-meeting-20Jun2019

SP52948 Extract from minutes of committee meeting dated 5th of September 2019, statement that Waratah Strata Management carried detailed analysis of Lot 181 gas heating levies and payments completed apart from \$18.34 and \$110.00, Motion prepared for AGM 2019 to consider gas heating levies be waived as owners allegedly not willing to pay for levies they were not invoiced, Motion prepared to engage Solicitor Adrian Mueller and a barrister for alleged defamation case against Lot 158 in amount of \$150,000.00

3 MATTERS ARISING FROM PREVIOUS MEETING

The following matters arising from the previous meeting were discussed as follows:

- Additional Gas Point Charges - The strata manager advised that a detailed analysis had been carried out of Lot 181 additional gas point charges and payments made. The strata manager is satisfied that all gas charges that have been invoiced by the respective strata management companies have been paid, apart from \$18.34. A further \$110.00 of gas charges have not been invoiced by BCS Strata Management and therefore not paid by Lot 181. Resolved that a motion is to be included on the 2019 AGM agenda to allow this issue to be considered by the Owners Corporation. The motion is to recommend that as lot owners cannot be expected to pay charges that have not be invoiced to them, that many lot owners may have changed, that the number of lots that have the additional gas point may have changed and that as most other owners will not be willing or able to provide the detailed financial history of the gas charges to their lot, it is not feasible to estimate the amount owing for any unpaid gas charges and that no further action is to be taken on this issue.
- Legal Advice regarding Lot 158 - Resolved that a motion is to be included on the 2019 AGM agenda requesting Owners Corporation approval to allocate a budget of \$150,000 to appoint a barrister to commence defamation proceedings against ... The strata committee discussed that the substantial number of emails being publicly distributed by ... and retained within the Owners Corporations records have raised serious allegations against various owners in their capacity as strata committee members; are likely to cause significant negative impact on the value of all units due to the perceived disharmony discouraging potential buyers; and that the Owners Corporation cannot allow this to continue without commencing this legal action.

The meeting was attended by five members of the committee, two owners, and two strata managers Mr. Robert Crosbie and Mr. Frank Tallaridi. No other of 218 owners of properties attended.

The following committee members with gas heating connection were allowed to vote, without disclosure of their levy payments:

Lot 88
Lot 147
Lot 181

One owner attended (previous Treasurer) and had gas heating connection:

Lot 62

Full unredacted copy of the minutes of the meeting:

SP52948-minutes-EC-meeting-5Sep2019

SP52948 Extract from agenda for Annual General Meeting 2019, Lot 181 continued to make claims about owing only \$128.34 for gas heating levies, Lot 158 Motions ignored

4 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.]

9 LEGAL PROCEEDINGS AGAINST LOT 158

That JS Mueller & Co Lawyers and their recommended Barristers be appointed at an estimated cost of \$150,000 to commence defamation proceedings against [REDACTED], owners of Lot 158.

Explanatory Note: [REDACTED], owners of Lot 158 have issued numerous and extensive emails to a large number of lot owners making allegedly false and defamatory statements against various owners and members of the strata committee. The strata committee voluntarily give their time to work in the best interests of the Owners Corporation and do not deserve to have their personal and professional integrity publicly denigrated by one individual. The strata committee are of the view that the correspondence generated by [REDACTED] creates a great deal of disharmony within the strata community, and as much of this correspondence is retained within the strata records, has a permanent and negative impact on the perception of the property. This perception can adversely impact on the value of all units should prospective buyers choose not to purchase a unit based this correspondence.

14 ADDITIONAL GAS POINT CHARGES

That the Owners Corporation will take no further action to investigate or audit the history of additional gas point charges and all lots are deemed to be paid in full.

Explanatory Note: Due to repeated public allegations that have been made by the owners of Lot 158 in relation to the charges that have been made to those owners with additional gas outlets, the strata manager and strata committee have conducted a thorough investigation of the available records going back to 1999. Stan Pogorelsky, owner of Lot 181, provided a detailed history of all relevant invoices he had received from Raine & Horne Strata, BCS Strata and Waratah Strata and of all payments made. As a result of that review it has been found that Lot 181 has not been issued with gas point charge invoices of \$55 for the quarter 1/12/15 - 28/2/16 and \$55 for the quarter 1/6/16 - 31/8/16. A further \$18.34 was short paid during 2015. In summary Lot 181 has short paid \$128.34 of which \$110 has never been invoiced.

There are a further 12-15 lots with additional gas points whose detailed records are not available to review. Many owners will be unwilling or unable to provide the detailed financial records required to review their gas charge payments. Some of the owners of these lots will have changed so it will not be possible to audit records or recover funds from those owners. It is considered that the cost of conducting a forensic audit of the strata records would far exceed the amount of any funds that may be recovered. It is therefore proposed by the strata committee to approve the above motion.

16 LOT 158 MOTIONS

That the attached motions provided by [REDACTED] co-owner of Lot 158 be tabled and discussed.

Unredacted copy of the agenda for AGM 2019:

SP52948-agenda-for-AGM-2019

SP52948 Extract from Minutes of Annual General Meeting on 21st of October 2019, Lot 158 Motions ignored, Motion 14 voted before Motion 4 to allow owners with unpaid gas heating levies to be elected as committee members, outstanding gas heating levies waived without disclosure of amounts owing and real loss of income to owners corporation

9 LEGAL PROCEEDINGS AGAINST LOT 158

Resolved that a Deed of Agreement, a copy of which was handed to _____ at the meeting, requiring _____ to:

(1) Not communicate with the Owners Corporation, the Strata Committee, the Owners and Occupiers, Waratah Strata and Uniqueco unless it directly relates to maintenance of the common property in connection with Unit 158, and;

(2) Not publish any material by email, letters or via the internet that is defamatory of the Owners Corporation, the Strata Committee, the Owners and Occupiers, Waratah Strata and Uniqueco, and;

(3) Remove all Defamatory Publications which have been published on the internet;

with this Deed to be signed and returned to Waratah Strata within 14 days of this meeting. Further resolved that any proposed amendments to the Deed of Agreement must be acceptable to JS Muellers & Co Lawyers and the Strata Committee.

Further resolved that should this Deed of Agreement not be signed by _____ within 14 days of this meeting, the Strata Committee are authorised to accept a fee proposal from JS Mueller & Co Lawyers and their recommended Barristers at an estimated cost of \$150,000 to commence defamation proceedings against _____, owners of Lot 158.

Further resolved that a copy of the document presented by _____ on behalf of Uniqueco at the meeting is to be attached to these minutes and distributed to all owners.

Further resolved that the voting in this matter was recorded as 65 votes in favour, 2 votes abstained and 1 vote against this motion.

16 LOT 158 MOTIONS

Resolved that the motions provided by _____, co-owner of Lot 158 were tabled and discussed as a single item. Further resolved that all motions were NOT approved as proposed.

14 ADDITIONAL GAS POINT CHARGES

Resolved that the Owners Corporation will take no further action to investigate or audit the history of additional gas point charges and all lots are deemed to be paid in full.

Unredacted copy of minutes of AGM 2019:

SP52948-Minutes-AGM-21Oct2019

SP52948 Extract from agenda for committee meeting on 7th of February 2020, Solicitor Adrian Mueller engagement continued without disclosure of actions or costs

4 MATTERS ARISING FROM PREVIOUS MEETING

That any matters arising from the previous meeting be tabled and discussed, including the following items:

- Lift Refurbishment Project
- Disability Parking Space
- Council Maintenance of Parkland
- Legal Advice regarding Lot 158

Full unredacted copy of the agenda for the meeting:

SP52948-agenda-EC-meeting-7Feb2020

SP52948 Extract from minutes of committee meeting dated 13th of February 2020, Solicitor Adrian Mueller engagement continued without disclosure of actions or costs, owners not notified about Lot 158 request for free mediation at Fair Trading NSW

4 MATTERS ARISING FROM PREVIOUS MEETING

The following matters arising from the previous meeting were tabled, discussed and resolved as follows:

- Lift Refurbishment Project - Stephen Williams from Thomson Elevator Consultancy Services has provided a current status report on the lift upgrade project which identifies a number of items requiring attention on each lift. There is currently an issue with Building D lift which Liftronic are

1

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working on fixing, however the main computer drive that drives the motor has failed and obtaining a replacement drive is proving difficult due to current restrictions on airfreighting parts out of China due to Coronavirus. Liftronic are getting a new drive from another job and hope to have the lift operating by Friday 14 February. Payment of the current \$110,000 progress payment invoice is to withheld until these issues are resolved and the payment has been approved by Thomson's.

- Disability Parking Space - Ryde Council have refused the request to provide a disabled parking space on Council land. Members of the strata committee are to meet with Steve Carbone to discuss creating a suitable extra large disabled visitor parking space from one of the existing visitor parking spaces.
- Council Maintenance of Parkland and Council providing a Keep Clear zone in Fontenoy Road - Gore tabled background notes on discussions with Ryde Council officers on these issues. John Gore, [redacted] are to attend a Council Meeting at which these matters are to be discussed to represent the Owners Corporation.
- Legal Advice regarding Lot 158 - [redacted] have refused to sign a Deed of Agreement agreeing to cease publishing alleged defamatory statements against members of the strata committee, [redacted] from Uniqueco and Waratah Strata Management. Adrian Mueller has provided fee proposals from 4 barristers with defamation proceedings experience. The fee proposal provided by Roger Rasmussen has been accepted. [redacted] is to review the information being published by Lot 158 on their website and prepare a summary of the most relevant information that should be provided to the barrister. Janelle Godbee is to review the motions requisitioned by Lot 158 to be included on the 2019 AGM agenda to provide a summary of the most relevant information that should be provided to the barrister.

The meeting was attended by six members of the committee, one owner, and two strata managers Mr. Frank Tallaridi and Mr. Robert Crosbie. No other of 218 owners of properties attended.

The following committee members with gas heating connection were allowed to vote, without disclosure of their levy payments:

Lot 147

Lot 181

One committee member was absent:

Lot 88

One owner attended and had gas heating connection:

Lot 162

Full unredacted copy of the minutes of the meeting:

SP52948-minutes-EC-meeting-13Feb2020

SP52948 Extract from agenda for paper committee meeting on 7th of March 2020, owners not receiving any detail of Lot 158 offer for free mediation at Fair Trading NSW

ADDRESS OF THE STRATA SCHEME:

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

DATE, PLACE & TIME OF MEETING: A meeting of the Strata Committee of The Owners - Strata Plan 52948 will be held on 12/03/2020 at the offices of Waratah Strata Management, Suite 200, 160 Rowe Street, Eastwood. The meeting will commence at 04:00 PM.

This meeting is being held in accordance with Schedule 2 Sec 9(2) of the Strata Schemes Management Act 2015. It is not necessary for you to attend this meeting in person. Please complete and return the attached written voting form prior to the meeting.

The Agenda for the meeting is:

1 MINUTES

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

2 MEDIATION

That the Strata Committee - Strata Plan 52948 resolves to accept the invitation to mediate at the Office of Fair Trading on 16 April 2020, as the respondent, in relation to various items raised by the applicant, [redacted] of Lot 158 (NSW Fair Trading mediation file no: 00351498).

I, of The Owners - Strata Plan. 52948, vote as follows to the Strata Committee meeting to be held on 12 March 2020;

Motion1: In favour Against

Motion 2: In favour Against

Signature: dated:

Unredacted copy of the agenda for the meeting:

SP52948-agenda-EC-meeting-7Mar2020

SP52948 Extract from minutes of paper committee meeting dated 17th of March 2020 which was scheduled for one week earlier on 12th of March 2020, free mediation at Fair Trading NSW rejected by committee members

DATE, PLACE & TIME OF MEETING: A meeting of the Strata Committee of The Owners - Strata Plan 52948 was held on 17/03/2020 at the offices of Waratah Strata Management, Suite 200, 160 Rowe Street, Eastwood. The meeting commenced at 09:00AM.

PRESENT:

Lot #	Unit #	Attendance	Owner Name Representative
21	21	Yes	Thomas Karolewski
88	88	Yes	Marianna Paltikian
112	112	Yes	Carlos Fornieles Montoya
200	200	Yes	John Gore
142	142	Yes	Genelle Godbee
147	147	Yes	Moses Levitt
181	181	Yes	Stan Pogorelsky
218	218	Yes	Jeffrey Wang
133	133	Yes	Andrew Ip

IN ATTENDANCE: Frank Tallaridi

CHAIRPERSON (acting): Frank Tallaridi

Minutes of the meeting:

1 MINUTES

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

2 MEDIATION

NOT RESOLVED that the Strata Committee - Strata Plan 52948 accept the invitation to mediate at the Office of Fair Trading on 16 April 2020, as the respondent, in relation to various items raised by the applicant (NSW Fair Trading mediation file no: 00351498).

Voting - 0 - in favour 9 - Against (Motion defeated)

CLOSURE: There being no further business, the chairperson declared the meeting closed at 09:30 AM.

The meeting was attended by nine members of the committee and strata manager Mr. Frank Tallaridi. No other of 218 owners of properties attended.

The following committee members with gas heating connection were allowed to vote, without disclosure of their levy payments:

Lot 88
Lot 147
Lot 181

Full unredacted copy of the minutes of the meeting:

SP52948-Minutes-EC-meeting-17Mar2020

SP52948 Extract from agenda for committee meeting on 1st of May 2020, Solicitor Adrian Mueller engagement continued without disclosure of actions or costs, owners not informed about O'Brien Criminal & Civil Solicitors requests on behalf of Lot 158

DATE, PLACE & TIME OF MEETING: A meeting of the Strata Committee of The Owners - Strata Plan 52948 will be held on 7/05/2020 by video conference in the offices of Waratah Strata Management, Suite 200, 160 Rowe Street, Eastwood. The meeting will commence at 06:00 PM.

Join Zoom Meeting

<https://zoom.us/j/98481514315?pwd=U3E1V09yeCsrNDUrR2VDa0VBWCtVdz09>

Meeting ID: 984 8151 4315

Password: 901716

One tap mobile

+61280156011,,98481514315# Australia

Dial by your location

+61 2 8015 6011 Australia

Meeting ID: 984 8151 4315

Find your local number: <https://zoom.us/u/adILuNHP2h>

The Agenda for the meeting is:

1 MINUTES

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

2 OFFICE BEARERS

That the strata committee appoint members to the office bearing roles of Chairperson, Secretary and Treasurer.

3 FINANCIAL REPORT

That the financial reports for the current financial year be tabled and discussed.

4 MATTERS ARISING FROM PREVIOUS MINUTES

That any matters arising from the previous minutes be tabled and discussed, including the following:

- Disability parking space
- Council maintenance of parkland
- Legal advice regarding Lot 158, including acceptance of barrister fee proposal.

Unredacted copy of the agenda for the meeting:

SP52948-agenda-for-EC-meeting-1May2020

O'Brien-Solicitors-demands-on-behalf-of-Lot-158-24April2020

SP52948 Extract from minutes of committee meeting dated 7th of May 2020, commitment to respond to O'Brien Criminal & Civil Solicitors, Barrister continued to be engaged for Lot 158 defamation case, Solicitor Adrian Mueller engagement continued without disclosure of actions or costs

Note: As Marianna Paltikian was unfinancial as at the date of the meeting she did not vote on any motion.

Minutes of the meeting:

1 MINUTES

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

2 OFFICE BEARERS

This motion was withdrawn as it was dealt with at the previous meeting.

3 FINANCIAL REPORT

Resolved that the financial reports for the current financial year were tabled and discussed.

4 MATTERS ARISING FROM PREVIOUS MINUTES

Resolved that the following matters arising from the previous minutes were tabled and discussed:

- Disability parking space - Various options for providing a suitable space were discussed, with advantages and disadvantages for each option. [redacted] are to discuss these options with [redacted] and then obtain quotes for the preferred options so these quotes can be discussed at the next meeting.
- Council maintenance of parkland - Minutes of the Council Meeting held on 25/2/20 at which this

1

Minutes Page 1 of 2

issue was discussed were provided to the committee members. [redacted] is to write to Jonathan Harris at City of Ryde Council to remind them of the instructions provided at the Council Meeting that a meeting is to be arranged with Macquarie Garden residents to discuss ongoing parking and vehicular access issues.

- Legal advice regarding Lot 158, including acceptance of barrister fee proposal - Subject to amendments required to the content of the costs agreement, the strata manager is instructed to sign the costs agreement under common seal for and on behalf of the Owners Corporation. The barrister is also to be requested to respond to the letter received from O'Brien Criminal & Civil Solicitors on behalf of [redacted]

The meeting was attended by nine members of the committee, one owner, and two strata managers Mr. Frank Tallaridi and Mr. Robert Crosbie.

Committee member Mrs. Marianna Paltikian was confirmed as being unfinancial and not voting at the meeting. No other of 218 owners of properties attended.

The following committee members with gas heating connection were allowed to vote, without disclosure of their levy payments:

Lot 147

Lot 181

Full unredacted copy of the minutes of the meeting:

SP52948-Minutes-EC-meeting-7May2020

SP52948 Extract from agenda for committee meeting on 8th of July 2020, Barrister continued to be engaged for Lot 158 defamation case, Solicitor Adrian Mueller engagement continued without disclosure of actions or costs

DATE, PLACE & TIME OF MEETING: A meeting of the Strata Committee of The Owners - Strata Plan 52948 will be held on 16/07/2020 by video / audio conference. The meeting will commence at 06:00 PM.

Join Zoom Meeting

<https://zoom.us/j/99662996387?pwd=WjhqK2F0a0RPdDd3TjFpZmZ3S3cvUT09>

Meeting ID: 996 6299 6387

Password: 196376

One tap mobile

+61280156011,,99662996387# Australia

Dial by your location

+61 2 8015 6011 Australia

Meeting ID: 996 6299 6387

Find your local number: <https://zoom.us/u/adYHDF2pSv>

The Agenda for the meeting is:

1 MINUTES

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

2 FINANCIAL REPORT

That the financial reports for the current financial year be tabled and discussed.

3 MATTERS ARISING FROM PREVIOUS MINUTES

That any matters arising from the previous minutes be tabled and discussed, including the following:

- Disability parking space
- Council maintenance of parkland
- Legal advice regarding Lot 158

4 GENERAL BUSINESS

That any general business items be raised and discussed, including the following:

- Use of the Tennis Courts
- Building Manager Services Agreement

Unredacted copy of the agenda:

SP52948-agenda-EC-meeting-8Jul2020

SP52948 Extract from minutes of committee meeting dated 16th of July 2020, Barrister continued to be engaged for Lot 158 defamation case

3 MATTERS ARISING FROM PREVIOUS MINUTES

Resolved that the following matters arising from the previous minutes were tabled and discussed:

- Disability parking space - Following extensive investigation to try to find a suitable location for a disability parking space, it was decided that all possible locations have issues either around

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Minutes Page 1 of 3

suitability or the cost of implementing and that as residents and visitors with disabilities are currently being driven in to the garage to provide direct access to the lifts, that no specific disability parking space is to be provided.

- Council maintenance of parkland - Members of the strata committee recently met with representatives from Council to again discuss this issue. The committee is currently waiting for Council to advise what they are able to do. Jeffrey Wang is continue discussions with Council on this matter.
- Legal advice regarding Lot 158 - Further documentation and information is being provided to the barrister on this matter.

The meeting was attended by eight members of the committee, three owners, and strata manager Mr. Robert Crosbie. No other of 218 owners of properties attended.

The following committee members with gas heating connection were allowed to vote, without disclosure of their levy payments:

Lot 88
Lot 147
Lot 181

Full unredacted copy of the minutes of the meeting:

SP52948-Minutes-EC-meeting-16Jul2020

SP52948 Extract from agenda for committee meeting on 4th of September 2020, Solicitor Adrian Mueller engagement continued without disclosure of actions or costs, owners first told about Lot 158 NCAT case 20/33352 without disclosure of Directions Hearing in mid-September

3 MATTERS ARISING FROM PREVIOUS MINUTES

That any matters arising from the previous minutes be tabled and discussed, including the following:

- Council maintenance of parkland
- Legal advice regarding Lot 158
- Building managers service agreement

4 GENERAL BUSINESS

That any general business items be raised and discussed, including the following:

- Review of Animals By-Law
- NCAT Application lodged by Lot 158
- Annual General Meeting motions

Unredacted copy of the agenda for the meeting:

SP52948-agenda-EC-meeting-4Sep2020

SP52948 Extract from minutes of committee meeting dated 10th of September 2020, Barrister continued to be engaged for Lot 158 defamation case, Solicitor Adrian Mueller engagement continued without disclosure of actions or costs

3 MATTERS ARISING FROM PREVIOUS MINUTES

Resolved that the following matters arising from the previous minutes were tabled and discussed:

- Council maintenance of parkland - There has been no progress in the discussions with Council. Residents are to be advised that if they choose to park in that location they do so at their own risk and may be fined by Council.
- Council "No Stopping" area in Fontenoy Road - Council have advised that they will be installing signs in the vicinity of the driveway to advise motorists in Fontenoy Road that stopping across driveways is not permitted.
- Legal advice regarding Lot 158 - The advice has been received from the barrister and is now to be referred to Adrian Mueller to issue letters on behalf of the strata committee.

1

Minutes Page 1 of 2

-
- Building managers service agreement - This has been finalised and ready to be tabled at the AGM for approval by the Owners Corporation.
 - Pool House Rules - The pool house rules were reviewed by John Gore and following his recommendation are to remain as is.

4 GENERAL BUSINESS

Resolved that the following general business items were raised and discussed:

- Review of Animals By-Law - No changes are to be made to the current Animals By-Law, however the House Rules document is to be amended to make it clear that the Owners Corporations long-standing policy is that dogs are not permitted in the unit buildings, but are permitted in the townhouses.
- NCAT Application lodged by Lot 158 - The fee proposal provided by J.S. Mueller & Co to act for the Owners Corporation in relation to the NCAT application lodged by Lot 158 is to be included on the AGM agenda due to the cost exceeding the limit that can be approved by the strata committee. Muellers are also to be requested to advise whether Lot 158 is in breach of a previous Deed of Agreement entered into with the Owners Corporation, and whether an NCAT application can be lodged on behalf of the Owners Corporation against Lot 158 seeking an order preventing Lot 158 from lodging repeated NCAT applications over the same issues that have previously been dealt with at great expense to the Owners Corporation.
- Annual General Meeting motions - A motion is to be included on the AGM agenda to update the lot owners on the legal proceedings underway with Lot 158 and to confirm the decision made at the 2019 AGM regarding funding the legal proceedings.
- Email from [redacted] Lot 162 - An email received from [redacted] was tabled and discussed. No further action is to be taken.

The meeting was attended by seven members of the committee, five owners, and strata manager Mr. Robert Crosbie. No other of 218 owners of properties attended.

The following committee members with gas heating connection were allowed to vote, without disclosure of their levy payments:

Lot 147
Lot 181

One committee member with gas heating connection was absent:

Lot 88

Two owners attended who had gas heating connections:

Lot 162
Lot 175

Full unredacted copy of the minutes of the meeting:

SP52948-Minutes-EC-meeting-10Sep2020

SP52948 Extract from agenda for Annual General Meeting 2020, Solicitor Adrian Mueller engagement continued without disclosure of actions or costs, Lot 158 Motions ignored, additional budget of \$80,000.00 prepared for legal costs

8 CARETAKERS CONTRACT

That the proposed contract renewal with Uniqueco Pty Ltd (Building Managers) be tabled and a decision made whether to accept this contract.

9 APPOINTMENT OF JS MUELLER & CO LAWYERS

THAT the owners corporation RESOLVES pursuant to section 103 of the Strata Schemes Management Act 2015 to defend the proceedings commenced by the owners of unit 158, in the NSW Civil and Administrative Tribunal (File No. SC 20/33352), to engage J.S.Mueller & Co. Lawyers to act for the owners corporation in the Tribunal proceedings on the terms of that firm's attached costs agreement issued on 20 August 2020 and to authorise and direct the strata managing agent to give instructions to J.S.Mueller & Co. concerning the conduct of the Tribunal proceedings.

Explanatory Note: This is a motion to authorise the owners corporation to defend proceedings in NSW Civil and Administrative Tribunal and appoint J.S.Mueller & Co. Lawyers to act for the owners corporation in the Tribunal proceedings.

10 LEGAL PROCEEDINGS AGAINST LOT 158

That an update on the legal proceedings, authorised at the 2019 AGM, being taken against owners of Lot 158, be provided.

18 LOT 158 MOTIONS

That the attached motions that have been submitted by of Lot 158 be discussed.

Provision has been made in the budget for \$80,000 for Legal Fees. The owners of Lot 158, have initiated proceedings through the NSW Civil and Administrative Tribunal (NCAT) against the OC. The OC is having to appoint solicitors to defend these proceedings. Legal fees are continuing to be incurred in relation to the defamation proceedings discussed and approved by the OC at the 2019 AGM.

Unredacted copy of the agenda for the AGM:

SP52948-agenda-AGM-2020

SP52948 Extract from Minutes of Annual General Meeting on 22nd of October 2020, Lot 158 Motions and amendments ignored, which meant owners corporation was not aware they failed to ratify past actions by Waratah Strata Management an committee members, making all such past actions illegal and void

CHAIRPERSON (acting): Robert Crosbie

Minutes of the meeting:

Prior to commencement of the meeting the strata manager advised that the owners of Lot 158 had provided written proposed amendments to many of the AGM motions. It was resolved that these proposed

4

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amendments not be accepted.

18 LOT 158 MOTIONS

Resolved that the motions that were submitted by [redacted] of Lot 158 were discussed and all were not approved.

Unredacted copy of the minutes of the AGM:

SP52948-Minutes-AGM-22Oct2020

SP52948 Extract from agenda for committee meeting on 5th of November 2020, Solicitor Adrian Mueller engagement continued without disclosure of actions or costs

4 MATTERS ARISING FROM PREVIOUS MINUTES

That any matters arising from the previous minutes be tabled and discussed, including the following:

- Legal advise regarding Lot 158
- NCAT Application lodged by Lot 158
- Review of Animals By-Law

Unredacted copy of the agenda for the meeting:

SP52948-agenda-EC-meeting-5Nov2020

SP52948 Extract from minutes of committee meeting on 11th of November 2020, Solicitor Adrian Mueller engagement continued without disclosure of actions or costs, note about gas heating charges in amount of \$220.00 per year should change, Lot 147 resignation that was not sent to NCAT

4 MATTERS ARISING FROM PREVIOUS MINUTES

Minutes Page 1 of 3

Resolved that the following matters arising from the previous minutes were tabled and discussed:

- Legal advice regarding Lot 158 - The strata manager is to request JS Mueller & Co to review the previous Deed of Agreement prepared and also to seek NCAT orders on the defamation matter and unreasonable communications in conjunction with the NCAT application lodged by Lot 158.
- NCAT Application lodged by Lot 158 - This matter is currently in the hands of JS Mueller and Co to review the application and respond on behalf of the Owners Corporation.
- Charges for additional gas outlet - Members of the committee are to do further research on the typical annual cost of using a gas heater to determine whether a change to the current \$220 fee is required.
- Resignation of Mo Levitt from strata committee - Mo Levitt has submitted his resignation from the strata committee. A vote of thanks was passed to Mo for his many years of service to the committee.
- Appointment of replacement committee member - The strata committee have appointed Kathryn Cutler as the replacement committee member and welcome her to the committee.

The meeting was attended by seven members of the committee, four owners, and strata manager Mr. Robert Crosbie. No other of 218 owners of properties attended.

The following committee members with gas heating connection were allowed to vote, without disclosure of their levy payments:

Lot 88
Lot 147
Lot 181

Two owners attended with gas heating connections:

Lot 162
Lot 175

Unredacted copy of the minutes of the meeting:

SP52948-Minutes-EC-meeting-11Nov2020

SP52948 Extract from agenda for committee meeting on 29th of January 2021, Solicitor Adrian Mueller engagement continued without disclosure of actions or costs, note about gas heating levy review

3 MATTERS ARISING FROM PREVIOUS MEETING

That any matters arising from the previous meeting be tabled and discussed, including the following:

- NCAT Application lodged by Lot 158
- Creation of a Smoking Area
- Charges for additional gas outlet
- Review COVID-19 restrictions on use of common facilities

Unredacted copy of the agenda for the meeting:

SP52948-agenda-EC-meeting-for-4Feb2021

SP52948 Extract from minutes of committee meeting on 4th of February 2021, Solicitor Adrian Mueller engagement continued without disclosure of actions or costs, gas heating levy increase to \$270.00 per year applicable without general meeting or decision from 1st of September 2021

3 MATTERS ARISING FROM PREVIOUS MEETING

Resolved the following matters arising from the previous meeting were tabled and discussed:

- NCAT Application lodged by Lot 158 - JS Mueller & Co have prepared and lodged the Owners Corporation response to the NCAT Application lodged by the owners of Lot 158. An NCAT Hearing is taking place on 11 February and will be attended by Adrian Mueller on behalf of the Owners Corporation. A Legal Defence insurance claim has been lodged on behalf of the Owners Corporation, with a decision on that claim still to be made by the insurance company.
- Creation of a Smoking Area - Following investigation by members of the strata committee and Steve Carbone no suitable alternative location could be found for a smoking area, so the current area of the pergola near the tennis courts is to remain as the permitted smoking area.
- Charges for additional gas outlet - A document prepared by John Gore on the current costs for gas

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Minutes Page 1 of 2

usage charges for those units with a second gas outlet was tabled and discussed. A charge of \$270 including GST per annum was agreed for the period 1/9/21 - 31/8/22 and until further notice. A letter is to be sent to those owners with a second gas outlet to advise them of this change.

The meeting was attended by five members of the committee, three owners, and strata manager Mr. Robert Crosbie. No other of 218 owners of properties attended.

The following committee members with gas heating connection were allowed to vote, without disclosure of their levy payments:

Lot 88
Lot 181

One owner attended with gas heating connection:

Lot 162

Unredacted copy of the minutes of the meeting:

SP52948-minutes-EC-meeting-4Feb2021

SP52948 Extract from agenda for committee meeting on 21st of April 2021, outcome of NCAT application without disclosure to owners of non-attendance by strata manager and committee members, consideration to recover legal costs from Lot 158

3 MATTERS ARISING FROM PREVIOUS MINUTES

That any matters arising from the previous meeting be tabled and discussed, including the following:

- Outcome of NCAT Application by Lot 158 and whether to lodge a submission for recovery of legal costs.
- Review COVID-19 restrictions on use of common facilities.
- Review of House Rules Document.
- Council Proposed Fire Order, including Engineer Fee Proposals.

Unredacted copy of the agenda for the meeting:

SP52948-Agenda-EC-meeting-23Apr2021

SP52948 Extract from minutes of committee meeting on 29th of April 2021, motion approved to seek legal costs from Lot 158, Lot 158 submissions ignored

2 FINANCIAL REPORT

Resolved that the financial reports for the current financial year were tabled and discussed. It was noted that the current deficit in the Administrative Fund is only temporary and will be cleared when the levies due on 1/5/21 are received.

3 MATTERS ARISING FROM PREVIOUS MINUTES

Resolved that the following matters arising from the previous meeting were tabled and discussed:

- NCAT Application by Lot 158 - The Notice of Orders issued by the NSW Civil and Administrative Tribunal were tabled. Those orders dismissed all applications made by . The strata manager is instructed to attach a copy of those orders to the minutes of this meeting when they are distributed to all owners. The strata committee is currently awaiting advice from JS Mueller & Co on whether an application for reimbursement of the Owners Corporations legal costs should be submitted to NCAT. It is noted that the \$80,000 legal fee allowance in the 2020 - 2021 Administrative Fund budget is unlikely to be required unless appeals the NCAT

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Minutes Page 1 of 2

decision. has requested that he be kept informed on any correspondence relating to this issue as he is no longer on the strata committee but has been named in the NCAT application.

- Lot 158 Unreasonable Communications - The Strata Manager advises that over 600 emails have been received from Lot 158 since January 2019 therefore Lot 158 is in breach of the Unreasonable Communications By-Law. The Strata Manager is authorised to archive all correspondence from Lot 158, but is not required to respond to any of the correspondence.
- Council Proposed Fire Order - The fee proposals provided by Noviiion Engineering and Core Fire were tabled and discussed. The proposal provided by Core Fire for Stages 1, 2 & 3 were accepted. The proposal for project managing the works will be considered once the tenders for the works have been received.
- Smoke Detectors - It was decided that the Owners Corporation would take responsibility for the maintenance and replacement of all smoke detectors in each lot. The smoke detectors are inspected during the annual fire inspection, but the replacement of the batteries and replacement of failed or out of date detectors has been lot owner responsibility. This is now causing difficulty with the fire contractors signing off the Annual Fire Safety Statement so it is better that any maintenance is carried out by the Owners Corporation so as not to prevent or delay the AFSS being issued. Owners/residents are responsible for reporting to the property manager non-functioning smoke detectors including the need for battery renewal. Smoke detectors identified at the last inspection and requiring replacement will be part of this program.

The meeting was attended by seven members of the committee, four owners, and two strata manager Mr. Robert Crosbie and Heath Crosbie. No other of 218 owners of properties attended.

The following committee members with gas heating connection were allowed to vote, without disclosure of their levy payments:

Lot 88
Lot 181

Two owners (both previous committee members) with gas heating connections attended:

Lot 62
Lot 147

Full unredacted copy of the minutes of the meeting:

SP52948-minutes-EC-meeting-29Apr2021

SP52948 Extract from agenda for committee meeting on 11th of July 2021

3 MATTERS ARISING FROM PREVIOUS MEETING

That any matters arising from the previous meeting be discussed, including the following:

- NCAT application by Lot 158
- COVID-19 restrictions on use of common facilities
- Council Fire Order

Unredacted copy of the agenda for the meeting:

SP52948-Agenda-EC-meeting-11Jul2021

2 FINANCIAL REPORT

Resolved that the financial reports for the current financial year were tabled and discussed as follows:

- When preparing the budget for the 2021 - 2022 period, allowance will need to be made for the Council Fire Order works. If quotes have not been received prior to the budget being prepared, Core Fire will be asked to provide an estimated cost of this work.
- The budget will also need to make allowance for the cost of replacing defective and out of date smoke detectors in each lot, for which the Owners Corporation has taken on responsibility.

3 MATTERS ARISING FROM PREVIOUS MEETING

Resolved that the following matters arising from the previous meeting were discussed:

NCAT application by Lot 158 - It is noted that following Lot 158 having all of its NCAT Applications denied, the Owners Corporation had JS Mueller and Co prepare a Costs Order Application, which resulted in NCAT in awarding costs to the Owners Corporation. JS Mueller advised "That is a terrific outcome because NCAT rarely makes costs orders." A copy of NCAT's reasons for this decision are

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Minutes Page 1 of 6

attached to the minutes of this meeting. The amount of the costs payment is currently being negotiated with

- COVID-19 restrictions on use of common facilities - It is noted that the swimming pool area is currently closed to all residents until the current lockdown has been lifted. Further noted that Steve Carbone is obtaining a Service NSW QR code that can be put up in the building for residents and visitors to use, that NSW Government notices have been placed up around the buildings and that hand sanitiser stations are available in each building foyer.
- Council Fire Order - Core Fire are to be asked to provide a copy of the response received from Council to the information provided by Core Fire on the current status of the Fire Order works. Core Fire are also be asked to advise whether quotes for the required works will have been received by the end of the current financial year (31/8/21) so the cost can be included in the budget, and if not, that an estimate of the cost of the works be provided by Core Fire.

The meeting was attended by seven members of the committee, four owners, and strata manager Mr. Robert Crosbie. No other of 218 owners of properties attended.

The following committee members with gas heating connection were allowed to vote, without disclosure of their levy payments:

Lot 88
Lot 181

Two owners with gas heating connection attended:

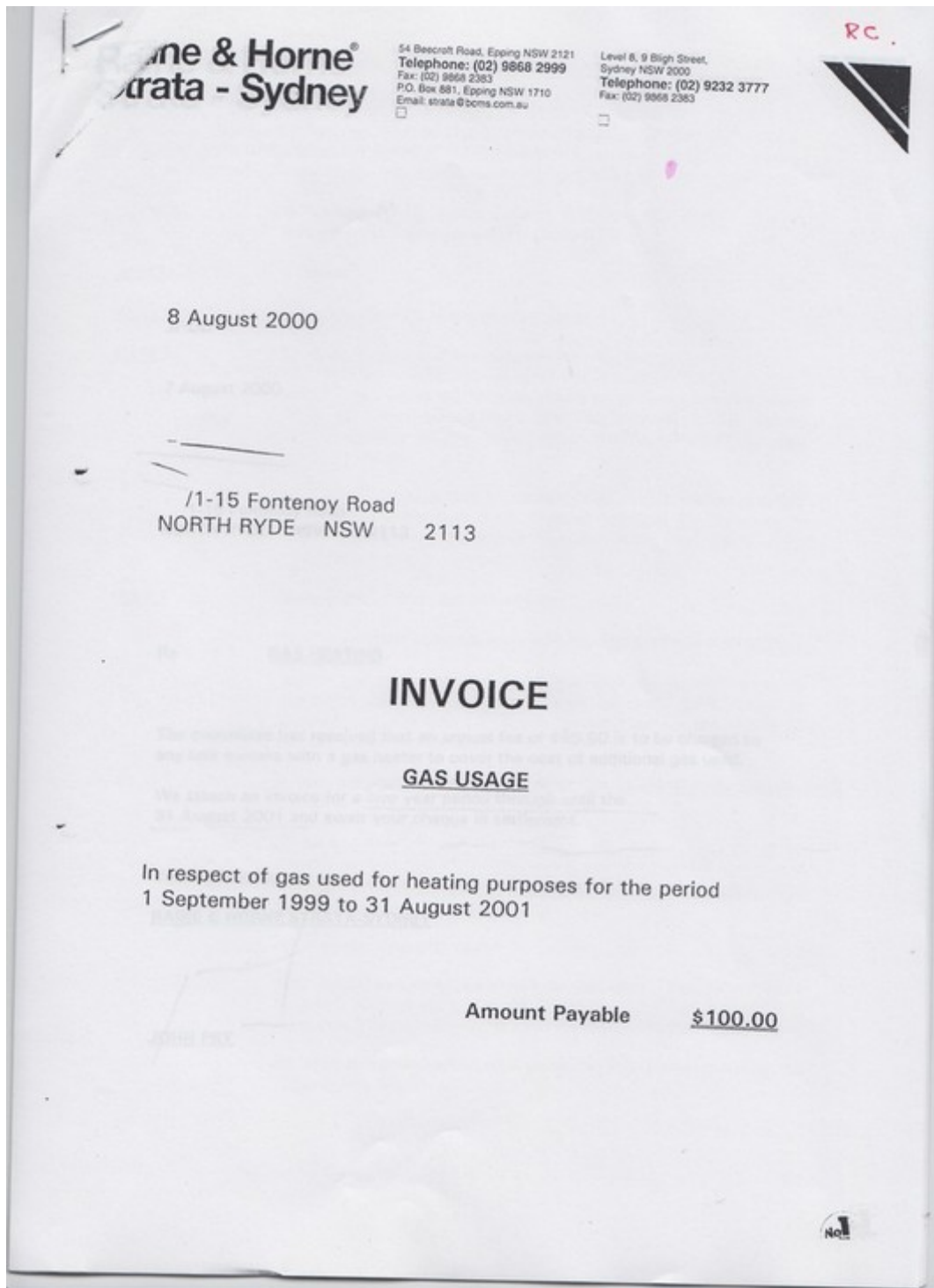
Lot 62, (long-term ex. Treasurer)
Lot 162

Full unredacted copy of the committee meeting, including owners for the first time in eight years given any CTTT or NCAT orders (in this case it was a copy of the costs orders in SC 20/33352):

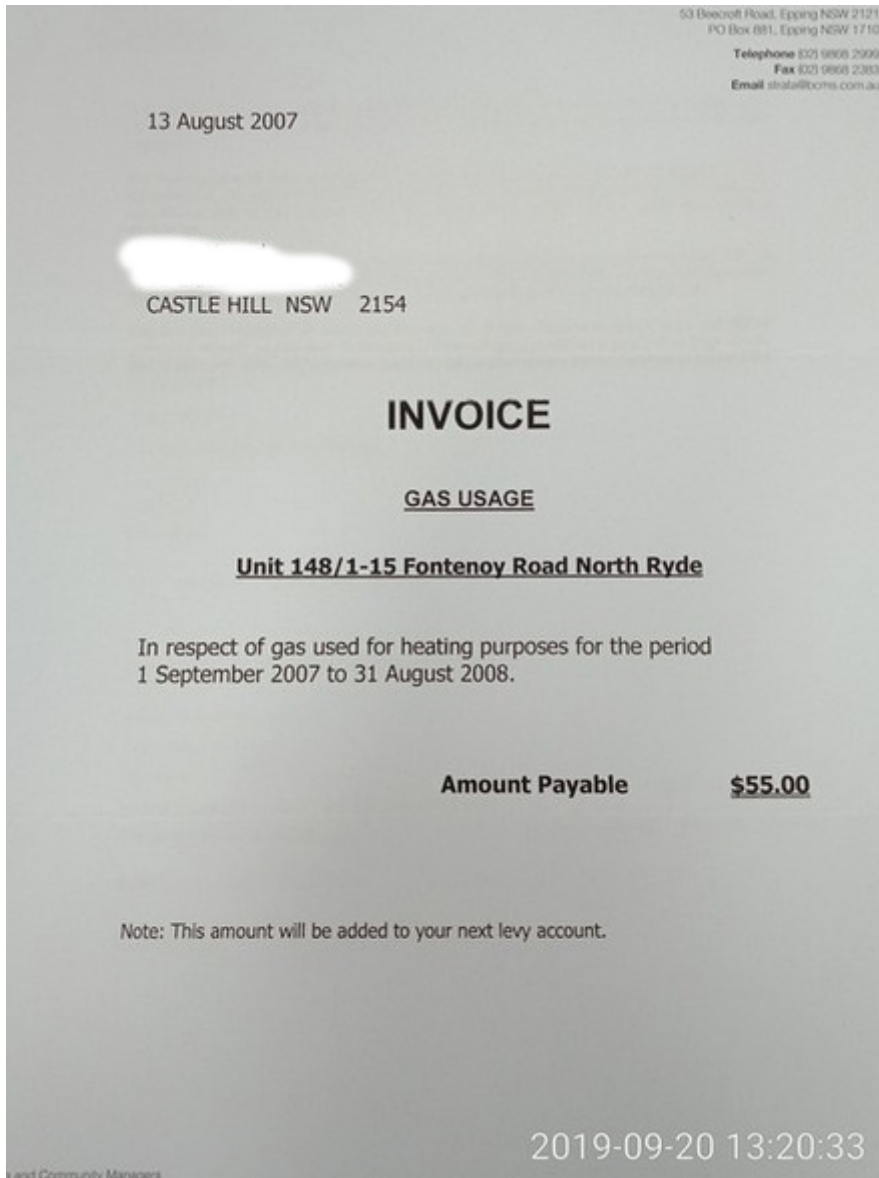
SP52948-Minutes-EC-meeting-15Jul2021

SP52948 Selected documents related to gas heating connections and applicable levies that were never disclosed to owners

SP52948 Secret invoice for gas heating connection for two-year period on 8th of August 2000 without details to which owners it applied, not charging \$200.00 per year and without 10% GST from 1st of July 2000



SP52948 Invoice for gas heating connection to Lot 148 on 13th of August 2007 showing that only \$55.00 per year was charged



The owner secretly disconnected gas heating on 19th of September 2019.

SP52948 Secret complaint from Lot 217 about not knowing for seven years about water and gas reimbursements given to some townhouse owners in January 2008

First time claim

STRATA PLAN 52948

S.P.	52948
Authorised	<i>[Signature]</i>
Date	23/2/08
Chq No.	3327
Amount	\$616.04
Consultant	0
Acc Code	105 #27:

TOWNHOUSE GAS AND WATER USAGE REBATE REQUEST

TOWNHOUSE NUMBER: 217	OWNERS NAME <i>[Signature]</i>
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OWNERS ADDRESS: 217 / 1-15 Fontenoy Rd Macquarie Park 2113

Gas Account No: 3114502	Period From: 11 To 11 25/09/06 To 03/01/08
Amount Claimed: N/A	N/A
Last Amount Claimed: N/A	Period from 11 to 11
Cheque Number: N/A	N/A

Water Account No: 4946536	Period From: 11 To 11 15/12/06 To 18/12/07
Amount Claimed: N/A	N/A
Last Amount Claimed: N/A	Period from 11 to 11
Cheque Number: N/A	N/A

OWNERS TO COMPLETE NON-SHADED AREAS	RAINE & HORNE STRATA TO COMPLETE SHADED AREAS
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THIS IS A CLOSING ACCOUNT	THIS FORM MAILED BY RAINE & HORNE STRATA-SYDNEY ON: 11	AUTHORISED
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NB: Please turn over for instructions on completing this form.

It's been more than seven years since we moved in and we never thought about this claim until recently my neighbour mentioned about it. We attach some copies of the previous bills, we could not find all old bills, # are all we can get. Thank you very much. If you need to contact us, please call on [phone] and after hours 02 [phone] or my mobile [phone].

SP52948 Secret email from Lot 147 defending his status whilst unfinancial and defaming Lot 158 through false statements on 27th of September 2012

SP52948 Secret email from Lot 88 being angry about gas heating levies applied quarterly on 27th of March 2013

SP52948 Secret email from Lot 59 being angry about gas heating levies and requesting to pay only \$55.00 per year on 11th of September 2013, BCS Strata Management confirmed \$55.00 levies for gas heating in spite of different statement made at AGM 2012 and as registered in Special By-Law on 6th of May 2013

From Peter Bone </O=PICA/OU=EXCHANGE ADMINISTRATIVE GROUP /CN=RECIPIENTS/CN=PETERBONE> ☆

Subject SP 52948 - RE: Installing a gas outlet for heating - 59/1-15 Fontenoy Rd Macquarie Park

11/9/13, 12:41 pm

To 'Hazem Bounni' [mailto:] ☆

Good morning Hazem

Attached is the letter of approval for the installation of an additional gas outlet in your unit, sent to you in March of this year.

Also attached is a copy of the By-Law approved at last year's AGM and subsequently registered with the Land Titles Office (LTO).

This By-Law does not provide a dollar value to be paid by Lot owners who install an additional gas outlet in their unit.

I am instructed that all Lots with an additional gas outlet installed will pay an annual amount of \$55.00 for this gas outlet.

Regards

From: Hazem Bounni [mailto:]

Sent: Monday, 9 September 2013 6:19 PM

To: Peter Bone

Subject: RE: Installing a gas outlet for heating - 59/1-15 Fontenoy Rd Macquarie Park

Hi Peter,

As per our discussion on the phone today, I am requesting the same bylaw that was passed for another unit in the complex in the last meeting, which should say I will pay \$55 per annum for the gas use of the extra outlet for heating.

You told me you can approve this, but I would like it stated in next meeting's minutes as a bylaw like the one that another unit owner got in the last meeting.

Once again, I have requested this a while ago and followed up a few times.

Secret email from Lot 147 with his version of payments for gas heating levies on 2nd of May 2014

Sent: Friday, 2 May 2014 3:41 PM
To: Russell Young
Subject: Gas connection

Hi Russell

Please record that I have an additional gas connection for a medium size heater .
This information is already on the Strata management records. I have been paying an annual levy since installation in May 2001.

Regards

BCS Strata Management conducted first ever audit of second gas connections in SP52948 on 14th of May 2014

**SP 52948 - 1-15 Fontenoy Road, Macquarie Park
as of 13/5/14**

Lot No	Owner's Name	Gas Outlet			Info Provided By
		No	Yes	Installation Date	
15	Marlene Baskin	✓			Mr Swartzberg, owner's father
21		✓			Corinne from NNW Property
49	John G Ward	✓			owner
57	John G Ward	✓			owner
58		✓			Corinne from NNW Property
62	Upali Aranwela		✓	with approval & already paying strata for this	owner
63	Yujun Dong	✓			owner
85		✓			Corinne from NNW Property
89		✓			Corinne from NNW Property
91	Jack Tao	✓			owner
95	Wie, Bing Qing	✓			owner
99	M Fiore	✓			owner
111		✓			Corinne from NNW Property
112	Carlos Fomieles Montoya	✓			owner
118	S N Majlessi	✓			owner
120		✓			Corinne from NNW Property
132	T Carlton	✓			owner
136	Timothy & Susan Kemsley	✓			owner
137	Timothy Kemsley	✓			owner
146	Robin Lupton	✓			owner

**SP 52948 - 1-15 Fontenoy Road, Macquarie Park
as of 13/5/14**

Lot No	Owner's Name	Gas Outlet			Info Provided By
		No	Yes	Installation Date	
147	Mo Levitt		✓	May 2001 & paying annual levy since this date	owner
150	Diedre J Niar	✓			owner
151	Maureen McDonald	✓			owner
160	Prof Harry G Poulos	✓			owner
181	Stan & Tessa Pogorelsky		✓	1999	owner
188		✓			Corinne from NNW Property
190	Keiron Poulos	✓			owner
191		✓			Corinne from NNW Property
201	Ziba Zohrehvandi	✓			owner
205	Sun Min Hwang	✓			owner
216		✓			Annie Barrow from Shead Property

Lot 158 asking for proof that Lot 181 paid all levies for gas heating connection on 8th of June 2015 – reply was never received

Unredacted copy of the email:

REQUEST For Proof of Second Gas Connection Payments of Levies for Previous Years-8Jun2015

Lot 181 secretly trying to resolve issue with gas heating levies without disclosure to owners on 10th of June 2015

Sent: Wednesday, 10 June 2015 4:28 PM
To: Gary Mills
Cc:
Subject: Gas charges paid from 1998 to 2015 - Strata Plan 52948

Hi Gary,

Welcome to BCS. Just to let you know I am on the executive committee of Strata Plan 52948.

You may have seen an email from [redacted] accusing me of not paying my gas charges.

Please can you have a look at the xl that I have attached. It is self-explanatory and in a fair amount of detail.

There is a list of people in our strata who have had gas heaters installed in their units. Russel did work on this and the results should be in your office.

If you can locate this list which lets you know which units have these installed I am sure that most of the units would be missing the same charges as I am.

BCS has neglected to raise these charges on invoices where marked on my xl. We need to raise invoices for these arrear charges as a matter of urgency.

I did pass on to Russell a note from [redacted] - Apartment 3 where he has not paid anything since he moved in.

If you need to discuss this further you can call me on [redacted]

Regards,

Copy of Lot 181 spreadsheet was found belatedly in document search at Waratah Strata Management on 31st of May 2017, but it was an updated version because Mr. Pogorelsky greyed out payments form 2012 and 2013 and forgot to update calculation for owing \$311.66:

Unredacted copy of the document:

SP52948-Lot-181-gas-levy-payments-self-assessment-miscalculated-10Jun2015

Gas Charges paid by S & T Pogorelsky on unit 181 - SP52948
From 1999 to 2018

Date Paid	Period applicable	\$	
1999	1/9/99 to 31/8/2000		Moved in 1/11/98
2000	23/08/2000	100.00	1/9/2000 to 31/8/01
2001	1/08/2001	50.00	1/9/01 to 31/8/02
2002	21/07/2002	55.00	1/9/02 to 31/8/03
2003	31/07/2003	55.00	1/9/03 to 31/8/04
2004	1/11/2004	55.00	1/9/04 to 31/8/05
2005	1/11/2005	55.00	1/9/05 to 31/8/06
2006	1/11/2006	55.00	1/9/06 to 31/8/07
2007	1/11/2007	55.00	1/9/07 to 31/8/08
2008	1/11/2008	55.00	1/9/08 to 31/8/09
2009	26/10/2009	55.00	1/9/09 to 31/8/10
2010	24/10/2010	55.00	1/9/10 to 31/8/11
2011	7/11/2011	55.00	1/9/11 to 31/8/12
2012			1/9/12 to 31/8/13
2013			1/9/13 to 31/8/14
2014	1/08/2014	55.00	1/9/14 to 31/8/15
2015	1/09/2015	311.66	1/9/15 to 31/10/15
2016	3/11/2015	55.00	1/11/15 to 31/1/16
	1/02/2016	55.00	1/2/16 to 30/04/16
	2/05/2016	55.00	1/5/16 to 31/7/16
	1/08/2016	18.34	1/8/16 to 31/8/16
	20/09/2016	36.66	1/9/16 to 31/10/16
2017	1/05/2017	220.00	1/9/16 to 31/8/17

Not billed by BCS
Not billed by BCS

From our AGM in November 2014 new rate is \$50+\$5 per quarter and should be billed quarterly on BCS statement to unit holders

In summary I owe you \$110.00 for 2012 and 2013. And \$18.33 x 2 = \$36.66 for Sept & Oct 2014

As well you should have billed me for gas usage in
 Quarter 1/11/14 to 31/01/15 55.00
 Quarter 1/02/15 to 30/04/15 55.00
 Quarter 1/05/15 to 31/07/15 55.00
 Quarter 1/08/15 to 31/10/15 55.00
 220.00
 Less what you charged for 2014 55.00 Paid by me
 165.00

So I owe you \$110+\$36.66+\$165 = \$311.66 which will take me up to Quarter ended 31/10/15. Paid on 29/6/15

Please invoice (email to me) me for these charges so that this matter can be put to rest.

BCS Strata Management secret communications about unpaid gas heating levies on 19th of June 2015 and 15th of July 2015

From: Teagan Robards
Sent: Friday, 19 June 2015 4:36 PM
To: Gary Mills
Cc: Lilia Olson; Amy Jaas
Subject: FW: [redacted] - Gas charges paid from 1998 to 2015 - Strata Plan 52948

Hi Gary,

Amy has forwarded me the below to investigate.

I have pulled this from EC minutes dated 04/03/2015. (see below extract & attached)

Seems like the gas billing was omitted for a period and is now to be charged?

If we need to charge for previous years, please advise the amounts and which lots are to be charged so that we can action accordingly.

The task will need to go to Admin Group, Admin Minutes.

We can set up regular invoices to go out but we would need to know in advance how much is to be charged.

From: Lilia Olson
Sent: Wednesday, 15 July 2015 10:28 AM
To: Gary Mills
Cc: Billy Cheung; Teagan Robards
Subject: FW: [redacted] - Gas charges paid from 1998 to 2015 - Strata Plan 52948
Importance: High

Hi Gary,

Please advise if you agree with the amounts to be charged in the attached spreadsheet so that we can action.

Also, please advise of any other owners that need to be invoiced as well.

Many thanks,

Lilia Olson
Administration Manager

BCS Strata Management secret admission on 15th of July 2015 that Lot 3 did not pay gas heating levies since they moved in (1996)

From: Gary Mills
Sent: Wednesday, 15 July 2015 1:21 PM
To: Lilia Olson
Subject: RE: [REDACTED] - Gas charges paid from 1998 to 2015 - Strata Plan 52948

Lilia,

[REDACTED] (Unit 3). They have had a gas point since they moved in and haven't been billed.

Regards
Gary Mills

Gary Mills
Portfolio Manager

Body Corporate Services
Level 2, 51 Rawson Street, Epping, NSW, 2121
Locked Bag 22, Haymarket NSW 1238

F: (02) 8216 0331
Gary.Mills@bcssm.com.au
www.bcssm.com.au

BCS Strata Management secret plan how to charge Lot 3 and Lot 181 for unpaid gas heating levies on 17th of July 2015

From: Teagan Robards
Sent: Friday, 17 July 2015 12:51 PM
To: Gary Mills
Cc: Lilia Olson
Subject: RE: [redacted] - Gas charges paid from 1998 to 2015 - Strata Plan 52948

Hi Gary,

Please see attached gas usage charge for lot 181 as per spreadsheet, so that you can forward to the owner.

Moving forward, I will set up an ongoing charge for lot 181 & lot 3 so that they are charged \$55 per quarter from 01/11/2015.

Please let me know if this figure changes in future so that we can amend on system.

It looks to me that lot 3 have never been charged for usage, would you like me to charge them the total amount from year 2000- current? (start date on the spreadsheet)

Total would be \$755. If so, would you please confirm the date you would like this invoice to be due for payment.

Kind regards
Teagan

From: Teagan Robards
Sent: Friday, 17 July 2015 2:52 PM
To: Gary Mills
Cc: Lilia Olson
Subject: RE: [redacted] - Gas charges paid from 1998 to 2015 - Strata Plan 52948

Ok I will charge from yr 2000.

What date would you like payment due?

Should we give them 30 days?

Can you also please just confirm that no other lots are to be charged for Gas usage as there is nothing set up on system for any others?

Teagan Robards
Team Leader Debtors Administration (NSW)

BCS Strata Management issued secret invoice to Lot 181 for gas heating levies for 2012 and 2013 without applying correct levy and 10% simple interest on 17th of July 2015

181/1-15 FONTENOY ROAD
MACQUARIE PARK NSW 2113

Owner Reference No N 496571
Lot No: 181
Unit No: 181
Lot Entitlement: 52

Total \$ 1684.46

Issued 17 July 2015 on behalf of the owners of STRATA PLAN 52948

Account Summary

	Balance brought forward	1372.80
01/05/15	Cash Receipt 3973	1372.80
31/07/15	Gas Usage up to 31/10/2015	311.66
01/08/15	Admin. Levy 01/08/15-31/10/15	988.00
01/08/15	Sinking Levy 01/08/15-31/10/15	260.00
	GST	124.80
TOTAL DUE BY 01/08/2015 (INCLUDES GST)		\$1684.46

Payments received after 16/07/2015 will appear on the next notice

SHOULD THE BALANCE BROUGHT FORWARD BE UNPAID PLEASE ARRANGE PAYMENT IMMEDIATELY
Date of Initial Generation: 17/07/2015



Billier Code 96503
Ref No 303008403 4965712



DEFT
PAYMENT SYSTEMS

DEFT Reference No 303008403 4965712

Please see reverse for method of Payments

Name MR & MRS S POGORELSKY
Plan No 52948
Lot No 181



* 496 303008403 4965712

AMOUNT DUE \$ 1684.46
TOTAL DUE BY 01/08/2015

+303008403 4965712 <

00168446<2+

Unredacted copy of the invoice:

NCAT-20-33352-SP52948-Gas-Heating-Levies/SP52948-Lot-181-gas-charges-undisclosed-years-issued-17Jul2015.pdf

SP52948 Committee confirming to BCS Strata Management that unfinancial owners cannot vote at AGMs and delaying levy payments could not continue for longer period of time on 7th of August 2015




From: L
Sent: Friday, 7 August 2015 4:13 PM
To: Gary Mills
Subject: Re: Strata Plan 52948, Lot 169 , Debtor 496583

Gary

The EC is happy to collect interest from late payments up to a point and while the number of overdue debtors is low the proposal is acceptable. We should state this time that failure to keep to a plan of his suggestion again makes it difficult for the EC to keep deferring as new levies are adding every quarter.

You should also remind him that unfinancial owners at the time of the AGM have no vote.

Please provide a list of all arrears for review.
Regards

From Simon Atwood </O=PICA/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=SIMONATW
Subject **RE: Strata Plan 52948, Lot 169 , Debtor 496583** 18/8/15, 3:28 pm
To :  
Cc Gary Mills 

Dear
I apologise for the late reply. I have been advised that the executive committee of your strata plan have accepted your proposal. Please note that interest will continue to accrue on the outstanding until it is paid in full, and that all future levies need to be paid in full to prevent the debt increasing. Please be advised that failure to make regular payments each month will result in the payment plan being cancelled and recovery action taken on the overdue balance.
Please also note that until the balance is paid in full, you will be unfinancial, and therefore unable to vote at the annual general meeting.
Regards,

From: i
Sent: Wednesday, 5 August 2015 3:09 PM
To: levyarrears
Subject: RE: Strata Plan 52948, Lot 169 , Debtor

Hi,

I'm still having a difficulty to fullfill the full payment. YEesterday i just made a payment of \$500 to reduce it. I'll try to make another payment for \$500 in next month.so i can pay it off gradually.

Thank you

AS...

BCS Strata Management issued secret invoice to Lot 3 for gas heating levies for period 1Sep2000 to 31Oct2015 without applying correct levy and 10% simple interest on 15th of July 2016

**LEVY NOTICE AND TRUST RECEIPT
FOR STRATA PLAN 52948**

ABN: 79 491 891 602
1-15 FONTENOY ROAD
MACQUARIE PARK NSW 2113

Account Enquiries: 1300 889 227

BODY CORPORATE SERVICES
ABN 63 001 615 587

TAX INVOICE

UNIT 3
1-15 FONTENOY ROAD
MACQUARIE PARK NSW 2113

Owner Reference No N 496749
Lot No: 3
Unit No: 3
Lot Entitlement: 44

Total \$ 2246.60

Issued 17 July 2015 on behalf of the owners of STRATA PLAN 52948

Account Summary

	Balance brought forward	1161.60
01/05/15	Cash Receipt 3962	1161.60-
01/08/15	Admin. Levy 01/08/15-31/10/15	836.00
01/08/15	Sinking Levy 01/08/15-31/10/15	220.00
17/08/15	Gas Usage 1/09/2000-31/10/2015	1085.00
	GST	105.60

TOTAL DUE BY 17/08/2015 (INCLUDES GST) \$2246.60

Payments received after 16/07/2015 will appear on the next notice

SHOULD THE BALANCE BROUGHT FORWARD BE UNPAID PLEASE ARRANGE PAYMENT IMMEDIATELY

Date of Initial Generation: 17/07/2015



Billor Code 96503
Ref No 303008403 4967493



DEFT
PAYMENT SYSTEMS

DEFT Reference No 303008403 4967493

Please see reverse for method of Payments

Name Y & L ZELUNZUK
Plan No 52948
Lot No 3



* 496 303008403 4967493

AMOUNT DUE \$ 2246.60
TOTAL DUE BY 17/08/2015

Unredacted copy of the invoice:

SP52948-Lot-3-gas-charges-2000-to-2015-issued-17Jun2015

BCS Strata Management issued secret invoice to Lot 147 for gas heating levies for 2012 and 2013 without applying correct levy and 10% simple interest on 15th of July 2016

**INVOICE
FOR STRATA PLAN 52948**

ABN: 79 491 891 602
1-15 FONTENOY ROAD
MACQUARIE PARK NSW 2113

Account Enquiries: 1300 889 227

BCS STRATA MANAGEMENT PTY LTD
ABN 86 010 633 351

TAX INVOICE

UNIT 147
1-15 FONTENOY ROAD
MACQUARIE PARK NSW 2113

Your Reference Number N 463415

Total \$ 110.00

Issued 15-July-2016 on behalf of the owners of STRATA PLAN 52948

Account Summary

	Balance brought forward	0.00
12/08/16	Gas Line Charges 2012 & 2013	100.00
	GST	10.00
TOTAL DUE BY 12/08/2016 (INCLUDES GST)		\$110.00

Payments received after 14/07/2016 will appear on the next notice

Date of Initial Generation: 15/07/2016



Billor Code 96503
Ref No 303008403 4634158



DEFT
PAYMENT SYSTEMS

DEFT Reference No 303008403 4634158

Please see reverse for method of Payments

Name MR & MRS M LEVITT
Plan No 52948



* 496 303008403 4634158

AMOUNT DUE \$ 110.00
TOTAL DUE BY 12/08/2016

Unredacted copy of the invoice:

SP52948-Lot-147-gas-charges-2012-and-2013-issued-15Jul2016

BCS Strata Management issued secret invoice to Lot 62 for gas heating levies for period 1Sep2000 to 31Oct2015 without applying correct levy and 10% simple interest on 15th of July 2016

**INVOICE
FOR STRATA PLAN 52948**

ABN: 79 491 891 602
1-15 FONTENOY ROAD
MACQUARIE PARK NSW 2113

Account Enquiries: 1300 889 227

BCS STRATA MANAGEMENT PTY LTD
ABN 86 010 633 351

TAX INVOICE

Your Reference Number N 463410

UNIT 62
1-15 FONTENOY ROAD
MACQUARIE PARK NSW 2113

Total \$ 55.00

Issued 15-July-2016 on behalf of the owners of STRATA PLAN 52948

Account Summary

	Balance brought forward	0.00
12/08/16	Gas Line Charge 2012	50.00
	GST	5.00
TOTAL DUE BY 12/08/2016 (INCLUDES GST)		\$55.00

Payments received after 14/07/2016 will appear on the next notice

Date of Initial Generation: 15/07/2016



Biller Code 96503
Ref No 303008403 4634109



DEFT
PAYMENT SYSTEMS

DEFT Reference No 303008403 4634109

Please see reverse for method of Payments

Name MR & MRS U ARANWELA
Plan No 52948



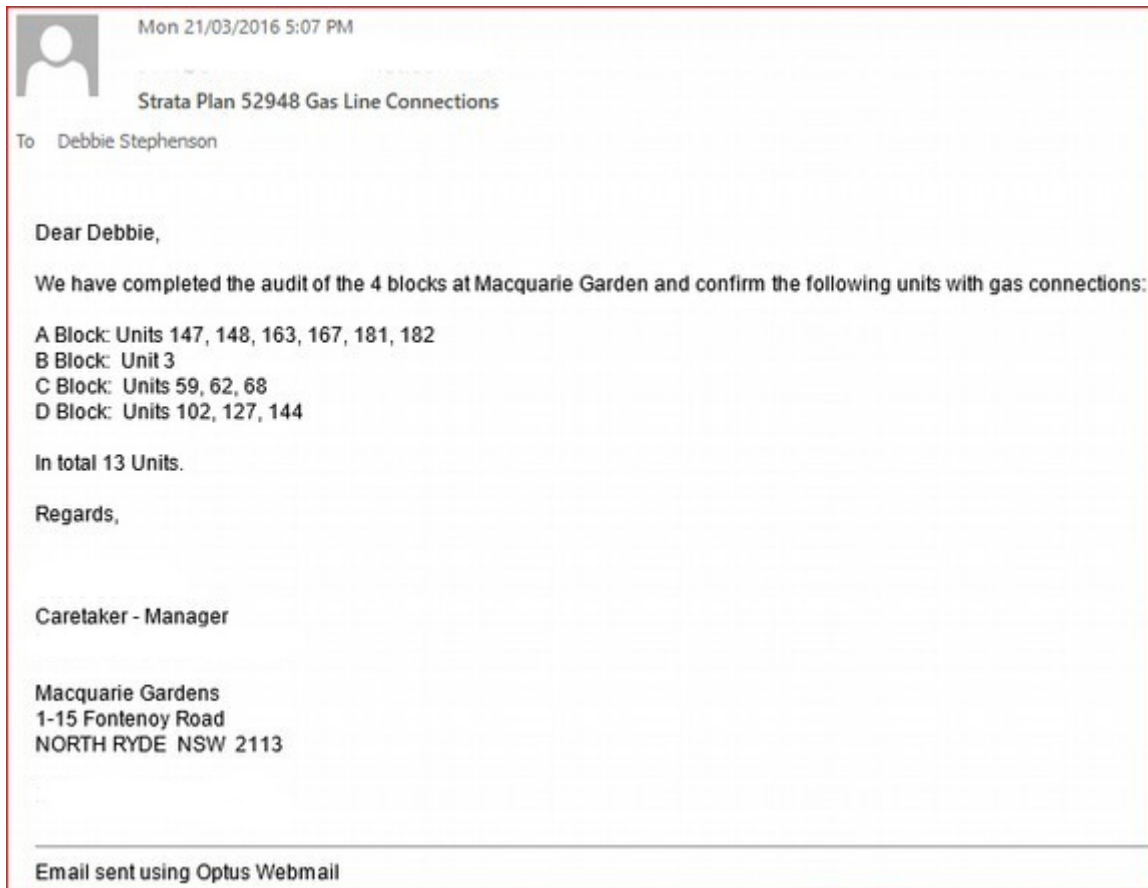
* 496 303008403 4634109

AMOUNT DUE \$ 55.00
TOTAL DUE BY 12/08/2016

Unredacted copy of the invoice:

SP52948-Lot-62-gas-charges-2012-issued-15Jul2016

Building Manager conducted incomplete and secret audit of gas heating connections on 21st of March 2016



BCS Strata Management secretly delaying gas heating levy invoices whilst committee members continued to discuss the matters on 22nd of July 2016

From: Debbie Stephenson
Sent: Friday, 22 July 2016 12:13 PM
To: Teagan Robards
Subject: SP52948

Hi Teagan,

As per our conversation this morning, would you please arrange to hold a suppression on the gas line payments. The EC are discussing the matter, and will confirm the due date.

Thanks Teagan

Kind Regards

Debbie Stephenson
Assistant Strata Manager

BCS Strata Management incomplete and inaccurate listing of owners with gas heating connections on 26th of July 2016

BCS Strata Management enforcing secret gas levies on 1st of August 2016 without applying correct levy amount and 10% simple interest per year

(accounts only) GD Ref: <input type="text"/>	
<input checked="" type="checkbox"/> GENERAL DEBTOR REQUEST / <input type="checkbox"/> CHARGE TO LOT	
SP <u>52948</u>	Body Corporate for <input type="text"/>
If charge is to be allocated to lot please complete below	
Lot No (if applicable): <input type="text"/>	
Authorization between body corporate and owner of lot.	YES <input type="checkbox"/> NO <input type="checkbox"/>
Name of Debtor	<u>lots 147, 148, 163, 167, 181, 182, 3, 59, 62</u>
Address for notice*	<u>68, 102, 127, 144</u>
Contact (ph/email)	<input type="text"/>
Amount (Excl. GST)*	\$ <u>100</u>
GST*	\$ <u>10</u>
Total Payable (Incl. GST)*	\$ <u>110</u>
Date for payment	<u>1/18/16</u>
Charge Description (to appear on notice) (max characters - 20)	<u>Gas line charges 2012 + 2013</u>

Kelly & Partners incomplete audit of outstanding gas heating levies on 11th of October 2016

GENERAL DEBTOR FINANCIAL STATUS REPORT
FOR 1-15 FONTENOY ROAD
STRATA PLAN 52948

RECEIPTS TO 08/2016

Manager: SIMON BRIKHA
Last Receipt: 31/08/2016

OWNER NAME	DEBTOR ID.	ACCOUNT DETAILS	AMOUNT	TOTAL
F CHOW	463346	GAS CHARGES	110.00	110.00
P WONG	463406	GAS CHARGES	220.00	220.00
Y PARK & H KIM	463408	GAS CHARGES	330.00	330.00
CAROL GEDDES	463409	Additional Lot Charges +GST	330.00	330.00
H BOUNNI	463411	GAS CHARGES	110.00	110.00
P & M FRIEDE	463412	GAS CHARGES	110.00	110.00
A PARK & J LEE	463413	GAS CHARGES	110.00	110.00
MR & MRS S POGORELSKY	476854	Additional Lot Charges +GST	36.66	36.66
Y & L ZELUNZUK	476855	Additional Lot Charges +GST	55.00	55.00
			TOTAL NOT YET DUE(*) :	0.00
			TOTAL IN ARREARS :	1,411.66
			TOTAL IN ADVANCE :	0.00
			TOTAL NET :	1,411.66



NOTE: BALANCE OF ACCOUNT INCLUDES INTEREST ACCRUED

Strata Plan No 52948

CONFIDENTIAL TO OWNERS

Income and Expenditure History and Budget for 2017

Years ending 31st August

*Latest year 2016 is before audit completed

d:\kfp\boxley\documentation - personal\sp 52948 macquarie garden\sp 52948 - accounts and budgets\strata plan 52948 - accounts and budgets 2017 working copy.xlsx\2017

Administration fund	Actual income and expenditure per audited accounts*					Compared to approved budget			Next year BUDGET 2017
	2012	2013	2014	2015	2016	2016	Var \$	Var %	
INCOME									
Levies	658,505	751,717	749,208	757,498	768,333	768,300	33	0.0	786,700
Interest	978	810	785	988	733	1,000	(267)	(26.7)	1,000
Key deposit	2,206	4,744	3,402	2,658	438	2,000	(1,562)	(78.1)	2,000
Insurance claims & reimbursements	2,449	14,031	445	5,234	4,955		4,955		
Levy collection fees	1,220	400	1,095	750		1,000	(1,000)	(100.0)	1,000
Other income	2,748	2,388	2,110	1,885	897	1,000	(103)	(10.3)	1,000
Total Administration Fund income	668,506	774,090	757,044	769,091	775,356	773,300	2,056	0.3	791,700

SP52948 Notice for AGM 2018 on 18th of October 2018 sent by Waratah Strata Management

Waratah Strata Management claimed that \$3,600.00 was earned from owners with second gas connection in FY 2017 and \$2,537.54 in FY 2018.

The figure of \$3,600.00 in FY 2017 matches exactly 18 owners who were reported in Minutes of EC meeting on 16th of March 2017:

Further resolved that the levy accounts of the following units are to be charged \$220 incl. GST on their May levy notice, being the annual charge for the additional gas point within those units:

Lots 3, 8, 59, 62, 68, 102, 127, 144, 147, 148, 163, 167, 181, 182, 194, 199, 206, 209.

In spite of all efforts, Mr Robert Crosbie refuses to provide information of which owners paid levies for second gas connection in FY 2018:

WARATAH Strata Management		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 31/08/2018			
Strata Plan 52948		Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park NSW 2113	
Administrative Fund			
	Current period	Annual budget	Previous year
	01/09/2017-31/08/2018	01/09/2017-31/08/2018	01/09/2016-31/08/2017
Revenue			
Gas - Additional Service	2,537.54	3,400.00	3,600.00

WARATAH Strata Management		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	
Proposed Budget to apply from 01/09/2018			
Strata Plan 52948		Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park NSW 2113	
Administrative Fund			
	Proposed budget	Actual	Previous budget
	01/09/2017-31/08/2018	01/09/2017-31/08/2018	01/09/2016-31/08/2017
Reimbursements - Gas Usage	4,000.00	3,436.15	4,000.00
Reimbursements - Water Usage	6,000.00	5,466.13	8,000.00

Financial year 1 September 2016 to 31 August 2017

Waratah Strata Management claimed that \$3,600.00 (plus GST) was earned from owners with second gas connection in FY 2017.

The figure of \$3,600.00 in FY 2017 matches exactly 18 owners who were reported in Minutes of EC meeting on 16th of March 2017:

Further resolved that the levy accounts of the following units are to be charged \$220 incl. GST on their May levy notice, being the annual charge for the additional gas point within those units:

Lots 3, 8, 59, 62, 68, 102, 127, 144, 147, 148, 163, 167, 181, 182, 194, 199, 206, 209.

In spite of all efforts, Mr Robert Crosbie refused to provide information of which owners paid levies for second gas connection in FY 2017:

WARATAH Strata Management		Income & Expenditure Report for the financial year to 31/08/2018			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
Strata Plan 52948		Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park NSW 2113			
Administrative Fund					
		Current period	Annual budget	Previous year	
		01/09/2017-31/08/2018	01/09/2017-31/08/2018	01/09/2016-31/08/2017	
Revenue					
	Gas - Additional Service	2,537.54	3,400.00	3,600.00	

SP52948 Secret email from Lot 209 to Waratah Strata Management on 10th of April 2017, confirmation they stopped with claims for gas usage rebates in September 2014 without disclosure they had gas heating connection

Lot 209 admitted that they had stopped claiming reimbursements for private gas usage when a new tenant moved into the property on 25th of September 2014:

From: Robert Crosbie
Sent: 12-Apr-17 12:46:01 PM
To: 'Rob Brown'
Subject: RE: SP 52948 INVOICES
Attachments:

Rob,

I have checked back through BCS records to 1/9/15 and can confirm that there has been no claim for gas usage since that date. We have therefore cancelled the additional gas point charge from your levy account.

Regards,

Robert Crosbie

Waratah Strata Management

P.O. Box 125, Eastwood NSW 2122

Fx (02) 9114 9598

www.waratahstrata.com.au <<http://www.waratahstrata.com.au/>>

From: Rob Brown
Sent: Monday, 10 April 2017 5:27 PM
To: Robert Crosbie
Subject: RE: SP 52948 INVOICES

Hello Robert,

Thank for your reply. My records show the last gas rebate for townhouse 209 ended 2.5 years ago on the 25 September 2014 . Since then new tenancy arrangement have been in place where the incumbent tenant pays for full gas charges.

I hope this helps and it may also save you time in doing a manual check of the past strata managers records.

Regards,

SP52948 Secret email from Waratah Strata Management to Lot 147 and Lot 181 on 26th of April 2017, confirming \$1,109.23 being still owed for gas heating levies at change of strata management contract and Lot 3 charged \$1,085.00 for gas heating levies for 15-year period on 17th of August 2015

From: Robert Crosbie [redacted]
Sent: Wednesday, April 26, 2017 3:44 PM
To: [redacted]

Subject: SP 52948 - Gas Charges

I received your phone message about checking whether all committee members have paid the gas usage charges. I have gone through the BCS records and am having trouble identifying how those charges were made to the relevant lot owners.

I have looked at all of the Lot Owner Statements for the relevant lots and the only one that records any gas charges is Lot 3 who were charged \$1,085 on 17/8/15 for the period 1/9/00 – 31/10/15. None of the other Lot Statements show any gas charges.

I have also looked at the Cash Receipts Reports for the FY to 31/8/16 and from 1/9/16 to handover and can see no receipts identified as gas payments. I have also checked the Cash Payments Report and can see no "negative" payments that would reflect a receipt of the gas charge.

The attached report was included with the handover records. The amount of \$1,109.23 was shown on the changeover Balance Sheet and is still owing today. (It would appear that we need to chase these amounts from the lot owners.) Based on the Debtor ID it would appear that BCS created a separate debtor for this payment outside of the levy account.

Please confirm how BCS charged lot owners the gas fee as I cannot see how that income to the OC has been recorded in their accounts since 1/9/15.

How do you want me to record this in the SC minutes? Do you want me to leave it just as it is at present, or do you want me to make a statement about the SC members all having paid the gas charges (apart from the current amount due on 1/5/17)?

Unredacted copy of the email:

SP52948-Waratah-Strata-Management-secret-complaint-about-unpaid-gas-heating-levies-26Apr2017

SP52948 Secret summary of gas heating connections by Waratah Strata Management in April 2017, excluding Lot 209 who had such connection without paying levies and also claimed gas usage reimbursements

SP 52948

1-15 FONTENOY ROAD

MACQUARIE PARK

ADDITIONAL GAS POINTS

The following units have additional gas points installed:

Lots 3, 8, 59, 62, 68, 102, 127, 144, 147, 148, 163, 167, 181, 182, 194,
199, 206, ~~209~~. *Lot 209 cancelled*

No gas usage being claimed
A charge of \$220 incl. GST per annum for gas usage for the period of
1 September to 31 August each year (SP FY) is to be invoiced and
payable as at 1 May each year.

SP52948 Secret summary of wrong minutes of AGM 2015 by Waratah Strata Management in April 2017, with significant discrepancies in reported and real levies collected in Admin and Sinking Funds

1/9/16 - 31/1/17
AIF Income \$325,833.33

1/9/16 - 31/10/16 =
\$770,000 AIF Levy P.A
\$192,500 per quarter
÷ 93 Days x 62 Days
= \$128,333.33 \$128,333.33

1/11/16 - 31/1/17 =
\$770,000 / 4 = \$192,500

\$325,833.33

Note Minutes for AGM 4/11/15
incorrectly show levies as
AIF \$810,900 SIF \$625,000 + S
levies charged were
AIF \$770,000 SIF \$210,000 + S.

SP52948 Secret email from Waratah Strata Management to BCS Strata Management with request to help with unpaid gas heating levies on 31st of May 2017

From: Robert Crosbie
Sent: 31-May-17 3:32:00 PM
To: 'Debbie.Richards@...'
Subject: SP 52948, 1-15 Fontenoy Road, Macquarie Park.
Attachments: DOC310517-31052017145449.pdf, DOC310517-31052017151605.pdf.

Debbie,

I am hoping you may be able to assist with the following matter.

BCS Epping managed the above property until January this year. This strata plan charged various lot owners a fee of \$55 per quarter or \$220 per year for an additional gas point within their units. There have been questions raised about whether all owners have paid this fee, so we have been reviewing your accounts to try and understand how these charges were recorded.

Your closing Balance Sheet recorded General Debtors of \$1,109.23. The amounts shown on the attached Debtors Report are not reflected in the Lot Owners Statement of account, so these charges do not appear to have been charged via the owners levy account.

Attached is a copy of an invoice charged to Lot 147, the Cash Book Receipts for the day of payment on 15/6/16 (which records the receipt as Advance Payment – Levies), and the Owners Statement of Account, which does not record this charge or payment.

As these charges are clearly not going through the owners levy account, we ask you to advise how these charges/payments were record in your systems. Please provide a copy of your reports which record these transactions.

Your assistance in this matter would be appreciated.

Regards,

Robert Crosbie

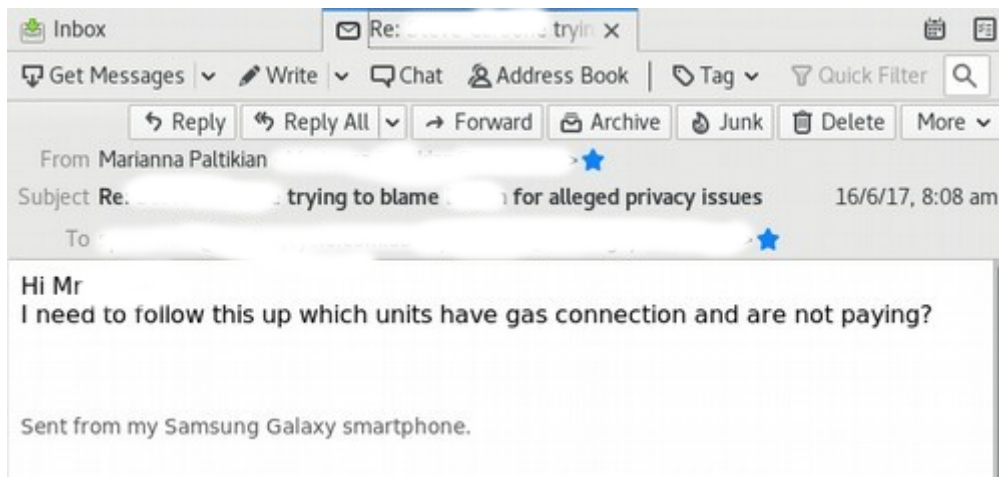
Waratah Strata Management

P.O. Box 125, Eastwood NSW 2122

Unredacted copy of the email:

SP52948-Robert-Crosbie-email-to-BCS-about-gas-levies-acknowledging-\$220.00-fee-31May2017

SP52948 Lot 88 promising to investigate unpaid gas heating levies on 16th of June 2017



The screenshot shows an email client interface. At the top, there is a tab labeled 'Inbox' and a window title 'Re: ... tryin x'. Below the title bar is a toolbar with icons for 'Get Messages', 'Write', 'Chat', 'Address Book', 'Tag', and 'Quick Filter'. A secondary toolbar contains buttons for 'Reply', 'Reply All', 'Forward', 'Archive', 'Junk', 'Delete', and 'More'. The email header shows it is from 'Marianna Paltikian' with a star icon. The subject is 'Re: ... trying to blame ... for alleged privacy issues' and the date is '16/6/17, 8:08 am'. The recipient is partially visible with a star icon. The email body contains the text: 'Hi Mr', 'I need to follow this up which units have gas connection and are not paying?', and 'Sent from my Samsung Galaxy smartphone.'

From: [REDACTED]
Sent: Tuesday, June 20, 2017 7:36 PM
To: [REDACTED]
Subject: My comments

Hi [REDACTED]

As requested

By Law on my property has been published and is part of the By Law document.

I know the changing of the direction of the sliding door has to go to a meeting. I have not done anything in this regard.

My understanding that the levies for gas were consolidated to be paid once a year instead of a few times. If the levies had been reduced this would have been a conflict of interest.

No mention of [REDACTED], himself having served on the EC for about 3 years??

I was only on the Body Corporate for a year or two and not after 1998 when we moved to the city for 2 years. Only came back onto the committee when Bruce left.

What does 'secretly backcharged' me for mean?

What he is saying is infammatory

Hope this helps.

SP52948 Secret handwritten notes by Waratah Strata Management in July 2017 planning not to further investigate outstanding gas heating levies and letting owners make a decision at general meeting (which was delayed for another two years and without full disclosure of information until AGM 2019)

- ① minutes confirmed noted that agenda ✓
did not go to all owners due to urgency
a due to contract not being approved until
this meeting vote paper Reid Settle ✓
- ② Financial - Transfer Paint Solutions ✓
to consultants
- ③ Painting - Remedial works prior to painting ✓
to be coded separately to painting
Remedial works Approved
RJ Bid \$6,800, \$6,890, \$13,690
incl GST \$27,580 Total.
Parking - Copy of Ryde Council letter to owner ✓
with minutes
SC to discuss with Councilors
Additional CCTV Cameras to be installed ✓
to cover V.P. areas
Windows - All Units, except 2 been completed ✓
THH shall to be done ✓
Telecom - Pending ✓
Lift - WSM Authorised to sign - Original copy to M ✓
- TK been paid 17-30/17.
Accept The pro - quote to review ✓
Gas charges - To include motion or AGM agenda ✓
that cost of auditing accounts to verify gas
charges would be far greater than any income
OC may received. No further action to be taken
in regards to investigating or collecting any unpaid
charges ✓
Gas to be Supply & usage charge (Units only ✓
Pay supply charge for hot water not cooking
which should be same for THH)
Owners to reimbursed for supply charges.

SP52948 Secret email from Waratah Strata Management to Lot 147 and Lot 181 explaining definition of “unfinancial owner” on 12th of October 2017

Robert Crosbie

From: Robert Crosbie
Sent: 12 October 2017 10:17 AM
To:
Subject: SP 52948 - AGM

As discussed yesterday:

Unfinancial Owners:

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

Levy Increase:

I suggest the discussion on the levy increase should not look at the increase from one financial year to another due to there being 3 quarters from one budget and one quarter from the previous budget, but should just look at the increase from one levy year to the next. This is what matters most to the owners – how much will the levy go up from one quarter to the next.

A summary of the figures incl. GST is as follows:

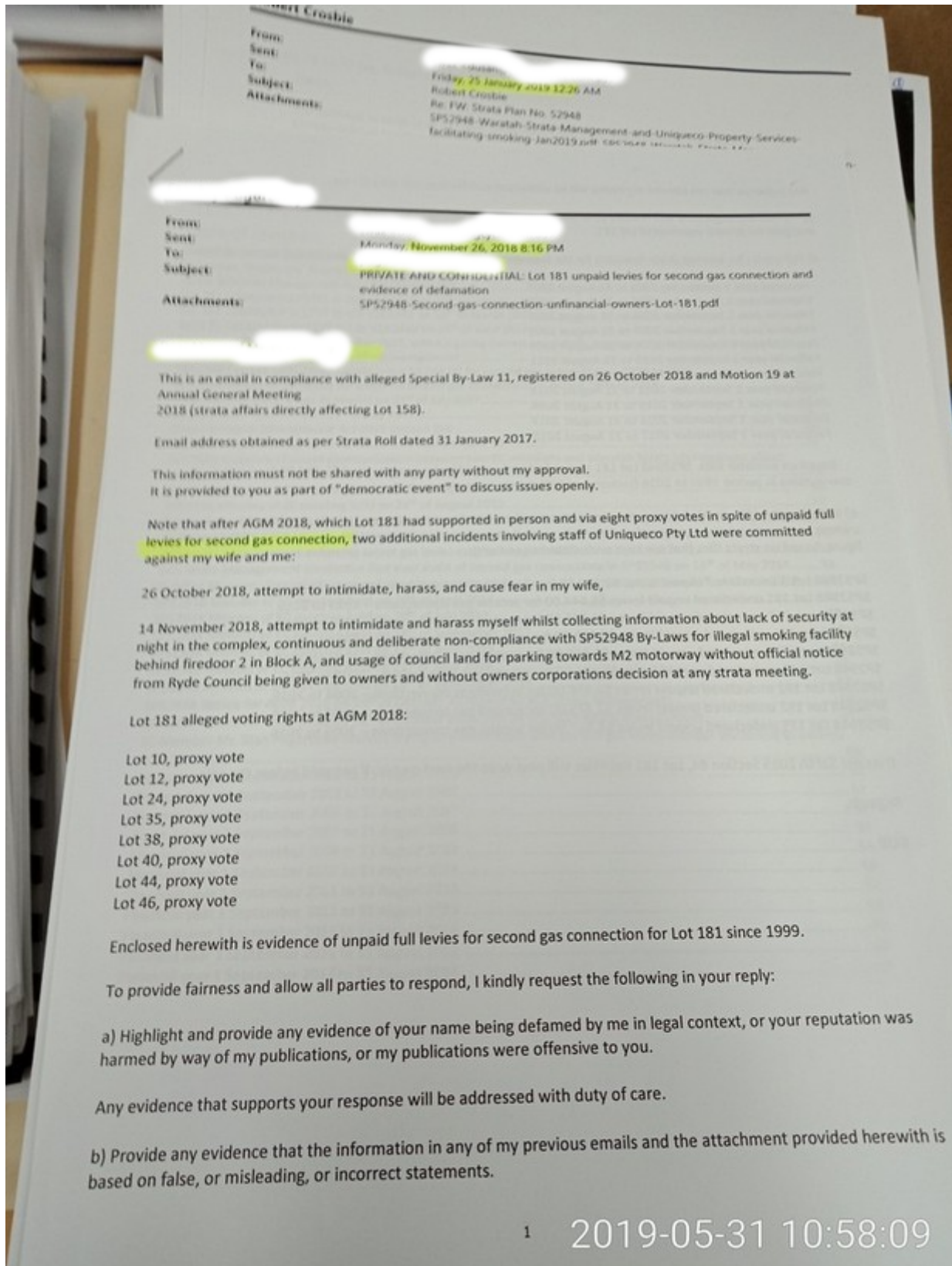
	2016-2017	2017-2018	Difference
AF	\$ 869,000	\$ 830,170	-4.6%
CWF	<u>\$ 275,000</u>	<u>\$ 324,500</u>	+18%
Total	\$1,144,000	\$1,154,700	+0.93%

Regards,

Robert Crosbie
Waratah Strata Management
P.O. Box 125, Eastwood NSW 2122

Fax (02) 9114 9598
www.waratahstrata.com.au

SP52948 Lot 181 forwarded private email from Lot 158 to Waratah Strata Management without responding on 26th of November 2018



SP52948 Secret handwritten notes by Waratah Strata Management for committee meeting in February 2019 confirming gas levies set to only \$55.00 per year in FY 2013 and 2014, no gas heating levies invoiced in FY 2016, and levies set to \$220.00 on 27th of November 2013

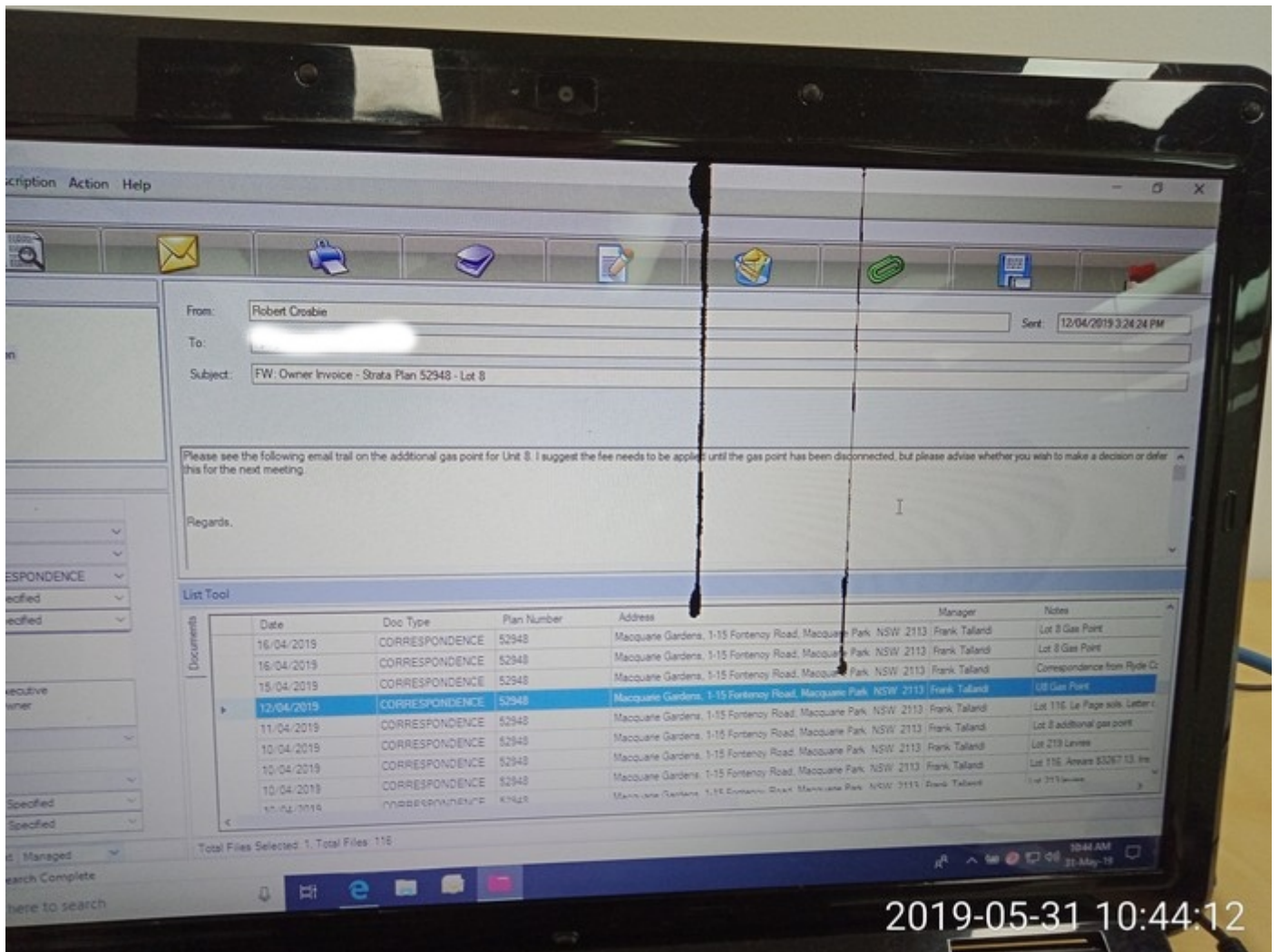
<u>Gas Charges</u>	<u>Charged</u>
1/9/13 - 31/8/14	\$55 pa
1/9/14 - 31/8/15	\$55 pa
1/9/15 - 31/8/16	Nil

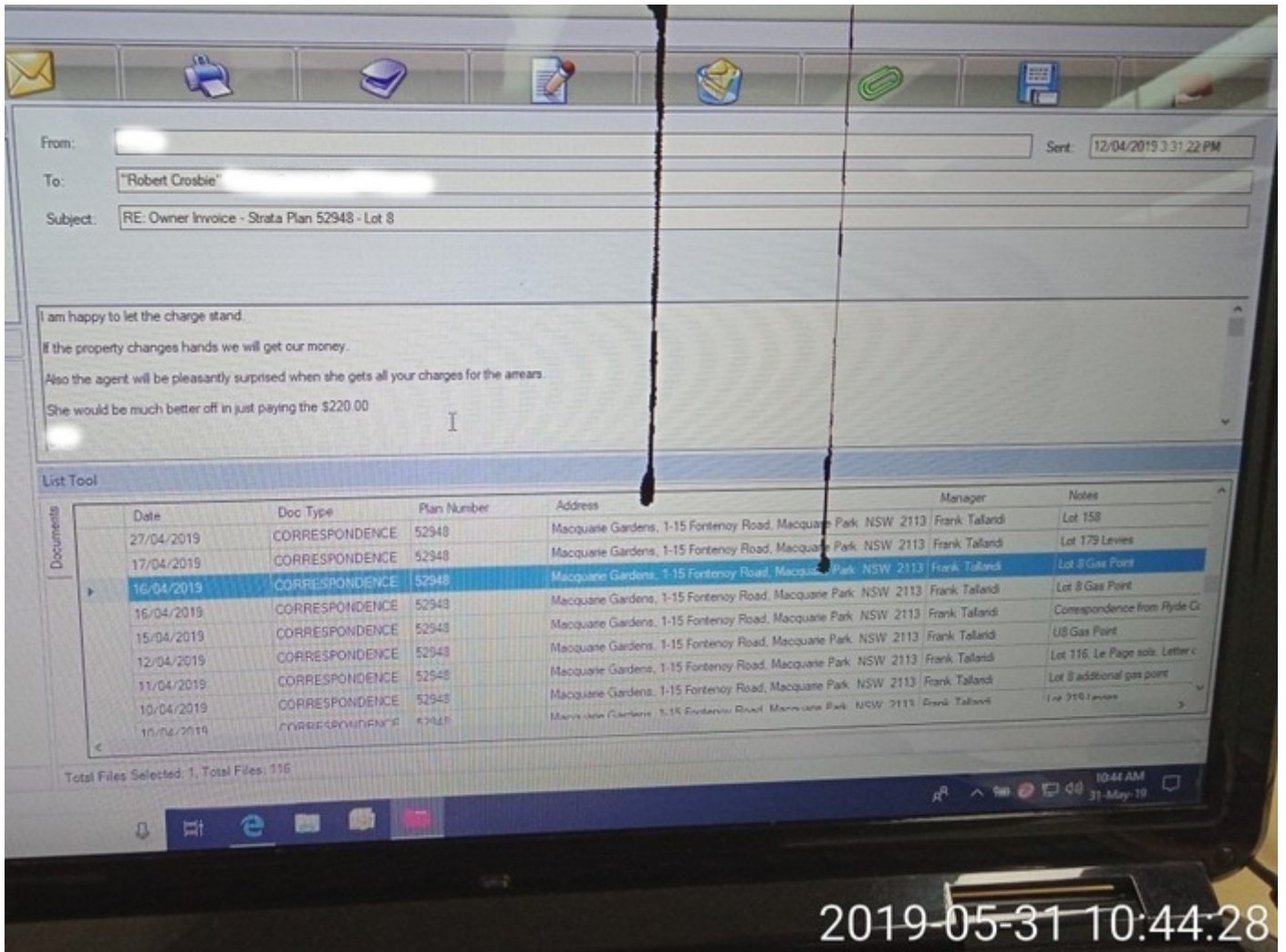
SC
Feb
2019

Decision made at 27/11/13
for charge to be \$220 pa.

SC to resolve due to
lost of forensic audit,
owners may have sold, not
to back charge ^{2014/15} to deem
all owners paid up to date
lowered charges from WSM
from 1/9/15. Need to back
charge 2016 as not charged
by BCC.

SP52948 Secret correspondence between Lot 8 and Waratah Strata Management about gas heating levies, Lot 181 aware that unpaid levies can be recovered when property changes owner, Lot 8 not charged 10% simple interest for overdue levies





From: [redacted] Sent: 12/04/2019 3:31:22 PM
To: "Robert Crosbie" [redacted]
Subject: RE: Owner Invoice - Strata Plan 52948 - Lot 8

I am happy to let the charge stand.
If the property changes hands we will get our money.
Also the agent will be pleasantly surprised when she gets all your charges for the areas.
She would be much better off in just paying the \$220.00

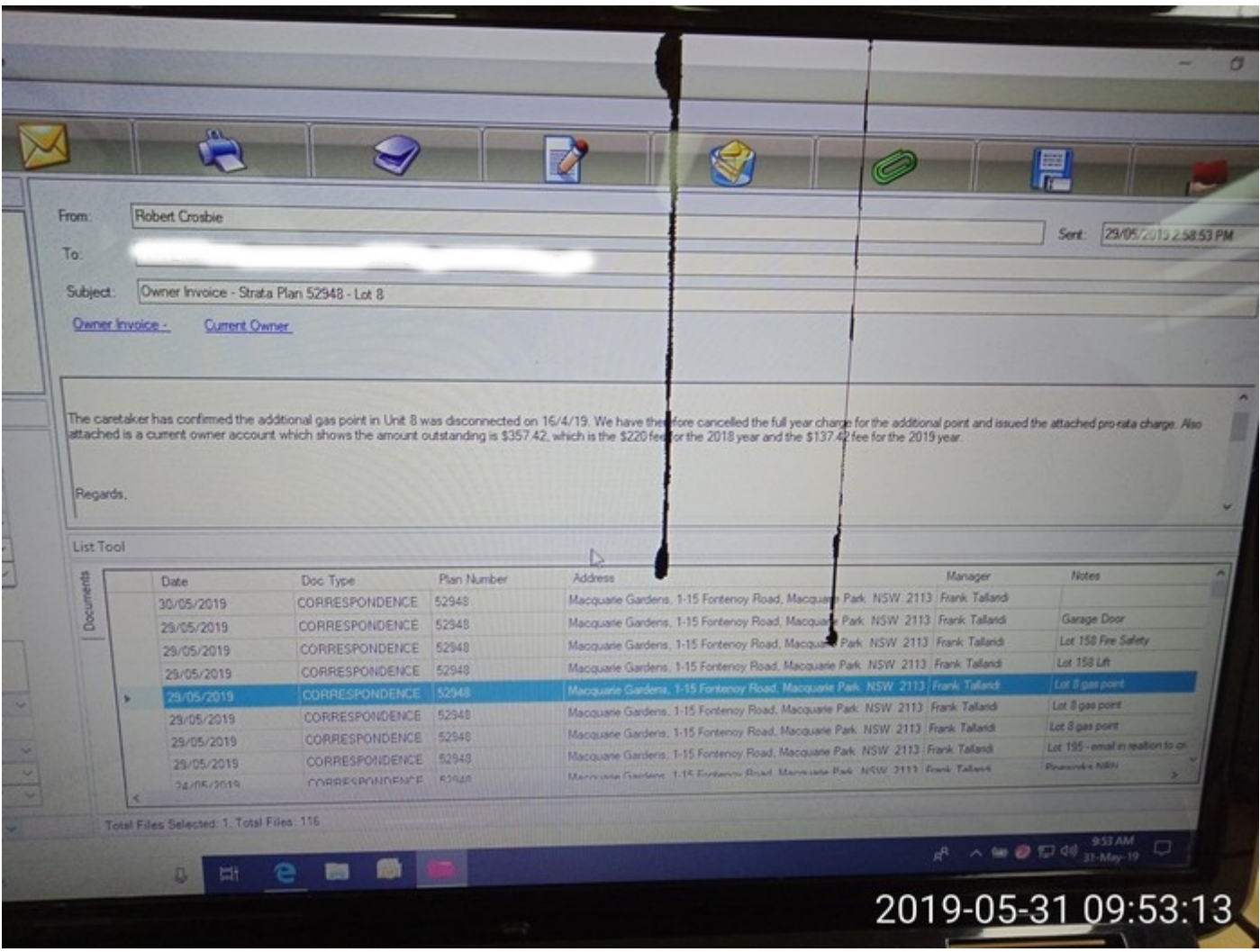
List Tool

Date	Doc Type	Plan Number	Address	Manager	Notes
27/04/2019	CORRESPONDENCE	52948	Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park NSW 2113	Frank Talland	Lot 150
17/04/2019	CORRESPONDENCE	52948	Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park NSW 2113	Frank Talland	Lot 179 Levies
16/04/2019	CORRESPONDENCE	52948	Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park NSW 2113	Frank Talland	Lot 8 Gas Point
16/04/2019	CORRESPONDENCE	52948	Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park NSW 2113	Frank Talland	Lot 8 Gas Point
16/04/2019	CORRESPONDENCE	52948	Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park NSW 2113	Frank Talland	Correspondence from Ryde Co.
15/04/2019	CORRESPONDENCE	52948	Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park NSW 2113	Frank Talland	US Gas Point
12/04/2019	CORRESPONDENCE	52948	Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park NSW 2113	Frank Talland	Lot 116. Le Page sols. Letter c
11/04/2019	CORRESPONDENCE	52948	Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park NSW 2113	Frank Talland	Lot 8 additional gas point
10/04/2019	CORRESPONDENCE	52948	Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park NSW 2113	Frank Talland	Lot 116 levies
16/04/2019	CORRESPONDENCE	52948	Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park NSW 2113	Frank Talland	

Total Files Selected: 1, Total Files: 116

10:44 AM
31-May-19

2019-05-31 10:44:28



From: Robert Crosbie

To: [Redacted]

Sent: 29/05/2019 2:58:53 PM

Subject: Owner Invoice - Strata Plan 52948 - Lot 8

[Owner Invoice -](#) [Current Owner](#)

The caretaker has confirmed the additional gas point in Unit 8 was disconnected on 16/4/19. We have therefore cancelled the full year charge for the additional point and issued the attached pro-rata charge. Also attached is a current owner account which shows the amount outstanding is \$357.42, which is the \$220 fee for the 2018 year and the \$137.42 fee for the 2019 year.

Regards,

List Tool

Date	Doc Type	Plan Number	Address	Manager	Notes
30/05/2019	CORRESPONDENCE	52948	Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park NSW 2113	Frank Talland	
29/05/2019	CORRESPONDENCE	52948	Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park NSW 2113	Frank Talland	Garage Door
29/05/2019	CORRESPONDENCE	52948	Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park NSW 2113	Frank Talland	Lot 158 Fire Safety
29/05/2019	CORRESPONDENCE	52948	Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park NSW 2113	Frank Talland	Lot 158 Lift
29/05/2019	CORRESPONDENCE	52948	Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park NSW 2113	Frank Talland	Lot 8 gas point
29/05/2019	CORRESPONDENCE	52948	Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park NSW 2113	Frank Talland	Lot 8 gas point
29/05/2019	CORRESPONDENCE	52948	Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park NSW 2113	Frank Talland	Lot 8 gas point
29/05/2019	CORRESPONDENCE	52948	Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park NSW 2113	Frank Talland	Lot 195 - email in relation to on
28/05/2019	CORRESPONDENCE	43428	Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park NSW 2113	Frank Talland	Pinpoint's NSW

Total Files Selected: 1, Total Files: 116

2019-05-31 09:53:13

SP52948 Waratah Strata Management ignored Lot 158 request to recover unpaid levies for gas heating from Lot 3 during document search on 1st of September 2019, screenshot from Waratah Strata Management computer

From: jweas
 To: "Robert Crosbie"
 Sent: 1/09/2019 7:32:22 AM
 Subject: REQUEST FOR OFFICIAL RESPONSE: Waratah Strata Management knowingly prevents owners corporation from collecting correct levies for second gas connection fees Lot 3
 SP52948 Lot 3.doc SP52948 Lot 3.doc SP52948 Second.doc SP52948 Lot 3.doc

b) Prevented owners corporation from collecting rightful income from Lot 3 (and other owners having second gas connection). Rightful income includes proper levies for each year and 10% simple interest per year

c) Deliberately delayed review of financials for previous years.

d) Provided misleading, inaccurate, and false statements in minutes of meetings about gas levies.

e) Due to poor business practices contributed to alleged data losses for private and other strata files.

f) Deliberately failed to inform owners corporation that Lot 3 did not declare having second gas connection during voluntary disclosure as requested by BCS Strata Management in 2014.

g) Continued to accept proxy vote from Lot 3 in spite of full knowledge that they are unfranchised.

h) Accepted invalid proxy vote (not compliant with the Strata Acts) at AGM 2017.

i) Allowed double standard to be applied for "retrospective" charges to be applied for second gas levies in different manner in 2000 and 2016.

- Minutes of EC meeting on 21 July 1999 set annual fee of \$200.00 for second gas connection.
- Minutes of EC meeting held on 17 November 1999 confirmed levies for the second gas connection applied to units in buildings and townhouses and payable in advance in December of the current financial year and be subject to annual review.
- Minutes of EC meeting held on 24 May 2000 introduced GST to all levies.
- Non-compliant EC meeting on 2 August 2000 secretly set levies to \$50.00 per year.
- Undisclosed \$100.00 invoices sent retrospectively for FY2000 and FY2011 for second gas connection levies on 8 August 2000 without applying 10% simple interest and GST.
- Minutes of EC meeting on 28 August 2013 set applicable gas levies to \$55.00 per year.
- Letter from BCS Strata Management sent to owners on 14 April 2014 confirmed gas levies at \$20.00 per year, number of owners having such connections without approval or payments to Admin Fund, and including retrospective charges of maximum one year for voluntary disclosures.
- Invoices sent to number of owners for unpaid second gas levies for FY 2012 and 2013 in 2016 but not applying correct amounts and 10% simple interest retrospectively.

Regards,

sr	Address	Manager	Title	Show on Forums	Postal Description	Archive Date	User Name	Document ID
	Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park, NSW 2113	Frank Talland	Lot 28, Annex \$25.00 instruction to Le Page eds to cease legal action			18/09/2019 3:08 PM	Keith Mann	34501
	Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park, NSW 2113	Frank Talland	Energy Action Gas renewal authority	Executive		8/09/2019 4:12 PM	Frank Talland	32901
	Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park, NSW 2113	Frank Talland	Energy Action			8/09/2019 4:32 PM	Robert Crosbie	32954
	Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park, NSW 2113	Frank Talland	Energy Action			5/09/2019 2:24 PM	Robert Crosbie	32572
	Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park, NSW 2113	Frank Talland	Energy Action			5/09/2019 2:22 PM	Robert Crosbie	32571
	Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park, NSW 2113	Frank Talland	Lot 158			4/09/2019 5:28 PM	Robert Crosbie	32481
	Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park, NSW 2113	Frank Talland	UQ Levies	Executive		2/09/2019 11:54 AM	Frank Talland	31750
	Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park, NSW 2113	Frank Talland	Uniquance August report			2/09/2019 8:58 AM	Robert Crosbie	31587
	Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park, NSW 2113	Frank Talland	Lot 158			1/09/2019 9:44 AM	Robert Crosbie	31585
	Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park, NSW 2113	Frank Talland	Lot 158					

Total Files Selected: 1, Total Files: 227

2019-09-20 10:30:23

SP 52948

1-15 FONTENOY ROAD, MACQUARIE PARK

GAS AND WATER CHARGES

The following units have additional gas heating points installed and are to be charged the "Additional Gas Point Fee":

Lots 3, 59, 62, 68, 102, 127, 147, 148, 162, 163, 181, 182.

(Note: Lot 8 disconnected 16/4/19 – charged pro-rata year.)

(Note: Lot 162 connected additional gas point 30/5/19 – charged pro-rata year.)

A charge of \$220 incl. GST per annum for gas usage for the period of 1 September to 31 August each year (SP FY) is to be invoiced and payable as at 1 May each year for that period.

The following townhouses are entitled to claim for gas usage charges:

195, 196, 197, 198, 200, 201, 202, 203, 204, 205, 207, 208, 209, 210, 211, 212, 214, 215, 216, 217, 218, 219.

Lots 194, 198, 199, 206, & 213 cannot claim for gas usage as they have an additional gas point (heating or hot water) and are not to be charged the Additional Gas Point Fee.

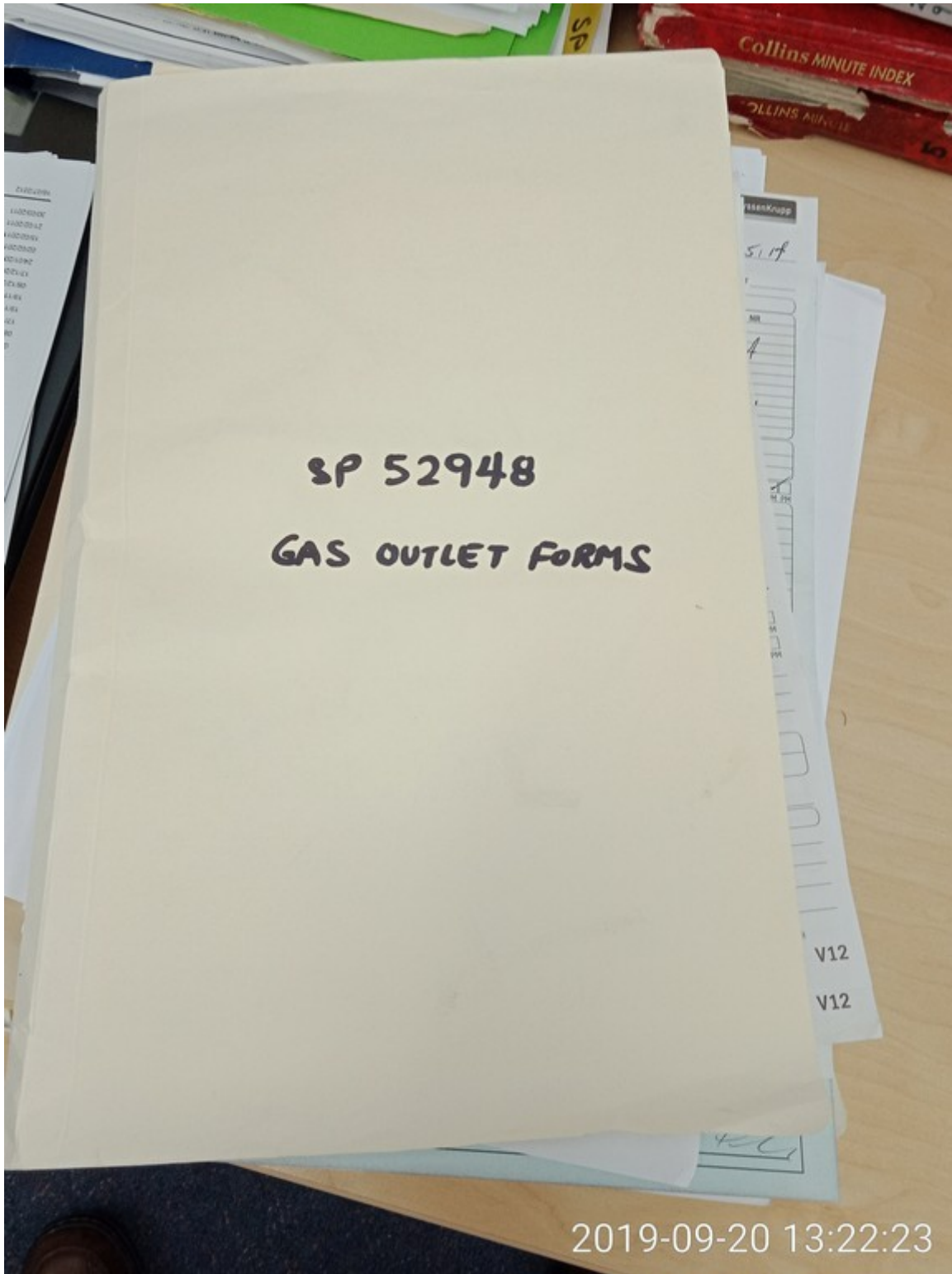
Lot 213 has removed gas cooking so cannot claim for gas usage.

Townhouses 194 – 219 can claim for water usage.

Gas Code – 181100

Water Code – 181101

SP52948 Secret and incomplete folder for gas heating connections as found at Waratah Strata Management during document search on 20th of September 2019



SP52948 Secret handwritten notes by Waratah Strata Management in September 2019 planning not to further investigate outstanding gas heating levies and planning to spend \$150,000.00 for Solicitor Adrian Mueller engagement before AGM 2019 considered it - Solicitor prepared Deed which was presented to Lot 158 on the night of AGM one month later on 21st of October 2019)

Legal Action Motion on AGM Agenda to
approve Legal Action on Barrister \$150000
Have Mueller prepare a Deed he ^{DB} can
sign at meeting to cease further action
DB targeting SC because they are on
SC not as individuals, so OC should fund
hot owners ~~to~~ to be made aware of impact
on OC a value of their units

Financial Reports Tabled Approval to cease
Accrual Adjustments To put note in Account
to get Auditors to deal with transactions
Chairman's Report to discuss positive cashflow
& budget

Gas Charges - ^{AGM motion} All Gas Charges that have been
involved have been paid. OC not willing to
take action - to audit past amounts issued &
paid.

lift Block Ca D Close to finished by end Sept
Disability Pa TBC

Council - Jeffrey to advise progress with council.

Insurance - Get new valuations before renewal

Energy Action - Approved
Skylight Quote. Approved.

Close 7.25 pm

Chairman's Report Vote of Thanks. Steve Carbone

AGM 24/10/19

Financial year 1 September 2017 to 31 August 2018

Waratah Strata Management claimed that \$2,537.54 (plus GST) was earned from owners with second gas connection in FY 2018.

In spite of all efforts, Mr Robert Crosbie refuses to provide information of which owners paid levies for second gas connection in FY 2018:

WARATAH Strata Management	Income & Expenditure Report for the financial year to 31/08/2018			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
Strata Plan 52948	Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park NSW 2113			
Administrative Fund				
	Current period	Annual budget	Previous year	
	01/09/2017-31/08/2018	01/09/2017-31/08/2018	01/09/2016-31/08/2017	
Revenue				
Gas - Additional Service	2,537.54	3,400.00	3,600.00	

Waratah Strata Management claimed that \$3,600.00 (plus GST) was earned from owners with second gas connection in FY 2017.

The figure of \$3,600.00 in FY 2017 matches exactly 18 owners who were reported in Minutes of EC meeting on 16th of March 2017.

It is difficult to comprehend why the income from levies for second gas connection suddenly dropped to \$2,537.54 in FY 2018.

Lot 181 secret statement of account for period 1Feb2015 to 31Jan2017

SP52948-Lot-181-statement-of-account-receipts-1Feb2015-to-30Jan2017-part-1.webp

SP52948-Lot-181-statement-of-account-receipts-1Feb2015-to-30Jan2017-part-2.webp

Lot 147 secret statement of account for period 1Feb2015 to 31Jan2017

SP52948-Lot-147-statement-of-account-page-1-30Jan2017.webp

SP52948-Lot-147-statement-of-account-page-2-30Jan2017.webp

Lot 3 secret statement of account for period 1Feb2015 to 31Jan2017

SP52948-Lot-3-statement-of-account-page-1-30Jan2017.webp

SP52948-Lot-3-statement-of-account-page-2-30Jan2017.webp

SP52948 extract from Income and Expenditure Report in period from 1st of September 2020 to 31st of July 2021 showing that only \$2,573.52 (GST excl) was collected in levies for gas heating



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
 01/09/2020 to 31/07/2021**

Strata Plan 52948

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

		Administrative Fund	
		Current period	Previous year
		01/09/2020-31/07/2021	01/09/2019-31/08/2020
Revenue			
141900	Gas - Additional Service	2,573.52	2,145.13
142500	Interest on Arrears--Admin	1,473.62	2,242.29
142800	Key Deposits	702.00	284.00
143000	Levies Due--Admin	525,000.00	725,000.00
144000	Miscellaneous Income--Admin	0.00	347.77
146500	Status Certificate Fees	763.00	981.00
147000	Strata Roll Inspection Fees	155.00	430.00
<i>Total revenue</i>		530,667.14	731,430.19

With yearly gas heating levies set to \$200.00 (excl GST), the levies suggest only around 12-13 owners were charged, which is well below Lot 158 audit of gas connections from strata files in 2017, 2018, and 2019.