

Subject: FW: SUMMARY Insurance risks and mismanagement of strata plan SP52948 with high concerns for safety, financial health (bankruptcy risk), and non-compliance with laws on 8Jun2023  
From: Robert Crosbie | Waratah Strata Management <[robert@waratahstrata.com.au](mailto:robert@waratahstrata.com.au)>  
Date: 16/6/23, 11:08  
To: SP52948 Lot 158  
CC: Heath Crosbie | Waratah Strata Management <[heath@waratahstrata.com.au](mailto:heath@waratahstrata.com.au)>

DUB, No other information provided, as you do not have the common decency to put your name on your emails  
The strata committee have previously decided that you are in breach of the unreasonable communications by-law.  
As the following correspondence is unreasonable due to the content (defamatory, offensive or otherwise), volume, length or duration, or frequency of the communications, we will not be further responding to this email.

Regards,

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

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From: SP52948 Lot 158  
Sent: Thursday, June 8, 2023 6:08 PM  
To: Robert Crosbie | Waratah Strata Management <[robert@waratahstrata.com.au](mailto:robert@waratahstrata.com.au)>  
Cc: Heath Crosbie | Waratah Strata Management <[heath@waratahstrata.com.au](mailto:heath@waratahstrata.com.au)>  
Subject: SUMMARY Insurance risks and mismanagement of strata plan SP52948 with high concerns for safety, financial health (bankruptcy risk), and non-compliance with laws on 8Jun2023

Good evening,

We were waiting for outcome of alleged committee meeting on 1 June 2023. It came t a perfect time.

latest efforts to hide financial status, spend money owners do not have, high-cost water-leak related repairs (pending \$55,000.00 expense), attempts to install EC charging stations without proper processes and evaluation of risks (and even trying to do it in places that must be inaccessible to children).

Current Admin Fund negative balance is \$52,367.24 (\$23,489.26 in today's Balance Sheet and pending expenditure for monthly fees for building manager in amount of \$28,877.98). Waratah Strata Management continues to mislead and misinform owners about financial status as only this was listed in the minutes:

#### FINANCIAL REPORT

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

Did Waratah Strata Management ever use a prudent rule of thumb, on behalf of large strata plan SP52948, to draft the notifications to insurance companies and brokers as explicitly and widely as possible on the following matters? If and when notifiable

circumstances have arisen, SP52948 must seek immediate and early advice from the insurance broker, with a view to notifying the insurers.

It would be a criminal offense to use insurance claims for what is a complete lack of duty of care and compliance with the laws. Insurance company must not be used for such claims, as ordinary law-abiding people would indirectly pay the price for these fraudulent claims:

<https://www.nswstratasleuth.info/Waratah-Strata-Management-Effects-on-SP52948-Insurance-Premiums.gif>

a) Repetitive long-term maintenance problems, and delays in maintaining common property (including fire safety),

b) Five fraudulent insurance claims,

c) 10-Year Capital Works Fund without proper professional assessments or approval by owners corporation at any general meeting,

d) Long-term pattern of poor financial status in Admin Fund,

e) Long-term inequitable (discriminatory) benefits to selective owners for their private gas and water usage,

g) Issues with physical safety of occupants, racism, and discrimination, with documented Police Events.

Frequent failures to maintain common property, high-risk legal cases, fraudulent insurance claims, and lack of proper enforcement of by-laws, generate serious problems. And the risks can come in any form due to failure to disclose problems in the complex. Supreme Court ruling in Western Australia in May 2022 has proven many factors can completely derail a house sale, making it something both buyers and sellers need to be aware of: Supreme Court of Western Australia - HILLAGARATNAM -v- DOAN [2022] WASC 185 (27 May 2022). The ruling, handed down at the end of May this year, saw the sale of a \$390,000 apartment in Perth disintegrate. The buyer successfully sued the vendor for breach of contract and fraudulent misrepresentation of the property after the sellers signed a contract claiming: "The seller does not know of anything which will materially affect the buyer's use or enjoyment of the strata lot or of the common property comprised in the strata scheme."

How dangerous lack of proper maintenance is shown in latest news: a young owner has been hit with \$60,000.00 special levy. Her entire apartment block in Alexandria has been slapped with a \$7.85 million bill – due to waterproofing issues. Special levy has been issued for \$2.2 million for the administration fund and \$5.65 million for the capital works fund, according to strata documents seen by news.com.au.

<https://www.news.com.au/finance/real-estate/sydney-nsw/sydney-woman-shellshocked-by-60k-bill-for-alexandria-apartment/news-story/f4cf71585319d8e964a4b275fad3711b>

In strata plan SP46733, Waratah Strata Management was involved in NCAT case recently: DRAGICA (DEE) MARTIC & XIYAN ZOELLNER v THE OWNERS - STRATA PLAN NO. 46733.

Some of selective examples of risks, as of June 2023, which, almost surely, insurance broker and insurance company, along with other relevant organizations, have not been notified by Waratah Strata Management:

1. Five fraudulent insurance claims for alleged legal costs, with falsified statements to courts and insurance companies.

On 4 July 2012, owners corporation had no funds to pay \$14,056.90 which was approved by Mr. Paul Banoob for creditor code 69633, so BCS Strata Management secretly ordered injection of \$50,000.00 from an MBL account (several days later, at alleged committee meeting in Lot 181 unit, who was unfinancial at the time, approved engagement of Solicitor Adrian Mueller without owners corporation knowledge - that meeting was later found out to be completely illegal and to this day agenda and minutes of the meeting do not exist in strata files)

BCS Strata Management, in full co-operation with committee members and Solicitor Adrian Mueller, made four insurance claims for non-existent "Defence of Lot 3" whilst Solicitor Adrian Mueller illegally represented SP52948 in CTTT cases SCS 12/32675 and 12/50460:

SP52948-Lot-3-Insurance-Claim-1-31Aug2012

SP52948-Lot-3-Insurance-Claim-2-7Dec2012

SP52948-Lot-3-Insurance-Claim-3-2May2013

SP52948-Lot-3-Insurance-Claim-4-4Jun2013

Four years later, CHU Insurance forced owners corporation to repay \$8,800.00.

As of June 2023, insurance company was paid back \$15,200.15 (GST excl), and including FY 2022 total amounts to \$16,774.15 (GST excl), which is well below \$19,758.14 (GST excl) AIG paid to SP52948 for alleged legal costs of Solicitor Adrian Mueller on 25 March 2022, without disclosure to owners and courts. At the same time, SP52948 collected \$20,000.00 from Lot 158 (GST excl).

Evidence now exists, BEYOND REASONABLE DOUBT, that Solicitor Adrian Mueller forged statements in Statutory Declaration for BCS Strata Management Peter Bone dated 19 April

2013 in CTTT case SCS 12/32675 and that these emails never existed:

Email from Solicitor Adrian Mueller to Branch Manager Paul Banoob dated 5 July 2012 at 04:41 pm (listed in Statutory Declaration to CTTT by strata manager Peter Bone dated 19 April 2013)

Email from Branch Manager Paul Banoob to Strata Manager Garry Webb dated 5 July 2012 at 04:57 pm (listed in Statutory Declaration to CTTT by strata manager Peter Bone dated 19 April 2013)

Email to EC members from BCS Strata Management Garry Webb dated 6 July 2012 at 08:32 am (listed in Statutory Declaration to CTTT by strata manager Peter Bone dated 19 April 2013)

Email to EC members and two staff members at BCS Strata Management from SP52948 Chairperson Bruce Copland dated 6 July 2012 at 12:48 pm (listed in Statutory Declaration to CTTT by strata manager Peter Bone dated 19 April 2013)

Email to EC members and two staff members at BCS Strata Management from SP52948 Chairperson Bruce Copland dated 9 July 2012 at 10:18 pm (listed in Statutory Declaration to CTTT by strata manager Peter Bone dated 19 April 2013)

Email from Solicitor Adrian Mueller to BCS Strata Management Peter Bone dated 16 July 2012 at 6:52 pm (listed in Statutory Declaration to CTTT by strata manager Peter Bone dated 19 April 2013)

Email from BCS Strata Management Peter Bone to Solicitor Adrian Mueller dated 25 July 2012 at 2:13 pm (listed in Statutory Declaration to CTTT by strata manager Peter Bone dated 19 April 2013)

Email from BCS Strata Management Debbie Downes to EC members dated 16 April 2013 at 1:52 pm (listed in Statutory Declaration to CTTT by strata manager Peter Bone dated 19 April 2013)

Evidence exists, BEYOND REASONABLE DOUBT, that Solicitor Adrian Mueller knowingly presented false statements in Affidavit by BCS Strata Management Peter Bone dated 31 January 2014 in District Court case 2013/360456.

Similar applies to Solicitor Adrian Mueller's representation in two other cases: NCAT SC 20/33352 and Supreme Court CAS006791.

#### References:

<https://www.nswstratasleuth.info/Waratah-Strata-Management-ignored-concerns-about-SP52948-repayments-to-insurance-company-for-legal-costs-of-Solicitor-Adrian-Mueller-Policy-QUSS042715-BCB-Ref-94537-24May2023.html>

<https://www.nswstratasleuth.info/Lot-158-submission-to-court-strong-case-for-Solicitor-Adrian-Mueller-being-accessory-before-and-after-insurance-fraud-five-times-CTTT-12-32675-and-NCAT-20-33352.pdf>

<https://www.nswstratasleuth.info/SP52948-questionable-legal-costs-in-FY-2020.pdf>

<https://www.nswstratasleuth.info/SP52948-Solicitor-Adrian-Mueller-failed-to-comply-with-Tribunal-orders-six-times-whilst-not-authorised-to-represent-owners-corporation-in-period-2012-to-2021.pdf>

[https://www.nswstratasleuth.info/Submission-to-Supreme-Court-CAS006791\\_1-Questions-on-Validity-of-Solicitor-Adrian-Mueller-Legal-Cost-Items-NCAT-20-33352.pdf](https://www.nswstratasleuth.info/Submission-to-Supreme-Court-CAS006791_1-Questions-on-Validity-of-Solicitor-Adrian-Mueller-Legal-Cost-Items-NCAT-20-33352.pdf)

<https://www.nswstratasleuth.info/SP52948-Lot-158-cost-submission-reply-ignored-by-Solicitor-Adrian-Mueller-in-Supreme-Court-27Feb2022.pdf>

<https://www.nswstratasleuth.info/SP52948-notification-to-Supreme-Court-about-double-claims-for-Solicitor-Adrian-Mueller-alleged-work-22Jun2022.html>

[https://www.nswstratasleuth.info/20190618-WITHOUT PREJUDICE\\_ Request to stop wasting strata funds on legal expenses that cannot succeed - 18Jun2019.pdf](https://www.nswstratasleuth.info/20190618-WITHOUT PREJUDICE_ Request to stop wasting strata funds on legal expenses that cannot succeed - 18Jun2019.pdf)

[https://www.nswstratasleuth.info/Brief-evidence-of-Solicitor-Adrian-Mueller-involvement-in-fraudulent-activities-in-CTTT-case-SCS-12\\_32675.pdf](https://www.nswstratasleuth.info/Brief-evidence-of-Solicitor-Adrian-Mueller-involvement-in-fraudulent-activities-in-CTTT-case-SCS-12_32675.pdf)

<https://www.nswstratasleuth.info/SP52948-strata-manager-Peter-Bone-Statutory-Declaration-for-CTTT-case-12-32675-fully-prepared-by-Solicitor-Adrian-Mueller-and-signed-on-19Apr2013.pdf>

[https://www.nswstratasleuth.info/Brief-evidence-of-Solicitor-Adrian-Mueller-involvement-in-fraudulent-activities-in-CTTT-case-SCS-12\\_50460.pdf](https://www.nswstratasleuth.info/Brief-evidence-of-Solicitor-Adrian-Mueller-involvement-in-fraudulent-activities-in-CTTT-case-SCS-12_50460.pdf)

<https://www.nswstratasleuth.info/District-Court-case-13-360456-Lot-158-Affidavit-ignored-by-Solicitor-Adrian-Mueller-4Feb2014.pdf>

<https://www.nswstratasleuth.info/SP52948-scanned-submission-with-Statutory-Declaration-Lot-158-SCS-13-50737-18Dec2013.pdf>

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

<https://www.nswstratasleuth.info/BCS-Strata-Management-direct-involvement-in-falsified-Statutory-Declaration-and-Affidavit-to-CTTT-and-District-Court.html>

<https://www.nswstratasleuth.info/SP52948-No-response-from-Ron-Sinclair-BCS-Strata-Management-about-insurance-for-Lot-3-and-dubious-insurance-claims-and-litigation-risks-for-one-year-and-five-months-9Nov2013.html>

<https://www.nswstratasleuth.info/SP52948-Examples-of-Police-Waratah-Strata-Management-Solicitor-Adrian-Mueller-secret-and-desperate-attempts-to-find-another->

[copy-of-lost-USB-key-with-strata-files-from-BCS-Strata-Management-April-to-November-2018.pdf](#)

[https://www.nswstratasleuth.info/SP52948-undisclosed-Fair-Trading-NSW-case-9761719-costs-for-Solicitor-Adrian-Mueller-possibly-creeping-up-towards-90000-dollars-without-owners-knowledge-or-approval-and-high-risk-of-strata-complex-running-out-of-money-29Jun2019.html](#)

2. False statement about last Annual General Meeting (AGM) at Strata Hub nsw.gov.au with risks of penalties for outdated and wrong information.

It claims that SP52948 had last AGM on 1 January 2022.

Last AGM was held on 27 October 2022, which failed to comply with strata laws, like all other meetings since 2017.

Penalties of up to \$5,500.00 may apply if strata schemes do not complete their 2022 report by 30 June 2023.

Owners corporation must keep information up to date.

Penalties of up to \$2,200.00 may apply if a strata scheme becomes aware that the reported information is outdated or incorrect and does not update it on the Strata Hub within 28 days.

Reference:

[https://www.nswstratasleuth.info/SP52948-NSW-strata-registration-15May2023-screenshot-taken-on-7Jun2023.png](#)

3. Unauthorized major renovations and legally non-compliant Extraordinary General Meeting on 27 April 2023, with risks for work being done by unprofessional companies.

Reference:

[https://www.nswstratasleuth.info/SUMMARY-Another-discrimination-of-owners-in-SP52948-Non-compliant-Extraordinary-General-Meeting-on-27Apr2023.pdf](#)

4. All committee meetings since 1 February 2017, when Waratah Strata Management took office, failed to comply with strata laws and regulations.

Reference:

<https://www.nswstratasleuth.info/SP52948-Waratah-Strata-Management-organised-non-compliant-ordinary-committee-meetings-in-period-2017-to-2023.html>

5. Negative trends in Admin Fund, with special emphasis on period since Waratah Strata Management took office on 1 February 2017.

It is worth stating that on the day of general meeting, 27 October 2022, SP52948 had Admin Fund negative balance of \$203,914.85 (it appears such information was hidden from owners and certainly not included in the Minutes of the meeting). Waratah Strata Management and committee members still refuse to inform owners corporation about it.

For first time in history of strata complex SP52948, thanks to Waratah Strata Management, Admin Fund had continuous negative balance in whole two FY quarters (1 November 2022 to 30 April 2023).

References:

<https://www.nswstratasleuth.info/SP52948-effects-of-Waratah-Strata-Management-on-Balance-Sheet-from-31Jan2017-to-30Apr2023.pdf>

<https://www.nswstratasleuth.info/SP52948-negative-trends-with-Admin-Fund-under-Waratah-Strata-Management.html>

<https://www.nswstratasleuth.info/SP52948-graph-of-Admin-Fund-negative-balances-from-31Jan2017-to-30Apr2023.webp>

<https://www.nswstratasleuth.info/xSP52948-first-time-in-history-Admin-Fund-continuous-negative-balances-for-two-FY-quarters-Apr2023.webp.pagespeed.ic.tI5zTSRCDr.webp>

6. Missing spare panel for entrance gate in basement of Block B, which already happened once in 2018 and Lot 158 forced its return to rightful owners. As of May 2023, the spare panel is missing again. The entrance gate repairs typically cost between \$3,500.00 and now \$5,000.00.

References:

<https://www.nswstratasleuth.info/SP52948-spare-panel-for-entrance-door-missing-in-basement-Block-B-photo-1-21May2023.webp>

<https://www.nswstratasleuth.info/SP52948-evidence-of-spare-panel-for-entrance-gate-in-2020-and-2022.png>



<https://www.nswstratasleuth.info/SP52948-cost-of-repair-entrance-gate-increased-from-3500-to-5000-dollars-since-October-2022-new-notice-21May2023.webp>

<https://www.nswstratasleuth.info/SP52948-entrance-gate-bottom-panel-suddenly-reappeared-four-months-after-inquiry-9Jan2019.html>

7. Information about insurance policy excesses are kept secret from owners by ex-strata manager BCS Strata Management and current strata manager Waratah Strata Management.

Since 2012, owners were deliberately not informed about \$10,000.00 excess for every water-related damage or exploration work.

References:

<https://www.nswstratasleuth.info/SP52948-Examples-of-Repetitive-Water-Leak-Repairs-without-Permanent-Results-in-one-unit-alone-2011-Sep2018.pdf>

<https://www.nswstratasleuth.info/SP52948-incomplete-insurance-policy-disclosures-to-owners-in-period-2012-to-2023.pdf>

<https://www.nswstratasleuth.info/SP52948-Agenda-AGM-2022.pdf>

8. Highly dubious allegations of ransomware attack against Waratah Strata Management in 2019, with strong suspicion of fraud and money laundering.

An alleged ransomware attack against Waratah Strata Management occurred on 1 February 2019, just a week after Lot 158 submission to Office of Legal Services Commissioner for Solicitor Adrian Mueller's misconduct. Sententia report, dated 26 March 2019 stated (undisclosed by Waratah Strata Management to 218 owners):

Their investigation had limited access to event logs.

Deeper understanding of the exact actions by the threat actor was not possible due to lack of evidence and an incomplete audit trail.

Based on incomplete logs, the encryption attack most likely occurred on 2 February 2019 at 12:08:56 hours.

Threat actor achieved brute-force success with the Administrator account on server WSMHS1, a malicious toolkit was then used to create www account on 1 February 2019 at 11:58:53 hours.

Incomplete audit logs from terminal services show the first login occurred at 23:59 hours on 1 February 2019 and session ended at 03:33 hours on 2 February 2019.



There was no conclusive evidence to suggest any data exfiltration occurred (simply based on available usage data logs that did not take into account possibility of using data compression for file transfers, or selective file transfers of targeted files).

In timeframe from 1 February 2019 up to around 15 and 17 February 2019, Waratah Strata Management was still at high risk, due to unpatched servers and continuous attacks with brute-force access. Lack of remediation actions to close all non-essential inbound ports continued to create risks.

Bitcoin ransom was subsequently paid by a third-party known to Waratah Strata Management to the threat actor in the equivalent amount of \$5,052.03.

After this payment, there was no response from the threat actor.

The attack allegedly occurred due to misconfigured routers that allowed RDP protocol.

Sententia did not take into account possibility of data being transferred through screenshots, which is one of the valid attacks.

Waratah Strata Management recovered their data via a re-image procedure (mostly untrue, as per separate admission by Waratah Strata Management to Fair Trading and owners in emails with different explanations).

It was recommended to use more secure method of connectivity, such as MFA VPN.

Sententia report in March 2019 does not report any data losses in Office 365 or Azure cloud, therefore no record of files being destroyed by ransomware attack on Microsoft public systems that Waratah Strata Management uses for SP52948.

Lot 158 obtained official statement by Rockend that they provide the lookatmystrata.com.au domain as a service. However, Rockend does not store, hold, access, or release any information related to that domain. All such information is held, exclusively managed, and complete responsibility of Waratah Strata Management.

Lot 158 obtained official statement by Microsoft that they had never been notified about data loss and/or ransomware attack in Office 365 that keeps emails for waratahstrata.com.au.

Microsoft also stated that had anybody reported loss of emails in Office 365, Microsoft would have had ability to restore them within 90 days after the incident. That obviously did not happen as Microsoft seemingly has no record of such actions.

Microsoft found no trace of any complaint, ticket, or report for data losses for waratahstrata.com.au in Office 365 during 2019 or 2020.

The only event related to waratahstrata.com.au was ticket in June 2019 (case number 14941752) - problem with sending emails.

Microsoft has not been involved in any investigation of alleged ransomware attack or data losses that Waratah Strata Management reported for emails in Office 365.

#### References:

<https://www.nswstratasleuth.info/Sententia-brief-analysis-with-limited-evidence-ransomware-attack-against-Waratah-Strata-Management-undisclosed-to-owners-of-strata-plan-SP52948.pdf>

<https://www.nswstratasleuth.info/SP52948-extracts-from-Waratah-Strata-Management-email-to-Fair-Trading-NSW-admitting-losing-most-of-electronic-files-in-February-2019-due-to-ransomware-attack-17May2019.png>

<https://www.nswstratasleuth.info/SP52948-Waratah-Strata-Management-statement-about-lost-files-due-to-alleged-ransomware-attack-warning-owner-before-strata-document-search-9May2019.html>

<https://www.nswstratasleuth.info/SP52948-request-to-disclose-information-submitted-to-Waratah-Strata-Management-if-EC-members-were-notified-about-two-events-for-loss-of-strata-files-in-a-timely-manner-11Aug2019.html>

<https://www.nswstratasleuth.info/SP52948-Interim-report-sent-to-Waratah-Strata-Management-with-request-to-provide-information-about-alleged-data-breach-at-strata-agency-and-loss-of-strata-files-17Feb2020.html>

9. Ongoing fire and OH&S problems. In spite of Ryde Council orders, such work is being for more than two years, and these problems have plagued SP52948 since 2012.

At legally non-compliant committee meeting on 1 June 2023, the following was reported, showing further delays and lack of ownership of tasks:

#### FIRE SAFETY REPORT

Resolved that the draft Fire Safety Upgrade Brief prepared by Austech Consulting Pty Ltd was tabled and discussed as follows:

- The strata manager is to discuss with Austech what further work is required for them to be able to complete the Scope of Works so that the required work can be placed out to tender.
- Austech are to advise whether there are items that can be requested that Council remove from the Fire Order.
- Austech are to advise whether the sealing of the penetrations between floors is part of the scope of works or if that has been missed from the report.
- Austech are to provide an estimated timeline for the progress of the works.
- Austech are to confirm that they have been keeping Council fully informed on the progress of the works.
- That a meeting is to be arranged between Austech and the strata committee should these

issues need to be discussed further.

#### References:

<https://www.nswstratasleuth.info/SP52948-continuous-delays-with-fire-and-OHS-problems.html>

[https://www.nswstratasleuth.info/SP52948-updated-concerns-reported-to-Waratah-Strata-Management-Fire-NSW-FRN16\\_829-BFS20\\_252-and-Fair-Trading-Files-9363613-and-9761719-persistent-fire-safety-issues-and-lack-of-actions-3Apr2020.html](https://www.nswstratasleuth.info/SP52948-updated-concerns-reported-to-Waratah-Strata-Management-Fire-NSW-FRN16_829-BFS20_252-and-Fair-Trading-Files-9363613-and-9761719-persistent-fire-safety-issues-and-lack-of-actions-3Apr2020.html)

<https://www.nswstratasleuth.info/SP52948-Peter-Bone-BCS-Strata-Management-ignored-report-on-costly-delays-in-rectifying-fire-safety-problems-31Jul2013.html>

<https://www.nswstratasleuth.info/SP52948-BCS-Strata-Management-ignored-repeated-request-to-prepare-report-on-buildings-and-fire-safety-for-AGM-2013-6Sep2013.html>

<https://www.nswstratasleuth.info/SP52948-minutes-EC-meeting-1Jun2023.pdf>

10. 10-Year Capital Works Fund poorly planned, never approved by owners corporation at any general meeting, with shortage of funds in amount of \$1,515,541.00 as per committee meeting on 23 September 2021.

In agenda for AGM 2022 on 10 October 2022, owners received concerns about financial status and levies, without getting any picture of long-term problems with planning the levies and future costs.

#### References:

<https://www.nswstratasleuth.info/SP52948-discrepancies-in-BIV-report-for-10-Capital-Works-Fund-in-2017-and-2021.pdf>

<https://www.nswstratasleuth.info/SP52948-Lot-158-warning-about-1.5-million-deficit-in-Capital-Works-Fund-1Oct2021.html>

<https://www.nswstratasleuth.info/SP52948-Lot-158-warning-about-special-levies-looming-in-the-future-ignored-by-BCS-Strata-Management-22Mar2015.html>

<https://www.nswstratasleuth.info/SP52948-failed-assessment-for-Sinking-and-Capital-Works-Funds-in-period-2001-to-2030-without-approval-at-general-meetings.pdf>

<https://www.nswstratasleuth.info/SP52948-Leary-and-Partners-Sinking-Fund-Plan-May1998-undisclosed-to-owners.pdf>

<https://www.nswstratasleuth.info/SP52948-BIV-report-Capital-Works-Fund-6Oct2021.pdf>

<https://www.nswstratasleuth.info/SP52948-extract-from-agenda-AGM-2022-undisclosed-information-about-financial-issues-and-costs-10Oct2022.webp>

11. Ongoing physical threats, racism, discrimination.

<https://www.nswstratasleuth.info/SP52948-endangering-life-and-safety-of-owner-to-prevent-their-investigations-about-mismanagement-of-strata-complex.html>

12. Inequitable privileges for selective owners.

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

References:

<https://www.nswstratasleuth.info/SP52948-extract-from-Bruce-Copland-submission-to-CTTT-case-SCS-11-00711-27Feb2011.webp>

<https://www.nswstratasleuth.info/SP52948-extract-from-Bruce-Copland-submission-to-CTTT-case-SCS-11-00711-part-2-27Feb2011.webp>

<https://www.nswstratasleuth.info/SP52948-extract-from-Bruce-Copland-submission-to-CTTT-case-SCS-12-05845-10Mar2012.webp>

<https://www.nswstratasleuth.info/SP52948-extract-from-Bruce-Copland-submission-to-CTTT-case-SCS-12-05845-part-2-10Mar2012.webp>

<https://www.nswstratasleuth.info/SP52948-extract-from-Bruce-Copland-submission-to-CTTT-case-SCS-12-05845-part-3-10Mar2012.webp>

<https://www.nswstratasleuth.info/SP52948-Lot-217-complaint-to-BCS-Strata-Management-about-seven-years-of-no-knowledge-of-private-water-and-gas-usage-financial-reimbursements-to-selective-townhouse-owners-28Feb2008.webp>

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<https://www.nswstratasleuth.info/SP52948-repeatedly-ignored-evidence-of-discrimination->

[of-owners-by-providing-inequitable-water-and-gas-reimbursements-for-private-use-to-selective-townhouse-owners-25Aug2017.html](https://www.nswstratasleuth.info/SP52948-BCS-Strata-Management-Undisclosed-and-inequitable-gas-and-water-private-usage-cost-reimbursements-for-selective-townhouse-owners-25Aug2017.html)

<https://www.nswstratasleuth.info/SP52948-BCS-Strata-Management-Undisclosed-and-inequitable-gas-and-water-private-usage-cost-reimbursements-for-selective-townhouses-1997-to-2016-public-version.pdf>

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<https://www.nswstratasleuth.info/SP52948-Solicitor-Adrian-Mueller-prevented-Motion-and-disallowed-owners-to-vote-on-removing-discriminatory-and-inequitable-Special-By-Law-12-at-AGM-2017.webp>

<https://www.nswstratasleuth.info/SP52948-Motions-by-Lot-158-in-attempt-to-enforce-equitable-gas-and-water-reimbursements-and-levies-AGM-2020.pdf>

<https://www.nswstratasleuth.info/SP52948-Waratah-Strata-Management-declined-to-notify-owners-corporation-about-continuous-discrimination-of-owners-incurring-high-costs-without-approval-and-lack-of-proper-care-of-the-complex-26Aug2018.html>

13. Smoking continues to be a major issue, not only increasing risks of fire, but also causing health risks and nuisance. Waratah Strata management and committee members refuse to take decisive measures.

Waratah Strata Management was urged to update By-Law on smoking, to include better technical definition of common property - prepare a well-drafted by-law so that owners corporation can comprehensively deal with the issue: the use of all tobacco types, including cigarettes, pipes and cigars, vaping, debris created by these practices, and the issue of "smoke-drift". No response ever received.

#### References:

<https://www.nswstratasleuth.info/SP52948-notice-about-repetitive-complaints-about-smoking-in-three-buildings-23Mar2023.webp>

<https://www.nswstratasleuth.info/SP52948-continuous-problems-with-smoking-and-health-hazards.html>

<https://www.nswstratasleuth.info/SP52948-request-to-ex-committee-member-Maureen-McDonald-to-prevent-her-visitor-from-smoking-30Dec2022.html>

<https://www.nswstratasleuth.info/SP52948-notice-about-repetitive-complaints-about-smoking-in-three-buildings-5Jun2023.webp>

#### 14. Secrecy about Lot 1 legal case.

Extract from alleged committee meeting on 28 July 2022 showed that owners were poorly informed about problems with Lot 1, and mediation at Fair Trading NSW was undisclosed to owners.

Lot 1 and other owners were deliberately not informed by Waratah Strata Management that there are owners who receive special privileges. An example is Lot 157, who in 2014, had significant damage caused by illegal committee member at the time Mr. Stan Pogorelsky (Lot 181) and repairs were secretly covered by common funds instead of owner's private insurance.

<https://www.nswstratasleuth.info/SP52948-extract-from-EC-meeting-Lot-1-mediation-without-disclosure-to-owners-28Jul2022.webp>

<https://www.nswstratasleuth.info/SP52948-extract-from-EC-meeting-no-mention-of-Lot-1-mediation-29Sep2022.webp>

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<https://www.nswstratasleuth.info/SP52948-Sydney-Wet-Carpet-Unit-157-carpet-flooding-10Dec2014BCS9598748.pdf>

<https://www.nswstratasleuth.info/SP52948-confirmation-by-building-manager-that-carpet-drying-was-paid-from-common-funds-to-Lot-157-23Dec2014.webp>

#### 15. Serious pool and spa repairs due to long-term lack of proper maintenance.

At legally non-complaint meeting on 25 May 2023 (which was never published on notice boards too), it was allegedly decided (without general meeting) to approve expenditure in amount of \$55,000.00. No owner saw details of the alleged multiple quotes from four companies:

##### POOL & SPA REPAIR

Resolved that quote 100223 supplied by Fibrestyle Pool Resurfacing be approved for work. Further resolved the contractor be requested of the following:

- To accommodate scheduling work in second half of July.
- Terms of payment amended and paid on dates either side of financial year end (to split costs across each reporting period).
- In consultation with Building Management, include quotation for textured/non slip surface alongside Gym, Pool and Spa area.

- Advise on applying non slip surface to top of stairs, shallow area and spa shelf.

Since 2017, Waratah Strata Management website does not have any quotes for owners to review.

Waratah Strata Management website lists number of unresolved repairs, going back to 2017.

References:

<https://www.nswstratasleuth.info/SP52948-notice-EC-meeting-22May2023.pdf>

<https://www.nswstratasleuth.info/SP52948-minutes-EC-meeting-25May2023.pdf>

<https://www.nswstratasleuth.info/SP52948-waratahstrata-website-Open-and-Closed-Quotes-do-not-exist-6Jun2023.webp>

<https://www.nswstratasleuth.info/SP52948-waratahstrata.com.au-website-Maintenance-Open-Work-Orders-page-1-6Jun2023.png>

<https://www.nswstratasleuth.info/SP52948-waratahstrata.com.au-website-Documents-folder-page-1-6Jun2023.png>

16. EV charging station plans without full disclosure to owners or assessments (costs, user-charging model, insurance risks, by-law, tax implications, council approval and costs, and much more).

Waratah Strata Management and committee members completely ignored NSW requirements and recommendations for EV charging station adoption which include five step process:

Step 1 - Survey

Step 2 - Energy assessment

Step 3 - Evaluate options

Step 4 - Evaluating payment options

Step 5 - Plan approval processes and identify funding solution

A Current Affair reported that as many as 450 fires has been linked to the batteries in the past 18 months.

In February 2023, residents of an apartment building in Sydney's southwest were forced to evacuate when an e-scooter caught alight.

Combined with EV owners taking care of their battery – that is, servicing when required,



following manufacturer-recommended charging habits (typically charging up to 80 per cent only and not discharging too deep), and mainly AC slow charging (avoiding frequent DC fast charging) – there's a reduced likelihood of things going awry, not to mention maintaining a healthier battery.

When the integrity of lithium-ion batteries is compromised, the energy they store is released as heat, known as 'thermal runaway'.

Electric scooter charging stations should be located in a clean and dry place within the strata complex, meeting the relevant Australian standards. Owners corporation should ensure there is appropriate fire protection in place including intervention and suppression resources nearby (e.g., hydrants, hose reels, extinguishers, ventilation, and sprinklers). Chargers should be located away from proximate fuel loads and other flammable liquids.

The charging stations should also be accessible to Emergency Services in the event of a fire, which means they may need to be installed on common property. The charging stations should also be inaccessible to children. For added protection, one should consider:

- Fire detection and early warning intercommunication systems

- Smoke management and air handling systems

- Fire resistance of proximate construction

- Clarify who is responsible for maintaining them

In local council areas in NSW where the apartment building is in a leviable area (e.g. there are parking meters outside the apartment building on the street), then if the Owners Corporation wants to convert an existing visitor car space inside the building to an EV charging space, then this is classified as a "change of use" of that car parking space. After the Owners Corporation goes through an approval process with the local council to get the use of the car parking space changed, then this will trigger an ongoing NSW land tax which has to be paid by the Owners Corporation from that point on.

If complex has an existing embedded network, owners may be required to seek approval of the Embedded Network Manager (ENM) or energy retailer, where this party maintains ownership of the electricity meters in your strata building under a multi-year contract.

Any EV Charging infrastructure project which costs more than \$5,000 will require a signed contract. Furthermore, in states such as NSW where there is a Home Building Insurance scheme, ANY works in the building which are over \$20,000 will require the EV charging installer to take out insurance under this scheme. When one Sydney based strata scheme inquired with their strata insurance company about any adjustments which had to be made, they were informed that an automated foam retardant system needed to be installed above every car space where an EV might be charging, in case the electric vehicle catches on fire while charging. Another Sydney based strata building was told that they couldn't get insurance if they did a whole-of-building EV charging infrastructure. Another

Sydney building was able to get insurance as long as the number of EV's per floor of car park did not exceed 4 EV's. Some other requirements dictated by some insurers are that any EV charging should be in an area which is well-lit, does not have children in it, must have the car space painted and an EV charging sign erected, shouldn't have more than 4 electric vehicles charging adjacent to each other and is preferably in a separate room/area and on top of a plinth. It would be recommended to shop around for a different strata insurer to find one which has more reasonable requirements if you encounter this with your existing strata insurer.

DNSP or grid provider will need to provide approval for any increase of capacity from the local sub-station servicing the building.

At legally non-compliant committee meeting on 1 June 2023, the following was reported:

#### EV CHARGING

Resolved that proposals received from electric vehicle charging installers were tabled and discussed as follows:

- It is proposed that 2 EV charging stations be installed, one in a visitor parking space and one next to the bike storage area.
- It is likely that a 3rd charging station can be installed next to the current visitor parking space at a later date if demand requires.
- The quote provided by EVSE has been accepted in principle.
- The strata manager is to obtain fee proposals from 2 solicitors to prepare a suitable By-Law. A further voting-paper-only committee meeting will be held to accept one of the solicitors fee proposals.
- Once the By-Law is received a general meeting will be required to allow the Owners Corporation to consider/approve the By-Law and then to confirm the acceptance of an installation quote.

#### References:

<https://www.nswstratasleuth.info/SP52948-minutes-EC-meeting-1Jun2023.pdf>

<https://www.energy.nsw.gov.au/business-and-industry/programs-grants-and-schemes/electric-vehicles/electric-vehicle-ready/strata>

<https://www.news.com.au/technology/sydney-family-trapped-on-balcony-rescued-after-fire/news-story/a3f7f47cbbce98061509c7f81e07e591>

[https://consultation.accc.gov.au/accc/lithium-ion-batteries-issues-paper/supporting\\_documents/ACCC%20Lithiumion%20Batteries%20Issues%20Paper.pdf](https://consultation.accc.gov.au/accc/lithium-ion-batteries-issues-paper/supporting_documents/ACCC%20Lithiumion%20Batteries%20Issues%20Paper.pdf)

17. Roof membranes on four buildings need overdue maintenance, where Kintyre decreased warranties for half of roof in Block B and whole roof in Block D to five

years instead on standard 15 years due to long-term lack of maintenance.

Planning for maintenance of roofs is allegedly delayed until year 2023 in 10-Year Capital Works Fund Plan in March 2017 without consultation with owners corporation. Waratah Strata Management and EC members, without consultation with owners corporation allegedly approved the 10-Year Capital Works Fund plan in March 2017, which, among the other concerns, delayed maintenance of roofs until year 2023 (directly discriminating against owners in Block A and C, because half of Block B and whole Block D were completed in 2015/2016).

The most revealing figures are related to when to rectify roof problems (major issue in the complex):

In BIV's plan in March 2017, it was recommended to complete the work in August 2023 at estimated cost of \$571,275.00.

In BIV's plan in October 2021, it was recommended to delay the work to September 2031 at estimated cost of \$900,722.00.

Kintyre completed patchy roof membrane repairs without tender, warranties, and without approval by owners corporation at any meeting at cost of \$28,892.00 in March 2012, and Napier & Blakely report in July 2012 clearly dismissed it as improperly done job.

Since July 2012, full repairs of roof membrane on Block A, as listed in Napier & Blakeley's professional report at cost of \$12,144.00, were listed as important maintenance task that has not been completed yet.

That makes Block A roof not properly maintained for almost 22 years now, which is against professional recommendations to do it around every 10 years.

Half of Block B and whole Block D received full roof membrane replacement in 2015/2016 without tender that was "won" by Kintyre:

\$7,785.00 Block D: roof membrane - fourth part

\$25,000.00 Block D: roof membrane - third part

\$32,786.00 Block D: roof membrane - second part

\$43,714.00 Block D: roof membrane - first part

\$35,613.60 Block B: roof membrane - second part

\$23,742.40 Block B: roof membrane - first part

Waterproofing one whole roof in Block D cost SP52948 around \$107,000.00 (GST inclusive).

One a half roofs were done at cost of around \$170.000,00.

Waratah Strata Management and maintenance staff were contacted to submit this information to owners multiple times since 2018, which they declined.

Due to long-term neglect of roofs, Kintyre decreased warranties for roof membranes on half of Block B and whole Block D to only five years (down from originally expected 15 years).

In period from AGM in October 2016 to February 2017 the complex was dysfunctional because it did not have Secretary, Treasurer, and Chairperson elected from the Executive Committee members. Waratah Strata Management, by alleged contractual obligations, took all those roles.

At least 24 repairs for water-related issues in Lot 191 were completed in period September 2011 to January 2019, of which six were reported in lift of Block A since Waratah Strata Management took office on 1 February 2017. The cost estimate (strata managers hide information for few of the events) is above \$20,000.00 from owners corporation funds.

Number of water leaks on the roof of Block A and other lots on top floor of Block A( 189 and 190 as examples). The costs for repetitive repairs without proper warranties also goes in thousands.

It increased our insurance risk, which was evident from 2012.

One of the claims for water damage was for Lot 188 in amount of \$1,294.55 on 25 July 2011.

Warning by NCS Plumbing about major work required in Lots 189, 190, 191, and 192 on 24 February 2016 which maintenance staff, BCS Strata Management, and Waratah Strata Management deliberately withheld from owners.

Reference:

<https://www.nswstratasleuth.info/SP52948-REQUEST-to-Waratah-Strata-Management-FOR-PROPER-AND-OVERDUE-MAINTENANCE-Roof-membrane-and-water-leaks-in-Block-A-2Feb2019.html>

18. Many more risks and proofs of mismanagement of the complex.

References:

<https://www.nswstratasleuth.info/SP52948-extract-from-secret-Napier-Blakeley-professional-building-report-Jul2012.gif>

<https://www.nswstratasleuth.info/SP52948-basement-under-four-buildings-concrete-cancer-due-to-water-leaks-unresolved-since-2013.webp>

<https://www.nswstratasleuth.info/SP52948-Block-B-basement-concrete-cancer-due-to-water-leaks-unresolved-since-2013.webp>

<https://www.nswstratasleuth.info/SP52948-roof-status-1Mar2017.gif>

<https://www.nswstratasleuth.info/ANNOTATED-SUMMARY-for-Waratah-Strata-Management-on-SP52948-Open-Issues-and-still-undisclosed-Special-By-Law-for-Lot-3-and-photos-of-the-complex-17Mar2017.html>

<https://www.nswstratasleuth.info/SP52948-basement-louvres-neglected-since-2016.gif>

<https://www.nswstratasleuth.info/SP52948-garden-bed-walls-with-risks-to-children-playing-every-day-neglected-since-2013.gif>

<https://www.nswstratasleuth.info/SP52948-Block-A-basement-rusted-fire-door-since-2013.gif>

<https://www.nswstratasleuth.info/SP52948-Block-D-basement-rusted-fire-door-since-2013-part-2.gif>

<https://www.nswstratasleuth.info/SP52948-experiences-with-Waratah-Strata-Management-from-customer-perspective.html>

Regards,

— Attachments: —

SP52948-Balance-Sheet-8Jun2023.pdf

68.2 KB

SP52948-minutes-EC-meeting-1Jun2023.pdf

82.0 KB